

## ORDER

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS FINDING AND CONCLUDING THAT THE ANNEXATION OF 448 ACRES, MORE OR LESS, OF LAND BY THE CITY OF LAWRENCE, KANSAS WILL NOT CAUSE MANIFEST INJURY TO THE OWNERS OF ANY LAND PROPOSED TO BE ANNEXED OR TO THE OWNERS OF LAND IN AREAS NEAR OR ADJACENT TO THE LAND PROPOSED TO BE ANNEXED AND APPROVING THE ANNEXATION THEREOF

WHEREAS, on May 4, 2009, a representative of the City of Lawrence, Kansas (hereinafter "the City"), located in Douglas County, Kansas, formally presented a petition pursuant to K.S.A. 12-521 to the Board of County Commissioners (hereinafter the "Board") requesting authority to annex an area of land approximately 448 acres in size, and adjacent right-of-way, within Douglas County, Kansas which shall hereinafter be referred to as the Proposed Annexation Property, and requesting the Board conduct a public hearing on the advisability of such annexation; and

WHEREAS, K.S.A. 12-521 requires that the Board, in making its decision, consider, among other things, the impact of approving or disapproving the annexation on the entire community, including the City and the Proposed Annexation Property, in order to insure the orderly growth and development of the community; and

WHEREAS, K.S.A. 12-521 further requires that the Board, in making its decision, consider, based upon a preponderance of the evidence presented, whether the annexation of the Proposed Annexation Property, or the annexation of a lesser amount of such area, causes manifest injury to the owners of property which is a part of the Proposed Annexation Property or to owners of land in areas near or adjacent to the Proposed Annexation Property, or to the City if the annexation is not approved; and

WHEREAS, K.S.A. 12-521 requires the Board to consider, among other factors, fourteen (14) factors or criteria set forth in the statute to aid the Board in arriving at its decision; and

WHEREAS, on July 13, 2009, the Board met in regular session, pursuant to applicable law and after lawful notice of the hearing, to consider the City's Petition and proposal for annexation, including the plan of the City for the extension of services to the area proposed to be annexed, all pursuant to applicable law; and

WHEREAS, the Board, having considered all comments, evidence, testimony and other materials and factors relevant to the annexation request, is now prepared to render its decision on the matter.

NOW, THEREFORE, the Board of County Commissioners of Douglas County, Kansas, sitting in regular session this 13th day of July, 2009, does hereby resolve as follows:

1. The Board incorporates by reference the recitals set forth above, as if fully set forth herein.

2. After consideration of the documents that were presented and the statements of interested parties, the Board makes the following findings:

a. The written materials and oral testimonies received by the Board prior to and during the public hearing on July 13, 2009, in the aggregate, constitute sufficient information about the matter to enable the Board to adopt this Order.

b. The Lawrence-Douglas County Metropolitan Planning Commission timely reviewed on May 20, 2009, the proposed annexation and determined by a unanimous vote of the members present that the City's proposed annexation was compatible with Horizon 2020 and the Farmland Industries Redevelopment Plan, the adopted land use or comprehensive plans applicable to the Proposed Annexation Area and the City. The Planning Commission timely forwarded Resolution No. PCR 5-4-09, setting forth its findings concerning the compatibility of the Proposed Annexation Area to the City and the Board pursuant to K.S.A. 12-530(b).

c. The Proposed Annexation Area is bordered on three (3) sides by the current boundaries of the City and is located within the City's Urban Growth Area;

d. Approving the proposed annexation will insure the orderly growth and development of the community by joining East Hills Business Park, existing City territory, with the larger Lawrence community, and will create an additional large contiguous area suitable for planned industrial and commercial redevelopment in the City.

e. The City and the County continue to experience a shortage of available industrial space, which shortage may cause potential new industrial businesses to locate in other communities, thereby preventing the City and County from realizing increases in its tax base.

f. The adopted Farmland Industries Redevelopment Plan provides that annexation of the former Farmland property must precede redevelopment of the site.

g. The Wakarusa Township was provided notice of the Board's hearing on the City's petition to annex the area and has not objected to the proposed annexation.

h. The adverse financial impact of the proposed annexation to Wakarusa Township is minimal, resulting in a loss estimated to be 0.26 percent of the Township's total assessed valuation for ad valorem property taxes.

i. The increase in ad valorem property taxes for the owners of property within the Proposed Annexation Area is low.

j. The anticipated response time for fire protection services from the Lawrence-Douglas County Fire and Medical Department will be better than the response time for the Wakarusa Township Fire Department. The nearest Lawrence-Douglas County Fire and Medical Department station is located approximately three-quarters (3/4) of one mile from the Proposed Annexation Area, while the nearest Wakarusa Township Fire Department station is located approximately three (3) miles from the Proposed Annexation Area. The Lawrence-Douglas County Fire and Medical Department has staff on duty in its stations 24 hours a day, 365 days per year, to

per year, to respond to emergencies. The Wakarusa Township Fire Department uses a combination of full-time staff and volunteers to respond to emergencies.

k. The Lawrence Police Department has more sworn officers and a smaller geographic territory to police than the Douglas County Sheriff's Department.

l. Additional municipal services will be available to the Proposed Annexation Area after annexation.

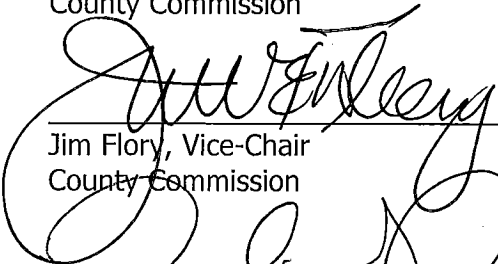
m. The City's Report and Service Plan submitted with its Petition seeking approval of the annexation complies the requirements of K.S.A. 12-521.


3. The Board, further finds and determines that manifest injury will not result from the City's annexation of the Proposed Annexation Area, after having considered the extent to which the criteria set forth in K.S.A. 12-521 may affect the City and its residents, the Proposed Annexation Area, other governmental units providing services to the area proposed to be annexed, and other public or private persons firms or corporations which may be affected thereby.

4. The Board of County Commissioners of Douglas County does hereby find and grant the annexation by order, and directs its order to be spread at length upon the journal of proceedings of the Board, all pursuant to applicable law.

**This Order** is adopted this 13<sup>th</sup> day of July, 2009.

  
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Nancy Thellman, Chair  
County Commission

  
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Jim Flory, Vice-Chair  
County Commission

  
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Mike Gaughan,  
County Commissioner

ATTEST:

  
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Jameson D. Shew, County Clerk

