

1 (Published in the Topeka Metro News November 1, 2006)

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3 **ORDINANCE NO. 18740**

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5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing
6 initiation of condemnation proceedings to acquire property for
7 Water System Improvement Project No. 28580-00, for water main
8 transmission extension along Highway 75 from the north end of the
9 Westgate Bridge north to Lower Silver Lake Road, then east to
10 Austin Avenue.

11
12 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

13 Section 1. That it is hereby declared necessary to condemn and appropriate
14 for the use of the City of Topeka certain lands within the City of Topeka for Water
15 System Improvement Project No. 28580-00, and for other public purposes, said lands
16 being described as follows:

17 **Parcel No. 1**

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19 Owner of Record: Ritz Camera Centers, Inc., Delaware Corp.

20
21 Home Office:

22
23 c/o Mark Nelson
24 6711 Ritz Way
25 Betsville, MD 20705

26
27 Local Office:

28
29 1401 NW Moundview Dr
30 Topeka, KS 66618

31
32 Contract Purchaser: NONE

33
34 Lienholder of Record: NONE

35
36 Party in Possession: Owner of Record

39 PROPERTY TO BE ACQUIRED:

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41 **Temporary Construction Easement:**

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43 Those parts of Lot 2, Block G, Topeka Chamber Industrial Park Subdivision No. 2 in
44 Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of
45 the Sixth Principal Meridian, in the City of Topeka, Shawnee County, Kansas
46 described as follows: Commencing at the southwest corner of said Lot 2; thence
47 along the west line of said Lot on an assumed bearing of North 02 degrees 59
48 minutes 54 seconds West, 139.88 feet; thence North 87 degrees 00 minutes 06
49 seconds East, 20.00 feet; to the east line of an existing 20 feet utility easement as
50 platted in said Lot and being the Point of Beginning; thence North 41 degrees 45
51 minutes 19 seconds East, 28.41 feet; thence North 02 degrees 59 minutes 54
52 seconds West, 157.72 feet; thence North 00 degrees 08 minutes 04 seconds East,
53 97.81 feet; thence South 24 degrees 08 minutes 01 seconds East, 24.33 feet;
54 thence South 00 degrees 08 minutes 04 seconds West, 75.35 feet; thence South
55 02 degrees 59 minutes 54 seconds East, 161.56 feet; thence South 41 degrees 45
56 minutes 19 seconds West, 42.61 feet to the east line of said existing easement;
57 thence along said east line North 02 degrees 59 minutes 54 seconds West, 14.20
58 feet to the Point of Beginning.

59

60 TOGETHER WITH

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62 Commencing at the southwest corner of said Lot 2; thence along the west line of
63 said Lot on an assumed bearing of North 02 degrees 59 minutes 54 seconds West,
64 139.88 feet; thence North 87 degrees 00 minutes 06 seconds East, 20.00 feet to
65 the east line of an existing 20 feet utility easement as platted in said Lot; thence
66 along the east line of said easement, North 02 degrees 59 minutes 54 seconds
67 West, 267.37 feet; thence continuing along said east line North 04 degrees 38
68 minutes 58 seconds West, 1.68 feet to the Point of Beginning; thence departing
69 said east line North 00 degrees 08 minutes 04 seconds East, 64.06 feet; thence
70 South 89 degrees 51 minutes 56 seconds East, 5.00 feet; thence North 00 degrees
71 08 minutes 04 seconds East, 716.13 feet to a point being a perpendicular distance
72 of 25.00 south of the north line of said Lot and being a point on the south line of an
73 existing utility easement as described and recorded in Book 3157, Page 730 in the
74 Office of the Register of Deeds in said County; thence along the south line of said
75 easement South 88 degrees 47 minutes 58 seconds West, 19.65 feet to the east
76 line of said platted easement; thence along said east line the following courses:
77 South 06 minutes 54 minutes 49 seconds West, 87.75 feet; South 00 degrees 08
78 minutes 04 seconds West, 393.87 feet; and South 04 degrees 38 minutes 58
79 seconds East, 299.77 feet to the Point of Beginning.

80

81 The above described together contains 21,708 square feet, more or less, and is
82 subject to all rights-of-way, easements, restrictions, and covenants of record, if
83 any.

84

85 This easement expires June 30, 2008 or ninety (90) days after completion of the
86 construction for which this easement is acquired or whichever comes first.

87
88 **Permanent Easement:**

89
90 That part of Lot 2, Block G, Topeka Chamber Industrial Park Subdivision No. 2 in
91 Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of
92 the Sixth Principal Meridian, in the City of Topeka, Shawnee County, Kansas
93 described as follows:

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95 Commencing at the southwest corner of said Lot 2; thence along the west line of
96 said Lot on an assumed bearing of North 02 degrees 59 minutes 54 seconds West,
97 139.88 feet; thence North 87 degrees 00 minutes 06 seconds East, 20.00 feet to
98 the east line of an existing 20 feet utility easement as platted in said Lot and being
99 the Point of Beginning; thence along the east line of said easement, North 02
100 degrees 59 minutes 54 seconds West, 267.37 feet; thence continuing along said
101 east line North 04 degrees 38 minutes 58 seconds West, 1.68 feet; thence North 00
102 degrees 08 minutes 04 seconds East, 64.06 feet; thence South 89 degrees 51
103 minutes 56 seconds East, 5.00 feet; thence North 00 degrees 08 minutes 04
104 seconds East, 716.13 feet to a point being a perpendicular distance of 25.00 south
105 of the north line of said Lot and being a point on the south line of an existing utility
106 easement as described and recorded in Book 3157, Page 730 in the Office of the
107 Register of Deeds in said County; thence along the south line of said easement
108 North 88 degrees 47 minutes 58 seconds East, 20.01 feet; thence South 00
109 degrees 08 minutes 04 seconds West, 870.58 feet; thence South 02 degrees 59
110 minutes 54 seconds East, 157.72 feet; thence South 41 degrees 45 minutes 19
111 seconds West, 28.41 feet to the Point of Beginning.

112
113 The above-described property to be acquired contains 21,318 square feet, more
114 or less, and is subject to all rights-of-way, easements, restrictions, and covenants
115 of record, if any.

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117 **Parcel No. 4**

118
119 Owner of Record: Jim Kirk Holding, LLC
120
121 Home Office:
122
123 c/o Michael Kirk
124 1000 Walnut St., Suite 1400
125 Kansas City, MO 64106
126
127 Local Office:
128
129 1435 NW Moundview Dr
130 Topeka, KS 66618

131 Contract Purchaser: NONE
132
133 Lienholder of Record: NONE
134
135 Party in Possession: Owner of Record
136

137 PROPERTY TO BE ACQUIRED:
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139 **Temporary Construction Easement:**
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141 A part of Lot 1, Block A, Topeka Chamber Industrial Park Subdivision No. 3 in
142 Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of
143 the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas,
144 described as follows:
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146 Commencing at the southeast corner of said Lot 1; thence along the south line of
147 said Lot 1 on an assumed bearing of North 89 degrees 45 minutes 45 seconds
148 West, 20.00 feet to the west line of an existing utility easement as platted in said Lot
149 1 and being the Point of Beginning; thence parallel with the east line of said Lot 1,
150 North 00 degrees 00 minutes 25 seconds West, 139.34 feet to the easterly line of
151 said Lot 1; thence along said line North 89 degrees 58 minutes 56 seconds West,
152 5.06 feet; thence continuing along said line, North 00 degrees 04 minutes 07
153 seconds West, 19.05 feet; thence South 65 degrees 00 minutes 26 seconds West,
154 6.00 feet; thence parallel with the east line of said Lot 1, South 00 degrees 00
155 minutes 25 seconds East, 154.92 feet to the south line of said Lot 1; thence along
156 said south line South 89 degrees 45 minutes 45 seconds East, 10.00 feet to the
157 Point of Beginning; except existing utility easement as platted in said Lot 1.
158

159 The above-described property to be acquired contains 1,142 square feet, more
160 or less, excluding existing utility easement, and is subject to all rights-of-way,
161 easements, restrictions, and covenants of record, if any.
162

163 This easement expires June 30, 2008 or ninety (90) days after completion of the
164 construction for which this easement is acquired or whichever comes first.
165

166 **Permanent Easement:**
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168 The West 10 feet of the East 20 feet of the most easterly portion of Lot 1, Block A
169 lying adjacent to N.W. Moundview Drive in Topeka Chamber Industrial Park
170 Subdivision No. 3, in Kansas Half Breed Lands Reserve No. 1, Township 11 South,
171 Range 15 East of the Sixth Principal Meridian in the City of Topeka, Shawnee
172 County, Kansas, except existing utility easement as platted in said Lot.
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174 The above-described property to be acquired contains 938 square feet, more or
175 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
176 record, if any.

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Parcel No. 5

Owner of Record: Southwestern Bell Telephone Company (AT&T)

Home Office:

c/o Ellie Carranco
7159 San Pedro Ave., Room 202
San Antonio, TX 78216

Local Office:

4112 NW 16th St
Topeka, KS 66618

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Owner of Record

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

The Southeast 30 feet of that part of Lot 1, Block G, Topeka Chamber Industrial Park Subdivision No. 2 in Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas lying easterly of the east line of Topeka Chamber Industrial Park Subdivision No. 3, except an existing 10 foot utility easement and except a 20 foot utility easement as platted in said Lot, and except the following described: Commencing at the northeast corner of said Lot 1; thence along the easterly line of said Lot 1 on an assumed bearing of South 55 degrees 00 minutes 33 seconds West, 35.49 feet; thence South 89 degrees 18 minutes 52 seconds West, 17.74 feet to the intersection of the south and west lines of an existing utility easement as platted in said Lot 1 and being the Point of Beginning; thence along said west line, South 55 degrees 00 minutes 33 seconds West, 212.06; thence continuing along said west line, South 00 degrees 00 minutes 03 seconds West, 5.20 feet to the easterly line of Topeka Chamber Industrial Park Subdivision No. 3; thence along said line, North 89 degrees 58 minutes 28 seconds West, 10.00 feet; thence North 00 degrees 00 minutes 03 seconds East, 10.40 feet; thence North 55 degrees 00 minutes 33 seconds East, 202.61 feet to said south line; thence along said south line, North 89 degrees 18 minutes 52 seconds East, 17.74 feet to the Point of Beginning.

223 The above-described property to be acquired contains 2,024 square feet, more
224 or less, and is subject to all rights-of-way, easements, restrictions, and covenants
225 of record, if any.

226
227 This easement expires June 30, 2008 or ninety (90) days after completion of the
228 construction for which this easement is acquired or whichever comes first.

229
230 **Permanent Easement:**

231
232 That part of Lot 1, Block G, Topeka Chamber Industrial Park Subdivision No. 2 in
233 Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of
234 the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas, lying
235 easterly of the east line of Topeka Chamber Industrial Park Subdivision No. 3, said
236 part described as follows: Commencing at the northeast corner of said Lot 1;
237 thence along the easterly line of said Lot 1 on an assumed bearing of South 55
238 degrees 00 minutes 33 seconds West, 35.49 feet; thence South 89 degrees 18
239 minutes 52 seconds West, 17.74 feet to the intersection of the south and west lines
240 of an existing utility easement as platted in said Lot 1 and being the Point of
241 Beginning; thence along said west line South 55 degrees 00 minutes 33 seconds
242 West, 212.06; thence continuing along said west line, South 00 degrees 00 minutes
243 03 seconds West, 5.20 feet to the easterly line of Topeka Chamber Industrial Park
244 Subdivision No. 3; thence along said line, North 89 degrees 58 minutes 28 seconds
245 West, 10.00 feet; thence North 00 degrees 00 minutes 03 seconds East, 10.40 feet;
246 thence North 55 degrees 00 minutes 33 seconds East, 202.61 feet to said south
247 line; thence along said south line, North 89 degrees 18 minutes 52 seconds East,
248 17.74 feet to the Point of Beginning.

249
250 The above-described property to be acquired contains 2,151 square feet, more
251 or less, and is subject to all rights-of-way, easements, restrictions, and covenants
252 of record, if any.

253
254 **Parcel No. 15**

255
256 Owner of Record: Southwestern Bell Telephone Company (AT&T)

257
258 Home Office:
259
260 c/o Ellie Carranco
261 7159 San Pedro Ave., Room 202
262 San Antonio, TX 78216

263
264 Local Office:
265
266 4112 NW 16th St
267 Topeka, KS 66618
268

269 Contract Purchaser: NONE
270
271 Lienholder of Record: NONE
272
273 Party in Possession: Owner of Record
274

275 PROPERTY TO BE ACQUIRED:
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277 **Permanent Easement:**
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279 The North 30 feet of Lot 1, Block C, Topeka Chamber Industrial Park Subdivision
280 No. 2 in Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15
281 East of the Sixth Principal Meridian in the City of Topeka, Shawnee County,
282 Kansas; except the West 20 feet thereof.
283

284 The above-described property to be acquired contains 10,950 square feet, more
285 or less, and is subject to all rights-of-way, easements, restrictions, and covenants
286 of record, if any.
287

288 **Parcel No. 16**
289

290 Owner of Record: Southwestern Bell Telephone Company (AT&T)
291

292 Home Office:
293

294 c/o Ellie Carranco
295 7159 San Pedro Ave., Room 202
296 San Antonio, TX 78216
297

298 Local Office:
299

300 4112 NW 16th St
301 Topeka, KS 66618
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303 Contract Purchaser: NONE
304
305 Lienholder of Record: NONE
306
307 Party in Possession: Owner of Record
308
309

310 PROPERTY TO BE ACQUIRED:

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312 **Temporary Construction Easement:**

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314 Those parts of Lot 2, Block C, Topeka Chamber Industrial Park Subdivision No. 2 in
315 Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of
316 the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas
317 described as follows: Commencing at the northwest corner of said Lot 2; thence
318 along the west line of said Lot on an assumed bearing South 00 degrees 00
319 minutes 03 seconds West, 30.00 feet; thence South 89 degrees 45 minutes 43
320 seconds East, 412.97 feet to the Point of Beginning; thence South 73 degrees 21
321 minutes 44 seconds East, 245.91 feet; thence South 08 degrees 52 minutes 04
322 seconds East, 18.91 feet to the southeasterly line of said Lot; thence along said
323 southeasterly line 26.16 feet along a curve concave to the southeast having a
324 radius of 600.00 feet, a chord direction of South 77 degrees 01 minutes 01 seconds
325 West and a chord length of 26.16 feet; thence North 73 degrees 21 minutes 44
326 seconds West, 333.24 feet; thence South 89 degrees 45 minutes 43 seconds East,
327 106.26 feet to the Point of Beginning.

328

329 TOGETHER WITH

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331 Commencing at the northeast corner of said Lot 2; thence along the northeasterly
332 line of said Lot on an assumed bearing of South 73 degrees 21 minutes 44
333 seconds East, 296.83 feet to the Point of Beginning; thence continuing along said
334 northeasterly line South 73 degrees 21 minutes 44 seconds East, 11.08 feet;
335 thence South 08 degrees 52 minutes 04 seconds East, 26.01 feet to the
336 southeasterly line of said Lot; thence along said southeasterly line 10.00 feet along
337 a curve concave to the southeast having a radius of 600.00 feet, a chord direction
338 of South 80 degrees 39 minutes 17 seconds West, and a chord length of 10.00
339 feet; thence North 08 degrees 52 minutes 04 seconds West, 30.86 feet to the Point
340 of Beginning.

341

342 The above-described property to be acquired contains 9,216 square feet, more
343 or less, and is subject to all rights-of-way, easements, restrictions, and covenants
344 of record, if any.

345

346 This easement expires June 30, 2008 or ninety (90) days after completion of the
347 construction for which this easement is acquired or whichever comes first.

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349 **Permanent Easement:**

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351 That part of Lot 2, Block C, Topeka Chamber Industrial Park Subdivision No. 2 in
352 Kansas Half Breed Lands Reserve No. 1, Township 11 South, Range 15 East of
353 the Sixth Principal Meridian in the City of Topeka, Shawnee County, Kansas
354 described as follows: Beginning at the northwest corner of said Lot 2; thence along
355 the north line of said Lot on an assumed bearing of South 89 degrees 45 minutes

356 43 seconds East, 382.00 feet to the northeast corner of said Lot; thence along the
357 northeasterly line of said Lot South 73 degrees 21 minutes 44 seconds East,
358 296.83 feet; thence South 08 degrees 52 minutes 04 seconds East, 30.86 feet to
359 the southeasterly line of said Lot; thence along said southeasterly line 20.01 feet
360 along a curve concave to the southeast having a radius of 600.00 feet, a chord
361 direction of South 79 degrees 13 minutes 18 seconds West and a chord length of
362 20.01 feet; thence North 08 degrees 52 minutes 04 seconds West, 18.91 feet;
363 thence North 73 degrees 21 minutes 44 seconds West, 245.91 feet; thence North
364 89 degrees 45 minutes 43 seconds West, 412.97 feet to the west line of said Lot 2;
365 thence along said west line North 00 degrees 00 minutes 03 seconds East, 30.00
366 feet to the Point of Beginning.

