

1 (Published in the Topeka Metro News May 13, 2013)

2
3 ORDINANCE NO. 19816

4
5 AN ORDINANCE introduced by City Manager Jim Colson, concerning petitions for
6 vacating streets, alleys or public reservations, amending City of
7 Topeka Code §12.60.010 and specifically repealing said original
8 section.
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10 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

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12 Section 1. That section 12.60.010, Petition, of The Code of the City of Topeka,
13 Kansas, is hereby amended to read as follows:

14 **Petition.**

15 (a) Petition Requirements. A petition to vacate any street, alley or public
16 reservation, including but not limited to public easements, dedicated building setback
17 lines, access control, and additions or parts thereof, shall ~~contain, in addition to other~~
18 ~~information,~~include the following:

19 (1) ~~For street and alley vacations, letters of response and comment in~~
20 ~~respect to the proposal from all of the below listed utility companies and public~~
21 ~~agencies, including but not limited to assurance of compliance with any~~
22 ~~necessary conditions as may be specified by the affected utility company or~~
23 ~~public agencies.~~

24 ~~For public reservation vacations, letters of response and comment,~~
25 ~~including but not limited to assurance of compliance with any necessary~~
26 ~~conditions as may be specified by the affected utility company or public agencies~~
27 ~~from any or all of the below listed utility companies and public agencies as~~
28 ~~determined by the director of the metropolitan planning department.~~

29 (i) ~~Electric company.~~

30 ~~(ii) Gas company.~~

31 ~~(iii) Telephone company.~~

32 ~~(iv) Cable television company.~~

33 ~~(v) Department of public works.~~

34 ~~(vi) Fire department.~~

35 ~~(vii) Police department.~~

36 ~~(viii) Water department.~~

37 ~~(ix) County refuse department.~~

38 ~~(2) A certificate of ownership from an abstract and/or title company or a~~
39 ~~listing of all property owners of record within the area affected by the proposed~~
40 ~~vacation. The "area affected" shall be determined at the sole discretion of the~~
41 ~~director of the metropolitan planning department.~~

42 ~~(3) A completed application form as furnishedprovided by the~~
43 ~~metropolitan planning department. Such application shall include the~~
44 ~~acknowledgment of the owners of the lands adjoining on both sides of the~~
45 ~~proposed street, alley or public reservation vacation.~~

46 ~~(2) An acknowledgement executed by any adjoining property owner~~
47 ~~that such property owner has no objection to the petition.~~

48 ~~(3) A sufficient survey, diagram, drawing, or description of the street,~~
49 ~~alley, easement, or other public reservation that is the subject of the petition.~~

50 ~~(4) The appropriate~~A filing fee of \$250.

51 (b) Filing of Petition – Review – ~~Notice.~~The petition and all required
52 information, including the appropriate filing fee, shall be ~~filed with the city clerk~~submitted

53 ~~to the planning department. The clerk shall forward the petition and information to the~~
54 ~~metropolitan planning department for review and recommendation. The metropolitan~~
55 ~~planning department shall review the petition and information and~~solicit comment from
56 applicable city/county departments and public utility agencies with respect to reserving
57 public service interests as authorized by state law.

58 (c) Notice. ~~u~~Upon finding the petition to be in compliance with the petition
59 requirements, the planning director shall give public notice of the same by a publication
60 for two consecutive weeks in the official city newspaper. The notice shall describe the
61 property fully, specifying the certain date and naming the day on which the petition will
62 be presented to the ~~city council~~governing body for a hearing thereon, and that at such
63 time and place all persons interested can appear and be heard ~~under the petition.~~
64 Furthermore, the ~~metropolitan~~ planning department shall notify by mail all property
65 owners affected by the proposed vacation of the ~~certain~~ date of the hearing thereon,
66 and that at such time and place all persons interested can appear and be heard ~~under~~
67 ~~the petition. Upon conclusion of the public notices as provided above, The metropolitan~~
68 planning department shall transmit a report and recommendation, including the
69 comments of applicable utilities and agencies, to the city clerk for presentation to the
70 governing body.

71 ~~(c) Administrative Filing Fees. Filing fees for the vacation of street, alley, and~~
72 ~~public reservations by ordinance are hereby established as follows and which includes~~
73 ~~the recording fee of the register of deeds~~

(1) Street, alley vacations —	\$250.00
(2) Easements —	\$200.00
(3) Other public reservations —	\$250.00

Section 2. That original § 12.60.010 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on May 7, 2013.

CITY OF TOPEKA, KANSAS

ATTEST:

Larry E. Wolgast, Mayor

Brenda Younger, City Clerk