AN ORDINANCE introduced by City Manager Neil Dobler authorizing the initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Improvement Project No. 70142-01 for trafficway improvements on SE California Avenue from I-70 to SE 21st Street.

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. 70142-01, and for other public purposes, said lands being described as follows:

Parcel No. 5

Owner of Record: A & N, LLC, a Kansas limited liability company
704 Riverview Place, #704
Jonesboro, GA 30238

Contract Purchaser: NONE

Lienholder of Record: Columbian Bank and Trust Company
4701 W 110th Street
Overland Park, KS 66211

Party in Possession: Regal Convenience Store, Inc.
2024 SE California Avenue
Topeka, KS 66607

PROPERTY TO BE ACQUIRED:

Temporary Easement:

A portion of Lot 1 in California Acres Shopping Center Subdivision in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southwest corner of Lot 1; thence easterly, on the South line of Lot 1, 18.00 feet; thence northerly, parallel with the West line of Lot 1, 75.00 feet; thence westerly, parallel with the South line of Lot 1, 10.00 feet; thence northerly, parallel with the West line of Lot 1, 75.00 feet; thence westerly, parallel with the South line of Lot 1, 8.00 feet; thence southerly, on the West line of Lot 1, 150.00 feet to the point of beginning.
The above-described property to be acquired contains 1,950 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement shall expire December 31, 2006.

Parcel No. 8

Owner of Record: Parkdale, a Limited Liability Company

Send to:

935 SW Western
Topeka, KS 66606

and

PO Box 1734
Topeka, KS 66601

Contract Purchaser: NONE

Lienholder of Record: Commerce Bank and Trust

3035 S Topeka Blvd
Topeka, KS 66611

Party in Possession: Vacant Land

PROPERTY TO BE ACQUIRED:

Temporary Easement:

A tract in the North Half of the Southwest Quarter of the Southwest Quarter of Section 4, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as: Beginning at a point on East line of the West 50 feet of the North Half of the Southwest Quarter of the Southwest Quarter of said Section 4 which is 45 feet south of the North line of said North Half; thence easterly, on a line which is 45 feet south of the North line of said North Half, 28 feet; thence southerly, parallel with the West line of said North Half, 82 feet; thence westerly, parallel with the North line of said North Half, 16 feet; thence southerly, parallel with the West line of said North Half, 65 feet; thence easterly, parallel with the North line of said North Half, 10 feet; thence southerly, parallel with the West line of said North Half, 14 feet; thence easterly, parallel with the North line of said
North Half, 50 feet; thence southerly, parallel with the West line of said North Half, 10 feet to the North line of 12 feet wide Public Improvement Easement No. 13 for Main Storm Sewer District #21; thence westerly, on the North line of said easement, 50 feet; thence southerly, parallel with the West line of said North Half, 42 feet; thence westerly, parallel with the North line of said North Half, 10 feet; thence southerly, 74 feet to the North line of Lot 1 in California Acres Shopping Center Subdivision; thence westerly, on the North line of Lot 1, 12 feet to the East line of the West 50 feet of said North Half; thence northerly, on the East line of said North Half, 287 feet to the point of beginning.

The above-described property to be acquired contains 5,916 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement shall expire December 31, 2006.

**Permanent Storm Sewer and Water Line Easement:**

The South 15 feet of the North 45 feet of the East 68 feet of the West 118 feet of the North Half of the Southwest Quarter of the Southwest Quarter of Section 4, Township 12 South, Range 16 east of the 6th P.M., in the City of Topeka, Shawnee County, Kansas.

The above-described property to be acquired contains 1,020 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

**Parcel No. 17**

Owner of Record: Richard A. and Marta L. Barron
2025 SE California Avenue
Topeka, KS 66607

Contract Purchaser: NONE

Lienholder of Record: Capital City Bank
3710 S Topeka Blvd
Topeka, KS 66609

Party in Possession: Owner of Record
PROPERTY TO BE ACQUIRED:

Temporary Easement:

The following tracts in California Acres in the City of Topeka, Shawnee County, Kansas:

Tract I: The West 10 feet of the East 30 feet of Lot 12 on California Avenue;
Tract II: The South 20 feet of the West 12 feet of the East 42 feet of Lot 12 on California Avenue;
Tract III: The West 22 feet of the East 42 feet of Lot 13 on California Avenue;
Tract IV: The West 10 feet of the East 30 feet of Lot 14 on California Avenue;
Tract V: The North 10 feet of the West 12 feet of the East 42 feet of Lot 14 on California Avenue.

The above-described property to be acquired contains 3,510 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement shall expire 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  

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 10/11/05 BY RR
TO BE CODIFIED
NOT TO BE CODIFIED ×