

**ORDINANCE NO. 8444**

**AN ORDINANCE REZONING APPROXIMATELY 4 ACRES FROM COUNTY I-4 (HEAVY INDUSTRIAL) DISTRICT TO OS (OPEN SPACE) DISTRICT; AMENDING THE "OFFICIAL ZONING DISTRICT MAP" INCORPORATED BY REFERENCE IN CHAPTER 20, ARTICLE 1, SECTION 20-108, OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2009 EDITION," AND AMENDMENTS THERETO**

**WHEREAS**, Rezoning Application Z-5-9-09 requesting rezoning from I-4 to OS was filed with the City of Lawrence on May 13, 2009; and

**WHEREAS**, after due and lawful notice was given pursuant to K.S.A. 12-757 and Section 20-1303 of the "Code of The City of Lawrence, Kansas, 2009 Edition" a public hearing was held by the Lawrence-Douglas County Metropolitan Planning Commission on July 22, 2009 to hear a request to rezone approximately 4 acres as described in Section Two of this ordinance from I-4 (Heavy Industrial) District to OS (Open Space) District; and

**WHEREAS**, on July 22, 2009 The Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of the City's professional staff, the evidence and testimony provided at the hearing and the review and decision making criteria of section 20-1303 and voted (7 to 0) to recommend approval of the rezoning request; and

**WHEREAS**, the rezoning application and Lawrence-Douglas County Metropolitan Planning Commission recommendation were considered by the Governing Body at the August 11, 2009 meeting.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**SECTION ONE:** The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

**SECTION TWO:** That the zoning district classification for the following legally described tract of land situated in the City of Lawrence, Douglas County, Kansas, to-wit:

A tract of land in the Northwest Quarter of Section 3, Township 13 South, Range 20 East of the 6<sup>th</sup> P.M. Douglas County, Kansas, more particularly described as follows:

Beginning at the West Quarter Corner of said Section 3; thence along the West line of the Northwest Quarter of said Section 3 N. 2° 26' 59" W. (Being an assumed bearing) 426.40 feet to the south right-of-way line of the Atchison Topeka and Santa Fe Railroad; Thence along the South right-of-way line of the said railroad the following 2 courses

- (1) S. 67° 19' 00"E. 634.65 feet; thence
- (2) On a curve to the left with a radius of 1959.86 feet an arc length of 29.63 feet (chord of said curve bears: S. 67° 44' 59" E. 29.63 feet to the Northwest corner of a tract conveyed to Wilma Miller recorded in Book 158 on Page 342 at the Douglas County Register of Deeds; thence along the West line of the said Miller tract S. 8° 43' 29" E. 150.85 feet to a point on the South line of the Northwest quarter of said Section 3 and the North line of East Hills Business Park No. 2; thence along the South line of the Northwest quarter of said Section 3 and the North line of said East Hills Business Park No. 2. S. 88° 03' 31" W. 618.00 feet to the point of beginning, containing 4.005 acres.

is hereby changed from County I-4 (Heavy Industrial) District to OS (Open Space) District as such district is defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2009 Edition," and amendments thereto as reflected in the record of the August 11, 2009 Governing Body Meeting.

**SECTION THREE:** That the "Official Zoning District Map" incorporated by reference in and by Chapter 20, Article 1, Section 20-108 of the "Code of the City of Lawrence, Kansas, 2009 Edition" is hereby amended by showing and reflecting thereon the new zoning district classification for the aforesaid tract, as set forth in Section Two of this ordinance.

**SECTION FOUR:** Severability. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION FIVE:** This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Lawrence, Kansas, the 11<sup>th</sup> day of August, 2009.

APPROVED:

\_\_\_\_\_  
Robert Chestnut, Mayor

ATTEST:

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Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

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Toni Ramirez Wheeler  
Director of Legal Services

Publish one time and return one Proof of Publication to the City Clerk and one to the Director of Legal Services.