

1 (Published in the Topeka Metro News May 2, 2007)

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3 **ORDINANCE NO. 18858**

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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 interest for
7 Improvement Project No. 70142-02, which provides for the removal of
8 the medians at the intersection of 25th Street and California and the
9 construction of sidewalk on the west side of California Avenue from
10 21st Street to 29th Street.

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 for
14 the use of the City of Topeka certain lands within the City of Topeka for Improvement
15 Project No. 70142-02, which provides for the removal of the medians at the intersection of
16 25th Street and California and the construction of sidewalk on the west side of California
17 Avenue from 21st Street to 29th Street and for other public purposes, said lands being
18 described as follows:

19 **Parcel No. 9**

20
21 Owner of Record: Linden Ray Simmonds and Linda M. Simmonds
22 2707 SE California Avenue
23 Topeka, KS 66605

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25 Contract Purchaser: NONE

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27 Lienholder of Record: Fidelity Savings Bank
28 100 E English
29 Wichita, KS 67202

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31 Party in Possession: Owner of record

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33 Party of Interest: Shawnee County Treasurer
34 Shawnee County Courthouse
35 200 SE 7th Street, Room 101
36 Topeka, KS 66603
37

38 PROPERTY TO BE ACQUIRED:

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

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42 All of those portions of Lots 203, 205 and 207 on California Avenue in Highland Park
43 in the City of Topeka, Shawnee County, Kansas, which are east of a line which is
44 32.0 feet west of the East line of the Southeast Quarter of Section 8, Township 12
45 South, Range 16 east of the 6th P.M.

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

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51 **Parcel No. 10**

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53 Owner of Record: MAHAOM, LLC
54 6100 SW 25th Street
55 Topeka, KS 66614

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57 Contract Purchaser: NONE

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59 Lienholder of Record: Missouri State Bank and Trust Company
60 3701 S Lindbergh Blvd
61 St. Louis, MO 63127

62

63 Party in Possession: Owner of record, convenience store
64 2701 SE California Avenue
65 Topeka, KS 66605

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67 PROPERTY TO BE ACQUIRED:

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69 **Temporary Easement:**

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71 All of that portion of the North 10 feet of Lot 193 on California Avenue in Highland
72 Park in the City of Topeka, Shawnee County, Kansas, which is east of a line which
73 is 35.0 feet west of the East line of the Southeast Quarter of Section 8, Township 12
74 South, Range 16 east of the 6th P.M., and which is west of a line which is 32.0 feet
75 west of the East of said Southeast Quarter; ALSO: All of that portion of the South 10
76 feet of Lot 201 on California Avenue in Highland Park in the City of Topeka,
77 Shawnee County, Kansas, which is east of a line which is 35.0 feet west of the East
78 line of the Southeast Quarter of Section 8, Township 12 South, Range 16 east of the
79 6th P.M., and which is west of a line which is 32.0 feet west of the East of said
80 Southeast Quarter.

81

82 The above-described property to be acquired contains 60 square feet, more or less,
83 and is subject to all rights-of-way, easements, restrictions, and covenants of record,
84 if any.

85
86 This easement expires two (2) years after legal possession through condemnation
87 or ninety (90) days after completion of the construction for which this easement is
88 acquired or whichever comes first.

89
90 **Permanent Right-of-Way Easement:**

91
92 All of those portions of Lots 193, 195, 197, 199 and 201 on California Avenue in
93 Highland Park in the City of Topeka, Shawnee County, Kansas, which are east of a
94 line which is 32.0 feet west of the East line of the Southeast Quarter of Section 8,
95 Township 12 South, Range 16 east of the 6th P.M.

96
97 The above-described property to be acquired contains 250 square feet, more or
98 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
99 record, if any.

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101 **Parcel No. 11**

102
103 Owner of Record: Kerr-McGee Refining Corporation
104 NKA Triple S. Refining Corporation
105 PO Box 268859
106 Oklahoma City, OK 73126

107
108 Contract Purchaser: NONE

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110 Lienholder of Record: NONE

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112 Party in Possession: vacant land

113
114 PROPERTY TO BE ACQUIRED:

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

117
118 All of those portions of Lots 181, 183, 185, 187, 189, 191 and the South 10 feet of
119 Lot 179 on California Avenue in Highland Park in the City of Topeka, Shawnee
120 County, Kansas, which are east of a line which is 37.0 feet west of the East line of
121 the Southeast Quarter of Section 8, Township 12 South, Range 16 east of the 6th
122 P.M.

124 The above-described property to be acquired contains 1,120 square feet, more or
125 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
126 record, if any.

127

128 **Parcel No. 14**

129

130 Owner of Record: The Clifford N. Cormier Living Trust
131 2307 SE Libra Avenue
132 Topeka, KS 66605

133

134 Contract Purchaser: NONE

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136 Lienholder of Record: NONE

137

138 Party in Possession: Cormier Retail Liquor
139 2611 SE California Avenue
140 Topeka, KS 66605

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142 Party of Interest: 1. City of Topeka
143 215 SE 7th Street
144 Topeka, KS 66603

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146 2. Christian Lord Ministries
147 2421 SE California St
148 Topeka, KS 66605

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150 and to

151

152 Lawrence L. Tenopir
153 TENOPIR AND HUERTER
154 1610 SW Topeka Blvd
155 Topeka, KS 66612

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157 PROPERTY TO BE ACQUIRED:

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159 **Temporary Easement:**

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161 All of those portions of Lots 151, 153, 155, the North 15 feet of Lot 157 and the
162 South 1 feet of Lot 149 on California Avenue in Sunnyside Addition to Highland Park
163 Subdivision, in the City of Topeka, Shawnee County, Kansas, which are east of a
164 line which is 31.5 feet west of the East line of the Southeast Quarter of Section 8,
165 Township 12 South, Range 16 east of the 6th P.M.; ALSO: All of those portions of
166 Lots 159, 161, Fractional Lot 163 and the South 10 feet of Lot 157 on California
167 Avenue in Sunnyside Addition to Highland Park Subdivision which are east of a line

168 which is 37.0 feet west of the East line of said Southeast Quarter and which are
169 west of a line which is 32.0 feet west of the East line of said Southeast Quarter;
170 ALSO: All of those portions of Lot 165 and Fractional Lot 163 on California Avenue
171 in Highland Park which are east of a line which is 37.0 feet west of the East line of
172 said Southeast Quarter and which are west of a line which is 32.0 feet west of the
173 East line of said Southeast Quarter; EXCEPT: All of that part which is included in or
174 overlaid by a commercial building commonly known as 2611 S.E. California Avenue.
175

176 The above-described property to be acquired contains 738 square feet, more or
177 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
178 record, if any.
179

180 This easement expires two (2) years after legal possession through condemnation
181 or ninety (90) days after completion of the construction for which this easement is
182 acquired or whichever comes first.
183

184 **Permanent Right-of-Way Easement:**
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186 All of those portions of Lots 145, 147, and the North 13 feet of Lot 149 on California
187 Avenue in Sunnyside Addition to Highland Park Subdivision, in the City of Topeka,
188 Shawnee County, Kansas, which are east of a line which is 37.0 feet west of the
189 East line of the Southeast Quarter of Section 8, Township 12 South, Range 16 east
190 of the 6th P.M.; ALSO: All of those portions of Lots 159, 161, Fractional Lot 163 and
191 the South 10 feet of Lot 157 on California Avenue in Sunnyside Addition to Highland
192 Park Subdivision which are east of a line which is 32.0 feet west of the East line of
193 said Southeast Quarter; ALSO: All of those portions of Lot 165 and Fractional Lot
194 163 on California Avenue in Highland Park which are east of a line which is 32.0 feet
195 west of the East line of said Southeast Quarter.
196

197 The above-described property to be acquired contains 661 square feet, more or
198 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
199 record, if any.
200

201 **Parcel No. 20**
202

203 Owner of Record: The Clifford N. Cormier Living Trust
204 2307 SE Libra Avenue
205 Topeka, KS 66605
206

207 Contract Purchaser: NONE
208

209 Lienholder of Record: NONE
210
211

212 Party in Possession: vacant land and vacant residence

213

214 Party of Interest: Christian Lord Ministries

215 2421 SE California St

216 Topeka, KS 66605

217

218 PROPERTY TO BE ACQUIRED:

219

220 **Temporary Easement:**

221

222 A tract in the Northeast Quarter of Section 8, Township 12 South, Range 16 east of
223 the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as:
224 Commencing at the Southeast corner of said Northeast Quarter; thence on an
225 assumed bearing of South 89°13'48" West on the South line of said Northeast
226 Quarter, 35.00 feet; thence North 00°00'00" East, parallel with the East line of said
227 Northeast Quarter, 30.00 feet to the point of beginning; thence continuing on North
228 00°00'00" East on a line which is 35.00 feet west of the East line of said Southeast
229 Quarter, 338.5 feet; thence South 89°11'43" West on the South line of Colorado
230 Acres No. 3 Annex, 5.00 feet; thence South 00°00'00" West on a line which is 40.00
231 feet west of the East line of said Northeast Quarter, 313.28 feet; thence South
232 89°11'48" West parallel with the South line of said Northeast Quarter, 3.00 feet;
233 thence South 00°00'00" West on a line which is 43.00 feet west of the East line of
234 said Northeast Quarter, 33.19 feet; thence North 44°37'25" East, 11.39 feet to the
235 point of beginning.

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237 The above-described property to be acquired contains 1,800 square feet, more or
238 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
239 record, if any.

240

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

244

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

246

247 A tract in the Northeast Quarter of Section 8, Township 12 South, Range 16 east of
248 the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as:
249 Commencing at the Southeast corner of said Northeast Quarter; thence on an
250 assumed bearing of South 89°13'48" West on the South line of said Northeast
251 Quarter, 30.00 feet; thence North 00°00'00" East, parallel with the East line of said
252 Northeast Quarter, 20.00 feet to the point of beginning; thence continuing on North
253 00°00'00" East parallel with the East line of said Southeast Quarter, 348.5 feet;
254 thence South 89°11'43" West on the South line of Colorado Acres No. 3 Annex, 5.00

255 feet; thence South 00°00'00" West on a line which is 35.00 feet west of the East line
256 of said Northeast Quarter, 338.5 feet; thence South 44°37'25" West, 14.23 feet;
257 thence North 89°13'48" East on a line which is 20 feet north of the South line of said
258 Northeast Quarter, 15.00 feet to the point of beginning.

259
260 The above-described property to be acquired contains 1,792 square feet, more or
261 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
262 record, if any.

263
264 Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the
265 Council of the City of Topeka, Kansas shall present a written application to the District Court
266 of Shawnee County, Kansas, for the appointment of appraisers to make the appraisalment
267 and assessment required by law when land is taken for public purposes, and said City
268 Attorney shall do all things necessary for the condemnation of said land completing the
269 appropriation of the same for public purposes.

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

272 PASSED and APPROVED by the City Council April 24, 2007.

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William W. Buntten, Mayor

ATTEST:

Brenda Younger, City Clerk