ordinance no. 17936

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 located at the southwest corner of sw 10th avenue and sw gage boulevard in the city of topeka, from “r-1” single family dwelling district and “pud” planned unit development district (“o&i-2” use group and “c-4” use group) all to “pud” planned unit development district (“c-4” use group and “os-1” use group). (z02/34) (council district no. 8)

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:

all of lot 1 and that part of lot 2, block “a”, fleming place subdivision in the southeast quarter of section 34, township 11 south, range 15 east of the 6th p.m. in the city of topeka, shawnee county, kansas, together described as follows: beginning at the northwest corner of said lot 1; thence along the north line of said lot 1 on an assumed bearing of south 89 degrees 54 minutes 10 seconds east, 267.99 feet; thence along the northeasterly line of said lot 1, south 44 degrees 24 minutes 46 seconds east, 42.07 feet; thence along the easterly line of said lot 1, south 1 degree 04 minutes 35 seconds west, 194.48 feet to the southeast corner of said lot 1; thence along the south line of said lot 1, north 89 degrees 54 minutes 10 seconds west, 138.50 feet; thence parallel with the east line of said lot 2, south 1 degree 04 minutes 35 seconds west, 170.00 feet to the south line of said lot 2; thence along the south line of said lot 2, north 89 degrees 54 minutes 10 seconds west, 159.49 feet to the southwest corner of said lot 2; thence along the west line of said lot 2, north 1 degree 04 minutes 35 seconds east, 394.49 feet to the point of beginning. the above described contains 93,546 square feet, more or less.
from "R-1" Single Family Dwelling District and "PUD" Planned Unit Development District ("O&I-2" use group and "C-4" use group) ALL TO "PUD" Planned Unit Development District ("C-4" use group and "OS-1" use group), subject to:

1. **Use Group Category:** "C-4" Commercial District and "OS-1" Open Space District, and legally described as follows:

   All of Lot 1 and that part of Lot 2, Block "A", Fleming Place Subdivision in the Southeast Quarter of Section 34, Township 11 South, Range 15 East of the 6th P.M. in the City of Topeka, Shawnee County, Kansas, together described as follows: Beginning at the Northwest corner of said Lot 1; thence along the North line of said Lot 1 on an assumed bearing of South 89 degrees 54 minutes 10 seconds East, 267.99 feet; thence along the Northeasterly line of said Lot 1, South 44 degrees 24 minutes 46 seconds East, 42.07 feet; thence along the Easterly line of said Lot 1, South 1 degree 04 minutes 35 seconds West, 194.48 feet to the Southeast corner of said Lot 1; thence along the South line of said Lot 1, North 89 degrees 54 minutes 10 seconds West, 138.50 feet; thence parallel with the East line of said Lot 2, South 1 degree 04 minutes 35 seconds West, 170.00 feet to the South line of said Lot 2; thence along the South line of said Lot 2, North 89 degrees 54 minutes 10 seconds West, 159.49 feet to the Southwest corner of said Lot 2; thence along the West line of said Lot 2, north 1 degree 04 minutes 35 seconds East, 394.49 feet to the point of beginning. The above described contains 93,546 square feet, more or less.

   **Excepting therefrom the "OS-1" Open Space District legally described as follows:**

   Beginning at the Southeast corner of Lot 1, Block A, Fleming Place Subdivision; thence along the South line of said Lot 1 on an assumed bearing of North 89 degrees 54 minutes and 10 seconds West, 120.00 feet; thence parallel with the East line of said Lot 1, North 01 degree 04 minutes 35 seconds East, 151.79 feet; thence parallel with the south line of said Lot 1, North 89 degrees 54 minutes 10 seconds West, 200.58 feet; thence parallel with the East line of said Lot 1, North 01 degree 04 minutes 35 seconds East, 72.70 feet, to a point on the North line of said Lot 1; thence along the North line of said Lot 1, South 89 degrees 54 minutes 10 seconds East, 296.79 feet; thence along the Northeasterly line of said Lot 1, South 44 degrees 24 minutes 46 seconds East, 42.07 feet; thence along the Easterly line of said Lot 1, South 01 degree 04 minutes 35 seconds West, 194.48 feet to the point of beginning.

2. **Use and development of the site in accordance with the recorded Master PUD Plan of 10th Avenue and Gage Boulevard.**
**Section 2.** That the "District Map" (Identification No. F-4) shall reflect the boundaries of this amendment as incorporated by this Ordinance. This Ordinance Number shall be fixed upon the "District Map".

**Section 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4.** 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, ______________.

[Signature]

Harry Felker, Mayor

ATTEST:

[Signature]

Iris E. Walker, City Clerk

To Be Codified _____

Not To Be Codified X