

ORDINANCE NO. 20381

ORDINANCE introduced by City Manager Stephen M. Wade relating to the vacation of the south 8' of a public utility easement along the north side of property at 2880 SE California Avenue, excepting out the 8' X 16' portion needed for maintenance and repair of the City public asset. (Council District #4)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That pursuant to the requirements of K.S.A. 12-504 as amended, a petition by McDonald's Corporation, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described public easement located within the City of Topeka, Shawnee County, Kansas:

LEGAL DESCRIPTION

THE NORTH 8 FEET OF LOT 1, BLOCK A, PARK VALLEY SUBDIVISION NO. 5
TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS;

LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1;
THENCE ON AN ASSUMED BEARING OF N88°32'22"E ALONG THE NORTH LINE
OF SAID LOT 1, A DISTANCE OF 125.04 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING N88°32'22"E ALONG SAID NORTH LINE, A DISTANCE OF
16.01 FEET;
THENCE S00°03'58"W A DISTANCE OF 8.00 FEET;
THENCE S88°32'22"W A DISTANCE OF 16.01 FEET;
THENCE N00°03'58"E A DISTANCE OF 8.00 FEET TO THE POINT OF
BEGINNING.
CONTAINS 2,352 SQUARE FEET, 0.054 ACRES, 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 **November 1, 2022**, the petition is ready for determination by the Governing Body of the City of Topeka, Kansas.

Section 3. That the Governing Body 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 Governing Body 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 public easement located within the City of Topeka, Kansas:

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TO THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS;

LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT:

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THENCE N00°03'58"E A DISTANCE OF 8.00 FEET TO THE POINT OF
BEGINNING.
CONTAINS 2,352 SQUARE FEET, 0.054 ACRES, MORE OR LESS.

Section 5. 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 6. 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 Governing Body of the City of Topeka November 1, 2022.

Michael Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk