

Box 80-2

PLAT. NO. S/D 80-57 MAP NO. 6448

NAME THE TREES SECOND ADDITION

LOCATION: North side of Central in an area east of
Kansas Turnpike.

ENGINEER Van Doren-Hazard-Stallings

OWNER Thomas D. Jacob, et al

APPLICATION FILED 7-25-80

SKETCH PLAT FILED _____

PRELIMINARY FILED _____

S/D ACTION _____

FINAL FILED 7-25-80

S/D ACTION 8-7-80 approve

MAPC ACTION 8-14-80 approve

BCC ACTION 9-9-80 Approved

RECORDED 10-14-80

REMARKS _____

S/D 80-57 - THE TREES SECOND ADD. -
North side of Central, in an area
east of Kansas Turnpike. Van Doren
Hazard-Stallings.

POSTED
7-31-80
A

ACTION

DATE

8-7-80

S/D COMMITTEE final approve

8-14-80

M.A.P.C. approve

9-9-80

B.C.C./B-GO-C Approved

BD. 613-78
Bill
to
water right

APPLICATION FOR WATER SERVICE
OUTSIDE THE CORPORATE LIMITS OF
THE CITY OF WICHITA

The Governing Body of the City of Wichita, Kansas, this
5th day of December, 19 78, approves and files the
application of Karl Solomon
for water service to the following property:

In the SW $\frac{1}{4}$ of Section 13, Township 27 S., Range 2 E. of the 6th P.M.,
in the proposed Trees Addition to Sedgwick County, Kansas; all of Blocks
1 and 2.

The applicant agrees to abide by the established rules and regula-
tions of the Wichita Water Department now in force, or which may
hereafter be enacted or adopted by said Department of the City of
Wichita, Kansas, and to pay for service at the established rate,
in accordance with the City of Wichita Code 17.12.090, or as amended.
The applicant further agrees to acquire a plumbing permit from the
City of Wichita; to have his service line installed by a plumber
licensed by the City using City approved materials and installation
methods.

The owners of land do hereby request the annexation of lands
described above by the City of Wichita at such time as it determines
appropriate. The request is hereby made binding on all heirs, suc-
cessors and assigns and is made a covenant to run with the land and
shall not be withdrawn without the consent of the City of Wichita;
and in the event such consent is given, said services above may be
terminated at the option of the City of Wichita.

APPLICANT

Karl Solomon

State of Kansas)
Sedgwick County) SS

Personally appeared before me a Notary Public in and for the
County and State aforesaid Karl Solomon

to me personally known to be the same person _____ who executed the
foregoing instrument of writing and said person _____ duly acknow-
ledged the execution thereof.

Dated at Wichita, Kansas, this 23rd day of October, 19 78.

Carroll A. Cunningham
Notary Public

My Commission expires July 19, 1981.



APPROVED BY:

James D. Repubert
Director of Water and Water Pollution Control

Robert W. Hudson
Director of Planning

RWB Bruggeman
Director of Public Works

AUTHORIZED BY:

Connie A. Peters
Mayor Connie A. Peters

DATE: DEC 6 1978

ATTEST:

Donald C. Gisick
City Clerk
Donald C. Gisick

RESTRICTIVE COVENANT

THIS DECLARATION made this 23rd day of October, 1978, by Karl Solomon, hereinafter called the Grantor.

WITNESSETH

WHEREAS, Grantor is owner of:

In the SW $\frac{1}{4}$ of Section 13, Township 27 S., Range 2 E. of the 6th P.M., in the proposed Trees Addition to Sedgwick County, Kansas; all of Blocks 1 and 2.

and

WHEREAS, the undersigned wishes to obtain water service from the City of Wichita, and whereas it is recognized that at some time in the future there will be a need to replace individual sewerage treatment systems with adequate public sewerage treatment facilities:

NOW, THEREFORE, Grantor hereby declares and covenants to provide sewer service to land described above when and in the manner required by the Wichita-Sedgwick County Department of Community Health (or their successor in interest), when it is determined feasible, necessary or desirable, and is in accord with an adopted sewer plan for the area in which the above land is located.

This covenant is binding on the owner, their heirs or successors or assigns and is a covenant running with the land and is binding until fulfilled on all successors in title to the above described property when recorded with the Register of Deeds in the County in which the land is located.

EXECUTED the day and year first above written.

Karl Solomon

STATE OF KANSAS
SEDGWICK COUNTY }
FILED FOR RECORD AT
OCT 25 1978

State of Kansas)
Sedgwick County) ss

NO. 4 10451
BETTE F. MCCART
REGISTER OF DEEDS

Pat Kettler

Personally appeared before me a Notary Public in and for the County and State aforesaid Karl Solomon 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 23rd day of October, 1978.

Carroll A. Cunningham
Notary Public

My Commission expires:
July 19, 1981





SEDGWICK COUNTY COURTHOUSE

COUNTY OF SEDGWICK
DEPARTMENT OF PUBLIC WORKS

1250 S. SENECA
WICHITA, KANSAS 67213

PHONE 266-7901

Claud S. Shelor, P.E.
County Engineer/Director of Public Works

TO: Dorothy K. White, County Clerk
ATT: Judy Smith

FROM: Joe D. Freeman, Deputy Director of Public Works *JDF*

DATE: June 3, 1981

SUBJ: Extension of Letter of Credit Guaranteeing Construction of Sewer
for "The Trees Second Addition" (LC #157)

Enclosed please find an original of an Extension of an Irrevocable Letter of Credit, Number 157, drawn upon the Boulevard State Bank, Wichita, Kansas, in the amount of Five Thousand Six Hundred Twenty-five Dollars (\$5,625.00) guaranteeing a sanitary sewer extension for Lot 13, Block 2, in The Trees Second Addition.

Please retain this extension letter until you receive written notification from this office that the work has been completed.

Enc: Letter of Credit Extension

cc: Andrew Harkness, SCDPW
Forest Nagley, MAPD ✓
Richard Euson, Asst. Co. Counselor
Plat File

RECEIVED

JUN 4 1981

METROPOLITAN PLANNING

ROUTE

Forest

BOULEVARD STATE BANK

B. A. KREUTZER, JR.
VICE PRESIDENT AND CASHIER

2300 EAST LINCOLN
WICHITA, KANSAS 67211 • 316 261-5500

May 13, 1981

County of Sedgwick
Department of Public Works
1015 Stillwell
Wichita, Kansas 67213

RE: Letter of Credit #157
J & S Investments

Dear Sirs:

We hereby extend our IRREVOCABLE LETTER OF CREDIT #157 dated October 15, 1980 in your favor available by your drafts at sight on us for a sum not to exceed FIVE THOUSAND SIX HUNDRED TWENTY-FIVE DOLLARS (\$5,625.00) for the account of Mr. Tom Jacob and Mr. Jim L. Shadid, D.D.S. d/b/a J & S Investments (Purchaser), to be accepted by your signed statement that drawing is due to default or failure to perform by Purchaser, the required sewer and manhole construction on Lot 13, Block 2, The Trees Second Addition.

Acting through the Deputy Director of Public Works, 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 Boulevard State Bank Letter of Credit #157, dated October 15, 1980."

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 bonafide 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 December 1, 1981.

Sincerely,


B. A. Kreutzer, Jr.
Vice President and Cashier

BAK/alr

ROUTING

P. D. [unclear]



SEDGWICK COUNTY COURTHOUSE

COUNTY OF SEDGWICK
DEPARTMENT OF PUBLIC WORKS

RECEIVED

APR 23 1981

1250 S. SENECA
WICHITA, KANSAS 67213

PHONE 268-7801

METROPOLITAN PLANNING
ROUTE Forrest

DATE: April 22, 1981
TO: Richard Euson, Assistant County Counselor
FROM: Joe D. Freeman *JDF*
SUBJECT: Letter of Credit Guaranteeing Construction of Sewer -
The Trees Second Addition (LC#157)

As per your telephone conversation with Phil Dietrich concerning above referenced letter of credit, we foresee no problems granting a six months extension for the same. Mr. Dietrich has notified the owner of the subdivision, Mr. Tom Jacobs and his engineer Mr. Ken Bingson and advised them to contact you within the next three weeks concerning the extension of time.

If you should have any questions, please call Mr. Dietrich.

cc: Forrest Nagely, M.A.P.D. ✓
A. J. Harkness
Phil Dietrich
Plat File



SEDGWICK COUNTY COURTHOUSE

COUNTY OF SEDGWICK
DEPARTMENT OF PUBLIC WORKS

1015 STILLWELL
WICHITA, KANSAS 67213

PHONE 268-7901

JOE D. FREEMAN, P.E.
ACTING COUNTY ENGINEER

DATE: October 27, 1980
TO: Dorothy K. White, County Clerk
ATTENTION: Dorothy Peil, Deputy
FROM: Phillip Dietrich *PD*
SUBJECT: Letter of Credit Guaranteeing Construction of Sewer Construction
"The Trees Second Addition" (LC #157)

Enclosed, please find an original Irrevocable Letter of Credit, Number 157, drawn upon the Boulevard State Bank, Wichita, Kansas, in the amount of Five Thousand Six Hundred Twenty-Five Dollars (\$5,625.00) guaranteeing a sanitary sewer extension for Lot 13, Block 2 in the Trees Second Addition.

Please retain this letter until you receive written notification from this Office that the work has been completed.

enc: Letter of Credit
Engineers Estimate

cc: Andrew Harkness, SCDPW
Forrest Nagely, M.A.P.D. ✓
Plat File

RECEIVED

OCT 29 1980

METROPOLITAN PLANNING
ROUTE Nagely



250 Rockborough Building
280 North Rock Road
Wichita, Kansas 67206
316/686-7303

October 14, 1980

Mr. Tom Jacob
5920 E. Central
Wichita, Kansas 67208

Re: Sewer Service for "The Trees Second Addition"

Dear Mr. Jacobs:

Please inform prospective buyers of Lots 2 and 23, Block 1, and Lots 2 and 16, Block 2 that private sewer easements cover a portion of each of said lots to allow for connection of adjoiners to the existing sewer lines. Also, please inform prospective buyers of Lots 1 and 24, Block 1 and Lots 1 and 15, Block 2 that it is questionable whether basements constructed on said lots can be provided with sewer service.

If you have questions regarding this matter, please call.

Sincerely,
VAN DOREN-HAZARD-STALLINGS

By: *Steven E. Anderson*
Steven E. Anderson

cc: Sedgwick County Dept. of Public Works
Attn: Andy Harkness

REISS & GOODNESS ENGINEERS
2100 WEST 21ST STREET - WICHITA, KANSAS 67206 (316) 832-0233

October 13, 1980

Mr. Andrew Harkness
Department of Public Works
Sedgwick County, Kansas
1250 S. Seneca
Wichita, Kansas 67213

RE: Trees Addition
Sanitary Sewer Extensions


Dear Andy:

As requested, we are submitting an Engineer's Estimate to extend the sanitary sewers in the Trees Addition. The cost is as follows:

80	L.F.	8" Sanitary Sewer Pipe	11.00	\$ 880.00
80	L.F.	Trench & Backfill	4.00	320.00
20	L.F.	Manholes Constructed	150.00	3,000.00
1	Unit	Connection to Existing Line	300.00	<u>300.00</u>
ESTIMATED CONSTRUCTION COST				\$4,500.00
ENGINEERING, LEGAL & MISC. COST				<u>1,125.00</u>
TOTAL ESTIMATED PROJECT COST				\$5,625.00

Sincerely,

REISS & GOODNESS ENGINEERS


A. E. Reiss, P.E.

AER/MED/rmk

BOULEVARD STATE BANK



B. A. KREUTZER, JR.
VICE PRESIDENT AND CASHIER

2300 EAST LINCOLN
WICHITA, KANSAS 67211 • 316 261-5500

October 15, 1980

County of Sedgwick
Department of Public Works
1015 Stillwell
Wichita, Kansas 67213

RE: Letter of Credit #157
J & S Investments

Dear Sirs:

We hereby establish our IRREVOCABLE LETTER OF CREDIT in your favor available by your drafts at sight on us for a sum not to exceed FIVE THOUSAND SIX HUNDRED TWENTY-FIVE DOLLARS (\$5,625.00) for the account of Mr. Tom Jacob and Mr. Jim L. Shadid, D.D.S. d/b/a J & S Investments (Purchaser), to be accepted by your signed statement that drawing is due to default or failure to perform by Purchaser, the required sewer and manhole construction on Lot 13, Block 2, The Trees Second Addition.

Acting through the Deputy Director of Public Works, 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 Boulevard State Bank Letter of Credit #157, dated October 15, 1980."

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 bonafide 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 June 1, 1981.

Sincerely,

B. A. Kreutzer, Jr.
Vice President and Cashier

BAK/dk

Approved, 1981



SEDGWICK COUNTY COURTHOUSE

COUNTY OF SEDGWICK
DEPARTMENT OF PUBLIC WORKS

1015 STILLWELL
WICHITA, KANSAS 67213

PHONE 266-7101

JOE D. FREEMAN, P.E.
ACTING COUNTY ENGINEER

October 13, 1980

Van Doren, Hazard, Stallings
260 North Rock Road, Suite 250
Wichita, Kansas 67203

ATTENTION: Steve Anderson

RECEIVED

OCT 16 1980

METROPOLITAN PLANNING

ROUTE Board

RE: Sewer Extensions
The Trees Second Addition

Dear Mr. Anderson:

The replatting of the Trees Addition has left four lots without sewer service. After reviewing proposals submitted by you, this department will require the following:

1. A private sewer service line will be allowed for Lots 1 and 24, Block 1, and Lot 1, Block 2, the connection of the same to be north of existing manholes. This will require a private sewer easement across the ~~southwest~~ portion of Lot 2, Block 1, the southeast portion of Lot 2, Block 2, and the southeast portion of Lot 23, Block 1. This easement shall be a minimum of 10 feet in width, and certified copies of the same shall be presented to this office prior to issuance of any building permits for the above mentioned lots. For your convience, we have submitted a marked private sewer easement to use as a guideline. We would suggest the final private easement be submitted to this office for review prior to filing.
2. Lot 13, Block 2, will require an approximate 80 lineal feet of sewer construction and two manholes. An irrevocable letter of credit, or acceptable guarantee in the amount of Five Thousand Six Hundred Twenty Five Dollars (\$5,625.00) will be required before the final plat is released for recording.

by County P.W.

Page 2

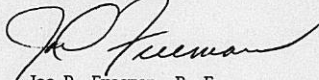
Van Doren, Hazard, Stallings
Sewer Extensions, The Trees Second Addition

3. A copy of a letter will need to be submitted to this department from your firm to the Developer of the addition, the same giving reference to the private sewer easement crossing the portions of the lots and blocks as mentioned in Item 1. This letter should advise the Developer to make any potential buyer of these lots aware of the potential private sewer construction.

In addition this letter should advise the Developer that the lots to be served by private sewer as mentioned in Item 1 may be questionable in providing basement service.

If you should have any questions regarding the above mentioned items, please contact Mr. Andy Harkness of this office.

Very truly yours,



Joe D. Freeman, P. E.
Deputy Director of Public Works

JDF/PED/bd

enc:

cc: Louise Olivarez, M.A.P.D. ✓
Syd Werbin
A.J.Harkness
Plat File

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERS

SUBDIVISION APPROVAL

S/D Number 80-57 Name The Trees Second Addition
Application & Sketch Filed: 7-25-80
Preliminary Plat Filed: N.A. Approved by S/D: N.A.
Final Plat Filed: 7-25-80 Approved by S/D: 8-7-80
Approved by Metropolitan Area Planning Commission: 8-14-80

DESCRIPTION

General Location: North side of Central in an area east of the
Kansas Turnpike
Surveyor or Engineer: Van Doren-Hazard-Stallings
Owner: Thomas D. Jacobs, et. al.
Address: 5920 E. Central, 67208

- | | |
|--|--|
| 1. Gross Acreage of Plat <u>10.3</u> | 6. Access Control |
| 2. Number of Lots | St. <u>Central</u> No. Openings <u>2</u> |
| Residential <u>45</u> | St. _____ No. Openings _____ |
| Commercial _____ | St. _____ No. Openings _____ |
| Industrial _____ | 7. Req'd Improvements |
| Other _____ | St. Paving _____ Water _____ |
| Total Number of Lots: <u>45</u> | Sidewalk _____ Drainage _____ |
| 3. Minimum Lot Area: <u>9800 sq. ft.</u> | Sewer _____ Other _____ |
| 4. Existing Zoning: <u>AA</u> | |
| 5. Special Problems Discussed: _____ | |

Sewer, water and streets were previously guaranteed with the original plat of "The Trees Addition." This replat creates 14 additional lots, but no changes in the original guarantees were necessary. A revised parking covenant providing for four off-street parking spaces per dwelling unit has been submitted for recording.

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

Bayouth moved, Hennessy seconded and it carried unanimously. Jones, Lofton, Martens and Shook were absent.

ACTION: Approve the plat as approved by the Metropolitan Area Planning Commission and authorize the Mayor to sign. Instruct the City Clerk to file the covenant with the Register of Deeds, recording cost of which shall be billed to the applicant.

DECLARATION OF PROTECTIVE COVENANTS

This Declaration, made this 29th day of August, 1980, by Thomas D. and Wendy L. Jacob, Jim L. and Joyce Shadid, and Amarado Investment Company, Inc., (the "Declarant").

W I T N E S S E T H : That,

WHEREAS, Declarant is the owner of certain real property in Sedgwick County, Kansas, which is more particularly described as The Trees Second Addition, an addition to Sedgwick County, Kansas (the "Addition"); and

WHEREAS, it is necessary to establish certain protective covenants to insure the proper development and adequate maintenance of the Addition.

NOW, THEREFORE, Declarant hereby declares that all of said Addition shall be held, sold, and conveyed subject to the following protective covenants which shall run with said real property and be binding on all parties having any right, title, or interest therein or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

Offstreet Parking Requirement. Each residence shall provide four (4) off-street parking spaces.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of this 29th day of August, 1980.

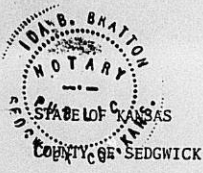
Thomas D. Jacob
Thomas D. Jacob

Wendy L. Jacob
Wendy L. Jacob

Jim L. Shadid
Jim L. Shadid

Joyce Shadid
Joyce Shadid

David H. Brasted
Amarado Investment Company, Inc.
David H. Brasted



ACKNOWLEDGEMENT

)
) ss.
)

BE IT REMEMBERED, that on this 29th day of August, 1980, before me, a Notary Public in and for said State and County, came Thomas D. and Wendy L. Jacob, Jim L. and Joyce Shadid, and Amarado Investment Company, Inc., by David H. Brasted to me personally known to be the same persons who executed the foregoing Declaration of Protective Covenant and duly acknowledged the execution of the same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

Dora B. Bhatton, Notary Public

My Appointment Expires: May 17, 1983

8-29-80

I asked Ralph Hull to check the petition and application on the original "The Trees" to make sure it does not need reversing in any way. He checked and said the original petition & application referenced land "being platted as Blocks 1 & 2, The Trees." Since the new plat encompasses the same total area and also has 2 blocks, no changes are needed. The Specials were spread just about a month ago but can be re-apportioned. Each lot pays an equal share.

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.

Mark R. Paulin
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.

Copyright, 1966 - American Land Title Association

SCHEDULE A

Number
289994

Effective Date
July 28, 1980 @ 7:00 a.m.

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

Proposed Insured:

Metropolitan Area Planning Department

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

Proposed Insured:

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:

Thomas D. Jacob and Jim L. Shadid, as to Lots 11, 12, 13, 14, 15, 16 & 17, Block 1; and Lots 10, 11, 12, 13 and 14, Block 2;
Amarado Investment Company, Inc., as to remainder of subject property

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

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and Reserve A, in Block 1; and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block 2, The Trees Addition, 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): See attached sheet for Taxes.
9. Easements, building setback lines, and access controls as shown on the recorded plat of said subdivision.
10. Utility easement established on Film 315, Page 73, over a 32 foot wide ^{drainage easement on plat} strip adjacent to the southerly right of way line of the Kansas Turnpike of subject property.
11. Drainage Easement to Kansas Turnpike Authority over a portion of subject property as condemned in Case #A-54126 and partially released in instrument filed on Film 288, Page 1573.
12. Lack of Direct access to the Kansas Turnpike right of way from the premises in question, such right of access having been condemned in Case #A-54126.
13. Reserve A is reserved for an access easement and for future street dedication by the recorded plat of said subdivision.
14. Covenants and restrictions contained on Film 333, Page 904 and Film 349, Page 699.
15. 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 various capital improvements as evidenced by numerous governmental filings of notice in the form of Resolutions and an Affidavit.

(see added page)

(Schedule continued)

Policy Number _____
Owners

Policy Number _____
Loan

- 16. Case #80C-806 Thomas D. Jacob vs Howard Harrison et al, Recovery of money filed 4-4-80, Pending.
- 17. Case #80C-1738 Thomas D. Jacob & Leslie J. Rudd dba Concept Dev. Associates vs Larry Hammond dba Pony Express Delivery & Storage, Recovery of money filed 7-10-80. Pending.
- 18. Case #80C-1791 James Shadid et ux vs Canko Hadijski et ux, Damages filed 7-16-80, Pending.

TAXES

1979 Taxes \$2.36 Paid. (Key #MI-5213, covers Lot 1, Block 1)
1979 Taxes \$2.36 Paid. (Key #MI-5214, covers Lot 2, Block 1)
1979 Taxes \$2.36 Paid. (Key #MI-5215, covers Lot 3, Block 1)
1979 Taxes \$1.58 Paid. (Key #MI-5216, covers Lot 4, Block 1)
1979 Taxes \$1.58 Paid. (Key #MI-5217, covers Lot 5, Block 1)
1979 Taxes \$1.58 Paid. (Key #MI-5218, covers Lot 6, Block 1)
1979 Taxes \$1.58 Paid. (Key #MI-5219, covers Lot 7, Block 1)
1979 Taxes \$2.36 Paid. (Key #MI-5220, covers Lot 8, Block 1)
1979 Taxes \$2.36 Paid. (Key #MI-5221, covers Lot 9, Block 1)
1979 Taxes \$1.58 Paid. (Key #MI-5222, covers Lot 10, Block 1)
1979 Taxes \$3.15 Paid. (Key #MI-5223, covers Lot 11, Block 1)
1979 Taxes \$3.94 Paid. (Key #MI-5224, covers Lot 12, Block 1)
1979 Taxes \$2.36 Paid. (Key #MI-5225, covers Lot 13, Block 1)
1979 Taxes \$2.36 Paid. (Key #MI-5226, covers Lot 14, Block 1)
1979 Taxes \$2.36 Paid. (Key #MI-5227, covers Lot 15, Block 1)
1979 Taxes \$1.58 Paid. (Key #MI-5228, covers Lot 16, Block 1)
1979 Taxes \$2.36 Paid. (Key #MI-5229, covers Lot 17, Block 1)
1979 Taxes \$1.58 Paid. (Key #MI-5230, covers Reserve A)
1979 Taxes \$3.15 Paid. (Key #MI-5231, covers Lot 1, Block 2)
1979 Taxes \$2.36 Paid. (Key #MI-5232, covers Lot 2, Block 2)
1979 Taxes \$2.66 + unpaid. (Key #MI-5233, covers Lot 3, Block 2(-NOTE:
This was put on supplemental tax rolls 7-29-80))
1979 Taxes \$2.36 Paid. (Key #MI-5234, covers Lot 4, Block 2)
1979 Taxes \$2.36 Paid. (Key #MI-5235, covers Lot 5, Block 2)
1979 Taxes \$3.15 Paid. (Key #MI-5236, covers Lot 6, Block 2)
1979 Taxes \$2.36 Paid. (Key #MI-5237, covers Lot 7, Block 2)
1979 Taxes \$2.36 Paid. (Key #MI-5238, covers Lot 8, Block 2)
1979 Taxes \$2.36 Paid. (Key #MI-5239, covers Lot 9, Block 2)
1979 Taxes \$2.36 Paid. (Key #MI-5240, covers Lot 10, Block 2)
1979 Taxes \$1.58 Paid. (Key #MI-5241, covers Lot 11, Block 2)
1979 Taxes \$1.58 Paid. (Key #MI-5242, covers Lot 12, Block 2)
1979 Taxes \$1.58 Paid. (Key #MI-5243, covers Lot 13, Block 2)
1979 Taxes \$2.36 Paid. (Key #MI-5244, covers Lot 14, Block 2)

August 14, 1980

Van Doren-Hazard-Stallings
Suite 250, 260 N. Rock Rd.
Wichita, Ks. 67206

Re: S/D 80-57 - Final plat - The Trees Second Addition

Gentlemen:

At the regular meeting of the Metropolitan Area Planning Commission on August 14, 1980, the above-captioned plat was considered. The action of the Planning Commission was to recommend that the plat be approved as recommended by the Subdivision Committee subject to the conditions stated in our letter of August 8, 1980.

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:

- 9-9-80 1. Submission of the fully completed and signed tracing of the subdivision to the Metropolitan Area Planning Department.
- 8-28 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 plattor.
- 8-28 3. Certification that all taxes due and payable for 1979 and prior years have been paid.

*need taxes
paid off
LO*

Please call if you have any questions.

Very truly yours,

Louise Olivarez
Senior Planner

LO:hh

cc: Thos. D. Jacob, et al., 5920 E. Central, 67208

August 8, 1980

Van Doren-Hazard-Stallings
260 N. Rock Rd - Suite 250
Wichita, Ks. 67206

Re: S/D 80-57 - Final plat The Trees Second Addition

Gentlemen:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission, August 7, 1980, the above captioned plat was considered. The action of the Committee was to recommend that this plat be approved, subject to:

- 8-29
- A. The applicant shall submit a restrictive covenant providing for 4 off-street parking spaces per dwelling unit on each lot which fronts onto a 58-foot street.
 - B. The street names of Fisher and Fisher Court shall be changed to Plymouth and Plymouth Ct.
 - C. The Subdivision Committee recommends a waiver of the recommended lot width-to-depth ratio.
 - D. Recording of the plat within 30 days after approval by the Board of City Commissioners.

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

This matter will be forwarded to the Planning Commission for its consideration on August 14, 1980, at 1:30 p.m. If you have any questions concerning this matter, please call.

Sincerely,

Louise Olivarez
Senior Planner

LO:hh

cc: L. E. Mullins, Director of Public Works, Sedgwick County
Dean Sellers, Acting City Engineer
Thomas D. Jacob, et al., 5920 E. Central, 67208

Final plat

SUBDIVISION REPORT

SUBDIVISION COMMITTEE
METROPOLITAN AREA
PLANNING COMMISSION

S/D NO. 80-57 Name The Trees Second Addition
Date Application Rec'd. July 25, 1980 Preliminary Approval
Scheduled S/D Meeting 8-7-80

DESCRIPTION

General Location North side of Central in an area east of Kansas Turnpike

Owner Thomas D. Jacob; Jim L and Joyce Shadid; Amarado Inv. Co., Inc.
Surveyor/Engineer Van Doren-Hazard-Stallings
Address 260 N. Rock Rd., Suite 250, 67211 Phone 686-7303

- | | | |
|--------------------------|-----------------|---|
| 1. Gross Acreage of Plat | <u>10.3</u> | 7. Lineal Feet of New Streets: |
| 2. Number of Lots: | | a. <u> </u> R/W <u> </u> ft. |
| Residential | <u>45</u> | b. <u> </u> R/W <u> </u> ft. |
| Commercial | <u> </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>45</u> | TOTAL <u> </u> ft. |
| 3. Minimum Lot Frontage | <u>58</u> ft. | 8. Sidewalk adjacent to all |
| 4. Minimum Lot Area | <u>9800</u> | streets? <u> </u> yes <u> </u> no |
| 5. Existing Zoning | <u>AA</u> | |
| 6. Proposed Zoning | <u>AA</u> | |
9. Public Water Supply Yes (Yes-No), Name City of Wichita
10. Public Sanitary Sewers Yes (Yes-No), Name Private system
11. Health Department Approval (where applicable) Yes (Yes-No)
12. City of Wichita : Three-Mile Area X

STAFF COMMENTS:

NOTE: This plat represents a replat of the recently recorded "The Trees Addition." The streets have been installed and the purpose of this replat is to reduce lot sizes and establish new side lot line easements.

- A. The platting of single family lots fronting on arterials is discouraged because slower moving vehicles turning into and out of the driveways conflict with faster moving thru traffic and because the driveway culverts eventually reduce the drainage capacity of the roadside ditches. However, since the streets in this addition are already paved and it would be difficult to provide new alignments, the applicant is proposing two lots (Lots 13 and 14, Block 2) with direct access to Central.
- B. The Water Department representative should be prepared to comment on the possible need for a revised water service guarantee for this replat.
- C. The representative from County Public Works should be prepared to advise the Committee as to the possible need for revised guarantees for required improvements, particularly sewer guarantees to the Crestview Improvement District.
- D. The applicant shall submit a restrictive covenant providing for 4 off-street parking spaces per dwelling unit on each lot which fronts onto a 58-foot street.
- E. Article 7-204 (c) of the Subdivision Regulations states: "The maximum depth of all residential lots shall not exceed 2 1/2 times the width thereof." Proposed Lot 2, Block 2 does not meet this design requirement and, therefore, approval of this final plat will require waiver of the lot width to depth design ratio.
- F. Recording of the plat within 30 days after approval by the Board of City Commissioners.

Map No.: 6498
Section: 13
Twp.: 21S
Range: 2E

S/D No. 8-57

APPLICATION FOR SUBDIVISION APPROVAL

Name of Subdivision: The Trees Second Addition

General Location: On Central East of the Kansas Turnpike - NORTH SIDE OF CENTRAL IN AN AREA EAST OF KANSAS TURNPIKE.

Name of Property Owner: Thomas D. Jacob; Additional owners see attachment
Address: 5920 E. Central Zip Code: 67208 Phone: 684-5268
Name of Subdivider: Thomas D. Jacob
Address: 5920 E. Central Zip Code: 67208 Phone: 684-5268
Name of Engineer/Surveyor: Van Doren-Hazard-Stallings
Address: 260 N. Rock Road, Suite 250 Zip Code: 67206 Phone: 686-7303
Date of Application: July 25, 1980

SUBDIVISION INFORMATION:

1. Gross Acreage of Plat 10.3
2. Number of Lots:
 - Residential 45
 - Commercial _____
 - Industrial _____
 - Other _____
3. Minimum Lot Frontage 68 ft.
4. Minimum Lot Area 9800 ft.
5. Existing Zoning AA
6. Proposed Zoning _____
7. Lineal Feet of New Streets:
 - a. _____ R/W _____ ft.
 - b. _____ R/W _____ ft. N/A
 - c. _____ R/W _____ ft.
 - d. _____ R/W _____ ft.
 - e. _____ R/W _____ ft.
 - TOTAL _____ ft.
8. Are Sidewalks existing?
Yes _____ No _____
9. Is a public water supply available? Yes _____ No, Name _____ City of Wichita _____
10. Is a sanitary sewer available? Yes _____ No, Name _____ Private System _____
11. Has Health Department approval been obtained (where applicable) Yes _____ No _____
12. City of Wichita _____ Three Mile Area Outside of Wichita _____

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 for by the owner when billed. The undersigned further states that he is the owner of the property proposed for platting.

Owner's Signature: Thomas D. Jacob

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

Received by FW
Date 7/25/80
Fee Submitted \$425.00

ADDITIONAL PROPERTY OWNERS

Jorge
Jim L. and ~~Marie~~ Shadid
7838 Pagent
Wichita, Kansas 67206 , Phone: 685-1592

Amarado Investment Company, Inc.
David H. Brasted
230 S. Market
Wichita, Kansas 67202 Phone: 267-1261

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 _____