

PLAT NO. S/D 73-132 MAP NO. ~~5445~~ 5949

NAME HIGHLAND HOUSE

LOCATION: At the Northeast corner of 13th Street and
Woodland

ENGINEER Professional Engineering Consultants, P.A.

OWNER Woodlawn Highrise, Inc.

APPLICATION FILED 11-5-73

SKETCH PLAT FILED _____

PRELIMINARY FILED _____

S/D ACTION _____

FINAL FILED 11-5-73

S/D ACTION 11-15-73 *Approved subj to conditions*

MAPC ACTION 11-26-73 *Appeal subj. to conditions*

BCC ACTION 2-19-74 *Approved as recommended*

RECORDED March 14, 1974

REMARKS _____

ACTION

	DATE
S/D COMMITTEE (final) Approved, subject to conditions	11.15.73
M.A.P.C. Approves subject to conditions	11.26.73
B.C.C./B. CO. C. Approved as revised	2.19.74

S/D 73-132 HIGHLAND HOUSE ADDITION
At the NE corner of 13th St. &
Woodlawn - Woodland Highrise, Inc.
by PEC

REGISTER OF DEEDS
SEDGWICK COUNTY, KANSAS

3-21-74
H

HIGHLAND HOUSE ADDITION was
filed for record on March 14, 1974.

John Hale
Register Of Deeds

T9-328

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

SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AREA 318
262-3777

AUSTIN M. COWAN (1883-1848)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
RICHARD L. HONEYMAN
LARRY A. WITHERS
GARY A. WINFREY
CLARK R. NELSON

February 27, 1974

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

Gentlemen:

Re: Highland House Plat - S/D 73-132
Replat of Lot 8, Block 5 McEwen 6th Addition
Except the South 300' of the East 265'

Enclosed herewith is an agreement stating that Woodlawn Highrise, Inc. guarantees the costs of the installation of accel-decel lane at 13th and Woodlawn, as required by the Planning Commission, at a time deemed property by the Department of Public Works of the City of Wichita. I am also enclosing a copy of an agreement whereby Wichita Developers, Inc. guarantees payment to Woodlawn Highrise, Inc. for the installation of the accel-decel lane.

Woodlawn Highrise, Inc. is going to sell the property to Wichita Developers, Inc. and they are the ones that will have to pay for the costs of construction of these lanes. I think that after the sale of the property to Wichita Developers, Inc. the agreement from Woodlawn Highrise, Inc. should be returned to me.

Yours very truly,

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

RHN:t
Encs.

January 26, 1976

Donald C. Gisick

Jack H. Galbraith, Chief Planner

S/D 73-132 Highland House Addition
(performance bond)

We have received notification from the Water Department that the plattor of Highland House Addition has made the necessary deposit and contract for water service for Lot 3 in said Addition. A performance bond in the amount of \$1,500 was originally submitted to guarantee the extension of water to serve Lot 3. The performance bond is being held by your office and may now be released upon the request of the applicant. It is our understanding that release of the bond requires no action by the B.C.C.

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

Jack H. Galbraith
Chief Planner

JHG:gb

cc: Woodlawn Highrise, Inc.; 16206 E. Central, 67230
c/o Charles W. Black, 111 W. Douglas, St. Paul
Fire and Marine Insurance Co.

THE CITY OF WICHITA
OFFICE OF WATER DEPARTMENT

DATE January 19, 1976

Newby
ZERO in

ON SAFETY
PHASE II

TO Curtis L. Newby, Junior Planner
FROM Dick McClintock, Engineering Tech. II

SUBJECT Highland House Addition,
Release of Performance Bond

Mr. Nestor Weigand, Jr. has made the necessary deposit and contract for water service for Lot 3, Highland House Addition. The water line will be installed as soon as our work schedule permits.

This satisfies the Water Department's requirements formerly covered by a \$1,500.00 performance bond. Please initiate the release of the performance bond as requested by Mr. Weigand.

Dick McClintock
Dick McClintock
Engineering Tech. II

DMcC:ak



October 14, 1975

Woodlawn Highrise, Inc.
16206 East Central
Wichita, Kansas 67230

Re: S/D 73-132 - Highland House
Addition (performance bond).

Gentlemen:

The above captioned plat was approved by the Metropolitan Area Planning Commission on November 26, 1973 and by the Board of City Commissioners on February 19, 1974. One of the conditions of approval was that the applicant guarantee the extension of water to serve Lot 3. To satisfy this condition, our files reflect that you submitted a performance bond in the amount of \$1500, naming St. Paul Fire & Marine Insurance Company as surety, guaranteeing that the water would be extended on or before November 26, 1975.

The Water Department has recently indicated to us that water has not yet been extended to serve Lot 3. Since the time limit is about to expire, we would appreciate you contacting our office regarding your intent to fulfill this requirement. In the event the water is not extended and no word is received from you by November 1, 1975, we will contact the City Treasurer relative to initiating proceedings to collect on the bond.

We are anxious to assist you in any way we can to expedite the fulfillment of this requirement and the closing of this file. If you have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:zme

cc: Charles W. Black, 111 West Douglas, 67202
Benny Gegen, Water Department

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

AUSTIN M. COWAN (1888-1948)

W. A. KAHRS

ROBERT H. NELSON

H. W. FANNING

RICHARD C. HITE

DARRELL D. KELLOGG

RICHARD L. HONEYMAN

LARRY A. WITHERS

GARY A. WINFREY

CLARK R. NELSON

SUITE 830 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AREA 316
262-3777

February 27, 1974

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

Gentlemen:

Re: Highland House Plat - S/D 73-132
Replat of Lot 8, Block 5 McEwen 6th Addition
Except the South 300' of the East 265'

Enclosed herewith is an agreement stating that Woodlawn Highrise, Inc. guarantees the costs of the installation of accel-decel lane at 13th and Woodlawn, as required by the Planning Commission, at a time deemed property by the Department of Public Works of the City of Wichita. I am also enclosing a copy of an agreement whereby Wichita Developers, Inc. guarantees payment to Woodlawn Highrise, Inc. for the installation of the accel-decel lane.

Woodlawn Highrise, Inc. is going to sell the property to Wichita Developers, Inc. and they are the ones that will have to pay for the costs of construction of these lanes. I think that after the sale of the property to Wichita Developers, Inc. the agreement from Woodlawn Highrise, Inc. should be returned to me.

Yours very truly,

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

RHN:t
Encs.

AGREEMENT TO PAY COSTS OF
ACCEL-DECEL LANE 13TH AND WOODLAWN

Whereas, the undersigned is the owner of Woodlawn Highrise, Inc. which is the owner of the property that is being described as Highland House Addition; and

Whereas, the Planning Commission of the City of Wichita has required a guarantee to be submitted to insure the installation of an accel-decel lane for the northeast corner of 13th and Woodlawn, which is to be installed at such time as is deemed necessary by the Department of Public Works of the City of Wichita; and

Whereas, Wichita Developers, Inc. by and through an agreement dated February 22, 1974, has agreed to pay the installation costs thereof; and

Whereas, as of this date, Wichita Developers, Inc. is not the owner of the property being replatted as Highland House Addition, and the requirement is that the owners of the property as of this date, to-wit: Woodlawn Highrise, Inc. owners of Highland House Addition, guarantee the costs of such installation.

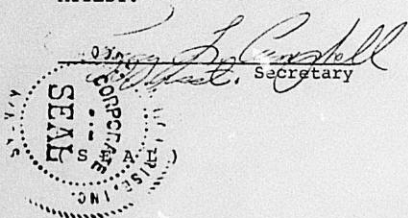
Now, Therefore, it is agreed by the undersigned, Woodlawn Highrise, Inc. that they do hereby guarantee the cost of the installation of the accel-decel lane for the property on the northeast corner of 13th and Woodlawn to be installed at such time as is deemed necessary by the Department of Public Works of the City of Wichita, the land having heretofore been dedicated by virtue of the plat of Highland House Addition.

Dated this 28th day of February, 1974.

WOODLAWN HIGHRISE, INC.

By 

ATTEST:



AGREEMENT TO PAY COST OF
INSTALLATION OF ACCEL-DECEL LANE
13TH AND WOODLAWN

Whereas, a replat called "Highland House Addition" has been filed with the City of Wichita, which in substance is a replat of what was formerly known as a part of Lot 8, Block 5, McEwen 6th Addition; and

Whereas, the Wichita Developers, Inc. is acquiring by purchase the property described as Lot 1, Block 1, of Highland House Addition; and

Whereas, the Metropolitan Area Planning Commission has made a requirement that an appropriate guarantee shall be submitted to them to assure the installation of an accel-decel lane for the northeast corner of 13th and Woodlawn, which is to be installed at such time as deemed necessary by the Department of Public Works of the City of Wichita; and

Whereas, Wichita Developers, Inc. is willing to execute this agreement to pay the costs thereof at the time of the installation of the accel-decel lane.

Now, Therefore, it is agreed by the undersigned, Wichita Developers, Inc. that it will pay for all costs for the installation of an accel-decel lane for the property on the northeast corner of 13th and Woodlawn to be installed at such time as deemed necessary by the Department of Public Works of the City of Wichita. It being understood, however, that the area for the accel-decel lane is being dedicated by the plat of Highland House Addition.

Dated this 22nd day of February, 1974.

WICHITA DEVELOPERS, INC.

ATTEST:

Catherine E. Wells
Secretary

Catherine E. Wells

By O.C. Frey
O.C. Frey President



STATE OF KANSAS)
)
COUNTY OF SEDGWICK) ss.

BE IT REMEMBERED, that on this 22nd day of February, 1974, before me, the undersigned, a Notary Public, duly commissioned, in and for the county and state aforesaid, came O.C. Frey _____, _____ president of Wichita Developers, Inc. a corporation of the State of Kansas, personally known to me to be such officer, and to be the same person who executed as such officer the foregoing instrument of writing in behalf of said corporation, and he duly acknowledged the execution of the same for himself and for said corporation for the uses and purposes therein set forth.

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

Hazel M. Jones
Notary Public Hazel M. Jones

My Commission Expires: 9-17-76



KAHRS, NELSON, FANNING, HITE & KELLOGG
ATTORNEYS AT LAW
SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AUSTIN M. COWAN (1885-1949)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
RICHARD L. HONEYMAN
LARRY A. WITHERS
GARY A. WINFREY
CLARK R. NELSON

AREA 316
262-3777

March 22, 1974

Mr. Curtis Newby
Metropolitan Area Planning Commission
City Building Annex
104 South Main
Wichita, Kansas 67202

Dear Mr. Newby:

Re: Highland House - S/D 73-132

Pursuant to your telephone call of this date, enclosed is a carbon copy of the Certificate, executed by John D. McEwen, and properly notarized.

If this is not the correct Certificate, please advise and we will obtain a new Certificate form Woodlawn Highrise, Inc.

Yours very truly,

Betty Tosh
(Mrs.) Betty Tosh
Secretary to Mr. Robert H. Nelson

t:enc:



February 19, 1974

Mr. Richard A. Loyd
Farmers and Bankers Bldg.
Wichita, Kansas 67202

Subject: S/D 73-132 - Highland
House Addition

Dear Mr. Loyd:

As you are aware, the Board of City Commission on February 19, 1974 approved the above captioned plat as recommended by the Metropolitan Area Planning Commission. At such time as we receive the satisfactory guarantee for the installation of an accel/decel lane at the intersection of 13th Street and Woodlawn, we will be in a position of being able to release the tracing. If you select a petition method of guarantee we will also need an accompanying certificate.

Please contact Curtis Newby of our staff if you have any questions on completing this case.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:js

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

AUSTIN M. COWAN (1885-1949)

W. A. KAHRS
ROBERT H. NELSON
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RICHARD L. HONEYMAN
LARRY A. WITHERS

GARY A. WINFREY
CLARK R. NELSON

SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AREA 316
262-3777

February 18, 1974

Mr. Curtis Newby
Metropolitan Area Planning Commission
City Building Annex
104 South Main
Wichita, Kansas 67202

Dear Mr. Newby:

Re: Highland House - S/D 73-132

This is to advise you that there has heretofore been delivered to your office on the above plat, the following documents:

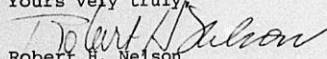
1. Two Sidewalk Petitions.
2. Agreement to pave the alley petition, which is signed by the owners of the property on the south side of said alley. It is understood that the owners of the property on the south side of the alley agree to pay the costs of the paving of the alley.

I desire this petition, however, not to be acted upon until such time as I advise you further. It is anticipated that we will try to obtain the signatures of the people adjacent to the alley on the north side in order to vacate said alley. If we are not successful then you may proceed on the petition.

I have also previously submitted to you the certificate which is required by MAPC. It is also my understanding that Mr. Dick Loyd, representing the Union National Bank is requesting that this matter be forwarded to the City Commission and the question of the paving of accel-decel lanes will be discussed at the City Commission level.

If there is anything further, please advise.

Yours very truly,


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

RHN:t
cc:

Mr. Owen C. McEwen
Richard A. Loyd, Esq.



PERFORMANCE BOND

Approved by Board of Commissioners
FEB 19 1974
day of

KNOW ALL MEN BY THESE PRESENTS:

That, we Woodlawn Highrise, Inc. as Principal, and St. Paul Fire & Marine Insurance Company of St. Paul

as Surety, are held and firmly bound unto the City of Wichita, County of Sedgwick and State of Kansas, in the sum of Fifteen Hundred Dollars (\$ 1,500.00) 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 Highland House Addition (name of subdivision) Plat located in Section 7 Township 27 South Range 2 East Sedgwick County, Kansas.

NOW, THEREFORE, the said Principal Woodlawn Highrise, Inc. shall perform the following obligations and conditions:

1. Guarantee the extension of water to serve Lot 3 in said addition.
2. *
3. *
4. *
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 January 10th 1974 ** 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 10th day of January 19 74.

WOODLAWN HIGHRISE, INC.
By: Owen C. McEwen Principal
President
ST. PAUL FIRE AND MARINE INSURANCE COMPANY
Charles W. Black
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 10th day of January, 19 74, before me, a Notary Public in and for said County and State, came Owen C. McEwen and _____ (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.



Peggy J. Haggill Notary Public

Class 1

CERTIFIED COPY OF POWER OF ATTORNEY
Original on File at Home Office of Company. See Certification.

(A Capital Stock Company)

FIDELITY AND SURETY
DEPARTMENT

ST. 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

Howard N. Fullington, Charles D. Harrison, James H. Knorr, R. L. Mann, Charles W. Black, Harlan L. Smith, William J. Busch, William B. Gaudreau, B. F. Crum, individually, 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 6(C), 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 23rd day of January, 1970, of which the following is a true transcript of said Section 6(C).

"The President or any Vice President, Assistant 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 6th 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 16th day of September A. D. 19 69

ST. PAUL FIRE AND MARINE INSURANCE COMPANY

STATE OF MINNESOTA }
County of Ramsey } ss.

Vice President.

On this 16th day of September 19 69, 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. JAEGER

Notary Public, Ramsey County, Minn.
My Commission Expires June 2, 1974.

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 11 day of Jan 1974

Secretary.

*Unlimited as to character and amount.

