

(Published in the Topeka Metro News March 13, 2017)

ORDINANCE NO. 20057

AN ORDINANCE introduced by Interim City Manager Doug Gerber authorizing initiation of condemnation proceedings to acquire temporary easements and permanent right-of-way easements for California Avenue Trafficway Improvement Project No. T-701011.00.

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 for the new roadway that includes curb and gutter, sidewalks, street lighting and a drainage system, said property being described as follows:

Parcel 21

Owner of Record: Western Auto Supply Company
PO Box 2710
Roanoke, VA 24001-2710

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner

Party of Interest: NONE

PROPERTY TO BE ACQUIRED:

Temporary Easement:

All of that part of the North 23 feet of Lot 2, Block "A" in Hearthstone Addition No. 2 in the City of Topeka, Shawnee County, Kansas, which is west of a line which is 43 feet west of the East line of the Northeast Quarter of Section 17, Township 12 South, Range 16 east of the 6th

P.M., and which is east of a line which is 55 feet west of said East line.

The above-described property to be acquired contains 555 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

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

Permanent Public Right-of-Way Easement:

All of those portions of Lots 1 and 2, Block "A" in Hearthstone Addition No. 2 in the City of Topeka, Shawnee County, Kansas, which are east of a line which is 43 feet west of the East line of the Northeast Quarter of Section 17, Township 12 South, Range 16 east of the 6th P.M..

The above-described property to be acquired contains 555 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel 23

Owner of Record: California Crossing, L.L.C.
49 W 37th Street Fl 9
New York, NY 10018-6257

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner

Party of Interest: NONE

PROPERTY TO BE ACQUIRED:

Temporary Easement:

A part of Lot "A", Block "D" in Mullinix Subdivision No.2 in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southwest corner of said Lot "A"; thence North 1°32'50" West, North American Datum 1983, Kansas North Zone, on the West line of Lot "A", 255.00 feet; thence North 88° 27' 10" East, 1.00 foot to the point of beginning; thence North 1°32'50" West parallel with the West line of Lot "A", 92.00 feet to a point on the South line of Lot 1, Block A in Mullinix Subdivision No. 4; thence North 88°27'10" East on the South line of Lot 1, 6.00 feet; thence South 1°32'50" East, 92.00 feet; thence South 88°27'10" West, 6.00 feet to the point of beginning.

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80 AND: The East 6 feet of the West 7 feet of Lot 1, Block A in Mullinix Subdivision No. 4.
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82 AND ALSO: A part of Lot "A", Block "D" in Mullinix Subdivision No. 4 described as:
83 Commencing at the Northwest corner of Lot 1, Block A in Mullinix Subdivision No. 4; thence
84 North 88°27'10" East, North American Datum 1983, Kansas North Zone, on the North line of
85 Lot 1, 1.00 foot to the point of beginning; thence North 1°32'50" West, parallel with the West
86 line of Lot 1, 32.50 feet to a point on a West line of Lot "A"; thence North 6°02'51" East on the
87 West line of Lot "A", 45.40 feet; thence South 1°32'50" East, parallel with the West line of Lot
88 "A", 77.50 feet to a point on the North line of Lot 1; thence South 88°27'10" West on the North
89 line of Lot 1, 6.00 feet to the point of beginning.
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91 The above-described property to be acquired contains 2,082 square feet, more or less, and is
92 subject to all rights-of-way, easements, restrictions, and covenants of record, if any.
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94 This easement expires one (1) year after acceptance of project for maintenance.
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96 **Permanent Public Right-of-Way Easement:**
97

98 A part of Lot "A", Block "D" in Mullinix Subdivision No. 2 in the City of Topeka, Shawnee
99 County, Kansas, described as: Commencing at the Southwest corner of said Lot "A"; thence
100 North 1°32'50" West, North American Datum 1983, Kansas North Zone, on the West line of
101 Lot "A", 255.00 feet to the point of beginning; thence North 88°27'10" East, 1.00 foot; thence
102 North 1°32'50" West parallel with the West line of Lot "A", 92.00 feet to a point on the South
103 line of Lot 1, Block A in Mullinix Subdivision No. 4; thence South 88°27'10" West on the
104 South line of Lot 1, 1.00 foot to the Southwest corner of said Lot 1; thence South 1°32'50" East
105 on the West line of Lot "A", 92.00 feet to the point of beginning.
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107 AND: The West 1 foot of Lot 1, Block A in Mullinix Subdivision No. 4.
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109 AND ALSO: Part of Lot "A", Block "D" I Mullinix Subdivision No. 2 described as: Beginning
110 at the Northwest corner of Lot 1, Block A in Mullinix Subdivision No. 4; thence North
111 88°27'10" East, North American Datum 1983, Kansas North Zone, on the North line of Lot 1,
112 1.00 foot; thence North 1°32'50" West, parallel with the West line of Lot "A", 32.50 feet to a
113 point on a West line of Lot "A"; thence South 6°02'51" West on the West line of Lot "A", 7.57
114 feet; thence South 1°32'50" East, on the West line of Lot "A", 25.00 feet to the point of
115 beginning.
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117 The above-described property to be acquired contains 321 square feet, more or less, and is
118 subject to all rights-of-way, easements, restrictions, and covenants of record, if any.
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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 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 March 7, 2017.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk