

1 (Published in the Topeka Metro News October 17, 2007)

2
3 **ORDINANCE NO. 18971**

4
5 AN ORDINANCE introduced by City Manager Norton N. Bonaparte, Jr., authorizing
6 initiation of condemnation proceedings to acquire property interests
7 for Sewer Improvement Project No. 40936-01 which provides for
8 sanitary sewer service to Horseshoe Bend Subdivision and Street
9 Improvement Project No. 60619-00 which provides for paving
10 certain streets located in Horseshoe Bend Subdivision.

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
14 for the use of the City of Topeka certain lands within the City of Topeka for Sewer
15 Improvement Project No. 40936-01 which provides for sanitary sewer service to
16 Horseshoe Bend Subdivision and Street Improvement Project No. 60619-00 which
17 provides for paving certain streets located in Horseshoe Bend Subdivision, and for other
18 public purposes, said lands being described as follows:

19 A. City of Topeka Sewer Improvement Project No. 40936-01 for the following
20 parcel:

21 **Parcel No. 1**

22
23 Owner of Record: Terry Hummer and Yvonne Hummer
24 4431 NW Green Hills Road
25 Topeka, KS 66618

26
27 Contract Purchaser: NONE

28
29 Lienholder of Record: 1. Heritage Bank
30 3024 SW Wanamaker Road
31 Topeka, KS 66614
32
33 2. Valley View State Bank
34 7500 W 95th Street
35 Overland Park, KS 66212
36
37

38 Party in Possession: Moses Huggins, tenant
39 600 SE 45th Street
40 Topeka, KS 66609
41
42 Party of Interest: 1. Meadowlark Square, L.L.C.
43 Case Nos. 01-C-1309 and 03-C-1351
44 Howard T. Paul, Resident Agent
45 PO Box 5318
46 Topeka, KS 66605
47
48 2. State of Kansas
49 Department of Revenue
50 Case Nos. 06-ST-188, 06-ST-347, 06-ST-1730
51 915 SW Harrison
52 Topeka, KS 66625
53
54 3. Jim Clark Leasing, LC
55 Case No. 06-C-361
56 Keith R. Shore, Resident Agent
57 5600 SW 29th Street
58 Topeka, kS 66614
59
60 4. Capital City Bank
61 Case No. 07-C-1065
62 3710 S Topeka Blvd
63 Topeka, KS 66609
64
65 5. Valley View State Bank
66 Case No. 07-C-442
67 Larry G. McLennon, Resident Agent
68 7500 W 95th Street
69 Overland Park, KS 66212
70
71 6. City of Topeka
72 Code Compliance Division
73 620 SE Madison
74 Topeka, KS 66603
75
76 7. Shawnee County Treasurer
77 Tax Warrant No. 2667
78 Shawnee County Courthouse
79 200 SE 7th Street
80 Topeka, KS 66603
81
82

83 PROPERTY TO BE ACQUIRED:

84

85 **Permanent Easement P-1 (Sanitary Sewer):**

86

87 A portion of the West Half of the Southeast Quarter of Section 19, Township 12
88 South, Range 16 East of the 6th P.M., Shawnee County, Kansas, being a portion
89 of that certain tract described in Deed Recorded December 5, 2002 in Book
90 3739, page 716 in the Official Records of Shawnee County, Kansas described as
91 follows:

92

93 Commencing at the Southeast Corner of the West half of said Southeast Quarter;
94 thence on an assumed Azimuth 358 degrees 18 minutes 47 seconds, coincident
95 with the East line of said West half, 778.11 feet to the Southeast Corner of
96 Horseshoe Bend Subdivision; thence on Azimuth 268 degrees 31 minutes 59
97 seconds, coincident with the South line of said Horseshoe Bend Subdivision,
98 246.75 feet to the point of Beginning; thence on Azimuth 178 degrees 31 minutes
99 59 seconds, perpendicular to said South line, 16.00 feet; thence on Azimuth 268
100 degrees 31 minutes 59 seconds, parallel to said South line, 16.00 feet; thence on
101 Azimuth 358 degrees 31 minutes 59 seconds, perpendicular to said South line,
102 16.00 feet to said South line; thence on Azimuth 88 degrees 31 minutes 59
103 seconds, coincident with said South line, 16.00 feet to the Point of Beginning.

104

105 The above-described property to be acquired contains 256 square feet, more or
106 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
107 record, if any.

108

109 B. City of Topeka Street Improvement Project No. 60619-00 for the following

110 parcel:

111 **Parcel No. 1**

112

113 Owner of Record: Terry Hummer and Yvonne Hummer
114 4431 NW Green Hills Road
115 Topeka, KS 66618

116

117 Contract Purchaser: NONE

118

119 Lienholder of Record: 1. Heritage Bank
120 3024 SW Wanamaker Road
121 Topeka, KS 66614

122

123 2. Valley View State Bank
124 7500 W 95th Street
125 Overland Park, KS 66212

126

127 Party in Possession: Moses Huggins, tenant
128 600 SE 45th Street
129 Topeka, KS 66609
130

131 Party of Interest:

- 132 1. Meadowlark Square, L.L.C.
133 Case Nos. 01-C-1309 and 03-C-1351
134 Howard T. Paul, Resident Agent
135 PO Box 5318
136 Topeka, KS 66605
- 137 2. State of Kansas
138 Department of Revenue
139 Case Nos. 06-ST-188, 06-ST-347, 06-ST-1730
140 915 SW Harrison
141 Topeka, KS 66625
- 142 3. Jim Clark Leasing, LC
143 Case No. 06-C-361
144 Keith R. Shore, Resident Agent
145 5600 SW 29th Street
146 Topeka, kS 66614
- 147 4. Capital City Bank
148 Case No. 07-C-1065
149 3710 S Topeka Blvd
150 Topeka, KS 66609
- 151 5. Valley View State Bank
152 Case No. 07-C-442
153 Larry G. McLennon, Resident Agent
154 7500 W 95th Street
155 Overland Park, KS 66212
- 156 6. City of Topeka
157 Code Compliance Division
158 620 SE Madison
159 Topeka, KS 66603
- 160 7. Shawnee County Treasurer
161 Tax Warrant No. 2667
162 Shawnee County Courthouse
163 200 SE 7th Street
164 Topeka, KS 66603

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171 PROPERTY TO BE ACQUIRED:

172

173 **Temporary Easement No. T-1:**

174

175 A portion of the West Half of the Southeast Quarter of Section 19, Township 12
176 South, Range 16 East of the 6th P.M., in Shawnee County, Kansas, being a
177 portion of that certain tract of land described in deed recorded December 5, 2002
178 in Book 3739, page 716 in the Official Records of Shawnee County, Kansas
179 described as follows:

180

181 Commencing at the Southeast Corner of said West Half of the Southeast Quarter
182 of Section 19; thence on an assumed Azimuth 268 degrees 31 minutes 59
183 seconds, coincident with the South line of said Southeast Quarter, a distance of
184 410.66 feet; thence on Azimuth 358 degrees 18 minutes 47 seconds, a distance
185 of 25.00 feet to the Northerly right of way line of S.E. 45th Street and the Point of
186 Beginning; thence continuing on Azimuth 358 degrees 18 minutes 47 seconds,
187 coincident with the proposed east right of way line of S.E. Quincy Street, a
188 distance of 82.50 feet; thence on Azimuth 152 degrees 21 minutes 12 seconds, a
189 distance of 22.84 ; thence on Azimuth 88 degrees 31 minutes 59 seconds,
190 parallel to said South line of said Southeast Quarter, a distance of 60.00 feet;
191 thence on Azimuth 178 degrees 18 minutes 47 seconds, a distance of 62.00 feet
192 to said Northerly right of way line; thence on Azimuth 268 degrees 31 minutes 59
193 seconds, coincident with said Northerly right of way line, a distance of 70.00 feet
194 to the Point of Beginning.

195

196 The above-described property to be acquired contains 4,442 square feet, more
197 or less, and is subject to all rights-of-way, easements, restrictions, and covenants
198 of record, if any.

199

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

203

204 **Temporary Easement No. T-2:**

205

206 A portion of the West Half of the Southeast Quarter of Section 19, Township 12
207 South, Range 16 East of the 6th P.M., in Shawnee County, Kansas, being a
208 portion of that certain tract of land described in deed recorded December 5, 2002
209 in Book 3739, Page 716 in the Official Records of Shawnee County, Kansas
210 described as follows:

211

212 Commencing at the Southeast Corner of said West Half of the Southeast Quarter
213 of Section 19; thence on an assumed Azimuth 268 degrees 31 minutes 59
214 seconds, coincident with the South line of said Southeast Quarter, a distance of
215 410.66 feet; thence on Azimuth 358 degrees 18 minutes 47 seconds, coincident
216 with the proposed east right of way line of S.E. Quincy Street, a distance of

217 143.60 feet to the Point of Beginning; thence continuing on Azimuth 358 degrees
218 18 minutes 47 seconds, coincident with said proposed east right of way line, a
219 distance of 481.78 feet; thence on Azimuth 343 degrees 32 minutes 14 seconds,
220 coincident with said proposed east right of way line, a distance of 76.80 feet;
221 thence on a tangent curve to the right, having a radius of 295.00 feet, a central
222 angle of 14 degrees 46 minutes 33 seconds, an arc length of 76.08 feet
223 coincident with said proposed east right of way line; thence on Azimuth 358
224 degrees 18 minutes 47 seconds, a distance of 3.34 feet to the South line of
225 Horseshoe Bend Subdivision; thence on Azimuth 88 degrees 31 minutes 59
226 seconds, coincident with said South line, a distance of 10.00 feet; thence on
227 Azimuth 178 degrees 18 minutes 47 seconds, a distance of 3.30 feet; thence on
228 a tangent curve to the left, having a radius of 285.00 feet, a central angle of 14
229 degrees 46 minutes 33 seconds, an arc length of 73.50 feet; thence on Azimuth
230 163 degrees 32 minutes 14 seconds, a distance of 78.10 feet; thence on Azimuth
231 178 degrees 18 minutes 47 seconds, a distance of 476.37 feet; thence on
232 Azimuth 234 degrees 26 minutes 37 seconds, a distance of 12.04 feet to the
233 Point of Beginning.
234

235 The above-described property to be acquired contains 6,346 square feet, more
236 or less, and is subject to all rights-of-way, easements, restrictions, and covenants
237 of record, if any.
238

239 This easement expires one (1) years after legal possession through
240 condemnation or ninety (90) days after completion of the construction for which
241 this easement is acquired or whichever comes first.
242

243 **Permanent Right-Of-Way Easement No. P-1:**
244

245 A portion of the West Half of the Southeast Quarter of Section 19, Township 12
246 South, Range 16 East of the 6th P.M., in Shawnee County, Kansas, being a
247 portion of that certain tract of land described in deed recorded December 5, 2002
248 in Book 3739, Page 716 in the Official Records of Shawnee County, Kansas
249 described as follows:
250

251 Commencing at the Southeast Corner of said West Half of the Southeast Quarter
252 of Section 19; thence on an assumed Azimuth 268 degrees 31 minutes 59
253 seconds, coincident with the South line of said Southeast Quarter, a distance of
254 410.66 feet to the Point of Beginning; thence continuing on Azimuth 268 degrees
255 31 minutes 59 seconds, coincident with the South line of said Southeast Quarter,
256 a distance of 39.34 feet to the Southwest corner of said tract described in Book
257 3739, Page 716; thence on Azimuth 358 degrees 18 minutes 47 seconds,
258 coincident with the West line of said tract described in Book 3739, Page 716,
259 also being the East line of Hilltop Subdivision No. 2 and the existing easterly right
260 of way line of S.E. Quincy Street, a distance of 778.11 feet to the South line of
261 Horseshoe Bend Subdivision, also being the North line of said tract described in
262 Book 3739, Page 716; thence on Azimuth 88 degrees 31 minutes 59 seconds,

263 coincident with said South line, a distance of 10.00 feet; thence on Azimuth 178
264 degrees 18 minutes 47 seconds, parallel to said West line of said tract described
265 in Book 3739, page 716, a distance of 3.34 feet; thence on a tangent curve to the
266 left having a radius of 295.00 feet, a central angle of 14 degrees 46 minutes 33
267 seconds, an arc length of 76.08 feet; thence on Azimuth 163 degrees 32 minutes
268 14 seconds, a distance of 76.80 feet; thence on Azimuth 178 degrees 18 minutes
269 47 seconds, 39.34 feet east of and parallel with the West line of said tract
270 described in Book 3739, Page 716, a distance of 625.38 feet to the Point of
271 Beginning.

272
273 The above-described property to be acquired contains 27,822 square feet, more
274 or less, and is subject to all rights-of-way, easements, restrictions, and covenants
275 of record, if any.

276
277 Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of
278 the Council of the City of Topeka, Kansas shall present a written application to the
279 District Court of Shawnee County, Kansas, for the appointment of appraisers to make
280 the appraisal and assessment required by law when land is taken for public
281 purposes, and said City Attorney shall do all things necessary for the condemnation of
282 said land completing the appropriation of the same for public purposes.

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

285 PASSED and APPROVED by the City Council October 9, 2007.

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289 _____
William W. Buntten, Mayor

290 ATTEST:
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293 _____
294 Brenda Younger, City Clerk
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