ORDINANCE NO. 18184

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a .57-foot wide street right-of-way the length of property located at 112 E. 8th Street and a 1.22 by 5-foot street right-of-way located on same property legally described as Lot 112 E. 8th Street, Original Town Subdivision, City of Topeka, Shawnee County, Kansas, and specifically repealing City of Topeka Ordinance 18155 and Ordinance No. 13707. (V98S/5) (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 the H.T. Paul Company, Inc., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public street right-of-way located within the City of Topeka, Shawnee County, Kansas:

Front Wall Encroachment: Beginning at the Southwest corner of Lot 112 on Eighth Avenue East, in the Original Town of Topeka, Shawnee County, Kansas; Thence South 71°57'24" East (assumed bearing) along the South line of said Lot 112, 25.02 feet to the Southeast corner of said Lot 112; thence South 18°00'00" West, 0.24 foot; thence North 71°40'08" West, 0.55 foot; thence South 18°01'31" West, 0.45 foot; thence North 71°40'08" West, 24.47 feet; thence North 18°00'00" East, 0.57 foot, to the point of beginning.

Front Steps Encroachment: Commencing at the Southwest corner of Lot 112 on Eighth Avenue East, in the Original Town of Topeka, Shawnee County, Kansas; thence South 18°00'00" West (assumed bearing) 0.57 foot; thence South 71°40'08" East, 7.00 feet to the point of beginning; thence continuing South 71°40'08" East, 5.00 feet; thence South 18°19'52" West, 1.22 feet; thence North 71°40'08" West, 5.00 feet; thence North 18°19'52" East, 1.22 feet 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 this 9th day of March 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 public street right-of-way located within the City of Topeka, Kansas:

Front Wall Encroachment: Beginning at the Southwest corner of Lot 112 on Eighth Avenue East, in the Original Town of Topeka, Shawnee County, Kansas; Thence South 71°57'24" East (assumed bearing) along the South line of said Lot 112, 25.02 feet to the Southeast corner of said Lot 112; thence South 18°00'00" West, 0.24 foot; thence North 71°40'08" West, 0.55 foot; thence South18°01'31" West, 0.45 foot; thence North 71°40'08" West, 24.47 feet; thence North 18°00'00" East, 0.57 foot, to the point of beginning.

Front Steps Encroachment: Commencing at the Southwest corner of Lot 112 on Eighth Avenue East, in the Original Town of Topeka, Shawnee County, Kansas; thence South 18°00'00" West (assumed bearing) 0.57 foot; thence South 71°40'08" East, 7.00 feet to the point of beginning; thence continuing South 71°40'08" East, 5.00 feet; thence South 18°19'52" West, 1.22 feet; thence North 71°40'08" West, 5.00 feet; thence North 18°19'52" East, 1.22 feet 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 March 9, 2004.

ATTEST:

Iris E. Walker, City Clerk

James A. McClinton, Mayor

To Be Codified ___

Not To Be Codified ___X