

**City of Wichita  
City Council Meeting  
October 19, 2004**

**Agenda Report No. \_\_\_\_\_**

**TO:** Mayor and City Council

**SUBJECT:** VAC2002-00023 Request to vacate sewer easements dedicated by separate instrument, generally located northwest of the 159<sup>th</sup> Street East and Central Avenue intersection.  
(District II)

**INITIATED BY:** Metropolitan Area Planning Department *JVS*

**AGENDA:** Planning (Consent)

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**Staff Recommendation:** Approve.

**MAPC Recommendation:** Approve. (unanimously)

**Background:** The applicant proposes to vacate sewer easements that were dedicated and recorded by separate instrument as acquired by Sedgwick County for a sewer project in this far east subdivision that borders Butler County on its east side. The Brookhaven Estates Addition was recorded with the Register of Deeds June 2, 1954.

**Analysis:** The City took over the project to extend sewer service to this area and redesigned the project. The existing sewer line is now in the right-of-way. There is no current or future need for these easements.

The MAPC and its Subdivision Committee voted unanimously to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

**Financial Considerations:** None

**Legal Considerations:** A certified copy of the Vacation Order will be recorded with the Register of Deeds.

**Recommendation/Actions:** Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

RECEIVED

OCT 23 2004

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_



Sedgwick County  
Register of Deeds - Bill Meek  
DOC.#/FLM-PG: 28618108

Receipt #: 1567521  
Pages Recorded: 6

Recording Fee: 0DH

Cashier Initials: JP

Authorized By:

Date Recorded: 10/21/2004 4:04:39 PM



Approved / Accepted by City Council

This 19 OCT 2004

CITY CLERK'S ORIGINAL  
RETURN TO CITY CLERK

**BEFORE THE CITY COUNCIL OF THE  
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

IN THE MATTER OF THE VACATION OF )  
SEWER EASEMENTS DEDICATED BY )  
SEPARATE INSTRUMENT )

GENERALLY LOCATED )  
NORTHWEST OF THE 159<sup>TH</sup> STREET EAST )  
AND CENTRAL AVENUE INTERSECTION )

Case No. VAC2002-00023

MORE FULLY DESCRIBED BELOW )

**VACATION ORDER**

NOW on this 19<sup>th</sup> day of October, 2004, comes on for hearing the petition for vacation filed by City of Wichita, c/o Water & Sewer Department, praying for the vacation of the following described sewer easements dedicated by separate instrument, to-wit:

Tract 03  
Sanitary Sewer Easement  
Lot 3, Block 1 Brookhaven Estates  
Film: 2184, Page: 1873

A Sanitary Sewer Easement described as follows:

Beginning at the southeast corner of Lot 3, Block 1, Brookhaven Estates, Sedgwick County, Kansas; Thence S 89°03'41"W, along the south line of said Lot 3, a distance of 195.10 feet to a point on a platted 25' Utility Easement line, also being the



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distance of 6.26 feet; Thence N 03°50'43"W, a distance of 119.52 feet to a point on the north line of said Lot 5; Thence N 68°13'32"E, along said north line, a distance of 15.77 feet; Thence S 03°50'43"E, a distance of 122.17 feet; Thence S 20°33'56"E, a distance of 3.74 feet to the Point of Beginning.  
(Containing 0.043 acres more or less)

**Tract 09**  
**Sanitary Sewer Easement**  
**Lot 6, Block 1 Brookhaven Estates**  
**Film: 2132, Page: 1060**

A Sanitary Sewer Easement described as follows:

Commencing at the southeast corner of Lot 6, Block 1, Brookhaven Estates, Sedgwick County, Kansas; Thence S 68°13'32"W, along the south line of said Lot 6, a distance of 128.50 feet to the Point of Beginning; Thence continuing S 68°13'32"W, a distance of 15.77 feet; Thence N 03°50'43"W, a distance of 6.67 feet; Thence N 19°15'54"W, a distance of 113.74 feet to a point on the north line of said Lot 6; Thence N 68°13'37"E, along said north line, a distance of 15.01 feet Thence S 19°15'54"E, a distance of 116.43 feet; Thence S 03°50'43"E, a distance of 3.84 feet to the Point of Beginning.  
(Containing 0.041 acres more or less)

**Tract 11**  
**Sanitary Sewer Easement**  
**Lot 7, Block 1 Brookhaven Estates**  
**Film: 2134, Page 1132**

A Sanitary Sewer Easement described as follows:

Beginning at the northeast corner of Lot 7, Block 1, Brookhaven Estates, Sedgwick County, Kansas; Thence S 74°44'12"W, along the north line of said Lot 7, a distance of 142.23 feet; Thence S 19°15'54"E, a distance of 135.81 feet to a point on the south line of said Lot 7; Thence N 68°13'37"E, along said south line, a distance of 15.01 feet; Thence N 19°15'54"W, a distance of 124.08 feet; Thence N 74°44'12"E, parallel with and 10.00 feet south of the north line of said Lot 7, a distance of 126.42 feet to a point on the east line of said Lot 7, also being the beginning of a curve, said curve having a central angle of 00°24'00", a radius of 1432.69 feet, a chord bearing of N 14°51'21"W, and a chord distance of 10.00 feet; Thence along said east line and curve an arc distance of 10.00 feet to the end of the curve and the Point of Beginning.

**Tract 27**

**Sanitary Sewer Easement**  
**Lot 3, Block 5 Brookhaven Estates**  
**Film: 2167, Page 1437**

A Sanitary Sewer Easement described as follows:

The South 10.00 feet of the North 18.00 feet of the West 30.00 feet of Lot 3, Block 5, Brookhaven Estates, Sedgwick County, Kansas.  
(Containing 0.007 acres more or less)

**Tract 29**  
**Sanitary Sewer Easement**  
**Lots 4, 5, and 6, Block 5 Brookhaven Estates**  
**Film: 2145, Page: 0997**

A Sanitary Sewer Easement described as follows:

Beginning at the northwest corner of Lot 6, Block 5, Brookhaven Estates, Sedgwick County, Kansas; Thence N 89°03'32"E, along the north line of said Lot 6, a distance of 21.54 feet; Thence S 25°55'42"E, a distance of 191.97 feet; Thence S 89°03'32"W, parallel with and 8.00 feet north of the south line of said Lot 6, a distance of 28.96 feet; Thence N 21°27'44"W, parallel with and 8.00 feet east of the west line of said Lot 6, a distance of 54.45 feet; Thence S 68°32'16"W, a distance of 8.00 feet to a point on the west line of said Lot 6; Thence N 21°27'44"W, along said west line, distance of 134.33 feet to the Point of Beginning.  
(Containing 0.108 acres more or less)

**Tract 31**  
**Sanitary Sewer Easement**  
**Lots 1, 2, and 3, Block 6 Brookhaven Estates**  
**Film: 2134, Page: 1134**

A Sanitary Sewer Easement described as follows:

The East 10.00 feet of Lot 2, Block 6, Brookhaven Estates, Sedgwick County, Kansas. EXCEPT the North 8.00 feet of said Lot 2.  
Together with  
The West 10.00 feet of Lot 3, Block 6, Brookhaven Estates, Sedgwick County, Kansas. EXCEPT the North 8.00 feet of said Lot 3.  
(Containing 0.080 acres more or less)

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**Tract 39**  
**Sanitary Sewer Easement**  
**Lot 9, Block 6 Brookhaven Estates**  
**Film: 2132, Page: 1058**

A Sanitary Sewer Easement described as follows:

The North 15.00 feet of the South 23.00 feet of Lot 9, Block 6, Brookhaven Estates, Sedgwick County, Kansas.  
(Containing 0.033 acres more or less)

**Tract 41**  
**Sanitary Sewer Easement**  
**Lot 10, Block 6 Brookhaven Estates**  
**Trustee of the Dan W. Peniston Living Trust**  
**Loretta Peniston,**  
**Trustee of the Loretta Peniston Living Trust**  
**Film: 2136, Page: 0822**

A Sanitary Sewer Easement described as follows:

The North 15.00 feet of the South 23.00 feet of the East 15.00 feet of Lot 10, Block 6, Brookhaven Estates, Sedgwick County, Kansas.  
(Containing 0.006 acres 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, by publication in the Wichita Eagle on July 2, 2002, 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 above-described sewer easements dedicated by separate instrument, 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 sewer easements dedicated by separate instrument described herein should be approved.

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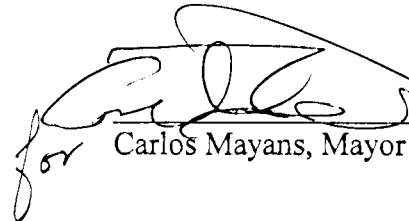
Vacation Order  
VAC2002-00023

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19<sup>th</sup> day of October 2004,  
ordered that the above-described sewer easement dedicated by separate instrument is hereby vacated.  
IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of  
Deeds of Sedgwick County.



ATTEST:

*Karen Sublett*  
Karen Sublett, City Clerk

*for*   
Carl Brewer  
VICE MAYOR  
Carlos Mayans, Mayor



Approved as to Form:

*Gary E Rebenstorf*  
Gary Rebenstorf, Director of Law

State of Kansas )  
Sedgwick County) ss  
City of Wichita )  
I, **Karen Sublett** City Clerk of the City  
of Wichita, Kansas, hereby certify that the document  
to which this is affixed is a true and correct copy of  
the original on file in the office of the City Clerk.  
Given under my hand and seal of the City of  
Wichita, Kan. OCT 19 2004  
*Karen Sublett* City Clerk

