

**IN THE MATTER OF THE VACATION OF A
PLATTED DRAINAGE & UTILITY EASEMENT**

VAC2015-00040

MORE FULLY DESCRIBED BELOW

NOW on this 8th day of December, 2015, comes on for hearing the petition for vacation filed by Apex Realty, LLC. (owner), praying for the vacation of the following described platted drainage and utility easement, to-wit:

A tract of land containing the platted drainage and utility easement lying within a portion of Lot 2, Block 1, Berkeley Square Third Addition, an addition to Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the southeast corner of said Lot 2; thence along the east line of said Lot 2 on a platted bearing of N00°54'14"W, 207.40 feet to the southeast corner of a platted 20 foot drainage and utility easement being the POINT OF BEGINNING; thence along the perimeter of said 20 foot drainage and utility easement for the remaining courses, S88°53'46"W, 20.00 feet; thence N00°54'14"W, 19.10 feet; thence N07°07'07"W, 93.22 feet to a point on a non-tangent curve to the left said point being lying on the north line of said Lot 2; said curve having a radius of 150.00 feet, a central angle of 7°38'46", a chord bearing of N83°51'40"E, and a chord distance of 20.00 feet, thence along said non-tangent curve to the left and along said north line 20.02 feet to the northeast corner of said Lot 2; thence along the east lines of said Lot 2 for the remaining courses, S07°07'07"E, 93.96 feet; thence along said east line of said Lot 2, S00°54'14"E, 20.00 feet to the POINT OF BEGINNING. Said tract CONTAINS: 2,257 square feet or 0.052 acres of land, more or less.

The City Council, after being duly and fully informed as to fully understand the true

nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on September 10, 2015, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the described platted drainage and utility easement and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the described platted drainage and utility easement, should be approved.

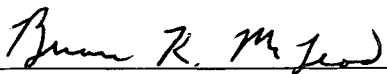
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of December, 2015, ordered that the above-described platted drainage and utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:


for Jennifer Magana, City Attorney and Director of Law

1-8hc 2d

CERTIFICATE OF SURVEY

I, James C. McClure, a registered land surveyor in Kansas, do hereby certify that I have been in responsible charge of surveying and platting of "BERKELEY SQUARE THIRD ADDITION" an addition to Wichita, Sedgwick County, Kansas, into Lots, a Block, and a Reserve, the same being accurately set forth in the accompanying plat and described herein:

A replat of Lots 1 and 2, Block 1, and Lot 1, Block 2, Berkeley Square Second Addition, an addition to Wichita, Sedgwick County, Kansas, TOGETHER WITH, Lot 1, Block 1, Reserves A and B, and all of Berkeley Square Parkway, Berkeley Square First Addition, an addition to Wichita, Sedgwick County, Kansas.

CONTAINING: 875,612 square feet or 15.51 acres of land, more or less.

All streets, easements, rights-of-way, building setbacks, access controls, together with a utility easement recorded in/on Doc./Film-Pg: 29225434, together with that part of a water line easement recorded in/on Doc./Film-Pg: 29225433, together with all other public dedications within the above described property are hereby vacated and replatted by virtue of K.S.A. 12-512b, as amended.

I hereby certify that the details of this plat are correct to the best of my knowledge and belief this 13th day of October, 2014.

James C. McClure, LS #1251
MKEC Engineering, Inc.
411 North Webb Road
Wichita, Kansas 67208

**OWNER'S CERTIFICATE**

Know all men by these presents that we the undersigned property owners of the land above set forth in the Registered Land Surveyor's Certificate, have caused the same to be surveyed and platted into Lots, a Block, and a Reserve, the same to be known as "BERKELEY SQUARE THIRD ADDITION," an addition to Wichita, Sedgwick County, Kansas.

Easements for construction and maintenance of public utilities and drainage, as indicated hereon, are hereby granted to and for the use of the public. The street, lighting, landscape, drainage and utility easement, as indicated hereon, is for the use of street, lighting, landscape, drainage and utility purposes and is granted to and for the use of the public for the purposes of accessing, constructing, maintaining, and repairing facilities over, along, and under the lots thereto. The municipal water easements, as indicated hereon, are for the exclusive use of municipal water distribution facilities and are granted to and for the use of the public for the purposes of accessing, constructing, maintaining and repairing their facilities over, along, and under the lots thereto.

All abutters rights of access to or from 13th Street over and across the south line of "BERKELEY SQUARE THIRD ADDITION," are hereby granted to the appropriate governing body, provided however three full movement openings as indicated hereon. All abutters rights of access to or from Greenwich Road over and across the east line of "BERKELEY SQUARE THIRD ADDITION," are hereby granted to the appropriate governing body, provided however one full movement opening as indicated hereon.

Reserve "A" is platted for landscaping, irrigation, berming, monuments, signs, and utilities confined by easement(s) or rights-of-way. The Reserve shall be owned and maintained by the owner(s) of Lots 1, 2, and 3, Block 1, and/or their successors, assigns, and/or a Lot Owner's Association.

A drainage plan has been developed for this plat. All drainage easements, rights-of-ways, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater. Lots 1, 2, and 3, Block 1, are required to adhere to the minimum pad elevation table elevations shown hereon.

as to Lots 2 and 3, Block 1, and Reserve A
APEX REALTY, LLC,
a Kansas limited liability company

as to Lot 1, Block 1
NEXUS PROPERTIES, LLC,
a Kansas limited liability company

Steven A. Hatchett
Steven A. Hatchett, manager

Steven A. Hatchett
Steven A. Hatchett, manager

STATE OF KANSAS, SEDGWICK COUNTY) ss:

This instrument was acknowledged before me on 31st day of October, 2014, by Steven A. Hatchett, manager of both, Apex Realty, LLC, a Kansas limited liability company and Nexus Properties, LLC, a Kansas limited liability company.

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

Rhonda K. Hertel
Rhonda K. Hertel
Notary Public - State of Kansas
My Term Expires: 09/08/16

as to Lots 4, 5, and 6, Block 1

Thomas R. Devlin, Jr.
Thomas R. Devlin, Jr.

STATE OF KANSAS, SEDGWICK COUNTY) ss:

This instrument was acknowledged before me on 31st day of October, 2014, by Thomas R. Devlin, Jr.,

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

Rhonda K. Hertel
Rhonda K. Hertel
Notary Public - State of Kansas
My Term Expires: 09/08/16

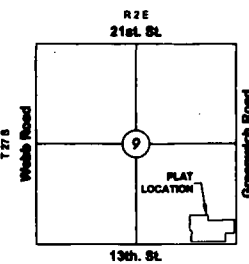
FINAL PLAT

BERKELEY SQUARE THIRD ADDITION

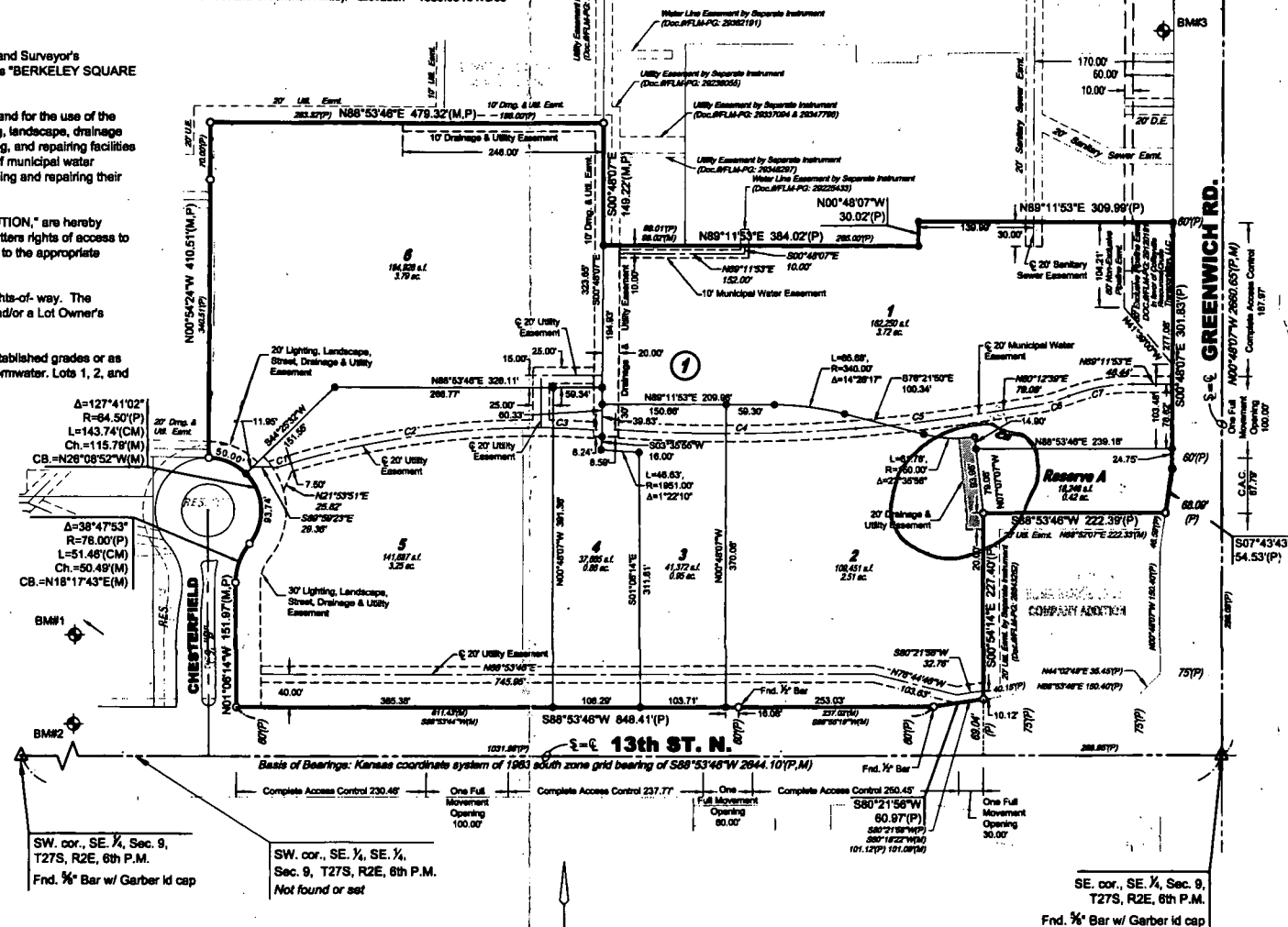
AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

BENCHMARKS

- BM#1 Chiseled square on top of curb at north end of 2nd island, north of 13th St. N. on Veranda, 461 feet north of 13th Street and centerline Veranda. Elevation = 1287.03 NAVD88
- BM#2 Railroad spike in north side of power pole, 184.8 feet west of centerline Chesterfield Street and 39' north of centerline 13th Street. Elevation = 1399.01 NAVD88
- BM#3 Chiseled square on top of curb at west end of north radius of driveway approach, 567' north and 73' west of the southeast corner of Section 9, Township 27 South, Range 2 East (centerline 13th Street and Greenwich Road). Elevation = 1380.08 NAVD88

VICINITY MAP

MINIMUM PAD ELEVATIONS LOWEST OPENINGS		
LOT	BLOCK	ELEVATION NAVD88
1 & 2	1	1387.3
6	1	1389.9

**LEGEND**

- Date of Survey: May 28, 2014
- △ = Section corner monument found
 - = Found 3/4" rebar w/ MKEC CLS 39 id. cap unless otherwise annotated
 - = Set 3/4" rebar w/ MKEC CLS 39 id. cap
 - ◆ = Benchmark
 - (M) = Measured
 - (CM) = Calculated from measured
 - (P) = Platted
 - C.A.C. = Complete Access Control

Base of Bearings: Kansas coordinate system of 1983 south zone grid bearing of S88°53'46"W 2844.10(P,M) along the S. line of the SE 1/4, Sec. 9, T27S, R2E, 6th P.M.

This plat is surveyed and platted on NAD83 using Kansas state plane south zone coordinates, modified to the surface, having a combined adjustment scale factor of 1.000120014401728

EASEMENT CURVE TABLE

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	17.41'	1023.50'	0°58'29"	N71°35'25"E	17.41'
C2	293.03'	1023.50'	16°24'15"	S80°16'47"W	292.03'
C3	80.80'	1023.50'	4°31'24"	S89°15'24"E	80.78'
C4	294.10'	1925.00'	6°45'13"	N88°47'49"E	293.82'
C5	141.43'	1925.00'	4°12'34"	N82°18'56"E	141.39'
C6	42.18'	190.00'	12°43'13"	N73°51'02"E	42.10'
C7	79.56'	210.00'	21°42'27"	N78°20'39"E	79.09'

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS, SEDGWICK COUNTY) ss:

This plat of "BERKELEY SQUARE THIRD ADDITION" has been submitted to and approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita, Kansas.

Dated this 21st day of August, 2014.

WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION

Matthew J. Gonsky
Chair

John L. Schlegel
John L. Schlegel, Secretary

**GOVERNING BODY CERTIFICATE**

STATE OF KANSAS, SEDGWICK COUNTY) ss:

The dedications shown on this plat are hereby accepted and this plat is hereby approved by the governing body of the City of Wichita, Kansas.

Dated this 28th day of October, 2014.

At the direction of the City Council.

Carl Brewer
Mayor

Karen Sublett
Karen Sublett, City Clerk

TRANSFER RECORD

STATE OF KANSAS, SEDGWICK COUNTY) ss:

Entered on transfer record this 19th day of November, 2014.

Kelly B. Arnold
County Clerk

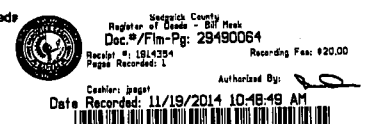
**REGISTER OF DEEDS' CERTIFICATE**

STATE OF KANSAS, SEDGWICK COUNTY) ss:

This is to certify that this instrument was filed for record in the Register of Deeds office this day of November 19, 2014, at 10:42:47 a.m. and is duly recorded.

Bill Meek
Bill Meek, Register of Deeds

Tonya E. Buckingham
Tonya E. Buckingham, Deputy

**COUNTY SURVEYOR**

STATE OF KANSAS, SEDGWICK COUNTY) ss:

Reviewed in accordance with K.S.A. 58-2005 on this 16th day of October, 2014.

Tricia L. Roberts
Tricia L. Roberts, Deputy County Surveyor
Sedgwick County, Kansas



PC 248-1