

PLAT NO. S/D 63-14 MAP NO.

NAME Sweetbriar Addition

LOCATION NW corner of 21st & Amidon

OWNER Mrs. E.A. McLean

APPLICATION FILED 5-21-63

SKETCH PLAT FILED

PRELIMINARY FILED 5-21-63

S/D ACTION 9-12-63 Approve

FINAL FILED 9-30-63

S/D ACTION ~~5-15-63~~ 8-30-63 refer to MAPC

MAPC ACTION 10-10-63 Approve Final

MAPC ACTION 9-5-63 forward to S/D

BCC ACTION 10-17-63 Approve

Mapes 7-2-64 no action taken

Mapes 5-6-64 Approve *

~~Order~~
* S/D 7-8-65 Approve Final
Mapes 4-15-65 Refer back to S/D Comm.
4-29-65 S/D Approve Final
5-6-65 Mapes Approve
5-8-65 Dec Approved

Closed 6-8-65
RECORDED ON 6-16-65

S/D 63-14 - Sweetbriar Addition -
NW corner of 21st & Amidon

POSTED
5-22-63

ACTION

S/D SKEETCH - 5-13-63
DATE

S/D COMMITTEE Agree Disagree
S/D Refer to M.A.P.C.
8-30-63

M.A.P.C. Referred to S/D
S/D app. Referred
9-5-63

S/D ~~RECEIVED~~ Approved Final 10-10-63

Maps Approved 10-17-63

Sec Discussed at length 7-7-64
no action taken

Maps Approved 8-6-64

~~Sec~~

ACTION

DATE

S/D COMMITTEE Approved Final 4-8-65

M.A.P.C. Refer to S/D Comm. 4-15-65

S/S Comm. Approved Final 4-29-65

~~RECEIVED~~ Approved 5-6-65

Maps Approved 6-8-65

Sec Approved 6-8-65

Closed 6-8-65

RECORDED ON 6-16-65

SUBDIVISION REPORT AND PROGRESS

MAP No. C-3
 SEC. No. 6
 TWP. No. 27
 RANGE 1E

S/D No.: 63-14

NAME: Sweetbriar Addition

GENERAL LOCATION: NW corner of 21st St. & Amidon

OWNER: Mrs. E.A. McLean & WILLIAM ERY ATTY.
 ADDRESS: & George Stallwitz PHONE: _____
 SUBDIVIDER: Same
 ADDRESS: _____ PHONE: _____
 ENGINEER/SURVEYOR: K.O. Taylor
 ADDRESS: 823 1/2 Market PHONE: AM 44072

APPLICATION RECEIVED 5-21-63 FINAL PLAT RECEIVED 9-30-63
 CONF. WITH APPLICANT 5-21-63 TRACING RECEIVED 7-23-64
 SKETCH PLAT RECEIVED 5-21-63 FINAL PLAT REVIEWED _____
 POSTED TO ATLAS 5-22-63 S/D REPORT #2 PREPARED _____
 PRESENT ZONING B+C
 PROPOSED ZONING B+C S/D COMM. ACTION 10-10-63 approve
 SKETCH PLAT
 LETTER OF INTENT 5-22-63

PREL. PLAT RECEIVED 5-21-63 8-16-63
 PREL. PLAT REVIEWED 8-19-63
 S/D REPORT #1 PREPARED 8-19-63

S/D COMM. ACTION 8-30-63 4/4 to make
9-12-63 approve
 S/D REPORT #1 MARKED 9-12-63
 DEPT. REPORT ON PREL. 9-13-63
 MARKED COPY SENT TO ENG. 9-13-63

S/D REPORT #2 MARKED 10-11-63
 DEPT. REPORT ON FINAL 10-11-63
 MARKED COPY SENT TO ENG. 10-11-63

M.A.P.C. ACTION 10-17-63 Approve
8-6-64 Reapproved
 S/D REPORT #2 MARKED 8-7-64
 DEPT. REPORT ON FINAL 8-7-64

LETTER ON IRONS RECEIVED 10-22-63
 TITLE OPINION RECEIVED 10-31-63
 TAXES OPINION RECEIVED 10-31-63
 TITLE & TAXES REVIEWED 11-1-63
 FINAL REVIEW 6-3-65

LETTER TO B.C.C. 6-3-65

B.C.C. ACTION 6-8-65 Approve

RECORDED 6-16-65
 ANNEXED _____

COMMENTS:

5-7-63 To be submitted to S/D on 6-13-63 as sketch plat
 as letter of intent requirements were not met
6-15-63 sketch approved independently
9-5-63 maps forwarded to S/D
10-10-63 S/D approve final

* 7-7-64 REC Discuss delays in Proceedings. Ref: 6-27 memo CBF & CJ, mgr.

7-14-64 _____
7-23-64 received tracing
8-6-64 Maps Approve
4-8-65 S/D Approve final
4-15-65 Maps (copy) given back to S/D Comm.
4-29-65 S/D Comm. Approve final
5-6-65 Maps Approve
6-8-65 Dec. Approved.

REGISTER OF DEEDS

SEDGWICK COUNTY, KANSAS

Sweetbriar Addition and part of
Replat of Benjamin Hills Second ADDITION WAS

FILED FOR RECORD ON June 16, 1965.

Rufus E. Deering

REGISTER OF DEEDS

jo
6-17-65

Real Estate Appraisal

May 28, 1963

Mrs. Anna McLean
2359 McLean Boulevard
Wichita 4, Kansas

Dear Mrs. McLean:

In compliance with your request we, the undersigned appraisers, have made a personal inspection of two tracts of land for the purpose of giving you our appraisal of their relative value and also in a general way their value in the open market.

The function of this appraisal is to enable you to use it in any way which you desire in comparing the value of the tract which you own and the tract owned by the city of Wichita.

The tract which is under your ownership is legally described as:

The East 177 feet of Lot 10, Replat of Lot 9, Russell Tracts, and the 20 feet of vacated street adjacent to the South, all in Wichita, Sedgwick County, Kansas.

The tract owned by the city of Wichita is legally described as:

A tract of land in Wichita, Sedgwick County, Kansas, beginning at a point 661.85 feet north and forty feet west of the southeast corner of the Southwest Quarter of Section 6, Township 27, Range 1 East, being on the west line of the dedicated right of way for Amidon Avenue, thence west along the south line of the dedicated north half of Halstead Street 130 feet, thence south 130 feet, thence east 130 feet, thence north 130 feet to point of beginning.

VALUATION PREMISES:

Real estate value falls into several categories. The most common understanding of real estate value is that referred to as Fair Market Value which is defined as:

"Fair Market Value is the value of the property in terms of money which a willing seller would be warranted in accepting and a willing buyer would be warranted in paying, both acting freely and without compulsion and both being fully aware of all uses to which the property might be put."

H. C. BRADY INC.
WICHITA, KANSAS

Real Estate Appraisal

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The foregoing definition obviously refers to a property which is adaptable to a wide range of uses.

Another classification of real estate value falls in the category of the analysis of income producing property which would be the uppermost consideration in the mind of an investor who is measuring the net dollar yield on his capital invested against other uses to which his money could be placed, such as savings accounts, stocks and bonds, etc.

A third type of evaluation might be measured by replacement cost where a property's value is judged in relationship to the cost of obtaining another site which adequately gives a substitute usage if exchanged or replaced by the property under study.

The fourth category of property evaluation would be typified by that property put to special purpose usage, such as churches, schools, public parks or fire stations. The value of these locations is most significant by reason of their use and also their geographical placement to best serve the use for which they are intended and not as to their dollar earning power. A school, a church, a park or a fire station must be centrally located in the area which each serves and must have the features of easy accessibility to all parts of that area.

DESCRIPTION OF THE SITES:

Tract No. 1

This tract is located at the northwest corner of the intersection of Twenty-ninth Street and Amidon Street. The tract has a dimension of approximately 88.66 feet fronting on Amidon Street and a dimension of 177 feet fronting on Twenty-ninth Street. The present zoning of this land is "AA" and the tract contains approximately 15,634 square feet of land. All of this area is net usable area with no encroachment from necessary changes of abutting streets.

Twenty-ninth Street is the route of Highway 96 which turns north on Amidon Street and is considered a very substantial traffic artery. At this point Amidon Street extends southward to Twenty-first Street, cutting through a well-filled residential area.

The tract is level and may be served by all utilities. The soil is sandy loam which would provide no problems in construction.

H. C. BRADY INC.
WICHITA, KANSAS

Real Estate Appraisal

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Tract No. 2

This tract of land is situated at the southwest corner of Amidon and Halstead Streets and has a dimension of 130 feet fronting on each of these two streets. This tract is zoned "B" and contains approximately 16,900 square feet of gross area. It should be pointed out that Halstead Street at this point is only 30 feet in width and according to all planning and engineering of city streets in the past, this width would be inadequate for paving, and otherwise meeting the standards of city streets. Usually, an additional 30 feet of width would be required for right-of-way and since the north one-half of Halstead Street has already been dedicated to provide the existing 30 foot width of the street, the additional 30 feet would necessarily be added on the south and this would be taken from the gross area of Tract No. 2. Such an encroachment would reduce Tract No. 2 to a dimension of 100 feet by 130 feet with a remaining net usable area of 13,000 square feet.

The intersection of Halstead and Amidon places Tract No. 2 a little less than 500 feet north of Twenty-first Street, where Amidon presently dead ends. The cross street of Halstead carries neighborhood residential traffic of a nominal volume.

The surface of this tract is also level and soil conditions are suitable for construction work. Utilities are available to the site.

HIGHEST AND BEST USE:

Tract No. 1

Under the present zoning of "AA" the most likely development of the site would be for construction of two single-family dwellings with each half of the parcel containing approximately 7,750 square feet of usable area.

Tract No. 2

Under the present zoning of "B" the most likely development of this site would be for construction of multiple-family rental units with a net usable land area of 13,000 square feet.

It is the appraisers' opinion that both of these sites have suitable locational advantages that with properly planned use, a higher zoning for either site might be approved.

Real Estate Appraisal

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GENERAL OBSERVATIONS OF COMPARISON

The Master Plan for the city of Wichita indicates the location of a fire station in the vicinity of Amidon and Twenty-fifth to Twenty-ninth Streets. Either of these tracts might comply with this general location, but it is obvious that the Twenty-ninth Street tract better centers itself in relationship to the residential area and would place a fire station near the Pleasant Valley School and various shopping facilities found on Twenty-ninth Street. As previously mentioned, it also appears that the intersection made up of Amidon and Twenty-ninth Streets is of more major and arterial nature than the intersection comprised of Amidon and Halstead Streets.

Based on the usual requirements, the net squarefoot area of Tract No. 1 would be 15,634 square feet; whereas, the net usable area of Tract No. 2, after the widening of Halstead to a full street width, would be only 13,000 square feet.

GENERAL CONCLUSIONS:

The placing of dollar value on special use property is not as readily accomplished as placing dollar value on the types of property commonly exchanged in the market on a high frequency basis. The value is geared to the special purpose use and ordinarily judged in the market on the basis of what a substitute site which is equally well-located might cost.

To compare the dollar value of Tracts No. 1 and No. 2, as previously described herein, should eliminate the usual consideration of differential in zoning since the special interest in this case has to do with the placement of a fire station. Fire stations may be accommodated in residential zoning as well as in areas which carry heavier zoning.

It is the appraiser's opinion that when all factors are taken into account, these two tracts have very nearly equal value as a fire station site; however, Tract No. 1 has the advantage of a bit greater net square foot area and is situated at an intersection of more prominence than Tract No. 2.

Based on the highest and best uses as set forth above, the Fair Market Values are as follows:

Tract No. 1

177 front feet @ \$30 per front foot \$5,310.00

Tract No. 2

130 front feet @ \$40 per front foot \$5,200.00

H. C. BRADY INC.
WICHITA, KANSAS

Real Estate Appraisal

The front foot rates of \$30 and \$40 are rates known by the appraisers and are found in the market place applying to the respective sonings.

Respectfully submitted,

Paul R. Brown
Paul R. Brown

Harold Yarnell
Harold Yarnell

FRB-HY:s

August 26, 1965

Bonanza, Inc.
522 South Broadway
Wichita, Kansas

Gentlemen:

This letter is in response to your request that we advise you of how much of the plat of Sweetbriar Addition is zoned Light Commercial and as to how much area was approved by the Board of Zoning Appeals for an off-street parking lot. According to our information, the following property is zoned "LC" Light Commercial:

Lot 1, Sweetbriar Addition, except for a tract of "B" Multiple-Family zoning, described as follows: Beginning 660 feet north of the SE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Township 27 South, Range 1 East; thence west 130 feet; thence south 130 feet; thence east 130 feet; thence north to the point of beginning; that portion of Lot 2, Sweetbriar Addition, as originally platted as Lot 15, Benjamin Hills Second Addition, and including vacated Sweetbriar Lane adjacent to the north line of Lot 15; and Lot 3, Sweetbriar Addition.

The following property was approved by the Board of Zoning Appeals for off-street parking:

That portion of Lot 2, Sweetbriar Addition, originally platted as Lots 6 thru 14, odd and even, inclusive, Block 7, Benjamin Hills Second Addition.

If you have any questions as to the above descriptions, please do not hesitate to call.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

Robert Finch, City Clerk

June 24, 1965

Ronald A. Williamson, Planner I

S/D 63-14 - Sweetbriar Addition located on the northwest corner of 21st and Amidon.

Attached is a bond in conjunction with the installation of the fire lane easement for Sweetbriar Addition. This bond is to be held by the City Clerk until such time as notified by the Planning Department that all conditions pertaining to the installation of the fire lane have been met. Upon notification from the Planning Department the bond may be released to the applicant or his agent.

RAW:mb
Attachment



The CONTINENTAL INSURANCE COMPANIES

THE CONTINENTAL INSURANCE COMPANY - FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY
FIDELITY-PHENIX INSURANCE COMPANY - THE FIDELITY AND CASUALTY COMPANY OF NEW YORK
NIAGARA FIRE INSURANCE COMPANY - NATIONAL BEN FRANKLIN INSURANCE COMPANY OF PITTSBURGH, PA.
MILWAUKEE INSURANCE COMPANY OF MILWAUKEE, WIS. - COMMERCIAL INSURANCE COMPANY OF NEWARK, N.J.
THE YORKSHIRE INSURANCE COMPANY OF NEW YORK - SEABOARD FIRE & MARINE INSURANCE COMPANY

400 East Linwood Boulevard, Kansas City, Missouri 64100

June 18, 1965

City of Wichita
City Hall
Wichita, Kansas

Re: J. R. Hunt Construction Company
Fire Lane Bond No. 3 1 49 13 23

Gentlemen:

As requested, we wish to confirm the addition to the phrase "regulating the business of Contractor (Fire Lane Bond)" the following:

means for the purpose of this bond that construction of fire lanes as required by the Planning Commission for the Sweetbriar Plat.

We trust the bond is acceptable in every way.

Very truly yours,

P. E. Delahunty, Supt.
Bonding Department

PED/ss



VISIT THE CONTINENTAL INSURANCE PAVILION AT THE NEW YORK WORLD'S FAIR • 1964-1965

No. S 1 49 13 23

LICENSE BOND

KNOW ALL MEN BY THESE PRESENTS, That we
..... J. R. Hunt Construction Company as Principal,
and Firemen's Insurance Company of Newark, New Jersey a corporation
of the State of New Jersey and having its principal office at 80 Maiden Lane,
New York, N.Y. as Surety, are held and firmly bound unto
..... City of Wichita, Kansas

in the sum of Ten Thousand and No/100-----(\$10,000.00) Dollars,
for which sum well and truly to be paid, said Principal hereby binds himself, his heirs, executors,
administrators, successors and assigns, and the said Surety binds itself and its successors and assigns,
jointly and severally, firmly by these presents.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this
11th day of June, A.D. 19 65.

THE CONDITION OF THIS OBLIGATION IS SUCH, that WHEREAS, the
above bounden J. R. Hunt Construction Company
has obtained or is about to obtain a license from the said City of Wichita, Kansas
to carry on business as
Contractor in said City of Wichita, Kansas

NOW, THEREFORE, if the said J. R. Hunt Construction Company
shall, during the period beginning
on the 11th day of June, June, 19 65 and ending on
the 11th day of June, 19 66 faithfully observe and honestly
comply with the provisions of all Ordinances of the said City of Wichita, Kansas
regulating the business of Contractor (Fire Lane Bond)
then this obligation shall become void and of no effect otherwise to be and remain in full force and
virtue in law.

PROVIDED, HOWEVER, that this bond may be renewed from year to year by continuation
certificate executed by said Surety.

J. R. HUNT CONSTRUCTION COMPANY

Principal
FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY
Surety

P. E. Delaney Attorney

By



FIREMEN'S INSURANCE COMPANY
OF NEWARK, NEW JERSEY

GENERAL POWER OF ATTORNEY

Know all men by these Presents, That the FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY has made, constituted and appointed, and by these presents does make, constitute and appoint

P. E. Delahunty of Overland Park, Kansas

its true and lawful attorney for it and in its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertakings and contracts of surety to be given to

all obligees

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of TWO HUNDRED FIFTY THOUSAND (\$250,000.) DOLLARS

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY at a meeting duly called and held on the 22nd day of December, 1961:

"RESOLVED, that the Chairman of the Board, the Vice Chairman of the Board, the President, an Executive Vice President or any Vice President of the Company, be, and that each or any of them hereby is, authorized to execute Powers of Attorney qualifying the attorney named in the given Power of Attorney to execute in behalf of FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY, bonds, undertakings and all contracts of suretyship; and that any Secretary or any Assistant Secretary be, and that each or any of them hereby is, authorized to attest the execution of any such Power of Attorney, and to attach thereto the seal of the Company.

FURTHER RESOLVED, that the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

In Witness Whereof, the FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY has caused its official seal to be hereunto affixed, and these presents to be signed by one of its Vice Presidents and attested by one of its Secretaries this 31st day of March, 1963.

FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY

Attest:

J. Miller

Secretary



By

Carroll R. Young

Vice-President

STATE OF NEW YORK, }
COUNTY OF NEW YORK, } ss.:

On this 31st day of March, 1963, before me personally came Carroll R. Young, to me known, who being by me duly sworn, did depose and say that he resides in Berkeley Heights in the County of Union, State of New Jersey, at 23 Ridge Drive East; that he is a Vice-President of the FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



CERTIFICATE

Lillian Bryson

LILLIAN BRYSON
Notary Public, State of New York
No. 41-0474050
Qualified in Queens County
Certificate Filed in New York County
Term Expires March 30, 1965

STATE OF NEW YORK, }
COUNTY OF NEW YORK, } ss.:

I, the undersigned, a Secretary of the FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY, a New Jersey corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed at the City of New York. Dated the 17th day of June, 1965.



J. Miller

Secretary

SUBDIVISION REPORT

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

Subdivision Approval

S/D Number:	63-14	Name:	Sweetbriar Addition
Application Filed:	5-21-63		
Preliminary Plat Filed:	8-16-63	History:	
Final Plat Filed:	9-30-63	Sketch filed:	6-13-63
		S/D 8-30-63 - Refer to MAPC	
		MAPC 9-5-65 - Refer to S/D Com.	
		S/D 9-12-63 - Approve Preliminary	
		S/D 10-10-63 - Approve Final	
		MAPC 10-7-63 - Approve Final	
		BCC 7-7-64 - Refer to MAPC	
		MAPC 8-6-64 - Approve Final	
		S/D 4-8-65 - Approve Revised Final	
		MAPC 4-15-65 - Refer to S/D Com.	
		S/D 4-29-65 - Approve Final	
		MAPC 5-6-65 - Approve Final	

DESCRIPTION

General Location: Northwest corner of 21st and Amidon
 Owner: Mrs. E. A. McLean
 Surveyor or Engineer: K. O. Taylor
 Address: 307½ Laura

1. Gross Acreage of Plat	21	7. Lineal Feet of New Streets:	
2. Number of Lots:		(a) 10 R/W	1,200 ft.
Residential		(b)	R/W ft.
Commercial	3	(c)	R/W ft.
Industrial		(d)	Total 1,200 ft.
Other		8. Total Area of New Streets:	
Total	3	R/W	12,000 sq. ft.
3. Average lot frontage	N/A	9. Existing Zoning	AA, B, & LC
4. Minimum lot frontage	N/A	10. Lot area required by	
5. Average lot area	N/A	zoning	N/A sq. ft.
6. Minimum lot area	N/A		

A planned Commercial Development - Community Unit Plan (Sweetbriar Gardens) has been submitted on this property and will be considered by MAPC on 6-17-65.

Planning Commission Recommendation:

LAW moved and KRATZER seconded that the Planning Commission recommend to the City Commission that this plat be approved, subject to being recorded within 30 days after approval by the City Commission.

Vote of Planning Commission: Unanimous

Respectfully submitted,

_____, Secretary

Action: Approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

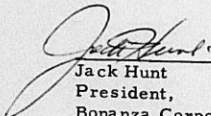
June 3, 1965

Wichita-Sedgwick County
Metropolitan Area Planning Commission
City Building Annex
104 S. Main
Wichita, Kansas

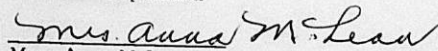
Gentlemen:

In reply to your letter of May 7, 1965, with regard to the Final Plat of Sweetbriar Addition, we will include as specific items at the time of request for a building permit location, the type of traffic control devices to be utilized, such as concrete wheel guard bars, concrete curbing and adequate traffic control signing to ensure that the fire lane easement will be kept open for fire traffic movement

Yours truly,



Jack Hunt
President,
Bonanza Corporation



Mrs. Anna McLean
President
Sweetbriar Corporation

LAW OFFICES
LILLESTON, SPRADLING, GOTT, STALLWITZ & HOPE

923 FIRST NATIONAL BANK BUILDING

TELEPHONE FOREST 3-8218

WICHITA, KANSAS 67202

June 3, 1965

W.F. LILLESTON
GEORGE C. SPRADLING
HENRY V. GOTT
GEORGE STALLWITZ
RALPH M. HOPE
RONALD M. GOTT
GLENN D. YOUNG, JR.
EDWARD H. GRAHAM

STANLEY & VERMILION . . . 1886-1897
STANLEY, VERMILION
& EVANS 1897-1909
STANLEY, VERMILION,
EVANS & CAREY 1900-1913
VERMILION, EVANS,
CAREY & LILLESTON . 1913-1946
CAREY, LILLESTON,
SPRADLING & GOTT . . 1946-1950
LILLESTON, SPRADLING,
GOTT & STALLWITZ . . 1950-1958

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

Gentlemen:

Under date of October 30, 1963, we rendered you title opinion covering all of the property included in the then proposed plat denominated Sweetbriar Addition and Replat of Part of Benjamin Hills Second Addition to Wichita, Sedgwick County, Kansas, all as fully described on the first page of that opinion.

Since then we have examined the proposed plat of the same area with the exception of the so-called Sinclair Station site at the intersection of 21st and Amidon, and this is to advise that from an examination of the records we still find title vested in fee simple to the real estate described in the current plat dated June 3, 1965 of said area to be vested in

SWEETBRIAR GARDENS, INC., a Kansas corporation,
and E. A. McLEAN, a single person,

free and clear of all encumbrances, except the following:

1. Mortgage described in paragraph 1 of said title opinion dated October 30, 1963, between Sweetbriar Gardens, Inc. and Plaza Bank of Commerce, which mortgage does not include the so-called fire station site at the intersection of Amidon and vacated Halstead Street, which property is free and clear. (The mortgage described in paragraph 2 of said opinion to Atlas Life Insurance Company covers the Sinclair Station site and therefore is not involved in the current plat.)

Wichita-Sedgwick County Metropolitan
Area Planning Commission #2

June 3, 1965

2. Taxes for the year 1964 and prior years have been paid on all of the property comprising the plat which is the subject of this opinion.

Very truly yours

LILLESTON SPRADLING GOTT STALLWITZ & HOPE

By

Greg Stallwitz

GS:ML

May 7, 1965

Mr. K. O. Taylor
307½ Laura, Room 203
Wichita, Kansas

Subject: S/D 63-14 - Final Plat of
Sweetbriar Addition

Dear Mr. Taylor:

At its regular meeting on May 6, 1965, the Metropolitan Area Planning Commission considered the Final Plat of Sweetbriar Addition. The action of the Planning Commission was to recommend that this plat be approved subject to:

1. Submission of a corporate performance bond in the amount of \$10,000, approved as to form by the Department of Law, which will provide for the construction of at least 20 feet of pavement within the fire lane easement. Said fire lane shall have a 3½-inch base topped by a 1½-inch asphalt wearing surface or its equivalent.
2. Submission of a letter from the lessee and the property owner stating that they will include as specific items at the time of request for a building permit location, the types of traffic control devices to be utilized, such as concrete wheel guard bars, concrete curbing and adequate traffic control signing to ensure that the fire lane easement will be kept open for fire traffic movement.
3. Recording within 30 days after approval by the Board of City Commissioners.

May 7, 1965

This plat will be forwarded to the Board of City Commissioners for their consideration as soon as the following requirements have been met:

1. Compliance with the requirements of the Metropolitan Area Planning Commission.
2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
3. Certification by an attorney that fee title is vested in the platfor.
4. Certification that all taxes due and payable have been paid.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:JWH:abgs

cc: Mrs. Anna McLean
2539 McLean Boulevard

Mr. James Gardner
2464 Coolidge

Mr. Lawrence E. Wells
2314 East Central

Mr. Jack Hunt
7464 South Broadway

Mr. George Stallwitz
First National Bank Bldg.

Mr. William L. Fry
3333 East Central

Mr. Howard Scott
742 North Waco

April 30, 1965

Mr. K. O. Taylor
307 1/2 Laura
Room 203
Wichita, Kansas

Subject: S/D 63-14 - Final Plat of Sweetbriar Addition

Dear Mr. Taylor:

At its regular meeting on April 29, 1965, the Subdivision Committee of the Metropolitan Area Planning Commission considered the Final Plat of Sweetbriar Addition. The action of the Subdivision Committee was to recommend that the final plat be approved subject to the following conditions:

1. Submission of a corporate performance bond in the amount of \$10,000 approved as to form by the Department of Law, which will provide for at least 20 feet of pavement within the fire lane easement or the actual construction of said 20 foot pavement. Said fire lane shall have a 3 1/4" asphalt base topped with a 1 1/4" asphalt wearing surface or its equivalent.
2. Submission of a letter from the lessee and the property owner stating that they will include, as specific items, at the time of request for a building permit, the location and the types of traffic control devices that are to be utilized, concrete wheel guard bars, concrete curbing and adequate traffic control signing to insure that the fire lane easement will be kept open for fire traffic movement.

Mr. K. O. Taylor

April 30, 1965

3. Recording within 30 days after approval by the Board of City Commissioners.

Enclosed is the marked Engineer's copy of the final plat for your information and files.

The recommendation of the Subdivision Committee that this final plat be approved will now be forwarded to the Planning Commission for their consideration at their next regular meeting on May 6, 1965.

If you have any questions concerning these matters, please feel free to call.

Sincerely yours,

Robert A. Lakin
Assistant Planning Director

RAL:JWH:mab
Enclosure

CC: Mrs. Anna McLean
2539 McLean Boulevard

James Gardner
7464 Coolidge

Lawrence E. Wells
2314 East Central

Jack Hunt
7464 South Broadway

George Stallwitz
First National Bank Bldg.

William L. Fry
3333 East Central

Howard Scott
742 North Waco

April 16, 1965

Mr. K. O. Taylor
307 1/2 Laura, Room 203
Wichita, Kansas

Subject: S/D 63-14 - Final Plat of
Sweetbriar Addition

Dear Mr. Taylor:

At its regular meeting on April 15, 1965, the Metropolitan Area Planning Commission considered the Final Plat of Sweetbriar Addition. However, since several questions had been raised concerning the location and construction of fire lane easements, the Planning Commission recommended that this plat be referred back to the Subdivision Committee for their consideration.

This plat will be reconsidered by the Subdivision Committee at its next regular meeting on April 29, 1965.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:byg

cc: Mrs. Anna McLean
2539 McLean Blvd.

James Gardner
2464 Coolidge

Lawrence E. Wells
2314 East Central

George Stallwitz
First National Bank Bldg.

William L. Fry
3333 East Central

Howard Scott
742 North Waco

Jack Hunt
7464 E Broadway

April 9, 1965

Mr. K. O. Taylor
307½ Laura
Room 203
Wichita, Kansas

Subject: S/D 63-14 - Final Plat of Sweetbriar Addition

Dear Mr. Taylor:

At its regular meeting on April 8, 1965, the Subdivision Committee of the Metropolitan Area Planning Commission considered the Final Plat of Sweetbriar Addition. The action of the Subdivision Committee was to recommend that the final plat be approved subject to the following conditions:

1. Submission of a corporate performance bond, approved as to form by the Department of Law, which will provide for the construction of at least 20 feet of pavement within the fire lane easement (such construction to be at the specifications of the City Engineer); or the actual construction of said 20 foot pavement.
2. Submission of a letter from the platlor stating that she will include as specific items at the time of request for a building permit location, the types of traffic control devices to be utilized, such as concrete wheel guard bars, concrete curbing and adequate traffic control signing to ensure that the fire lane easement will be kept open for fire traffic movement.

Mr. K. O. Taylor

April 9, 1965

3. The east line of the fire lane easement located to the south of the existing 25 foot water line easement should be projected northeasterly to the north of the 25 foot water line easement and the fire lane should also project northwesterly over the entire 30 foot water line easement and should tie in with Halstead Street.
4. Recording within 30 days after approval by the Board of City Commissioners.

Enclosed is the marked Engineer's copy of the final plat for your information and files.

The recommendation of the Subdivision Committee that this final plat be approved will now be forwarded to the Planning Commission for their consideration at their next regular meeting on April 15, 1965.

If you have any questions, please feel free to call.

Sincerely yours,

Jack H. Galbraith
Senior Planner

JHG:JWH:mb

CC: Anna McLean
2539 McLean Boulevard

George Stallwitz
First National Bank Building

James Gardner
2464 Coblidge

William L. Fry
333 East Central

Lawrence E. Wells, Architect
2314 East Central

Howard Scott
Madden, Scott and Towner Real Estate Service
742 North Waco

Jack Hunt

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D No. 63-14 NAME Sweetbriar Addition
DATE APPLICATION REC'D 5-21-63 PRELIMINARY APPROVAL 9-12-63

DESCRIPTION

GENERAL LOCATION In an area at the northwest corner of 21st Street and
Amidon Avenue
OWNER Mrs. E. A. McLean
SURVEYOR/ENGINEER K. O. Taylor
ADDRESS _____

1. GROSS ACREAGE OF PLAT	<u>21</u>	7. LINEAL FEET OF NEW STREETS:	
2. NUMBER OF LOTS:		(A) _____ R/W _____	FT.
RESIDENTIAL	<u>2</u>	(B) _____ R/W _____	FT.
COMMERCIAL	_____	(C) _____ R/W _____	FT.
INDUSTRIAL	_____	(D) TOTAL	<u>None</u> FT.
OTHER	_____	8. TOTAL AREA OF NEW STREET	
TOTAL	<u>2</u>	R/W	<u>None</u> SQ.FT.
3. AVERAGE LOT FRONTAGE	<u>N/A</u>	9. EXISTING ZONING	<u>LC & B</u>
4. MINIMUM LOT FRONTAGE	_____	10. PROPOSED ZONING	<u>LC</u>
5. AVERAGE LOT AREA	<u>N/A</u>	11. LOT AREA REQUIRED BY	
6. MINIMUM LOT AREA	_____	ZONING	_____ SQ.FT.

STAFF COMMENTS:

1. Submission of a corporate performance bond, approved as to form by the Department of Law, which will provide for the construction of at least 20 feet of pavement within the fire lane easement (such construction to be at the specifications of the City Engineer); or the actual construction of said 20 foot pavement.
2. Submission of a letter from the ^{owner and the property owner} ~~platter~~ stating that ^{he} ~~she~~ will include as specific items at the time of request for a building permit location, the types of traffic control devices to be utilized, such as concrete wheel guard bars, concrete curbing and adequate traffic control signing to ensure that the fire lane easement will be kept open for fire traffic movement.
3. It should be pointed out that the original fire lane was 40 feet in width whereas the new fire lane contains a width of 30 feet.
4. Recording within 30 days after approval by the Board of City Commissioners.

SUBDIVISION COMMITTEE ACTION: April 8, 1965 (Date)
The Subdivision Committee Recommends:

M. A. P. C. ACTION: April 15, 1965 (DATE)
THE METROPOLITAN AREA PLANNING COMMISSION:

WICHITA-SEDGWICK COUNTY

DATE

June 27, 1964

METROPOLITAN AREA PLANNING DEPARTMENT

TO Russell E. McClure, City Manager
FROM C. Bickley Foster, Director of Planning
SUBJECT S/D 64-14 - Sweetbriar Addition

Sweetbriar Addition comprises all of that area at the northwest corner of 21st Street and Amidon owned by Mrs. Anna McLean, and consists of some 21 acres. This plot is divided into two commercial lots, one being the shopping center site, and the other a leased service station site at the northwest corner of 21st Street and Amidon.

This plat was first submitted to us on May 21, 1963, at which time the Planning Department authorized the submission of the preliminary plat, subject to the inclusion of the relocated Sweetbriar Avenue in lieu of Halstead Avenue, which was proposed to be vacated. When the preliminary plat was submitted, the proposed extension of Sweetbriar was not included. The engineer was advised that the preliminary did not meet the sketch plan agreement, as was Mrs. McLean and her attorney, Mr. Ronald Gott.

After meetings with the Director of Public Works and the Traffic Engineer, and with Mrs. McLean and her representatives, the planning staff still felt that some provision should be made for traffic circulation from the deadending of Halstead eastward to Amidon. This was generally designated in our correspondence with the applicant as the extension of Sweetbriar.

Since Mrs. McLean did not concur with the staff recommendation in this matter, the problem was submitted to the Subdivision Committee of the Planning Commission, as is provided by the Subdivision Rules and Regulations. The rules provide that in the event of disagreement, the matter shall be submitted to the Subdivision Committee within 30 days for resolution. At this time, the Subdivision Committee deferred action on the matter and requested the applicant to hold additional meetings with the planning staff to consider the feasibility of submitting the entire proposal under the then Community Unit Plan provisions of the zoning ordinance. These conferences continued through the month of July, and in early August a new preliminary plat was submitted which contained on it several of the items

Page 2 - Russell E. McClure
June 27, 1964

which the applicant felt met the general criteria in lieu of a Community Unit Plan application. These included setback lines and fire lanes, rather than the extension of the street.

In August, the Subdivision Committee discussed the preliminary plat and referred it to the Planning Commission for a policy decision. This referral to the Planning Commission was due to a lack of a majority on the Subdivision Committee as of that particular date. This preliminary plat was recommended for approval subject to certain revisions and access control designations along 21st Street and on Amidon. At this particular point and time, the question of the 50-foot or 40-foot half right of way for Amidon had not been resolved.

Between approval of the preliminary plat and submission of the final plat, the applicant contacted the then Director, Mr. Edmonds, regarding the additional 10-foot dedication for Amidon. The Director commented, by letter to Mrs. McLean, as to the reasons for the request for the additional 10 feet, and further advised her that she might submit the final plat without the 10-foot dedication, but that if she did so it would be called to the attention of the Subdivision Committee for its consideration.

On October 10, 1963, the Subdivision Committee approved the final plat subject to some nine conditions. Among these were two conditions which provided for:

- a. access control along 21st Street and Amidon for a distance equal to that proposed for medial construction at a future date; and
- b. an additional 10 feet of right of way for Amidon from 21st Street north to the north property line.

Both of these conditions were set out in greater detail, and subject to minor modification. A week later, the Planning Commission considered the Subdivision Committee recommendation and approved the final plat subject to these same conditions. At the Planning Commission meeting, Mrs. McLean's attorney, George Stallwitz, appeared and discussed each of the various points with the Planning Commission. It was pointed out at that time by Mr. Stallwitz that Mrs. McLean did not wish to make the additional 10-foot dedication nor the concession of access control. However, based on the Planning Commission position and requirements of these matters, it was understood

by the planning staff at the end of the meeting that Mrs. McLean, through Mr. Stallwitz, agreed to all of said conditions and would proceed to correct the final plat in accordance with the conditions established by the Planning Commission.

Since that date, no action has been taken by the applicant. We have had no official correspondence from either Mrs. McLean or from any of her agents, with the exception of receiving the title opinion from her attorneys and a letter from the engineer stating that the irons on the plat had been set. We have been contacted both by her engineer, Mr. Kenneth Taylor, and by Mr. William Fry, her attorney, (NOTE: We have never been notified by either Mrs. McLean or the firm of Lilleston-Spradling-Gott-Stallwitz & Hope that such firm was to no longer be considered as her agent) that she, or her mortgagors do not wish to make the 10-foot dedication nor to grant access control. These have been informal discussions and nothing has been submitted to us on paper.

It is our understanding, however, that the following problems exist:

1. Dedication of 10 additional feet of right of way for Amidon from 21st Street north to the north line of Mrs. McLean's property. This was further conditioned that the area which is occupied by a service station under lease, would not be required to give a straight dedication but to give a conditional dedication. This was conditioned to the affect that this dedication would not become effective until said service station was removed. This was done to protect the lessee and the existing physical development and investment.

We are told that Mrs. McLean objects to this dedication on the basis that the property owner to the east, Mr. James Gardner, did not make such a dedication in the platting of Riverlawn Addition. This is correct, as neither Mr. Gardner nor Mrs. McLean were originally required to dedicate more than 40 feet of half right of way at the time their respective plats were filed in 1953. When the Benjamin Hills and Gardner Riverlawn plats were filed, the Master Plan showed Meridian as the arterial. The current Master Plan was not adopted until 1957. Since that time, all dedications in this area (Amidon-McLean from 13th Street to 21st Street) have conformed to the Master Plan.

More recently, however, in the area south of 21st Street, dedications were made by Ritchie Brothers Development Company and by the Dolese Construction Company for 50 feet of half right of way on each side of Amidon from 21st Street to the north end of the McLean-Amidon bridge. These dedications were not only for 50 feet of half right of way, but included complete access control, except for specified points on each property. This included three access points on the Ritchie property and two access points on the Dolese property.

The Subdivision Rules and Regulations provide that half section line streets shall be 40 feet for half right of way. Amidon, of course, is a half section line street. However, what has been normally overlooked is that Amidon is also a major traffic street and is set forth as such in the Master Plan for Thorofares adopted in 1957. On all thorofares dedications of at least 100 feet of right of way (50-foot half rights of way) have been required. It should also be pointed out that in this particular area, Amidon is the only north-south major traffic street, or arterial. Meridian, which would normally have been a mile line street, was not utilized, and no street at all extends down this particular area. The staff cannot recall any instance in the last few years where a developer, when platting, was not required to dedicate at least 50 feet of half right of way on major traffic streets. It is felt that this is a reasonable requirement and should be adhered to.

2. The Planning Commission has requested, upon advice of the Traffic Engineer, that access control be granted to the public for approximately 370 feet in each direction (north and west) from the intersection of 21st Street and Amidon. The exception here is that in the first 100+ feet, which is occupied by the service station, no access control shall be required. The net result of this requirement is that there shall be complete access control in those areas which the Traffic Engineer has proposed that there be medial control through the reconstruction of Amidon and 21st Street. The obvious advantage of this particular arrangement is that the intersection of two heavy traffic carriers (21st and Amidon) can be kept free from clogging by turning movements occurring in the immediate vicinity of the intersection. Failure to have this control would create

a number of traffic conflicts and increase the traffic hazards of this intersection.

In this respect, the access control perhaps could be left off of the plat. The Planning Commission, however, would have (under the new Community Unit Plan), the authority to make such a requirement, with such requirement being appealable to the governing body in the event the property owner disagrees. In comparing this with the treatment in the immediate area of other property owners, it should be noted that no access control exists on 21st Street or on the east side of Amidon north of 21st. This has occurred because the area has been platted for a number of years and development has already taken place. It is assumed that should any redevelopment, or necessity for replatting of this area occur, that the same requirements would be made of the property owner. South of 21st Street, as has already been indicated, access control was granted for the entire distance with the exception of two access points on the Ritchie property and two access points on the Dolese property. This is far more severe, in terms of access control, than that being proposed on the Sweetbriar Addition. Beyond the 370-foot mark on the Sweetbriar Addition, access control is unlimited, except as established by the City's curb cut ordinance.

As pointed out to the Commission, under Kansas law (G.S. 13-1111, as amended), requires that subdivisions be approved by both the Planning Commission and the governing body. In effect, this means that one Commission cannot override the other one in matters of plat approval. If the applicant continues to disagree with the requirements made, it would be my suggestion that the applicant, together with the Planning Commission, meet to discuss the problems involved and see if some solution can be found.

In the event the Planning Commission does not wish to revise its original requirements, then it is my understanding that the only course of action left is litigation by the applicant. It would seem that that which the applicant has been asked to do is not unreasonable. These types of requirements have been made locally and have been complied with in all instances to the knowledge of our staff, (except the Hudson Oil case which is now in litigation.)

Page 6 - Russell E. McClure
June 27, 1964

As Bob Lakin prepared much of the material for this report,
any questions concerning this matter should be directed to him.
We will be available to discuss this matter with the City Com-
mission if it is so desired.

C. Bickley Foster
C. Bickley Foster
Director of Planning

CBF:RAL:ber

<u>Date</u>	<u>Body</u>	<u>Action</u>
5-20-63	Staff	Engineer authorized to submit preliminary plat based on sketch plat discussions
5-21-63	Staff	Application received
5-22-63	Staff	Engineer advised preliminary plat did not comply with agreement on sketch plat
5-28-63	Staff	Letter to Mrs. McLean acknowledging comments by her in letter dated 5-23-63, and stating that the matter of sketch plat disagreement would be submitted to the Subdivision Committee for a policy decision in accordance with the Subdivision Rules and Regulations
6-7-63	Staff	Meeting with Mrs. McLean to discuss problems of platting
6-13-63	Subdivision Committee	Deferred action on sketch plat to allow Mrs. McLean, her attorneys, architect and engineer to meet with members of the Planning staff to discuss the possibility of the development under the then Community Unit Plan provisions of the zoning ordinance
Early July 1963	Mrs. McLean	Submitted copies of architect's development plan
Late July 1963	Staff	Review of development plans by Planning Department and other city staff members
8-16-63	Mrs. McLean	Submission of preliminary plat
8-30-63	Subdivision Committee	Referred preliminary plat to Planning Commission for policy decision due to lack of quorum at Subdivision Committee meeting
9-5-63	Planning Commission	Recommended approval of preliminary plat subject to access control along 21st and Amidon to line up with proposed medials. Question of right of way not determined at this point

<u>Date</u>	<u>Body</u>	<u>Action</u>
9-12-63	Subdivision Committee	<p>Approved preliminary plat, subject to following six points:</p> <ol style="list-style-type: none"> 1. The requirements of the Subdivision Rules and Regulations for a final plat (see pages 4 and 5). 2. Applicant working out satisfactory arrangements with the Fire Department as to the location of the fire lane easement. 3. Applicant working out satisfactory arrangements with the Traffic Engineer as to ingress and egress points. 4. Subtitle of the plat to read "and a Replat of Part of Benjamin Hills Second Addition". 5. Showing of an 8 foot easement along the north side of Lot 2 in favor of Kansas Gas & Electric Company. 6. Showing of building setback lines.

It was also noted by Planning Department members that the problem of the major traffic street and 50 foot half right of way should be determined at the final plat stage.

9-30-63	Mrs. McLean	Final plat filed
10-10-63	Subdivision Committee	Approved final plat subject to the following conditions:

1. Access control should be provided by:
 - a. Including in the plattor's text the following: "Complete access control to Amidon from that portion of Block 1, Sweetbriar Addition, extending from a point 130 feet north of the north line of 21st Street North to a point 370 feet north of the north line of 21st Street North along the west line of Amidon Avenue is hereby granted to the City of Wichita".
 - b. Including in the plattor's text the following: "Complete access control to 21st Street North from that portion of Block 1, Sweetbriar Addition extending from a point 130 feet west of the west line of Amidon Avenue to

Date

Body

Action

- a point 370 feet west of the west line of Amidon along the north line of 21st Street North".
- c. Showing by use of dimensions, labels and arrows the limits of the access control on the plat.
 2. Block number to be designated.
 3. Tie and angles on water easement center line lying along vacated Halstead.
 4. Inclusion of a 40-foot fire lane easement as marked on the Engineer's copy of the final plat, generally lying on the north and west of the building setback lines in Lot 1 extending from Amidon to the west, thence south to approximately 300 feet north of 21st Street, thence west to Sweetbriar Lane. Fire lane easement should be adjusted to provide for turning radii at the location of right angle turns.
 5. Submission of a corporate performance bond approved as to form by the Legal Department which will provide for the construction of at least 20 feet of pavement within the fire lane easement. (Such construction to be at the specifications of the City Engineer); or the actual construction of said 20 foot pavement.
 6. Submission of a letter from the platlor stating that she will include as specific items at the time of request for a building permit location, the types of traffic control devices to be utilized, such as concrete wheel guard bars, concrete curbing and adequate traffic control signing to ensure that the fire lane easement will be kept open for fire traffic movement.
 7. Dedication of an additional 10 feet of right of way for Amidon Street along Lot 1; and submission of a separate instrument providing for the conditional dedication for an additional 10 feet of right of way for Amidon from Lot 2. Such conditional dedication to be effective at such time as the existing service station is removed. (Note: Although not required by the Subdivision Committee, in order to

<u>Date</u>	<u>Body</u>	<u>Action</u>
		protect the additional 10 feet of right of way until the conditional dedication becomes effective, it is recommended tha a 10-foot building setback line be established on the east of Lot 2.)
		8. That the plattor's engineer check with the engineer from the Water Department to determine the feasibility of increasing the building setback line adjacent to the existing 25-foot water line easement. The plattor's engineer was requested to report as to his findings no later than the Planning Commission meeting of October 17, 1963.
		9. Recording with the Register of Deeds within 30 days after approval by the Board of City Commissioners.
10-17-63	MAPC	Approved final plat as recommended by Subdivision Committee
10-22-63	Engineer	Letter on irons received
10-31-63	Attorney	Title and tax opinion received
Current Status		Tracing has not been corrected or returned to this office. Due to length of time involved, a new title and tax opinion will be required before the final plat can be released for filing.

August 7, 1964

Mr. K. O. Taylor
307½ Laura, Room 203
Wichita, Kansas

Subject: S/D 63-14 - Final Plat of
Sweetbriar Addition

Dear Mr. Taylor:

At its regular meeting on August 6, 1964, the Metropolitan Area Planning Commission considered the revised Final Plat of Sweetbriar Addition as submitted on July 23, 1964, and recommended that it be approved subject to the following:

1. Access control should be provided by:

- a. Including in the plat's text the following: "Complete access control to Amidon for the east line Lot 1, Sweetbriar Addition, extending from a point 160 feet north of the north line of 21st Street North to a point 370 feet north of the north line of 21st Street North along the west line of Amidon Avenue is hereby granted to the City of Wichita".
- b. Including in the plat's text the following: "Complete access control to 21st Street North for that portion of the south line of Lot 1, Sweetbriar Addition, extending from a point 160 feet west of the west line of Amidon Avenue to a point 370 feet west of the west line of Amidon along the north line of 21st Street North.
- c. Showing the limits of the access control on the plat by use of dimensions, labels and arrows.

August 7, 1964

- 2.* 2. Block number should be designated.
3. Inclusion of a 40-foot fire lane easement as marked on the engineer's copy of the final plat, generally lying on the north and west of the building setback lines in Lot 1, extending from Amidon to the west, thence south to approximately 300 feet north of 21st Street, thence west to Sweetbriar Lane. The fire lane easement should be adjusted to provide for turning radii at the location of right angle turns.
- 4.* 4. Dedication of an additional 10 feet of right of way for Amidon Avenue along the east line of Lot 2, and along the east line of Lot 1, except for the south 130 feet.
- 5.* 5. A building setback line of 7½ feet will be required on the east side of the 20-foot easement covering the 48-inch water main.
- 6.* 6. The service station should be excepted from the plat.
- 7.* 7. Tie and angles on water easement on the center line lying along vacated Halstead.
8. Submission of a corporate performance bond, approved as to form by the Department of Law, which will provide for the construction of at least 20 feet of pavement within the fire lane easement (such construction to be at the specifications of the City Engineer); or the actual construction of said 20-foot pavement.
9. Submission of a letter from the platlor stating that she will include as specific items at the time of request for a building permit location, the types of traffic control devices to be utilized, such as concrete wheel guard bars, concrete curbing and adequate traffic control signing to ensure that the fire lane easement will be kept open for fire traffic movement.
10. Recording with the Register of Deeds within 30 days after approval by the Board of City Commissioners.

WICHITA-SEDGWICK COUNTY 3

August 7, 1964

The Final Plat of Sweetbriar Addition will not be forwarded to the Board of City Commissioners until such time as the above required Items 8 and 9 have been met.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:JWH:bgs

cc: Anna McLean
2359 McLean Boulevard

George Stallwitz
First National Bank Building

James Gardner
2464 Coolidge

William L. Fry
333 East Central

July 10, 1964

Wichita-Metropolitan Area Planning Commission

Robert A. Lakin, Assistant Planning Director

S/D 64-14 - Sweetbriar Addition

Anna McLean at the City Commission meeting of July 7, appeared before the Commission requesting that action be taken to expedite the approval of the Sweetbriar Addition plat. The general allegation has been made that over the last seven-year period various obstacles have been placed in her way, and have prevented her from developing her shopping center.

Prior to this meeting, the City Manager requested a report from the Department as to the background and history on this matter. I prepared the attached report for Mr. Foster for submission to the City Manager. This report was reproduced and submitted to the City Commission. At the City Commission meeting many items of the report were discussed, although no official position was taken by the Commission on any of the points contained therein. It was pointed out by the Law Department that approval of plats under consideration is a joint responsibility of the Planning Commission and the governing body. It was further pointed out that neither group may override the decision of the other in matters of plat approval.

Based on this, the City Commission requested the Manager to set up a joint meeting together with the technical staff people involved to discuss the problems of this plat. This meeting will be held at 4:30 p.m. in the Frontier Room of the Lassen Hotel on Tuesday, July 14, 1964. There will be an informal discussion of the plat and then cocktails and dinner.

The two major issues which will be discussed will be the validity of the requirement as to the dedication of ten additional feet of right-of-way for Amidon Avenue and the requirement of the access control on both 21st Street and Amidon. Should any of you have questions on either the staff memo or as to the City Commission minutes, please call me.

ral:jm

July 22, 1964

Mrs. Anna McLean
2359 McLean Boulevard
Wichita 4, Kansas

Subject: S/D 63-14 - Sweetbriar Addition

Dear Mrs. McLean:

We appreciate you and your attorney, Mr. Fry, coming to our office on July 17, 1964, to discuss the previously required conditions concerning the platting of your property.

It is our understanding that you will be submitting a revised plat for consideration by the Planning Commission. The revised plat should indicate the following major conditions:

1. Exception of the service station.
2. Dedication of an additional 10 feet of right-of-way for Amidon Street.
3. Showing, by use of dimensions, labels and arrows, the limits of the access control on the plat as discussed in detail.
4. Inclusion of a 40-foot fire lane easement as marked on the original engineer's copy of the final plat.
5. A building setback line of $7\frac{1}{2}$ feet indicated on each side of the 25-foot easement covering the 48-inch water main.

July 22, 1964

We have consulted with Mr. Taylor and have informed him that your revised plat can be scheduled for the Planning Commission meeting on August 6, provided that he submits twelve copies of the plat to our office no later than July 27, 1964.

I understand that you have been working on this plat for some time and I hope that it is now satisfactory so that you can begin to benefit as soon as possible by the excellent commercial potential of your site.

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

Very sincerely yours,

C. Bickley Foster
Director of Planning

CBF:JHG:ibgs

cc: William L. Fry
333 East Central

K. O. Taylor
307½ Laura, Room 203

C. Merritt Winsby
P. O. Box 2281

Russell E. McClure
City Manager

July 14, 1964

SUBJECT: S/D 64-14 - Sweetbriar Addition

by RAC

1. Question. Why is Amidon an important element of the street system in northwest Wichita? Why should it be treated as an arterial rather than as a collector street?

The Transportation Study shows a projected traffic volume on Amidon north of 21st Street of 9,410 vehicles in 1975 and of 12,220 vehicles in 1985. This is ~~comparable~~ comparable to West Street in the area between Douglas and Central. This street is one of ~~two~~ north-south arterials in the northwest portion of Wichita. One will be the ~~old S.S. 01~~ Broadway, and the other being McLean-Amidon-Meridian. *The other arterials* All other north-south streets through this area are non-existent either through elimination by previous platting or natural barriers, such as the Rivers, Interstate, or flood control. Since the governing body has designated this area as a major shopping complex (as indicated by the grants of zoning), it is important that both the traffic carrying capacity of this street be preserved and that congestion be kept at a minimum for the benefit of both safety in movement of traffic and for ease of shoppers to gain access to the shopping areas. If this intersection and this particular segment of street becomes clogged due to any form of traffic congestion, the ~~shopping~~ shopping center areas will be hurt. It is to the benefit of the shopping areas to see that as a smooth flow of traffic as possible be maintained.

The Master Plan for Thorofares establishes arterials at a 100 foot right of way. This has been the standard and stated policy of the governing body and the Planning Commission since the adoption of the Subdivision Rules and Regulations following the Master Plan adoption of 1946. This policy has been followed in all instances to the staff's knowledge wherever a plat has included a major traffic street or arterial. The only reason Amidon does not have 80 feet north of 21st Street is that this was not in the Master Plan until 1957. Other streets in the Master Plan at that time, such as 21st Street, do have 50 feet of half right of way.

2. Question. Why should the City require 100 feet for major traffic streets-arterials?

When an individual requests platting, the governing body is giving them in exchange for the plat the ability to designate their land by lots and blocks and the privilege of developing

~~it to urban standards. In return for the saleability and development rights, the platlor is requested to provide adequate street systems, easements and appropriate design considerations in connection with other street systems in adjacent plots.~~ The Subdivision Rules and Regulations provide that residential streets shall be designated as 60 feet of right of way, collector streets (half mile streets) as 80 feet of right of way (also industrial streets require 80 feet of right of way by policy), and arterials, or mile line streets, require 100 feet of right of way.

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Several text books have suggested right of way for arterials. These standards are not conclusive as arterials come in several forms. The Master Plan for Thorofares of 1957 requires arterials to have a right of way of at least 100 feet. Certain other types of arterials and expressways require using greater rights of way. Local Planning Administration sets out that arterials normally for new areas should be 150 to 200 feet in width, with deep lots adjoining of approximately 150 to 200 feet in depth. The text states that "such right of way would permit traffic to flow more freely on divided roadways, access to abutting properties being provided by service roads. Such a design is, in affect, a small freeway with access permitted but carefully regulated. Lesser widths may be desirable if no access is permitted. The important thing is to make the right of way wide enough so that lanes can be added, so that access can be controlled and so that intersections can be grade separated in the future."

Local Planning Administration also points out that the arterial, depending on the location, may range from a 60 foot right of way with a 48 foot pavement, to a right of way of 100 feet or more in width, with median drives and service drives. Again, the text book states "Arterials are to be designed primarily for traffic, with such compromises as are necessary to service adjoining properties. This design duty is the specialty of the Traffic Engineer, whose experience with signalization, median strips and charter lanes for turning movements are especially important for wringing the maximum capacity out of a fixed right of way." The lesser right of way of 60 feet is quite common in some of the older areas of the city where structures have been built close to property lines and it is not economically feasible to expect their removal. This problem has plagued the Eastern cities for sometime. The result is that arterials cannot be designed or built as we build them here in the Midwest, and in substitute therefor, expressways must be built to relieve the substandard streets. Here, where we acquire sufficient right of way ahead of time, by such action as is being requested in this

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plat, future redevelopment of the street system, whether in 1985 or the year 2000, has an opportunity of being able to use existing road networks without having to create new expressway cutting through established neighborhoods.

A study prepared by the National Committee on Urban Transportation entitled "Better Transportation for your City" suggested that minimum arterial right of ways should be from 100 to 120 feet.

The Wilson and Company study on the Transportation Study for Wichita, entitled "Urban Highways" suggests several different standards for arterials. These arterials range from those with service roads and medials down to rural arterials. All of the urban arterials are scheduled as rights of way of 100 feet up to 150 feet. The minimum design for urban areas is a 48 foot slab with 2 foot of curbs, 4 foot each for sidewalks and 21 foot parking areas. This will allow the expansion to 6-lane roadways with no medials with the resulting reduction of the parking area from 21 feet to 9 feet. When adding a 4-foot medial to such a roadway, a parking area drops to 7 feet and if sidewalks are increased to 6 feet in width, the parking is down to 5 feet in width. The major reason for having these parking areas is to provide an area for both beautification and utility. The gas company and water company use the parking area in which to lay their lines to service the area. These lines should not be laid under pavement when possible. Also, if sufficient parking areas are left, trees can be planted and these, of course, are what make our city beautiful.

If the City of Wichita were to have paid by condemnation for all of the street right of way it has acquired under the 50 foot half right of way basis, no such improvements such as Civic Center, Library, Fire Stations and many of its constructed streets would not be in existence. This has been a standard policy for the city for many years and should be adhered to to provide adequate expansion room for future arterials and to make the design of existing arterials simpler and more functional.

3. Question. What is access control needed in this area?

It was suggested by the Traffic Engineer that medials be built at this intersection in order to channelize traffic and move it through the intersection area. One of the reasons for this particular channelization is an improvement of the street design and an upgrading of street design which this community needs in several heavy traffic points. Secondly, this particular

4.

street and its intersection with 21st will be one of the heavier traveled intersections in the community. A concentration of the shopping center areas at this particular point will further compound the traffic movement problem in this area. The request for access control is merely a reinforcement of the proposed median control. This is primarily established in the plat so that development will take place based on the access control, even though the median construction may not be available for some months or years. It would be an imposition on both the property owner and future investors to create a development with an interior circulation based on access control points, where the city full knowing intended to place medial controls and disrupt such circulation plans. The new circulation plans for both of these centers should be based on the appropriate legal controls. The one at the southeast corner of this intersection is proceeding on this basis.

4. **Question.** Why has there been a 7 year delay in this particular project.

An analysis of the application request proceedings in this area show that the first application for any activity in this area, after the initial establishment of zoning, was in August of 1959, whereby a request for street vacation was processed on Sweetbriar Street. Shortly thereafter a zoning application

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THE CITY OF WICHITA
OFFICE OF The City Manager

DATE July 10, 1964

TO C. Bickley Foster, Director of Planning
FROM Russell E. McClure, City Manager *RM*
SUBJECT *RM* Platting Discussion -
McLain Property

Attached is a memo which we have issued regarding the platting discussion concerning the McLain property.

Miss Sims will be responsible for contacting the members of the City Commission to obtain their attendance as well as Mr. Scanlon, Mr. Dekker, and Mr. Clancy. Your office is to be responsible for the attendance of the members of the Planning Commission and the Platting Committee members you wish to be present.

Please have your office notify Miss Sims by name those who will be present from the group you are notifying.

REM:gs

Attachment

cc: Robert Lakin, Assistant Director of Planning ✓
James F. Clancy, Executive Assistant



RECEIVE COPY

THE CITY OF WICHITA

OFFICE OF The City Manager

DATE July 10, 1964

TO The Honorable Board of City Commissioners

FROM Russell E. McClure, City Manager

Rm

SUBJECT Conference with Planners

Referring to the Meeting Schedule sent you on July 9, 1964, we have arranged a 4:30 P.M. conference for next Tuesday, July 17, 1964 to discuss the plat for the property of Mrs. Anna McLain at the northwest corner of 21st Street and Amidon. On this occasion we will have the Planning Commission and the Subdivision Committee present to review the procedures that have been followed and the conclusions that have been reached.

This conference will be held in the Frontier Room on the mezzanine of the Hotel Lassen. After the conference we have arranged for refreshments and dinner in Suite B on the sixth floor of the new Lassen Terrace Motor Hotel.

By this arrangement we will be able to cover the platting discussion and have dinner together and should be able to adjourn by 7:30 P.M. so that evening appointments may be kept.

Indications are that there will be a good representation present for the informal discussion and for the evening dinner.

REM:gs

- cc: T. J. Scanlon, Director of Administration
- John Dekker, Director of Law
- James F. Clancy, Executive Assistant
- C. Bickley Foster, Director of Planning
- Robert Lakin, Assistant Director of Planning
- Ralph Wulz, Director of Public Works
- B. E. Smith, City Engineer
- Paul Graves, Traffic Engineer

Jack G
Hess - ?
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REPORT ON SWEETBRIAR
ADDITION PLAT-

- The matter of a report from the Planning Director regarding the history and current status of the plat for Sweetbriar Addition, located at the northwest corner of 21st Street and Amidon and owned by Mrs. Anna McLean, appeared on the agenda.
- C. Bickley Foster- Director of Planning stated that the presentation would be made by Mr. Robert Lakin, Assistant Planning Director, since he was familiar with the history of this matter and had prepared much of the material for the report.
- Robert Lakin- Mr. Lakin stated that the memorandum of June 27, 1964, from the Director of Planning to the City Manager, dated June 27, 1964, Subject: "S/D 64-14 - Sweetbriar Addition", covered all of the action taken on the subject since the plat had been filed with the Planning Department on May 21, 1963.
- He further stated that there^{are} two primary points of contention between the applicant and the Planning Commission, one being the dedication of 10 additional feet of right of way for Amidon from 21st Street north to the north line of Mrs. McLean's property; and the other the request for access control for approximately 370 feet north and west from the intersection of 21st Street and Amidon. Mr. Lakin pointed out these areas on the map.
- Bogart- Mayor Bogart brought out that prior to the issuance of any building permit for the area, that the area must be platted.
- Lakin- Mr. Lakin pointed out that a portion of the property was now platted and a portion not yet platted.
- Considerable discussion was had on the delay in development of the property in question which had been initiated approximately seven years ago. Mr. Lakin reviewed the history of the property pointing out some of the factors which had contributed to the delay.
- Stevens- Commissioner Stevens stated that he had not received the report by the Director of Planning in the matter which the other Commissioners had received in the regular distribution.
- Byrd- Commissioner Byrd stated that he did not believe it to be equitable that Mrs. McLean should be required to dedicate for access control since no such requirement was made of other developers in the area.
- Lakin- Mr. Lakin stated that the thinking behind this request was that considerable traffic would be generated from such a large development requiring additional traffic controls. He pointed out that he believed the other properties would also have to meet such requirements if they should come before the Planning Commission.
- Discussed.
- Lakin- Mr. Lakin pointed out that since 1957 there have been no plats in the area north of 21st Street, with the exception of Mrs. McLean's plat, and following the master plan as currently adopted for an arterial, the normal requirement is for a 50 foot half right-of-way.
- Mrs. Anna McLean- Mrs. Anna McLean, 2359 McLean Boulevard, appeared before the Commission and stated that Amidon had been paved north of 21st Street since 1960 without a 50 foot half right-of-way requirement, and that she was sure that part of the Gardner property had been replatted since the original platting, she contended that if she was to lose 50 feet of her property

7/7/64

then 50 feet should be taken all of the way along the north side since it did not conform to the master plan.

Mrs. McLean-

Ralph Wulz- Director of Public Works stated that Amidon was presently being paved from 25th Street to 29th Street on less than 100 foot right-of-way . He stated that any new platting on this particular street there would be a 100 foot right-of-way requirement, however the City would not condemn extra footage for utility and other purposes requiring the additional right-of-way, but would use the minimum available.

Byrd- Commissioner Byrd inquired if 80 feet would do the job, why then did the City require 100 feet?

Wulz- Mr. Wulz pointed out that the right-of-way was used for many purposes other than just the pavement, these purposes included easements for all utilities (telephone, gas, electric, water, storm sewers, sanitary sewers, and sidewalks).

Lakin- In answer to question by Commissioner Byrd, Mr. Lakin stated that the 100 foot requirement was a policy of the Planning Commission which had been approved by the Board of City Commissioners.

Wulz- In answer to question by Mayor Bogart, Mr. Wulz stated that it was the City's policy to acquire the minimum amount of land necessary when condemnation proceedings were required, and when it was acquired by platting it was in accordance with the Subdivision Rules and Regulations.

Stevens- In answer to inquiry by Commissioner Stevens, Mr. Lakin stated that the street requirements were the same as in 1957 when the Master Plan was adopted.

Mrs. McLean- Mrs. McLean pointed out that the filling station at 21st and Amidon, occupied by Sinclair Oil, had been built before Atlantic Mills had been constructed, yet was coming under the new requirements.

Lakin- Mr. Lakin pointed out no requirements could be made of that property since no request for approval of a plat was being made, as was the case of the filling station location.

Mrs. McLean- Mrs. McLean stated that she had at one time inquired of the possibility of excepting the filling station property from the plat.

Lakin- Mr. Lakin stated that the Planning Department had received no official communication in this regards and from Mrs. McLean remarks, she had made this telephone inquiry after the October 1963 approval of the plat subject to the conditions noted.

In answer to inquiry by Mayor Bogart he further stated that he could see no particular reason why the area could not be replatted excepting the filling station property from the replat.

Tarrant- Commissioner Tarrant stated that it would seem that the requirement for access control from Mrs. McLean's property, while not being previously required of contiguous properties prior to changing of the law, was equality before the law but not equality of fact. He further stated that he felt equity would dictate that the Planning Commission should not require access control and dedication which was not requested of contiguous property owners.

Tarrant- Commissioner Tarrant suggested an En-banc meeting of the Metropolitan Area Planning Commission, Sub-division Committee, and the City Commission in an attempt to work out the problem.

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Discussed.

Stevens- Commissioner Stevens stated that it was his personal opinion that Mrs. McLean had been conspired against for at least seven years in her efforts to get her property zoned and platted in order to proceed with its development, and if necessary the Planning Commission should be dissolved in order to get the job done.

City Manager- City Manager stated that in line with Commissioner Tarrant's suggestion a meeting could be arranged with the Planning Commission and Sub-division Committee to try to resolve these questions. He stated that he felt sure they believed their actions to be fair and reasonable and that they should have the opportunity to defend them.

Tarrant- Commissioner Tarrant stated that such an En-banc meeting should also involve the owners of the contiguous properties since he could not believe that those owners desired hardships to be placed upon Mrs. McLean which they were not required to endure.

Bogart- Mayor Bogart concurred.

motion for en-banc meeting- Tarrant moved that the City Commission request an En-banc meeting with the Metropolitan Area Planning Commission, and the contiguous property owners, having approved plats of a nature similar to that sought by Mrs. McLean, be invited to attend this session.

Byrd- Commissioner Byrd suggested that due to the timing situation, it might be advisable to meet with the Planning Commission and Sub-division committee, unofficially, and hear their story and then the three groups get together to hear this matter as Commissioner Tarrant recommended.

Stevens- Commissioner Stevens stated that in his opinion the matter had been delayed for too long a period and the matter should be resolved once and for all and a time limit set for the meeting.

motion withdrawn- Mayor Bogart, Commissioner Byrd and Commissioner Tarrant indicated that there was a possibility that the question might be resolved in such an informal meeting as suggested by Commissioner Byrd.

Mr. Marcus Gow- With consent of his second, Commissioner Tarrant withdrew his motion.

Mr. Marcus Gow, operator of the Derby Service Station on the southeast corner of Amidon and 21st Street, appeared before the Commission and stated that he was opposed to the proposed medial strip because it would seriously restrict access to his business which was already restricted to the west off of Amidon. Mr. Gow presented a petition, said to bear the signatures of 76 persons, which was captioned as follows:

"We, the undersigned, all residents of Wichita, Kansas, and all familiar with the intersection of twenty-first (21st) and Amidon Streets, hereby petition the City of Wichita, to leave the intersection free from the confusion of the proposed concrete medial strips proceeding east, west and north of the center of said intersection. We submit that there is no necessity for medial strips at this location. Their placement at the intersection is contrary to the desire of the majority of the uses. Such strips are an unnecessary expense to the tax payers. Left turn lanes can be just as well controlled by yellow lines and/or lights. Such strips prohibit or at least seriously hamper trade with old established businesses. A new expensive surface and curbs were just recently completed on Amidon Street from the intersection north for several

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petition-

blocks. To place medial strips would require widening of Amidon at the place of such strips, which would again be a wasteful and expensive method."

received & filed-

Bogart moved that the petition be received and filed. Motion carried unanimously.

motion to fix informal meeting-

Discussion was had on a possible time and date for the informal meeting as suggested.

carried unanimously-

Bogart moved that the City Manager be directed to contact the other organizations with a view towards meeting as soon as possible, an evening meeting, and come back with recommendations as soon as possible as to when the meeting could be held. Motion carried unanimously.

memorandum from Director of Planning received and filed-

Tarrant moved that the memorandum from the Director of Planning to the City Manager, dated June 27, 1964, Subject: "S/D 64-14 - Sweetbriar Addition", be received and filed. Motion carried unanimously.

CONDITION OF STREETS Oak, Osage, Sycamore, & 26th-

Mayor Bogart announced that since there were several persons in the Commission Room who were interested in item 9 on the City Manager's Agenda, that item would next be considered by the Commission.

City Manager-

City Manager reported that residents in the Osage, Oak, Sycamore, and 26th Street area had requested the attention of the City Commission to the condition of streets in their neighborhood, due to treatment of the surface by the City.

George Wilton-

George Wilton, Superintendent of Street Maintenance, appeared before the Commission and pointed out that the streets in the area, being specifically: Osage from 25th to 27th Streets South; Oak from 25th to 27th Streets South, Sycamore from 25th to 27th Streets South; and 26th Street from Osage to Sycamore, were constructed in 1956 of asphaltic concrete. He further stated that the streets were constructed to City standards by contractors, and because of the nature of the material, are subject to expansion and contraction during climate and temperature changes, and in order to compensate for this expansion, expansion joints are provided between sections of the paving. Mr. Wilton further pointed out that these joints are then sealed with a pliable material. Regarding the streets in question, he stated that the joints were last sealed with emulsified asphalt in December 1963, however in his opinion proper blotting (by sanding) was not accomplished at that time, causing the sealing material to bleed excessively during the warm weather.

Mrs. Marvin Arterburn-

Mr. Wilton further stated that the area was now being sanded and from his observation he believed the situation was virtually corrected. He also pointed out that as a result of the sanding some of the joints would be a little higher than the pavement, however these joints would be leveled during cold weather.

Mrs. Marvin Arterburn, 721 West 26th Street South, appeared before the Commission and presented a petition said to bear the signatures of 160 homeowners in the area under discussion. The petition requested measures be taken to correct the condition existing in the streets in question which it was alleged was the result of use of faulty repair material.

Mrs. Arterburn pointed out that there were no sidewalks paralleling these streets and the tar substance was being tracked into the homes, on porches, playground equipment, adhered to vehicles and was ruining the children's clothing. Mrs. Arterburn further stated that it did not appear that the material would ever set and the petitioners were desirous of a permanent solution to the problem.

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

June 27, 1964

TO Russell E. McClure, City Manager
FROM C. Bickley Foster, Director of Planning
SUBJECT S/D 64-14 - Sweetbriar Addition

Sweetbriar Addition comprises all of that area at the northwest corner of 21st Street and Amidon owned by Mrs. Anna McLean, and consists of some 21 acres. This plot is divided into two commercial lots, one being the shopping center site, and the other a leased service station site at the northwest corner of 21st Street and Amidon.

This plat was first submitted to us on May 21, 1963, at which time the Planning Department authorized the submission of the preliminary plat, subject to the inclusion of the relocated Sweetbriar Avenue in lieu of Halstead Avenue, which was proposed to be vacated. When the preliminary plat was submitted, the proposed extension of Sweetbriar was not included. The engineer was advised that the preliminary did not meet the sketch plan agreement, as was Mrs. McLean and her attorney, Mr. Ronald Gott.

After meetings with the Director of Public Works and the Traffic Engineer, and with Mrs. McLean and her representatives, the planning staff still felt that some provision should be made for traffic circulation from the deadending of Halstead eastward to Amidon. This was generally designated in our correspondence with the applicant as the extension of Sweetbriar.

Since Mrs. McLean did not concur with the staff recommendation in this matter, the problem was submitted to the Subdivision Committee of the Planning Commission, as is provided by the Subdivision Rules and Regulations. The rules provide that in the event of disagreement, the matter shall be submitted to the Subdivision Committee within 30 days for resolution. At this time, the Subdivision Committee deferred action on the matter and requested the applicant to hold additional meetings with the planning staff to consider the feasibility of submitting the entire proposal under the then Community Unit Plan provisions of the zoning ordinance. These conferences continued through the month of July, and in early August a new preliminary plat was submitted which contained on it several of the items

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June 27, 1964

which the applicant felt met the general criteria in lieu of a Community Unit Plan application. These included setback lines and fire lanes, rather than the extension of the street.

In August, the Subdivision Committee discussed the preliminary plat and referred it to the Planning Commission for a policy decision. This referral to the Planning Commission was due to a lack of a majority on the Subdivision Committee as of that particular date. This preliminary plat was recommended for approval subject to certain revisions and access control designations along 21st Street and on Amidon. At this particular point and time, the question of the 50-foot or 40-foot half right of way for Amidon had not been resolved.

Between approval of the preliminary plat and submission of the final plat, the applicant contacted the then Director, Mr. Edmonds, regarding the additional 10-foot dedication for Amidon. The Director commented, by letter to Mrs. McLean, as to the reasons for the request for the additional 10 feet, and further advised her that she might submit the final plat without the 10-foot dedication, but that if she did so it would be called to the attention of the Subdivision Committee for its consideration.

On October 10, 1963, the Subdivision Committee approved the final plat subject to some nine conditions. Among these were two conditions which provided for:

- a. access control along 21st Street and Amidon for a distance equal to that proposed for medial construction at a future date; and
- b. an additional 10 feet of right of way for Amidon from 21st Street north to the north property line.

Both of these conditions were set out in greater detail, and subject to minor modification. A week later, the Planning Commission considered the Subdivision Committee recommendation and approved the final plat subject to these same conditions. At the Planning Commission meeting, Mrs. McLean's attorney, George Stallwitz, appeared and discussed each of the various points with the Planning Commission. It was pointed out at that time by Mr. Stallwitz that Mrs. McLean did not wish to make the additional 10-foot dedication nor the concession of access control. However, based on the Planning Commission position and requirements of these matters, it was understood

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June 27, 1964

by the planning staff at the end of the meeting that Mrs. McLean, through Mr. Stallwitz, agreed to all of said conditions and would proceed to correct the final plat in accordance with the conditions established by the Planning Commission.

Since that date, no action has been taken by the applicant. We have had no official correspondence from either Mrs. McLean or from any of her agents, with the exception of receiving the title opinion from her attorneys and a letter from the engineer stating that the irons on the plat had been set. We have been contacted both by her engineer, Mr. Kenneth Taylor, and by Mr. William Fry, her attorney, (NOTE: We have never been notified by either Mrs. McLean or the firm of Lilleston-Spradling-Gott-Stallwitz & Hope that such firm was to no longer be considered as her agent) that she, or her mortgagors do not wish to make the 10-foot dedication nor to grant access control. These have been informal discussions and nothing has been submitted to us on paper.

It is our understanding, however, that the following problems exist:

1. Dedication of 10 additional feet of right of way for Amidon from 21st Street north to the north line of Mrs. McLean's property. This was further conditioned that the area which is occupied by a service station under lease, would not be required to give a straight dedication but to give a conditional dedication. This was conditioned to the affect that this dedication would not become effective until said service station was removed. This was done to protect the lessee and the existing physical development and investment.

We are told that Mrs. McLean objects to this dedication on the basis that the property owner to the east, Mr. James Gardner, did not make such a dedication in the platting of Riverlawn Addition. This is correct, as neither Mr. Gardner nor Mrs. McLean were originally required to dedicate more than 40 feet of half right of way at the time their respective plats were filed in 1953. When the Benjamin Hills and Gardner Riverlawn plats were filed, the Master Plan showed Meridian as the arterial. The current Master Plan was not adopted until 1957. Since that time, all dedications in this area (Amidon-McLean from 13th Street to 21st Street) have conformed to the Master Plan.

More recently, however, in the area south of 21st Street, dedications were made by Ritchie Brothers Development Company and by the Dolese Construction Company for 50 feet of half right of way on each side of Amidon from 21st Street to the north end of the McLean-Amidon bridge. These dedications were not only for 50 feet of half right of way, but included complete access control, except for specified points on each property. This included three access points on the Ritchie property and two access points on the Dolese property.

The Subdivision Rules and Regulations provide that half section line streets shall be 40 feet for half right of way. Amidon, of course, is a half section line street. However, what has been normally overlooked is that Amidon is also a major traffic street and is set forth as such in the Master Plan for Thorofares adopted in 1957. On all thorofares dedications of at least 100 feet of right of way (50-foot half rights of way) have been required. It should also be pointed out that in this particular area, Amidon is the only north-south major traffic street, or arterial. Meridian, which would normally have been a mile line street, was not utilized, and no street at all extends down this particular area. The staff cannot recall of any instance in the last few years where a developer, when platting, was not required to dedicate at least 50 feet of half right of way on major traffic streets. It is felt that this is a reasonable requirement and should be adhered to.

2. The Planning Commission has requested, upon advice of the Traffic Engineer, that access control be granted to the public for approximately 370 feet in each direction (north and west) from the intersection of 21st Street and Amidon. The exception here is that in the first 100+ feet, which is occupied by the service station, no access control shall be required. The net result of this requirement is that there shall be complete access control in those areas which the Traffic Engineer has proposed that there be medial control through the reconstruction of Amidon and 21st Street. The obvious advantage of this particular arrangement is that the intersection of two heavy traffic carriers (21st and Amidon) can be kept free from clogging by turning movements occurring in the immediate vicinity of the intersection. Failure to have this control would create

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June 27, 1964

a number of traffic conflicts and increase the traffic hazards of this intersection.

In this respect, the access control perhaps could be left off of the plat. The Planning Commission, however, would have (under the new Community Unit Plan), the authority to make such a requirement, with such requirement being appealable to the governing body in the event the property owner disagrees. In comparing this with the treatment in the immediate area of other property owners, it should be noted that no access control exists on 21st Street or on the east side of Amidon north of 21st. This has occurred because the area has been platted for a number of years and development has already taken place. It is assumed that should any redevelopment, or necessity for replatting of this area occur, that the same requirements would be made of the property owner. South of 21st Street, as has already been indicated, access control was granted for the entire distance with the exception of two access points on the Ritchie property and two access points on the Dolese property. This is far more severe, in terms of access control, than that being proposed on the Sweetbriar Addition. Beyond the 370-foot mark on the Sweetbriar Addition, access control is unlimited, except as established by the City's curb cut ordinance.

As pointed out to the Commission, under Kansas law (G.S. 13-1111, as amended), requires that subdivisions be approved by both the Planning Commission and the governing body. In effect, this means that one Commission cannot override the other one in matters of plat approval. If the applicant continues to disagree with the requirements made, it would be my suggestion that the applicant, together with the Planning Commission, meet to discuss the problems involved and see if some solution can be found.

In the event the Planning Commission does not wish to revise its original requirements, then it is my understanding that the only course of action left is litigation by the applicant. It would seem that that which the applicant has been asked to do is not unreasonable. These types of requirements have been made locally and have been complied with in all instances to the knowledge of our staff, (except the Hudson Oil case which is now in litigation.)

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June 27, 1964

As Bob Lakin prepared much of the material for this report,
any questions concerning this matter should be directed to him.
We will be available to discuss this matter with the City Com-
mission if it is so desired.

C. Bickley Foster
C. Bickley Foster
Director of Planning

CBF:RAL:ber

<u>Date</u>	<u>Body</u>	<u>Action</u>
5-20-63	Staff	Engineer authorized to submit preliminary plat based on sketch plat discussions
5-21-63	Staff	Application received
5-22-63	Staff	Engineer advised preliminary plat did not comply with agreement on sketch plat
5-28-63	Staff	Letter to Mrs. McLean acknowledging comments by her in letter dated 5-23-63, and stating that the matter of sketch plat disagreement would be submitted to the Subdivision Committee for a policy decision in accordance with the Subdivision Rules and Regulations
6-7-63	Staff	Meeting with Mrs. McLean to discuss problems of platting
6-13-63	Subdivision Committee	Deferred action on sketch plat to allow Mrs. McLean, her attorneys, architect and engineer to meet with members of the Planning staff to discuss the possibility of the development under the then Community Unit Plan provisions of the zoning ordinance
Early July 1963	Mrs. McLean	Submitted copies of architect's development plan
Late July 1963	Staff	Review of development plans by Planning Department and other city staff members
8-16-63	Mrs. McLean	Submission of preliminary plat
8-30-63	Subdivision Committee	Referred preliminary plat to Planning Commission for policy decision due to lack of quorum at Subdivision Committee meeting
9-5-63	Planning Commission	Recommended approval of preliminary plat subject to access control along 21st and Amidon to line up with proposed medials. Question of right of way not determined at this point

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<u>Date</u>	<u>Body</u>	<u>Action</u>
9-12-63	Subdivision Committee	<p>Approved preliminary plat, subject to following six points:</p> <ol style="list-style-type: none"> 1. The requirements of the Subdivision Rules and Regulations for a final plat (see pages 4 and 5). 2. Applicant working out satisfactory arrangements with the Fire Department as to the location of the fire lane easement. 3. Applicant working out satisfactory arrangements with the Traffic Engineer as to ingress and egress points. 4. Subtitle of the plat to read "and a Replat of Part of Benjamin Hills Second Addition". 5. Showing of an 8 foot easement along the north side of Lot 2 in favor of Kansas Gas & Electric Company. 6. Showing of building setback lines.

It was also noted by Planning Department members that the problem of the major traffic street and 50 foot half right of way should be determined at the final plat stage.

9-30-63 Mrs. McLean

Final plat filed

10-10-63 Subdivision Committee

Approved final plat subject to the following conditions:

1. Access control should be provided by:
 - a. Including in the plattor's text the following: "Complete access control to Amidon from that portion of Block 1, Sweetbriar Addition, extending from a point 130 feet north of the north line of 21st Street North to a point 370 feet north of the north line of 21st Street North along the west line of Amidon Avenue is hereby granted to the City of Wichita".
 - b. Including in the plattor's text the following: "Complete access control to 21st Street North from that portion of Block 1, Sweetbriar Addition extending from a point 130 feet west of the west line of Amidon Avenue to

THE BEST
AVAILABLE COPY

Date

Body

Action

- a point 370 feet west of the west line of Amidon along the north line of 21st Street North".
- c. Showing by use of dimensions, labels and arrows the limits of the access control on the plat.
 - 2. Block number to be designated.
 - 3. Tie and angles on water easement center line lying along vacated Halstead.
 - 4. Inclusion of a 40-foot fire lane easement as marked on the Engineer's copy of the final plat, generally lying on the north and west of the building setback lines in Lot 1 extending from Amidon to the west, thence south to approximately 300 feet north of 21st Street, thence west to Sweetbriar Lane. Fire lane easement should be adjusted to provide for turning radii at the location of right angle turns.
 - 5. Submission of a corporate performance bond approved as to form by the Legal Department which will provide for the construction of at least 20 feet of pavement within the fire lane easement. (Such construction to be at the specifications of the City Engineer); or the actual construction of said 20 foot pavement.
 - 6. Submission of a letter from the platlor stating that she will include as specific items at the time of request for a building permit location, the types of traffic control devices to be utilized, such as concrete wheel guard bars, concrete curbing and adequate traffic control signing to ensure that the fire lane easement will be kept open for fire traffic movement.
 - 7. Dedication of an additional 10 feet of right of way for Amidon Street along Lot 1; and submission of a separate instrument providing for the conditional dedication for an additional 10 feet of right of way for Amidon from Lot 2. Such conditional dedication to be effective at such time as the existing service station is removed. (Note: Although not required by the Subdivision Committee, in order to

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<u>Date</u>	<u>Body</u>	<u>Action</u>
		protect the additional 10 feet of right of way until the conditional dedication becomes effective, it is recommended tha a 10-foot building setback line be established on the east of Lot 2.)
		8. That the plattor's engineer check with the engineer from the Water Department to determine the feasibility of increasing the building setback line adjacent to the existing 25-foot water line easement. The plattor's engineer was requested to report as to his findings no later than the Planning Commission meeting of October 17, 1963.
		9. Recording with the Register of Deeds within 30 days after approval by the Board of City Commissioners.
10-17-63	MAPC	Approved final plat as recommended by Subdivision Committee
10-22-63	Engineer	Letter on irons received
10-31-63	Attorney	Title and tax opinion received
Current Status		Tracing has not been corrected or returned to this office. Due to length of time involved, a new title and tax opinion will be required before the final plat can be released for filing.

June 27, 1964

Russell E. McClure, City Manager
C. Bickley Foster, Director of Planning
S/D 64-14 - Sweetbriar Addition

Sweetbriar Addition comprises all of that area at the northwest corner of 21st Street and Amidon owned by Mrs. Anna McLean, and consists of some 21 acres. This plot is divided into two commercial lots, one being the shopping center site, and the other a leased service station site at the northwest corner of 21st Street and Amidon.

