

ORDINANCE NO. 1567

AN ORDINANCE REZONING A TRACT OF LAND TOGETHER WITH TWO EASEMENTS FOR DRIVEWAY PURPOSES IN THE NORTHEAST QUARTER OF 12-8-34, FROM R-1 (SINGLE FAMILY DWELLING DISTRICT) TO C-2 (NEIGHBORHOOD COMMERCIAL DISTRICT). (Western State Bank Site)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLBY, COUNTY OF THOMAS, STATE OF KANSAS:

SECTION 1. Pursuant to the Public Hearing held by the Colby-Thomas County Metropolitan Area Planning Commission as required by law, the following described real estate within the City of Colby, Kansas is hereby changed from R-1 (Single Family Dwelling District) as defined by Section 21-103, Zoning Ordinance of 2013, as incorporated by Ordinance No. 1527, to C-2 (Neighborhood Commercial District) as defined by Section 21-110, Zoning Ordinance of 2013, as incorporated by Ordinance No. 1527. Said real estate is described as follows, to-wit:

Legal Description Tract A

A portion of the Northeast Quarter (NE/4) of Section Twelve (12), Township Eight (8) South, Range Thirty-four (34) West of the 6th Principal Meridian, Thomas County, Kansas, more particularly described as follows:

COMMENCING at the Southeast Corner (SE/c) of said Northeast Quarter (NE/4); thence on an assumed bearing of N87°30'38"W along the South line of said Quarter a distance of 110.00 feet to the West right-of-way line of K-25 Highway, said point being the TRUE POINT OF BEGINNING; thence continuing N87°30'38"W along said South line a distance of 390.01 feet; thence N2°11'00"E a distance of 235.18 feet; thence S87°30'38"E a distance of 398.52 feet to said right-of-way line; thence S4°15'24"W along said right-of-way line a distance of 235.29 feet to the POINT OF BEGINNING.

TOGETHER WITH:

An easement (Easement A of this survey) for driveway purposes for vehicular and pedestrian access and ingress and egress, in a portion of

the Northeast Quarter (NE/4) of Section Twelve (12), Township Eight (8) South, Range Thirty-four (34) West of the 6th Principal Meridian, Thomas County, Kansas, more particularly described as follows:

COMMENCING at the Southeast Corner (SE/c) of said Northeast Quarter (NE/4); thence on an assumed bearing of N87°30'38"W along the South line of said Quarter a distance of 110.00 feet to the West right-of-way line of K-25 Highway; thence N4°15'24"E along said right-of-way line a distance of 235.29 feet, said point being the TRUE POINT OF BEGINNING; thence N87°30'38"W a distance of 60.00 feet; thence N1°55'29"E a distance of 30.00 feet; thence S87°30'38"E a distance of 60.00 feet to said right-of-way line; thence S1°55'29"W along said right-of-way line a distance of 30.00 feet to the POINT OF BEGINNING.

Said tract contains 2.13 acres, more or less, subject to Easement B as described in this survey, a 20' wide utility easement along the East side more particularly described in Book 37 at Page 425 of the Thomas County Records, a travel way easement for the purpose of ingress and egress beginning at the existing entrance or entrances along the west side of K-25 highway and over and across said Northeast Quarter (NE 1/4) until such time as streets or other roadways are constructed as described in Book 91 at Page 916, a right-of-way agreement to Kinder Morgan Interstate Gas Transmission Company L.L.C. recorded in Book 145 at Page 753 of the Thomas County Records, and any other easements, reservations, restrictions, and conveyances of record.

Legal Description Easement A

An easement for driveway purposes for vehicular and pedestrian access and ingress and egress, in a portion of the Northeast Quarter (NE/4) of Section Twelve (12), Township Eight (8) South, Range Thirty-four (34) West of the 6th Principal Meridian, Thomas County, Kansas, more particularly described as follows:

COMMENCING at the Southeast Corner (SE/c) of said Northeast Quarter (NE/4); thence on an assumed bearing of N87°30'38"W along the South line of said Quarter a distance of 110.00 feet to the West right-of-way line of K-25 Highway; thence N4°15'24"E along said right-of-way line a distance of 235.29 feet, said point being the TRUE POINT OF BEGINNING; thence N87°30'38"W a distance of 60.00 feet; thence N1°55'29"E a distance of 30.00 feet; thence S87°30'38"E a distance of 60.00 feet to said right-of-way line; thence S1°55'29"W along said right-of-way line a distance of 30.00 feet to the POINT OF BEGINNING.

Legal Description Easement B

An easement for driveway purposes for vehicular and pedestrian access and ingress and egress, in a portion of the Northeast Quarter (NE/4) of Section Twelve (12), Township Eight (8) South, Range Thirty-four (34) West of the 6th Principal Meridian, Thomas County, Kansas, more particularly described as follows:

COMMENCING at the Southeast Corner (SE/c) of said Northeast Quarter (NE/4); thence on an assumed bearing of N87°30'38"W along the South line of said Quarter a distance of 110.00 feet to the West right-of-way line of K-25 Highway; thence N4°15'24"E along said right-of-way line a distance of 235.29 feet, said point being the TRUE POINT OF BEGINNING; thence N87°30'38"W a distance of 60.00 feet; thence S1°55'29"W a distance of 30.00 feet; thence S87°30'38"E a distance of 58.78 feet to said right-of-way line; thence N4°15'24"E along said right-of-way line a distance of 30.01 feet to the POINT OF BEGINNING.

SECTION 2. This Ordinance shall take effect and be in force from and after its passage and publication in the official city newspaper.

PASSED BY THE GOVERNING BODY AND SIGNED BY THE MAYOR
this 16th day of February, 2016.

Gary L. Adrian, Mayor

ATTEST:

Joni L. Ketchum, City Clerk