

(Published in the Topeka Metro News October 3, 2007)

ORDINANCE NO. 18968

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of 16-foot wide public unimproved alley right-of-way located south of SE 3rd Street between SE Swygart Street and SE Davies Street, City of Topeka, Shawnee County, Kansas. (V07A/4) (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 Roy V. Uhl Company, Inc., 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 an alley in Western Land and Lot Company's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Northwest corner of Lot 301 on Market Street; thence southerly on the East line of an alley to a point on the West line of Lot 321 on Market Street which is 112.78 feet northerly distant from the Southwest corner of Lot 329 on Market Street; thence northwesterly on a non-tangential curve which is concave northeasterly and having a radius measure of 732.56 feet, to a point on the West line of said alley which is 7.35 feet southerly distant from the Northeast corner of Lot 322 on Swygart Street; thence northerly on the West line of said alley to the Northeast corner of Lot 302 on Swygart Street; thence easterly 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 September 18, 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 an alley in Western Land and Lot Company's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Northwest corner of Lot 301 on Market Street; thence southerly on the East line of an alley to a point on the West line of Lot 321 on Market Street which is 112.78 feet northerly distant from the Southwest corner of Lot 329 on Market Street; thence northwesterly on a non-tangential curve which is concave northeasterly and having a radius measure of 732.56 feet, to a point on the West line of said alley which is 7.35 feet southerly distant from the Northeast corner of Lot 322 on Swygart Street; thence northerly on the West line of said alley to the Northeast corner of Lot 302 on Swygart Street; thence easterly 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 public utility and 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 public utility easement:

A portion of a platted alley in Western Land and Lot Company's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Northwest corner of Lot 301 on Market Street; thence southerly on the East line of an alley 114 feet; thence westerly, to a point on the West line of said alley which is 114 feet southerly distant from the Northeast corner of Lot 302 on Swygart Street; thence northerly on the West line of said alley to the Northeast corner of Lot 302 on Swygart Street; thence easterly 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 September 25, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified

Not To Be Codified