

1 (Published in the Topeka Metro News January 18, 2006)

2  
3 ORDINANCE NO. 18553

4  
5 AN ORDINANCE introduced by City Manager Neil Dobler authorizing the initiation of  
6 condemnation proceedings to acquire property by eminent domain for  
7 City of Topeka Improvement Project No. 29103-01, and Improvement  
8 Project No. 28593-00, for a sanitary sewer and water service  
9 extension for property located along East Edge Road, and on SE 45<sup>th</sup>  
10 Street from West Edge Road to Croco Road and North along Croco  
11 Road approximately one half mile and north along West Edge Road  
12 and extending north to the Kansas Turnpike.

13  
14 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

15 Section 1. That it is hereby declared necessary to condemn and appropriate for  
16 the use of the City of Topeka certain lands within the City of Topeka for Improvement  
17 Project No. 29103-01, and Improvement Project No. 28593-00, and for other public  
18 purposes, said lands being described as follows:

19 A. City of Topeka Improvement Project No. 29103-01 for the sanitary sewer  
20 extension for the following parcels:

21 **Parcel No. 1**

22  
23 Owner of Record: Shawnee County, Kansas  
24 County Counselor  
25 200 SE 7<sup>th</sup>  
26 Topeka, KS 66603

27  
28 Contract Purchaser: NONE

29  
30 Lienholder of Record: NONE

31  
32 Party in Possession: 1) Owner of Record  
33  
34 2) Westar Energy  
35 818 Kansas Ave  
36 Topeka, KS 66603  
37

38 PROPERTY TO BE ACQUIRED:

39  
40  
41

**Permanent Sanitary Sewer Easement:**

42 A strip of land 16 feet wide in the Southwest, and the Southeast, and the Northeast  
43 Quarters of Section 22, Township 12 South, Range 16 East of the Sixth Principal  
44 Meridian, Shawnee County, Kansas, the centerline of said strip being described as  
45 follows:

46  
47 Commencing at the Southeast Corner of said Southwest Quarter; thence along the  
48 south line of said Southwest Quarter on an assumed bearing of S88°23'52"W,  
49 849.91 feet; thence N02°00'00"W, 30.00 feet to the north right-of-way line of SE 45<sup>th</sup>  
50 Street and being the point of beginning of said centerline; thence continuing  
51 N02°00'00"W, 174.45 feet; thence 277.51 feet along a tangent curve concave to the  
52 east, having a radius of 1,200.00 feet; thence along a tangent line N11°15'00"E,  
53 112.76 feet; thence 235.62 feet along a tangent curve concave to the west having a  
54 radius of 1,200.00 feet; thence along a tangent line N00°00'00"E, 253.09 feet;  
55 thence N11°15'00"E, 186.50 feet; thence N22°30'00"E, 60.00 feet; thence  
56 N45°00'00"E, 120.00 feet; thence N67°30'00"E, 95.00 feet; thence 234.36 feet  
57 along a non-tangent curve concave to the northwest having a radius of 1,200.00  
58 feet and a chord direction of N84°24'18"E; thence along a tangent line N78°48'36"E,  
59 38.61 feet; thence N56°18'36"E, 303.89 feet; thence N11°18'36"E, 461.80 feet;  
60 thence N22°33'36"E, 135.00 feet; thence N33°48'36"E, 70.00 feet; thence  
61 N45°03'36"E, 259.67 feet; thence 133.38 feet along a tangent curve concave to the  
62 northwest having a radius of 1,200.00 feet; thence along a tangent line  
63 N38°41'30"E, 252.63 feet; thence N88°26'24"E, 5.00 feet to the west line of Lot 23,  
64 Block B, East Shawnee Lake Estates Subdivision and being the point of termination  
65 of said centerline. The sidelines of said strip being extended or shortened to  
66 terminate at said right-of-way line and at the west line of said Lot 23.

67  
68 TOGETHER WITH

69  
70 A tract of land in the Northeast Quarter of Section 22, Township 12 South, Range  
71 16 East of the Sixth Principal Meridian, Shawnee County, Kansas described as  
72 follows:

73  
74 Commencing at the southwest corner of Lot 22, Block B, East Shawnee Lakes  
75 Estates Subdivision; thence along the west line of said Subdivision on an assumed  
76 bearing of N01°38'17"W, 105.80 feet to the point of beginning; thence  
77 N20°46'30"W, 153.95 feet; thence N06°05'30"E, 375.23 feet to the west line of said  
78 Subdivision; thence along said west line, S01°38'17"E, 171.69 feet; thence  
79 departing said west line, N90°00'00"W, 7.13 feet; thence S06°05'30"W, 200.53 feet;  
80 thence S20°46'30"E, 104.02 feet to said west line; thence along said west line,  
81 S01°38'17"E, 48.81 feet to the point of beginning.

82 AND TOGETHER WITH

83  
84 A strip of land 20 feet wide in the East Half of the Northeast Quarter of Section 22,  
85 Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee  
86 County, Kansas, said strip lying 5 feet left and 15 feet right of the following  
87 described line:

88  
89 Commencing at the southwest corner of said East Half; thence along the south line  
90 of said East Half on an assumed bearing of N89°00'27"E, 4.58 feet to the point of  
91 beginning of said line; thence N43°10'37"E, 85.42 feet; thence N01°01'28"W,  
92 118.67 feet; thence 92.61 feet along a tangent curve concave to the east having a  
93 radius of 1145.00 feet; thence N03°36'36"E, 242.83 feet; thence 105.73 feet along a  
94 tangent curve concave to the west having a radius of 1145.00 feet; thence  
95 N01°40'51"W, 197.22 feet; thence 142.58 feet along a tangent curve concave to the  
96 west having a radius of 1145.00 feet; thence N08°48'55"W, 109.73 feet; thence  
97 132.46 feet along a tangent curve concave to the east having a radius of 1145.00  
98 feet; thence N02°11'14"W, 79.26 feet; thence N20°18'46"E, 70.00 feet; thence  
99 N00°40'16"W, 149.93 feet; thence N23°10'16"W, 75.91 feet; thence N00°00'00"E,  
100 41.96 feet; thence 214.77 feet along a tangent curve concave to the east having a  
101 radius of 1145.00 feet; thence 294.36 feet along a non-tangent curve concave to  
102 the west having a radius of 1145.00 feet and a chord direction of N03°22'55"E;  
103 thence N03°58'59"W, 83.85 feet; thence N26°28'59"W, 92.30 feet; thence  
104 N01°19'27"W, 279.99 feet; thence N43°40'33"E, 96.50 feet; thence S89°52'24"E,  
105 414.79 feet; thence N00°37'23"W, 27.50 feet to the north line of said East Half and  
106 being the point of termination of said line; said point being 567.79 feet east of the  
107 northwest corner of said East Half as measured along the north line of East Half;  
108 excluding existing road right-of-way from said strip.

109  
110 AND TOGETHER WITH

111  
112 A strip of land 20 feet wide in the Southeast Quarter of Section 16 and the  
113 Southwest Quarter of Section 15, Township 12 South, Range 16 East of the Sixth  
114 Principal Meridian, Shawnee County, Kansas, the centerline of said strip being  
115 described as follows:

116  
117 Commencing at the southwest corner of the East Half of said Southeast Quarter;  
118 thence along the south line of said East Half on an assumed bearing of  
119 N89°29'49"E, 567.79 feet to the point of beginning of said centerline; thence  
120 N00°37'23"W, 590.58 feet; thence 138.62 feet along a tangent curve concave to the  
121 west having a radius of 1145.00 feet; thence N07°33'35"W, 20.54 feet; thence  
122 245.07 feet along a tangent curve concave to the east having a radius of 1145.00  
123 feet; thence N04°42'14"E, 45.29 feet; thence 65.25 feet along a non-tangent curve  
124 concave to the west having a radius of 1145.00 feet and a chord direction of  
125 N87°32'11"W; thence N00°48'06"W, 5.46 feet; thence N45°28'46"E, 69.00 feet;

126 thence S89°31'14"E, 26.82 feet; thence 146.16 feet along a tangent curve concave  
127 to the south having a radius of 1145.00 feet; thence S82°12'23"E, 98.77 feet;  
128 thence 146.16 feet along a tangent curve concave to the North having a radius of  
129 1145.00 feet; thence S89°31'14"E, 92.18 feet; thence N67°58'46"E, 147.10 feet;  
130 thence S89°31'14"E, 54.11 feet to a point on the east line of said Southeast  
131 Quarter, said point being 1479.85 feet south of the northeast corner of said  
132 Southeast Quarter; thence continuing S89°31'14"E, 23.49 feet; thence  
133 N43°33'12"E, 20.83 feet to the point of termination of said centerline; excluding  
134 existing road right-of-way from said strip.  
135

136 AND TOGETHER WITH

137  
138 The East 20 feet of the West 50 feet of the South 590.87 feet of the North 1490.87  
139 feet of the Southwest Quarter of Section 15, Township 12 South, Range 16 East of  
140 the Sixth Principal Meridian, Shawnee County, Kansas.  
141

142 AND TOGETHER WITH

143  
144 The East 12 feet of the West 42 feet of the North 900 feet of the Southwest Quarter  
145 of Section 15, Township 12 South, Range 16 East of the Sixth Principal Meridian,  
146 Shawnee County, Kansas.  
147

148 AND TOGETHER WITH

149  
150 The East 12 feet of the West 42 feet of the South 1359.92 feet of the Northwest  
151 Quarter of Section 15, Township 12 South, Range 16 East of the Sixth Principal  
152 Meridian, Shawnee County, Kansas.  
153

154 AND TOGETHER WITH

155  
156 A strip of land 20 feet wide in the Northwest Quarter of Section 15, Township 12  
157 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas,  
158 said strip lying 5 feet left and 15 feet right of the following described line:  
159

160 Commencing at the southwest corner of the said Northwest Quarter; thence along  
161 the west line of said Northwest Quarter on an assumed bearing of N01°20'04"W,  
162 1370.24 feet; thence N88°39'56"E, 30.00 feet to the east right-of-way line of West  
163 Edge Road and being the point of beginning of said line; thence N21°09'56"E,  
164 185.99 feet; thence N01°21'44"W, 607.20 feet; thence N23°50'46"W, 185.12 feet to  
165 the east line of said right-of-way and being the point of termination of said line; the  
166 side lines of said strip being extended or shortened to terminate at said right-of-way  
167 line.  
168

169 The above-described property to be acquired contains 4.959 acres, more or less,  
170 and is subject to all rights-of-way, easements, restrictions, and covenants of record,  
171 if any.

172

173 **Permanent Ingress - Egress Easement No. 1:**

174

175 A tract of land in the Northeast Quarter of Section 22, Township 12 South, Range 16  
176 East of the Sixth Principal Meridian, Shawnee County, Kansas described as follows:

177

178 Commencing at the southwest corner of Lot 22, Block B, East Shawnee Lakes  
179 Estates Subdivision; thence along the west line of said Subdivision on an assumed  
180 bearing of N01°38'17"W, 136.58 feet to the point of beginning; thence  
181 N46°43'03"W, 47.43 feet; thence N20°08'10"W, 38.95 feet; thence N07°35'38"W,  
182 197.88 feet; N38°55'20"W, 16.84 feet; thence N01°20'00"W, 114.15 feet; thence  
183 S38°55'20"E, 60.21 feet; thence S07°35'38"E, 270.46 feet; thence S20°08'10"E,  
184 36.35 feet to the west line of said Subdivision; thence along said west line,  
185 S01°38'17"E, 43.42 feet to the point of beginning.

186

187 The above-described property to be acquired contains 12,926 square feet, more or  
188 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
189 record, if any.

190

191 **Permanent Ingress - Egress Easement No. 1.1:**

192

193 A permanent easement for ingress-egress for equipment and machinery to  
194 construct, repair and maintain sanitary sewer force main, pumping stations and  
195 appurtenances for City of Topeka Sanitary Sewer Interceptor Sewer Project 29103-  
196 01, over the traveled way of East Edge Road, a park road located in the Southwest  
197 and Southeast Quarters of Section 15, and in the Southwest, Southeast and  
198 Northeast Quarters of Section 22, all in Township 12 South, Range 16 east of the 6<sup>th</sup>  
199 P.M. in Shawnee County, Kansas.

200

201 **Parcel No. 4**

202

203 Owner of Record: Steven G. Chaffee a/k/a Steve Chaffee and  
204 Gerald E. Chaffee a/k/a Jerry Chaffee  
205 3943 SE Croco Rd  
206 Topeka, KS 66609

207

208 Contract Purchaser: NONE

209

210 Lienholder of Record: Kaw Valley State Bank and Trust Company  
211 1110 N Kansas Ave  
212 Topeka, KS 66608  
213

214 Party in Possession: Vacant Land  
215

216 PROPERTY TO BE ACQUIRED:  
217

218 **Temporary Easement:**  
219

220 All that part of the East 30 feet of the West 130 feet of Lot 22, Block B, East  
221 Shawnee Lake Estates Subdivision, in the Northeast Quarter of Section 22,  
222 Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee  
223 County, Kansas lying south of the 100 feet wide Drainage Easement and north of  
224 the 20 feet wide Drainage and Utility Easement as platted in said Lot.  
225

226 The above-described property to be acquired contains 2,316 square feet, more or  
227 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
228 record, if any.  
229

230 This easement expires two (2) years after legal possession through condemnation  
231 or ninety (90) days after completion of the construction for which this easement is  
232 acquired or whichever comes first.  
233

234 **Fee Simple:**  
235

236 That part of Lot 22, Block B, East Shawnee Lake Estates Subdivision, in the  
237 Northeast Quarter of Section 22, Township 12 South, Range 16 East of the Sixth  
238 Principal Meridian, Shawnee County, Kansas, described as follows:  
239

240 Beginning at the southwest corner of said Lot 22; thence along the west line of said  
241 Lot 22 on an assumed bearing of N00°07'59"E, 49.84 feet to the westerly corner of  
242 said Lot 22; thence along the northwesterly line of said Lot 22, N46°29'03"E, 107.37  
243 feet to the southerly line of a 100 feet wide Drainage Easement as platted in said  
244 Subdivision; thence along said southerly line, S54°03'42"E, 27.50 feet to a point being  
245 a perpendicular distance of 100 feet east of the west line of said Lot 22; thence  
246 parallel with the west line of said Lot 22, S00°07'59"W, 107.86 feet to the south line of  
247 said Lot 22; thence along said south line, N89°52'01"W, 100.00 feet to the point of  
248 beginning. The above described contains 9,337 square feet, more or less.  
249

250 TOGETHER WITH  
251

252 That part of Lot 23, Block B, East Shawnee Lake Estates Subdivision, in the  
253 Northeast Quarter of Section 22, Township 12 South, Range 16 East of the Sixth  
254 Principal Meridian, Shawnee County, Kansas, described as follows:  
255

256 Beginning at the southwest corner of said Lot 23; thence along the west line of said  
257 Lot 23 on an assumed bearing of N00°07'59"E, 130.16 feet to the southerly line of a  
258 100 feet wide Drainage Easement as platted in said Subdivision; thence along said  
259 southerly line, S54°03'42"E, 95.80 feet to the southeasterly line of said Lot 23; thence  
260 along said southeasterly line, S46°29'03"W, 107.37 feet to the point of beginning. The  
261 above described contains 5,056 square feet, more or less.  
262

263 The above-described tracts are subject to all rights-of-way, easements, restrictions,  
264 and covenants of record, if any.  
265

266 **Parcel No. 5**  
267

268 Owner of Record: Merlin J. Wambsganss  
269 3147 SE 45<sup>th</sup> St  
270 Topeka, KS 66609  
271

272 Contract Purchaser: NONE  
273

274 Lienholder of Record: Commerce Bank and Trust  
275 3035 S Topeka Blvd  
276 Topeka, KS 66611  
277

278 Party in Possession: Owner of Record  
279

280 **PROPERTY TO BE ACQUIRED:**  
281

282 **Temporary Easement:**  
283

284 The South 10 feet of the North 90 feet of the East 315 feet of the West 500 feet and  
285 the South 80 feet of the North 110 feet of the East 105 feet of the West 605 feet of the  
286 East Half of the Northwest Quarter of Section 27, Township 12 South, Range 16 East  
287 of the Sixth Principal Meridian, Shawnee County, Kansas.  
288

289 The above-described property to be acquired contains 11,550 square feet, more or  
290 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
291 record, if any.  
292

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

296 **Permanent Ingress-Egress Easement:**

297  
298 The South 180 feet of the North 210 feet of the West 65 feet of the East Half of the  
299 Northwest Quarter of Section 27, Township 12 South, Range 16 East of the Sixth  
300 Principal Meridian, Shawnee County, Kansas.

301  
302 The above-described property to be acquired contains 11,700 square feet, more or  
303 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
304 record, if any.

305  
306 **Permanent Municipal Utility Easement:**

307  
308 Those parts of the East Half of the Northwest Quarter of Section 27, Township 12  
309 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas  
310 described as follows:

311  
312 The South 50 feet of the North 80 feet of the East 315 feet of the West 500 feet of  
313 said East Half.

314  
315 TOGETHER WITH

316  
317 The South 40 feet of the North 70 feet of the West 65 feet of said East Half.

318  
319 The above-described property to be acquired contains 18,350 square feet, more or  
320 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
321 record, if any.

322  
323 **Fee Simple:**

324  
325 The South 180 feet of the North 210 feet of the East 120 feet of the West 185 feet of  
326 the East Half of the Northwest Quarter of Section 27, Township 12 South, Range 16  
327 East of the Sixth Principal Meridian, Shawnee County, Kansas.

328  
329 The above-described property to be acquired contains 21,600 square feet, more or  
330 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
331 record, if any.

332

333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376

**Parcel No. 9**

Owner of Record: Don R. Hamilton  
4431 NW Hoch Rd  
Silver Lake, KS 66539

Contract Purchaser: NONE

Lienholder of Record: Silver Lake Bank  
209 Railroad  
Silver Lake, KS 66539

- Party in Possession:
- 1) M. Arlene Grace  
2748 SE 29<sup>th</sup>  
Topeka, KS 66605
  - 2) Westar Energy  
818 Kansas Ave  
Topeka, KS 66603
  - 3) Williams Pipe Line Company and  
Wiltel Communications, L.L.C.  
One Technology Center  
Tulsa, OK 74103

**PROPERTY TO BE ACQUIRED:**

**Temporary Easement:**

Those parts of the South Half of the Southeast Quarter of Section 9, Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas described as follows:

Commencing at the southeast corner of said Southeast Quarter; thence along the east line of said Southeast Quarter on an assumed bearing N00°23'00"W, 50.00 feet; thence parallel with the south line of said Southeast Quarter S88°46'37"W, 30.00 feet; thence parallel with said east line N00°23'00"W, 250.43 feet to the point of beginning; thence N89°37'00"E, 10.00 feet; thence N00°23'00"W, 270.00 feet; thence S89°37'00"W, 25.00 feet; thence S00°23'00"W, 60.00 feet; thence S89°37'00"W, 75.00 feet; thence S00°23'00"E, 65.00 feet; thence S89°37'00"W, 94.32 feet; thence 277.45 feet along a tangent curve concave to the southeast having a radius of 175.00 feet; thence along a tangent line S01°13'23"E, 223.11 feet to a point 50 feet north of the south line of said Southeast Quarter; thence parallel with the south line of said Southeast Quarter N88°46'37"E, 25.00 feet; thence

377 N01°13'23"W, 223.11 feet; thence 237.82 feet along a tangent curve concave to the  
378 southeast having a radius of 150.00 feet; thence along a tangent line N89°37'00"E,  
379 164.32 feet; thence S00°23'00"E, 120.00 feet; thence N89°37'00"E, 20.00 feet to  
380 the point of beginning.

