

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

ORDINANCE NO. 18930

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of platted 15-foot wide water line easements located about 190-feet west of SW Wanamaker Road and about 335-feet north of SW 30th Terrace in Wanamaker West Subdivision, City of Topeka, Shawnee County, Kansas. (V07E/8) (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 Hy-Vee, Inc., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted water line easements located within the City of Topeka, Shawnee County, Kansas:

The following described tracts are located in Lots 1 and 2, Block A, Wanamaker West Subdivision No. 3, City of Topeka, Shawnee County, Kansas:

A tract 15-foot wide along the following described centerline commencing at the Southwest corner of Lot 5, Block A, Wanamaker West Subdivision, recorded in Register of Deeds Book 34, Page 50; thence North 90 degrees 00 minutes 00 seconds West, along the South line of Lot 3, Block A of said Wanamaker West Subdivision, a distance of 210.18 feet to the Point of Beginning; thence North 00 degrees 00 minutes 00 seconds East, a distance of 289.90 feet to the Point of Termination.

Also, a tract 15-foot wide along the following described centerline commencing at the Southwest corner of Lot 5, Block A, Wanamaker West Subdivision, recorded in Register of Deeds Book 34, Page 50; thence North 90 degrees 00 minutes 00 seconds West, along the South line of Lot 3, Block A of said Wanamaker West Subdivision, a distance of 210.18 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 33.50 feet to the Point of Beginning; thence North 90 degrees 00 minutes 00 seconds East, a distance of 166.00 feet to the Point of Termination.

Also, a tract 15-foot wide along the following described centerline commencing at the Southwest corner of Lot 5, Block A, Wanamaker West Subdivision, recorded in Register of Deeds Book 34, Page 50; thence North 90 degrees 00 minutes 00 seconds West, along the South line of Lots 1 and 2, Block A of said Wanamaker West Subdivision No. 3, a distance of 210.18 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 278.50 feet to the Point of Beginning; thence North 90 degrees 00 minutes 00 seconds West, a distance of 30.00 feet to the Point of Termination.

Also, a tract 15-feet wide along the following described centerline commencing at the southwest corner of Lot 5, Block A, Wanamaker West Subdivision, recorded in Register of Deeds Book 34, Page 50; thence North 90 degrees 00 minutes 00 seconds West, along the South line of Lot 3, Block A of said Wanamaker West Subdivision, a distance of 210.18 feet to the Point of Beginning; thence South 00 degrees 00 minutes 00 seconds East, a distance of 244.88 feet to the Point of Termination.

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 water line easements located within the City of Topeka, Kansas:

The following described tracts of land are located in Lots 1 and 2, Block A, Wanamaker West Subdivision No. 3, City of Topeka, Shawnee County, Kansas.

A tract 15-feet wide along the following described centerline commencing at the Southwest corner of Lot 5, Block A, Wanamaker West Subdivision, recorded in Register of Deeds Book 34, Page 50; thence North 90 degrees 00 minutes 00 seconds West, along the South line of Lot 3, Block A of said Wanamaker West Subdivision, a distance of 210.18 feet to the Point of Beginning; thence North 00 degrees 00 minutes 00 seconds East, a distance of 289.90 feet to the Point of Termination.

Also, a tract 15-feet wide along the following described centerline commencing at the Southwest corner of Lot 5, Block A, Wanamaker West Subdivision, recorded in Register of Deeds Book 34, Page 50; thence North 90 degrees 00 minutes 00 seconds West, along the South line of Lot 3, Block A of said Wanamaker West Subdivision, a distance of 210.18 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 33.50 feet to the Point of Beginning; thence North 90 degrees 00 minutes 00 seconds East, a distance of 166.00 feet to the Point of Termination.

Also, a tract 15-foot wide along the following described centerline commencing at the Southwest corner of Lot 5, Block A, Wanamaker West Subdivision, recorded in Register of Deeds Book 34, Page 50; thence North 90 degrees 00 minutes 00 seconds West, along the South line of Lots 1 and 2, Block A of said Wanamaker West Subdivision No. 3, a distance of 210.18 feet; thence North 00 degrees 00 minutes 00 seconds East, a distance of 278.50 feet to the Point of Beginning; thence North 90 degrees 00 minutes 00 seconds West, a distance of 30.00 feet to the Point of Termination.

Also, a tract 15-foot wide along the following described centerline commencing at the southwest corner of Lot 5, Block A, Wanamaker West Subdivision, recorded in Register of Deeds Book 34, Page 50; thence North 90 degrees 00 minutes 00 seconds West, along the South line of Lot 3, Block A of said Wanamaker West Subdivision, a distance of 210.18 feet to the Point of Beginning; thence South 00 degrees 00 minutes 00 seconds East, a distance of 244.88 feet to the Point of Termination.

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 July 17, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified __

Not To Be Codified X