

(Published in the Topeka Metro News January 25, 2010)

ORDINANCE NO. 19371

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire permanent sanitary sewer and temporary construction easements for construction of the Southwest Interceptor, Project No. T-401009.00, to extend the sanitary sewer coverage into the area southwest of Topeka.

BE IT ORDAINED BY THE COUNCIL 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 lands within the City of Topeka for the construction of the Southwest Interceptor to extend the sanitary sewer coverage into the area southwest of Topeka and for other public purposes, said land being described as follows:

Parcel No. 12

Owner of Record: Kenneth S. Huske and Margaret R. Huske
5239 SW Fairlawn Road
Topeka, KS 66610

c/o J. Michael Davies
P.O. Box 429
Lawrence, KS 66044

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: 1. Owner of Record
2. Westar Energy
Grant of Right of Way to Kansas Power Light
Company for Public Utilities filed 3/28/48 as set out
in Book 1006 Page 457

38 PROPERTY TO BE ACQUIRED:

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40 **Temporary Construction Easement:**

41
42 A temporary construction easement in the Southeast Quarter of Section 28, Township
43 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described as
44 follows: Commencing at the Southeast corner of said Southeast Quarter; thence on an
45 assumed azimuth 358 degrees 30 minutes 53 seconds, coincident with the east line of
46 said Quarter, 494.88 feet; thence west on azimuth 268 degrees 30 minutes 53
47 seconds, 17.00 feet to the west right of way line of Fairlawn Road and the point of
48 beginning; thence on azimuth 268 degrees 04 minutes 25 seconds, 96.22 feet; thence
49 on azimuth 358 degrees 05 minutes 29 seconds, 25.00 feet; thence on azimuth 268
50 degrees 04 minutes 25 seconds, 43.00 feet; thence on azimuth 178 degrees 05
51 minutes 29 seconds, 25.00 feet; thence on azimuth 268 degrees 04 minutes 25
52 seconds, 94.00 feet; thence on azimuth 358 degrees 05 minutes 29 seconds, 35.00
53 feet; thence on azimuth 268 degrees 04 minutes 25 seconds, 49.00 feet; thence on
54 azimuth 178 degrees 05 minutes 29 seconds, 35.00 feet; thence on azimuth 268
55 degrees 04 minutes 25 seconds, 96.79 feet; thence on azimuth 262 degrees 33
56 minutes 43 seconds, 4.02 feet to the west line of a tract of land recorded in Book 1007
57 Page 540; thence on azimuth 358 degrees 30 minutes 53 seconds, coincident with said
58 west line, 50.27 feet; thence on azimuth 82 degrees 33 minutes 43 seconds, 1.12 feet;
59 thence on azimuth 88 degrees 04 minutes 25 seconds, 381.81 feet to said west right of
60 way line, thence on azimuth 178 degrees 30 minutes 53 seconds, coincident with said
61 right of way line, 50.00 feet to the point of beginning.

62
63 The above-described property to be acquired contains 16,361 square feet, more or
64 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
65 record, if any.

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67 This easement expires two (2) years after legal possession through condemnation
68 or ninety (90) days after completion of the construction for which this easement is
69 acquired or whichever comes first.

70
71 **Permanent Sanitary Sewer Easement:**

72
73 A 30.00 feet wide permanent sanitary sewer easement in the Southeast Quarter of
74 Section 28, Township 12 South Range 15 East of the 6th P.M., Shawnee County,
75 Kansas described as follows: Commencing at the Southeast corner of said Southeast
76 Quarter; thence on an assumed azimuth 358 degrees 30 minutes 53 seconds,
77 coincident with the east line of said Quarter, 544.89 feet; thence west on azimuth 268
78 degrees 30 minutes 53 seconds, 17.00 feet to the west right of way line of Fairlawn
79 Road and the point of beginning; thence on azimuth 268 degrees 04 minutes 25
80 seconds, 381.81 feet; thence on azimuth 262 degrees 33 minutes 43 seconds, 1.21
81 feet to the west line of a tract of land recorded in Book 1007 Page 540; thence on

azimuth 358 degrees 30 minutes 53 seconds, coincident with said west line, 30.12 feet to the northwest corner of said tract; thence on azimuth 88 degrees 04 minutes 53 seconds, coincident with the north line of said tract, 383.01 feet to said west right of way line, thence on azimuth 178 degrees 30 minutes 53 seconds, coincident with said right of way, 30.00 feet to the point of beginning.