381  
382 TOGETHER WITH

383  
384 Commencing at the southeast corner of said Southeast Quarter; thence along the  
385 east line of said Southeast Quarter on an assumed bearing N00°23'00"W, 570.00  
386 feet to the point of beginning; thence continuing along said east line N00°23'00"W,  
387 469.00; thence S89°37'00"W, 10.00 feet; thence S00°23'00"E, 205.00 feet; thence  
388 S89°37'00"W, 10.00 feet; thence S00°23'00"E, 264.00 feet; thence N89°37'00"E,  
389 20.00 feet to the point of beginning.

390  
391 AND TOGETHER WITH

392  
393 The West 20 feet of the East 50 feet of the North 130 feet of the South 180 feet  
394 of said Southeast Quarter.

395  
396 The above-described property to be acquired contains 38,407 square feet, more or  
397 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
398 record, if any.

399  
400 This easement expires two (2) years after legal possession through condemnation  
401 or ninety (90) days after completion of the construction for which this easement is  
402 acquired or whichever comes first.

403  
404 **Permanent Sanitary Sewer Easement:**

405  
406 Those parts of the South Half of the Southeast Quarter of Section 9, Township 12  
407 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas  
408 described as follows:

409  
410 Commencing at the southeast corner of said Southeast Quarter; thence along the  
411 east line of said Southeast Quarter on assumed bearing N00°23'00"W, 50.00 feet to  
412 the north right-of-way line of S.E. 29<sup>th</sup> Street; thence parallel with the south line of  
413 said Southeast Quarter S88°46'37"W, 10.00 feet to the point of beginning; thence  
414 parallel with the east line of said Southeast Quarter N00°23'00"W, 175.00 feet;  
415 thence N88°46'37"E, 10.00 feet to the east line of said Southeast Quarter; thence  
416 along said east line N00°23'00"W, 345.00 feet; thence S89°37'00"W, 20.00 feet;  
417 thence S00°23'00"E, 270.00 feet; thence S89°37'00"W, 10.00 feet; thence  
418 S00°23'00"E, 250.43 feet to said right-of-way line; thence parallel with the south line  
419 of said Southeast Quarter N88°46'37"E, 20.00 feet to the point of beginning.

420

421 TOGETHER WITH

422  
423 Commencing at the southeast corner of said Southeast Quarter; thence along the  
424 east line of said Southeast Quarter on an assumed bearing N00°23'00"W, 1,039.00  
425 feet to the point of beginning; thence continuing along said east line N00°23'00"W,  
426 283.70 feet to the north line of the South Half of said Southeast Quarter; thence  
427 along said north line S88°41'31"W, 20.00 feet; thence parallel with said east line  
428 S00°23'00"E, 283.38 feet; thence N89°37'00"E, 20.00 feet to the point of beginning.  
429

430 The above-described property to be acquired contains 16,827 square feet, more or  
431 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
432 record, if any.  
433

434 **Parcel No. 10**

435  
436 Owner of Record: 1) Donald J. Grace (deceased)  
437 c/o M. Arline Grace  
438 2748 SE 29<sup>th</sup>  
439 Topeka, KS 66605  
440

441 2) Don Hamilton  
442 4431 NW Hoch Rd  
443 Silver Lake, KS 66539  
444

445 Contract Purchaser: NONE

446  
447 Lienholder of Record: NONE  
448

449 Party in Possession: 1) Vacant Land  
450

451 2) Westar Energy  
452 818 Kansas Ave  
453 Topeka, KS 66603  
454

455 3) Williams Pipe Line Company and  
456 Wiltel Communications, L.L.C.  
457 One Technology Center  
458 Tulsa, OK 74103  
459

460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503

**PROPERTY TO BE ACQUIRED:**

**Permanent Sanitary Sewer Easement:**

A tract of land in the Southwest Quarter of Section 10, Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence along the west line of said Southwest Quarter on assumed bearing of N00°23'00"W, 475.00 feet to the point of beginning; thence continuing N00°23'00"W, 445.00 feet to the southwest corner of a parcel of land described and recorded in Book, 2257, Page 774 in the Office of the Register of Deeds in said County; thence along the south line of said described parcel S53°51'02"E, 24.89 feet; thence S00°23'00"E, 365.18 feet; thence S89°37'00"W, 10.00 feet; thence S00°23'00"E, 65.00 feet; thence S89°37'00"W, 10.00 feet to the point of beginning.

The above-described property to be acquired contains 8,102 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:           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:**

A strip of land 10 feet wide, the southwesterly line of said strip described as follows:

Commencing at the southeast corner of said 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

504 N00°23'00"W, 27.63 feet to the southwesterly line of said strip and being the point of  
505 beginning of said line; thence N70°23'00"W, 205.17 feet; thence N50°35'17"W,  
506 376.71 feet to the southeasterly right-of-way line of the Kansas Turnpike Authority  
507 and being the point of termination of said line. The northerly line of said strip being  
508 extended or shortened to terminate at the east line of said Southeast Quarter and at  
509 said right-of-way line.

510  
511 The above-described property to be acquired contains 5,784 square feet, more or  
512 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
513 record, if any.

514  
515 This easement expires two (2) years after legal possession through condemnation  
516 or ninety (90) days after completion of the construction for which this easement is  
517 acquired or whichever comes first.

518  
519 **Permanent Sanitary Sewer Easement:**

520  
521 A strip of land 20 feet wide lying 10 feet on both sides of a centerline described as  
522 follows:

523  
524 Commencing at the southeast corner of the Southeast Quarter of Section 9,  
525 Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee  
526 County, Kansas; thence along the east line of said Southeast Quarter on an  
527 assumed bearing of N00°23'00"W, 1,322.70 feet to the southeast corner of the  
528 North Half of said Southeast Quarter; thence along the south line of said North Half  
529 S88°41'34"W, 10.00 feet to the point of beginning of said centerline; thence  
530 N00°23'00"W, 20.78 feet; thence N70°23'00"W, 199.92 feet; thence N50°35'17"W,  
531 378.26 feet to the southeasterly right-of-way line of the Kansas Turnpike Authority  
532 and being the point of termination of said centerline. The side lines of said strip  
533 being extended or shortened to terminate at the south line of said North Half and at  
534 the east line of said Southeast Quarter and at said right-of-way line.

535  
536 The above-described property to be acquired contains 11,979 square feet, more or  
537 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
538 record, if any.

539

540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583

**Parcel No. 18**

Owner of Record: Edward F. and Kathleen M. Matyak  
2735 SE 29<sup>th</sup> St  
Topeka, KS 66605

Contract Purchaser: NONE

Lienholder of Record: Commerce Bank and Trust  
3035 S Topeka Blvd  
Topeka, KS 66611

Party in Possession: Owner of Record

**PROPERTY TO BE ACQUIRED:**

**Temporary Easement:**

The West 20 feet of the East 50 feet of the South 170 feet of the North 220 feet of the Northeast Quarter of Section 16, Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas.

The above-described property to be acquired contains 3,400 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. 19**

Owner of Record: Steven G. Chaffee a/k/a Steve Chaffee and  
Gerald E. Chaffee a/k/a Jerry Chaffee  
3943 SE Croco Rd  
Topeka, KS 66609

Contract Purchaser: NONE

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

Party in Possession: Vacant land

584  
585 PROPERTY TO BE ACQUIRED:  
586  
587 **Temporary Easement:**  
588  
589 The East 40 feet of the West 60 feet of Lot 25, Block B, East Shawnee Lake Estates  
590 Subdivision, in the Northeast Quarter of Section 22, Township 12 South, Range 16  
591 East of the Sixth Principal Meridian, Shawnee County, Kansas. The above  
592 described contains 4,361 square feet, more or less.

593  
594 TOGETHER WITH

595  
596 The East 40 feet of the West 60 feet of Lot 24, Block B, East Shawnee Lake Estates  
597 Subdivision, in the Northeast Quarter of Section 22, Township 12 South, Range 16  
598 East of the Sixth Principal Meridian, Shawnee County, Kansas except the South 12  
599 feet and except that part of the 100 feet wide Drainage Easement as platted in said  
600 Lot. The above described contains 3,854 square feet, more or less.

601  
602 The above-described tracts are subject to all rights-of-way, easements, restrictions,  
603 and covenants of record, if any.

604  
605 This easement expires two (2) years after legal possession through condemnation  
606 or ninety (90) days after completion of the construction for which this easement is  
607 acquired or whichever comes first.

608  
609 **Parcel No. 20**

610  
611 Owner of Record: Faron D. and Vanessa M. Hetzel  
612 2626 SE 45<sup>th</sup> Street  
613 Topeka, KS 66609

614  
615 Contract Purchaser: NONE

616  
617 Lienholder of Record: 1) Countrywide Home Loans, Inc.  
618 Loan No. 5860905  
619 4500 Park Granada  
620 Calabasas, CA 91302-1613

621  
622 2) State of Kansas  
623 Department of Revenue  
624 Civil Tax Enforcement  
625 Case No. 05-ST-295  
626 PO Box 12005  
627 Topeka, KS 66612-2005

628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671

Party in Possession:            Owner of Record

PROPERTY TO BE ACQUIRED:

**Temporary Easement:**

A tract of land in the Southeast Quarter of the Southeast Quarter of Section 21, Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas, being the west 25 feet of that parcel of land as described and recorded in Book 3329, Page 88 in the Office of the Register of Deeds in said County, more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of said Southeast Quarter; thence along the west line of the Southeast Quarter of said Southeast Quarter on an assumed bearing of N00°03'00"W, 40.00 feet to the north right-of-way line S. E. 45<sup>th</sup> Street; thence along said right-of-way line S89°15'20"E, 25.00 feet to the point of beginning; thence parallel with and 25.00 feet east of said west line N00°03'00"W, 466.58 feet to the north line of said described parcel; thence along the north line of said described parcel N88°54'40"E, 30.00; thence parallel with said west line S00°03'00"E, 467.48 feet to said right-of-way line; thence along said right-of-way line N89°21'47"W, 30.00 feet to the point of beginning.

The above-described property to be acquired contains 14,011 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 and Waterline Easement:**

A tract of land in the Southeast Quarter of the Southeast Quarter of Section 21, Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas, being the west 25 feet of that parcel of land as described and recorded in Book 3329, Page 88 in the Office of the Register of Deeds in said County, more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of said Southeast Quarter; thence along the west line of the Southeast Quarter of said Southeast Quarter on an assumed bearing of N00°03'00"W, 40.00 feet to the north right-of-way line of S. E. 45<sup>th</sup> Street, and being the point of beginning; thence continuing along said west line N00°03'00"W, 465.82 feet to a point being 815.96 feet south of

672 the northwest corner of the Southeast Quarter and said Southeast Quarter, also  
673 being the northwest corner of said described parcel; thence along the north line of  
674 said described parcel N88°54'40"E, 25.00 feet; thence parallel with said west line  
675 S00°03'00"E, 466.58 feet to said right-of-way line; thence along said right-of-way  
676 line N89°21'47"W, 25.00 feet to the point of beginning.  
677

678 The above-described property to be acquired contains 11,655 square feet, more or  
679 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
680 record, if any.  
681

682 **Parcel No. 21**  
683

684 Owner of Record: John A. and Bernadine C. O'Konek  
685 4343 West Edge Road  
686 Topeka, KS 66609  
687

688 Contract Purchaser: NONE  
689

690 Lienholder of Record: NONE  
691

692 Party in Possession: Richard and Kathryn Prue (future purchasers)  
693 2632 SE 45<sup>th</sup> Street  
694 Topeka, KS 66609  
695

696 **PROPERTY TO BE ACQUIRED:**  
697

698 **Temporary Easement:**  
699

700 A tract of land in the Southeast Quarter of the Southeast Quarter of Section 21,  
701 Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County,  
702 Kansas, being that part of a parcel of land described as Tract 1 and recorded in Book  
703 2905, Page 486 in the Office of the Register of Deeds in said County, more  
704 particularly described as follows:  
705

706 Commencing at the Northwest Corner of the Southeast Quarter of said Southeast  
707 Quarter; thence along the north line of the Southeast Quarter of said Southeast  
708 Quarter on an assumed bearing of S89°17'31"E, 25.00 feet to the point of  
709 beginning; thence continuing along said north line S89°17'31"E, 30.00 feet; thence  
710 parallel with the west line of the Southeast Quarter of said Southeast Quarter  
711 S00°03'00"E, 609.00 feet; thence at right angles S89°57'00"West, 12.00 feet;  
712 thence at right angles S00°03'00"E, 107.62 feet; thence at right angles  
713 N89°57'00"E, 12.00 feet; thence at right angles S00°03'00"E, 97.62 feet to the  
714 south line of said described parcel; thence along said south line S88°54'40"W,  
715 30.00 feet; thence parallel with said west line N00°03'00"W, 815.18 feet to the point

716 of beginning.  
717  
718 The above-described property to be acquired contains 23,150 square feet, more or  
719 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
720 record, if any.

721  
722 This easement expires two (2) years after legal possession through condemnation  
723 or ninety (90) days after completion of the construction for which this easement is  
724 acquired or whichever comes first.

725  
726 **Permanent Sanitary Sewer and Waterline Easement:**

727  
728 A tract of land in the Southeast Quarter of the Southeast Quarter of Section 21,  
729 Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County,  
730 Kansas, being the west 25 feet of a parcel of land described as Tract 1 and recorded  
731 in Book 2905, Page 486 in the Office of the Register of Deeds in said County, more  
732 particularly described as follows:

733  
734 Beginning at the Northwest Corner of the Southeast Quarter of said Southeast  
735 Quarter; thence along the north line of the Southeast Quarter of said Southeast  
736 Quarter on an assumed bearing of S89°17'31"E, 25.00 feet; thence parallel with the  
737 west line of the Southeast Quarter of said Southeast Quarter S00°03'00"E, 815.18  
738 feet to the south line of said described parcel; thence along said south line  
739 S88°54'40"W, 25.00 feet to said west line; thence along said west line N00°03'00"W,  
740 815.96 feet to the point of beginning.

741  
742 The above-described property to be acquired contains 20,389 square feet, more or  
743 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
744 record, if any.

745  
746 **Parcel No. 22**

747  
748 Owner of Record: Robert B. Shapiro and Elaine J. O'Gara  
749 2637 SE 41<sup>st</sup> Street  
750 Topeka, KS 66609

751  
752 Contract Purchaser: NONE

753  
754 Lienholder of Record: NONE

755  
756 Party in Possession: Owner of Record

757

758 PROPERTY TO BE ACQUIRED:

759

760 **Temporary Easement:**

761

762 The East 30 feet of the West 55 feet of Lot 1, Block A, Matyak Subdivision in the  
763 Northeast Quarter of the Southeast Quarter of Section 21, Township 12 South, Range  
764 16 East of the Sixth Principal Meridian, Shawnee County, Kansas, except the north  
765 16 feet thereof and the south 16 feet thereof, together with that part of said Lot 1,  
766 described as follows:

767

768 Commencing at the most northerly Northwest Corner of said Lot 1; thence along the  
769 south right-of-way line of S.E 45<sup>th</sup> Street on an assumed bearing of N89°00'25"E,  
770 20.00 feet to the point of beginning; thence parallel with the west line of said Lot 1,  
771 S01°49'36"E, 302.51 feet; thence S43°35'25"W, 14.04 feet; thence S89°00'25"W,  
772 236.00 feet to a point being a perpendicular distance of 55 feet east of the west line  
773 of said Lot 1; thence parallel with said west line S01°49'36"E, 35.00 feet; thence  
774 N43°35'24"E, 14.04 feet; thence N89°00'25"E, 261.00 feet; thence N01°49'36"W,  
775 337.50 feet to said right-of-way line; thence along said right-of-way line  
776 S89°00'25"W, 25.00 feet to the point of beginning.

777 The above-described property to be acquired contains 1.019 acres, more or less,  
778 and is subject to all rights-of-way, easements, restrictions, and covenants of record,  
779 if any.

780

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

784

785 **Permanent Sanitary Sewer and Waterline Easement:**

786

787 The East 9 feet of the West 25 feet of Lot 1, Block A, Matyak Subdivision in the  
788 Northeast Quarter of the Southeast Quarter of Section 21, Township 12 South,  
789 Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas, except  
790 the north 16 feet thereof and the south 16 feet thereof.

791

792 The above-described property to be acquired contains 8,908 square feet, more or  
793 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
794 record, if any.

795

796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838

**Parcel No. 23**

Owner of Record: Harry W. Yommer, Successor Trustee of the Harry W. Yommer Trust u/a/d 03/18/87, as Amended 01/14/88 and 04/18/03  
c/o Commerce Bank, Trust Dept.  
3031 S Topeka Blvd  
Topeka, KS 66611

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Mrs. Harry Yommer  
2621 SE 41<sup>st</sup> Street  
Topeka, KS 66609

**PROPERTY TO BE ACQUIRED:**

**Temporary Easement:**

The South 197 feet of the North 300 feet of the East 10 feet of the West 30 feet of the West Half of the Northeast Quarter of the Southeast Quarter of Section 21, Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas.

The above-described property to be acquired contains 3,940 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 and Waterline Easement:**

The South 270 feet of the North 300 feet of the West 20 feet of the West Half of the Northeast Quarter of the Southeast Quarter of Section 21, Township 12 South, Range 16 East of the Sixth Principal Meridian, Shawnee County, Kansas.

The above-described property to be acquired contains 5,400 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

839 B. City of Topeka Improvement Project No. 28593-00 for water main  
840 improvement to SE 45<sup>th</sup> Street at Rockfire to the following parcel:

841 **Parcel No. 1w**

842  
843 Owner of Record: Shawnee County, Kansas  
844 County Counselor  
845 200 SE 7<sup>th</sup>  
846 Topeka, KS 66603

847  
848 Contract Purchaser: NONE

849  
850 Lienholder of Record: NONE

851  
852 Party in Possession: Owner of Record

853  
854 PROPERTY TO BE ACQUIRED:

855  
856 **Permanent Water Line Easement:**

857  
858 That part of the Southwest Quarter of Section 22, Township 12 South, Range 16  
859 East of the Sixth Principal Meridian, Shawnee County, Kansas, described as  
860 follows:

861  
862 Commencing at the Southeast Corner of said Southwest Quarter; thence along the  
863 south line of said Southwest Quarter on an assumed bearing of S88°23'52"W,  
864 841.91 feet; thence N02°00'00"W, 30.00 feet to the north right-of-way line of SE 45<sup>th</sup>  
865 Street and being the point of beginning; thence continuing N02°00'00"W, 40.00 feet;  
866 thence parallel with the south line of said Southwest Quarter N88°23'52"E, 181.45  
867 feet to the west line of Rockfire At The Lake Subdivision extended; thence along  
868 said extension S01°41'03"E, 20.00 feet; thence S88°23'52"W, 161.34 feet; thence  
869 S02°00'00"E, 19.86 feet to said right-of-way line; thence along said right-of-way line  
870 S88°23'52"W, 20.00 feet to the point of beginning.

871  
872 The above-described property to be acquired contains 4,027 square feet, more or  
873 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
874 record, if any.

875  
876 Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the  
877 Council of the City of Topeka, Kansas shall present a written application to the District Court  
878 of Shawnee County, Kansas, for the appointment of appraisers to make the appraisalment

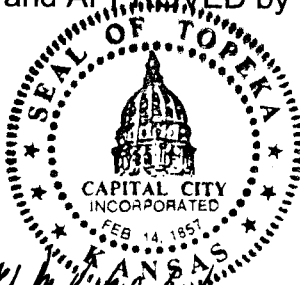
879 and assessment required by law when land is taken for public purposes, and said City  
880 Attorney shall do all things necessary for the condemnation of said land completing the  
881 appropriation of the same for public purposes.

882 Section 3. This Ordinance shall take effect and be in force from and after its  
883 passage, approval and publication in the official city newspaper.

884 PASSED and APPROVED by the City Council JAN 10 2006.

885  
886  
887  
888  
889  
890  
891  
892

ATTEST:



Iris E. Walker  
Iris E. Walker, City Clerk

William W. Bunten  
William W. Bunten, Mayor

APPROVED AS TO FORM AND LEGALITY
DATE <u>12/13/05</u> BY <u>BSC</u>
TO BE CODIFIED _____
NOT TO BE CODIFIED <u>X</u> _____