

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF
JOHNSON COUNTY, KANSAS, HELD ON THURSDAY, JUNE 17, 1999

A regular meeting of the Board of County Commissioners of Johnson County, Kansas, was held on Thursday, June 17, 1999, with the following members present and participating, to wit:

Chairman George R. Gross.
Commissioner Gary A. Anderson
Commissioner Johnna Lingle
Commissioner Annabeth Surbaugh
Commissioner Douglas E. Wood

WHEREUPON, there came before the Board for consideration the matter of establishing a committee to study future planning and potential annexation or incorporation for the unincorporated areas of Aubry and Oxford Townships, setting a study period and adopting guidelines for consideration of future annexation or incorporation requests.

The Board, after deliberation, upon a motion duly made, seconded and carried, adopted the following Resolution; to wit:

RESOLUTION ESTABLISHING STUDY COMMITTEE, SETTING
STUDY PERIOD AND ADOPTING GUIDELINES FOR CONSIDERATION
OF FUTURE ANNEXATION OR INCORPORATION REQUESTS IN
AUBRY AND OXFORD TOWNSHIPS DURING THE STUDY PERIOD

Resolution No. Q60-99

WHEREAS, the unincorporated areas of Aubry and Oxford Townships, in southeast Johnson County, do contain some distinct and particular growth and development factors, including a significant urban fringe policy area as well as a substantial rural policy area and growth policy area; and

WHEREAS, the Rural Comprehensive Plan for Johnson County does identify and recognize the unincorporated areas of Aubry and Oxford Townships as a separate and special planning study area, designated as the Blue Valley Plan; and

WHEREAS, the area continues to experience growth and development with inevitable planning conflicts between urbanizing areas and the ex-urban or rural character of portions of the area; and

WHEREAS, future planning in the area must consider the natural growth patterns of existing cities and developments but also must consider the established identity and interests of those residents and communities already existing in the area; and

WHEREAS, residents in the area did file with the Board a petition to incorporate the entire area of Aubry Township as the City of Stilwell, and the City of Overland Park did file a petition to annex part of Oxford Township and a portion of Aubry Township; and

WHEREAS, the Board, after a hearing and deliberation, did deny the petition to incorporate the City of Stilwell, and the City of Overland Park did withdraw its petition for annexation; and

WHEREAS, the Board deems it advisable to establish a committee of residents and community leaders to study future planning, growth and development issues for and within the unincorporated areas of Aubry and Oxford Townships, including the advisability and timing for potential annexation or incorporation and to establish a special study period, during which special guidelines will apply to any requests for annexation or incorporation within the area.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Johnson County, Kansas, that:

I. STUDY COMMITTEE

There shall be and hereby is established a special study committee for the future planning, growth and development within the unincorporated areas of Oxford and Aubry Townships. The study committee shall not act as a zoning board or planning commission but shall be a special study committee to provide information and recommendations to the County and the established zoning boards and planning commission concerning future development patterns, considerations for future

annexations or incorporations, and considerations for the goals and policies established for the area within future comprehensive plans.

The study committee shall be composed of 15 members appointed by the Board and shall include the following representation: seven (7) members as residents of the area; three (3) members from the City of Overland Park; one (1) member from the City of Olathe; one (1) member from the Johnson County Planning Commission; one (1) member from the Township Zoning Boards; one (1) member from the developer or builder trades; and one (1) member from the County planning department staff. Representatives of the organizers for the petition to incorporate the City of Stilwell may submit a list of names to the Board for consideration for appointment to the study committee, and the Board will give consideration to the list in making its appointments.

The study committee shall conduct such meetings and public hearings as it deems advisable and shall provide regular opportunities for public comment and discussion to receive information and to develop recommendations, and shall present its initial study report to the Board on or before December, 2000. The report shall, at a minimum, contain: (1) a review of the goals, policies, and planning objectives contained in the Blue Valley Plan of the County's Rural Comprehensive Plan with recommendations for additions, changes or further study; (2) a review of development costs and the costs, present and future, necessary to provide services to the area; (3) a review of conditions and criteria for future annexation of land within the area; and (4) a review of the feasibility and general advisability for the incorporation of any of the area as a city.

Upon receipt of the report, the Board shall, for a period of at least six (6) months, evaluate the information and recommendations presented; request such additional study information or clarification as it deems necessary; conduct such meetings and public hearings as may be advisable for review of the report; and develop a plan of action, as necessary or advisable, to adopt and implement those recommendations or actions that the Board determines are appropriate. The Study

Committee shall remain in existence following submission of the report to provide additional assistance as requested by the Board during the remainder of the study period..

II. STUDY PERIOD

There shall be and hereby is established by the Board a defined study period term extending from July 1, 1999 up to and through July 1, 2001. It is the intent of the Board that the study period is an essential time to develop information and recommendations to guide Board actions and, therefore, to the extent authorized and advisable the Board shall refrain from taking major legislative actions which would or could impact upon or be affected by the study, including granting of requests for annexation or incorporation.

In the event that the study and six month evaluation and implementation time is completed before July 1, 2001, then the Board may terminate the study period at an earlier date, but in any event no later than July of 2001, the Board shall conclude the study period and may take such action or adopt such legislative matters as it deems appropriate for implementation or additional review of the study.

III. INTERIM GUIDELINES FOR STUDY PERIOD

The following interim guidelines shall, at a minimum, apply and be used by the Board, in conjunction with the statutory and other applicable criteria, for any annexation and/or incorporation request made for land contained within the unincorporated areas of Aubry and Oxford Townships in Johnson County during the study period.

A. UNILATERAL ANNEXATION. The Board shall seek interlocal cooperation agreements with the appropriate cities to provide that any and all annexation requests authorized under K.S.A. 12-520, except those initiated by property owners within Oxford Township pursuant to K.S.A. 12-520(a)(7) or those involving property deeded to or owned by the city, be delayed during the study period and/or be submitted to the study committee for its advice and recommendation so

that the rights of the property owner and the authority of the city can be considered and balanced with the need for comprehensive future planning in the area.

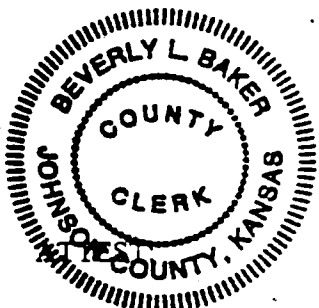
B. BOARD APPROVED ANNEXATION. To the extent required by law, the Board will consider any and all petitions for annexation filed by a city under K.S.A. 12-520c or 12-521 during the study period. In its deliberations, the Board shall apply the following factors of advisability, along with the required statutory factors:

1. The area sought to be annexed must be contained wholly within the designated Blue Valley Plan, Urban Fringe Area; must contain at least 25% platted land or land zoned for commercial or industrial uses; and must not contain more than 20% of the land devoted to agricultural use; and
2. The area sought to be annexed must have a population in excess of five (5) persons per acre and a projected population growth of over 100% during the next five (5) years or contain more than 50% of the land zoned for commercial or industrial uses; and
3. The area must contain or be able to access within three (3) years all major utility services, including sanitary sewers.

C. INCORPORATION. To the extent required by law, the Board will consider any and all petitions for incorporation filed by property owners under K.S.A. 15-115 et seq. during the study period. In its deliberations, the Board shall apply the following factors of advisability, along with the required statutory factors:

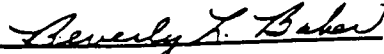
1. A petition to incorporate shall be considered as inadvisable if a city within five (5) miles of the area sought to be incorporated states its willingness and ability to annex the area and can provide services at a cost comparable to the costs proposed for incorporation; and


2. A petition to incorporate shall be considered inadvisable if the petitioners cannot adequately demonstrate that the municipal services it proposes will meet or exceed the services currently provided and that the costs for such services are comparable to the costs presently being incurred for the area.



BOARD OF COUNTY COMMISSIONERS
OF JOHNSON COUNTY, KANSAS


George R. Cross, Chairman


Beverly L. Baker
County Clerk
By Gavin Hunter Deputy
APPROVED AS TO FORM:


Donald D. Jarrett
Chief Counsel

APPROVED 5-0
FILED

JUN 17 1999

BEVERLY L. BAKER
COUNTY CLERK
JOHNSON COUNTY, KANSAS