

(Published in the Topeka Metro News October 9, 2023)

ORDINANCE NO. 20459

ORDINANCE introduced by Interim City Manager Richard U. Nienstedt relating to the vacation of a 16 – 18 ft. wide public alley lying on the west side of property located at 301 SE Swygart Street in the City of Topeka, Shawnee County, Kansas (*V23A/02*) (*Council District No. 3*)

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 JTA Properties LLC, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public alley located within the City of Topeka, Shawnee County, Kansas:

Legal Description of Alley to be Vacated

A tract of land in Western Land and Lot Company's Addition to the City of Topeka, Shawnee County, Kansas. Lying in the Southwest Quarter (SW $\frac{1}{4}$) of Section 33, Township 11 South, Range 16 East of the 6th Principal Meridian, Shawnee County, Kansas.

More particularly described, by Joel A. Wegele L.S. 1333, as follows:

Beginning at the N.W. Corner of Lot 301 on S.E. Swygart Street in the above mentioned Addition, thence S0°36'32"W (WGS-84 Bearings) on the West Line of Lot 301, 303 and 305 a distance of 50.43 feet to the North Line of the Shunganunga Creek Flood Control R/W, recorded in Book 1594 Page 464 in the above mentioned County's Register of Deeds Office. Thence N58°24'31"W on the North R/W Line of said Creek a distance of 18.66 feet to the East Line of Lot 304 on S.E. California Avenue in the Said Addition. Thence N0°36'32"E on the East Line of Lot 304 and 302 on said Avenue and in Said Addition a distance of 40.30 feet to the Northeast Corner Lot 302 on said Avenue in Said Addition. Thence N88°43'31"E, 16.01 feet to the Point of Beginning, containing 725.79 square feet, 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 **October 3, 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 alley right-of-way 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 October 3, 2023

Michael Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk