

(Published in the Topeka Metro News November 26, 2008)

**ORDINANCE NO. 19180**

**AN ORDINANCE** introduced by City Manager, Norton N. Bonaparte, Jr., relating to a portion of a public alley located east of 610 SW 10<sup>th</sup> Avenue in the Original Town of Topeka, Shawnee County, Kansas (V08A/2) (Council District No. 1)

**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 Credit Union One of Kansas as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public alley located within the City of Topeka, Shawnee County, Kansas:

**A portion of an alley in the Original Town of Topeka, Shawnee County, Kansas; described as: Beginning at the Southwest corner of Lot 36 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 38 on Tenth Avenue West; thence north-northeasterly to the Northeast corner of said Lot 38; thence east-southeasterly to the Northeast corner of said Lot 36; 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 **November 18, 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 public alley located within the City of Topeka, Kansas:

**A portion of an alley in the Original Town of Topeka, Shawnee County, Kansas; described as: Beginning at the Southwest corner of Lot 36 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 38 on Tenth Avenue West; thence north-northeasterly to the Northeast corner of said Lot 38; thence east-southeasterly to the Northeast corner of said Lot 36; 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 a public utility easement to be established over the described property as set forth in Section 4 and does hereby order the retention of the below described area as a public utility easement:

**A portion of an alley in the Original Town of Topeka, Shawnee County, Kansas; described as: Beginning at the Southwest corner of Lot 36 on Tenth Avenue West in the Original Town of Topeka; thence west-northwesterly to the Southeast corner of Lot 38 on Tenth Avenue West; thence north-northeasterly to the Northeast corner of said Lot 38; thence east-southeasterly to the Northeast corner of said Lot 36; thence south-southwesterly to the point of beginning.**

**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 November 18, 2008.

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William W. Bunten, Mayor

ATTEST:

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

To Be Codified \_\_\_\_  
Not To Be Codified X