ORDINANCE NO. 20057

AN ORDINANCE introduced by Interim City Manager Doug Gerber authorizing initiation of condemnation proceedings to acquire temporary easements and permanent right-of-way easements for California Avenue Trafficway Improvement Project No. T-701011.00.

BE IT ORDAINED BY THE GOVERNING BODY 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 property within the corporate limits of the City of Topeka for the new roadway that includes curb and gutter, sidewalks, street lighting and a drainage system, said property being described as follows:

Parcel 21

Owner of Record: Western Auto Supply Company
PO Box 2710
Roanoke, VA 24001-2710

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner

Party of Interest: NONE

PROPERTY TO BE ACQUIRED:

Temporary Easement:

All of that part of the North 23 feet of Lot 2, Block “A” in Hearthstone Addition No. 2 in the City of Topeka, Shawnee County, Kansas, which is west of a line which is 43 feet west of the East line of the Northeast Quarter of Section 17, Township 12 South, Range 16 east of the 6th
P.M., and which is east of a line which is 55 feet west of said East line.

The above-described property to be acquired contains 555 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires one (1) year after acceptance of project for maintenance.

**Permanent Public Right-of-Way Easement:**

All of those portions of Lots 1 and 2, Block “A” in Hearthstone Addition No. 2 in the City of Topeka, Shawnee County, Kansas, which are east of a line which is 43 feet west of the East line of the Northeast Quarter of Section 17, Township 12 South, Range 16 east of the 6th P.M..

The above-described property to be acquired contains 555 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

**Parcel 23**

**Owner of Record:** California Crossing, L.L.C.

49 W 37th Street Fl 9
New York, NY 10018-6257

**Contract Purchaser:** NONE

**Lienholder of Record:** NONE

**Party in Possession:** Owner

**Party of Interest:** NONE

**PROPERTY TO BE ACQUIRED:**

**Temporary Easement:**

A part of Lot “A”, Block “D” in Mullinix Subdivision No.2 in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southwest corner of said Lot “A”; thence North 1°32’50” West, North American Datum 1983, Kansas North Zone, on the West line of Lot “A”, 255.00 feet; thence North 88°27’10” East, 1.00 foot to the point of beginning; thence North 1°32’50” West parallel with the West line of Lot “A”, 92.00 feet to a point on the South line of Lot 1, Block A in Mullinix Subdivision No. 4; thence North 88°27’10” East on the South line of Lot 1, 6.00 feet; thence South 1°32’50” East, 92.00 feet; thence South 88°27’10” West, 6.00 feet to the point of beginning.
AND: The East 6 feet of the West 7 feet of Lot 1, Block A in Mullinix Subdivision No. 4.

AND ALSO: A part of Lot “A”, Block “D” in Mullinix Subdivision No. 4 described as: Commencing at the Northwest corner of Lot 1, Block A in Mullinix Subdivision No. 4; thence North 88°27'10" East, North American Datum 1983, Kansas North Zone, on the North line of Lot 1, 1.00 foot to the point of beginning; thence North 1°32'50" West, parallel with the West line of Lot 1, 32.50 feet to a point on a West line of Lot “A”; thence North 6°02'51" East on the West line of Lot “A”, 45.40 feet; thence South 1°32'50" East, parallel with the West line of Lot “A”, 77.50 feet to a point on the North line of Lot 1; thence South 88°27'10" West on the North line of Lot 1, 6.00 feet to the point of beginning.

The above-described property to be acquired contains 2,082 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires one (1) year after acceptance of project for maintenance.

**Permanent Public Right-of-Way Easement:**

A part of Lot “A”, Block “D” in Mullinix Subdivision No. 2 in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southwest corner of said Lot “A”; thence North 1°32'50" West, North American Datum 1983, Kansas North Zone, on the West line of Lot “A”, 255.00 feet to the point of beginning; thence North 88° 27'10" East, 1.00 foot; thence North 1°32'50" West parallel with the West line of Lot “A”, 92.00 feet to a point on the South line of Lot 1, Block A in Mullinix Subdivision No. 4; thence South 88°27'10" West on the South line of Lot 1, 1.00 foot to the Southwest corner of said Lot 1; thence South 1°32'50" East on the West line of Lot “A”, 92.00 feet to the point of beginning.

AND: The West 1 foot of Lot 1, Block A in Mullinix Subdivision No. 4.

AND ALSO: Part of Lot “A”, Block “D” in Mullinix Subdivision No. 2 described as: Beginning at the Northwest corner of Lot 1, Block A in Mullinix Subdivision No. 4; thence North 88°27'10" East, North American Datum 1983, Kansas North Zone, on the North line of Lot 1, 1.00 foot; thence North 1°32'50" West, parallel with the West line of Lot “A”, 32.50 feet to a point on a West line of Lot “A”; thence South 6°02'51" West on the West line of Lot “A”, 7.57 feet; thence South 1°32'50" East, on the West line of Lot “A”, 25.00 feet to the point of beginning.

The above-described property to be acquired contains 321 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 governing body 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 March 7, 2017.

CITY OF TOPEKA, KANSAS

__________________________
Larry E. Wolgast, Mayor

ATTEST:

__________________________
Brenda Younger, City Clerk