ORDINANCE NO. 17540

AN ORDINANCE introduced by Mayor Joan Wagonon relating to the vacation of a 16-foot wide sanitary sewer easement as dedicated by Home Depot Addition, City of Topeka, Shawnee County, Kansas, on property located approximately 600-feet east of SW Wanamaker Road and approximately 240-feet south of SW 11th Street in the City of Topeka, Kansas. (V00E/1) (Council District No. 8)

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 Home Depot U.S.A., Inc., as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described sanitary sewer easement located within the City of Topeka, Shawnee County, Kansas:

A portion of the sanitary sewer easement recorded in Book 2229, Page 664 further described as follows: A tract of land 16.00 feet wide in the East 20 acres of a tract containing 40 acres in the S.W. 1/4 of Section 33, Township 11 South, Range 15 East of the 6th P.M. in the City of Topeka, Shawnee County, Kansas, adjoining the east and north sides of the following described line, and extending from a line perpendicular to the following described line at the point of beginning, southerly, then easterly, to the southwest line of a platted 10 foot wide utility easement, at the point of termination. Commencing at the southwest corner of Section 33; thence northerly along the west line of said section for a distance of 1,349.59 feet to the south line of SW 11th Street extended to the west; thence easterly along the south line of SW 11th Street to the west line of the east 20 acres, said point being 329.23 feet east of the northwest corner of Lot 2, Home Depot Addition; thence southerly along the west line of the east 20 acres for a distance of 237.50 feet to the point of beginning; thence southerly along the west line of the east 20 acres for a distance of 101.34 feet; thence easterly towards the northwest corner of Lot 12, Block "A", Tanglewood Subdivision for a distance of 264.49 feet to the point of termination. Said tract now being part of Home Depot Addition, City of Topeka, Shawnee County, Kansas.

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 sanitary sewer easement located within the City of Topeka, Kansas:

A portion of the sanitary sewer easement recorded in Book 2229, Page 664 further described as follows: A tract of land 16.00 feet wide in the East 20 acres of a tract containing 40 acres in the S.W. 1/4 of Section 33, Township 11 South, Range 15 East of the 6th P.M. in the City of Topeka, Shawnee County, Kansas, adjoining the east and north sides of the following described line, and extending from a line perpendicular to the following described line at the point of beginning, southerly, then easterly, to the southwest line of a platted 10 foot wide utility easement, at the point of termination. Commencing at the southwest corner of Section 33; thence northerly along the west line of said section for a distance of 1,349.59 feet to the south line of SW 11th Street extended to the west; thence easterly along the south line of SW 11th Street to the west line of the east 20 acres, said point being 329.23 feet east of the northwest corner of Lot 2, Home Depot Addition; thence southerly along the west line of the east 20 acres for a distance of 237.50 feet to the point of beginning; thence southerly along the west line of the east 20 acres for a distance of 101.34 feet; thence easterly towards the northwest corner of Lot 12, Block "A", Tanglewood Subdivision for a distance of 264.49 feet to the point of termination. Said tract now being part of Home Depot Addition, City of Topeka, Shawnee County, Kansas.

Section 5. 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 Wagonon, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified

Not To Be Codified X