This plat was first submitted to us on May 21, 1963, at which time the Planning Department authorized the submission of the preliminary plat, subject to the inclusion of the relocated Sweetbriar Avenue in lieu of Halstead Avenue, which was proposed to be vacated. When the preliminary plat was submitted, the proposed extension of Sweetbriar was not included. The engineer was advised that the preliminary did not meet the sketch plan agreement, as was Mrs. McLean and her attorney, Mr. Ronald Gott.

After meetings with the Director of Public Works and the Traffic Engineer, and with Mrs. McLean and her representatives, the planning staff still felt that some provision should be made for traffic circulation from the deadending of Halstead eastward to Amidon. This was generally designated in our correspondence with the applicant as the extension of Sweetbriar.

Since Mrs. McLean did not concur with the staff recommendation in this matter, the problem was submitted to the Subdivision Committee of the Planning Commission, as is provided by the Subdivision Rules and Regulations. The rules provide that in the event of disagreement, the matter shall be submitted to the Subdivision Committee within 30 days for resolution. At this time, the Subdivision Committee deferred action on the matter and requested the applicant to hold additional meetings with the planning staff to consider the feasibility of submitting the entire proposal under the then Community Unit Plan provisions of the zoning ordinance. These conferences continued through the month of July, and in early August a new preliminary plat was submitted which contained on it several of the items

which the applicant felt met the general criteria in lieu of a Community Unit Plan application. These included setback lines and fire lanes, rather than the extension of the street.

In August, the Subdivision Committee discussed the preliminary plat and referred it to the Planning Commission for a policy decision. This referral to the Planning Commission was due to a lack of a majority on the Subdivision Committee as of that particular date. This preliminary plat was recommended for approval subject to certain revisions and access control designations along 21st Street and on Amidon. At this particular point and time, the question of the 50-foot or 40-foot half right of way for Amidon had not been resolved.

Between approval of the preliminary plat and submission of the final plat, the applicant contacted the then Director, Mr. Edmonds, regarding the additional 10-foot dedication for Amidon. The Director commented, by letter to Mrs. McLean, as to the reasons for the request for the additional 10 feet, and further advised her that she might submit the final plat without the 10-foot dedication, but that if she did so it would be called to the attention of the Subdivision Committee for its consideration.

On October 10, 1963, the Subdivision Committee approved the final plat subject to some nine conditions. Among these were two conditions which provided for:

- a. access control along 21st Street and Amidon for a distance equal to that proposed for medial construction at a future date; and
- b. an additional 10 feet of right of way for Amidon from 21st Street north to the north property line.

Both of these conditions were set out in greater detail, and subject to minor modification. A week later, the Planning Commission considered the Subdivision Committee recommendation and approved the final plat subject to these same conditions. At the Planning Commission meeting, Mrs. McLean's attorney, George Stallwitz, appeared and discussed each of the various points with the Planning Commission. It was pointed out at that time by Mr. Stallwitz that Mrs. McLean did not wish to make the additional 10-foot dedication nor the concession of access control. However, based on the Planning Commission position and requirements of these matters, it was understood

by the planning staff at the end of the meeting that Mrs. McLean, through Mr. Stallwitz, agreed to all of said conditions and would proceed to correct the final plat in accordance with the conditions established by the Planning Commission.

Since that date, no action has been taken by the applicant. We have had no official correspondence from either Mrs. McLean or from any of her agents, with the exception of receiving the title opinion from her attorneys and a letter from the engineer stating that the irons on the plat had been set. We have been contacted both by her engineer, Mr. Kenneth Taylor, and by Mr. William Fry, her attorney, (NOTE: We have never been notified by either Mrs. McLean or the firm of Lilleston-Spradling-Gott-Stallwitz & Hope that such firm was to no longer be considered as her agent) that she, or her mortgagors do not wish to make the 10-foot dedication nor to grant access control. These have been informal discussions and nothing has been submitted to us on paper.

It is our understanding, however, that the following problems exist:

1. Dedication of 10 additional feet of right of way for Amidon from 21st Street north to the north line of Mrs. McLean's property. This was further conditioned that the area which is occupied by a service station under lease, would not be required to give a straight dedication but to give a conditional dedication. This was conditioned to the affect that this dedication would not become effective until said service station was removed. This was done to protect the lessee and the existing physical development and investment.

We are told that Mrs. McLean objects to this dedication on the basis that the property owner to the east, Mr. James Gardner, did not make such a dedication in the platting of Riverlawn Addition. This is correct, as neither Mr. Gardner nor Mrs. McLean were originally required to dedicate more than 40 feet of half right of way at the time their respective plats were filed in 1953. When the Benjamin Hills and Gardner Riverlawn plats were filed, the Master Plan showed Meridian as the arterial. The current Master Plan was not adopted until 1957. Since that time, all dedications in this area (Amidon-McLean from 13th Street to 21st Street) have conformed to the Master Plan.

More recently, however, in the area south of 21st Street, dedications were made by Ritchie Brothers Development Company and by the Dolese Construction Company for 50 feet of half right of way on each side of Amidon from 21st Street to the north end of the McLean-Amidon bridge. These dedications were not only for 50 feet of half right of way, but included complete access control, except for specified points on each property. This included three access points on the Ritchie property and two access points on the Dolese property.

The Subdivision Rules and Regulations provide that half section line streets shall be 40 feet for half right of way. Amidon, of course, is a half section line street. However, what has been normally overlooked is that Amidon is also a major traffic street and is set forth as such in the Master Plan for Thoroughfares adopted in 1957. On all thoroughfares dedications of at least 100 feet of right of way (50-foot half rights of way) have been required. It should also be pointed out that in this particular area, Amidon is the only north-south major traffic street, or arterial. Meridian, which would normally have been a mile line street, was not utilized, and no street at all extends down this particular area. The staff cannot recall of any instance in the last few years where a developer, when platting, was not required to dedicate at least 50 feet of half right of way on major traffic streets. It is felt that this is a reasonable requirement and should be adhered to.

2. The Planning Commission has requested, upon advice of the Traffic Engineer, that access control be granted to the public for approximately 370 feet in each direction (north and west) from the intersection of 21st Street and Amidon. The exception here is that in the first 100+ feet, which is occupied by the service station, no access control shall be required. The net result of this requirement is that there shall be complete access control in those areas which the Traffic Engineer has proposed that there be medial control through the reconstruction of Amidon and 21st Street. The obvious advantage of this particular arrangement is that the intersection of two heavy traffic carriers (21st and Amidon) can be kept free from clogging by turning movements occurring in the immediate vicinity of the intersection. Failure to have this control would create

a number of traffic conflicts and increase the traffic hazards of this intersection.

In this respect, the access control perhaps could be left off of the plat. The Planning Commission, however, would have (under the new Community Unit Plan), the authority to make such a requirement, with such requirement being appealable to the governing body in the event the property owner disagrees. In comparing this with the treatment in the immediate area of other property owners, it should be noted that no access control exists on 21st Street or on the east side of Amidon north of 21st. This has occurred because the area has been platted for a number of years and development has already taken place. It is assumed that should any redevelopment, or necessity for replatting of this area occur, that the same requirements would be made of the property owner. South of 21st Street, as has already been indicated, access control was granted for the entire distance with the exception of two access points on the Ritchie property and two access points on the Dolese property. This is far more severe, in terms of access control, than that being proposed on the Sweetbriar Addition. Beyond the 370-foot mark on the Sweetbriar Addition, access control is unlimited, except as established by the City's curb cut ordinance.

As pointed out to the Commission, under Kansas law (G.S. 13-1111, as amended), requires that subdivisions be approved by both the Planning Commission and the governing body. In effect, this means that one Commission cannot override the other one in matters of plat approval. If the applicant continues to disagree with the requirements made, it would be my suggestion that the applicant, together with the Planning Commission, meet to discuss the problems involved and see if some solution can be found.

In the event the Planning Commission does not wish to revise its original requirements, then it is my understanding that the only course of action left is litigation by the applicant. It would seem that that which the applicant has been asked to do is not unreasonable. These types of requirements have been made locally and have been complied with in all instances to the knowledge of our staff. (except the Hudson Oil case which is now in litigation.)

Page 6 - Russell E. McClure
June 27, 1964

As Bob Lakin prepared much of the material for this report,
any questions concerning this matter should be directed to him.
We will be available to discuss this matter with the City Com-
mission if it is so desired.

C. Bickley Foster
Director of Planning

CEF:RAL:ber

<u>Date</u>	<u>Body</u>	<u>Action</u>
5-20-63	Staff	Engineer authorized to submit preliminary plat based on sketch plat discussions
5-21-63	Staff	Application received
5-22-63	Staff	Engineer advised preliminary plat did not comply with agreement on sketch plat
5-28-63	Staff	Letter to Mrs. McLean acknowledging comments by her in letter dated 5-23-63, and stating that the matter of sketch plat disagreement would be submitted to the Subdivision Committee for a policy decision in accordance with the Subdivision Rules and Regulations
6-7-63	Staff	Meeting with Mrs. McLean to discuss problems of platting
6-13-63	Subdivision Committee	Deferred action on sketch plat to allow Mrs. McLean, her attorneys, architect and engineer to meet with members of the Planning staff to discuss the possibility of the development under the then Community Unit Plan provisions of the zoning ordinance
Early July 1963	Mrs. McLean	Submitted copies of architect's development plan
Late July 1963	Staff	Review of development plans by Planning Department and other city staff members
8-16-63	Mrs. McLean	Submission of preliminary plat
8-30-63	Subdivision Committee	Referred preliminary plat to Planning Commission for policy decision due to lack of quorum at Subdivision Committee meeting
9-5-63	Planning Commission	Recommended approval of preliminary plat subject to access control along 21st and Amidon to line up with proposed medials. Question of right of way not determined at this point

Date	Body	Action
9-12-63	Subdivision Committee	<p>Approved preliminary plat, subject to following six points:</p> <ol style="list-style-type: none"> 1. The requirements of the Subdivision Rules and Regulations for a final plat (see pages 4 and 5). 2. Applicant working out satisfactory arrangements with the Fire Department as to the location of the fire lane easement. 3. Applicant working out satisfactory arrangements with the Traffic Engineer as to ingress and egress points. 4. Subtitle of the plat to read "and a Replat of Part of Benjamin Hills Second Addition". 5. Showing of an 8 foot easement along the north side of Lot 2 in favor of Kansas Gas & Electric Company. 6. Showing of building setback lines. <p>It was also noted by Planning Department members that the problem of the major traffic street and 50 foot half right of way should be determined at the final plat stage.</p>
9-30-63	Mrs. McLean	Final plat filed
10-10-63	Subdivision Committee	<p>Approved final plat subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Access control should be provided by: <ol style="list-style-type: none"> a. Including in the plat's text the following: "Complete access control to Amidon from that portion of Block 1, Sweetbriar Addition, extending from a point 130 feet north of the north line of 21st Street North to a point 370 feet north of the north line of 21st Street North along the west line of Amidon Avenue is hereby granted to the City of Wichita". b. Including in the plat's text the following: "Complete access control to 21st Street North from that portion of Block 1, Sweetbriar Addition extending from a point 130 feet west of the west line of Amidon Avenue to

Date

Body

Action

- a point 370 feet west of the west line of Amidon along the north line of 21st Street North".
- c. Showing by use of dimensions, labels and arrows the limits of the access control on the plat.
2. Block number to be designated.
 3. Tie and angles on water easement center line lying along vacated Halstead.
 4. Inclusion of a 40-foot fire lane easement as marked on the Engineer's copy of the final plat, generally lying on the north and west of the building setback lines in Lot 1 extending from Amidon to the west, thence south to approximately 300 feet north of 21st Street, thence west to Sweetbriar Lane. Fire lane easement should be adjusted to provide for turning radii at the location of right angle turns.
 5. Submission of a corporate performance bond approved as to form by the Legal Department which will provide for the construction of at least 20 feet of pavement within the fire lane easement. (Such construction to be at the specifications of the City Engineer); or the actual construction of said 20 foot pavement.
 6. Submission of a letter from the platlor stating that she will include as specific items at the time of request for a building permit location, the types of traffic control devices to be utilized, such as concrete wheel guard bars, concrete curbing and adequate traffic control signing to ensure that the fire lane easement will be kept open for fire traffic movement.
 7. Dedication of an additional 10 feet of right of way for Amidon Street along Lot 1; and submission of a separate instrument providing for the conditional dedication for an additional 10 feet of right of way for Amidon from Lot 2. Such conditional dedication to be effective at such time as the existing service station is removed. (Note: Although not required by the Subdivision Committee, in order to

Date

Body

Action

protect the additional 10 feet of right of way until the conditional dedication becomes effective, it is recommended tha a 10-foot building setback line be established on the east of Lot 2.)

8. That the plattor's engineer check with the engineer from the Water Department to determine the feasibility of increasing the building setback line adjacent to the existing 25-foot water line easement. The plattor's engineer was requested to report as to his findings no later than the Planning Commission meeting of October 17, 1963.
9. Recording with the Register of Deeds within 30 days after approval by the Board of City Commissioners.

10-17-63

MAPC

Approved final plat as recommended by Subdivision Committee

10-22-63

Engineer

Letter on irons received

10-31-63

Attorney

Title and tax opinion received

Current Status

Tracing has not been corrected or returned to this office. Due to length of time involved, a new title and tax opinion will be required before the final plat can be released for filing.

June 26, 1964

SWEETBRIAR ADDITION FILE

Benjamin Hills 2nd	11-10-53	40 feet
Riverlawn Heights	-54	40 feet
Gardners Riverlawn	6-19-53	40 feet
Northwest Gardens	6-12-50	40 feet
Gilder's Riverside	7-25-30	40 & 35
Gilder's Court	-27	30
Van Acres	6-16-36	35

THE ABOVE IS PLATTING DATA RELATING TO AMIDON.

WICHITA-SEDGWICK COUNTY

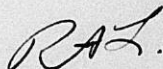
DATE

METROPOLITAN AREA PLANNING DEPARTMENT

June 25, 1964

TO Files
FROM Robert A. Lakin, Assistant Planning Director
SUBJECT S/D 63-14 - Sweetbriar Addition

I talked to George Stallwitz this morning, and was advised that his firm, and particularly himself, is still involved as attorneys representing Mrs. Anna McLean in this matter. All correspondence, notices, agendas, etc., involving this particular case should also be forwarded to Mr. Stallwitz, as well as Mr. William Fry.



Robert A. Lakin
Assistant Planning Director

RAL:ber

June 25, 1964

Files

Robert A. Lakin, Assistant Planning Director

S/D 63-14 - Sweetbriar Addition

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Robert A. Lakin
Assistant Planning Director

RAL:ber

THE CITY OF WICHITA
OFFICE OF The City Manager

DATE June 16, 1964

TO C. Bickley Foster, Director of Planning

FROM Russell E. McClure, City Manager

SUBJECT *Rgm*
Status of McLain Plat

Mrs. Anna McLain recently commented at a City Commission meeting regarding the delays she believes have occurred in the platting of her proposed commercial center at the northwest corner of 21st and Amidon.

The City Commission has requested a current report outlining the step by step actions that have been taken and their dates. As I recall it from previous discussions, requirements have been made that have not been fulfilled by Mrs. McLain.

Your comments on the situation and your views as to how the approval may be expedited will be appreciated.

REM:gs



THE CITY OF WICHITA
OFFICE OF The City Manager

DATE June 16, 1964

TO C. Bickley Foster, Director of Planning

FROM Russell E. McClure, City Manager

SUBJECT *RM* Status of McLain Plat

Mrs. Anna McLain recently commented at a City Commission meeting regarding the delays she believes have occurred in the platting of her proposed commercial center at the northwest corner of 21st and Amidon.

The City Commission has requested a current report outlining the step by step actions that have been taken and their dates. As I recall it from previous discussions, requirements have been made that have not been fulfilled by Mrs. McLain.

Your comments on the situation and your views as to how the approval may be expedited will be appreciated.

REM:gs

File

November 26, 1963

John Dekker, Assistant City Attorney
Robert A. Lakin, Assistant Planning Director
Sweetbriar Addition

Don Holtgren has asked if I would still like a written opinion on Sweetbriar Addition concerning the requirement that mortgagors be signatory to the plat. I still believe this will be needed and would request that such an opinion be provided this Department.

Robert A. Lakin
Assistant Planning Director

RAL:ber

November 8, 1963

John Dekker, Assistant City Attorney

Jack H. Galbraith, Senior Planner

Sweetbriar Addition

As you will recall from our conversations concerning Sweetbriar Addition, Mrs. McLean has a platting problem in that a mortgage dated February 23, 1956 given by Gardner Land Inc., a corporation, to Atlas Life Insurance Company covers the property described as Lot 2 in Sweetbriar Addition and legally described as:

The south 180 feet of the east 170 feet of the SW $\frac{1}{4}$ of Sec. 6-27S-1E, except the south 50 feet and except the east 40 feet thereof, Sedgwick County, Kansas, (exceptions covering street easements).

The Atlas Life Insurance Company will not give their consent to platting the property by signing the face of the plat or by any other means.

The Metropolitan Area Planning Commission approved the plat on October 17, 1963, subject to several conditions. The only one that directly affects Lot 2 is the following indicated as Item No. 7 in the letter of approval:

Dedication of an additional 10 feet of right-of-way for Amidon Street along Lot 1, and submission of a separate instrument providing for an additional 10 feet of right-of-way for Amidon from Lot 2. Such conditional dedication to be effective at such time as the existing service station is removed. (Note: Although not required by the Subdivision Committee, in order to protect the additional 10 feet of right-of-way until the conditional dedication becomes effective, it is recommended that a 10 foot building setback line be established on the east of Lot 2).

John Dekker, Assistant City Attorney
Page 2
November 8, 1963

I am enclosing a copy of the Final Plat as submitted to the Metropolitan Area Planning Commission. It does not show any of the requirements set out by their action of October 17, 1963, but if these requirements would be helpful in any way, a copy can be sent at your request.

Mr. Edmonds would like to determine the most expediant means of solving this problem without the consent of Atlas Life Insurance to platting the property in question. Your attention to this matter would be most helpful.

Jack H. Galbraith
Senior Planner

JG:DLH:an
Attachment

LAW OFFICES .

LILLESTON, SPRADLING, GOTT, STALLWITZ & HOPE

923 FIRST NATIONAL BANK BUILDING

TELEPHONE FOREST 3-8218

WICHITA 2, KANSAS

October 30, 1963

W. F. LILLESTON
GEORGE C. SPRADLING
HENRY V. GOTT
GEORGE STALLWITZ
RALPH M. HOPE
RICHARD W. STAVELY
CHARLES S. LINDBERG
RONALD M. GOTT

STANLEY & VERMILION . 1886-1897
STANLEY, VERMILION
& EVANS 1897-1909
STANLEY, VERMILION,
EVANS & CAREY . . . 1909-1913
VERMILION, EVANS,
CAREY & LILLESTON . 1913-1946
CAREY, LILLESTON,
SPRADLING & GOTT . 1946-1950
LILLESTON, SPRADLING,
GOTT & STALLWITZ . 1950-1958

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

Gentlemen:

We have examined abstracts of title covering the following
described real estate situated in the County of Sedgwick, State
of Kansas, to-wit:

The SE 1/4 of the SE 1/4 of the SW 1/4 of Section 6,
T27S, R1E of the 6th P. M. in Sedgwick County,
Kansas; also

The south 300 feet of Block 16, Benjamin Hills Second
Addition, Sedgwick County, Kansas, except the following
described tract: Beginning at the SW corner of said
Block 16, thence east on the south line of said Block 16,
150 feet; thence north at right angles, 150 feet; thence
west parallel to the south line of said Block 16, 121.02
feet, more or less, to the west line of said Block 16;
thence southerly along the westerly line of said Block 16,
153.71 feet to the point of beginning; also

All of Block 15, Benjamin Hills Second Addition, Sedgwick
County, Kansas; also

Odd and even Lots 6 to 14 inclusive, Block 7, Benjamin
Hills Second Addition, Sedgwick County, Kansas; also

Vacated Sweetbriar Lane from the north line of Halstead
Street to the west line of Amidon Avenue, all as platted
in Benjamin Hills Second Addition, Sedgwick County,
Kansas; also



October 30, 1963

Vacated Halstead Street from the east line of Sweetbriar Lane to the west line of Amidon Avenue, all as platted in Benjamin Hills Second Addition, Sedgwick County, Kansas, except beginning at the NW corner of Block 16, in said Benjamin Hills Second Addition; thence southeasterly along the north line of said Block 16, 141.4 feet; thence northeasterly at right angles, 30 feet; thence northwesterly at right angles, 141.4 feet; thence southwesterly at right angles 30 feet to the point of beginning.

and in our opinion, based upon such examination, fee simple title to said real estate is vested in

Sweetbriar Gardens, Inc., a Kansas corporation, and E. A. McLean, a single person,

free and clear of all encumbrances except the following:

1. Mortgage dated November 26, 1962, between Sweetbriar Gardens, Inc., a Kansas corporation, and Plaza Bank of Commerce, a Missouri corporation, Kansas City, Missouri, covering all of the property above-described, except a tract described as follows:

A tract of land in Wichita, Sedgwick County, Kansas, beginning at a point 661.65 feet north and forty feet west of the southeast corner of the Southwest Quarter of Section 6, Township 27, Range 1 East, being on the west line of the dedicated right of way for Amidon Avenue, thence west along the south line of the dedicated north half of Halstead Street 130 feet, thence south 130 feet, thence east 130 feet, thence north 130 feet to point of beginning,

said mortgage having been filed with the Register of Deeds of Sedgwick County, Kansas, on December 3, 1962, and recorded in Book 1452 of Mortgages, page 313. The property described immediately above was at the time of the giving of said mortgage by Sweetbriar Gardens, Inc. owned by the City of Wichita as a fire station site. It was subsequently conveyed by the City to E. A. McLean, a single woman, and said tract constitutes all of the property owned by

Wichita-Sedgwick County Metropolitan
Area Planning Commission

-3-

October 29, 1963

E. A. McLean, a single woman, in the real estate comprising the plat denominated Sweetbriar Addition and Replat of Part of Benjamin Hills Second Addition to Wichita, Sedgwick County, Kansas, all as described above.

2. Mortgage dated February 23, 1956, given by Gardner Land, Inc., a corporation, to Atlas Life Insurance Company, a corporation, covering the following described property (shown on the plat of Sweetbriar Addition as Lot 2):

The South 180 feet of the East 170 feet of the SW/4 of Section 6-27S-1E, except the South 50 feet and except the East 40 feet thereof, Sedgwick County, Kansas, (exceptions covering street easements).

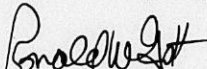
3. The City of Wichita adopted a resolution vacating Halstead Street between the East line of Sweetbriar Lane and the West line of Amidon Avenue on October 8, 1963. The street was formally vacated by the City by Ordinance No. 27-384, published in the Wichita Beacon on October 11, 1963. The formal petition for the vacation of the street has been filed with the Board of County Commissioners of Sedgwick County, Kansas, and is pending. It is expected that the street will be formally adopted by the Board of County Commissioners within the next three or four weeks.

Taxes for the year 1963 and all prior years have been paid on all of the property comprising the plat which is the subject of this opinion.

Very truly yours,

LILLESTON, SPRADLING, GOTT, STALLWITZ & HOPE

By


Ronald M. Gott

RMG:jc

October 21, 1963

Mr. K. O. Taylor
524½ North Market
Wichita, Kansas

Subject: S/D 63-14 - Final Plat
of Sweetbriar Addition

Dear Mr. Taylor:

This is to advise you that the Planning Commission considered the Final Plat of Sweetbriar Addition at their meeting of October 17, 1963, and recommended approval of said plat subject to the following requirements:

1. Access control should be provided by:

OK a) Including in the plat's text the following:
"Complete access control to Amidon from that portion of Block 1, Sweetbriar Addition, extending from a point 130 feet north of the north line of 21st Street North to a point 370 feet north of the north line of 21st Street North along the west line of Amidon Avenue, is hereby granted to the City of Wichita".

JK b) Including in the plat's text the following:
"Complete access control to 21st Street North from that portion of Block 1, Sweetbriar Addition extending from a point 130 feet west of the west line of Amidon Avenue to a point 370 feet west of the west line of Amidon along the north line of 21st Street North".

- c) Showing by use of dimensions, labels and arrows the limits of the access control on the plat.
2. Block number to be designated.
3. Tie and angles on water easement center line lying along Halstead.
4. Inclusion of a 40 foot fire lane easement as marked on the engineer's copy of the final plat, generally lying on the north and west of the building setback lines in Lot 1 extending from Amidon to the west, thence south to approximately 300 feet north of 21st Street; thence west to Sweetbriar Lane. Fire lane easement should be adjusted to provide for turning radii at the location of right angle turns.
5. Submission of a corporate performance bond approved as to form by the Legal Department which will provide for the construction of at least 20 feet of pavement within the fire lane easement (such construction to be at the specifications of the City Engineer); or the actual construction of said 20 feet pavement.
6. Submission of a letter from the platlor stating that she will include as specific items at the time of request for a building permit location, the types of traffic control devices to be utilized such as concrete wheel guard bars, concrete curbing and adequate traffic control signing to insure that the fire lane easement will be kept open for fire traffic movement.
- OK-7. Dedication of an additional 10 feet of right of way for Amidon Street along Lot 1, and submission of a separate instrument providing for the conditional dedication for an additional 10 feet of right of way for Amidon from Lot 2. Such conditional dedication to be effective at such time as the existing service station is removed. (Note: Although not required by the Subdivision Committee, in order to protect the additional 10 feet of right of way until the conditional dedication becomes effective, it is recommended that a 10 foot building setback line be established on the east of Lot 2).

8. A building setback line of 7½ feet will be required on each side of the 25 foot easement covering the 48 inch water main. X
9. Recording with the Register of Deeds within 30 days after approval by the Board of City Commissioners.

This plat will be forwarded to the Board of City Commissioners for their consideration as soon as the following requirements have been met.

1. Compliance with the requirements of the Metropolitan Area Planning Commission.
2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- OK 3. Certification by an attorney that fee title is vested in the plattor.
- OK 4. Certification that all taxes due and payable have been paid.
- OK 5. Certification that the irons have been set as required by the Subdivision Rules and Regulations of the Metropolitan Area Planning Commission.

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

Sincerely yours,

Jack H. Galbraith
Senior Planner

JHG/DLE:nan

cc: Mrs. Anna McLean
2359 McLean Boulevard

Mr. George Stallwitz
First National Bank Building

KENNETH O. TAYLOR

Consulting Engineer
524 1/2 NORTH MARKET
WICHITA 5, KANSAS

October 21, 1963

Wichita-Sedgwick County
Metropolitan Planning Dept.
104 South Main Street
Wichita 2, Kansas

Gentlemen:

This is to certify that irons have been set
at all block corners in Sweetbriar Addition and
Replat of Part of Benjamin Hills Second Addition,
Wichita, Sedgwick County, Kansas.

Very truly yours,

Kenneth O. Taylor
Kenneth O. Taylor



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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

MINUTES

OCTOBER 17, 1963

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, October 17, 1963, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas. The following commissioners were present: C. Merritt Winsby, Charles Harris, Erle Jennings, H. B. Dugan, E. B. Law, and H. W. Kratzer. Members absent were Charles Anderson and John Trout, Jr.. Also present were Leland R. Edmonds, Director of Planning, Robert A. Lakin, Jack Galbraith, James Howe, Don Holtgren and Berniece Rathke of the Planning staff. Vice-Chairman C. Merritt Winsby presided.

1. The minutes of the afternoon meeting of October 3, 1963, were approved after the legal description of Case No. V-0262 was corrected to include "except the west 8 feet thereof". The minutes of the evening meeting of October 3, 1963, were approved as written and mailed.

SUBDIVISION COMMITTEE

2. S/D 63-14 - Final Plat of Sweetbriar Addition, located at the northwest corner of 21st Street and Amidon.

GEORGE STALLWITZ, Attorney, and MRS. MCLEAN spoke concerning this plat. The conditions to approval as suggested by the Subdivision Committee were reviewed item by item for clarification and concurrence by the applicant. MRS. MCLEAN objected to the requirement which provided that "at the time of request for a building permit location, the types of traffic control devices to be utilized, such as concrete wheel guard bars, concrete curbing and adequate traffic control signing to insure that the fire lane easement will be kept open for fire traffic movement". It was explained to her that this does not mean the lane should be curbed in such a way that vehicles could not cross it into parking facilities beyond the lane. Rather, it is required so that the fire lane will be open at all times and so that there will not be the tendency for drivers to park in this lane. It was pointed out that there could be curb cuts in the curbing to permit passage to parking facilities.

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There was discussion concerning the item which required an additional 10 feet for Amidon along Lot 1 (that portion north of the service station site), and a conditional dedication for 10 feet from Lot 2 (the service station site) at such time as such station is removed. It was pointed out that south of 21st Street (to the Arkansas River) 50 feet half right-of-way was dedicated for Amidon by both abutters.

MR. STALLWITZ pointed out that Amidon is only a half-mile street and the existing 40 feet of right-of-way for the west half of Amidon conforms to the stated requirements of the City as contained in the Subdivision Rules and Regulations.

JENNINGS pointed out that Amidon is considered a major street replacing Meridian inasmuch as Meridian does not extend north of 21st Street, and that is the reason for requiring a 100-foot right-of-way.

MRS. MC LEAN also objected to the requirement for additional building setback line adjacent to the existing 25-foot water line easement. It was pointed out that the water line is a large line with a long history of breaks. It would be for the protection of the owner to provide a wider easement on each side of the line. It was reported by Kenneth Taylor, Engineer on the plat, that an additional requirement of setback would not affect the plans for construction.

MRS. MC LEAN stated that she still felt that the dedication of additional 10 feet along Amidon was not needed.

MOTION: JENNINGS moved, HARRIS seconded and it carried unanimously that the Planning Commission recommend to the Board of City Commissioners that this plat be approved subject to the following:

1. Access control should be provided by:
 - a) Including in the plat's text the following: "Complete access control to Amidon from that portion of Block 1, Sweetbriar Addition, extending from a point 130 feet north of the north line of 21st Street North to a point 370 feet north of the north line of 21st Street North along the west line of Amidon Avenue is hereby granted to the City of Wichita."

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FROM THE BEST
AVAILABLE COPY

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- b) Including in the platlor's text the following:
"Complete access control to 21st Street North from that portion of Block 1, Sweetbriar Addition extending from a point 130 feet west of the west line of Amidon Avenue to a point 370 feet west of the west line of Amidon along the north line of 21st Street North."
 - c) Showing by use of dimensions, labels and arrows the limits of the access control on the plat.
2. Block number to be designated.
 3. Tie and angles on water easement center line lying along Halstead.
 4. Inclusion of a 40-foot fire lane easement as marked on the Engineer's copy of the Final Plat, generally lying on the north and west of the building setback lines in Lot 1 extending from Amidon to the west, thence south to approximately 300 feet north of 21st Street thence west to Sweetbriar Lane. Fire lane easement should be adjusted to provide for turning radii at the location of right angle turns.
 5. Submission of a corporate performance bond approved as to form by the Legal Department which will provide for the construction of at least 20 feet of pavement within the fire lane easement (such construction to be at the specifications of the City Engineer); or the actual construction of said 20-foot pavement.
 6. Submission of a letter from the platlor stating that she will include as specific items at the time of request for a building permit location, the types of traffic control devices to be utilized such as concrete wheel guard bars, concrete curbing and adequate traffic control signing to insure that the fire lane easement will be kept open for fire traffic movement.
 7. Dedication of an additional 10 feet of right-of-way for Amidon Street along Lot 1 and submission of a separate instrument providing for the conditional dedication for an additional 20 feet of right-of-way for Amidon from Lot 2. Such conditional dedication to be effective at such time as the existing service station is removed.

MICROFILMED
FROM THE BEST
AVAILABLE COPY

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10-17-63

(Note: Although not required by the Subdivision Committee, in order to protect the additional 10 feet of right-of-way until the conditional dedication becomes effective, it is recommended that a 10-foot building setback line be established on the east of Lot 2.)

8. A building setback line of 7½ feet will be required on each side of the 25-foot water line easement covering the 48-inch water main.
 9. Recording with the Register of Deeds within 30 days after approval by the Board of City Commissioners.
-
3. S/D 63-32 - Final Plat of Cedar Lane 5th Addition, located on the west side of Maize Road in an area north of U.S. Highway 54.

MOTION: JENNINGS moved, KRATZER seconded and it carried unanimously that the Planning Commission recommend to the Board of City Commissioners that this plat be approved subject to being recorded within 30 days after approval by the Board of City Commissioners.
-
4. V-0263 - Kenneth H. Hiebsch, on behalf of Ernest H. Dennison and Betty M. Dennison, et al. request vacation of an alley legally described as the alley lying between Lots 1, 2 and 3 of Dennison's Addition and Lots 1 through 8 inclusive, Block B, A. J. Christman Third Addition on the north, and Lots 4 through 8, Dennison's Addition and Lots 9 through 16, Block B, A. J. Christman Third Addition on the south. Generally located between Fabrique and Woodlawn in an area south of Kellogg.

MOTION: JENNINGS moved, KRATZER seconded and it carried unanimously that the Planning Commission recommend to the Board of City Commissioners that this request be approved subject to the following:
 1. The submission of a substitute easement for utility purposes covering the same 20-foot area now dedicated as an alley.

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA

OCTOBER 17, 1963

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission will be held on Thursday, October 17, 1963, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas. The following items will be considered:

1. Approval of minutes of October 7, 1963 and of the evening meeting of October 3, 1963.

SUBDIVISION COMMITTEE

2. S/D 63-14 - Final plat of Sweetbriar Addition, located at the northwest corner of 21st Street and Amidon.

Engineer:	K. O. Taylor
Average Lot Size:	N/A
Number of Lots:	2
Acreage:	21
Total Length of New Streets:	None

SUBDIVISION COMMITTEE RECOMMENDATION - October 10, 1963:

The Committee recommends that this plat be approved, subject to the following:

Access control should be provided by:

- a) Including in the platator's text the following:
"Complete access control to Amidon from that portion of Block 1, Sweetbriar Addition, extending from a point 130 feet north of the north line of 21st Street North to a point 370 feet north of the north line of 21st Street North along the west line of Amidon Avenue, is hereby granted to the City of Wichita."
- b) Including in the platator's text the following:
"Complete access control to 21st Street North from that portion of Block 1, Sweetbriar Addition extending from a point 130 feet west of the west line of Amidon Avenue to a point 370 feet west of the west line of Amidon along the north line of 21st Street North."

*George
Wallace
rep. Mr. McLean*
7-24-1

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October 17, 1963

- c) Showing by use of dimensions, labels and arrows the limits of the access control on the plat.
2. Block number to be designated.
 3. Tie and angles on water easement center line lying along Halstead.
 4. Inclusion of a 40 foot fire lane easement as marked on the engineer's copy of the final plat, generally lying on the north and west of the building setback lines in Lot 1 extending from Amidon to the west, thence south to approximately 300 feet north of 21st Street thence west to Sweetbriar Lane. Fire lane easement should be adjusted to provide for turning radii at the location of right angle turns.
 5. Submission of a corporate performance bond approved as to form by the Legal Department which will provide for the construction of at least 20 feet of pavement within the fire lane easement (such construction to be at the specifications of the City Engineer); or the actual construction of said 20 feet pavement.
 6. Submission of a letter from the platlor stating that she will include as specific items at the time of request for a building permit location, the types of traffic control devices to be utilized such as concrete wheel guard bars, concrete curbing and adequate traffic control signing to insure that the fire lane easement will be kept open for fire traffic movement.
 7. Dedication of an additional 10 feet of right-of-way for Amidon Street along Lot 1; and submission of a separate instrument providing for the conditional dedication for an additional 10 feet of right-of-way for Amidon from Lot 2. Such conditional dedication to be effective at such time as the existing service station is removed. (Note: Although not required by the Subdivision Committee, in order to protect the additional 10 feet of right-of-way until the conditional dedication becomes effective, it is recommended that a 10 foot building setback line be established on the east of Lot 2).
 8. That the platlor's engineer check with the engineer from the Water Department to determine the feasibility of increasing the building setback line adjacent to the existing 25 foot water line easement. The platlor's engineer was requested to report as to his findings no

*
7/20
Lark
Pete
10/1
40'

later than the Planning Commission meeting of
October 17, 1963.

9. Recording with the Register of Deeds within 30 days after approval by the Board of City Commissioners.

- ✓ 3. S/D 63-32 - Final plat of Cedar Lane 5th Addition, located on the west side of Maize Road in an area north of U.S. Highway 54.

Engineer:	Guy S. Guthrie
Average Lot Size:	20,506 square feet
Number of Lots:	11
Acreage:	5.51
Total Length of New Streets:	364 feet

SUBDIVISION COMMITTEE RECOMMENDATION - October 10, 1963:

The Committee recommends approval of this plat subject to being recorded within 30 days after approval by the Board of City Commissioners.

- ✓ 4. V-0263 - Kenneth E. Hiebsch, on behalf of Ernest H. Dennison and Betty M. Dennison et al., request vacation of an alley legally described as the alley lying between Lots 1, 2 and 3 of Dennison's Addition, and Lots 1 through 8 inclusive, Block B, A. J. Christman Third Addition on the north, and Lots 4 through 8, Dennison's Addition and Lots 9 through 16, Block B, A. J. Christman Third Addition on the south, all in the City of Wichita, Sedgwick County, Kansas. Generally located between Fabrique and Woodlawn in an area south of Kellogg.

SUBDIVISION COMMITTEE RECOMMENDATION - October 10, 1963:

The Committee recommends approval of this application, subject to the following:

1. The submission of a substitute easement for utility purposes covering the same 20 foot area now dedicated as an alley.

2. That the applicant reimburse the City for the cost of the construction of the original curb returns on the alley on Fabrique and Woodlawn and replace said curb returns with straight curb.
3. Any relocation or reconstruction of utilities necessitated by this vacation being at the sole expense of the applicant.
4. That all proceedings be without cost to the City, County or utilities.

- 345
✓ 5. V-2264 - H. D. Gossard requests vacation of the north-south setback line on the west portion of Lot 9, Gossard's Replat of Lot 1, Russell Tracts. Generally located on the east side of Coolidge in an area north of 29th Street North.

SUBDIVISION COMMITTEE RECOMMENDATION - October 10, 1963:

The Committee recommends that this request be approved, subject to the following:

1. Any relocation or reconstruction of utilities necessitated by this vacation being at the sole expense of the applicant.
2. That all proceedings be without cost to the City, County or utilities.

ZONING *

Deferred Cases

6. Case No. Z-0494

History:

Deferred by MAPC 9-19-63
Deferred by MAPC 10-3-63

Applicants: Roe Hill, 1657 Lexington and Ray Simkins,
608 South Oliver
Warner Moore, attorney, 519 Beacon Building

Request: Change from "RB" to "LC"

Handwritten notes:
- "Warner Moore" (underlined)
- "Wanted approved" (written vertically)
- "see" (written vertically)
- "to see" (written vertically)
- "delinquent" (written vertically)
- "Gossard's Replat" (written vertically)

Handwritten notes:
- "Law" (written vertically)
- "Oliver" (written vertically)

Reason: "Since these homes are located in the 600 block on South Oliver, it is undesirable for residential purposes and the applicants are able to construct a building and have an agreement to lease same for the purpose of a drug store, which will increase the income from said property."

Location: Generally located on the east side of Oliver between Orme and Eastwood

Legal description: Lots 1 and 2, Block 3, Mission Heights Addition

Existing zoning: To the east and north is "RB"; south is "LC" and west is "A"

Existing land use: Subject property is occupied by a single family house. To the east is single family; south is a restaurant and multi-family; north is a duplex and west is a school.

Referral from City Commission

7. Case No. Z-0490

Wences Moore

NOTE: Under Planning Commission policy, the Chairman and Secretary have granted, at the applicants' request, a four week deferral to November 21, 1963.

History:

MAPC 9-5-63 - Approved for "BB"
BCC 10-1-63 - Referred back to MAPC

Applicants: McPete Investments, Inc., 1029 Beacon Building
George D. and Margaret L. McCarthy, 441 South Fountain
George D. McCarthy, agent, 1029 Beacon Building

Request: Change from "AA" to "LC"

Location: Generally located on the northwest corner of Fountain and Kellogg

Legal description: The south 100 feet of Lot 10, Block M, Merriman Park Addition, and a strip 18.25 feet wide adjoining on the south subject to street easement.

*Send
see notes
to person with card*

[Signature]

New Cases

8. Case No. Z-0499

Applicant: E. R. Brookings, 1732 South Topoka
Robert B. Nelson, attorney, 511 Union Center Building

Request: Change from "AA" to "LC"

Reason: "Improvement of property by Skelly Oil Company."

Location: Generally located on 47th Street South between I-235 and the Riverside Drainage Ditch

Legal description: A tract of land in the SW $\frac{1}{4}$ of Section 16, Township 28, Range 1 East, described as: Beginning at a point 105 $\frac{1}{2}$ feet N of the S line of said SW $\frac{1}{4}$ and 45 feet E of the E line of the Riverside Drainage Canal and parallel to the S line of said SW $\frac{1}{4}$; thence N at right angles 600 feet; thence E parallel to the S line of said SW $\frac{1}{4}$ to the W right-of-way line of I-235 Highway; thence SEly and S along said right-of-way line to a point 105 $\frac{1}{2}$ feet W of the S line of said SW $\frac{1}{4}$; thence W to the point of beginning.

Existing zoning: To the east west and north is "AA" and to the south is "LC".

Existing land use: Subject property is vacant. To the east is I-235, north is vacant; west is a drainage ditch, oil storage, and vacant, and south is vacant.

NOTE: An application for subdivision approval for Brookings By-pass Addition is currently pending before the Subdivision Committee of the Planning Commission.

9. Case No. Z-0500

Applicants: Henry M. and Deborah P. Aberle, 606 South Minnesota
Marvin J. Martin, attorney, 458 North Market

Request: Change from "A" to "B"

Lee E. Erick
447 N. Franklin
in opposition

Morvin Morker
attorney for app.

advertise

Nelson in behalf of Brookings

discrepancy in legal description

rest of east R.O.W. line will be from Eland

after zoning for street work Nov. 21, 63 look with favor on LC

Doing a zoning in northern SW corner of Section

Elder 529 N. Fountain in opposition

*A.A. Glenn
457 N Fountain
SE corner Central
& Fountain*

*Zone
Opposite*

*Frank A. Meyer
445 & 447
N Edwina*

Reason: "Since October of 1951 I have been an individual practitioner in the general practice of dentistry at my present home and office combination location of 606 South Minnesota. Since 1957 when I learned that my property would ultimately be condemned for the canal route of the 81 by-pass, I made a diligent search for a satisfactory location in which to construct a new home and office combination. After a search of two years I finally purchased the property in question in April of 1959. It now appears that formal condemnation will take place at my present location in the near future. Since I have at all times employed one full time receptionist in my dental practice, I need "B" zoning for this property or I will be required to continue the practice of dentistry as a home occupation without a full time receptionist. I also have employed in the past one half time dental assistant and hope to continue to do so."

Location: Generally located on the northeast corner of Central and Fountain

Legal description: The W 19 feet of the S 80 feet of Lot 25 and the S 80 feet of Lots 26, 27, 28 and 29 in Engstrom Addition

*After
30 days
staff study*

Existing zoning: To the north, west and east is "A"; south is "AA"

Existing land use: Subject property is vacant. To the east and south is single family; west and north are duplexes.

10. Case No. Z-0501

History: Request for change from "A" to "LC"
MAPC 6-1-59 - Recommended Denial
BCC 7-28-59 - Denied

*see
change
to B*

Applicant: McEwen Investment Company, Inc., 700 East Central
Robert H. Nelson, attorney, 511 B Union Center Building

Request: Change from "A" to "BB"

Reason: "To permit the use of said area for a building to house a clinic".

Location: Generally located on the northwest corner of Roosevelt and Kellogg

Legal description: Lots 9 and 10 except the W 16½ feet on Roosevelt Avenue in Circle Drive Addition, and that part of Kellogg Street now vacated adjoining said Lot 10 on the south.

Existing zoning: To the north, south and west is "A"; east is "A" and "AA"

Existing land use: Subject property is occupied by a single family house. To the north, east, south and west are single family homes.

11. Case No. Z-0502

Applicants: W. H. Rex, Box 334, ElDorado, Kansas, and Geo. Stiller, 109 East Central, ElDorado, Kansas

Request: Change from "A" to "LC"

Reason: "Additional area needed for shopping center development".

Location: Generally located on the northwest corner of McComas and Central

Legal description: Lots 6, 7, 8, 9, 10 and 11, Rexstiller Addition

Existing zoning: To the east and south is "AA"; north is "A" and west is "LC"

Existing land use: Vacant and Service Station to the west; single family to the east, north and south is single family and a repair shop.

PLANNING

Execute ~~the~~ policy chairman & secretary

- 1298 12. Consideration of consultant's report on development and alignment of the South Industrial Thruway and general traffic patterns in the North Wichita Industrial area.

and hearing on this matter deferred until 27th

- 13. Consideration of resolution and communication from Greater Downtown Wichita, Inc. concerning location of administrative buildings. *deferred four weeks.*

*Mrs. Popton
Moy P. Decker*

S-170 - Report from the Director of Planning in regard to rezoning the area bounded on the east by Park Place, on the south by 27th Street, on the west by Chisholm Creek and on the north by 29th Street. (Report enclosed to Planning Commission members). This is in connection with a request from the Board of Zoning Appeals to consider the appropriateness of the existing zoning in the block between Wellington Place and Fairview and from 28th to 29th Streets North.

B zone including those areas in industrial use - rezoning proposed to E

- 15. S-148 - Service Roads. The Board of City Commissioners, at their meeting of October 1, 1963, requested that the Metropolitan Area Planning Department prepare for their consideration, standards and criteria for the development and location of service roads for residential, commercial and industrial areas. These standards will be developed as a part of the Transportation Plan.

*#9
name of body approving*

Suggested Action: Receive and file.

forwarded to BCC at such as mat. in available study from

- 16. Informal consideration of a proposed amendment to the Zoning Ordinance regarding the creation of a new "MH" Mobile Home District for mobile homes, trailer parks and closely associated uses. This item has been advertised for a formal public hearing on November 7, 1963.

Office to file

- 17. S-6 - Outdoor display of merchandise in "IC" Districts - Consideration of a proposed amendment to the Zoning Ordinance in this respect. (Report to the Planning Commissioners enclosed with the agenda for October 3, 1963).

review of file

- 18. DR 63-30 - Report from Director of Planning in regard to a conference with Fred Mann, Director of Federal Housing Administration, Regional Office, Topeka, Kansas. (Copy of letter from Mr. Mann, dated September 11, 1963, and a report from the Director of Planning previously mailed to Planning Commissioners with agenda for October 3, 1963).

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October 17, 1963

- cost of registration born by staff*
19. Notice of Kansas Planning Conference entitled "From Plans to Action", to be held on November 14, 1963 in the Student Union, Kansas State University, Manhattan, Kansas.

- Letter to BCC inviting them*
20. Letter of appreciation from Paul T. Davis, summer intern, in connection with his employment here the past summer.

21. Other Matters.

Leland R. Edmonds
Secretary

October 11, 1963

Mrs. Anna McLean
2359 McLean Blvd.
Wichita, Kansas

Subject: S/D 63-14 - Sweetbriar Addition
Final Plat

Dear Mrs. McLean:

This is to advise you that the Subdivision Committee of the Metropolitan Area Planning Commission considered the plat of Sweetbriar Addition at their meeting of October 10, 1963, and recommended approval of said plat subject to the following requirements:

1. Access control should be provided by:

- (a) Including in the plat's text the following:
"Complete access control to Amidon from that portion of Block 1, Sweetbriar Addition, extending from a point 130 feet north of the north line of 21st Street North to a point 370 feet north of the north line of 21st Street North along the west line of Amidon Avenue is hereby granted to the City of Wichita".
- (b) Including in the plat's text the following:
"Complete access control to 21st Street North from that portion of Block 1, Sweetbriar Addition extending from a point 130 feet west of the west line of Amidon Avenue to a point 370 feet west of the west line of Amidon along the north line of 21st Street North".

Ms. Anna McLean
October 11, 1963

- (c) Showing by use of dimensions, labels and arrows the limits of the access control on the plat.
2. Block number to be designated.
 3. Tie and angles on water easement center line lying along vacated Halstead.
 4. Inclusion of a 40 foot fire lane easement as marked on the Engineer's copy of the Final Plat, generally lying on the north and west of the building setback lines in Lot 1 extending from Amidon to the west, thence south to approximately 300 feet north of 21st Street, thence west to Sweetbriar Lane. Fire lane easement should be adjusted to provide for turning radii at the location of right angle turns.
 5. Submission of a corporate performance bond approved as to form by the Legal Department which will provide for the construction of at least 20 feet of pavement within the fire lane easement. (Such construction to be at the specifications of the City Engineer); or the actual construction of said 20 foot pavement.
 6. Submission of a letter from the platlor stating that she will include as specific items at the time of request for a building permit location, the types of traffic control devices to be utilized, such as concrete wheel guard bars, concrete curbing and adequate traffic control signing to insure that the fire lane easement will be kept open for fire traffic movement.
 7. Dedication of an additional 10 feet of right-of-way for Amidon Street along Lot 1; and submission of a separate instrument providing for the conditional dedication for an additional 10 feet of right-of-way for Amidon from Lot 2. Such conditional dedication to be effective at such time as the existing service station is removed. (Note: Although not required by the Subdivision Committee, in order to protect the additional 10 feet of right-of-way until the conditional dedication becomes effective, it is recommended that a 10 foot building setback line be established on the east of Lot 2.)

October 11, 1963

8. That the platlor's engineer check with the engineer from the Water Department to determine the feasibility of increasing the building setback line adjacent to the existing 25 foot water line easement. The platlor's engineer was requested to report as to his findings no later than the Planning Commission meeting of October 17, 1963.
9. Recording with the Register of Deeds within 30 days after approval by the Board of City Commissioners.

This matter will be presented to the Planning Commission at its meeting of October 17, 1963.

If there are any questions concerning the above conditions, please call.

Sincerely,

Robert A. Lakin
Assistant Planning Director

RAL:an

cc: Mr. George Stallwitz
First National Bank Bldg.

Mr. K. O. Taylor
524 1/2 North Market

Mr. Paul Graves
Traffic Engineering

Chief Simpson
Fire Department

September 18, 1963

Mrs. E. A. McLean
2359 McLean Boulevard
Wichita, Kansas

Dear Mrs. McLean:

This is to confirm our telephone conversation of this date in regard to the Final Plat of Sweetbriar Addition, particularly as we discussed the question of a 10 foot dedication for Amidon which was required by the Subdivision Committee when it considered the Preliminary Plat for this addition.

We wish to make the following observations with respect to this requirement:

1. The Subdivision Rules and Regulations point out that half section-line streets should be dedicated to a width of 80 feet or 40 feet of half right of way. Amidon is a half section-line street and 80 feet of right of way presently exists.
2. The Department of Public Works has requested the additional right of way dedication for purposes of traffic control devices and this appears to be reasonable in the minds of the Planning Department and in the minds of the Subdivision Committee. The Subdivision Committee, as you will recall, did make the requirement that 10 additional feet be granted for this purpose.