

PLAT NO. S/D 65-83 MAP NO. F-1

NAME DWYER ADDITION

LOCATION Northwest corner of Second and
West Streets

ENGINEER: Baughman Company

OWNER Ray E. Dwyer

APPLICATION FILED 9-20-65

SKETCH PLAT FILED None

PRELIMINARY FILED 9-20-65

S/D ACTION 9-30-65 Approve Prelim.

FINAL FILED 10-18-65

S/D ACTION 10-28-65 Approve Final

MAPC ACTION 11-4-65 Approve

BCC ACTION 11-16-65 Approved

RECORDED 11-24-65

REMARKS Closed 11-16-65

Old CASH quarters for sidewalk
construction.

S/D 65-83 - DWYER ADDITION, north-
west corner of Second and West
Streets - Baughman Company

M.A.P. Co. Approved 11-16-65

B.C.C. & CO. Approved 11-16-65

Cloud 11-16-65

SUBDIVISION REPORT AND PROGRESS

MAP No. F-1
SEC. No. 23
TWP. No. 27
RANGE 1W

S/D No.: 65-83

NAME: DWYER ADDITION

GENERAL LOCATION: Northwest corner of 2nd and West Streets

OWNER: Ray E. Dwyer
ADDRESS: 20 Willowbrook PHONE: MU 6-1817
SUBDIVIDER: c/o Robert H. Nelson
ADDRESS: 816 Union Center Bldg. PHONE: AM 2-3777
ENGINEER/SURVEYOR: Baughman Company
ADDRESS: 2522 East Kellogg PHONE: MU 3-7431

APPLICATION RECEIVED 9-20-65 FINAL PLAT RECEIVED 10-18-65
CONF. WITH APPLICANT None TRACING RECEIVED 11-4-65
SKETCH PLAT RECEIVED None FINAL PLAT REVIEWED 10-20-65
POSTED TO ATLAS 9-23-65 S/D REPORT #2 PREPARED 10-21-65
PRESENT ZONING "AA" & "B"
PROPOSED ZONING "A.C." S/D COMM. ACTION 10-28-65 Approved
SKETCH PLAT
LETTER OF INTENT None S/D REPORT #2 MARKED 10-28-65
DEPT. REPORT ON FINAL 10-29-65
MARKED COPY SENT TO ENG. 10-29-65

PREL. PLAT RECEIVED 9-20-65
PREL. PLAT REVIEWED 9-21-65
S/D REPORT #1 PREPARED 9-23-65 M.A.P.C. ACTION 11-4-65 Approved

S/D COMM. ACTION 9-30-65 Approved S/D REPORT #2 MARKED 11-4-65
DEPT. REPORT ON FINAL 11-5-65

S/D REPORT #1 MARKED 9-30-65
DEPT. REPORT ON PREL. 10-1-65
MARKED COPY SENT TO ENG. 10-1-65
LETTER ON IRONS RECEIVED 11-15-65
TITLE OPINION RECEIVED 10-20-65
TAXES OPINION RECEIVED 10-20-65
TITLE & TAXES REVIEWED 10-20-65
FINAL REVIEW 11-11-65

ASSOCIATE ZONE CASE 2-0-687

LETTER TO B.C.C. 11-12-65

B.C.C. ACTION 11-16-65 Approved

RECORDED 11-24-65
ANNEXED

COMMENTS:

Multiple horizontal lines for handwritten comments.

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

DWYER

ADDITION WAS

FILED FOR RECORD ON November 24, 1965
G-1 7-12

Rufus E. Dearing

REGISTER OF DEEDS

11-24-65
jo

2-13-70

B. E. Smith, City Engineer
Jack H. Galbraith, Senior Planner

S/D 65-83 - DWYER ADDITION

On February 5, 1970, after a visual inspection, we wrote to Mr. Dwyer the applicant on the above captioned plat. We advised him that the sidewalks had not been installed on West Street and Second Street, as guaranteed by the submission of a check in the amount of \$420. On February 9, 1970, Mr. Dwyer's attorney, Robert Nelson, informed our office that Mr. Dwyer had no further interest in the plat or in installing the sidewalks. Therefore, the \$420 shall be retained in account #T1-15 and the walks should be constructed at such time as your office deems it advisable.

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

JHG:CLN:vjp

cc: Ray E. Dwyer
20 Willowbrook
Wichita, Kansas 67207

Robert H. Nelson
Attorney at Law
816 Union Center Building
Wichita, Kansas 67202

2-9-70 talked with Bob
Nelson-attorney, who said
for city to go ahead and
build sidewalks CLN

February 5, 1970

Ray E. Dwyer
20 Willowbrook
Wichita, Kansas 67207

Subject: S/D 65-83 - DWYER ADDITION

Dear Mr. Dwyer:

As you will recall, the above captioned plat was approved by the Board of City Commissioners on November 16, 1965, and that one of the conditions of the approval was that the applicant guarantee the installation of sidewalks adjacent to West Street and Second Street in the amount of \$420. You submitted a performance bond in that amount, which guaranteed the sidewalks would be constructed in two years time. This bond expired on October 21, 1967, and subsequently you submitted a check in the amount of \$420 to replace the original bond guarantee. Said check guaranteeing the sidewalks would be constructed on or before December 6, 1969.

Since the two-year guarantee has expired, we would appreciate your informing our office as to the status of the sidewalk construction and if not completed, what your intentions are concerning the fulfillment of this requirement of the plat approval.

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

Sincerely,

Curtis L. Newby
Planner I

CLN:vjp

cc: Robert H. Nelson, Attorney at Law
816 Union Center Building, Wichita, Kansas 67202

December 11, 1967


Mr. Robert H. Nelson,
Union Center Building
Wichita, Kansas 67202

Dear Mr. Nelson:

Enclosed is Performance Bond covering the guarantee for the installation of sidewalks adjacent to the west side of West Street and the north side of Second Street, which may now be cancelled.

This performance bond was requested in your letter of December 8, 1967.

Yours very truly,


Ralph C. Eberly,
City Clerk

RCE:fj
enc.

cc: Jack H. Galbraith, Senior Planner



December 7, 1967

Ralph C. Eberly, City Clerk

Jack H. Galbraith, Senior Planner

S/D 65-83 - Dwyer Addition

At its regular meeting on November 16, 1965, the Board of City Commissioners considered and approved the Final Plat of Dwyer Addition. As a condition of approval, a performance bond was submitted guaranteeing that sidewalks would be constructed adjacent to the west side of West Street and the north side of Second Street on or before October 21, 1967, in accordance with City specifications.

Since the two-year guarantee has recently expired, the applicant has now submitted a Cashier's Check in the amount of \$420 which has been cashed and the money placed in a Guarantee Deposit Trust Account (T1-15), in lieu of the past bond. Therefore, the original performance bond, in the amount of \$420, which is being held by your office, may be cancelled upon request from the applicant to your office. It is our understanding that cancellation of the bond requires no action by the Board of City Commissioners.

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

JHG:GLS:bgs

cc: Ray E. Dwyer
20 Willowbrook
Wichita, Kansas 67207

Robert H. Nelson, Attorney
816 Union Center Bldg.
Wichita, Kansas 67202

Mr. Ivan Hemphill
United States Fidelity & Guaranty Co.
Colorado-Derby Building
Wichita, Kansas 67202

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT


December 7, 1967

TO The Files
 FROM G. Lynn Shirkey, Planner I
 SUBJECT S/D 65-83 - Dwyer Addition

The First National Bank of Wichita check received December 6, 1967, from Ray E. Dwyer in the amount of \$420, guaranteeing the installation of sidewalks, has been cashed and the money placed in a Guarantee Deposit Trust Account (T1-15). The original receipt is attached to this file.

GLS:bgs

Attachment

Cash		<input type="checkbox"/>		Check <input checked="" type="checkbox"/>		Date	12-6-67	The City			No	6730
		Mo.	Day	Year					of	Wichita		
Fund No.	Account No.	Invoice No.	Amount	Wichita, Kansas		12-6-1967				\$	420.	00
T1-15			420.00					Received of		Ray E. Dwyer		
								The Sum of		Four hundred twenty & 00/100		DOLLARS
								Being For		Sidewalk guarantee		S/D 6583
								Department				
										MKP		Collector
TOTAL												



October 4, 1967

Mr. Robert H. Nelson
816 Union Center Bldg.
Wichita, Kansas 67202

Subject: S/D 65-83 - Dwyer Addition

Dear Mr. Nelson:

As you will recall, you represented the owner and platlor of the above-captioned plat which was approved by the Metropolitan Area Planning Commission on November 4, 1965, and by the Board of City Commissioners on November 16, 1965. One of the conditions of approval was that the applicant guarantee the construction of sidewalks adjacent to the west side of West Street and the north side of Second Street, in the amount of \$420, within two years. Our file indicates that a performance bond was submitted, signed by the applicant and Mr. Ivan Hemphill, for the United States Fidelity and Guaranty Company, guaranteeing that sidewalks would be constructed on or before October 21, 1967, in accordance with City specifications.

Since the two-year guarantee will soon expire, we would appreciate your advising our office as to the status of the sidewalk construction. If the sidewalks are not installed, please advise us as to the intent of the applicant to fulfill this requirement.

We are anxious to assist you in any way we can to expedite the fulfillment of this requirement and the closing of this file. Please contact our office if you have any questions concerning this matter.

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

October 4, 1967

cc: Mr. Ray E. Dwyer
20 Willowbrook
Wichita, Kansas 67207

Mr. Ivan Hemphill
United States Fidelity & Guaranty Co.
Colorado-Derby Building
Wichita, Kansas 67202

SUBDIVISION REPORT

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

Subdivision Approval

S/D Number:	65-83	Name:	Dwyer Addition	
Application Filed:	9-20-65	Sketch Filed:	N/A	
Preliminary Plat Filed:	9-20-65	Approved by S/D:	9-30-65	
Final Plat Filed:	10-18-65	Approved by S/D:	10-28-65	
Approved by Metropolitan Area Planning Commission:			11-4-65	

DESCRIPTION

General Location: Northwest corner of Second and West Streets

Owner: Ray E. Dwyer
 Surveyor or Engineer: Baughman Company
 Address: 2522 East Kellogg

- | | | | |
|--------------------------|---------------|--------------------------------|---------------|
| 1. Gross Acreage of Plat | .27 | 7. Lineal Feet of New Streets: | |
| 2. Number of Lots: | | (a) 10 R/W | 150 ft. |
| Residential | | (b) 20 R/W | 70 ft. |
| Commercial | 1 | (c) R/W | ft. |
| Industrial | | (d) Total | 220 ft. |
| Other | | 8. Total Area of New Streets: | |
| Total | 1 | R/W | 2,900 sq. ft. |
| 3. Average Lot Frontage | 70 ft. | 9. Existing Zoning | "A" & "B" |
| 4. Minimum Lot Frontage | 70 ft. | 10. Lot Area Required by | |
| 5. Average Lot Area | sq.ft. | Zoning | sq. ft. |
| 6. Minimum Lot Area | 10,500 sq.ft. | | |

~~Sidewalks required on the north side of 2nd Street and the west side of West Street. A corporate surety bond for \$420 guaranteeing construction within 2 years has been submitted.~~

Planning Commission Recommendation:

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

Vote of Planning Commission: Unanimous.

Respectfully submitted,

_____, Secretary

Action: Receive and file the bond guaranteeing construction of the sidewalks and approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

JOHN T. (JACK) REEVES

OFFICE OF
BAUGHMAN CO.
Surveyors

FRED J. DOANE

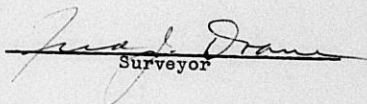
2522 EAST KELLOGG
WICHITA, KANSAS 67211
MURRAY 3-7431

November 15, 1965

Planning Office
City Building Annex
Wichita, Kansas

Gentlemen:

This is to inform you that the irons have been set in Dwyer Addition to Wichita, Kansas, according to the plat on file in your office.


Surveyor

6-2

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS that we, RAY E. DWYER and HELEN F. DWYER, as Principal, and _____

United States Fidelity & Guaranty Co.

as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick, State of Kansas, in the sum of \$420.00, lawful money of the United States, full payment of which well and truly to 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 Dwyer Addition to the City of Wichita, Kansas.

NOW, THEREFORE, the said Principal, RAY E. DWYER and HELEN F. DWYER, shall perform the following obligations and conditions:


1. Construction of a sidewalk adjacent to the west side of West Street and the north side of Second Street.
2. 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 project, which obligations, and each of them, shall be performed on or before ^(October 21, 1967) two years from the date of Planning Commission approval of the plan above referred to, and all of which shall be performed and accomplished in accordance with presently established standards and specifications of the Department of Public Works for the City of Wichita.

NOW, THEREFORE, if the said Principal shall fully and faithfully perform the work specified to be done and performed within the time prescribed and in accordance with the plans, specifications and provisions therefor 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 and 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 hereinabove 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 modification, omission or additions in or to the plans and specifications therefor, or any extension of time shall in any manner affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 14th day of October, 1955.



Ray E. Dwyer

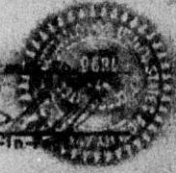

Helen F. Dwyer

Principal

United States Fidelity & Guaranty Co.


STATE OF KANSAS) SS.
SEDGWICK COUNTY)


Attorney-in-Fact



On this 14th day of October, 1955, before me, a Notary Public in and for the county and State aforesaid, personally appeared RAY E. DWYER and HELEN F. DWYER, personally known to me to be the same persons who executed the foregoing instrument and they duly acknowledged the execution of same for themselves for the uses and purposes therein set forth.

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


Notary Public



My commission expires:

9-4-69

STATE OF KANSAS) SS.
SEDGWICK COUNTY)

On this 14 day of October, 1965, before me, a Notary
Public in and for the County and State aforesaid, personally
appeared _____

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

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

James T. Thompson
Notary Public

My commission expires:

(CERTIFIED COPY)

GENERAL POWER OF ATTORNEY

No. 75416

Know all Men by these Presents:

That UNITED STATES FIDELITY AND GUARANTY COMPANY, a corporation organized and existing under the laws of the State of Maryland, and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint **Ivan N. Henshill, Byron S. Chapell and Robert E. Israel, Jr.**

of the City of **Wichita**, State of **Kansas**
its true and lawful attorneys-in and for the State of **Kansas**

for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, a certified copy of which is hereto annexed and made a part of this Power of Attorney and the said UNITED STATES FIDELITY AND GUARANTY COMPANY, through us, its Board of Directors, hereby ratifies and confirms all and whatsoever through anyone of the said **Ivan N. Henshill and the said Byron S. Chapell and the said Robert E. Israel, Jr.**

may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said UNITED STATES FIDELITY AND GUARANTY COMPANY has caused this instrument to be sealed with its corporate seal, duly attested by the signature of its Vice-President and Assistant Secretary, this **3rd** day of **May**, A. D. 19 **53**

UNITED STATES FIDELITY AND GUARANTY COMPANY,

(Signed) **E. G. Hundley** Vice-President

(Signed) **Frieda Walter** Assistant Secretary



On this **3rd** day of **May**, A. D. 19 **53**

E. G. Hundley Vice-President of the UNITED STATES FIDELITY AND GUARANTY COMPANY, and **Frieda Walter** Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said that they resided in the City of Baltimore, Maryland, that they, the said **E. G. Hundley** and **Frieda Walter** were respectively the Vice-President and the Assistant Secretary of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, that the portion described in and which operated the foregoing Power of Attorney that they each have the seal of said corporation, that the seal affixed to said Power of Attorney was such corporate seal, that it was an affixed by order of the Board of Directors of said corporation, and that they signed their names thereto by the said as Vice-President and Assistant Secretary, respectively, of the Company.

My commission expires the first Monday in **May**, A. D. 19 **53**

(Seal) (Signed) **Anne M. O'Brien** Notary Public

STATE OF MARYLAND }
BALTIMORE CITY, }
I, **JAMES F. CARMY** Clerk of the Superior Court of Baltimore City, said Court is a Court of Record, and his seal, do hereby certify that **Anne M. O'Brien** Esquire, before whose the aforesaid affidavits were made, and who for these subscribed his name, was at the time of so being a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and sworn and authorized by law to administer oaths and take acknowledgments, or need of doubt to be recorded herein. I further certify that I am acquainted with the handwriting of the said Notary, and verily believe the signature to be his genuine signature.

In Testimony Whereof, I have set my hand and affix the seal of the Superior Court of Baltimore City, this **3rd** day of **May**, A. D. 19 **53**

(SEAL) (Signed) **Anne M. O'Brien** Notary Public

November 5, 1965

Baughman Company
2522 East Kellogg
Wichita, Kansas

Subject: S/D 65-83 - Final Plat of Dwyer
Addition

Gentlemen:

At its regular meeting on November 4, 1965, the Metropolitan Area Planning Commission considered the Final Plat of Dwyer Addition. The action of the Planning Commission was to recommend that this plat be approved subject to:

1. The applicant providing sidewalks adjacent to the north side of 2nd Street and the west side of West Street. A Corporate Surety Bond guaranteeing construction within 2 years, in the amount of \$420, has been submitted.
2. The plat's text being changed to read as follows: "To be platted into streets and a lot to be known as Dwyer Addition".
3. Recording within 30 days after approval by the Board of City Commissioners.

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

1. Compliance with the requirements of the Metropolitan Area Planning Commission.

November 5, 1965

2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
3. Certification that the irons have been set as required by the Subdivision Rules and Regulations of the Metropolitan Area Planning Commission.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

cc: Mr. Ray E. Dwyer
20 Willowbrook
Wichita, Kansas

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

October 29, 1965

Baughman Company
2522 East Kellogg
Wichita, Kansas

Subject: S/D 65-83 - Final Plat of Dwyer
Addition

Gentlemen:

At its regular meeting on October 28, 1965, the Subdivision Committee of the Metropolitan Area Planning Commission considered the Final Plat of Dwyer Addition. The action of the Subdivision Committee was to recommend that this plat be approved subject to:

1. The applicant shall provide sidewalks adjacent to the north side of 2nd Street and the west side of West Street.
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 2 years, such bond to be in the amount of \$420.
3. The plat's text should be changed to read as follows: "To be platted into streets and a lot to be known as Dwyer Addition".

October 29, 1965

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

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

This plat will be forwarded to the Metropolitan Area Planning Commission for its consideration on November 4, 1965.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

Enclosure

cc: Ray E. Dwyer
20 Willowbrook

Robert H. Nelson
816 Union Center Bldg.

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D No. 65-83 NAME Dwyer Addition
DATE APPLICATION REC'D 9-20-65 PRELIMINARY APPROVAL 9-30-65

DESCRIPTION

GENERAL LOCATION Northwest corner of 2nd and West Streets

OWNER Ray E. Dwyer
SURVEYOR/ENGINEER Baughman Company
ADDRESS 2522 East Kellogg

1. GROSS ACREAGE OF PLAT <u>.27</u>	7. LINEAL FEET OF NEW STREETS:
2. NUMBER OF LOTS:	(A) <u>10</u> R/W <u>150</u> FT.
RESIDENTIAL _____	(B) <u>20</u> R/W <u>70</u> FT.
COMMERCIAL <u>1</u>	(C) _____ R/W _____ FT.
INDUSTRIAL _____	(D) TOTAL <u>220</u> FT.
OTHER _____	8. TOTAL AREA OF NEW STREET
TOTAL <u>1</u>	R/W <u>2,900</u> SQ.FT.
3. AVERAGE LOT FRONTAGE <u>70</u> FT.	9. EXISTING ZONING <u>"AA" & "B"</u>
4. MINIMUM LOT FRONTAGE <u>70</u> FT.	10. PROPOSED ZONING <u>"IC"</u>
5. AVERAGE LOT AREA _____ SQ.FT.	11. LOT AREA REQUIRED BY
6. MINIMUM LOT AREA <u>10,500</u> SQ.FT.	ZONING _____ SQ.FT.

STAFF COMMENTS:

1. The applicant shall provide sidewalks adjacent to the north side of 2nd Street and the west side of West Street.
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 \$420.
3. The plat's text should be changed to read as follows: "To be platted into streets and a lot to be known as Dwyer Addition."
4. Recording within 30 days after approval by the Board of City Commissioners.
5. Associate Zone Case Z 0687.

M. A. P. C. ACTION: _____ (DATE)
THE METROPOLITAN AREA PLANNING COMMISSION:

KAHRS, NELSON, FANNING & HITE

ATTORNEYS AT LAW
UNION CENTER BUILDING
WICHITA, KANSAS 67202

TELEPHONE
AMHERST 2-3777

AUSTIN M. COWAN (1885-1949)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
ROGER M. SHERWOOD

October 19, 1965

Metropolitan Area Planning Commission
City Building Annex
Wichita, Kansas

Re: Dwyer Plat

Gentlemen:



This is to certify that I have examined the title to the following described real property, to wit:

The South 70 feet of the East 170 feet
of Lot 9, in Block 16, in PARKWILDE
ADDITION to Wichita, Kansas,

as shown by the accompanying abstract of title, containing 59 entries and proceedings had in the District Court of Sedgwick County, Kansas, in

Case No. 25848, John P. Johnson, plaintiff,
vs. John P. Parsons, et al., defendants, and

Case No. 46730, Jennie Johnson, plaintiff, vs.
R. C. McMullen, et al., defendants,

and proceedings had in the Probate Court of Sedgwick County, Kansas, in

Case No. 7968, in the Matter of the Estate
of John P. Johnson, deceased, and

Case No. 44824, In the Matter of the Estates
of Joseph Martin Doerr and Helen Caroline
Doerr a/k/a Helen Doerr, both deceased,

all as last certified to by Fidelity Title Company, Inc. on the 29th day of June, 1965, at 7:00 o'clock A.M., and from my examination, based upon the correctness of the abstract submitted, I find a good and merchantable title in fee simple to the above described property to be vested in

RAY E. DWYER and HELEN F. DWYER, husband and
wife, as joint tenants with right of survivor-
ship and not as tenants in common,

as shown at Entry #58, subject, nevertheless, to the following:

1. At Entry #59 I find a mortgage, dated June 23, 1965, between Ray E. Dwyer and Helen F. Dwyer, his wife, as mortgagors, and The Central State Bank of Wichita, Kansas, a corporation, as mortgagee, to secure the sum of \$30,000.00 on the above described property (and other property), which was recorded in the office of the Register of Deeds of Sedgwick County, Kansas on the 25th day of June, 1965, at the hour of 3:35 P.M., in Book 1534 of Mortgages, at Page 469, and is a valid first lien on the above described property.

2. Restrictions - None

? 3. At Entry #52 I find a sewer easement in favor of the City of Wichita over and across the West 16 feet of the above described property.

