ORDINANCE NO. 17772

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 20-foot wide strip of unimproved alley right-of-way extending west of SW Western Avenue, the centerline of which is approximately 140-feet south of SW 8th Avenue as dedicated by Original Town, City of Topeka, Shawnee County, Kansas. (V01A/5) (Council District No. 1)

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 Cornerstone of Topeka, Inc., Walter Schmid and T. J. Lawson, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described unimproved alley right-of-way located within the City of Topeka, Shawnee County, Kansas:

The east one-half of the east/west alley bounded by SW 8th Avenue and SW 9th Street, SW Western Avenue and SW Fillmore Street in the Original Town, City of Topeka, Shawnee County, Kansas, described as: Beginning at the southeast corner of Lot 97 on Eighth Avenue in the Original Town, this point also being on the west right-of-way line of Western Avenue; thence westerly on the south line of Lots 97, 99, 101, 103, 105 and 107 to the southwest corner of said Lot 107, this point also being on the east line of a north/south alley and 150-feet west of the west line of Western Avenue; thence south on the east line of the north/south alley for a distance of 20-feet to the northwest corner of Lot 265 on Western Avenue; thence easterly 150-feet to the northeast corner of Lot 265; thence northerly on the west line of Western Avenue for a distance of 20-feet to the southeast corner of Lot 97 and 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 December 11, 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 be granted and does hereby order the vacation of the below described unimproved alley right-of-way located within the City of Topeka, Kansas:

The east one-half of the east/west alley bounded by SW 8th Avenue and SW 9th Street, SW Western Avenue and SW Fillmore Street in the Original Town, City of Topeka, Shawnee County, Kansas, described as: Beginning at the southeast corner of Lot 97 on Eighth Avenue in the Original Town, this point also being on the west right-of-way line of Western Avenue; thence westerly on the south line of Lots 97, 99, 101, 103, 105 and 107 to the southwest corner of said Lot 107, this point also being on the east line of a north/south alley and 150-feet west of the west line of Western Avenue; thence south on the east line of the north/south alley for a distance of 20-feet to the northwest corner of Lot 265 on Western Avenue; thence easterly 150-feet to the northeast corner of Lot 265; thence northerly on the west line of Western Avenue for a distance of 20-feet to the southeast corner of Lot 97 and the point of beginning. That portion of a platted 20 foot wide east to west alley, the south line of which is coincident with the north line of Lot 265 on Western Avenue, extending from the west line of Western Avenue to an extension of the west line of said Lot 256, all in the Original Town of Topeka, Shawnee County, Kansas.

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:

That portion of a platted 20 foot wide east to west alley, the south line of which is coincident with the north line of Lot 265 on Western Avenue, extending from the west line of Western Avenue to an extension of the west line of said Lot 256, all in the Original Town 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 Dec. 11, 2001.

Harry Fehr, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified

Not To Be Codified X

EDS.

CITY ATTORNEY'S OFFICE