

S/D 65-63

H-7

WOOD PLAZA ADDITION

Southeast corner of Harry and
Roosevelt

ENGINEER: K. O. Taylor

Sports Center, Inc. by H. R. Kuhn

8-2-65

None

8-2-65

8-12-65 *Approve Prelim*

8-25-65

9-9-65 Approve Final

9-16-65 Approve

10-12-65

Defer 1 wk

10-19-65

Defer 2 weeks

BCC

11-2-65

Approved

Closed 11-3-65

Recorded - 12-6-67

S/D 65-63 - WOOD PLAZA ADDITION,
Southeast corner of Harry and
Roosevelt - K. O. Taylor

Pass 5th
8-4-65

ACTION

DATE

S/W COMMITTEE Approve Prelim. 8-12-65

S/W Comm. Approve Final 9-9-65

M.A.P.C. Approve 9-16-65

B.C.C. ~~7-10-65~~ Refer back 10-12-65

BCC Agreed 2 weeks 10-14-65

BCC Approved subject to 11-2-65
conditions of Maps & amended
retentions re: Construction of
Performance Bond for
improvement of Harry street

Closed 11-3-65

SUBDIVISION PROGRESS SHEET

MAP No. H-7
 Sec. No. 35
 TWP. No. 27
 RANGE _____

S/D No.: 65-63

NAME: WOOD PLAZA ADDITION

GENERAL LOCATION: Southeast corner of Harry and Roosevelt

OWNER: Sports Center, Inc. c/o George Consolver
 ADDRESS: 3833 East Harry PHONE: MU 6-6197
 SUBDIVIDER: H. R. Kuhn, Agent
 ADDRESS: Beacon Bldg. PHONE: AM 7-5267
 ENGINEER/SURVEYOR: K. O. Taylor
 ADDRESS: 307 1/2 Laura, Room 203 PHONE: AM 4-4072

*APPLICATION RECEIVED 8-2-65
 CONF. WITH APPLICANT None
 SKETCH PLAT RECEIVED None
 POSTED TO ATLAS 8-9-65
 PRESENT ZONING LC, A & AA
 PROPOSED ZONING LC
 SKETCH PLAT REVIEWED None
 LETTER OF INTENT None

FINAL PLAT RECEIVED 9-26-65
 TRACING RECEIVED 10-6-65
 FINAL PLAT REVIEWED 9-2-65
 S/D REPORT #2 PREPARED 9-2-65

*S/D COMM. ACTION 9-9-65 Approve

S/D REPORT #2 MARKED 9-9-65
 DEPT. REPORT ON FINAL 9-10-65
 MARKED COPY SENT TO ENG. 9-10-65

PREL. PLAT RECEIVED 8-2-65
 PREL. PLAT REVIEWED 8-3-65
 S/D REPORT #1 PREPARED 8-3-65

*M.A.P.C. ACTION 9-16-65 Approve

S/D REPORT #2 MARKED 9-16-65
 DEPT. REPORT ON FINAL 9-21-65

S/D REPORT #1 MARKED 8-13-65
 DEPT. REPORT ON PREL. 8-14-65
 MARKED COPY SENT TO ENG. 8-16-65

LETTER ON IRONS RECEIVED 10-4-65
 TITLE OPINION RECEIVED 10-6-65
 TAXES OPINION RECEIVED 10-6-65
 TITLE & TAXES REVIEWED 10-6-65
 FINAL REVIEW 10-6-65

LETTER TO B.C.C. 10-7-65

*B.C.C. ACTION 10-13-65 Refuse

BCC 10-19-65 after 2 weeks
 RECORDED 12-6-67
 ANNEXED _____

COMMENTS: * Sec 11-2-65 Approved subject to conditions

Wulz - He agrees to give 10' of width City he will
City not to build on lot access with 2-3
uplane from opening; or developer w/ build
access lanes to city streets.
Build - steel - deck 10/10' -
within lot line property
all items.

REGISTER OF DEEDS

SEDGWICK COUNTY, KANSAS

WOOD PLAZA

ADDITION WAS

FILED FOR RECORD ON December 6, 1967

Drawer 7-15

Rufus E. Deering

REGISTER OF DEEDS

12-6-67
jo

T9-328

August 26, 1974

Ralph Wulz, City Manager

Robert A. Lakin, Director of Planning

Drainage Provisions of the Mall Shopping Center
(Z-0699, S/D 65-63 Wood Plaza Addition; DP-10
Community Unit Plan).

Pursuant to your memo of August 20, 1974, the following information is supplied regarding drainage improvements required of the Mall developers:

On November 2, 1965, the final plat of Wood Plaza Addition (S/D 65-63) was considered by the Board of City Commissioners and a motion approved:

"Stevens moved that the plat be approved as recommended by the Metropolitan Area Planning Commission and the Mayor authorized to sign, and the Planning Department instructed not to release the tracing until the bonds for sidewalks, drainage and reconstruction of Harry Street have been submitted and approved and construction of a detention reservoir authorized at the reasonable expense of the applicant and that Harry Street be improved on a 50% benefit district basis and 50% City at large Motion carried 4-1. Bogart voting "No". (See attached minutes)

There were two drainage improvements required by that motion:

- 1) The construction of drainage facilities through provision of pipe from the southeast corner of said plat southward through and along the elementary school site to Clapp Park;
- 2) Construction of a storm water retention reservoir on Dry Creek in Clapp Park.

The estimated costs of those improvements was \$23,000 and on November 20, 1967 a Negotiable Investment Savings Certificate payable to Wood Plaza Addition in the amount of \$27,370.00 (\$23,000 for drainage improvements and \$4,370 for sidewalk improvements) was placed in a City of Wichita safe deposit box as a guarantee that said improvements would be made.

On September 24, 1968, the drainage improvements required by the Board of City Commissioners on final plat approval were modified by a motion of the Board of City Commissioners:

Ralph Wulz, City Manager
August 26, 1974
Page 2

"Enoch moved to allow the release of the building permit, that the deposit money be used to build an underground storm sewer to Dry Creek and any additional money to come from public funds and follow the recommendations of the engineer. Commissioners Enoch's motion carried 3 to 2, "No" votes Vollmer and Woodard." (See attached minutes)

This motion had the effect of abolishing the requirement of a retention dam in Clapp Park and provided for a storm sewer to be developed from the southeast corner of the Mall (Wood Plaza) south across school property and Clapp Park to Dry Creek. The developers guaranteed amount to develop the detention reservoir was to be utilized for the construction of the storm sewer and the City would pick up the additional cost.

On January 29, 1971, Dick Linn of the Division of Engineering of the Department of Public Works notified the MAPD that said drainage improvements had been completed and installed. The Auditing and Accounts Division confirmed, that on February 15, 1969, a transfer of funds in the amount of \$23,000 was authorized and transferred to the Storm Water Sewer Account #90 from the guaranteed money placed on account by the developer.

Regarding the questions raised at the Board of City Commissioners on August 20, 1974, a review of the tapes of that meeting show the issues to be:

1) "The drainage solution for the Mall actually reversed the natural drainage of the site".

Note: Before the Mall was constructed, approximately ten acres of the site drained to the northwest and approximately 20 acres drained across the school and Park Board property to Dry Creek. The drainage solution followed the natural drainage in that approximately 10 acres of the Mall drain onto Harry Street and into the storm sewer there and the remaining 20 acres drain into the storm sewer constructed from the southeast corner of the Mall across the school and Park Board property into Dry Creek.

2) "The developer was supposed to build three retention dams in Clapp Park to handle the drainage and never did so".

Note: Only one retention dam in Clapp Park was ever included in the drainage solution and that requirement was relieved by Board of City Commissioner action of September 24, 1968 because a better method of handling the drainage (a storm sewer) was required and built.

Ralph Wulz, City Manager
August 26, 1974
Page 3

This should clear up some of questions about drainage improvements and the Mall but if any additional information is required, the exact drainage plans and studies on the Mall are available in the Engineering Division of the Department of Public Works.

RAL:MM:rme
Attachments

City Attorney-- The City Attorney answering a question from Commissioner Bogart, stated that the State laws called the body the Housing Authority and that he did not believe the words "Local Housing Authority" would be in disagreement with the statute.

Bogart - motion that City Mgr. & staff to examine all Fed. programs in letter of 10/21 & bring back report to Comm. & Local Housing Authority to be established, etc.

Bogart moved that the City Manager and staff be directed to examine all of the Federal programs in their letter of October 21 with a view toward fitting them into a pattern of the City's needs, and bring back a report to the City Commission on how these various programs, offered by the Federal Government, could be fit into an overall program for the City of Wichita. Motion carried unanimously.

Bogart moved that a local housing authority be established with specific instructions that they have no authority to construct houses without further action of the City Commission. That the authority be composed of no less than five or more than seven members and that recommendations to the Commission be made for the members of this authority before their appointment and that in the interim the Administrative Staff of the City of Wichita be used as a fact-finding board to hear facts presented by the Office of Economic Opportunity, Citizens' Housing and other interested persons concerning need or a lack of need for housing, supplemental rental payments, etc. in the City of Wichita.

Stevens - substitute motion

Stevens moved as a substitute motion to defer any action on the Local Housing Authority until such time as the recommendations are received from the staff and then if necessary to proceed from that point. Stevens' motion failed for lack of a second.

Original motion carried 3 - 2. Stevens and Tarrant voting "No".

REPORT FROM DEPT. OF LAW: re. Claim of Laura Terry - \$6,592.07

Report from Department of Law regarding claim for damages of Laura Terry, in the amount of \$6,592.07, presented.

The report stated that the captioned claim was filed against the City of Wichita on September 22, 1965, for damages to partially wrecked house alleged to have been caused by the City dumping sweepings on the premises before the claimant could complete the removal of equipment and furnishings.

Investigation of this claim by the Public Works Department revealed that this house was ordered by the Health Department to be either cleaned up or razed in accordance with public health nuisance abatement policies. Photographs taken at the time of the clean-up operation revealed no equipment or useable material remaining on the premises. It would seem, therefore, that there is no basis for the claim.

The Department of Law found no liability on the part of the City of Wichita. It was, therefore, recommended that the claim be denied.

--denied

Stevens moved that the claim be denied. Motion carried unanimously.

REPORTS FROM MET. AREA PLANNING COMM.

Petition to change from "AA" and "A" to "LC" and "A" to "LC" tract located on 1 East corner of Harry & Roosevelt

Report from the Metropolitan Area Planning Commission (Case No. Z-0699) in regard to petition to change from "AA" and "A" to "LC" a tract beginning at a point 640 feet west and 300 feet south of the northeast corner of the NW 1/4 of Section 35, Township 27, Range 705 feet; thence south 230 feet; thence west 905 feet; thence north to beginning, other than that now zoned "LC", generally located on the southeast corner of Harry and Roosevelt, again presented, having been deferred one week at the meeting of October 12, 1965 and again at the meeting of October 19, 1965 for a report of the Superintendent of Public Works Maintenance in regard to drainage of the area. Planning Commission recommended that the application be approved but that it not be forwarded to the City Commission until the final plat of Wood Plaza is forwarded and until the revised Community Unit Plan has been received by the Planning Department.

11/2/65

Ralph Wulz--

The Director of Public Works reviewed the report from the Flood Control Engineer on a reservoir pipe line and the drainage problem on Dry Creek.

Mr. W. R. Fleck--

Mr. W. R. Fleck, Park Board Chief Engineer, displayed a map of the area and he stated that they did determine that a dam in this area would not make an appreciable difference in the amount of water in the lower Dry Creek area.

Mr. Albert Kamas--

Mr. Albert Kamas, 3619 Elmwood, suggested that a reservoir be installed, with a trickle pipe and that after the three-year period when improvements in the lower Dry Creek area will be made the reservoir could be eliminated and the area returned for park purposes.

Mrs. Wright--

Mrs. Wright, who lives on Countryside Plaza, stated that she was one of twenty or more who signed a petition protesting the zoning originally and that they did not want the shopping center, not only for the drainage but because of lower land values created by the shopping center being built next to the back of their property.

Mr. Ralph Brack--

Mr. Ralph Brack, 3816 Mt. Vernon Road, stated that his problem began with the development of Park Lane and he does not feel that he could stand any more water in his area as his garage gets knee deep at the present time and water flows across the floor of his house. He further requested that no speed-up or run-off of the water from this area to be zoned, be approved.

It was determined in a conversation between Commissioner Bogart and Jack Galbraith, Senior Planner, that the property now zoned "LC" could not be issued a building permit until they had secured a CUP Plan approved by the Planning Commission as the area is more than six acres and is not platted.

Mr. Richard Mullins --

Mr. Richard Mullins, attorney who represented the owner of the property under question, stated that the Planning Commission has approved the CUP Plan for this area.

Tarrant -- motion failed for want of a second

Tarrant moved that the zoning be approved, build a reservoir, and that the cost of the reservoir be included in a benefit district to be created for the entire Dry Creek Area. Motion lost for want of a second.

Keith Sanborn--

Keith Sanborn, 2008 Reed, stated that he opposed the artificial water pipe installation and preferred the construction of a detention reservoir and that he hoped the action would be not to make flooding conditions any worse than they are.

Mr. Richard Mullins --

Mr. Richard Mullins, representing the petitioner, stated that his client would pay a reasonable amount for a detention reservoir, a reasonable amount to be between \$2,000 and \$2,400.

approved as recommended by MAPC & ord. placed on first reading

Stevens moved that the application be approved as recommended by the Metropolitan Area Planning Commission and the ordinance effecting the change in zoning be placed on first reading. Motion carried unanimously.

ORDINANCE

Ord. changing zoning classifications (Z-0699)

An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the first time and under the rules laid over. (Case No. Z-0699).

Final Plat of Wood Plaza Addn.

Final Plat of Wood Plaza Addition, S/D No. 65-63, located at the Southeast corner of Harry and Roosevelt, presented. Planning Commission recommended that the plat be approved, subject to the following conditions:

11/2/65

1. The applicant providing sidewalks adjacent to the south side of Harry Street, the east side of Roosevelt Avenue and around Countryside Plaza Court.
2. Prior to the time this plat is forwarded to the City Commission for its consideration, the applicant shall provide for either:
 - a. construction of the sidewalks in accordance with plans and specifications of the City Engineer; or
 - b. a Corporate Surety Bond guaranteeing construction within two years, such bond to be in the amount of \$4,370.
3. Showing the existing sewer easement running north-south through the plat (generally extending north from Bluff to Bluffview.)
4. The applicant shall provide drainage facilities in accordance with design criteria submitted by the Flood Control Division of the Department of Public Works. The drainage proposals all being conditioned on the provision of pipe from the southeast corner of the plat southward past school property to Clapp Park; and further conditioned that a satisfactory arrangement be made between the applicant and the Board of Education for the construction of such facilities. A Corporate Surety Performance Bond of \$20,000, or a Chesney Law (12-6a01 et req.) petition including the applicant and the Board of Education shall be required to guarantee construction.
5. Full access control (vehicular and pedestrian) shall be granted along the south line of the plat. This shall be included in the plat's text as follows: "Full access control (both pedestrian and vehicular) from Block 1, Wood Plaza Addition to any lot in Block 3, Grandview Heights Addition; any lot in Consolver 1st Addition; and to Bluff Avenue and Broadview Avenue; is hereby granted to the public". Also a notation of such access control shall be made on the plat.
6. The applicant shall provide for payment of up to 50% of the cost of reconstruction of Harry Street (with medials, left-turn byas and right-turn lanes) in accordance with plans and specifications of the Department of Public Works; provided, however, the cost of such project assignable to the applicant shall be limited to not more than 50% of those costs from the east line of Roosevelt to the east line of the plat, and that all other costs shall be borne by other sources; and further, that the City shall secure the necessary right-of-way and/or redesign the project to fit within the existing right-of-way, or the applicants shall be released of all such obligation. A Corporate Surety Performance Bond of \$15,500 shall be required, or a Chesney type petition (Chapter 12-6a01 et req. KSA) may be submitted to guarantee construction.
7. Recording within 30 days after approval by the Board of City Commissioners.

Ralph Wulz --

The Director of Public Works stated that they recommended to the Planning Department that the developer pay for the improvements to Harry Street that are immediately adjacent to his property. The Planning Department altered this recommendation to require the developer to pay 50% of the improvements directly in front of his property. He further pointed out that the developer on East Kellogg was required to pay for the improvements in front of his area however due to the State Highway entering into the matter the developer did not make the payments even though they were required in the platting. Also on the Lamb property at 13th and Oliver the developer was to pay for the improvements, however, development has not taken place so the improvements have not been put in adjacent to his property.

Discussed.

Bogart - motion failed for want of a second

Bogart moved that the developer pay the entire cost of the improvements. Motion lost for want of a second.

Plat approved as recommended by MAPC, etc. 11/2/65

Stevens moved that the plat be approved as recommended by the Metropolitan Area Planning Commission and the Mayor authorized to sign, and the Planning Department instructed not to release the tracing until the bonds for sidewalks, drainage and reconstruction of Harry Street have been submitted and approved and construction of a de-

tention reservoir authorized at the reasonable expense of the applicant and that Harry Street be approved on a 50% benefit district basis and 50% City at large. Motion carried 4 - 1. Bogart voting "No".

- Petition to change from "A" to "LC" (amended & readvertised for change from "A" to "BB" on the south, located at the northwest corner of Kellogg and the W 16 1/2' on Moosevelt Ave. in Circle Drive Addition & that part of Kellogg St. now vacated adjoining said Lot 10 on the So.
- Report from the Metropolitan Area Planning Commission (Case No. Z-0689) in regard to petition to change from "A" to "LC" (Amended and readvertised for change from "A" to "BB", Lots 9 and 10, except the west 16 1/2 feet on Roosevelt Avenue in Circle Drive Addition, and that part of Kellogg Street now vacated adjoining said Lot 10 on the south, located at the northwest corner of Kellogg and Roosevelt, presented. Planning Commission recommended that the application be denied.
- Mr. Foster -- The Director of Planning indicated the area on a map and stated that this was located in an area in which the Planning Commission favors "BB" zoning and that the Lot is 69 feet north and south and 123 feet east and west. The problem is whether adequate parking could be provided on a lot this small. He stated that he had worked with the Traffic Engineer and that they had determined that the owner could provide six off-street parking spaces in developing this lot and that he did not feel that this was an adequate amount of parking in this instance.
- Mr. Robert H. Nelson -- Mr. Robert H. Nelson, Attorney for McEwen Investment Company, the petitioner, stated that the City now has authority not to issue a building permit until the proper car parking spaces were provided and that he felt that the City had all of the control at their disposal on this matter.
- John Dekker -- The City Attorney stated in answer to a question from the bench that the ordinance passed two weeks ago now places us in conformity with the State Law and that we actually are now operating under the Statutes of Kansas.
- Tarrant -- Mayor Tarrant asked if there was anyone present who desired to speak on this matter. No one appeared, however those desiring to speak had appeared at the meeting of October 26, 1965.
- Matter referred back to Planning Comm. to be reconsidered for "BB" zoning
- Bogart moved that the matter be referred back to the Planning Commission, that this application be reconsidered for "BB" zoning and that the applicant replat with a 20-foot setback. Motion carried unanimously.
- Petition to change from "AA" to "LC" a tract of land located at SE corner of 27th St. So. & Seneca
- Report from the Metropolitan Area Planning Commission (Case No. Z-0704) in regard to petition to change from "AA" to "LC" a tract of land described as follows: Beginning at the NW corner of the SW 1/4 of Section 5, Township 28, Range 1 East; thence south 466.69 feet; thence east 466.69 feet; thence north 466.69 feet; thence west to the point of beginning, all in Wichita, Sedgwick County, Kansas, located at the southeast corner of 27th Street South and Seneca, presented. Planning Commission recommended that the application be denied.

- C. Bickley Foster -- C. Bickley Foster, Director of Planning, pointed out the area on a map and noted that the matter had been heard previously and had been denied by the City Commission. He briefly reviewed other zoning change applications in this general area which the Planning Commission recommended for approval, however he stated that it was the Planning Commission's feeling that this particular property was outside of the containment for good commercial development in keeping with their zoning policy along Seneca. He further stated that inquiry had been made regarding the prototype zoning ordinances and that he had found that there is a district, which will be a commercial-agricultural district, to accommodate garden stores, greenhouses, etc., however, the better area for such development would be farther south on Seneca. Mr. Goster also stated his concern in that some of the properties involved in recent zoning changes granted to applicants were not being utilized for the proposed uses and in some instances the businesses have been abandoned. Mr.

11/2/65

September 24, 1968

Proposed Detention Reservoir in Clapp Park (Wood Plaza Addition)

Proposed detention reservoir in Clapp Park, presented.

On November 2, 1965, the City Commission adopted the following motion in connection with the approval of a plat known as the Wood Plaza Addition: "Stevens moved that the plat be approved as recommended by the MAPC and the Mayor be authorized to sign; the Planning Department instructed not to release the tracings until the bonds for sidewalks, drainage and reconstruction of Harry Street have been submitted and approved and construction of Harry Street have been submitted and approved and the construction of a detention reservoir authorized at the reasonable expense of the applicant; and that Harry Street be approved on a 50% benefit district and 50% City at large." Motion carried 4 - 1, Bogart voting "no".

The Wood Plaza development is to be on the site of the old Kiddieland amusement park. The suggested detention reservoir would be constructed on the L. W. Clapp Memorial Park Golf Course.

On August 26, 1968, the Board of Park Commissioners considered the detention reservoir easement prepared by the Department of Public Works for this reservoir and denied the easement as not being in the best interest of the public.

The Park Board has referred the matter back to the City Commission for its review and study to determine whether or not there is a better means of solving the drainage problem resulting from the construction of the Wood Plaza development.

Ralph Wulz --

Ralph Wulz, City Manager, stated that the developer is ready to commence construction and Central Inspection will not issue the building permit until the Board of Park Commissioners has approved an easement to build a retention dam on park property and that the Park Department has asked that the City Commission review the matter and determine if there is a better means of solving the drainage problem without the construction of the reservoir.

Keith Sanborn --

Keith Sanborn, the owner of property in the area, spoke in favor of the construction of the retention dam and stated that Albert Kamas, who represented property owners in the area was out of town and that he would like to have the matter deferred for one week to permit Mr. Kamas to appear before the Commission.

Richard Mullins --

Richard Mullins, Attorney for the developer, stated that his client would like to begin construction, as a one-week deferral might run into colder weather which could delay the project considerably.

Hendell Butler --

Hendell Butler, 4040 Countryside; Jack Chinn, 2146 George Washington Boulevard and Robert M. Moore, one of the developers of the area spoke regarding the flooding conditions of Dry Creek and indicated their desire that the retention dam and pond remain a part of the requirement.

George Wilton --

George Wilton, Superintendent of Public Works Maintenance, reviewed the recommendations made to the Commission in 1965 and stated that there were no new circumstances that would alter these recommendations previously submitted.

W. R. Fleck --

In reply to a question from the City Commission, W. R. Fleck, Park Board Chief Engineer, stated that the Park Board desired that the City Commission review the matter and if it is still the Commission's desire that the retention dam and pond be constructed, that the Park Board would go along with the easement. It was only denied to permit the City Commission to determine if the dam and pond were essential to the drainage of this area.

COMMISSIONERS PROCEEDINGS

1958

September 24, 1968

Vollmer --

Enoch --

Anderson --

Keeler --

Ralph Wulz --

Motion

--building permit to be released & deposit money to be used to build an underground storm sewer to Dry Creek & any additional money to come from public funds & recommendations of Engr. to be followed

Keeler --

John Dekker --

Resol. approving an application for preliminary loan for a low-rent Public Housing Program, KANS.-4-3

Vollmer moved to confirm the action of the previous Commission.

Commissioner Enoch inquired if the Mayor remembered why the Commission had required the impoundment of water, and Mayor Anderson replied that he thought it was a condition of zoning and was probably a compromise.

Commissioner Keeler stated that he felt the best way to get rid of the water quickly was through a concrete conduit in which the water from Wood Plaza Development would be on down stream before the water from the upper Dry Creek area would enter the flooding area and for that reason he was going to vote against the motion.

Commissioner Vollmer's motion lost 3 to 2. "No" votes were Enoch, Keeler and Anderson.

Commissioner Keeler inquired of the City Manager what his recommendation was on the matter and Ralph Wulz, City Manager, stated that they would recommend an underground drainage pipe from the southeast corner of Wood Plaza Addition to the south end of the Board of Education property with the Board of Education contributing toward the installation of the underground drainage and in the event the reservoir is not constructed, the location of the drainage pipe south of Countryside Plaza could be changed to permit faster run-off by moving the location of the underground drainage just south of the north boundary of the Board of Education property by constructing the drainage southeasterly to Dry Creek which would be under a fairway on the golf course, and he stated that he felt that the Park Board should be requested to pay some of the additional underground costs due to the advantage they would have on the golf course.

In reply to a question from Commissioner Enoch, the City Manager stated that he would guess that the Commission is talking about \$10,000.00 in addition to the money that is already available for the project.

Enoch moved to allow the release of the building permit, that the deposit money be used to build an underground storm sewer to Dry Creek and any additional money to come from public funds and follow the recommendations of the engineer.

Commissioner Keeler stated that he wanted it understood that if the engineers felt that a 42" or 48" pipe was necessary to relieve the flooding, that this is what he believed should be installed and Commissioner Enoch stated that he would leave that up to the engineers.

Commissioner Enoch inquired of the City Attorney if the Commission was about to embark upon an illegal act and John Dekker, Director of Law, stated that basically the elected body makes a legislative determination based upon the facts presented to them and if the facts that are presented are sufficient, that a reasonable judgment can be made in the absence of any arbitrary or capricious action, that their action would be valid.

Commissioner Enoch's motion carried 3 to 2, "No" votes Vollmer and Woodard.

Resolution approving an application for preliminary loan for a low-rent public housing program, Kans. 4-3, presented.

On August 27, 1968, the Commission concurred in a request by the Local Housing Authority for the submission of an application for a low-income housing development program known as Kans.-4-3.

THE CITY OF WICHITA



DEPARTMENT OF ADMINISTRATION
CITY TREASURER
AMHERST 2-8211 -- AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN -- WICHITA, KAN. 67202

February 11, 1971

Mr. Richard F. Mullins, Attorney
Arn, Mullins, Unruh and Kuhn
R.H. Garvey Building
300 West Douglas
Wichita, Kansas 67202

Dear Mr. Mullins:

Per Mr. Jack Galbraith's memo to you of February 3, 1971, I am attaching a Fourth National Bank Cashier's Check #A607070, in the amount of \$6,323.61, payable to the Wood Plaza Addition, Inc.

As you are no doubt aware, the amount of this guarantee was originally in the amount of \$27,370 and was invested in a Savings Certificate, dated November 10, 1967, with the American Fletcher National Bank and Trust Company of Indianapolis, Indiana, to mature on February 10, 1969, at which time principal and interest became due in the amount of \$28,944.60.

On February 15, 1969, through instructions of Mr. Dick Linn, Design Chief Engineer, a transfer of funds in the amount of \$23,000 was authorized into the Storm Water Sewer Account #90. The remaining funds of \$5,944.60 was invested in a 90 day Certificate of Deposit with the Fourth National Bank and Trust Company and was reinvested every 90 days up until May 14, 1970 accumulating interest at the rate of 5% in the amount of \$379.01. Since the remaining portion of this guarantee would possibly be returned at any time, these funds were not reinvested.

Very truly yours,

Ralph A. Klose
Ralph A. Klose
City Treasurer



RAK:ab
Enclosure

cc: Jack H. Galbraith, Chief Planner ✓
Dick Linn, Design Chief Engineer ✓
Lyle Botkin, City Controller



TELLER

THE FOURTH NATIONAL BANK
and TRUST COMPANY *Wichita*

NUMBER

A607070



PURCHASER CITY OF WICHITA, KANSAS WICHITA, KANSAS 2/11/71 ⁴⁰⁻⁴/₁₀₁₁

PAY TO THE ORDER OF WOOD PLAZA ADDITION, INC. \$ 6323.61

FOURTH NATIONAL BANK
6323 AND 61 CTS

BANK MONEY ORDER ---
---CASHIER'S CHECK

Robert A. Kelch
AUTHORIZED SIGNATURE

⑆607070⑆ ⑆1011⑆0004⑆ ⑆09004⑆4⑆

February 3, 1971

Ralph Klose, City Treasurer

Jack H. Galbraith, Chief Planner

S/D 65-63 - WOOD PLAZA ADDITION

By memo to you on January 28, 1971, I advised that the negotiable investment savings certificate drawn on the American Fletcher National Bank and Trust Company of Indianapolis, Indiana, in the amount of \$27,370, could now be returned to Wood Plaza Addition, Inc., as all guaranteed requirements are now complete. After receipt of my memo, you advised, and the Auditing and Accounts Division concurred, that on February 15, 1969, a transfer of funds in the amount of \$23,000 was authorized and transferred to Storm Water Sewer Account #90.

Based on this information, the remaining amount, plus accumulated interest, should be itemized and returned to Wood Plaza Addition, Inc., in care of their local attorney, Richard F. Mullins, of Arn, Mullins, Unruh and Kuhn, in the R. H. Garvey Building.

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

JHG:ber

cc: Richard F. Mullins, Attorney
Arn, Mullins, Unruh and Kuhn
R. H. Garvey Building
300 West Douglas 67202

Keith Parker, Architect
Development Design Associates
313 South Market 67202

Dick Linn
Design Chief Engineer

January 28, 1971

Ralph Klose, City Treasurer

Jack H. Galbraith, Chief Planner

S/D 65-63 - WOOD PLAZA ADDITION

By cover memorandum dated November 20, 1967, from Robert A. Lakin, you were forwarded a sealed envelope containing a negotiable investment savings certificate drawn on the American Fletcher National Bank and Trust Company of Indianapolis, Indiana. This certificate is payable to Wood Plaza Addition, Inc., in the amount of \$27,370. It is attached by an assignment being made to the City of Wichita to guarantee certain improvements by the developer as were required on the above-captioned plat. You informed us by memo on December 4, 1967, that the certificate had been stored in the City's safety deposit box at the First National Bank.

This is to advise you that the required improvements have been satisfactorily completed warranting release of the certificate, and should now be returned to Wood Plaza Addition, Inc., care of their local representatives Richard Mullins of Arn, Mullins, Unruh and Kuhn in the R. H. Garvey Building.

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

JHG:JDG:ber

cc: Richard F. Mullins, Attorney
Arn, Mullins, Unruh and Kuhn
R. H. Garvey Building
300 West Douglas 67202

2675267

Keith Parker, Architect
Development Design Associates
313 South Market 67202

Dick Linn
Design Chief Engineer

OK. Dick Linn
(improvements completed) 1/29/71

Check out the Small Shopping Center,
W. S. **DICKEY** CLAY MFG. COMPANY

BIRMINGHAM, ALABAMA • LEHIGH, IOWA • KANSAS CITY, MISSOURI • MERIDIAN, MISSISSIPPI
ST. LOUIS, MISSOURI • SAN ANTONIO, TEXAS • TARKANA, TEXAS • ARKANSAS

Jerry, ~~Completed~~

Is the following work complete at the Mall?

- ① Sidewalk on south side of Harry St.
- ② Sidewalk on east side of Roosevelt
- ③ Ob. & gr. & asph. paving on Countryside cut-de-sac.

Drainage?

Dick

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE
August 25, 1970

TO Bob Feldner, Superintendent
Central Inspection Division

FROM John D. Gist, Senior Planner

SUBJECT EP-10 - Wichita Mall Shopping Center C.U.P.; and associated cases
S/D 65-63 Wood Plaza Addition and street dedication D-0448.

We direct your attention to a copy of an earlier correspondence from myself to Wood Plaza Addition, Inc., & Dick Mullins, dated July 2, 1970. Therein we explained a previous agreement between the applicants on the above captioned cases and the City of Wichita, which agreement provided for the future dedication of the north 10 feet of Wood Plaza Addition for street purposes on Harry Street. This dedication has now been made by the respective property owner, G.L.B. & W., Inc., and is being processed under MAPC case file D-0448. The dedication has been recommended for acceptance by the Subdivision Committee on August 20, 1970, and is scheduled before the Planning Commission on August 27, and for final acceptance by the City Commission at their regular meeting on September 8, 1970.

Upon completion of this processing and the filing of the dedication with the Register of Deeds, your office copy of the referred to Community Unit Plan should be marked to reflect the additional 10 feet of right-of-way for Harry Street. The agreement with the City also provided that the 10-foot dedication would result in administrative adjustment and interpretation of the approved Community Unit Plan to delete the 10-foot planting screen adjacent to Harry and reduce the 35-foot building setback to 25 feet on Parcels 2, 3 and 4. The agreement cited that these administrative interpretations were to be made under the provisions of 28.04.190. B.10.f. of the Zoning Ordinance in that it does not create a "substantial deviation" from the intent of the originally approved C.U.P. These changes regarding the planting screen and building setback should also be noted on your copy of the drawing.

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

JDG:eme

cc: Dick Mullins, Attorney at Law
Arn, Mullins, Unruh & Kuhn
R. H. Garvey Building, 67202

Keith Parker, Architect
Development Design Associates
Beacon Building, 67202

Bill Smith, City Engineer

S/D 65-63

D-0448

COPY

WICHITA—SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

AMHERST 2-8211 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

*file
S/D 65-63*

July 2, 1970

Wood Plaza Addition, Inc.
% Dick Mullins
Arn, Mullins, Unruh & Kuhn
R. E. Garvey Building
Wichita, Kansas 67202

Subject: DP-10 - Wichita Mall
Shopping Center C.U.P. and
S/D 65-63 Wood Plaza Addition
(south side of Harry and east of
Roosevelt).

Dear Mr. Mullins:

In the processing and approval of the above captioned matters, Wood Plaza Addition, Inc., entered into an agreement with the City of Wichita by a letter dated October 31, 1967, signed by the corporations' Vice President, Gerald Kraft, approved by signature of President of Sports Center, Inc., George P. Consolver, and counter approved by the City of Wichita under the signature of Ralph Wuls. In this agreement the developer agreed to the dedication of the north 10 feet of the area included within the plat for the installation and maintenance of public utilities and for street purposes. Such dedication was to be made at the time the developer constructed the "acceleration - deceleration" lane on the south side of Harry adjacent to the shopping center. This "accel-decel" lane has now been constructed together with an accompanying sidewalk on the south side thereof, all in accordance with construction plans that indicate 60 feet of right-of-way for the south half of Harry. At the time of construction and the review of said plans, it was wrongly assumed that the 60 feet of right-of-way was existing. The final plat of Wood Plaza Addition reflects 50 feet of right-of-way, but the 10 feet referred to above remains to be dedicated.

Page 2
July 2, 1970

We ask that the developer contact the Engineering Division of the Department of Public Works for the City of Wichita, and request the proper forms, with the appropriate legal description thereon, for the dedication of the north 10 feet of Block 1, Wood Plaza, an Addition to Wichita, Sedgwick County, Kansas. Such instruments should then be executed by the land owner and returned to the Planning Department for proper processing to effectuate the dedication. Once said processing is completed, the appropriate and necessary administrative changes will be made to the approved copies of the Community Unit Plan (C.U.P.) as set forth in the agreement dated October 31, 1967.

Thanking you in advance for your attention to this matter, we are.

Yours very truly,



John D. Gist
Senior Planner

JDG:rms

cc: Keith Parker, Architect
Development Design Associates
Beacon Building, 67202

Bill Smith, City Engineer

Bob Feldner, Superintendent,
Central Inspection Division

DF-10

S/D 65-63

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

October 31, 1967

TO: Files - S/D 65-63 - Wood Plaza Addition, and DF-10
Wichita Mall Shopping Center Community Unit Plan

FROM: Robert A. Lakin, Assistant Planning Director

SUBJECT: S/D 65-63 and DF-10

On Thursday, October 26, 1967, I advised Hub Kuhn and Dick Mullins that, based on the letter from me to Carl Ball, dated July 30, 1967, I would require the plat of Wood Plaza Addition to be resubmitted to the Planning Commission for reapproval before releasing the tracing for recording. This action would normally have required that the plat be referred to the Subdivision Committee, reapproved by the Planning Commission and subsequently reapproved by the Board of City Commissioners. This action was based on an office policy of not releasing any plat to the subdivider when the plat is over two years old from the date that the City Commission approved it. Later that day, Dick Mullins called and, with Kuhn on the line, stated that the necessary papers, guarantees, bonds, etc. would be in our hands Monday, and asked that I not make any final decision on requiring the plat to be returned to the Planning Commission until that time.

Monday morning, Mr. Ed Law and Hub Kuhn, attorney for the land owners, met with me for approximately an hour, discussing this particular problem. My position to them was that I had made a promise to the developer that I would release the plat to them if within 30 to 60 days they met all of the requirements imposed upon the plat. The 60 days expired at the end of August and I told them that sufficient time had passed that the commitment was no longer valid and that I must now keep my commitment to the officials and the Department of Public Works, who had been promised by me that if the requirements were not met within the time stated and allowed to the applicants, I would require the plat to be returned to the Planning Commission so that they might ask that an additional 10 feet of right-of-way for Harry Street be made a requirement of plat approval. Considerable discussion was had on the merits of my letter, the lack of specific dates as opposed to time periods, etc.

I advised Mr. Law and Mr. Kuhn that if I could obtain a release from my commitment to the officials of the Public Works Department, I would release the plat for recording upon their meeting the appropriate requirements. To this end, I made arrangements for a meeting

COPY

October 31, 1967

with Ralph Wuls, Assistant City Manager, who was at the time of plat approval the Director of Public Works, and with whom I had been working on the details of this plat approval over the last two or three years. A meeting was held in Mr. Wuls's office at 1:00 p.m., at which Mr. Law offered to Mr. Wuls, on behalf of the developer, and subject to confirmation by him by long distance, the additional 10 feet of right-of-way to be given at the time the acceleration-deceleration lanes are constructed on the south side of Harry adjacent to their plat. He further volunteered that they would, as a part of the shopping center construction project, build such acceleration-deceleration lanes. It was further agreed between Mr. Wuls and Mr. Law that the City would then proceed to build such other improvements as are needed on Harry Street, such as medials, and accel-decel lanes on the north side of Harry Street, and assess the cost of or pay for such improvements as the City may deem proper. Further, that the developer would assume his share of such other improvements at the time they were made. A figure of not more than 50% of such costs was mentioned at the meeting. Also discussed and agreed to was the fact that the City, if they went ahead and completed the balance of the street improvement in this area, would do it in such a manner that it would not restrict customer access to the shopping center once it was open. Again to this end, it was pointed out by Wuls that the project would probably be built in the 1968 construction season during which time the shopping center would be under construction, thus presenting a minimum of conflict for the shopping center development.

It was agreed that these matters would be consummated in the form of a letter-agreement submitted by the developer to the City and that upon receipt of such letter, the plat would be released, contingent again upon the satisfaction of the remaining requirements originally imposed on the plat.

Later Monday afternoon, Mr. Law again called and inquired about the affect of the 10-foot dedication upon the approved Community Unit Plan. The approved Community Unit Plan required a 10-foot planting strip adjacent to Harry Street opposite the residential units in Hilltop Manor. Also, it established a 35-foot building setback line for Parcels #2, #3, and #4, which are free-standing parcels separate from the main shopping center complex. I advised Mr. Law that I would work towards the end of seeing that the Community Unit Plan was interpreted to delete the 10-foot planting strip and reduce the setbacks from 35 to 25 feet, in the event the 10-foot dedication was made, as these would be the requirements that would have been required in that 10 feet.

MICROFILMED
FROM THE BEST
AVAILABLE COPY

October 31, 1967

And further, that if the 10 feet is no longer in their possession, the requirements should not then be imposed. I further advised them that if such interpretations could not be made administratively, I would support such changes in official actions by the Planning Commission and governing body.

Tuesday morning, October 31, I met with Mr. Kuhn to go over a draft copy of a proposed letter-agreement to be submitted to the developer for his signature. Certain modifications were made and an additional paragraph was inserted concerning the Community Unit Plan. I checked with Glen Lytle on this interpretation of the Community Unit Plan and received his oral concurrence, and a request from him that any agreement entered into along this line be sent to him so it could be attached to his copy of the Community Unit Plan for future use. I also submitted the agreement to Ralph Wulz for him to review. Mr. Wulz made two minor additions to the agreement, which were transmitted back to Mr. Kuhn. Mr. Kuhn advised that he would place the agreement in the proper form, obtain the necessary signatures, forward it to the developer for his counter signature, return it to the City, and request their approval signature on the agreement.

Researchers into this particular action should check further as to any minutes or discussions held by the Capital Improvement Programming Administrative Committee or public meetings on the capital improvement program and its November-December revisions as they pertain to the project of improving Harry Street from Roosevelt to Yale.

RAL:ber

MICROFILMED
FROM THE BEST
AVAILABLE COPY

LAW OFFICES OF
ARN, MULLINS, UNRUH, KUHN & CATES
220 GARVEY BUILDING - 220 WEST DOUGLAS
WICHITA, KANSAS 67202
ANHERST 7-5267

EDWARD F. ARN
RICHARD F. MULLINS
MILD W. UNRUH
H. R. KUHN
LOUIS W. CATES
ROGER K. WILSON
BERNICE BURKET

October 31, 1967



City of Wichita
Wichita, Kansas

Attention: Mr. Ralph Wulz, and
Mr. Robert A. Lakin

Subject: S/D 65-63 Wood Plaza Addition

Gentlemen:

This is to confirm the various commitments made in the course of an informal discussion of October 30, 1967, concerning the follow-up requirements and procedures necessary to secure a release of the tracing of the above noted plat. You will recall that the Department of Public Works was desiring some changes from the original requirements set forth by the Metropolitan Area Planning Commission and the City Commission. The principal change which the Department of Public Works was pressing for was the dedication of an additional 10-foot strip along the north edge of the property covered by the plat, anticipating the future need for additional right-of-way for utility and street purposes.

It was decided during the course of the discussion that the matter need not be referred back to the Metropolitan Area Planning Commission or to the City Commission for further action if the following requirements were met by the developer:

1. Filing with the city either a cashier's check or payment bonds totaling the sum of \$27,370.00 guaranteeing payment for
 - a. the installation of sidewalks;
 - b. the construction of drainage facilities through provision of pipe from the southeast corner of said plat southward through and along the elementary site to Clapp Park;
 - c. reimbursement to the city of Wichita at an actual cost figure, all costs and expenses related to the preparation of plans and specifications and the inspection of construction of the above listed projects.



ARN, MULLINS, UNRUH, KUHN & GATES

City of Wichita
October 31, 1967
Page 2

2. Dedicating to the use of the public the north ten feet of the area included within the plat for the installation and maintenance of public utilities and for street purposes. Such dedication to be made to be effective at the time the developer constructs the "acceleration-deceleration" lane hereinafter referred to.

With regard to the re-designing and widening of Harry Street as aforesaid, it is understood that in any event, no more than 50 per cent of those construction costs incurred within the project boundary immediately adjacent to the Wood Plaza Addition shall be assignable to Wood Plaza Addition.

The city has agreed with the developer that in consideration of the developer agreeing to the dedication above referred to, that if the city proceeds with the re-designing and reconstruction of Harry Street, it will proceed with such construction project at the same time as the shopping center is being constructed, or at a time subsequent thereto in a manner so as not to prevent customer access to the shopping center. In other words, a portion of Harry Street leading to the shopping center shall, at all times be open to customer motor traffic. It being understood that in order to assure such access, that the developer will cause to be constructed to standard city specifications the "acceleration-deceleration" street lane immediately adjacent to the plat at the time of the construction of the shopping center project.

In regard to the Community Unit Plan approved by the Planning Commission on September 16, 1965, the City will administratively interpret the approved Community Unit Plan to delete the 10-foot planting screen adjacent to Harry Street and to adjust the 35-foot building setback to 25 feet on Parcels 2, 3, and 4, in view of the considerations made in this agreement, specifically pertaining to the additional dedication of 10 feet of right-of-way along the north boundary of Wood Plaza Addition. This administrative interpretation is made under the provisions of 28.04.190.B.10.f. in that this does not create a "substantial deviation" from the intent of the originally approved CUP.

The developer would appreciate an acknowledgement of this

MICROFILMED
FROM THE BEST
AVAILABLE COPY

October 30, 1969

Dick Linn, Engineering Division
Jack Galbraith, Senior Planner

S/D 65-63 - Wood Plaza Addition - Countryside Court

At your request, we have checked both the above captioned plat file as well as the Community Unit Plan (DP-10) file in an attempt to determine whether or not it was required that Countryside Plaza Court be paved as a condition of plat approval.

The minutes of various meetings and the files reflect that the dedication of the cul-de-sac was required as well as the construction of sidewalks, however, there is no recorded discussion of re-pavement of the court.

If you desire any additional information, please call.

JHG:ls

WICHITA-SEDGWICK COUNTY

DATE

September 25, 1968

METROPOLITAN AREA PLANNING DEPARTMENT



TO The Files

FROM Jack H. Galbraith, Senior Planner *J.H.G.*

SUBJECT Determination of a Detention Reservoir - DP 10 Wichita
Mall Shopping Center and S/D 65-63 Wood Plaza Addition

The City Commission on September 24, 1968, reconsidered the requirement for the construction of a detention reservoir associated with the above-captioned community unit plan. The action of the City Commission was to instruct that a storm sewer be developed from the southeast corner of the Wood Plaza tract, south across school property and Clapp Park to Dry Creek. The developers guaranteed amount to develop the detention reservoir is to be utilized for the construction of the storm sewer and the City will pick up the additional cost.

JHG:js

September 17, 1968

Sterling D. Gossett
Bond Superintendent
The Hartford Insurance Group
333 N. Pennsylvania Street
Indianapolis, Indiana 46204

Subject: Bonds submitted on S/D 65-63,
Wood Plaza Addition

Dear Mr. Gossett:

This is to acknowledge receipt of your letter dated September 13, 1968, regarding your bonds N3810032 and N3810033 which were originally submitted in conjunction with the plat of Wood Plaza Addition. Our reply is to confirm that said bonds were not filed, and the originals of which were returned to Mr. H. R. Kuhn, attorney representing Wood Plaza Addition, Inc., who in turn, we assume, returned them to your company. The plattors then submitted a different guarantee and no liability has occurred against your company.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:JDG:js

HARTFORD FIRE INSURANCE COMPANY
HARTFORD ACCIDENT AND INDEMNITY COMPANY
HARTFORD LIFE INSURANCE COMPANY



CITIZENS INSURANCE COMPANY OF NEW JERSEY
NEW YORK UNDERWRITERS INSURANCE COMPANY
TWIN CITY FIRE INSURANCE COMPANY

THE HARTFORD INSURANCE GROUP

HARTFORD, CONNECTICUT 06115
INDIANAPOLIS REGIONAL OFFICE
333 NORTH PENNSYLVANIA STREET, INDIANAPOLIS, INDIANA 46204

September 1, 1968

Metropolitan Plan Commission
City of Wichita
Wichita, Kansas

RE: OUR BONDS N 3810032 and N 3810033
WOOD PLAZA ADDITION, INC.
INDIANAPOLIS, INDIANA

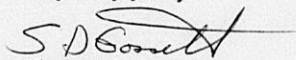
Gentlemen:

We, the Hartford Accident and Indemnity Company, executed two bonds for Wood Plaza Addition, Inc. effective October 31, 1968 to the City of Wichita. One bond was in the amount of \$23,000 to reimburse the city for construction of drainage facility and storm water retention reservoir and the second bond in the amount of \$4,370 for construction of sidewalks both at Wood Plaza Addition, Sedgwick County, Kansas.

These bonds were returned to me as not having been filed as cash collateral was filed. Please confirm that the bonds were not filed so no liability has accrued.

Thank you for your reply.

Very truly yours,


Sterling D. Gossett
Bond Superintendent

SDG/er



THE CITY OF WICHITA

OFFICE OF City Treasurer

DATE December 4, 1967



TO Robert A. Lakin, Assistant Planning Director

FROM Ralph A. Klose, City Treasurer

SUBJECT S/D 65-63 - Wood Plaza Addition

Please be advised that the Wood Plaza Addition, Inc., certificate in the amount of \$27,370.00 has been stored in the City's safety deposit box at the First National Bank.

RAK:js



November 20, 1967

Ralph Klose, City Treasurer

Robert A. Lakin, Assistant Planning Director

S/D 65-63 - Wood Plaza Addition

Enclosed in the attached sealed envelope is a Negotiable Investment Savings Certificate drawn on the American Fletcher National Bank and Trust Company of Indianapolis, Indiana. The Certificate is payable to the Wood Plaza Addition, Inc. in the amount of \$27,370.00. This Certificate is attached to an Assignment, said Assignment being made to the City of Wichita to guarantee that certain improvements required as a condition of the above plat are made within two years of recording of the plat. This Certificate should not be cashed unless there is a default or failure to make such improvements, and such conversion to cash should be made only with the approval of the City Attorney and Director of Planning, or his authorized agent.

The release of this Certificate should be made only to the Director of Planning, Assistant Director of Planning, or Senior Planner in charge of Regulations for return to the Wood Plaza Addition, Inc. at such time as the improvements have satisfactorily been made, or at such time as the City Attorney deems it appropriate to convert the Certificate to cash in order to make such improvements in case of default by the plattor.

It is our understanding that this Certificate will be kept in a safety deposit box under your control at a local bank. Would you please advise of the location of this box so that we may have a record for our files.

RAL:bgs

Attachment

cc: DP-10 File

EACRET AND MCGREEVEY

ATTORNEYS AT LAW

SUITE 714

7 NORTH MERIDIAN STREET
INDIANAPOLIS, INDIANA 46204

TELEPHONE
AREA 317 634.4545

November 14, 1967

DONALD H. EACRET
THOMAS S. MCGREEVEY

VIA AIR MAIL

Arn, Mullins, Unruh, Kuhn & Cates
Attorneys at Law
Beacon Building
Wichita, Kansas 67202

Attention: H. R. Kuhn, Esq.

RE: Wood Plaza Addition, Inc.

Gentlemen:


Pursuant to our telephone conversation of last Thursday, I am enclosing herewith American Fletcher National Bank and Trust Company Five Year 4-1/2% Negotiable Investment Savings Certificate No. G-2 246 dated November 10, 1967, in the amount of \$27,370.00, which attached thereto and made a part thereof is an Assignment dated November 14, 1967, wherein Wood Plaza Addition, Inc. assigns its right, title and interest in and to said certificate as faithful performance for the contracts between Wood Plaza Addition, Inc. and the City of Wichita. I will rely on you to supply the date of said agreements in this document.

I call your attention to the paragraph in said certificate which indicates that the surrender may be made on any three month anniversary after date of issuance. Please explain to the City Attorney that as a matter of course these certificates are immediately payable upon demand, but the Bank, as it does with savings book deposits, must account for a reasonable run on its deposits. If you have any further questions, please contact this writer.

Very truly yours,

EACRET AND MCGREEVEY

Encls.
DHE/jls

By 
Donald H. Eacret

November 13, 1967

Mr. H. R. Kuhn, Attorney
R. H. Garvey Building
300 West Douglas
Wichita, Kansas 67202

Dear Mr. Kuhn:

Enclosed are the original copies of the two agreements and payment bonds submitted for the City's consideration on Wood Plaza Addition. As I have advised you by telephone, the agreements in connection with the bonds are unacceptable in their present form. We see no particular problem with the payment bond; however, there are some items in the agreements which would have to be rewritten before they would be acceptable.

If you care to re-submit the agreements and bonds, I would suggest a conference between the City Engineer, City Attorney and myself with you, Mr. Law, or whoever else might need to be involved. As Mr. Dekker advised you, a certificate of deposit on a national bank, or submission of cashier's checks, or any other form previously approved by the City of Wichita, would be sufficient to meet the requirements of guaranteeing the construction of drainage and sidewalks. As I have mentioned to you, there is also the possibility of using petitions to accomplish this end, which would involve no deposits or reservation of monies. However, if you do care to proceed with petitions, please see Dick Linn of the City Engineer's office and M. S. Mitchell of flood control in helping Linn draw the necessary petitions for the drainage.

If there are any questions, please call.

Sincerely,

Robert A. Lakin
Assistant Planning Director

RAL:ber

Attachments

cc: Ed Law, Beacon Building
John Dekker, Director of Law
B. E. Smith, City Engineer

November 13, 1967

Ray Bruggeman, Director of Public Works
Robert A. Lakin, Assistant Planning Director

S/D 65-63 - Wood Plaza Addition and DP-10 -
Wichita Mall Shopping Center

Attached is a copy of an agreement entered into by the developers of the Wood Plaza Addition (Kiddieland - on the south side of Harry Street east of Roosevelt), and the City of Wichita, by Ralph Wulz. This agreement extends the conditions of plat approval by requiring the developer to dedicate an additional 10 feet of right-of-way along Harry Street at the time the construction of the shopping center commences. The developer also agrees to install accel-decel lanes along the south side of Harry Street in conformance to the general requirements of the City of Wichita, such improvements to be made by the developer and at his costs, subject to City of Wichita specifications. The agreement also provides that the City will maintain the street open to traffic for the shopping center customers during any subsequent reconstruction of Harry Street. I assume this would not be a requirement if the construction is undertaken before the shopping center is opened.

In addition to the items concerning construction, it was agreed that any requirements of the Community Unit Plan (DP-10) involving the 10 feet of right-of-way to be dedicated, would be waived, as the 10 feet would no longer be in control of the developer. This involves the elimination of the 10-foot planting strip and reduction of setbacks by 10 feet.

If there are any questions concerning this agreement, please check with me.

RAL:ber

cc: John Dekker, Director of Law
B. E. Smith, City Engineer
Paul Graves, Traffic Engineer
Glen Lytle, Superintendent of Central Inspection
M. S. Mitchell, Flood Control Supervisor

November 13, 1967

Mr. H. R. Kuhn, Attorney
R. H. Garvey Building
300 West Douglas
Wichita, Kansas 67202

Dear Mr. Kuhn:

Attached is a signed copy of the agreement submitted by your principals to the City for counter-signature covering the development of the Wood Plaza Addition. This copy is for your files.

It would be helpful if whoever is in charge of the project here locally would maintain close liaison with the City Engineer's office to ensure adequate coordination in the development of the street project. As the shopping center project goes under construction, I am sure they will want to contact the City Engineer's office and M. S. Mitchell of the flood control office concerning the installation of the drainage project.

A copy of this agreement has been forwarded to the various officials and Public Works Department, the Director of Law and has been placed in the Community Unit Plan files, both in our office and in the office of Central Inspection.

Sincerely,

Robert A. Lakin
Assistant Planning Director

RAL:ber

cc: Ed Law, Beacon Building
Ralph Wulz, Assistant City Manager

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

November 10, 1967

TO Files
FROM Robert A. Lakin, Assistant Planning Director *RL*
SUBJECT S/D 65-63 - Wood Plaza Addition

On November 8, 1967, Hub Kuhn, attorney for the subdividers of the above addition, submitted to me two agreements, together with accompanying labor and material payment bonds to satisfy the requirements made by the Planning Commission and City Commission on the above plat re: the construction of sidewalks and improvements to the drainage facilities. Since these agreements and bonds were not the standard form previously approved by the City Attorney, I submitted them to John Dekker, City Attorney, for review and comment. Mr. Dekker finds that the bonds are not acceptable from the City's standpoint for a number of reasons. I also checked with Bill Smith, City Engineer, and Dick Linn, Chief Construction Engineer in the City Engineer's office, and both of them found the bonds-agreements unacceptable in their present form.

It appears that the basic objection to the particular agreements-bonds is in the agreement form itself. The bond would appear to be acceptable if the agreements were rewritten. If such an agreement is rewritten, it should provide that the developer will be responsible for seeing that the work is done within a two-year period or, failing such construction within that period, the City would have the right to make claim upon the bond and proceed to see that the construction was completed, using the money and proceeds from the bond. This differs from the proposed agreement which provides that the City of Wichita shall agree to construct the facilities. However, if there is no objection to the City becoming obligated to initiate the work, the proposed agreement should be changed to provide that the City of Wichita agrees to construct or have constructed the facilities, etc. The agreement should also be changed to provide a change of language wherein the City of Wichita would not be obligated, specifically, to do the work in the amount of a certain sum but, instead, provide that the work shall be done and that the costs shall be paid by the developer and that such costs are estimated to be a certain amount. In addition then, the developer will agree to deposit as a guarantee an amount no more than the estimate and this would be the maximum liability or amount for which the surety would be guaranteeing. The City's

November 10, 1967

position must be to be able to build the project at whatever cost might be involved, particularly as the estimates are quite preliminary and without benefit of detailed engineering studies. If the cost of the drainage is \$40,000 instead of the \$32,000 total estimated (\$23,000 developer - \$9,000 Board of Education), then the City should be able to make claim through some device - benefit district, direct negotiation, etc., for the payment of the additional amount of money. Any other position than this would place a liability upon the City which we may not have the ability to perform or carry out.

If this were the case then this method, as well as any other method that we are currently using, e.g., cash, letters of credit, etc., would be the same as being proposed with the payment bonds. The Engineering Division has raised this question: If the cost of the project goes over the estimate, how are they going to be guaranteed an amount sufficient to pay the cost of the project if they have to do it. There is no good answer to this, except that they would have to create benefit districts and charge the project the total cost of the construction. Depositing of cash or any other form of monetary guarantees will limit the amount of liability that we can immediately establish upon the subdivider or bonding company. The only other alternatives open are to insist on petitions and accept no bonds, cash, etc., and then the total cost of the project will be assessed under terms of the petition no matter when or what amount the project might run; or that the Engineering Division and others making estimates for these projects provide an amount sufficiently high that the City cannot possibly be hurt in the event they have to construct the project.

I have contacted Mr. Kuhn and he has been contacted by Indianapolis (the home base of the developers) and they have asked if the City will accept a certificate of deposit drawn on a national bank, so that they may continue to draw interest on the amounts during such time as it is available to the City. This question is presently in the hands of the City Attorney. I see no difference in the typical letter of credit or cash deposit as long as the City is able to draw freely at its will under the conditions stated in plat approval on these monies. I talked to John Dekker and he advises that a negotiable certificate of deposit drawn on a national bank is acceptable and that he had talked to Hub Kuhn and conveyed this information. We will accept such an article, then, in our office; however, I will make every attempt possible to make sure that the plattors, their agents, contractors, and legal people know that this does not resolve the issue raised in the agreement concerning whether or not it is the City's initiative or theirs to begin the project.

RAL:ber

EDWARD F. ARN
RICHARD F. MULLINS
MILD M. UNRUH
H. R. KUHN
LOUIS W. CATES
ROGER K. WILSON
BERNICE BURKET

LAW OFFICES OF
ARN, MULLINS, UNRUH, KUHN & CATES
330 GARVEY BUILDING - 300 WEST DOUGLAS
WICHITA, KANSAS 67202
AMHERST 7-5267

October 31, 1967



City of Wichita
Wichita, Kansas

Attention: Mr. Ralph Wulz, and
Mr. Robert A. Lakin

Subject: S/D 65-63 Wood Plaza Addition

Gentlemen:

This is to confirm the various commitments made in the course of an informal discussion of October 30, 1967, concerning the follow-up requirements and procedures necessary to secure a release of the tracing of the above noted plat. You will recall that the Department of Public Works was desiring some changes from the original requirements set forth by the Metropolitan Area Planning Commission and the City Commission. The principal change which the Department of Public Works was pressing for was the dedication of an additional 10-foot strip along the north edge of the property covered by the plat, anticipating the future need for additional right-of-way for utility and street purposes.

It was decided during the course of the discussion that the matter need not be referred back to the Metropolitan Area Planning Commission or to the City Commission for further action if the following requirements were met by the developer:

1. Filing with the city either a cashier's check or payment bonds totaling the sum of \$27,370.00 guaranteeing payment for
 - a. the installation of sidewalks;
 - b. the construction of drainage facilities through provision of pipe from the southeast corner of said plat southward through and along the elementary site to Clapp Park;
 - c. reimbursement to the city of Wichita at an actual cost figure, all costs and expenses related to the preparation of plans and specifications and the inspection of construction of the above listed projects.

ARN, MULLINS, UNRUH, KUHN & CATES

City of Wichita
October 31, 1967
Page 2

2. Dedicating to the use of the public the north ten feet of the area included within the plat for the installation and maintenance of public utilities and for street purposes. Such dedication to be made to be effective at the time the developer constructs the "acceleration-deceleration" lane hereinafter referred to.

With regard to the re-designing and widening of Harry Street as aforesaid, it is understood that in any event, no more than 50 per cent of those construction costs incurred within the project boundary immediately adjacent to the Wood Plaza Addition shall be assignable to Wood Plaza Addition.

The city has agreed with the developer that in consideration of the developer agreeing to the dedication above referred to, that if the city proceeds with the re-designing and reconstruction of Harry Street, it will proceed with such construction project at the same time as the shopping center is being constructed, or at a time subsequent thereto in a manner so as not to prevent customer access to the shopping center. In other words, a portion of Harry Street leading to the shopping center shall, at all times be open to customer motor traffic. It being understood that in order to assure such access, that the developer will cause to be constructed to standard city specifications the "acceleration-deceleration" street lane immediately adjacent to the plat at the time of the construction of the shopping center project.

In regard to the Community Unit Plan approved by the Planning Commission on September 16, 1965, the City will administratively interpret the approved Community Unit Plan to delete the 10-foot planting screen adjacent to Harry Street and to adjust the 35-foot building setback to 25 feet on Parcels 2, 3, and 4, in view of the considerations made in this agreement, specifically pertaining to the additional dedication of 10 feet of right-of-way along the north boundary of Wood Plaza Addition. This administrative interpretation is made under the provisions of 28.04.190.B.10.f. in that this does not create a "substantial deviation" from the intent of the originally approved CUP.

The developer would appreciate an acknowledgement of this

ARN, MULLINS, UNRUH, KUHN & CATES

City of Wichita
October 31, 1967
Page 3

understanding and the commitments set out above by your approving
a copy of this letter and returning such copy to the developer.

Yours very truly,

WOOD PLAZA ADDITION, INC.

By: Gerald Kraft
~~Member of the Board of Directors~~
Gerald Kraft, Vice President

Approved this 31 day of October, 1967.

SPORTS CENTER, INC.

By George P. Conedver
President

Approved this 8th day of November, 1967.

CITY OF WICHITA

By Kalvin M. ...

LAW OFFICES OF
ARN, MULLINS, UNRUH, KUHN & CATES
330 HARVEY BUILDING - 300 WEST DOUGLAS
WICHITA, KANSAS 67202
AMHERST 7-5267

EDWARD F. ARN
RICHARD F. MULLINS
MILD W. UNRUH
H. R. KUHN
LOUIS W. CATES
ROGER K. WILSON
BERNICE BURKET

October 31, 1967



City of Wichita
Wichita, Kansas

Attention: Mr. Ralph Wulz, and
Mr. Robert A. Lakin

Subject: S/D 65-63 Wood Plaza Addition

Gentlemen:

This is to confirm the various commitments made in the course of an informal discussion of October 30, 1967, concerning the follow-up requirements and procedures necessary to secure a release of the tracing of the above noted plat. You will recall that the Department of Public Works was desiring some changes from the original requirements set forth by the Metropolitan Area Planning Commission and the City Commission. The principal change which the Department of Public Works was pressing for was the dedication of an additional 10-foot strip along the north edge of the property covered by the plat, anticipating the future need for additional right-of-way for utility and street purposes.

It was decided during the course of the discussion that the matter need not be referred back to the Metropolitan Area Planning Commission or to the City Commission for further action if the following requirements were met by the developer:

1. Filing with the city either a cashier's check or payment bonds totaling the sum of \$27,370.00 guaranteeing payment for
 - a. the installation of sidewalks;
 - b. the construction of drainage facilities through provision of pipe from the southeast corner of said plat southward through and along the elementary site to Clapp Park;
 - c. reimbursement to the city of Wichita at an actual cost figure, all costs and expenses related to the preparation of plans and specifications and the inspection of construction of the above listed projects.

ARN, MULLINS, UNRUH, KUHN & CATES

City of Wichita
October 31, 1967
Page 2

2. Dedicating to the use of the public the north ten feet of the area included within the plat for the installation and maintenance of public utilities and for street purposes. Such dedication to be made to be effective at the time the developer constructs the "acceleration-deceleration" lane hereinafter referred to.

With regard to the re-designing and widening of Harry Street as aforesaid, it is understood that in any event, no more than 50 per cent of those construction costs incurred within the project boundary immediately adjacent to the Wood Plaza Addition shall be assignable to Wood Plaza Addition.

The city has agreed with the developer that in consideration of the developer agreeing to the dedication above referred to, that if the city proceeds with the re-designing and reconstruction of Harry Street, it will proceed with such construction project at the same time as the shopping center is being constructed, or at a time subsequent thereto in a manner so as not to prevent customer access to the shopping center. In other words, a portion of Harry Street leading to the shopping center shall, at all times be open to customer motor traffic. It being understood that in order to assure such access, that the developer will cause to be constructed to standard city specifications the "acceleration-deceleration" street lane immediately adjacent to the plat at the time of the construction of the shopping center project.

In regard to the Community Unit Plan approved by the Planning Commission on September 16, 1965, the City will administratively interpret the approved Community Unit Plan to delete the 10-foot planting screen adjacent to Harry Street and to adjust the 35-foot building setback to 25 feet on Parcels 2, 3, and 4, in view of the considerations made in this agreement, specifically pertaining to the additional dedication of 10 feet of right-of-way along the north boundary of Wood Plaza Addition. This administrative interpretation is made under the provisions of 28.04.190.B.10.f. in that this does not create a "substantial deviation" from the intent of the originally approved CUP.

The developer would appreciate an acknowledgement of this

ARN, MULLINS, UNRUH, KUHN & CATES

City of Wichita
October 31, 1967
Page 3

understanding and the commitments set out above by your approving
a copy of this letter and returning such copy to the developer.

Yours very truly,

WOOD PLAZA ADDITION, INC.

By: Gerald Kraft

~~Walter C. Smith, President~~

Gerald Kraft, Vice President

Approved this 31 day of October, 1967.

SPORTS CENTER, INC.

By George P. Conover
President

Approved this 8th day of November, 1967.

CITY OF WICHITA

By Salvatore

AGREEMENT

THIS AGREEMENT entered into this 31st day of October, 1967, by and between WOOD PLAZA ADDITION, INC., an Indiana corporation authorized to do business in the State of Kansas with its principal office at 7 North Meridian Street, Indianapolis, Indiana, hereinafter referred to as "Wood" and the CITY OF WICHITA, KANSAS.

W I T N E S S E T H :

WHEREAS, Wood has requested that the City of Wichita, through its Metropolitan Planning Commission, release a plat of Wood Plaza Addition for recording; said plat being located in Section 35, Township 27, Range 1 East, Sedgwick County, Kansas, and

WHEREAS, the City of Wichita, through the Metropolitan Planning Commission has indicated the necessity for the making of certain improvements in accordance with the plans and specifications and provisions as determined by the City of Wichita for the development and improvement in Wood Plaza Addition, and

WHEREAS, the City of Wichita is willing to undertake the performance of the aforesaid work;

NOW, THEREFORE, in consideration of these premises and other good and valuable considerations, the parties agreed as follows:

1. The City of Wichita agrees:

A. To construct a sidewalk in accordance to plans and specifications of the City Engineer of the City of Wichita, Sedgwick County, Kansas, said sidewalk to be adjacent to the south side of Harry Street and the east side of Roosevelt Avenue, within two (2) years following the date of the recording of the final plat of Wood Plaza Addition.

B. To perform and accomplish said construction in

accordance with presently established standards and specifications of the Department of Public Works of the City of Wichita.

C. To perform said work for the sum of Four Thousand Three Hundred Seventy and no/100 Dollars (\$4,370.00).

D. To inspect and approve said work upon its completion in accordance with the presently established standards and specifications of the Department of Public Works of the City of Wichita.

2. Wood agrees as follows:

A. To reimburse the City of Wichita at its actual cost, not to exceed Four Thousand Three Hundred Seventy and no/100 Dollars (\$4,370.00) for all costs and expenses related to the preparation of plans, specifications, construction and the inspection of the aforementioned sidewalk project immediately upon completion and certification by the Department of Public Works of the City of Wichita that said work was performed in accordance with the presently established standards and specifications of that department.

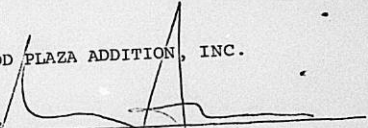
B. To post with the City of Wichita a payment bond in the amount of Four Thousand Three Hundred Seventy and no/100 Dollars (\$4,370.00) with a corporate surety acceptable to the City of Wichita, it being expressly understood and agreed that the liability of the surety for any and all claims under said bond shall in no event exceed the sum of Four Thousand Three Hundred Seventy and no/100 Dollars (\$4,370.00).

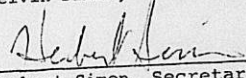
C. The surety under said bond shall stipulate and agree in said bond that no modifications, omissions or

additions in or to the plans or specifications therefor
or any extension of time shall in anywise affect the
obligation of said surety on its bond up to the penal amount
hereinabove set forth.

IN WITNESS WHEREOF, the parties hereto have set their hands
and seals the date hereinabove mentioned.

WOOD PLAZA ADDITION, INC.

By: 
Melvin Simon, President

Attest: 
Herbert Simon, Secretary

THE CITY OF WICHITA, KANSAS

By: _____ Mayor

Attest: _____ City Clerk

HARTFORD ACCIDENT AND INDEMNITY COMPANY

Hartford, Connecticut

LABOR AND MATERIAL PAYMENT BOND

(NOTE: THIS BOND IS ISSUED SIMULTANEOUSLY WITH PERFORMANCE BOND ON PAGE 1, IN FAVOR OF THE OWNER CONDITIONED FOR THE FULL AND FAITHFUL PERFORMANCE OF THE CONTRACT.)

KNOW ALL MEN BY THESE PRESENTS:

That WOOD PLAZA ADDITION, INC., Indianapolis, Indiana
(Here insert the name and address, or legal title, of the Contractor)

as Principal, hereinafter called Principal, and the HARTFORD ACCIDENT AND INDEMNITY COMPANY, a corporation organized and existing under the laws of the State of Connecticut, with its principal office in the City of Hartford, Connecticut, as Surety, hereinafter called Surety, are held and firmly bound unto City of Wichita, Kansas
(Here insert the name and address, or legal title, of the Owner)

as Oblige, hereinafter called Owner, for the use and benefit of claimants as hereinbelow defined, in the amount of TWENTY THREE THOUSAND AND NO/100 - - - Dollars (\$ 23,000.00),
(Here insert a sum equal to at least one-half of the contract price)

for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Whereas, Principal has by written agreement dated October 31, 1967 entered into a contract with Owner for construction of drainage facility and storm water Retention Reservoir, Wood Plaza Addition, Sedgwick Co., Kansas in accordance with drawings and specifications prepared by Department of Public Works of the City of Wichita
(Here insert full name, title and address)

which contract is by reference made a part hereof, and is hereinafter referred to as the CONTRACT.

Now, therefore, the condition of this obligation is such that if the Principal shall promptly make payment to all claimants as hereinafter defined, for all labor and material used or reasonably required for use in the performance of the CONTRACT, then this obligation shall be void; otherwise it shall remain in full force and effect, subject, however, to the following conditions:

1. A claimant is defined as one having a direct contract with the Principal or with a sub-contractor of the Principal for labor, material, or both, used or reasonably required for use in the performance of the contract, labor and material being construed to include that part of water, gas, power, light, heat, oil, gasoline, telephone service or rental of equipment directly applicable to the CONTRACT.

2. The above named Principal and Surety hereby jointly and severally agree with the Owner that every claimant as herein defined, who has not been paid in full before the expiration of a period of ninety (90) days after the date on which the last of such claimant's work or labor was done or performed, or materials were furnished by such claimant, may sue on this bond for the use of such claimant, prosecute the suit to final judgment for such sum or sums as may be justly due claimant, and have execution thereon. The Owner shall not be liable for the payment of any costs or expenses of any such suit.

3. No suit or action shall be commenced hereunder by any claimant,

(a) Unless claimant, other than one having a direct contract with the Principal, shall have given written notice to any two of the following: The Principal, the Owner, or the Surety above named, within ninety (90) days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to the Principal, Owner or Surety, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the state in which the aforesaid project is located, save that such service need not be made by a public officer.

(b) After the expiration of one (1) year following the date on which Principal ceased work on said CONTRACT, it being understood, however, that if any limitation embodied in this bond is prohibited by any law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

(c) Other than in a state court of competent jurisdiction in and for the county or other political subdivision of the state in which the project, or any part thereof, is situated, or in the United States District Court for the district in which the project, or any part thereof, is situated, and not elsewhere.

4. The amount of this bond shall be reduced by and to the extent of any payment or payments made in good faith hereunder, inclusive of the payment by Surety of mechanics' liens which may be filed of record against said improvement, whether or not claim for the amount of such lien be presented under and against this bond.

Signed and sealed this 31st day of October A. D. 19 67

Witness (If Individual)

Attest (If Corporation)

Countersigned by Kansas Resident Agent:

By Estella H. Bigger

Attest Joseph M. Francisco, Attorney-in-

fact

WOOD PLAZA ADDITION, INC. (Seal)

by Melvin Simon, President (Seal)
(Title)

HARTFORD ACCIDENT AND INDEMNITY COMPANY

By Sterling D. Gossett (Seal)
(Title)
Sterling D. Gossett,
Attorney-in-fact

HARTFORD, CONNECTICUT

POWER OF ATTORNEY

Know all men by these Presents, That the HARTFORD ACCIDENT AND INDEMNITY COMPANY, a corporation duly organized under the laws of the State of Connecticut, and having its principal office in the City of Hartford, County of Hartford, State of Connecticut, does hereby make, constitute and appoint

RAYMOND I. THOMAS, STERLING D. GOSSETT, JOSEPH M. FRANCISCO, DALE C. BOWEN, and CHARLES F. WENTWORTH, of INDIANAPOLIS, INDIANA,

its true and lawful Attorney(s)-in-fact, with full power and authority to each of said Attorney(s)-in-fact, in their separate capacity if more than one is named above, to sign, execute and acknowledge any and all bonds and undertakings and other writings obligatory in the nature thereof on behalf of the company in its business of guaranteeing the fidelity of persons holding places of public or private trust; guaranteeing the performance of contracts other than insurance policies; guaranteeing the performance of insurance contracts where surety bonds are accepted by states and municipalities, and executing or guaranteeing bonds and undertakings required or permitted in all actions or proceedings or by law allowed.

and to bind the HARTFORD ACCIDENT AND INDEMNITY COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by an Executive Officer of the HARTFORD ACCIDENT AND INDEMNITY COMPANY and sealed and attested by one other of such officers, and hereby ratifies and confirms all that its said Attorney(s)-in-fact may do in pursuance hereof.

This power of attorney is granted under and by authority of the following By-Law adopted by the Stockholders of the HARTFORD ACCIDENT AND INDEMNITY COMPANY at a meeting duly called and held on the 10th day of February, 1943.

ARTICLE IV

SECTION 8. The President or any Vice-President, acting with any Secretary or Assistant Secretary, shall have power and authority to appoint, for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, one or more Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-fact and at any time to remove any such Resident Vice-President, Resident Assistant Secretary, or Attorney-in-fact, and revoke the power and authority given to him.

SECTION 11. Attorneys-in-fact shall have power and authority, subject to the terms and limitations of the power of attorney issued to them, to execute and deliver on behalf of the Company and to attach the seal of the Company thereto any and all bonds and undertakings and other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-fact shall be as binding upon the Company as if signed by an Executive Officer and sealed and attested by one other of such Officers.

This power of attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Directors of the HARTFORD ACCIDENT AND INDEMNITY COMPANY at a meeting duly called and held on the 13th day of March, 1956.

RESOLVED, that, whereas the President or any Vice-President, acting with any Secretary or Assistant Secretary, has the power and authority to appoint by a power of attorney, for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, one or more Resident Vice-Presidents, Assistant Secretaries and Attorneys-in-fact;

Now therefore 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 or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

In Witness Whereof, the HARTFORD ACCIDENT AND INDEMNITY COMPANY has caused these presents to be signed by its Vice-President, and its corporate seal to be hereto affixed, duly attested by its Secretary, this 3rd day of March, 1966.

Attest:

Raymond I. Thomas
Secretary



C. M. O'Dowd
Vice-President

STATE OF CONNECTICUT, }
COUNTY OF HARTFORD, } ss.

On this 3rd day of March, A. D. 1966, before me personally came C. M. O'Dowd, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Vice-President of the HARTFORD ACCIDENT AND INDEMNITY COMPANY, 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.

STATE OF CONNECTICUT, }
COUNTY OF HARTFORD, } ss.



Robert P. Johnson
Notary Public
My commission expires March 31, 1972

CERTIFICATE

I, the undersigned, Assistant Secretary of the HARTFORD ACCIDENT AND INDEMNITY COMPANY, a Connecticut Corporation, DO HEREBY CERTIFY that the foregoing and attached POWER OF ATTORNEY remains in full force and has not been revoked; and furthermore, that Article IV, Sections 8 and 11, of the By-Laws of the Company, and the Resolution of the Board of Directors, set forth in the Power of Attorney, is now in force.

Signed and sealed at the City of Hartford. Dated the 31st day of

October 19 67



J. J. Gill

AGREEMENT

THIS AGREEMENT entered into this 31st day of October, 1967, by and between WOOD PLAZA ADDITION, INC., an Indiana corporation authorized to do business in the State of Kansas with its principal office at 7 North Meridian Street, Indianapolis, Indiana, herein- after referred to as "Wood" and the CITY OF WICHITA, KANSAS.

W I T N E S S E T H :

WHEREAS, Wood has requested that the City of Wichita, through its Metropolitan Planning Commission, release a plat of Wood Plaza Addition for recording; said plat being located in Section 35, Township 27, Range 1 East, Sedgwick County, Kansas, and

WHEREAS, the City of Wichita, through the Metropolitan Planning Commission has indicated the necessity for the making of certain improvements in accordance with the plans and specifications and provisions as determined by the City of Wichita for the development and improvement in Wood Plaza Addition, and

WHEREAS, the City of Wichita is willing to undertake the performance of the aforesaid work;

NOW, THEREFORE, in consideration of these premises and other good and valuable considerations, the parties agreed as follows:

1. The City of Wichita agrees:

A. To the construction of drainage facilities providing pipe from the southeast corner of said plat southward through and along the elementary school site to Clapp Park within two (2) years following the date of the recording of the final plat of Wood Plaza Addition.

B. To construct a storm water retention reservoir on Dry Creek in Clapp Park within two (2) years following

the date of the recording of the final plat of Wood Plaza Addition.

C. To perform and accomplish said construction in accordance with presently established standards and specifications of the Department of Public Works of the City of Wichita.

D. To perform said work for the sum of Twenty Three Thousand and no/100 Dollars (\$23,000.00).

E. To inspect and approve said work upon its completion in accordance with the presently established standards and specifications of the Department of Public Works of the City of Wichita.

2. Wood agrees as follows:

A. To reimburse the City of Wichita at its actual cost, not to exceed Twenty Three Thousand and no/100 Dollars (\$23,000.00) for all costs and expenses related to the preparation of plans, specifications, construction and the inspection of the aforementioned drainage facility and storm water retention reservoir projects immediately upon completion and certification by the Department of Public Works of the City of Wichita that said work was performed in accordance with the presently established standards and specifications of that department.

B. To post with the City of Wichita a payment bond in the amount of Twenty Three Thousand and no/100 Dollars (\$23,000.00) with a corporate surety acceptable to the City of Wichita, it being expressly understood and agreed that the liability of the surety for any and all claims under said bond shall in no event exceed the sum of Twenty Three Thousand and no/100 Dollars (\$23,000.00).

C. The surety under said bond shall stipulate and agree in said bond that no modifications, omissions or additions in or to the plans or specifications therefor or any extension of time shall in anywise affect the obligation of said surety on its bond up to the penal amount hereinabove set forth.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the date hereinabove mentioned.

WOOD PLAZA ADDITION, INC.

By: Melvin Simon
Melvin Simon, President

Attest: Herbert Simon
Herbert Simon, Secretary

THE CITY OF WICHITA, KANSAS

By: _____ Mayor

Attest: _____ City Clerk

HARTFORD ACCIDENT AND INDEMNITY COMPANY

Hartford, Connecticut

LABOR AND MATERIAL PAYMENT BOND

(NOTE: THIS BOND IS ISSUED SIMULTANEOUSLY WITH PERFORMANCE BOND ON PAGE 1, IN FAVOR OF THE OWNER CONDITIONED FOR THE FULL AND FAITHFUL PERFORMANCE OF THE CONTRACT.)

KNOW ALL MEN BY THESE PRESENTS:

That WOOD PLAZA ADDITION, INC., Indianapolis, Indiana
(Here insert the name and address, or legal title, of the Contractor)

as Principal, hereinafter called Principal, and the HARTFORD ACCIDENT AND INDEMNITY COMPANY, a corporation organized and existing under the laws of the State of Connecticut, with its principal office in the City of Hartford, Connecticut, as Surety, hereinafter called Surety, are held and firmly bound unto
City of Wichita, Kansas
(Here insert the name and address, or legal title, of the Owner)

as Oblige, hereinafter called Owner, for the use and benefit of claimants as hereinbelow defined, in the amount of FOUR THOUSAND THREE HUNDRED SEVENTY AND NO/100 Dollars (\$ 4,370.00),
(Here insert a sum equal to at least one-half of the contract price)

for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Whereas, Principal has by written agreement dated October 31, 1967
 entered into a contract with Owner for construction of sidewalks Wood Plaza Addition, Sedgwick County, Kansas
 in accordance with drawings and specifications prepared by Department of Public Works of the City of Wichita, Kansas
(Here insert full name, title and address)

which contract is by reference made a part hereof, and is hereinafter referred to as the CONTRACT.

Now, therefore, the condition of this obligation is such that if the Principal shall promptly make payment to all claimants as hereinafter defined, for all labor and material used or reasonably required for use in the performance of the CONTRACT, then this obligation shall be void; otherwise it shall remain in full force and effect, subject, however, to the following conditions:

1. A claimant is defined as one having a direct contract with the Principal or with a sub-contractor of the Principal for labor, material, or both, used or reasonably required for use in the performance of the contract, labor and material being construed to include that part of water, gas, power, light, heat, oil, gasoline, telephone service or rental of equipment directly applicable to the CONTRACT.

2. The above named Principal and Surety hereby jointly and severally agree with the Owner that every claimant as herein defined, who has not been paid in full before the expiration of a period of ninety (90) days after the date on which the last of such claimant's work or labor was done or performed, or materials were furnished by such claimant, may sue on this bond for the use of such claimant, prosecute the suit to final judgment for such sum or sums as may be justly due claimant, and have execution thereon. The Owner shall not be liable for the payment of any costs or expenses of any such suit.

3. No suit or action shall be commenced hereunder by any claimant,
 (a) Unless claimant, other than one having a direct contract with the Principal, shall have given written notice to any two of the following: The Principal, the Owner, or the Surety above named, within ninety (90) days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to the Principal, Owner or Surety, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the state in which the aforesaid project is located, save that such service need not be made by a public officer.

(b) After the expiration of one (1) year following the date on which Principal ceased work on said CONTRACT, it being understood, however, that if any limitation embodied in this bond is prohibited by any law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

(c) Other than in a state court of competent jurisdiction in and for the county or other political subdivision of the state in which the project, or any part thereof, is situated, or in the United States District Court for the district in which the project, or any part thereof, is situated, and not elsewhere.

4. The amount of this bond shall be reduced by and to the extent of any payment or payments made in good faith hereunder, inclusive of the payment by Surety of mechanics' liens which may be filed of record against said improvement, whether or not claim for the amount of such lien be presented under and against this bond.

Signed and sealed this 31st day of October A. D. 1967
WOOD PLAZA ADDITION, INC. (Seal)
 by: Melvin Simon, President (Title) (Seal)

Countersigned by Kansas Resident Agent:
 By Estella H. Biggers

Attest: Joseph M. Francisco
 Joseph M. Francisco, Attorney-in-fact
 HARTFORD ACCIDENT AND INDEMNITY COMPANY
 By: Sterling D. Gossett (Title) (Seal)
 Sterling D. Gossett, Attorney-in-fact

POWER OF ATTORNEY

Know all men by these Presents, That the HARTFORD ACCIDENT AND INDEMNITY COMPANY, a corporation duly organized under the laws of the State of Connecticut, and having its principal office in the City of Hartford, County of Hartford, State of Connecticut, does hereby make, constitute and appoint

RAYMOND I. THOMAS, STERLING D. GOSSETT, JOSEPH M. FRANCISCO,
DALE C. BOWEN, and CHARLES F. WENTWORTH, of INDIANAPOLIS, INDIANA,

its true and lawful Attorney(s)-in-fact, with full power and authority to each of said Attorney(s)-in-fact, in their separate capacity if more than one is named above, to sign, execute and acknowledge any and all bonds and undertakings and other writings obligatory in the nature thereof on behalf of the company in its business of guaranteeing the fidelity of persons holding places of public or private trust; guaranteeing the performance of contracts other than insurance policies; and guaranteeing the performance of insurance contracts where surety bonds are accepted by states and municipalities, and executing or guaranteeing bonds and undertakings required or permitted in all actions or proceedings or by law allowed.

and to bind the HARTFORD ACCIDENT AND INDEMNITY COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by an Executive Officer of the HARTFORD ACCIDENT AND INDEMNITY COMPANY and sealed and attested by one other of such officers, and hereby ratifies and confirms all that its said Attorney(s)-in-fact may do in pursuance hereof.

This power of attorney is granted under and by authority of the following By-Law adopted by the Stockholders of the HARTFORD ACCIDENT AND INDEMNITY COMPANY at a meeting duly called and held on the 10th day of February, 1943.

ARTICLE IV

SECTION 8. The President or any Vice-President, acting with any Secretary or Assistant Secretary, shall have power and authority to appoint, for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, one or more Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-fact and at any time to remove any such Resident Vice-President, Resident Assistant Secretary, or Attorney-in-fact, and revoke the power and authority given to him.

SECTION 11. Attorneys-in-fact shall have power and authority, subject to the terms and limitations of the power of attorney issued to them, to execute and deliver on behalf of the Company and to attach the seal of the Company thereto any and all bonds and undertakings, and other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-fact shall be as binding upon the Company as if signed by an Executive Officer and sealed and attested by one other of such Officers.

This power of attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Directors of the HARTFORD ACCIDENT AND INDEMNITY COMPANY at a meeting duly called and held on the 13th day of March, 1956.

RESOLVED, that, whereas the President or any Vice-President, acting with any Secretary or Assistant Secretary, has the power and authority to appoint by a power of attorney, for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, one or more Resident Vice-Presidents, Assistant Secretaries and Attorneys-in-fact;

Now therefore 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 and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

In Witness Whereof, the HARTFORD ACCIDENT AND INDEMNITY COMPANY has caused these presents to be signed by its Vice-President, and its corporate seal to be hereto affixed, duly attested by its Secretary, this 3rd day of March, 1966.

Attest:

HARTFORD ACCIDENT AND INDEMNITY COMPANY

Raymond H. Egan
Secretary



Charles F. Wentworth
Vice-President

STATE OF CONNECTICUT, }
COUNTY OF HARTFORD, } ss.

On this 3rd day of March, A. D. 1966, before me personally came C. M. O'Dowd, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Vice-President of the HARTFORD ACCIDENT AND INDEMNITY COMPANY, 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.

STATE OF CONNECTICUT, }
COUNTY OF HARTFORD, } ss.



Robert O. Johnson
Notary Public
My commission expires March 31, 1972

CERTIFICATE

I, the undersigned, Assistant Secretary of the HARTFORD ACCIDENT AND INDEMNITY COMPANY, a Connecticut Corporation, DO HEREBY CERTIFY that the foregoing and attached POWER OF ATTORNEY remains in full force and has not been revoked; and furthermore, that Article IV, Sections 8 and 11, of the By-Laws of the Company, and the Resolution of the Board of Directors, set forth in the Power of Attorney, is now in force.

Signed and sealed at the City of Hartford. Dated the 31st day of October 19 67



J. G. Gill

LAW OFFICES OF
ARN, MULLINS, UNRUH, KUHN & GATES
330 GARVEY BUILDING - 300 WEST DOUGLAS
WICHITA, KANSAS 67202
AMHERST 7-5267

EDWARD F. ARN
RICHARD F. MULLINS
WILD M. UNRUH
H. R. KUHN
LOUIS W. GATES
ROGER K. WILSON
BERNICE BURKET

*Revised by
NSC
11/8/67*

November 3, 1967

RE: EXAMINATION OF TITLE TO)
The North 990 Feet of the West Half)
of the North Half of the West Half)
of the Northeast Quarter (W/2 N/2)
W/2 NE/4) of Section 35, Township)
27 South, Range 1 East of the 6th)
P.M., and the North 990 feet of)
the Northeast Quarter of the North-)
west Quarter (NE/4 NW/4), except the)
West 680 feet thereof, Section 35,)
Township 27 South, Range 1 East of)
the 6th P.M., Wichita, Sedgwick)
County, Kansas.)

To: Wichita-Sedgwick County Metropolitan
Area Planning Commission
Wichita, Kansas

We have examined the title to captioned property from Govern-
ment through November 2, 1967, and from such examination, we are
of the opinion that legal title to captioned property as of 12:00
noon, on November 2, 1967, was vested in

SPORTS CENTER, INC.,

subject, however, to the following:

FIRST: There exists a 30-foot sanitary sewer easement along
the East side of captioned property, located in the Northwest
Quarter of Section 35, Township 27 South, range 1 East, extending
the entire length of captioned property.

SECOND: Captioned property is subject to a mortgage to
Farm & Ranch Life Insurance Company, Inc., filed January 28, 1965,
at 10:00 a.m. in Book 1520, Page 26 in the office of the Register
of Deeds of Sedgwick County, Kansas.

ARN, MULLINS, UNRUH, KUHN & CATES

Wichita, Sedgwick County Metropolitan
Area Planning Commission
November 3, 1967
Page 2

THIRD: There is an 8-foot utility easement across the entire South side of captioned property and along the East side of captioned property located in the Northeast Quarter of Section 35, Township 27 South, Range 1 East.

FOURTH: There is a cul-de-sac denominated Countryside Plaza Court, which is the subject of an easement for the purpose of allowing automobiles or other traffic to make a turn around at the north end of Broadview Avenue as it is now platted in Consol-ver's First Addition, and for no other purposes.

FIFTH: Taxes for the year 1966 and prior years are paid. Taxes for the year 1967 on Key No. C-11177-76F in the amount of \$4,481.20 are unpaid. Taxes on Key No. C-11175-75B for 1967 in the amount of \$9,472.79 are unpaid.

SIXTH: A survey of Wood Plaza, an Addition to Wichita, Sedgwick County, Kansas, as indicated on the proposed plat, has been examined and does not show any exceptions not noted in this opinion.

SEVENTH: The usual inquiries should be made relative to the rights of parties in possession.

EIGHTH: This opinion supplements our opinion of October 4, 1965.

In giving you this opinion, we have relied upon the accuracy of the abstracts of title and the truthfulness and accuracy of the affidavits and other instruments contained therein.

Respectfully submitted,

Richard Mullins
of ARN, MULLINS, UNRUH, KUHN & CATES

RFM:jh

EDWARD F. ARN
RICHARD F. MULLINS
MILO M. UNRUH
H. R. KUHN
LOUIS W. GATES
ROGER K. WILSON
BERNICE BURKET

LAW OFFICES OF
ARN, MULLINS, UNRUH, KUHN & GATES
330 GARVEY BUILDING - 300 WEST DOUGLAS
WICHITA, KANSAS 67202
AMHERST 7-5267

October 31, 1967

City of Wichita
Wichita, Kansas

Attention: Mr. Ralph Wulz, and
Mr. Robert A. Lakin

Subject: S/D 65-63 Wood Plaza Addition



Gentlemen:

This is to confirm the various commitments made in the course of an informal discussion of October 30, 1967, concerning the follow-up requirements and procedures necessary to secure a re-lease of the tracing of the above noted plat. You will recall that the Department of Public Works was desiring some changes from the original requirements set forth by the Metropolitan Area Planning Commission and the City Commission. The principal change which the Department of Public Works was pressing for was the dedication of an additional 10-foot strip along the north edge of the property covered by the plat, anticipating the future need for additional right-of-way for utility and street purposes.

It was decided during the course of the discussion that the matter need not be referred back to the Metropolitan Area Planning Commission or to the City Commission for further action if the following requirements were met by the developer:

1. Filing with the city either a cashier's check or payment bonds totaling the sum of \$27,370.00 guaranteeing payment for
 - a. the installation of sidewalks;
 - b. the construction of drainage facilities through provision of pipe from the southeast corner of said plat southward through and along the elementary site to Clapp Park;
 - c. reimbursement to the city of Wichita at an actual cost figure, all costs and expenses related to the preparation of plans and specifications and the inspection of construction of the above listed projects.

ARN, MULLINS, UNRUH, KUHN & CATES

City of Wichita
October 31, 1967
Page 2

2. Dedicating to the use of the public the north ten feet of the area included within the plat for the installation and maintenance of public utilities and for street purposes. Such dedication to be made to be effective at the time the developer constructs the "acceleration-deceleration" lane hereinafter referred to.

With regard to the re-designing and widening of Harry Street as aforesaid, it is understood that in any event, no more than 50 per cent of those construction costs incurred within the project boundary immediately adjacent to the Wood Plaza Addition shall be assignable to Wood Plaza Addition.

The city has agreed with the developer that in consideration of the developer agreeing to the dedication above referred to, that if the city proceeds with the re-designing and reconstruction of Harry Street, it will proceed with such construction project at the same time as the shopping center is being constructed, or at a time subsequent thereto in a manner so as not to prevent customer access to the shopping center. In other words, a portion of Harry Street leading to the shopping center shall, at all times be open to customer motor traffic. It being understood that in order to assure such access, that the developer will cause to be constructed to standard city specifications the "acceleration-deceleration" street lane immediately adjacent to the plat at the time of the construction of the shopping center project.

In regard to the Community Unit Plan approved by the Planning Commission on September 16, 1965, the City will administratively interpret the approved Community Unit Plan to delete the 10-foot planting screen adjacent to Harry Street and to adjust the 35-foot building setback to 25 feet on Parcels 2, 3, and 4, in view of the considerations made in this agreement, specifically pertaining to the additional dedication of 10 feet of right-of-way along the north boundary of Wood Plaza Addition. This administrative interpretation is made under the provisions of 28.04.190.B.10.f. in that this does not create a "substantial deviation" from the intent of the originally approved CUP.

The developer would appreciate an acknowledgement of this

ARN, MULLINS, UNRUH, KUHN & CATES

City of Wichita
October 31, 1967
Page 3

understanding and the commitments set out above by your approving
a copy of this letter and returning such copy to the developer.

Yours very truly,

WOOD PLAZA, INC.

Approved this 31 day of October, 1967.

SPORTS CENTER, INC.

By George I. Conzelman
President

Approved this _____ day of November, 1967.

CITY OF WICHITA

By _____

City of Wichita
Wichita, Kansas

Attention: Ralph Wulfz and
Robert A. Lakin

Subject: S/D 65-63 Wood Plaza Addition

Gentlemen:

This is to confirm ~~in writing~~ the various commitments made in the course of an informal discussion ^{of 10/30/67} concerning the follow-up requirements and procedures ~~in order~~ ^{necessary} to secure a release of ~~the~~ ^{the} tracing of the above noted plat. You will recall that the Department of Public Works was ~~seeking~~ ^{desiring} some changes from the original requirements set forth by the Metropolitan Area Planning Commission and the City Commission. The principal change which the Department of Public Works was pressing for was the dedication of an additional 10-foot strip along the north edge of the property ~~covered~~ ^{covered} by the plat, anticipating the ~~need~~ ^{future} for additional right of way for utility and street purposes.

It was ~~agreed~~ ^{decided} during the course of the discussion that the matter ~~would~~ ^{need} not be referred back to the Metropolitan Area Planning Commission or to the City Commission for ~~future~~ ^{further} action if the following requirements were met by the developer:

1. Filing with the city either a cashier's check or payment bonds totaling the sum of \$27,370.00 guaranteeing payment for
 - A. the installation of sidewalks;
 - B. the construction of drainage facilities through provision of pipe from the southeast corner of said plat southward through and along the elementary site to Clapp Park;
 - C. reimbursement to the city of Wichita at an actual cost figure, all costs and expenses related to the preparation of plans and specifications and the inspection of construction of the above listed projects.
2. Dedicating to the use of the public the north 10 feet of the area included within the plat for the installation and maintenance of public utilities and ~~street~~ ^{for} purposes. Such dedication

to be effective at the time of the construction of the "acceleration-deceleration" lanes hereinafter referred to
the developer

to be made ^{if} and when the city shall secure the additional necessary right of way to design and widen Harry Street in the area adjacent to the plat and to the east and west thereof.

With regard to the re-designing and widening of Harry Street as aforesaid, it is understood ^{in any event} that no more than 50 per cent of those ^{construction} costs incurred within the project boundary immediately adjacent to the Wood Plaza Addition shall be assignable to Wood Plaza Addition.

The city has agreed with the developer that in consideration of the developer agreeing to the dedication above referred to, that if the city proceeds with the re-designing and reconstruction of Harry Street, it will proceed with such construction project at the same time as the shopping center is being constructed, or at a time subsequent thereto in a manner so as not to ^{prevent} interfere with customer access to the shopping center. In other words, a portion of Harry Street leading to the shopping center shall, at all times, be open to customer motor traffic. It being understood that in order to assure such access, that the developer will cause to be constructed ^{to standard city specifications,} the "acceleration--deceleration" street lane immediately adjacent to the plat at the time of the construction of the shopping center project.

X → The developer would appreciate an acknowledgement of the understanding and commitments set out above by your approving a copy of this letter and returning such ~~letter~~ ^{city} to the developer.

Yours very truly,
WOOD PLAZA, INC.

By _____

Approved this _____ day of October, 1967.
SPORTS CENTER, INC.

President

Approved this _____ day of November, 1967.
CITY OF WICHITA

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

August 29, 1967

TO The Files
FROM Jack H. Galbraith, Senior Planner *J.H.G.*
SUBJECT S/D 65-63 - Wood Plaza Addition

On August 29, 1967, we met with Richard F. Mullins, H. R. Kuhn, M. S. Mitchell and Dick Linn to discuss the fulfillment of requirements so that the above-captioned plat may be recorded. It was determined that performance bonds would be submitted guaranteeing the required installations as outlined in the July 30, 1967, letter to Carl Bell written by Robert A. Lakin, and that petitions may later be submitted and the bonds requested to be released.

Dick Linn advised that it would take approximately three months for preliminary engineering plans on the improvements of Harry and drainage facilities. He estimated one month for the processing of the Chesney petition and an additional month for preliminary engineering in the field. Linn commented that it might be necessary to request an additional 10 feet of right-of-way for Harry Street. He further stated that the Engineering Division would advise as to this requirement and begin preliminary engineering plans.

JHG:bgs

9/13/67

Dick Linn, Jim Smith, Paul Brown, M. S. Mitchell, Bob Lakin, and Jack H. Galbraith discussed the design of street improvements on this date which would require an additional 10' of R.O.W. for Harry. It was discussed that Kuhn would be contacted regarding the additional R.O.W. J.H.G.



July 30, 1967

Mr. Carl Bell, Jr., Attorney
230 South Market
Wichita, Kansas 67202

Dear Carl:

Subject: S/D 65-63 - Wood Plaza
Addition

In answer to your inquiry as to what conditions must be met prior to the release of the tracing of the above Addition for purposes of recording, I have checked with the various City staffs and with Ralph Wulz, and we will release the tracing upon completion of the following conditions:

1. Guaranteeing the installation of sidewalks. These are adjacent to the south side of Harry Street, the east side of Roosevelt Avenue and around Countryside Plaza Court. Total amount of the guarantee is \$4,370.
2. Guaranteeing the construction of drainage facilities in accordance with design criteria of the Flood Control Division of the Department of Public Works. The total amount of the guarantee in this instance is \$23,000.
3. Guaranteeing the reconstruction of Harry Street (with medials, left turn bays and right turn lanes) in accordance with the plans and specifications of the Department of Public Works. Providing further that the cost of such guarantee shall be equivalent to that only within the project boundaries immediately adjacent to the Wood Plaza Addition and, further, that no more than 50% of those costs shall be assignable to the Wood Plaza Addition. Total cost of this guarantee is \$15,500.

Page 2 - Carl Bell, Jr.
June 30, 1967

4. Submission of a new title and tax opinion.

In carrying out the guarantees for the sidewalk, drainage, and paving, the usual types of guarantees will be acceptable, e.g., cash, cashier's check, irrevocable letter of credit, corporate surety performance bond or actual construction. In addition, petitions may be submitted satisfactory to the appropriate departments and agencies. On both the drainage and the paving of Harry Street, a Chesney petition will be needed and it would be necessary for you to work with Dick Linn and M. S. Mitchell to work out the details of such petitions. On the sidewalks, we will accept petitions if satisfactory to Public Works. Although for the last several months it has been a requirement that in addition to any petition as a means of satisfying these types of requirements a 10% penalty bond be provided, I will not make such a requirement in this instance as the plat was approved prior to the requirement of this type of bond. In addition, we expect this type of bond requirement to be removed within the next week or two by action of the Board of City Commissioners.

If the above items can be taken care of within the next 30 to 60 days, we will release the plat for recording purposes. If, however, this matter carries on for an indefinite period of time, I will require that the plat be resubmitted to the Planning Commission and Board of City Commissioners for reapproval. This is customary policy after plats have remained dormant for periods of 18 months to two years.

In addition to the recording of the plat, before a building permit will be issued it will be necessary that the development plan be corrected as approved by the Planning Commission and copies of the development plan filed with us. We need three copies of the plan with all the appropriate corrections made thereon, so that a copy may be submitted to Central Inspection for use in issuing the building permits. See our letter of November 20, 1965, for the various corrections and additions that are needed on the face of the development plan.

I also talked to Richard Holstead of the Board of Education concerning their participation on the drainage. He did not have the information immediately hand but is checking it out; however, his memory was that the Board did, in fact, take formal action to authorize expenditure of up to around \$9,000 to participate in

Page 3 - Carl Bell, Jr.
June 30, 1967

this drainage project. He felt, however, that this matter would probably have to be revalidated by the new Board. He suggested that you contact Dr. Shepoiser on this matter at your earliest convenience.

I believe this pretty well covers the problems involved with Wood Plaza Addition. If there are other questions that you or your clients have, or if you care to have this matter reconsidered, please advise. A reconsideration will require the plat to be returned to the Subdivision Committee for its comments on whatever request you might have, and then forwarded to the Planning Commission for reapproval and subsequently to the Board of City Commissioners for final approval.

I hope this letter will provide the information you need on this matter.

Sincerely,

Robert A. Lakin
Assistant Planning Director

RAL:ber

cc: Ralph Wulz
Assistant City Manager

Jack Galbraith
Senior Planner

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

October 31, 1967

TO Files - S/D 65-63 - Wood Plaza Addition, and DP-10
Wichita Mall Shopping Center Community Unit Plan

FROM Robert A. Lakin, Assistant Planning Director *RL*

SUBJECT S/D 65-63 and DP-10

On Thursday, October 26, 1967, I advised Hub Kuhn and Dick Mullins that, based on the letter from me to Carl Bell, dated July 30, 1967, I would require the plat of Wood Plaza Addition to be resubmitted to the Planning Commission for reapproval before releasing the tracing for recording. This action would normally have required that the plat be referred to the Sub-division Committee, reapproved by the Planning Commission and subsequently reapproved by the Board of City Commissioners. This action was based on an office policy of not releasing any plat to the subdivider when the plat is over two years old from the date that the City Commission approved it. Later that day, Dick Mullins called and, with Kuhn on the line, stated that the necessary papers, guarantees, bonds, etc. would be in our hands Monday, and asked that I not make any final decision on requiring the plat to be returned to the Planning Commission until that time.

Monday morning, Mr. Ed Law and Hub Kuhn, attorney for the land owners, met with me for approximately an hour, discussing this particular problem. My position to them was that I had made a promise to the developer that I would release the plat to them if within 30 to 60 days they met all of the requirements imposed upon the plat. The 60 days expired at the end of August and I told them that sufficient time had passed that the commitment was no longer valid and that I must now keep my commitment to the officials and the Department of Public Works, who had been promised by me that if the requirements were not met within the time stated and allowed to the applicants, I would require the plat to be returned to the Planning Commission so that they might ask that an additional 10 feet of right-of-way for Harry Street be made a requirement of plat approval. Considerable discussion was had on the merits of my letter, the lack of specific dates as opposed to time periods, etc.

I advised Mr. Law and Mr. Kuhn that if I could obtain a release from my commitment to the officials of the Public Works Department, I would release the plat for recording upon their meeting the appropriate requirements. To this end, I made arrangements for a meeting



October 31, 1967

with Ralph Wulz, Assistant City Manager, who was at the time of plat approval the Director of Public Works, and with whom I had been working on the details of this plat approval over the last two or three years. A meeting was held in Mr. Wulz's office at 1:00 p.m., at which Mr. Law offered to Mr. Wulz, on behalf of the developer, and subject to confirmation by him by long distance, the additional 10 feet of right-of-way to be given at the time the acceleration-deceleration lanes are constructed on the south side of Harry adjacent to their plat. He further volunteered that they would, as a part of the shopping center construction project, build such acceleration-deceleration lanes. It was further agreed between Mr. Wulz and Mr. Law that the City would then proceed to build such other improvements as are needed on Harry Street, such as medials, and accel-decel lanes on the north side of Harry Street, and assess the cost of or pay for such improvements as the City may deem proper. Further, that the developer would assume his share of such other improvements at the time they were made. A figure of not more than 50% of such costs was mentioned at the meeting. Also discussed and agreed to was the fact that the City, if they went ahead and completed the balance of the street improvement in this area, would do it in such a manner that it would not restrict customer access to the shopping center once it was open. Again to this end, it was pointed out by Wulz that the project would probably be built in the 1968 construction season during which time the shopping center would be under construction, thus presenting a minimum of conflict for the shopping center development.

It was agreed that these matters would be consummated in the form of a letter-agreement submitted by the developer to the City and that upon receipt of such letter, the plat would be released, contingent again upon the satisfaction of the remaining requirements originally imposed on the plat.

Later Monday afternoon, Mr. Law again called and inquired about the affect of the 10-foot dedication upon the approved Community Unit Plan. The approved Community Unit Plan required a 10-foot planting strip adjacent to Harry Street opposite the residential units in Hilltop Manor. Also, it established a 35-foot building setback line for Parcels #2, #3, and #4, which are free-standing parcels separate from the main shopping center complex. I advised Mr. Law that I would work towards the end of seeing that the Community Unit Plan was interpreted to delete the 10-foot planting strip and reduce the setbacks from 35 to 25 feet, in the event the 10-foot dedication was made, as these would be the requirements that would have been required in that 10 feet.

Page 3 - Files

October 31, 1967

And further, that if the 10 feet is no longer in their possession, the requirements should not then be imposed. I further advised them that if such interpretations could not be made administratively, I would support such changes in official actions by the Planning Commission and governing body.

Tuesday morning, October 31, I met with Mr. Kuhn to go over a draft copy of a proposed letter-agreement to be submitted to the developer for his signature. Certain modifications were made and an additional paragraph was inserted concerning the Community Unit Plan. I checked with Glen Lytle on this interpretation of the Community Unit Plan and received his oral concurrence, and a request from him that any agreement entered into along this line be sent to him so it could be attached to his copy of the Community Unit Plan for future use. I also submitted the agreement to Ralph Wulz for him to review. Mr. Wulz made two minor additions to the agreement, which were transmitted back to Mr. Kuhn. Mr. Kuhn advised that he would place the agreement in the proper form, obtain the necessary signatures, forward it to the developer for his counter signature, return it to the City, and request their approval signature on the agreement.

Researchers into this particular action should check further as to any minutes or discussions held by the Capital Improvement Programming Administrative Committee or public meetings on the capital improvement program and its November-December revisions as they pertain to the project of improving Harry Street from Roosevelt to Yale.

RAL:ber

Deferred two weeks at the meeting of October 19, 1965, SUBDIVISION REPORT
RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

Subdivision Approval

S/D Number: 65-63 Name: Wood Plaza Addition
Application Filed: 8-2-65 Sketch Filed: N/A
Preliminary Plat Filed: 8-2-65 Approved by S/D: 8-12-65
Final Plat Filed: 8-26-65 Approved by S/D: 9-9-65
Approved by Metropolitan Area Planning Commission: 9-16-65

DESCRIPTION

General Location: Southeast corner of Harry and Roosevelt

Owner: Sports Center, Inc.
Surveyor or Engineer: K. O. Taylor
Address: 307 Laura

- | | | | |
|--------------------------|-------------------------|-----------------------------------|-------------------------|
| 1. Gross Acreage of Plat | <u>29.9</u> | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | (a) <u>11</u> R/W <u>940</u> ft. | |
| Residential | | (b) <u>50</u> R/W <u>1316</u> ft. | |
| Commercial | <u>1</u> | (c) R/W <u> </u> ft. | |
| Industrial | | (d) Total <u>2256</u> ft. | |
| Other | | 8. Total Area of New Streets: | |
| Total | <u>1</u> | R/W <u>76,140</u> sq. ft. | |
| 3. Average Lot Frontage | <u>1305</u> ft. | 9. Existing Zoning | <u>LC, A & AA</u> |
| 4. Minimum Lot Frontage | <u>1305</u> ft. | 10. Lot Area Required by | |
| 5. Average Lot Area | <u>1,226,700</u> sq.ft. | Zoning | <u> </u> sq. ft. |
| 6. Minimum Lot Area | <u>1,226,700</u> sq.ft. | | |

Sidewalks required adjacent to the south side of Harry, the east side of Roosevelt Avenue and around Countryside Plaza Court,

Planning Commission Recommendation:

MERRILL moved and MOONEY seconded that the Planning Commission that this plat be approved, subject to the following conditions:

(See attached sheet for Conditions)

The applicants have not submitted the performance bonds guaranteeing construction of sidewalks, drainage, and for street improvements as required in the conditions marked with an "*". If the City Commission concurs in the Planning Commission recommendation for plat approval, it is recommended that the tracing not be released to the applicant until the performance bonds have been submitted.

Vote of Planning Commission: Unanimous as to those voting.
LAW abstained from discussion or voting.

Respectfully submitted,

C. Bickley Foster, Secretary

Action: Approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign, and instruct the Planning Department not to release the tracing until the bonds for sidewalks, drainage and reconstruction of Harry Street have been submitted and approved.

Approved subject to conditions of Maps & amended conditions re: Construction of retention dam & amendment to Performance Bond for improvement of Harry Street

City Attorney-- The City Attorney answering a question from Commissioner Bogart, stated that the State laws called the body the Housing Authority and that he did not believe the words "Local Housing Authority" would be in disagreement with the statute.

Bogart - motion that City Mgr. & staff to examine all Fed. programs in letter of 10/21 & bring back report to Comm. & Local Housing Authority to be established, etc.

Bogart moved that the City Manager and staff be directed to examine all of the Federal programs in their letter of October 21 with a view toward fitting them into a pattern of the City's needs, and bring back a report to the City Commission on how these various programs, offered by the Federal Government, could be fit into an overall program for the City of Wichita. Motion carried unanimously.

Bogart moved that a local housing authority be established with specific instructions that they have no authority to construct houses without further action of the City Commission. That the authority be composed of no less than five or more than seven members and that recommendations to the Commission be made for the members of this authority before their appointment and that in the interim the Administrative Staff of the City of Wichita be used as a fact-finding board to hear facts presented by the Office of Economic Opportunity, Citizens' Housing and other interested persons concerning need or a lack of need for housing, supplemental rental payments, etc. in the City of Wichita.

Stevens - substitute motion

Stevens moved as a substitute motion to defer any action on the Local Housing Authority until such time as the recommendations are received from the staff and then if necessary to proceed from that point. Stevens' motion failed for lack of a second.

Original motion carried 3 - 2. Stevens and Tarrant voting "No".

REPORT FROM DEPT. OF LAW: re. Claim of Laura Terry - \$6,592.07

Report from Department of Law regarding claim for damages of Laura Terry, in the amount of \$6,592.07, presented.

The report stated that the captioned claim was filed against the City of Wichita on September 22, 1965, for damages to partially wrecked house alleged to have been caused by the City dumping sweepings on the premises before the claimant could complete the removal of equipment and furnishings.

Investigation of this claim by the Public Works Department revealed that this house was ordered by the Health Department to be either cleaned up or razed in accordance with public health nuisance abatement policies. Photographs taken at the time of the clean-up operation revealed no equipment or useable material remaining on the premises. It would seem, therefore, that there is no basis for the claim.

The Department of Law found no liability on the part of the City of Wichita. It was, therefore, recommended that the claim be denied.

--denied
REPORTS FROM MET. AREA PLANNING COMM.
Petition to change from "AA" and "A" to "LC" tract located on SE corner of Harry & Roosevelt

Stevens moved that the claim be denied. Motion carried unanimously.

Report from the Metropolitan Area Planning Commission (Case No. 7-0699) in regard to petition to change from "AA" and "A" to "LC" tract beginning at a point 640 feet west and 300 feet south of the northeast corner of the NW 1/4 of Section 35, Township 27, Range 1 East; thence east 200 feet; thence south 460 feet; thence east 705 feet; thence south 230 feet; thence west 905 feet; thence north to beginning, other than that now zoned "LC", generally located on the southeast corner of Harry and Roosevelt, again presented, having been deferred one week at the meeting of October 12, 1965 and again at the meeting of October 19, 1965 for a report of the Superintendent of Public Works Maintenance in regard to drainage of the area. Planning Commission recommended that the application be approved but that it not be forwarded to the City Commission until the final plat of Wood Plaza is forwarded and until the revised Community Unit Plan has been received by the Planning Department.

11/2/65

- 11 -

Wood Plaza

alph Wulz-- The Director of Public Works reviewed the report from the Flood Control Engineer on a reservoir pipe line and the drainage problem on Dry Creek.

Mr. W. R. Fleck--Mr. W. R. Fleck, Park Board Chief Engineer, displayed a map of the area and he stated that they did determine that a dam in this area would not make an appreciable difference in the amount of water in the lower Dry Creek area.

Mr. Albert Kamas--Mr. Albert Kamas, 3619 Elmwood, suggested that a reservoir be installed, with a trickle pipe and that after the three-year period when improvements in the lower Dry Creek area will be made the reservoir could be eliminated and the area returned for park purposes.

Mrs. Wright-- Mrs. Wright, who lives on Countryside Plaza, stated that she was one of twenty or more who signed a petition protesting the zoning originally and that they did not want the shopping center, not only for the drainage but because of lower land values created by the shopping center being built next to the back of their property.

Mr. Ralph Brack--Mr. Ralph Brack, 3816 Mt. Vernon Road, stated that his problem began with the development of Park Lane and he does not feel that he could stand any more water in his area as his garage gets knee deep at the present time and water flows across the floor of his house. He further requested that no speed-up or run-off of the water from this area to be zoned, be approved.

It was determined in a conversation between Commissioner Bogart and Jack Galbraith, Senior Planner, that the property now zoned "LC" could not be issued a building permit until they had secured a CUP Plan approved by the Planning Commission as the area is more than six acres and is not platted.

Mr. Richard Mullins -- Mr. Richard Mullins, attorney who represented the owner of the property under question, stated that the Planning Commission has approved the CUP Plan for this area.

Tarrant -- motion failed for want of a second Tarrant moved that the zoning be approved, build a reservoir, and that the cost of the reservoir be included in a benefit district to be created for the entire Dry Creek Area. Motion lost for want of a second.

Keith Sanborn-- Keith Sanborn, 2008 Reed, stated that he opposed the artificial water pipe installation and preferred the construction of a detention reservoir and that he hoped the action would be not to make flooding conditions any worse than they are.

Mr. Richard Mullins -- Mr. Richard Mullins, representing the petitioner, stated that his client would pay a reasonable amount for a detention reservoir, a reasonable amount to be between \$2,000 and \$2,400.

approved as recommended by MAPC & ord. placed on first reading Stevens moved that the application be approved as recommended by the Metropolitan Area Planning Commission and the ordinance effecting the change in zoning be placed on first reading. Motion carried unanimously.

ORDINANCE

Ord. changing zoning classifications (Z-0699) An ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the first time and under the rules laid over. (Case No. Z-0699).

Final Plat of Wood Plaza Addn. Final Plat of Wood Plaza Addition, S/D No. 65-63, located at the Southeast corner of Harry and Roosevelt, presented. Planning Commission recommended that the plat be approved, subject to the following conditions:

11/2/65

1. The applicant providing sidewalks adjacent to the south side of Harry Street, the east side of Roosevelt Avenue and around Countryside Plaza Court.
2. Prior to the time this plat is forwarded to the City Commission for its consideration, the applicant shall provide for either:
 - a. construction of the sidewalks in accordance with plans and specifications of the City Engineer; or
 - b. a Corporate Surety Bond guaranteeing construction within two years, such bond to be in the amount of \$4,370.
3. Showing the existing sewer easement running north-south through the plat (generally extending north from Bluff to Bluffview.)
4. The applicant shall provide drainage facilities in accordance with design criteria submitted by the Flood Control Division of the Department of Public Works. The drainage proposals all being conditioned on the provision of pipe from the southeast corner of the plat southward past school property to Clapp Park; and further conditioned that a satisfactory arrangement be made between the applicant and the Board of Education for the construction of such facilities. A Corporate Surety Performance Bond of \$70,000, or a Chesney Law (12-6a01 et req.) petition including the applicant and the Board of Education shall be required to guarantee construction.
5. Full access control (vehicular and pedestrian) shall be granted along the south line of the plat. This shall be included in the plat's text as follows: "Full access control (both pedestrian and vehicular) from Block 1, Wood Plaza Addition to any lot in Block 3, Grandview Heights Addition; any lot in Consolver 1st Addition; and to Bluff Avenue and Broadview Avenue; is hereby granted to the public". Also a notation of such access control shall be made on the plat.
6. The applicant shall provide for payment of up to 50% of the cost of reconstruction of Harry Street (with medials, left-turn byas and right-turn lanes) in accordance with plans and specifications of the Department of Public Works; provided, however, the cost of such project assignable to the applicant shall be limited to not more than 50% of those costs from the east line of Roosevelt to the east line of the plat, and that all other costs shall be borne by other sources; and further, that the City shall secure the necessary right-of-way and/or redesign the project to fit within the existing right-of-way, or the applicants shall be released of all such obligation. A Corporate Surety Performance Bond of \$15,500 shall be required, or a Chesney type petition (Chapter 12-6a01 et req. KSA) may be submitted to guarantee construction.
7. Recording within 30 days after approval by the Board of City Commissioners.

Ralph Wulz --

The Director of Public Works stated that they recommended to the Planning Department that the developer pay for the improvements to Harry Street that are immediately adjacent to his property. The Planning Department altered this recommendation to require the developer to pay 50% of the improvements directly in front of his property. He further pointed out that the developer on East Kellogg was required to pay for the improvements in front of his area however due to the State Highway entering into the matter the developer did not make the payments even though they were required in the platting. Also on the Lamb property at 13th and Oliver the developer was to pay for the improvements, however, development has not taken place so the improvements have not been put in adjacent to his property.

Discussed.

Bogart - motion failed for want of a second

Bogart moved that the developer pay the entire cost of the improvements. Motion lost for want of a second.

Plat approved as recommended by MAPC, etc. 11/2/65

Stevens moved that the plat be approved as recommended by the Metropolitan Area Planning Commission and the Mayor authorized to sign, and the Planning Department instructed not to release the tracing until the bonds for sidewalks, drainage and reconstruction of Harry Street have been submitted and approved and construction of a de-

attention reservoir authorized at the reasonable expense of the applicant and that Harry Street be approved on a 50% benefit district basis and 50% City at large. Motion carried 4 - 1. Bogart voting "No".

Petition to change from "A" to "LC" (amended & readvertised for change from "A" to "BB" lots 9 & 10, except the W 16 1/2' on Roosevelt Ave. in Circle Drive Addition & that part of Kellogg St. now vacated adjoining said lot 10 on the So. ^{11/15} Foster --

Report from the Metropolitan Area Planning Commission (Case No. Z-0689) in regard to petition to change from "A" to "LC" (Amended and readvertised for change from "A" to "BB", Lots 9 and 10, except the west 16 1/2 feet on Roosevelt Avenue in Circle Drive Addition, and that part of Kellogg Street now vacated adjoining said Lot 10 on the south, located at the northwest corner of Kellogg and Roosevelt, presented. Planning Commission recommended that the application be denied.

The Director of Planning indicated the area on a map and stated that this was located in an area in which the Planning Commission favors "BB" zoning and that the Lot is 69 feet north and south and 123 feet east and west. The problem is whether adequate parking could be provided on a lot this small. He stated that he had worked with the Traffic Engineer and that they had determined that the owner could provide six off-street parking spaces in developing this lot and that he did not feel that this was an adequate amount of parking in this instance.

Mr. Robert H. Nelson --

Mr. Robert H. Nelson, Attorney for McEwan Investment Company, the petitioner, stated that the City now has authority not to issue a building permit until the proper car parking spaces were provided and that he felt that the City had all of the control at their disposal on this matter.

John Dekker --

The City Attorney stated in answer to a question from the bench that the ordinance passed two weeks ago now places us in conformity with the State Law and that we actually are now operating under the Statutes of Kansas.

Mayor Tarrant --

Mayor Tarrant asked if there was anyone present who desired to speak on this matter. No one appeared, however those desiring to speak had appeared at the meeting of October 26, 1965.

Matter referred back to Planning Commission, to be reconsidered for "BB" zoning

Bogart moved that the matter be referred back to the Planning Commission, that this application be reconsidered for "BB" zoning and that the applicant replot with a 20-foot setback. Motion carried unanimously.

Petition to change from "AA" to "LC" a tract of land located at SE corner of 7th St. So. & Seneca ^{made 11/15}

Report from the Metropolitan Area Planning Commission (Case No. Z-0704) in regard to petition to change from "AA" to "LC" a tract of land described as follows: Beginning at the NW corner of the SW 1/4 of Section 5, Township 28, Range 1 East; thence south 466.69 feet; thence east 466.69 feet; thence north 466.69 feet; thence west to the point of beginning, all in Wichita, Sedgwick County, Kansas, located at the southeast corner of 27th Street South and Seneca, presented. Planning Commission recommended that the application be denied.

C. Bickley Foster --

C. Bickley Foster, Director of Planning, pointed out the area on a map and noted that the matter had been heard previously and had been denied by the City Commission. He briefly reviewed other zoning change applications in this general area which the Planning Commission recommended for approval, however he stated that it was the Planning Commission's feeling that this particular property was outside of the containment for good commercial development in keeping with their zoning policy along Seneca. He further stated that inquiry had been made regarding the prototype zoning ordinances and that he had found that there is a district, which will be a commercial-atri-cultural district, to accommodate garden stores, greenhouses, etc., however, the better area for such development would be farther south on Seneca. Mr. Foster also stated his concern in that some of the properties involved in recent zoning changes granted to applicants were not being utilized for the proposed uses and in some instances the businesses have been abandoned. Mr.

11/2/65

- 14 -

MICROFILMED
FROM THE BEST
AVAILABLE COPY

S/D 65-63 - Wood Plaza Addition

Conditions to Approval

- * 1. The applicant providing sidewalks adjacent to the south side of Harry Street, the east side of Roosevelt Avenue and around Countryside Plaza Court.
- * 2. Prior to the time this plat is forwarded to the City Commission for its consideration, the applicant shall provide for either:
 - a. construction of the sidewalks in accordance with plans and specifications of the City Engineer; or
 - b. a Corporate Surety Bond guaranteeing construction within two years, such bond to be in the amount of \$4,370.
- * 3. Showing the existing sewer easement running north-south through the plat (generally extending north from Bluff to Bluffview.
- * 4. The applicant shall provide drainage facilities in accordance with design criteria submitted by the Flood Control Division of the Department of Public Works. The drainage proposals all being conditioned on the provision of pipe from the southeast corner of the plat southward past school property to Clapp Park; and further conditioned that a satisfactory arrangement be made between the applicant and the Board of Education for the construction of such facilities. A Corporate Surety Performance Bond of \$20,000, or a Chesney Law (12-6a01 et req.) petition including the applicant and the Board of Education shall be required to guarantee construction.
5. Full access control (vehicular and pedestrian) shall be granted along the south line of the plat. This shall be included in the plat's text as follows: "Full access control (both pedestrian and vehicular) from Block 1, Wood Plaza Addition to any lot in Block 3, Grandview Heights Addition; any lot in Consolver 1st Addition; and to Bluff Avenue and Broadview Avenue; is hereby granted to the public". Also a notation of such access control shall be made on the plat.
- * 6. The applicant shall provide for payment of up to 50% of the cost of reconstruction of Harry Street (with medials, left turn bays and right turn lanes) in accordance with plans and specifications of the Department of Public Works; provided, however, the cost of such project assignable to the applicant shall be limited to not more than 50% of those costs from the east line of Roosevelt to the east line of the plat, and that all other costs shall be borne by other sources; and further, that the City shall secure the necessary right of way and/or redesign the project to fit within the existing right of way, or the applicants shall be released of all such obligation. A Corporate Surety Performance Bond of \$15,500 shall be required, or a Chesney type petition (Chapter 12-6a01 et req. KSA) may be submitted to guarantee construction.
7. Recording within 30 days after approval by the Board of City Commissioners.

S/D 65-63 - Wood Plaza Addition

Conditions to Approval

- * 1. The applicant providing sidewalks adjacent to the south side of Harry Street, the east side of Roosevelt Avenue and around Countryside Plaza Court.
- * 2. Prior to the time this plat is forwarded to the City Commission for its consideration, the applicant shall provide for either:
 - a. construction of the sidewalks in accordance with plans and specifications of the City Engineer; or
 - b. a Corporate Surety Bond guaranteeing construction within two years, such bond to be in the amount of \$4,370.
3. Showing the existing sewer easement running north-south through the plat (generally extending north from Bluff to Bluffview).
- * 4. The applicant shall provide drainage facilities in accordance with design criteria submitted by the Flood Control Division of the Department of Public Works. The drainage proposals all being conditioned on the provision of pipe from the southeast corner of the plat southward past school property to Clapp Park; and further conditioned that a satisfactory arrangement be made between the applicant and the Board of Education for the construction of such facilities. A Corporate Surety Performance Bond of \$20,000, or a Chesney Law (12-6a01 et req.) petition including the applicant and the Board of Education shall be required to guarantee construction.
5. Full access control (vehicular and pedestrian) shall be granted along the south line of the plat. This shall be included in the plat's text as follows: "Full access control (both pedestrian and vehicular) from Block 1, Wood Plaza Addition to any lot in Block 3, Grandview Heights Addition; any lot in Consolver 1st Addition; and to Bluff Avenue and Broadview Avenue; is hereby granted to the public". Also a notation of such access control shall be made on the plat.
- * 6. The applicant shall provide for payment of up to 50% of the cost of reconstruction of Harry Street (with medials, left turn bays and right turn lanes) in accordance with plans and specifications of the Department of Public Works; provided, however, the cost of such project assignable to the applicant shall be limited to not more than 50% of those costs from the east line of Roosevelt to the east line of the plat, and that all other costs shall be borne by other sources; and further, that the City shall secure the necessary right of way and/or redesign the project to fit within the existing right of way, or the applicants shall be released of all such obligation. A Corporate Surety Performance Bond of \$15,500 shall be required, or a Chesney type petition (Chapter 12-6a01 et req. KSA) may be submitted to guarantee construction.
7. Recording within 30 days after approval by the Board of City Commissioners.

SUBDIVISION REPORT

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

Subdivision Approval

S/D Number: 65-63 Name: Wood Plaza Addition
Application Filed: 8-2-65 Sketch Filed: N/A
Preliminary Plat Filed: 8-2-65 Approved by S/D: 8-12-65
Final Plat Filed: 8-26-65 Approved by S/D: 9-9-65
Approved by Metropolitan Area Planning Commission: 9-16-65

DESCRIPTION

General Location: Southeast corner of Harry and Roosevelt

Owner: Sports Center, Inc.
Surveyor or Engineer: K. O. Taylor
Address: 307 Laura

- | | |
|---------------------------------------------|------------------------------------------|
| 1. Gross Acreage of Plat <u>29.9</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | (a) <u>11</u> R/W <u>940</u> ft. |
| Residential _____ | (b) <u>50</u> R/W <u>1316</u> ft. |
| Commercial <u>1</u> | (c) _____ R/W _____ ft. |
| Industrial _____ | (d) Total <u>2256</u> ft. |
| Other _____ | 8. Total Area of New Streets: |
| Total <u>1</u> | R/W <u>76,140</u> sq. ft. |
| 3. Average Lot Frontage <u>1305</u> ft. | 9. Existing Zoning <u>LC, A & AA</u> |
| 4. Minimum Lot Frontage <u>1305</u> ft. | 10. Lot Area Required by |
| 5. Average Lot Area <u>1,226,700</u> sq.ft. | Zoning _____ sq. ft. |
| 6. Minimum Lot Area <u>1,226,700</u> sq.ft. | |

Sidewalks required adjacent to the south side of Harry, the east side of Roosevelt Avenue and around Countryside Plaza Court.

Planning Commission Recommendation:

Referred to Public Works
Referred to Public Works
MERRILL moved and MOONEY seconded that the Planning Commission that this plat be approved, subject to the following conditions:

(See attached sheet for Conditions)

The applicants have not submitted the performance bonds guaranteeing construction of sidewalks, drainage, and for street improvements as required in the conditions marked with an "*". If the City Commission concurs in the Planning Commission recommendation for plat approval, it is recommended that the tracing not be released to the applicant until the performance bonds have been submitted.

Vote of Planning Commission: Unanimous as to those voting.
LAW abstained from discussion or voting.

Respectfully submitted,

C. Bickley Foster, Secretary

Action: Approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign, and instruct the Planning Department not to release the tracing until the bonds for sidewalks, drainage and reconstruction of Harry Street have been submitted and approved.

S/D 65-63 - Wood Plaza Addition

Conditions to Approval

- * 1. The applicant providing sidewalks adjacent to the south side of Harry Street, the east side of Roosevelt Avenue and around Countryside Plaza Court.
- * 2. Prior to the time this plat is forwarded to the City Commission for its consideration, the applicant shall provide for either:
 - a. construction of the sidewalks in accordance with plans and specifications of the City Engineer; or
 - b. a Corporate Surety Bond guaranteeing construction within two years, such bond to be in the amount of \$4,370.
3. Showing the existing sewer easement running north-south through the plat (generally extending north from Bluff to Bluffview).
- * 4. The applicant shall provide drainage facilities in accordance with design criteria submitted by the Flood Control Division of the Department of Public Works. The drainage proposals all being conditioned on the provision of pipe from the southeast corner of the plat southward past school property to Clapp Park; and further conditioned that a satisfactory arrangement be made between the applicant and the Board of Education for the construction of such facilities. A Corporate Surety Performance Bond of \$20,000, or a Chesney Law (12-6a01 et req.) petition including the applicant and the Board of Education shall be required to guarantee construction.
5. Full access control (vehicular and pedestrian) shall be granted along the south line of the plat. This shall be included in the plat's text as follows: "Full access control (both pedestrian and vehicular) from Block 1, Wood Plaza Addition to any lot in Block 3, Grandview Heights Addition; any lot in Consolver 1st Addition; and to Bluff Avenue and Broadview Avenue; is hereby granted to the public". Also a notation of such access control shall be made on the plat.
- * 6. The applicant shall provide for payment of up to 50% of the cost of reconstruction of Harry Street (with medials, left turn bays and right turn lanes) in accordance with plans and specifications of the Department of Public Works; provided, however, the cost of such project assignable to the applicant shall be limited to not more than 50% of those costs from the east line of Roosevelt to the east line of the plat, and that all other costs shall be borne by other sources; and further, that the City shall secure the necessary right of way and/or redesign the project to fit within the existing right of way, or the applicants shall be released of all such obligation. A Corporate Surety Performance Bond of \$15,500 shall be required, or a Chesney type petition (Chapter 12-6a01 et req. KSA) may be submitted to guarantee construction.
7. Recording within 30 days after approval by the Board of City Commissioners.

control over the land and such developments should be encouraged. He considered it unfortunate that answers were not available today for those questions raised by protestants."

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 16, 1965:

"23. Case No. Z-0699 - (See excerpt from Minutes of September 2, 1965, for description of this application.)

The Staff report on this case was submitted at the meeting of the Commission on September 2, 1965.

MRS. HAROLD WRIGHT, 4016 Countryside, spoke in opposition to this request as she desired the entire area to remain as residential.

MOTION: KRATZER moved, MERRILL seconded and it carried unanimously as to those voting (LAW abstained) that the Planning Commission recommend to the City Commission that this application be approved but that it not be forwarded to the City Commission until the final plat of Wood Plaza is forwarded and until the revised Community Unit Plan has been received by the Planning Department."

City Manager's Report
November 2, 1965
Report from the MAPC to the Board of City Commissioners

Item 6

Page 4

Deferred one week at meeting of October 12, 1965.

Case No. Z-0699

Considered by MAPC: 9-2-65
Re-Considered by M.A.P.C. 9-16-65

Request for: Change from "AA" and "A" to "LC"

Reason for request (as provided by petitioner):

"To include the property heretofore described under Paragraph II within the proposed Community Unit Plan for shopping center, which application for said Community Unit Plan is being filed concurrent herewith."

Location of property: Southeast corner of Harry and Roosevelt

Legal description of property:

Beginning at a point 640 feet west and 300 feet south of the north-east corner of the NW $\frac{1}{4}$ of Section 35, Township 27, Range 1 East; thence east 200 feet; thence south 460 feet; thence east 705 feet; thence south 230 feet; thence west 905 feet; thence north to beginning, other than that now zoned "LC".

Petitioner: Melvin Simon and Associates
Address: 600 Kahn Bldg., Indianapolis, Indiana

Counsel for petitioner: Richard F. Mullins and H. R. Kuhn

Protesters (list counsel, if any): Herbert Dodd, Attorney representing protestants.

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

Land use: Subject property is occupied by Kiddieland Sports Center. To the north is multiple family and drive-in restaurant; east is a drive-in theater; south is single family and west is duplexes and general business.

Planning Commission recommendation:

KRATZER moved and MERRILL seconded that the Planning Commission recommend to the City Commission that this application be approved but that it not be forwarded to the City Commission until the final plat of Wood Plaza is forwarded and until the revised Community Unit Plan has been received by the Planning Department.

NOTE: Deferred two weeks at the meeting of October 19, 1965.
Report of the Superintendent of Public Works Maintenance in regard to drainage of the area has been furnished the Commission.

Approved as recommended by PC

Vote of Planning Commission Unanimous as to
those voting. LAW abstained from discussion and voting.

Respectfully submitted,
C. Bickley Secretary

- ACTION:
1. Approve the recommendation of the Metropolitan Area Planning Commission and place the ordinance effectuating the change on first reading; or
 2. Deny the application, stating reasons, and return to the Metropolitan Area Planning Commission for its reconsideration.

EXCERPT FROM PLANNING COMMISSION MINUTES OF SEPTEMBER 2, 1965:

- "19. Case No. Z-0699 - Melvin Simon and Associates request change from "AA" and "A" to "LC" for a tract beginning at a point 640 feet west and 300 feet south of the northeast corner of the NW $\frac{1}{4}$ of Section 35, Township 27, Range 1 East; thence east 200 feet; thence south 460 feet; thence east 705 feet; south 230 feet; west 905 feet; north to beginning, other than that now zoned "LC". Generally located at the southeast corner of Harry and Roosevelt.
20. Case No. DP-10 - Melvin Simon and Associates request approval of Community Unit Plan for property described as the North 990 feet of the west half of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East of the 6th P.M.; and the north 990 feet of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, except the west 680 feet thereof, in Section 35, Township 27 South, Range 1 East of the 6th P.M. Generally located at the southeast corner of Harry and Roosevelt.

LAKIN pointed out the area on the map and reviewed the following staff report on these two applications. Staff report on Case No. Z-0699 is as follows:

Comments

1. A Community Unit Plan (DP-10) for Wichita Mall Shopping Center has been filed on this property.
2. This strip of land which is approximately 200 feet in depth and which runs along Roosevelt and along the south property line, was left in a residential classification at the time this entire property was originally zoned, in order to provide an adequate buffer for the residences to the west and south.
3. It is the opinion of the staff that the controls which can now be exercised under the CUP provisions of the Ordinance, i.e., building setbacks, screening, sign controls, etc., will be adequate to protect the adjacent residential properties.

Recommendation

Based upon the controls which can be exercised and the protection which can be afforded the adjacent property owners under the CUP provisions of the Ordinance, it is the recommendation of the Planning Department that this application be approved, but that it not be forwarded to the City Commission until the plat of Wood Plaza has been approved and until the revised CUP has been received by the Planning Department.

The staff report on Case DP-10 is as follows:

Comments

1. As a requirement under the CUP provisions, a preliminary development plan has been submitted for review. The development plan indicates the required information pertaining to gross area, maximum building coverage, maximum height, proposed general uses, maximum curb cuts, sign controls, and minimum building setbacks.
2. The applicants have requested "LC" zoning (Case Z-0699) for a strip approximately 200 feet in width adjacent to the west and south property lines. This strip of land is now zoned "AA" and acts as a buffer for the residential development to the west and

south. In view of the controls which can be exercised under the CUP provisions of the Ordinance, i.e., screening, sign controls, access controls, etc., the applicants have requested "LC" zoning for their entire property.

3. The applicants have requested that the required 5'-8' solid wall which is required adjacent to the east property line, be waived inasmuch as the property to the east is developed as the Twin and Meadowlark Drive-in theaters. It should be noted that these two theaters are nonconforming uses inasmuch as they are located in the "AA" district.

There is an existing fence approximately 15 feet in height along the east property line. This fence has been provided by the owners of the drive-in theaters. The only problem with the fence, if this property is developed for a shopping center, is that the fence, although approximately 15 feet in height, is open for a distance of approximately 4 feet above ground level. It would, therefore, appear that the lights from the circulation of traffic on the shopping center site would be bothersome to the people patronizing the drive-in theater.

4. It should be pointed out that the drainage problems associated with this property can be handled under the platting of this property. (S/D 65-63 - Wood Plaza Addition.)
5. It should be pointed out that complete access control adjacent to the south property line except for pedestrian traffic from Countryside Court and Bluff Street was requested by the staff at the time the preliminary development plan was submitted. It was felt that this would provide protection to the property owners to the south by eliminating the generation of commercial traffic on a residential street.
6. It should be pointed out that there is some concern on the part of the Traffic Engineering Division regarding traffic channelization being provided along Harry Street. Plans are being designed showing channelization and curb cuts, however, it should be noted that if this is a matter of concern, it should be handled in the approval of the plat of Wood Plaza Addition. (S/D 65-63).

Recommendation

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

1. Item #3 under General Provisions should be changed to read as follows:
 3. Drainage will be handled in a manner satisfactory to the Engineering Division of the Department of Public Works.
2. Under general provisions, it should be noted that maximum building coverage will not exceed 30% of the total site rather than 30% of each parcel for Parcels 1, 2, 3 and 4.
3. The 30% maximum land coverage requirement should be deleted from Parcels 1, 2, 3 and 4, inasmuch as this requirement will be handled under the General Provisions section of the plan.

4. under proposed general uses for Parcels 2 and 4, the same uses have been listed. Consequently, it is suggested that some additional uses be listed under each parcel so there will be no misunderstanding at the time a building permit is required.

5. The 5'-8' solid masonry wall required along the east property is hereby waived and in its place a louvered redwood, or woven (ribbons inserted through chainlink to make the fence non-translucent) chainlink fence shall be constructed adjacent to the east property line. The fence shall be six inches higher than the opening of approximately 4-5 feet along the bottom of the existing fence along the west line of the Twin Drive-in property to the east. This will protect the customers of the Twin Drive-in from offensive lights emanating from traffic circulation on the shopping center site.
6. Complete access control should be indicated along the south line of Harry for a distance of 150 feet east of the intersection of Harry and Roosevelt and along the east line of Roosevelt for a distance of 200 feet south of the intersection of Harry and Roosevelt.
7. The development of this property shall proceed in accordance with the development plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
8. Any major changes in this development plan shall be re-submitted to the Planning Commission and to the City Commission for its consideration.

It was pointed out that at the suggestion of the planning staff, the plan was revised to show pedestrian access into the shopping area from Bluff and from the cul-de-sac at the southeast corner.

LAKIN reported that the Traffic Engineer has pointed out that if this shopping center is developed, then a redesign of Harry Street in this area would be necessary, and that some preliminary drawings have been made with respect to this matter. He pointed out that while such is being considered at this time, any requirement in this respect should not be made a part of the CUP itself, rather, as part of the plat approval. Interior traffic control and circulation not outside the application area itself would be within the authority of the Planning Commission to require as part of the CUP. Harry Street improvement would be considered along with the final plat, which will be before the Subdivision Committee at its next meeting.

LAKIN said that the staff has conferred with the Director of Public Works and the attorneys for the applicants, and it is felt that improvement of Harry Street in this area would be necessary providing a medial strip and left and right turn bays to provide turning movements in and out of the center.

H. R. KUHN, Attorney for the applicant, said that he has worked with the staff and has read its reports, and that while there could be a traffic problem with respect to Harry Street, it should not be made a condition to approval of the CUP or this zoning application. It was his feeling that to bear the cost of the entire improvement proposed would be more than would be fair to the developers.

F. J. BRAMHALL, 4045 Countryside, inquired who would be required to pay for additional drainage facilities which would be required. MRS. DONALD H. MEAD, 4022 Countryside, inquired what the setback would be from her property and was informed that it would be 100 feet.

F. A. SMITH, 3806 East Funston, asked if there was any plan in the future to extend Bluff Street through into the shopping area. GALBRAITH said that the developers do not want it extended, and that they have dedicated an area for a cul-de-sac on Broadview Avenue and as now proposed there would be only pedestrian access into the shopping area from Bluff and the cul-de-sac. MR. SMITH expressed concern for the drainage problem and solution thereof.

CHARLES SAILOR, 3820 Countryside, had the understanding that his property was being considered for rezoning, but was informed that he had been sent a notice of the proposed zoning change. He then expressed concern for the possibility of a drive-in type facility which might be established in the frontage along Roosevelt or Harry. GALBRAITH said that the only drive-in type facilities indicated on the plan is a tire, battery and automobile facility and a drive-in bank. MR. SAILOR indicated his unwillingness to be assessed for improvements which would benefit only the developers.

MRS. POWERS, 1340 Bluffview, was fearful that this development would generate traffic on Bluffview to the north of Harry and possibly through the residential area (Hilltop Manor), and indicated they would not want to be assessed for repaving of streets made necessary by such traffic.

LAKIN pointed out that in the future it is possible that Bluffview will function as a collector street for the area to the north of Harry; that it is not paved to city standards now (blacktop) and that at such time as the adjacent property owners petition for repaving they will be assessed for such paving and that under the existing policy if the city desires to pave to a greater width than 30 feet, then such additional width would be paid by the city at large.

MRS. TERESA BROWN, 4045 Wilma, also in the Hilltop Manor area, was concerned about the possibility of general traffic using private drives in the Hilltop Manor area.

LAKIN said that the preliminary proposal of the Traffic Engineer provides for a medial strip with an entrance at Bluff, and if this plan is pursued, there would be very little traffic from the shopping center passing through any private-type drives in Hilltop Manor.

MRS. F. J. MURRAY, 3815 Countryside, was opposed to even pedestrian access to the center from Bluff and the Broadview Avenue cul-de-sac inasmuch as it would have a tendency to encourage employees of the center or shoppers to park on the residential streets (Roosevelt or Countryside) and walk into the center. She indicated there is already on-street parking problems at certain times. She also expressed concern for the affect of such a center on the value of their residential property and their property taxes.

MRS. SPOUNHORST, 4051 Wilma, expressed concern for children in the Hilltop Manor area, with what she felt was certain to be increased traffic through this residential area.

PAUL MESSNER, 162 Lochinvar Drive, owner of residential property on Countryside, was principally interested in the drainage problem and the fear that facilities to correct the problem would be assessed to residential property owners rather than the shopping center area, which, if developed would add substantially to the already existing drainage problem.

The Chairman pointed out that the residents in the area should attend the meeting of the Subdivision Committee the following week at which time the plat of the area under consideration would be discussed and at that time the drainage problems would be considered.

MERRILL and HILL expressed sympathy for the protesting property owners in view of the fact that they are entitled to the answers to many of the questions which they have raised and until such answers are given to them they cannot know whether they are for or against what is proposed by the applicant.

The Chairman explained that the Planning Commission at this time is not proposing the adoption of the street and drainage solutions as submitted, but would work with everyone concerned and attempt to determine whether or not what is proposed is a good plan. He stated that some of the questions posed by the opposition are not within the authority of the Planning Commission to decide.

There was general discussion that further consideration be deferred. H. R. KUHN, Attorney for the applicant, said they would like to get approval of the CUP and the rezoning application then proceed with platting. He pointed out that they have agreed that prior to approval of the overall plan, they are prepared to work with the city on drainage and traffic problems which might be created.

LAKIN pointed out that the plat must be heard by the Planning Commission after the Subdivision Committee has discussed it, and for the benefit of the protestants indicated that even if the subject cases (Z 0699 and DP-10) are approved, the developers still must obtain approval of a final plat before they can proceed with their plans.

LAKIN said that it is not known how the improvement of Harry or handling of traffic thereon will be handled at this time, or who may or may not be assessed for any improvement necessary. The Public Works Department has suggested that the cost be placed entirely on the developer in this case, but on the other hand, there are obvious other benefits that would be received by property owners to the north and east of this project, so this particular point is still open for discussion.

MRS. HORTON, representing a property owner in the area, felt that answers should be provided for the questions raised by adjoining property owners before any approval is given of the two cases being considered at this meeting.

Discussion brought out the fact that a CUP had been submitted for the area on the north side of Harry (Meadowlark) but in view of the cost of handling the drainage problem such was never completed. WINSBY considered the drainage under consideration as an extension of the problem from the north side of Harry.

HILL still felt the people in the area were entitled to know more facts involved before the above applications were approved.

MOTION: HILL moved that the project be approved subject to the following: That drainage, traffic and parking and buffering zones all be worked out prior to the approval of the plat.

HILL continued that he felt in resolving the many questions there should not be any expense to any of the adjacent property owners. The applicant is asking for a privilege and it was his feeling that they should bear the cost of whatever is required to handle drainage, traffic, etc., and without cost to the other property owners in the area.

The Chairman questioned whether or not the Commission could take action as suggested by the above motion. LAKIN pointed out that as suggested would mean going beyond the property owned by the applicants (drainage and Harry Street improvements), and he questioned the authority of the Planning Commission in this respect inasmuch as the problem is not confined to the applicant's holdings and it is not just his property which would be benefitted by the improvements suggested.

LAKIN continued that the Planning Staff and the Department of Public Works is not in complete agreement with respect to assessment for any Harry Street improvement and for that reason he indicated he was not in a position to advise one way or the other. LAKIN pointed out again that the Commission would have authority to establish requirements within the boundary of the applicant's property, but not beyond.

WINSBY pointed out that this is the type of development which should be encouraged and would be beneficial to the community, and that problems should be resolved. He pointed out that there is already a drainage problem and the fact that the development of the shopping center will create more runoff should not mean that the developer must bear all the cost thereof inasmuch as by resolving the total problem other residential properties in the area will be benefitted.

LAKIN reported that the Capital Improvement Program does provide that Dry Creek drainage basin will be straightened in this area within the next four years.

MERRILL and HILL repeated their feelings that the people are entitled to answers from the City technical staff.

WINSBY considered that it was not within the powers of the Planning Commission to say who would or would not be assessed for any improvements needed, and suggested that this application be deferred and possibly more information would be available after consideration of the plat by the Subdivision Committee. H.R. KUHN, the attorney, said that while they would prefer action at this time, he would consent to the wishes of the Planning Commission so far as a deferral.

HILL WITHDREW THE ABOVE MOTION.

MOTION: WINSBY moved, MERRILL seconded and it carried unanimously as to those voting (LAW abstained from discussion or voting) that Z-0699 and DP-10 be deferred until September 16, 1965, with the understanding that the Commission would look with favor on the zoning request and Community Unit Plan, provided the applicant can work out a satisfactory solution to the drainage problem and traffic circulation in this area.

The Chairman pointed out that, under the present zoning of the majority of the property included in the CUP, some of the proposed uses which were objected to could actually be developed without additional "LC" zoning. The CUP would be an improvement and a development

November 30, 1965

Mr. H. R. Kuhn, Attorney
Beacon Building
Wichita, Kansas

Dear Mr. Kuhn:

Subject: S/D 65-63 - Wood Plaza
Addition

I have discussed your proposed performance bond on drainage and street paving with the Director of Public Works, the City Engineer, and the Director of Law. I would suggest that the following wording be used as paragraphs 1. and 2. in the first "NOW, THEREFORE":

1. The construction of drainage facilities through provision of pipe from the southeast corner of said plat southward through and along the elementary school site to Clapp Park;
2. Construction of a storm water retention reservoir on Dry Creek in Clapp Park.

Further, the amount should be changed from \$35,000 to \$23,000.

The Director of Public Works has received an opinion from the Director of Law that it is doubtful whether the City can initiate a new paving project for this section of Harry wherein the costs are assessed back to the benefit district. There are certain conditions and assumptions upon which this opinion is based and you may want to contact Mr. Dekker directly concerning this. However, it is our feeling that your client should not be required to be bonded for a project which it does not appear we can initiate, based on the present law. Thus, the amount has been reduced to that for the drainage facility alone, plus that amount estimated to be needed for the construction of a "storm water retention reservoir" on Dry Creek.

Mr. H. R. Kuhn
November 30, 1965

Attached is a copy of the City Commission minutes in connection with both the zoning and the plat for this project. As you will note, the action on the zoning was to approve, with the ordinance being placed on first reading at this meeting and adoption at the meeting of November 9, 1965, the Ordinance being No. 28-389. The plat was approved subject to the conditions established by the Planning Commission, except for the modification on Harry Street proposal and the inclusion of the storm water retention reservoir. Also, note that we were instructed not to release the plat until satisfactory commitments have been made concerning all of the conditions. I recognize that we are making an administrative judgment on the paving, but feel that there should be no great problem on this matter. However, should it bother either you or your clients as to our proposed action, I would suggest that we resubmit the plat to the City Commission for reconsideration at some date convenient to the Director of Public Works. I would imagine that the matter of paving will be placed before the City Commission to advise them of the legal opinion received and to obtain their further direction.

Sincerely yours,

Robert A. Lakin
Assistant Planning Director

RAL:ber

cc: Ralph Wulz
Director of Public Works

John Dekker
Director of Law

SUBDIVISION REPORT

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO BOARD OF CITY COMMISSIONERS

Subdivision Approval

S/D Number: 65-63 Name: Wood Plaza Addition
 Application Filed: 8-2-65 Sketch Filed: N/A
 Preliminary Plat Filed: 8-2-65 Approved by S/D: 8-12-65
 Final Plat Filed: 8-26-65 Approved by S/D: 9-9-65
 Approved by Metropolitan Area Planning Commission: 9-16-65

DESCRIPTION

General Location: Southeast corner of Harry and Roosevelt

Owner: Sports Center, Inc.
 Surveyor or Engineer: K. O. Taylor
 Address: 307 Laura

1. Gross Acreage of Plat 29.9
2. Number of Lots:
 - Residential _____
 - Commercial 1
 - Industrial _____
 - Other _____
 - Total 1
3. Average Lot Frontage 1305 ft.
4. Minimum Lot Frontage 1305 ft.
5. Average Lot Area 1,226,700 sq.ft.
6. Minimum Lot Area 1,226,700 sq.ft.

7. Lineal Feet of New Streets:
 - (a) 11 R/W 940 ft.
 - (b) 50 R/W 1316 ft.
 - (c) _____ R/W _____ ft.
 - (d) Total 2256 ft.
8. Total Area of New Streets:
 - R/W 76,140 sq. ft.
9. Existing Zoning LC, A & AA
10. Lot Area Required by Zoning _____ sq. ft.

Sidewalks required adjacent to the south side of Harry, the east side of Roosevelt Avenue and around Countryside Plaza Court.

Planning Commission Recommendation:

MERRILL moved and MOONEY seconded that the Planning Commission that this plat be approved, subject to the following conditions:

(See attached sheet for Conditions)

The applicants have not submitted the performance bonds guaranteeing construction of sidewalks, drainage, and for street improvements as required in the conditions marked with an "*". If the City Commission concurs in the Planning Commission recommendation for plat approval, it is recommended that the tracing not be released to the applicant until the performance bonds have been submitted.

Vote of Planning Commission: Unanimous as to those voting.
 LAW abstained from discussion or voting. Respectfully submitted,

_____, Secretary

Action: Approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to ~~also~~ instruct the Planning Department not to release the tracing until the bonds for sidewalks, drainage and reconstruction of Harry Street have been submitted and approved.

