ORDINANCE NO. 18138

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy relating to the vacation of a 15-foot wide public alley right-of-way on property located at 1101 SW Mulvane Street, as dedicated by the plat of Stilson and Bartholomew's Addition, City of Topeka, Shawnee County, Kansas. (V03A/1) (Council District No. 6)

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 Topeka Bible Church, 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 portion of a platted alley, the east line of which is coincident with the west lines of Lots 375 through 421 odd on Mulvane Street, formerly Morris Avenue, in Stilson and Bartholomew's Addition, City of Topeka, Shawnee County, Kansas, extending from an extension of the north line of said Lot 375 to an extension of the south 1-foot of the north ½ of Lot 407 on Mulvane Street.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on December 9, 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 portion of a platted alley, the east line of which is coincident with the west lines of Lots 375 through 421 odd on Mulvane Street, formerly Morris Avenue, in Stilson and Bartholomew's Addition, City of Topeka, Shawnee County, Kansas, extending from an extension of the north line of said Lot 375 to an extension of the south 1-foot of the north ½ of Lot 407 on Mulvane Street.
Section 5. That the Council of the City of Topeka does hereby find that justice further requires the provision for a utility easement, an ingress/egress easement, and a fire lane 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, an ingress/egress easement, and a fire lane easement:

Public utility easement A portion of a platted alley, the east line of which is coincident with the west lines of Lots 375 through 421 odd on Mulvane Street, formerly Morris Avenue, in Stilson and Bartholomew's Addition, City of Topeka, Shawnee County, Kansas, extending from an extension of the north line of said Lot 375 to an extension of the south line of the north 2 feet of Lot 387 on Mulvane Street.

Ingress/egress easement The south 23 feet of Lot 388 and the north 2 feet of Lot 390 on Mulvane Street, formerly Morris Avenue, in Stilson and Bartholomew's Addition, City of Topeka, Shawnee County, Kansas.

Fire lane easement The south 23 feet of Lot 387 and the north 2 feet of Lot 389 on Mulvane Street, formerly Morris Avenue, in Stilson and Bartholomew's Addition to the 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 December 9, 2003.

ATTEST:

Iris E. Walker, City Clerk

Duane F. Pomeroy, Deputy Mayor

K 0 5 2003

To Be Codified ___

Not To Be Codified __ X