ORDINANCE NO. 18990

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire property by eminent domain for the City of Topeka Improvement Project No. 70198-01, which provides for the construction of a roundabout at the intersection of SW Urish and SW 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. 70198-01, which provides for the construction of a roundabout at the intersection of SW Urish and SW 21st Street and for other public purposes including acquisition of permanent public right-of-way easements, said lands being described as follows:

Parcel No. 1

Owner of Record: John Kirk Romary, Trustee
John Kirk Romary Living Trust
7026 SW 21st St
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

Portions of Tract 7 and 8 in Busby’s Subdivision, in Shawnee County, Kansas, described as:
Commencing at the Southeast corner of the Southeast Quarter of Section 6, Township 12 South, Range 15 east of the 6th P.M; thence westerly on the South line of said Southeast Quarter, 1225 feet; thence northerly at a right angle to an intersection with the South line of Tract 8, being the point of beginning; thence continuing northerly normal from the South line of said Southeast Quarter, 10 feet; thence northeasterly to a point 1192 feet west and 55 feet north of the Southeast corner of said Southeast Quarter, measured on and normal from the South line of said quarter section; thence easterly parallel with the South line of said Southeast Quarter, 3 feet; thence southeasterly to a point on the East line of Tract 8 which is 40 feet north normal from the South line of said Southeast Quarter; thence easterly on a line which is 40 feet north of the South line of said Southeast Quarter, to a point which is 1100 feet west of the Southeast corner of said quarter section, as measured on and normal from the last said South line; thence easterly to a point on the East line of Tract 7 which is 45.46 feet north normal from the South line of said Southeast Quarter; thence southerly to the Southeast corner of Tract 7; thence westerly on the South lines of Tracts 7 and 8 to the point of beginning.

The above-described property to be acquired contains 3,168 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.

Parcel No. 2

Owner of Record: Gordon L Spencer
6948 SW 21st St
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession:
1. Owner of Record

2. Oneok, Inc., formerly WAI, Inc.
501 SW Gage Blvd
Topeka, KS 66606

3. Doralie K. & Michael J. Johnson
2942 SE 69th St
Berryton, KS 66409
PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A portion of Tract 6 in Busby’s Subdivision, in Shawnee County, Kansas, described as:

Commencing at the Southeast corner of the Southeast Quarter of Section 6, Township 12 South, Range 15 east of the 6th P.M; thence westerly on the South line of said Southeast Quarter, 900 feet; thence northerly at a right angle, 42.5 feet to the point of beginning; thence easterly to a point on the East line of Tract 6 which is 51.80 feet north normal from the South line of said Southeast Quarter; thence southerly on the East line of Tract 6 to an intersection with a line which is 42.5 feet north of the South line of said Southeast Quarter; thence westerly to the point of beginning.

The above-described property to be acquired contains 3,168 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 Right-of-Way Easement:

All of Tract 6 in Busby’s Subdivision, in Shawnee County, Kansas, which is south of a line which is 42.5 feet north of the South line of the Southeast Quarter of Section 6, Township 12 South, Range 15 east of the 6th P.M.

The above-described property to be acquired contains 2,063 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.
Parcel No. 3

Owner of Record: Dover 2000, L.L.C.
Freeman Glenn, LLC
Michael A. Gassen
c/o Richard Bassett
2858 SW Villa West Dr., Ste 102
Topeka, KS 66614

Contract Purchaser: NONE

Lienholder of Record: Landmark National Bank
6100 SW 21st Street
Topeka, KS 66615

Party in Possession: James Prout
6938 SW 21st Street
Topeka, KS 66615

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

Portions of Tracts 4 and 5 in Busby’s Subdivision, in Shawnee County, Kansas, described as: Commencing at the Southeast corner of Tract 4; thence on an assumed bearing of North 0°08’11” East on the East line of Tract 4, 12.52 feet to the point of beginning; thence South 87°02’39” West on a line which is 12.50 feet north of the South line of Tracts 4 and 5, 321.52 feet to a point on the West line of Tract 5; thence North 0°14’17” West on the West line of Tract 5. 9.31 feet; thence North 79°56’09” East, 25.90 feet; thence North 70°53’52” East, 73.68 feet; thence South 82°19’21” East, 29.74 feet; thence North 89°54’13” East, 100.12 feet; thence South 84°25’15” East, 96.89 feet to a point on the East line of Tract 4; thence South 0°08’11” West on the East line of Tract 4, 8.14 feet to the point of beginning.

The above-described property to be acquired contains 6,741 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 Right-of-Way Easement:

All of those portions of Tracts 4 and 5 in Busby's Subdivision, in Shawnee County, Kansas, which are south of a line which is 42.5 feet north of the South line of the Southeast Quarter of Section 6, Township 12 South, Range 15 east of the 6th P.M.

The above-described property to be acquired contains 4,009 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Permanent Drainage Easement:

A portion of Tract 5 in Busby's Subdivision, in Shawnee County, Kansas, described as: Commencing at the Southeast corner of Tract 5; thence on an assumed bearing of South 87°02’39” West on the South line of Tract 5, 93.35 feet; thence North 02°57’21” West, 12.50 feet to the point of beginning; thence North 39°27’05” East, 44.68 feet; thence South 50°32’55” East, 30.00 feet; thence South 39°27’05” West, 17.28 feet; thence South 87°02’39” West, 40.63 feet to the point of beginning.

The above-described property to be acquired contains 929 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 4

Owner of Record: Ruth Fisher
Thomas R. Fisher
Robert B. Fisher
Peggy M. Baker
6838 SW 21st St
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Thomas R. Fisher, Owner of Record
PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A portion of Tract 3 in Busby's Subdivision, in Shawnee County, Kansas, described as: Commencing at the Southeast corner of Tract 3; thence on an assumed bearing of North 0°19'24" East on the East line of Tract 3, 12.52 to the point of beginning; thence South 87°02'39" West on a line which is 12.50 feet north of the South line of Tract 3, 160.76 feet to a point on the West line of Tract 3; thence North 0°08'11" East on the West line of Tract 3, 8.14 feet; thence South 84°25'15" East, 4.23 feet; thence North 89°54'24" East, 100.16 feet; thence North 87°02'39" East, 56.23 feet to a point on the East line of Tract 3; thence South 0°19'24" West on the East line of Tract 3, 2.50 feet to the point of beginning.

The above-described property to be acquired contains 675 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 Right-of-Way Easement:

All of that portion of Tract 3 in Busby's Subdivision, in Shawnee County, Kansas, which is south of a line which is 42.5 feet north of the South line of the Southeast Quarter of Section 6, Township 12 South, Range 15 east of the 6th P.M.

The above-described property to be acquired contains 2,009 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 5

Owner of Record:  Freeman Glenn, LLC
2858 SW Villa West Dr., #102
Topeka, KS 66614

Contract Purchaser:  NONE

Lienholder of Record:  First National Bank of Missouri
609 North M – 291 Highway
Lee's Summit, MO 64063
Party in Possession:

1. Create Hair Studio
   2025 SW Urish Rd, Suite 101
   Topeka, KS  66615

2. State Farm Insurance
   2025 SW Urish Rd, Suite 102
   Topeka, KS  66615

3. Sunsations Tanning Salon
   2025 SW Urish Rd, Suite 103
   Topeka, KS  66615

4. Wine Cellar
   2025 SW Urish Rd, Suite 104
   Topeka, KS  66615

5. Supper Thyme USA
   2025 SW Urish Rd, Suite 105
   Topeka, KS  66615

6. Home Connections
   2025 SW Urish Rd, Suite 106
   Topeka, KS  66615

7. Tailgaters Sports Pub & Grub
   2025 SW Urish Rd, Suite 108
   Topeka, KS  66615

8. Sherwood Animal Clinic
   2025 SW Urish Rd, Suite 109
   Topeka, KS  66615

9. 2 Hart’s
   2025 SW Urish Rd, Suite 110
   Topeka, KS  66615

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A portion of Lot 1, Block ‘A’ in Urish Center Subdivision, in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southwest corner of said Lot 1; thence on an assumed bearing of North 87°02’38” East on the South line
of Lot 1, 218.29 feet to the point of beginning; thence North 36°29’18” East, 99.33
feet; thence North 0°41’49” East on a line which is 17.50 feet west of the East line of
Lot 1, 57.00 feet; thence North 21°44’04” East, 13.93 feet; thence North 32°59’35”
West, 18.03 feet; thence North 0°41’49” East, on a line which is 22.50 feet west of
the East line of Lot 1, 265.28 feet; thence North 87°02’38” East on the North line of
Lot 1, 22.54 feet; thence South 0°41’49” West, on the East line of Lot 1, 349.14 feet;
thence South 28°51’26” West, 54.78 feet; thence on a curve concave northwesterly
having a radius measure of 88.00 feet and an arc length of 47.00 feet, the chord of
which bears South 44°09’27” West, 46.44 feet; thence South 87°02’38” West on the
South line of Lot 1, 17.82 feet to the point of beginning;

AND a portion of said Lot 1 described as: Commencing at the Southwest corner of
Lot 1; thence on an assumed bearing of North 87°02’38” East on the South line of
Lot 1, 236.16 feet to the point of beginning; thence North 2°57’22” West, 37.50 feet;
thence North 87°02’38” East, 40.00 feet; thence South 2°57’22” East, 37.50 feet;
thence South 87°02’38” West on the South line of Lot 1, 40.00 feet to the point of
beginning.

The above-described property to be acquired contains 10,699 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 Right-of-Way Easement:**

A portion of Lot 1, Block ‘A’ in Urish Center Subdivision, in the City of Topeka,
Shawnee County, Kansas, described as: Commencing at the Southwest corner of
said Lot 1; thence on an assumed bearing of North 87°02’38” East on the South line
of Lot 1, 236.16 feet to the point of beginning; thence on a non-tangential curve
which is concave northwesterly, having a radius measure of 88.00 feet and an arc
length of 47.00 feet, the chord of which bears North 44°09’27” East, 46.44 feet;
thence North 28°51’26” East, 54.78 feet; thence South 0°41’49” West on the East
line of Lot 1, 25.82 feet; thence South 43°52’13” West on the Southeast line of Lot 1,
76.57 feet; thence South 87°02’38” West on the South line of Lot 1, 5.42 feet to the
point of beginning.

The above-described property to be acquired contains 455 square feet, more or
less, and is subject to all rights-of-way, easements, restrictions, and covenants of
record, if any.
Parcel No. 6

Owner of Record: Dover 2000 LLC
c/o Richard Bassett
2858 SW Villa West Dr., #103
Topeka, KS 66614

Contract Purchaser: NONE

Lienholder of Record: Landmark National Bank
6100 SW 21st Street
Topeka, KS 66615

Party in Possession: 1. Vacant Land
2. Board of County Commissioners
c/o Shawnee County Counselor
200 SE 7th
Topeka, KS 66603

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

Portions of Lots 2 and 3 in Block ‘A’, Urish Center Subdivision in the City of Topeka, Shawnee County, Kansas, described as:

Beginning at the Southwest corner of said Lot 2; thence on an assumed bearing of South 87°02'38" West on the South line of Lot 2, 22.54 feet; thence North 0°41'49" East on a line which is 22.50 feet west of the East line of Lot 2, 24.72 feet; thence North 16°00'08" West, 52.20 feet; thence North 22°29'54" East, 53.85 feet; thence North 10°37'23" East, 101.52 feet; thence South 0°41'49" West on the East lines of Lots 3 and 2, 223.29 feet to the point of beginning;

ALSO: Commencing at the Northeast corner of Lot 3; thence South 0°41'49" West on the East line of Lot 3, 391.52 feet to the point of beginning; thence South 6°24'27" West, 25.12 feet; thence South 5°00'49" East, 25.12 feet; thence North 0°41'49" East on the East line of Lot 3, 50.00 feet to the point of beginning.

The above-described property to be acquired contains 4,353 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.

Parcel No. 7

Owner of Record: Robert and Beverly Steinmeyer
1910 SW Urish Road
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as:
Commencing at the Southwest corner of said Southwest Quarter; thence on an assumed bearing of North 0°43'59" East on the West line of said Southwest Quarter, 1102.23 feet; thence North 88°57'46" East, 25.02 feet to the point of beginning; thence North 0°43'59" East, 46.77 feet; thence South 89°16'01" East, 15.00 feet; thence South 0°43'59" West, 46.53 feet; thence South 88°57'46" West, 15.01 feet to the point of beginning.

The above-described property to be acquired contains 695 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.

Parcel No. 8

Owner of Record: Thomas E. Mulligan, Jr.
1924 SW Urish Rd
Topeka, KS 66614
Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as:

Commencing at the Southwest corner of said Southwest Quarter; thence on an assumed bearing of North 0°43'59" East on the West line of said Southwest Quarter, 752.00 feet; thence North 88°01'18" East, 35.04 feet to the point of beginning; thence North 0°43'59" East, 350.22 feet; thence North 88°57'46" East, 5.00 feet; thence South 0°43'59" West, 103.47 feet; thence South 4°58'39" East, 150.74 feet; thence South 0°43'59" West, 50.00 feet; thence South 3°35'44" West, 45.56 feet; thence South 88°01'18" West, 17.74 feet to the point of beginning.

The above-described property to be acquired contains 4,260 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 Right-of-Way Easement:

The West 35 feet of the two following described tracts, less existing right of way:
A tract of land in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at a point on the West line of said Southwest Quarter, said point being North 00°00'00" East 752 feet north of the Southwest corner of said Southwest Quarter; thence North 0°00'00" East, 214.00 feet; thence North 87°17'19" East, 622.28 feet; thence South 0°00'00" West, 214.00 feet; thence South 87°17'19" West, 622.28 feet to the point of beginning;

The above-described property to be acquired contains 2,140 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.
A tract of land in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at a point on the West line of said Southwest Quarter, said point being North 00°00'00" East 966.00 feet from the Southwest corner of said Southwest Quarter; thence North 0°00'00" East, 136.23 feet; thence North 88°13'47" East, 621.58 feet; thence South 0°00'00" West, 136.00 feet; thence South 87°17'19" West, 622.28 feet to the point of beginning.

The above-described property to be acquired contains 1,360 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

The combined above-described property to be acquired contains 3,500 total square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

**Parcel No. 9**

**Owner of Record:** Terry L. and Lacey V. Schnurr  
1930 SW Urish Road  
Topeka, KS 66615

**Contract Purchaser:** NONE

**Lienholder of Record:**
1. Federal National Mortgage Association  
c/o Chase Mortgage Company  
3415 Vision Drive  
Columbus, OH 43219

2. Chase Manhattan Bank USA, N.A.  
200 White Clay Center Drive  
Newark, DE 19711

**Party in Possession:** Owner of Record

**PROPERTY TO BE ACQUIRED:**

**Temporary Construction Easement:**

A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as:
Commencing at the Southwest corner of said Southwest Quarter; thence on an assumed bearing of North 0°43'59" East on the West line of said Southwest Quarter, 625.00 feet; thence North 87°54'29" East, 42.55 feet to the point of beginning; thence North 0°43'59" East, 127.00 feet; thence North 87°54'29" East, 10.24 feet; thence South 3°35'49" West, 54.67 feet; thence South 0°43'59" West, 72.53 feet; thence South 87°54'29" West, 7.51 feet to the point of beginning.

The above-described property to be acquired contains 1,027 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 Right-of-Way Easement:**

The West 42.5 feet of the following described tract, less existing right of way:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning 625 feet north of the Southwest corner of said Section 5; thence east 375 feet; thence north 127 feet; thence west 375 feet; thence south 127 feet to the point of beginning.

The above-described property to be acquired contains 2,223 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

**Parcel No. 10**

Owner of Record: Gamma, LLC
6114 SW 21st Terrace
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: Kaw Valley Bank
1110 N Kansas Avenue
Topeka, KS 66608

Party in Possession: Vacant house
PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

The East 7.5 feet of the West 50 feet of the following described tract:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., described as follows: Beginning at a point 515 feet north of the Southwest corner of said Section 5; thence east 375 feet; thence north 110 feet; thence west 375 feet; thence south 110 feet to the place of beginning, in Shawnee County, Kansas.

The above-described property to be acquired contains 825 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 Right-of-Way Easement:

The West 42.5 feet of the following described tract, less existing right of way:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., described as follows: Beginning at a point 515 feet north of the Southwest corner of said Section 5; thence east 375 feet; thence north 110 feet; thence west 375 feet; thence south 110 feet to the place of beginning, in Shawnee County, Kansas.

The above-described property to be acquired contains 1,925 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 11

Owner of Record: Ina Mae and Wilbur E. Levering  
Co-Trustees of Ina Mae Levering Trust  
2018 SW Urish Road  
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: NONE
Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

The East 7.5 feet of the West 50 feet of the following described tract:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., described as follows: Beginning at a point 440 feet north of the Southwest corner of said Section 5; thence east 375 feet; thence north 75 feet; thence west 375 feet; thence south along the West line of said Section 5, to the place of beginning, in Shawnee County, Kansas.

The above-described property to be acquired contains 563 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 Right-of-Way Easement:

The West 42.5 feet of the following described tract, less existing right of way:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., described as follows: Beginning at a point 440 feet north of the Southwest corner of said Section 5; thence east 375 feet; thence north 75 feet; thence west 375 feet; thence south along the West line of said Section 5, to the place of beginning, in Shawnee County, Kansas.

The above-described property to be acquired contains 1,313 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 12

Owner of Record: Genevieve M. Beseau
2024 SW Urish Rd
Topeka, KS 66614

Contract Purchaser: NONE
Liennholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

The East 7.5 feet of the West 50 feet of the following described tract:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at a point on the West line of Southwest Quarter of Section 5, Township 12 South, Range 15, 284 feet north of the Southwest corner of said Southwest Quarter; thence east 375 feet; thence north 156 feet; thence west 375 feet; thence south 156 feet along the West line of said Section to the place of beginning.

The above-described property to be acquired contains 1,170 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 Right-of-Way Easement:

The West 42.5 feet of the following described tract, less existing right of way:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at a point on the West line of Southwest Quarter of Section 5, Township 12 South, Range 15, 284 feet north of the Southwest corner of said Southwest Quarter; thence east 375 feet; thence north 156 feet; thence west 375 feet; thence south 156 feet along the West line of said Section to the place of beginning.

The above-described property to be acquired contains 2,730 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.
Parcel No. 13

Owner of Record: Gamma, LLC
6114 SW 21st Terrace
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: The Kaw Valley State Bank and Trust Company
1110 N Kansas Avenue
Topeka, KS 66608

Party in Possession: Mr. and Mrs. Troy Smith
6748 SW 21st St
Topeka, KS 66615

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at the Southwest corner of the West Half of said Southwest Quarter; thence north 284 feet; thence east 195 feet; thence south 284 feet to the South line of said Southwest Quarter; thence west 195 feet to the point of beginning.

LESS: Existing right of way;

ALSO LESS: Right of way and permanent utility easement to be acquired for City of Topeka Trafficway Project 70198-01 on Parcel 13.

The above-described property to be acquired contains 33,159 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 Right-of-Way Easement:

A tract in the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as: Beginning at the Southwest corner of said West Half; thence on an assumed bearing of North
0°43'59" East, on the West line of said West Half, 284 feet; thence North 87°54'29" East, 42.55 feet; thence South 0°43'59" West on a line which is 42.5 feet east of the West line of said West Half, 132.75 feet; thence southeasterly on a curve concave northeasterly, having a radius measure of 88.00 feet and an arc length of 99.25 feet, the chord of which bears South 31°34'35" East, 94.07 feet; thence South 63°53'09" East, 36.83 feet; thence southeasterly on a curve concave northeasterly, having a radius measure of 78.00 feet and an arc length of 38.40 feet, the chord of which bears South 78°00'41" East, 38.09 feet; thence North 87°54'29" East on a line which is 42.5 feet north of the South line of said West Half, 31.46 feet; thence South 0°43'59" West, 42.55 feet; thence South 87°54'29" West on the South line of said West Half, 195 feet to the point of beginning; LESS: Existing right of way.

The above-described property to be acquired contains 9,597 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Permanent Storm Sewer Easement:

A tract in the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as: Commencing at the Southwest corner of said West Half; thence on an assumed bearing of North 0°43'59" East, on the West line of said West Half, 160.02 feet; thence South 89°16'01" East, 42.50 feet to the point of beginning; thence South 0°43'59" West on a line which is 42.5 feet east of the West line of said West Half, 6.78 feet; thence southeasterly on a curve concave northeasterly, having a radius measure of 88.00 feet and an arc length of 66.73 feet, the chord of which bears South 20°59'28" East, 65.14 feet; thence North 19°00'26" West, 71.39 feet to the point of beginning.

The above-described property to be acquired contains 354 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 14

Owner of Record: Richard W. and Anita Nelson Urish
6742 SW 21st St
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: NONE
The North 37.5 feet of the South 80 feet of the following described tract:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., described as follows: Beginning at a point on the South line of Southwest Quarter of Section 5, Township 12 South, Range 15, 195 feet east of the Southwest corner of said Southwest Quarter; thence north parallel with the West line of said quarter section 284 feet; thence east 142.43 feet; thence south 284 feet to South line of said quarter section; thence west 142.43 feet to the place of beginning.

The above-described property to be acquired contains 5,341 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.

The South 42.5 feet of the following described tract, less existing right of way:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., described as follows: Beginning at a point on the South line of Southwest Quarter of Section 5, Township 12 South, Range 15, 195 feet east of the Southwest corner of said Southwest Quarter; thence north parallel with the West line of said quarter section 284 feet; thence east 142.43 feet; thence south 284 feet to South line of said quarter section; thence west 142.43 feet to the place of beginning.

The above-described property to be acquired contains 1,780 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.
Parcel No. 15

Owner of Record: Brian Treadwell
6740 SW 21st St
Topeka, KS 66615

Contract Purchaser: NONE

Lienholder of Record: Mortgage Electronic Registration Systems, Inc. (MERS) as nominee for Countrywide Home Loans, Inc.
4500 Park Garden
MSN# SVB-314
Calabasa, CA 91302-1613

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as: Commencing at the Southwest corner of said Southwest Quarter; thence on an assumed bearing of North 87°54'29" East on the South line of said Southwest Quarter, 337.43 feet; thence North 0°43'59" East, 42.55 feet to the point of beginning; thence continuing on North 0°43'59" East, 7.51 feet; thence North 87°54'29" East, 60.10 feet; thence South 89°13'46" East, 82.22 feet; thence South 0°43'59" West, 3.40 feet; thence South 87°54'29" West, 142.425 feet to the point of beginning.

The above-described property to be acquired contains 899 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 Right-of-Way Easement:

The South 42.5 feet of the following described tract, less existing right of way:

Part of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., Shawnee County, Kansas, described as follows: Beginning at a point
on the South line which is 337.43 feet east of the Southwest corner of said quarter section; thence north parallel with the West line of said quarter section 284 feet; thence east 142.425 feet; thence south 284 feet to South line of said quarter section; thence west 142.425 feet to the place of beginning.

The above-described property to be acquired contains 1,780 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 16

Owner of Record: E. H. Carter a/k/a E. H. Carter, Trustee
E. H. Carter, Jr. Revocable Living Trust
3831 SW Cambridge Terrace
Topeka, KS 66610

Contract Purchaser: NONE

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

Party in Possession: Stacey Robinson
6728 SW 21st St
Topeka, KS 66615

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as: Commencing at the Southwest corner of said Southwest Quarter; thence on an assumed bearing of North 87°54'29" East on the South line of said Southwest Quarter, 479.855 feet; thence North 0°43'59" East, 42.55 feet to the point of beginning; thence continuing on North 0°43'59" East, 3.40 feet; thence South 89°13'46" East, 67.97 feet; thence South 87°54'29" West, 68.05 feet to the point of beginning.

The above-described property to be acquired contains 116 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 Right-of-Way Easement:**

The South 42.5 feet of the following described tract, less existing right of way:

Part of the West Half of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of the 6th P.M., Shawnee County, Kansas, described as follows: Beginning at a point on the South line of said Southwest Quarter, 479.855 feet east of the Southwest corner of said quarter section; thence north, parallel with the West line of said quarter section 284 feet; thence east, 142.425 feet; thence south, 284 feet to said South line; thence west, 142.425 feet to place of beginning.

The above-described property to be acquired contains 1,780 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

**Parcel No. 19**

Owner of Record: Silver Lake Bank  
2100 SW Urish Road  
Topeka, KS 66614

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Vacant land

**PROPERTY TO BE ACQUIRED:**

**Temporary Construction Easement:**

A portion of Lot 2, Block ‘A’ in Brookfield West Subdivision No. 6, in the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Northeast corner of said Lot 2; thence on an assumed bearing of South 87°54'29" West on the North line of Lot 2, 94.44 feet; thence South 75°23'33" East, 98.60 feet; thence North 2°05'31" East on the East line of Lot 2, 28.33 feet to the point of beginning.

ALSO:
The South 89.44 feet of the West 10 feet of Lot 3, Block ‘A’ in Brookfield West Subdivision No. 6, in the City of Topeka, Shawnee County, Kansas.

The above-described property to be acquired contains 2,232 total 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.

Parcel No. 20

Owner of Record: Silver Lake Bank
2100 SW Urish Road
Topeka, KS 66614

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A portion of Lot 1, Block ‘A’ in Brookfield West Subdivision No. 6, in the City of Topeka, Shawnee County, Kansas, described as:

Beginning at the Southwest corner of said Lot 1; thence on an assumed bearing of North 1°26'43" West on the West line of Lot 1, 156.84 feet; thence northeasterly on a curve which is concave southeasterly, having a radius measure of 88.00 feet and an arc length of 51.61 feet, the chord of which bears North 43°30'40" East, 50.87 feet; thence South 87°54'29" West on the North line of Lot 1, 5.52 feet; thence South 43°14'00" West on the Northwest line of Lot 1, 73.96 feet; thence South 1°26'43" East on the West line of Lot 1, 23.66 feet to the point of beginning;

The above-described property to be acquired contains 3,438 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 Right-of-Way Easement:**

Two portions of Lot 1, Block 'A' in Brookfield West Subdivision No. 6, in the City of Topeka, Shawnee County, Kansas, described as:

Commencing at the Southwest corner of said Lot 1; thence on an assumed bearing of North 1°26'43" West on the West line of Lot 1, 156.84 feet to the point of beginning; thence continuing on North 1°26'43" West on the West line of Lot 1, 23.66 feet; thence North 43°14'00" East on the Northwest line of Lot 1, 52.04 feet; thence southwesterly on a curve which is concave southeasterly, having a radius measure of 88.00 feet and an arc length of 25.38 feet, the chord of which bears South 34°58'19" West, 25.29 feet to the point of beginning;

**ALSO:**

Commencing at the Southwest corner of said Lot 1; thence on an assumed bearing of North 1°26'43" West on the West line of Lot 1, 180.50 feet; thence North 43°14'00" East on the Northwest line of Lot 1, 52.04 feet to the point of beginning; thence continuing on North 43°14'00" East on the Northwest line of Lot 1, 21.92 feet; thence North 87°54'29" East on the North line of Lot 1, 5.52 feet; thence southwesterly on a curve which is concave southeasterly, having a radius measure of 88.00 feet and an arc length of 26.23 feet, the chord of which bears South 51°46'21" West, 26.13 feet to the point of beginning.

The above-described property to be acquired contains 360 total 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 November 13, 2007.

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk