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 "R-1" Single-Family Dwelling District, “M-1” Two Family Dwelling District, and “C-4” Commercial District, ALL TO “OS-1” Open Space District. (Z02/22) (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:

Area I:
That part of Ripley Park in the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at the intersection of the East line of Lawrence Street with the South line of the Right of Way of the Burlington Northern and Santa Fe Railroad; thence easterly, on the South line of said right of way, to an intersection with the East line of the Northeast Quarter of Section 32, Township 11 South, Range 16 east of the 6th P.M.; thence southerly, on the East line of said Section 32, to an intersection with the North line of the Right of Way of the Oakland Unit, Section II Flood Protection System; thence westerly and southerly, on the North lines of said flood protection system, to an intersection with a line which is 125 feet east-southeast from the East line of Lawrence Street; thence north-northeasterly, parallel with the East line of Lawrence Street, to the Northeast corner of a tract recorded in Volume 3436, at page 520; thence westerly, to a point on the East line of Lawrence Street which is 20 feet north-northeast of an extension of the South line of Third Street, in Klein Grove Addition; thence north-northeasterly, on the East line of Lawrence Street, 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:
A Tract in the Northeast Quarter of Section 32, Township 11 South, Range 16 east of the 6th P.M.:
A portion of a tract recorded in Volume 437, at page 425;
Tracts in the Southeast Quarter of Section 32, Township 11 South, Range 16 east of the 6th P.M.:
A portion of a tract recorded in Volume 409, at page 471;
A portion of a tract recorded in Volume 746, at page 206.
Area II:
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 Southwest corner of the East Half of Lot 340 on Tenth Avenue in Parkdale Addition; thence north-northeasterly, on the West line of the East Half of said Lot 340, and its extension, to an intersection with the South line of Lot 339 on Eighth Avenue, in Parkdale Addition; thence east-southeasterly, to the Southeast corner of Lot 339; thence north-northeasterly to the Northwest corner of Lot 341 on Eighth Avenue in Parkdale Addition; thence east-southeasterly, on the South line of Eighth Avenue, and its extensions, to an intersection with the North line of Tenth Avenue, also being the East corner of Lot 395 on Eighth Avenue; thence westerly, on the North line of Tenth Avenue, and its extensions, 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 East Half of Lot 340 and all of Lots 342 through 352 even, on Tenth Avenue;
Lots 341 through 395 odd, on Eighth Avenue.

Area III:
A district comprised of lots and tracts in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Northeast corner of the Northwest Quarter of Section 5, Township 12 South, Range 16 east of the 6th P. M.; thence westerly, on the North line of said Northwest Quarter, 500 feet, to the Northwest corner of Jewell's Addition; thence southerly, parallel with the East line of said Northwest Quarter, 1425 feet; thence easterly, parallel with the North line of said Northwest Quarter, 155 feet; thence southerly, parallel with the East line of said Northwest Quarter, 25 feet; thence easterly, parallel with the North line of said Northwest Quarter, 140 feet; thence southerly, parallel with the East line of said Northwest Quarter, 175 feet; thence easterly, parallel with the North line of said Northwest Quarter, 60 feet; thence northerly, parallel with the East line of said Northwest Quarter, 50 feet; thence easterly, parallel with the North line of said Northwest Quarter, 20 feet; thence northerly, parallel with the East line of said Northwest Quarter, 25 feet; thence easterly, parallel with the North line of said Northwest Quarter, 125 feet; thence northerly, on the East line of said Northwest Quarter, 1550 feet, 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 Jewell's Addition:**
Lots 331 through 367 odd, on Tenth Avenue;
Lots 332 through 368 even, on Wood Street;
A vacated east to west alley, south of and adjoining Lots 331 through 367 odd, on Tenth Avenue;
Vacated Wood Street
**Tracts in the Northwest Quarter of Section 5, Township 12 South, Range 16 east of the 6th P.M.:**
A tract described as: Beginning at the Southwest corner of Jewell's Addition; thence southerly, parallel with the East line of said Northwest Quarter, to a point 1425 feet south of the North line of said Northwest Quarter; thence easterly, parallel with the North line of said Northwest Quarter, 155 feet; thence southerly, parallel with the East line of said Northwest Quarter, 25 feet; thence easterly, parallel with the North line of said Northwest Quarter, 140 feet; thence southerly, parallel with the East line of said Northwest Quarter, 175 feet; thence easterly, parallel with the North line
of said Northwest Quarter, 60 feet; thence northerly, parallel with the East line of said Northwest Quarter, 50 feet; thence easterly, parallel with the North line of said Northwest Quarter, 20 feet; thence northerly, parallel with the East line of said Northwest Quarter, 25 feet; thence easterly, parallel with the North line of said Northwest Quarter, 125 feet; thence northerly, on the East line of said Northwest Quarter, 1220 feet, to the Southeast corner of Jewell's Addition; thence westerly, to the point of beginning;

Area IV:
A district comprised of lots and tracts in the City of Topeka, Shawnee County, Kansas, the boundary of which is described as follows: Beginning at the Northwest corner of the Northwest Quarter of Section 4, Township 12 South, Range 16 east of the 6th P.M.; thence southerly, on the West line of said Northwest Quarter, to a point 81 rods south of the Northwest corner; thence east 40 rods; thence southerly, to a point 529 3/4 feet north of the South line of said Northwest Quarter and 660 feet east of the Southwest corner of said Northwest Quarter; thence west 330 feet; thence north 99 feet; thence west 330 feet; thence southerly, on the East line Section 5, Township 12 South, Range 16 east of the 6th P.M., to an intersection with the North line of Interstate Highway 70; thence westerly, on the North line of said highway, to the Southwest corner of Lot 27 in Block A, in Parkridge Subdivision "B"; thence north-northeasterly, on the West line of Lot 27 and its extension, to a point on the South line of Lot 11 in Block D, in Parkridge Subdivision "B"; thence west-northwesterly and northerly, on the North line of 15th Street, formerly 16th Street, and its extension, and on the East line of Illinois Avenue, to the Northwest corner of Lot 1 Block "C", in Parkridge Subdivision "C"; thence easterly on the South line of 14th Street, formerly 15th Street Terrace, and its extension, to a point on the West line of Lot 6 Block D, in Parkridge Subdivision "B"; thence northerly, on the East line of Locust Street, formerly Michigan Avenue, to the Northwest corner of Lot 1 in Block D, in Parkridge Subdivision "B"; thence northerly, to the Southwest corner of Lot 126 in Block 19, in Mulvane and Chase's 2nd Addition; thence easterly, to the Southeast corner of said Lot 126; thence northerly, on the West line of an alley, to the Northeast corner of Lot 86 in Block 19, in Mulvane and Chase's 2nd Addition; thence easterly, on the South line of Twelfth Street, and its extensions, to the Northwest corner of Lot 126 in Block 20, in Mulvane and Chase's 2nd Addition; thence northerly, on the East line of Lafayette Street, and its extensions, to an intersection with the North line of the Northeast Quarter of said Section 5; thence easterly, on the North line of said Northeast Quarter, 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 Mulvane and Chase's First Addition:**
Lots 71 through 79 odd, in Block 1;
Lots 2 through 40 even, in Block 10;
A vacated East to West alley, north of and adjoining Lot 2 in Block 10;

**In Mulvane and Chase's 2nd Addition:**
Lots 42 through 84 even, in Block 11;
Lots 85 through 125 odd, in Block 19;
Lots 86 through 126 even, in Block 20;

**In Parkridge Subdivision "B":**
Lots 27 through 46, in Block A;
Lots 1 through 10, in Block C;
Lots 1 through 23, in Block D;
In Mount Auburn - Fisher's Subdivision:
Lots 424 through 446 even, on California Avenue;
Lots 423 through 446 on Loring Avenue;
Lots 423 through 445 odd, on Republican Avenue;

In the Northeast and Southeast Quarters of Section 5, Township 12 South, Range 16 east of the 6th P.M.:
Those tracts which comprise Topeka Cemetery;

In the Northwest Quarter of Section 4, Township 12 South, Range 16 east of the 6th P.M.:
Those tracts which comprise Mount Auburn Cemetery

Area V:
A district comprised of lots and tracts in the City of Topeka, Shawnee County, Kansas, the boundary of which is described as follows: Commencing at a point on the East line of the Southeast Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M., at a point where Fourth Street, formerly Fifth Street, in Belmont Addition intersects said East line thence west to a point on the Center of Relocated Deer Creek, being the point of beginning; thence west to the Center of Original Deer Creek; thence northerly, down the Center of Original Deer Creek, to the Northeast corner of Lot 5 in Block A, in Eastborough Gardens Subdivision; thence westerly, to the Northwest corner of Lot 5; thence northwesterly and northerly, on the East line of Arter Avenue, to an intersection with the South line of 3rd Street; thence easterly, on the South line of 3rd Street, to an intersection with the West line of Lot 1, Block B, in Eastborough Subdivision "C"; thence southerly, to the Southwest corner of Lot 1; thence easterly, on the Center of Original Deer Creek, to an intersection with the Center of Relocated Deer Creek; thence southerly, up the Center of Relocated Deer Creek, to the point of beginning.

The lots and tracts included in this district are listed as:

Tracts in the Southeast Quarter of Section 33, Township 11 South, Range 16 east of the 6th P.M.:
A tract recorded in Volume 1697, at page 635;
A tract recorded in Volume 3538, at page 263.

from "R-1" Single-Family Dwelling District, “M-1” Two Family Dwelling District, and “C-4” Commercial District, ALL TO “OS-1” Open Space District.

Section 2. That the “District Map” (E-12, F-12, F-14, G-11 and G-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, JUL 09 2002, 2002.

ATTEST:

Harry Felker, Mayor

Iris E. Walker, City Clerk

To Be Codified _____

Not To Be Codified X