

COMMISSIONERS RECORD R, DOUGLAS COUNTY

11

Term, 19

day of

19

D. E. Mathia
D. E. Mathia County Clerk

Arthur A. Heck
Arthur A. Heck Chairman

November 12, 1975

The Board of County Commissioners of Douglas County met in regular adjourned session with all members of the Board present.

Approved the minutes of the meeting of November 10, 1975.

Common Order
1436 + 1437

The Board approved Commissioners Cancellation Order No. 1436 and 1437. Orders are on file in the office of the County Clerk.

Common Order
C-16

The Board approved Commissioners Cancellation Order No. C-16 to the Sheriff, Clerk of District Court, and Treasurer.

RWD # 3:

Granted permission
to cross City Rd.
1029

Tom McGee, Engineering Division Manager of the Public Works Department, appeared before the Board to discuss with the Board an application for Rural Water District No. 3 for authority to cross County Route No. 1029 with a 3" water line at a point approximately 500 feet north of the northwest corner of the southeast quarter of Section 22, Township 12, Range 18. It was moved by Mr. Stoneback that the Board grant permission of this crossing subject to standards and regulations as set by Douglas County, seconded by Mr. Whitenight, and carried unanimously.

Bridges - County:
Right-of-way
agreement
Henry Nieder &
Max & Mrs. Max
Nieder

Tom McGee submitted a contract agreement for right-of-way in connection with construction of Bridge No. 08.84-08.50E between Henry Nieder, a single man, and Max and Donna Lee Nieder, husband and wife, and Douglas County. The contract calls for payment to Mr. Henry Nieder and Mr. & Mrs. Max Nieder of the lump sum of \$66 for right-of-way as described in the contract agreement. It was moved by Mr. Whitenight that the Board approve this contract agreement, seconded by Mr. Stoneback, and carried unanimously.

Bridges:
Partial payment
to C. Stough

The Board approved partial payment to attorney Charles Stough for legal services in connection with the authorization of issuance of Douglas County general obligation bridge bonds.

Planning:
Memo of Decision
for Judge Gray -
majority vote
sufficient for
CUP

Counselor Young presented to the Board a Memorandum of Decision which has come to him relative to the case of The Villages, Inc. v. Board of County Commissioners of Douglas County, Kansas, No. 29930. The Memorandum of Decision treats the case as one for declaratory judgment regarding the applicability of K.S.A. 19-2920 to the issuance of conditional use permits under Article 19 of the Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas. The Memorandum of Decision finds that K.S.A. 19-2920 does not apply and that therefore a majority vote of the commissioners is sufficient for approving the issuance of the conditional use permit providing there is compliance with Section 19-1 of Article 19. The Board agreed with Counselor Young that they would take the matter under advisement.

Planning:
Rezoned for I-3
to I-2
(Lacy Steel)

Dick McClanathan, Lawrence-Douglas County Planning Director, appeared before the Board to present items acted upon by the planning commission at the October 22, 1975 meeting. Mr. McClanathan presented Item No. 7 of the minutes of that meeting which item refers to a request to rezone approximately 2.8 acres from I-3 (Heavy Industrial) to I-2 (Light Industrial), generally located along the south side of Kansas Highway No. 32, approximately 700 feet east of U. S. Highway Nos. 24-40 and along the east side of the Union Pacific Railroad tracks, in Grant Township, Douglas County, Kansas, submitted by the Douglas County Board of Commissioners. Following due discussion of the item it was moved by Mr. Whitenight that the Board accept the recommendation of the planning commission which was to rezone as requested, seconded by Mr. Stoneback, and carried unanimously.

RWD # 5:
Granted authority
to cross County
roads w/ water
lines

Dean Burkhead, attorney representing Rural Water District No. 5, Joe Strobel, engineer for Rural Water District No. 5, along with representatives of said water district, appeared before the Board to discuss an application from said water district for authority to construct lines across county roads as shown and designated on construction plans for Rural Water District No. 5. Following complete discussion of the matter it was moved by Mr. Stoneback that we grant Rural Water District No. 5 authority to construct water lines across county roads as designated in construction plans and in accord with all present and other reasonable regulations which may be adopted, seconded by Mr. Whitenight, and carried unanimously.

No further business, the Board adjourned to meet on Thursday, November 13, 1975.

D. E. Mathia
D. E. Mathia County Clerk

Arthur A. Heck
Arthur A. Heck Chairman