ORDINANCE NO. 17514

AN ORDINANCE introduced by Mayor Joan Wagnon relating to the vacation of a 20 foot wide public alley as dedicated by Horne's 2nd Addition, City of Topeka, Shawnee County, Kansas, on property located between SW Horne Street and SW Washburn Avenue, the centerline of which is approximately 140-feet south of SW 6th Avenue, City of Topeka, Kansas. (V00A/4)

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 St. Francis Hospital and Medical Center, as property owner, 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 southeast corner of Lot 241 on Washburn Avenue, Horne's 2nd Addition; thence southerly 20-feet to the northeast corner of Lot 193 on Washburn Avenue, Horne's Addition; thence westerly 320-feet to the northwest corner of Lot 194 on Horne Street, Horne's Addition; thence northerly 20-feet to the southwest corner of Lot 263 on Horne Street, Horne's 2nd Addition; thence easterly 320-feet to 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 June 13, 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 southeast corner of Lot 241 on Washburn Avenue, Horne’s 2nd Addition; thence southerly 20-feet to the northeast corner of Lot 193 on Washburn Avenue, Horne’s Addition; thence westerly 320-feet to the northwest corner of Lot 194 on Horne Street, Horne’s Addition; thence northerly 20-feet to the southwest corner of Lot 263 on Horne Street, Horne’s 2nd Addition; thence easterly 320-feet to 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 southeast corner of Lot 241 on Washburn Avenue, Horne’s 2nd Addition; thence southerly 20-feet to the northeast corner of Lot 193 on Washburn Avenue, Horne’s Addition; thence westerly 320-feet to the northwest corner of Lot 194 on Horne Street, Horne’s Addition; thence northerly 20-feet to the southwest corner of Lot 263 on Horne Street, Horne’s 2nd Addition; thence easterly 320-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 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 **JUN 13 2000**, 2000.

Joan Wagon, Mayor

**ATTEST:**

Iris E. Walker, City Clerk