

(Published in the Topeka Metro News December 4, 2017)

ORDINANCE NO. 20090

AN ORDINANCE introduced by Interim City Manager Doug Gerber, relating to the vacation of public right-of-way for a segment of SE 8th Avenue approximately 180 feet in length lying between SE Adams Street and SE Hancock Street, and including a section of the BNSF Railway tracks, in the City of Topeka, Shawnee County, Kansas (Case V17S/03) (Council Districts No.1 and 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 BNSF Railway, as property owner, has been filed with the office of the City Clerk, requesting the vacation of the following described public right-of-way located within the City of Topeka, Shawnee County, Kansas:

A part of Eighth Avenue East in C. K. Holliday's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southeast corner of Lot 251 on Holliday Street in said addition; thence easterly to the Southwest corner of Lot 252 on Holliday Street; thence easterly on the North line of Eighth Avenue East to the Southeast corner of said Lot 252; thence easterly on an extension of the North line of Eighth Avenue East to a point on a line 45 feet west of the East line of Washington Street in said addition; thence southerly on an extension of said line 45 feet west of the extended East line of Washington Street, to a point on a prolongation of the South line of Eighth Avenue East from the west; thence westerly on the said prolongation of the South line of Eighth Avenue East and on the South line of Eighth Avenue East, to a point 56.18 feet easterly distant from the intersection of the South line of Eighth Avenue East with the Centerline of vacated Charles Street in said addition; thence northeasterly 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 20 days prior to hearing, and on October 17, 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 a segment of SE 8th Avenue located within the City of Topeka, Kansas:

A part of Eighth Avenue East in C. K. Holliday's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southeast corner of Lot 251 on Holliday Street in said addition; thence easterly to the Southwest corner of Lot 252 on Holliday Street; thence easterly on the North line of Eighth Avenue East to the Southeast corner of said Lot 252; thence easterly on an extension of the North line of Eighth Avenue East to a point on a line 45 feet west of the East line of Washington Street in said addition; thence southerly on an extension of said line 45 feet west of the extended East line of Washington Street, to a point on a prolongation of the South line of Eighth Avenue East from the west; thence westerly on the said prolongation of the South line of Eighth Avenue East and on the South line of Eighth Avenue East, to a point 56.18 feet easterly distant from the intersection of the South line of Eighth Avenue East with the Centerline of vacated Charles Street in said addition; thence northeasterly 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 utility easement 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 part of Eighth Avenue East in C. K. Holliday's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southeast corner of Lot 251 on Holliday Street in said addition; thence easterly to the Southwest corner of Lot 252 on Holliday Street; thence easterly on the North line of Eighth Avenue East to the Southeast corner of said Lot 252; thence easterly on an extension of the North line of Eighth Avenue East to a point on a line 45 feet west of the East line of Washington Street in said addition; thence southerly on an extension of said line 45 feet west of the extended East line of Washington Street, to a point on a prolongation of the South line of Eighth Avenue East from the west; thence westerly on the said prolongation of the South line of Eighth Avenue East and on the South line of Eighth Avenue East, to a point 56.18 feet easterly distant from the intersection of the South line of Eighth Avenue East with the Centerline of vacated Charles Street in said addition; thence northeasterly 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 only upon publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Topeka October 17, 2017.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk