AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 12-foot wide sanitary sewer easement on property located at 2432 SE Eveningtide Way, as dedicated by plat of Shawnee Lake Subdivision "C", City of Topeka, Shawnee County, Kansas. (V02E/5) (Council District No. 4)

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 Richard Hines and Amy Rottinghaus, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described sanitary sewer easement located within the City of Topeka, Shawnee County, Kansas:

A portion of a 12-foot wide sanitary sewer easement recorded in Book 1532, Page 593, the centerline of which is 50-feet east of the west line of Lot 12, Block "O", Shawnee Lake Subdivision "C", City of Topeka, Shawnee County, Kansas, extending from the south line to the north line of Lot 12; also, a 12-foot wide temporary construction easement, the west line of which is coincident with the east line of said sanitary sewer easement. And also, a temporary construction easement lying between the west line of said sanitary sewer easement and the west line of Lot 12, both temporary construction easements extending from the south line to the north line of Lot 12.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on August 13, 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 sanitary sewer easement located within the City of Topeka, Kansas:
A portion of a 12-foot wide utility easement recorded in Book 1532, Page 593, the centerline of which is 50-feet east of the west line of Lot 12, Block "O", Shawnee Lake Subdivision "C", City of Topeka, Shawnee County, Kansas, extending from the south line to the north line of Lot 12; also, a 12-foot wide temporary construction easement, the west line of which is coincident with the east line of said utility easement. And also, a temporary construction easement lying between the west line of said utility easement and the west line of Lot 12, both temporary construction easements extending from the south line to the north line of Lot 12.

Section 5. This vacation shall not effect any other underlying easement, 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 August 13, 2002.

ATTEST:

Harry Felker, Mayor

Iris E. Walker, City Clerk

To Be Codified ____

Not To Be Codified ____ X ____