ORDINANCE NO. 18289

AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a portion of a public street right-of-way located at the northwest corner of SW 21st Street and SW Gage Boulevard as dedicated by the plat of Seabrook Subdivision No. 3, City of Topeka, Shawnee County, Kansas. (V04S/3) (Council District No. 6)

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 Spangles, Inc. 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 located within the City of Topeka, Shawnee County, Kansas:

A portion of Lot 47 on Gage Boulevard, formerly Highland Avenue in Seabrook Subdivision, in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southwest corner of Lot 2, Block A in Seabrook Subdivision No. 3; thence on an assumed bearing of North 88 degrees 58 minutes 21 seconds East, on the South line of Lot 2, 113.05 feet to the most westerly Southeast corner of said lot, being the point of beginning; thence North 44 degrees 29 minutes 45 seconds East, on the Southeast line of Lot 2, 59.64 feet, to the most easterly Southeast corner of said lot; thence South 00 degrees 01 minutes 11 seconds West, on an extension of the East line of Lot 2, 19.50 feet; thence South 43 degrees 12 minutes 18 seconds West, 31.11 feet; thence South 88 degrees 58 minutes 21 seconds West, on an extension of the South line of Lot 2, 20.50 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 July 6, 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:

A portion of Lot 47 on Gage Boulevard, formerly Highland Avenue in Seabrook Subdivision, in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southwest corner of Lot 2, Block A in Seabrook Subdivision No. 3; thence on an assumed bearing of North 88 degrees 58 minutes 21 seconds East, on the South line of Lot 2, 113.05 feet to the most westerly Southeast corner of said lot, being the point of beginning; thence North 44 degrees 29 minutes 45 seconds East, on the Southeast line of Lot 2, 59.64 feet, to the most easterly Southeast corner of said lot; thence South 00 degrees 01 minutes 11 seconds West, on an extension of the East line of Lot 2, 19.50 feet; thence South 43 degrees 12 minutes 18 seconds West, 31.11 feet; thence South 88 degrees 58 minutes 21 seconds West, on an extension of the South line of Lot 2, 20.50 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 July 13, 2004.

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified ___X