

(Published in the Topeka Metro News October 24, 2007)

ORDINANCE NO. 18979

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a platted utility easement located at the southwest corner of SE Quincy Street and SE Lakewood Boulevard in Jefferson Square Subdivision No. 2, City of Topeka, Shawnee County, Kansas. (V07E/11) (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 Stratham Sales Co., Inc., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted utility easement located within the City of Topeka, Shawnee County, Kansas:

A utility easement in Block U, Jefferson Square Subdivision No. 2, City of Topeka, Shawnee County, Kansas, as recorded in Book 27, Page 24 at the office of the County Register of Deeds; more particularly described as follows:

Beginning at the northeast corner of Lot 1, in said Block U; thence, coincident with the East line of said Lot 1, South 36 degrees 07 minutes 00 seconds West 124.75 feet; thence North 00 degrees 39 minutes 07 seconds East 163.13 feet to a point on the North line of said Lot 1; thence coincident with said North line, on a non-tangent curve to the left, said curve having a radius of 320.00 feet, a central angle of 12 degrees 55 minutes 51 seconds, and an arc length of 72.22 feet; thence, continuing along said North line, South 53 degrees 53 minutes 00 seconds East, to the point of beginning; containing 5,713 square feet, more or less.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on October 16, 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 utility easement located within the City of Topeka, Kansas:

A utility easement in Block U, Jefferson Square Subdivision No. 2, City of Topeka, Shawnee County, Kansas, as recorded in Book 27, Page 24 at the office of the County Register of Deeds; more particularly described as follows:

Beginning at the northeast corner of Lot 1, in said Block U; thence, coincident with the East line of said Lot 1, South 36 degrees 07 minutes 00 seconds West 124.75 feet; thence North 00 degrees 39 minutes 07 seconds East 163.13 feet to a point on the North line of said Lot 1; thence coincident with said North line, on a non-tangent curve to the left, said curve having a radius of 320.00 feet, a central angle of 12 degrees 55 minutes 51 seconds, and an arc length of 72.22 feet; thence, continuing along said North line, South 53 degrees 53 minutes 00 seconds East, to the point of beginning; containing 5,713 square feet, more or less.

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 October 16, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ___

Not To Be Codified X