ORDINANCE NO. 17914

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a portion of Old K-172 Highway right-of-way adjoining the north side of U.S. Highway 24 and west of NW Rochester Road, City of Topeka, Shawnee County, Kansas. (V02S/3) (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 Dickinson Theatres, Inc., KDOT, and Community National Bank, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described street right-of-way located within the City of Topeka, Shawnee County, Kansas:

A tract in the north 1/2 of the SE ¼ of Section 18, Township 11 South, Range 16 East of the 6th P.M., City of Topeka, Shawnee County, Kansas, described as: Beginning at the southeast corner of Lot 1, Block “2”, Cloverleaf Addition; thence on an assumed bearing of south 00 degrees 00 minutes 00 seconds east, on an extension of the east line of Lot 1, 30.01 feet; thence south 88 degrees 27 minutes 22 seconds west, 809.99 feet; thence north 01 degrees 32 minutes 38 seconds west, 30.00 feet; thence south 88 degrees 27 minutes 22 seconds west, 20.70 feet; thence north 25 degrees 00 minutes 00 seconds east, 127.82 feet; thence southeasterly on a curve concave northeasterly, having a radius measure of 1,835.10 feet and an arc length of 303.66 feet, the chord of which bears south 69 degrees 23 minutes 49 seconds east, 303.31 feet; thence north 88 degrees 27 minutes 22 seconds east, 493.44 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 November 12, 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 street right-of-way located within the City of Topeka, Kansas:

A tract in the north \( \frac{1}{2} \) of the SE \( \frac{1}{4} \) of Section 18, Township 11 South, Range 16 East of the 6\(^{th}\) P.M., City of Topeka, Shawnee County, Kansas, described as: Beginning at the southeast corner of Lot 1, Block "2", Cloverleaf Addition; thence on an assumed bearing of south 00 degrees 00 minutes 00 seconds east, on an extension of the east line of Lot 1, 30.01 feet; thence south 88 degrees 27 minutes 22 seconds west, 809.99 feet; thence north 01 degrees 32 minutes 38 seconds west, 30.00 feet; thence south 88 degrees 27 minutes 22 seconds west, 20.70 feet; thence north 25 degrees 00 minutes 00 seconds east, 127.82 feet; thence southeasterly on a curve concave northeasterly, having a radius measure of 1,835.10 feet and an arc length of 303.66 feet, the chord of which bears south 69 degrees 23 minutes 49 seconds east, 303.31 feet; thence north 88 degrees 27 minutes 22 seconds east, 493.44 feet 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:

A tract in the north \( \frac{1}{2} \) of the SE \( \frac{1}{4} \) of Section 18, Township 11 South, Range 16 East of the 6\(^{th}\) P.M., in the City of Topeka, Shawnee County, Kansas, for sanitary sewer easement purposes only and described as follows: Commencing at the southeast corner of Lot 1, Block "2", Cloverleaf Addition; thence on an assumed bearing of south 00 degrees 00 minutes 00 seconds east on an extension of the east line of Lot 1, 30.01 feet; thence south 88 degrees 27 minutes 22 seconds west, a distance of 809.99 feet; thence north 01 degrees 32 minutes 38 seconds west, a distance of 27.36 feet to the point of beginning of the easement to be described; thence continuing north 01 degrees 32 minutes 38 seconds west, a distance of 2.64 feet; thence south 88 degrees 27 minutes 22 seconds west, a distance of 20.70 feet; thence north 25 degrees 00 minutes 06 seconds east, a distance of 13.01 feet; thence north 85 degrees 37 minutes 58 seconds east, a distance of 227.83 feet; thence north 04 degrees 22 minutes 02 seconds west, a distance of 13.74 feet; thence on a curve to the left having a radius of 1,835.10 feet, a chord bearing of south 71 degrees 05 minutes 56 seconds east, a chord distance of 28.47 feet, an arc distance of 28.47 feet; thence south 04 degrees 22 minutes 02 seconds east, a distance of 17.49 feet; thence south 85 degrees 37 minutes 58 seconds west, a distance of 239.82 feet to the point of beginning.

And

A tract of land in the north \( \frac{1}{2} \) of the SE \( \frac{1}{4} \) of Section 18, Township 11 South, Range 16 East of the 6\(^{th}\) P.M., City of Topeka, Shawnee County, Kansas, for utility easement purposes only and being 15.00 feet in width, the centerline of which is described as follows: Commencing at the southeast corner of Lot 1, Block "2", Cloverleaf Addition; thence on an assumed bearing of south 00 degrees 00 minutes 00 seconds east, on an extension of the east line of Lot 1,
13.63 feet to the point of beginning of the centerline to be described: thence south 88 degrees 44 minutes 58 seconds west, a distance of 810.44 feet to the terminus point of the centerline being describe.

And

A tract in the north 1/4 of the SE 1/4 of Section 18, Township 11 South, Range 16 East of the 6th P.M., City of Topeka, Shawnee County, Kansas, described as: Commencing at the southwest corner of Lot 4, Block "2", Cloverleaf Addition; thence southeasterly on the south line of Lot 4, on a curve concave northeasterly, having a radius of 1,835.10 feet and an arc length of 136.26 feet, the chord of which bears south 66 degrees 47 minutes 02 seconds east, 136.23 feet, to the point of beginning; thence continuing southeasterly, on the south line of Lot 4, on a curve concave northeasterly, having a radius of 1,835.10 feet and an arc length of 84.31 feet, the chord of which bears south 70 degrees 13 minutes 35 seconds east, 84.30 feet; thence south 04 degrees 22 minutes 02 seconds east, 56.70 feet; thence south 88 degrees 27 minutes 22 seconds west, 241.46 feet; thence north 01 degrees 32 minutes 38 seconds west, 30.00 feet; thence south 88 degrees 27 minutes 22 seconds west, 20.70 feet; thence north 25 degrees 00 minutes 06 seconds east, 11.05 feet; thence south 60 degrees 49 minutes 48 seconds east, 28.79 feet; thence north 87 degrees 14 minutes 22 seconds east, 145.83 feet; thence north 03 degrees 38 minutes 29 seconds east, 59.25 feet to the point of beginning.

Section 6. This vacation shall not affect 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, ___November 12___, 2002.

[Signature]
Harry Felker, Mayor

ATTEST:

[Signature]
Iris E. Walker, City Clerk

To Be Codified

Not To Be Codified _X_