

(Published in the Topeka Metro News July 18, 2016)

ORDINANCE NO. 20013

AN ORDINANCE introduced by City Manager Jim Colson, relating to the vacation of a 16 foot drainage and utility easement running diagonally across property lying between 1920 and 1830 SW Wanamaker Road, in the city of Topeka, Shawnee County, Kansas (*V16E/4*) (*Council District No. 9*)

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 L & R Wanamaker L.L.C., as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described drainage and utility easement located within the City of Topeka, Shawnee County, Kansas:

DESCRIPTION:

All that part of a 16 foot wide Drainage and Utility Easement in Lot 4, Block A, Topeka Crossing Subdivision No. 5, City of Topeka, Shawnee County, Kansas being described as follows:
Commencing at the Northwest corner of said Lot; thence Easterly along the North line of said Lot on the platted bearing of N88°00'50"E, 16.01 feet to the East line of an existing Sidewalk and Utility Easement; thence S00°00'12"W along the East line of said easement, 0.05 feet for the Point of Beginning; thence S36°42'02"E, 29.83 feet; thence S68°22'24"E, 124.67 feet to a point on the East line of said Lot 4; thence S01°59'10"E, 17.46 feet along the East line of said lot; thence N68°22'24"W, 136.20 feet; thence N36°42'02"W, 12.91 feet to a point on the East line of said Sidewalk and Utility Easement; thence N00°00'12"E, along the East line of said easement, 26.77 feet 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 July 12, 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 the

petition of vacation be granted and does hereby order the vacation of the below described drainage and utility easement located within the City of Topeka, Kansas:

DESCRIPTION:

All that part of a 16 foot wide Drainage and Utility Easement in Lot 4, Block A, Topeka Crossing Subdivision No. 5, City of Topeka, Shawnee County, Kansas being described as follows:
Commencing at the Northwest corner of said Lot; thence Easterly along the North line of said Lot on the platted bearing of N88°00'50"E, 16.01 feet to the East line of an existing Sidewalk and Utility Easement; thence S00°00'12"W along the East line of said easement, 0.05 feet for the Point of Beginning; thence S36°42'02"E, 29.83 feet; thence S68°22'24"E, 124.67 feet to a point on the East line of said Lot 4; thence S01°59'10"E, 17.46 feet along the East line of said lot; thence N68°22'24"W, 136.20 feet; thence N36°42'02"W, 12.91 feet to a point on the East line of said Sidewalk and Utility Easement; thence N00°00'12"E, along the East line of said easement, 26.77 feet to the Point of Beginning.

Section 5. 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 6. 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 July 12, 2016.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk