

# FRANKLIN COUNTY

To:	Franklin County	Reviewed:	
	Board Of County Commissioners		
From:	Larry D. Walrod <i>LW</i>	Extension:	3571
	Planning & Building Dept.		
Date:	April 8 <sup>th</sup> , 2009	No.	

## **ITEM:**

Rezoning Application #0902-912, for Ona Harris, to rezone from an A-1 to an R-E, located on the North side of Pawnee Road between Tennessee Road and Texas Road

## **BACKGROUND:**

To rezone approximately 5.40 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District.

## **PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission recommended approval of rezoning application #0902-912 to rezone approximately 5.40 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District.

## **STAFF RECOMMENDED ACTION:**

To adopt the attached resolution approving Rezoning Application #0902-912 rezone approximately 5.40 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District and to amend the Official Zoning Map accordingly.

## **ATTACHMENTS:**

Staff Report  
Aerial Photo  
Survey  
Resolution



**STAFF REPORT**

To: Franklin County  
Board Of County Commissioners

From: Larry D. Walrod *LDW*  
Planning Director

Case: Application #0902-912  
Rezoning

Date: March 24, 2009

**GENERAL INFORMATION**

Applicant: Ona Harris  
4019 Pawnee Rd.  
Wellsville, KS 66092

Property Owner: Ona Harris  
4019 Pawnee Rd.  
Wellsville, KS 66092

Requested Action: Approval of a Rezoning Request.

Purpose: To rezone approximately 5.40 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District.

Existing Land Use and Zoning: A-1, Agriculture.

File Date: February 20<sup>th</sup>, 2009

**BACKGROUND:**

At their meeting of March 19<sup>th</sup>, 2009 the Planning Commission considered and unanimously approved Rezoning Application #0902-912 requesting to rezone approximately 5.40 acres from an A-1 (Agriculture) to R-E (Residential Estate) District.

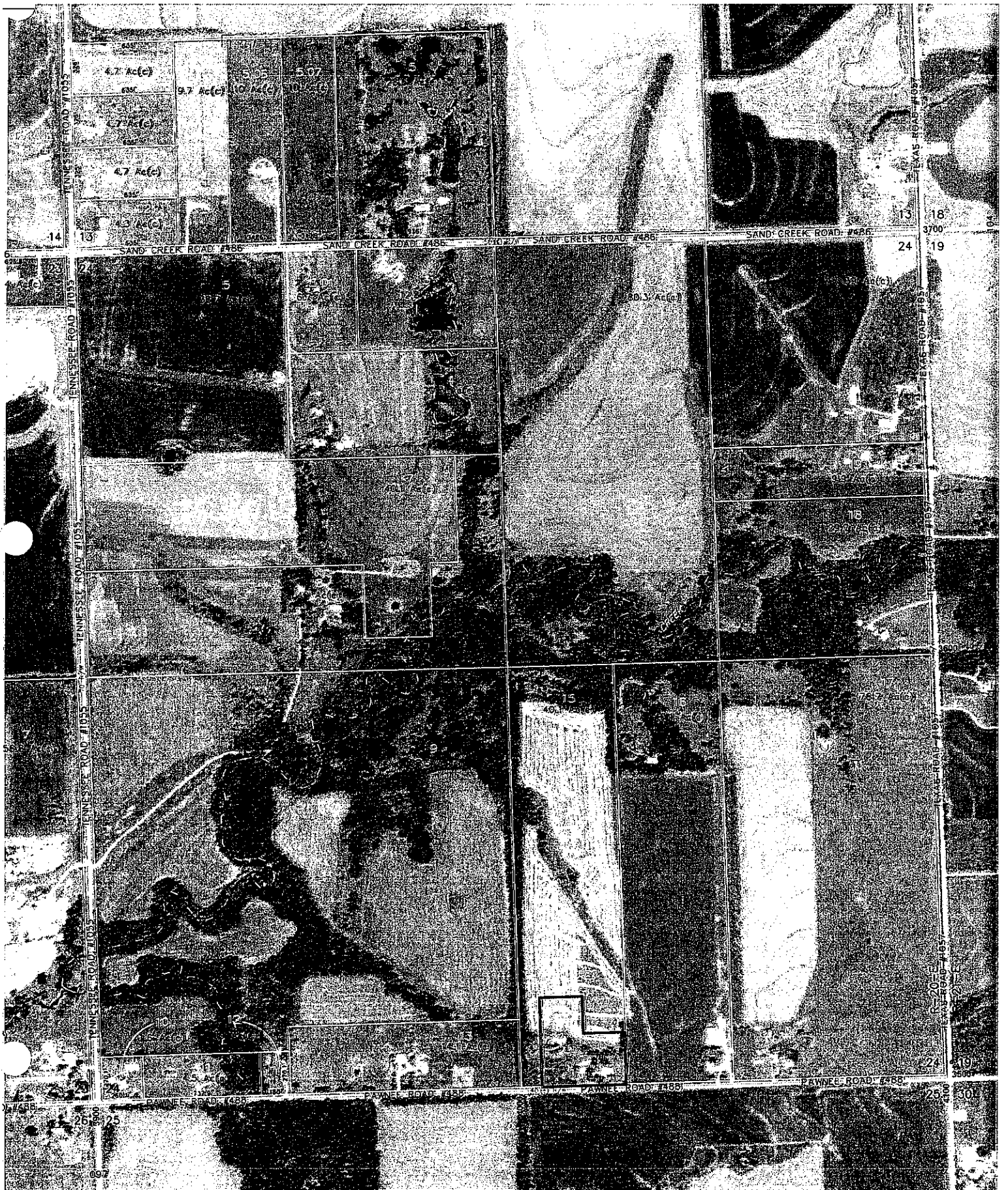
The property is located on the North side of Pawnee Road between Tennessee Road and Texas Road in the West Half (W ½) of the West Half (W ½) of the Southeast Quarter (SE ¼) of Section 24, Township 16 South, Range 20 East and is currently used for agriculture.

The purpose for the rezoning is to permit the division of approximately 35.10 acres to be merged with the adjacent tract to the East. The applicant would retain the approximately 5.40 acres with the existing residence.

Notice was sent to eleven (11) surrounding property owners. There were no comments for or against this application received by the Planning Department and no one appeared at the public hearing

**RECOMMENDATION:**

Staff recommends that the Board of County Commissioners accept the recommendation of the Planning Commission and adopt the attached resolution to approve Rezoning Application #0902-912 to rezone approximately 5.40 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District.



4.7 Ac(c)  
630  
4.7 Ac(c)  
635  
4.3 Ac(c)  
638

9.7 Ac(c)  
630

5.05  
5.07

10.7 Ac(c)  
630

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# - BOUNDARY LINE ADJUSTMENT -

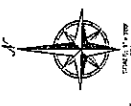
in the West Half of the Southeast Quarter of Section 24, Township 16 South,  
Range 20 East of the 6th Principal Meridian, Franklin County, Kansas

NO.	DATE	REVISION

**- BOUNDARY LINE ADJUSTMENT -**  
in the West Half of the Southeast Quarter of Section 24,  
Township 16 South, Range 20 East of the 6th Principal  
Meridian, Franklin County, Kansas

**Taylor Design Group, P.A.**  
Surveyors & Engineers  
12141 94th & Pine 66142-8893  
Kansas, MO 64153

DATE	11/24/20
PROJECT	171247
SHEET NO.	1
TOTAL SHEETS	1



**LEGEND:**  
 O Existing monument as labeled  
 O 1/2" x 24" Rebar with I.D. Cap S-1, Standard TOG 45-97  
 X Relocated Center - No Monument Set

**NOTE:**  
 D.L. - Original Intentions  
 P.O.C. - Point of Commencement  
 P.O.B. - Point of Beginning

**REFERENCE SURVEYS:**  
 Survey of 1/4 Sec. 24, T.16S., R.20E.,  
 by E.E. Albrecht, LS-161  
 Dated September 17, 1890  
 Survey of 1/4 Sec. 24, T.16S., R.20E.,  
 by E.E. Albrecht, LS-161  
 Dated April 14, 1923  
 Survey of 1/4 Sec. 24, T.16S., R.20E.,  
 by E.E. Albrecht, LS-161  
 Dated April 14, 1923

**NOTES:**  
 There are no fences, posts, settings or known discrepancies between  
 ownership or possession, unless shown.  
 This survey does not establish ownership.  
 All distances are measured, unless otherwise noted.  
 The Client did not provide a title insurance policy. No statements or  
 warranties are shown, other than read R/W of record, per practice  
 agreement with client.

**BASIS OF BEARINGS:**  
 A magnetic declination was assumed along the South line of Sec.  
 24-16-20, Franklin County, Kansas.

**SURVEY REQUESTED BY:**  
 One Owner

**PLANS RECORD:**  
 State of Kansas  
 County of Franklin

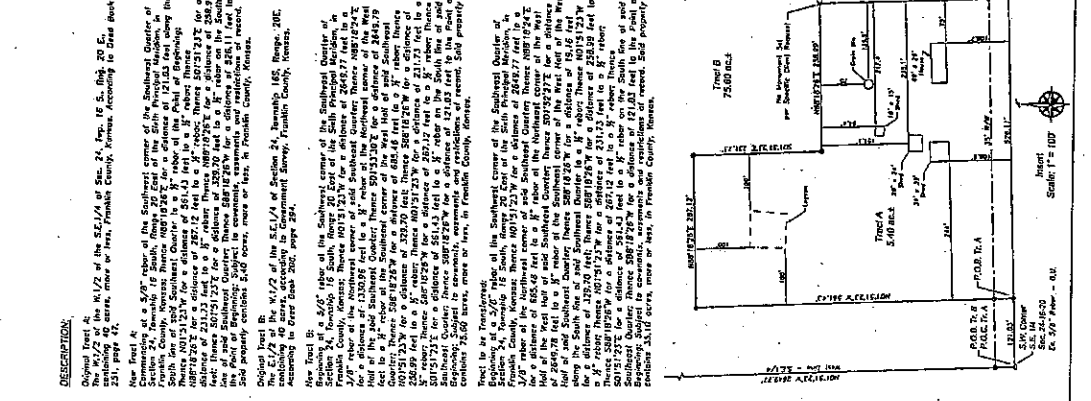
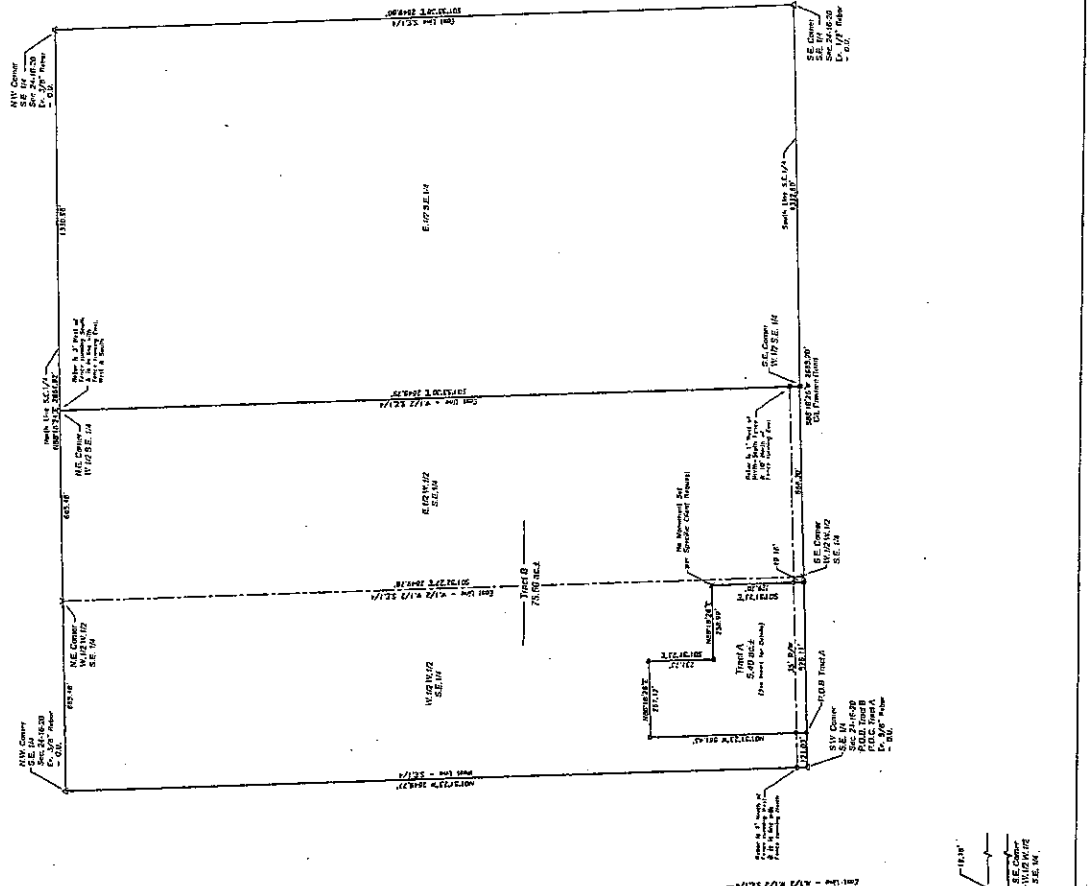
This instrument was filed for record in the office of the Register of  
 Deeds in this county on this 17th day of July, 2020, at 2:00 PM, 2020,  
 Instrument No. \_\_\_\_\_

See R207 - Register of Deeds

**SURVEY REVIEW CERTIFICATION:**  
 This survey has been reviewed and approved for filing pursuant to  
 K.S.A. 24-2202 for partial only and is in compliance with the act. No  
 other information is returned or signed.

Approved by: Timothy D. Roberts, LS-1133  
 Date: \_\_\_\_\_

**SURVEYOR CERTIFICATION:**  
 I, Timothy D. Roberts, being duly qualified, this I have made or had made  
 under my hand and seal in compliance with the provisions of the act  
 pertaining to the surveying profession in this state and I hereby certify  
 that the same is a true and correct statement of the facts and circumstances  
 as shown to me by the parties to the survey and as shown by the records of  
 the public records.



**DESCRIPTION:**  
 Original Tract A:  
 1/2 Sec. 24, T.16S., R.20E.,  
 containing 40 acres, more or less, Franklin County, Kansas, according to Deed Book  
 231, page 91.

Original Tract B:  
 1/2 Sec. 24, T.16S., R.20E.,  
 containing 40 acres, more or less, Franklin County, Kansas, according to Deed Book  
 202, page 284.

New Tract A:  
 1/2 Sec. 24, T.16S., R.20E.,  
 containing 40 acres, more or less, Franklin County, Kansas, according to Deed Book  
 231, page 91.

New Tract B:  
 1/2 Sec. 24, T.16S., R.20E.,  
 containing 40 acres, more or less, Franklin County, Kansas, according to Deed Book  
 202, page 284.

**NOTES:**  
 This survey was made in accordance with the provisions of the act  
 pertaining to the surveying profession in this state and I hereby certify  
 that the same is a true and correct statement of the facts and circumstances  
 as shown to me by the parties to the survey and as shown by the records of  
 the public records.

**NOTES:**  
 This survey was made in accordance with the provisions of the act  
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 the public records.

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

RESOLUTION NO. 09- \_\_\_\_\_

**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 Ona Harris to rezone approximately 5.40 acres 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:

**New Tract:**

Commencing at a 5/8" rebar at the Southwest corner of the Southeast Quarter of Section 24, Township 16 South, Range 20 East of the Sixth Principal Meridian in Franklin County Kansas. THENCE North 88 degrees 18 minutes 26 seconds East for a distance of 121.03 feet along the South line of said Southeast Quarter to a 1/2" rebar at the Point of Beginning; THENCE North 01 degrees 51 minutes 23 seconds West for a distance of 561.43 feet to a 1/2" rebar; THENCE North 88 degrees 18 minutes 26 seconds East for a distance of 267.12 feet to a 1/2" rebar; THENCE South 01 degrees 51 minutes 23 seconds East for a distance of 231.73 feet to a 1/2" rebar; THENCE North 88 degrees 18 minutes 26 seconds East for a distance of 258.99 feet; THENCE South 01 degrees 51 minutes 23 seconds East for a distance of 329.70 feet to a 1/2" rebar on the South line of said Southeast Quarter; THENCE South 88 degrees 18 minutes 26 seconds West for a distance of 526.11 feet to the Point of Beginning. Subject to covenants, easements and restrictions of record. Said property contains 5.40 acres, more or less, 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 25<sup>th</sup> day of February 2009, 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 March 19<sup>th</sup>, 2009 regarding said Zoning Change Request; and

WHEREAS, the Franklin County Planning Commission, on March 19<sup>th</sup>, 2009 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-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 8<sup>th</sup> day of April 2009. This action shall become effective upon publication in the official county newspaper.

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John E. Taylor  
Chairman

Received and recorded this the 8<sup>th</sup> day of April 2009.

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Shari Perry  
County Clerk