

(Published in the Topeka Metro News December 3, 2008)

**ORDINANCE NO. 19186**

**AN ORDINANCE** introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a 20-foot wide portion of a 50-foot wide drainage easement, located north of SW 29<sup>th</sup> Street between SW Fairlawn Road and SW Prairie Road, City of Topeka, Shawnee County, Kansas. (V08E/3) (Council District No. 7)

**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 Cantilever Topeka LLC, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described platted drainage easement located within the City of Topeka, Shawnee County, Kansas:

**Partial Drainage Easement Vacation**

**A part of the platted drainage easement on Lots 4 and 5, Block "A" in Butler Plaza Subdivision in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southeast corner of Lot 4; thence on a plat bearing of South 88°20'27" West on the South line of Lot 4, 30.00 feet to the point of beginning; thence continuing on South 88°20'27" West on the South line of Lot 4, 13.00 feet, thence North 00°04'09" East, parallel with the East line of Lot 4, 17.51 feet; thence North 23°04'21" West, 17.81 feet; thence North 00°04'09" East on a line 30.00 feet west of the East line of Lot 4, 272.64 feet; thence North 90°00'00" East on the North line of Lot 4, 20.00 feet; thence South 00°04'09" East on a line which is 30.00 feet west of the East line of Lot 4, 306.16 feet to the point of beginning; ALSO: The West 20 feet of the East 50 feet of Lot 5.**

**Section 2.** That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on November 25, 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 drainage easement located within the City of Topeka, Kansas:

**Partial Drainage Easement Vacation**

**A part of the platted drainage easement on Lots 4 and 5, Block “A” in Butler Plaza Subdivision in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southeast corner of Lot 4; thence on a plat bearing of South 88°20’27” West on the South line of Lot 4, 30.00 feet to the point of beginning; thence continuing on South 88°20’27” West on the South line of Lot 4, 13.00 feet, thence North 00°04’09” East, parallel with the East line of Lot 4, 17.51 feet; thence North 23°04’21” West, 17.81 feet; thence North 00°04’09” East on a line 30.00 feet west of the East line of Lot 4, 272.64 feet; thence North 90°00’00” East on the North line of Lot 4, 20.00 feet; thence South 00°04’09” East on a line which is 30.00 feet west of the East line of Lot 4, 306.16 feet to the point of beginning; ALSO: The West 20 feet of the East 50 feet of Lot 5.**

**Section 5.** That the Council of the City of Topeka does hereby find that justice further requires vacation of the 20-foot wide portion of the 50-foot wide drainage easement is to be contingent upon implementation of the Engineering Divisions approved drainage ditch design and construction within the remaining drainage easement.

**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 25, 2008.

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk

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