

(Published in the Topeka Metro News October 24, 2022)

ORDINANCE NO. 20379

AN ORDINANCE introduced by City Manager Stephen Wade authorizing initiation of condemnation proceedings to acquire easements for a water line improvement project at the West Ridge Mall (Project No. T-281225.08).

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 water line improvement, said properties being described as follows:

Parcel 5 (1801 SW Wanamaker Road)

Owner of Record: West Ridge Mall Realty Holding LLC
c/o Kohan Retail
1010 Northern Blvd., Ste. 212
Great Neck, NY 11021

Registered Agent VCORP Services, LLC
West Ridge Mall Realty Holding LLC
112 SW 7th, Ste. 3C
Topeka, KS 66603

Contract Purchaser: NONE

Lienholder of Record: Gadelander Str. 77 Projekt GMBH
c/o Summit US Holdings GmbH
Groninger Str. 25-27, 13347
Berlin, Germany

Party in Possession: Owner

PROPERTY TO BE ACQUIRED:

Temporary Easement No. 1 which expires on October 31, 2023:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS AND ALSO BEING PART OF LOT 1, BLOCK A, WEST RIDGE MALL SUBDIVISION, DESCRIBED BY JOHN R. SOMMERS, P.S. 1542 ON AUGUST 25, 2021, AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 87°57'54" WEST (BEARING BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 619.29 FEET; THENCE NORTH 02°02'06" WEST, PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 606.19 FEET TO THE EAST LINE OF THAT PARCEL OF LAND RECORDED IN DOCUMENT 2019R20738 IN THE SHAWNEE COUNTY REGISTER OF DEEDS OFFICE, ALSO BEING THE EAST LINE OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE SOUTH 63°58'00" WEST, A DISTANCE OF 40.74 FEET TO THE WEST LINE OF SAID PARCEL OF LAND RECORDED IN DOCUMENT 2019R20738; THENCE COINCIDENT WITH SAID WEST LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 340.00 FEET, AN ARC LENGTH OF 20.13 FEET, WHOSE CHORD BEARS NORTH 04°36'52" EAST, A DISTANCE OF 20.12 FEET; THENCE NORTH 02°55'05" EAST, CONTINUING COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 1.04 FEET; THENCE SOUTH 49°10'56" EAST, A DISTANCE OF 8.94 FEET; THENCE NORTH 63°58'00" EAST, A DISTANCE OF 32.00 FEET TO SAID EAST LINE; THENCE COINCIDENT WITH SAID EAST LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 580.00 FEET, AN ARC LENGTH OF 1.97 FEET, WHOSE CHORD BEARS SOUTH 03°00'57" WEST, A DISTANCE OF 1.97 FEET; THENCE SOUTH 02°55'05" WEST, CONTINUING COINCIDENT WITH SAID EAST LINE, A DISTANCE OF 8.95 FEET; THENCE CONTINUING COINCIDENT WITH SAID EAST LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 375.00 FEET, AN ARC LENGTH OF 0.51 FEET, WHOSE CHORD BEARS SOUTH 02°57'26" WEST, A DISTANCE OF 0.51 FEET TO THE POINT OF BEGINNING. CONTAINING 438 SQUARE FEET (0.010 ACRES), MORE OR LESS.

Temporary Easement No. 2 which expires on October 31, 2023:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS AND ALSO BEING PART OF LOT 1, BLOCK A, WEST RIDGE MALL SUBDIVISION, DESCRIBED BY JOHN R. SOMMERS, P.S. 1542 ON AUGUST 25, 2021, AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 87°57'54" WEST (BEARING BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 622.99 FEET;

80 THENCE NORTH 02°02'06" WEST, PERPENDICULAR TO SAID SOUTH LINE, A
81 DISTANCE OF 577.18 FEET TO THE EAST LINE OF THAT PARCEL OF LAND
82 RECORDED IN DOCUMENT 2019R20738 IN THE SHAWNEE COUNTY REGISTER OF
83 DEEDS OFFICE, ALSO BEING THE EAST LINE OF SAID LOT 1 AND THE POINT OF
84 BEGINNING; THENCE SOUTH 63°58'00" WEST, A DISTANCE OF 43.01 FEET TO THE
85 WEST LINE OF SAID PARCEL OF LAND RECORDED IN DOCUMENT 2019R20738;
86 THENCE COINCIDENT WITH SAID WEST LINE ON A CURVE TO THE LEFT HAVING
87 A RADIUS OF 340.00 FEET, AN ARC LENGTH OF 12.43 FEET, WHOSE CHORD
88 BEARS NORTH 10°24'08" EAST, A DISTANCE OF 12.43 FEET; THENCE NORTH
89 63°58'00" EAST, A DISTANCE OF 42.02 FEET TO SAID EAST LINE; THENCE
90 COINCIDENT WITH SAID EAST LINE ON A CURVE TO THE RIGHT HAVING A
91 RADIUS OF 375.00 FEET, AN ARC LENGTH OF 11.87 FEET, WHOSE CHORD BEARS
92 SOUTH 06°33'32" WEST, A DISTANCE OF 11.87 FEET TO THE POINT OF BEGINNING.
93 CONTAINING 425 SQUARE FEET (0.010 ACRES), MORE OR LESS.
94

95 **Temporary Easement No. 3 which expires on October 31, 2023:**
96

97 A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5,
98 TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN,
99 SHAWNEE COUNTY, KANSAS AND ALSO BEING PART OF LOT 1, BLOCK A, WEST
100 RIDGE MALL SUBDIVISION, DESCRIBED BY JOHN R. SOMMERS, P.S. 1542 ON
101 AUGUST 25, 2021, AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF
102 SAID SOUTHEAST QUARTER; THENCE SOUTH 87°57'54" WEST (BEARING BASED
103 ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH
104 THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 778.12 FEET;
105 THENCE NORTH 02°02'06" WEST, PERPENDICULAR TO SAID SOUTH LINE, A
106 DISTANCE OF 331.65 FEET TO THE SOUTH LINE OF THAT PARCEL OF LAND
107 RECORDED IN DOCUMENT 2019R20738 IN THE SHAWNEE COUNTY REGISTER OF
108 DEEDS OFFICE, ALSO BEING THE SOUTH LINE OF SAID LOT 1 AND THE POINT OF
109 BEGINNING; THENCE COINCIDENT WITH SAID SOUTH LINE ON A CURVE TO THE
110 RIGHT HAVING A RADIUS OF 375.00 FEET, AN ARC LENGTH OF 12.36 FEET,
111 WHOSE CHORD BEARS SOUTH 53°58'01" WEST, A DISTANCE OF 12.36 FEET;
112 THENCE NORTH 00°02'08" WEST, A DISTANCE OF 43.82 FEET TO THE NORTH LINE
113 OF SAID PARCEL OF LAND RECORDED IN DOCUMENT 2019R20738; THENCE
114 COINCIDENT WITH SAID NORTH LINE ON A CURVE TO THE LEFT HAVING A
115 RADIUS OF 340.00 FEET, AN ARC LENGTH OF 13.13 FEET, WHOSE CHORD BEARS
116 NORTH 49°33'05" EAST, A DISTANCE OF 13.13 FEET; THENCE SOUTH 00°02'08"
117 EAST, A DISTANCE OF 45.07 FEET TO THE POINT OF BEGINNING. CONTAINING
118 444 SQUARE FEET (0.010 ACRES), MORE OR LESS.
119

120 **Temporary Easement No. 4 which expires on October 31, 2023:**
121

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS AND ALSO BEING PART OF LOT 1, BLOCK A, WEST RIDGE MALL SUBDIVISION, DESCRIBED BY JOHN R. SOMMERS, P.S. 1542 ON AUGUST 25, 2021, AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 87°57'54" WEST (BEARING BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 803.73 FEET; THENCE NORTH 02°02'06" WEST, PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 315.26 FEET TO THE SOUTH LINE OF THAT PARCEL OF LAND RECORDED IN DOCUMENT 2019R20738 IN THE SHAWNEE COUNTY REGISTER OF DEEDS OFFICE, ALSO BEING THE SOUTH LINE OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH SAID SOUTH LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 375.00 FEET, AN ARC LENGTH OF 10.49 FEET, WHOSE CHORD BEARS SOUTH 58°28'17" WEST, A DISTANCE OF 10.49 FEET; THENCE NORTH 00°23'06" EAST, A DISTANCE OF 25.54 FEET; THENCE NORTH 61°00'13" WEST, A DISTANCE OF 15.18 FEET TO THE NORTH LINE OF SAID PARCEL OF LAND RECORDED IN DOCUMENT 2019R20738; THENCE COINCIDENT WITH SAID NORTH LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 340.00 FEET, AN ARC LENGTH OF 26.55 FEET, WHOSE CHORD BEARS NORTH 56°05'35" EAST, A DISTANCE OF 26.55 FEET; THENCE SOUTH 00°00'55" EAST, A DISTANCE OF 42.23 FEET TO THE POINT OF BEGINNING. CONTAINING 474 SQUARE FEET (0.011 ACRES), MORE OR LESS.

Permanent Easement No. 1

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS AND ALSO BEING PART OF LOT 1, BLOCK A, WEST RIDGE MALL SUBDIVISION, DESCRIBED BY JOHN R. SOMMERS, P.S. 1542 ON AUGUST 25, 2021, AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 87°57'54" WEST (BEARING BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 621.22 FEET; THENCE NORTH 02°02'06" WEST, PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 588.91 FEET TO THE EAST LINE OF THAT PARCEL OF LAND RECORDED IN DOCUMENT 2019R20738 IN THE SHAWNEE COUNTY REGISTER OF DEEDS OFFICE, ALSO BEING THE EAST LINE OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE SOUTH 63°58'00" WEST, A DISTANCE OF 42.02 FEET TO THE WEST LINE OF SAID PARCEL OF LAND RECORDED IN DOCUMENT 2019R20738; THENCE COINCIDENT WITH SAID WEST LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 340.00 FEET, AN ARC LENGTH OF 18.07 FEET, WHOSE CHORD

BEARS NORTH 07°49'57" EAST, A DISTANCE OF 18.06 FEET; THENCE NORTH 63°58'00" EAST, A DISTANCE OF 40.74 FEET TO SAID EAST LINE; THENCE COINCIDENT WITH SAID EAST LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 375.00 FEET, AN ARC LENGTH OF 17.38 FEET, WHOSE CHORD BEARS SOUTH 04°19'26" WEST, A DISTANCE OF 17.38 FEET TO THE POINT OF BEGINNING. CONTAINING 620 SQUARE FEET (0.014 ACRES), MORE OR LESS.

Permanent Easement No. 2:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 15 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS AND ALSO BEING PART OF LOT 1, BLOCK A, WEST RIDGE MALL SUBDIVISION, DESCRIBED BY JOHN R. SOMMERS, P.S. 1542 ON AUGUST 25, 2021, AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 87°57'54" WEST (BEARING BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 788.37 FEET; THENCE NORTH 02°02'06" WEST, PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 324.74 FEET TO THE SOUTH LINE OF THAT PARCEL OF LAND RECORDED IN DOCUMENT 2019R20738 IN THE SHAWNEE COUNTY REGISTER OF DEEDS OFFICE, ALSO BEING THE SOUTH LINE OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE COINCIDENT WITH SAID SOUTH LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 375.00 FEET, AN ARC LENGTH OF 18.06 FEET, WHOSE CHORD BEARS SOUTH 56°17'27" WEST, A DISTANCE OF 18.06 FEET; THENCE NORTH 00°00'55" WEST, A DISTANCE OF 42.23 FEET TO THE NORTH LINE OF SAID PARCEL OF LAND RECORDED IN DOCUMENT 2019R20738; THENCE COINCIDENT WITH SAID NORTH LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 340.00 FEET, AN ARC LENGTH OF 18.98 FEET, WHOSE CHORD BEARS NORTH 52°15'25" EAST, A DISTANCE OF 18.97 FEET; THENCE SOUTH 00°02'08" EAST, A DISTANCE OF 43.82 FEET TO THE POINT OF BEGINNING. CONTAINING 646 SQUARE FEET (0.015 ACRES), MORE OR LESS.

Section 2. That the City Attorney, on behalf of the governing body, 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 18, 2022.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk