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ORDINANCE NO. 18672

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property by eminent domain for the College Hill Redevelopment Project Plan as adopted by City of Topeka Ordinance No. 18604 on April 4, 2006 for the purpose of implementing the College Hill Redevelopment Project Plan as provided for in K.S.A. 12-1770 et seq., as amended, for the interest in real property located at 1600 SW Washburn Ave.

WHEREAS, the City Council did, pursuant to K.S.A. 12-1770 et seq., as amended, on April 4, 2006, approve Ordinance No. 18604 which adopted a Redevelopment Project Plan for the College Hill Redevelopment District; and

WHEREAS, K.S.A. 12-1773, as amended, permits a city which has adopted a redevelopment project plan to acquire by condemnation any interest in real property necessary for any project plan upon a 2/3 vote of the members of the governing body.

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 an interest in certain real property within the City of Topeka for the College Hill Redevelopment Project Plan and for other public purposes, said lands being described as follows:

Parcel No. 1

Owner of Record: Washburn Lane Parkway Renovation, L.L.C.
601 N Iowa St
PO Box 1797
Lawrence, KS 66044

Contract Purchaser: NONE
Lienholder of Record: Commerce Bank
3035 S Topeka Blvd
Topeka, KS 66611

Party in Possession: Michael Calvin
1600 SW Washburn Ave
Topeka, KS 66604

PROPERTY TO BE ACQUIRED:

Leasehold Interest of Party in Possession:

Tract I:
Lot 9 (Fractional) in Rural Homes Addition to the City of Topeka, Shawnee County, Kansas, described as follows: Beginning at a point on the West line of said Lot which is 72 feet North of the Southwest corner thereof; thence North along the West line of Lot 9 to the South line of 16th Street; thence Northeasterly along the South line of 16th Street, 119.28 feet, more or less, to the Northeast corner of Lot 9; thence South along the East line of Lot 9, to a point 167 feet North of the Southeast corner of Lot 9, as formerly platted; thence Southwesterly along the Westerly line of property conveyed to The City of Topeka for street, to a point 72 feet North of the South line of Lot 9 as formerly platted; thence West to the point of beginning, in Shawnee County, Kansas, also the North and South alley lying East of and adjacent to said tract, now vacated.

Tract II:
A part of Lot 10 on 16th Street, in Rural Homes Addition to the City of Topeka, Shawnee County, Kansas, being more particularly described as follows: Beginning at a point 108.75 feet West and 175.6 feet North of the Southeast corner of said Lot 10, said point also being on the East line of a North and South alley; thence North along the East line of said North and South alley to the South line of 16th Street; thence East along the South line of 16th Street, to a point 30.5 feet West of the East line of said Lot 10; thence Southwesterly to a point 37.5 feet West and 271.6 feet North of the Southeast corner of Lot 10; thence continuing Southwesterly to a point 75 feet West and 213.6 feet North of the Southeast corner of Lot 10; thence continuing Southwesterly to the point of beginning; ALSO the North and South alley lying West of and adjacent to the above tract, now vacated, being all of said Lot 10, lying North and West of Lane Street Extension, 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 interest in the real property completing the appropriation of the same for public purposes.

Section 3. That this Ordinance shall take effect and be in force from and after its adoption by the Council of the City by at least a two-thirds (2/3) vote of the members thereof and publication in the official City newspaper.

PASSED and APPROVED by the City Council July 11, 2006.

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE______________BY______________
TO BE CODIFIED____________________
NOT TO BE CODIFIED________________