

ORDINANCE NO. 8698

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, ANNEXING APPROXIMATELY 10.93 ACRES, GENERALLY LOCATED NORTH OF CLINTON PARKWAY AND SOUTH OF BOB BILLINGS PARKWAY IN DOUGLAS COUNTY, KANSAS, INTO THE CITY OF LAWRENCE, KANSAS, PURSUANT TO K.S.A. 12-520(a)(7).

WHEREAS, Alvamar, Inc., is the owner of record of certain real property, generally located north of Clinton Parkway and south of Bob Billings Parkway in Douglas County, Kansas, the legal description of which is set forth at Section 3, *infra* ("the subject property");

WHEREAS, the City of Lawrence, Kansas, as part of a project to refurbish the Yankee Tank Dam, also known as the Lake Alvamar Dam, initiated a petition to annex the subject property;

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

WHEREAS, Alvamar, Inc., as owner of record of the subject property, has consented in writing to the annexation of the subject property;

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 consents in writing to the annexation;

WHEREAS, under K.S.A. 2010 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. 2010 Supp. 12-520a(a), where the owner of record consents in writing to the annexation in accordance with K.S.A. 2010 Supp. 12-520(a)(7);

WHEREAS, the petition to annex the subject property was referred to the Lawrence-Douglas County Metropolitan Planning Commission for recommendation;

WHEREAS, on January 23, 2012, after giving due and lawful notice, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on the petition to annex the subject property;

WHEREAS, at the January 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 land in question; and

WHEREAS, at its April 17, 2011, public meeting, the Governing Body considered the petition to annex the subject property 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 north of Clinton Parkway and south of Bob Billings Parkway 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. 2010 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:

Commencing at the Northeast corner of the Southwest Quarter (SW ¼) of Section 5, Township 13 South Range 19 East of the Sixth Principal Meridian, Douglas County, Kansas thence South 88°04'58" West on the North line of the Southwest Quarter (SW ¼) of said Section 5 a distance of 374.97 feet to the West line of The Reserve at Alvamar an addition to the city of Lawrence, Douglas County, Kansas for the Point of Beginning; thence South 24°16'06" East on the West line of said The Reserve at Alvamar, a distance of 199.45 feet; thence South 66°41'51" East on the Southwesterly line of said The Reserve at Alvamar, a distance of 320.85 feet to the East line of the Southwest Quarter (SW ¼) of said Section 5; thence South 00°20'18" East on the East line of the Southwest Quarter (SW ¼) of said Section 5, a distance of 649.84 feet; thence North 56°36'24" West, a distance of 388.58 feet; thence South 78°17'48" West, a distance of 298.51 feet to the East line of Lake Estates Subdivision Number 3, in Douglas County, Kansas; thence North 06°10'48" West on the East line of said Lake Estates Subdivision Number 3, a distance of 400.90 feet; thence North 21°19'18" West on the East line of said Lake Estates Subdivision Number 3, a distance of 421.03 feet to the North line of the Southwest Quarter (SW ¼) of said Section 5; thence North 88°04'58" East on the North line of the Southwest Quarter (SW ¼) of said Section 5, a distance of 432.73 feet to the Point of Beginning; containing 10.93 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. 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 24th day of April, 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.