

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

ORDINANCE NO. 18924

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of 20-foot wide public unimproved alley right-of-way located north of SE 10th Avenue between SE Carnahan Avenue and SE Sherman Avenue, City of Topeka, Shawnee County, Kansas. **(V07A/5) (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 El Shaddai Ministries, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted unimproved alley right-of-way located within the City of Topeka, Shawnee County, Kansas:

A portion of a 20-foot wide platted alley in Irving Place, in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southeast corner of Lot 946 on Sherman Avenue; thence northerly on the West line of said alley to a point which is 1.00 foot southerly distant from the Northeast corner of Lot 924 on Sherman Avenue; thence westerly to a point on the East line of said alley which is 1.00 foot southerly distant from the Northwest corner of Lot 925 on Carnahan Avenue; thence southerly on the East line of said alley to the Southwest corner of Lot 947 on Carnahan Avenue; thence westerly 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 May 22, 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 unimproved alley right-of-way located within the City of Topeka, Kansas:

A portion of a 20-foot wide platted alley in Irving Place, in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southeast corner of Lot 946 on Sherman Avenue; thence northerly on the West line of said alley to a point which is 1.00 foot southerly distant from the Northeast corner of Lot 924 on Sherman Avenue; thence westerly to a point on the East line of said alley which is 1.00 foot southerly distant from the Northwest corner of Lot 925 on Carnahan Avenue; thence southerly on the East line of said alley to the Southwest corner of Lot 947 on Carnahan Avenue; thence westerly 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 sanitary sewer 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 portion of a 20-foot wide platted alley in Irving Place, in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southeast corner of Lot 946 on Sherman Avenue; thence northerly on the West line of said alley to a point which is 1.00 foot southerly distant from the Northeast corner of Lot 924 on Sherman Avenue; thence westerly to a point on the East line of said alley which is 1.00 foot southerly distant from the Northwest corner of Lot 925 on Carnahan Avenue; thence southerly on the East line of said alley to the Southwest corner of Lot 947 on Carnahan Avenue; thence westerly to the point of beginning.

Section 6. This vacation shall not affect any other underlying easements or restrictions whether platted or by instrument.

Section 7. 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 8. 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 July 10, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified

Not To Be Codified X