

(Published in the Topeka Metro News March 26, 2012)

ORDINANCE NO. 19713

AN ORDINANCE introduced by Daniel R. Stanley, Interim City Manager amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by providing for certain changes in zoning on property located on property that is bounded by SW 6th Avenue, Interstate-70, SW MacVicar Avenue and SW Frazier to the south, north, east and west, respectively from "PUD" Planned Unit Development District and "R-1" Single Family Dwelling District **ALL TO** "PUD" Planned Unit Development District ("R-1" Single Family Dwelling District uses for sports recreational facilities and secondary school; "M-1a" Limited Multiple Family Dwelling District uses; "O&I-3" Office and Institutional District uses, a secondary school and dormitory; a wind energy system with a maximum height of 160 feet; a public utility substation; a food service facility for meal preparation, catering, and a private guest and resident dining hall; and medical and research laboratories with limited manufacturing of bio-medical, medical, and pharmaceutical products; and "I-1" Light Industrial use group to allow governmental surplus warehousing, wholesaling, and outdoor storage). **(PUD11/5) (Council District No. 1)**

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

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinance by Section 18.50.050 of the Topeka Municipal Code (TMC), be and the same is hereby amended, by reclassifying the following described property:

PARCEL 1: (Deed Book 3131, Page 974)

A tract of land situated in the Southeast Quarter of Section 26, Township 11 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter of Section 26; thence along the South line of said Quarter on an assumed bearing of South 89° 35' 38" West, 825.36 feet; thence North 00° 24' 22" West, 40.00 feet to the point of beginning; thence parallel with the South line of said Quarter, South 89° 35' 38" West, 515.96 feet; thence North 00° 25' 19" West, 2,033.61 feet; thence North 44° 27' 37" East, 68.73 feet; thence South 63° 56' 06" East, 18.56 feet; thence North 19° 56' 13" East, 44.30 feet; thence North 34° 34' 08" East, 25.22 feet; thence North 72° 13' 53" East, 27.65 feet; thence South 37° 05' 32" East, 14.75 feet; thence South 54° 25' 19" East, 16.30 feet; thence South 80° 46' 21" East, 23.15 feet; thence South 87° 13' 11" East, 11.70 feet to a point on a curve to the right; thence along said curve to the right (said curve having a radius of 75.00 feet, a chord bearing of South 74° 03' 00" East, and a chord distance of 34.18 feet), 34.48 feet; thence South 60° 52' 49" East, 42.96 feet; thence South 53° 28' 55" East, 108.90 feet; thence South 31° 54' 18" East, 87.45 feet; thence South 26° 44' 08" East, 158.72 feet; thence South 28° 30' 48" East, 137.12 feet; thence South 35° 51' 47" East, 63.86 feet; thence South

44° 53' 50" East, 71.01 feet; thence South 00° 10' 26" East, 305.26 feet; thence South 41° 48' 53" West, 216.94 feet to a point on a curve to the left; thence along said curve to the left (said curve having a radius of 75.00 feet, a chord bearing of South 19° 54' 50" East, and a chord distance of 97.23 feet), 105.78 feet; thence South 00° 01' 58" East, 78.63 feet; thence South 34° 02' 36" East, 118.96 feet; thence South 00° 17' 22" West, 227.41 feet to a point on a curve to the right; thence along said curve to the right (said curve having a radius of 60.00 feet a chord bearing of South 45° 46' 21" West, and a chord distance of 77.15 feet) 83.79 feet; thence South 00° 06' 58" East, 142.97 feet; thence South 86° 22' 32" West, 30.69 feet; thence South 01° 46' 13" East, 80.18 feet; thence South 89° 57' 22" West, 20.82 feet; thence South 00° 15' 55" West, 130.86 feet; thence South 89° 40' 17" East, 21.15 feet; thence South 00° 20' 17" West, 28.30 feet to a point on a curve to the left; thence along said curve to the left (said curve having a radius of 118.49 feet, a chord bearing of South 21° 22' 45" East, a chord distance of 60.15 feet) 60.82 feet; thence South 32° 29' 33" East, 24.43 feet to a point on a curve to the right; thence along said curve to the right (said curve having a radius of 194.67 feet, a chord bearing of South 12° 51' 45" East, and a chord distance of 80.56 feet), 81.15 feet; thence South 01° 52' 31" East, 26.20 feet to the point of beginning.

PARCEL 2: (Deed Book 3517, Page 311)

A tract of land in the Southeast Quarter of Section 26, Township 11 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows:

Beginning at a point on the West line, 30.00 feet North of the Southwest corner of said Quarter Section (said point being on the North right of way line of West Sixth Street): thence North 00° 06' 40" West, along said West line, 844.31 feet; thence north 89° 34' 09" East, 441.19 feet; thence North 00° 25' 19" West, 232.60 feet; thence North 47° 08' 16" West, 247.27 feet; thence North 42° 56' 08" East, 44.54 feet; thence North 01° 24' 28" West, 497.95 feet; thence North 88° 48' 04" East, 120.98 feet; thence on a 302.50 foot radius curve to the left, with a 170.62 foot chord bearing North 72° 25' 13" East, an arc distance of 172.97 feet; thence North 56° 02' 21" East, 399.91 feet; thence South 20° 26' 15" East, 750.52 feet; thence South 00° 24' 53" East, 1344.97 feet to the North right of way line of West Sixth Street; thence South 89° 36' 04" West, along said North right of way line, 1161.82 feet to the point of beginning;

PARCEL 3: (Deed Book 3627, Page 330)

A tract of land in the Southeast Quarter of Section 26, Township 11 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows:

Beginning at a point which is North 00° 06' 40" West, 30.00 feet along the West line, and North 89° 36' 04" East, 1161.82 feet from the Southwest corner of said Quarter Section (said point being on the North right-of-way line of SW 6th Street); thence North 00° 24' 53" West, 1344.97 feet; thence North 20° 26' 15" West, 750.52 feet; thence North 56° 02' 21" West, 73.61 feet; thence on a 247.50 foot radius curve to the right, with an 84.78 foot chord bearing North 65° 54' 02" East, an arc distance

of 85.20 feet; thence on a 222.50 foot radius curve to the left with a 305.45 foot chord bearing South 55° 20' 33" East, an arc distance of 336.66 feet; thence South 00° 24' 53" East, 1949.38 feet to the North right of way line of SW 6th Street; thence South 89° 36' 04" West, along said North right-of-way line, 132.00 feet to the point of beginning.

PARCEL 4: (Deed Book 4676, Page 107)

TRACT "A"

A tract of land located in Section 26, Township 11 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Commencing at the Southeast corner of said Section 26; thence on an assumed bearing of North 00° 00' 41" East along the East line of the Southeast Quarter of said Section 26, 707.37 feet; thence South 89° 36' 00" West, 23.50 feet to the Northeast corner of ALLIANCE SUBDIVISION, as recorded in Plat Book 42, Page 13, Shawnee County Register of Deeds, and the Point of Beginning; thence continuing South 89° 36' 00" West along the North line of said ALLIANCE SUBDIVISION, 772.20 feet (measured), 772.14 feet (platted), to the Northeast corner of said ALLIANCE SUBDIVISION, and the West line of a tract of land as described in Book 3131, Page 974; thence along the East and North lines of said tract the following 24 courses, North 00° 17' 48" East, 179.35 feet; thence North 34° 02' 10" West, 118.96 feet; thence North 00° 01' 32" West, 78.63 feet; thence along a curve to the right having a radius of 75.00 feet, a chord which bears North 19° 54' 22" West, 97.22 feet, an arc distance of 105.76 feet; thence North 41° 49' 07" East, 216.95 feet thence North 00° 10' 00" West, 305.26 feet; thence North 44° 53' 24" West, 71.01 feet; thence North 35° 51' 21" West, 63.86 feet; thence North 28° 30' 22" West, 137.12 feet; thence North 26° 43' 42" West, 158.72 feet; thence North 31° 53' 52" West, 87.45 feet; thence North 53° 28' 29" West, 108.90 feet; thence North 60° 52' 23" West, 42.96 feet; thence along a curve to the left having a radius of 75.00 feet, a chord which bears North 74° 02' 34" West, 34.18 feet, an arc distance of 34.48 feet; thence North 87° 12' 34" West, 11.70 feet; thence North 80° 45' 55" West, 23.15 feet; thence North 54° 24' 53" West, 16.30 feet; thence North 37° 05' 06" West, 14.75 feet; thence South 72° 14' 19" West, 27.65 feet; thence South 34° 34' 34" West, 25.22 feet; thence South 19° 56' 39" West, 44.30 feet; thence North 63° 55' 40" West, 18.56 feet; thence South 44° 28' 03" West, 68.73 feet; thence South 00° 24' 53" East, 94.12 feet to the Northeast corner of a tract of land as described in Book 3627, Page 330; thence along the North line of said tract on a curve to the right having a radius of 222.50 feet, a chord which bears North 55° 19' 39" West, 305.39 feet (measured), 305.45 feet (described), an arc distance of 336.58 feet (measured), 336.66 feet (described); thence along the North line of said tract on a curve to the left having a radius of 247.50 feet, a chord which bears South 65° 54' 21" West, 84.78 feet, an arc distance of 85.20 feet; thence continuing along the North line of said tract and along the North line of a tract of land as described in Book 3517, Page 311, South 56° 02' 38" West, 473.52 feet; thence continuing along said North line, along a curve to the right having a radius of 302.50 feet, a chord which bears South 72° 25' 30" West, 170.62 feet, an arc distance of 172.97 feet; thence continuing along said North line, South 88° 48' 21" West, 120.98 feet to the

