

ORDINANCE NO. 685

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY LOCATED INTO THE CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS

WHEREAS, a Petition and Consent to Annexation (attached as Exhibit A) for the tract of land legally described as part of the Petition and Consent (the "Land") and as shown on Exhibit B, was filed with the Governing Body of the City of Basehor, Kansas by the record title owners of the Land; and

WHEREAS, the Land does not adjoin any boundary of the City of Basehor as required pursuant to K.S.A. 12-520(a)(3) because it only adjoins land that was annexed into the City pursuant to K.S.A. 12-520c; and

WHEREAS, K.S.A. 12-520c outlines conditions for annexation of land not adjoining the city, including:

- (1) the land is located within the same county as such city;
- (2) the owner or owners of the land petition for or consent in writing to the annexation of such land; and
- (3) the board of county commissioners of the county by 2/3 vote find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within such county; and

WHEREAS, the Land is located within Leavenworth County, Kansas, and the owner of the Land has petitioned and consented in writing to the annexation of the Land, thereby satisfying the first two conditions outlined in K.S.A. 12-520c; and

WHEREAS, the third condition outlined in K.S.A. 12-520c requires, prior to annexation of land by the Governing Body by ordinance, the Leavenworth County, Kansas, Board of County Commissioners to find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within such county.

WHEREAS, on November 16, 2016, the Basehor City Council adopted Resolution No. 2016-25, attached as Exhibit C, finding that the Petition and Consent to Annexation of the Land, which does not adjoin any boundary of the City of Basehor and is located within the boundaries of Leavenworth County, Kansas had been presented to it and finding that such annexation, at the request of the property owner is advisable, desirable, beneficial and in the interest of the public, and requesting that the Leavenworth County, Kansas, Board of County Commissioners, by 2/3 vote, find and determine that the annexation of such land will not hinder or prevent the proper

growth and development of the area or that of any incorporated city located within Leavenworth County, Kansas, all as provided in K.S.A. 12-520c; and

WHEREAS, on December 15, 2016, the Leavenworth County, Kansas, Board of County Commissioners, by 2/3 vote, adopted findings, attached as Exhibit D, on the annexation request made pursuant to K.S.A. 12-520c that the annexation of the Land would not hinder the proper growth or development of the tract and would not hinder the proper development or growth of any other incorporated city within Leavenworth County; and

WHEREAS, as all three conditions for annexation under K.S.A. 12-520 c have been met, the Basehor City Council now wishes to complete the annexation process by adopting an ordinance formally annexing the Land into the Basehor city limits.

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

Section 1: That, as all three conditions for annexation under K.S.A. 12-520c have been met, the Land be annexed into the City of Basehor, Kansas.

Section 2: That if any section, clause, sentence or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

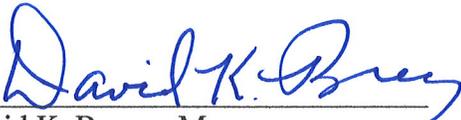
Section 3: That this ordinance shall take effect and be in force from an after its publication in the official newspaper of the City of Basehor, Kansas as provided by law.

PASSED by the City Council this 18th day of January, 2017.

APPROVED by the Mayor this 18th day of January, 2017.

SEAL





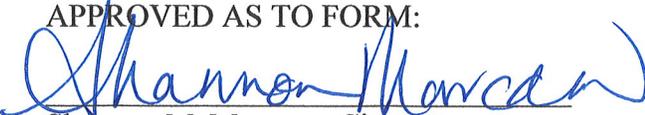
David K. Breuer, Mayor

ATTEST:



Katherine M. Renn, City Clerk

APPROVED AS TO FORM:



Shannon M. Marcano, City Attorney

Exhibit A
Petition and Consent to Annexation

PETITION AND CONSENT TO
ANNEXATION INTO THE
CITY OF BASEHOR, KANSAS

To: The Governing Body of the City of Basehor, Kansas:

The undersigned owner of record of the following described tract of real property hereby petitions the Governing Body of the City of Basehor, Kansas (the "City") to annex such land to the City pursuant to K.S.A Supp. 12-520c. The land to be annexed is legally described in Exhibit A, which is attached to this petition and incorporated by reference as if fully set forth herein.

The undersigned further warrants and guarantees that they are the only owners of record of the tract of property described in Exhibit A.

The undersigned owner of record of the following described tract of real property hereby consents to the Governing Body of the City of Basehor, Kansas annexing such land to the City pursuant to K.S.A. Supp. 12-520c.

Property Owner of Record: Duayne Madl

Property Owner signature:



Address of Owner: 350 East Kaw Lane, Lake Quivira, Kansas, 66217

State of Kansas)
County of Leavenworth)

The foregoing petition and consent to annexation was acknowledged before me this 7 day
of November, 2016, by Duayne Madl
(Petitioner)
and I affixed my official seal on the day and year last above written..


Notary Public

Date: 11/7/2016

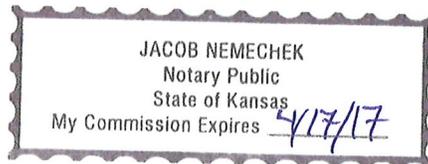
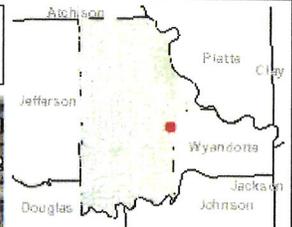
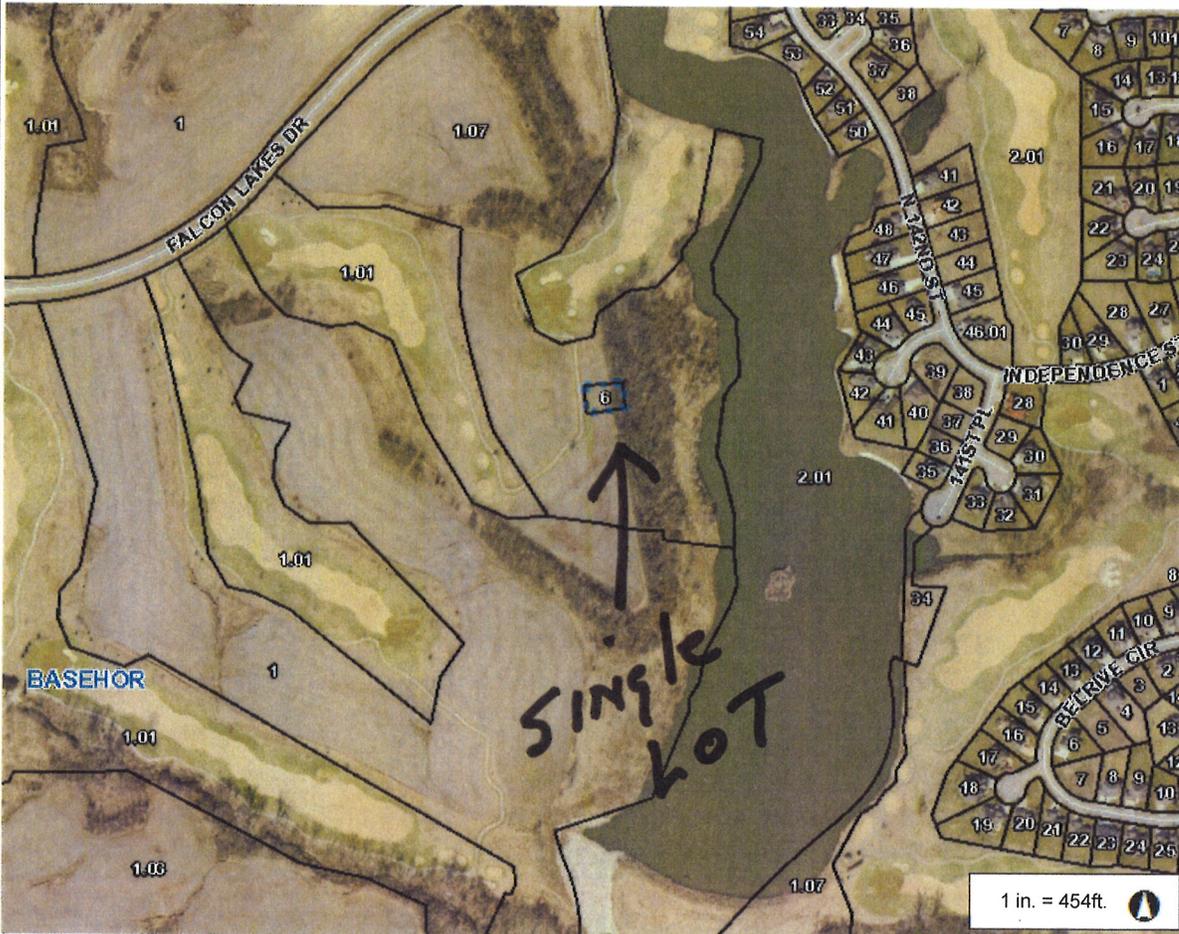


EXHIBIT A

Commencing at the Southwest corner of the Southwest One-Quarter of Section 24, Township 10 South, Range 22 East; thence South 89 degrees 52 minutes 27 seconds East (Deeded North 89 degrees 54 minutes 38 seconds East), along the South line of the said Southwest One-Quarter, a distance of 2138.76 feet to a point; thence North 00 degrees 07 minutes 33 seconds East (Deeded North 00 degrees 05 minutes 22 seconds West) a distance of 1851.62 feet to a point, said point being the POINT OF BEGINNING; thence North 03 degrees 05 minutes 01 seconds West (Deeded North 03 degrees 17 minutes 56 seconds West) a distance of 89.52 feet to a point; thence North 86 degrees 54 minutes 59 seconds East (Deeded North 86 degrees 42 minutes 04 seconds East) a distance of 124.68 feet to a point; thence South 04 degrees 50 minutes 29 seconds East (Deeded South 05 degrees 03 minutes 24 seconds East) a distance of 89.57 feet to a point; thence South 86 degrees 54 minutes 59 seconds West (Deeded South 86 degrees 42 minutes 04 seconds West) a distance of 127.42 feet to the POINT OF BEGINNING.

Exhibit B
Sketch of the Land to be Annexed

Leavenworth County, KS



Legend

- Parcel
- Parcel Number
- Subdivisions
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- Railroad
- Section
- County Boundary

1 in. = 454ft.

907.3 0 453.63 907.3 Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Exhibit C
Basehor Resolution 2016-25

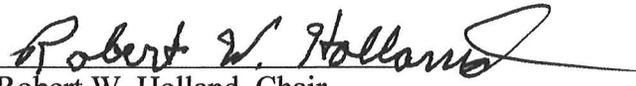
Exhibit D
Leavenworth County Annexation Findings

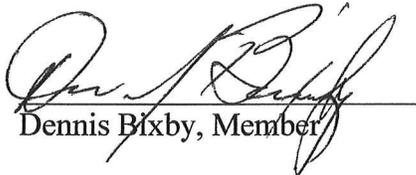
**THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
LEAVENWORTH, KANSAS**

**FINDINGS ON TWO REQUESTS OF ANNEXATION BY THE CITY OF BASEHOR
MADE PURSUANT TO K.S.A 12-520(c)**

8k
NOW ON THIS 15th DAY OF DECEMBER, 2016 the board of county commissioners of the county of Leavenworth, Kansas, meeting in regular session, did consider two annexation requests made by the city of Basehor, Kansas, specifically identified in Resolution 2016-25 and Resolution 210²⁶. Upon being duly advised of the facts and circumstances the board finds, as required by K.S.A 12-520(c), that the proposed annexations will not hinder the proper growth and development of the two tracts of land and will not hinder the proper development or growth or of any other incorporated city within the county.

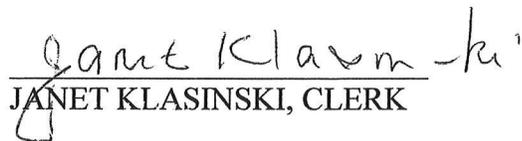
So found by the board.


Robert W. Holland, Chair


Dennis Bixby, Member

Absent, Clyde D. Graeber

CERTIFIED THIS 15th DAY OF DECEMBER, 2016


JANET KLASINSKI, CLERK

SEAL