

ORDINANCE NO. 3315

AN ORDINANCE REZONING CERTAIN PROPERTY, GENERALLY DESCRIBED AS 2324 FAIR ROAD, FROM "R-S, RESIDENTIAL SUBURBAN DISTRICT" TO "C-3, GENERAL COMMERCIAL DISTRICT" AND AMENDING THE ZONING MAP OF THE CITY OF ABILENE, KANSAS

WHEREAS, the property owners of record have requested the City consider rezoning certain property more commonly described as 2324 Fair Road, and as legally described herein, from "R-S, Residential Suburban District" to "C-3, General Commercial District";

WHEREAS, the Planning Commission conducted a public hearing on December 13, 2016, and comments were received from the public both in support of the proposed rezoning; and

WHEREAS, the Planning Commission recommended the Governing Body approve the rezoning of the above referenced property.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

SECTION ONE. Property Rezoned. That property legally described as follows is hereby rezoned from "R-S, Residential Suburban District" to "C-3, General Commercial District":

The Southwest Quarter of Section Seven, Township Thirteen South, Range Two East of the Sixth P.M., subject to the highway right-of-way acquired for interstate 70 and EXCEPT a tract described as follows, to-wit: Beginning at the West Quarter corner of Section Seven, Township Thirteen South, Range Two East, of the Sixth Principal Meridian; thence East along said Quarter Section line a distance of one quarter mile, the same being a road right-of-way, being one-half forty feet in width established twenty feet south side of said Quarter Section line, all in Dickinson County, Kansas; ALSO EXCEPT two tracts conveyed to The City of Abilene, Kansas, by Warranty Deed dated July 23, 1993, and recorded July 23, 1993, in Deed Book 215, Pages 378-379, in the Office of the Register of Deeds of Dickinson County, Kansas, as follows:

Tract No. 1: A tract of land in the Southwest Quarter of Section Seven, Township Thirteen South, Range Two East of the 6th P.M., Dickinson County, Kansas, described as follows: Beginning at the Southeast corner of said Southwest Quarter; thence Northerly along the East line of said Southwest Quarter on an assumed bearing of North 00°26'13" East a distance of 2,572.09 feet to a non tangent curve to the left, said curve having a chord bearing South 82°23'09" West a distance of 1,047.83 feet and a radius of 5,599.65

feet; thence Westerly along the arc of said curve a distance of 1,049.36 feet to a non tangent line; thence South 00°26'13" West a distance of 2,433.07 feet to the South line of said Southwest Quarter; thence South 89°59'25" East along said South line a distance of 1,037.53 feet to the point of beginning.

Trace No. 2: A tract of land in the Southwest Quarter of Section seven, Township Thirteen South, Range Two East of the 6th P.M., Dickinson County, Kansas, described as follows: Beginning at the Southwest corner of said Southwest Quarter; thence Northerly along the West line of said Southwest Quarter on an assumed bearing of North 00°30'14" East a distance of 1,100.00 feet to the POINT OF BEGINNING; thence continuing on said West line on a bearing of North 00°30'14" East a distance of 254.88 feet; thence South 89°29'46" East a distance of 40.00 feet; thence North 11°48'42" East a distance of 229.50 feet; thence North 48°40'21" East a distance of 826.60 feet; thence North 68°59'49" East a distance of 634.69 feet to a non tangent curve to the right with a chord bearing North 75°24'46" East a distance of 313.37 feet, said curve having a radius of 5,599.65 feet; thence Easterly along the arc of said curve a distance of 313.41 feet to a non tangent line; thence South 00°26'13" West a distance of 102.86 feet to a non tangent curve to the left with a chord bearing South 75°18'36" West a distance of 279.73 feet, said curve having a radius of 5,499.65 feet; thence Westerly along the arc of said curve a distance of 279.76 feet to a non tangent line; thence South 68°59'49" West a distance of 612.55 feet; thence South 48°40'21" West a distance of 678.74 feet; thence South 00°30'14" West a distance of 493.41 feet; thence North 89°29'46" West a distance of 250.00 feet to the point of beginning.

SECTION TWO. Zoning Map: Amended. That the Zoning Map of the City of Abilene, Kansas, as adopted by Ordinance No. 2796, and amendments thereto, is hereby amended to be consistent with the amendments described herein.

SECTION THREE. Effective Date. This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

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PASSED AND ADOPTED by the Governing Body of the City of Abilene, Kansas this 9th day of January, 2017.



CITY OF ABILENE, KANSAS

By: *Dee Marshall*
Dee Marshall, Mayor

ATTEST:

Penny Soukup, CMC
Penny Soukup, CMC

APPROVED AS TO FORM:
Aaron O. Martin
Aaron O. Martin, City Attorney

EXHIBIT A

Rezoning Map and Application

for

2324 Fair Road

January 9, 2017

Weaver Tract