S/D 65-63 - Wood Plaza Addition

Conditions to Approval

- * 1. The applicant providing sidewalks adjacent to the south side of Harry Street, the east side of Roosevelt Avenue and around Countryside Plaza Court.
- * 2. Prior to the time this plat is forwarded to the City Commission for its consideration, the applicant shall provide for either:
 - a. construction of the sidewalks in accordance with plans and specifications of the City Engineer; or
 - b. a Corporate Surety Bond guaranteeing construction within two years, such bond to be in the amount of \$4,370.
3. Showing the existing sewer easement running north-south through the plat (generally extending north from Bluff to Bluffview).
- * 4. The applicant shall provide drainage facilities in accordance with design criteria submitted by the Flood Control Division of the Department of Public Works. The drainage proposals all being conditioned on the provision of pipe from the southeast corner of the plat southward past school property to Clapp Park; and further conditioned that a satisfactory arrangement be made between the applicant and the Board of Education for the construction of such facilities. A Corporate Surety Performance Bond of \$20,000, or a Chesney Law (12-6a01 et req.) petition including the applicant and the Board of Education shall be required to guarantee construction.
5. Full access control (vehicular and pedestrian) shall be granted along the south line of the plat. This shall be included in the plat's text as follows: "Full access control (both pedestrian and vehicular) from Block 1, Wood Plaza Addition to any lot in Block 3, Grandview Heights Addition; any lot in Consolver 1st Addition; and to Bluff Avenue and Broadview Avenue; is hereby granted to the public". Also a notation of such access control shall be made on the plat.
- * 6. The applicant shall provide for payment of up to 50% of the cost of reconstruction of Harry Street (with medials, left turn bays and right turn lanes) in accordance with plans and specifications of the Department of Public Works; provided, however, the cost of such project assignable to the applicant shall be limited to not more than 50% of those costs from the east line of Roosevelt to the east line of the plat, and that all other costs shall be borne by other sources; and further, that the City shall secure the necessary right of way and/or redesign the project to fit within the existing right of way, or the applicants shall be released of all such obligation. A Corporate Surety Performance Bond of \$15,500 shall be required, or a Chesney type petition (Chapter 12-6a01 et req. KSA) may be submitted to guarantee construction.
7. Recording within 30 days after approval by the Board of City Commissioners.

PERFORMANCE BOND

*Changed
Page
11-30-67*

2. Construction for storm water retention reservoir on Dry Creek in Clapp Park -

KNOW ALL MEN BY THESE PRESENTS:

That we, MELVIN SIMON & ASSOCIATES, a Principal, and _____, as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick, and State of Kansas, in the sum of Twenty-three Thousand ~~and no/100ths~~ Dollars (\$23,000.00), lawful money of the United States, for payment of which will and truly be made, we bind ourselves, our heirs, executors, successors and assigns jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, said Principal will make the following improvements. All improvements and other work as set forth to be done and performed in accordance with the plans, specifications and provisions as determined by the City of Wichita for the development and improvement in Wood Plaza Addition. Plat located in Section 35, Township 27, Range 1 East, Sedgwick County, Kansas.

NOW, THEREFORE, the said Principal, MELVIN SIMON & ASSOCIATES, shall perform the following obligations and conditions:

1. The construction of drainage facilities through provision of pipe from the southeast corner of said plat southward through _____ to Clapp Park;
2. ~~The payment up to 40% of the cost of construction of Harry Street from the East line of _____ to the East line of said plat; and~~ *and along the elementary school site*
3. Reimbursement to the City of Wichita at an actual cost figure, all costs and expenses related to the preparation of plans and specifications and the inspection of construction of the above listed projects;

which obligations and each of them shall be performed within two (2) years following the date of approval of the final plat by the Planning Commission, and all of which shall be performed and accomplished in accordance with presently established standards and specifications of the Department of Public Works of the City of Wichita.

NOW, THEREFORE, if the said Principal shall fully and faithfully perform all the work specified to be done and performed within the time prescribed, and in accordance with the plans and specifications

MICROFILMED
FROM THE BEST
AVAILABLE COPY

and provisions, therefore, to which reference is here made; then this obligation shall be void; otherwise to remain in full force and effect in law; it being expressly understood and agreed that the liability of the Surety for any or all claims hereunder, shall in no event exceed the penal amount of this obligation, as herein stated. It is expressly understood that the City may declare said bond forfeited if the conditions herein have not been fully complied with in every respect and further, that the City may install said projects and pay for same out of said forfeited bond funds.

The said Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the plans or specifications therefore, or any extension of time, shall in anywise affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this _____ day of _____, 1965.

Principal

Surety

STATE OF KANSAS, COUNTY OF SEDGWICK; ss:

BE IT REMEMBERED, that on this _____ day of _____, 1965, before me, a Notary Public in and for said County and State, came MELVIN SINCE & ASSOCIATES, as principal, and _____ as surety, to me personally known to be the same persons executing the foregoing instrument of writing and duly acknowledged the execution of same, in testimony whereof I have hereunto set my hand and affixed my Notarial Seal the day and year above written.

Notary Public

commission expires: _____

21. S/D 65-63 - Final plat of Wood Plaza Addition located at the southeast corner of Harry and Roosevelt.
22. V-0351 - Vacation of a north-south sewer easement approximately 30 feet in width, running north from Bluff to Bluffview and Harry.

LAKIN pointed out that the Subdivision Committee has recommended several standard conditions with respect to this plat, but has submitted to the Planning Commission other factors associated with this plat on which the Subdivision Committee did not make a decision. These three items are: the drainage problem, the matter of redesign and reimprovement of Harry Street adjacent to subject property and the matter of access control along the south property line.

LAKIN continued that the drainage problem was a matter of concern for all property owners in this general area, the residents along Countryside being concerned principally with respect to any assessment which might be levied against their property for drainage improvement. In this respect, LAKIN reported that apparently, the parties involved (the applicant, the Board of Education and the Park Board) have agreed on a solution to the drainage. It is proposed that drainage from the property in question would be placed in a pipe at the southeast corner of subject property, then in street right-of-way across the school site and then onto the golf course where it would be open drainage. The cost of this project would be assumed principally by the applicant, but the Board of Education has agreed to bear approximately \$9,000 for its share of constructing the pipe on its property, and the remaining cost of approximately \$20,000 would be assumed by the applicant. There would be no assessment placed on any of the residential properties involved in this area.

The second area of concern was the matter of complete access along the south property line. The plan when originally submitted proposed complete access control, but at the suggestion of the Planning Staff, who felt it would be a convenience to the residents of the area to the south, pedestrian access was indicated as being available. However, residents of the area to the south at the Subdivision Committee meeting, expressed opposition to this in that it would encourage employees of the Shopping Center and perhaps shoppers to park on the residential street and walk through to the Center from the rear.

The third item is the improvement of Harry Street. The Department of Public Works feels that the proposed Shopping Center will generate traffic along Harry to the extent that it should be redesigned and a medial strip provided with left and right turning bays. He pointed out that it has only been 8 years since Harry Street was rebuilt to a width of 48 feet. He reported that the Department of Public Works estimates the cost of such reconstruction (not including right-of-way) to be approximately \$40,000, and it is the belief of that Department that the developer should bear the cost. A portion for that portion adjacent to this property, which represents \$31,000, and the remainder of the cost, or about \$9,000, would be financed from some other source. LAKIN pointed out further that this is all dependent upon the City securing the necessary right-of-way, or if that is not possible, then redesigning the facility within existing right-of-way.

LAKIN said that the Fire Department has requested a fire lane easement, and he reviewed the description proposed for such easement. He suggested that this item be a part of the CUP, other than the plat, inasmuch as it is not known at this time where structures will be located.

LAKIN also noted that he understands some of the residents of the area prefer an 8-foot wall as protection to their properties rather than the usual wording of a "5-8" and he reviewed the suggested wording in this respect, which also provided that proper drainage would be allowed through the wall with respect to several of the lots in Concoiver's First Addition.

RALPH WULZ, Director of Public Works, said that it is the position of that Department that the traffic which will be generated through rezoning and development of subject property necessitates further improvements on Harry Street, and in order to handle the traffic it is felt that that portion adjacent to subject property should be paid by the developers. He reviewed similar situations and related that at 13th and Oliver (Lambdale CUP) the developer is required to stand such expense (this center has not developed at this time). Eastgate Development was required to provide frontage road and some left-turning bays from Kellogg; on Parklane, the developer was required to make dedication and did construct a way for paving of what is actually a frontage road although it has a curb on only one side. In Twin Lakes development, dedications were made for a new street (Amidon) and 21st Street was reconstructed.

WULZ felt subject case to be very similar to those reviewed, and believed that the improvement proposed would be of great advantage to the developer.

H. R. KUHN, Attorney on behalf of the applicant, said that since the previous hearing, progress has been made with respect to eliminating some of the opposition from the residents.

The first matter of drainage has apparently been solved as reviewed by MR. LAKIN and his client is prepared to do his fair share in this respect. He pointed out, however, that the discussion did indicate that the \$20,000 is only an estimate and not a precise amount. (LAKIN agreed that all cost figures mentioned are estimates.)

With respect to access control along the south boundary line, MR. KUHN said they were agreeable that there be no access either vehicular or pedestrian, and that their original plan did not propose any and was shown later at the suggestion of the Planning Staff.

MR. KUHN said they were opposed to the method in which the Director of Public Works has suggested the improvement of Harry Street be handled; he indicated his clients are prepared to pay a fair share of such reconstruction, but did not consider the suggestion that they pay 75% and 25% be paid from other sources as equitable. MR. KUHN indicated they are open to compromise this matter but at this time are opposed to paying the full cost of the improvement immediately adjacent to their property. He pointed out the area on the north side of Harry, part of which is zoned Light Commercial, should be considered as perhaps benefitting from the street improvement.

With respect to other areas of a similar nature pointed out by Mr. Wulz, MR. KUHN noted that Lamsdale is not developed and perhaps the requirements placed thereon is one of the reasons. It was his feeling that the suggestion of 75% to be borne by the developer is unreasonable, and asked that the Commission approve the plat without imposing the condition as suggested.

For the record, MR. KUHN asked that Case V-0351 for vacation of a sewer easement running through subject property be withdrawn from consideration and that the easement be left; it may later be necessary to vacate the easement, and the proper application will be made at that time.

MR. KUHN inquired whether any protest petitions had been filed and GALBRAYTH said that the attorney for the protestants had contacted him with respect to filing such petitions and he had suggested they be filed with the City Clerk.

MR. KUHN indicated that the proposed fire lane easement is acceptable to his client.

HERBERT DODD, Attorney for residents in the area, principally on Countryside, said that he has some protest petitions but they have not been filed, and they are awaiting the outcome of this hearing. He said that the primary concern of the protestants was the pedestrian access from the south, and the fact that they desire an 8-foot wall with drainage thereunder where necessary to shield and protect their properties.

MOONEY asked whether there is any need for a medial strip if this development does not occur, and MR. WULZ said it was not felt such would be necessary without this development, although there is some problem created by the drive-in theater adjacent to the east. WULZ agreed that there might be some possible justification for considering an assessment to some of the property on the north side of Harry, but it is principally residential zoning and those owners are certain to object to assessments for these improvements. Normally, residential streets are assessed equally to both sides of the street, but the examples shown earlier in this meeting did not indicate an assessment to property across the street, but only to the shopping center development. WULZ indicated that if the north side of Harry were commercial and those properties were going to obtain some advantage through the reimprovement proposed, then they should be assessed, but at this time it is not apparent that it would be of advantage to those properties. He noted that if the Planning Commission feels such property is eligible for commercial zoning, then possibly some consideration should be given along this line.

LAKIN reported that several property owners along the north side in the "B" zoning (Hilltop Manor) have inquired as to the possibility of obtaining commercial zoning.

MERRILL referred to the fact that at the Subdivision Committee meeting the applicant submitted a drainage plan and the staff submitted a plan, and it was pointed out that the one submitted by the staff would only serve to compound a serious flooding problem on Dry Creek, and too, the other plan would compound problems with respect to storm sewer facilities to the west.

LAKIN pointed out that the straightening and realignment of Dry Creek is scheduled in the Capital Improvement Program within the next six-year period. He continued that the developer's plan proposed to grade the site in such a manner that water would be drained in sections - part to Harry and into a storm sewer and then to the Canal. Part would go down Roosevelt and a portion would go as it now goes - into Countryside, across an open flume and into Dry Creek. He considered it easier to improve the Dry Creek problem than that to the west where the sewer is not of adequate size to carry present runoff.

At the request of one of the Commissioners, LAKIN reviewed the fact that the entire Harry Street improvement project is estimated to be \$40,000 and that applicable to the frontage of subject property is estimated to be \$31,000.

The question was raised as to what authority the Planning Commission has so far as the Harry Street improvement. It was thought by LAKIN that anything within the boundary of the development proposed can be controlled by the Planning Commission, but beyond that boundary (such as Harry Street in this case), he could confer with the Legal Department. It was thought that if there is authority beyond limits of the property being considered, it would be by state statutes with respect to platting and it was his suggestion that any action in this respect be reflected on the plat rather than on the CUP approval.

It was pointed out again that costs referred to do not include right-of-way acquisition, and that if right-of-way is not acquired by the City, then the improvements will have to be redesigned on the basis of existing right-of-way.

MR. RUEN indicated that there is a possibility for a compromise and that he would discuss the matter further with the proper officials, and he emphasized that his client is willing to pay a fair share, but he felt it was obvious from looking at the map that there is an additional benefit area to the north who will benefit through the proposed improvement.

MOTION: MERRILL moved, MOONEY seconded, and it carried unanimously as to those voting (LAW abstained) that the Planning Commission recommend to the City Commission that this plat be approved subject to the following:

1. The applicant providing sidewalks adjacent to the south side of Harry Street, the east side of Roosevelt Avenue and around Countryside Plaza Court.
2. Prior to the time this plat is forwarded to the City Commission for its consideration, the applicant shall provide for either:
 - a. Construction of the sidewalks in accordance with plans and specifications of the City Engineer; or
 - b. A Corporate Surety Bond guaranteeing construction within two years, such bond to be in the amount of \$4,370.
3. Showing the existing sewer easement running north-south through the plat (generally extended north from Bluff to Bluffview.)
4. The applicant shall provide drainage facilities in accordance with design criteria submitted by the Flood Control Division of the Department of Public Works. The drainage proposals all being conditioned on the provision of pipe from the southeast corner of the plat southward past school property to Clapp Park; and further conditioned that a satisfactory arrangement be made between the applicant and the Board of Education for the construction of such facilities. A Corporate Surety Performance Bond of \$20,000, or a Chesney Law (12-6a01 et seq.) petition including the applicant and the Board of Education shall be required to guarantee construction.
5. Full access control (vehicular and pedestrian) shall be granted along the south line of the plat. This shall be included in the plat's text as follows: "Full access control (both pedestrian and vehicular) from Block 1, Wood Plaza Addition, to any lot in Block 3, Grandview Heights Addition; any lot in Consolver First Addition; and to Bluff Avenue and Broadview Avenue; is hereby granted to the public". Also a notation of such access control shall be made on the plat.

6. The applicant shall provide for payment of up to 50% of the cost of reconstruction of Harry Street (with medials, left-turn bays and right-turn lanes) in accordance with plans and specifications of the Department of Public Works; provided, however, the cost of such project assignable to the applicant shall be limited to not more than 50% of those costs from the east line of Roosevelt to the east line of the plat, and that all other costs shall be borne by other sources; and further, that the City shall secure the necessary right-of-way and/or redesign the project to fit within the existing right-of-way, or the applicants shall be released of all such obligation. A Corporate Surety Performance Bond of \$15,500 shall be required, or a Chesny-type petition (Chapter 12-6a01 et seq. KSA) may be submitted to guarantee construction.
 7. Recording within 30 days after approval by the Board of City Commissioners.
-

23. Case No. Z-0699 - Melvin Simon and Associates request change from "A" and "A2" to "IC" for an area beginning at a point 640 feet west and 300 feet south of the northeast corner of the NW $\frac{1}{4}$ of Section 35, Township 27, Range 1 East; thence east 200 feet; thence south 460 feet; thence east 705 feet; thence south 230 feet; thence west 905 feet; thence north to beginning, other than that now zoned "IC". Generally located at the southeast corner of Harry and Roosevelt.

The Staff report on this case was submitted at the meeting of the Commission on September 2, 1965.

MRS. HAROLD WRIGHT, 4016 Countryside, spoke in opposition to this request as she desired the entire area to remain as residential.

MOTION: KPATZER moved, MERRILL seconded and it carried unanimously as to those voting (LAW abstained) that the Planning Commission recommend to the City Commission that this application be approved but that it not be forwarded to the City Commission until the Final Plat of Wood Plaza is forwarded and until the revised Community Unit Plan has been received by the Planning Department.

24. Case No. DP-10 - Melvin Simon and Associates request approval of a Community Unit Plan on property described as: the north 990 feet of the west half of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East of the 6th P.M.; and the north 990 feet of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, except the west 680 feet thereof, in Section 35, Township 27 South, Range 1 East of the 6th P.M. Generally located at the southeast corner of Harry and Roosevelt.

The Staff Report on this case was submitted at the meeting of the Commission on September 2, 1965.

GALBRAITH reported that in addition to the conditions for approval as recommended by the Planning Department, that a further showing should be included with respect to the requirement for an 8-foot wall and complete access control (vehicular and pedestrian) along the south property line.

MOTION: MOONEY moved, KRATZER seconded and it carried unanimously as to those voting (LAW abstained) that the Community Unit Plan be approved subject to the following:

1. Item #3 under General Provisions shall be changed to read as follows:
 3. Drainage will be handled in the manner as approved in the Final Plat of Wood Plaza Addition.
2. Under General Provisions, it shall be noted that maximum building coverage shall not exceed 30% of the total site, rather than 30% of each parcel for Parcels 1, 2, 3 and 4.
3. The 30% maximum land coverage requirement shall be deleted from Parcels 1, 2, 3 and 4, inasmuch as this requirement will be handled under the General Provisions Section of the Plan.
4. Under proposed general uses for Parcels 2 and 4, the same uses have been listed. Consequently, it is suggested that some additional uses be listed under each parcel so there will be no misunderstanding at the time a building permit is required.

5. The 5'-8" solid masonry wall required along the east property is hereby waived and in its place a louvered redwood, or woven (ribbons inserted through chainlink to make the fence non-translucent) chainlink fence shall be constructed adjacent to the east property line. The fence shall be six inches higher than the opening of approximately 4-5 feet along the bottom of the existing fence along the west line of the Twin Drive-in property to the east. This will protect the customers of the Twin Drive-in from offensive lights emanating from traffic circulation on the shopping center site.
6. Complete access control should be indicated along the south line of Harry for a distance of 150 feet east of the intersection of Harry and Roosevelt and along the east line of Roosevelt for a distance of 200 feet south of the intersection of Harry and Roosevelt.
7. A fire lane, 20 feet in width (with sufficient turning radii at corners for standard fire apparatus) shall be provided around all main structures constructed within Parcel No. 1. Said fire lane shall have a 4-inch crushed rock base and a 2-inch asphalt surface, or a 3½-inch asphalt base with 1½-inch asphalt surface. No parking shall be allowed in such fire lane, although it may be used for passenger loading and unloading. Wheel blocks or other such devices shall be used where needed to separate parking areas from the fire lane. Prior to final approval of the parking plan, the Fire Chief, or his designated representative, shall approve the plan as to the location and design of the fire lane. (This statement is to be placed on the face of the Development Plan under General Provisions.)
8. An 8-foot high solid fence shall be constructed along the south line, providing that provisions shall be made to allow water from Lots 2, 3 and 4, Consolver's First Addition, to pass through. (This statement is to be placed on the face of the Development Plan under General Provisions.)

9. Full pedestrian and vehicular access control shall be indicated along the entire south property line.
 10. The development of this property shall proceed in accordance with the Development Plan as approved by the Planning Commission, and any substantial deviation of the plan, as determined by the Superintendent of Central Inspection and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
 11. Any major changes in this Development Plan shall be resubmitted to the Planning Commission and to the City Commission for its consideration.
-

THE CITY OF WICHITA
OFFICE OF The City Manager

DATE October 21, 1965



TO Ralph Wulz, Director of Public Works
FROM Robert G. Finch, Executive Secretary

SUBJECT Alternate Drainage Solutions -
Wood Plaza Addition

At the meeting of October 19, 1965, the Commission deferred for two weeks zoning case Z-0699 (Kiddieland area redevelopment) and the related plat for additional information regarding the drainage problem in the area proposed for redevelopment.

The Director of Public Works was instructed to "call in experts in each field" to suggest alternate drainage solutions or a combination of those solutions proposed for this immediate area. The study is to include the feasibility of a ponding lake in the Clapp Park area, a report on the water acceleration, how it can be broken up, and the effect the additional discharge would have on the downstream properties.

May we have this report by 12:00 noon, October 28, 1965, so that it can be placed on the agenda for the meeting of November 2, 1965.

cc: C. Bickley Foster, Director of Planning ✓
John Dekker, Director of Law
George Wilton, Public Works Maintenance

RGF:ld



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

October 13, 1965

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

SUBJECT: Z-0699 - Zone change from "AA" and "A" to "LC" and
S/D 65-63 - Wood Plaza Addition, located on the
south side of Harry and east of Roosevelt

This is to advise you that on October 12, 1965, the Board of
City Commissioners considered the above-captioned zone change
request and associated subdivision. At that time, the Board
of City Commissioners deferred action on these items for one
week.

These items will be reconsidered by the Board of City Commis-
sioners at its next regular meeting on October 19, 1965.

If you have any questions concerning this matter, please do not
hesitate to call.

C. Bickley Foster
Director of Planning

CBF:RAL:bgs

LAW OFFICES OF
ARN, MULLINS, UNRUH, KUHN & CATES

BEACON BUILDING
WICHITA, KANSAS 67202
AMHERST 7-5267

October 6, 1965

EDWARD F. ARN
RICHARD F. MULLINS
MILD M. UNRUH
H. R. KUHN
LOUIS W. CATES
BERNICE BURKET



Wichita-Sedgwick County
Metropolitan Area Planning Commission
Wichita, Kansas

Gentlemen:

We enclose herewith the final plat of Wood Plaza Addition, your file S/D 65-63. There are also enclosed three copies of the Community Unit Plan for the shopping center to be built on the property indicated on the plat.

Also enclosed is a copy of our opinion relative to the property.

It is our understanding that these documents will be forwarded to the City Planning Commission for hearing on Tuesday, October 12, without the Metropolitan Area Planning Commission having the performance bond guaranteeing the construction of the sidewalks, the performance bond in connection with the drainage, and the performance bond in connection with the street improvement being in your hands. It is our understanding that if the City Commission concurs in your recommendations, it will be signified by their approval, subject to these bonds being on file prior to the release of the plat to the platters for filing.

If there is anything further in this matter, please contact Mr. H. R. Kuhn or the writer.

Yours very truly,

Richard F. Mullins
of Arn, Mullins, Unruh, Kuhn & Cates

RFM:mbb

Enclosures

LAW OFFICES OF
ARN, MULLINS, UNRUH, KUHN & CATES

SEACON BUILDING
WICHITA, KANSAS 67202
AMHERST 7-5267

EDWARD F. ARN
RICHARD F. MULLINS
MILO M. UNRUH
H. R. KUHN
LOUIS W. CATES
BERNICE BURKET

October 4, 1965



RE: EXAMINATION OF TITLE TO:

The North 990 feet of the West Half of)
the North Half of the West Half of the)
Northeast Quarter (W/2 N/2 W/2 NE/4))
of Section 35, Township 27 South, Range)
1 East of the 6th P.M., and the North)
990 feet of the Northeast Quarter of)
the Northwest Quarter (NE/4 NW/4), ex-)
cept the West 680 feet thereof, Section)
35, Township 27 South, Range 1 East of)
the 6th P.M., Wichita, Sedgwick County,)
Kansas.)

Preliminary
Opinion

TO Wichita-Sedgwick County Metropolitan
Area Planning Commission
Wichita, Kansas

We have examined the title to captioned property from
Government through October 4, 1965, and from such examination we
are of the opinion that legal title to captioned property as of
5:00 p.m., October 4, 1965, was vested in

SPORTS CENTER, INC.,

subject, however to the following:

FIRST: There exists a 30-foot sanitary sewer easement
along the East side of captioned property, located in the Northwest
Quarter of Section 35, Township 27 South, Range 1 East, extending
the entire length of captioned property.

SECOND: Captioned property is subject to a mortgage to
Farm & Ranch Life Insurance Company, Inc., filed January 28, 1965
at 10:00 a.m. in Book 1520, Page 26 in the office of the Register
of Deeds of Sedgwick County, Kansas.

THIRD: There is an 8-foot utility easement across the
entire South side of captioned property and along the East side of
captioned property located in the Northeast Quarter of Section 35,
Township 27 South, Range 1 East.

ARN, MULLINS, UNRUH, KUHN & CATES

Wichita-Sedgwick County Metropolitan
Area Planning Commission
October 4, 1965
Page 2

FOURTH: There is a cul-de-sac denominated Countryside Plaza Court, which is the subject of an easement for the purpose of allowing automobiles or other traffic to make a turn around at the North end of Broadview Avenue as it is now platted in Consolver's First Addition and for no other purpose.

FIFTH: Taxes for the year 1964 and prior years show paid.

SIXTH: A survey of Wood Plaza, an Addition to Wichita, Sedgwick County, Kansas, as indicated on the proposed plat, has been examined and does not show any exceptions not noted in this opinion.

SEVENTH: Records show Case No. C-5062-65 entitled Nora D. Carroll v. Sports Center, Inc., for damages, filed January 19, 1965, pending. The claim is covered by insurance and is being defended by counsel for the insurance company. Coverage is in excess of claim.

EIGHTH: The usual inquiries should be made relative to the rights of parties in possession.

In giving you this opinion we have relied upon the accuracy of the abstracts of title and the truthfulness and accuracy of the affidavits and other instruments contained therein.

Respectfully submitted,

Richard Mullins
of Arn, Mullins, Unruh, Kuhn & Cates

RFM:g

THE CITY OF WICHITA
OFFICE OF The City Manager

DATE September 25, 1965



TO Ralph Wulz, Director of Public Works
FROM Russell E. McClure, City Manager

rem
SUBJECT Flood Control Plans for Sports
Center - Kiddieland Property

Attached is a letter from President Bogart and County Attorney Sanborn regarding the drainage situation in the Dry Creek area. As you will note, it is requested that the flood control unit provide drainage requirements to be met by developers in any contemplated shopping center in that area. Particular mention is made of the Sports Center - Kiddieland property which is now under consideration by the Metropolitan Area Planning Commission and which will soon be forwarded to the City Commission for its action.

It is requested that this flood control plan be submitted to the City Commission at the same time as the shopping center proposals are submitted.

REM:ld

cc: Vincent L. Bogart, City Commissioner
C. Bickley Foster, Director of Planning
James F. Clancy, Executive Assistant
George Wilton, Superintendent of Public Works Maintenance

Att:2



THE CITY OF WICHITA



BOARD OF CITY COMMISSIONERS
AMHERST 2-8211 — AREA CODE 316
CITY BUILDING — 204 S. MAIN ST.
WICHITA, KANSAS 67202

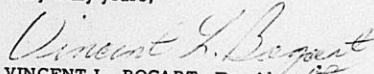
21 September 1965

Russell McClure, City Manager
City Building, 204 S. Main Street
Wichita, Kansas 67202

Dear Mr. Manager:

I am enclosing a letter which I received from Keith Sanborn regarding problems which he considers will be present in the change of the Sports Center - Kiddieland. We should make absolutely certain that the new developments will not create more flood problems than we presently have, and I would appreciate being informed as to the requirements that have been made regarding drainage and the opinions of the various city officials involved regarding the consequences of the proposed shopping center as it relates to the drainage, particularly in the Dry Creek Area.

Very truly yours,


VINCENT L. BOGART, President
The Board of City Commissioners

VLB/cp

CC: Keith Sanborn, Attorney
525 North Main Street
Wichita, Kansas 67203



ALL-AMERICA CITY

THE CITY OF WICHITA



BOARD OF CITY COMMISSIONERS
AMHERST 2-8211 — AREA CODE 316
CITY BUILDING — 204 S. MAIN ST.
WICHITA, KANSAS 67202

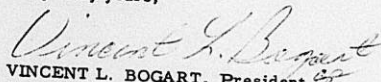
21 September 1965

Russell McClure, City Manager
City Building, 204 S. Main Street
Wichita, Kansas 67202

Dear Mr. Manager:

I am enclosing a letter which I received from Keith Sanborn regarding problems which he considers will be present in the change of the Sports Center - Kiddieland. We should make absolutely certain that the new developments will not create more flood problems than we presently have, and I would appreciate being informed as to the requirements that have been made regarding drainage and the opinions of the various city officials involved regarding the consequences of the proposed shopping center as it relates to the drainage, particularly in the Dry Creek Area.

Very truly yours,


VINCENT L. BOGART, President
The Board of City Commissioners

VLB/cp

CC: Keith Sanborn, Attorney
525 North Main Street
Wichita, Kansas 67203



ALL-AMERICA CITY

SEP 10 1965

KEITH SANBORN
ATTORNEY

OFFICE AM 4-1783, FO 3-2111
RES. MU 2-7871

September 9, 1965

SEDGWICK COUNTY COURT HOUSE
WICHITA, KANSAS

Honorable Vincent L. Bogart
City Commissioner
3333 East Central
Wichita, Kansas

Dear Sir:

It is requested that the Manager be instructed to cause the Flood Control Office to draw plans to be considered in any contemplated shopping center, and that the planning staff be directed to take such plans into account so that any plats or approvals given by any department of the City of Wichita to any change in use of the Sports Center-Kiddieland property include full and adequate provisions by the developer for the proper drainage of the area without creating additional problems in the Dry Creek watershed below the area. And that adequate storm drainage facilities be required which will not harm persons and property in the Dry Creek area.

The reason for this letter is that the City of Wichita under its duty to protect the rights of all citizens under its jurisdiction does not have authority to take the property of one and give it to another.

Yours truly,


Keith Sanborn.

KS/ag

KENNETH O. TAYLOR
Consulting Engineer
567 West Douglas
WICHITA 5, KANSAS

October 1, 1965

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

Gentlemen:

This is to certify that irons have been set at all block corners
in "WOOD PLAZA", Wichita, Sedgwick County, Kansas.

Kenneth O. Taylor
Consulting Engineer



The Files

September 23, 1965

Jack H. Galbraith, Senior Planner

V-0351 - Vacation of Sewer Easement

On September 9, 1965, H. R. Kuhn, Attorney, requested that the Utility Advisory Committee consider the vacation of a north-south sewer easement as an off-agenda item in connection with the plat of Wood Plaza Addition, S/D 65-63. The Utility Advisory Committee recommended approval of the request subject to the conditions which are outlined in a letter to Mr. Kuhn dated September 13, 1965.

At the regular meeting of the Planning Commission on September 16, 1965, Mr. Kuhn withdrew the request for vacation and stated that the existing easement would be indicated on the Final Plat of Wood Plaza Addition.

Since no formal application was ever filed, and since this matter has appeared on the Planning Commission agenda, a file has been made on this case for posting purposes only. This case now is considered closed.

JHG:bgs

cc: S/D 65-63

Z-0699

DP-10

September 21, 1965

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

Subject: Final Plat of Wood Plaza Addition -
S/D 65-63

Dear Mr. Taylor:

At its regular meeting on September 16, 1965, the Metropolitan Area Planning Commission considered the Final Plat of Wood Plaza Addition. The action of the Planning Commission was to approve the Final Plat subject to the following conditions:

- ✓ 1. The applicant providing sidewalks adjacent to the south side of Harry Street, the east side of Roosevelt Avenue and around Countryside Plaza Court.
2. Prior to the time this plat is forwarded to the City Commission for its consideration, the applicant shall provide for either:
 - a. Construction of the sidewalks in accordance with plans and specifications of the City Engineer; or
 - b. A Corporate Surety Bond guaranteeing construction within two years, such Bond to be in the amount of \$4,370.
3. Showing the existing sewer easement running north-south through the plat (generally extending north from Bluff to Bluffview.

September 21, 1965

- ✓ 4. The applicant shall provide drainage facilities in accordance with design criteria submitted by the Flood Control Division of the Department of Public Works. The drainage proposals all being conditioned on the provision of pipe from the southeast corner of the plat southward past school property to Clapp Park; and further conditioned that a satisfactory arrangement be made between the applicant and the Board of Education for the construction of such facilities. A Corporate Surety Performance Bond of \$20,000, or a Chesney Law (12-6a01 et req.) petition including the applicant and the Board of Education shall be required to guarantee construction.
- OK 5. Full access control (vehicular and pedestrian) shall be granted along the south line of the plat. This shall be included in the plat's text as follows: "Full access control (both pedestrian and vehicular) from Block 1, Wood Plaza Addition to any lot in Block 3, Grandview Heights Addition; any lot in Consolver 1st Addition; and to Bluff Avenue and Broadview Avenue; is hereby granted to the public". Also a notation of such access control shall be made on the plat.
- ✓ 6. The applicant shall provide for payment of up to 50% of the cost of reconstruction of Harry Street (with medials, left turn bays and right turn lanes) in accordance with plans and specifications of the Department of Public Works; provided, however, the cost of such project assignable to the applicant shall be limited to not more than 50% of those costs from the east line of Roosevelt to the east line of the plat, and that all other costs shall be borne by other sources; and further, that the City shall secure the necessary right-of-way and/or redesign the project to fit within the existing right-of-way, or the applicants shall be released of all such obligation. A Corporate Surety Performance Bond of \$15,500 shall be required, or a Chesney type petition (Chapter 12-6a01 et req. KSA) may be submitted to guarantee construction.
- ✓ 7. Recording within 30 days after approval by the Board of City Commissioners.

WICHITA-SEDGWICK COUNTY 3

September 21, 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.
- OK 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 platlor.
- 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.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

cc: Ralph Wulz, Director
Department of Public Works

Sports Center, Inc.
c/o George Consolver
3933 East Harry

Melvin Simon and Associates
600 Kahn Building
Indianapolis, Indiana

Mullins and Kuhn, Attorneys
Beacon Building

Herb Dodd
901 North Broadway

S/D 65-63 - Wood Plaza

K.O. Taylor ← *Marked Plot*

Richard F. Mullins, Attorney ← *land performance bond*
201 Beacon Building

Mrs. F. J. Murray
3815 Countryside

Wm. J. Busch, Chairman
Plant Facilities
Board of Education
428 South Broadway

Paul H. Messner
162 Lochinvar Drive

Wm. T. Ross
3826 Countryside

Mendell F. Butler
4040 Countryside

Robert M. Moore
1959 South Oliver

Mrs. Charles Sailor
3820 Countryside

Lawrence Bechtold
1770 South Broadview

Mrs. F. A. Smith
3806 East Funston

Merlin K. Meisinger
4010 Countryside

Kith Sanborn
525 North Main

September 16, 1965

Mr. E. O. Taylor
387 1/2 Laura
Wichita, Kansas

Dear Mr. Taylor:

Re: S/D 65-63 - Final plat of
Wood Plaza

At its regular meeting of September 9, 1965, the Subdivision Committee of the Metropolitan Area Planning Commission considered the final plat of Wood Plaza Addition. The action of the Subdivision Committee was to recommend approval of the final plat, subject to the following conditions:

1. The applicant providing sidewalks adjacent to the south side of Harry Street, the east side of Roosevelt Avenue and around Countryside Plaza Court.
2. Prior to the time this plat is forwarded to the City Commission for its consideration, the applicant shall provide for either:
 - a. construction of the sidewalks in accordance with plans and specifications of the City Engineer, or
 - b. a corporate surety bond guaranteeing construction within two years, such bond to be in the amount of \$4,370.
3. Showing the existing sewer easement running north-south through the plat (generally extending north from Bluff to Bluffview; and completing the vacation of such easement with the necessary relocation of the sewer. (See V-0151).
4. Making satisfactory arrangements for adequate fire lane easements with the Fire Department.

Page 1 - H. O. Taylor
September 10, 1965

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

Further, the Committee has submitted, for Planning Commission determination, the following Utility Advisory Committee requests:

- a. The applicant shall provide drainage facilities in accordance with design criteria submitted by Flood Control. The drainage proposals all being conditioned on the provision of pipe from the southeast corner of the plat southward past school property to Clapp Park, and further conditioned that a satisfactory arrangement be made between the applicant and the Board of Education for the construction of such facilities. A corporate surety performance bond of \$10,000 shall be required to guarantee construction.
- b. Full vehicular access control shall be granted along the south line of the plat. (NOTE: There were protests against this from abutting land owners who wanted both pedestrian and vehicular access control.)
- c. The applicant should provide for the reconstruction of Harry Street (with medians, left turn bays and right turn lanes) in accordance with plans and specifications of the Department of Public Works; provided, however, the cost of such project assignable to the applicant shall be limited to those costs from the east line of Roosevelt to the east line of the plat, and that all other costs shall be borne by other sources; and further, that the City shall secure the necessary right of way and/or redesign the project to fit within the existing right of way, or the applicants shall be released of all such obligation. A corporate surety performance bond of \$21,000 shall be required to guarantee construction.

The recommendation of the Subdivision Committee that the final final plat be approved will be forwarded to the Metropolitan Area Planning Commission for its consideration at its next regular meeting on September 16, 1965.

Enclosed herewith is the marked Engineer's copy of the final plat for your information and files. Also enclosed is a sample Performance Bond for sidewalks.

Page 3 - H. O. Taylor
September 10, 1945

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

Sincerely yours,

Jack H. Gelbreith
Senior Planner

JHG:ber
Enclosure

cc. Richard F. Millins, Attorney
201 Beacon Building

Mrs. F. J. Marney
3815 Countryside

Wm. J. Busch, Chairman
Plant Facilities
Board of Education
428 South Broadway

Paul H. Neenan
162 Lochinvar Drive

Wm. T. Ross
2826 Countryside

Mendell F. Butler
4040 Countryside

Robert M. Moore
1929 South Oliver

Mrs. Charles Sailer
3820 Countryside

Lawrence Bechtold
1778 South Broadway

Mrs. F. A. Smith
3806 East Funston

Merlin K. Weisinger
4010 Countryside

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D No. 65-63 NAME Wood Plaza Addition
DATE APPLICATION REC'D 8-2-65 PRELIMINARY APPROVAL 8-12-65

DESCRIPTION

GENERAL LOCATION Southeast corner of Harry and Roosevelt.

OWNER Sports Center, Inc. c/o George Consolver
SURVEYOR/ENGINEER K. O. Taylor
ADDRESS 307 1/2 Laura, Room 203

1. GROSS ACREAGE OF PLAT	<u>29.9</u>	7. LINEAL FEET OF NEW STREETS:	
2. NUMBER OF LOTS:		(A) <u>11</u> R/W <u>940</u>	FT.
RESIDENTIAL		(B) <u>50</u> R/W <u>1316</u>	FT.
COMMERCIAL	<u>1</u>	(C) _____ R/W _____	FT.
INDUSTRIAL		(D) TOTAL <u>2256</u>	FT.
OTHER		8. TOTAL AREA OF NEW STREET	
TOTAL	<u>1</u>	R/W <u>76,140</u>	89.FT.
3. AVERAGE LOT FRONTAGE	<u>1305</u>	9. EXISTING ZONING	<u>LC - A - AA</u>
4. MINIMUM LOT FRONTAGE	<u>1305</u>	10. PROPOSED ZONING	<u>LC</u>
5. AVERAGE LOT AREA	<u>1,226,700</u>	11. LOT AREA REQUIRED BY	
6. MINIMUM LOT AREA	<u>1,226,700</u>	ZONING.	<u>89.FT.</u>

STAFF COMMENTS:

1. The applicant providing sidewalks adjacent to the south side of Harry Street, the east side of Roosevelt Avenue and around Country side of Plaza Court.
2. Prior to the time this plat is forwarded to the City Commission for their consideration, the applicant shall provide for either:
 - a. construction of the sidewalks in accordance with plans and specifications of the City Engineer, or
 - b. a corporate surety bond guaranteeing construction within 2 years, such bond to be in the amount of \$4,370.
3. The applicant working in conjunction with the Flood Control Division in order to work out a satisfactory drainage plan for the area included in the plat.
4. Access control should be indicated along the entire south property line.
5. Recording within 30 days after approval by the Board of City Commissioners.

August 16, 1965

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

Subject: S/D 65-63 - Preliminary Plat of
Wood Plaza Addition

Dear Mr. Taylor:

At its regular meeting on August 12, 1965, the Subdivision Committee of the Metropolitan Area Planning Commission considered the Preliminary Plat of Wood Plaza Addition. The action of the Subdivision Committee was to approve the Preliminary Plat and authorize preparation of the final plat subject to:

1. The applicant providing sidewalks adjacent to the south side of Harry Street and the east side of Roosevelt Avenue.
2. Prior to the time the final plat is forwarded to the City Commission for its consideration, the applicant shall provide for either:
 - a. To cause such sidewalks to be constructed in accordance with plans and specifications of the City Engineer; or
 - b. A Corporate Surety Bond guaranteeing construction of sidewalks within 2 years, such Bond to be in the amount of \$3,930.
- ok 3. All angles being shown on the final plat.
- ok 4. Indicating an 8-foot utility easement adjacent to the east lot line.

August 16, 1965

- ok 5. The tie point being changed to read as follows:
"NE corner of NW $\frac{1}{4}$ of Section 35, Township 27,
Range 1 East" or "NW corner of NE $\frac{1}{4}$ of Section
35, Township 27, Range 1 East".
- ok 6. Broadview and the cul-de-sac being indicated
as Countryside Court on the final plat.
7. The applicant working in conjunction with the
Flood Control Division in order to work out a
satisfactory drainage plan for the area included
in the plat.
8. Requirements for a final plat, see Pages 4 and
5 of the Subdivision Rules and Regulations.

The enclosed "marked" copy of the Preliminary Plat is for your
information and files.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

Enclosure

cc: Sports Center, Inc.
c/o Mr. George Consolver
3833 East Harry

Mr. H. R. Kuhn
Beacon Building

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE

S/D No. 65-63 NAME Wood Plaza Addition
DATE APPLICATION REC'D 8-2-65 S/D COMMITTEE MEETING 8-12-65

DESCRIPTION

GENERAL LOCATION southeast corner of Harry and Roosevelt

OWNER Sports Center, Inc. c/o George Consolver
SURVEYOR/ENGINEER K. O. Taylor
ADDRESS 307 1/2 Laura, Room 203 PHONE AM 4-4072

1. GROSS ACREAGE OF PLAT	<u>29.9</u>	7. LINEAL FEET OF NEW STREETS:	
2. NUMBER OF LOTS:		(A)	<u>11</u> R/W <u>940</u> FT.
RESIDENTIAL	<u> </u>	(B)	<u>50</u> R/W <u>1316</u> FT.
COMMERCIAL	<u>1</u>	(C)	<u> </u> R/W <u> </u> FT.
INDUSTRIAL	<u> </u>	(D)	TOTAL <u>2256</u> FT.
OTHER	<u> </u>	8. TOTAL AREA OF NEW STREET	
TOTAL	<u>1</u>	R/W	<u>76,140</u> 89.FT.
3. AVERAGE LOT FRONTAGE	<u>1305</u> FT.	9. EXISTING ZONING	<u>IC - A - AA</u>
4. MINIMUM LOT FRONTAGE	<u>1305</u> FT.	10. PROPOSED ZONING	<u>IC</u>
5. AVERAGE LOT AREA	<u>1,226,700</u> 89.FT.	11. LOT AREA REQUIRED BY	
6. MINIMUM LOT AREA	<u>1,226,700</u> 89.FT.	ZONING	<u> </u> 89.FT.

STAFF COMMENTS:

THIS PRELIMINARY PLAT COMPLIES WITH THE SUBDIVISION RULES AND REGULATIONS EXCEPT AS FOLLOWS:

1. The applicant shall provide sidewalks adjacent to the south side of Harry Street and the east side of Roosevelt Avenue.
2. All angles shall be shown on the final plat.
3. The tie point should read as follows: "NE corner of NW $\frac{1}{4}$ of Section 35, Township 27, Range 1 East" or "NW corner of NE $\frac{1}{4}$ of Section 35, Township 27, Range 1 East."
4. Requirements for a final plat, see pages 4 and 5 of the Subdivision Rules and Regulations.
5. A development plan under the Community Unit Plan provisions of the ordinance and zoning application are being filed in conjunction with this application and setbacks will be required on the development plan.
6. Associate zone case Z-0699.

ACTION:

THE SUBDIVISION COMMITTEE RECOMMENDS:

MAP No.: H-7
SEC. No.: 35
TWP. No.: 27
RANGE: _____

S/D No. 65-63

APPLICATION FOR SUBDIVISION APPROVAL

NAME OF SUBDIVISION: Wood Plaza

GENERAL LOCATION: South Side of Harry & East of Roosevelt Ave.
in NW $\frac{1}{4}$ & NE $\frac{1}{4}$ 35-27-1E

NAME OF PROPERTY OWNER: Sports Center, Inc., % George Consolver
ADDRESS: 3833 East Harry PHONE: MU 6 6197
NAME OF SUBDIVIDER: George H.R. Kuhn
ADDRESS: Beacon Bldg PHONE: AH7-5267
NAME OF AGENT/SURVEYOR: K. O. Taylor
ADDRESS: 307 $\frac{1}{2}$ Laura PHONE: AM 4 4072
DATE OF APPLICATION: August 2, 1965

SUBDIVISION INFORMATION:

1. GROSS ACREAGE OF PLAT 29.9
2. NUMBER OF LOTS:
RESIDENTIAL _____
COMMERCIAL 1
INDUSTRIAL _____
OTHER _____
TOTAL NUMBER OF LOTS 1
3. AVERAGE LOT FRONTAGE 1305 FT.
4. MINIMUM LOT FRONTAGE 1305 FT.
5. AVERAGE LOT AREA 1,226,700 SQ.FT.
6. MINIMUM LOT AREA 1,226,700 SQ.FT.

7. LINEAL FEET OF NEW STREETS:
A. 11 R/W 940 FT.
B. 50 R/W 1316 FT.
C. _____ R/W _____ FT.
D. TOTAL 2256 FT.

8. TOTAL AREA OF NEW STREET R/W: 76,140 SQ.FT.

9. EXISTING ZONING LC-A-AA
10. PROPOSED ZONING TC

11. PUBLIC WATER SUPPLY Yes (YES-NO), NAME City of Wichita
12. PUBLIC SANITARY SEWERS Yes (YES-NO), NAME City of Wichita
13. HEALTH DEPARTMENT APPROVAL (WHERE APPLICABLE) No (YES-NO)
14. CITY OF WICHITA OR 3 MILE AREA: City of Wichita

THE APPLICANT HEREIN AGREES TO COMPLY WITH THE SUBDIVISION RULES AND REGULATIONS FOR THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA, AS AMENDED, AND ALL OTHER PERTINENT ORDINANCES OF THE CITY OF WICHITA AND/OR RESOLUTIONS OF SEDGWICK COUNTY, KANSAS, AND STATUTES OF THE STATE OF KANSAS. THE APPLICANT FURTHER AGREES THAT HE WAIVES THE 60-DAY STATUTORY PERIOD IN WHICH THE PLANNING COMMISSION OR GOVERNING BODY MUST ACT. THE UNDERSIGNED FURTHER STATES THAT HE IS THE OWNER OR IS THE AUTHORIZED AGENT FOR THE OWNER(S).

OWNER'S SIGNATURE: _____

BY: K.O. Taylor
AGENT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA
PLANNING COMMISSION, ROOM 402, CITY BUILDING
ANNEX, 104 SOUTH MAIN STREET, WICHITA, KANSAS.

RECEIVED BY B. L. Hoover
DATE 8-2-65

S/D-1 M.A.P.C. 7-23-58 (REV. 10-62)

T21-301



MAP No.: _____
SEC. No.: _____
TWP. No.: _____
RANGE: _____

S/D No. _____

APPLICATION FOR SUBDIVISION APPROVAL

NAME OF SUBDIVISION: Wood Plaza

GENERAL LOCATION: South Side of Harry & East of Roosevelt Ave.
in NW 1/4 & NE 1/4 35-27-1E

NAME OF PROPERTY OWNER: Sports Center, Inc., & George Consolver
ADDRESS: 3833 East Harry PHONE: MU 6 6197
NAME OF SUBDIVIDER: Same H.R. Rubin
ADDRESS: 3222 East 34th PHONE: 447-5267
NAME OF AGENT/SURVEYOR: K. O. Taylor
ADDRESS: 307 1/2 Laura PHONE: AM 4 4972
DATE OF APPLICATION: August 2, 1965

SUBDIVISION INFORMATION:

1. GROSS ACREAGE OF PLAT 29.9
2. NUMBER OF LOTS:
RESIDENTIAL _____
COMMERCIAL 1
INDUSTRIAL _____
OTHER _____
TOTAL NUMBER OF LOTS 1
3. AVERAGE LOT FRONTAGE 1305 FT.
4. MINIMUM LOT FRONTAGE 1305 FT.
5. AVERAGE LOT AREA 1,226,700 SQ. FT.
6. MINIMUM LOT AREA 1,226,700 SQ. FT.
7. LINEAL FEET OF NEW STREETS:
A. 11 R/W 940 FT.
B. 50 R/W 1316 FT.
C. _____ R/W _____ FT.
D. TOTAL 2256 FT.
8. TOTAL AREA OF NEW STREET R/W:
76,140 SQ. FT.
9. EXISTING ZONING LC-A-AA
10. PROPOSED ZONING IC
11. PUBLIC WATER SUPPLY Yes (YES-NO), NAME City of Wichita
12. PUBLIC SANITARY SEWERS Yes (YES-NO), NAME City of Wichita
13. HEALTH DEPARTMENT APPROVAL (WHERE APPLICABLE) No (YES-NO)
14. CITY OF WICHITA OR 3 MILE AREA: City of Wichita

THE APPLICANT HEREIN AGREES TO COMPLY WITH THE SUBDIVISION RULES AND REGULATIONS FOR THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA, AS AMENDED, AND ALL OTHER PERTINENT ORDINANCES OF THE CITY OF WICHITA AND/OR RESOLUTIONS OF SEDGWICK COUNTY, KANSAS, AND STATUTES OF THE STATE OF KANSAS. THE APPLICANT FURTHER AGREES THAT HE WAIVES THE 60-DAY STATUTORY PERIOD IN WHICH THE PLANNING COMMISSION OR GOVERNING BODY MUST ACT. THE UNDERSIGNED FURTHER STATES THAT HE IS THE OWNER OR IS THE AUTHORIZED AGENT FOR THE OWNER(S).

OWNER'S SIGNATURE: _____
BY: K. O. Taylor
AGENT

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA
PLANNING COMMISSION, ROOM 402, CITY BUILDING
ANNEX, 104 SOUTH MAIN STREET, WICHITA, KANSAS.

RECEIVED BY _____
DATE _____

Form 223-021

PAYMENT NOTICE

City of Wichita

Paid AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
SP Hookup to	25.00

Name Shante Water Inc.

Address 2033 East Harvey

Type R-712 Due Date

Comments:

Date 8-2-65 By R. Shawler