

PLAT NO. S/D 79-64 MAP NO. 5945

NAME CHERRY CREEK SHOPPING CENTER ADDITION

LOCATION: Southwest Corner of Harry and Rock Road

ENGINEER Oblinger-Smith Corporation & Boughman Co.

OWNER Land Enterprises Company

APPLICATION FILED 5-21-79

SKETCH PLAT FILED \_\_\_\_\_

PRELIMINARY FILED 5-21-79

S/D ACTION 5-31-79 approve

FINAL FILED 6-4-79

S/D ACTION 6-14-79 approve

MAPC ACTION 6-21-79 approved

BCC ACTION 8-14-79 approve

RECORDED 8-27-79

REMARKS Associated Cases: Z-2138 & DP-98

S/D 79-64 - CHERRY CREEK SHOPPING  
CENTER ADDITION - Southwest corner  
of Harry & Rock Rd. Oblinger-  
Smith Corporation

B.C.C./B-60.C. Approved 8-14-79

S/D (final) approve 6-14-79



January 26,  
1984

Ronald C. Gisick, City Clerk  
Forrest L. Nagley, Junior Planner

Release of letter of credit associated with Cherry Creek  
Shopping Center Addition. (Credit Number 867).

When the above-referenced property was platted, a guarantee was obtained in order to assure construction of a major entrance to Rock Road. The major entrance has been completed and, therefore, the letter of credit may be released.

The original guarantee should be returned to the bank with their copy of this memorandum.

Forrest L. Nagley  
Junior Planner

FLN:bh

cc: Fourth National Bank, Attention: Anna R. Anderson, Loan  
Services Officer, 100 N. Broadway, 67202  
W. R. Murfin, Union Center Bldg., 510 N. Main, 67202

3035 S. Topeka  
Topeka, Ks. 66611

Don Lennons called 5/24/83 &  
said he will be purchasing site from  
Murfin. Wants to assume  
guarantee. Ask for 6 month  
extension. Sent him a letter  
of credit from to replace  
existing one

Real  
5/24/83

May 11, 1983

Mr. W. R. Murfin  
Union Center Building  
510 North Main  
Wichita, Kansas 67202

Re: Letter of credit guaranteeing the construction of a  
major entrance on Lot 1, Cherry Creek Shopping Center  
Addition. (Credit Number 867).

Dear Mr. Murfin:

Your letter of credit from Fourth National Bank and Trust  
Company in the amount of \$3,000.00 guaranteeing the above-  
referenced improvement is nearing default. The terms of  
the letter of credit reference a June 21, 1983, completion  
date. A recent field check of the site has verified that  
no development has occurred on the lot and, consequently,  
the required major entrance has not been constructed.

The purpose of this letter is to bring this situation to  
your attention so arrangements can be made for extending  
this platting guarantee for another year. We can authorize  
a one-year extension of time to complete the major entrance  
provided the bank submits an amendment to your letter of  
credit which references the following:

- A. A new default or completion date of June 21, 1984;  
*December 21, 1983*
- B. A new expiration or negotiation date of August 21,  
1984.  
*February 21, 1984*

This amendment needs to be submitted to the Planning De-  
partment and should be drawn to my attention. Should you  
have any questions, please call me at 268-4421.

Sincerely,

Forrest L. Nagley  
Junior Planner  
FLN:bh

cc: Fourth National Bank, Attention: Anna B. Anderson,  
Loan Services Officer, 100 N. Broadway, 67202

June 9, 1982

Donald C. Gisick, City Clerk

Forrest L. Nagley, Junior Planner

Forwarding of amendment to existing letter of credit associated with Cherry Creek Shopping Center Addition guaranteeing construction of a major entrance (Credit No. 867).

Attached please find the above referenced document for your files. It should be attached to the original letter of credit.

Forrest L. Nagley  
Junior Planner

FLN:bh

cc: Mike Lindebak, Project Development Engineer, City Engineering

Attach.

FOURTH NATIONAL BANK & TRUST CO  
WICHITA, KANSAS 67202 / MEMBER FDIC

**TheFourth**



RE: IRREVOCABLE LETTER OF CREDIT NO. 867

May 27 1982

AMENDMENT NO. 1

TO: The City of Wichita  
455 N. Main  
Wichita, Kansas 67202

IN ACCORDANCE WITH INSTRUCTIONS RECEIVED FROM

W. R. Murfin  
612 Union Center  
Wichita, Kansas 67202

WE HEREBY AMEND THE AFOREMENTIONED CREDIT. ISSUED IN YOUR FAVOR, AS FOLLOWS:

1. The date of default has been extended to June 21, 1983.
2. The date of expiration has been extended to August 21, 1983.
3. The amount has been increased from \$1,250.00 to \$3,000.00.

ALL OTHER CONDITIONS REMAINING UNCHANGED.  
AS THIS LETTER IS TO BE CONSIDERED A PART OF THE AFOREMENTIONED CREDIT INSTRUMENT. IT  
SHOULD BE ATTACHED THERETO.

THE FOURTH NATIONAL BANK and TRUST COMPANY, WICHITA

AUTHORIZED SIGNATURE

Anna R. Anderson, Loan Services Officer

*W.R. Murfin*

June 3, 1982

Mr. Forrest L. Nagley, Jr. Planner  
Wichita Sedgwick County  
Metropolitan Area Planning Dept.  
455 North Main Street  
Wichita, Kansas 67202

Dear Mr. Nagley,

Enclosed herewith you will find Letter of Credit amendment as requested in your letter dated May 3, 1982 regarding construction of a major entrance on Lot 1, Cherry Creek Shopping Center Addition on Rock Road.

The letter of credit amends and extends the original letter of credit.

If you need any additional information, please let us hear from you.

Sincerely,

*WR Murfin*

W. R. Murfin

/s  
encl.

cc: M. McClaren

RECEIVED

JUN 8 1982

METROPOLITAN PLANNING  
ROUTE  *Nagley*  
 \_\_\_\_\_

### IMPORTANT MESSAGE

FOR Lewis  
 DATE 5-7 TIME 2:15 A.M.  
P.M.

WHILE YOU WERE AWAY

Mr. McClaren

OF \_\_\_\_\_  
 PHONE No. 263-0319

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE Re - Letter of Credit

Cherry Creek Shopping Center -

NO - 867 -

SIGNED He will get an extension of his letter of credit.

FORM 600-017

May 3, 1982

Mr. W. R. Murfin  
 Union Center Bldg.  
 510 N. Main  
 Wichita, Kansas 67202

Re: Letter of credit guaranteeing the construction of a major entrance on Lot 1, Cherry Creek Shopping Center Addition (Credit Number 867).

Dear Mr. Murfin:

Your letter of credit from Fourth National Bank and Trust Company in the amount of \$1,250.00 guaranteeing the above-referenced improvement is nearing default. The terms of the letter of credit reference a June 21, 1982, completion date. A recent field check of the site has verified that no development has occurred on the lot and, consequently, the required major entrance to Rock Road has not been built.

The purpose of this letter is to bring this situation to your early attention. Should your development plans for this property preclude the construction of the major entrance by June 21, 1982, default date, we can authorize a one-year extension of time to complete this required improvement. This time extension does require the submission of an amendment to your letter of credit which references the following:

- A. A new dollar amount of \$3,000.00 (amount needed by the City if required to construct entrance).
- B. A new default date of June 21, 1983.
- C. A new negotiation or expiration date of August 21, 1983.

Should you have any questions about this matter, please do not hesitate to call me at 268-4421. I have attached a copy of your letter of credit for your reference and information.

Sincerely,

Forrest L. Nagley  
 Junior Planner

FLN:bbh

cc: Marilyn B. Pauly, Fourth National Bank, 100 N. Broadway, 67202

Mr. W. R. Murfin  
5-3-82  
Page 2

Mike Lindabak, Program Development Engineer, City Engineering

June 18, 1981

Donald C. Gisick, City Clerk

Forrest L. Nagley, Junior Planner

Release of original letter of credit (#655) and filing of revised letter of credit (#867), both associated with Cherry Creek Shopping Center Addition.

On August 14, 1979, the Board of City Commissioners "received and filed" a letter of credit in the amount of \$1,000.00 from Fourth National Bank for the account of Land Enterprises Company. The submission of the letter of credit was a requirement of plat approval for Cherry Creek Shopping Center Addition.

Attached please find a revised letter of credit in the amount of \$1,250.00 for the account of W. R. Murfin. Mr. Murfin is now the owner of this property. The revised letter of credit should be held in your files until such time as its release is authorized by either City Engineering or the Planning Department.

The original \$1,000.00 letter of credit should be returned to the Fourth National Bank and Trust Company, c/o Marilyn B. Pauly, Assistant Vice President. Should you have any questions about this matter, please advise.

Forrest L. Nagley  
Junior Planner

FLM:bh

cc: Marilyn B. Pauly, Assistant Vice President, Fourth National Bank and Trust Company, P.O. Box 1090, 67201  
Mike Lindabak, Project Development Engineer, City Engineering  
Dave Burris, Land Enterprises Co., 3900 E. Harry, Suite 135, 67218

# TheFourth

June 17, 1981

RECEIVED

JUN 18 1981

METROPOLITAN PLANNING

ROUTE

Nagley

Mr. Forrest Nagley  
City of Wichita  
Metropolitan Area Planning Department  
455 North Main  
Wichita, KS 67202

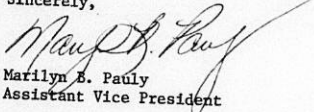
Re: Letter of Credit No. 867  
W. R. Murfin

Dear Mr. Nagley:

Enclosed is the original of our letter of credit No. 867 issued in your favor for the account of W. R. Murfin. This letter of credit will replace our credit No. 655 for the account of Land Enterprises Company to which you refer in the enclosed copy of a letter dated March 3, 1981. As you realize, Mr. Murfin has purchased the property on which the improvement is to be made, therefore the letter of credit for the account of Land Enterprises Co. should be released and returned to me coincident with the filing of the credit for Mr. Murfin.

Your assistance in this matter is appreciated. Should you have any questions, please do not hesitate to contact me at 261-4433.

Sincerely,

  
Marilyn B. Pauly  
Assistant Vice President

MBP:kdp

Enclosure

cc: Mr. W. R. Murfin  
Mr. Dave Burris, Land Enterprises Co.

Fourth National Bank & Trust Co.  
Wichita, Kansas 67201

P.O. Box 1090  
telephone 316-261-4444

# TheFourth

June 17, 1981

RECEIVED

JUN 18 1981

METROPOLITAN PLANNING

ROUTE

*Nagley*

Mr. Forrest Nagley  
City of Wichita  
Metropolitan Area Planning Department  
455 North Main  
Wichita, KS 67202

Re: Letter of Credit No. 867  
W. R. Murfin

Dear Mr. Nagley:

Enclosed is the original of our letter of credit No. 867 issued in your favor for the account of W. R. Murfin. This letter of credit will replace our credit No. 655 for the account of Land Enterprises Company to which you refer in the enclosed copy of a letter dated March 3, 1981. As you realize, Mr. Murfin has purchased the property on which the improvement is to be made, therefore the letter of credit for the account of Land Enterprises Co. should be released and returned to me coincident with the filing of the credit for Mr. Murfin.

Your assistance in this matter is appreciated. Should you have any questions, please do not hesitate to contact me at 261-4433.

Sincerely,

*Marilyn B. Pauly*  
Marilyn B. Pauly  
Assistant Vice President

MBP:kdp

Enclosure

cc: Mr. W. R. Murfin  
Mr. Dave Burris, Land Enterprises Co.

Fourth National Bank & Trust Co.  
Wichita, Kansas 67201

P.O. Box 1090  
telephone 316-261-4444

IRREVOCABLE LETTER OF CREDIT

FOURTH NATIONAL BANK & TRUST CO., WICHITA  
(Name and address of bank)  
P. O. Box 1090, Wichita, Kansas 67201

DATE: June 16, 1981

THE CITY OF WICHITA  
WICHITA, KANSAS

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ 1,250.00 for the account of W. R. Murfin (PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before June 21, 1982 (6)

1. Construct Major Entrance on Rock Road
- 2.
- 3.

in Cherry Creek Shopping Center Addition, a subdivision of the City of Wichita, Kansas.

Acting through the City Engineer, you will notify us when either:

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked: "Drawn under Fourth National Bank & Trust Co., Wichita, Credit No. 867, dated June 16, 1981" (Name of bank).

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorsers and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before August 21, 1982 (insert a date at least 60 days from the date on line 6)

(CORPORATE SEAL)

Very truly yours,  
Fourth National Bank & Trust Co., Wichita,  
Wichita, Kansas  
(Name of bank)

By Marilyn B. Fauly  
(Authorized signature)  
(Also type or print name below)  
Marilyn B. Fauly, Assistant Vice Pres.

March 3, 1981

Land Enterprises Company  
3900 E. Harry, Suite 135  
Wichita, Kansas 67218

Re: Letter of credit guaranteeing the construction of a major  
entrance on Lot 1, Cherry Creek Shopping Center Addition  
(Credit Number 655)

Gentlemen:

Your letter of credit from Fourth National Bank and Trust Company in the amount of \$1,000.00 guaranteeing the above-referenced improvements is nearing default. Our files indicate that you agreed to make this improvement on or before June 21, 1981. This agreement on your part was in response to a condition of approval associated with the platting of Cherry Creek Shopping Center Addition. A recent field check of the subject site shows that no development has occurred on this property and, consequently, the required major entrance to Rock Road has not been built.

This letter acts to bring to your attention the fact that your letter of credit is nearing default. Should your development plans for this property preclude the construction of the major entrance by June 21, 1981, default date, we can authorize a one year extension of time to complete this required improvement provided an amendment to the existing letter of credit is submitted to this office which references the following:

- a) A new dollar amount of \$1,250.00 (provides for inflationary increases);
- b) A new default date of June 21, 1982;
- c) A new negotiation or expiration date of August 21, 1982.

This amendment should be submitted to this office prior to the June 21, 1981 default date.

Should you have any questions about this matter, please do not hesitate to call me at 268-4421. I have attached a copy of your letter of credit for your reference and information.

Sincerely,

Forrest L. Nagley  
Junior Planner

Land Enterprises Company  
March 3, 1981  
Page 2

FLN:hh

Attachment

cc: R. M. Briley, Vice President, Fourth National Bank and Trust  
Company, 100 N. Broadway, 67202  
Mike Lindebak, Project Development Engineer, City Engineering

A  
Marilyn Pauly  
P.O. Box 1090  
67201

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO  
BOARD OF CITY COMMISSIONERSSUBDIVISION APPROVAL

S/D Number 79-64 Name Cherry Creek Shopping Center Addition  
 Application & Sketch Filed: 5-21-79  
 Preliminary Plat Filed: 5-21-79 Approved by S/D: 5-31-79  
 Final Plat Filed: 6-4-79 Approved by S/D: 6-14-79  
 Approved by Metropolitan Area Planning Commission: 6-21-79

DESCRIPTION

General Location: Southwest corner of Harry and Rock Road.

Surveyor or Engineer: Baughman Company, P.A.  
 Owner: Land Enterprises Company  
 Address: 3900 E. Harry, Suite 135, 67218

1. Gross Acreage of Plat <u>10</u>	6. Access Control
2. Number of Lots:	St. <u>Harry</u> No. Openings <u>2</u>
Residential _____	St. <u>Rock</u> No. Openings <u>2</u>
Commercial <u>3</u>	St. _____ No. Openings _____
Industrial _____	7. Req'd Improvements
Other _____	St. Paving <u>yes</u> Water <u>existing</u>
Total Number of Lots: <u>3</u>	Sidewalk <u>no</u> Drainage <u>no</u>
3. Minimum Lot Area: <u>3/4</u> Acres	Sewer <u>yes</u> Other <u>none</u>
4. Existing Zoning <u>E</u>	
5. Special Problems Discussed _____	

Associated zone case Z-2138 "E" to "LC" and commercial community unit plan DP-98 have been approved subject to platting. The applicant has submitted 100% petitions for the extension of sanitary sewer, construction of accel-decel lanes on Harry and on Rock Road, and paving Osie. A certificate has been submitted certifying the petitions. A letter of credit in the amount of \$1,000 has been submitted guaranteeing the construction of a major entrance on Rock Road. An avigational easement and restrictive covenant have been submitted.

Planning Commission Recommendation: That this plat be approved subject to recording within 30 days after approval by the Board of City Commissioners.

Cole moved, Bayouth seconded and it carried unanimously. Taylor, Hennessy and Barrier were absent.

ACTION: Approve the petitions and instruct the Director of Law to prepare the necessary resolutions; accept the avigational easement; receive and file the letter of credit; instruct the City Clerk to file the certificate, avigational easement and restrictive covenant with the Register of Deeds, the filing costs of which shall be billed to the applicant; approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign.

IRREVOCABLE LETTER OF CREDIT

Fourth National Bank & Trust Company, Wichita  
Wichita, Kansas  
(Name and address of bank)

Date: July 23, 1979

THE CITY OF WICHITA  
WICHITA, KANSAS

Dear Sirs:

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding \$ 1000.00 for the account of Land Enterprises Company, A Kansas Partnership

(PURCHASER), to be accepted by your signed statement that drawing is due to default or failure to perform by PURCHASER, the following improvements on or before June 21, 1981 (6)  
(Insert date two years from MAPC approval of plat)

1. Construct Major Entrance on Rock Road
- 2.
- 3.

in Cherry Creek Shopping Center Addition, a subdivision of the City of Wichita, Kansas.

Acting through the City Engineer, you will notify us when either:

1. The improvements have been timely completed and the credit may be released, or
2. The purchaser has failed to perform or is in default hereunder.

All drafts drawn hereunder must be marked: "Drawn under Fourth National Bank & Trust Company, Wichita, Credit No. 655, dated July 23, 1979.  
(Name of bank)

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof and the presentment of any such draft shall be a warranty by the negotiating bank that such endorsement has been made and that documents have been forwarded as herein required.

Except so far as otherwise expressly stated herein, this credit is subject to the uniform customs and practices for commercial documentary credits fixed by the 13th Congress of the International Chamber of Commerce.

We hereby agree with the drawers, endorsers and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before August 21, 1981  
(insert a date at least 60 days after the date on line 6)

Very truly yours,  
Fourth National Bank & Trust Company, Wichita  
Wichita, Kansas  
(Name of bank)

(CORPORATE SEAL)

By: R. M. Briley  
(Authorized signature) R. M. Briley  
Vice President

CERTIFICATE

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

I, Land Enterprises Company, owner of  
(give name of proposed plat, if appropriate) \_\_\_\_\_  
Cherry Creek Shopping Center Addition

do hereby certify that petitions for the following improvements  
have been submitted to the Board of Commissioners of the City of  
Wichita, Kansas:

1. paving (Osie)
2. accel-decel lanes (2)
3. sanitary sewer
- 4.
- 5.
- 6.
- 7.

As a result of the above-mentioned petitions for  
improvements, lots or portions thereof within Cherry Creek  
Shopping Center Addition may be subject to special  
assessments assessed thereto for the cost of constructing the  
above-described improvements.

Signed this 9th day of August, 19 79.

Land Enterprises Company

By C. David Burrus  
General Partner

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

Be it remembered that on this 9th day of August,  
19 79, before me, a notary public in and for said County and State,  
came C. David Burrus, to me personally  
known to be the same person who executed the foregoing instrument  
of writing and duly acknowledged the execution of same.

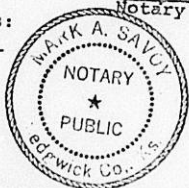
In Testimony Whereof, I have hereunto set my hand and  
affixed my notarial seal the day and year above written.

Mark A. Savoy  
Notary Public

My Commission Expires:

4/14/80

T9-207





RESTRICTIVE COVENANT

RESTRICTIVE COVENANT AFFECTING Cherry Creek Shopping Center ADDITION

THIS DECLARATION made this 25th day of July, \_\_\_\_\_ by undersigned owner \_\_\_\_\_, hereinafter called the Grantor.

WITNESSETH

WHEREAS, Grantor is owner of Cherry Creek Shopping Center Addition to Wichita, Kansas, which property is located near McConnell Air Force Base and is accordingly subject to considerable noise from the operation of aircraft, and

WHEREAS, the City of Wichita in connection with approval of the plat of said addition considers it to be in the public interest to require any buildings constructed on said addition to be designed and constructed giving proper consideration to noise pollution in the area:

NOW THEREFORE, Grantor, hereby declares that Cherry Creek Shopping Addition, shall be and the same is subjected to the following Center restrictive covenant, to-wit:

Any building constructed on the premises shall be so designed and constructed as to minimize noise pollution in any such structure, giving due consideration to the use for which such structure is designed and built. This covenant is for the benefit of said property and shall run with the land and shall inure to the benefit of and pass with said property and shall apply to and bind the successors in interest and any owner thereof.

EXECUTED the day and year first above written.

\_\_\_\_\_  
LAND ENTERPRISES COMPANY  
(A Kansas Partnership)  
By Carl S. Bedell  
General Partner

STATE OF KANSAS)  
SEDGWICK COUNTY) SS

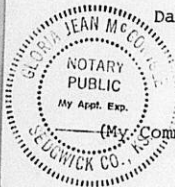
Personally appeared before me a notary public in and for the County and State aforesaid Carl S. Bedell

to me personally known to be the same person \_\_\_\_\_ who executed the foregoing instrument of writing and said person \_\_\_\_\_ duly acknowledged the execution thereof.

Dated at Wichita, Kansas, this 25th day of July, 1979.

Gloria Jean McConigle  
Notary Public

(My Commission expires 12-1-82)



## CHICAGO TITLE INSURANCE COMPANY

### COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor, all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

Issued by:  
THE SECURITY ABSTRACT &  
TITLE COMPANY, INC.  
434 North Main Street  
Wichita, Kansas 67202  
(316) 267-8371

CHICAGO TITLE INSURANCE COMPANY

*Alvin W. Long*  
President.

ATTEST:

*Chester C. McLaughlin*  
Secretary.

*Wm. C. R. [Signature]*  
Authorized Signatory



### CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusion from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

SCHEDULE A

Number

Effective Date

277210

May 25, 1979 @ 7:00 A. M.

1. Owners Policy to be issued: ALTA Form B - 1970 Amount: Unknown  
Proposed Insured: (Amended 10-17-70)

Metropolitan Area Planning Department

- Loan Policy to be issued: ALTA Form 1970 Amount:  
Proposed Insured: (Amended 10-17-70)

2. The estate or interest in the land described or referred to in this Commitment and covered herein is a fee simple and title thereto is at the effective date hereof vested in:

Land Enterprises Company, A Kansas Partnership composed of Ralph C. Rounds, Corb S. Bedell and C. David Burris.

3. The land referred to in this Commitment is described as follows:

Lot 1, except beginning at the Northeast corner; thence South 275 feet; thence East 10 feet; thence South 25 feet to a point 300 feet South and 10 feet East of the Northeast corner of said Lot 1; thence West 143.33 feet; thence North 300 feet; thence East 133.33 feet to place of beginning, in Block 1, Levitt Industrial Park, Wichita, Sedgwick County, Kansas.

## SCHEDULE B

Upon payment of the full consideration to, or for the account of, the grantors or mortgagors, and recording of the deeds and/or mortgages, the form and execution of which is satisfactory to the Company, the policy or policies will be issued containing exceptions in Schedule B thereof to the following matters (unless the same are disposed of to the satisfaction of the Company):

1. If an owner's policy is to be issued, the mortgage encumbrance, if any, created as part of the purchase transaction.
2. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
3. Rights or claims of parties in possession not shown by the public records.
4. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
5. Easements or claims of easements not shown by the public records.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Taxes or special assessments which are not shown as existing liens by the public records.
8. General and special taxes and assessments as hereafter listed, if any (all amounts shown being exclusive of interest, penalties and costs): Year 1978 Taxes \$1,668.48 Paid. Key #C-36117.
9. Building setback lines as shown on the recorded plat.
10. A 16 foot sewer easement as shown on the recorded plat.
11. All abutter's rights of access to or from Harry Street, over and across the North line of Lot 1, Block 1, and Lots 1 and 2, Block 2, and from Rock Road, over and across the East line of Lots 3 and 4, Block 4, and Lot 1, Block 1, is hereby granted to the City of Wichita, provided however that the South 431 feet of Lot 1, Block 1, shall have access to Rock Road at one location as may be established by the City of Wichita.
12. Protective Covenants filed May 9, 1966, in Book Misc. 579, Page 77.
13. Right of Way to Continental Pipe Line Company for pipe line over the East 90 feet of the East Half of the Northeast Quarter of Section 31, Township 27 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas, as created by instrument filed May 9, 1966, in Book Misc. 579, Page 63; and Right of Way to Marland Pipe Line Company filed in Book Misc. 61, Page 39, and confined by Partial Release filed May 9, 1966, in Book Misc. 579, Page 62, to cover only the East 90 feet of the East Half of the Northeast Quarter of Section 31, Township 27 South, Range 2 East.

(See Added Page)

(Schedule B continued)

Policy Number \_\_\_\_\_  
OwnersPolicy Number \_\_\_\_\_  
Loan

14. Easement Agreement for Ingress-Egress to and from Rock Road over a tract beginning at a point 133.3+ feet West and 300 feet South of the Northeast Corner of Lot 1, Block 1, Levitt Industrial Park, Wichita, Sedgwick County, Kansas; thence East parallel with the North line of said Lot 1, a distance of 143.3+ feet, to the East line of said Lot 1; thence South along said East lot line a distance of 30 feet; thence West parallel with the North line of said Lot 1, a distance of 143.3+ feet; thence North parallel with the East line of said Lot 1, a distance of 30 feet to the point of beginning, as created by instrument filed May 18, 1979, on Film 365, Page 777, and all terms and provisions thereof.
15. Easement to the City of Wichita for sewer system over a tract described as beginning at a point 298.07 feet West and 6 feet North of the Northeast Corner of Lot 1, Block 1, Levitt Industrial Park Addition; thence North 19 feet; thence West 20 feet; thence South 19 feet; thence East 20 feet to the point of beginning, as created by instrument filed November 10, 1971, in Book Misc. 701, Page 521.
16. It is noted for informational purposes only and not as an exception to title which will appear in our policy, that captioned property may become subject to special assessments for water and street, notice of which is set forth by Resolution, filed on Film 32, Page 584; Film 183, Page 1020 and Film 284, Page 1600.
17. Mortgage dated April 17, 1978, executed by Land Enterprises Company, a partnership, to The Fourth National Bank and Trust Company, Wichita, filed April 14, 1978, on Film 300, Page 209, in the original amount of \$450,000.00.

NOTE: Any instrument executed on behalf of the partnership may be executed by Corb S. Bedell, Partner.

AFFIDAVIT

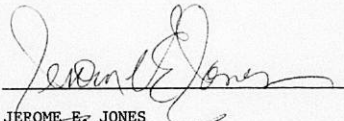
STATE OF KANSAS        )  
                              ) SS.  
COUNTY OF SEDGWICK )

I, Jerome E. Jones, of lawful age, being first duly sworn upon oath depose and state:

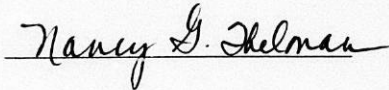
That he is an attorney at law in Wichita, Kansas, and has on numerous occasions represented Land Enterprises Company in such capacity; that Land Enterprises Company is a Kansas general partnership composed of Ralph C. Rounds, Corb S. Bedell and C. David Burris.

Land Enterprises Company is engaged in the business of buying, selling and developing real property within and without the State of Kansas, and this affiant knows of his own knowledge that any of the above-named partners is authorized to execute any and all instruments necessary to carry out the business of the partnership.

FURTHER, affiant saith not.

  
\_\_\_\_\_  
JEROME E. JONES

SUBSCRIBED AND SWORN to before me this 25 day of July,  
1979.

  
\_\_\_\_\_  
Nancy G. Shelman



My Appointment Expires:

Jan 8, 1982



*Louise*  
KANSAS GAS AND ELECTRIC COMPANY

June 27, 1979

Metropolitan Area Planning Commission  
% Curtis Newby  
455 North Main  
Wichita, Kansas 67202

Dear Mr. Newby:

Subject: Cherry Creek Shopping Center Addition

This is to advise satisfactory arrangements have been made regarding removal of facilities in said plat area.

KG&E The Electric Company has no objections to recording said plat.

Sincerely,

Robert L. Blevins  
Senior Estimator

RLB:pw





LAND  
ENTERPRISES  
COMPANY



3900 EAST HARRY, SUITE 135 • P.O. BOX 18358 • WICHITA, KANSAS 67218 • (316) 685-2328

June 22, 1979

Mr. Robert L. Blevins  
Kansas Gas & Electric Company  
Estimating Division  
P.O. Box 208  
Wichita, Kansas 67201

Re: Cherry Creek Shopping Center  
Addition - SW Corner of Harry &  
Rock Rd.  
Wichita, Kansas

Dear Mr. Blevins:

At the Subdivision Committee's consideration of the above captioned plat, you indicated that arrangements needed to be made for removal of existing K. G. and E. service to the present building. Subsequently, the MAPC has approved the final plat subject to several conditions, of which condition "F" reads as follows:

"The applicant shall make satisfactory arrangements with KG&E, for the relocation of some existing utilities."


Land Enterprises Company is the owner and developer of subject property, and this letter is to advise that at such time that existing electrical service needs to be removed and/or relocated that we will reimburse KG&E for same. In visiting with the Estimating Division, we understand that the preliminary estimated cost for such work will be approximately \$500. Since it is our intent to temporarily use the building now being served for construction storage and office, we will advise KG&E at such time the electrical service is no longer needed.

Based upon this letter and the arrangement proposed herein, please advise the Metropolitan Area Planning Department that satisfactory arrangements have been made relative to condition "F".

Should there be any questions, or you need additional information, please advise. A copy of any correspondence sent to the Planning Department would be appreciated.

Sincerely,

LAND ENTERPRISES COMPANY

  
Corb S. Bedell  
General Partner

cc: Louise Olivarez, Senior Planner ✓  
MAPD - 10th Floor  
City Hall

June 25, 1979

Oblinger-Smith Corporation  
625 First National Bank Bldg.  
Wichita, Kansas 67202

Re: S/D 79-64 - Final plat of Cherry Creek Shopping Center  
Addition

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on Thursday, June 21, 1979, the above-captioned plat was considered. The action of the Planning Commission was to recommend that the plat be approved as recommended by the Sub-division Committee subject to the conditions stated in our letter of June 15, 1979.

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:

- 726
1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
  2. Submission of a title report by an abstract or title insurance company or an attorney's opinion that fee title is vested in the platator.
  3. Certification that all taxes due and payable for 1978 and prior years have been paid.

Please call if you have any questions.

Very truly yours,

Louise Olivarez  
Senior Planner

LO:hh

cc: Baughman Company, 330 Laura, 67211  
Land Enterprises Co., 3900 E. Harry, Suite 125, 67218

June 15, 1979

Oblinger-smith Corporation  
625 First National Bank Bldg.  
Wichita, Kansas 67202

Re: S/D 79-64 - Final plat of Cherry Creek Shopping Center  
Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, June 14, 1979, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved subject to:

- petition*
- A. The applicant shall circulate a new petition for the paving of Osie.
  - 2 petition* B. The applicant shall guarantee the construction of the accel-decel lanes on Harry and on Rock Road.
  - C. The applicant shall guarantee the construction of the major entrance on Rock Road. *Letter of credit \$1000*
  - D. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be utilized to minimize effects of noise pollution within any structures to be built on the site.
  - petition* E. The applicant shall guarantee the extension of sanitary sewer to serve Lots 2 and 3.
  - OK* F. The applicant shall make satisfactory arrangements with K.G. and E. for the relocation of some existing utilities. *see letter from KGE dated 6-27-79*
  - G. The applicant shall be advised that any relocation or encasement of the Continental pipeline necessitated by this plat will be at the applicant's expense with no cost to the City or County.

Oblinger-Smith Corp.  
June 15, 1979  
Page 2

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, June 21, 1979, at 1:30 p.m. If you have any questions regarding this matter, please call.

Sincerely,

Louise Olivares  
Senior Planner

LO:bh

cc: Baughman Company, 330 Laura, 67211  
Land Enterprises Co., 3900 E. Harry, Suite 135, 67218  
Dean Sellers, Assistant City Engineer

**RCCD-CORS-5 (Rev 11/77)**  
**RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND**

*Mapley*

DATE: 5-31-79

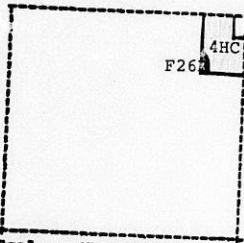
PROPERTY NAME: Cherry Creek Shopping Center Addition

LOCATION: Southwest corner of Harry & Rock Road

MAILED TO: Oblinger-Smith Corporation  
 625 1st Nat'l Bank Bldg.  
 Wichita, Kansas

PREPARED BY: Larry L. Henry  
 District Conservationist  
 USDA-Soil Conservation Service  
 4100 Maple, Wichita, Kansas  
 942-8422 67209

REQUESTED BY: Wichita-Sedgwick County  
 Metropolitan Area Planning  
 Commission



31 Scale: 4" equals 1 mile  
 NE 1/4 31-27-2E

Situation and/or Problems:

This sloping area has very high erosion potential due to the tight clay content of the soil.

<u>Symbols</u>	<u>CLASS</u>	<u>Soil</u>	<u>SOILS LEGEND</u>	<u>Brief Description</u>	<u>HYDRO GROUP</u>
4HC	Ive-1	Clise silty clay, 3-6° slopes		Moderately deep, sloping, well drained soils, on uplands, developed over shales. These soils have rapid runoff and low available water capacity. Permeability is very slow. <u>Prime Agricultural Land.</u>	C
F26B	IIIe-1	Irwin silty clay loam, 1-3° slopes		Deep, gently sloping, moderately well and well drained soils on uplands and terraces. These soils have medium runoff and high available water capacity. Permeability is very slow and moderate. <u>Prime Agricultural Land.</u>	D

SCCD-CONS-5 (con't)  
RESOURCE MANAGEMENT INVENTORY FOR URBANIZING LAND

SOIL INTERPRETATIONS

<u>Symbol</u>	<u>CLASS</u>	<u>Soil</u>	<u>ITEMS</u>	<u>LIMITATIONS</u>	<u>REASON</u>
4HC	Ive-1	Clime silty clay, 3-6% slopes.	Dwellings	Moderate	Shrink- swell low strength depth to rock.
			Small commer- cial buildings	Moderate	Shrink- swell low strength
			Local roads & streets	Severe	Low streng- th
F26B	Same as above		Green area	Severe	Too clayey

RECOMMENDATIONS:

1. Disturb only the area needed for construction.
2. Remove only those trees, shrubs, and grasses that must be removed for construction; protect the rest to preserve their esthetic and erosion-control values.
3. Stockpile topsoil and protect it with anchored straw mulch or jute mat material.
4. Disturbing as small an area as possible, install streets, curbs, water mains, electric and telephone cables, storm drains, and sewers in advance of home or other building construction.
5. Temporarily stabilize each segment of graded or otherwise disturbed land by seeding and mulching or by mulching alone. Permanently stabilize these areas as work on the land is completed. Both temporary and permanent stabilization practices are to be installed according to the Sedgwick County Conservation District standards and specifications.
6. Stabilize each lot within 60 days after work starts on home or other building construction.
7. Backfill, compact, seed and mulch trenches within 60 days after they are opened.
8. If additional information or on-site assistance is needed relative to soils, seeding procedures, structure design or related problems, call this number: 316-942-8422.

If you have any questions or if we can be of additional assistance, don't hesitate to call on us.

Final plat

SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 79-64 Name Cherry Creek Shopping Center Addition  
Date Application Rec'd. 5-21-79 Preliminary Approval 5-31-79  
Scheduled S/D Meeting 6-14-79

DESCRIPTION

General Location Southwest corner of Harry and Rock Road

Owner Land Enterprises Company  
Surveyor/Engineer Oblinger-Smith Corporation/ Baughman Company, 330 Laura  
Address 625 First National Bank Bldg. Phone 262-0451

- |   |                                   |
|---|-----------------------------------|
| 1. Gross Acreage of Plat <u>10.07+</u>                        | 7. Lineal Feet of New Streets:    |
| 2. Number of Lots:  | a. <u>10'</u> R/W <u>318+</u> 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>318+</u> ft.             |
| 3. Minimum Lot Frontage <u>170+</u> ft.                       | 8. Sidewalk adjacent to all       |
| 4. Minimum Lot Area <u>32,861+</u> square ft.                 | streets? <u>yes</u> <u>x</u> no   |
| 5. Existing Zoning <u>"E"</u>                                 |                                   |
| 6. Proposed Zoning <u>"LC" Assoc. Cases: Z-2138 and DP-98</u> |                                   |
9. Public Water Supply Yes (Yes-No), Name City of Wichita  
10. Public Sanitary Sewers Yes (Yes-No), Name City of Wichita  
11. Health Department Approval (where applicable) N.A. (Yes-No)  
12. City of Wichita Three-Mile Area

STAFF COMMENTS:

- A. The applicant's grading and drainage plan has been approved by the City Engineer's office.
- B. The applicant shall guarantee the construction of the accel-decel lanes on Harry and on Rock Road.
- C. The applicant shall guarantee the construction of the major entrance on Rock Road.
- D. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be utilized to minimize effects of noise pollution within any structures to be built on the site.
- E. The applicant shall guarantee the extension of sanitary sewer to serve Lots 2 and 3.
- F. The applicant shall make satisfactory arrangements with K.G. and E. for the relocation of some existing utilities.
- G. The applicant shall be advised that any relocation or encasement of the Continental pipeline necessitated by this plat will be at the applicant's expense with no cost to the City or County.
- H. Recording of the plat within 30 days after approval by the Board of City Commissioners.

June 1, 1979  
Oblinger-Smith  
625 First National Bank Bldg.  
Wichita, Kansas 67202

Re: S/D 79-64 - Preliminary plat of Cherry Creek Shopping  
Center Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, May 31, 1979, the above-captioned plat was considered. The action of the Committee was to approve the preliminary and authorize preparation of the final plat, subject to the following:

- A. Approval of the final plat will be subject to approval by the City Engineer of the applicant's grading and drainage plan.
- B. The applicant shall guarantee the construction of the accel-decel lane on Harry and on Rock Road.
- C. The applicant shall guarantee the construction of the major entrance on Rock Road.
- D. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be utilized to minimize effects of noise pollution within any structures to be built on the site.
- E. The applicant shall guarantee the extension of sanitary sewer to Lots 2 and 3.
- F. The applicant shall make satisfactory arrangements with K.G. & E. for the relocation of some existing utilities.
- G. The applicant shall be advised that any relocation or encasement of the Continental pipeline necessitated by this plat will be at the applicant's expense with no cost to the City or County.
- H. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Oblinger-Smith  
June 1, 1979  
Page 2

Enclosed herewith is the "marked" copy of the preliminary  
plat for your information and files.

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

Sincerely,

Louise Olivarez  
Senior Planner

LO:hh

Encl.

cc: Baughman Company, 330 Laura, 67211  
Land Enterprises Co., 3900 E. Harry, Suite 135, 67218  
Dean Sellers, Assistant City Engineer

Preliminary plat

SUBDIVISION REPORT

SUBDIVISION COMMITTEE  
METROPOLITAN AREA  
PLANNING COMMISSION

S/D NO. 79-64 Name Cherry Creek Shopping Center Addition  
Date Application Rec'd. 5-21-79 Preliminary Approval \_\_\_\_\_  
Scheduled S/D Meeting 5-31-79

DESCRIPTION

General Location Southwest corner of Harry and Rock Road

Owner Land Enterprises Company  
Surveyor/Engineer Oblinger-Smith Corporation  
Address 625 1st Nat'l BANK BLDG. Phone 262-0451

- |  |   |
|--|---|
| 1. Gross Acreage of Plat <u>10.07+</u>                                     | 7. Lineal Feet of New Streets:                              |
| 2. Number of Lots:   | a. <u>10'</u> R/W <u>318+</u> 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>318+</u> ft.                                       |
| 3. Minimum Lot Frontage <u>170+</u> ft.                                    | 8. Sidewalk adjacent to all streets? <u>yes</u> <u>x</u> no |
| 4. Minimum Lot Area <u>32,861</u> Square ft.                               |   |
| 5. Existing Zoning <u>"E"</u>  |   |
| 6. Proposed Zoning <u>"LC"-Assoc. Cases, Z-2138 and DP-98</u>              |   |
| 9. Public Water Supply <u>Yes</u> (Yes-No), Name <u>City of Wichita</u>    |   |
| 10. Public Sanitary Sewer <u>Yes</u> (Yes-No), Name <u>City of Wichita</u> |   |
| 11. Health Department Approval (where applicable) <u>N.A.</u> (Yes-No)     |   |
| 12. City of Wichita <u>X</u> : <del>There are no other comments</del>      |   |

STAFF COMMENTS:

- A. Prior to submission of the final plat, the applicant shall submit a grading and drainage plan to the City Engineer's office for review and approval.
- B. The applicant shall guarantee the construction of the accel-decel lanes on Harry and on Rock Road.
- C. The applicant shall guarantee the construction of the major entrance on Rock Road.
- D. The applicant shall submit an avigational easement covering all of subject property and a covenant assuring that adequate construction methods will be utilized to minimize effects of noise pollution within any structures to be built on the site.
- E. Requirements for a final plat (see pages 20-25, Part 4, Article 5 of the MAPC Subdivision Regulations).

Map No.: 5945  
Section No.: 31  
Twp. No.: 27-S  
Range: 2-E

S/D No. 79-64 MAPD

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: Cherry Creek Shopping Center Addition

General Location: Southwest Corner of Harry and Rock Road

Name of Property Owner: Land Enterprises Company

Address: 3900 E. Harry, Suite 135 - 67218 Phone: 685-2328

Name of Subdivider: (Same) Phone: \_\_\_\_\_

Address: \_\_\_\_\_

\*Name of Agent/Surveyor: Oblinger-Smitn Corporation

Address: 625 1st National Bank Building - 67202 Phone: 262-0451

Date of Application: May 21, 1979

\*Surveyor: Baughman Co. 330 Laura - 67211 #262-7271

SUBDIVISION INFORMATION:

- |  |  |
|--|--|
| 1. Gross Acreage of Plat <u>10.07<sup>+</sup> AC.</u>                                | 7. Lineal Feet of New Streets:   |
| 2. Number of Lots:   | a. <u>10'</u> R/W <u>318-</u> ft.  |
| Residential _____  | b. _____ R/W _____ ft.   |
| Commercial <u>Three</u>  | c. _____ R/W _____ ft.   |
| Industrial _____   | d. _____ R/W _____ ft.   |
| Other _____  | e. _____ R/W _____ ft.   |
| Total Number of Lots <u>Three</u>  | TOTAL <u>318<sup>+</sup></u> ft.   |
| 3. Minimum Lot Frontage <u>170<sup>+</sup></u> ft.                                   | 8. Sidewalk adjacent to all streets? <u>yes</u> <input checked="" type="checkbox"/> <u>no</u> <input type="checkbox"/> |
| 4. Minimum Lot Area <u>32,861<sup>+</sup></u> sq. ft.                                |  |
| 5. Existing Zoning <u>"E"</u>  |  |
| 6. Proposed Zoning <u>"LC" - Assoc. Cases: Z-2138 &amp; DP-98</u>                    |  |
| 9. Public Water Supply _____ (Yes- <del>XXX</del> ), Name <u>City of Wichita</u>     |  |
| 10. Public Sanitary Sewers _____ (Yes- <del>XXX</del> ), Name <u>City of Wichita</u> |  |
| 11. Health Department Approval (where applicable) <u>N.A.</u> (Yes-No)               |  |
| 12. City of Wichita <del>XXXXXXXXXXXX</del>  |  |

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: *Tom Brussel*  
Land Enterprises Company

Wichita-Sedgwick County Metropolitan Area  
Planning Commission, 10th Floor, City Hall,  
455 North Main, Wichita, Kansas 67202.

Received by LO.  
Date 5-21-79  
Fee Submitted 56.00

FORM 29-

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION AMOUNT

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY