

(Published in the Topeka Metro News July 2, 2008)

ORDINANCE NO. 19110

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of a platted street right-of-way in White Oak Grove Subdivision and located on NW Howard Street between NW Lincoln and NW Lane Streets, City of Topeka, Shawnee County, Kansas. **(V08S/4) (Council District No. 2)**

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 the City of Topeka, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted street right-of-way located within the City of Topeka, Shawnee County, Kansas:

A tract in the fractional Northwest Quarter of Section 19, Township 11 South, Range 16 east of the 6th P.M. in the City of Topeka, Shawnee County, Kansas described as: Beginning at the Southwest corner of Lot 51 on Lincoln Street in White Oak Grove; thence westerly, on an extension of the North line of Howard Street, to an intersection with the West line of the right-of-way of the former Chicago, Kansas and Nebraska Railway Company, recorded as a 100-foot wide strip in Volume 123 at Page 325; thence southeasterly, on the West line of said right-of-way, to an intersection with an extension of the South line of 7th Street in Cross Addition; thence easterly, on an extension of the South line of 7th street, to an intersection with the East line of said right-of-way; thence northwesterly to the point of beginning.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on June 24, 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 street right-of-way located within the City of Topeka, Kansas:

A tract in the fractional Northwest Quarter of Section 19, Township 11 South, Range 16 east of the 6th P.M. in the City of Topeka, Shawnee County, Kansas described as: Beginning at the Southwest corner of Lot 51 on Lincoln Street in White Oak Grove; thence westerly, on an extension of the North line of Howard Street, to an intersection with the West line of the right-of-way of the former Chicago, Kansas and Nebraska Railway Company, recorded as a 100-foot wide strip in Volume 123 at Page 325; thence southeasterly, on the West line of said right-of-way, to an intersection with an extension of the South line of 7th Street in Cross Addition; thence easterly, on an extension of the South line of 7th street, to an intersection with the East line of said right-of-way; thence northwesterly to the point of beginning.

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

A tract in the fractional Northwest Quarter of Section 19, Township 11 South, Range 16 east of the 6th P.M. in the City of Topeka, Shawnee County, Kansas described as: Beginning at the Southwest corner of Lot 51 on Lincoln Street in White Oak Grove; thence westerly, on an extension of the North line of Howard Street, to an intersection with the West line of the right-of-way of the former Chicago, Kansas and Nebraska Railway Company, recorded as a 100-foot wide strip in Volume 123 at Page 325; thence southeasterly, on the West line of said right-of-way, to an intersection with an extension of the South line of 7th Street in Cross Addition; thence easterly, on an extension of the South line of 7th street, to an intersection with the East line of said right-of-way; thence northwesterly to the point of beginning.

Section 6. This vacation shall not affect any other underlying easements or restrictions whether platted or by instrument.

Section 7. 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 8. 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 June 24, 2008.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____
Not To Be Codified X