AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a portion of a 30-foot wide platted building setback along SE 23rd Street as dedicated by Jefferson Square Subdivision No. 2 for property located at 2244 SE Jefferson Street, City of Topeka, Shawnee County, Kansas. (V03SB/1) (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 Charmaine D. Myles, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described platted building setback located within the City of Topeka, Shawnee County, Kansas:

   A part of Lot 12, Block "F", Jefferson Square Subdivision No. 2, City of Topeka, Shawnee County, Kansas, described as follows: Commencing at the northwest corner of said Lot 12; thence north 89 degrees 38 minutes 42 seconds east (measured) north 89 degrees 34 minutes 28 seconds east (plat) along the north line of said Lot 12, 30.01 feet to the building setback line; thence south 0 degrees 51 minutes 29 seconds west along the building setback line, 53.00 feet to the point of beginning; thence continuing south 0 degrees 51 minutes 29 seconds west, 15.00 feet; thence south 89 degrees 14 minutes 05 seconds east, 25.00 feet; thence north 0 degrees 51 minutes 29 seconds east, 21.50 feet to the building setback line; thence southwesterly along the building setback line along a curve to the right having a radius of 170.00 feet, a chord bearing of 76 degrees 11 minutes 49 seconds west, a chord length of 25.84 feet, an arc length of 25.87 feet to the point of beginning. Said tract containing 456 square feet, more or less.

   Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on May 13, 2003, 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 platted building setback located within the City of Topeka, Kansas:

A part of Lot 12, Block "F", Jefferson Square Subdivision No. 2, City of Topeka, Shawnee County, Kansas, described as follows: Commencing at the northwest corner of said Lot 12; thence north 89 degrees 38 minutes 42 seconds east (measured) north 89 degrees 34 minutes 28 seconds east (plat) along the north line of said Lot 12, 30.01 feet to the building setback line; thence south 0 degrees 51 minutes 29 seconds west along the building setback line, 53.00 feet to the point of beginning; thence continuing south 0 degrees 51 minutes 29 seconds west, 15.00 feet; thence south 89 degrees 14 minutes 05 seconds east, 25.00 feet; thence north 0 degrees 51 minutes 29 seconds east, 21.50 feet to the building setback line; thence southwesterly along the building setback line along a curve to the right having a radius of 170.00 feet, a chord bearing of 76 degrees 11 minutes 49 seconds west, a chord length of 25.84 feet, an arc length of 25.87 feet to the point of beginning. Said tract containing 456 square feet, more or less.

Section 5. This vacation shall not effect any other underlying easements, 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 __May 13___, 2003.

[Signature]
Harry Felker, Mayor

ATTEST:

[Signature]
Iris E. Walker, City Clerk

[Stamp]
To Be Codified
Not To Be Codified X