

(Published in the Topeka Metro News August 27, 2008)

ORDINANCE NO. 19142

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a platted street right-of-way, NE Michigan Avenue, in Garden Park Addition located south of NE State Street, City of Topeka, Shawnee County, Kansas. **(V08S/6)**
(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 Ronald Bergquist et al., 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 portion of Michigan Avenue in Garden Park Addition to the City of Topeka, Shawnee County, Kansas described as: Beginning at the Northwest corner of Lot 22 on Michigan Avenue; thence southerly to the Southwest corner of Lot 22; thence westerly to the Southeast corner of Lot 63 on Michigan Avenue; thence northerly to the Northeast corner of Lot 33 on Michigan Avenue; thence easterly 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 August 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 street right-of-way located within the City of Topeka, Kansas:

A portion of Michigan Avenue in Garden Park Addition to the City of Topeka, Shawnee County, Kansas described as: Beginning at the Northwest corner of Lot 22 on Michigan Avenue; thence southerly to the Southwest corner of Lot 22; thence westerly to the Southeast corner of Lot 63 on Michigan Avenue; thence northerly to the Northeast corner of Lot 33 on Michigan Avenue; thence easterly 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 channel maintenance 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 and channel maintenance easement:

A portion of Michigan Avenue in Garden Park Addition to the City of Topeka, Shawnee County, Kansas described as: Beginning at the Northwest corner of Lot 22 on Michigan Avenue; thence southerly to the Southwest corner of Lot 22; thence westerly to the Southeast corner of Lot 63 on Michigan Avenue; thence northerly to the Northeast corner of Lot 33 on Michigan Avenue; thence easterly 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 August 19, 2008.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____
Not To Be Codified **X**