

**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 159th Street East and Central Avenue intersection.
(District II)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA: Planning (Consent)

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.

METROPOLITAN PLANNING
ROUTE ☐ _____



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

Receipt #: 1567521
Pages Recorded: 6

Recording Fee: ODH

Cashier Initials: JP

Authorized By:

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



CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

Approved / Adopted by City Council

This OCT 19 2004

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

**GENERALLY LOCATED
NORTHWEST OF THE 159TH STREET EAST
AND CENTRAL AVENUE INTERSECTION**

[illegible]

Case No. VAC2002-00023

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 19th 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

beginning of a curve, said curve having a central angle of $01^{\circ}04'48''$, a radius of 521.78 feet, a chord bearing of $N\ 00^{\circ}40'08''E$, and a chord distance of 9.84 feet; Thence along said platted easement line and curve an arc distance of 9.84 feet to the end of the curve; Thence $N\ 10^{\circ}08'39''E$, a distance of 87.97 feet; Thence $N\ 20^{\circ}33'56''W$, a distance of 12.33 feet to a point on the north line of said Lot 3; Thence $N\ 78^{\circ}38'36''E$, along said north line, a distance of 15.20 feet; Thence $S\ 20^{\circ}33'56''E$, a distance of 14.01; Thence $S\ 10^{\circ}08'39''W$, a distance of 94.07 feet; Thence $N\ 89^{\circ}03'41''E$, parallel with and 5.00 feet north of the south line of said Lot 3, a distance of 180.60 feet to a point on the east line of said Lot 3, also being the beginning of a curve, said curve having a central angle $00^{\circ}23'59''$, a radius 716.78 feet, a chord bearing of $S\ 00^{\circ}25'28''W$, and a chord distance of 5.00 feet; Thence along said east line and curve an arc distance of 5.00 feet to the end of the curve and the Point of Beginning.

(Containing 0.059 acres more or less)

Tract 05

Sanitary Sewer Easement

Lot 4, Block 1 Brookhaven Estates

Film: 2167, Page 1439

A Sanitary Sewer Easement described as follows:

Commencing at the southeast corner of Lot 4, Block 1, Brookhaven Estates, Sedgwick County, Kansas; Thence $S\ 78^{\circ}38'36''W$, along the south line of said Lot 4, a distance of 159.92 feet to the Point of Beginning; Thence continuing $S\ 78^{\circ}38'36''W$, along said south line, a distance of 15.20 feet; Thence $N\ 20^{\circ}33'56''W$, a distance of 107.47 feet to a point on the north line of said Lot 4; Thence $N\ 68^{\circ}13'33''E$, along said north line, a distance of 15.00; Thence $S\ 20^{\circ}33'56''E$, a distance of 110.22 feet to the Point of Beginning.

(Containing 0.038 acres more or less)

Tract 07

Sanitary Sewer Easement

Lot 5, Block 1 Brookhaven Estates

Film: 2167, Page: 1435

A Sanitary Sewer Easement described as follows:

Commencing at the southeast corner of Lot 5, Block 1, Brookhaven Estates, Sedgwick County, Kansas; Thence $S\ 68^{\circ}13'33''W$, along the south line of said Lot 5, a distance of 168.63 feet to the Point of Beginning; Thence continuing $S\ 68^{\circ}13'33''W$, along said south line, a distance of 15.00 feet; Thence $N\ 20^{\circ}33'56''W$, a

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)

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.

000028618108

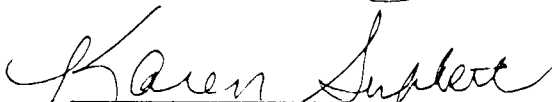
Vacation Order
VAC2002-00023

Page 6 of 6

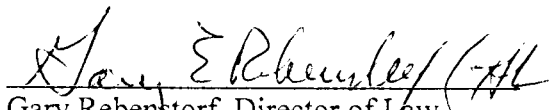
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of October 2004,
ordered that the above-described sewer easement dedicated by separate instrument is hereby vacated.
IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of
Deeds of Sedgwick County.

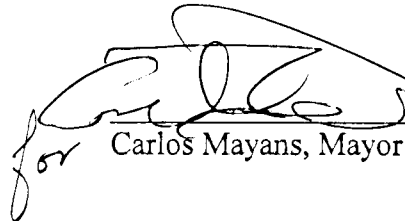


ATTEST:


Karen Sublett, City Clerk

Approved as to Form:

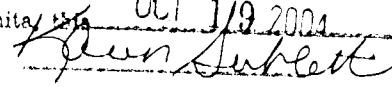

Gary Rebenstorf, Director of Law


Carl Brewer
VICE MAYOR
for Carlos Mayans, Mayor



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**
 City Clerk

