

PLAT NO. S/D 79-2 MAP NO. 5947

NAME ROCKWOOD SOUTH 4TH ADDITION

LOCATION: west side of Armour Drive between Kellogg
and Douglas Avenues.

ENGINEER Law/Kingdon, P.A., Attn. Robert D. Friesen

OWNER The Estate of James Campbell, Att. R. H. Johnsen

APPLICATION FILED 1-12-79

SKETCH PLAT FILED 1-12-79

PRELIMINARY FILED 2-26-79

S/D ACTION 3-8-79 approve

FINAL FILED 3-26-79

S/D ACTION 4-5-79 approve

MAPC ACTION 4-12-79 approved

BCC ACTION 6-19-79 approved

RECORDED 7-13-79

REMARKS LC uses per CUP DP-12 amended

S/D 79-2 - ROCKWOOD SOUTH 4TH ADD.
West side of Armour Drive, between
Kellogg & Douglas Avenues, by
Law/Kingdon, P.A.

Part 1
1-17-79

ACTION

	DATE
<i>57D</i> COMMITTEE (Prelim) <i>Approved</i>	<i>3-8-79</i>
<i>57D</i> (Final) <i>Approved</i>	<i>7-5-79</i>
M.A.P.C. <i>Approved</i>	<i>4-12-79</i>
B.C.C./B-00: C. <i>Approved</i>	<i>6-19-79</i>

Bank of Hawaii

INTERNATIONAL BANKING, P.O. BOX 2900, HONOLULU, HAWAII 96846

ORIGINAL

Date February 19, 1981

1A

CABLE ADDRESS: BANKOH

ADVISED BY AIRMAIL

THIS REFERS TO PRELIMINARY CABLE ADVICE OF TODAY'S DATE

DOCUMENTARY CREDIT - IRREVOCABLE	OF ISSUING BANK	CREDIT NUMBER	OF ADVISING BANK
ADVISING BANK	S-51171		
BENEFICIARY	APPLICANT		
The City of Wichita Wichita Kansas	Aina Nui Corporation 900 Fort Street Mall, Suite 1630 Honolulu, Hawaii 96813		
	AMOUNT		
	US\$19,493.00 (Dollars Nineteen Thousand Four Hundred Ninety Three and 00/100)		
	EXPIRY		
	Date March 31, 1983		
	In Honolulu, Hawaii		

FOR NEGOTIATION

Gentlemen:

We hereby establish in your favor this Irrevocable Letter of Credit available by negotiation of your drafts at sight on Bank of Hawaii, Honolulu, Hawaii accompanied by:

Your signed statement certifying that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before March 8, 1983:

1. Landscaping (\$6,425.00)
 2. Irrigation system (\$13,068.00)
- in Rockwood South 4th Addition, a subdivision of the City of Wichita, Kansas.

Acting through the City Engineer, you are to 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.

This Letter of Credit is to replace letter of credit No. S-48646 issued for account of Fred E. Trotter, H.C. Eickelberger and Wade H. McVay aka W.H. McVay, Trustee of the Estate of James Campbell and is to become effective only upon cancellation and return to us of original letter of credit No. S-48646.

Drafts drawn under this credit must bear on their face the clause "Drawn under Bank of Hawaii Credit No. S-51171 dated February 19, 1981!"

We hereby engage with drawers and/or bona fide holders that drafts drawn and negotiated in conformity with the terms of this credit will be duly honored on presentation and that drafts accepted within the terms of this credit will be duly honored on maturity.

The amount of each draft must be endorsed on the reverse of this credit by the negotiating bank.

Negotiating bank's charges are for account of the beneficiary.

Very truly yours,

Bank of Hawaii

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

ADVISING BANK'S NOTIFICATION

PLACE, DATE, NAME and SIGNATURE OF ADVISING BANK

FX-201 (REV. 10/80) YES (MKS.)

PAUL W. DUDLEY

Except as otherwise expressly stated, this Documentary Credit is subject to the "Uniform Customs and Practice for Documentary Credits" (1974 Revision) International Chamber of Commerce Publication No. 290. This document conforms with the Standard Form No. 1 of the I.C.C.

Date **March 24, 1983**

CABLE ADDRESS: BANKOH

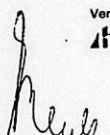
ADVISED BY AIR MAIL

THIS REFERS TO AMENDMENT ADVISED BY FULL TEXT CABLE TODAY

AMENDMENT TO DOCUMENTARY CREDIT		OF ISSUING BANK	CREDIT NUMBER	OF ADVISING BANK
ADVISING BANK		S-51171		
BENEFICIARY		APPLICANT		
City of Wichita Wichita, Kansas		Aina Nui Corporation 900 Fort Street Mall, Suite 1630 Honolulu, Hawaii 96813		
		THIS IS AMENDMENT NUMBER AND IS TO BE CONSIDERED AS PART OF THE ABOVE CREDIT AND MUST BE ATTACHED THERETO.		

Gentlemen:
 The above mentioned credit is amended as follows:
 Credit amount has been increased by US\$2,339.00 (Dollars Two Thousand Three Hundred Thirty Nine and 00/100).
 In item No. 1 of the signed statement Landscaping has been increased to \$7,196.00 and
 item No. 2 Irrigation system has been increased to \$14,636.00.
 The expiry date has been extended to March 31, 1985.

All other terms and conditions remain unchanged

Very truly yours,  Bank of Hawaii AUTHORIZED SIGNATURE	ADVISING BANK'S NOTIFICATION PLACE, DATE, NAME and SIGNATURE OF ADVISING BANK
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Except as otherwise expressly stated, this Documentary Credit is subject to the "Uniform Customs and Practice for Documentary Credits" (1974 Revision) International Chamber of Commerce (Publication No. 250). This document conforms with the Standard Form No. 4 of the I.C.C.

Date April 14, 1983

CABLE ADDRESS: BANKOH

ADVISED BY AIR MAIL

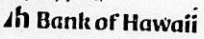
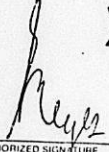
THIS REFERS TO AMENDMENT ADVISED BY FULL TEXT CABLE TODAY

AMENDMENT TO DOCUMENTARY CREDIT	
ADVISING BANK	OF ISSUING BANK CREDIT NUMBER OF ADVISING BANK S-51171
	APPLICANT Aina Nui Corporation 900 Fort Street Mall, Suite 1630 Honolulu, Hawaii 96813
BENEFICIARY City of Wichita Wichita, Kansas	THIS IS AMENDMENT NUMBER AND IS TO BE CONSIDERED AS PART OF THE ABOVE CREDIT AND MUST BE ATTACHED THERETO.

Gentlemen:
 The above mentioned credit is amended as follows:
 Applicant's address has been changed to show:

828 Fort Street Mall, Suite 500
 Honolulu, Hawaii 96813

All other terms and conditions remain unchanged *****

<p style="text-align: center;">Very truly yours,   AUTHORIZED SIGNATURE</p>	<p>ADVISING BANK'S NOTIFICATION</p> <p>PLACE, DATE, NAME and SIGNATURE OF ADVISING BANK</p>
--	---

Except as otherwise expressly stated, this Documentary Credit is subject to the "Uniform Customs and Practice for Documentary Credits" (1974 Revision) International Chamber of Commerce (Publication No. 290). This document conforms with the Standard Form No. 4 of the I.C.C.

FX 204 (REV. 2/82) E. KEYES (MRS.)

3011 SETA

Document Name:
0653/M

Requestor's ID:
OP5PLAN

Author's Name:
Harris

Document Comments:
FORM TO BE USED FOR ALL S/D INTER-OFFICE MEMOS

Draft memo to Larry Henry
requesting collection on letter
of credit.

Bob: You need to be aware that Forrest
has been unable to get a response on this
guarantee about to expire. His previous
cooperativeness has been ignored. Any suggestions
on doing anything different than the attached
letter. This is the plot on Tom East
that feeds into Eastbrook. JH

FROM Nagley DATE 3/15/65

- | ADMINISTRATION | ADVANCE PLANS | CURRENT PLANS | ENGINEERING | GRAPHICS |
|---|------------------------------------|---|------------------------------------|----------------------------------|
| <input checked="" type="checkbox"/> Lakin | <input type="checkbox"/> Stockwell | <input checked="" type="checkbox"/> Salz Smith | <input type="checkbox"/> Lindebak | <input type="checkbox"/> Pieroa |
| <input type="checkbox"/> Walter | <input type="checkbox"/> Schwartz | <input type="checkbox"/> Lytle | <input type="checkbox"/> Cain | <input type="checkbox"/> Commer |
| <input type="checkbox"/> Doramus | <input type="checkbox"/> Dudark | <input type="checkbox"/> Young | <input type="checkbox"/> Ruiz | <input type="checkbox"/> Crook |
| <input type="checkbox"/> Eubanks | <input type="checkbox"/> Ahrens | <input type="checkbox"/> Bonanni | <input type="checkbox"/> Henry | <input type="checkbox"/> Jones |
| <input type="checkbox"/> Harris | <input type="checkbox"/> Bechtel | <input type="checkbox"/> Lahey | <input type="checkbox"/> Schneider | <input type="checkbox"/> Whitney |
| <input type="checkbox"/> Henderson | <input type="checkbox"/> Hart | <input type="checkbox"/> Nagley | <input type="checkbox"/> | |
| <input type="checkbox"/> Wasko | <input type="checkbox"/> Kelley | <input type="checkbox"/> Olivarez | <input type="checkbox"/> | |
| <input type="checkbox"/> Wimbley | <input type="checkbox"/> Losew | <input type="checkbox"/> Smythe | <input type="checkbox"/> | |
| | <input type="checkbox"/> Mitchell | | | |
| | <input type="checkbox"/> Peete | | | |
| | <input type="checkbox"/> Shen | | | |

REMARKS *Call B.G. Kundane -
of we lost have in
3-22
Have present work
Commence 2-23
H. H. H. H.*

- Note & Return
- Handle
- All Staff
- Comment
- Signature
- Library
- Information
- Files
- Type

WICHITA - SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

To: Larry Henry, Program Development
Engineer

Date: March 15, 1985

From: Forrest L. Nagley, Senior Planner

Subject: Letter of Credit associated with S/D 79-2 Rockwood South 4th
Addition, located on the west side of Armour Drive between
Kellogg and Douglas Avenue. (Expiration date - March 31, 1985).
Credit Number S-51171.

The conditions of platting the above-referenced case included a \$7,196 guarantee for landscaping and a \$14,636 guarantee for an irrigation system. A field inspection of the property has verified that the area has not been developed and, consequently, the landscaping has not been completed.

On January 16, 1985, we sent a letter to the Bank of Hawaii, the issuing bank for this guarantee, and the purchaser of the Letter of Credit, reminding them of the need to complete the work by January 31, 1985. Since we did not receive any correspondence from the bank or the purchaser of the Letter of Credit, a second letter was sent on February 25, 1985. This follow-up letter stated that a field inspection had verified the affected lots were still undeveloped, and we could authorize a two-year extension of time for completing the landscaping provided an amendment to this Letter of Credit was submitted no later than March 13, 1985. Neither of the parties have submitted the required amendment or contacted this office.

Since we have been unable to obtain the needed amendment to this Letter of Credit which expires on March 31, 1985, we request that the City Engineer's Office take the steps necessary to collect on the Letter of Credit. Attached is a copy of the original Letter of Credit and its current amendment. The original Letter of Credit and amendment are on file in the City Clerk's Office.

Should you need additional information, please advise.

Forrest L. Nagley,
Senior Planner

FLN:mlh

Attachments

cc: Mr. Paul W. Dudley, Bank of Hawaii, P. O. Box 2900, Honolulu,
Hawaii, 96846
Aina Nui Corporation, 828 Fort Street Mall, Suite 500, Honolulu,
Hawaii 96813
Mike Lindbak, City Engineer

3-15-85

Sent a note with
Jack's card to
B.J. Kingdon about
obtaining a revision
for letter of Credit that
expires on 3/31/85

tb

February 25, 1985

Aina Nui Corporation
828 Fort Street Mall, Suite 500
Honolulu, Hawaii, 96813

Re: Letter of Credit guaranteeing landscaping and an irrigation system for the west line of Block 1, Rockwood South 4th Addition (Credit No. S-51171).

Gentlemen:

This letter acts as a follow-up to my letter dated January 16, 1985. The conditions of platting Rockwood South 4th Addition included the above-referenced improvements, for which you submitted a Letter of Credit that expires on March 31, 1985. A recent field check of the property has verified that, as of this date, the work has not been completed.

Since the area is still being developed, we can authorize a two-year extension of time to complete the required improvements, provided an amendment is submitted from your bank which references the following:

1. A new project completion or default date of January 31, 1987.
2. A new negotiation or expiration date of March 31, 1987.
3. Unchanged dollar amounts for the work.

The amendment should be addressed to my attention and submitted to this office no later than March 13, 1985. Please contact the bank and authorize the amendment.

Aina Nui Corporation
Re: Letter of Credit Number S-51171.
February 25, 1985
Page 2

Should you have any questions about what is needed, please call me at
(316) 268-4421. Action on your part is imperative to avoid default on
your Letter of Credit.

