

PC Binder
FEB 2013

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, MARION COUNTY, ss:

Melvin Honeyfield, being first duly sworn, deposes and says: That he is the production manager of the Marion County Record, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Marion County, Kansas, with a general paid circulation on a weekly basis in Marion County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly newspaper published at least 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Marion in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the

27th day of February, 2013

with subsequent publications being made on the following dates:



Subscribed and sworn to before me this

27th day of February, 2013

Notary Public, Marion County, Kansas

My appointment expires:

PUBLICATION FEE: \$424.00

Affidavit 5.00

(Seal)

(First published in the Marion County Record, Marion, Kansas, February 27, 2013)IT
RESOLUTION NO. 13-03
A RESOLUTION CONCERNING AN AMENDMENT TO THE DECEMBER, 2011 EDITION OF THE MARION COUNTY SUBDIVISION REGULATIONS FOR ALL OF MARION COUNTY, KANSAS, BY ADDING PROVISIONS FOR CERTAIN AGRICULTURAL LOT SPLITS.
WHEREAS, the Marion County Planning Commission has considered a proposed amendment to the December, 2011 Edition of the Marion County Subdivision Regulations for all of Marion County, Kansas, except those lands within the incorporated cities concerning agricultural lots splits; and,
WHEREAS, the Marion County Planning Commission has conducted a public hearing on said proposed amendment to the December, 2011 Edition of the Marion County Subdivision Regulations for all of Marion County, Kansas, except those lands within the incorporated cities on September 27, 2012; and,
WHEREAS, said public hearing was conducted pursuant to K.S.A. 12-741 et seq, as amended, following published notification including to all incorporated cities on Marion County; and,
WHEREAS, the Marion County Planning Commission, by a majority vote of all its members, recommended that the Governing Body of Marion County, Kansas, adopt the amendment to the said December 2011 Edition of the Marion County Subdivision Regulations for all of Marion County, Kansas, except those lands within the incorporated cities; and,
WHEREAS, the Board of County Commissioners of Marion County returned the proposed amendment for reconsideration by the Marion County Planning Commission on October 25, 2012; and,
WHEREAS, the Marion County Planning Commission, after reconsideration

tion of the original recommendation, did by a majority vote of all its members, recommended that the Governing Body of Marion County, Kansas, adopt the amendment to the said December 2011 Edition of the Marion County Subdivision Regulations for all of Marion County, Kansas, except those lands within the incorporated cities without changes from the original recommendation;
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS, that:
1. The December, 2011 Edition of the Marion County Subdivision Regulations for all of Marion County, Kansas, except those lands within the incorporated cities, with certain amendments made of record are hereby amended by adding the following language to Article 3 thereof:
3-106 Homestead Agricultural Lot Splits: The creation of one (1) homestead agricultural lot, for a total of two (2) lots including the original parent tract, in the unincorporated portion of Marion County on properties zoned and used as agricultural shall be permitted without requiring either a rezoning or a plat. Unlike Agricultural Lot Splits authorized herein, the intent of this provision is to accommodate those divisions of agricultural lands for creation of a non-compliant lot that does not have direct frontage on an existing public road, and which will only be accessible by reason of an access easement. In all other respects, the provisions regarding Agricultural Lot Splits as established herein shall apply; provided, however, the approval of said Homestead Agricultural Lot Split shall only be permitted after consideration by the Planning Commission in the same manner as consideration of a plat, including all required public hearings and notice requirements; and final approval by the Board of County Commissioners following recommendation from the Plan-

the Governing Body of Marion County, Kansas, adopt the amendment to the said December 2011 Edition of the Marion County Subdivision Regulations for all of Marion County, Kansas, except those lands within the incorporated cities; and,

WHEREAS, the Board of County Commissioners of Marion County returned the proposed amendment for reconsideration by the Marion County Planning Commission on October 25, 2012; and,

WHEREAS, the Marion County Planning Commission, after reconsideration

have direct mortgage on an existing public road, and which will only be accessible by reason of an access easement. In all other respects, the provisions regarding Agricultural Lot Splits as established herein shall apply; provided, however, the approval of said Homestead Agricultural Lot Split shall only be permitted after consideration by the Planning Commission in the same manner as consideration of a plat, including all required public hearings and notice requirements; and final approval by the Board of County Commissioners following recommendation from the Planning Commission. The Zoning Administrator shall not have the authority to approve a Homestead Agricultural Lot Split.

A Homestead Agricultural Lot Split shall be subject to the following requirements:

1. The provisions of section 3-103 are complied with to the greatest degree possible.
2. The approval guidelines specified in section 3-104 are complied with to the extent they are applicable to a Homestead Agricultural Lot Split.
3. The smallest non-compliant agricultural lot created shall not be less than three (3) acres in size, nor more than ten (10) acres in size. All lots established shall be brought into compliance with the Marion County Sanitation Code with respect to all on-site water and/or wastewater systems associated therewith.
4. The recordable survey shall also identify and establish all necessary easements for access and appropriate utility services and appropriate documentation shall be provided regarding responsibilities of the owners of the lots regarding ownership, maintenance and all other associated aspects regarding the use of these easements.
5. A recordable covenant or agreement between the owner and Marion County for the entire original tract, executed by the owner and/or owners and the County, restricting further division of the original tract without rezoning of all the original tract and platting of the remaining portion of the original tract. The covenant or agreement shall include the requirements that rezoning and platting shall be in conformance with the then applicable Zoning and Subdivision Regulations of Marion County, Kansas, shall be binding on all heirs and assigns of all lots, and shall provide binding consent from all lot owners for the County to take subsequent action to rezone the property as noted below. Said covenant or agreement shall be recorded with the Register of Deeds of Marion County prior to the approval of the Homestead Agricultural Lot Split.
6. In the event any of the lots or tracts created by this provision are subsequently divided for any reason.

Split.

3. The smallest non-compliant agricultural lot created shall not be less than three (3) acres in size, nor more than ten (10) acres in size. All lots established shall be brought into compliance with the Marion County Sanitation Code with respect to all on-site water and/or wastewater systems associated therewith.
 4. The recordable survey shall also identify and establish all necessary easements for access and appropriate utility services and appropriate documentation shall be provided regarding responsibilities of the owners of the lots regarding ownership, maintenance and all other associated aspects regarding the use of these easements.
 5. A recordable covenant or agreement between the owner and Marion County for the entire original tract, executed by the owner and/or owners and the County, restricting further division of the original tract without rezoning of all the original tract and platting of the remaining portion of the original tract. The covenant or agreement shall include the requirements that rezoning and platting shall be in conformance with the then applicable Zoning and Subdivision Regulations of Marion County, Kansas, shall be binding on all heirs and assigns of all lots, and shall provide binding consent from all lot owners for the County to take subsequent action to rezone the property as noted below. Said covenant or agreement shall be recorded with the Register of Deeds of Marion County prior to the approval of the Homestead Agricultural Lot Split.
 6. In the event any of the lots or tracts created by this provision are subsequently divided for any reason, including for mortgage purposes, the subject lots and tracts are subject to the Zoning and Subdivision Regulations then in effect and no further splits shall be considered legal and/or buildable until all the property originally included in the Homestead Agricultural Lot Split have been rezoned and platting. No owner shall be accountable for the inclusion of other lots in the platting; however the County may include by its own action all the lots in any subsequent zoning action.
2. This Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Marion County, Kansas, this 19th day of February, 2013.

Randy Dallke, Chairman, District 3
Roger Fleming,
Commissioner, District 1
Dan Holub,
Commissioner, District 2