ORDINANCE NO._18479_

AN ORDINANCE introduced by City Manager Neil Dobler authorizing the initiation of condemnation proceedings to acquire property by eminent domain for the City of Topeka Improvement Project No. 13137-00, in the 700 block of Kansas Avenue.

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

Section 1. That it is hereby declared necessary to condemn and appropriate for the use of the City of Topeka certain lands within the City of Topeka for Improvement Project No. 13137-00, and for other public purposes, said lands being described as follows:

Parcel No. 1

Owner of Record: C & J Investment Partnership
6739 NE Meriden Road
Topeka, KS 66617

Contract Purchaser: NONE

Lienholder of Record: 1) Community National Bank
5431 SW 29th Street
Topeka, KS 66614

2) Shawnee County Treasurer
Shawnee County Courthouse
200 SE 7th
Topeka, KS 66603

Party in Possession: 1) Joseph D. Johnson Law Office
112 SW 8th Avenue
Topeka, KS 66603

2) Commonwealth Mortgage Company
f/k/a Commonwealth Investment Company
f/k/a Postal Savings and Loan Association
3030 N Topeka Blvd
Topeka, KS 66617
PROPERTY TO BE ACQUIRED:

Fee Simple Title To:

The West 3.63 feet of Lot 88, all of Lot 86, and the East 9.78 feet of Lot 84, on Eighth Avenue East, in the City of Topeka, Shawnee County, Kansas.

Parcel No. 2

Owner of Record: Commonwealth Mortgage Company
f/k/a Commonwealth Investment Company
f/k/a Postal Savings and Loan Association
3030 N Topeka Blvd
Topeka, KS 66617

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession:
1) Owner of Record
2) C & J Investment Partnership
   6739 NE Meriden Road
   Topeka, KS 66617
3) Westar Energy
   818 Kansas Avenue
   Topeka, KS 66603

PROPERTY TO BE ACQUIRED:

Fee Simple Title To:

Lot 90 and the East 21.49 feet of Lot 88, on Eighth Avenue East, in the City of Topeka, Shawnee County, Kansas.

Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the Council of the City of Topeka, Kansas shall present a written application to the District Court of Shawnee County, Kansas, for the appointment of appraisers to make the appraisement and assessment required by law when land is taken for public purposes, and said City
Attorney shall do all things necessary for the condemnation of said land completing the appropriation of the same for public purposes.

Section 3. 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 City Council _______ JUL 19 2005 _______.

William W. Bunten, Mayor

ATTEST:

Iris Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY DATE 5/12/05 BY 33C
TO BE CODIFIED
NOT TO BE CODIFIED 7

VYCOND/ORDINANCE13137-00
05/19/05