

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

**ORDINANCE NO. 18941**

**AN ORDINANCE** introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 45-foot wide strip of public street right-of-way located along the south side of NW 25<sup>th</sup> Street and east of NW Clay Street, City of Topeka, Shawnee County, Kansas. **(V07S/4) (Council District No. 2)**

**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 Pipedreams Development, Inc., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described street right-of-way located within the City of Topeka, Shawnee County, Kansas:

**A tract in the North Half of the Southeast Quarter of Section 18, Township 11 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Northwest corner of said Southeast Quarter; thence on an assumed bearing of South 0°09'15" East on the West line of said Southeast Quarter, 844.48 feet to an intersection with the South line of Northwest 25<sup>th</sup> Street, formerly Highway K-172 and US-40, as condemned in Shawnee County District Court, Case No. 51120; thence South 56°38'15" East on the South line of NW 25<sup>th</sup> Street, 35.98 feet to the Northwest corner of Lot 5, Block A in Messer-Rivoux Subdivision; thence South 56°38'15" East on the Northeast line of said subdivision, 509.02 feet; thence southeasterly on the Northeast line of Messer-Rivoux Subdivision, on a curve concave northeasterly, having a radius measure of 1985.10 feet and an arc length of 192.84 feet, the chord of which bears South 59°25'13" East, 192.76 feet; thence North 27°47'48" East radial from said curve, 45.00 feet; thence northwesterly on a curve concave northeasterly, having a radius measure of 1940.10 feet and an arc length of 188.47 feet, the chord of which bears North 59°25'13" West, 188.39 feet; thence North 56°38'15" West on a line 45.00 feet northeasterly distant from the Northeast line of Messer-Rivoux Subdivision, 538.82 feet; thence South 0°09'15" East on a line 30.00 feet easterly distant from the West line of said Southeast Quarter, 53.98 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 street right-of-way located within the City of Topeka, Kansas:

**A tract in the North Half of the Southeast Quarter of Section 18, Township 11 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Northwest corner of said Southeast Quarter; thence on an assumed bearing of South 0°09'15" East on the West line of said Southeast Quarter, 844.48 feet to an intersection with the South line of Northwest 25<sup>th</sup> Street, formerly Highway K-172 and US-40, as condemned in Shawnee County District Court, Case No. 51120; thence South 56°38'15" East on the South line of NW 25<sup>th</sup> Street, 35.98 feet to the Northwest corner of Lot 5, Block A in Messer-RivauX Subdivision; thence South 56°38'15" East on the Northeast line of said subdivision, 509.02 feet; thence southeasterly on the Northeast line of Messer-RivauX Subdivision, on a curve concave northeasterly, having a radius measure of 1985.10 feet and an arc length of 192.84 feet, the chord of which bears South 59°25'13" East, 192.76 feet; thence North 27°47'48" East radial from said curve, 45.00 feet; thence northwesterly on a curve concave northeasterly, having a radius measure of 1940.10 feet and an arc length of 188.47 feet, the chord of which bears North 59°25'13" West, 188.39 feet; thence North 56°38'15" West on a line 45.00 feet northeasterly distant from the Northeast line of Messer-RivauX Subdivision, 538.82 feet; thence South 0°09'15" East on a line 30.00 feet easterly distant from the West line of said Southeast Quarter, 53.98 feet 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 an utility easement to be established for existing utilities only over the described property as set forth in Section 4 and does hereby order the retention of the below described area as easement:

**A tract in the North Half of the Southeast Quarter of Section 18, Township 11 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Northwest corner of said Southeast Quarter; thence on an assumed bearing of South 0°09'15" East on the West line of said Southeast Quarter, 844.48 feet to an intersection with the South line of Northwest 25<sup>th</sup> Street, formerly Highway K-172 and US-40, as condemned in Shawnee County District Court, Case No. 51120; thence South 56°38'15" East on the South line of NW 25<sup>th</sup> Street, 35.98 feet to the**

Northwest corner of Lot 5, Block A in Messer-Rivoux Subdivision; thence South 56°38'15" East on the Northeast line of said subdivision, 509.02 feet; thence southeasterly on the Northeast line of Messer-Rivoux Subdivision, on a curve concave northeasterly, having a radius measure of 1985.10 feet and an arc length of 192.84 feet, the chord of which bears South 59°25'13" East, 192.76 feet; thence North 27°47'48" East radial from said curve, 45.00 feet; thence northwesterly on a curve concave northeasterly, having a radius measure of 1940.10 feet and an arc length of 188.47 feet, the chord of which bears North 59°25'13" West, 188.39 feet; thence North 56°38'15" West on a line 45.00 feet northeasterly distant from the Northeast line of Messer-Rivoux Subdivision, 538.82 feet; thence South 0°09'15" East on a line 30.00 feet easterly distant from the West line of said Southeast Quarter, 53.98 feet 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 August 7, 2007.

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William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk

To Be Codified \_\_\_  
Not To Be Codified X