ORDINANCE NO. 17765

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of the SE 43rd Terrace right-of-way extending west of SE Oakview Lane as dedicated by Oakwood Hills Subdivision, City of Topeka, Shawnee County, Kansas. (V01S/4) (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 Ronald Shuman et al., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described right-of-way located within the City of Topeka, Shawnee County, Kansas:

A portion of SE 43rd Terrace in Oakwood Hills Subdivision in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the northwest corner of Lot 12, Block "A"; thence on an assumed bearing of south 89 degrees 24 minutes 23 seconds east on the north line of Lot 12, 137.68 feet to the northeast corner of said lot; thence northerly on a curve concave easterly, having a radius measure of 1530.00 feet and an arc length of 70.08 feet, the chord of which bears north 01 degree 50 minutes 23 seconds west, 70.07 feet to the southeast corner of Lot 1, Block "F"; thence north 89 degrees 24 minutes 23 seconds west, 135.09 feet to the southwest corner of Lot 1; thence south 00 degrees 16 minutes 57 seconds west 70.01 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 November 20, 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 street right-of-way located within the City of Topeka, Kansas:
A portion of SE 43rd Terrace in Oakwood Hills Subdivision in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the northwest corner of Lot 12, Block "A"; thence on an assumed bearing of south 89 degrees 24 minutes 23 seconds east on the north line of Lot 12, 137.68 feet to the northeast corner of said lot; thence northerly on a curve concave easterly, having a radius measure of 1530.00 feet and an arc length of 70.08 feet, the chord of which bears north 01 degree 50 minutes 23 seconds west, 70.07 feet to the southeast corner of Lot 1, Block "F"; thence north 89 degrees 24 minutes 23 seconds west, 135.09 feet to the southwest corner of Lot 1; thence south 00 degrees 16 minutes 57 seconds west 70.01 feet 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 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:

The west 10 feet of the above described tract, extending from the north line of Lot 12, Block "A" to the south line of Lot 1, Block "F", all in Oakwood Hills Subdivision, City of Topeka, Shawnee County, Kansas.

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 Nov. 20, 2001.

ATTEST:

[Signature]
Iris E. Walker, City Clerk