EXCERPT FROM PLANNING COMMISSION MINUTES OF NOVEMBER 26, 1973:

12. S/D 73-132 - Final Plat of HIGHLAND HOUSE, generally located at the northeast corner of 13th Street and Woodlawn.

GALBRAITH said that the Commission had recently reapproved a Commercial CUP at this intersection which is now being platted as a 3-lot plat, Lot 1 on the corner to be used as a drive-in banking facility. He pointed out that when the revised CUP was considered by the City Commission, they asked that, at the time of platting, consideration be given to requiring the plat to guarantee the construction of accel and decel lanes at this corner. GALBRAITH stated that this point was not brought up at the Subdivision Committee meeting; that 75 feet for half-street right-of-way was required; however, it being pointed out that since the other three corners are already platted there would be little chance of getting the additional right-of-way for the major improvement of this intersection.

GALBRAITH stated that since the Subdivision Committee meeting, this point has been discussed with the Traffic Engineer and they are of the opinion that it would be an unusual request to require this developer to pave such improvement at this time, and that there will be adequate right-of-way at such time as major improvement of the intersection is later determined necessary. He said they could see no reason why a bank facility at this location would generate enough traffic to require the construction of accel-decel lanes at this time.

Regarding Condition F as suggested by the Subdivision Committee, which requires the applicant to guarantee the paving of the alley as required in the approval of the associated amended CUP (DP-23), GALBRAITH said the applicant is unable to obtain sufficient signatures for a petition, so such guarantee will have to be by one of the other acceptable methods.

HILL commented that this is not a neighborhood center and that it is his understanding it will be more of a motor bank similar to the one at Central and Main or on South Market. He asked if the Traffic Engineer had any kind of figures on the number of turning movements or vehicles utilizing this type of facility. HILL continued that if it is going to create a problem at this intersection, such as the First National Bank drive-in at Douglas and 1st, then accel-decel lanes would be needed, and he thought they should be paid for by the person causing the problem.

BILL MCKINLEY, Assistant Traffic Engineer, said they had no figures so far as vehicular use of any drive-in bank facility, and in this case, it was their thought that the proposed use would not generate sufficient traffic to warrant such an improvement at this time.

HILL suggested that vehicles could make a right hand turn from 13th in the decel lane, drive north on Woodlawn and then utilize the Woodlawn entrance to the bank rather than the one on 13th Street. MCKINLEY said it would depend on how the structure is oriented to the street system.

ARNHOLZ agreed with HILL's suggestion and pointed out that it is working at Amidon and 21st Street. MCKINLEY also agreed that that would improve the traffic circulation.

BLAKEY commented that it is the shopping center facilities on the other corners which generate the most traffic, and he considered it unfair to require dedication or improvement of this applicant when it was not required of the other owners. It was pointed out that additional right-of-way from the other three corners would have to be acquired through condemnation at the time of major improvement of the intersection.

RICHARD LOYD, attorney for the applicant, pointed out that a full service bank facility is not proposed for this location and it is not expected to generate a great deal of traffic and certainly not as much as the shopping facilities on the other corners.

HILL asked Loyd if he was asking to withdraw the 75-foot dedication required at the Subdivision Committee meeting and LOYD said he was not, but that they wanted to be treated the same as any other developer - that they are willing to dedicate but do not want to

ARNHOLZ commented that since the applicant wants to be treated the same as anyone else, a stacking lane should be guaranteed as required at Pawnee Plaza and 21st and Amidon. LOYD stated again that they are not objecting to the required major street dedication.

BLAKEY pointed out that the two centers referred to are 40 and 24 acre developments while subject case is only a small lot.

McKINLEY restated that they do not believe the improvement is needed at this time, but the additional dedication should be made now, and the Commission may want to require the applicant to pay for such construction when it is done.

LOYD said they had no objection to the suggestion.

MOTION: That the Planning Commission recommend to the City Commission that this plat be approved subject to:

- A. The associated amended Community Unit Plan (DP-32) has been approved by the Board of City Commissioners subject to platting.
- B. Access controls and building setback lines may be deleted from the face of the plat as those shown on the approved CUP shall govern.
- C. The applicant shall guarantee the extension of water to serve Lot 3.
- D. All lots shall be graded to drain to the streets and/or the alley.
- E. The applicant shall install or guarantee the installation of sidewalks adjacent to the east side of Woodlawn, the north side of 13th Street and the west side of Brookfield Lane, the total estimated construction cost to be in the amount of \$3,054.
- F. The applicant shall guarantee the paving of the alley as required in the approval of the associated amended CUP (DP-23).
- G. The engineer's certificate shall be expanded to refer to the vacation by the plat of the triangular portions of street right-of-way on Lot 1.
- H. The applicant shall submit an appropriate guarantee to assure the installation of an accel-decel lane for the intersection of 13th and Woodlawn, to be installed at such time as deemed necessary by the Department of Public Works.
- I. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Hill moved, Hopper seconded and it carried by a vote of 8 in favor (Hill, Hopper, Kamen, Taylor, Hennessy, Blakey, Gardenhire and Gragert) and 1 opposed (Arnholz). (Rising absent.)

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 73-132 Name HIGHLAND HOUSE ADDITION
Application & Sketch Filed: 11-5-73
Preliminary Plat Filed: N/A Approved by S/D: N/A
Final Plat Filed: 11-5-73 Approved by S/D: 11-15-73
Approved by Metropolitan Area Planning Commission: 11-26-73

DESCRIPTION

General Location: Northeast corner of
13th and Woodlawn

Surveyor or Engineer: Professional Engineering Consultants
Owner: Woodlawn Highrise, Inc.
Address: 16206 East Central 67203

- | | | |
|--|------------------------|--------------------------|
| 1. Gross Acreage of Plat <u>4.86</u> | 6. Access Control | |
| 2. Number of Lots: | St. <u>Woodlawn</u> | No. Openings <u>3</u> |
| Residential _____ | St. <u>13th Street</u> | No. Openings <u>1</u> |
| Commercial <u>3</u> | St. _____ | No. Openings _____ |
| Industrial _____ | 7. Req'd Improvements | |
| Other _____ | St. Paving _____ | Water <u>X</u> |
| Total Number of Lots: <u>3</u> | Sidewalk <u>X</u> | Drainage _____ |
| 3. Minimum Lot Area: <u>1.4</u> Acres | Sewer _____ | Other <u>accel-decel</u> |
| 4. Existing Zoning <u>"IC"</u> | | <u>lane, pave alley</u> |
| 5. Special Problems Discussed <u>Guarantee and need for accel-decel lane at 13th and Woodlawn to provide good access to drive-in bank.</u> | | |

Valid petitions have been submitted guaranteeing the installation of sidewalks adjacent to the east side of Woodlawn, the north side of 13th Street and the west side of Brookfield Lane. A performance bond in the amount of \$1,500 has been submitted to guarantee the extension of City water to serve Lot 3.

Planning Commission Recommendation:

That this plat be approved, subject to:

- ~~A.~~ The applicant shall submit an appropriate guarantee for paving of the alley and to assure the installation of an accel-decel lane at the intersection of 13th and Woodlawn, to be installed at such time as deemed necessary by the Department of Public Works.
- ~~B.~~ The applicant shall submit a "certificate" certifying the petitions associated with the plat.
- C. Recording of the plat within 30 days after approval by the Board of City Commissioners.
Hill moved, Hopper seconded and it carried by a vote of 8 in favor (Hill, Hopper, Gardenhire, Blakey, Gragert, Kamen, Taylor, and Hennessy) and 1 opposed (Arnholz). (Rising absent.)

NOTE: The applicant's attorney has requested this case to be forwarded to the Board of City Commissioners for discussion of condition of approval "A" above.

ACTION: Accept the bond, approve the petitions and instruct the Director of Law to prepare the necessary resolutions, instruct the City Clerk to file the certificate with the Register of Deeds, the publication and filing costs of which shall be billed to the applicant, and approve the plat as approved by the Metropolitan Area Planning Commission, authorize the Mayor to sign and instruct the Planning Department to withhold release of the plat tracing for recording until all conditions of the plat approval have been complied with.

CERTIFICATE

City of Wichita)
Sedgwick County) ss
State of Kansas)

I, Woodlawn Highrise, Inc., owner and platlor
of Lot 8, Blk. 5 McEwen 6th Addition, do hereby certify
that petitions for the following improvements have been submitted
to the Board of Commissioners of the City of Wichita, Kansas,
and said petitions have been approved and initiating resolutions
adopted for each of the following projects:

1. Sidewalk petitions (3).
 - (A) East side Woodlawn
 - (B) North side 13th Street
 - (C) West side Brookfield Lane
2. Paving of the alley and accel-decel lane

As result of the above petitions for improvements land
within Lot 8, Blk. 5 McEwen's 6th Addition may be libel
for special assessments against said land for making the above
improvements.

Signed this 15th day of January, 19 74.

WOODLAWN HIGHRISE, INC.

By John D. McEwen
John D. McEwen

City of Wichita)
Sedgwick County) ss
State of Kansas)

Be it remembered that on this 15th day of January,
19 74, before me, a notary public in and for said County and State,
came John D. McEwen
to me personally known to be the same person who executed the fore-
going 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: 11-23-76.

Elizabeth C. Cook
Notary Public

T9-128/CK

EMMET A. BLAES
ROETZEL JOCHEMS
ROBERT G. BRADEN
BRUCE W. ZUERCHER
RICHARD A. LOYD
LAWRENCE MCDONOUGH
GERALD D. HAAG
LARRY K. MEEKER
ROBERT L. HEATH
TIMOTHY E. MCKEE
EDWIN J. DREILING

JOCHEMS, SARGENT & BLAES
ATTORNEYS AT LAW
FARMERS & BANKERS BUILDING
200 EAST FIRST STREET
POST OFFICE BOX 2134
WICHITA, KANSAS 67201
(316) 262-8443

ja
W. D. JOCHEMS
(1888-1960)
J. WIRTH SARGENT
(1864-1968)

J. FRANCIS HESSE
LEONARD A. LEVAND
COUNSEL

February 12, 1974

Metropolitan Area Planning
Commission
104 South Main
Wichita, Kansas 67202

Gentlemen:

RE: Highland House Plat

Please forward the Highland House Plat to the City Commission for consideration without the filing of the petition for acceleration-deacceleration lanes on 13th and Woodlawn. I would like to have this requirement reviewed by the City Commission to determine if such a petition is necessary after the applicant has dedicated the necessary land for such lanes.

Very truly yours,

Richard A. Loyd
Richard A. Loyd of
JOCHEMS, SARGENT & BLAES

RAL:ja



KAHRS, NELSON, FANNING, HITE & KELLOGG

ATTORNEYS AT LAW
SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AUSTIN M. COWAN (1885-1949)
W. A. KAHRS
ROBERT H. NELSON
H. W. FANNING
RICHARD C. HITE
DARRELL D. KELLOGG
RICHARD L. HONEYMAN
LARRY A. WITHERS
GARY A. WINFREY
CLARK R. NELSON

AREA 316
262-3777

January 15, 1974

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

Gentlemen:

Re: Highland House - S/D 73-132
Replat of Lot 8, Block 5 McEwen 6th Addition
Except the South 300' of the East 265'

This is to advise you that from my examination of the abstract of title and the records furnished to me by Fidelity Title Company, Inc. that Woodlawn Highrise, Inc. is the fee title owner of the above described property.

You are further advised that taxes for the year 1973 have been paid in full as shown by receipts thereof filed with this letter.

Yours very truly,


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

RHN:t
Encs.

KAHRS, NELSON, FANNING, HITE & KELLOGG

ATTORNEYS AT LAW

SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AUSTIN M. COWAN (1885-1940)

W. A. KAHRS

ROBERT H. NELSON

H. W. FANNING

RICHARD C. HITE

DARRELL D. KELLOGG

RICHARD L. HONEYMAN

LARRY A. WITHERS

GARY A. WINFREY

CLARK R. NELSON

AREA 316
262-3777

December 19, 1973

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

Attention: Mr. Newby

Re: Highland House Addition - S/D 73-132

I am enclosing herewith a paving petition for the alley from the East line of Woodlawn to the West line of Brookfield Lane in the above addition. This petition has been signed by Woodlawn Highrise, Inc. by Owen C. McEwen, president. This petition is being submitted on the basis that the cost of the construction of the alley shall be borne by Woodlawn Highrise, Inc. and not by owners of the property adjacent to said alley on the North.

This is being done to comply with the requirements for the approval of the above plat. It is anticipated that we will try to vacate this alley and will require the consent of all of the adjacent property owners on the North. Therefore, I need quite some time to attempt to accomplish this and therefore I do not want the alley ordered in for at least a six month period.

If the above is satisfactory, please so advise.

Yours very truly,


Robert H. Nelson

of KAHRS, NELSON, FANNING, HITE & KELLOGG

RHN:t

Enc.

cc: Mr. Dick Linn
Mr. Owen C. McEwen

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

AUSTIN M. COWAN (1065-1849)
W. A. KAHRS

ROBERT H. NELSON
H. W. FANNING

RICHARD C. HITE
DARRELL D. KELLOGG

RICHARD L. HONEYMAN
LARRY A. WITHERS

GARY A. WINFREY
CLARK R. NELSON

SUITE 630 - 200 WEST DOUGLAS AVENUE
WICHITA, KANSAS 67202

AREA 316
262-3777

January 15, 1974

Mr. Curtis Newby
Metropolitan Area Planning Commission
City Building Annex
104 South Main
Wichita, Kansas 67202

Dear Mr. Newby:

Re: Plat of Highland House and Addition to
Wichita, Sedgwick County, Kansas
S/D 73-132

In order to comply with the MAPC requirements on the above plat,
I am enclosing herewith the following documents:

1. Sidewalk Petitions, as follows:
 - a. North side of 13th Street from Woodlawn Avenue to East Line Highland House;
 - b. West side of Brookfield Lane from South Line of Lot 3, Highland House to North Line of Lot 3, Highland House; and
 - c. East side of Woodlawn Avenue from 13th Street to North line of Highland House.
2. Title opinion showing title in Woodlawn Highrise, Inc.
3. Xerox copy of tax receipts showing payment in full of 1973 taxes.
4. Performance bond signed by Woodlawn Highrise, Inc. as principal and St. Paul Fire and Marine Insurance Company as surety guaranteeing the sum of \$1,500 for the extension of water to serve Lot 3 in said

Mr. Curtis Newby
Page -2-
January 15, 1974

addition. (I have left #5 on the bond blank, which is the date of performance. As I understand it, this should be a two-year period. Please fill in the proper date showing a period of two years.)

5. Certificate showing filing of above documents.
6. Paving Petition for alley described in Lot 8, Block 5, McEwen 6th Addition, which has been signed by Woodlawn Highrise, Inc. as owner of the property, guaranteeing paving of said alley.

The original paving petition on the alley was delivered to your office sometime ago. It is the desire of Woodlawn Highrise, Inc. to get owners on the North side of said alley adjacent thereto, to agree to vacate said alley and if so vacated will avoid the necessity of paving of the alley by the paving petition heretofore filed. We desire a period of time on this paving petition to give us an opportunity to see whether or not the signatures of the property owners on the North side can be obtained. I will advise you accordingly if it appears that they cannot be so obtained.

Yours very truly,


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

RHN:t
Encs.

cc: Mr. Owen C. McEwen
Richard Loyd, Esq.
Mr. Keltner

November 27, 1973

Professional Engineering Consultants
1440 East English
Wichita, Kansas 67211

Re: S/D 73-132 - Final Plat of
HIGHLAND HOUSE

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on November 26, 1973, the above-captioned plat was considered. After considerable discussion relative to an accel-decel lane, it was the action of the Planning Commission to recommend approval of the plat, subject to the conditions as recommended by the Subdivision Committee and stated in our letter of November 16, 1973, and in addition the following condition:

The applicant shall submit an appropriate guarantee to assure the installation of an accel-decel lane for the intersection of 13th and Woodlawn, to be installed at such time as deemed necessary by the Department of Public Works.

In addition to complying with those conditions, it is necessary that you meet the following requirements before this plat can be forwarded to the Board of City Commissioners for consideration:

1. Compliance with the requirements of the Metropolitan Area Planning Commission.
2. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
3. Certification by an attorney that fee title is vested in the platator.
4. Certification that all taxes due and payable for 1973 and prior years have been paid.

Page 2 - Professional Engineering Consultants
November 27, 1973

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

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

cc: Woodlawn Highrise, Inc., 16206 East Central 67230
Dean Sellers, Assistant City Engineer

November 16, 1973

Professional Engineering
Consultants
1440 East English
Wichita, Kansas 67211

Subject: S/D 73-132 - Final Plat
of HIGHLAND HOUSE

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, November 15, 1973, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

A. The associated amended Community Unit Plan (DP-32) has been approved by the Board of City Commissioners subject to platting.

B. Access controls and building setback lines may be deleted from the face of the plat as those shown on the approved CUP shall govern.

performance bond
C. The applicant shall guarantee the extension of water to serve Lot 3.

petitioned
D. All lots shall be graded to drain to the streets and/or the alley.

petitioned
E. The applicant shall install or guarantee the installation of sidewalks adjacent to the east side of Woodlawn, the north side of 13th Street and the west side of Brookfield Lane, the total estimated construction cost to be in the amount of \$3,054.

petition (to be held)
F. The applicant shall guarantee the paving of the alley as required in the approval of the associated amended CUP (DP-23).

Final Plat of HIGHLAND HOUSE
November 16, 1973
Page 2

- G. The engineer's certificate shall be expanded to refer to the vacation by the plat of the triangular portions of street right-of-way on Lot 1.
- H. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Enclosed with the applicant's copy of this letter is a list of the five methods which have been adopted as being acceptable for guaranteeing improvements required in the approval of plats. Forms for the bond and irrevocable letter of credit are available from this office.

The enclosed "marked" copy of the final plat is for your information and files.

This matter will be forwarded to the Planning Commission for its consideration on Thursday, November 26, 1973, at 1:30 p.m. If you should have any questions concerning this matter, please call.

Sincerely,

Curtis L. Newby
Junior Planner

CLN:rme
Enclosure

cc: Woodlawn Highrise, Inc.
16206 East Central, 67230

Dean Sellers, Assistant City Engineer

FINAL PLAT
SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 73-132 Name HIGHLAND HOUSE
Date Application Rec'd. 11-5-73 Preliminary Approval N/A
Scheduled S/D Meeting 11-15-73

DESCRIPTION

General Location At the northeast corner of 13th Street and Woodlawn

Owner Woodlawn Highrise, Inc.
Surveyor/Engineer Professional Engineering Consultants
Address 1440 East English Phone 262-2691

- | | |
|---|--|
| 1. Gross Acreage of Plat <u>4.86</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. <u> </u> R/W <u> </u> ft. |
| Residential <u> </u> | b. <u> </u> R/W <u> </u> ft. |
| Commercial <u> </u> <u>3</u> | c. <u> </u> R/W <u> </u> ft. |
| Industrial <u> </u> | d. <u> </u> R/W <u> </u> ft. |
| Other <u> </u> | e. <u> </u> R/W <u> </u> ft. |
| Total Number of Lots <u>3</u> | TOTAL <u> </u> None <u> </u> ft. |
| 3. Minimum Lot Frontage <u>N/A</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area <u>N/A</u> ft. | streets? <u>yes</u> <u>no</u> |
| 5. Existing Zoning <u>LC</u> | |
| 6. Proposed Zoning <u>LC</u> | |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) <u> </u> (Yes-No) | |
| 12. City of Wichita <u>X</u> : Three-Mile Area <u> </u> | |

STAFF COMMENTS:

- A. The associated amended Community Unit Plan DP-32 has been approved by the Board of City Commissioners subject to platting.
- B. Access controls and building setback lines may be deleted from the face of the plat as those shown on the approved C.U.P. shall govern.
- C. The applicant shall install or guarantee the installation of sidewalks adjacent to the east side of Woodlawn, the north side of 13th Street and the west side of Brookfield Lane, the total estimated construction cost to be in the amount of \$3,054.
- D. The applicant shall be advised that sidewalk construction will be required prior to final building inspection for lots where the sidewalk has been previously required as a condition of platting.
- E. The applicant shall guarantee the paving of the alley as required in the approval of the associated amended C.U.P. DP-32.
- F. The engineers certificate shall be expanded to refer to the vacation by the plat of the triangular portions of street right-of-way on Lot 1.
- G. Recording of the plat within 30 days after approval by the Board of City Commissioners.

NOTE: This plat has been submitted in final form only, as provided for in Article 4, Part 5, of the MAPC Subdivision Regulations. The Utility Advisory Committee should be prepared to comment on existing utilities and other various improvements, or discuss the feasibility of the applicant extending and/or installing same.

Map No.: _____
Section No.: _____
Twp. No.: _____
Range: _____

S/D No. B-132

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Highland House
General Location: N. E. Corner 13th St. and Woodland
Name of Property Owner: Woodlawn Highrise, Inc.
Address: 16206 E. Central 30 Phone: 733-1607
Name of Subdivider: Woodlawn Highrise, Inc.
Address: 16206 E. Central Phone: 733-1607
Name of Agent/Surveyor: Professional Engineering Consultants, P.A.
Address: 1440 E. English 67211 Phone: 262-2691
Date of Application: _____

SUBDIVISION INFORMATION:

- | | |
|--|---|
| 1. Gross Acreage of Plat <u>4.86</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | a. _____ R/W _____ ft. |
| Residential _____ | b. _____ R/W _____ ft. |
| Commercial <u>3</u> | c. _____ R/W _____ ft. |
| Industrial _____ | d. _____ R/W _____ ft. |
| Other _____ | e. _____ R/W _____ ft. |
| Total Number of Lots <u>3</u> | TOTAL <u>None</u> ft. |
| 3. Minimum Lot Frontage <u>N.A.</u> ft. | 8. Sidewalk adjacent to all streets? <u>yes</u> <u>no</u> |
| 4. Minimum Lot Area <u>N.A.</u> ft. | |
| 5. Existing Zoning <u>LC</u> | |
| 6. Proposed Zoning <u>LC</u> | |
| 9. Public Water Supply <u>(Yes-No)</u> , Name <u>City of Wichita</u> | |
| 10. Public Sanitary Sewers <u>(Yes-No)</u> , Name <u>City of Wichita</u> | |
| 11. Health Department Approval (where applicable) _____ (Yes-No) | |
| 12. City of Wichita <u>Three-Mile Area</u> | |

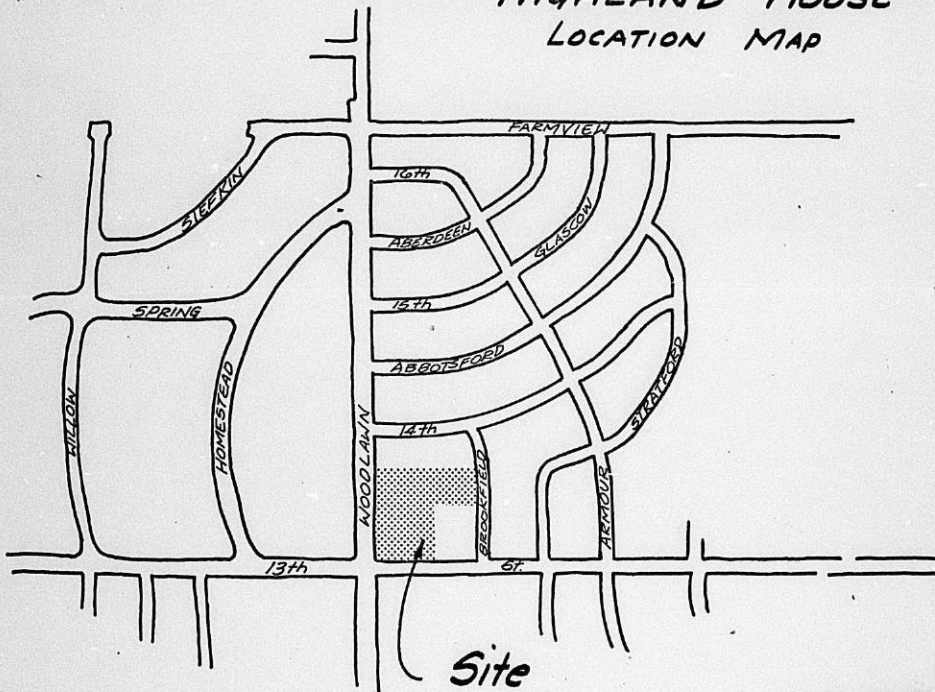
The owner herein agrees to comply with the Subdivision Regulations for the Wichita-Sedgwick County Metropolitan Area, as approved, and all other pertinent ordinances of the City of Wichita and/or Resolutions of Sedgwick County, Kansas, and Statutes of the State of Kansas. He further agrees that he waives the 60-day statutory period in which the Planning Commission or governing body must act. In addition, it is agreed that all costs of recording the plat and supplemental documents thereto with the Register of Deeds, as well as all costs of publication of initiating resolutions approving any petition for improvements, such as streets, sewer, sidewalks, etc. shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature: Queen M. S. S. S.
President

Wichita-Sedgwick County Metropolitan Area
Planning Commission, Room 402, City Building
Annex, 104 South Main Street, Wichita, Kansas

Received by Cartwright
Date 11.5.73
Fee Submitted \$56.00

HIGHLAND HOUSE LOCATION MAP



PROFESSIONAL ENGINEERING CONSULTANTS
1440 E. ENGLISH
WICHITA, KANSAS 67211

FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION		AMOUNT
<i>Suburban Club</i>		
<i>1111 N. 21st</i>		
Name		
<i>H.F.S.</i>		
Address		
<i>1111 N. 21st</i>		
Type	Due Date	
<i>...</i>	<i>...</i>	
Comments:		
Date		By
<i>11-2-71</i>		<i>C. H. ...</i>