

(Published in the Topeka Metro News September 17, 2008)

**ORDINANCE NO. 19154**

**AN ORDINANCE** introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 40' wide portion of a platted access control easement located along the south line of Lots 2 and 3, Block "C", Aquarian Center Subdivision fronting on SE 29<sup>th</sup> Street, City of Topeka, Shawnee County, Kansas. **(V08RA/2) (Council District No. 4)**

**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 Team LLC, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described platted access control easement located along the south line of Lots 2 and 3, Block "C", Aquarian Center Subdivision fronting on SE 29<sup>th</sup> Street within the City of Topeka, Shawnee County, Kansas:

**Lots 2 and 3, Block "C", Aquarian Center Subdivision in the City of Topeka, Shawnee County, Kansas: The eastern 20' of restricted access on Lot 2 and the western 20' of restricted access on Lot 3, Block "C", Aquarian Center Subdivision along the south line of said Lots 2 and 3, Block "C", Aquarian Center Subdivision fronting on SE 29<sup>th</sup> Street.**

**Section 2.** That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and 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 access control easement located within the City of Topeka, Kansas, conditioned upon meeting the requirements of Section 7 of this ordinance:

**Lots 2 and 3, Block "C", Aquarian Center Subdivision in the City of Topeka, Shawnee County, Kansas: The eastern 20' of restricted access on Lot 2 and the western 20' of restricted access on Lot 3, Block "C", Aquarian Center Subdivision along the south line of said Lots 2 and 3, Block "C", Aquarian Center Subdivision fronting on SE 29<sup>th</sup> Street.**

**Section 5.** That the Council of the City of Topeka finds that improvements are needed to the portion of SE 29<sup>th</sup> Street lying adjacent to this property in order to accommodate the proposed driveway approach which requires the vacation of the access control easement; the improvements may include, but are not limited to, extension of a left turn lane, widening of the roadway, lane marking and signage and modification or relocation of the stormwater drainage system, as determined by the City of Topeka and Shawnee County engineers.

**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 the following conditions have been met:

- a) approval by the City of Topeka and Shawnee County engineers of needed improvements set forth in Section 5., above;
- b) amendment of the Master Planned Unit Development and approval of a replat for Lots 2 and 3, Block "C", Aquarian Center Subdivision in the City of Topeka, Shawnee County, Kansas;
- c) issuance by Shawnee County of a permit to allow construction of a driveway approach

in the location within the vacated area; and

d) passage, approval and publication of this ordinance in the official city newspaper.

**PASSED AND APPROVED** by the Council of the City of Topeka September 9, 2008.

\_\_\_\_\_  
William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk

To Be Codified \_\_\_\_\_

Not To Be Codified \_\_X\_\_