

ORDINANCE NO. ____-2023

AN ORDINANCE ANNEXING LAND TO THE CITY OF GARDEN CITY, KANSAS THAT ADJOINS AND IS OWNED BY THE CITY OF GARDEN CITY, KANSAS.

WHEREAS, the real property, as more particularly described herein, is adjoining to the corporate limits of Garden City, Kansas, is owned by the City of Garden City, Kansas ("City"), and is generally located in the West Half (W½) of Section Twenty-five (25), Township Twenty-four (24) South, Range Thirty-two (32) West of the 6th P.M., Finney County, Kansas; and

WHEREAS, due to the real property consisting of more than twenty-one (21) acres of unplatted land that was previously devoted to agriculture use, City herein provides its written consent to annexation pursuant to subsection (b) of K.S.A. 12-520; and

WHEREAS, the Governing Body of the City of Garden City, Kansas, finds it advisable to annex the following described land.

BE IT ORDAINED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. That the following described real property situated in FINNEY COUNTY, KANSAS is hereby annexed and made a part of the City of Garden City, Kansas:

A tract of land located in Tract 317 in Section Twenty-five (25), Township Twenty-four (24) South, Range Thirty-two (32) West of the 6th P.M., Finney County, Kansas, more particularly described as follows:

Commencing at the Southeast Corner of Section 25; thence West along the South Section line for a distance of 2240.28 feet; thence Northwest at an angle left of 145°00'04" for a distance of 1007.87 feet to the point of beginning; thence continuing Northwest for a distance of 2697.36 feet; thence North at an angle left of 124°47'39" for a distance of 2504.98 feet; thence Southeast at an angle left of 55°45'11" for a distance of 3187.84 feet; thence South at an angle left of 124°28'30" for a distance of 988.44 feet; thence Southwest at an angle left of 161°11'58"; for a distance of 1330.62 feet to the point of beginning.

SECTION 2. The annexation herein is made pursuant to K.S.A. 12-520(a)(2).

SECTION 3. No resolution, notice, or public hearing is required, pursuant to K.S.A. 12-520a(f).

SECTION 4. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance. Without limiting the foregoing and in the event that the consent of any owner is found to be invalid or was omitted in relation to any tract of land situated within the boundaries of the real property set forth herein, that particular tract shall be severable from the remaining tracts of land within said boundaries and any such invalidity or omission shall in no way affect the validity of the remaining tracts of land to be annexed herein. For the purposes of this section, the term "owner" shall have the meaning ascribed to it in subsection (c) of K.S.A. 12-519.

SECTION 5. This ordinance shall take effect and be in force from and after its publication in the Garden City Telegram.

SECTION 6. Upon the passage and publication of this ordinance, the City Clerk shall file a certified copy of such ordinance with the County Clerk, the Register of Deeds, and the County Election Commissioner, if any, of Finney County, Kansas.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, the 5th day of September, 2023.

DEBORAH OYLER, Mayor

ATTEST:

CELYN N. HURTADO, City Clerk

APPROVED AS TO FORM AND CONTENT:

JAMES R. DUMMERMUTH,
Assistant City Attorney