

**Lawrence Douglas County  
Metropolitan Planning Office**

6 East 6<sup>th</sup> Street, P.O. Box 708, Lawrence, KS 66044  
(785) 832-3150 Fax (785) 832-3160  
<http://www.lawrenceplanning.org>

**REQUEST FOR ANNEXATION  
Application Form**

Pre-Application Meeting  
required minimum 7 days  
before submission  
Planner: Sandra Day  
Date: 12/19/07 & 9/12/08  
Fee: N/A

**OWNER INFORMATION (CONTRACT PURCHASER)**

Name: Xmas Tree Farm, LLC

Contact: Lina Burnett

Address: 25501 W. Valley Parkway, Suite 130

City: Lawrence

State: KS ZIP: 66061

Phone (913) 829-9071

Fax (913) 829-2153

E-mail: [lburnett@adastradev.com](mailto:lburnett@adastradev.com)

Mobile/Pager (\_\_\_\_) \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

Contact: Brian Sturm

Company: Landplan Engineering, P.A.

Address: 1310 Wakarusa Drive

City: Lawrence

State: KS ZIP: 66049

Phone (785) 843-7530

Fax (785) 843-2410

E-mail: [brians@landplan-pa.com](mailto:brians@landplan-pa.com)

Mobile/Pager (\_\_\_\_) \_\_\_\_\_

Pre-application Meeting Date: 12/19/07 & 9/12/08

Planner: Sandra Day

**PROPERTY INFORMATION**

Project Name: Ad Astra Property

Present Zoning District: R-1

Present Land Use: Vacant, rural residence

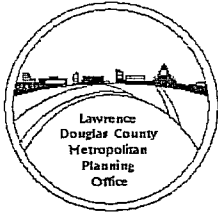
Proposed Land Use: Attached Dwelling

Legal Description (*may be attached*) **See attached.**

Address of Property: 1137 N. 1700 Road

Total Site Area: 872,368 S.F./20.026 AC.

Number and Description of Existing Improvements or Structures: One former farm residence and accompanying barn structure.



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**ADDITIONAL INFORMATION**

Is the property currently served by:

City water service **NO**

City sanitary sewer service **NO**

Rural water district water service **YES**

If yes, please describe the rural water district facilities

***The lot at 1137 N. 1700 Road is serviced by a 3/4" service line and a 5/8" meter, both belonging to RWD #1. City water lies adjacent to the east and to the north.***

*If the property is currently served by rural water district service, state law requires that the City pay the RWD for RWD facilities serving the property upon annexation. City policy requires that this cost be paid by the annexation applicant.*

Does the property currently abut City of Lawrence boundaries? **YES**

Is the annexation request contingent upon rezoning or other land use regulatory decisions? If yes, please describe. **YES**

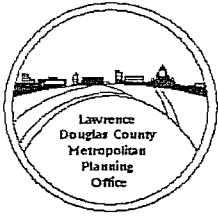
***This request accompanies one rezoning map amendment request and one major subdivision application.***

Please describe the existing structures or improvements on the property.

***One former farm residence and accompanying barn structure.***

**Reason for Request:**

***To accommodate City services associated with accompanying rezoning and subdivision applications.***



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**SIGNATURE**

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially Request Annexation by the City of Lawrence as indicated above.

Signature(s): *Anna Seane* Date 9/15/08

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

**STAFF USE ONLY**

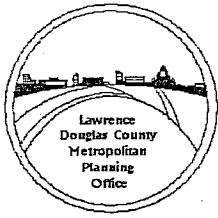
Application No. \_\_\_\_\_

Date Received \_\_\_\_\_

Planning Commission Date \_\_\_\_\_

Fee \$ \_\_\_\_\_

Date Fee Paid \_\_\_\_\_



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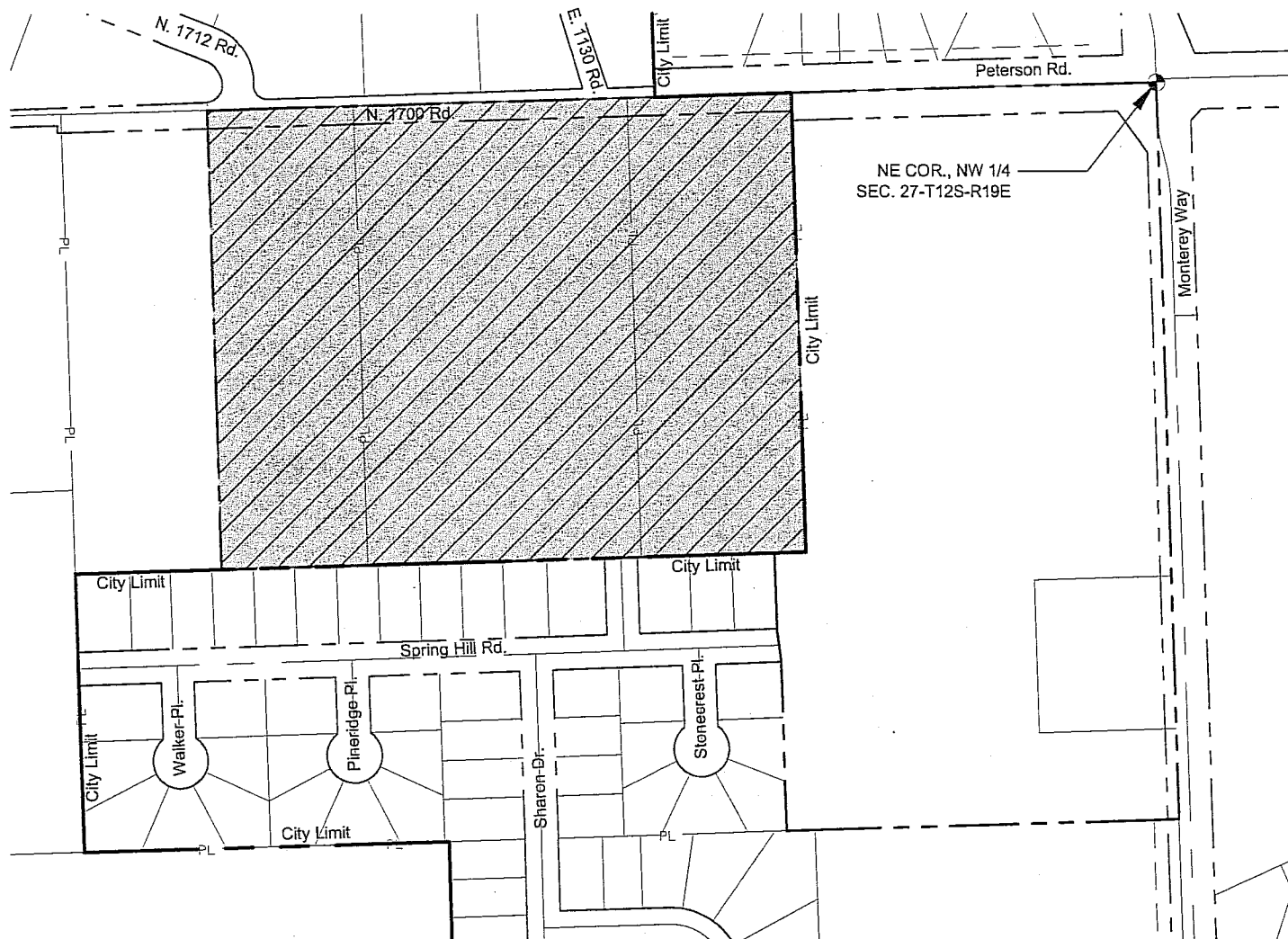
**"Exhibit A, Legal Description"**

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE, 660.65 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH  $01^{\circ}49'16''$  EAST, 825.00 FEET TO A POINT ON THE EASTERN EXTENSION OF THE NORTH LINE OF SPRING HILL SUBDIVISION NO. 1 AMENDED; THENCE SOUTH  $88^{\circ}22'44''$  WEST, ALONG SAID NORTH LINE AND ITS EASTERN EXTENSION, 1057.81 FEET; THENCE NORTH  $01^{\circ}46'05''$  WEST, 825.00 FEET TO THE NORTH LINE OF SAID QUARTER SECTION; THENCE NORTH  $88^{\circ}22'44''$  EAST, ALONG SAID NORTH LINE, 1057.04 FEET TO THE POINT OF BEGINNING. CONTAINS 20.026 ACRES, MORE OR LESS.

# ANNEXATION AREA EXHIBIT

9/15/08



## LEGAL DESCRIPTION:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE, 660.65 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH  $01^{\circ}49'16''$  EAST, 825.00 FEET TO A POINT ON THE EASTERN EXTENSION OF THE NORTH LINE OF SPRING HILL SUBDIVISION NO. 1 AMENDED; THENCE SOUTH  $88^{\circ}22'44''$  WEST, ALONG SAID NORTH LINE AND ITS EASTERN EXTENSION, 1057.81 FEET; THENCE NORTH  $01^{\circ}46'05''$  WEST, 825.00 FEET TO THE NORTH LINE OF SAID QUARTER SECTION; THENCE NORTH  $88^{\circ}22'44''$  EAST, ALONG SAID NORTH LINE, 1057.04 FEET TO THE POINT OF BEGINNING. CONTAINS 20.026 ACRES, MORE OR LESS.

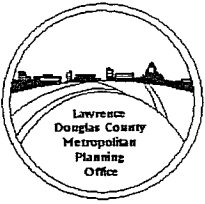
## LOCATION MAP



**NORTH**  
**NOT TO SCALE**



Landplan Engineering, P.A.



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**PETITION AND CONSENT TO  
ANNEXATION INTO THE  
CITY OF LAWRENCE, KANSAS**

To: The Governing Body of the City of Lawrence, Kansas:

The undersigned owners of record of the following described tract of real property hereby petition the Governing Body of the City of Lawrence, Kansas (the "City") to annex such land to the City pursuant to the laws of the State of Kansas. The land to be annexed is legally described in Attachment A, which is attached to this petition and incorporated by reference as if fully set forth herein.

Such land lies adjacent to public right-of-way which touches the City of Lawrence, Kansas boundary line.

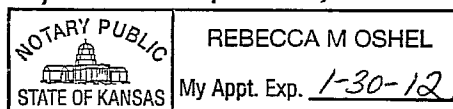
The undersigned further warrants and guarantees that they are the only owners of record of the tract of property described in Attachment A. The petition and consent to annexation shall only be valid at such time as the property described is within 1000' of municipal (City) water utility line, and shall be binding upon all successors in title, assigns, and heirs.

Property Owner of Record: ROGER & LINDA MORNINGSTAR

Address of Owner: 1137 N -1700 RD.

Property Owner signature: Linda Morningstar  
(If property is owned by married couple, both must sign. If corporate or partnership entity holds title, please note authority to execute petition.)

STATE OF KANSAS )  
COUNTY OF DOUGLAS )



The foregoing petition and consent to annexation was acknowledged before me this 5<sup>th</sup> day of August, 2008, by and affixed my official seal on the day and year last above written.

Rebecca M. Oshel Date: 9-5-08  
Notary Public

332192

KANSAS SECURED TITLE

3112534

Index ✓ Numerical Index 27-12-19NW  
No. 332192 Book 998 Page 5609  
State of Kansas, Douglas County, SS.  
Recorded in Book 998 Page(s): 5609 - 5609  
Filed Dec 6, 2005 3:57 PM Fees \$8.00  
Register of Deeds

Joint Tenancy Warranty Deed (Statutory)

THE GRANTOR(S), Ruth P. Branham, a single person

convey(s) and warrant(s) to Roger A. Morningstar and Linda A. Morningstar,

as JOINT TENANTS and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, all the following described REAL ESTATE in the County of DOUGLAS, and the State of Kansas, to-wit:

Tract I:

Beginning at the North line of Section 27, Township 12 South, Range 19 East of the Sixth Principal Meridian, to a point 660.0 feet West of the Northeast corner of the Northwest Quarter of said Section; thence South 412.5 feet; thence West 297.0 feet; thence North to the North line of said Northwest Quarter; thence East 297.0 feet to the point of beginning, in Douglas County, Kansas.

Tract II:

Beginning on the North line of Section 27, Township 12 South, Range 19 East of the Sixth Principal Meridian, to a point 660.0 feet West and 412.5 feet South of the Northeast corner of the Northwest Quarter of said Section; thence South 412.5 feet; thence West 297.0 feet; thence North 412.5 feet; thence East 297.0 feet to the point of beginning, in Douglas County, Kansas.

for the sum of one dollar and other good and valuable consideration.

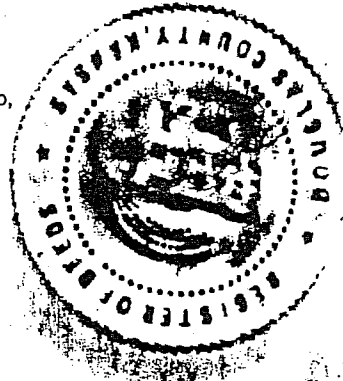
EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

Dated this 2<sup>nd</sup> day of Dec., A.D. 2005.

Ruth P. Branham  
Ruth P. Branham  
Florida, Hernando  
STATE OF KANSAS, DOUGLAS COUNTY:

The foregoing instrument executed by Ruth P. Branham, a single person was acknowledged before me this 2<sup>nd</sup> day of Dec., 2005.

Laura Katherine Pyle  
Notary Public LAURA KATHERINE A. PYLE  
Appointment expires Notary Public, State of Florida  
My comm. exp. June 23, 2008  
Comm. No. DD 324711



Entered in Transfer Record in my office this  
14<sup>th</sup> day of Dec., A.D. 2005  
County Clerk  
[Signature]

328792

Entered in Transfer Record in my office this  
24th day of Oct, A.D. 2005  
[Signature] County Clerk  
[Signature]

Index 27-12-19NW Numerical Index 2TRs  
No. 328792 Book 995 Page 5842  
State of Kansas, Douglas County, SS.  
Recorded in Book 995 Page(s): 5842 - 5843  
Filed Oct 11, 2005 4:51 PM Fees \$12.00  
Register of Deeds

[Signature] Pay Pennell



## QUIT CLAIM DEED

Ruth P. Branham, a single person

### QUIT CLAIMS TO

Ruth P. Gedroic Branham, Trustee of the Ruth Paulette Gedroic Branham Living Trust  
dated June 13, 2005, and any amendments thereto,

the following described real property and premises situate in Douglas County, State of Kansas  
to-wit:

Beginning on the North line of Section Twenty-seven (27), Township Twelve  
(12) South, Range Nineteen (19), East of the Sixth Principal Meridian, to a  
point 957.0 feet West of the Northeast corner of the Northwest Quarter of  
said Section; thence South 825.0 feet; thence West 231.0 feet; thence North  
825.0 feet to the North line of said Northwest Quarter; thence East 231.0 feet  
to the point of beginning; subject to a 33.0 foot roadway along the North side  
thereof, and subject to the existing utility easements, restrictions and  
reservations now of record, containing 4.375 acres more or less;

Beginning on the North line of Section Twenty-seven (27), Township Twelve  
(12) South, Range Nineteen (19), East of the Sixth Principal Meridian, to a  
point 1188.0 feet West of the Northeast corner of the Northwest Quarter of  
said Section; thence South 825.0 feet; thence West 264.0 feet; thence North  
825.0 feet to the North line of said Northwest Quarter; thence East 264.0 feet  
to the point of beginning; subject to a 33.0 foot roadway along the North side



Page 2  
Quit Claim Deed  
Ruth Paulette Gedroic Branham Living Trust  
dated June 13, 2005

thereof, and subject to the existing utility easements, restrictions and  
reservations now of record, containing 5.0 acres more or less;

subject to easements, restrictions and mortgages of record, if any.

Dated this 7<sup>th</sup> day of October, 2005.

Ruth P. Branham  
Ruth P. Branham

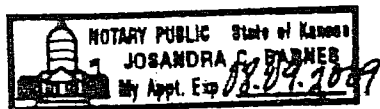
Pursuant to K.S.A. 79-1437e, a real estate  
validation questionnaire is not required due to  
Exception ~~No. 7~~ (Complete if applicable.)

No. 7

STATE OF KANSAS       )  
                                      ) SS  
COUNTY OF MORTON    )

BE IT REMEMBERED, That on this 7<sup>th</sup> day of October, 2005, before me, the  
undersigned, a Notary Public in and for the County and State aforesaid, came Ruth P. Branham, a  
single person, who is personally known to me to be the same person who executed the foregoing  
instrument of writing, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal  
on the day and year last above written.



Josandra C. Barnes  
Notary Public  
My commission expires: 08.09.2009

Return to:  
WHITE & JOHNSON, L.L.C.  
ATTORNEYS AND COUNSELORS AT LAW  
TELEPHONE (620) 697-2163  
701 VILYMACA  
P.O. Box 450  
ELKHART, KS 67950

122 CA

322251

th  
27-12-19  
NW

Entered in Transfer Record in my office this

14<sup>th</sup> day of July, A.D. 2005

County Clerk



Index \_\_\_\_\_ Numerical Index \_\_\_\_\_  
No. 322251 Book 990 Page 3482  
State of Kansas, Douglas County, SS.  
Recorded in Book 990 Page(s): 3482 - 3483  
Filed Jul 18, 2005 3:16 PM Fees \$12.00  
Register of Deeds

*Sp4 Penell*

### GENERAL WARRANTY DEED

(c#) → THIS INDENTURE, Made this 18<sup>th</sup> day of July, 2005 between Ruth P. Branham, a single person, hereinafter known as the FIRST PARTY, and Darrel E. Johnson, Trustee of the Ruth P. Gedroic Branham Charitable Remainder Trust dated July 18, 2005, hereinafter known as the SECOND PARTY of 208 S. Stanton, PO Box 450, Elkhart, KS 67950:

WITNESSETH, That said FIRST PARTY, does by these presents, Grant, Bargain, Sell, and convey unto said SECOND PARTY, his successors and assigns all the following described real estate, situated in Douglas County, State of Kansas, to-wit:

Beginning on the North line of Section Twenty-seven (27), Township Twelve (12) South, Range Nineteen (19), East of the Sixth Principal Meridian, to a point 1452.0 feet West of the Northeast corner of the Northwest Quarter of said Section; thence South 825.0 feet; thence West 264.0 feet; thence North 825.0 feet to the North line of said Northwest Quarter; thence East 264.0 feet to the point of beginning, subject to a 33.0 foot roadway along the North side thereof, and subject to the existing utility easements, restrictions and reservations now of record, in Douglas County, Kansas;

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining forever.

And said Grantor does hereby covenant, promise and agree, to and with said SECOND PARTY, that at the delivery of these presents she is lawfully seized in her own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of what nature or kind soever;

and that she will warrant and forever defend the same unto said SECOND PARTY, his successors and assigns, against said FIRST PARTY, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

Page 2  
General Warranty Deed  
Branham/Johnson, Trustee  
Ruth P. Gedroic Branham CRT

IN WITNESS WHEREOF the said FIRST PARTY has hereunto set her hand, the day and year first above written.

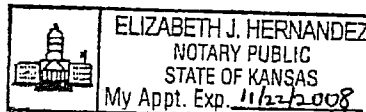
Ruth P. Branham  
Ruth P. Branham

Pursuant to K.S.A. 79-1437e, a real estate validation questionnaire is not required due to Exception No. 7  
(Complete if applicable.)

STATE OF KANSAS, DOUGLAS COUNTY, ss.

BE IT REMEMBERED, That on this 18<sup>th</sup> day of July 2005, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Ruth P. Branham, a single person, who is personally known to me to be the same person who executed the foregoing instrument of writing, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.



Elizabeth J. Hernandez  
Notary Public  
My commission expires: 11/22/2008

*WHITE & JOHNSON, L.L.C.*

ATTORNEYS AND COUNSELORS AT LAW

TELEPHONE (620) 697-2163  
701 VILYMACA  
P.O. Box 450  
ELKHART, KS 67950