4. Abstractor's Certificate No. 69181, by Fidelity Title Company, Inc. calls attention to the following cases pending in the District Court of Sedgwick County, Kansas:

Case No. B-13080, Public Finance vs. Ray Dwyer. Defendant's appeal filed December 29, 1961 and still pending.

Case No. C-6026-65, Ray Dwyer a/k/a Ray Dwyer Motor Company vs. Jerry J. Leach. Recovery of money. Filed May 11, 1965 and still pending.

These cases should be checked to ascertain whether or not there is any possibility of a judgment being rendered within four months from June 23, 1965, the date of the execution of the above described mortgage.

5. Taxes for the year 1964 and prior years are shown paid.

6. Inquiry should be made to ascertain whether or not there have been any unpaid bills for labor performed or material furnished upon the above described property within the past four months, which might become the basis for a lien thereon.


7. Ascertain the rights of parties in possession, if any.

- 3 -

8. Ascertain the correct boundaries of the above described property by survey or otherwise.

9. You will note the abstract is certified to June 29, 1965 at 7:00 o'clock A.M. The writer has examined the records of Fidelity Title Company, Inc. and finds that no instruments have been filed of record affecting the title to the property since that date.

Respectfully submitted,


OF KAHRNS, NELSON, FANNING & HITE

RHN:dr

KAHRS, NELSON, FANNING & HITE

ATTORNEYS AT LAW
UNION CENTER BUILDING
WICHITA, KANSAS 67202

TELEPHONE
AMHERST 2-3777

AUSTIN M. COWAN (1888-1948)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
ROGER M. SHERWOOD

October 18, 1965

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



Re: S/D No. 65-83
Preliminary Plat of Dwyer Addition

Attn: Mr. Jack H. Galbraith

Dear Jack:

Pursuant to the letter of October 1, 1965 from your office relative to the above matter, enclosed herewith is the Performance Bond which has been signed by Mr. & Mrs. Dwyer as owners of the property, as Principal, and United States Fidelity & Guaranty Company as Surety, in the sum of \$420.00 guarantying construction, within two years, of sidewalks adjacent to the west side of West Street and the north side of Second Street affecting the above described property. Will you please file this Performance Bond in your office.

Yours very truly,

A handwritten signature in cursive script, appearing to read 'Robert H. Nelson'.

OF KAHRS, NELSON, FANNING & HITE

RHN:dr
Enclosure

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS that we, RAY E. DWYER and HELEN F. DWYER, as Principal, and _____

United States Fidelity & Guaranty Co.

as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick, State of Kansas, in the sum of \$420.00, lawful money of the United States, full payment of which well and truly to 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 Dwyer Addition to the City of Wichita, Kansas.

NOW, THEREFORE, the said Principal, RAY E. DWYER and HELEN F. DWYER, shall perform the following obligations and conditions:

1. Construction of a sidewalk adjacent to the west side of West Street and the north side of Second Street.

2. 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 project, which obligations, and each of them, shall be performed on or before ^(OCTOBER 21, 1967) two years from the date of Planning Commission approval of the plan above referred to, and all of which shall be performed and accomplished in accordance with presently established standards and specifications of the Department of Public Works for the City of Wichita.

NOW, THEREFORE, if the said Principal shall fully and faithfully perform the work specified to be done and performed within the time prescribed and in accordance with the plans, specifications and provisions therefor 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 and 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 hereinabove 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 modification, omission or additions in or to the plans and specifications therefor, or any extension of time shall in any manner affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 14th day of October, 1965.

Ray E. Dwyer


Helen F. Dwyer

Principal

United States Fidelity & Guaranty Co.

STATE OF KANSAS)
SEDGWICK COUNTY) SS.

[Signature]
Attorney-in-Fact



On this 14th day of October, 1965, before me, a Notary Public in and for the county and State aforesaid, personally appeared RAY E. DWYER and HELEN F. DWYER, personally known to me to be the same persons who executed the foregoing instrument and they duly acknowledged the execution of same for themselves for the uses and purposes therein set forth.

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

[Signature]
Notary Public



My commission expires:

9-4-69

(CERTIFIED COPY)

GENERAL POWER OF ATTORNEY

No. 75416

Know all Men by these Presents:

That UNITED STATES FIDELITY AND GUARANTY COMPANY, a corporation organized and existing under the laws of the State of Maryland, and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint **Ivan N. Hemphill, Byron S. Chapell and Robert E. Israel, Jr.**

of the City of **Wichita** .State of **Kansas**
its true and lawful attorneys in and for the State of **Kansas**

for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said UNITED STATES FIDELITY AND GUARANTY COMPANY, through us, its Board of Directors, hereby ratifies and confirms all and whatsoever ~~done~~ **done** by **anyone of the said Ivan N. Hemphill and the said Byron S. Chapell and the said Robert E. Israel, Jr.**

may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said UNITED STATES FIDELITY AND GUARANTY COMPANY has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its Vice-President and Assistant Secretary, this **3rd** day of **May** A. D. 19 **63**

UNITED STATES FIDELITY AND GUARANTY COMPANY.

(Signed) By **E. G. Hundley**
Vice-President.

(Signed) **Frieda Walter**
Assistant Secretary.

STATE OF MARYLAND }
BALTIMORE CITY, } as:

On this **3rd** day of **May** A. D. 19 **63**, before me personally came **E. G. Hundley** Vice-President of the UNITED STATES FIDELITY AND GUARANTY COMPANY and **Frieda Walter** Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said that they resided in the City of Baltimore, Maryland; that they, the said **E. G. Hundley** and **Frieda Walter** were respectively the Vice-President and the Assistant Secretary of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so affixed by order of the Board of Directors of said corporation, and that they signed their names thereto by like order as Vice-President and Assistant Secretary, respectively, of the Company. My commission expires the first Monday in May, A. D. 19 **63**

(Seal) (Signed) **Anne M. O'Brien**
Notary Public.
STATE OF MARYLAND, }
BALTIMORE CITY, } Set.

I, **James F. Carney**, Clerk of the Superior Court of Baltimore City, which Court is a Court of Record, and has a seal, do hereby certify that **Anne M. O'Brien**, Esquire, before whom the annexed affidavits were made, and who has thereto subscribed his name, was at the time of so doing a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and sworn and authorized by law to administer oaths and take acknowledgments, or proof of debts to be recorded therein. I further certify that I am acquainted with the handwriting of the said Notary, and verily believe the signature to be his genuine signature.

In Testimony Whereof, I have set my hand and affix the seal of the Superior Court of Baltimore City, the same being a Court of Record, this **3rd** day of **May** A. D. 19 **63**

(SEAL) (Signed) **James F. Carney**
Clerk of the Superior Court of Baltimore City.

October 1, 1965

Baughman Company
2522 East Kellogg
Wichita, Kansas

Subject: S/D 65-83 - Preliminary Plat of
Dwyer Addition

Gentlemen:

At its regular meeting on September 30, 1965, the Subdivision Committee of the Metropolitan Area Planning Commission considered the Preliminary Plat of Dwyer Addition. The action of the Subdivision Committee was to approve the Preliminary Plat and authorize preparation of the Final Plat subject to:

- ok 1. A 35-foot building setback line being indicated adjacent to West Street and a 15-foot building setback line being indicated adjacent to Second Street.
- ok 2. The applicant providing an additional 10 feet of half-street right of way for Second Street, since it is a half-section line road and therefore a collector in this area.
3. The applicant providing sidewalks adjacent to the west side of West Street and the north side of Second Street.
4. 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

October 1, 1965

b. A Corporate Surety Bond guaranteeing construction within 2 years, such bond to be in the amount of \$420.

5. 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

cc: Ray E. Dwyer
20 Willowbrook

Robert H. Nelson
816 Union Center Bldg.

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE

S/D No. 65-83 NAME Dwyer Addition
DATE APPLICATION REC'D 9-20-65 S/D COMMITTEE MEETING 9-30-65

DESCRIPTION

GENERAL LOCATION Northwest corner of Second and West Streets

OWNER Ray E. Dwyer
SURVEYOR/ENGINEER Baughman Company
ADDRESS 2522 East Kellogg PHONE MU 3-7431

1. GROSS ACREAGE OF PLAT	<u>.27</u>	7. LINEAL FEET OF NEW STREETS:	
2. NUMBER OF LOTS:		(A)	<u>10</u> R/W <u>150</u> FT.
RESIDENTIAL	<u> </u>	(B)	<u>20</u> R/W <u>70</u> FT.
COMMERCIAL	<u>1</u>	(C)	<u> </u> R/W <u> </u> FT.
INDUSTRIAL	<u> </u>	(D)	TOTAL <u>220</u> FT.
OTHER	<u> </u>	8. TOTAL AREA OF NEW STREET	
TOTAL	<u>1</u>	R/W	<u>2,900</u> <u>2,700</u> SQ.FT.
3. AVERAGE LOT FRONTAGE	<u>70</u> FT.	9. EXISTING ZONING	<u>AA and B</u>
4. MINIMUM LOT FRONTAGE	<u>70</u> FT.	10. PROPOSED ZONING	<u> </u>
5. AVERAGE LOT AREA	<u> </u> SQ.FT.	11. LOT AREA REQUIRED BY	
6. MINIMUM LOT AREA	<u>10,500</u> SQ.FT.	ZONING	<u> </u> SQ.FT.

STAFF COMMENTS:

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

1. A 35-foot building setback line shall be indicated on the plat adjacent to West Street and a 20-foot building setback line shall be indicated on the plat adjacent to 2nd Street.
2. The applicant shall provide 40 feet of half-street right-of-way for 2nd Street, since it is a half section line road and therefore a collector in this area.
3. The applicant shall provide sidewalks adjacent to the west side of West Street and the north side of 2nd Street.
4. 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 \$420.
5. Requirements for a final plat, see pages 4 and 5 of the Subdivision Rules and Regulations.
6. Associate Zone Case Z-0687.

MAP No.: F-1
SEC. No.: 23
TWP. No.: 27
RANGE: 1W

S/D No. 65-83

APPLICATION FOR SUBDIVISION APPROVAL

NAME OF SUBDIVISION: Dwyer Addition

GENERAL LOCATION: N.W. Cor. Second and West St.

NAME OF PROPERTY OWNER: Ray E. Dwyer

ADDRESS: 20 Willowbrook PHONE: MT 61817

NAME OF SUBDIVIDER: c/o Robert Nelson

ADDRESS: Union Center Bldg. PHONE: AM 23777

NAME OF AGENT/SURVEYOR: Baughman Co.

ADDRESS: _____ PHONE: _____

DATE OF APPLICATION: _____

SUBDIVISION INFORMATION:

1. GROSS ACREAGE OF PLAT 0.27
2. NUMBER OF LOTS: _____
- RESIDENTIAL _____
- COMMERCIAL 1
- INDUSTRIAL _____
- OTHER 1
- TOTAL NUMBER OF LOTS 1
3. AVERAGE LOT FRONTAGE 70 FT.
4. MINIMUM LOT FRONTAGE 70 FT.
5. AVERAGE LOT AREA _____ SQ.FT.
6. MINIMUM LOT AREA 10,500 SQ.FT.
7. LINEAL FEET OF NEW STREETS:
- A. 10 R/W 150 FT.
- B. 20 R/W 70 FT.
- C. _____ R/W _____ FT.
- D. TOTAL 220 FT.
8. TOTAL AREA OF NEW STREET R/W: 2700 SQ.FT.
9. EXISTING ZONING AA+B
10. PROPOSED ZONING _____

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

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: Baughman Co.
AGENT

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

RECEIVED BY B. Shawers
DATE 9-20-65 4:15 pm



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: Dwyer Addition

GENERAL LOCATION: N.W. Cor. Second and West St.

NAME OF PROPERTY OWNER: Ray E. Dwyer

ADDRESS: 20 Willowbrook PHONE: MU 61817

NAME OF SUBDIVIDER: c/o Robert Nelson

ADDRESS: Union Center Bldg. PHONE: AM 23777

NAME OF AGENT/SURVEYOR: Baughman Co.

ADDRESS: _____ PHONE: _____

DATE OF APPLICATION: _____

SUBDIVISION INFORMATION:

- | | |
|--|---|
| 1. GROSS ACREAGE OF PLAT <u>0.27</u> | 7. LINEAL FEET OF NEW STREETS: |
| 2. NUMBER OF LOTS: | A. _____ R/W _____ FT. |
| RESIDENTIAL _____ | B. _____ R/W _____ FT. |
| COMMERCIAL <u>1</u> | C. _____ R/W _____ FT. |
| INDUSTRIAL _____ | D. TOTAL _____ FT. |
| OTHER _____ | |
| TOTAL NUMBER OF LOTS <u>1</u> | 8. TOTAL AREA OF NEW STREET R/W: _____ SQ.FT. |
| 3. AVERAGE LOT FRONTAGE <u>70</u> FT. | |
| 4. MINIMUM LOT FRONTAGE <u>70</u> FT. | 9. EXISTING ZONING _____ |
| 5. AVERAGE LOT AREA _____ SQ.FT. | 10. PROPOSED ZONING _____ |
| 6. MINIMUM LOT AREA <u>10,500</u> SQ.FT. | |

11. PUBLIC WATER SUPPLY Yes (YES-No), NAME City

12. PUBLIC SANITARY SEWERS Yes (YES-No), NAME _____

13. HEALTH DEPARTMENT APPROVAL (WHERE APPLICABLE) _____ (YES-No)

14. CITY OF WICHITA OR 3 MILE AREA: City

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: Baughman Co.
AGENT

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

RECEIVED BY _____
DATE _____

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

T21-301

Form 223-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
<i>Handwritten description</i>	<i>Handwritten amount</i>

Name _____

Address _____

Type _____

Due Date _____

Comments: _____

Date _____

By _____