CITY OF COFFEYVILLE
BOARD OF COMMISSIONERS AGENDA ITEM

MEETING DATE	07/09/2013	
RESOLUTION OR ORDINANCE NUMBER	S-13-05	
AGENDA TITLE	An Ordinance annexing property into the City of Coffeyville.	
REQUESTING DEPARTMENT	Administration	
PRESENTER	Gary Bradley, City Manager	
FISCAL INFORMATION	Cost as recommended:	n/a
	Budget Line Item:	
	Balance Available	
	New Appropriation Required:	[ ] Yes [X] No
PURPOSE	To annex property located at 2802 West First Street.	
BACKGROUND	The First Church of God in Christ submitted a letter on June 11 requesting the property they own at 2802 West First Street be annexed into the city limits for the purpose of building a church. According to K.S.A. 12-520(a)(7), the governing body of any city, by ordinance, may annex land into the city if any one of the following conditions exists: the land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.	
SPECIAL NOTES	n/a	
ANALYSIS	n/a	

PUBLIC INFORMATION PROCESS	n/a
BOARD OR COMMISSION RECOMMENDATION	n/a
STAFF RECOMMENDATION	Approve the first reading of ordinance to annex property located at 2802 West First Street
REFERENCE DOCUMENTS ATTACHED	1. Letter from First Church of God in Christ requesting annexation 2. Drawing from Buckland Surveying Company 3. Drawing showing property to be annexed 4. K.S.A. 12-520

ORDINANCE NO. S-13-05

AN ORDINANCE ANNEXING PROPERTY INTO THE CITY OF COFFEYVILLE, KANSAS PURSUANT TO K.S.A. 12-519 *ET SEQ.*

WHEREAS, on June 11, 2013, and pursuant to the conditions set forth in K.S.A. 12-520(a)(7), the owner of the real property described herein presented a request for and consent to the annexation of said real property into the City of Coffeyville, Kansas; and

WHEREAS, the Governing Body of the City of Coffeyville finds it advisable to annex said real property.

NOW, THEREFORE, BE IT ORDAINED, AS FOLLOWS:

Section 1. That the following described real property be and is hereby annexed and made a part of the City of Coffeyville, Kansas, with a zoning classification as designated:

Property Description	Zoning Classification
The West 300' of the East 630' of the South 435.6' of the Northeast Quarter (NE/4) of Section 33, Township 34 South, Range 16 East of the 6th P.M., Montgomery County, Kansas, a/k/a 2802 West First Street.	A-1

Section 2. This Ordinance shall be effective from and after its publication in the official city newspaper.

PASSED AND APPROVED this 23rd day of July 2013.

_____
David George, Mayor

ATTEST:

_____
Cindy Price, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Paul Kritz, City Attorney

First Church Of God In Christ

P.O. Box 1061
Coffeyville, KS 67337

Elder Melvin Simpson Sr. - Pastor (620) 251-2536 - Church

June 11, 2013

First Church Of God In Christ Family Worship Center
POB 1061
Coffeyville, KS 67337

Mr. Gary Bradley
City Manager
107 West Seventh Street
Coffeyville, KS 67337

Dear Mr. Bradley:

Re: 2920 West First Street Property

The Trustee Board of First Church Of God In Christ Family Worship Center voted unanimously to have the above referenced property annexed into the City Of Coffeyville, KS. This letter is to request the City of Coffeyville to do that. We hope the annexation can be executed promptly. We are anxious to start construction. Thank you.

Sincerely,

Elder Melvin J. Simpson, Sr.
Pastor, First Church Of God In Christ Family Worship Center

Pc: Coffeyville City Commission

(620) 688-6272 Home (620) 251-3808 Fellowship Hall

SURVEY REVIEW:
THIS SURVEY HAS BEEN REVIEWED AND APPROVED FOR FILING PURSUANT TO K.S.A. 58-2005 FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THIS ACT. NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED.

5/7/12
JAMES D. SCHMITZ, PLS NO. 727

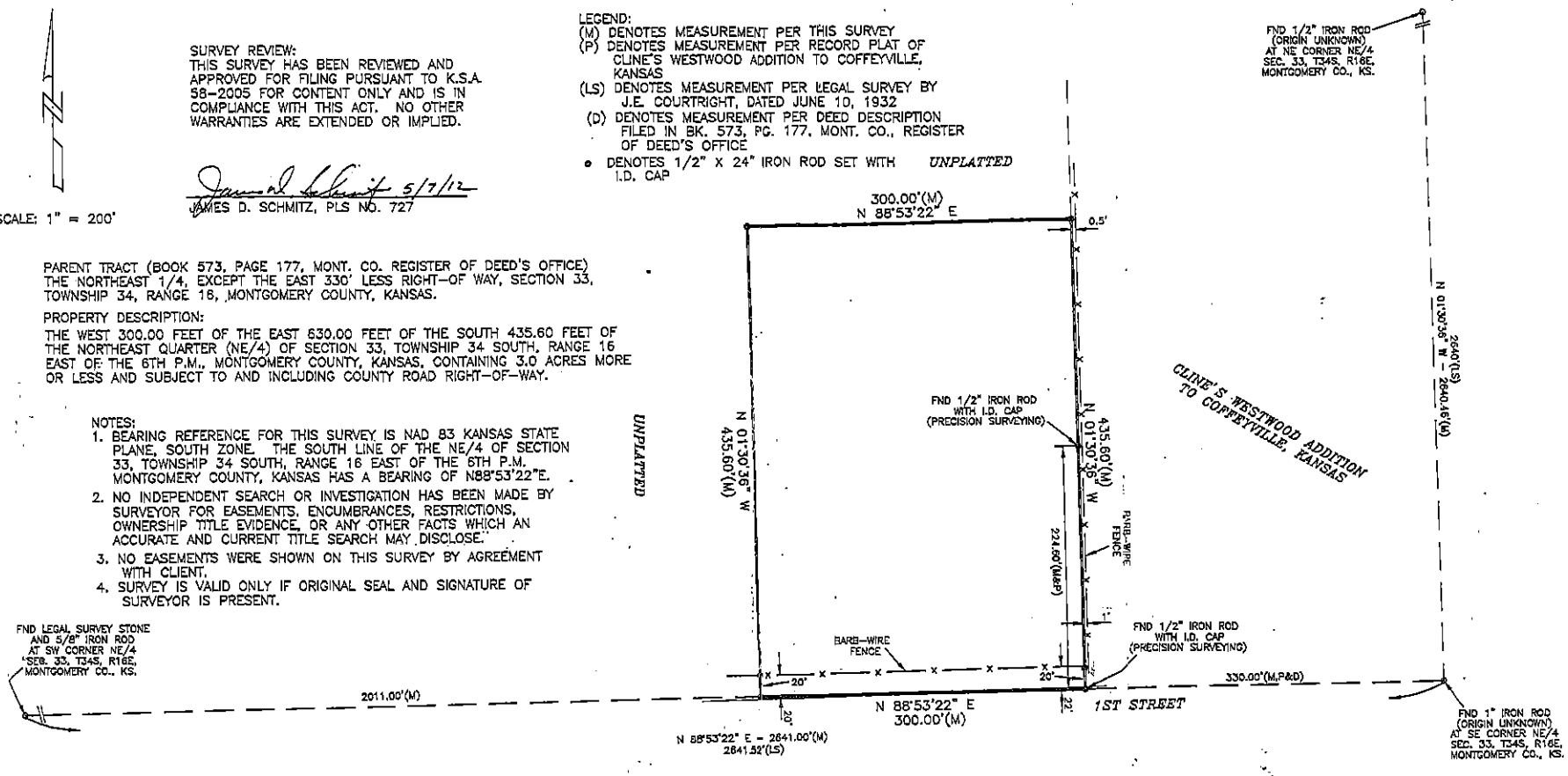
SCALE: 1" = 200'

LEGEND:
(M) DENOTES MEASUREMENT PER THIS SURVEY
(P) DENOTES MEASUREMENT PER RECORD PLAT OF CLINE'S WESTWOOD ADDITION TO COFFEYVILLE, KANSAS
(LS) DENOTES MEASUREMENT PER LEGAL SURVEY BY J.E. COURTRIGHT, DATED JUNE 10, 1932
(D) DENOTES MEASUREMENT PER DEED DESCRIPTION FILED IN BK. 573, PG. 177, MONT. CO., REGISTER OF DEED'S OFFICE
• DENOTES 1/2" X 24" IRON ROD SET WITH I.D. CAP

PARENT TRACT (BOOK 573, PAGE 177, MONT. CO. REGISTER OF DEED'S OFFICE) THE NORTHEAST 1/4, EXCEPT THE EAST 330' LESS RIGHT-OF WAY, SECTION 33, TOWNSHIP 34, RANGE 16, MONTGOMERY COUNTY, KANSAS.

PROPERTY DESCRIPTION:
THE WEST 300.00 FEET OF THE EAST 630.00 FEET OF THE SOUTH 435.60 FEET OF THE NORTHEAST QUARTER (NE/4) OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 16 EAST OF THE 6TH P.M., MONTGOMERY COUNTY, KANSAS, CONTAINING 3.0 ACRES MORE OR LESS AND SUBJECT TO AND INCLUDING COUNTY ROAD RIGHT-OF-WAY.

NOTES:
1. BEARING REFERENCE FOR THIS SURVEY IS NAD 83 KANSAS STATE PLANE, SOUTH ZONE. THE SOUTH LINE OF THE NE/4 OF SECTION 33, TOWNSHIP 34 SOUTH, RANGE 16 EAST OF THE 6TH P.M. MONTGOMERY COUNTY, KANSAS HAS A BEARING OF N88°53'22"E.
2. NO INDEPENDENT SEARCH OR INVESTIGATION HAS BEEN MADE BY SURVEYOR FOR EASEMENTS, ENCUMBRANCES, RESTRICTIONS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
3. NO EASEMENTS WERE SHOWN ON THIS SURVEY BY AGREEMENT WITH CLIENT.
4. SURVEY IS VALID ONLY IF ORIGINAL SEAL AND SIGNATURE OF SURVEYOR IS PRESENT.

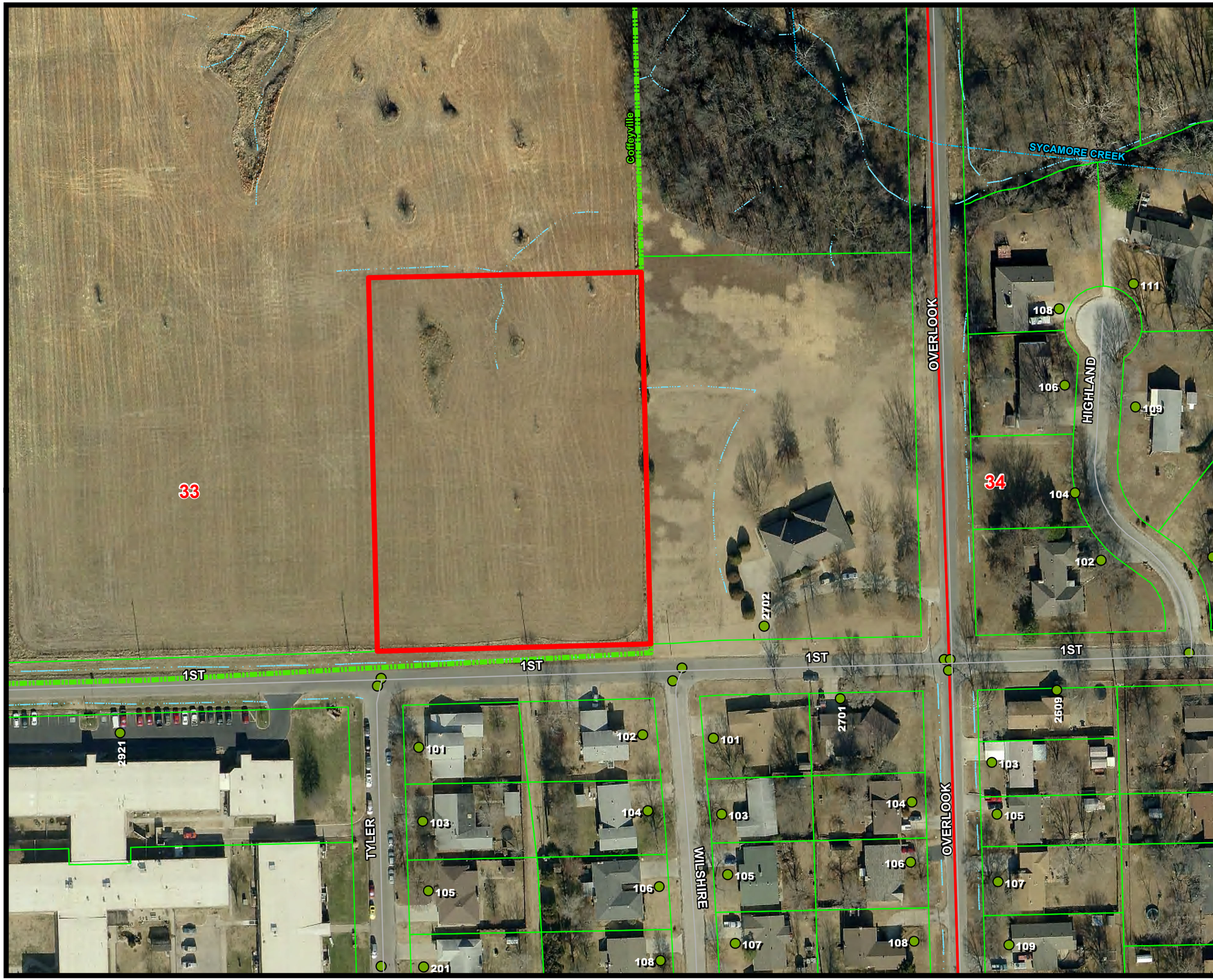


I, GUY R. BUCKLAND, LICENSED LAND SURVEYOR NO. 1071 IN THE STATE OF KANSAS, HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 25TH DAY OF APRIL, 20 12

GUY R. BUCKLAND LICENSED 4/30/12 LS-1071 KANSAS LAND SURVEYOR

BUCKLAND SURVEYING COMPANY, INC.
LAND SURVEYING SERVICES
1652 S.E. WASHINGTON BLVD. BARTLESVILLE, OKLAHOMA 74006 (918) 335-5071



Coffeyville
KANSAS
Engineering Department
102 W 7th
COFFEYVILLE, KS 67337
VOICE: 620-252-6100
FAX: 620-252-6175
www.coffeyville.com

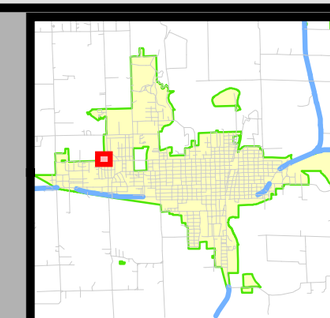
GIS System By: Midland GIS

1 in = 100 ft

2802 w 1ST STREET

Legend

Property to be Annexed



2012 Kansas Statutes

12-520. Conditions which permit annexation; ordinance; severability of ordinance where annexation invalid; limitations. (a) Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

(1) The land is platted, and some part of the land adjoins the city.

(2) The land is owned by or held in trust for the city or any agency thereof.

(3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city except that no city may annex land owned by a county without the express permission of the board of county commissioners of the county other than as provided in subsection (f).

(4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.

(5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.

(6) The tract is so situated that 2/3 of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.

(7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.

(c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A 19-2753 et seq., and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Subject to the provisions of this section and subsection (e) of K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.

(e) Whenever any city annexes any land under the authority of paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.

(f) No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding. The board of county commissioners may notify the city of the existence of any highway which has not become part of the city by annexation and which has a common boundary with the city. The notification shall include a legal description and a map identifying the location of the highway. The governing body of the city shall certify by ordinance that the certification is correct and declare the highway, or portion of the highway extending to the center line where another city boundary line abuts the opposing side of the highway, annexed to the city as of the date of the publication of the ordinance.

(g) The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

(h) No city may utilize any provision of this section to annex a narrow corridor of land to gain access to noncontiguous tracts of land. The corridor of land must have a tangible value and purpose other than for enhancing future annexations of land by the city.

History: L. 1967, ch. 98, § 2; L. 1974, ch. 56, § 4; L. 1980, ch. 62, § 1; L. 1986, ch. 70, § 2; L. 1987, ch. 66, § 2; L. 1993, ch. 147, § 1; L. 2005, ch. 166, § 11; L. 2005, ch. 186, § 6; L. 2007, ch. 142, § 1; L. 2010, ch. 130, § 1; May 20.

Revisor's Note:

Section was also amended by L. 2005, ch. 155, § 1, but that version was repealed by L. 2005, ch. 186, § 23.