

D-1347 - Frank Carney, etux dedicates a temporary drainage easement, generally located west of Tara Lane in an area north of Douglas.

POSTED 1-23-86 KCB
BY 108

ACTION

	DATE
S/D COMMITTEE	1/30/86
M.A.P.C.	2/6/86
P.C.C./P.O.O.	2/10/86

DEDICATION REPORT AND PROGRESS

MAP NO. 6047 D
 SEC. NO. 20
 TWP. NO. 27S
 RANGE 2E

CASE NO.: D-1347
 ASSOCIATED CASE: V-1265

1. OFFER TO DEDICATE: A temporary drainage easement.
 GENERALLY LOCATED: West of Tara Lane, in an area north of Douglas.
 LEGALLY DESCRIBED AS:

A 62-foot wide strip of the drainage dedication platted in Brookhollow Addition, more particularly described as follows:

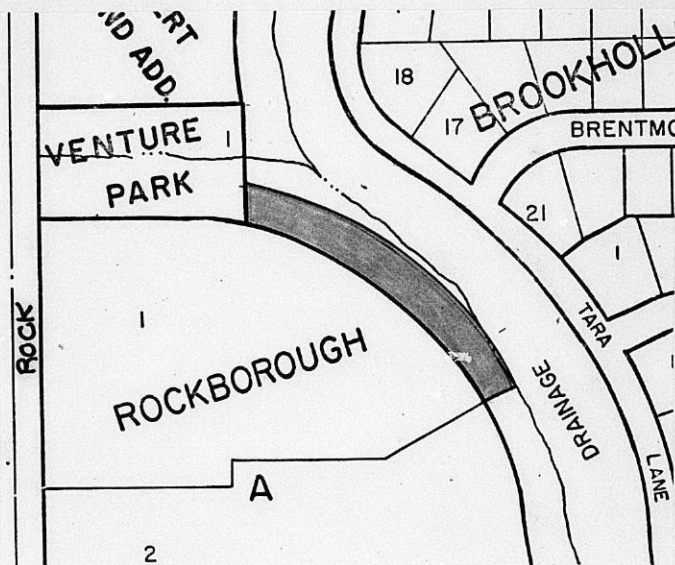
Beginning at the southeast corner of Venture Park Addition; thence north along the east line of said Venture Park Addition, a distance of 63.55 feet to a point on a curve whose radius is 707 feet; thence southeasterly along said 707-foot radius curve to the right, a distance of 591.11 feet to its point of intersection with the southeast line of Lot 1, Block A of Rockborough Addition extended; thence south 60° west, a distance of 62 feet to the southeast corner of said Lot 1; thence northwesterly along the east line of said Lot 1, said line being a curve whose radius is 645 feet, for a distance of 525.95 feet to the point of beginning, containing 0.74 acres, more or less.

DEDICATED BY: Frank Carney, etux

PURPOSE OF DEDICATION:

Condition of approval in connection with V-1265.

II. SKETCH.



III. FILED 1/17/86
 POSTED TO ATLAS
 S/D COMM. ACTION 1/30/86 *appr.*
 M.A.P.C. ACTION 2/6/86 *appr.*

B.C.C. ACTION 2-18-86 *Approved*
 PLACED ON RECORD
 CITY CLERKS NO.

Planning Agenda Item # _____

City of Wichita
City Commission Meeting
February 18, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: D-1347 - DEDICATION OF A TEMPORARY DRAINAGE EASEMENT,
GENERALLY LOCATED WEST OF TARA LANE, IN AN AREA NORTH
OF DOUGLAS.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Accept the dedication.

Background: Frank Carney, etux is dedicating this temporary drainage easement as a condition of approval for vacation case V-1265. The instrument has been approved by the Law Department.

The dedication has been reviewed and approved by the Planning Commission.

Financial Considerations: Bill the recording costs to:

Frank Carney
302 North Rock Road, #210
Wichita, KS 67206

Recommendations/Actions: Accept the dedication and record document.

First National Bank in Wichita

Box One
Wichita, Kansas 67201
Phone 319-268-1111

FIRST NATIONAL BANK

January 21, 1986

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

AMENDMENT NO. 1
Letter of Credit No. C-1873
Dated September 5, 1984

Gentlemen:

We hereby amend our Irrevocable Letter of Credit No. C-1873 dated September 5, 1984, in your favor, for the account of Frank L. and Zenda Carney, 302 N. Rock Rd., Suite 210, Wichita, Kansas 67206, as follows:

DELETE: "We hereby agree with you and with negotiating banks and bankers that all drafts drawn by virtue of this credit, and in accordance with its terms, shall meet with due honor upon presentation and delivery of documents as specified to FIRST NATIONAL BANK IN WICHITA, WICHITA, KANSAS, if negotiated, or if presented at this Office together with this Letter of Credit on or before May 31, 1986."

ADD: "We hereby agree with you and with negotiating banks and bankers that all drafts drawn by virtue of this credit, and in accordance with its terms, shall meet with due honor upon presentation and delivery of documents as specified to FIRST NATIONAL BANK IN WICHITA, WICHITA, KANSAS, if negotiated, or if presented at this Office together with this Letter of Credit on or before December 9, 1987."

DELETE: "...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 May 31, 1986."

ADD: "...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 October 9, 1987."

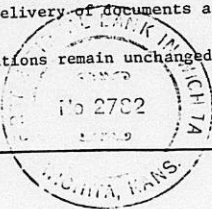
DELETE: "We hereby agree with the drawers, endorsers and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before July 31, 1986."

ADD: "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 December 9, 1987."

All other terms and conditions remain unchanged and in full force and effect.

Sincerely,

Rose M. Dean
Credit Services Officer



Copy of requested amendment to
Letter of Credit.

dedication

Frank Carney, et ux dedicated
a temporary drainage dedication
generally located west of Tara Lane
in an area north of Douglas

For: 1/30/86 S/D mty.

D-1347
(17)

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AMENDED TEMPORARY DRAINAGE DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That, pursuant to the City Commission action of October 9, 1984 in approving Vacation Case V-1265, for and in consideration of One No/100 Dollar (\$1) and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned, Frank L. Carney and Zenda Carney, being owners of the following described real estate in the City of Wichita, Sedgwick County, Kansas, to-wit:

A 62 foot wide strip of the Drainage Dedication platted in Brookhollow Addition, more particularly described as follows: Beginning at the Southeast corner of Venture Park Addition; thence north along the East line of said Venture Park Addition a distance of 63.55 feet to a point on a curve whose radius is 707 feet; thence Southeasterly along said 707 foot radius curve to the right a distance of 591.11 feet to its point of intersection with the Southeast line of Lot 1 of Block A of Rockborough Addition extended; thence South 60° West a distance of 62 feet to the Southeast corner of said Lot 1; thence Northwesterly along the East line of said Lot 1, said line being a curve whose radius is 645 feet, for a distance of 525.95 feet to the point of beginning, containing 0.794 acres, more or less,

did dedicate the above described real estate to the public as a temporary drainage easement subject to several terms and conditions, among which was the condition that dedication of the above described drainage easement was temporary only and for a term of two (2) years from October 9, 1984. Because of unforeseen delays in the preparation of drainage plans for the project which the retaining wall was intended to serve, the undersigned wish to extend the term of that temporary easement from its present termination date of October 9, 1986 for a period of one (1) additional year so that its new termination date would become October 9, 1987 and do hereby dedicate the above described real estate to the public

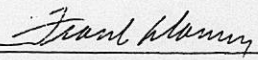
temporarily for drainage purposes on the following terms and conditions:

A. That this amended dedication of a drainage easement across the above described real property is temporary only and shall be for a term of three (3) years from October 9, 1984. However, the term of this dedication may be perpetuated beyond the amended three year period by the commencement of construction, during such three year period, of the retaining wall contemplated by the City of Wichita and the undersigned and described in a separate instrument executed by Carney guaranteeing the construction of said retaining wall, and shall continue so long thereafter as it may take to construct said wall.

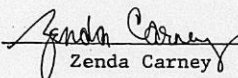
B. In the event the term of this amended temporary drainage dedication is perpetuated by construction beyond the amended three year period, this amended temporary drainage dedication shall cease upon the completion of said retaining wall and said retaining wall will be considered, for all purposes, completed upon an affidavit of completion being duly filed with the Register of Deeds of Sedgwick County, Kansas by the Project Engineer, retained by Carney for the purposes of designing and supervising construction of said retaining wall. Said Project Engineer to be an engineer duly licensed by the State of Kansas to design and oversee the construction of said project.

C. In the event the construction of the retaining wall has not been commenced by October 9, 1987, this temporary drainage dedication shall expire and the vacated drainage right-of-way shall automatically revert back to an outright drainage dedication.

This Temporary Drainage Dedication is executed this 16th day of January, 1986.



Frank L. Carney



Zenda Carney

STATE OF KANSAS)
) SS:
COUNTY OF SEDGWICK

BE IT REMEMBERED, that before me, the undersigned, a Notary Public, within and for said County and State, on this 16th day of January, 1986, personally appeared FRANK L. CARNEY and ZENDA CARNEY, to me personally known to be the identical persons who executed the within and foregoing Temporary Drainage Dedication and acknowledged to me that they executed the same as their 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 date and year last above written.

Alice Mstrom

NOTARY PUBLIC

My Commission Expires:

2-22-88

