ORDINANCE NO. 17806

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of 5.5-feet of a 30-foot wide platted building setback along SW Broadview Drive dedicated by Red Oaks Place for property located at the southwest corner of SW Red Oaks Place and SW Broadview Drive, City of Topeka, Shawnee County, Kansas. (V02SB/2) (Council District No. 8)

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 RJ Development, Inc., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted building setback located within the City of Topeka, Shawnee County, Kansas:

A part of Lot 5, Block "C", Red Oaks Place, City of Topeka, Shawnee County, Kansas, recorded in Book 37 at Page 92 in the Office of the Shawnee County Register of Deeds, being described as follows: Commencing at the southeast corner of said lot; thence north 89 degrees 33 minutes 17 seconds west, 30.00 feet along the south line of said lot; thence north 00 degrees 26 minutes 43 seconds east, parallel to the east line of said lot 20.00 feet; thence northerly parallel to and 30.00 feet west of the east line of said lot on a 270.00 foot radius curve left an arc distance of 164.52 feet, said curve having a long chord bearing north 17 degrees 00 minutes 38 seconds west, 161.98 feet for the point of beginning; thence continuing along said 270.00 foot radius curve left an arc distance of 19.19 feet, said curve having a long chord bearing north 36 degrees 00 minutes 06 seconds west, 19.18 feet; thence north 45 degrees 37 minutes 49 seconds east, 2.63 feet; thence south 44 degrees 22 minutes 11 seconds east, 19.00 feet; thence south 45 degrees 37 minutes 49 seconds west, 5.25 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 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 platted building setback located within the City of Topeka, Kansas:

A part of Lot 5, Block "C", Red Oaks Place, City of Topeka, Shawnee County, Kansas, recorded in Book 37 at Page 92 in the Office of the Shawnee County Register of Deeds, being described as follows: Commencing at the southeast corner of said lot; thence north 89 degrees 33 minutes 17 seconds west, 30.00 feet along the south line of said lot; thence north 00 degrees 26 minutes 43 seconds east, parallel to the east line of said lot 20.00 feet; thence northerly parallel to and 30.00 feet west of the east line of said lot on a 270.00 foot radius curve left an arc distance of 164.52 feet, said curve having a long chord bearing north 17 degrees 00 minutes 00 seconds west, 161.98 feet for the point of beginning; thence continuing along said 270.00 foot radius curve left an arc distance of 19.19 feet, said curve having a long chord bearing north 36 degrees 30 minutes 06 seconds west, 19.18 feet; thence north 45 degrees 37 minutes 49 seconds east, 2.63 feet; thence south 44 degrees 22 minutes 11 seconds east, 19.00 feet; thence south 45 degrees 37 minutes 49 seconds west, 5.25 feet 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 \underline{March 19\_}, 2002.

\underline{\text{Harry Felker, Mayor}}

ATTEST:

\underline{\text{Iris E. Walker, City Clerk}}

To Be Codified ___

\underline{\text{CITY ATTORNEY'S OFFICE}}

Not To Be Codified ___\text{x}