

ORDINANCE NO. 3010 - 2025

An ordinance of the Governing Body of the City of Garden City, Kansas correcting a previous rezoning ordinance, namely Ordinance No. 2889-2021 passed and approved by the Governing Body on January 5, 2021, concerning the rezoning of certain land in the corporate limits of the City of Garden City, Kansas from "A" Agricultural District to "R-1" Single Family Residential District, which is generally located to the south of Sunset Memorial Gardens Cemetery on Highway 50 and to the west of South Towns Road, pursuant to a request submitted by Sunset Terrace Estates LLC, a Kansas limited liability company; amending the zoning ordinance, zoning regulations, and district zoning map of the City of Garden City, Kansas; repealing the current zoning ordinance, zoning regulations, and district zoning map of the same; and repealing Ordinance No. 2889-2021, to be replaced as specified in this ordinance; all to the Code of Ordinances of the City of Garden City, Kansas.

**WHEREAS**, the purpose of this Ordinance is to correct the legal description contained in a previously passed ordinance to reflect the original intent of the rezoning item; and

**WHEREAS**, a rezoning application was submitted by Sunset Terrace Estates LLC, a Kansas limited liability company ("Owner") to rezone approximately 59.7 acres of agricultural land located within the corporate limits of the City of Garden City, Kansas for purposes of developing the land into a housing development; and

**WHEREAS**, on December 17, 2020, the Holcomb-Garden City-Finney County Area Planning Commission ("Planning Commission") held a public hearing to consider rezoning the land from an "A" Agricultural District to "R-1" Single Family Residential District ("Rezoning Hearing") and thereafter recommended the approval of such rezoning item; and

**WHEREAS**, on January 5, 2021, the Governing Body of the City of Garden City, Kansas ("Governing Body") held a regularly scheduled public meeting ("Public Meeting") whereat the Governing Body considered the recommendation of the Planning Commission and, in doing so, passed and approved Ordinance No. 2889-2021 approving an amendment to the zoning classification of the land from "A" Agricultural District to "R-1" Single Family Residential District ("Original Ordinance"); and

**WHEREAS**, pursuant to subsection (b) of K.S.A. 12-757, a rezoning item may designate the real property to be rezoned by legal description or by a general description sufficient to identify the property under consideration; and

**WHEREAS**, the publication notice for the Rezoning Hearing used a general description to designate the land as "*South of Hwy. 50 on the west side of S Towns Rd. south of Sunset Memorial Gardens*"; and

**WHEREAS**, the written notices for the Rezoning Hearing, which were mailed to surrounding neighbors, designated the land by generally describing it as "*South of Sunset Memorial Gardens on the west side of S Towns Rd*", along with maps depicting a large tract of land containing approximately 59.7 acres; and

**WHEREAS**, the staff memorandum submitted for the Rezoning Hearing also designated the land by generally describing it as "*South of Sunset Memorial Gardens on the west side of S Towns Rd*", along with maps depicting a large tract of land containing approximately 59.7 acres; and

**WHEREAS**, the staff memorandum for the Public Meeting likewise designated the land by generally describing it as "*South of Sunset Memorial Gardens on the west side of S Towns Rd*", along with maps depicting a large tract of land containing approximately 59.7 acres; and

**WHEREAS**, the Original Ordinance used a metes and bounds legal description to designate the land; and

**WHEREAS**, it has been discovered that the Original Ordinance erroneously described a smaller tract of land rather than the full 59.7 acres requested by the Owner; and

**WHEREAS**, the Planning Commission intended to rezone the full 59.7 acres requested by the Owner, as demonstrated by the general description and maps used by the publication notice, written notices, and staff memorandum; and

**WHEREAS**, the Governing Body intended to rezone the full 59.7 acres requested by the Owner, as demonstrated by the general description and maps used by the staff memorandum; and

**WHEREAS**, the legal description contained in the Original Ordinance would have included the full 59.7 acres of the land but for the inadvertent error; and

**WHEREAS**, the legal description contained within the Original Ordinance can be corrected without further action by the Planning Commission because the land was designated, at all times except for when designated in the Original Ordinance, as including or not excluding the full 59.7 acres requested by the Owner; and

**WHEREAS**, the correct legal description for the rezoning item should, therefore, be as set forth below in this Ordinance; and

**WHEREAS**, the Owner has been notified of the issue and consents to the correction herein; and

**WHEREAS**, the Governing Body desires to herein adopt this Ordinance to correct the above legal description as set forth herein and to recognize its intent to rezone the full 59.7 acres requested by the Owner; and

**WHEREAS**, the Governing Body intends for the Original Ordinance to be repealed upon this Ordinance taking effect, but desires for it to remain in full force and effect until such time.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Garden City, Kansas:

**SECTION 1.** The Zoning Ordinance of the City of Garden City, Kansas, adopted by Ordinance No. 2813-2018, with all amendments thereto, is hereby amended to rezone the below described real property situated in Garden City, FINNEY County, KANSAS, from "A" Agricultural District to "R-1" Single Family Residential District, to wit:

**A Tract of Land located in the North Half (N½) of Section Twenty-three (23), Township Twenty-four (24) South, Range Thirty-two (32) West of the 6th P.M., Finney County, Kansas, more particularly described as follows:**

**Beginning at the East Quarter Corner of said Section 23 being a found ½" R-bar, Matthews; thence North 88°17'26" West on the South line of said North Half a distance of 2,639.42 feet to a found ½" R-bar, origin unknown; thence North 01°33'00" East on the East line of a Tract of Land recorded in the Deed in Book 329, Page 135 and on the North-South Half Section Line a distance of 130.00 feet monumented by a found ½" R-bar, Taylor, out 1.7 feet East; thence North 88°17'26" West on the North line of said Tract a distance of 346.05 feet monumented by a found ½" R-bar, Mossey, out 0.7 feet West of said Tract corner; thence on a curve to the left on the East line of a Tract of Land recorded in the Deed in Book 317, Page 350 and having a delta angle of 28°24'41", a radius of 378.75 feet, an arc length of 187.81 feet, a chord length of 185.89 feet and a chord bearing of North 18°02'38" West to a set ½" R-bar, CPS cap typical; thence North 32°15'28" West on said East line a distance of 174.89 feet to a set ½" R-bar; thence South 88°17'26" East a distance of 535.70 feet to a set ½" R-bar; thence South 31°27'11" East a distance of 71.67 feet; thence South 88°17'26" East a distance of 1,420.22 feet; thence North 01°31'28" East a distance of 1,248.32 feet to a set ½" R-bar; thence South 88°15'42" East partially on the South line of a Tract of Land**

[LEGAL DESCRIPTION CONTINUES ON NEXT PAGE]

recorded in the Deeds in Book 230, Page 479 and in Book 237, Page 639 a distance of 1,150.00 feet to a set 1/2" R-bar; thence South 01°31'28" West on the East line of said Section 23 a distance of 1,637.74 feet to the point of beginning, containing 59.7 acres, more or less

**SECTION 2.** The above legal description is provided for the limited purpose of rezoning.

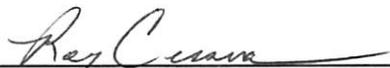
**SECTION 3.** The District Zoning Map of the City of Garden City, Kansas, referred to in Article 3, Section 3.020 of the Zoning Regulations of the City of Garden City, Kansas, adopted by Ordinance No. 2813-2018, as previously existing and amended, be and the same is hereby amended, to be consistent with the amendments set forth herein.

**SECTION 4.** The current Zoning Ordinance, Zoning Regulations, and District Zoning Map of the City of Garden City, Kansas, as previously existing and amended, be and the same are hereby repealed, to be replaced as specified in this Ordinance. All sections of said Zoning Ordinance, Zoning Regulations, District Zoning Map not specifically amended herein, shall remain in full force and effect.

**SECTION 5.** Ordinance No. 2889-2021 is hereby repealed, to be replaced as specified in this ordinance.

**SECTION 6.** This Ordinance shall take effect and be in full force and effect from and after: (a) the passage and signature hereof; (b) the publication of a summary hereof in The Garden City Telegram, the official city newspaper; and (c) the publication of the full text hereof on the City's website in compliance with subsection (b) of K.S.A. 12-3007.

**APPROVED AND PASSED** by the Governing Body of the City of Garden City, Kansas, this 18<sup>th</sup> day of March, 2025.

  
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ROY CESSNA, Mayor

ATTEST:

  
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CELYN N. HURTADO, City Clerk  
KORI A. LONGORIA, Deputy City Clerk



APPROVED AS TO FORM AND CONTENT:

  
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JENNIFER V. CUNNINGHAM, City Attorney