Ordinance No. 12543

An ordinance introduced by Mayor Joan Wagonon amending the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property within the Historic North Topeka neighborhoods of the City of Topeka, Kansas amending the District Zoning Classification from "I-2" Heavy Industrial District and "I-1" Light Industrial District ALL TO "X-2" Mixed Use District. (Z00/15)

Be it ordained by the council of the city of Topeka, Kansas:

Section 1. That the “District Map” referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, be, and the same is hereby amended, by making the following changes in zoning classification:

Six districts in Kaw Half Breed Reserves No.3 and No.4, composed of lots and tracts, all of which are in the City of Topeka, Shawnee County, Kansas, and described as:

District I: Allis-Chalmers
Lot 1, Block A, Allis-Chalmers Subdivision No. 2: Except: Beginning at the intersection of the West line of Taylor Street with the West line of the former Chicago, Rock Island and Pacific Railroad; thence South 00°02’07” West, on the West line of Taylor Street, 179.78 feet; thence South 89°52’07” West, 11.80 feet; thence North 29°26’19” West, 753.79 feet; thence North 29°25’17” West, 284.22 feet; thence North 89°32’53” East, 112.38 feet; thence South 29°27’48” East, 832.81 feet, to the point of beginning.

District II: South of Gordon - West of Topeka Boulevard
A district composed of lots and tracts in Kaw Half Breed Reserves No. 3 and No.4, in the City of Topeka, Shawnee County, Kansas, the boundary of which is described as:
Beginning at the Northwest corner of Lot 1, Block 1, in Eliza C. Evans’ First Addition; thence southerly, on the West line of said addition, to a point of intersection with the North line of Norris Street, as extended from the southeast; thence southeasterly, on the North line of Norris Street, and its extensions, to an intersection with the North line of Laurent Street in Higginbotham’s Addition; thence easterly, on the North line of Laurent Street, and its extensions, to the Southeast corner of Lot 397 on Taylor Street, in Higginbotham’s Addition; thence easterly, to the Southwest corner of Lot 266 on Taylor Street, in Pacific Place; thence east-southeasterly, to the Southeast corner of Lot 265 on Tyler Street, in Pacific Place; thence east-southeasterly, to the Southwest corner of Lot 266 on Tyler Street, in Wm. Curtis Addition; thence east-southeasterly, on the North line of Laurent Street, and its extension, to the Southeast corner of Lot 265 on Topeka Boulevard, in Wm. Curtis Addition; thence north-northeasterly, to the Northeast corner of Lot 299 on Topeka
Boulevard, in Wm. Curtis Addition; thence west-northwesterly, to the Northwest corner of Lot 300 on Tyler Street, in Wm. Curtis Addition; thence west-northwesterly, to the Northeast corner of Lot 29 on Gordon Street, in Pacific Place; thence west-northwesterly, on the South line of Gordon Street, and its extension, to the Northwest corner of Lot 75 on Gordon Street, in Pacific Place; thence northwesterly, on the South line of Gordon Street, to the Northeast corner of Lot 115 on Gordon Street, in Middaugh's Addition; thence northwesterly, on the South line of Gordon Street, and its extensions, to the Northwest corner of Lot 153 on Gordon Street, in Middaugh's Addition; thence northwesterly, to the Northeast corner of Lot 61, Block 2, in Eliza C. Evans' First Addition; thence northwesterly, on the South line of Gordon Street, and its extension, to the point of beginning. EXCEPT: all public street and alley rights of way; Lots 418-438 even, 429, 431, 433 on Clay Street, in Middaugh's Addition; Lots 28-34 even, fractional Lots 22-26 even, on Laurent Street, Block 4: Lots 47-51 odd on Laurent Street, in Eliza C. Evans First Addition. The lots and tracts within District II are: in Eliza C. Evans' First Addition: Block 1: Lots 1 through 41 odd, on Gordon Street, and Lots 6 through 20, fractional Lots 22 through 26 even, Lots 36 through 40 even, on Laurent Street; Block 2: Lots 43 through 65 odd, on Gordon Street, and Lots 42 through 70 even, on Laurent Street; Block 3: Lots 13 through 39 odd, on Laurent Street, and fractional Lots 13, 12, 24 and 26 on Norris Street; Block 4: Lots 41 through 45 odd, Lots 53 through 71 odd, on Laurent Street, and Lots 28 through 58 even on Norris Street; in Z. C. English's Addition: Lot 22 and fractional Lots 16, 18, 20, 24, 25, 26, 27, 29, 31, 33, 35 and 37; a tract recorded in Volume 1975 at page 389; a tract recorded in Volume 2276, at page 519; in Middaugh's Subdivision: Lots 115 through 153 odd, on Gordon Street; those portions of Lots 411, 413 and 415 on Buchanan Street, formerly Clay Street, which are north of the North line of Norris Street; Lots 417 through 453 odd, on said Buchanan Street; those portions of lots 404, 406, 408 and 410 on said Buchanan Street, which are north of the North line of Norris Street; Lots 412 through 452 even, on said Buchanan Street; those portions of Lots 401 and 403 on Clay Street, formerly Fillmore Street, which are north of the North line of Norris Street; Lots 405 through 427 odd and lot 441, on the last said Clay Street; in Higginbotham's Addition: those portions of Lots 415 and 417 on Clay Street, formerly Fillmore Street, which are north of the North line of Norris Street; those portions of Lots 409, 411 and 413 on the last said Clay Street, which are north of the North line of Norris Street; Lots 415 through 433 odd, on the last said Clay Street; those portions of Lots 404 and 406 on Fillmore Street, formerly Western Street, which are north of the North line of Norris Street; Lots 408 through 434 even, on the last said Fillmore Street; those portions of Lots 397, 399 and 401 on Western Street, which are north of the North line of Norris Street; Lots 403 through 433 odd on Western Avenue; a vacated alley adjoining Lots 404 through 434 even on Fillmore Street, formerly Western Avenue, and Lots 401 through 433 odd on Western Avenue; Lots 398 through 434 even on Western Avenue; Lots 397 through 433 odd on Taylor Street; tracts recorded in Volume 2458, at page 38, in Volume 1968, at page 734, in Volume 2879, at page 773, in Volume 2260, at page 770; Parcels 1,2,3 and 5 acquired by the City of Topeka by Eminent Domain in Case No. 80CV597; in Pacific Place: Lots 25 through 75 odd, on Gordon Street; Lots 266 through 290 even, on Taylor Street; Lots 265 through 287 odd, on Polk Street; Lots 266 through 288 even, on Polk Street; Lots 265 through 287 odd, on Tyler Street; in Wm. Curtis Addition: Lots 266 through 300 even, on Tyler Street; Lots 265 through 299 odd, on Topeka Boulevard.

District III: Harrison/Norris

A district composed of lots and tracts in Kaw Half Breed Reserve No.4, in the City of Topeka, Shawnee County, Kansas, the boundary of which is described as: Beginning at the
Northwest corner of Lot 234 on Topeka Boulevard, in Curtis’ Addition; thence east-southeasterly, on the South line of Laurent Street, and its extension, to the Northeast corner of Lot 233 on Harrison Street, in Curtis’ Addition; thence east-southeasterly, to the Northwest corner of Lot 88 on Harrison Street in the former Town of Eugene; thence east-southeasterly, on the South line of Laurent Street, and its extension, to the Northeast corner of Lot 87 on Van Buren Street, in Eugene; thence south-southwesterly, on the West line of Van Buren Street, to the Southeast corner of Lot 79 on Van Buren Street, in Eugene; thence west-northwesterly, on the North line of Norris Street, and its extension, to an intersection with the Centerline of Harrison Street; thence southerly, on the Centerline of Harrison Street, to an intersection with an extension of the South line of Norris Street; thence east-southeasterly, on the South line of Norris Street, 698 feet, more or less; thence south-southwesterly, normal to the Centerline of the Main Line Track of the Union Pacific Railroad, to a point which is 35 feet north-northeast of the centerline of said track; thence west-northwesterly, parallel with the centerline of said track, to an intersection with the Centerline of vacated Harrison Street; thence north-northeasterly on the Centerline of vacated Harrison Street, to an intersection with an extension of the South line of Norris Street; thence west-northwesterly, on the South line of Norris Street, and its extension, to the Northwest corner of Lot 2 on Norris Street, in Curtis’ Addition; thence north-northeasterly, on the platted East line of Topeka Boulevard, and its extension, to the point of beginning. EXCEPT: all public street and alley rights of way; Lot 86 on Monroe Street, in Eugene. The lots and tracts within District III are: in Curtis’ Addition: Lots 210 through 234 even, on Topeka Boulevard; Lots 207 through 233 odd, on Harrison Street; in Eugene: Lots 80 through 88 even, on Harrison Street; Lots 79 through 87 odd, on Van Buren Street; the East Half of vacated Harrison Street south of Norris Street, as recorded in Volume 1249, at page 190; a tract described as: Beginning at the intersection of the South line of Norris Street and the East line of vacated Harrison Street; thence east-southeasterly, on the South line of Norris Street, 462 feet, more or less; thence south-southwesterly, normal to the Centerline of the Main Line Track of the Union Pacific Railroad, to a point which is 35 feet north-northeast of the centerline of said track; thence west-northwesterly, parallel with the centerline of said track, to an intersection with an extension of the East line of vacated Harrison Street; thence north-northeasterly, to the point of beginning; a tract described as: Commencing at the intersection of the South line of Norris Street and the East line of vacated Harrison Street; thence east-southeasterly, on the South line of Norris Street, 462 feet, more or less, to the point of beginning; thence continuing east-southeasterly, on the South line of Norris Street, 206 feet, more or less; thence south-southwesterly, normal to the Centerline of the Main Line Track of the Union Pacific Railroad, to a point which is 35 feet north-northeast of the centerline of said track; thence west-northwesterly, parallel with the centerline of said track, 206 feet, more or less; thence north-northeasterly, normal from the centerline of said track, to the point of beginning.

District IV: Monroe/Norris

A district composed of lots and tracts in Kaw Half Breed Reserve No.4, in the City of Topeka, Shawnee County, Kansas, the boundary of which is described as: Beginning at the Northwest corner of Lot 88 on Quincy Street, in the former Town of Eugene; thence south-southwesterly, on the East line of Quincy Street, and its extension, to a point which is 35 feet north-northeast of the Centerline of the Main Line Track of the Union Pacific Railroad, as measured normally from the centerline of said track; thence easterly, parallel with the centerline of said track, to the East line of a 400 feet wide strip of property of the Union Pacific Railroad as shown on the plat of Eugene; thence northerly, on the East line of said 400 feet wide strip, to a point which is 50 feet north of the Centerline of the Main
Line Track of the Union Pacific Railroad, as measured normally from the centerline of said track; thence easterly and northeasterly, parallel with the centerline of said track, to an intersection with the West line of Madison Street; thence northeasterly to the Southwest corner of Lot 1, Block “A”, I.C.I. Subdivision; thence northeasterly and north-northeasterly, to the Northeast corner of the last said Lot 1; thence west-northwesterly, to the Northwest corner of said Lot 1; thence west-northwesterly, to the Northeast corner of Lot 87 on Madison Street, in Eugene; thence west-northwesterly, on the South line of Laurent Street, and its extensions, to the point of beginning. EXCEPT: all public street and alley rights of way. The lots and tracts within District IV are: in Eugene: Lots 76 through 88 even, on Quincy Street; Lots 77 through 87 odd, on Monroe Street; Lots 78 through 88 even, on Monroe Street; Lots 81 through 87 odd, on Madison Street; in I.C.I. Subdivision: Lot 1, Block “A”; a tract recorded in Volume 3274, at page 756; a tract recorded in Volume 1198, at page 331; a tract recorded in Volume 1198, at page 329; Tract I recorded in Volume 2157 at page 319; an additional tract recorded in Volume 2157, at page 319; a tract bounded on the north by Norris Street, on the west by an extension of the East line of Quincy Street; on the south by a line which is 35 feet north of and parallel with the Centerline of the Main Line Track of the Union Pacific Railroad; on the east by the East line of a 400 feet wide strip of property of the Union Pacific Railroad, as shown on the plat of Eugene; the South 2 feet of Norris Street, which has been vacated by City of Topeka Ordinance 1818, from Quincy Street to the East line of said 400 feet wide strip,

District V: Jefferson
Tract I and Tract II which are recorded in Volume 3353, at page 986, which are bounded on the north by Gordon Street, on the south by Laurent Street, on the west by a line which is 250 feet east-southeast of the West line of Madison Street, and on the east by the property of the former Atchison, Topeka and Santa Fe Railroad.

District VI: Union Pacific
A district composed of lots and tracts in Kaw Half Breed Reserve No.4, in the City of Topeka, Shawnee County, Kansas, the boundary of which is described as: Beginning at the intersection of a line which is 9 feet east of the West line of Lot 71 on Sardou Avenue North in Addition “A” to Garden Place, and the South line of an alley adjoining the South line of said Lot 73; thence northerly, on a line which is 9 feet east of the West line of said Lot 31, to an intersection with the North line of vacated Sardou Avenue North; thence westerly and northerly, on the North line of vacated Sardou Avenue North, to an intersection with the West line of Addition “A” to Garden Place; thence south-southwesterly, to the Southwest corner of said addition; thence westerly to a point which is 30 feet east of the Centerline of the Original Main Line Track of the former Atchison, Topeka and Santa Fe Railroad; thence south-southwesterly and southerly, 30 feet east of the centerline of said track, to an intersection with the North line of Tract D 13 acquired by eminent domain for flood control, recorded in Volume 789, at page 29; thence on the North lines of said Tract D 13, and its extension, to the East line of property of the Union Pacific Railroad; thence northerly, on the East line of property of the Union Pacific Railroad, 106 feet, more or less, to an intersection with the South line of Addition “A” to Garden Place; thence westerly, 672 feet, more or less, to the point of beginning. The lots and tracts included within this district are: in Addition “A” to Garden Place: Lots 61 through 71 odd, and the West 9 feet of Lot 73, on Sardou Avenue North; a vacated alley adjoining the South lines of Lots 61 through 71 odd, and the West 9 feet of Lot 73, on Sardou Avenue North; vacated Sardou Avenue North adjoining the North lines of Lots 61 through 71 odd, and the West 9 feet of Lot 73, on Sardou Avenue North; vacated Russ Avenue, from the South line of Addition
"A" to Garden Place to the North line of vacated Sardou Avenue North; a tract owned by the Union Pacific Railroad which is bounded on the west by property of the former Atchison, Topeka and Santa Fe Railroad, on the southeast by Tract D 13, which is recorded in Volume 789, at page 29, and on the north by Addition "A" to Garden Place.

be, and the same is hereby rezoned from "I-2" Heavy Industrial and "I-1" Light Industrial District ALL TO "X-2" Mixed Use District.

**Section 2.** That the "District Map" (Identification No. B-9, B-10, C-9, C-10,C-11, and C-12) shall reflect the boundaries of this amendment as incorporated by this Ordinance. This Ordinance Number shall be fixed upon the "District Map".

**Section 3.** The prospective use and development of real property located within the boundaries of the above described district shall be governed by City of Topeka Code Section 48-1.03 as may be amended; provided said real property was in conformity with zoning regulations in existence prior to the adoption of this ordinance.

**Section 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5.** 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 Council of the City of Topeka, **SEP 12 2000**, 2000.

ATTEST:

Iris E. Walker, City Clerk

To Be Codified __
Not To Be Codified X