(Published in the Topeka Metro News September 19, 2007)

ORDINANCE NO. 18962

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of the west one-half of an unimproved public alley right-of-way in Keystone Addition located east of 1609 SE 32nd Street, City of Topeka, Shawnee County, Kansas. **(V07A/6) (Council District No. 4)**

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 Deidre Birzer, as property owner, 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:

> **The West one-half of an alley in Keystone Addition in the City of Topeka, Shawnee County, Kansas, the West line of which is coincident with the East lines of Lots 434, 436, 438, 440 and 442 on Minnesota Avenue, formerly Wisconsin Avenue, extending from a prolongation of the North line of Lot 434 to a prolongation of the South line of Lot 442.**

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on September 11, 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:

> **The West one-half of an alley in Keystone Addition in the City of Topeka, Shawnee County, Kansas, the West line of which is coincident with the East lines of Lots 434, 436, 438, 440 and 442 on Minnesota Avenue, formerly Wisconsin Avenue, extending from a prolongation of the North line of Lot 434 to a prolongation of the South line of Lot 442.**

Section 5. That the Council of the City of Topeka does hereby find that justice further requires the provision for a 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 sanitary sewer easement:

> **The West one-half of an alley in Keystone Addition in the City of Topeka, Shawnee County, Kansas, the West line of which is coincident with the East lines of Lots 434, 436, 438, 440 and 442 on Minnesota Avenue, formerly Wisconsin Avenue, extending from a prolongation of the North line of Lot 434 to a prolongation of the South line of Lot 442.**

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 September 11, 2007.

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William W. Bunten, Mayor

ATTEST:

_____
Brenda Younger, City Clerk

To Be Codified __

Not To Be Codified X