

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

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3 **ORDINANCE NO. 18990**

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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 by eminent
7 domain for the City of Topeka Improvement Project No. 70198-01,
8 which provides for the construction of a roundabout at the intersection
9 of SW Urish and SW 21st Street.

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 for
13 the use of the City of Topeka certain lands within the City of Topeka for Improvement
14 Project No. 70198-01, which provides for the construction of a roundabout at the
15 intersection of SW Urish and SW 21st Street and for other public purposes including
16 acquisition of permanent public right-of-way easements, said lands being described as
17 follows:

18 **Parcel No. 1**

19
20 Owner of Record: John Kirk Romary, Trustee
21 John Kirk Romary Living Trust
22 7026 SW 21st St
23 Topeka, KS 66615

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25 Contract Purchaser: NONE

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27 Lienholder of Record: NONE

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29 Party in Possession: Owner of Record

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31 PROPERTY TO BE ACQUIRED:

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33 **Temporary Construction Easement:**

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35 Portions of Tract 7 and 8 in Busby's Subdivision, in Shawnee County, Kansas,
36 described as:
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38 Commencing at the Southeast corner of the Southeast Quarter of Section 6,
39 Township 12 South, Range 15 east of the 6th P.M; thence westerly on the South line
40 of said Southeast Quarter, 1225 feet; thence northerly at a right angle to an
41 intersection with the South line of Tract 8, being the point of beginning; thence
42 continuing northerly normal from the South line of said Southeast Quarter, 10 feet;
43 thence northeasterly to a point 1192 feet west and 55 feet north of the Southeast
44 corner of said Southeast Quarter, measured on and normal from the South line of
45 said quarter section; thence easterly parallel with the South line of said Southeast
46 Quarter, 3 feet; thence southeasterly to a point on the East line of Tract 8 which is
47 40 feet north normal from the South line of said Southeast Quarter; thence easterly
48 on a line which is 40 feet north of the South line of said Southeast Quarter, to a point
49 which is 1100 feet west of the Southeast corner of said quarter section, as
50 measured on and normal from the last said South line; thence easterly to a point on
51 the East line of Tract 7 which is 45.46 feet north normal from the South line of said
52 Southeast Quarter; thence southerly to the Southeast corner of Tract 7; thence
53 westerly on the South lines of Tracts 7 and 8 to the point of beginning.

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55 The above-described property to be acquired contains 3,168 square feet, more or
56 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
57 record, if any.

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

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63 **Parcel No. 2**

64 Owner of Record: Gordon L Spencer
65 6948 SW 21st St
66 Topeka, KS 66615
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68 Contract Purchaser: NONE
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70 Lienholder of Record: NONE
71

- 72 Party in Possession:
- 73 1. Owner of Record
 - 74 2. Oneok, Inc., formerly WAI, Inc.
75 501 SW Gage Blvd
76 Topeka, KS 66606
77
 - 78 3. Doralie K. & Michael J. Johnson
79 2942 SE 69th St
80 Berryton, KS 66409

81 4. Matthew Works
82 1900 SW Medford Avenue
83 Topeka, KS 66604
84

85 Party of Interest: Unpaid judgment through
86 Case No. 02-U-2962
87 Clerk of the District Court
88 Shawnee County Courthouse
89 200 SE 7th Street
90 Topeka, KS 66603
91

92 **PROPERTY TO BE ACQUIRED:**
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94 **Temporary Construction Easement:**
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96 A portion of Tract 6 in Busby's Subdivision, in Shawnee County, Kansas, described
97 as:
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99 Commencing at the Southeast corner of the Southeast Quarter of Section 6,
100 Township 12 South, Range 15 east of the 6th P.M; thence westerly on the South line
101 of said Southeast Quarter, 900 feet; thence northerly at a right angle, 42.5 feet to
102 the point of beginning; thence easterly to a point on the East line of Tract 6 which is
103 51.80 feet north normal from the South line of said Southeast Quarter; thence
104 southerly on the East line of Tract 6 to an intersection with a line which is 42.5 feet
105 north of the South line of said Southeast Quarter; thence westerly to the point of
106 beginning.
107

108 The above-described property to be acquired contains 3,168 square feet, more or
109 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
110 record, if any.
111

112 This easement expires two (2) years after legal possession through condemnation
113 or ninety (90) days after completion of the construction for which this easement is
114 acquired or whichever comes first.
115

116 **Permanent Right-of-Way Easement:**
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118 All of Tract 6 in Busby's Subdivision, in Shawnee County, Kansas, which is south of
119 a line which is 42.5 feet north of the South line of the Southeast Quarter of Section
120 6, Township 12 South, Range 15 east of the 6th P.M.
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122 The above-described property to be acquired contains 2,063 square feet, more or
123 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
124 record, if any.

125 **Parcel No. 3**

126 Owner of Record: Dover 2000, L.L.C.
127 Freeman Glenn, LLC
128 Michael A. Gassen
129 c/o Richard Bassett
130 2858 SW Villa West Dr., Ste 102
131 Topeka, KS 66614
132

133 Contract Purchaser: NONE
134

135 Lienholder of Record: Landmark National Bank
136 6100 SW 21st Street
137 Topeka, KS 66615
138

139 Party in Possession: James Prout
140 6938 SW 21st Street
141 Topeka, KS 66615
142

143 PROPERTY TO BE ACQUIRED:
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145 **Temporary Construction Easement:**
146

147 Portions of Tracts 4 and 5 in Busby's Subdivision, in Shawnee County, Kansas,
148 described as: Commencing at the Southeast corner of Tract 4; thence on an
149 assumed bearing of North 0°08'11" East on the East line of Tract 4, 12.52 feet to the
150 point of beginning; thence South 87°02'39" West on a line which is 12.50 feet north
151 of the South line of Tracts 4 and 5, 321.52 feet to a point on the West line of Tract 5;
152 thence North 0°14'17" West on the West line of Tract 5. 9.31 feet; thence North
153 79°56'09" East, 25.90 feet; thence North 70°53'52" East, 73.68 feet; thence South
154 82°19'21" East, 29.74 feet; thence North 89°54'13" East, 100.12 feet; thence South
155 84°25'15" East, 96.89 feet to a point on the East line of Tract 4; thence South
156 0°08'11" West on the East line of Tract 4, 8.14 feet to the point of beginning.
157

158 The above-described property to be acquired contains 6,741 square feet, more or
159 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
160 record, if any.
161

162 This easement expires two (2) years after legal possession through condemnation
163 or ninety (90) days after completion of the construction for which this easement is
164 acquired or whichever comes first.
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Permanent Right-of-Way Easement:

All of those portions of Tracts 4 and 5 in Busby's Subdivision, in Shawnee County, Kansas, which are south of a line which is 42.5 feet north of the South line of the Southeast Quarter of Section 6, Township 12 South, Range 15 east of the 6th P.M.

The above-described property to be acquired contains 4,009 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Permanent Drainage Easement:

A portion of Tract 5 in Busby's Subdivision, in Shawnee County, Kansas, described as: Commencing at the Southeast corner of Tract 5; thence on an assumed bearing of South 87°02'39" West on the South line of Tract 5, 93.35 feet; thence North 02°57'21" West, 12.50 feet to the point of beginning; thence North 39°27'05" East, 44.68 feet; thence South 50°32'55" East, 30.00 feet; thence South 39°27'05" West, 17.28 feet; thence South 87°02'39" West, 40.63 feet to the point of beginning.

The above-described property to be acquired contains 929 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

Parcel No. 4

Owner of Record:	Ruth Fisher Thomas R. Fisher Robert B. Fisher Peggy M. Baker 6838 SW 21 st St Topeka, KS 66615
Contract Purchaser:	NONE
Lienholder of Record:	NONE
Party in Possession:	Thomas R. Fisher, Owner of Record

205 PROPERTY TO BE ACQUIRED:

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207 **Temporary Construction Easement:**

208

209 A portion of Tract 3 in Busby's Subdivision, in Shawnee County, Kansas, described
210 as: Commencing at the Southeast corner of Tract 3; thence on a n assumed bearing
211 of North 0°19'24"East on the East line of Tract 3, 12.52 to the point of beginning;
212 thence South 87°02'39" West on a line which is 12.50 feet north of the South line of
213 Tract 3, 160.76 feet to a point on the West line of Tract 3; thence North 0°08'11"
214 East on the West line of Tract 3, 8.14 feet; thence South 84°25'15" East, 4.23 feet;
215 thence North 89°54'24" East, 100.16 feet; thence North 87°02'39" East, 56.23 feet to
216 a point on the East line of Tract 3; thence South 0°19'24" West on the East line of
217 Tract 3, 2.50 feet to the point of beginning.

218

219 The above-described property to be acquired contains 675 square feet, more or
220 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
221 record, if any.

222

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

226

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

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229 All of that portion of Tract 3 in Busby's Subdivision, in Shawnee County, Kansas,
230 which is south of a line which is 42.5 feet north of the South line of the Southeast
231 Quarter of Section 6, Township 12 South, Range 15 east of the 6th P.M.

232

233 The above-described property to be acquired contains 2,009 square feet, more or
234 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
235 record, if any.

236

237 **Parcel No. 5**

238

239 Owner of Record: Freeman Glenn, LLC
240 2858 SW Villa West Dr., #102
241 Topeka, KS 66614

242

243 Contract Purchaser: NONE

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245 Lienholder of Record: First National Bank of Missouri
246 609 North M – 291 Highway
247 Lee's Summit, MO 64063

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Party in Possession:

1. Create Hair Studio
2025 SW Urish Rd, Suite 101
Topeka, KS 66615
2. State Farm Insurance
2025 SW Urish Rd, Suite 102
Topeka, KS 66615
3. Sunsations Tanning Salon
2025 SW Urish Rd, Suite 103
Topeka, KS 66615
4. Wine Cellar
2025 SW Urish Rd, Suite 104
Topeka, KS 66615
5. Supper Thyme USA
2025 SW Urish Rd, Suite 105
Topeka, KS 66615
6. Home Connections
2025 SW Urish Rd, Suite 106
Topeka, KS 66615
7. Tailgaters Sports Pub & Grub
2025 SW Urish Rd, Suite 108
Topeka, KS 66615
8. Sherwood Animal Clinic
2025 SW Urish Rd, Suite 109
Topeka, KS 66615
9. 2 Hart's
2025 SW Urish Rd, Suite 110
Topeka, KS 66615

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

A portion of Lot 1, Block 'A' in Urish Center Subdivision, in the City of Topeka, Shawnee County, Kansas, described as: Commencing at the Southwest corner of said Lot 1; thence on an assumed bearing of North 87°02'38" East on the South line

292 of Lot 1, 218.29 feet to the point of beginning; thence North 36°29'18" East, 99.33
293 feet; thence North 0°41'49" East on a line which is 17.50 feet west of the East line of
294 Lot 1, 57.00 feet; thence North 21°44'04" East, 13.93 feet; thence North 32°59'35"
295 West, 18.03 feet; thence North 0°41'49" East, on a line which is 22.50 feet west of
296 the East line of Lot 1, 265.28 feet; thence North 87°02'38" East on the North line of
297 Lot 1, 22.54 feet; thence South 0°41'49" West, on the East line of Lot 1, 349.14 feet;
298 thence South 28°51'26" West, 54.78 feet; thence on a curve concave northwesterly
299 having a radius measure of 88.00 feet and an arc length of 47.00 feet, the chord of
300 which bears South 44°09'27" West, 46.44 feet; thence South 87°02'38" West on the
301 South line of Lot 1, 17.82 feet to the point of beginning;
302

303 AND a portion of said Lot 1 described as: Commencing at the Southwest corner of
304 Lot 1; thence on an assumed bearing of North 87°02'38" East on the South line of
305 Lot 1, 28.29 feet to the point of beginning; thence North 2°57'22" West, 37.50 feet;
306 thence North 87°02'38" East, 40.00 feet; thence South 2°57'22" East, 37.50 feet;
307 thence South 87°02'38" West on the South line of Lot 1, 40.00 feet to the point of
308 beginning.
309

310 The above-described property to be acquired contains 10,699 square feet, more or
311 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
312 record, if any.
313

314 This easement expires two (2) years after legal possession through condemnation
315 or ninety (90) days after completion of the construction for which this easement is
316 acquired or whichever comes first.
317

318 **Permanent Right-of-Way Easement:**
319

320 A portion of Lot 1, Block 'A' in Urish Center Subdivision, in the City of Topeka,
321 Shawnee County, Kansas, described as: Commencing at the Southwest corner of
322 said Lot 1; thence on an assumed bearing of North 87°02'38" East on the South line
323 of Lot 1, 236.16 feet to the point of beginning; thence on a non-tangential curve
324 which is concave northwesterly, having a radius measure of 88.00 feet and an arc
325 length of 47.00 feet, the chord of which bears North 44°09'27" East, 46.44 feet;
326 thence North 28°51'26" East, 54.78 feet; thence South 0°41'49" West on the East
327 line of Lot 1, 25.82 feet; thence South 43°52'13" West on the Southeast line of Lot 1,
328 76.57 feet; thence South 87°02'38" West on the South line of Lot 1, 5.42 feet to the
329 point of beginning.
330

331 The above-described property to be acquired contains 455 square feet, more or
332 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
333 record, if any.
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Parcel No. 6

Owner of Record: Dover 2000 LLC
c/o Richard Bassett
2858 SW Villa West Dr., #103
Topeka, KS 66614

Contract Purchaser: NONE

Lienholder of Record: Landmark National Bank
6100 SW 21st Street
Topeka, KS 66615

- Party in Possession:
1. Vacant Land
 2. Board of County Commissioners
c/o Shawnee County Counselor
200 SE 7th
Topeka, KS 66603

PROPERTY TO BE ACQUIRED:

Temporary Construction Easement:

Portions of Lots 2 and 3 in Block 'A', Urish Center Subdivision in the City of Topeka, Shawnee County, Kansas, described as:

Beginning at the Southwest corner of said Lot 2; thence on an assumed bearing of South 87°02'38" West on the South line of Lot 2, 22.54 feet; thence North 0°41'49" East on a line which is 22.50 feet west of the East line of Lot 2, 24.72 feet; thence North 16°00'08" West, 52.20 feet; thence North 22°29'54" East, 53.85 feet; thence North 10°37'23" East, 101.52 feet; thence South 0°41'49" West on the East lines of Lots 3 and 2, 223.29 feet to the point of beginning;

ALSO: Commencing at the Northeast corner of Lot 3; thence South 0°41'49" West on the East line of Lot 3, 391.52 feet to the point of beginning; thence South 6°24'27" West, 25.12 feet; thence South 5°00'49" East, 25.12 feet; thence North 0°41'49" East on the East line of Lot 3, 50.00 feet to the point of beginning.

The above-described property to be acquired contains 4,353 square feet, more or less, and is subject to all rights-of-way, easements, restrictions, and covenants of record, if any.

378 This easement expires two (2) years after legal possession through condemnation
379 or ninety (90) days after completion of the construction for which this easement is
380 acquired or whichever comes first.
381

382 **Parcel No. 7**

383
384 Owner of Record: Robert and Beverly Steinmeyer
385 1910 SW Urish Road
386 Topeka, KS 66615
387

388 Contract Purchaser: NONE
389

390 Lienholder of Record: NONE
391

392 Party in Possession: Owner of Record
393

394 PROPERTY TO BE ACQUIRED:
395

396 **Temporary Construction Easement:**
397

398 A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of
399 the 6th P.M., in Shawnee County, Kansas, described as:

400 Commencing at the Southwest corner of said Southwest Quarter; thence on an
401 assumed bearing of North 0°43'59" East on the West line of said Southwest Quarter,
402 1102.23 feet; thence North 88°57'46" East, 25.02 feet to the point of beginning;
403 thence North 0°43'59" East, 46.77 feet; thence South 89°16'01" East, 15.00 feet;
404 thence South 0°43'59" West, 46.53 feet; thence South 88°57'46" West, 15.01 feet to
405 the point of beginning.
406

407 The above-described property to be acquired contains 695 square feet, more or
408 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
409 record, if any.
410

411 This easement expires two (2) years after legal possession through condemnation
412 or ninety (90) days after completion of the construction for which this easement is
413 acquired or whichever comes first.
414

415 **Parcel No. 8**

416
417 Owner of Record: Thomas E. Mulligan, Jr.
418 1924 SW Urish Rd
419 Topeka, KS 66614
420

421 Contract Purchaser: NONE
422
423 Lienholder of Record: NONE
424
425 Party in Possession: Owner of Record
426

427 PROPERTY TO BE ACQUIRED:
428

429 **Temporary Construction Easement:**
430

431 A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of
432 the 6th P.M., in Shawnee County, Kansas, described as:

433
434 Commencing at the Southwest corner of said Southwest Quarter; thence on an
435 assumed bearing of North 0°43'59" East on the West line of said Southwest Quarter,
436 752.00 feet; thence North 88°01'18" East, 35.04 feet to the point of beginning;
437 thence North 0°43'59" East, 350.22 feet; thence North 88°57'46" East, 5.00 feet;
438 thence South 0°43'59" West, 103.47 feet; thence South 4°58'39" East, 150.74 feet;
439 thence South 0°43'59" West, 50.00 feet; thence South 3°35'44" West, 45.56 feet;
440 thence South 88°01'18" West, 17.74 feet to the point of beginning.
441

442 The above-described property to be acquired contains 4,260 square feet, more or
443 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
444 record, if any.
445

446 This easement expires two (2) years after legal possession through condemnation
447 or ninety (90) days after completion of the construction for which this easement is
448 acquired or whichever comes first.
449

450 **Permanent Right-of-Way Easement:**
451

452 The West 35 feet of the two following described tracts, less existing right of way:
453 A tract of land in the Southwest Quarter of Section 5, Township 12 South, Range 15
454 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at
455 a point on the West line of said Southwest Quarter, said point being North 00°00'00"
456 East 752 feet north of the Southwest corner of said Southwest Quarter; thence
457 North 0°00'00" East, 214.00 feet; thence North 87°17'19" East, 622.28 feet; thence
458 South 0°00'00" West, 214.00 feet; thence South 87°17'19" West, 622.28 feet to the
459 point of beginning;
460

461 The above-described property to be acquired contains 2,140 square feet, more or
462 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
463 record, if any.

464 AND

465

466 A tract of land in the Southwest Quarter of Section 5, Township 12 South, Range 15
467 east of the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at
468 a point on the West line of said Southwest Quarter, said point being North 00°00'00"
469 East 966.00 feet from the Southwest corner of said Southwest Quarter; thence
470 North 0°00'00" East, 136.23 feet; thence North 88°13'47" East, 621.58 feet; thence
471 South 0°00'00" West, 136.00 feet; thence South 87°17'19" West, 622.28 feet to the
472 point of beginning.

473

474 The above-described property to be acquired contains 1,360 square feet, more or
475 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
476 record, if any.

477

478 The combined above-described property to be acquired contains 3,500 total square
479 feet, more or less, and is subject to all rights-of-way, easements, restrictions, and
480 covenants of record, if any.

481

482 **Parcel No. 9**

483

484 Owner of Record: Terry L. and Lacey V. Schnurr
485 1930 SW Urish Road
486 Topeka, KS 66615

487

488 Contract Purchaser: NONE

489

490 Lienholder of Record: 1. Federal National Mortgage Association
491 c/o Chase Mortgage Company
492 3415 Vision Drive
493 Columbus, OH 43219

494

495 2. Chase Manhattan Bank USA, N.A.
496 200 White Clay Center Drive
497 Newark, DE 19711

498

499 Party in Possession: Owner of Record

500

501 **PROPERTY TO BE ACQUIRED:**

502

503 **Temporary Construction Easement:**

504

505 A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of
506 the 6th P.M., in Shawnee County, Kansas, described as:

507

508 Commencing at the Southwest corner of said Southwest Quarter; thence on an
509 assumed bearing of North 0°43'59" East on the West line of said Southwest Quarter,
510 625.00 feet; thence North 87°54'29" East, 42.55 feet to the point of beginning;
511 thence North 0°43'59" East, 127.00 feet; thence North 87°54'29" East, 10.24 feet;
512 thence South 3°35'49" West, 54.67 feet; thence South 0°43'59" West, 72.53 feet;
513 thence South 87°54'29" West, 7.51 feet to the point of beginning.

514
515 The above-described property to be acquired contains 1,027 square feet, more or
516 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
517 record, if any.

518
519 This easement expires two (2) years after legal possession through condemnation
520 or ninety (90) days after completion of the construction for which this easement is
521 acquired or whichever comes first.

522
523 **Permanent Right-of-Way Easement:**

524
525 The West 42.5 feet of the following described tract, less existing right of way:

526
527 Part of the West Half of the Southwest Quarter of Section 5, Township 12 South,
528 Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows:
529 Beginning 625 feet north of the Southwest corner of said Section 5; thence east 375
530 feet; thence north 127 feet; thence west 375 feet; thence south 127 feet to the point
531 of beginning.

532
533 The above-described property to be acquired contains 2,223 square feet, more or
534 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
535 record, if any.

536
537 **Parcel No. 10**

538
539 Owner of Record: Gamma, LLC
540 6114 SW 21st Terrace
541 Topeka, KS 66615

542
543 Contract Purchaser: NONE

544
545 Lienholder of Record: Kaw Valley Bank
546 1110 N Kansas Avenue
547 Topeka, KS 66608

548
549 Party in Possession: Vacant house
550

551 PROPERTY TO BE ACQUIRED:

552

553 **Temporary Construction Easement:**

554

555 The East 7.5 feet of the West 50 feet of the following described tract:

556

557 Part of the West Half of the Southwest Quarter of Section 5, Township 12 South,
558 Range 15 east of the 6th P.M., described as follows: Beginning at a point 515 feet
559 north of the Southwest corner of said Section 5; thence east 375 feet; thence north
560 110 feet; thence west 375 feet; thence south 110 feet to the place of beginning, in
561 Shawnee County, Kansas.

562

563 The above-described property to be acquired contains 825 square feet, more or
564 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
565 record, if any.

566

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

570

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

572

573 The West 42.5 feet of the following described tract, less existing right of way:

574

575 Part of the West Half of the Southwest Quarter of Section 5, Township 12 South,
576 Range 15 east of the 6th P.M., described as follows: Beginning at a point 515 feet
577 north of the Southwest corner of said Section 5; thence east 375 feet; thence north
578 110 feet; thence west 375 feet; thence south 110 feet to the place of beginning, in
579 Shawnee County, Kansas.

580

581 The above-described property to be acquired contains 1,925 square feet, more or
582 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
583 record, if any.

584

585 **Parcel No. 11**

586

587 Owner of Record: Ina Mae and Wilbur E. Levering
588 Co-Trustees of Ina Mae Levering Trust
589 2018 SW Urish Road
590 Topeka, KS 66615

591

592 Contract Purchaser: NONE

593

594 Lienholder of Record: NONE

595
596 Party in Possession: Owner of Record
597

598 PROPERTY TO BE ACQUIRED:
599

600 **Temporary Construction Easement:**
601

602 The East 7.5 feet of the West 50 feet of the following described tract:
603

604 Part of the West Half of the Southwest Quarter of Section 5, Township 12 South,
605 Range 15 east of the 6th P.M., described as follows: Beginning at a point 440 feet
606 north of the Southwest corner of said Section 5; thence east 375 feet; thence north
607 75 feet; thence west 375 feet; thence south along the West line of said Section 5, to
608 the place of beginning, in Shawnee County, Kansas.
609

610 The above-described property to be acquired contains 563 square feet, more or
611 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
612 record, if any.
613

614 This easement expires two (2) years after legal possession through condemnation
615 or ninety (90) days after completion of the construction for which this easement is
616 acquired or whichever comes first.
617

618 **Permanent Right-of-Way Easement:**
619

620 The West 42.5 feet of the following described tract, less existing right of way:
621

622 Part of the West Half of the Southwest Quarter of Section 5, Township 12 South,
623 Range 15 east of the 6th P.M., described as follows: Beginning at a point 440 feet
624 north of the Southwest corner of said Section 5; thence east 375 feet; thence north
625 75 feet; thence west 375 feet; thence south along the West line of said Section 5, to
626 the place of beginning, in Shawnee County, Kansas.
627

628 The above-described property to be acquired contains 1,313 square feet, more or
629 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
630 record, if any.
631

632 **Parcel No. 12**
633

634 Owner of Record: Genevieve M. Beseau
635 2024 SW Urish Rd
636 Topeka, KS 66614
637

638 Contract Purchaser: NONE

639 Lienholder of Record: NONE
640
641 Party in Possession: Owner of Record
642

643 PROPERTY TO BE ACQUIRED:
644

645 **Temporary Construction Easement:**
646

647 The East 7.5 feet of the West 50 feet of the following described tract:
648

649 Part of the West Half of the Southwest Quarter of Section 5, Township 12 South,
650 Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows:
651 Beginning at a point on the West line of Southwest Quarter of Section 5, Township
652 12 South, Range 15, 284 feet north of the Southwest corner of said Southwest
653 Quarter; thence east 375 feet; thence north 156 feet; thence west 375 feet; thence
654 south 156 feet along the West line of said Section to the place of beginning.
655

656 The above-described property to be acquired contains 1,170 square feet, more or
657 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
658 record, if any.
659

660 This easement expires two (2) years after legal possession through condemnation
661 or ninety (90) days after completion of the construction for which this easement is
662 acquired or whichever comes first.
663

664 **Permanent Right-of-Way Easement:**
665

666 The West 42.5 feet of the following described tract, less existing right of way:
667

668 Part of the West Half of the Southwest Quarter of Section 5, Township 12 South,
669 Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as follows:
670 Beginning at a point on the West line of Southwest Quarter of Section 5, Township
671 12 South, Range 15, 284 feet north of the Southwest corner of said Southwest
672 Quarter; thence east 375 feet; thence north 156 feet; thence west 375 feet; thence
673 south 156 feet along the West line of said Section to the place of beginning.
674

675 The above-described property to be acquired contains 2,730 square feet, more or
676 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
677 record, if any.
678

679 **Parcel No. 13**

680

681 Owner of Record: Gamma, LLC
682 6114 SW 21st Terrace
683 Topeka, KS 66615

684

685 Contract Purchaser: NONE

686

687 Lienholder of Record: The Kaw Valley State Bank and Trust Company
688 1110 N Kansas Avenue
689 Topeka, KS 66608

690

691 Party in Possession: Mr. and Mrs. Troy Smith
692 6748 SW 21st St
693 Topeka, KS 66615

694

695 PROPERTY TO BE ACQUIRED:

696

697 **Temporary Construction Easement:**

698

699 A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of
700 the 6th P.M., in Shawnee County, Kansas, described as follows: Beginning at the
701 Southwest corner of the West Half of said Southwest Quarter; thence north 284 feet;
702 thence east 195 feet; thence south 284 feet to the South line of said Southwest
703 Quarter; thence west 195 feet to the point of beginning.

704

705 LESS: Existing right of way;

706

707 ALSO LESS: Right of way and permanent utility easement to be acquired for City of
708 Topeka Trafficway Project 70198-01 on Parcel 13.

709

710 The above-described property to be acquired contains 33,159 square feet, more or
711 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
712 record, if any.

713

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

717

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

719

720 A tract in the West Half of the Southwest Quarter of Section 5, Township 12 South,
721 Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as: Beginning
722 at the Southwest corner of said West Half; thence on an assumed bearing of North

723 0°43'59" East, on the West line of said West Half, 284 feet; thence North 87°54'29"
724 East, 42.55 feet; thence South 0°43'59" West on a line which is 42.5 feet east of the
725 West line of said West Half, 132.75 feet; thence southeasterly on a curve concave
726 northeasterly, having a radius measure of 88.00 feet and an arc length of 99.25 feet,
727 the chord of which bears South 31°34'35" East, 94.07 feet; thence South 63°53'09"
728 East, 36.83 feet; thence southeasterly on a curve concave northeasterly, having a
729 radius measure of 78.00 feet and an arc length of 38.40 feet, the chord of which
730 bears South 78°00'41" East, 38.09 feet; thence North 87°54'29" East on a line which
731 is 42.5 feet north of the South line of said West Half, 31.46 feet; thence South
732 0°43'59" West, 42.55 feet; thence South 87°54'29" West on the South line of said
733 West Half, 195 feet to the point of beginning; LESS: Existing right of way.

734
735 The above-described property to be acquired contains 9,597 square feet, more or
736 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
737 record, if any.

738
739 **Permanent Storm Sewer Easement:**

740
741 A tract in the West Half of the Southwest Quarter of Section 5, Township 12 South,
742 Range 15 east of the 6th P.M., in Shawnee County, Kansas, described as:
743 Commencing at the Southwest corner of said West Half; thence on an assumed
744 bearing of North 0°43'59" East, on the West line of said West Half, 160.02 feet;
745 thence South 89°16'01" East, 42.50 feet to the point of beginning; thence South
746 0°43'59" West on a line which is 42.5 feet east of the West line of said West Half,
747 6.78 feet; thence southeasterly on a curve concave northeasterly, having a radius
748 measure of 88.00 feet and an arc length of 66.73 feet, the chord of which bears
749 South 20°59'28" East, 65.14 feet; thence North 19°00'26" West, 71.39 feet to the
750 point of beginning.

751
752 The above-described property to be acquired contains 354 square feet, more or
753 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
754 record, if any.

755
756 **Parcel No. 14**

757
758 Owner of Record: Richard W. and Anita Nelson Urish
759 6742 SW 21st St
760 Topeka, KS 66615

761
762 Contract Purchaser: NONE

763
764 Lienholder of Record: NONE

765

766 Party in Possession: Owner of Record

767

768 PROPERTY TO BE ACQUIRED:

769

770 **Temporary Construction Easement:**

771

772 The North 37.5 feet of the South 80 feet of the following described tract:

773

774 Part of the West Half of the Southwest Quarter of Section 5, Township 12 South,
775 Range 15 east of the 6th P.M., described as follows: Beginning at a point on the
776 South line of Southwest Quarter of Section 5, Township 12 South, Range 15, 195
777 feet east of the Southwest corner of said Southwest Quarter; thence north parallel
778 with the West line of said quarter section 284 feet; thence east 142.43 feet; thence
779 south 284 feet to South line of said quarter section; thence west 142.43 feet to the
780 place of beginning.

781

782 The above-described property to be acquired contains 5,341 square feet, more or
783 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
784 record, if any.

785

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

789

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

791

792 The South 42.5 feet of the following described tract, less existing right of way:

793

794 Part of the West Half of the Southwest Quarter of Section 5, Township 12 South,
795 Range 15 east of the 6th P.M., described as follows: Beginning at a point on the
796 South line of Southwest Quarter of Section 5, Township 12 South, Range 15, 195
797 feet east of the Southwest corner of said Southwest Quarter; thence north parallel
798 with the West line of said quarter section 284 feet; thence east 142.43 feet; thence
799 south 284 feet to South line of said quarter section; thence west 142.43 feet to the
800 place of beginning.

801

802 The above-described property to be acquired contains 1,780 square feet, more or
803 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
804 record, if any.

805

806 **Parcel No. 15**

807

808 Owner of Record: Brian Treadwell
809 6740 SW 21st St
810 Topeka, KS 66615

811

812 Contract Purchaser: NONE

813

814 Lienholder of Record: Mortgage Electronic Registration Systems, Inc.
815 (MERS) as nominee for Countrywide Home Loans, Inc.
816 4500 Park Garden
817 MSN# SVB-314
818 Calabasa, CA 91302-1613

819

820 Party in Possession: Owner of Record

821

822 PROPERTY TO BE ACQUIRED:

823

824 **Temporary Construction Easement:**

825

826 A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of
827 the 6th P.M., in Shawnee County, Kansas, described as: Commencing at the
828 Southwest corner of said Southwest Quarter; thence on an assumed bearing of
829 North 87°54'29" East on the South line of said Southwest Quarter, 337.43 feet;
830 thence North 0°43'59" East, 42.55 feet to the point of beginning; thence continuing
831 on North 0°43'59" East, 7.51 feet; thence North 87°54'29" East, 60.10 feet; thence
832 South 89°13'46" East, 82.22 feet; thence South 0°43'59" West, 3.40 feet; thence
833 South 87°54'29" West, 142.425 feet to the point of beginning.

834

835 The above-described property to be acquired contains 899 square feet, more or
836 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
837 record, if any.

838

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

842

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

844

845 The South 42.5 feet of the following described tract, less existing right of way:

846

847 Part of the Southwest Quarter of Section 5, Township 12 South, Range 15 east of
848 the 6th P.M., Shawnee County, Kansas, described as follows: Beginning at a point

849 on the South line which is 337.43 feet east of the Southwest corner of said quarter
850 section; thence north parallel with the West line of said quarter section 284 feet;
851 thence east 142.425 feet; thence south 284 feet to South line of said quarter
852 section; thence west 142.425 feet to the place of beginning.

853
854 The above-described property to be acquired contains 1,780 square feet, more or
855 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
856 record, if any.

857
858 **Parcel No. 16**

859
860 Owner of Record: E. H. Carter a/k/a E. H. Carter, Trustee
861 E. H. Carter, Jr. Revocable Living Trust
862 3831 SW Cambridge Terrace
863 Topeka, KS 66610

864
865 Contract Purchaser: NONE

866
867 Lienholder of Record: Community National Bank
868 5431 SW 29th
869 Topeka, KS 66614

870
871 Party in Possession: Stacey Robinson
872 6728 SW 21st St
873 Topeka, KS 66615

874
875 **PROPERTY TO BE ACQUIRED:**

876
877 **Temporary Construction Easement:**

878
879 A tract in the Southwest Quarter of Section 5, Township 12 South, Range 15 east of
880 the 6th P.M., in Shawnee County, Kansas, described as: Commencing at the
881 Southwest corner of said Southwest Quarter; thence on an assumed bearing of
882 North 87°54'29" East on the South line of said Southwest Quarter, 479.855 feet;
883 thence North 0°43'59" East, 42.55 feet to the point of beginning; thence continuing
884 on North 0°43'59" East, 3.40 feet; thence South 89°13'46" East, 67.97 feet; thence
885 South 87°54'29" West, 68.05 feet to the point of beginning.

886
887 The above-described property to be acquired contains 116 square feet, more or
888 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
889 record, if any.

890

891 This easement expires two (2) years after legal possession through condemnation
892 or ninety (90) days after completion of the construction for which this easement is
893 acquired or whichever comes first.
894

895 **Permanent Right-of-Way Easement:**
896

897 The South 42.5 feet of the following described tract, less existing right of way:
898

899 Part of the West Half of the Southwest Quarter of Section 5, Township 12 South,
900 Range 15 east of the 6th P.M., Shawnee County, Kansas, described as follows:
901 Beginning at a point on the South line of said Southwest Quarter, 479.855 feet east
902 of the Southwest corner of said quarter section; thence north, parallel with the West
903 line of said quarter section 284 feet; thence east, 142.425 feet; thence south, 284
904 feet to said South line; thence west, 142.425 feet to place of beginning.
905

906 The above-described property to be acquired contains 1,780 square feet, more or
907 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
908 record, if any.
909

910 **Parcel No. 19**
911

912 Owner of Record: Silver Lake Bank
913 2100 SW Urish Road
914 Topeka, KS 66614
915

916 Contract Purchaser: NONE
917

918 Lienholder of Record: NONE
919

920 Party in Possession: Vacant land
921

922 PROPERTY TO BE ACQUIRED:
923

924 **Temporary Construction Easement:**
925

926 A portion of Lot 2, Block 'A' in Brookfield West Subdivision No. 6, in the City of
927 Topeka, Shawnee County, Kansas, described as: Beginning at the Northeast corner
928 of said Lot 2; thence on an assumed bearing of South 87°54'29" West on the North
929 line of Lot 2, 94.44 feet; thence South 75°23'33" East, 98.60 feet; thence North
930 2°05'31" East on the East line of Lot 2, 28.33 feet to the point of beginning.
931

932 ALSO:
933

934 The South 89.44 feet of the West 10 feet of Lot 3, Block 'A' in Brookfield West
935 Subdivision No. 6, in the City of Topeka, Shawnee County, Kansas.

936
937 The above-described property to be acquired contains 2,232 total square feet, more
938 or less, and is subject to all rights-of-way, easements, restrictions, and covenants of
939 record, if any.

940
941 This easement expires two (2) years after legal possession through condemnation
942 or ninety (90) days after completion of the construction for which this easement is
943 acquired or whichever comes first.

944
945 **Parcel No. 20**

946
947 Owner of Record: Silver Lake Bank
948 2100 SW Urish Road
949 Topeka, KS 66614

950
951 Contract Purchaser: NONE

952
953 Lienholder of Record: NONE

954
955 Party in Possession: Owner of Record

956
957 PROPERTY TO BE ACQUIRED:

958
959 **Temporary Construction Easement:**

960
961 A portion of Lot 1, Block 'A' in Brookfield West Subdivision No. 6, in the City of
962 Topeka, Shawnee County, Kansas, described as:

963
964 Beginning at the Southwest corner of said Lot 1; thence on an assumed bearing of
965 North 1°26'43" West on the West line of Lot 1, 156.84 feet; thence northeasterly on
966 a curve which is concave southeasterly, having a radius measure of 88.00 feet and
967 an arc length of 51.61 feet, the chord of which bears North 43°30'40" East, 50.87
968 feet; thence South 87°54'29" West on the North line of Lot 1, 5.52 feet; thence South
969 43°14'00" West on the Northwest line of Lot 1, 73.96 feet; thence South 1°26'43"
970 East on the West line of Lot 1, 23.66 feet to the point of beginning;

971
972 The above-described property to be acquired contains 3,438 square feet, more or
973 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
974 record, if any.

975

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

979
980 **Permanent Right-of-Way Easement:**

981
982 Two portions of Lot 1, Block 'A' in Brookfield West Subdivision No. 6, in the City of
983 Topeka, Shawnee County, Kansas, described as:

984
985 Commencing at the Southwest corner of said Lot 1; thence on an assumed bearing
986 of North 1°26'43" West on the West line of Lot 1, 156.84 feet to the point of
987 beginning; thence continuing on North 1°26'43" West on the West line of Lot 1,
988 23.66 feet; thence North 43°14'00" East on the Northwest line of Lot 1, 52.04 feet;
989 thence southwesterly on a curve which is concave southeasterly, having a radius
990 measure of 88.00 feet and an arc length of 25.38 feet, the chord of which bears
991 South 34°58'19" West, 25.29 feet to the point of beginning;

992
993 ALSO:

994
995 Commencing at the Southwest corner of said Lot 1; thence on an assumed bearing
996 of North 1°26'43" West on the West line of Lot 1, 180.50 feet; thence North
997 43°14'00" East on the Northwest line of Lot 1, 52.04 feet to the point of beginning;
998 thence continuing on North 43°14'00" East on the Northwest line of Lot 1, 21.92 feet;
999 thence North 87°54'29" East on the North line of Lot 1, 5.52 feet; thence
1000 southwesterly on a curve which is concave southeasterly, having a radius measure
1001 of 88.00 feet and an arc length of 26.23 feet, the chord of which bears South
1002 51°46'21" West, 26.13 feet to the point of beginning.

1003
1004 The above-described property to be acquired contains 360 total square feet, more or
1005 less, and is subject to all rights-of-way, easements, restrictions, and covenants of
1006 record, if any.

1007
1008 Section 2. That the City Attorney of the City of Topeka, Kansas, on behalf of the
1009 Council of the City of Topeka, Kansas shall present a written application to the District Court
1010 of Shawnee County, Kansas, for the appointment of appraisers to make the appraisalment
1011 and assessment required by law when land is taken for public purposes, and said City
1012 Attorney shall do all things necessary for the condemnation of said land completing the
1013 appropriation of the same for public purposes.

1014 Section 3. This Ordinance shall take effect and be in force from and after its
1015 passage, approval and publication in the official city newspaper.

1016 PASSED and APPROVED by the City Council November 13, 2007.

1017

1018

1019

1020

1021

1022

1023

1024

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk