

**FRANKLIN COUNTY
COMMISSION AGENDA ITEM**

TO: BOARD OF FRANKLIN COUNTY COMMISSIONERS	Reviewed:
FROM: Lisa Johnson	Ext: 3485
DEPARTMENT: Administration	
DATE: Wednesday, September 10, 2008	No:

ITEM: Annexation Request Along South HWY 59

Background: The City of Ottawa has requested, pursuant to K.S.A. 12-521, that the County hold a public hearing to consider testimony as to the advisability of the proposed annexation of land south of Ottawa along HWY 59 for a proposed TIF District. The hearing shall be held within 60-70 days of the Commission's decision to set a hearing and requires public notice in the form of publication and certified mailings to each owner of land proposed to be annexed. The City has offered to provide the necessary notice by certified mail to the land owners. Pursuant to K.S.A. 12-521, the City is required to provide in their request, the legal description of the land proposed to be annexed and a plan for the extension of services. The requirements for the plan are statutory and the City has complied with the requirements of the statute in the plan that has been submitted to the County. The hearing will need to be held November 12, 2008 to comply with the statutory time line. At the hearing, the Commission shall hear testimony from the public and a presentation from a representative of the City on their proposal for annexation and their plan for the extension of services. Upon the conclusion of the hearing, the Commission is required to consider the impact of approving or disapproving the annexation based on the impact to the entire community involved and make specific written findings of facts and conclusions. Prior to said hearing, further discussions of the legal requirements would be an appropriate topic for a study session with counsel and Mr. Walrod.

Recommended Action: Set a hearing for November 12, 2008 at 8:45 a.m.

Attachments: Notice of Public Hearing

NOTICE OF PUBLIC HEARING

TO: Any person interested in the matter of the annexation of the land described below.

TAKE NOTICE that the Board of Commissioners of Franklin County, Kansas shall hold a public hearing to consider annexing certain land to the City of Ottawa. **The hearing will commence at 8:45 o'clock a. m. on the 12th day of November 2008, at Franklin County Annex.** At that time, the Board of County Commissioners shall hear testimony as to the advisability of such annexation, and a representative of the City shall present the City's proposal for annexation, including the plan of the City for the extension of the services to the area proposed to be annexed. Comments from interested persons will be accepted by the Board of Commissioners following said presentation.

A tract of land in the Southwest Quarter of Section 13 and the Northwest Quarter of Section 24, Township 17 South, Range 19 East of the 6th P.M. in Franklin County, Kansas, more particularly described as follows:

Beginning at a point of intersection of the North line of the Southwest Quarter of said Section 13 with the East right-of-way line of US Highway 59, said point of beginning being 204.50 feet North 87° 58' 35" East (bearing based on right-of-way acquisitions by Kansas Department of Transportation for I-35 and US 59); thence along the East right-of-way line of said US-59 the following eight courses: (1) South 1° 55' 35" East 764.70 feet; thence (2) South 8° 04' 25" West 35.00 feet; thence (3) South 43° 04' 25" West 84.85 feet; thence (4) South 1° 55' 35" East 475.00 feet; thence (5) South 0° 29' 39" East 200.06 feet; thence (6) South 1° 55' 35" East 1089.99 feet; thence (7) South 86° 29' 36" East 100.34 feet; thence (8) South 2° 04' 06" East 45.55 feet to a point on the South line of the Southwest Quarter of said Section 13; thence; South 2° 04' 06" East to a point on the South right-of-way line of Kingman Road; thence along the South right-of-way line of said Kingman Road Easterly to the point of intersection with the East line of the Northwest Quarter of said Section 24; thence along the East line of the Northwest Quarter of said Section 24 Northerly to the North Quarter corner of said Section 24 and the South Quarter corner of said Section 13; thence along the East line of the Southwest Quarter of said Section 13 Northerly to the center of said Section 13; thence along the North line of the Southwest Quarter of said section 13 South 87° 58' 35" East 2443.35 feet more or less to the point of beginning, containing 154 acres. Commonly known as 2545, 2571, 2573 and 2597 US 59 Highway and 2723 Kingman Road.

A Plan for the Extension of Financing of Municipal Services to the land proposed to be annexed is on file in the office of the City Clerk at 101 S. Hickory and is available for inspection during regular office hours.

A copy of this notice shall be mailed by certified mail to each owner of land proposed to be annexed within 10 days following the date of the presentation of the petition to the Board of County Commissioners requesting the public hearing.

This Notice, together with the name of owners of land described herein, shall be published in the official city newspaper not less than one week and not more than two weeks preceding the date fixed for the public hearing.

Chair

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Shari Perry, County Clerk