

D-0734 - Fourth Natl Bank & Trust
Co. Att: E.H. Loveless, dedicates
Drainage Easement - south of 47th
St. South in an area east of
Broadway, by James W. Sargent

POSTED
10/21/76

ACTION

DATE

COMMITTEE

M.A.P.C.

B.C.C./B. CO. C.

Accept

Accept

10-14-76

11-9-76

DEDICATION REPORT AND PROGRESS

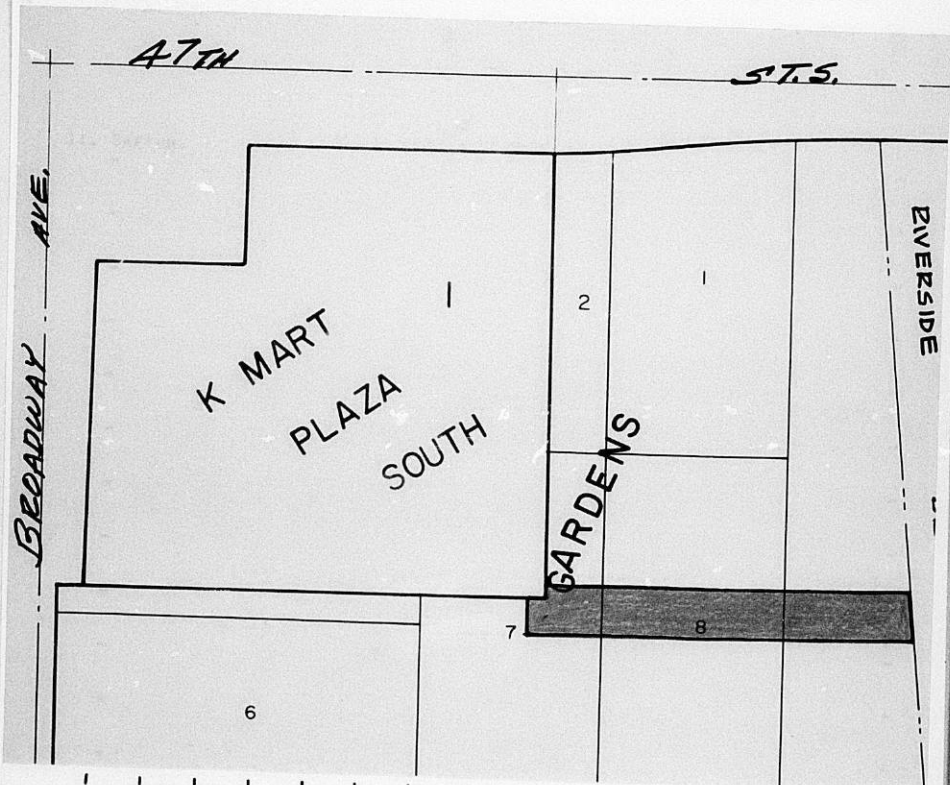
MAP No. 5541
SEC. No. 21
TWP. No. 28
RANGE 1E

CASE No. D - 0734
(Assoc. V-0793)

OFFER TO DEDICATE: Drainage Easement
GENERALLY LOCATED: south of 47th St. South in an area east of Broadway

LEGALLY DESCRIBED AS:

DEDICATED BY: Fourth Natl Bank & Trust Co., Att: E.H. Loveless
AGENT: James W. Sargent
ADDRESS: Vickers KSB&T Bldg., 67202 PHONE _____
PURPOSE OF DEDICATION:



III. FILED 10-12-76
POSTED TO ATLAS _____
S/D COMM. ACTION _____
H.A.P.C. ACTION 10-14-76 *Accepted*

B.C.C. ACTION 11-9-76 *Accepted*
PLACED ON RECORD _____
CITY CLERK'S No. _____

MAPC CASE NO. D-0734 Dedication of drainage easement

Dedicated by: The Fourth National Bank and Trust Company,
Wichita, Trustee

Generally located south of 47th Street South in an area
east of Broadway

This dedication is given for the following reason:

Requirement of vacation case approval.

ACTION: Accept the dedication and instruct the City Clerk to
file with the Register of Deeds.

BILL RECORDING FEE TO: James W. Sargent, Attorney
4th National Bank Bldg. 67202

October 18, 1976

Mr. William Korber
330 Laura
Wichita, Kansas 67211

Re: D-0734 - Dedication of drain-
age easement
V-0793 - Vacation of drainage
easement
South of 47th Street South in
an area east of Broadway

Dear Mr. Korber:

At the regular meeting of the Metropolitan Area Planning Commission on October 14, 1976, the above-captioned cases were considered as off-agenda items. The action of the Commission was to recommend the approval of the vacation case, subject to the following condition:

1. All proceedings being without cost to the City or County, and that the dedication be accepted.

In addition to complying with the above condition, it is necessary that you submit three copies of an ordinance to complete the vacation proceedings to this office by 12:00 noon of the Wednesday preceding the meeting of the Board of City Commissioners before this matter can be scheduled for hearing before that Board. A sample vacation ordinance is enclosed.

Please call if you have any questions.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber
Attachment

cc: James W. Sargent, Attorney, Vickers KSB&T Building 67202
Dean Sellers, Assistant City Engineer

October 14, 1976

Wichita-Sedgwick County Metropolitan Area
Planning Commission
Jack H. Galbraith, Chief Planner

V-0793 - Vacation of Drainage Easement
D-0734 - Dedication of new Drainage Easement
Generally located on the east side of Broadway
south of 47th Street South.

James W. Sargent, representing Forty-Seventh Street Investment Company, has requested the vacation of an east-west drainage easement and the acceptance of a new drainage easement that will fit the drainage ditch as constructed. It seems that the ditch was constructed approximately 25 feet south of the originally submitted easement and the new dedication will satisfactorily resolve the matter.

It is recommended that the vacation be approved subject to:

1. All proceedings being without cost to the City or County; and that the dedication be accepted.

It is suggested that these items be considered as item 14b and 14c after the other subdivision items.

Jack H. Galbraith
Chief Planner

JHG:rme

cc: James W. Sargent
Vickers KSB&T Building
67202

5541
21
28
1E

Fidelity Title

COMPANY, INC.

221 N. MARKET WICHITA, KANSAS 67202 (316) 262-8261
TITLE INSURANCE ABSTRACTS REAL ESTATE CLOSINGS

D-0734

Assoc K-0793

C E R T I F I C A T E

STATE OF KANSAS)
SEDGWICK COUNTY) SS:

Fidelity Title Company, Inc., a bonded and duly licensed abstracter in and for the county and state aforesaid, does hereby certify that the attached document, "Drainage Easement", is a true and correct full copy of such instrument as to which the original was recorded in Film 213 at page 353 at 11:00 A.M. on October 12, 1976 and was designated as Instrument # 2 99306.

Done this 12th day of October, 1976.

FIDELITY TITLE COMPANY, INC.

BY: *Frank Malone*
Pres.

Frank Malone
President

Mary Craig
Vice President

Dwaine A. Schulke
Closing Counsel

C.E. "Bud" Ridder
Senior Vice President & Treasurer

Pattie Malone Grier
Vice President & Secretary

Patrick O'Rourke
Assistant Vice President

Wm. "Bill" Malone
Executive Vice President

Georgia Havner
Closing Officer & Assistant Treasurer

Rogene Wright
Closing Officer & Assistant Secretary



DRAINAGE EASEMENT

THIS EASEMENT made this 8th day of OCTOBER, 1976, by and between the Fourth National Bank and Trust Company, Wichita, Trustee 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, does hereby grant and convey unto the said second party a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing a drainage system over, along and under the following described real estate situated in Sedgwick County, Kansas, to wit:

Commencing at the northwest corner of the norwest quarter of Section 21, T 28 S, R 1 E, of the 6th P.M., Wichita, Sedgwick County, Kansas; thence along the north line of said northwest quarter, bearing S 89° 25' 45" E, 905.00 feet; thence S 0° 18' 45" W, 908.00 feet to the beginning, said point being on the east line of K MART PLAZA SOUTH; thence S 89° 25' 45" E, 658.59 feet to a point on the west right of way line of the Riverside Drainage Canal; thence along said west right of way, bearing S 5° 06' 56" E, 90.45 feet; thence N 89° 25' 45" W, 697.14 feet; thence N 0° 18' 45" E, 61.99 feet to the south line of K MART PLAZA SOUTH; thence along said south line bearing S 89° 25' 45" E, 30.00 feet to the southeast corner of K MART PLAZA SOUTH; thence N 0° 18' 45" E, 28.01 feet to the point of beginning. Containing 61,517.65 sq. ft. or 1.41 acres, more or less.

The North 15 feet and South 15 feet of the drainage easement for the full length of the drainage easement may be used for roadways, driveways and for underground utility lines which do not have anything protruding above the surface of the land.

This drainage easement is subject to the Derby Oil Company pipeline rights-of-way of record and the oil and gas leases as modified by the Release of Surface Rights of record.

And said second party is hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing such drainage system.

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

THE FOURTH NATIONAL BANK AND TRUST COMPANY, WICHITA, TRUSTEE

By *[Signature]*
E. H. Loveless, Vice President and Trust Officer

STATE OF KANSAS
SEDGWICK COUNTY } ss
FILED FOR RECORD AT
OCT 12 1976

NO. 2 99306
BETTE F. MCCART
REGISTER OF DEEDS

STATE OF KANSAS
SEDGWICK COUNTY

SS:

BE IT REMEMBERED, that on this 8th day of October, 1976, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came E. H. Loveless, Vice President of THE FOURTH NATIONAL BANK & TRUST COMPANY, WICHITA, to me personally known to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same for and on behalf, and as the act and deed of said company, as Trustee.

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

[Signature]
Notary Public

LORRY YNE BITTING
NOTARY PUBLIC
SEDGWICK COUNTY, KANSAS

00

My Commission Expires: Mar 28 1977
F.A. (A.M. 442799 A)

WICHITA-SEDGWICK COUNTY

RE: AGENDA ITEM NO. *DATE 10/14/76*

October 14, 1976

METROPOLITAN AREA PLANNING DEPARTMENT

TO Wichita-Sedgwick County Metropolitan Area
Planning Commission.

FROM Jack H. Galbraith, Chief Planner

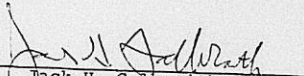
SUBJECT V-0793 - Vacation of Drainage Easement
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Chief Planner

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