

(Published in the Topeka Metro News June 19, 2017)

**ORDINANCE NO. 20070**

**AN ORDINANCE** introduced by Interim City Manager Douglas Gerber relating to the vacation of a public right-of-way for an unbuilt segment of SW Western Avenue located between SW 23<sup>rd</sup> and SW 24<sup>th</sup> Street(s), in the City of Topeka, Shawnee County, Kansas (Case V17S/01) (Council District No. 3)

**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 Robert & Rebecca Clawson, and Unified School District #501, as property owner(s), has been filed with the office of the City Clerk, requesting the vacation of the following described public right-of-way for an unbuilt segment of SW Western Avenue located within the City of Topeka, Shawnee County, Kansas:

Parts of Western Avenue, formerly Union Avenue in Quinton and Steele's Addition to the City of Topeka, Shawnee County, Kansas, AND Western Avenue, formerly Union Avenue in Ladies Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Northeast corner of Lot 2301 on Western Avenue in Quinton and Steele's Addition; thence easterly, on an extension of the North line of Lot 2301 to an intersection with the East line of Quinton and Steele's Addition; thence continuing on the extension of the North line of said Lot 2301 to a point on the East line of Western Avenue in Ladies Addition; thence southerly on the East line of said Western Avenue, to the Southwest corner of vacated Lot 854 in Ladies Addition; thence westerly, to the intersection of the East line of Quinton and Steele's Addition with an extension of the North line of 24<sup>th</sup> Street easterly from the Northwest corner of 24<sup>th</sup> Street and Western Avenue in Quinton and Steele's Addition; thence westerly to the Northwest corner of 24<sup>th</sup> Street and Western Avenue in Quinton and Steele's Addition; thence northerly on the West line of Western Avenue in Quinton and Steele's Addition, 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 13, 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 right-of-way for an unbuilt segment of SW Western Avenue located within the City of Topeka, Kansas:

Parts of Western Avenue, formerly Union Avenue in Quinton and Steele's Addition to the City of Topeka, Shawnee County, Kansas, AND Western Avenue, formerly Union Avenue in Ladies Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Northeast corner of Lot 2301 on Western Avenue in Quinton and Steele's Addition; thence easterly, on an extension of the North line of Lot 2301 to an intersection with the East line of Quinton and Steele's Addition; thence continuing on the extension of the North line of said Lot 2301 to a point on the East line of Western Avenue in Ladies Addition; thence southerly on the East line of said Western Avenue, to the Southwest corner of vacated Lot 854 in Ladies Addition; thence westerly, to the intersection of the East line of Quinton and Steele's Addition with an extension of the North line of 24<sup>th</sup> Street easterly from the Northwest corner of 24<sup>th</sup> Street and Western Avenue in Quinton and Steele's Addition; thence westerly to the Northwest corner of 24<sup>th</sup> Street and Western Avenue in Quinton and Steele's Addition; thence northerly on the West line of Western Avenue in Quinton and Steele's Addition, to the point of beginning.

**Section 5.** That the Council of the City of Topeka does hereby find that justice further requires the provision for a public sidewalk easement to be established over the described property as set forth in Section 4, and adjacent to SW 24<sup>th</sup> Street, and does hereby order the retention of the below described area as a public sidewalk easement:

A five feet wide strip being a part of Western Avenue, formerly Union Avenue in Quinton and Steele's Addition to the City of Topeka, Shawnee County, Kansas, AND Western Avenue, formerly Union Avenue in Ladies Addition to the City of Topeka, Shawnee County, Kansas, extending from the East line of Western Avenue in Ladies Addition to the West line of Western Avenue in Quinton and Steele's Addition, the South line of said strip is described as: Beginning at the Southwest corner of vacated Lot 854 in Ladies Addition; thence westerly, to the intersection of the East line of Quinton and Steele's Addition with an extension of the North line of 24<sup>th</sup> Street easterly from the Northwest corner of 24<sup>th</sup> Street and Western Avenue in Quinton and Steele's Addition; thence westerly to the Northwest corner of 24<sup>th</sup> Street and Western Avenue in Quinton and Steele's Addition.

**Section 6.** That the Council of the City of Topeka does hereby find that justice further requires the provision for a public utility 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 easement:

A PORTION OF WESTERN AVENUE AS PLATTED AND SHOWN ON QUINTON AND STEELE'S ADDITION RECORDED IN BOOK 4, PAGE 21 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS, SITUATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED RECORDED NOVEMBER 22, 1989 IN BOOK 2566, PAGE 536 IN THE OFFICE OF THE SHAWNEE COUNTY REGISTER OF DEEDS, BEING THE NORTHWEST CORNER OF WESTERN AVENUE AND 22TH STREET; THENCE NORTH 89 DEGREES 59 MINUTES 29 SECONDS EAST, (BEARINGS BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE NORTH RIGHT OF WAY LINE OF SAID 24<sup>TH</sup> STREET, A DISTANCE OF 16.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 44 MINUTES 16 SECONDS WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 29 SECONDS EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 16 SECONDS EAST, A DISTANCE OF 50.00 FEET TO SAID NORTH RIGHT OF WAY LINE; THENCE SOUTH 89 DEGREES 59 MINUTES 29 SECONDS WEST, COINCIDENT WITH SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1,000 SQUARE FEET, MORE OF LESS.

**Section 7.** 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 8.** 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 June 13, 2017.

---

Larry E. Wolgast, Mayor

ATTEST:

---

Brenda Younger, City Clerk