

ORDINANCE NO. 8736

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REPEALING ORDINANCE NO. 8481 IN ITS ENTIRETY, REPLACING IT WITH THIS ORDINANCE IN ORDER TO CORRECT A CLERICAL ERROR, RELATING TO THE REZONING OF APPROXIMATELY 23.773 ACRES FROM UR (URBAN RESERVE) DISTRICT TO CC400 (COMMUNITY COMMERCIAL) DISTRICT, AND AMENDING THE CITY'S "OFFICIAL ZONING DISTRICT MAP," INCORPORATED BY REFERENCE INTO THE CITY CODE AT CHAPTER 20, ARTICLE 1, SECTION 20-108 OF THE "CODE OF THE CITY OF LAWRENCE, KANSAS, 2011 EDITION," AND AMENDMENTS THERETO.

WHEREAS, on October 12, 2009, the owners of record of the subject property, the legal description of which is set forth at Section 3, *infra*, filed with the City of Lawrence, Kansas, Rezoning Application, No. Z-10-17-09, seeking to rezone the base district of the subject property from UR (Urban Reserve) District to CC400 (Community Commercial) District;

WHEREAS, on December 14, 2009, after due and lawful notice was given in accordance with K.S.A. 12-757 and City of Lawrence, Kan., Code § 20-1303, and amendments thereto, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Rezoning Application, No. Z-10-17-09;

WHEREAS, at the December 14, 2009, public hearing, the Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of City staff, weighed the evidence adduced at the public hearing, reviewed the decision-making criteria set forth at City of Lawrence, Kan., § 20-1303, and amendments thereto, and voted to recommend to the City Commission that it approve Rezoning Application, No. Z-10-17-09;

WHEREAS, at its January 5, 2010, public meeting, the Governing Body considered Rezoning Application, No. Z-10-17-09, and the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission and, after receiving the relevant evidence and hearing public comment, voted to approve the proposed rezoning subject;

WHEREAS, Ordinance No. 8481 was published on January 23, 2010, rezoning the subject property from Urban Reserve (UR) District to CC400 (Community Commercial) District;

WHEREAS, it has come to the City's attention that the legal description appearing in Section Two of Ordinance No. 8481, due to changes made during the platting process, does not accurately reflect the property that the City Commission rezoned from Urban Reserve (UR) District to CC400 (Community Commercial) District; and

WHEREAS, this Ordinance corrects that error by repealing Ordinance No. 8481 and setting forth, in Section 3, *infra*, the accurate legal description of the land, encompassing 23.773 acres, more or less, that the Governing Body rezoned on January 5, 2010, from UR (Urban Reserve) District to CC400 (Community Commercial) District.

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. Ordinance No. 8481 is, because of an error appearing therein, hereby repealed in its entirety, it being the intent of the Governing Body that this Ordinance supersede that ordinance, in order to correct that error, and be adopted in its place.

SECTION 3. The base zoning district classification for the following legally described real property, situated in the City of Lawrence, Douglas County, Kansas, to-wit:

A TRACT IN SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 88° 04' 26" WEST ALONG THE SOUTH LINE OF SAID SECTION, 1772.58 FEET; THENCE NORTH 01° 55' 34" WEST, 391.24 FEET TO THE POINT OF BEGINNING; THENCE NORTH 14°23'48" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 6.39 FEET; THENCE NORTH 32°50'50" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 896.17 FEET; THENCE NORTH 02°42'21" WEST, ALONG SAID EAST RIGHT OF WAY LINE, 746.50 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE NORTH 88°04'03" EAST, 922.49 FEET; THENCE ALONG A 750.00 FOOT RADIUS CURVE TO THE RIGHT WITH A 126.11 FOOT CHORD BEARING SOUTH 87°06'35" EAST, AN ARC DISTANCE OF 126.26 FEET; THENCE SOUTH 07°42'46" WEST, 40.00 FEET; THENCE SOUTH 21°13'41" WEST, 656.16 FEET; THENCE SOUTH 68°46'19" EAST, 35.00 FEET; THENCE SOUTH 21°13'41" WEST, 126.29 FEET; THENCE SOUTH 68°46'19" EAST, 41.23 FEET; THENCE SOUTH 21°13'41" WEST, 512.10 FEET; THENCE SOUTH 39°23'56" WEST, 30.00 FEET; THENCE SOUTH 50°36'04" EAST, 311.96 FEET; THENCE SOUTH 01°32'47" EAST, 30.00 FEET; THENCE SOUTH 88°27'13" WEST, 295.34 FEET; THENCE ALONG A 250.00 FOOT RADIUS CURVE TO THE RIGHT WITH A 49.69 FOOT CHORD BEARING NORTH 85°50'36" WEST, AN ARC DISTANCE OF 49.77 FEET TO THE POINT OF BEGINNING. CONTAINS 23.773 ACRES, MORE OR LESS.

is hereby changed from UR (Urban Reserve District) to CC400 (Community Commercial) District as such district is defined and prescribed in Chapter 20 of the "Code of the City of Lawrence, Kansas, 2011 Edition," and amendments thereto.

SECTION 4. The "Official Zoning District Map," which is adopted and incorporated into the City Code by reference at City of Lawrence, Kan., Code § 20-108 (Jan. 1, 2011), is hereby amended by showing and reflecting thereon the new zoning district classification for the subject property as described in more detail in Section 2, *supra*.

SECTION 5. 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 6. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

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.