

(Published in the Topeka Metro News October 31, 2011)

ORDINANCE NO. 19662

AN ORDINANCE introduced by Interim City Manager Daniel R. Stanley authorizing the initiation of condemnation proceedings to acquire permanent public easement interests for the following public purposes: pedestrian and public access easement and fee simple interest to repair the existing pond at Lauren's Bay Villas Subdivision and Laurens' Bay Estates, Project No. T151011.00.

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 and outside the corporate limits of the City of Topeka to repair the existing pond at Lauren's Bay Villas Subdivision and Laurens' Bay Estates, and for other public purposes, said land being described as follows:

Parcel No. 1

Owner of Record: Lauren's Bay Lake, LLC
c/o J. D. Pritchard, Member
6325 SW 43rd Court
Topeka, Kansas 66614

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: vacant land

Party of Interest: Shawnee County District Court Clerk
Case Nos. 08-C-348; 08-C-894; 08-C-1703; 08-U-502;
09-C-125; 09-C-361; 09-C-405; 09-C-455

Tax liens of record: 1. U.S. Federal Government (Book 4608, Page 88)
2. U.S. Federal Government (Book 4693, Page 88)
3. U.S. Federal Government (Book 4669, Page 226)
4. State of Kansas (Case no. 08-ST-2071)

PROPERTY TO BE ACQUIRED:

Fee Simple:

ALL THAT PART OF LOT 6, BLOCK A, LAUREN'S BAY VILLAS, A SUBDIVISION IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LAUREN'S BAY VILLAS, SAID CORNER ALSO BEING A COMMON CORNER TO THE SOUTHEAST CORNER OF LOT 25, BLOCK C, LAUREN'S BAY SUBDIVISION; THENCE THE NEXT NINE(9) DESCRIBED COURSES ARE ALONG THE WEST LINE OF THE GREENSPACE EASEMENT AS PLATTED ON SAID LAUREN'S BAY VILLAS, SAID WEST LINE ALSO BEING THE EAST LINE OF LOTS 17 THROUGH 25, BLOCK C, SAID LAUREN'S BAY SUBDIVISION; (1) THENCE, ON THE PLATTED BEARING, NORTH 09 DEGREES 36 MINUTES 04 SECONDS WEST, 112.00 FEET; (2) THENCE NORTH 21 DEGREES 34 MINUTES 16 SECONDS EAST, 55.32 FEET; (3) THENCE NORTH 39 DEGREES 05 MINUTES 06 SECONDS EAST, 74.79 FEET; (4) THENCE NORTH 01 DEGREE 21 MINUTES 58 SECONDS WEST, 110.05 FEET; (5) THENCE NORTH 31 DEGREES 23 MINUTES 34 SECONDS EAST, 128.28 FEET; (6) THENCE NORTH 13 DEGREES 43 MINUTES 34 SECONDS WEST, 238.51 FEET; (7) THENCE NORTH 07 DEGREES 25 MINUTES 58 SECONDS WEST, 100.14 FEET; (8) THENCE NORTH 21 DEGREES 10 MINUTES 22 SECONDS WEST, 99.11 FEET; (9) THENCE NORTH 01 DEGREE 56 MINUTES 51 SECONDS WEST, 127.71 FEET TO THE SOUTHWEST CORNER OF LOT 15, BLOCK A, SAID LAUREN'S BAY VILLAS, ALSO BEING THE NORTHEAST CORNER OF LOT 17, BLOCK C, SAID LAUREN'S BAY SUBDIVISION; THENCE NORTH 56 DEGREES 26 MINUTES 30 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 15, BLOCK A, LAUREN'S BAY VILLAS, 41.21 FEET; THENCE SOUTH 40 DEGREES 56 MINUTES 37 SECONDS EAST, 52.04 FEET; THENCE SOUTH 60 DEGREES 57 MINUTES 31 SECONDS EAST, 57.88 FEET; THENCE NORTH 16 DEGREES 40 MINUTES 31 SECONDS EAST, 59.93 FEET TO THE SOUTHEAST CORNER OF LOT 15, BLOCK A, SAID LAUREN'S BAY VILLAS, ALSO BEING THE SOUTHWEST CORNER OF LOT 7, BLOCK C, SAID LAUREN'S BAY SUBDIVISION; THENCE SOUTH 79 DEGREES 19 MINUTES 50 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 7, 127.63 FEET; THENCE SOUTH 26 DEGREES 11 MINUTES 39 SECONDS WEST, ALONG THE WESTERLY LINE OF THE STREAM BUFFER ZONE AS PLATTED ON SAID LAUREN'S BAY VILLAS, 80.01 FEET; THENCE SOUTH 53 DEGREES 10 MINUTES 49 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID STREAM BUFFER ZONE, 228.60 FEET TO A POINT BEING THE MOST WESTERLY CORNER OF LOT 9, BLOCK A, SAID LAUREN'S BAY VILLAS; THENCE THE NEXT SIX (6) DESCRIBED COURSES ARE ALONG THE EAST LINE OF SAID GREENSPACE EASEMENT, ALSO BEING

THE WEST LINE OF LOTS 1 AND 2, BLOCK A, SAID LAUREN'S BAY VILLAS, AND THE WEST LINE OF LOTS 1 THROUGH 4, BLOCK A, LAUREN'S BAY VILLAS NO. 3, AND THE WEST LINE OF A 20.00 FOOT UTILITY EASEMENT THROUGH LOT 6, BLOCK A, SAID LAUREN'S BAY VILLAS, AND THE WEST LINE OF LOTS 7 THROUGH 9, BLOCK A, SAID LAUREN'S BAY VILLAS; (1) THENCE SOUTH 43 DEGREES 43 MINUTES 14 SECONDS EAST, 204.14 FEET; (2) THENCE SOUTH 18 DEGREES 36 MINUTES 02 SECONDS EAST, 72.47 FEET; (3) THENCE SOUTH 30 DEGREES 22 MINUTES 30 SECONDS WEST, 144.84 FEET; (4) THENCE SOUTH 38 DEGREES 36 MINUTES 32 SECONDS WEST, 180.87 FEET; (5) THENCE SOUTH 09 DEGREES 35 MINUTES 25 SECONDS WEST, 125.65 FEET; (6) THENCE SOUTH 16 DEGREES 53 MINUTES 23 SECONDS WEST, 177.78 FEET TO A POINT THAT IS ON THE SOUTH LINE OF SAID LAUREN'S BAY VILLAS, BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK A, LAUREN'S BAY VILLAS; THENCE NORTH 88 DEGREES 59 MINUTES 07 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LAUREN'S BAY VILLAS, 318.24 FEET TO THE POINT OF BEGINNING.

The above-described property to be acquired contains 367,422 square feet or 8.43 acres more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 2

Owner of Record: CoreFirst Bank & Trust
3035 S. Topeka Blvd
Topeka, Kansas 66611

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Vacant Land

PROPERTY TO BE ACQUIRED:

Fee Simple:

LOT 9, BLOCK F, LAUREN'S BAY ESTATES SUBDIVISION, IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS, EXCEPT THE NORTH 15.00 FEET OF THE WEST 78.16 FEET OF SAID LOT 9. CONTAINING 330,623.19 SQUARE FEET OR 7.59 ACRES, MORE OR LESS.

The above-described property to be acquired contains 330,623.19 square feet or 7.59 acres more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 3

Owner of Record: McGivern Realty, Inc.
3333 SE 21st St.
Topeka, Kansas 66610

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Vacant land

PROPERTY TO BE ACQUIRED:

Permanent Pedestrian and Public Access Easement:

Tract 1:

THE SOUTH 10 FEET OF LOT 9, BLOCK A, LAUREN'S BAY VILLAS, A SUBDIVISION IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

The above-described property to be acquired contains 2,574 square feet or 0.059 acres, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Tract 2:

ALSO, THE NORTH 6 FEET OF LOT 8, BLOCK A, LAUREN'S BAY VILLAS, A SUBDIVISION IN THE CITY OF TOPEKA, SHAWNEE COUNTY, KANSAS.

The above-described property to be acquired contains 1508.51 square feet or 0.035 acres, 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

171 Attorney shall do all things necessary for the condemnation of said land completing the
172 appropriation of the same for public purposes.

173 Section 3. This Ordinance shall take effect and be in force from and after its
174 passage, approval and publication in the official city newspaper.

175 PASSED and APPROVED by the Governing Body October 25, 2011.

176 CITY OF TOPEKA, KANSAS

177
178 William W. Bunten, Mayor

179 ATTEST:

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181 Brenda Younger, City Clerk
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