

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

ORDINANCE NO. 19805

AN ORDINANCE introduced by City Manager Jim Colson, relating to the vacation of two public alleys located in the southeast quadrant of SW Washburn Avenue and SW 12th Street, with one alley running south from SW 12th Street for approximately 260 feet and the other alley running east from SW Washburn Avenue for about 180 feet, City of Topeka, Shawnee County, Kansas. **(V12A/5) (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 Dillon Real Estate Company, Inc. and the City of Topeka has been filed with the Planning Department, requesting the vacation of the following described public alleys located within the City of Topeka, Shawnee County, Kansas:

North-South Alley

A part of a platted alley in King's Addition to the City of Topeka, Shawnee County, Kansas, described as:

Beginning at the Northeast corner of Lot 446 on Washburn Avenue, formerly West Street, in King's Addition to the City of Topeka, Shawnee County, Kansas; thence southerly, on the West line of an alley to a point 17.5 feet north of the Southeast corner of Lot 466 on Washburn Avenue; thence easterly to a point 17.5 feet north of the Southwest corner of Lot 465 on Lane Street; thence northerly on the East line of said alley to the Northwest corner of Lot 465 on Lane Street; thence westerly to the point of beginning.

East-West Alley

Deeded to the City of Topeka, by Corporation Deed, General Warranty, for public alley purposes, May 22nd, 1976, recorded in Volume 1920, page 828;

Beginning at the Northwest corner of the South Half of Lot 464 on Washburn Avenue, formerly West Street, in King's Addition to the City of Topeka, Shawnee County, Kansas; thence south, along the East line of Washburn Avenue, a distance of 20.0 feet; thence east, parallel to the North line of the South Half of said Lot 464, a distance of 162 feet, more or less, to the West line of an alley; thence north, along the West line of said alley, a distance of 20.0 feet, to the Northeast corner of the South Half of said Lot 464; thence west 162 feet, more or less, to the point of beginning. This tract contains 3,240 square feet, more or less, or 0.074 acres, more or less.

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

North-South Alley

A part of a platted alley in King's Addition to the City of Topeka, Shawnee County, Kansas, described as:

Beginning at the Northeast corner of Lot 446 on Washburn Avenue, formerly West Street, in King's Addition to the City of Topeka, Shawnee County, Kansas; thence southerly, on the West line of an alley to a point 17.5 feet north of the Southeast corner of Lot 466 on Washburn Avenue; thence easterly to a point 17.5 feet north of the Southwest corner of Lot 465 on Lane Street; thence northerly on the East line of said alley to the Northwest corner of Lot 465 on Lane Street; thence westerly to the point of beginning.

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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:

North-South Alley

A part of a platted alley in King's Addition to the City of Topeka, Shawnee County, Kansas, described as:

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said alley to the Northwest corner of Lot 465 on Lane Street; thence westerly to the point of beginning.

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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, March 19, 2013.

William Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk