ORDINANCE NO. 17674

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of 20-feet of a 40-foot wide platted building setback as dedicated by Park Valley Subdivision No. 5, City of Topeka, Shawnee County, Kansas, on property located at 2010 SE 29th Street in the City of Topeka, Kansas. (V01SB/2) (Council District No. 4)

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 Dillon Stores, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described platted building setback located within the City of Topeka, Shawnee County, Kansas:

A portion of the platted building setback on Lot 2, Block "A", as recorded in the Park Valley Subdivision No. 5, City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at a point on the north line of said Lot 2, lying 40 feet east of the west line (extended) of said Lot 2; thence south parallel to and 40 feet east of the west line of said Lot 2 along the platted building setback line (and its extension), a distance of 178 feet to the point of beginning; thence south parallel to and 40 feet east of the west line of said Lot 2 along the platted building setback line, a distance of 50 feet; thence west perpendicular to the last described course, a distance of 50 feet; thence east perpendicular to the last described course, a distance of 20 feet to the point of beginning. This tract contains 1,000 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 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 platted building setback located within the City of Topeka, Kansas:

A portion of the platted building setback on Lot 2, Block "A", as recorded in the Park Valley Subdivision No. 5, City of Topeka, Shawnee County, Kansas, more particularly described as follows: Commencing at a point on the north line of said Lot 2, lying 40 feet east of the west line (extended) of said Lot 2; thence south parallel to and 40 feet east of the west line of said Lot 2 along the platted building setback line (and its extension), a distance of 178 feet to the point of beginning; thence south parallel to and 40 feet east of the west line of said Lot 2 along the platted building setback line, a distance of 50 feet; thence west perpendicular to the last described course, a distance of 50 feet; thence east perpendicular to the last described course, a distance of 20 feet to the point of beginning. This tract contains 1,000 square feet, more or less.

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 May 8, 2001.

Harry Felker, 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. 17674, duly adopted by the City Council on May 8, 2001.

Iris E. Walker, City Clerk