

**ORDINANCE NO. 1053**

**AN ORDINANCE AMENDING THE “OFFICIAL ZONING MAP” REFERRED TO AND MADE A PART OF THE ZONING REGULATIONS BY ORDINANCE NO. 963, AS MAY BE AMENDED FROM TIME TO TIME, AND INCORPORATED BY REFERENCE IN CHAPTER 14 OF THE CODE OF THE CITY OF EDWARDSVILLE, KANSAS, BY PROVIDING FOR A CHANGE IN ZONING OF THE PROPERTY LOCATED AT 1139 S 98<sup>TH</sup> STREET/1300 S 94<sup>TH</sup> STREET WITHIN THE CITY, FROM “AG/R” AGRICULTURAL /RESIDENTIAL, “R-1” RURAL RESIDENTIAL, AND “R-3” HIGH DENSITY RESIDENTIAL TO “RD-NS” RESIDENTIAL DEVELOPED NO SEWER**

**BE IT ORDAINED** by the Governing Body of the City of Edwardsville:

**Section 1.** Application has been made to the City of Edwardsville pursuant to the Zoning Regulations of the City of Edwardsville, Kansas, for rezoning of 84.15 acres, more or less, located at 1139 S 98<sup>th</sup> Street and 1300 S 94<sup>th</sup> Street in Edwardsville, such properties currently zoned “AG/R” - Agricultural/Residential, “R-1” - Rural Residential, and “R-3” – High Density Residential to “RD-NS” - Residential Developed No Sewer.

**Section 2.** As required by law, notice of the public hearing before the Edwardsville Planning Commission on the application for rezoning was posted on the property, and property owners in the rezoning area and adjoining property owners were notified by mail. A legal publication was placed in the official City newspaper notifying the public of the public hearing held by the Edwardsville Planning Commission on April 20, 2022, on this application.

**Section 3.** The Edwardsville Planning Commission received the staff report prepared and presented by the City Planner, conducted a public hearing, and voted 5-0 on April 20, 2022 to recommend to the Governing Body approval of rezoning of the properties at 1139 S 98<sup>th</sup> Street and 1300 S 94<sup>th</sup> Street in Edwardsville.

**Section 4.** Findings. The Governing Body finds: (a) that this application for rezoning is properly before the Governing Body; (b) that notice was properly provided and the required public hearing held; (c) that action on the application was properly taken by the Planning Commission; (d) that a protest petition has not been filed regarding this application and that the time period provided by law has elapsed for the filing of a protest petition against the requested rezoning; (e) that the Planning Commission has recommended the approval of the rezoning; and (f) that the findings of fact as prepared by the City Planner, submitted to the Planning Commission in the staff report, and recommended for approval by the Planning Commission, shall be accepted and adopted as the findings of fact of the Governing Body, resulting in the approval of the rezoning of the property at 1139 S 98<sup>th</sup> Street and 1300 S 94<sup>th</sup> Street from “AG/R” - Agricultural/Residential District, “R-1” - Rural Residential District, and “R-3” – High Density Residential District to “RD-NS” - Residential Developed No Sewer District.

**Section 5. Map Amendment.** That the “Official Zoning Map” referred to and made a part of the Zoning Regulations by Ordinance. No. 963, incorporated by reference by Chapter 14 of the Code of the City of Edwardsville (“Code”), is hereby amended to make the following change in zoning classification:

*[This development consists of two (2) parcels; 940005 and 940007]*

*KANSAS WARRANTY DEED 2021R-17958 (Parcel No. 940007)*

*TRACT I*

*The South 4 Acres of the Northwest 1/4 of the Southeast 1/4 and the South 1/2 of the Southeast 1/4 of Section 24, Township 11, Range 23, in Edwardsville, Wyandotte County, Kansas, except and excluding the South 5 acres, more or less, of the Southwest 1/4 of the Southeast 1/4 of said section, specifically described as follows: Beginning at the Southwest corner of the Southeast 1/4 of said section, thence North 165 feet; thence East 1320 feet, more or less, to the East line of the West 1/2 of the Southeast 1/4 of said section; thence South 165 feet; thence West 1320 feet, more or less, to Point of Beginning,*

*and further Except:*

*A Tract of land in the Southeast Quarter of the Southeast Quarter of Section 24, Township 11 South, Range 23 East of the 6th P.M., described as follows: Beginning at the Southeast corner of said quarter section; thence South 87° 47' West, 70.0 feet along the South line of said quarter section; thence North 03° 03' West, 827.2 feet, thence North 21° 30' West to a point on the North line, 250.2 feet West of the Northeast corner of Southeast quarter of the Southeast quarter section; thence North 87° 39' East, 250.2 feet along said North line to the East line of said Southeast quarter of the Southeast quarter section; thence South 02° 30' East along said East line to the Place of Beginning, and further except any part taken, used or dedicated for roads or public rights of way.*

*Also Except:*

*[The following description is the same as that given for Tract II in this deed].*

*A tract of land in the Southeast quarter of Section 24, Township 11 South, Range 23 East of the Sixth Principal Meridian, City of Edwardsville, Wyandotte County, Kansas, being more particularly described as follows:*

*Commencing at the Southwest corner of the Southeast quarter of said Section 24; thence North 02° 13' 37" West along the West line of said Southeast quarter, a distance of 165.53 feet, to the North line of the South 5 acres of the Southwest quarter of said Southeast quarter; thence North 87° 46' 23" East, along said North line, a distance of 40.00 feet, to the Point of Beginning; thence North 02° 13' 37" West, parallel to said West line, a distance of 1290.84 feet, to a point on the North line of the South 4 acres of*

*the Northwest quarter of said Southeast quarter; thence North 87° 44' 33" East along the North line of said South 4 acres, a distance of 1279.60 feet, to the Northeast corner of said South 4 acres; thence South 02° 17' 56" East, a distance of 132.05 feet to the Northeast corner of the Southwest quarter of said Southeast quarter; thence South 87° 44' 33" West, a distance of 24.65 feet; thence South 02° 14' 19", a distance of 1159.75 feet to a point on the North line of said 5 acres; thence South 87° 47' 09" West, along the North line of said South 5 acres, a distance of 1255.36 feet, to the Point of Beginning*

## TRACT II

*A Tract of land in the Southeast Quarter of the Section 24, Township 11 South, Range 23 East of the Sixth Principal Meridian, City of Edwardsville, Wyandotte County, Kansas, being more particularly described as follows:*

*Commencing at the Southwest corner of the Southeast quarter of said Section 24; thence North 02° 13' 37" West, along the West line of said Southeast quarter, a distance of 165.53 feet, to the North line of the South 5 acres of the Southwest quarter of said Southeast quarter; thence North 87° 46' 23" East, along said North line, a distance of 40.00 feet, to the Point of Beginning; thence North 02° 13' 37" West, parallel to said West line, a distance of 1290.84 feet, to a point on the North line of the South 4 acres of the Northwest quarter of said Southeast quarter; thence North 87° 44' 33", along the North line of said South 4 acres, a distance of 1279.60 feet, to the Northeast corner of said South 4 acres; thence South 02° 17' 56" East, a distance of 132.05 feet to the Northeast corner of the Southwest quarter of said Southeast quarter; thence South 87° 44' 33" West, a distance of 24.65 feet; thence South 02° 14' 19" East, a distance of 1159.75 feet to a point on the North line of said 5 acres; thence South 87° 47' 09" West, along the North line of said South 5 acres, a distance of 1255.36 feet, to the Point of Beginning.*

*And Also Except:*

*All that part used or dedicated for Street, Roads and Public Rights of Way.*

*TRUSTEE'S DEED 2020R-11475 (Parcel No. 940005)*

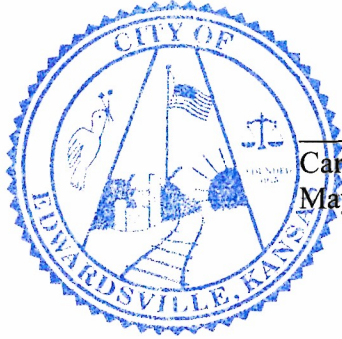
*Beginning at a point 880.0 feet South of the Northwest corner of the Southeast 1/4 of Section 24, Township 11, Range 23, in Wyandotte County, Kansas, thence South 330.0 feet, thence East 1313.7 feet, thence North 330.00 feet, thence West 1316.7 feet to the point of beginning, subject to that part, if any, in streets, roadways, highways or other public right-of-ways.*

*[This description is one of several tracts described in said deed].*

**Section 7.** The prospective use and development of real property located within the boundaries of the above-described district shall be governed by Chapter 14 of the Code, provided said real property was in conformity with zoning regulations in existence prior to the adoption of this Ordinance.

**Section 8.** This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

**PASSED AND APPROVED** by the Governing Body of the City of Edwardsville, Kansas this 9<sup>th</sup> day of May, 2022.



A handwritten signature in blue ink, appearing to read "Carolyn Caiharr", is written over a horizontal line.

Carolyn Caiharr  
Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Zack Daniel", is written over a horizontal line.

Zack Daniel  
Assistant City Manager/City Clerk