

(Published in the Topeka Metro News April 12, 2010)

**ORDINANCE NO. 19397**

**AN ORDINANCE** introduced by City Manager, Norton N. Bonaparte, Jr., relating to the vacation of portions of street right-of-way located at the northeast corner of NW Lyman Road and NW Clay Street, City of Topeka, Shawnee County, Kansas. (V08S/8) (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 Seaman U.S.D. 345, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described street right-of-way located within the City of Topeka, Shawnee County, Kansas:

**A part of the Southeast Quarter of Section 18, Township 11 South, Range 16 East of the 6<sup>th</sup> P.M. in the City of Topeka, Shawnee County, Kansas, being more particularly described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 01 degree 25 minutes 37 seconds West along the west line of said Southeast Quarter a distance of 199.72 feet; thence North 88 degrees 34 minutes 23 seconds East perpendicular to said west line a distance of 25.00 feet to the Point of Beginning of the therein described right of way vacation, said point being on the east right of way line of NW Clay Street as said right of way now exists; thence South 01 degree 25 minutes 37 seconds East, parallel to the west line of said Southeast Quarter, a distance of 39.27 feet; thence south 08 degrees 25 minutes 37 seconds East, parallel to the west line of said Southeast Quarter, a distance of 46.88 feet; thence South 46 degrees 20 minutes 42 seconds East a distance of 49.57 feet; thence North 88 degrees 44 minutes 14 seconds East, parallel to the south line of said Southeast Quarter a distance of 104.86 feet to a point on the north right of way line of NW Lyman Road as said right of way now exists; thence North 68 degrees 45 minutes 44 seconds West a distance of 101.27 feet; thence North 23 degrees 59 minutes 45 seconds West a distance of 133.94 feet to the Point of Beginning. Contains 5,853.75 square feet or 0.134 acres, more or less.**

**Section 2.** That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on April 6, 2010, 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 street right-of-way located within the City of Topeka, Kansas:

**A part of the Southeast Quarter of Section 18, Township 11 South, Range 16 East of the 6<sup>th</sup> P.M. in the City of Topeka, Shawnee County, Kansas, being more particularly described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 01 degree 25 minutes 37 seconds West along the west line of said Southeast Quarter a distance of 199.72 feet; thence North 88 degrees 34 minutes 23 seconds East perpendicular to said west line a distance of 25.00 feet to the Point of Beginning of the therein described right of way vacation, said point being on the east right of way line of NW Clay Street as said right of way now exists; thence South 01 degree 25 minutes 37 seconds East, parallel to the west line of said Southeast Quarter, a distance of 39.27 feet; thence south 08 degrees 25 minutes 37 seconds East, parallel to the west line of said Southeast Quarter, a distance of 46.88 feet; thence South 46 degrees 20 minutes 42 seconds East a distance of 49.57 feet; thence North 88 degrees 44 minutes 14 seconds East, parallel to the south line of said Southeast Quarter a distance of 104.86 feet to a point on the north right of way line of NW Lyman Road as said right of way now exists; thence North 68 degrees 45 minutes 44 seconds West a distance of 101.27 feet; thence North 23 degrees 59 minutes 45 seconds West a distance of 133.94 feet to the Point of Beginning. Contains 5,853.75 square feet or 0.134 acres, more or less.**

**Section 5.** That the Governing Body of the City of Topeka does hereby find that justice further requires the provision for the retention of two storm sewer easements over the described property as set forth in Section 4 and does hereby order the retention of the below described area as storm sewer easements:

**A part of the Southeast Quarter of Section 18, Township 11 South, Range 16 East of the 6<sup>th</sup> P.M. in the City of Topeka, Shawnee County, Kansas being more particularly described as follows: Commencing at the**

Southwest corner of said Southeast Quarter; thence North along the West line of said Quarter on an assumed bearing of North 01 degrees 25 minutes 37 seconds West, a distance of 210.57 feet; thence North 88 degrees 34 minutes 23 seconds East, a distance of 25.00 feet to a point on the Easterly right-of-way line of NW Clay Street and the Point of Beginning; thence continuing North 88 degrees 34 minutes 23 seconds East, a distance of 6.00 feet; thence South 08 degrees 21 minutes 13 seconds East, a distance of 159.63 feet to a point on the East right-of-way line of NW Clay Street; thence North 46 degrees 20 minutes 42 seconds West, along said East right-of-way line, a distance of 28.68 feet; thence continuing along said right-of-way line North 01 degrees 25 minutes 37 seconds West, a distance of 46.88 feet; thence continuing along said right-of-way line North 08 degrees 21 minutes 13 seconds West, a distance of 41.46 feet; thence continuing along said right-of-way line North 01 degrees 25 minutes 37 seconds West, a distance of 50.12 feet to the Point of Beginning.

Also: A part of the Southeast Quarter of Section 18, Township 11 South, Range 16 East of the 6<sup>th</sup> P.M. in the City of Topeka, Shawnee County, Kansas being more particularly described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence Easterly along the South line of said Quarter on an assumed bearing of North 88 degrees 44 minutes 14 seconds East, a distance of 129.49 feet; thence North 01 degrees 15 minutes 46 seconds West, a distance of 37.50 feet to a point on the North right-of-way line of NW Lyman Road and the Point of Beginning, thence North 76 degrees 57 minutes 44 seconds West, a distance of 29.39 feet; thence North 13 degrees 02 minutes 16 seconds East, a distance of 12.00 feet; thence South 76 degrees 57 minutes 44 seconds East, a distance of 76.47 feet to a point on said North right-of-way line of NW Lyman Road; thence South 88 degrees 44 minutes 14 seconds West, a distance of 48.58 feet 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 on May 24, 2010.

After its passage, approval and publication in the official city newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Topeka April 6, 2010.

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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**