ORDINANCE NO. 17709

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of the north one-half of SE 12th Street public right-of-way as dedicated by Ritchie's Addition, City of Topeka, Shawnee County, Kansas, on property located at the northeast corner of SE 12th Street and SE Madison Street in the City of Topeka, Kansas. (V01S/5) (Council District No. 3)

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 Jesse H. and John H. Alonzo, 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:

The north one-half of SE 12th Street, east of SE Madison Street, Ritchie's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the southwest corner of Lot 396 on SE Madison Street; thence on an Assumed bearing of south 18 degrees 31 minutes 00 seconds west, on an extension of the east line of SE Madison Street, 39.59 feet; thence south 71 degrees 29 minutes 00 seconds east, on the centerline of SE 12th Street, 11.76 feet, to the east line of SE 12th Street, as platted and recorded in Book 5, Page 24; thence north 50 degrees 33 minutes 46 seconds east, on the east line of SE 12th Street, 47.71 feet; thence north 71 degrees 29 minutes 00 seconds west, on the south line of Lot 396, 36.55 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 August 14, 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:

The north one-half of SE 12th Street, east of SE Madison Street, Ritchie's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the southwest corner of Lot 396 on SE Madison Street; thence on an assumed bearing of south 18 degrees 31 minutes 00 seconds west, on an extension of the east line of SE Madison Street, 39.59 feet; thence south 71 degrees 29 minutes 00 seconds east, on the centerline of SE 12th Street, 11.76 feet, to the east line of SE 12th Street, as platted and recorded in Book 5, Page 24; thence north 50 degrees 33 minutes 46 seconds east, on the east line of SE 12th Street, 47.71 feet; thence north 71 degrees 29 minutes 00 seconds west, on the south line of Lot 396, 36.55 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 August 14, 2001.

[Signature]
Barry Felker, Mayor

ATTEST:

[Signature]
Iris E. Walker, City Clerk

[Stamp]
APPROVED AS TO FORM & LEGALITY
JUL 12 2001
CITY ATTORNEY'S OFFICE

To Be Codified ___
Not To Be Codified X
CERTIFICATE

STATE OF KANSAS )
SHAWNEE COUNTY)

I, IRIS E. WALKER, City Clerk of the City of Topeka, Shawnee County, Kansas do hereby certify that the above and foregoing is a true and correct copy of the City of Topeka Ordinance No. 17709 duly adopted by the Governing Body on August 14, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this 16th day of August, 2001.

[Signature]
Iris E. Walker, City Clerk