

**BOARD OF COUNTY COMMISSIONERS  
POTTAWATOMIE COUNTY, KANSAS**

**RESOLUTION #2010- 02**

**A RESOLUTION REGARDING A ZONING CHANGE on certain land located within POTTAWATOMIE COUNTY, KANSAS.**

**WHEREAS**, a petition has been made by HB Development LLC and Pottawatomie County, to amend the existing zoning on four tracts of land from A1-Agriculture to R1-Single Family Residential, to allow a residential subdivision, and

**WHEREAS**, the true legal description of said tracts are;

**Tract 1** - Commencing at the Southwest corner of the Southeast Quarter of the Southwest Quarter of Section 5, Township 10 South, Range 9 East of the 6<sup>th</sup> P.M., thence North 02° 16' 11" West 50.00 feet to the true point of beginning, thence North 02° 16' 11" West 540.32 feet along the West line of said Southeast Quarter of the Southwest Quarter, thence North 87° 43' 49" East 295.20 feet to a point, thence North 02° 16' 11" West 295.20 feet to a point, thence South 89° 49' 08" East 629.53 feet to a point, thence North 02° 12' 50" West 500.78 feet to a point, thence South 89° 49' 08" East 400.00 feet to the East line of the Southwest Quarter of Section 5, thence South 02° 12' 50" East 974.54 feet along the East line of the Southwest Quarter of Section 5 to a point, thence North 89° 58' 53" West 467.17 feet to a point, thence South 29° 38' 25" West 373.38 feet to a point, thence South 86° 02' 02" West 659.43 feet to the point of beginning.

**Tract 2** – Beginning at the Southeast corner of the Southwest Quarter of Section 5, Township 10 South, Range 9 East of the 6<sup>th</sup> P.M., thence South 89° 59' 43" West along the South line of said Southwest Quarter, a distance of 450.79 feet, thence North 02° 16' 50" West 324.90 feet, thence North 59° 46' 32" East 38.46 feet, thence North 02° 12' 50" West 75.99 feet, thence South 89° 58' 53" East 417.17 feet to a point on the East line of the Southwest Quarter of said Section 5, thence South 89° 58' 53" East 74.52 feet, thence South 02° 16' 50" East 419.97 feet to a point on the South line of the Southeast Quarter of said Section 5, thence South 89° 55' 37" West along the South line of said Southeast Quarter of Section 5, a distance of 74.98 feet to the point of beginning.

**Tract 3** – Beginning at the Southwest corner of the Southeast Quarter of the Southwest Quarter of Section 5, Township 10 South, Range 9 East of the 6<sup>th</sup> P.M., thence North 02° 16' 11" West 50.00 feet to a point, thence North 86° 02' 02" East 659.43 feet to a point, thence North 29° 38' 25" East 373.38 feet to a point, thence South 89° 58' 53" East 50.00 feet to the Northwest corner of a tract of land described in a Joint Tenancy Warranty Deed to James C. Lowry and Cynthia L. Lowry found in the Pottawatomie County Register of Deeds' Office in Book 504, page 44, thence Southerly along the West line of said Lowry tract the following courses: South 02° 12' 50" East 75.99 feet to a point, thence South 59° 46' 32" West 38.46 feet, thence South 02° 16' 50" East 324.90 feet to a point on the South line of said Southwest Quarter, thence along said South line, South 89° 59' 32" West 873.16 feet to the Point of Beginning.

**Tract 4** – Beginning at a point that is 590.32 feet North of the West Sixteenth corner on the South line of Section 5, Township 10 South, Range 9 East of the 6<sup>th</sup> P.M., and on the West line of the East Half of the Southwest Quarter of said Section 5, thence East 295.2 feet, thence North 295.2 feet, thence West 295.2 feet to the West line of the East Half of said Southwest Quarter; thence South 295.2 feet along the West line of the East half of said Southwest Quarter to the point of beginning, and,

**WHEREAS**, a public hearing was held on said petition by the Pottawatomie County Planning Commission on December 17, 2009, after due notice in accordance with Kansas Statutes and the Unified Development Regulations of Pottawatomie County, and,

**WHEREAS**, as a result of said public hearing, the Pottawatomie County Planning Commission has recommended a zoning change on said tracts, from A1-Agriculture to R1 – Single Family Residential, for the following reasons:

1. The request is compatible with the County's Land Use Plan.
2. It will not have a detrimental impact on surrounding properties.
3. The request fits the character of the neighborhood.
4. The site is suitable for the zoning requested.

**WHEREAS**, in accordance with KSA 12-757(f), there were no protest petitions filed within 14 days, and

**WHEREAS**, the Board of County Commissioners has reviewed and thoroughly discussed the recommendations of said Planning Commission, and now approves the request for rezoning of said tracts from A1 to R1.

**NOW THEREFORE**, on a motion properly made and seconded to approve said request, a vote of the County Commissioners is recorded as follows:

Commissioner Stan Hartwich	Yes <input type="checkbox"/>	<i>Abstain</i>	No <input type="checkbox"/>
Commissioner Corwin Seamans	Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>
Commissioner Dennis P. Weixelman	Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>

**IT IS ORDERED** that the official zoning maps and records for Pottawatomie County, Kansas, be amended to reflect the change.

**APPROVED** on this 4<sup>th</sup> day of January 2010, and becomes effective upon publication in the official County newspaper.

*Abstain*  
\_\_\_\_\_  
Stan Hartwich, Chairman

*Corwin Seamans*  
\_\_\_\_\_  
Corwin Seamans, Vice Chairman

Attest:

*Susan Figge*  
\_\_\_\_\_  
Susan Figge, County Clerk



*Dennis P. Weixelman*  
\_\_\_\_\_  
Dennis P. Weixelman, Member