ORDINANCE NO. 18118

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy relating to the vacation of a 20-foot wide public alley right-of-way extending north of SE 21st Street between SE Adams Street and SE Massachusetts Avenue as dedicated by the plat of Stevenson's Addition, City of Topeka, Shawnee County, Kansas. (V03A/4) (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 Twenty First and Adams, L.L.C., as property owner, 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 Stevenson's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the northeast corner of Lot 706 on Adams Street in Stevenson's Addition; thence southerly to the southeast corner of Lot 730 on Adams Street; thence easterly to the southwest corner of Lot 729 on Massachusetts Avenue, formerly Washington Street; thence northerly to the northwest corner of Lot 705 on Massachusetts Avenue; thence westerly 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 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 Stevenson’s Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the northeast corner of Lot 706 on Adams Street in Stevenson’s Addition; thence southerly to the southeast corner of Lot 730 on Adams Street; thence easterly to the southwest corner of Lot 729 on Massachusetts Avenue, formerly Washington Street; thence northerly to the northwest corner of Lot 705 on Massachusetts Avenue; thence westerly 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 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 Stevenson’s Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the northeast corner of Lot 706 on Adams Street in Stevenson’s Addition; thence southerly to the southeast corner of Lot 730 on Adams Street; thence easterly to the southwest corner of Lot 729 on Massachusetts Avenue, formerly Washington Street; thence northerly to the northwest corner of Lot 705 on Massachusetts Avenue; thence westerly 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 Nov. 18, 2003.

Duane F. Pomeroy, Deputy Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___
Not To Be Codified ___ X