ORDINANCE NO. 18624

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property by eminent domain for City of Topeka Improvement Project No. 29103-01, for a sanitary sewer extension for property located along East Edge Road, and on SE 45th Street from West Edge Road to Croco Road and North along Croco Road approximately one half mile and north along West Edge Road and extending north to the Kansas Turnpike.

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 land within the City of Topeka for Improvement Project No. 29103-01, and for other public purposes, said land being described as follows:

Parcel No. 12

Owner of Record: The House of the Lord Church
2531 SE Wittenburg Rd
Topeka, KS 66605

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Easement:

The West 10 feet of the East 30 feet of the South 357.25 feet of the North Half of the Southeast Quarter of Section 9, Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas.

TOGETHER WITH
A strip of land 10 feet wide, the centerline of said strip described as follows:

Commencing at the southeast corner of the Southeast Quarter of Section 9, Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas; thence along the east line of said Southeast Quarter on an assumed bearing of N00°23'00"W, 1,322.70 feet to the southeast corner of the North Half of said Southeast Quarter; thence continuing along said east line, N00°23'00"W, 382.23 feet to the point of beginning of said centerline; thence S88°44'30"W, 453.11 feet to the southeasterly right-of-way line of the Kansas Turnpike Authority and being the point of termination of said centerline. The sidelines of said strip being extended or shortened to terminate at the east line of said North Half and at said right-of-way line.

The above-described property to be acquired contains 8,104 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires two (2) years after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

**Permanent Sanitary Sewer Easement:**

A strip of land 20 feet wide lying 10 feet on both sides of a centerline described as follows:

Commencing at the southeast corner of the Southeast Quarter of Section 9, Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas; thence along the east line of said Southeast Quarter on an assumed bearing of N00°23'00"W, 1,322.70 feet to the southeast corner of the North Half of said Southeast Quarter; thence along the south line of said North Half S88°41'34"W, 10.00 feet to the point of beginning of said centerline; thence parallel with and 10 feet west of said east line, N00°23'00"W, 367.24 feet; thence S88°44'30"W, 442.31 feet to a point being a perpendicular distance of 10 feet easterly of the southeasterly right-of-way line of the Kansas Turnpike Authority; thence parallel with said right-of-way line, S38°19'58"W, 55.84 feet to the point of termination of said centerline. The west sideline at the beginning of said strip being extended or shortened to terminate at the south line of said North Half.

The above-described property to be acquired contains 17,308 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.
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 APR 18 2006.

William W. Bunten, Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY DATE 3/31/06 BY RB
TO BE CODIFIED
NOT TO BE CODIFIED

VYCOND/ORDINANCE29103-01
03/31/06