

1 (Published in the Topeka Metro News February 21, 2007)

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3 **ORDINANCE NO. 18812**

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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 Trafficway Impact Fee Improvement Project No. 70183-00, which  
8 provides for the construction of S Kansas Avenue from SW 37<sup>th</sup>  
9 Street to the Interstate 470 and S Topeka Boulevard intersection.

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  
13 for the use of the City of Topeka certain lands within the City of Topeka for Trafficway  
14 Impact Fee Improvement Project No. 70183-00, and for other public purposes, said  
15 lands being described as follows:

16 **Parcel No. 1**

17  
18 Owner of Record: NNN White Lakes Center LLC  
19 PO Box 565084  
20 Dallas TX 75356

21  
22 Contract Purchaser: NONE

- 23  
24 Lienholder of Record: 1. Wells Fargo Bank Minnesota, N.A.  
25 as Trustee for the Registered Holders of Credit  
26 Suisse First Boston Mortgage Securities Corp.  
27 Commercial Mortgage Pass-Through  
28 Certificates, Series 2001-FL2  
29 751 Kasota Avenue, Suite MDC  
30 Minneapolis, MN 55414  
31  
32 2. LaSalle Bank National Association  
33 135 South LaSalle St, Ste 425  
34 Chicago, IL 60603  
35  
36 3. Grand Pacific Financing Corporation  
37 1255 Corporate Center Drive, PH 10  
38 Monterey Park, CA 91754  
39  
40

41 Party in Possession: Owner of Record  
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43 PROPERTY TO BE ACQUIRED:  
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45 **Temporary Easement:**  
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47 A tract in the Southwest Quarter of Section 18, Township 12 South, Range 16  
48 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described  
49 as: Commencing at the Southwest corner of said Southwest Quarter; thence on  
50 an assumed bearing of North 88°00'53" East, on the South line of said Southwest  
51 Quarter, 1061.72 feet; thence North 01°59'07" West, 40.00 feet to a point on the  
52 North line of 37<sup>th</sup> Street, being the point of beginning; thence North 42°52'15"  
53 East, 12.38 feet; thence North 13°07'11" East, 278.54 feet; thence North  
54 14°27'07" East, 132.48 feet; thence North 21°51'18" East, 163.47 feet, to a point  
55 on a line which is 75 feet west and parallel with the West line of the Burlington  
56 Northern and Santa Fe Railroad right of way; thence North 13°06'30" East,  
57 parallel with the West line of said railroad right of way, 90.84 feet; thence North  
58 76°53'30" West, 5.58 feet; thence South 22°23'12" West, 244.30 feet; thence  
59 South 13°07'11" West, 149.32 feet; thence North 76°52'49" West, 26.25 feet;  
60 thence South 13°07'11" West, 49.21 feet; thence South 76°52'49" East, 26.25  
61 feet; thence South 13°07'11" West, 227.15 feet; thence South 88°00'53" West,  
62 36.39 feet; thence South 01°59'07" East, 10.01 feet; thence North 88°00'53"  
63 East, 44.99 feet, to the point of beginning.  
64

65 The above-described property to be acquired contains 13,602 square feet, more  
66 or less, and is subject to all rights-of-way, easements, restrictions, and covenants  
67 of record, if any.  
68

69 This easement expires two (2) years after legal possession through  
70 condemnation or ninety (90) days after completion of the construction for which  
71 this easement is acquired or whichever comes first.  
72

73 **Controlled Access Right-of-Way to be Acquired:**  
74

75 A tract in the Southwest Quarter of Section 18, Township 12 South, Range 16  
76 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described  
77 as: Commencing at the Southwest corner of said Southwest Quarter; thence on  
78 an assumed bearing of North 88°00'53" East, on the South line of said Southwest  
79 Quarter, 1061.72 feet; thence North 01°59'07" West, 40.00 feet to a point on the  
80 North line of 37<sup>th</sup> Street, being the point of beginning; thence North 42°52'15"  
81 East, 12.38 feet; thence North 13°07'11" East, 278.54 feet; thence North  
82 14°27'07" East, 132.48 feet; thence North 21°51'18" East, 163.47 feet, to a point  
83 on a line which is 75 feet west and parallel with the West line of the Burlington  
84 Northern and Santa Fe Railroad right of way; thence South 13°06'30" West,  
85 parallel with the West line of said railroad right of way, 574.09 feet to the

86 Southeast corner of vacated Lot 5, Block F in White Lakes Industrial Park; thence  
87 South 88°00'53" West, parallel with the South line of said Southwest Quarter,  
88 35.38 feet, to the point of beginning.

89  
90 The above-described property to be acquired contains 13,480 square feet, more  
91 or less, and is subject to all rights-of-way, easements, restrictions, and covenants  
92 of record, if any.

