ORDINANCE NO. 18/83

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a 12-foot wide utility easement and a temporary construction easement on property located at 2040 SW Briarwood Drive, as dedicated by the plat of Replat No. 1, Briarwood Subdivision, City of Topeka, Shawnee County, Kansas. (V04E/1) (Council District No. 5)

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 Kenneth and Eloise Keller, has been filed with the office of the City Clerk, requesting the vacation of the following described utility easement and temporary construction easement located within the City of Topeka, Shawnee County, Kansas:

Utility Easement:
All of that part of a 12-foot wide platted utility easement described as the south 6-feet of Lot 13 and the north 6-feet of Lot 14, except the west 6-feet thereof, all in Block “K”, Replat No. 1, Briarwood Subdivision, City of Topeka, Shawnee County, Kansas.

And,
Temporary Construction Easement:
The north 12-feet of the south 18-feet of Lot 13, and the south 12-feet of the north 18-feet of Lot 14, all in Block “K”, Replat No. 1, Briarwood Subdivision, City of Topeka, Kansas.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on March 9, 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 utility easement and temporary construction easement located within the City of Topeka, Kansas:
Utility Easement:
All of that part of a 12-foot wide platted utility easement described as the south
6-feet of Lot 13 and the north 6-feet of Lot 14, except the west 6-feet thereof,
all in Block “K”, Replat No. 1, Briarwood Subdivision, City of Topeka,
Shawnee County, Kansas.

And,

Temporary Construction Easement:
The north 12-feet of the south 18-feet of Lot 13, and the south 12-feet of the
north 18-feet of Lot 14, all in Block “K”, Replat No. 1, Briarwood
Subdivision, City of Topeka, Kansas.

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 March 9, 2004.

James A. McClintock, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified

Not To Be Codified X