

Ordinance Summary published in the Legal Record on \_\_\_\_\_ and the full text of the Ordinance made available at [www.desotoks.us](http://www.desotoks.us) for a minimum of 1 week from the date of publication

### **Ordinance No. 2483 Summary**

On December 19, 2019, the City of De Soto, Kansas adopted Ordinance No. 2483 providing for the de-annexation of the property at 35960 West 95<sup>th</sup> Street, which property was initially annexed into the City conditioned on the property being rezoned under the City's zoning regulations, and that rezoning ultimately was denied. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84<sup>th</sup> Street, De Soto, Kansas or at [www.desotoks.us](http://www.desotoks.us). This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

## **ORDINANCE NO. 2483**

### **AN ORDINANCE GRANTING PETITION TO DE-ANNEX PROPERTY WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF DE SOTO**

**WHEREAS**, the owners of property at 35960 W. 95<sup>th</sup> Street, De Soto, Kansas 66018, and described herein below, petitioned the City pursuant to K.S.A. 12-504 *et seq.* to de-annex their property from the corporate boundaries of the City of De Soto; and

**WHEREAS**, the basis for the petition is that the owners -- in consenting to their property being initially annexed into the City -- conditioned their consent on the property at issue being rezoned according to the regulations and procedure of the City; and

**WHEREAS**, the above described rezoning failed, therefore, triggering the City to undertake these de-annexation proceedings; and

**WHEREAS**, notice of a public hearing on the petition for de-annexation was published in the official City newspaper, and a public hearing was held on December 19, 2019, all in accordance with the requirements of K.S.A. 12-504 *et seq.*

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS:**

**Section 1. Findings.** In accordance with K.S.A. 12-505, the governing body finds and concludes that no private rights will be injured or endangered by such exclusion of land from the corporate boundaries of the City, and that the public will not suffer loss or inconvenience because of such exclusion. The governing body also finds and concludes that justice to the Petitioners requires that the exclusion of the land be ordered.

**Section 2. De-annexation.** That the Petition to De-annex the property described below is hereby granted:

All that part of an unplatted tract of land, lying in the Southeast Quarter of Section 31, Township 12 South, Range 22 East, in Johnson County, Kansas, described as follows:

BEGINNING at the Southeast corner of the Southeast Quarter of Section 31, Township 12 South, Range 22 East; thence South 88 degrees 18 minutes 35 seconds West, on the South line of said Southeast Quarter, a distance of 667.08 feet to a point; thence North 02 degrees 35 minutes 32 seconds West, departing said South line, a distance of 1469.45 feet to a point on the South line of Kansas 10 Highway right of way, as established in Volume 997, Page 158; thence South 89 degrees 07 minutes 40 seconds East, on said South line, a distance of 688.60 feet to a point on the East line of said Southeast Quarter; thence South 01 degree 46 minutes 55 seconds East, departing said South line, on said East line, a distance of 1438.49 feet to the POINT OF BEGINNING, containing 984,801 Square Feet or 22.6079 Acres, more or less.

(Address: 35960 W. 95<sup>th</sup> Street, De Soto, Kansas 66018).

**Section 3. Recording.** The City Clerk is responsible for delivering a certified copy of this Ordinance to the Johnson County Register of Deeds so that the de-annexation is properly recorded and the excluded land is designated as no longer being within the corporate boundaries of the City of De Soto.

**Section 4. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage, approval and publication as provided by law.

**PASSED** by the Governing Body of the City of De Soto, Kansas, and approved by the Mayor on the 19th day of December 2019.

(Seal)

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Rick Walker, Mayor

ATTEST:

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Lana R. McPherson, MMC, City Clerk

APPROVED AS TO FORM:

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Patrick G. Reavey, City Attorney