

**BOARD OF COUNTY COMMISSIONERS
OF
FRANKLIN COUNTY, KANSAS**

RESOLUTION NO. 07-002

A RESOLUTION AMENDING THE
OFFICIAL ZONING DISTRICT MAP OF FRANKLIN COUNTY, KANSAS

WHEREAS, the Franklin County Planning Commission of Franklin County, Kansas, received an application for a Zone Change from Stanley J. Schaake, property owner of record, to rezone approximately 80 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District . The property described below lies outside any incorporated city and is described as follows:

Tract A:

The North half of the South Half of the Southeast Quarter of Section 35, Township 15 South, Range 19 East of the 6th Principal Meridian, Franklin County, Kansas, EXCEPT that part condemned for Highway 59 right of way in Condemnation Case #19-623. Said Tract being more particularly described as follows:

Commencing at a ½" rebar at the Southwest Corner of the Southeast Quarter of Section 35, Township 15 South Range 19 East of the 6th Principal Meridian, Franklin County, Kansas; THENCE South 89 degrees 29 minutes 13 seconds East for a distance of 259.1 feet (deed) 261.12 feet (measured) along the South line of said Southeast Quarter to a ½" rebar on the East right of way line of Highway 59; THENCE North 21 degrees 34 minutes 06 seconds West for a distance of 12.7 feet (deed) 13.80 feet (measured) along said right of way; THENCE along a curve to the right with a radius of 2804.93 feet, for a distance of 673.88 feet, with a chord bearing of North 14 degrees 41 minutes 09 seconds West for a chord distance of 672.26 feet along said right of way to a ½" rebar at the POINT OF BEGINNING; THENCE along a curve to the right with a radius of 2804.93 feet for a distance of 381.02 feet, with a chord bearing of North 03 degrees 54 minutes 42 seconds West for a chord distance of 380.73 feet along said right of way to a ½" rebar; THENCE North 00 degrees 01 minutes 12 seconds West for a distance of 281.90 feet along said right of way to a ½" rebar, said rebar being 60.00 feet East of the Northwest Corner of the South Half of said Southeast Quarter; THENCE South 89 degrees 36 minutes 27 seconds East for a distance of 2585.48 feet to a KDOT disc at the Northeast Corner of the South Half of said Southeast Quarter; THENCE South 00 degrees 05 minutes 55 seconds West for a distance of 664.24 feet to a ½" rebar; THENCE North 89 degrees 32 minutes 50 seconds West for a distance of 2558.28 feet to the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 39.25 acres, more or less, in Franklin County, Kansas, as shown on survey by Taylor Design Group, P.A. dated June 2006.

Tract B:

The South Half of the South Half of the Southeast Quarter of Section 35, Township 15 South, Range 19 East of the 6th Principal Meridian, Franklin County, Kansas, EXCEPT that part condemned for Highway 59 right of way in Condemnation Case #19-623. Said tract being more particularly described as follows:

Commencing at a ½" rebar at the Southwest Corner of the Southeast Quarter of Section 35, Township 15 South, Range 19 East of the 6th Principal Meridian, Franklin County, Kansas; THENCE South 89 degrees 29 minutes 13 seconds East for a distance of 259.1 feet (deed) 261.12 feet (measured) along the South line of said Southeast Quarter to a ½" rebar on the East right of way line of Highway 59 at the POINT OF BEGINNING; THENCE North 21 degrees 34 minutes 06 seconds West for a distance of 12.7 feet (deed) 13.80 feet (measured) along said right of way; THENCE along a curve to the right with a radius of 2804.93 feet, for a distance of 673.88 feet, with a chord bearing of North 14 degrees 41 minutes 09 seconds West for a

chord bearing of 672.26 feet along said right of way to a ½” rebar; THENCE South 89 degrees 32 minutes 50 seconds East for a distance of 2558.28 feet to a ½” rebar on the East line of said Southeast Quarter; THENCE South 00 degrees 05 minutes 55 seconds West for a distance of 664.24 feet to a ½” rebar at the Southeast Corner of said Southeast Quarter; THENCE North 89 degrees 29 minutes 13 seconds West for a distance of 2381.65 feet to the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 37.81 acres, more or less, in Franklin County Kansas as shown on survey by Taylor Design Group, P.A. dated June 2006.

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the 29th day of November 2006, notice of public hearing for said Zoning Change Request; and

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission held a public hearing on December 21st, 2006 regarding said Zoning Change Request; and

WHEREAS, the Franklin County Planning Commission, on December 21st, 2006 in regular session and by a unanimous vote of those members present, approved said Zoning Change request based upon certain findings of fact, whereby recommending that the Official Zoning District Map of Franklin County, Kansas be amended; and

WHEREAS, the Franklin County Board of County Commissioners, after duly reviewing the recommendation of the Planning Commission and considering all public comments and concerns regarding said Zoning Change, find that the rezoning of said property would not be detrimental to the surrounding properties and would be in compliance with the provisions of K.S.A. 12-753, the purpose and intent of the Franklin County Comprehensive Plan and the general welfare of the citizens of Franklin County.

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of County Commissioners does hereby approve rezoning of the above described tract of land from “A-1” Agriculture District to a “R-E” Residential Estate District and that the Official Zoning District Map of Franklin County, Kansas be amended to reflect the approved zoning change.

PASSED AND ADOPTED by the Franklin County Board of County Commissioners this 8th day of January 2007. This action shall become effective upon publication in the official county newspaper.

/s/ Karen S. Farrell
Karen S. Farrell
Commissioner District 1

/s/ Roy C. Dunn
Roy C. Dunn
Commissioner District 3

/s/ Donald R. Stottlemire
Donald R. Stottlemire
Commissioner District 5

/s/ John E. Taylor
John E. Taylor
Commissioner District 2

/s/ Donald C. Hay
Donald C. Hay
Commissioner District 4

Received and recorded this the 8th day of January 2007.

Shari Perry

/s/ Shari Perry

County Clerk