

(Published in the Topeka Metro News December 4, 2023)

**ORDINANCE NO. 20465**

**ORDINANCE** introduced by Interim City Manager Richard U. Nienstedt relating to the vacation of a 20' wide public alley extending east-west and located between properties lying at 410 SW 6<sup>th</sup> Avenue and 523 SW Harrison Street in the City of Topeka, Shawnee County, Kansas (*V23A/01*) (*Council District No. 1*)

**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 Clay Sherwood Rentals LLC, as property owner, 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:

**DESCRIPTION TRACT 1:**

A tract of land in the Original Town Plan of Topeka in the City of Topeka, Shawnee County, Kansas. Prepared by John B. Kramer P.S. 1331 on June 8, 2023; more particularly described as follows;

A 20' wide Tract of land being the alleyway lying South of Lot 167 on Southwest Harrison Street and North of Even Lots 14–24 on Southwest Sixth Avenue East, in the Original Town Plan of Topeka.

**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 alley located within the City of Topeka, Kansas:

**DESCRIPTION TRACT 1:**

A tract of land in the Original Town Plan of Topeka in the City of Topeka, Shawnee County, Kansas. Prepared by John B. Kramer P.S. 1331 on June 8, 2023; more particularly described as follows;

A 20' wide Tract of land being the alleyway lying South of Lot 167 on Southwest Harrison Street and North of Even Lots 14–24 on Southwest Sixth Avenue East, in the Original Town Plan of Topeka.

**Section 5.** That the Council of the City of Topeka does hereby find that justice further requires the provision for a “public utility easement” to be established over the described property as set forth in Section 4 and does hereby order the retention of the below described area as a “public utility easement”:

**DESCRIPTION TRACT 1:**

A tract of land in the Original Town Plan of Topeka in the City of Topeka, Shawnee County, Kansas. Prepared by John B. Kramer P.S. 1331 on June 8, 2023; more particularly described as follows;

A 20' wide Tract of land being the alleyway lying South of Lot 167 on Southwest Harrison Street and North of Even Lots 14–24 on Southwest Sixth Avenue East, in the Original Town Plan of Topeka.

**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 Governing Body of the City of Topeka November 21, 2023

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Michael Padilla, Mayor

ATTEST:

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Brenda Younger, City Clerk