AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the initiation of condemnation proceedings to acquire permanent sanitary sewer and temporary construction easements for construction of the Southwest Interceptor, Project No. T-401009.00, to extend the sanitary sewer coverage into the area southwest of Topeka.

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 the construction of the Southwest Interceptor to extend the sanitary sewer coverage into the area southwest of Topeka and for other public purposes, said land being described as follows:

Parcel No. 12

Owner of Record: Kenneth S. Huske and Margaret R. Huske
5239 SW Fairlawn Road
Topeka, KS 66610

c/o J. Michael Davies
P.O. Box 429
Lawrence, KS 66044

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: 1. Owner of Record
2. Westar Energy
Grant of Right of Way to Kansas Power Light Company for Public Utilities filed 3/28/48 as set out in Book 1006 Page 457
PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A temporary construction easement in the Southeast Quarter of Section 28, Township 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence on an assumed azimuth 358 degrees 30 minutes 53 seconds, coincident with the east line of said Quarter, 494.88 feet; thence west on azimuth 268 degrees 30 minutes 53 seconds, 17.00 feet to the west right of way line of Fairlawn Road and the point of beginning; thence on azimuth 268 degrees 04 minutes 25 seconds, 96.22 feet; thence on azimuth 358 degrees 05 minutes 29 seconds, 25.00 feet; thence on azimuth 268 degrees 04 minutes 25 seconds, 43.00 feet; thence on azimuth 178 degrees 05 minutes 29 seconds, 94.00 feet; thence on azimuth 358 degrees 05 minutes 29 seconds, 35.00 feet; thence on azimuth 268 degrees 04 minutes 25 seconds, 49.00 feet; thence on azimuth 178 degrees 05 minutes 29 seconds, 35.00 feet; thence on azimuth 268 degrees 04 minutes 25 seconds, 96.79 feet; thence on azimuth 262 degrees 33 minutes 43 seconds, 4.02 feet to the west line of a tract of land recorded in Book 1007 Page 540; thence on azimuth 358 degrees 30 minutes 53 seconds, coincident with said west line, 50.27 feet; thence on azimuth 82 degrees 33 minutes 43 seconds, 1.12 feet; thence on azimuth 88 degrees 04 minutes 25 seconds, 381.81 feet to said west right of way line, thence on azimuth 178 degrees 30 minutes 53 seconds, coincident with said right of way line, 50.00 feet to the point of beginning.

The above-described property to be acquired contains 16,361 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 30.00 feet wide permanent sanitary sewer easement in the Southeast Quarter of Section 28, Township 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence on an assumed azimuth 358 degrees 30 minutes 53 seconds, coincident with the east line of said Quarter, 544.89 feet; thence west on azimuth 268 degrees 30 minutes 53 seconds, 17.00 feet to the west right of way line of Fairlawn Road and the point of beginning; thence on azimuth 268 degrees 04 minutes 25 seconds, 381.81 feet; thence on azimuth 262 degrees 33 minutes 43 seconds, 1.21 feet to the west line of a tract of land recorded in Book 1007 Page 540; thence on
azimuth 358 degrees 30 minutes 53 seconds, coincident with said west line, 30.12 feet to the northwest corner of said tract; thence on azimuth 88 degrees 04 minutes 53 seconds, coincident with the north line of said tract, 383.01 feet to said west right of way line, thence on azimuth 178 degrees 30 minutes 53 seconds, coincident with said right of way, 30.00 feet to the point of beginning.

The above-described property to be acquired contains 11,490 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: 1. Kenneth Stewart Huske and Margaret R. Huske
5239 SW Fairlawn Road
Topeka, KS 66610

c/o J. Michael Davies
P.O. Box 429
Lawrence, KS 66044

2. Christine Marlae Huske Barnes and spouse
4840 SW 53rd Street
Topeka, KS 66610

3. Debra Lynn Huske and J. Michael Davies

c/o J. Michael Davies
P.O. Box 429
Lawrence, KS 66044

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: 1. Vacant land

2. Board of County Commissioners of Shawnee County, Kansas

3. Westar Energy
PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A 50.00 feet wide temporary construction easement in the Southeast Quarter of Section 28 Township 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence on an assumed azimuth 268 degrees 04 minutes 25 seconds, coincident with the south line of said Quarter, 400.01 feet to the Southeast corner of a tract of land recorded in Book 2434 Page 192, Book 2453 Page 778 and Case No. 22243; thence on azimuth 358 degrees 30 minutes 53 seconds, 494.63 feet to the point of beginning; thence on azimuth 262 degrees 33 minutes 43 seconds, 161.47 feet to the west line of said tract; thence on azimuth 358 degrees 30 minutes 53 seconds coincident with the west line of said tract, 50.27 feet; thence on azimuth 82 degrees 33 minutes 43 seconds, 161.47 feet to the east line of said tract; thence on azimuth 178 degrees 30 minutes 53 seconds, 50.27 feet to the point of beginning.

The above-described property to be acquired contains 8,074 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 30.00 feet wide sanitary sewer easement in the Southeast Quarter of Section 28, Township 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence on an assumed azimuth 268 degrees 04 minutes 25 seconds, coincident with the south line of said Quarter 400.01 feet to the southeast corner of a tract of land recorded in Book 2434 Page 192, Book 2453 Page 778 and Case No. 22243; thence on azimuth 358 degrees 30 minutes 53 seconds, 494.63 feet to the point of beginning; thence on azimuth 262 degrees 33 minutes 43 seconds, 161.47 feet to the west line of said tract; thence on azimuth 358 degrees 30 minutes 53 seconds, 161.47 feet to the east line of said tract; thence on azimuth 178 degrees 30 minutes 53 seconds, 161.47 feet to the point of beginning.

The above-described property to be acquired contains 4,844 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.
Parcel No. 18

Owner of Record:
1. Prairie Properties Partnership
c/o Stewart L. Entz
1113 SW New Forest Drive
Topeka, KS 66604
2. Board of County Commissioners of Shawnee County, Kansas
200 SE 7th Street
Topeka, KS 66603

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession:
1. Vacant land
2. Board of County Commissioners of Shawnee County, Kansas
200 SE 7th Street
Topeka, KS 66603
3. Westar Energy
P.O. Box 889
Topeka, KS 66601

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A 50.00 feet wide temporary construction easement in the Northeast Quarter of Section 33 Township 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows: Commencing at the Northwest corner of said Northeast Quarter; thence on an assumed azimuth 88 degrees 04 minutes 25 seconds, coincident with the north line of said Quarter, 1298.16 feet; thence South on azimuth 178 degrees 04 minutes 25 seconds, 50.00 feet to the South right of way line of Southwest 53rd Street and the point of beginning; thence on azimuth 88 degrees 04 minutes 25 seconds, coincident with said South right of way line, 69.70 feet; thence on azimuth 222 degrees 14 minutes 23 seconds, 401.02 feet; thence on azimuth 186 degrees 28 minutes 55 seconds, 400.45 feet; thence on azimuth 219 degrees 07 minutes 09 seconds, 341.66 feet; thence on azimuth 269 degrees 10 minutes 21 seconds, 87.05 feet to the west line of a tract of land recorded in Book 3883 Page 282; thence on azimuth 358 degrees 19 minutes 39 seconds, coincident with the west line of...
said tract 50.01 feet; thence on azimuth 89 degrees 10 minutes 21 seconds, 64.44 feet; thence on azimuth 39 degrees 07 minutes 09 seconds, 303.68 feet; thence on azimuth 06 degrees 28 minutes 55 seconds, 401.94 feet; thence on azimuth 42 degrees 14 minutes 23 seconds, 368.58 feet to said South right of way line and the point of beginning.

The above-described property to be acquired contains 59,220 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 Easement:**

A 30.00 feet wide sanitary sewer easement in the Northeast Quarter of Section 33 Township 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows: Commencing at the Northwest corner of said Northeast Quarter; thence on an assumed azimuth 88 degrees 04 minutes 25 seconds, coincident with the North line of said Quarter, 1367.86 feet; thence South on azimuth 178 degrees 04 minutes 25 seconds, 50.00 feet to the South right of way line of Southwest 53rd Street and the point of beginning; thence on azimuth 88 degrees 04 minutes 25 seconds, coincident with said South right of way line 41.82 feet; thence on Azimuth 222 degrees 14 minutes 23 seconds, 420.48 feet; thence on azimuth 186 degrees 28 minutes 55 seconds, 399.55 feet; thence on azimuth 219 degrees 07 minutes 09 seconds, 364.45 feet; thence on azimuth 269 degrees 10 minutes 21 seconds, 100.61 feet to the west line of a tract of land recorded in Book 383 Page 282; thence on azimuth 358 degrees 19 minutes 39 seconds, coincident with the West line of said tract, 30.00 feet; thence on azimuth 89 degrees 10 minutes 21 seconds, 87.05 feet; thence on azimuth 39 degrees 07 minutes 09 seconds, 341.66 feet; thence on azimuth 06 degrees 28 minutes 55 seconds, 400.45 feet; thence on azimuth 42 degrees 14 minutes 23 seconds, 401.02 feet to said South right of way line and the point of beginning.

The above-described property to be acquired contains 37,729 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.
Parcel No. 20

Owner of Record:  
1. Charles R. Wilson and Teresa M. Wilson  
   5545 SW 53rd Street  
   Topeka, KS 66610

2. Traci L. Sanders  
   5449 SW 53rd Street  
   Topeka, KS 66610

Contract Purchaser:  NONE

Lienholder of Record:  NONE

Party in Possession:  
1. Owner of Record

2. Board of County Commissioners of Shawnee County, Kansas  
   200 SE 7th Street  
   Topeka, KS 66603

3. Westar Energy  
   P.O. Box 889  
   Topeka, KS 66601

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A 50.00 feet wide temporary construction easement in the Northeast Quarter of Section 33, Township 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows: Commencing at the Northwest corner of said Northeast Quarter; thence on an assumed azimuth 88 degrees 04 minutes 25 seconds, coincident with the north line of said Quarter, 400.95 feet to the Northeast corner of a tract of land recorded in Book 4022 Page 282; thence on azimuth 178 degrees 19 minutes 39 seconds, coincident with the east line of said tract, 1014.04 feet to the point of beginning; thence continuing on azimuth 178 degrees 19 minutes 39 seconds, coincident with the east line of said tract, 50.77 feet; thence on azimuth 258 degrees 18 minutes 27 seconds, 315.31 feet; thence on azimuth 245 degrees 20 minutes 58 seconds, 98.24 feet to the west line of said tract; thence on azimuth 358 degrees 19 minutes 39 seconds, coincident with said west line, 54.31 feet; thence on azimuth 65 degrees 20 minutes 58 seconds, 82.72 feet; thence on azimuth 78 degrees 18 minutes 27 seconds, 329.82 feet to the point of beginning.
The above-described property to be acquired contains 20,652 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 Easement:

A 30.00 feet wide sanitary sewer easement in the Northeast Quarter of Section 33 Township 12 South Range 15 East of the 6th P.M., Shawnee County, Kansas described as follows: Commencing at the Northwest corner of said Northeast Quarter; thence on an assumed azimuth 88 degrees 04 minutes 25 seconds, coincident with the north line of said Quarter; 400.95 feet to the northeast corner of a tract of land recorded in Book 4022 Page 282; thence on azimuth 178 degrees 19 minutes 39 seconds, coincident with the east line of said tract, 983.65 feet to the point of beginning; thence continuing on azimuth 178 degrees 19 minutes 39 seconds, coincident with the east line of said tract, 30.39 feet; thence on azimuth 258 degrees 18 minutes 27 seconds, 329.82 feet; thence on azimuth 245 degrees 20 minutes 58 seconds, 82.72 feet to the west line of said tract; thence on azimuth 358 degrees 19 minutes 39 seconds, coincident with said west line, 32.59 feet; thence on azimuth 65 degrees 20 minutes 58 seconds, 73.40 feet; thence on azimuth 78 degrees 18 minutes 27 seconds, 338.13 feet; thence on azimuth 89 degrees 10 minutes 21 seconds, 0.39 feet to the point of beginning.

The above-described property to be acquired contains 12,367 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 appraisal 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 Governing Body January 19, 2010.

CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk