

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

MONDAY, JULY 13, 2009

8:10 a.m. – County Commission Meeting

-Convene

-Consider approval of minutes for June 24 and July 6, 2009.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;

REGULAR AGENDA

- (2) Conduct the public hearing on, and consider the advisability of, the City of Lawrence's petition for approval to annex approximately 448 acres of land generally known as the former Farmland Industries Property, and adjacent right-of-way, located east of the City of Lawrence, along K-10 Highway and west of East Hills Business Park. (Toni Wheeler)
- (3) Consider approval of new road request for E 350 Road (Keith Browning)
- (4) Consider authorization to solicit bids for rehabilitation of Route 458 bridges over Wakarusa River and Rock Creek arms of Clinton Lake, Project No. 2009-5 (Keith Browning)
- (5) Consider authorization to solicit bids for Project No. 2009-6, asphalt overlay and paved shoulders on Route 458 from US-59 highway to Route 1055 (E 1500 Road), and mill & overlay on Route 1055 from Route 458 to 31st Street (Keith Browning)
- (6) Departmental presentation from Information Services and GIS (no backup)
- (7) Decisions by Commissioners instructing staff on revisions to budget
- (8) Executive Session for the purpose of consultation with County Counselor on matters, which would be deemed, privileged under the attorney-client relationship. The justification is to maintain attorney client privilege on a matter involving Douglas County.
- (9) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Miscellaneous
 - (d) Public Comment
- (10) Adjourn

WEDNESDAY, JULY 15, 2009

6:35 p.m. – County Commission Meeting

-Convene

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
 - (b) Review and Approve the Final FY09 Budget Adjustments (Over \$5,000) (Ron Stegall); and
 - (c) Update on FY2010 Budget (Final)(Ron Stegall)

REGULAR AGENDA

- (2) Consider approving revised CPA-2004-02, a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use and consider adopting Joint City Ordinance No. 8402/County Resolution. (PC Approved 8-0 on 4/22/09; CC Approved 2nd Reading 5-0 on 6/9/09) (Amy Brown is the Planner)

(3) Other Business

- (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
- (c) Miscellaneous
- (d) Public Comment

(4) Adjourn

MONDAY, JULY 20, 2009 (Light Agenda)

WEDNESDAY, JULY 22, 2009 (Light Agenda)

MONDAY, JULY 27, 2009 (Light Agenda)

-Consider adoption of Resolution authorizing sale of bonds to finance improvements in Southeast Lawrence Sanitary Sewer Main Benefit Districts No. 1, No. 2, and No. 3 (Evan Ice)

TUESDAY, JULY 28, 2009 (Baldwin City Library)

7:00-8:30 p.m. - Kansas Department of Transportation Invitation for Public Officials Briefings #1 for US-56 Corridor Management Plan with Douglas County and Baldwin City (Baldwin City Library)

WEDNESDAY, JULY 29, 2009 (Light Agenda)

-Consider approval of **CUP-6-7-09**, a Conditional Use Permit for revisions to previously approved CUP-12-12-97. Submitted by Heart of America Teen Challenge, property owner of record. Mary Miller is the Planner.
-Discussion of pedestrian issues in Eudora (John Drees, Eudora Pedestrian Safety Committee)

MONDAY, AUGUST 10, 2009

-Consider adoption of Resolution relating to the issuance of bonds to finance improvements in Southeast Lawrence Sanitary Sewer Main Benefit Districts No. 1, No. 2, and No. 3 (Evan Ice)

MONDAY, AUGUST 17, 2009 (Light Agenda)

MONDAY, SEPTEMBER 7, 2009

-No Commission Meeting in Observation of Labor Day

MONDAY, SEPTEMBER 21, 2009 (Light Agenda)

WEDNESDAY, NOVEMBER 4, 2009

-Lone Star Weed Discussion

Note: The Douglas County Commission meets regularly on Mondays at 8:10 A.M. and Wednesdays at 6:35 P.M. at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.

PETITION OF THE CITY OF LAWRENCE, KANSAS SEEKING APPROVAL OF A PROPOSED ANNEXATION FROM THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, ALL PURSUANT TO K.S.A. 12-521.

COMES NOW, the Governing Body of the City of Lawrence, Kansas, pursuant to K.S.A. 12-521, and respectfully petitions the Board of County Commissioners of Douglas County, Kansas, for approval of the annexation of the former Farmland Industries Property in Sections 4 and 5 of Township 13 South, Range 20 East in Douglas County. The legal description of the land sought to be annexed is as follows:

Beginning at the Northeast corner of the Southeast quarter of Section 4, Township 13 South, Range 20 East of the Sixth Principal Meridian; thence South $88^{\circ} 38' 40''$ West, on North line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 4 a distance of 2675.76 feet to the Northwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of Section 4, Township 13 South, Range 20 East; thence South $01^{\circ} 54' 15''$ East, on the East line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 4, a distance of 2658.92 feet to the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 4, Township 13 South, Range 20 East; thence South $88^{\circ} 53' 29''$ West on the South line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 4 a distance of 1680.33 feet; thence North $01^{\circ} 36' 31''$ West a distance of 89.70 feet to the North Right-of-way Line of Kansas Highway #10; thence South $88^{\circ} 56' 29''$ West on the North Right-of-way Line of Kansas Highway #10 a distance of 959.69 feet; thence North $50^{\circ} 06' 31''$ West on the North Right-of-way Line of Kansas Highway #10 a distance of 53.91 feet to the West line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 4, Township 13 South, Range 20 East; thence South $01^{\circ} 39' 13''$ East on the West line of the Southwest Quarter (SW $\frac{1}{4}$) of Section 4, Township 13 South, Range 20 East, a distance of 125.92 feet to the Southeast Corner of Section 5, Township 13 South, Range 20 East; thence West on the South line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 5 to the Southwest corner of the East One-half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 5; thence North on the West line of the East One-half (E $\frac{1}{2}$) of the Southeast Quarter of Section 5 to the Southwest corner of the North 20 acres of the East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 5, Township 13 South, Range 20 East; thence East on the South line of the North 20 acres of the East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 5 to the East line of said Section 5; thence North on the East line of said Section 5 to the Northeast corner of said Section 5; thence East on the North line of the Northwest Quarter (NW $\frac{1}{4}$) of Section 4, Township 13 South, Range 20 East, to the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 4, thence East on the North line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 4 a distance of 722 feet; thence South parallel with the East line of said Section 4 to the Southerly Right-of-way line of the Burlington Northern & Santa Fe Railway; thence in a Southeasterly direction on the Southerly Right-of-way line of the Burlington Northern & Santa Fe Railway to the East line of said Section 4; thence South $02^{\circ} 27' 01''$ East, on the East line of said Section 4 a distance of 428.25 feet more or less to the Point of Beginning;

Less the following described Annexed tract Beginning 125.82 feet North and 85.09 feet West of the Southeast corner of Section 5, Township 13 South, Range 20 East; thence North, a distance of 300.00 feet; thence West, a distance of 100 feet; thence North, a distance of 123.72 feet; thence West, a distance of 400.00 feet; thence North, a distance of 47.33 feet; thence West, a distance of 164.30 feet; thence South, a distance of 265.13 feet to the North line of the South 10 Acres of the East One-half (E ½) of the Southeast Quarter of said Section 5; thence West, a distance of 495.03 feet to the Northwest corner of Lot 1, Block 1, Cornerstone Plaza Addition; thence South 01°47'40" East on the West line of said Lot 1, a distance of 222.06 feet to the Southwest corner of said Lot 1, Cornerstone Plaza Addition and the North Right-of-way line of Kansas State Highway No. 10; thence East on said right-of-way line to the point of beginning. Containing 448.0 Acres more or less, all in Douglas County, Kansas, Subject to Rights-of-way, Easements and Restrictions of Record.

The Governing Body of the City of Lawrence, Kansas, further requests a public hearing be held pursuant to K.S.A. 12-521, on the advisability of such annexation at which time a representative of the City shall present the City's proposal for annexation, including the plan of the City for the extension of services to the area proposed to be annexed (hereinafter "the Plan"). A copy of the Plan shall be filed with the Board of County Commissioners at the time of the presentation of this Petition.

Approved by the governing body of the City of Lawrence, Kansas, this 28th day of April, 2009.


Robert Chestnut, Mayor


ATTEST:


Frank S. Reeb, City Clerk

CERTIFICATION

I, Frank S. Reeb, City Clerk for the City of Lawrence, Kansas, do hereby certify this to be a true and exact copy of

~~a petition~~ on file in my office.


Frank S. Reeb, City Clerk

CITY OF
LAWRENCE

REPORT AND SERVICE PLAN
FOR THE PROPOSED
FARMLAND INDUSTRIES ANNEXATION

TO BE PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS ON 7/13/09

TABLE OF CONTENTS

LEGAL DESCRIPTION FOR THE PROPOSED FARMLAND INDUSTRIES
ANNEXATION AREA.....4

INTRODUCTION.....6

AREA PROPOSED FOR ANNEXATION.....6

LAND USE AND ZONING.....8

EXTENSION OF MAJOR MUNICIPAL SERVICES..... 12

A. PUBLIC STREETS..... 12

B. WATER..... 14

C. SANITARY SEWER..... 14

D. STORMWATER AND FLOOD PROTECTION..... 15

E. FIRE PROTECTION..... 18

 IMPACT ON COUNTY FIRE PROTECTION DISTRICT..... 18

F. POLICE PROTECTION..... 18

G. PARKS..... 18

 OTHER SERVICES..... 19

AD VALOREM TAX REVENUES.....20

TIMETABLE FOR SERVICES.....22

LIST OF MAPS

MAP 1: GENERAL VICINITY MAP.....5
MAP 2: PROPOSED ANNEXATION AREA.....7
MAP 3: EXISTING LAND USE PATTERN..... 10
MAP 4: FUTURE LAND USE AND ZONING PATTERN..... 1 1
MAP 5: EXISTING AND FUTURE STREET SYSTEM CLASSIFICATIONS..... 1 3
MAP 6: EXISTING WATER, SEWER & STORMWATER SYSTEMS..... 1 7

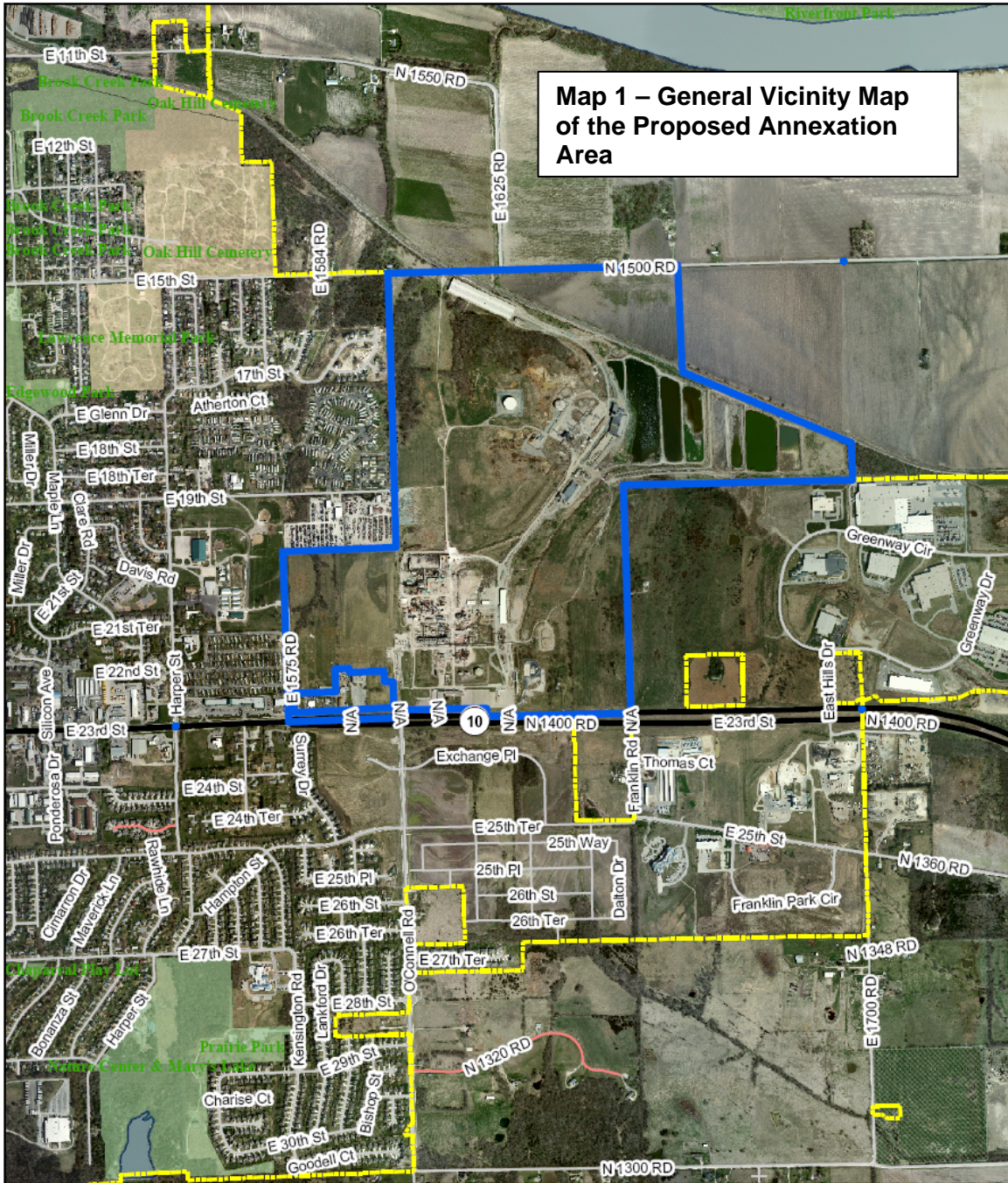
LIST OF TABLES

TABLE 1: ANNEXATION AREA INFORMATION.....6
TABLE 2: TAX LEVIES FOR TAXING UNITS.....20
TABLE 3: TAXES BEFORE AND AFTER ANNEXATION 2008.....20
TABLE 4: ESTIMATED TAXES BEFORE AND AFTER ANNEXATION 2009 VALUES...2 1
TABLE 5: TIMING AND FINANCING OF SERVICES:
PROPOSED ANNEXATION AREA.....22

LEGAL DESCRIPTION FOR THE PROPOSED FARMLAND INDUSTRIES ANNEXATION AREA
Sections 4 & 5 Township 13 South, Range 20 East in Douglas, County Kansas.

Beginning at the Northeast corner of the Southeast quarter of Section 4, Township 13 South, Range 20 East of the Sixth Principal Meridian; thence South 88° 38' 40" West, on North line of the Southeast Quarter (SE ¼) of said Section 4 a distance of 2675.76 feet to the Northwest corner of the Southeast Quarter (SE ¼) of Section 4, Township 13 South, Range 20 East; thence South 01° 54' 15" East, on the East line of the Southwest Quarter (SW ¼) of said Section 4, a distance of 2658.92 feet to the Southeast corner of the Southwest Quarter (SW ¼) of said Section 4, Township 13 South, Range 20 East; thence South 88°53'29" West on the South line of the Southwest Quarter (SW ¼) of said Section 4 a distance of 1680.33 feet; thence North 01°36'31" West a distance of 89.70 feet to the North Right-of-way Line of Kansas Highway #10; thence South 88°56'29" West on the North Right-of-way Line of Kansas Highway #10 a distance of 959.69 feet; thence North 50°06'31" West on the North Right-of-way Line of Kansas Highway #10 a distance of 53.91 feet to the West line of the Southwest Quarter (SW ¼) of Section 4, Township 13 South, Range 20 East; thence South 01°39'13" East on the West line of the Southwest Quarter (SW ¼) of Section 4, Township 13 South, Range 20 East, a distance of 125.92 feet to the Southeast Corner of Section 5, Township 13 South, Range 20 East; thence West on the South line of the Southeast Quarter (SE ¼) of said Section 5 to the Southwest corner of the East One-half (E ½) of the Southeast Quarter (SE ¼) of said Section 5; thence North on the West line of the East One-half (E ½) of the Southeast Quarter of Section 5 to the Southwest corner of the North 20 acres of the East Half (E ½) of the Southeast Quarter (SE ¼) of Section 5, Township 13 South, Range 20 East; thence East on the South line of the North 20 acres of the East Half (E ½) of the Southeast Quarter (SE ¼) of Section 5 to the East line of said Section 5; thence North on the East line of said Section 5 to the Northeast corner of said Section 5; thence East on the North line of the Northwest Quarter (NW ¼) of Section 4, Township 13 South, Range 20 East, to the Northwest corner of the Northeast Quarter (NE ¼) of said Section 4, thence East on the North line of the Northeast Quarter (NE ¼) of said Section 4 a distance of 722 feet; thence South parallel with the East line of said Section 4 to the Southerly Right-of-way line of the Burlington Northern & Santa Fe Railway; thence in a Southeasterly direction on the Southerly Right-of-way line of the Burlington Northern & Santa Fe Railway to the East line of said Section 4; thence South 02°27'01" East, on the East line of said Section 4 a distance of 428.25 feet more or less to the Point of Beginning;

Less the following described Annexed tract Beginning 125.82 feet North and 85.09 feet West of the Southeast corner of Section 5, Township 13 South, Range 20 East; thence North, a distance of 300.00 feet; thence West, a distance of 100 feet; thence North, a distance of 123.72 feet; thence West, a distance of 400.00 feet; thence North, a distance of 47.33 feet; thence West, a distance of 164.30 feet; thence South, a distance of 265.13 feet to the North line of the South 10 Acres of the East One-half (E ½) of the Southeast Quarter of said Section 5; thence West, a distance of 495.03 feet to the Northwest corner of Lot 1, Block 1, Cornerstone Plaza Addition; thence South 01°47'40" East on the West line of said Lot 1, a distance of 222.06 feet to the Southwest corner of said Lot 1, Cornerstone Plaza Addition and the North Right-of-way line of Kansas State Highway No. 10; thence East on said right-of-way line to the point of beginning. Containing 448.0 Acres more or less, all in Douglas County, Kansas, Subject to Rights-of-way, Easements and Restrictions of Record.




Farmland Industries Annexation

Lawrence-Douglas County Planning Office
April 27, 2009



Scale
1 Inch = 1500 Feet

 Area Requested

INTRODUCTION

The City of Lawrence deems it advisable to annex the former Farmland Industries site pursuant to K.S.A. 12-521. State law requires the City to prepare a report and plan setting forth certain information including the City's plans for the extension of each major municipal service. This report is submitted in accordance with K.S.A. 12-521.

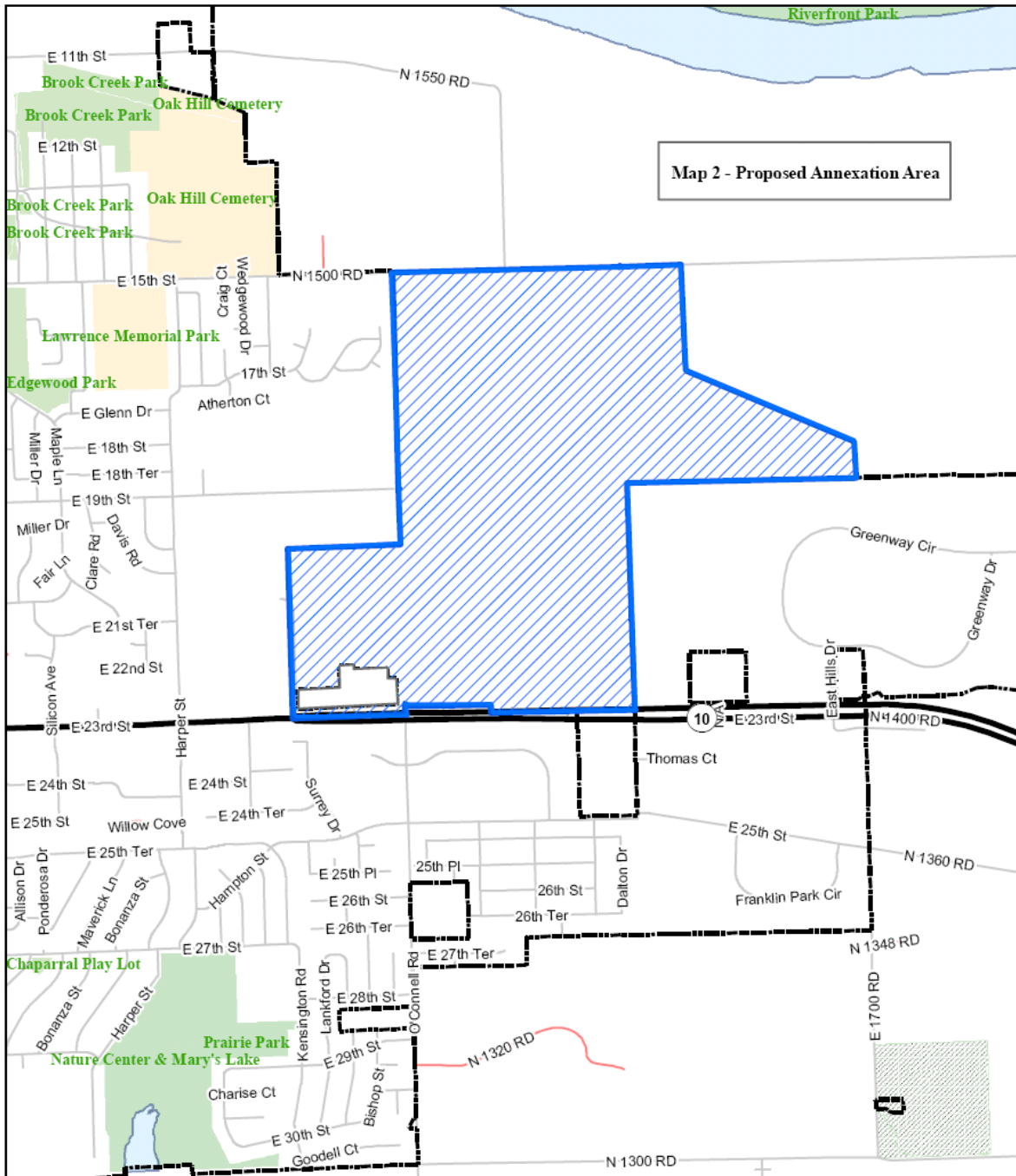
Annexation of the property is appropriate at this time to ensure its safe, orderly and planned development. The Farmland Industries Redevelopment Plan was approved by The Lawrence-Douglas County Planning Commission on November 28, 2007. The Lawrence City Commission approved the plan on March 11, 2008 and the Board of County Commissioners approved the plan on March 31, 2008. The plan provides for future land use designations and is intended as a guide for redevelopment of the property. The property is contiguous to the existing City limits. The East Hills Business Park located adjacent and to the east of the Farmland site, is already inside the City limits of Lawrence.

Annexation of the property will also further the City's interest in having industrially zoned property available for future development. The City is pursuing acquisition of the property through the Farmland bankruptcy trustee.

AREA PROPOSED FOR ANNEXATION

The area proposed for annexation, all former Farmland Industries property, is approximately 448 acres, located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River. There is a Burlington, Northern, Santa Fe line that bisects the northern portion of the property. There are no residential properties in the area of annexation. The site extends into Sections 4 and 5 of Township 13 South, Range 20 East. These tracts are within Service Area 1 of the Lawrence Urban Growth Area as described in Horizon 2020.

Douglas County Parcel Plate No.	Property Owner
800661	SELS Administrative Services, LLC, Trustee
800627A	SELS Administrative Services, LLC, Trustee
800626A	SELS Administrative Services, LLC, Trustee
800634B	SELS Administrative Services, LLC, Trustee




Farmland Industries Annexation

Lawrence-Douglas County Planning Office
April 29, 2009



Scale: 1 Inch = 1500 Feet

 Area Requested

LAND USE AND ZONING

The land use pattern of the area proposed for annexation is predominantly industrial, with some limited agricultural uses. To the east of the subject property is the East Hills Business Park, which is zoned General Industrial. To the north of the subject property is agricultural land. This agricultural property is not currently in the City limits.

South of the subject property, across K-10 highway, several areas of Section 8 and Section 9, Township 12 South, Range 19 East have already been developed and annexed. In Section 8, south of K-10 and west of O'Connell Road, former Farmland Industries property has been developed as Fairfield Farms West Addition. The 54 acre site was platted in June of 2004 and is a mix of residential, with commercial and office zoning near the intersection of K-10 and O'Connell Road.

In Section 9, south of K-10 and east of O'Connell Road, former Farmland Industries property has been platted the Fairfield Farms East Additions. Fairfield Farms East Addition No. 2 is located north of 25th Street Terrace and adjacent to K-10. The 48 acre site was platted in June of 2006 and is a mix of commercial and office zoning near the intersection of K-10 and O'Connell Road. It is designated as a CC200 center, which is used for a Community Commercial area.

25th Street Terrace has been improved through a special assessment benefit district, from O'Connell Road to Franklin Road in 2008. It is a designated collector street.

Also in Section 9, south of 25th Street Terrace, Fairfield Farms East Addition No. 1 was platted in June of 2006. This is a large, 74 acre residential subdivision adjacent to the previously developed Prairie View Addition. This also is a former Farmland Industries owned property.

The Prairie View Addition is a 10-acre residential subdivision platted in 1998. It is located east of O'Connell Road along what is now East 27th Terrace. This area has been annexed and developed into single family and duplex residential housing. Residential and commercial development along areas east of O'Connell Road is on-going. In 2001 the City installed a water main along the east side of O'Connell Road.

Farmland Industries Redevelopment Plan

The adopted Farmland Industries Redevelopment Plan provides planning and land use guidelines for the area to be annexed. The Farmland Future Land Use map presented below graphically illustrates a guide for future redevelopment that embodies the goals and guiding principles as presented in the redevelopment plan. The future land use map is conceptual and should not be used to determine precise zoning boundaries. The future land use plan only supports commercial uses necessary for the long-term redevelopment of the property. Residential uses are not anticipated in the planning area. A description of the planned land use categories for the area to be annexed is below.

Industrial/Business/Research Park

This category applies to the majority of the Farmland Industries property to support redevelopment for a future employment area. This category includes office uses, light industrial, manufacturing and warehousing. Attention should be paid to site buffering and design as the property borders a major highway which is a gateway into the community.

- **Primary Uses:** office, light industrial, manufacturing and warehousing
- **Zoning Districts:** IBP (Industrial/Business Park), IL (Limited Industrial District), IG (General Industrial District) and PID (Planned Industrial District).
- **Density/Intensity:** Light to heavy

Civic

Civic space is assigned to the westernmost part of the property that is adjacent to the Douglas County Fairgrounds. Uses here should be compatible with the Fairgrounds and provide a buffer to the residential uses to the west. Uses that support the Fairgrounds would be appropriate at this location.

- **Primary Uses:** Arts, culture, education, and government
- **Zoning Districts:** GPI
- **Density/Intensity:** Light to medium

Open Space

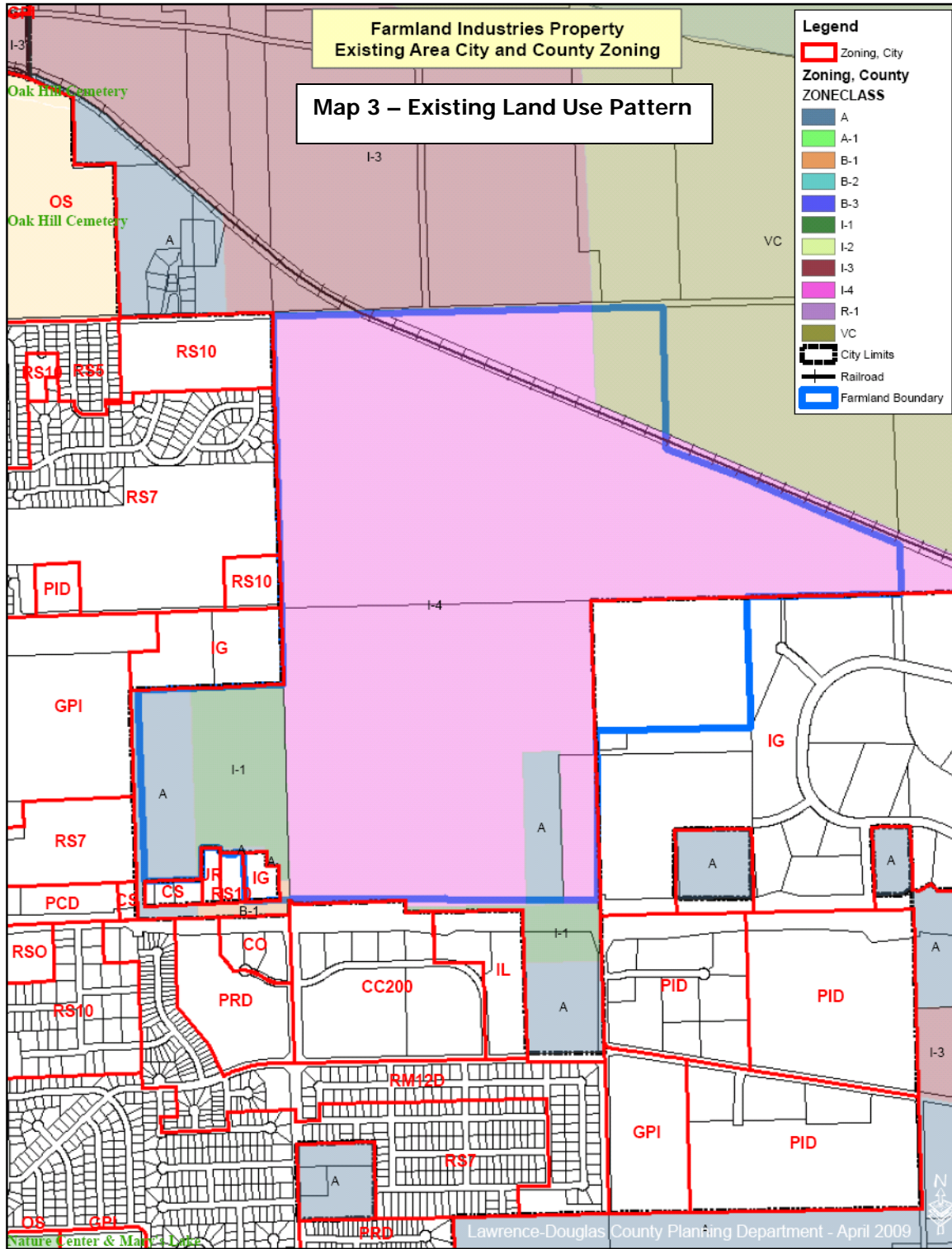
This category applies to the areas of the property reserved for future open space for use by workers at the site and the public at-large. Trails are recommended in the open space area. Integrating trails within this space and connecting them to the area's trail system is recommended. Utility uses are not precluded by this designation.

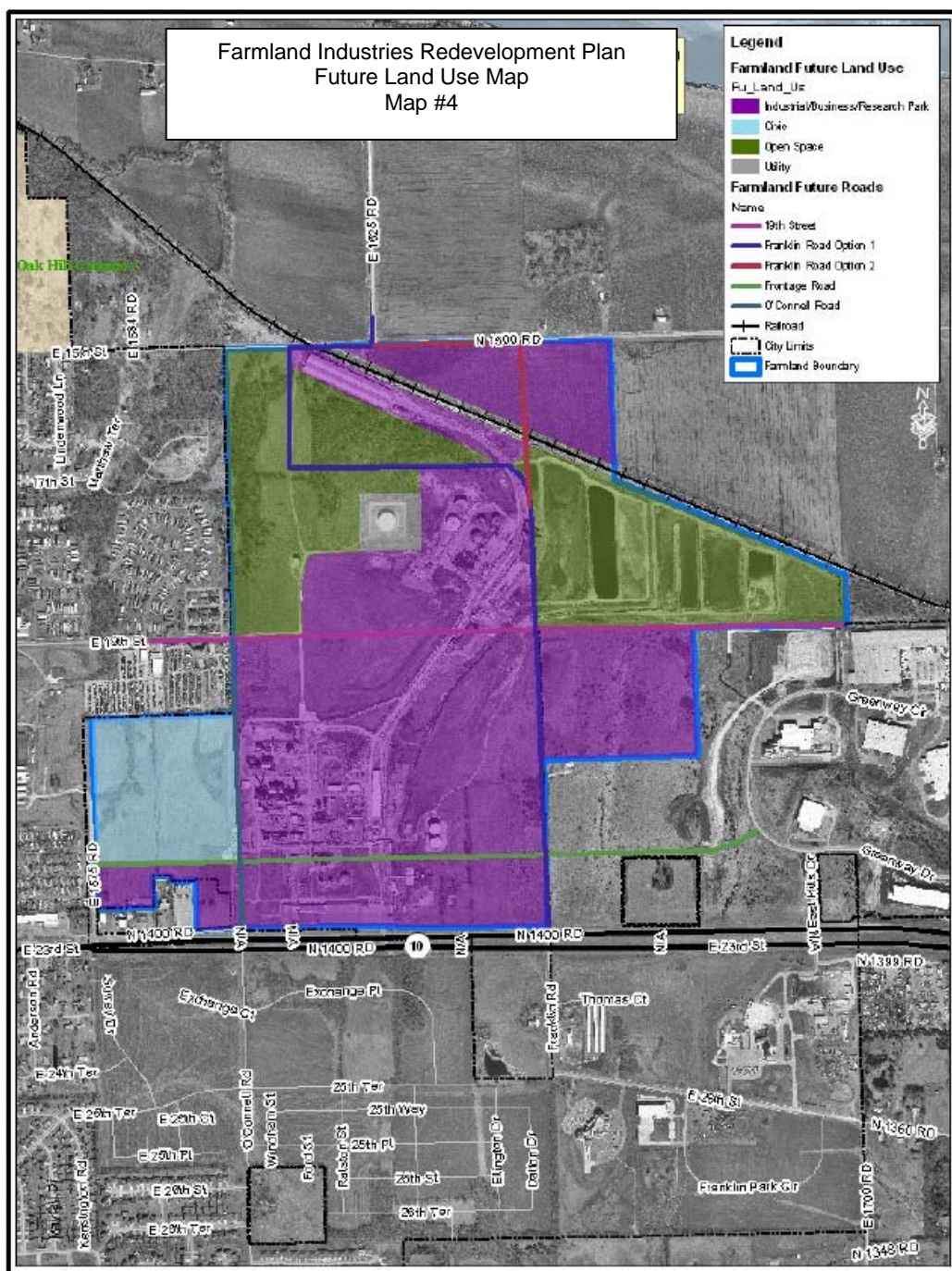
- **Primary Uses:** Open space, passive recreation, and trails
- **Zoning Districts:** OS
- **Intensity:** Light

Utility

This category designates those areas of the property necessary for public sewer and water service. Uses include pump stations, water storage, etc.

- **Primary Uses:** Public utilities
- **Zoning Districts:** GPI
- **Intensity:** Light to medium





EXTENSION OF MAJOR MUNICIPAL SERVICES

A. PUBLIC STREETS

The following streets serve the area to be annexed.

- N 1500 Road
- E 1575 Road
- N 1400 Road - Frontage road adjacent to K-10 Highway
- Kansas Highway K-10 (23rd Street extended)

Roads in the area to be annexed are currently maintained by Wakarusa Township or the City of Lawrence through an agreement with Wakarusa Township. E 1575 Road will be maintained by the City of Lawrence upon annexation. N 1400 Road is a frontage road along K-10 from E 1575 to the Southeast corner of the main Farmland Industries site. This road right-of-way will also be annexed and future maintenance will be the responsibility of the City. Portions of East 23rd Street/K-10 are already within the corporate limits of the City. The proposed annexation will annex the remaining 23rd Street right-of-way to Franklin Road. The northern boundary of the proposed annexation is N 1500 Road. The annexation will be to the centerline of N 1500 Road along the former Farmland Properties boundary.

The Capital Improvement Plan (CIP) 2008-2013 and Transportation 2030 identify several projects that will benefit the area to be annexed. Improvements to 23rd Street from Iowa to Noria Road and the K-10 and the Franklin Road intersection are planned in the City's 2008-2013 CIP. The T2030 Roadway Improvement Map plans for the extension of 19th Street through the Farmland Property to Franklin Road and the improvement of Franklin Road from 15th Street to K-10 (see T2030 Recommended Roadway Improvement Plan).

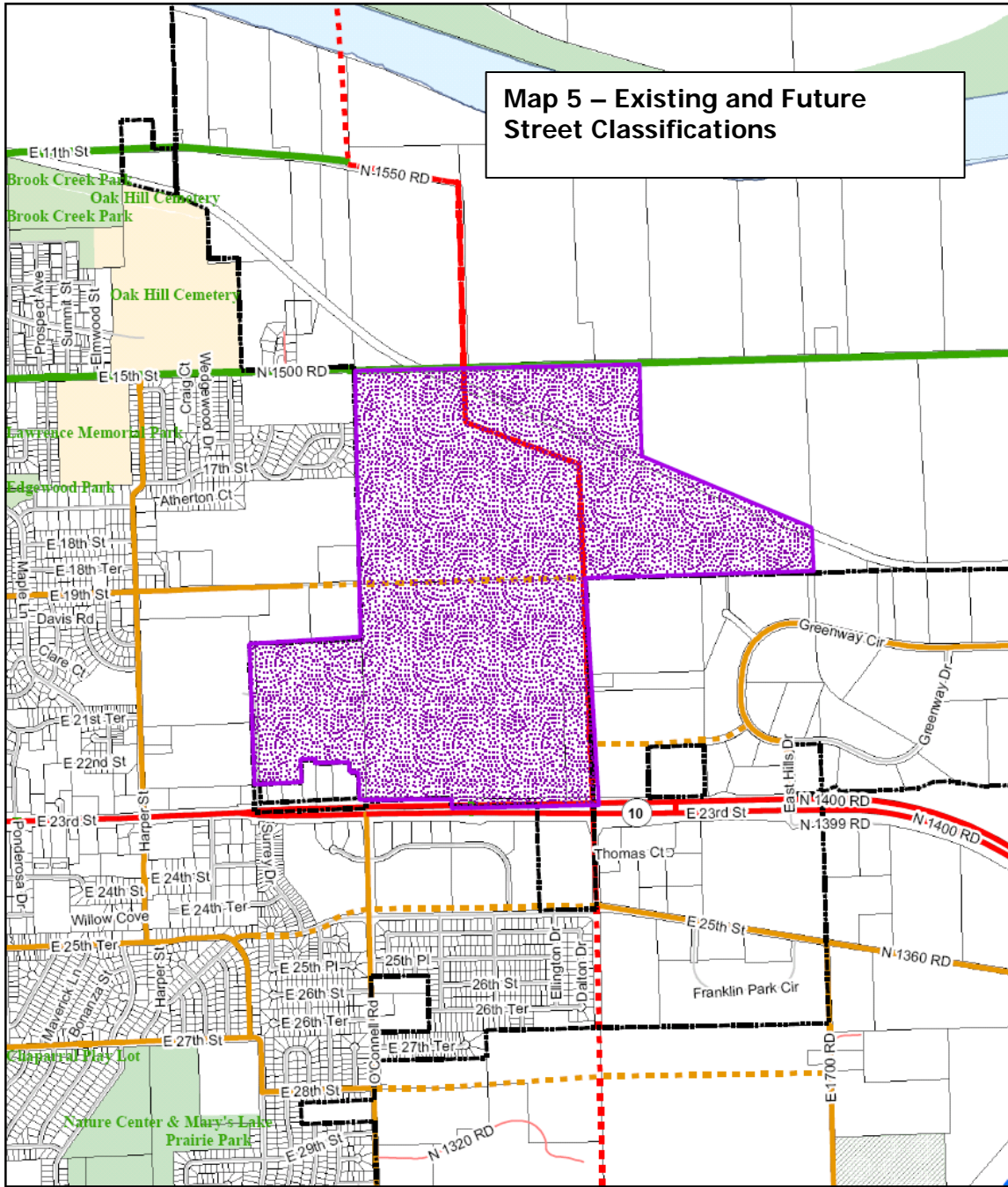
Average maintenance cost for the existing roads being proposed for annexation is estimated to be approximately \$75,000.00 per year. Snow removal cost for these roads is estimated to be approximately \$7,500.00 per year, for a total of \$82,500.00 per year for the cost of maintenance and snow removal.

TRAFFIC CONTROL SIGNALS, STREET LIGHTS, SIDEWALKS

There are no street lights in the area to be annexed. Street lights will be installed in accordance with the City's development policy upon redevelopment of the property.

SNOW AND ICE REMOVAL

Snow and ice removal of the streets to be annexed will be provided by the City's Public Works Department.



Map 5 – Existing and Future Street Classifications

Farmland Industries Annexation

- Freeway
- Principal arterial
- Collector
- Minor collector
- Minor arterial
- - - Future freeway
- - - Future arterial
- - - Future minor arterial
- - - Future collector



B. WATER

The proposed annexation area is not within the service area of a Douglas County Rural Water District. The policy of the City of Lawrence is to provide water service in accordance with policies, procedures and ordinances related to extension of water service. Water distribution mains are sized to provide adequate service for domestic and fire protection in a new area. The extension of facilities occurs after the property is annexed into the City and the area has been platted in accordance with the subdivision requirements of the Lawrence Douglas County Planning Commission.

A 16" water main line runs down the north side of K-10 past the proposed annexation area and meets with an 8" line at Franklin Street, which runs parallel to O'Connell Road to the east and leads to the Douglas County Jail. This line also serves the adjacent East Hills Business Park. A 12" water main was extended down the east side of O'Connell Road in 2001. A water transmission line from the KAW Water Treatment Plant is being planned to service the southeast area of the city. The Kaw Water Treatment Plant Transmission Main Project from the *2003 Water Master Plan*, recommended the construction of a second water transmission main from the Kaw Water Treatment Plant to approximately 19th & Harper. Based on the results of Professional Engineering Consultants' additional evaluation of the *Master Plan's* proposed treated water transmission main project, an alternative alignment which travels north from the Kaw WTP around the northeast area of North Lawrence, and back south to 23rd and O'Connell Road has been recommended. These improvements will provide increased ability and reliability for the pumping of treated water from the Kaw Water Treatment Plant to the southeast area of Lawrence, including increased service for RWD4 and Baldwin City. The recommended improvements also provide additional water transmission connections and capacity to the North Lawrence area and the former Farmland property. This project is currently in the design phase with funds also budgeted for property acquisition.

C. SANITARY SEWER

Existing and planned sanitary sewer infrastructure is in the area of annexation. A planned project to upgrade Pump Station No. 25 located in the East Hills Business Park is currently in the design phase and is scheduled for construction in 2009. The *2003 Wastewater Master Plan* identified improvements required to Pump Station 25 (PS25) to provide expanded sanitary sewer capacity to the areas east of O'Connell Road and north and south of K10/23rd Street including the East Hills Business Park. These improvements include expanding the firm pumping capacity of PS25 from 0.97 MGD to 6.0 MGD and the construction of a parallel 8" forcemain from PS25 to the Kaw Wastewater Treatment Plant. The improvements are included in the Department of Utilities Capital Improvements Plan. The estimated cost of the project is \$3.4 million. The improvements to PS25 will work in conjunction with a new pump station (PS49), which just completed construction as part of a County benefit district to provide sanitary sewer service to current and future areas of the City southeast of 23rd Street and O'Connell Road. PS49 will initially collect flows and pump them north to PS25 which discharges to the existing Kaw Wastewater Treatment Plant. The recommended timing of PS25's improvements and expansion have been confirmed and coincide with development and flow forecasts for the PS49 service area. Plans are in place that allows for additional upgrades to PS25 and PS49, in addition to future construction of the Wakarusa Wastewater Reclamation Facility. These additional system improvements would allow for sanitary sewer service for redevelopment of the Farmland Industries site.

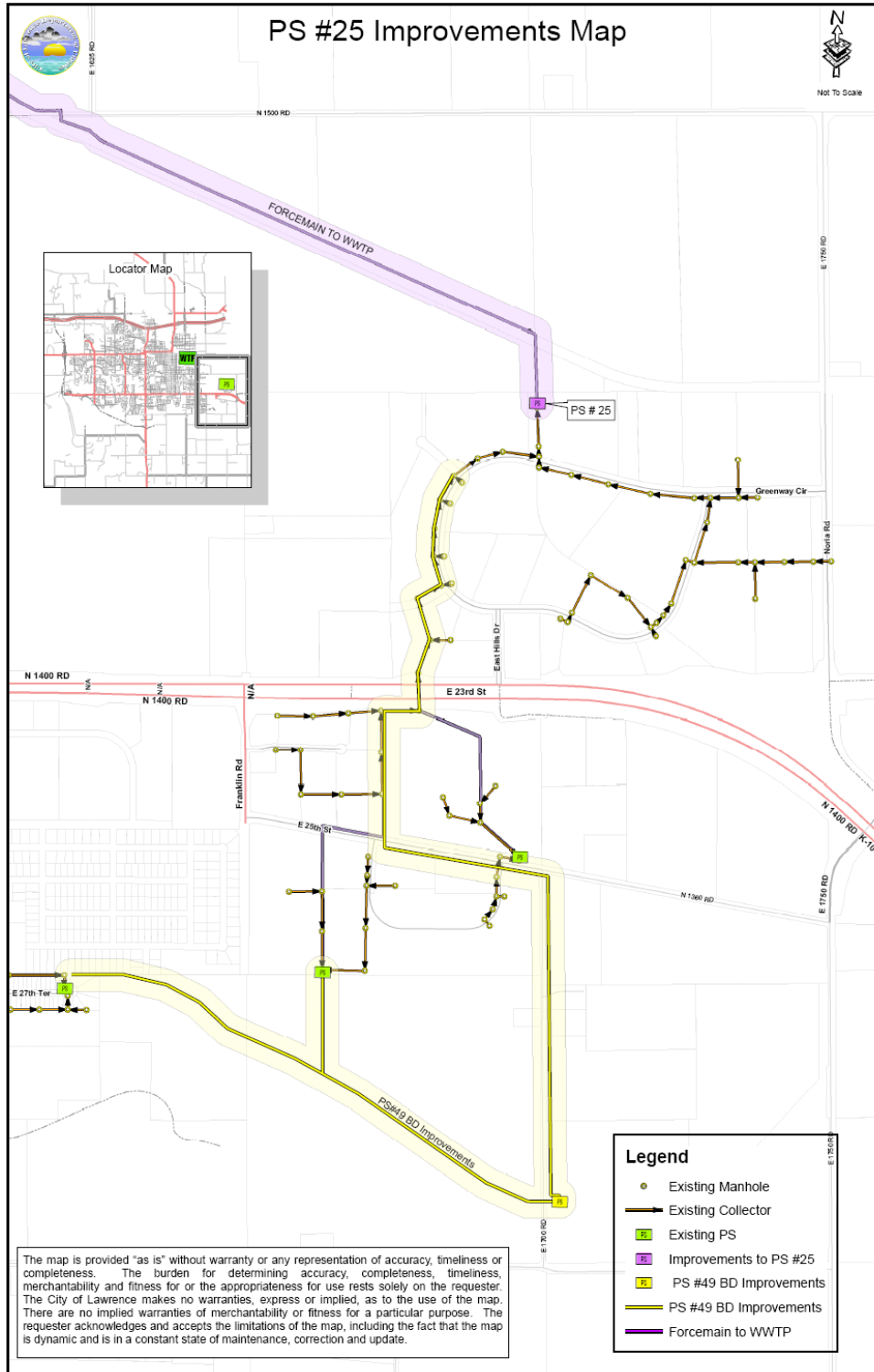
Sanitary Sewer Extensions - Developer Financed

Pursuant to the City of Lawrence's development policy, the total cost of all sanitary sewer construction shall be borne by the property benefited in the improvement district. If relief sewers are required, the cost involved shall be borne 100 percent by the City from the Utility Fund. The City may defer the approval of sewer plans from developments in an effort to coordinate and phase sewers for the benefit of the larger service area. Similarly, developers may be asked to contribute to the construction of a larger sewer system in lieu of building individual, smaller systems.

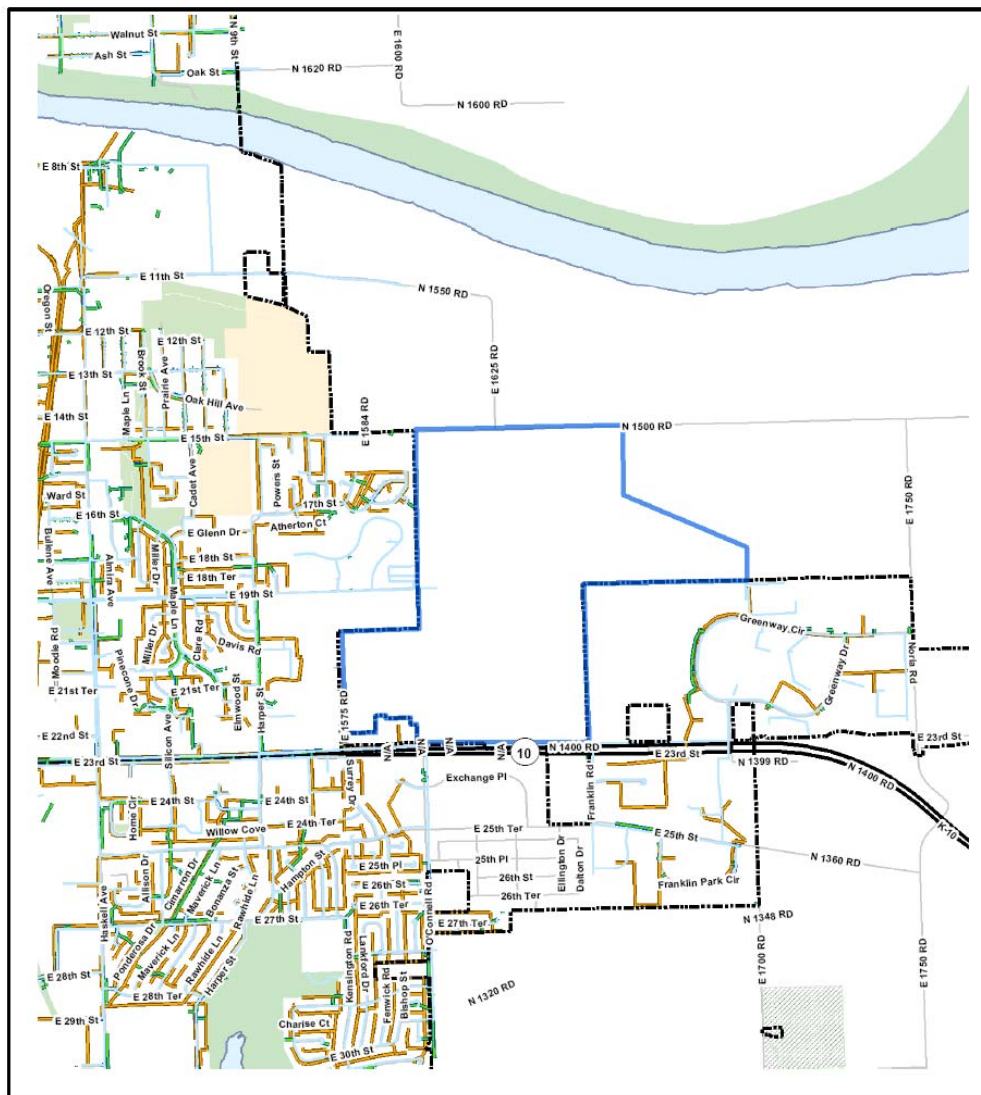
D. STORMWATER AND FLOOD PROTECTION

The Farmland Industries Redevelopment Plan discusses the stormwater management strategy for the area. Under the plan, overall redevelopment of the site should include two or three regional detention basins to maximize land use. The existing detention basin should continue to be utilized to accommodate drainage on the western portion of the property. The existing drainage channel that runs through the property should be preserved as well and function as the primary drainage channel for the site. A possible second location for regional detention would be located southwest of the existing settling basins. Existing topography also provides the opportunity for a third basin immediately south of the existing settling basins. The plan recommends construction of a regional detention basin as needed during the redevelopment of the property.

The following map details existing City water, sanitary sewer and stormwater systems that are in the vicinity of the area to be annexed.



Map 6 - Existing City Water, Sewer and Stormwater Systems



Farmland Industries Annexation

Lawrence-Douglas County Planning Office
November 2008



Scale: 1 Inch = 2000 Feet

Legend

- Water Mains
- Storm Pipe
- Gravity Pipe
- Area Requested

E. FIRE PROTECTION

Fire service for the area of annexation is currently provided by Wakarusa Township. Primary fire and medical services after annexation will come from **Station No. 2** located at 2128 Harper Street. This station is approximately $\frac{3}{4}$ to one mile from the proposed annexation area and will be the nearest fire and medical station to the area. The department can also provide backup support from its other stations, which are staffed 24 hours a day. Upon annexation, the City-at-large ad valorem property taxes, as well as the City sales tax will finance fire protection and fire apparatus purchases. The Lawrence-Douglas County Fire and Medical Department recently received accreditation by the Commission on Fire Accreditation International, Inc., one of only three such accredited agencies in the state.

IMPACT ON COUNTY FIRE PROTECTION DISTRICT

There is no fire protection district in the area of annexation. The Wakarusa Township mill levy supports the fire protection provided by the township.

F. POLICE PROTECTION

Currently, the area to be annexed is served by the Douglas County Sheriff's Department. Upon annexation, police protection will be provided by the Lawrence Police Department. The City-at-Large ad valorem property taxes and other general revenues will finance these services. The department is staff by 164 authorized positions, with 142 being commissioned police officers.

G. PARKS

Wakarusa Township currently provides no parks and recreation facilities for their residents. There are however, several existing parks and recreations facilities located near the area to be annexed provided by the City of Lawrence.

The City has purchased property in the area to be annexed for a future park. It is located at 31st Street extended and E. 1700 Road (Kitsmiller Road) and contains 40 acres, more or less. The City's property is currently being used as open space and for construction of PS 49.

Prairie Park Nature Center is located at 2730 SW Harper, just west of the proposed annexation area. Built in 1999, it is a 72 acre preserve featuring prairie, woodland and wetlands blended together.

The Farmland Industries Redevelopment Plan also calls for the preservation of significant areas of open space within the area to be annexed.

OTHER SERVICES

The **Lawrence Public Library** located at 707 Vermont Street, has over 200,000 book titles, over 3,500 music CD and audio book titles, more than 9,500 video titles, over 400 magazines and 20 newspapers. The Library offers story hours, summer reading and special programming for children and the family. Currently, a portion of the total mill levies assessed against the properties in the area to be annexed goes to support the **Northeast Kansas Library System (NEKLS)**. This system is open to all libraries within its geographic service area. NEKLS provides a range of services including grants and consulting services to member libraries, reference and interlibrary loan services, etc. In Wakarusa Township the property owners paid 1.25 mills in 2007 for the Northeast Kansas Library System. After annexation, these tracts will no longer be assessed the NEKLS mill levy. The Lawrence Public Library has planned to service the growth area of Lawrence as described in its Long Range Plan 1998-2002.

Lawrence has a public transportation system (The T) which operates throughout the city. The Lawrence Transit System has 12 buses that run eight routes. The buses run from 6:00 a.m. until 8:00 p.m. Monday through Friday and 7:00 a.m. until 8:00 p.m. on Saturdays. Currently, the bus route extends to the proposed annexation area along K-10. This system allows people to travel to other areas of the City without relying on a personal automobile. The City transit system has one route that travels through the annexation area. Route 5 (23rd/Clinton Crosstown-Wakarusa/South Iowa/K-10) travels along E. 23rd Street/K-10 Highway to the East Hills Business Park.

AD VALOREM TAX REVENUES

The below table represents the current taxing unit (501) of the parcels to be annexed compared to the taxing unit (041) which the parcels will be in after annexation.

Table 2 – Tax Levies for Taxing Units		
2008 Ad Valorem Tax Levies	Douglas County (tax unit 501)	City of Lawrence (tax unit 041)
State of Kansas	1.5	1.5
City of Lawrence	---	26.647
County	32.820	32.820
USD 497	57.399	57.399
Wakarusa Township	17.7	---
NE Kansas Library System	1.25	---
Totals	110.669	118.366

The below tables represents the appraised and assessed value of the parcels to be annexed for the tax year 2008 and the estimated 2009 values. Based on the City mill levy for 2008 (26.647 mils), the table also illustrates the estimated tax revenue created from annexation of these properties.

Table 3 – Taxes Before and After Annexation Based on 2008 Mill Levies				
Parcel Number	Appraised Value 2008	Assessed Value 2008	2008 Taxes before annexation (tax unit 501) 110.669 mils	2008 Taxes after annexation (tax unit 041) 118.366 mils
800661	\$7,060	\$1,940	\$214.70	\$229.63
800627A (AR)	\$460	\$140	\$15.49	\$16.57
800627A (CR)	\$323,780	\$80,940	\$8,957.55	\$9,580.55
800626A (AR)	\$8,700	\$2,610	\$288.86	\$308.94
800626A (CR)	\$197,920	\$49,480	\$5,475.90	\$5,856.75
800634B	\$264,070	\$31,690	\$3,507.10	\$3,751.02
Totals			\$18,460	\$19,743
Additional Taxes After Annexation = \$1,283				

Table 4 – Estimated Taxes Before and After Annexation Based on 2009 Appraisal Data and 2008 Mill Levies				
Parcel Number	Appraised Value 2009	Assessed Value 2009	Estimated 2009 Taxes before annexation (tax unit 501) 110.669 mils	Estimated 2009 Taxes after annexation (tax unit 041) 118.366 mils
800661	\$6,690	\$1,825	\$201.97	\$216.02
800627A (CR)	\$316,730	\$79,180	\$8,762.77	\$9,372.22
800626A (CR)	\$222,240	\$55,560	\$6,148.77	\$6,576.42
800634B	\$264,070	\$31,690	\$3,507.10	\$3,751.02
Totals			\$18,620.61	\$19,915.68
Additional Taxes After Annexation = \$1,295.07				

TIMETABLE FOR SERVICES

Table 5 – Timing and Financing of Services, Proposed Annexation Area

Service	Proposed for Area	Timing	Financing
Street Maintenance	E 1575 Rd.	Upon annexation	City at large.
Local Street Improvements	As required for redevelopment.	Upon petition	100% by benefiting property.
Street Lights	As required for redevelopment.	Upon petition	City at large.
Water Mains	NE/SE water main transmission project.	Currently planned for Phase 3 of the project.	City at large.
Water Laterals	As required for redevelopment.	Upon petition	100% by benefiting property.
Fire Hydrants	As required for redevelopment.	Upon petition	100% by benefiting property.
Sewer Infrastructure	PS 25 project will provide force main improvements through portions of the site.	Scheduled for construction in 2009-2010.	City at large & user fees and system development charges collected upon redevelopment of the property.
Fire Protection	Yes	Upon annexation	City at large.
Police Protection	Yes	Upon annexation	City at large.
Parks in the area of annexation <ul style="list-style-type: none"> • Prairie Park Nature Center • Prairie Park 	Yes	Upon annexation	City at large.
City Building Code Enforcement	Yes	Upon annexation	City at large.
City Zoning Code Enforcement	Yes	Upon annexation	City at large.
Stormwater Management	Yes	Upon annexation	City at large & stormwater utility fees (user fees).
Transit	Yes	Upon annexation	City at large & system users (rider fees).
Library	Yes	Upon annexation	City at large.

TESTIMONY OF THE CITY OF LAWRENCE IN SUPPORT OF ITS PETITION TO ANNEX LAND COMMONLY KNOWN AS THE FORMER FARMLAND INDUSTRIES PROPERTY, AND ADJACENT RIGHT-OF WAY, LOCATED EAST OF THE LAWRENCE CITY LIMITS ON K-10 HIGHWAY.

The City respectfully submits this testimony in support of its Petition for approval from the Board of County Commissioners of Douglas County to annex the Former Farmland Industries Property and adjacent right-of-way. The information provided herein is supplemental to the City's Report and Service Plan for the Proposed Annexation presented to the Board on May 4, 2009. This document provides information on the Former Farmland Industries property held in a Trust, the City's efforts to acquire the property, the reasons for the City's desire to annex the property at this time, and the statutory requirements for a county approved annexation under K.S.A. 12-521.

Background

The former Farmland Nitrogen Facility is owned by a Remediation Trust created under the Farmland Bankruptcy Plan after the company filed for bankruptcy in 2002. The trustee of that trust, SELS Administrative Services, Inc., controls the property and is the entity that has the authority to sell or lease the property, subject to the approval of the Kansas Department of Health and Environment (KDHE). The property has ongoing environmental issues. Remediation of the property is being performed by SELS Administrative Services with oversight by KDHE. Substantial funds were placed in a Remediation Trust to hopefully provide for the remediation and administrative costs associated with the property. KDHE is the "primary beneficiary" of the trust so that KDHE can work to ensure the trust funds are appropriately used to clean the property. The Remediation Trust also has a "residual beneficiary" which may, under the trust terms, obtain any remaining or residual funds from the trust, to the extent the funds are not needed for the former Farmland properties in the trust. Capitana

Redevelopment Group, L.L.C. ("Capitana") purchased the residual beneficiary interests in early 2009.

The City has an offer to purchase the former Farmland Lawrence Nitrogen Facility from SELS. SELS Administrative Services has not accepted the City's offer, although KDHE communicated its approval of the City's offer to the FI Kansas Remediation Trust Trustee. The City remains interested in acquiring the property or partnering with others to acquire the property.

If the City succeeds in acquiring the property or entering into a partnership on the property to develop it, the property must be within the City in order for the City to debt finance any public improvements or to install public improvements on the property pursuant to the City's development policy. If the City is not successful in acquiring the property or the property remains in the hands of SELS Administrative Services, the City Commission believes it is in the community's interest for the City to annex the property so the City's land use, building, property maintenance, and other City regulations will apply to the property. The Farmland Industries Redevelopment Plan, an amendment to Horizon 2020, the Comprehensive Plan for Lawrence and Unincorporated Douglas County, which was adopted by both the City and the County, provides that annexation of the property by the City of Lawrence must occur before the site is redeveloped. For these reasons, the City is pursuing the annexation of the subject property and adjacent right-of-way.

Kansas Annexation Law

In Kansas, a city's expansion of its geographic boundaries is controlled by state statutes, K.S.A. 12-519 et seq. Cities do not have inherent powers outside of the state statutes to annex territory. There are three types of annexation under Kansas law. In a unilateral annexation, the city itself makes the final decision whether to annex the territory. In an island annexation the City seeks, with the property owner's consent, to annex land located within the same county

as the city, but the annexation area is not adjoining the City. The third type, and the type under which the City seeks to annex the former Farmland Nitrogen Property, is a county approved annexation. The procedures for a county approved annexation are found in K.S.A. 12-521.

County Approved Annexation Procedures

The City begins a county approved annexation by filing a petition with the Board of County Commissioners requesting the County Commission convene a public hearing on the advisability of the proposed annexation. A report detailing the City's plan for extending services to the area to be annexed accompanies the City's petition. The City's petition was presented to the Board on May 4, 2009, along with a copy of its service plan.

The County Commission's hearing is held between sixty (60) and seventy (70) days of the date the petition is presented to the County. Notice of the time and place of the hearing is sent to each landowner involved, along with a sketch of the area to be annexed. The public hearing notice, including a list of the property owners, the legal description of the area proposed to be annexed, and a sketch of the area are also published in the newspaper prior to the public hearing. The City mailed its notice to the property owners on May 12, 2009. Notice of the Board's public hearing and a sketch of the proposed annexation area were published in *The Lawrence Journal World* on July 1, 2009.

The City's petition is submitted to the planning commission having jurisdiction over the area. On May 20, 2009, the Lawrence-Douglas County Metropolitan Planning Commission met and determined the City's petition for annexation of the former Farmland Industries property is compatible with Horizon 2020, the Comprehensive Plan for Lawrence and Unincorporated Douglas County, and the Farmland Industries Redevelopment Plan, the adopted comprehensive land use plan applicable to the area to be annexed and the City of Lawrence. The Lawrence-Douglas County Metropolitan Planning Commission forwarded its findings to the City and County in compliance with K.S.A. 12-530.

Board of County Commission's Hearing on the Proposed Annexation

The County convenes a public hearing on the proposed annexation. In receiving the City's presentation on the proposal for annexation, including the extension of municipal services, and as the Board hears other testimony offered concerning the advisability of the annexation, the Board sits as a quasi-judicial body. The Board must consider the effect of the annexation on the "orderly growth and development on the entire community involved, including the City and the land proposed to be annexed." K.S.A. 12-521. The Board has broad discretion in evaluating the information it receives in the public hearing. The County can approve the annexation as petitioned by the City, or it may approve a part of the area proposed to be annexed, or it can deny the annexation in whole.

K.S.A. 12-521 requires the Board to make specific written findings and conclusions determining whether the proposed annexation will cause manifest injury to the owners of land proposed to be annexed, or to owners of land in areas near or adjacent to the land proposed to be annexed or to the City if the annexation is not approved. Manifest injury as it applies to landowners has been described as the "imposition of material or substantial burdens upon the landowners without accompanying material or substantial compensating benefits." *In re Appeal of City of Lenexa*, 232 Kan. 568, (1983). The Board's findings and conclusions are based upon the preponderance of the evidence presented to the Board. K.S.A. 12-521(c). To aid in the determination of manifest injury, the statute provides fourteen (14) factors for the Board to consider. The Board may consider other factors in addition to the fourteen (14) set forth in K.S.A. 12-521. The City submits the following information on each of the 14 factors for the purpose of demonstrating that manifest injury will not result from the proposed annexation.

1. **Extent to which any of the area is devoted to agricultural use.** Approximately thirty (30) acres of the Proposed Annexation Area, located generally north of the rail spur to North 1500 Road, appear to be devoted to agricultural use. An additional 70 acres, more or less, scattered throughout the Proposed Annexation Property may be cut for hay or used for pasture, from time to time, according to leases provided by attorneys representing the FI Kansas Remediation Trust.
2. **Area of platted land relative to unplatted land.** The entire Proposed Annexation Area is unplatted.
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.** The topography of the area consists of rolling hills, with the steepest slopes located in the north and northwest sections of the Proposed Annexation Area. The Proposed Annexation Area is bordered on three sides by existing City boundaries; on the west, the south, and the east. City infrastructure and municipal services are provided in the areas adjacent to the Proposed Annexation Area. The Proposed Annexation Area is bordered on the north by East 1500 Road and the Burlington Northern Santa Fe Railroad. Approximately seventy percent (70%) of the perimeter of the Proposed Annexation Area is adjacent to existing City boundaries.

The Former Farmland Industries property has active City water service, but has no consumption. As for transportation links, K-10 Highway, a heavily-traveled state highway, connects Lawrence and Douglas County to Johnson County and the Kansas City Metropolitan area. The City's transit system provides service to East Hills Business Park, passing the Proposed Annexation Area en route to the business park.

4. **Extent and age of residential development in the area to be annexed and adjacent land within the city's boundaries.** There are no residential developments in the Proposed Annexation Area. Along the west boundary of the Proposed Annexation Area, there are two mobile home parks. One was platted in 1964 and the other in 1994. Also along the west boundary of the Proposed Annexation and north of 19th Street, is a single-family residential development that was platted in 2003.
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.** The area to be annexed has no residences, and therefore, it has no population. Its projected population growth during the next five years is also zero. It is anticipated that Kansas Department of Health and Environment (KDHE), in its capacity as environmental regulator, will place land use restrictions on the Proposed Annexation Area that will prohibit residential development in the Proposed Annexation Area for several years.

6. **The extent of business, commercial and industrial development in the area.** The area is currently under the control of FI Kansas Remediation Trust, a trust formed and funded by a bankruptcy court following the filing of bankruptcy by the former Farmland Industries Nitrogen Manufacturing Plant. It is believed that the Trust is engaged in some business in the area, including leasing portions of the Proposed Annexation Area, for the growing of crops, and perhaps for pasture uses or hay cultivation. It appears the Trust is permitting the storage or parking of moving trucks in a parking lot on the site. There are business, commercial, and industrial developments surrounding the Proposed Annexation Area. See Page 8 of the City's Report and Service Plan for a description of the land uses surrounding the Proposed Annexation Area.

7. **The present cost, methods and adequacy of governmental services and regulatory controls in the area.**

a. **Streets:** Aside from K-10 Highway which borders the property on the South, and East 1500 Road which borders it on the north, the local road system is limited. Wakarusa Township maintains East 1500 Road outside of the Lawrence city limits. Kansas Department of Transportation maintains K-10 Highway. 19th Street reaches its end on the west edge of the property. No roads extend into the property from East Hills Business Park and no roads bisect the Proposed Annexation Area.

b. **Water:** The City provides water service to the Former Farmland Industries property, however, consumption, if any, has been minimal.

c. **Waste water service:** The Proposed Annexation Area does not appear to be provided sewer service by a governmental entity. It may have a lagoon or septic system, although the Lawrence-Douglas County Health Department has no records related to the former Farmland Industries property.

d. **Storm water utility service:** There are no storm water utility facilities serving the Proposed Annexation Area provided by a governmental entity. An open drainage ditch that begins near the center of the proposed area runs north, northeast to the railroad embankment. The storm water travels in the ditch following East 1625 Road to the Kansas River. One detention pond exists in the western portion of the Proposed Annexation Area.

e. **Refuse service:** It is believed that private haulers provide refuse collection for the property.

f. **Fire Protection Services:** The Wakarusa Township provides fire service from its station located at 300 West 31st Street. The Wakarusa Township Fire Department has both full time and part-time employees, with a majority of its members being volunteers. Through mutual aid agreements, the township fire department may call on other fire departments when needed.

- g. Law Enforcement:** The Douglas County Sheriff's Office provides law enforcement services to the Proposed Annexation Area.
 - h. Parks and Recreation:** There are no parks or recreation facilities in the Proposed Annexation Area. The Douglas County Fairgrounds is located adjacent to the western boundary of the Proposed Annexation Area.
 - i. Other Municipal Services:** The Proposed Annexation Area is not currently served by public transit services.
- 8. **The 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.** Please see the City's Report and Service Plan filed with the Board with the City's Petition.
- 9. **The tax impact upon property in the city and the area.** Using the 2008 ad valorem tax levies, the FI Kansas Remediation Trust, through SELS Administrative Services, LLC as Trustee (hereinafter SELS) will experience an overall increase in the tax mill levies from 110.669 to 118.366 after annexation. SELS will no longer pay the Wakarusa Township and Northeast Kansas Library System mill levies (17.7 mills and 1.25 mills, respectively), but will pay the Lawrence mill levy of 26.647. It is estimated that after annexation, using 2009 property appraisal data and 2008 mill levies, the increase in mill levies will translate into an increase in the ad valorem property taxes on the entire property of \$1,295.
- 10. **Extent to which 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.** There are no residents in the Proposed Annexation Area. The area is dependent upon the City of Lawrence for water. There are no existing social, economic, employment, cultural or recreational opportunities or resources in the Proposed Annexation Area. It is reasonable, given the property's proximity to the City of Lawrence, to expect the City of Lawrence to provide the governmental and related community opportunities and resources to the Proposed Annexation Area.
- 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, fire districts.** The proposed annexation will not negatively affect other cities. Eudora is located approximately four miles east of the Proposed Annexation Area. The Proposed Annexation Area is not within a water district or a fire district. There is no known sewer, improvement or industrial districts in the Proposed Annexation Area. The Wakarusa Township will lose an estimated \$2,978.00 in ad valorem property taxes after the property is annexed. The township's 2009 assessed valuation as of July 1, 2009 is \$63,621,171. The 2009 assessed valuation of the Proposed Annexation Area is \$168,255. The loss in

assessed valuation to the Wakarusa Township equates to 0.2645% of its total assessed valuation. The annexation will not burden residents of the City of Lawrence. The cost of the municipal services that will be provided immediately upon annexation as outlined in the City's Report and Service Plan can be provided within budgeted City resources. Major infrastructure enhancements such as the enhanced water and sewer capacity, street lights and new roads within the Property will be financed pursuant to the City's development policies with some or all of the costs paid for by the development with the opportunity for public incentives for certain development.

12. **Existing petitions for incorporation of the area as a new city or for the creation of a special district.** There are no known 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.** Farmland's operations at the facility ceased in 2001 because of rising energy costs, a downturn in the fertilizer market, and the eventual bankruptcy of Farmland Industries in 2002. Since 2001, there has been no industrial activity at the site. The future of the property is under the control of FI Kansas Remediation Trust, SELS Administrative Services, L.L.C., Trustee, and subject to the approval of the Kansas Department of Health and Environment and Capitana, L.L.C. If these parties reach an agreement regarding its future, the area may experience growth in the next five years. It is likely that growth in the area will be phased as infrastructure is extended to the site. If the parties do not reach an agreement regarding its future, the property may remain in a state similar to its current state.
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.** There are few utilities actively providing services to the former Farmland Industries property currently. The effect of annexation upon the utilities providing services to the area will be minimal. The City's utilities and services are prepared to provide the services outlined in the City's Report and Service Plan.

CONCLUSION

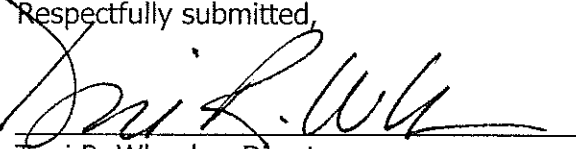
Approving the City's petition to annex the former Farmland Industries property and adjacent right-of-way will promote the orderly growth and development of the entire community. The Proposed Annexation Area is nearly surrounded by existing City boundaries. The annexation will connect East Hills Business Park, existing City territory, with the larger Lawrence community. Approval of the annexation will create a large contiguous area within the City suitable for planned industrial and commercial development. Furthermore, the Farmland Industries Redevelopment Plan, amending

Horizon 2020, the Comprehensive Plan for the City and Unincorporated Douglas County, provides that annexation of the property by the City must precede redevelopment of the site. Finally, in order for the City to debt finance any public improvements or install public improvements on the property, the property must be within the City pursuant to the City's development policy.

The annexation, if approved, will not result in manifest injury to the owners of the land proposed to be annexed, or to the owners of land in areas near or adjacent to the Proposed Annexation Area. The difference in the property tax levy on the area after annexation is an increase of approximately seven percent (7%). The additional tax burden is offset by enhanced fire protection and law enforcement services, the availability of Lawrence refuse and transit services, road maintenance and snow removal, and other City services. Water, sanitary sewer, road construction, street light and traffic control light installation, built to City standards, will be available after annexation, as the property redevelops, and will greatly enhance the value of the property.

If the annexation is not approved, the City will suffer manifest injury. The City has a very high interest in seeing that the property's environmental issues are appropriately and diligently remediated, the site is cleaned, its appearance improved, and the property is returned to an appropriately planned development that brings jobs and an increased tax base to the City and the County. After annexation, the City's land use, building, property maintenance, and other local regulations will apply to the property. Moreover, given the property's location--near the City's eastern gateway on a major state highway, surrounded on three sides by the City--the City's growth and development will be compromised if the annexation is disapproved.

For these reasons, the City requests its petition for annexation of the Former Farmland Industries property and adjacent right-of-way be approved as presented.

Respectfully submitted,

Toni R. Wheeler, Director
Legal Department
City of Lawrence, Kansas

Farmland Industries Redevelopment Plan

Lawrence/Douglas County Planning Commission Approved 11/28/07
Lawrence City Commission Approved 03/11/08
Board of County Commissioners Approved 03/31/08

This page intentionally left blank

Table of Contents

	Page
Section 1 Introduction and Purpose	
Location and Background.....	1
Purpose and Relation to Other Plans	2
Process	2
Section 2 Existing Conditions	
Environmental.....	3
Transportation	4
Demolition	5
Natural Features	5
Surrounding Land Uses.....	5
Infrastructure	5
Section 3 Goals and Guiding Principles	
Employment	7
Land Use.....	7
Public Infrastructure	8
Section 4 Future Land Use	
Land Use Descriptions	9
Section 5 Redevelopment Strategy	
Environmental.....	11
Demolition	11
Public Infrastructure	11
Transportation	13
Development	17
Section 6 Design Guidelines and Standards	
Purpose.....	21
Guidelines and Standards.....	21

Tables

Table 1 Farmland Future Roads Functional Classifications	15
--	----

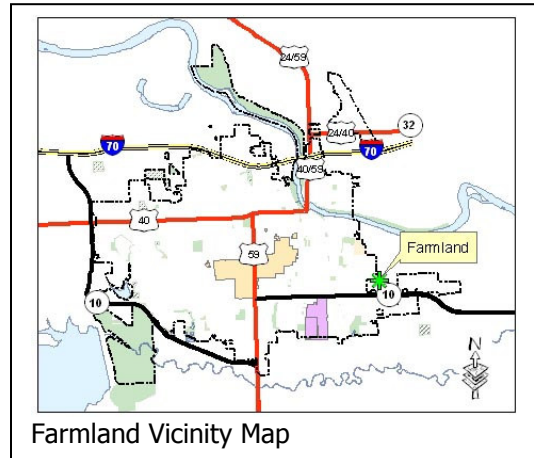
List of Maps

Map 1 Existing Area City and County Zoning	6
Map 2 Future Land Use Plan	10
Map 3 Existing and Future Stormwater Facilities	13
Map 4 Future Major Roads.....	14
Map 4A Future Bicycle Facilities.....	17
Map 5 Redevelopment Concept A.....	19
Map 6 Redevelopment Concept B.....	20

I. Introduction and Purpose

Location

The Farmland Industries property is approximately 467 acres and is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River. The site extends into Sections 4 and 5 of Township 13 South, Range 20 East.



Setting

Heavily traveled K-10 Highway borders the property to the south and 15th Street and the Burlington Northern Santa Fe Railroad border it to the north. The area is predominately industrial in nature, with some residential uses west of the property. In addition, the Douglas County Fairgrounds are nearby to the west and agricultural uses are to the north. South of K-10 is an industrial park.

Background

The former Farmland Nitrogen Manufacturing plant began operations in 1954. It produced throughout its operating period various nitrogen-containing chemicals. Manufacturing operations were shut down in 2001 due to an economic downturn of the agricultural fertilizer market, rising energy costs, and the bankruptcy of Farmland Industries. The Kansas Department of Health (KDHE) began monitoring and regulating environmental issues at the site in the early 1990's. The site has been inactive since its closure in 2001.

In May 2004, KDHE and Farmland reached settlement through bankruptcy proceedings, with Farmland contributing money to an independent trust fund (FI Kansas Remediation Trust) for future cleanup activities at the site.

Under the direction of KDHE, a Site Characterization Report was completed for the site in 2006 by Shaw Environmental, Inc. Extensive field work was conducted for the report in the summer of 2005. Approximately 1,200 soil, sediment, and ground water samples were collected from more than 400 locations, with the intent of both evaluating cleanup options and supporting potential site redevelopment. A major conclusion of that report is that a significant portion of the property has been found to be suitable for reuse in its present state.

The Farmland Industries Redevelopment Plan planning process was initiated by the Lawrence City Commission in early 2007.

Purpose

The Farmland Industries Redevelopment Plan brings together the community goals of creating additional employment and open space by providing a plan to redevelop a brownfield into a major community asset. This Plan will act as the City's official land use guide for Farmland Industries redevelopment. The Plan should be reviewed every 5 years to ensure it is being implemented and remains relevant.

Relation to Other Plans

This Plan constitutes an amendment to Horizon 2020, The Comprehensive Plan for Lawrence and Unincorporated Douglas County. It is consistent with Horizon 2020. Additional policy guidance has foundation in the following plans:

- 23rd Street Corridor Study, Lawrence-Douglas County Metropolitan Planning Office. September 2002.
- Transportation 2025, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and LSA Associates. September 2002.
- K-10 Transportation Study, HDR and HTNB, May, 2005.
- K-10 Corridor Study, Johnson County Planning Office, April 1991.
- K-10 Corridor Study Update, Johnson County Planning, Development and Codes Office, January, 2004.
- Lawrence-Douglas County Bicycle Plan, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- City of Lawrence, Kansas Water Master Plan. Black & Veatch. December 2003.
- City of Lawrence, Kansas Wastewater Master Plan. Black & Veatch. December 2003.
- Site Characterization Report Former Farmland Industries Plant, Lawrence, KS, Shaw Environmental, Inc, February, 2006.

Process

Planning Staff developed a draft Plan with input from other City departments. The draft Plan was made available for public review for a period of approximately one month. Staff made changes to the draft plan based on comments received and produced a final draft. The final draft was discussed at the Lawrence-Douglas County Planning Commission's Mid-Month meeting on November 14, 2007. Unanimous action to approve the Plan, after the appropriate public hearing, was taken by the Lawrence-Douglas County Planning Commission at their regular meeting on November 28, 2007. The City Commission unanimously approved the Plan at their meeting on March 11, 2008. The Board of County Commissioners approved the Plan on March 31, 2008.

II. Existing Conditions

Environmental

Brownfields are properties whose expansion, redevelopment, or reuse may be complicated by the presence, or perceived presence, of contamination. The Farmland Industries property has environmental issues, but the reality of those issues



perhaps isn't quite as severe as the general perception of those issues. As stated earlier in this document, a major conclusion of the Site Characterization Report for the Farmland Industries property is that a significant portion of the property has been found to be suitable for reuse in its present state. More specifically, 225 acres of the 467-acre site that were tested were deemed to not have been impacted by former plant operations and require no further action. These are areas C, E and F of the property as identified in the Site Characterization Report. This information can be found on pages ii and iii of the Executive Summary of the Site Characterization Report.

The environmental issues identified on the remainder of the site include elevated nitrogen levels in soil, localized groundwater contamination, and pond sediment contamination. Please see the Site Characterization Report for a full accounting of the environmental issues.

Cleanup activities on the site are either underway or in the planning stages for future implementation. Existing cleanup activities includes the neutralization of acidic groundwater in the regulated Resource Conservation and Recovery Act (RCRA) unit. Dewatering of the wastewater ponds and land application for beneficial re-use on agricultural farmland in North Lawrence is ongoing. Dewatering the most contaminated ponds will allow for the cleanup of the sludge and contaminated soil in those ponds, which is the major source of pollution at the site. KDHE will place emphasis on cleanup strategies for the ponds that employ beneficial re-use of the contaminated sludge and soils as fertilizers.

Future cleanup activities will likely include: excavation and disposal of chrome-contaminated waste catalyst material from the Catalyst

Landfill; consolidation of nitrogen-contaminated soils into the East Lime Pond for capping in place and closure; and stormwater pollution prevention.

Transportation

The property is bordered by the Burlington Northern Santa Fe Railroad and also by K-10 highway. The multi-modal aspect of the property is an advantage for future redevelopment. There also is a spur from the mainline railroad that runs through the property.

The local road system is limited in serving the property. N 1500 Rd is a county road that serves the Farmland property along its northern boundary. 19th Street dead ends on the west edge of the property. No roads currently extend into the property from East Hills Business Park. No connections exist to the industrial park south of K-10 either. No roads bisect the property.

K-10 is state highway that connects Lawrence and Douglas County to Johnson County and the Kansas City Metro area. It is a heavily traveled highway that also functions as a commuter route. The road is a divided highway with two lanes each westbound and eastbound. The speed limit along the section that fronts East Hills



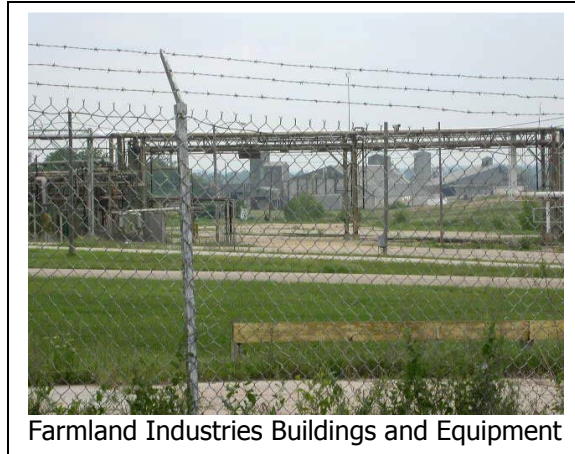
Traveling west on K-10 just beyond East Hills Business Park

Business Park and the Farmland property is 65 miles per hour. Speeds gradually reduce as the roadway narrows to a 5-lane road in the city just beyond Farmland.

The divided highway, high speeds, and large volume of traffic on K-10 make accessing the property safely a priority for future redevelopment.

Demolition

Farmland Industries ceased operations at the Lawrence facility in 2001. Some of the processing equipment and buildings have been purchased and removed from the site. Those that remain, however, will need to be removed, along with concrete pads and foundations that are assumed to be incompatible with redevelopment.



Natural Features

While a good portion of the property has been developed, there remain areas that have mature tree stands and retain the natural contours of the land. These areas are located in the southwestern part of the site and in the northwest section. The northwest and north part of the property is the area with the steepest slopes. There is a sandstone bluff overlooking the Kansas River valley near the Bag Warehouse. Generally the property drains from the southwest to the northeast, towards the Kansas River. There currently is no flood hazard area on the property.

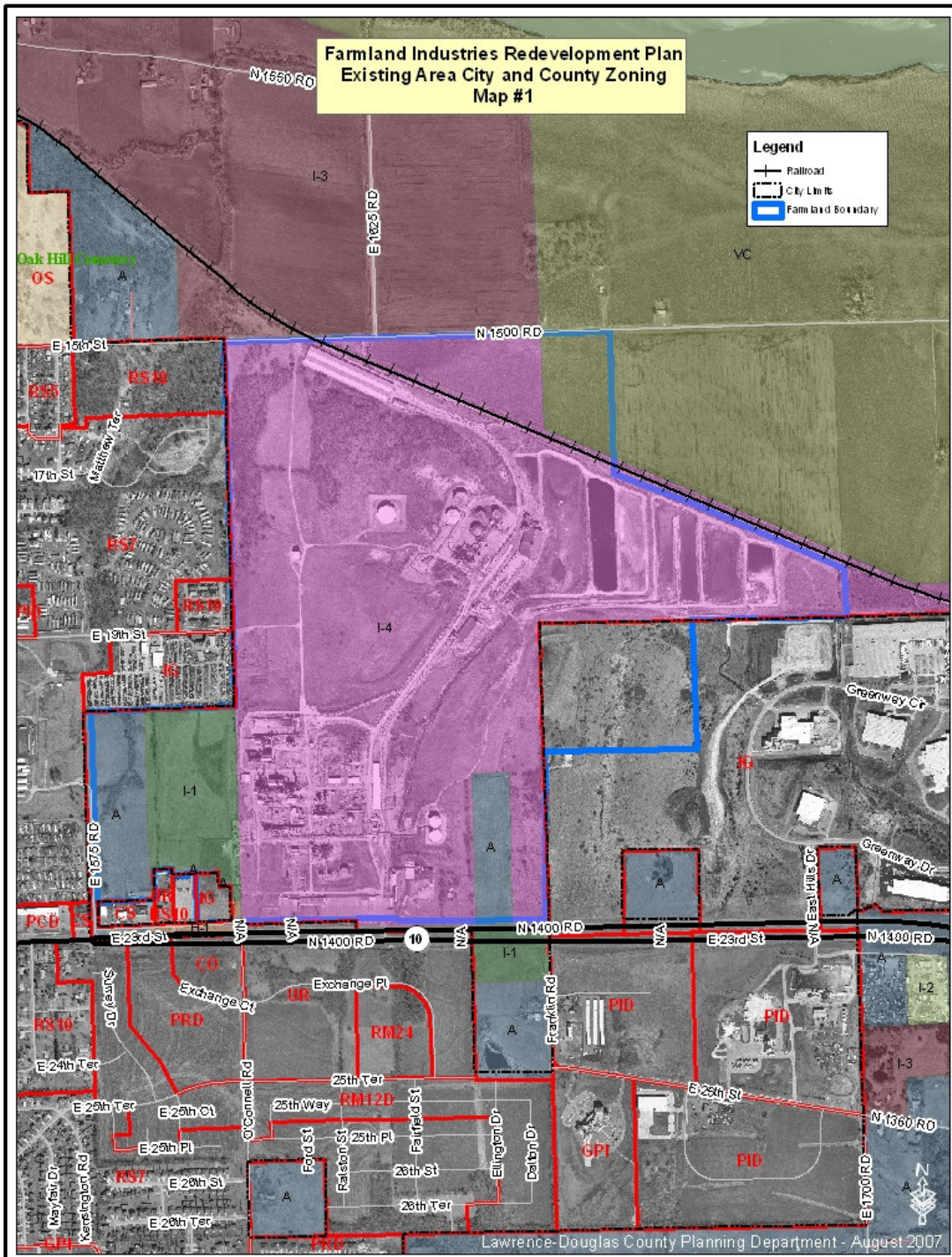
Surrounding Land Uses

Adjacent to the west of the property are a variety of land uses including residential, salvage, and the Douglas County Fairgrounds. North and northeast of the property is primarily agriculture uses. East of the property is the East Hills Business Park. South of the property and across K-10 is another business park. Map #1 details the surrounding City and County zoning.

Infrastructure

There are public water connections to the property. However, private infrastructure on the property needs to be identified in order to provide an inventory and condition assessment for future use of that infrastructure. A 16-inch City of Lawrence water transmission line runs along the north side of K-10 and serves the East Hills Business Park.

City of Lawrence wastewater service is provided to adjacent properties and does not serve this property. It's likely that future wastewater service to this property will be extended from East Hills Business Park.



III. Goals and Guiding Principles

Employment

Goal – Create an area that will further the City’s efforts to promote additional employment opportunities for economic development and tax base expansion.

Guiding Principles

- Redevelop the Farmland Industries property to support employment center development.
- Connect the property to East Hills Business Park to help foster a synergy of employment opportunities.
- Promote and market the area as a strong employment center.

Land Use

Goal – Redevelop the Farmland Industries property to support the employment and open space needs of the community.

Guiding Principles

- Industrial/Business/Research Park land use should be the dominant future land use of the property.
- Limited commercial should be allowed to support the needs of the workers in the area. Commercial of a neighborhood, community, or regional nature shall not be allowed. Commercial shall not be permitted along the frontage of K-10 Highway as the Plan discourages strip commercial development along K-10.
- Integrate open space into the property to serve the workers and the community at-large.
- Provide civic space and civic uses to integrate with the neighboring Douglas County Fairgrounds.
- Residential is not an allowable use for future redevelopment of the property.

Public Infrastructure

Goal - Provide ongoing improvement of infrastructure and public facilities that will facilitate the redevelopment of the Farmland Industries property.

Guiding Principles

- Ensure safe access to K-10 from the site.
- Provide a road network through the site that provides connections to the City's existing road system and connects to East Hills Business Park.
- Provide sewer and water connections and ensure adequate City system capacity to handle the redevelopment of the property.
- Continue to manage the stormwater system with the existing mechanisms that are in place. Improve the stormwater system when appropriate in the future.

IV. Future Land Use

The Farmland Future Land Use Plan (Map #2) graphically illustrates a conceptual guide for future redevelopment that embodies the goals and guiding principles presented in Section III. The map is conceptual and should not be used to determine precise zoning boundaries. This future land use plan only supports commercial uses necessary for the long-term redevelopment of the property. In addition, residential uses are not permitted.

Industrial/Business/Research Park

This category applies to the majority of the Farmland Industries property to support redevelopment for a future employment area. This category includes office uses, light industrial, manufacturing and warehousing. Attention should be paid to site buffering and design as the property borders a major highway which is a gateway into the community.

