

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, JANUARY 2, 2013

NOTE: The Sandpit application that was originally scheduled to be discussed on January 2 has been postponed due to technical notification errors. As a result the application will be heard again by the Lawrence-Douglas County Metropolitan Planning Commission on January 28 or January 30, 2013. Consideration by the County Commission will be scheduled sometime in February.

4:00 p.m.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Cereal Malt Beverage License for the Clinton Store (Clerk's Office);
- (c) Consider approval of text amendments TA-8-10-11 Special Events Permits and TA-8-11-11 Agritourism to the Zoning Regulations and Resolutions amending the Zoning Regulations that are associated with each text amendment. (Mary Miller/Linda Finger);
- (d) Consider maintenance contract for outdoor warning sirens (Jackie Waggoner);
- (e) Consider recommendation of contract for hazardous material functional exercise at Douglas County jail (Jackie Waggoner);
- (f) Consider recommendation of Vehicle Purchase of a 2013 Ford Explorer for Sheriff's Office (Ken McGovern);
- (g) Consider approval of Final Plat for Farmland property (Craig Weinaug); and
- (h) Consider acquisition of permanent road easement for structure no. 7.51N-18.00E (Michael Kelly)

REGULAR AGENDA

- (2) **CUP-12-00222:** Consider a Conditional Use Permit for Hoyt Boat Storage, located at 32 N 1000 Rd. Submitted by Timothy K Hoyt, property owner of record. Planning Commission forwarded with a 10-0 vote for recommendation of approval.
- (3) Public Hearing to receive public comment on the use of construction management at-risk services for the construction of a new public works facility subject to a subsequent request for qualifications and proposals. (Sarah Plinsky)
- (4) Consider appointments to Codes Board of Appeals-No backup
- (5) (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
 - Bicycle Advisory Committee 12/2012 (eligible for reappointment)**
 - Douglas County Food Policy Council (all eligible for reappointment)**
 - Lawrence/Douglas County Advocacy Council on Aging 10/2012 (replacement)**
- (c) Public Comment
- (d) Miscellaneous
- (6) Adjourn

WEDNESDAY, JANUARY 9, 2013 – Cancelled

MONDAY, JANUARY 14, 2013

-9:00 a.m. – Swear in reelected Commissioners, elected officials and duties; and appoint Chairman of the Board of County Commissioners for 2013
- Continued Preliminary Work session on CIP issues

WEDNESDAY, JANUARY 16, 2013

4:00 p.m.

- The Food Policy Council Year-in-Review report (Eileen Horn)
- Fuel contract update (Jackie Waggoner)
- Big Springs (Mary Miller)

WEDNESDAY, JANUARY 23, 2013

WEDNESDAY, JANUARY 30, 2013

WEDNESDAY, FEBRUARY 6, 2013

WEDNESDAY, FEBRUARY 13, 2013

WEDNESDAY, FEBRUARY 20, 2013 - 6:35 meeting only

WEDNESDAY, FEBRUARY 27, 2013

***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.*

RESOLUTION _____

WHEREAS, on the 2nd Day January 2013, the same being a regular session of the Board of County Commissioners of the County of Douglas, the application of Clinton Store for a cereal malt beverage license came up for considerations by the above board and

WHEREAS, the Board does find that said Clinton Store is qualified under the law to sell cereal malt beverages not for consumption on the premises located **598 N 1190 Rd, Lawrence, Kansas**

WHEREAS, the Board further finds that due and legal notice has been given the Clinton Township Board and that ten days has expired from the giving of said notice and that no written objection has been filed by the Clinton Township Board protesting the granting of a cereal malt beverage license.

NOW THEREFORE, BE IT RESOLVED that the applicant, **The Clinton Store** granted a license to sell cereal malt beverage not for consumption on the premises located at **598 N 1190 Rd, Lawrence, Kansas**

BE IT FURTHER RESOLVED, that Jameson Shew, County Clerk of Douglas County, Kansas be directed to issue said license.

Chairman

Member

Member

ATTEST:

Jameson Shew, Douglas County Clerk

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIME

RETAIL

Fee \$75.00

NO.

DEALER'S 2013 LICENSE

TO ALL WHOM IT MAY CONCERN:

License is hereby granted to: **The Clinton Store**

**TO SELL CEREAL MALT BEVERAGES AT RETAIL IN ORIGINAL AND UNOPENED
CONTAINERS AND NOT FOR CONSUMPTION ON PREMISES**

(State if for consumption on the premises or for sale in original and unopened containers and not for consumption on premises)

598 N 1190 Rd, LAWRENCE, KS. Application therefore on file in the office of the County Clerk of Douglas County, having been approved by the governing body of said County, as provided by Laws of Kansas and the regulations of the board of County Commissioners.

This License will expire 12:00 midnight December 31, 2013 unless sooner revoked, is not transferable, nor will any refund be allowed thereon.

Done by the Board of County Commissioners of Douglas County, Kansas

This 2nd Day of January 2013

Attest: _____
County Clerk

Chairman



DOUGLAS COUNTY ZONING & CODES DEPARTMENT

Memorandum to County Commission

December 28, 2012

In preparation of the resolutions for amendments to the Zoning Regulations, the County Counselor reviewed the draft resolutions developed by Zoning & Codes and had a few minor recommendations for clarifying language. The County Counselor's recommended modifications appear in the redlined version of the draft resolution included in your packet. A summary of these recommendations and changes is listed below:

Draft resolution for Agritourism:

Minor formatting to section and subsection numbers were proposed to fit the formatting in the Zoning Regulations. The formatting edits are not shown on the redlined resolution.

Suggested rewording of the definitions proposed, to match the formatting of definitions in the Zoning Regulations, is as follows: [Red text represents new language. Delete text has ~~double-strikethroughs~~.]

In Section 12-303 DEFINITIONS amendments:

12-303-1.92 Ancillary retail sales ~~=~~ **is only f**For the purpose of Section 12-319-7 ~~only,~~
~~ancillary retail sales~~ and refers to the sales of goods or services that differ from or enhance the principal use. Ancillary retail sales are subsidiary, supplementary, or secondary to the principal use.

12-303-1.93 Farm Stay ~~=~~ **means o**Overnight accommodations in a farm or ranch house for guests while they are vacationing at the farm/ranch as part of a registered Agritourism Use.

Adoption of the resolution is recommended with these changes.

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS ADOPTING TEXT AMENDMENTS TO THE ZONING REGULATIONS FOR THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS, PERTAINING TO AGRITOURISM USES.

WHEREAS, the Lawrence-Douglas County Planning Commission, after holding a public hearing on March 26, 2012, following due and lawful notice pursuant to K.S.A. 12-757 and the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas*, as codified in Chapter 11, Article 3 of the Douglas County Code and as amended (the "Zoning Regulations"), has recommended that the Board of County Commissioners of Douglas County, Kansas (the "Board") make text amendments to the Zoning Regulations, the nature and description of such change being fully set forth below; and

WHEREAS, on January 2, 2013, the Board found that the Zoning Regulations should be amended by adopting the text amendment set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AS FOLLOWS:

I. Adoption of Text Amendments. The Board hereby finds that the statutory provisions for the amendment of the Zoning Regulations has been fully complied with and hereby adopts the following text amendments (the "Text Amendments") amending the Zoning Regulations as follows:

A. Amending section 12-303 DEFINITIONS to add the following definitions to this section:

12-303-1.92 Ancillary retail sales: is only for the purpose of Section 12-319-7 only, ~~'ancillary retail sales'~~ and refers to the sales of goods or services that differ from or enhance the principal use. Ancillary retail sales are subsidiary, supplementary, or secondary to the principal use.

12-303-1.93 Farm Stay: means overnight accommodations in a farm or ranch house for guests while they are vacationing at the farm/ranch as part of a registered Agritourism Use.

B. Amending section 12-306-1 in the A "AGRICULTURAL DISTRICT REGULATIONS as follows:

12-306-1 The regulations set forth in this section, or set forth elsewhere in this Resolution, when referred to in this section are the regulations in the "A" Agricultural District. The purpose of this district is to provide for a full range of agricultural activities, including agritourism, and the processing and sale of agricultural products raised on the

premises; and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses. The District is also intended for purposes of protecting watersheds and water supplies to provide for spacious development, to protect forest areas, and scenic areas, and to conserve fish and wildlife, to promote forestry, the growing of natural crops and grazing, and to prevent untimely scattering of more dense urban development. For the purpose of restricting outdoor advertising signs, the area within this district shall be considered as defined for residential purposes only.

- C. Amending section 12-306-2. USE REGULATIONS in the A “AGRICULTURAL DISTRICT REGULATIONS to include a new sub-section, 12-306-2.26, as follows:

12-306-2.26 Agritourism – Subject to conditions in Section 12-319-7.

- D. Amending section 12-319 SUPPLEMENTAL USE REGULATIONS-CONDITIONAL USES –TEMPORARY USES to add the following new section, 12-319-7, at the end of section 12-319, after section 12-319-6, as follows:

12-319-7 AGRITOURISM SUPPLEMENTAL USE REGULATIONS

Agritourism is recognized as a vital tool for sustaining the family farm and represents significant economic potential for the community in general. These regulations are intended to foster and promote agritourism in keeping with the State of Kansas policy of encouraging agritourism, while ensuring that the public health, safety, and welfare are protected.

12-319-7.01 AGRITOURISM

a. Agritourism is the intersection of agriculture and tourism, when the public visits rural areas for recreation, education, enjoyment, entertainment, adventure or relaxation. Agritourism uses the rural experience as a tool for economic development.

b. Typical agritourism uses include, but are not limited to, the following:

- 1) Farm markets/roadside stands,
- 2) U-pick operations,
- 3) Farm winery tours and tastings,
- 4) Corn mazes,
- 5) Farm-related interpretive facilities, exhibits, and tours,
- 6) Historical, cultural, or agriculturally related educational and learning experiences, including volunteer workers.
- 7) Farm stays,
- 8) Bed and breakfast establishments,
- 9) Recreation related operations (fishing, hunting, bird watching, hiking, etc),
- 10) Horseback riding,
- 11) Garden, nursery tours and exhibits,
- 12) Pumpkin patch visits and activities,
- 13) Assembly type uses such as fairs or festivals which are historical, cultural,

- 14) or agriculturally related; weddings; receptions; etc.,
 - 15) Ancillary retail sales,
 - 15) Other uses that may be determined on a case by case basis if it meets the purpose and intent of the regulations.
- c. These Agritourism provisions do not apply to camping.

12-319-7.02 REGISTRATION AND APPROVAL PROCESS OF AGRITOURISM USES

- a. After the use has been registered with the State, a copy of the Agritourism Promotion Act Registration Form shall be provided to the Douglas County Zoning and Codes Office to register the agritourism use with the County. Agritourism uses which meet the definition set forth in these Regulations and are registered with the State and with the County may occur as permitted in Section 12-319-7 without any additional review under Section 12-319, Conditional Use Permits, Section 12-319A, Site Plan Regulations, or Section 319.5 Special Use Permits, although other State and local regulations shall apply. Assembly type uses with an attendance of more than 100 persons shall require approval by the Board of County Commissioners prior to registration per process in Section 12-319-7.02(c).
- b. Registration forms shall be jointly reviewed by the Director of the Zoning and Codes Office and the Planning Director to determine if the proposed use(s) meet the definition of agritourism set forth in these Regulations within 7 working days of submittal.
 - 1) Additional descriptive information may be necessary for the determination. This information will be provided by the agritourism operator and kept as a part of the registration.
 - 2) If the Directors are unable to make a determination, the registration will be referred to the Board of County Commissioners.
 - 3) The applicant for the agritourism registration may file an appeal from the Director's determination. Appeals from the determination shall be made to the Board of County Commissioners. An appeal must be filed within 30 days of notification of the determination to the applicant. The appeal will be considered at the next available Commission meeting.
- c. Assembly type uses such as weddings, receptions, fairs, or festivals, that may have an attendance of more than 100 persons require Board of County Commission approval prior to registration as an agritourism use through the following process:
 - 1) Information regarding the assembly type use shall be included with the registration form. The registration shall include, at a minimum, the following information:
 - a) The expected attendance,
 - b) Activities associated with the assembly use,
 - c) The number of assembly type events anticipated per year.
 - d) Where parking will be provided on site,

- e) Lighting location and type if assembly is to occur after dark,
 - f) Means to address health and sanitation at the site.
 - g) Information from the applicable fire department regarding access to the site/assembly use.
- 2) The County Zoning and Codes Office shall mail notice to all property owners within 1000 ft of the proposed use and the date and time the use will be considered by the Board of County Commissioners. For assembly type uses that will be located on an unpaved road, the Zoning and Codes Office shall mail notice to all property owners of residentially developed property on an unpaved road which would be considered the most direct route to the nearest hard-surfaced road. A 20 day notification period is required.
 - 3) The proposed use will be placed on the first available Board of County Commissioner's agenda following the notification period. The Commission will hold a public hearing on the proposed use at the time and place listed in the public notice.
 - 4) The Board of County Commissioners may impose conditions and restrictions in conjunction with approval of the assembly type use.
 - 5) With County Commission approval the assembly type use, up to the attendance noted on the registration form, may continue to occur as long as registered as an agritourism use with the State and the County.
- d. Only those activities specifically listed in the registration form and approved by the Directors are allowed to occur as agritourism.
- 1) Any change in proposed uses would require:
 - a) the modification of the registration with the State,
 - b) resubmittal of the revised registration form to the Zoning and Codes Office for a determination of compliance with the definition of agritourism provided in this Section by the Director of the Zoning and Codes Office and the Planning Director.
- e. The KS Agritourism Act requires agritourism uses to register with the State every 5 years. Agritourism uses must register with the County each time an agritourism use is registered with the State, every 5 years, or any time a registration form is amended.
- f. Engaging in any activity not listed on the registration would be considered a violation subject to the enforcement provisions of Section 12-329.

12-319-7.03 STRUCTURES AND CONSTRUCTION CODES

Structures for agritourism uses are required to comply with Douglas County Construction Codes, adopted by HR-12-11-5, and amendments thereto.

II. Addition to Zoning Regulations. The Text Amendments made by this Resolution shall be included as a supplement to the Zoning Regulations, as codified in Chapter 11, Article 3 of the Douglas County Code.

III. Invalidity. If any section, clause, sentence, or phrase of Resolution or the Text Amendments adopted hereby is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Resolution or the Text Amendments adopted hereby, as the case may be.

IV. Repeal. The Zoning Regulations heretofore adopted that are in conflict with the Text Amendments are amended, repealed or replaced, as the case may be, to be consistent with the Text Amendments adopted hereby.

V. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Board and its publication once in the official County newspaper.

ADOPTED this _____ day of _____, 20__.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Mike Gaughan, Chairman

ATTEST:

Nancy Thellman, Member

Jameson D. Shew, County Clerk

Jim Flory, Member

RESOLUTION NO. _____

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- e. The KS Agritourism Act requires agritourism uses to register with the State every 5 years. Agritourism uses must register with the County each time an agritourism use is registered with the State, every 5 years, or any time a registration form is amended.
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II. Addition to Zoning Regulations. The Text Amendments made by this Resolution shall be included as a supplement to the Zoning Regulations, as codified in Chapter 11, Article 3 of the Douglas County Code.

III. Invalidity. If any section, clause, sentence, or phrase of Resolution or the Text Amendments adopted hereby is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Resolution or the Text Amendments adopted hereby, as the case may be.

IV. Repeal. The Zoning Regulations heretofore adopted that are in conflict with the Text Amendments are amended, repealed or replaced, as the case may be, to be consistent with the Text Amendments adopted hereby.

V. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Board and its publication once in the official County newspaper.

ADOPTED this _____ day of _____, 20__.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Mike Gaughan, Chairman

ATTEST:

Nancy Thellman, Member

Jameson D. Shew, County Clerk

Jim Flory, Member



DOUGLAS COUNTY ZONING & CODES DEPARTMENT

Memorandum to County Commission

December 28, 2012

In preparation of the resolutions for amendments to the Zoning Regulations, the County Counselor reviewed the draft resolutions developed by Zoning & Codes and had several recommendations for cleaning up and clarifying existing code language. The County Counselor's recommended modifications appear in the redlined version of the draft resolution included in your packet. A summary of these recommendations and changes is listed below:

Draft resolution for Special Event Permits:

Minor changes were made to the draft text amendment to correct department references, syntax, update the building code reference to construction codes and to section formatting. The formatting edits are not shown on the redlined resolution.

Suggested additional wording to clarify how the intent of the new Special Event amendments and to incorporate specific language that addresses current usage of the temporary business permit section are recommended, as follows: [Red text represents new language. Delete text has ~~double~~ strikethroughs.]

In the new section for Special Events:

12-319-8.03 Exempt Events

The following types of events are exempt from the requirement to have a Special Event Permit:

- a. Private gatherings held by the property owner or resident **for which no admission or fee is charged for use of the property or facilities and no admission or entrance fee is charged** (such as wedding receptions for family members or family reunions).
- b. Garage sale, estate or farm auction, or similar event. A maximum of 2 of these events are permitted through this exemption per calendar year.
- c. Fundraising or non-commercial events for nonprofit religious, political, educational or community service organizations which meet the following criteria and standards:
 - 1) Event is conducted entirely on private property,
 - 2) Any structure used in conjunction with the Special Event shall meet all applicable yard setbacks and shall be subject to a valid building permit for the particular use,
 - 3) The event shall be restricted to hours of operation between 8 AM and 11 PM,
 - 4) Maximum duration of 7 days,
 - 5) Maximum of 4 events on a property per calendar year,
 - 6) Signs displayed in conjunction with use shall comply with sign regulations for the Zoning District in which the property is located, and
 - 7) **No fee is charged for use of the property or facilities and no admission or entrance fee is charged.**

In the new section for Special Events:

12-319-8.04 Events which require Special Event Permits

Events which do not meet the criteria for exemption listed in Section 12-319-8.03 require a Special Event Permit.

- a. These include events which are open to the general public, whether or not an admission or entrance fee is charged. These events include, but are not limited to auctions, **markets, sporting events**, rallies, concerts, performances, festivals, fairs, carnivals, fundraisers, or similar public gatherings.
- b. Events may occur either with or without the sale or provision of alcoholic liquor or cereal malt beverages. The property owner or sponsor of the event is responsible for obtaining necessary liquor licenses.

In the amendments to the existing Section 12-319-5 Temporary Business Uses and Temporary Business Use Permits, the existing language is archaic and does not apply to current practices:

12-319-5.01 Definitions

- a. Temporary business uses shall include the following activities conducted only for a temporary and specified duration:
 - 1) Batching **or rock-crushing** plant, including ~~portland cement~~, concrete or asphalt.
 - 2) Construction building or construction materials yard.
 - 3) Real estate tract sales office.
 - 4) Flea market or swap meet.
 - 5) Movie or video filming operations involving a combined crew, cast and extras of greater than ten (10) persons, except that one permit may be acquired for a single movie or video filming operation at different locations over a six (6) month period provided the applicant therefore informs the Douglas County Sheriff of each filming location twenty-four (24) hours prior to commencing filming operations.
 - 6) Any other similar business use of a temporary and specified duration generating no more traffic or other effects on neighboring property than the foregoing.

Adoption of the resolution is recommended with these changes.

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS ADOPTING TEXT AMENDMENTS TO THE ZONING REGULATIONS FOR THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS, PERTAINING TO SPECIAL EVENTS AND REVISIONS TO TEMPORARY BUSINESS PERMITS.

WHEREAS, the Lawrence-Douglas County Planning Commission, after holding a public hearing on April 23, 2012 following due and lawful notice pursuant to K.S.A. 12-757 and the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas*, as codified in Chapter 11, Article 3 of the Douglas County Code and as amended (the "Zoning Regulations"), has recommended that the Board of County Commissioners of Douglas County, Kansas (the "Board") make text amendments to the Zoning Regulations, the nature and description of such change being fully set forth below; and

WHEREAS, on January 2, 2013, the Board found that the Zoning Regulations should be amended by adopting the text amendment set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AS FOLLOWS:

I. Adoption of Text Amendments. The Board hereby finds that the statutory provisions for the amendment of the Zoning Regulations has been fully complied with and hereby adopts the following text amendments (the "Text Amendments") amending the Zoning Regulations as follows:

A. Adding new section 12-319-8 relating to SPECIAL EVENTS as follows:

12-319-8. SPECIAL EVENTS

12-319-8.01 Purpose and Intent

- a. The purpose of this section is to establish procedures and standards for conducting short-term Special Events on private property within the unincorporated area of Douglas County.
- b. The regulations in this section are intended to provide an efficient procedure for processing Special Event applications while promoting the health, safety and welfare of all persons in the county by ensuring that Special Events do not create disturbances, become nuisances, disrupt traffic, or threaten or damage persons or property.

12-319-8.02 Special Event Defined

The term "Special Event" shall mean a short-term use of land or structures which is not otherwise included as a permitted or accessory use by these Zoning Regulations.

12-319-8.03 Exempt Events

The following types of events are exempt from the requirement to have a Special Event Permit:

- a. Private gatherings held by the property owner or resident for which no admission or fee is charged for use of the property or facilities and no admission or entrance fee is charged, (such as wedding receptions or family reunions).
- b. Garage sale, estate or farm auction, or similar event. A maximum of 2 of these events are permitted through this exemption per calendar year.
- c. Fundraising or non-commercial events for nonprofit religious, political, educational or community service organizations which meet the following criteria and standards:
 - 1) Event is conducted entirely on private property,
 - 2) Any structure used in conjunction with the Special Event shall meet all applicable yard setbacks and shall be subject to a valid building permit,
 - 3) The event shall be restricted to hours of operation between 8 AM and 11 PM,
 - 4) Maximum duration of 7 days,
 - 5) Maximum of 4 events on a property per calendar year,
 - 6) Signs displayed in conjunction with use shall comply with sign regulations for the Zoning District in which the property is located, and,
 - 7) No fee is charged for use of the property or facilities and no admission or entrance fee is charged.

12-319-8.04 Events which require Special Event Permits

Events which do not meet the criteria for exemption listed in Section 12-309-8.03 require a Special Event Permit.

- a. These include events which are open to the general public, whether or not an admission or entrance fee is charged. These events include, but are not limited to auctions, markets, sporting events, rallies, concerts, performances, festivals, fairs, carnivals, fundraisers, or similar public gatherings.
- b. Events may occur either with or without the sale or provision of alcoholic liquor or cereal malt beverages. The property owner or sponsor of the event is responsible for obtaining necessary liquor licenses.

12-319-8.05 Permit Approval Process.

- a. Special Event Permits may be approved administratively or may require approval by the Board of County Commissioners, depending on the nature of the activity and the potential impacts to the surrounding properties.
- b. Special Events which do not meet the criteria listed in Section 12-319-8.06 or the standards listed in Section 12-319-8.07 or have characteristics that

the Director of Zoning and Codes determines may constitute a nuisance or danger shall require approval of the Board of County Commissioners.

12-319-8.06 Criteria for Administrative Approval.

The Director of Zoning and Codes shall review the Special Event Permit application with the following criteria to determine if the permit may be processed administratively:

- a. The principal route to the event is on a road network suitable for the anticipated attendance, per the determination of the County Engineer or township official.
- b. Event hours between 8 AM and 11 PM.
- c. The event lasts no more than 14 days.
- d. Up to 4 events within the calendar year may be permitted administratively for a property. Additional events require approval by the Board of County Commissioners.
- e. The event does not propose any overnight sleeping **or camping, whether or not accommodations are provided.**

12-319-8.07 Standards

In addition to the criteria noted above, all Special Events shall comply with the following performance standards and any additional conditions deemed necessary by the Director of Zoning and Codes, or the Board of County Commissioners, if applicable, in order to minimize any negative impacts to surrounding properties and protect the public health, safety and welfare.

- a. **Noise.** The County Noise Regulations (including Section 7-201 *et seq.* of the Douglas County Code, as amended) shall be observed.
- b. **Parking.** Adequate **off-street** parking areas (including accessible parking) are **provided** ~~required~~ for the event.
 - 1) Accessible parking must be located as near to the event area as possible.
 - 2) Parking shall be provided on the same property as the event to the fullest extent possible. No parking shall occur on the public right-of-way
 - 3) Parking may be located on adjoining property with advance written consent of the affected landowner. A copy of the written consent shall be provided to the Director of Zoning and Codes prior to approval of the permit.
- c. **Location of Event.**
 - 1) The event shall not interfere with access into the site for emergency vehicles.
 - 2) No Special Events are permitted to be located within the regulatory floodway.
- d. **Health and Sanitation.** All requirements of the Lawrence-Douglas County Health Department shall be met.

- e. **Lighting.** All lighting sources shall be shielded or aimed so the direct illumination is confined to the property on which the **Special** Event is located.
 - 1) The operation of searchlights or similar lighting sources is prohibited.
 - 2) Flashing light source is prohibited.
 - 3) Animated or lighted signs are prohibited.
- f. **Signage.**
 - 1) One temporary freestanding or wall-mounted on-site sign is permitted.
 - 2) The applicable sign regulations for the Zoning District in which the property is located shall apply.
 - 3) Sign text and graphics, which relate only to the Special Event shall be removed immediately upon cessation of the event.
 - 4) Off-premise directional signage, on private property, that describes the location of the **Special Event** use, shall be allowed with the written approval of the property owner. A map with the location of the signage shall be provided to the Zoning and Codes **Department Office** prior to event.
 - 5) Under no circumstance is signage permitted within the public right-of-way.
- g. **Other Permits and Laws.** Any required local or state permits or licenses, etc., shall be obtained before the Special Event Permit is issued and the event shall comply with all applicable sales tax and other laws of Douglas County.
- h. **Structures.** Any structure used for a Special Event must comply with Douglas County **Construction Building Codes**.
- i. **Site Restoration.** The site shall be left free of debris, litter or any other unsightly evidence of the use upon completion or removal of the use and shall thereafter be used only in accordance with the applicable provisions of the zoning regulations.

12-319-8.08 Review and Approval Procedure

Special Events which do not meet the exemption criteria listed in Section 12-319-8.03 shall obtain a Special Event Permit through the following procedure:

- a. Submittal of a completed Special Event Permit application, and the appropriate application fee to the Douglas County Zoning and Codes **Department Office**.
 - 1) The application must be provided at least 28 days prior to the event to allow time for a review of the application and notification of neighbors.
 - 2) The Director of Zoning and Codes shall make a determination within 7 calendar days of the submittal as to whether the permit may be approved administratively or requires Board of County Commissioners approval.
 - 3) Applications which are referred to the Board of County Commissioners for approval will be reviewed and placed on the next available agenda.

- b. The applicant shall obtain a list of property owners within 1000 ft of the property on which the Special Event is proposed from the Douglas County Clerk's Office. If the foregoing area includes area within the corporate limits of a city, the list shall include owners of property extending 200 feet into the corporate limits of the city. The applicant shall mail a letter which contains the information below to the property owners on the list to advise them of the proposed event and provide them the opportunity to contact the applicant or the Zoning and Codes ~~Department Office~~ if they have any questions.

A Special Event Permit is being proposed for property located at _____. The event will consist of (brief description of event) and will run from _____ to _____ between the hours of _____. A Special Event Permit application will be submitted to the Douglas County Zoning and Codes ~~Department Office~~.

Please contact me at _____ with any questions regarding this event, or the Douglas County Zoning and Codes ~~Department Office~~ at 785-331-1343.

The applicant must provide a copy of the letter, the property owner list and certification of the date the letters were mailed to the addresses on the list with their application.

- c. A Special Event Permit may be administratively issued by the Director of Zoning and Codes if the criteria listed in Section 12-319-8.06 and the standards listed in Section 12-319-8.07 are met and the Director determines the event will not create a public nuisance or danger.
- d. Special Events which do not meet the criteria for administrative approval, or are determined to constitute a potential nuisance or danger to the public, shall be referred to the Board of County Commission for action.
- e. Following the approval of the Special Event, a permit shall be issued to the applicant at no additional charge. The permit shall be kept on the premises during the duration of the event.

- B. Amending existing section 12-319-5 TEMPORARY BUSINESS USES AND TEMPORARY BUSINESS USE PERMITS as follows:

12-319-5 TEMPORARY BUSINESS USES AND TEMPORARY BUSINESS USE PERMITS

Temporary business uses may be permitted in any district upon the review and finding of the Board of County Commissioners that the proposed use is in the public interest. In making such determination, the Board shall consider the intensity and duration of the use, the traffic that can be expected to be generated by the use, the applicant's plans for dealing with sanitation and other public

health and safety issues, and other factors which the Board in its discretion determines will affect the public health, safety and welfare.

12-319-5 Definitions.

- a. "Temporary business use" shall mean the carrying on of any of the activities enumerated in subparagraph (2) of this **Section 12-319-5.01** ~~Paragraph (b)~~ on real property located in the unincorporated area of Douglas County, Kansas, which is not owned and regularly used by the applicant/sponsor of such activity for such purpose; provided that, "temporary business use" shall not include the activities of persons, families, groups or social or religious organizations that conduct fund raising, social or religious activities on real groups for such activity. An activity enumerated in subparagraph (b), below, held on property which is leased or borrowed for the purpose of conducting the activity shall be presumed to be a "temporary business use" which is subject to the requirements of this Section 12-319-5.
- b. Temporary business uses shall include the following activities conducted **only for a temporary and specified duration:**
 - 1) Batching **or rock-crushing** plant, including ~~portland cement~~, concrete or asphalt.
 - 2) Construction building or construction materials yard.
 - 3) Real estate tract sales office.
 - 4) Flea market or swap meet.
 - 5) Movie or video filming operations involving a combined crew, cast and extras of greater than ten (10) persons, except that one permit may be acquired for a single movie or video filming operation at different locations over a six (6) month period provided the applicant therefore informs the Douglas County Sheriff of each filming location twenty-four (24) hours prior to commencing filming operations.
 - 6) **Any other similar business use of a temporary and specified duration generating no more traffic or other effects on neighboring property than the foregoing.**
- c. **Application Procedure.** An applicant for a temporary business use permit shall make application to the office of the **Director of Douglas County Zoning and Codes Department** ~~Administrator~~ no less than twenty-eight days before the date of **commencement of** the proposed temporary business use. For good cause shown, the Board of County Commissioners may allow an application to be filed on shorter notice. All applications shall be accompanied by a non-refundable application fee in an amount set by resolution of the Board of County Commissioners but not less than one hundred dollars. In the application the applicant shall identify each sponsor of or other persons with a financial interest in the proposed activity.
- d. **Temporary Business Use Plan.** Each temporary business use application shall be accompanied by ten copies of a plan in which the applicant explains the activity, the number of persons anticipated to attend, the location of the temporary business use, and detailed information concerning the applicant's plans and procedures for the following:

- 1) Controlling traffic, parking and road conditions during the temporary business use, including provisions for off-road parking;
 - 2) Addressing health and sanitation concerns at the site, including toilet and drinking water facilities and supplies adequate to meet the anticipated crowd plus a reasonable allowance for additional persons, including certification by Lawrence-Douglas County Health Department that all sanitation and health concerns have been adequately addressed in the applicant's plans;
 - 3) Providing adequate illumination at the site if the temporary business use is to be held at night;
 - 4) Providing security at the site, including the hiring of private security guards;
 - 5) Providing adequate fire safety precautions at the site, including consultation with the township fire department and approval prior to the activity;
 - 6) Evidence that the applicant has secured or can secure adequate general liability and property insurance coverage for the temporary business use; and,
 - 7) If applicable, the serving of alcoholic beverages, including cereal malt beverage.
- e. **Public Notice Requirements.** Upon receipt of the application for a temporary business use permit, the Director of ~~Douglas County~~ Zoning and Codes Department Administrator shall notify the applicant of the date scheduled for a public hearing on such application before the Board of County Commissioners. No less than ten days prior to the public hearing the ~~Director of Douglas County~~ Zoning and Codes Department Administrator shall ~~cause send~~ notice to be sent of the date, time and place of the hearing by first class mail to the following persons:
- 1) The owners and occupants of properties within 1,000 feet of the boundaries of the site at which the proposed use will occur; and,
 - 2) The owners and occupants of residential structures served by driveways which take access from the public road which shall serve as the primary access to the proposed site and that are within one mile of the main entrance to such site. The public notice provided for herein also shall contain a copy of the temporary business use plan required in paragraph (d) or a summary thereof. The failure of any of the above described persons to receive the notice provided for herein shall not invalidate any proceedings held concerning a temporary business use permit application. The notice required by this subsection shall only be required to be sent to the non-owner occupants of properties described herein if the names and addresses of such persons can be ascertained from records of the County that are available to the ~~Director of Douglas County~~ Zoning and Codes Department Administrator.

- f. **Public Hearing and Decision by Board.** Each application for a temporary business use permit shall be exempt from the requirements of Section 12-319-1, but the application shall be the subject of a public hearing before the Board of County Commissioners on the date and at the time and place set out in the notice required to be given under paragraph (e) of this section. After the public hearing held thereon, the Board may approve or deny the permit, or the Board may continue the hearing or a decision on the permit application until a subsequent meeting. If the permit is approved, the Board shall establish the effective time period for the permit and all conditions under which the permit is granted. Such conditions may include, but shall not be limited to, a requirement that a cash bond be posted by the applicant to reimburse Douglas County for the cost of any overtime incurred by County staff in responding to calls by law enforcement personnel and the provision of other services in connection with the permitted activity. Within 14 days after the conclusion of the use the County Administrator shall review all costs incurred by the County, shall deduct the amount of the costs from the bond, and shall refund the balance of the cash bond to the applicant.
- g. **Permit Not Assignable.** Any permit issued under this section may not be assigned by the applicant to any other person without the consent of the Board of County Commissioners.

II. Addition to Zoning Regulations. The Text Amendments made by this Resolution shall be included as a supplement to the Zoning Regulations, as codified in Chapter 11, Article 3 of the Douglas County Code.

III. Invalidity. If any section, clause, sentence, or phrase of Resolution or the Text Amendments adopted hereby is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Resolution or the Text Amendments adopted hereby, as the case may be.

IV. Repeal. The Zoning Regulations heretofore adopted that are in conflict with the Text Amendments are amended, repealed or replaced, as the case may be, to be consistent with the Text Amendments adopted hereby.

V. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Board and its publication once in the official County newspaper.

ADOPTED this _____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Mike Gaughan, Chairman

ATTEST:

Nancy Thellman, Member

Jameson D. Shew, County Clerk

Jim Flory, Member

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS ADOPTING TEXT AMENDMENTS TO THE ZONING REGULATIONS FOR THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS, PERTAINING TO SPECIAL EVENTS AND REVISIONS TO TEMPORARY BUSINESS PERMITS.

WHEREAS, the Lawrence-Douglas County Planning Commission, after holding a public hearing on April 23, 2012 following due and lawful notice pursuant to K.S.A. 12-757 and the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas*, as codified in Chapter 11, Article 3 of the Douglas County Code and as amended (the "Zoning Regulations"), has recommended that the Board of County Commissioners of Douglas County, Kansas (the "Board") make text amendments to the Zoning Regulations, the nature and description of such change being fully set forth below; and

WHEREAS, on January 2, 2013, the Board found that the Zoning Regulations should be amended by adopting the text amendment set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AS FOLLOWS:

I. Adoption of Text Amendments. The Board hereby finds that the statutory provisions for the amendment of the Zoning Regulations has been fully complied with and hereby adopts the following text amendments (the "Text Amendments") amending the Zoning Regulations as follows:

A. Adding new section 12-319-8 relating to SPECIAL EVENTS as follows:

12-319-8. SPECIAL EVENTS

12-319-8.01 Purpose and Intent

- a. The purpose of this section is to establish procedures and standards for conducting short-term Special Events on private property within the unincorporated area of Douglas County.
- b. The regulations in this section are intended to provide an efficient procedure for processing Special Event applications while promoting the health, safety and welfare of all persons in the county by ensuring that Special Events do not create disturbances, become nuisances, disrupt traffic, or threaten or damage persons or property.

12-319-8.02 Special Event Defined

The term "Special Event" shall mean a short-term use of land or structures which is not otherwise included as a permitted or accessory use by these Zoning Regulations.

12-319-8.03 Exempt Events

The following types of events are exempt from the requirement to have a Special Event Permit:

- a. Private gatherings held by the property owner or resident for which no admission or fee is charged for use of the property or facilities and no admission or entrance fee is charged, (such as wedding receptions or family reunions).
- b. Garage sale, estate or farm auction, or similar event. A maximum of 2 of these events are permitted through this exemption per calendar year.
- c. Fundraising or non-commercial events for nonprofit religious, political, educational or community service organizations which meet the following criteria and standards:
 - 1) Event is conducted entirely on private property,
 - 2) Any structure used in conjunction with the Special Event shall meet all applicable yard setbacks and shall be subject to a valid building permit,
 - 3) The event shall be restricted to hours of operation between 8 AM and 11 PM,
 - 4) Maximum duration of 7 days,
 - 5) Maximum of 4 events on a property per calendar year,
 - 6) Signs displayed in conjunction with use shall comply with sign regulations for the Zoning District in which the property is located, and,
 - 7) No fee is charged for use of the property or facilities and no admission or entrance fee is charged.

12-319-8.04 Events which require Special Event Permits

Events which do not meet the criteria for exemption listed in Section 12-309-8.03 require a Special Event Permit.

- a. These include events which are open to the general public, whether or not an admission or entrance fee is charged. These events include, but are not limited to auctions, markets, sporting events, rallies, concerts, performances, festivals, fairs, carnivals, fundraisers, or similar public gatherings.
- b. Events may occur either with or without the sale or provision of alcoholic liquor or cereal malt beverages. The property owner or sponsor of the event is responsible for obtaining necessary liquor licenses.

12-319-8.05 Permit Approval Process.

- a. Special Event Permits may be approved administratively or may require approval by the Board of County Commissioners, depending on the nature of the activity and the potential impacts to the surrounding properties.
- b. Special Events which do not meet the criteria listed in Section 12-319-8.06 or the standards listed in Section 12-319-8.07 or have characteristics that

the Director of Zoning and Codes determines may constitute a nuisance or danger shall require approval of the Board of County Commissioners.

12-319-8.06 Criteria for Administrative Approval.

The Director of Zoning and Codes shall review the Special Event Permit application with the following criteria to determine if the permit may be processed administratively:

- a. The principal route to the event is on a road network suitable for the anticipated attendance, per the determination of the County Engineer or township official.
- b. Event hours between 8 AM and 11 PM.
- c. The event lasts no more than 14 days.
- d. Up to 4 events within the calendar year may be permitted administratively for a property. Additional events require approval by the Board of County Commissioners.
- e. The event does not propose any overnight sleeping or camping, whether or not accommodations are provided.

12-319-8.07 Standards

In addition to the criteria noted above, all Special Events shall comply with the following performance standards and any additional conditions deemed necessary by the Director of Zoning and Codes, or the Board of County Commissioners, if applicable, in order to minimize any negative impacts to surrounding properties and protect the public health, safety and welfare.

- a. **Noise.** The County Noise Regulations (including Section 7-201 *et seq.* of the Douglas County Code, as amended) shall be observed.
- b. **Parking.** Adequate off-street parking areas (including accessible parking) are provided ~~on~~ the event.
 - 1) Accessible parking must be located as near to the event area as possible.
 - 2) Parking shall be provided on the same property as the event to the fullest extent possible. No parking shall occur on the public right-of-way
 - 3) Parking may be located on adjoining property with advance written consent of the affected landowner. A copy of the written consent shall be provided to the Director of Zoning and Codes prior to approval of the permit.
- c. **Location of Event.**
 - 1) The event shall not interfere with access into the site for emergency vehicles.
 - 2) No Special Events are permitted to be located within the regulatory floodway.
- d. **Health and Sanitation.** All requirements of the Lawrence-Douglas County Health Department shall be met.

- e. **Lighting.** All lighting sources shall be shielded or aimed so the direct illumination is confined to the property on which the Special Event is located.
 - 1) The operation of searchlights or similar lighting sources is prohibited.
 - 2) Flashing light source is prohibited.
 - 3) Animated or lighted signs are prohibited.
- f. **Signage.**
 - 1) One temporary freestanding or wall-mounted on-site sign is permitted.
 - 2) The applicable sign regulations for the Zoning District in which the property is located shall apply.
 - 3) Sign text and graphics, which relate only to the Special Event, shall be removed immediately upon cessation of the event.
 - 4) Off-premise directional signage, on private property, that describes the location of the Special Event shall be allowed with the written approval of the property owner. A map with the location of the signage shall be provided to the Zoning and Codes Department prior to event.
 - 5) Under no circumstance is signage permitted within the public right-of-way.
- g. **Other Permits and Laws.** Any required local or state permits or licenses, etc., shall be obtained before the Special Event Permit is issued and the event shall comply with all applicable sales tax and other laws of Douglas County.
- h. **Structures.** Any structure used for a Special Event must comply with Douglas County Construction Codes.
- i. **Site Restoration.** The site shall be left free of debris, litter or any other unsightly evidence of the use upon completion or removal of the use and shall thereafter be used only in accordance with the applicable provisions of the zoning regulations.

12-319-8.08 Review and Approval Procedure

Special Events which do not meet the exemption criteria listed in Section 12-319-8.03 shall obtain a Special Event Permit through the following procedure:

- a. Submittal of a completed Special Event Permit application, and the appropriate application fee to the Douglas County Zoning and Codes Department.
 - 1) The application must be provided at least 28 days prior to the event to allow time for a review of the application and notification of neighbors.
 - 2) The Director of Zoning and Codes shall make a determination within 7 calendar days of the submittal as to whether the permit may be approved administratively or requires Board of County Commissioners approval.
 - 3) Applications which are referred to the Board of County Commissioners for approval will be reviewed and placed on the next available agenda.

- b. The applicant shall obtain a list of property owners within 1000 ft of the property on which the Special Event is proposed from the Douglas County Clerk's Office. If the foregoing area includes area within the corporate limits of a city, the list shall include owners of property extending 200 feet into the corporate limits of the city. The applicant shall mail a letter which contains the information below to the property owners on the list to advise them of the proposed event and provide them the opportunity to contact the applicant or the Zoning and Codes Department if they have any questions.

A Special Event Permit is being proposed for property located at _____ . The event will consist of (brief description of event) and will run from _____ to _____ between the hours of _____. A Special Event Permit application will be submitted to the Douglas County Zoning and Codes Department.

Please contact me at _____ with any questions regarding this event, or the Douglas County Zoning and Codes Department at 785-331-1343.

The applicant must provide a copy of the letter, the property owner list and certification of the date the letters were mailed to the addresses on the list with their application.

- c. A Special Event Permit may be administratively issued by the Director of Zoning and Codes if the criteria listed in Section 12-319-8.06 and the standards listed in Section 12-319-8.07 are met and the Director determines the event will not create a public nuisance or danger.
- d. Special Events which do not meet the criteria for administrative approval, or are determined to constitute a potential nuisance or danger to the public, shall be referred to the Board of County Commission for action.
- e. Following the approval of the Special Event, a permit shall be issued to the applicant at no additional charge. The permit shall be kept on the premises during the duration of the event.

- B. Amending existing section 12-319-5 TEMPORARY BUSINESS USES AND TEMPORARY BUSINESS USE PERMITS as follows:

12-319-5 TEMPORARY BUSINESS USES AND TEMPORARY BUSINESS USE PERMITS

Temporary business uses may be permitted in any district upon the review and finding of the Board of County Commissioners that the proposed use is in the public interest. In making such determination, the Board shall consider the intensity and duration of the use, the traffic that can be expected to be generated by the use, the applicant's plans for dealing with sanitation and other public

health and safety issues, and other factors which the Board in its discretion determines will affect the public health, safety and welfare.

12-319-5 Definitions.

- a. "Temporary business use" shall mean the carrying on of any of the activities enumerated in subparagraph (2) of this Section 12-319-5.01 on real property located in the unincorporated area of Douglas County, Kansas, which is not owned and regularly used by the applicant/sponsor of such activity for such purpose; provided that, "temporary business use" shall not include the activities of persons, families, groups or social or religious organizations that conduct fund raising, social or religious activities on real groups for such activity. An activity enumerated in subparagraph (b), below, held on property which is leased or borrowed for the purpose of conducting the activity shall be presumed to be a "temporary business use" which is subject to the requirements of this Section 12-319-5.
- b. Temporary business uses shall include the following activities conducted only for a temporary and specified duration:
 - 1) Batching or rock-crushing plant, including concrete or asphalt.
 - 2) Construction building or construction materials yard.
 - 3) Real estate tract sales office.
 - 4) Flea market or swap meet.
 - 5) Movie or video filming operations involving a combined crew, cast and extras of greater than ten (10) persons, except that one permit may be acquired for a single movie or video filming operation at different locations over a six (6) month period provided the applicant therefore informs the Douglas County Sheriff of each filming location twenty-four (24) hours prior to commencing filming operations.
 - 6) Any other similar business use of a temporary and specified duration generating no more traffic or other effects on neighboring property than the foregoing.
- c. **Application Procedure.** An applicant for a temporary business use permit shall make application to the office of the Director of Zoning and Codes Department no less than twenty-eight days before the date of commencement of the proposed temporary business use. For good cause shown, the Board of County Commissioners may allow an application to be filed on shorter notice. All applications shall be accompanied by a non-refundable application fee in an amount set by resolution of the Board of County Commissioners but not less than one hundred dollars. In the application the applicant shall identify each sponsor of or other persons with a financial interest in the proposed activity.
- d. **Temporary Business Use Plan.** Each temporary business use application shall be accompanied by ten copies of a plan in which the applicant explains the activity, the number of persons anticipated to attend, the location of the temporary business use, and detailed information concerning the applicant's plans and procedures for the following:

- 1) Controlling traffic, parking and road conditions during the temporary business use, including provisions for off-road parking;
 - 2) Addressing health and sanitation concerns at the site, including toilet and drinking water facilities and supplies adequate to meet the anticipated crowd plus a reasonable allowance for additional persons, including certification by Lawrence-Douglas County Health Department that all sanitation and health concerns have been adequately addressed in the applicant's plans;
 - 3) Providing adequate illumination at the site if the temporary business use is to be held at night;
 - 4) Providing security at the site, including the hiring of private security guards;
 - 5) Providing adequate fire safety precautions at the site, including consultation with the township fire department and approval prior to the activity;
 - 6) Evidence that the applicant has secured or can secure adequate general liability and property insurance coverage for the temporary business use; and,
 - 7) If applicable, the serving of alcoholic beverages, including cereal malt beverage.
- e. Public Notice Requirements.** Upon receipt of the application for a temporary business use permit, the Director of Zoning and Codes Department shall notify the applicant of the date scheduled for a public hearing on such application before the Board of County Commissioners. No less than ten days prior to the public hearing the Director of Zoning and Codes Department shall cause notice to be sent of the date, time and place of the hearing by first class mail to the following persons:
- 1) The owners and occupants of properties within 1,000 feet of the boundaries of the site at which the proposed use will occur; and,
 - 2) The owners and occupants of residential structures served by driveways which take access from the public road which shall serve as the primary access to the proposed site and that are within one mile of the main entrance to such site. The public notice provided for herein also shall contain a copy of the temporary business use plan required in paragraph (d) or a summary thereof. The failure of any of the above described persons to receive the notice provided for herein shall not invalidate any proceedings held concerning a temporary business use permit application. The notice required by this subsection shall only be required to be sent to the non-owner occupants of properties described herein if the names and addresses of such persons can be ascertained from records of the County that are available to the Director of Zoning and Codes Department.
- f. Public Hearing and Decision by Board.** Each application for a temporary business use permit shall be exempt from the requirements of Section 12-319-1, but the application shall be the subject of a public hearing before the

Board of County Commissioners on the date and at the time and place set out in the notice required to be given under paragraph (e) of this section. After the public hearing held thereon, the Board may approve or deny the permit, or the Board may continue the hearing or a decision on the permit application until a subsequent meeting. If the permit is approved, the Board shall establish the effective time period for the permit and all conditions under which the permit is granted. Such conditions may include, but shall not be limited to, a requirement that a cash bond be posted by the applicant to reimburse Douglas County for the cost of any overtime incurred by County staff in responding to calls by law enforcement personnel and the provision of other services in connection with the permitted activity. Within 14 days after the conclusion of the use the County Administrator shall review all costs incurred by the County, shall deduct the amount of the costs from the bond, and shall refund the balance of the cash bond to the applicant.

- g. Permit Not Assignable.** Any permit issued under this section may not be assigned by the applicant to any other person without the consent of the Board of County Commissioners.

II. Addition to Zoning Regulations. The Text Amendments made by this Resolution shall be included as a supplement to the Zoning Regulations, as codified in Chapter 11, Article 3 of the Douglas County Code.

III. Invalidity. If any section, clause, sentence, or phrase of Resolution or the Text Amendments adopted hereby is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Resolution or the Text Amendments adopted hereby, as the case may be.

IV. Repeal. The Zoning Regulations heretofore adopted that are in conflict with the Text Amendments are amended, repealed or replaced, as the case may be, to be consistent with the Text Amendments adopted hereby.

V. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Board and its publication once in the official County newspaper.

ADOPTED this _____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Mike Gaughan, Chairman

ATTEST:

Jameson D. Shew, County Clerk

Nancy Thellman, Member

Jim Flory, Member



DOUGLAS COUNTY ADMINISTRATIVE SERVICES

Division of Purchasing

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5286 Fax (785) 838-2480
www.douglas-county.com

MEMO TO: The Board of County Commissioners
Craig Weinaug, County Administrator

FROM: Jackie Waggoner, Purchasing Director
Division of Purchasing

SUBJECT: Approve Outdoor Warning Siren Maintenance Contract

DATE: December 27, 2012

Douglas County participated in a Mid America Regional Council (MARC) cooperative contract for outdoor warning sirens. The contract established with Blue Valley Public Safety (BVPS) includes both equipment and maintenance.

The maintenance agreement includes 35 sirens, 39 siren controls, 156 batteries, 2 encoders, and 1 software upgrade for a total cost of \$25,544.

The County is eligible for a 10% discount if payment is made in full by January 31, 2013. We intend on taking advantage of this discount that would reduce our annual cost to \$22,989.60. I will be available at the commission meeting to answer any questions you may have.

SUGGESTED MOTION: The Board of County Commissioners approves the 2013 outdoor warning siren maintenance agreement in the amount of \$22,989.60 with Blue Valley Public Safety.



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MEMO TO: The Board of County Commissioners
Craig Weinaug, County Administrator

FROM: Jackie Waggoner, Purchasing Director
Division of Purchasing

SUBJECT: Consider Contract for Hazardous Materials Functional Exercise

DATE: December 27, 2012

Emergency Management has received a \$25,000 grant to conduct a hazardous material functional exercise with drill component for the Douglas County Sheriff's Correctional Division. The County will have a soft match that equates to \$6,250. The majority of the match will be in-kind by participant's salaries and benefits. The exercise scenario will simulate an incident that will test their plans and procedures to ensure the safety and security of staff and inmates housed at the Jail.

We solicited proposals from qualified contractors to plan and develop the exercise. Once a contract has been established, a designated team of contractors and staff will design and develop a realistic scenario. In this process measurable objectives will be created based on the needs identified. The assumption for the exercise is that each participant will take part in a one day scenario-based event which is contained to two separate venue locations (jail and an "outside" venue), up to three separate agency organizations that require planning efforts integrated, with others to participate as linked participants. The following two proposals were submitted:

| | |
|-----------------------------------|----------|
| Ascentra | \$25,000 |
| AMEC Environment & Infrastructure | \$32,315 |

Our evaluating committee (Steve Hornberger, Undersheriff; Shaun Coffey, Division Chief for Lawrence-Douglas County Fire & Medical; and me) reviewed both proposals and was confident that Ascentra's approach and experience would meet the needs for the exercise.

Teri Smith and I will be available at the commission meeting to answer any questions you may have.

RECOMMENDATION: The Board of County Commissioners considers the approval of a contract in the amount of \$25,000 with Ascentra for the development of a hazardous materials functional exercise.

OFFICE OF



THE SHERIFF

Steve Hornberger, Undersheriff
111 E 11th St – Operations
Lawrence, KS 66044
(785) 841-0007, fax (785) 841-5168

Ken Massey, Undersheriff
3601 E 25th St – Corrections
Lawrence, KS 66046
(785) 830-1000, fax (785) 830-1085

KENNETH M. MCGOVERN
Sheriff

MEMORANDUM

To: The Board of County Commissioners
County Administrator Craig Weirhaug

From: Sheriff Kenneth M. McGovern

Date: December 21, 2012

Subject: Consider Recommendation of Vehicle Purchase

The Douglas County Sheriff's Office is requesting authorization to purchase a 2013 Ford Explorer. This purchase would total \$25,608 and is necessary to ensure the continued reliable operation of our vehicles. The funding for this purchase is available in the Sheriff's Office budget.

This vehicle would replace one late model, high mileage vehicle that is currently in operation. This purchase would be made utilizing the MACPP joint vehicle bid. Multiple contract awards were given to different dealerships during the MACPP bid process. The purchasing entity determines which dealer to choose based on best pricing, location, etc.

I would like to complete the purchase of this vehicle with Shawnee Mission Ford. Shawnee Mission Ford appears to provide this vehicle with the options needed at the lowest cost.

I recommend that the BOCC authorize the Sheriff to complete the purchase of this vehicle. Attached, you will find copies of the MACCP bid price for the vehicle. I will be available to answer any questions you may have.

Attachments

DOUGLAS COUNTY, KANSAS
PURCHASE ORDER NO. 145-12212012-1

Vendor Name/Address:
Shawnee Mission Ford Inc.
11501 Shawnee Mission Parkway
Shawnee, KS 66203-3359
Attn: Jay Cooper

Deliver To:
Douglas County Sheriff's Office
111 E. 11th Street
Lawrence, KS 66044
Attn: Lt. Gary Bunting

Contact: Lt. Gary Bunting (785-865-6640)
Date: 12-21-2012

Bill To:
Douglas County Sheriff's Office
Attn: Kim Hertach
111 E. 11th Street
Lawrence, KS 66044

| FUND | DEPT | ACCT | QTY | DESCRIPTION | UNIT LIST PRICE | UNIT DISCOUNT PRICE | TOTAL PRICE |
|------|-------|-------|-----|--|-----------------|---------------------|--------------|
| | | | | Comply w/ MACPP/MARC Specifications and Contract Terms | | | |
| 774 | 20060 | 82000 | 1 | 2013 Ford Explorer - (K8B 100A) with specified options listed in contract # 2012-117-7, Item #14 | | \$ 24,800.00 | \$ 24,800.00 |
| 774 | 20060 | 82000 | 1 | Keys - 3 identical keys per vehicle | | \$ 30.00 | \$ 30.00 |
| 774 | 20060 | 82000 | 1 | Service manual (CD) | | \$ 250.00 | \$ 250.00 |
| 774 | 20060 | 82000 | 1 | Temporary Tag | | \$ 3.00 | \$ 3.00 |
| 774 | 20060 | 82000 | 1 | Tow - Trailer towing package, heavy duty (52T) | | \$ 525.00 | \$ 525.00 |
| | | | | Exterior Color: Ingot Silver Metallic, Interior Color: Medium Light Stone | | \$ - | \$ - |
| | | | | Warranty: 3 Years/36,000 Miles Bumper-Bumper, 5 Years/60,000 Powertrain | | \$ - | \$ - |
| | | | | TOTAL: | | | \$ 25,608.00 |

Approved By: _____
Kenneth McGovern, Sheriff

Date: _____

A FINAL PLAT FOR: FORMER FARMLAND PROPERTY

LEGAL DESCRIPTION

A TRACT OF LAND IN SECTION 4 AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, BEING PREVIOUSLY RECORDED IN BOOK 1066, PAGE 2031, AND LOTS 2 AND 3, BLOCK 4 OF EAST HILLS BUSINESS PARK, CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF; THENCE NORTH 01 DEGREE 48 MINUTES 21 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID EAST HALF, 108.20 FEET TO THE SOUTHWEST CORNER OF LOT 1, CORNERSTONE PLAZA NO. 2 AND THE POINT OF BEGINNING; THENCE CONTINUING ON NORTH 01 DEGREE 48 MINUTES 21 SECONDS WEST, COINCIDENT WITH SAID WEST LINE, 1877.86 FEET TO THE SOUTHWEST CORNER OF LOT 1, MILLS SUBDIVISION; THENCE NORTH 87 DEGREES 52 MINUTES 23 SECONDS EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT 1, 1,019.86 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 01 DEGREE 38 MINUTES 22 SECONDS WEST, COINCIDENT WITH THE EAST LINE OF SAID LOT 1, 662.18 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE NORTH 01 DEGREE 36 MINUTES 07 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID NORTHWEST QUARTER, 2330.59 FEET TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 88 DEGREES 24 MINUTES 31 SECONDS EAST, COINCIDENT WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, 463.11 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE ON A CURVE TO THE LEFT, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, WITH A RADIUS OF 3001.03 FEET AND AN ARC LENGTH OF 218.19 FEET, WHOSE CHORD BEARS SOUTH 84 DEGREES 38 MINUTES 40 SECONDS EAST, 288.08 FEET; THENCE SOUTH 67 DEGREES 10 MINUTES 23 SECONDS EAST, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, 4879.95 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE SOUTH 2 DEGREES 26 MINUTES 59 SECONDS EAST, COINCIDENT WITH SAID EAST LINE, 428.43 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 39 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 4, 1038.81 FEET TO THE NORTHWEST CORNER OF LOT ONE, BLOCK ONE, EAST HILLS BUSINESS PARK NO. 3; THENCE SOUTH 1 DEGREE 20 MINUTES 57 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT ONE, 408.84 FEET TO THE WEST CORNER OF SAID LOT ONE; THENCE COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF GREENWAY COURT ON THE FOLLOWING THREE COURSES: (1) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 158.02 FEET, WHOSE CHORD BEARS SOUTH 1 DEGREE 53 MINUTES 14 SECONDS EAST, 100.00 FEET; (2) THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 1,460.00 FEET, AN ARC LENGTH OF 204.23 FEET, WHOSE CHORD BEARS SOUTH 50 DEGREES 57 MINUTE 44 SECONDS EAST, 204.09 FEET; (3) THENCE SOUTH 48 DEGREES 57 MINUTES 17 SECONDS EAST, 181.22 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF EAST HILLS BUSINESS PARK; THENCE COINCIDENT WITH SAID WESTERLY RIGHT-OF-WAY LINE ON THE FOLLOWING SEVEN COURSES: (1) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 658.48 FEET, AN ARC LENGTH OF 1388.82 FEET, WHOSE CHORD BEARS SOUTH 24 DEGREES 48 MINUTES 33 SECONDS EAST, 336.82 FEET; (2) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 1936.84 FEET, AN ARC LENGTH OF 461.23 FEET WHOSE CHORD BEARS SOUTH 3 DEGREES 24 MINUTES 30 SECONDS WEST, 460.14 FEET; (3) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 520.00 FEET, AN ARC LENGTH OF 243.80 FEET, WHOSE CHORD BEARS SOUTH 17 DEGREES 06 MINUTES 23 SECONDS EAST, 241.63 FEET; (4) THENCE SOUTH 55 DEGREES 02 MINUTES 36 SECONDS WEST, 77.05 FEET; (5) THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 707.73 FEET, AN ARC LENGTH OF 417.64 FEET, WHOSE CHORD BEARS SOUTH 71 DEGREES 54 MINUTES 56 SECONDS WEST, 417.64 FEET; (6) THENCE SOUTH 01 DEGREE 08 MINUTES 44 SECONDS EAST, 80.00 FEET; (7) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 282.73 FEET, AN ARC LENGTH OF 247.17 FEET, WHOSE CHORD BEARS NORTH 79 DEGREES 51 MINUTE 56 SECONDS EAST, 248.18 FEET TO THE NORTHWEST CORNER OF LOT 3, BLOCK 4, EAST HILLS BUSINESS PARK; THENCE COINCIDENT WITH THE NORTHERLY LINE OF SAID LOT 3 ON THE FOLLOWING THREE COURSES: (1) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 187.73 FEET, AN ARC LENGTH OF 217.69 FEET, WHOSE CHORD BEARS NORTH 02 DEGREES 57 MINUTES 35 SECONDS EAST, 216.99 FEET; (2) THENCE NORTH 35 DEGREES 02 MINUTES 36 SECONDS EAST, 77.05 FEET; (3) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 520.00 FEET, AN ARC LENGTH OF 184.83 FEET, WHOSE CHORD BEARS SOUTH 50 DEGREES 57 MINUTES 17 SECONDS EAST, 181.22 FEET TO THE NORTHWEST CORNER OF LOT 2 OF SAID BLOCK 4; THENCE ON A CURVE TO THE LEFT, COINCIDENT WITH THE NORTH LINE OF SAID LOT 2, WITH A RADIUS OF 520.00 FEET, AN ARC LENGTH OF 275.01 FEET, WHOSE CHORD BEARS SOUTH 75 DEGREES 39 MINUTES 41 SECONDS EAST, 271.81 FEET; THENCE NORTH 88 DEGREES 31 MINUTES 20 SECONDS EAST, COINCIDENT WITH SAID NORTH LINE, 214.40 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 2 DEGREES 22 MINUTES 29 SECONDS EAST, COINCIDENT WITH THE EAST LINE OF SAID LOT 2, 233.62 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK 4; THENCE SOUTH 88 DEGREES 02 MINUTES 26 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, 599.92 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 18 DEGREES 14 MINUTES 43 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 1, 318.71 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF K-10 HIGHWAY; THENCE SOUTH 88 DEGREES 56 MINUTES 07 SECONDS WEST, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, 45.99 FEET; THENCE SOUTH 73 DEGREES 32 MINUTES 42 SECONDS WEST, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, 192.23 FEET TO THE EAST LINE OF THE CATHOLIC CEMETERY RECORDED IN BOOK 12, PAGE 323; THENCE NORTH 1 DEGREE 05 MINUTES 36 SECONDS WEST, COINCIDENT WITH SAID EAST LINE, 592.80 FEET TO THE NORTHEAST CORNER OF SAID CEMETERY; THENCE SOUTH 88 DEGREES 54 MINUTES 04 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID CEMETERY, 460.00 FEET TO THE NORTHWEST CORNER OF SAID CEMETERY; THENCE SOUTH 1 DEGREE 05 MINUTES 36 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID CEMETERY, 592.40 FEET TO THE NORTH RIGHT-OF-WAY LINE OF K-10 HIGHWAY; THENCE COINCIDENT WITH SAID NORTH RIGHT-OF-WAY LINE ON THE FOLLOWING 11 COURSES: (1) THENCE SOUTH 88 DEGREES 56 MINUTES 04 SECONDS WEST, 619.42 FEET; (2) THENCE NORTH 01 DEGREE 03 MINUTES 36 SECONDS WEST, 40.00 FEET; (3) THENCE SOUTH 88 DEGREES 56 MINUTES 22 SECONDS WEST, 42.20 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER AND 108.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; (4) THENCE SOUTH 88 DEGREES 57 MINUTES 58 SECONDS WEST, 37.80 FEET; (5) THENCE SOUTH 91 DEGREES 03 MINUTES 13 SECONDS EAST, 40.00 FEET; (6) THENCE SOUTH 88 DEGREES 56 MINUTES 47 SECONDS WEST, 1279.20 FEET; (7) THENCE NORTH 01 DEGREE 03 MINUTES 09 SECONDS WEST, 20.00 FEET; (8) THENCE SOUTH 88 DEGREES 38 MINUTES 47 SECONDS WEST, 1323.40 FEET; (9) THENCE NORTH 50 DEGREES 09 MINUTES 18 SECONDS WEST, 53.80 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4 AND 125.70 FEET NORTH OF SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER; (10) THENCE SOUTH 86 DEGREES 43 MINUTES 30 SECONDS WEST, 85.18 FEET TO THE SOUTHWEST CORNER OF LOT 1, PYLE SUBDIVISION; (11) THENCE SOUTH 88 DEGREES 43 MINUTES 38 SECONDS WEST, 300.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 1 DEGREE 50 MINUTES 09 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 1, 212.73 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 1 DEGREE 58 MINUTES 33 SECONDS WEST, COINCIDENT WITH THE EAST LINE OF A TRACT OF LAND RECORDED IN BOOK 287, PAGE 521, 217.32 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH 87 DEGREES 50 MINUTES 18 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID TRACT, 198.82 FEET TO THE EAST LINE OF A TRACT OF LAND RECORDED IN BOOK 1057, PAGE 3097; THENCE NORTH 2 DEGREES 09 MINUTES 34 SECONDS WEST, COINCIDENT WITH THE EAST LINE OF SAID TRACT, 47.27 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH 87 DEGREES 56 MINUTES 09 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID TRACT, 163.32 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTH 1 DEGREE 42 MINUTES 38 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID TRACT, 244.43 FEET TO THE NORTH LINE OF THE EAST 10 ACRES OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 5; THENCE SOUTH 87 DEGREES 53 MINUTES 27 SECONDS WEST, COINCIDENT WITH SAID NORTH LINE, 483.02 FEET TO THE NORTHEAST CORNER OF LOT 1, CORNERSTONE PLAZA, ADDITION NO. 1; THENCE SOUTH 1 DEGREE 48 MINUTES 09 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT 1, 222.01 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 87 DEGREES 05 MINUTES 05 SECONDS WEST, COINCIDENT WITH THE NORTH RIGHT-OF-WAY LINE OF K10 HIGHWAY, 70.00 FEET TO THE POINT OF BEGINNING.

ALSO, A TRACT OF LAND IN THE NORTH HALF OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M., CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE NORTH 88 DEGREES 23 MINUTES 09 SECONDS EAST, COINCIDENT WITH THE NORTH LINE OF SAID QUARTER, 220.56 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND RECORDED IN BOOK 1018, PAGE 1358, THENCE SOUTH 2 DEGREES 26 MINUTES 59 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID TRACT, 1137.21 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE BNSF RAILROAD; THENCE NORTH 17 DEGREES 19 MINUTES 23 SECONDS WEST, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, 2897.17 FEET; THENCE ON A CURVE TO THE RIGHT, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, WITH A RADIUS OF 3001.03 FEET, AN ARC LENGTH OF 683.63 FEET, WHOSE CHORD BEARS NORTH 65 DEGREES 27 MINUTES 19 SECONDS WEST, 683.63 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE SOUTH 88 DEGREES 24 MINUTES 31 SECONDS EAST, COINCIDENT WITH SAID NORTH LINE, 1783.02 FEET TO THE POINT OF BEGINNING.

A TRACT OF LAND IN SECTION 4 AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 5, A PORTION OF SAID TRACT PREVIOUSLY RECORDED IN BOOK 1066, PAGE 2927, AND LOTS 2 AND 3, BLOCK 4 OF EAST HILLS BUSINESS PARK, ALL IN TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS,

VICINITY MAP AND KEY

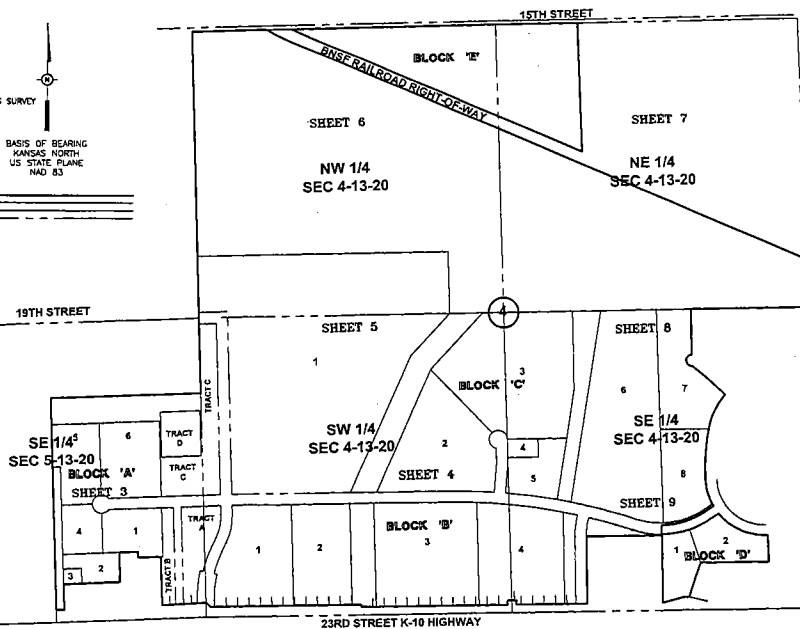
VICINITY MAP AND KEY NOT TO SCALE

ANNOTATIONS

- P PLAT DISTANCE
- M MEASURED DISTANCE AND BEARINGS THIS SURVEY
- D DISTANCE BOOK 1066 PAGE 2927
- R RECORD FOOT DISTANCE
- R/W RIGHT-OF-WAY
- D/E DRAINAGE EASEMENT
- U/L UTILITY EASEMENT
- A/O ACCESS OPENING
- C/L GAS LINE EASEMENT
- W/L WATER LINE EASEMENT
- L/L LANDSCAPE EASEMENT

MONUMENTATION

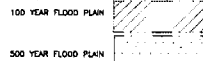
- FOUND REBAR, SIZE NOTED, ORIGIN UNKNOWN UNLESS OTHERWISE LISTED
- SET 5/8"X24" REBAR WITH CL514 ID CAP



FLOOD PLAIN

ZONE AE AREAS OF 500 YEAR FLOOD AREAS OF 100 YEAR FLOOD WITH AVERAGE DEPTH OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 100 YEAR FLOOD.

THIS PROPERTY LIES MOSTLY WITHIN ZONE X, PORTIONS OF PROPERTY ARE WITHIN ZONE AE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 200404010R WITH AN EFFECTIVE DATE OF AUGUST 3, 2010.



BENCHMARK

NCS BM # M368 ELEVATION 828.23
SITE BM- BOX CUT ON INLET S SIDE OF K-10 HIGHWAY ELEVATION 860.80

PROPOSED LAND USE: INDUSTRIAL PARK

ALL PARCELS OF LAND ON THIS DOCUMENT LABELED "GREENWAY TRACT" ARE FOR UTILITIES, STORM WATER DRAINAGE, SIGNS, RECREATIONAL PATHS OR GENERAL OPEN SPACE.
TRACT 'A', TRACT 'B' & TRACT 'C' ARE FOR UTILITIES, STORM WATER DRAINAGE, SIGNS, RECREATIONAL PATHS OR GENERAL OPEN SPACE. TRACT 'D' IS THE PROPOSED NEW SITE FOR RELOCATION OF THE WESTAR SUBSTATION. TRACT 'E' IS FOR FUTURE DEVELOPMENT.
STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE DOUGLAS COUNTY REGISTER OF DEEDS AT BOOK _____, PAGE _____.

| | |
|---------------|-----------|
| APPROVED BY: | |
| DESIGNED BY: | LJM |
| CHECKED BY: | RJS |
| DESIGN PROJ.: | 17586.001 |
| CONSTR PROJ.: | |
| SCALE: | 1" = 100' |
| DATE: | OCT 2012 |
| DRAWING NO.: | FP-1 |
| SHEET NO.: | 1 OF 10 |

BARTLETT & WEST
A PROFESSIONAL DESIGN SERVICE CORPORATION
1001 W. 19TH AVENUE, SUITE 100, LAWRENCE, KANSAS 66044
TEL: 785.842.1234 FAX: 785.842.1235
WWW.BARTLETTANDWEST.COM

**FINAL PLAT FOR
FORMER FARMLAND PROPERTY**
A PORTION OF SECTION 4-13-20 AND
THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 5-13-20
DOUGLAS COUNTY, KANSAS

DESKTOP BY:
DRAWN BY: LJM
APPROVED BY: RJS
DESIGN PROJ.: 17586.001
CONSTR PROJ.:
SCALE: 1" = 100'
DATE: OCT 2012
DRAWING NO.:
SHEET NO.: 1 OF 10

CERTIFICATION

I, RONALD J. SHANKS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF KANSAS, DO HEREBY CERTIFY THAT I HAVE MADE THE REVISION DESCRIBED SLIGHTLY ON THE ORIGINAL SURVEY MAP, AND THAT SAID SURVEY MEETS OR EXCEEDS CURRENT KANSAS ANNUAL STANDARDS ADOPTED BY KANSAS STATE BOARD OF TECHNICAL PROFESSIONALS.

RONALD J. SHANKS, KANSAS L.S. #1235
 BARTLETT & WEST
 344 COLUMBIA DRIVE
 LAWRENCE, KS 66044
 (785) 749-6432
 FAX (785) 749-3861

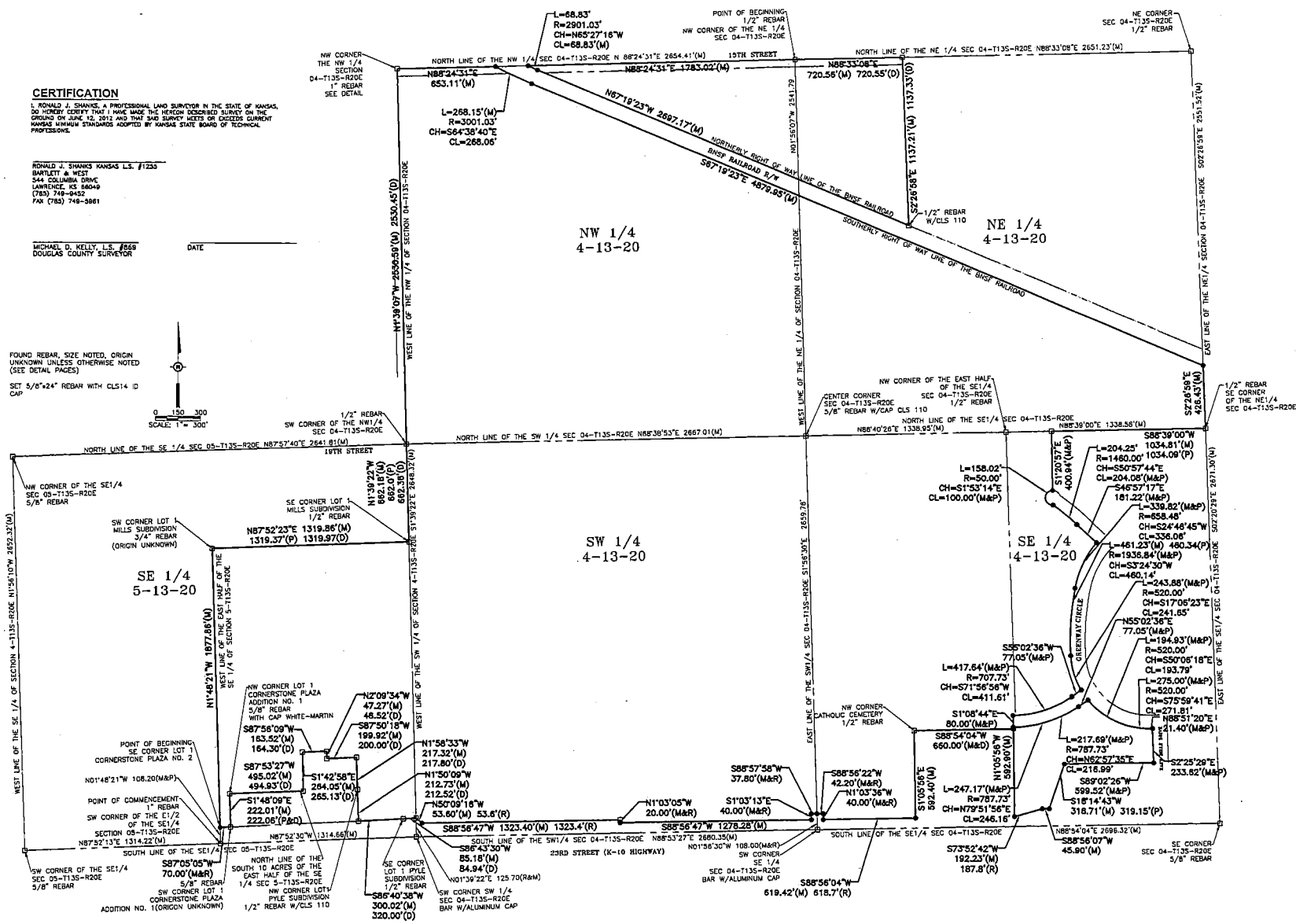
MICHAEL D. KELLY, L.S. #658
 DOUGLAS COUNTY SURVEYOR

DATE _____

- FOUND REBAR, SIZE NOTED, ORIGIN UNKNOWN UNLESS OTHERWISE NOTED (SEE DETAIL PAGES)
- SET 5/8"x24" REBAR WITH CLS14 ID CAP



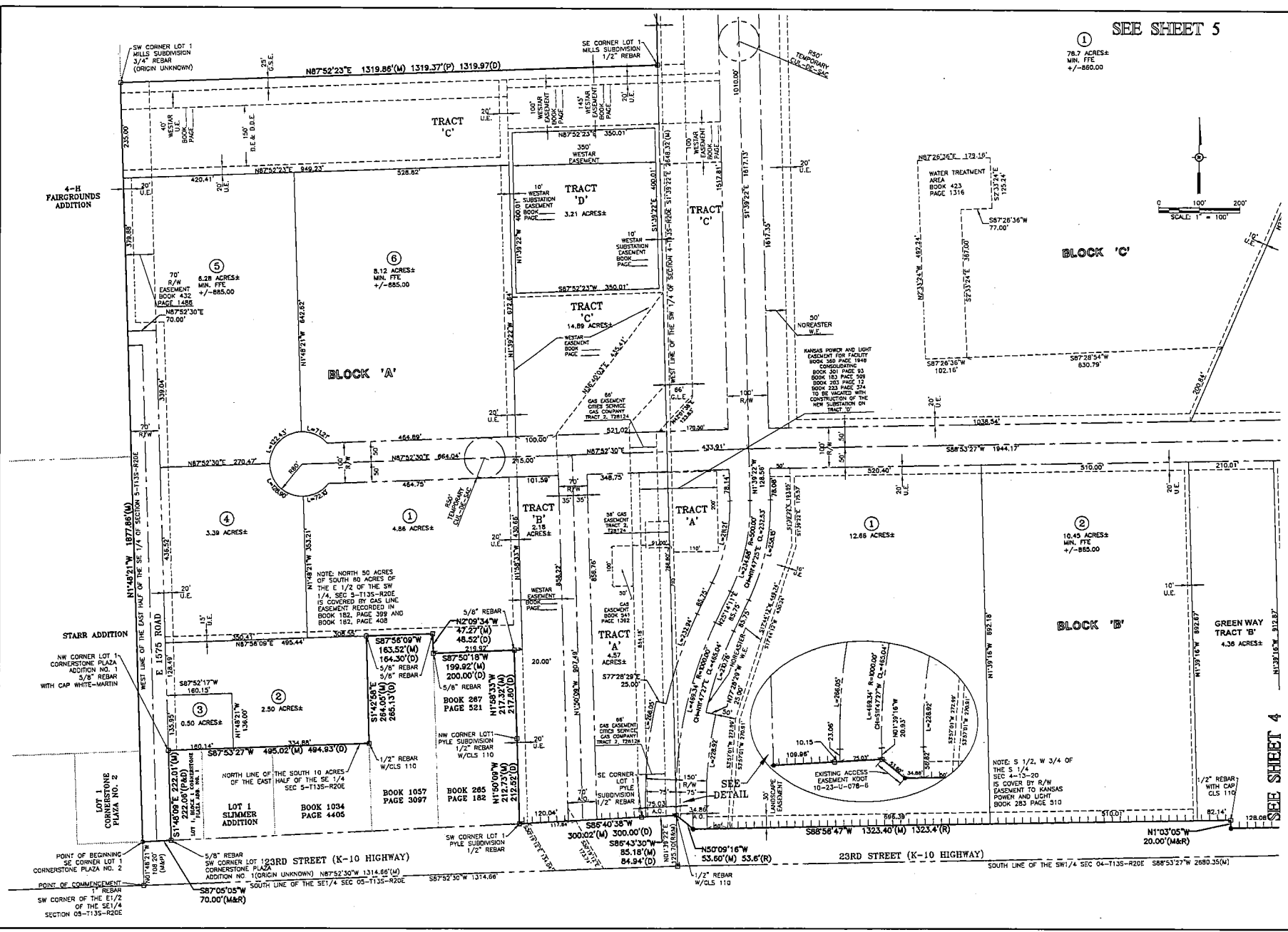
0 150 300
 SCALE: 1" = 300'



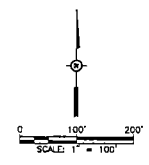
| | |
|--|--------------------------|
| | |
| <p>FINAL PLAN FOR FORMER FARMLAND PROPERTY</p> | |
| <p>A PORTION OF SECTION 4-13-20 AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 5-13-20 DOUGLAS COUNTY, KANSAS</p> | |
| <p>DESIGNED BY: LJM</p> | <p>DRAWN BY: LJM</p> |
| <p>CHECKED BY: RJS</p> | <p>APPROVED BY: RJS</p> |
| <p>DATE: OCT 2012</p> | <p>SCALE: 1" = 100'</p> |
| <p>DRAWING NO: FP-1</p> | <p>SHEET NO: 2 of 10</p> |

Kansas State Board of Technical Professionals, License No. 1235, Michael D. Kelly, License No. 658, Survey Map No. 1235-2012-001, Final Plan No. 1235-2012-001, Date of Issue: 10/20/2012, 11:28:12 AM

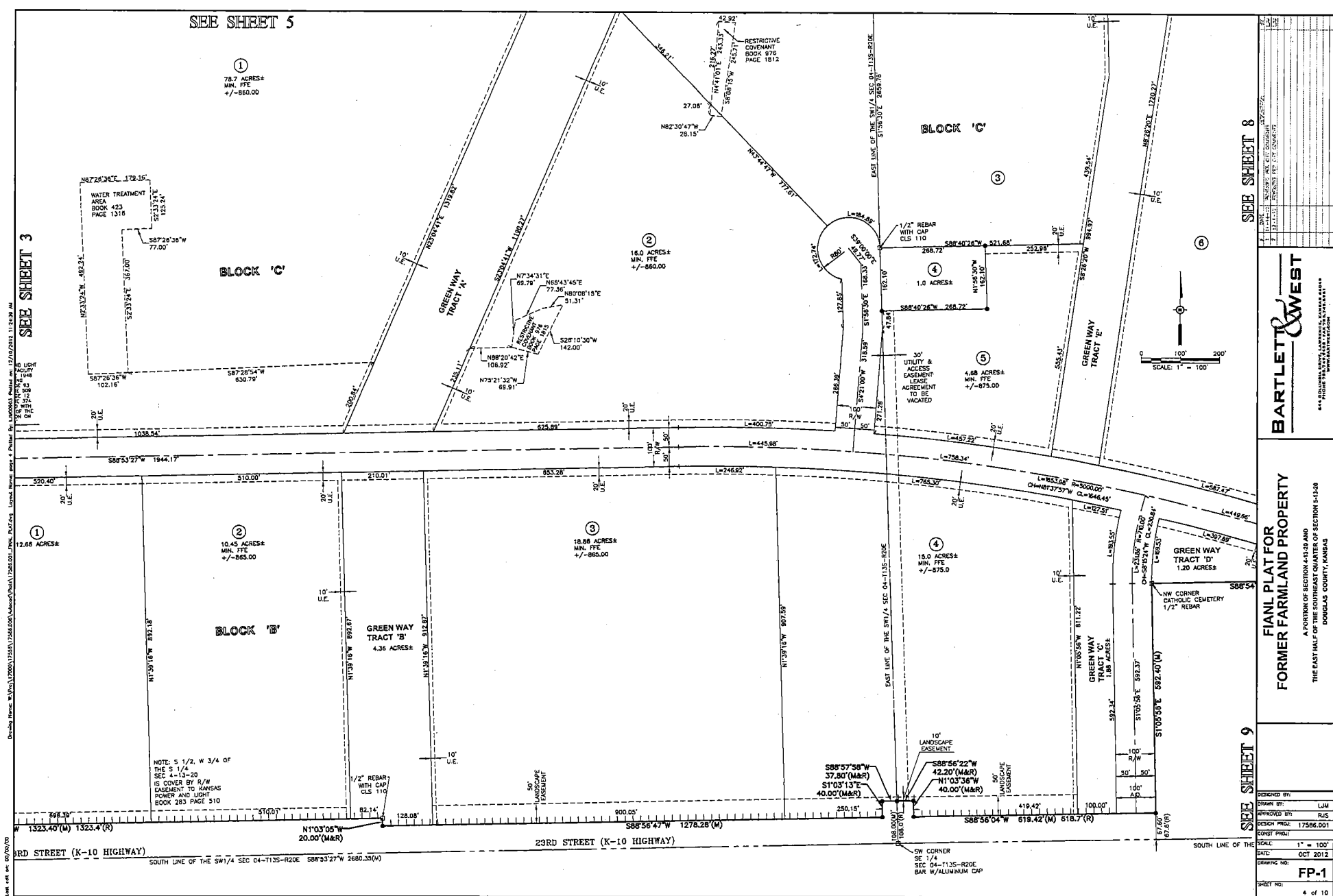
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 Plot Date: 02/20/2020



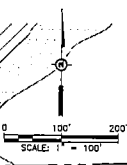
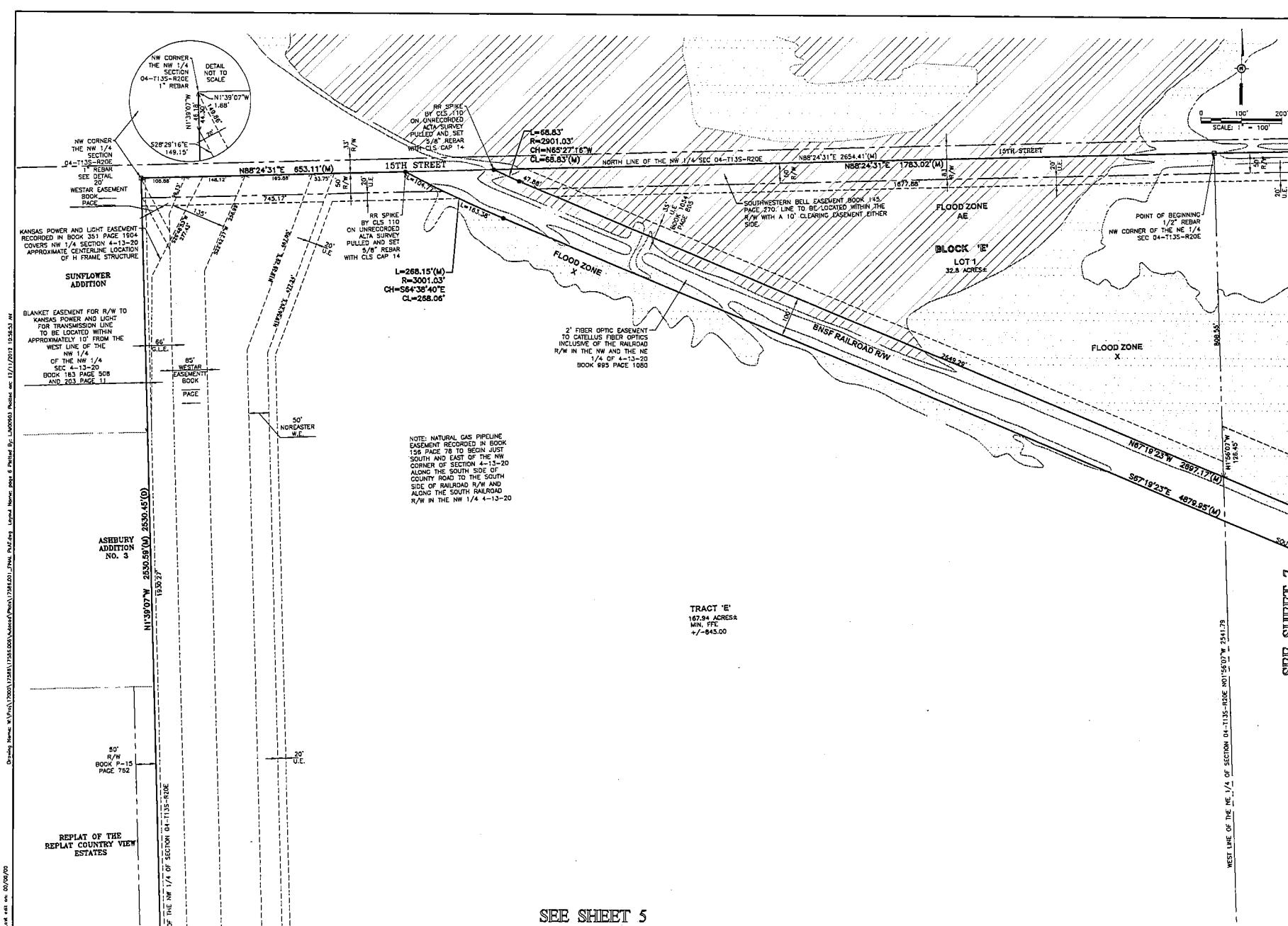
SEE SHEET 5



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| |
| FINAL PLAT FOR FORMER FARMLAND PROPERTY |
| A PORTION OF SECTION 4-13-20 AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 4-13-20 DOUGLASS COUNTY, KANSAS |
| SEE SHEET 4 |
| DESIGNED BY: JLM APPROVED BY: RJS DESIGN PRG: 17586.001 PLOTTED: 02/20/2020 SCALE: 1" = 100' DATE: OCT 2012 DRAWING NO: FP-1 SHEET NO: 3 of 10 |



| | |
|---|---|
| <p>BARTLETT & WEST</p> <p>444 BUSHWOOD DRIVE, LAWRENCE, KANSAS 66044 PH: 785-843-9700 FAX: 785-843-9701</p> | |
| <p>FIANI PLAT FOR FORMER FARMLAND PROPERTY</p> <p>A PORTION OF SECTION 4-113-20 AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 5-113-20 DOUGLASS COUNTY, KANSAS</p> | |
| <p>DESIGNED BY: _____</p> <p>DRAWN BY: LUM</p> <p>APPROVED BY: RJS</p> <p>DESIGN PRICE: 17588.00</p> <p>BEST PRICE:</p> | <p>DATE: OCT 2012</p> <p>SCALE: 1" = 100'</p> <p>DRAWING NO: FP-1</p> <p>SHEET NO: 4 OF 10</p> |



Drawing Name: W:\000\17581\17581000\Subarea\Plan\17581001_Plan_Plat.dwg Plotted By: L:\MOROS Plotted on: 11/17/2012 10:58:53 AM
 Plot Date: 02/09/2012

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|---|------|----------|-----------|-----|------------------------|
| 1 | DATE | 11/17/12 | REVISIONS | 1.0 | ISSUED FOR PERMIT |
| 2 | DATE | 11/17/12 | REVISIONS | 1.1 | REVISIONS FOR COMMENTS |
| 3 | DATE | 11/17/12 | REVISIONS | 1.2 | REVISIONS FOR COMMENTS |
| 4 | DATE | 11/17/12 | REVISIONS | 1.3 | REVISIONS FOR COMMENTS |

BARTLETT & WEST
 SOLUTIONS IN SURVEYING, ENGINEERING, AND CONSTRUCTION
 1100 WEST 15TH AVENUE, SUITE 100
 DENVER, COLORADO 80202-3119
 PHONE 303.733.8888 FAX 303.733.8899

SEE SHEET 7
FINAL PLAT FOR
FORMER FARMLAND PROPERTY
 A PORTION OF SECTION 4-13-20 AND
 THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 5-13-20
 DOUGLASS COUNTY, KANSAS

| | |
|--------------|-------------|
| DESIGNED BY: | LJM |
| DRAWN BY: | RJS |
| APPROVED BY: | RJS |
| DESIGN PROJ: | 17586.001 |
| COUNT PROJ: | |
| SCALE: | 1" = 100' |
| DATE: | OCT 2012 |
| DRAWING NO: | |
| | FP-1 |
| SHEET NO: | 5 of 10 |

SEE SHEET 5

A FINAL PLAT FOR: FORMER FARMLAND PROPERTY

A TRACT OF LAND IN SECTION 4 AND THE EAST HALF OF THE SOUTHEAST QUARTER OF TRACT 5, A PORTION OF SAID TRACT PREVIOUSLY RECORDED IN BOOK 1066, PAGE 2927, AND LOTS 2 AND 3, BLOCK 4 OF EAST HILLS BUSINESS PARK, ALL IN TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS,

LEGAL DESCRIPTION

A TRACT OF LAND IN SECTION 4 AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M. IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, BEING PREVIOUSLY RECORDED IN BOOK 1066, PAGE 2927, AND LOTS 2 AND 3, BLOCK 4 OF EAST HILLS BUSINESS PARK, CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF; THENCE NORTH 01 DEGREE 48 MINUTES 21 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID EAST HALF, 108.20 FEET TO THE SOUTHWEST CORNER OF LOT 1; CORNERSTONE PLAZA NO. 2 AND THE POINT OF BEGINNING; THENCE CONTINUING ON NORTH 01 DEGREE 48 MINUTES 21 SECONDS WEST, COINCIDENT WITH SAID WEST LINE, 1877.86 FEET TO THE SOUTHWEST CORNER OF LOT 1, MILLS SUBDIVISION; THENCE NORTH 87 DEGREES 52 MINUTES 23 SECONDS EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT 1, 1,019.86 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 01 DEGREE 38 MINUTES 22 SECONDS WEST, COINCIDENT WITH THE EAST LINE OF SAID LOT 1, 662.18 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE NORTH 01 DEGREE 38 MINUTES 07 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID NORTHWEST QUARTER, 2330.59 FEET TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 88 DEGREES 24 MINUTES 31 SECONDS EAST, COINCIDENT WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, 453.11 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE ON A CURVE TO THE LEFT, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, WITH A RADIUS OF 3001.03 FEET AND AN ARC LENGTH OF 2819.19 FEET, WHOSE CHORD BEARS SOUTH 84 DEGREES 38 MINUTES 40 SECONDS EAST, 2808.04 FEET; THENCE SOUTH 67 DEGREES 10 MINUTES 23 SECONDS EAST, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, 4878.95 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE SOUTH 2 DEGREES 26 MINUTES 59 SECONDS EAST, COINCIDENT WITH SAID EAST LINE, 428.43 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 39 MINUTES 00 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 4, 1038.81 FEET TO THE NORTHWEST CORNER OF LOT ONE, BLOCK ONE, EAST HILLS BUSINESS PARK NO. 3; THENCE SOUTH 1 DEGREE 20 MINUTES 57 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT ONE, 408.94 FEET TO THE WEST CORNER OF SAID LOT ONE; THENCE COINCIDENT WITH THE WESTERLY RIGHT-OF-WAY LINE OF GREENWAY COURT ON THE FOLLOWING THREE COURSES: (1) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 158.02 FEET, WHOSE CHORD BEARS SOUTH 1 DEGREE 33 MINUTES 14 SECONDS EAST, 100.00 FEET; (2) THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 1,460.00 FEET, AN ARC LENGTH OF 204.23 FEET, WHOSE CHORD BEARS SOUTH 50 DEGREES 57 MINUTE 44 SECONDS EAST, 204.09 FEET; (3) THENCE SOUTH 48 DEGREES 57 MINUTES 17 SECONDS EAST, 181.22 FEET TO THE WESTERLY CORNER OF LOT 2 OF SAID EAST HILLS BUSINESS PARK; THENCE COINCIDENT WITH SAID WESTERLY CORNER OF LOT 2 ON THE FOLLOWING SEVEN COURSES: (1) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 658.48 FEET, AN ARC LENGTH OF 1388.82 FEET, WHOSE CHORD BEARS SOUTH 24 DEGREES 45 MINUTES 33 SECONDS EAST, 336.62 FEET; (2) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 1936.84 FEET, AN ARC LENGTH OF 461.23 FEET WHOSE CHORD BEARS SOUTH 2 DEGREES 24 MINUTES 30 SECONDS WEST, 460.14 FEET; (3) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 520.00 FEET, AN ARC LENGTH OF 243.80 FEET, WHOSE CHORD BEARS SOUTH 17 DEGREES 06 MINUTES 23 SECONDS EAST, 241.65 FEET; (4) THENCE SOUTH 55 DEGREES 02 MINUTES 36 SECONDS WEST, 77.05 FEET; (5) THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 707.73 FEET, AN ARC LENGTH OF 417.64 FEET, WHOSE CHORD BEARS SOUTH 71 DEGREES 54 MINUTES 56 SECONDS WEST, 417.64 FEET; (6) THENCE SOUTH 01 DEGREE 08 MINUTES 44 SECONDS EAST, 80.00 FEET; (7) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 287.73 FEET, AN ARC LENGTH OF 247.17 FEET, WHOSE CHORD BEARS NORTH 79 DEGREES 51 MINUTE 56 SECONDS EAST, 245.18 FEET TO THE NORTHWEST CORNER OF LOT 3, BLOCK 4, EAST HILLS BUSINESS PARK; THENCE COINCIDENT WITH THE NORTHERLY LINE OF SAID LOT 3 ON THE FOLLOWING THREE COURSES: (1) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 187.73 FEET, AN ARC LENGTH OF 217.82 FEET, WHOSE CHORD BEARS NORTH 02 DEGREES 57 MINUTES 35 SECONDS EAST, 216.98 FEET; (2) THENCE NORTH 55 DEGREES 02 MINUTES 36 SECONDS EAST, 77.05 FEET; (3) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 520.00 FEET, AN ARC LENGTH OF 184.63 FEET, WHOSE CHORD BEARS SOUTH 50 DEGREES 57 MINUTES 17 SECONDS EAST, 181.22 FEET TO THE NORTHWEST CORNER OF LOT 2 OF SAID BLOCK 4; THENCE ON A CURVE TO THE LEFT, COINCIDENT WITH THE NORTH LINE OF SAID LOT 2, WITH A RADIUS OF 520.00 FEET, AN ARC LENGTH OF 1275.10 FEET, WHOSE CHORD BEARS SOUTH 75 DEGREES 39 MINUTES 41 SECONDS EAST, 271.81 FEET; THENCE NORTH 88 DEGREES 51 MINUTES 20 SECONDS EAST, COINCIDENT WITH SAID NORTH LINE, 214.40 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 2 DEGREES 22 MINUTES 28 SECONDS EAST, COINCIDENT WITH THE EAST LINE OF SAID LOT 2, 233.62 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK 4; THENCE SOUTH 88 DEGREES 02 MINUTES 26 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID LOT 1, 599.52 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 18 DEGREES 14 MINUTES 43 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 1, 318.71 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF K-10 HIGHWAY; THENCE SOUTH 88 DEGREES 56 MINUTES 07 SECONDS WEST, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, 45.90 FEET; THENCE SOUTH 73 DEGREES 32 MINUTES 42 SECONDS WEST, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, 192.23 FEET TO THE EAST LINE OF THE CATHOLIC CEMETERY RECORDED IN BOOK 12, PAGE 353; THENCE NORTH 1 DEGREE 05 MINUTES 36 SECONDS WEST, COINCIDENT WITH SAID EAST LINE, 582.80 FEET TO THE NORTHEAST CORNER OF SAID CEMETERY; THENCE SOUTH 88 DEGREES 54 MINUTES 04 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID CEMETERY, 460.00 FEET TO THE NORTHWEST CORNER OF SAID CEMETERY; THENCE SOUTH 1 DEGREE 09 MINUTES 58 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID CEMETERY, 592.40 FEET TO THE NORTH RIGHT-OF-WAY LINE OF K-10 HIGHWAY; THENCE COINCIDENT WITH SAID NORTH RIGHT-OF-WAY LINE ON THE FOLLOWING 11 COURSES: (1) THENCE SOUTH 88 DEGREES 56 MINUTES 04 SECONDS WEST, 619.42 FEET; (2) THENCE NORTH 01 DEGREE 03 MINUTES 36 SECONDS WEST, 40.00 FEET; (3) THENCE SOUTH 88 DEGREES 56 MINUTES 22 SECONDS WEST, 42.00 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER AND 108.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; (4) THENCE SOUTH 88 DEGREES 57 MINUTES 58 SECONDS WEST, 37.80 FEET; (5) THENCE SOUTH 01 DEGREE 03 MINUTES 13 SECONDS EAST, 40.00 FEET; (6) THENCE SOUTH 88 DEGREES 56 MINUTES 47 SECONDS WEST, 1278.20 FEET; (7) THENCE NORTH 01 DEGREE 03 MINUTES 09 SECONDS WEST, 20.00 FEET; (8) THENCE SOUTH 88 DEGREES 38 MINUTES 47 SECONDS WEST, 1323.40 FEET; (9) THENCE NORTH 50 DEGREES 09 MINUTES 18 SECONDS WEST, 53.80 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4 AND 125.70 FEET NORTH OF SAID SOUTHWEST CORNER OF THE SOUTHWEST QUARTER; (10) THENCE SOUTH 86 DEGREES 43 MINUTES 30 SECONDS WEST, 85.18 FEET TO THE SOUTHWEST CORNER OF LOT 1, PYLE SUBDIVISION; (11) THENCE SOUTH 88 DEGREES 40 MINUTES 38 SECONDS WEST, 300.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 1 DEGREE 50 MINUTES 09 SECONDS WEST, COINCIDENT WITH THE WEST LINE OF SAID LOT 1, 217.73 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 1 DEGREE 58 MINUTES 33 SECONDS WEST, COINCIDENT WITH THE EAST LINE OF A TRACT OF LAND RECORDED IN BOOK 287 PAGE 521, 217.32 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH 87 DEGREES 50 MINUTES 18 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID TRACT, 198.82 FEET TO THE EAST LINE OF A TRACT OF LAND RECORDED IN BOOK 1057, PAGE 3097; THENCE NORTH 2 DEGREES 09 MINUTES 34 SECONDS WEST, COINCIDENT WITH THE EAST LINE OF SAID TRACT, 47.27 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH 87 DEGREES 56 MINUTES 09 SECONDS WEST, COINCIDENT WITH THE NORTH LINE OF SAID TRACT, 163.52 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTH 1 DEGREE 42 MINUTES 38 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID TRACT, 244.43 FEET TO THE NORTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 5; THENCE SOUTH 87 DEGREES 53 MINUTES 27 SECONDS WEST, COINCIDENT WITH SAID NORTH LINE, 483.02 FEET TO THE NORTHWEST CORNER OF PLAZA ADDITION NO. 1; THENCE SOUTH 1 DEGREE 48 MINUTES 09 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID LOT 1, 222.01 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 87 DEGREES 05 MINUTES 05 SECONDS WEST, COINCIDENT WITH THE NORTH RIGHT-OF-WAY LINE OF K10 HIGHWAY, 70.00 FEET TO THE POINT OF BEGINNING.

ALSO, A TRACT OF LAND IN THE NORTH HALF OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M., CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 4; THENCE NORTH 88 DEGREES 43 MINUTES 09 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID QUARTER, 720.56 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND RECORDED IN BOOK 1018, PAGE 1356; THENCE SOUTH 2 DEGREES 26 MINUTES 59 SECONDS EAST, COINCIDENT WITH THE WEST LINE OF SAID TRACT, 1137.21 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE BNSF RAILROAD; THENCE NORTH 87 DEGREES 19 MINUTES 23 SECONDS WEST, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, 2897.17 FEET; THENCE ON A CURVE TO THE RIGHT, COINCIDENT WITH SAID RIGHT-OF-WAY LINE, WITH A RADIUS OF 2901.03 FEET, AN ARC LENGTH OF 683.63 FEET, WHOSE CHORD BEARS NORTH 65 DEGREES 27 MINUTES 18 SECONDS WEST, 683.63 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE SOUTH 87 DEGREES 24 MINUTES 31 SECONDS EAST, COINCIDENT WITH SAID NORTH LINE, 1783.02 FEET TO THE POINT OF BEGINNING.

VICINITY MAP AND KEY

VICINITY MAP AND KEY NOT TO SCALE.

ANNOTATIONS

- P PLAT DISTANCE
- M MEASURED DISTANCE AND BEARINGS THIS SURVEY
- D DISTANCE BOOK 1066 PAGE 2927
- R RECORD ROOT DISTANCE
- R/W RIGHT OF WAY
- D/E DRAINAGE EASEMENT
- U/E UTILITY EASEMENT
- A/O ACCESS OPENING
- C/L.E. GAS LINE EASEMENT
- W/L WATER LINE EASEMENT
- L/L LANDSCAPE EASEMENT

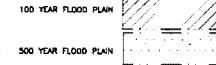
MONUMENTATION

- FOUND REBAR, SIZE NOTED, ORIGIN UNKNOWN UNLESS OTHERWISE NOTED
- SET 5/8"X24" REBAR WITH CL514 ID CAP

FLOOD PLAIN

ZONE AE AREAS OF 500 YEAR FLOOD; AREAS OF 100 YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100 YEAR FLOOD.

THIS PROPERTY LIES MOSTLY WITHIN ZONE X, PORTIONS OF PROPERTY ARE WITHIN ZONE AE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 200404010W, WITH AN EFFECTIVE DATE OF AUGUST 3, 2010.



BENCHMARK

NCS BM # M368 ELEVATION 828.23
SITE BM - BOX CUT ON INLET S SIDE OF K-10 HIGHWAY ELEVATION 860.80

PROPOSED LAND USE: INDUSTRIAL PARK

ALL PARCELS OF LAND ON THIS DOCUMENT LABELLED "GREENWAY TRACT" ARE FOR UTILITIES, STORM WATER DRAINAGE, SIGNS, RECREATIONAL PATHS OR GENERAL OPEN SPACE.

TRACT 'A', TRACT 'B' & TRACT 'C' ARE FOR UTILITIES, STORM WATER DRAINAGE, SIGNS, RECREATIONAL PATHS OR GENERAL OPEN SPACE. TRACT 'D' IS THE PROPOSED NEW SITE FOR RELOCATION OF THE WESTAR SUBSTATION. TRACT 'E' IS FOR FUTURE DEVELOPMENT. STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE DOUGLAS COUNTY REGISTER OF DEEDS AT BOOK _____ PAGE _____.

| | |
|---|---|
| <p>BARTLETT & WEST A PROFESSIONAL SERVICE CORPORATION 1111 W. 21ST ST., LAWRENCE, KANSAS 66044 PH: 785.842.7000 FAX: 785.842.7001</p> | <p>FINAL PLAT FOR FORMER FARMLAND PROPERTY A PORTION OF SECTION 4-13-20 AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 5-13-20 DOUGLAS COUNTY, KANSAS</p> |
| <p>DESIGNED BY: LJM DRAWN BY: RJS APPROVED BY: RJS DESIGN PROJ: 17586.001 CONSTR PROJ: SCALE: 1" = 100' DATE: OCT 2012 DRAWING NO: FP-1 SHEET NO: 1 of 10</p> | <p>ORDER NO: 17586.001 JOB NO: 17586.001 SHEET NO: 1 OF 10 DATE: OCT 2012</p> |

CERTIFICATION

I, RONALD J. SHANKS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF KANSAS, DO HEREBY CERTIFY THAT I HAVE MADE THE REVISION DESCRIBED SLIGHTLY ON THE ORIGINAL SURVEY MAP, AND THAT SAID SURVEY MEETS OR EXCEEDS CURRENT KANSAS ANNUAL STANDARDS ADOPTED BY KANSAS STATE BOARD OF TECHNICAL PROFESSIONS.

RONALD J. SHANKS, KANSAS L.S. #1235
 BARTLETT & WEST
 344 COLUMBIA DRIVE
 LAWRENCE, KS 66044
 (785) 749-6432
 FAX (785) 749-3861

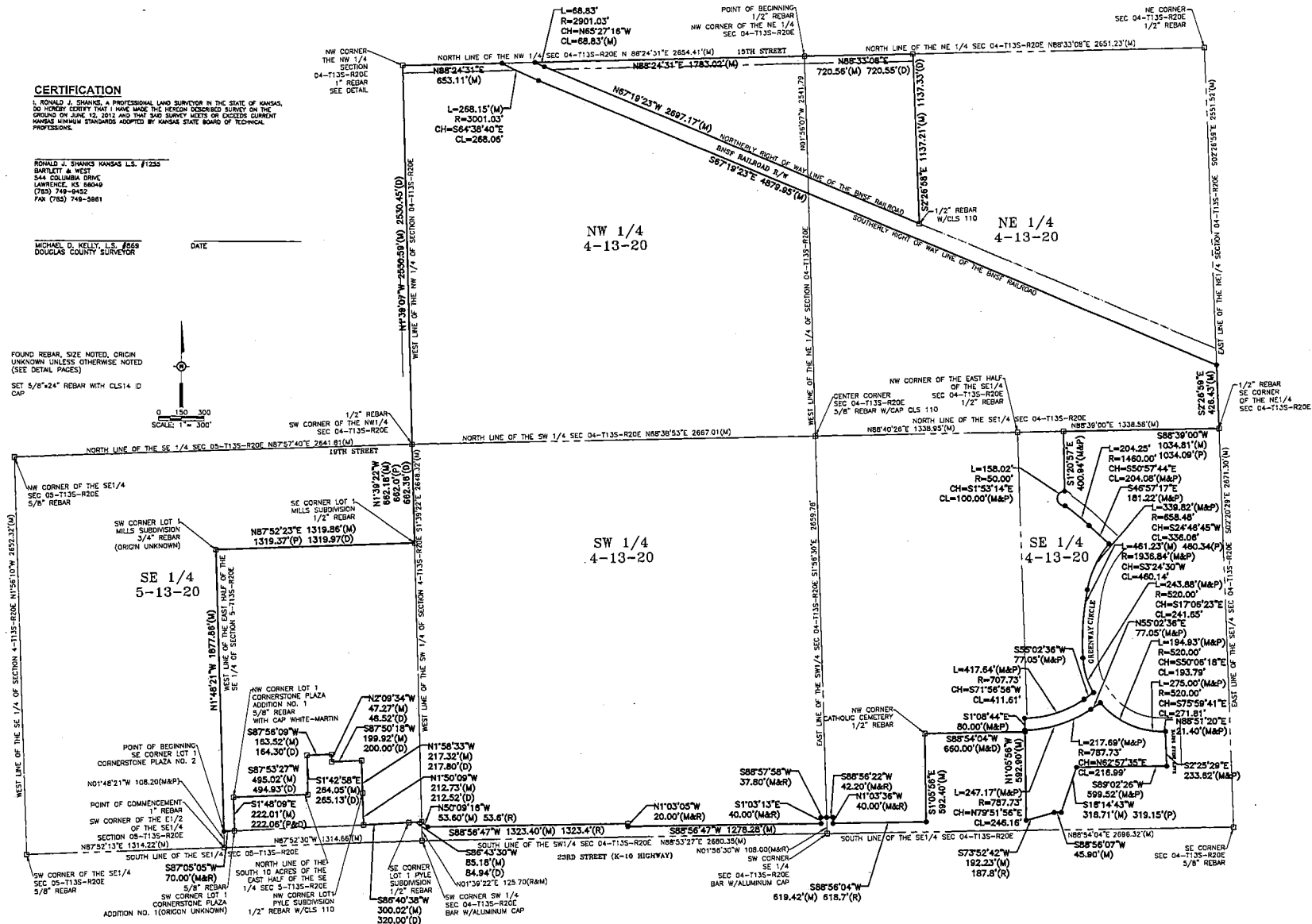
MICHAEL D. KELLY, L.S. #658
 DOUGLAS COUNTY SURVEYOR

DATE _____

- FOUND REBAR, SIZE NOTED, ORIGIN UNKNOWN UNLESS OTHERWISE NOTED (SEE DETAIL PAGES)
- SET 5/8"x24" REBAR WITH CLS14 ID CAP

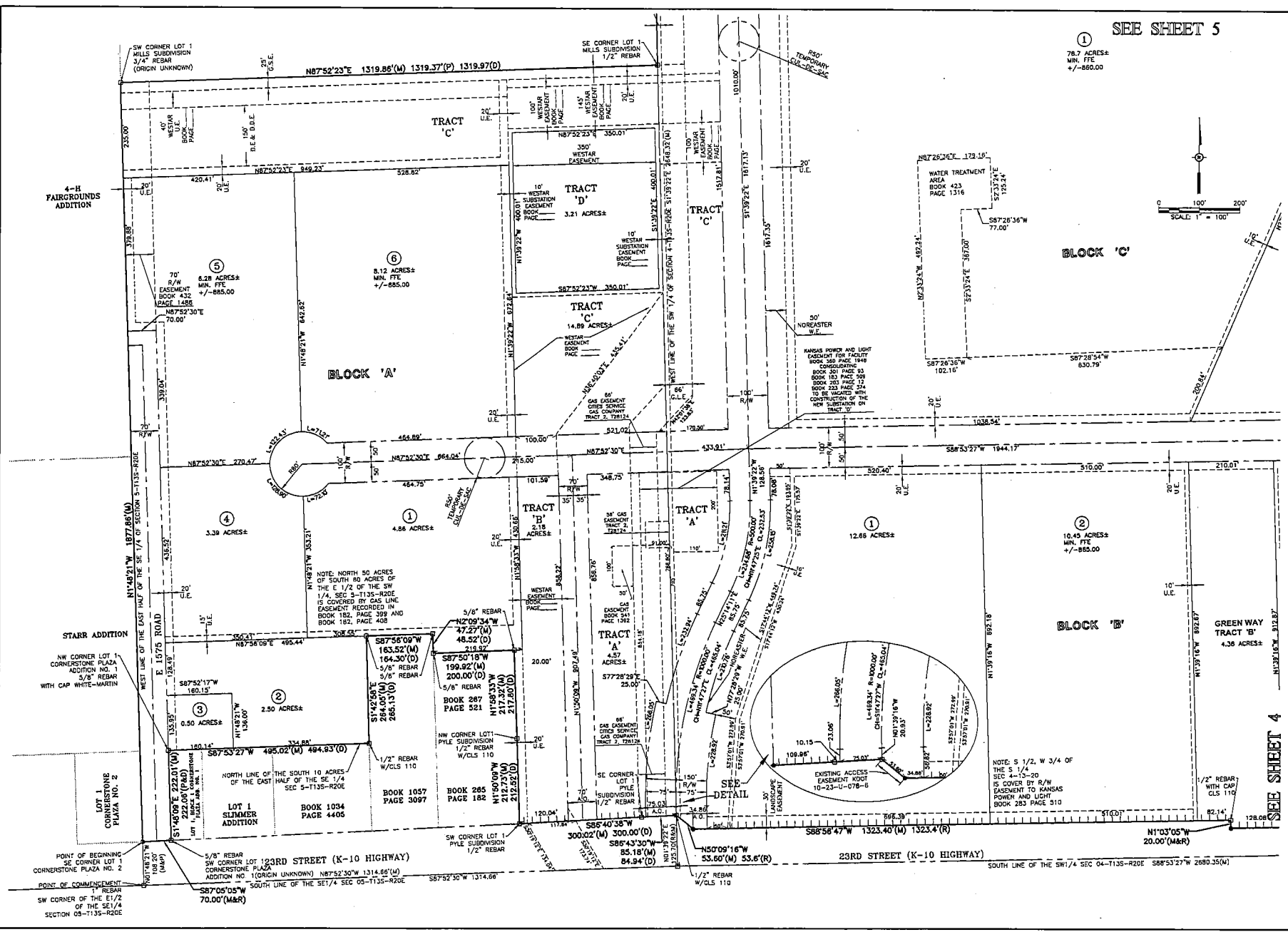


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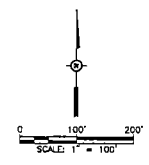


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| | |
| <p>FINAL PLAT FOR FORMER FARMLAND PROPERTY</p> <p>A PORTION OF SECTION 4-13-20 AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 5-13-20 DOUGLAS COUNTY, KANSAS</p> | |
| <p>DESIGNED BY: LJM</p> <p>DRAWN BY: RJS</p> <p>APPROVED BY: RJS</p> <p>DESIGN PRJNO: 17586.001</p> <p>CONTR. PRJNO:</p> <p>SCALE: 1" = 100'</p> <p>DATE: OCT 2012</p> <p>DRAWING NO: FP-1</p> <p>SHEET NO: 2 of 10</p> | <p>*** KANSAS SURVEYING BOARD REGISTRATION NO. 17586.001 *** *** KANSAS SURVEYING BOARD REGISTRATION NO. 17586.001 *** *** KANSAS SURVEYING BOARD REGISTRATION NO. 17586.001 ***</p> |

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 Plot Orientation: Landscape
 Plot Size: 11.00 x 17.00
 Plot Title: FINAL PLAN FOR FORMER FARMLAND PROPERTY



SEE SHEET 5



SEE SHEET 4

BARTLETT & WEST

FINAL PLAN FOR FORMER FARMLAND PROPERTY
 A PORTION OF SECTION 4-13-20 AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 4-13-20 DOUGLASS COUNTY, KANSAS

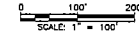
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 APPROVED BY: RJS
 DESIGN PRG: 17586.001
 DATE: OCT 2012
 SHEET NO: **FP-1**
 3 of 10

SEE SHEET 6

TRACT 'E'

SEE SHEET 7

TRACT 'E'
167.64 ACRES



SEE SHEET 5

WEST LINE OF THE NE 1/4

EAST LINE OF THE SW 1/4 SEC 04-1135-R20E
S135.30°E 265.76'

CENTER CORNER
SEC 04-1135-R20E
5/8" REBAR W/CAP CLS 110

NORTH LINE OF THE WEST HALF OF THE SE 1/4 SEC 04-1135-R20E
S88°40'26"W 1339.04'

③
25.0 ACRES±
MIN. FFE
+/-=850.00

GREEN WAY
TRACT 'E'
5.87 ACRES±

BLOCK 'C'

⑥
27.0 ACRES±
MIN. FFE
+/-=868.00

BLOCK 'C'

④
1.0 ACRES±

SEE SHEET 9

1/2" REBAR
LS 889

NORTH LINE OF SE 1/4 SEC 04-1135-R20E
S88°39'00"W 1034.81' (M) 1034.09' (P)

FLOOD ZONE
X

RESTRICTIVE COVENANT
BOOK 976
PAGE 1818

DRAINAGE EASEMENT
BOARD OF COUNTY
COMMISSIONERS
BOOK 440, PAGE 64

1/2" REBAR
SE CORNER
OF THE NE 1/4
SEC 04-1135-R20E

LOT 1, BLOCK 1
EAST HILLS BUSINESS
PARK NO. 3
BOOK P-17, PAGE 518
DEED BOOK 1071
PAGE 5996

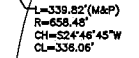
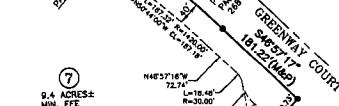
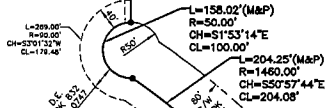
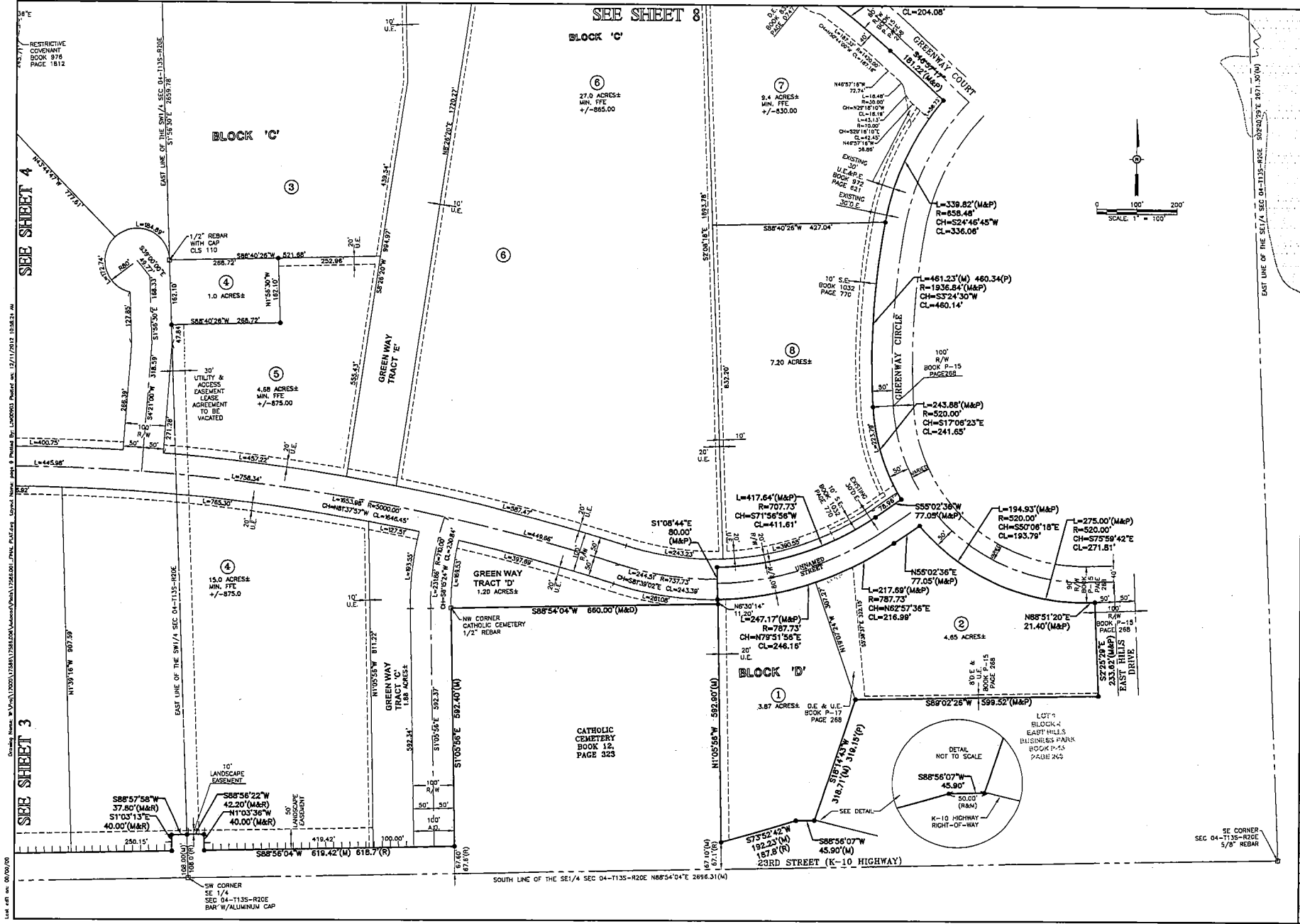


Table with columns for 'NO.', 'DATE', 'BY', 'REVISION'. Contains project information and a signature block for Bartlett & West.

FINAL PLAT FOR
FORMER FARMLAND PROPERTY
A PORTION OF SECTION 4-1136 AND
THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 5-1136
DONOLIAS COUNTY, KANSAS

Table with columns for 'DRAWN BY', 'APPROVED BY', 'DESIGN PROJ.', 'COMET PROJ.', 'SCALE', 'DATE', 'DRAWING NO.', 'SHEET NO.'. Includes drawing details and sheet number 8 of 10.



BARTLETT & WEST

144 EAST WALTON AVENUE, SUITE 100, CHICAGO, ILLINOIS 60611
TEL: 312.467.1000 FAX: 312.467.1001

FINAL PLAT FOR FORMER FARMLAND PROPERTY

A PORTION OF SECTION 4-13-28 AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 5-13-28 DOUGLASS COUNTY, ILLINOIS

DESIGNED BY: LJM
 DRAWN BY: RLZ
 DESIGN PROJ: 17586.001
 COUNTY PROJ:
 SCALE: 1" = 100'
 DATE: OCT 2012
 DRAWING NO:
 SHEET NO: FP-1

9 of 10

A FINAL PLAT FOR: FORMER FARMLAND PROPERTY

A TRACT OF LAND IN SECTION 4 AND THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 5, A PORTION OF SAID TRACT PREVIOUSLY RECORDED IN BOOK 1066, PAGE 2927, AND LOTS 2 AND 3, BLOCK 4 OF EAST HILLS BUSINESS PARK, ALL IN TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE 6TH P.M., CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

DEDICATION

BE IT KNOWN TO ALL MEN THAT I (WE), THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE HAD CAUSE FOR THE SAME TO BE SURVEYED AND PLATTED UNDER THE NAME OF _____ AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS SHOWN ON THIS PLAT AND NOT NECESSARILY DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED; AN EASEMENT IS HEREBY GRANTED TO THE CITY OF LAWRENCE AND PUBLIC UTILITY COMPANIES TO ENTER UPON, CONSTRUCT AND MAINTAIN UTILITIES UPON, OVER AND UNDER THOSE AREAS OUTLINED ON THIS PLAT AS "UTILITY EASEMENT" OR "U/E."

IN TESTIMONY WHEREOF, THE OWNER, THE CITY OF LAWRENCE, BY DAVID L. CORLISS, CITY MANAGER, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 20____.

DAVID L. CORLISS, CITY MANAGER
CITY OF LAWRENCE

ACKNOWLEDGMENT

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT KNOWN ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME DAVID L. CORLISS, CITY MANAGER, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

IN TESTIMONY WHEREOF, THE OWNER, THE COUNTY OF DOUGLAS, BY MIKE GAUGHAN, COUNTY CHAIRMAN, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 20____.

MIKE GAUGHAN,
COUNTY CHAIRMAN

ACKNOWLEDGMENT

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT KNOWN ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME MIKE GAUGHAN, COUNTY CHAIRMAN, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

IN TESTIMONY WHEREOF, THE OWNER, AT AT, BY NELLIE JABBAR, AREA MANAGER OF SBC TOWER HOLDINGS L.L.C., HAS CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 20____.

NELLIE JABBAR,
AREA MANAGER OF SBC TOWER HOLDINGS L.L.C.

ACKNOWLEDGMENT

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT KNOWN ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME NELLIE JABBAR, COUNTY CHAIRMAN, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

KANSAS DEPARTMENT OF TRANSPORTATION CERTIFICATION:

THE KANSAS DEPARTMENT OF TRANSPORTATION ACKNOWLEDGES AND CONCURS WITH THE ACCESS CONTROL OPENINGS DEPICTED ON THIS PLAT.

MICHAEL S. KING
SECRETARY OF TRANSPORTATION

DEPUTY SECRETARY AND STATE TRANSPORTATION ENGINEER _____ DATE _____
JEROME T. YOUNGER, P.E.

ENDORSEMENTS

LAWRENCE-DOUGLAS COUNTY PLANNING COMMISSION DOUGLAS COUNTY, KANSAS

CHAIRMAN _____ DATE _____
BRUCE LIESE

RIGHTS-OF-WAY AND EASEMENTS ACCEPTED BY CITY COMMISSION LAWRENCE, KANSAS

MAYOR _____ DATE _____
ROBERT J. SCHUMM

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005

CITY CLERK _____ DATE _____
JONATHAN DOUGLASS

APPROVED AS A FINAL PLAT UNDER THE SUBDIVISION REGULATIONS FOR LAWRENCE AND THE UNINCORPORATED AREAS OF DOUGLAS COUNTY.

SCOTT McCULLOUGH _____ DATE _____
LAWRENCE-DOUGLAS COUNTY PLANNING DIRECTOR

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS _____ DAY OF _____, 20____, AND IS DULY RECORDED AT _____ AM/PM, IN PLAT BOOK _____ PAGE _____.

SLIDE# _____ KAY PESNELL, REGISTER OF DEEDS

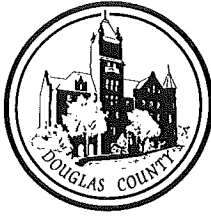
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|

BARTLETT & WEST
REGISTERED PROFESSIONAL ENGINEERS
1111 EAST 10TH AVENUE, SUITE 1000, LAWRENCE, KANSAS 66044
PHONE: 785-843-1111 FAX: 785-843-1112
WWW.BARTLETTWEST.COM

**FINAL PLAT FOR
FORMER FARMLAND PROPERTY**
A PORTION OF SECTION 4-13-29 AND
THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 5-13-29
DOUGLAS COUNTY, KANSAS

DESIGNED BY: _____
DRAWN BY: LJM
APPROVED BY: RJS
DESIGN PROJ.: 17586,001
CONST PROJ.: _____
SCALE: 1" = 100'
DATE: OCT 2012
DRAWING NO: FP-1
SHEET NO: 10 of 10

Drawing Name: W:\2012\17586\17586.DWG\17586.PLT; Plot Path: \\p01\p01\17586.plt; User Name: SBAUMANN; Date: 12/17/2012 11:52:38 AM; Scale: 1/8" = 1' 0"; Plot Size: 11.0000 x 17.0000; Plot Style: 17586.ctb; Plot Device: HP DesignJet T1100; Plot Method: Plot; Plot Date: 12/17/2012 11:52:38 AM; Plot Time: 00:00:00



DOUGLAS COUNTY PUBLIC WORKS

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

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

MEMORANDUM

TO : Board of County Commissioners

FROM : Keith A. Browning, P.E., Director of Public Works *KAB*
Michael D. Kelly, L.S., County Surveyor *MK*

DATE : December 28, 2012

RE : Drainage Structure Replacement; Structure No. 7.51N – 18.00E
Acquisition of Easement; Consent agenda

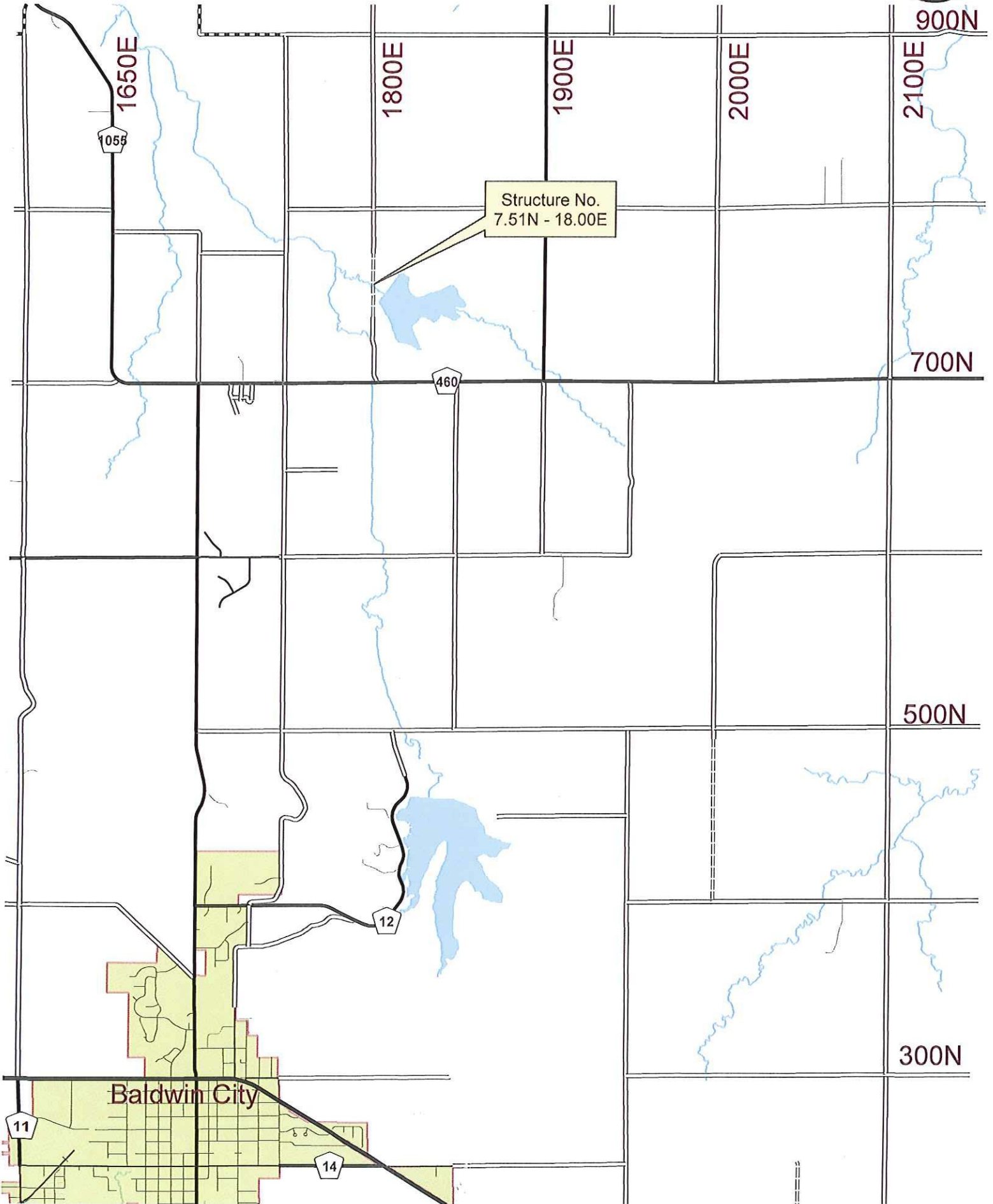
As you will recall a project has been designed to replace a deficient drainage structure located approximately 1 mile northeast of Vinland on E1800 Road. Plans were developed in-house and negotiations with the last of three pertinent landowners for permanent easement has been completed.

Construction is planned for January 2013 and will be accomplished using county personnel.

To ensure the proper completion of a necessary construction project approval is recommended for the attached CONTRACT FOR HIGHWAY PURPOSES.

ACTION REQUIRED: Consent agenda approval of the CONTRACT FOR HIGHWAY PURPOSES for Drainage Structure No. 7.51N – 18.00E.

Structure No. 7.51N - 18.00E
General Location Map



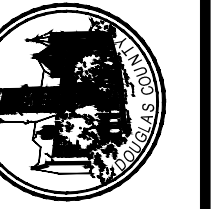
STA. 44+77.21 - SL
21.07' RT.
BM1 TRIPLE 60d NAIL
N: 200824.022
E: 2118876.799
ELEV= 853.461

DAVID E. UMSHEID
SHERYL A. UMSHEID
P.O. BOX 1185
LAWRENCE, KS. 66044

JEFFERSON W. SEABAUGH
LINDA S. SEABAUGH
7521 MOHAWK ST.
PRAIRIE VILLAGE, KS 66208



Douglas County Public Works
1242 Massachusetts
Lawrence, Kansas 66044



Project: ROAD RECONSTRUCTION AND STORM DRAINAGE
Project No.: 0511800
Designed By: A.S.
Checked By: T.G.
Drawn By: L.H.
Date: 4/2022

PROPOSED R/W SHEET
SHEET 3 OF 7

CULVERT REPLACEMENT FOR E 1800 ROAD

STA. 39+25, PROP. C/L E 1800 RD. =
STA. 39+25, SL
END TAPER FROM EXISTING EDGE
OF ROAD LT. AND RT. TO
PROPOSED EDGE OF ROAD 9' LT.
AND 9' RT. OF PROP. C/L.

STA. 40+00, PROP. C/L E 1800 RD. =
STA. 40+00, SL
BEGIN EDGE OF ROAD TAPER FROM
PROP. 9' LT. AND 9' RT.
TO EXISTING EDGE OF ROAD.

STA. 38+00, PROP. C/L E 1800 RD. =
STA. 38+00, 2.02' RT. SL
BEGIN CONSTRUCTION
BEGIN EDGE OF ROAD TAPER FROM
EXIST. EDGE OF ROAD LT. AND RT.

STA. 39+25 - PROP. C/L E 1800 ROAD =
CENTERLINE P.I.

STA. 40+00 - PROP. C/L E 1800 ROAD =
CENTERLINE P.I.

STA. 41+50, PROP. C/L E 1800 ROAD =
STA. 41+50, 2.95' LT. SL
END CONSTRUCTION
END TAPER FROM PROPOSED EDGE OF
ROAD TO EXISTING EDGE LT. AND RT.

V-BAR-T RANCH LLC
100 S. PARKER ST.
OLATHE KS. 66061

STA. 39+61.47, PROP. C/L E 1800 ROAD =
STA. 39+61.47, SL
INSTALL 8' X 8' X 43 L.F. PRECAST R.C.B.
CULVERT 1' BURIED
w/ PRECAST WINGWALLS.

30" RCP OUTLET STRUCTURE
FL OUT = 846.80

TOP OF DAM
ELEV. = 880.50

SECTION CORNER INFORMATION

| SL STATION | SECTION CORNER | RCODE | SECTION CORNER COORDINATE | ELEVATION | CORNER STATUS |
|------------|----------------------------|-------|-----------------------------|-----------|---------------|
| | S ¼ COR. SEC. 10-T14-R20 | T15J | N: 197245.47 E: 2116269.91 | 862.57 | RECORD |
| | CTR. CORNER SEC.10-T14-R20 | T15G | N: 199902.03 E: 2116187.50 | 856.05 | RECORD |
| | ¼ NL SEC. 10-T14-R20 | T15E | N: 202558.69 E: 2116129.27 | 842.67 | RECORD |
| 10+00 | SW CORNER SEC. 11-T14-R20 | T17J | N: 197347.37 E: 2118950.98 | 865.14 | RECORD |
| 36+47.35 | ¼ WL SEC. 11-T14-R20 | T17G | N: 199993.75 E: 2118879.19 | 854.02 | RECORD |
| 62+99 | NW CORNER SEC.11-T14-R20 | T17E | N: 202644.45 E: 2118804.75 | 912.89 | RECORD |
| | CTR. CORNER SEC.11-T14-R20 | T19G | N: 200093.30 E: 2121518.86 | — | CALCULATED |
| | S ¼ COR. SEC. 11-T14-R20 | T19J | N:197444.56 E: 2121587.48 | — | CALCULATED |
| | ¼ NL SEC. 11-T14-R20 | T19E | N: 202744.54 E: 2121450.17 | 906.62 | RECORD |
| | NE CORNER SEC. 11-T14-R20 | T21E | N: 202843.90 E: 21244096.97 | 901.11 | RECORD |
| | E ¼ SEC. 11-T14-R20 | T21G | N: 2001192.78 E: 2124156.02 | 900.46 | RECORD |
| | SE CORNER SEC. 11-T14-R20 | T21J | N: 1975541.75 E: 2124223.99 | 891.07 | RECORD |

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
12/10/12

ITEM NO. 3: CONDITIONAL USE PERMIT; BOAT STORAGE; 32 N 1000 RD (MKM)

CUP-12-00222: Consider a Conditional Use Permit for Hoyt Boat Storage, located at 32 North 1000 Road. Submitted by Timothy K Hoyt, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for the boat storage facility subject to the following conditions:

- 1) The provision of a revised site plan with the following changes:
 - a. Addition of the following notes:
 - i. *"All boat storage must be stored entirely inside the buildings."*
 - ii. *"The Conditional Use Permit (CUP-12-00222) will be administratively reviewed by the Zoning and Codes Office in 5 years and will expire in 10 years from the approval date noted on the plan."*
 - iii. *"The County Commission approved the change in use of the non-conforming structure which is setback approximately 50 ft from the centerline of N 1000 Road at their September 19, 2012 meeting."*

Reason for Request: *"The property is about a mile from a boat ramp to Clinton Lake, and trucks pulling boats come by regularly on N 1000 Road. I think some of the boat owners would prefer using boat storage closer to the lake."*

KEY POINTS

- Per Section 12-319-4.11 of the Zoning Regulations for the Unincorporated Territory of Douglas County, *boat storage* is a use which may be approved as a Conditional Use

DESCRIPTION OF USE

The subject property, 32 N 1000 Road, contains a residence and a large agricultural building which consists of a barn near N 1000 Road and a horse arena to the north of the barn. The two buildings are connected by a breezeway and are therefore considered one structure. The proposed use would involve the conversion of the horse arena to an enclosed boat storage facility. No physical changes are being proposed to the site. The boat storage customers would use the existing drive on N 1000 Road and back their boats into the storage facility.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Board of County Commissioners' approval of the Conditional Use.
- Zoning and Codes Office issuance of a Conditional Use Permit when plans have been released to the Zoning and Codes Office and conditions of approval have been met.
- The change in use would require the building to be brought up to commercial building code. A building permit must be obtained from the Zoning and Codes Office.

PUBLIC COMMENT

No public comment was received prior to the printing of this staff report.

GENERAL INFORMATION

(Figure 1)

Current Zoning and Land Use: A (County-Agricultural) District; rural residence.

Surrounding Zoning and Land Use: A (County-Agricultural) District in all directions. Agriculture, wooded areas, and scattered rural residences.

| | |
|----------------------|---|
| Site Summary: | |
| Subject Property: | 10.6 acres |
| Proposed Buildings: | The property is currently developed with a residence and an outbuilding. No new buildings are being proposed. |



I. ZONING AND USES OF PROPERTY NEARBY

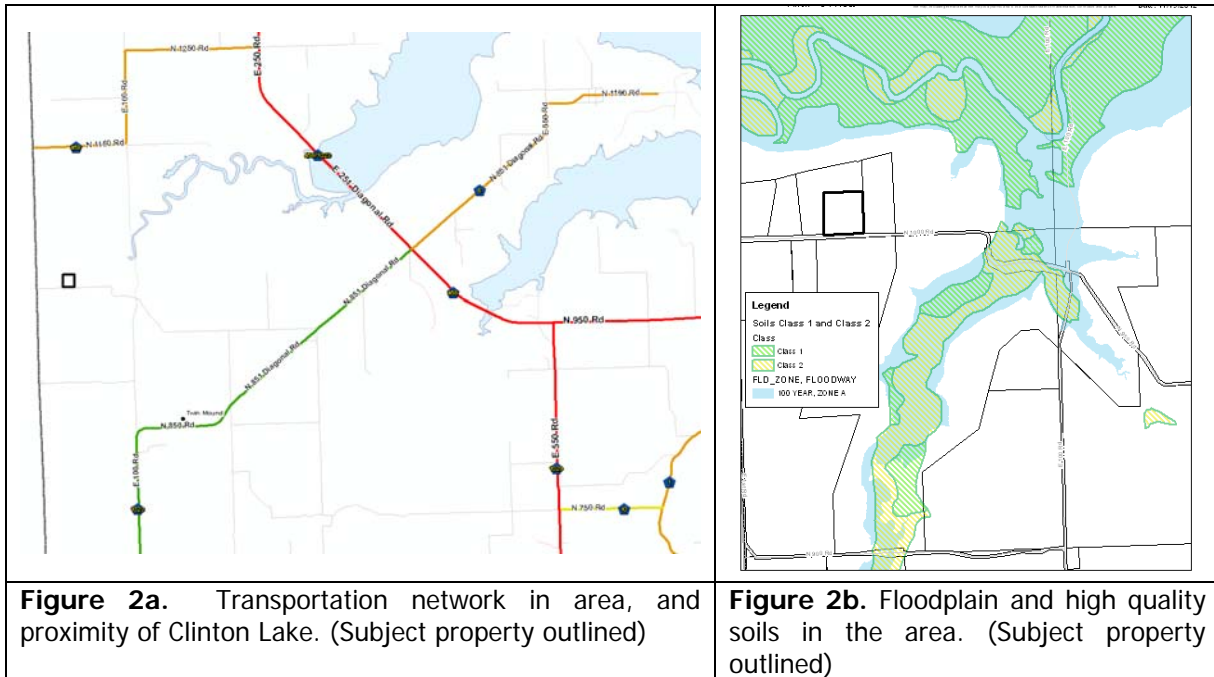
The subject property is located in Section 26, Township 13S, Range 17E of Douglas County (32 N 1000 Road). The nearby area is zoned for agricultural uses and includes primarily agricultural and rural residential uses in addition to wooded open space.

Staff Finding – Nearby properties are zoned A (Agricultural) and contain agricultural and residential land uses.

II. CHARACTER OF THE AREA

The subject property is located about 1500 ft east of the Douglas/Shawnee County line and is not within the Urban Growth Area of any city. N 1000 Road is a township rock road which is maintained by Marion Township. This is an agricultural area with rural residential uses and large areas of wooded open space. According to the 2010 FEMA Floodplain map, the subject property is not within any floodplain or flood hazard area; however floodplain associated with the Wakarusa River and its tributaries is located throughout the area. Natural features in the area include Clinton Lake, the Wakarusa River and its tributary streams, woodlands, floodplain, and high quality agricultural soils. The road system in the area consists primarily of local roads. (Figure 2)

Staff Finding – This area is rural in nature, with rural residences, woodlands, floodplain, agricultural lands, and Clinton Lake being predominate features.



III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's response:

"It is 80 ft by 66 ft; formerly used as a horse arena. It is a solid steel building, with two entrances. The building is well lighted. Both entrances have closing doors. There is an outside light."

The current zoning designation for the property is A (Agricultural) District, a district in which many different agriculture-related uses are allowed in addition to animal hospitals, commercial dog kennels, residences, churches, and schools. Boat storage facilities are allowed in the A District with approval of a Conditional Use Permit. The proposed request will not revise the underlying zoning district.

Staff Finding – The property is suitable for agricultural uses. A Conditional Use Permit (CUP) does not change the base, underlying zoning; therefore, the suitability of the property for agricultural uses will not be altered.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The property is not vacant. It is developed with a residence and a barn/riding arena.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response:

"All boats will be stored within the building. No detrimental effect. Boats are coming down 1000 Road already."

Section 12-319-1.01 of the County Zoning Regulations recognize that *"....certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."*

The property is within close proximity to a boat ramp on Clinton Lake and the intended customers are those driving to Clinton Lake with their boats. The applicant indicated that the facility could accommodate about 7 boats. This will be a small scale facility serving primarily customers using the nearby boat ramp. The proposed use should not increase traffic in the area.

The boat storage will be within the building and a note should be added to the plan indicating that all boat storage shall be stored within the building. No exterior boat storage is permitted.

Staff Finding – Given the small scale of the boat storage facility, its enclosed nature, and the fact that it is serving customers utilizing the nearby boat ramp there should be no detrimental effect on surrounding property.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant's Response:

"No measurable effect. No destruction of property."

The purpose of this criterion is to compare the effect of denial of the request on the public health, safety and welfare to the effect on the individual landowner. If the request were denied, the facility could continue to be used as a horse arena but could not be converted to enclosed boat storage. Given the limited exterior changes associated with the proposed use, denial of the use would not generate any gain to the public health, safety and welfare. Granting the request would result in a boat storage facility in close proximity to a boat ramp on Clinton Lake which may reduce the boat traffic on roads in the area.

Staff Finding – As the proposal to convert an existing agricultural building into an enclosed boat storage facility would result in limited exterior physical changes to the site and little or no increased traffic in the area, the approval or denial of the revision would have little impact on the public health, safety, and convenience. The denial of the request would prohibit the applicant from operating the boat storage.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The subject property is not located within an identified urban growth area. The comprehensive plan recommends that agricultural uses continue to be the predominant land use within the areas of the county beyond the designated urban growth areas. Uses permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses.

Staff Finding – The comprehensive plan recommends that uses in the rural area be limited to those compatible with agricultural uses and that the design should be consistent with the rural character. The boat storage will occur within a converted agricultural building so it will remain rural in nature. A Conditional Use Permit can be used to allow specific non-residential uses subject to approval of a site plan. This tool allows proportional development in harmony with the surrounding area. The proposed request is consistent with the Comprehensive Plan.

STAFF REVIEW

The proposal is to convert a portion of an existing agricultural building into an enclosed boat storage facility. The enclosed storage and the reuse of the existing building should not alter character of the area.

The subject property is approximately 10.6 acres in size and has been developed with a rural residence and a barn/riding arena. The arena being used for the boat storage is attached to the barn with a breezeway and is therefore, considered part of the same structure. The barn is set back from N 1000 Road about 50 ft. The A District requires a minimum setback of 40 ft from the centerline of a township road and 50 ft from that point, or 90 ft in this situation. The County Commission approved a change of use of a non-conforming structure at their Wednesday, September 19, 2012 meeting to allow the use of this building with the nonconforming setback to be changed from horse arena to boat storage subject to the condition that a Conditional Use Permit be submitted and approved for enclosed boat storage.

Conclusion

Approval of a CUP can be tailored to address specific issues such as intensity or frequency of use, include time limitations, and provide screening requirements. This Conditional Use Permit (CUP-12-00222) will allow for the change of use for an agricultural building to an enclosed boat storage facility. This change of use will require a building permit and compliance with the Commercial Building Codes.

Staff recommends approval of the Conditional Use Permit for enclosed boat storage at 32 N 1000 Road (CUP-12-00222) as conditioned.

**Hoyt Boat Storage
Conditional Use Permit Plan
32 N 1000 Road, Overbrook, Kansas**



Tim Hoyt
32 N 1000 RD
Overbrook, KS 66524



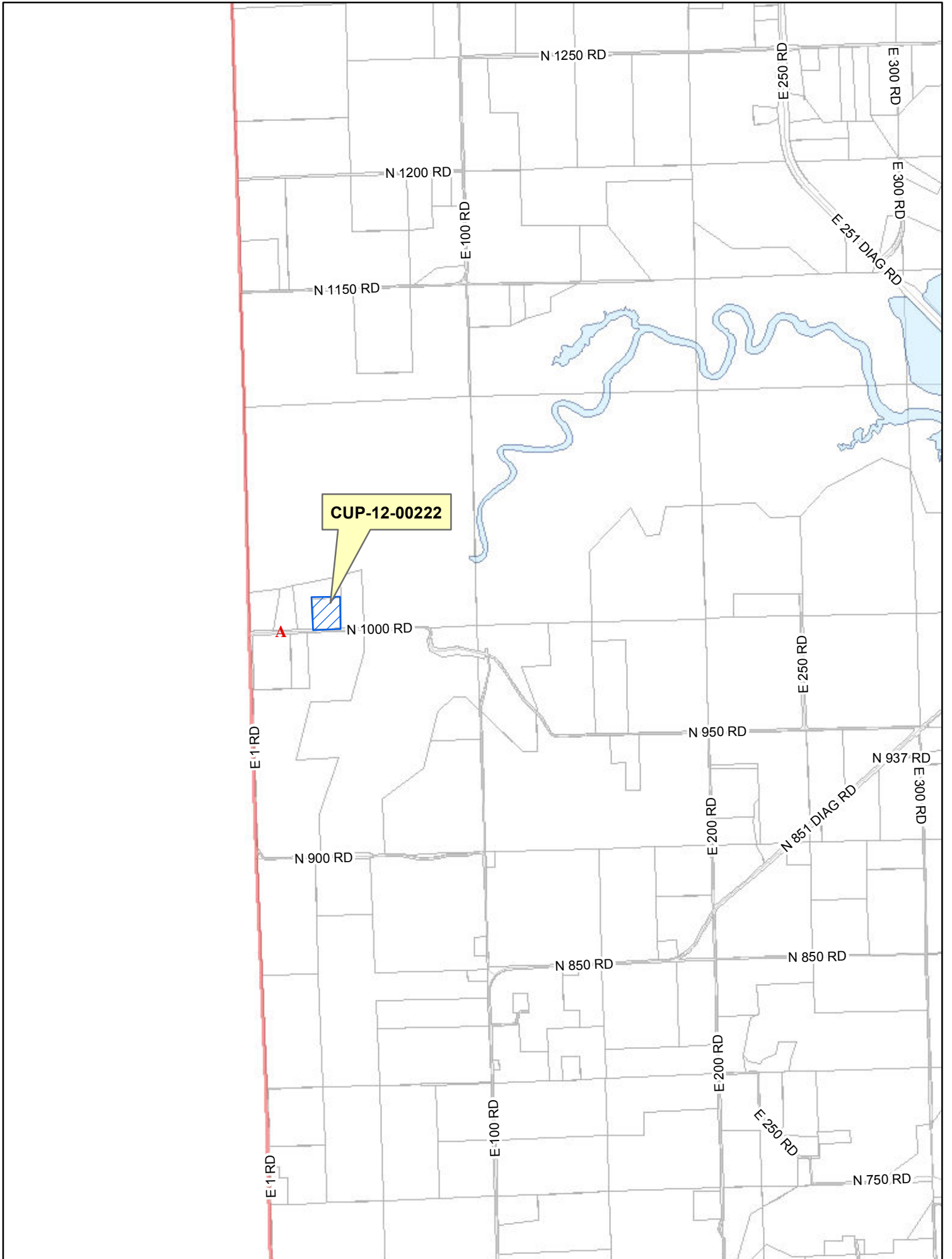
DISCLAIMER NOTICE - This map is provided "as is" without warranty of any representation of accuracy, timeliness or compliance. The burden for determining accuracy, completeness, timeliness, maintainability and fitness for or the appropriateness for use shall be on the user. Douglas County makes no warranties, express or implied, as to the use of the map. There are no warranties or maintainability of these for a particular purpose. The user shall acknowledge and accept the conditions of the including the fact that this map is dynamic and is to a constantly state of improvement, correction and update.

General Notes:

1. Legal: A TRACT OF LAND IN THE SW QUARTER OF SECTION 26, TOWNSHIP 13S, RANGE 17E OF THE SIXTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SE CORNER OF SAID SW QUARTER; THENCE SOUTH 89°43'37" WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SW QUARTER, 520 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°43'37" WEST ALONG SAID SOUTH LINE, 660 FEET; THENCE NORTH 0°06'05" WEST, 700.00 FEET; THENCE NORTH 89°43'37" EAST, 660.00 FEET; THENCE SOUTH 0°06'05" EAST, 700 FEET TO THE POINT OF BEGINNING IN DOUGLAS COUNTY, KANSAS
2. Property Owners: Timothy K Hoyt, Dorothy A Hoyt
3. Property Area: 10.6 acres
4. Zoning: A (Agricultural) District
5. Proposed Use: Enclosed Boat Storage



Parcel Map



ITEM NO. 3 CONDITIONAL USE PERMIT; BOAT STORAGE; 32 N 1000 RD (MKM)

CUP-12-00222: Consider a Conditional Use Permit for Hoyt Boat Storage, located at 32 N 1000 Rd. Submitted by Timothy K Hoyt, property owner of record.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Blaser, to approve Conditional Use Permit, CUP-12-00222, for the boat storage facility subject to the following conditions:

- 1) The provision of a revised site plan with the following changes:
 - a. Addition of the following notes:
 - i. *"All boat storage must be stored entirely inside the buildings."*
 - ii. *"The Conditional Use Permit (CUP-12-00222) will be administratively reviewed by the Zoning and Codes Office in 5 years and will expire in 10 years from the approval date noted on the plan."*
 - iii. *"The County Commission approved the change in use of the non-conforming structure which is setback approximately 50 ft from the centerline of N 1000 Road at their September 19, 2012 meeting."*

Unanimously approved 10-0.

Memorandum

To: Board of County Commissioners of Douglas County Kansas
From: Christopher Burger, on behalf of Evan Ice, County Counselor
Date: December 13, 2012
RE: Alternative Project Delivery Program for New Public Works Facility

The County is interested in constructing a new public works facility which will consolidate the department's operations and administration. An architect has been retained to prepare the design up through the schematic design stage with the intention that the County will evaluate the feasibility and practicality of going forward into construction. Bringing a contractor on board early in the design process as a "construction manager at risk" ("CMR") can increase the efficiency and cost effectiveness of the project's construction and end product. CMRs are not allowed under the County's default design-bid-build procurement statute, but are authorized for counties in KSA 19-216b *et seq* which allow for a CMR. The BOCC is requesting alternative delivery procurement through a CMR under that authorization.

The following requirements must be met.

First, when a request is made for alternative delivery procurement by the County, the County must publish a notice in the official county newspaper that the BOCC will be holding a public meeting with the opportunity for comment on such request. Notice shall be published at least 15 days prior to the hearing.

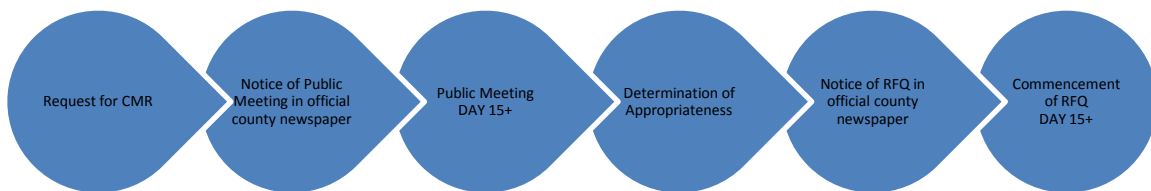
Second, after a public meeting in which there is opportunity for comment, the BOCC must determine and find that:

1. The authorization for CMR is for the sole and exclusive use of "planning, acquiring, designing, building, equipping, altering, repairing, improving or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, but shall not include highways, roads, bridges, dams or related structures or stand-alone parking lots".
2. The use of a CMR is appropriate to this situation. In making such determination, the BOCC may consider:
 - (1) The likelihood that the CMR will serve the public interest by providing substantial savings of time or money over the traditional design-bid-build delivery process.
 - (2) The ability to overlap design and construction phases is required to meet the needs of the County.
 - (3) The project presents significant phasing or technical complexities, or both, requiring the use of an integrated team of designers and constructors to solve project challenges during the design or preconstruction phase.
 - (4) The use of a CMR will not encourage favoritism in awarding the public contract or substantially diminish competition for the public contract.

Third, assuming such determinations have been made, the County shall publish a notice of the request for qualifications and proposals for the required project services at least 15 days prior to the commencement of such requests in the official county newspaper and in such other appropriate manner as may be determined by the County.

So as to best facilitate the selection of a CMR, it is also suggested that the BOCC appoint an Evaluating Committee to handle the process and ultimately make a final recommendation to the BOCC for selection. The Committee would be comprised of the same committee making recommendations for the architect:

Nancy Thellman, Commissioner
Sarah Plinsky, Assistant County Administrator
Keith Browning, Director of Public Works
Terese Gorman, Engineer Division Manager
Eileen Horn, Sustainability Coordinator



The notice of the Public Hearing will be published on December 18th. The Hearing will be held on January 2, 2013. At that time, the Commission will hear any public comment and make their determination. Please let me know if you have any questions or concerns.