

(Published in the Topeka Metro News October 21, 2019)

**ORDINANCE NO. 20215**

AN ORDINANCE introduced by City Manager Brent Trout authorizing initiation of eminent domain proceedings to acquire easements for the reconstruction of S.W. 10<sup>th</sup> Avenue from Fairlawn to Wanamaker to include utility improvements: Project Nos. T-701015.00; 281161.02

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That it is hereby declared necessary to condemn and appropriate for the use of the City of Topeka certain property within the corporate limits of the City of Topeka for a street improvement and concomitant utility improvements, said properties being described as follows:

**Parcel 6 (900 S.W. Robinson)**

Owner of Record: IRET Properties  
P.O. Box 1988  
Minot, MN 55402

Contract Purchaser: NONE

Lienholders of Record: Federal Home Loan Mortgage Corp.  
8200 Jones Branch Drive  
McLean, VA 22102

NorthMarq Capital LLC  
3500 American Boulevard West, Ste. 500  
Bloomington, MN 55431

Wilmington Trust, National Association  
1100 North Market Street  
Wilmington, DE 19890

Party in Possession: Owner

Party of Interest: NONE

PROPERTY TO BE ACQUIRED:

**Temporary Easement:**

A portion of Lot 1, Block A, Woodbridge Subdivision No. 9 in the Northwest Quarter of Section 33, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, being described as follows: Commencing at the southeast corner of said Lot 1; thence along the south line of said Lot 1 S87°45'37"W (Bearings based on the Kansas Coordinate System 1983 North Zone) 12.38 feet to the Point of Beginning; thence continuing along said south line S87°45'37"W a distance of 454.61 feet; thence N84°07'37"E a distance of 102.57 feet; thence parallel with the south line of said Lot 1 N87°45'37"E a distance of 190.00 feet; thence S89°56'44"E a distance of 162.37 feet to the Point of Beginning. Encompassing 2,095 square feet.

This easement expires one (1) year after acceptance of project for maintenance.

**Parcel 23** (5701 S.W. Woodbridge Drive)

Owner of Record: Daniel and Nancy Shaughnessy  
5701 S.W. Woodridge Drive  
Topeka, KS 66606

Contract Purchaser: NONE

Lienholders of Record: Landmark National Bank  
P.O. Box 308  
Manhattan, KS 66505

MERS  
P.O. Box 2026  
Flint, MI 48501-2026

Party in Possession: Owner

Party of Interest: NONE

PROPERTY TO BE ACQUIRED:

**Temporary Easement**

A portion of Lot 1, Block C, Woodbridge Subdivision in the Northwest Quarter of Section

33, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, being described as follows: Beginning at the southwest corner of said Lot 1; thence along the west line of said Lot 1 N01°48'20"W (Bearings based on the Kansas Coordinate System 1983 North Zone) a distance of 14.00 feet; thence N81°15'00"E a distance of 28.44 feet; thence S81°13'59"E a distance of 90.21 feet to the south line of said Lot 1; thence along said south line S87°45'37"W a distance of 116.92 feet the Point of Beginning. Encompassing 1,205 square feet.

This easement expires one (1) year after acceptance of project for maintenance.

**Parcel 46** (5313 S.W. 10<sup>th</sup> Avenue)

Owner of Record: Sandra Dickison  
5313 S.W. 10<sup>th</sup> Avenue  
Topeka, KS 66610

Contract Purchaser: NONE

Party in Possession: Owner

Party of Interest: NONE

**PROPERTY TO BE ACQUIRED:**

**Temporary Easement:**

A portion of Lot 3 block (B), Bryan Subdivision in the Southeast Quarter of Section 33, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, being described as follows; Commencing at the northeast corner of said Lot 3; thence along the east line of said Lot 3 S02°01'27"E (Bearings based on the Kansas Coordinate System 1983 North Zone) a distance of 5.00 feet; thence parallel with the North line of said Lot 3 S87°45'32"W a distance of 20.10 feet to the Point of Beginning; thence S02°14'28"W a distance of 7.00 feet; thence parallel with the north line said Lot 3 S87°45'32"W a distance of 20.0 feet; thence N02°14'28"E a distance of 7.00 feet; thence parallel with the North line of said Lot 3 N87°45'32"E a distance of 20.00 feet to the Point of Beginning. Encompassing 140 square feet.

This easement expires one (1) year after acceptance of project for maintenance.

**Permanent Easement**

A portion of Lots 1, 2 and 3 block (B), Bryan Subdivision in the Southeast Quarter of Section

33, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, being described as follows; Commencing at the northwest corner of said Lot 3; thence along the north line of said Lot 3 N87°45'32"E (Bearings based on the Kansas Coordinate System 1983 North Zone) a distance of 6.00 feet the east line of an existing 6.00 foot utility easement also being the Point of Beginning; thence along the north line of said Lots 3, 2 and 1 N87°45'32"E a distance of 328.89 feet to the west line of an existing 8 foot utility easement; thence along said easement line S02°01'19"E a distance of 5.00 feet; thence parallel with said north line S87°45'32"W a distance of 328.91 feet to the east line of an existing utility easement; thence along said west line N01°49'05"W a distance of 5.00 feet to the Point of Beginning. Encompassing 1,645 square feet.

Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the governing body of the City of Topeka, Kansas shall present a written application to the District Court of Shawnee County, Kansas, for the appointment of appraisers to make the appraisal and assessment required by law when land is taken for public purposes, and said City Attorney shall do all things necessary for the condemnation of said land completing the appropriation of the same for public purposes.

Section 3. 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 October 15, 2019.

CITY OF TOPEKA, KANSAS

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Michelle De La Isla, Mayor

ATTEST:

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Brenda Younger, City Clerk