

ORDINANCE NO. S-12-01

AN ORDINANCE REZONING THE LOTS 1 THROUGH 16, BLOCK 2, STERLING ADDITION, AND; THE LOTS 1 THROUGH 16, BLOCK 3, STERLING ADDITION, AND; THE LOTS 1 THROUGH 8, BLOCK B, UPHAM'S POTTERY ADDITION, AND; THE LOTS 1 THROUGH 5, BLOCK C, UPHAM'S POTTERY ADDITION, AND ; THE LOTS 1 THROUGH 4, BLOCK D, UPHAM'S POTTERY ADDITION, AND; THE LOTS 1 THROUGH 8, BLOCK 4, STERLING ADDITION, AND; THE LOTS 1 THROUGH 8, BLOCK 11, RIVER VIEW PLACE ADDITION, AND; THE LOTS 1 THROUGH 6, BLOCK 12, RIVER VIEW PLACE ADDITION, AND; THE LOTS 1 THROUGH 6, BLOCK 3, ZELLER'S ADDITION, AND; THE LOTS 1 THROUGH 16, BLOCK 8, RIVER VIEW PLACE ADDITION, AND; THE LOTS 1 THROUGH 16, BLOCK 5, RIVER VIEW PLACE ADDITION, AND; THE LOTS 1 THROUGH 8, BLOCK 2, RIVER VIEW PLACE ADDITION, AND; THE LOTS 1 THROUGH 5, BLOCK 1, RIVER VIEW PLACE ADDITION, AND; THE LOTS 1 THROUGH 12, HILL'S ADDITION, AND; BLOCK 4, MONTGOMERY'S ADDITION, AND; LOT 5, BLOCK C, UPHAM'S POTTERY ADDITION, EXCEPT THE WEST 50 FEET THEREOF; AND ALSO BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5, THENCE EAST 150 FEET, M/L TO THE WEST LINE OF THE ROW OF THE M.K. & T. RAILWAY, THENCE IN A NORTHEAST DIRECTION ALONG THE WEST SAID ROW 300 FEET, THENCE WEST 150 FEET M/L TO THE NORTHEAST CORNER OF LOT 1, BLOCK C, UPHAM'S POTTERY ADDITION, THENCE SOUTHWEST PARALLEL TO THE WEST LINE OF SAID ROW 300 FEET TO POB; AND ALSO BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, BLOCK C, THENCE SOUTH 25 FEET, THENCE EAST TO THE WEST LINE OF SAID M.K. & T. RAILWAY ROW, THENCE NORTHEAST ALONG THE WEST LINE OF SAID ROW TO THE SOUTHEAST CORNER OF 2ND DESCRIPTION HEREIN, THENCE WEST TO THE POB, ALL IN THE CITY OF COFFEYVILLE, MONTGOMERY COUNTY, KANSAS, AND; BLOCK E, UPHAM'S POTTERY ADDITION; TRACT A, COMMENCING AT A POINT 315.25 FEET WEST OF THE WEST LINE OF THE SOUTHERN KANSAS RAILROAD, NOW A. T. & SANTA FE RAILROAD, THENCE SOUTH 112 FEET, THENCE EAST 50', THENCE NORTH 112 FEET, THENCE WEST 50 FEET, THE SAME BEING THE WEST MOST LOT IN A TRACT OF LAND DESCRIBED AS FOLLOWS: COMMENCING ON THE WEST LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILROAD, FORMERLY THE SOUTHERN KANSAS RAILROAD PROPERTY, 1257.5 FEET NORTH OF THE NORTH LINE OF HIGHWAY ALONG THE SOUTH SIDE OF THE EAST ½ OF THE NORTHWEST ¼ OF S 36, T 34, R 16, THENCE WEST 35.25 FEET, THENCE SOUTH 112 FEET, THENCE EAST 289.25 FEET TO THE WEST LINE OF ROW, NORTH ALONG RAIL LINE TO POB, MONTGOMERY COUNTY, KANSAS, AND ; TRACT B, A TRACT OF LAND LOCATED IN A PORTION OF THE EAST ½ OF THE NORTHWEST ¼ OF S 36, T 34S, R 16 EAST OF THE 6TH P.M., MONTGOMERY COUNTY, KANSAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK D, UPHAM'S POTTERY ADDITION, THENCE NORTH 90D00'00", EAST ALONG THE NORTH LINE OF LOT 1, BLOCK E, SAID UPHAM'S POTTERY ADDITION A DISTANCE 50 FEET TO THE POB, THENCE CONTINUING NORTH 90D00'00" EAST ALONG THE NORTH LINE A DISTANCE OF 50 FEET, THENCE NORTH 0D27'30" WEST A DISTANCE 126.14 FEET, THENCE SOUTH 90D00'00" WEST A DISTANCE OF 50 FEET, THENCE SOUTH 00D27'30" EAST, A DISTANCE OF 126.14 FEET TO THE POB, MONTGOMERY COUNTY, KANSAS, AND; TRACT C, BEGINNING AT A POINT 165.25 FEET WEST OF A POINT ON THE WEST LINE OF THE A.T. & S.F. RAILROAD ROW, 1257.7 FEET NORTH OF THE NORTH LINE OF THE HIGHWAY ALONG THE SOUTH SIDE OF THE EAST ½ OF THE NORTHWEST ¼ OF S 36, T 34S, R 16 EAST OF THE 6TH P.M., RUNNING THENCE SOUTH 112 FEET, THENCE WEST 50 FEET, THENCE NORTH 112 FEET, THENCE EAST 50 FEET TO THE POB; ALL IN MONTGOMERY COUNTY, KANSAS; *(A/K/A 100 & 200 BLOCK OF EAST WILCOX STREET; 100 BLOCK OF EAST BEATTY STREET; 100 BLOCK OF EAST STERLING STREET; 100 & 200 BLOCK OF EAST NORTH STREET; 100 & 200 BLOCK OF EAST MARTIN STREET; AND THE 100 & 200 BLOCK OF EAST NEW STREET).*

WHEREAS, the Coffeyville Planning Commission received an application from Mr. Neal Barkley, representing Coffeyville Resources Nitrogen Fertilizers, LLC, 400 North Linden Street, Coffeyville, Kansas, 67337, that the following property, as more particularly described below, be rezoned from various zoning districts to I-2, (Heavy Industrial District), for the purpose of the construction of a railroad car switching and storage yard with support activities for a Fertilizer Manufacturer; and

WHEREAS, pursuant to K.S.A. 12-757(b), at least twenty days prior to the hearing, a notice of hearing was published in the official city newspaper and written notice was mailed to all owners of record of real property located within at least 200 feet of the tract of land being considered for rezoning; and

WHEREAS, pursuant to K.S.A. 12-757(b), the Coffeyville Planning Commission held a public hearing on November 29, 2011, regarding said rezoning request; and

WHEREAS, in regular session on November 29, 2011, the Coffeyville Planning Commission after considering the matters set forth in the City's zoning regulations determined by a majority vote, to submit to the governing body a recommendation of approval of the rezoning said property to I-2 (Heavy Industrial District) and that the Official Zoning District Map of Coffeyville, Kansas be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COFFEYVILLE, KANSAS:

SECTION 1. That the specific real property as more particularly described below be and is hereby rezoned from various zoning districts to I-2, (Heavy Industrial District).

Coffeyville Planning Commission Rezoning Case Number **ZC 2011-06**.

