

(Published in the Topeka Metro News May 30, 2007)

ORDINANCE NO. 18883

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a platted 16-foot wide utility easement located west of SW Cambridge Avenue about 140-feet north of SW 41st Street in Ardmore Walk Subdivision No. 5, City of Topeka, Shawnee County, Kansas. **(V07E/7) (Council District No. 7)**

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 PBJ, L.L.C., as property owners, 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:

All of that portion of a 16-foot wide utility easement as platted in Ardmore Walk Subdivision No. 5 in the City of Topeka, Shawnee County, Kansas, which extends from the West line of Lot 1 to the West line of Lot 16, all in Block A of said subdivision.

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:

All of that portion of a 16-foot wide utility easement as platted in Ardmore Walk Subdivision No. 5 in the City of Topeka, Shawnee County, Kansas, which extends from the West line of Lot 1 to the West line of Lot 16, all in Block A of said subdivision.

Section 5. This vacation shall not affect any other underlying easements or restrictions whether platted or by instrument.

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 22, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified __

Not To Be Codified X