ORDINANCE NO. 17558

AN ORDINANCE of the City of Topeka, Kansas introduced by Mayor Joan Wagonon relating to the vacation of a 20 foot public alley right-of-way as dedicated within the Westlawn Addition to the City of Topeka, Kansas, and generally located about the northeast corner of SW 10th Street and SW Lane Street in the City of Topeka, Shawnee County, Kansas. (V00A/05).

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 Dean Smith c/o Stormont-Vail Health Center, Inc., as 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:

A 20 foot public alley right-of-way adjacent to Lots 208, 210, 212, 214, 216, 218 and 312 in the Westlawn Addition to the City of Topeka, Shawnee County, Kansas. (V00A/05).

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on October 10, 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 be granted and does hereby order the vacation of the below described public alley right-of-way located within the City of Topeka Kansas:
A 20 foot public alley right-of-way adjacent to Lots 208, 210, 212, 214, 216, 218 and 312 in the Westlawn Addition to the City of Topeka, Shawnee County, Kansas. (V00A/05).

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:

A 20 foot wide utility easement adjacent to Lots 208, 210, 212, 214, 216, 218, and 312 in the Westlawn Addition to the City of Topeka, Shawnee County, Kansas.

Section 6. That the Council of the City of Topeka does hereby find that justice further requires the provision for an ingress-egress easement to be established and does hereby order the retention of the below described area as an ingress-egress easement:

The north 20.00 feet of Lot 308 in the Westlawn Addition to the City of Topeka, Shawnee County, Kansas.

Section 7. This vacation shall not effect any other underlying easements, or restrictions whether platted or by instrument.

Section 8. 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 9. 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 OCT 10 2000, 2000.

Joan Wagonon, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ______
Not To Be Codified X