The Lots 1 through 16, Block 2, Sterling Addition to the City of Coffeyville, and;
The Lots 1 through 16, Block 3, Sterling Addition to the City of Coffeyville, and;
The Lots 1 through 8, Block B, Upham's Pottery Addition to the City of Coffeyville, and;
The Lots 1 through 5, Block C, Upham's Pottery Addition to the City of Coffeyville, and;
The Lots 1 through 4, Block D, Upham's Pottery Addition to the City of Coffeyville, and;
The Lots 1 through 8, Block 4, Sterling Addition to the City of Coffeyville, and;
The Lots 1 through 8, Block 11, River View Place Addition to the City of Coffeyville, and;
The Lots 1 through 6, Block 12, River View Place Addition to the City of Coffeyville, and;
The Lots 1 through 6, Block 3, Zeller's Addition to the City of Coffeyville, and;
The Lots 1 through 16, Block 8, River View Place Addition to the City of Coffeyville, and;
The Lots 1 through 16, Block 5, River View Place Addition to the City of Coffeyville, and;
The Lots 1 through 8, Block 2, River View Place Addition to the City of Coffeyville, and;
The Lots 1 through 5, Block 1, River View Place Addition to the City of Coffeyville, and;
The Lots 1 through 12, Hill's Addition to the City of Coffeyville, and;
Block 4, Montgomery's Addition to the City of Coffeyville, and;
Lot 5, Block C, Upham's Pottery Addition to the City of Coffeyville, EXCEPT the West 50' thereof; and ALSO beginning at the Southeast corner of said Lot 5, thence East 150' m/l to the West line of the ROW of the M.K. & T. Railway, thence in a Northeast direction along the West said ROW 300', thence West 150' m/l to the Northeast corner of Lot 1, Block C, Upham's Pottery Addition, thence Southwest parallel to the West line of said ROW 300' to POB; and ALSO beginning at the Southwest corner of Lot 5, Block C, thence South 25', thence East to the West line of said M.K. & T. Railway ROW, thence Northeast along the West line of said ROW to the Southeast corner of 2nd description herein, thence West to the POB, all in Montgomery County, Kansas and;

Block E, Upham's Pottery Addition; Tract A, Commencing at a point 315.25' West of the West line of the Southern Kansas Railroad, now A.T. & Santa Fe Railroad, thence South 112', thence East 50', thence North 112', thence West 50' the same being the West most Lot in a tract of land described as follows: Commencing on the West line of the Atchison, Topeka and Santa Fe Railroad, formerly the Southern Kansas Railroad property, 1257.5' North of the North line of highway along the South side of the East ½ of the Northwest ¼ of S 36, T 34, R 16, thence West 35.25', thence South 112', thence East 289.25' to the West line of ROW, North along rail line to POB, Montgomery County, Kansas; and Tract B, A tract of land located in a portion of the East ½ of the Northwest ¼ of S 36, T 34S, R 16, East of the 6th P.M., Montgomery County, Kansas said tract being more particularly described as follows: Commencing at the Southeast corner of Lot 1, Block D, Upham's Pottery Addition, City of Coffeyville, thence North 90D00'00" East along the North line of Lot 1, Block E, said Upham's Pottery Addition a distance of 50' to the POB, thence continuing North 90D00'00" East along said North line a distance of 50', thence North 0D27'30" West a distance of 126.14', thence South 90D00'00" West a distance of 50', thence South 00D27'30" East a distance of 126.14' to the POB, Montgomery County, Kansas; and

Tract C, Beginning at a point 165.25' West of a point on the West line of the A.T. & S.F. Railroad ROW, 1257.7' North of the North line of the highway along the South side of the East ½ of the Northwest ¼ of S 36, T 34S, R 16 East of the 6th P.M., running thence South 112', thence West 50', thence North 112', thence East 50' to the POB, All in Montgomery County, Kansas

a/k/a 100 & 200 Block of East Wilcox Street; 100 Block of East Beatty Street; 100 Block of East Sterling Street; 100 & 200 Block of East North Street; 100 & 200 Block of East Martin Street; and 100 & 200 Block of East New Street.

SECTION 2. That the Official Zoning District Map of Coffeyville, Kansas be amended to reflect the approved rezoning of said property.

SECTION 3. That all former ordinances and any parts thereof concerned with the rezoning of this particular property in conflict herewith be and are hereby repealed.

Passed and approved this 13th day of March, 2012.

Pam Jones, Mayor

ATTEST:

Cindy Price, City Clerk