Northeast corner of a tract of land described in Book 2664, Page 927, now platted as SHAWNEE COMMUNITY MENTAL HEALTH CENTER SUBDIVISION as recorded in Plat Book 33, Page 34; thence South 88° 46' 41" West along the North line of said tract, 278.01 feet to the Northwest corner of said tract; thence South 00° 06' 23" East along the West line of said tract, 120.09 feet to the Northeast corner of ARLINGTON HEIGHTS SUBDIVISION as recorded in Plat Book 4, Page 28; thence South 89° 36' 06" West along the North line of said ARLINGTON HEIGHTS SUBDIVISION, 1309.30 feet to the Northwest corner of said ARLINGTON HEIGHTS SUBDIVISION, and the West line of the East half of the Southwest Quarter of said Section 26; thence North 00° 11' 35" East along said West line, 956.73 feet to the Southwest corner of the East half of the Northwest Quarter of said Section 26; thence North 00° 17' 51" East along said West line, 667.99 feet to a point on the South right of way line of Interstate Highway 70; thence along said South right of way line North 88° 53' 30" East, 883.63 feet; thence continuing along said right of way, on a curve to the left having a radius of 1579.22 feet, a chord which bears North 76° 29' 04" East, 678.62 feet, an arc distance of 683.95 feet; thence continuing along said right of way, North 64° 04' 38" East, 1046.28 feet to the Northwest corner of a tract of land as described in Book 2235, Page 925; thence along the West line of said tract, South 00° 08' 08" West, 213.32 feet to the Southwest corner of said tract; thence South 78° 48' 28" East along the South line of said tract, 773.14 feet; thence South 13° 05' 45" West, 497.87 feet; thence North 89° 01' 01" East, 489.45 feet; thence North 00° 37' 14" West, 402.91 feet to the South line of said tract described in Book 2235, Page 925; thence South 78° 48' 28" East along said South line, 331.28 feet to the East line of the Northeast Quarter of said Section 26; thence South 00° 08' 34" East along said East line 776.56 feet to the Northeast corner of the Southeast Quarter of said Section 26; thence South 00° 00' 41" West along the East line of said Southeast Quarter, 35.47 feet to the North line of a tract of land as described in Book 1061, Page 473; thence along the North line of said tract, North 89° 59' 19" West, 23.50 feet to the Northwest corner of said tract; thence South 00° 00' 41" West along the West line of said tract, 266.48 feet; thence North 89° 59' 19" West, 54.50 feet; thence North 84° 36' 04" West, 82.69 feet; thence North 72° 07' 54" West, 77.36 feet; thence South 80° 29' 15" West, 18.51 feet; thence North 74° 35' 25" West, 47.97 feet; thence along a curve to the left having a radius of 350.00 feet, a chord which bears North 89° 19' 08" West, 177.97 feet, an arc distance of 179.94 feet; thence South 75° 57' 09" West, 111.46 feet; thence South 00° 00' 41" West, 328.50 feet to the Northwest corner of a tract of land as described in Book 4269, Page 203; thence South 29° 57' 25" East along the West line of said tract, 158.01 feet; thence continuing along said West line, and its extension South 13° 12' 10" West, 348.14 feet; thence Easterly along a curve to the left having a radius of 398.16 feet, a chord which bears South 77° 03' 00" East, 124.05 feet, an arc distance of 124.56 feet; thence South 85° 25' 36" East, 179.04 feet; thence South 89° 23' 05" East, 38.17 feet; thence South 85° 26' 36" East, 170.04 feet; thence South 89° 59' 19" East, 54.50 feet to the West line of said tract of land as described in Book 1061, Page 473; thence South 00° 00' 41" West along said West line, 782.25 feet to the Point of Beginning.

LESS THE FOLLOWING DESCRIBED TRACT:

A tract of land in Section 26, Township 11 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: Commencing at the Northeast corner of the Southeast Quarter of said Section 26; thence South $00^{\circ} 00' 41''$ West along the East line of said Southeast Quarter, 207.85 feet; thence North $89^{\circ} 59' 19''$ West, 78.00 feet to the Southeast corner of said tract of land described in Book 4191, Page 781, now platted as Kanza Business and Technology Park Subdivision No. 3 as recorded in Plat Book 40, Page 91, and the Point of Beginning; thence continuing North $89^{\circ} 59' 19''$ West along the said South line of said tract, 69.92 feet; thence continuing along said South line, along a curve to the right having a radius of 132.50 feet, a chord which bears North $82^{\circ} 31' 46''$ West, 34.40 feet, an arc distance of 34.50 feet; thence continuing along said South line, North $75^{\circ} 04' 07''$ West, 105.27 feet; thence continuing along said South line, along a curve to the left having a radius of 425.00 feet, a chord which bears North $77^{\circ} 22' 07''$ West, 34.11 feet, an arc distance of 34.12 feet to the Southwest corner of said tract; thence along the West line of said tract, North $00^{\circ} 08' 34''$ West, 220.00 feet to the Northwest corner of said tract, and the South line of a tract of land as described in Book 4436, Page 192; thence along the South line of said tract, North $89^{\circ} 59' 17''$ West, 80.37 feet to the Southwest corner of said tract; thence along the West line of said tract, North $00^{\circ} 08' 36''$ West, 309.14 feet to the Northwest corner of said tract; thence along the North line of said tract, North $89^{\circ} 51' 24''$ East, 41.90 feet; thence continuing along said North line, along a curve to the right having a radius of 462.50 feet, a chord which bears South $81^{\circ} 14' 51''$ East, 143.04 feet, an arc distance of 143.62 feet; thence continuing along said North line, along a curve to the left having a radius of 537.50 feet, a chord which bears South $79^{\circ} 37' 53''$ East, 136.22 feet, an arc distance of 136.59 feet to the Northeast corner of said tract and the West right of way line of MacVicar Avenue, as recorded in Book 4389, Page 172; thence South $00^{\circ} 02' 03''$ East along said West right of way line, 27.53 feet; thence continuing along said right of way, North $89^{\circ} 51' 29''$ East, 7.09 feet; thence continuing along said right of way, along a curve to the left having a radius of 4,642.50 feet, a chord which bears South $00^{\circ} 51' 49''$ West, 138.57 feet, an arc distance of 138.58 feet; thence continuing along said right of way, North $89^{\circ} 59' 17''$ West, 1.50 feet; thence continuing along said right of way, South $00^{\circ} 00' 41''$ West, 355.98 feet to the Point of Beginning.

AND LESS THE FOLLOWING DESCRIBED TRACT:

A tract of land in the Northeast Quarter of Section 26, Township 11 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, being a portion of that certain tract of land described in Deed recorded February 26, 2009, in Book 4676, Page 107, in the Office of the Register of Deeds in Shawnee County, Kansas, described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence on an assumed Azimuth of $268^{\circ} 18' 36''$, coincident with the South line of said Northeast Quarter, 1294.15 feet; thence on Azimuth $358^{\circ} 18' 36''$, a distance of 755.27 feet to the point of beginning; thence on Azimuth $279^{\circ} 41' 54''$, a distance of 350.00 feet; thence on Azimuth $09^{\circ} 41' 54''$, a distance of 215.00 feet; thence on Azimuth $99^{\circ} 41' 54''$, a distance of 350.00 feet; thence on

Azimuth 189° 41' 54", a distance of 215.00 feet to the point of beginning.

TRACT B:

A tract of land in the Southeast Quarter of Section 26, Township 11 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said Section ; thence North 00° 06' 23" West, along the West line of said Southeast Quarter, 874.31 feet to the Point of Beginning; thence North 89° 34' 26" East, 441.19 feet; thence North 00° 25' 02" West, 232.60 feet; thence North 47° 07' 59" West, 247.27 feet; thence South 42° 56' 25" West, 188.74 feet; thence North 86° 14' 06" West, 130.46 feet to the West line of said Southeast Quarter; thence South 00° 06' 23" East, along said West line, 274.48 feet to the point of beginning.

Section 2. The development of the site is from "PUD" Planned Unit Development District and "R-1" Single Family Dwelling District **ALL TO** "PUD" Planned Unit Development District ("R-1" Single Family Dwelling District uses for sports recreational facilities and secondary school; "M-1a" Limited Multiple Family Dwelling District uses; "O&I-3" Office and Institutional District uses, a secondary school and dormitory; a wind energy system with a maximum height of 160 feet; a public utility substation; a food service facility for meal preparation, catering, and a private guest and resident dining hall; and medical and research laboratories with limited manufacturing of bio-medical, medical, and pharmaceutical products; and "I-1" Light Industrial use group to allow governmental surplus warehousing, wholesaling, and outdoor storage). **Subject to:**

- 1. Use and compliance of the site in accordance with the recorded Master Planned Unit Development Plan for Kanza Education and Science Park.**

Section 3. The PUD Master Plan for Kanza Education and Science Park shall be recorded with the Shawnee County Register of Deeds in accordance with Section 18.190.060(b) of the Topeka Municipal Code (TMC). Following the recording of the PUD Master Plan and prior to any building and/or land development on the site, a site development plan shall be submitted for review and administrative approval by the Planning Director.

Section 4. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

Section 5. This Ordinance Number shall be fixed upon the "District Map".

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED by the Governing Body of the City of Topeka, March 20, 2012.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X