

(Published in the Topeka Metro News October 29, 2012)

ORDINANCE NO. 19772

AN ORDINANCE introduced by City Manager Jim Colson relating to the vacation of platted alley public rights-of-way on property located directly north of NE Curtis Street, approximately halfway between NE Quincy Street and NE Monroe Street, City of Topeka, Shawnee County, Kansas. **(V12A/3) (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 Barry Feaker, Executive Director of Topeka Rescue Mission, 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:

That part of the Alley between NE Quincy Street and NE Monroe Street lying North of Curtis Street in Eugene's Addition to the City of Topeka, Shawnee County, Kansas being described as follows: Beginning at the Southeast corner of Lot 70 on NE Quincy Street in said Eugene's Addition; thence N18°32'31"E along the East line of lots 70 and 72 a distance of 143.37 feet; thence S82°12'01"E, 10.18 feet to the centerline of said Alley; thence along the centerline of said Alley S18°32'31"W, 12.00 feet; thence S84°21'59"E, 10.26 feet to a point on the West line of Lot 71 on Monroe Street; thence S18°32'31"W along the West line of Lots 69 and 71 on Monroe Street a distance of 135.50 feet to the intersection of the East line of said alley and the North line of said NE Curtis Street; thence N71°38'35"W, 20.00 feet 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 October 16, 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:

That part of the Alley between NE Quincy Street and NE Monroe Street lying North of Curtis Street in Eugene's Addition to the City of Topeka, Shawnee County, Kansas being described as follows: Beginning at the Southeast corner of Lot 70 on NE Quincy Street in said Eugene's Addition; thence N18°32'31"E along the East line of lots 70 and 72 a distance of 143.37 feet; thence S82°12'01"E, 10.18 feet to the centerline of said Alley; thence along the centerline of said Alley S18°32'31"W, 12.00 feet; thence S84°21'59"E, 10.26 feet to a point on the West line of Lot 71 on Monroe Street; thence S18°32'31"W along the West line of Lots 69 and 71 on Monroe Street a distance of 135.50 feet to the intersection of the East line of said alley and the North line of said NE Curtis Street; thence N71°38'35"W, 20.00 feet 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:

That part of the Alley between NE Quincy Street and NE Monroe Street lying North of Curtis Street in Eugene's Addition to the City of Topeka, Shawnee County, Kansas being described as follows: Beginning at the Southeast corner of Lot 70 on NE Quincy Street in said Eugene's Addition; thence N18°32'31"E along the East line of lots 70 and 72 a distance of 143.37 feet; thence S82°12'01"E, 10.18 feet to the centerline of said Alley; thence along the centerline of said Alley S18°32'31"W, 12.00 feet; thence S84°21'59"E, 10.26 feet to a point on the West line of Lot 71 on Monroe Street; thence S18°32'31"W along the West line of Lots 69 and 71 on Monroe Street a distance of 135.50 feet to the intersection of the East line of said alley and the North line of said NE Curtis Street; thence N71°38'35"W, 20.00 feet 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, October 23, 2012.

William Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk