

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

ORDINANCE NO. 19044

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of a platted utility easement located at 1515 SW Arrowhead Road, City of Topeka, Shawnee County, Kansas. (V08E/1) (Council District No. 9)

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 Ellite Investments, Inc., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted utility easement located within the City of Topeka, Shawnee County, Kansas:

The North eight feet of Lot 4, Block D, Shawnee Hills Village Subdivision No. 2, City of Topeka, Shawnee County, Kansas, the Northerly line of which being coincident with the South line of Lot 3, Block D, Shawnee Hills Village Subdivision No. 2. Except the West 16 feet thereof.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on February 26, 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 utility easement located within the City of Topeka, Kansas:

The North eight feet of Lot 4, Block D, Shawnee Hills Village Subdivision No. 2, City of Topeka, Shawnee County, Kansas, the Northerly line of which being coincident with the South line of Lot 3, Block D, Shawnee Hills Village Subdivision No. 2. Except the West 16 feet thereof.

Section 5. This vacation shall not affect any other underlying easements or restrictions whether platted or by instrument.

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 March 5, 2008.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____
Not To Be Codified X