ORDINANCE NO. 18265

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a 60-foot wide public street right-of-way and a 30-foot wide platted setback located on the east side of SW Topeka Boulevard, the centerline of which is approximately 570-feet south of SW 37th Street as dedicated by the plat of Trail Inn Subdivision, City of Topeka, Shawnee County, Kansas. (V04S2) (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 Betty B., Vail as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described public street right-of-way and platted setback located within the City of Topeka, Shawnee County, Kansas:

Street: All of Van Buren Street in Trail Inn Subdivision in the City of Topeka, Shawnee County, Kansas.
Building Setback: The East 15-feet of Lots 3 and 4 and the West 15-feet of Lots 5 and 6, all on Van Buren Street in Trail Inn Subdivision in the 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 June 15, 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 street right-of-way and platted setback located within the City of Topeka, Kansas:
Street: All of Van Buren Street in Trail Inn Subdivision in the City of Topeka, Shawnee County, Kansas.
Building Setback: The East 15-feet of Lots 3 and 4 and the West 15-feet of Lots 5 and 6, all on Van Buren Street in Trail Inn Subdivision in the City of Topeka, Shawnee County, Kansas.

Section 5. That the Council of the City of Topeka does hereby find that justice further requires the provision for a utility easement to be established over the described property as set forth in Section 4 and does hereby order the retention of the below described area as a public utility easement:

A 16-foot wide easement the Centerline of which extends from the Northeast corner of Lot 4 to the Northwest corner of Lot 6, both on Van Buren Street, the West and East lines of said easement are coincident with the West line and East line of Van Buren Street, respectively, in Trail Inn Subdivision in the City of Topeka, Shawnee County, Kansas.

Section 6. This vacation shall not effect any other underlying easements or restrictions whether platted or by instrument.

Section 7. 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 8. 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 15, 2004.

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___
Not To Be Codified __X