

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

RESOLUTION NO. 06-071

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 Edward W. Ferguson, Jr., property owner of record, to rezone approximately 41.97 acres, described in Tracts "A" & "B", 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:

A tract of land in the Northwest Fractional Quarter of Section 1, Township 16 South, Range 19 East of the 6th P.M., Franklin County Kansas, described as follows: BEGINNING at the Northwest Corner of said Quarter Section; FIRST COURSE, thence on an assumed bearing of North 88 degrees 29 minutes 11 seconds East, 30.60 feet along the North line of said Quarter Section; SECOND COURSE, thence South 11 degrees 51 minutes 49 seconds East, 235.32 feet; THIRD COURSE, thence South 35 degrees 17 minutes 32 seconds East, 83.68 feet; FOURTH COURSE, thence South 15 degrees 39 minutes 57 seconds East, 667.62 feet; FIFTH COURSE, thence South 34 degrees 26 minutes 25 seconds East, 1005.68 feet; SIXTH COURSE, thence South 26 degrees 35 minutes 41 seconds East, 305.94 feet; SEVENTH COURSE, thence South 10 degrees 17 minutes 03 seconds East, 304.48 feet to the South line of said Quarter Section; EIGHTH COURSE, thence South 87 degrees 49 minutes 22 seconds West, 1006.09 feet along said South line to the Southwest Corner of said Quarter Section; NINTH COURSE, thence North 01 degrees 29 minutes 55 seconds West, 2382.20 feet along the West line of said Quarter Section to the Point of Beginning. The above described tract contains 26.81 acres which includes 1.66 acres of existing right of way, resulting in an acquisition of 25.15 acres, more or less. This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutters' rights of access to said highway, appurtenant to grantors remaining property.

Tract B:

Commencing at the Northwest Corner of the Northwest Quarter of Section 1, Township 16 South, Range 19 East of the Sixth P.M., being marked with a ½" iron bar with a 2" aluminum cap set by the State of Kansas; THENCE North 88 degrees 29 minutes 33 seconds East 715.15 feet (715.41' State) to the Southeast Corner of the Southwest Quarter of the Southeast Quarter of Section 35, Township 15 South, Range 19 East of the Sixth P.M., being marked with a ½" iron bar with a 2" aluminum cap set by the State of Kansas; THENCE North 88 degrees 28 minutes 47 seconds East 178.70 feet to a ½" iron bar on the South line of the Southeast Quarter of the Southeast Quarter of said Section 35 and the TRUE POINT OF BEGINNING; THENCE North 88 degrees 28 minutes 47 seconds East 800.00 feet to a ½" iron bar on the South line of said Southeast Quarter of the Southeast Quarter, said

point is 342.58 feet West of the Southeast Corner of the Southeast Quarter of said Section 35, Township 15 South, Range 19 East of the Sixth P.M.; THENCE South 01 degrees 31 minutes 13 seconds East 1000.00 feet to a ½" iron bar; THENCE South 88 degrees 28 minutes 47 seconds West 525.00 feet to a ½" iron bar; THENCE North 30 degrees 15 minutes 07 seconds West 396.42 feet to a ½" iron bar; THENCE North 38 degrees 56 minutes 00 seconds West 138.98 feet to a ½" iron bar; THENCE North 01 degrees 31 minutes 13 seconds West 542.00 feet to the TRUE POINT OF BEGINNING, containing 16.82 acres, more or less, all 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 27th day of September 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 October 19th, 2006 regarding said Zoning Change Request; and

WHEREAS, the Franklin County Planning Commission, on October 19th, 2006 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 "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 15th day of November 2006. This action shall become effective upon publication in the official county newspaper.

/s/ Donald E. Waymire
Donald E. Waymire
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 15th day of November 2006.

/s/ Shari Perry
Shari Perry
County Clerk