367
368 The above-described property to be acquired contains 17,849 square feet, more
369 or less, and is subject to all rights-of-way, easements, restrictions, and covenants
370 of record, if any.

371
372 **Parcel No. 33**
373
374 Owner of Record: Rebecca B. Knowles
375 Kate K. Cole
376 Lucy K. Thatcher
377 C.B. Knowles
378 or their Respective heirs, legatees, devisees, or
379 assigns, being the sole heirs of Charles O. Knowles,
380 deceased
381 Addresses Unknown

382
383 Contract Purchaser: NONE

384
385 Lienholder of Record: NONE

386
387 Party in Possession: 1) Vacant land
388
389 2) Westar Energy
390 4001 NW 14th
391 Topeka, KS 66601

392
393 PROPERTY TO BE ACQUIRED:

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395 **Temporary Construction Easement:**

396
397 A tract of land in Kansas Half Breed Lands Reserve No. 2, Township 11 South,
398 Range 15 East of the Sixth Principal Meridian in the City of Topeka, Shawnee
399 County, Kansas described as follows:

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403 Commencing at an iron bar at the point of intersection of the centerline of Lower
404 Silver Lake Road with the west line of said Reserve No. 2; thence along said west
405 line on an assumed bearing of South 01 degrees 24 minutes 18 seconds East,
406 324.21 feet to a point being a perpendicular distance of 30 feet south of the south
407 right-of-way line of the Union Pacific Railroad; thence parallel with said right-of-way
408 line South 74 degrees 48 minutes 20 seconds East, 144.55 feet; thence at right
409 angles North 15 degrees 11 minutes 40 seconds East, 15.00 feet to the Point of
410 Beginning; thence continuing North 15 degrees 11 minutes 40 seconds East, 15.00
411 feet to said right-of-way line; thence along said right-of-way line South 74 degrees
412 48 minutes 20 seconds East, 10.00 feet; thence at right angles South 15 degrees
413 11 minutes 40 seconds West, 15.00 feet; thence at right angles North 74 degrees
414 48 minutes 20 seconds West, 10.00 feet to the Point of Beginning.

415
416 The above-described property to be acquired contains 150 square feet, more or
417 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
418 record, if any.

419
420 This easement expires June 30, 2008 or ninety (90) days after completion of the
421 construction for which this easement is acquired or whichever comes first.

422
423 **Permanent Easement:**

424
425 A tract of land in Kansas Half Breed Lands Reserve No. 2, Township 11 South,
426 Range 15 East of the Sixth Principal Meridian in the City of Topeka, Shawnee
427 County, Kansas described as follows:

428
429 Commencing at an iron bar at the point of intersection of the centerline of Lower
430 Silver Lake Road with the west line of said Reserve No. 2; thence along said west
431 line on an assumed bearing of South 01 degrees 24 minutes 18 seconds East,
432 324.21 feet to a point being a perpendicular distance of 30 feet south of the south
433 right-of-way line of the Union Pacific Railroad; thence parallel with said right-of-way
434 line South 74 degrees 48 minutes 20 seconds East, 124.55 feet; thence at right
435 angles North 15 degrees 11 minutes 40 seconds East, 15.00 feet to the Point of
436 Beginning; thence continuing North 15 degrees 11 minutes 40 seconds East, 15.00
437 feet to said right-of-way line; thence along said right-of-way line South 74 degrees
438 48 minutes 20 seconds East, 20.00 feet; thence at right angles South 15 degrees
439 11 minutes 40 seconds West, 15.00 feet; thence at right angles North 74 degrees
440 48 minutes 20 seconds West, 20.00 feet to the Point of Beginning.

441
442 The above-described property to be acquired contains 300 square feet, more or
443 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
444 record, if any.

445
446

447 Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of
448 the Council of the City of Topeka, Kansas shall present a written application to the
449 District Court of Shawnee County, Kansas, for the appointment of appraisers to make
450 the appraisal and assessment required by law when land is taken for public
451 purposes, and said City Attorney shall do all things necessary for the condemnation of
452 said land completing the appropriation of the same for public purposes.

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

455 PASSED and APPROVED by the City Council October 24, 2006.

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ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk