AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 20-foot wide alley right-of-way extending between SW Washburn Avenue and SW Lane Street, approximately 130 feet north of SW 8th Avenue, as dedicated by the plat of Horne's 2nd Addition, City of Topeka, Shawnee County, Kansas. (V02A/7) (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 Stormont-Vail Health Care Inc., as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described alley rights-of-way located within the City of Topeka, Shawnee County, Kansas:

Tract I: A public alley in Horne's 2nd Addition described as: Beginning at the northwest corner of Lot 240 on 8th Avenue; thence north-northeasterly to the southwest corner of Lot 240 on Washburn Avenue, formerly West Street; thence east-southeasterly to the southeast corner of Lot 240 on Washburn Avenue; thence south-southwesterly to the northeast corner of Lot 230 on 8th Avenue; thence west-northwesterly to the point of beginning.

Tract II: A public alley in Horne's 2nd Addition described as: Beginning at the northwest corner of Lot 228 on 8th Avenue; thence north-northeasterly to the southwest corner of Lot 239 on Lane Street; thence east-southeasterly to the southeast corner of Lot 239 on Lane Street; thence south-southwesterly to the northeast corner of Lot 218 on 8th Avenue; thence west-northwesterly 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 December 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:

planation.

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 rights-of-way located within the City of Topeka, Kansas:

Tract I: A public alley in Horne’s 2nd Addition described as: Beginning at the northwest corner of Lot 240 on 8th Avenue; thence north-northeasterly to the southwest corner of Lot 240 on Washburn Avenue, formerly West Street; thence east-southeasterly to the southeast corner of Lot 240 on Washburn Avenue; thence south-southwesterly to the northeast corner of Lot 230 on 8th Avenue; thence west-northwesterly to the point of beginning.

Tract II: A public alley in Horne’s 2nd Addition described as: Beginning at the northwest corner of Lot 228 on 8th Avenue; thence north-northeasterly to the southwest corner of Lot 239 on Lane Street; thence east-southeasterly to the southeast corner of Lot 239 on Lane Street; thence south-southwesterly to the northeast corner of Lot 218 on 8th Avenue; thence west-northwesterly 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:

Beginning at the northwest corner of Lot 240 on 8th Avenue; thence north-northeasterly to the southwest corner of Lot 240 on Washburn Avenue, formerly West Street; thence east-southeasterly to the southeast corner of Lot 240 on Washburn Avenue; thence south-southwesterly to the northeast corner of Lot 230 on 8th Avenue; thence west-northwesterly to the point of beginning.

Tract II: A public alley in Horne’s 2nd Addition described as: Beginning at the northwest corner of Lot 228 on 8th Avenue; thence north-northeasterly to the southwest corner of Lot 239 on Lane Street; thence east-southeasterly to the southeast corner of Lot 239 on Lane Street; thence south-southwesterly to the northeast corner of Lot 218 on 8th Avenue; thence west-northwesterly to the point of beginning, Horne’s 2nd Addition, City of Topeka, Shawnee County, Kansas.

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 Dec. 10, 2002.

Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified

Not To Be Codified X