

(Published in the Topeka Metro News April 24, 2017)

ORDINANCE NO. 20060

AN ORDINANCE introduced by Interim City Manager Doug Gerber authorizing initiation of condemnation proceedings to acquire a temporary easement and permanent easements for a sanitary sewer pump station (Improvement Project No. T-291011.00).

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 construction of a public improvement project to construct a pump station, said property being described as follows:

Parcel 1

Owner of Record: Topeka Housing Authority
2010 S.E. California Ave.
Topeka, KS 66607

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner

Party of Interest: U.S. Department of Housing & Urban Development

PROPERTY TO BE ACQUIRED:

Temporary Easement: That part of Lot 13, Block B, Shorey Estates Subdivision in the Northeast Quarter of Section 19, Township 11 South, Range 16 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas described as follows: Commencing at the northwest corner of said Lot 13; thence, along the north line of said Lot 13 on an assumed

bearing of N88°27'42"E, 40.00 feet to the Point of Beginning; thence, continuing along said north line, N88°27'42"E, 80.00 feet; thence, SOI 023'58"E, 139.96 feet to the north line of a 13 foot Utility Easement as recorded in Book 37, Page 02 in the Office of the Register of Deeds in said County; thence, along said north line, S88°29'39"W, 40.00 feet; thence, NOI 023 '58"W, 67.00 feet; thence, S88°29'39"W, 40.00 feet; thence, NOI 023 '58"W, 72.91 feet to the point of beginning.

The above-described property to be acquired contains 8515 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 Improvement Easement:

That part of Lot 13, Block B, Shorey Estates Subdivision in the Northeast Quarter of Section 19, Township 11 South, Range 16 East of the Sixth Principal Meridian, City of Topeka, Shawnee County, Kansas, described as follows: Commencing at the northwest corner of said Lot 13; thence, along the north line of said Lot 13 on an assumed bearing of N88°27'42"E, 15.00 feet to the east line of a 15 foot Utility Easement as recorded in Book 37, Page 02 in the Office of the Register of Deeds in said County; thence, along said east line, SOI 023 '58"E, 72.90 feet to the Point of Beginning; thence, N88°29'39"E, 65.00 feet; thence, SOI 023 '58"E, 67.00 feet to the north line of a 13 foot Utility Easement as recorded in Book 37, Page 02 in the Office of the Register of Deeds in said County; thence, along said north line, S88°29'39"W, 65.00 feet to the east line of said 15 foot Utility Easement; thence, along said east line, NOI 023'58"W, 67.00 feet, to the point of beginning.

The above-described property to be acquired contains 4355 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Permanent Ingress-Egress Easement

Commencing at the northwest corner of said Lot 13; thence, along the north line of said Lot 13 on an assumed bearing of N88° 27'42"E, 15.00 feet to the east line of a 15 foot Utility Easement as recorded in Book 37, Page 02 in the Office of the Register of Deeds in said County and being the Point of Beginning; thence, continuing along said north line, N88°27'42"E, 25.00 feet; thence, SOI 023'58"E, 72.91 feet; thence, S88°29'39"W, 25.00 feet to the east line of said 15 foot Utility Easement; thence, along said east line, NOI 0 23 '58"W, 72.90 feet, to the point of beginning.

The above-described property to be acquired contains 1823 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 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 April 18, 2017.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk