

ORDINANCE NO. 8579

AN ORDINANCE EXCLUDING CERTAIN LANDS FROM THE CITY OF LAWRENCE, KANSAS PURSUANT TO K.S.A. 12-504 *ET SEQ.*; AND REPEALING ORDINANCE 5889.

WHEREAS, the Governing Body of the City of Lawrence, Kansas, received a petition from the owner of the real property, described in Section Two of this ordinance, requesting that such property be excluded from the City of Lawrence, Kansas; and

WHEREAS, after due and lawful notice was given pursuant to K.S.A. 12-504 *et seq.*, a public hearing was held by the Lawrence-Douglas County Metropolitan Planning Commission on September 20, 2010, to consider a petition for the removal of property from the boundary of the City of Lawrence, Kansas as described in Section Two of this ordinance; and

WHEREAS, on September 20, 2010, 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 voted (9 to 0) to recommend removal of property from the boundary of the City of Lawrence, Kansas; and

WHEREAS, the petition for the removal of property from the boundary of the City of Lawrence, Kansas was considered by the Governing Body at the October 12, 2010, meeting.

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

SECTION ONE: Pursuant to K.S.A. 12-504 *et seq.* the Governing Body does hereby find:

- A. It has jurisdiction on the subject matter;
- B. Due and legal notice was given by publication as required by law;
- C. No private rights will be injured or endangered by such exclusion;
- D. The public will suffer no loss or inconvenience by such exclusion; and
- E. The prayer of the petitioner to exclude the property from the City should be granted contingent upon the performance and observance of the regulations, stipulations, conditions and restrictions in Section Three.

SECTION TWO: That pursuant to K.S.A. 12-504 *et seq.*, the Governing Body orders the exclusion and removal of the following described tract of real property from the boundaries of the City of Lawrence, Kansas, to-wit:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 12 SOUTH, RANGE 20 EAST, OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:

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.

THE ABOVE DESCRIBED CONTAINS 2.37 ACRES, MORE OR LESS.

SECTION THREE: The exclusion of the property from the boundaries of the City ordered in Section Two of this ordinance is hereby made contingent upon the owner of the real property filing with the City and Register of Deeds of Douglas, County, Kansas a Petition and Consent to Annexation into the City of Lawrence, Kansas.

SECTION FOUR: Ordinance No. 5889 is hereby repealed.

SECTION FIVE: The City Clerk shall file a certified copy of this ordinance with the County Clerk, the Register of Deeds, and the County Election Commissioner of Douglas County, Kansas.

SECTION SIX: 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 SEVEN: This ordinance shall be in full force and take effect on November 3, 2010 and after its passage and publication as provided by law.

Passed by the Governing Body of the City of Lawrence, Kansas, this_____ day of October, 2010.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

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.