(Published in the Topeka Metro News July 12, 2002)

ORDINANCE NO. 17853

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 20-foot wide alley right-of-way extending north of SW 8th Avenue between SW Tyler and SW Polk Streets, as dedicated by the plat of Original Town, City of Topeka, Shawnee County, Kansas. (V02A/4) (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 C and G Enterprises, L.L.C., Alfred P. Gooding and Lila C. Gooding, 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:

All that part of a public alley lying between Lots 36 and 38 on 8th Avenue West, according to the Original Town Plat of the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at the northeast corner of said Lot 38; thence east 20 feet to the northwest corner of said Lot 36; thence south along the west line of said Lot 36 to the southwest corner thereof; thence west 20 feet to the southeast corner of said Lot 38; thence north along the east line of said Lot 38 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 July 9, 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:
All that part of a public alley lying between Lots 36 and 38 on 8th Avenue West, according to the Original Town Plat of the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at the northeast corner of said Lot 38; thence east 20 feet to the northwest corner of said Lot 36; thence south along the west line of said Lot 36 to the southwest corner thereof; thence west 20 feet to the southeast corner of said Lot 38; thence north along the east line of said Lot 38 to the point of beginning.

**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:

All that part of a public alley lying between Lots 36 and 38 on 8th Avenue West, according to the Original Town Plat of the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at the northeast corner of said Lot 38; thence east 20 feet to the northwest corner of said Lot 36; thence south along the west line of said Lot 36 to the southwest corner thereof; thence west 20 feet to the southeast corner of said Lot 38; thence north along the east line of said Lot 38 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, 2002.

[Seal of Topeka]

Harry Felker, Mayor

**ATTEST:**

Iris E. Walker, City Clerk

[Seal of Topeka]

JUL 09 2002

[Stamp: To Be Codified ___]

[Stamp: Not To Be Codified _X_]

CITY ATTORNEY'S OFFICE