

(Published in the Topeka Metro News May 16, 2007)

ORDINANCE NO. 18875

AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr. amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, by providing for certain changes in zoning on property located on the south side of SW 6th Avenue between SW Governors Lake Road and SW Security Benefit Place the centerline of which is approximately 1,200 feet west of I-70 Highway in the City of Topeka, Kansas from "R-1" Single-Family Dwelling District **TO** "O&I-1" Office and Institutional District. **(Z07/11) (Council District No. 9)**

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

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 48-1.04 of the Code of the City of Topeka, be, and the same is hereby amended, by reclassifying the following described property:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 15 EAST OF THE 6TH P.M., DESCRIBED AS FOLLOWS :

BEGINNING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION; FIRST COURSE, THENCE ON AN ASSUMED BEARING OF SOUTH 01 DEGREE 47 MINUTES 39 SECONDS EAST, 936.67 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION; SECOND COURSE, THENCE NORTH 62 DEGREES 15 MINUTES 51 SECONDS EAST, 465.69 FEET; THIRD COURSE, THENCE NORTH 53 DEGREES 39 MINUTES 51 SECONDS EAST, 568.81 FEET; FOURTH COURSE, THENCE NORTH 42 DEGREES 47 MINUTES 50 SECONDS EAST, 327.63 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE EXISTING HIGHWAY; FIFTH COURSE, THENCE NORTH 02 DEGREES 37 MINUTES 46 SECONDS WEST, 113.46 FEET ALONG SAID RIGHT OF WAY LINE; SIXTH COURSE, THENCE NORTH 86 DEGREES 48 MINUTES 18 SECONDS WEST, 215.93 FEET ALONG SAID RIGHT OF WAY LINE; SEVENTH COURSE, THENCE NORTH 02 DEGREES 07 MINUTES 10 SECONDS WEST, 50.00 FEET ALONG SAID RIGHT OF WAY LINE TO THE NORTH LINE OF SAID QUARTER SECTION; EIGHTH COURSE, THENCE SOUTH 87 DEGREES 52 MINUTES 50 SECONDS WEST. 900.28 FEET ALONG THE NORTH LINE; TO THE POINT OF BEGINNING.

EXCEPT AND RESERVING UNTO THE PARTY OF THE FIRST PART A PERMANENT EASEMENT FOR THE MAINTENANCE OF A CHANNEL CHANGE OVER AND UPON A TRACT OF LAND DESCRIBED AS FOLLOWS :

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE EXISTING HIGHWAY WHICH POINT IS SOUTH 85 DEGREES 35 MINUTES 45 SECONDS WEST, 1,592.42 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER SECTION THE NORTH LINE OF SAID QUARTER SECTION HAVING AN ASSUMED BEARING OF SOUTH 87 DEGREES 53 MINUTES WEST; THENCE NORTH 86 DEGREES 48 MINUTES 33 SECONDS WEST, 50.23 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH 02 DEGREES 18 MINUTES 15 SECONDS EAST, 62.69 FEET; THENCE NORTH 87 DEGREES 41 MINUTES 45 SECONDS EAST, 50.0 FEET; THENCE NORTH 02 DEGREES 18 MINUTES 15 SECONDS WEST, 57.88 FEET TO THE PLACE OF BEGINNING. THE ABOVE DESCRIBED TRACT CONTAINS 14.82 ACRES, MORE OR LESS, EXCLUSIVE OF SAID PERMANENT EASEMENT AND SIXTH STREET. THE DESCRIBED PROPERTY SHALL BE SUBJECT TO RESTRICTIONS SET OUT IN AN AGREEMENT BETWEEN THE MENNINGER FOUNDATION AND THE STATE OF KANSAS

(DEPARTMENT OF TRANSPORTATION) DATED DECEMBER 11, 1991 AND RECORDED IN BOOK 2693, PAGE 587, SHAWNEE COUNTY REGISTER OF DEEDS.

THE PARTY OF THE FIRST PART HEREBY RETAINS ANY AND ALL ABUTTERS' RIGHT OF ACCESS TO SAID HIGHWAY.

THE ABOVE DESCRIBED LAND IS SUBJECT TO EASEMENT FOR THE RIGHT OF INGRESS AND EGRESS, RECONSTRUCTION, AND MAINTENANCE OF ALL EXISTING UTILITIES AND APPURTENANCES THERETO.

from "R-1" Single-Family Dwelling District **TO** "O&I-1 Office and Institutional District.

Section 2. This Ordinance Number shall be fixed upon the "District Map".

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Council of the City of Topeka, May 8, 2007.

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified _____

Not To Be Codified X