ORDINANCE NO. 686

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. 2016-26, 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 of 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

SEAL OF THE CITY OF BASEHOR, KANSAS
CORPORATE
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. Such land does not adjoin the City of Basehor, Kansas boundary line. 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 further consents to the Governing Body of the City of Basehor, Kansas annexing such land to the City pursuant to K.S.A. Supp. 12-520 c.

Property Owner of Record: **Kansas Property Management Company, LLC**

Property Owner signature: Art Hancock KPMC

Address of Owner: **P.O. Box 174, Seneca, Kansas 66538**

STATE OF KANSAS)
COUNTY OF LEAVENWORTH)

The foregoing petition and consent to annexation was acknowledged before me on this 2 day of November, 2016, by Art Hancock and I affixed my official seal on the day and year last above written.

Heather Tegtmeier Date: 11/2/2016
Notary Public

NOTARY PUBLIC-State of Kansas
Heather R. Tegtmeier
My Appt. Expires 12/23/16

"Exhibit A"

A tract of in the North Half of Section 13, township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more particularly described as follows.

Commencing at the Northeast corner of the Northeast Quarter of said Section 13, thence south 87°28'29" West, along a distance of 657.42 feet to the Northwest corner of the East Half (E1/2) of the East Half (E1/2) of the Northeast Quarter of said Section 13; thence South 01°28'06" East, along said West line, a distance of 1088.35 feet to the Point of Beginning; thence South 01°28'06" East, continuing along said West line, a distance of 897.99 feet to the South of the North Three Fourths (N3/4) of said Northeast Quarter; thence South 87°33'27" West, along said South line, a distance of 1094.98 feet to the west line of the East Eighty (80) Acres of the North three Fourths of said Northeast Quarter; thence South 87°33'42" West, a distance of 880.04 feet; thence South 87°35'05" West, a distance of 144.60 feet; thence North 01°14'28" West, a distance of 100.00 feet; thence North 87°35'05" East, a distance 144.59 feet; thence North 87°33'42" East, a distance of 518.92 feet; thence North 01°19'22" West, a distance of 917.07 feet; thence North 87°30'02" East, a distance of 361.00 feet to the west line of the East Eighty (80) Acres of the North three Fourths of said Northeast Quarter; Thence South 01°32'29" East along said West line a distance of 107.45 feet; thence North 88°27"31" East, along the South line of Theno Estates, a distance of 153.55 feet to the West line of 142nd Street; thence Southerly along said west line of 142nd Street and along a non-tangent curve to the left and, said curve having an initial Tangent Bearing of South 14°56'12" West, Radius of 330.00 feet and Arc Length of 78.76 feet to the South line of 142nd Street as it now exists; thence South 88°44'14" East, along the South line, a distance of 60.00 feet; thence South 83°23'02" East, continuing along the South line of Theno Estates , a distance of 221.65 feet; thence North 88°27'31" East, a distance of 270.00 feet; Thence South 62°46'04" East, continuing along said Theno Estates, a distance of 81.07 feet; Thence North 88°31'54" East, continuing along said Theno Estates, a distance of 130.00 feet to the West line of 141st Street; thence North 01°28'06" West, along said west line, a distance of 46.31 feet to a point of curvature; thence Northerly and Westerly along a curve to the left, said curve having a Radius of 270.00 feet and Arc Length of 91.92 feet to South line of 141st Street as now exists; Thence 69°01'36" East, along said South line, a distance of 60.00 feet; thence North 88°31'54" East, continuing along the South line of said Theno Estates, a distance of 163.94 feet to the Point of Beginning. Containing 30.71 acres, more or less.

Exhibit B

Sketch of the Land to be Annexed

"Exhibit B"

Parcel ID Numbers (CAMA Numbers):
1561300000070000,

1561300000016000, 1561300000025000, 1561300000026000, 1561300000027000,

1561300000028000, 1561300000029000, 1561300000030000, 1561300000031000,

1561300000032000, 1561300000033000, 1561300000034000, 1561300000035000,

1561300000036000, 1561300000037000, 1561300000038000, 1561300000039000,

1561300000040000, 1561300000041000, 1561300000042000, 1561300000043000,

1561300000044000, 1561300000045000, 1561300000046000, 1561300000047000,

1561300000048000, 1561300000049000, 1561300000050000, 1561300000051000,

1561300000052000, 1561300000053000, 1561300000054000, 1561300000055000,

1561300000056000, 1561300000057000, 1561300000058000, 1561300000059000,

1561300000060000, 1561300000061000, 1561300000062000, 1561300000063000,

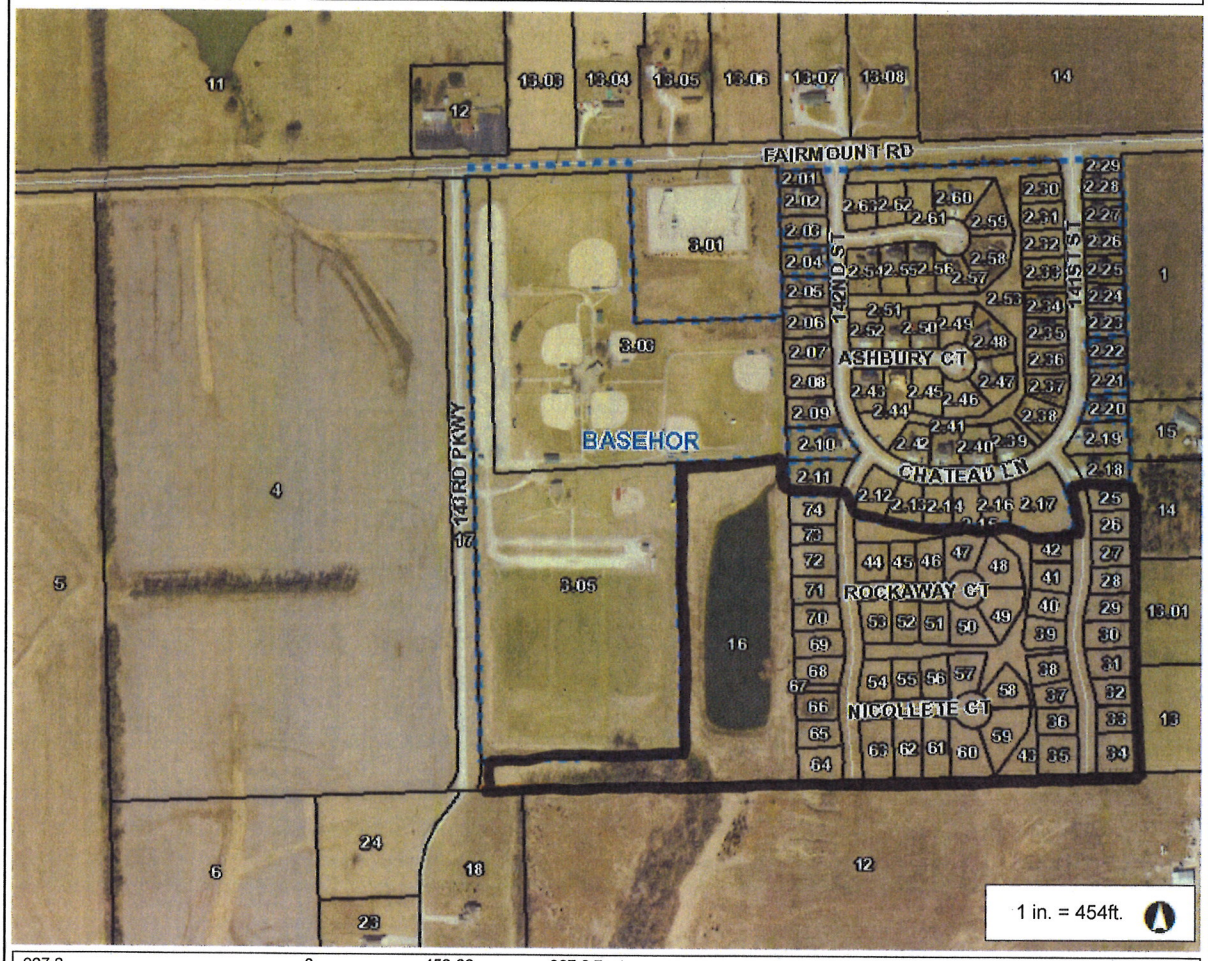
1561300000064000, 1561300000065000, 1561300000066000, 1561300000067000,

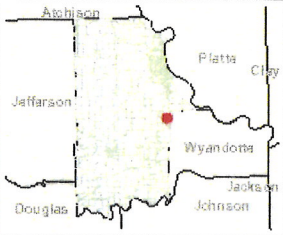
1561300000068000, 1561300000069000, 1561300000070000, 1561300000071000,

1561300000071000, 1561300000072000, 1561300000072000, 1561300000073000,

and 1561300000074000.

Leavenworth County, KS





Legend

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

Notes

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

Exhibit C
Basehor Resolution 2016-26

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)

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 2016-26. 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

Robert W. Holland, Chair

Dennis Bixby, Member

Absent, Clyde D. Graeber

CERTIFIED THIS 15th DAY OF DECEMBER, 2016

Janet Klasinski

JANET KLASINSKI, CLERK

SEAL