

**ITEM NO. 5 DE-ANNEXATION; 2.4 ACRES; 1820 N 3<sup>RD</sup> ST (DDW)**

**A-6-1-10:** Consider the de-annexation of approximately 2.4 acres, located at 1820 N 3<sup>rd</sup> Street, legally described as: the north 90 feet of the southwest quarter of the southeast quarter of Section 18, Township 12 South, Range 20 East, of the sixth principal meridian. Submitted by Eugene F. Reding, property owner of record.

**STAFF PRESENTATION**

Mr. Dan Warner presented the item.

Commissioner Harris asked what the cost to the city was to de-annex the property.

Mr. Warner said the normal cost of publishing an ordinance and lost tax income.

Commissioner Harris asked if there was any cost to the land owner or the city to annex back in.

Mr. McCullough said it would be minimal if it was not a litigation matter.

Commissioner Harris inquired about the service plan for the area. She asked if there was an immediate need for it or compelling reason to do it in that area at this time.

Mr. McCullough said staff has been speaking with the Utilities Department about the Wastewater Master Plan which will shed more light on a lot of different areas of the city. He said during this research and in inquiries with developers along the corridor of the highway there have been recent discussions about extending service along the highway. He said the city has intended to capture the county industrial park but it needs to be reviewed at a higher level.

Commissioner Blaser inquired about the cost difference in taxes between annexed and de-annexed.

Mr. Warner said he did not know.

Commissioner Rasmussen asked Mr. Warner to review the staff analysis for denial.

Mr. Warner said the issue was the existing county development in the area. He said the city intends to annex the property immediately south in the future. The comprehensive plan supports annexing property and doing a service plan if it is in service area 4, which this property is. He said there were a number of reasons. He said the property was also within the urban growth area.

**APPLICANT PRESENTATION**

Mr. Eugene Reding said he acquired the property in June, 2009. He said the previous owner requested to be annexed into the city due to well problems. He said the city has had 22 years to get water out there. He said he has no city services such as garbage collection, water, city road maintenance, etc. He said the difference in taxes was \$230 more a year and he gets nothing for it. He said when he had a theft at the property he called the city police and they told him to call the county sheriff. He said he has gotten attitude from city departments and that the City Manager and City Commissioner Amyx would not answer his letter. He asked the Planning Commission to please de-annex his property and that he would sign any paperwork necessary agreeing to future annexation.

Commissioner Liese asked Mr. Reding when he bought the house what research he did to determine whether or not the property was in the city.

Mr. Reding said the realtor who listed the property said the property was in the city and listed it as having city water. He said he wanted the property for use of outbuildings. He wanted to tear the outbuildings down but couldn't because they could only be rebuilt as a footprint of the house, which was too small.

### **PUBLIC HEARING**

No public comment.

### **COMMISSION DISCUSSION**

Mr. Warner said the item was properly notified to the public.

Commissioner Singleton said she felt the land should be de-annexed since the property was not receiving any city services.

Commissioner Harris agreed that this piece of land should be de-annexed with the provision that staff recommended in the staff report for the owner to sign a "Consent to Annex." She said the reason for the annexation in 1988 never materialized so it was fair to de-annexed for the time being.

### **ACTION TAKEN**

Motioned by Commissioner Carter, seconded by Commissioner Singleton, to approve the requested de-annexation with a condition that the owner execute a "Consent to Annex" agreement with the City of Lawrence that outlines when the property must be annexed into the city (when water and sewer are extended within a certain distance of the property for example.)

Unanimously approved 9-0. Student Commissioner Davis voted in the affirmative.