



STEPHANIE SHOCKLEY
REGISTER OF DEEDS - FINNEY COUNTY KANSAS

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CERTIFICATION

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DATA ENTRY ✓
LAND INDEX ✓

I hereby certify the foregoing is a true and correct copy of Ordinance No. 2977-2024 passed by the Governing Body of the City of Garden City, Kansas on the 19th day of March 2024, and signed for certification on this 10th day of April, 2024.

(seal)



Celyn N. Hurtado, City Clerk

(Published in the Garden City Telegram on the 30th day of March, 2024)

ORDINANCE NO. 2977-2024

AN ORDINANCE ANNEXING LAND TO THE CITY OF GARDEN CITY, KANSAS
PURSUANT TO SUBSECTIONS (a)(1), (3), AND (6) OF K.S.A. 12-520.

WHEREAS, the land, as more particularly described herein is situated in Section 4, Township 24 South, Range 32 West in Finney County, Kansas and said land generally consists of approximately Four Thousand Feet (4,000') of the Western half (1/2) of the right-of-way for North Jennie Barker Road, which is a county section line road except for the platted portions thereof and is generally located along 2915 North Jennie Barker Road to the North boundary line of said Section 4; and

WHEREAS, certain conditions exist that qualify the land for unilateral annexation by the City of Garden City, Kansas ("City") pursuant to K.S.A. 12-520(a)(1), (3), and (6); and

WHEREAS, specifically and in regards to subsection (a)(1) of K.S.A. 12-520, a portion of land consisting of the East Forty Feet (40') of Lots 1 and 2, Block 1, of the Torres Addition No. 2, Finney County, Kansas, according to the recorded plat thereof, is platted and the Eastern boundary line of said subdivision adjoins the corporate limits of Garden City, Kansas; and

WHEREAS, specifically and in regards to subsection (a)(3) of K.S.A. 12-520, a portion of the land that consists of the East Thirty-Five Feet (35') of Lots 1 and 2, Block 1, of the Torres Addition No. 2, Finney County, Kansas, according to the recorded plat thereof: (a) adjoins the corporate limits of Garden City, Kansas; (b) is owned by the County of Finney, Kansas, a duly organized Kansas County; and (c) the Board of County Commissioners of Finney County, Kansas has given the City its express permission to annex the land pursuant to subsection (e) of K.S.A. 12-520; and

WHEREAS, specifically and further in regards to subsection (a)(3) of K.S.A. 12-520, a portion of the land that consists of a 40 feet wide by 552.20 feet long trace of land situated immediately adjacent to the East boundary line of Lot 1, Block 1, of the Torres Subdivision, Finney County, Kansas, according to the recorded plat thereof: (a) adjoins the corporate limits of Garden City, Kansas; (b) is owned by the County of Finney, Kansas, a duly organized Kansas County; and (c) the Board of County Commissioners of Finney County, Kansas has given the City its express permission to annex the land pursuant to subsection (e) of K.S.A. 12-520; and

WHEREAS, specifically and in regards to subsection (a)(6) of K.S.A. 12-520, all of the land adjoins the corporate limits of Garden City, Kansas, is so situated that at least 2/3 of its boundary line adjoins Garden City, Kansas, and is not in excess of 21 acres; and

WHEREAS, the exception set forth in subsection (b) of K.S.A. 12-520 does not apply to this proposed annexation because no portion of any unplatted portions of the land is devoted to agricultural use of twenty-one (21) acres or more; and

WHEREAS, the exception set forth in subsection (e) of K.S.A. 12-520 does not apply to this proposed annexation because any portion of the land constituting the right-of-way of a highway is abutted on one side by land that is already within the corporate limits of Garden City, Kansas; and

WHEREAS, on January 26, 2024, the Governing Body of the City ("Governing Body") passed Resolution No. 3095 pursuant to K.S.A. 12-520a that: (a) provided notice of the date and time of a public hearing at which the Governing Body would consider the annexation of the land; (b) described the boundaries of the land, and (c) informed the public that the City's plan for extension of services to the land would be available for inspection in the office of the City Clerk ("Public Hearing Resolution"); and

WHEREAS, the Public Hearing Resolution included a finding that no adequate facilities were available to hold a public hearing in or as near as possible to the land because the land is approximately Four Thousand Feet (4,000') of county road right-of-way and, therefore, the public hearing should be held at the City Commission Chambers of the City Administrative Center located at 301 North 8th Street in Garden City, Kansas; and

WHEREAS, a copy of the Public Hearing Resolution was sent via certified mail to all persons entitled to notice pursuant to subsections (c) and (d) of K.S.A. 12-520a; and

WHEREAS, on January 26, 2024 and pursuant to K.S.A. 12-530, a copy of the Public Hearing Resolution sent to the Holcomb-Garden City-Finney County Area Planning Commission ("Planning Commission") via certified mail requesting that the Planning Commission review the proposed annexation and make a finding of the compatibility or the incompatibility of the annexation with any adopted land use or comprehensive plans applicable to the area to be annexed and the City ("Advisory Report"); and

WHEREAS, on February 25, 2024 and pursuant to subsection (b) of 12-530, the Planning Commission issued an Advisory Report, a copy of which is attached hereto as **Exhibit 1** and is hereby incorporated by reference as if fully set forth herein, finding that the proposed annexation is compatible with the Comprehensive Plan of the City of Garden City, Kansas; and

WHEREAS, the Advisory Report is, in all respects, compliant with K.S.A. 12-530; and

WHEREAS, the Public Hearing Resolution was published on March 9, 2024 in the Garden City Telegram; and

WHEREAS, the Public Hearing Resolution is, in all respects, compliant with K.S.A. 12-520a; and

WHEREAS, the City has caused there to be prepared a plan for the extension of services to the land, pursuant to K.S.A. 12-520b ("Plan for Extension of Services"), a copy of which is attached hereto as **Exhibit 2** and is hereby incorporated by reference as if fully set forth herein along with each of its exhibits; and

WHEREAS, a copy of the Plan for Extension of Services was sent via certified mail to the Board of County Commissioners of Finney County, Kansas pursuant to subsection (b) of K.S.A. 12-520b; and

WHEREAS, no person has made a request to the City to inspect or make a copy of the Plan for Extension of Services from January 26, 2024 to March 19, 2024; and

WHEREAS, the Plan for Extension of Services is, in all respects, compliant with K.S.A. 12-520b; and

WHEREAS, a public hearing was held on March 19, 2024 whereupon representatives of the City presented the City's proposal for annexation, including the Plan for Extension of Services, whereupon the Governing Body was available to answer and hear objections of all interested persons relating to the proposed annexation, and whereupon all interested persons desiring an opportunity to be heard were given an opportunity to present oral testimony relating to the proposed annexation; and

WHEREAS, at said public hearing, the Governing Body considered the information and public comments received, as well the following factors pursuant to subsection (e) of K.S.A. 12-520a:

1. Extent to which any of the area is land devoted to agricultural use;
2. Area of platted land relative to unplatted land;
3. Topography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed;
4. Extent and age of residential development in the area to be annexed and adjacent land within the city's boundaries;
5. Present population in the area to be annexed and the projected population growth during the next five years in the area proposed to be annexed;
6. Extent of business, commercial and industrial development in the area;
7. Present cost, methods and adequacy of governmental services and regulatory controls in the area;
8. Proposed cost, extent and the necessity of governmental services to be provided by the city proposing annexation and the plan and schedule to extend such services;
9. Tax impact upon property in the city and the area;
10. Extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources;
11. Effect of the proposed annexation on the city and other adjacent areas, including, but not limited to, other cities, sewer and water districts, improvement districts, townships or industrial districts and, subject to the provisions of K.S.A. 12-521a, and amendments thereto, fire districts;
12. Existing petitions for incorporation of the area as a new city or for the creation of a special district;
13. Likelihood of significant growth in the area and in adjacent areas during the next five years;
14. Effect of annexation upon the utilities providing services to the area and the ability of those utilities to provide those services shown in the detailed plan;
15. Economic impact on the area; and
16. Wasteful duplication of services; and

WHEREAS, upon considering the information and public comments received at said public hearing and upon considering the statutory factors referenced above, the Governing Body deems it advisable to annex the land.

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

SECTION 1. The Governing Body of the City of Garden City, Kansas ("Governing Body") hereby finds that due notice of the public hearing conducted on March 19, 2024 was made in accordance with the provisions of K.S.A. 12-520a.

SECTION 2. That the following described real property situated in FINNEY COUNTY, KANSAS is hereby annexed and made a part of the City of Garden City, Kansas:

All that part of Jennie Barker Road Right of Way lying in the East Half of Section 4, Township 24 South, Range 32 West more particularly described as follows: Commencing at the Southeast corner of said Section 4, Thence on an assumed bearing N 00°40'53" E, along the East line of said Section 4, a distance of 1322.04 feet to the Point of Beginning; From the Point of Beginning, Thence N 88°13'12" W, a distance of 40.01 feet, to the Northeast corner of Lot 1, Block 1, The Hamptons, recorded at Book 0306, Page 135 Finney County, Kansas Register of Deeds; Thence along a curve to the left a distance 0.31 feet, said curve having a radius of 560.00 feet, through an angle of 0°01'55" with a chord bearing N 00°41'51" E, 0.31 feet to a point 40.00 feet perpendicular distance West of the East line of the Southeast Quarter of said Section 4; Thence N 00°40'53" E, along a line 40.00 feet west of said East line, a distance of 1317.74 feet; Thence N 00°40'42" E, along a line 40.00 feet west of the East line of the Northeast Quarter of said Section 4, a distance of 2642.05 feet to a point on the North line of said Section 4; Thence S 88°20'16" E, a distance of 40.00 feet to the Northeast corner of said Section 4; Thence S 00°40'42" W, along the East line of the Northeast Quarter of said Section 4, a distance of 2641.36 feet to the Northeast corner of the Southeast Quarter of said Section 4; Thence S 00°40'53" W, along the East line of the Southeast Quarter of said Section 4, a distance of 1318.82 feet to the point of beginning; Containing 3.636 acres more or less.

SECTION 3. The above description is provided for the limited purpose of annexation.

SECTION 4. The annexation herein is made pursuant to subsection (a)(1), (3), and (6) of K.S.A. 12-520.

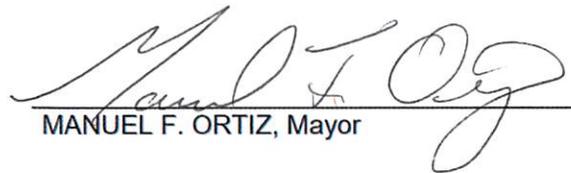
SECTION 5. The Plan for Extension of Services attached hereto as **Exhibit B** is hereby approved and adopted.

SECTION 6. 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 7. This ordinance shall take effect and be in force from and after its publication in the Garden City Telegram.

SECTION 8. Upon the passage and publication of this ordinance, the City Clerk shall file a certified copy of such ordinance with the County Clerk, the Register of Deeds, and the County Election Commissioner, if any, of Finney County, Kansas.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, the 19th day of March, 2024.

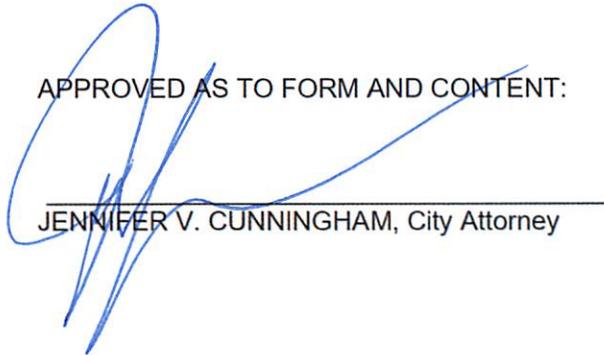

MANUEL F. ORTIZ, Mayor

ATTEST:


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



APPROVED AS TO FORM AND CONTENT:


JENNIFER V. CUNNINGHAM, City Attorney

