



12176

INTERLOCAL AGREEMENT BETWEEN DOUGLAS COUNTY, KANSAS  
AND THE CITY OF LAWRENCE, KANSAS

THIS AGREEMENT, made and entered into this 13th day of December, 1988, by and between the COUNTY OF DOUGLAS COUNTY, KANSAS (hereinafter referred to as "County") and the CITY OF LAWRENCE, KANSAS, a municipal corporation (hereinafter referred to as "City").

WHEREAS, the County and the City have jointly funded engineering and environmental impact studies of the proposed South Lawrence Trafficway, a limited access highway facility designed to serve both through and local traffic movement objectives and relieve traffic congestion within the City of Lawrence; and

WHEREAS, by joint resolution in 1986 the County and City accepted the basic alignment of the Trafficway and have prepared draft and final environmental impact statements for the Trafficway; and

WHEREAS, the U.S. Congress approved \$7.2 million in federal funding for the Trafficway project over a five year period; and

WHEREAS, the Kansas Turnpike Authority has entered into an agreement with the County and City to construct a new turnpike interchange at the western terminus of the Trafficway; and

WHEREAS, as a result of all these factors the County and City governing bodies deem it advisable to reaffirm their joint financial commitment to construction of the South Lawrence Trafficway, to adopt certain policies limiting access to the Trafficway and regulating the development of the Trafficway route, to provide for parallel development of Sixth Street to ensure adequate access to the Lawrence Central Business District; and to address other policy issues relevant to the construction of the South Lawrence Trafficway including access to the Lawrence Central Business District from the East and West.

WHEREAS, in 1987 the County and City adopted a joint resolution for such purpose, and in Section 10 of such resolution the County and City agreed to adopt an interlocal agreement pursuant to K.S.A. 12-2901 et seq., and amendments thereto, containing either in total or by reference the body of the joint resolution.

WHEREAS, K.S.A. 12-2901 et seq., and amendments thereto, entitled the Interlocal Cooperation Act, authorizes the parties hereto to cooperate in financing, planning, and constructing the South Lawrence Trafficway.

NOW, THEREFORE, in mutual consideration of the terms and conditions hereinafter set forth, the County and City agree to be bound as follows:

Section 1. Joint Commitment to Construction of Trafficway; County and City Funding. (a) The County and City hereby reaffirm their joint commitment to and agree to cooperate in the planning, financing and construction of the approximately 14 mile limited-access South Lawrence Trafficway located in Lawrence and Douglas County, Kansas. Such Trafficway shall serve the multiple purposes outlined in the engineering, planning and environmental studies completed on the project to date.

(b) The County and City agree to proceed with all reasonable speed to complete and jointly fund on a 50% County, 50% City basis all additional environmental, engineering and planning studies undertaken after September 1, 1987 that are necessary for the completion of the South Lawrence Trafficway and to ensure the policies identified in subsequent sections of this Agreement are advanced. As provided in Joint Resolution No. 86-20 and No. 4948, all such costs prior to September 1, 1987 shall be allocated on a two-thirds (2/3) County and one-third (1/3) City basis.

(c) The County and City reaffirm their respective commitments to provide \$4 million each for a total of \$8 million in local

7. Intersection with Township Road 19 and future 15th street extension.
8. Intersection with Clinton State Park road.
12. Eastern intersection with Clinton Parkway, including access for a new frontage road.
13. Intersection with Wakarusa Drive.
14. Intersection with Kasold.
15. Intersection with U.S. 59.
16. Intersection with Louisiana St.
17. Access for Wakarusa Fire Dept.
18. Intersection with Haskell Ave. (County Route 1055).
21. Intersection with Township Road 26-A.
23. Eastern terminus of Trafficway and intersection with K-10 and County Route 442.

(c) The County and City agree that any right of access, which the owners of property adjoining the South Lawrence Trafficway might otherwise have, shall be acquired by the County and City as part of the right-of-way for the said Trafficway in order to preclude any future claim of right of access by such owners

### Section 3. Procedures to Discourage Additional Access Points.

The County and City agree in principle to observe the following extraordinary procedures for consideration of the addition of access points to the Trafficway in addition to those identified in Section 2 of this Agreement. The County and City agree to consider the adoption of a home rule resolution and home rule ordinance, respectively, containing the following procedures:

(a) Initiation of Process. A proposal to study and consider additional access along the South Lawrence Trafficway shall only be initiated by the affirmative vote of all three County Commissioners (or four of five County Commissioners if the size of the Commission is increased in future years) and four (4) of five (5) of the City Commissioners.

(b) Required Studies. (i) A special traffic engineering

funding for the Trafficway project.

(d) The County and City agree that the County shall continue to administer all contracts for engineering and other studies, all construction contracts, and all other matters connected with this Agreement in close consultation with the City; provided, however, that within the limits of federal and state law, the County and City agree that within their respective jurisdictions each party shall acquire and hold title to real estate and any other interests in real property that shall be required for the Trafficway project under the terms of this Agreement.

Section 2. Access to Trafficway; Identification of Specific Access Points. (a) The County and City agree that in order for the Trafficway to serve effectively as a high speed roadway that access should be limited to only those points necessary to provide (1) public access, and (2) private access to landowners with existing access when no other reasonable alternative exists. Further, the County and City agree it is essential that extraordinary procedures be adopted at the local level to ensure future local governing bodies do not grant additional access points without extraordinary justification and public scrutiny.

(b) The County and City agree that the fifteen (15) access points listed below should be included in the preliminary and final engineering design of the South Lawrence Trafficway. All references are to the access points contained and numbered on the map attached hereto and labelled Attachment A. The approved access points are as follows:

TRAFFICWAY ACCESS POINTS

1. Western terminus of Trafficway and intersection with County Route 438.
2. Intersection with Kansas Turnpike and Access for Turnpike Interchange.
3. Intersection with Township Road 64 1/2.
5. Intersection with U.S. 40.

study of the need for and impact of additional access shall be prepared by a private engineering firm selected by the County or City, depending upon the jurisdiction of the location of the proposed access point; and (ii) A special impact study shall be prepared by a consultant selected by the County or City, depending upon the jurisdiction of the location of the access point, assessing the land use development, economic, environmental and social consequences of additional access.

(c) Planning Commission Review. (i) Notice shall be given by publication notice in the official County and City newspaper at least fifteen (15) days before a public hearing on the proposed access by the Planning Commission; (ii) The Planning Commission shall conduct a public hearing on the proposal at which time it shall review the traffic engineering and impact studies and consider the comments on the proposal by the applicant, County and City staff, and the public. The public shall be allowed to submit written comments on the proposal up to fifteen (15) days after completion of the hearing; and (iii) The Planning Commission shall issue a formal report to the County and City Commissions on the proposal, containing findings and a recommendation for action. An affirmative recommendation by the Planning Commission shall require a super-majority vote of no less than eight (8) of the ten (10) Planning Commissioners.

(d) Consideration by County and City Commissions. (i) Notice shall be given by publication notice in the official County and City newspaper at least fifteen (15) days before a public hearing on the proposed access at a joint meeting of the County and City Commissions; (ii) The County and City Commissions shall hold a joint hearing on the proposal at which time the Commissions shall consider the recommendation of the Planning Commission, the traffic engineering and impact studies, and comments by the applicant, County and City staff, and the public; (iii) The County and City Commissions shall conduct individual public hearings on the pro-

posed access; (iv) Approval of the access may only be given by unanimous vote of the County Commission and City Commission.

(e) Assessment of Costs. The applicant, if other than the County or City, shall pay all costs incurred by the County and City for hearing notices, the traffic engineering and impact studies, and all engineering and construction expenses connected with the planning and construction of any additional access point on the Trafficway.

(f) State Required Changes. The process for consideration and approval or disapproval of additional access points along the South Lawrence Trafficway shall be that contained in this section, except as may be required by the state or federal transportation agencies.

Section 4. Additional Intersection Improvements; Purchase of Necessary Right-of-Way. (a) The County and City agree that the Trafficway should be planned to encourage and allow full use of the maximum driving speed of 55 miles per hour. In order to further this goal, the access points and intersections identified in Section 2 should be planned and, where necessary, significantly improved to allow maximum movement of traffic on the Trafficway. Intersections should be signed or signalized to provide adequate controls, and sufficient right-of-way should be acquired at key intersections where it may be necessary to construct future interchanges.

(b) The County and City agree to cooperate in the acquisition of right-of-way in the early stages of the Trafficway project for the eventual construction of interchanges at the following additional intersections or access points:

- (i) Intersection of the Trafficway and U.S. 40.
- (ii) Intersection of the Trafficway and U.S. 59.
- (iii) Intersection of the Trafficway and future 15th Street extension.

Section 5. Planning Policies and Development Controls for Regulating Development Adjacent to Trafficway; Planning Commission

Study of Setback Requirements, Park Land Acquisition, and Trafficway Corridor Land Use Plan. (a) The County and City agree that it is necessary to reaffirm and strengthen certain land use policies concerning development, traffic circulation and open space retention along the Trafficway route. The County and City agree that the following policies should guide land use decisions in the vicinity of the Trafficway and provide a foundation for the development of a Trafficway Corridor Land Use Plan by the Lawrence-Douglas County Planning Commission. Those specific land use policies are as follows:

1. Agriculture Land Use. It shall be the policy of the Board of County Commissioners and the Lawrence City Commission to safeguard and preserve insofar as possible the agricultural use of the land in Douglas County and to limit and control land uses which would endanger land considered to be prime agricultural farmland.

Further, it shall be the policy of both governing bodies to limit the use of those areas which are officially designated as floodplain, to agricultural, open space, recreational or a similar use compatible with intermittent flooding. Urban and suburban growth will be constrained when it endangers the preservation of environmentally or ecologically sensitive land areas.

2. Residential Land Use. It shall be the policy of the Board of County Commissioners and the Lawrence City Commission to plan for the orderly growth of residential areas. Residential development shall be encouraged to locate where adjacent urban development is in place and it shall not be allowed to develop in a haphazard, scattered or unplanned manner.
3. Commercial Land Use. It shall be the policy of the Board of County Commissioners and the Lawrence City Commission to support the Lawrence Central Business District as the

primary regional commercial center and to analyze closely any proposal for the extension of regional, community, strip or spot commercial development in light of potential negative impact on the CBD area. Further, it shall be the policy to limit the amount of land zoned commercial in any given neighborhood of the City or area of the County. Commercial zoning will not be considered where adequate safeguards cannot be implemented to protect the visual and environmental integrity of abutting properties. Major commercial development proposals (in excess of 10 acres) will be required to document with a current transportation study that the amount of traffic generated from the commercial use will not exceed the carrying capacity of the thoroughfare(s) from which the development is proposed to take access. If the projected traffic volume from the commercial development exceeds the current capacity of the roadway, the developer will be required to financially assist in making improvements to the intersection or roadway to alleviate traffic congestion. Commercial development will be allowed only at the intersection of two arterials and will not be allowed to take direct access onto the South Lawrence Trafficway.

4. Traffic Circulation and Access. It shall be the policy of the Board of County Commissioners and the Lawrence City Commission to pursue the improved traffic circulation on the respective road networks both within the City of Lawrence and Douglas County. A detailed transportation improvement program for the County roads and the City streets shall be developed which will address the current problems of the transportation network and make specific recommendations for the future improvements. Direct access for the development adjacent to the South Lawrence Trafficway and to Sixth Street, west of Wakarusa



Drive, shall be by frontage or intersection roads to be paid for by owners of new development. A joint policy prohibiting individual driveway curb cuts shall be considered by the Planning Commission for recommendation to the County and City to control strip commercial development.

5. Park and Open Space Policy. It shall be the policy of the Board of County Commissioners and the Lawrence City Commission to require building and parking setbacks for new development of 150 feet from the right-of-way along both sides of the South Lawrence Trafficway. This area will be maintained as open space. It shall also be policy to preserve historic natural features (such as timber and prairie lands) and ecologically sensitive areas from encroachment by future development.

(b) The County and City hereby agree to direct and request the Lawrence-Douglas County Planning Commission to undertake with all reasonable speed the preparation and adoption of a South Lawrence Trafficway Corridor Land Use Plan which sets forth policies for controlling land development along the route of the Trafficway. In so doing, the Commission shall consider the above stated policies and any other measures or policies which will aid in minimizing commercial development along the Trafficway route and frontage roads other than at locations currently planned for development in the County's and City's respective comprehensive plans. Specific attention should be given to the desirability of acquiring park land along the route of the Trafficway in order to ensure the retention of open space and discourage unplanned development. Upon completion of all deliberations and hearings on the proposed Trafficway Corridor Land Use Plan, the Commission shall forward it to the County and City for consideration for adoption. Upon adoption, the substantive policies of the Trafficway Corridor Land Use Plan shall be integrated, where determined appropriate by

the Planning Commission, into the County's and City's respective comprehensive plans. The Land Use Plan provided for in this section also shall include that portion of Sixth Street/U.S. 40 between Wakarusa Drive and County Road 13.

Section 6. Bicycle and Pedestrian Traffic Along Trafficway; Update of Pedal Plan. (a) The County and City agree that further consideration should be given to the construction of a bikeway/pedestrian walkway along the Trafficway route. Such a bikeway/pedestrian walkway, however, should be located on right-of-way separate and apart from the right-of-way of the Trafficway. The County and City hereby agree to direct and request the Planning Commission to update the Lawrence Pedal Plan and as part of such update to integrate such a bicycle pathway into the designated bikeway network in the Lawrence Pedal Plan. Further, the County and City agree to cooperate in the purchase of additional right-of-way necessary for the construction of such a bikeway/pedestrian walkway.

Section 7. East Lawrence Access Road; Cooperation in Funding of Study. The County and City agree that improved access to the Lawrence Central Business District from the eastern terminus of the Trafficway would be a significant improvement to the traffic system of Lawrence and Douglas County. The County and City agree to share jointly in the cost of the preparation by a consulting engineering firm of an engineering study of the possible alignment of the proposed East Lawrence Access Road (Parkway), connecting K-10 and the East Hills Business Park with the Lawrence Central Business District. The City shall administer the contract for such study. The County shall pay 50% and the City shall pay 50% of the cost of such study, not to exceed \$15,000 each for a total cost of \$30,000 unless otherwise agreed by the County and City. The County Commission shall appoint five (5) members and the City Commission shall appoint ten (10) members to a special committee to advise the County and City on such study.

Section 8. Improvements to Sixth Street/U.S. 40; Access to Central Business District. (a) The County and City agree that Sixth Street/U.S. 40 serves an important role in providing access to the Lawrence Central Business District. The County and City agree that improvements to Sixth Street/U.S. 40 between Wakarusa Drive and County Route 13 shall be planned and made concurrently with the construction of Stage 3 of the South Lawrence Trafficway as such stage is set forth in the Draft Environmental Impact Statement for the South Lawrence Trafficway. Further, the County and City agree such improvements shall ensure that Sixth Street/U.S. 40 develops as a limited access roadway with access only at its intersection with arterial or collector streets and with frontage and intersection roads paid for by the owners of new development.

(b) In order to ensure the improvement of Sixth Street/U.S. 40 west of Wakarusa Drive to the Trafficway occurs concurrently with the construction of the Trafficway, the County and City agree as follows:

1. To widen and improve Sixth Street/U.S. 40 as a four (two) lane, limited access, roadway between Wakarusa Drive and the Trafficway. Such widening projects shall commence at Wakarusa Drive and proceed westward as engineering studies are completed and funding secured.
2. To cooperate in financing the preparation of preliminary and final construction plans for such improvements. The County shall pay 50% and the City shall pay 50% of the cost of plan preparation.
3. To acquire right-of-way for such improvements either as adjacent land is platted or, if road construction precedes platting, to purchase or condemn such right-of-way.
4. The County and City agree to jointly pursue state funding for the Trafficway and agreed upon improvements to Sixth Street/U.S. 40. The cost of such improvements shall be

included in all future funding requests to the State of Kansas for the South Lawrence Trafficway project. Further, the County and City shall jointly pursue all available federal funding of Sixth Street/U.S. 40 improvements as part of any future requests for federal funding of the Trafficway.

5. Improvements to Sixth Street/U.S. 40 shall be planned and implemented in a manner which reduces the impact of the improvements on existing residential, commercial and agricultural land uses as well as the natural environment.

Section 9. K-10 Designation. The County and City agree that every reasonable effort should be made during the design and construction of the Trafficway to ensure its eligibility for designation as part of K-10 highway. Further, the County and City agree to actively pursue state designation of part or all of the Trafficway as part of K-10 after completion of Stage 3 or the entire route as set forth in the Draft Environmental Impact Statement for the South Lawrence Trafficway.

Section 10. Duration and Termination. This Agreement shall take effect and be in force from and after the date on which the Agreement has received the approvals required by law and the Agreement is filed with both the Kansas Secretary of State and the Register of Deeds of Douglas County. This Agreement may be terminated in full or in part by a majority of either the County or City governing body. Prior to such termination, notice thereof shall be sent to the other party by certified mail no less than three hundred sixty (360) days prior to the date on which such termination shall take effect. Upon termination of this Agreement, any personal property (equipment, public records, etc.) acquired during the term thereof shall remain the property of the County unless otherwise agreed. All real estate and other interests in real property acquired under the terms hereof shall remain the property of the party that holds title to said property on the

effective date of the termination of the Agreement.

Section 11. Contingency. This Agreement shall be contingent upon full compliance by both parties with the provisions of all applicable state, city and county laws, including but not limited to the Kansas Cash Basis Law.

Section 12. Placing Agreement in Force. The parties shall cause this Agreement to be executed in triplicate and submitted to the Attorney General of the State of Kansas for his approval. Thereafter, the parties shall cause this Agreement to be filed with the Register of Deeds of Douglas County, Kansas, and with the Secretary of State, all in accordance with K.S.A. 12-2904 and 12-2905, and amendments thereto.

IN WITNESS WHEREOF. we have hereunto set our hands on the dates listed below.

APPROVED this 12th day of December, 1988 by the Board of County Commissioners of Douglas County, Kansas.

COUNTY OF DOUGLAS COUNTY, KANSAS

ATTEST:

Patty Jaimes  
Patty Jaimes, County Clerk

Warren Rhodes  
Warren Rhodes, Chairman

APPROVED AS TO FORM:

Robert J. J. J. J.  
County Counselor

APPROVED this 13<sup>th</sup> day of December, 1988 by the Governing Body of the City of Lawrence, Kansas.

CITY OF LAWRENCE, KANSAS  
A Municipal Corporation

ATTEST:

Raymond J. Hummert  
Raymond J. Hummert, City Clerk

Bob Schumm  
Bob Schumm, Mayor

APPROVED AS TO FORM:

Paul L. Cooley  
City Attorney

ATTORNEY GENERAL'S APPROVAL

The foregoing Agreement approved this 19<sup>th</sup> day of  
Dec, 1988, by the Attorney General for the State of  
Kansas.

Robert T. Stephan  
Robert T. Stephan  
ATTORNEY GENERAL OF KANSAS

SECRETARY OF TRANSPORTATION'S APPROVAL

The foregoing Agreement approved as to form pursuant to the  
requirements as set forth in K.S.A. 12-2906 et.seq. on this  
20<sup>th</sup> day of December, 1988, by the Secretary of  
Transportation for the State of Kansas.



W. M. Lacey  
For Horace Edwards  
SECRETARY OF TRANSPORTATION

FILED WITH KANSAS SECRETARY OF STATE: 12-21-88

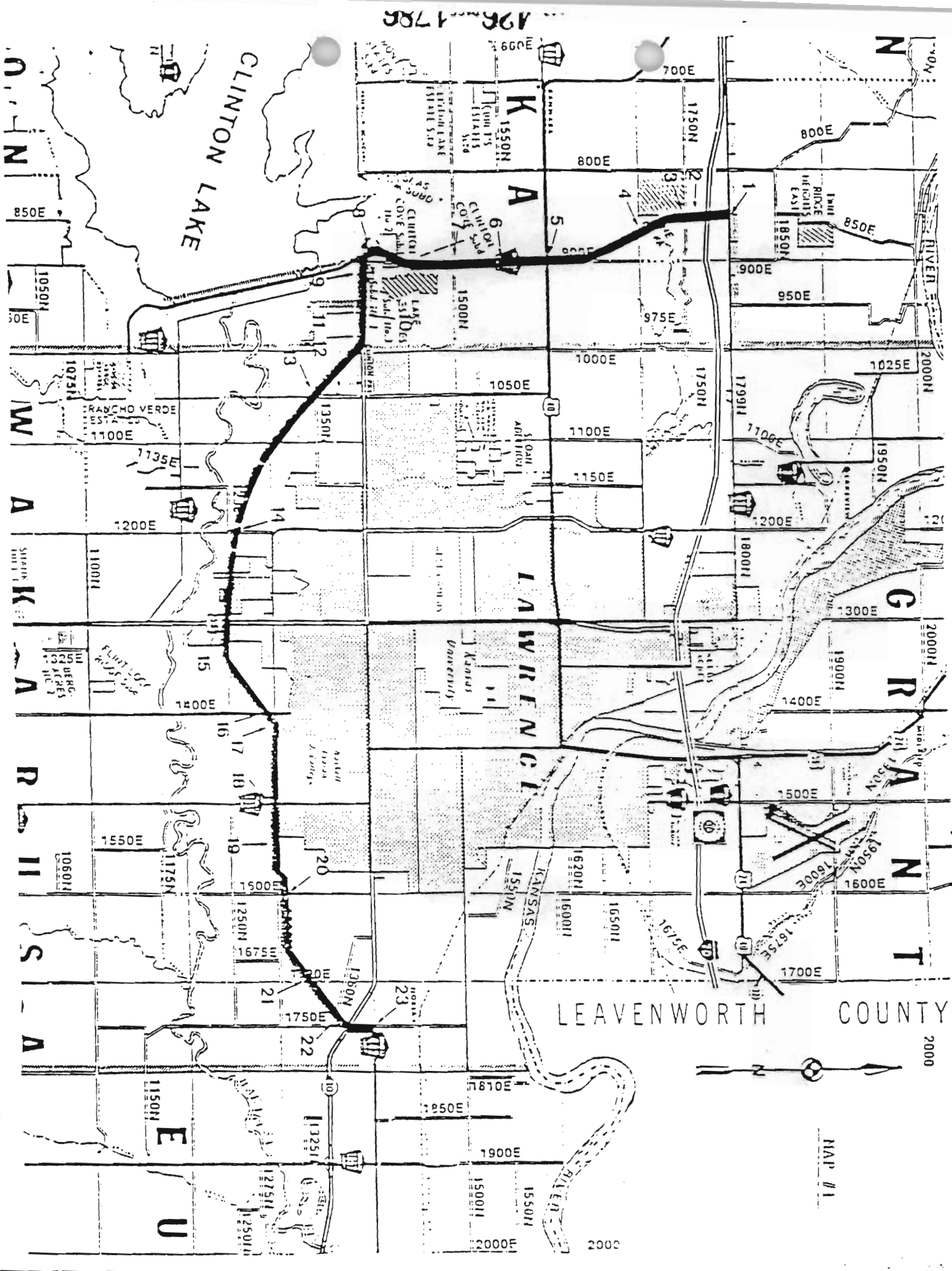
FILED WITH DOUGLAS COUNTY REGISTER OF DEEDS: 12-21-88

NO. 12176 ✓  
INDEXED ✓

COMPARED WITH RECORD

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David A. Austin  
Register of Deeds  
By \_\_\_\_\_ Deputy

FILED  
DEC 21 1988  
BILL GRAVES  
SECRETARY OF STATE



MAP #1

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