

RESOLUTION NO. 71_ _

A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, ESTABLISHING AN AGREEMENT WITH THE BROOK CREEK NEIGHBORHOOD ASSOCIATION FOR THE LAWRENCE PARKS AND RECREATION DEPARTMENT TO PRESERVE AND MAINTAIN, AS NATURAL AND UNDISTURBED WOODS, THE 43 ACRES OF HISTORICAL WOODLANDS WITHIN THE BROOK CREEK PARK

WHEREAS, the 43 acres of natural woods that constitute the northern portion of Brook Creek Park have been considered a nature preserve by the neighborhood residents for years;

WHEREAS, these natural woods are an ecological preserve, a buffer of the neighborhood from disturbances by the BNSF Railroad and the City Public Works operations, and have historical origins in the Woodland Park amusement park from 1910 to approximately 1930;

WHEREAS, approximately half of these natural woods are within the FEMA 100 year floodway, and a smaller portion are in the FEMA 100 year floorplain;

WHEREAS, these natural woods have in recent years suffered encroachment by the City Public Works operations, pollution from illegal dumping, unannounced brush hog trail cutting by the City Parks and Recreation Department, and random presence of illegal rifle game hunting;

WHEREAS, the City of Lawrence purchased the property from Mr. Park Hetzel, Jr. in 1996 for use as parkland;

WHEREAS, Fred DeVictor, the Director of Parks and Recreation from 1975 to 2007, did make a 1996 agreement with then Brook Creek Neighborhood Association President, Mark Taylor, that "The intent was to keep it natural, which is what the neighbors wanted" (quote, Fred DeVictor);

WHEREAS, on at least four occasions, the Brook Creek Neighborhood Association has reaffirmed this intent, either in meetings with City staff or in a letter to the City Commission;

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:

SECTION 1. The 43 acres of historical woodlands within the Brook Creek Park shall be known as "The Brook Creek Park Nature Area", hereinafter referred to as "The Nature Area".

SECTION 2. The Nature Area is defined in three parcels as:

WOODLAND PARK ADD BLK A LTS 1-11, BLK B LTS 1-14 & BLK C LTS 1-8; ALSO
WOODLAND PARK ADD NO 2 BLK 1 LTS 1-6 & BLK 2 LTS 1-6; ALSO ALL STREETS &
ALLEYS IN WOODLAND PARK ADD & WOODLAND PARK ADD NO 2 VAC PER
ORDER OF VACATION BK 566/1906 DATED 10/22/1996
(U10655A, 666A, 680A, 688A01, 688CA, 688FA & 688IA COMBINED 1997)

32-12-20 BEG AT PT ON QR SEC LINE 952.45 FT S89DEG52'E OF NWCOR SW 1/4 TH
S89DEG52'E ALONG QR SEC LINE (BEING ALSO CENTER LINE COUNTY RD #158A)

297.85 FT TO IRON PIN TH S72DEG52'E ALONG R/W AT&SF RR 444.4 FT TO IRON PIN TH CONT ALONG SD R/W LINE S75DEG22'E 1007.5 FT TO IRON PIN ON QR SEC LINE TH S 0DEG06'E ALONG SD QR SEC LINE 986.2 FT TO IRON PIN TH S89DEG55'W 544.65 FT TO IRON PIN TH N 0DEG05'W 300.29 FT TO IRON PIN TH S89DEG55'W 802.5 FT TO IRON PIN TH N 0DEG05'W 200 FT TO IRON PIN TH S89DEG55'W 350.05 FT TO IRON PIN TH N PARA WITH W LINE SD QR SEC 873.81 FT TO PT BEG, LESS 7.155A WOODLAND PARK ADD ORD NO 2560 11-22-1955, LESS 2.8A ANNEXED BY CITY OF LAWRENCE ORD NO 2691 4-9-1957, LESS 7A D 313/44 20.595A

The south east part of the Lawrence Public Works yard south of the Burroughs Creek, the entire parcel being: 32-12-20 BEG AT PT 952.45 FT E OF NW COR SW 1/4 ON N LINE SD 1/4 TH S PARA W LINE SD QR 873.81 FT TH E PARA N LINE SD 1/4 350.05 FT TH N PARA W LINE SD 1/4 TO S R/W LINE AT&SF RR TH NWLY ALONG SD R/W TO INTERSEC WITH N LINE SD 1/4 TH W TO BEG; ALSO BEG AT NW COR SW 1/4 TH S 542.15 FT TH E PARA N LINE SD 1/4 TO N BANK OF CREEK TH ELY ALONG N BANK SD CREEK TO PT 952.38 FT E & 409.8 FT S OF PT BEG TH N 409.8 FT TO N LINE SD 1/4 TH W 952.38 FT TO PT BEG PER DIST CT ACTION #29821, 17.5A (U13466A & 68A COMBINED 1988)

SECTION 3. The Nature Area shall be preserved and maintained in perpetuity according to all conditions as enumerated in this document.

SECTION 4. The Burroughs Creek and the Brook Creek stream beds shall be cleared of all blockages so as to minimize flooding, and no rip-rap or concrete shall be placed in the creeks.

SECTION 5. "Improved" infrastructure shall not be placed in the Nature Area, including but not limited to: area lighting, paved trails, picnic shelters, grills, water service and fountains, rest rooms, play equipment, BMX bicycle tracks, streets, motor vehicle parking, seating except for intermittent rustic benches, and signage if not approved by the Brook Creek Neighborhood Association and the City of Lawrence.

SECTION 6. Adjacent activities shall not be expanded so as to encroach, either physically or by light pollution, into The Nature Area, including but not limited to: Public Works operations, Utilities operations, Oak Hill Cemetery or other cemeteries, and residences, businesses, or other structures.

SECTION 7. City personnel shall mechanically remove invasive and exotic plants including, but not limited to, Amur Honeysuckle, Japanese Honeysuckle, Tree of Heaven, Poison Ivy, Trumpet Vine, Euonymus Vine, Garlic Mustard, and Multiflora Rose, and simultaneously plant native species in place of all removed specimens.

SECTION 8. Citizens may plant native species, provided they have pre-approval from the Brook Creek Neighborhood Association and the City of Lawrence.

SECTION 9. City personnel may conduct prescribed underbrush burning in keeping with best management practices as promulgated by the U.S. Forest Service.

SECTION 10. Dead trees may be felled by Parks & Rec personnel as necessary for safety, while leaving felled trunks to function as critter habitat.

SECTION 11. Natural footpaths shall be maintained by City personnel for safety and erosion control, with vegetation removed mechanically no more than three feet wide at foot level, though wider at eye level, and a wood chip surface is acceptable.

SECTION 12. Perimeter signs shall be placed at all foot path entry points stating the name of The Brook Creek Nature Area, that “carry it in/carry it out” is encouraged, that it is a restricted use area, and listing the use restrictions for the public.

SECTION 13. Use restrictions for the public shall include: no motor vehicle use, no cutting of vegetation, no camping, no fires, no firearms, no hunting, no archery, and no glass containers.

SECTION 14. Bicycle parking shall be provided, with signs indicating parking time limit.

SECTION 15. Parks & Rec and Lawrence Police personnel shall regularly patrol The Nature Area during all seasons, dusk to dawn, to prevent people from camping there.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this __ day of ____, 2016.

APPROVED:

Mike Amyx
Mayor

ATTEST:

Brandon McGuire
Acting City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney