

MAP NO. 66-25 MAP NO. F-9
NAME CLAYTON ADDITION

LOCATION north side of Kellogg adjacent to the
east city limits of Eastborough

OWNER Philip F. Farha

APPLICATION FILED 2-14-66

SKETCH PLAT FILED _____

PRELIMINARY FILED 2-14-66

S/D ACTION 2-24-66 Approve Prelim.

FINAL FILED 2-28-66

S/D ACTION 3-10-66 Approve Final

MAPC ACTION 3-17-66 Approve

BCC ACTION 5-10-66 Approved

RECORDED 5-18-66

REMARKS Closed 5-11-66

4-7-66 Maps Referred 2 weeks

4-21-66 Maps Approved as recom-
ended by S/D Comm. with no access
control

S/D 66-25 - CLAYTON ADDITION
side of Kellogg adjacent to east
city limits of Eastborough.

ACTION

	DATE
S/D COMMITTEE (Pulkin) Approve	2-24-66
3/0 final Approve	3-10-66
M.A.P.C. Approve	3-17-66
maps deferred 2 weeks	4-7-66
maps Approve as recommended by S/D Comm. with no access control	4-21-66
* See Approved	5-10-66
Cloud	5-11-66
* BCC approved <u>revised</u> petition in lieu of original performance bond	5/7/68

Map No. F-9
Sec. No. 19
Twp. No. 27
Range 2E

Subdivision Report and Progress

S/D No.: 66-25

Name: CLAYTON ADDITION

General Location: North side of Kellogg adjacent to the east city limits of Eastborough

Owner: Philip F. Farha

Address: 4601 East Douglas

Phone: MU 2-5621

Subdivider: C. Robert Bell, Attorney

Address: 133 So. Market

Phone: AM 4-2841

Engineer/Surveyor: Don C. Moehring

Address: 314 Brown Building

Phone: FO 3-6781

Application Received 2-14-66
Conf. with Applicant none
Sketch Plat Received none
Present Zoning AA+LC
Proposed Zoning LC & B
Letter of Intent none

FINAL PLAT RECEIVED 2-28-66
Tracing Received 4-27-66
S/D Report #2 Prepared 3-2-66
S/D Comm. Action 3-10-66 Approved

Dept. Report on Final 3-11-66

PREL. PLAT RECEIVED 2-14-66
S/D Report #1 Prepared 2-16-66
S/D Comm. Action 2-24-66 Approved

M.A.P.C. ACTION 3-17-66 Approved

Dept. Report on Prel. 2-25-66

Dept. Report on Final 3-18-66
Letter on Irons Received 3-23-66
Title/Taxes Rec'd & Reviewed 2-28-66
Final Review 5-5-66
Letter to B.C.C. 5-5-66

TRACING PROGRESS:

Received _____
Released _____
Received _____
Released _____
Received _____

* B.C.C. ACTION 5-10-66 Approved

Recorded 5-18-66

Annexed _____

* B.C.C. approve sidewalk sp
petition in lieu of
bond on 5/7/68.

Comments:

Associate Zone Case 7-0522

* 2-28-66 Need letter on tapes * Received 4-29-66

* 4-7-66 Maps deferred 2 weeks

4-21-66 Maps approved as recommended by S/D Comm.
with no access control.

Notify Herb Kuhn when this is to
be heard by B.C.C.

* 1-16-67 Called Philip F. Farha and told him of
the request to release or cancel
the zoning guaranteeing the paving of
the long easement. Even though
request came from Mr. J. Heister
he said there was no problem.

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

CLAYTON _____ ADDITION WAS -

FILED FOR RECORD ON May 18, 1966
Drawer H-1 2-13

Robert E. Deering
REGISTER OF DEEDS

5-18-66
jo

body with respect to this plat, and it was agreed that the Planning Commission must make the final decision - that the Subdivision Committee and/or the Utility Advisory Committee is only a recommending body. It was pointed out, however, that the matter of sidewalks being required is decided by the City Commission.

LAW said that there must be a place for utilities. SANDLIAN said that the utilities are installed between the highway and the service road, and that the plat reflects an easement across the rear of the property. LAW pointed out that if utilities can go in between the access road and the expanded slab width on the highway, then that is the proper place for them and there would be no need for additional right-of-way. SANDLIAN said that utility lines were put in within the last two years, except that there are no sewer lines as yet. He said that between the service road as it now exists and the slab, plus extended area for one more lane, there will be a minimum area of 15 feet.

BRANSON pointed out the desirability of having a detailed map showing location of utilities already installed in this area and a detailed map showing the right-of-way for Kellogg and its relationship to the side road and the proposed 10-foot dedication.

MOTION: BRANSON moved, LAW seconded and it carried unanimously that this plat be returned to the Subdivision Committee for further consideration as to the necessity of requiring this 10 feet of additional street right-of-way, with a request for the following information:

1. The dimensions from subject property north to the south edge of the frontage road slab.
2. The dimensions from the north edge of the frontage road slab to the south edge of U.S. 54 paving.
3. Location of utilities between the frontage road and the highway slab.

Deferred by Planning Commission

13. S/D 66-25 - Final Plat of Clayton Addition, located on the north side of Kellogg and east of Eastborough.

GALBRAITH pointed out that previously the Planning Commission required access control to Willowbrook Road at the northwest corner of the plat. He pointed out that officials of the City of Eastborough had objected to channeling traffic

from this area through Eastborough. He said that the plat is a three-lot plat with two lots facing Kellogg and Lot 3 to the north being proposed for "B" Multiple Family zoning. GALBRAITH also reported that the Director of Law for the City had pointed out that no rules or regulations had been adopted by the MAPC which call for the taking of access on residential streets for any purpose and to his knowledge no policy had been created which calls for this taking of access. Based upon this fact, the Director of Law stated that it appeared to be improper to require a dedication of access in the instant case. The plat was previously deferred so that the applicant could confer with Eastborough officials and residents to present their plan.

LAW commented that just because it has not been done in the past should not weigh very heavy one way or the other.

C. ROBERT BELL, Attorney for the applicant, said that the street is not in the City of Eastborough and never has been, but rather, is in the City of Wichita. Willowbrook Lane crosses the northwest corner of subject property and was installed by the City of Eastborough without ever having acquired legal right-of-way; however, it has been used for sometime and it is apparent that the public has a prescriptive right through usage. He pointed out that his client has had unrestricted access to this street but that subject property is just now being developed. It was his strong feeling that access should not be taken away from his client merely because the City of Eastborough does not want any more traffic on its streets. He referred to a comparable situation in Rockwood Third Addition where Rutland has access to Douglas, which leads through the City of Eastborough.

The Attorney pointed out that there has been no showing that the proposed development will generate or create traffic problems; further, his client has provided Eastborough officials and their attorney with all information they can but that detailed plans have not been prepared, because of the expense involved until the matter of access to Willowbrook Lane is resolved. He reported that his client was prepared to meet for a second meeting with residents of Eastborough, but was informed that the City Council had met and considered the matter and felt there was no point in calling another meeting of the residents because no one could possibly be in favor of granting access, in spite of the fact that five of the residents had expressed their approval in writing to the Planning Commission.

In the discussion, it was brought out that in 1964, this area was being platted as Mackey Addition (not completed and recorded) and that the matter of access did not even arise.

H. R. KUHN, Attorney for Eastborough, asked that the Commission consider the possibility of 260 to 300 additional

cars using this street through Eastborough. He indicated they were willing to let the Fire Department have access to be controlled by a fence or gate whereby the Fire Department would have a key.

MR. KUHN said his client has no objection to the zoning or the development as planned for multiple housing, but are very much opposed to traffic generated in the development driving through the City of Eastborough.

GOEBEL pointed out that it would seem more logical that the bulk of the traffic generated by the proposed development would exit onto Kellogg rather than into Eastborough - a residential area.

LAW pointed out that this same situation has arisen on other cases where multiple family development is contemplated, and it was his opinion that consideration should be given to the compatibility of the use with surrounding area rather than whether it is adjacent to another city.

In the discussion, MR. BELL pointed out that the Sub-division Committee did not recommend the removal of access, but had forwarded the question to the Planning Commission for a decision. MR. BELL continued that while the developer proposes to provide parking space for two cars for each unit, their experience in other areas has indicated that the average number of automobiles per unit is $1\frac{1}{2}$ to $1\frac{1}{4}$. Further, there is good reason to think that residents particularly to the south part of the multiple family development will very seldom have occasion to go to the north end. He pointed out also that when the Twin Lakes apartments were constructed, there was no objection or restrictions placed on the development. He reiterated that they are merely asking that the present status with respect to access not be altered.

TROUT noted that the only consideration is whether or not what is proposed would be good planning from the standpoint of contiguous areas. TROUT felt the Commission has an obligation to preserve a single family area such as Eastborough.

BRANSON was in favor of holding the north portion of Lot 3 to an "A" zoning in an effort to keep the traffic volume down and then permit access to continue.

TROUT noted that in view of the size and shape of the property, it seems more logical for multiple family development, and further, it would serve as a buffer between Eastborough and the CUP development to the east. He pointed out also that he felt the present zoning ("B" approved but not published awaiting platting completion) is reasonable and that the developer is not proposing to construct as many units as actually permitted in the "B" category.

MOONEY was inclined to accept the opinion of the Director of Law. LAW pointed out that the Director of Law merely said that no precedent had been established as to this point but had not said the Planning Commission could not act one way or the other.

MR. BELL, however, said that he interpreted the letter from the Director of Law to mean that the Commission has not adopted rules and regulations which call for taking access other than on major streets. BELL stated, as he had at previous meetings, that the City of Eastborough could adopt certain traffic regulations or deadend Willowbrook Lane and Stratford Road when they join up with the property or street in question.

MOTION: BRANSON moved, GOEBEL seconded and it carried unanimously that the Planning Commission not require the dedication of access control and that the plat be approved subject to the following:

1. The applicant providing a sidewalk adjacent to the north side of Kellogg Drive.
2. The applicant complying with one of the five adopted methods of guaranteeing the installation and financing of sidewalks prior to the forwarding of the plat to the Board of City Commissioners, the total construction cost to be in the amount of \$600.
3. The applicant paving the interior fire land easement to City specifications or posting a corporate performance bond guaranteeing its construction prior to the forwarding of the plat to the Board of City Commissioners, the construction cost to be determined by the City Engineer.
4. The north line of Kellogg Drive being extended to the west line of the plat as a solid line.
5. The plat's text being changed to read: "The street, drive and Willowbrook Road are hereby granted to the public."
6. The Engineer contacting the Engineering Division of the Department of Public Works to clarify the discrepancy of the street right-of-way for Willowbrook Road not being in line with the street right-of-way established on the lot adjoining to the west as designated in the plat of Eastborough 3rd Addition.
7. The plat reflecting adequate engineering data in

- the northwest corner, dimensions for Willowbrook Road, radius, angles, etc.
8. Labeling the 5-foot utility easement adjacent to the north and northwest lines of Lot 3.
 9. The block irons being indicated on the face of the plat.
 10. The plattor's text being changed to read: "Easements for the construction and maintenance of public utilities and fire lane easements and access roads as indicated, are hereby dedicated to the public."
 11. Recording within 30 days after approval by the Board of City Commissioners.

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14. Case No. Z-0771 - Change from "LC" to "B" initiated by the Planning Commission for Lots 26 and 27, except the west 100 feet of the south 125 feet of Lot 27, Gilders Riverside Addition. Generally located on the east side of Amidon between 26th and 27th Streets North.

GALBRAITH pointed out the area on the map and briefly reviewed the staff report which was presented in full to the Commission on April 7, 1966.

No one appeared to speak in support of this change.

ROBERT H. NELSON, Attorney, representing Mr. Galyardt and Mr. Ray, owners of the property, spoke in opposition. He pointed out that the reason this property has not been previously developed for commercial uses is because of the lack of availability of utilities and the fact that the 21st Street Bridge has been under construction which would limit traffic passing subject property, and also the fact that the possibility of the 25th Street Bridge actually materializing was still under discussion.

MR. NELSON said that a building permit had been obtained on March 28, 1966, and that a commercial type building is now under construction. With respect to sewer service, MR. NELSON said that that problem has now been resolved and that the sewer stub at 25th Street will be extended north along the rear of the lots up to 26th Street. He said that the Engineering Division anticipates no problem with reference

1. The applicant shall dedicate the north 45 feet of the lot for a marginal access road which shall be indicated as Harry Drive.
2. The applicant shall indicate a 35-foot building setback line adjacent to the south line of the marginal access road.
3. The platator's text shall reflect the following: "Harry Drive is hereby dedicated as a marginal access road to the public. Access from Harry Drive to Harry Street shall be established by the appropriate governing body. Temporary access from Lot 1 to Harry Street is granted until such time as the marginal access road is constructed."
4. Access control shall be labeled on the face of the plat between Harry Street and Harry Drive.
5. Requirements for a Final Plat (see pages 4 and 5 of the Subdivision Rules and Regulations).

VOTE ON THE ABOVE MOTION: Carried by a vote of 5 in favor (Mooney, Branson, Goebel, Trout, and Kratzer) and one opposed (Hill).

HILL said that he thought the above action of a service road would be creating a problem in that the City will have to maintain the road and it would represent more cost to the taxpayer. He did not consider that it would be to the public interest to approve the plat in that he thought this plat should have been denied and force the platting of the entire area.

Plat for Reconsideration

17. S/D 66-25 - Final Plat of Clayton Addition, located on the north side of Kellogg and east of Eastborough.

LAKIN pointed out that on March 17, 1966, the Planning Commission approved this final plat subject to several conditions, one of which was that the applicant grant complete access control adjacent to Willowbrook Road and Stratford Road to the public. An opinion from John Dekker, the Director of Law, with respect to the Commission's power to control access is, in part, as follows:

". . . It should be pointed out that the Metropolitan Area Planning Commission has only that authority granted by statute and implemented by rules and regulations adopted in accordance therewith. Case law has somewhat extended the

authority by stating that those policies which are well established and reasonable are, by their nature, in the same category as a rule or regulation adopted by the Board.

In the instant matter, there have been no rules and regulations adopted by the Metropolitan Planning Commission which call for the taking of access on residential streets for any purpose and to my knowledge, there has been no policy created which calls for this taking of access. It may well be that a policy should be established or the rules and regulations should be amended so as to provide for the exact times when access will be required. However, in the past, access dedication has been related only to thoroughfares and has not been required on purely residential streets.

It, therefore, would appear to me to be improper to require a dedication of access in the instant case."

C. ROBERT BELL, Attorney for the subdivider, noted that at the previous meeting, the Planning Commission approved the plat subject to access control at the northwest corner of subject property as related to Willowbrook Lane and Stratford. He questioned the authority of the Planning Commission to make such a decision, which accounts for the submission of an opinion from the City Attorney. He continued that Willowbrook Lane as it curves north to Stratford actually crosses property which is a part of subject plat, but it is possible that in view of the number of years which it has been used as public right-of-way, the public may be found to have prescriptive rights. He pointed out that all of subject property (which includes the right-of-way in question) is within the City of Wichita and he questioned whether or not the Planning Commission has authority to control the access thereto.

In discussing the matter further, the Attorney said that his client, and his predecessors in title, have had complete right of unrestricted access to all portions of this street and it was his feeling that even though the public has prescriptive rights, it does not take away access rights, and it was his plea that rights which his client has heretofore had with respect to access to subject street be continued and not taken away from him.

MR. BELL said that they have contacted residents of Eastborough and the City Council since the last hearing on this plat, and explained in detail what they propose to do in the way of development of subject property. He pointed out that this is very expensive property and that the people who purchased the property and those who propose to develop it are financially responsible people and that they cannot afford to develop it in any manner less than the highest quality. After the explanation to Eastborough

residents, several provided letters stating their approval of what is proposed, but some of those opposed indicated they preferred that it remain a vacant lot, but it was Mr. Bell's feeling that as the city grows, naturally development will occur.

The Attorney pointed out that the Subdivision Committee took no action so far as access but merely passed the question on to the Planning Commission. He noted that the only real issue is that Eastborough's governing body and some of the residents do not want additional traffic through their streets. It was his feeling that the amount of traffic which might occur has been exaggerated; it is expected that residents of the apartments at the north end of Lot 3 would logically use Stratford Lane for ingress or egress, but the majority is expected to use Kellogg.

The Attorney pointed out also that the City of Eastborough can adopt traffic rules which might help their situation; they can establish one-way streets to channel traffic north on Stratford Road to Douglas rather than west on Willowbrook Lane. He noted that any traffic from the proposed development would not be commercial.

LAKIN said that it was his understanding from the previous meeting that it was the feeling of the Planning Commission that since this property is in the City of Wichita, Wichita would have the controlling power. He stated that the Fire Department representative is very firm in his desire to have access at Stratford and Willowbrook for at least fire vehicles, which can be accomplished by installing a curb cut with a chain across the area and then provide the Fire Department with a key.

H. R. KUHN, Attorney representing the City Council of Eastborough, agreed with Mr. Bell's statements in principle, but said that his remarks should be directed to the City Council of Eastborough rather than the Planning Commission inasmuch as approval of the City Council of Eastborough will have to be obtained before any through traffic can be permitted on Willowbrook Lane at this point. He continued that apparently everyone involved in this matter agrees that the City of Eastborough has prescriptive rights and that statutory control is primarily that of the City of Eastborough. It is in the city limits of Wichita, but is subject to prescriptive rights because Eastborough, as a second-class city is charged with traffic control at this particular point.

MR. KUHN suggested that the first step should be the submission of the plans to the City Council of Eastborough and if the plans are acceptable, an agreement might be reached. He stated that Eastborough is reluctant to open

it up because of the increased traffic which would be generated. He pointed out that Eastborough does have the right to dead-end the street, which would render access valueless to subject property. He did not think that the City of Wichita would actually have control of the prescriptive rights to the street concerned, even though it is within the city limits, inasmuch as Eastborough has had the use of subject property for a long time prior to its annexation by the City of Wichita.

In discussing the ownership of the street, KUHN felt that it is possible the landowner owns the fee title but Eastborough has the right to control; he assumed that if vacated, the right-of-way would revert back to the abutting landowner. MR. KUHN suggested that the Planning Commission not get involved, - that the problem is between the City of Wichita and City of Eastborough. MR. KUHN questioned whether or not Mr. Dekker had been briefed on the situation sufficiently prior to his opinion.

In the discussion it was brought out that a prescriptive right gives no title and that under the law, public rights-of-way ownership is in the Board of County Commissioners, and that control thereof is the responsibility of the City in which it is located, and in this particular case, the City of Wichita. MR. KUHN said that if the Planning Commission action is to reaffirm the previous action and remove all access, he would be entitled to file a quiet title suit which would have to be defended by the City Attorney.

TROUT suggested that if access is to be removed, then it might be wise to provide a buffer of "AA" zoning to the north of subject property. He felt that the zoning as approved for "B" Multiple Family by the Planning Commission was good zoning and that the proposed development is desirable but thought that good planning dictates that something be done to assure compatibility of the Multiple Family with the Single Family in Eastborough.

The Chairman asked the Attorneys involved if they felt the matter could be resolved by them. MR. KUHN said a step in the right direction would be for the applicant to confer with the City Council of Eastborough - that that body would be reasonable and that they prefer to have some idea of the quality of construction proposed.

MR. BELL said they are operating under a tight time table because of their contract with the developer, and pointed out again that at a recent meeting with the Mayor of Eastborough and other interested residents, the proposed use was discussed in detail and all information available at that time was submitted to the Eastborough representatives.

In the discussion it was brought out that at the time the zoning for "B" Multiple Family was approved, a proposed plat of subject property (Mackey Addition) was also considered and that the matter of access to Willowbrook Lane was not even raised at that time. The zoning and plat were not forwarded to the City Commission for consideration only because all requirements of the plat had not been submitted. It was pointed out that there is no objection to the zoning.

MOTION: HILL moved that the Planning Commission reaffirm its previous action, except that he did believe that access should be given to the Fire Department. This motion was not seconded.

GOEBEL felt the zoning recommendation should be forwarded as previously recommended by the Planning Commission, and let any controversy so far as access be between the City of Eastborough and the City of Wichita.

HILL did not see why the City of Wichita should become involved, in view of the City Attorney's opinion that the previous action was not really legal.

LAKIN indicated that the staff is prepared to do whatever the Commission directs so far as re-advertising for reconsideration of zoning, or with regard to the plat.

MR. BELL said it is not a matter of zoning, but only whether or not access to Willowbrook Lane (which the subdivider presently has) should be eliminated, even though the City of Eastborough does have authority to enact certain ordinances to result in control of traffic at this point. He pointed out that the plat could no doubt be altered to provide a street which would line up with Stratford Road and thus there would be no question concerning prescriptive rights.

LAKIN said that the general position is that streets in Eastborough are public rights-of-way and that any licensed vehicle is permitted. With respect to Mr. Dekker's opinion, LAKIN said that he had been appraised of the position of Eastborough with respect to prescriptive rights outside its city limits, etc., and that apparently from a legal standpoint the question is whether Eastborough or Wichita has prescriptive rights and right of control.

MOTION: HILL moved that the Planning Commission recommend to the City Commission that this plat be approved, subject to access control, except for a fire lane, and other requirements of the staff and Subdivision Committee. This motion was not seconded.

BRANSON pointed out that a law suit could result in considerable delay in the proposed development, and it appeared to him that the real reason for any controversy at this time was the possibility of traffic generated in a high density area being channeled into a narrow street, which was the reason he favored a less dense residential zoning for the northern part of subject property. He felt that some agreement might be reached by the persons involved if this application was deferred until the next meeting.

MR. BELL pointed out that no plans are available - his clients are very responsible developers and they are not going to have anything definite planned until it is certain the zoning and plat have been approved.

MRS. E. S. HUCUTT, a resident on Stratford Road, expressed concern for the proposed development on subject property, as well as that area to the east being developed by Rockwood, Incorporated, under a Community Unit Plan in that she did not think an automotive center would be compatible with the Eastborough residential area. She indicated concern of orderly development for the entire community - Wichita as well as Eastborough. She said she would not want to see subject property remain vacant but that it should be a development which would be compatible with the neighborhood.

PHIL F. FARHA, owner of the property under discussion, pointed out that the right of ingress and egress to Willowbrook Lane is important - that the only reasonable development for Lot 3 of Clayton Addition is for apartments to serve as a buffer between the residential area of Eastborough and the CUP farther east.

MR. FARHA continued that as a matter of economics, it is doubtful that the north portion of subject property could be developed for single family dwellings, in that such a use would be facing the CUP adjoining subject property on the east and, further, it is not possible to obtain financing for any development unless there is the right of ingress and egress at the northwest corner. He pointed out that if access is taken away then the only manner in which the north portion (Lot 3) can be developed would be in conjunction with Lots 1 and 2 facing Kellogg, or become a part of the CUP to the east, which, in his opinion, would definitely not be to the best interest of the residents of Eastborough.

MR. FARHA indicated that he would be willing for this matter to be deferred if there is some definite indication from the residents of Eastborough and the governing body thereof, that a fair hearing can be held.

MOTION: HILL moved, BRANSON seconded and it carried unanimously that this plat be

deferred until the meeting of April 21, 1966, to permit the persons concerned to meet in an effort to reach a compromise.

Deferred by Planning Commission

18. Case No. Z-0679 - Sherwood Construction Company, Inc. requests change from "AA" to "E" for property legally described as all that part of the N½ of the SE¼ of Section 17, Township 28, Range 1 East, lying west of the C.R.I. & P. Railway right-of-way and south of Riverside Drainage Canal, except beginning 203.6 feet east of the northwest corner of said SE¼; thence southeasterly 1187.05 feet; thence southwesterly 162.4 feet; thence west 393.5 feet; thence north 330.1 feet; thence northwesterly 720.25 feet; thence west 198.1 feet; thence north 25 feet to beginning. Generally located in an area north of 47th Street South between the Midland Valley and Rock Island Railroads.

GALBRAITH pointed out the area on the map and indicated that this application has been considered several times by the Planning Commission and once by the City Commission and was referred back by the City Commission on November 9, 1965, for further consideration by the Planning Commission. He indicated that the primary concern of the staff is the matter of ingress inasmuch as such would have to be via 43rd Street South and would traverse through a single family residential development. He indicated that it was the feeling of the staff that a change of zoning for subject area is premature until such time as there could be access to 47th Street and subject property and the property to the south being platted to provide for industrial size lots.

ROBERT H. NELSON, Attorney for the applicant, said that attempts have been made to obtain access through the property to the south, either through purchase or temporary easement, and that the railroad authorities (along the west side) have been contacted but nothing as to access to 47th Street has materialized.

HILL brought up the question of whether or not there was another access to subject property south of 43rd Street. The staff pointed out that the street south of 43rd stops at the railroad and there is no crossing.

It was mutually agreed by the Commission members that a "C" or "E" zoning classification would be reasonable, but only when proper access is provided to the major street. The Commissioners suggested that any time proper access could be assured, a zoning application would be looked upon with

15. S/D 66-5 - Final Plat of Clayton Addition, located on the north side of Kellogg adjacent to the east City Limits of Eastborough.

GALBRAITH pointed out that two years ago the Planning Commission recommended approval of "B" zoning for subject property, subject to platting. Platting at that time was not completed and now a new owner desires to plat and develop subject property. It was reported that access from subject property to Willowbrook Lane at the northwest corner has been questioned.

H. M. VAN AUKEN, Mayor of Eastborough, said that the people of Eastborough have long used Stratford and Willowbrook and would like to have continued access control at the intersection of these streets. He indicated that the City of Eastborough does not want additional traffic from Kellogg or generated from subject area to congest these streets. He asked those present who supported his statements to stand.

C. ROBERT BELL, Attorney for the subdivider, said that the northeast corner of subject property is somewhere in the middle of Willowbrook Lane and that the City of Eastborough has not acquired the property which they have been using as a street. The Attorney said that they believe access into their development from the north is necessary in order to provide proper circulation of traffic to their development. He pointed out that in considering the original plat (Mackey Addition) two years ago, no question was raised as to access, except that the Fire Department preferred to have access to Willowbrook Lane to facilitate fire fighting. In discussing subject plat with the Subdivision Committee, the Fire Department representative indicated that while they would prefer to have access, he did not consider it essential; MR. BELL stated that he and the developer do consider it essential and felt they were entitled to such access. He did not anticipate any great number of vehicles using this entrance, but felt they should not be limited to just access on Kellogg, where there is certain to be high concentration of traffic. He pointed out that there is a Commercial Community Unit Plan development to the east of subject property and that an east-west road to subject property is not contemplated in that development. When questioned, MR. BELL said that townhouses and apartments are contemplated on subject property.

CLIFFORD HUGH pointed out that there would be three access points to Kellogg from the service road, and further, if access is granted to the north, it will result in much more traffic from Kellogg and in addition, the traffic generated by the multi-family development proposed cutting through Eastborough.

HILL observed that if access at Willowbrook and Stratford is permitted, it would open up an area which has very narrow streets to additional through traffic, and while he was not in sympathy with Eastborough, he did not consider that it would be to the best public interest to allow access at the intersection, and he did not think there would be any problem to contain the traffic and circulation thereof within the proposed development.

TROUT spoke against encouraging through traffic to use Eastborough Streets. His concern was also the fact that a high density residential area would be adjacent to low density development.

MOTION: HILL moved, BLASER seconded and it carried unanimously that the Planning Commission recommend to the City Commission that this plat be approved, subject to:

1. The applicant providing a sidewalk adjacent to the north side of Kellogg Drive.
2. The applicant complying with one of the five adopted methods of guaranteeing the installation and financing of sidewalks prior to the forwarding of the plat to the Board of City Commissioners, the total construction cost to be in the amount of \$600.
3. The applicant paving the interior fire lane easement to City specifications or posting a corporate performance bond guaranteeing its construction prior to the forwarding of the plat to the Board of City Commissioners, the construction cost to be determined by the City Engineer.
4. The north line of Kellogg Drive being extended to the west line of the plat as a solid line.
5. The plattor's text being changed to read: "The street, drive and Willow Brook Road are hereby granted to the public."
6. The engineer contacting the Engineering Division of the Department of Public Works to clarify the discrepancy of the street right-of-way for Willow Brook Road not being in line with the street right-of-way established on the lot adjoining to the west as designated in the plat of Eastborough 3rd Addition.
7. The plat reflecting adequate engineering data in:

- the northwest corner: dimensions for Willow Brook Road, radius, angles, etc.
8. Labeling the 5-foot utility easement adjacent to the north and northwest lines of Lot 3.
 9. The block irons being indicated on the face of the plat.
 10. The plat's text being changed to read: "Easements for the construction and maintenance of public utilities and fire lane easements and access roads as indicated, are hereby dedicated to the public."
 11. The applicant granting complete access control adjacent to Willow Brook Road and Stratford Road to the public and the proper notation being made on the face of the plat and in the plat's text.
 12. Recording within 30 days after approval by the Board of City Commissioners.
-

ZONING

Deferred by Planning Commission

16. Case No. DP-13 - Builders, Inc. requests approval of Kingsborough Residential Community Unit Plan for all lots and blocks in Builders Seventeenth Addition. Generally located between Sheridan and Meridian and between 33rd Street South and the Protection Drainage Ditch.

LAKIN pointed out the area on the map and reviewed the following staff report:

History: Vacation Case V-0368 - MAPC approved 2-3-66
BCC approved 2-15-66

Zone Case Z-0749 - "AA" to "RB"
MAPC recommended that "RB" be denied and that "A" be approved, subject to the approval of a residential Community Unit Plan - 2-17-66

Comments

1. As permitted under the Residential Community Unit Plan regulations in the zoning ordinance, a developer has submitted a preliminary development plan to the Planning

2. At such time as 11th Street Court is petitioned to be opened, it shall also be petitioned to be paved because of the existing drainage problem.
3. The applicant providing sidewalks adjacent to the south side of 13th Street, the east side of Sheridan, and the east side of 11th Street Court, including the cul-de-sac.
4. The applicant complying with one of the five adopted methods of guaranteeing the installation and financing of sidewalks prior to the forwarding of the plat to the Board of City Commissioners; the total construction cost to be in the amount of \$1115. It is recommended that sidewalk petitions be accepted for 11th Street Court.
5. The applicant submitting restrictive covenants to ensure that a 6-foot high solid masonry wall, wood, or louvered redwood fence shall be erected within one-foot of the south property line of Lot 2 to ensure some protection for the residential properties to the south. Such covenants shall be between the properties in question and all other properties within 200 feet of subject property.
6. The applicant contacting the Flood Control Division of the Department of Public Works and making satisfactory arrangements for drainage from Lot 2 to the south and obtaining a letter from them stating that satisfactory arrangements have been made. A copy of this letter shall be filed with the Planning Department prior to this plat being forwarded to the Board of City Commissioners.
7. Recording within 30 days after approval by the Board of City Commissioners.

-
9. S/D 66-25 - Final Plat of Clayton Addition, located on the north side of Kellogg adjacent to the east City Limits of Eastborough.

WILLIAMSON outlined the area on the map and stated that sidewalks would be required adjacent to the north side of Kellogg

Drive. He pointed out that the fire lane easement should be paved or a bond submitted prior to this plat being forwarded to the City Commission. WILLIAMSON stated that a letter had been filed from the City of Eastborough requesting that complete access control be granted from the plat to Willowbrook Drive and Stratford Road.

LAKIN stated that the last sentence of the dedication statement should be changed to read "hereby granted to the public".

DON MOEHRING, engineer for the applicant, stated that the street right-of-way for Willowbrook Road which is not in line with the right-of-way established on the lot adjoining to the west will be corrected.

MOEHRING stated, regarding access control on Willowbrook Drive and Stratford Road, that his client proposes to have access to these streets. He pointed out that Willowbrook Drive encroaches on his clients property with no right-of-way agreement and that the City of Eastborough should not be allowed to deny access. He stated that access is planned at this point to give the Fire Department access.

LAKIN asked if this access was for Fire Department use only or for the use of the public.

MOEHRING stated that this is primarily for Fire Department use but it would also be used by the public.

CLIFFORD PUGH, representing the City of Eastborough, requested that the intersection of Stratford and Millwood be granted access control. He stated that the blacktop was installed in 1920. PUGH understood that apartments are intended for this property and stated that if this high density development occurs and is allowed to have access at the northwest corner of the plat, it would generate traffic through the City of Eastborough.

C. ROBERT BELL, attorney for the applicant, pointed out that this street is located on his client's property but stated that he is willing to dedicate the street right-of-way to line up with existing rights-of-way. He stated that the applicant has had access up to this time and would like to continue to do so. He stated that access is necessary at this point for the proper circulation of this property and pointed out that the Fire Department had indicated a need for access.

PUGH stated that the use of the right-of-way for 15 years allows Eastborough title to that property.

BELL stated that he was aware of the Statute limitation but stated that this does not include access rights.

LAKIN pointed out that there is nothing in the letters of approval on the last plat nor did he remember any discussion held on this particular matter in the past by the Subdivision Committee.

TROUT stated that he was not aware of any discussion on this point prior to this time.

ROBERT SIMPSON, Wichita Fire Department, stated that when this plat was first discussed a fire lane easement had been requested and that an access road would be desirable. He did not feel that this plat would be adequate without access from the north.

TROUT stated that if the Planning Commission should determine that this access would be detrimental to the adjacent property owners, then access should be limited and controlled. He suggested that this plat be approved and forwarded to the Planning Commission for a determination as to whether access control should be granted adjacent to the north property line.

M. S. MITCHELL, Flood Control, stated that the discussion on the drainage pipe from Eastborough 3rd Addition was held at the Preliminary Plat hearing and that an oral agreement had been made regarding this matter.

MOEHRING stated that drainage is to be to the west side of the plat as discussed with Mr. Mitchell.

MOTION: It was moved, seconded and carried unanimously that the Subdivision Committee forward this plat to the Planning Commission for a determination as to whether complete access control should be granted from the plat to Willowbrook Drive and Stratford Road, with the recommendation that this plat be approved subject to:

1. The applicant providing a sidewalk adjacent to the north side of Kellogg Drive.

2. The applicant complying with one of the five adopted methods of guaranteeing the installation and financing of sidewalks prior to the forwarding of the plat to the Board of City Commissioners; the total construction cost to be in the amount of \$600.
 3. The applicant paving the interior fire lane easement to City specifications or posting a corporate performance bond guaranteeing its construction prior to the forwarding of the plat to the Board of City Commissioners, the construction cost to be determined by the City Engineer.
 4. The north line of Kellogg being extended to the west line of the plat as a solid line.
 5. The plat's text being changed to read: "The street, drive, and Willowbrook Drive are hereby granted to the public".
 6. The engineer contacting the Engineering Division of the Department of Public Works to clarify the discrepancy of the street right-of-way for Willowbrook Drive not being in line with the street right-of-way established on the lot adjoining to the west as designated in the plat of Eastborough 3rd Addition.
 7. The plat reflecting adequate engineering data in the northwest corner; dimensions for Willowbrook Drive; radius; angles, etc.
 8. Labeling the 5-foot utility easement adjacent to the north and northwest lines of Lot 3.
 9. The block irons being indicated on the face of the plat.
 10. The plat's text being changed to read: "Easements for the construction and maintenance of public utilities and fire lane easements and access roads as indicated are hereby granted to the public".
 11. Recording within 30 days after approval by the Board of City Commissioners.
-

2. The applicant providing a sidewalk adjacent to the north line of 13th Street.
3. The applicant complying with one of the five adopted methods of guaranteeing the installation and financing of sidewalks prior to forwarding of the plat to the Board of City Commissioners; the total construction cost to be in the amount of \$235.
4. Indicating a 20-foot building setback line adjacent to 13th Street.
5. Requirements for a Final Plat (see Pages 4 and 5 of the Subdivision Rules and Regulations).

-
14. S/D 66-25 - Preliminary Plat of Clayton Addition, located on the north side of Kellogg adjacent to the east City Limits of Eastborough.

GALBRAITH outlined the area and recommended approval of the plat.

DON MOEHRING, engineer for the applicant, stated that he proposed a 25-foot fire lane easement.

GEORGE ECKNOR, Gas Service Company, requested an 8-foot utility easement adjacent to the east property line.

DICK LINN, City Engineering, requested a 10-foot utility easement adjacent to the front line of the property.

MOTION: It was moved, seconded and carried unanimously that the Subdivision Committee approve the Preliminary Plat and authorize preparation of the Final Plat subject to:

1. The applicant labelling clearly that area to be utilized for fire lane easement if it is intended to construct carports along the outer perimeter of the access road surrounding Lot 3.

2. The applicant providing a sidewalk adjacent to the north side of Kellogg Drive.
3. The applicant complying with one of the five adopted methods of guaranteeing the installation and financing of sidewalks prior to forwarding of the plat to the Board of City Commissioners; the total construction cost to be in the amount of \$600.
4. The applicant paving the interior fire lane easement to city specifications or post a corporate performance bond guaranteeing its construction prior to forwarding of the plat to the Board of City Commissioners; the construction cost to be determined by the City Engineer.
5. Indicating a 35-foot building setback adjacent to Kellogg Drive.
6. Requirements for a Final Plat (see Pages 4 and 5 of the Subdivision Rules and Regulations).

Meeting adjourned at 3:00 p.m.

W. Harold Mooney
Chairman

SUBPOENA

RECEIVED
SHERIFF'S DEPARTMENT
SEDGWICK COUNTY, KANSAS
Case Number **C-9290-88**
FEB 7 1967
Div. 1

The State of Kansas }
Sedgwick County } stc
THE STATE OF KANSAS

C. BICKLEY FOSTER
2818 North Edwards
Wichita, Kansas

WE COMMAND YOU to be and appear in your own proper person before the Judge of Division No. 1, of the District Court of the County of Sedgwick, at the Court House in Wichita, County of Sedgwick, on the 16th day of February, 19 67 at 9:30 o'clock A M., of that day, then and there to testify on behalf of the plaintiff in a certain controversy now pending and undetermined in said court, wherein Eastborough Corporation, Inc. is plaintiff and City of Eastborough, Is defendant, and this do you in nowise omit under the penalty of the law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office in Wichita, this 7th day of February, A. D. 1967.

DOROTHY I. VAN ARSDALE
Clerk

(SEAL)

Atty. for Plaintiff

Betty Campbell
Deputy Clerk.

SHERIFF'S RETURN

Received this writ _____, 19____ Served the same by delivering a certified copy to each person named personally, at the times following, to-wit:

_____	19	_____	19
_____	19	_____	19
_____	19	_____	19
_____	19	_____	19

Served the same by leaving a copy thereof at the usual place of residence, at the times following, to-wit:

_____	19	_____	19
_____	19	_____	19
_____	19	_____	19

The following persons not found in Sedgwick County:

_____	19	_____	19
_____	19	_____	19

Serving first person \$ _____
 Serving _____ copies _____
 Not found ----- _____
 Mileage _____ at 7c _____
 TOTAL - - \$ _____

SHERIFF

DEPUTY

May 1, 1968

Russell E. McClure, City Manager
Jack H. Galbraith, Senior Planner

S/D 66-25 Clayton Addition

The above captioned plat was approved by the Metropolitan Area Planning Commission on March 17, 1966, and by the Board of City Commissioners on May 10, 1966. One of the conditions of approval was that the applicant guarantee the construction of sidewalks on the north side of Kellogg Drive, in the amount of \$600, within two years. Our file indicates that a performance bond was submitted, signed by Phillip F. Farha and Charles W. Black, for the St. Paul Fire and Marine Insurance Company, guaranteeing that sidewalks would be constructed on or before April 21, 1968, in accordance with City specifications.

Since the two-year guarantee has recently expired, the applicant has submitted a valid sidewalk petition in lieu of the past bond. Attached is the petition which should be placed on the City Manager's agenda for formal approval by the Board of City Commissioners at their regular meeting on May 7, 1968, with the cost of the publication of the resolution being billed to the applicant.

A copy of this memorandum is being sent to the City Clerk, and at such time as the Commission takes action on the petition, the original bond which is being held by the Clerk may be cancelled upon request from the applicant to that 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:JDG:vp

Attachment

cc: Ralph C. Eberly
City Clerk

Phillip F. Farha
4601 East Douglas
Wichita, Kansas 67218

Charles W. Black
Central Building
Wichita, Kansas 67202

4-3-68
Mr. Farha called and
prefers to execute petition
as development has not occurred
J.H.S.

April 2, 1968

Mr. Philip F. Farha
4601 East Douglas
Wichita, Kansas 67218

Subject: S/D 66-25 - Clayton Addition

Dear Mr. Farha:

As you will recall, the above-captioned plat was approved by the Metropolitan Area Planning Commission on April 21, 1966, and by the Board of City Commissioners on May 10, 1966. One of the conditions of approval was that the applicant guarantee the construction of sidewalks on the north side of Kellogg Drive, in the amount of \$600, within two years. Our file indicates that a performance bond was submitted, signed by you and Charles W. Black, for the St. Paul Fire and Marine Insurance Company, guaranteeing that sidewalks would be constructed on or before April 21, 1968, 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 your intent to fulfill this requirement of platting.

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:js

cc: Charles W. Black
Central Bldg.

J

January
31
1967

Mr. Jack H. Galbraith, Senior Planner
Wichita-Sedgwick County
Metropolitan Area Planning Department
Wichita City Hall
Wichita, Kansas

Re: Release Performance Bond - Clayton Addition
(S/D 66-25)

Dear Mr. Galbraith:

Thank you for the copy of your inter-office memo directed to the
City Clerk dated January 20th, re the above plat.

