ORDINANCE NO. 17778

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 20-foot wide strip of right-of-way located south of SW 8th Avenue extending from SW Jackson Street to SW Harrison Street as dedicated by Original Town, City of Topeka, Shawnee County, Kansas. (V01S/10) (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 State of Kansas Department of Administration, as property owner, 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:

All that part of the south 20 feet of Eighth Avenue, from the east line of Harrison Street, east to the west line of Jackson Street, City of Topeka, Shawnee County, Kansas, more particularly described as follows: Beginning at a point on the south right-of-way line of Eighth Avenue and the east right-of-way line of Harrison Street; thence north 17 degrees 04 minutes 05 seconds, east on an extension of the east right-of-way line of Harrison Street, 20.00 feet; thence south 72 degrees 57 minutes 18 seconds east parallel with and 20.00 feet north of the south right-of-way line of Eighth Avenue, a distance of 742.46 feet to a point on the west right-of-way line extended on Jackson Street; thence south 17 degrees 04 minutes 32 seconds west on said extension, 20.00 feet to a point on the south right-of-way line of Eighth Avenue; thence north 72 degrees 57 minutes 18 seconds west along said south right-of-way line, 742.46 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 December 18, 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 right-of-way located within the City of Topeka, Kansas:

All that part of the south 20 feet of Eighth Avenue, from the east line of Harrison Street, east to the west line of Jackson Street, City of Topeka, Shawnee County, Kansas, more particularly described as follows: Beginning at a point on the south right-of-way line of Eighth Avenue and the east right-of-way line of Harrison Street; thence north 17 degrees 04 minutes 05 seconds, east on an extension of the east right-of-way line of Harrison Street, 20.00 feet; thence south 72 degrees 57 minutes 18 seconds east parallel with and 20.00 feet north of the south right-of-way line of Eighth Avenue, a distance of 742.46 feet to a point on the west right-of-way line extended on Jackson Street; thence south 17 degrees 04 minutes 32 seconds west on said extension, 20.00 feet to a point on the south right-of-way line of Eighth Avenue; thence north 72 degrees 57 minutes 18 seconds west along said south right-of-way line, 742.46 feet to the point of beginning.

Section 5. That the Council of the City of Topeka does hereby find that justice 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:

All that part of the south 20 feet of Eighth Avenue, from the east line of Harrison Street, east to the west line of Jackson Street, City of Topeka, Shawnee County, Kansas, more particularly described as follows: Beginning at a point on the south right-of-way line of Eighth Avenue and the east right-of-way line of Harrison Street; thence north 17 degrees 04 minutes 05 seconds, east on an extension of the east right-of-way line of Harrison Street, 20.00 feet; thence south 72 degrees 57 minutes 18 seconds east parallel with and 20.00 feet north of the south right-of-way line of Eighth Avenue, a distance of 742.46 feet to a point on the west right-of-way line extended on Jackson Street; thence south 17 degrees 04 minutes 32 seconds west on said extension, 20.00 feet to a point on the south right-of-way line of Eighth Avenue; thence north 72 degrees 57 minutes 18 seconds west along said south right-of-way line, 742.46 feet to the point of beginning.

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 Jan. 15, 2002.

Harry Brecher, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified X

PROVED AS TO FORM & LEGALITY E.O.S.

DEC 11 2000

CITY ATTORNEY'S OFFICE