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ORDINANCE NO. 20158

AN ORDINANCE introduced by City Manager Brent Trout authorizing initiation of condemnation proceedings to acquire temporary and permanent easements for the Arvonia and Winding Road Project – Project No. T-701014.01.

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 and permanent maintenance of a new alignment of SW Winding Road, said property being described as follows:

Parcel 7

Owner of Record: Sam’s Real Estate Business Trust

P.O. Box 8050
Bentonville, AR 72717

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner

Party of Interest: NONE

PROPERTY TO BE ACQUIRED:

Temporary Easements:

AREA NO.1: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 87 DEGREES 53 MINUTES 33 SECONDS EAST, (BEARINGS BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 20.00 FEET; THENCE SOUTH 51
DEGREES 06 MINUTES 50 SECONDS WEST, A DISTANCE OF 10.02 FEET; THENCE
SOUTH 01 DEGREE 51 MINUTES 06 SECONDS EAST, BEING 12.00 FEET EAST OF
AND PARALLEL WITH THE WEST LINE OF SAID LOT 1, A DISTANCE OF 51.47
FEET; THENCE ON A CURVE TO THE RIGHT, BEING 12.00 FEET EAST OF AND
PARALLEL WITH SAID WEST LINE, HAVING A RADIUS OF 964.50 FEET, A
CENTRAL ANGLE OF 06 DEGREES 56 MINUTES 22 SECONDS, (WHOSE CHORD
BEARS SOUTH 01 DEGREE 56 MINUTES 20 SECONDS WEST, 116.75 FEET), AN ARC
LENGTH OF 116.82 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 73
DEGREES 01 MINUTE 14 SECONDS WEST, COINCIDENT WITH SAID SOUTH LINE,
A DISTANCE OF 12.25 FEET TO THE WEST LINE OF SAID LOT 1; THENCE
COINCIDENT WITH SAID WEST LINE ON A NON-TANGENT CURVE TO THE LEFT,
HAVING A RADIUS OF 952.50 FEET, A CENTRAL ANGLE OF 06 DEGREES 47
MINUTES 30 SECONDS, (WHOSE CHORD BEARS NORTH 01 DEGREE 51 MINUTES
54 SECONDS EAST, 112.84 FEET), AN ARC LENGTH OF 112.91 FEET; THENCE
NORTH 01 DEGREE 51 MINUTES 06 SECONDS WEST, COINCIDENT WITH SAID
WEST LINE, A DISTANCE OF 57.35 FEET TO THE POINT OF BEGINNING.
CONTAINING 2,091 SQUARE FEET, MORE OR LESS.

AREA NO.2: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE
NORTH 89 DEGREES 47 MINUTES 09 SECONDS WEST, (BEARINGS BASED ON
NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE
SOUTH LINE OF SAID LOT 1, A DISTANCE OF 185.12 FEET TO THE POINT OF
BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 47 MINUTES 09
SECONDS WEST, COINCIDENT WITH SAID SOUTH LINE, A DISTANCE OF 234.12
FEET; THENCE NORTH 00 DEGREES 12 MINUTES 51 SECONDS EAST, A DISTANCE
OF 14.00 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 09 SECONDS EAST,
BEING 14.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID
LOT 1, A DISTANCE OF 234.12 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 51
SECONDS WEST, A DISTANCE OF 14.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 3,278 SQUARE FEET, MORE OR LESS.

Parcel 8

Owner of Record: Sam’s Real Estate Business Trust
P.O. Box 8050
Bentonville, AR 72717

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner
Party of Interest: NONE

PROPERTY TO BE ACQUIRED:

Temporary Easement

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 89 DEGREES 47 MINUTES 09 SECONDS EAST, (BEARINGS BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 325.28 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, A DISTANCE OF 3.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, A DISTANCE OF 31.93 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 09 SECONDS WEST, BEING 35.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 178.00 FEET; THENCE SOUTH 44 DEGREES 54 MINUTES 03 SECONDS WEST, A DISTANCE OF 80.51 FEET; THENCE SOUTH 11 DEGREES 35 MINUTES 38 SECONDS WEST, A DISTANCE OF 85.75 FEET; THENCE SOUTH 00 DEGREES 17 MINUTES 50 SECONDS WEST, A DISTANCE OF 139.24 FEET; THENCE NORTH 89 DEGREES 42 MINUTES 10 SECONDS WEST, A DISTANCE OF 37.87 FEET; THENCE SOUTH 34 DEGREES 17 MINUTES 33 SECONDS WEST, A DISTANCE OF 132.45 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 13 DEGREES 21 MINUTES 45 SECONDS EAST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 48.03 FEET; THENCE NORTH 10 DEGREES 55 MINUTES 04 SECONDS EAST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 63.82 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 177.50 FEET, A CENTRAL ANGLE OF 21 DEGREES 15 MINUTE 50 SECONDS, (WHOSE CHORD BEARS NORTH 40 DEGREES 00 MINUTES 15 SECONDS EAST, 65.50 FEET), AN ARC LENGTH OF 65.87 FEET; THENCE NORTH 29 DEGREES 42 MINUTES 46 SECONDS EAST, A DISTANCE OF 11.70 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 185.50 FEET, A CENTRAL ANGLE OF 19 DEGREES 59 MINUTES 30 SECONDS, (WHOSE CHORD BEARS NORTH 20 DEGREES 03 MINUTES 26 SECONDS EAST, 64.40 FEET), AN ARC LENGTH OF 64.72 FEET; THENCE NORTH 10 DEGREES 03 MINUTES 41 SECONDS EAST, A DISTANCE OF 53.49 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 167.50 FEET, A CENTRAL ANGLE OF 80 DEGREES 09 MINUTES 08 SECONDS, (WHOSE CHORD BEARS NORTH 50 DEGREES 08 MINUTES 15 SECONDS EAST, 215.67 FEET), AN ARC LENGTH OF 234.32 FEET; THENCE SOUTH 89 DEGREES 47 MINUTES 09 SECONDS EAST, BEING 3.07 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 97.33 FEET TO THE POINT OF BEGINNING. CONTAINING 16,233 SQUARE FEET, MORE OR LESS.
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 89 DEGREES 47 MINUTES 09 SECONDS EAST, (BEARINGS BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 325.28 FEET; THENCE SOUTH 00 DEGREES 12 MINUTES 51 SECONDS WEST, A DISTANCE OF 3.07 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 09 SECONDS WEST, BEING 3.07 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 97.33 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 167.50 FEET, A CENTRAL ANGLE OF 80 DEGREES 09 MINUTES 08 SECONDS, (WHOSE CHORD BEARS SOUTH 50 DEGREES 08 MINUTES 15 SECONDS WEST, 215.67 FEET), AN ARC LENGTH OF 234.32 FEET; THENCE SOUTH 10 DEGREES 12 MINUTES 51 SECONDS WEST, A DISTANCE OF 53.49 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 185.50 FEET, A CENTRAL ANGLE OF 19 DEGREES 59 MINUTES 30 SECONDS, (WHOSE CHORD BEARS SOUTH 20 DEGREES 03 MINUTES 26 SECONDS WEST, 64.40 FEET), AN ARC LENGTH OF 64.72 FEET; THENCE SOUTH 29 DEGREES 42 MINUTES 46 SECONDS WEST, A DISTANCE OF 11.70 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 177.50 FEET, A CENTRAL ANGLE OF 21 DEGREES 15 MINUTES 50 SECONDS, (WHOSE CHORD BEARS SOUTH 40 DEGREES 00 MINUTES 15 SECONDS WEST, 65.50 FEET), AN ARC LENGTH OF 65.87 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 10 DEGREES 55 MINUTES 04 SECONDS EAST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 85.56 FEET; THENCE NORTH 00 DEGREES 10 MINUTES 54 SECONDS EAST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 231.64 FEET TO THE POINT OF BEGINNING. CONTAINING 22,515 SQUARE FEET, MORE OR LESS.

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 December 4, 2018.

CITY OF TOPEKA, KANSAS

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Michelle De La Isla, Mayor

ATTEST:

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Brenda Younger, City Clerk