

(Published in the Topeka Metro News March 5, 2008)

ORDINANCE NO. 19043

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 50-foot wide portion of a 100-foot wide platted drainage easement being the west 50-feet of the east 100-feet of Lots 4 and 5, Block A, Butler Plaza Subdivision, located north of SW 29th Street between SW Fairlawn Road and SW Prairie Road, City of Topeka, Shawnee County, Kansas. **(V07E/12) (Council District No. 7)**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That pursuant to the requirements of K.S.A. 12-504 as amended, a petition by 2820 L.L.C., as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described platted drainage easement located within the City of Topeka, Shawnee County, Kansas:

The west 50-feet of the east 100-feet of Lots 4 and 5, Block "A", Butler Plaza Subdivision in the City of Topeka, Shawnee County, Kansas.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on February 19, 2008 the petition is ready for determination by the Council of the City of Topeka, Kansas.

Section 3. That the Council 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 Council 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 platted drainage easement located within the City of Topeka, Kansas:

The west 50-feet of the east 100-feet of Lots 4 and 5, Block "A", Butler Plaza Subdivision in the City of Topeka, Shawnee County, Kansas.

Section 5. That the Council of the City of Topeka does hereby find that justice further requires

vacation of the 50-foot wide portion of the 100-foot wide platted drainage easement is to be contingent upon implementation of the Water Pollution Control Division (WPC) approved drainage ditch design and construction within the remaining drainage easement.

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 Council of the City of Topeka February 26, 2008.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____
Not To Be Codified __X__