AN ORDINANCE introduced by Mayor James A. McClinton amending the Master PUD Plan of Northland Shopping Center by providing for development of commercial land use and residential housing on property located at the southeast corner of NW Topeka Boulevard and NW Menninger Road in the City of Topeka, Kansas. (Z69/44D) (Council District No. 2)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That the Master PUD Plan of Northland Shopping Center, is hereby amended and retitled as Woodland Park at Soldier Creek in accordance with Section 48-24.06(b) of the Comprehensive Zoning Regulations by providing for development of residential housing and commercial land use on property located at the southeast corner of NW Topeka Boulevard and NW Menninger Road and described as follows:

Legal Description:

A parcel of land in the East 1/2 of the Northwest 1/4 of Section 17, Township 11 South, Range 16 East of the 6th Principle Meridian in the City of Topeka, Shawnee County, Kansas being more particularly described as follows:

Commencing at the North 1/4 corner of said Section 17 thence S 89°59'50" W along the North line of the East 1/2 of the Northwest 1/4 of said Section 17, 663.45 feet; thence S 01°16'33" W, 35.00 feet to the Point Of Beginning; thence continuing S 01°16'33" W along the West line of HOLLER SUBDIVISION, a subdivision of land in the City of Topeka, Shawnee County, Kansas, 430.21 feet to the Southwest corner of said HOLLER SUBDIVISION; thence N 88°54'12" E along the South line of said HOLLER SUBDIVISION, 174.90 feet; thence S 01°11'52" W parallel with the East line of said Northwest 1/4 of Section 17, 358.64 feet; thence N 89°59'50" E parallel with the North line of the East 1/2 of said Northwest 1/4 of Section 17, 434.27 feet to the West right-of-way line of North Kansas Avenue being 55.00 feet West of the East line of said Northwest 1/4 of Section 17; thence S 01°11'52" W parallel to and 55.00 feet West of the East line of said Northwest 1/4 of Section 17, 23.33 feet; thence S 88°48'08" E, 15.00 feet to the West right-of-way line of North Kansas Avenue being 40.00 feet West of the East line of said Northwest 1/4 of Section 17; thence S 01°11'52" W parallel to and 40.00 feet West of the East line of said Northwest 1/4 of Section 17, 300.00 feet; thence N 88°48'08" W, 5.00 feet to the West right-of-way line of North Kansas Avenue being 45.00 feet West of the East line of said Northwest 1/4 of Section 17; thence S 01°11'52" W parallel to and 45.00 feet West of the East line of said Northwest 1/4 of Section 17, 295.16 feet; thence along a curve to the left having an I.T.B. of N 87°17'37" W, a Delta Angle of 01°48'06", and a radius of 6,510.33 feet, a distance of 204.73 feet, said curve also being the North right-of-way of North Topeka Drainage District; thence N 89°15'57" W along the North right-of-way line of North Topeka Drainage District, 254.40 feet;
thence S 00°44'03" W along the North right-of-way line of North Topeka Drainage District, 20.00 feet; thence N 89°15'57" W along the North right-of-way line of North Topeka Drainage District, 759.90 feet to a point on the East right-of-way line of North Topeka Avenue being 53.00 feet East of the West line of the East 1/2 of the said Northwest 1/4 of Section 17; thence N 00°48'29" E parallel to and 53.00 feet East of the West line of the East 1/2 of the said Northwest 1/4 of Section 17; 258.75 feet to the Southwest corner of AMOCO SUBDIVISION NO. 2, a subdivision of land in the City of Topeka, Shawnee County, Kansas; thence S 89°07'46" E along the South line of said AMOCO SUBDIVISION NO. 2, 57.24 feet; thence continuing along the said South line along a curve to the left having an I.T.B. of S89°12'20"E, a delta angle of 15°16'43", and a radius of 300.00 feet, a distance of 80.00 feet to the Southeast corner of said AMOCO SUBDIVISION NO. 2; thence N 02°29'33" E along the East line of said AMOCO SUBDIVISION NO. 2, 194.48 feet to the Northeast corner of said AMOCO SUBDIVISION NO. 2; thence N 89°10'02" W along the North line of said AMOCO SUBDIVISION NO. 2, 142.00 feet to the East right-of-way line of North Topeka Avenue being 53.00 feet East of the West line of the East 1/2 of the said Northwest 1/4 of Section 17; thence N 00°48'29" E parallel to and 53.00 feet East of the West line of the East 1/2 of the said Northwest 1/4 of Section 17; 146.99 feet; thence S 89°50'39" W, 13.00 feet to the East right-of-way line of North Topeka Avenue being 40.00 feet East of the West line of the East 1/2 of the said Northwest 1/4 of Section 17; thence N 00°48'29" E parallel to and 40.00 feet East of the West line of the East 1/2 of the said Northwest 1/4 of Section 17; 793.82 feet to a point on the South right-of-way line of Menninger's Road being 35.00 feet South of the North line of the East 1/2 of the said Northwest 1/4 of Section 17; thence N 89°59'50" E parallel to and 35.00 feet South of the North line of the East 1/2 of the said Northwest 1/4 of Section 17, 623.17 feet to the TRUE POINT OF BEGINNING, containing 29.38 acres.

Section 2. That the development of the site for residential housing and commercial land use shall be in accordance with the Master PUD Plan of Woodland Park at Soldier Creek.

Section 3. That the amended Master PUD Plan of Woodland Park at Soldier Creek shall be filed of record with the Shawnee County Register of Deeds. Following the recording of the Master PUD Plan and in accordance with Topeka Code Section 48-24.04, prior to any building and/or land development on the site, a site development plan shall be submitted for review and administrative approval by the Planning Director.

Section 4. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

Section 5. That the “District Map” (Identification No. BB-11) shall reflect the boundaries of this amendment as incorporated by this Ordinance. This Ordinance Number shall be fixed upon the “District Map”.
Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. 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. January 18, 2005.

James A. McClellan, Mayor

ATTEST:

Iris E. Walker, City Clerk

To Be Codified ___

Not To Be Codified X