

RESOLUTION NUMBER 04-14

A RESOLUTION APPROVING A CONDITIONAL USE FOR A TREE FARM OPERATED AT RETAIL ON PROPERTY LOCATED IN PT. OF NW/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 1 EAST OF THE 6th PM, OF LLOYD SCHROEDER.

WHEREAS, a public notice of above said proposed conditional use was properly given including publication in the official County newspaper of a public hearing.

WHEREAS, on the 23rd of March, 2004, the Marion County Planning Commission did hold a public hearing to consider the above said proposed conditional use.

WHEREAS, the Marion County Planning Commission has recommended approval of a conditional use permit for a tree farm operated at retail.

WHEREAS, the Marion County Planning Commission has recommended that all State of Kansas operational permits be obtained and maintained.

WHEREAS, the Marion County Planning Commission has recommended approval with all parking to be provided off street.

WHEREAS, the Marion County Planning Commission has recommended that one four feet by eight feet non-illuminated sign be allowed on site.

WHEREAS, the Marion County Planning Commission has recommended that the Conditional Use Permit be reduced from 68 acres to 40 acres after eight years as presented in the development plan; from tract 1 & 2 to tract 2 only.

NOW THEREFORE BE IT RESOLVED that a conditional use is hereby approved for a tree farm operated at retail as presented for the following described property:

Tract 1:

A tract of land lying in the Northwest fractional quarter of Section 19, Township 21 South, Range 1 East of the 6th P.M., Marion County, Kansas, being more particularly described as follows:

Beginning at the Northwest corner of said Northwest fractional quarter; thence N88°16'59"E, on as assumed bearing, along the North line of said Northwest fractional quarter for a distance of 1496.73 feet; thence S0°01'38"E, parallel with the East line of said Northwest fractional quarter, for a distance of 784.19 feet; thence S88°15'42"W for a distance of 1481.02 feet to the West line of said Northwest fractional quarter; thence N1°10'32"W along the West line of said Northwest fraction quarter for a distance of 784.44 feet to the point of beginning. Said tract contains 26.80 acres, more or less, and is subject to 30 feet of road right of way on the North side and 25 feet of road right of way on the west side thereof.

Tract2:

A tract of land lying in the Northwest fractional quarter of Section 19, Township 21 South, Range 1 East of the 6th P.M., Marion County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the said Northwest fractional quarter; thence S1*10'32" E, on an assumed bearing, along the West line of said Northwest fractional quarter for a distance of 784.44 feet to the point of beginning; thence N88*15'42"E for a distance of 1481.02 feet; thence S0*01'38"E, parallel with the East line of said Northwest fractional quarter. For a distance of 1201.24 feet to the North line of the South half of the South half of said Northwest fractional quarter; thence S88*14'34"W along the North line of the South half of the South half of said Northwest fractional quarter for a distance of 1456.95 feet to the Northwest corner of the South half of the South half of said Northwest fractional quarter; thence N1*10'32"W along the West line of said Northwest fractional quarter for a distance of 1201.24 feet to the point of beginning. Said tract contains 40.50 acres, more or less, and is subject to 25 feet of road right of way on the west side thereof.

BE IT FURTHER RESOLVED, that a conditional use is hereby directed that the Marion County Zoning district maps be amended to reflect above said conditional use.

This Resolution is made by the Board of Marion County Commissioners this 7th day of June, 2004.

Attest

Carol A. Maggard
Carol A. Maggard, Clerk

Leroy A. Wetta
Leroy Wetta, Chair

Bob Hein
Bob Hein, Member

Howard Collett
Howard Collett, Member