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ORDINANCE NO. 18422

AN ORDINANCE introduced by acting City Manager Neil Dobler relating to the vacation of a portion of a public street right-of-way, SW 29th Street Terrace, located immediately east of SW Lincoln Street, City of Topeka, Shawnee County, Kansas. (V04S/6) (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 The Congregational Home dba Brewster Place, 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 part of 29th Street Terrace, platted as W. 30th Street in Town and Country Addition No. 1 to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southeast corner of Lot 35 in Town and Country Addition No. 1; thence westerly to the Southwest corner of Lot 34 in said addition; thence southerly, parallel and concentric with the Centerline of Lincoln Street in Town and Country Addition No. 1, to the Northwest corner of Lot 1, Block “A” in Brewster Place Addition No. 4; thence easterly to the Northeast corner of Lot 1; thence northerly, on the East line of Town and Country Addition No. 1, 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 April 26, 2005, 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 located within the City of Topeka, Kansas:
A part of 29th Street Terrace, platted as W. 30th Street in Town and Country Addition No. 1 to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southeast corner of Lot 35 in Town and Country Addition No. 1; thence westerly to the Southwest corner of Lot 34 in said addition; thence southerly, parallel and concentric with the Centerline of Lincoln Street in Town and Country Addition No. 1, to the Northwest corner of Lot 1, Block “A” in Brewster Place Addition No. 4; thence easterly to the Northeast corner of Lot 1; thence northerly, on the East line of Town and Country Addition No. 1, to the point of beginning.

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 part of 29th Street Terrace, platted as W. 30th Street in Town and Country Addition No. 1 to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southeast corner of Lot 35 in Town and Country Addition No. 1; thence westerly to the Southwest corner of Lot 34 in said addition; thence southerly, parallel and concentric with the Centerline of Lincoln Street in Town and Country Addition No. 1, to the Northwest corner of Lot 1, Block “A” in Brewster Place Addition No. 4; thence easterly to the Northeast corner of Lot 1; thence northerly, on the East line of Town and Country Addition No. 1, to the point of beginning.

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 26, 2005.

ATTEST:

Iris E. Walker, City Clerk

William W. Bunten, Mayor

To Be Codified ___
Not To Be Codified __X