

(Published in the Topeka Metro News April 25, 2007)

ORDINANCE NO. 18846

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 20-foot wide strip of public street right-of-way located on NE Grantville Road from Soldier Creek to the northern most point of 1831 NE Grantville Road in Kaw Half Breed Reserve No. 5, City of Topeka, Shawnee County, Kansas. **(V07S/3) (Council District No. 2)**

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 C & J Management, L.L.C. et al., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described street right-of-way located within the City of Topeka, Shawnee County, Kansas:

Two portions of the West 20 feet of the Topeka-Grantville Road which is in Kaw Half Breed Reserve Number 5, described as:

Commencing at the intersection of the Centerline of the Atchison, Topeka and Santa Fe Railway with the Centerline of Soldier Creek; thence northeasterly on the Centerline of said railway 6.96 chains; thence northwesterly at a right angle from the Centerline of said railway to an intersection with the West line of the Topeka-Grantville Road; thence northeasterly on the West line of the Topeka-Grantville Road to an intersection with the North line of a tract described in Volume 1313 at page 491, being the point of beginning; thence southeasterly on an extension of the North line of the last said tract to an intersection with the East line of the West 20 feet of the Topeka-Grantville Road; thence northeasterly parallel with the West line of the Topeka-Grantville Road to an intersection with an extension of the South line of Lot M on Burgess Street in Garfield Place Addition; thence westerly on the extension of the South line of said Lot M to the West line of Topeka-Grantville Road; thence southwesterly on the West line of the Topeka-Grantville Road to the point of beginning.

ALSO:

Beginning at the intersection of the Centerline of Soldier Creek with the West line of the Topeka-Grantville Road; thence northeasterly on the West line of the Topeka-Grantville Road to the South line of a tract recorded in Volume 1313 at page 489; thence easterly on an extension of the South line of the last said tract to an intersection with the East line of the West 20 feet of the Topeka-Grantville Road; thence southwesterly parallel with the West line of the Topeka-Grantville Road to an intersection with the Centerline of Soldier Creek; thence up the Centerline of Soldier Creek 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 April 10, 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 street right-of-way located within the City of Topeka, Kansas:

Two portions of the West 20 feet of the Topeka-Grantville Road which is in Kaw Half Breed Reserve Number 5, described as:

Commencing at the intersection of the Centerline of the Atchison, Topeka and Santa Fe Railway with the Centerline of Soldier Creek; thence northeasterly on the Centerline of said railway 6.96 chains; thence northwesterly at a right angle from the Centerline of said railway to an intersection with the West line of the Topeka-Grantville Road; thence northeasterly on the West line of the Topeka-Grantville Road to an intersection with the North line of a tract described in Volume 1313 at page 491, being the point of beginning; thence southeasterly on an extension of the North line of the last said tract to an intersection with the East line of the West 20 feet of the Topeka-Grantville Road; thence northeasterly parallel with the West line of the Topeka-Grantville Road to an intersection with an extension of the South line of Lot M on Burgess Street in Garfield Place Addition; thence westerly on the extension of the South line of said Lot M to the West line of Topeka-Grantville Road; thence southwesterly on the West line of the Topeka-Grantville Road to the point of beginning.

ALSO:

Beginning at the intersection of the Centerline of Soldier Creek with the West line of the Topeka-Grantville Road; thence northeasterly on the West line of the Topeka-Grantville Road to the South line of a tract recorded in Volume 1313 at page 489; thence easterly on an extension of the South line of the last said tract to an intersection with the East line of the West 20 feet of the Topeka-Grantville Road; thence southwesterly parallel with the West line of the Topeka-Grantville Road to an intersection with the Centerline of Soldier Creek; thence up the Centerline of Soldier Creek 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 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 easement:

Two portions of the West 20 feet of the Topeka-Grantville Road which is in Kaw Half Breed Reserve Number 5, described as:

Commencing at the intersection of the Centerline of the Atchison, Topeka and Santa Fe Railway with the Centerline of Soldier Creek; thence northeasterly on the Centerline of said railway 6.96 chains; thence northwesterly at a right angle from the Centerline of said railway to an intersection with the West line of the Topeka-Grantville Road; thence northeasterly on the West line of the Topeka-Grantville Road to an intersection with the North line of a tract described in Volume 1313 at page 491, being the point of beginning; thence southeasterly on an extension of the North line of the last said tract to an intersection with the East line of the West 20 feet of the Topeka-Grantville Road; thence northeasterly parallel with the West line of the Topeka-Grantville Road to an intersection with an extension of the South line of Lot M on Burgess Street in Garfield Place Addition; thence westerly on the extension of the South line of said Lot M to the West line of Topeka-Grantville Road; thence southwesterly on the West line of the Topeka-Grantville Road to the point of beginning.

ALSO:

Beginning at the intersection of the Centerline of Soldier Creek with the West line of the Topeka-Grantville Road; thence northeasterly on the West line of the Topeka-Grantville Road to the South line of a tract recorded in Volume 1313 at page 489; thence easterly on an extension of the South line of the last said tract to an intersection with the East line of the West 20 feet of the Topeka-Grantville Road; thence southwesterly parallel with the West line of the Topeka-Grantville Road to an intersection with the Centerline of Soldier Creek; thence up the Centerline of Soldier Creek to the point of beginning.

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 April 17, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____
Not To Be Codified X