

(Summary First Published in the Times-Sentinel  
on the \_\_\_\_ day of \_\_\_\_\_, 2014.)

THE CITY OF CHENEY, KANSAS

ORDINANCE NO. 870

AN ORDINANCE ANNEXING AND INCORPORATING  
CERTAIN LAND WITHIN THE BOUNDARIES OF THE CITY  
OF CHENEY, KANSAS PURSUANT TO AND IN  
ACCORDANCE WITH THE PROVISIONS OF K.S.A. 12-  
520c.

WHEREAS, in May of 2014, a written Consent to and Petition for Annexation was filed with the City Clerk of the City of Cheney, Kansas; and

WHEREAS, the land described in said written Consent to and Petition for Annexation consists of a tract of land containing 117.85 acres, more or less, that lies within Sedgwick County, Kansas, between US Highway 54/400 on the north, 383<sup>rd</sup> Street West on the east, 15<sup>th</sup> Street South on the south and 391<sup>st</sup> Street West on the west, more specifically described below; and

WHEREAS, said tract does not currently adjoin the boundaries of the City of Cheney, Kansas but is proximate to and within the natural growth area of the City of Cheney, Kansas and may be served with potable water from an existing adjacent City of Cheney, Kansas water main; and

WHEREAS, K.S.A. 12-520c (c) requires that the Board of County Commissioners of Sedgwick County, Kansas find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County, Kansas before the City of Cheney, Kansas may annex such land; and

WHEREAS, on May 20, 2014 the governing body of the City of Cheney, Kansas adopted Resolution Number 255-2014 finding it advisable, desirable, beneficial and in the interests of the public to island annex said land and requesting the Board of Sedgwick County Commissioners to find and determine that such annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County, Kansas pursuant to K.S.A. 12-520c; and

WHEREAS, on May 27, 2014 the City of Cheney, Kansas filed with the Sedgwick County Board of County Commissioners a certified copy of Resolution Number 255-2014, pursuant to K.S.A. 12-520c; and

WHEREAS, on June 18, 2014 the Sedgwick County Board of County Commissioners adopted Resolution Number 93-2014 finding and determining that based upon the available evidence, the proposed annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County, Kansas, pursuant to K.S.A. 12-520c.

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

Section 1. Annexation

Pursuant to K.S.A. 12-520c, the following described land is hereby annexed and incorporated within the corporate limits of the City of Cheney, Kansas, to-wit:

The Southwest Quarter of Section 29, Township 27 South, Range 4 West of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPTING THEREFROM 25.84 acres of highway right of way and FURTHER EXCEPTING THEREFROM a tract of land in the Southwest Quarter of Section 29, Township 27 South, Range 4 West of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows: Commencing at a point on the east line of said Southwest Quarter which is at an assumed bearing of N 0 degrees 13'15" W, a distance of 1491.34 feet from the Southeast corner of said Southwest Quarter; thence S 89 degrees 46'35" W a distance of 480.03 feet; thence N 0 degrees 13'25" W, a distance of 995.95 feet, more or less to the intersection with the south right of way of U. S. Highway 54, as deeded in Deed Book 1413, Page 436; thence N 89 degrees 43'15" E on said right of way line a distance of 394.52 feet to the intersection with the westerly right of way line of 383rd Street West, also as deeded in Deed Book 1413 Page 436; thence S 5 degrees 07'45" E on said right of way line a distance of 1000.00 feet to the point of beginning. This tract contains 117.85 acres, more or less, and lies between US Highway 54/400 on the north, 383<sup>rd</sup> Street West on the east, 15<sup>th</sup> Street South on the south and 391<sup>st</sup> Street West on the west.

Section 2. Island Annexation Provisions

The Governing Body of the City of Cheney, Kansas acknowledges that said real property is currently being used for agricultural purposes. As long as said real property continues to be used only for agricultural purposes and until development is commenced with a building permit on said undivided tract of real property, the portion of

ad valorem taxes levied on said real property by the City of Cheney, Kansas will be rebated to the owners of said real property upon its receipt by the City of Cheney, Kansas and said real property will be regulated in matters concerning tallgrass and weeds, animal control and hunting in the same manner and fashion as if said real property was still within the unincorporated areas of Sedgwick County, Kansas.

Further, if said real property has been platted or otherwise subdivided into parcels or tracts, as long as the subdivided parcel or tract in question continues to be used only for agricultural purposes and until development is commenced with a building permit on said subdivided parcel or tract, or the subdivided parcel or tract in question of 5 acres or less in size is purchased by a third party, the portion of ad valorem taxes levied on said real property by the City of Cheney, Kansas will be rebated to the owners of said real property upon its receipt by the City of Cheney, Kansas and said real property will be regulated in matters concerning tallgrass and weeds, animal control and hunting in the same manner and fashion as if said real property was still within the unincorporated areas of Sedgwick County, Kansas.

Section 3. Effective Date

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the City Council this 14th day of August, 2014.

Approved by the Mayor this 14th day of August, 2014.

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MAYOR, LINDA BALL

SEAL

ATTEST:

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CITY CLERK, DANIELLE YOUNG