

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Amended Agenda

WEDNESDAY, OCTOBER 27, 2010

4:00 p.m.

- Consider approval of a proclamation for the month of October for "Community Planning Month" (Michelle Leininger)
- Consider approval of the minutes for September 22 and October 13, 2010.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider approval of **CPA-4-2-10**, amending Chapter 14 – Specific Plans to change references made to the previous Chapter 13 – Implementation regarding the adoption process for plans. The reference needs to be updated to refer to Chapter 17 – Implementation. This was an identified work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.* (Michelle Leininger) (Approved 10-0 on 6/23/10); and
- (c) Consider approval of **CPA-4-3-10**, amending Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer's Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan. This was an identified work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.* (PC Item 3; approved 8-0 on 7/26/10) (Michelle Leininger)

REGULAR AGENDA

- (2) Consider approval of "Agreement to Stay Litigation" with the Fraternal Order of Police Lodge No. 2. The agreement would stay the FOP litigation until June 1, 2011, during which time the FOP will apply for a CUP for the shooting areas on its property near Lone Star Lake. (Evan Ice)
- (3) Consider awarding culvert replacement construction contract to low bidder for Project No. 0657-1950, Structure No. 06.57N-19.50E. (Keith Browning)

RECESS

-Reconvene at 6:35 p.m.

- (4) Public Hearing on the petition for utility easement vacations for 10' utility easement on Lot 1, Hidden Hills Addition, a Replat of Lots 7, 8 & 9 in Long Shadows Subdivision and for the 10' utility easement on Lot 6, Long Shadows Subdivision.
- (5) Consider approval for the Order of Vacation for 10' utility easement on Lot 1, Hidden Hills Additions, a Replat of Lots 7, 8 & 9 in Long Shadows Subdivision and approve the Order of Vacation for the 10' utility easement on Lot 6, Long Shadows Subdivision. (Linda Finger)
- (6) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Miscellaneous
 - (d) Public Comment
- (7) Adjourn

WEDNESDAY, NOVEMBER 3, 2010

-No Commission Meeting

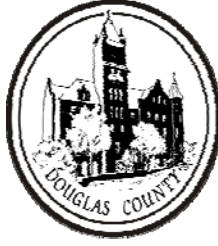
MONDAY, NOVEMBER 8, 2010

-9:00 a.m. Canvass for Election

WEDNESDAY, NOVEMBER 10, 2010

- Update on Destination Management Inc. (Judge Deanell Tacha, Chair of DMI)
- Consider rezoning and adoption of resolution rezoning for property in the unincorporated area for Berry Plastics project
- Presentation on Energy Efficiency Challenge for the City of Lawrence (Eileen Horn)-No back up

Note: *The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*



Office of the County Commission
PROCLAMATION
For Douglas County, Kansas

WHEREAS: *Change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and*

WHEREAS: *Community planning and plans can help manage this change in a way that provides better choices for how people work and live; and*

WHEREAS: *Community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and*

WHEREAS: *The full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and*

WHEREAS: *Douglas County has a strong history of community planning; and*

WHEREAS: *The month of October is designated as National Community Planning Month throughout the United States of America and its territories;*

NOW, THEREFORE, we, the Douglas County Commissioners do hereby proclaim the month of October 2010 to be

“COMMUNITY PLANNING MONTH”

and urge citizens to recognize the participation and dedication of the professional community planners, members of planning commission, and other citizen planners who have contributed their time and expertise to the improvement of Douglas County.

Dated this 27th day of October 2010.

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

Nancy Thellman, Chairman

Jim Flory, Vice-Chair

Mike Gaughan, Member

ORDINANCE NO. 8542
RESOLUTION NO. _____

JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND RESOLUTION OF
THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS
AMENDING THE COMPREHENSIVE LAND USE PLAN "HORIZON 2020" BY
AMENDING CHAPTER 14 – SPECIFIC PLANS, PURPOSE.

WHEREAS, pursuant to K.S.A. 12-747, a comprehensive plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditure of public funds; and

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas has adopted a comprehensive land use plan labeled "Horizon 2020"; and

WHEREAS, after due and lawful notice and hearing the Lawrence-Douglas County Metropolitan Planning Commission on June 23, 2010, by Resolution No. PCR-6-3-10, recommended amendments to "Chapter 14 – Specific Plans"; and

WHEREAS, a certified copy of the Chapter 14– Specific Plans amendments contained in planning staff report CPA-4-2-10 adopted by the Planning Commission in Resolution No. PCR-6-3-10 on June 23, 2010 together with the written summaries of the public hearings thereon held by the Lawrence-Douglas County Metropolitan Planning Commission on June 23, 2010 has been submitted to the Governing Bodies; and

WHEREAS, pursuant to the provisions of K.S.A. Chapter 12, Article 7, K.S.A. 12-3009 to and including 12-3012, K.S.A. 12-3301 *et seq.*, the Home Rule Authority of the County as granted by K.S.A. 19-101a, and the Home Rule Authority of the City as granted by Article 12, § 5 of the Constitution of Kansas, the Board and the City are authorized to adopt and amend, by resolution and ordinance, respectively, and by incorporation by reference, planning and zoning laws and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS; AND BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

Section 1. The above recitals are incorporated by reference as if fully set forth herein and shall be as effective as if repeated verbatim.

Section 2. The Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, hereby find that the provisions of K.S.A. 12-743 and K.S.A. 12-747 concerning the amendment of comprehensive plans has been fully complied with in consideration and adoption of and amendment to "Horizon 2020".

Section 3. Pursuant to K.S.A. 12-747, the Governing Bodies of Douglas County, Kansas and the City of Lawrence, Kansas do hereby amend "Horizon 2020" by approving the recommendation of the Planning Commission, and adopting amendments to Chapter 14 – Specific Plans, Purpose, contained in Resolution No. PCR-6-3-10, adopted by the Planning Commission on June 23, 2010, and described in Section 4. below.

Section 4. Chapter 14 – Specific Plans, Purpose in "Horizon 2020", is hereby amended to read as follows:

Purpose

Long-range planning in an area specific manner is an important aspect of the overall community planning process. Specific plans provide the focused guidance necessary for proper decision making regarding an area's future. Chapter 14 references adopted specific plans and provides guidance, through the Hierarchy of Plans, for completing the proper type of plan for an area.

The plans referenced below have been adopted through a Comprehensive Plan process, as described on pages ~~43~~17-8 and ~~43~~17-9. As such, these plans are considered Comprehensive Plan policy and are an element of *Horizon 2020*. The plans are separate documents from *Horizon 2020* and can be accessed online at <http://www.lawrenceks.org/pds> or copies can be obtained by contacting the Lawrence-Douglas County Planning Department.

Plans prepared for specific areas, whether they are areas within the City of Lawrence or areas within unincorporated Douglas County contain detailed policy guidance for those areas. The plans, when adopted through a Comprehensive Plan process, and referenced in this chapter, become the official Comprehensive Plan policy for the respective areas. The policy contained in the plans take precedence over other policy found in *Horizon 2020*, unless specifically stated otherwise in the Plans.

Section 5. Severability. If any section, clause, sentence, or phrase of this joint ordinance or 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 joint ordinance and resolution.

Section 6. This Joint Ordinance and Resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence and Douglas County, Kansas and publication as provided by law.

Passed by the Governing Body of the City of Lawrence this ____ day of October, 2010.

APPROVED:

Mike Amyx, Mayor.

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni Ramirez Wheeler, Director of Legal Services

Adopted by the Board of County Commissioners of Douglas County, Kansas, this ____ day of November, 2010.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Nancy Thellman
Chair

Mike Gaughan
Commissioner

Jim Flory
Commissioner

ATTEST:

/s/ Jameson D. Shew
Jameson D. Shew
County Clerk

City Commission Action Summary
CPA-4-2-10 & CPA-4-3-10

October 12, 2010
Approved on consent agenda

October 19, 2010
Approved on consent agenda

**ITEM NO. 7 COMPREHENSIVE PLAN AMENDMENT TO UPDATE CHAPTER 14; SPECIFIC PLANS
(MJL)**

CPA-4-2-10: Update Chapter 14 – Specific Plans to correct references made to the previous Chapter 13 – Implementation regarding the adoption process for plans. The reference needs to be updated to refer to Chapter 17 – Implementation. This was an oversight when the chapter was renumbered and was identified as a work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to approve Comprehensive Plan Amendment (CPA-4-2-10).

Unanimously approved 10-0.

Motioned by Commissioner Harris, seconded by Commissioner Singleton, to authorize the Chair to sign PC Resolution (PCR-6-3-10) regarding CPA-4-2-10.

Unanimously approved 10-0.

PCR-6-3-10

A RESOLUTION ADOPTING AMENDMENTS TO HORIZON 2020, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, KANSAS PERTAINING TO CHAPTER 14 – SPECIFIC PLANS.

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas, for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving and protecting property values throughout Lawrence and Douglas County, are authorized by K.S.A. 12-741 *et seq.* to provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas have adopted an official comprehensive plan for the coordination of development in accordance with the present and future needs and to conserve the natural resources of the City and County, ensure efficient expenditure of public funds and promote the health, safety, convenience, prosperity and general welfare of the citizens of Lawrence and Douglas County; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission held a public hearing on June 23, 2010 for the proposed amendments to Horizon 2020, the Comprehensive Plan, contained in Planning Staff Report CPA-4-2-10, to adopt amendments to Chapter 14 – Specific Plans to change the Chapter 13 references from Chapter 13 to Chapter 17, after notice by publication in the official city and county newspaper.

BE IT RESOLVED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION ONE: The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

SECTION TWO: Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission adopts and recommends for approval the amendments to Chapter 14 – Specific Plans of Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, to change the Chapter 13 references from Chapter 13 to Chapter 17.

SECTION THREE: The amendment to *Horizon 2020*, Chapter 14 – Specific Plans, shall read as follows:

CHAPTER FOURTEEN – SPECIFIC PLANS

Purpose

Long-range planning in an area specific manner is an important aspect of the overall community planning process. Specific plans provide the focused guidance necessary for proper decision making regarding an area's future. Chapter 14 references adopted specific plans and provides guidance, through the Hierarchy of Plans, for completing the proper type of plan for an area.

The plans referenced below have been adopted through a Comprehensive Plan process, as described on pages ~~1317~~-8 and ~~1317~~-9. As such, these plans are considered Comprehensive Plan policy and are an element of *Horizon 2020*. The plans are separate documents from *Horizon 2020* and can be accessed online at <http://www.lawrenceplanning.org> or copies can be obtained by contacting the Lawrence-Douglas County Planning Department.

Plans prepared for specific areas, whether they are areas within the City of Lawrence or areas within unincorporated Douglas County contain detailed policy guidance for those areas. The plans, when adopted through a Comprehensive Plan process, and referenced in this chapter, become the official Comprehensive Plan policy for the respective areas. The policy contained in the plans take precedence over other policy found in *Horizon 2020*, unless specifically stated otherwise in the Plans.

Plan Review

Plans can eventually lose their relevance to a specific area. Additionally, some plans will require review to confirm if policies are being followed, goals are being met, and implementation is occurring.

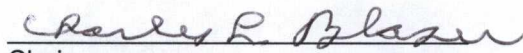
Therefore, it is necessary to ensure plans are reviewed on a regular basis to update them or to rotate them out of the Comprehensive Plan if they have lost their relevance. Each plan listed below has a date which will trigger a review of that plan. Planning Staff will review the plan to determine if it meets one of the following criteria and needs the required action:

1. Plan remains relevant - no action necessary.
2. Plan has been superseded by another plan - remove from Chapter 14.
3. Plan is out of date and no longer relevant – remove from Chapter 14.
4. Plan requires updating – staff will update and forward recommendations for Commission consideration.

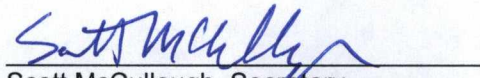
Staff will report on the review of a specific plan to the Planning Commission along with a recommendation for action, if necessary. If an update is required, staff will provide the Planning Commission a plan to complete the update. A Comprehensive Plan Amendment will be required to remove a specific plan from Chapter 14 or to update a specific plan.

SECTION FOUR: This resolution together with a certified copy of the amendments to Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the public hearing shall be submitted to the City Commission and the Board of County Commissioners, as appropriate.

Adopted by the Lawrence-Douglas County Metropolitan Planning Commission on this, the 23rd day of June, 2010.


Chair
Lawrence-Douglas County Metropolitan
Planning Commission


Vice-Chair
Lawrence-Douglas County Metropolitan
Planning Commission


Scott McCullough, Secretary
Lawrence-Douglas County Metropolitan
Planning Commission

**PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item**

PC Staff Report
6/23/10

**ITEM NO. 7: COMPREHENSIVE PLAN AMENDMENT TO UPDATE CHAPTER 14;
SPECIFIC PLANS (MJL)**

CPA-4-2-10: Update Chapter 14 – Specific Plans to correct references made to the previous Chapter 13 – Implementation regarding the adoption process for plans. The reference needs to be updated to refer to Chapter 17 – Implementation. This was an oversight when the chapter was renumbered and was identified as a work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.*

STAFF RECOMMENDATION: Staff recommends updating Chapter 14 (Specific Plans) to change references to the previous Chapter 13 (Implementation) to reference Chapter 17.

SUMMARY

As part of the annual review of the comprehensive plan, staff determined that Chapter 13 – Implementation should be moved to the last chapter of the plan, Chapter 17. Chapter 13 is now reserved for a future chapter, if necessary, so that the Implementation chapter will not have to be moved again. However, there are still references to the former Chapter 13 in Chapter 14 -Specific Plans that needs to be updated to refer to Chapter 17. The only incorrect references appear on the first page of Chapter 14 (14-1).

STAFF REVIEW

References to Chapter 13 were an oversight when the Implementation chapter was moved to Chapter 17. Staff did not find any other incorrect references to Chapter 13 throughout the plan.

COMPREHENSIVE PLAN AMENDMENT REVIEW

A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the plan was adopted?

The proposed amendment is intended to correct a previously overlooked error and does not represent a material change in the plan.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

The proposed change helps to keep a logical flow of the plan and does not affect the goals and policies.

C. Is the proposed amendment a result of a clear change in public policy?

The change is to ensure that the Implementation chapter is properly referenced in preceding chapters of the plan and does not change policy.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends updating Chapter 14 (Specific Plans) to change references to the previous Chapter 13 (Implementation) to reference Chapter 17.

CHAPTER FOURTEEN – SPECIFIC PLANS

Purpose

Long-range planning in an area specific manner is an important aspect of the overall community planning process. Specific plans provide the focused guidance necessary for proper decision making regarding an area's future. Chapter 14 references adopted specific plans and provides guidance, through the Hierarchy of Plans, for completing the proper type of plan for an area.

The plans referenced below have been adopted through a Comprehensive Plan process, as described on pages ~~13~~ 17-8 and ~~13~~ 17-9. As such, these plans are considered Comprehensive Plan policy and are an element of *Horizon 2020*. The plans are separate documents from *Horizon 2020* and can be accessed online at <http://www.lawrenceplanning.org> or copies can be obtained by contacting the Lawrence-Douglas County Planning Department.

Plans prepared for specific areas, whether they are areas within the City of Lawrence or areas within unincorporated Douglas County contain detailed policy guidance for those areas. The plans, when adopted through a Comprehensive Plan process, and referenced in this chapter, become the official Comprehensive Plan policy for the respective areas. The policy contained in the plans take precedence over other policy found in *Horizon 2020*, unless specifically stated otherwise in the Plans.

Plan Review

Plans can eventually lose their relevance to a specific area. Additionally, some plans will require review to confirm if policies are being followed, goals are being met, and implementation is occurring.

Therefore, it is necessary to ensure plans are reviewed on a regular basis to update them or to rotate them out of the Comprehensive Plan if they have lost their relevance. Each plan listed below has a date which will trigger a review of that plan. Planning Staff will review the plan to determine if it meets one of the following criteria and needs the required action:

1. Plan remains relevant - no action necessary.
2. Plan has been superseded by another plan - remove from Chapter 14.
3. Plan is out of date and no longer relevant – remove from Chapter 14.
4. Plan requires updating – staff will update and forward recommendations for Commission consideration.

Staff will report on the review of a specific plan to the Planning Commission along with a recommendation for action, if necessary. If an update is required, staff will provide the Planning Commission a plan to complete the update. A Comprehensive Plan Amendment will be required to remove a specific plan from Chapter 14 or to update a specific plan.

ORDINANCE NO. 8562
RESOLUTION NO. _____

JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AMENDING THE COMPREHENSIVE LAND USE PLAN "HORIZON 2020" BY AMENDING CHAPTER 7– INDUSTRIAL AND EMPLOYMENT RELATED LAND USE, 1. INDUSTRIAL LAND USE.

WHEREAS, pursuant to K.S.A. 12-747, a comprehensive plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditure of public funds; and

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas has adopted a comprehensive land use plan labeled "Horizon 2020"; and

WHEREAS, after due and lawful notice and hearing the Lawrence-Douglas County Metropolitan Planning Commission on July 26, 2010, by Resolution No. PCR-6-4-10, recommended amendments to "Chapter 7 – Industrial and Employment-Related Land Use"; and

WHEREAS, a certified copy of the Chapter 7 – Industrial and Employment-Related Land Use amendments contained in planning staff report CPA-4-3-10 adopted by the Planning Commission in Resolution No. PCR-6-4-10 on July 26, 2010 together with the written summaries of the public hearings thereon held by the Lawrence-Douglas County Metropolitan Planning Commission on July 26, 2010 has been submitted to the Governing Bodies; and

WHEREAS, pursuant to the provisions of K.S.A. Chapter 12, Article 7, K.S.A. 12-3009 to and including 12-3012, K.S.A. 12-3301 *et seq.*, the Home Rule Authority of the County as granted by K.S.A. 19-101a, and the Home Rule Authority of the City as granted by Article 12, § 5 of the Constitution of Kansas, the Board and the City are authorized to adopt and amend, by resolution and ordinance, respectively, and by incorporation by reference, planning and zoning laws and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS; AND BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

Section 1. The above recitals are incorporated by reference as if fully set forth herein and shall be as effective as if repeated verbatim.

Section 2. The Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, hereby find that the provisions of K.S.A. 12-743 and K.S.A. 12-747 concerning the amendment of comprehensive plans has been fully complied with in consideration and adoption of and amendment to "Horizon 2020".

Section 3. Pursuant to K.S.A. 12-747, the Governing Bodies of Douglas County, Kansas and the City of Lawrence, Kansas do hereby amend "Horizon 2020" by approving the recommendation of the Planning Commission, and adopting amendments to Chapter 7 – Industrial and Employment-Related Land Use, 1. Industrial Land Use, contained in Resolution No. PCR-6-4-10, adopted by the Planning Commission on July 26, 2010 and described in Sections 4. and 5. below.

Section 4. Chapter 7– Industrial and Employment Related Land Use, 1. Industrial Land Use, Santa Fe Industrial Area, in "Horizon 2020", is hereby amended to read as follows:

- **Santa Fe Industrial Area**

The Santa Fe Industrial Area, located north of the Kansas Turnpike/I-70 and south of the Kansas River in north central Lawrence, has developed as a large warehouse and distribution location. This Comprehensive Plan recommends an expanded role for this area in the future. ~~The area north of Lakeview Road may alternately develop with more traditional industrial uses.~~ *The K-10 and Farmer's Turnpike Plan identifies 130 acres of industrial and office/research uses along the western side of this area.* It is also recommended that as additional industrial-related uses develop, impacts on nearby residential development along Riverridge Road will need to be minimized. Additionally, street improvements may be needed and land use transition areas are recommended to protect residential uses in the area.

Section 5. Chapter 7– Industrial and Employment Related Land Use, 1. Industrial Land Use, Individual Site Analysis: I-70 and K-10, in “*Horizon 2020*”, is hereby amended to read as follows:

- **I-70 and K-10**

Transportation: Federal Interstate and State Highway access

Parcel Size: ~~150~~ 540 acres, with possibility of more

Floodplain: None

Slope: Mainly 0-3%

The I-70 and K-10 area lies generally north of N 1800 Road (Farmer's Turnpike) near the intersection of Kansas Highway 10 and I-70. The proposed area contains roughly ~~150~~ 540 acres of industrial and office/research uses as identified in the K-10 and Farmer's Turnpike Plan. ~~with the potential for more land to be identified for industrial and employment related land use through the long-range planning process.~~ The area contains land of minimal slope (0-3%) and also lies outside of the 100-year floodplain. This area substantially meets the general locational criteria and will be an important future economic development area for the Lawrence community because of its prime location near the I-70 interchange, which also acts as the primary access point for the City of Lecompton. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that the land is annexed and urban services are able to be provided. Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would best be suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.

Section 6. Severability. If any section, clause, sentence, or phrase of this joint ordinance or 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 joint ordinance and resolution.

Section 7. This Joint Ordinance and Resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence and Douglas County, Kansas and publication as provided by law.

Passed by the Governing Body of the City of Lawrence this _____ day of October, 2010.

APPROVED:

Mile Amyx, Mayor.

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni Ramirez Wheeler, Director of Legal Services

Adopted by the Board of County Commissioners of Douglas County, Kansas, this ____ day of November, 2010.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Nancy Thellman
Chair

Mike Gaughan
Commissioner

Jim Flory
Commissioner

ATTEST:

/s/ Jameson D. Shew
Jameson D. Shew
County Clerk

City Commission Action Summary
CPA-4-2-10 & CPA-4-3-10

October 12, 2010
Approved on consent agenda

October 19, 2010
Approved on consent agenda

**ITEM NO. 3 COMPREHENSIVE PLAN AMENDMENT; CHP 7 INDUSTRIAL & EMPLOYMENT
RELATED LAND USES (MJL)**

CPA-4-3-10: Consider amending Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer’s Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan. This was an identified work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Harris thought the language staff was recommending was consistent with the plan. She recommended under the Santa Fe Industrial Area replacing the deleted text (~~*The area north of Lakeview Road may alternately develop with more traditional industrial uses.*~~) with the proposed text instead of adding it to the bottom of the paragraph. (*The K-10 and Farmer’s Turnpike Plan identifies 130 acres of industrial and office/research uses along the western side of this area.*)

ACTION TAKEN

Motioned by Commissioner Harris, seconded by Commissioner Finkeldei, to approve the amendments to Chapter 7 – Industrial and Employment Related Land Uses to update the description for the Santa Fe Industrial Area and the I-70 and K-10 area to reflect the approved K-10 & Farmer’s Turnpike Plan, with the additional recommendation of text change made by Commissioner Harris, and authorize the Chair to sign the PC Resolution.

Unanimously approved 8-0.

A RESOLUTION ADOPTING AMENDMENTS TO HORIZON 2020, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, KANSAS PERTAINING TO CHAPTER 7- INDUSTRIAL AND EMPLOYMENT-RELATED LAND USE, SECTION 1. INDUSTRIAL LAND USE.

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas, for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving and protecting property values throughout Lawrence and Douglas County, are authorized by K.S.A. 12-741 *et seq.* to provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas have adopted an official comprehensive plan for the coordination of development in accordance with the present and future needs and to conserve the natural resources of the City and County, ensure efficient expenditure of public funds and promote the health, safety, convenience, prosperity and general welfare of the citizens of Lawrence and Douglas County; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission held a public hearing on July 26, 2010 for the proposed amendments to Horizon 2020, the Comprehensive Plan, contained in Planning Staff Report CPA-4-3-10, to adopt amendments to Chapter 7- Industrial and Employment-Related Land Use, Section 1. Industrial Land Use, the Santa Fe Industrial Area and I-70 and K-10 area, after notice by publication in the official city and county newspaper.

BE IT RESOLVED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION ONE: The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

SECTION TWO: Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission adopts and recommends for approval the amendments to Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, to amend Chapter 7- Industrial and Employment-Related Land Use, Section 1. Industrial Land Use, the Santa Fe Industrial Area and I-70 and K-10 area.

SECTION THREE: The amendment to *Horizon 2020*, Chapter 7- Industrial and Employment-Related Land Use, Section 1. Industrial Land Use shall read as follows:

1. INDUSTRIAL LAND USE

INDUSTRIAL LAND USE CATEGORIES

Industrial development in Douglas County has taken on many shapes and forms in the past. This Comprehensive Plan recognizes this variety in development and establishes the following categories of industrial-related land use:

- **Warehouse and Distribution** - an area generally characterized by businesses involved in the warehousing and distribution of wholesale goods and supplies.

- **Industrial** - an area generally characterized by business activities that include manufacturing, assembly, processing, and similar operations.
- **Work-live Campus-type Center** – an area that is a campus-like setting with a mix of uses that are compatible which may include industrial, business, retail commercial and residential developments. These areas will be held to a higher standard of design that accents and complements the natural environment and provides a comfortable environment for a live-work relationship where pedestrian activity is planned for and encouraged.
- **Industrial/Business/Research Park** - an area generally characterized by a predominance of office, office research, warehouse and distribution, and/or industrial business activities that typically encompass a large area of land and are designed in a "campus" setting.

LAWRENCE - EXISTING INDUSTRIAL AREAS

The City of Lawrence has several major industrial areas providing employment opportunities to the community. These larger areas include: 1) Santa Fe Industrial Area; 2) East Hills Business Park; 3) Santa Fe Railroad corridor; 4) Union Pacific Railroad corridor; 5) Lawrence Municipal Airport; and 6) Southeast Industrial Area. A description and plan recommendations for these areas are discussed below. In addition to these primary industrial areas, the City of Lawrence also has a number of smaller industrial locations throughout the city. While not specifically addressed in this section, these smaller industrial areas play an important role in the overall industrial and business development composition of the community as a whole. Refer to Map 7-1, Map of Existing Industrial and Employment-Related Land Uses.

- **Santa Fe Industrial Area**

The Santa Fe Industrial Area, located north of the Kansas Turnpike/I-70 and south of the Kansas River in north central Lawrence, has developed as a large warehouse and distribution location. This Comprehensive Plan recommends an expanded role for this area in the future. ~~The area north of Lakeview Road may alternately develop with more traditional industrial uses.~~ *The K-10 and Farmer's Turnpike Plan identifies 130 acres of industrial and office/research uses along the western side of this area.* It is also recommended that as additional industrial-related uses develop, impacts on nearby residential development along Riverridge Road will need to be minimized. Additionally, street improvements may be needed and land use transition areas are recommended to protect residential uses in the area.

- **East Hills Business Park**

East Hills Business Park is located on the eastern edge of Lawrence on the north side of Kansas Highway 10. Planned and developed in the late 1980s and early 1990s, this is one of the community's first true industrial park developments. As this area reaches

capacity, the closure of the Farmland Industries site (immediately to the west) makes expansion of East Hills Business Park a possibility and should be closely examined for such a purpose. East Hills Business Park serves as the eastern gateway to the community and the City should continue to examine future development plans for this area to ensure they reflect the image and quality the community seeks in gateway development.

- **Burroughs Creek Corridor**

The Burroughs Creek Corridor (the former Santa Fe Railroad Corridor) stretches from East 31st Street to the Kansas River in East Lawrence and includes a south and north segment. Parts of the corridor area offer smaller land parcels and provides opportunities for small business owners to coexist with neighboring residential uses. Future development of this area should be in accordance with the Burroughs Creek Corridor Plan.

- **Union Pacific Railroad Corridor**

The Union Pacific Railroad Corridor serves North Lawrence and has historically been the site of a variety of industrial uses. Industrial development patterns along the corridor are somewhat fragmented with interspersed residential and commercial land uses. Many industrially zoned sites have been developed with residential structures or represent vacant lots originally divided for residential purposes. This corridor may also offer opportunities for small business owners to establish smaller industrial operations within the community.

New development and redevelopment in the area should be encouraged to improve the appearance and image of the area. In general, Locust Street, Maple Street, and Lincoln Street west of North 7th Street should continue to serve as industrial collector streets in the neighborhood. Efforts to discourage non-residential traffic in other parts of the neighborhood are highly encouraged. It is also recommended that consolidation of industrial sites occur whenever possible to remove those residential and incompatible commercial uses located within predominantly industrial development land use patterns in a concentrated effort to minimize those impacts and conflicts between incompatible land uses. When the industrial usage of a particular property ceases and is no longer practical, it is recommended those properties be converted to residential and/or neighborhood commercial uses.

LAWRENCE - NEW INDUSTRIAL AREAS

This chapter sets out goals and policies to guide present and future industrial and employment development within Douglas County. A key part of the chapter is deciding where Industrial and Employment related development should be located. To assist in the identification of general locations throughout the City of Lawrence, its Urban Growth Area, and unincorporated Douglas County appropriate for industrial and employment park development, there are some basic locational criteria characteristics that should be

considered. The following criteria strike a balance between industrial user needs and community interests, as well as being aligned with criteria developed through the ECO² process.

LOCATIONAL CRITERIA FOR INDUSTRIAL DEVELOPMENTS

A given site, whether located within City limits, in the UGA, or in unincorporated areas of Douglas County, should *substantially* meet the following **general** locational criteria:

- have feasible access to Federal and State transportation networks;
- be of adequate parcel size, generally over forty acres;
- lie primarily outside of the regulatory floodplain;
- have minimal average slopes.

After identifying a general location for potential industrial and employment park development, further site analysis and environmental suitability should be conducted considering site-specific criteria. Sites should *substantially* meet the following **specific** criteria on a site plan or development plan level:

- preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;
- encourage natural stormwater management, including locations that permit direct discharge to the floodplain;
- have available and adequate utilities, infrastructure and services (i.e. police and fire protection) for the proposed use;
- be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;
- be annexed before development if adjacent to municipal boundaries.

Initial applications for site considerations should first be weighted against the general locational criteria, and then against the specific criteria as individual proposals move through the development process. A non-exclusive list of sites that substantially meet the general criteria are illustrated in Map 7-2, Map of Potential Locations for Future Industrial and Employment Related Land Use, and are detailed in descriptions below. Locations initiated through the planning process that are not on Map 7-2 will be weighted against the general locational criteria above.

INDIVIDUAL SITE ANALYSIS:

- **Farmland Industries**

Transportation: State Highway and Rail access

Parcel Size: 275+ acres

Floodplain: None

Slope: Mostly minimal (0-3%) with some 3-7% and higher

Generally this area is located north of K-10, west of East Hills Business Park, south of N 1500 Road, and west of E 1575 Road. While the entire site contains roughly 400+ acres, the proposed Farmland Industries Redevelopment Plan, currently working through the approval process, identifies approximately 275

acres of land for industrial uses. The site has access to K-10 Highway, as well as possible future connections to East Hills Business Park. In addition the site has direct access to rail lines that exist on the north end of the property. The site lies outside of the 100-year floodplain and is generally covered by minimal (0-3%) slopes, with a few areas having 3-7% and higher slopes. Portions of the site pose some challenges related to environmental clean-up from the prior use that needs to be addressed before re-development, but would be a good site for Warehouse and Distribution, Office Research and Industrial uses, especially when combined in a collaborative park setting.

- **Southeast Area**

Transportation: State Highway access

Parcel Size: 200+ acres (with an additional 30 identified for Warehouse)

Floodplain: None

Slope: Minimal (0-3%)

The Southeast Industrial Area is located on the south side of East 23rd Street/Kansas Highway 10, south of East Hills Business Park. This area consists of general industrial land uses and it is anticipated this area will experience increased industrial development as noted in the Southeast Area Plan. That plan recommends less intense Industrial uses, such as Warehouse and Distribution and Office Research for approximately 30 acres south of N 1360 Road between E 1700 Road and E 1750 Road. The plan recommends more intense industrial uses for the roughly 200 acres for the area northwest of the intersection of 25th Terrace and Franklin Road, the area east of Franklin Road, north of E. 25th Street and N. 1360 Road, west of E. 1750 Road (Noria Road), and south of E. 23rd Street/K-10 Highway and the area north and south of Franklin Park Circle. Like East Hills Business Park, the Southeast Industrial Area will serve as the eastern gateway to the community. This site has access to Kansas Highway 10 and lies outside of the 100-year floodplain. The area is generally covered by minimal (0-3%) slopes.

- **Airport**

Transportation: Federal Interstate, State Highway, Air access

Parcel Size: 230+ acres

Floodplain: Approximately 10% of those 230 acres

Slope: Minimal; 0-3%

The Lawrence Municipal Airport, located in North Lawrence along US-24/40/59, is a newly developing industrial area of the community. Aviation enterprises are present and there is the potential for additional aviation and related enterprises. Currently, the airport is an island surrounded by some county industrial land use, but mostly agricultural land uses. As development continues to occur in neighboring Leavenworth County, the US-24/40/59 corridor will become a major thoroughfare. As the City begins initiating long-range planning activities for improved municipal services to and stormwater management within this area, development pressures will increase for this area. It is recommended by this

Comprehensive Plan that annexation be a part of any industrial development proposed for this area. As this area evolves into a community gateway, development proposals are also encouraged to employ sound site planning and design principles to make this area an attractive one. Interfacings with surrounding properties and neighborhoods are also encouraged to minimize negative impacts and employ appropriate and compatible industrial and business activities.

The area around the Lawrence Municipal Airport best suited for industrial development generally lies southwest of the airport and North of I-70 and encompasses roughly 230 acres. This site has access to I-70, Highways 24 and 40, and the Lawrence Municipal Airport. The majority of the site lies outside of the regulatory floodplain; however, this site has unique challenges related to stormwater management that would need to be addressed during the development process. Slopes in this area are minimal (0-3%).

- **I-70 and K-10**

Transportation: Federal Interstate and State Highway access

Parcel Size: ~~150~~ 540 acres, with possibility of more

Floodplain: None

Slope: Mainly 0-3%

The I-70 and K-10 area lies generally north of N 1800 Road (Farmer's Turnpike) near the intersection of Kansas Highway 10 and I-70. The proposed area contains roughly ~~150~~ 540 acres of industrial and office/research uses as identified in the K-10 and Farmer's Turnpike Plan. with the potential for more land to be identified for industrial and employment related land use through the long-range planning process. The area contains land of minimal slope (0-3%) and also lies outside of the 100-year floodplain. This area substantially meets the general locational criteria and will be an important future economic development area for the Lawrence community because of its prime location near the I-70 interchange, which also acts as the primary access point for the City of Lecompton. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that the land is annexed and urban services are able to be provided. Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would best be suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.

- **K-10 and Highway 40**

Transportation: State Highways (access to Federal Interstate within 2 miles)

Parcel Size: 300 Acres (split north and south of Highway 40)

Floodplain: None

Slope: Mainly 0-3%, with some 3-7%

This area generally lies to the west of K-10 Highway on both the north and south sides of Highway 40 and is detailed in the West 6th Street/K-10 Nodal Plan. The area contains approximately 300 acres and lies outside of the 100-year floodplain. The area is located adjacent to both Highway 40 and K-10 Highway, as well as being in close proximity to I-70. The site has mostly minimal slopes (0-3%) with some 3-7% slopes. Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would be best suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.

- **Eudora North & Eudora South**

Areas have been generally identified on the east side of Eudora, both north and south of K-10 Highway that would be appropriate for Industrial development. It is recommended that Eudora annex both areas prior to development.

- **Baldwin City**

The Comprehensive Plan already identifies that a general area to the west of the current Baldwin City limits would be ideal for industrial development at such time that the City of Baldwin is able to provide utilities to the site. Baldwin City is currently in the process of drafting and adopting a comprehensive plan and therefore any decisions regarding specific locations for this site should wait until that process is complete.

- **Highway 56 and Highway 59**

The Comprehensive Plan identifies that a general area near the proposed intersection of Highways 56 and 59 would be ideal for industrial development in the future. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that urban services are able to be provided.

- **Midland Junction**

This area generally lies near the intersection of N 2000 Road and Highway 24/59 north of Lawrence. While the area is located within the Urban Growth Area for the City of Lawrence, development is not anticipated for more than 30 years. This area is located in proximity to transportation networks and meets the general location criteria making it ideal for industrial development in the future. Intense development should wait until such time that urban services are able to be provided, and transportation infrastructure is upgraded to ensure safe access.

- **Highway 56 and K-33**

The Comprehensive Plan identifies that a general area near the intersection of Highways 56 and K-33 would be ideal for industrial development in the future

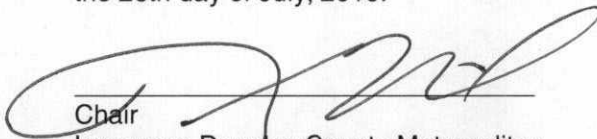
due to its proximity to the proposed Gardner Intermodal Facility. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that urban services are able to be provided.

The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and produces high yields of crops. Within Douglas County these are *capability class* (non-irrigated) 1 and 2, as identified by the National Resources Conservation Service.

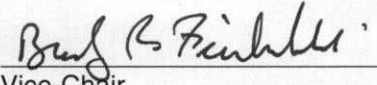
At least one of the sites identified above (Airport) has some amount of high-quality agricultural land. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas. Future Industrial and Employment land use sites not included on Map 7-2, Potential Locations for Future Industrial and Employment Related Development, should balance the agricultural significance on the site against the need for industrial and employment related development."

SECTION FOUR: This resolution together with a certified copy of the amendments to Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the public hearing shall be submitted to the City Commission and the Board of County Commissioners, as appropriate.


Adopted by the Lawrence-Douglas County Metropolitan Planning Commission on this, the 26th day of July, 2010.



Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Vice-Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Scott McCullough, Secretary
Lawrence-Douglas County Metropolitan
Planning Commission

**PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item**

PC Staff Report
7/26/10

**ITEM NO. 3 COMPREHENSIVE PLAN AMENDMENT TO UPDATE CHAPTER 7;
INDUSTRIAL & EMPLOYMENT RELATED LAND USE (MJL)**

CPA-4-3-10: Amend Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved K-10 & Farmer's Turnpike Plan to include the expanded Santa Fe Industrial Area and I-70 and K-10 industrial area identified in the sector plan. This was an identified work item in the annual review of the Comprehensive Plan. *Initiated by Planning Commission on 4/26/10.*

STAFF RECOMMENDATION: Staff recommends approval of the amendments to Chapter 7 – Industrial and Employment Related Land Uses to update the description for the Santa Fe Industrial Area and the I-70 and K-10 area to reflect the approved *K-10 & Farmer's Turnpike Plan*.

SUMMARY

The Industrial Land Use section of Chapter 7 contains summaries of existing and new industrial areas. The existing and new industrial areas are defined by *Horizon 2020* as "major industrial areas providing employment opportunities to the community." Two of the areas described, the Santa Fe Industrial Area and the I-70 and K-10 area, need to be updated to reflect the approved *K-10 & Farmer's Turnpike Plan*. This update to Chapter 7 is an implementation step in the plan.

The Santa Fe Industrial Area is classified as an existing area (as shown in Map 7-1 of *Horizon 2020*), while the I-70 and K-10 area is classified as a new industrial area (as shown in Map 7-2 of *Horizon 2020*). The *K-10 & Farmer's Turnpike Plan* identifies areas of industrial and office/research land uses beyond what is currently described in Chapter 7 and sets out specific land use policies for both areas. It is important for Chapter 7 of *Horizon 2020* to be consistent with the approved sector plan for the area.

STAFF REVIEW

As part of the annual review of the comprehensive plan, staff determined that two of the industrial areas described in Chapter 7 – Industrial and Employment Related Land Uses do not adequately reflect the adopted *K-10 & Farmer's Turnpike Plan*. The existing Santa Fe Industrial Area was expanded by 130 acres at the north and southeast corners of N 1800 Rd (Farmer's Turnpike/Lakeview Rd) and E 1200 Rd (Kasold Dr.). The current language in Chapter 7 anticipates the potential for future industrial uses north of Lakeview Road. Below is the proposed text change as can be seen in the attached portion of Chapter 7.

- **Santa Fe Industrial Area**

The Santa Fe Industrial Area, located north of the Kansas Turnpike/I-70 and south of the Kansas River in north central Lawrence, has developed as a large warehouse and distribution location. This Comprehensive Plan recommends an expanded role for this area in the future. ~~The area north of Lakeview Road may alternately develop with more~~

~~traditional industrial uses.~~ It is also recommended that as additional industrial-related uses develop, impacts on nearby residential development along Riverridge Road will need to be minimized. Additionally, street improvements may be needed and land use transition areas are recommended to protect residential uses in the area. *The K-10 and Farmer's Turnpike Plan identifies 130 acres of industrial and office/research uses along the western side of this area.*

Horizon 2020 identifies 150 acres for the K-10 and I-70 industrial area with the potential for more to be added in the future. The *K-10 & Farmer's Turnpike Plan* increases this area to approximately 540 acres of land identified for industrial and office/research uses. Below is the proposed text change as can be seen in the attached portion of Chapter 7.

- **I-70 and K-10**

Transportation: Federal Interstate and State Highway access
Parcel Size: ~~150~~ 540 acres, with possibility of more
Floodplain: None
Slope: Mainly 0-3%

The I-70 and K-10 area lies generally north of N 1800 Road (Farmer's Turnpike) near the intersection of Kansas Highway 10 and I-70. The proposed area contains roughly ~~150~~ 540 acres of industrial and office/research uses as identified in the K-10 and Farmer's Turnpike Plan. ~~with the potential for more land to be identified for industrial and employment related land use through the long-range planning process.~~ The area contains land of minimal slope (0-3%) and also lies outside of the 100-year floodplain. This area substantially meets the general locational criteria and will be an important future economic development area for the Lawrence community because of its prime location near the I-70 interchange, which also acts as the primary access point for the City of Lecompton. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that the land is annexed and urban services are able to be provided. Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would best be suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.

COMPREHENSIVE PLAN AMENDMENT REVIEW

A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the plan was adopted?

Yes. When Chapter 7 was written, the Santa Fe Industrial Area and I-70 and K-10 area contained language which anticipates possible future expansions. Furthermore, the description for the I-70 and K-10 area offered acreage approximations before the *K-10 & Farmer's Turnpike Plan* was adopted.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

Yes. This amendment furthers the goal of coordinating land use and comprehensive planning throughout the Lawrence and Douglas County areas.

C. Is the proposed amendment a result of a clear change in public policy?

Yes. This amendment to Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Uses recognizes the changes to public policy represented by the January 11, 2009 adoption of the *K-10 & Farmer's Turnpike Plan*.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the amendments to Chapter 7 – Industrial and Employment Related Land Uses to update the description for the Santa Fe Industrial Area and the I-70 and K-10 area to reflect the approved *K-10 & Farmer's Turnpike Plan*.

Horizon 2020 Chapter 7 Excerpt (pages 7-2 thru 7-8)

1. INDUSTRIAL LAND USE

INDUSTRIAL LAND USE CATEGORIES

Industrial development in Douglas County has taken on many shapes and forms in the past. This Comprehensive Plan recognizes this variety in development and establishes the following categories of industrial-related land use:

- **Warehouse and Distribution** - an area generally characterized by businesses involved in the warehousing and distribution of wholesale goods and supplies.
- **Industrial** - an area generally characterized by business activities that include manufacturing, assembly, processing, and similar operations.
- **Work-live Campus-type Center** – an area that is a campus-like setting with a mix of uses that are compatible which may include industrial, business, retail commercial and residential developments. These areas will be held to a higher standard of design that accents and complements the natural environment and provides a comfortable environment for a live-work relationship where pedestrian activity is planned for and encouraged.
- **Industrial/Business/Research Park** - an area generally characterized by a predominance of office, office research, warehouse and distribution, and/or industrial business activities that typically encompass a large area of land and are designed in a “campus” setting.

LAWRENCE - EXISTING INDUSTRIAL AREAS

The City of Lawrence has several major industrial areas providing employment opportunities to the community. These larger areas include: 1) Santa Fe Industrial Area; 2) East Hills Business Park; 3) Santa Fe Railroad corridor; 4) Union Pacific Railroad corridor; 5) Lawrence Municipal Airport; and 6) Southeast Industrial Area. A description and plan recommendations for these areas are discussed below. In addition to these primary industrial areas, the City of Lawrence also has a number of smaller industrial locations throughout the city. While not specifically addressed in this section, these smaller industrial areas play an important role in the overall industrial and business development composition of the community as a whole. Refer to Map 7-1, Map of Existing Industrial and Employment-Related Land Uses.

- **Santa Fe Industrial Area**

The Santa Fe Industrial Area, located north of the Kansas Turnpike/I-70 and south of the Kansas River in north central Lawrence, has developed as a large warehouse and distribution location. This Comprehensive Plan recommends an expanded role for this area in the future. ~~The area north of Lakeview Road may alternately develop with more traditional industrial uses.~~ It is also recommended that as additional industrial-related uses develop, impacts on nearby residential development along Riverridge Road will need to be minimized. Additionally, street improvements may be needed and land use transition areas are recommended to protect

residential uses in the area. *The K-10 and Farmer's Turnpike Plan identifies 130 acres of industrial and office/research uses along the western side of this area.*

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The Burroughs Creek Corridor (the former Santa Fe Railroad Corridor) stretches from East 31st Street to the Kansas River in East Lawrence and includes a south and north segment. Parts of the corridor area offer smaller land parcels and provides opportunities for small business owners to coexist with neighboring residential uses. Future development of this area should be in accordance with the Burroughs Creek Corridor Plan.

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locational criteria characteristics that should be considered. The following criteria strike a balance between industrial user needs and community interests, as well as being aligned with criteria developed through the ECO² process.

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A given site, whether located within City limits, in the UGA, or in unincorporated areas of Douglas County, should *substantially* meet the following **general** locational criteria:

- have feasible access to Federal and State transportation networks;
- be of adequate parcel size, generally over forty acres;
- lie primarily outside of the regulatory floodplain;
- have minimal average slopes.

After identifying a general location for potential industrial and employment park development, further site analysis and environmental suitability should be conducted considering site-specific criteria. Sites should *substantially* meet the following **specific** criteria on a site plan or development plan level:

- preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;
- encourage natural stormwater management, including locations that permit direct discharge to the floodplain;
- have available and adequate utilities, infrastructure and services (i.e. police and fire protection) for the proposed use;
- be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;
- be annexed before development if adjacent to municipal boundaries.

Initial applications for site considerations should first be weighted against the general locational criteria, and then against the specific criteria as individual proposals move through the development process. A non-exclusive list of sites that substantially meet the general criteria are illustrated in Map 7-2, Map of Potential Locations for Future Industrial and Employment Related Land Use, and are detailed in descriptions below. Locations initiated through the planning process that are not on Map 7-2 will be weighted against the general locational criteria above.

INDIVIDUAL SITE ANALYSIS:

- **Farmland Industries**

Transportation: State Highway and Rail access

Parcel Size: 275+ acres

Floodplain: None

Slope: Mostly minimal (0-3%) with some 3-7% and higher

Generally this area is located north of K-10, west of East Hills Business Park, south of N 1500 Road, and west of E 1575 Road. While the entire site contains roughly 400+ acres, the proposed Farmland Industries Redevelopment Plan, currently working through the approval process, identifies approximately 275 acres of land for industrial uses. The site has access to K-10 Highway, as well as possible future connections to East Hills Business Park. In addition the site has direct access to rail lines that exist on the north end of the property. The site lies outside of the 100-year floodplain and is generally covered by

minimal (0-3%) slopes, with a few areas having 3-7% and higher slopes. Portions of the site pose some challenges related to environmental clean-up from the prior use that needs to be addressed before re-development, but would be a good site for Warehouse and Distribution, Office Research and Industrial uses, especially when combined in a collaborative park setting.

- **Southeast Area**

Transportation: State Highway access

Parcel Size: 200+ acres (with an additional 30 identified for Warehouse)

Floodplain: None

Slope: Minimal (0-3%)

The Southeast Industrial Area is located on the south side of East 23rd Street/Kansas Highway 10, south of East Hills Business Park. This area consists of general industrial land uses and it is anticipated this area will experience increased industrial development as noted in the Southeast Area Plan. That plan recommends less intense Industrial uses, such as Warehouse and Distribution and Office Research for approximately 30 acres south of N 1360 Road between E 1700 Road and E 1750 Road. The plan recommends more intense industrial uses for the roughly 200 acres for the area northwest of the intersection of 25th Terrace and Franklin Road, the area east of Franklin Road, north of E. 25th Street and N. 1360 Road, west of E. 1750 Road (Noria Road), and south of E. 23rd Street/K-10 Highway and the area north and south of Franklin Park Circle. Like East Hills Business Park, the Southeast Industrial Area will serve as the eastern gateway to the community. This site has access to Kansas Highway 10 and lies outside of the 100-year floodplain. The area is generally covered by minimal (0-3%) slopes.

- **Airport**

Transportation: Federal Interstate, State Highway, Air access

Parcel Size: 230+ acres

Floodplain: Approximately 10% of those 230 acres

Slope: Minimal; 0-3%

The Lawrence Municipal Airport, located in North Lawrence along US-24/40/59, is a newly developing industrial area of the community. Aviation enterprises are present and there is the potential for additional aviation and related enterprises. Currently, the airport is an island surrounded by some county industrial land use, but mostly agricultural land uses. As development continues to occur in neighboring Leavenworth County, the US-24/40/59 corridor will become a major thoroughfare. As the City begins initiating long-range planning activities for improved municipal services to and stormwater management within this area, development pressures will increase for this area. It is recommended by this Comprehensive Plan that annexation be a part of any industrial development proposed for this area. As this area evolves into a community gateway, development proposals are also encouraged to employ sound site planning and design principles to make this area an attractive one. Interfacings with surrounding properties and neighborhoods are also encouraged to minimize negative impacts and employ appropriate and compatible industrial and business activities.

The area around the Lawrence Municipal Airport best suited for industrial development generally lies southwest of the airport and North of I-70 and encompasses roughly 230 acres. This site has access to I-70, Highways 24 and 40, and the Lawrence Municipal

Airport. The majority of the site lies outside of the regulatory floodplain; however, this site has unique challenges related to stormwater management that would need to be addressed during the development process. Slopes in this area are minimal (0-3%).

- **I-70 and K-10**

Transportation: Federal Interstate and State Highway access
Parcel Size: ~~150~~ 540 acres, with possibility of more
Floodplain: None
Slope: Mainly 0-3%

The I-70 and K-10 area lies generally north of N 1800 Road (Farmer's Turnpike) near the intersection of Kansas Highway 10 and I-70. The proposed area contains roughly ~~150~~ 540 acres of industrial and office/research uses as identified in the K-10 and Farmer's Turnpike Plan. with the potential for more land to be identified for industrial and employment related land use through the long-range planning process. The area contains land of minimal slope (0-3%) and also lies outside of the 100-year floodplain. This area substantially meets the general locational criteria and will be an important future economic development area for the Lawrence community because of its prime location near the I-70 interchange, which also acts as the primary access point for the City of Lecompton. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that the land is annexed and urban services are able to be provided. Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would best be suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.

- **K-10 and Highway 40**

Transportation: State Highways (access to Federal Interstate within 2 miles)
Parcel Size: 300 Acres (split north and south of Highway 40)
Floodplain: None
Slope: Mainly 0-3%, with some 3-7%

This area generally lies to the west of K-10 Highway on both the north and south sides of Highway 40 and is detailed in the West 6th Street/K-10 Nodal Plan. The area contains approximately 300 acres and lies outside of the 100-year floodplain. The area is located adjacent to both Highway 40 and K-10 Highway, as well as being in close proximity to I-70. The site has mostly minimal slopes (0-3%) with some 3-7% slopes. Over time, as this area develops, it will serve as a gateway to the City of Lawrence and would be best suited for Warehouse and Distribution uses, Industrial uses, Work-live Campus type centers and Industrial/Business/Research parks.

- **Eudora North & Eudora South**

Areas have been generally identified on the east side of Eudora, both north and south of K-10 Highway that would be appropriate for Industrial development. It is recommended that Eudora annex both areas prior to development.

- **Baldwin City**

The Comprehensive Plan already identifies that a general area to the west of the current Baldwin City limits would be ideal for industrial development at such time that the City of Baldwin is able to provide utilities to the site. Baldwin City is currently in the process of drafting and adopting a comprehensive plan and therefore any decisions regarding specific locations for this site should wait until that process is complete.

- **Highway 56 and Highway 59**

The Comprehensive Plan identifies that a general area near the proposed intersection of Highways 56 and 59 would be ideal for industrial development in the future. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that urban services are able to be provided.

- **Midland Junction**

This area generally lies near the intersection of N 2000 Road and Highway 24/59 north of Lawrence. While the area is located within the Urban Growth Area for the City of Lawrence, development is not anticipated for more than 30 years. This area is located in proximity to transportation networks and meets the general location criteria making it ideal for industrial development in the future. Intense development should wait until such time that urban services are able to be provided, and transportation infrastructure is upgraded to ensure safe access.

- **Highway 56 and K-33**

The Comprehensive Plan identifies that a general area near the intersection of Highways 56 and K-33 would be ideal for industrial development in the future due to its proximity to the proposed Gardner Intermodal Facility. It may be possible to develop the site to a limited extent prior to the availability of urban services; however, intense development should wait until such time that urban services are able to be provided.

The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and produces high yields of crops. Within Douglas County these are *capability class* (non-irrigated) 1 and 2, as identified by the National Resources Conservation Service.

At least one of the sites identified above (Airport) has some amount of high-quality agricultural land. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas. Future Industrial and Employment land use sites not included on Map 7-2, Potential Locations for Future Industrial and Employment Related Development, should balance the agricultural significance on the site against the need for industrial and employment related development.”

Memorandum

To: Board of Douglas County Commissioners
From: Evan Ice
Date: October 22, 2010
Re: Agreement to Stay Litigation with the FOP

As you know, we have been involved in litigation with the FOP concerning whether the FOP needs to obtain a Conditional Use Permit to operate the shooting areas on its property near Lone Star Lake. Judge Kittel recently issued a decision favorable to Douglas County, although her decision does not fully resolve the case. We have had several discussions with the FOP since receiving that decision. Subject to your approval, we want to try to resolve the litigation through the following process:

1. The County Commission and the FOP enter into an Agreement to Stay Litigation, pursuant to which the parties agree to seek a stay of litigation until June 1, 2011. This Agreement requires the County Commission's approval and is the subject of the instant Commission Agenda item. The Agreement creates a framework to *potentially* resolve the litigation. Between now and June 1, 2011, the FOP will follow the procedures of the County Zoning Regulations to apply for a CUP to permit operation of the FOP's shooting areas. The Agreement is very specific that nothing that happens during the CUP process can be used against either party if a CUP acceptable to the FOP is not ultimately granted.

2. Attorneys for the parties will then seek a Court Order from Judge Kittel staying the case until June 1, 2011. Preliminary discussions with Judge Kittel indicate that she is amenable to this.

3. The FOP will file a CUP Application and proceed according to established procedures, the same as all other applicants. Planning Staff will review the CUP Application and make its recommendation. The Planning Commission will review the CUP Application and Planning Staff's recommendation, hold a public hearing, and make a recommendation to the County Commission. The County Commission will ultimately decide whether to grant, grant with conditions, or deny the CUP Application. *As with all rezoning and CUP matters, the County Commission will be doing this in a quasi-judicial capacity. Approving the subject Agreement to Stay Litigation does not mean the County Commission is agreeing to grant the CUP; it only means that the County Commission is agreeing to seek a stay of the litigation and will fairly and impartially consider the CUP Application.*

4. If a CUP is ultimately granted with conditions acceptable to the FOP, the FOP will agree to abide by the terms and conditions of the CUP and the pending litigation will be dismissed with prejudice.

5. If a CUP is not granted or is granted with conditions that are not acceptable to the FOP, we will go back to court and take up the matters on which Judge Kittel has not yet ruled. Depending upon the outcome of the litigation in District Court, an appeal to the Kansas Court of Appeals is likely.

ACTION REQUESTED: Approve the Agreement to Stay Litigation or provide instructions.

AGREEMENT TO STAY LITIGATION

THIS AGREEMENT TO STAY LITIGATION (this "Agreement") is entered into by and between the **BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS** (the "County Commission") and **THE FRATERNAL ORDER OF POLICE LAWRENCE LODGE NO. 2, INC.** (the "FOP") (individually a "Party" and collectively, the "Parties"), effective _____, 2010 (the "Effective Date").

WHEREAS, the Parties are involved in litigation in the District Court located in Douglas County, Kansas, styled, THE FRATERNAL ORDER OF POLICE LAWRENCE LODGE NO. 2, INC. v. BOARD OF COUNTY COMMISSIONERS FOR DOUGLAS COUNTY, KANSAS; Case No. 07-CV-570 (the "Litigation").

WHEREAS, the Litigation involves resolution of the issue of whether or not the FOP can legally operate shooting areas on its property (located along County Route 1 in Southwestern Douglas County, Kansas), without obtaining permits granted or issued in accordance with the Douglas County Zoning Regulations.

WHEREAS, the Parties enter into this Agreement to establish a process for the possible settlement and resolution of the Litigation.

NOW THEREFORE, for good and valuable consideration, it is agreed as follows:

1. Stay of Litigation. The Parties agree to jointly request that the District Court enter an order staying the Litigation until June 1, 2011. The purpose of the stay is to allow the FOP to submit an application (the "CUP Application") to the Lawrence-Douglas County Planning Department for a Conditional Use Permit (the "CUP") to permit the FOP to operate the shooting areas on its property. If, prior to June 1, 2011, the CUP Application is denied or withdrawn or granted but the FOP does not agree to the terms and conditions the County Commission ultimately places on the CUP, the Parties agree to jointly request that the stay of the Litigation be lifted so the Parties can proceed to final resolution of the Litigation without further delay. The Litigation may be further stayed upon the mutual agreement of the Parties and with District Court approval.

2. Settlement Agreement and Dismissal. Conditioned upon (i) the County Commission approving the CUP Application and granting the CUP in a form and with conditions acceptable to the FOP, (ii) the County Commission's action becoming final and unappealable without an appeal having been filed, and (iii) the FOP advising the County Commission that the terms and conditions of the CUP are acceptable to the FOP, the Parties agree to immediately do the following: (x) the FOP will agree that a CUP is necessary to legally operate shooting areas on its property and will agree to abide by the terms and conditions of the CUP, and (y) the Parties will file a joint motion with the District Court to dismiss the Litigation with prejudice, with each party bearing its own costs and attorney fees incurred in the Litigation. If the County Commission grants the CUP, the FOP shall be deemed to have accepted the terms and conditions of the

CUP unless the FOP advises the County Commission in writing within 30 days of the County Commission's final action that the terms and conditions of the CUP are not acceptable.

3. Non-Waiver. The Parties agree this Agreement, the CUP Application and the process related thereto are part of ongoing settlement negotiations, and shall not be considered as the admission, waiver or estoppel of any Party. As a result, this Agreement, the FOP's filing of the CUP Application, statements made by or on behalf of the FOP or the County Commission and documents filed in connection with the CUP Application will NOT be construed as an admission, waiver, or abandonment of any claim or defense in the Litigation or the acquiescence of any orders previously entered in the Litigation, and shall not be deemed to be a waiver of either Party's positions nor shall it serve to estop a Party from arguing the necessity of a CUP in its particular case. Instead, the Parties agree that the CUP Application and process are undertaken as an offer of compromise, and the fact and content of participation shall be inadmissible in the Litigation. All actions taken by either Party toward the FOP's obtaining a CUP from County Commission, including but not limited to any comment made by any representative of either Party and any document submitted by any representative of either Party shall be deemed to fall under K.S.A. 60-452 and K.S.A. 60-453 and not admissible in any later hearing in the Litigation. Any CUP ultimately approved, approved with conditions, or denied by the County Commission shall be deemed to fall under K.S.A. 60-452 and K.S.A. 60-453 and not admissible in any later hearing in the Litigation, unless, however, the issue is whether the FOP accepted the conditions placed on the CUP and the Parties entered into a settlement agreement by which the Litigation should be dismissed with prejudice.

4. Reliance; Quasi-Judicial Process. The Parties acknowledge that the CUP Application involves a quasi-judicial process before the County Commission, and that the County Commission will consider it fairly and impartially, without prejudgment or bias, based upon the evidence publicly presented in connection with the CUP Application and the process related thereto. The Parties further acknowledge that there have been no promises or representations made or offered by or on behalf of the County Commission or any of its individual members concerning whether or under what conditions the County Commission may grant a CUP, that the FOP has not made any promises or inducements seeking to affect the CUP Application, and that the County Commission may ultimately not grant a CUP or may impose terms and conditions upon the CUP that are unacceptable to the FOP.

5. Construction. This Agreement has been arrived at by the mutual effort of both Parties, each represented by counsel. This Agreement shall be construed fairly as to both Parties; it shall not be construed for or against one Party on the basis of or extent to which that Party or its counsel participated in drafting this Agreement.

6. Additional Documents. The Parties agree to fully cooperate to execute any and all supplementary documents and take all additional actions that may be

necessary or appropriate to give full force and effect to the terms and intent of this Agreement.

7. Miscellaneous. This Agreement is the entire agreement between the Parties on the subject matter of this Agreement and there are no other oral, written, express or implied promises, agreements, representations or inducements not specified in this Agreement. This Agreement may be executed in any number of counterparts, each of which when so executed shall be deemed to be an original and each of which shall constitute but one and the same Agreement. This Agreement shall be binding upon the parties hereto and their successors in interest. Failure to insist upon strict compliance with any provision hereof shall not be deemed a waiver of such provision or any other provisions hereof. This Agreement may not be modified except by an agreement in writing, executed by the parties hereto. This Agreement shall be governed in all respects, including validity, interpretation and effect, by the laws of the State of Kansas.

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the date that the second party signs, which is the Effective Date.

DOUGLAS COUNTY:

Board of County Commissioners of
Douglas County, Kansas

ATTEST:

By: _____
Nancy Thellman, Chair

Date: _____

Jameson D. Shew, Douglas County Clerk

FOP

The Fraternal Order of Police
Lawrence Lodge No. 2, Inc.

By: _____

Name: _____

Title: _____

Date: _____

MEMORANDUM

To : Board of County Commissioners

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

Date : October 20, 2010

Re : Consider awarding culvert replacement construction contract to low bidder
Culvert replacement Project No. 0657-1950
Structure No. 06.57N-19.50E

Bids for the referenced culvert replacement project were opened October 4. The culvert is located on E 1950 Road approximately 0.43 miles south of Route 460 (N 700 Road).

Bryan-Ohlmeier Construction Co, Inc. submitted the low bid of \$105,260.00. We received bids from six contractors. The low bid from Bryan-Ohlmeier was the lone bid below the Engineer's Estimate of \$106,070. The CIP allocates \$160,000 for this project. A bid tabulation is attached.

Plans call for the existing 14'-span timber culvert with a roadway width of 16' to be replaced with a 14.5'-span fabricated steel culvert with a roadway width of 26'. The culvert will have a concrete deck. Bryan-Ohlmeier has submitted preliminary structure details for a structure that meets plan requirements.

We anticipate construction will begin in mid- to late-November. The contract provides for 30 working days to complete the project. Given normally anticipated weather delays, we would expect the work to be completed in approximately two months.

This section of E 1950 Road is a very low-volume road. It will be closed to all traffic during construction.

Action Required: Consider awarding a construction contract for culvert replacement Project No. 0657-1950 to the low bidder, Bryan-Ohlmeier Construction Co., Inc., in the amount of \$105, 260.00.

PROJECT NO. 06571950 BID NO. 10-F-0021					ENGINEER'S ESTIMATE		Bryan-Ohlmeier Const. Co., Inc.		King Const. Co., Inc.		Ebert Const. Co., Inc.	
Str. No. 06.57N.-19.50E.												
BID TAB												
SPEC NO.	BIDDING ITEM	APPROX. QTY.		UNIT PRICE	EXT.	UNIT PRICE	EXT.	UNIT PRICE	EXT.	UNIT PRICE	EXT.	
201	Clearing & Grubbing	1	L.S.	\$ 12,000.00	\$ 12,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,710.00	\$ 3,710.00	\$ 6,812.00	\$ 6,812.00	
801	Mobilization	1	L.S.	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 11,000.00	\$ 11,000.00	\$ 10,050.00	\$ 10,050.00	
Plans	14'-6" Span x 26' Roadway Fabricated Steel Br.	1	L.S.	\$ 65,000.00	\$ 65,000.00	\$ 80,000.00	\$ 80,000.00	\$ 85,000.00	\$ 85,000.00	\$ 102,565.00	\$ 102,565.00	
205	Unclassified Excavation	240	C.Y.	\$ 12.00	\$ 2,880.00	\$ 15.00	\$ 3,600.00	\$ 15.00	\$ 3,600.00	\$ 22.00	\$ 5,280.00	
205	Compaction of Earthwork (Type B, MR-90)	160	C.Y.	\$ 6.00	\$ 960.00	\$ 10.00	\$ 1,600.00	\$ 10.00	\$ 1,600.00	\$ 3.45	\$ 552.00	
Plans	2" SS-3	50	Ton	\$ 30.00	\$ 1,500.00	\$ 20.00	\$ 1,000.00	\$ 20.00	\$ 1,000.00	\$ 21.50	\$ 1,075.00	
305	4" AB-3	106	Ton	\$ 30.00	\$ 3,180.00	\$ 20.00	\$ 2,120.00	\$ 18.00	\$ 1,908.00	\$ 22.00	\$ 2,332.00	
831	Aggregate Ditch Liner (D 50=6")	38	Ton	\$ 75.00	\$ 2,850.00	\$ 40.00	\$ 1,520.00	\$ 35.00	\$ 1,330.00	\$ 42.00	\$ 1,596.00	
Plans/901	Erosion Control Mat	196	S.Y.	\$ 10.00	\$ 1,960.00	\$ 5.00	\$ 980.00	\$ 2.60	\$ 509.60	\$ 7.15	\$ 1,401.40	
204	Foundation Stabilization (Set Price)	1	C.Y.	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	
802	Construction Staking	1	L.S.	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00	\$ 3,200.00	\$ 3,200.00	\$ 3,000.00	\$ 3,000.00	
901	Temporary Ditch Check	200	L.F.	\$ 5.00	\$ 1,000.00	\$ 5.00	\$ 1,000.00	\$ 2.50	\$ 500.00	\$ 5.00	\$ 1,000.00	
901	Temporary Slope Barrier	150	L.F.	\$ 8.00	\$ 1,200.00	\$ 5.00	\$ 750.00	\$ 2.00	\$ 300.00	\$ 3.00	\$ 450.00	
Plans/901	Temporary Seed, Fertilizer and Mulch	1	L.S.	\$ 1,500.00	\$ 1,500.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 2,450.00	\$ 2,450.00	
Plans/901	Permanent Seed, Fertilizer and Mulch	1	L.S.	\$ 2,000.00	\$ 2,000.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 2,450.00	\$ 2,450.00	
805	Temporary Traffic Control	1	L.S.	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00	\$ 2,414.00	\$ 2,414.00	\$ 2,414.00	\$ 2,414.00	
	TOTAL BID				\$ 106,070.00		\$ 105,260.00		\$ 116,761.60		\$ 143,467.40	
	Keith Browning, Director of Public Works											
	By: Keith A. Browning					By: Jamie Shew, County Clerk			Dated: 10 04 2010			
						Keith Campbell						

SPEC NO.	BIDDING ITEM	APPROX.		UNIT PRICE		EXT.		UNIT PRICE		EXT.		UNIT PRICE		EXT.	
		QTY.													
201	Clearing & Grubbing	1	L.S.	\$ 3,710.00	\$ 3,710.00	\$ 8,000.00	\$ 8,000.00	\$ 15,000.00	\$ 15,000.00						
801	Mobilization	1	L.S.	\$ 5,000.00	\$ 5,000.00	\$ 28,000.00	\$ 28,000.00	\$ 35,000.00	\$ 35,000.00						
Plans	14'-6" Span x 26' Roadway Fabricated Steel Br.	1	L.S.	\$ 120,000.00	\$ 120,000.00	\$ 90,800.00	\$ 90,800.00	\$ 97,000.00	\$ 97,000.00						
205	Unclassified Excavation	240	C.Y.	\$ 15.00	\$ 3,600.00	\$ 34.00	\$ 8,160.00	\$ 15.00	\$ 3,600.00						
205	Compaction of Earthwork (Type B, MR-90)	160	C.Y.	\$ 10.00	\$ 1,600.00	\$ 9.25	\$ 1,480.00	\$ 12.00	\$ 1,920.00						
Plans	2" SS-3	50	Ton	\$ 20.00	\$ 1,000.00	\$ 28.00	\$ 1,400.00	\$ 30.00	\$ 1,500.00						
305	4" AB-3	106	Ton	\$ 18.00	\$ 1,908.00	\$ 20.00	\$ 2,120.00	\$ 30.00	\$ 3,180.00						
831	Aggregate Ditch Liner (D 50=6")	38	Ton	\$ 35.00	\$ 1,330.00	\$ 28.00	\$ 1,064.00	\$ 48.00	\$ 1,824.00						
Plans/901	Erosion Control Mat	196	S.Y.	\$ 2.60	\$ 509.60	\$ 3.60	\$ 705.60	\$ 6.00	\$ 1,176.00						
204	Foundation Stabilization (Set Price)	1	C.Y.	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00		
802	Construction Staking	1	L.S.	\$ 2,000.00	\$ 2,000.00	\$ 4,040.00	\$ 4,040.00	\$ 3,200.00	\$ 3,200.00						
901	Temporary Ditch Check	200	L.F.	\$ 2.50	\$ 500.00	\$ 4.00	\$ 800.00	\$ 4.00	\$ 800.00						
901	Temporary Slope Barrier	150	L.F.	\$ 2.00	\$ 300.00	\$ 4.00	\$ 600.00	\$ 2.75	\$ 412.50						
Plans/901	Temporary Seed, Fertilizer and Mulch	1	L.S.	\$ 150.00	\$ 150.00	\$ 2,040.00	\$ 2,040.00	\$ 720.00	\$ 720.00						
Plans/901	Permanent Seed, Fertilizer and Mulch	1	L.S.	\$ 500.00	\$ 500.00	\$ 2,980.00	\$ 2,980.00	\$ 1,080.00	\$ 1,080.00						
805	Temporary Traffic Control	1	L.S.	\$ 2,414.00	\$ 2,414.00	\$ 5,000.00	\$ 5,000.00	\$ 2,200.00	\$ 2,200.00						
	TOTAL BID				\$ 144,561.60		\$ 157,229.60		\$ 168,652.50						

Keith Browning, Director of Public Works
 By: Keith A. Browning

Jamie Shew, County Clerk
 By: Keith Campbell

Dated: 10 02 2010



Memorandum to County Commission

Linda M. Finger
Planning Resource Coordinator

RE: ORDERS OF VACATION FOR VACATION OF 10' UTILITY EASEMENTS ON LOT 6, LONG SHADOWS SUBDIVISION AND LOT 1, HIDDEN HILLS ADDITION, A REPLAT OF LOTS 7, 8 & 9 IN LONG SHADOWS SUBDIVISION

DATE: October 27, 2010

Background

The Edward A. and Katherine A. Manda own two lots that are adjacent to each other rural subdivisions in the Southeast quarter of Section 35, Township 13 South, Range 19 East, in Wakarusa Township. When the lots were platted, the Subdivision Regulations required the dedication of utility easements along the side and rear lot lines. A 10' utility easement was dedicated along the northeast side lot line of Lot 1, Hidden Hills Addition and along the southwest and rear lot lines of Lot 6, Long Shadows Subdivision. Katherine A. and Edward A. Manda have a residence on Lot 1. The Manda's desire to build an accessory building to their home, which is located on Lot 1, in a location that crosses over the rear lot line of Lot 6. Lot 6 does not have a residence on it.

The Zoning Regulations do not permit accessory buildings on lots without a principal residence. To resolve this problem so the accessory building can be constructed, the Manda wish to revise the mutual lot line between Lot 1, Hidden Hills Addition and Lot 6, Long Shadows Subdivision. This can be accomplished using an administrative procedure in the Subdivision Regulations called a "minor subdivision". Because this is an administrative procedure, easement and/or right-of-way vacations or dedications must occur by separate instrument. There are no additional dedications required. The easement vacations are only for those portions of the mutual lot line between Lot 1, Hidden Hills Addition and Lot 6, Long Shadow Subdivision where the line is proposed to be relocated to allow for the accessory building construction.

Public Hearing Notice

Public notice was published in the Lawrence Journal-World of the petitions to vacate easement on October 7th. Written notice was sent to property owners within 200' of the location of the easement requested to be vacated. Copies of these are included in the Commissioners meeting packets. Utility companies were notified by the applicants' representative, LandPlan Engineering. Westar Energy, Sunflower Cablevision, AT&T, and Rural Water District No. 2 each responded that they had no current utilities in the easements requested for vacation and/or no future need for these utility easements.

Proposed Action: Receive and hold public hearings on the petitions for utility easement vacations for the 10' utility easement on Lot 1, Hidden Hills Addition, A Replat of Lots 7, 8 & 9 in Long Shadows Subdivision and for the 10' utility easement on Lot 6, Long Shadows Subdivision.

Approve the Order of Vacation for the 10' utility easement on Lot 1, Hidden Hills Addition, A Replat of Lots 7, 8 & 9 in Long Shadows Subdivision and approve the Order of Vacation for the 10' utility easement on Lot 6, Long Shadows Subdivision.



--NOTICE OF PUBLIC HEARING FOR UTILITY EASEMENT VACATIONS--

TO WHOM IT MAY CONCERN:

October 8th, 2010

TAKE NOTICE, That the Board of County Commissioners of Douglas County has received petitions requesting vacation of 10' utility easements dedicated along the northeast lot line of Lot 1, Hidden Hills Addition and the rear lot line of Lot 6, Long Shadows Subdivision. The petition for vacation of the 10' utility easement along a portion of the northeast side lot line of Lot 1, Hidden Valley Addition, A Replat of Lots 7, 8 & 9 in Long Shadows Subdivision, is necessary before said side lot line can be relocated east through an administrative procedure in the Douglas County Subdivision Regulations, Section 11-108, Minor Subdivision, and is more particularly described as follows:

Beginning at the Northeast corner of Lot 1, Hidden Hill Addition, a Subdivision in Douglas County, Kansas; thence South 32°11'56" West, along the Northeast line of said lot, 454.91 feet; thence South 47°39'53" East, along the East line of said lot, 151.26 feet to Southeast corner of said lot; thence South 54°24'16" East, along the Southeast line of said lot, 10.23 feet; thence North 47°39'53" West, 157.49 feet; thence North 32°11'56" East, 456.49 feet to a point on the North line of said lot; thence North 88°02'50" East, along said line, 12.08 feet to the Point of Beginning. Contains 6,100.76 square feet, more or less.

The petition for vacation of the 10' utility easement along the rear lot line of Lot 6, Long Shadows Subdivision, is necessary before said lot line can be relocated east through an administrative procedure in the Douglas County Subdivision Regulations, Section 11-108, Minor Subdivision, and is more particularly described as follows:

Beginning at the North corner of Lot 6, Long Shadows, a Subdivision in Douglas County, Kansas; thence South 18°00'40" East, along the Northeast line of said lot, 13.01 feet; thence South 32°11'56" West, 448.37 feet to a point on the Southwest line of said lot; thence North 47°39'53" West, along said Southwest line, 10.16 feet to the West corner of said lot; thence North 32°11'56" East, along the Northwest line of said lot, 454.91 feet to the Point of Beginning. Contains 4,516.36 square feet, more or less.

Public hearings to consider the petitions for vacation will take place during the regularly scheduled Board of County Commissioner's meeting at 6:35 p.m., or thereafter, on Wednesday, October 27, 2010, in the Commission meeting room located on the second floor of the County Courthouse at 11th and Massachusetts Street, Lawrence, Kansas. Resolutions vacating the easements, as requested, may be considered upon completion of the public hearings.

Public notices for the petitions for vacation were published in the Lawrence Journal-World on Thursday, October 7th, 2010.

This letter of public notice is provided as a courtesy to property owners within 200' of the requested utility easement vacations. No action is required on your part. You are welcome to attend the public hearing and share your thoughts with the County Commission.

Linda M. Finger
Planning Resource Coordinator
lfinger@douglas-county.com

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS**

In the Matter of
Petition of Edward A. and Katherine A. Manda
for Vacation of Utility Easement

NOTICE OF HEARING ON PETITION FOR VACATION OF UTILITY EASEMENT

To All Persons Concerned:

You are hereby notified that a Petition addressed to the Board of County Commissioners of Douglas County, Kansas (the "Board"), has been filed with the Board, praying for the vacation of a utility easement over and across land legally described as:

Beginning at the North corner of Lot 6, Long Shadows, a Subdivision in Douglas County, Kansas; thence South 18°00'40" East, along the Northeast line of said lot, 13.01 feet; thence South 32°11'56" West, 448.37 feet to a point on the Southwest line of said lot; thence North 47°39'53" West, along said Southwest line, 10.16 feet to the West corner of said lot; thence North 32°11'56" East, along the Northwest line of said lot, 454.91 feet to the Point of Beginning. Contains 4,516.36 square feet, more or less.

Vacation of the 10' utility easement along the rear lot line of Lot 6, Long Shadows Subdivision, is necessary before said lot line can be relocated east through an administrative procedure in the Douglas County Subdivision Regulations, Section 11-108, Minor Subdivision.

You are further notified under the authority of K.S.A. 58-2613 that the Petition will be heard by the Board on the 27th day of October, 2010, at 6:35 p.m., or as soon thereafter as the matter can be heard, in the County Commission Room, on the second floor of the Douglas County Courthouse, 1100 Massachusetts, Lawrence, Kansas, or to such date, time, and place to which the Board may adjourn the meeting. Any interested person may present testimony before the Board.

/s/ Jameson D. Shew
Jameson D. Shew
Douglas County Clerk
1100 Massachusetts
Lawrence, Kansas 66044

NOTICE TO PUBLISHER: *Publish one time at least 20 days before the date of the hearing set for in the Notice. Upon completion, send affidavit of publication to Linda Finger, Planning Resource Coordinator at lfinger@douglas-county.com.*

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS**

In the Matter of
Petition of Edward A. and Katherine A. Manda for Vacation of Utility Easement

PETITION FOR VACATION OF UTILITY EASEMENT

The undersigned Petitioners, being landowners of land in Douglas County, Kansas represent and state as follows:

1. That the Petitioners are owners of land legally described as:
Lot 6, Long Shadows, a Subdivision in Douglas County, Kansas, lying in the Southeast Quarter of Section 35, Township 13 South, Range 19 East of the Sixth Principal Meridian (the "Lot").

2. That the Subdivision Plat for Long Shadows dedicates a 10 foot utility easement over and across a portion of the Lot along the Northwest property line, legally described as:

A tract of land in the Southeast quarter of Section 35, Township 13 South, Range 19 East of the Sixth Principal Meridian, described as follows:

Beginning at the North corner of Lot 6, Long Shadows, a Subdivision in Douglas County, Kansas; thence South 18°00'40" East, along the Northeast line of said lot, 13.01 feet; thence South 32°11'56" West, 448.37 feet to a point on the Southwest line of said lot; thence North 47°39'53" West, along said Southwest line, 10.16 feet to the West corner of said lot; thence North 32°11'56" East, along the Northwest line of said lot, 454.91 feet to the Point of Beginning. Contains 4,516.36 square feet, more or less (the "Easement").

3. That Petitioners desire to have the Easement vacated to permit relocation of the mutual side lot line between Lot 6, Long Shadows and Lot 1, Hidden Hill Addition, and this can only be accomplished by vacation of the Easement

4. That there are no public utilities located in the Easement and that the public will suffer no loss or inconvenience by the vacation of the Easement and no private rights will be injured or endangered thereby.

WHEREFORE, Petitioners pray that:

(a) The Board of County Commissioners of Douglas County, Kansas schedule a time and place for a hearing on this Petition;

(b) Notice of the hearing be given by publication in the official county paper one time at least 20 days prior to the date of the hearing;

(c) Upon hearing, the Board of County Commissioners determine that (i) notice has been given as required by K.S.A. 58-2613, (ii) the public will suffer no loss or inconvenience by the vacation of the Easement and (iii) no private rights will be injured or endangered; and

(d) Pursuant to K.S.A. 58-2614, the Board of County Commissioners order the vacation of the Easement.

IN WITNESS WHEREOF, the Petitioners have signed this Petition on the date indicated.

PETITIONERS:

Edward A. Manda

Edward A. Manda
Property Owner Lot 6, Long Shadows

Katherine A. Manda

Katherine A. Manda
Property Owner Lot 6, Long Shadows

Date: 1 Oct 2010

Date: October 1, 2010

STATE OF KANSAS)
 :SS
COUNTY OF DOUGLAS)

BE IT REMEMBERED, that on this 1st day of October, 2010, before me, the undersigned, a notary public in and for the County and State aforesaid, came Edward A. and Katherine A. Manda, who are personally known to me to be the same persons who executed the above instrument of writing, and duly acknowledge the execution of the same.

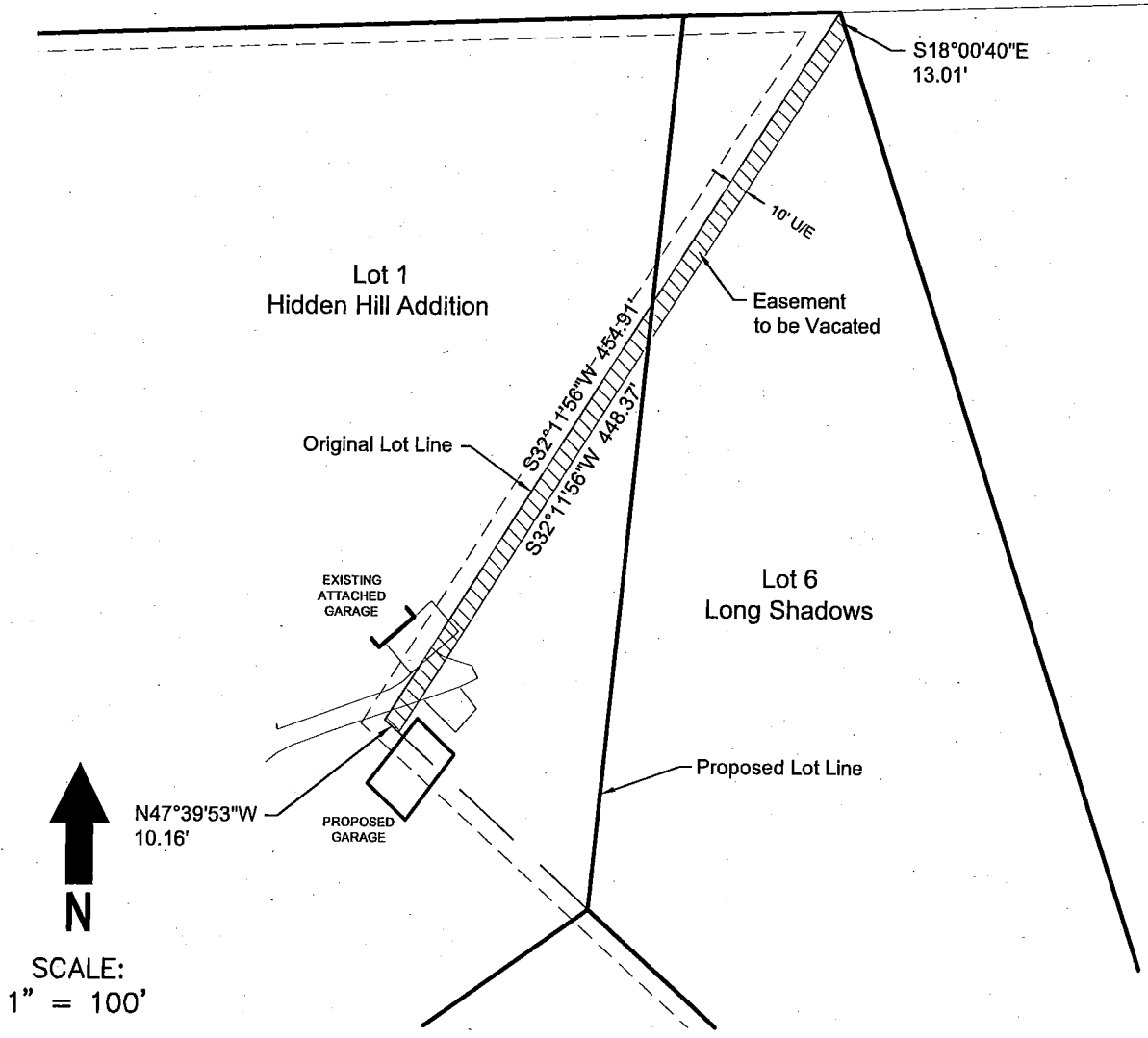
INT TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal the day and year last above written.

Rodney R. Zinn

Notary Public



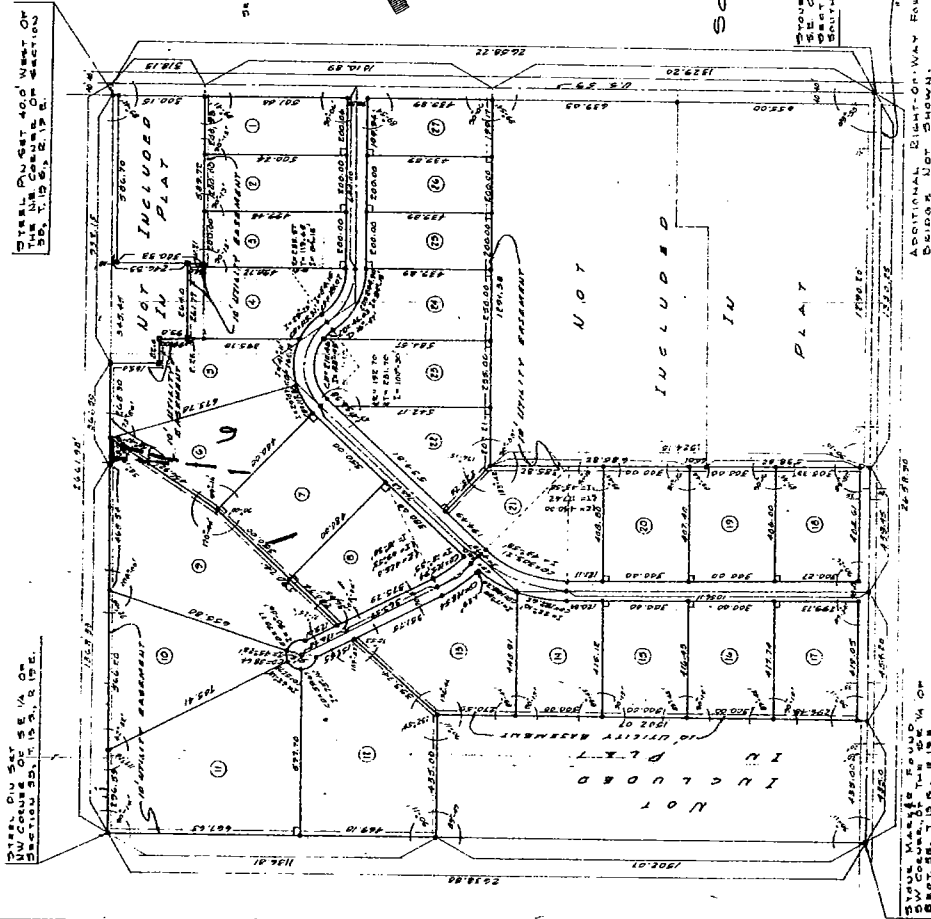
Easement Vacation for Lot 6 Long Shadows Douglas County, Kansas



LEGAL DESCRIPTION:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF LOT 6, LONG SHADOWS, A SUBDIVISION IN DOUGLAS COUNTY, KANSAS; THENCE SOUTH 18°00'40" EAST, ALONG THE NORTHEAST LINE OF SAID LOT, 13.01 FEET; THENCE SOUTH 32°11'56" WEST, 448.37 FEET TO A POINT ON THE SOUTHWEST LINE OF SAID LOT; THENCE NORTH 47°39'53" WEST, ALONG SAID SOUTHWEST LINE, 10.16 FEET TO THE WEST CORNER OF SAID LOT; THENCE NORTH 32°11'56" EAST, ALONG THE NORTHWEST LINE OF SAID LOT, 454.91 FEET TO THE POINT OF BEGINNING. CONTAINS 4,516.36 SQUARE FEET, MORE OR LESS.



SECTION 29, T19S, R19E

SCALE: 1" = 200'

ADDITIONAL BIGHT-ON-WAY FOR
SECTION NOT SHOWN.

1 20' EASEMENT
2 30' EASEMENT
3 40' EASEMENT
4 50' EASEMENT
5 60' EASEMENT
6 70' EASEMENT
7 80' EASEMENT
8 90' EASEMENT
9 100' EASEMENT

DESCRIPTION: THIS PLAT REPRESENTS A TRACT OF LAND DESCRIBED AS FOLLOWS: AT A POINT SOUTH OF THE NORTHEAST CORNER OF THE SOUTH 30TH SECTION, T19S, R19E, THERE IS A POINT OF BEGINNING WEST 1/4TH SECTION, T19S, R19E, THERE IS A POINT OF BEGINNING WEST 1/4TH SECTION, T19S, R19E, THERE IS A POINT OF BEGINNING WEST 1/4TH SECTION, T19S, R19E, THERE IS A POINT OF BEGINNING WEST 1/4TH SECTION, T19S, R19E, THERE IS A POINT OF BEGINNING WEST 1/4TH SECTION, T19S, R19E...

DEDICATION: BE IT KNOWN TO ALL MEN BY THESE PRESENTS, I, CHARLES LEWIS STANLEY, OWNER OF THE ABOVE DESCRIBED TRACT, HAVE CAUSED THIS PLAT TO BE SURVEYED, PLANNED AND PLATTED UNDER THE NAME OF STANLEY SUBDIVISION AND HAVE CAUSED SAME TO BE DEPOSITED IN THE PUBLIC OFFICE OF THE COUNTY ENGINEER, DOUGLAS COUNTY, KANSAS, FOR THE PURPOSE OF CONVEYING TO THE PUBLIC THE RIGHT TO CONSTRUCT AND MAINTAIN UNDERGROUND UTILITIES AND POLES IN AND UPON THE SAID TRACT...

John L. Richey
Edna Stans Giffin
KIM & HARRIS EDNA STANLEY GIFFIN CHARLES LEWIS STANLEY TRUSTEE-SEVERAL

STATE OF KANSAS } S.C.
COUNTY OF DOUGLAS } S.C.

BE IT REMEMBERED THAT ON THIS 27TH DAY OF JANUARY, 1923, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME KIM GIFFIN, EDNA STANLEY GIFFIN, HIS WIFE, CHARLES LEWIS STANLEY, TRUSTEE-SEVERAL TO ME DEMONSTRATING KNOWLEDGE TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

MY COMMISSION EXPIRES AUGUST 5, 1923
NOTARY PUBLIC

John L. Richey
JOHN L. RICHEY
Notary Public
Kansas, Sub 3407, 7

November 27, 1922
L. B. RICE

I HEREBY CERTIFY THAT THE FOREGOING ARE AS SHOWN HEREIN, BEING THE COUNTY ENGINEER IN AND FOR SAID COUNTY HAVE CHECKED THIS PLAT HERON SHOWN AND I HEREBY APPROVE IT FOR FILING IN THE COUNTY ENGINEER'S OFFICE.

LONG SHADOWS

A SUBDIVISION IN DOUGLAS COUNTY, KANSAS

POL WITHIN 200 FT OF 940 E 1264 RD (802308A)



September 27, 2010

Land Use Map

REAMON RICHARD G
1239 N 1000 RD
5.102692

REAMON RICHARD G
1239 N 1000 RD
10.124997

ZAREMBA STANLEY R TRUSTEE
1548 E 23RD ST STE C
8.961733

RICHLAND CEMETERY ASSN
PO BOX 3809
2.014191

RODKEY FRANK H TRUSTEE
942 E 1264 RD
4.332937

Wakarusa

MANDA KATHERINE A TRUSTEE
940 E 1264 RD
7.888048

MANDA EDWARD A
940 E 1264 RD
3.364342

MIRANDA SAMUEL C
1278 N 935 RD
6.366597

WISE JAMES E
943 E 1264 RD
4.03558

BRAMAN STANLEY W
939 E 1264 RD
3.190887

SHERWIN MARILYN E
936 E 1264 RD
3.152512

BRAMAN STANLEY W
939 E 1264 RD
2.997384

BRAMAN MARCIA K
3112 W 23RD TER
3.482722

SHERWIN MARILYN E
936 E 1264 RD
3.048836

AKERBERG LON P TRUSTEES
937 E 1264 RD
4.344347

IKENBERRY RAYMOND L
1252 N 900 RD
11.750852

SORENSON CURTIS J
5054 GARDEN PARK RD
4.019884

FLORY LANCE D
2823 GILL AVE
2.672979

SHENOY PRAKASH P
1277 N 935 RD
3.399411

REDER KERRY D
1283 N 935 RD
2.783148

DOBSON JEROME E
925 E 1279 RD
4.959353

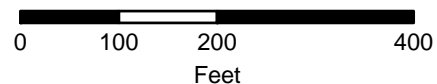
ALEXANDER FRANKLIN L
928 E 1279 RD
5.031915

E 1264 Road

N 935 Road

E 1279 RD

Edward Manda
Lot 6, Long Shadows
[utility easement vacation]



October 2010

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS**

In the Matter of
Petition of Edward A. and Katherine A. Manda
for Vacation of Utility Easement

ORDER VACATING UTILITY EASEMENT

On the 27th day of October, 2010, the Petition of Edward A. and Katherine A. Manda for Vacation of a Utility Easement (the "Petition"), came before the Board of County Commissioners of Douglas County, Kansas (the "Board") for hearing pursuant to K.S.A. 58-2614.

The Board, having heard statements of the Petitioners and other evidence presented, having been duly and fully advised in the premises, and having considered the Petition, finds:

1. That the Petition is in conformity with the requirements of K.S.A. 58-2613.
2. That notice of the hearing has been given as required by K.S.A. 58-2613.
3. That the Petitioners are owners of land legally described as: LOT 6, LONG SHADOWS, A SUBDIVISION IN DOUGLAS COUNTY, KANSAS, LYING IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN (the "Lot").
4. That the Subdivision Plat for Long Shadows dedicates a 10 foot utility easement over and across a portion of the Lot, legally described as:

BEGINNING AT THE NORTH CORNER OF LOT 6, LONG SHADOWS, A SUBDIVISION IN DOUGLAS COUNTY, KANSAS; THENCE SOUTH 18°00'40" EAST, ALONG THE NORTHEAST LINE OF SAID LOT, 13.01 FEET; THENCE SOUTH 32°11'56" WEST, 448.37 FEET TO A POINT ON THE SOUTHWEST LINE OF SAID LOT; THENCE NORTH 47°39'53" WEST, ALONG SAID SOUTHWEST LINE, 10.16 FEET TO THE WEST CORNER OF SAID LOT; THENCE NORTH 32°11'56" EAST, ALONG THE NORTHWEST LINE OF SAID LOT, 454.91 FEET TO THE POINT OF BEGINNING, (the "Current Easement").

5. That the public will suffer no loss or inconvenience by the vacation of the Current Easement and no private rights will be injured or endangered thereby.

6. That the Petition should be granted.

IT IS THEREFORE ORDERED AND DECLARED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, that, pursuant to K.S.A. 58-2614, the Current Easement, being a utility easement over and across the following described property:

BEGINNING AT THE NORTH CORNER OF LOT 6, LONG SHADOWS, A SUBDIVISION IN DOUGLAS COUNTY, KANSAS; THENCE SOUTH 18°00'40" EAST, ALONG THE NORTHEAST LINE OF SAID LOT, 13.01 FEET; THENCE SOUTH

32°11'56" WEST, 448.37 FEET TO A POINT ON THE SOUTHWEST LINE OF SAID LOT; THENCE NORTH 47°39'53" WEST, ALONG SAID SOUTHWEST LINE, 10.16 FEET TO THE WEST CORNER OF SAID LOT; THENCE NORTH 32°11'56" EAST, ALONG THE NORTHWEST LINE OF SAID LOT, 454.91 FEET TO THE POINT OF BEGINNING,

is hereby vacated.

IT IS FURTHER ORDERED that the County Clerk of Douglas County, Kansas enter this Order in the records of proceedings of the Board and record a certified copy in the Office of the Register of Deeds of Douglas County, Kansas.

The costs of publication and recording costs shall be paid by Petitioners.

IN WITNESS WHEREOF, this Order is dated and entered on this 27th day of October, 2010.

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

Nancy Thellman, Chair

Jim Flory, Member

Mike Gaughan, Member

ATTEST:

Jameson D. Shew, County Clerk



--NOTICE OF PUBLIC HEARING FOR UTILITY EASEMENT VACATIONS--

TO WHOM IT MAY CONCERN:

October 8th, 2010

TAKE NOTICE, That the Board of County Commissioners of Douglas County has received petitions requesting vacation of 10' utility easements dedicated along the northeast lot line of Lot 1, Hidden Hills Addition and the rear lot line of Lot 6, Long Shadows Subdivision. The petition for vacation of the 10' utility easement along a portion of the northeast side lot line of Lot 1, Hidden Valley Addition, A Replat of Lots 7, 8 & 9 in Long Shadows Subdivision, is necessary before said side lot line can be relocated east through an administrative procedure in the Douglas County Subdivision Regulations, Section 11-108, Minor Subdivision, and is more particularly described as follows:

Beginning at the Northeast corner of Lot 1, Hidden Hill Addition, a Subdivision in Douglas County, Kansas; thence South 32°11'56" West, along the Northeast line of said lot, 454.91 feet; thence South 47°39'53" East, along the East line of said lot, 151.26 feet to Southeast corner of said lot; thence South 54°24'16" East, along the Southeast line of said lot, 10.23 feet; thence North 47°39'53" West, 157.49 feet; thence North 32°11'56" East, 456.49 feet to a point on the North line of said lot; thence North 88°02'50" East, along said line, 12.08 feet to the Point of Beginning. Contains 6,100.76 square feet, more or less.

The petition for vacation of the 10' utility easement along the rear lot line of Lot 6, Long Shadows Subdivision, is necessary before said lot line can be relocated east through an administrative procedure in the Douglas County Subdivision Regulations, Section 11-108, Minor Subdivision, and is more particularly described as follows:

Beginning at the North corner of Lot 6, Long Shadows, a Subdivision in Douglas County, Kansas; thence South 18°00'40" East, along the Northeast line of said lot, 13.01 feet; thence South 32°11'56" West, 448.37 feet to a point on the Southwest line of said lot; thence North 47°39'53" West, along said Southwest line, 10.16 feet to the West corner of said lot; thence North 32°11'56" East, along the Northwest line of said lot, 454.91 feet to the Point of Beginning. Contains 4,516.36 square feet, more or less.

Public hearings to consider the petitions for vacation will take place during the regularly scheduled Board of County Commissioner's meeting at 6:35 p.m., or thereafter, on Wednesday, October 27, 2010, in the Commission meeting room located on the second floor of the County Courthouse at 11th and Massachusetts Street, Lawrence, Kansas. Resolutions vacating the easements, as requested, may be considered upon completion of the public hearings.

Public notices for the petitions for vacation were published in the Lawrence Journal-World on Thursday, October 7th, 2010.

This letter of public notice is provided as a courtesy to property owners within 200' of the requested utility easement vacations. No action is required on your part. You are welcome to attend the public hearing and share your thoughts with the County Commission.

Linda M. Finger
Planning Resource Coordinator
lfinger@douglas-county.com

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS**

In the Matter of
Petition of Edward A. and Katherine A. Manda
for Vacation of Utility Easement

NOTICE OF HEARING ON PETITION FOR VACATION OF UTILITY EASEMENT

To All Persons Concerned:

You are hereby notified that a Petition addressed to the Board of County Commissioners of Douglas County, Kansas (the "Board"), has been filed with the Board, praying for the vacation of a utility easement over and across land legally described as:

Beginning at the Northeast corner of Lot 1, Hidden Hill Addition, a Subdivision in Douglas County, Kansas; thence South 32°11'56" West, along the Northeast line of said lot, 454.91 feet; thence South 47°39'53" East, along the East line of said lot, 151.26 feet to Southeast corner of said lot; thence South 54°24'16" East, along the Southeast line of said lot, 10.23 feet; thence North 47°39'53" West, 157.49 feet; thence North 32°11'56" East, 456.49 feet to a point on the North line of said lot; thence North 88°02'50" East, along said line, 12.08 feet to the Point of Beginning. Contains 6,100.76 square feet, more or less.

Vacation of the 10' utility easement along a portion of the northeast side lot line of Lot 1, Hidden Valley Addition, A Replat of Lots 7, 8 & 9 in Long Shadows Subdivision, is necessary before said side lot line can be relocated east through an administrative procedure in the Douglas County Subdivision Regulations, Section 11-108, Minor Subdivision.

You are further notified under the authority of K.S.A. 58-2613 that the Petition will be heard by the Board on the 27th day of October, 2010, at 6:35 p.m., or as soon thereafter as the matter can be heard, in the County Commission Room, on the second floor of the Douglas County Courthouse, 1100 Massachusetts, Lawrence, Kansas, or to such date, time, and place to which the Board may adjourn the meeting. Any interested person may present testimony before the Board.

/s/ Jameson D. Shew
Jameson D. Shew
Douglas County Clerk
1100 Massachusetts
Lawrence, Kansas 66044

NOTICE TO PUBLISHER: *Publish one time at least 20 days before the date of the hearing set for in the Notice. Upon completion, send affidavit of publication to Linda Finger, Planning Resource Coordinator at lfinger@douglas-county.com.*

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS**

In the Matter of
Petition of Edward A. and Katherine A. Manda for Vacation of Utility Easement

PETITION FOR VACATION OF UTILITY EASEMENT

The undersigned Petitioners, being landowners of land in Douglas County, Kansas represent and state as follows:

1. That the Petitioners are owners of land legally described as:
Lot 1, Hidden Hill Addition, a Subdivision in Douglas County, Kansas, lying in the Southeast Quarter of Section 35, Township 13 South, Range 19 East of the Sixth Principal Meridian (the "Lot").

2. That the Subdivision Plat for Hidden Hill Addition dedicates a 10 foot utility easement over and across a portion of the Lot along the Northwest property line, legally described as:

A tract of land in the Southeast quarter of Section 35, Township 13 South, Range 19 East of the Sixth Principal Meridian, described as follows:

Beginning at the Northeast corner of Lot 1, Hidden Hill Addition, a Subdivision in Douglas County, Kansas; thence South 32°11'56" West, along the Northeast line of said lot, 454.91 feet; thence South 47°39'53" East, along the East line of said lot, 151.26 feet to Southeast corner of said lot; thence South 54°24'16" East, along the Southeast line of said lot, 10.23 feet; thence North 47°39'53" West, 157.49 feet; thence North 32°11'56" East, 456.49 feet to a point on the North line of said lot; thence North 88°02'50" East, along said line, 12.08 feet to the Point of Beginning. Contains 6,100.76 square feet, more or less (the "Easement").

3. That Petitioners desire to have the Easement vacated to permit relocation of the mutual side lot line between Lot 6, Long Shadows and Lot 1, Hidden Hill Addition, and this can only be accomplished by vacation of the Easement

4. That there are no public utilities located in the Easement and that the public will suffer no loss or inconvenience by the vacation of the Easement and no private rights will be injured or endangered thereby.

WHEREFORE, Petitioners pray that:

(a) The Board of County Commissioners of Douglas County, Kansas schedule a time and place for a hearing on this Petition;

(b) Notice of the hearing be given by publication in the official county paper one time at least 20 days prior to the date of the hearing;

(c) Upon hearing, the Board of County Commissioners determine that (i) notice has been given as required by K.S.A. 58-2613, (ii) the public will suffer no loss or inconvenience by the vacation of the Easement and (iii) no private rights will be injured or endangered; and

(d) Pursuant to K.S.A. 58-2614, the Board of County Commissioners order the vacation of the Easement.

IN WITNESS WHEREOF, the Petitioners have signed this Petition on the date indicated.

PETITIONERS:

Edward A. Manda
Edward A. Manda
Property Owner Lot 1,
Hidden Hill Addition

Katherine A. Manda
Katherine A. Manda
Property Owner Lot 1,
Hidden Hill Addition

Date: 1 Oct 2010

Date: October 1, 2010

STATE OF KANSAS)
 :SS
COUNTY OF DOUGLAS)

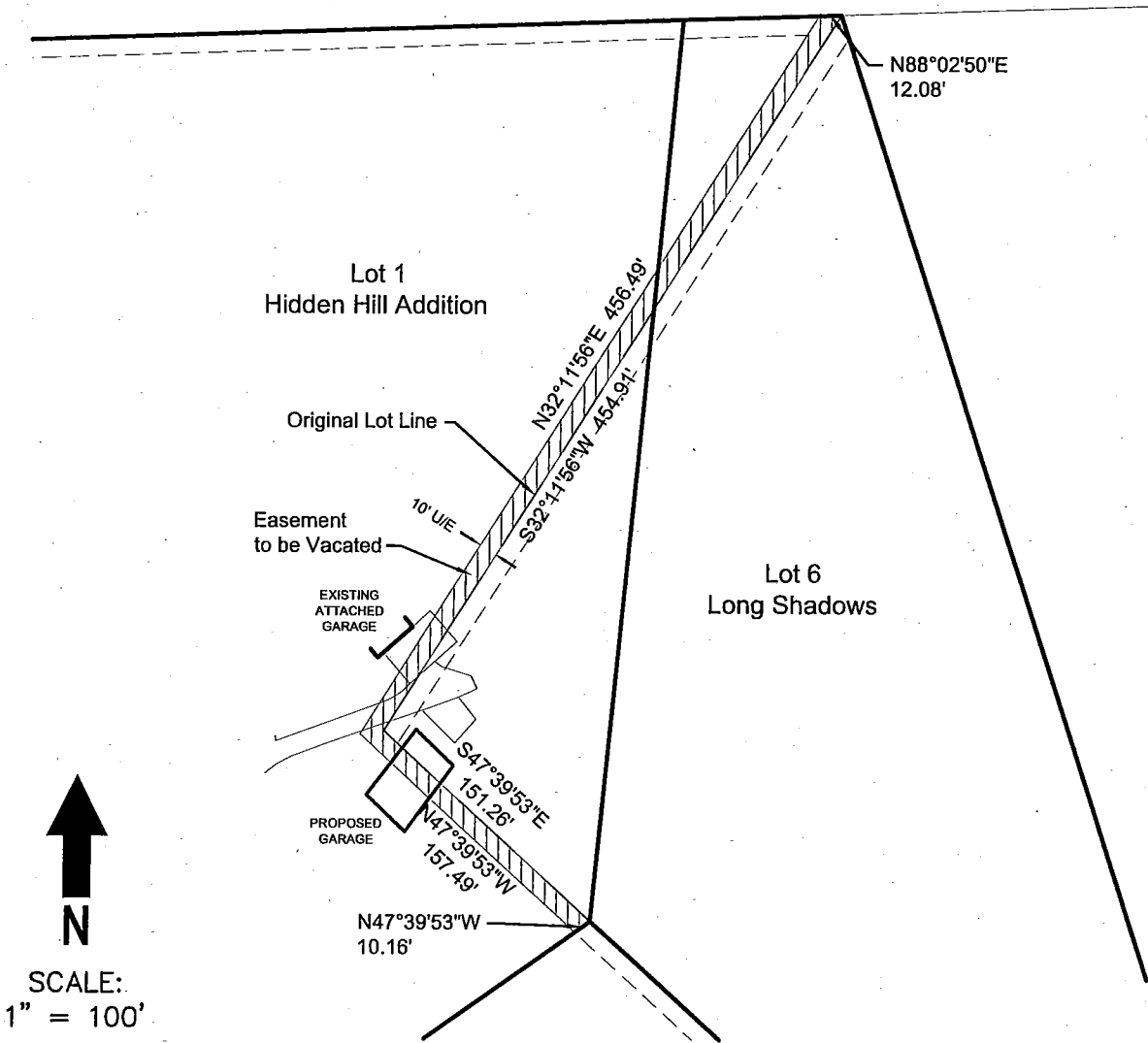
BE IT REMEMBERED, that on this 1st day of October, 2010, before me, the undersigned, a notary public in and for the County and State aforesaid, came Edward A. and Katherine A. Manda, who are personally known to me to be the same persons who executed the above instrument of writing, and duly acknowledge the execution of the same.

INT TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal the day and year last above written.

Rodney R. Zinn
Notary Public



Easement Vacation for Lot 1 Hidden Hill Addition Douglas County, Kansas



LEGAL DESCRIPTION:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, HIDDEN HILL ADDITION, A SUBDIVISION IN DOUGLAS COUNTY, KANSAS; THENCE SOUTH 32°11'56" WEST, ALONG THE NORTHEAST LINE OF SAID LOT, 454.91 FEET; THENCE SOUTH 47°39'53" EAST, ALONG THE EAST LINE OF SAID LOT, 151.26 FEET TO SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH 54°24'16" EAST, ALONG THE SOUTHEAST LINE OF SAID LOT, 10.23 FEET; THENCE NORTH 47°39'53" WEST, 157.49 FEET; THENCE NORTH 32°11'56" EAST, 456.49 FEET TO A POINT ON THE NORTH LINE OF SAID LOT; THENCE NORTH 88°02'50" EAST, ALONG SAID LINE, 12.08 FEET TO THE POINT OF BEGINNING. CONTAINS 6,100.76 SQUARE FEET, MORE OR LESS.

LEGAL DESCRIPTION
 A REPLAT OF LOTS 7, 8 AND 9 OF LONG SHADOWS SUBDIVISION, THE ABOVE CONTAINS 1488 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS.

DEDICATION
 BE IT REMEMBERED THAT ALL LOTS THAT I (AND THE UNDERSIGNED MEMBERS OF THE ABOVE DESCRIBED TRACT OF LAND) HAVE HAD CAUSE FOR THE SAME TO BE CONVEYED TO THE PUBLIC IN AND FOR THE USE OF THE STATE OF KANSAS, AND HAVE CAUSED THE SAID TO BE THE TERMS OF "HIDDEN HILL ADDITION" AND SHOWN AND FULLY EXPANDED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ALLEYS, AND EASEMENTS ARE HEREBY DEDICATED TO THE PUBLIC USE OF THE STATE OF KANSAS. THE SAID DEDICATION IS HEREBY GRANTED TO DOUGLAS COUNTY, KANSAS, AND SHALL BE VALID AND EFFECTIVE FROM THE DATE OF RECORDING OF THIS PLAT AS "UTILITY EASEMENT OR 7/8" AND "WARRANTY EASEMENT OR 7/8".

JACK L. STOKES
 KATHLENE J. HANCO, TRUSTEE OF THE KATHLENE A. HANCO REVOCABLE TRUST

ACKNOWLEDGEMENT
 STATE OF KANSAS
 COUNTY OF DOUGLAS
 BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2002, BEFORE ME, the undersigned a Notary Public, in and for said County and State, known to me, and personally known to me to be the same persons) who executed the foregoing instrument of writing and duly acknowledged in the presence of the same.

NOTARY PUBLIC _____ BY COMMISSION EXPIRES _____

ACKNOWLEDGEMENT
 STATE OF KANSAS
 COUNTY OF DOUGLAS
 BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2002, BEFORE ME, the undersigned a Notary Public, in and for said County and State, known to me, and personally known to me to be the same persons) who executed the foregoing instrument of writing and duly acknowledged in the presence of the same.

NOTARY PUBLIC _____ BY COMMISSION EXPIRES _____

ENDORSEMENTS
 APPROVED BY: _____ DATE: _____
 LAMARCO DOUGLAS COUNTY DOUGLAS COUNTY, KANSAS
 COUNTY CLERK
 PATTY JAMES
 DATE: _____

FILING RECORD
 STATE OF KANSAS
 COUNTY OF DOUGLAS
 THIS IS TO CERTIFY THAT THE INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DOUGLAS COUNTY, KANSAS, ON THIS _____ DAY OF _____, 2002, AND IS FULLY RECORDED AT _____ PAGE _____

RECORDED BY: _____

CERTIFICATION
 I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY CONDUCTED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE PLAT IS A CLOSED TRAVELER.

TOMAS J. KELLY, PLS.
 1310 WAWANOA DRIVE
 OMAHA, NE 68106
 (402) 642-7220
 PLAT PREPARED MARCH, 2002

LEGAL DESCRIPTION
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 COUNTY OF DOUGLAS
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 STATE OF KANSAS
 COUNTY OF DOUGLAS
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NOTARY PUBLIC _____ BY COMMISSION EXPIRES _____

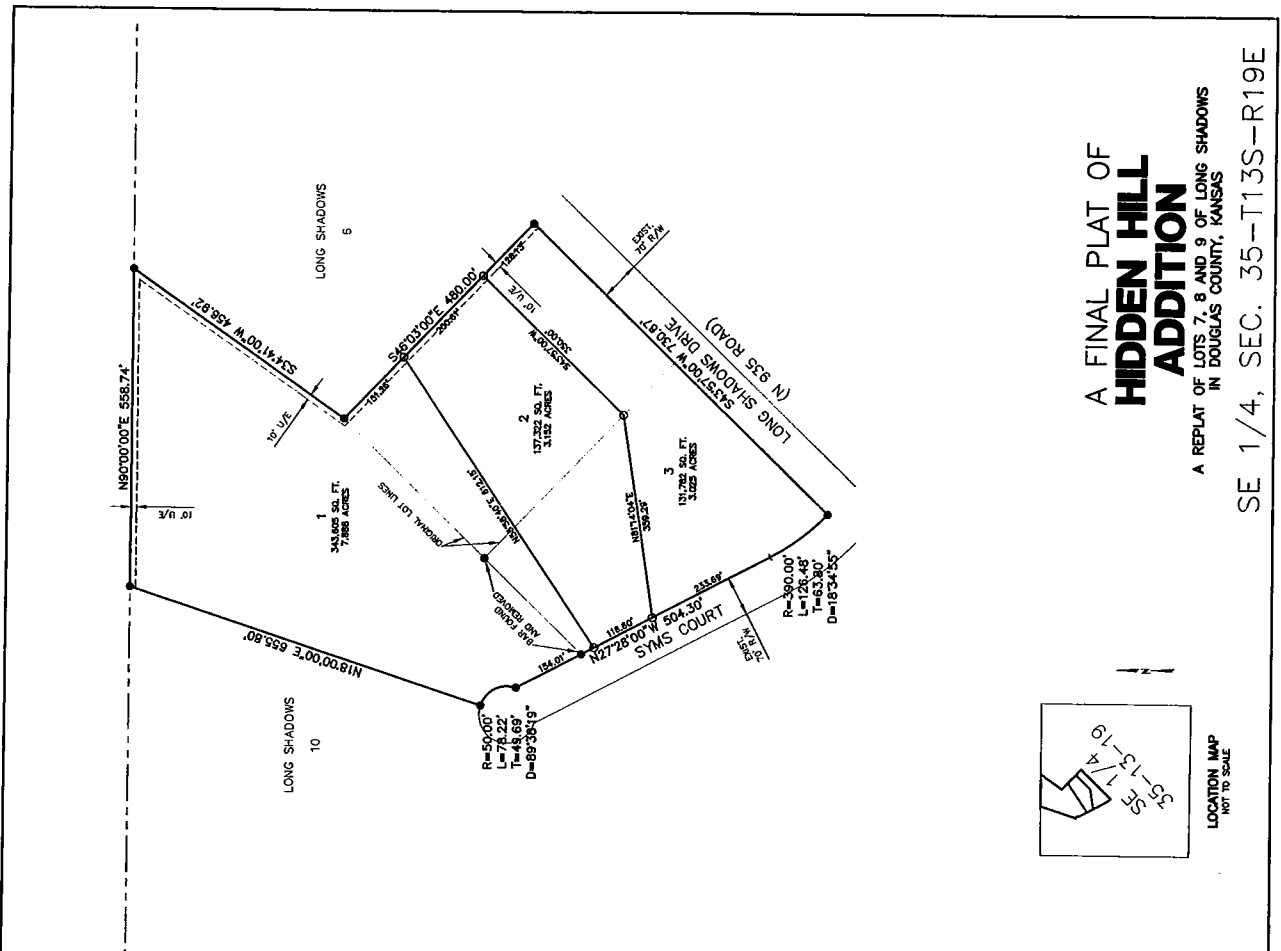
ENDORSEMENTS
 APPROVED BY: _____ DATE: _____
 LAMARCO DOUGLAS COUNTY DOUGLAS COUNTY, KANSAS
 COUNTY CLERK
 PATTY JAMES
 DATE: _____

FILING RECORD
 STATE OF KANSAS
 COUNTY OF DOUGLAS
 THIS IS TO CERTIFY THAT THE INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DOUGLAS COUNTY, KANSAS, ON THIS _____ DAY OF _____, 2002, AND IS FULLY RECORDED AT _____ PAGE _____

RECORDED BY: _____

CERTIFICATION
 I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY CONDUCTED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE PLAT IS A CLOSED TRAVELER.

TOMAS J. KELLY, PLS.
 1310 WAWANOA DRIVE
 OMAHA, NE 68106
 (402) 642-7220
 PLAT PREPARED MARCH, 2002



LEGAL DESCRIPTION
 A REPLAT OF LOTS 7, 8 AND 9 OF LONG SHADOWS SUBDIVISION, THE ABOVE CONTAINS 1488 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS.

DEDICATION
 BE IT REMEMBERED THAT ALL LOTS THAT I (AND THE UNDERSIGNED MEMBERS OF THE ABOVE DESCRIBED TRACT OF LAND) HAVE HAD CAUSE FOR THE SAME TO BE CONVEYED TO THE PUBLIC IN AND FOR THE USE OF THE STATE OF KANSAS, AND HAVE CAUSED THE SAID TO BE THE TERMS OF "HIDDEN HILL ADDITION" AND SHOWN AND FULLY EXPANDED ON THIS PLAT. ALL STREETS, DRIVES, ROADS, ALLEYS, AND EASEMENTS ARE HEREBY DEDICATED TO THE PUBLIC USE OF THE STATE OF KANSAS. THE SAID DEDICATION IS HEREBY GRANTED TO DOUGLAS COUNTY, KANSAS, AND SHALL BE VALID AND EFFECTIVE FROM THE DATE OF RECORDING OF THIS PLAT AS "UTILITY EASEMENT OR 7/8" AND "WARRANTY EASEMENT OR 7/8".

JACK L. STOKES
 KATHLENE J. HANCO, TRUSTEE OF THE KATHLENE A. HANCO REVOCABLE TRUST

ACKNOWLEDGEMENT
 STATE OF KANSAS
 COUNTY OF DOUGLAS
 BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2002, BEFORE ME, the undersigned a Notary Public, in and for said County and State, known to me, and personally known to me to be the same persons) who executed the foregoing instrument of writing and duly acknowledged in the presence of the same.

NOTARY PUBLIC _____ BY COMMISSION EXPIRES _____

ACKNOWLEDGEMENT
 STATE OF KANSAS
 COUNTY OF DOUGLAS
 BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2002, BEFORE ME, the undersigned a Notary Public, in and for said County and State, known to me, and personally known to me to be the same persons) who executed the foregoing instrument of writing and duly acknowledged in the presence of the same.

NOTARY PUBLIC _____ BY COMMISSION EXPIRES _____

ENDORSEMENTS
 APPROVED BY: _____ DATE: _____
 LAMARCO DOUGLAS COUNTY DOUGLAS COUNTY, KANSAS
 COUNTY CLERK
 PATTY JAMES
 DATE: _____

FILING RECORD
 STATE OF KANSAS
 COUNTY OF DOUGLAS
 THIS IS TO CERTIFY THAT THE INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF DOUGLAS COUNTY, KANSAS, ON THIS _____ DAY OF _____, 2002, AND IS FULLY RECORDED AT _____ PAGE _____

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CERTIFICATION
 I HEREBY CERTIFY THAT THE PLATTED AREA AND THE LOCATION MAP SHOWN HEREON ARE TRUE AND ACCURATE RESULTS OF A FIELD SURVEY CONDUCTED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE PLAT IS A CLOSED TRAVELER.

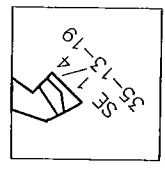
TOMAS J. KELLY, PLS.
 1310 WAWANOA DRIVE
 OMAHA, NE 68106
 (402) 642-7220
 PLAT PREPARED MARCH, 2002

A FINAL PLAT OF HIDDEN HILL ADDITION

A REPLAT OF LOTS 7, 8 AND 9 OF LONG SHADOWS IN DOUGLAS COUNTY, KANSAS

SE 1/4, SEC. 35-T13S-R19E

RECORD COPY



NOTES
 BASIS OF BEARINGS FOR THIS PLAT IS ASSUMED.
 ERROR OF CLOSURE = 1: 78.168
 ACCESS TO LONG SHADOWS DRIVE (N 935 ROAD) SHALL BE PROHIBITED FOR LOT 3.
 EACH RESIDENCE UTILITY CONNECTIONS AND DRIVeways MUST ACCESS EXCLUSIVELY FROM PUBLIC RIGHT-OF-WAY OF PUBLIC UTILITY EASEMENT.



Legend
CLASSIFICATION OF ROADS
 — Minor Arterial
Access Mgmt Classifications
 — Major Collector
 — Minor Collector
 — Principal Arterial

Edward Manda
940 E 1264 Rd
Minor Subdivision proposed
[utility easement vacation]



September 30, 2010

Land Use Map

REAMON RICHARD G
1239 N 1000 RD
5.102692

REAMON RICHARD G
1239 N 1000 RD
10.124997

ZAREMBA STANLEY R TRUSTEE
1548 E 23RD ST STE C
8.961733

RICHLAND CEMETERY ASSN
PO BOX 3809
2.014191

RODKEY FRANK H TRUSTEE
942 E 1264 RD
4.332937

Wakarusa

MANDA KATHERINE A TRUSTEE
940 E 1264 RD
7.888048

MANDA EDWARD A
940 E 1264 RD
3.364342

MIRANDA SAMUEL C
1278 N 935 RD
6.366597

WISE JAMES E
943 E 1264 RD
4.03558

BRAMAN STANLEY W
939 E 1264 RD
3.190887

SHERWIN MARILYN E
936 E 1264 RD
3.152512

BRAMAN STANLEY W
939 E 1264 RD
2.997384

BRAMAN MARCIA K
3112 W 23RD TER
3.482722

SHERWIN MARILYN E
936 E 1264 RD
3.048836

AKERBERG LON P TRUSTEES
937 E 1264 RD
4.344347

FLORY LANCE D
2823 GILL AVE
2.672979

SHENOY PRAKASH P
1277 N 935 RD
3.399411

REDER KERRY D
1283 N 935 RD
2.783148

IKENBERRY RAYMOND L
1252 N 900 RD
11.750852

SORENSON CURTIS J
5054 GARDEN PARK RD
4.019884

DOBSON JEROME E
925 E 1279 RD
4.959353

ALEXANDER FRANKLIN L
928 E 1279 RD
5.031915

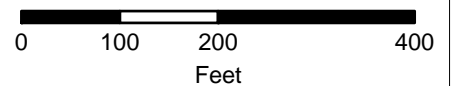
E 1264 Road

N 935 Road

E 1279 RD



**Katherine Manda
Lot 1, Hidden Hills Addition
[utility easement vacation]**



October 2010

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS**

In the Matter of
Petition of Edward A. and Katherine A. Manda
for Vacation of Utility Easement

ORDER VACATING UTILITY EASEMENT

On the 27th day of October, 2010, the Petition of Edward A. and Katherine A. Manda for Vacation of a Utility Easement (the "Petition"), came before the Board of County Commissioners of Douglas County, Kansas (the "Board") for hearing pursuant to K.S.A. 58-2614.

The Board, having heard statements of the Petitioners and other evidence presented, having been duly and fully advised in the premises, and having considered the Petition, finds:

1. That the Petition is in conformity with the requirements of K.S.A. 58-2613.
2. That notice of the hearing has been given as required by K.S.A. 58-2613.
3. That the Petitioners are owners of land legally described as: LOT 1, HIDDEN HILLS ADDITION, A REPLAT OF LOTS 7, 8 & 9 IN LONG SHADOWS SUBDIVISION, A SUBDIVISION IN DOUGLAS COUNTY, KANSAS, LYING IN THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 19 EAST OF THE SIXTH PRINCIPAL MERIDIAN (the "Lot").
4. That the Subdivision Plat for Hidden Hill Addition dedicates a 10 foot utility easement over and across a portion of the Lot, legally described as:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, HIDDEN HILL ADDITION, A SUBDIVISION IN DOUGLAS COUNTY, KANSAS; THENCE SOUTH 32°11'56" WEST, ALONG THE NORTHEAST LINE OF SAID LOT, 454.91 FEET; THENCE SOUTH 47°39'53" EAST, ALONG THE EAST LINE OF SAID LOT, 151.26 FEET TO SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH 54°24'16" EAST, ALONG THE SOUTHEAST LINE OF SAID LOT, 10.23 FEET; THENCE NORTH 47°39'53" WEST, 157.49 FEET; THENCE NORTH 32°11'56" EAST, 456.49 FEET TO A POINT ON THE NORTH LINE OF SAID LOT; THENCE NORTH 88°02'50" EAST, ALONG SAID LINE, 12.08 FEET TO THE POINT OF BEGINNING, (the "Current Easement").

5. That the public will suffer no loss or inconvenience by the vacation of the Current Easement and no private rights will be injured or endangered thereby.

6. That the Petition should be granted.

IT IS THEREFORE ORDERED AND DECLARED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, that, pursuant to K.S.A. 58-2614, the Current Easement, being a utility easement over and across the following described property:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, HIDDEN HILL ADDITION, A SUBDIVISION IN DOUGLAS COUNTY, KANSAS; THENCE SOUTH 32°11'56" WEST, ALONG

THE NORTHEAST LINE OF SAID LOT, 454.91 FEET; THENCE SOUTH 47°39'53" EAST, ALONG THE EAST LINE OF SAID LOT, 151.26 FEET TO SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH 54°24'16" EAST, ALONG THE SOUTHEAST LINE OF SAID LOT, 10.23 FEET; THENCE NORTH 47°39'53" WEST, 157.49 FEET; THENCE NORTH 32°11'56" EAST, 456.49 FEET TO A POINT ON THE NORTH LINE OF SAID LOT; THENCE NORTH 88°02'50" EAST, ALONG SAID LINE, 12.08 FEET TO THE POINT OF BEGINNING,

is hereby vacated.

IT IS FURTHER ORDERED that the County Clerk of Douglas County, Kansas enter this Order in the records of proceedings of the Board and record a certified copy in the Office of the Register of Deeds of Douglas County, Kansas.

The costs of publication and recording costs shall be paid by Petitioners.

IN WITNESS WHEREOF, this Order is dated and entered on this 27th day of October 2010.

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

Nancy Thellman, Chair

Jim Flory, Member

Mike Gaughan, Member

ATTEST:

Jameson D. Shew, County Clerk