

D-0629 - Riverbend Associates,
Inc. dedicates utility easements
on the east side of Meridian in
an area south of 21st St. North

POSTED

2-27-75

ACTION

DATE

COMMITTEE

M.A.R.C.

~~BOOK RECORD~~

2-27-75

Accepted

3-11-75

Completed

DEDICATION REPORT AND PROGRESS

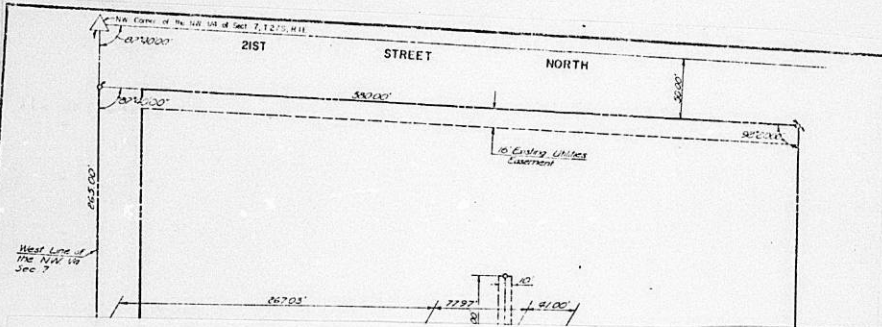
MAP No. 5349
SEC. No. 7
TWP. No. 27
RANGE 1E

CASE No. D - 0629

I. OFFER TO DEDICATE: utility easements
GENERALLY LOCATED: East side of Meridian in an area south of 21st St. No.

LEGALLY DESCRIBED AS: _____

DEDICATED BY: Riverbend Assoc., Inc.
AGENT: _____
ADDRESS: _____ PHONE _____
PURPOSE OF DEDICATION: utility easements



III. FILED 2-26-75
 POSTED TO ATLAS _____
 S/D COMM. ACTION _____
 M.A.P.C. ACTION 2-27-75 Accepted

B.C.C. ACTION 3-11-75 Accepted
 PLACED ON RECORD _____
 CITY CLERKS No. _____

DEDICATION REPORT AND PROGRESS

CASE No. D - 0629

MAP No. 5349
 SEC. No. 7
 TWP. No. 27
 RANGE 1E

1. OFFER TO DEDICATE: utility easements
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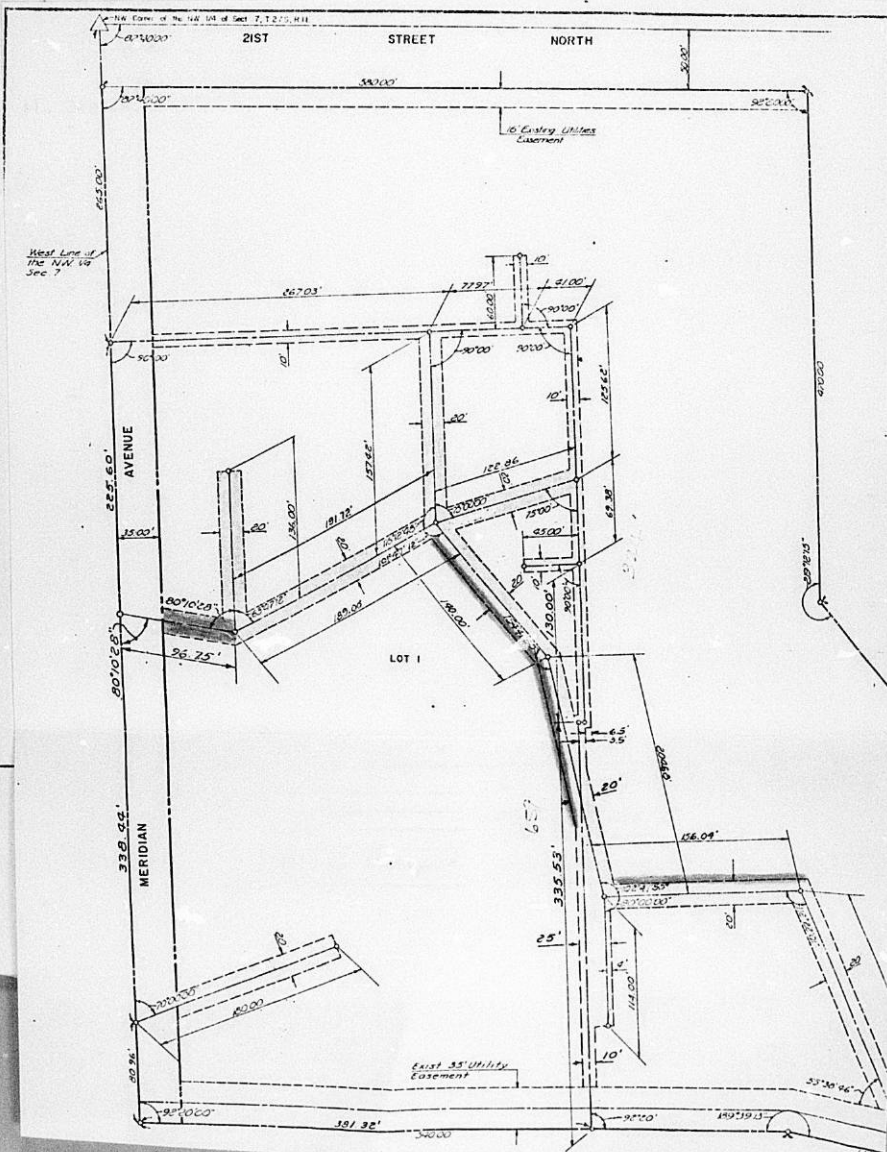
LEGALLY DESCRIBED AS:

DEDICATED BY: Riverbend Assoc., Inc.

AGENT: _____

ADDRESS: _____ PHONE _____

PURPOSE OF DEDICATION: utility easements



LAW OFFICES OF
MORRIS, LAING, EVANS, BROCK & KENNEDY
CHARTERED

LESTER L. MORRIS
1901-1966

VERNE M. LAING
FERD E. EVANS, JR.
RALPH R. BROCK
JOSEPH W. KENNEDY
ROBERT I. GUENTHNER
DAVID C. ADAMS
KEN M. PETERSON

SUITE 430
200 WEST DOUGLAS
WICHITA, KANSAS 67202
(316) 262-2671

March 20, 1975

Mr. Ralph Wulz
City Manager
City of Wichita
204 S. Main
Wichita, Kansas 67202

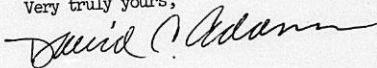
Re: V-0717, Vacation of Easement at Southeast
corner of 21st and Meridian

Dear Mr. Wulz:

Our office represents Riverbend Associates, Inc., which is the applicant in the above referenced vacation request. Riverbend in March of 1974 granted several water and sewer line easements to the City of Wichita. A building has been placed upon a portion of the easements and accordingly the above referenced vacation request was filed.

Our client has recently advised us that the closing on the permanent financing will take place shortly and there is not sufficient time to complete the vacation proceeding through both the City of Wichita and Sedgwick County. The necessary parties to the loan transaction have agreed that a quit claim deed from the City of Wichita will satisfy title requirements. Therefore we have requested that the vacation proceeding be withdrawn and that the quit claim deed from the City to Riverbend Associates, Inc. be executed and filed of record. A dedication of a substitute easement has been furnished Curtis Newby, Metropolitan Area Planning Commission. Should the foregoing not sufficiently describe our request, please feel free to contact me in order that we may discuss the matter prior to the Commission meeting Tuesday, March 25, 1975. Thank you for your cooperation in this matter.

Very truly yours,



David C. Adams
For the Firm

DCA:pf

cc: Mr. Curtis Newby

March 20, 1975

Ralph Wulz, City Manager

Jack H. Galbraith, Chief Planner

D-9629 - Riverbend Associates, Inc. -
Dedication of utility easements.

The above referred to dedication has been forwarded to your office to be placed on the March 25, 1975 City Commission agenda. Associated with this dedication is a quit claim deed which has been approved as to form by the Department of Law and which should be signed by the Mayor and recorded with the dedication when accepted by the governing body. By way of explanation, the property owner who is offering the utility easement dedication has developed an apartment project in which portions of some of the buildings project into previously dedicated utility easements. The original easements were requested by the City Engineer and the Water Department. The portions of said original easements into which the buildings encroach are minor in nature and we have been advised by both the City Engineer and Water Department that the encroachment do not affect any of the service lines located in the easements. The easement encroachment however, has apparently created a clouded title situation for the property owner in his attempt to obtain a long term loan commitment on the apartment project. The property owner therefore has submitted a dedication for new utility easements which will clear all of the buildings and which has been approved by both the City Engineer and the Water Department.

The applicant's intent was to also vacate the old utility easements to eliminate the title problem, however, because of the closing date for the long term loan commitment arriving before an easement vacation can be processed through the City and County, his title attorney advised that a quit claim deed from the City would suffice for title purposes. The property owner's attorney, David Adams, has discussed the quit claim deed with the Department of Law and we have been advised by the City Engineer and the Water Department that the quit claim deed is agreeable with them provided the new easement dedication is accepted and filed of record. We have contacted Mr. Adams and advised that he should address a letter to you explaining the circumstances surround the project and the need for the quit claim deed.

Because of the legal descriptions involved on the quit claim deed being virtually the same as the description on the new dedication, we are forwarding a copy of this memorandum to

ralph walt, City Manager
March 20, 1975
Page 2

the City Clerk advising him that upon acceptance of the dedication and the executing of the quit claim deed by the governing body, the quit claim deed should be filed with the Register of Deeds prior to filing of the new easement dedication.

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

Jack H. Galbraith
Chief Planner

JHG:CLN:rme

cc: Donald C. Gisick, City Clerk
John Dekker, Director of Law
Eugene Pirtle, Assistant City Attorney
Dean Sellers, Assistant City Engineer
Bill Otten, Design Engineer, Water Department

MAPC CASE NO. D-0629 Dedication of utility easements

Dedicated by: Riverbend Associates, Inc.

Generally located on the east side of Meridian in
an area south of 21st Street North

This dedication is given for the following reason:
utility easements

ACTION:

Accept the dedication and authorize the Mayor to sign the quit-claim deed and instruct the City Clerk to file the deed and dedication with the Register of Deeds.

T9-325

EASEMENT


THIS EASEMENT made this 27th day of February, 1975
by and between Riverbend Associates, Inc.
of the first part and The City of Wichita
of the second part

WITNESSETH: That the said first party in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second parties a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing their water and sewer lines, over, along and under the following described real estate situated in Sedgwick County, Kansas, to wit:

MARINA LAKES THIRD ADDITION, an Addition to Wichita, Sedgwick County, Kansas, with the easements shown and labeled on the attached drawing marked "Exhibit A" and made a part of this document

And said second parties are hereby granted the right to enter upon said premises at any time for the purpose of construction, operating, maintaining, and repairing their water and sewer lines, including the right to open and excavate in any streets or ways that may be constructed on the surface of said easements, provided that upon completion of the necessities of grantee's operations the surface of such easements shall be restored as nearly as possible to its original condition.

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first written.

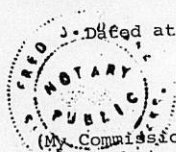
BY: B.W. Ayers Vice President


STATE OF KANSAS
SEDGWICK COUNTY

Personally appeared before me a notary public in and for the County and State aforesaid B.W. Ayers, Vice President of

Riverbend Associates, Inc.

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 27th day of February, 1975

Fred J. Doane
Notary Public
Fred J. Doane
(My Commission expires: 5-16-77)

Quit Claim Deed



THIS INDENTURE, Made this _____ day of March, 1975, between
THE CITY OF WICHITA

of Sedgwick County, in the State of Kansas of the first part,
and RIVERBEND ASSOCIATES, INC.

of Sedgwick County, in the State of Kansas of the second part:

WITNESSETH, That said part V of the first part, in consideration of the sum of TEN DOLLARS (\$10.00)
and other good and valuable consideration TEN DOLLARS
the receipt of which is hereby acknowledged, do ES by these presents, remise, release, and quit claim, unto said part V
of the second part its SUCCESSORS heirs and assigns, all the following described real estate, situated in the County of _____
and State of _____, to-wit:

The easements shown and labeled on the attached drawing marked "Exhibits A and B" and made a part of this document, said easements being located within Marina Lakes Third Addition, an Addition to Wichita, Sedgwick County, Kansas,

Said easements having previously been conveyed to the City of Wichita by virtue of "Easement" granted March 11, 1974, Film 92, Page 818 and "Easement" granted March 27, 1974, Book 94, Page 1126; the purpose of this instrument being to reconvey the above described easements to Riverbend Associates, Inc.

To HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining forever.

IN WITNESS WHEREOF, The said part V of the first part has hereunto set its hand the day and year first above written.

Executed and delivered in the presence of

Attest:

Donald S. Giesick, City Clerk

James L. White

Assistant City Attorney

3-18-75 DMS

THE CITY OF WICHITA

By

Garry Porter, Mayor

SESSALIA

STATE OF KANSAS
COUNTY OF SEDGWICK } ss. ~~ACKNOWLEDGMENT FOR INDIVIDUAL (Kans. Okla. and Colo.)~~

Before me, the undersigned, a Notary Public, within and for said County and State, on this _____ day of _____, 19____, personally appeared _____ and _____

to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth. IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written. My commission expires _____

The foregoing instrument was acknowledged before me this _____ day of Notary Public March, 1975, by Garry Porter, Mayor of The City of Wichita and Donald C. Gislck, City Clerk of the City of Wichita, on behalf of the City of Wichita, Kansas

STATE OF _____ } ss. ACKNOWLEDGMENT FOR INDIVIDUAL (Kans. Okla. and Colo.)
COUNTY OF _____

Before me, the undersigned, a Notary Public, within and for said County and State, on this _____ day of _____, 19____, personally appeared _____ and _____

to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth. IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written. My commission expires _____

Notary Public

QUIT CLAIM DEED

FROM

TO

Entered in Transfer Record in my office this _____ day of _____, A. D., 19____.

County Clerk.

STATE OF _____ } ss.
County, }

This instrument was filed for record on the _____ day of _____, A. D., 19____ at _____ o'clock _____ M., and duly recorded in book _____ of _____ at page _____

Register of Deeds.

Fees, \$ _____ Deputy.

THE KANSAS BLUE PRINT CO.
WICHITA, KANSAS
PHOTODUPLICATION SERVICE UP-TO-DATE GIL MAPS

EASEMENT

THIS EASEMENT made this _____ day of _____, 1975
by and between Riverbend Associates, Inc.
of the first part and The City of Wichita
of the second part

WITNESSETH: That the said first party in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second parties a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing their water and sewer lines, over, along and under the following described real estate situated in Sedgwick County, Kansas, to wit:

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And said second parties are hereby granted the right to enter upon said premises at any time for the purpose of construction, operating, maintaining, and repairing their water and sewer lines, including the right to open and excavate in any streets or ways that may be constructed on the surface of said easements, provided that upon completion of the necessities of grantee's operations the surface of such easements shall be restored as nearly as possible to its original condition.

IN WITNESS WHEREOF: The said first party has signed these presents the day and year first written.

By: _____

STATE OF TEXAS
DALLAS COUNTY

Personally appeared before me a notary public in and for the County and State aforesaid _____

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 Dallas, Texas this _____ day of _____,

Notary Public

(My Commission expires: _____)

February 28, 1975

Members of the Utility Advisory Committee

Curtis L. Newby, Junior Planner

Dedication of Sewer and Water Line Easements
in Riverbend Apartment Complex.

Attached herewith for your review and files is a copy of the above referred to dedication which was discussed at the Subdivision Committee meeting on February 24, 1975 in association with the off-agenda easement vacation case. I would appreciate your contacting me if the easements as shown on this dedication present any problems for your facilities serving this apartment complex.

Curtis L. Newby
Junior Planner

CLN:rme
Attachment