

FINDINGS AND DETERMINATIONS PURSUANT TO K.S.A. 12-520c

WHEREAS, the Governing body of the City of Lawrence has, by Resolution Number 4642, requested that The Board of County Commissioners of Douglas County, Kansas, make a finding that the annexation to the City of Lawrence of lands described in said resolution will not hinder or prevent the proper growth and development of the area, or that of any other incorporated city located in Douglas County; and

WHEREAS, this Board held public meetings concerning this matter on January 10, 1983, and January 17, 1983, and has had other public meetings for the purpose of considering the issues in this matter; and

WHEREAS, this Board had considered Resolution Number 4642, the statements made in the public meetings, the Staff Report of the Lawrence-Douglas County Planning Commission with attachments, the maps and diagrams presented, and all other statements, correspondence and reports submitted;

NOW, THEREFORE, The Douglas County Board of County Commissioners with respect to the annexation to the City of Lawrence of the lands described in City of Lawrence Resolution Number 4642, does, pursuant to K.S.A. 12-520c and Resolution Number 4642 of the City of Lawrence, make the following findings and determinations:

FINDINGS

The Board of County Commissioners of Douglas County, Kansas, finds that:

1. These findings and determinations are made pursuant to K.S.A. 12-520c which requires that this Board find and determine whether the annexation of such land will hinder or prevent the proper growth and development of the area or that of any other incorporated city located within such county.
2. The proposed area of annexation consists of two non-contiguous tracts of land, the west portion consisting of 57.6 acres and the east portion consisting of 216.9 acres, for a total of 274.5 acres, with east and west portions divided by U.S. Highway 24 and 59 and the Union Pacific Railroad right of way on the west boundary of said highway.
3. The Board has been advised that the intended use of the annexed lands would be as an industrial park.
4. All of the lands involved are in Douglas County, Kansas, and the owners of the lands have requested annexation by the City of Lawrence and rezoning for industrial park purposes.
5. The Lawrence-Douglas County Planning Commission has prepared a staff report, with numerous attachments, a copy of said report and attachments being attached hereto and incorporated herein by reference.
6. At the public hearing before the Lawrence-Douglas County Planning Commission, presentations were made by many of the same persons who appeared before The Board of County Commissioners. A copy of the minutes of that public meeting, together with the attachments, is attached hereto and incorporated herein by reference.
7. The lands involved are classified as "prime agricultural" by the Soil Conservation Service and the Kansas Geological Survey.
8. The lands involved are all part of Douglas County Kaw Drainage District. The drainage of surface water in this area is impeded by flat terrain and highly-absorbent soils, and further slowed by inadequate outlet structures. The surface water from the lands involved and approximately 2,000 surrounding acres are drained by the Maple Grove Drainage ditch which has its origin in the middle of the proposed industrial park and flows southeasterly to the Lawrence Municipal Airport, then southwesterly to a point near the Tee Pee Junction. There it is joined by another drainage channel and flows south in a gradual arc through North Lawrence to its intersection with North Second Street. At this point, the water flows into the outlet structures which have been termed the "final bottleneck" of the drainage system. Those structures consist of a 30" pipe and a 60" pipe located just north of Strick's Drive-In in North Lawrence. Drainage of this area has long been a problem due to the limited discharge capacity provided by the thirty-inch pipe at North Second Street. Flooding of streets and adjacent commercial and industrial buildings occurs frequently.
9. In 1970 an extensive study of the drainage problems referred to in the preceding finding was conducted by the engineering firm of Wilson & Company, Salina, Kansas. The study was conducted through the cooperative efforts of the City of Lawrence, Douglas County Commissioners, and the Douglas County Kaw Drainage District. The study identified certain deficiencies then existing in the drainage course described in the preceding finding. Four alternative solutions for improving drainage were suggested with cost estimates ranging from \$133,000 to \$481,000. The Douglas County Kaw Drainage District has pointed out that the same drainage deficiencies exist today, and it is the opinion of directors of the district that the improvements to the Lawrence Municipal Airport have aggravated the problem, causing noticeable increase in flooding along the ditch. No action has been taken to implement any of the alternatives because of the costs involved.
10. George Williams, Public Works Director, has stated his belief that the drainage problems are not "unsolvable," but that the problems should be studied and cost estimates established for corrective measures. Such studies or surveys presumably would include a determination of what impact, if any, the proposed industrial park would have on the existing drainage problems. Mr. Williams also has recommended that the proposed development be required to detain on-site 100 percent of the runoff created by development.
11. While 100 percent detention of excess runoff has been recommended, and the owners and their engineer believe in the feasibility of such a plan, there are a number of factors, including the nature of the soils, that create some doubt that a plan of 100 percent detention can be successful to prevent runoff from contributing to the drainage problem now existing in the area.
12. Proponents of the annexation raised the following points in favor of the plan of annexation: