

(Published in the Miami County Republic on September 3, 2008)

ORDINANCE NO. 2975

An Ordinance of the Governing Body of the City of Paola, Kansas amending the Interlocal Agreement between the City of Paola, Kansas and Miami County, Kansas Providing for the Regulation of the Use of Land Within the Growth Area Outside the City of Paola, Kansas as adopted by City of Paola, Kansas Ordinance No. 2797.

WHEREAS, the City of Paola, Kansas has entered into an agreement providing for joint city-county regulation of certain unincorporated land pursuant to the Interlocal Cooperation Act, K.S.A. 12-2901 et seq. and K.S.A. 12-744(c), and

WHEREAS, the Governing Body of the City of Paola, Kansas and the Board of Miami County Commissioners desire to amend the “Interlocal Agreement between the City of Paola, Kansas and Miami County, Kansas Providing for the Regulation of the Use of Land within the Growth Area Outside the City of Paola, Kansas” as provided for under City of Paola, Kansas Ordinance No. 2797 and Miami County, Kansas Resolution No. R02-04-033, and

WHEREAS, the Governing Body of the City of Paola, Kansas has reviewed and approved the amendment to the “Interlocal Agreement between the City of Paola, Kansas and Miami County, Kansas Providing for the Joint Regulation of the Use of Land Lying and Within Territory Designated as the Growth Area of the City of Paola, Kansas,” and

WHEREAS, K.S.A. 12-2904(b) requires the Governing Body to take action by ordinance in order for such Interlocal Agreement and amendments to take force and effect,

NOW THEREFORE, BE IT ORDAINED THAT:

Section 1. The Governing Body of the City of Paola, Kansas hereby amends the “Interlocal Agreement Between the City of Paola, Kansas and Miami County, Kansas, Providing for the Joint Regulation of the Use of Land Lying Within Territory Designated as the Growth Area of the City of Paola, Kansas” by adding the following subsection:

SECTION 7: INFRASTRUCTURE

(e) Whenever the City considers a conditional use permit application within the Growth Area, the City shall require the applicant to provide written acknowledgement from the Miami County Planning and Development Department stating that County departments which would be affected by the issuance of the conditional use permit have reviewed the application and adequate provisions have been made for any required infrastructure upgrades prior to final approval of the conditional use permit by the City.

Section 2. The ordinance is adopted under the authority of the Interlocal Cooperation Act, K.S.A. 12-2901 et seq. and K.S.A. 12-744(c) of the Planning and Zoning Enabling Act, K.S.A. 12-741 et seq. this 26th day of August, 2008.

Section 3. This ordinance shall be effective upon such date as the Board of County Commissioners of Miami County, Kansas adopts a resolution agreeing to the amendment of the

“Interlocal Agreement Between the City of Paola, Kansas and Miami County, Kansas Providing for the Regulation of the Use of Land Within the Growth Area Outside the City of Paola, Kansas as set forth herein.

PASSED by the City Council of the City of Paola, Miami County, Kansas this 26th day of August, 2008.

APPROVED by the Mayor of the City of Paola, Miami County, Kansas this 26th day of August, 2008.

Artie Stuteville, Mayor

ATTEST:

Daniel Droste, City Clerk

AMENDMENT

Be it hereby agreed and acknowledged that Section 7 of the “Interlocal Agreement Between the City of Paola, Kansas and Miami County, Kansas Providing for the Regulation of the Use of Land Within the Growth Area Outside the City of Paola, Kansas” is amended by adding the following paragraph to said agreement:

SECTION 7: INFRASTRUCTURE

(e) Whenever the City considers a conditional use permit application within the Growth Area, the City shall require the applicant to provide written acknowledgement from the Miami County Planning and Development Department stating that County departments which would be affected by the issuance of the conditional use permit have reviewed the application and adequate provisions have been made for any required infrastructure upgrades prior to final approval of the conditional use permit by the City.

This amendment has been reviewed and adopted by the City Council of the City of Paola, Kansas by passage of Ordinance No. 2975 on the 26th day of August, 2008 and by the Board of County Commissioners of Miami County, Kansas by Resolution No. _____ on the _____ day of September, 2008.

Acknowledged and signed this _____ day of September, 2008.

Artie Stuteville, Mayor
City of Paola, Kansas

James Wise, Chairman
Board of County Commissioners
Miami County, Kansas

ATTEST:

ATTEST:

Daniel Droste, City Clerk
City of Paola, Kansas

Kathy Peckman, County Clerk
Miami County, Kansas