

(Published in the Topeka Metro News April 18, 2007)

ORDINANCE NO. 18843

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of platted alley right-of-way located between SE Branner and SE Chandler Streets and SE 2nd and SE 3rd Streets, City of Topeka, Shawnee County, Kansas. (V07A/2) (Council District No. 3)

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 Wohlgemuth & Daniel Investments, L.L.P., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted alley right-of-way located within the City of Topeka, Shawnee County, Kansas:

A portion of a platted alley in Klein's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southwest corner of Lot 71 on Chandler Street South in Klein's Addition; thence north-northeasterly on the East line of said alley to a point which is 1.00 foot distant south-southwesterly from the Northwest corner of Lot 47 on Chandler Street South; thence west-northwesterly to a point on the West line of said alley which is 1.00 feet distant south-southwesterly from the Northeast corner of Lot 48 on Branner Street South; thence south-southwesterly to the Southeast corner of Lot 72 on Branner Street South; thence east-southeasterly 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 March 27, 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 alley right-of-way located within the City of Topeka, Kansas:

A portion of a platted alley in Klein's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southwest corner of Lot 71 on Chandler Street South in Klein's Addition; thence north-northeasterly on the East line of said alley to a point which is 1.00 foot distant south-southwesterly from the Northwest corner of Lot 47 on Chandler Street South; thence west-northwesterly to a point on the West line of said alley which is 1.00 feet distant south-southwesterly from the Northeast corner of Lot 48 on Branner Street South; thence south-southwesterly to the Southeast corner of Lot 72 on Branner Street South; thence east-southeasterly 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 public utility easement and an ingress/egress easement for emergency and utility vehicles 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 and ingress/egress easement for emergency vehicles and utility vehicles:

A portion of a platted alley in Klein's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southwest corner of Lot 71 on Chandler Street South in Klein's Addition; thence north-northeasterly on the East line of said alley to a point which is 1.00 foot distant south-southwesterly from the Northwest corner of Lot 47 on Chandler Street South; thence west-northwesterly to a point on the West line of said alley which is 1.00 feet distant south-southwesterly from the Northeast corner of Lot 48 on Branner Street South; thence south-southwesterly to the Southeast corner of Lot 72 on Branner Street South; thence east-southeasterly to the point of beginning.

Section 6. The ingress/egress easement shall expire at the time that the public alley contiguous and northwesterly of Lots 37, 39, 41, 43, and 45 on SE Chandler Street of Klein's Addition to the City of Topeka, Shawnee County, Kansas, is vacated by the City of Topeka.

Section 7. This vacation shall not affect any other underlying easements or restrictions whether platted or by instrument.

Section 8. 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 9. 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 April 10, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ___
Not To Be Codified X