

1 (Published in the Topeka Metro News July 19, 2006)

2
3 ORDINANCE NO. 18672

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing the
6 initiation of condemnation proceedings to acquire property by eminent
7 domain for the College Hill Redevelopment Project Plan as adopted
8 by City of Topeka Ordinance No. 18604 on April 4, 2006 for the
9 purpose of implementing the College Hill Redevelopment Project Plan
10 as provided for in K.S.A. 12-1770 *et seq.*, as amended, for the interest
11 in real property located at 1600 SW Washburn Ave.
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13 WHEREAS, the City Council did, pursuant to K.S.A. 12-1770 *et seq.*, as amended,
14 on April 4, 2006, approve Ordinance No. 18604 which adopted a Redevelopment Project
15 Plan for the College Hill Redevelopment District; and

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

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

20 Section 1. That it is hereby declared necessary to condemn and appropriate for
21 the use of the City of Topeka an interest in certain real property within the City of Topeka
22 for the College Hill Redevelopment Project Plan and for other public purposes, said lands
23 being described as follows:

24 **Parcel No. 1**

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26 Owner of Record: Washburn Lane Parkway Renovation, L.L.C.
27 601 N Iowa St
28 PO Box 1797
29 Lawrence, KS 66044

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31 Contract Purchaser: NONE
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33 Lienholder of Record: Commerce Bank
34 3035 S Topeka Blvd
35 Topeka, KS 66611
36

37 Party in Possession: Michael Calvin
38 1600 SW Washburn Ave
39 Topeka, KS 66604
40

41 PROPERTY TO BE ACQUIRED:
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43 **Leasehold Interest of Party in Possession:**
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45 Tract I:
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47 Lot 9 (Fractional) in Rural Homes Addition to the City of Topeka, Shawnee County,
48 Kansas, described as follows: Beginning at a point on the West line of said Lot
49 which is 72 feet North of the Southwest corner thereof; thence North along the West
50 line of Lot 9 to the South line of 16th Street; thence Northeasterly along the South
51 line of 16th Street, 119.28 feet, more or less, to the Northeast corner of Lot 9;
52 thence South along the East line of Lot 9, to a point 167 feet North of the Southeast
53 corner of Lot 9, as formerly platted; thence Southwesterly along the Westerly line of
54 property conveyed to The City of Topeka for street, to a point 72 feet North of the
55 South line of Lot 9 as formerly platted; thence West to the point of beginning, in
56 Shawnee County, Kansas, also the North and South alley lying East of and adjacent
57 to said tract, now vacated.
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59 Tract II:
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61 A part of Lot 10 on 16th Street, in Rural Homes Addition to the City of Topeka,
62 Shawnee County, Kansas, being more particularly described as follows: Beginning
63 at a point 108.75 feet West and 175.6 feet North of the Southeast corner of said Lot
64 10, said point also being on the East line of a North and South alley; thence North
65 along the East line of said North and South alley to the South line of 16th Street;
66 thence East along the South line of 16th Street, to a point 30.5 feet West of the East
67 line of said Lot 10; thence Southwesterly to a point 37.5 feet West and 271.6 feet
68 North of the Southeast corner of Lot 10; thence continuing Southwesterly to a point
69 75 feet West and 213.6 feet North of the Southeast corner of Lot 10; thence
70 continuing Southwesterly to the point of beginning; ALSO the North and South alley
71 lying West of and adjacent to the above tract, now vacated, being all of said Lot 10,
72 lying North and West of Lane Street Extension, Shawnee County, Kansas.
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74 Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the
75 Council of the City of Topeka, Kansas shall present a written application to the District Court
76 of Shawnee County, Kansas, for the appointment of appraisers to make the appraisalment
77 and assessment required by law when land is taken for public purposes, and said City
78 Attorney shall do all things necessary for the condemnation of said interest in the real
79 property completing the appropriation of the same for public purposes.

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

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

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ATTEST:

Iris E. Walker, City Clerk

William W. Buntten, Mayor

APPROVED AS TO FORM AND LEGALITY DATE _____ BY _____ TO BE CODIFIED _____ NOT TO BE CODIFIED _____
