

(Published in the Topeka Metro News February 18, 2013)

**ORDINANCE NO. 19792**

AN ORDINANCE introduced by City Manager Jim Colson relating to the vacation of a public utility easement 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. **(V12E/6) (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 the City of Topeka has been filed with the office of the City Clerk, requesting the vacation of the following described utility easement located within the City of Topeka, Shawnee County, Kansas:

A Utility Easement established by Ordinance No.19753 over a vacated 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 February 12, 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 utility easement located within the City of Topeka, Kansas:

A Utility Easement established by Ordinance No.19753 over a vacated 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 a City of Topeka sewer utility easement to remain over the described property as set forth in Section 4 and does hereby require Dillon Real Estate Company, Inc., the property owner to grant the City of Topeka a sewer easement within 15 days as a condition of this approval, over the below described area:

A Utility Easement established by Ordinance No.19753 over a vacated 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 and provide it and the original sewer easement from the property owner 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, February 12, 2013.

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William Buntten, Mayor

ATTEST:

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Brenda Younger, City Clerk