

(Published in the Topeka Metro News December 19, 2022)

ORDINANCE NO. 20393

ORDINANCE introduced by City Manager Stephen M. Wade relating to the partial vacation of a 16' wide sanitary sewer easement located on Lot 1, Block A, West Ridge Mall Subdivision #13 at 1717 SW Wanamaker Road to allow for a preferred alignment of the sanitary service line that will serve a new building. **(V22E/03) (Council District No. 9).**

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 Agree Central LLC, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described portion of public utility easement located within the City of Topeka, Shawnee County, Kansas:

DESCRIPTION: (Partial Easement Vacation)

That portion of a 16 foot wide sanitary sewer and utility easement as recorded in Book 2750 at Page 968 being 8 feet on each side of the following described centerline being all that part in Lot 1, Block A, West Ridge Mall Subdivision No. 13, a recorded subdivision as filed in the Shawnee County Register of Deeds Office, in Book 55, at Page 146, lying in the Southeast Quarter of Section 5, Township 12 South, Range 15 East, of the Sixth Principle Meridian, Topeka, Shawnee County, Kansas, described by Jason R. Loader, PS-1462, on this 2nd Day of August 2022 as follows:

Commencing at the Southwest corner of said Lot 1; thence South 89°56'20" East (this and all the following bearings are based on the recorded plat of West Ridge Mall Subdivision No. 13) on the South line of said Lot 1, a distance of 40.86 feet to a point of intersection of said centerline and the South line of said Lot 1; thence North 05°58'30" East on said centerline, a distance of 25.18 feet to the **POINT OF BEGINNING**; thence continuing North 05°58'30" East on said centerline, a distance of 82.72 feet to the Point of Terminus.

The above description was created with the benefit of ground survey performed October 5, 2021 (KVE project C21_1151). The exterior lines of this easement shall be extended or truncated as necessary to stop at all outside faces of permanent structures and at all angle points to form a closed figure.

Contains 1,324 square feet or 0.030 acres more or less.

End of Description

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on **December 13, 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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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, Kansas, December 13, 2022.

CITY OF TOPEKA, KANSAS

Michael Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk