

(Published in the Topeka Metro News August 21, 2017)

ORDINANCE NO. 20081

AN ORDINANCE introduced by Interim City Manager Douglas Gerber, relating to the vacation of 150 ft. of public alley right-of-way lying between SW Mulvane Street and SW College Avenue and between SW 11th Street and SW Munson Avenue, in the City of Topeka, Shawnee County, Kansas (Case V17A/02) (Council District No. 6)

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 Topeka Bible Church, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described segment of public alley right-of-way located within the City of Topeka, Shawnee County, Kansas:

Beginning at the Southwest corner of Lot 413 on Mulvane Street, formerly Morris Street; thence northerly along the East line of a public alley to the Northwest corner of Lot 403 on Mulvane Street; thence westerly to the Northeast corner of Lot 404 on College Avenue, formerly Spruce Street; thence southerly on the West line of said alley to the Northeast corner of Lot 416 on College Avenue; thence easterly to the point of beginning; all in Stilson and Bartholomew's Addition to the City of Topeka, Shawnee County, Kansas.

Section 2. That said petition has been duly published for two (2) consecutive weeks in a newspaper of general circulation and 20 days prior to the public hearing, and on August 15, 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 alley right-of-way located within the City of Topeka, Kansas:

Beginning at the Southwest corner of Lot 413 on Mulvane Street, formerly Morris Street; thence northerly along the East line of a public alley to the Northwest corner of Lot 403 on Mulvane Street; thence westerly to the Northeast corner of Lot 404 on College Avenue, formerly Spruce Street; thence southerly on the West line of said alley to the Northeast corner of Lot 416 on College Avenue; thence easterly to the point of beginning; all in Stilson and Bartholomew's Addition to the City of Topeka, Shawnee County, Kansas.

Section 5. 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:

Beginning at the Southwest corner of Lot 413 on Mulvane Street, formerly Morris Street; thence northerly along the East line of a public alley to the Northwest corner of Lot 403 on Mulvane Street; thence westerly to the Northeast corner of Lot 404 on College Avenue, formerly Spruce Street; thence southerly on the West line of said alley to the Northeast corner of Lot 416 on College Avenue; thence easterly to the point of beginning; all in Stilson and Bartholomew's Addition to the City of Topeka, Shawnee County, Kansas.

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 August 15, 2017.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk