 Ordinance No. 17475

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the vacation of a 50-foot wide public right-of-way as dedicated by Terra Heights Subdivision, City of Topeka, Shawnee County, Kansas; on property located on the south side of SW Sanneman Drive in the City of Topeka, Kansas. (V00S/1)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That pursuant to the requirements of K.S.A. 12-504 as amended, a petition by Frank D. and Anita Pace, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public right-of-way located within the City of Topeka, Shawnee County, Kansas:

Beginning at the northwest corner of Lot 28; thence southerly on the west line of Lot 28 for a distance of 125 feet to the southwest corner of said Lot 28; thence westerly on the south line of Terra Heights Subdivision for a distance of 50 feet to a point 10 feet east of the southeast corner of Lot 30 on Sanneman Drive; thence northerly parallel with the east line of said Lot 30 a distance of 125 feet to a point 10 feet east of the northeast corner of Lot 30; thence easterly 50 feet to the northwest corner of Lot 28 and the point of beginning.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on this March 14, 2000, the petition is ready for determination by the Council of the City of Topeka, Kansas.

Section 3. That the Council of the City of Topeka, after being duly informed and hearing the evidence presented finds that:

a. Legal notice was given as required by K.S.A. 12-504 as amended.

b. No private rights will be injured or endangered by such vacation.

c. The public will suffer no loss or inconvenience by such vacation.

Section 4. That the Council of the City of Topeka does hereby find that justice requires the petition of vacation to be granted and does hereby order the vacation of the below described public right-of-way located within the City of Topeka, Kansas:
Beginning at the northwest corner of Lot 28; thence southerly on the west line of Lot 28 for a distance of 125 feet to the southwest corner of said Lot 28; thence westerly on the south line of Terra Heights Subdivision for a distance of 50 feet to a point 10 feet east of the southeast corner of Lot 30 on Sanneman Drive; thence northerly parallel with the east line of said Lot 30 a distance of 125 feet to a point 10 feet east of the northeast corner of Lot 30; thence easterly 50 feet to the northwest corner of Lot 28 and the point of beginning

Section 5. That the Council of the City of Topeka does hereby find that justice further requires the provision for a utility easement to be established over the described property as set forth in Section 4 and does hereby order the retention of the below described area as a public utility easement:

Beginning at the southwest corner of Lot 28 in Terra Heights Subdivision; thence westerly along the south line of Terra Heights Subdivision 50 feet to a point 10 feet east of the southeast corner of Lot 30; thence northerly parallel with the east line of Lot 30, 10 feet; thence easterly 50 feet; thence southerly 10 feet to the point of beginning.

Section 6. This vacation shall not effect any other underlying easements, or restrictions whether platted or by instrument.

Section 7. The City Clerk is hereby directed to certify a copy of this ordinance to the Shawnee County Register of Deeds Office for appropriate recording.

Section 7. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Council of the City of Topeka MAR 14 2000, 2000.

Joan Wagnon, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM & LEGALITY FEB 29 2000
CITY ATTORNEY'S OFFICE Not To Be Codified X