ORDINANCE NO. 18116

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy relating to the vacation of a 20-foot wide public alley right-of-way located west of SW Horne Street, the centerline of which is approximately 140-feet north of SW 6th Avenue as dedicated by the plat of Haynes Subdivision, City of Topeka, Shawnee County, Kansas. (V03A/5) (Council District No. 1)

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 Willow Park Properties, L.L.C., 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 20-foot wide alley in Haynes Subdivision to the City of Topeka, Shawnee County, Kansas, described as: All that part of an east/west alley, the north line of which is coincident with the south line of Lot 167 on Horne Street, extending from an extension of the east line of Lot 266 on Sixth Avenue, to an extension of the west line of Lot 276 on Sixth Avenue in Haynes Subdivision, 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 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 alley right-of-way located
within the City of Topeka, Kansas:

A 20-foot wide alley in Haynes Subdivision to the City of Topeka, Shawnee County, Kansas, described as: All that part of an east/west alley, the north line of which is coincident with the south line of Lot 167 on Horne Street, extending from an extension of the east line of Lot 266 on Sixth Avenue, to an extension of the west line of Lot 276 on Sixth Avenue in Haynes Subdivision, City of Topeka, Shawnee County, Kansas.

Section 5. That the Council of the City of Topeka does hereby find that justice further requires the provision for a utility 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:

A 20-foot wide alley in Haynes Subdivision to the City of Topeka, Shawnee County, Kansas, described as: All that part of an east/west alley, the north line of which is coincident with the south line of Lot 167 on Horne Street, extending from an extension of the east line of Lot 266 on Sixth Avenue, to an extension of the west line of Lot 276 on Sixth Avenue in Haynes Subdivision, City of Topeka, Shawnee County, Kansas.

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 Nov. 18, 2003.

Duane F. Pomeroy, Deputy Mayor

ATTEST:

Iris E. Walker, City Clerk

OCT 30 2003

To Be Codified ___

Not To Be Codified ___ X