The above-described property to be acquired contains 11,490 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 13

Owner of Record: 1. Kenneth Stewart Huske and Margaret R. Huske
5239 SW Fairlawn Road
Topeka, KS 66610

c/o J. Michael Davies
P.O. Box 429
Lawrence, KS 66044

2. Christine Marlae Huske Barnes and spouse
4840 SW 53rd Street
Topeka, KS 66610

3. Debra Lynn Huske and J. Michael Davies
c/o J. Michael Davies
P.O. Box 429
Lawrence, KS 66044

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: 1. Vacant land
2. Board of County Commissioners of Shawnee County, Kansas
3. Westar Energy

123 PROPERTY TO BE ACQUIRED:

124
125 **Temporary Construction Easement:**
126

127 A 50.00 feet wide temporary construction easement in the Southeast Quarter of
128 Section 28 Township 12 South Range 15 East of the 6th P.M., Shawnee County,
129 Kansas described as follows: Commencing at the Southeast corner of said Southeast
130 Quarter; thence on an assumed azimuth 268 degrees 04 minutes 25 seconds,
131 coincident with the south line of said Quarter, 400.01 feet to the Southeast corner of a
132 tract of land recorded in Book 2434 Page 192, Book 2453 Page 778 and Case No.
133 22243; thence on azimuth 358 degrees 30 minutes 53 seconds, 494.63 feet to the
134 point of beginning; thence on azimuth 262 degrees 33 minutes 43 seconds, 161.47 feet
135 to the west line of said tract; thence on azimuth 358 degrees 30 minutes 53 seconds
136 coincident with the west line of said tract, 50.27 feet; thence on azimuth 82 degrees 33
137 minutes 43 seconds, 161.47 feet to the east line of said tract; thence on azimuth 178
138 degrees 30 minutes 53 seconds, 50.27 feet to the point of beginning.
139

140 The above-described property to be acquired contains 8,074 square feet, more or
141 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
142 record, if any.
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144 This easement expires two (2) years after legal possession through condemnation
145 or ninety (90) days after completion of the construction for which this easement is
146 acquired or whichever comes first.
147

148 **Permanent Sanitary Sewer Easement:**
149

150 A 30.00 feet wide sanitary sewer easement in the Southeast Quarter of Section 28,
151 Township 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described
152 as follows: Commencing at the Southeast corner of said Southeast Quarter; thence on
153 an assumed azimuth 268 degrees 04 minutes 25 seconds, coincident with the south
154 line of said Quarter 400.01 feet to the southeast corner of a tract of land recorded in
155 Book 2434 Page 192, Book 2453 Page 778 and Case No. 22243; thence on azimuth
156 358 degrees 30 minutes 53 seconds, 544.90 feet to the point of beginning; thence on
157 azimuth 262 degrees 33 minutes 43 seconds, 161.47 feet to the west line of said tract;
158 thence on azimuth 358 degrees 30 minutes 53 seconds, coincident with the west line of
159 said tract, 30.16 feet; thence on azimuth 82 degrees 33 minutes 43 seconds, 161.00
160 feet, thence on azimuth 88 degrees 04 minutes 25 seconds, 0.47 feet to the east line of
161 said tract; thence on azimuth 178 degrees 30 minutes 53 seconds, 30.12 feet to the
162 point of beginning.
163

164 The above-described property to be acquired contains 4,844 square feet, more or
165 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
166 record, if any.
167

Parcel No. 18

Owner of Record:

1. Prairie Properties Partnership
c/o Stewart L. Entz
1113 SW New Forest Drive
Topeka, KS 66604
2. Board of County Commissioners of Shawnee
County, Kansas
200 SE 7th Street
Topeka, KS 66603

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession:

1. Vacant land
2. Board of County Commissioners of
Shawnee County, Kansas
200 SE 7th Street
Topeka, KS 66603
3. Westar Energy
P.O. Box 889
Topeka, KS 66601

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A 50.00 feet wide temporary construction easement in the Northeast Quarter of Section 33 Township 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows: Commencing at the Northwest corner of said Northeast Quarter; thence on an assumed azimuth 88 degrees 04 minutes 25 seconds, coincident with the north line of said Quarter, 1298.16 feet; thence South on azimuth 178 degrees 04 minutes 25 seconds, 50.00 feet to the South right of way line of Southwest 53rd Street and the point of beginning; thence on azimuth 88 degrees 04 minutes 25 seconds, coincident with said South right of way line, 69.70 feet; thence on azimuth 222 degrees 14 minutes 23 seconds, 401.02 feet; thence on azimuth 186 degrees 28 minutes 55 seconds, 400.45 feet; thence on azimuth 219 degrees 07 minutes 09 seconds, 341.66 feet; thence on azimuth 269 degrees 10 minutes 21 seconds, 87.05 feet to the west line of a tract of land recorded in Book 3883 Page 282; thence on azimuth 358 degrees 19 minutes 39 seconds, coincident with the west line of

said tract 50.01 feet; thence on azimuth 89 degrees 10 minutes 21 seconds, 64.44 feet; thence on azimuth 39 degrees 07 minutes 09 seconds, 303.68 feet; thence on azimuth 06 degrees 28 minutes 55 seconds, 401.94 feet; thence on azimuth 42 degrees 14 minutes 23 seconds, 368.58 feet to said South right of way line and the point of beginning.

The above-described property to be acquired contains 59,220 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Sanitary Easement:

A 30.00 feet wide sanitary sewer easement in the Northeast Quarter of Section 33 Township 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows: Commencing at the Northwest corner of said Northeast Quarter; thence on an assumed azimuth 88 degrees 04 minutes 25 seconds, coincident with the North line of said Quarter, 1367.86 feet; thence South on azimuth 178 degrees 04 minutes 25 seconds, 50.00 feet to the South right of way line of Southwest 53rd Street and the point of beginning; thence on azimuth 88 degrees 04 minutes 25 seconds, coincident with said South right of way line 41.82 feet; thence on Azimuth 222 degrees 14 minutes 23 seconds, 420.48 feet; thence on azimuth 186 degrees 28 minutes 55 seconds, 399.55 feet; thence on azimuth 219 degrees 07 minutes 09 seconds, 364.45 feet; thence on azimuth 269 degrees 10 minutes 21 seconds, 100.61 feet to the west line of a tract of land recorded in Book 3883 Page 282; thence on azimuth 358 degrees 19 minutes 39 seconds, coincident with the West line of said tract, 30.00 feet; thence on azimuth 89 degrees 10 minutes 21 seconds, 87.05 feet; thence on azimuth 39 degrees 07 minutes 09 seconds, 341.66 feet; thence on azimuth 06 degrees 28 minutes 55 seconds, 400.45 feet; thence on azimuth 42 degrees 14 minutes 23 seconds, 401.02 feet to said South right of way line and the point of beginning.

The above-described property to be acquired contains 37,729 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 20

Owner of Record: 1. Charles R. Wilson and Teresa M. Wilson
5545 SW 53rd Street
Topeka, KS 66610

2. Traci L. Sanders
5449 SW 53rd Street
Topeka, KS 66610

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: 1. Owner of Record

2. Board of County Commissioners of
Shawnee County, Kansas
200 SE 7th Street
Topeka, KS 66603

3. Westar Energy
P.O. Box 889
Topeka, KS 66601

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A 50.00 feet wide temporary construction easement in the Northeast Quarter of Section 33, Township 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows: Commencing at the Northwest corner of said Northeast Quarter; thence on an assumed azimuth 88 degrees 04 minutes 25 seconds, coincident with the north line of said Quarter, 400.95 feet to the Northeast corner of a tract of land recorded in Book 4022 Page 282; thence on azimuth 178 degrees 19 minutes 39 seconds, coincident with the east line of said tract, 1014.04 feet to the point of beginning; thence continuing on azimuth 178 degrees 19 minutes 39 seconds, coincident with the east line of said tract, 50.77 feet; thence on azimuth 258 degrees 18 minutes 27 seconds, 315.31 feet; thence on azimuth 245 degrees 20 minutes 58 seconds, 98.24 feet to the west line of said tract; thence on azimuth 358 degrees 19 minutes 39 seconds, coincident with said west line, 54.31 feet; thence on azimuth 65 degrees 20 minutes 58 seconds, 82.72 feet; thence on azimuth 78 degrees 18 minutes 27 seconds, 329.82 feet to the point of beginning.

The above-described property to be acquired contains 20,652 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Sanitary Easement:

A 30.00 feet wide sanitary sewer easement in the Northeast Quarter of Section 33 Township 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows: Commencing at the Northwest corner of said Northeast Quarter; thence on an assumed azimuth 88 degrees 04 minutes 25 seconds, coincident with the north line of said Quarter; 400.95 feet to the northeast corner of a tract of land recorded in Book 4022 Page 282; thence on azimuth 178 degrees 19 minutes 39 seconds, coincident with the east line of said tract, 983.65 feet to the point of beginning; thence continuing on azimuth 178 degrees 19 minutes 39 seconds, coincident with the east line of said tract, 30.39 feet; thence on azimuth 258 degrees 18 minutes 27 seconds, 329.82 feet; thence on azimuth 245 degrees 20 minutes 58 seconds, 82.72 feet to the west line of said tract; thence on azimuth 358 degrees 19 minutes 39 seconds, coincident with said west line, 32.59 feet; thence on azimuth 65 degrees 20 minutes 58 seconds, 73.40 feet; thence on azimuth 78 degrees 18 minutes 27 seconds, 338.13 feet; thence on azimuth 89 degrees 10 minutes 21 seconds, 0.39 feet to the point of beginning.

The above-described property to be acquired contains 12,367 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the Council 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.

332 PASSED and APPROVED by the Governing Body January 19, 2010.

333 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

338 ATTEST:

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342 _____
Brenda Younger, City Clerk