ORDINANCE NO. 19916

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of SW 28th Street, a 50-foot wide public right-of-way as dedicated by Country Club Heights, on property located on the west side of SW Fairway Drive between Lots 9 and 10 in the City of Topeka, Shawnee County, Kansas. (V02S/5) (Council District No. 3)

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 Stephen D. Etzel, Diann K. Etzel, and Amelia Farnum Evans, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public right-of-way located within the City of Topeka, Shawnee County, Kansas:

A street in Country Club Heights in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the northwest corner of Lot 10 in Country Club Heights; thence east-southeasterly to the northeast corner of Lot 10; thence north-northeasterly to the southeast corner of Lot 9 in Country Club Heights; thence west-northwesterly to the southwest corner of Lot 9; thence south-southwesterly 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 street in Country Club Heights in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the northwest corner of Lot 10 in Country Club Heights; thence east-southeasterly to the northeast corner of Lot 10; thence north-northeasterly to the southeast corner of Lot 9 in Country Club Heights; thence west-northwesterly to the southwest corner of Lot 9; thence south-southwesterly 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 public improvement 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 improvement easement:

A portion of a platted street in Country Club Heights in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the northwest corner of Lot 10 in Country Club Heights; thence east-southeasterly, on the north line of Lot 10, 12-feet; thence north-northeasterly to the southeast corner of the west 10-feet of Lot 9 in Country Club Heights; thence west-northwesterly to the southwest corner of Lot 9; thence south-southwesterly 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, November 12, 2002.

[Signature]
Harry Felker, Mayor

ATTEST:

[Signature]
Iris E. Walker, City Clerk

To Be Codified
Not To Be Codified _X_