ORDINANCE NO. 18985

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of public alley right-of-way in the Original Town of Topeka and located north of 200 SE 7th Street and east of 600 SE Quincy Street, City of Topeka, Shawnee County, Kansas. (V07A/7) (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 Shawnee County, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described platted alley rights-of-way located within the City of Topeka, Shawnee County, Kansas:

Public alleys described as: Beginning at the Northeast corner of Lot 131 on 6th Avenue East in the Original Town of Topeka, Shawnee County, Kansas; thence southeasterly to the Northwest corner of Lot 133 on 6th Avenue East; thence southwesterly to the Southwest corner of said Lot 133; thence southeasterly to the Southeast corner of Lot 143 on 6th Avenue East; thence southwesterly to the Northeast corner of Lot 193 on Monroe Street; thence northwesterly to the Northwest corner of said Lot 193; thence northwesterly to the Northeast corner of Lot 194 on Quincy Street; thence northeasterly to the Southwest corner of Lot 121 on 6th Avenue East; thence southeasterly to the Southwest corner of said Lot 131; thence northeasterly 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 November 13, 2007, 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 platted unimproved alley right-of-way located within the City of Topeka, Kansas:

Public alleys described as: Beginning at the Northeast corner of Lot 131 on 6th Avenue East in the Original Town of Topeka, Shawnee County, Kansas; thence southeasterly to the Northwest corner of Lot 133 on 6th Avenue East; thence southwesterly to the Southwest corner of said Lot 133; thence southeasterly to the Southeast corner of Lot 143 on 6th Avenue East; thence southwesterly to the Northeast corner of Lot 193 on Monroe Street; thence northerly to the Northwest corner of said Lot 193; thence northwesterly to the Northeast corner of Lot 194 on Quincy Street; thence northeasterly to the Southwest corner of Lot 121 on 6th Avenue East; thence southeasterly to the Southeast corner of said Lot 131; thence northeasterly 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 utility easement:

Public alleys described as: Beginning at the Northeast corner of Lot 131 on 6th Avenue East in the Original Town of Topeka, Shawnee County, Kansas; thence southeasterly to the Northwest corner of Lot 133 on 6th Avenue East; thence southwesterly to the Southwest corner of said Lot 133; thence southeasterly to the Southeast corner of Lot 143 on 6th Avenue East; thence southwesterly to the Northeast corner of Lot 193 on Monroe Street; thence northerly to the Northwest corner of said Lot 193; thence northwesterly to the Northeast corner of Lot 194 on Quincy Street; thence northeasterly to the Southwest corner of Lot 121 on 6th Avenue East; thence southeasterly to the Southeast corner of said Lot 131; thence northeasterly to the point of beginning.

**Section 6.** This vacation shall not affect any other underlying easements or restrictions whether platted or by instrument.

**Section 7.** 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 8. 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 November 13, 2007.

__________________________________
William W. Bunten, Mayor

ATTEST:

__________________________________
Brenda Younger, City Clerk

To Be Codified __

Not To Be Codified X