

(Published in the Topeka Metro News August 27, 2012)

ORDINANCE NO. 19753

AN ORDINANCE introduced by Interim City Manager Pamela S. Simecka relating to the vacation of platted alley public rights-of-way on property extending from NW Topeka Boulevard to NW Harrison Street and located between properties at 1106 and 1114 NW Topeka Boulevard, City of Topeka, Shawnee County, Kansas. **(V12A/2) (Council District No. 2)**

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 Dillon Real Estate Company, Inc., as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described platted alley public rights-of-way located within the City of Topeka, Shawnee County, Kansas:

A portion of an alley in Ellinwood's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southwest corner of Lot 1, Block "A" in Kwik Shop Subdivision; thence east-southeasterly to the Southeast corner of said Lot 1; thence at a right angle south-southwesterly to a point on the North line of Block E in Ellinwood's Addition; thence west-northwesterly to the Northeast corner of the West 13.6 feet of Lot 6 in said Block E; thence north-northeasterly 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 **August 21, 2012**, 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 alley public rights-of-way located within the City of Topeka, Kansas:

A portion of an alley in Ellinwood's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southwest corner of Lot 1, Block "A" in Kwik Shop Subdivision; thence east-southeasterly to the Southeast corner of said Lot 1; thence at a right angle south-southwesterly to a point on the North line of Block E in Ellinwood's Addition; thence west-northwesterly to the Northeast corner of the West 13.6 feet of Lot 6 in said Block E; thence north-northeasterly to the point of beginning.

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:

A portion of an alley in Ellinwood's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southwest corner of Lot 1, Block "A" in Kwik Shop Subdivision; thence east-southeasterly to the Southeast corner of said Lot 1; thence at a right angle south-southwesterly to a point on the North line of Block E in Ellinwood's Addition; thence west-northwesterly to the Northeast corner of the West 13.6 feet of Lot 6 in said Block E; thence north-northeasterly 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 Governing Body of the City of Topeka August 21, 2012.

William Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified ____

Not To Be Codified X