AN ORDINANCE introduced by Mayor Joan Wagonn relating to the vacation of a portion of a 20-foot wide alley right-of-way as dedicated with the plat of Walnut Grove Subdivision, and generally extending 176.51 feet south of SW 20th Street; AND, a public ingress-egress easement generally located congruent with Lots 733 and 735 on SW Harrison Street as dedicated within said Walnut Grove Subdivision. (V00A/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 Rick Wendland, property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described public alley right-of-way located within the City of Topeka, Shawnee County, Kansas:

Begin at the southwest corner of Lot 723 on Harrison Street in Walnut Grove Subdivision; thence southerly along the west line of Lots 725, 727, 729, 731, 733 and 735 on Harrison Street in said subdivision to the southwest corner of Lot 735; thence westerly for a distance of 20 feet to the southeast corner of Lot 736 on South Topeka Boulevard in Walnut Grove Subdivision; thence northerly on the east line of Lots 734, 736, 732, 730, 728, and 726 to the northeast corner of said Lot 726; thence easterly 20 feet to the northwest corner of Lot 725 on Harrison Street in said subdivision and the point of beginning, in the City of Topeka, Shawnee County, Kansas;

And, a public ingress-egress easement located within the City of Topeka, Shawnee County, Kansas described as follows:

South 22.5 feet of Lot 733 and all of Lot 735, Ingress-Egress Easement to the City of Topeka in Book 1870, Page 352.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on this 9th day of May, 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 alley right-of-way and public ingress-egress easement located within the City of Topeka, Kansas:
Begin at the southwest corner of Lot 723 on Harrison Street in Walnut Grove Subdivision; thence southerly along the west line of Lots 725, 727, 729, 731, 733 and 735 on Harrison Street in said subdivision to the southwest corner of Lot 735; thence westerly for a distance of 20 feet to the southeast corner of Lot 736 on South Topeka Boulevard in Walnut Grove Subdivision; thence northerly on the east line of Lots 734, 736, 732, 730, 728, and 726 to the northeast corner of said Lot 726; thence easterly 20 feet to the northwest corner of Lot 725 on Harrison Street in said subdivision and the point of beginning, in the City of Topeka, Shawnee County, Kansas;

And,

South 22.5 feet of Lot 733 and all of Lot 735, Ingress-Egress Easement to the City of Topeka in Book 1870, Page 352.

Section 5. That the Council of the City of Topeka does hereby find that justice further requires the retention of a utility easement over the described property in Section 4 and does hereby retain the below described area as a public utility easement:

Begin at the southwest corner of Lot 723 on Harrison Street in Walnut Grove Subdivision; thence southerly along the west line of Lots 725, 727, 729, 731, 733 and 735 on Harrison Street in said subdivision to the southwest corner of Lot 735; thence westerly for a distance of 20 feet to the southeast corner of Lot 736 on South Topeka Boulevard in Walnut Grove Subdivision; thence northerly on the east line of Lots 734, 736, 732, 730, 728, and 726 to the northeast corner of said Lot 726; thence easterly 20 feet to the northwest corner of Lot 725 on Harrison Street in said subdivision and the point of beginning, in the City of Topeka, Shawnee County, Kansas;

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 __JUL 11 2000__, 2000.

Joan Wagon, Mayor

ATTEST:

Iris E. Walker, City Clerk