

(First Published in the Andover Journal, July 4, 1974)

ORDINANCE NO. 212

AN ORDINANCE RELATING TO PLATTED OR UNPLATTED LANDS SOUGHT TO BE VOLUNTARILY ANNEXED TO THE CORPORATE LIMITS OF SAID CITY, AND PROVIDING A PROCEDURE FOR THE SUBMISSION OF THE SAME TO THE PLANNING COMMISSION OF SAID CITY PRIOR TO PRESENTMENT OF THE SAME TO THE GOVERNING BODY OF SAID CITY FOR VOLUNTARY ANNEXATION, AND THUS SUPPLEMENTING ORDINANCE NO. 166 (MODEL SUB-DIVISION ORDINANCE) OF THE SAID CITY AND ENACTED PURSUANT TO AND IN ACCORDANCE WITH K.S.A. 1973 SUPP. 12-705, 12-705d, and 12-705b AS WELL AS HOUSE BILL NO. 1623 AS PASSED AND ADOPTED BY THE 1974 SESSION OF THE KANSAS LEGISLATURE.

WHEREAS, prior hereto and on the 8th day of April, 1972, the Governing Body of the City of Andover, Kansas passed and adopted Ordinance No. 166, of said City which ordinance among other things provides for sub-division regulations for said City; and,

WHEREAS, metes and bounds tracts and other tracts of unplatted land have been submitted to the said Governing Body for annexation which lands may be subject to sub-division and/or dedication of easements and roadways and dedications including the dedication of Restrictive Covenants, without prior submission of the same to the Planning Commission of said City or if submitted without written recommendation from said Planning Commission; and,

WHEREAS, some of such lands so submitted have been intended to be used for purposes other than Single-Family Residential Uses (R-1) under the Planning and Zoning Ordinance of said City; and,

WHEREAS, the Governing Body, for the orderly growth and development of said City deems it necessary to submit such proposed annexations of said lands to the Planning Commission of said City prior to the submission of the same to said City.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF SAID CITY.

Section 1. That for the purposes, aforesaid (as set out in the caption and preamble of this ordinance, which caption and preamble are hereby made a part of this Section as fully as if set out herein) and pursuant to and in compliance with K.S.A. 1973 Supp. 12-705, 12-705d, and 12-705b and in compliance with and within the Legislative Intent expressed in House Bill # 1623 as passed and adopted by the 1974 Session of the Kansas Legislature, does hereby declare it necessary to establish a procedure relating to the voluntary annexation of all lands to the corporate limits of said City.

Section 2. For the furtherance of the intent expressed in Section 1, hereof, the Governing Body, hereby ordains that from and after the passage and publication of this ordinance, no lands whether platted or unplatted or both platted and unplatted shall be submitted without the petitioners and owners thereof first submitting voluntary request for annexation in writing to the Planning Commission of said City.

Section 3. Upon receipt of the request for annexation above referred to by the Clerk or Chairman of the said Planning Commission, same shall at the earliest convenient time call a meeting of said City Planning Commission to consider said Request for Annexation, and the effect of such proposed annexation upon the orderly future growth of said City and its compliance or non-compliance with the proposed future Planning and Zoning of the said City, and in such consideration and deliberation the said Planning Commission may (without limitation as to further or other acts or considerations):

- a. Order and hold public hearings with such notice as it deems appropriate upon such request,
- b. Refer such request to the sub-division committee of the Planning Commission for study and recommendation to the Planning Commission,

c. Study the need or desirability of the dedication of roadways, streets, alleys, easements on other dedications.

d. Whether or not such lands should be sub-divided forthwith upon annexation and recommendations for the manner and method of platting and scope of the same upon annexation.

e. Consider and make findings as to the future possible use of the said lands.

f. Within 40 days after receipt of such request make a written report of its findings which report shall determine either:

1. That such land should be annexed and state any conditions precedent to such annexation, and if the land is suitable for any zoning use classification other than Single-Family Residential , then state such use or uses,

2. That such land not be annexed and make determinations as to its reasons for not recommending annexation,

3. That the Planning Commission neither recommend nor denies the advisability of annexation.

g. That upon request of a quorum of the members of the Planning Commission in writing the time for consideration by said Planning Commission as set out in Section 3 (f) above may be extended for reasonable periods of time by the Governing Body.

Section 4. That upon receipt of findings and recommendations from the Planning Commission by the Governing Body or absent the same within the time specified above or extension thereof, the Governing Body may then proceed to annex said requested lands or deny annexation or return the said recommendation to the Planning Commission, with a request to make certain additional recommendations or findings. Nothing herein shall

be construed as limiting the power of said Governing Body to annex said land or refuse annexation contrary to the recommendation of the Planning Commission, it being the intention of the Governing Body that the function of the Planning Commission is advisory only.

Section 5. The Governing Body may upon its finding by a majority of the Governing Body, that is, 3 members thereof, suspend the effect of this ordinance if such finding determines that the overwhelming public interest of said City would be served by the immediate annexation of such land and that insufficient time exists to submit the same to the Planning Commission.

Section 6. That should any section or portion of section of this ordinance be declared illegal or unconstitutional, notwithstanding such illegality or unconstitutionality, all other sections or portions of sections shall be deemed to be in full force and effect.

The above ordinance passed this 25th day of June, 1974.

Eugene Miller
EUGENE MILLER, MAYOR

(ATTEST)

SEAL

Patricia M. Stuenkel
PATRICIA M. STUENKEL, CITY CLERK