

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

RESOLUTION NO. 05-73

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 Rural Water District #1, property owner of record, to rezone approximately ½ acre from an "R-3A" Single Family Residential Three Acre District to an "A-1" Agriculture District. The property described below lies outside any incorporated city and is described as follows:

EASEMENT DESCRIPTION: Commencing at a ½" rebar at the Southwest Corner of the Southwest Quarter of Section 30, Township 15 South, Range 21 East of the 6th Principal Meridian, Franklin County, Kansas; THENCE North 02 degrees 03 minutes 24 seconds West for a distance of 1842.01 feet along the West line of said Southwest Quarter to the POINT OF BEGINNING; THENCE North 02 degrees 03 minutes 24 seconds West for a distance of 50.00 feet to a point on said West line; THENCE South 81 degrees 04 minutes 28 seconds East for a distance of 50.93 feet; THENCE North 87 degrees 36 minutes 09 seconds East for a distance of 158.71 feet; THENCE South 02 degrees 03 minutes 21 seconds East for a distance of 40.00 feet; THENCE South 87 degrees 36 minutes 21 seconds West for a distance of 208.71 feet to the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said easement contains 8597.4 square feet or 0.20 acres more or less, Franklin County, Kansas as shown on survey by Taylor Design Group, P.A. dated April, 2005.

WHEREAS, pursuant to K.S.A. 12-757(b), the Franklin County Planning Commission has published in the official county newspaper on the 24th day of June 2005, 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 July 14th, 2005 regarding said Zoning Change Request; and

WHEREAS, the Franklin County Planning Commission, on July 14th, 2005 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 finds:

That the rezoning from "R-3A" to "A-1" would be in compliance and further enhance the County Comprehensive Plan;

That the rezoning from "R-3A" to "A-1" would be consistent with the rural character of the surrounding neighborhood;

That the rezoning from "R-3A" to "A-1" would be consistent with zoning and uses of nearby properties;

That the rezoning from "R-3A" to "A-1" would better suit the existing and proposed uses;

That the rezoning from "R-3A" to "A-1" will not result in detrimental impacts resulting from the removal of any restrictions set forth in the "R-3A" Zone;

That the rezoning from "R-3A" to "A-1" has no bearing on the time the property has been vacant since the affected property is developed within an existing public water distribution and storage facility;

That the rezoning from "R-3A" to "A-1" would permit the expansion of the public water service

facilities and thereby providing relative gain to the public health, safety and general welfare without unduly affecting the value of surrounding property;

That the rezoning request to rezone the property from "R-3A" to "A-1" was reviewed in depth by the Franklin County Planning Director and was recommended for approval;

That the rezoning from "R-3A" to "A-1" would be in compliance with and further the purpose of the Franklin County Zoning Regulations and K.S.A. 12-753.

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-3A" Single Family Residential Three Acre District to an "A-1" Agriculture 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 1st day of August 2005. This action shall become effective upon publication in the official county newspaper.

/s/ Donald E. Waymire
Commissioner District 1 #9;

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

John E. Taylor

/s/ Roy C. Dunn; /s/ Donald C. Hay
Roy C. DunnDonald C. Hay
Commissioner District 3#9; Commissioner District 4

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

Received and recorded this the 1st day of August 2005.

/s/ Shari Perry
County Clerk

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Shari Perry