ORDINANCE NO. 17823

AN ORDINANCE introduced by Mayor Harry Feiker relating to the vacation of 25-feet of a 30-foot wide platted building setback along SW Chelsea Drive dedicated by Fairlawn Executive Plaza and Fairlawn Executive Plaza No. 3 for property located at the southwest corner of SW 21st Street and SW Chelsea Drive, City of Topeka, Shawnee County, Kansas. (V02SB/4) (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 Whelans, 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:

The south 11-feet of the platted east 25-foot building setback line on Lot 7, Block "B" in Fairlawn Executive Plaza Subdivision AND the north 90-feet of the platted east 25-foot building setback line on Lot 5, Block "A" in Fairlawn Executive Plaza No. 3, City of Topeka, Shawnee County, Kansas.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on May 14, 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:

The south 11-feet of the platted east 25-foot building setback line on Lot 7, Block "B" in Fairlawn Executive Plaza Subdivision AND the north 90-feet of the platted east 25-foot building setback line on Lot 5, Block "A" in Fairlawn Executive Plaza No. 3, City of Topeka, Shawnee County, Kansas.
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 May 14, 2002.

Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified X