

POSTED 6-9-86 KB

ACTION

S/D	COMMITTEE	<u>approved</u>	DATE	<u>6/19/86</u>
	M.A.P.C.	<u>approved</u>		<u>7-10-86</u>
	B.C.C./B.C.P.C.	<u>Approved</u>		<u>7-22-86</u>

D-1381 - Ernest Doyon and Glen Rupe dedicates street right-of-way on the south side of Kellogg, in an area west of Bluff.

DEDICATION REPORT AND PROGRESS

MAP NO. 5746 D
SEC. NO. 26
TWP. NO. 27S
RANGE 1E

CASE NO.: D-1381

ASSOCIATED CASE: BZA 71-85

1. OFFER TO DEDICATE: Street right-of-way.

GENERALLY LOCATED: On the south side of Kellogg, in an area west of Bluff.

LEGALLY DESCRIBED AS:

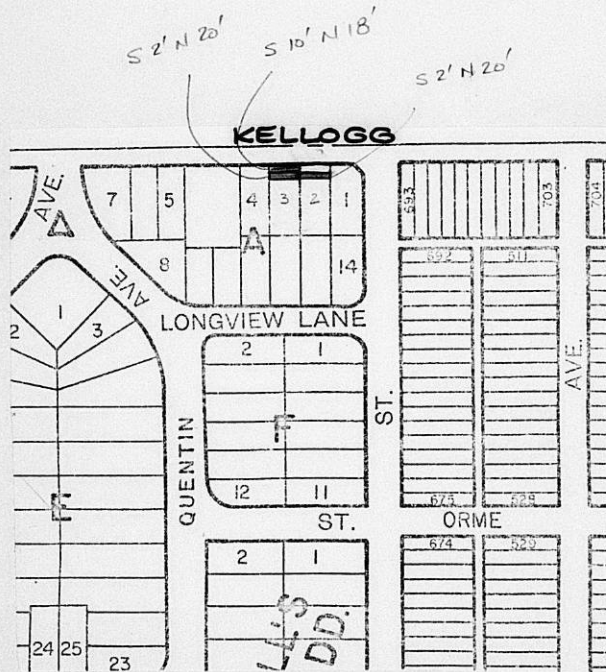
South 10 feet of the North 18 feet of Lot 3, Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas.

DEDICATED BY: Ernest Doyon and Glen Rupe

PURPOSE OF DEDICATION:

To satisfy a condition of a Board of Zoning Appeals case (BZA 71-85).

II. SKETCH.



III. FILED 6/2/86
 POSTED TO ATLAS
 S/D COMM. ACTION 6/19/86 *approved*
 M.A.P.C. ACTION 7-10-86 *approved*

B.C.C. ACTION *Approved 7-22-86*
 PLACED ON RECORD
 CITY CLERKS NO.

Planning Agenda Item # _____

City of Wichita
City Commission Meeting
July 22, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: D-1381 - DEDICATION OF ADDITIONAL STREET RIGHT-OF-WAY,
LOCATED ON THE SOUTH SIDE OF KELLOGG, IN AN AREA WEST
OF BLUFF.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Accept the dedication.

Background: Ernest Doyon and Glen Rupe are dedicating these additional street rights-of-way to satisfy a condition of approval for a Board of Zoning Appeals case.

Financial Considerations: Bill the recording costs to:
755-68-360-50000-295-000-000

Recommendations/Actions: Accept the dedication and record document.

4120/D

5746D ERNEST Doyon and Glen Rupe dedicate
26 street R.O.W contingently and outright.
275 Generally located on the south side of Kellogg
1E in an area west of Bluff.

Assoc. BZA 71-85

Bill recording costs to:

755-68-360-50000-295-000-000

Ernest Doyon and Glen Rupe are dedicating
these ~~the~~ street rights-of-way to satisfy a
condition of ~~the~~ ~~Board~~ on Board of Zoning
Appeals case (BZA 71-85)

For 6/19/86 SID meeting.

DEDICATION

" KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, ERNEST H. DOYON, SR., being the sole remaining partner of Casa Loma Properties, a general partnership, and on behalf of the said general partnership is the owner of the following described real property, to-wit:

South 10 feet of the North 18 feet of Lot 3,
Block A, Delgview Terrace Addition to Wichita,
Sedwick County, Kansas.

does hereby dedicate the above-described real estate to the public for street purposes.

Executed this 2nd day of June, 1986.

Ernest H. Doyon, Sr.
ERNEST H. DOYON, SR.

STATE OF KANSAS)
)
SEDGWICK COUNTY)

BE IT REMEMBERED that on this 2d day of June, 1986, came Ernest H. Doyon, Sr., of Casa Loma Properties, to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same on behalf of Casa Loma Properties.

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

F. Ann Carrell
NOTARY PUBLIC

My Appointment Expires:

Submitted to the Wichita-Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the city of Wichita, Kansas, and approved by said Board of Commissioners of the city of Wichita, Kansas,



This _____ day of _____, 1986

City Clerk

CONTINGENT DEDICATION

WHEREAS, GLEN N. RUPE is the owner of the following described real property, to-wit:

Lot 2, Block A, Longview Terrace Addition to
Wichita, Sedgwick County, Kansas.

and has made application to the Board of Zoning Appeals for approval of a variance on the above-described real estate; and

WHEREAS, the City of Wichita anticipates the future need for additional street right-of-way for Kellogg adjacent to said property, which additional right-of-way will include a portion of the above-described real property; and

WHEREAS, said GLEN N. RUPE desires to continue the use of said additional street right-of-way pending the requirement of the dedication as hereinafter stated:

NOW, THEREFORE, in consideration of the premises GLEN N. RUPE does hereby dedicate to the public for street purposes the following described real property, to-wit:

South 2 feet of the North 20 feet of Lot 2,
Block A, Longview Terrace Addition to Wichita,
Sedgwick County, Kansas.

The undersigned does further covenant for the consideration herein stated that in the event the City of Wichita proceeds with an improvement of Kellogg Street requiring the taking of the property herein contingently dedicated, and in the further event the undersigned shall have caused improvements to be constructed upon, over or under said property so required and so taken, the undersigned shall at his sole cost and expense remove that portion of the improvement which encompasses the South 12 feet of the North 20 feet of Lot 2, Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas, and shall further hold the City of Wichita harmless from all liability to the undersigned in the event the City of Wichita is required, by reason of applicant's failure, to remove improvements from the South 12 feet of the North 20 feet of Lot 2, Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas.

PROVIDED, HOWEVER:

1. Except as above stated, neither the public nor the City of Wichita shall be privileged nor entitled to the use of the property hereinabove dedicated for street purposes until the existing building on the property being dedicated is removed.
2. That until such time as the existing building is removed, GLEN N. RUPE and all persons claiming by, through or under him, shall be permitted the continued use of said additional right-of-way.

Upon the recording hereof, this instrument shall constitute a public dedication and a covenant running with the land binding upon GLEN N. RUPE, his heirs, successors and assigns, and all persons claiming by, through or under him, conditioned as aforesaid. Acceptance by the City of Wichita of this Contingent Dedication and the recording of same shall denote its acquiescence and agreement to all terms and provisions thereof.

IN WITNESS WHEREOF, GLEN N. RUPE has executed this instrument on this 23 day of May, 1986.

Glen N. Rupe
GLEN N. RUPE

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED that on this 23 day of May, 1986, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came GLEN N. RUPE, who is personally known to me to be the same person who executed the above foregoing instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my name and affixed my Notarial Seal on the day and year last above mentioned.

MARCIA SPICER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 10-17-89

Marcia Spicer
Notary Public

My Appointment expires:

IN WITNESS WHEREOF, CAROLINE W. RUPE, wife of GLEN N. RUPE has executed this instrument on this 23 day of May, 1986.

Caroline W. Rupe
CAROLINE W. RUPE

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

BE IT REMEMBERED that on this 23 day of May, 1986, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came CAROLINE W. RUPE, who is personally known to me to be the same person who executed the above foregoing instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my name and affixed my Notarial Seal on the day and year last above mentioned.

MARCIA SPICER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 10-17-89

Marcia Spicer
Notary Public

My Appointment expires: 10-17-89

CONTINGENT DEDICATION

WHEREAS, ERNEST H. DOYON, SR., being the sole remaining partner of Casa Loma Properties, a general partnership, and on behalf of the said general partnership is the owner of the following described real property, to-wit:

Lot 3, Block A, Longview Terrace Addition to
Wichita, Sedgwick County, Kansas.

and has made application to the Board of Zoning Appeals for approval of a variance on the above-described real estate; and

WHEREAS, the City of Wichita anticipates the future need for additional street right-of-way for Kellogg adjacent to said property, which additional right-of-way will include a portion of the above-described real property; and

WHEREAS, said ERNEST H. DOYON, SR., desires to continue the use of said additional street right-of-way pending the requirement of the dedication as hereinafter stated:

NOW, THEREFORE, in consideration of the premises ERNEST H. DOYON, SR., does hereby dedicate to the public for street purposes the following described real property, to-wit:

South 2 feet of the North 20 feet of Lot 3,
Block A, Longview Terrace Addition to Wichita,
Sedgwick County, Kansas.

The undersigned does further covenant for the consideration herein stated that in the event the City of Wichita proceeds with an improvement of Kellogg Street requiring the taking of the property herein contingently dedicated, and in the further event the undersigned shall have caused improvements to be constructed upon, over or under said property so required and so taken, the undersigned shall at his sole cost and expense remove that portion of the improvement which encompasses the South 12 feet of the North 20 feet of Lot 3, Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas, and shall further hold the City of Wichita harmless from all liability to the undersigned in the event the City of Wichita is required, by reason of applicant's failure, to remove improvements from the South 12 feet of the North 20 feet of Lot 3, Block A, Longview Terrace Addition to Wichita, Sedgwick County, Kansas.

PROVIDED, HOWEVER:

1. Except as above stated, neither the public nor the City of Wichita shall be privileged nor entitled to the use of the property hereinabove dedicated for street purposes until the existing building on the property being dedicated is removed.
2. That until such time as the existing building is removed, ERNEST H. DOYON, SR., and all persons claiming by, through or under him, shall be permitted the continued use of said additional right-of-way.

Upon the recording hereof, this instrument shall constitute a public dedication and a covenant running with the land binding upon ERNEST H. DOYON, SR., his heirs, successors and assigns, and all persons claiming by, through or under him, conditioned as aforesaid. Acceptance by the City of Wichita of this Contingent Dedication and the recording of same shall denote its acquiescence and agreement to all terms and provisions thereof.

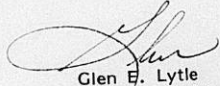
WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: June 4, 1986

TO: Forrest L. Nagley, Senior Planner
FROM: Glen E. Lytle, Special Assistant for Zoning
SUBJECT: BZA 71-85

Attached is the original of the additional street dedication and two contingent dedications for street right-of-way that have been submitted as a condition to a variance granted by the Board of Zoning Appeals on March 25, 1986.

Please process these dedications and see that they are filed of record.


Glen E. Lytle
Special Assistant for Zoning

Attachment