

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

RESOLUTION NO. 07-016

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 Jeremy Altic, property owner of record, to rezone approximately 47.97 acres, described in Tract A & B, from an A-1 (Agriculture) District to an A-2 (Transitional Agriculture) District and to rezone approximately 13.1 acres, described in Tract C, 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 1:

Commencing at a KDOT disk at the Northwest Corner of the Northwest Quarter of Section 12, Township 16 South, Range 19 East of the 6th Principal Meridian, Franklin County, Kansas; THENCE North 87 degrees 50 minutes 20 seconds East 1473.51 feet along the North line of said Northwest Quarter to a ½" rebar, the POINT OF BEGINNING; THENCE North 87 degrees 50 minutes 20 seconds East 615.32 feet along said North line to a ½" rebar; THENCE South 09 degrees 38 minutes 56 seconds East 1917.72 feet to a ½" rebar; THENCE South 87 degrees 18 minutes 33 seconds West 436.01 feet to a point on the East KDOT right of way; THENCE North 00 degrees 37 minutes 32 seconds West 104.62 feet along said right of way; THENCE North 24 degrees 48 minutes 45 seconds West 775.84 feet along said right of way; THENCE North 17 degrees 43 minutes 03 seconds West 581.78 feet along said right of way; THENCE North 22 degrees 53 minutes 01 seconds West 447.79 feet along said right of way; THENCE North 63 degrees 48 minutes 49 seconds East 198.41 feet along said right of way; THENCE North 02 degrees 09 minutes 40 seconds West 24.75 feet along said right of way to the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 27.13 acres, more or less, in Franklin County Kansas as shown on survey by Schmitz Surveying Services dated December 2006.

Tract 2:

Commencing at a KDOT disk at the Northwest Corner of the Northwest Quarter of Section 12, Township 16 South, Range 19 East of the 6th Principal Meridian, Franklin County, Kansas; THENCE North 87 degrees 50 minutes 20 seconds East for a distance of 2088.82 feet along the North line of said Northwest Quarter to a ½" rebar, the POINT OF BEGINNING; THENCE North 87 degrees 50 minutes 20 seconds East for a distance of 478.00 feet along said North line to a ½" rebar, said rebar being 119 feet (deed) 80.60 feet (measured) West of the Northeast Corner of said Northwest Quarter; THENCE South 09 degrees 38 minutes 56 seconds East for a distance of 1941 feet (deed) 1913.27 feet (measured) to a ½" rebar set by R.H. Lister, PE-870, on the West line of the railroad right of way; THENCE South 87 degrees 18 minutes 33 seconds West for a distance of 477.44 feet to a ½" rebar; THENCE North 09 degrees 38 minutes 56 seconds West for a distance of 1917.72 feet to a ½" rebar, the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 20.84 acres more or less in Franklin County, Kansas as shown on survey by Schmitz Surveying dated December 2006.

Tract 3:

Commencing at a KDOT disk at the Northwest Corner of the Northwest Quarter of Section 12, Township 16 South, Range 19 East of the 6th Principal Meridian, Franklin County, Kansas; THENCE North 87 degrees 50 minutes 20 seconds East for a distance of 868 feet (deed) 867.85 feet (measured) along the North line of said Northwest Quarter to a ½" rebar; THENCE South 01 degrees 43 minutes 23 seconds East 147.49 feet to the POINT OF BEGINNING; THENCE South 01 degrees 43 minutes 23 seconds East 1909 feet (deed) 1915.16 feet (measured) to a ½" rebar; THENCE North 87 degrees 18 minutes 33 seconds East 585.79 feet to a point on the West KDOT right of way line; THENCE North 18 degrees 04 minutes 50 seconds West 1242.85 feet along said right of way; THENCE North 38 degrees 28 minutes 33 seconds West for a distance of 164.84 feet along said right of way; THENCE North 09 degrees 21 minutes 36 seconds West for a distance of 406.11 feet along said right of way; THENCE North 67 degrees 29 minutes 47 seconds West for a

distance of 93.60 feet to the POINT OF BEGINNING. Said property contains 13.1 acres, more or less, in Franklin County Kansas.

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the 21st day of February 2007, 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 March 15th, 2007 regarding said Zoning Change Request; and

WHEREAS, the Franklin County Planning Commission, on March 15th, 2007 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 tracts of land from an "A-1" Agriculture District to an "A-2" Transitional Agriculture District and from an "A-1" Agriculture District to an "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 4th day of April 2007. This action shall become effective upon publication in the official county newspaper.

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

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

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

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

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

Received and recorded this the 4th day of April 2007.

Shari Perry

/s/ Shari Perry

County Clerk