ORDINANCE NO. 17884

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 5-foot wide strip of a 35-foot wide drainage/utility easement on property located east of SW Ancaster Road at SW 23rd Street, extended, as dedicated by the plat of West Indian Hills Subdivision No. 11, City of Topeka, Shawnee County, Kansas. (V02E/6) (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 Indian Hills Land Development No. 2 Corporation, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described drainage/utility easement located within the City of Topeka, Shawnee County, Kansas:

Portions of a platted drainage and utility easement in Block "C" in West Indian Hills Subdivision No. 11, in the City of Topeka, Shawnee County, Kansas, described as: The west 5-feet of the east 35-feet of Lots 2, 3, 4, 5, 6 and 7; also, the west 5-feet of the east 35-feet of Lot 8, except the south 25-feet thereof; also, the west 5-feet of the east 35-feet of Lot 9, except the north 30-feet thereof; also, a portion of Lot 1 described as: Commencing at the southeast corner of Lot 1; thence on an assumed bearing of south 89 degrees 55 minutes 29 seconds west, on the south line of Lot 1, 30-feet to the point of beginning; thence north 00 degrees 01 minutes 59 seconds west, parallel with the east line of Lot 1, 57.05-feet; thence south 88 degrees 26 minutes 14 seconds west, on an extension of the south line of a platted drainage and utility easement, 5-feet; thence south 00 degrees 01 minutes 59 seconds east, on the west line of a platted drainage and utility easement, 56.92-feet; thence north 89 degrees 55 minutes 29 seconds east, on the south line of Lot 1, 5-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 September 10, 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 drainage/utility easement located within the City of Topeka, Kansas:

Portions of a platted drainage and utility easement in Block "C" in West Indian Hills Subdivision No. 11, in the City of Topeka, Shawnee County, Kansas, described as: The west 5-feet of the east 35-feet of Lots 2, 3, 4, 5, 6 and 7; also, the west 5-feet of the east 35-feet of Lot 8, except the south 25-feet thereof; also, the west 5-feet of the east 35-feet of Lot 9, except the north 30-feet thereof; also, a portion of Lot 1 described as: Commencing at the southeast corner of Lot 1; thence on an assumed bearing of south 89 degrees 55 minutes 29 seconds west, on the south line of Lot 1, 30-feet to the point of beginning; thence north 00 degrees 01 minutes 59 seconds west, parallel with the east line of Lot 1, 57.05-feet; thence south 88 degrees 26 minutes 14 seconds west, on an extension of the south line of a platted drainage and utility easement, 5-feet; thence south 00 degrees 01 minutes 59 seconds east, on the west line of a platted drainage and utility easement, 56.92-feet; thence north 89 degrees 55 minutes 29 seconds east, on the south line of Lot 1, 5-feet to the point of beginning.

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 Sept 10, 2002.

Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified ___X___