

(Published in the Topeka Metro News January 28, 2013)

**ORDINANCE NO. 19787**

AN ORDINANCE introduced by City Manager Jim Colson relating to the vacation of a platted green space easement running along the southerly 4 feet of the property at 4422 SW Lakeside Drive and the southerly 40 feet of 7 properties located on the south side of SW 44<sup>th</sup> Terrace, between SW Lakeside Drive and SW Misty Harbor Drive, City of Topeka, Shawnee County, Kansas. **(V12E/4) (Council District No. 7)**

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 the City of Topeka has been filed with the office of the City Clerk, requesting the vacation of the following described platted green space easement located within the City of Topeka, Shawnee County, Kansas:

Parts of the platted Green Space Easements in Misty Harbor Estates No. 4 and Misty Harbor Estates No. 3, in the City of Topeka, Shawnee County, Kansas, described as: The South 4 feet of Lot 1 in Block 'C' in Misty Harbor Estates No. 4, being that part of the platted Greenspace Easement on aforesaid Lot 1 which is not vacated as described in City of Topeka Ordinance 19767;

ALSO: All of the Green Space Easements platted on Lots 1 through 6, Block 'A' in Misty Harbor Estates Subdivision No. 4, and Lot 1, Block 'B' in Misty Harbor Estates No. 3, being the South 40 feet of each lot.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and on January 22, 2013, 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 green space easement located within the City of Topeka, Kansas:

Parts of the platted Green Space Easements in Misty Harbor Estates No. 4 and Misty Harbor Estates No. 3, in the City of Topeka, Shawnee County, Kansas, described as: The South 4 feet of Lot 1 in Block 'C' in Misty Harbor Estates No. 4, being that part of the platted Greenspace Easement on aforesaid Lot 1 which is not vacated as described in City of Topeka Ordinance 19767;

ALSO: All of the Green Space Easements platted on Lots 1 through 6, Block 'A' in Misty Harbor Estates Subdivision No. 4, and Lot 1, Block 'B' in Misty Harbor Estates No. 3, being the South 40 feet of each lot.

Section 5. 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 6. 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, January 22, 2013.

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William Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk