

1 (Published in the Topeka Metro News February 7, 2007)

2  
3 **ORDINANCE NO. 18802**

4  
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 City of Topeka Trafficway Improvement Project No. 70190-  
8 01, Part B, which provides for the reconstruction of East 6<sup>th</sup> Street to  
9 five lanes wide between Golden Avenue and Market Street.

10  
11 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

12 Section 1. That it is hereby declared necessary to condemn and appropriate for  
13 the use of the City of Topeka certain lands within the City of Topeka for Trafficway  
14 Improvement Project No. 70190-01, Part B, and for other public purposes, said lands being  
15 described as follows:

16 **Parcel No. 5**

17  
18 Owner of Record: Thomas R. Zeltner  
19 2401 SE 6<sup>th</sup> Avenue  
20 Topeka, KS 66607

21  
22 Contract Purchaser: NONE

23  
24 Lienholder of Record: NONE

25  
26 Party in Possession: Owner of Record

27  
28 PROPERTY TO BE ACQUIRED:

29  
30 **Fee Simple:**

31  
32 Lots numbered 28, 30, 32, 34, and 36 and the West five (5) feet of Lot 38 on Tenth  
33 Avenue, East, in Bedwell's Subdivision in the City of Topeka, Shawnee County,  
34 Kansas.

35  
36 AND  
37

38 The East Twenty (20) feet of Lot Thirty-eight (38), and all of Lots Forty (40), Forty-two  
39 (42), and Forty-four (44), on Tenth Avenue in Bedwell's Subdivision to the City of  
40 Topeka, Kansas, being situated upon a part of the Southwest Quarter of the Southwest  
41 Quarter of Section Thirty-three (33), Township Eleven South (11S), of Range Sixteen  
42 East (16E) of the 6<sup>th</sup> P.M., in Shawnee County, Kansas.

43  
44 AND

45  
46 Beginning at the Southwest corner of the East Half of the Southwest Quarter of Section  
47 Thirty-three (33), Township Eleven (11), Range Sixteen East (16E) of the 6<sup>th</sup> P.M., in  
48 Shawnee County, Kansas; thence due North to the center line of Sixth Avenue East  
49 one hundred and thirty feet more or less; thence in a Southeasterly direction along the  
50 center line of said Sixth Avenue East to the center of Tenth Avenue East; thence West  
51 along the center line of Tenth Avenue East to the place of beginning, in East Fairview  
52 Addition to the City of Topeka, according to the recorded plat thereof.

53  
54 **Parcel No. 6**

55  
56 Owner of Record: Patrick DeLapp  
57 PO Box 1292  
58 Topeka, KS 66601

59  
60 Contract Purchaser: NONE

61  
62 Lienholder of Record: NONE

63  
64 Party in Possession: Vacant rental residence

65  
66 PROPERTY TO BE ACQUIRED:

67  
68 **Fee Simple:**

69  
70 The South half of Lots 24 and 26, East Tenth Street, Bedwell's Subdivision in the City  
71 of Topeka, Shawnee County, Kansas.

72  
73 **Parcel No. 11**

74  
75 Owner of Record: James B. Ditzler  
76 2127 SW Prairie Rd  
77 Topeka, KS 66614

78  
79 Contract Purchaser: NONE

80  
81 Lienholder of Record: Social and Rehabilitation Services

82 Legal Division  
83 Docking State Office Building  
84 915 SW Harrison  
85 Topeka, KS 66612  
86

87 Party in Possession: Vacant rental residence  
88

89 PROPERTY TO BE ACQUIRED:  
90

91 **Fee Simple:**  
92

93 All of Lots 16 and 18, except the South 96 feet thereof, on Tenth Avenue in Bedwell's  
94 Subdivision to the City of Topeka, Shawnee County, Kansas.  
95

96 **Parcel No. 12**  
97

98 Owner of Record: Calvin L. Millard  
99 2201 SE 6<sup>th</sup> Avenue  
100 Topeka, KS 66607  
101

102 Contract Purchaser: NONE  
103

104 Lienholder of Record: 1. Shawnee County Treasurer (Real Estate Taxes)  
105 200 SE 7<sup>th</sup> Street  
106 Topeka, KS 66603  
107

108 2. City of Topeka  
109 215 SE 7<sup>th</sup> Street  
110 Topeka, KS 66603  
111

112 Party in Possession: 1. Owner of Record  
113  
114 2. The Texas Company  
115 fka Texaco, Inc.  
116 nka Chevron Corporation  
117 Corporate Office:  
118 6001 Bollinger Canyon  
119 San Ramon, CA 94583  
120

121 PROPERTY TO BE ACQUIRED:

122

123 **Temporary Easement:**

124

125 Portions of Lots 8, 10, 12 and 14 on East Tenth Avenue, in Bedwell's Subdivision in  
126 the City of Topeka, Shawnee County, Kansas, described as follows: Commencing at  
127 the Southwest corner of the Southwest Quarter of Section 33, Township 11 South,  
128 Range 16 east of the 6<sup>th</sup> P.M.; thence on an assumed bearing of North 88°26'21"  
129 East, on the South line of said Southwest Quarter, 854.10 feet; thence North  
130 01°33'39" West, 30.54 feet to the Southwest corner of Lot 8; thence North 00°11'01"  
131 East, on the West line of Lot 8, 6.96 feet to the point of beginning; thence easterly  
132 on a line which is 37.50 feet north of the South line of said Southwest Quarter, 28.63  
133 feet; thence easterly on a curve concave northwesterly, having a radius measure of  
134 212.50 feet and an arc length of 72.93 feet, the chord of which bears North  
135 78°36'24" East, 72.58 feet to a point on the East line of Lot 14; thence North  
136 67°39'30" West, 16.21 feet; thence South 77°10'02" West, 20.37 feet; thence South  
137 63°45'17" West, 16.74 feet to a point on the West line of Lot 12; thence North  
138 89°12'42" West, 24.93 feet to a point on the West line of Lot 10; thence North  
139 76°01'36" West, 11.26 feet; thence South 88°29'29" West, 14.00 feet to a point on  
140 the West line of Lot 8; thence South 00°11'01" West on the West line of Lot 8, 12.04  
141 feet to the point of beginning.

142

143 The above-described property to be acquired contains 951 square feet, more or  
144 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
145 record, if any.

146

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

150

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

152

153 Portions of Lots 8, 10, 12 and 14 on East Tenth Avenue, in Bedwell's Subdivision in  
154 the City of Topeka, Shawnee County, Kansas, described as follows: Commencing at  
155 the Southwest corner of the Southwest Quarter of Section 33, Township 11 South,  
156 Range 16 east of the 6<sup>th</sup> P.M.; thence on an assumed bearing of North 88°26'21"  
157 East, on the South line of said Southwest Quarter, 854.10 feet; thence North  
158 01°33'39" West, 30.54 feet to the Southwest corner of Lot 8, being the point of  
159 beginning; thence North 00°11'01" East, on the West line of Lot 8, 6.96 feet; thence  
160 easterly on a line which is 37.50 feet north of the South line of said Southwest  
161 Quarter, 28.63 feet; thence easterly on a curve concave northwesterly, having a  
162 radius measure of 212.50 feet and an arc length of 72.93 feet, the chord of which  
163 bears North 78°36'24" East, 72.58 feet to a point on the East line of Lot 14; thence

164 South 00°04'12" West on the East line of Lot 14, 19.45 feet; thence South 88°29'29"  
165 West on the South lines of Lots 14, 12, 10 and 8, 99.80 feet to the point of  
166 beginning.

167  
168 The above-described property to be acquired contains 989 square feet, more or  
169 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
170 record, if any.

171

172 **Parcel No. 17**

173

174 Owner of Record: Maria M. Mier and Remigio Mier  
175 2124 SE 6<sup>th</sup> Avenue  
176 Topeka, KS 66607

177

178 Contract Purchaser: Manuel A. Domingos, Jr.  
179 549 SE Davies Street  
180 Topeka, KS 66607

181

182 Lienholder of Record: NONE

183

184 Party in Possession: Vacant residence

185

186

187 PROPERTY TO BE ACQUIRED:

188

189 **Temporary Easement:**

190

191 A tract in the Southwest Quarter of Section 33, Township 11 South, Range 16 east  
192 of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as:  
193 Commencing at the Southwest corner of Lot 2 on Sixth Avenue East in Roseworn  
194 Addition; thence on an assumed bearing of North 00°35'14" West on the West line  
195 of said Lot 2, 2.50 feet to the point of beginning; thence North 73°03'40" West,  
196 parallel with the North line of Sixth Avenue East, 52.8 feet; thence North 00°35'14"  
197 West, parallel with the West line of said Lot 2, 6.00 feet; thence South 77°17'21"  
198 East, 51.74 feet to a point on the West line of said Lot 2; thence South 00°35'14"  
199 East on the West line of said Lot 2, 10.00 feet to the point of beginning.

200

201 The above-described property to be acquired contains 403 square feet, more or  
202 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
203 record, if any.

204

205 This easement expires two (2) years after legal possession through condemnation  
206 or ninety (90) days after completion of the construction for which this easement is  
207 acquired or whichever comes first.  
208

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

210  
211 A tract in the Southwest Quarter of Section 33, Township 11 South, Range 16 east  
212 of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as:  
213 Beginning at the Southwest corner of Lot 2 on Sixth Avenue East in Roseworn  
214 Addition; thence on an assumed bearing of North 73°03'40" West, on the North line  
215 of Sixth Avenue East, 52.8 feet; thence North 00°35'14" West, parallel with the West  
216 line of said Lot 2, 2.50 feet; thence South 73°03'40" East, parallel with the North line  
217 of Sixth Avenue East, 52.8 feet to a point on the West line of said Lot 2; thence  
218 South 00°35'14" East on the West line of said Lot 2, 2.50 feet to the point of  
219 beginning.  
220

221 The above-described property to be acquired contains 126 square feet, more or  
222 less, and is subject to all rights-of-way, easements, restrictions, and covenants of  
223 record, if any.  
224

225 Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the  
226 Council of the City of Topeka, Kansas shall present a written application to the District Court  
227 of Shawnee County, Kansas, for the appointment of appraisers to make the appraisalment  
228 and assessment required by law when land is taken for public purposes, and said City  
229 Attorney shall do all things necessary for the condemnation of said land completing the  
230 appropriation of the same for public purposes.

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

233 PASSED and APPROVED by the City Council January 30, 2007.

234  
235 \_\_\_\_\_  
236 William W. Buntten, Mayor

237 ATTEST:  
238 \_\_\_\_\_

239 Brenda Younger, Interim City Clerk