AN ORDINANCE introduced by City Manager, Neil Dobler, relating to the vacation of a portion of a public street right-of-way located south of a park, Washburn Park, and located between SW Billard Avenue and SW Collins Avenue, City of Topeka, Shawnee County, Kansas. (V05S/2) (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 City of Topeka, Park Management, as property owners, 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 Eleventh Street in Washburn Park Addition in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the intersection of the North line of Eleventh Street with an extension of the West line of Collins Avenue, formerly Franklin Avenue; thence southerly, to the intersection of the South line of Eleventh Street with the West line of Collins Avenue; thence westerly, on the South line Eleventh Street, to the Southeast line of Billard Avenue; thence northerly, parallel with the East line of Billard Avenue extended from the north, to an intersection with the right of way line at the Northeast corner of Eleventh Street and Billard Avenue, which is a curve concave northeasterly; thence southerly and easterly on said curve to its point of tangency with the North line of Eleventh Street; thence easterly on the North line of Eleventh Street 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 May 17, 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 portion of Eleventh Street in Washburn Park Addition in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the intersection of the North line of Eleventh Street with an extension of the West line of Collins Avenue, formerly Franklin Avenue; thence southerly, to the intersection of the South line of Eleventh Street with the West line of Collins Avenue; thence westerly, on the South line Eleventh Street, to the Southeast line of Billard Avenue; thence northerly, parallel with the East line of Billard Avenue extended from the north, to an intersection with the right of way line at the Northeast corner of Eleventh Street and Billard Avenue, which is a curve concave northeasterly; thence southerly and easterly on said curve to its point of tangency with the North line of Eleventh Street; thence easterly on the North line of Eleventh Street to the point of beginning.

Section 5. 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 6. 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 May 17, 2005.

ATTEST:

[Signature]
Iris E. Walker, City Clerk

[Signature]
William W. Bunten, Mayor

To Be Codified __
Not To Be Codified X