ORDINANCE NO. 18098

AN ORDINANCE introduced by Mayor Harry Felker relating to the vacation of land taken for right-of-way for levees and borrow pits in an area known as the North Topeka Flood Control Ring Dike and located at 1640 NW Taylor Street, as dedicated by the plat of Gibson’s Subdivision, City of Topeka, Shawnee County, Kansas. (V03E/3) (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 Bailey and Bailey, Inc., has been filed with the office of the City Clerk, requesting the vacation of the following described right-of-way located within the City of Topeka, Shawnee County, Kansas:

A tract of land in Lots 2 and 3, Gibson Subdivision, Kaw Reserve #4, City of Topeka, Shawnee County, Kansas, described as: Beginning at a point 658.68 feet and 30 feet south from the northwest corner of Kaw Reserve #4; thence west parallel with the north line of Kaw Reserve #4, a distance of 435 feet; thence southwesterly 250 feet to a point 45 feet east at right angles from the west line of Kaw Reserve #4; thence southwesterly a distance of 56 feet, more or less, to a point on the west line of Kaw Reserve #4, 236 feet south from the northwest corner thereof; thence south along the west line of Kaw Reserve #4 a distance of 190 feet; thence northeasterly 18 feet to a point 13 feet east at right angles from the west line of Kaw Reserve #4; thence northeasterly 92 feet to a point 56 feet east at right angles from the west line of Kaw Reserve #4; thence northeasterly 282 feet to a point 136 feet south at right angles from the north line of Kaw Reserve #4; thence easterly 95 feet to a point 102 feet south at right angles from the north line of Kaw Reserve #4; thence east 312 feet more or less to a point 658.68 feet east and 102 feet south from the northwest corner of Kaw Reserve #4; thence north 72 feet to the place of beginning.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on November 18, 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 ring dike right-of-way located within the City of Topeka, Kansas:

A tract of land in Lots 2 and 3, Gibson Subdivision, Kaw Reserve #4, City of Topeka, Shawnee County, Kansas, described as: Beginning at a point 658.68 feet and 30 feet south from the northwest corner of Kaw Reserve #4; thence west parallel with the north line of Kaw Reserve #4, a distance of 435 feet; thence southwesterly 250 feet to a point 45 feet east at right angles from the west line of Kaw Reserve #4; thence southwesterly a distance of 56 feet, more or less, to a point on the west line of Kaw Reserve #4, 236 feet south from the northwest corner thereof; thence south along the west line of Kaw Reserve #4 a distance of 190 feet; thence northeasterly 18 feet to a point 13 feet east at right angles from the west line of Kaw Reserve #4; thence northeasterly 92 feet to a point 56 feet east at right angles from the west line of Kaw Reserve #4; thence northeasterly 282 feet to a point 136 feet south at right angles from the north line of Kaw Reserve #4; thence easterly 95 feet to a point 102 feet south at right angles from the north line of Kaw Reserve #4; thence east 312 feet more or less to a point 658.68 feet east and 102 feet south from the northwest corner of Kaw Reserve #4; thence north 72 feet to the place of beginning.

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 October 14, 2003.

Harry Felker, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified

Not To Be Codified X