

(Published in the Topeka Metro News February 25, 2013)

**ORDINANCE NO. 19796**

**AN ORDINANCE** introduced by City Manager Jim Colson, relating to the vacation of a public alley lying between 1528 SW Central Park Avenue and 1015-1017 SW 15<sup>th</sup> Street in the City of Topeka, Shawnee County, Kansas (V12A/1)(Council District No. 1)

**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 Ruth O. Martin Trust has been filed with the office of the City Clerk, requesting the vacation of the following described public alley located within the City of Topeka, Shawnee County, Kansas:

A 15 feet wide platted alley described as: Beginning at the Northwest corner of Lot 144 on Sixteenth Street, formerly Fifteenth Street; thence easterly to the Northeast corner of Lot 138 on Sixteenth Street; thence northerly to the Southeast corner of Lot 137 on Fifteenth Street, formerly Kellam Place; thence westerly to the Southwest corner of Lot 143 on Fifteenth Street; thence southerly 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 19, 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 public alley located within the City of Topeka, Kansas:

A 15 feet wide platted alley described as: Beginning at the Northwest corner of Lot 144 on Sixteenth Street, formerly Fifteenth Street; thence easterly to the Northeast corner of Lot 138 on Sixteenth Street; thence northerly to the Southeast corner of Lot 137 on Fifteenth Street, formerly Kellam Place; thence westerly to the Southwest corner of Lot 143 on Fifteenth Street; thence southerly 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 public utility easement to be established over the described property as set forth in Section 4 and does hereby order the retention of the below described area as a public utility easement:

A 15 feet wide platted alley described as: Beginning at the Northwest corner of Lot 144 on Sixteenth Street, formerly Fifteenth Street; thence easterly to the Northeast corner of Lot 138 on Sixteenth Street; thence northerly to the Southeast corner of Lot 137 on Fifteenth Street, formerly Kellam Place; thence westerly to the Southwest corner of Lot 143 on Fifteenth Street; thence southerly 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 February 19, 2013.

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William W. Bunten, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Younger, City Clerk

To Be Codified \_\_\_\_  
Not To Be Codified X