

BEFORE THE ADMINISTRATIVE HEARING OFFICER
CITY OF TOPEKA

**In the matter of White Lakes Mall, 3600 S.W. Topeka Blvd.
Case No. 20-09406**

Administrative Hearing Order

This matter comes before the Administrative Hearing Officer on June 2, 2021 for hearing on the issue of whether the White Lakes Mall structure is so deteriorated or dilapidated or is so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy. The property's legal description is noted on Exhibit A which is attached herein and incorporated by reference. The property is owned by KDL, Inc. The Code Official appears in person. Other appearances include: Mary Feighny, Deputy City Attorney for the City of Topeka.

The Administrative Hearing Officer considered the following evidence:

Admitted:

 X The documents and photographs produced by the Code Official identified as Exhibits A – I are admitted into evidence.

_____ Additional documents admitted into evidence include:

The Administrative Hearing Officer finds:

- X That the complaint was served in accordance with TMC 8.75.030;
- X That the structure known as the White Lakes Mall is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy such that the cost to repair the structure is unreasonable.

The Administrative Hearing Officer orders KDL, Inc. to:

 X Demolition. Demolish and remove the White Lakes Mall structure within 30 days from the date of this order. The owner shall remove the foundation, all trash, rubbish, junk and debris and level the site to grade by filling in the excavation remaining on the property, in such manner as to eliminate all potential danger to the public health, safety or welfare arising from such excavation. KDL, Inc. shall retain the services of a licensed demolition contractor to demolish the structure. If KDL, Inc. fails to demolish, remove all debris and level the site within the required time, the City may take the required action and assess the costs against KDL, Inc. Failure to pay the costs may result in a special assessment being placed on the property pursuant to TMC 8.75.060.

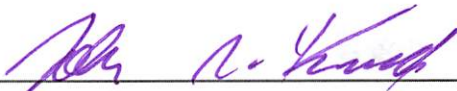
 X Transfer of ownership. If the owner transfers ownership, the owner shall provide to the transferee a copy of this Order and shall provide to the Code Official a signed and notarized statement from the transferee acknowledging receipt of the Order and accepting responsibility for demolishing the structure in accordance with the Order.

_____ Other:

 X **THIS IS A FINAL ORDER**

This order may be appealed pursuant to K.S.A. 60-2101(d) and amendments thereto by an aggrieved party by: (1) filing a notice of appeal with the Code Official within 30 days of the entry of this order, and (2) filing with the clerk of the district court for the Third Judicial District, 200 SE 7th St., Topeka, Kansas copies of all pertinent proceedings associated with this action prepared by the Code Official, at the aggrieved party's request. This order is not stayed except by Court Order. Filing a notice of appeal alone does not stay the order.

IT IS SO ORDERED

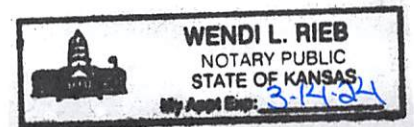


John J. Knoll
ADMINISTRATIVE HEARING OFFICER

State of Kansas
County of Shawnee

Signed or attested to before me on the 2nd day of June, 2021.

Notary Public 



Expiration Date: 3/14/24

Exhibit A

White Lakes Shopping Center (Main Building)

A tract of land in the Southwest Quarter of Section 18, Township 12 South, Range 16 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas, described as follows: COMMENCING at the Northwest corner of said Quarter Section; thence on an assumed bearing of North 87 degrees 55 minutes 03 seconds East, 71.60 feet along the North line of said Quarter Section to the Easterly right of way line of existing Topeka Boulevard; thence South 01 degree 17 minutes 52 seconds East 1646.00 feet along said right of way line to the Northwest corner of a tract of land described in "Tract 2" in a deed recorded in Book 4745, Page 70 in the Register of Deeds Office, Shawnee County, Kansas; thence North 88 degrees 42 minutes 08 seconds East, 347.25 feet along the North line of said tract of land to the **POINT OF BEGINNING**; thence South 01 degree 17 minutes 52 seconds East 700.00 feet; thence North 88 degrees 42 minutes 08 seconds East 525.00 feet; thence North 01 degree 17 minutes 52 seconds West 700.00 feet to said North line of said tract of land; thence South 88 degrees 42

minutes 08 seconds West 30.80 feet along said North line to the South line of a tract of land described in the first exception of "Tract 3" in said deed recorded in Book 4745, Page 70; thence North 01 degree 17 minutes 21 seconds West 15.58 feet along said South line; thence South 88 degrees 40 minutes 35 seconds West 23.11 feet along said South line; thence continuing South 88 degrees 40 minutes 35 seconds West 116.42 feet along said South line; thence South 01 degree 19 minutes 25 seconds East 5.42 feet along said South line; thence South 88 degrees 43 minutes 22 seconds West 29.28 feet along said South line; thence North 80 degrees 54 minutes 28 seconds West 16.54 feet along said South line; thence South 88 degrees 46 minutes 11 seconds West 40.85 feet along said South line; thence South 78 degrees 42 minutes 24 seconds West 17.27 feet along said South line; thence South 88 degrees 56 minutes 42 seconds West 28.92 feet along said South line; thence North 01 degree 19 minutes 25 seconds West 5.20 feet along said South line; thence South 88 degrees 40 minutes 35 seconds West 147.35 feet along said South line; thence continuing South 88 degrees 40 minutes 35 seconds West 14.99 feet along said South line; thence South 01 degree 07 minutes 59 seconds East 15.39 feet along said South line to the said North line of said tract of land; thence South 88 degrees 42 minutes 08 seconds West 59.96 feet along said North line to the POINT OF BEGINNING. The above described tract contains 8.58 acres (373,687 square feet), more or less.

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on June 3, 2021, a true and correct copy of the above and foregoing Order was deposited in the U.S. mail, by both certified and regular mail, and addressed to the owner(s) below:

NAME(S):

Certified & Regular Mail to:

KDL INC

PO BOX 67028

TOPEKA KS 66667-0028

Certified Mail #: 7190 1716 7500 0136 4688

Regular Mail:

KENT LINDEMUTH, RESIDENT AGENT

KDL, INC

4350 NW GREEN HILLS PLACE

TOPEKA KS 66618

JIM LLOYD, POA FOR KDL INC

LLOYD & MACLAUGHLIN

619 WEST 61ST TERRACE

KANSAS CITY MO 64413

EMAIL: jblloyd@lloydandmaclaughlin.com

EXCHANGE BANK, SUCCESSOR IN INTEREST TO

FIRST NATIONAL BANK & TRUST COMPANY

PO BOX 348

JUNCTION CITY KS 66441-0348



PMU Staff Member