ORDINANCE NO. 17805

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a portion of a 20-foot wide alley right-of-way 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. (V02A/3) (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, Gilbert V. Swader, Jr. and Bonnie Swader, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described alley right-of-way located within the City of Topeka, Shawnee County, Kansas:

A portion of an alley in Swader-Hobble Subdivision, City of Topeka, Shawnee County, Kansas, described as: Beginning at the northeast corner of Lot 3 in said subdivision; thence southerly to the southeast corner of said Lot 3; thence continuing southerly on an extension of the east line of Lot 3 to an intersection with the north line of Lot 6 in said subdivision; thence easterly 20.12 feet to a corner of Lot 7 in said subdivision; thence northerly on a west line of Lot 7 and on the west line of Lot 2 to the northwest corner of Lot 2; thence westerly 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 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 alley right-of-way located within the City of Topeka, Kansas:
A portion of an alley in Swader-Hobble Subdivision, City of Topeka, Shawnee County, Kansas, described as: Beginning at the northeast corner of Lot 3 in said subdivision; thence southerly to the southeast corner of said Lot 3; thence continuing southerly on an extension of the east line of Lot 3 to an intersection with the north line of Lot 6 in said subdivision; thence easterly 20.12 feet to a corner of Lot 7 in said subdivision; thence northerly on a west line of Lot 7 and on the west line of Lot 2 to the northwest corner of Lot 2; thence westerly 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 March 19, 2002.

[Signature]
Harry Beiker, Mayor

ATTEST:

[Signature]
Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified X