ORDINANCE NO. 17927

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of 5 utility easements on property located at 3200 SW Westover Road, as dedicated by the plat of Westboro an addition to the City of Topeka, Shawnee County, Kansas. (V02E/7) (Council District No. 6)

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 Key Bank, N.A. Trustee of the Nelle H. Carkhuff Trust, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described utility easements located within the City of Topeka, Shawnee County, Kansas:

Platted utility easements on Lots 1, 2, 18 and 19, and a platted Anchor Easement on Lot 18, all in Block "9", in Westboro an Addition to the City of Topeka, Shawnee County, Kansas, described as: The west 3 feet and the north 3 feet of Lot 1; the south 3 feet and the southwest 3 feet of Lot 2; the east 3 feet, the northeast 3 feet and the northwest 3 feet of Lot 19; the southeast 3 feet and the northeast 3 feet of Lot 18; and the northeast 15 feet of the northwest 3 feet of Lot 18.

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:

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 utility easements located within the City of Topeka, Kansas:
Platted utility easements on Lots 1, 2, 18 and 19, and a platted Anchor Easement on Lot 18, all in Block "9", in Westboro an Addition to the City of Topeka, Shawnee County, Kansas, described as: The west 3 feet and the north 3 feet of Lot 1; the south 3 feet and the southwest 3 feet of Lot 2; the east 3 feet, the northeast 3 feet and the northwest 3 feet of Lot 19; the southeast 3 feet and the northeast 3 feet of Lot 18; and the northeast 15 feet of the northwest 3 feet of Lot 18.

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 Dec. 17, 2002.

Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified

Not To Be Codified X