

ORDINANCE NO. 8823

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, ANNEXING APPROXIMATELY 90 ACRES, GENERALLY LOCATED EAST OF KANSAS HIGHWAY 10 (K-10), NORTH OF WEST SIXTH STREET, WEST OF GEORGE WILLIAMS WAY, EXTENDED, AND SOUTH OF BALDWIN CREEK CITY PARK, IN DOUGLAS COUNTY, KANSAS, INTO THE CITY OF LAWRENCE, KANSAS.

WHEREAS, Fairway, LC, is the owner of record of certain real property, generally located east of Kansas Highway 10 (K-10), north of West Sixth Street, west of George Williams Way, extended, and south of Baldwin Creek City Park, in Douglas County, Kansas, the legal description of which is set forth at Section 3, *infra* ("the subject property");

WHEREAS, on September 10, 2012, the owner of record of the subject property filed with the Lawrence-Douglas County Planning Office, Annexation Request, No. A-12-00190, petitioning the City to annex the subject property;

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

WHEREAS, pursuant to 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 owner of record has petitioned the City to annex the land;

WHEREAS, in accordance with City policy, Annexation Request, No. A-12-00190, was referred to the Lawrence-Douglas County Metropolitan Planning Commission for recommendation;

WHEREAS, on November 12, 2012, after giving due and lawful notice, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on Annexation Request, No. A-12-00190;

WHEREAS, at the November 12, 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 unanimously (8-0) to recommend to the City Commission that it approve Annexation Request, No. A-12-00190, and annex the subject property;

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 owner of record petitions the City to annex the land in accordance with K.S.A. 2011 Supp. 12-520(a)(7); and

WHEREAS, at its November 27, 2012, public meeting, the Governing Body considered Annexation Request, No. A-12-00190, 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, generally located east of Kansas Highway 10 (K-10), north of West Sixth Street, west of George William Way, extended, and south of the Baldwin Creek City Park, 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 described real property, located in Douglas County, Kansas, to-wit:

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

BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 88° 03' 57" WEST, 2289.78 FEET ALONG THE SOUTH LINE OF SAID QUARTER SECTION TO THE EASTERLY LINE OF A RIGHT-OF-WAY DEEDED TO THE STATE OF KANSAS; THENCE ON A CURVE TO THE LEFT ALONG SAID RIGHT-OF-WAY, HAVING A RADIUS OF 4069.72 FEET, AN ARC LENGTH OF 287.97 FEET, A CHORD BEARING NORTH 12° 32' 44" WEST AND CHORD DISTANCE OF 287.91 FEET; THENCE NORTH 00° 20' 28" EAST ALONG SAID RIGHT-OF-WAY, 74.58 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY ON A MEASURED BEARING OF NORTH 46° 12' 54" EAST AND MEASURED DISTANCE OF 320.03 FEET; THENCE SOUTH 65° 51' 23" EAST, 378.00 FEET; THENCE NORTH 22° 02' 16" EAST 30.33 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 380.00 FEET, AN ARC LENGTH OF 563.28 FEET, A CHORD BEARING NORTH 25° 29' 49" WEST AND CHORD DISTANCE OF 513.11 FEET; THENCE NORTH 16° 58' 06" EAST, 93.80 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET, AN ARC LENGTH OF 66.69 FEET, A CHORD BEARING NORTH 05° 43' 53" EAST AND A CHORD DISTANCE OF 66.26 FEET; THENCE NORTH 05° 30' 23" WEST, 284.93 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 380.00 FEET, AN ARC LENGTH OF 376.42 FEET, A CHORD BEARING NORTH 22° 52' 20" EAST AND CHORD DISTANCE OF 361.22 FEET; THENCE NORTH 51° 15' 03" EAST, 122.85 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 280.00 FEET, AN ARC LENGTH OF 462.36 FEET, A CHORD BEARING SOUTH 81° 26' 37" EAST AND CHORD DISTANCE OF 411.59 FEET; THENCE SOUTH 34° 08' 16" EAST, 136.57 FEET; THENCE NORTH 36° 50' 52" EAST, 105.91 FEET; THENCE NORTH 05° 32' 15" EAST, 56.74 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 250.00 FEET, AN ARC LENGTH OF 606.37 FEET, A CHORD BEARING NORTH 42° 26' 34" EAST AND CHORD DISTANCE OF 468.29 FEET; THENCE SOUTH 79° 27' 52" EAST, 120.73 FEET; . THENCE NORTH 66° 27' 53" EAST, 735.30 FEET TO THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 02° 00' 44" EAST ALONG SAID EAST LINE, 2270.86 FEET TO THE POINT OF BEGINNING. CONTAINING 89.812 ACRES.

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. 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 November, 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.