

(Published in the Topeka Metro News January 5, 2007)

ORDINANCE NO. 18778

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of the South Half of SE 31st Street extending from the East line of SE Granger Street to the East line of Shawnee Estates Subdivision extending located north of 3100 SE Granger Street, City of Topeka, Shawnee County, Kansas. (V04S/5) (Council District No. 4)

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 Bruno & Frances Langer, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted street right-of-way located within the City of Topeka, Shawnee County, Kansas:

The South Half of SE 31st Street in Shawnee Estates Subdivision in the City of Topeka, Shawnee County, Kansas, extending from the East line of SE Granger Street to the East line of Shawnee Estates Subdivision.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on November 28, 2006, 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 street right-of-way located within the City of Topeka, Kansas:

The South Half of SE 31st Street in Shawnee Estates Subdivision in the City of Topeka, Shawnee County, Kansas, extending from the East line of SE Granger Street to the East line of Shawnee Estates Subdivision.

Section 5. That the Council of the City of Topeka does hereby find that justice further requires the provision for a pedestrian access easement, a sanitary sewer maintenance access easement, and a utility and drainage 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 easements:

Pedestrian Access Easement: A 7.5 foot wide permanent pedestrian access easement, the North line of which is coincident with the Centerline of SE 31st Street in Shawnee Estates Subdivision in the City of Topeka, Shawnee County, Kansas, extending from the East line of SE Granger Street to the East line of Shawnee Estates Subdivision.

Sanitary Sewer Maintenance Access Easement: The South Half of SE 31st Street in Shawnee Estates Subdivision in the City of Topeka, Shawnee County, Kansas, extending from the East line of SE Granger Street to the East line of Shawnee Estates Subdivision.

Utility and Drainage Easement: The East 15 feet of the South Half of SE 31st Street, the East line of which is coincident with the East line of Shawnee Estates Subdivision in the City of Topeka, Shawnee County, Kansas, extending from the North line of Lot 2, Block "G" in said subdivision to the Centerline of SE 31st Street.

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 December 19, 2006.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, Interim City Clerk

To Be Codified _____
Not To Be Codified X