93  
94 **Access Control Opening:**

95  
96 It is understood and agreed by the Landowner and the City that only one access  
97 opening will be permitted onto Kansas Avenue from the Landowner's property,  
98 described as follows:

99  
100 Commencing at the Southwest corner of said Southwest Quarter; thence on an  
101 assumed bearing of North 88°00'53" East, on the South line of said Southwest  
102 Quarter, 1061.72 feet; thence North 01°59'07" West, 40.00 feet to a point on the  
103 North line of 37<sup>th</sup> Street; thence North 42°52'15" East, 12.38 feet; thence North  
104 13°07'11" East, 224.25 feet, to the point of beginning; thence continuing on North  
105 13°07'11" East, 54.29 feet, to the point of termination.

106  
107 **Parcel No. 2**

108  
109 Owner of Record: Blind Tiger Enterprises, L.L.C.  
110 417 SW 37<sup>th</sup> St  
111 Topeka, KS 66611

112  
113 Contract Purchaser: NONE

114  
115 Lienholder of Record: Commerce Bank and Trust  
116 3035 S Topeka Boulevard  
117 Topeka, KS 66611

118  
119 Party in Possession: 1. Owner of record  
120  
121 2. Socony-Vacuum Oil Company  
122 assigned to Williams Pipe Line Company  
123 One Williams Center  
124 Tulsa, OK 74172-0140  
125  
126 3. Capital City State Bank & Trust  
127 3710 SW Topeka Blvd  
128 Topeka, KS 66611  
129

130 PROPERTY TO BE ACQUIRED:

131

132 **Temporary Easement:**

133

134 A tract in the Northwest Quarter of Section 19, Township 12 South, Range 16  
135 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described  
136 as: Commencing at the Northwest corner of said Northwest Quarter; thence on  
137 an assumed bearing of North 88°00'53" East, on the North line of said Northwest  
138 Quarter, 989.10 feet; thence South 01°59'07" East, 40.00 feet to a point on the  
139 South line of 37<sup>th</sup> Street, being the point of beginning; thence North 88°00'53"  
140 East, on the South line of 37<sup>th</sup> Street, 22.13 feet; thence South 34°45'17" East,  
141 39.26 feet; thence South 13°07'11" West, 276.55 feet; thence South 88°00'37"  
142 West, 30.25 feet; thence North 13°07'11" East, 300.65 feet; thence South  
143 87°58'21" West, 19.41 feet; thence North 01°59'07" West, 9.77 feet, to the point  
144 of beginning.

145

146 The above-described property to be acquired contains 3,778 square feet, more  
147 or less, and is subject to all rights-of-way, easements, restrictions, and covenants  
148 of record, if any.

149

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

153

154 **Controlled Access Right-of-Way to be Acquired:**

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156 A tract in the Northwest Quarter of Section 19, Township 12 South, Range 16  
157 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described  
158 as: Commencing at the Northwest corner of said Northwest Quarter; thence on  
159 an assumed bearing of North 88°00'53" East, on the North line of said Northwest  
160 Quarter, 1011.23 feet; thence South 01°59'07" East, 40.00 feet to a point on the  
161 South line of 37<sup>th</sup> Street, being the point of beginning; thence South 34°45'17"  
162 East, 39.26 feet; thence South 13°07'11" West, 276.55 feet; thence North  
163 88°00'37" East, 106.71 feet to a point on the West right of way line of the  
164 Burlington Northern and Santa Fe Railroad; thence North 13°06'30" East, on the  
165 West right of way line of said railroad, 310.71 feet; thence South 88°00'53" West,  
166 on the South line of 37<sup>th</sup> Street, 136.80 feet, to the point of beginning.

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168 The above-described property to be acquired contains 32,499 square feet, more  
169 or less, and is subject to all rights-of-way, easements, restrictions, and covenants  
170 of record, if any.

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**Access Control:**

It is understood and agreed by the Landowner and the City that no access opening will be permitted onto Kansas Avenue from the Landowner's property.

**Parcel No. 3**

Owner of Record: Capital City State Bank & Trust  
3710 SW Topeka Boulevard  
Topeka, KS 66611

Contract Purchaser: NONE

Lienholder of Record: NONE

- Party in Possession:
1. Owner of record
  2. Socony-Vacuum Oil Company  
assigned to Williams Pipe Line Company  
One Williams Center  
Tulsa, OK 74172-0140
  3. Blind Tiger Enterprises, L.L.C.  
417 SW 37<sup>th</sup> St  
Topeka, KS 66611

**PROPERTY TO BE ACQUIRED:**

**Temporary Easement:**

A tract in the Northwest Quarter of Section 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Northwest corner of said Northwest Quarter; thence on an assumed bearing of South 01°26'29" East, on the West line of said Northwest Quarter, a distance described as 340.4 feet and measured as 340.13 feet; thence North 88°00'30" East, 933.40 feet, to the point of beginning; thence continuing on North 88°00'30" East, 30.25 feet; thence South 13°07'11" West, 76.46 feet; thence South 15°14'25" West, 44.50 feet, to a point on the North line of James A. Schmidt Subdivision; thence South 87°45'51" West, 28.57 feet; thence North 13°07'11" East, 120.61 feet, to the point of beginning.

