AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy relating to the vacation of a 20-foot wide utility easement on property extending north of SE 21st Street between SE Massachusetts Avenue and SE Pennsylvania Avenue, as dedicated by the plat of Stevenson’s Addition, City of Topeka, Shawnee County, Kansas. (VO3E/4) (Council District No. 3)

BE IT ORDEIGNED 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 RVH, Inc. et al., has been filed with the office of the City Clerk, requesting the vacation of the following described utility easement located within the City of Topeka, Shawnee County, Kansas:

A 20 foot wide utility easement in Stevenson’s Addition, City of Topeka, Shawnee County, Kansas, described as: Beginning at the northeast corner of Lot 706 on Massachusetts Avenue, formerly Washington Street in Stevenson’s Addition; thence southerly, to the southeast corner of Lot 730 on Massachusetts Avenue; thence easterly 20 feet to the southwest corner of Lot 729 on Pennsylvania Avenue, formerly Hancock Street; thence northerly to the northwest corner of Lot 705 on Pennsylvania 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 utility easement located within the City of Topeka, Kansas:
A 20 foot wide utility easement in Stevenson's Addition, City of Topeka, Shawnee County, Kansas, described as: Beginning at the northeast corner of Lot 706 on Massachusetts Avenue, formerly Washington Street in Stevenson's Addition; thence southerly, to the southeast corner of Lot 730 on Massachusetts Avenue; thence easterly 20 feet to the southwest corner of Lot 729 on Pennsylvania Avenue, formerly Hancock Street; thence northerly to the northwest corner of Lot 705 on Pennsylvania Avenue; thence westerly to the point 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 **Nov. 18**, 2003.

ATTEST:

\[Signature\]
Iris E. Walker, City Clerk

\[Signature\]
Duane F. Pomeroy, Deputy Mayor

\[Signature\]
To Be Codified __

Not To Be Codified __X