

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

2
3 **ORDINANCE NO. 18859**

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 Improvement Project No. 14115-00, for a
8 traffic signal removal and installation of stop signs and the creation of
9 a cul-de-sac on Central Avenue at the location of North Kansas
10 Avenue and North Gordon Avenue and Central 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 for
14 the use of the City of Topeka certain lands within the City of Topeka for Improvement
15 Project No. 14115-00, and for other public purposes, said lands being described as follows:

16 **Parcel No. 5**

17
18 Owner of Record: Lindemuth, Inc.
19 125 SW Gage Boulevard
20 Topeka, KS 66606

21
22 Contract Purchaser: NONE

23
24 Lienholder of Record: The Kaw Valley State Bank and Trust Company
25 1110 North Kansas Avenue
26 Topeka, KS 66608

27
28 Party in Possession: Auto Medic
29 1001 North Central Avenue
30 Topeka, KS 66608

31
32 Party of Interest: Mini-Mart Express
33 a/k/a Alegra Corporation, L.L.C.
34 1611 SE 29th Street
35 Topeka, KS 66605
36

37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76

PROPERTY TO BE ACQUIRED:

Temporary Easement:

A portion of Lot 1 on Central Avenue in King – Haywood and McFarland's Addition to the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southeast corner of said Lot 1; thence on an assumed bearing of North 72°51'15" West on the South line of Lot 1, 34.26 feet to the point of beginning; thence continuing on North 72°51'15" West on the South line of Lot 1, 42.77 feet; thence North 16°50'49" East, 1.60 feet; thence South 72°42'08" East, 32.37 feet; thence North 2°05'34" East, 72.64 feet; thence South 73°13'20" East on the North line of Lot 1, 25.00 feet; thence South 28°58'04" West, 16.79 feet; thence South 13°39'17" West, 16.79 feet; thence South 2°04'36" East, 19.01 feet; thence South 15°57'04" West, 20.70 feet to the point of beginning.

The above-described property to be acquired contains 1,173 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

This easement expires one (1) year after legal possession through condemnation or ninety (90) days after completion of the construction for which this easement is acquired or whichever comes first.

Permanent Right-of-Way Easement:

A portion of Lot 1 on Central Avenue in King – Haywood and McFarland's Addition to the City of Topeka, Shawnee County, Kansas, described as: Beginning at the Southeast corner of said Lot 1; thence on an assumed bearing of North 00°58'16" West, on the West line of Central Avenue, 75 feet plat, 75.68 feet measured, to the Northeast corner of Lot 1; thence North 73°13'20" West, on the North line of Lot 1, 15.00 feet; thence South 28°58'04" West, 16.79 feet; thence South 13°39'17" West, 16.79 feet; thence South 02°04'36" East, 19.01 feet; thence South 15°57'04" West, 20.70 feet to an intersection with the South line of Lot 1; thence South 72°51'15" East, 34.26 feet to the point of beginning,

The above-described property to be acquired contains 1,905 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

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

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

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

86

87

88

89

90

91

92

93

94

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk