AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of a 12-foot wide public utility easement and 12-foot wide adjoining temporary construction easement on property located at 412 NE Aspen Lane, as dedicated by the plat of Northland Subdivision 'B', City of Topeka, Shawnee County, Kansas. (V03E/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 Steve and Gina Huddleston, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public utility easement and temporary construction easement located within the City of Topeka, Shawnee County, Kansas:

All of that part of the southwesterly most 12-feet wide utility easement and adjoining 12-foot wide temporary construction easement as platted on Lot 13, Block "H", Northland Subdivision 'B', City of Topeka, Shawnee County, Kansas.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on September 16, 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 public utility easement and adjoining temporary construction easement located within the City of Topeka, Kansas:

All of that part of the southwesterly most 12-feet wide utility easement and adjoining 12-foot wide temporary construction easement as platted on Lot 13, Block "H", Northland Subdivision 'B', City of Topeka, Shawnee County, Kansas.
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 September 16, 2003.

Harry Felko, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified ___ X