

ORDINANCE NO. 8730

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, ANNEXING APPROXIMATELY 208.23 ACRES, GENERALLY LOCATED NORTH AND WEST OF THE INTERSECTION OF U.S. HIGHWAY 40/WEST SIXTH STREET AND KANSAS HIGHWAY 10, INCLUDING THE ADJOINING RIGHTS OF WAY, INTO THE CITY OF LAWRENCE, KANSAS, PURSUANT TO K.S.A. 2011 SUPP. 12-520(a)(7).

WHEREAS, on March 27, 2012, for the purposes of developing a regional recreation facility, the Governing Body directed the City to initiate a petition to annex approximately 208.23 acres of land, generally located north and west of the intersection of U.S. Highway 40/ West Sixth Street and Kansas Highway 10, including the adjoining rights of way, in Douglas County, Kansas ("the subject property"), the legal description of which is set forth at Section 3, *infra*.

WHEREAS, all owners of record of the various tracts of land composing the subject property, including the owners of the adjoining rights of way, have consented in writing to the annexation;

WHEREAS, the subject property adjoins the City of Lawrence, Kansas;

WHEREAS, under K.S.A. 2011 Supp. 12-520(a)(7), the City may, by adoption of an ordinance, annex land where the land adjoins the City and the owners of record consent in writing to the annexation;

WHEREAS, pursuant to K.S.A. 2011 Supp. 12-520a(f), the City may, by adoption of an ordinance, annex land without resolution, notice, or a public hearing, as generally required by K.S.A. 2011 Supp. 12-520a(a), where the owners of record consent in writing to the annexation in accordance with K.S.A. 2011 Supp. 12-520(a)(7);

WHEREAS, on March 27, 2012, the Governing Body referred the City's petition for annexation to the Lawrence-Douglas County Metropolitan Planning Commission for recommendation;

WHEREAS, on April 23, 2012, after giving due and lawful notice, the Lawrence-Douglas County Metropolitan Planning Commission considered the proposed annexation;

WHEREAS, at the April 23, 2012, public meeting, the Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of City staff, entertained public comment, weighed the evidence adduced at the public hearing, and voted to recommend to the City Commission that it annex the subject property; and

WHEREAS, at its May 15, 2012, public meeting, the Governing Body considered the petition for annexation and the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, 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 Body finds that annexation of that certain real property, generally located north and west of the intersection of U.S. Highway 40/West Sixth Street and Kansas Highway 10, including the adjoining rights of way, in Douglas County, Kansas, the legal description of which is set forth at Section 3, *infra*, is in the public interest and that such annexation is proper under K.S.A. 2011 Supp. 12-520(a)(7).

SECTION 3. In accordance with the Governing Body's finding, the City hereby annexes into the City the following legally described real property, located in Douglas County, Kansas, to-wit:

DESCRIPTION FOR THE ANNEXATION OF THE KANSAS HIGHWAY NO. 10 (SOUTH LAWRENCE TRAFFICWAY) RIGHT-OF-WAY, IN THE SOUTHWEST QUARTER (SW ¼) OF SECTION 29, AND THE KANSAS HIGHWAY NO. 10 (SOUTH LAWRENCE TRAFFICWAY) RIGHT-OF-WAY, IN THE NORTHWEST QUARTER (NW ¼) OF SECTION 32, AND THE KANSAS HIGHWAY NO. 10 (SOUTH LAWRENCE TRAFFICWAY) RIGHT-OF-WAY, AND THE U.S. HIGHWAY #40 RIGHT-OF-WAY IN THE NORTHEAST QUARTER (NE ¼) OF SECTION 31; AND ALL OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 30, ALL IN TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 19 EAST; THENCE NORTH 88°04'03" EAST ON THE NORTH LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 29, A DISTANCE OF 386.62 FEET, TO THE EASTERLY RIGHT-OF-WAY LINE OF KANSAS HIGHWAY #10 (SOUTH LAWRENCE TRAFFICWAY); THENCE IN A SOUTHERLY DIRECTION ON THE EASTERLY RIGHT-OF-WAY LINE OF KANSAS HIGHWAY #10 (SOUTH LAWRENCE TRAFFICWAY) ON A 4069.72 FOOT RADIUS CURVE TO THE RIGHT WITH A 554.62 FOOT CHORD BEARING SOUTH 06°36'46" EAST, AN ARC LENGTH OF 555.05 FEET; THENCE SOUTH 02°42'21" EAST ON SAID RIGHT-OF-WAY LINE OF KANSAS HIGHWAY #10 (SOUTH LAWRENCE TRAFFICWAY) A DISTANCE OF 933.77 FEET; THENCE SOUTH 32°50'50" EAST ON SAID RIGHT-OF-WAY LINE OF KANSAS HIGHWAY #10 (SOUTH LAWRENCE TRAFFICWAY) A DISTANCE OF 896.17 FEET; THENCE SOUTH 14°23'06" EAST ON SAID RIGHT-OF-WAY LINE OF KANSAS HIGHWAY #10 (SOUTH LAWRENCE TRAFFICWAY), A DISTANCE OF 253.46 FEET; THENCE SOUTH 20°43'35" WEST, A DISTANCE OF 162.22 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 29; THENCE SOUTH 20°43'35" WEST, A DISTANCE OF 223.10 FEET; TO THE SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY #40 (WEST 6TH STREET); THENCE SOUTH 88°04'26" WEST, A DISTANCE OF 810.65 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 31, TOWNSHIP 12 SOUTH, RANGE 19 EAST; THENCE SOUTH 87°34'27" WEST, A DISTANCE OF 582.80 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF KANSAS HIGHWAY #10 (SOUTH LAWRENCE TRAFFICWAY); THENCE NORTH 32°26'29" WEST ON SAID RIGHT-OF-WAY LINE OF KANSAS HIGHWAY #10 (SOUTH LAWRENCE TRAFFICWAY), A DISTANCE OF 62.60 FEET; TO THE SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY #40 (WEST 6TH STREET); THENCE SOUTH 87°49'32" WEST ON THE SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY #40 (WEST 6TH STREET), A DISTANCE OF 387.01 FEET; THENCE SOUTH 87°34'27" WEST ON THE SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY #40 (WEST 6TH STREET), A DISTANCE OF 287.34 FEET; THENCE NORTH 80°13'58" WEST ON THE SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY #40 (WEST 6TH STREET), A DISTANCE OF 355.11 FEET; THENCE SOUTH 87°34'27" WEST ON THE SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY #40 (WEST 6TH STREET), A DISTANCE OF 1,015.49 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID

SECTION 31; THENCE NORTH 02°14'47" WEST ON THE WEST LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 31, A DISTANCE OF 75.00 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 30, TOWNSHIP 12 SOUTH, RANGE 19 EAST; THENCE NORTH 01°54'25" WEST ON THE WEST LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 30, A DISTANCE OF 2,647.51 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 30; THENCE NORTH 87°28'06" EAST ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 30, A DISTANCE OF 2,651.04 FEET TO THE POINT OF BEGINNING, CONTAINING 208.23 ACRES MORE OR LESS ALL IN DOUGLAS COUNTY, KANSAS, SUBJECT TO RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD.

SECTION 4. 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 5. After passage and publication as provided by law, this ordinance shall be in full force and effect commencing June 4, 2012.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this ____ day of May, 2012.

APPROVED:

Robert J. Schumm
Mayor

ATTEST:

Jonathan M. Douglass
City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
City Attorney

NOTICE TO PUBLISHER

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.