ORDINANCE NO. 18257

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a portion of an east/west utility easement on property located approximately 425-feet east of SW Burlingame Road and approximately 150-feet south of SW 36th Street, as dedicated by the plat of Burlingwood Subdivision No. 2, City of Topeka, Shawnee County, Kansas. (V04E/4) (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 T.E. McBride and R.D. Anderson, has been filed with the office of the City Clerk, requesting the vacation of the following described utility easement located within the City of Topeka, Shawnee County, Kansas:

A portion of a platted utility easement in Lots 1, 2, 3 and 4 in Block “B”, in Burlingwood Subdivision No. 2 in the City of Topeka, Shawnee County, Kansas, described as: The South 10 feet of Lots 2 and 3; Also: the South 10 feet of Lot 1, less the West 10 feet thereof; And Also: the North 10 feet of Lot 4, less the following described part: Beginning at the Northwest corner of Lot 4; thence on an assumed bearing of North 89°59’32” East, on the North line of Lot 4, 13.38 feet; thence South 26°17’35” East, on a prolongation of the Northeast line of a platted 12 feet wide utility easement, 11.15 feet; thence South 89°59’32” West, on the South line of the North 10 feet of Lot 4, 18.35 feet; thence North 00°07’04” East, on the West line of Lot 4, 10.00 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 June 8, 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 located within the City of Topeka, Kansas:
A portion of a platted utility easement in Lots 1, 2, 3 and 4 in Block "B", in Burlingwood Subdivision No. 2 in the City of Topeka, Shawnee County, Kansas, described as: The South 10 feet of Lots 2 and 3; Also: the South 10 feet of Lot 1, less the West 10 feet thereof; And Also: the North 10 feet of Lot 4, less the following described part: Beginning at the Northwest corner of Lot 4; thence on an assumed bearing of North 89°59'32" East, on the North line of Lot 4, 13.38 feet; thence South 26°17'35" East, on a prolongation of the Northeast line of a platted 12 feet wide utility easement, 11.15 feet; thence South 89°59'32" West, on the South line of the North 10 feet of Lot 4, 18.35 feet; thence North 00°07'04" East, on the West line of Lot 4, 10.00 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 June 8, 2004.

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified ___X