

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

**ORDINANCE NO. 19788**

AN ORDINANCE introduced by City Manager Jim Colson relating to the vacation of platted street public rights-of-way on properties located in the 1200 block of SW Byron Street, which would vacate both the north 10 feet and the south 10 feet of the 80-foot SW Byron Street rights-of-way, City of Topeka, Shawnee County, Kansas.  
**(V12S/5) (Council District No. 6)**

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 partial vacation of the following described platted street public rights-of-way located within the City of Topeka, Shawnee County, Kansas:

Two parts of Byron Avenue, platted in Rural Homes Subdivision in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southwest corner of Lot 45 on Byron Avenue in Lincoln Subdivision; thence southerly on an extension of the West line of Lot 45 to an intersection with a line which is 10 feet south of the North line of Byron Avenue; thence easterly on a line 10 feet south of the North line of Byron Avenue to an intersection with an extension of the East line of Lot 52 on Byron Avenue in Lincoln Subdivision; thence northerly to the Southeast corner of Lot 52; thence westerly on the North line of Byron Avenue to the point of beginning;

AND:

Beginning at the Northeast corner of Lot 17 in Rural Homes Subdivision; thence northerly on an extension of the East line of Lot 17 to an intersection with a line 10 feet north of the South line of Byron Avenue; thence westerly on a line 10 feet north of the South line of Byron Avenue to an intersection with an extension of the West line of the East Half of Lot 199 on Byron Avenue in Byron Place Addition; thence southerly to the Northwest corner of the East Half of Lot 199; thence easterly on the South line of Byron Avenue 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 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 alley public rights-of-way located within the City of Topeka, Kansas:

Two parts of Byron Avenue, platted in Rural Homes Subdivision in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southwest corner of Lot 45 on Byron Avenue in Lincoln Subdivision; thence southerly on an extension of the West line of Lot 45 to an intersection with a line which is 10 feet south of the North line of Byron Avenue; thence easterly on a line 10 feet south of the North line of Byron Avenue to an intersection with an extension of the East line of Lot 52 on Byron Avenue in Lincoln Subdivision; thence northerly to the Southeast corner of Lot 52; thence westerly on the North line of Byron Avenue to the point of beginning;

AND:

Beginning at the Northeast corner of Lot 17 in Rural Homes Subdivision; thence northerly on an extension of the East line of Lot 17 to an intersection with a line 10 feet north of the South line of Byron Avenue; thence westerly on a line 10 feet north of the South line of Byron Avenue to an intersection with an extension of the West line of the East Half of Lot 199 on Byron Avenue in Byron Place Addition; thence southerly to the Northwest corner of the East Half of Lot 199; thence easterly on the South line of Byron Avenue to the point of beginning.

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 Buntin, Mayor

ATTEST:

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Brenda Younger, City Clerk