

(Published in the Topeka Metro News July 29, 2009)

ORDINANCE NO. 19284

AN ORDINANCE introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of a portion of platted street right-of-way, NE Branner Street, in Klein's Addition Revised Plat located between NE 1st Street and NE Atchison Street, City of Topeka, Shawnee County, Kansas. (V09S/1) (Council District No. 2)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That pursuant to the requirements of K.S.A. 12-504 as amended, a petition by Tom Woltkamp, as property owner, 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 Branner Street as shown on the Revised Plat of Klein's Addition to the City of Topeka, Shawnee County, Kansas, extending from a prolongation of the South line of the right of way of the former Atchison, Topeka and Santa Fe Railway Company as it existed at the time of passage of City of Topeka Ordinance 5699 on February 25, 1927, northerly to a prolongation of the South line of Atchison Street, formerly Crane Street; EXCEPT; those interests and rights granted to the City of Topeka and the Secretary of the Department of Transportation for the State of Kansas in Contract No. 17148, dated October 1st, 1985, on file in the Office of the Clerk of the City of Topeka.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on July 21, 2009, the petition is ready for determination by the Governing Body of the City of Topeka, Kansas.

Section 3. That the Governing Body 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 Governing Body 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 Branner Street as shown on the Revised Plat of Klein's Addition to the City of Topeka, Shawnee County, Kansas, extending from a prolongation of the South line of the right of way of the former Atchison, Topeka and Santa Fe Railway Company as it existed at the time of passage of City of Topeka Ordinance 5699 on February 25, 1927, northerly to a prolongation of the South line of Atchison Street, formerly Crane Street; EXCEPT; those interests and rights granted to the City of Topeka and the Secretary of the Department of Transportation for the State of Kansas in Contract No. 17148, dated October 1st, 1985, on file in the Office of the Clerk of the City of Topeka.

Section 5. That the Governing Body 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 Branner Street as shown on the Revised Plat of Klein's Addition to the City of Topeka, Shawnee County, Kansas, extending from a prolongation of the South line of the right of way of the former Atchison, Topeka and Santa Fe Railway Company as it existed at the time of passage of City of Topeka Ordinance 5699 on February 25, 1927, northerly to a prolongation of the South line of Atchison Street, formerly Crane Street; EXCEPT; those interests and rights granted to the City of Topeka and the Secretary of the Department of Transportation for the State of Kansas in Contract No. 17148, dated October 1st, 1985, on file in the Office of the Clerk of the City of Topeka

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 Governing Body of the City of Topeka July 22, 2009.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____
Not To Be Codified X