

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

RESOLUTION NO. 07-037

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 Bill and Catheryn Smith property owner of record, to rezone approximately 3 acres, Tract 1, from "R-E" Residential Estate District and "A-1" Agriculture District to "R-3A" Single Family Residential Three Acre District and to rezone approximately 2 acres, Tract 2, from "R-E" Residential Estate District to "C-2" Highway Commercial District. The property described below lies outside any incorporated city and is described as follows:

Tract 1:

Commencing at a ½" rebar at the Southwest Corner of the Southeast Quarter of Section 30, Township 15 South, Range 19 East of the 6th Principal Meridian, Franklin County, Kansas; THENCE along the West line of said Southeast Quarter, North 00 degrees 04 minutes 30 seconds East for a distance of 1240.62 feet; THENCE departing said West line, South 89 degrees 55 minutes 29 seconds East for a distance of 698.44 feet to a ½" rebar, the POINT OF BEGINNING; THENCE North 10 degrees 08 minutes 53 seconds East for a distance of 292.61 feet to a ½" rebar; THENCE North 89 degrees 39 minutes 05 seconds West for a distance of 191.97 feet to a ½" rebar; THENCE North 04 degrees 14 minutes 38 seconds East for a distance of 144.77 feet to a ½" rebar; THENCE North 21 degrees 50 minutes 23 seconds West for a distance of 196.71 feet to a ½" rebar on the centerline of Stafford Road; THENCE along said centerline, along a curve to the right with a radius of 5336.92 feet, for a distance of 113.86 feet, with a chord bearing of South 71 degrees 06 minutes 29 seconds East for a chord distance of 113.86 feet to a ½" rebar; THENCE along said centerline, South 70 degrees 21 minutes 07 seconds East for a distance of 342.11 feet to a ½" rebar; THENCE departing said centerline, South 10 degrees 09 minutes 05 seconds West for a distance of 472.52 feet to a ½" rebar; THENCE North 89 degrees 39 minutes 17 seconds West for a distance of 143.77 feet to the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 3.00 acres, more or less, in Franklin County Kansas as shown on survey by Taylor Design Group, P.A. dated April 2007.

Tract 2:

Commencing at a ½" rebar at the Southwest Corner of the Southeast Quarter of Section 30, Township 15 South, Range 19 East of the 6th Principal Meridian, Franklin County Kansas; THENCE along the West line of said Southeast Quarter, North 00 degrees 04 minutes 30 seconds East, for a distance of 1240.62 feet; THENCE departing said West line, South 89 degrees 55 minutes 29 seconds East for a distance of 451.52 feet to a ½" rebar, the POINT OF BEGINNING; THENCE North 12 degrees 57 minutes 06 seconds East for a distance of 230.71 feet to a ½" rebar; THENCE North 04 degrees 14 minutes 38 seconds East for a distance of 199.93 feet to a ½" rebar; THENCE North 21 degrees 50 minutes 23 seconds West for a distance of 226.75 feet to a ½" rebar on the centerline of Stafford Road; THENCE along said centerline, along a curve to the right with a radius of 5336.92 feet, for a distance of 65.05 feet, with a chord bearing of South 72 degrees 04 minutes 06 seconds East for a chord distance of 65.05 feet to a ½" rebar; THENCE departing said centerline, South 21 degrees 50 minutes 23 seconds East for a distance of 196.71 feet; THENCE South 04 degrees 14 minutes 38 seconds West for a distance of 144.77 feet to a ½" rebar; THENCE South 89 degrees 39 minutes 05 seconds East for a distance of 191.97 feet to a ½" rebar; THENCE South 10 degrees 08 minutes 53 seconds West for a distance of 292.61 feet to a ½" rebar; THENCE North 89 degrees 39 minutes 17 seconds West for a distance of 246.92 feet to the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 2.00 acres more or less, in Franklin County Kansas as shown on survey by Taylor Design Group, P.A. dated April 2007.

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the 28th day of March 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 May 17th, 2007 regarding said Zoning Change Request; and

WHEREAS, the Franklin County Planning Commission, on May 17th, 2007 in regular session and by a majority 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 "R-E" Residential Estate District and "A-1" Agriculture District to "R-3A" Single Family Residential Three Acre District and to rezone approximately 2 acres, Tract 2, from "R-E" Residential Estate District to "C-2" Highway Commercial 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 6th day of June 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 6th day of June 2007.

Shari Perry

/s/ Shari Perry
County Clerk