

(Published in the Topeka Metro News May 23, 2007)

ORDINANCE NO. 18879

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a platted utility easement located at 2338 SW Lowell Lane, City of Topeka, Shawnee County, Kansas. (V07E/1) (Council District No. 8)

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 Miller's Glen Development Co., L.L.C., as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described platted utility easement located within the City of Topeka, Shawnee County, Kansas:

A tract of land in Miller's Glen Subdivision, in the City of Topeka, Shawnee County, Kansas, being described as follows:

Commencing at the southwest corner of said Miller's Glen Subdivision; thence on an azimuth 45 degrees 01 minutes 32 seconds, coincident with the south line of said subdivision, a distance of 438.80 feet to the point of beginning; thence on an azimuth 333 degrees 24 minutes 23 seconds, a distance of 16.86 feet; thence on an azimuth 45 degrees 01 minutes 32 seconds, a distance of 32.14 feet; thence on an azimuth 71 degrees 26 minutes 12 seconds, a distance of 76.65 feet; thence on an azimuth 120 degrees 03 minutes 06 seconds, a distance of 21.33 feet to the south line of said subdivision; thence on an azimuth 251 degrees 26 minutes 12 seconds coincident with the south line of said Miller's Glen Subdivision, a distance of 86.99 feet; thence on an azimuth 225 degrees 01 minutes 32 seconds coincident with the south line of said Miller's Glen Subdivision, a distance of 33.70 feet to the beginning.

The above described containing 1,835 square feet more or less.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on May 15, 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 utility easement located within the City of Topeka, Kansas:

A tract of land in Miller's Glen Subdivision, in the City of Topeka, Shawnee County, Kansas, being described as follows:

Commencing at the southwest corner of said Miller's Glen Subdivision; thence on an azimuth 45 degrees 01 minutes 32 seconds, coincident with the south line of said subdivision, a distance of 438.80 feet to the point of beginning; thence on an azimuth 333 degrees 24 minutes 23 seconds, a distance of 16.86 feet; thence on an azimuth 45 degrees 01 minutes 32 seconds, a distance of 32.14 feet; thence on an azimuth 71 degrees 26 minutes 12 seconds, a distance of 76.65 feet; thence on an azimuth 120 degrees 03 minutes 06 seconds, a distance of 21.33 feet to the south line of said subdivision; thence on an azimuth 251 degrees 26 minutes 12 seconds coincident with the south line of said Miller's Glen Subdivision, a distance of 86.99 feet; thence on an azimuth 225 degrees 01 minutes 32 seconds coincident with the south line of said Miller's Glen Subdivision, a distance of 33.70 feet to the beginning.

The above described containing 1,835 square feet more or less.

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:

A tract of land in the east half of the northeast quarter of Section 12, Township 12 South, Range 14 East of the 6th p.m. and also in Miller's Glen Subdivision, in the City of Topeka, Shawnee County, Kansas, being described as follows:

Commencing at the southwest corner of said Miller's Glen Subdivision; thence on an azimuth 45 degrees 01 minutes 32 seconds, coincident with the south line of said subdivision, a distance of 438.80 feet to the point of beginning; thence on an azimuth 333 degrees 24 minutes 23 seconds, a distance of 16.81 feet; thence on an azimuth 81 degrees 14 minutes 45 seconds, a distance of 47.20 feet; thence on an azimuth 53 degrees 49 minutes 31 seconds, a distance of 64.47 feet; thence on an azimuth 120 degrees 03 minutes 06 seconds, a distance of 17.48 feet to the south line of said subdivision; thence on an azimuth 233 degrees 49 minutes 31 seconds, a distance of 75.43 feet; thence on an azimuth 261 degrees 14 minutes 45 seconds, a distance of 45.96 feet to the beginning.

The above described containing 1,864 square feet more or less.

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 May 15, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified X