(Published in the Topeka Metro News May 16, 2001)

ORDINANCE NO. 17673

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 10-foot wide alley located between NE Madison and NE Jefferson Streets west of the existing north-south alley, and north of NE Fairchild Street, City of Topeka, Shawnee County, Kansas. (V01A/2) (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 James Weckwerth et al., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described alley located within the City of Topeka, Shawnee County, Kansas:

A portion of an alley in Kaw Half Breed Reserve Number 4, in the City of Topeka, Shawnee County, Kansas, opened by City of Topeka Ordinance 2143, May 11, 1900, described as: Commencing at the northeast corner of the intersection of Fairchild Street and Madison Street; thence on an assumed bearing of north 18 degrees 00 minutes 00 seconds east, on the east line of Madison Street, 135.62 feet (140 feet described), to the point of beginning; thence continuing on the east line of Madison Street, 10 feet, to an intersection with the south line of Fairchild's Addition to the City of Topeka; thence north 89 degrees 07 minutes 14 seconds east, on the south line of Fairchild's Addition and the north line of an alley, 108.03 feet; thence southerly, at a right angle, 9.46 feet, more or less, to the south line of an alley; thence south 89 degrees 07 minutes 14 seconds west, on the south line of an alley, 111.26 feet 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 May 8, 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 alley located...
within the City of Topeka, Kansas:

A portion of an alley in Kaw Half Breed Reserve Number 4, in the City of Topeka, Shawnee County, Kansas, opened by City of Topeka Ordinance 2143, May 11, 1900, described as: Commencing at the northeast corner of the intersection of Fairchild Street and Madison Street; thence on an assumed bearing of north 18 degrees 00 minutes 00 seconds east, on the east line of Madison Street, 135.62 feet (140 feet described), to the point of beginning; thence continuing on the east line of Madison Street, 10 feet, to an intersection with the south line of Fairchild's Addition to the City of Topeka; thence north 89 degrees 07 minutes 14 seconds east, on the south line of Fairchild's Addition and the north line of an alley, 108.03 feet; thence southerly, at a right angle, 9.46 feet, more or less, to the south line of an alley; thence south 89 degrees 07 minutes 14 seconds west, on the south line of an alley, 111.26 feet to the point of beginning.

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 May 8, 2001.

Harry Feltner, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified X
CERTIFICATE

I, IRIS E. WALKER, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the attached is a true and correct copy of Ordinance No. 17673, duly adopted by the City Council on May 8, 2001.

Iris E. Walker, City Clerk