

(Published in the Topeka Metro News August 15, 2007)

**ORDINANCE NO. 18940**

**AN ORDINANCE** introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a platted 13-foot wide access and utility easement located at the southeast corner of SE 10<sup>th</sup> Avenue and SE Wittenberg Road in I-70 Industrial Park Subdivision No. 6, City of Topeka, Shawnee County, Kansas. **(V07E/9) (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 Reser's Fine Foods, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted access and utility easement located within the City of Topeka, Shawnee County, Kansas:

**A tract situated in Lot 2, Block A, I-70 Industrial Park Subdivision No. 6, City of Topeka, Shawnee County, Kansas:**

**Commencing at the northeast corner of Lot 2, Block A; thence on Azimuth 179 degrees 37 minutes 46 seconds, coincident with the east line of said Lot 2, a distance of 15.00 feet to the south line of a 15.00 foot utility easement, recorded in Book 37 Page 40; thence on Azimuth 268 degrees 57 minutes 37 seconds, coincident with south line of said utility easement and also parallel with and 15 feet south of the north line of said lot, a distance of 17.00 feet to the point of beginning; thence on Azimuth 179 degrees 37 minutes 46 seconds, parallel with and 17.00 feet west of said east line, a distance of 228.00 feet; thence on Azimuth 269 degrees 37 minutes 46 seconds, perpendicular to said east line, a distance of 10.50 feet; thence on Azimuth 179 degrees 37 minutes 46 seconds, parallel with and 27.50 feet west of said east line, a distance of 15.00 feet; thence on Azimuth 89 degrees 37 minutes 46 seconds, perpendicular to said east line, a distance of 10.50 feet; thence on Azimuth 179 degrees 37 minutes 46 seconds, parallel with and 17.00 feet west of said east line, a distance of 192.00 feet to the south line of said Lot 2; thence on Azimuth 268 degrees 57 minutes 37 seconds, coincident with said south line a distance of 13.00 feet; thence on Azimuth 359 degrees 37 minutes 46 seconds, parallel with and 30.00 feet west of said east line, a distance of 435.00 feet to the south line of said 15.00 foot utility easement; thence on Azimuth 88 degrees 57 minutes 37 seconds, coincident with said easement, a distance of 13.00 feet 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 August 7, 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:

**A tract situated in Lot 2, Block A, I-70 Industrial Park Subdivision No. 6, City of Topeka, Shawnee County, Kansas:**

**Commencing at the northeast corner of Lot 2, Block A; thence on Azimuth 179 degrees 37 minutes 46 seconds, coincident with the east line of said Lot 2, a distance of 15.00 feet to the south line of a 15.00 foot utility easement, recorded in Book 37 Page 40; thence on Azimuth 268 degrees 57 minutes 37 seconds, coincident with south line of said utility easement and also parallel with and 15 feet south of the north line of said lot, a distance of 17.00 feet to the point of beginning; thence on Azimuth 179 degrees 37 minutes 46 seconds, parallel with and 17.00 feet west of said east line, a distance of 228.00 feet; thence on Azimuth 269 degrees 37 minutes 46 seconds, perpendicular to said east line, a distance of 10.50 feet; thence on Azimuth 179 degrees 37 minutes 46 seconds, parallel with and 27.50 feet west of said east line, a distance of 15.00 feet; thence on Azimuth 89 degrees 37 minutes 46 seconds, perpendicular to said east line, a distance of 10.50 feet; thence on Azimuth 179 degrees 37 minutes 46 seconds, parallel with and 17.00 feet west of said east line, a distance of 192.00 feet to the south line of said Lot 2; thence on Azimuth 268 degrees 57 minutes 37 seconds, coincident with said south line a distance of 13.00 feet; thence on Azimuth 359 degrees 37 minutes 46 seconds, parallel with and 30.00 feet west of said east line, a distance of 435.00 feet to the south line of said 15.00 foot utility easement; thence on Azimuth 88 degrees 57 minutes 37 seconds, coincident with said easement, a distance of 13.00 feet to the point of beginning.**

**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 August 7, 2007.

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk

To Be Codified

Not To Be Codified