ORDINANCE NO. 18052

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a portion of a 20-foot wide public alley right-of-way generally located about the southwest corner of NW Paramore Street and NW Topeka Boulevard as dedicated by the plat of Park’s Addition, City of Topeka, Shawnee County, Kansas. (V03A/2) (Council District No. 2)

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 John I. Walker et al., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public alley right-of-way located within the City of Topeka, Shawnee County, Kansas:

A portion of a 20-foot wide alley right-of-way in Block “D”, Park’s Addition and in Kaw Half Breed Reserve Number 4, City of Topeka, Shawnee County, Kansas, described as: Beginning at a point on the east line of Lot 20, Block “D” on NW Harrison Street which is 12-feet north of the southeast corner of Lot 20; thence northerly to the northeast corner of Lot 24; thence northerly on the west line of said 20-foot wide alley to the south line of NW Paramore Street, formerly Garfield Avenue; thence easterly on the south line of NW Paramore Street to the east line of said alley; thence southerly on the east line of said alley to the northwest corner of Lot 23 on NW Van Buren Street in Park’s Addition; thence southerly to a point on the west line of Lot 23 which is 23.67-feet north of the southwest corner of said lot; thence 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 August 5, 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 alley right-of-way located within the City of Topeka, Kansas:

A portion of a 20-foot wide alley right-of-way in Block “D”, Park’s Addition and in Kaw Half Breed Reserve Number 4, City of Topeka, Shawnee County, Kansas, described as: Beginning at a point on the east line of Lot 20, Block “D” on NW Harrison Street which is 12-feet north of the southeast corner of Lot 20; thence northerly to the northeast corner of Lot 24; thence northerly on the west line of said 20-foot wide alley to the south line of NW Paramore Street, formerly Garfield Avenue; thence easterly on the south line of NW Paramore Street to the east line of said alley; thence southerly on the east line of said alley to the northwest corner of Lot 23 on NW Van Buren Street in Park’s Addition; thence southerly to a point on the west line of Lot 23 which is 23.67-feet north of the southwest corner of said lot; thence 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 utility easement and ingress/egress 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 and ingress/egress easement:

A portion of a 20-foot wide alley right-of-way in Block “D”, Park’s Addition and in Kaw Half Breed Reserve Number 4, City of Topeka, Shawnee County, Kansas, described as: Beginning at a point on the east line of Lot 20, Block “D” on NW Harrison Street which is 12-feet north of the southeast corner of Lot 20; thence northerly to the northeast corner of Lot 24; thence northerly on the west line of said 20-foot wide alley to the south line of NW Paramore Street, formerly Garfield Avenue; thence easterly on the south line of NW Paramore Street to the east line of said alley; thence southerly on the east line of said alley to the northwest corner of Lot 23 on NW Van Buren Street in Park’s Addition; thence southerly to a point on the west line of Lot 23 which is 23.67-feet north of the southwest corner of said lot; thence 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 August 5, 2003.

Harry Feltz, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified __

Not To Be Codified x