

(Published in the Topeka Metro News July 4, 2007)

ORDINANCE NO. 18914

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to a portion of an alley in the Original Town of Topeka, Shawnee County, Kansas (V07A/3) (Council District No. 1)

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 Brier Development Company, Kansas Medical Mutual Insurance Company, and Kansas Medical Society as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted alley rights-of-way located within the City of Topeka, Shawnee County, Kansas:

A portion of an alley in the Original Town of Topeka, Shawnee County, Kansas; described as: Beginning at the Southwest corner of Lot 35 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 37 on Tenth Avenue; thence west-northwesterly to the Southwest corner of Lot 47 on Tenth Avenue West; thence south-southwesterly to the Northwest corner of Lot 338 on Polk Street; thence east-southeasterly to the Northeast corner of said Lot 338; thence east-southeasterly to the Northwest corner of Lot 337 on Tyler Street; thence north-northeasterly to the point of beginning;

ALSO:

A portion of an alley in the Original Town of Topeka, Shawnee County, Kansas; described as: Beginning at the Southwest corner of Lot 35 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 37 on Tenth Avenue; thence south-southwesterly to the Northeast corner of Lot 348 on Polk Street; thence south-southwesterly to the Southeast corner of Lot 348 on Polk Street; thence east-southeasterly to the Southwest corner of Lot 347 on Tyler Street; thence north-northeasterly to the Northwest corner of Lot 337 on Tyler Street; thence north-northeasterly 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 June 26, 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 an alley in the Original Town of Topeka, Shawnee County, Kansas; described as: Beginning at the Southwest corner of Lot 35 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 37 on Tenth Avenue; thence west-northwesterly to the Southwest corner of Lot 47 on Tenth Avenue West; thence south-southwesterly to the Northwest corner of Lot 338 on Polk Street; thence east-southeasterly to the Northeast corner of said Lot 338; thence east-southeasterly to the Northwest corner of Lot 337 on Tyler Street; thence north-northeasterly to the point of beginning;

ALSO:

A portion of an alley in the Original Town of Topeka, Shawnee County, Kansas; described as: Beginning at the Southwest corner of Lot 35 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 37 on Tenth Avenue; thence south-southwesterly to the Northeast corner of Lot 348 on Polk Street; thence south-southwesterly to the Southeast corner of Lot 348 on Polk Street; thence east-southeasterly to the Southwest corner of Lot 347 on Tyler Street; thence north-northeasterly to the Northwest corner of Lot 337 on Tyler Street; thence north-northeasterly 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 a public utility easement:

A portion of an alley in the Original Town of Topeka, Shawnee County, Kansas; described as: Beginning at the Southwest corner of Lot 35 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 37 on Tenth Avenue; thence south-southwesterly to the Northeast corner of Lot 348 on Polk Street; thence south-southwesterly to the Southeast corner of Lot 348 on Polk Street; thence east-southeasterly to the Southwest corner of Lot 347 on Tyler Street; thence north-northeasterly to the Northwest corner of Lot 337 on Tyler

Street; thence north-northeasterly 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 June 26, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ___
Not To Be Codified X