ORDINANCE NO. 18226

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a 16-foot wide public east/west alley located between SW College Avenue and SW Mulvane Avenue about 134 feet south of SW 6th Avenue as dedicated by the plat of Martin Place Addition, City of Topeka, Shawnee County, Kansas. (V04A/3) (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 of an east to west alley, the north line of which is coincident with the south lines of Lots 309 through 333 odd on Sixth Avenue in Martin Place Addition to the City of Topeka, Shawnee County, Kansas, from an extension of the east line of Lot 309 to an extension of the west line of Lot 333.

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 of an east to west alley, the north line of which is coincident with the south lines of Lots 309 through 333 odd on Sixth Avenue in Martin Place Addition to the City of Topeka, Shawnee County, Kansas, from an extension of the east line of Lot 309 to an extension of the west line of Lot 333.

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 20, 2004.

ATTEST:

James A. McClinton, Mayor

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified X