

ORDINANCE NO. 8670

RESOLUTION NO. _____

A JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND RESOLUTION OF DOUGLAS COUNTY, KANSAS, AMENDING *HORIZON 2020*, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, BY ADOPTING THE “SOUTHEAST AREA PLAN, AUGUST 2011 EDITION” AND BY INCORPORATING THE SAME INTO *HORIZON 2020* BY REFERENCE.

WHEREAS the City of Lawrence, Kansas, and Douglas County, Kansas, in order to promote the public health, safety, morals, comfort, and general welfare and to conserve and protect property values in the City and the County, are authorized by K.S.A. 12-747 to prepare, adopt, amend, extend, and execute a comprehensive land use plan;

WHEREAS the City of Lawrence, Kansas, and Douglas County, Kansas, in order to coordinate the development of land in accordance with the present and future needs of the City and the County, to conserve the natural resources of the City and the County, to ensure the efficient expenditure of public funds in the City and the County, and to promote the health, safety, convenience, prosperity, and the general welfare of the residents of the City and the County, have, in accordance with K.S.A. 12-747, adopted *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County;

WHEREAS, after giving notice by publication in the official City and County newspaper, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on August 24, 2011, regarding a proposed amendment of *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, as set forth in Planning Staff Report, CPA-10-8-10, revising and updating the “Southeast Area Plan”;

WHEREAS, at its August 24, 2011, public hearing, the Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of City Staff, CPA-10-8-10, received public comment, weighed the evidence adduced at the public hearing, and, through the adoption of Resolution No. PCR-8-3-11, approved the “Southeast Area Plan, August 2011 Edition,” amending “Chapter Fourteen – Specific Plans” of *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and recommended that the Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, approve the same; and

WHEREAS, copies of Resolution No. PCR-8-3-11, together with certified copies of “Southeast Area Plan, August 2011 Edition”, the proposed amendment to *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the August 24, 2011, public hearing have been transmitted to the Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, for their consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

SECTION 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if repeated verbatim.

SECTION 2. The Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, hereby find that the provisions of K.S.A. 12-743 and K.S.A. 12-747, governing the amendment of comprehensive plans, have been fully met regarding the consideration, approval, and adoption of the “Southeast Area Plan, August 2011 Edition, amending “Chapter Fourteen – Specific Plans of *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County.

SECTION 3. The Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, do hereby approve the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission as memorialized at Resolution No. PRC-8-3-11, do hereby amend “Chapter Fourteen – Specific Plans” of *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, by adopting the “Southeast Area Plan, August 2011 Edition,” and by incorporating that document into “Chapter Fourteen – Specific Plans” of *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, by reference.

SECTION 4. The “Southeast Area Plan, August 2011 Edition,” as approved by Section 3 *supra*, is hereby adopted and incorporated herein by reference as if set forth in full. One copy of said “Southeast Area Plan, August 2011 Edition” shall be marked or stamped as “Official Copy as Adopted by Joint Ordinance No. 8670 and Resolution No. ____” and shall be filed, together with a copy of this joint ordinance, with the City Clerk. The City Clerk shall make the “Official Copy as Adopted by Joint Ordinance No. 8670 and Resolution No. ____” open to the public and available for inspection at all reasonable office hours. One additional copy of the “Official Copy as Adopted by Joint Ordinance No. 8670 and Resolution No. ____” shall, at the cost of the City of Lawrence, Kansas, be made available to the Lawrence-Douglas County Metropolitan Planning Office of the City of Lawrence, Kansas.

SECTION 5. The “Southeast Area Plan, August 2011 Edition” adopted by this joint ordinance and resolution replaces the existing Southeast Area Plan, and amendments thereto, it being the intent of the Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, that the “Southeast Area Plan, August 2011 Edition” repeal the existing Southeast Area Plan, and amendments thereto.

SECTION 6. If any section, clause, sentence, or phrase of this joint ordinance and resolution 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 7. This joint ordinance and resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, and publication as provided by law.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this ____ day of September, 2011.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
Director of the Legal Department

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

ADOPTED by the Board of County Commissioners of Douglas County, Kansas, this ____ day of September, 2011.

Jim Flory
Chair

Mike Gaughan
Commissioner

Nancy Thellman
Commissioner

ATTEST:

Jameson D. Shew, County Clerk