

ORDINANCE NO. 8760

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, ANNEXING APPROXIMATELY 12.29 ACRES, SPECIFICALLY LOCATED AT 1783 EAST 1450 ROAD, ALSO KNOWN AS 1545 NORTH THIRD STREET, DOUGLAS COUNTY, KANSAS, INTO THE CITY OF LAWRENCE, KANSAS, PURSUANT TO K.S.A. 12-520(a)(7).

WHEREAS, Advantage Metals Recycling, LLC, is the owner of record of certain real property, specifically located at 1783 East 1450 Road, also known as 1545 North Third Street, Douglas County, Kansas, the legal description of which is set forth at Section 3, *infra* ("the subject property");

WHEREAS, on May 12, 2012, the owner of record of the subject party filed with the Lawrence-Douglas County Planning Office, Annexation Request, No. A-5-2-12, petitioning the City to annex the subject property;

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

WHEREAS, under K.S.A. 2010 Supp. 12-520(a)(7), the City may, by adoption of an ordinance, annex land where the land adjoins the City and the owner of record has petitioned the City to annex the land;

WHEREAS, under K.S.A. 2010 Supp. 12-520a(f), the City may, without resolution, notice, or a public hearing, as generally required by K.S.A. 2010 Supp. 12-520a(a), annex land by the adoption of an ordinance where the owner of record has petitioned the City to annex the land in accordance with K.S.A. 2010 Supp. 12-520(a)(7);

WHEREAS, Annexation Request, No. A-5-2-12, was referred to the Lawrence-Douglas County Metropolitan Planning Commission for recommendation;

WHEREAS, on June 25, 2012, after giving due and lawful notice, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Annexation Request, No. A-5-2-12;

WHEREAS, at the June 25, 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 grant Annexation Request, No. A-5-2-12, and annex the subject property; and

WHEREAS, at its July 10, 2011, public meeting, the Governing Body considered Annexation Request, No. A-5-2-12, 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 the annexation of that certain real property, specifically located at 1783 East 1450 Road, also known as 1545 North Third Street, 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. 2010 Supp. 12-520(a)(7).

SECTION 3. In accordance with the Governing Body's finding, the City hereby grants Annex Request, No. A-5-2-12, and annexes into the City the following legally described real property, located in Douglas County, Kansas, to-wit:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE 132.00 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION, (SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAYS 59 AND 40); THENCE SOUTH 02°14'24" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 496.69 FEET; THENCE NORTH 87°45'36" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 72.00 FEET; THENCE SOUTH 02°14'24" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 192.00 FEET; THENCE NORTH 87°45'36" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 5.00 FEET; THENCE SOUTH 02°14'24" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 636.32 FEET; THENCE SOUTH 87°47'15" WEST, 474.48 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE NORTH 01°19'46" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, 1331.40 FEET TO THE NORTH LINE OF SAID QUARTER SECTION; THENCE NORTH 88°29'40" EAST, ALONG SAID NORTH LINE, 314.62 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 12.290 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS.

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 adoption and publication as provided by law, this ordinance shall be in full force and effect, commencing August 8, 2012.

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