

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

RESOLUTION NO. 05-02

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 Zoning Change from Robert and Jennie Wootten, property owner of record, to rezone approximately 20 acres from an "A-2" Transitional Agriculture District to a "R-E" Residential Estate District. The property described below lies outside any incorporated city and is described as follows:

Remainder Tract:

A tract of land in Section 8, Township 16 South, Range 20 East of the 6th P.M., in Franklin County, Kansas, being more particularly described as follows: Commencing at a rebar at the Northeast Corner of the Northeast Quarter (NE) of Section 8; THENCE South 00 degrees 00 minutes 00 seconds East along the East line of said Section 8 for a distance of 2985.29 feet to a rebar on the centerline of Nebraska Drive, as now exists; THENCE South 57 degrees 34 minutes 29 seconds West along said centerline for a distance of 1652.22 feet to a rebar, the POINT OF BEGINNING; THENCE South 57 degrees 34 minutes 29 seconds West along said centerline for a distance of 902.16 feet to a rebar; THENCE North 50 degrees 30 minutes 20 seconds West for a distance of 642.21 feet to a limestone at the Northwest Corner of the Southwest Quarter of the Southeast Quarter of said Section 8; THENCE North 57 degrees 34 minutes 29 seconds East parallel with said centerline for a distance of 904.27 feet to a rebar; THENCE South 50 degrees 19 minutes 34 seconds East for a distance of 641.55 feet to the POINT OF BEGINNING. Together with and subject to covenants, restrictions and easements of record. Said property contains 12.66 acres, more or less, in Franklin County, Kansas as shown on survey by Taylor Design Group, P.A. dated December 2004.

New Tract:

All that land described in Deed Book 254, Page 397, except the following described tracts: A tract of land in Section 8, Township 16 South, Range 20 East of the 6th P.M., in Franklin County, Kansas, being more particularly described as follows: (remainder tract) A tract of land in Section 8, Township 16 South, Range 20 East of the 6th P.M., in Franklin County, Kansas being more particularly described as follows: Commencing at a rebar at the Northeast Corner (NE) of the Northeast Quarter (NE) of said Section 8; THENCE South 00 degrees 00 minutes 00 seconds East along the East line of said Section 8 for a distance of 2985.29 feet to a rebar on the centerline of Nebraska Drive, as it now exists; THENCE South 57 degrees 34 minutes 29 seconds West along said centerline for a distance of 1652.22 feet to a rebar, the POINT OF BEGINNING; THENCE South 57 degrees 34 minutes 29 seconds West along said centerline for a distance of 902.16 feet to a rebar; THENCE North 50 degrees 30 minutes 20 seconds West for a distance of 642.21 feet to a limestone at the Northwest Corner (NW) of the Southwest Quarter (SW) of the Southeast Quarter (SE) of said Section 8; THENCE North 57 degrees 34 minutes 29 seconds East parallel with said centerline for a distance of 904.27 feet to a rebar; THENCE South 50 degrees 19 minutes 34 seconds East for a distance of 641.55 feet to the POINT OF BEGINNING. Together with and subject to covenants, restrictions and easements of record. Containing 12.66 acres more or less in Franklin County, Kansas as shown as survey by Taylor Design Group, P.A. dated December 2004.

AND EXCEPT, beginning at the Northeast Corner (NE) of the Northeast Quarter (NE) of Section 8, Township 16 South, Range 20 East of the 6th P.M. in Franklin County, Kansas, THENCE South 00 degrees 00 minutes 00 seconds West (assumed bearing) 2985.29 feet along the East line of said Section to the centerline of Nebraska Drive, as it now exists; THENCE South 57 degrees 34 minutes 29 seconds West 2554.39 feet along the centerline of Nebraska Drive, as it now exists, to the TRUE POINT OF BEGINNING; THENCE continuing

South 37 degrees, 34 minutes 29 seconds West 998.10 feet along said centerline to the point of intersection of Nebraska Drive to the South; THENCE North 04 degrees 15 minutes 47 seconds East 949.34 feet along the centerline of Nebraska Drive, if produced Northerly; THENCE South 89 degrees 21 minutes 37 seconds East 276.36 feet to the Northeast Corner (NE) of the Southeast Quarter (SE) of the Southwest Quarter (SW) of said Section; THENCE South 50 degrees 30 minutes 20 seconds East for a distance of 642.21 feet to the TRUE POINT OF BEGINNING, containing 10 acres, more or less, Franklin County, Kansas and being in the Southeast Quarter (SE) and the Southwest Quarter (SW) of said Section.

Tract To Be Transferred:

A tract of land in Section 8, Township 16 South Range 20 East of the 6th P.M. in Franklin County, Kansas, being more particularly described as follows: Commencing at a rebar at the Northeast Corner (NE) of the Northeast Quarter (NE) of said Section 8; THENCE South 00 degrees 00 minutes 00 seconds East along the East line of said Section 8 for a distance of 2985.29 feet to a rebar on the centerline of Nebraska Drive, as it now exists; THENCE South 57 degrees 34 minutes 29 seconds West along said centerline for a distance of 1227.00 feet to a rebar, the POINT OF BEGINNING; THENCE South 57 degrees 34 minutes 29 seconds West along said centerline for a distance of 425.22 feet to a rebar; THENCE North 50 degrees 19 minutes 34 seconds West for a distance of 641.55 feet to a rebar; THENCE North 57 degrees 34 minutes 29 seconds East parallel with said centerline for a distance of 622.42 feet to a rebar; THENCE South 32 degrees 25 minutes 31 seconds East for a distance of 610.50 feet to the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 7.34 acres more or less in Franklin County, Kansas as shown on survey by Taylor Design Group, P.A. dated December 2004.

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the 12th day of November 2004, 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 16th, 2004 regarding said Zoning Change Request; and

WHEREAS, the Franklin County Planning Commission, on December 16th, 2004 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 an "A-2" Transitional Agriculture District to an "R-E" Residential 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 5th day of January 2005
This action shall become effective upon publication in the official county newspaper.

/s/ Donald E. Waymire 9; /s/ John E. Taylor
Donald E. Waymire John E. Taylor

Commissioner District 1

Commissioner District 2

/s/ Fred E. Ferguson /s/ Donald C. Hay

Fred E. Ferguson Donald C. Hay

Commissioner District 3#9; Commissioner District 4

/s/ Donald R. Stottlemire

Donald R. Stottlemire

Commissioner District 5

Received and recorded this the 5th day of January 2005.

/s/ Shari Perry

Shari Perry
County Clerk