AN ORDINANCE introduced by Mayor James A. McClinton relating to the vacation of a 10-foot wide utility easement on property located at 4204 SW Holly Lane, as dedicated by the plat of McAlister Heights, City of Topeka, Shawnee County, Kansas. (V04E/5) (Council District No. 9)

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 the Estate of William A. Miller Jr., 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:

The East 5 feet of Lot 15, except the North 5 feet and the South 5 feet thereof, AND the West 5 feet of Lot 16, except the North 5 feet and the South 5 feet thereof, all in Block 5 in McAlister Heights in the City of Topeka, Shawnee County, Kansas.

Section 2. That said petition has been duly published for two consecutive weeks in a newspaper of general circulation and on August 10, 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:

The East 5 feet of Lot 15, except the North 5 feet and the South 5 feet thereof, AND the West 5 feet of Lot 16, except the North 5 feet and the South 5 feet thereof, all in Block 5 in McAlister Heights in the City of Topeka, Shawnee County, Kansas.

Section 5. This vacation shall not effect any other underlying easements or restrictions whether platted or by instrument.

Section 6. The 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 August 10, 2004.

James A. McClinton, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___
Not To Be Codified __ X