ORDINANCE NO. 1785

AN ORDINANCE introduced by Mayor Harry Felker 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 East Topeka neighborhood of the City of Topeka, Kansas requesting to amend the District Zoning Classification from "M-1" Multiple Family Dwelling District and "C-2" Commercial District to "R-2" Single Family Dwelling District. (Z02/19) (Council District 2)

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 reclassifying the following described property:

A district composed of Lots and Tracts in the City of Topeka, Shawnee County, Kansas, the boundary of which is described as: Beginning at the Southeast corner of Lot 637 on Golden Avenue in East Fairview Golden Addition; thence northerly, to the Northeast corner of Lot 601 on Golden Avenue, in East Fairview Golden Addition; thence north-northwesterly, to the Southeast corner of Lot 69 on Golden Avenue, in Ripley Lawn Addition; thence northerly, to the Northeast corner of Lot 1 on Golden Avenue, in Ripley Lawn Addition; thence westerly, on the South line of Fourth Street, and its extensions, to the Northwest corner of Lot 2 on Burr Street, in Ripley Lawn Addition; thence westerly, to the Northeast corner of Lot 401 on Burr Street, in Western Land and Lot Co's Addition; thence northerly, to the Southeast corner of Lot 355 on Burr Street, in Western Land and Lot Co's Addition; thence northerly, to the Northeast corner of the South Half of Lot 337 on Burr Street, in Western Land and Lot Co's Addition; thence westerly, to the Northwest corner of the South Half of said Lot 337; thence westerly, to the Northeast corner of the South Half of Lot 338 on Davies Street, Western Land and Lot Co's Addition; thence westerly, on the North line of the South Half of said Lot 338, and its extension, to an intersection with the West line of Market Street; thence northerly, to the Northeast corner of Lot 2209 on Elm Street, formerly Benn Court, in Western Land and Lot Co's Addition; thence westerly, on the South line of Elm Street, and its extension, to an intersection with the West line of Market Street; thence northerly, to the Northeast corner of Lot 349 on Market Street, in Western Land and Lot Co's Addition; thence westerly, on the North line of said Lot 349, and its extension, to an intersection with the West Line of an alley; thence northerly, on the West line of said alley, to a point on the East line of Lot 346 on Swygart Street, in Western Land and Lot Co's Addition, which is 11.96 feet south of the Northeast corner of said Lot 346; thence west-northwesterly, on a curve concave northerly, and having a radius measure of 1022.12 feet, to a point on the North line of Lot 346 which is 48.2 feet west of the Northeast corner of said lot; thence westerly, on the North line of Lot 346, and its extension, to an intersection with the West line of Swygart Street; thence northerly, on the West line of Swygart Street, to a point on the East line of Lot 339 on Swygart Street, in Western Land and Lot Co's Addition,
which is 39.95 feet south of the Northeast corner of Lot 337 on Swygart Street, in said addition; thence northeasterly, on a curve concave northeasterly, and having a radius measure of 1022.12 feet, to a point on the North line of Lot 337 which is 80.20 feet west of the Northeast corner of said lot; thence westerly, on the North line of Lot 337, and its extension, to an intersection with the West line of an alley; thence northerly, on the West line of said alley, to the Northeast corner of Lot 334 on California Avenue, formerly Division Street, in Western Land and Lot Co's Addition; thence westerly, on the North line of Lot 334, to a point which is 116.37 feet east of the Northwest corner of said lot; thence northwesterly, to a point on the North line of Lot 330 on California Avenue, in Western Land and Lot Co's Addition, which is 50.00 feet east of the Northwest corner of Lot 330; thence north-northwesterly, to a point on the East line of Lot 484 on Third Street, in Veale's Addition, which is 81 feet north of the Southeast corner of said lot; thence northwesterly, on a curve concave southwesterly and having a radius measure of 508.11 feet, to a point on the East line of Lot 480 on Third Street, in Veale's Addition, which is 94.40 feet north-northeast of the Southeast corner of said lot; thence northwesterly, on a curve concave southwesterly and having a radius measure of 508.11 feet, to a point on the East line of Lot 476 on Third Street, in Veale's Addition, which is 106.50 feet north-northeast of the Southeast corner of said lot; thence northwesterly, on a curve concave southwesterly and having a radius measure of 508.11 feet, to a point on the East line of the West Half of Lot 472 on Third Street, in Veale's Addition, which is 117.18 feet north-northeast of the Southeast corner of the West Half of said lot; thence northwesterly, on a curve concave southwesterly and having a radius measure of 508.11 feet, to a point on the East line of Lot 460 on Third Street, in Veale's Addition, which is 118.04 feet north-northeast of the Southeast corner of said lot; thence northwesterly, on a curve concave southwesterly and having a radius measure of 508.11 feet, to a point on the East line of Lot 456 on Third Street, in Veale's Addition, which is 92.54 feet north-northeast of the Southwest corner of said lot; thence south-southwesterly, on the West line of said Lot 456, and its extension, to an intersection with the South line of Third Street; thence west-northwesterly, on the South line of Third Street, to an intersection with the former Centerline of Shunganunga Creek; thence southerly and westerly, up the Centerline of Shunganunga Creek, to an intersection with the West line of the East 10 feet of Lot 422 on Fourth Street, in Veale's Addition; thence south-southwesterly, on the West line of the East 10 feet of said Lot 422, and its extension, to an intersection with the South line of Fourth Street; thence west-northwesterly, to the Northwest corner of Lot 110 on Locust Street, in Veale's Addition; thence west-northwesterly, to the Northeast corner of Lot 109 on Locust Street, in Veale's Addition; thence south, southwesterly, to the Northeast corner of Lot 119 on Locust Street, in Veale's Addition; thence west-northwesterly, to a point on the North line of Lot 119 which is 17.5 feet east-southeast of the Northwest corner of said lot; thence southwesterly, to a point on the South line of Lot 119 which is 12.9 feet east-southeast of the Southwest corner of said lot; thence east-southeasterly, to a point on the South line of Lot 119 which is 27.90 feet east-southeast of the Southwest corner of said lot; thence southwesterly, to a point on the North line of Lot 127 on Locust Street, in Veale's Addition, which is 16.0 feet east-southeast of the Northwest corner of said lot; thence west-northwesterly, to the Northeast corner of the West 7 feet of said Lot 127; thence south-southwesterly, to the Southeast corner of the West 7 feet of said Lot 127; thence east-southeasterly, to a point on the South line of Lot 127 which is 13.5 feet east-southeast of the Northwest corner of said lot; thence southwesterly, on a curve concave northwesterly and having a radius measure of 735.04 feet, to a point on the West line of Lot 131 on Locust Street, in Veale's Addition, which is 27 feet south-southwest of the Northwest corner of Lot 129 on Locust Street, in Veale's Addition; thence southwesterly, to a point on the West line of Block 13, on Sixth Avenue East, in Parkdale Addition, which is 720.0 feet north-northeast of the North line of Sixth Avenue East; thence south-southwesterly, on the West line of
Block 13, 2.3 feet; thence southwesterly, on a curve concave northwesterly and having a radius measure of 720.04 feet, to a point on the West line of Block 11, on Sixth Avenue East, in Parkdale Addition, which is 472 feet north-northeast of the North line of Sixth Avenue East; thence south-southwesterly, on the West line of said Block 11, to at the Northwest corner of the South 135 feet of said Block 11; thence east-southeasterly, to the Northeast corner of the South 135 feet of Block 14, on Sixth Avenue East in Parkdale Addition; thence east-southeasterly, to the Northwest corner of Lot 420 on Sixth Avenue, in Root's Addition; thence east-southeasterly, to the Northeast corner of Lot 440 on Sixth Avenue, in Root's Addition; thence east-southeasterly, to the Northwest corner of Lot 442 on Sixth Avenue in Root's Addition; thence east-southeasterly, to the Northeast corner of Lot 462 on Sixth Avenue, in Veale's Addition; thence east-southeasterly, to the Northwest corner of Lot 464 on Sixth Avenue, in Veale's Addition; thence east-southeasterly, to the Northeast corner of Lot 484 on Sixth Avenue, in Veale's Addition; thence east-southeasterly, to the Northwest corner of Lot 486 on Sixth Avenue, in Veale's Addition; thence east-southeasterly, to the Northwest corner of Lot 506 on Sixth Avenue, in Veale's Addition; thence east-southeasterly, on the North lines of Lots 508, 510, 512 and 514, and their extension, to an intersection with the East line of California Avenue, formerly Division Street; thence southerly, to the Northwest corner of Lot 15 in Block A, in Swygart Subdivision; thence easterly, on the North lines of Lots 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, and their extension, to an intersection with the East line of Swygart Street; thence southerly, to the Northwest corner of Lot 19 in Block B, in Swygart Subdivision; thence easterly, on the North lines of Lots 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30, and their extension, to an intersection with the East line of Market Street; thence southerly, to the Southwest corner of Lot 1 on Gabler Street, in Roseworth Addition; thence easterly, to the Northeast corner of Lot A in Roseworth Addition; thence southerly, to the Northwest corner of Lot 31 on Burr Street, in Roseworth Addition; thence easterly, on the North line of Lot 31, and its extension, to an intersection with the East line of Burr Street; thence southerly, to the Northwest corner of Lot 2402 on Sixth Avenue, in East Fairview Golden Addition; thence easterly, on the North lines of Lots 2402, 2404, 2406, 2408, 2410, 2412, 2414, 2416, 2418, 2420 and 2422 on Sixth Avenue, in East Fairview Golden Addition, and their extension, to an intersection with the East line of Gray Street; thence southerly, to the Northwest corner of Lot 2502 on Sixth Avenue, in East Fairview Golden Addition; thence easterly, to the Northeast corner of Lot 2522 on Sixth Avenue, in East Fairview Golden Addition; thence northerly, to the point of beginning; LESS: all existing street and alley right of way.

The Lots and Tracts included in this district are listed as:

**In East Fairview Golden Addition:**
Lots 602 through 632 even, on Burr Street;
Lots 601 through 632 and Lots 634, 636 and 638 on Gray Street;
Lots 601 through 637 odd on Golden Avenue;

**In Ripley Lawn Addition:**
Lots 2 through 70 even on Burr Street;
Lots 1 through 70 on Gray Street;
Lots 1 through 69 odd on Golden Avenue;

**In Western Land and Lot Co's Addition:**
The South Half of Lot 337, all of Lots 339 through 355 odd, on Burr Street;
Lots 401 through 439 odd, on Burr Street;
Lots 501 through 531 odd, on Burr Street;
The South Half of Lot 338, all of Lots 340 through 356 even, on Davies Street;
Lots 402 through 440 even on Davies Street;
Lots 401 through 425 odd, on Davies Street;
Lots 502 through 532 even, on Davies Street;
Lots 511 through 519 odd, on Davies Street;
Lots 2201 through 2209 odd, on Elm Street, formerly Benn Court;
Lots 2202 through 2210 even, on Fourth Street;
Lots 2202 through 2210 even, on Fifth Street;
Lots 349 through 371 odd, on Market Street;
A portion of Lot 346, all of Lots 348 through 372 even, on Swygart Avenue;
Portions of Lots 333, 335, 337 and 339, all of Lots 341 through 371 odd, all on Swygart Avenue;
Portions of Lots 330 and 332, all of Lots 334 through 372 even, on California Avenue, formerly Division Street;

**In Swygart's Subdivision:**
Lots 1 through 14 and Lots 27 through 40, in Block A;

**In the Amended Plat of Block "B", Swygart’s Addition:**
Lots 1 through 19 and Lots B, C and D;

**In Lafayette School Subdivision:**
Lot 1, Block A;

**In Veale's Addition:**
Fractional Lots 111 through 141 odd, and Lot 143, on California Avenue, formerly Division Street;
Fractional Lots 152 through 170 even on Lamar Street;
Fractional Lots 82 through 108 even, on Liberty Street;
Lots 110 through 170 even, on Liberty Street;
Lots 73 through 169 odd, on Liberty Street;
Lots 73 through 170, on Leland Street;
Fractional Lots 74 through 94 even, Fractional Lot 170, Lots 96 through 168 even, on Lafayette Street;
Fractional Lots 153 and 155, Lots 109 through 151 odd, on Lafayette Street;
Fractional Lots 158 and 160, Lots 110 through 156 even, on Locust Street;
Portions of Lots 119 through 127 odd, Lots 129, 131 and 133, Fractional Lots 135 through 157 odd, all on Locust Street;
Portions of Lots 456 through 484 even, on Third Street;
A portion of Lot 422 and all of Lots 424 through 440 even, on Fourth Street;

**In Root's Addition:**
Fractional Lots 153, 155 and 170, Lots 157 through 169 odd, all on Lafayette Street;
Fractional Lots 158 and 160, Lots 162 through 170 even, all on Locust Street;

**In Parkdale Addition:**
 Portions of Blocks 11, 12, 13 and 14 on Sixth Avenue East.

from "M-1" Multiple Family Dwelling District and "C-2" Commercial District to "R-2" Single Family Dwelling District.

**Section 2.** That the “District Map” (F-12 and F-13) 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, JUL 09 2002, 2002.

Harry Feltner, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified_____  
Not To Be Codified X