ORDINANCE NO. 1852

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a 20-foot wide public alley right-of-way located east of SW Clay Street, the centerline of which is approximately 140-feet south of SW 8th Avenue as dedicated by the plat of Horne’s Addition, City of Topeka, Shawnee County, Kansas. (V04A/1) (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 W and M Properties, L.L.C., 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 Horne’s Addition to the City of Topeka, Shawnee County, Kansas, described as: All that part of an east/west alley, the south line of which is coincident with the north line of Lot 266 on Clay Street, extending from an extension of the west line of Lot 143 on Eighth Avenue West, to an extension of the east line of Lot 133 on Eighth Avenue West in Horne’s Addition, 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 January 13, 2004, 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 Horne's Addition to the City of Topeka, Shawnee County, Kansas, described as: All that part of an east/west alley, the south line of which is coincident with the north line of Lot 266 on Clay Street, extending from an extension of the west line of Lot 143 on Eighth Avenue West, to an extension of the east line of Lot 133 on Eighth Avenue West in Horne's Addition, 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 Horne's Addition to the City of Topeka, Shawnee County, Kansas, described as: All that part of an east/west alley, the south line of which is coincident with the north line of Lot 266 on Clay Street, extending from an extension of the west line of Lot 143 on Eighth Avenue West, to an extension of the east line of Lot 133 on Eighth Avenue West in Horne's Addition, 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.


[Seal]

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

[Seal]

JAN 1 4 2004
CITY ATTORNEY'S OFFICE

To Be Codified ___
Not To Be Codified __ X