ORDINANCE NO. 18224

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a 15-foot wide public north/south alley right-of-way located north of SW 7th Street between SW College Avenue and SW Jewell Avenue and the vacation of a portion of a 15-foot wide public east/west alley located to the west of SW College Avenue right-of-way located approximately 145 feet south of SW 6th Avenue as dedicated by the plat of Melrose Subdivision, City of Topeka, Shawnee County, Kansas. (V04A/2) (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 Sisters of Charity of Leavenworth Health Services Corporation as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public alley rights-of-way located within the City of Topeka, Shawnee County, Kansas:

- All of that part which has not been previously vacated, of a west to east alley, the north line of which is coincident with the south lines of Lots 16 through 25 on Sixth Avenue, from an extension of the west line of Lot 16 on Sixth Avenue, to an extension of the east line of Lot 25 on Sixth Avenue in Melrose Subdivision, to the City of Topeka, Shawnee County, Kansas;
- Also: All of that part of a north to south alley, the east line of which is coincident with the west lines of Lots 26 through 38 on College Avenue, formerly Spruce Avenue, from an extension of the north line of Lot 26 to an extension of the south line of Lot 38 in Melrose Subdivision.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on April 20, 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 rights-of-way located within the City of Topeka, Kansas:

All of that part which has not been previously vacated, of a west to east alley, the north line of which is coincident with the south lines of Lots 16 through 25 on Sixth Avenue, from an extension of the west line of Lot 16 on Sixth Avenue, to an extension of the east line of Lot 25 on Sixth Avenue in Melrose Subdivision, to the City of Topeka, Shawnee County, Kansas; Also: All of that part of a north to south alley, the east line of which is coincident with the west lines of Lots 26 through 38 on College Avenue, formerly Spruce Avenue, from an extension of the north line of Lot 26 to an extension of the south line of Lot 38 in Melrose Subdivision.

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 April 26, 2004.

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified __X