

JO CO KS	BK:202408	PG:004238
	20240816-0004238	
Electronic Recording		8/16/2024
Pages: 2	F: \$0.00	1:53 PM
Register of Deeds		T20240033410

**ORDINANCE NO. 2166**

**AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION RZ2024-0001 FOR THE REZONING OF APPROXIMATELY 15.14± ACRES OF LAND FROM CITY OF EDGERTON C-2 (HEAVY SERVICE COMMERCIAL) DISTRICT TO CITY OF EDGERTON C-3 (HIGHWAY SERVICE COMMERCIAL) DISTRICT LOCATED AT THE WEST OF THE HOMESTEAD LANE AND INTERSTATE 35 INTERCHANGE.**

**WHEREAS**, the Planning Commission of the City of Edgerton, Kansas received a request from Midway Ford Truck Center, Inc., property owner of a parcel of land totaling approximately 15.14± acres, generally located west of the interchange of Homestead Lane and Interstate 35, to rezone that property from City of Edgerton C-2 (Heavy Service Commercial) District to City of Edgerton C-3 (Highway Service Commercial) District; and

**WHEREAS**, following a public hearing in front of the Planning Commission on July 9, 2024, the Planning Commission has recommended that the rezoning request for that property be approved; and

**WHEREAS**, all required newspaper and mailing notifications were performed.

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

**Section 1.** That the following legally described property generally located west of the Homestead Lane and Interstate 35 interchange, is hereby rezoned from C-2 (Heavy Service Commercial) to C-3 (Highway Service Commercial), and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

All that part of the Southeast Quarter of Section 09, Township 15 South, Range 22 East, Sixth Principal Meridian, Johnson County, Kansas described as follows: Commencing at the Northeast corner of the Southeast Quarter of said Section 09; thence South 88 degrees 26 minutes 35 seconds West along the North line of the Southeast Quarter of said Section 09, a distance of 630.50 feet to a point on the Northerly right of way line of Interstate 35 as now established; thence South 31 degrees 44 minutes 01 seconds West along said highway right of way, a distance of 512.96 feet; thence South 31 degrees 44 minutes 59 seconds West along said highway right of way, a distance of 277.13 feet; thence South 88 degrees 22 minutes 28 seconds West, a distance of 985.18 feet; thence North 02 degrees 09 minutes 43 seconds West, a distance of 288.57 feet; thence North 61 degrees 23 minutes 59 seconds East, a distance of 820.43 feet to a point on the North line of the Southeast Quarter of said Section 09; thence North 88 degrees 26 minutes 35 seconds East along the North line of the Southeast Quarter of said Section 09, a distance of 691.24 feet to the point of beginning, less that part, if any, taken or used for road purposes.

Subject to easements and restrictions of record.

**Section 2.** The above rezoning is approved with no stipulations.


**Section 3.** That the Governing Body, in making its decision on the rezoning, based its decision on City Staff's comments and recommendations as they relate to the Golden criteria and otherwise, which are attached hereto. The Governing Body also based its decision on the following criteria:

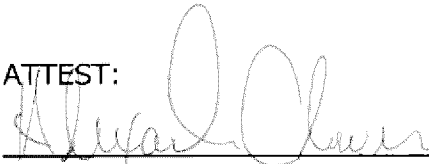
- a) The extent to which there is a need in the community for the uses allowed in the proposed zoning.
- b) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
- c) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
- d) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
- 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.

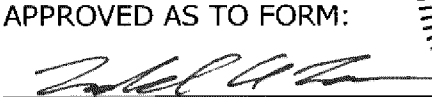
**Section 4.** This ordinance shall take effect from and after its publication once in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 8<sup>th</sup> DAY OF AUGUST, 2024.

CITY OF EDGERTON, KANSAS

By:   
Donald Roberts, Mayor

ATTEST:  
  
Alexandria Clower, City Clerk

APPROVED AS TO FORM:  
  
TODD LUCKMAN for  
Stumbo Hanson, LLP, City Attorneys

