ORDINANCE NO. 17592

AN ORDINANCE introduced by Mayor Joan Waggon relating to the vacation of a 15 foot waterline easement as dedicated within the Westport Center Subdivision No. 2 in the City of Topeka, Kansas, and generally located about the northeast corner of SW 21st Street and SW Westport Drive in the City of Topeka, Shawnee County, Kansas. (V00E/2)

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 MRV, Inc., as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described waterline utility easement located within the City of Topeka, Shawnee County, Kansas:

A 15 foot wide tract of land, being part of Lots 3 and 4, Block “A”, in Westport Center Subdivision No. 2, in the City of Topeka, Shawnee County, Kansas, the centerline of which is described as follows: Commencing at the Southeast corner of said Lot 3; thence South 83 degrees 57 minutes 22 seconds West, along the South line of said Lot 3, a distance of 112.10 feet to the centerline of a Water line easement described on said plat of Westport Center Subdivision No. 2; thence along said centerline North 00 degrees 13 minutes 23 seconds East, a distance of 15.04 feet to the Point of Beginning; thence North 45 degrees 13 minutes 23 seconds East, a distance of 88.74 feet; thence North 00 degrees 13 minutes 23 seconds East, a distance of 119.96 feet; thence north 44 degrees 46 minutes 37 seconds West, a distance of 88.74 feet to the point of termination.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on November 14, 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 waterline utility easement located within the City of Topeka Kansas:

A 15 foot wide tract of land, being part of Lots 3 and 4, Block “A”, in Westport Center Subdivision No. 2, in the City of Topeka, Shawnee County, Kansas, the centerline of which is described as follows: Commencing at the Southeast corner of said Lot 3; thence South 83 degrees 57 minutes 22 seconds West, along the South line of said Lot 3, a distance of 112.10 feet to the centerline of a Water line easement described on said plat of Westport Center Subdivision No. 2; thence along said centerline North 00 degrees 13 minutes 23 seconds East, a distance of 15.04 feet to the Point of Beginning; thence North 45 degrees 13 minutes 23 seconds East, a distance of 88.74 feet; thence North 00 degrees 13 minutes 23 seconds East, a distance of 119.96 feet; thence north 44 degrees 46 minutes 37 seconds West, a distance of 88.74 feet to the point of termination.

Section 5. This vacation shall not effect any other underlying easements, or restrictions whether platted or by instrument.

Section 6. 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 7. 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, __________, 2000.

[Signature]
Joan Wagon, Mayor

ATTEST:

[Signature]
Iris E. Walker, City Clerk

To Be Codified __

Not To Be Codified __ X