ORDINANCE NO. 18499

AN ORDINANCE introduced by City Manager, Neil Dobler, relating to the vacation of a ten-foot wide public alley located on the east side of SW Fillmore Street, the centerline of which is approximately 110-feet south of SW Munson Avenue, City of Topeka, Shawnee County, Kansas. (V05A/2) (Council District No. 1)

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 Robert Hicks, et al., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public alley located within the City of Topeka, Shawnee County, Kansas:

All of a 10-foot wide alley, the North line of which is coincident with the South lines of Lots 109 through 119 odd on Munson Avenue, formerly King Street, in Giles Subdivision in the City of Topeka, Shawnee County, Kansas, extending from a prolongation of the East line of Lot 109 to a prolongation of the West line of Lot 119.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on September 13, 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 public alley located within the City of Topeka, Kansas:

All of a 10-foot wide alley, the North line of which is coincident with the South lines of Lots 109 through 119 odd on Munson Avenue, formerly King Street, in Giles Subdivision in the City of Topeka, Shawnee County, Kansas, extending from a prolongation of the East line of Lot 109 to a prolongation of the West line of Lot 119.
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:

All of a 10-foot wide alley, the North line of which is coincident with the South lines of Lots 109 through 119 odd on Munson Avenue, formerly King Street, in Giles Subdivision in the City of Topeka, Shawnee County, Kansas, extending from a prolongation of the East line of Lot 109 to a prolongation of the West line of Lot 119.

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 ___Sept. 13___, 2005.

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified ___X