

ORDINANCE NO. 19674

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley relating to the vacation of platted public street and alley rights-of-way on property located at 1400 SE 34th Street, City of Topeka, Shawnee County, Kansas. (V11S/2) (Council District No. 4)

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 Unified School District #501, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described platted street and alley rights-of-way located within the City of Topeka, Shawnee County, Kansas:

All in The Best Subdivision, in the City of Topeka, Shawnee County, Kansas: Illinois Avenue, extending from the South line of SE 33rd Street, formerly Neil Avenue, to the North line of SE 34th Street, formerly Burgess Avenue; Michigan Avenue, extending from the South line of SE 33rd Street, formerly Neil Avenue, to the North line of SE 34th Street, formerly Burgess Avenue;

Wisconsin Avenue, extending from the South line of SE 33rd Street, formerly Neil Avenue, to the North line of SE 35th Street, formerly Vesta Avenue; SE 34th Street, formerly Burgess Avenue, westerly from the East line of Minnesota Avenue to a line extending from the Northwest corner of Lot 51 to the Southwest corner of Lot 49, both lots on Wisconsin Avenue;

An alley between Indiana Avenue and Illinois Avenue, extending from the South line of SE 33rd Street, formerly Neil Avenue, to the North line of SE 34th Street, formerly Burgess Avenue; An alley between Illinois Avenue and Michigan Avenue, extending from the South line of SE 33rd Street, formerly Neil Avenue, to the North line of SE 34th Street, formerly Burgess Avenue;

An alley between Michigan Avenue and Wisconsin Avenue, extending from the South line of SE 33rd Street, formerly Neil Avenue, to the North line of SE 34th Street, formerly Burgess Avenue; An alley between Wisconsin Avenue and Minnesota Avenue, extending from the South line of SE 33rd Street, formerly Neil Avenue, to the North line of SE 34th Street, formerly Burgess Avenue; An alley between Wisconsin Avenue and Minnesota Avenue, extending from the South line of SE 34th Street, formerly Burgess Avenue to the North line of SE 35th Street, formerly Vesta Avenue.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on **November 29, 2011**, 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 and alley public rights-of-way located within the City of Topeka, Kansas:

All in The Best Subdivision, in the City of Topeka, Shawnee County, Kansas: Illinois Avenue, extending from the South line of SE 33rd Street, formerly Neil Avenue, to the North line of SE 34th Street, formerly Burgess Avenue; Michigan Avenue, extending from the South line of SE 33rd Street, formerly Neil Avenue, to the North line of SE 34th Street, formerly Burgess Avenue;

Wisconsin Avenue, extending from the South line of SE 33rd Street, formerly Neil Avenue, to the North line of SE 35th Street, formerly Vesta Avenue; SE 34th Street, formerly Burgess Avenue, westerly from the East line of Minnesota Avenue to a line extending from the Northwest corner of Lot 51 to the Southwest corner of Lot 49, both lots on Wisconsin Avenue;

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An alley between Michigan Avenue and Wisconsin Avenue, extending from the South line of SE 33rd Street, formerly Neil Avenue, to the North line of SE 34th Street, formerly Burgess Avenue; An alley between Wisconsin Avenue and Minnesota Avenue, extending from the South line of SE 33rd Street, formerly Neil Avenue, to the North line of SE 34th Street, formerly Burgess Avenue; An alley between Wisconsin Avenue and Minnesota Avenue, extending from the South line of SE 34th Street, formerly Burgess Avenue to the North line of SE 35th Street, formerly Vesta Avenue.

Section 5. This vacation shall not effect any other underlying easements, or restrictions whether platted or by instrument.

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 Governing Body on November 29, 2011.

CITY OF TOPEKA

William Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____

Not To Be Codified X