The above-described property to be acquired contains 3,484 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

217 This easement expires two (2) years after legal possession through  
218 condemnation or ninety (90) days after completion of the construction for which  
219 this easement is acquired or whichever comes first.  
220

221 **Controlled Access Right-of-Way to be Acquired:**  
222

223 A tract in the Northwest Quarter of Section 19, Township 12 South, Range 16  
224 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described  
225 as: Commencing at the Northwest corner of said Northwest Quarter; thence on  
226 an assumed bearing of South 01°26'29" East, on the West line of said Northwest  
227 Quarter, a distance described as 340.4 feet and measured as 340.13 feet;  
228 thence North 88°00'30" East, 963.64 feet, to the point of beginning; thence  
229 continuing on North 88°00'30" East, 106.71 feet, to a point on the West line of the  
230 right of way of the Burlington Northern and Santa Fe Railroad; thence South  
231 13°06'23" West, on the West line of said right of way, 120.00 feet, to a point  
232 described as 460.4 feet, 455.85 feet measured, south of the North line of said  
233 Northwest Quarter; thence South 87°45'51" West, on the North line of James A.  
234 Schmidt Subdivision, 108.57 feet; thence North 15°14'25" East, 44.50 feet;  
235 thence North 13°07'11" East, 76.46 feet, to the point of beginning.  
236

237 The above-described property to be acquired contains 12,424 square feet, more  
238 or less, and is subject to all rights-of-way, easements, restrictions, and covenants  
239 of record, if any.  
240

241 **Access Control:**  
242

243 It is understood and agreed by the Landowner and the City that no access  
244 opening will be permitted onto Kansas Avenue from the Landowner's property.  
245

246 **Parcel No. 4**  
247

248 Owner of Record: Capital City State Bank & Trust  
249 3710 SW Topeka Boulevard  
250 Topeka, KS 66611  
251

252 Contract Purchaser: NONE  
253

254 Lienholder of Record: NONE  
255

256 Party in Possession: 1. Vacant Land  
257  
258 2. Socony-Vacuum Oil Company  
259 assigned to Williams Pipe Line Company  
260 One Williams Center  
261 Tulsa, OK 74172-0140  
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PROPERTY TO BE ACQUIRED:

**Temporary Easement:**

A tract in Lots 1 and 2, Block A in James A. Schmidt Subdivision in the Northwest Quarter of Section 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Northwest corner of said Northwest Quarter; thence on an assumed bearing of South 01°26'29" East, on the West line of said Northwest Quarter, 633.34 feet; thence North 87°45'51" East, 836.18 feet, to the point of beginning, also being on the South line of said Lot 2; thence North 13°06'30" East, 179.29 feet, to a point on the North line of Lot 1 in said subdivision; thence North 87°45'51" East, on the North line of said Lot 1, 50.48 feet; thence South 15°14'25" West, 181.27 feet, to a point on the South line of said Lot 2; thence South 87°45'51" West, 43.48 feet, to the point of beginning.

The above-described property to be acquired contains 8,123 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.

**Controlled Access Right of Way to be Acquired:**

A tract in Lots 1 and 2, Block A in James A. Schmidt Subdivision in the Northwest Quarter of Section 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Northwest corner of said Northwest Quarter; thence on an assumed bearing of South 01°26'29" East, on the West line of said Northwest Quarter, 633.34 feet; thence North 87°45'51" East, 879.66 feet, to the point of beginning, also being on the South line of said Lot 2; thence North 15°14'25" East, 181.27 feet, to a point on the North line of Lot 1 in said subdivision; thence North 87°45'51" East, 2.13 feet, to the Northeast corner of said Lot 1; thence South 13°08'31" West, 179.32 feet, to the Southeast corner of said Lot 2; thence South 87°45'51" West, 9.01 feet, to the point of beginning.

The above-described property to be acquired contains 963 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

305 **Access Control Opening:**

306  
307 It is understood and agreed by the Landowner and the City that only one access  
308 opening will be permitted onto Kansas Avenue from the Landowner's property,  
309 described as follows:

310  
311 Commencing at the Northwest corner of the Northwest Quarter of Section 19,  
312 Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka,  
313 Shawnee County, Kansas; thence on an assumed bearing of South 01°26'29"  
314 East, on the West line of said Northwest Quarter, 633.34 feet; thence North  
315 87°45'51" East, 879.66 feet, to a point on the South line of Lot 2, Block A in  
316 James A. Schmidt Subdivision; thence North 15°14'25" East, 95.55 feet, to the  
317 point of beginning; thence continuing on North 15°14'25" East, 85.72 feet, to a  
318 point of termination on the North line of Lot 1 in said subdivision.

319  
320 **Parcel No. 5**

321  
322 Owner of Record: Betty B. Curry  
323 5044 SW Auburn Road  
324 Topeka, KS 66610  
325  
326 Contract Purchaser: NONE  
327  
328 Lienholder of Record: NONE  
329  
330 Party in Possession: 1. Vacant Land  
331  
332 2. Socony-Vacuum Oil Company  
333 assigned to Williams Pipe Line Company  
334 One Williams Center  
335 Tulsa, OK 74172-0140  
336  
337 3. Williams Pipe Line Company and  
338 Williams Telecommunications Company  
339 One Williams Center  
340 Tulsa, OK 74172-0140  
341

342 **PROPERTY TO BE ACQUIRED:**

343  
344 **Permanent Drainage and Utility Easement:**

345  
346 A tract in Lots 7 and 8 in Trail Inn Subdivision in the Northwest Quarter of Section  
347 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka,  
348 Shawnee County, Kansas, described as: Commencing at the Northwest corner of  
349 said Northwest Quarter; thence on an assumed bearing of South 01°26'29" East,  
350 on the West line of said Northwest Quarter, 781.26 feet, to a point which is

351 described as 177.93 feet north of the Southwest corner of the North 50 Acres of  
352 said Northwest Quarter; thence North 87°46'51" East, 712.64 feet, to the point of  
353 beginning, also being on the South line of said Lot 8; thence North 13°07'18"  
354 East, 153.60 feet, to a point on the North line of Lot 7 in said subdivision; thence  
355 North 87°45'51" East, on the North line of Lot 7, 128.39 feet; thence South  
356 15°14'32" West, 102.39 feet; thence South 13°07'18" West, 52.36 feet, to a point  
357 on the South line of said Lot 8; thence South 87°46'51" West, 124.45 feet, to the  
358 point of beginning.

359  
360 The above-described property to be acquired contains 18,629 square feet, more  
361 or less, and is subject to all rights-of-way, easements, restrictions, and covenants  
362 of record, if any.

363  
364 **Controlled Access Right-of-Way to be Acquired:**

365  
366 A tract in Lots 7 and 8 in Trail Inn Subdivision in the Northwest Quarter of Section  
367 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka,  
368 Shawnee County, Kansas, described as: Commencing at the Northwest corner of  
369 said Northwest Quarter; thence on an assumed bearing of South 01°26'29" East,  
370 on the West line of said Northwest Quarter, 781.26 feet, to a point which is  
371 described as 177.93 feet north of the Southwest corner of the North 50 Acres of  
372 said Northwest Quarter; thence North 87°46'51" East, 837.09 feet, to the point of  
373 beginning, also being on the South line of said Lot 8; thence North 13°07'18"  
374 East, 52.36 feet; thence North 15°14'32" East, 102.39 feet, to a point on the  
375 North line of Lot 7 in said subdivision; thence North 87°45'51" East, 9.01 feet, to  
376 the Northeast corner of said Lot 7; thence South 13°08'31" West, 153.69 feet, to  
377 the Southeast corner of said Lot 8; thence South 87°46'51" West, 12.87 feet, to  
378 the point of beginning.

379  
380 The above-described property to be acquired contains 1,720 square feet, more  
381 or less, and is subject to all rights-of-way, easements, restrictions, and covenants  
382 of record, if any.

383  
384 **Access Control:**

385  
386 It is understood and agreed by the Landowner and the City that no access  
387 opening will be permitted onto Kansas Avenue from the Landowner's property.  
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**Parcel No. 6**

Owner of Record: Maja Company, Inc.  
120 SW 6<sup>th</sup> Avenue  
Topeka, KS 66603

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: 1. Vacant Land  
2. Socony-Vacuum Oil Company  
assigned to Williams Pipe Line Company  
One Williams Center  
Tulsa, OK 74172-0140

**PROPERTY TO BE ACQUIRED:**

**Permanent Drainage and Utility Easement:**

A tract in the Northwest Quarter of Section 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Northwest corner of said Northwest Quarter; thence on an assumed bearing of South 01°26'29" East, on the West line of said Northwest Quarter, a distance described as 959.2 feet, and measured as 955.41 feet; thence North 87°52'20" East, on the North line of Lot 1, Block 'A' in Shamir and Hiral Subdivision, and its extension, 666.95 feet; thence North 13°07'11" East, 77.74 feet to the point of beginning; thence North 87°52'20" East, 124.40 feet; thence North 13°07'11" East, 104.14 feet, to a point on the South line of Lot 8 in Trail Inn Subdivision; thence South 87°46'51" West, on the South line of Trail Inn Subdivision, 124.45 feet; thence South 13°07'11" West, 103.93 feet to the point of beginning.

The above-described property to be acquired contains 12,486 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

**Controlled Access Right-of-Way to be Acquired:**

A tract in the Northwest Quarter of Section 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Northwest corner of said Northwest Quarter; thence on an assumed bearing of South 01°26'29" East, on the West line of said Northwest Quarter, a distance described as 959.2 feet, and measured as 955.41 feet; thence North 87°52'20" East, on the North line of Lot 1, Block 'A' in Shamir and

435 Hiral Subdivision, and its extension, 666.95 feet to the point of beginning; thence  
436 North 13°07'11" East, 77.74 feet; thence North 87°52'20" East, 124.40 feet;  
437 thence North 13°07'11" East, 104.14 feet, to a point on the South line of Lot 8 in  
438 Trail Inn Subdivision; thence North 87°46'51" East, on the South line of Trail Inn  
439 Subdivision, 118.50 feet, to a point on the West line of the right of way of the  
440 Burlington Northern and Santa Fe Railroad; thence South 13°06'37" West,  
441 182.06 feet to the Northeast corner of Shamir and Hiral Subdivision; thence  
442 South 87°52'20" West, 242.88 feet, to the point of beginning.  
443

444 The above-described property to be acquired contains 30,129 square feet, more  
445 or less, and is subject to all rights-of-way, easements, restrictions, and covenants  
446 of record, if any.  
447

448 **Access Control Opening:**  
449

450 It is understood and agreed by the Landowner and the City that only one access  
451 opening will be permitted onto Kansas Avenue from the Landowner's property,  
452 described as follows:  
453

454 Commencing at the Northwest corner of said Northwest Quarter; thence on an  
455 assumed bearing of South 01°26'29" East, on the West line of said Northwest  
456 Quarter, a distance described as 959.2 feet, and measured as 955.41 feet;  
457 thence North 87°52'20" East, on the North line of Lot 1, Block 'A' in Shamir and  
458 Hiral Subdivision, and its extension, 666.95 feet to the point of beginning; thence  
459 North 13°07'11" East, 77.74 feet to the point of termination.  
460

461 **Parcel No. 7**  
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463 Owner of Record: Ram S. Tak and Vimla Tak  
464 3802 SW Topeka Boulevard  
465 Topeka, KS 66609  
466

467 Contract Purchaser: NONE  
468

469 Lienholder of Record: Shamir Corporation  
470 Has Mukh S. Bhakta and Jagrutiben H. Bhakta  
471 Seema Properties, Inc.  
472 Ram S. Tak and Vimla D. Tak  
473 3802 SW Topeka Boulevard  
474 Topeka, KS 66609  
475

476 Party in Possession: Owner of Record  
477

478 PROPERTY TO BE ACQUIRED:

479

480 **Temporary Easement:**

481

482 A tract in Lot 1, Block 'A' in Shamir and Hiral Subdivision in the Northwest  
483 Quarter of Section 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the  
484 City of Topeka, Shawnee County, Kansas, described as: Commencing at the  
485 Northwest corner of said Northwest Quarter; thence on an assumed bearing of  
486 South 01°26'29" East, on the West line of said Northwest Quarter, a distance  
487 described as 959.2 feet and measured as 955.41 feet; thence North 87°52'20"  
488 East, on the North line of said Lot 1, and its extension, 770.24 feet, to the point of  
489 beginning; thence South 13°07'11" West, 117.18 feet; thence North 88°41'04"  
490 East, 20.96 feet; thence North 13°07'11" East, 98.56 feet; thence North 43°28'04"  
491 West, 24.32 feet, to the point of beginning.

492

493 The above-described property to be acquired contains 2,190 square feet, more  
494 or less, and is subject to all rights-of-way, easements, restrictions, and covenants  
495 of record, if any.

496

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

500

501 **Controlled Access Right-of-Way to be Acquired:**

502

503 A tract in Lot 1, Block 'A' in Shamir and Hiral Subdivision in the Northwest  
504 Quarter of Section 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the  
505 City of Topeka, Shawnee County, Kansas, described as: Commencing at the  
506 Northwest corner of said Northwest Quarter; thence on an assumed bearing of  
507 South 01°26'29" East, on the West line of said Northwest Quarter, a distance  
508 described as 959.2 feet and measured as 955.41 feet; thence North 87°52'20"  
509 East, on the North line of said Lot 1, and its extension, 770.24 feet, to the point of  
510 beginning; thence South 43°28'04" East, 24.32 feet; thence South 13°07'11"  
511 West, 98.56 feet; thence North 88°41'01" East, 9.69 feet; thence North 13°06'37"  
512 East, 117.68 feet, to a point on the North line of Lot 1; thence South 87°52'20"  
513 West, 30.76 feet, to the point of beginning.

514

515 The above-described property to be acquired contains 1,294 square feet, more  
516 or less, and is subject to all rights-of-way, easements, restrictions, and covenants  
517 of record, if any.

518

519 **Access Control:**

520

521 It is understood and agreed by the Landowner and the City that no access  
522 opening will be permitted onto Kansas Avenue from the Landowner's property,  
523 and also that access will be controlled on the following described lines:

524  
525 Commencing at the Northwest corner of the Northwest Quarter of Section 19,  
526 Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka,  
527 Shawnee County, Kansas; thence on an assumed bearing of South 01°26'29"  
528 East, on the West line of said Northwest Quarter, a distance described as 959.2  
529 feet and measured as 955.41 feet; thence North 87°52'20" East, on the North line  
530 of Lot 1, Block 'A' in Shamir and Hiral Subdivision and its extension, 666.95 feet,  
531 to the point of beginning; thence continuing on North 87°52'20" East, on the  
532 North line of Lot 1, 103.29 feet; thence South 43°28'04" East, 24.32 feet; thence  
533 South 13°07'11" West, 98.56 feet to the point of termination.

534  
535 **Parcel No. 8**

536  
537 Owner of Record: Seema Properties, Inc.  
538 Attn: Mark Singer  
539 11011 King St, Ste 150  
540 Overland Park, KS 66210

541  
542 Contract Purchaser: NONE

543  
544 Lienholder of Record: Commerce Bank and Trust as Trustee  
545 3035 SW Topeka Boulevard  
546 Topeka, KS 66611

547  
548 Party in Possession: Owner of record and motel guests

549  
550 PROPERTY TO BE ACQUIRED:

551  
552 **Temporary Easement:**

553  
554 A tract in the Northwest Quarter of Section 19, Township 12 South, Range 16  
555 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described  
556 as: Commencing at the Northwest corner of said Northwest Quarter; thence on  
557 an assumed bearing of South 01°26'29" East, on the West line of said Northwest  
558 Quarter, a distance described as 959.2 feet, and measured as 955.41 feet;  
559 thence North 87°52'20" East, on the North line of Lot 1, Block 'A' in Shamir and  
560 Hiral Subdivision, and its extension, 770.24 feet; thence South 13°07'11" West,  
561 117.18 feet, to the point of beginning; thence continuing on South 13°07'11"  
562 West, 234.44 feet; thence South 58°07'11" West, 37.12 feet; thence South  
563 13°07'11" West, 72.18 feet; thence South 35°14'48" East, 39.51 feet; thence  
564 South 13°07'11" West, 111.55 feet; thence North 76°52'49" West, 31.72 feet;  
565 thence South 13°07'11" West, 49.09 feet, to a point on the South line of said Lot  
566 1; thence North 88°42'23" East, on the South line of Shamir and Hiral  
567 Subdivision, 50.36 feet; thence North 13°06'37" East, 512.41 feet; thence South  
568 88°41'01" West, 20.96 feet to the point of beginning.

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The above-described property to be acquired contains 13,911 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.

**Controlled Access Right-of-Way to be Acquired:**

A tract in the Northwest Quarter of Section 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Northwest corner of said Northwest Quarter; thence on an assumed bearing of South 01°26'29" East, on the West line of said Northwest Quarter, a distance described as 959.2 feet, and measured as 955.41 feet; thence North 87°52'20" East, on the North line of Lot 1, Block 'A' in Shamir and Hiral Subdivision, and its extension, 801.00 feet; thence South 13°06'37" West, 117.68 feet to the point of beginning; thence South 88°41'01" West, 9.69 feet; thence South 13°07'11" West, 512.41 feet, to a point on the South line of said Lot 1; thence North 88°42'23" East 9.67 feet; thence North 13°06'37" East, 512.42 feet to the point of beginning.

The above-described property to be acquired contains 4,802 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

**Access Control Opening:**

It is understood and agreed by the Landowner and the City that only one access opening will be permitted onto Kansas Avenue from the Landowner's property, described as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas; thence on an assumed bearing of South 01°26'29" East, on the West line of said Northwest Quarter, a distance described as 959.2 feet, and measured as 955.41 feet; thence North 87°52'20" East, on the North line of Lot 1, Block 'A' in Shamir and Hiral Subdivision, and its extension, 801.00 feet; thence South 13°06'37" West, 117.68 feet; thence South 88°41'01" West, 9.69 feet; thence South 13°07'11" West, 478.73 feet to the point of beginning; thence continuing on South 13°07'11" West, 33.68 feet, to a point on the South line of said Lot 1, being the point of termination.

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**Parcel No. 9**

Owner of Record: D D C & M, LLC  
125 S Kansas Avenue  
Topeka, KS 66603

Contract Purchaser: NONE

Lienholder of Record: Sunflower Bank, N.A.  
2090 S Ohio  
PO Box 800  
Salina, KS 67401

Party in Possession: Owner of record and motel guests

**PROPERTY TO BE ACQUIRED:**

**Temporary Easement:**

A tract in Lot 1, Block "A" in Motel "6" Subdivision in the Northwest Quarter of Section 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Northwest corner of said Northwest Quarter; thence on an assumed bearing of South 01°26'29" East, on the West line of said Northwest Quarter, a distance described as 1559.2 feet and measured as 1554.22 feet; thence on a bearing described as North 88°33'41" East, and measured as North 88°42'23" East, on the North line of said Lot 1, and its extension, 582.49 feet, to the point of beginning; thence continuing on North 88°42'23" East, on the North line of Lot 1, 50.47 feet; thence South 13°07'11" West, 154.91 feet to a point on the South line of Lot 1; thence South 88°42'36" West, on the South line of Lot 1, 12.39 feet; thence North 01°24'26" West, 46.73 feet; thence North 58°07'11" East, 9.28 feet; thence North 01°30'04" West, 38.99 feet; thence North 55°04'44" West, 8.83 feet; thence North 01°26'48" West, 54.36 feet, to the point of beginning.

The above-described property to be acquired contains 4,378 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.

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**Controlled Access Right-of-Way to be Acquired:**

A tract in Lot 1, Block "A" in Motel "6" Subdivision in the Northwest Quarter of Section 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Northwest corner of said Northwest Quarter; thence on an assumed bearing of South 01°26'29" East, on the West line of said Northwest Quarter, a distance described as 1559.2 feet and measured as 1554.22 feet; thence on a bearing described as North 88°33'41" East, and measured as North 88°42'23" East, on the North line of said Lot 1, and its extension, 632.96 feet, to the point of beginning; thence continuing on North 88°42'23" East, 14.79 feet, to the Northeast corner of Lot 1; thence South 13°06'37" West, 154.90 feet to the Southeast corner of Lot 1; thence South 88°42'36" West, on the South line of Lot 1, 14.82 feet; thence North 13°07'11" East, 154.91 feet, to the point of beginning.

The above-described property to be acquired contains 2,291 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

**Access Control:**

It is understood and agreed by the Landowner and the City that no access opening will be permitted onto Kansas Avenue from the Landowner's property.

**Parcel No. 10**

Owner of Record: Kansas Turnpike Authority  
3939 SW Topeka Boulevard  
Topeka, KS 66609

Contract Purchaser: NONE

Lienholder of Record: NONE

Party in Possession: Vacant Land

**PROPERTY TO BE ACQUIRED:**

**Temporary Easement:**

Two tracts in the Northwest Quarter of Section 19, Township 12 South, Range 16 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described as:

700 Tract I:

701  
702 Commencing at the Northwest corner of said Northwest Quarter; thence on an  
703 assumed bearing of South 01°26'29" East, on the West line of said Northwest  
704 Quarter, a distance described as 1709.2 feet, and measured as 1704.21 feet;  
705 thence North 88°42'36" East, on the South line of Motel "6" Subdivision, and its  
706 extension, 564.79 feet, to the point of beginning; thence continuing on North  
707 88°42'36" East, on the South line of Motel "6" Subdivision, 29.22 feet; thence  
708 South 13°07'11" West, 305.12 feet; thence South 50°13'32" West, 46.74 feet;  
709 thence North 13°07'11" East, 335.12 feet, to the point of beginning.

710  
711 Tract II:

712  
713 Commencing at the Northwest corner of said Northwest Quarter; thence on an  
714 assumed bearing of South 01°26'29" East, on the West line of said Northwest  
715 Quarter, 2209.66 feet; thence North 88°05'31" East, 70.00 feet, to the point of  
716 beginning; thence continuing on North 88°05'31" East, 186.04 feet; thence North  
717 50°13'32" East, 48.56 feet; thence South 88°05'31" West, 224.13 feet; thence  
718 South 01°26'29" East, 29.81 feet, to the point of beginning.

719  
720 The above-described property to be acquired contains 15,155 square feet, more  
721 or less, and is subject to all rights-of-way, easements, restrictions, and covenants  
722 of record, if any.

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

727  
728 **Controlled Access Right-of-Way to be Acquired:**

729  
730 A tract in the Northwest Quarter of Section 19, Township 12 South, Range 16  
731 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described  
732 as: Commencing at the Northwest corner of said Northwest Quarter; thence on  
733 an assumed bearing of South 01°26'29" East, on the West line of said Northwest  
734 Quarter, a distance described as 2410.2 feet, and measured as 2405.43 feet;  
735 thence North 88°43'46" East, on an extension of the North line of Vincent  
736 Subdivision, 70.00 feet to the point of beginning; thence continuing on North  
737 88°43'46" East, on the North line of Vincent Subdivision, 460.32 feet, to an  
738 intersection with the West line of the right of way of the Burlington Northern and  
739 Santa Fe Railroad; thence North 13°06'44" East, on the West line of said right of  
740 way, a distance described as 741.2 feet and calculated from measurements as  
741 724.08 feet, to the Southeast corner of Motel "6" Subdivision; thence South  
742 88°42'36" West, on the South line of Motel "6" Subdivision, 118.06 feet; thence  
743 South 13°07'11" West, 305.12 feet; thence South 50°13'32" West, 332.95 feet;  
744 thence South 88°05'31" West, 186.04 feet; thence South 01°26'29" East, on a

745 line which is 70 feet east of the West line of said Northwest Quarter, 196.53 feet,  
746 to the point of beginning.

747  
748 The above-described property to be acquired contains 4.07 acres, more or less,  
749 and is subject to all rights-of-way, easements, restrictions, and covenants of  
750 record, if any.

751  
752 **Access Control Opening:**

753  
754 It is understood and agreed by the Landowner and the City that only one access  
755 opening will be permitted onto Kansas Avenue from the Landowner's property,  
756 described as follows:

757  
758 Commencing at the Northwest corner of said Northwest Quarter; thence on an  
759 assumed bearing of South 01°26'29" East, on the West line of said Northwest  
760 Quarter, 2209.66 feet; thence North 88°05'31" East, 256.04 feet; thence North  
761 50°13'32" East, 332.95 feet; thence North 13°07'11" East, 190.58 feet to the  
762 point of beginning; thence North 13°07'11" East, 114.54 feet to the point of  
763 termination.

764  
765 **Parcel No. 11**

766  
767 Owner of Record: Shamir Corporation  
768 3802 SW Topeka Boulevard  
769 Topeka, KS 66609

770  
771 Contract Purchaser: NONE

772  
773 Lienholder of Record: Commerce Bank and Trust, as Trustee  
774 3035 S Topeka Boulevard  
775 Topeka, KS 66611

776  
777 Party in Possession: Vacant Land

778  
779 PROPERTY TO BE ACQUIRED:

780  
781 **Permanent Right-of-Way Easement:**

782  
783 A tract in the Northwest Quarter of Section 19, Township 12 South, Range 16  
784 east of the 6<sup>th</sup> P.M., in the City of Topeka, Shawnee County, Kansas, described  
785 as: Commencing at the Northwest corner of said Northwest Quarter; thence on  
786 an assumed bearing of South 01°26'29" East, on the West line of said Northwest  
787 Quarter, a distance described as 959.2 feet, and measured as 955.41 feet;  
788 thence North 87°52'20" East, on the North line of Lot 1, Block 'A' in Shamir and  
789 Hiral Subdivision, and its extension, 801.00 feet to the point of beginning; thence  
790 South 13°06'37" West parallel with the East line of Lot 1, 630.10 feet; thence

791 North 88°42'23" East, 108.36 feet; thence North 13°06'37" East on the East line  
792 of Lot 1, 631.92 feet, to Northeast corner of said lot; thence South 87°52'20"  
793 West, 108.83 feet to the point of beginning.

794  
795 The above-described property to be acquired contains 66,229 square feet, more  
796 or less, and is subject to all rights-of-way, easements, restrictions, and covenants  
797 of record, if any.

798  
799 Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of  
800 the Council of the City of Topeka, Kansas shall present a written application to the  
801 District Court of Shawnee County, Kansas, for the appointment of appraisers to make  
802 the appraisal and assessment required by law when land is taken for public  
803 purposes, and said City Attorney shall do all things necessary for the condemnation of  
804 said land completing the appropriation of the same for public purposes.

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

807 PASSED and APPROVED by the City Council February 13, 2007.

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810 \_\_\_\_\_  
811 William W. Bunten, Mayor

812 ATTEST:  
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815 \_\_\_\_\_  
816 Brenda Younger, Interim City Clerk  
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