

# Memorandum

## City of Lawrence

### Legal Department

**TO:** David L. Corliss, City Manager

**FROM:** Toni Wheeler, Director of Legal Department

**Date:** September 22, 2010

**RE:** Annexation of 51 Acres – Notice to Rural Water District No. 6

Staff requests authorization to provide notice to Rural Water District No. 6 of the City's intent to annex approximately 51 acres of land adjacent to Farmer's Turnpike that is in RWD No. 6's service territory. The notice is required by House Bill 2283 passed by the 2010 Legislature and effective July 1, 2010.

#### **Background**

At its regular meeting on September 21, 2010, the City Commission received a petition and consent to annexation from Venture Properties, Inc. to annex approximately 51 acres of land immediately south of the Farmer's Turnpike. The City Commission referred the item to the Lawrence-Douglas County Planning Commission for its consideration.

At a future City Commission meeting, the City Commission may consider passing a resolution requesting the Board of County Commissioners of Douglas County to make a finding, as required under state law, that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the County. If the Board of County Commissioners makes the necessary findings with respect to the proposed annexation, the City Commission would have the legal authority to adopt an ordinance annexing the land, if the Commission deems it appropriate.

Under HB 2283, the City must provide written notice to Rural Water District No. 6 of the City's intent to annex the land not less than 60 days before the effective date of an ordinance proposing to annex land into the City. The notice to the rural water district must include a description of the land to be annexed and the city's plan for providing water service to the land being annexed.

The City's plan for providing water service to the 51 acres owned by Venture Properties, Inc. is to permit Rural Water District No. 6 to provide water service to the annexed area. The City could amend its current contract with Rural Water District No. 6 to supply the rural water district with additional water, if the rural water district deems it necessary for it to provide the 51 acres of land with adequate water. If Rural Water District No. 6 is unwilling to supply the property with water at the service level required by the property owner, or if the City and District cannot agree to a contract for the provision of additional water from the City, the City will designate a different water supplier. Rural Water District No. 1 may be amenable to supplying water to the area proposed to be annexed.

**Action Requested**

Authorize the City Manager to provide written notice to Rural Water District No. 6 of the City's intent to annex approximately 51 acres of land owned by Venture Properties, Inc. located south of Farmer's Turnpike along with the City's plan for the provision of water service to the land being annexed.

## EXHIBIT "A"

### LEGAL DESCRIPTION

A tract of land located in the Northeast Quarter (NE¼) of Section Twenty (20), Township Twelve South (T12S), Range Nineteen East (R19E) of the 6th P.M., Douglas County, Kansas, more particularly described as follows: Beginning at the Northeast corner of the Northeast Quarter (NE¼); thence South 0°04'49" West a distance of 820.62 feet, said point being on the East line of the Northeast Quarter (NE¼) and the Northerly right-of-way of the Kansas Turnpike; thence North 89°01'11" West a distance of 1,011.18 feet, said point being on the Northerly right-of-way of the Kansas Turnpike and the beginning of a radial curve to the left having a delta angle of 12°15'51", a radius of 7,789.49 feet and a chord bearing South 84°50'53" West a distance of 1,664.17 feet and an arc length of 1,667.34 feet, said point being on the Northerly right-of-way of the Kansas turnpike and on the West line of the Northeast Quarter (NE¼); thence North 0°13'10" West a distance of 951.56 feet, said point being the Northwest corner of the Northeast Quarter (NE¼); thence North 89°58'27" East a distance of 2,673.27 feet to the point of beginning, containing 51.13 acres more or less, less road right-of-way and easements of record granted to Douglas County and the Kansas Turnpike Authority.