(Published in the Topeka Metro News March 31, 2004)

ORDINANCE NO. 18204

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a portion of an ingress/egress and utility easement on property located at the northwest corner of SW 30th Street and SW Eveningside Drive, as dedicated by the plat of Eveningside Subdivision, City of Topeka, Shawnee County, Kansas. (V04E/3) (Council District No. 7)

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 Pendleton Construction, Inc. et al. has been filed with the office of the City Clerk, requesting the vacation of the following described ingress/egress and utility easement located within the City of Topeka, Shawnee County, Kansas:

The south 1.50 feet of an ingress/egress and utility easement described as the north 45.00 feet of Lots 1, 2, 3, 4, 5 and 6, Block A, Eveningside Subdivision, 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 March 23, 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 ingress/egress and utility easement located within the City of Topeka, Kansas:

The south 1.50 feet of an ingress/egress and utility easement described as the north 45.00 feet of Lots 1, 2, 3, 4, 5 and 6, Block A, Eveningside Subdivision, City of Topeka, Shawnee County, 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 on March 23, 2004.

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified
Not To Be Codified X