

(Published in the Topeka Metro News December 12, 2007)

ORDINANCE NO. 19004

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of a platted sanitary sewer easement and a portion of a drainage easement located west of SW Wanamaker Road between SW 29th Street and SW 30th Terrace in Wanamaker West Subdivision No. 3, City of Topeka, Shawnee County, Kansas. **(V07E/15) (Council District No. 8)**

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 Hy-Vee, Inc., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described portion of a platted sanitary sewer easement and a portion of a drainage easement located within the City of Topeka, Shawnee County, Kansas:

Sanitary Sewer Easement:

A portion of a platted 16 feet wide sanitary sewer easement on Lot 1, Block A in Wanamaker West Subdivision No. 3 in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Northwest corner of Lot 1, Block A in Wanamaker West Subdivision No 2; thence on an assumed bearing of South 0°00'00" West on the West line of the last said Lot 1, 6.22 feet to an intersection with the South line of a platted 16 feet wide utility easement; thence North 90°00'00" West on the South line of said utility easement, 225.83 feet; thence South 0°00'00" East, 123.64 feet to the point of beginning; thence continuing on South 0°00'00" East, 115.00 feet to the point of termination.

Drainage Easement:

A portion of a platted 30 feet wide drainage easement on Lot 1, Block A in Wanamaker West Subdivision No. 3 in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southeast corner of Lot 1, Block A in Wanamaker West Subdivision No 2, said corner being on the West line of SW Wanamaker Road; thence on an assumed bearing of North 90°00'00" West on the South line of the last said Lot 1, 11.27 feet the point of beginning; thence South 3°18'48" West, 50.26 feet to a point on the North line of Lot 3, Block A in Wanamaker West Subdivision No. 2; thence North 90°00'00" West on the North line of Lot 3, 15.82 feet to an intersection with the West line of said drainage easement; thence North 0°00'00" East on the West line of said drainage easement, 50.00 feet to the South line of the last said Lot 1; thence North 90°00'00" East on the South line of the last said Lot 1, 18.73 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 December 4, 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 portion of a platted sanitary sewer easement and a portion of a drainage easement located within the City of Topeka, Kansas:

Sanitary Sewer Easement:

A portion of a platted 16 feet wide sanitary sewer easement on Lot 1, Block A in Wanamaker West Subdivision No. 3 in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Northwest corner of Lot 1, Block A in Wanamaker West Subdivision No 2; thence on an assumed bearing of South 0°00'00" West on the West line of the last said Lot 1, 6.22 feet to an intersection with the South line of a platted 16 feet wide utility easement; thence North 90°00'00" West on the South line of said utility easement, 225.83 feet; thence South 0°00'00" East, 123.64 feet to the point of beginning; thence continuing on South 0°00'00" East, 115.00 feet to the point of termination.

Drainage Easement:

A portion of a platted 30 feet wide drainage easement on Lot 1, Block A in Wanamaker West Subdivision No. 3 in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southeast corner of Lot 1, Block A in Wanamaker West Subdivision No 2, said corner being on the West line of SW Wanamaker Road; thence on an assumed bearing of North 90°00'00" West on the South line of the last said Lot 1, 11.27 feet the point of beginning; thence South 3°18'48" West, 50.26 feet to a point on the North line of Lot 3, Block A in Wanamaker West Subdivision No. 2; thence North 90°00'00" West on the North line of Lot 3, 15.82 feet to an intersection with the West line of said drainage easement; thence North 0°00'00" East on the West line of said drainage easement, 50.00 feet to the South line of the last said Lot 1; thence North 90°00'00" East on the South line of the last said Lot 1, 18.73 feet to the point of beginning.

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 December 4, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified

Not To Be Codified