

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

ORDINANCE NO. 19177

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of a platted 25-foot wide platted street right-of-way in Schmitt's Addition located about 136 feet west of SE Hancock Street and about 125 feet south of SE 6th Avenue, City of Topeka, Shawnee County, Kansas. **(V08S/5) (Council District No. 3)**

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 James Speier 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:

That portion of Stella Street in Schmitt's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Northwest corner of Lot 192 on Washington Avenue; thence east-southeasterly on the South line of Stella Street and its extension to the Northwest corner of the East 3 feet of Lot 253 on Stella Street; thence north-northeasterly parallel with the East line of said Lot 253 to an intersection with the North line of Stella Street; thence west-northwesterly to the Southwest corner of Lot 239 on Sixth Avenue; thence south-southwesterly 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 October 28, 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:

That portion of Stella Street in Schmitt's Addition to the City of Topeka, Shawnee County. Kansas, described as: Beginning at the Northwest corner of Lot 192 on Washington Avenue; thence east-southeasterly on the South line of Stella Street and its extension to the Northwest corner of the East 3 feet of Lot 253 on Stella Street; thence north-northeasterly parallel with the East line of said Lot 253 to an intersection with the North line of Stella Street; thence west-northwesterly to the Southwest corner of Lot 239 on Sixth Avenue; thence south-southwesterly 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:

That portion of Stella Street in Schmitt's Addition to the City of Topeka, Shawnee County. Kansas, described as: Beginning at the Northwest corner of Lot 192 on Washington Avenue; thence east-southeasterly on the South line of Stella Street and its extension to the Northwest corner of the East 3 feet of Lot 253 on Stella Street; thence north-northeasterly parallel with the East line of said Lot 253 to an intersection with the North line of Stella Street; thence west-northwesterly to the Southwest corner of Lot 239 on Sixth Avenue; thence south-southwesterly 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 October 28, 2008.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

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