Sincerely,

Barbara R. Bonanni
Junior Planner

BRB:mlh

cc: Mr. Paul W. Dudley, Bank of Hawaii, P.O. Box 2900, Honolulu,
Hawaii 96846
Mike Lindebak, City Engineer

January 16, 1985

Mr. Paul W. Dudley
Bank of Hawaii
P. O. Box 2900
Honolulu, Hawaii 96846

Re: Letter of Credit guaranteeing landscaping and an irrigation system for the west line of Block 1, Rookwood South Fourth Addition (Credit No. S-51171).

Dear Mr. Dudley:

This letter serves as a reminder of the upcoming due date on your Letter of Credit for the case referenced above. According to the terms of the guarantee, you must complete the work by January 31, 1985 in order to avoid default. Action on your part is imperative.

Please notify this office when the work is completed, and call me at (316) 268-4421 if you have any questions.

Sincerely,

Barbara R. Bonanni
Junion Planner

BRB:mlh

cc: James Campbell Estate, 828 Fort Street Mall, Suite 500, Honolulu,
Hawaii 96813

April 22, 1983

Donald C. Gisick, City Clerk

Forrest L. Nagley, Junior Planner

Forwarding of amendments to letter of credit
associated with Rockwood South Fourth Addition,
(S/D 79-2) (Credit Number S-51171)

Attached please find the above-referenced documents
for your files. They should be attached to the
original letter of credit until their release is
authorized by either City Engineering or Planning.

Forrest L. Nagley
Junior Planner

FLN:bh

Attach.

April 22, 1983

Donald C. Gisick, City Clerk

Forrest L. Nagley, Junior Planner

Forwarding of amendments to letter of credit
associated with Rockwood South Fourth Addition,
(S/D 79-2) (Credit Number S-51171)

Attached please find the above-referenced documents
for your files. They should be attached to the
original letter of credit until their release is
authorized by either City Engineering or Planning.

Forrest L. Nagley
Junior Planner

FLN:bh

Attach.

April 7, 1983

Mr. Paul W. Dudley
Bank of Hawaii
P.O. Box 2900
Honolulu, Hawaii, 96846

Re: Letter of credit guaranteeing landscaping and an irrigation system for the west line of Block 1, Rockwood South Fourth Addition (Credit Number S-51171)

Dear Mr. Dudley:

On March 25, 1983, this office received notification, via telegram, that the subject letter of credit had been amended to reference the following:

1. dollar amount for landscaping increased to \$7,196.00;
2. dollar amount for irrigation system increased to \$14,636.00;
3. the expiration date has been extended to March 31, 1985.

We find the above-outlined changes to be acceptable and in agreement with discussions we have had with AINA NUI Corporation. We do, however, need an official amendment to the letter of credit which sets forth these changes. A simple telegram does not satisfy our purposes.

Please have the amendment drafted with the above information indicated. Should you have any questions about what is required or need a sample for an acceptable amendment, please contact me. My telephone number is (316) 268-4421.

Sincerely,

Forrest L. Nagley
Junior Planner

FLN:bh

cc: James Campbell Estate, 828 Fort Street Mall, Suite 500, 96813

February 8, 1983

AINA NUI Corporation
900 Fort Street Mall, Suite 1630
Honolulu, Hawaii, 96814

Re: Letter of credit guaranteeing landscaping and an
irrigation system for the west line of Block 1,
Rockwood South Fourth Addition (Credit Number
S-51171)

Gentlemen:

Your letter of credit from the Bank of Hawaii in the amount
of \$19,493.00 guaranteeing the above-referenced platting re-
quirements is nearing maturity. The terms of the guarantee
indicate a completion date of March 8, 1983.

This letter acts to remind you of your agreement to complete
the required landscaping as shown on your approved landscape
plans. Please have your local agent call and advise me of
the status of the landscaping. If an extension of time is
desired, a new dollar amount for the guarantee will be re-
quired.

My telephone number is (316) 268-4421. Action on your part
is imperative in order to avoid default on your existing
guarantee.

Sincerely,

Forrest L. Nagley
Junior Planner

FLN:bh

cc: Law Kingdon, P.A., Attention: Norman L. Wilson, 313
S. Market, 67202
Paul W. Dudley, Bank of Hawaii, P.O. Box 2900, Honolulu,
HI., 96846

*Letter returned; marked
"not deliverable as addressed"
Remailed 3/1/83 to:*

*James Campbell Estate,
828 Fort Street Mall, Suite 500
96813*

h Bank of Hawaii

INTERNATIONAL BANKING, P. O. BOX 2930, HONOLULU, HAWAII 96846

ORIGINAL

4A

Date February 27, 1981

CABLE ADDRESS: BANKOH

ADVISED BY AIR MAIL

CONFIRMATION OF AMENDMENT ADVISED BY CABLE TODAY

AMENDMENT TO DOCUMENTARY CREDIT

OF ISSUING BANK · CREDIT NUMBER OF ADVISING BANK
S-51171

ADVISING BANK

APPLICANT

Aina Nui Corporation
900 Fort Street Mall, Suite 1630
Honolulu, Hawaii 96813

BENEFICIARY

The City of Wichita
Wichita
Kansas

THIS AMENDMENT IS TO BE CONSIDERED AS PART OF THE ABOVE CREDIT AND MUST BE ATTACHED THERETO.

Gentlemen:

The above mentioned credit is amended as follows:

Beneficiary's name has been corrected to show:

City of Wichita
Wichita, Kansas

In the signed statement the words "a subdivision of the City of Wichita, Kansas" have been changed to "a subdivision of the City of Wichita, Kansas".

In the next to last paragraph the name H.C. Eichelberger has been changed to H.C. Eichelberger.

THIS SUPPLEMENT TO THE REVISED GUARANTEE
WAS SUBMITTED TO THE CLERKS OFFICE ON 3/4/81.

FIN

All other terms and conditions remain unchanged

Very truly yours,

h Bank of Hawaii

Reyes Paul Dudley

ADVISING BANK'S NOTIFICATION

C8

AUTHORIZED SIGNATURE

DATE, NAME and SIGNATURE OF ADVISING BANK

DATE, NAME and SIGNATURE OF ADVISING BANK

FX-204 (REV. 7/76)

KEYFS (MRS.)

PAUL W. DUDLEY

Except as otherwise expressly stated, this Documentary Credit is subject to the "Uniform Customs and Practices for Documentary Credits" (1974 Revision) International Chamber of Commerce (Publication No. 290). This document conforms with the Standard Form No. 4 of the I.C.C.

February 26, 1981

Donald C. Gisick, City Clerk

Forrest L. Nagley, Junior Planner

Forwarding of revised letter of credit guaranteeing landscaping and an irrigation system for the west line of Block 1, Rockwood South (Credit # 8-51171)

Attached please find the original of a revised letter of credit guaranteeing the completion of the above-referenced improvement. The existing guarantee on file in the amount of \$28,512.64 from the Bank of Hawaii (credit number 8-48646) should now be returned to the Bank of Hawaii.

Should you have any questions about this matter, please call.

Forrest L. Nagley
Junior Planner

FLN:hh

Attachment

cc: Bank of Hawaii, International Banking, P.O. Box 2900,
Honolulu, Hawaii, 96846
Aina Nui Corporation, 900 Fort Street Mall, Suite 1630,
Honolulu, Hawaii, 96813
Mike Lindebak, Program Development Engineer, City
Engineering
Law, Kingdon, P.A., Attention: Norman Wilson, 313 S.
Market, 67202

ROUTE SLIP
(PLEASE CIRCLE DESTINATION)

- | | | |
|----------------------|--------------------|-----------------------|
| City Manager | Dir. of Adm. | <u>Planning Dept.</u> |
| City Clerk | Auditing | Police Dept. |
| Community Dev. | Budget | Motor Pool |
| Housing | Data Proc. | Dir. of Public Works |
| Human Res. Dev. | Industrial Dev. | Administration |
| Model Cities | Man. Coord. Center | Central Insp. |
| Community Facilities | Personnel | Project Betty |
| Credit Union | P.S. Careers | Engineering |
| Fire Department | Public Info. | Traffic Engr. |
| Health Department | Purchasing | Maintenance |
| Director of Law | Duplicating | Flood Control |
| Prosecutor's Office | Ret. & Group Ins. | Sanitation |
| Municipal Court | Treasury | Urban Renewal |
| Transit Authority | Library | Water Department |
| | Park Department | Water Pol. Control |

For: LOUISE CLAWSON

- For your information Reply sending me _____ copies
 For your comments Prepare reply for my signature
 Note and return You handle. No report required.

MESSAGE:

EUGENE L. PIRTLE
 Assistant City Attorney

 6-7-79 Date

Signed EUGENE L. PIRTLE Date 6-7-79

000-013

ROUTE SLIP

(PLEASE CIRCLE DESTINATION)

- | | | |
|--|--|--|
| <ul style="list-style-type: none"> Administration Budget Contracts Admin. Controller Data Processing Purchasing Duplicating Stationery Stores Ret. & Insurance Treasury Airport Authority Art Museum City Manager C. P. O. City Clerk City Commission Com. Status of Women Personnel Personnel Training Public Affairs Civil Rights & E. E. O. Community Development Administration | <ul style="list-style-type: none"> Community Action Community Services Job Teams Local Housing Authority Community Facilities Building Services Community Arts Omnisphere Credit Union Economic Development Energy Resources Industrial Development Emergency Communications Fire Department Grievance Office Health Department Law Department Library M. T. A. Municipal Court Park Department Forestry Recreation | <ul style="list-style-type: none"> Planning Department Graphics Empl. & Training Center Police Department Motor Pool Public Works Administration Central Inspection Engineering Flood Control Maintenance Sanitation Traffic Engineering Urban Renewal Water Department Accounting Engineering Filter Plant Gas Utility Mains & Services Water Pol. Control |
|--|--|--|

For: Gene Pirtle For your information For your comments

MESSAGE: *Attached is a copy of a letter of credit submitted as a plotting requirement. The applicant's attorney will the bank one of our letter of credit forms but the bank returned them. Is it acceptable? Please advise by 6-8-79*

Date: 6-5-79

Signature: Gene Pirtle

Ext. 4421

Standard Form 600-513 R7/78

h Bank of Hawaii

INTERNATIONAL BANKING, P.O. BOX 2900, HONOLULU, HAWAII 96846

ORIGINAL

7

Date February 19, 1981

1A

CABLE ADDRESS: BAKOH

ADVISED BY AIRMAIL

THIS REFERS TO PRELIMINARY CABLE ADVICE OF TODAY'S DATE

DOCUMENTARY CREDIT - IRREVOCABLE	OF ISSUING BANK	CREDIT NUMBER	OF ADVISING BANK
ADVISING BANK	S-51171	APPLICANT	
BENEFICIARY	Aina Nui Corporation 900 Fort Street Mall, Suite 1630 Honolulu, Hawaii 96813		
The City of Wichita Wichita Kansas	AMOUNT	US\$19,493.00 (Dollars Nineteen Thousand Four Hundred Ninety Three and 00/100)	
	Date	EXPIRY	
	March 31, 1983		
	in Honolulu, Hawaii	FOR NEGOTIATION	

Gentlemen:

We hereby establish in your favor this Irrevocable Letter of Credit available by negotiation of your drafts at sight on Bank of Hawaii, Honolulu, Hawaii accompanied by:

Your signed statement certifying that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before March 8, 1983:

1. Landscaping (\$6,425.00)
2. Irrigation system (\$13,068.00)
in Rockwood South 4th Addition, a subdivision of the City of Wichita, Kansas.

Acting through the City Engineer, you are to 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.

This Letter of Credit is to replace letter of credit No. S-48646 issued for account of Fred E. Trotter, H.C. Eickelberger and Wade H. McVay aka W.H. McVay, Trustee of the Estate of James Campbell and is to become effective only upon cancellation and return to us of original letter of credit No. S-48646.

Drafts drawn under this credit must bear on their face the clause "Drawn under Bank of Hawaii Credit No. S-51171 dated February 19, 1981!"

We hereby engage with drawers and/or bona fide holders that drafts drawn and negotiated in conformity with the terms of this credit will be duly honored on presentation and that drafts accepted within the terms of this credit will be duly honored on maturity.

The amount of each draft must be endorsed on the reverse of this credit by the negotiating bank.

Negotiating bank's charges are for account of the beneficiary.

Very truly yours,

h Bank of Hawaii

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

PLACE, DATE, NAME and SIGNATURE OF ADVISING BANK

FX-201 (REV. 10/80) EYES (MKS)

PAUL W. DUDLEY

Except as otherwise expressly stated, this Documentary Credit is subject to the "Uniform Customs and Practice for Documentary Credits" (1974 Revision) International Chamber of Commerce Publication No. 290. This document conforms with the Standard Form No. 1 of the I.C.C.



LAW KINGDON, P.A.
 ARCHITECTS, PLANNERS AND ENGINEERS

(316) 265 8584 313 S MARKET PO BOX 1138 WICHITA KANSAS 67201

RECEIVED

JAN 28 1981

METROPOLITAN PLANNING

ROUTE

CONFERENCE REPORT

Date Held: January 26, 1981

Place Held: City of Wichita
 Planning Department
 Wichita, Kansas

Subject: Rockwood South Office Park
 Wichita, Kansas
 Job #7086

In Attendance: **Mr. Jack Galbraith** City of Wichita
 Mr. Forrest Nagley City of Wichita
 Mr. B. J. Kingdon Law/Kingdon, P.A.
 Mr. Norm Wilson Law/Kingdon, P.A.

1. Landscaping situation was discussed with Mr. Jack Galbraith and a program for implementation of required landscaping was agreed upon.
 - A. New letter of credit, guaranteeing irrigation and planting, with a cost increase of 10% per year (over original letter of credit), guaranteed by the Owners through the Bank of Hawaii. This guarantee needs to be activated as soon as possible.
 - B. Letter of description of planting and irrigation and reason for the approach that we are taking.
 - C. Drawing for each building as it is completed showing the landscaping required by the City at the rear, those trees to be removed, and additional planting to replace that removed.

Reported by:

LAW/KINGDON, P.A.

Norman L. Wilson
 Norman L. Wilson
 Project Architect

mdw 2/3

cc: All in Attendance
 Mr. Bob Friesen
 Mr. Hassan Jabara

*Lynn Walker Jaw Co.
 265-8584
 Wilson is no longer with Jaw Co.*

January 5, 1981

Fred E. Trotter, Et. Al.
Trustees of the Estate of
James Campbell
828 Fort Street Mall - Suite 500
Honolulu, HI 96813

RE: Letter of Credit guaranteeing
landscaping, an irrigation system,
and fencing for the West line of
Block 1, Rockwood South Fourth
Addition. (Credit Number E-48646)

Mr. Trotter:

Your letter of credit from the Bank of Hawaii in the amount of twenty-eight thousand five-hundred-twelve dollars and sixty-four cents (\$28,512.64) guaranteeing the above-referenced platting requirements is nearing expiration. Our files indicate that you agreed to complete the work as set forth in your approved landscape plan on or before March 8, 1981. This Agreement on your part was in response to a condition of approval associated with the platting of Rockwood South Fourth Addition. A field check of the site indicates that the required fencing has been completed, but the landscaping and irrigation system have yet to be installed.

This letter acts to remind you of your agreement to complete the required landscaping. Please have your agent call and advise me of your intentions. We can accept a six-month extension of time to complete this work provided that either a revised letter of credit or an amendment to your existing guarantee is submitted. If an extension of time is desired, the new completion or default date would be September 8, 1981.

*Norman Wilson and B.J. Kingdon met with Jack
Galbraith & I on 1/26/81 re: this matter. Will be
submitting a revised guarantee shortly.*

*FWL
1/26/81*

Page 2
January 5, 1981
Fred E. Trotter

My telephone number is (316)268-4421. Action on your part is imperative in order to avoid default on your existing guarantee.

Sincerely,

Forrest L. Nagley
Junior Planner
Current Plans Division

FLN:vn

cc: Mike Lindebak, Program Development Engineer, City Engineering
Law Kingdon, P.A., Attention Robert Friesen, 313 S. Market, 67202
Michael Weigand, 150 N. Market, 67202
Paul W. Dudley, Bank of Hawaii, P.O. Box 2900, Honolulu, HI 96846

June 28, 1979

Robert Feldner, Superintendent of Central Inspection
Louise Olivarez, Senior Planner

Landscape plan for Rockwood South Fourth Addition

On June 19, 1979, the Board of City Commissioners approved the plat of Rockwood South Fourth Addition and also approved the landscape plan for the planting along the west line of Block 1 adjacent to Eastborough. City Commission approval of this landscape plan was a requirement of the CUP (DP -12 as amended 9-26-78).

The property owner has submitted a letter of credit in the amount of \$28,512.64 guaranteeing the installation of this landscaping, fencing and irrigation system on or before March 8, 1981. Fencing should be constructed adjacent to all Eastborough lots except Lot 8, Block P, Eastborough 3rd Addition, as noted on the landscape plan.

In addition to one copy of the approved landscape plan, I have attached a copy of their restrictive covenant which binds all present and future lot owners to maintain the landscaping as per the approved landscape plan.

If you have any questions regarding this landscape plan, please call our office.

Sincerely,

Louise Olivarez
Senior Planner

LO:bh

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 79-2 Name Rockwood South Fourth Addition
Application & Sketch Filed: 1-12-79
Preliminary Plat Filed: 2-26-79 Approved by S/D: 3-8-79
Final Plat Filed: 3-26-79 Approved by S/D: 4-5-79
Approved by Metropolitan Area Planning Commission: 4-12-79

DESCRIPTION

General Location: West side of Armour Drive between Kellogg and Douglas.

Surveyor or Engineer: Law/Kingdon, P.A.

Owner: Estates of James Campbell, c/o Phillip Frick, Attorney
Address: 700 Fourth Financial Center, Wichita, Ks. 67202

- | | |
|-------------------------------------|--|
| 1. Gross Acreage of Plat <u>19</u> | 6. Access Control |
| 2. Number of Lots: | St. <u>Douglas</u> No. Openings <u>1</u> |
| Residential _____ | St. _____ No. Openings _____ |
| Commercial <u>2</u> | St. _____ No. Openings _____ |
| Industrial _____ | 7. Req'd Improvements |
| Other _____ | St. Paving <u>Yes</u> Water <u>Yes</u> |
| Total Number of Lots: <u>13</u> | Sidewalk <u>No</u> Drainage <u>Yes</u> |
| 3. Minimum Lot Area: <u>5</u> Acres | Sewer <u>Yes</u> Other _____ |
| 4. Existing Zoning <u>IC</u> | |
| 5. Special Problems Discussed _____ | |

- Valid petitions have been submitted guaranteeing street paving, decel lane construction on Douglas, sanitary sewers, storm sewers and water. A certificate has been submitted certifying the petitions. A letter of credit in the amount of \$28,512.64 has been submitted as guarantee for landscaping and fencing along the west property line.
- Planning Commission Recommendation: That this plat be approved subject to:
- Submitting a landscape plan for approval by the Board of City Commissioners.
 - Submitting a covenant binding all lot owners to maintain the plant materials as specified in the landscape plan.
 - Submitting an avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be utilized to minimize effects of noise pollution within any structures to be built on the site.
 - Recording of the plat within 30 days after approval by the Board of City Commissioners.

MAFC Action: May moved, Jones seconded and it carried unanimously.
(NOTE: The street paving petition is 82%. Appropriate notices have been sent to property owners).

ACTION: Receive and file the water engineering feasibility report, adopt the resolution of finding and the resolution ordering and directing the water system improvement; accept the petitions and instruct the Director of Law to prepare the necessary resolutions; approve the landscape plan; receive and file the letter of credit; accept the avigational easement; instruct the City Clerk to file the certificate, easement, and covenants with the Register of Deeds, the filing costs of which shall be billed to the applicant; approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

RESTRICTIVE COVENANT

RESTRICTIVE COVENANT affecting Lots 1 through 12, Block 1, Rockwood South 4th Addition, executed this 30th day of May, 1979, by the undersigned, as the owners of said property:

W I T N E S S E T H:

WHEREAS, the undersigned, as owners of the above property desire to assure that the terms and provisions of the approved landscape plan for said properties will be complied with in order to conform to the requirements of the City of Wichita, and desire to reduce the same to recordable form.

NOW, THEREFORE, the undersigned, hereby declare that the above described real property shall be and subject to the requirement and condition that the present and all future owners of said real property will maintain the plant materials as specified in the approved landscape plan as required by the City of Wichita, which landscape plan is described as: Landscape plan approved by the Board of City Commissioners on June 19, 1979, copies of which are filed with the Director of Planning and Superintendent of Central Inspection of the City of Wichita, requiring the landscape materials on the west line of Lots 1 through 12, Block 1, Rockwood South 4th Addition, to be maintained by the respective lot owners in good condition at all times.

Executed the day and year first above written.

Fred E. Trotter
Fred E. Trotter

H. C. Eichelberger
H. C. Eichelberger

Wade H. McVay
Wade H. McVay aka W. H. McVay

Trustees of the Estate of
James Campbell

STATE OF Hawaii }
COUNTY OF Honolulu } ss:

The foregoing instrument was acknowledged before me this 30th day of May, 1979, by Fred E. Trotter, H. C. Eichelberger, and Wade H. McVay aka W. H. McVay, Trustees of the estate of James Campbell.

n.p.
ll

My Appointment Expires:

February 11, 1980

Ludie J. Hannemann
Notary Public, State of Hawaii

CERTIFICATE

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

We, Fred E. Trotter, H. C. Eichelberger, and
Wade H. McVay a/k/a W. H. McVay, Trustees under the owner of
will and of the estate of James Campbell, deceased, as
(give name of proposed plat, if appropriate) Rockwood South

4th 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. Water system petition
2. Asphaltic concrete paving petition
3. Asphaltic concrete paving petition (Decel lane)
4. Storm water sewer petition
5. Sanitary sewer petition
6. Sanitary sewer lateral petition
- 7.

As a result of the above-mentioned petitions for
improvements, lots or portions thereof within Rockwood South
4th Addition Addition may be subject to special
assessments assessed thereto for the cost of constructing the
above-described improvements.

Signed this 4th day of June, 1979.

Phillip S. Frick
Phillip S. Frick, Attorney in fact
for Fred E. Trotter, H. C. Eichelberger,
Wade H. McVay a/k/a W. H. McVay, Trustees
of under the will of the estate of James
Campbell, deceased.

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

Be it remembered that on this 4th day of June,
1979, before me, a notary public in and for said County and State,
came Phillip S. Frick, 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 day and year above written.

Mary S. Stucky
Notary Public

My Commission Expires:

T9-207



AVIGATIONAL EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That for a good and valuable consideration, the receipt of which is hereby acknowledged, that Fred E. Trotter, H. C. Eichelberger, and Wade H. McVay aka W. H. McVay, Trustees of the Estate of James Campbell ~~do~~ hereby grant a permanent Avigational Easement to the public authority authorized by law to own and operate public-owned airports in Sedgwick County, Kansas, for the use of "Navigable Airspace" as defined by the Federal Aviation Act of 1958, over all of the following described real estate, to-wit:

Rockwood South 4th Addition,
Wichita, Sedgwick County, Kansas.

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

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

To have and to hold said easement forever.

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

Fred E. Trotter
Fred E. Trotter
H. C. Eichelberger
H. C. Eichelberger
Wade H. McVay
Wade H. McVay aka W. H. McVay
Trustees of The Estate of
James Campbell

STATE OF Hawaii)
COUNTY OF Honolulu) SS

Personally appeared before me a notary public in and for the County and State aforesaid Fred E. Trotter, H. C. Eichelberger, and Wade H. McVay aka W. H. McVay, Trustees of the Estate of James Campbell,

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

Dated at Honolulu, this 29th day of May, 1979.

Lydia L. Hannemann
Notary Public
State of Hawaii

(My Commission expires: Feb. 11, 1980)

RESTRICTIVE COVENANT

RESTRICTIVE COVENANT AFFECTING Rockwood South 4th ADDITION

THIS DECLARATION made this 29th day of May, 1979, by Fred E. Trotter, H. C. Eichelberger, and Wade H. McVay hereinafter called the Grantor, Berger, & Wade H. McVay aka W. H. McVay, Trustees of the Estate of James Campbell,

WITNESSETH

WHEREAS, Grantor is owner of Rockwood South 4th Addition to Wichita, Kansas, which property is located near McConnell Air Force Base and is accordingly subject to considerable noise from the operation of aircraft, and

WHEREAS, the City of Wichita in connection with approval of the plat of said addition considers it to be in the public interest to require any buildings constructed on said addition to be designed and constructed giving proper consideration to noise pollution in the area:

NOW THEREFORE, Grantor, hereby declares that Rockwood South 4th Addition, shall be and the same is subjected to the following restrictive covenant, to-wit:

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

EXECUTED the day and year first above written.

Fred E. Trotter
Fred E. Trotter
H. C. Eichelberger
H. C. Eichelberger
Wade H. McVay
Wade H. McVay aka W. H. McVay
Trustees of the Estate of
James Campbell

STATE OF Hawaii)
City & COUNTY) SS
of Honolulu

Personally appeared before me a notary public in and for the County and State aforesaid Fred E. Trotter, H. C. Eichelberger, and Wade H. McVay aka W. H. McVay, Trustees of the Estate of James Campbell,

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

Dated at Honolulu, this 29th day of May, 1979.

Lydia L. Hannemann
Notary Public,
State of Hawaii

(My Commission expires: Feb. 11, 1980)

IMPORTANT MESSAGE

FOR Louise

DATE 6-8-79 TIME _____ A.M.
P.M.

WHILE YOU WERE AWAY

Mike Lindsey

OF _____

PHONE No. _____

TELEPHONED	PLEASE CALL
CALLED TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RETURNED YOUR CALL

MESSAGE Rockwood South Fourth Addition Bridge is included in the zoning petition

SIGNED BP

FORM 000-017



LAW/KINGDON, P.A.
Architects, Planners, & Engineers

313 S. MARKET P.O. BOX 1139
WICHITA, KANSAS 67201 (316)265-8584

Young

TO: Metropolitan Area Planning Department
City Building
Wichita, Kansas 67201

PROJECT
ROCKWOOD SOUTH, 4th Addition
Wichita, Kansas

ATTN: Mr. Bob Young TENANT SPACE _____

WE SEND YOU HEREWITH UNDER SEPARATE COVER
Twelve (12) prints of landscape plan dated May 14, 1979.



THESE ARE:

- For your review and approval. Please return _____ copies with approval or corrections noted.
- For your information. For your files.
- Reviewed for compliance with Contract Documents.
- Reviewed and required corrections noted. Send _____ sepia transparencies and _____ ozalid prints of corrected drawings.
- Revise and resubmit per required corrections. Send _____ sepia transparencies and _____ ozalid prints of corrected drawings. Send _____ copies of submittal data.
- Rejected. See Contract Documents.

Remarks: Per your request for final City approval.

By Robert D. Friesen
Robert D. Friesen, Civil Engineer

- Architects Preliminary Drawings
- Architects Drawings for Pricing
- Architects Drawings for Construction
- Tenant Drawings
- Shop Drawings
- Submittal Data
- Samples
-

Copies To:
Mr. Robert Johnson w/encl.
Mr. Phil Frick w/encl.
Mr. Mike Weigand w/encl.

Date: May 15, 1979

TRANSMITTAL TR

Bank of Hawaii

INTERNATIONAL BANKING, P. O. BOX 2300, HONOLULU, HAWAII 96846

APPROVED AS TO FORM
ORIGINAL
[Signature]
 Assistant City Attorney
 Date 6-7-79 1A

Date **May 29, 1979**

CABLE ADDRESS: BANKOH

ADVISED BY AIR MAIL CONFIRMATION OF CREDIT ADVISED BY CABLE TODAY.

DOCUMENTARY CREDIT - IRREVOCABLE	OF ISSUING BANK S-48646	CREDIT NUMBER 	OF ADVISING BANK
ADVISING BANK	APPLICANT Fred E. Trotter, H.C. Eichelberger and Wade H. McVay aka W.H. McVay, Trustees of the Estate of James Campbell 828 Fort Street Mall, Suite 500 Honolulu, Hawaii 96813		
BENEFICIARY The City of Wichita Wichita, Kansas	AMOUNT US\$28,512.64 (Dollars Twenty Eight Thousand Five Hundred Twelve And 64/100). EXPIRY Date March 31, 1981 in Honolulu, Hawaii		

Gentlemen:

We hereby establish in your favor this Irrevocable Letter of Credit available by negotiation of your drafts at sight on Bank of Hawaii, Honolulu, Hawaii accompanied by:

Your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before March 8, 1981:

1. Landscaping (\$5,310.00)
2. Irrigation system (\$10,800.00)
3. Fencing (\$12,402.64)

in Rockwood South 4th Addition, a subdivision of the City of Wichita, Kansas.

Drafts drawn under this credit must bear on their face the clause "Drawn under Bank of Hawaii Credit No. S-48646 dated May 29, 1979".

SHIPMENT FROM *****	PARTIAL SHIPMENTS	TRANSHIPMENTS *****
TO *****	*****	*****

SPECIAL CONDITIONS Acting through the City Engineer, you are to 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.

We hereby engage with drawers and/or bona fide holders that drafts drawn and negotiated in conformity with the terms of this credit will be duly honored on presentation and that drafts accepted within the terms of this credit will be duly honored on maturity.
 The amount of each draft must be endorsed on the reverse of this credit by the negotiating bank.

ADVISING BANK'S NOTIFICATION

Very truly yours,
Bank of Hawaii

[Signature]
 Assistant City Attorney

PLACE, DATE, NAME and SIGNATURE OF ADVISING BANK

Except as otherwise expressly stated, this Documentary Credit is subject to the "Uniform Customs and Practices for Documentary Credits" (1974 Revision) International Chamber of Commerce (Publication No. 200). This document conforms with the Standard Form No. 1 of the I.C.C.

THE CITY OF WICHITA
OFFICE OF WATER DEPARTMENT

DATE June 6, 1979

TO Jack H. Galbraith, Chief Planner - Current Plans

FROM Bill H. Otten, Chief Engineer-Water Engineering

SUBJECT Rockwood South 4th Addition

The plattors of Rockwood South 4th Addition have submitted a valid 100% petition for a water benefit district to serve this plat. Therefore, our requirements for water service to this area have been fulfilled. The petition and resolution will be placed on the City Commission Agenda for approval on or about June 19, 1979.

Bill H. Otten

Bill H. Otten, Chief Engineer
Water Engineering Division

BHO:sd

LAW OFFICES
FOULSTON, SIEFKIN, POWERS & EBERHARDT

700 FOURTH FINANCIAL CENTER

BROADWAY AT DOUGLAS

WICHITA, KANSAS 67202

(316) 267-6371

June 4, 1979

ROBERT C. FOULSTON (1988-1947)
GEORGE SIEFKIN (1988-1984)

STUART H. CARTER
PAUL H. WHITE
OF COUNSEL

GEORGE B. POWERS
JOHN F. EBERHARDT
ROBERT C. FOULSTON
MALCOLM HILLER
ROBERT H. PANTRIDGE
ROBERT H. SIEFKIN
RICHARD G. HARRIS
GERALD BANATZKY
DONALD L. CORDES
ROBERT L. HOWARD
CHARLES J. WOODIN
MIGUEL L. STOUT
BENJAMIN C. LANDEL
JERRY G. ELLIOTT
WILLIAM H. DYE
PHILIP A. FRICK
STANLEY G. ANDEEL

FREDERICK L. HAAG
RICHARD D. EWY
DARRRELL L. WARTA
CHARLES E. COLE, JR.
WILLIAM R. SAMPRON
HARVEY R. SORENSEN
CHRISTOPHER F. CHRISTIAN
MICHAEL RIM MOORE
JAMES H. ARMSTRONG
MARY KATHLEEN BARCOCK
CHARLES P. EFFLANDT
GERALD L. GREEN
JAMES D. OLIVER
SAMUEL D. ODELEY
W. RAY ROYSE
NICHOLAS B. DAILY

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

ATTENTION: Louise Olivarez

RE: S/D79-2-Final Plat of Rockwood
South 4th Addition

Dear Louise:

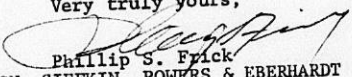
In connection with the above captioned plat, I am enclosing herewith the following original executed documents in satisfaction of the various requirements set out in your letters of April 6th, 1979, and April 12th, 1979.

1. Restrictive Covenant (Landscaping)
2. Restrictive Covenant (Soundproofing)
3. Avigational Easement
4. Acknowledgement (Sidewalks)
5. Water System Petition
6. Asphaltic Concrete Paving Petition
7. Asphaltic Concrete Paving Petition (Decel Lane)
8. Storm Water Sewer Petition
9. Sanitary Sewer Petition
10. Sanitary Sewer Lateral Petition
11. Letter of Credit dated May 29, 1979 (\$28,512.64)
12. Letter re Eastborough fence requirements
13. Certificate re Improvement Petition

Metropolitan Area Planning Commission
June 4, 1979
Page 2

- 14. Ownership list for Petitions
- 15. Platting Title Binder

Very truly yours,


Phillip S. Frick
of FOULSTON, SIEFKIN, POWERS & EBERHARDT

PSF/ms

Enc.

cc: Mr. Robert Friesen
Mr. Mike Weigand
Mr. Robert Johnson, Estate of James Campbell

LAW OFFICES
FOULSTON, SIEFKIN, POWERS & EBERHARDT

700 FOURTH FINANCIAL CENTER

BROADWAY AT DOUGLAS
WICHITA, KANSAS 67202

(316) 267-6371

June 4, 1979

GEORGE B. POWERS
JOHN F. EBERHARDT
ROBERT C. FOULSTON
MALCOLM MILLER
ROBERT H. PATRICK
ROBERT H. SIEFKIN
RICHARD C. HARRIS
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MIKEL L. STOUT
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JERRY G. ELLIOTT
WILLIAM H. DYE
PHILLIP S. FRICK
STANLEY G. ANDEL

FREDERICK L. HAAG
RICHARD D. EBY
DARRRELL L. WARTA
CHARLES E. COLE, JR.
WILLIAM R. SAMPSON
HARVEY R. SORENSEN
CHRISTOPHER P. CHRISTIAN
MICHAEL KIM MOORE
JAMES H. ARMSTRONG
BARRY WATKINSON HARGROCK
CHARLES P. EFFLANDT
GERALD L. GREEN
JAMES D. OLIVER
SAMUEL D. OGBLEY
M. KAY MOYSE
NICHOLAS B. DALY

ROBERT C. FOULSTON (1880-1947)
GEORGE SIEFKIN (1898-1984)

STUART R. CARTER
PAUL H. WHITE
OF COUNSEL

Metropolitan Area Planning Department
City Hall, Tenth Floor
455 North Main Street
Wichita, Kansas 67202

RE: S/D79-2-Final Plat of Rockwood
South 4th Addition

Gentlemen:

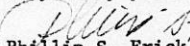
I am writing you in connection with the above referenced plat and specifically in connection with the matter set out in paragraph (H) in your letter of April 6, 1979, to Robert D. Friesen, which paragraph relates to fencing requirements along the west line of the platted land.

As attorney for the owners of said land, please be advised that we have contacted all owners of the abutting Eastborough property in regard to this fencing requirement and have received responses from all owners. For your information, all but one of the owners desire the fencing and it will be constructed pursuant to your requirements on the lot of each owner so requesting.

For your further information, I am enclosing herewith copies of letters to all of the owners from the developer regarding the fence construction.

I you need any further advice in this regard, please let us know.

Very truly yours,


Phillip S. Frick

of FOULSTON, SIEFKIN, POWERS & EBERHARDT

PSF/ms

Enc.

THE ESTATE OF JAMES CAMPBELL

May 7, 1979

Mr. Philip Russell
74 South Stratford Road
Wichita, Kansas 67207

Dear Mr. Russell:

Proposed Fence Construction
Rockwood South Fourth Addition

We now have responses from all residents involved. With one exception, all desire to have the fence.

Several persons asked similar questions about fence design and location related to their existing plants and shrubs. Now that we are able to finish the planning details, we will arrange meetings with each of you to review the plans.

We will contact you again as soon as a meeting can be arranged to discuss details prior to construction. We naturally wish to work closely with you and look forward to constructing the fence to your satisfaction.

Thank you for your cooperation and speedy response.

Best regards.

Sincerely,

O. K. Stender
Trustees' Executive Officer

OKS/bk

cc: Philip L. Bowman
bcc: Phil Frick
Robert Friesen
Michael Weigand

THE ESTATE OF JAMES CAMPBELL

May 7, 1979

Mr. George A. Angle
70 South Stratford Road
Wichita, Kansas 67207

Dear Mr. Angle:

Proposed Fence Construction
Rockwood South Fourth Addition

We now have responses from all residents involved.

Although you do not wish to have the fence, all others desire it. We will be meeting with them prior to construction to go over the details of design and placement.

If you wish to reconsider your decision prior to fence installation, we will be happy to meet with you and show you the plans.

Thank you for your cooperation and speedy response.

Best regards.

Sincerely,

O. K. Stender
Trustees' Executive Officer

OKS/bk

cc: Philip L. Bowman

bcc: Phil Frick
Robert Friesen
Michael Weigand

THE ESTATE OF JAMES CAMPBELL

May 7, 1979

Mr. Richard H. Barton
72 South Stratford Road
Wichita, Kansas 67207

Dear Mr. Barton:

Proposed Fence Construction
Rockwood South Fourth Addition

We now have responses from all residents involved. With one exception, all desire to have the fence.

Several persons asked similar questions about fence design and location related to their existing plants and shrubs. Now that we are able to finish the planning details, we will arrange meetings with each of you to review the plans.

We will contact you again as soon as a meeting can be arranged to discuss details prior to construction. We naturally wish to work closely with you and look forward to constructing the fence to your satisfaction.

With respect to your questions by letter of April 10th, we believe we can satisfy you that all items will be properly handled.

We are aware of the various drainage and utility easements and the location of the fence will not interfere with access or maintenance of these easements.

We are handling drainage from Eastborough at two points and, at our meeting with you, will show you the entire layout including fence and landscaping plans.

Thank you for your cooperation and speedy response.

Best regards.

Sincerely,

O. K. Stender
Trustees' Executive Officer

OKS/bk

cc: Philip L. Bowman
bcc: Phil Frick ✓
Robert Friesen
Michael Weigand

THE ESTATE OF JAMES CAMPBELL

COPY

May 7, 1979

Mr. Robert M. Smith
68 South Stratford Road
Wichita, Kansas 67207

Dear Mr. Smith:

Proposed Fence Construction
Rockwood South Fourth Addition

We now have responses from all residents involved. With one exception, all desire to have the fence.

Several persons asked similar questions about fence design and location related to their existing plants and shrubs. Now that we are able to finish the planning details, we will arrange meetings with each of you to review the plans.

We will contact you again as soon as a meeting can be arranged to discuss details prior to construction. We naturally wish to work closely with you and look forward to constructing the fence to your satisfaction.

Thank you for your cooperation and speedy response.

Best regards.

Sincerely,

O. K. Stender
Trustees' Executive Officer

OKS/bk

cc: Philip L. Bowman

bcc: Phil Frick
Robert Friesen
Michael Weigand

THE ESTATE OF JAMES CAMPBELL

May 7, 1979

Mrs. Jane B. Manka
66 South Stratford Road
Wichita, Kansas 67207

Dear Mrs. Manka:

Proposed Fence Construction
Rockwood South Fourth Addition

We now have responses from all residents involved. With one exception, all desire to have the fence.

Several persons asked similar questions about fence design and location related to their existing plants and shrubs. Now that we are able to finish the planning details, we will arrange meetings with each of you to review the plans.

We will contact you again as soon as a meeting can be arranged to discuss details prior to construction. We naturally wish to work closely with you and look forward to constructing the fence to your satisfaction.

Thank you for your cooperation and speedy response.

Best regards.

Sincerely,

O. K. Stender
Trustees' Executive Officer

OKS/bk

cc: Philip L. Bowman

bcc: Phil Frick
Robert Friesen
Michael Weigand

THE ESTATE OF JAMES CAMPBELL

May 7, 1979

Mr. George R. Temple
64 South Stratford Road
Wichita, Kansas 67207

Dear Mr. Temple:

Proposed Fence Construction
Rockwood South Fourth Addition

We now have responses from all residents involved. With one exception, all desire to have the fence.

Several persons asked similar questions about fence design and location related to their existing plants and shrubs. Now that we are able to finish the planning details, we will arrange meetings with each of you to review the plans.

We will contact you again as soon as a meeting can be arranged to discuss details prior to construction. We naturally wish to work closely with you and look forward to constructing the fence to your satisfaction.

As you suggested, we can also discuss the fence location as it relates to your shrubs or trees which might extend over the boundary line.

Thank you for your cooperation and speedy response.

Best regards.

Sincerely,

O. K. Stender
Trustees' Executive Officer

OKS/bk

cc: Philip L. Bowman
bcc: Phil Frick
Robert Friesen
Michael Weigand

THE ESTATE OF JAMES CAMPBELL

May 7, 1979

Mrs. Mercedes E. Wright
62 South Stratford Road
Wichita, Kansas 67207

Dear Mrs. Wright:

Proposed Fence Construction
Rockwood South Fourth Addition

We now have responses from all residents involved. With one exception, all desire to have the fence.

Several persons asked similar questions about fence design and location related to their existing plants and shrubs. Now that we are able to finish the planning details, we will arrange meetings with each of you to review the plans.

We will contact you again as soon as a meeting can be arranged to discuss details prior to construction. We naturally wish to work closely with you and look forward to constructing the fence to your satisfaction.

Thank you for your cooperation and speedy response.

Best regards.

Sincerely,

O. K. Stender
Trustees' Executive Officer

OKS/bk

cc: Philip L. Bowman
bcc: Phil Frick
Robert Friesen
Michael Weigand

THE ESTATE OF JAMES CAMPBELL

May 7, 1979

Mrs. Nona C. Clemons
60 South Stratford Road
Wichita, Kansas 67207

Dear Mrs. Clemons:

Proposed Fence Construction
Rockwood South Fourth Addition

We now have responses from all residents involved. With one exception, all desire to have the fence.

Several persons asked similar questions about fence design and location related to their existing plants and shrubs. Now that we are able to finish the planning details, we will arrange meetings with each of you to review the plans.

We will contact you again as soon as a meeting can be arranged to discuss details prior to construction. We naturally wish to work closely with you and look forward to constructing the fence to your satisfaction.

As requested in your April 16th letter, we will also show you our proposed landscape and irrigation plans.

Thank you for your cooperation and speedy response.

Best regards.

Sincerely,

O. K. Stender
Trustees' Executive Officer

OKS/bk

cc: Philip L. Bowman
bcc: Phil Frick
Robert Friesen
Michael Weigand

THE ESTATE OF JAMES CAMPBELL

May 7, 1979

Mr. William A. Hensley
58 South Stratford Road
Wichita, Kansas 67207

Dear Mr. Hensley:

Proposed Fence Construction
Rockwood South Fourth Addition

We now have responses from all residents involved. With one exception, all desire to have the fence.

Several persons asked similar questions about fence design and location related to their existing plants and shrubs. Now that we are able to finish the planning details, we will arrange meetings with each of you to review the plans.

We will contact you again as soon as a meeting can be arranged to discuss details prior to construction. We naturally wish to work closely with you and look forward to constructing the fence to your satisfaction.

Thank you for your cooperation and speedy response.

Best regards.

Sincerely,

O. K. Stender
Trustees' Executive Officer

OKS/bk

cc: Philip L. Bowman

bcc: Phil Frick
Bob Friesen
Michael Weigand

THE ESTATE OF JAMES CAMPBELL

May 7, 1979

Mrs. Mildred E. Craig
56 South Stratford Road
Wichita, Kansas 67207

Dear Mrs. Craig:

Proposed Fence Construction
Rockwood South Fourth Addition

We now have responses from all residents involved. With one exception, all desire to have the fence.

Several persons asked similar questions about fence design and location related to their existing plants and shrubs. Now that we are able to finish the planning details, we will arrange meetings with each of you to review the plans.

We will contact you again as soon as a meeting can be arranged to discuss details prior to construction. We naturally wish to work closely with you and look forward to constructing the fence to your satisfaction.

Your April 12th letter raised a concern over location of the present utilities and sewer line. We appreciate your caution and anticipate being able to handle the fence location without any interference.

Thank you for your cooperation and speedy response.

Best regards.

Sincerely,

O. K. Stender
Trustees' Executive Officer

OKS/bk

cc: Philip L. Bowman
bcc: Phil Frick
Robert Friesen
Michael Weigang

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

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

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

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

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

Issued by:
THE SECURITY ABSTRACT &
TITLE COMPANY, INC.
434 North Main Street
Wichita, Kansas 67202
(316) 267-8371

CHICAGO TITLE INSURANCE COMPANY

Alvin W. Long
President.

ATTEST:

Chester C. McLaughlin
Secretary.

David B. Hinkle
Authorized Signatory



CONDITIONS AND STIPULATIONS

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

SCHEDULE A

Number	Effective Date	
277127	May 25, 1979 @ 7:00 A.M.	
1. Owners Policy to be issued:	ALTA Form B - 1970 (Amended 10-17-70)	Amount: Unknown
Proposed Insured:		
City of Wichita		
Loan Policy to be issued:	ALTA Form 1970 (Amended 10-17-70)	Amount:
Proposed Insured:		

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

Fred E. Trotter, H. C. Eichelberger and Wade H. McVay a/k/a W. H. McVay, Trustees under the Will and of the Estate of James Campbell, Deceased, acting in their fiduciary, and not in their individual capacities.

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

A tract in the Southeast Quarter of Section 19, Township 27 South, Range 2 East, of the 6th Principal Meridian, Sedgwick County, Kansas, described as beginning at a point on the West line of said Southeast Quarter and 40 feet South of the Northwest Corner thereof; thence East parallel with the North line of said Southeast Quarter, 208.87 feet to the West line of Armour Drive as platted in Kellogg Mall Addition, Wichita, Kansas; thence Southeasterly with a deflection to right of 81°00' along the West line of said Armour Drive, 447 feet to the P.C. of a curve to the left, having a central angle of 38°50'15" and a radius of 316 feet; thence along said curve, 214.2 feet to the P.T. of said curve; thence Southeasterly along tangent of said curve 546.12 feet to the P.C. of a curve to the right, having a central angle of 47°36'15" and a radius of 263.89 feet; thence along said curve, 219.25 feet to the P.T. of said curve; thence southerly along tangent of said curve, 425 feet to the Southwest Corner of Armour Drive as platted in said Kellogg Mall Addition; thence West along the North end of Armour Drive, 65.44 feet to the Northwest Corner of Armour Drive as platted in Rockwood South Third Addition, Wichita, Sedgwick County, Kansas; thence South 115 feet to the Northeast Corner of said Lot 1; thence West along the North line of said Lot 1, 430.32 feet; thence continuing West along the North line of said Lot 1 and a curve having a radius of 130 feet, 100.02 feet; thence Southwesterly along the Northwesterly line of said Lot 1, 115.10 feet; thence South along the West line of said Lot 1, 258 feet to a point on the North line of Lot 2, Rockwood South First Addition to Wichita, Kansas, said point being 205 feet East of the West line of said Southeast Quarter; thence West along the North line of said Lot 2, 96.81 feet; thence North parallel with the West line of said Southeast Quarter, 120 feet to a point 714.45 feet North of the South line of said Southeast Quarter; thence West parallel with the South line of said Southeast Quarter, 108 feet to the West line of said Southeast Quarter; thence North along the West line of said Southeast Quarter, 1904.17 feet more or less to the point of beginning.

SCHEDULE B

Upon payment of the full consideration to, or for the account of, the grantors or mortgagors, and recording of the deeds and/or mortgages, the form and execution of which is satisfactory to the Company, the policy or policies will be issued containing exceptions in Schedule B thereof to the following matters (unless the same are disposed of to the satisfaction of the Company):

1. If an owner's policy is to be issued, the mortgage encumbrance, if any, created as part of the purchase transaction.
2. 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.
3. Rights or claims of parties in possession not shown by the public records.
4. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
5. Easements or claims of easements not shown by the public records.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Taxes or special assessments which are not shown as existing liens by the public records.
8. General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs): 1/2 1978 taxes paid, 1/2 \$351.46 not paid. Key #C-21727-49 & C-21727-49-2
9. Easement to City of Wichita, over the West 8 feet of the Southeast Quarter of Sec. 19-27S-2E for sewer and all other public utilities, as created by instrument filed March 6, 1962, in Book Misc. 496, Page 309.
10. Easement to City of Wichita, over a portion of captioned property, for sanitary sewer, as created by instrument filed June 25, 1954, in Book Misc. 322, Page 191, (see copy attached).
11. Easement to Kansas Gas and Electric Company, over a portion of captioned property, as created by instruments filed June 10, 1974, on Film 104, Page 1300, and Film 104, Page 1307. (see copies attached).

**URBAN EASEMENT GRANT
(UNDERGROUND)**

SE 1/4, S 19, T 27 S, R 2E ^{AV}
FILM 104 PAGE 1307

The undersigned as grantor(s) do(es) hereby grant and convey to KANSAS GAS AND ELECTRIC COMPANY, a corporation, its successors and assigns, as grantee, the right to excavate, install, lay, backfill, operate, maintain, repair, rebuild, alter and remove underground electric circuits whether single or multiple and such appurtenances as are necessary to such circuits, with rights of ingress and egress to and from the same on a tract of land in

SE 1/4 Sec. 19; Twp. 27 South, Range 2E, Sedgwick County, Kansas,

An 8 foot strip lying North of and adjacent to the north line of Lot 2, Rockwood South First Addition. Beginning 245 feet West of Northeast corner of said Lot 2 and extending to the West for a distance of approximately 97 feet to a point 108 feet East of the west line of said one quarter section.

Subst
Lot 1 - Rockwood South First Addition

SW 1/4 - 19-27-2E

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
JUN 10 1974
NO. 1 96021

Grantor(s), heirs or assigns to fully use and enjoy the said premises except for and subject to the right of the grantee for the purpose hereinbefore granted to said grantee, its successors or assigns, who by its acceptance hereof and entry upon the premises for the purpose thereof hereby agrees to pay any damages which may be caused to existing vegetation, fences and surface or underground improvements, caused by the construction, operation, maintenance, repair, rebuilding, altering or removal of the above stated equipment or its appurtenances.

Grantor(s) agree that they will not locate or permit to be located any trees, shrubbery or vines over or near enough to said line to endanger same. Grantor(s) further agree that in the event that any such trees, shrubbery or vine does become so located, the grantee may trim or remove them at its discretion. Receipt of payment of one dollar and other good and valuable considerations herefor is hereby acknowledged.

Dated this 15th day of April, 1974.

ATTEST:
Betty K. Tomlins
Notary Public

CHRYSLER REALTY CORPORATION

By: *E. W. Flynn*
E. W. Flynn,
Vice President

STATE OF MICHIGAN)
COUNTY OF OAKLAND) ss.

ACKNOWLEDGMENT FOR CORPORATION

Be it remembered that on this 15th day of April, 1974, before me the undersigned, a Notary Public, duly commissioned, in and for the county and state aforesaid, came E. W. Flynn, vice president of Chrysler Realty Corporation, a corporation of

the State of Delaware, personally known to me to be such officer, and to be the same person who executed as such officer the foregoing instrument of writing in behalf of said corporation, and he duly acknowledged the execution of the same for himself and for said corporation for the uses and purposes therein set forth.

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

My commission expires February 9, 1975

Betty K. Tomlins
Notary Public
BETTY K. TOMLINS

300 - 1974-6 - 4/20/8

TEMPORARY
URBAN EASEMENT GRANT
(UNDERGROUND)

SE 1/4, S 19, T 27 S, R 2 E

FILM 104 PAGE 1300

The undersigned as grantor(s) do(es) hereby grant and convey to KANSAS GAS AND ELECTRIC COMPANY, a corporation, its successors and assigns, as grantee, the right to excavate, install, lay, backfill, operate, maintain, repair, rebuild, alter and remove underground electric circuits whether single or multiple and such appurtenances as are necessary to such circuits, with rights of ingress and egress to and from the same on a tract of land in

SE 1/4 Sec. 19; Twp. 27 South, Range 2E Sedgwick County, Kansas,

A 15 foot strip being 7.5 feet to the right and left of the following described line: Beginning 42.5 feet North of the Northeast corner of Lot 1, Rockwood South Third Addition, thence West parallel to the south line of above described one quarter section for a distance of approximately 530 feet to a point which is at the most Northerly point of said Lot 1. This is a temporary easement and will expire upon dedication of the public street in this area.

SW-SE-19-27-2E

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
9:00 A.M.

JUN 1 0 1974
1 96014

*Robert J. McCall,
Deputy*

JOHN HALE

Grantor(s) hereby grants, conveys, transfers, conveys, assigns or assigns to fully use and enjoy the said premises except for and subject to the rights of grantee for the purpose hereinbefore granted to said grantee, its successors or assigns, who by its acceptance hereof and entry upon the premises for the use thereof hereby agrees to pay any damages which may be caused to existing vegetation, fences and surface or underground improvements, caused by the construction, operation, maintenance, repair, rebuilding, altering or removal of the above stated equipment or its appurtenances.

Grantor(s) agree that they will not locate or permit to be located any trees, shrubbery or vines over or near enough to said line to endanger same. Grantor(s) further agree that in the event that any such trees, shrubbery or vine does become so located, the grantee may trim or remove them in its discretion. Receipt of payment of one dollar and other good and valuable considerations herefor is hereby acknowledged.

Dated this 15th day of April 1974.

ATTEST:
Betty J. Tompkins
Betty J. Tompkins

CHRYSLER REALTY CORPORATION

By: *E. W. Flynn*
E. W. Flynn,
Vice President

STATE OF MICHIGAN)
COUNTY OF OAKLAND) ss.

ACKNOWLEDGMENT FOR CORPORATION

Be it remembered that on this 15th day of April 1974, before me the undersigned, a Notary Public, duly commissioned, in and for the county and state aforesaid, came E. W. Flynn, vice president of Chrysler Realty Corporation, a corporation of

the State of Delaware, personally known to me to be such officer, and to be the same person who executed as such officer the foregoing instrument of writing in behalf of said corporation, and he duly acknowledged the execution of the same for himself and for said corporation for the uses and purposes therein set forth.

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

My commission expires February 9, 1975

300 RD 48. PO Box 208 - Park Hill

Betty J. Tompkins
Notary Public
BETTY J. TOMPKINS

EASEMENT

THIS EASEMENT made this 26th day of February 19 62, by and between ROCK ROAD IMPROVEMENT, INC. of the first part and the City of Wichita, of the second part.

WITNESSETH: That the First Party, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey unto the said Second Party a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing sewer and all other public utilities, over, along and under the following described real estate situated in Sedgwick County, Kansas, to-wit:

The West 8¹/₂ feet of the Southeast Quarter (SE/4) of Section 19-27-2E lying north of US 54 Right of Way; West 8 feet of South 140 feet of North-east Quarter (NE/4) Section 19-27-2E and the West 8 feet of the following described property to-wit: Beginning at the northwest corner of Lot 1, Block I, as platted in Eastborough Fourth Addition, Sedgwick County, Kansas; thence north 30 feet, east 151 feet plus or minus to Wheeler Avenue now Armour Drive; south 30 feet, thence west to point of beginning; and the East 3 feet of the West 8 feet of Lots 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, Block A; Lots 1, 2, Block D; Lots 1 thru 7 inclusive, Block I; all in Eastborough Fourth Addition to Sedgwick County, Kansas

FILED FOR RECORD AT
MAR 6 1962
4104
P. S. DEWING
Q. B. Fuller

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

IN WITNESS WHEREOF: The said first party has signed and presents the day and year first written.

ROCK ROAD IMPROVEMENT, INC.

by U. A. Denker
U. A. Denker, President



175

MISC 496 2309

B
3400

Neal Jones
REAL ESTATE BROKER

WHE 498 7-310

STATE OF KANSAS }
COUNTY OF SEDGWICK }

SS

Personally appeared before me, a Notary
Public in and for the County and State aforesaid

U. A. Denker, President

of Rock Road Improvement, Inc., to me personally
known to be the same person who executed the foregoing
instrument of writing and said person duly acknowledged
the execution thereof.

DATED at Wichita, Kansas this 26th day
of February 19 62.



U. A. Denker
Notary Public

My Commission expires:
August 18, 1962

May 3, 1979

Mr. Michael C. Weigand
150 N. Market
Wichita, Ks. 67202

Re: Restrictive Covenants for Rockwood South 4th Addition

Dear Mr. Weigand:

Our department has reviewed the above referenced covenants which you submitted to us April 12th. Our only requirement is for a covenant stating that all owners of Lots 1 through 12, Block 1 will maintain the plant materials which are to be shown on a landscape plan for the west property line. This landscape plan has yet to be submitted or approved. Any more stringent landscape covenants or other types of covenants are, of course, allowed at the owner's option.

Unless you plan to submit a separate covenant pertaining to this west property line landscaping, another item should be added to these restrictive covenants which has the following suggested wording:

"The landscape materials on the west line of Lot 1 thru 12, Block 1, as depicted on the landscape plan approved by the Board of City Commissioners on _____, 1979, (copies of which are filed with the Director of Planning and the Superintendent of Central Inspection of the City of Wichita) shall be maintained by the respective lot owners in good condition at all times."

If you prefer to file a copy of the approved landscape plans with the Register of Deeds so that it will be readily available to all lot owners, I am sure this can be arranged. Please call if you have any questions regarding this landscape covenant or any other requirement of platting Rockwood South Fourth Addition.

Sincerely,

Louise Olivarez
Junior Planner

LO:hh

JB

J. P. WEIGAND & SONS - Realtors

ESTABLISHED 1902

COMMERCIAL / INDUSTRIAL / INVESTMENT

J. P. WEIGAND
(1873-1950)
NESTOR R. WEIGAND C.M.A. S.I.R.
JEAN PAUL WEIGAND
MICHAEL C. WEIGAND C.M.A.
NESTOR R. WEIGAND, JR. C.M.A. S.I.R.

150 North Market
Wichita, Kansas 67202
316 / 262-6404

April 12, 1979

Mr. Jack Galbraith
City of Wichita
Metropolitan Area Planning Dept.
455 N. Main
Wichita, Kansas 67202

Dear Mr. Galbraith:

These are the proposed Restrictive Covenants for Rockwood South
4th Addition for your examination and comment.

Very truly yours,

J.P. WEIGAND & SONS, REALTORS

Michael C. Weigand

MCW:lko

Enclosure



PROPERTY MANAGEMENT / COMMERCIAL & INDUSTRIAL / RESIDENTIAL SALES / SHOPPING CENTERS / COUNSELING & APPRAISING

RESTRICTIVE CONVENANTS FOR ROCKWOOD SOUTH 4th. ADDITION

1. Structures to be erected on each of the following described lots shall be situated on, or front on such street or streets contiguous to it as shall in the judgement of the owner, with written approval of the Architectural Committee, best complement the lot and surrounding area, to wit:

(The lots to be described by block and number.)

2. Each owner shall comply with the minimum front, back, and side setback requirements as shown on the recorded plat of the land covered hereby.
3. No excavations or tree removal, except such as are necessary for the construction of the "premises" shall be permitted on any lot without written premission of the "Architectural Committee of the Campbell Estate".
4. No trash, dirt, rock, or other refuse may be thrown or dumped on any lot or building site. No building material of any kind or character shall be placed or sorted upon any building site more than thirty (30) days before the commencement of construction or improvements and then such material shall be placed within the property lines of the building site upon which they are to be erected and shall not be placed in the street or between the curb and the property line.
5. No activity which may be or become a nuisance to the neighborhood shall be carried on upon any building site or in any appurtenant structure erected thereon.
6. No basement, tent, shack, garage, barn or outbuilding may be erected or placed on the sites covered by this declaration nor shall any structure of a temporary character be used without the written consent of the "Architectural Committee of the Campbell Estate".
7. No used, second-hand, or previously erected building of any kind can be moved or placed, either in section or as a whole, upon said land nor shall any trailer be moved, placed or be permitted to remain upon a building site subject to this declaration.
8. No signs, advertisements, billboards, or advertising structures of any kind may be erected or maintained on any of the building sites herein restricted without the consent, in writing, of the "Architectural Committee of the Campbell Estate".
9. Each lot owner, other than Campbell Estate, shall keep all lots owned by him and all improvements therein or thereon in good order and repair, including but not limited to the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery, and the painting (or other appropriate external care) of all buildings and other improvements, all in a manner and with such frequency as is consistent with good property management in relation to a quality commercial and office development such as will exist in the property.
10. No tree having a diameter of four (4) inches or more (measured from a point two (2) feet above ground level) shall be removed from any lot without the expressed written authorization of the "Architectural Committee of the Campbell Estate".

11. The Campbell Estate, in its discretion, may adopt and promulgate rules and regulations regarding the presence of trees and other natural resources upon the property. The Campbell Estate may designate certain trees, regardless of size, as not removable without written authorization.
12. As soon as practicable after the completion of a structure on a lot, the owner thereof shall plant a lawn and at least ___ shrubs and bushes or trees on subject lot in conformance with the landscape plan submitted by the owner prior to the beginning of construction. It is further agreed that all grass and shrub areas shall be serviced by an automatic sprinkler system wherever practicable.
13. The Campbell Estate has designated (The Law Co. Architects, or others) to serve as the architectural committee with the sole discretion of approving all building plans and/or landscape plans prior to the commencement of any structure on any lot.
14. It is the intent of the Campbell Estate that in order to maintain the attractiveness of the area that all structures shall be designed in order to not only preserve the natural landscape presently on the lot, but to shield, as much as possible, all parking areas by landscaping or other design means.
15. The Architectural Committee shall have the right to disapprove any plans and specifications submitted for any of the following reasons:
 - a. Failure of such plans or specifications to comply with any of the terms of this (CCR).
 - b. Failure to include information in such plans and specifications as may have been reasonably requested.
 - c. Objection to the exterior design, appearance (including parking areas) or materials of any proposed structure.
 - d. Incompatibility of any proposed structure with existing structures or uses upon other lots in the vicinity
 - e. Objection to the location of any proposed structure upon any lot with reference to other lots in the vicinity.
 - f. Objection to the finished grade plan (drainage) for any lot.
 - g. Objection to the color scheme, finish, proportions, style of architecture, height, bulk or appropriateness of any proposed structure.
 - h. Objection to parking areas proposed for any lot on the grounds of (1) incompatibility to proposed uses and structures on such lot or (2) the insufficiency of the size of the parking areas in relation to the proposed use.
 - i. Any other matter which in the judgement of the Architectural Committee would not be compatible with the general plan for improvements of the property.



April 12, 1979

Law/Kingdon, P.A.
Att: Robert D. Friesen
313 S. Market
Wichita, Ks. 67203

Re: S/D 79-2 - Final plat of Rockwood South 4th Addition

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on Thursday, April 12, 1979, the above-captioned plat was considered. The action of the Planning Commission was to recommend that the plat be approved as recommended by the Subdivision Committee subject to the conditions stated in our letter of April 6, 1979.

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:

- 5-29 1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- 6-4 2. 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.
- 6-4 3. Certification that all taxes due and payable for 1978 and prior years have been paid. *2nd 1/2 not paid*

Please call if you have any questions.

Very truly yours,

Jack H. Galbraith
Chief Planner

JHG:hh

cc: The Estate of James Campbell, Attention: Robert H. Johnsen
Suite 500, 828 Fort Street Mall, Honolulu, Hawaii, 96813
Phillip S. Frick, Attorney, Foulston, Siefkin, Powers &
Everhardt, 700 Fourth Financial Center, 67202

Law/Kingdon, P.A.

4-12-79

Page 2

Thomas A. Bonneville, Project Administrator, Target Stores,
777 Nicollet Mall, Minneapolis, Minnesota, 55402
Michael Weigand, 150 N. Market, 67202

April 6, 1979

Law/Kingdon, P.A.
Att: Robert D. Friesen
313 S. Market
Wichita, Ks. 67202

Re: S/D 7D-2 - Final plat of Rockwood South 4th Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, April 5, 1979, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- 6-8 ✓ A. The applicant shall guarantee the storm sewers required by his approved drainage plan. *petition*
- 6-4 ✓ B. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be utilized to minimize effects of noise pollution within any habitable structures to be built on the site.
- 6-8 ✓ C. The applicant shall guarantee the construction of a decel lane along the south side of Douglas adjacent to Lot 12. *petition*
- 6-8 ✓ D. The applicant shall guarantee the construction of sanitary sewer to serve all lots. *2 petitions*
- 6-7 ✓ E. The applicant shall guarantee the construction of City water to serve all lots.
- ✓ F. The applicant shall guarantee the paving of Armour Drive West, Willowbrook and Whittier, and shall pay the entire cost of any bridge connecting Armour Drive West and Armour Drive East. *bridge included in petition but added entirely to Rockwood South 4th* *1 petition 82%*
- ok ✓ G. The applicant has submitted a landscape plan for the planting at the west property line. However, the plan is incomplete as it does not include the names of any existing plant materials or the location of proposed fences or a reference to the proposed system of providing water to the plant *6-8*

materials. The additions shall be made to the landscape plan and revised copies shall be submitted to the Planning Department. Also a monetary guarantee in the amount of the estimated cost for installing the new plant materials, watering system, and fences shall be submitted. Final approval of the landscape plan will be by the Board of City Commissioners. A covenant to run with the land which states that all owners and future owners of Lots 1 thru 12, Block 1, Rockwood South Fourth Addition, will maintain the plant materials as specified in the approved landscape plan will be required. The applicant shall contact the Planning Department regarding this covenant.

12 copies submitted
5-15-79
#28,512-4
letter of credit

covenant submitted
6-4

H. The C.U.P. requires that "the developer shall provide an 8-0" high solid wooden fence along the west property line as depicted on the landscape plan. Such "fencing shall be installed on the property of those City of Eastborough residents who attest that they do desire such fencing prior to the time of platting." In order to determine which Eastborough properties desire to have the fencing, the applicant shall contact each Eastborough property owner adjacent to the west line of the plat and obtain from each of them a letter stating that they do or do not want fencing constructed on their property. *see letter from attorney dated 6-4-79*

OK

I. Sidewalks are required adjacent to both sides of Willowbrook and Whittier and the west side of Armour Drive West. The applicant shall submit a document to be recorded with the Register of Deeds, acknowledging that the construction of sidewalks is the responsibility of the owner of each lot when requests are made for building permits. *acknowledgment no longer necessary*

J. The platting text shall include a reference to the access controls as follows:

OK
6-8-79

Access control to Douglas over the west 150 feet of the north line of Lot 12 is hereby granted to the City of Wichita. One ingress opening to Lot 12 from Douglas in the east 60.47 feet of the north line of Lot 12 is allowed only if a savings and loan facility is constructed on Lot 12.

K. The utility easement between Lots 3 and 4 shall be relocated between Lots 4 and 5.

L. The location and design of any bridges across the drainage channel shall be approved by the Department of Public Works.

M. Construction plans for the bridges shall be submitted to Max Greene of the Flood Control Office so that he can determine the effect on the drainage flow.

N. The applicant's engineer shall contact the Planning staff about several changes to be made on the plat tracing.

OK

- O. 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 12, 1979, at 1:30 p.m. If you have any questions regarding this matter, please call.

Sincerely,

Louise Olivarez
Junior Planner

LO:bh

cc: The Estate of James Campbell, Attention: Robert H. Johnsen
Suite 500, 828 Fort Street Mall, Honolulu, Hawaii, 96813
Phillip S. Frick, Attorney, Foulston, Siefkin, Powers & Everhardt
700 Fourth Financial Center, 67202
Thomas A. Bonneville, Project Administrator, Target Stores,
777 Nicollet Mall, Minneapolis, Minn. 55402
Michael Weigand, 150 N. Market, 67202
Dean Sellers, Assistant City Engineer

SUBDIVISION REPORT

S/D NO. 79-2 Name Rockwood South Fourth Addition
 Date Application Rec'd. 1-12-79 Preliminary Approval 3-8-79
 Scheduled S/D Meeting 4-5-79

DESCRIPTION

General Location West side of Armour Drive between Kellogg and Douglas Avenue

Owner The Estates of James Campbell, Attention: Robert H. Johnsen
 Surveyor/Engineer Law/Kingdon, P.A., Attention: Robert D. Friesen
 Address 313 S. Market, Wichita, Ks. 67202 Phone 265-8584

- | | | | |
|---|---|--------------------------------------|-----------------|
| 1. Gross Acreage of Plat | <u>10+</u> | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | a. <u>785</u> R/W <u>65</u> ft. | |
| Residential | | b. <u>810</u> R/W <u>70</u> ft. | |
| Commercial | <u>3</u> | c. _____ R/W _____ ft. | |
| Industrial | | d. _____ R/W _____ ft. | |
| Other | <u>10</u> | e. _____ R/W _____ ft. | |
| Total Number of Lots | <u>13</u> | TOTAL <u>1505</u> ft. | |
| 3. Minimum Lot Frontage | <u>85</u> ft. | 8. Sidewalk adjacent to all streets? | <u>yes X no</u> |
| 4. Minimum Lot Area | <u>21,500</u> ft. | | |
| 5. Existing Zoning | <u>"IC"</u> | | |
| 6. Proposed Zoning | <u>"LC" (uses per CUP)</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) | _____ (Yes-No) | | |
| 12. City of Wichita | <u>Yes</u> ; Three-Mile Area _____ | | |

STAFF COMMENTS:

- A. The City Engineer's representative shall be prepared to comment on the applicant's drainage plan and shall state what drainage easements and/or guarantees are required.
- B. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be utilized to minimize effects of noise pollution within any habitable structures to be built on the site.
- C. The applicant shall guarantee the construction of a decel lane along the south side of Douglas adjacent to Lot 12.
- D. The applicant shall guarantee the construction of sanitary sewer to serve all lots.
- E. The applicant shall guarantee the construction of City water to serve all lots.
- F. The applicant shall guarantee the paving of Armour Drive West, Willowbrook and Whittier, and shall pay the entire cost of any bridge connecting Armour Drive West and Armour Drive East.
- G. The applicant has submitted a landscape plan for the planting at the west property line. However, the plan is incomplete as it does not include the names of any existing plant materials or the location of proposed fences or a reference to the proposed system of providing water to the plant materials. The additions shall be made to the landscape plan and revised copies shall be submitted to the Planning Department. Also a monetary guarantee in the amount of the

estimated cost for installing the new plant materials, watering system, and fences shall be submitted. Final approval of the landscape plan will be by the Board of City Commissioners. A covenant to run with the land which states that all owners and future owners of Lots 1 thru 12, Block 1, Rockwood South Fourth Addition, will maintain the plant materials as specified in the approved landscape plan will be required. The applicant shall contact the Planning Department regarding this covenant.

- H. The C.U.P. requires that "the developer shall provide an 8-0" high solid wooden fence along the west property line as depicted on the landscape plan. Such "fencing shall be installed on the property of those City of Eastborough residents who attest that they do desire such fencing prior to the time of platting." In order to determine which Eastborough properties desire to have the fencing, the applicant shall contact each Eastborough property owner adjacent to the west line of the plat and obtain from each of them a letter stating that they do or do not want fencing constructed on their property.
- I. Sidewalks are required adjacent to both sides of Willowbrook and Whittier and the west side of Armour Drive West. The applicant shall submit a document to be recorded with the Register of Deeds, acknowledging that the construction of sidewalks is the responsibility of the owner of each lot when requests are made for building permits.
- J. The one access point on Douglas at Lot 12 was provided on the C.U.P. only for a savings and loan facility which was proposed for Lot 12. The applicants have now advised the planning staff that this savings and loan facility will not be built on Lot 12. Therefore, it is recommended that the "complete access control" notation on Douglas Avenue be extended to cover the entire north line of Lot 12 and that reference to this complete access control be added to the platting's text.
- K. The applicant's engineer shall contact the Planning staff about several changes to be made on the plat tracing.
- L. Recording of the plat within 30 days after approval by the Board of City Commissioners.



LAW KINGDON, P.A.
Architects, Planners, & Engineers

313 S. MARKET PO BOX 1139
WICHITA, KANSAS 67201 (316)265-8584

TO: Wichita-Sedgwick County Planning Dept.
455 North Main
Wichita, Kansas 67201

PROJECT
ROCKWOOD SOUTH
4th Addition
Wichita, Kansas

ATTN: _____ TENANT SPACE _____

WE SEND YOU HEREWITH UNDER SEPARATE COVER

Twenty-nine (29) copies of the final Plat of the Rockwood South, 4th Addition.

Five (5) copies of the Landscape plan.

THESE ARE:

- For your review and approval. Please return _____ copies with approval or corrections noted.
- For your information. For your files.
- Reviewed for compliance with Contract Documents.
- Reviewed and required corrections noted. Send _____ sepia transparencies and _____ ozalid prints of corrected drawings.
- Revise and resubmit per required corrections. Send _____ sepia transparencies and _____ ozalid prints of corrected drawings. Send _____ copies of submittal data.
- Rejected. See Contract Documents.

Remarks: _____

By Ronald D. Miller
Ronald D. Miller, Civil Engineer
 Architects Preliminary Drawings
 Architects Drawings for Pricing
 Architects Drawings for Construction
 Tenant Drawings
 Shop Drawings
 Submittal Data
 Samples
 Plat and Landscape Plan _____

Copies To:

Date: March 26, 1979

TRANSMITTAL TR

SOCD-COIS-5 (Rev 11/77)
RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND

DATE: March 8, 1979

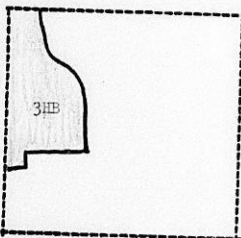
PROPERTY NAME: ROCKWOOD SOUTH 4TH ADDITION

LOCATION: West side of Armour Drive between Kellogg and Douglas Avenues

MAILED TO: Law/Kingdon, P.A.
Att: Robert D. Friesen
313 S. Market
Wichita, Kansas 67202

PREPARED BY: Larry L. Henry
District Conservationist
USDA-Soil Conservation Service
4100 Maple, Wichita, Kansas
942-8422 67209

REQUESTED BY: Wichita-Sedgwick County
Metropolitan Area Planning
Commission



Scale: 4" equals 1 mile

Situation and/or Problems:

This area is highly erosive and needs protective cover at all times. There is sink hole problems in this area.

<u>Symbols</u>	<u>Class</u>	<u>Soil</u>	<u>SOILS LEGEND</u>	<u>Brief Description</u>	<u>Hydro Group</u>
3HB	IIIe-3	Rosehill silty clay 1 to 3% slopes		Moderately deep and shallow, gently sloping, well drained soils on upland. These soils have medium to rapid runoff and low available water capacity. Permeability is slow and very slow. <u>Prime agricultural land.</u>	D

SOIL INTERPRETATIONS

<u>Symbol</u>	<u>CLASS</u>	<u>Soil</u>	<u>Area</u>	<u>Limitation</u>	<u>Reason</u>
34D	Hills-3	Residual silty clay	Dwellings	Severe	Shrink-Swell Low Strength
			Small Commercial Building	Severe	Shrink-Swell Low Strength
			Local Roads & Streets	Severe	Low Strength Shrink-Swell
			Parks & Green Area	Severe	Permeability-Slow

RECOMMENDATIONS:

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. Temporarily stabilize each segment of graded or otherwise disturbed land 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.
6. Stabilize each lot within 60 days after work starts on home or other building construction.
7. Backfill, compact, seed and mulch trenches within 60 days after they are opened.
8. If additional information or on-site assistance is needed relative to soils, seeding procedures, structure design or related problems, call this number: 316-942-8422.

If you have any questions or if we can be of additional assistance, don't hesitate to call on us.

March 9, 1979

Robert D. Friesen
Law/Kingdon, P.A.
313 South Market
Wichita, Kansas 67202

Re: S/D 79-2 - Preliminary plat of Rockwood South 4th Addition

Dear Mr. Friesen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, March 8, 1979, 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. As required on the associated C.U.P., the following access control shall be noted on the plat: "Complete access control" on Douglas at the west 150+ feet of Lot 13 and "access control except for one ingress opening" on Douglas at the east 60+ feet of Lot 13.
- B. The applicant shall guarantee the construction of a deocel lane along the south side of Douglas adjacent to Lot 13.
- C. The applicant shall guarantee the extension of sanitary sewer and City water to serve all lots.
- D. It is recommended that the east west street be labeled "Willowbrook" and the north-south street west of Armour Drive be labeled "Whittier."
- E. The applicant shall guarantee the paving of Willowbrook, Whittier, and Armour Drive West including the bridge at the south end of Lot 13.
- F. The applicant shall submit a landscape plan for the planting at the west property line. Said plans to depict existing plant material which is to remain as well as proposed plant material. The landscape plan shall be submitted prior to or at the time of submission of the final plat. Appropriate guarantees for the installation of the approved planting will be required.

Robert D. Friesen
3-9-79
Page 2

- G. The applicant shall submit an avigational easement covering all of subject property and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in any habitable structure constructed on this property.
- H. Prior to submission of a final plat, the applicant's drainage plan must be approved by the City Engineer's office. This plan should provide for the storm sewers which now end at the east line of Eastborough. Any drainage improvements required by the platting of this property shall be guaranteed by the applicant.
- I. Easements as shown on the engineer's "marked" copy of the preliminary plat shall be added to the final plat.
- J. The applicant's engineer shall contact John Quinn of Southwestern Bell regarding the possible need for wider easements.
- K. The Soil Conservation Services advises that soil conditions are unstable due to former sludge pits on the site and soil improvements should be made prior to any construction on the site.
- L. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 3 of the MAPC Subdivision Regulations.
- M. 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,

Louise Olivarez
Junior Planner

LO:bh

cc: The estate of James Campbell, Att: Robert H. Johnson, Suite 500,
828 Fort Street Mall, Honolulu, Hawaii, 96813
Phillip S. Frick, Attorney, 700 4th Financial Center, 67202
Michael Weigand, 150 N. Market, 67202
Dean Sellers, Assistant City Engineer

Preliminary plat
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 79-2 Name Rockwood South 4th Addition
Date Application Rec'd. 1-12-79 Preliminary Approval _____
Scheduled S/D Meeting 3-8-79

DESCRIPTION

General Location West side of Armour Drive between Kellogg and Douglas Avenue

Owner The Estate of James Campbell, Attention: Robert H. Johnson
Surveyor/Engineer Law/Kingdon, P.A., Att: Robert D. Friesen
Address 313 S. Market, Wichita, Ks. 67202 Phone 265-8584

- | | |
|---|---------------------------------|
| 1. Gross Acreage of Plat <u>19+</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u>785</u> R/W <u>65</u> ft. |
| Residential _____ | b. <u>810</u> R/W <u>70</u> ft. |
| Commercial <u>3</u> | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other <u>11</u> | e. _____ R/W _____ ft. |
| Total Number of Lots <u>14</u> | TOTAL <u>1595</u> ft. |
| 3. Minimum Lot Frontage <u>85</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>21,500</u> ft. | streets? <u>yes</u> X <u>no</u> |
| 5. Existing Zoning <u>LC</u> | |
| 6. Proposed Zoning <u>LC (uses per CUP)</u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) _____ (Yes-No) | |
| 12. City of Wichita <u>Yes</u> : Three-Mile Area _____ | |

STAFF COMMENTS:

- A. As required on the associated C.U.P., the following access controls shall be noted on the plat: "Complete access control" on Douglas at the west 150+ feet of Lot 13 and "Access control except for one ingress opening" on Douglas at the east 60+ feet of Lot 13.
- B. The applicant shall guarantee the construction of a decel lane along the south side of Douglas adjacent to Lot 13.
- C. The applicant shall guarantee the extension of sanitary sewer and City water to serve all lots.
- D. It is recommended that the east-west street be labeled "Willowbrook" and the north-south street west of Armour Drive be labeled "Whittier."
- E. The applicant shall guarantee the paving of Willowbrook, Whittier, and Armour Drive West including the bridge at the south end of Lot 13.
- F. The applicant shall submit a landscape plan for the planting at the west property line. Said plans to depict existing plant material which is to remain as well as proposed plant material. The landscape plan shall be submitted prior to or at the time of submission of the final plat. Appropriate guarantees for the installation of the approved planting will be required.
- G. The applicant shall submit an avigational easement covering all of subject property and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in any habitable structure constructed on this property.
- H. The applicant shall submit a lot grading and drainage plan to the City Engineer's office for review and approval and shall guarantee the drainage improvements required by the platting of this property.

T9-303

(Over)

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

February 6, 1979

Robert D. Friesen
Law/Kingdon, P.A.
313 South Market
Wichita, Kansas 67202

Re: S/D 79-2 - Sketch plat of Rockwood South Fourth Addition

Dear Mr. Friesen:

We have completed our review of the above-referenced sketch plat and find that our main concern is with the geometrics of the Armour Drive West connection to the proposed bridge and the access between Lot 13 and Armour Drive West. After discussion with the City Engineer's office and the Traffic Engineer's office, we feel that the public street right-of-way adjacent to Lots 12 and 13 probably needs to be revised. (See enclosed "marked" copy of sketch plat and the xerox copy of sample site development plan which was discussed at the hearing on the community unit plan amendment). The Traffic Engineer recommends a minimum inside pavement radius of 35 feet where Armour Drive West curves into the bridge. A 60-foot inside radius is preferred. If the south line of Lot 13 is adjusted as shown on the enclosed "marked" sketch plat, the south line of Lot 12 should also be adjusted to provide more frontage for Lot 12. We will be glad to review any proposed plans you may have for access to Lot 13 from Armour Drive and our final comments on this matter will depend upon these proposed plans.

Other comments on this sketch plan are as follows:

- A. If a savings and loan building is still anticipated for Lot 13, the following access controls shall be indicated on the preliminary plat: "Complete access control" on Douglas at the west 150+ feet of Lot 13 and "Access control except for one ingress opening" on Douglas at the east 60+ feet of Lot 13;
- B. The applicant shall guarantee the construction of a decel lane along the south side of Douglas adjacent to Lot 13.

Robert D. Friesen
2-6-79
Page 2

- C. The building setback lines specified in the approved C.U.P. shall be shown on the preliminary plat;
- D. Names for all streets, including the interior street, shall be shown on the final plat;
- E. The applicant shall guarantee the paving of Armour Drive West, including the bridge(s), as well as the interior loop street;
- F. The applicant shall guarantee the extension of sanitary sewer and City water to serve all lots;
- G. The applicant shall submit an avigational easement covering all of subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in any habitable structures constructed on subject property;
- H. The applicant shall submit a landscape plan for the planting at the west property line. Said plans to depict existing plant material which is to remain as well as proposed plant material. The landscape plan shall be submitted prior to or at the time of submission of the final plat. Appropriate guarantees for the installation of the approved planting will be required.

These are all the comments we have at this time. If you have any questions regarding these comments or wish to have a meeting to discuss the street right-of-way geometrics, please call. You are hereby authorized to prepare and submit a preliminary plat.

Sincerely,

Louise Olivarez
Junior Planner

LO:bh
Encl.

cc: (w/o enclosures) Phillip S. Frick, Attorney, 700 4th Financial Center, 67202
Robert H. Johnsen, Suite 500, 828 Fort Street Mall, Honolulu, Hawaii, 96813

FORM 29-

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Flbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT

NAME _____

ADDRESS _____

FUND _____ DUE DATE _____

COMMENTS _____

DATE _____ BY _____

Map No.: 5947
Section No.: 19
Twp. No.: 27
Range: 2E

S/D No. 79-2

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Rockwood South 4th Addition

General Location: West of Armour Drive between Kellogg Avenue and Douglas Avenue

Name of Property Owner: The Estate of James Campbell, Attn. - Robert H. Johnsen

Address: Suite 500, 828 Fort Street Mall, Honolulu, Hawaii 96813 Phone: (808) 536-2961

AGENT Name of Subdivider: Same; Phillip S. Frick Attorney, 96813, Parkton, Steffen, Powers &

Address: 700 Fourth Financial Center, Wichita, Kansas 67202 Phone: Everhardt

Name of Agent/Surveyor: Law/Kingdon, P.A., Attn. - Robert D. Friesen

Address: 313 South Market, Wichita, Kansas 67202 Phone: (316) 265-8584

Date of Application: _____

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 19⁺
2. Number of Lots:
 - Residential _____
 - Commercial 3
 - Industrial _____
 - Other 12 11
3. Total Number of Lots 14
4. Minimum Lot Frontage 85 ft.
5. Minimum Lot Area 21,500 ft.
6. Existing Zoning LC
7. Proposed Zoning LC (uses per CUP)
7. Lineal Feet of New Streets:
 - a. 785 R/W 65 ft.
 - b. 810 R/W 70 ft.
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL 1,595 ft.
8. Sidewalk adjacent to all streets? yes no
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita
11. Health Department Approval (where applicable) No (Yes-No)
12. City of Wichita Yes 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: Phillip S. Frick
Attorney and agent for property owner

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

Received by Carol Newby
Date 11/1/79
Fee Submitted non-stated



LAW KINGDON, P.A.
Architects, Planners, & Engineers

313 S. MARKET PO BOX 1139
WICHITA, KANSAS 67201 (316)265-8584

TO: Wichita - Sedgwick Co. M.A.P.C.
10th Floor, City Bldg. 455 N. Main
Wichita, Kansas 67202

PROJECT

Rockwood South 4th Addition
Wichita, Kansas

ATTN: _____ TENANT SPACE _____

WE SEND YOU HEREWITH UNDER SEPARATE COVER

One (1) completed application for subdivision approval and five (5)
prints of sketch plat.

THESE ARE:

- For your review and approval. Please return _____ copies with approval or corrections noted.
- For your information. For your files.
- Reviewed for compliance with Contract Documents.
- Reviewed and required corrections noted. Send _____ sepia transparencies and _____ ozalid prints of corrected drawings.
- Revise and resubmit per required corrections. Send _____ sepia transparencies and _____ ozalid prints of corrected drawings. Send _____ copies of submittal data.
- Rejected. See Contract Documents.

Remarks: Attorney and agent for the property owner is Phillip S. Frick with
Foulston, Siefkin, Powers & Everhardt, 700 Fourth Financial Center,
Wichita, Kansas 67202

By: *Robert Friesen*
Robert Friesen
 Architects Preliminary Drawings
 Architects Drawings for Pricing
 Architects Drawings for Construction
 Tenant Drawings
 Shop Drawings
 Submittal Data
 Samples

Copies To:
Mr. B.J. Kingdon w/encl.
Mr. Roger Mullanex w/encl.
Mr. Phillip Frick w/encl.
Mr. Mike Weigand w/encl.
Mr. Robert H. Johnsen w/encl.

Date: January 12, 1979

TRANSMITTAL TR

ACKNOWLEDGEMENT

City of _____)
County) ss
State of _____)

The undersigned, Trustees of the Estate of James Campbell, owner of
(give name of proposed plat, if appropriate) Rockwood South 4th
Addition

do hereby acknowledge that in accordance with the sidewalk policy
of the City of Wichita, construction of sidewalks is required on
the following streets within the addition:

1. Willowbrook
2. Whittier
3. Armour Drive West (west side)
- 4.
- 5.
- 6.
- 7.

*no longer
needed*

This is to place on notice all owners of lots and sub-
sequent owners thereof within said addition that as a result of
the above cited policy, said owners and subsequent owners thereof
are responsible for seeing that sidewalks are installed or guar-
anteed by cash or other acceptable financial means as a precondition
of the issuance of a building permit for all development occurring
on lots or portions thereof within Rockwood South 4th

Addition.

Signed this 29th day of May, 19 79.

Fred E. Trotter
Fred E. Trotter
H. C. Eichelberger
H. C. Eichelberger
Wade H. McVay
Wade H. McVay aka W. W. McVay

STATE OF HAWAII)
COUNTY OF Honolulu) ss: Trustees of the Estate of James Campbell

The foregoing instrument was acknowledged before me
this 29th day of May, 1979, by Fred E. Trotter
Trotter, H. C. Eichelberger, and Wade H. McVay aka
W. H. McVay, Trustees of the Estate of James Campbell.

Lidia L. Hannemann
Notary Public
State of Hawaii

My Appointment Expires:
Feb. 11, 1980

Copy for S/D 79-2
file

October 5, 1978

Mr. Phillip S. Frick
700 Fourth Financial Center
Wichita, Kansas 67202

Re: DP-12 - Proposed Amendments
to the Kellogg Mall Community
Unit Plan.

Dear Mr. Frick:

At their regular meeting of September 26, 1978, the Board of City Commissioners considered the above referenced case. Their action was to approve the CUP amendments subject to the eight conditions recommended by the Planning Commission, as well as three additional conditions included in the City Commission motion. The conditions of approval are as follows:

- a. Platting of the unplatted portions of the C.U.P. site within two (2) years of the date of approval by the Board of City Commissioners, or the amendments be considered denied and closed.
- b. The landscaping currently required by the existing C.U.P. shall be in compliance with the approved landscape plan by the end of the fall planting season, 1978. No further building or occupancy permits shall be granted on the Kellogg Mall site until such time as this requirement is complied with. "Compliance" shall mean either the actual replanting of the missing materials or a financial guarantee backed by a contract with a nurseryman be submitted to provide replanting by a specific date.
- c. Should access be granted to Parcel 6, the site circulation plan to Parcel 6 shall be submitted for approval by the Director of Planning.
- d. Approval of a landscape plan by the Board of City Commissioners depicting retention of existing plant

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materials proposed to be retained, as well as additional trees and plant materials to fill in existing gaps along the west property line of Parcels 6, 7 and 12. Said plan shall be required only if the masonry wall is waived and shall depict proposed system(s) of providing water to the plant material.

- e. The developer providing wooden or solid screen fencing adjacent to those Eastborough properties who do not currently have such fencing and desire to have such.
- f. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
- g. The development of this property proceeding in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- h. Any major changes in this development plan being re-submitted to the Planning Commission and City Commission for their consideration.
- i. All lights on Parcels 6, 7, 8, and 12 shall be shielded to reflect or direct light away from the residential structures in the City of Eastborough and on the north side of Douglas.
- j. The applicant shall guarantee at the time of platting the construction of a deceleration lane adjacent to parcel six.
- k. The City of Wichita shall have the power to terminate or close the one point of ingress from Douglas Avenue to Parcel 6 should the City determine that said access point is being used to provide egress from the site onto Douglas Avenue.

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Please note that items i, j, and k will require revision of the plan to include this wording. We have provided a "marked copy" of the plan to your planning consultant and will need five revised copies of the plan incorporating the additional conditions of approval.

Should you have questions regarding this matter, please call.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:Mf:el
Enclosure

cc: B.J.Kingdon, Law Kingdon Co.
313 S. Market, 67202 (enclosure)

Michael Weigand, 150 N. Market, 67202

Oz Stender, Estate of James Campbell,
828 Fort Street Mall, Honolulu, Hawaii

Melvin Simon and Associates, 1712 N. Meridian,
Indianapolis Ind. 46202