

**ORDINANCE NO. 2487**

**AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT ON CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY THE GARDNER, KANSAS, ZONING ORDINANCE (CUP-15-01).**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

**SECTION ONE:** That having received a recommendation from the Planning Commission on April 28, 2015, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas, Zoning Ordinance, a Conditional Use Permit is issued on lands legally described as follows:

**TRACT I:**

The Southwest Quarter of Section 14, Township 14, Range 22, Johnson County, Kansas, except for part in streets and roads and more particularly described as follows:

All of the Southwest Quarter of Section 14, Township 14, Range 22, East of the Sixth Principal Meridian, Johnson County, Kansas described as follows: Beginning at the Northwest corner of the Southwest Quarter of said Section 14; thence North 88 degrees 49 minutes 32 seconds East, along the North line of the Southwest Quarter of said Section 14, a distance of 2596.36 feet to the Northeast corner of the Southwest Quarter of said Section 14; thence South 01 degrees 54 minutes 57 seconds East, along the East line of the Southwest Quarter of said Section 14, a distance of 2662.71 feet to the Southeast corner of the Southwest Quarter of said Section 14; thence South 88 degrees 34 minutes 20 seconds West, along the South line of the Southwest Quarter of said Section 14, a distance of 2589.90 feet to the Southwest corner of the Southwest Quarter of said Section 14; thence North 02 degrees 03 minutes 06 seconds West, along the West line of the Southwest Quarter of said Section 14, a distance of 2674.25 feet to the point of beginning, except that part in streets and roads and EXCEPT that part described as follows:

Beginning at the Southwest corner of the Southwest Quarter of Section 14, Township 14 South, Range 22 East, thence North 02 degrees 03 minutes 13 seconds West coincident with the West line of said Southwest Quarter Section, 1665.40 feet; thence North 87 degrees 56 minutes 47 seconds East, 241.67 feet; thence on a curve to the left with a radius of 400.00 feet and an arc length of 134.96 feet; thence North 68 degrees 36 minutes 51 seconds East, 93.08 feet; thence on a curve to the right with a radius of 200.00 feet and an arc length of 23.75 feet; thence North 75 degrees 25 minutes 10 seconds East, 41.01 feet; thence North 77 degrees 28 minutes 42 seconds East, 144.54 feet; thence North 75 degrees 20 minutes 26 seconds East, 64.98 feet to a point of non-tangent curvature; thence on a curve to the left with a radius of 1800.00 feet and an arc length of 254.05 feet with a chord that bears South 24 degrees 1 minutes 19 seconds East a distance of 253.84 feet; thence South 29 degrees 28 minutes 42 seconds East 192.13 feet; thence North 60 degrees 23 minutes 32 seconds East, 129.89 feet; thence on a curve to the right with a radius of 300.00 feet and an arc length of 38.16 feet; thence North 67 degrees 40 minutes 51 seconds East, 398.29 feet; thence on a curve to the left with a radius of 500.00 feet and an arc length of 23.48 feet; thence North 64 degrees 59 minutes 26 seconds East, 104.87 feet; thence South 25 degrees 00 minutes 34 seconds East, 126.53 feet; thence on a curve to the right with a radius of 730.00 feet and an arc length of 554.88 feet; thence South 18 degrees 32 minutes 29 seconds West, 544.15 feet; thence on a curve to the left with a radius of 430.00 feet and an arc length of 150.46 feet; thence South 01 degrees 30 minutes 27 seconds East, 332.88 feet to a point on the South line of said Southwest Quarter Section; thence South 88 degrees 34 minutes 14 seconds West coincident with the

South line of said Southwest Quarter Section, 1395.52 feet to the point of beginning, less that part in streets and roads.

TRACT II:

A tract of land located in the Southwest Quarter of Section 14, Township 14 South, Range 22 East of the 6<sup>th</sup> Principal Meridian, Johnson County, Kansas, described as follows:

Beginning at the Southwest corner of the Southwest Quarter of Section 14, Township 14 South, Range 22 East, thence North 02 degrees 03 minutes 13 seconds West coincident with the West line of said Southwest Quarter Section, 1665.40 feet; thence North 87 degrees 56 minutes 47 seconds East, 241.67 feet; thence on a curve to the left with a radius of 400.00 feet and an arc length of 134.96 feet; thence North 68 degrees 36 minutes 51 seconds East, 93.08 feet; thence on a curve to the right with a radius of 200.00 feet and an arc length of 23.75 feet; thence North 75 degrees 25 minutes 10 seconds East, 41.01 feet; thence North 77 degrees 28 minutes 42 seconds East, 144.54 feet; thence North 75 degrees 20 minutes 26 seconds East, 64.98 feet to a point of non-tangent curvature; thence on a curve to the left with a radius of 1800.00 feet and an arc length of 254.05 feet with a chord that bears South 24 degrees 18 minutes 19 seconds East a distance of 253.84 feet; thence South 29 degrees 28 minutes 42 seconds East 192.13 feet; thence North 60 degrees 23 minutes 32 seconds East, 129.89 feet; thence on a curve to the right with a radius of 300.00 feet and an arc length of 38.16 feet; thence North 67 degrees 40 minutes 51 seconds East, 398.29 feet; thence on a curve to the left with a radius of 500.00 feet and an arc length of 23.48 feet; thence North 64 degrees 59 minutes 26 seconds East, 104.87 feet; thence South 25 degrees 00 minutes 34 seconds East, 126.53 feet; thence on a curve to the right with a radius of 730.00 feet and an arc length of 554.88 feet; thence South 18 degrees 32 minutes 29 seconds West, 544.15 feet; thence on a curve to the left with a radius of 430.00 feet and an arc length of 150.46 feet; thence South 01 degrees 30 minutes 27 seconds East, 332.88 feet to a point on the South line of said Southwest Quarter Section; thence South 88 degrees 34 minutes 14 seconds West coincident with the South line of said Southwest Quarter Section, 1395.52 feet to the point of beginning, less that part in streets and roads.

EXCEPT: (Formerly CP-2 Tract Description)

A tract of land located in the southwest quarter of section 14, township 14 south, range 22 east of the 6<sup>th</sup> principal meridian, in the city of Gardner, Johnson County, Kansas described as follows:

Beginning at the southwest corner of said southwest quarter; thence north 02°03'15" west coincident with the west line of said southwest quarter, 995.10 feet; thence north 87°57'13" east 168.34 feet to a point of curvature; thence on a curve to the left being tangent to the last described course, having a radius of 750.00 feet and an arc length of 225.98 feet; thence north 70°41'25" east 196.52 feet; thence south 02°02'58" east 153.51 feet; thence south 62°44'04" east, 530.70 feet; thence south 01°12'51" east 378.94 feet; thence south 88°40'25" west 108.95 feet; thence south 01°19'35" east 306.33 feet to the south line of said southwest quarter; thence south 88°34'18" west, along said south line 922.95 feet to the point of beginning. Containing 21.375 acres (931,097 square feet), more or less.

AND EXCEPT: (Formerly C-O Tract Description)

A tract of land located in the southwest quarter of section 14, township 14 south, range 22 east of the 6<sup>th</sup> principal meridian in the city of Gardner, Johnson County, Kansas described as follows:

Commencing at the southwest corner of said southwest quarter; thence north 88°34'18" east, along the south line of said southwest quarter 922.95 feet to the point of beginning; thence north 01°19'35" west 306.33 feet; thence north 88°40'25" east 108.95 feet; thence north 01°12'51"

west 271.93 feet; thence south 62°44'04" east 71.15 feet; thence north 88°47'09" east 289.40 feet; thence south 01°12'51" east 542.83 feet to said south line; thence south 88°34'18" west along said south line, 460.30 feet to the point of beginning. Containing 5.179 acres (225,609 square feet), more or less.

**CASE NO. CUP-15-01**

A Conditional Use Permit to allow for oil wells within an A (Agriculture District) zoning district, on 124.095 acres of property located north and east of the intersection of 167<sup>th</sup> Street and Waverly Road, subject to the following conditions:

1. Development shall be in accordance with the site plan and landscaping plan associated with CUP-15-01.
2. The Conditional Use Permit approval shall expire 20 years from the effective date.
3. A gas and oil well permit shall be obtained for each well drilled from the City as outlined in Chapter 15.55 of the Gardner Municipal Code, prior to drilling or commencing operations for the drilling.
4. All abandoned wells shall be plugged based on City and KCC standards.

**SECTION TWO:** That this Ordinance shall take effect and be in force from and after its adoption by the City Council and publication in the official City Newspaper.

APPROVED and ADOPTED this 1<sup>st</sup> day of June, 2015.

(SEAL)

CITY OF GARDNER, KANSAS

/s/ Chris Morrow  
Chris Morrow, Mayor

Attest:

/s/ Jeanne Koontz  
Jeanne Koontz, City Clerk

Approved as to form:

/s/ Ryan B. Denk  
Ryan B. Denk, City Attorney