ORDINANCE NO. 12489

AN ORDINANCE introduced by Mayor Joan Wagonl relating to the vacation of the alley between the South property line of Buchanan Street, Lot 168 and North of 6th Avenue, West, Lots 158, 160, 162, 166, and 168 (Horne’s Addition), City of Topeka. (V00A/02)

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 Joan R. Knoll Trust, Joan R. Knoll, Trustee, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described alley right-of-way located within the City of Topeka, Shawnee County, Kansas:

The area between the South property line of Buchanan Street, Lot 168 and North of 6th Avenue, West, Lots 158, 160, 162, 166, and 168 (Horne’s Addition), City of Topeka, Kansas.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on this 11th day of April 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 easement:
The area between the South property line of Buchanan Street, Lot 168 and North of 6th Avenue, West, Lots 158, 160, 162, 166, and 168 (Horne's Addition), City of Topeka, Kansas.

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:

The area between the South property line of Buchanan Street, Lot 168 and North of 6th Avenue, West, Lots 158, 160, 162, 166, and 168 (Horne's Addition), City of Topeka, Kansas.

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 8. 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 APR 11 2000, 2000.

Joan Wagoner, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified

Not To Be Codified X