

(Published in the Topeka Metro News February 20, 2017)

ORDINANCE NO. 20053

AN ORDINANCE introduced by Interim City Manager Doug Gerber, relating to the vacation of a 15 foot wide section of public right-of-way along SE Madison Street and a 10 foot wide section of public right-of-way along SE Jefferson Street on property adjacent with 600 SE Madison Street in the City of Topeka, Shawnee County, Kansas (*V16S/6*) (*Council District No. 1*)

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 Madison Street Apartments LLC, as property owners, has been filed with the office of the City Clerk, requesting the vacation of the following described public rights-of-way located within the City of Topeka, Shawnee County, Kansas:

R/W VACATION ALONG SE JEFFERSON:

The East 10 feet of Lots 217, 219, 221, 223 and 225 on Jefferson Street in Holliday's Addition to the City of Topeka, Shawnee County, Kansas.

MADISON STREET VACATION FOR AWNING ENCROACHMENT:

All that part of Madison Street in the City of Topeka, Shawnee County, Kansas being described as follows: Commencing at the Northwest corner of Lot 169 on SE 6th Street in Holliday's Addition; thence Southerly along the East line of said Madison Street on an assumed bearing of S00°01'54"E, 118.00 feet for the Point of Beginning; thence continuing S00°01'54"E along the East line of said Madison Street, 56.00 feet; thence S89°58'06"W, 15.00 feet; thence N00°01'54"W, 56.00 feet; thence N89°58'06"E, 15.00 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 **February 14, 2017**, 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 rights-of-way located within the City of Topeka, Kansas:

R/W VACATION ALONG SE JEFFERSON:

The East 10 feet of Lots 217, 219, 221, 223 and 225 on Jefferson Street in Holliday's Addition to the City of Topeka, Shawnee County, Kansas.

MADISON STREET VACATION FOR AWNING ENCROACHMENT:

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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 a public utility and pedestrian 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 and pedestrian easement.

MADISON STREET VACATION FOR AWNING ENCROACHMENT:

All that part of Madison Street in the City of Topeka, Shawnee County, Kansas being described as follows: Commencing at the Northwest corner of Lot 169 on SE 6th Street in Holliday's Addition; thence Southerly along the East line of said Madison Street on an assumed bearing of S00°01'54"E, 118.00 feet for the Point of Beginning; thence continuing S00°01'54"E along the East line of said Madison Street, 56.00 feet; thence S89°58'06"W, 15.00 feet; thence N00°01'54"W, 56.00 feet; thence N89°58'06"E, 15.00 feet 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 14, 2017.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk