ORDINANCE NO. 17857

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 "C-4" Commercial District, "C-2" Commercial District, and "R-1" Single Family Dwelling District to "X-1" Mixed Use District. (Z02/20) (Council Districts 2 and 3)

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 Northwest corner of the South 135 feet of Block 11 on Sixth Avenue East in Parkdale Addition; 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 Northwest 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 Roseworn Addition; thence easterly, to the Northeast corner of Lot A in Roseworn Addition; thence southerly, to the Northwest corner of Lot 31 on Burr Street, in Roseworn 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 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, on the North lines of Lots 2502, 2504, 2506, 2508, 2510, 2512, 2514, 2516, 2518, 2520 and 2522 on Sixth Avenue, in East Fairview Golden Addition, and their extension, to an intersection with the East line of Golden Avenue; thence northerly, to the Northwest corner of a tract recorded in Volume 2927 at page 404; thence easterly, to the Northeast corner of a tract recorded in Volume 3034, at page 253; thence easterly, parallel with the South line of the Southwest Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M., to an intersection with the East line of a tract recorded in Volume 1837 at page 299; thence northerly, on the east line of the last said tract, to an intersection with an extension of the South line of Lot 7 in Block 'A', William's Replat of a Part of Victory Place Addition; thence easterly, on the South line of Lot 7, and its extension, to an intersection with the East line of Tract 19 in Victory Place Addition; thence northeasterly, to the Northwest corner of Tract 18 on Woodland Avenue, in Victory Place Addition; thence easterly, to the Northeast corner of Tract 18; thence southerly, on the East line of Tract 18, to an intersection with the North line of Lot 1 of Strange Lots; thence easterly, to the Northeast corner of Lot 2 of Strange Lots; thence northerly, on an extension of the East line of said Lot 2, to an intersection with a line which is 170.67 feet north of the South line of Tract 1 in Victory Place Addition; thence easterly, parallel with the South line of Tract 1, to an intersection with the East line of the West 135 feet of the East 285 feet of Tract 1; thence southerly, on the East line of the West 135 feet of the East 285 feet of Tract 1, and its extension, to an intersection with an extension of the North line of Lot 35 on Sixth Avenue, in Irving Place Subdivision; thence westerly, to the Northeast corner of the vacated West 10 feet of Carnahan Avenue adjoining said Lot 35; thence southerly, on the East line of the vacated West 10 feet of Carnahan Avenue, to an intersection with the South line of Lot 631 on Carnahan Avenue, in Irving Place Subdivision; thence westerly, to the Southwest corner of Lot 631; thence northerly, on the West line of Lot 631, to the Northwest corner of the South 15 feet of Lot 631; thence westerly, on an extension of the North line of the South 15 feet of Lot 631, to an intersection with the Centerline of a vacated alley; thence northerly, on the Centerline of said alley, to an intersection with the Centerline of a vacated east to west alley, the North line of which is coincident with the South lines of Lots 30 and 31 on Sixth Avenue in Irving Place Subdivision; thence westerly, on the Centerline of said vacated alley, and its extension, to an intersection with the East line of the vacated West 10 feet of Sherman Avenue; thence northerly, to an extension of the South line of Lot 25 on Sixth Avenue, in Irving Place Subdivision; thence westerly, on the South lines of Lots 16 through 25 on Sixth Avenue, and their extensions, to an intersection with the East line of the vacated West 10 feet of Wear Avenue; thence westerly, on the South lines of Lots 6 through 15 on Sixth Avenue, and their extensions, in Irving Place Subdivision, to an intersection with the East line of the vacated West 10 feet of Gilmore Avenue; thence westerly, on the South lines of Lots 1 through 5 on Sixth Avenue, and their extensions, in Irving Place Subdivision, to an intersection with the East line of Lot 610 on Highland Avenue, in East Hill Subdivision; thence northerly, to the Southeast corner of Lot 608 on Highland Avenue, in East Hill Subdivision; thence westerly, on the South line of Lot 608, and its extension, to an intersection with the East line of Lot 1, Block "A" in Smith Brothers Subdivision; thence southerly, to the Southeast corner of Lot 1; thence westerly, on the South lines of said Lot 1 and the South line of Lot 1, Block 'A' in K.P. & L. Subdivision, to the Southwest corner of the last said Lot 1; thence southwesterly, to the Southeast corner of a tract recorded in Volume 2240 at page 993; thence westerly, to the Southwest corner of a tract recorded in Volume 3534 at page 184; thence northerly, on the West line of the last said tract, and its extension, to an intersection with the South line of the Southwest Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M.; thence easterly, on the South line of said Southwest Quarter, to an intersection with the Centerline of Sixth Avenue, as extended from the west-northwest; thence west-northwesterly, on the Centerline of Sixth Avenue, to an intersection with the East line of Lot 1923 on
Sixth Avenue, in Benson's Addition; thence southerly, to the Southeast corner of Lot 1923; thence westerly, to the Southwest corner of Lot 1909 on Sixth Avenue, in Benson's Addition; thence northerly, to the Northeast corner of Lot 508 on Seventh Street in Rodgers-Davis Addition; thence westerly, on the North line of Rodgers-Davis Addition, to an intersection with the North line of an east to west alley in Veale's Addition; thence west-northwesterly, on the North line of said alley, to the Southwest corner of Lot 485 on Sixth Avenue, in Veale's Addition; thence west-northwesterly, to the Southeast corner of Lot 483 on Sixth Avenue in Veale's Addition; thence west-northwesterly, to the Southwest corner of Lot 463 on Sixth Avenue, in Veale's Addition; thence west-northwesterly, to the Southeast corner of Lot 461 on Sixth Avenue, in Veale's Addition; thence west-northwesterly, on the South lines of Lots 461, 459, 457, 455, 453 and 451 on Sixth Avenue, in Veale's Addition, to an intersection with the East line of Root's Addition; thence west-northwesterly, to the Southwest corner of Lot 441 on Sixth Avenue, in Root's Addition; thence west-northwesterly, to the Southeast corner of Lot 439 on Sixth Avenue, in Root's Addition; thence west-northwesterly, on the South lines of Lots 439, 437, 435, 433, 431, 429 and 427 on Sixth Avenue, in Root's Addition, to an intersection with the East line of Parkdale Addition; thence west-northwesterly, to the Southwest corner of Lot 419 on Sixth Avenue East, in Parkdale Addition; thence west-northwesterly, to the Southeast corner of Lot 417 on Sixth Avenue, in Parkdale Addition; thence west-northwesterly, to the Southwest corner of Lot 397 on Sixth Avenue East, in Parkdale Addition; thence west-northwesterly, to the Southeast corner of Lot 395 on Sixth Avenue East, in Parkdale Addition; thence west-northwesterly, to the Southwest corner of Lot 375 on Sixth Avenue East, in Parkdale Addition; thence west-northwesterly, to the Southeast corner of Lot 373 on Sixth Avenue East, in Parkdale Addition; thence west-northwesterly, to the Southwest corner of Lot 365 on Sixth Avenue East, in Parkdale Addition; thence north-northeasterly, on the West line of Lot 365, and its extension, to an intersection with the Centerline of Sixth Avenue; thence east-southeasterly, on the Centerline of Sixth Avenue, to an intersection with an extension of the West line of Block 14 on Sixth Avenue East, in Parkdale Addition; thence north-northeasterly, 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 Parkdale Addition:**
The South 135 feet of Blocks 11, 12, 13 and 14, on Sixth Avenue East;
Fractional Lots 420, 423, 425 and 427 on Sixth Avenue East;
Lots 365 through 421 odd, on Sixth Avenue East;

**In Root's Addition:**
Lots 424 through 442 even, on Sixth Avenue;
Lots 429 through 445 odd, on Sixth Avenue;
Fractional Lots 420, 422, 444, 446, 423, 425, 427, 447, 449 and 451 on Sixth Avenue;

**In Veale's Addition:**
Lots 448 through 514 even, on Sixth Avenue;
Lots 453 through 503 odd, on Sixth Avenue;
Fractional Lots 444, 446, 516, 447, 449, 451 on Sixth Avenue;
A tract in Veale's Addition described as: That part of Veale's Addition lying east of and adjacent to Lot 503 on Sixth Avenue;

**In Benson's Addition:**
Lots 1909 through 1923 odd, on Sixth Avenue;

**In Swygart's Subdivision:**
Lots 15 through 26 in Block A;
A vacated alley in Block A adjoining Lots 20 and 21 and lying south of an extension of the North line of Lot
20;
Lots 19 through 30 in Block B;
A vacated alley in Block B adjoining Lots 24 and 25 and lying south of an extension of the North line of Lot 24;

In Rosewood Addition:
Lot A;
The East 15 feet of Lot 6 and all of Lots 8 through 16 even on Sixth Avenue;
Lots 31 through 37 odd on Burr Street;

In East Fairview Golden Addition:
Lots 2402 through 2422 even on Sixth Avenue;
Lots 2502 through 2522 even on Sixth Avenue;

In William's 2nd Replat of a Part of Victory Place Addition:
Lot 1;

In Victory Place Addition:
Portions of Tracts 1, 18 and 19;

In Strange Lots:
Lots 1 and 2;

In Irving Place Subdivision:
Lots 1 through 5 and the vacated West 10 feet of Gilmore Avenue adjoining Lot 5 and lying north of an extension of the South line of Lot 5;
Lots 6 through 15, the vacated East 10 feet of Gilmore Avenue adjoining Lot 6 and lying north of an extension of the South line of Lot 6 and the vacated West 10 feet of Wear Avenue adjoining Lot 15 and lying north of an extension of the South line of Lot 15;
Lots 16 through 25, the vacated East 10 feet of Wear Avenue adjoining Lot 16 and lying north of an extension of the South line of Lot 16 and the vacated West 10 feet of Sherman Avenue adjoining Lot 25 and lying north of an extension of the South line of Lot 25;
Lots 26 through 35, the vacated East 10 feet of Sherman Avenue adjoining Lot 26 and lying north of an extension of the South line of Lot 26 and the vacated West 10 feet of Carnahan Avenue adjoining Lot 35 and lying north of an extension of the South line of Lot 35; the North Half of the vacated alley adjoining Lots 26 through 30 on Sixth Avenue, extending from the West line of the vacated East 10 feet of Sherman Avenue to the Centerline of a vacated north to south alley adjoining Lots 621 through a portion of Lot 631 odd on Carnahan Avenue; the East Half of the Vacated north to south alley, the East line of which adjoins the West lines of Lots 621 through a portion of 631 odd on Carnahan Avenue, extending from the Centerline of a vacated west to east alley, the North line of which adjoins the South lines of Lots 26 through 35 on Sixth Avenue, to an extension of the North line of the South 15 feet of Lot 631 on Carnahan Avenue; all of the vacated west to east alley, the North line of which is coincident with the South line of Lots 31 through 35 on Sixth Avenue, extending from the Centerline of the last described north to south alley, to the east line of the vacated West 10 feet of Carnahan Avenue;

In East Hill Subdivision:
Lots 600 through 608 even on Highland Avenue;

In Smith Brothers Subdivision:
Lot 1, Block "A";

In K.P. & L. Subdivision:
Lot 1, Block 'A';

Tracts in the Southwest Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M.:
Recorded in:
Volume 3125 at page 512;
Section 2. That the “District Map” (F-12, F-13, F-14, G-13, and G-14) 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.

ATTEST:

Harry Felker, Mayor

Iris E. Walker, City Clerk

To Be Codified

Not To Be Codified X