ORDINANCE NO. 17658

AN ORDINANCE introduced by Mayor Joan Wagonon relating to the vacation of a 23-foot wide portion of SE 2nd Street public right-of-way as dedicated by Midway Subdivision, City of Topeka, Shawnee County, Kansas, on property located on the north side of SE 2nd Street, the centerline of which is approximately 200-feet west of SE Lawrence Street in the City of Topeka, Kansas. (V01S/3) (Council District No. 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 Wohlgemuth and Daniel Investments, L.L.P., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public right-of-way located within the City of Topeka, Shawnee County, Kansas:

A portion of 2nd Street in Klein's 3rd Addition and a portion of 2nd Street in Klein Grove Addition, all in the City of Topeka, Shawnee County, Kansas, described as: Beginning at a point on the south line of Lot 9, Block "A", Midway Subdivision, which is 13 feet west of the southeast corner of said lot; thence southerly parallel with the east line of Lot 11, Block "A", Midway Subdivision, 23 feet; thence easterly parallel with the north line of 2nd Street to an intersection with an extension of the east line of said lot 11; thence northerly to the southeast corner of Lot 11; thence westerly on the north line of 2nd Street to the point of beginning.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on March 13, 2001, 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 right-of-way located within the City of Topeka, Kansas:

A portion of 2nd Street in Klein’s 3rd Addition and a portion of 2nd Street in Klein Grove Addition, all in the City of Topeka, Shawnee County, Kansas, described as: Beginning at a point on the south line of Lot 9, Block "A", Midway Subdivision, which is 13 feet west of the southeast corner of said lot; thence southerly parallel with the east line of Lot 11, Block "A", Midway Subdivision, 23 feet; thence easterly parallel with the north line of 2nd Street to an intersection with an extension of the east line of said Lot 11; thence northerly to the southeast corner of Lot 11; thence westerly on the north line of 2nd Street to the point of beginning.

Section 5. That the Council of the City of Topeka does hereby find that justice further requires the provision for a utility easement, a street and sidewalk easement, a drainage detention facility easement and a traffic sight distance clearance 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 street and sidewalk easement, a drainage detention facility easement and a traffic sight distance clearance easement:

A portion of 2nd Street in Klein’s 3rd Addition and a portion of 2nd Street in Klein Grove Addition, all in the City of Topeka, Shawnee County, Kansas, described as: Beginning at a point on the south line of Lot 9, Block "A", Midway Subdivision, which is 13 feet west of the southeast corner of said lot; thence southerly parallel with the east line of Lot 11, Block "A", Midway Subdivision, 23 feet; thence easterly parallel with the north line of 2nd Street to an intersection with an extension of the east line of said Lot 11; thence northerly to the southeast corner of Lot 11; thence westerly on the north line of 2nd Street to the point of beginning.

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 March 13, 2001.

Joan Wagonon, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified X