

(Published in the Topeka Metro News December 23, 2019)

ORDINANCE NO. 20231

AN ORDINANCE introduced by City Manager Brent Trout authorizing initiation of condemnation proceedings to acquire easements for replacement of the Wanamaker Sanitary Sewer Main from the 6300 block of S.W. 9th to Danbury Lane (Project No. t-291056.00)

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 to replace the Wanamaker Sanitary Sewer Main from the 6300 block of S.W. 9th to Danbury Lane, said properties being described as follows:

Parcel 19 (605 S.W. Fairlawn Road)

Owner of Record: Flywheel Fairlawn, LLC
2828 N. Speer Blvd., Ste. 220
Denver, CO 80211

Lienholder of Record SP Fund V Lender, LLC
400 North LaSalle St., Ste. 805
Chicago, IL 60654

Contract Purchaser: NONE

Party in Possession: Owner

PROPERTY TO BE ACQUIRED:

Temporary Easement

A portion of Block D, Fairlawn Acres Subdivision in the Northeast Quarter of Section 33, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, described as follows: Commencing at the northwest corner of said Block D; thence S02°09'28"E (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Block D a distance of 10.70 feet; thence N87°50'32"E a distance of 6.00 feet to the intersection of the south line of an existing 12 foot utility easement and the east line of an existing 12 foot utility easement centered on the west line of said Block D; thence along said west line S02°09'28"E a distance of 10.48 feet to the Point of Beginning; thence parallel with the north line of said Block D N70°29'11"E a distance of 216.17 feet; thence S19°36'37"E a distance of 10.00 feet; thence parallel with the north line of said Block D S70°29'11"W a distance of 219.32 feet to the east line of said existing 12 foot utility easement; thence along said east line N02°09'28"W a distance of 10.48 feet to the Point of Beginning. Encompassing 2,177 square feet.

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

Permanent Easement

A portion of Block D, Fairlawn Acres Subdivision in the Northeast Quarter of Section 33, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, described as follows:

Commencing at the northwest corner of said Block D; thence S02°09'28"E (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Block D a distance of 10.70 feet; thence N87°50'32"E a distance of 6.00 feet to the intersection of the east line of an existing 12 foot utility easement centered on the west line of Block D and the south line of an existing 12 foot utility easement also being the Point of Beginning; thence parallel with the north line of Block D along the south line of said easement N70°29'11"E a distance of 501.81 feet; thence S11°31'00"W a distance of 11.67; thence parallel with the north line of said Block D S70°29'11"W a distance of 493.44 to the east line of an existing 12 foot utility easement centered on the west line of said Block D; thence parallel with west line of said Block D along the east line of said easement N02°09'28"W a distance of 10.48 feet to the Point of Beginning. Encompassing 4,949 square feet.

Parcel 21 (4712 S.W. 6th Ave.)

Owner of Record:	City of Wichita 455 N. Main St. Wichita, KS 67202
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Contract Purchaser:	NONE
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Party in Possession: Owner

PROPERTY TO BE ACQUIRED:

Temporary Easements

A portion of Presbyterian Manor Subdivision in the West Half of the Southwest Quarter of Section 27, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, described as follows:

21 T1

Commencing at the southwest corner of said Subdivision; thence N87°35'27"E (Bearings based on the Kansas Coordinate System 1983 North Zone) along the south line of said Subdivision a distance of 15.00 feet to the east line of an existing 15.00 foot Westar easement also being the Point of Beginning; thence along the east line of said Westar easement N01°50'07"W a distance of 283.60 feet to the southerly line of a 16 foot sanitary easement; thence parallel with the westerly line of said subdivision along southerly line of said sanitary easement N32°53'58"E a distance of 489.63 feet; thence N40°13'34"E a distance of 200.66 feet; thence S49°46'26"E a distance of 10.00 feet; thence S40°13'34"W a distance of 200.02 feet; thence parallel with the westerly line of said subdivision S32°53'58"W a distance of 489.63 feet; thence parallel with the west line of said subdivision S01°50'07"E a distance of 287.54 feet to the south line of said subdivision; thence along said south line S87°35'27"W a distance of 15.00 feet to the Point of Beginning. Encompassing 11,246 square feet.

21 T2:

Commencing at the southwest corner of said Subdivision; thence N01°50'07"W (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Subdivision a distance of 290.20 feet; thence along the westerly line of said subdivision N32°53'58"E a distance of 624.07 feet; thence along the northwesterly line of said subdivision N40°13'34"E a distance of 238.19 feet; thence S49°46'26"E a distance of 31.00 feet to the Point of Beginning; thence N40°13'34"E parallel with the northwesterly line of said subdivision a distance of 115.74 feet to the south line of an existing 16 foot sanitary easement; thence along the south line of said easement N68°34'51"E a distance of 21.06 feet; thence parallel with the northwesterly line of said Subdivision S40°13'34"W a distance of 134.27 feet; thence N49°46'26"W 10.00 feet to the Point of Beginning. Encompassing 1,250 square feet

21 T3:

Commencing at the southwest corner of said Subdivision; thence N01°50'07"W (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Subdivision a distance of 290.20 feet; thence along the westerly line of said Subdivision

N32°53'58"E a distance of 624.07 feet; thence along the northwesterly line of said Subdivision N40°13'34"E a distance of 359.83 feet; thence S49°46'26"E a distance of 16.00 feet to the southeasterly line of an existing 16 foot sanitary easement, thence parallel to the northwesterly line of said Subdivision N40°13'34"E along the southeasterly line of said sanitary easement line a distance of 18.86 feet to the Point of Beginning; thence parallel with the northwesterly line of said Subdivision N40°13'34"E along the southeasterly line of said sanitary easement a distance of 363.92 feet to the east line of said Subdivision; thence along the east line of said Subdivision S01°50'07"E a distance of 478.90 feet to the northeasterly line of an existing 16 foot sanitary easement; thence along the northeasterly line of said easement N19°42'47"W a distance of 221.40 feet; thence continuing along said easement S68°34'51"W a distance of 186.45 feet; thence N04°46'20"W a distance of 9.35 feet to the southeasterly line of an existing 16 foot sanitary easement, also being the Point of Beginning. Encompassing 32,588 square feet

21 T4:

Commencing at the southwest corner of said Subdivision; thence N87°35'27"E (Bearings based on the Kansas Coordinate System 1983 North Zone) along the south line of said Subdivision a distance of 810.00 feet to the Point of Beginning; thence parallel with the east line of said Subdivision N01°50'07"W a distance of 366.70 feet to the south line of an existing 16 foot sanitary easement; thence along the south line of said easement N89°36'21"E a distance of 8.62 feet to the east line of said easement; thence continuing along the east line of said easement N00°23'39"W a distance of 151.42 feet to the east line of an existing 16 foot sanitary easement; thence along the east line of said easement N01°17'27"W a distance of 229.59 feet to the southeasterly line of said easement; thence along the southeasterly line of said easement N26°40'41"E a distance of 84.62 feet to the east line of said Subdivision; thence along the east line of said Subdivision S01°50'07"E a distance of 821.17 feet to the south line of said Subdivision; thence along the south line of said Subdivision S87°35'27"W a distance of 55.00 to the Point of Beginning. Encompassing 37,899 square feet.

21 T5

Commencing at the southwest corner of said Subdivision; thence N87°35'27"E (Bearings based on the Kansas Coordinate System 1983 North Zone) along the south line of said Subdivision a distance of 865.00 feet to the east line of said Subdivision; thence along the east line of said Subdivision N01°50'07"W a distance of 854.69 feet to the northwesterly line of an existing 16 foot sanitary easement also being the Point of Beginning; thence along the northwesterly line of said easement S26°40'41"W a distance of 115.22 feet; thence parallel with the east line of said Subdivision N01°50'07"W a distance of 273.18 feet to the southwesterly line of an existing 16 foot sanitary easement; thence along the southwesterly line of said easement S19°42'14"E a distance of 253.51 feet to the east line of said Subdivision; thence along the east line of said Subdivision S01°50'07"E a distance of 1.43 feet to the northwesterly line of an existing 16 foot sanitary easement also being the Point of Beginning. Encompassing 7,552 square feet

These easements will expire one year after acceptance for maintenance.

Permanent Easements

A portion of Presbyterian Manor Subdivision in the West Half of the Southwest Quarter of Section 27, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, described as follows:

21 P1:

Beginning at the southwest corner of said Subdivision; thence N01°50'07"W (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Subdivision a distance of 262.12 feet to the southeasterly line of an existing 16 foot sanitary easement; thence parallel with the westerly line of said subdivision along said easement N32°53'58"E a distance of 26.33 feet to the west line of an existing Westar 15 foot easement of Right of Way; thence parallel with the west line of said Subdivision along said Westar easement N01°50'07"W a distance of 283.60 feet to the south line of said subdivision; thence along the south line of said subdivision S87°35'27"W a distance of 15.00 feet to the Point of Beginning. Encompassing 4,093 square feet.

21 P2:

Commencing at the southwest corner of said Subdivision; thence N01°50'07"W (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Subdivision a distance of 290.20 feet; thence along the westerly line of said subdivision N32°53'58"E a distance of 505.42 feet; thence S57°06'02"E a distance of 16.00 feet to the easterly line of a 16 foot sanitary easement also being the Point of Beginning; thence parallel with the westerly line of said Subdivision along easterly line of said easement N32°53'58"E a distance of 117.62 feet; thence parallel with the northwesterly line of said subdivision continuing along the easterly line of said sanitary easement N40°13'34"E a distance of 325.12 feet; thence continuing along the southeasterly line of said sanitary easement N68°34'51"E a distance of 31.58 feet; thence parallel to the northwesterly line of said subdivision S40°13'34"W a distance of 469.58 feet to the Point of Beginning. Encompassing 5,960 square feet

21 P3:

Commencing at the southwest corner of said Subdivision; thence N01°50'07"W (Bearings based on the Kansas Coordinate System 1983 North Zone) along the west line of said Subdivision a distance of 290.20 feet; thence along the westerly line of said subdivision N32°53'58"E a distance of 624.07 feet; thence along the northwesterly line of said subdivision N40°13'34"E a distance of 359.83 feet; thence S49°46'26"E to the intersection of two existing 16 foot sanitary easements also being the Point of Beginning; thence parallel with the

northwesterly line of said Subdivision along the southeasterly line of said sanitary easement N40°13'34"E a distance of 18.86 feet; thence S04°46'20"E a distance of 9.35 feet to the north line of an existing 16 foot sanitary easement; thence along said north line S68°34'51"W a distance of 13.92 feet to the Point of Beginning. Encompassing 62 square feet.

Parcel 23 (325 S.W. Whitehall Lane)

Owner of Record: Dr. Balasubramanyan Napa
Eswari Napa
325 S.W. Whitehall Lane
Topeka, KS 66606

Contract Purchaser: NONE

Party in Possession: Owner

Temporary Easement

A portion of Lot 3, Block B, Prospect Hills Subdivision No. 5 in the Southwest Quarter of Section 27, Township 11 South, Range 15 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, described as follows: The south 5.00 feet of the north 21.00 feet of said Lot 3. Encompassing 953 square feet.

This easement will expire one year after acceptance for maintenance.

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 private property interests are taken for public purposes, and said City Attorney shall do all things necessary for the condemnation of such property interests 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.

233 PASSED and APPROVED by the Governing Body December 17, 2019.

234 CITY OF TOPEKA, KANSAS

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241 ATTEST:

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Brenda Younger, City Clerk

Michelle De La Isla, Mayor