Primary Uses: office, light industrial, manufacturing and warehousing

Zoning Districts: IBP (Industrial/Business Park), IL (Limited Industrial District), IG (General Industrial District) and PID (Planned Industrial District).

Density/Intensity: Light to heavy

Civic

Civic space is assigned to the westernmost part of the property that is adjacent to the Douglas County Fairgrounds. Uses here should be compatible with the Fairgrounds and provide a buffer to the residential uses to the west. Uses that support the Fairgrounds would be appropriate at this location.

Primary Uses: Arts, culture, education, and government

Zoning Districts: GPI

Density/Intensity: Light to medium

Open Space

This category applies to the areas of the property reserved for future open space for use by workers at the site and the public at-large. Trails are recommended in the open space area. Integrating trails within this space and connecting them to the area's trail system is recommended. Utility uses are not precluded by this designation.

Primary Uses: Open space, passive recreation, and trails

Zoning Districts: OS

Intensity: Light

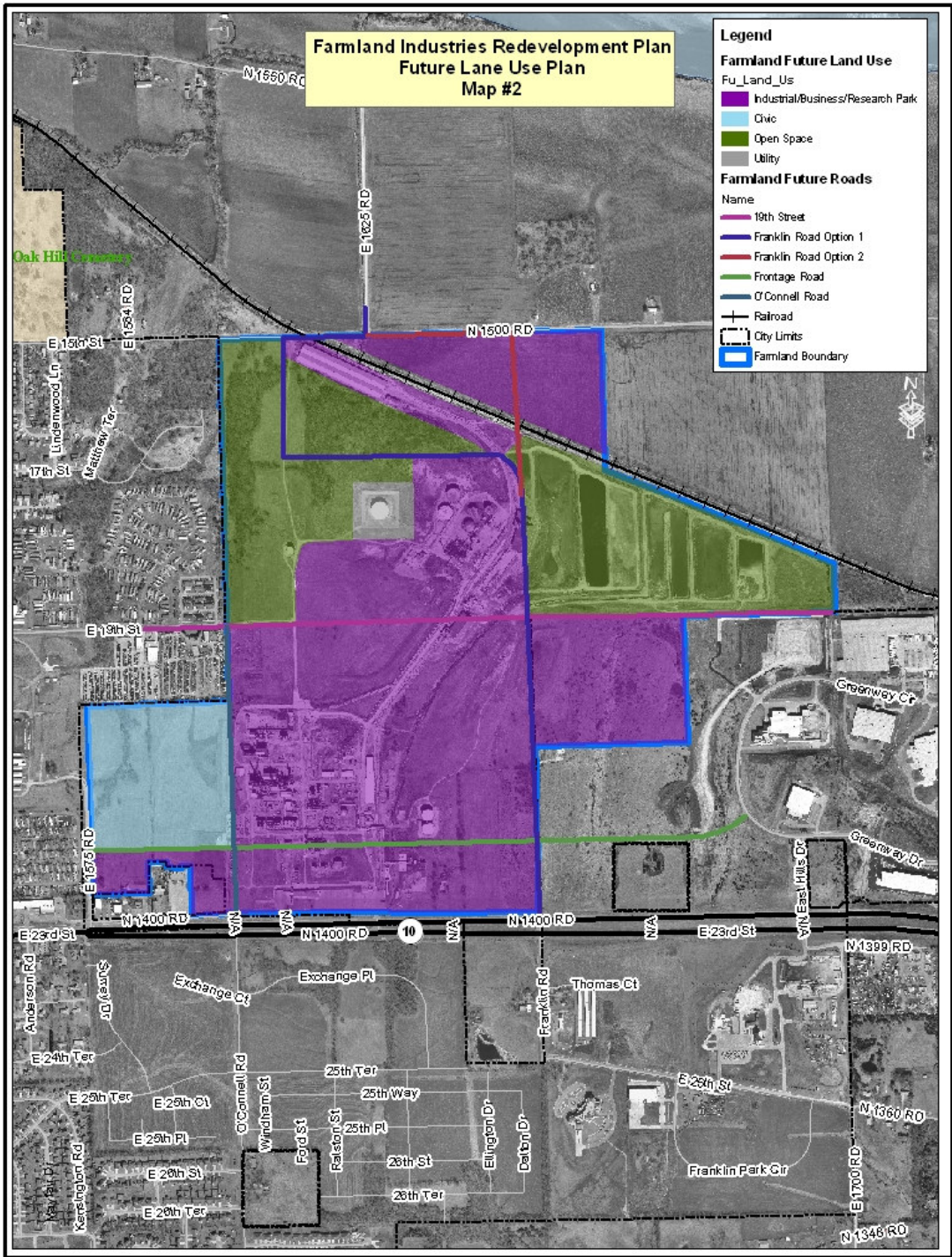
Utility

This category designates those areas of the property necessary for public sewer and water service. Uses include pump stations, water storage, etc.

Primary Uses: Public utilities

Zoning Districts: GPI

Intensity: Light to medium



V. Redevelopment Strategy

A number of issues need to be addressed on this property before it can reach its ultimate potential of becoming an employment center for the community. There is environmental cleanup to complete, demolition of former Farmland Industries structures is necessary, public infrastructure must be extended into the site, and transportation issues need to be resolved. The following strategy addresses those issues for the long-term redevelopment of the Farmland Industries site.

Action steps are provided at the end of each section. The action steps represent implementation activities that should occur in order for this property to properly redevelop. The responsible party, or parties, is listed in parentheses at the end of each action step. Responsibility is either full or partial depending on the circumstances of each situation. Extension of infrastructure shall follow existing City development procedures and policies that are in place at the time development occurs.

A. Environmental

While a good portion of the property has no environmental issues, those portions that do will need remediation before redevelopment can occur. The independent trust fund, FI Kansas Remediation Trust, contains money dedicated for future remediation activities at the site.

Action Step: Complete environmental remediation as the property develops (property owner/developer/KDHE)

B. Demolition

Demolition of existing structures and concrete foundations deemed deficient for redevelopment is a cost that needs to be considered for future redevelopment.

Action Step: Complete necessary demolition as the property develops (property owner/developer)

C. Public Infrastructure

Water

There are public water connections to the property. However, private infrastructure on the property needs to be identified in order to provide an inventory and condition assessment for future use of that infrastructure. A 16-inch City of Lawrence water transmission line runs along the north side of K-10 and serves the East Hills Business Park. City of Lawrence public water will need to be extended to serve future redevelopment of the entire site. Public water is available along the north side of K-10 and in East Hills Business Park.

A water transmission line from the KAW Water Treatment Plant is being planned to service the southeast area of the city. This transmission line likely will run along the western boundary of the property.

The possibility exists that the City will use the site of the existing Farmland Industries water storage tank for future potable water storage for the City's water system. The Future Land Use Map designates this possibility.

Wastewater

City of Lawrence sewer service will need to be extended into the site to serve future redevelopment. Public sewer service is available in East Hills Business Park.

Any future water and wastewater service to the property is contingent upon the ability of the City to properly serve the development as it occurs on the property. In other words, adequate City system capacity must be in place before service can be utilized on the property.

Stormwater

The overall redevelopment should include two or three regional detention basins to maximize land use. The existing detention basin should continue to be utilized to accommodate drainage on the western portion of the property. The existing drainage channel that runs through the property should be preserved as well and function as the primary drainage channel for the site. A possible second location for regional detention would be located southwest of the existing settling basins. Existing topography also provides the opportunity for a third basin immediately south of the existing settling basins. The general locations of the above mentioned existing and future facilities are shown on Map #3.

Action Step: Survey existing private infrastructure on the property to determine viability for future public use (Property owner/developer, City)

Action Step: Ensure adequate system capacity before providing public utility service to property (City)

Action Step: Extend public utility services to serve the site (property owner/developer)

Action Step: Construct regional detention basins as needed during development of the property (Property owner/developer)

Map #3 – General locations of existing and future stormwater facilities.



D. Transportation

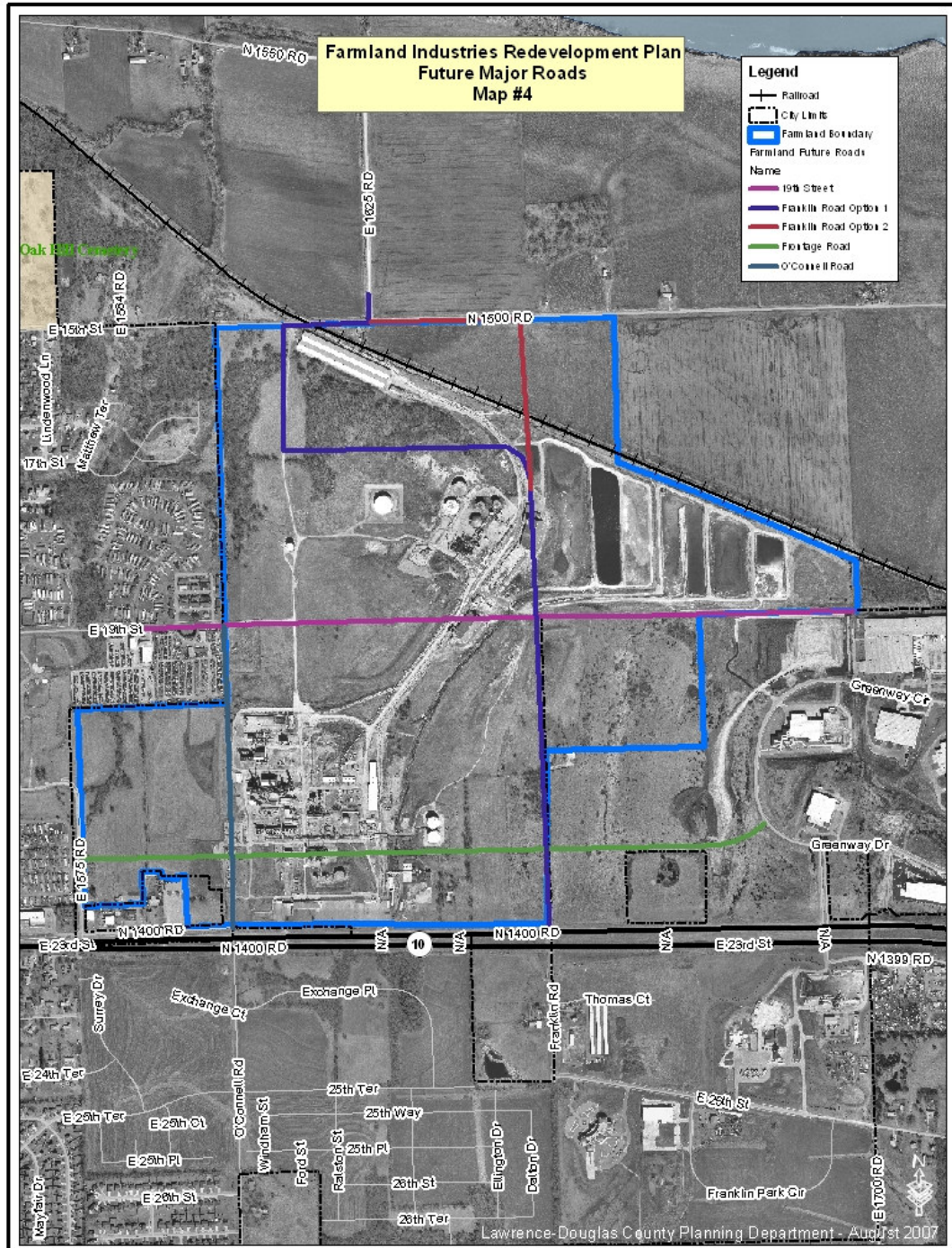
Road System

Map #4 shows the future major roads that should be extended through the property. O'Connell Road should be extended north to connect to 19th Street. 19th Street should be extended east through the property to connect to East Hills Business Park and beyond. 15th Street, as it extends to the east to this property, should be improved to urban standards as the property redevelops.

Franklin Road should be extended north to connect with 15th Street. This plan identifies options to make that connection. Topographic conditions on the site as well as the presence of a railroad make it necessary to present options that can be studied in more detail and when a project to extend the road is initiated.

The option that turns east near the northern boundary of the property does this because of topographic concerns and also because it will not create a need for another rail crossing. The option that goes straight north will need approval from the railroad for another crossing, something that may be a challenge to receive. The options presented are not meant to convey final alignments. Final alignments will have to be determined through the design process of the road

project. The map also is not meant to preclude options that are not shown but may ultimately work. Care should be taken to design the road that trucks will not have to make difficult turning movements to access and move through the property.



Access to these major roads from the development lots on the site shall be limited. However, industrial users on large lots that are significant generators of traffic may directly access arterial roads if the size of the site is such that it

allows internal circulation without the necessity of constructing local roads to direct that circulation to the arterial road. Such access shall be based on sound traffic engineering principles and shall be properly controlled with appropriate signalization and turn lanes. Smaller lots shall take access from local roads.

The map also shows a road extending to the west from East Hills Business Park to provide a reverse frontage road for development lots that will front K-10. Additional local roads that serve the site should be arranged to minimize development lot access to the future major roads. The functional classifications of the future major roads are identified in Table 1.

Table 1 - Farmland Future Roads Functional Classifications

Future Road	Functional Classification
Franklin Road	Minor Arterial
19th Street	Minor Arterial
O'Connell Road	Collector
Frontage Road	Collector

Franklin Road/K-10 Intersection

Providing safe access to K-10 at Franklin Road will be a key component to the redevelopment of the Farmland Industries property. Traffic on K-10 Highway in this area travels at a high rate of speed. Controlling access is important for the safety of the workers and others that will be accessing the employment center. Options for this intersection include:

- Stop sign controls – install stop signs on the Farmland property to stop traffic before it enters K-10. This is similar to the existing condition at East Hills Drive and K-10. This in an interim measure at best and not recommended as a long-term solution.
- Signalized at-grade intersection – this would stop traffic on K-10 to allow workers and others from this site to safely access the highway. This is a feasible solution that is an affordable option.
- Separated grade intersection – ramps control traffic entering and exiting the site from the highway. The best option for safely accessing the site while also keeping traffic moving on K-10. This is a potential solution and also the most costly.

Phasing the access control at Franklin Road and K-10 is an appropriate way to address long-term redevelopment of the Farmland property. Stop sign controls on the property for traffic exiting onto K-10 are only appropriate for a small amount of development on the property. Upgrading to a signalized intersection should happen when traffic warrants are met to require the upgrade.

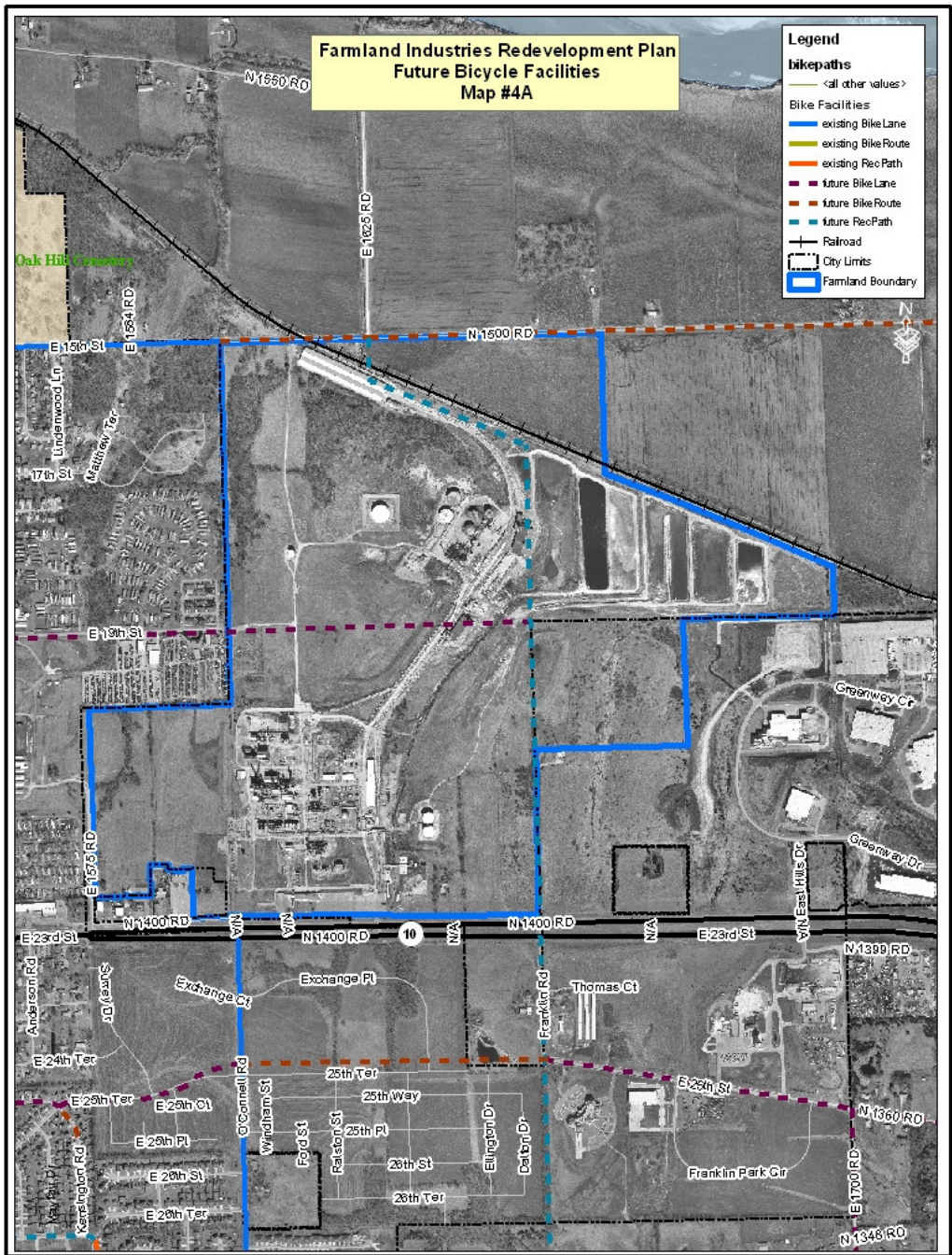
The determination to create a separated grade intersection will in large measure be dependent on the status of K-10 Highway. If K-10 remains a divided highway with traffic moving at a high rate of speed, a separated grade intersection may

be warranted by the amount of redevelopment on the property. If K-10 becomes an urbanized arterial street (23rd Street) with slower speeds, a separated grade intersection may not be necessary. This Plan simply recognizes that a separated grade intersection may be necessary in the future.

Previous planning efforts have addressed the situation with the future of Franklin Road. The 23rd Street Corridor Study recommends a signalized intersection at Franklin Road as an interim measure with the ultimate improvement being an interchange with frontage roads. It also recommends closing the East Hills Drive access to K-10 and replacing it with a connection to Franklin Road. The K-10 Transportation Study recommends that if an interchange is constructed at Franklin Road, the current access at East Hills Business Park would be closed with a new roadway connection established between the Business Park and Franklin Road.

Bicycles

Map #4A shows the future bicycle facilities for the Farmland Industries area. This Plan supports constructing bicycle facilities as part of the long-term redevelopment of the property. Any trail system created as part of the redevelopment of the property should connect to the bicycle facilities on the major roads. This plan recommends extending bicycle facilities as roads extend through the property, even if Map #4A does not show the bicycle facility extension.



Action Step: Extend roads through the site (property owner/developer, City)

Action Step: Extend bicycle facilities through the site (property owner/developer, City)

Action Step: Provide safe access to the property from K-10 at Franklin Road (City, State, property owner/developer)

E. Development

Annexation/Rezoning/Subdivision

Annexation of the property into the City of Lawrence must precede redevelopment of the site. A small portion of the property is annexed, but the majority is still within Unincorporated Douglas County. The City boundary is this property's western boundary and also its eastern boundary. East Hills Business Park to the east is in the City. City services will not be available to the site without annexation.

Rezoning and subdividing the property to the appropriate classifications to support the future land use of this property will need to proceed either concurrently with annexation or separately as the property becomes ready for redevelopment.

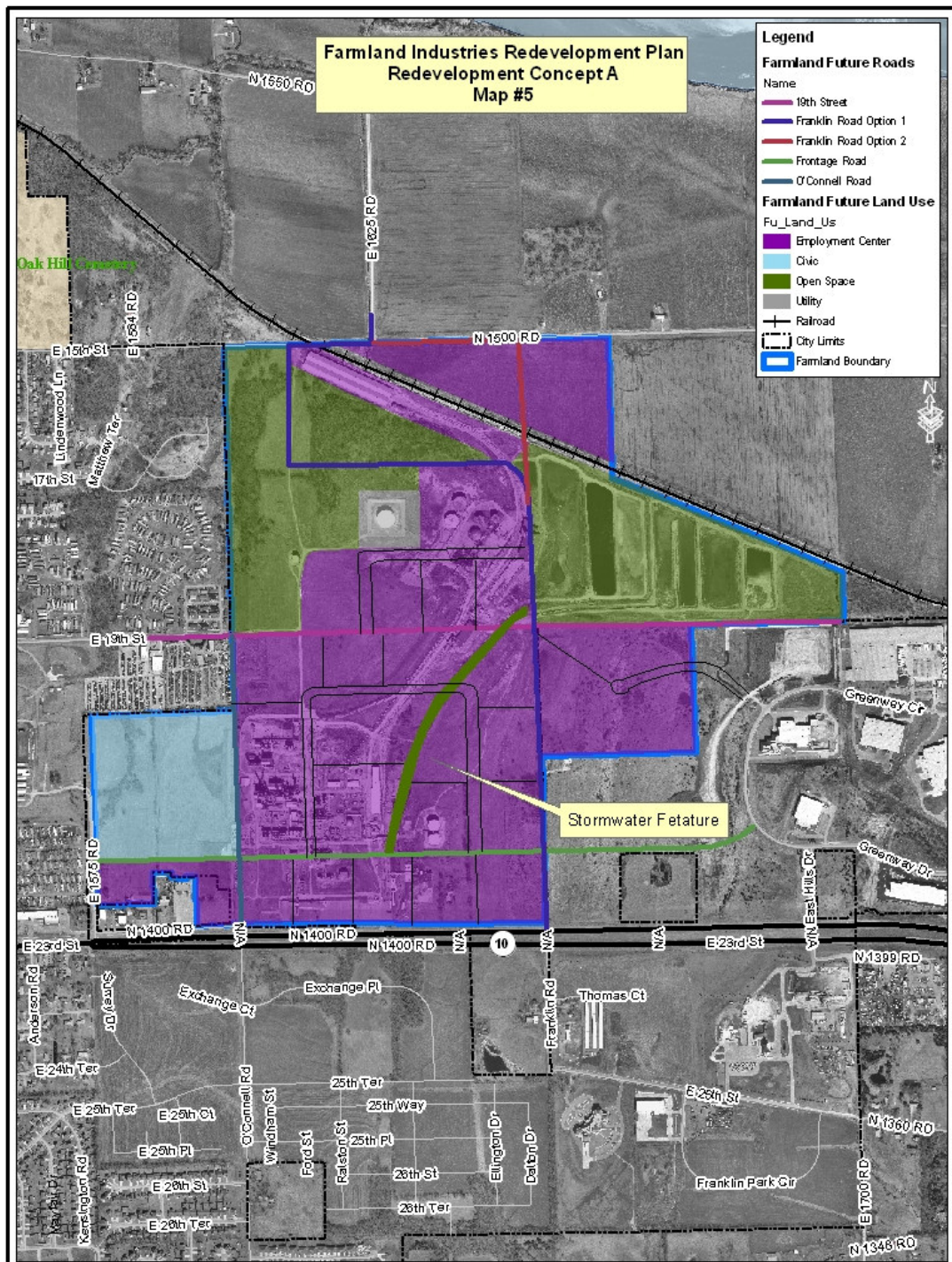
Redevelopment Concepts

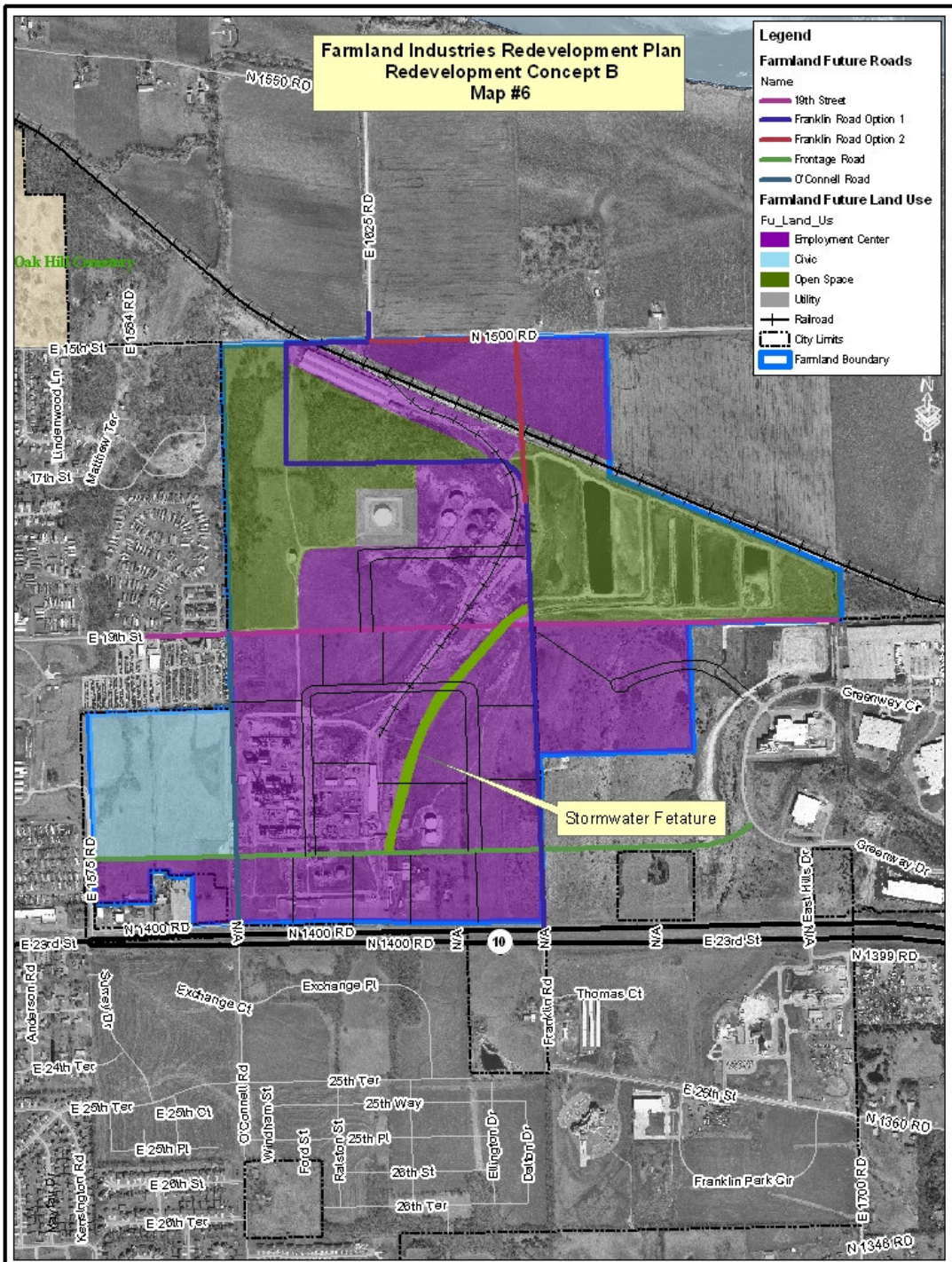
Redevelopment concepts are presented on the next two pages. The key features of the concepts are the varying sizes of development lots, lot access primarily limited to an interior road system within the site, and a stormwater feature. Concept B also keeps the interior rail line as an option for redevelopment.

These concepts, and the key features listed above, are meant to present a guide for future redevelopment that meets the intent of this Plan. They are not intended to provide the only options for redevelopment. Lots sizes, and their arrangement, should be determined as the market necessitates at the time of redevelopment.

Action Step: Annex the property (City, property owner/developer)

Action Step: Rezone and plat the property consistent with this Plan
(City, property owner/developer)





VI. Design Guidelines and Standards

Purpose

K-10 Highway is a major gateway into the community. As such, future development and redevelopment of the Farmland property should respect this roadway's prominence for drivers entering the community. In addition, the overall development of the Farmland property should:

- Facilitate safe, functional and attractive development.
- Protect investment in the community by encouraging consistently high quality development.
- Foster a sense of community and encourage pride of ownership.

Building Orientation

1. While development lots in the Farmland property will not be able to take direct access to K-10, buildings that are adjacent to K-10 will be required to present their best faces to K-10. In other words, buildings must present a front door image to K-10. Parking must be located behind the building and opposite of K-10.

Further, buildings throughout the entire development shall orient a front door to street from which the property is taking access.



Pedestrian and Employee Amenities

1. Provide for a continuation of pedestrian access when employment-related developments are located adjacent to existing or planned open space.
2. Accessible parking spaces shall be convenient to building entries.
3. Organize the site layout to provide functional employee spaces, including shade structures and amenities between or in front of buildings.



Vehicle Circulation and Parking

1. Public/visitor areas shall be separate from truck delivery and maneuvering areas.
2. Coordinate circulation and parking areas with adjoining lots to the extent possible.
3. Reduce pavement widths whenever possible in favor of greater landscaped open space.
4. Use canopy trees in parking lots to break up the scale of large parking lots, provide additional shading and reduce "heat island" impacts.

Loading Areas and Accessory Equipment

1. Service areas, loading and storage areas, and refuse enclosures should be oriented away from public street frontages or screened from these frontages.
2. Locate ground-mounted utility cabinets where they do not conflict with prominent site views or impair vehicle site distances and can be screened from major streets and public areas. Paint cabinets and screen walls to match the principal structure. Where space allows, provide landscaping in front of screening walls.

Landscaping

1. Design the project landscape theme to complement and enhance project architecture
2. Incorporate perimeter landscaping where sites border non-industrial uses.
3. Shade trees should be located throughout all paved parking areas wherever they are located on site and in association with pedestrian and employee amenities and gathering areas. Enclosed service, loading and storage areas are excluded.
4. Provide significant foundation and/or accent plantings, including trees, around buildings to accentuate or screen building and parking structure elements.
5. In highly visible areas, use taller and larger caliper trees.

Lighting

1. Provide pedestrian scale lighting fixtures adjacent to pedestrian paths and employee amenities. Select lighting fixtures that complement the general architectural style of the development.
2. Highlighting of significant architectural features, specimen trees and artwork with accent lighting should be considered. Lighting an entire building or major portion thereof is discouraged.
3. Provide security lighting that is both effective and attractive to promote a safe and secure facility.

Signs

1. Coordinate signage design and materials, including building addresses, to create a consistent style of building identification.

ORDER

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS FINDING AND CONCLUDING THAT THE ANNEXATION OF 448 ACRES, MORE OR LESS, OF LAND BY THE CITY OF LAWRENCE, KANSAS WILL NOT CAUSE MAINIFEST INJURY TO THE OWNERS OF ANY LAND PROPOSED TO BE ANNEXED OR TO THE OWNERS OF LAND IN AREAS NEAR OR ADJECENT TO THE LAND PROPOSED TO BE ANNEXED AND APPROVING THE ANNEXATION THEREOF

WHEREAS, on May 4, 2009, a representative of the City of Lawrence, Kansas (hereinafter "the City"), located in Douglas County, Kansas, formally presented a petition pursuant to K.S.A. 12-521 to the Board of County Commissioners (hereinafter the "Board") requesting authority to annex an area of land approximately 448 acres in size, and adjacent right-of-way, within Douglas County, Kansas which shall hereinafter be referred to as the Proposed Annexation Property, and requesting the Board conduct a public hearing on the advisability of such annexation; and

WHEREAS, K.S.A. 12-521 requires that the Board, in making its decision, consider, among other things, the impact of approving or disapproving the annexation on the entire community, including the City and the Proposed Annexation Property, in order to insure the orderly growth and development of the community; and

WHEREAS, K.S.A. 12-521 further requires that the Board, in making its decision, consider, based upon a preponderance of the evidence presented, whether the annexation of the Proposed Annexation Property, or the annexation of a lesser amount of such area, causes manifest injury to the owners of property which is a part of the Proposed Annexation Property or to owners of land in areas near or adjacent to the Proposed Annexation Property, or to the City if the annexation is not approved; and

WHEREAS, K.S.A. 12-521 requires the Board to consider, among other factors, fourteen (14) factors or criteria set forth in the statute to aid the Board in arriving at its decision; and

WHEREAS, on July 13, 2009, the Board met in regular session, pursuant to applicable law and after lawful notice of the hearing, to consider the City's Petition and proposal for annexation, including the plan of the City for the extension of services to the area proposed to be annexed, all pursuant to applicable law; and

WHEREAS, the Board, having considered all comments, evidence, testimony and other materials and factors relevant to the annexation request, is now prepared to render its decision on the matter.

NOW, THEREFORE, the Board of County Commissioners of Douglas County, Kansas, sitting in regular session this _____ day of July, 2009, does hereby resolve as follows:

1. The Board incorporates by reference the recitals set forth above, as if fully set forth herein.

2. After consideration of the documents that were presented and the statements of interested parties, the Board makes the following findings:

a. The written materials and oral testimonies received by the Board prior to and during the public hearing on July 13, 2009, in the aggregate, constitute sufficient information about the matter to enable the Board to adopt this Order.

b. The Lawrence-Douglas County Metropolitan Planning Commission timely reviewed on May 20, 2009, the proposed annexation and determined by a unanimous vote of the members present that the City's proposed annexation was compatible with Horizon 2020 and the Farmland Industries Redevelopment Plan, the adopted land use or comprehensive plans applicable to the Proposed Annexation Area and the City. The Planning Commission timely forwarded Resolution No. PCR 5-4-09, setting forth its findings concerning the compatibility of the Proposed Annexation Area to the City and the Board pursuant to K.S.A. 12-530(b).

c. The Proposed Annexation Area is bordered on three (3) sides by the current boundaries of the City and is located within the City's Urban Growth Area;

d. Approving the proposed annexation will insure the orderly growth and development of the community by joining East Hills Business Park, existing City territory, with the larger Lawrence community, and will create an additional large contiguous area suitable for planned industrial and commercial redevelopment in the City.

e. The City and the County continue to experience a shortage of available industrial space, which shortage may cause potential new industrial businesses to locate in other communities, thereby preventing the City and County from realizing increases in its tax base.

f. The adopted Farmland Industries Redevelopment Plan provides that annexation of the former Farmland property must precede redevelopment of the site.

g. The Wakarusa Township was provided notice of the Board's hearing on the City's petition to annex the area and has not objected to the proposed annexation.

h. The adverse financial impact of the proposed annexation to Wakarusa Township is minimal, resulting in a loss estimated to be 0.26 percent of the Township's total assessed valuation for ad valorem property taxes.

i. The increase in ad valorem property taxes for the owners of property within the Proposed Annexation Area is low.

j. The anticipated response time for fire protection services from the Lawrence-Douglas County Fire and Medical Department will be better than the response time for the Wakarusa Township Fire Department. The nearest Lawrence-Douglas County Fire and Medical Department station is located approximately three-quarters (3/4) of one mile from the Proposed Annexation Area, while the nearest Wakarusa Township Fire Department station is located approximately three (3) miles from the Proposed Annexation Area. The Lawrence-Douglas County Fire and Medical Department has staff on duty in its stations 24 hours a day, 365 days

per year, to respond to emergencies. The Wakarusa Township Fire Department uses a combination of full-time staff and volunteers to respond to emergencies.

k. The Lawrence Police Department has more sworn officers and a smaller geographic territory to police than the Douglas County Sheriff's Department.

l. Additional municipal services will be available to the Proposed Annexation Area after annexation.

m. The City's Report and Service Plan submitted with its Petition seeking approval of the annexation complies the requirements of K.S.A. 12-521.

3. The Board, further finds and determines that manifest injury will not result from the City's annexation of the Proposed Annexation Area, after having considered the extent to which the criteria set forth in K.S.A. 12-521 may affect the City and its residents, the Proposed Annexation Area, other governmental units providing services to the area proposed to be annexed, and other public or private persons firms or corporations which may be affected thereby.

4. The Board of County Commissioners of Douglas County does hereby find and grant the annexation by order, and directs its order to be spread at length upon the journal of proceedings of the Board, all pursuant to applicable law.

This Order is adopted this _____ day of July, 2009.

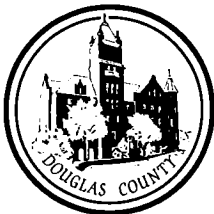
Nancy Thellman, Chair
County Commission

Jim Flory, Vice-Chair
County Commission

Mike Gaughan,
County Commissioner

ATTEST:

Jameson D. Shew, County Clerk



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : July 8, 2009

Re : Consider request to extend E 350 Road north of Route 1023

Kate & Sean Welch are interested in extending E 350 Road approximately 600 feet north from its current terminus ½-mile north of Route 1023. The road extension would allow for a building permit on property to be divided from the approximately 80-acre tract owned by William & Barbara Johnson. Kate & Sean Welch are the daughter and son-in-law of the Johnson's.

Home Rule Resolution No. HR 08-5-2 (copy attached) establishes policy evaluation and review criteria to use in the deliberation of a petition to establish new public roadway. Sean & Kate Welch address these criteria in their letter to the BOCC (also attached).

Extending E 350 Road would require replacing an existing timber culvert situated approximately 100 feet north of the current northern terminus of E 350 Road. We have not conducted a detailed inspection nor load-rated the existing timber structure. However, it is my judgment that replacing the culvert would significantly increase safety for accessing the existing residential property. The replacement culvert could also be situated to align better with the channel, thereby reducing erosion.

For the above reasons, I feel the proposed road extension scores high in the Category III Safety & Environmental Considerations contained in HR 08-5-2.

Action Required: Consider request to extend E 350 Road north from its current terminus approximately ½-mile north of Route 1023.

To: Douglas County Commissioners
Jim Flory
Nancy Thellman
Mike Gaughan

From: Sean and Kate Welch, Lecompton

RE: Proposed Road Extension

June 18, 2009

The purpose of this letter is to request a road extension north on East 350 Road (Dead End) in the Lecompton township. If the county commissioners choose to grant this request, the single property at the end of E 350 Road will be subdivided and a new home constructed. Following, are responses to the three categories in the evaluation and review criteria required by the commission, as per Home Rule Resolution No. HR 08-5-2.

I. Economic Considerations

- Road construction and bridge replacement have been estimated at approximately \$81,000.
- Petitioners agree to pay for materials including pipes, concrete and the road.
- Lecompton Township estimates annual maintenance for this extension at approximately, \$450.
- Estimated appraisal value of new home to be built is approximately \$320,000.
- Strong potential for additional homes to be built on property adjacent to road extension.
- Likely creation of a Benefit District.

II. Road Network Considerations

- Proposed road extension will create access to adjacent property and will be built with improved ditch-drainage capacity.

III. Safety and Environmental Considerations

- The proposed road will include the replacement of an older, unsafe bridge with no tonnage rating. This bridge is used by a Perry-Lecompton school bus as well as other public and private vehicles.
- The replacement bridge will re-route the creek, minimizing erosion.
- The road extension, including new bridge, will provide safer access with minimal environmental impact.

We would like the opportunity to discuss this matter with the commission at a Monday meeting in the near future. Thank you for your consideration.

Sincerely,

Sean and Kate Welch

HOME RULE RESOLUTION NO. HR 08-5-2

A HOME RULE RESOLUTION PROVIDING POLICY CONSIDERATIONS WHEN ESTABLISHING OR EXTENDING PUBLIC ROADS BASED UPON LANDOWNER-INITIATED REQUESTS AND REPEALING RESOLUTION HR-07-12-6

WHEREAS, K.S.A. 19-101a, and amendments thereto, authorizes the Board of County Commissioners (hereinafter after the "Board") to transact all County business and perform all powers of local legislation and administration it deems appropriate.

WHEREAS, K.S.A. 68-101 et seq. and Douglas County Charter Resolution 07-4-1 provide for the establishment of new and extension of existing public roads in the unincorporated areas of Douglas County if the Board determines the road will be appropriate and in the public interest or will be of public utility.

WHEREAS, by Resolution HR-07-12-6 the Board imposed a moratorium on establishing or extending public roads based upon the petition or request of one or more landowners, so that the Board could study and develop a policy to guide the Board in determining when the establishment or extension of such roads will be appropriate and in the public interest or of public utility.

WHEREAS, the Board adopts such a policy as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, SITTING IN REGULAR SESSION THIS 21st DAY OF May, 2008, AND INTENDING TO EXERCISE THE POWERS OF HOME RULE LEGISLATION PURSUANT TO K.S.A. 19-101a, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Policy on Establishing or Extending Public Roads. The Board hereby adopts the following policy evaluation & review criteria to use in the deliberation to of a petition from one or more landowners to establish a new public road, or to extend an existing public road right-of-way, and in determining whether the new road is appropriate and in the public's interest, or that it will be of public utility.

The criteria for evaluation of such petitions are provided in the following tables. A petition must be accompanied by written responses to the following criteria before it will be placed on a Commission's agenda for public discussion.

CATEGORY	EVALUATION & REVIEW CRITERIA
I. Economic Considerations	Cost benefit analysis prepared by the petitioner that provides the County Commission with the following information for review: <ol style="list-style-type: none">1. an estimate of the cost of road construction;2. an estimate of the total maintenance cost to the Township [based on cost figures provided by the County Engineer to the petitioner]; and,3. a realistic estimate of the tax appraisal value and the number of additional homes to be built with access from the proposed road over a period of no more than 10 years.

CATEGORY	EVALUATION & REVIEW CRITERIA
II. Road Network Considerations	The proposed road will be an improvement to the current road network in the Township it is located in and the appropriate Township Board and the County Engineer have reviewed and recommended approval.

The County Commission may also consider safety and environmental issues when deliberating on a petition for a new road. The landowners petitioning for a new road may also request review under the safety and/or environmental criteria to lend additional support to and/or justification for the request for a new public road. The safety and environmental criteria are in the following table:

CATEGORY	EVALUATION & REVIEW CRITERIA
III. Safety & Environmental Considerations	<ol style="list-style-type: none"> 1. The proposed road will provide a safer way to access existing residential properties than currently exists; 2. The proposed road will improve connectivity across a one-mile square grid by the addition of a through road that would improve emergency and/or safety vehicle response time to residences within the one-mile square grid; 3. The proposed road would eliminate: a steep slope approach, a low water crossing, a railroad crossing, or other similar safety concern; or, 4. The proposed road will create an alternative access to an otherwise developable parcel, which reduces the development impact on environmental features such as FEMA floodplain; jurisdictional wetland; or significant stands of mature trees.

The foregoing evaluation and review criteria are not exclusive and the Board may consider other factors that it deems important to any individual case. The foregoing policy considerations need not necessarily apply to (1) widening existing public roads, (2) accepting the dedication of roads in platted subdivisions, or (3) establishing new or extending existing public roads at the Board's initiative.

SECTION 2. *Revocation of Resolution HR-07-6.* Resolution HR-07-12-6, by which the Board imposed a moratorium on establishing or extending public roads based upon the petition or request of one or more landowners, is revoked.

SECTION 3. *Severability.* If any section, clause, sentence, or phrase of this Resolution 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 Resolution.


SECTION 4. *Publication.* This is a home rule resolution and shall be effective after publication one time in the Official County newspaper.

ADOPTED this 21st day of May, 2008.


**BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS:**



Bob Johnson, Chair



Jere McElhane, Member



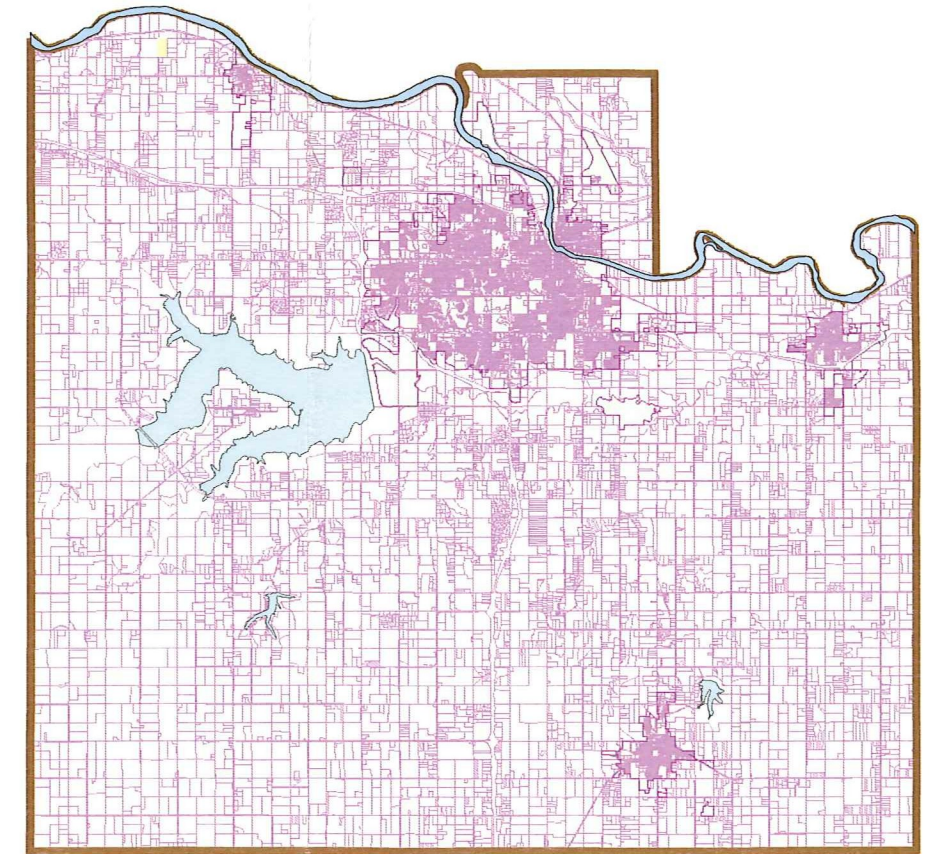
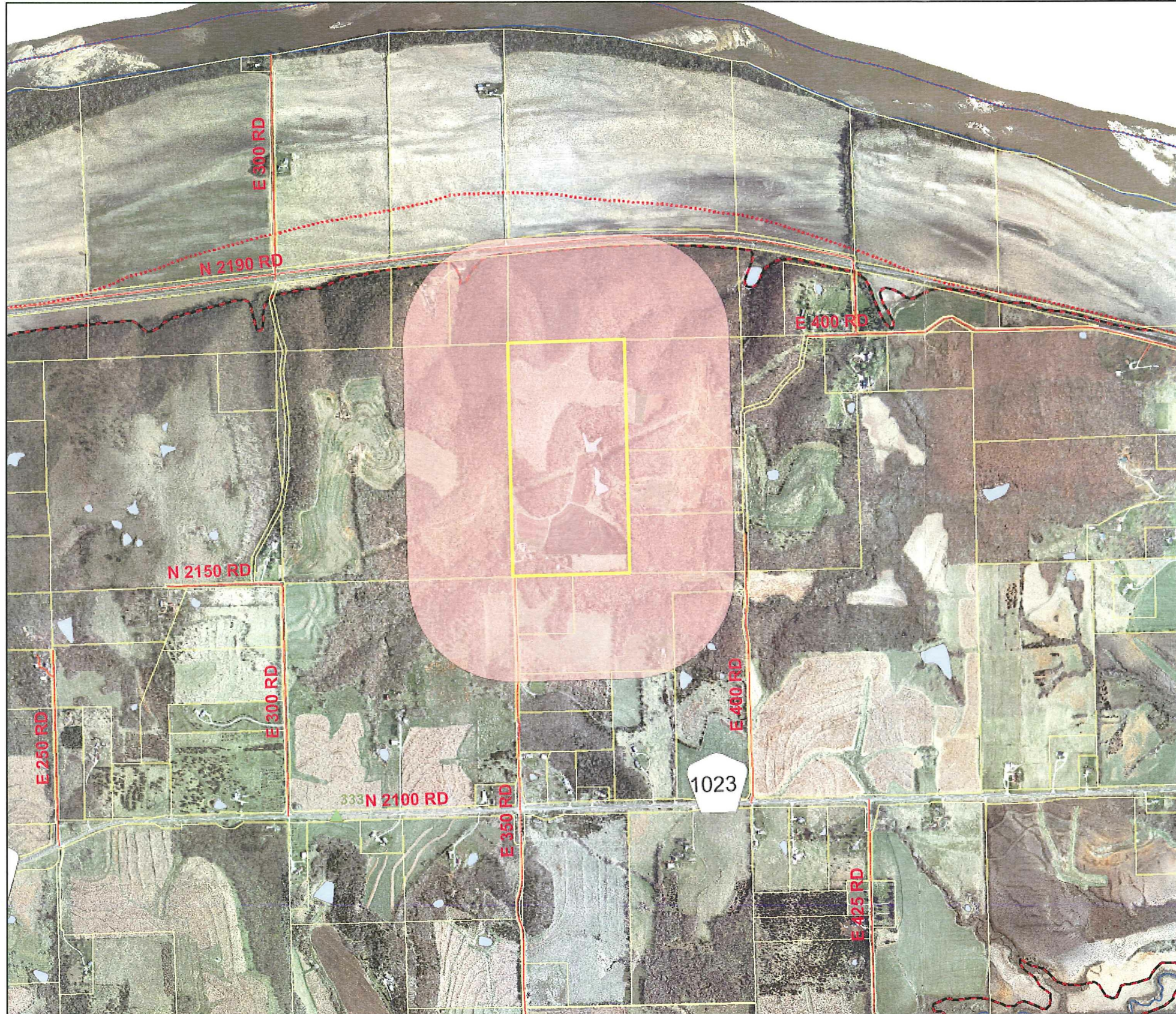
Charles Jones, Member

ATTEST:













Jameson D. Shew, County Clerk

E 350 RD



E 350 RD

- | | | | |
|---|---------------|---|------------------------------------|
|  | E_350_RD |  | S_Fld_Haz_Ln |
|  | 2008counts |  | Ln_Typ |
|  | city_limits09 |  | 0.2 PCT ANNUAL CHANCE FLOOD HAZARD |
|  | ownshp09 |  | 1 PCT ANNUAL CHANCE FLOOD HAZARD |
|  | S_Wtr_Ln |  | FLOODWAY |

This map was produced by Douglas County GIS.
 It is for reference only and is not intended for conveyances, nor is it a legal survey. July 07, 2009.



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KB*

Date : July 6, 2009

Re : Authorization to solicit bids for rehabilitation of two bridges
Expansion joint removal/replacement and silica fume overlay
Route 458 bridges over Wakarusa River and Rock Creek arms of Clinton Lake
Project No. 2009-5

The CIP includes \$300,000 for rehabilitation of two bridges, Bridge No. 10.92-03.46 and Bridge No. 09.64-04.82. These bridges carry Route 458 over the Wakarusa River and Rock Creek arms of Clinton Lake, respectively. In the CIP, the projects are scheduled for 2010. However, this work needs to be done in 2009 due to deteriorating condition of the joints. Loose metal from one of the expansion joints recently damaged a vehicle. In addition, we have covered another joint with a metal plate after it recently came loose. The need to move this work forward to 2009 was briefly discussed during the May 11 BOCC meeting (see attached memo) during discussions of the Route 1057 resurfacing project.

The original CIP cost estimate included the cost to remove bridge expansion joints. It is actually necessary to *replace* one expansion joint on the Wakarusa River bridge, and remove the others. In addition to removing/replacing the joints, we also need to overlay the bridge decks with silica fume concrete due to concerns with concrete delamination. The additional work results in an updated total construction cost estimate of approximately \$548,000 for both bridges. Engineering design cost \$19,600. We also may need some consulting construction engineering, which should not exceed \$10,000.

Plans for the bridge rehabilitation work are complete. In order to complete the work this year, bids should be opened in early-August, and construction should begin in late-August.

One lane of traffic on each bridge will be maintained during the project. Temporary traffic signals will be installed.

Action Required: Consider authorizing Public Works to solicit bids for Project No. 2009-5, rehabilitation of the bridges carrying Route 458 over the Wakarusa River and Rock Creek arms of Clinton Lake.



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *[Signature]*

Date : May 6, 2009

Re : Authorization to solicit bids for resurfacing Route 1057 from Rte 442 to K-10
Project No. 2003-12

In the recently approved CIP, \$450,000 is allocated for resurfacing Route 1057 from Route 442 to K-10. The project also includes intersection improvements at Route 442. The work was scheduled for this year. This ½-mile section has significant truck traffic accessing the K-10 interchange from the East Hills Business Park. The pavement has exhibited significant distress, and has required frequent patching.

Two bridge expansion-joint replacement projects in the CIP slated for next year are needing to be done this year due to deteriorating condition of the joints. Each of the two bridges (09.64-04.82 and 10.92-03.46) has \$150,000 allocated in the CIP. However, in addition to replacing the joints, we wish to overlay the bridge decks with silica fume concrete due to concerns with concrete delamination. This results in updated project estimates (including engineering) of \$250,729 for Bridge No. 09.64-04.82, and \$332,607 for Bridge No. 10.92-03.46.

Given the need to move the bridge projects forward to this year, we planned to delay the Route 1057 resurfacing until next year. However, following the very favorable bids for the Route 438 reconstruction project, we are rethinking that approach. It may be economically favorable to proceed with the Route 1057 project this year, in addition to the bridge rehabilitation projects.

Attached are two project estimates. In March 2009 we estimated the project cost to be \$526,906. Following the bid opening for the Route 438 project, we now estimate the project cost at \$366,544.

Action Required: Consider authorizing Public Works to solicit bids for Project No. 2003-12, resurfacing Route 1057 from Route 442 to K-10.



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : July 8, 2009

Re : Authorization to solicit bids for asphalt overlay of portions of Routes 458 & 1055
Project No. 2009-6

The CIP includes \$500,000 for asphalt overlay and paving 4'-wide shoulders on Route 458 from US-59 highway to Route 1055 (E 1500 Road). The work is scheduled for this year. We currently estimate this work to cost approximately \$430,000.

In addition to overlaying Route 458 from US-59 to Route 1055, we wish to overlay three miles of Route 1055 from Route 458 to 31st Street. This section of Route 1055 has developed some surface irregularities that are seriously affecting rideability. Road & Bridge Fund 201 includes \$459,360 in the Overlay line item. These operating funds were budgeted for four miles of asphalt overlay. We estimate the Route 1055 overlay to cost approximately \$356,000.

In an effort to get favorable bids, we wish to combine the work in these two road segments into one project. We would pay for the Route 458 portion from the CIP and the Route 1055 portion from Road & Bridge Fund 201.

The Route 458 overlay will actually begin approximately 1500 feet east of existing US-59 highway to allow for construction of the interchange for the new US-59 freeway.

Action Required: Consider authorizing Public Works to solicit bids for Project No. 2009-6, asphalt overlay and paved shoulders on Route 458 from US-59 highway to Route 1055 (E 1500 Road), and mill & overlay on Route 1055 from Route 458 to 31st Street.