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. 28509-00, for a water main relocation for property located at 610 NW Tyler.

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. 28509-00, and for other public purposes, said lands being described as follows:

Parcel No. 1

Owner of Record: Langley Recycling of Topeka, Inc.

Corporate Office: 3557 Stadium Drive
Kansas City, MO 64129

Local Office: 800 NW Tyler
Topeka, KS 66608

Contract Purchaser: NONE

Lienholder of Record: Allied Enterprises, Inc.
608 SW Washburn Avenue
Topeka, KS 66606

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract of land in a portion of Lot 24 on Norris Street and Lot 216 on North Tyler Street in Curtis Addition to Topeka, a subdivision in Shawnee County Kansas, and in that portion of vacated Norris Street recorded in Ordinance No. 649 dated November 1, 1886; all of which is described in deed recorded in Book 3363 at Page 294 in the Shawnee County Register of Deeds Office; said tract being described as follows: The
North 45.00 feet of the West 15.00 feet of said Lot 24 and also the South 20.00 feet of the West 40.00 feet of said Lot 216 and also the North 30.00 feet of the West 40.00 feet of that portion of said vacated Norris Street and also the South 30.00 feet of the West 15.00 feet of that portion of said vacated Norris Street all on the East side of North Tyler Street, excluding any portion lying within a permanent building or dwelling on said Lot 24, Lot 216 and vacated portion of Norris Street.

The above-described property to be acquired contains 3,137 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires on December 31, 2006.

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 26 2005

ATTEST:

William W. Bunten, Mayor

Iris Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY DATE 7/14/05 BY JP
TO BE CODIFIED
NOT TO BE CODIFIED

VYCOND/ORDINANCE28509-00
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