

(Published in the Topeka Metro News September 18, 2023)

ORDINANCE NO. 20451

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt relating to the partial vacation of a 16' wide sanitary sewer easement located on Lot 1, Block A, Helping Hands Humane Society Subdivision at 2625 NW Rochester Road to allow for a building expansion and alignment of the sanitary service line serving the building addition **(V23E/02) (Council District No. 2)**.

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 file by Cromwell, Michael L and Elizabeth F., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described portion of public sanitary sewer easement located within the City of Topeka, Shawnee County, Kansas:

Description:

All that part of an existing 16 foot wide sanitary sewer easement as described in Book 2710, Page 82 in the Shawnee County Register of Deeds Office, also, an existing 16 foot wide prescriptive easement, all being in Lot 1, Block A, Helping Hands Humane Society, a Subdivision in the City of Topeka, Shawnee County, Kansas, the centerline of which is being described by Richard T. Schmidt, PS 919, on May 26, 2023, as follows: Commencing at the Southeast corner of said Lot 1; thence Westerly along the South line of said Lot on the platted bearing of S88°24'01"W, 433.43 feet; thence N22°46'59"E, 15.72 feet; thence N26°39'25"E, 8.27 feet for the POINT OF BEGINNING of that portion of the recorded easement to be vacated; thence continuing N26°39'25"E, 151.20 feet to Point 'A'; thence continuing N26°39'25"E, 8.00 feet to the point of terminus of said recorded easement. Said easement contains 2547 sq ft more or less.

ALSO BEGINNING at said Point 'A'; thence N88°35'03"E, 104.25 feet to the point of terminus of said prescriptive easement. Said easement contains 1550 sq ft 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 **September 12, 2023**, 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 sanitary sewer easement located within the City of Topeka, Kansas:

Description:

All that part of an existing 16 foot wide sanitary sewer easement as described in Book 2710, Page 82 in the Shawnee County Register of Deeds Office, also, an existing 16 foot wide prescriptive easement, all being in Lot 1, Block A, Helping Hands Humane Society, a Subdivision in the City of Topeka, Shawnee County, Kansas, the centerline of which is being described by Richard T. Schmidt, PS 919, on May 26, 2023, as follows: Commencing at the Southeast corner of said Lot 1; thence Westerly along the South line of said Lot on the platted bearing of S88°24'01"W, 433.43 feet; thence N22°46'59"E, 15.72 feet; thence N26°39'25"E, 8.27 feet for the POINT OF BEGINNING of that portion of the recorded easement to be vacated; thence continuing N26°39'25"E, 151.20 feet to Point 'A'; thence continuing N26°39'25"E, 8.00 feet to the point of terminus of said recorded easement. Said easement contains 2547 sq ft more or less.

ALSO BEGINNING at said Point 'A'; thence N88°35'03"E, 104.25 feet to the point of terminus of said prescriptive easement. Said easement contains 1550 sq ft 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 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 Governing Body of the City of Topeka, Kansas, September 12, 2023

Michael Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk