

(Published in the Topeka Metro News November 28, 2007)

ORDINANCE NO. 18994

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 50-foot wide strip of public street right-of-way located along the east side of SE Deer Creek Parkway about 600' south of SE 6th Avenue, City of Topeka, Shawnee County, Kansas. **(V07S/6)**
(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 street right-of-way located within the City of Topeka, Shawnee County, Kansas:

A Portion of Deer Creek Parkway in the Northeast Quarter of Section 4, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee Count, Kansas, described as: Commencing at the Southwest corner of Lot 1, Block A in Reser's Subdivision, thence on a plat bearing of North 0°01'40" West on the most westerly line of Lot 1, 82.56 feet to the point of beginning; thence northerly on the West curved line of Lot 1, concave westerly, having a radius measure of 856.00 feet and an arc length of 244.90 feet, the chord of which bears North 25°13'34" East, 244.07 feet; thence North 72°58'13" West, 50.00 feet; thence southerly on a curve concentric with the West curved line of Lot 1, having a radius measure of 806.00 feet and an arc length of 230.60 feet, the chord of which bears South 25°13'34" West, 229.81 feet; thence South 56°34'40" East 50.00 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 November 20, 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 Portion of Deer Creek Parkway in the Northeast Quarter of Section 4, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee Count, Kansas, described as: Commencing at the Southwest corner of Lot 1, Block A in Reser's Subdivision, thence on a plat bearing of North 0°01'40" West on the most westerly line of Lot 1, 82.56 feet to the point of beginning; thence northerly on the West curved line of Lot 1, concave westerly, having a radius measure of 856.00 feet and an arc length of 244.90 feet, the chord of which bears North 25°13'34" East, 244.07 feet; thence North 72°58'13" West, 50.00 feet; thence southerly on a curve concentric with the West curved line of Lot 1, having a radius measure of 806.00 feet and an arc length of 230.60 feet, the chord of which bears South 25°13'34" West, 229.81 feet; thence South 56°34'40" East 50.00 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 the retention of a drainage easement, a stream buffer easement and a utility easement over the described property as set forth in Section 4 and does hereby order the retention of the below described area as easement:

Drainage and stream buffer easement:

A Portion of Deer Creek Parkway in the Northeast Quarter of Section 4, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee Count, Kansas, described as: Commencing at the Southwest corner of Lot 1, Block A in Reser's Subdivision, thence on a plat bearing of North 0°01'40" West on the most westerly line of Lot 1, 82.56 feet to the point of beginning; thence northerly on the West curved line of Lot 1, concave westerly, having a radius measure of 856.00 feet and an arc length of 223.66 feet, the chord of which bears North 25°56'23" East, 223.03 feet; thence North 71°32'55" West, 50.00 feet; thence southerly on a curve concentric with the West curved line of Lot 1, having a radius measure of 806.00 feet and an arc length of 210.60 feet, the chord of which bears South 25°56'13" West, 210.00 feet; thence South 56°34'40" East 50.00 feet to the point of beginning.

Utility easement:

A Portion of Deer Creek Parkway in the Northeast Quarter of Section 4, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee Count, Kansas, described as: Commencing at the Southwest corner of Lot 1, Block A in Reser's Subdivision, thence on a plat bearing of North 0°01'40" West on the most westerly line of Lot 1, 82.56 feet to the point of beginning; thence northerly on the West curved line of Lot 1, concave westerly, having a radius measure of 856.00 feet and an arc length of 244.90 feet, the chord of which bears North 25°13'34" East, 244.07 feet; thence North 72°58'13" West, 50.00 feet; thence southerly on a curve concentric with the West curved

line of Lot 1, having a radius measure of 806.00 feet and an arc length of 230.60 feet, the chord of which bears South 25°13'34" West, 229.81 feet; thence South 56°34'40" East 50.00 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 November 20, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ___
Not To Be Codified X