

## Ordinance No. 1021 Summary

On July 14, 2016, the City of Edgerton, Kansas, adopted Ordinance No. 1021, memorializing a vote by the governing body on July 14, 2016 to rezone approximately 71 acres of land (located at the southeast corner of Waverly Road and 185<sup>th</sup> Street) from the Agriculture zoning designation assigned when the property was under the jurisdiction of Johnson County, Kansas to City of Edgerton "L-P" Logistics Park District.

A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 404 East Nelson, Edgerton, Kansas, or at [www.edgertonks.org](http://www.edgertonks.org). This summary is certified by Patrick G. Reavey, Edgerton City Attorney pursuant to K.S.A. 12-3001, et seq.

## ORDINANCE NO. 1021

**AN ORDINANCE MEMORIALIZING VOTE BY THE GOVERNING BODY ON JULY 14, 2016 TO ADOPT RECOMMENDATION BY THE CITY PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 71 ACRES OF LAND [LOCATED AT THE SOUTHEAST CORNER OF WAVERLY ROAD AND 185<sup>TH</sup> STREET] IN EDGERTON, KANSAS FROM THE AGRICULTURE ZONING DESIGNATION ASSIGNED WHEN THE PROPERTY WAS UNDER THE JURISDICTION OF JOHNSON COUNTY, KANSAS TO CITY OF EDGERTON "L-P" LOGISTICS PARK ZONING DISTRICT**

**WHEREAS**, the Planning Commission recommended that a rezoning request -- from the Johnson County Agriculture Zoning District to City of Edgerton "L-P" Logistics Park District -- be approved (with certain conditions) for approximately 71 acres of land located at the southeast corner of Waverly Road and 185<sup>th</sup> Street; and

**WHEREAS**, all newspaper and mailed notifications were performed and a public hearing was properly held before the City Planning Commission; and

**WHEREAS**, on July 14, 2016, the Governing Body voted to approve the rezoning request, but the Ordinance memorializing the vote inadvertently indicated that the property was being changed from a City designated agriculture zoning rather than zoning assigned by Johnson County when the property was under the jurisdiction of the County.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:**

Section 1. Reaffirming its vote taken on July 14, 2016, the Governing Body declares that the following legally described property [located at the southeast corner of Waverly Road and 185<sup>th</sup> Street] is hereby rezoned from Johnson County Agriculture District to City of Edgerton "L-P" Logistics Park Zoning District, and City Staff is directed to reflect said rezoning in the City's Official Zoning map and other City records:

The West Half of the Northwest Quarter of Section 35, Township 14, Range 22 in the City of Edgerton, Johnson County, Kansas, EXCEPT the following tract of land.

Commencing at the northwest corner of said Northwest Quarter; thence coincident with the north line of said Northwest Quarter, North 88°33'52" East, 1,218.49 feet to the Point of Beginning; thence continuing along said north line, North 88°33'52" East, 80.01 feet; thence coincident with the east line of the west half of said Northwest Quarter, South 02°10'33" East, 1,729.45 feet; thence South 42°44'00" West, 2.40 feet; thence South 89°03'28" West, 76.72 feet; thence North 54°37'38" West, 61.57 feet; thence North 88°33'21" West, 104.25 feet; thence South 88°06'12" West, 411.38 feet; thence northwesterly, along a curve to the right, said curve having a radius of 540.00 feet and a total angle of 26°25'31", for a distance of 249.05 feet; thence North 65°28'18" West, 139.11 feet; thence northwesterly, along a curve to the left, said curve having a radius of 460.00 feet and a total angle of 14°11'55", for a distance of 113.99 feet; thence South 79°38'24" West, 122.00 feet; thence South 07°31'20" West, 121.66 feet; thence coincident with a line 50 feet east of and parallel with the west line of said Northwest Quarter, South 01°56'24" East, 973.45 feet; thence coincident with the south line of said Northwest Quarter, South 88°27'34" West, 30.00 feet; thence coincident with a line 20 feet east of and parallel with the west line of said Northwest Quarter, North 01°56'24" West, 2,630.06 feet; thence coincident with a line 22 feet south of and parallel with the north line of said Northwest Quarter, North 88°33'52" East, 30.00 feet; thence coincident with a line 50 feet east of and parallel with the west line of said Northwest Quarter, South 01°56'24" East, 1,281.56 feet; thence South 12°14'42" East, 111.80 feet; thence South 72°21'48" East, 146.13 feet; thence southeasterly, along a non curve to the right, said curve having a radius of 540.00 feet, a chord bearing of South 72°34'15" East, and a chord distance of 133.48 feet, for a distance of 133.82 feet; thence South 65°28'18" East, 139.11 feet; thence southeasterly, along a curve to the left, said curve having a radius of 460.00 feet and a total angle of 26°25'31", for a distance of 212.15 feet; thence North 88°06'12" East, 411.38 feet; thence North 84°44'02" East, 103.39 feet; thence North 42°57'49" East, 58.61 feet; thence North 01°15'50" East, 101.28 feet; thence North 02°10'33" West, 1458.41 feet to the Point of Beginning, less that part in existing road right-of-way.

**Section 2.** The above rezoning is expressly conditioned on the following:

- a) All Site Plan application requirements of the City shall be met.
- b) All infrastructure requirements of the City shall be met.
- c) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

**Section 3.** That the Governing Body, in making its decision on the rezoning, considered City Staff's comments and recommendations. The Governing Body also based its decision on the following criteria:

- a) The character of the neighborhood, including but not limited to:

- zoning, existing and approved land use, platting, density (residential), natural features, and open space.
- b) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
  - c) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
  - d) The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial.
  - e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

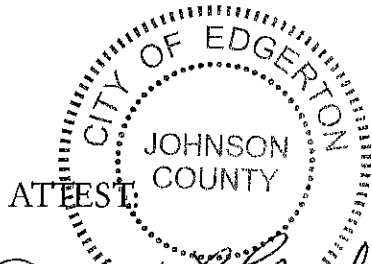
**Section 4.** This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper.

**Section 5.** Ordinance No. ~~1019~~<sup>1024</sup>, adopted on July 14, 2016 but not published, is hereby repealed.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 28th DAY OF JULY, 2016.

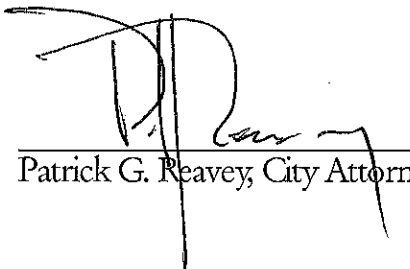
CITY OF EDGERTON, KANSAS

By:   
 Donald Roberts, Mayor



  
 JANEICE RAWLES, City Clerk

APPROVED AS TO FORM:

  
 Patrick G. Reavey, City Attorney