ORDINANCE NO. 17500

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the vacation of a 20 foot wide public alley as dedicated by Walnut Grove Subdivision, City of Topeka, Shawnee County, Kansas, on property located between SW Harrison Street and SW Van Buren Street running between SW 19th Street and SW 20th Street, City of Topeka, Kansas. (V00A/3)

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 Bill Kobach Buick, Inc.; J.B. Sharp, Trustee; Joy Kaplan, Trustee; J.B. Sharp, an individual; and Richard and Mary Foster, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public alley located within the City of Topeka, Shawnee County, Kansas:

Beginning at the northwest corner of Lot 687 on Van Buren Street; thence southerly on the east right-of-way of a 20 foot wide public alley, granted with Walnut Grove Subdivision in the City of Topeka, Shawnee County, Kansas, for a distance of 450 feet to the north right-of-way line of 20th Street also being the southwest corner of Lot 721 on Van Buren Street in Walnut Grove Subdivision; thence westerly on the north right-of-way line of 20th Street for a distance of 20 feet to the southeast corner of Lot 722 on vacated Harrison Street; thence northerly 450 feet to the northeast corner of Lot 688 on vacated Harrison Street in Walnut Grove Subdivision; thence easterly on the southerly right-of-way line of 19th Street for a distance of 20 feet to the northeast corner of Lot 687 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 May 9, 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 alley located within the City of Topeka, Kansas:

Beginning at the northwest corner of Lot 687 on Van Buren Street; thence southerly on the east right-of-way of a 20 foot wide public alley, granted with Walnut Grove Subdivision in the City of Topeka, Shawnee County, Kansas, for a distance of 450 feet to the north right-of-way line of 20th Street also being the southwest corner of Lot 721 on Van Buren Street in Walnut Grove Subdivision; thence westerly on the north right-of-way line of 20th Street for a distance of 20 feet to the southeast corner of Lot 722 on vacated Harrison Street; thence northerly 450 feet to the northeast corner of Lot 688 on vacated Harrison Street in Walnut Grove Subdivision; thence easterly on the southerly right-of-way line of 19th Street for a distance of 20 feet to the northeast corner of Lot 687 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 northwest corner of Lot 687 on Van Buren Street; thence southerly on the east right-of-way of a 20 foot wide public alley, granted with Walnut Grove Subdivision in the City of Topeka, Shawnee County, Kansas, for a distance of 450 feet to the north right-of-way line of 20th Street also being the southwest corner of Lot 721 on Van Buren Street in Walnut Grove Subdivision; thence westerly on the north right-of-way line of 20th Street for a distance of 20 feet to the southeast corner of Lot 722 on vacated Harrison Street; thence northerly 450 feet to the northeast corner of Lot 688 on vacated Harrison Street in Walnut Grove Subdivision; thence easterly on the southerly right-of-way line of 19th Street for a distance of 20 feet to the northeast corner of Lot 687 and the point of beginning.

Section 6. This vacation shall not affect 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 MAY 09 2000, 2000.

Joan Wagnon, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified X

APR 25 2000