

(Published in the Topeka Metro News June 20, 2016)

**ORDINANCE NO. 20004**

AN ORDINANCE introduced by City Manager Jim Colson, relating to the vacation of a north-south 20-foot wide public alley right-of-way lying between NW Topeka Boulevard and NW Harrison Street and NW Curtis Street and NW Railroad Street, in the city of Topeka, Shawnee County, Kansas. (V16A/3) (Council District No. 2)

BE IT ORDAINED BY THE GOVERNING BODY 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 Topeka Rescue Mission, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public alley right-of-way located within the City of Topeka, Shawnee County, Kansas:

A platted alley in Curtis Addition to the City of Topeka, Shawnee County, Kansas, bounded by Topeka Boulevard, Curtis Street, Harrison Street and Railroad Street and more particularly described as: Beginning at the Southeast corner of Lot 146 on Topeka Boulevard, formerly Topeka Avenue in Curtis Addition; thence easterly to the Southwest corner of Lot 145 on Harrison Street; thence northerly on the East line of a platted alley to the Northwest corner of an un-numbered fractional lot north of and adjoining Fractional Lot 179 on Harrison Street, said Northwest corner being on the South line of Railroad Street, formerly Railroad Street East; thence westerly to the Northeast corner of Fractional Lot 180 on Topeka Boulevard; thence southerly on the West line of said alley 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 June 14, 2016, 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

36 the petition of vacation be granted and does hereby order the vacation of the below described public alley  
37 right-of-way located within the City of Topeka, Kansas:

38 A platted alley in Curtis Addition to the City of Topeka, Shawnee County, Kansas, bounded by Topeka  
39 Boulevard, Curtis Street, Harrison Street and Railroad Street and more particularly described as:  
40 Beginning at the Southeast corner of Lot 146 on Topeka Boulevard, formerly Topeka Avenue in Curtis  
41 Addition; thence easterly to the Southwest corner of Lot 145 on Harrison Street; thence northerly on the  
42 East line of a platted alley to the Northwest corner of an un-numbered fractional lot north of and adjoining  
43 Fractional Lot 179 on Harrison Street, said Northwest corner being on the South line of Railroad Street,  
44 formerly Railroad Street East; thence westerly to the Northeast corner of Fractional Lot 180 on Topeka  
45 Boulevard; thence southerly on the West line of said alley to the point of beginning.

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47 Section 5. That the Governing Body of the City of Topeka does hereby find that justice further  
48 requires the provision for a public utility easement to be established over the described property as set forth in  
49 Section 4 and does hereby order the retention of the below described area as a public utility easement:

50 A platted alley in Curtis Addition to the City of Topeka, Shawnee County, Kansas, bounded by Topeka  
51 Boulevard, Curtis Street, Harrison Street and Railroad Street and more particularly described as:  
52 Beginning at the Southeast corner of Lot 146 on Topeka Boulevard, formerly Topeka Avenue in Curtis  
53 Addition; thence easterly to the Southwest corner of Lot 145 on Harrison Street; thence northerly on the  
54 East line of a platted alley to the Northwest corner of an un-numbered fractional lot north of and adjoining  
55 Fractional Lot 179 on Harrison Street, said Northwest corner being on the South line of Railroad Street,  
56 formerly Railroad Street East; thence westerly to the Northeast corner of Fractional Lot 180 on Topeka  
57 Boulevard; thence southerly on the West line of said alley to the point of beginning.

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59 Section 6. The City Clerk is hereby directed to certify a copy of this ordinance to the Shawnee  
60 County Register of Deeds Office for appropriate recording.

61 Section 7. This ordinance shall take effect and be in force from and after its passage, approval and  
62 publication in the official city newspaper.

63 PASSED AND APPROVED by the Governing Body of the City of Topeka June 14, 2016.

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Larry E. Wolgast, Mayor

ATTEST:

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Brenda Younger, City Clerk