

ACTION

COMMITTEE	DATE
M.A.P.C.	2-17-66
<i>Approved</i>	
<i>subject to conditions</i>	
B.C.C.	5-17-66
<i>Approved</i>	
<i>recommended</i>	

Closed 5-17-66

B C C Revised & Filed
Severable Feeding Order 9-4-73

DP-11 - Commercial Development Plan
for the northeast corner of Tyler Rd.
Central - Ed Neville - Owner

Map No. E-OW DATA SHEET DP- 11
 Sec. 16 COMMUNITY UNIT PLAN Z-
 Twp. 27S Filed 12-20-65
 Range 1W

APPLICATION REQUEST: Approval of proposed planned commercial development.

1. Applicant Ed Neville
 Address 127 South Fern Phone _____
2. Agent Robert H. Nelson
 Address 816 Union Center Bldg. Phone AM 2-3777
3. General Location Northeast corner of Tyler Road and Central
 Address _____
4. Proposed Use _____

AREA DATA

1. Acres _____ (_____ ft. by _____ ft.)
2. Existing Zoning "LC" Proposed Zoning "LC"
3. Area ~~is~~ (is not) platted. (Tyler Acres 2nd Addition) Addition
4. Existing R/W 30 ft. 30 ft. _____ ft.
Central St. Tyler Road St. _____ St.
 Proposed R/W 50 ft. 50 ft. _____ ft.
Central St. Tyler Road St. _____ St.

HISTORY

S/D 65-89 - Tyler Acres 2nd Addition

PROCEDURE DATA

1. MAPC Meeting:
 Date 2-3-66 2-17-66 Action Approved subject to conditions
2. Governing Body
 Date 5-19-66 Action Approved as recommended by PC

NOTES:



Wichita State Bank
... where the Customer is King

October 20, 1978



Ms. Louise Olivarez, Jr. Planner
Metropolitan Area Planning Commission
City Hall - Tenth Floor
455 North Main Street
Wichita, Kansas 67202

RE: Irrevocable letter of credit guaranteeing construction of a wall on Parcel 3 of a Community Unit Plan at the northeast corner of Central and Tyler (DP-11)

Dear Ms. Olivarez:

This letter will confirm my conversation with you concerning our Irrevocable Letter of Credit issued in behalf of Edward T. Neville on the above referenced project.

I have had no conversation with Mr. Neville, and since he is no longer a customer of our bank, we do not wish to continue this letter of credit or issue a new one for a larger amount.

If you are requiring sixty days notice, please use this letter as notice.

If you have any further questions, please contact me immediately.

Yours truly,

Wm. Glea Rittgers
Sr. Vice President

WGR/lma

cc: Mr. Edward T. Neville, 9625 Maple, Wichita, 67204

WICHITA-SEDGWICK COUNTY

DATE 9-20-78

METROPOLITAN AREA PLANNING DEPARTMENT

TO DP-11 file
FROM Louise Olivarez, Jr. Planner
SUBJECT Letter of credit expiration

In response to my letter of 9-18-78, Mr. Ritzgers of Wichita State Bank called to say that as far as he and the bank's attorney were concerned, the letter of credit had expired on 8-29-78. I asked him if he had notified the City Manager 60 days in advance of the expiration as specified in the letter of credit and he said "no." He added that Mr. Neville had closed his account at Wichita State Bank soon after the letter was issued in 1973 and had paid no fees on the letter.

September 18, 1978

Mr. Edward T. Neville
9625 Maple
Wichita, Kansas 67209

Re: Irrevocable letter of credit guaranteeing construction
of a wall on Parcel 3 of a Community Unit Plan at the
northeast corner of Central and Tyler (DP-11)

Dear Mr. Neville:

In 1973, you submitted to the City of Wichita a letter of credit guaranteeing the construction of a 6-foot masonry wall along the north and east side of Parcel 3 of the Commercial Community Unit Plan at the northeast corner of Central and Tyler. This Parcel 3 corresponds to Lot 1 of Tyler Acres 4th Addition. The wall was to commence within one week after notice to you that a residential building permit had been issued on the adjacent property. No residential building permit has yet been issued.

The letter of credit was to continue for a period of five years (until August 29, 1978) and the bank was to give notice to the City Manager sixty days in advance of the expiration of this letter of credit. As no notice has been received, we understand that the letter of credit is still valid.

Since the actual wall construction has not been required because no residential development has yet occurred on the adjacent property, the letter of credit needs to be extended for an additional period of time. A construction company has furnished us with an updated cost estimate of \$40,000.

Please submit to our office a new letter of credit or other type of guarantee in the amount of \$40,000. As soon as this new guarantee is accepted, the current letter of credit will be released.

Edward T. Neville
September 18, 1978
Page 2

If I can be of assistance to you in this matter, please call me
at 268-4421.

Sincerely,

Louise Olivarez
Junior Planner

LO:bh

cc: Wm. Glea Rittgers, Wichita State Bank, 711 W. Douglas, 67213

May 3, 1976

Mr. Edward T. Neville
127 South Fern *4625 Maple*
Wichita, Kansas 67203 *67209*

Dear Mr. Neville:

I attempted to call you Monday to advise you on your Community Unit Plan, but received no answer. I have had our people look at the Community Unit Plans now outstanding on the southeast and the southwest corners of Tyler and Central, as well as the one existing on your property. All of them, except for the corner parcels where there is a 35-foot setback (as does yours), have a 100-foot setback from Central and Tyler. No administrative interpretations have been granted deviating from those particular setbacks.

It would appear to me that a reduction of some 20% to the 100-foot setback would be inappropriate for me to do at this time as an administrative process. It would seem to me that this degree of deviation from what the governing body and the Planning Commission have set as appropriate policy, would be beyond the realm of an administrative adjustment. If we were just going to be ticking the corner of an area or 5 or so feet over the edge for expansion of an existing facility, etc., I think this is the type of thing that the administrative interpretation was designed for.

It is my recommendation that if you desire to proceed with putting buildings closer along Tyler Road than the Community Unit Plan provides, you should provide us the proposed amendment, together with the appropriate notification list. Please contact Jack Galbraith of our department for assistance in filing such an application.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:ber

September 5, 1973

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

DP-11 - Community Unit Plan
Edward T. Neville, Owner

As you will recall, on August 16, 1973, with Robert A. Lakin, you cosigned a letter to Robert H. Nelson concerning the above captioned CUP. The letter was pertaining to Mr. Nelson's request for an administrative interpretation relative to a required wall on the north and east sides of the property in question, being constructed prior to the issuance of building permits on Parcel #3. The letter stated that both of you would make a satisfactory interpretation provided that a satisfactory cash guarantee in the amount of \$22,000.00 was submitted.

This is to advise you that an "Irrevocable Letter of Credit" in the amount of \$22,000.00 was submitted and received and filed by the Board of City Commission at the regular meeting of September 4, 1973; therefore, your files should be marked accordingly and a guarantee has been submitted which provides that the wall will begin to be constructed within one week after notice to the owner that a residential building permit has been issued to the north and east of Parcel #3.

If you have any questions concerning this matter, please contact our office.

JHG:rw

cc: Robert H. Nelson, Suite 630, 200 West Douglas, 67202

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 30, 1973

TO Ralph Wulz, City Manager
FROM Robert A. Lakin, Director of Planning *RL*
SUBJECT DP-11 - Community Unit Plan
Edward T. Neville, Owner

Robert H. Nelson, attorney for Mr. Edward Neville, recently submitted a letter to me requesting an administrative interpretation concerning one of the required conditions associated with the above-captioned CUP. This CUP, located at the north-east corner of Tyler Road and Central, was approved by the Board of City Commissioners on May 17, 1966 and one of the conditions required that, upon the issuance of any building permit on Parcel #3, a six-foot solid or semi-solid masonry wall shall be constructed along the north and east property lines and the wall is to be reduced from six feet to three feet within 25 feet of the right-of-way lines of Tyler Road and Central Avenue.

In accordance with the standard condition that, "development shall proceed in accordance with the development plan as approved by the City 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," Mr. Nelson has requested an administrative interpretation as to the timing of construction and, as his letter states, he desires that the wall not be required until residential usage is made on the property to the north and east of the approved CUP, which is also owned by his client, Mr. Neville.

Based on the request, we contacted Mr. Feldner, and after reviewing this request, and considering the adjacent area which is agriculture, we agreed that, provided a satisfactory cash guarantee was submitted which guarantees the construction of the wall in the event residential development occurs, a favorable interpretation regarding the construction of the wall would be made (see attached letter to Mr. Nelson), by adding the following to General Provision #6:

"or a satisfactory cash guarantee, in the amount of \$22,000 shall be filed to guarantee the construction of the wall to begin within one week after notice to the owner, Edward T. Neville, that a residential building permit has been issued to the north or east of Parcel #3."

Page 2 - Ralph Wulz
August 30, 1973

In accordance with this determination, an "Irrevocable Letter of Credit" in the amount of \$22,000 has been submitted. It is recommended that consideration of this letter of credit be placed on the City Manager's agenda for September 4, 1973, with the suggested action being to "Receive and File".

Please contact either me or Jack Galbraith if you have any questions on this matter.

RAL:JHG:ber

Attachment

cc: City Commission, w/a
John Dekker, w/a
Robert Feldner, Supt. of Central Inspection
Robert H. Nelson, Attorney, Suite 630, 200 W. Douglas 67202

August 30, 1973

Ralph Wulz, City Manager

Robert A. Lakin, Director of Planning

DP-11 - Community Unit Plan
Edward T. Neville, Owner

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In accordance with the standard condition that, "development shall proceed in accordance with the development plan as approved by the City 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," Mr. Nelson has requested an administrative interpretation as to the timing of construction and, as his letter states, he desires that the wall not be required until residential usage is made on the property to the north and east of the approved CUP, which is also owned by his client, Mr. Neville.

Based on the request, we contacted Mr. Feldner, and after reviewing this request, and considering the adjacent area which is agriculture, we agreed that, provided a satisfactory cash guarantee was submitted which guarantees the construction of the wall in the event residential development occurs, a favorable interpretation regarding the construction of the wall would be made (see attached letter to Mr. Nelson), by adding the following to General Provision #6:

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Please contact either me or Jack Galbraith if you have any questions on this matter.

RAL:JHG:ber

Attachment

cc: City Commission, w/a
John Dekker, w/a
Robert Feldner, Supt. of Central Inspection
Robert H. Nelson, Attorney, Suite 630, 200 W. Douglas 67202

IRREVOCABLE LETTER OF CREDIT

NO. 147

Wichita State Bank
(name of bank)

August 29
~~September~~, 1973

CITY OF WICHITA
WICHITA, KANSAS

Re: DP-11 - Community Unit Plan
Edward T. Neville, owner

Gentlemen:

On behalf of the owners Edward T. Neville and Rita A. Neville of the land covered by the above Community Unit Plan we hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$22,000.00 for the account of Edward T. Neville and Rita A. Neville, husband and wife, owners of the property covered by the above Community Unit Plan to be accepted by your signed statement that drawing of the above amount is due to default or failure to perform by Edward T. and Rita A. Neville the following improvements, to-wit:

1. "The construction of a 6 foot solid or semi-solid masonry wall along the North and East property lines of the property involved in the above Community Unit Plan. Said wall to be reduced from 6 foot to 3 foot within 25 feet of the right-of-way line of Tyler Road and Central Avenue."

The above credit is to guarantee that construction of the above wall will be commenced within one week after notice to the owner, Edward T. Neville, that a residential building permit has been issued on land owned as of this date by Mr. and Mrs. Neville to the North or East of the parcel of land now covered by the Community Unit Plan.

It is understood by the bank that this letter of credit is to continue for a period of five (5) years from the above date, and that the bank shall give notice of the expiration sixty (60) days in advance thereof to the City Manager of the City of Wichita, Kansas.

It being further understood by the bank if a light commercial classification is obtained to the North or East of the present property that a new Community Unit Plan or an ammended Community Unit Plan will be filed and if approved then this irrevocable letter of credit shall thereupon terminate.

If the wall above referred to is constructed by Mr. and Mrs. Edward T. Neville in accordance with the above then this letter of credit shall also terminate.

If the Superintendent of Central Inspection shall notify the Director of MAPC that the improvements have been timely completed thereupon this credit shall terminate.

All drafts drawn thereunder must be marked: "Drawn under _____ Wichita State Bank _____, Credit No. _____
(Name of bank)
_____147_____, dated August 29, 1973 _____.

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

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

We hereby agree with the drawers, endorsers and bonafide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before five (5) years from the above date or an extension granted by

Wichita State Bank
(Bank)

Very truly yours,

Wichita State Bank
(Name of Bank)

By: *Wm. Glea Rittgers*
(Authorized signature)
Wm. Glea Rittgers
Senior Vice President



August 16, 1973

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

RE: DP-11 Community Unit Plan
Edward T. Neville, Owner

Dear Mr. Nelson:

We have reviewed your letter of request with Robert Feldner of Central Inspection. Specifically, you have requested that General Provision #6 be amended to not require the construction of the wall until such time as the land to the north and east is developed for residential purposes. Provision #6 reads as follows:

"Upon the issuance of any building permit on Parcel #3, a six foot solid or semi solid masonry wall shall be constructed along the north and east property lines and the wall is to be reduced from six feet to three feet within 25 feet of the right-of-way lines of Tyler Road and Central Avenue."

Based on the fact that the land to the north and east is used for agricultural purposes, we agree that it is not necessary, at this time, to construct the wall; however, it is our determination that, in lieu thereof, a satisfactory cash guarantee must be submitted which guarantees the construction of the wall in the event residential development occurs. Provided that such a guarantee is submitted, we are agreeable to making a favorable interpretation regarding the construction of the wall by adding the following to General Provision #6:

"or a satisfactory cash guarantee, in the amount of \$22,000, shall be filed to guarantee the construction of the wall to begin within one week after notice to the owner, Edward T. Neville, that a residential building permit has been issued to the north or east of Parcel #3."

Mr. Robert H. Nelson
Page 2

An acceptable guarantee such as an irrevocable letter of credit, performance bond, or cashier's check would be acceptable. Sample forms are enclosed for both the letter of credit and the performance bond. If either is used, I would think that it should be continuous and not the type that expires in two years and where they have to keep being extended or renewed.

Upon receiving an acceptable guarantee, we will make the appropriate notation on the official copies of CUP DP-11.

Please contact me if you have any questions.

Sincerely,

Robert A. Lakin
Director of Planning

Approved by:



Robert Feldner
Superintendent of Central Inspection

RAL:rw
cc: Robert Feldner

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

AUSTIN M. COWAN (1885-1949)

W. A. KAHRS

ROBERT H. NELSON

H. W. FANNING

RICHARD C. HITE

DARRELL C. KELLOGG

RICHARD L. HONEYMAN

LARRY A. WITHERS

GARY A. WINFREY

SUITE 630 - 200 WEST DOUGLAS AVENUE

WICHITA, KANSAS 67202

August 14, 1973

AREA 316
262-3777

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

Attention: Robert Lakin, Director

DP-11

Re: CUP - Edward T. Neville, owner

Dear Bob:

There has been a community unit plan filed by Edward Neville on the property located at the Northeast corner of Central Avenue and Tyler Road. One of the general provisions is #5, " a six foot solid or a semi-solid masonry wall shall be constructed along the North and East property lines *** ". A portion of the property under the CUP has been platted as Tyler Acres Fourth Addition. This addition still leaves considerable property to the North and East of the Tyler Acres Fourth Addition.

It is contemplated that a Safeway store will be constructed on Tyler Acres Fourth Addition within the very near future.

To the East and North of Safeway store is farmland. No additional usage of this property is being had other than for farming purposes. It is contemplated that additional light commercial will be requested for both North and East of the community unit plan and Tyler Acres.

I am requesting that the masonry wall, as provided for in the CUP, be changed to read so that until residential usage is made to the property to the North and East of CUP that the wall be not required to be constructed.

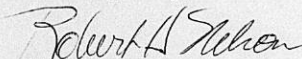


Metropolitan Area Planning Commission
August 14, 1973
Page -2-

I believe this is a matter that you as director of the Planning Department could waive so that it would not be necessary to construct the wall at this time. If at a later date usage of the adjacent property under the CUP would be for residential purposes then the wall should be constructed.

This is quite an additional expense and should not be required under the situation as it exists. Would you please advise?

Yours very truly,



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

RHN/cl

May 18, 1966

Glen Lytle, Superintendent of Central Inspection
Jack H. Galbraith, Senior Planner, Regulations Division

DP-11 - Commercial Community Unit Plan for Shopping Center
at the Northeast Corner of Tyler Road and Central

On May 17, 1966, the Board of City Commissioners considered the commercial Community Unit Plan at the northeast corner of Tyler Road and Central. The action of the City Commission was to approve the development plan as recommended by the Planning Commission subject to the following conditions:

1. Item 6 under General Provisions should be changed to read as follows:

"6. Upon the issuance of any building permit on Parcel #3, a 6-foot solid or semi-solid masonry wall shall be constructed along the north and east property lines and the wall is to be reduced from 6 feet to 3 feet within 25 feet of the right-of-way lines of Tyler Road and Central Avenue."
2. The access point in front of the existing liquor store on Parcel #1 shall be removed when two access points are developed on Parcel #2.
3. The north access point to Tyler Road on Parcel #1 shall be removed when the access point is developed directly north of Parcel #1.
4. The development of this property shall proceed in accordance with the development plan as approved by the City 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.

Glen Lytle
Superintendent of Central Inspection

2

May 18, 1966

5. Any major changes in this development plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.

Attached for your information and files is a copy of the approved community unit plan.

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

JHG:bgs

Attachment

cc: Mr. Ed Neville
127 South Fern

Mr. Robert H. Nelson
816 Union Center Bldg.

Mr. Herbert L. Berger
2206 East Douglas

Betty

May 3, 1966

Mr. Robert H. Nelson, Attorney
816 Union Center Building
Wichita, Kansas

Dear Mr. Nelson:

I reviewed the proposed contingent dedication from the Nevilles and feel that part of the language setting forth the contingencies should be reworked. More specifically, I believe the dedication should become effective at anytime the service station operation is removed. This would be either through voluntary removal or destruction or loss due to fire, windstorm or flooding. In line with this, I would like for your clients to consider making the following changes:

Page 1 - third line from the bottom following the word "present", add "structures and"

Page 2 - third line from the top, change to read as follows:
"to or removal of the said improvements,"

Fourth line from the top - delete,

Fifth line from the top, change to read: "this dedication shall take full force and"

Sixth line from the top, delete all but the word "effect"

Seventh line from the top, - delete,

Eighth line from the top - Delete the first part thereof so that it reads "It is understood".

If you will let Jack or Ron know the feelings of your client as to

Mr. Robert H. Nelson, Attorney
May 3, 1966

this matter, we will be able to place this item on the City
Commission agenda. We would like to know sometime prior to
Thursday noon.

Sincerely,

Robert A. Lakin
Assistant Planning Director

RAL:ber

Report from the MAPC to the Board of City Commissioners

Case No. DP-11

Considered by M.A.P.C. 2-17-66

Request for: **Approval of Commercial Community Unit Plan**

Reason for request (as provided by petitioner):

Not Applicable

Location of property: **Northeast corner of Tyler Road and Central**

Legal description of property:

The south 600 feet of the west 600 feet of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, Township 27, Range 1 West.

Petitioner: **Ed Neville**

Address: **127 South Fern, Wichita, Kansas**

Counsel for petitioner: **Robert H. Nelson, Attorney**

Protesters (list counsel, if any): **None**

Surrounding zoning: **To the north, east and south is "AA"; west is "LC"**

Land use: **Subject property is occupied by a liquor store, service station and vacant; north is vacant and a church; east is vacant, south is vacant and west is the 4-H Club Building**

Planning Commission recommendation:

WINSBY moved and DUGAN seconded that the Planning Commission recommend to the City Commission that this application be approved, subject to the following: (See attached sheet)

Respectfully submitted,

Vote of Planning Commission Unanimous

Secretary

ACTION: 1. Approve the recommendation of the Metropolitan Area Planning Commission; or 2. Return the application to the Metropolitan Area Planning Commission for its reconsideration. The City Commission states the following reasons for its action:

Conditions to Approval:

1. Item 6 under General Provisions should be changed to read as follows:
 6. Upon the issuance of any building permit on Parcel #3, a six-foot solid or semi-solid masonry wall shall be constructed along the north and east property lines and the wall is to be reduced from six feet to three feet within 25 feet of the right-of-way lines of Tyler Road and Central Avenue.
2. The access point in front of the existing liquor store on Parcel #1 shall be removed when two access points are developed on Parcel #2.
3. The north access point to Tyler Road on Parcel #1 shall be removed when the access point is developed directly north of Parcel #1.
4. The development of this property shall proceed 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.
5. Any major changes in this Development Plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.

EXCERPT FROM PLANNING COMMISSION MINUTES OF FEBRUARY 17, 1966:

"20. DP-11 - Ed Neville requests approval of a Preliminary Development Plan for a shopping center on property described as the south 600 feet of the west 600 feet of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, Township 27, Range 1 West. Generally located at the northeast corner of Tyler Road and Central.

GALBRAITH pointed out the area on the map and reviewed the following staff report.

Comments

1. As a requirement under the CUP provisions, a preliminary development plan has been submitted for review. The development plan indicates the required information pertaining to gross area, maximum building coverage, proposed general uses, maximum curb cuts, sign controls, minimum building setbacks and screening controls.
2. When the applicant first submitted his preliminary development plan, the various indicated parcels and the purpose of CUP regulations to promote well organized shopping centers, were discussed at some length. This plan is somewhat of an improvement over the original, however, in the opinion of the staff, it still does not reflect the purpose and intent of the CUP regulations concerning parceling. This tract, less than 7 acres, is small compared to other shopping centers and to permit parceling along the major street tends to lead to strip development. Since the service station and liquor store already exist on Parcel #1, the establishment of Parcel #2 limits the frontage for the shopping center. Parcel #1 and Parcel #2 represent more of a strip commercial type development than shopping center and it was suggested that, if the applicant

desires to develop the frontage along Tyler and Central, then the best solution might be to plat lots of 200-foot depths along both streets and rezone the remainder back to a residential classification.

3. The proposed use in Parcel #2 is a drive-in restaurant. This is not a use generally compatible with shopping center facilities but is usually found in strip commercial developed areas. The applicant is requesting two curb cuts on this parcel and again, this reflects the type of development usually found in strip development rather than shopping centers.
4. Condition #6 under General Provisions should be clarified to indicate a specific time when the wall is to be constructed. It is the opinion of the staff that at such time as development occurs on Parcel #3, the wall should be constructed.
5. The "LC" zoning already exists for the area included in the Development Plan and a preliminary plat (S/D 65-89 - Tyler Acres 2nd Addition) has been submitted.

Recommendation

The Planning Department recommends that the Development Plan be approved with the understanding that such approval is given on the basis that this tract of land is under one ownership and control, and is in accordance with the intent of Section 28.04.190, of the ordinance to promote well-planned and well-organized shopping centers. It is further recommended that approval of the plan be given subject to the following conditions:

1. Item 6 under General Provisions should be changed to read as follows:
 6. Upon the issuance of any building permit on Parcel #3, a six-foot solid or semi-solid masonry wall shall be constructed along the north and east property lines and the wall is to be reduced from six feet to three feet within 25 feet of the right-of-way lines of Tyler Road and Central Avenue, and further, the construction of said fence shall be completed prior to the occupancy of any structure on Parcel #3.
2. Parcel #2 should be deleted and its area incorporated in what is designated as Parcel #3, and the 100-foot setback shall be extended west to within 35 feet of Parcel #1 and then north to connect with the existing setback line.
3. The maximum number of access points along Central Avenue shall be reduced from 5 to 4.
4. The development of this property shall proceed 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.
5. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.

ROBERT H. NELSON, Attorney for the applicant, indicated general agreement with the suggestions of the Planning Department, except that they intend to construct a drive-in restaurant on what is now designated as Parcel #2, and if it becomes a part of Parcel #3, then they would be required to construct the wall around the entire perimeter of the 6.94 acres at that time.

GALBRAITH pointed out that 4 curb cuts within 300 feet on the south of Parcels #1 and #2 have not been permitted on other similar community unit plans. There was discussion concerning the number of curb cuts and whether or not each use proposed on the frontage of subject property should be permitted a curb cut. GALBRAITH pointed out that because of the location of the existing service station, additional half-street right-of-way above 50 feet cannot be acquired at this intersection.

It was suggested that the north entrance to the service station along Tyler Road could be moved farther north and eliminate one access point so that there would be only 3 access points rather than 4 on Tyler Road.

No one appeared in opposition.

GALBRAITH pointed out that any approval or action at this time should be withheld until such time as the zoning ordinance is amended to provide for City Commission approval of Community Unit Plans.

MOTION: WINSBY moved, DUGAN seconded and it carried unanimously that this application be approved subject to the following conditions:

1. Item 6 under General Provisions should be changed to read as follows:
 6. Upon the issuance of any building permit on Parcel #3, a six-foot solid or semi-solid masonry wall shall be constructed along the north and east property lines and the wall is to be reduced from six feet to three feet within 25 feet of the right-of-way lines of Tyler Road and Central Avenue.
2. The access point in front of the existing liquor store on Parcel #1 shall be removed when two access points are developed on Parcel #2.
3. The north access point to Tyler Road on Parcel #1 shall be removed when the access point is developed directly north of Parcel #1.
4. The development of this property shall proceed 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.
5. Any major changes in this Development Plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.

It was also agreed that this recommendation would not be forwarded to the City Commission until such time as the zoning ordinance has been amended to provide that the City Commission have final approval of Community Unit Plan developments."

**WYCHITA-SEDERWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION**

DATE: February 17, 1966

Case No. DP-11

Request: Approval of a Shopping Center under the Community Unit Plan provisions of the ordinance

Location: Northeast corner of Tyler and Central

Acres: 6.94

Size: 550 ft. by 550 ft.

	Land Use	Zoning
Existing	Liquor store, service station and vacant	"LC"
North	Vacant - Church	"AA"
East	Vacant	"AA"
South	Vacant	"AA"
West	4-H Club Building	"LC"

Platted or Unplatted

Existing R/W - Tyler - half 30 ft.

Proposed R/W - Tyler - half 50 ft.

Existing R/W - Central - half 30 ft.

Proposed R/W - Central - half 50 ft.

History: N/A

Comments

- As a requirement under the CUP provisions, a preliminary development plan has been submitted for review. The development plan indicates the required information pertaining to gross area, maximum building heights, maximum building coverage, proposed general uses, maximum curb cuts, sign controls, minimum building setbacks and screening controls.
- When the applicant first submitted his preliminary development plan, the various indicated parcels and the purpose of CUP regulations to promote well-organized shopping centers, were discussed at some length. This plan is somewhat of an improvement over the original, however, in the opinion of the staff, it still does not reflect the purpose and intent of the CUP regulations concerning parceling. This tract, less than 7 acres, is small compared to other shopping centers and to

Page 2 - Case No. DP-11
February 17, 1966

permit parceling along the major street tends to lead to strip development. Since the service station and liquor store already exist on Parcel #1, the establishment of Parcel #2 limits the frontage for the shopping center.

Parcel #1 and Parcel #2 represent more of a strip commercial type development than shopping center and it was suggested that, if the applicant desires to develop the frontage along Tyler and Central, then the best solution might be to plat lots of 290-foot depths along both streets and rezone the remainder back to a residential classification.

3. The proposed use in Parcel #2 is a drive-in restaurant. This is not a use generally compatible with shopping center facilities but is usually found in strip commercial developed areas. The applicant is requesting two curb cuts on this Parcel and again, this reflects the type of development usually found in strip development rather than shopping centers.
4. Condition #6 under General Provisions should be clarified to indicate a specific time when the wall is to be constructed. It is the opinion of the staff that at such time as development occurs on Parcel #3, the wall should be constructed.
5. The "LC" zoning already exists for the area included in the Development Plan and a preliminary plat (S/D 65-89 - Tyler Acres 2nd Addition) has been submitted.

Recommendation

The Planning Department recommends that the development plan be approved with the understanding that such approval is given on the basis that this tract of land is under one ownership and control, and is in accordance with the intent of Section 28.04.190, of the Ordinance to promote well-planned and well-organized shopping centers. It is further recommended that approval of the plan be given subject to the following conditions:

1. Item 6 under General Provisions should be changed to read as follows:
 6. Upon the issuance of any building permit on Parcel #3, a six-foot solid or semi-solid masonry wall shall be constructed along the north and east property lines and the wall is to be reduced from six feet to three feet within 25 feet of the right-of-way lines of Tyler Road and Central Avenue,

Page 3 - Case No. DP-11
February 17, 1966

and further, the construction of said fence shall be completed prior to the occupancy of any structure on Parcel #3.

2. Parcel #2 should be deleted and its area incorporated in what is designated as Parcel #3, and the 100-foot setback shall be extended west to within 35 feet of Parcel #1 and then north to connect with the existing setback line.
3. The maximum number of access points along Central Avenue shall be reduced from 5 to 4.
4. The development of this property shall proceed 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.
5. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.

February 22, 1966

Mr. Ed Neville
127 South Fern
Wichita, Kansas

Subject: DP-11 - Community Unit Plan for
Shopping Center at the northeast corner
of Tyler Road and Central

Dear Mr. Neville:

Our letter dated February 21, 1966, regarding action on the above captioned case was incomplete as to the Planning Commission action. The Planning Commission approved the Community Unit Plan subject to the conditions outlined in its letter, and directed that this application be forwarded to the Board of City Commissioners for their consideration at such time as the zoning ordinance is amended to provide for governing body approval of development plans.

We will notify you when this matter will be scheduled before the Board of City Commissioners.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:mtt

cc: Glen Lytle
Superintendent of Central Inspection

Mr. Robert H. Nelson
816 Union Center Building

February 21, 1966

Mr. Ed Neville
127 South Fern
Wichita, Kansas

Subject: DP-11 - Community Unit Plan For
Shopping Center at the northeast corner
of Tyler Road and Central.

Dear Mr. Neville:

At its regular meeting on February 17, 1966, the Metropolitan Area Planning Commission considered the above-captioned development plan for the development of a shopping center at the northeast corner of Central and Tyler. The action of the Planning Commission was to approve the plan subject to the following conditions:

1. Item 6 under General Provisions should be changed to read as follows:
 6. Upon the issuance of any building permit on Parcel #3, a six-foot solid or semi-solid masonry wall shall be constructed along the north and east property lines and the wall is to be reduced from six feet to three feet within 25 feet of the right-of-way lines of Tyler Road and Central Avenue.
2. The access point in front of the existing liquor store on Parcel # 1 shall be removed when two access points are developed on Parcel #2.
3. The north access point to Tyler Road on Parcel #1 shall be removed when the access point is developed directly north of Parcel # 1.
4. The development of this property shall proceed in accordance with the development plan as approved by the Planning

February 21, 1966
Mr. Ed Neville

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.

5. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.

Enclosed with Mr. Berger's letter is a marked copy of the development plan. It will now be necessary that three revised copies of the plan (showing conditions 1, 2, and 3 under General Provisions) be submitted to this office for our files. A copy of the revised development plan will be filed with the Superintendent of Central Inspection so that he will be aware of the conditions of approval at the time a building permit is requested.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:mtt

cc: Mr. Glen Gytie
Superintendent of Central Inspection

Mr. Robert H. Nelson
816 Union Center Building

Mr. Herbert L. Berger
2206 East Douglas

CASE NO. DP-11 - 7 NOTICES MAILED FEB. 3, 1966, FOR FEB. 17, 1966, MEETING

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
Wichita, Kansas

NOTICE TO ADJOINING PROPERTY OWNERS

FEB 3- 1966

The Wichita-Sedgwick County Metropolitan Area Planning Commission will consider the following item in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at its meeting at 2:00 p.m. on FEB 17 1966, at which time you may appear either in person or by agent or attorney, if you so desire.

C. Bickley Foster, Secretary

CASE NO. DP-11
PRELIMINARY DEVELOPMENT PLAN
FOR SHOPPING CENTER

The south 600 feet of the west 600 feet of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, Township 27, Range 1 West. Generally located at the northeast corner of Tyler Road and Central.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, C. Bickley Foster, 104 South Main, 7 days prior to the meeting. The Chairman and Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

T9-215

SUMMARY DESCRIPTION OF CITY OF WICHITA ZONING DISTRICTS

- "AA" - One-Family Dwelling District
Permits one-family dwellings, parks, schools, libraries, golf courses, nurseries, churches and home occupations.
- "A" - Two-Family Dwelling District
Permits two-family dwellings and uses permitted in "AA".
- "RB" - Four-Family Dwelling District
Permits three and four-family dwellings, and uses permitted in "AA" and "A".
- "B" - Multiple-Family Dwelling District
Permits multiple dwellings, off-street parking areas, apartments, boarding houses, cemeteries, medical offices and uses permitted in "AA", "A" and "RB".
- "BB" - Office District
Permits apothecaries, clinics, hospitals; medical, business and professional offices; motels under certain conditions; and all residential uses.
- "LC" - Light Commercial District
Permits all purely retail business conducted within an enclosed building; service stations; all residential and office uses.
- "C" - Commercial District
Permits all commercial uses and residential and office uses and some fabrication uses.
- "D" - Central Business District
Permits all commercial, office, wholesale, manufacturing and residential uses. Prohibits those which constitute a hazard or nuisance from smoke, dust, odor or fire danger.
- "E" - Light Industrial District
Permits all manufacturing activities which do not constitute a hazard or a nuisance; and all office and commercial uses. Residential uses are prohibited.
- "F" - Heavy Industrial District
Permits all office, commercial and manufacturing uses. Most objectionable manufacturing uses are subject to conditional approval. Residential uses are prohibited.
- "G" - Mobile Home District
Permits mobile home parks and associated uses.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
Wichita, Kansas

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Permits mobile home parks and associated uses.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION
CITY BUILDING ANNEX, 104 South Main
Wichita, Kansas

NOTICE TO ADJOINING PROPERTY OWNERS

FEB 3- 1966

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C. Bickley Foster, Secretary

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The south 600 feet of the west 600 feet of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, Township 27, Range 1 West. Generally located at the northeast corner of Tyler Road and Central.

NOTE: It is the policy of the Planning Commission that any request for a deferral of the hearing of this case shall be submitted to the Secretary, C. Bickley Foster, 104 South Main, 7 days prior to the meeting. The Chairman and Secretary may grant such a request for deferral. Persons requesting deferrals will be charged with the cost of preparing and mailing new notices.

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- "F" - Heavy Industrial District
Permits all office, commercial and manufacturing uses. Most objectionable manufacturing uses are subject to conditional approval. Residential uses are prohibited.
- "G" - Mobile Home District
Permits mobile home parks and associated uses.

January 28, 1966

Mr. Ed Neville
127 South Fern
Wichita, Kansas

Subject: DP-11 - Community Unit Plan for
Shopping Center at the northeast corner
of Tyler Road and Central

Dear Mr. Neville:

We have received and reviewed the revised Development Plan for the property located on the northeast corner of Tyler Road and Central Avenue. The revised Development Plan is in conformance with our discussion concerning the revisions and with our letter dated January 12, 1966. One error was noted and should be changed on the resubmitted copies. The total gross acreage as indicated in part four under General Provisions should be changed from 7.05 to 6.94 acres.

It should be pointed out that the Planning Commission has recently established a policy of obtaining additional right-of-way at intersections of major streets. This policy is in conjunction with the intersection layout showing channelization and medials on Chart 5D, Volume Two of the Transportation Study. The standard requirement is 75 feet of half-street right-of-way for a distance of 350 feet in each direction from the center lines of the intersecting streets. In this particular case, development has already occurred at the intersection and, therefore, the full 75 feet of half-street right-of-way may not be able to be obtained. However, since the Development Plan has been changed considerably from what was originally submitted, a new Preliminary Plan will need to be submitted and all existing features such as paving, pumps, signs, etc., should be shown so that a determination may be made as to how much right-of-way can be dedicated.

January 28, 1966

The Preliminary Development Plan (DP-11) has been set for public hearing by the Planning Commission on February 17, 1966. Therefore, it will be necessary that you submit 12 corrected copies of the Preliminary Plan to our office no later than February 7, 1966, so that we will have sufficient time to prepare our staff recommendations for the Community Unit Plan.

It should be pointed out, however, that on January 19, 1966, the Board of City Commissioners requested that the Planning Commission withhold action on all commercial Community Unit Plan applications until such time as the governing body can consider a revision to the Ordinance whereby the Governing Body will have final approval of all such development plans. Therefore, it is likely that the application will be deferred until such time as the Board of City Commissioners takes action on the proposed Ordinance.

Enclosed is a corrected copy of the Development Plan for your information and files.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:RAW:bgs

Enclosure

cc: Mr. Robert H. Nelson
816 Union Center Bldg.
Wichita, Kansas

Mr. Herbert L. Berger
2206 East Douglas
Wichita, Kansas

January 12, 1966

Mr. Ed Neville
127 South Fern
Wichita, Kansas

Subject: DP-11 - Community Unit Plan for
Shopping Center at the northeast corner
of Tyler Road and Central

Dear Mr. Neville:

We have reviewed the Preliminary Development Plan which you submitted relative to the community unit plan provisions of the City Zoning Ordinance for the property zoned Light Commercial at the northeast corner of Tyler Road and Central. Following are some of the comments the Planning Staff made during the review of this Preliminary Development Plan.

It is the opinion of the Planning Staff that the submitted plan is not in keeping with the purpose and intent of the Community Unit Plan regulations which, for the most part, are to encourage well-planned and well-organized development of commercial areas. The character of Community Unit Plan developments are to be appropriate to the neighborhood and adequate safeguards are to be provided so that adjacent residential properties will be protected.

Since there is already a service station, liquor store and ice dispenser on this tract, and as a drive-in restaurant and doctor's clinic are proposed in separate buildings, it appears that this tract is to develop as strip commercial rather than as an integrated shopping center.

The proposed parcels, setbacks and curb cuts reflect a slightly modified strip commercial development rather than a well-planned and organized commercial center. It is the opinion of the Staff

January 12, 1966

that the Preliminary Development Plan does not reflect the intent of the City Zoning Ordinance for Community Unit Plan developments.

Topography

OK The Community Unit Plan Ordinance provides that topography shall be indicated at 2 foot contour intervals and shall show existing streams and other significant land features. Therefore, in order to review the Development Plan the contours must be shown.

Sign Controls

OK In addition to the information under General Provisions pertaining to signs, there should be an addition which states that "no signs shall be constructed adjacent to the north and east property lines".

Curb Cuts

OK Considering the number of curb cuts proposed, this is another indication that this tract is to develop as strip commercial rather than as a shopping center. As indicated, there is a proposed curb cut approximately every 100 feet. Five curb cuts in only 550 feet would be the same number as normally found in regular strip commercial development. The Plan must indicate existing curb cuts on Tyler Road and Central adjacent to the service station and liquor store. The total number of curb cuts will have to be discussed further after the number of existing cuts are determined.

Gross Land Area

OK The gross land area and total acreage involved should be noted under General Provisions as well as the total gross floor area and maximum ground coverage.

Setbacks

OK In order for the Development Plan to reflect the intent of the Community Unit Plan provisions, more appropriate setback distances should be established. The 35-foot building setback line as indicated adjacent to Parcels 2 and 3 is adequate since this corner has already been developed; however, the front yard setback lines adjacent to Parcels 1, 4, and 5 should be increased from 35 feet to 100 feet.

January 12, 1966

The rear yard setback line adjacent to the north and east sides of Parcel 5 shall be increased from 30 feet to 35 feet to provide for the Community Unit Plan Regulations.

Screening

It should be noted under General Provisions that a 6-foot solid or semi-solid masonry wall is to be constructed along the north and east property lines, and that the wall is to be reduced from 6 feet to 3 feet when within 35 feet of the street right-of-way lines of Tyler Road and Central.

Buildings

It is not necessary to show outlines of buildings on the Development Plan unless they are existing; therefore, only the structures on Parcels 2 and 3 need to be shown as actual building locations.

These are most of the comments which the Planning Staff made during their review of this Preliminary Development Plan. It was the consensus of the Staff that this Plan should be redesigned in keeping with the purpose and intent of the Community Unit Plan provisions of the City Zoning Ordinance. We suggest that a redesigned Preliminary Development Plan be resubmitted to this office for Staff review prior to advertising this Community Unit Plan for a public hearing. We recommend that the revised Plan indicate only two parcels, the first for the service station and liquor store, with 35-foot building setbacks, and the second for the proposed shopping center, with minimum setbacks of 100 feet.

If, after reviewing these comments, you determine that the best use of this land is for strip development then we suggest that a major portion of this tract be rezoned back to "AA" Single Family Zoning, thereby eliminating the necessity of a community unit plan. If separate structures to house a service station, liquor store, drive-in restaurant and doctor's clinic are the ultimate uses for this property, then approximately 150 feet of Light Commercial zoning is sufficient in depth adjacent to Central and Tyler Road.

Enclosed is the marked copy of the Preliminary Development Plan for your review and files.

WICHITA-SEDGWICK COUNTY 4

January 12, 1966

If you have any questions concerning these comments, we will be happy to discuss them with you at your convenience.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

Enclosure

cc: Mr. Robert H. Nelson
816 Union Center Bldg.
Wichita, Kansas

Mr. Herbert L. Berger
2206 East Douglas
Wichita, Kansas

E-OW
16
275
1W

KAHRS, NELSON, FANNING & HITE

ATTORNEYS AT LAW
UNION CENTER BUILDING
WICHITA, KANSAS 67202

AUSTIN M. GOWAN (1888-1946)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
ROGER M. SHERWOOD

TELEPHONE
AMHERST 2-3777

December 14, 1965

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

Re: Community Unit Plan--Planned Development
Applicant: Ed Neville

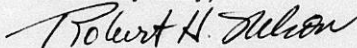
Gentlemen:

Enclosed is application for approval of a Community Unit Plan on behalf of Ed Neville, the owner of the property involved.

Also enclosed is abstractor's certificate of ownership of all property lying within a radius of 500 feet of the proposed Community Unit Plan.

You have already received three copies of the Community Unit Plan and I would appreciate you informing me as to when this matter will be up for consideration.

Yours very truly,



OF KAHRS, NELSON, FANNING & HITE

RHN:dr
Enclosures

APPLICATION FOR COMMUNITY UNIT PLAN
(PLANNED RESIDENTIAL OR COMMERCIAL DEVELOPMENT)
FOR PROPERTY LOCATED WITHIN THE LIMITS OF THE
CITY OF WICHITA, KANSAS

This is an application for a Community Unit Plan - Planned Development. The form must be completed and filed at the Planning Department, Room 402, City Building Annex, 104 South Main, Wichita, Kansas, in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

I. Name of applicant or applicants and/or their agent or agents.

- a. Applicant Ed Neville _____
Address ^{127 So. Sun} ~~c/o 816 Union Center Bldg.,~~ Wichita Phone _____
Agent Robert H. Nelson _____
Address 816 Union Center Bldg., Wichita Phone AMherst 2-3777
- b. Applicant _____
Address _____ Phone _____
Agent _____
Address _____ Phone _____
- c. Applicant _____
Address _____ Phone _____
Agent _____
Address _____ Phone _____

(Use separate sheet if necessary for names of additional applicants)

- II.A The applicant hereby requests Community Unit Plan approval on property zoned LC and legally described as Lot(s) _____, Block(s) _____, Addition.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet.)

This property is at the North^{east} corner of Tyler Road and West Central and is zoned LC 600 feet North and 600 feet East of the intersection.

- II.B There are 6+ acres (round to nearest tenth) in the above described property.

III. This property is located at (address) _____.

The general location is (use appropriate section)

a. at the NE corner of Hyder Road
and Central; or

b. on the _____ side of _____ (Ave.,
Street) between _____ (Ave., Street) and
_____ (Ave., Street).

IV. I (we), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (we) realize that this application cannot be processed unless it is completely filled in and accompanied by a current abstractor's certificate as required in the instruction sheet.

ED NEVILLE

By _____
Authorized Agent (if any)

By Robert H. Nelson
Authorized Agent (if any)
Robert H. Nelson

By _____
Authorized Agent (if any)

By _____
Authorized Agent (if any)

V. OFFICE USE ONLY

This application was received at the Planning Department at
2:45 (AM, PM) on Dec 20, 1965 (Day, Month,
Year). It has been checked and found to be complete and accom-
panied by required documents and the appropriate fee of
\$ _____.

Bilhouers Name
Planning Aide # Title

STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS)
)
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 500 ft. of: South 600 ft of West 600 ft of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec 16, Twp 27. R 1 West.


Fidelity
Title
Company,
inc.

And from such examination find that the record owners thereof are as set opposite the description of the property below, viz:

W 1200 ft of S $\frac{1}{2}$ of SW $\frac{1}{4}$ Sec 16, Twp 27, R 1 West, exc Beg at NW cor SW $\frac{1}{4}$; th E 984.4 ft; S 114 ft; SWly 278.2 ft; NWly 137 ft; W 775 ft; N 450 ft to beg. / Edward T. Neville
127 S. Fern

Beg at NW cor S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 16, Twp 27, R 1 West; E 984.4 ft; S 114 ft; SWly 278.2 ft; NWly 137 ft; W 775 ft; N 450 ft to beg. / Kansas District of the Lutheran Church, Missouri Synod,
842 N. Tyler Rd.

NW $\frac{1}{4}$ Sec 21, Twp 27, R 1 West, exc N 1040 ft of East 1322.09 ft. / Catholic Diocese of Wichita
445 N. Emporia

East 30 Acres of SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 17, Twp 27, R 1 West. / Sedgwick County Kansas
Sedgwick County Grt House.

North 200 ft of the East 200 ft of NE $\frac{1}{4}$ Sec 20, Twp 27, R 1 West. / FMSM Corporation
% Socony Mobile Oil Co.,
925 Grand Ave., K. C., Mo.

Beg 200 ft S & 40 ft W of NE cor NE $\frac{1}{4}$; S 428.6 ft; W 710.08 ft; SWly 210.82 ft; SWly 198.54 ft; NWly at rt angle 451.48 ft; NEly 151.10ft M/L to pt 50 ft S of N line NE $\frac{1}{4}$; E 1193.5 ft; S 150 ft; E 160 ft to beg. Sec 20, Twp 27, R 1 West. / Westlink Shopping Center, Inc.
2824 E. Douglas

-2-

Dated at Wichite, Kansas this 17th day
of December, 1965 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elin M. Fassel OEM
Sec.

Tracer # 72718

*

This DP File
Has a Large Drawing
On 35mm Microfilm.
Roll # 1

*