

(Published in the Topeka Metro News December 27, 2006)

ORDINANCE NO. 18779

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of all of SE Lake Terrace Road in Shawnee Estates Subdivision extending from the East line of SE Granger Street to the east line of Shawnee Estates Subdivision located south of 3108 SE Granger Street, City of Topeka, Shawnee County, Kansas. (V06S/2) (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 Nelson Banman et al., 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:

All of Lake Terrace Road 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 December 12, 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:

All of Lake Terrace Road 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 sanitary sewer maintenance access easement, a utility and drainage easement and a water line 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:

Sanitary Sewer Maintenance Access Easement: A 16 foot wide permanent sanitary sewer maintenance access easement, the Centerline of which is coincident with the Centerline of Lake Terrace Road 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 Lake Terrace Road, 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 3, Block "F" in said subdivision to the South line of Lot 1, Block "G" in said subdivision.

Water Line Easement: A permanent water line easement, being the North Half of Lake Terrace Road 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 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