

**ORDINANCE NO. S-10-06**

**AN ORDINANCE REZONING A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 17 EAST OF THE 6<sup>TH</sup> PRIME MERIDIAN, MONTGOMERY COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 4, WAL-MART ADDITION TO THE CITY OF COFFEYVILLE, KANSAS; THENCE SOUTH 00°00'00" WEST ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 212.83 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4, ALSO BEING A POINT ON THE NORTH LINE OF LOT 1 OF SAID WAL-MART ADDITION; THENCE SOUTH 90°00'00" WEST ALONG THE NORTH LINE OF LOT 1 A DISTANCE OF 167.04 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 00°00'00" EAST ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 370.63 FEET; THENCE NORTH 90°00'00" WEST CONTINUING ALONG THE NORTHERLY LINE OF SAID LOT 1 AND THE WESTERLY EXTENSION THEREOF A DISTANCE OF 300.00 FEET; THENCE NORTH 00°00'00" EAST A DISTANCE OF 513.81 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY #166; THENCE ON NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 4,297.28 FEET, A CHORD WHICH BEARS NORTH 81°31'04" EAST A CHORD LENGTH OF 472.21 FEET AND AN ARC LENGTH OF 472.44 FEET TO THE POINT OF BEGINNING, IN THE CITY OF COFFEYVILLE, MONTGOMERY COUNTY, KANSAS;**

**a/k/a 2001 EAST HIGHWAY 166**

WHEREAS, the Coffeyville Planning Commission received an application from Mr. Phil Bundy, representing Bundy-Hedean Development, requesting a tract of land, as more particularly described below, be rezoned from A-1 (Agriculture District) to C-4, (Service Commercial District), for the purpose of constructing and operating a Multi-Tenant Retail facility; and

WHEREAS, pursuant to K.S.A. 12-757(b), at least twenty days prior to the hearing, a notice of hearing was published in the official city newspaper and written notice was mailed to all owners of record of real property located within at least 1,000 feet of the tract of land being considered for rezoning; and

WHEREAS, pursuant to K.S.A. 12-757(b), the Coffeyville Planning Commission held a public hearing on April 6, 2010, regarding said rezoning request; and

WHEREAS, in regular session on April 6, 2010, the Coffeyville Planning Commission after considering the matters set forth in the City's zoning regulations determined by a majority vote, to submit to the governing body a recommendation of approval of the rezoning said property to C-4 (Service Commercial District) and that the Official Zoning District Map of Coffeyville, Kansas be amended.

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

SECTION 1. That the specific real property as more particularly described below be and is hereby rezoned from A-1 (Agriculture District) to C-4 (Service Commercial District).

Coffeyville Planning Commission Rezoning Case Number **ZC 2010-03**.

A tract of land in the Northeast Quarter of Section 31, Township 34 South, Range 17 East of the 6<sup>th</sup> P.M., Montgomery County, Kansas being more particularly described as follows: Beginning at the Northwest Corner of Lot 4, Wal-Mart Addition to the City of Coffeyville, Kansas; thence South 00°00'00" West along the West line of said Lot 4, a

distance of 212.83 feet to the Southwest corner of said Lot 4, also being a point on the North line of Lot 1 of said Wal-Mart Addition; thence South 90°00'0" West along the North line of Lot 1 a distance of 167.04 feet to the Northwest Corner of said Lot 1; thence South 00°00'00" East along the West line of said Lot 1 a distance of 370.63 feet; thence North 90°00'00" West continuing along the Northerly line of said Lot 1 and the Westerly extension thereof a distance of 300.00 feet; thence North 00°00'00" East a distance of 513.81 feet to the South Right-Of-Way line of U.S. Highway #166; thence on non-tangent curve to the right having a radius of 4,297.28 feet, a chord which bears North 81°31'04" East a chord length of 472.21 feet and an arc length of 472.44 feet to the point of beginning, in the City of Coffeyville, Montgomery County, Kansas;

a/k/a 2001 East Highway 166

SECTION 2. That the Official Zoning District Map of Coffeyville, Kansas be amended to reflect the approved rezoning of said property.

SECTION 3. That all former ordinances and any parts thereof concerned with the rezoning of this particular property in conflict herewith be and are hereby repealed.

Passed and approved this 11th day of May, 2010.

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Alec Hendryx, Mayor

ATTEST:

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Cindy Price, City Clerk

APPROVED AS TO FORM AND LEGALITY:

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Paul Kritz, City Attorney