ORDINANCE NO. 17559

AN ORDINANCE introduced by Mayor Joan Wagonon relating to the vacation of a 20-foot wide public alley as dedicated by Arlington Heights Subdivision, City of Topeka, Shawnee County, Kansas, on property located on the west side of SW Saline Street, the centerline of which is approximately 140-feet north of SW 6th Avenue in the City of Topeka, Kansas. (V00A/6)

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 Pediatric Associates of Topeka, P.A., 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:

A tract of land located in Arlington Heights Subdivision, City of Topeka, Shawnee County, Kansas, described as follows: Beginning at the southwest corner of Lot 179 on Saline Street; thence on an AZ 90 degrees 08 minutes 36 seconds coincident with the south line of said Lot 179, for a distance of 139.41 feet to the southeast corner of said Lot 179; thence on an AZ 180 degrees 22 minutes 42 seconds 20.00 feet to the northeast corner of Lot 50 in said subdivision, on Saline Street; thence on an AZ 270 degrees 08 minutes 36 seconds coincident with the north line of Lots 50, 52, 54, 56, 58 and 60 in said subdivision for a distance of 139.388 feet; thence on an AZ 00 degrees 18 minutes 13 seconds 20.00 feet to the point of beginning. The above tract contains 2,788 square feet, more or less.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on this 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 to be granted and does hereby order the vacation of the below described public alley located within the City of Topeka, Kansas:

A tract of land located in Arlington Heights Subdivision, City of Topeka, Shawnee County, Kansas, described as follows: Beginning at the southwest corner of Lot 179 on Saline Street; thence on an AZ 90 degrees 08 minutes 36 seconds coincident with the south line of said Lot 179, for a distance of 139.41 feet to the southeast corner of said Lot 179; thence on an AZ 180 degrees 22 minutes 42 seconds 20.00 feet to the northeast corner of Lot 50 in said subdivision, on Saline Street; thence on an AZ 270 degrees 08 minutes 36 seconds coincident with the north line of Lots 50, 52, 54, 56, 58 and 60 in said subdivision for a distance of 139.388 feet; thence on an AZ 00 degrees 18 minutes 13 seconds 20.00 feet to the point of beginning. The above tract contains 2,788 square feet, more or less.

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 tract of land located in Arlington Heights Subdivision, City of Topeka, Shawnee County, Kansas, described as follows: Beginning at the southwest corner of Lot 179 on Saline Street; thence on an AZ 90 degrees 08 minutes 36 seconds coincident with the south line of said Lot 179, for a distance of 139.41 feet to the southeast corner of said Lot 179; thence on an AZ 180 degrees 22 minutes 42 seconds 20.00 feet to the northeast corner of Lot 50 in said subdivision, on Saline Street; thence on an AZ 270 degrees 08 minutes 36 seconds coincident with the north line of Lots 50, 52, 54, 56, 58 and 60 in said subdivision for a distance of 139.388 feet; thence on an AZ 00 degrees 18 minutes 13 seconds 20.00 feet to the point of beginning. The above tract contains 2,788 square feet, more or less.

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 OCT 10 2000, 2000.

Joan Wagnon, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified _____

Not To Be Codified X

APPROVED AS TO FORM & LEGALITY
E.D.S.

SEP 28 2000

CITY ATTORNEY'S OFFICE

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