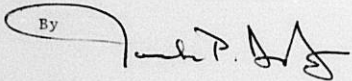
I believe, Sir, the Bond in reference was issued by the Continental
Casualty Company and was a bond replacing the original one which was
issued by the St. Paul Fire & Marine.

I would appreciate it if you could follow this through. Thank you.

Yours truly,

COUNTRY HOMES OF KALAMAZOO

By



Jack P. DeBoer
lm

OK
see letter from
City Clerk 1-31-67
JDS



January 31, 1967

Country Homes of Kalamazoo
Att: Mr. Jack P. DeBoer
115 West Crosstown Parkway
Kalamazoo, Michigan

Re: Your letter of January 4, 1967
Office of the City Attorney
City of Wichita, Wichita, Kansas

Dear Sir:

At the meeting of the Board of Commissioners held on January 24, 1967 Planning Department advised that the Performance Bond of Eastborough Corporation, Inc., written in the Continental Casualty Company, in the amount of \$17,596.00, dated May 5, 1966, filed in connection with construction of a fire lane in Clayton Addition (S/D 66-25), should be released because the fire lane has been paved to the satisfaction of the Fire Department.

By formal action of the Commission the notice of cancellation was ordered received and filed, however the City Attorney advised that the bond could not be returned.

Yours very truly,

Ralph C. Eberly,
City Clerk

ifj

COMMISSION MEETING
January 24, 1967

CITY CLERK'S AGENDA

1. Report of the Board of Bids and Contracts on bids received on January 23, 1967.

ACTION: Approve and file.

2. BOND AND CONTRACT:

W. B. Carter Construction Company, Inc.
Approved as to form by the City Attorney.

ACTION: Approve and file and authorize the Mayor to sign the contract for the City of Wichita.

3. BONDS:

d/b/a Farmer, Harter & Farmer
Drain Layer's Bond of Paul H. Farmer, Marvin F. Harter & Joseph P. Farmer,
Public Official Bond of Jack Clifford William Clark
Wrecking Bond of Virgle Jones
Approved as to form by the City Attorney.

ACTION: Receive and file.

4. RELEASE OF DEVELOPMENT BONDS:

Request from M & B Investment, Inc. for release of Development Bonds submitted by them guaranteeing payment of special assessments in connection with construction of Lateral 7, Westlink Sewer, in the amount of \$8,000.00 and paving Murray Court from EL of Murray Ave. to and including Cul-de-sac, in the amount of \$8,100.00, each dated April 18, 1966.

City Engineer reports that sufficient development has occurred within the improvement districts to permit release of the bonds.

ACTION: Approve release of the bonds.

5. NOTICES OF CANCELLATION:

Performance Bond of Eastborough Corporation, Inc., filed in connection with construction of fire lane in Clayton Addition (S/D 66-25)
Gas Fitter's Bond of G. D. Webb
Electrician's Bond of Loper Electric Co., Inc. and Commercial-Industrial Electrical Contractors, Inc.

ACTION: Receive and file.

6. CERTIFICATES OF INSURANCE:

Wichita-Sedgwick County Civil Defense Council, filed in connection with all members of Defense Council Program (including Auxiliary Policemen and Auxiliary Firemen)

One Twenty Building, Inc., filed in connection with permit to use space under sidewalk for storage at 120 Market Street

Metropolitan Transportation, Inc., filed in connection with ambulance operations in the City of Wichita covering excess automobile bodily injury and property damage liability

Wichita House & Window Cleaning Co., Inc., filed in connection with window cleaning operations

The United House & Window Cleaning Co., filed in connection with window cleaning operations

Unified School District 259, Sedgwick County, Kansas, filed in connection with Minor Street Privilege Permit No. 288

ACTION: Receive and file.

January 20, 1967

Ralph C. Eberly, City Clerk
Jack H. Galbraith, Senior Planner

Release or cancellation of performance bond

Attached are copies of letters from Jack DeBoer of Country Homes of Kalamazoo and John Dekker, Director of Law, regarding a bond which was submitted as a condition of approval of Clayton Addition (S/D 66-25).

On May 10, 1966, the Board of City Commissioners approved the above-mentioned case, and in their action instructed the City Clerk to receive and file the performance bonds guaranteeing the construction of sidewalks and the paving of an interior fire lane easement. The fire lane has now been paved to the satisfaction of the Fire Department and the matter may be placed on the City Clerk's agenda to arrange for the cancellation of that bond only. Said bond was issued through St. Paul Fire and Marine Insurance Company for the Principal, Philip F. Farha, and was for the sum of \$17,595.

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

JHG:JDG:bgs

Attachments

cc: Country Homes of Kalamazoo
Att: Mr. Jack P. DeBoer
116 West Crosstown Parkway
Kalamazoo, Michigan

Mr. Philip F. Farha
4601 East Douglas
Wichita, Kansas

*new bonds were
submitted with
Eastborough Co., Inc.
as Principal.*

THE CITY OF WICHITA
OFFICE OF Fire Department

DATE January 13, 1967

TO : Jack Galbreath, Metropolitan Planning

FROM : T. A. McGaughey, Fire Chief

SUBJECT Fire Lane Paving

The fire lane easement in the Cloyton addition has been paved to the satisfaction of the Fire Department.

T. A. McGaughey
T. A. McGaughey
Fire Chief

TAM/fac



ROUTE SLIP
(Please Circle Destination)

City Manager	Ret. & Group Ins.	Dir. Public Works
Exec. Asst. to C.M.	Treasury	Administrative
Director of Admin.	Civil Defense	Central Insp.
Auditing	Fire Dept.	Engineering
Budget	Health Dept.	Maintenance
Central Data Processing	Law Dept.	Sanitation
Civic Auditorium	Library	Traffic Engr.
Comm. Relations	Park Dept.	Urban Renewal
Debt. Adm. & Inv.	Planning Dept.	Water Dept.
City Clerk	Police Dept.	Water Poll. Control
Personnel	Police Court	
Purchasing		
Duplicating		

For Galbraith

For your information Reply sending me _____ copies

For your comments Prepare reply for my signature

For your recommendation You handle. No report required

Note and return

MESSAGE

*This is a hand to Planning
Garcia.*

SIGNED _____
000-013

DATE 1-11

THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE January 9, 1967

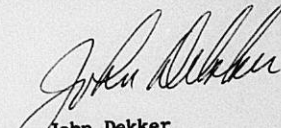
TO B. E. Smith, City Engineer
FROM John Dekker, Director of Law

SUBJECT Paving of Fire Lane Easements
Eastborough Apartment Project

Attached hereto is a copy of a letter from Jack DeBoer of Country Homes of Kalamazoo regarding the bond for the captioned project.

If the fire lane has been installed, as indicated in Mr. DeBoer's letter, we should place this on the City Clerk's agenda for release of the bond. We cannot, however, return the bond.

Will you please check this matter out and reply to Mr. DeBoer.


John Dekker
Director of Law

JD:cr
Attachment



J

800
BROWN
BLDG

January
4
1967

Office of the City Attorney
City of Wichita
Wichita, Kansas

Dear Sir:

In May of 1965, Eastborough Corporation, Inc., provided a performance Bond by the Continental Casualty Company to guarantee the paving of fire lane easements in the Eastborough Apartment project at 7000 E. Kellogg.

These improvements have now been completed in accordance with the plans and specifications, and I would appreciate it if you could release the Bond at this time. I believe that a letter from you stating that the road has been installed in accordance with the City of Wichita's requirements would be suitable, or it might be well to return the original copy of the Bond to us.

I would appreciate it if these documents could be mailed directly to my Kalamazoo office at 116 W. Crosstown Parkway, Kalamazoo, Michigan, attention of Jack P. DeBoer.

If you require anything further from me, or if there is any problem in the matter, I would appreciate it if you would contact either myself or my representative, Mr. Jerry Gaddis, in Wichita, at MU 2-4631.

Yours truly,

COUNTRY HOMES OF KALAMAZOO

By *Jack P. DeBoer*
jm

Jack P. DeBoer
jm



City Manager

June 22, 1966

John Dekker, Director of Law

Russell E. McClure, City Manager

Princh

Eastborough Corporation, Inc. vs
City of Eastborough

The subject lawsuit was discussed informally with the City Commissioners on June 21, 1966, at which time it was indicated that the City of Wichita did not desire to intervene into the suit.

REM:fjb

cc: Ralph Wuls, Director of Public Works
T. A. McGaughey, Fire Chief
E. M. Pond, Chief of Police
W. Bickley Foster, Director of Planning



Fire Department

June 20, 1966

John Dekker, Director of Law

T. A. McGaughey, Fire Chief

Eastborough Corporation, Inc.
vs. City of Eastborough

This department recommended to the Metropolitan Planning Commission that Willowbrook Lane not be vacated because we need a second means of access into the area. However, we do not object to a gate or chain being placed across the Street to prohibit unnecessary traffic, provided a break-away lock is used and fire apparatus can use the Street after breaking the lock.

T.A.M.
T. A. McGaughey
Fire Chief



TAM:p

cc: E. M. Pond, Chief of Police
Ralph Wuls, Director of Public Works
C. Bickley Foster, Director of Planning ✓

THE CITY OF WICHITA

OFFICE OF DIRECTOR OF PUBLIC WORKS DATE June 20, 1966

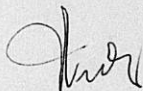
*File
Clayton
adlr*

TO John Dekker, Director of Law

FROM Ralph Wuls, Director of Public Works

SUBJECT Eastborough Corporation, Inc.
vs. City of Eastborough

I have discussed the contents of your memorandum of June 16, 1966 and the attachments thereto with the Traffic Engineer and we are of the opinion that we would not wish to recommend that the City intervene in this suit. It would appear that it would be somewhat more convenient for tenants of the proposed development to use Willowbrook Lane for access to this property. I can also see how Eastborough residents would object to this type of use. From our standpoint, we feel that access to the Kellogg frontage road would be adequate and would not create a traffic hazard or any particular congestion in the area.



Ralph Wuls
Director of Public Works

RW:jh

cc: Russell E. McClure, City Manager
T. A. McGaughey, Fire Chief
E. M. Pond, Chief of Police
C. Bickley Foster, Director of Planning ✓



WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

June 17, 1966

TO Russell E. McClure, City Manager
FROM Robert A. Lakin, Assistant Planning Director
SUBJECT Eastborough Corporation, Inc.
vs. City of Eastborough

It is our opinion that the City should enter into this law suit inasmuch as the Metropolitan Area Planning Commission and the City Commission approved a plat, the design of which was predicated on access being made available at the north end of this site. Although the merits of requiring or not requiring access at this point from a land use utilization standpoint (re: traffic generation from multiple family units as opposed to single access from Kellogg), there is the fact that there is a definite need for access for fire protection purposes, as advised in previous discussions with the Fire Department people.

I notice that the action by the City of Eastborough was taken the day after the City Commission approved the plat and it would seem that it is obvious that there was an attempt to circumvent the action of the governing body of the City of Wichita and the Metropolitan Area Planning Commission rather than for the reasons stated in their ordinance. I also note, for Mr. Dekker's information, that in the second "whereas" of the ordinance, Eastborough alleges that their action corrects an error of having their city street encroach on private property. This is no longer so as once the plat was approved, there was granted a city street within the City of Wichita, immediately adjacent and abutting to that in Eastborough and for Eastborough to enclose such street and move it away from where that street exists within the City of Wichita would be tantamount to erecting a fence down the middle of Woodlawn. Again, we suggest that the City protect its right for fire access and of public access across a platted City of Wichita street.

RAL:ber

cc: John Dekker, Director of Law
T. A. McGaughey, Fire Chief
E. M. Ponds, Chief of Police
Ralph Wulz, Director of Public Works

*Not sent
ABC
CBF not in
full compliance -
BCC made
decision not
to intervene
before more
could be
retired
are debatable*

THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE June 16, 1966

TO Russell E. McClure, City Manager
FROM John Dekker, Director of Law

SUBJECT Eastborough Corporation, Inc.
vs. City of Eastborough

Attached hereto is a letter which I have received from C. Robert Bell, of the firm Morris, Laing, Evans & Brock, Attorneys at Law, together with a Petition in the captioned lawsuit.

As you will note from Mr. Bell's letter, they are inquiring if the City of Wichita would like to intervene in this suit. This question arises by reason of the lack of access to the plaintiff's property in the event of an emergency, i.e., fire, etc.

By a copy of this memorandum, I am asking the Fire Chief, Police Chief, Director of Public Works and the Director of the Planning Department for their comments and recommendations.

An immediate reply is requested.

John Dekker
Director of Law

JDier
Attachments

cc: T. A. McCaughey, Fire Chief
E. M. Foad, Chief of Police
Ralph Wuls, Director of Public Works
✓ C. Bickley Foster, Director of Planning



LAW OFFICES OF
MORRIS, LAING, EVANS & BROCK
214 FIRST FEDERAL SAVINGS BUILDING
123 SOUTH MARKET STREET
WICHITA, KANSAS 67202

June 13, 1966

LESTER L. MORRIS
VERNE H. LAING
FERD E. EVANS, JR.
RALPH R. BROCK
JOSEPH W. KENNEDY
C. ROBERT BELL
ROBERT L. DRISCOLL



Mr. John Dekker
800 Brown Building
Wichita, Kansas

Re: Eastborough Corporation, Inc. v.
City of Eastborough

Dear John:

Enclosed herewith is a copy of the Petition and a copy of Order Setting Request for Temporary Injunction for Hearing. This is the matter I discussed with you the other day and I am sending you a copy of the Petition in the event you might wish to cause the City of Wichita to intervene in this case due to the fact that a street within the city limits of the City of Wichita has been barricaded and rendered useless by the action of the City of Eastborough and by virtue of the Wichita Fire Department's expressed desire to have access to the plaintiff's property from this point in the City of Eastborough for fire protection reasons.

Very truly yours,

C. Robert Bell of
MORRIS, LAING, EVANS & BROCK

CRB/pf
encl.

MORRIS, LAING, EVANS & BROCK
214 First Federal Savings Building
Wichita, Kansas, 67202
AWherst 4-2841

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

EASTBOROUGH CORPORATION, INC.,

Plaintiff,

Case No. C-9290-66

-v-

Div. No. 1

CITY OF EASTBOROUGH,

Defendant.

P E T I T I O N

COMES NOW the plaintiff and for its cause of action herein
alleges and states as follows:

1. Plaintiff is a Kansas corporation having its principal place
of business at 150 North Oliver, Wichita, Sedgwick County, Kansas. Defendant
is a municipal corporation and is a City of the third class.

2. Plaintiff is the owner of Lot 3, Block A, Clayton Addition
to the City of Wichita, Sedgwick County, Kansas.

3. That on the 10th day of February, 1966, plaintiff's immediate
predecessor in title made application for approval of the plat of Clayton
Addition to the Wichita Sedgwick County Metropolitan Area Planning Commission,
which commission notified the defendant of said application, and numerous
hearings were held before said Wichita Sedgwick County Metropolitan Area
Planning Commission at which the defendant's officers, representatives, agents
and employees were present and wherein the latter requested removal of access
to the plaintiff's land for the sole reason that failure to do so would cause
increased traffic on the streets of the defendant City. The Wichita Sedgwick
County Metropolitan Area Planning Commission approved said plat on the 21st
day of April, 1966. The said plat of Clayton Addition became final on the
18th day of May, 1966.

4. On May 21, 1966, the defendant caused to be published in The Democrat, a purported ordinance, a copy of which is attached hereto, labeled, "Exhibit A", and incorporated herein by this reference, by which ordinance the defendant City purported to "annul and discontinue a portion of Willowbrook Road lying between Drury Lane and Stratford Street at a point north of and at another point west of the lines where the presently-traveled portion encroaches upon private property not within the city limits of Eastborough."

5. On May 21, 1966, the defendant erected barricades, one of which is parallel to the extension of plaintiff's north boundary line and completely obstructing the paved portion of Willowbrook Lane or Stratford Street, as the case may be, at said point, and one of which is parallel to the plaintiff's west boundary as extended and completely blocks the traveled portion of Willowbrook Lane at said point.

6. Willowbrook Lane and Stratford Street have been dedicated ways since July 23, 1929, as to the portion thereof within the defendant City. The portion dedicated on the plat of Clayton Addition was effectively so dedicated on May 18, 1965, and prior to said time had been used continuously by the general traveling public and a portion thereof had been paved and improved by the defendant City.

7. That the defendant is estopped from adopting the purported ordinance and erecting the barricades, all as set forth above in paragraphs 4 and 5, by virtue of its acquiescence in the April 21, 1966 ruling of the Wichita Sedgwick County Metropolitan Area Planning Commission, and by virtue of its failure to appeal therefrom within the time allowed by law.

8. Defendant's actions in purportedly adopting the aforesaid ordinance and in erecting the aforesaid barriers were arbitrary, unreasonable, capricious, discriminatory, ultra vires the municipal corporation, constituted a breach of its trust to the general public and were an abuse of the defendant's discretion.

9. That defendant in its purported adoption of said ordinance failed to comply with the statutes of the State of Kansas relevant thereto.

10. Defendant's action in erecting said barricades and adopting said ordinance caused greater damage to the plaintiff than to other members of the general public because said acts deprived the plaintiff of access to its property. By reason of said deprivation plaintiff has been damaged in the amount of \$500,000.00.

11. That plaintiff has filed claims with the defendant in conformity with K.S.A. 15-418 and K.S.A. 12-105 prior to the institution of this action and that defendant has failed, refused and neglected to act upon said claims.

WHEREFORE, plaintiff prays for temporary and permanent injunctions restraining the defendant, its officers, agents and employees, from obstructing Willowbrook Road and Stratford Street, and for a judgment declaring defendant's pretended ordinance null and void; for a judgment holding that the defendant is estopped from enforcing the aforesaid purported ordinance and from erecting and maintaining the aforesaid barricades; or in the alternative plaintiff prays for judgment for its damages sustained by the defendant's taking of its access in the amount of \$500,000.00, and for its costs herein and such other and further relief as to the court may seem just and equitable.

MORRIS, LAING, EVANS & BROCK

BY _____

Attorneys for Plaintiff

(Published in The Democrat
May 21, 1936)
ORDINANCE NO. 525

BY THE
CITY OF EASTBOROUGH
An Ordinance Authorizing the Annulment and discontinuance of a portion of Willowbrook Road between Drury Lane and Stratford; and Determining that such Annulment is Necessary and Expedient for the Public Safety and Welfare; and for the Purpose of Correcting an existing error by Discontinuing the Use and Maintenance of that Portion of said Street which is Outside the City Limits of Eastborough.

WHEREAS, it recently came to the attention of the governing body of the City of Eastborough that a small portion of the paved surface of Willowbrook Road between Drury Lane and Stratford was outside of the City limits and that it encroached upon private property lying outside said city limits; and at the point of a "blind curve" thereon which is dangerous to travel; and

WHEREAS, said portion of Willowbrook Road is located at a "blind curve" and constitutes a hazard dangerous to travel; that to class, annul and discontinue a small portion of said street would not interfere with the ingress and egress of the owners of city lots in said area; but that it would correct the existing error of having said portion of said city street encroaching upon private property; and would also eliminate a dangerous "blind curve," thus promoting the public welfare and safety of the citizens of Eastborough and the public generally;

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Eastborough, a Third Class City within Sedgewick County, Kansas:

SECTION 1: It is hereby declared to be a public necessity, expediency and convenience and to be in the interest of the public welfare and safety to annul and discontinue a portion of Willowbrook Road lying between Drury Lane and Stratford Street at a point north of and at another point west of the lines where the presently-traveled portion encroaches upon private property not within the city limits of Eastborough.

SECTION 2: That the portion of Willowbrook Road and Stratford to be annulled and discontinued as a street be described as follows:

Beginning at the intersection of the South line of Willowbrook Road and the East line of Lot 1, Block DZ, as platted in Eastborough Third Addition, Sedgewick County, Kansas, thence North along the extended East line of said Lot 1, 47 feet more or less to a point 120 feet North of the South line of the Southwest Quarter (SW¹/₄) of Section 12, Township 27 South, Range 3 East, thence East parallel with the South line of said Quarter Section 123.33 feet to the Southwest corner of Lot 2, Block U, in said Addition, thence North along the West line of said lot 32½ feet, thence Northwesterly along a line which is radial to the Easterly line of Block T in said Addition (radius of 254 feet), a distance of 132 feet more or less to the Easterly line of Lot 7 in said Block T, thence Southwesterly along the Easterly line of Lot 7 and the Southerly line of Lot 13 and along a curve having a radius of 254 feet a distance of 135 feet, thence Southeasterly along a line radial to the last described curve a distance of 70 feet to a point on the Northerly line of Lot 1 in said Block DZ, thence Northeasterly along the North line of said Block DZ and along a curve having a radius of 364 feet a distance of 62 feet more or less to the place of beginning.

SECTION 3: That the Mayor of said city having caused a survey to be made, be and he is hereby authorized to arrange for the necessary improvements, closing, and the erection of proper and sufficient warning signs, "dead end" barriers and reflector signals.

SECTION 4: This ordinance shall take effect and be in force from and after its publication once in "The Democrat," a newspaper designated as an official publication.

APPROVED AND PASSED this 16th day of May 1936.

H. M. VANAUKEN,

Mayor.

Attest: — (SEAL)
GERTRUDE SWENDEL,
Assistant City Clerk.

CRB/cs
6-7-66
3-1

MORRIS, LAING, EVANS & BROCK
214 First Federal Savings Building
Wichita, Kansas, 67202
AMherst 4-2841

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

EASTBOROUGH CORPORATION, INC.,

Plaintiff,)

Case No. 0-9290-66

-v-

Div. No. 1

CITY OF EASTBOROUGH,

Defendant.)

ORDER SETTING REQUEST FOR TEMPORARY
INJUNCTION FOR HEARING

NOW on this 12th day of June, 1966, this matter comes regularly on for hearing upon the application of the plaintiff herein for a temporary injunction enjoining the defendant, its officers, agents and employees from obstructing Willowbrook Road and Stratford Street, and ordering the removal of the barricades thereon. The court after examining the file and being duly advised in the premises finds that this matter should be set for hearing on the 15th day of June, 1966, and that the defendant herein should be notified of said setting by service of a certified copy of this Order by the Sheriff of Sedgwick County, Kansas.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that the plaintiff's request for temporary injunction enjoining the defendant, its officers, agents and employees from obstructing Willowbrook Road and Stratford Street and ordering the removal of the barricades thereon, is hereby set for hearing at 9:00 o'clock A. M., on the 15th day of June, 1966, in Division 1 of the District Court of Sedgwick County, Kansas, and

IT IS BY THE COURT FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED that the defendant be given notice of said hearing by service of a certified copy of this Order by the Sheriff of Sedgwick County, Kansas and the said Sheriff is directed to make said service and make due return.

APPROVED:

MORRIS, LAING, EVANS & BROCK

JUDGE

BY _____
C. Robert Bell
Attorneys for Plaintiff

SUBDIVISION REPORT

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

Subdivision Approval

S/D Number: **66-25** Name: **Clayton Addition**
 Application Filed: **2-14-66** Sketch Filed: **N/A**
 Preliminary Plat Filed: **2-14-66** Approved by S/D: **2-24-66**
 Final Plat Filed: **2-28-66** Approved by S/D: **3-10-66**
 Approved by Metropolitan Area Planning Commission: **4-21-66**

DESCRIPTION

General Location: **North side of Kellogg adjacent to the east city limits of Eastborough**

Owner: **Philip F. Farha**
 Surveyor or Engineer: **Don C. Moehring**
 Address: **314 Brown Building**

1. Gross Acreage of Plat <u>10</u>	7. Lineal Feet of New Streets:
2. Number of Lots:	(a) <u>95</u> R/W <u>330</u> ft.
Residential <u>1</u>	(b) _____ R/W _____ ft.
Commercial <u>2</u>	(c) _____ R/W _____ ft.
Industrial _____	(d) Total <u>330</u> ft.
Other _____	8. Total Area of New Streets:
Total <u>3</u>	R/W <u>31,350</u> sq. ft.
3. Average Lot Frontage _____ ft.	9. Existing Zoning " AA " & " LC "
4. Minimum Lot Frontage <u>150</u> ft.	10. Lot Area Required by
5. Average Lot Area _____ sq. ft.	Zoning _____ sq. ft.
6. Minimum Lot Area <u>45,000</u> sq. ft.	

Sidewalk required adjacent to the north side of Kellogg. Paving of the interior fire lane easement also required.
Associated Zone Case Z-0522

Planning Commission Recommendation:

BRANSON moved and **GOEBEL** 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:

Respectfully submitted,

_____, Secretary

ACTION: Receive and file the performance bonds guaranteeing the construction of the sidewalk and paving of the interior fire lane easement and approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

LAW OFFICES OF
MORRIS, LAING, EVANS & BROCK
214 FIRST FEDERAL SAVINGS BUILDING
123 SOUTH MARKET STREET
WICHITA, KANSAS 67202

LESTER L. MORRIS
VERNE M. LAING
FERD E. EVANS, JR.
RALPH R. BROCK
JOSEPH W. KENNEDY
C. ROBERT BELL
ROBERT L. DRISCOLL

May 9, 1966

AMHERST 4-2841

Wichita-Sedgwick County
Metropolitan Area Planning Commission
City Building Annex
104 S. Main Street
Wichita, Kansas 67202

Attention: Mr. Jack H. Galbraith

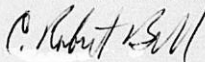
Gentlemen:

On behalf of Eastborough Corporation, Inc. (Jack P. DeBoer, President) we herewith hand you "Performance Bond" executed by Eastborough Corporation, Inc. as Principal and Continental Casualty Company as Surety given for the benefit of the City of Wichita, County of Sedgwick and State of Kansas in the penal sum of \$17,595.00 to secure the pavement of the interior fire lane easement in Clayton Addition. It is to be expressly understood that this Bond is not yet delivered in the legal sense. If and as soon as the Wichita City Commission approves the action of the Metropolitan Area Planning Commission with respect to the plat of Clayton Addition (which action by the Planning Commission, week before last, approved the proposed plat of said Addition), then and in such event the enclosed Bond may and shall be regarded as delivered.

In the event the Wichita City Commission shall affirmatively disapprove the said action of the Planning Commission in approving the plat of Clayton Addition, then and upon our request or that of Mr. Jack P. DeBoer, the enclosed Performance Bond is to be returned to us or to him.

Very truly yours,

MORRIS, LAING, EVANS & BROCK



By C. Robert Bell

/pf
Encl.

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That, we PHILIP F. FARHA as Principal, and ST. PAUL FIRE AND MARINE INSURANCE COMPANY as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick and State of Kansas, in the sum of Seventeen Thousand Five Hundred / (\$ 17,500.00) Dollars, lawful money of the United States, for payment of which will 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 Clayton Addition

Plat located in Section 19, Township 27 South, Range 2 East, Sedgwick County, Kansas.

NOW, THEREFORE, the said Principal Philip F. Farha shall perform the following obligations and conditions:

1. Pave interior fire lane easement to City specifications

2. N.A.

3. N.A.

4. N.A.

5. 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, or before occupancy of any improvements constructed on the above described premises, which obligations and each of them shall be performed on or before April 21, 1968 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, specifications and provisions, heretofore, 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 heretofore, or any extension of time, shall in any wise affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, we have hereunto set our hand and seals on this 5th day of May, 1966

Philip F. Farha Principal
ST. PAUL FIRE AND MARINE INSURANCE COMPANY Surety

* Insert N/A (Not Applicable) when blanks are not used.

** Insert date, 2 years following the date of approval of the final plat by the Planning Commission. Charles W. Black, atty in fact

STATE OF KANSAS, COUNTY OF SEDGWICK, SS:

Be It remembered that on this 5th day of May, 1966, before me, a Notary Public in and for said County and State, came Philip F. Farha and Charles W. Black, atty in fact (Principal) (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

My Commission Expires: 1/22/69



CERTIFIED COPY OF POWER OF ATTORNEY

Original on File at Home Office of Company. See Certification.

FIDELITY AND SURETY
DEPARTMENTST. PAUL
FIRE and MARINE
Insurance Company
HOME OFFICE: ST. PAUL, MINNESOTA

KNOW ALL MEN BY THESE PRESENTS: That the St. Paul Fire and Marine Insurance Company, a corporation organized and existing under the laws of the State of Minnesota, and having its principal office in the City of Saint Paul, Minnesota, does hereby constitute and appoint

Frank T. Priest, Charles J. Slawson, Howard N. Fullington, Charles D. Harrison, James H. Knorr, Raymond L. Mann, Charles W. Black, Harlan L. Smith, William J. Busch, and William B. Gaudreau, individually of Wichita, Kansas

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said St. Paul Fire and Marine Insurance Company, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be certified to and may be revoked, pursuant to and by authority of Article V, -Section 8, of the By-Laws adopted by the Board of Directors of the St. Paul Fire and Marine Insurance Company at a meeting called and held on the 17th day of January, 1952, of which the following is a true transcript of said Section 8:

"The President or any Vice President, Resident Vice President, Secretary or Resident Secretary, shall have power and authority

(1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and

(2) To appoint Special Attorneys-in-fact, who are hereby authorized to certify to copies of any power-of-attorney issued in pursuance of this section and/or any of the By-Laws of the Company, and

(3) To remove, at any time, any such Attorney-in-fact or Special Attorney-in-fact and revoke the authority given him."

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 5th day of May, 1959, of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or 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 TESTIMONY WHEREOF, the St. Paul Fire and Marine Insurance Company has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 23rd day of February A. D. 1961

STATE OF MINNESOTA
County of Ramsey

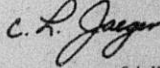
ST. PAUL FIRE AND MARINE INSURANCE COMPANY


Vice President

On this 23rd day of February 1961, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said that he is the therein described and authorized officer of the St. Paul Fire and Marine Insurance Company; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Saint Paul, Minnesota, the day and year first above written.


C. L. JARGER
Notary Public, Ramsey County, Minn.
My Commission Expires June 2, 1967.

CERTIFICATION

I, the undersigned officer of the St. Paul Fire and Marine Insurance Company, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this _____ day of _____ 19____


Secretary

*Unlimited as to character and amount.

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That, we PHILIP F. FARHA as Principal, and ST. PAUL FIRE AND MARINE INSURANCE COMPANY as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick and State of Kansas, in the sum of Six Hundred and no/100 (\$ 600.00) Dollars, lawful money of the United States, for payment of which will 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 Clayton Addition Plat located in Section 19, Township 27 South, Range 2 East, Sedgwick County, Kansas.

NOW, THEREFORE, the said Principal Philip F. Farha shall perform the following obligations and conditions:

- 1. Install sidewalk running East and West adjoining Kellogg Drive
2. N.A.
3. N.A.
4. N.A.
5. 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 on or before April 21, 1968 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, specifications 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 therefor, or any extension of time, shall in any wise affect the obligation of said Surety on its bond.

IN WITNESS WHEREOF, we have hereunto set our hand and seals on this 5th day of May, 1966

Philip Farha Principal
ST. PAUL FIRE AND MARINE INSURANCE COMPANY Surety

Charles W. Black, atty in fact

* Insert N/A (Not Applicable) when blanks are not used.

** Insert date, 2 years following the date of approval of the final plat by the Planning Commission.

STATE OF KANSAS, COUNTY OF SEDGWICK, SS:

Be it remembered that on this 5th day of May, 1966, before me, a Notary Public in and for said County and State, came Philip F. Farha and Charles W. Black, atty in fact (Principal) (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.

My Commission Expires: 1/22/69



CERTIFIED COPY OF POWER OF ATTORNEY

(A Capital Stock Company)

Original on File at Home Office of Company. See Certification.

FIDELITY AND SURETY
DEPARTMENTST. PAUL
FIRE and MARINE
Insurance Company
HOME OFFICE: ST. PAUL, MINNESOTA

KNOW ALL MEN BY THESE PRESENTS: That the St. Paul Fire and Marine Insurance Company, a corporation organized and existing under the laws of the State of Minnesota, and having its principal office in the City of Saint Paul, Minnesota, does hereby constitute and appoint

Frank T. Priest, Charles J. Slawson, Howard N. Fullington, Charles D. Harrison,
James H. Knorr, Raymond L. Mann, Charles W. Black, Harlan L. Smith, William J. Busch,
and William B. Gaudreau, individually of Wichita, Kansas

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said St. Paul Fire and Marine Insurance Company, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be certified to and may be revoked, pursuant to and by authority of Article V, -Section 8, of the By-Laws adopted by the Board of Directors of the St. Paul Fire and Marine Insurance Company at a meeting called and held on the 17th day of January, 1952, of which the following is a true transcript of said Section 8:

"The President or any Vice President, Resident Vice President, Secretary or Resident Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and
- (2) To appoint Special Attorneys-in-fact, who are hereby authorized to certify to copies of any power-of-attorney issued in pursuance of this section and/or any of the By-Laws of the Company, and
- (3) To remove, at any time, any such Attorney-in-fact or Special Attorney-in-fact and revoke the authority given him."

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 5th day of May, 1959, of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or 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 TESTIMONY WHEREOF, the St. Paul Fire and Marine Insurance Company has caused this

instrument to be signed and its corporate seal to be affixed by its authorized officer, this 23rd

day of February A. D. 1961

ST. PAUL FIRE AND MARINE INSURANCE COMPANY

STATE OF MINNESOTA } ss.
County of Ramsey

W. B. Gaudreau
Vice President.

On this 23rd day of February 1961, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said that he is the therein described and authorized officer of the St. Paul Fire and Marine Insurance Company; that the seal affixed to said instrument is the Corporate Seal of said Company; that the seal said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Saint Paul, Minnesota, the day and year first above written.

C. L. Jarber

C. L. JARBER

Notary Public, Ramsey County, Minn.
My Commission Expires June 2, 1967.

CERTIFICATION

I, the undersigned officer of the St. Paul Fire and Marine Insurance Company, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this

day of

19

W. B. Gaudreau
Secretary.

*Unlimited as to character and amount.

DON C. MOEHRING, C. E.
DON C. MOEHRING, II

DON C. MOEHRING, C. E.
CONSULTING CIVIL ENGINEERS
314 BROWN BUILDING TELEPHONE FO 3-6781
SINCE 1927
WICHITA, KANSAS 67202

May 5, 1966

SEWERS, SEWAGE DISPOSAL
WATER WORKS, ROADS AND PAVEMENTS
SPECIAL STEEL AND CONCRETE PROBLEMS
DRAINAGE, IRRIGATION, AIRPORTS
VALUATIONS, APPRAISALS, SURVEYS
SUBDIVISIONS, SITE PLANNING

LICENSED PROFESSIONAL ENGINEERS

REFERENCE—

“WHO’S WHO IN ENGINEERING”

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

Subject: S/D 66-25 - Final Plat of
Clayton Addition

Gentlemen:

In reference to your letter of April 22, 1966, I wish to advise that the estimated cost of paving the interior fire lane easement of said Clayton Addition to City Specifications, is \$17,595.00.

Respectfully submitted,

DON C. MOEHRING, C. E.
CONSULTING CIVIL ENGINEERS

BY:

Don Moehring, C.E.

Approved this 5th day of May, 1966.

B. Schmidt

City Engineer of Wichita, Kansas



26

LAW OFFICES OF
MORRIS, LAING, EVANS & BROCK
214 FIRST FEDERAL SAVINGS BUILDING
123 SOUTH MARKET STREET
WICHITA, KANSAS 67202

LESTER L. MORRIS
VERNE M. LAING
FERD E. EVANS, JR.
RALPH R. BROCK
JOSEPH W. KENNEDY
C. ROBERT BELL
ROBERT L. DRISCOLL

April 28, 1966

AMHERST 4-2841

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

RE: Clayton Addition to Wichita, Sedgwick County, Kansas described as: Beginning at the Southeast corner of SW/4 of Section 19, Township 27 South, Range 2 East of the 6th P.M., thence West along South side of said Section 19 a distance of 330 feet, thence North parallel with the East line of the SW/4 of said Section 19 a distance of 1320 feet, thence East a distance of 330 feet to a point in the East line of the SW/4 of said Section 19, thence South 1320 feet to point of beginning.

Gentlemen:

This is to certify that as of this time the title to the above referenced real property is in

PHILIP F. FARHA and GLORIA E. FARHA,
husband and wife, as tenants in common,

A portion of this property is subject to a mortgage wherein the mortgagee is Wilco Oil, Inc., a Kansas corporation.

This is to further certify that all taxes due and payable on the above described real estate have been paid.

Very truly yours,

MORRIS, LAING, EVANS & BROCK

By

C. Robert Bell
C. Robert Bell

CRB:mj
cc: Don C. Moehring



April 26, 1966

Mrs. E. S. Hocutt
33 Stratford Road
Wichita, Kansas 67206

Subject: DP-12 - Rockwood South Community
Unit Plan; and S/D 66-25 - Final Plat of
Clayton Addition

Dear Mrs. Hocutt:

This is in answer to your letter of April 19, 1966, pointing out your concern regarding the Final Plat of Clayton Addition and Rockwood South Community Unit Plan. As you are aware, the Final Plat of Clayton Addition was considered and approved by the Planning Commission on April 21, 1966, subject to several conditions as outlined in our letter on April 22. The Planning Commission did not require that access control be required adjacent to Willowbrook Road and Stratford Drive.

In regard to the Rockwood South Community Unit Plan as submitted by Rockwood Development Company, this plan has just recently been revised and submitted to our office for staff comments. We share several of your concerns regarding development adjacent to both Eastborough and Douglas. I am assuming that after the staff makes their comments regarding the development plan as now submitted, the applicant may make revisions prior to the advertisement of the plan for public hearing. As of this date, I cannot inform you as to when the hearing will be set; however, we will keep you advised as to the date of the next public hearing of this development plan.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

April 22, 1966

Mr. Don C. Moehring
314 Brown Building
Wichita, Kansas

Subject: S/D 66-25 - Final Plat of Clayton
Addition

Dear Mr. Moehring:

At its regular meeting on April 21, 1966, the Metropolitan Area Planning Commission considered the Final Plat of Clayton Addition and recommended that this plat be approved as recommended by the Subdivision Committee subject to:

1. The applicant providing a sidewalk adjacent to the north side of Kellogg Drive.
 2. The applicant complying with one of the five adopted methods of guaranteeing the installation and financing of sidewalks prior to the forwarding of the plat to the Board of City Commissioners, the total construction cost to be in the amount of \$600.
 3. The applicant paving the interior fire lane easement to City specifications or posting a corporate performance bond guaranteeing its construction prior to the forwarding of the plat to the Board of City Commissioners, the construction cost to be determined by the City Engineer.
- OK. The north line of Kellogg Drive being extended to the west line of the plat as a solid line.

April 22, 1966

OK The platlor's text being changed to read: "The street, drive and Willowbrook Road are hereby granted to the public".

OK The Engineer contacting the Engineering Division of the Department of Public Works to clarify the discrepancy of the street right-of-way for Willowbrook Road not being in line with the street right-of-way established on the lot adjoining to the west as designated in the plat of Eastborough 3rd Addition.

OK The plat reflecting adequate engineering data in the northwest corner; dimensions for Willowbrook Road, radius, angles, etc.

OK 8. Labeling the 5-foot utility easement adjacent to the north and northwest lines of Lot 3.

OK 9. The block irons being indicated on the face of the plat.

OK 10. The platlor's text being changed to read: "Easements for the construction and maintenance of public utilities and fire lane easements and access roads as indicated, are hereby dedicated to the public".

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

After considerable discussion regarding access control to Willowbrook Road and Stratford Drive, it was the decision of the Planning Commission that access control not be required to these two streets.

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 Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.

WICHITA-SEDGWICK COUNTY 3

April 22, 1966

OK

Certification that all taxes due and payable
have been paid.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JMS:hgs

cc: Mr. Philip F. Farha
4601 East Douglas

Mr. C. Robert Bell
123 South Market

Mr. H. R. Kahn
Reacon Building

Mrs. E. Stanley Mocutt
33 Stratford
Eastborough

Mr. H. M. VanAuken, Mayor
9 High Drive
Eastborough

April 8, 1966

Mr. Don C. Moehring
314 Brown Building
Wichita, Kansas

Subject: S/D 66-25 - Final Plat of Clayton
Addition

Dear Mr. Moehring:

At its regular meeting on April 7, 1966, the Metropolitan Area Planning Commission reconsidered the Final Plat of Clayton Addition. The action of the Planning Commission was to defer this plat for two weeks.

This matter will be reconsidered by the Metropolitan Area Planning Commission at its next regular meeting on April 21, 1966.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:byg

cc: Mr. Philip F. Farha
4601 East Douglas

Mr. E. R. Kuhn
Beacon Building

Mr. C. Robert Bell
123 South Market

Mrs. E. Stanley Hocutt
33 Stratford
Eastborough

Harry M. Klenda, D. D. S.
Leonard F. Navrat, D. D. S.

1005 FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS 67202

FO 3-1026

April 7, 1966

TO WHOM IT MAY CONCERN:

I reside at 13 Drury Lane which is in the Southeast sector of Eastborough and approximating an area to be developed by Mr. Philip Farha.

I am in favor of the project proposed in his letter to me some few days ago.

I lend him my encouragement and support.

Sincerely yours,

Harry M. Klenda
Harry M. Klenda, DDS

SUNFLOWER DENTAL SOCIETY

April 6, 1966

MEMBERSHIP ROSTER

- *
JOHN D. BURNER, D. D. S.
510 1/2 Main
Newton, Kansas
- ALBERT E. FULTON, D. D. S.
609 First National Bank Bldg.
Wichita 2, Kansas
- F. EUGENE FULTON, D. D. S.
215 E. Lincoln
Wichita 11, Kansas
- THEO. A. FUNKE, D. D. S.
910 S. Hillside
Wichita 11, Kansas
- R. REED HATFIELD, D. D. S.
905 Blitting Bldg.
Wichita 2, Kansas
- WM. R. HERTZLER, D. D. S.
460 No. Terrace Drive
Wichita 2, Kansas
- HARRY M. KLENDI, D. D. S.
1005 First National Bank Bldg.
Wichita 2, Kansas
- KARL F. KURZ, D. D. S.
Bethel Clinic
Newton, Kansas
- HARRY D. MOSIER, D. D. S.
17 1/2 N. Broadway
Herington, Kansas
- RICHARD MOSIER, D. D. S.
17 1/2 N. Broadway
Herington, Kansas
- F. WESLEY PARK, D. D. S.
1013 First National Bank Bldg.
Wichita 2, Kansas
- ELMER K. SCHROEDER, D. D. S.
224 1/2 Main
Marion, Kansas
- ALBERT W. SCHUBERT, D. D. S.
Medical Arts Bldg.
Great Bend, Kansas
- GLENN A. THOMAS, D. D. S.
460 N. Terrace Drive
Wichita 2, Kansas
- *
Honorary Member:
G. E. TILTON, D. D. S.
1008 Union Natl. Bank Bldg.
Wichita 2, Kansas

To whom it may concern-

Please be advised of my whole hearted support of the planned development of the Clayton addition which lies just East of Eastborough.

Sorry I cannot attend the hearing on this subject April 7th. This letter however will serve as a proxy for me in favor of this project.

Respectfully,

Dr. R. Reed Hatfield
14 Drury Lane Lot 3
Eastborough.

Metropolitan Area Planning Commission
Wichita, Kansas

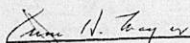
I am in favor of the Apartment and Town House
Development Project as proposed for Clayton Addition
with access on the northwest corner of Clayton Addition.

Mrs. Fred Clemons

Mrs. Fred Clemons
60 Stratford

Metropolitan Area Planning Commission
Wichita, Kansas

I am in favor of the Apartment and Town House
Development Project as proposed for Clayton Addition
with access on the northwest corner of Clayton Addition.


Mrs. Harrison Mayer
60 Mission *April 7, 1966*

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE
April 1, 1966

TO Metropolitan Area Planning Commissioners
FROM Jack H. Galbraith, Senior Planner J.H.G.
SUBJECT S/D 66-25 - Clayton Addition

As you are aware, the above-referenced plat was considered by the Metropolitan Area Planning Commission at your regular meeting of March 17, 1966. The action of the Commission was to approve the final plat subject to several conditions, one of which was that the applicant grant complete access control adjacent to Willow Brook Road and Stratford Road to the public.

We have been requested to obtain an opinion from the Director of Law with respect to the Commission's power to control access to this residential street. Attached for your information and files is an opinion from John Dekker, Director of Law. As a result of this opinion we are rescheduling this plat for hearing by the Planning Commission at your next regular meeting of April 7, 1966.

JHG:mmt
Attachment

THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE March 28, 1966

**HELP! PREVENT
ACCIDENTAL
POISONING**



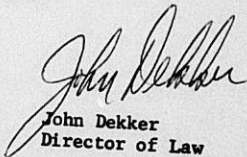
TO Robert A. Lakin, Assistant Planning Director
FROM John Dekker, Director of Law

SUBJECT Plat of Clayton Addition

As a result of your inquiry and our subsequent discussion concerning the requirements by the Metropolitan Area Planning Commission that all access at the northwest corner of this plat be restricted insofar as it pertained to the extension of Willowbrook Road, it should be pointed out that the Metropolitan Area Planning Commission has only that authority granted by statute and implemented by rules and regulations adopted in accordance therewith. Case law has somewhat extended the authority by stating that those policies which are well established and reasonable are, by their nature, in the same category as a rule or regulation adopted by the board

In the instant matter, there have been no rules and regulations adopted by the Metropolitan Planning Commission which call for the taking of access on residential streets for any purpose and to my knowledge, there has been no policy created which calls for this taking of access. It may well be that a policy should be established or the rules and regulations should be amended so as to provide for the exact times when access will be required. However, in the past, access dedication has been related only to thoroughfares and has not been required on purely residential streets.

It, therefore, would appear to me to be improper to require a dedication of access in the instant case.


John Dekker
Director of Law

JD:cr



LAW OFFICES OF
MORRIS, LAING, EVANS & BROCK
214 FIRST FEDERAL SAVINGS BUILDING
123 SOUTH MARKET STREET
WICHITA, KANSAS 67202

LESTER L. MORRIS
VERNE M. LAING
FERD E. EVANS, JR.
RALPH R. BROCK
JOSEPH W. KENNEDY
C. ROBERT BELL
ROBERT L. DRISCOLL

March 18, 1966

AMHERST 4-2841

Wichita Metropolitan Area Planning Commission
104 South Main
Wichita, Kansas

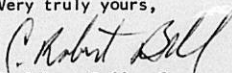
Attention: Robert Lakin

Re: S/D 66-25
Final Plat of Clayton Addition

Dear Bob:

As you know the above referenced plat came before the Planning Commission at its meeting on March 17, 1966, and the Commission voted to approve the final plat with the additional requirement that the City of Eastborough be given complete access control at the Northwest corner of said plat. The Commission took this vote without requesting advice from the staff and we are of the opinion that such a requirement exceeds their legal powers. Accordingly, we would appreciate it if you would cause this matter to be re-scheduled for the April 7, 1966, meeting and notify the City of Eastborough to that effect, and in the meantime obtain an opinion from the City Attorney with respect to the Commission's power to limit this access.

Very truly yours,


C. Robert Bell, of
MORRIS, LAING, EVANS & BROCK

CRB/cs
cc: Philip F. Farha



THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE March 28, 1966

HELP! PREVENT
ACCIDENTAL
POISONING



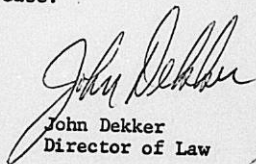
TO Robert A. Lakin, Assistant Planning Director
FROM John Dekker, Director of Law

SUBJECT Plat of Clayton Addition

As a result of your inquiry and our subsequent discussion concerning the requirements by the Metropolitan Area Planning Commission that all access at the northwest corner of this plat be restricted insofar as it pertained to the extension of Willowbrook Road, it should be pointed out that the Metropolitan Area Planning Commission has only that authority granted by statute and implemented by rules and regulations adopted in accordance therewith. Case law has somewhat extended the authority by stating that those policies which are well established and reasonable are, by their nature, in the same category as a rule or regulation adopted by the board

In the instant matter, there have been no rules and regulations adopted by the Metropolitan Planning Commission which call for the taking of access on residential streets for any purpose and to my knowledge, there has been no policy created which calls for this taking of access. It may well be that a policy should be established or the rules and regulations should be amended so as to provide for the exact times when access will be required. However, in the past, access dedication has been related only to thoroughfares and has not been required on purely residential streets.

It, therefore, would appear to me to be improper to require a dedication of access in the instant case.


John Dekker
Director of Law

JD:cr



March 31, 1966

H. M. Van Auken, Mayor
9 High Drive, Eastborough
Wichita, Kansas

Subject: S/D 66-25 - Clayton Addition

Dear Mr. Van Auken:

As you are aware, the above-referenced plat was considered by the Metropolitan Area Planning Commission at their regular meeting of March 17, 1966. The action of the Commission was to approve the final plat subject to several conditions, one of which was that the applicant grant complete access control adjacent to Willow Brook Road and Stratford Road to the public.

We have been requested to obtain an opinion from the Director of Law with respect to the Commission's power to control access to this residential street. Attached for your information and files is an opinion from John Dekker, Director of Law. As a result of this opinion we are rescheduling this plat for hearing by the Planning Commission at their next regular meeting of April 7, 1966.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:mtt
Enclosure

cc: Clifford H. Pugh, Attorney
Colorado Derby Building

C. Robert Bell, Attorney
123 S. Market

Philip F. Farha
4601 East Douglas

DON C. MOEHRING, C. E.

CONSULTING CIVIL ENGINEERS

314 BROWN BUILDING TELEPHONE FO 9-8781

SINCE 1927

WICHITA, KANSAS 67202

DON C. MOEHRING, C. E.
DON C. MOEHRING, II

March 21, 1966

LICENSED PROFESSIONAL ENGINEERS

REFERENCE—

"WHO'S WHO IN ENGINEERING"

SEWERS, SEWAGE DISPOSAL
WATER WORKS, ROADS AND PAVEMENTS
SPECIAL STEEL AND CONCRETE PROBLEMS
DRAINAGE, IRRIGATION, AIRPORTS
VALUATIONS, APPRAISALS, SURVEYS
SUBDIVISIONS, SITE PLANNING

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

Gentlemen:

This is to advise that the block irons on
Clayton Addition to Wichita, Sedgwick County,
Kansas, are all set as of 3-15-66.

Respectfully,

DON C. MOEHRING, C. E.
CONSULTING CIVIL ENGINEERS

BY:

Don C. Moehring, C.E.
Don C. Moehring, C. E.

DCM:rh



H. M. VAN AUKEN
MAYOR

LYNDON GAMMISON
POLICE JUDGE

ROBT. S. WISE
TREASURER

NEILL RICHARDS
CLERK

GERTRUDE SWENDEL
ASST. CITY CLERK

The City of Eastborough

Post Office Wichita Kansas

•••••

March 18, 1966.

COUNCILMEN
HAROLD G. DICK
PAUL J. FOLEY
CLIFFORD H. PUGH
EARL V. REED
CARL ROSS

To The Editor,
The Wichita Eagle and Beacon,
Wichita, Kansas.

The story in this morning Eagle on action at the Metropolitan Area Planning Commission is quite misleading and partially contrary to fact.

As mayor of Eastborough I opposed nothing; I simply asked for complete access control of the intersection of Stratford Road and Willowbrook in Eastborough. And the reason the request was that it would open another avenue of heavy traffic from Kellogg into a strictly residential community as well as the traffic from those living in the apartments and homes in the new so-called Clayton Addition. Our main concern is Kellogg traffic.

Contrary to the story this morning, I did not object to the housing development in this addition.

And furthermore, and contrary to the story, our request for access control at the intersection of Stratford Road and Willowbrook in Eastborough was approved.

It seems to me that this community has been fortunate in having a Metropolitan Area Planning Commission that is broad-minded, fair and intelligent in their consideration and actions on these problems which affect the whole area. It is truly a Metropolitan Commission.

Respectfully yours,

H. M. Van Auken
H. M. Van Auken
Mayor



March 18, 1966

Mr. Don C. Moehring
314 Brown Building
Wichita, Kansas

Subject: S/D 66-25 - Final Plat of Clayton
Addition

Dear Mr. Moehring:

At its regular meeting on March 17, 1966, the Metropolitan Area Planning Commission considered the Final Plat of Clayton Addition and recommended approval subject to:

1. The applicant providing a sidewalk adjacent to the north side of Kellogg Drive.
2. The applicant complying with one of the five adopted methods of guaranteeing the installation and financing of sidewalks prior to the forwarding of the plat to the Board of City Commissioners, the total construction cost to be in the amount of \$600.
3. The applicant paving the interior fire lane easement to City specifications or posting a corporate performance bond guaranteeing its construction prior to the forwarding of the plat to the Board of City Commissioners, the construction cost to be determined by the City Engineer.
4. The north line of Kellogg Drive being extended to the west line of the plat as a solid line.
5. The plat's text being changed to read: "The street, drive and Willow Brook Road are hereby granted to the public".

March 18, 1966

6. The engineer contacting the Engineering Division of the Department of Public Works to clarify the discrepancy of the street right-of-way for Willow Brook Road not being in line with the street right-of-way established on the lot adjoining to the west as designated in the plat of Eastborough 3rd Addition.
7. The plat reflecting adequate engineering data in the northwest corner; dimensions for Willow Brook Road, radius, angles, etc.
8. Labeling the 5-foot utility easement adjacent to the north and northwest lines of Lot 3.
9. The block irons being indicated on the face of the plat.
10. The plattor's text being changed to read: "Easements for the construction and maintenance of public utilities and fire lane easements and access roads as indicated, are hereby dedicated to the public".
11. The applicant granting complete access control adjacent to Willow Brook Road and Stratford Road to the public and the proper notation being made on the face of the plat and in the plattor's text.
12. 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.
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.

WICHITA-SEDGWICK COUNTY 3

March 18, 1966

4. Certification that all taxes due and payable have been paid.

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:bgs

cc: Mr. Philip F. Farha
4601 East Douglas
Wichita, Kansas

March 11, 1966

Don C. Moehring
314 Brown Building
Wichita, Kansas

Subject: S/D 66-25 - Final Plat of
Clayton Addition

Dear Mr. Moehring:

At its regular meeting on March 10, 1966, the Subdivision Committee of the Metropolitan Area Planning Commission considered the final plat of Clayton Addition. The action of the Subdivision Committee was to recommend approval of the final plat subject to:

1. The applicant providing a sidewalk adjacent to the north side of Kellogg Drive.
2. The applicant complying with one of the five adopted methods of guaranteeing the installation and financing of sidewalks prior to the forwarding of the plat to the Board of City Commissioners, the total construction cost to be in the amount of \$600.
3. The applicant paving the interior fire lane easement to City specifications or posting a corporate performance bond guaranteeing its construction prior to the forwarding of the plat to the Board of City Commissioners, the construction cost to be determined by the City Engineer.
4. The north line of Kellogg^{Drive} being extended to the west line of the plat as a solid line.
5. The plat's text being changed to read: "The street, drive, and Willow Brook Road are hereby granted to the public".
6. The engineer contacting the Engineering Division of the Department of Public Works to clarify the discrepancy of the street right-of-way for Willow Brook Road not being in line

March 11, 1966

with the street right-of-way established on the lot adjoining to the west as designated in the plat of Eastborough 3rd Addition.

7. The plat reflecting adequate engineering data in the northwest corner; dimensions for Willow Brook Road, radius, angles, etc.
8. Labeling the 5-foot utility easement adjacent to the north and northwest lines of Lot 3.
9. The Block irons being indicated on the face of the plat.
10. The plattor's text being changed to read: "Easements for the construction and maintenance of public utilities and fire lane easements and access roads as indicated are hereby granted to the public."
11. Recording with 30 days after approval by the Board of City Commissioners.

NOTE: The City of Eastborough requested that complete access control be granted from Clayton Addition to Willowbrook Drive and Stratford Road. The Subdivision Committee requested that this be discussed by the Planning Commission for a determination.

The recommendation of the Subdivision Committee that the final plat be approved will be forwarded to the Metropolitan Area Planning Commission for their consideration at their regular meeting on March 17, 1966.

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

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:amt
Enclosure

cc: Philip F. Farha
4601 East Douglas

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D No. 66-25 NAME CLAYTON ADDITION
DATE APPLICATION REC'D 2-14-66 PRELIMINARY APPROVAL 2-24-66

DESCRIPTION

GENERAL LOCATION North side of Kellogg adjacent to the east city limits
of Eastborough

OWNER Philip F. Farba
SURVEYOR/ENGINEER Don C. Moehring
ADDRESS 314 Brown Building

1. GROSS ACRES OF PLAT <u>10</u>	7. LINEAL FEET OF NEW STREETS:
2. NUMBER OF LOTS:	(A) <u>330</u> R/W <u>95</u> FT.
RESIDENTIAL <u>1</u>	(B) _____ R/W _____ FT.
COMMERCIAL <u>2</u>	(C) _____ R/W _____ FT.
INDUSTRIAL _____	(D) TOTAL _____ FT.
OTHER _____	8. TOTAL AREA OF NEW STREET
TOTAL <u>3</u>	R/W <u>31,350</u> SQ.FT.
3. AVERAGE LOT FRONTAGE _____ FT.	9. EXISTING ZONING <u>AA & LC</u>
4. MINIMUM LOT FRONTAGE <u>150</u> FT.	10. PROPOSED ZONING <u>B & LC</u>
5. AVERAGE LOT AREA _____ SQ.FT.	11. LOT AREA REQUIRED BY
6. MINIMUM LOT AREA <u>45,000</u> SQ.FT.	ZONING _____ SQ.FT.

STAFF COMMENTS:

- The applicant shall provide a sidewalk adjacent to the north side of Kellogg Drive.
- Prior to the forwarding of the plat to the Board of City Commissioners, the applicant shall comply with one of the five adopted methods of guaranteeing the installation and financing of sidewalks. Total construction cost to be in the amount of \$600.
- Prior to the forwarding of the plat to the Board of City Commissioners, the applicant shall pave the interior fire lane easement to city specifications or post a corporate performance bond guaranteeing its construction. Construction cost to be determined by the City Engineer.
- The north line of Kellogg Drive should be extended to the west line of the plat as a solid line.
- The plat's text should be changed to read, "The Street, Drive, and Willow Brook Road are hereby dedicated to and for the use of the public."
- It is the understanding of the staff that the street right-of-way for Willow Brook Road is not in line with the street right-of-way established on the lot adjoining to the west as designated in the plat of Eastborough 3rd Addition. It is necessary that the Engineer contact the Engineering Department to clarify this discrepancy.
- It has been brought to the staff's attention that there is a drainage pipe from Eastborough 3rd Addition which drains onto and across the land being platted. It is necessary that the Engineer contact the Engineering Department prior to the Subdivision Committee meeting to work out a satisfactory drainage solution.
- The plat should reflect adequate engineering data in the northwest corner; dimensions for Willow Brook Road, radius, angles, etc.
- Label the 5-foot utility easement along the north and northwest lines of Lot 3.

10. Block irons shall be indicated on the face of the plat.
11. Associated Zone Case Z-0522 "AA" to "B".
NOTE: This tract was previously platted as Mackay Addition and approved by the Subdivision Committee on February 27, 1964, and the Metropolitan Area Planning Commission on March 5, 1964.
12. Recording within 30 days after approval by the Board of City Commissioners.

H. M. VAN AUKEN
MAYOR

LYNDON GARNELSON
POLICE J.

ROBT. S. WISE
TREASURER

NEILL RICHARDS
CLERK

GERTRUDE SWENDEL
ASST. CITY CLERK

The City of Eastborough
Post Office Wichita Kansas
•••

COUNCILMEN
HAROLD G. DICK
PAUL J. FOLEY
CLIFFORD H. PUGH
EARL V. REED
CARL ROSS

March 5, 1966

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

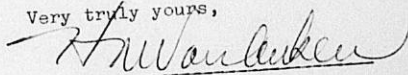
Attention: Subdivision Committee

Gentlemen:

On the Subdivision Committee agenda for March 10th, 1966, item No. 9, there appears a notation of a hearing on the final plat of Clayton Addition, which is located on the North side of Kellogg adjacent to the East city limits of Eastborough.

For your information advise that I as Mayor, and the Commissioners of the City of Eastborough respectfully request that if this plat is approved, then the City of Eastborough be given complete access control of the intersection of Willowbrook and Stratford Road.

Very truly yours,



H.M. VAN AUKEN
Mayor of the City of Eastborough.



State Highway Commission of Kansas
Topeka, Kansas

February 17, 1966

US 54 - East Kellogg
Kwert Commercial Development
City of Wichita
Sedgewick County

Mr. Lawrence Curtiss
Weigand, Curtiss, Brainerd, Hazle & Kaufman
Attorneys at Law
Suite 800 First National Bank Building
Wichita, Kansas 67202

Dear Mr. Curtiss:

This will confirm our telephone conversation setting up a meeting with representatives of the City of Wichita, Cogan and Walters and the State Highway Commission in the City Building Annex, 104 S. Main, Wichita, Kansas, for Monday, February 28, 1966 at 10:30 a.m. to review the problems arising from the proposed development of the tract of land on the north side of US 54 in Wichita between the Turnpike interchange and Gypsum Creek.

Very truly yours,

Eugene S. Niess
Engineer of Urban Highways

ESH:rh

cc: Russ A. White, Cogan & Walters
Ralph Hill, Director of Public Works
D. E. Smith, City Engineer
C. Frank Verr, Asst. State Hwy. Engr.
A. A. Holquist, Division Engineer

LAW OFFICES OF
MORRIS, LAING, EVANS & BROCK
214 FIRST FEDERAL SAVINGS BUILDING
123 SOUTH MARKET STREET
WICHITA, KANSAS 67202

LESTER L. MORRIS
VERNE M. LAING
FERD C. EVANS, JR.
RALPH R. BROCK
JOSEPH W. KENNEDY
C. ROBERT BELL
ROBERT L. DRISCOLL

February 25, 1966

AMHERST 4-2841

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

Attention: Mr. Don C. Moehring, Engineer

RE: Clayton Addition to Wichita, Sedgwick County, Kansas
described as: The East 1/2 of the East 1/2 of the
SW 1/4 of the SW 1/4 of Section 19, Township 27 South,
Range 2 East of the 6th P.M. less the land taken for
highways and streets all in Sedgwick County, Kansas.

This is to certify that as of this time the title to the
above referenced real property is in

PHILIP F. FARHA and GLORIA E. FARHA,
husband and wife, as tenants in common.

A portion of this property is subject to a mortgage wherein the mortgagee
is Wilco Oil, Inc., a Kansas corporation.

Very truly yours,

MORRIS, LAING, EVANS & BROCK



By: C. Robert Bell

CRB:lf



February 25, 1966

Don C. Moehring
314 Brown Building
Wichita, Kansas

Subject: S/D 66-25 - Preliminary Plat of
Clayton Addition

Dear Mr. Moehring:

At its regular meeting on February 24, 1966, the Subdivision Committee of the Metropolitan Area Planning Commission considered the Preliminary Plat of Clayton Addition. The action of the Subdivision Committee was to approve the preliminary plat and authorize preparation of the final plat subject to the following conditions:

1. The applicant shall provide a sidewalk adjacent to the north side of Kellogg Drive.
2. Prior to the forwarding of the plat to the Board of City Commissioners, the applicant shall comply with one of the five adopted methods of guaranteeing the installation and financing of sidewalks. Total construction cost to be in the amount of \$600.
3. Prior to the forwarding of the plat to the Board of City Commissioners, the applicant shall pave the interior fire lane easement to city specifications or post a corporate performance bond guaranteeing its construction. Construction cost to be determined by the City Engineer.
4. Requirements for a final plat see pages 4 and 5 of the Subdivision Rules and Regulations.
5. Indicate a 35-foot building setback adjacent to Kellogg Drive.
6. Deleting center line symbol for Kellogg Street from the face of the plat.
7. Indicating a 8-foot utility easement adjacent to the east line of Lots 2 and 3.

February 25, 1966
Clayton Addition

8. Indicating the existing 10-foot sewer easement along the south line of plat.
9. Extending the north line of Kellogg Drive to the west line of plat.
10. Indicating the inside 25 feet of the 50-foot access road as a "Firelane Easement and Access Road".
11. Designate as street right-of-way for Willow Brook Road a portion of the northwest corner of the plat which will complete the full 70-foot street dedication.
12. Requirements for a final plat, see pages 4 and 5 of the Subdivision Rules and Regulations.

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

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

Sincerely,

Jack H. Galbraith
Senior Planner

JHG:mat
Enclosure

cc: Philip F. Farha
4601 East Douglas

PRELIMINARY PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE

S/D No. 66-25 NAME CLAYTON ADDITION
DATE APPLICATION REC'D 2-14-66 S/D COMMITTEE MEETING 2-24-66

DESCRIPTION

GENERAL LOCATION North side of Kellogg adjacent to the east city limits
of Eastborough

OWNER Philip F. Farha

SURVEYOR/ENGINEER Don C. Moshring

ADDRESS 314 Brown Building PHONE FO 3-6781

1. GROSS ACREAGE OF PLAT	10	7. LINEAL FEET OF NEW STREETS:	
2. NUMBER OF LOTS:		(A) 330	R/W 95 FT.
RESIDENTIAL	1	(B)	R/W FT.
COMMERCIAL	2	(C)	R/W FT.
INDUSTRIAL		(D)	TOTAL FT.
OTHER			
TOTAL	3	8. TOTAL AREA OF NEW STREET	
3. AVERAGE LOT FRONTAGE	FT.	R/W 31,350	89 FT.
4. MINIMUM LOT FRONTAGE	150	9. EXISTING ZONING	"AA" & "TC"
5. AVERAGE LOT AREA	89 FT.	10. PROPOSED ZONING	"B" & "TC"
6. MINIMUM LOT AREA	45,000	11. LOT AREA REQUIRED BY	ZONING 89 FT.

STAFF COMMENTS:

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

1. It is the understanding of the Planning Department that the applicant intends to construct carports along the outer perimeter of the access road surrounding Lot 3. It this is the case the applicant must label clearly that area to be utilized for fire lane easement.
2. The applicant shall provide a sidewalk adjacent to the north side of Kellogg Drive.
3. Prior to the forwarding of the plat to the Board of City Commissioners, the applicant shall comply with one of the five adopted methods of guaranteeing the installation and financing of sidewalks. Total construction cost to be in the amount of \$600.
4. Prior to the forwarding of the plat to the Board of City Commissioners the applicant shall pave the interior fire lane easement to city specifications or post a corporate performance bond guaranteeing its construction. Construction cost to be determined by the City Engineer.
5. Requirements for a final plat see pages 4 and 5 of the Subdivision Rules and Regulations.
6. Indicate a 35-foot building setback adjacent to Kellogg Drive.
7. Associated Zone Case Z-0522 "AA" to "B".

NOTE: This tract was previously platted as Mackay Addition and approved by the Subdivision Committee on February 27, 1964, and the Metropolitan Area Planning Commission on March 5, 1964.

MAP No.: F-9
SEC. No.: 19
TWP. No.: 27
RANGE: 2E

S/D No. 66-25

APPLICATION FOR SUBDIVISION APPROVAL

NAME OF SUBDIVISION: Clayton Addition to Wichita, Sedgwick County, Kansas

GENERAL LOCATION: at SE Corner SW 1/4 of Sec 19, T27 S. R2E of the 6th PM
in a part of village adjacent to east city limits of Southwauka

NAME OF PROPERTY OWNER: Philip F. Farha PHONE: MU 2-5621
ADDRESS: 4601 East Douglas
NAME OF SUBDIVIDER: _____ PHONE: _____
ADDRESS: _____
NAME OF AGENT/SURVEYOR: Don C. Moehring, C. E. PHONE: _____
ADDRESS: 314 Brown Building PHONE: FO 3-5781
DATE OF APPLICATION: 2-10-66

SUBDIVISION INFORMATION:

1. GROSS ACREAGE OF PLAT 10 Acres more of. LINEAL FEET OF NEW STREETS:
2. NUMBER OF LOTS: 1 less
RESIDENTIAL _____ A. 330 R/W 95 FT.
COMMERCIAL 32 B. _____ R/W _____ FT.
INDUSTRIAL _____ C. _____ R/W _____ FT.
OTHER _____ D. TOTAL _____ FT.
TOTAL NUMBER OF LOTS 3 8. TOTAL AREA OF NEW STREET R/W: 31,350 SQ.FT.
3. AVERAGE LOT FRONTAGE _____ FT.
4. MINIMUM LOT FRONTAGE 150' FT.
5. AVERAGE LOT AREA 93,250 SQ.FT. 9. EXISTING ZONING "AA"-LC
6. MINIMUM LOT AREA 45,000 SQ.FT. 10. PROPOSED ZONING B-LC

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) _____ (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: Don C. Moehring, C.E.
AGENT
Don C. Moehring, C. E.
Consulting Civil Engineers

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

RECEIVED BY Ken Williamson
DATE 2-14-66

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



FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY 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
<i>Light</i>	<i>25.00</i>
<i>Electric</i>	<i>10.00</i>

Name *C. W. ...*

Address *217 W. ...*

Type	Due Date
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Comments:

Date	By
------	----

<i>2-14-66</i>	<i>[Signature]</i>
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