ORDINANCE NO. 17804

AN ORDINANCE introduced by Mayor Harry Selker relating to the vacation of a portion of two (2) separate 12-foot wide utility easements located on the north side of NW Lower Silver Lake Road and approximately 300-feet west of NW Vail Road as dedicated by Swader-Hobble Subdivision, City of Topeka, Shawnee County, Kansas. (V02E/2) (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 Robert and Yvonne Berry, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described utility easements located within the City of Topeka, Shawnee County, Kansas:

Platted utility easements on Lots 2 and 7, and part of Lot 8 in Swader-Hobble Subdivision, City of Topeka, Shawnee County, Kansas, described as follows: The south 6 feet of Lot 2, except the east 19 feet thereof, as measured on the south line of Lot 2; also, the east 6 feet of Lot 7, except the north 6 feet thereof, which is platted as a utility easement; and also, a portion of Lot 7 described as: Commencing at the northeast corner of Lot 7; thence westerly on the north line of Lot 7, 19 feet, to the point of beginning; thence continuing on the north line of Lot 7, 94.20 feet; thence southerly, on a west line of Lot 7, 6.04 feet; thence easterly, parallel with the north line of Lot 7, 94.20 feet; thence northerly, parallel with the east line of Lot 7, 6.04 feet, to the point of beginning; and also, the west 6 feet of Lot 8, except the north 6 feet thereof which is platted as a utility easement.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on March 19, 2002, 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 utility easements
located within the City of Topeka, Kansas:

Platted utility easements on Lots 2 and 7, and part of Lot 8 in Swader-Hobble Subdivision, City of Topeka, Shawnee County, Kansas, described as follows: The south 6 feet of Lot 2, except the east 19 feet thereof, as measured on the south line of Lot 2; also, the east 6 feet of Lot 7, except the north 6 feet thereof, which is platted as a utility easement; and also, a portion of Lot 7 described as: Commencing at the northeast corner of Lot 7; thence westerly on the north line of Lot 7, 19 feet, to the point of beginning; thence continuing on the north line of Lot 7, 94.20 feet; thence southerly, on a west line of Lot 7, 6.04 feet; thence easterly, parallel with the north line of Lot 7, 94.20 feet; thence northerly, parallel with the east line of Lot 7, 6.04 feet, to the point of beginning; and also, the west 6 feet of Lot 8, except the north 6 feet thereof which is platted as a utility easement.

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:

A portion of a 12-foot wide utility easement in Swader-Hobble Subdivision, City of Topeka, Shawnee County, Kansas, described as: Commencing at the southeast corner of Lot 2; thence westerly, on the south line of Lot 2, 19.00 feet, to the point of beginning; thence northerly, normal from the south line of Lot 2, 6 feet; thence easterly, parallel with the south line of Lot 2, 18.34 feet, to the east line of Lot 2; thence easterly, parallel with the south line of Lot 1, 21.00 feet; thence southerly parallel with the west line of Lot 1, 6.04 feet, to the south line of Lot 1; thence continuing southerly, parallel with the west line of Lot 8, 6.04 feet; thence westerly, parallel with the north line of Lot 8, 21.00 feet to the west line of Lot 8; thence continuing westerly, parallel with the north line of Lot 7, 19.66 feet; thence northerly, normal to the north line of Lot 7, 6 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 March 19, 2002.

Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified

Not To Be Codified X