LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, November 13, 2024
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048
www.leavenworthcounty.gov

1. **Call to Order**

2. **Pledge of Allegiance**

3. **Roll Call**

4. **Approval of Minutes**

5. **Secretary's Report**

6. **Declarations: (if necessary)**
   A. Declarations of receipt of communications by Planning Commissioners
   B. Disclosure of ex-parte communications for each hearing item
   C. Declarations of abstention from specific agenda items by a Commissioner

7. **Approval of Agenda**

8. **Consent Agenda**

   A. Case DEV-24-111/112 Preliminary & Final Plat Bison Acres
   Consideration of a Preliminary & Final Plat for a tract of land in the Northeast Fractional Quarter of Section 3, Township 8 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.
   Also known as: 33726 Amelia Earhart Rd
   PID: 062-03-0-00-00-008.00

   B. Case DEV-24-119 Orchard Meadows Replat
   Consideration of a replat of Lots 5 & 6, Orchard Meadows, in Leavenworth County, Kansas.
   Also known as: 00000 & 00000 Orchard Rd
   PID: 185-16-0-00-00-084.00 & 185-16-0-00-00-085.00

9. **Regular Agenda**

   A. Case DEV-24-120 Creten Tract Split Exceptions
   Consideration of an Exception for a tract of land in the Southwest Quarter of Section 27, Township 11 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.
   Also known as: 15812 214th Street
   PID: 198-27-0-00-00-004.00

   B. Case DEV-24-122 Lansing Boundary Line Adjustment Exception
   Consideration of an Exception for tracts of land in the West Half of the East Half of the Northeast Quarter of Section 15, Township 8 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.
   Also known as: 20453 & 20437 Seven Sisters Rd
   PID: 065-15-0-00-00-003.00 & 065-15-0-00-00-002.00

C. Case DEV-24-132/133 Preliminary & Final Plat Thomas Farm 2nd Plat
Consideration of a Preliminary & Final Plat for a Minor Subdivision in the Northeast Quarter of Section 26, Township 10 South, Range 22, East of the 6th P.M., in Leavenworth County, Kansas.
Also known as: 00000 147th St.; 20807 147th St.
PID: 157-26-0-00-00-001.04; 001.08; 001.09

D. Case DEV-24-118 Gilbert Rezone
Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: A tract in the Southeast Quarter of Section 18, Township 9, Range 22, in Leavenworth County, Kansas; AND A tract of land in the Northeast Quarter of Section 19, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.
Also known as: 18289 & 00000 Eisenhower Rd
PID: 104-18-0-00-00-022.00 & 104-19-0-00-00-003.00
*****Public Hearing Required*****
*****Public Comment limited to three minutes per person*****

E. Case DEV-24-126 Kooser Family Living Trust Rezone
Consideration of a rezoning request from RR-5 zoning district to R-1 (43) zoning district on the following described property: The Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Seventeen (17) Township Eleven (11) South Range Twenty-Two (22) East of the Sixth P.M., Less Right-of-Way, in Leavenworth County, Kansas.
Also known as: 17675 Evans Rd
PID: 184-17-0-00-00-003.00
*****Public Hearing Required*****
*****Public Comment limited to three minutes per person*****

F. Case DEV-24-127 Ditty Rezone
Consideration of a rezoning request from PR-2 zoning district to RR-5 zoning district on the following described property: The South ½ of the East ½ of the West ½ of the Northwest ¼ of Section 32, Township 11, Range 21, in Leavenworth County, Kansas
Also known as: 22856 Woodend Rd
PID: 199-32-0-00-00-003.02
*****Public Hearing Required*****
*****Public Comment limited to three minutes per person*****

G. Case DEV-24-128 GM Investment Rezone
Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: Lot 1, Smith's Corner, a subdivision in Leavenworth County, Kansas.
Also known as: 19575 Mitchell Rd
PID: 147-26-0-00-00-014.17
*****Public Hearing Required*****
*****Public Comment limited to three minutes per person*****

H. Case DEV-24-131 T&R Investments Rezone
Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: Two tracts of land in the Northwest 1/4 of Section 15, Township 8 South, Range 21 East of the 6th PM, in Leavenworth County, Kansas.
Also known as: 00000 Easton Rd
PID: 065-15-0-00-00-006.00 & 065-15-0-00-00-006.02
*****Public Hearing Required*****
*****Public Comment limited to three minutes per person*****

I. Case DEV-24-116 Kaaz Rezone – Returned from BOCC
Reconsideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: Three tracts of land in the Northwest ¼ of Section 19, Range 22 East of the 6th P.M., in Leavenworth County, Kansas & The North ½ of the North ½ of the Southwest ¼ of Section 19, Township 9, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.
Also known as: 18415 Eisenhower Rd.
PID: 104-19-0-00-00-004

Adjournment of Planning Commission

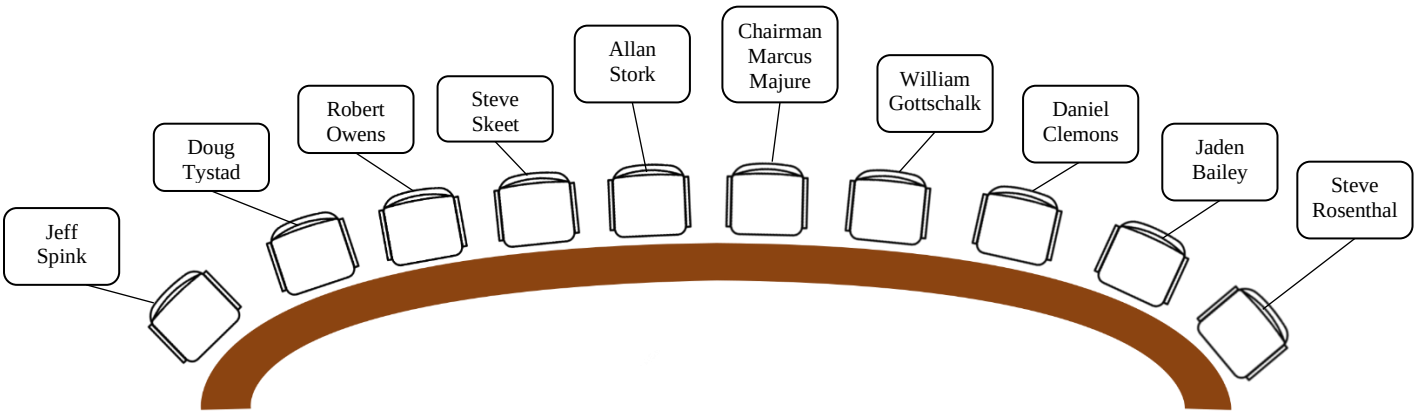
Upcoming meeting dates:

Wednesday, December 11, 2024, 5:30 PM
Regular Planning Commission Meeting

For More Information

If you have any questions or need to make special arrangements for a meeting, please call or stop by the Planning and Zoning Department.
Contact Dawn Chamberlain – 913-684-0465

Planning Commission Seating Chart 2024



LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
October 9, 2024

The complete recorded meeting can be found on the County's YouTube channel.

The Planning Commission meeting was called to order at 5:30 p.m.

Pledge of Allegiance

Members present: Jeff Spink, Doug Tystad, Robert Owens, Steve Skeet, Allan Stork, Marcus Majure, William Gottschalk, Dan Clemons, Jaden Bailey and Steve Rosenthal. (All in attendance).

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Dawn Chamberlain-Planning Coordinator, Misty Brown-County Counselor

Minutes: Commissioner Stork made a motion to approve the minutes and Commissioner Clemons seconded that motion.

ROLL CALL VOTE – Motion to the approve passed, 7/0 with two abstentions (Gottschalk and Owens).

Secretary's Report: Amy Allison outlined the items on the agenda. Three plats are on consent agenda, 1 plat with exceptions and 1 rezone.

Declarations: None

Approval of Agenda: Commissioner Tystad made a motion to approve the Agenda and Commissioner Stork seconded the motion.

ROLL CALL VOTE: Motion to approve the agenda passed. 9/0

A. Case DEV-24-048 Preliminary Plat Tallgrass Estates
Consideration of a Preliminary Plat for a tract of land in the Northwest Quarter of Section 15, Township 11 South, Range 22, East of the 6th P.M., in Leavenworth County, Kansas.
Also known as: 16271 Evans Rd.

Amy Allison gave the staff report for the above-listed case, outlining the details of the request. The applicant is requesting two exceptions: one from the block length requirement and the other from the minimum lot width. The block length request derives from floodplain and bodies of water being located within and adjacent to the property that would require substantial improvements to be made in order to accommodate that requirement. Director Jacobson confirmed a large structure would likely be needed to accommodate a future road connection, and that there may be floodplain implications. Chairman Majure expressed concern about a future need for a massive bridge structure in that area to accommodate the future development. Director Jacobson mentioned staff had received both the local Fire District and Public Works department comments stating this project would not be an issue. Commissioner Bailey mentioned the concern for future traffic flow. Commissioner Tystad raised questions concerning property sanitary sewer drainage on the future development of the property. Brett Napier of Napier Engineering spoke about Tract A accommodating open space for the eventual extension of sanitary sewer from the North. Amy Allison confirmed staff is recommending approval as long as the Planning Commission approves the exceptions.

Commissioner Tystad motioned for approval of the Block Length Exception; Commissioner Stork seconded.

ROLL CALL VOTE: Motion to approve Motion passed. 7/2 with two abstentions (Owens and Rosenthal)

Commissioner Tystad motioned for approval of the Lot Width Exception; Commissioner Stork seconded.

ROLL CALL VOTE: Motion to approve Motion passed. 9/0

Commissioner Stork motioned for approval of the Preliminary Plat; Commissioner Tystad seconded.

Counselor Brown stated staff is including the proposed conditions in the Motion. Planning Commission confirmed that to be true.

ROLL CALL VOTE: Motion to approve Motion passed. 7/2 with two abstentions (Owens and Rosenthal)

Commissioner Rosenthal supports the development, but again stated his concern with connectivity.

B. Case DEV-24-116 Kaaz Rezone
Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: Three tracts of land in the Northwest ¼ of Section 19, Range 22 East of the 6th P.M., in Leavenworth County, Kansas & The North ½ of the North ½ of the Southwest ¼ of Section 19, Township 9, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.
Also known as: 18415 Eisenhower Rd.

Amy Allison gave the staff report for the above-listed case, outlining the details of the request. Ms. Allison stated that staff was supportive of the request however concerns about the visibility along Eisenhower Road would likely require a traffic study during the platting process.

Chairman Majure opened the Public Hearing portion of the meeting. Joe Herring, with Herring Surveying, addressed the Board, further explaining the nature of the request. No one came forward in favor of the request. Resident Gary Anderson, 26237 187th Street, spoke in opposition for the request. Mr. Anderson stated that he was speaking on behalf of eight (8) of nine (9) homeowners on 187th Street and the owners to the west of the project. The opposition is based upon the high level of traffic on 187th Street and Eisenhower. The homeowners purchased their land to either farm or get away from the suburbs. They oppose the development for that reason. Carol Anderson, 26237 187th Street, also spoke in opposition of the project based upon rapid increase of traffic and potential future infrastructure and sewer requirements to support the homes in the area.

Joanne Aaron, 26311 179th Street, stated she has cattle and their family farm began in 1882. Ms. Aaron stated her concern about potential sewer drainage problems and possible issues with their cattle. She further stated her grandchildren have plans to continue the family farming business. Janice Aaron, 26311 179th Street, stated her opposition for the project for the same reasons; mainly water runoff into her pasture and the potential negative impact on her livestock.

Property owner Mike Lazari spoke in opposition based upon future traffic congestion if the development occurs. Mr. Lazari's perspective was how would traffic issues worsen if 51 more additional homes were added to the area. Mr. Lazari also stated his displeasure of the development of the property which is currently owned by a County Commissioner. He further added he believes this a clear conflict of interest.

Property owner Ruth Bannion stated her concern with the negative impact the project would have with traffic patterns. She believes a project of this nature belongs in the city limited; not the County.

Chairman Majure closed the public hearing portion of the meeting.

Counselor Brown stated the importance of the reasons behind any oppositions in the event of future litigation. Staff and Planning Commission discussed the current zoning designation.

Commission Owens questioned the current zoning designation. Amy Allison confirmed it is RR-5; however, areas of future land use map indicate a RR-2.5 designation. Deputy Director Allison confirmed the Staff recommended approval of the request based upon the Golden Factors and future land use map.

Commissioner Stork motioned to approve the request. Tystad seconded the motion.

Commissioner Bailey voted no based upon current character of the neighborhood and the fact that there are no "like developments" and Golden Factors #1 and #2 apply.
Commissioner Stork voted yes.
Commissioner Gottschalk voted no based upon Golden Factors #1 and #2.
Commissioner Spink voted yes.
Commissioner Tystad also voted no for the above reasons.

Commissioner Owens voted no that future development does not match with existing surrounding properties in the community (Golden Factors #1 and #2).
Commissioner Skeet also voted no (Golden Factors #1 and #2).
Commissioner Clemons voted no (Golden Factors #1 and #2).
Commissioner Rosenthal voted yes for approval of the rezone request.

ROLL CALL VOTE: Motion to approve the rezone denied, 6/3.

Adjournment of the Board of Zoning Appeals was called at 6:53 PM.

Upcoming meeting dates:

Wednesday, November 13, 2024, 5:30 PM
Regular Planning Commission Meeting

DRAFT

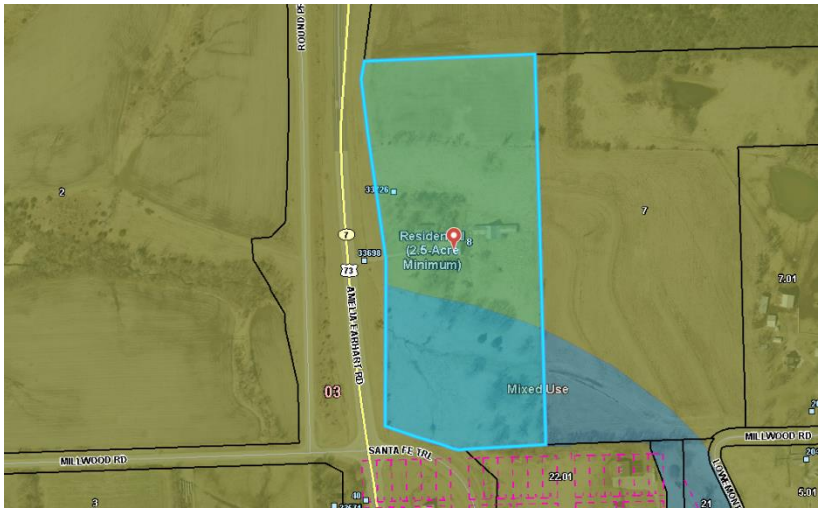
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-111/112 Bison Acres — November 13, 2024

REQUEST: ***Consent Agenda***
☒ Preliminary Plat ☒ Final Plat

STAFF REPRESENTATIVE:
Amy Allison
Deputy Director

SUBJECT PROPERTY: 33726 Amelia Earhart Rd
FUTURE LAND USE DESIGNATION: Residential (2.5 acre min) & Mixed Use



APPLICANT/APPLICANT AGENT:
Joe Herring
Herring Surveying
315 N. 5th Street
Leavenworth, KS 66048

PROPERTY OWNER:
Bison Construction
33726 Amelia Earhart Rd
Eaton, KS 66020

CONCURRENT APPLICATIONS:
NONE

LAND USE

ZONING: B-3 & I-2

FUTURE LAND USE DESIGNATION:
Residential (2.5 acre min) & Mixed Use

LEGAL DESCRIPTION:
A tract of land in the Northeast Fractional Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:
1. Recommend approval of Case No. DEV-24-111 & 112, Preliminary & Final Plat for Bison Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-111 & 112, Preliminary & Final Plat for Bison Acres to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 15.96 acres

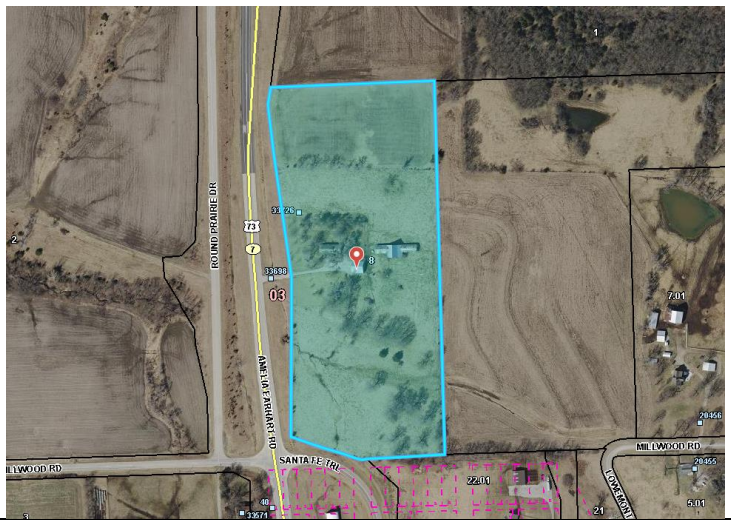
PARCEL ID NO:
062-03-0-00-00-008.00

BUILDINGS:
Single-family residence, accessory structures & commercial structure

PROJECT SUMMARY:
Request for preliminary and final plat approval to subdivide property located at 33726 Amelia Earhart Rd as Lots 1 through 3 of Bison Acres.

ACCESS/STREET:
Amelia Earhart (K-7-US 73) – State Highway, paved ± 200'; Santa Fe Trail – State ROW, paved ± 30'

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: Kickapoo

WATER: RWD 12

ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW:
11/5/2024

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:
N/A

STANDARDS TO BE CONSIDERED: *Type content in each if necessary (delete this afterwards)*			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		**Met**	**Not Met**
35-40	**Preliminary Plat Content**	X	
40-20	**Final Plat Content**	X	
41-6	**Access Management**	X	
41-6.B.a-c.	**Entrance Spacing**	X	
41-6.C.	**Public Road Access Management Standards**	N/A	
43	**Cross Access Easements**	N/A	
50-20	**Utility Requirements**	X	
50-30	**Other Requirements**	X	
50-40	**Minimum Design Standards**	X	
50-50	**Sensitive Land Development**	N/A	
50-60.	**Dedication of Reservation of Public Sites and Open Spaces**	N/A	

STAFF COMMENTS:

The applicant is proposing to divide a 15.96 acre parcel into three lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lot 1 & 2 are zoned B-3, with both lots meeting the minimum standards. The lots will share an access off of K-7. The original entrance (southern access) must be removed per KDOT conditions of approval. Lot 3 is compliant with the standards of the I-2 zoning district with access coming from Santa Fe Trail. The property has an access agreement with KDOT to allow access to Santa Fe Trail.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. Any future building or site work addition on each lot shall require submittal of a storm water drainage study and site development documents for Leavenworth County review and approval.
6. All entrances must comply with and receive a KDOT entrance permit.
7. The developer must comply with the following memorandums:
   Memo – RWD 12, Denise Eggers, dated July 11, 2024
   Memo – Steven Taylor, KDOT, dated September 3, 2024
   Memo – Public Works, dated November 11, 2024

ATTACHMENTS:

A: Application & Narrative
B: Zoning Map
C: Road Map
D: Memorandums

* Payment $850.00
* FD
* Big Copies

Evergy RWD 12 ~~FINAL &~~
2.5 acre min

PRELIMINARY PLAT APPLICATION

Leavenworth County Planning and Zoning Department
300 Walnut St., Suite 212
Leavenworth, Kansas
913-684-0465

03 08 21

449 16.40 062-03 008.00

Office Use Only

Township: Kickapoo
Planning Commission Meeting Date:
Case No. PEU-24-111
Date Received/Paid:
Zoning District B3 I2
Comprehensive Plan Land Use Designation: 2.5 acre min

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: Herring Surveying Company	NAME: BISON CONSTRUCTION LLC
MAILING ADDRESS: 315 North 5th Street	MAILING ADDRESS 33726 Amelia Earhart Rd
CITY/ST/ZIP: Leavenworth, KS 66048	CITY/ST/ZIP Easton, KS
PHONE: 913-651-3858	PHONE: N/A
EMAIL : herringsurveying@outlook.com	EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: BISON ACRES

Address of Property: 33726 Amelia Earhart Rd

PID: 062-03-0-00-00-008
Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: 15.96 Ac	Number of Lots: 3	Minimum Lot Size: 3.83 Ac
Maximum Lot Size: 6.34 Ac	Proposed Zoning: GB3 - I-2	Density: N/A
Open Space Acreage: N/A	Water District: RWD 12	Proposed Sewage: Septic
Fire District: Kickapoo	Electric Provider: Evergy	Natural Gas Provider: Propane/Atmos
Covenants: ☐ Yes ☒ No	Road Classification: *Local – Collector - Arterial - State - Federal*	
	Cross-Access Easement Requested: ☐ Yes ☒ No	
List of all Requested Exceptions: *Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.*	1.	
	2.	
	3.	
	4.	
	5.	

Is any part of the site designated as Floodplain? ☐ Yes ☒ No if yes, what is the panel number:

I, the undersigned, am the owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a final plat approval as indicated above.

Signature: Joe Herring - digitally signed 8-17-24 Date:

ATTACHMENT A

FINAL &
~~PRELIMINARY~~ PLAT APPLICATION

Leavenworth County Planning and Zoning Department
300 Walnut St., Suite 212
Leavenworth, Kansas
913-684-0465

062-03 008.00

Office Use Only

Township: _____ Planning Commission Meeting Date: _____
Case No. _____ Date Received/Paid: _____
Zoning District _____ Comprehensive Plan Land Use Designation: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: Herring Surveying Company	NAME: BISON CONSTRUCTION LLC
MAILING ADDRESS: 315 North 5th Street	MAILING ADDRESS 33726 Amelia Earhart Rd
CITY/ST/ZIP: Leavenworth, KS 66048	CITY/ST/ZIP Easton, KS
PHONE: 913-651-3858	PHONE: N/A
EMAIL : herringsurveying@outlook.com	EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: BISON ACRES

Address of Property: 33726 Amelia Earhart Rd

PID: 062-03-0-00-00-008 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
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Fire District: Kickapoo	Electric Provider: Evergy	Natural Gas Provider: Propane/Atmos
Covenants: ☐ Yes ☒ No	Road Classification: *Local – Collector - Arterial - State - Federal*	
	Cross-Access Easement Requested: ☐ Yes ☒ No	
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	2.	
	3.	
	4.	
	5.	

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I, the undersigned, am the owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a final plat approval as indicated above.

Signature: Joe Herring - digitally signed 8-17-24 Date: _____

ATTACHMENT A

Limited Liability Company Annual Report

1. LLC Name: BISON CONSTRUCTION, LLC
2. Business Entity ID No.: 7698780
3. Tax Closing Date: December 2020
4. State of Organization: KS
5. Official Mailing Address:
   JACOB ERNZEN, 20849 ROE RD , EASTON KS 66020

Electronic File Stamp Information:

Filed

- Date:04/29/2021
- Time: 09:05:33 AM

6. Members who own 5% or more of capital (Kansas LLCs only):

Jacob Ernzen - 20849 Roe Road Easton, KS 66020
James Foster - 17480 Logan Road Leavenworth, KS 66048

Federal Employer Identification Number (FEIN): 0465012628

"I declare under penalty of perjury pursuant to the laws of the state of Kansas that the foregoing is true and correct."

Executed on April 29, 2021

Signature of Authorized Person: Jake Ernzen

KANSAS SECRETARY OF STATE
NON-CERTIFIED WEB COPY
5/20/2021 2:02:11 PM

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 07/06/2023

Janet Klaassen
COUNTY CLERK

Doc #: 2023R04763
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
07/06/2023 12:06:14 PM
RECORDING FEE: 55.00
PAGES: 3

TRUSTEE'S WARRANTY DEED

O'Keefe-Wilson Abstracting Co., Inc. - File No. 13242 Seever Trust-Bison Const
414 N. 5th St.
Atchison, KS 66002

THIS INDENTURE, made this 10 day of July, 2023, by and between **for Seever Family Living Trust dated August 24, 2011**, as **GRANTOR,** and **Bison Construction LLC,** as **GRANTEE,** whose mailing address is **20849 Roe Rd, Easton, KS 66020.**

WITNESSETH: THAT SAID GRANTOR, in consideration of the sum of Ten Dollars and other good and valuable consideration, the receipt and sufficiency which is hereby acknowledged by GRANTOR, does hereby **grant, bargain and sell, convey and confirm,** unto the said GRANTEE, and unto Grantee's heirs and assigns forever, the following described real property situated in the County of Leavenworth, State of Kansas to-wit:

Legal description attached hereto and made a part hereof marked Exhibit "A"

Subject to all easements, restrictions and reservations, if any, now of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

This Deed is made and given by the GRANTOR as Trustee(s) pursuant to the power of sale contained in the aforesaid Trust agreement, which Agreement remains in full force and effect at this time. And the GRANTOR further states that the power to sell and convey the real estate described hereinabove is granted under said Trust Agreement.

TO HAVE AND TO HOLD, the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto the said GRANTEE and unto Grantee's heirs and assigns forever, the said GRANTOR hereby covenanting that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by it or those under whom it claims; except as stated above and except for all taxes and assessments, general and special, not now due and payable; and that it will warrant and defend the title of the said premises unto the said GRANTEE, and unto Grantee's heirs and assigns forever, against the lawful claims and demands of all persons whomsoever.

If two or more persons constitute either GRANTOR or GRANTEE, the words GRANTOR and GRANTEE shall be construed to read GRANTORS or GRANTEES, whenever the sense of this Deed requires.

IN WITNESS WHEREOF, The said GRANTOR has executed this instrument the day and year first above written.

Seever Family Living Trust dated August 24, 2011

BY: Belinda Reed
Belinda Reed, Successor Trustee

State of Kansas

County of Atchison

On this 6 day of July, 2023, before me, the undersigned, appeared **for Seever Family Living Trust dated August 24, 2011,** to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal in said County and State, the day and year last above written.

My commission expires: May 7, 2027

NOTARY PUBLIC - State of Kansas
JANICE M. REISS
My Appt. Exp. 5-7-2027

Janice M Reiss
Notary Public
Janice M Reiss

When recorded return to:
Bison Construction LLC
20849 Roe Rd
Easton, KS 66020

EXHIBIT "A"

The West Half of the Southwest Quarter of the Northeast Fractional Quarters, all in Section Three (3), Township Eight (8) South, Range Twenty-one (21) East, less tract for highway.
Less
(a) A tract of land in the West Half of the Southwest Quarter of the North east Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., described as follows: Beginning at the Southwest corner of said Quarter Section, the West line of said Quarter Section, the West line of said Quarter Section having an assumed bearing of North 01°23' West; First Course, thence North 87°51' East, 370.5 feet along the South line of said Quarter Section; Second Course, thence North 70°51' West, 247.00 feet; Third Course, thence North 00°03' East, 545.1 feet; Fourth Course, thence North 08°15' West to a point on the North line, 72.5 feet East of the Northwest corner of said Southwest Quarter of the Northeast Quarter Section; Fifth Course, thence South 87°51' West along said North line to the West line of said Quarter Section; Sixth Course, thence South 01°23' East along said West line to the place of beginning. The above contains 2.95 acres, more or less, exclusive of the existing highway. This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutters rights of access to said highway, appurtenants to grantors remaining property; except and reserving, however, to the grantor, his heirs and assigns, the right of access to the highway over and across the following described courses: Beginning at the beginning of said "SECOND" course and extending North 70°51' West, 168.2 feet; ALSO, beginning at a point 9.9 feet North 08°15' West from the beginning of said "FOURTH" course and extending North 08°15' West, 59.4 feet.
Less
A tract of land in the West Half of the Southwest Quarter of the Northeast Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, described as follows: Beginning at the Southwest corner of said Quarter Section; First Course, thence on an assumed bearing of North 01°22'28" West, 402.337 meters (1,320.00 feet) along the West line of said Quarter Section to the North line of said West Half; Second Course, thence North 87°45'17" East, 29.037 meters (95.27) along said North line; Third Course, thence South 06°22'09" West, 27.523 meters (90.30 feet) to the Easterly right of way line of the existing highway; Fourth Course, thence South 08°09'14" East, 182.464 meters (598.63) along said right of way line; Fifth Course, thence South 00°08'48" West, 166.147 meters (545.10 feet) along said right of way line; Sixth Course, thence South 70°45'12" East, 46.167 meters (151.47) along said right of way line; Seventh Course, thence South 19°14'48" West, 11.465 meters (37.62 feet) along said right of way line to the South line of said Quarter Section; Eighth Course, thence South 87°45'20" West, 81.634 meters (267.83 feet) along said South line to the point of beginning. The above described tract contains 1.668 hectares (4.12 acres), which includes 1.659 hectares, (4.10 acres) of existing right of way, resulting in an acquistion of 0.009 hectare (0.02 acre), more or less. This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access to said highway, appurtenant to the grantor, his property; except and reserving, however, to the grantor, his heirs and assigns, the right of acess to the highway over and across the following described courses: Beginning at a point 3.018 meters (9.10 feet) North from the end of said "Fourth" course and extending North 08°09'14" West, 18.105 meters (59.40 feet); ALSO, beginning at the end of said "Sixth" course and extending North 70°45'12" West, 22.148 meters (72.66 feet).

OWNER AUTHORIZATION

I/WE Spencer Foster, Bison Construction, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 6 day of November, 2023, make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

   See Exhibit A attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Herring Survey (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, 33698 Amelia Earhart, Easton (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.

4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 6 day of November, 2023.

by Spencer Foster.

My Commission Expires:

STEPHANIE M. SLOOP
Notary Public - State of Kansas
My Appt. Expires 11/30/24

Stephanie Sloop
Notary Public

47

DEED—GENERAL WARRANTY 1-2TW 73-52 K 1875-01 F-081-2-(55) Copy Center of Topeka Inc.

C/A 1795

THIS DEED, Made this 24th day of February 19 88, between

RALPH L. SEEVER AND FRANCES ELIZABETH SEEVER, husband and wife

of LEAVENWORTH County, in the State of KANSAS, of the first part, and

SECRETARY OF TRANSPORTATION OF THE STATE OF KANSAS

of SHAWNEE County, in the State of KANSAS, of the second part,

WITNESSETH, That part ies of the first part, in consideration of the sum of $1.00

ONE DOLLAR AND OTHER VALUABLE CONSIDERATIONS---------- and no 100 DOLLARS,

the receipt of which is hereby acknowledged, do by these presents convey and warrant unto said party of the

second part, its successors ~~heirs~~ and assigns, all the following-described REAL ESTATE situated in the County of

Leavenworth and State of Kansas, to wit:

(a) A tract of land in the West Half of the Southwest Quarter of the Northeast Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., described as follows: BEGINNING at the Southwest corner of said Quarter Section, the West line of said Quarter Section having an assumed bearing of North 01 degree 23 minutes West; First Course, thence North 87 degrees 51 minutes East, 370.5 feet along the South line of said Quarter Section; SECOND COURSE, thence North 70 degrees 51 minutes West, 247.0 feet; THIRD COURSE, thence North 00 degrees 03 minutes East, 545.1 feet; FOURTH COURSE, thence North 08 degrees 15 minutes West to a point on the North line, 72.5 feet East of the Northwest corner of said Southwest Quarter of the Northeast Quarter Section; Fifth Course, thence South 87 degrees 51 minutes West along said North line to the West line of said Quarter Section; Sixth Course, thence South 01 degree 23 minutes East along said West line to the place of beginning. The above contains 2.95 acres, more or less, exclusive of the existing highway. This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutters' rights of access to said highway, appurtenant to grantors remaining property; except and reserving, however, to the grantor, his heirs and assigns, the right of access to the highway over and across the following described courses: BEGINNING at the beginning of said `Second' course and extending North 70 degrees 51 minutes West, 168.2 feet; ALSO, beginning at a point 9.9 feet North 08 degrees 15 minutes West from the beginning of said `Fourth' course and extending North 08 degrees 15 minutes West, 59.4 feet.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And party of the first part, for themselves their heirs, executors and administrators, do hereby covenant, promise and agree to and with part y of the second part that at the delivery of these presents they are lawfully seized in their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances of what nature of kind soever, except;

and that they will warrant and forever defend the same unto party of the second part, its successors heirs and assigns, against part ies of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, parties of the first part ha ve hereunto subscribed their names, the day and year first above written.

Ralph L. Seever
Ralph L. Seever

Frances Elizabeth Seever
Frances Elizabeth Seever

Rev. 5-76 61977 3M 11-81

BOOK 618 PAGE 542

Leavenworth County, Register of Deeds 06180542

STATE OF KANSAS. Leavenworth COUNTY, ss.

BE IT REMEMBERED, That on this 24th day of February 19 88 .

before me, the undersigned, a notary public in and for the County and State aforesaid, came

Ralph L. Seever and Frances Elizabeth Seever, husband and wife

who are personally known to me to be the same person s who executed the foregoing deed, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

Frank Blazic NOTARY PUBLIC State of Kansas My Appt. Expires 7/13/91

Frank Blazic Notary Public

My appointment expires July 13 , 1991

STATE OF KANSAS, COUNTY, ss.

BE IT REMEMBERED, That on this day of 19 ,

before me, the undersigned, a in and for the County and State aforesaid, came

who personally known to me to be the same person who executed the foregoing deed, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

Notary Public

My appointment expires , 19

STATE OF KANSAS, COUNTY, ss.

BE IT REMEMBERED, That on this day of 19 ,

before me, the undersigned, a in and for the County and State aforesaid, came

who personally known to me to be the same person who executed the foregoing deed, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

STATE OF KANSAS
COUNTY OF LEAVENWORTH } SS
FILED FOR RECORD

1988 FEB 24 P 4:31

Dora I. Parmer
DORA I. PARMER
REGISTER OF DEEDS
by Maureen Brunca DEP.

Notary Public

My appointment expires , 19

LEAVENWORTH COUNTY 47 KANSAS
73-52 R 18795 01
F 081-2 (55)
05/ 1988

No.

WARRANTY DEED

FROM

TO

DEED MUST BE RECORDED

Entered in Transfer Record KT 1 in my office this 24th day of February 1988.

Darry E. Lahellin County Clerk.
by Mattie Fair

STATE OF KANSAS, } ss.
County, }

This instrument was filed for record on the day of , 19 , at o'Clock M., and duly recorded in Book of Deeds, at page .

Register of Deeds.

By Deputy.

FEES

Register of Deeds, for recording, $
County Clerk, for transfer, $
Total, $ 6.00

KT 88 41

Kansas Abstracting Service

Copy Center of Topeka Inc
Form 1.02 W (Rev. 5-78)

LEAVENWORTH COUNTY TR.2 73-52 K-5762-01 08-12-99 C/A#2417

DEED—GENERAL WARRANTY 1-2TW

NO SALES VALIDATION REQUIRED
KSA 79-1437e (a) (13)

THIS DEED, Made this 3rd day of June 2000 xx, between BC CO 1 1 A 2

Ralph L. Seever and Frances Elizabeth Seever, husband and wife

of Leavenworth County, in the State of Kansas, of the first part, and

The Secretary of Transportation of the State of Kansas

of Shawnee County, in the State of Kansas, of the second part,

WITNESSETH, That part ies of the first part, in consideration of the sum of

ONE DOLLAR AND OTHER VALUABLE CONSIDERATION and NO 100 DOLLARS,

the receipt of which is hereby acknowledged, do by these presents convey and warrant unto said part y of the second part, its successors xxxs and assigns, all the following-described REAL ESTATE situated in the County of LEAVENWORTH and State of KANSAS, to wit:

A tract of land in the West Half of the Southwest Quarter of the Northeast Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, described as follows: BEGINNING at the Southwest corner of said Quarter Section; FIRST COURSE, thence on an assumed bearing of North 01 degree 22 minutes 28 seconds West, 402.337 meters (1,320.00 feet) along the West line of said Quarter Section to the North line of said West Half; SECOND COURSE, thence North 87 degrees 45 minutes 17 seconds East, 29.037 meters (95.27 feet) along said North line; THIRD COURSE, thence South 06 degrees 22 minutes 09 seconds West, 27.523 meters (90.30 feet) to the Easterly right of way line of the existing highway; FOURTH COURSE, thence South 08 degrees 09 minutes 14 seconds East, 182.464 meters (598.63 feet) along said right of way line; FIFTH COURSE, thence South 00 degrees 08 minutes 48 seconds West, 166.147 meters (545.10 feet) along said right of way line; SIXTH COURSE, thence South 70 degrees 45 minutes 12 seconds East, 46.167 meters (151.47 feet) along said right of way line; SEVENTH COURSE, thence South 19 degrees 14 minutes 48 seconds West, 11.465 meters (37.62 feet) along said right of way line to the South line of said Quarter Section; EIGHTH COURSE, thence South 87 degrees 45 minutes 20 seconds West, 81.634 meters (267.83 feet) along said South line to the point of beginning. The above described tract contains 1.668 hectares (4.12 acres), which includes 1.659 hectares (4.10 acres) of existing right of way, resulting in an acquisition of 0.009 hectare (0.02 acre), more or less.
This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access to said highway, appurtenant to the grantor, his property; except and reserving, however, to the grantor, his heirs and assigns, the right of access to the highway over and across the following described courses: BEGINNING at a point 3.018 meters (9.10 feet) North from the end of said 'FOURTH' course and extending North 08 degrees 09 minutes 14 seconds West, 18.105 meters (59.40 feet); ALSO, beginning at the end of said 'SIXTH' course and extending North 70 degrees 45 minutes 12 seconds West, 22.148 meters (72.66 feet).

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And party of the first part, for themselves their heirs, executors and administrators, do hereby covenant, promise and agree to and with part y of the second part that at the delivery of these presents they are lawfully seized in their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances of what nature of kind soever, except;

none

and that they will warrant and forever defend the same unto part y of the second part, its successors xxx and assigns, against part ies of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, part ies of the first part ha ve hereunto subscribed their name, the day and year first above written.

Ralph L. Seever
Ralph L. Seever

Frances Elizabeth Seever
Frances Elizabeth Seever

Rev. 5-75 81977 3M 11-81

BK. 0792 PAGE 1881

Entered in the transfer record in my office this 25th day of July, 2000
Linda A. Scheer B. Hale
County Clerk

STATE OF KANSAS, Leavenworth COUNTY, ss.

BE IT REMEMBERED, That on this 3rd **day of** June **2000** xxx,

before me, the undersigned, a notary public in and for the County and State aforesaid, came

Ralph L. Seever and Frances Elizabeth Seever, husband and wife

who are personally known to me to be the same person s who executed the foregoing deed, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

Notary Public - State of Kansas
JOSEPH M. HALE
My Appointment Expires 12/16/02

Joseph M. Hale
Joseph M. Hale **Notary Public**

My appointment expires 12/16/2002 xxx

STATE OF KANSAS, **COUNTY, ss.**

BE IT REMEMBERED, That on this **day of** **19** ,

before me, the undersigned, a in and for the County and State aforesaid, came

who personally known to me to be the same person who executed the foregoing deed, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

STATE OF KANSAS
COUNTY OF LEAVENWORTH ss.
FILED FOR RECORD

2000 JUL 25 A 8:39 AM

STACY R. DRISCOLL
REGISTER OF DEEDS

Notary Public

My appointment expires , 19

STATE OF KANSAS, **COUNTY, ss.**

BE IT REMEMBERED, That on this **day of** **19** ,

before me, the undersigned, a in and for the County and State aforesaid, came

who personally known to me to be the same person who executed the foregoing deed, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

*Kansas Dept. Transportation
217 SE 4th St 2nd Floor
Topeka KS 66603

Notary Public

My appointment expires , 19

100.8

LEAVENWORTH COUNTY TR.2 73-52 K-5762-01 08-12-99 C/A#2417

THIS DEED MUST BE RECORDED

No.

WARRANTY DEED

FROM

TO

Entered in Transfer Record in my office, this day of 19 .

County Clerk.

STATE OF KANSAS, } ss.
County,

This instrument was filed for record on the day of , 19 , at o'Clock M., and duly recorded in Book of Deeds, at page .

Register of Deeds.

By Deputy.

FEES

Register of Deeds, for recording, $
County Clerk, for transfer, $
Total, $

Form 1-2 T.W. (Rev. 5-75)

Copy Center of Topeka Inc.

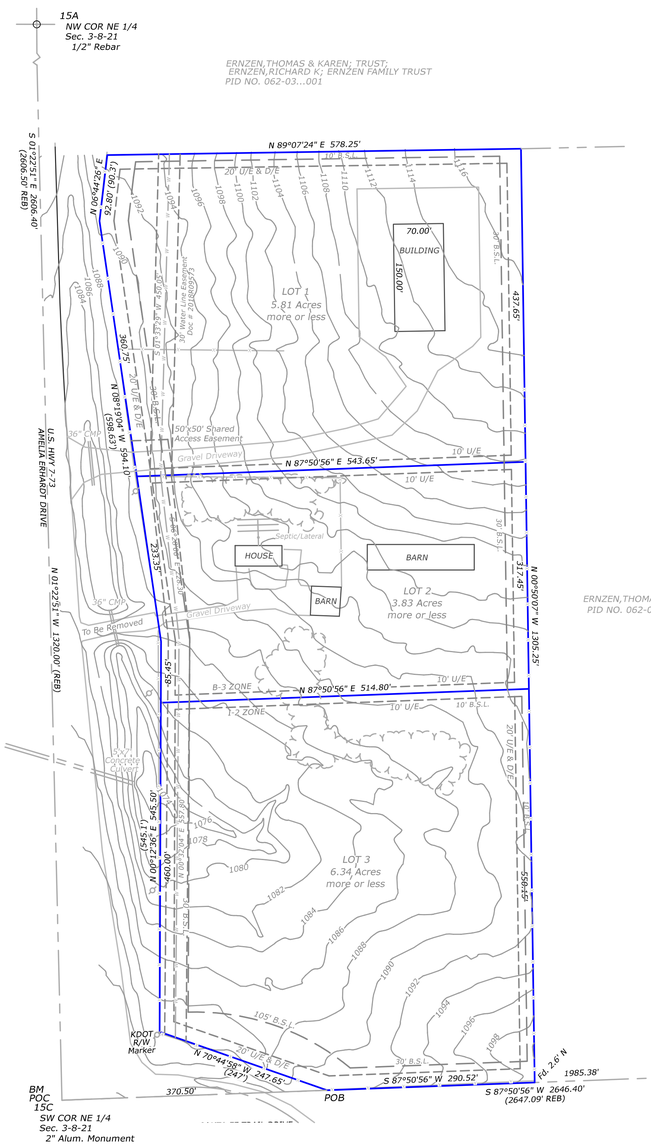
BISON ACRES

A Minor Subdivision in the Northeast Fractional Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
BISON CONSTRUCTION LLC
20849 Roe Road
EASTON, KS 66020
PID # 062-03-0-00-00-008

SURVEYOR'S DESCRIPTION:
A tract of in Northeast Fraction Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on August 8, 2024, more fully described as follows: Commencing at the Southwest corner of said Northeast Quarter; thence North 87 degrees 50'56" East for a distance of 370.50 feet along the South line of said Northeast Fractional Quarter to the TRUE POINT OF BEGINNING, said point being on the Easterly right of way of U.S. Highway 7-73; thence North 70 degrees 44'58" West for a distance of 247.65 feet along said right of way; thence North 00 degrees 12'36" East for a distance of 545.50 feet along said right of way; thence North 08 degrees 19'04" West for a distance of 594.10 feet along said right of way; thence North 06 degrees 44'26" East for a distance of 92.80 feet along said right of way; thence North 89 degrees 27'24" East for a distance of 578.25 feet; thence South 00 degrees 50'07" East for a distance of 1305.25 feet to the South line of said Northeast Fractional Quarter; thence South 87 degrees 50'56" West for a distance of 290.52 feet along said South line to the point of beginning, together with and subject to covenants, easement and restriction of record.
Said property contain 15.96 acres, more or less, including road right of way.



LEGEND:
- ● - 1/2" Rebar Set with Cap No.1296
- ○ - 1/2" Rebar Found, unless otherwise noted.
- □ - Concrete Base around Point
- △ - PK Nail Found in Place
- ( ) - Record / Deeded Distance
- U/E - Utility Easement
- D/E - Drainage Easement
- B.S.L. - Building Setback Line
- R/W - Permanent Dedicated Roadway Easement
- BM - Benchmark
- NS - Not Set this survey per agreement with client
- ///// - No Vehicle Entrance Access
- POB - Point of Beginning
- POC - Point of Commencing
- - DIRECTION OF WATER FLOW
- - Power Pole
- X —— - Fence Line
- OHP —— - Overhead Power Lines
- T —— - Underground Telephone/Fiber Optic Line
- - Gas Valve
- - Water Meter/Valve
- - Telephone Pedestal
- W —— - 6" Water Line - location as per district
- - Tree/Brush Line

ZONING:
Lots 1 & 2 - GB-3 - General Business
Lot 3 - I-2 - Light Industrial
Existing Use - Residential, Commercial, and Agriculture.

NOTES:
1) *This survey does not show ownership.*
2) *All distances are calculated from measurements or measured this survey, unless otherwise noted.*
3) *All recorded and measured distances are the same, unless otherwise noted.*
4) *Error of Closure - 1 : 88619, 15.96 Acres, more or less*
5) *Basis of Bearing - KS SPC North Zone 1501*
6) *Monument Origin Unknown, unless otherwise noted.*
7) *Proposed Use - Business, Light Industrial, Residential, Agriculture*
8) *Road Record - Right of way Deeds Bk 618 Pg 542, Bk 792 Pg 1881*
9) *Benchmark - NAVD88*
Project Benchmark (BM) - SW COR NE 1/4 Section 3 - Elev - 1093.8'
10) *Reference Recorded Deed Doc # 2023R04763*
11) *Utility Companies -*
- *Water - RWD 12*
- *Electric - Evergy*
- *Sewer - Septic / Lagoon*
- *Gas - Propane / Natural Gas*
12) *Reference Kansas Secured Title File Number TX0017359 dated August 5, 2024*
13) *Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0050G dated July 16, 2015*
14) *Building Setback Lines as shown hereon or noted below*
15) *Existing Structures, if any, not shown hereon.*
16) *Easements as per referenced Title Commitment are shown hereon, if any.*
- *Declaration of Abandonment Book 438 Page 462, blanket description, not shown hereon.*
- *Oil & Gas Lease Book 551 Page 1368, Book 558 Page 862, Book 600 Page 703, Blanket descriptoins - nOt shown hereon.*
17) *Fence Lines do not necessarily denote the boundary line for the property.*
18) *Reference Surveys:*
(REB) - REB S-8 9 1969 NKA 19695009
HAAS-SCHAEFER SUBDIVISION Doc #2013P00010

RESTRICTIONS:
1) *All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.*
2) *An Engineered Waste Disposal System may be required due to poor soil conditions.*
3) *Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.*
4) *Lots are subject to the current Access Management Policy Additional access limits as shown hereon.*
5) *All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.*
7) *Any future building or site work addition on each lot shall require submittal of a storm water drainage study and site development documents for Leavenworth County review and approval.*
8) *Access locations and entrances within KDOT right-of-way shall be subject to KDOT approval. Lots 1 and 2 have a shared access easement. Lot 1 is responsible for maintenance.*
9) *No off-plat restrictions.*



NORTH

Scale 1" = 100'

100 0 100 200 300
1" = 100'

Job # K-23-1749
August 8, 2024 Rev. 10/30/24

J.Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email – survey@teamcash.com

JOSEPH A. HERRING
REGISTERED
LS - 1296
KANSAS
LAND SURVEYOR

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of May through August 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

BISON ACRES

A Minor Subdivision in the Northeast Fractional Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
BISON CONSTRUCTION LLC
20849 Roe Road
EASTON, KS 66020
PID # 062-03-0-00-00-008

SURVEYOR'S DESCRIPTION:
A tract of in Northeast Fraction Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on August 8, 2024, more fully described as follows: Commencing at the Southwest corner of said Northeast Quarter; thence North 87 degrees 50'56" East for a distance of 370.50 feet along the South line of said Northeast Fractional Quarter to the TRUE POINT OF BEGINNING, said point being on the Easterly right of way of U.S. Highway 7-73; thence North 70 degrees 44'58" West for a distance of 247.65 feet along said right of way; thence North 00 degrees 12'36" East for a distance of 545.48 feet along said right of way; thence North 08 degrees 19'04" West for a distance of 594.10 feet along said right of way; thence North 06 degrees 44'26" East for a distance of 92.80 feet along said right of way; thence North 89 degrees 07'24" East for a distance of 578.25 feet; thence South 00 degrees 50'07" East for a distance of 1305.25 feet to the South line of said Northeast Fractional Quarter; thence South 87 degrees 50'56" West for a distance of 290.52 feet along said South line to the point of beginning, together with and subject to covenants, easement and restriction of record.
Said property contain 15.96 acres, more or less, including road right of way.

CERTIFICATION AND DEDICATION
The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: BISON ACRES.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E).

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

IN TESTIMONY WHEREOF,
We, the undersigned owners of BISON ACRES, have set our hands this _____ day of _____, 2024.

_____
Spencer Foster
Member of BISON CONSTRUCTION LLC

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came Spencer Foster, Member of BISON CONSTRUCTION LLC, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

*NOTARY PUBLIC*_____

*My Commission Expires:*_____ *(seal)*

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of BISON ACRES this _____ day of _____, 2024.

_____ _____
Secretary *Chairman*
John Jacobson *Marcus Majure*

COUNTY ENGINEER'S APPROVAL:
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

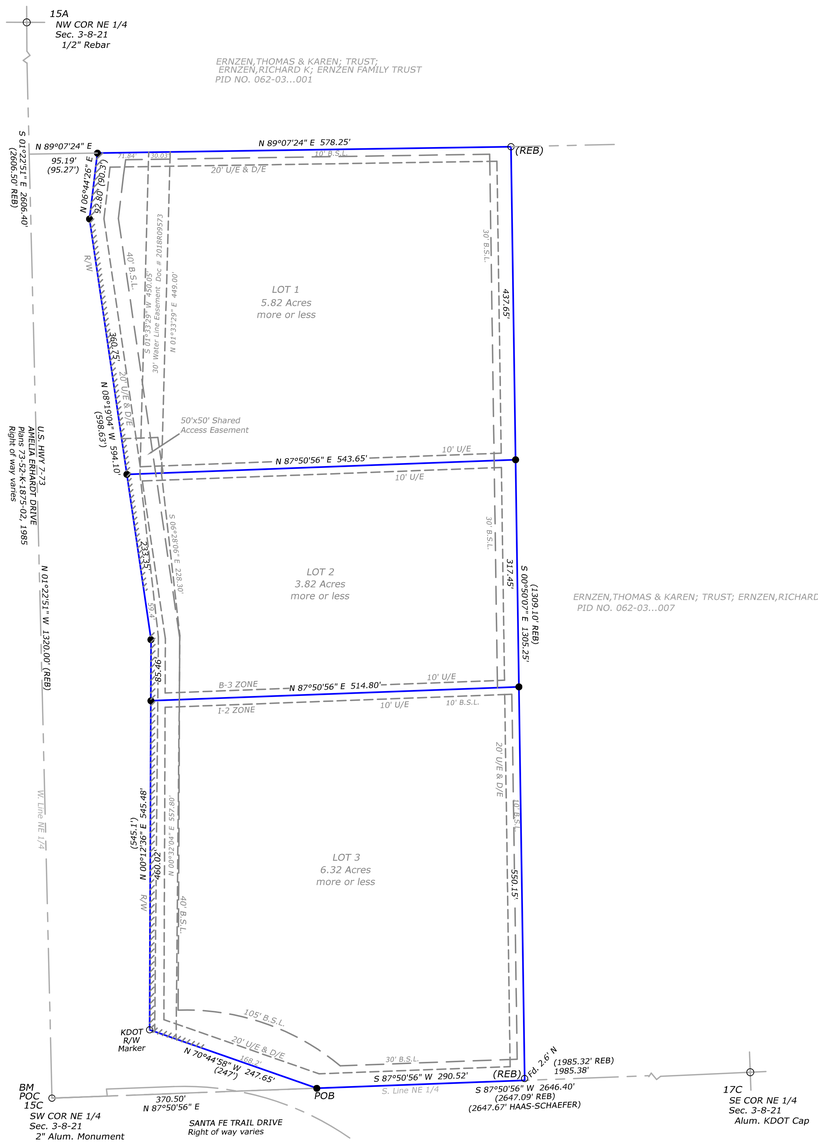
_____
County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of BISON ACRES this _____ day of _____, 2024.

_____ _____
Chairman *County Clerk*
Jeff Culbertson *Attest: Janet Klasinski*

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2024 at _____ o'clock __M in the Office of the Register of Deeds of Leavenworth County, Kansas,

_____
Register of Deeds - TerriLois G. Mashburn



LEGEND:
- ● - 1/2" Rebar Set with Cap No.1296
- ○ - 1/2" Rebar Found, unless otherwise noted.
- □ - Concrete Base around Point
- △ - PK Nail Found in Place
- ( ) - Record / Deeded Distance
- U/E - Utility Easement
- D/E - Drainage Easement
- B.S.L. - Building Setback Line
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- BM - Benchmark
- NS - Not Set this survey per agreement with client
- ///// - KDOT Controlled Access
- POB - Point of Beginning
- POC - Point of Commencing

ZONING:
Lots 1 & 2 - GB-3 - General Business
Lot 3 - I-2 - Light Industrial
Existing Use - Residential, Commercial, and Agriculture.

NOTES:
1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - 1 : 88619, 15.96 Acres, more or less
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6) Monument Origin Unknown, unless otherwise noted.
7) Proposed Use - Business, Light Industrial, Residential, Agriculture
8) Road Record - Right of way Deeds Bk 618 Pg 542, Bk 792 Pg 1881
9) Benchmark - NAVD88
Project Benchmark (BM) - SW COR NE 1/4 Section 3 - Elev - 1093.8'
10) Reference Recorded Deed Doc # 2023R04763
11) Utility Companies -
- Water - RWD 12
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
12) Reference Kansas Secured Title File Number TX0017359 dated August 5, 2024
13) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0050G dated July 16, 2015
14) Building Setback Lines as shown hereon or noted below
15) Existing Structures, if any, not shown hereon.
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18) Reference Surveys:
(REB) - REB S-8 9 1969 NKA 1969S009
HAAS-SCHAEFER SUBDIVISION Doc #2013P00010

RESTRICTIONS:
1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
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9) No off-plat restrictions.



VICINITY MAP
NOT TO SCALE

Scale 1" = 100'

I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

_____
Daniel Baumchen, PS#1363
County Surveyor

Job # K-23-1749
August 8, 2024 Rev. 10/30/24

J.Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email – survey@leamcash.com

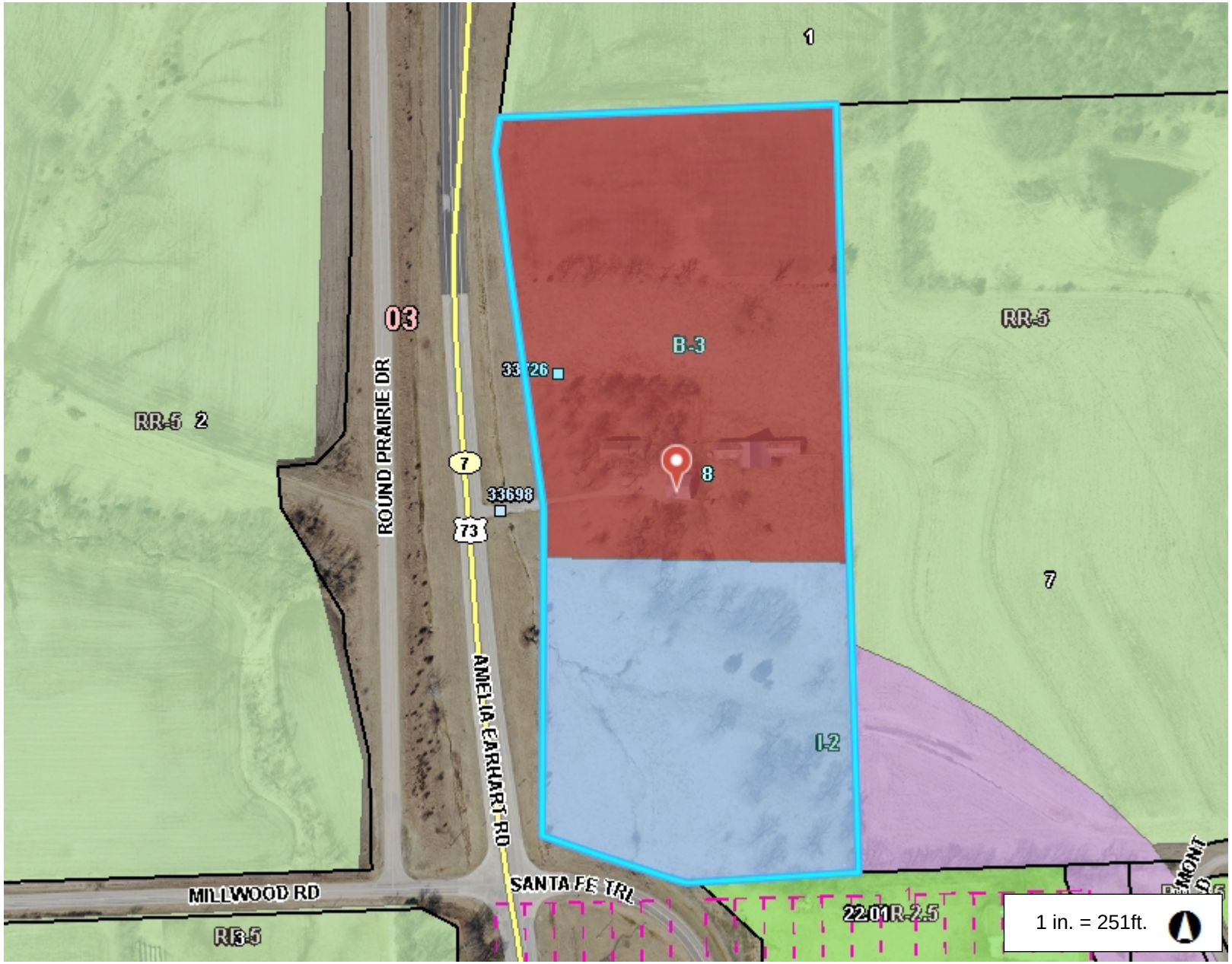
100 0 100 200 300
1" = 100'

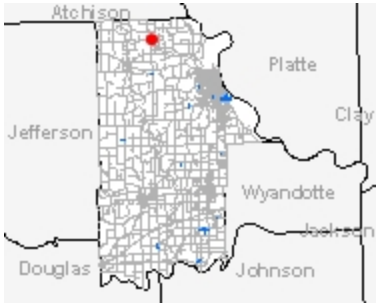


I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of May through August 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

DEV-24-111/112 Bison Acres





Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1

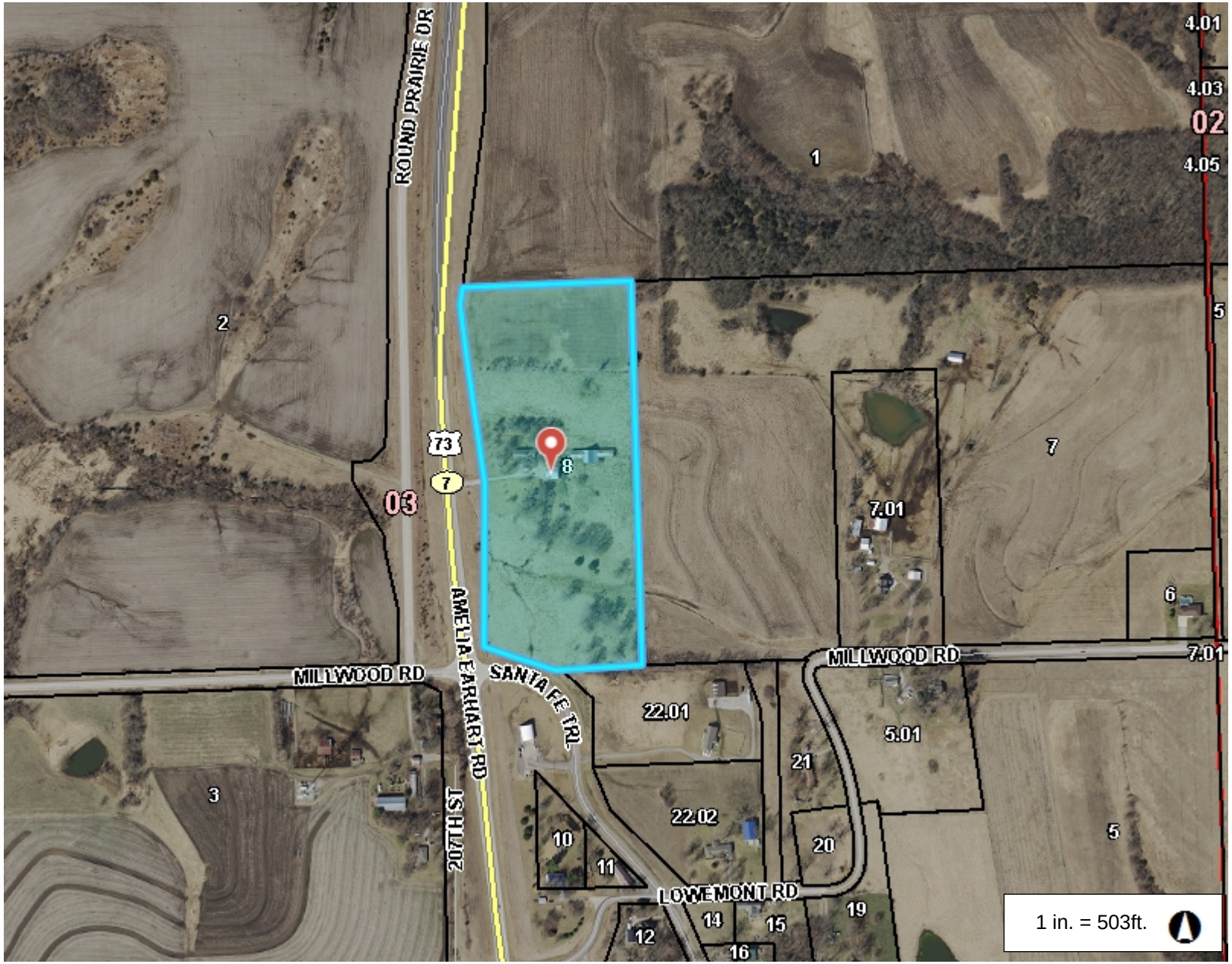
Notes

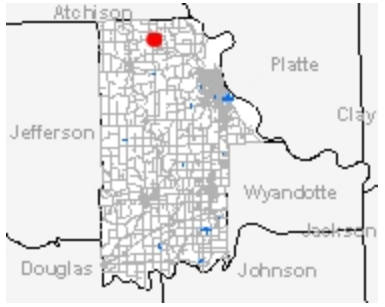
502.7 0 251.35 502.7 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DEV-24-111/112 Bison Acres





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

1 in. = 503ft.

Notes

1,005.4 0 502.70 1,005.4 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Allison, Amy

From: Joe Herring <herringsurveying@outlook.com>
Sent: Saturday, August 17, 2024 10:47 AM
To: PZ
Subject: BISON SUBD. - Evergy

Follow Up Flag: FollowUp
Flag Status: Flagged

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Thank you - Joe Herring

_____

J.Herring Inc., dba,Herring Surveying Company
315 N. 5th Street, Leavenworth, KS 66048
913-651-3858 - ROCK CHALK!

From: Boone Heston <Boone.Heston@evergy.com>
Sent: Tuesday, July 9, 2024 1:21 PM
To: Tyler Rebel <Tyler.Rebel@evergy.com>; Joe Herring <herringsurveying@outlook.com>
Subject: Re: [EXTERNAL]BISON SUBD.

Internal Use Only

Joe,

Evergy will be the electric service provider for the proposed subdivision. Tyler has been working with this customer.

Thank you,

Boone Heston
TD Designer
Leavenworth, KS
Evergy
Boone.Heston@evergy.com
O 785-508-2590

From: Joe Herring <herringsurveying@outlook.com>
Sent: Tuesday, July 9, 2024 1:12 PM
To: johnmcevoysr@yahoo.com <johnmcevoysr@yahoo.com>; water12@embarqmail.com

<water12@embarqmail.com>; Boone Heston <Boone.Heston@evergy.com>
Subject: [EXTERNAL]BISON SUBD.

This Message Is From an External Sender
This message came from outside your organization.

Report Suspicious

33698 AMELIA EARHART RD, Easton, KS 66020

Please provide the standard service letter for this proposed concept -

Lot 1 (33726 Amelia Earhart Rd) - Building is under construction and may have service already
Lot 2 (33698 Ameila Earhart Rd) - Existing house
Both lots are zone General Business 3

Lot 3 - no structure or address and zone Light Industrial

Thank you - Joe Herring

_____

J.Herring Inc., dba,Herring Surveying Company
315 N. 5th Street, Leavenworth, KS 66048
913-651-3858 - ROCK CHALK!

Kickapoo TWP Fire Department

Kickapoo Township Fire Department
32498 Easton Road
Easton, Kansas 66020

August 24, 2024

To Whom It May Concern,

After reviewing the application and conducting an on-site meeting with the owners of Bison Construction, Jake Ernzen and Spencer Foster, we have no issues with their plans.

This letter serves to confirm that the Kickapoo Township Fire Department will provide service as needed when called upon.

If you have any further questions or require additional information, please feel free to contact us.

Sincerely,

John McEvoy
Fire Chief
Kickapoo Township Fire Department
johnmcevoysr@yahoo.com

913-449-9723

RURAL WATER DISTRICT NO. 12
Jefferson County, Kansas
216 Winchester St.
Winchester, KS 66097
TEL: (913)774-2872
FAX: (913)774-2875
EMAIL-water12@embarqmail.com

July 11, 2024

Leavenworth County Planning & Zoning
300 Walnut St. Suite 212
Leavenworth. KS 66048

RE: Rural Water Availability-Bison Construction, LLC

To Whom It May Concern:

Please be advised that at this time domestic water service is available from Jefferson County Rural Water District No. 12 for land, owned Bison Construction, LLC, located in W ½ of the SW ¼ of Section 3, Township 8 South, Range 21, Leavenworth County, Kansas.

There is a Benefit unit # 1532 that services the house at 33698 Amelia Earhart Dr. Easton, KS, proposed lot 2. The landowner has not contacted the District regarding the purchase of a new benefit unit for either of the proposed Lot 1 and 3. The property is Zoned General Business 3, therefore the District has no way of knowing what the need will be nor the quantity of water that the business(s) will require.

All new benefit units must be approved by the Board of Directors for Jefferson County Rural Water District No. 12. Pre-application for water service with the district has not been made for said property at this time.

Please feel free to contact me at the District Office if you have any questions.

Sincerely,
Denise Eggers,
Office Manager

Cc: Joe Herring

Allison, Amy

From: Anderson, Kyle
Sent: Wednesday, August 28, 2024 3:51 PM
To: Allison, Amy
Subject: RE: RE: DEV-24-111/112 Preliminary and Final Plat – Bison Construction
Attachments: Septic Map.png

We have not received any complaints on this property. I have attached the septic map on file for the home at 33698 Amelia Earhart Rd so it can be added to the Preliminary Plat.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, August 28, 2024 9:30 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>
Subject: RE: DEV-24-111/112 Preliminary and Final Plat – Bison Construction

Good Morning,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 3-lot subdivision at 33726 Amelia Earhart Rd.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, September 10, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov.

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Allison, Amy

From: Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Sent: Tuesday, September 3, 2024 8:31 AM
To: Allison, Amy
Subject: RE: DEV-24-111/112 Preliminary and Final Plat – Bison Construction
Attachments: image.pdf; Re: Highway access permit

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Amy,

Northern (new) access (lot 1) was allowed if southern (existing) access(lot 2) was removed. Mr. Foster replied he hoped to be done with removal in December. See attachments.

Steve Taylor
Kansas Department of Transportation
Utility Coordinator
District 1 Area 3
650 north K-7 Highway
Bonner Springs, Ks.
913-942-3049

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Sent: Wednesday, August 28, 2024 9:30 AM
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BISON ACRES

A Minor Subdivision in the Northeast Fractional Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
BISON CONSTRUCTION LLC
20849 Roe Road
EASTON, KS 66020
PID # 062-03-0-00-00-008

SURVEYOR'S DESCRIPTION:
A tract of in Northeast Fraction Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on August 8, 2024, more fully described as follows: Commencing at the Southwest corner of said Northeast Quarter; thence North 87 degrees 50'56" East for a distance of 370.50 feet along the South line of said Northeast Fractional Quarter to the TRUE POINT OF BEGINNING, said point being on the Easterly right of way of U.S. Highway 7-73; thence North 70 degrees 44'58" West for a distance of 247.65 feet along said right of way; thence North 00 degrees 12'36" East for a distance of 545.48 feet along said right of way; thence North 08 degrees 19'04" West for a distance of 594.10 feet along said right of way; thence North 06 degrees 44'26" East for a distance of 92.80 feet along said right of way; thence North 89 degrees 07'24" East for a distance of 578.25 feet; thence South 00 degrees 50'07" East for a distance of 1305.25 feet to the South line of said Northeast Fractional Quarter; thence South 87 degrees 50'56" West for a distance of 290.52 feet along said South line to the point of beginning, together with and subject to covenants, easement and restriction of record.
Said property contain 15.96 acres, more or less, including road right of way.

CERTIFICATION AND DEDICATION
The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: BISON ACRES.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E).

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

IN TESTIMONY WHEREOF,
We, the undersigned owners of BISON ACRES, have set our hands this _____ day of _____, 2024.

_____
Spencer Foster
Member of BISON CONSTRUCTION LLC

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came Spencer Foster, Member of BISON CONSTRUCTION LLC, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

*NOTARY PUBLIC*_____

*My Commission Expires:*_____ *(seal)*

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of BISON ACRES this _____ day of _____, 2024.

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Secretary *Chairman*
John Jacobson *Marcus Majure*

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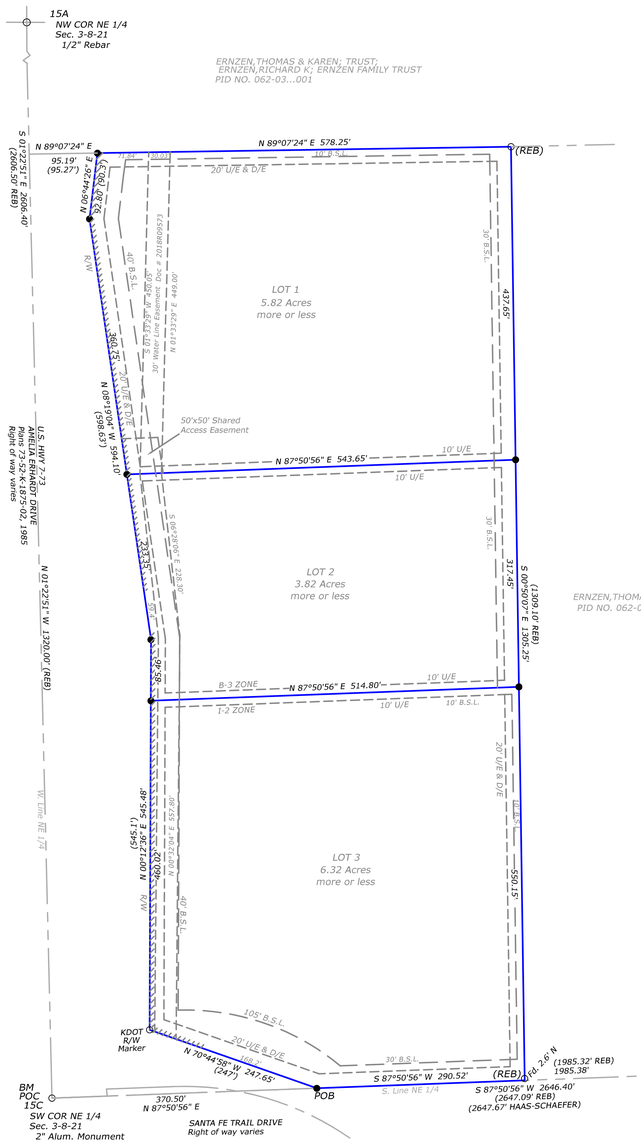
_____
County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:
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Chairman *County Clerk*
Jeff Culbertson *Attest: Janet Klasinski*

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Register of Deeds - TerriLois G. Mashburn



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9) No off-plat restrictions.

LEAVENWORTH COUNTY



VICINITY MAP
NOT TO SCALE

NORTH

Scale 1" = 100'

I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Reviewed 2024.11.07 No Comments

_____
Daniel Baumchen, PS#1363
County Surveyor

100 0 100 200 300
1" = 100'

Job # K-23-1749
August 8, 2024 Rev. 10/30/24

J.Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email – survey@leamcash.com

JOSEPH A. HERRING
REGISTERED
LS - 1296
KANSAS
LAND SURVEYOR

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of May through August 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

BISON ACRES

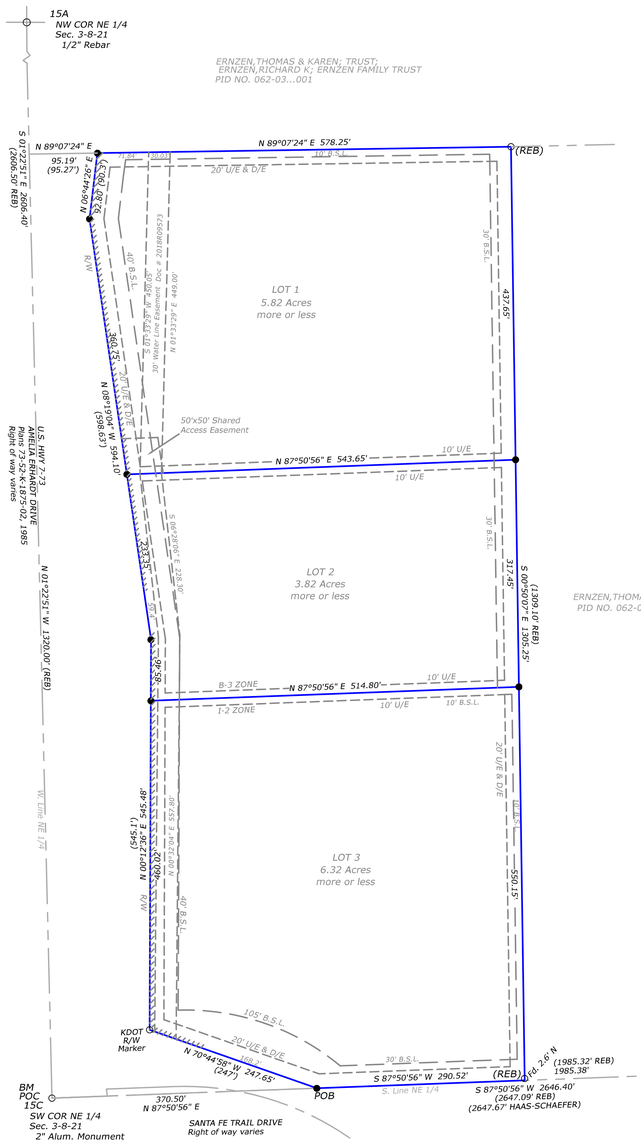
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PID # 062-03-0-00-00-008

SURVEYOR'S DESCRIPTION:
A tract of in Northeast Fraction Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on August 8, 2024, more fully described as follows: Commencing at the Southwest corner of said Northeast Quarter; thence North 87 degrees 50'56" East for a distance of 370.50 feet along the South line of said Northeast Fractional Quarter to the TRUE POINT OF BEGINNING, said point being on the Easterly right of way of U.S. Highway 7-73; thence North 70 degrees 44'58" West for a distance of 247.65 feet along said right of way; thence North 00 degrees 12'36" East for a distance of 545.48 feet along said right of way; thence North 08 degrees 19'04" West for a distance of 594.10 feet along said right of way; thence North 06 degrees 44'26" East for a distance of 92.80 feet along said right of way; thence North 89 degrees 07'24" East for a distance of 578.25 feet; thence South 00 degrees 50'07" East for a distance of 1305.25 feet to the South line of said Northeast Fractional Quarter; thence South 87 degrees 50'56" West for a distance of 290.52 feet along said South line to the point of beginning, together with and subject to covenants, easement and restriction of record.
Said property contain 15.96 acres, more or less, including road right of way.

11-7-2024 Combined PW Comments



LEGEND:
- ● - 1/2" Rebar Set with Cap No.1296
- ○ - 1/2" Rebar Found, unless otherwise noted.
- □ - Concrete Base around Point
- △ - PK Nail Found in Place
- ( ) - Record / Deeded Distance
- U/E - Utility Easement
- D/E - Drainage Easement
- B.S.L. - Building Setback Line
- R/W - Permanent Dedicated Roadway Easement
- BM - Benchmark
- NS - Not Set this survey per agreement with client
- ///// - KDOT Controlled Access
- POB - Point of Beginning
- POC - Point of Commencing

ZONING:
Lots 1 & 2 - GB-3 - General Business
Lot 3 - I-2 - Light Industrial
Existing Use - Residential, Commercial, and Agriculture.

NOTES:
1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - 1 : 88619, 15.96 Acres, more or less
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Proposed Use - Business, Light Industrial, Residential, Agriculture
8) Road Record - Right of way Deeds Bk 618 Pg 542, Bk 792 Pg 1881
9) Benchmark - NAVD88
Project Benchmark (BM) - SW COR NE 1/4 Section 3 - Elev - 1093.8'
10) Reference Recorded Deed Doc # 2023R04763
11) Utility Companies -
- Water - RWD 12
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
12) Reference Kansas Secured Title File Number TX0017359 dated August 5, 2024
13) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0050G dated July 16, 2015
14) Building Setback Lines as shown hereon or noted below
15) Existing Structures, if any, not shown hereon.
16) Easements as per referenced Title Commitment are shown hereon, if any.
- Declaration of Abandonment Book 438 Page 462, blanket description, not shown hereon.
- Oil & Gas Lease Book 551 Page 1368, Book 558 Page 862, Book 600 Page 703, Blanket descriptoins - n0t shown hereon.
17) Fence Lines do not necessarily denote the boundary line for the property.
18) Reference Surveys:
(REB) - REB S-8 9 1969 NKA 1969S009
HAAS-SCHAEFER SUBDIVISION Doc #2013P00010

RESTRICTIONS:
1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
2) An Engineered Waste Disposal System may be required due to poor soil conditions.
3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
4) Lots are subject to the current Access Management Policy
Additional access limits as shown hereon.
5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
7) Any future building or site work addition on each lot shall require submittal of a storm water drainage study and site development documents for Leavenworth County review and approval.
8) Access locations and entrances within KDOT right-of-way shall be subject to KDOT approval. Lots 1 and 2 have a shared access easement. Lot 1 is responsible for maintenance.
9) No on plat restrictions.

Revise Note 9) as follows:
Access to KDOT US 73 K7 stated in Book 618, Page 542 is recinded by this plat. The revised access location per KDOT review is shown on this plat. Construction of entrance shall be subject to KDOT approval.

Change Note 9) to 10).

Revise Note 8) as follows:
Access to Santa Fe Trail Road shall be limited to the access area stated in Book 792, Page 1881. Construction of entrance shall be subject to KDOT approval.

CERTIFICATION AND DEDICATION
The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: BISON ACRES.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E).

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

IN TESTIMONY WHEREOF,
We, the undersigned owners of BISON ACRES, have set our hands this _____ day of _____, 2024.

_____
Spencer Foster
Member of BISON CONSTRUCTION LLC

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came Spencer Foster, Member of BISON CONSTRUCTION LLC, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

*NOTARY PUBLIC*_____

*My Commission Expires:*_____ *(seal)*

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of BISON ACRES this _____ day of _____, 2024.

_____ _____
Secretary *Chairman*
John Jacobson *Marcus Majure*

COUNTY ENGINEER'S APPROVAL:
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

_____
County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of BISON ACRES this _____ day of _____, 2024.

_____ _____
Chairman *County Clerk*
Jeff Culbertson *Attest: Janet Klasinski*

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2024 at _____ o'clock __M in the Office of the Register of Deeds of Leavenworth County, Kansas,

_____
Register of Deeds - TerriLois G. Mashburn

LEAVENWORTH COUNTY



VICINITY MAP
NOT TO SCALE

NORTH

Scale 1" = 100'

I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

_____
Daniel Baumchen, PS#1363
County Surveyor

Job # K-23-1749
August 8, 2024 Rev. 10/30/24

J.Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email – survey@leamcash.com

100 0 100 200 300
1" = 100'

JOSEPH A. HERRING
REGISTERED
LS - 1296
KANSAS
LAND SURVEYOR

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of May through August 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

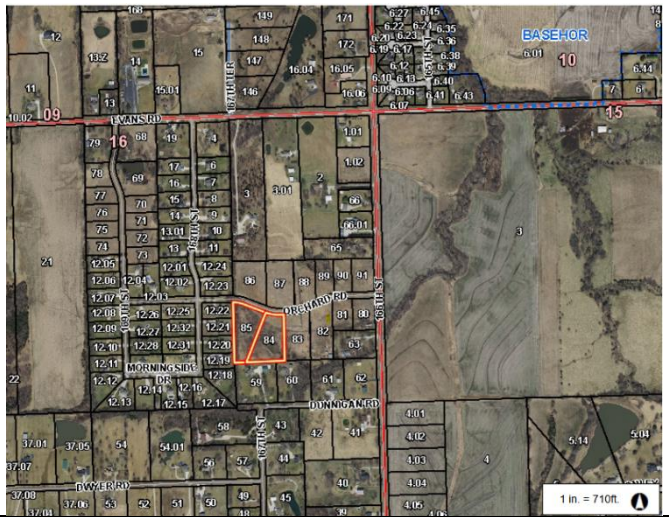
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-119 Orchard Meadow — November 13, 2024

REQUEST: ***Consent Agenda***
☐ Preliminary Plat ☒ Replat
☐ Final Plat

STAFF REPRESENTATIVE:
JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 00000 Orchard Road



APPLICANT/APPLICANT AGENT:
JOE HERRING
HERRING SURVEYING

PROPERTY OWNER:
PCDI
15395 Briar Rd STE A
Basehor, KS 66007

CONCURRENT APPLICATIONS:
NONE

LAND USE

ZONING: R-1(43)

FUTURE LAND USE DESIGNATION: Mixed Residential

LEGAL DESCRIPTION:
Replat of Lots 5 & 6, Orchard Meadow, a subdivision in Leavenworth County, Kansas

SUBDIVISION: Orchard Meadow

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:
1. Recommend approval of Case No. DEV-24-119, Replat for Orchard Meadow to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-119, Replat for Orchard Meadow, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:
2.4 & 2.5 ACRES

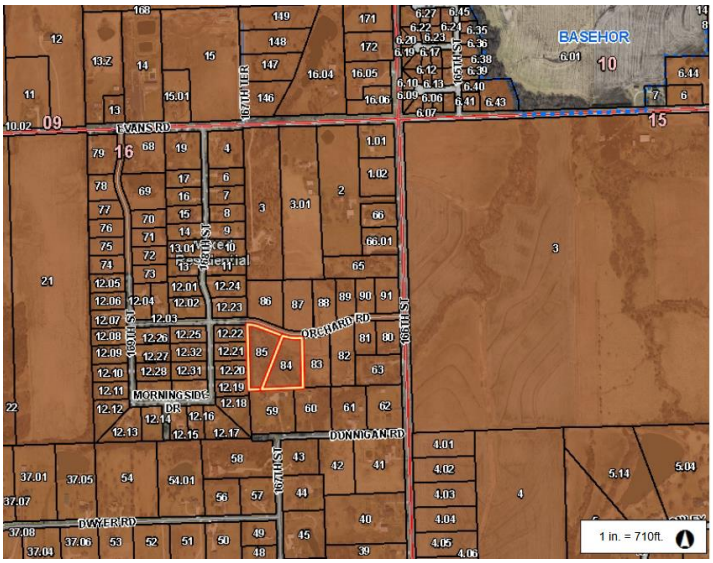
PARCEL ID NO:
185-16-0-00-00-084; 085

BUILDINGS:
N/A

PROJECT SUMMARY:
Request for Replat approval to subdivide property located at 00000 Orchard Road (184-16-0-00-00-084 and 085) as Lots 1 through 2 of Orchard Meadow Replat.

ACCESS/STREET:
Orchard Road - Local

Location Map: FUTURE LAND USE MAP



UTILITIES

SEWER: Private Septic System

FIRE: Fairmount

WATER: Suburban Water

ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW:
11/4/2024

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:
N/A

STANDARDS TO BE CONSIDERED:			
Leavenworth County Zoning and Subdivision Standards: Final Review		**Met**	**Not Met**
35-40	**Preliminary Plat Content**	N/A	
40-20	**Final Plat Content**	X	
41-6	**Access Management**	X	
41-6.B.a-c.	**Entrance Spacing**	X	
41-6.C.	**Public Road Access Management Standards**	X	
43	**Cross Access Easements**	N/A	
50-20	**Utility Requirements**	X	
50-30	**Other Requirements**	X	
50-40	**Minimum Design Standards**	X	
50-50	**Sensitive Land Development**	N/A	
50-60.	**Dedication of Reservation of Public Sites and Open Spaces**	N/A	

STAFF COMMENTS:

The applicant is proposing to split Lots 5 & 6 of Orchard Meadow into 2 non-buildable tracts of land and 2 buildable. Tract A will be approximately 2260 sq ft and Tract B will be approximately 5081 sq ft. The 2 tracts of land are being sold to the property owner directly to the south of subject lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots 1 & 2 meet the requirements for the R-1(43) zoning district. Staff is generally in support.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. Tracts A & B are not entitled to building permits
6. The developer must comply with the following memorandums:
    a. Memo – Chuck Magaha, Emergency Management, dated February 12, 2024
    b. Memo – Suburban Water, dated January 15, 2024
    c. Email – Mike Lingenfelser, Farimount FD, January 24, 2024

ATTACHMENTS:

A: Application & Narrative
B: Zoning Maps
C: Memorandums

Fairmount
Evergy
Water
Suburban
no flood
R1(43)
2.50
458
Lot 5/6
Orchard Meadows
185-16- 084.00 & 085.00

FINAL PLAT APPLICATION

Leavenworth County Planning and Zoning Department,
300 Walnut St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

Office Use Only

Township: Fairmount
Planning Commission Meeting Date:
Case No. DEV-24-
Date Received/Paid: 09.20.2024
Zoning District R1(43)
Comprehensive Plan Land Use Designation: Mixed Residential

APPLICANT/AGENT INFORMATION		OWNER INFORMATION	
NAME:	Herring Surveying Company	NAME:	PRECISION CONTRACTING & DEVELOPMENT INC
MAILING ADDRESS:	315 North 5th Street	MAILING ADDRESS	15395 BRIAR RD #STE A
CITY/ST/ZIP:	Leavenworth, KS 66048	CITY/ST/ZIP	Basehor, KS 66007
PHONE:	913-651-3858	PHONE:	N/A
EMAIL :	herringsurveying@outlook.com	EMAIL	N/A

GENERAL INFORMATION

Proposed Subdivision Name: ORCHARD MEADOW REPLAT

Address of Property: 00000 Orchard Lane

PID: 185-16-0-00-00-084 & 085
Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: 5.2 Ac	Number of Lots: 2	Minimum Lot Size: 2.53
Maximum Lot Size: 2.6	Proposed Zoning: R1-43	Density: N/A
Open Space Acreage: N/A	Water District: Suburban	Proposed Sewage: Septic
Fire District: Fairmount	Electric Provider: Evergy	Natural Gas Provider: Propane
Covenants: ☐ Yes ☒ No	Road Classification: *Local – Collector - Arterial – State - Federal*	
	Cross-Access Easement Requested: ☐ Yes ☐ No	

Is any part of the site designated as Floodplain? ☐ Yes ☒ No if yes, what is the panel number:

I, the undersigned, am the owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a final plat approval as indicated above.

Signature: Joe Herring - digitally signed September 20, 2024 Date: 9-20-24

ATTACHMENT A

Johnson, Melissa

From: pete@pcdihomes.com
Sent: Friday, September 20, 2024 12:02 PM
To: Johnson, Melissa
Subject: Orchard Meadows

Follow Up Flag: Follow up
Flag Status: Completed

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Melissa,

I authorize Joe Herring of Herring Survey to work on my behalf as it is necessary for the Orchard Meadows subdivision.

Thank you,

Gerald (Pete) St. Peter
President
PCDI Homes
15395 Briar Rd. Suite A
Basehor, KS 66007
www.pcdihomes.com
email: pete@pcdihomes.com
Office: 913-543-1432
Cell: 913-908-3166

FORM NO. 1104—CLASS E

DEMAREE STATIONERY CO., 908 Walnut, Kansas City, Mo.

Kansas Warranty Deed

JOINT TENANCY

This Indenture *Made this* 7th *day of* March *A. D., One Thousand Nine Hundred* Eighty-six *by and between*

WILLARD DEAN BROOKS AND JAQUELINE J. BROOKS, HUSBAND AND WIFE

of Leavenworth *County, in the State of* Kansas *of the first part, and*

ROBERT M. McGEE AND WILMA K. McGEE, HUSBAND AND WIFE

of *County, in the State of* Kansas *of the second part,*

WITNESSETH: THAT SAID PART IES *OF THE FIRST PART, in consideration of the sum of* TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS ----------*DOLLARS, the receipt of which is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey unto the said parties of the second part, and the survivor of them, as joint tenants, and not as tenants in common, all the following described real estate, situated in the County of* Leavenworth *and State of Kansas, to-wit:*

A tract of land in the Southeast ¼ of the Northeast ¼ of Section 16, Township 11 South, Range 22 East of the Sixth P.M., more fully described as follows: Beginning at a point 1926.82 feet South from the Northeast corner of the said Northeast ¼; thence South 302.79 feet along the East line of said Southeast ¼; thence West 1318.16 feet to the West line of said Southeast ¼; thence North 302.79 feet along said West line; thence East 1318.35 feet to the point of beginning, less that part used for public road, in Leavenworth County, Kansas.

Subject to the restrictions, reservations, easements, and covenants, if any, of record.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, forever. And said grantors *for* their *heirs, executors or administrators, do hereby covenant, promise and agree to and with said parties of the second part, that at the delivery of these presents* they are *lawfully seized in* their *own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever:* Except as hereinbefore stated, and except for the lien of taxes, both general and special, not now due and payable.

and that said grantors *will warrant and forever defend the same unto the said parties of the second part, their assigns, and the heirs and assigns of the survivor of them, against said part* ies *of the first part,* their *heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.*

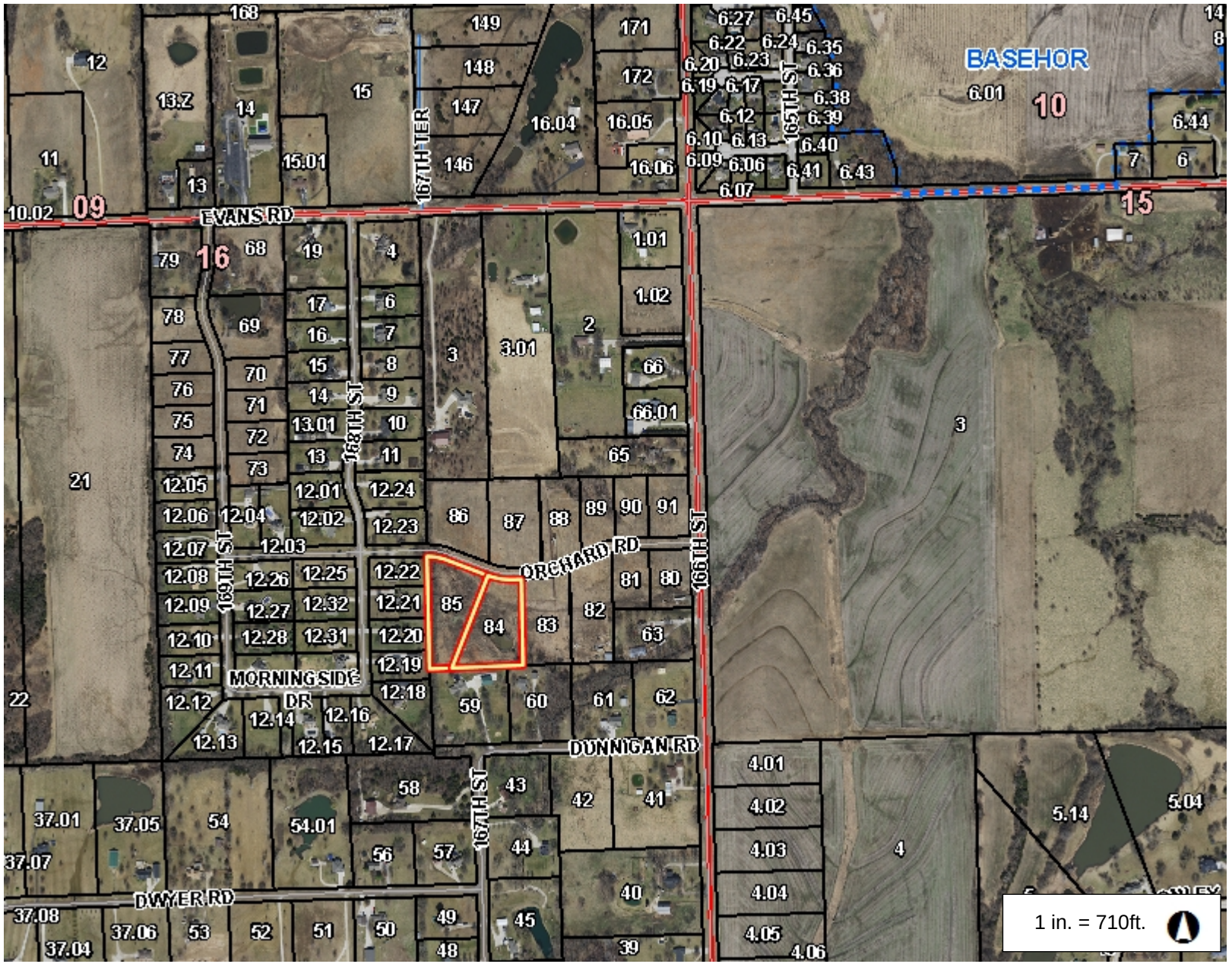
IN WITNESS WHEREOF, The said part ies *of the first part ha* ve *hereunto set* their *hands the day and year first above written.*

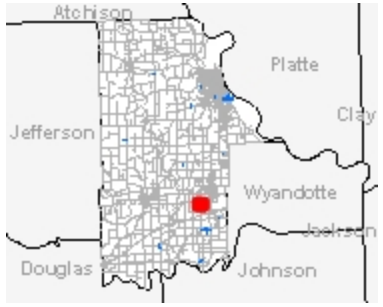
Willard Dean Brooks
WILLARD DEAN BROOKS

Jacqueline J. Brooks
JACQUELINE J. BROOKS

Leavenworth County, Register of Deeds 05910677

Leavenworth County, KS





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

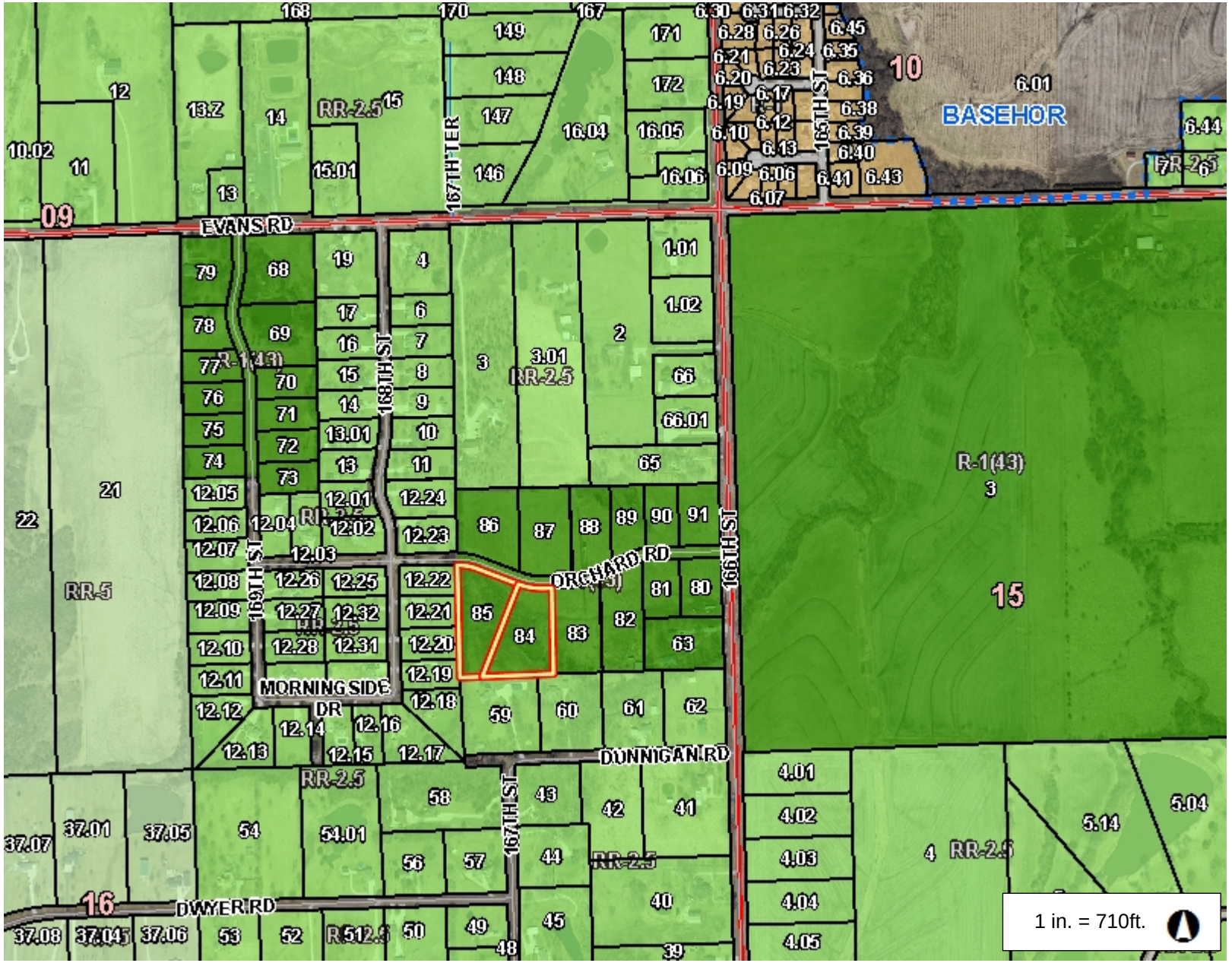
Notes

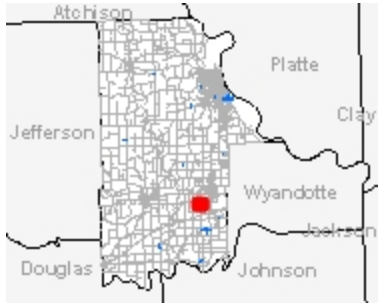
1,419.3 0 709.63 1,419.3 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Leavenworth County, KS





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1
  - PR-2
  - PR-3

1 in. = 710ft.

Notes

1,419.3 0 709.63 1,419.3 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

ORCHARD MEADOW REPLAT

A Replat of Lots 5 and 6, ORCHARD MEADOW, a Subdivision in Leavenworth County, Kansas.

FINAL PLAT

10-31-24
PW Combined
Approved

PREPARED FOR:
PRECISION CONTRACTING & DEVELOPMENT INC
15395 BRIAR RD #STE A
BASEHOR, KS 66007
PID NO. 185-16-0-00-00-063

SURVEYOR'S DESCRIPTION:
Lot 5 and 6, ORCHARD MEADOW, a Subdivision in Leavenworth County, Kansas.

CERTIFICATION AND DEDICATION
The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: ORCHARD MEADOW REPLAT.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E).

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

IN TESTIMONY WHEREOF,
We, the undersigned owners of ORCHARD MEADOW REPLAT, have set our hands this _____ day of _____, 2024.

_____
Gerald St. Peter, President
PRECISION CONTRACTING & DEVELOPMENT INC

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came Gerald St. Peter, President Precision Contracting & Development Inc., to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC_____

My Commission Expires:_____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of ORCHARD MEADOW REPLAT this _____ day of _____, 2024.

_____ _____
Secretary, John Jacobson — Chairperson, Marcus Majure

COUNTY ENGINEER'S APPROVAL:
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

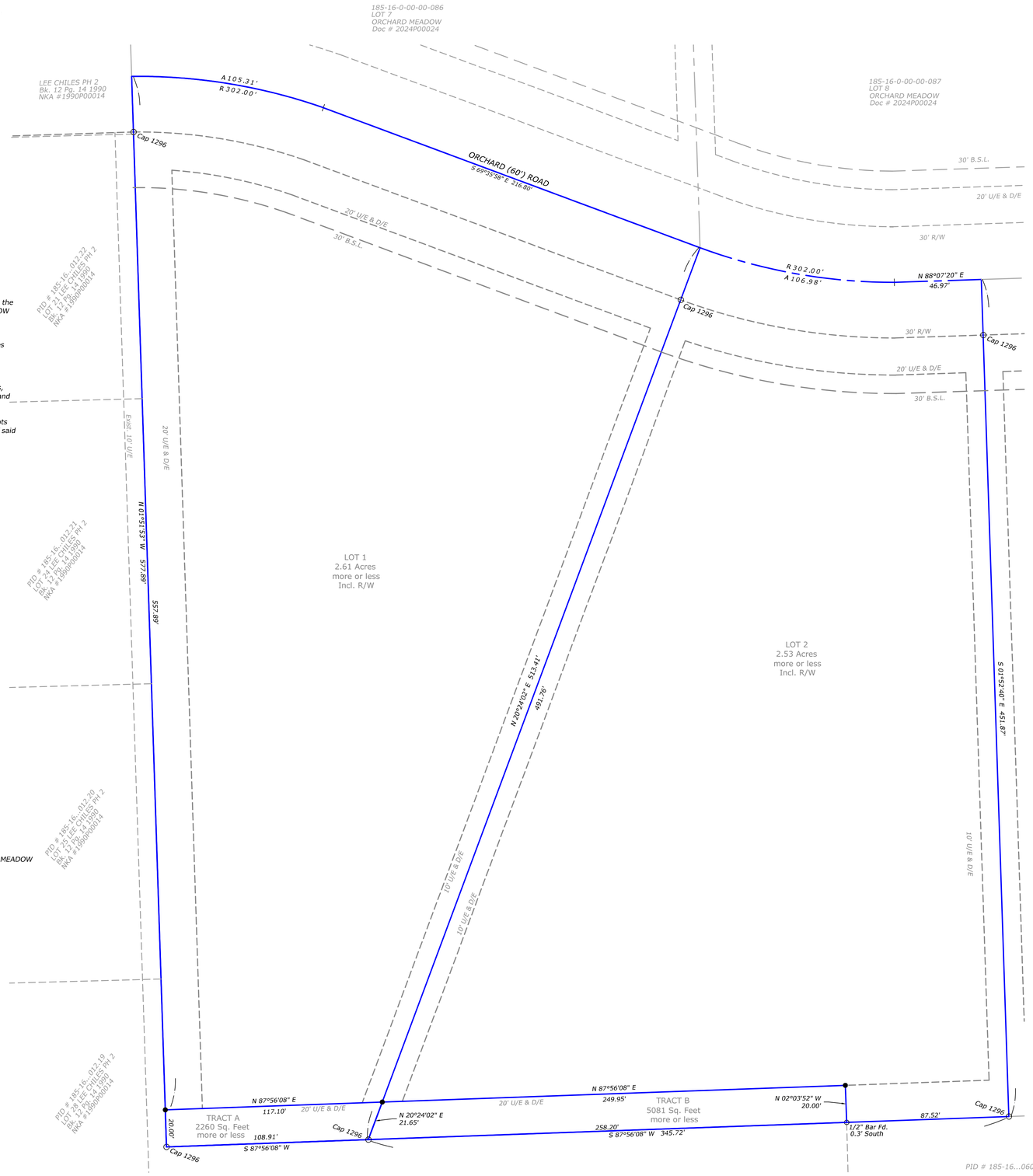
_____
County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of ORCHARD MEADOW REPLAT this _____ day of _____, 2024.

_____ _____
Chairperson, Jeff Culberston — County Clerk, Attest: Janet Klasinski

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2024 at _____ o'clock __M in the Office of the Register of Deeds of Leavenworth County, Kansas,

_____
Register of Deeds - TerriLois G. Mashburn



RESTRICTIONS:
1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
2) An Engineered Waste Disposal System may be required due to poor soil conditions.
3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
4) Lots are subject to the current Access Management Policy
- All Lots must access from Orchard Road
5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
6) An exception to Article 40, Section 1.A. Block length has been granted for this plat.
7) Existing Entrance and Barn must be removed prior to any issuance of building permits.
8) Tract A and B are not entitled to building permits.
9) No off-plat restrictions.

ZONING:
R1-43 - Residential 1 Acre

LEGEND:
● - 1/2" Rebar Set with Cap No.1296
○ - 1/2" Rebar Found, unless otherwise noted.
□ - Concrete Base around Point
△ - PK Nail Found in Place
( ) - Record / Deeded Distance
U/E - Utility Easement
D/E - Drainage Easement
B.S.L. - Building Setback Line
R/W - Permanent Dedicated Roadway Easement
BM - Benchmark
NS - Not Set this survey per agreement with client
A - Arc Distance
R - Arc Radius
B - Chord Bearing
C - Chord Distance
///// - No Vehicle Entrance Access

NOTES:
1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - 1 : 264224, 5.31 Acres, more or less, Incl. R/W
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Proposed Lots for Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
Project Benchmark (BM) - SE COR NE 1/4 Section 16 - Elev - 955'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Referenced Deed Document No. 2024R01167
12) Utility Companies -
- Water - Suburban
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Security First Title Commimtent File Number 3072613 April 23, 2024
14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0327G dated July 16, 2015
15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 10' (Accessory - 15')
- All rear yard setbacks - 30' (Accessory - 15')
16) Easements as per referenced Title Commitment are shown hereon, if any.
17) Fence Lines do not necessarily denote the boundary line for the property.
18) Reference Surveys:
- LEE CHILES 2 - Bk. 12 Pg. 14 - 1990 NKA #1990P00014
- JAH -J.A.Herring - Doc # 2024S003 & previous unrecorded survey
- ORCHARD MEADOW - Doc # 2024P00024



NORTH
Scale 1" = 30'

I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

_____
Daniel Baumchen, PS#1363
County Surveyor

Job # K-23-1727 REPLAT
September 19, 2024 Rev. Oct. 18, 2024

J.Herring, Inc. (dba)
J. HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email – survey@leamcash.com

30 0 30 60 90
1" = 30'

JOSEPH A. HERRING REGISTERED LS - 1296 KANSAS LAND SURVEYOR

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of September 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Tuesday, September 24, 2024 11:41 AM
To: Schweitzer, Joshua
Subject: RE: DEV-24-119 Replat of Orchard Meadows - Herring

We have not received any complaints on these properties, and we are not aware of any septic systems currently installed on them.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Monday, September 23, 2024 12:09 PM
To: Noll, Bill <BNoll@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Magaha, Chuck <cmagaha@lvsheriff.org>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; 'Mitch Pleak' <mpleak@olsson.com>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-119 Replat of Orchard Meadows - Herring

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Final Plat of an 9-lot subdivision at 00000 Orchard Rd (185-16-0-00-00-084).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by September 7, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov.

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

SuburbanWater
QUALITY WATER SERVICE

January 15th, 2024

Leavenworth County Planning and Zoning Department
Leavenworth County Courthouse
300 Walnut Suite 212
Leavenworth, Kansas 66048

RE: Orchard Meadows

Suburban Water, Inc. (SWC) has received the proposed preliminary plat for Orchard Meadows, Leavenworth County, KS. Suburban has completed an initial review of the proposed development. SWC has existing infrastructure located along 166th Street. SWC will provide water service to the proposed development. System improvements necessary to provide service to the proposed development will be provided by SWC to the developer upon approval of the preliminary and final plat approval by LVCO.

Sincerely,

Travis J Miles
President

1216 N 155th Street
PO BOX 588
Basehor, Kansas 66007

Phone : 913 –724–1800
Fax : 913–724–1505
Web : suburbanwaterinc.com

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Orchard Meadows Subdivision
Date: May 29, 2024

Amy, I have reviewed the preliminary plat of the Orchard Meadows Subdivision presented by Precession Contracting and Development. The subdivision meets the requirements for a fire hydrants and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed, fire hydrants should be placed along the right-a-away every 500 feet along proposed Orchard Road, between Lot 6 and Lot 7, East to Lot 3 and lot 9 East to the corner of 166th and Orchard Road. This will meet the requirements for this subdivision.

I have no further recommendation for this subdivision.

If you have any questions please call me 684-0455.

Note from original Preliminary Plat

Allison, Amy

From: Mike Lingenfelser <lingenfelserm@fairmountfd.org>
Sent: Friday, January 26, 2024 3:10 PM
To: Johnson, Melissa
Subject: Fwd: Orchard Meadows Preliminary Plat DEV-24-003, for 185-16-0-00-00-063.00

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Melissa
Here is what I sent on the 24th.
Mike
---------- Forwarded message ---------
From: **Mike Lingenfelser** <lingenfelserm@fairmountfd.org>
Date: Wed, Jan 24, 2024 at 9:52 AM
Subject: Re: Orchard Meadows Preliminary Plat DEV-24-003, for 185-16-0-00-00-063.00
To: Johnson, Melissa <MJohnson@leavenworthcounty.gov>

Melissa
Installation of fire hydrants per code.
Mike Lingenfelser, Fire Chief
Fairmount Township Fire Department
2624 N 155th St
Basehor, Kansas 66007
Work-913-724-4911
Cell 913-306-0258

On Wed, Jan 24, 2024 at 9:34 AM Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

> Chief Lingenfelser,
>
> We have received a preliminary plat from Herring Surveying regarding the above listed parcel. Please review the documents about this and let us know if you have any comments pertaining to this preliminary plat.
>
> If you have any questions, please let me know.
>
> Thank you,
>
> Melissa Johnson

Planner I

Leavenworth County

Planning & Zoning Department

Leavenworth County Courthouse

300 Walnut St, Suite 212

Leavenworth County, Kansas 66048

(913) 684-0465

Disclaimer

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LEAVENWORTH COUNTY
PLANNING COMMISION
STAFF REPORT

CASE NO: DEV-24-120 Creten Tract Split Exception — November 13, 2024

REQUEST: Exception from Zoning and Subdivision Regulation Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio) & Article 50, Section 40.3.d. Irregular Shape Lot

STAFF REPRESENTATIVE:
Amy Allison
Deputy Director

SUBJECT PROPERTY: 15812 214th Street



APPLICANT/APPLICANT AGENT:
Joe Herring
Herring Surveying
315 N 5th Street
Leavenworth KS 66048

PROPERTY OWNER:
Jimmy E Creten
15812 214th St
Tonganoxie KS 66086

CONCURRENT APPLICATIONS:
N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION: Residential (3 units per acre)

LEGAL DESCRIPTION:
Tracts of land in the Southwest Quarter of Section 27, Township 11 South, Range 21 East of the 6th p.m., Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: Zone A

PROPERTY INFORMATION

ACTION OPTIONS:

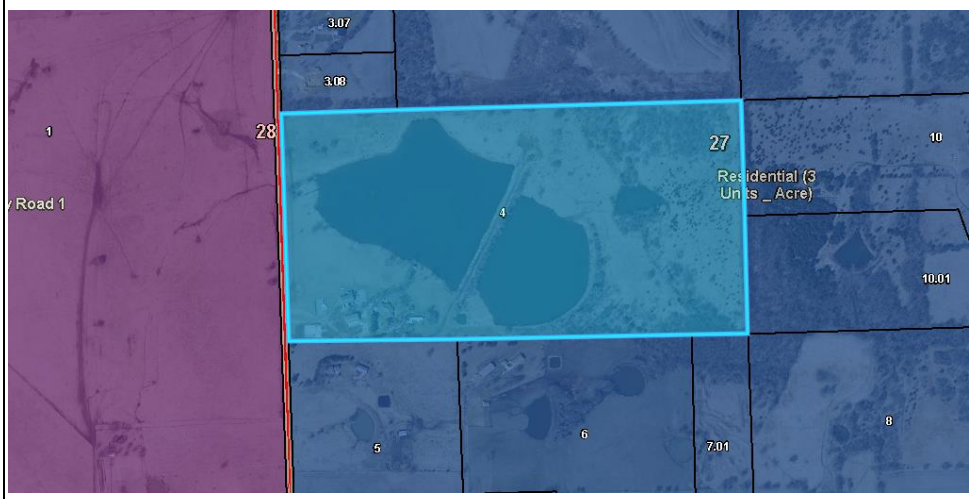
1. Approve Case DEV-24-120, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio) & Article 50, Section 40.3.d. Irregular Shape Lot; or
2. Deny Case No.DEV-24-120, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio) & Article 50, Section 40.3.d. Irregular Shape Lot or
3. Modify Case No DEV-24-120, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio) & Article 50, Section 40.3.d. Irregular Shape Lot

PARCEL SIZE: 80 Acres

PARCEL ID NO:
198-27-0-00-00-004.00

BUILDINGS:
Single-family residence, accessory structures

Future Land Use Designation



ACCESS/STREET:
214th Street, Local, ±22' Wide, Gravel;

UTILITIES

SEWER: SEPTIC

FIRE: Stranger

WATER: Suburban Water

ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW: 11/5/2024

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:
N/A

FACTORS TO BE CONSIDERED: Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio)

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.

1. ***That there are special circumstances or conditions affecting the property;***
   - The parcel has a large pond located in the middle of the tract and a gas line running along the northwest corner. In order to get enough developable land for an appropriate building site in this zoning district, the tract must extend beyond the lot-depth to lot-width ratio.

2. ***That the exception is necessary for the reasonable and acceptable development of the property in question;***
   - As stated above, there are some physical attributes about this parcel that would make meeting this requirement and having a buildable site difficult. Without significant modifications to the site, it would be difficult to have a buildable site on the norther section of land.

3. ***That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.***
   - Granting of the exception does not appear to cause any issues with public welfare or is injurious to adjacent properties.

FACTORS TO BE CONSIDERED: Article 50, Section 40.3.d. (Irregular Shaped Lot)

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.

4. ***That there are special circumstances or conditions affecting the property;***
   - The parcel has a large, irregularly shaped pond located in the middle of the tract. The applicant has designed the tract so that it would follow the water line along the back section of the pond. Due to this design, an exception will need to be approved.

5. ***That the exception is necessary for the reasonable and acceptable development of the property in question;***
   - The applicant has designed the lot to follow the water line along the back section of the pond. The lot layout will reduce the level of conflicting property liens crossing a body of water.

6. ***That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.***
   - Granting of the exception does not appear to cause any issues with public welfare or is injurious to adjacent properties.

STAFF COMMENTS:

The lot-depth to lot-width ratio exception is being requested to allow for the creation of a tract that would have a building site located beyond the lot-depth to lot-width ratio. There are physical features about this parcel, pond, floodplain and gas line, that would reduce the developable area to the west of the pond. The applicant is also requesting an exception to allow an irregular shaped lot. The proposed lot layout will follow the waterline of the pond along the back section.

ATTACHMENTS:
A: Application & Narrative
B: Zoning Map
C: Memorandums

LOT/TRACT SPLIT APPLICATION

Leavenworth County Planning Department
300 Walnut, St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

Stranger
Evergy Suburban
464 flood-not build area

Office Use Only

PID: 198-27 004.00 Date Received: 09.26.2024
Township:
Case No. DEV-24-
Legal description See deed
Zoning District RR 5
Comprehensive Plan land use designation 3 unit acre

APPLICANT/AGENT INFORMATION

NAME Joe Herring / Herring Surveying Company
ADDRESS 315 North 5th Street
CITY/ST/ZIP Leavenworth, KS 66048
PHONE 913-651-3858
EMAIL herringsurveying@outlook.com

OWNER INFORMATION

NAME CRETEN, JIMMY E
ADDRESS 15812 214TH ST
CITY/ST/ZIP Tonganoxie, KS 66086
PHONE N/A
EMAIL N/A

PROPERTY INFORMATION

Address of property 15812 214TH ST
Parcel size 80 Acres
Existing structures House - Agriculture Structures - Shop Structures
Current use of the property Agriculture - Rural Residential - Business

PROPOSED USE INFORMATION

Proposed land use Agriculture - Rural Residential - Business

Proposed Lot/Tract 1 Size
17 Acres

Proposed Lot/Tract 2 Size
73 Acres

I, the undersigned, am the *(circle one) owner, duly authorized agent,* of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Tract/Lot Split as indicated above.

Signature Joe Herring - digitally signed September 25, 2024 Date 9-25-24

ATTACHMENT A

2008R09948 2
Doc #: 2008R09948
STACY R. DRISCOLL/REGISTER OF DEEDS
LEAVENWORTH COUNTY
RECORDED ON
10/16/2008 03:03PM
RECORDING FEE: 12.00
INDEBTEDNESS: 0.00
PAGES: 2

Entered in the transfer record in my office this
16th day of October, 20 08
Linda A. Scheer by D. Cox
County Clerk

TRANSFER-ON-DEATH DEED
REVOKING PREVIOUSLY RECORDED TRANSFER-ON-DEATH DEED

This Transfer-On-Death Deed hereby revokes the previous Transfer-on-Death Deed recorded at Book 0964 Page 1153, with the Register of Deeds of Leavenworth County, Kansas.

MILDRED G. McMILLON, a single woman, transfers on death to JIMMY E. CRETEN, A Married Man, as grantee beneficiary the following described real estate in Leavenworth County, Kansas:

> The north half (N ½) of the southwest one-fourth (SW ¼) of Section 27, Township Eleven (11), Range Twenty-one (21) containing 80 acres more or less.

THIS TRANSFER-ON-DEATH DEED IS REVOCABLE. IT DOES NOT TRANSFER ANY OWNERSHIP UNTIL THE DEATH OF THE OWNER. IT REVOKES ALL PRIOR BENEFICIARY DESIGNATIONS BY THIS OWNER FOR THIS INTEREST IN REAL ESTATE.

GLL 8 4

This Transfer-on-Death Deed is made pursuant to K.S.A. 59-3501 *et seq.*

Mildred G. McMillon
MILDRED G. McMILLON

Dated this 13th day of October, 2008.

STATE OF KANSAS)
) ss:
COUNTY OF LEAVENWORTH)

This TRANSFER-ON-DEATH DEED was acknowledged before me on this 13 day of October, 2008, by MILDRED G. McMILLON, who is personally known to me to be the same person who executed the foregoing deed, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year last above written.

CHARLOTTE L. REEDER
Notary Public - State of Kansas
My Appt. Expires 8/24/2011

Charlotte Reeder
Notary Public

My appointment expires:

AFFIDAVIT
Authorization of Contractors or Individuals to Act as Agents of a Landowner
COUNTY OF LEAVENWORTH
STATE OF KANSAS

We/I Jimmy Croton and Dawn Croton

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 15812 214TH ST Tonganoxie, KS 66086, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5th Street, Leavenworth, KS 66048, 913-651-3858
2)

Signed and entered this 26TH day of September, 2024.

Jimmy Croton 15812 214TH ST Tonganoxie, KS 66086 (913)449-3468
Print Name, Address, Telephone

Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 26 day of September 2024, before me, a notary public in and for said County and State came Jimmy Croton to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC Sandra Coffman

My Commission Expires: 10-12-26 (seal)

SANDRA COFFMAN
Notary Public - State of Kansas
My Appt. Expires 10-12-26

CRETEN - Exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width ratio

ARTICLE 56 – EXCEPTIONS

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted conditions; or that these conditions would result in inhibiting the achievement of the objectives of these regulations; the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the Comprehensive Plan.

In recommending such variance or exception, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.
   Natural features and It is over 1000 feet in length to get to the desired buildable area
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
   Yes for reason stated above
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

   No

Article 50, Sec. 40.3.d.

CRETEN - Exception to ~~Article 28 Section 3.2.e~~. Irregular Shape

1. The natural features are used for division lines to minimize the lines from cutting into the ponds.

2. Yes for the reason stated above.

3. No

CERTIFICATE OF SURVEY

Tracts of land in the Southwest Quarter of Section 27, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

TRACT SPLIT

PREPARED FOR:
CRETEN, JIMMY E
15812 214TH ST
Tonganoxie, KS 66086
PID NO. 198-27-0-00-00-004

POC TR1
POB TR2
13T
NW COR SW 1/4
Sec. 27-11-21
5/8" Bar Found in East Road Ditch

SURVEYOR'S DESCRIPTION:
TRACT 1:
Tract of land in the Southwest Quarter of Section 27, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on September 22, 2024, more fully described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence South 01 degrees 53'20" East for a distance of 300.00 feet along the West line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence North 88 degrees 12'16" East for a distance of 1334.35 feet; thence South 66 degrees 59'19" East for a distance of 82.36 feet; thence South 01 degrees 47'44" East for a distance of 142.60 feet; thence South 63 degrees 23'14" East for a distance of 429.10 feet; thence North 26 degrees 36'46" East for a distance of 774.55 feet to the North line of said Southwest Quarter; thence North 88 degrees 12'16" East for a distance of 494.16 feet along said North line to the Northeast corner of said Southwest Quarter; thence South 01 degrees 47'41" East for a distance of 1327.90 feet along the East line of said Southwest Quarter; thence South 88 degrees 19'09" West for a distance of 2647.50 feet to the West line of said Southwest Quarter; thence North 01 degrees 53'20" West for a distance of 1022.60 feet along said West line to point of beginning.
Together with and subject to covenants, easements, and restrictions of record/
Said property contains 62.94 acres, more or less, including road right of way.
Error of Closure: 1 - 324405

TRACT 2:
Tract of land in the Southwest Quarter of Section 27, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on September 22, 2024, more fully described as follows: Beginning at the Northwest corner of said Southwest Quarter; thence South 01 degrees 53'20" East for a distance of 300.00 feet along the West line of said Southwest Quarter; thence North 88 degrees 12'16" East for a distance of 1334.35 feet; thence South 66 degrees 59'19" East for a distance of 82.36 feet; thence South 01 degrees 47'44" East for a distance of 142.60 feet; thence South 63 degrees 23'14" East for a distance of 429.10 feet; thence North 26 degrees 36'46" East for a distance of 774.55 feet to the North line of said Southwest Quarter; thence South 88 degrees 12'16" West for a distance of 2155.50 feet along said North line to point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 17.64 acres, more or less, including road right of way.
Error of Closure: 1 - 174942

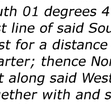
RATIFICATION BY COUNTY STAFF
This tract split, as described and shown above, has been submitted to and approved by the following County Staff persons this _____ day of _____ 2024.

Planning Director_____
Marcus Majure

NOTARY CERTIFICATE
Be it remember that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came John Jacoboson, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC_____

My Commission Expires:_____
(seal)



Scale 1" = 200'

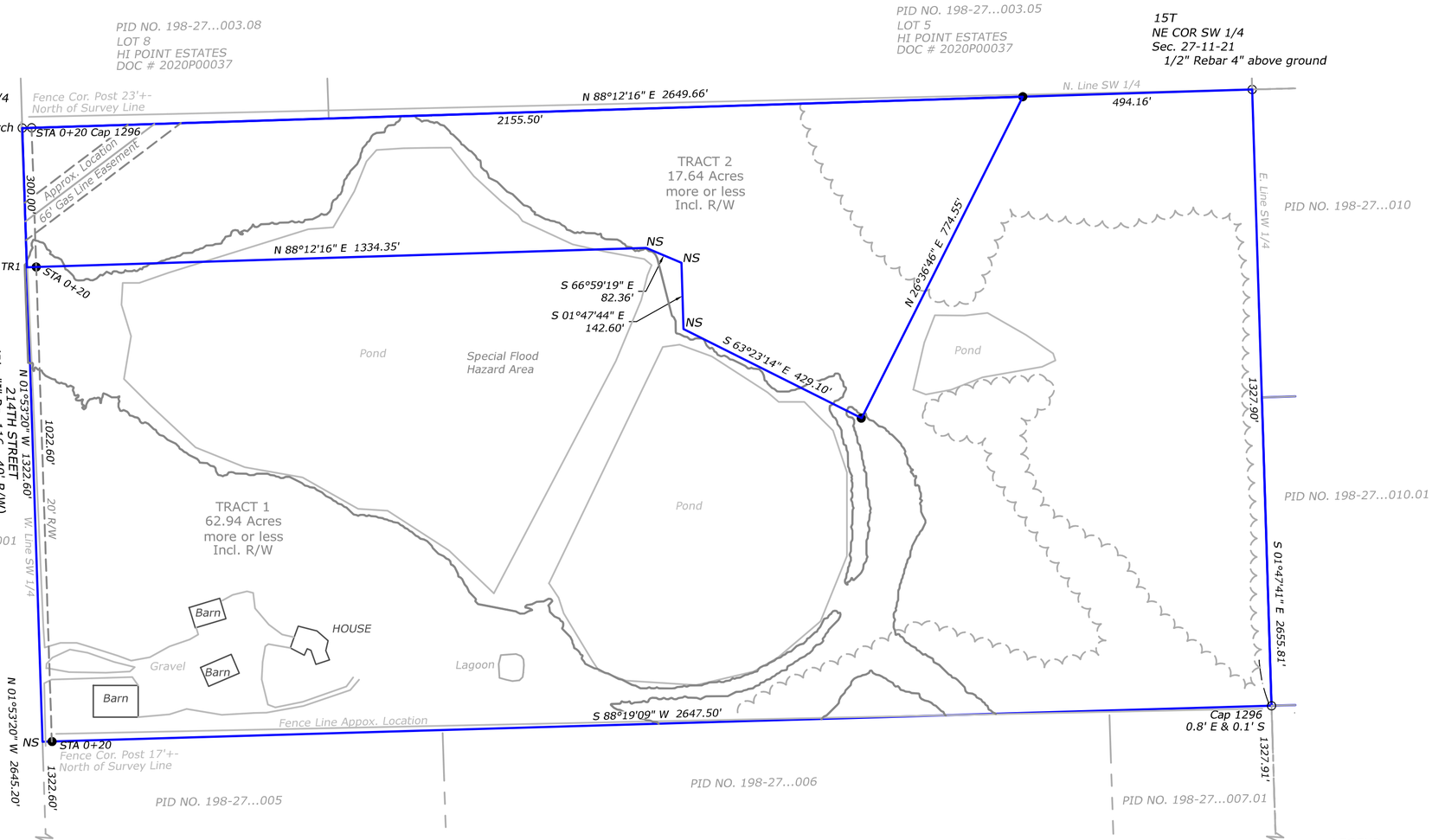
Job # K-24-1780
July 28, 2024 Rev. 11-4-24

J.Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email – survey@teamcash.com

I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

_____
Daniel Baumchen, PS#1363
County Surveyor

200 0 200 400 600
1" = 200'



ZONING:
RR-5

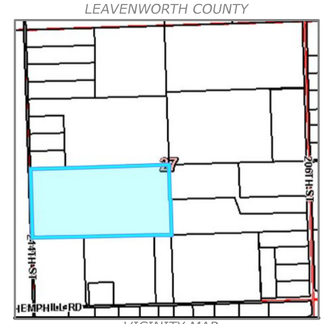
NOTES:
1) *This survey does not show ownership or easements, per agreement with client*
2) *All distances are calculated from measurements or measured this survey, unless otherwise noted.*
3) *All record and measured distances are the same, unless otherwise noted.*
4) *Error of Closure - See Surveyor's Description*
5) *Basis of Bearing - KS SPC North Zone 1501*
6) *Monument Origin Unknown, unless otherwise noted.*
7) *Referenced Surveys -*
   - HI POINT ESTATES Doc # 2020P00037
   (JAH) - J.A. Herring Survey Doc # 2013S038, #2024S035, #2024S038
8) *Road Records - See Survey*
9) *Referenced Deed Doc #2008R09948*
10) *Survey prepared without the benefit of a title commitment.*
11) *Fence Lines do not necessarily denote property lines.*
12) *Structures are shown in approximate location..*
13) *Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0325G dated July 16, 2015*
14) *Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.*
15) *Access to Lot 2 may cross the shown gas line easement. Any driveway that crosses said easement must be in compliance with the easement holder's standards.*
15) *Exceptions to regulations Article 50, Section 40.3.d. Irregular Shaped Lots and Article 50, Section 40.3.i. Lot-width to lot-depth were granted by the Leavenworth County Planning Commission.*

13V
SW COR SW 1/4
Sec. 27-11-21
5/8" Bar Found

15V
South Quarter Corner
Sec. 27-11-21
1/2" Rebar Found

LEGEND:
- *1/2" Rebar Set with Cap No.1296*
- *1/2" Rebar Found, unless otherwise noted.*
- *POB - Point of Beginning*
- *POC - Point of Commencing*
- *Tree/Brush Line*
- *NS - Not Set this Survey per agreement with client*

LEAVENWORTH COUNTY



VICINITY MAP
NOT TO SCALE



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of May through July 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

Allison, Amy

From: Anderson, Kyle
Sent: Tuesday, October 1, 2024 10:13 AM
To: Allison, Amy
Subject: RE: RE:DEV-24-120 Creten Tract Split

We have not received any complaints on this property since the SUP (DEV-16-100) was approved. It appears the lagoon will remain on the same property as the home it services.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, September 30, 2024 4:10 PM
To: Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE:DEV-24-120 Creten Tract Split

Good Afternoon,

The Department of Planning and Zoning has received a request for a Tract Split for the property located at 15812 214th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Monday, October 14th.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at PZ@leavenworthcounty.gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Disclaimer

This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of

Allison, Amy

From: McAfee, Joe
Sent: Thursday, October 31, 2024 9:11 AM
To: Allison, Amy
Cc: Noll, Bill
Subject: RE: DEV-24-120 Creten TS Comments

Amy,
PW has no comment on the TS.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, October 31, 2024 8:29 AM
To: Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>
Subject: FW: DEV-24-120 Creten TS Comments

From: Joe Herring <herringsurveying@outlook.com>
Sent: Thursday, October 31, 2024 5:59 AM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>
Subject: Re: DEV-24-120 Creten TS Comments

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Please see attached revision.

Tract is requesting to exceptions from the rules - both are due to the natural features of the property and the desire to build on the North side of the pond.
Width to depth ratio - property is 300 feet in width and 2155 feet in depth on the longest side. It is over 1000 feet in length to get to the desired buildable area.
Irregular shape with multiple angle breaks in the south line are due to the configuration of the existing ponds.

Thank you - Joe Herring

_____

J.Herring Inc., dba,Herring Surveying Company
315 N. 5th Street, Leavenworth, KS 66048
913-651-3858 - ROCK CHALK!

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Tuesday, October 15, 2024 9:33 AM
To: 'Joe Herring' <herringsurveying@outlook.com>

CERTIFICATE OF SURVEY

Tracts of land in the Southwest Quarter of Section 27, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

TRACT SPLIT

PREPARED FOR:
CRETEN, JIMMY E
15812 214TH ST
Tonganoxie, KS 66086
PID NO. 198-27-0-00-00-004

RECORD DESCRIPTION:
The North Half (N 1/2) of the Southwest One-Fourth (SW 1/4) of Section 27, Township Eleven (11), Range Twenty-one (21) containing 80 acres more or less all in Leavenworth County, Kansas.

SURVEYOR'S DESCRIPTION:
TRACT 1:
Tract of land in the Southwest Quarter of Section 27, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on September 22, 2024, more fully described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence South 01 degrees 53'20" East for a distance of 300.00 feet along the West line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence North 88 degrees 12'16" East for a distance of 1334.35 feet; thence South 66 degrees 59'19" East for a distance of 82.36 feet; thence South 01 degrees 47'44" East for a distance of 142.60 feet; thence South 63 degrees 23'14" East for a distance of 429.10 feet; thence North 26 degrees 36'46" East for a distance of 774.55 feet to the North line of said Southwest Quarter; thence North 88 degrees 12'16" East for a distance of 494.16 feet along said North line to the Northeast corner of said Southwest Quarter; thence South 01 degrees 47'41" East for a distance of 1327.90 feet along the East line of said Southwest Quarter; thence South 88 degrees 19'09" West for a distance of 2647.50 feet to the West line of said Southwest Quarter; thence North 01 degrees 53'20" West for a distance of 1022.60 feet along said West line to point of beginning.
Together with and subject to covenants, easements, and restrictions of record/
Said property contains 62.94 acres, more or less, including road right of way.
Error of Closure: 1 - 324405

TRACT 2:
Tract of land in the Southwest Quarter of Section 27, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on September 22, 2024, more fully described as follows: Beginning at the Northwest corner of said Southwest Quarter; thence South 01 degrees 53'20" East for a distance of 300.00 feet along the West line of said Southwest Quarter; thence North 88 degrees 12'16" East for a distance of 1334.35 feet; thence South 66 degrees 59'19" East for a distance of 82.36 feet; thence South 01 degrees 47'44" East for a distance of 142.60 feet; thence South 63 degrees 23'14" East for a distance of 429.10 feet; thence North 26 degrees 36'46" East for a distance of 774.55 feet to the North line of said Southwest Quarter; thence South 88 degrees 12'16" West for a distance of 2155.50 feet along said North line to point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 17.64 acres, more or less, including road right of way.
Error of Closure: 1 - 174942

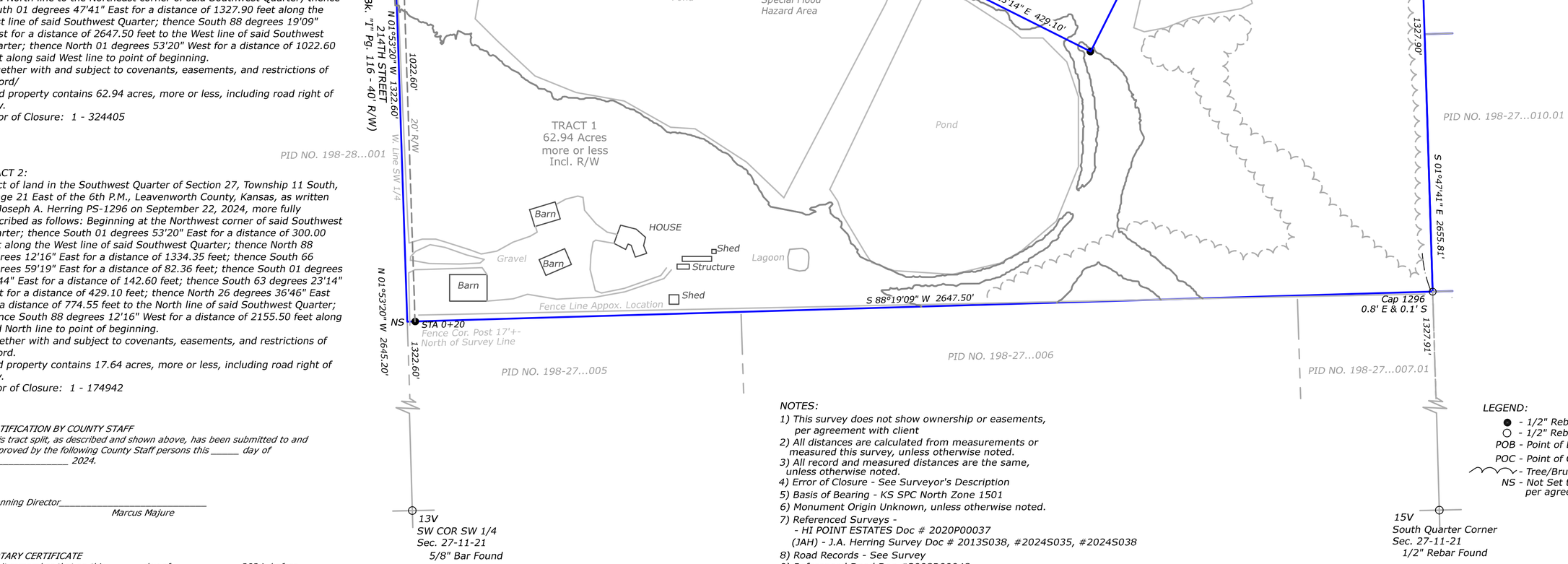
RATIFICATION BY COUNTY STAFF
This tract split, as described and shown above, has been submitted to and approved by the following County Staff persons this _____ day of _____ 2024.

Planning Director_____
Marcus Majure

NOTARY CERTIFICATE
Be it remember that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came John Jacoboson, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC_____

My Commission Expires:_____
(seal)

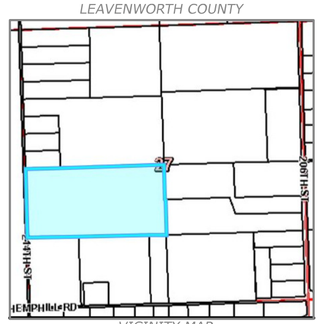


NOTES:
1) *This survey does not show ownership or easements, per agreement with client*
2) *All distances are calculated from measurements or measured this survey, unless otherwise noted.*
3) *All record and measured distances are the same, unless otherwise noted.*
4) *Error of Closure - See Surveyor's Description*
5) *Basis of Bearing - KS SPC North Zone 1501*
6) *Monument Origin Unknown, unless otherwise noted.*
7) *Referenced Surveys -*
   - HI POINT ESTATES Doc # 2020P00037
   (JAH) - J.A. Herring Survey Doc # 2013S038, #2024S035, #2024S038
8) *Road Records - See Survey*
9) *Referenced Deed Doc #2008R09948*
10) *Survey prepared without the benefit of a title commitment.*
11) *Fence Lines do not necessarily denote property lines.*
12) *Structures are shown in approximate location..*
13) *Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0325G dated July 16, 2015*
14) *Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.*

LEGEND:
- ● - 1/2" Rebar Set with Cap No.1296
- ○ - 1/2" Rebar Found, unless otherwise noted.
- *POB - Point of Beginning*
- *POC - Point of Commencing*
- *- Tree/Brush Line*
- *NS - Not Set this Survey per agreement with client*

ZONING:
RR-5

LEAVENWORTH COUNTY



VICINITY MAP
NOT TO SCALE

NORTH

Scale 1" = 200'

Job # K-24-1780
July 28, 2024 Rev. 10-30-24

J.Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email – survey@teamcash.com

200 0 200 400 600
1" = 200'

I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Reviewed 2024.11.04 No comments
Daniel Baumchen, PS#1363
County Surveyor

JOSEPH A. HERRING REGISTERED LS - 1296 KANSAS LAND SURVEYOR

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of May through July 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

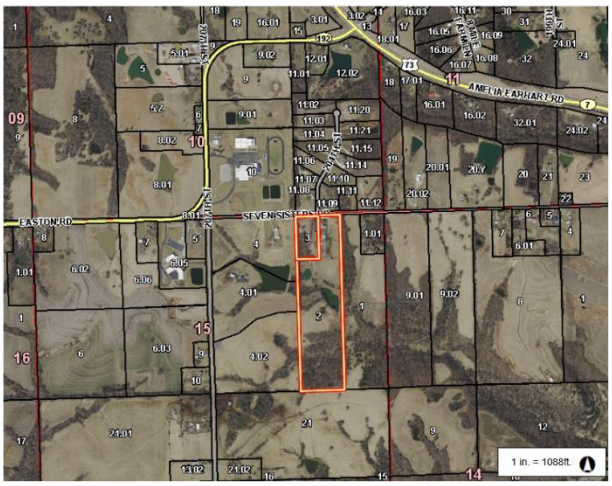
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-122 Lansing Boundary Line Adjustment Exception — November 13, 2024

REQUEST: Exception from Zoning and Subdivision Regulation Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)

STAFF REPRESENTATIVE:
JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 20437 & 20453 Seven Sisters Road



APPLICANT/APPLICANT AGENT:
Larry Hahn
Hahn Surveying
PO Box 186
Basehor, KS 66007

PROPERTY OWNER:
Michael & Donna Lansing
20437 Seven Sisters Rd.
Leavenworth, KS 66048

CONCURRENT APPLICATIONS:
N/A

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION: RR-2.5

LEGAL DESCRIPTION:
Tracts of land in the West half of the East half of the Northeast Quarter of Section 15, Township 8 South, Range 21, East of the 6th p.m., Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

PROPERTY INFORMATION

ACTION OPTIONS:

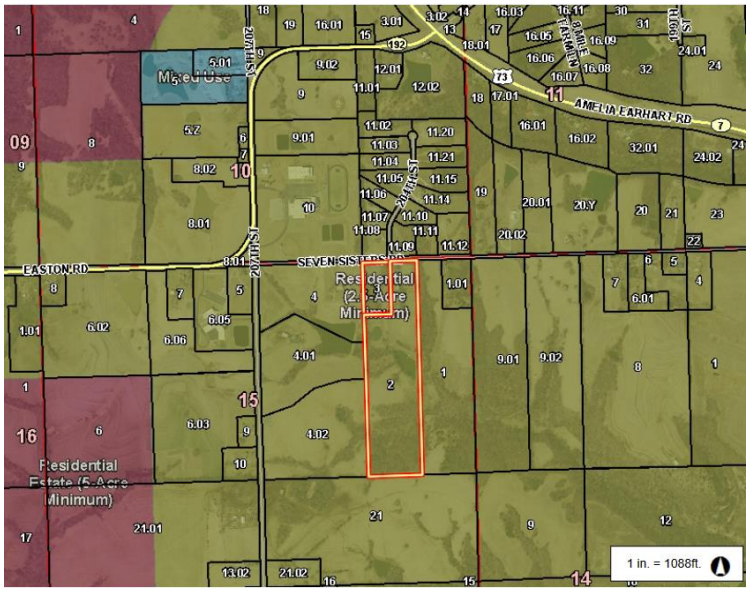
1. Approve Case DEV-24-122, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
2. Deny Case No.DEV-24-122, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
3. Modify Case No DEV-24-122, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio)

PARCEL SIZE: 5 & 35 Acres

PARCEL ID NO:
065-15-0-00-00-002; 003

BUILDINGS:
House and multiple outbuildings

Location Map: Future Land Use Designation



ACCESS/STREET:
Seven Sisters RD: Local, ±25' Wide, Paved

UTILITIES

SEWER: PRIVATE SEWER

FIRE: KICKAPOO

WATER: RWD#12

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 11/04/2024

NEWSPAPER NOTIFICATION: N/A

NOTICE TO SURROUNDING PROPERTY OWNERS: N/A

FACTORS TO BE CONSIDERED: Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.

1. ***That there are special circumstances or conditions affecting the property;***

- Tract 2 also has an active SUP on the property, by reducing the size of Tract 1 would ensure that no components of the business would carry over to Tract 1.
- Tract 2, in its current configuration, is not compliant with regulations. The proposed adjustment brings Tract 2 closer to being within compliance of regulations.

2. That the exception is necessary for the reasonable and acceptable development of the property in question;

- It is reasonable to believe that the proposed development gives Tract 1, 2.5 acres of vacant ground with no structures. Tract 2 increases their road frontage and acreage, which brings this tract closer to being in compliance with regulations.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.

- Granting the exception does not appear to cause any issues with public welfare or injurious to adjacent properties.

STAFF COMMENTS:

The proposed adjustment of Tract 2 exceeds the Lot-Depth to Lot-Width ratio by over 793 ft., which does bring this tract closer to being compliant with regulations. The proposed development of Tract 1 is for future development of vacant ground and also ensures that the business components of the active SUP on Tract 2 does not spill over to Tract 1. Both lots meet the requirements for the RR-2.5 zoning district.

ATTACHMENTS:
A: Application & Narrative
B: Zoning Map
C: Memorandums

Department of Planning and Zoning

Leavenworth County Kansas

BOUNDARY LINE ADJUSTMENT APPLICATION

OWNERSHIP INFORMATION

TRACT 1

Name MICHAEL & DONNA LANSING

Address 20453 SEVEN SISTERS RD.

City/St/Zip LEAVENWORTH, KS. 66048

Phone 913-208-2021

Email _____

Book/Page Existing Deed DOC. #2024R04693

TRACT 2 (Add separate sheet for additional parcels)

Name MICHAEL & DONNA LANSING

Address 20437 SEVEN SISTERS RD.

City/St/Zip LEAVENWORTH, KS. 66048

Phone _____

Email _____

Book/Page Existing Deed BK. 785, PG. 1

Applicant/Agent Contact Email hahnsurvey@gmail.com

EXISTING TRACT INFORMATION

Parcel Numbers 65-15-3 (Tract 1) 65-15-2 (Tract 2)

I, the undersigned, am the owner or duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a boundary line approval as indicated above.

Signature: _____ Date: _____

Signature Michael Lansing Date 9-27-24
Owner/Agent, Tract 1

Signature Donna K. Lansing Date 9/27/24
Owner/Agent, Tract 2

Received by Planning and Zoning Office

Case No. _____ Existing Zoning _____

Office Staff: _____ Date Received: _____

OWNER AUTHORIZATION

I/WE MICHAEL & DONNA LANSING, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 27 day of September, 2024, make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

   See Exhibit A attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize LARRY HAHN HAHN SURVEYING (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Department of Leavenworth County, Kansas, 20437 & 20453 SEVEN SISTERS ROAD (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the 'County'), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly our of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.

4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand below.

x Michael Lansing
MICHAEL LANSING

x Donna Lansing
DONNA LANSING

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 27 day of September, 2024.
by Michael Lansing Donna Lansing

My Commission Expires: JEANETTE E. COLE NOTARY PUBLIC STATE OF KANSAS My Appt. Exp. 1/28/28

Notary Public Jeanette S. Cole

ATTACHMENT B

B C CO 1 2

Kansas Warranty Deed

JOINT TENANCY

99-4728

This Indenture, *Made this* 18 *day of* February , 2000 *by and between* **Terry C. Pursel and Mary L. Pursel, Husband and Wife as Joint Tenants** *of* **Leavenworth** *County, in the State of* **Kansas**, *parties of the first part, and* **Michael L. Lansing and Donna K. Lansing, Husband and Wife as Joint Tenants** *of* **Leavenworth** *County, in the State of* **Kansas**, *parties of the second part,*

WITNESSETH, THAT THE SAID PARTIES OF THE FIRST PART, in consideration of the sum of **One** *DOLLARS, the receipt of which is hereby acknowledged,* ***do*** *by these presents Grant, Bargain, Sell and Convey unto the said parties of the second part, and the survivor of them, as joint tenants, and not as tenants in common, all the following described real estate, situated in the County of* **Leavenworth** *and State of Kansas, to wit:*

The West half (W/2) of the East half (E/2) of the Northeast Quarter (NE/4) of Section 15, Township 8 South, Range 21 East of the 6th P.M., less the following described tract: Beginning at the Northwest corner of the West half of the East half of the Northwest Quarter of said section, thence East along the North Section line a distance of 335.00 feet to a point, thence South and parallel to the East line of said Section a distance of 650.00 feet to a point, thence West and parallel with the North line of said Section a distance of 335.00 feet to a point, thence North and parallel with the East line of said Section a distance of 650.00 feet to the point the place of beginning, according to the recorded survey in Survey Book S-10, Page 55, recorded August 5, 1975, all in Leavenworth County, Kansas.

Subject to easements, restrictions, reservations and covenants which may be of record.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, forever. And said parties of the first part for **themselves** *and for* **their** *heirs, executors or administrators, do hereby covenant, promise and agree to and with said parties of the second part, that at the delivery of these presents* **they are** *lawfully seized in* **their** *own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unimcumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever: except as herein above stated and except for the lien of taxes both general and special not now due and payable and that* **they** *will warrant and forever defend the same unto the said parties of the second part,* **their** *assigns, and the heirs and assigns of the survivor of* **them**, *against said parties of the first part,* **their** *heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.*

IN WITNESS WHEREOF, The said parties of the first part have hereunto set **their** *hand the day and year first above written.*

Terry C. Pursel

Terry C. Pursel

Mary L. Pursel

Mary L. Pursel

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 06/28/2024
Janet Klasmeier
COUNTY CLERK

Doc #: 2024R04693
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
06/28/2024 04:15:42 PM
RECORDING FEE: 21.00
PAGES: 1

ADMINISTRATRIX'S DEED

THIS INDENTURE made this 24th day of June, 2024, by and between Grantor, Natalie K. Zamora, Administratrix of the **Estate of Cindy Lu Barker**, deceased, and Grantee, **Donna K. Lansing and Michael L. Lansing**, a married couple, as joint tenants with rights of survivorship and not as tenants in common.

Grantor, who was granted Letters of Administration on September 1, 2023, and by virtue of an Order Authorizing and Confirming Sale of Real Estate at Private Sale issued out of the District Court of Leavenworth County, Kansas, Case No. LV-2023-PR-000149 and dated June 12, 2024, having sold the real estate hereinafter described in conformity with the Order, and the sale thereof having been confirmed as provided by law, in consideration of the sum of $225,000.00, which is not less than three-fourths of the appraised valued of the real estate hereinafter described, the receipt of which is acknowledged, does by these presents grant, bargain, sell and convey unto **Donna K. Lansing and Michael L. Lansing**, a married couple, as joint tenants with rights of survivorship and not as tenants in common, all right, title and interest of Cindy Lu Barker, deceased, discharged from liability for decedent's debts, in and to all of the following described real estate situated in Leavenworth County, Kansas:

> A tract of land in the West half of the East half of the Northeast Quarter of Section 15, Township 8, Range 21 East of the 6th P.M. described as follows: Beginning at the Northwest corner of said tract running along the North line of said tract a distance of 335 feet to a point; thence South along a line parallel to the West line of said tract a distance of 650 feet to a point; thence West along a line parallel to the North line of said tract a distance of 335 feet to a point on the West line of said tract; thence North along the West line of said tract a distance of 650 feet to a point, the place of beginning. All in Leavenworth County, Kansas

TO HAVE AND TO HOLD the above granted premises, together with the appurtenances and hereditaments and every part thereof, unto the grantee, their heirs and assigns.

IN WITNESS WHEREOF, Grantor has signed this instrument this 24th day of June, 2024.

Natalie K. Zamora, Administratrix of the
Estate of Cindy Lu Barker, deceased

STATE OF KANSAS)
)ss:
COUNTY OF LEAVENWORTH)

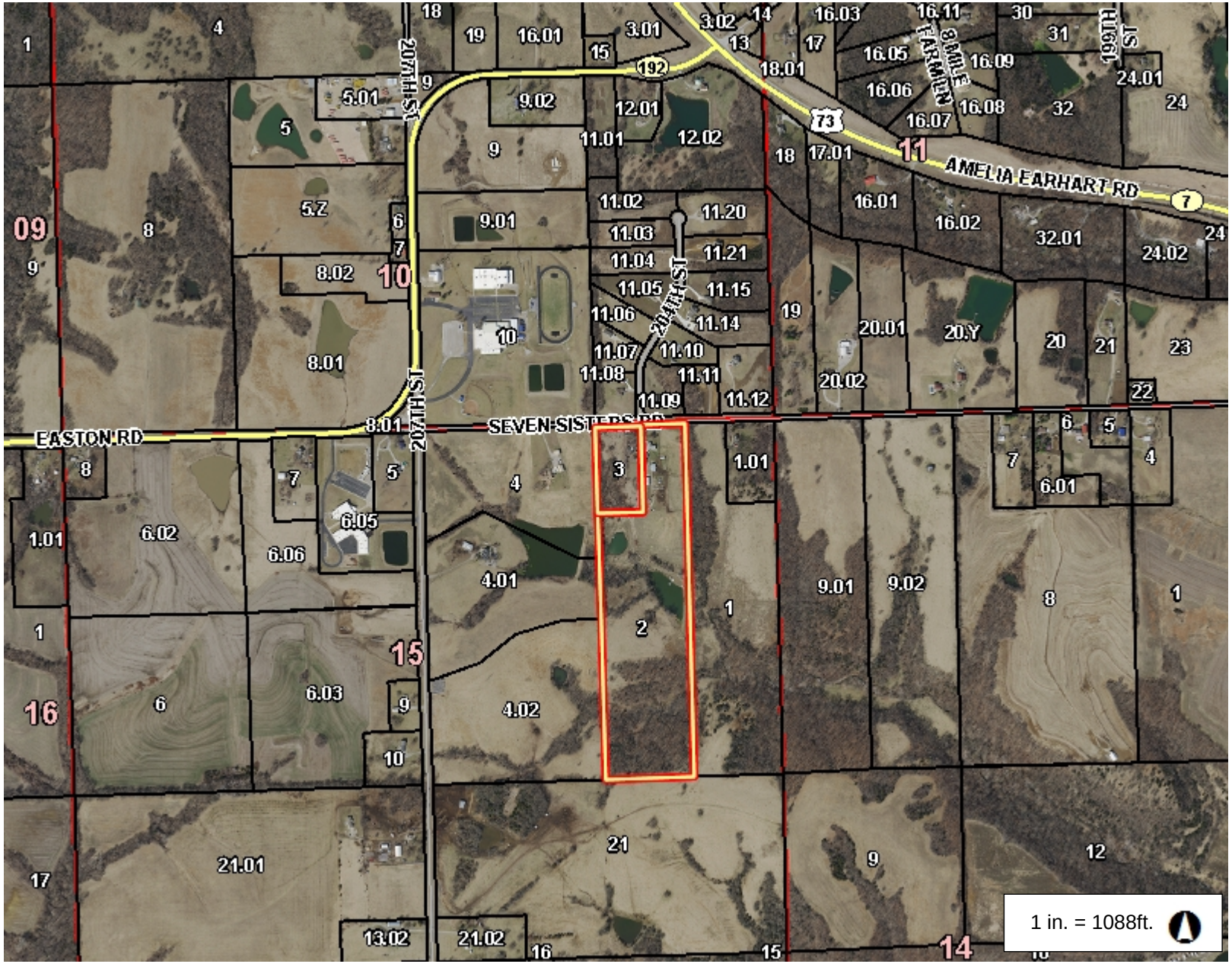
The foregoing instrument was acknowledged before me this 24th day of June, 2024, by Natalie K. Zamora, Administratrix of the Estate of Cindy Lu Barker, deceased.

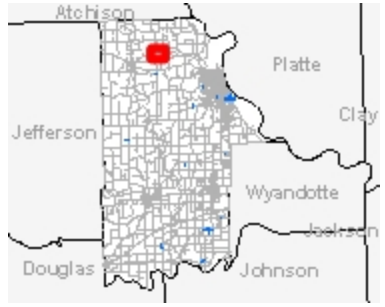
JUSTINE POWELL
Notary Public, State of Kansas
My Appointment Expires
07-02-25

Justine Powell Notary Public
(*Print Notary Name*)

My Appointment Expires: 07-02-25

Leavenworth County, KS





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

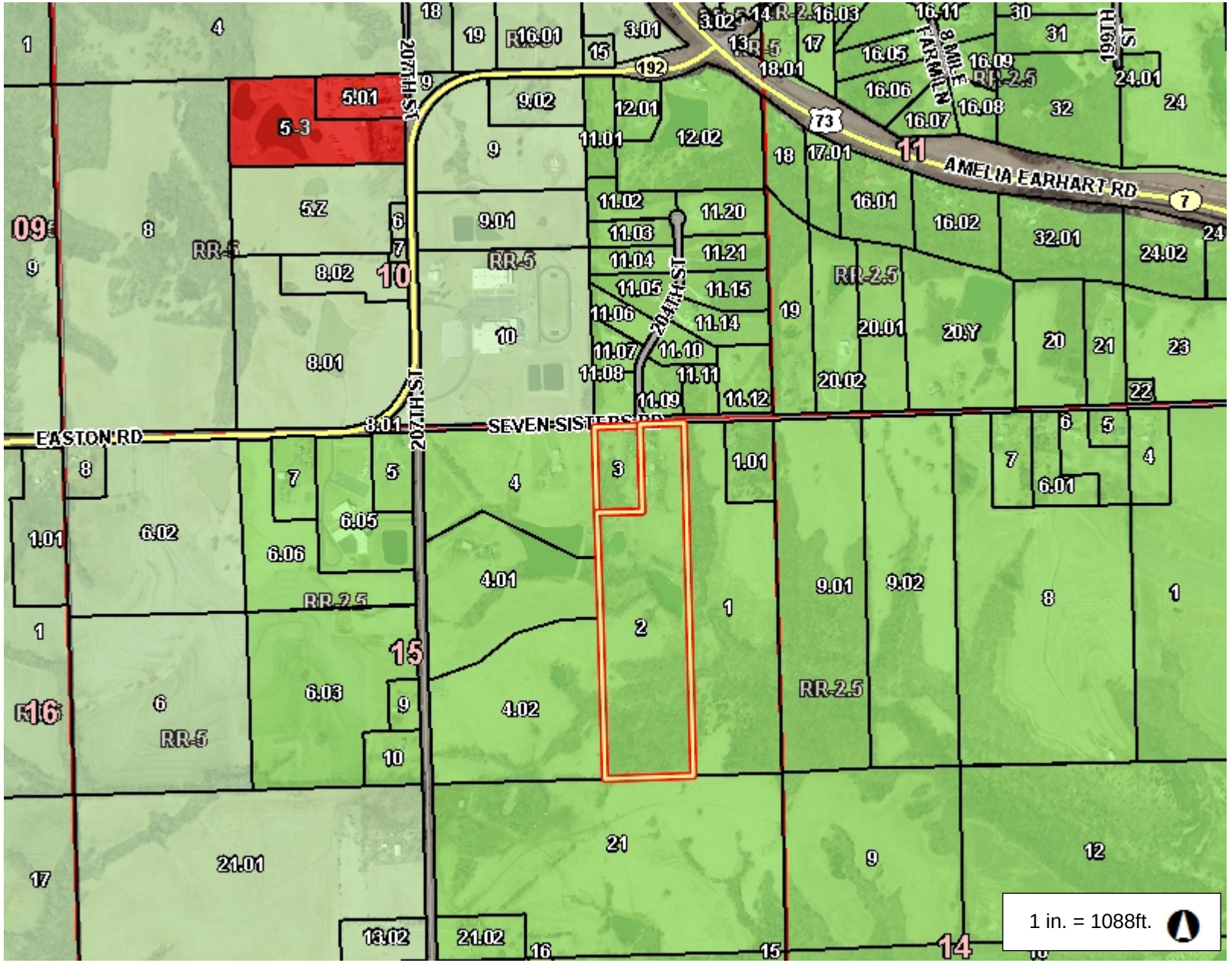
1 in. = 1088ft.

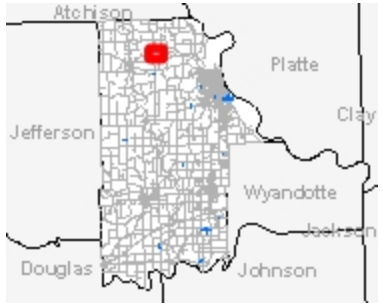
2,176.2 0 1,088.10 2,176.2 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Leavenworth County, KS





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1
  - PR-2
  - PR-3

Notes

2,176.2 0 1,088.10 2,176.2 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

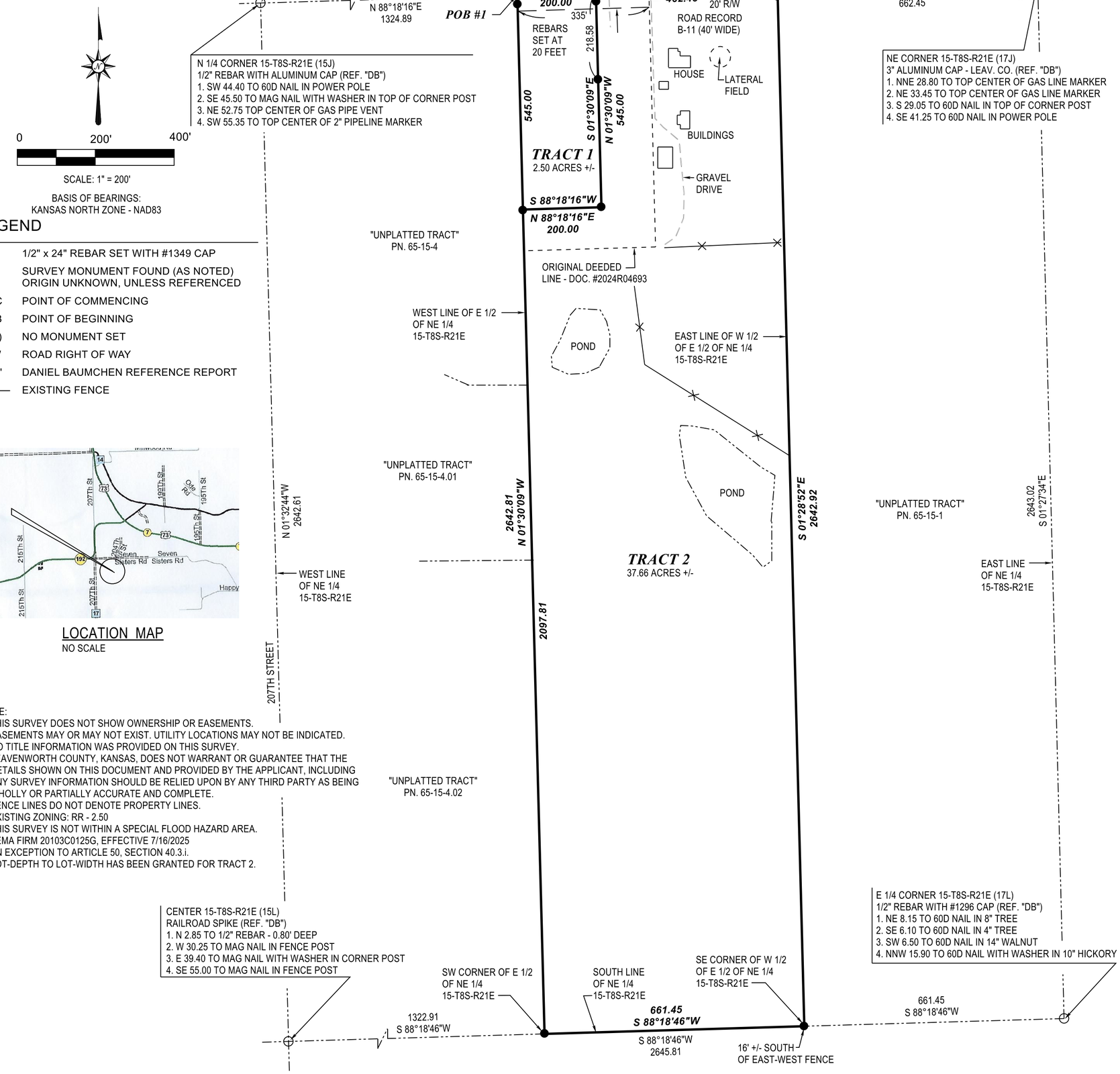
THIS MAP IS NOT TO BE USED FOR NAVIGATION

BOUNDARY LINE ADJUSTMENT

PREPARED FOR: MICHAEL & DONNA LANSING
TRACTS IN THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER
SECTION 15-T8S-R21E
COUNTY OF LEAVENWORTH
STATE OF KANSAS
DATE: SEPTEMBER 23, 2024

TRACT #1
20453 SEVEN SISTERS ROAD
LEAVENWORTH, KS. 66048
PN. 65-15-3

TRACT #2
20437 SEVEN SISTERS ROAD
LEAVENWORTH, KS. 66048
PN. 65-15-2



SCALE: 1" = 200'

BASIS OF BEARINGS:
KANSAS NORTH ZONE - NAD83

LEGEND

●	1/2" x 24" REBAR SET WITH #1349 CAP
○	SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
POC	POINT OF COMMENCING
POB	POINT OF BEGINNING
(NS)	NO MONUMENT SET
R/W	ROAD RIGHT OF WAY
"DB"	DANIEL BAUMCHEN REFERENCE REPORT
×——	EXISTING FENCE

LOCATION MAP
NO SCALE

NOTE:
1. THIS SURVEY DOES NOT SHOW OWNERSHIP OR EASEMENTS.
2. EASEMENTS MAY OR MAY NOT EXIST. UTILITY LOCATIONS MAY NOT BE INDICATED.
3. NO TITLE INFORMATION WAS PROVIDED ON THIS SURVEY.
4. LEAVENWORTH COUNTY, KANSAS, DOES NOT WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
5. FENCE LINES DO NOT DENOTE PROPERTY LINES.
6. EXISTING ZONING: RR - 2.50
7. THIS SURVEY IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA.
   FEMA FIRM 20103C0125G, EFFECTIVE 7/16/2025
8. AN EXCEPTION TO ARTICLE 50, SECTION 40.3.i.
   LOT-DEPTH TO LOT-WIDTH HAS BEEN GRANTED FOR TRACT 2.

ORIGINAL PARCELS

TRACT #1 - DOC. #2024R04693
TRACT #2 - BOOK 785, PAGE 0001

TRACT #1

A TRACT OF LAND IN THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 15-T8S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, PS #1349, SEPTEMBER, 2024, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 15; THENCE, N 88°18'16"E, 1324.89 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 15 AND THE POINT OF BEGINNING OF THIS TRACT;
THENCE, CONTINUING ALONG SAID NORTH LINE, N 88°18'16"E, 200.00 FEET;
THENCE, S 01°30'09"E, 545.00 FEET;
THENCE, S 88°18'16"W, 200.00 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 15;
THENCE, N 01°30'09"W, 545.00 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.
CONTAINS 2.50 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.
RELATIVE: 1:0 (CLOSED LOOP)

TRACT #2

A TRACT OF LAND IN THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 15-T8S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, PS #1349, SEPTEMBER, 2024, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 15; THENCE, N 88°18'16"E, 1524.89 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE POINT OF BEGINNING OF THIS TRACT;
THENCE, CONTINUING ALONG SAID NORTH LINE, N 88°18'16"E, 462.45 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 15;
THENCE, S 01°28'52"E, 2642.92 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 15;
THENCE, S 88°18'46"W, 661.45 FEET ALONG THE SOUTH LINE OF THE NORTHEAST TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 15;
THENCE, N 01°30'09"W, 2097.81 FEET ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 15;
THENCE, N 88°18'16"E, 200.00 FEET;
THENCE, N 01°30'09"W, 545.00 FEET TO THE POINT OF BEGINNING.
CONTAINS 37.66 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.
RELATIVE: 1:398,268

APPROVAL

WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING BOUNDARY LINE ADJUSTMENT THIS_____DAY OF_____, 2024.

CHAIRPERSON / MARCUS MAJURE

SECRETARY / JOHN JACOBSON

STATE OF KANSAS / COUNTY OF LEAVENWORTH

BE IT REMEMBERED THAT ON THIS_____DAY OF_____, 2024, BEFORE ME A NOTARY PUBLIC IN AND FORESAID COUNTY AND STATE, CAME MARCUS MAJURE AND JOHN JACOBSON, TO ME PERSONALLY KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES

COUNTY SURVEYOR APPROVAL

I HEREBY CERTIFY THIS SURVEY PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS SURVEY PLAT WAS REVIEWED FOR COMPLIANCE WITH KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

DANIEL BAUMCHEN, PS #1363
LEAVENWORTH COUNTY SURVEYOR

LARRY T. HAHN JR LICENSED LS-1349 KANSAS LAND SURVEYOR

LARRY T. HAHN, PS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF SEPTEMBER, 2024. THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

HAHN SURVEYING
PO BOX 186
BASEHOR, KANSAS 66007
(913) 547-3405
hahnsurvey@gmail.com

Traverse PC

LANSING - BLA
15-8-21

1. That there are special circumstances or conditions affecting the property.

   There are no special circumstances of conditions affecting the property.

2. That the exception is necessary for the reasonable and acceptable development of the property in question.

   The exception is necessary. Tract #1 is currently 5 acres. We propose to change tract #1 in to 2.50 acres that will meet the width to depth ratio. Tract #2 currently does not meet the width to depth ratio. This boundary line adjustment will improve tract #2 with more road frontage.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.

   The granting of this boundary line adjustment will not affect any adjacent property owners. It will remain only two tracts.

Schweitzer, Joshua

From: McAfee, Joe
Sent: Friday, October 4, 2024 10:16 AM
To: Schweitzer, Joshua; Baumchen, Daniel; Noll, Bill
Cc: PZ
Subject: RE: DEV-24-122 Lansing BLA - Hahn

Follow Up Flag: Follow up
Flag Status: Flagged

Joshua,
The only comment that PW has is that any new residential driveway needs to be pushed all the way to the west property line (which is the high point of the lot). If a driveway is allowed at the east end of the new lot there will be sight distance problems for the driveway. Otherwise no comment as the road is a Local classification so driveway spacing does not apply.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Wednesday, October 2, 2024 8:22 AM
To: Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-122 Lansing BLA - Hahn

Good Morning,

The Department of Planning and Zoning has received a request for a Boundary Line Adjustment for property located at 20453 & 20437 Seven Sisters Road.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by October 17, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Tuesday, October 8, 2024 9:30 AM
To: Schweitzer, Joshua
Subject: RE: DEV-24-122 Lansing BLA - Hahn

The property owners have resolved all complaints on both properties. They obtained a Special Use Permit at 20437 Seven Sisters Rd in 2015 and have not had any complaints since then. They also tore down the existing home at 20453 so the possible failing septic system on that property will no longer be an issue.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Wednesday, October 2, 2024 8:22 AM
To: Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-122 Lansing BLA - Hahn

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If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

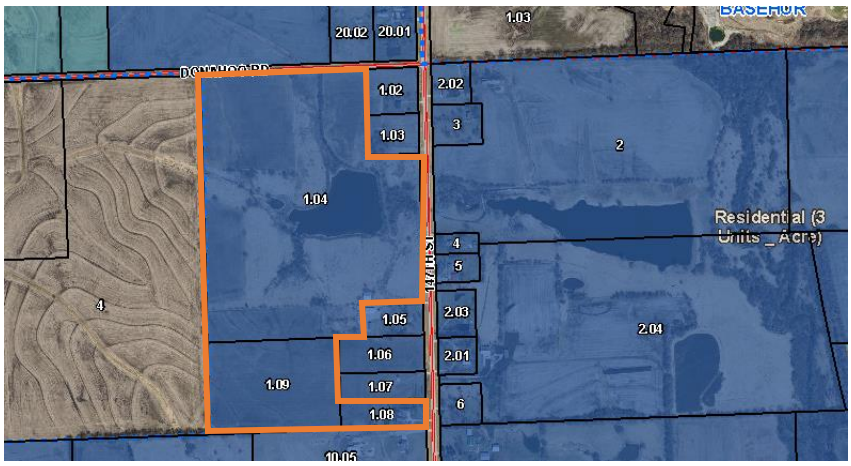
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-132/133 Thomas Farms 2nd Plat — November 13, 2024

REQUEST: ***Regular Agenda***
☒ Preliminary Plat ☒ Final Plat

STAFF REPRESENTATIVE:
Amy Allison
Deputy Director

SUBJECT PROPERTY: 20807 & 00000 147th Street
FUTURE LAND USE: Residential (3 units per acre)



APPLICANT/APPLICANT AGENT:
Cody Herbster
14164 Ashbury Ct.
Basehor, KS 66007

PROPERTY OWNER:
Pamela Freeman, Janet Atkins, Cindy Whited & Brian Thomas
20807 147th St
Basehor KS 66007

CONCURRENT APPLICATIONS:
NONE

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION: Residential (3 units per acre)

LEGAL DESCRIPTION:
Replat of Lots 3 & 7, Thomas Farm Subdivision, Leavenworth County Kansas.

SUBDIVISION: Thomas Farms

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-132 & 133, Preliminary & Final Plat for Thomas Farms 2nd Plat, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-132 & 133, Preliminary & Final Plat for Thomas Farms 2nd Plat to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 83 Acres

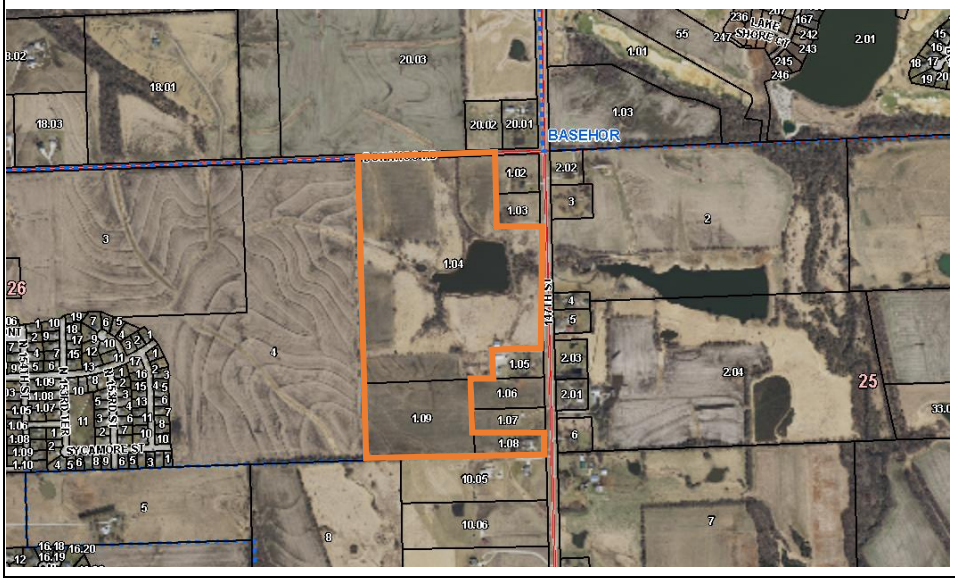
PARCEL ID NO:
157-26-0-00-00-001.04, -001.08, & -001.09

BUILDINGS:
Single family residence and accessory structures

PROJECT SUMMARY:
Request for preliminary and final plat approval to subdivide property located at 20807 147th Street and 00000 147th Street (157-26-0-00-00-001.04 & 157-26-0-00-00-001.09) as Lots 1 through 4 of Thomas Farms 2nd Plat.

ACCESS/STREET:
Donahoo Road - Local, Minimally Maintained ± 22' & 147th Street - Local, Collector ± 34'

Location Map



UTILITIES

SEWER: Private Septic
FIRE: Fairmount FD
WATER: CRWD 1
ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW:
9/5/2024

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:
N/A

STANDARDS TO BE CONSIDERED: *Type content in each if necessary (delete this afterwards)*			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		**Met**	**Not Met**
35-40	**Preliminary Plat Content**	X	
40-20	**Final Plat Content**	X	
41-6	**Access Management**	X	
41-6.B.a-c.	**Entrance Spacing**	X	
41-6.C.	**Public Road Access Management Standards**	N/A	
43	**Cross Access Easements**	N/A	
50-20	**Utility Requirements**	X	
50-30	**Other Requirements**	X	
50-40	**Minimum Design Standards**		X
	Exception requested from Art. 50, Sec. 40.3.h. & 40.3.i.		
50-50	**Sensitive Land Development**	N/A	
50-60.	**Dedication of Reservation of Public Sites and Open Spaces**	N/A	

STAFF COMMENTS:

The applicant is proposing to replat two lots in the Thomas Farm Subdivision into 4 lots. The Subdivision is classified as a Class A with all lots lying within the Urban Growth Area of Basehor. The City was notified of the development and had concerns about the impacts to future expansion of the City. The City is not supportive of the request. A force main for sanitary sewer does abut this development,however, the applicant is not capable of tapping into that main at this time. Due to this issue, Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system (see condition 3).

Lots 1 and 2 will have frontage on Donahoo Road, however the applicant has placed a no access restriction due to Donahoo being a minimally maintained road. The applicant is proposing that Lot 1 will have access through a shared drive easement from Lot 2 on 147th Street. Any access for Lots 1 & 2 will need to meet the access management policy. If the applicant proposed an entrance that does not meet those standards, a variance must be approved before an entrance permit can be issued. Fairmount FD has no issues with the access easement off 147th Street.

Lots 5 & 6 will access off of 147th Street and both exceed the 2.5 acreage minimum required (34.24 & 17.7 acres). Lot 6 does not meet the lot-width to lot-depth requirement. An exception is needed. Lot 5 has an existing barn on the property. The current lot exceeds 40 acres which permits an accessory agricultural building without a principal structure. Since the lot is proposed to be approximately 34 acres, the exemption no longer applies and exception will be needed. The remainder of the plat is compliant with the Zoning& Subdivision Regulations.

EXCEPTIONS:

The applicant has requested an exception from Article 50, Section 40.3.h. – Non-conforming Structure. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.h. – Non-conforming Structure conformance with the Zoning & Subdivision Regulations for the Thomas Farm 2nd Plat subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width conformance with the Zoning & Subdivision Regulations for the Thomas Farm 2nd Plat subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. An exception from Article 50, Section 40.3.h. has been approved for Lot 5.
6. An exception from Article 50, Section 40.3.i. has been approved for Lot 6.
7. The shown access easement on Lots 1 & 2 must be removed. Once an entrance permit is approved, the applicant must file a shared access easement on Lot 2 for the benefit of Lot 1 before a building permit can be issued for Lot 1.
8. All lots must comply with the Access Management Policy. A variance from those regulations must be approved prior to an entrance permit being issued if the applicant requests an entrance that is not compliant with the regulations.
9. The developer must comply with the following memorandums:
   Memo – Mike Fulkerson, CWRD 1, dated October 18, 2024

ATTACHMENTS:

A: Application & Narrative
B: Zoning Map
C: Road Map
D: Memorandums

PRELIMINARY PLAT APPLICATION

Leavenworth County Planning and Zoning Department
300 Walnut St., Suite 212
Leavenworth, Kansas
913-684-0465

Office Use Only

Township: _____ Planning Commission Meeting Date: _____
Case No. _____ Date Received/Paid: _____
Zoning District _____ Comprehensive Plan Land Use Designation: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: Cody Herbster	NAME: Pam Freeman
MAILING ADDRESS: 4247 Aspen Dr	MAILING ADDRESS 20807 147th St
CITY/ST/ZIP: Basehor, KS 66007	CITY/ST/ZIP Basehor, KS 66007
PHONE: (312) 859-8328	PHONE: (913) 634-9853
EMAIL: Cody.herbster@icloud.com	EMAIL pcfreeman1@aol.com

GENERAL INFORMATION

Proposed Subdivision Name: Thomas Farm Subdivision 2nd Plat

Address of Property: _____

PID: _____ Urban Growth Management Area: _____

SUBDIVISION INFORMATION		
Gross Acreage: 83.48	Number of Lots: 4	Minimum Lot Size: 18.6
Maximum Lot Size: 34.24	Proposed Zoning:	Density:
Open Space Acreage: —	Water District: CRWD 1	Proposed Sewage: Septic
Fire District: Fairmount Twshp	Electric Provider: Evergy	Natural Gas Provider: Atmos
Covenants: ☐ Yes ☒ No	Road Classification: *Local – Collector - Arterial – State - Federal*	
	Cross-Access Easement Requested: ☐ Yes ☐ No	
List of all Requested Exceptions: *Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.*	1. Accessory Building - Lot 3	
	2. Lot width/depth - Lot 4 + 1	
	3.	
	4.	
	5.	

Is any part of the site designated as Floodplain? ☐ Yes ☒ No if yes, what is the panel number:

I, the undersigned, am the owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a final plat approval as indicated above.

Signature: _____ Date: 10/16/24

ATTACHMENT A

FINAL

~~PRELIMINARY~~ PLAT APPLICATION

Leavenworth County Planning and Zoning Department
300 Walnut St., Suite 212
Leavenworth, Kansas
913-684-0465

Office Use Only	
Township:	Planning Commission Meeting Date:
Case No.	Date Received/Paid:
Zoning District	Comprehensive Plan Land Use Designation:

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: Cody Herbster	NAME: PAM FREEMAN
MAILING ADDRESS: 4247 ASPEN DR	MAILING ADDRESS 20807 147th ST
CITY/ST/ZIP: BASEHOR, KS 66007	CITY/ST/ZIP BASEHOR, KS 66007
PHONE: (312) 859-8328	PHONE: (913) 634-9853
EMAIL: Cody.herbster@icloud.com	EMAIL pcfreeman1@aol.com

GENERAL INFORMATION

Proposed Subdivision Name: THOMAS FARM SUBDIVISION 2ND PLAT

Address of Property:

PID: Urban Growth Management Area:

SUBDIVISION INFORMATION		
Gross Acreage: 83.48	Number of Lots: 4	Minimum Lot Size: 11.6
Maximum Lot Size: 34.24	Proposed Zoning:	Density:
Open Space Acreage: —	Water District: CRWD 1	Proposed Sewage: Septic
Fire District: FAIRMOUNT TWSHP	Electric Provider: EVERGY	Natural Gas Provider: ATMOS
Covenants: ☐ Yes ☒ No	Road Classification: *Local – (Collector) - Arterial – State - Federal*	
	Cross-Access Easement Requested: ☐ Yes ☐ No	
List of all Requested Exceptions: *Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.*	1. ACCESSORY BUILDING - LOT 3	
	2. LOT WIDTH/DEPTH - LOT 4 + 1	
	3.	
	4.	
	5.	

Is any part of the site designated as Floodplain? ☐ Yes ☒ No if yes, what is the panel number:

I, the undersigned, am the owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a final plat approval as indicated above.

Signature: 10/16/24 Date: 10/16/24

ATTACHMENT A

THOMAS FARM SUBDIVISION, 2ND PLAT LEGAL DESCRIPTION

This is a resurvey and resubdivision of Lots 3 and 7, Thomas Farm Subdivision, a subdivision of land in the Northeast Quarter of Section 26, Township 10 South, Range 22 East, in Leavenworth County, Kansas.

OWNER AUTHORIZATION

I/WE Pamela R. Freeman, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 16th day of July, 2024, make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

   See Attachment "A" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Cody Herbster (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, Proposed Thomas Farm Subdivision, 2nd Plat (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.

4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Pamela R. Freeman
Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 16 day of July, 2024, by Pamela R. Freeman.

My Commission Expires: 09/07/2024

ASHLEY J. DAVEY
Notary Public - State of Kansas
My Appt. Expires Sept. 7, 2024

Notary Public Ashley J Davey

ATTACHMENT B

OWNER AUTHORIZATION

I/WE Cindy J. Whited, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 16th day of July, 2024, make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

   See Attachment "A" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Cody Herbster (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, Proposed Thomas Farm Subdivision, 2nd Plat (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.

4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Cindy J. Whited
Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this ~~07~~ 16 ad day of ~~10~~ July ad, 2024,
by Cindy J. Whited.

My Commission Expires: 09/07/2024

ASHLEY J. DAVEY
Notary Public - State of Kansas
My Appt. Expires Sept. 7, 2024

Notary Public Ashley J Davey

ATTACHMENT B

OWNER AUTHORIZATION

I/WE Janet E. Atkins, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 16th day of July, 2024, make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

   See Attachment "A" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Cody Herbster (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, Proposed Thomas Farm Subdivision, 2nd Plat (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.

4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Janet E Atkins
Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 16 day of July, 2024, by Janet E. Atkins.

My Commission Expires: 09/07/2024

ASHLEY J. DAVEY
Notary Public - State of Kansas
My Appt. Expires Sept. 7, 2024

Notary Public Ashley J Davey

ATTACHMENT B

OWNER AUTHORIZATION

I/WE Brian Thomas, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 16 day of July, 2024, make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

   See Attachment "A" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Cody Herbster (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, Proposed Thomas Farm Subdivision, 2nd Plat (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.

4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Brian Thomas
Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 16 day of July, 2024,
by Brian Thomas.

My Commission Expires: 09/07/2024

ASHLEY J. DAVEY
Notary Public - State of Kansas
My Appt. Expires Sept. 7, 2024

Notary Public Ashley J Davey

ATTACHMENT B

OWNER AUTHORIZATION

I/WE LLOYDE + PAMELA FREEMAN, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 16th day of JULY, 2024, make the following statements, to wit:

1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

   See Attachment "A" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Cody Herbster (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, Proposed Thomas Farm Subdivision, 2nd Plat (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.

4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Pamela Freeman
Owner

Lloyde C Freeman
Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 16 day of July, 2024,
by Pamela Freeman and Lloyd C. Freeman.

My Commission Expires: 09/07/2024

Notary Public Ashley J Davey

ASHLEY J. DAVEY
Notary Public - State of Kansas
My Appt. Expires Sept. 7, 2024

ATTACHMENT B

Allison, Amy

From: Cody Herbster <cody.herbster@me.com>
Sent: Friday, November 8, 2024 12:35 PM
To: Allison, Amy
Subject: Re: Exceptions

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Amy,

Please see the below exception requests per your email below.

Lot 4 - Lot Width to Lot Depth Ratio

1) That there are special circumstances or conditions affecting the property.
The current status is that lot 7A is split into two different parcels under the same ownership (157-26-0-00-00-001.08-0 & 157-26-0-00-00-001-.09-0). These two parcels will be combined to bring both parcels into compliance which is not currently the case.

2) That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
The Freeman family has requested that they retain this portion of the development as it is directly abutting their property. This also brings a non-compliant parcel into compliance by providing it access to a roadway (147th St).

3) That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.
The property in question will be brought into compliance at the request of staff and the current owner. The combination of these two lots will not have an adverse affect any adjacent property as it will continue to be used in it's current format.

Lot 3 - Accessory Building without Principal Building

1) That there are special circumstances or conditions affecting the property.
The accessory building (barn) was built in the 1960's that remains on the property (Lot3).

2) That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
The future property owner is requesting that the accessory structure remain in place as they would like to improve the structure when they build their home (Principal Building) in the near future.

3) That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.
The Accessory Building has been in its current location for decades. Remaining in it's current location will not be detrimental, in fact allowing the structure to remain and be rehabilitated is for the greater good of the property and surrounding area.

Please let me know if you have any questions.

Thanks,

Cody

PRELIMINARY PLAT

THOMAS FARM SUBDIVISION, 2ND PLAT

REPLAT OF LOTS 3 & 7, THOMAS FARM SUBDIVISION IN THE N.E. 1/4 OF SEC. 26, TOWNSHIP 10S, RANGE 22E LEAVENWORTH COUNTY, KANSAS

NOTES:

1. Basis of bearings: S01°33'49'E along the east line of Lot 3 per plat of Thomas Farm Subdivision, recorded at Document No. 2011P00008.
2. Subject property lies in "Zone X, Areas determined to be outside the 0.2% annual chance floodplain" as shown on FEMA FIRM Numbers 20103C0241G and 20103C0243G, effective 7/16/2015. Floodplain information regarding the plat is based on the best information available at the time the plat was prepared and recorded.
3. All bearings and distances are record and measured values unless otherwise noted.
4. Project Bench Mark - 2" aluminum disk in monument box at the N.E. corner of Section 26-10-22, elevation=964.4
5. Existing Use: Farming on existing Lot 3, single family home on existing Lot 7
6. Proposed Use: Single family residential

RESTRICTIONS:

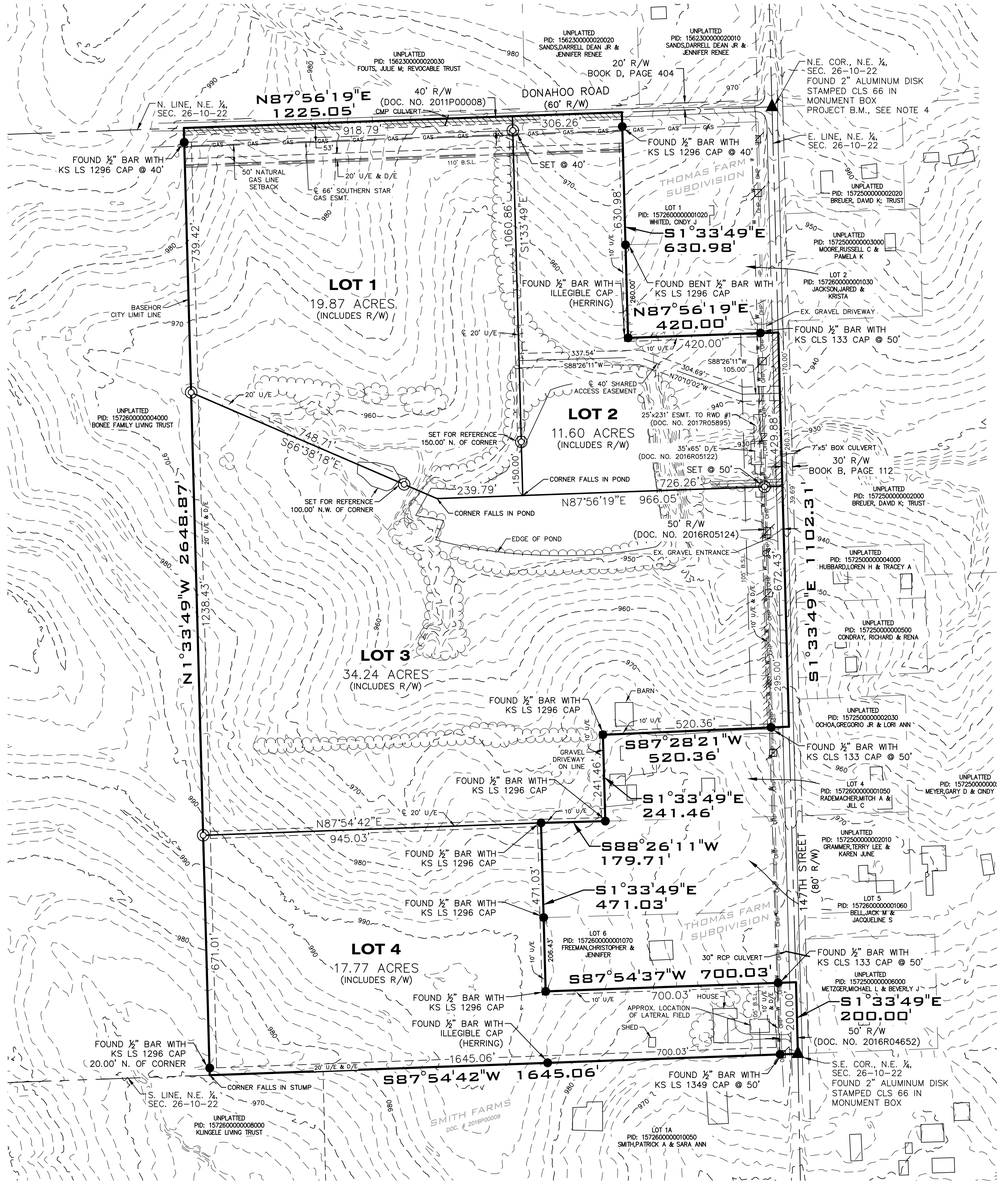
1. No off plat restrictions.
2. Setbacks:
   Rear - 40' for residences, 15' for accessory buildings
   Side - 15'
3. An engineered wastewater disposal may be required due to poor soil conditions.
4. Erosion control shall be used when designing and constructing driveways and other structures.
5. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place.
6. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading, weather permitting.
7. Lots are subject to the current access management policy resolution.
8. Structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
9. Donahoo Road is a Minimum Maintained Road and subject to Leavenworth County Regulations.
10. This plat hereby vacates any previously platted easements and or encumbrances not shown hereon.
11. An exception from Article 50, Section 40.3.h was granted to allow an accessory building without a principal building has been approved for Lot 5.
12. An exception from Article 50, Section 40.3.i was granted for the lot-width to lot-depth has been approved for Lot 6.

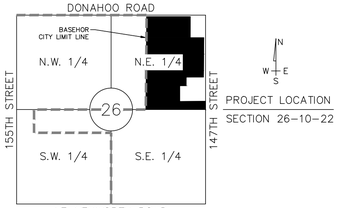
TITLE INFORMATION SHOWN HEREON IS BASED ON A COMMITMENT FOR TITLE INSURANCE ISSUED BY SECURITY 1ST TITLE, COMMITMENT NO. 3078434, DATED MAY 28, 2024 AT 7:00 AM

THIS SURVEY IS SUBJECT TO THE FOLLOWING EXCEPTIONS AS ENUMERATED ON THE TITLE COMMITMENT IN SCHEDULE B, PART II:

Items 1 through 9 are not survey issues.

10. Easements, restrictions, setback lines or servitudes, if any, reflected on the plat of said land filed May 05, 2011 as Document No. 2011P00008. (**Shown**)
11. Easements, restrictions, setback lines or servitudes, if any, reflected on this plat when it is recorded.
12. Temporary Roadway Easement granted to Board of County Commissioners of Leavenworth County as recorded June 08, 2016 as Document No. 2016R04651. (**Expired**)
13. Permanent Roadway Easement granted to Board of County Commissioners of Leavenworth County as recorded June 08, 2016 as Document No. 2016R04652. (**Shown**)
14. Permanent Drainage Easement granted to Board of County Commissioners of Leavenworth County as recorded June 21, 2016 as Document No. 2016R05122. (**Shown**)
15. An easement for Temporary Roadway granted to Board of County Commissioners of Leavenworth County as recorded June 21, 2016 in/on Instrument No. 2016R05123. (**Expired**)
16. Permanent Roadway Easement granted to Board of County Commissioners of Leavenworth County as recorded June 21, 2016 as Document No. 2016R05124. (**Shown**)
17. Right of Way Easement granted to Consolidated Rural Water District #1, Leavenworth County, Kansas as set forth in instrument recorded July 19, 2017 as Document No. 2017R05895. (**Shown**)
18. Easement granted to Greeley Gas Company as set forth in instrument recorded January 27, 1987 in Book 603, Page 1390. (**Falls within road right-of-way along the east side of existing Lot 3/proposed Lots 4 and 5**)
19. Not a survey issue.
20. Easement granted to Cities Service Gas Company as set forth in instrument recorded June 14, 1965 in Book 454, Page 447. (**Recorded document is a blanket easement, plat of Thomas Farm Subdivision depicts easement as a 66' wide easement along Donahoo Road as shown hereon**)
21. Not a survey issue.





PROJECT LOCATION
SECTION 26-10-22

VICINITY MAP
SCALE: 1" = 2000'

NORTH

GRAPHIC SCALE

200 0 100 200 400

(IN FEET)
1 inch = 200 ft.

LEGEND

- BAR FOUND AS DESCRIBED ORIGIN UNKNOWN UNLESS NOTED
- SET ½" X 24" REBAR WITH PLASTIC KS CLS 93 CAP
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- B/L BUILDING LINE
- R/W RIGHT-OF-WAY
- ---1000--- EXISTING GRADE CONTOUR
- —GAS— NATURAL GAS PIPELINE
- —W— EXISTING WATER LINE
- —X—X— FENCE
- TREE LINE
- LIMITS OF NO ACCESS

LEGAL DESCRIPTION

This is a resurvey and resubdivision of Lots 3 and 7, Thomas Farm Subdivision, a subdivision of land in the Northeast Quarter of Section 26, Township 10 South, Range 22 East, in Leavenworth County, Kansas.

SITE INFORMATION

Plat area: 83.45 acres

Existing & Proposed Zoning: RR-2.5

Existing Use: Farming on existing Lot 3, single family home on existing Lot 7

Proposed Use: Single family residential

Streets:
147th Street is a 30' wide asphalt road.
Donahoo Road is a 22' wide gravel road.

Utilities:
Sewer: Septic
Water: RWD 1
Power: Evergy
Natural Gas: Atmos

THIS IS TO CERTIFY THAT ON THE 27TH DAY OF JUNE 2024, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-12-1.

MATTHEW R. COX LICENSED LAND SURVEYOR P.S. - 1637 KANSAS PROFESSIONAL SURVEYOR

DEVELOPER:
CODY HERBSTER
14164 ASHBURY CT
BASEHOR, KANSAS 66007
PHONE: (312) 859-8328
EMAIL: cody.herbster@me.com

OWNERS OF LOT 3 EXC. S. 671.03'
PAMELA FREEMAN, JANET ATKINS, CINDY WHITED, & BRIAN THOMAS
20807 147TH STREET
BASEHOR, KANSAS 66007

OWNERS OF LOT 7 & S. 671.03' LOT 3
LLOYDE FREEMAN & PAMELA FREEMAN
20807 147TH STREET
BASEHOR, KANSAS 66007

THOMAS FARM SUBDIVISION, 2ND PLAT

CIVIL ENGINEERS
LAND SURVEYORS - LAND PLANNERS

Allenbrand-Drews & Associates, Inc.

122 N. WATER STREET
OLATHE, KANSAS 66061
PHONE: (913) 764-1076
FAX: (913) 764-8635

14 W. PEORIA
PAOLA, KANSAS 66071
PHONE: (913) 557-1076
FAX: (913) 557-6904

AD PROJECT #39669 **SEC. 26-10-22** **PRELIMINARY PLAT**

REGISTER OF DEEDS CERTIFICATE

Filed for Record as Document No. _____ on this _____ day of _____, 20____ at _____ o'clock __M in the Office of the Register of Deeds of Leavenworth County, Kansas.

_____
Register of Deeds - TerriLois G. Mashburn

COUNTY SURVEYOR CERTIFICATE

I hereby certify this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

_____
Daniel Baumchen, PS-1363
County Surveyor

ACKNOWLEDGEMENTS

COUNTY ENGINEER'S APPROVAL

The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

By: _____
Mitch Pleak, County Engineer

PLANNING COMMISSION APPROVAL

We, the Planning Commission Leavenworth County, Kansas, do hereby approved the foregoing plat of THOMAS FARM SUBDIVISION, 2ND PLAT this _____ day of _____, 20_____.

By: _____ Attest: _____
Marcus Majure, Chairman — John Jacobson, Secretary

COUNTY COMMISSION APPROVAL

We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approved the foregoing plat of THOMAS FARM SUBDIVISION, 2ND PLAT this _____ day of _____, 20_____.

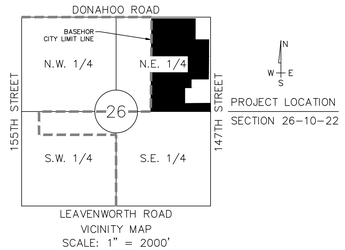
By: _____ Attest: _____
Jeff Culbertson, Chairman — Janet Klasinski, County Clerk

TITLE INFORMATION SHOWN HEREON IS BASED ON A COMMITMENT FOR TITLE INSURANCE ISSUED BY SECURITY 1ST TITLE, COMMITMENT NO. 3078434, DATED MAY 28, 2024 AT 7:00 AM

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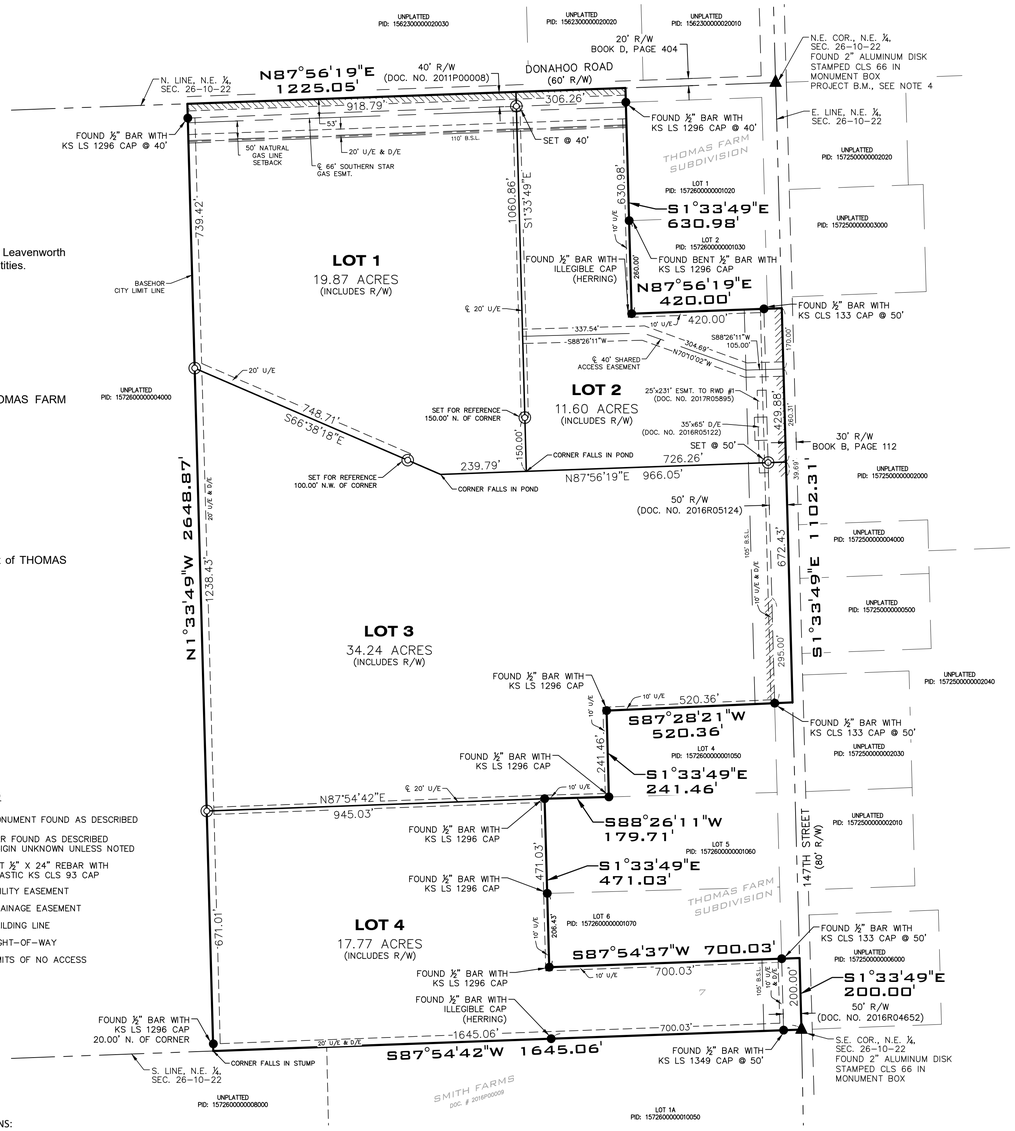
Items 1 through 9 are not survey issues.

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19. Not a survey issue.
20. Easement granted to Cities Service Gas Company as set forth in instrument recorded June 14, 1965 in Book 454, Page 447. (**Recorded document is a blanket easement, plat of Thomas Farm Subdivision depicts easement as a 66' wide easement along Donahoo Road as shown hereon**)
21. Not a survey issue.



VICINITY MAP
SCALE: 1" = 2000'

FINAL PLAT
THOMAS FARM SUBDIVISION, 2ND PLAT
REPLAT OF LOTS 3 & 7, THOMAS FARM SUBDIVISION IN THE N.E. 1/4 OF SEC. 26, TOWNSHIP 10S, RANGE 22E LEAVENWORTH COUNTY, KANSAS



LEGEND

- ▲ MONUMENT FOUND AS DESCRIBED
- ● BAR FOUND AS DESCRIBED ORIGIN UNKNOWN UNLESS NOTED
- ◎ SET ½" X 24" REBAR WITH PLASTIC KS CLS 93 CAP
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- B/L BUILDING LINE
- R/W RIGHT-OF-WAY
- LIMITS OF NO ACCESS

RESTRICTIONS:

1. No off plat restrictions.
2. Setbacks:
   Rear - 40' for residences, 15' for accessory buildings
   Side - 15'
3. An engineered wastewater disposal may be required due to poor soil conditions.
4. Erosion control shall be used when designing and constructing driveways and other structures.
5. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place.
6. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading, weather permitting.
7. Lots are subject to the current access management policy resolution.
8. Structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
9. Donahoo Road is a Minimum Maintained Road and subject to Leavenworth County Regulations.
10. This plat hereby vacates any previously platted easements and or encumbrances not shown hereon.
11. An exception from Article 50, Section 40.3.h was granted to allow an accessory building without a principal building has been approved for Lot 5.
12. An exception from Article 50, Section 40.3.i was granted for the lot-width to lot-depth has been approved for Lot 6.

NORTH

GRAPHIC SCALE
200 0 100 200 400
(IN FEET)
1 inch = 200 ft.

THIS IS TO CERTIFY THAT ON THE 27TH DAY OF JUNE 2024, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-12-1.

MATTHEW R. COX LICENSED P.S. - 1637 KANSAS PROFESSIONAL SURVEYOR

DEVELOPER:
CODY HERBSTER
14164 ASHBURY CT
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PHONE: (312) 859-8328
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OWNERS OF LOT 3 EXC. S. 671.03'
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20807 147TH STREET
BASEHOR, KANSAS 66007

OWNERS OF LOT 7 & S. 671.03' LOT 3
LLOYDE FREEMAN & PAMELA FREEMAN
20807 147TH STREET
BASEHOR, KANSAS 66007

LEGAL DESCRIPTION

This is a resurvey and resubdivision of Lots 3 and 7, Thomas Farm Subdivision, a subdivision of land in the Northeast Quarter of Section 26, Township 10 South, Range 22 East, in Leavenworth County, Kansas.

DEDICATION

The undersigned proprietors to the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "THOMAS FARM SUBDIVISION, 2ND PLAT"

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to located and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" or "U/E."

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

A non-exclusive right and easement for vehicular and pedestrian ingress and egress on, over, and across a strip of land shown hereon as "Shared Access Easement" across Lot 1 is hereby granted to the owner of Lot 1 and their successors, future grantees, assigns, tenants, and guests. No obstacle or obstructions that would prohibit free vehicular access shall be allowed to be constructed or maintained within "Shared Access Easement."

Building Lines or Setback Lines (B/L) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

The undersigned proprietors to the above described tract of land hereby affirm that all previous property taxes have been paid.

EXECUTION

OWNERS OF PROPOSED LOT 4

IN TESTIMONY WHEREOF, Lloyde C Freemand and Pamela Freeman have caused this instrument to be executed this _____ day of _____, 20____.

By: _____ By: _____
Lloyde C. Freeman — Pamela Freeman

STATE OF)
) SS:
COUNTY OF)

BE IT REMEMBERED, that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Lloyde C. Freemand and Pamela Freeman who are personally known to be the same persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same for themselves and for the uses and purposes herein setforth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission Expires: _____
_____
Notary Public

OWNERS OF PROPOSED LOTS 1, 2, & 3

IN TESTIMONY WHEREOF, Pamela Freeman, Janet Atkins, Cindy Whited, and Brian Thomas have caused this instrument to be executed this _____ day of _____, 20____.

By: _____ By: _____
Pamela Freeman — Janet Atkins

By: _____ By: _____
Cindy Whited — Brian R. Thomas

STATE OF)
) SS:
COUNTY OF)

BE IT REMEMBERED, that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Pamela Freeman, Janet Atkins, Cindy Whited, Brian R. Thomas, who are personally known to be the same persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same for themselves and for the uses and purposes herein setforth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission Expires: _____
_____
Notary Public

NOTES:

1. Basis of bearings: S01°33'49'E along the east line of Lot 3 per plat of Thomas Farm Subdivision, recorded at Document No. 2011P00008.
2. Subject property lies in "Zone X, Areas determined to be outside the 0.2% annual chance floodplain" as shown on FEMA FIRM Numbers 20103C0241G and 20103C0243G, effective 7/16/2015. Floodplain information regarding the plat is based on the best information available at the time the plat was prepared and recorded.
3. All bearings and distances are record and measured values unless otherwise noted.
4. Project Bench Mark - 2" aluminum disk in monument box at the N.E. corner of Section 26-10-22, elevation=964.4
5. Existing Use: Farming on existing Lot 3, single family home on existing Lot 7
6. Proposed Use: Single family residential

ERROR OF CLOSURE

Perimeter: 9984.85' Area: 3636345.23 Sq. Ft.
Error Closure: 0.0095 Course: S7°44'58"E
Error North: -0.00942 East: 0.00128

Precision 1: 1051037.89

THOMAS FARM SUBDIVISION, 2ND PLAT

CIVIL ENGINEERS
LAND SURVEYORS - LAND PLANNERS

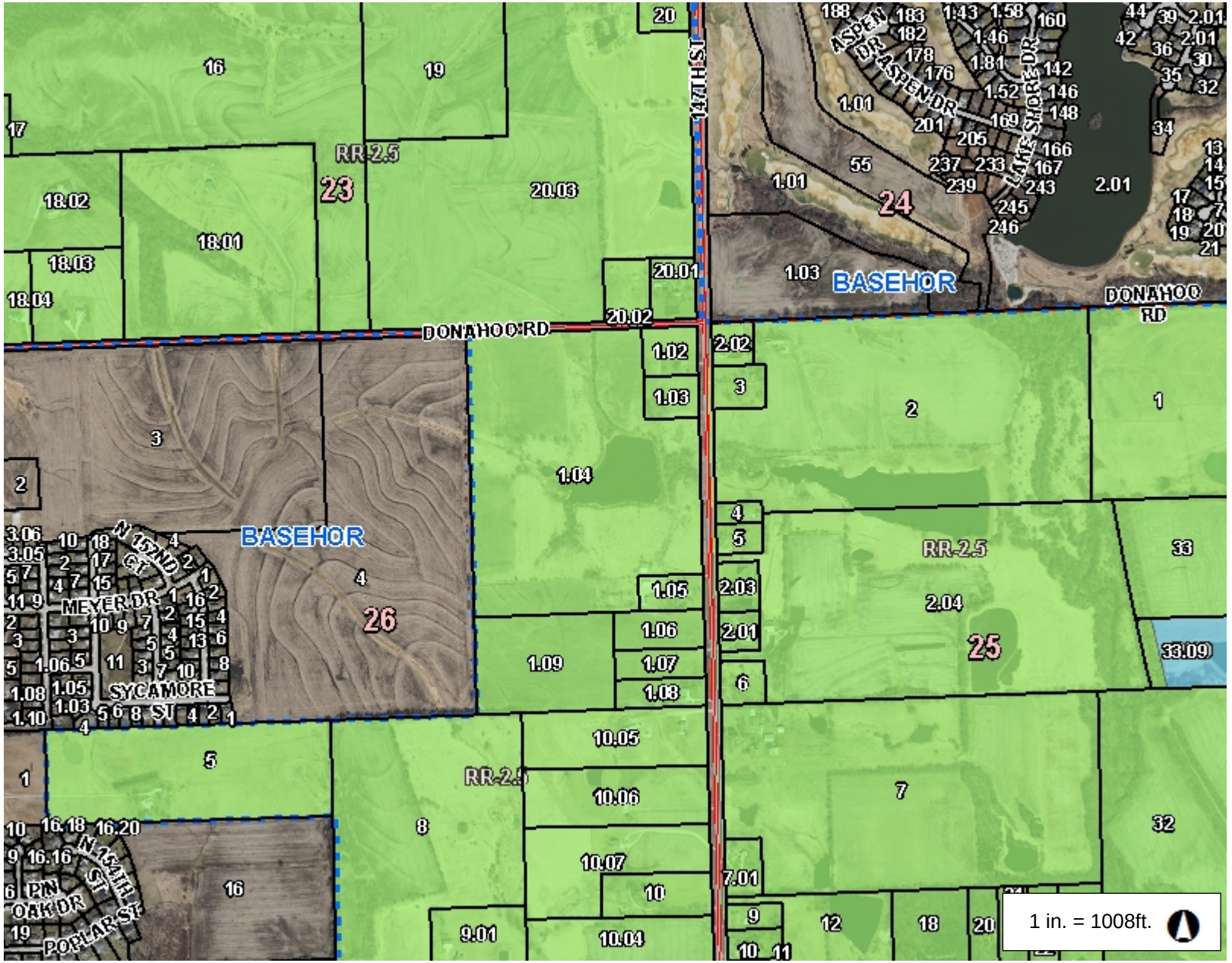
Allenbrand-Drews & Associates, Inc.

122 N. WATER STREET
OLATHE, KANSAS 66061
PHONE: (913) 764-1076
FAX: (913) 764-8635

14 W. PEORIA
PAOLA, KANSAS 66071
PHONE: (913) 557-1076
FAX: (913) 557-6904

AD PROJECT #39669 **SEC. 26-10-22** **FINAL PLAT**

DEV-24-100/101 Thomas Farm 2nd Plat





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1
  - PR-2
  - PR-3

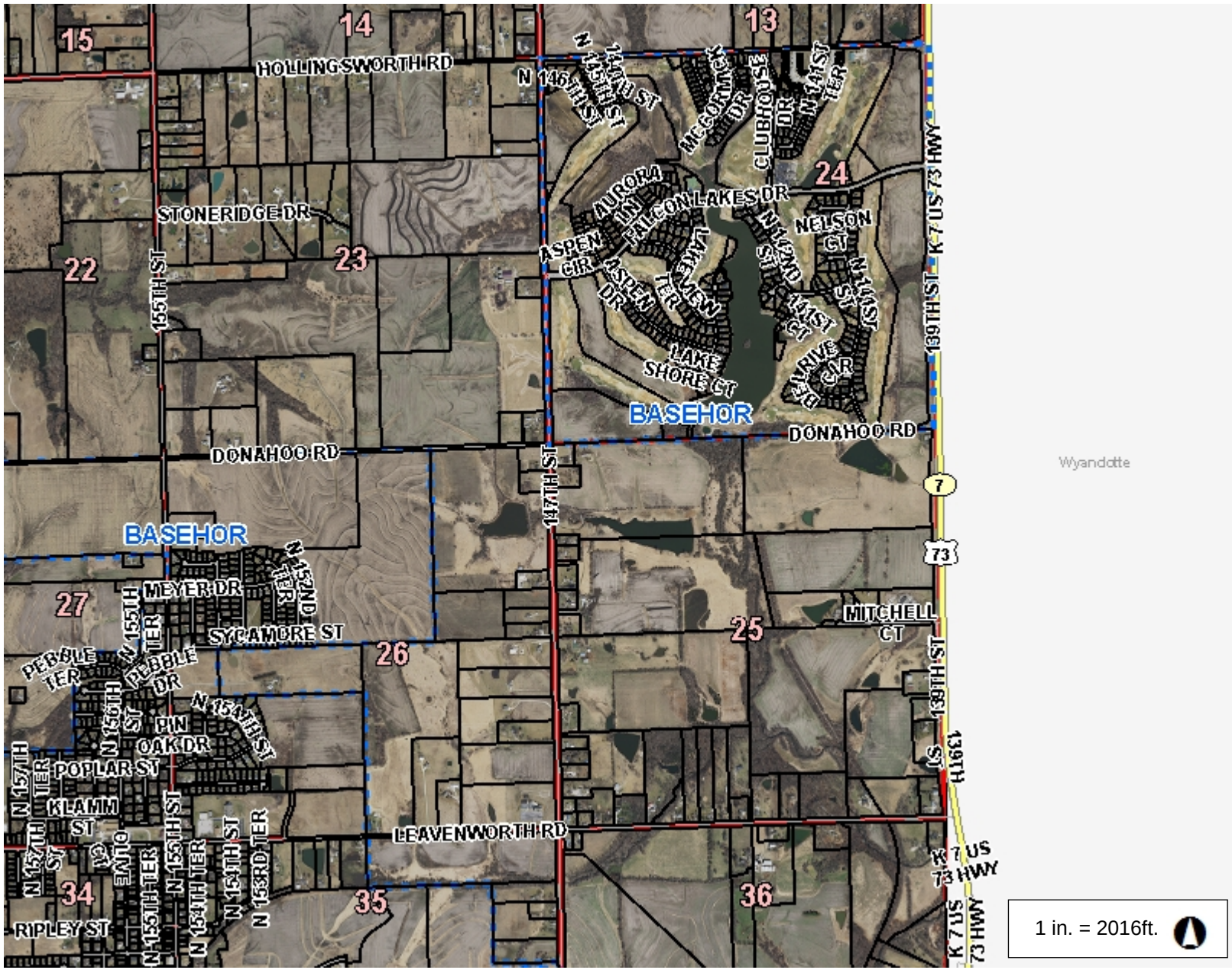
Notes

2,015.9 0 1,007.94 2,015.9 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DEV-24-100/101 Thomas Farm 2nd Plat





Legend

- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

1 in. = 2016ft.

4,031.8 0 2,015.88 4,031.8 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Consolidated Water District #1

P.O. Box 419
15520 Crestwood Dr.
Basehor, KS 66007
913-724-7000 - O
913-724-1310 - F
www.crwd1.com

July 15, 2024

Matt Cox, P.S.
Land Surveyor/Civil Designer
Allenbrand-Drews & Associates
122 N. Water St.
Olathe, KS 66061

Re: Thomas Farm Subdivision, 2nd Plat

Dear Mr. Cox,

Thank you for providing the opportunity for the water district to provide comments on the proposed plat. The proposed plat is in our service area and can be served by an existing 12-inch water main along 147th St. The lots that abut Donahoo Rd will require a water main extension, which has been communicated to Mr. Cody Herbster. An agreement for the proposed water main extension has been agreed upon verbally by the water district and Mr. Herbster. The formal agreement is pending.

Any new connections to the water system will follow the policies of the water district in place at the time of connection. Fire hydrants are located along 147th St., with additional fire hydrants planned along Donahoo Rd. If any additional fire hydrants are needed along 147th St., those can be added at the developer's expense.

If you have any additional questions/comments, please contact me at your convenience.

Respectfully,

Mike Fulkerson

Mike Fulkerson
General Manager

Cc; file

Allison, Amy

From: Boone Heston <Boone.Heston@evergy.com>
Sent: Friday, October 18, 2024 10:55 AM
To: Allison, Amy
Subject: Re: DEV-24-132/133 Pre & Final Plat Thomas Farms 2nd Plat

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Internal Use Only

Good morning Amy,

This looks like it will meet all the needs for Evergy to feed power to the lots.

Thanks,

Boone Heston
SR TD Designer
Leavenworth, KS
Evergy
Boone.Heston@evergy.com
O 785-508-2590

From: Jordan Mesmer <Jordan.Mesmer@evergy.com>
Sent: Friday, October 18, 2024 9:04 AM
To: Allison, Amy <AAllison@leavenworthcounty.gov>; Design Group Leavenworth <DesignGroupLeavenworth@evergy.com>
Subject: Fw: DEV-24-132/133 Pre & Final Plat Thomas Farms 2nd Plat

Internal Use Only

Hi Amy,

This actually looks to be served out of our Leavenworth service center, I will CC them to this email.

Thanks,

Jordan Mesmer
Distribution Designer III
Jordan.Mesmer@evergy.com
O (913) 667-5122

Allison, Amy

From: Mike Lingenfelser <lingenfelserm@fairmountfd.org>
Sent: Monday, October 28, 2024 12:53 PM
To: Allison, Amy
Cc: Tyler Rathe
Subject: Re: DEV-24-132/133 Pre & Final Plat Thomas Farms 2nd Plat

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Amy
Fairmount Township Fire Department has no issues or concerns with the Preliminary and final plats for a 4-lot replat of Lot 3 & 7 of the Thomas Farm Subdivision.

Mike Lingenfelser, Fire Chief
Fairmount Township Fire Department
2624 N 155th St
Basehor, Kansas 66007
Work-913-724-4911
Cell 913-306-0258

On Fri, Oct 18, 2024 at 8:56 AM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

> Good Afternoon,
>
> The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 4-lot replat of Lot 3 & 7 of the Thomas Farm Subdivision (PID: 157-26-0-00-00-001.04, 157-26-0-00-00-001.09 & 157-26-0-00-00-001.09). This is a new application.
>
> The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, October 31, 2024.
>
> If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov.
>
> Thank you,
>
> Amy Allison, AICP
>
> Deputy Director
>
> Planning & Zoning

Allison, Amy

From: Alex Van Dyke <avandyke@cityofbasehor.org>
Sent: Thursday, October 31, 2024 3:39 PM
To: Allison, Amy
Subject: Re: DEV-24-132/133 Pre & Final Plat Thomas Farms 2nd Plat

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Good afternoon and Happy Halloween,
Thank you for sending this item to the City of Basehor. As this property is contiguous to the City on the west, and with Falcon Lakes to the northeast, we feel as though this property is in the prime growth area of the City. This property, if sewered, opens the potential for significant residential development that can be services via the City of Basehor sanitary sewer system. This property being developed on septic would impede the City in development of said sewer systems.

We respectfully request that Staff, the Planning Commission and the Board of County Commissioners thoughtfully consider the impact the property may have on the future development and the City of Basehor and the ability to extend sanitary sewer to this general development area. Your consideration of this matter is greatly appreciated.

Best,
Alex Van Dyke
City Planner
City of Basehor
1600 N. 158th Street
Basehor, KS 66007
913-724-1370
avandyke@cityofbasehor.org

This email transmission and any attachments are for the exclusive use of the intended recipient(s) to whom addressed and may contain information that is confidential, privileged or exempt from public disclosure and which is the sole property of the City of Basehor, Kansas. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient or believe you received this communication in error, please contact the sender at (913) 724-1670; permanently delete this message from your system, without first forwarding or replying to it; and destroy and delete any and all copies or printouts of this email and any attachments thereto.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Friday, October 18, 2024 8:55 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Alex Van Dyke <avandyke@cityofbasehor.org>; 'Mike Lingenfelser' <lingenfelserm@fairmountfd.org>; 'designgroupshawnee@evergy.com' <designgroupshawnee@evergy.com>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>

Allison, Amy

From: Alex Van Dyke <avandyke@cityofbasehor.org>
Sent: Friday, November 1, 2024 11:41 AM
To: Allison, Amy
Cc: Jacobson, John
Subject: Re: DEV-24-132/133 Pre & Final Plat Thomas Farms 2nd Plat

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Amy,
Unfortunately, we do not have any sewer connection point within 600 feet of the parcel.
Thanks,

Alex Van Dyke
City Planner
City of Basehor
1600 N. 158th Street
Basehor, KS 66007
913-724-1370
avandyke@cityofbasehor.org

This email transmission and any attachments are for the exclusive use of the intended recipient(s) to whom addressed and may contain information that is confidential, privileged or exempt from public disclosure and which is the sole property of the City of Basehor, Kansas. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient or believe you received this communication in error, please contact the sender at (913) 724-1670; permanently delete this message from your system, without first forwarding or replying to it; and destroy and delete any and all copies or printouts of this email and any attachments thereto.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, October 31, 2024 3:41 PM
To: Alex Van Dyke <avandyke@cityofbasehor.org>
Cc: Jacobson, John <JJacobson@leavenworthcounty.gov>
Subject: RE: DEV-24-132/133 Pre & Final Plat Thomas Farms 2nd Plat

Good Afternoon Alex,

Thank you for your response. Is there a sewer line within 600 feet of this parcel that the applicant would be able to hook into at this time?

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County

REGISTER OF DEEDS CERTIFICATE

Filed for Record as Document No. _____ on this _____ day of _____, 20____ at _____ o'clock __M in the Office of the Register of Deeds of Leavenworth County, Kansas.

_____

Register of Deeds - TerriLois G. Mashburn

COUNTY SURVEYOR CERTIFICATE

I hereby certify this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Reviewed 2024.11.05 No Comments

_____

Daniel Baumchen, PS-1363

County Surveyor

ACKNOWLEDGEMENTS

COUNTY ENGINEER'S APPROVAL

The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

By: _____

Mitch Pleak, County Engineer

PLANNING COMMISSION APPROVAL

We, the Planning Commission Leavenworth County, Kansas, do hereby approved the foregoing plat of THOMAS FARM SUBDIVISION, 2ND PLAT this _____ day of _____, 20_____.

By: _____ Attest: _____

Marcus Majure, Chairman — John Jacobson, Secretary

COUNTY COMMISSION APPROVAL

We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approved the foregoing plat of THOMAS FARM SUBDIVISION, 2ND PLAT this _____ day of _____, 20_____.

By: _____ Attest: _____

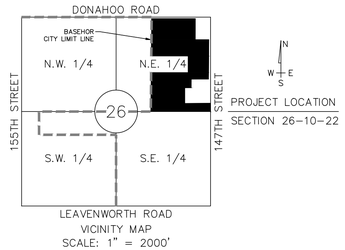
Jeff Culbertson, Chairman — Janet Klasinski, County Clerk

TITLE INFORMATION SHOWN HEREON IS BASED ON A COMMITMENT FOR TITLE INSURANCE ISSUED BY SECURITY 1ST TITLE, COMMITMENT NO. 3078434, DATED MAY 28, 2024 AT 7:00 AM

THIS SURVEY IS SUBJECT TO THE FOLLOWING EXCEPTIONS AS ENUMERATED ON THE TITLE COMMITMENT IN SCHEDULE B, PART II:

Items 1 through 9 are not survey issues.

10. Easements, restrictions, setback lines or servitudes, if any, reflected on the plat of said land filed May 05, 2011 as Document No. 2011P00008. (**Shown**)
11. Easements, restrictions, setback lines or servitudes, if any, reflected on this plat when it is recorded.
12. Temporary Roadway Easement granted to Board of County Commissioners of Leavenworth County as recorded June 08, 2016 as Document No. 2016R04651. (**Expired**)
13. Permanent Roadway Easement granted to Board of County Commissioners of Leavenworth County as recorded June 08, 2016 as Document No. 2016R04652. (**Shown**)
14. Permanent Drainage Easement granted to Board of County Commissioners of Leavenworth County as recorded June 21, 2016 as Document No. 2016R05122. (**Shown**)
15. An easement for Temporary Roadway granted to Board of County Commissioners of Leavenworth County as recorded June 21, 2016 in/on Instrument No. 2016R05123. (**Expired**)
16. Permanent Roadway Easement granted to Board of County Commissioners of Leavenworth County as recorded June 21, 2016 as Document No. 2016R05124. (**Shown**)
17. Right of Way Easement granted to Consolidated Rural Water District #1, Leavenworth County, Kansas as set forth in instrument recorded July 19, 2017 as Document No. 2017R05895. (**Shown**)
18. Easement granted to Greeley Gas Company as set forth in instrument recorded January 27, 1987 in Book 603, Page 1390. (**Falls within road right-of-way along the east side of existing Lot 3/proposed Lots 4 and 5**)
19. Not a survey issue.
20. Easement granted to Cities Service Gas Company as set forth in instrument recorded June 14, 1965 in Book 454, Page 447. (**Recorded document is a blanket easement, plat of Thomas Farm Subdivision depicts easement as a 66' wide easement along Donahoo Road as shown hereon**)
21. Not a survey issue.



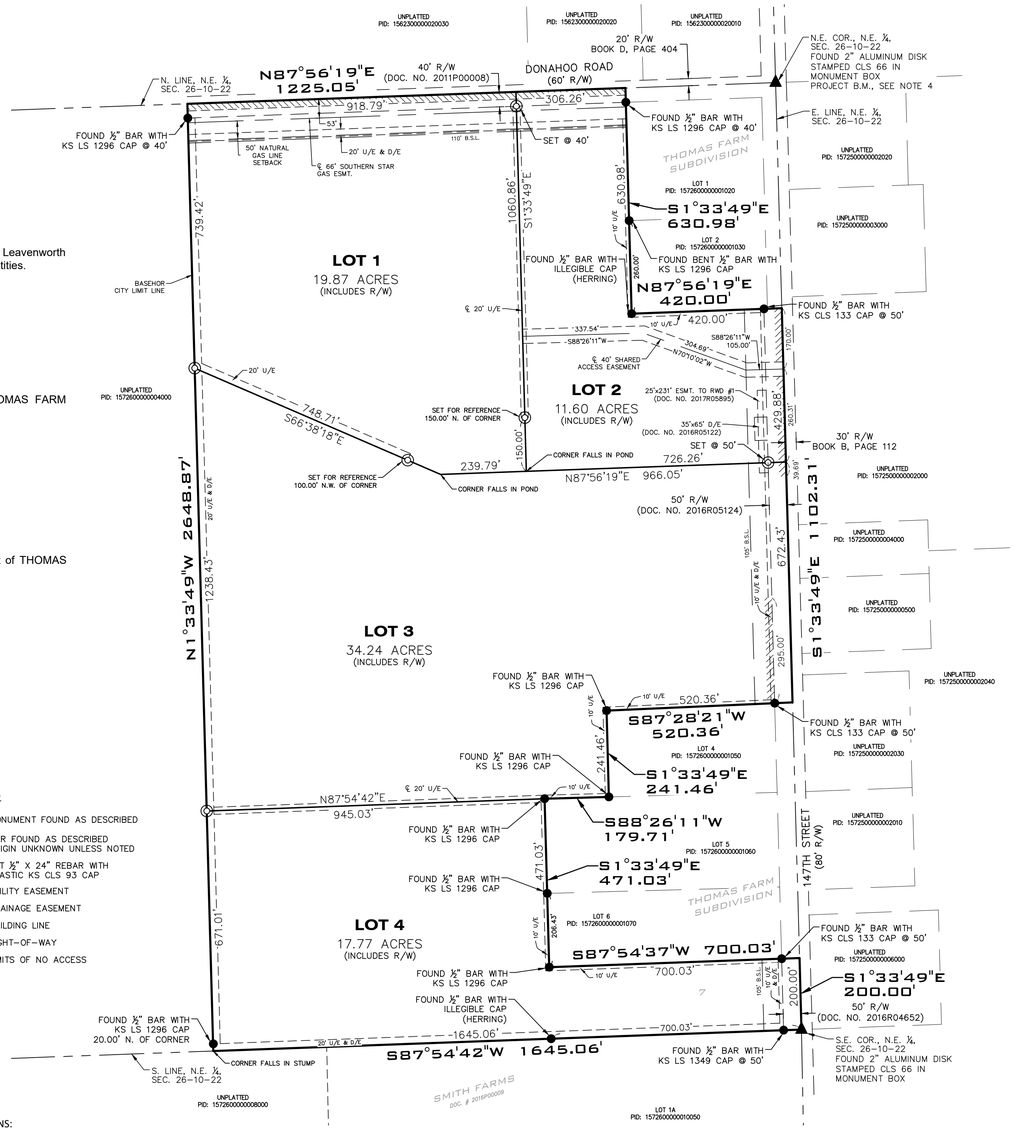
VICINITY MAP

SCALE: 1" = 2000'

FINAL PLAT

THOMAS FARM SUBDIVISION, 2ND PLAT

REPLAT OF LOTS 3 & 7, THOMAS FARM SUBDIVISION IN THE N.E. 1/4 OF SEC. 26, TOWNSHIP 10S, RANGE 22E LEAVENWORTH COUNTY, KANSAS



LEGEND

- ▲ MONUMENT FOUND AS DESCRIBED
- ● BAR FOUND AS DESCRIBED ORIGIN UNKNOWN UNLESS NOTED
- ◎ SET ½" X 24" REBAR WITH PLASTIC KS CLS 93 CAP
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- B/L BUILDING LINE
- R/W RIGHT-OF-WAY
- LIMITS OF NO ACCESS

RESTRICTIONS:

1. No off plat restrictions.
2. Setbacks:
   - Rear - 40' for residences, 15' for accessory buildings
   - Side - 15'
3. An engineered wastewater disposal may be required due to poor soil conditions.
4. Erosion control shall be used when designing and constructing driveways and other structures.
5. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place.
6. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading, weather permitting.
7. Lots are subject to the current access management policy resolution.
8. Structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
9. Donahoo Road is a Minimum Maintained Road and subject to Leavenworth County Regulations.
10. This plat hereby vacates any previously platted easements and or encumbrances not shown hereon.
11. An exception from Article 50, Section 40.3.h was granted to allow an accessory building without a principal building has been approved for Lot 5.
12. An exception from Article 50, Section 40.3.i was granted for the lot-width to lot-depth has been approved for Lot 6.

NORTH

GRAPHIC SCALE

200 0 100 200 400

(IN FEET)

1 inch = 200 ft.

THIS IS TO CERTIFY THAT ON THE 27TH DAY OF JUNE 2024, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-12-1.

MATTHEW R. COX LICENSED P.S. - 1637 KANSAS PROFESSIONAL SURVEYOR

DEVELOPER:
CODY HERBSTER
14164 ASHBURY CT
BASEHOR, KANSAS 66007
PHONE: (312) 859-8328
EMAIL: cody.herbster@me.com

OWNERS OF LOT 3 EXC. S. 671.03'
PAMELA FREEMAN, JANET ATKINS, CINDY WHITED, & BRIAN THOMAS
20807 147TH STREET
BASEHOR, KANSAS 66007

OWNERS OF LOT 7 & S. 671.03' LOT 3
LLOYDE FREEMAN & PAMELA FREEMAN
20807 147TH STREET
BASEHOR, KANSAS 66007

LEGAL DESCRIPTION

This is a resurvey and resubdivision of Lots 3 and 7, Thomas Farm Subdivision, a subdivision of land in the Northeast Quarter of Section 26, Township 10 South, Range 22 East, in Leavenworth County, Kansas.

DEDICATION

The undersigned proprietors to the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "THOMAS FARM SUBDIVISION, 2ND PLAT"

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to located and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" or "U/E."

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

A non-exclusive right and easement for vehicular and pedestrian ingress and egress on, over, and across a strip of land shown hereon as "Shared Access Easement" across Lot 1 is hereby granted to the owner of Lot 1 and their successors, future grantees, assigns, tenants, and guests. No obstacle or obstructions that would prohibit free vehicular access shall be allowed to be constructed or maintained within "Shared Access Easement."

Building Lines or Setback Lines (B/L) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

The undersigned proprietors to the above described tract of land hereby affirm that all previous property taxes have been paid.

EXECUTION

OWNERS OF PROPOSED LOT 4

IN TESTIMONY WHEREOF, Lloyde C Freemand and Pamela Freeman have caused this instrument to be executed this _____ day of _____, 20____.

By: _____ By: _____

Lloyde C. Freeman — Pamela Freeman

STATE OF)
) SS:
COUNTY OF)

BE IT REMEMBERED, that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Lloyde C. Freemand and Pamela Freeman who are personally known to be the same persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same for themselves and for the uses and purposes herein setforth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission Expires: _____

_____

Notary Public

OWNERS OF PROPOSED LOTS 1, 2, & 3

IN TESTIMONY WHEREOF, Pamela Freeman, Janet Atkins, Cindy Whited, and Brian Thomas have caused this instrument to be executed this _____ day of _____, 20____.

By: _____ By: _____

Pamela Freeman — Janet Atkins

By: _____ By: _____

Cindy Whited — Brian R. Thomas

STATE OF)
) SS:
COUNTY OF)

BE IT REMEMBERED, that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Pamela Freeman, Janet Atkins, Cindy Whited, Brian R. Thomas, who are personally known to be the same persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same for themselves and for the uses and purposes herein setforth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission Expires: _____

_____

Notary Public

NOTES:

1. Basis of bearings: S01°33'49'E along the east line of Lot 3 per plat of Thomas Farm Subdivision, recorded at Document No. 2011P00008.
2. Subject property lies in "Zone X, Areas determined to be outside the 0.2% annual chance floodplain" as shown on FEMA FIRM Numbers 20103C0241G and 20103C0243G, effective 7/16/2015. Floodplain information regarding the plat is based on the best information available at the time the plat was prepared and recorded.
3. All bearings and distances are record and measured values unless otherwise noted.
4. Project Bench Mark - 2" aluminum disk in monument box at the N.E. corner of Section 26-10-22, elevation=964.4
5. Existing Use: Farming on existing Lot 3, single family home on existing Lot 7
6. Proposed Use: Single family residential

ERROR OF CLOSURE

Perimeter: 9984.85' Area: 3636345.23 Sq. Ft.
Error Closure: 0.0095 Course: S7°44'58"E
Error North: -0.00942 East: 0.00128

Precision 1: 1051037.89

THOMAS FARM SUBDIVISION, 2ND PLAT

CIVIL ENGINEERS
LAND SURVEYORS - LAND PLANNERS

Allenbrand-Drews & Associates, Inc.

122 N. WATER STREET
OLATHE, KANSAS 66061
PHONE: (913) 764-1076
FAX: (913) 764-8635

14 W. PEORIA
PAOLA, KANSAS 66071
PHONE: (913) 557-1076
FAX: (913) 557-6904

AD PROJECT #39669 **SEC. 26-10-22** **FINAL PLAT**

REGISTER OF DEEDS CERTIFICATE

Filed for Record as Document No. _____ on this _____ day of _____, 20____ at _____ o'clock __M in the Office of the Register of Deeds of Leavenworth County, Kansas.

_____
Register of Deeds - TerriLois G. Mashburn

COUNTY SURVEYOR CERTIFICATE

I hereby certify this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

_____
Daniel Baumchen, PS-1363
County Surveyor

ACKNOWLEDGEMENTS

COUNTY ENGINEER'S APPROVAL

The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

By: _____
Mitch Pleak, County Engineer

PLANNING COMMISSION APPROVAL

We, the Planning Commission Leavenworth County, Kansas, do hereby approved the foregoing plat of THOMAS FARM SUBDIVISION, 2ND PLAT this _____ day of _____, 20_____.

By: _____ Attest: _____
Marcus Majure, Chairman John Jacobson, Secretary

COUNTY COMMISSION APPROVAL

We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approved the foregoing plat of THOMAS FARM SUBDIVISION, 2ND PLAT this _____ day of _____, 20_____.

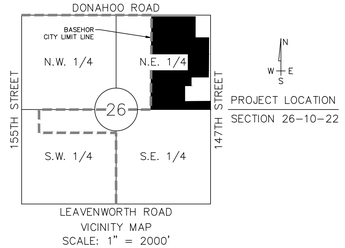
By: _____ Attest: _____
Jeff Culbertson, Chairman Janet Klasinski, County Clerk

TITLE INFORMATION SHOWN HEREON IS BASED ON A COMMITMENT FOR TITLE INSURANCE ISSUED BY SECURITY 1ST TITLE, COMMITMENT NO. 3078434, DATED MAY 28, 2024 AT 7:00 AM

THIS SURVEY IS SUBJECT TO THE FOLLOWING EXCEPTIONS AS ENUMERATED ON THE TITLE COMMITMENT IN SCHEDULE B, PART II:

Items 1 through 9 are not survey issues.

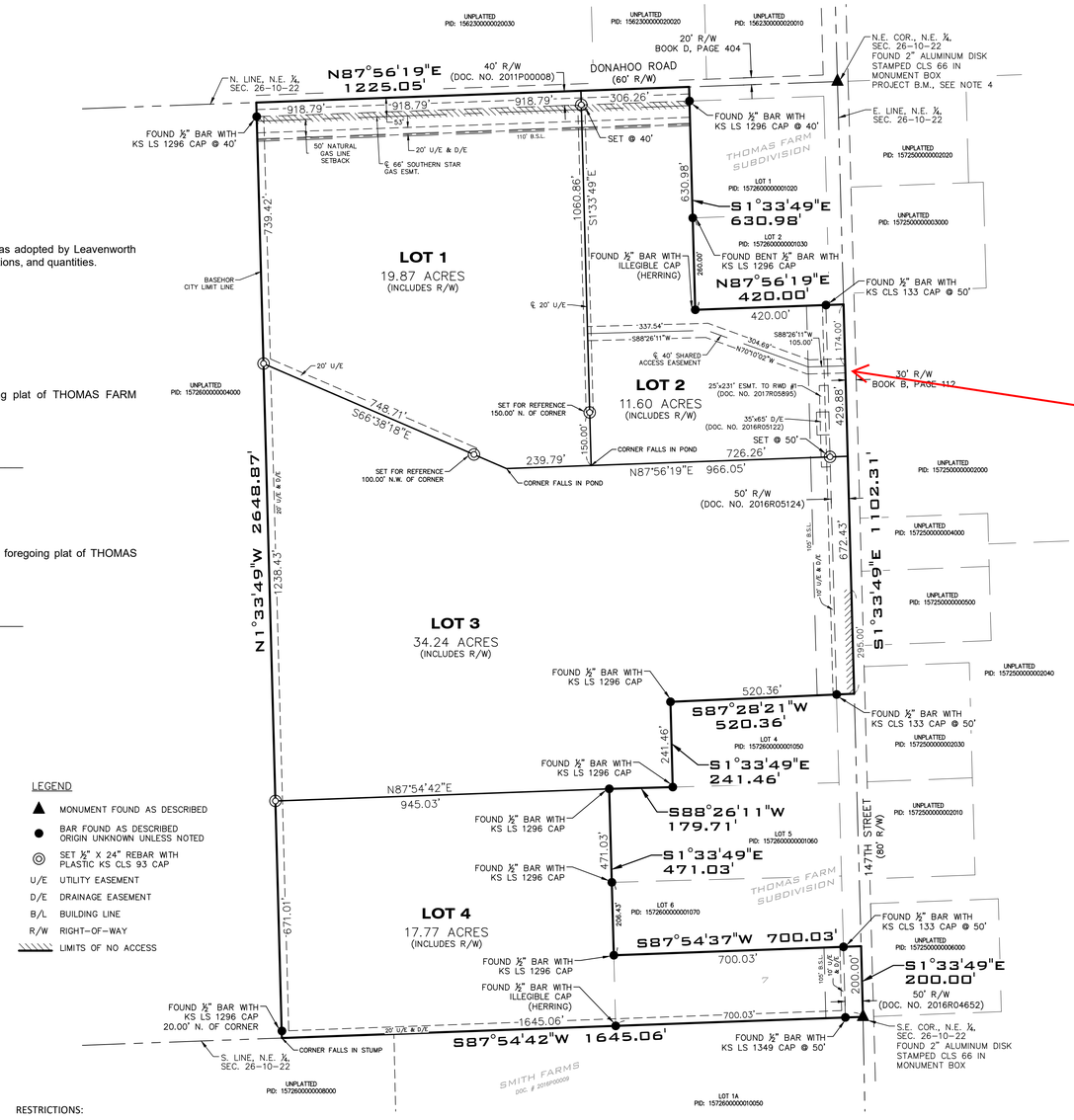
10. Easements, restrictions, setback lines or servitudes, if any, reflected on the plat of said land filed May 05, 2011 as Document No. 2011P00008. (**Shown**)
11. Easements, restrictions, setback lines or servitudes, if any, reflected on this plat when it is recorded.
12. Temporary Roadway Easement granted to Board of County Commissioners of Leavenworth County as recorded June 08, 2016 as Document No. 2016R04651. (**Expired**)
13. Permanent Roadway Easement granted to Board of County Commissioners of Leavenworth County as recorded June 08, 2016 as Document No. 2016R04652. (**Shown**)
14. Permanent Drainage Easement granted to Board of County Commissioners of Leavenworth County as recorded June 21, 2016 as Document No. 2016R05122. (**Shown**)
15. An easement for Temporary Roadway granted to Board of County Commissioners of Leavenworth County as recorded June 21, 2016 in/on Instrument No. 2016R05123. (**Expired**)
16. Permanent Roadway Easement granted to Board of County Commissioners of Leavenworth County as recorded June 21, 2016 as Document No. 2016R05124. (**Shown**)
17. Right of Way Easement granted to Consolidated Rural Water District #1, Leavenworth County, Kansas as set forth in instrument recorded July 19, 2017 as Document No. 2017R05895. (**Shown**)
18. Easement granted to Greeley Gas Company as set forth in instrument recorded January 27, 1987 in Book 603, Page 1390. (**Falls within road right-of-way along the east side of existing Lot 3/proposed Lots 4 and 5**)
19. Not a survey issue.
20. Easement granted to Cities Service Gas Company as set forth in instrument recorded June 14, 1965 in Book 454, Page 447. (**Recorded document is a blanket easement, plat of Thomas Farm Subdivision depicts easement as a 66' wide easement along Donahoo Road as shown hereon**)
21. Not a survey issue.



VICINITY MAP
SCALE: 1" = 2000'

11-8-2024
Combined PW
Comments

FINAL PLAT
THOMAS FARM SUBDIVISION, 2ND PLAT
REPLAT OF LOTS 3 & 7, THOMAS FARM SUBDIVISION IN THE N.E. 1/4 OF SEC. 26, TOWNSHIP 10S, RANGE 22E LEAVENWORTH COUNTY, KANSAS



LEGEND

- ▲ MONUMENT FOUND AS DESCRIBED
- ● BAR FOUND AS DESCRIBED ORIGIN UNKNOWN UNLESS NOTED
- ◎ SET ½" X 24" REBAR WITH PLASTIC KS CLS 93 CAP
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- B/L BUILDING LINE
- R/W RIGHT-OF-WAY
- LIMITS OF NO ACCESS

RESTRICTIONS:

1. No off plat restrictions.
2. Setbacks:
   Rear - 40' for residences, 15' for accessory buildings
   Side - 15'
3. An engineered wastewater disposal may be required due to poor soil conditions.
4. Erosion control shall be used when designing and constructing driveways and other structures.
5. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place.
6. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading, weather permitting.
7. Lots are subject to the current access management policy resolution.
8. Structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
9. Donahoo Road is a Minimum Maintained Road and subject to Leavenworth County Regulations.
10. This plat hereby vacates any previously platted easements and or encumbrances not shown hereon.
11. An exception from Article 50, Section 40.3.h was granted to allow an accessory building without a principal building has been approved for Lot 5.
12. An exception from Article 50, Section 40.3.i was granted for the lot-width to lot-depth has been approved for Lot 6.

NORTH

GRAPHIC SCALE
200 0 100 200 400
(IN FEET)
1 inch = 200 ft.

THIS IS TO CERTIFY THAT ON THE 27TH DAY OF JUNE 2024, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-12-1.

MATTHEW R. COX LICENSED P.S. - 1637 KANSAS PROFESSIONAL SURVEYOR

DEVELOPER:
CODY HERBSTER
14164 ASHBURY CT
BASEHOR, KANSAS 66007
PHONE: (312) 859-8328
EMAIL: cody.herbster@me.com

OWNERS OF LOT 3 EXC. S. 671.03'
PAMELA FREEMAN, JANET ATKINS, CINDY WHITED, & BRIAN THOMAS
20807 147TH STREET
BASEHOR, KANSAS 66007

OWNERS OF LOT 7 & S. 671.03' LOT 3
LLOYDE FREEMAN & PAMELA FREEMAN
20807 147TH STREET
BASEHOR, KANSAS 66007

LEGAL DESCRIPTION

This is a resurvey and resubdivision of Lots 3 and 7, Thomas Farm Subdivision, a subdivision of land in the Northeast Quarter of Section 26, Township 10 South, Range 22 East, in Leavenworth County, Kansas.

DEDICATION

The undersigned proprietors to the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "THOMAS FARM SUBDIVISION, 2ND PLAT"

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to located and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" or "U/E."

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

A non-exclusive right and easement for vehicular and pedestrian ingress and egress on, over, and across a strip of land shown hereon as "Shared Access Easement" across Lot 1 is hereby granted to the owner of Lot 1 and their successors, future grantees, assigns, tenants, and guests. No obstacle or obstructions that would prohibit free vehicular access shall be allowed to be constructed or maintained within "Shared Access Easement."

Building Lines or Setback Lines (B/L) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

The undersigned proprietors to the above described tract of land hereby affirm that all previous property taxes have been paid.

EXECUTION

OWNERS OF PROPOSED LOT 4

IN TESTIMONY WHEREOF, Lloyde C Freemand and Pamela Freeman have caused this instrument to be executed this _____ day of _____, 20____.

By: _____

STAT

COU

BE IT e, the undersigned, a Notary Public in and f are personally known to be the same perso execution of the same for themselves and fo

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission Expires: _____ _____
Notary Public

Public Works Staff completed a site visit on 11/8/24. The proposed entrance can be shifted 50' south with no issue of placing the entrance in relation to existing utility poles or other visible utilities.147th Street is a High Traffic Volume Collector. The required driveway spacing is 300'. The proposed shared access driveway shown on the plans provides 186' of offset from the existing driveway to the north. Public Works does not support the BZA request as shown. Moving the entrance 50' south will still not comply with the 300' offset policy but it will provide a greater degree of safety than as currently shown. Offset distances from the existing drives will be 236' to the north entrance and 355' from the existing south entrance.

The Local Service Road Policy does not allow for any form of residential entrance connection to Donahoo Road so short of incorporating a Cross Access Easement driveway to serve all four lots in the plat the proposed violation of the Access Management Policy is the only remaining option.

OWNERS OF PROPOSED LOTS 1, 2, & 3

IN TESTIMONY WHEREOF, Pamela Freeman, Janet Atkins, Cindy Whited, and Brian Thomas have caused this instrument to be executed this _____ day of _____, 20____.

By: _____ By: _____
Pamela Freeman Janet Atkins

By: _____ By: _____
Cindy Whited Brian R. Thomas

STATE OF)
) SS:
COUNTY OF)

BE IT REMEMBERED, that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Pamela Freeman, Janet Atkins, Cindy Whited, Brian R. Thomas, who are personally known to be the same persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same for themselves and for the uses and purposes herein setforth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission Expires: _____ _____
Notary Public

NOTES:

1. Basis of bearings: S01°33'49"E along the east line of Lot 3 per plat of Thomas Farm Subdivision, recorded at Document No. 2011P00008.
2. Subject property lies in "Zone X, Areas determined to be outside the 0.2% annual chance floodplain" as shown on FEMA FIRM Numbers 20103C0241G and 20103C0243G, effective 7/16/2015. Floodplain information regarding the plat is based on the best information available at the time the plat was prepared and recorded.
3. All bearings and distances are record and measured values unless otherwise noted.
4. Project Bench Mark - 2" aluminum disk in monument box at the N.E. corner of Section 26-10-22, elevation=964.4
5. Existing Use: Farming on existing Lot 3, single family home on existing Lot 7
6. Proposed Use: Single family residential

ERROR OF CLOSURE

Perimeter: 9984.85' Area: 3636345.23 Sq. Ft.
Error Closure: 0.0095 Course: S7°44'58"E
Error North: -0.00942 East: 0.00128

Precision 1: 1051037.89

THOMAS FARM SUBDIVISION, 2ND PLAT

CIVIL ENGINEERS
LAND SURVEYORS - LAND PLANNERS
Allenbrand-Drews & Associates, Inc.
122 N. WATER STREET
OLATHE, KANSAS 66061
PHONE: (913) 764-1076
FAX: (913) 764-8635
14 W. PEORIA
PAOLA, KANSAS 66071
PHONE: (913) 557-1076
FAX: (913) 557-6904

AD PROJECT #39669 **SEC. 26-10-22** **FINAL PLAT**

PRELIMINARY PLAT

THOMAS FARM SUBDIVISION, 2ND PLAT

REPLAT OF LOTS 3 & 7, THOMAS FARM SUBDIVISION IN THE N.E. 1/4 OF SEC. 26, TOWNSHIP 10S, RANGE 22E LEAVENWORTH COUNTY, KANSAS

11-1-24 PW Combined Comments

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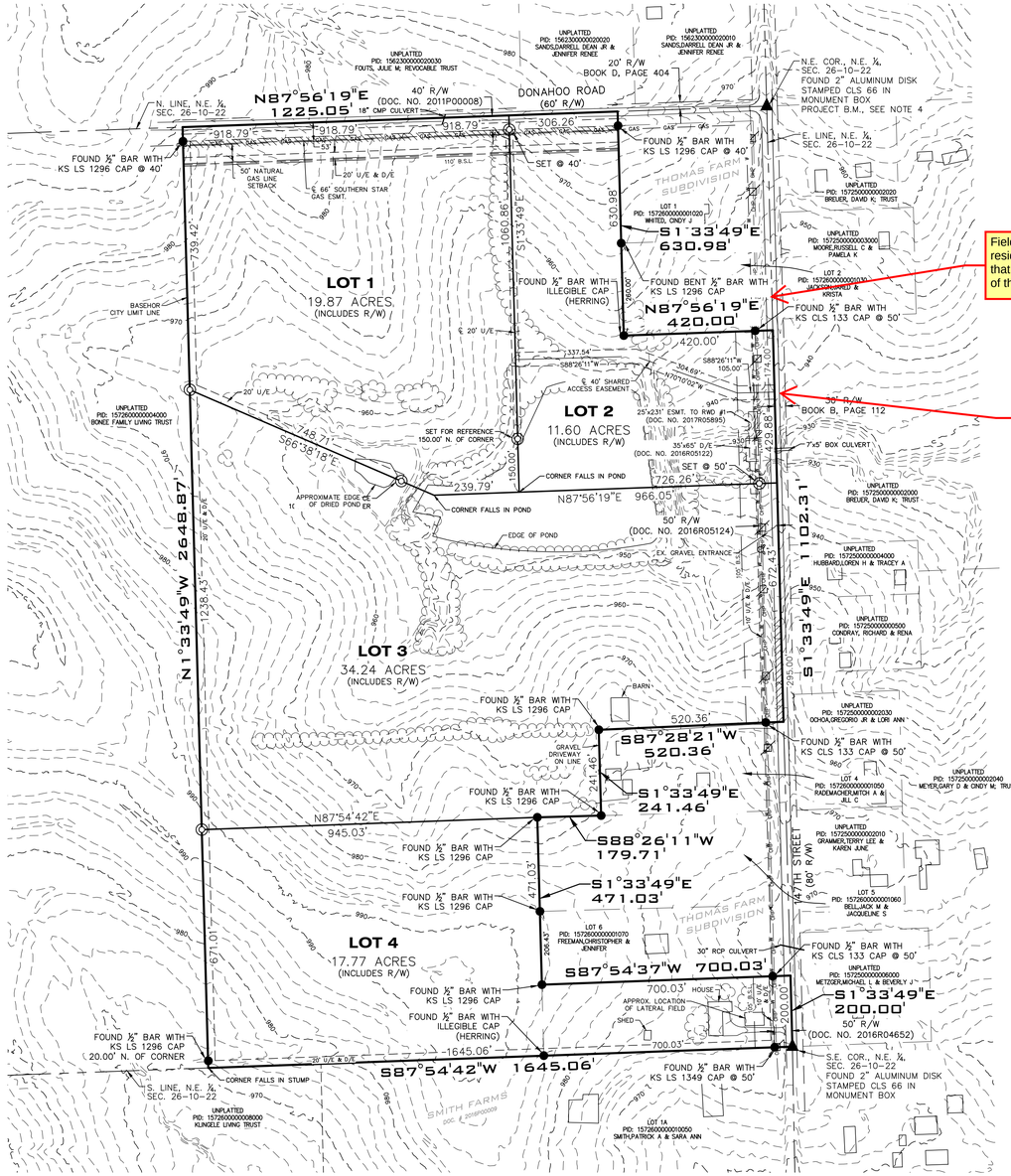
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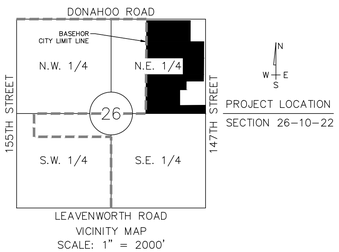
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21. Not a survey issue.



Field locate the existing residential driveway for 21107 that is approximately 40' north of the Lot 2 Property Line.

147th Street is a Major Collector. Minimum drive spacing is 300'. The current location of the entrance is far too close to the existing residential driveway for 21107. Relocate the shared access drive entrance as close as possible to the 7'x5' RCB as good engineering judgment will allow and submit a request for BZA consideration of the entrance not meeting the policy requirement. Once the drive is relocated show no access hatching for the portion of Lot 3 that will provide 300' of separation from the proposed Lot 1/2 shared access.



PROJECT LOCATION
SECTION 26-10-22

VICINITY MAP
SCALE: 1" = 2000'

NORTH

GRAPHIC SCALE

200 0 100 200 400

(IN FEET)
1 inch = 200 ft.

LEGEND

- BAR FOUND AS DESCRIBED ORIGIN UNKNOWN UNLESS NOTED
- SET ½" X 24" REBAR WITH PLASTIC KS CLS 93 CAP
- U/E UTILITY EASEMENT
- D/E DRAINAGE EASEMENT
- B/L BUILDING LINE
- R/W RIGHT-OF-WAY
- --1000-- EXISTING GRADE CONTOUR
- GAS NATURAL GAS PIPELINE
- W EXISTING WATER LINE
- FENCE
- TREE LINE
- LIMITS OF NO ACCESS

LEGAL DESCRIPTION

This is a resurvey and resubdivision of Lots 3 and 7, Thomas Farm Subdivision, a subdivision of land in the Northeast Quarter of Section 26, Township 10 South, Range 22 East, in Leavenworth County, Kansas.

SITE INFORMATION

Plat area: 83.45 acres

Existing & Proposed Zoning: RR-2.5

Existing Use: Farming on existing Lot 3, single family home on existing Lot 7

Proposed Use: Single family residential

Streets:
147th Street is a 30' wide asphalt road.
Donahoo Road is a 22' wide gravel road.

Utilities:
Sewer: Septic
Water: RWD 1
Power: Evergy
Natural Gas: Atmos

THIS IS TO CERTIFY THAT ON THE 27TH DAY OF JUNE 2024, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-12-1.

MATTHEW R. COX LICENSED LAND SURVEYOR P.S. - 1637 KANSAS PROFESSIONAL SURVEYOR

DEVELOPER:
CODY HERBSTER
14164 ASHBURY CT
BASEHOR, KANSAS 66007
PHONE: (312) 859-8328
EMAIL: cody.herbster@me.com

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20807 147TH STREET
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OWNERS OF LOT 7 & S. 671.03' LOT 3
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THOMAS FARM SUBDIVISION, 2ND PLAT

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AD PROJECT #39669 **SEC. 26-10-22** **PRELIMINARY PLAT**

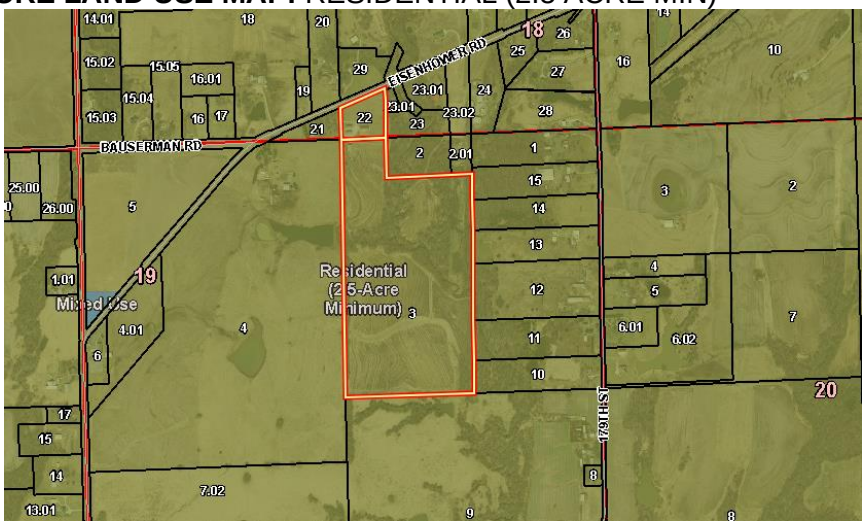
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-118 Gilbert Rezone — November 13, 2024

REQUEST: ***Public Hearing Required***
☒ ZONING AMENDMENT ☐ SPECIAL USE PERMIT
☐ TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:
AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 18289 & 00000 Eisenhower Rd
FUTURE LAND USE MAP: RESIDENTIAL (2.5 ACRE MIN)



APPLICANT/APPLICANT AGENT:
JOE HERRING
HERRING SURVEYING COMPANY

PROPERTY OWNER:
Frances G. Gilbert
Jill & Bradley Gilbert
18289 Eisenhower Rd
Leavenworth KS 66048

CONCURRENT APPLICATIONS:
N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION: RESIDENTIAL (2.5-ACRE MIN)

LEGAL DESCRIPTION:
A tract in the Southeast Quarter of Section 18, Township 9, Range 22, in Leavenworth County, Kansas; AND A tract of land in the Northeast Quarter of Section 19, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: Zone A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-118, Rezone for Frances Gilbert & Jill & Bradley Gilbert, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-118, Rezone for Frances Gilbert & Jill & Bradley Gilbert, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 76.8 ACRES

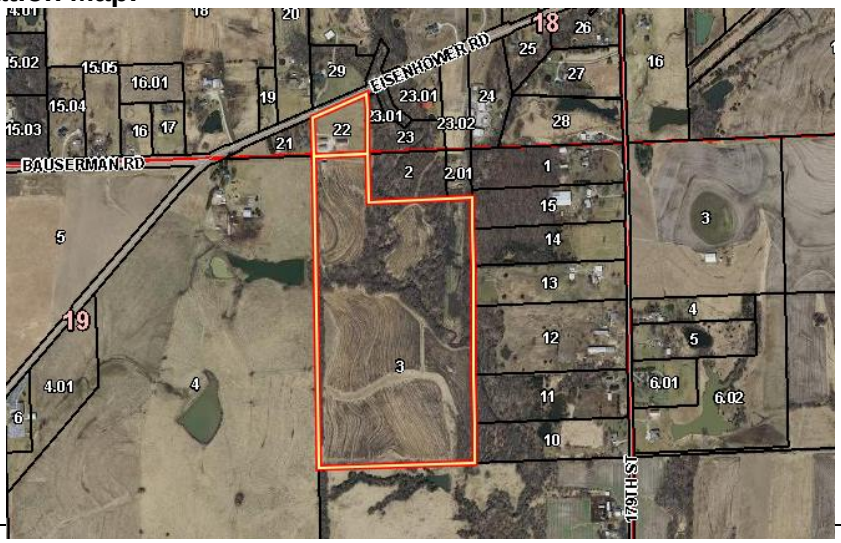
PARCEL ID NO:
104-18-0-00-00-022.00 & 104-19-0-00-00-003.00

BUILDINGS:
SINGLE-FAMILY RESIDENCE, ACCESSORY STRUCTURES

PROJECT SUMMARY:
Request to rezone two tracts at 18289 & 00000 Eisenhower Road from RR-5 to RR-2.5. (PID: 104-18-0-00-00-022.00 & 104-19-0-00-00-003.00).

ACCESS/STREET:
EISENHOWER RD - ARTERIAL, PAVED, ±24' WIDE

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: FIRE DISTRICT 1

WATER: RWD #8

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW: 10/22/2024

NEWSPAPER NOTIFICATION: 10/22/2024

NOTICE TO SURROUNDING PROPERTY OWNERS: 10/22/2024

FACTORS TO BE CONSIDERED:		
The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:	**Met**	**Not Met**
1. Character of the Neighborhood: *Density:* Surrounding parcels range in size from 1.4 acres to more than 150 acres. The area is not densely populated. *Nearby City Limits: Lansing is approximately 1.75 miles to the east.* *Initial Growth Management Area: This parcel is located within the Rural Growth Area.*	X	
2. Zoning and uses of nearby property: *Adjacent Uses: Adjacent parcels are residential and agricultural in nature.* *Adjacent Zoning: All adjacent properties are zoned RR-5. RR-2.5 is located a quarter mile to the east.*	X	
3. Suitability of the Property for the uses to which is has been restricted: The property is suitable for rural residences and agricultural uses.	X	
4. Extent to which removal of the restrictions will detrimentally affect nearby property: *Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.*	X	
5. Length of time the property has been vacant as zoned: ☐ *Vacant:* ☒ *Not Vacant: Single family residence with accessory structures have been on the site since the late 1980s.*	*X*	
6. Relative gain to economic development, public health, safety and welfare: The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel were to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development.	*X*	
7. Conformance to the Comprehensive Plan: *Future Land Use Map: Residential (2.5 acre min)* *Section 4 Land Use and Development Plan Strategies: The proposed use is compatible with the future land use designation.*	*X*	

STAFF COMMENTS:

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as *Residential (2.5 acre min).* The applicant has provided a concept drawing splitting off the homesite on 2.5 acres. The remainder would allow for another homesite to be built.

ATTACHMENTS:
A: Application & Narrative
B: Zoning Map
C: Vicinity Map
D: Memorandums

REZONING APPLICATION

Leavenworth County Planning Department
300 Walnut, St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

Office Use Only

Township: _____ Date Received: _____
Planning Commission Date _____
Case No. _____ Date Paid _____
Zoning District _____ Comprehensive Plan Land Use Designation_____

APPLICANT/AGENT INFORMATION	**OWNER INFORMATION (If different)**
NAME Joe Herring	NAME Francis G. Gilbert - Jill C. & Bradly A. Gilbert
ADDRESS 315 North 5th Street	ADDRESS 18289 Eisenhower Road
CITY/ST/ZIP Leavenworth, KS 66048	CITY/ST/ZIP Leavenworth, KS 66048
PHONE 913-651-3858	PHONE N/A
EMAIL herringsurveying@outlook.com	EMAIL N/A
CONTACT PERSON Joe	CONTACT PERSON N/A

PROPOSED USE INFORMATION

Proposed Land Use Agriculture & Rural Residential

Current Zoning RR-5 Requested Zoning RR-2.5

Reason for Requesting Rezoning Estate Planning and to match the future land use plan

PROPERTY INFORMATION

Address of Property 18289 Eisenhower Road

Parcel Size 5 Acres & 72.4 Acres

Current use of the property Agriculture and Rural Residential

Present Improvements or structures House and Agricultural Structures

PID 104-19-0-00-00-003 & 104-18-0-00-00-022

I, the undersigned am the ***(owner), (duly authorized agent)***, ***(Circle One)*** of the aforementioned property situated in the unincorporated portion of Leavenworth ~~County~~, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature Joe Herring - digitally signed October 10, 2024 Date 10/10/2024

ATTACHMENT A

2014R03050 1
Doc #: 2014R03050
STACY R. DRISCOLL/REGISTER OF DEEDS
LEAVENWORTH COUNTY
RECORDED ON
05/09/2014 04:03PM
RECORDING FEE: 8.00
INDEBTEDNESS: 0.00
PAGES: 1

WAIVER OF MARITAL INTEREST AND CONSENT TO DISPOSITION OF REAL ESTATE

The undersigned (Declarant) being the spouse of Francis G. Gilbert who is the owner of a certain parcel of real estate commonly known as 18289 Eisenhower Rd., Leavenworth, KS 66048, and legally described as:

> A tract in the Southeast 1/4 of Section 18, Township 9, Range 22, in Leavenworth County, Kansas described as:
> Beginning at the Southwest corner of said Southeast 1/4; thence North 88° 49' 43" East 458.69 feet along the South line of said Southeast 1/4; thence North 00° East 488.59 feet to the Southerly right-of-way line of County Road 10; thence Southwesterly 498.00 feet along said right-of-way to the West line of said Southeast 1/4; thence South 01° 22' 17" East 323.28 feet to the beginning, LESS any part thereof taken or used for road purposes.

DOES HEREBY waive and release all spousal right, title and interest in the described real estate, including, but not limited to, all marital interest as described in K.S.A. 59-505 and/or 474.150RSMo. and consents to the mortgaging of said real estate to Citizens National Bank by Francis G. Gilbert without the Joiner or signature of the undersigned.

This waiver and consent extends only to the transaction and real estate described above. It does not extend to the disposition of any other property not described herein or to the disposition of the above captioned property to any person or entity not named therein.

Pamela J. Gilbert

Pamela J. Gilbert - Declarant

KSTLV 8

STATE OF KANSAS, COUNTY OF LEAVENWORTH) ss

On this 7th day of May, 2014, before me a Notary Public, in and for the County and State aforesaid, personally appeared the above Declarant, to me known to be the person described in and who executed the foregoing instrument, and acknowledged the execution of the same as a free and volunteer act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal of my office the day and year last above written.

Amy E. Bechard

Notary Public

My commission expires: 11-10-2017
TX0007225

NOTARY PUBLIC OFFICIAL SEAL STATE OF KANSAS
AMY E. BECHARD
MY COMMISSION EXPIRES
11-10-2017

Kansas Secured Title
360 Santa Fe
Leavenworth, KS 66048

2014R03051 2
Doc #: 2014R03051
STACY R. DRISCOLL/REGISTER OF DEEDS
LEAVENWORTH COUNTY
RECORDED ON
05/09/2014 04:03PM
RECORDING FEE: 12.00
INDEBTEDNESS: 0.00
PAGES: 2

Entered in the transfer record in my office this
9 day of May, 2014
County Clerk
by B Jones

TX0007225
Kansas Secured Title
360 Santa Fe
Leavenworth, KS 66048

QUIT CLAIM DEED

Pamela J. Gilbert

convey and quitclaims to

Francis G. Gilbert

all the following REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas, to-wit:

A tract in the Southeast 1/4 of Section 18, Township 9, Range 22, in Leavenworth County, Kansas described as:
Beginning at the Southwest corner of said Southeast 1/4; thence North 88° 49' 43" East 458.69 feet along the South line of said Southeast 1/4; thence North 00° East 488.59 feet to the Southerly right-of-way line of County Road 10; thence Southwesterly 498.00 feet along said right-of-way to the West line of said Southeast 1/4; thence South 01° 22' 17" East 323.28 feet to the beginning, LESS any part thereof taken or used for road purposes.

COMMONLY KNOWN AS: 18289 Eisenhower Rd., Leavenworth, KS 66048

Tax ID 12431

Pamela J. Gilbert is conveying all of her right, title and interest in and to subject property to Francis G. Gilbert and by her signature acknowledges complete satisfaction and receipt of her share of the equity in subject property.

KSTLV 12

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

No Real Estate Validation Questionnaire per KSA 1993 Supp. 79-1437e as amended (8)

Dated this 7 day of May, 2014.

Pamela J. Gilbert

Pamela J. Gilbert

STATE OF KANSAS, LEAVENWORTH COUNTY:

The foregoing instrument executed was acknowledged before me this 7th day of May, 2014, by Pamela J. Gilbert.

NOTARY PUBLIC OFFICIAL SEAL STATE OF KANSAS
AMY E. BECHARD
MY COMMISSION EXPIRES
11-10-2017

Amy E. Bechard
Notary Public

My appointment expires: 11-10-2017

SATISFACTION OF EQUITY LIEN AND AFFIDAVIT OF INTENT TO CONVEY

In the office of the Clerk of the District Court of Leavenworth County, Kansas, appears Suit for Divorce, Case No. 2013-DM-929, filed November 12, 2013, In the Matter of the Marriage of Francis G. Gilbert, Petitioner vs. Pamela J. Gilbert, Respondent.

Hearing result for Pretrial Conference held on March 27, 2014 at 10:00 AM is as follows: Hearing Held; petitioner with CLee; respondent with RHall; both parties waive maintenance; marital residence to be sold and proceeds divided equally.

Contrary to the terms of the Hearing held on March 27, 2014 which stated the marital residence is to sold and proceeds divided equally, Pamela J. Gilbert intends to convey all of her right, title and interest in and to subject property to her husband (Francis G. Gilbert) and the husband (Francis G. Gilbert) shall pay the wife (Pamela J. Gilbert) for her share of the equity in the house in the amount of $65,500.00

The undersigned party in this action, for value received, hereby waives and releases the lien of any judgment heretofore rendered in her favor, regarding the following property:

> A tract in the Southeast 1/4 of Section 18, Township 9, Range 22, in Leavenworth County, Kansas described as:
> Beginning at the Southwest corner of said Southeast 1/4; thence North 88° 49' 43" East 458.69 feet along the South line of said Southeast 1/4; thence North 00° East 488.59 feet to the Southerly right-of-way line of County Road 10; thence Southwesterly 498.00 feet along said right-of-way to the West line of said Southeast 1/4; thence South 01° 22' 17" East 323.28 feet to the beginning, LESS any part thereof taken or used for road purposes.

KSTLV 8

Dated: May 7, 2014

Pamela J. Gilbert

STATE OF KANSAS, COUNTY OF LEAVENWORTH }ss.

The foregoing instrument was acknowledged before me this 7th day of May, 2014.

Amy E. Bechard
Notary Public

NOTARY PUBLIC OFFICIAL SEAL STATE OF KANSAS
AMY E. BECHARD
MY COMMISSION EXPIRES
11-10-2017

My commission expires: 11-10-2017

2014R03049 1
Doc #: 2014R03049
STACY R. DRISCOLL/REGISTER OF DEEDS
LEAVENWORTH COUNTY
RECORDED ON
05/09/2014 04:03PM
RECORDING FEE: 8.00
INDEBTEDNESS: 0.00
PAGES: 1

TX0007225
Kansas Secured Title
360 Santa Fe
Leavenworth, KS 66048

Entered in the transfer record in my office this
28th day of June 20 11
Janet Klaschke By Kelsi Kentaya
County Clerk

2011R04829 2
Doc #: 2011R04829
STACY R. DRISCOLL/REGISTER OF DEEDS
LEAVENWORTH COUNTY
RECORDED ON
06/28/2011 12:16PM
RECORDING FEE: 12.00
INDEBTEDNESS: 0.00
PAGES: 2

STATUTORY WARRANTY DEED

FRANCIS G. GILBERT and PAMELA J. GILBERT, husband and wife

of Leavenworth County, Kansas, conveys and warrants to:

BRADLY A. GILBERT, a married person, and JILL C. GILBERT, a single person

of Leavenworth County, Kansas, their heirs and assigns all of the following described real estate, situated in the County of Leavenworth, State of Kansas, to-wit:

The West Half of the Northeast Quarter of Section 19, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, less and except any part thereof taken or used for road or street purposes,

AND ALSO LESS AND EXCEPT:

A tract of land in the West Half of the Northeast Quarter of Section 19, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at a point on the North line of said Northeast Quarter 458.69 feet North 88° 49' 43" East from the Northwest corner of said Northeast Quarter; thence North 88° 49' 43" East 860.07 feet; thence South 00° 35' 00" East 400.0 feet; thence South 88° 49' 43" West 864.14 feet; thence North 00° East 400.0 feet to the point of beginning.

PTA 8-4

For the sum of one dollar and other good and valuable considerations. Subject to restrictions, reservations, assessments, and easements, if any, now affecting said property.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, forever. And Grantor, for itself, its successors and assigns, does hereby covenant, promise and agree, to and with Grantee, that at the delivery of these presents it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above-granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments taxes, assessments and encumbrances, of what nature and kind whatsoever, subject to Grantor's reservation set forth herein, and that it will WARRANT AND FOREVER DEFEND the same unto Grantee, their heirs, successors and assigns, against Grantor, its successors and assigns, and all and every person or persons whomsoever lawfully claiming or to claim the same.

Dated this **27th** day of **June, 2011.**

Francis G Gilbert
FRANCIS G. GILBERT

Pamela J. Gilbert
PAMELA J. GILBERT

Pursuant to K.S.A. 79-1437g, a Kansas Real Estate Sales Validation Questionnaire is not required due to Exemption No. 4.

State of **Kansas**)
) **S.S.:**
County of **Leavenworth**)

BE IT REMEMBERED, That on this **27th** day of **June, 2011** before me, a Notary Public in and for said county and state, came, **FRANCIS G. GILBERT and PAMELA J. GILBERT, husband and wife,** to me personally known to be the same persons who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS THEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last above written.

(Seal)

LISA HARMS
Notary Public - State of Kansas
My Appt Expires 8/26/2013

Lisa Harms
Notary Public

My Commission Expires: 8/26/2013

AFFIDAVIT
Authorization of Contractors or Individuals to Act as Agents of a Landowner
COUNTY OF LEAVENWORTH
STATE OF KANSAS

We/I Francis G. Gilbert and _____

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 18289 Eisenhower Rd., and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5th Street, Leavenworth, KS 66048, 913-651-3858
2)

Signed and entered this 18th day of September, 2024.

Francis G. Gilbert 18289 Eisenhower Rd. LVN, KS 913-547-0296
Print Name, Address, Telephone

Francis G Gilbert
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 18th day of September 2024, before me, a notary public in and for said County and State came Francis G. Gilbert to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC Paula L Poff

My Commission Expires: 01-27-2027

PAULA L. POFF
Notary Public - State of Kansas
My Appt. Expires 01/27/27
(seal)

AFFIDAVIT
Authorization of Contractors or Individuals to Act as Agents of a Landowner
COUNTY OF LEAVENWORTH
STATE OF KANSAS

We/I Jill C. Gilbert and _____

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 18289 Eisenhower Rd., and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5th Street, Leavenworth, KS 66048, 913-651-3858
2)

Signed and entered this 18th day of September, 2024.

Jill C. Gilbert 748 Linda Lane Bonner Springs, KS 66012 913-547-1344
Print Name, Address, Telephone

Jill C. Gilbert
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 18th day of September 2024, before me, a notary public in and for said County and State came Jill C. Gilbert to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC Paula L. Poff

My Commission Expires: 01.27.2027

PAULA L. POFF
Notary Public - State of Kansas
My Appt. Expires 01.27.27
(seal)

AFFIDAVIT
Authorization of Contractors or Individuals to Act as Agents of a Landowner
COUNTY OF LEAVENWORTH
STATE OF KANSAS

We/I Bradly A. Gilbert and _____

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 18289 Eisenhower Rd., and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5th Street, Leavenworth, KS 66048, 913-651-3858
2)

Signed and entered this 18th day of September, 2024.

Bradly A. Gilbert 1106 N. Sunset Dr. Derby, KS 67037 720-429-5784
Print Name, Address, Telephone

Bradly A Gilbert
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 18th day of September 2024, before me, a notary public in and for said County and State came Bradly A. Gilbert to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

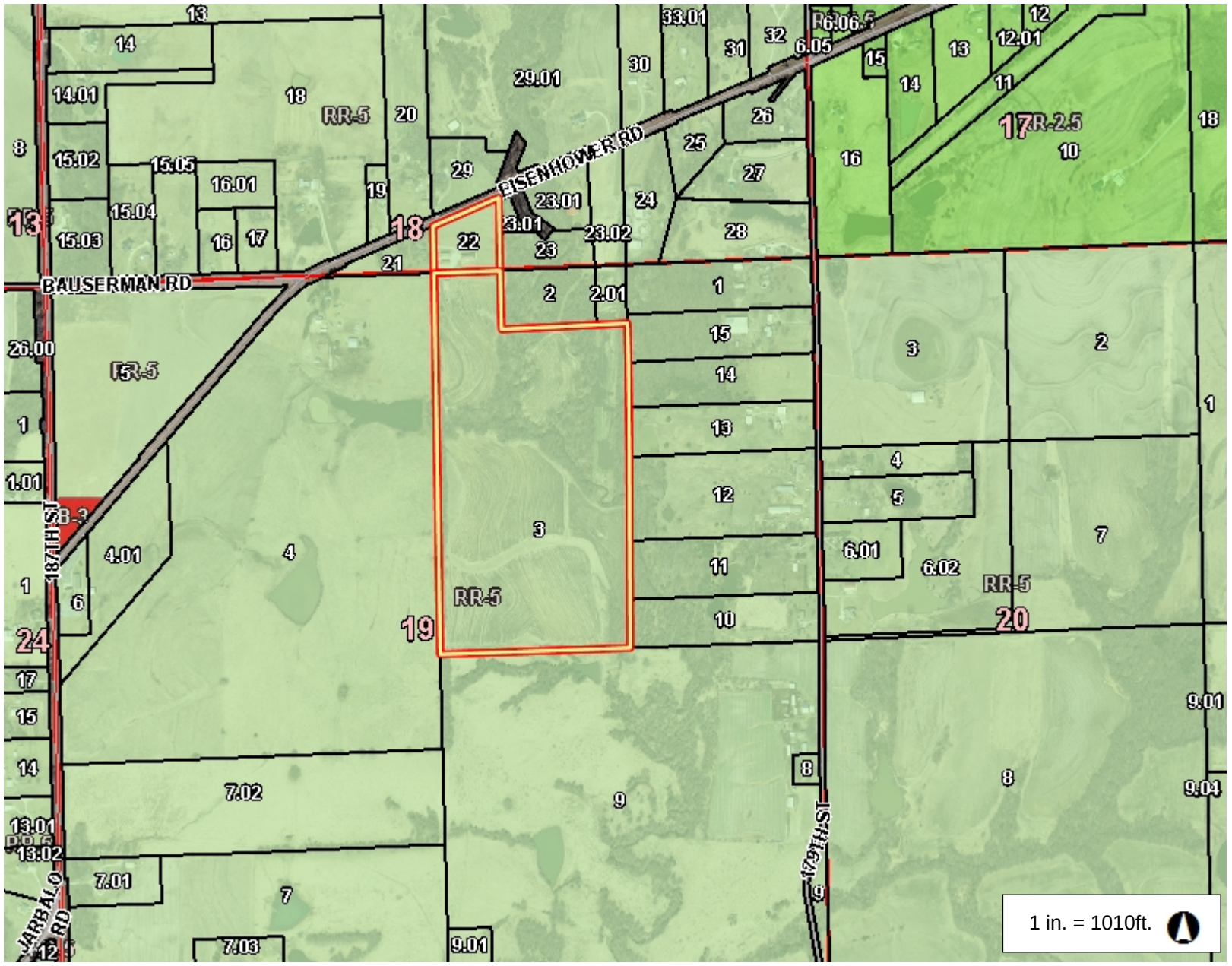
NOTARY PUBLIC Paula L. Poff

My Commission Expires: 01-27-2027

PAULA L. POFF
Notary Public (seal) State of Kansas
My Appt. Expires 01-27-27


18
23.01
23.02
24
23.01
23
Area: 3.14 ac
Perimeter: 1,561.83 ft
314.12 ft
2
2.01
3
9

DEV-24-118 Gilbert Rezone





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1
  - PR-2
  - PR-3

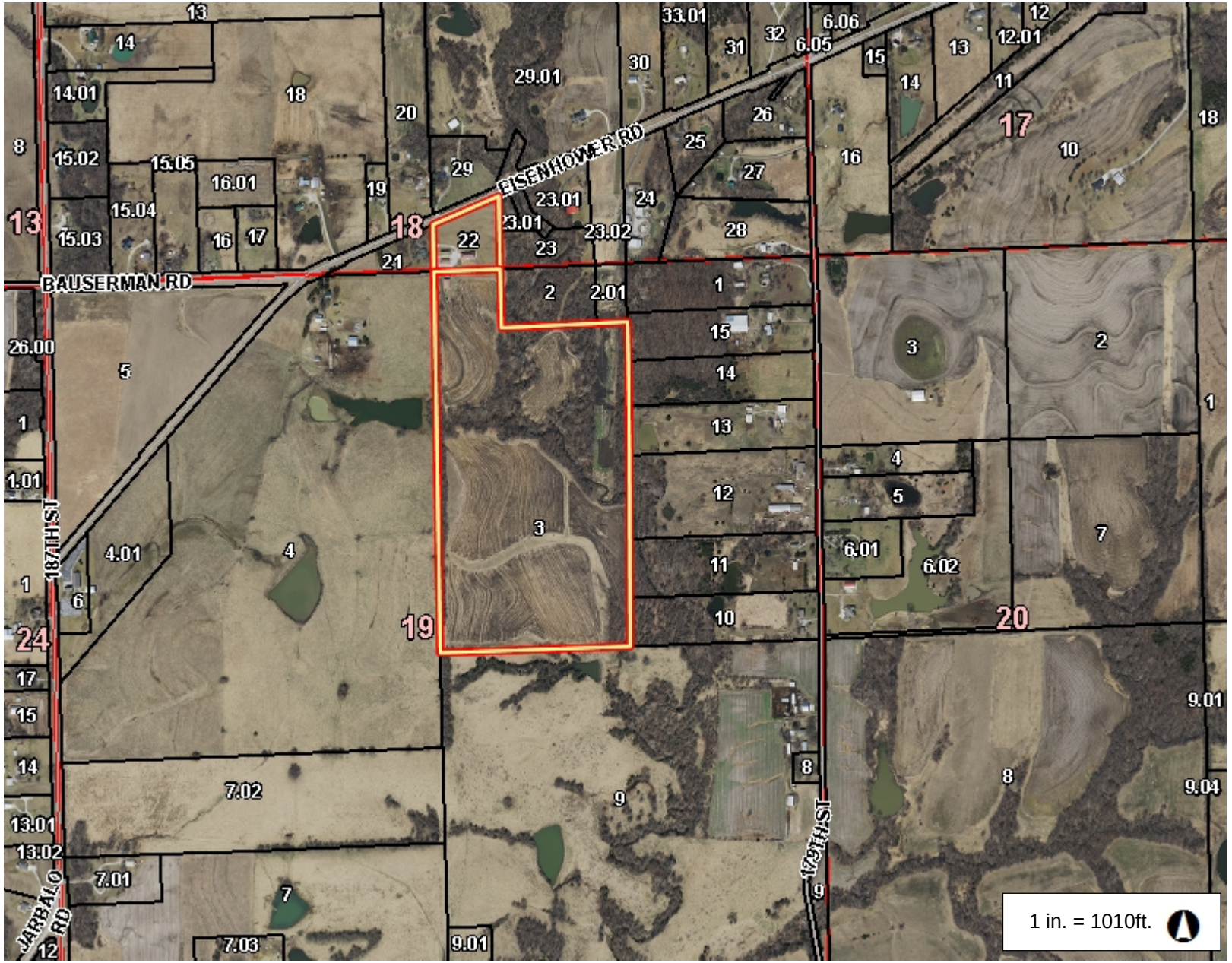
Notes

2,020.7 0 1,010.37 2,020.7 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DEV-24-118 Gilbert Rezone





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

2,020.7 0 1,010.37 2,020.7 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Allison, Amy

From: Anderson, Kyle
Sent: Tuesday, September 24, 2024 10:45 AM
To: Allison, Amy
Subject: RE: RE: DEV-24-118 Gilbert Rezone

We have not received any complaints on this property.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, September 23, 2024 3:57 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'kmackey@fd1lvco.org' <kmackey@fd1lvco.org>; 'linedepartment@freestate.coop' <linedepartment@freestate.coop>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-24-118 Gilbert Rezone

Good Afternoon,

The Department of Planning and Zoning has received an application for a rezone regarding the property located at 18289 & 00000 Eisenhower Road (104-19-0-00-00-003.00 & 104-18-0-00-00-022.00) from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Monday, October 7, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Disclaimer

Allison, Amy

From: Gary Willits <gary.willits@freestate.coop>
Sent: Tuesday, September 24, 2024 6:52 AM
To: Allison, Amy
Subject: FW: DEV-24-116 Kaaz Rezone

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Amy,
FreeState Electric is okay with the rezone of this property. The main thing that we would require is utility easements, so we can route our infrastructure to provide electricity to the parcels. Utility easements are seldom an issue due to Leavenworth County's zoning requirements.
Thank you,
Gary Willits

Gary Willits
Staking Engineer

FreeState Electric Cooperative, Inc.
Your Touchstone Energy® Cooperative

1-800-794-1989 | www.freestate.coop

From: Line Department <linedepartment@freestate.coop>
Sent: Thursday, September 12, 2024 10:59 AM
To: Gary Willits <gary.willits@freestate.coop>
Subject: FW: DEV-24-116 Kaaz Rezone

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, September 12, 2024 10:36 AM
To: cmagaha@lvsheriff.org; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'kmackey@fd1lvco.org' <kmackey@fd1lvco.org>; Line Department <linedepartment@freestate.coop>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-116 Kaaz Rezone

Good Morning,

The Department of Planning and Zoning has received an application for a rezone regarding the property at 18415 Eisenhower Road from RR-5 to RR-2.5.

Allison, Amy

From: Rural Water <rwd8lv@gmail.com>
Sent: Thursday, September 26, 2024 10:04 AM
To: Allison, Amy
Cc: Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Brown, Misty; Mitch Pleak; Noll, Bill; McAfee, Joe; kmackey@fd1lvco.org; linedepartment@freestate.coop; PZ
Subject: Re: DEV-24-118 Gilbert Rezone

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Rural Water District #8 has no comments on the rezone. However if and when water is requested a full engineer review will need to be done before it can be confirmed that water would be available to this area.

On Mon, Sep 23, 2024 at 3:56 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

> Good Afternoon,
>
> The Department of Planning and Zoning has received an application for a rezone regarding the property located at 18289 & 00000 Eisenhower Road (104-19-0-00-00-003.00 & 104-18-0-00-00-022.00) from RR-5 to RR-2.5.
>
> The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Monday, October 7, 2024.
>
> If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov
>
> Thank you,
>
> Amy Allison, AICP
>
> Deputy Director
>
> Planning & Zoning
>
> Leavenworth County
>
> 913.364.5757

Disclaimer

This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

--

Sandra Heim
Office Manager
Rural Water District #8-LV CO
913-796-2164

Allison, Amy

From: McAfee, Joe
Sent: Friday, October 4, 2024 9:33 AM
To: Allison, Amy; Anderson, Kyle; Patzwald, Joshua; Brown, Misty; 'Mitch Pleak'; Noll, Bill
Cc: PZ
Subject: RE: RE: DEV-24-118 Gilbert Rezone

Amy,
PW has no comment on the rezone.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, September 23, 2024 3:57 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'kmackey@fd1lvco.org' <kmackey@fd1lvco.org>; 'linedepartment@freestate.coop' <linedepartment@freestate.coop>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-24-118 Gilbert Rezone

Good Afternoon,

The Department of Planning and Zoning has received an application for a rezone regarding the property located at 18289 & 00000 Eisenhower Road (104-19-0-00-00-003.00 & 104-18-0-00-00-022.00) from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Monday, October 7, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

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LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-126 Kooser Family Living Trust Rezone — November 13, 2024

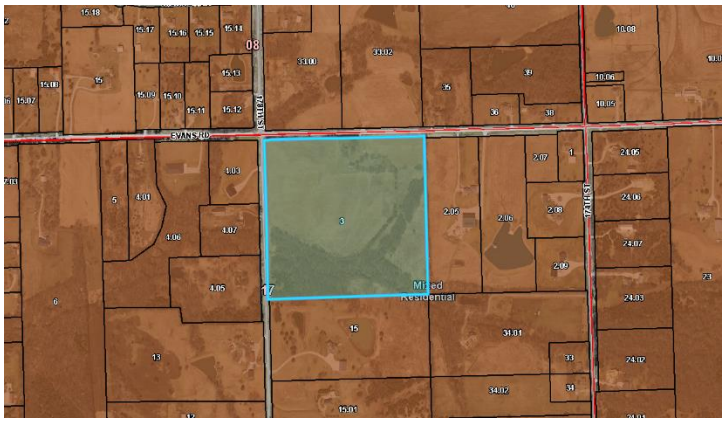
REQUEST: ***Public Hearing Required***

☒ ZONING AMENDMENT ☐ SPECIAL USE PERMIT

☐ TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:
Amy Allison
Deputy Director

SUBJECT PROPERTY: 17675 Evans Road
FUTURE LAND USE MAP: Mixed Residential



APPLICANT/APPLICANT AGENT:
Joe Herring
Herring Surveying Company

PROPERTY OWNER:
Kooser Family Living Trust
16559 Evans Road
Tonganoxie, KS 66086

CONCURRENT APPLICATIONS:
N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION: Mixed Residential

LEGAL DESCRIPTION:
The Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Seventeen (17) Township Eleven (11) South Range Twenty-Two (22) East of the Sixth P.M., Less Right-of-Way, in Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-126, Rezone for Kooser Family Living Trust, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-126, Rezone for Kooser Family Living Trust, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 37.8 ACRES

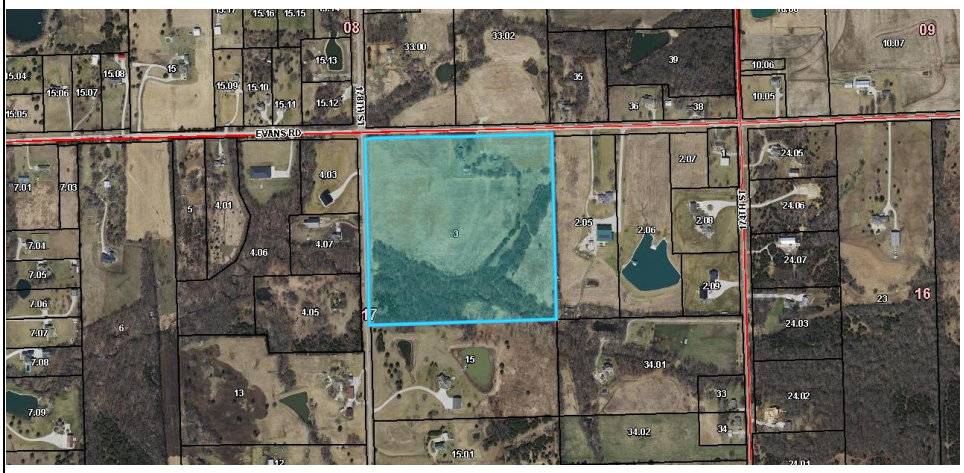
PARCEL ID NO:
184-17-0-00-00-003.00

BUILDINGS:
Single-family residence and accessory structures

PROJECT SUMMARY:
Request to rezone one parcel at 17675 Evans Road from RR-5 to R-1 (43).

ACCESS/STREET:
Evans Road- Collector, paved, ±24' wide & 178th St – Local, Gravel, ±22' WIDE

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: Stranger

WATER: Suburban Water

ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW: 10/22/2024

NEWSPAPER NOTIFICATION: 10/22/2024

NOTICE TO SURROUNDING PROPERTY OWNERS: 10/22/2024

FACTORS TO BE CONSIDERED:		
The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:	**Met**	**Not Met**
1. Character of the Neighborhood: *Density:* Surrounding parcels range in size from 1.9 acres to more than 19 acres. The area is not densely populated. *Nearby City Limits: Basehor is approximately one mile to the east.* *Initial Growth Management Area: This parcel is located within the Rural Growth Area.*	X	
2. Zoning and uses of nearby property: *Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature.* *Adjacent Zoning: Parcels to the north and east are zoned RR-2.5 and parcels to the west and south are zoned RR-5.*	X (Uses)	X (Zoning)
3. Suitability of the Property for the uses to which is has been restricted: The property is suitable for rural residences and agricultural uses.	X	
4. Extent to which removal of the restrictions will detrimentally affect nearby property: *Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.*	X	
5. Length of time the property has been vacant as zoned: ☐ *Vacant:* ☒ *Not Vacant: The house and accessory structure have been on this property since 1925.*	*X*	
6. Relative gain to economic development, public health, safety and welfare: The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel were to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development.	*X*	
7. Conformance to the Comprehensive Plan: *Future Land Use Map: Mixed Residential* *Section 4 Land Use and Development Plan Strategies: The proposed use is not compatible with the future land use designation.*	*X*	

STAFF COMMENTS:

The applicants are requesting a rezoning from Rural-Residential 5 to Residential 1 (43). The Comprehensive Plan identifies the future land use of this area as *Mixed Residential.* While Staff would typically recommend denial of a request that does not conform to the future land use, Staff recommends approval for the following reasons:

1. The requested use is less dense than the future land use designation.
2. The nearest city is located more than a mile to the east, therefore making extension of sanitary sewer (necessary for higher density) unlikely.

ATTACHMENTS:
A: Application & Narrative
B: Zoning Map
C: Memorandums

Paid 400
CK#9851
concept plan
SCANNED

REZONING APPLICATION

Leavenworth County Planning Department
300 Walnut, St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

Evergy Suburban
458
37.80

Office Use Only

Township: Stranger
Date Received: 09.30.2024
Planning Commission Date
Case No. DEV-24-
Date Paid 09.30.2024
Zoning District RR5
Comprehensive Plan Land Use Designation Mixed Residential

APPLICANT/AGENT INFORMATION		OWNER INFORMATION (If different)	
NAME	Joe Herring	NAME	Kooser Family Trust
ADDRESS	315 North 5th Street	ADDRESS	16559 Evans Road
CITY/ST/ZIP	Leavenworth, KS 66048	CITY/ST/ZIP	Tonganoxie, KS 66086
PHONE	913-651-3858	PHONE	N/A
EMAIL	herringsurveying@outlook.com	EMAIL	N/A
CONTACT PERSON	Joe	CONTACT PERSON	N/A

PROPOSED USE INFORMATION

Proposed Land Use: Agriculture and Residential
Current Zoning: RR-5
Requested Zoning: R1-43
Reason for Requesting Rezoning: To become more in compliance with the future land use plan while maintaining a large tract for agricultural uss.

PROPERTY INFORMATION

Address of Property: 17675 Evans Road
Parcel Size: 40 Acres
Current use of the property: Agriculture and Rural Residential
Present Improvements or structures: House and Agricultural Structures
PID: 184-17-0-00-00-003

I, the undersigned am the ***(owner), (duly authorized agent).*** ***(Circle One)*** of the aforementioned property situated in the unincorporated portion of Leavenworth ~~County,~~ Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature: Joe Herring - digitally signed September 30, 2024
Date: 9/30/24

ATTACHMENT A

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 10/03/2024

Janet Klasmike
COUNTY CLERK

Doc #: 2024R07391
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
10/03/2024 11:04:11 AM
RECORDING FEE: 38.00
PAGES: 2

MAIL TO:
Kooser Family Living Trust
17559 Evans Rd
Tonganoxie, KS 66086

STATUTORY WARRANTY DEED

Gerald T. Widener and Barbara K. Widener, a married couple, Grantor, conveys and warrants to

Kooser Family Living Trust, Grantee, the following described premises, to-wit:

The Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section Seventeen (17) Township Eleven (11) South Range Twenty-Two (22) East of the Sixth P.M., Less Right-of-Way, in Leavenworth County, Kansas.

For the sum of One Dollar and other good and valuable consideration.
Subject to: easements and restrictions of record, if any.
"Grantor" and "Grantee" are used for the singular or plural as context requires.
Executed to be effective as of October 2nd 2024.

Gerald T. Widener

Barbara K. Widener

Gerald T. Widener **Barbara K. Widener**

State of Kansas, County of Leavenworth} ss.

This instrument was acknowledged before me on October 02, 2024 by Gerald T. Widener and Barbara K. Widener.

My Commission Expires: 09/20/2028

Ashley Davey, Notary Public

ASHLEY DAVEY
NOTARY PUBLIC
STATE OF KANSAS
My Appt Exp. 09/20/28

CERTIFICATION OF TRUST
KSA 58a-1013

Rick E. Kooser and Peggy A. Kooser, state:

1. The Kooser Family Living Trust was executed on July 23, 2007, and completely amended and restated on August 22, 2014, and then amended on January 21, 2019.
2. The Trustmakers of the trust are Rick E. Kooser and Peggy A. Kooser.
3. The identity and current address of the trustees are:

Rick E. Kooser and/or Peggy A. Kooser
17559 Evans Rd
Tonganoxie, KS 66086

4. The powers of the trustees are attached hereto and incorporated by reference herein.
5. The trust is amendable and revocable, and Rick E. Kooser and Peggy A. Kooser are the persons holding a power to so amend and/or revoke the trust.
6. The Trustmakers, serving also as Co-Trustees, have the authority to act together and separately regarding all matters under the trust.
7. The trust's taxpayer identification number is the social security number of either Trustmaker.
8. The manner of taking title to trust property is: "Rick E. Kooser and Peggy A. Kooser, or successors in trust, Trustees of the Kooser Family Living Trust under agreement dated July 23, 2007."

The trust has not been revoked, modified or amended in any manner that would cause the representations contained in the Certification of Trust to be incorrect. A copy of this Certification of Trust shall be deemed as valid as the original.

Rick E Kooser
Rick E. Kooser, Trustee

Peggy A Kooser
Peggy A. Kooser, Trustee

STATE OF KANSAS

COUNTY OF JOHNSON

This instrument was acknowledged before me on January 21, 2019 by Rick E. Kooser and Peggy A. Kooser as Trustees of the Kooser Family Living Trust executed July 23, 2007.

Kyle E. Krull, Notary Public
My Appointment/Commission Expires: 3.4.19

[SEAL]

KYLE E. KRULL
Notary Public - State of Kansas
My Appt. Expires 3.4.19

AFFIDAVIT
Authorization of Contractors or Individuals to Act as Agents of a Landowner
COUNTY OF LEAVENWORTH
STATE OF KANSAS

We/I Rick Kooset and Peggy Kooser

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 17675 Evans Rd Tonganoxie KS 66086, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5th Street, Leavenworth, KS 66048, 913-651-3858
2)

Signed and entered this 25th day of September, 20__.

Rick Kooser. Peggy Kooser 17559 Evans Rd Tonganoxie KS 66086
Print Name, Address, Telephone

Peggy Kooser. Rick Kooser
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

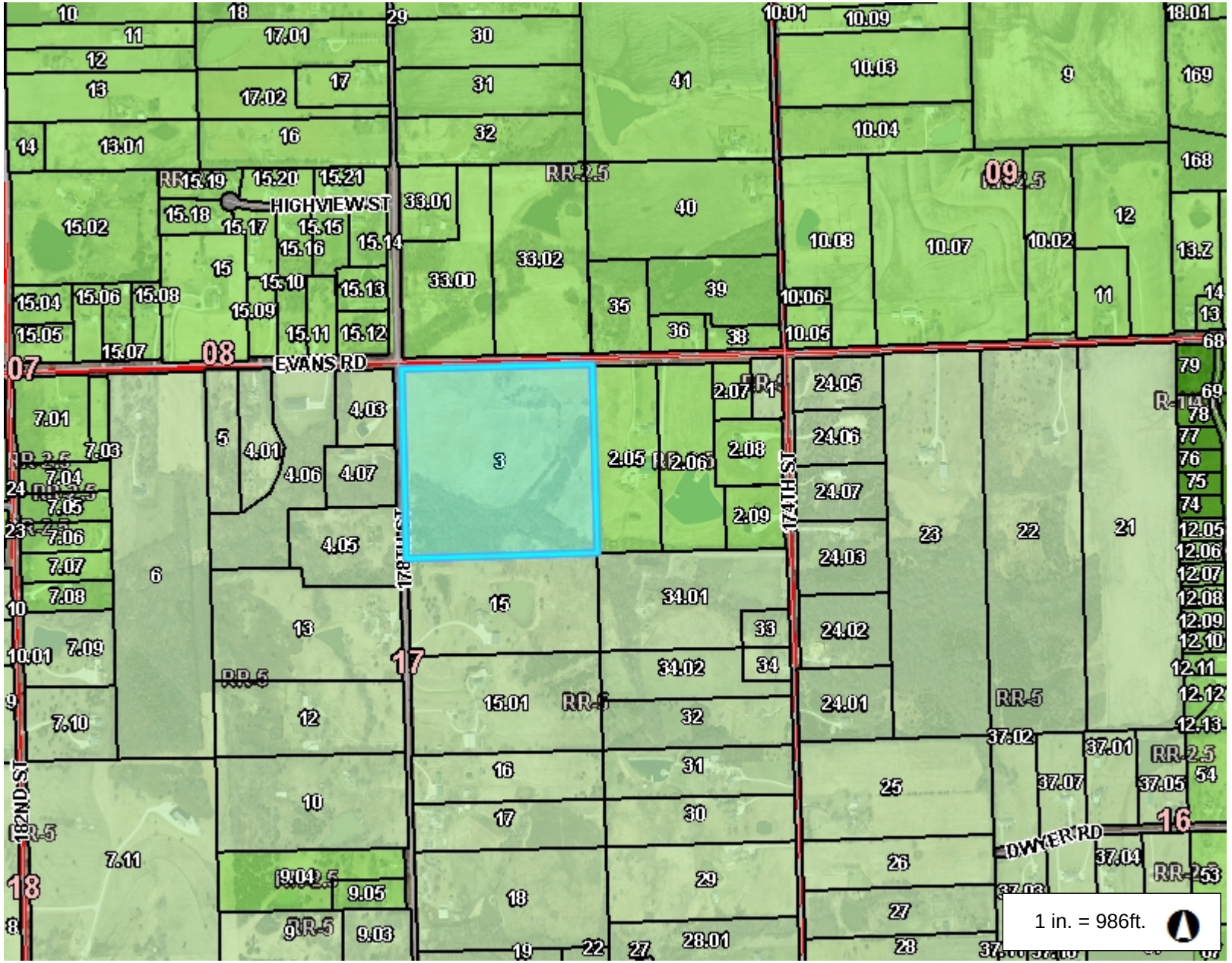
Be it remember that on this _____ day of _____ 20__, before me, a notary public in and for said County and State came _____ to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC_____

My Commission Expires:_____ (seal)


EVANS RD
17955
2
4.03
17895
Zone X
3
17843
15
Activate Windows

DEV-24-126 Kooser Family Living Trust Rezone





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1
  - PR-2
  - PR-3

1 in. = 986ft.

Notes

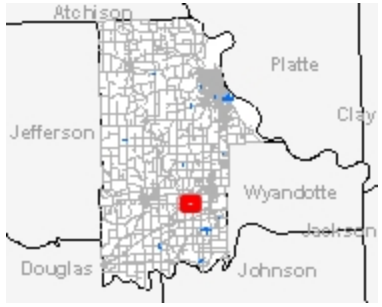
1,971.9 0 985.95 1,971.9 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DEV-24-126 Kooser Family Living Trust Rezone





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

1,971.9 0 985.95 1,971.9 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Allison, Amy

From: Mark B <stfdchief1760@gmail.com>
Sent: Wednesday, October 16, 2024 4:30 PM
To: Allison, Amy
Cc: Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Brown, Misty; Patzwald, Joshua; Mitch Pleak; Noll, Bill; McAfee, Joe; designgroupshawnee@evergy.com; travis@suburbanwaterInc.com; PZ
Subject: Re: DEV-24-126 Kooser Family Rezone

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Stranger Township Fire Department has no issues with this action as there are already fire hydrants in the area.

Mark Billquist
Stranger Township Fire Chief

On Wed, Oct 16, 2024 at 3:50 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

> Good Afternoon,
>
> The Department of Planning and Zoning has received an application for a rezone regarding the property at 17675 Evans Rd from RR-5 to R-1 (43).
>
> The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, October 30, 2024.
>
> If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov
>
> Thank you,
>
> Amy Allison, AICP
>
> Deputy Director
>
> Planning & Zoning
>
> Leavenworth County

913.364.5757

Disclaimer

This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

--

Mark Billquist
Stranger Township Fire Chief
10-33 Foundation National Treasurer
913-369-0510 mobile
stfdchief1760@gmail.com

"Sometimes darkness can show you the light"

Allison, Amy

From: Anderson, Kyle
Sent: Thursday, October 17, 2024 8:39 AM
To: Allison, Amy
Subject: RE: DEV-24-126 Kooser Family Rezone

We have not received any complaints on this property.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, October 16, 2024 3:50 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'designgroupshawnee@evergy.com' <designgroupshawnee@evergy.com>; 'travis@suburbanwaterInc.com' <travis@suburbanwaterInc.com>; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-126 Kooser Family Rezone

Good Afternoon,

The Department of Planning and Zoning has received an application for a rezone regarding the property at 17675 Evans Rd from RR-5 to R-1 (43).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, October 30, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Allison, Amy

From: Jordan Mesmer <Jordan.Mesmer@evergy.com>
Sent: Thursday, October 17, 2024 7:28 AM
To: Allison, Amy
Subject: Re: [EXTERNAL]DEV-24-126 Kooser Family Rezone

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Internal Use Only

Evergy has no issues with this proposed rezone.

Thanks,

Jordan Mesmer
Distribution Designer III
Jordan.Mesmer@evergy.com
O (913) 667-5122



From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, October 16, 2024 3:50 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Design Group Shawnee <designgroupshawnee@evergy.com>; 'travis@suburbanwaterInc.com' <travis@suburbanwaterInc.com>; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: [EXTERNAL]DEV-24-126 Kooser Family Rezone

This Message Is From an External Sender
This message came from outside your organization.

Report Suspicious

Good Afternoon,

The Department of Planning and Zoning has received an application for a rezone regarding the property at 17675 Evans Rd from RR-5 to R-1 (43).

Allison, Amy

From: McAfee, Joe
Sent: Monday, October 21, 2024 2:30 PM
To: Allison, Amy; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Brown, Misty; Patzwald, Joshua; Noll, Bill
Cc: PZ
Subject: RE: DEV-24-126 Kooser Family Rezone

Amy,
We have reviewed the rezoning documents. Evans Rd is a High Volume Collector and 178th Street is a Local classification roadway. Thus the corner lot driveway will be required to be placed on 178th Street, and at least 100' from the intersection. Remaining lots that front Evans will need to have 300' minimum driveway spacing from all new and existing driveways located along the south right-of-way. No additional comments on the rezoning request.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, October 16, 2024 3:50 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'designgroupshawnee@evergy.com' <designgroupshawnee@evergy.com>; 'travis@suburbanwaterInc.com' <travis@suburbanwaterInc.com>; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-126 Kooser Family Rezone

Good Afternoon,

The Department of Planning and Zoning has received an application for a rezone regarding the property at 17675 Evans Rd from RR-5 to R-1 (43).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, October 30, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Disclaimer

This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-127 Ditty Rezone — November 13, 2024

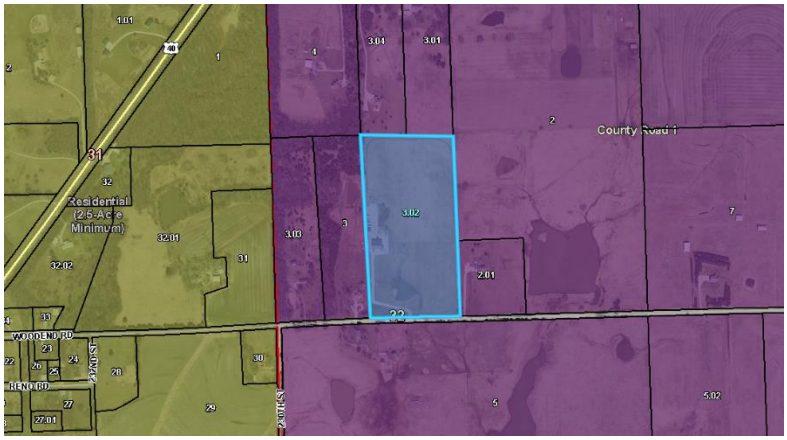
REQUEST: ***Public Hearing Required***

☒ ZONING AMENDMENT ☐ SPECIAL USE PERMIT

☐ TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:
Amy Allison
Deputy Director

SUBJECT PROPERTY: 22856 Woodend Road
FUTURE LAND USE MAP: County Road 1



APPLICANT/APPLICANT AGENT:
JOE HERRING
HERRING SURVEYING COMPANY

PROPERTY OWNER:
Matthew Ditty
22856 Woodend Road
Tonganoxie, KS 66086

CONCURRENT APPLICATIONS:
DEV-24-xxx & xxx Reno Estates

LAND USE

ZONING: PR-2

FUTURE LAND USE DESIGNATION: County Road 1

LEGAL DESCRIPTION:
The South ½ of the East ½ of the West ½ of the Northwest ¼ of Section 32, Township 11, Range 21, in Leavenworth County, Kansas

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-127, Rezone for Ditty, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-127, Rezone for Ditty, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 19.5 ACRES

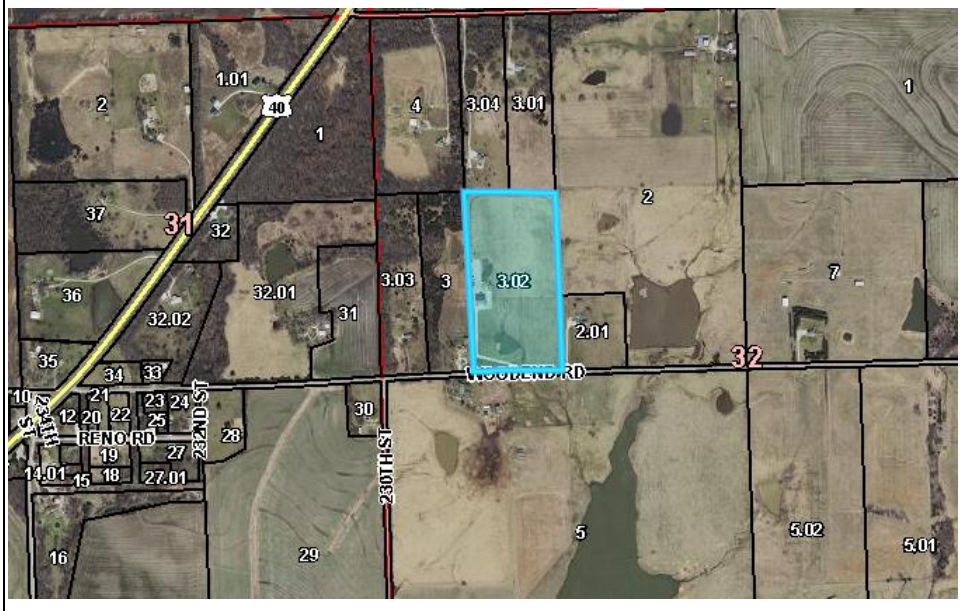
PARCEL ID NO: 199-32-0-00-00-003.02

BUILDINGS: Single-family residence, accessory structures

PROJECT SUMMARY:
Request to rezone one parcel at 22856 Woodend Road from PR-2 to RR-5.

ACCESS/STREET: Woodend Rd - Local, Gravel, ±22' WIDE

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: Fire District 2

WATER: n/a

ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW: 10/22/2024

NEWSPAPER NOTIFICATION: 10/22/2024

NOTICE TO SURROUNDING PROPERTY OWNERS: 10/22/2024

FACTORS TO BE CONSIDERED: *Type content in each if necessary (delete this afterwards)*		
The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:	**Met**	**Not Met**
1. Character of the Neighborhood: *Density:* Surrounding parcels range in size from 2.2 acres to more than 150acres. The area is not densely populated. *Nearby City Limits: Tonganoxie is approximately 2 miles to the northeast.* *Initial Growth Management Area: This parcel is located within the Rural Growth Area.*	X	
2. Zoning and uses of nearby property: *Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature.* *Adjacent Zoning: Adjacent parcels are zoned PR-2 and RR-40. RR-5 zoning is located approx. 600 ft. to the west.*	X (uses)	X (zoning)
3. Suitability of the Property for the uses to which is has been restricted: The property is suitable for rural residences and agricultural uses. The property is currently zoned for moderate density residential that requires public sewer and water to serve. Since the City of Tonganoxie is locate almost two miles to the northeast and this area is not served by public water, the ability to develop to the current zoning districts requirements is not feasible.	X	
4. Extent to which removal of the restrictions will detrimentally affect nearby property: *Nearby properties are unlikely to be negatively impacted as the proposed rezoning would match the development pattern of adjacent parcels.*	X	
5. Length of time the property has been vacant as zoned: ☐ *Vacant:* ☒ *Not Vacant:*	*X*	
6. Relative gain to economic development, public health, safety and welfare: The rezoning does not impact economic development, public health, safety or welfare. The request would allow for the owner to be able to divide the property without public utilities.	*X*	
7. Conformance to the Comprehensive Plan: *Future Land Use Map: County Road 1* *Section 4 Land Use and Development Plan Strategies: The proposed use is not compatible with the future land use designation.*		X

STAFF COMMENTS:

The applicants are requesting a rezoning from Planned Residential 2 to Rural-Residential 5. The Comprehensive Plan identifies the future land use of this area as *County Road 1.* While Staff would typically recommend denial of a request that does not conform to the future land use, Staff recommends approval for the following reasons:

1. The requested use is less dense than the future land use designation.
2. The nearest city is located approximately two miles to the northeast, therefore making extension of sanitary sewer (needed for moderate density residential) unlikely. Additionally, no public water is available in this area.

ATTACHMENTS:
A: Application & Narrative
B: Zoning Map
C: Memorandums

~~concept drawing~~
~~owner auth.~~

REZONING APPLICATION

Leavenworth County Planning Department
300 Walnut, St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

Water NA
Evergy
464
19, 50
199-32
Reno
003.02

Office Use Only

Township: Reno Date Received: 10.09.2024
Planning Commission Date
Case No. DEV-24-127 Date Paid 10.09.2024
Zoning District PR 2 Comprehensive Plan Land Use Designation
County Road 1

APPLICANT/AGENT INFORMATION		OWNER INFORMATION (If different)	
NAME	Joe Herring	NAME	Matthew Ditty
ADDRESS	315 North 5th Street	ADDRESS	22856 Woodend Road
CITY/ST/ZIP	Leavenworth, KS 66048	CITY/ST/ZIP	Tonganoxie, KS 66086
PHONE	913-651-3858	PHONE	N/A
EMAIL	herringsurveying@outlook.com	EMAIL	N/A
CONTACT PERSON	Joe	CONTACT PERSON	N/A

PROPOSED USE INFORMATION

Proposed Land Use: Agriculture and Rural Residential
Current Zoning: PR2 Requested Zoning: RR-5
Reason for Requesting Rezoning: No infrastructure and not in a water district -5 acres is the minimum size for development.

PROPERTY INFORMATION

Address of Property: 22856 Woodend Road
Parcel Size: 20 Acres
Current use of the property: Agriculture and Residential
Present Improvements or structures: Residence
PID: 199-32-0-00-00-003.02

I, the undersigned am the ***(owner), (duly authorized agent)***. ***(Circle One)*** of the aforementioned property situated in the unincorporated portion of Leavenworth ~~County, Kansas~~. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature: Joe Herring - digitally signed 10-9-24 Date: October 9, 2024

ATTACHMENT A

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 03/27/2024

Janet Klasmike
COUNTY CLERK

Doc #: 2024R01983
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
03/27/2024 08:06:35 AM
RECORDING FEE: 38.00
PAGES: 2

PREPARED BY:
EMW Law, LLC
13571 S. Mur-Len Rd.
Olathe, KS 66062

QUIT CLAIM DEED

CTC#24461142 - Accom

THIS QUIT CLAIM DEED, is made and entered into this 22 day of March, 2024, by and between **EMILY I. DITTY, a single person,** and **MATTHEW M. DITTY, a single person,** with a mailing address of **22856 Woodend Rd, Tonganoxie, KS 66086,** the GRANTORS, and **MATTHEW M. DITTY, a single person,** with a mailing address of **22856 Woodend Rd, Tonganoxie, KS 66086,** the GRANTEE.

WITNESSETH, that the GRANTOR, by way of gift, donation or contribution stated in the Deed or other instrument, paid by the GRANTEE the receipt and sufficiency of which is hereby acknowledged, does by these presents REMISE, RELEASE AND FOREVER QUIT CLAIM unto the GRANTEE, the Real Estate situated in the County of **Leavenworth** and State of **Kansas,** and described as follows:

The South 1/2 of the East 1/2 of the West 1/2 of the Northwest 1/4 of Section 32, Township 11, Range 21, in Leavenworth County, Kansas, less and except any part thereof used or taken for road purposes and also less 25% mineral rights.

Subject to restrictions, reservations, covenants and easements of record, if any.

Property Address: 22856 Woodend Rd, Tonganoxie, KS 66086

Pursuant to K.S.A. 79-1437e(a)(8), a real estate validation questionnaire is not required because this transfer is resulting from a divorce settlement where one party transfers interest in property to the other.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the GRANTEE, and to their successors and assigns forever. So that neither the said GRANTOR, nor GRANTOR'S successors or assigns, nor any other person or persons for GRANTOR or in GRANTOR'S name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises, or any part thereof, but they and every one of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the said GRANTOR has executed these presents to be effective as of the day and year first above written.

WITNESS the hand of said GRANTOR:

Emily Ditty
EMILY I. DITTY

Matthew M Ditty
MATTHEW M. DITTY

STATE OF Kansas)
) ss.
COUNTY OF Leavenworth)

On this 22 day of March, 2024, before me the undersigned notary, personally appeared ***EMILY I. DITTY, ~~a single person~~*** * who proved to me through identification documents which was a **Passport / Driver's License/ State ID or** _____, to me personally known to me to be the ~~person(s)~~ described in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their free act and deed.

*Matthew M. Ditty, a Single Person

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Chelsea D. Barnett
Chelsea D. Barnett, - Notary Public

My term expires: May 7, 2025

CHELSEA D. BARNETT
Notary Public, State of Kansas
My Appointment Expires
May 07, 2025

Johnson, Melissa

From: Joe Herring <herringsurveying@outlook.com>
Sent: Tuesday, October 8, 2024 10:50 AM
To: PZ
Subject: Authorization Affidavit - RENO ESTATES - Ditty Property
Attachments: AuthorizationAFFIDAVIT (2).pdf

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Thank you - Joe Herring

_____

J.Herring Inc., dba,Herring Surveying Company
315 N. 5th Street, Leavenworth, KS 66048
913-651-3858 - ROCK CHALK!

From: Matt Ditty <mdditty@yahoo.com>
Sent: Wednesday, June 26, 2024 3:50 PM
To: Joe Herring <herringsurveying@outlook.com>
Subject: Re: Authorization Affidavit

I Matt Ditty authorize Joe Herring to represent me in this process.

See attached form. Sign and return stating you authorize me to represent you in this process.

Thank you - Joe Herring

_____

J.Herring Inc., dba,Herring Surveying Company
315 N. 5th Street, Leavenworth, KS 66048
913-651-3858 - ROCK CHALK!

<AuthorizationAFFIDAVIT (2).pdf>

RENO ESTATES

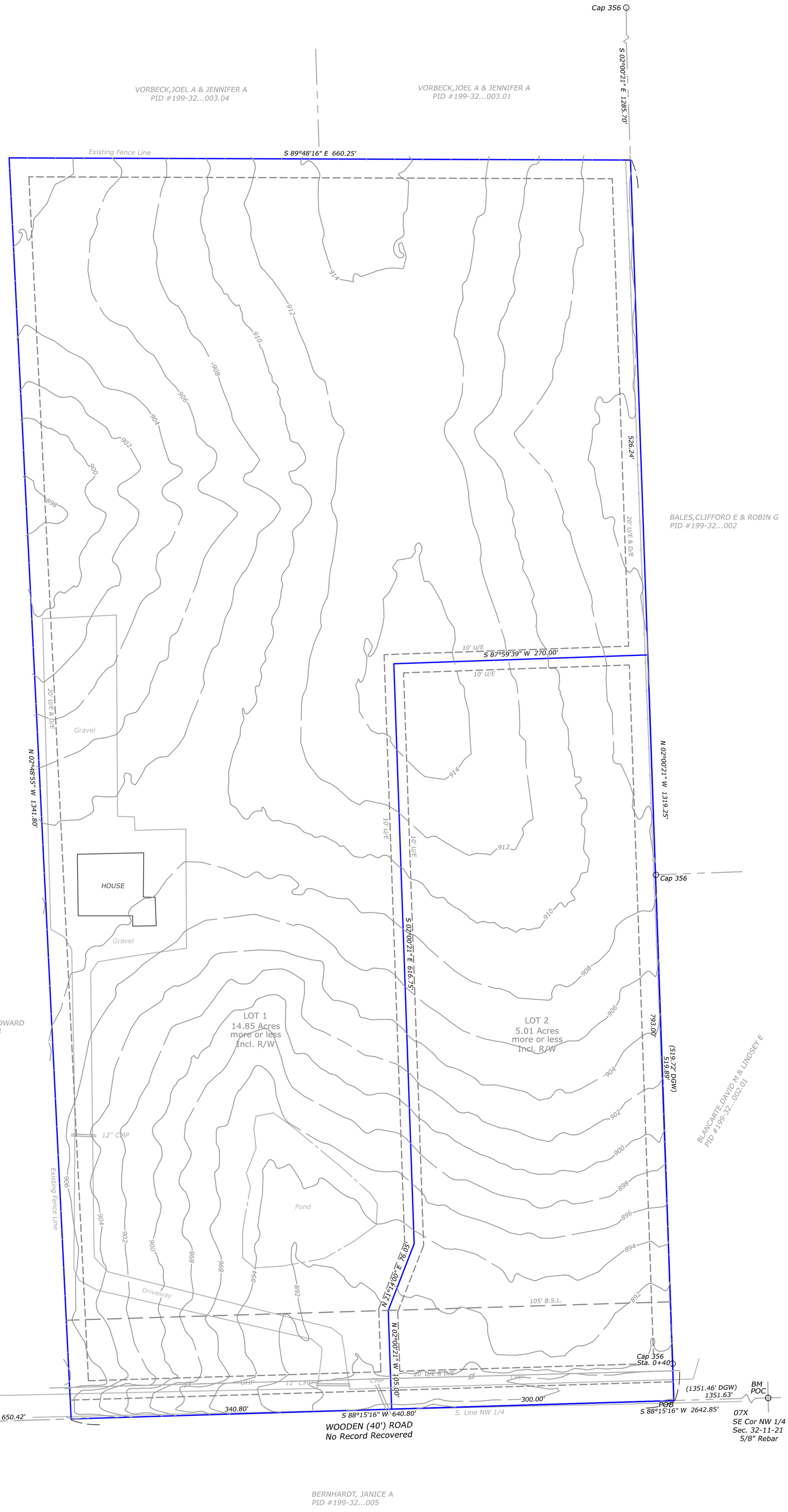
A Minor Subdivision in the Northwest Quarter of Section 32, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:

Matthew Ditty
22856 WOODEND RD
TONGANOXIE, KS 66086
PID NO. 199-32-0-00-00-003.02

SURVEYOR'S DESCRIPTION:
Tract of land in the Northwest Quarter of Section 32, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on October 8, 2024, more fully described as follows: Commencing at the Southeast corner of said Northwest Quarter; thence South 88 degrees 15'16" West for a distance of 1351.63 feet along the South line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence continuing South 88 degrees 15'16" West for a distance of 640.80 feet along said South line; thence North 02 degrees 48'55" West for a distance of 1341.80 feet along an existing fence line; thence South 89 degrees 48'16" East for a distance of 660.25 feet along an existing fence line; thence South 02 degrees 00'21" East for a distance of 1319.25 feet to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 19.86 acres, more or less, including road right of way.
Error of Closure: 1 - 106735



RESTRICTIONS:

1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
2) An Engineered Waste Disposal System may be required due to poor soil conditions.
3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
4) Lots are subject to the current Access Management Policy Additional access limits as shown hereon.
5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
6) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 5
7) An exception to Article 4, Section 6.7.c. Accessory structure for storage of equipment has been granted for Lot 4
8) No off-plat restrictions.

ZONING:

RR 2.5 - Rural Residential 2.5

NOTES:

1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - See Surveyor's Description
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Existing and Proposed Lots for Agriculture and Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
Project Benchmark (BM) - SE COR NW 1/4 Section 12 - 5/8" Rebar - Elev - 922.9'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Doc # 2024R01983
12) Utility Companies -
- Water - Not Applicable
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Continental Title File Number 24470195 dated September 20, 2024.
14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0325G dated July 16, 2015
15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
16) Existing Structures, if any, shown in approximate location.
17) Fence Lines do not necessarily denote the boundary line for the property.
18) Reference Surveys:
DGW - D.G.White - Survey S-15-05 #26, NKA 2005S026

LEGEND:

● - 1/2" Bar Set with Cap No.1296
○ - 1/2" Bar Found, unless otherwise noted.
( ) - Record / Deeded Distance
U/E - Utility Easement
D/E - Drainage Easement
B.S.L. - Building Setback Line
R/W - Permanent Dedicated Roadway Easement dedicated this plat
℄ - Centerline
§ - Section Line
BM - Benchmark
POB - Point of Beginning
POC - Point of Commencing
///// - No Vehicle Entrance Access
NS - Not Set this survey per agreement with client
- Power Pole
X——— - Fence Line
OHP——— - Overhead Power Lines
T——— - Underground Telephone/Fiber Optic Line

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2024 at _____ o'clock __M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn

NORTH
Scale 1" = 60'

60 0 60 120 180
1" = 60'

I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363
County Surveyor

LEAVENWORTH COUNTY

VICINITY MAP
NOT TO SCALE

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of April through August 2024 and this map or plat is correct to the best of my knowledge.

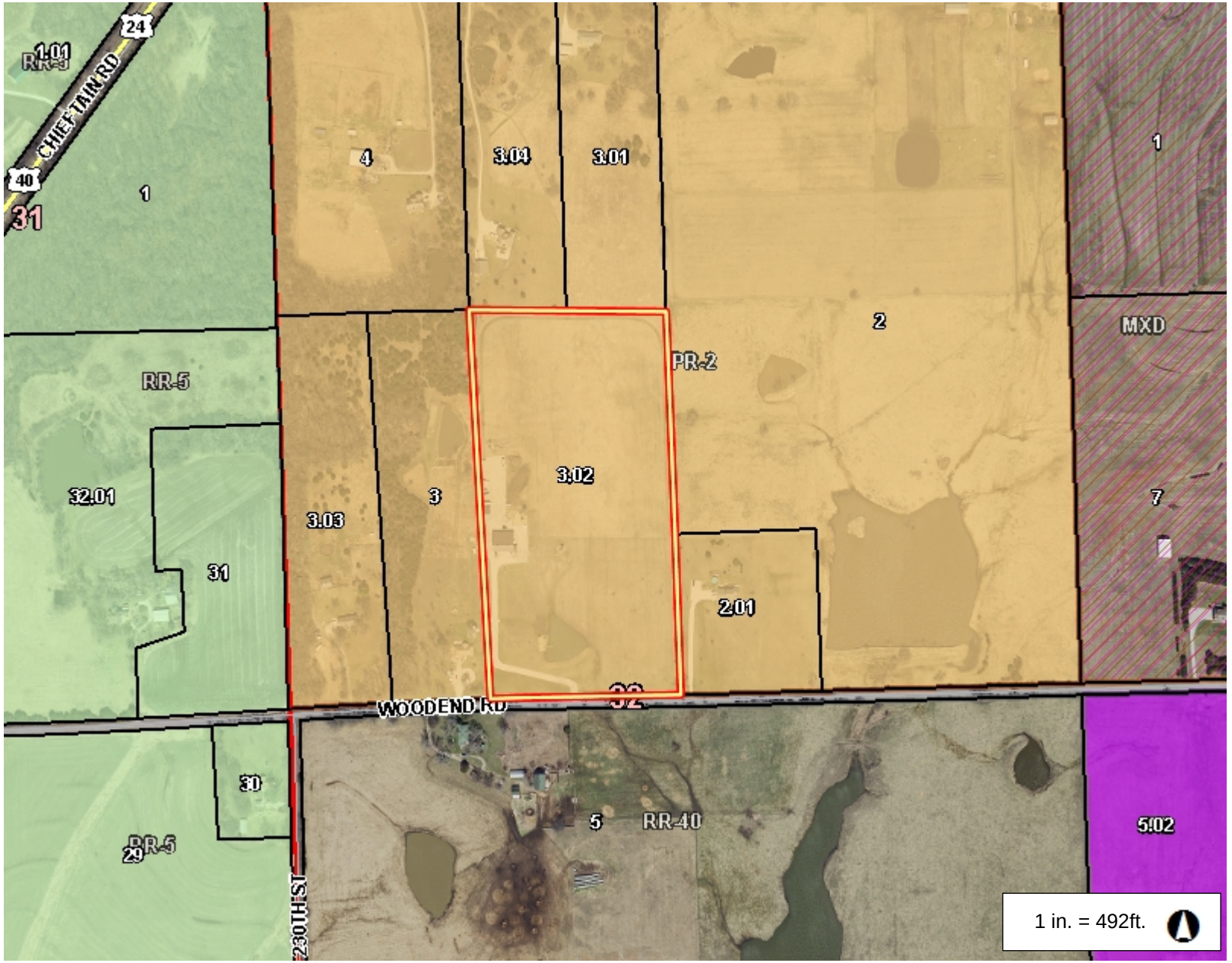
Joseph A. Herring
PS # 1296

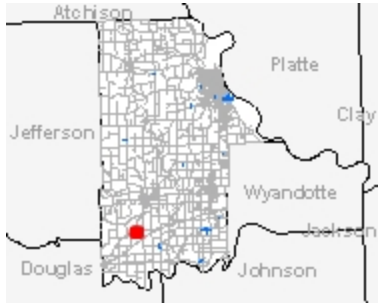
JOSEPH A. HERRING
REGISTERED
LS - 1296
KANSAS
LAND SURVEYOR

Job # K-24-1814
October 8, 2024

J.Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email – survey@teamcash.com

DEV-24-127 Ditty Rezone





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1
  - PR-2
  - PR-3

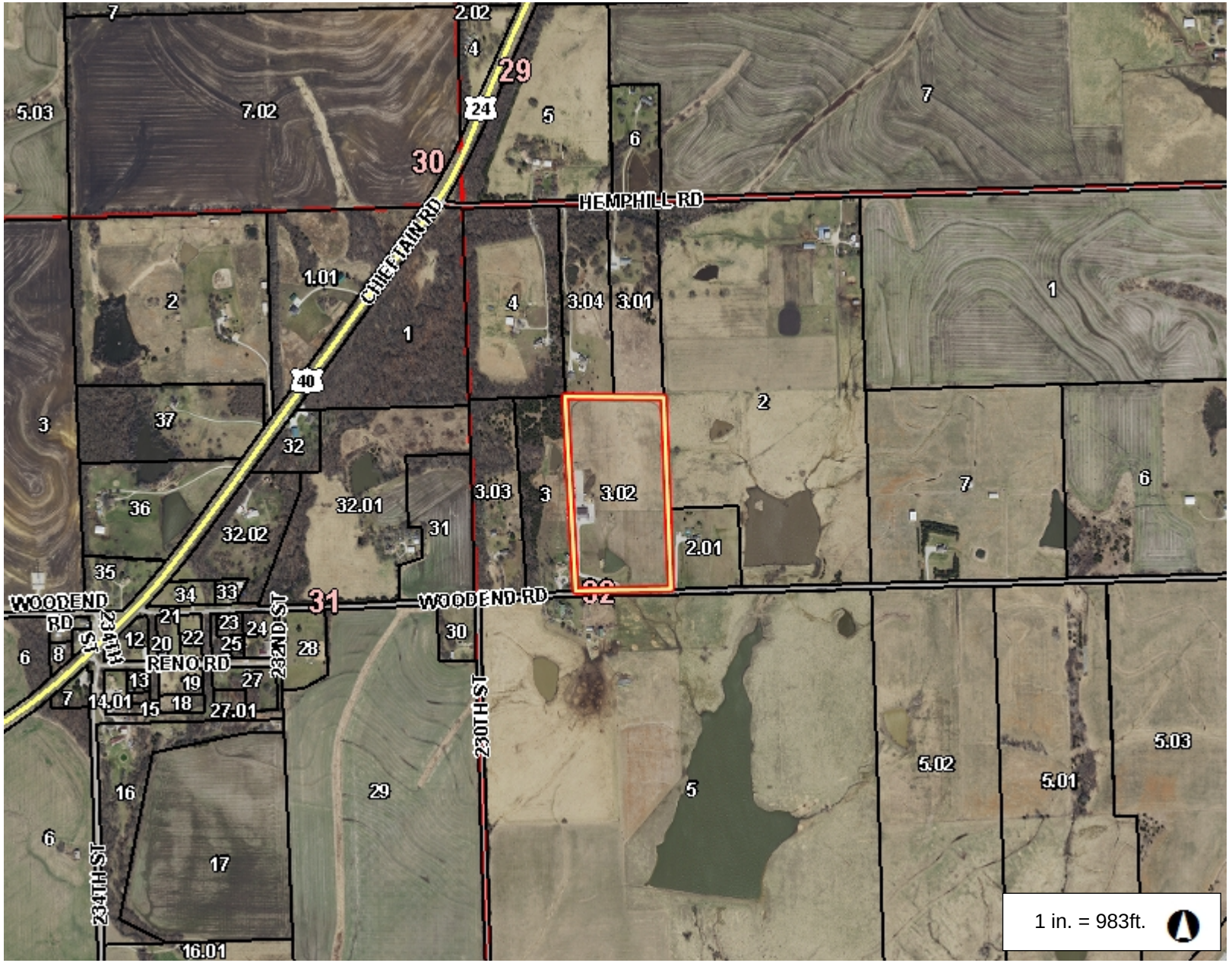
Notes

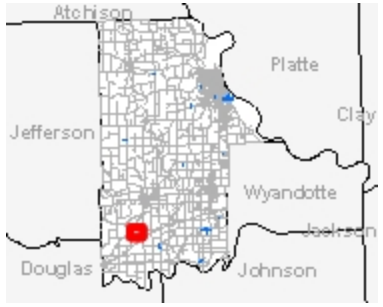
983.0 0 491.52 983.0 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DEV-24-127 Ditty Rezone





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

1,966.1 0 983.03 1,966.1 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Allison, Amy

From: Anderson, Kyle
Sent: Wednesday, October 16, 2024 1:57 PM
To: Allison, Amy
Subject: RE: DEV-24-127 Rezone - Ditty

We have not received any complaints on this property.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, October 10, 2024 4:45 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'dritter@lvcofd2.com' <dritter@lvcofd2.com>; 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-127 Rezone - Ditty

Good Afternoon,

The Department of Planning and Zoning has received an application for rezoning the property at 22856 Woodend Road from PR-2 to RR-5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, October 24, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Disclaimer

Allison, Amy

From: Dylan Ritter <dritter@lvcofd2.com>
Sent: Monday, October 21, 2024 2:40 PM
To: Allison, Amy
Cc: Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Brown, Misty; Mitch Pleak; Noll, Bill; McAfee, Joe; kritter@lvcofd2.com; designgrouplawrenceservicecenter@evergy.com; PZ
Subject: Re: DEV-24-127 Rezone - Ditty

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Leavenworth County Fire DIstrict #2 has no comments or concerns.

On Thu, Oct 10, 2024 at 4:44 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

> Good Afternoon,
>
> The Department of Planning and Zoning has received an application for rezoning the property at 22856 Woodend Road from PR-2 to RR-5.
>
> The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, October 24, 2024.
>
> If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov
>
> Thank you,
>
> Amy Allison, AICP
>
> Deputy Director
>
> Planning & Zoning
>
> Leavenworth County
>
> 913.364.5757

Disclaimer

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--

Dylan Ritter
Assistant Chief
Leavenworth County Fire District #2
100 Main Street
P.O. Box 270
Linwood, KS, 66052
(913) 339-8973

Allison, Amy

From: McAfee, Joe
Sent: Monday, October 21, 2024 2:10 PM
To: Allison, Amy; Magaha, Chuck; Anderson, Kyle; Brown, Misty; Noll, Bill
Cc: PZ
Subject: RE: DEV-24-127 Rezone - Ditty

Amy,
PW Engineering has no comment on the rezone.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, October 10, 2024 4:45 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'dritter@lvcofd2.com' <dritter@lvcofd2.com>; 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-127 Rezone - Ditty

Good Afternoon,

The Department of Planning and Zoning has received an application for rezoning the property at 22856 Woodend Road from PR-2 to RR-5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, October 24, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Disclaimer

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LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-128 Lot 1 Smith Corner Rezone — November 13, 2024

REQUEST: ***Public Hearing Required***
☒ ZONING AMENDMENT ☐ SPECIAL USE PERMIT
☐ TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:
JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 19575 Mitchell Rd.



APPLICANT/APPLICANT AGENT:
Herring Surveying Company
315 N 5th St.
Leavenworth, KS 66048

PROPERTY OWNER:
GM Investment Properties
18285 Prairie View Rd
Tonganoxie, KS 66086

CONCURRENT APPLICATIONS:
N/A

LEGAL DESCRIPTION:
Lot 1, Smith's Corner, a subdivision in Leavenworth County, Kansas.

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION: RESIDENTIAL 3-UNITS PER ACRE

SUBDIVISION: Smith's Corner

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:
1. Recommend approval of Case No. DEV-24-128, Rezone for GM Investment Properties, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-128, Rezone for GM Investment Properties, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 4.00 ACRES (5.09 Including R/W)

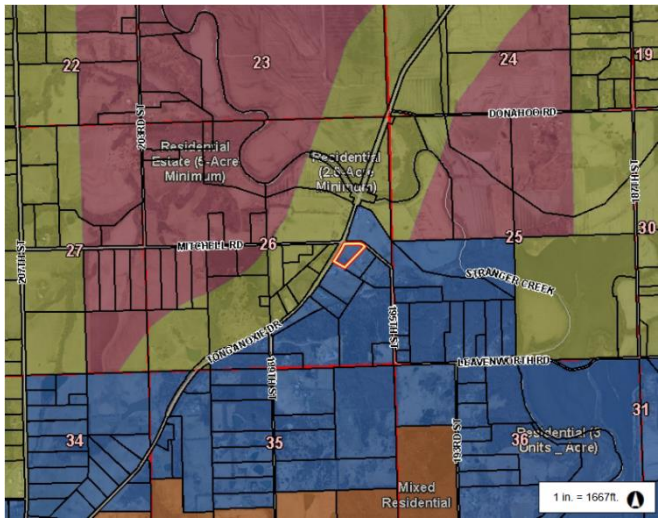
PARCEL ID NO:
147-26-0-00-00-014.17

BUILDINGS:
N/A

PROJECT SUMMARY:
Request to rezone one parcel at 19575 Mitchell Rd. (PID: 147-26-0-00-00-014.17) from RR-5 to RR-2.5.

ACCESS/STREET:
Tonganoxie Rd. – Arterial, PAVED, ±26' WIDE; Mitchell Rd. – Collector, Gravel, ±28' WIDE

Location Map: FUTURE LAND USE MAP



UTILITIES

SEWER: SEPTIC

FIRE: STRANGER

WATER: RWD 9

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW: 11/7/2024

NEWSPAPER NOTIFICATION:
10/23/2024

NOTICE TO SURROUNDING PROPERTY OWNERS:
10/23/2024

FACTORS TO BE CONSIDERED: *Type content in each if necessary (delete this afterwards)*		
The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:	**Met**	**Not Met**
1. Character of the Neighborhood: *Density:* Surrounding parcels range in size from 1 acre to more than 57 acres. The area is not densely populated. *Nearby City Limits:* Tonganoxie is more than 2 mile to the East. *Initial Growth Management Area:* This parcel is located within the Rural Growth Area.	X	
2. Zoning and uses of nearby property: *Adjacent Uses:* Most of the adjacent parcels are residential and agricultural in nature. *Adjacent Zoning:* All adjacent properties are zoned RR-5. However, there are lots within the immediate area that are zoned RR-2.5	X	
3. Suitability of the Property for the uses to which is has been restricted: The property is suitable for rural residences and agricultural uses.	X	
4. Extent to which removal of the restrictions will detrimentally affect nearby property: Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.	X	
5. Length of time the property has been vacant as zoned: ☒ Vacant: This lot has been platted since 2018 and no single family residence permit has not been pulled ☐ Not Vacant:	X	
6. Relative gain to economic development, public health, safety and welfare: The rezoning does not impact economic development, public health, safety or welfare.	X	
7. Conformance to the Comprehensive Plan: *Future Land Use Map*: Residential 3 Units Per Acre *Section 4 Land Use and Development Plan Strategies:* The proposed use is not compatible with the future land use designation.	X	

STAFF COMMENTS:

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as *Residential 3 units per acre.* The applicant has provided a concept drawing of a potential subdivision developed to RR-2.5 standards. While Staff would typically recommend denial of a request that does not conform to the future land use, Staff recommends approval for the following reasons:

1. The requested use is less dense than the future land use designation.
2. The nearest city is located more than two miles, therefore making the extension of sanitary sewer unlikely.

ATTACHMENTS:
A: Application & Narrative
B: Zoning Map
C: Memorandums

• Payment 400.00
• concept plan

REZONING APPLICATION

Leavenworth County Planning Department
300 Walnut, St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

Office Use Only

Township: _____ Date Received: _____
Planning Commission Date _____
Case No. DEV-24-128 Date Paid _____
Zoning District _____ Comprehensive Plan Land Use Designation _____

APPLICANT/AGENT INFORMATION

NAME Joe Herring
ADDRESS 315 North 5th Street
CITY/ST/ZIP Leavenworth, KS 66048
PHONE 913-651-3858
EMAIL herringsurveying@outlook.com
CONTACT PERSON Joe

OWNER INFORMATION (If different)

GM INVESTMENT PROPERTIES LLC
NAME John Mollett
ADDRESS 18285 PRAIRIE VIEW RD
CITY/ST/ZIP Tonganoxie, KS 66086
PHONE N/A
EMAIL N/A
CONTACT PERSON N/A

PROPOSED USE INFORMATION

Proposed Land Use Residential
Current Zoning RR-5 Requested Zoning RR 2.5
Reason for Requesting Rezoning Better use of Lot with conformance to the Future Land Use

PROPERTY INFORMATION

Address of Property 19575 Mitchell Road
Parcel Size 5.0 Acres
Current use of the property Vacant
Present Improvements or structures None
PID 147-26-0-00-00-014.17

I, the undersigned am the ***(owner), (duly authorized agent)***, ***(Circle One)*** of the aforementioned property situated in the unincorporated portion of Leavenworth ~~County, Kansas~~. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature Joe Herring - digitally signed October 7, 2024 Date 10/7/24

ATTACHMENT A

AFFIDAVIT
Authorization of Contractors or Individuals to Act as Agents of a Landowner
COUNTY OF LEAVENWORTH
STATE OF KANSAS

We/I John Molleft and G/M Investment Properties LLC

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 19575 Mithell Rd Tonganoxie KS 66086, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5th Street, Leavenworth, KS 66048, 913-651-3858
2)

Signed and entered this 7th day of October, 2024.

John Molleft 18285 Prairie view Rd. Tonganoxie Kansas 66086 913-915-8836
Print Name, Address, Telephone

Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this _____ day of _____ 20__, before me, a notary public in and for said County and State came _____ to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC_____

My Commission Expires:_____ (seal)

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 10/03/2024

Janet Klasmike
COUNTY CLERK

Doc #: 2024R07385
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
10/03/2024 10:36:42 AM
RECORDING FEE: 38.00
PAGES: 2

Continental Title Company: 24470275

Warranty Deed
(Individuals)

This indenture, Made this 2 day of October, 2024, between, **Jason K. Smith, a single person,** of Leavenworth County, in the State of KS, party(ies) of the first part, and **GM Investment Properties, LLC,** of **Leavenworth** County, in the State of **KS**, party(ies) of the second part.

WITNESSETH, that the said party(ies) of the first part, in Consideration of the sum of TEN Dollars and other valuable considerations, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell and convey unto said party(ies) of the second part, his/her/their successors and/or assigns, all of the following described real estate, situated in the County of **Leavenworth** and State of **Kansas** to wit:

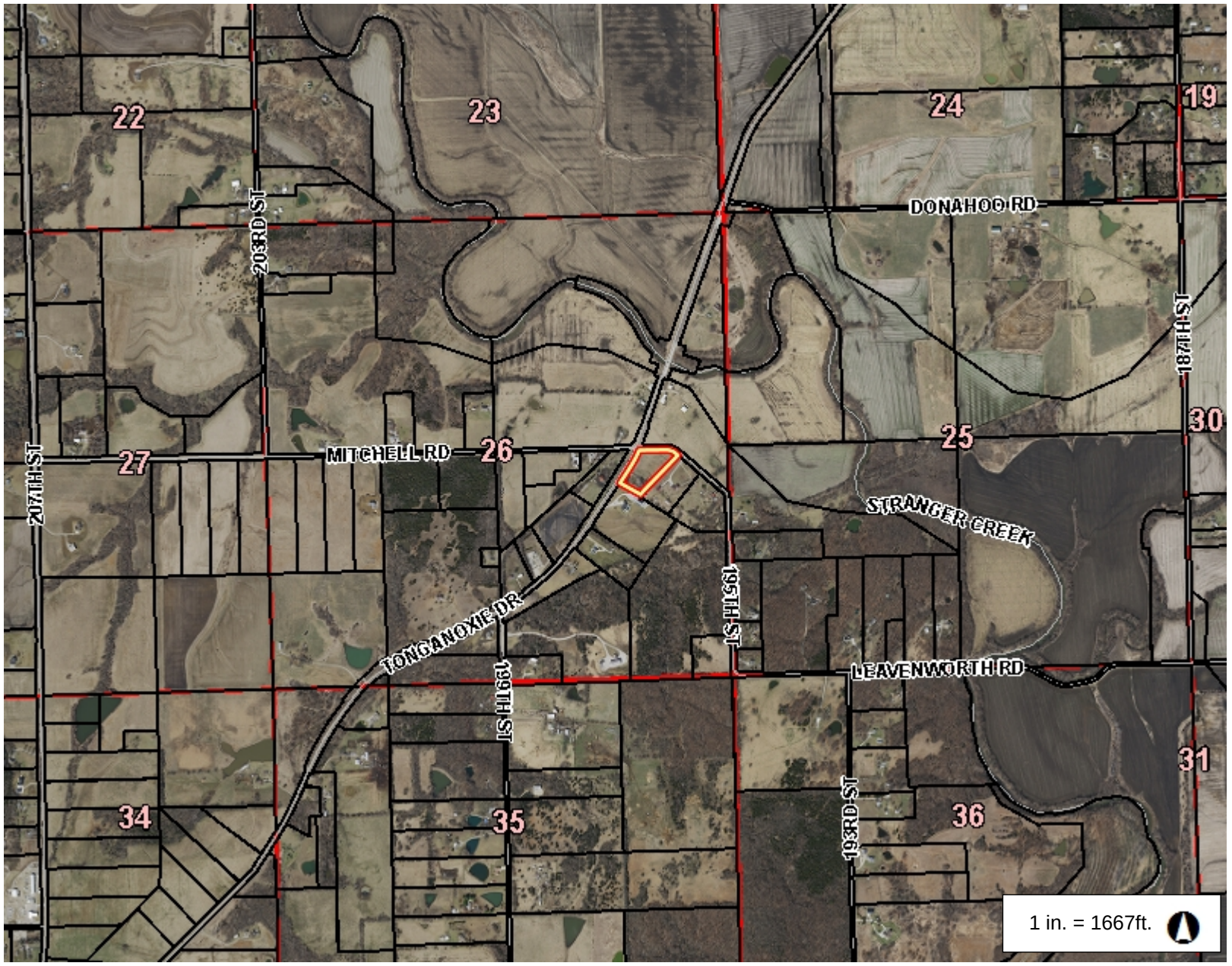
Legal Description: **Lot 1, SMITH'S CORNER, a subdivision in Leavenworth County, Kansas**

Note: Subject to easements, reservations, restrictions, if any of record.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever.

And said party(ies) of the first part, for itself, and its successors and assigns, does hereby covenant, promise and agree, to and with said party(ies) of the second part, that at the delivery of these presents, it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the able granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, states, judgments, taxes, assessments and encumbrances, of what nature and kind so ever, and that it will Warrant and Forever Defend the same unto said party(ies) of the second part, his/her/their heirs and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

Leavenworth County, KS





Legend

- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

3,333.2 0 1,666.59 3,333.2 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Leavenworth County, KS





Legend

- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1
  - PR-2
  - PR-3
  - PUD

Notes

3,333.2 0 1,666.59 3,333.2 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION


19690
382.19 ft
144.62 ft
Area: 2.50 ac
Perimeter: 1,380.23 ft
19571
330.97 ft
389.93 ft
304.75 ft
26
Area: 2.51 ac
Perimeter: 1,338.76 ft
336.47 ft
307.61 ft
14.11
14.13

Schweitzer, Joshua

From: Gary Willits <gary.willits@freestate.coop>
Sent: Wednesday, October 16, 2024 6:46 AM
To: Schweitzer, Joshua
Subject: RE: DEV-24-128 Rezoning Lot 1 Smith Corner - Herring

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Joshua,
FreeState Electric does not have any issues with this property rezone. We can provide electrical service to each of them.
Thank you,
Gary Willits

Gary Willits
Staking Engineer

FreeState Electric Cooperative, Inc.
Your Touchstone Energy® Cooperative

1-800-794-1989 | www.freestate.coop

From: Line Department <linedepartment@freestate.coop>
Sent: Tuesday, October 15, 2024 9:30 AM
To: Gary Willits <gary.willits@freestate.coop>
Subject: FW: DEV-24-128 Rezoning Lot 1 Smith Corner - Herring

---

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Tuesday, October 15, 2024 9:29 AM
To: cmagaha@lvsheriff.org; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mark B' <stfdchief1760@gmail.com>; Line Department <linedepartment@freestate.coop>; 'lrwd9@gmail.com' <lrwd9@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-128 Rezoning Lot 1 Smith Corner - Herring

Good Morning,

The Department of Planning and Zoning has received an application for a rezone regarding the property at 19575 Mitchell Road from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by October 29, 2024.

Schweitzer, Joshua

From: Mark B <stfdchief1760@gmail.com>
Sent: Tuesday, October 15, 2024 2:01 PM
To: Schweitzer, Joshua
Cc: Magaha, Chuck; Patzwald, Joshua; Van Parys, David; Brown, Misty; McAfee, Joe; Miller, Jamie; Noll, Bill; linedepartment@freestate.coop; lrwd9@gmail.com; PZ
Subject: Re: DEV-24-128 Rezoning Lot 1 Smith Corner - Herring

Follow Up Flag: Follow up
Flag Status: Flagged

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Stranger Township Fire Department has no issues with this application.

Mark Billquist
Stranger Township Fire Chief
913-369-0510

On Tue, Oct 15, 2024 at 9:29 AM Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov> wrote:

> Good Morning,
>
> The Department of Planning and Zoning has received an application for a rezone regarding the property at 19575 Mitchell Road from RR-5 to RR-2.5.
>
> The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by October 29, 2024.
>
> If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov
>
> v / r
>
> Joshua J. Schweitzer

Schweitzer, Joshua

From: Rural Water District 9 lvrwd9 <lvrwd9@gmail.com>
Sent: Wednesday, October 30, 2024 2:12 PM
To: Schweitzer, Joshua
Subject: Re: FW: DEV-24-128 Rezoning Lot 1 Smith Corner - Herring

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

At this time LVRWD9 has no concerns with the rezone of DEV -24-128.

On Tue, Oct 15, 2024 at 9:35 AM Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov> wrote:

> Ma'am,
>
> Below you will see the information pertaining to the rezoning application that was submitted to our office.
>
> v / r
>
> Joshua J. Schweitzer
>
> Development Planner
>
> Leavenworth County Planning & Zoning
>
> 300 Walnut St, Suite 212
>
> Leavenworth County, Kansas 66048
>
> (913) 684-0465
>
> **From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
> **Sent:** Tuesday, October 15, 2024 9:29 AM
> **To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mark B' <stfdchief1760@gmail.com>; 'linedepartment@freestate.coop' <linedepartment@freestate.coop>; 'lrwd9@gmail.com' <lrwd9@gmail.com>
> **Cc:** PZ <PZ@leavenworthcounty.gov>
> **Subject:** DEV-24-128 Rezoning Lot 1 Smith Corner - Herring

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Wednesday, October 16, 2024 2:01 PM
To: Schweitzer, Joshua
Subject: RE: DEV-24-128 Rezoning Lot 1 Smith Corner - Herring

Since the current owner has been in possession of the property we have not had any complaints on it. The storage of junk and vehicles was all cleaned up before the property sold.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Tuesday, October 15, 2024 9:29 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mark B' <stfdchief1760@gmail.com>; 'linedepartment@freestate.coop' <linedepartment@freestate.coop>; 'lrwd9@gmail.com' <lrwd9@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-128 Rezoning Lot 1 Smith Corner - Herring

Good Morning,

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If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212

Schweitzer, Joshua

From: McAfee, Joe
Sent: Monday, October 21, 2024 2:44 PM
To: Schweitzer, Joshua; Magaha, Chuck; Patzwald, Joshua; Van Parys, David; Brown, Misty; Noll, Bill
Cc: PZ
Subject: RE: DEV-24-128 Rezoning Lot 1 Smith Corner - Herring

Joshua,
PW Engineering has reviewed the rezoning request documents. Tonganoxie Drive is a High Volume Arterial and Mitchell Road is a Collector roadway classification. No driveway access to the new lot is available on Tonganoxie Road and the drive access on Mitchell must be 100' from the intersection and 200' from any existing drives on the south side of Mitchell. It is possible but there is a fairly limited envelope for the driveway placement. Otherwise, no other comments.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Tuesday, October 15, 2024 9:29 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mark B' <stfdchief1760@gmail.com>; 'linedepartment@freestate.coop' <linedepartment@freestate.coop>; 'lrwd9@gmail.com' <lrwd9@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-128 Rezoning Lot 1 Smith Corner - Herring

Good Morning,

The Department of Planning and Zoning has received an application for a rezone regarding the property at 19575 Mitchell Road from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by October 29, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

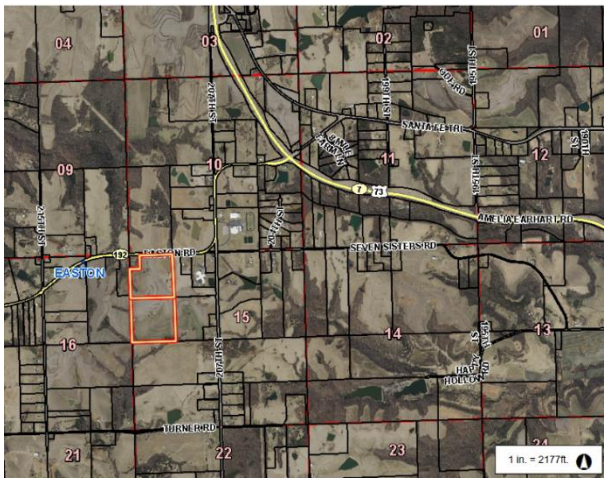
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-131 T&R Investments Rezone — November 13, 2024

REQUEST: ***Public Hearing Required***
☒ ZONING AMENDMENT ☐ SPECIAL USE PERMIT
☐ TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:
JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 00000 Easton Rd.



APPLICANT/APPLICANT AGENT:
Herring Surveying Company
315 N 5th Street
Leavenworth, KS 66048

PROPERTY OWNER:
T&R Investments
17335 174th St.
Basehor, KS 66007

CONCURRENT APPLICATIONS:
N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
RR-2.5 & RR-5

LEGAL DESCRIPTION:
Two tracts of land in the Northwest ¼ of Section 15, Township 8 South, Range 21 East of the 6th PM., Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-131, Rezone for T&R Investments, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-131, Rezone for T&R Investments, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 35.90 & 40.40 Acres

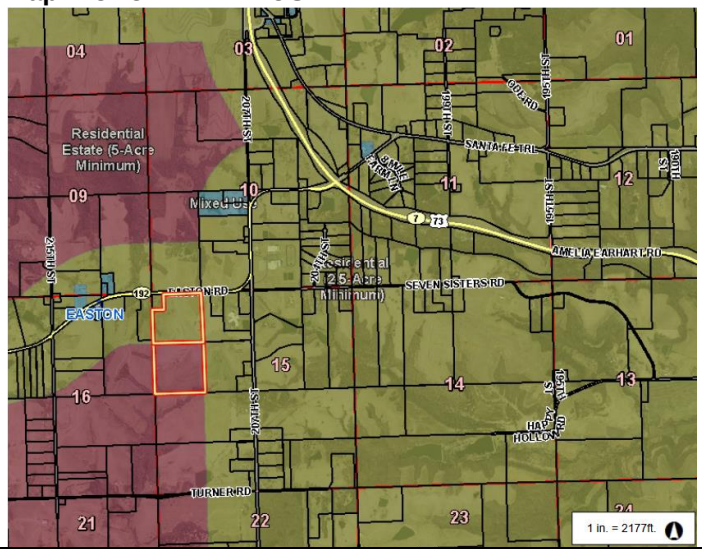
PARCEL ID NO:
065-15-0-00-00-006; 006.02

BUILDINGS:
N/A

PROJECT SUMMARY:
Request to rezone two parcels at 00000 Easton Rd.
(PID: 065-15-0-00-00-006 & 006.02) from RR-5 to RR-2.5

ACCESS/STREET:
Easton Rd., State HWY, PAVED, ±26' WIDE

Location Map: FUTURE LAND USE MAP



UTILITIES

SEWER: SEPTIC

FIRE: KICKAPOO

WATER: RWD 12

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 11/6/2024

NEWSPAPER NOTIFICATION:
10/23/2024

NOTICE TO SURROUNDING PROPERTY OWNERS:
10/23/2024

FACTORS TO BE CONSIDERED:		
The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:	**Met**	**Not Met**
1. Character of the Neighborhood: *Density:* Surrounding parcels range in size from 2 acre to more than 80 acres. The area is not densely populated. *Nearby City Limits:* The majority of Easton city limits is more than 3 miles to the west of subject property. However, there is island jurisdictional component of Easton that less than a half-mile away *Initial Growth Management Area:* This parcel is located within the Rural Growth Area.	X	
2. Zoning and uses of nearby property: *Adjacent Uses:* Most of the adjacent parcels are residential and agricultural in nature. With the exception of the Easton Elementary school is in close proximity of the subject property. *Adjacent Zoning:* Properties directly to the East leading to HWY US73 of subject properties are zoned RR-2.5. Properties to the North, South, & West are zoned RR-5 with some properties zoned B-3 (General Business District).	X	
3. Suitability of the Property for the uses to which is has been restricted: The property is suitable for rural residences and agricultural uses.	X	
4. Extent to which removal of the restrictions will detrimentally affect nearby property: Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.	X	
5. Length of time the property has been vacant as zoned: ☒ *Vacant:* ☐ *Not Vacant:*	X	
6. Relative gain to economic development, public health, safety and welfare: The rezoning does not impact economic development, public health, safety or welfare.	X	
7. Conformance to the Comprehensive Plan: *Future Land Use Map:* North Property (RR-2.5) South Property (RR-5) *Section 4 Land Use and Development Plan Strategies:* The proposed use is compatible with the future land use designation based off of adjacent properties.	X	

STAFF COMMENTS:

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The property owner has additional property (006.03) that is already zoned as RR-2.5 and are requesting all their properties to be zoned the same (RR-2.5). The Comprehensive Plan identifies the future land use of the North property as RR-2.5 and the South property as RR-5. The applicant has provided a concept drawing of a potential subdivision developed to RR-2.5 standards. Staff would like to note that KDOT and Public Works addressed some access challenges along Easton Rd. and 207th. Sight distance requirements based off the road classifications would limit access to this site.

Staff is supportive of this request as the North property matches the future land use designation of RR-2.5 and due to the close proximity of the future land use RR-2.5 designation of the South property. The South property also does not have any road frontage which would require access from either Easton Rd or 207th. It would be considered favorable if all properties were zoned the same.

ATTACHMENTS:
A: Application & Narrative
B: Zoning Map
C: Memorandums

REZONING APPLICATION

Leavenworth County Planning Department
300 Walnut, St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

Office Use Only

Township: _____ Date Received: _____
Planning Commission Date _____
Case No. _____ Date Paid _____
Zoning District _____ Comprehensive Plan Land Use Designation_____

APPLICANT/AGENT INFORMATION	**OWNER INFORMATION (If different)**
NAME Joe Herring	NAME T & R INVESTMENTS - Rick E. Kooser
ADDRESS 315 North 5th Street	ADDRESS 17335 174TH ST
CITY/ST/ZIP Leavenworth, KS 66048	CITY/ST/ZIP Basehor, KS 66007
PHONE 913-651-3858	PHONE N/A
EMAIL herringsurveying@outlook.com	EMAIL N/A
CONTACT PERSON Joe	CONTACT PERSON N/A

PROPOSED USE INFORMATION

Proposed Land Use Agriculture and Rural Residential

Current Zoning RR-5 Requested Zoning RR 2.5

Reason for Requesting Rezoning Estate Planning and to match zoning to future use bringing all parcels to same zoning.

PROPERTY INFORMATION

Address of Property 00000 Easton Road

Parcel Size 76.3 Acres

Current use of the property Agriculture

Present Improvements or structures None

PID 065-15-0-00-00-006 & 065-15-0-00-00-006.02

I, the undersigned am the ***(owner), (duly authorized agent)***, ***(Circle One)*** of the aforementioned property situated in the unincorporated portion of Leavenworth ~~County~~, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature Joe Herring - digitally signed September 23, 2024 Date 9-23-24

ATTACHMENT A

AFFIDAVIT
Authorization of Contractors or Individuals to Act as Agents of a Landowner
COUNTY OF LEAVENWORTH
STATE OF KANSAS

We/I Rick E Kooser and _____

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 3 parcels 207th St Easton Ks and 00000 Easton Rd Easton KS, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5th Street, Leavenworth, KS 66048, 913-651-3858
2)

Signed and entered this 18th day of September, 20__.

Rick E Kooser, 17559 Evans Rd Tonganoxie KS 66086
Print Name, Address, Telephone

Rick Kooser
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this _____ day of _____ 20__, before me, a notary public in and for said County and State came _____ to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC_____

My Commission Expires:_____ (seal)

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 03/07/2022
Janet Klasmike
COUNTY CLERK

Doc #: 2022R02071
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
03/07/2022 02:42:45 PM
RECORDING FEE: 38.00
PAGES: 2

TRUSTEE DEED

Grantor, **Dorothy E. Schmidling, Trustee of the Dorothy E. Schmidling Living Trust , dated February 5, 1993,** acting pursuant to the powers vested under said Trust, for the sum of Ten and 00/100 Dollars ($10.00) and other valuable consideration, receipt of which is hereby acknowledged, does by these presents grant, bargain, sell and convey to **T & R Investments, A Kansas General Partnership** all right, title and interest in the following described real estate:

A tract of land in the Northwest Quarter (NW1/4) of Section Fifteen (15), Township Eight (8) South, Range Twenty one (21) East of the 6th P.M., more fully described as follows: Beginning at the Northeast corner of the Southeast 1/4 of the Northwest 1/4; thence South along the East line of the Northwest 1/4, 543.00 feet; thence West 265.00 feet; thence South parallel to the East line of said Northwest 1/4, 378.00 feet; thence West 206.69 feet; thence South parallel to the East line of the Northwest 1/4, 399.00 feet to the South line of said Northwest 1/4; thence West along the South line of said Northwest 1/4, 848.31 feet to the Southwest corner of the Southeast 1/4 of the Northwest 1/4; thence North along the West line of the Southeast 1/4 of the Northwest 1/4, 1320.00 feet to the Northwest corner of the Southeast 1/4 of the Northwest 1/4; thence East along the North line of the Southeast 1/4 of the Northwest 1/4, 1320.00 feet to the point of beginning, less any part thereof taken or used for road purposes, in Leavenworth County, Kansas.

TO HAVE AND TO HOLD the above described premises, together with the appurtenances and hereditaments thereunto appertaining, and every part thereof to the said Grantee(s) as above stated, subject to: easements, restrictions, reservations and covenants, if any, now of record. Grantor further warrants that said Trust is in full force and effect, has not been amended or revoked, and this conveyance is within his or her authority as trustee, with this deed EXECUTED on 3-1-22

Leavenworth County, Register of Deeds 2022R02071

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 03/07/2022
Janet Klaassen
COUNTY CLERK

Doc #: 2022R02070
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
03/07/2022 02:42:43 PM
RECORDING FEE: 38.00
PAGES: 2

TRUSTEE DEED

Grantor, **Wilma C. Kirchner, Trustee of the Wilma C. Kirchner Revocable Trust,** acting pursuant to the powers vested under said Trust, for the sum of Ten and 00/100 Dollars ($10.00) and other valuable consideration, receipt of which is hereby acknowledged, does by these presents grant, bargain, sell and convey to **T & R Investments, A Kansas General Partnership** all right, title and interest in the following described real estate:

The Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Fifteen (15), Township Eight (8) South, Range Twenty one (21) East of the 6th P.M., less the following described tract of land: Beginning at the Northwest corner of the Northwest Quarter, thence East along the North Section line 313.05 feet, thence South parallel to the West section line 450.40 feet, thence West parallel to the North section line 313.05 feet to the West section line, thence North along the West section line 450.40 feet to the point of beginning, less any part thereof taken or used for road purposes, Leavenworth County, Kansas.

TO HAVE AND TO HOLD the above described premises, together with the appurtenances and hereditaments thereunto appertaining, and every part thereof to the said Grantee(s) as above stated, subject to: easements, restrictions, reservations and covenants, if any, now of record. Grantor further warrants that said Trust is in full force and effect, has not been amended or revoked, and this conveyance is within his or her authority as trustee, with this deed

EXECUTED on March 2nd 2022.

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 03/07/2022
Janet Klasmike
COUNTY CLERK

Doc #: 2022R02071
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
03/07/2022 02:42:45 PM
RECORDING FEE: 38.00
PAGES: 2

TRUSTEE DEED

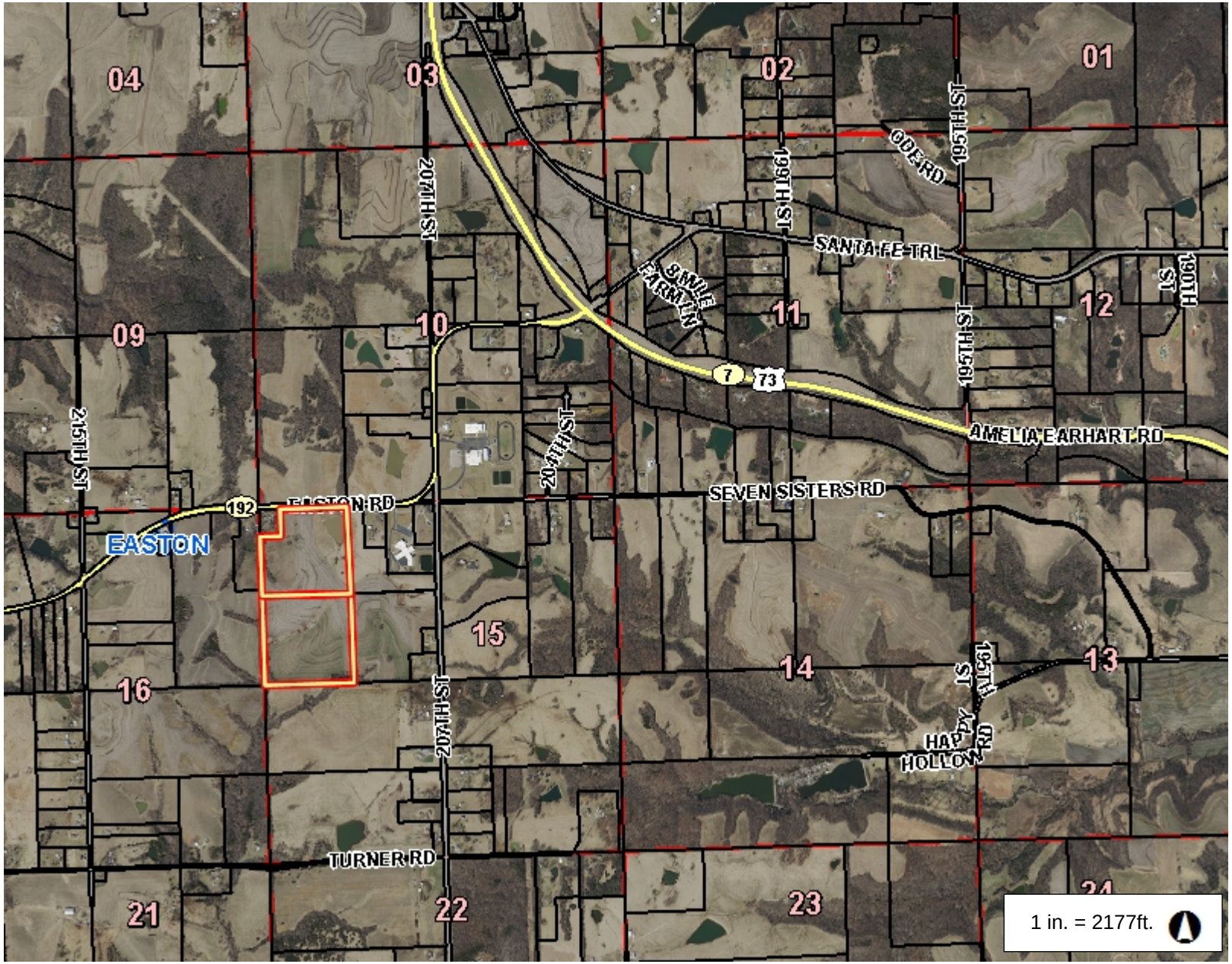
Grantor, **Dorothy E. Schmidling, Trustee of the Dorothy E. Schmidling Living Trust , dated February 5, 1993,** acting pursuant to the powers vested under said Trust, for the sum of Ten and 00/100 Dollars ($10.00) and other valuable consideration, receipt of which is hereby acknowledged, does by these presents grant, bargain, sell and convey to **T & R Investments, A Kansas General Partnership** all right, title and interest in the following described real estate:

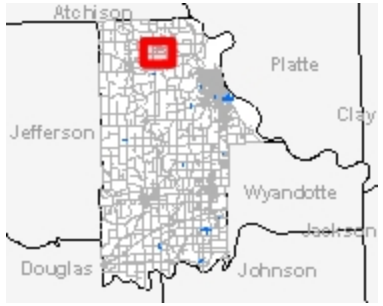
A tract of land in the Northwest Quarter (NW1/4) of Section Fifteen (15), Township Eight (8) South, Range Twenty one (21) East of the 6th P.M., more fully described as follows: Beginning at the Northeast corner of the Southeast 1/4 of the Northwest 1/4; thence South along the East line of the Northwest 1/4, 543.00 feet; thence West 265.00 feet; thence South parallel to the East line of said Northwest 1/4, 378.00 feet; thence West 206.69 feet; thence South parallel to the East line of the Northwest 1/4, 399.00 feet to the South line of said Northwest 1/4; thence West along the South line of said Northwest 1/4, 848.31 feet to the Southwest corner of the Southeast 1/4 of the Northwest 1/4; thence North along the West line of the Southeast 1/4 of the Northwest 1/4, 1320.00 feet to the Northwest corner of the Southeast 1/4 of the Northwest 1/4; thence East along the North line of the Southeast 1/4 of the Northwest 1/4, 1320.00 feet to the point of beginning, less any part thereof taken or used for road purposes, in Leavenworth County, Kansas.

TO HAVE AND TO HOLD the above described premises, together with the appurtenances and hereditaments thereunto appertaining, and every part thereof to the said Grantee(s) as above stated, subject to: easements, restrictions, reservations and covenants, if any, now of record. Grantor further warrants that said Trust is in full force and effect, has not been amended or revoked, and this conveyance is within his or her authority as trustee, with this deed EXECUTED on 3-1-22

Leavenworth County, Register of Deeds 2022R02071

Leavenworth County, KS





Legend

- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

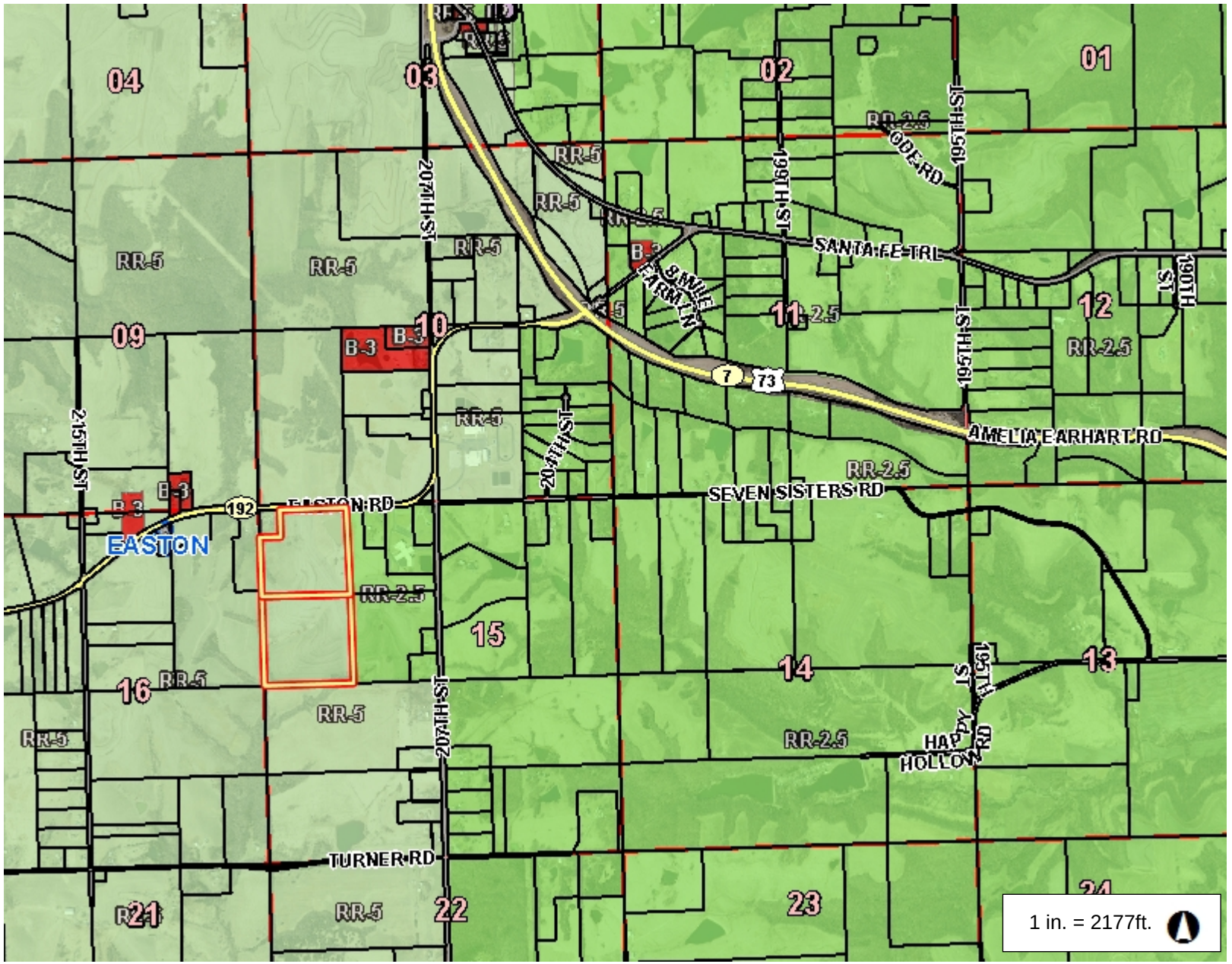
Notes

4,353.9 0 2,176.95 4,353.9 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Leavenworth County, KS





Legend

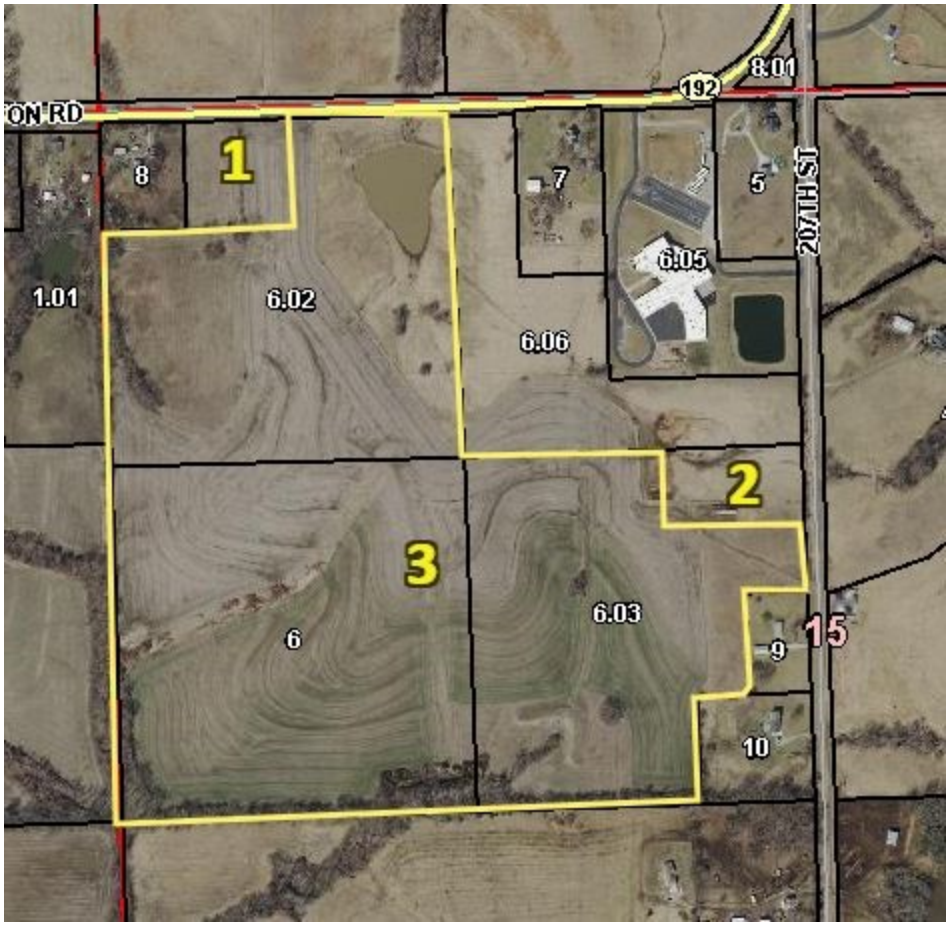
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1
  - PR-2
  - PR-3
  - PUD

Notes

4,353.9 0 2,176.95 4,353.9 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION


ON RD
192
8.01
207TH ST
1
8
7
5
6.05
1.01
6.02
6.06
2
3
6.03
6
9
15
10

Schweitzer, Joshua

From: Tyler Rebel <Tyler.Rebel@evergy.com>
Sent: Friday, October 18, 2024 11:04 AM
To: Schweitzer, Joshua; Miller, Jamie; Noll, Bill; McAfee, Joe; Van Parys, David; Brown, Misty; 'Mitch Pleak'; Boone Heston
Cc: PZ
Subject: RE: [EXTERNAL]DEV-24-131 T&R Investments Rezone

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Internal Use Only

No comment from Evergy – thank you

Tyler Rebel
Distribution Designer
Evergy
tyler.rebel@evergy.com
O: 913.758.2727
evergy.com

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, October 18, 2024 9:16 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; 'johnmcevoysr@yahoo.com' <johnmcevoysr@yahoo.com>; Design Group Leavenworth <designgroupleavenworth@evergy.com>; 'water12@embarqmail.com' <water12@embarqmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: [EXTERNAL]DEV-24-131 T&R Investments Rezone

This Message Is From an External Sender
This message came from outside your organization. **Report Suspicious**

Good Morning,

The Department of Planning and Zoning has received an application for a rezone regarding the property at 00000 Easton Rd from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by November 1, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Schweitzer, Joshua

From: RURAL WATER DIST <water12@embarqmail.com>
Sent: Wednesday, October 30, 2024 10:17 AM
To: Schweitzer, Joshua
Subject: RE: DEV-24-131 T&R Investments Rezone

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Joshua,
I am so sorry but my email from earlier should have said Jefferson County RWD #12 has NO issue with this proposed rezoning application. I apologize for the confusion and inconvenience.
Thank you,
Denise Eggers

On Tue, 29 Oct, 2024 at 2:55 PM, Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov> wrote:

To: 'rural water dist'
Cc: JJacobson@leavenworthcounty.gov; AAllison@leavenworthcounty.gov; JSchweitzer@leavenworthcounty.gov

Ma'am,

I am trying to follow-up off of this email. Do you have any information/justification about your concerns with this particular case??

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Monday, October 21, 2024 2:30 PM
To: 'RURAL WATER DIST' <water12@embarqmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-24-131 T&R Investments Rezone

Thank you Ma'am,

We will pass this information onto the Planning Commission. However, they will most likely ask what your concerns are with this rezoning application. Any information about your concerns would be greatly appreciated.

v / r

Schweitzer, Joshua

From: John McEvoy Sr. <johnmcevoysr@yahoo.com>
Sent: Sunday, November 3, 2024 1:40 PM
To: Schweitzer, Joshua
Subject: Re: DEV-24-131 T&R Investments Rezone

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Based on the map it looks like they are asking for a lot on K192 and one on 207th Street and the rest stay separate. We would only question the safety on driveway placements in that area.

On Thursday, October 31, 2024 at 09:50:44 AM CDT, Schweitzer, Joshua <jschweitzer@leavenworthcounty.gov> wrote:

Good Morning Sir,

I am just trying to follow up with this email to see if you had any comments to provide for the above mentioned case.

Please let me know if you have any questions.

v / r

Joshua J. Schweitzer

Development Planner

Leavenworth County Planning & Zoning

300 Walnut St, Suite 212

Leavenworth County, Kansas 66048

(913) 684-0465

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, October 18, 2024 9:16 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; 'johnmcevoysr@yahoo.com' <johnmcevoysr@yahoo.com>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>;

Schweitzer, Joshua

From: Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Sent: Thursday, October 31, 2024 10:28 AM
To: Schweitzer, Joshua
Cc: Allison, Amy; Jacobson, John
Subject: RE: DEV-24-131 T&R Investments Rezone

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Joshua,

Met with the Koozers several months ago about adding an access on K-192 for splitting of this property. It was determined that new access from K-192 would not be allowed. Existing accesses from K-192 and 207th could still be used for any future splits. Sight distance along 192 was also an issue.

Steve Taylor
Kansas Department of Transportation
Utility Coordinator
District 1 Area 3
650 north K-7 Highway
Bonner Springs, Ks.
913-942-3049

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Thursday, October 31, 2024 9:56 AM
To: Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Cc: Allison, Amy <AAllison@leavenworthcounty.gov>; Jacobson, John <JJacobson@leavenworthcounty.gov>; Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Subject: FW: DEV-24-131 T&R Investments Rezone

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Morning Sir,

I apologize, I meant to send to you earlier. Do you have any comments to provide for the above mentioned case?

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212

Schweitzer, Joshua

From: McAfee, Joe
Sent: Monday, October 21, 2024 3:12 PM
To: Schweitzer, Joshua; Magaha, Chuck; Patzwald, Joshua; Miller, Jamie; Noll, Bill; Van Parys, David; Brown, Misty; 'johnmcevoysr@yahoo.com'
Cc: PZ
Subject: RE: DEV-24-131 T&R Investments Rezone

Joshua,
PW Engineering has reviewed the rezoning request documents. Access for each of the three lots may be challenging. 207th Street is a High Volume Arterial roadway classification that requires 660' minimum spacing between driveways located on common sides of the roadway. The distance between the existing drives at the elementary school and 32079 207th Street is 1,400' +/-. So only one total driveway will be allowed onto 207th Street for the development tract. Since Lot 2 only has frontage on 207th Street it will be required to use the connection point. If access to 207th is required by KDOT for Lot 3 then it will need to be a shared drive with Lot 2. Drive placement will still need to meet the 660' minimum offset policy from any existing driveways. Access to K-192 for Lots 1 and 3 will be decided by KDOT. Otherwise, no additional comments on the submittal.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, October 18, 2024 9:16 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; 'johnmcevoysr@yahoo.com' <johnmcevoysr@yahoo.com>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>; 'water12@embarqmail.com' <water12@embarqmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-131 T&R Investments Rezone

Good Morning,

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The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by November 1, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Tuesday, October 29, 2024 10:13 AM
To: Schweitzer, Joshua
Subject: RE: DEV-24-131 T&R Investments Rezone

We have not received any complaints on these properties, and we are not aware of any septic systems currently installed on them.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, October 18, 2024 9:16 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; 'johnmcevoysr@yahoo.com' <johnmcevoysr@yahoo.com>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>; 'water12@embarqmail.com' <water12@embarqmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-131 T&R Investments Rezone

Good Morning,

The Department of Planning and Zoning has received an application for a rezone regarding the property at 00000 Easton Rd from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by November 1, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212

COUNTY OF LEAVENWORTH
Planning & Zoning
300 Walnut, Suite 212
Leavenworth, Kansas 66048-2815
(913) 684-0465

TO: **Leavenworth County Planning Commission**

FROM: **Amy Allison, Deputy Director**

DATE: **November 13, 2024**

RE: **Rezone Application - Kaaz**

The Leavenworth County Board of County Commissioners (hereinafter "Board") reviewed the Kaaz Rezoning request and the Planning Commission's recommendation on October 30, 2024. During their consideration, the Board remanded this item back to the Planning Commission for further review. The Board specifically requested the Planning Commission review Golden Factor #1, character of the neighborhood, and provide more definitive reasons for the Planning Commission's recommendation. The Board specifically requested more information regarding the Planning Commission's interpretation of Factor #1 because there are existing adjoining parcels that are smaller than 5 acres.

The Planning Commission may:

- Resubmit the original recommendation stating the specific reasons therefor; or
- Submit new and amended recommendations to the Board of County Commissioners.

Please note that review of this item is limited to information that was presented during the public hearing, and this item will be returned to the Board of County Commissioners at the next available meeting. If the Planning Commission does not provide any recommendation, the Board shall consider such a resubmission of the original recommendation and proceed accordingly.

LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-116 Julius Kaaz Construction Co Inc Rezone — October 9, 2024

REQUEST: ***Public Hearing Required***

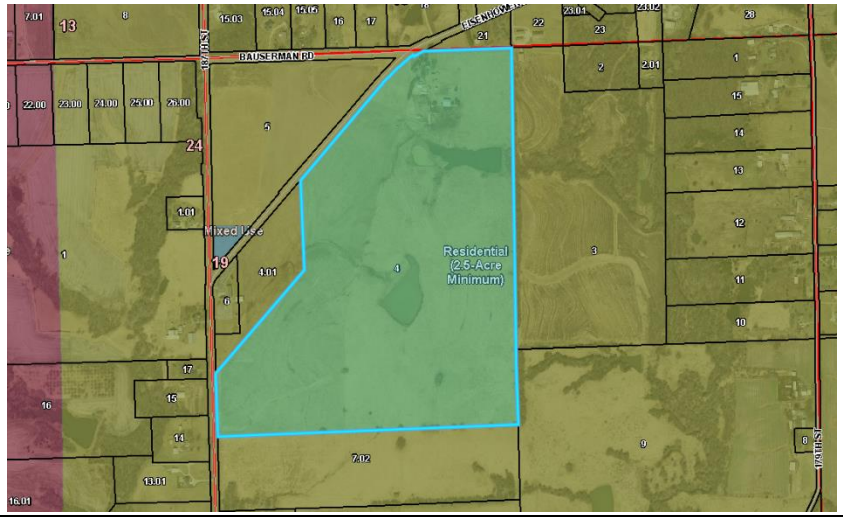
☒ ZONING AMENDMENT ☐ SPECIAL USE PERMIT

☐ TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:
AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 18415 Eisenhower Road

FUTURE LAND USE MAP: RESIDENTIAL (2.5 ACRE MIN)



APPLICANT/APPLICANT AGENT:
JOE HERRING
HERRING SURVEYING COMPANY

PROPERTY OWNER:
JULIUS KAAZ CONSTRUCTION CO INC.
716 CHEROKEE ST
LEAVENWORTH KS 66048

CONCURRENT APPLICATIONS:
N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION: RESIDENTIAL (2.5-ACRE MIN)

LEGAL DESCRIPTION:
Three tracts of land in the Northwest ¼ of Section 19, Township 9, Range 22 East of the 6th P.M., in Leavenworth County, Kansas

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-116, Rezone for Julius Kaaz Construction Co Inc, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-116, Rezone for Julius Kaaz Construction Co Inc, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 145.9 ACRES

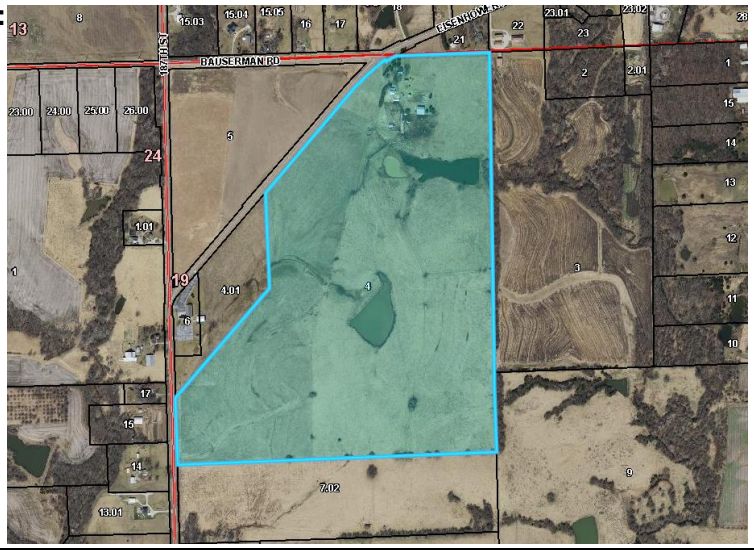
PARCEL ID NO:
104-19-0-00-00-004.00

BUILDINGS:
TWO SINGLE-FAMILY RESIDENCE, ACCESSORY STRUCTURES

PROJECT SUMMARY:
Request to rezone three tracts at 18415 Eisenhower Road from RR-5 to RR-2.5. (PID: 104-19-0-00-00-004.00).

ACCESS/STREET:
EISENHOWER RD - ARTERIAL, PAVED, ±24' WIDE
187TH ST - ARTERIAL, PAVED, ±24' WIDE

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: FIRE DISTRICT 1

WATER: RWD #8

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW: 9/16/2024

NEWSPAPER NOTIFICATION: 9/17/2024

NOTICE TO SURROUNDING PROPERTY OWNERS: 9/17/2024

FACTORS TO BE CONSIDERED:		
The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:	**Met**	**Not Met**
1. Character of the Neighborhood: *Density:* Surrounding parcels range in size from 1.4 acres to more than 150 acres. The area is not densely populated. *Nearby City Limits: Lansing is approximately two miles to the east.* *Initial Growth Management Area: This parcel is located within the Rural Growth Area.*	X	
2. Zoning and uses of nearby property: *Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature. A church is directly adjacent to this parcel.* *Adjacent Zoning: All adjacent properties are zoned RR-5 except for a small area of B-3 located to the west.*	X	
3. Suitability of the Property for the uses to which is has been restricted: The property is suitable for rural residences and agricultural uses.	X	
4. Extent to which removal of the restrictions will detrimentally affect nearby property: *Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.*	X	
5. Length of time the property has been vacant as zoned: ☐ *Vacant:* ☒ *Not Vacant:*	*X*	
6. Relative gain to economic development, public health, safety and welfare: The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel were to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development.	*X*	
7. Conformance to the Comprehensive Plan: *Future Land Use Map: Residential (2.5 acre min)* *Section 4 Land Use and Development Plan Strategies: The proposed use is compatible with the future land use designation.*	*X*	

STAFF COMMENTS:

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as *Residential (2.5 acre min).* The applicant has provided a concept drawing of a potential subdivision developed to the RR-2.5 standards. Staff would like to note that Eisenhower Road and 187th Street are both arterial roads with geometric concerns that would limit access to this site. If developed, the subdivision would have to be designed in compliance with adopted regulations and policies. Additional studies may be required at the time of platting to insure compliance.

ATTACHMENTS:
A: Application & Narrative
B: Zoning Map
C: Vicinity Map
D: Memorandums

REZONING APPLICATION

Leavenworth County Planning Department
300 Walnut, St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

Office Use Only

Township: _____ Date Received: _____
Planning Commission Date _____
Case No. _____ Date Paid _____
Zoning District _____ Comprehensive Plan Land Use Designation_____

APPLICANT/AGENT INFORMATION

NAME Joe Herring
ADDRESS 315 North 5th Street
CITY/ST/ZIP Leavenworth, KS 66048
PHONE 913-651-3858
EMAIL herringsurveying@outlook.com
CONTACT PERSON Joe

OWNER INFORMATION (If different)

NAME JULIUS KAAZ CONSTRUCTION CO INC Jeff Kaaz Jody Kaaz
ADDRESS 716 Cherokee Street
CITY/ST/ZIP Leavenworth, KS 66048
PHONE N/A
EMAIL N/A
CONTACT PERSON N/A

PROPOSED USE INFORMATION

Proposed Land Use Agriculture and Rural Residential
Current Zoning RR-5 Acre Requested Zoning RR 2.5
Reason for Requesting Rezoning To develop the property with a higher density.

PROPERTY INFORMATION

Address of Property 18415 EISENHOWER RD - Leavenworth, KS 66048
Parcel Size 145 Acres
Current use of the property Agriculture and Residential
Present Improvements or structures House and Barns
PID 104-19-0-00-00-004

I, the undersigned am the ***(owner), (duly authorized agent)***, ***(Circle One)*** of the aforementioned property situated in the unincorporated portion of Leavenworth ~~County~~, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature Joe Herring - digitally signed 9-11-24 Date 9-11-24

ATTACHMENT A

MINUTES OF SHAREHOLDER'S MEETING
HELD February 1, 2024 – REGULAR ANNUAL MEETING

The annual meeting of the shareholders of Julius Kaaz Construction Co., Inc. 716 Cherokee Street, Leavenworth, Kansas, a corporation organized and existing under and by virtue of the laws of the State of Kansas, was held at the above address on the 1st day of February 2024, at 6:30 p.m. pursuant to paragraph 1.1 of the by-laws of the Corporation.

The following Shareholders all being present: Jody M. Kaaz and Jeffrey D. Kaaz

The first order of business was the election of the Officers of the Corporation. THEREUPON motions made and seconded, the following officers were elected:

Jody M. Kaaz: CEO/President /Treasurer
Jeffrey D. Kaaz: Senior Vice President/Corporate Secretary
William K. Manis, III: Vice President
Paula L. Poff, Asst. Corporate Secretary

BE IT FURTHER RESOLVED and re-stated that any officer of the corporation, ***with*** *prior written consent of the CEO/President*, is authorized to sign or execute on behalf of the corporation any bid document(s), bid bond, contract document(s) or contract bond for any project the corporation bids or contracts.

BE IT FURTHER RESOLVED that ***only*** Jody M. Kaaz and Jeff D. Kaaz are hereby authorized to:

1. Open any deposit in the name of the corporation
2. Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with any financial institution
3. Borrow money on behalf and in the name of the Corporation, sign execute and deliver promissory notes or other evidence of indebtedness
4. Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate, or other property now owned or hereafter owned or acquired by the Corporation as security of sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.
5. To execute a guaranty to guarantee repayment of any loan for Julius Kaaz Construction Co., Inc. and extensions or renewals thereof.

There was no further business, and the meeting adjourned.

Jody M. Kaaz, CEO

ATTEST: _____
Jeffrey D. Kaaz, Secretary

Signature of Shareholders in Attendance:

_____ _____

AFFIDAVIT
Authorization of Contractors or Individuals to Act as Agents of a Landowner
COUNTY OF LEAVENWORTH
STATE OF KANSAS

We/I Jody Kaaz and Jeff Kaaz

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 18415 Eisenhower Rd Leavenworth, KS 66048, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5th Street, Leavenworth, KS 66048, 913-651-3858
2)

Signed and entered this 4th day of September, 20 24.

Jeff Kaaz, 716 Cherokee St Leavenworth, KS, 913-240-1685

Print Name. Address, Telephone

Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 4th day of September 2024 before me, a notary public in and for said County and State came Jeff D. Kaaz to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC

My Commission Expires: 01-27-2027

PAULA L. POFF
Notary Public - State of Kansas
My Appt. Expires (seal)

For Profit Corporation Annual Report

1. Corporation Name: JULIUS KAAZ CONSTRUCTION COMPANY, INC.
2. Business Entity ID No.: 0096156
3. Tax Closing Date: December 2022
4. State of Incorporation: KS
5. Official Mailing Address:
   Jody M Kaaz, 716 Cherokee Street , LEAVENWORTH KS 66048
6. Location of Principal Office:
   716 Cherokee Street , Leavenworth KS 66048

Electronic File Stamp Information:

Filed

- Date:03/21/2023
- Time:
  02:19:14 PM

7. Officers:

Jody M. Kaaz - President or equivalent (This officer is also a director)
1351 Granite Street Lansing, KS 66043

Jeffrey D. Kaaz - Secretary or equivalent
3650 Tonganoxie Rd Leavenworth, KS 66048

8. Directors:

Jody M. Kaaz - 1351 Granite Lansing, KS 66043

9. Nature and kind of business:

General Building Contractor; Heavy Highway; Concrete

10. Total number of shares of capital stock issued: 1312

11. Does this corporation hold more than 50% equity ownership in any other business entity on file with the Kansas Secretary of State? No

12. Does this corporation own or lease land in Kansas suitable for use in agriculture? No

"I declare under penalty of perjury pursuant to the laws of the state of Kansas that the foregoing is true and correct."

Executed on March 21, 2023

Signature of Authorized Officer: Jody M Kaaz

Title/Position of the signer: President

Lawyers Title of Kansas, Inc.
913-682-3368

CN: 45045

Doc #: 2022R08614
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
09/15/2022 10:08:41 AM
RECORDING FEE: 38.00
PAGES: 2

Entered in Transfer Record in my office _____

_____ County Clerk

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 09/15/2022

Janet Klaassen
COUNTY CLERK

TRUSTEE'S DEED (Statutory)

THE GRANTOR,

Virginia L. Seymour Revocable Trust Agreement dated January 4, 2001

CONVEYS AND WARRANTS to

Julius Kaaz Construction Company, Inc.

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, THE GRANTOR(S), by virtue of the terms and provisions of said trust agreement, in consideration of the Sum of One Dollar and Other Valuable Consideration, does hereby convey and warrant to GRANTEE(S) all of GRANTOR(S) undivided interest in the following described real estate, to-wit:

SEE SCHEDULE A ATTACHED

(Subject to easements, restrictions, and reservations of record, and all taxes and assessments that may be levied, imposed, or become payable hereafter.)

THE GRANTOR(S) covenant that the trust remains in full force and effect at this time, that the trustee(s) have authorization without limitation to sell and convey all of the above described real estate.

Dated this 14th **day of** September **A.D. 2022**

Virginia L. Seymour Revocable Trust Agreement dated January 4, 2001

Joelyn Fevurly, Trustee
Joelyn Fevurly, Trustee

STATE OF KANSAS, COUNTY OF LEAVENWORTH

This instrument was acknowledged before me on this 14th day of September 2022 by:
Joelyn Fevurly, Trustee of the Virginia L. Seymour Revocable Trust Agreement dated January 4, 2001

My appointment expires:

BRENDA DEGRAEVE
Notary Public - State of Kansas
My Appt. Expires 10-30-25

Brenda DeGraeve
Notary Public
Brenda DeGraeve

SCHEDULE A

The North 40 acres of the 120 acres of the Northwest 1/4 of Section 19, Township 9, Range 22, which lies South and East of the center of the public highway known as the Perryville Road.

AND

The Middle 40 acres of the 120 acres of the Northwest 1/4 of Section 19, Township 9 of Range 22, which lies South and East of the center of the public highway known as the Perryville Road.

AND

The South 40 acres of the 120 acres of the Northwest 1/4 of Section 19, Township 9, Range 22, which lies South and East of the center of the public highway known as the Perryville Road.

AND

The North 1/2 of the North 1/2 of the Southwest 1/4 of Section 19, Township 9, Range 22.

LESS:

A tract of land in the Northwest 1/4 of Section 19, Township 9, Range 22 East of the 6th P.M., described as follows:

Beginning 2218.81 feet South and 45.00 feet East of the Northwest corner of said Section 19; thence North 125.17 feet; thence West 5.00 feet; thence on a curve to the right with a radius of 320.28 feet a distance of 271.22 feet; thence Northwesterly at right angles to the curve 5.00 feet; thence North 42 degrees 04 minutes 20 seconds East 51.46 feet; thence South 410.81 feet; thence West 120.00 feet to the place of beginning.

ALSO LESS:

A tract of land in the Northwest 1/4 of Section 19, Township 9, Range 22 East of the 6th P.M., described as follows:

Commencing at the Northwest corner of said Section 19; thence, South 00 degrees West, 2,218.81 feet along the West line of said Section 19; thence North 90 degrees East, 45.00 feet to the Highway right of way and the point of beginning of this tract; thence South 00 degrees West, 177.66 feet along the right of way line; thence North 90 degrees East, 225.00 feet; thence North 00 degrees 09 minutes 54 seconds East, 709.76 feet to the South right of way of the County Road; thence South 42 degrees 04 minutes 20 seconds West, 157.97 feet along the South right of way line; thence South 00 degrees 09 minutes 54 seconds West, 414.84 feet (call 410.81 feet) along the East line of the tract described in Book 480, Page 122; thence South 90 degrees West, 120.00 feet to the point of beginning

ALSO LESS:

A tract of land in the West 1/2 of Fractional Section 19, Township 9, Range 22 East of the 6th P.M., Leavenworth County, Kansas, described as follows:

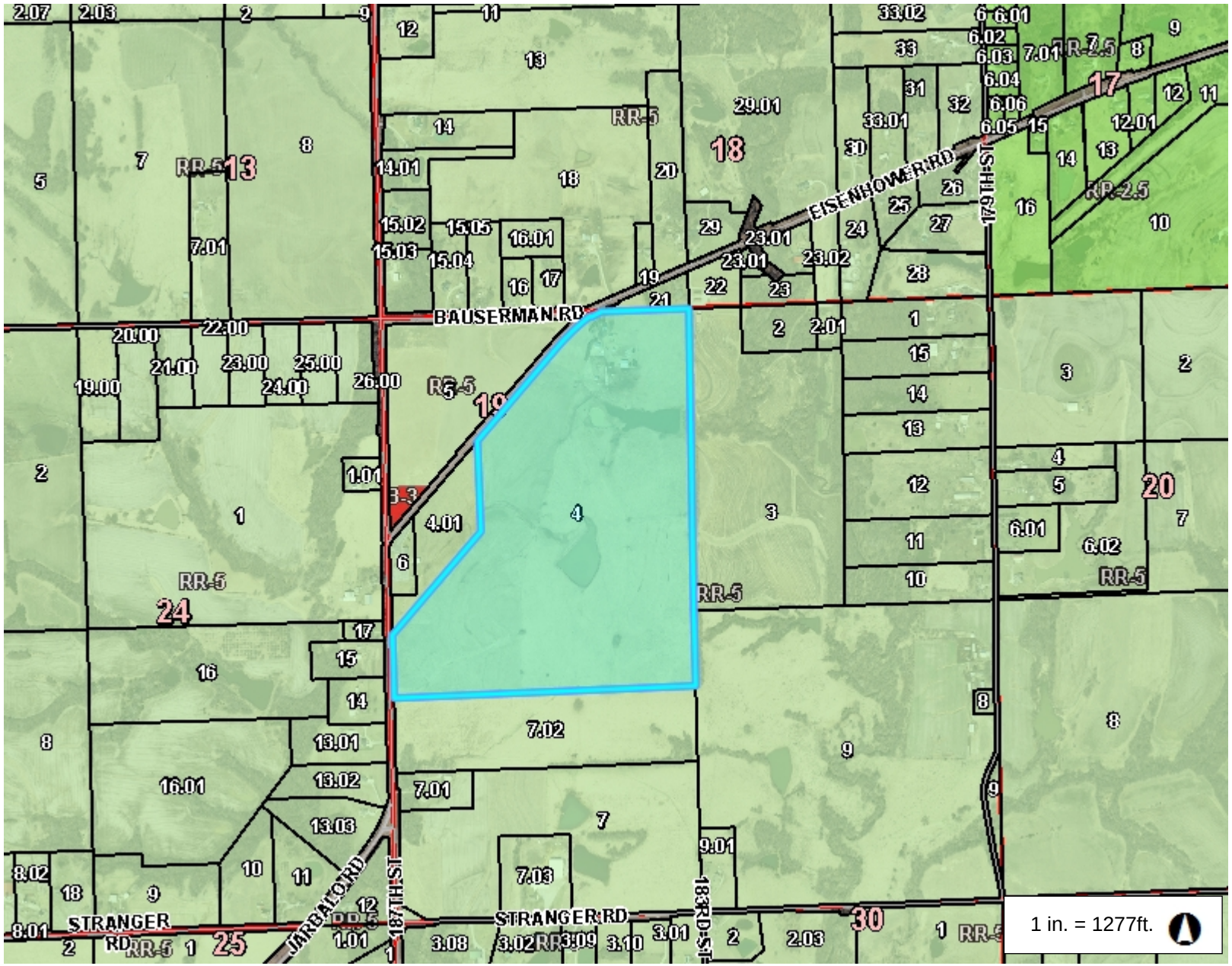
Commencing at the Northwest corner of said Section 19; thence, South 00 degrees 00 minutes 00 seconds West (Assumed), 2396.41 feet along the Section line; thence North 90 degrees 00 minutes 00 seconds East, 45.00 feet to the East R/W Line of County Rt. #29 and to the point of beginning of this Tract; thence North 90 degrees 00 minutes 00 seconds East, 225.00 feet; thence North 00 degrees 09 minutes 54 seconds East, 709.76 feet to the Southerly R/W line of County Rt. #10; thence North 42 degrees 04 minutes 20 seconds East 868.92 feet along said R/W line; thence South 00 degrees 09 minutes 54 seconds West, 797.86 feet; thence South 42 degrees 04 minutes 20 seconds West, 1204.52 feet to the East R/W line of County Rt. #29; thence, North 00 degrees 00 minutes 00 seconds East, 337.21 feet along said R/W line to the point of beginning.

Tax ID: 12452

Commonly known as: 18415 Eisenhower Rd, Leavenworth, KS 66048


JKAAZ
Legend
HP Gas Main
Proposed Road
187th St
187th St
High Prairie Church
Eisenhower Rd
Eisenhower Rd
Bauserman Rd
Bauserman Rd
Eisenhower Rd
Google Earth
1000 ft

DEV-24-116 Julius Kaaz Construction Rezone





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1
  - PR-2
  - PR-3

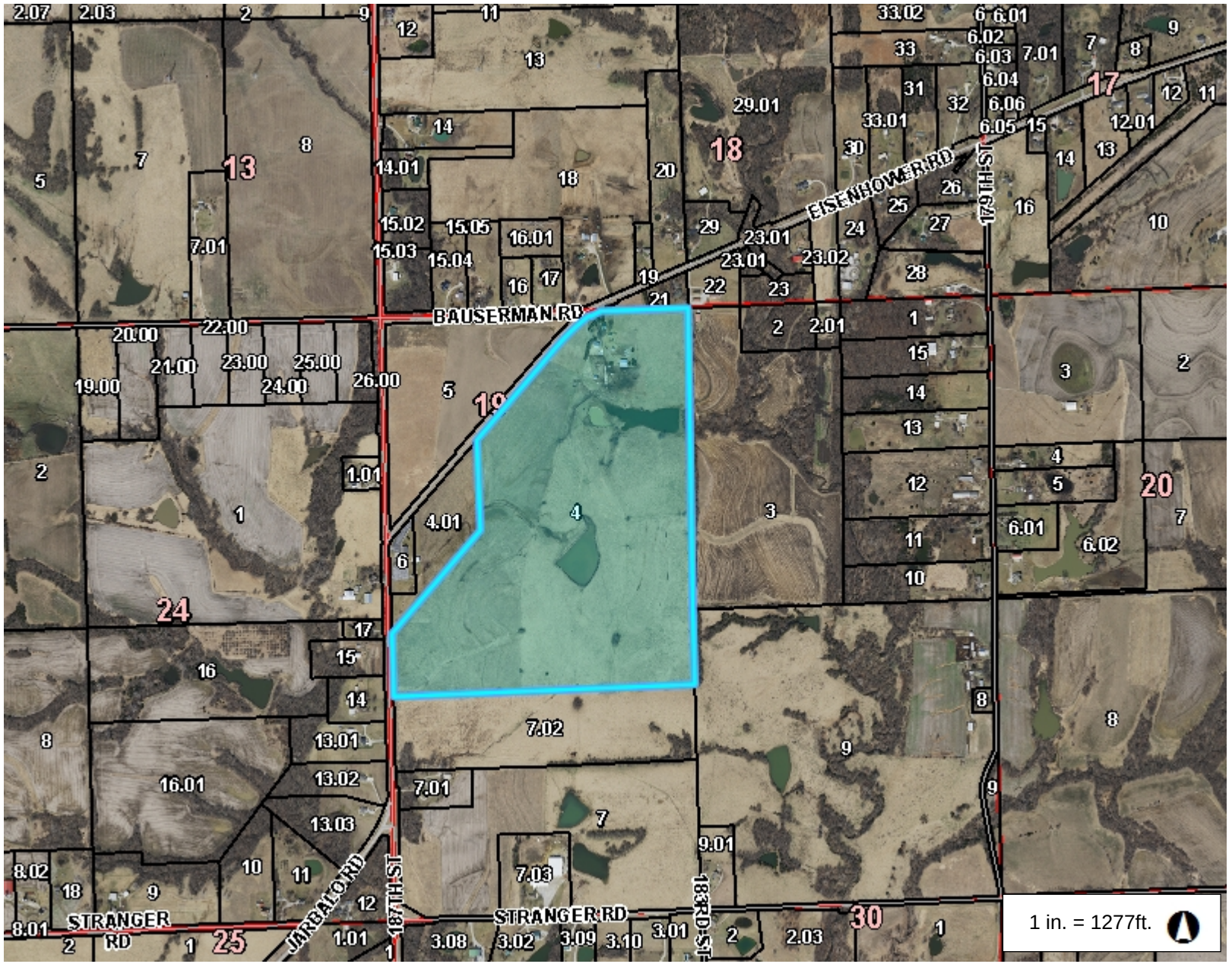
Notes

2,553.3 0 1,276.63 2,553.3 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DEV-24-116 Julius Kaaz Construction Rezone





Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

2,553.3 0 1,276.63 2,553.3 Feet

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Allison, Amy

From: Magaha, Chuck
Sent: Friday, September 13, 2024 12:57 PM
To: Allison, Amy
Subject: RE: DEV-24-116 Kaaz Rezone

Amy I do not have any issues with the rezoning of this parcel.

Chuck

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, September 12, 2024 10:36 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'kmackey@fd1lvco.org' <kmackey@fd1lvco.org>; 'linedepartment@freestate.coop' <linedepartment@freestate.coop>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-116 Kaaz Rezone

Good Morning,

The Department of Planning and Zoning has received an application for a rezone regarding the property at 18415 Eisenhower Road from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, September 25, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

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Allison, Amy

From: McAfee, Joe
Sent: Monday, September 16, 2024 1:55 PM
To: Allison, Amy; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Brown, Misty; Mitch Pleak; Noll, Bill; 'kmackey@fd1lvco.org'; 'linedepartment@freestate.coop'; 'rwd8lv@gmail.com'
Cc: PZ
Subject: RE: DEV-24-116 Kaaz Rezone

Amy,
As discussed at the meeting with Mr. Herring, once the project proceeds to preliminary plat we will need to review the placement of a north public road connection to Eisenhower Rd. Otherwise Public Works has not comments on the rezone.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, September 12, 2024 10:36 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'kmackey@fd1lvco.org' <kmackey@fd1lvco.org>; 'linedepartment@freestate.coop' <linedepartment@freestate.coop>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
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Allison, Amy

From: Line Department <linedepartment@freestate.coop>
Sent: Monday, September 23, 2024 10:39 AM
To: Allison, Amy
Subject: FW: DEV-24-116 Kaaz Rezone

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Amy,
FreeState Electric is okay with the rezone of this property. The main thing that we would require is utility easements, so we can route our infrastructure to provide electricity to the parcels. Utility easements are seldom an issue due to Leavenworth County's zoning requirements.
Thank you,
Gary Willits

Gary Willits
Staking Engineer

FreeState Electric Cooperative, Inc.
Your Touchstone Energy® Cooperative

1-800-794-1989 | www.freestate.coop

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, September 12, 2024 10:36 AM
To: cmagaha@lvsheriff.org; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'kmackey@fd1lvco.org' <kmackey@fd1lvco.org>; Line Department <linedepartment@freestate.coop>; 'rwd8lv@gmail.com' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
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Thank you,

Allison, Amy

From: Rural Water <rwd8lv@gmail.com>
Sent: Thursday, September 26, 2024 10:04 AM
To: McAfee, Joe
Cc: Allison, Amy; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Brown, Misty; Mitch Pleak; Noll, Bill; kmackey@fd1lvco.org; linedepartment@freestate.coop; PZ
Subject: Re: DEV-24-116 Kaaz Rezone

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Rural Water District #8 has no comments on the rezone. However if and when water is requested a full engineer review will need to be done before it can be confirmed that water would be available to this area.

On Mon, Sep 16, 2024 at 1:55 PM McAfee, Joe <JMcAfee@leavenworthcounty.gov> wrote:

> Amy,
>
> As discussed at the meeting with Mr. Herring, once the project proceeds to preliminary plat we will need to review the placement of a north public road connection to Eisenhower Rd. Otherwise Public Works has not comments on the rezone.

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Thank you,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.364.5757

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--

Sandra Heim
Office Manager
Rural Water District #8-LV CO
913-796-2164

Allison, Amy

From: Kirk Mackey <kmackey@fd1lvco.org>
Sent: Tuesday, October 1, 2024 9:07 AM
To: Allison, Amy
Subject: Re: DEV-24-116 Kaaz Rezone

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

I don't foresee any problems with the rezoning. My only concern is water supply for fire hydrants in the area.

Kirk Mackey
Captain/EMT/Kansas CFI/IAAI FIT/Inspector
Fire District 1 of Leavenworth County
111 E Kansas St
Lansing, KS 66043
913-727-5844

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Friday, September 27, 2024 3:07 PM
To: Kirk Mackey <kmackey@fd1lvco.org>
Subject: FW: DEV-24-116 Kaaz Rezone

Good Afternoon,

Just wanted to check in and see if you are still the point of contact for Fire District 1. We are aware of the current dissolution of the Fire District and wanted to know if High Prairie had a different point of contact?

Thank you,
Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

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*******October 30, 2024 ********

The Board of County Commissioners met in a regular session on Wednesday, October 30, 2024. Commissioner Culbertson, Commissioner Kaaz, Commissioner Mike Smith, Commissioner Doug Smith and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Misty Brown, Deputy County Counselor; Bill Noll, Infrastructure and Construction Services; John Jacobson, Planning and Zoning Director; Amy Allison, Planning and Zoning Deputy Director; Jamie Miller, EMS/Health Dept. Director; Bob Weber, County Appraiser; John Richmeier, Leavenworth Times

PUBLIC COMMENT:

Joe Herring, Steve Vernon, Garry Anderson, Joanne Aaron and Karen Bottary commented.

ADMINISTRATIVE BUSINESS:

Commissioner Culbertson read a proclamation recognizing Operation Greenlight for Veteran's.

Commissioner Culbertson read an updated letter regarding property taxes and LAVTR that will be included in citizen's tax statements.

Commissioner Kaaz responded to comments to St. Luke's leaving Leavenworth and why hasn't the County done anything about it. She indicated the County has no control over that and can't make any organization stay in Leavenworth County.

Commissioner Stieben read a letter from the Commission to the railroad regarding blockage of public roads.

Commissioner Stieben inquired about the requirements of contractors conducting core samplings on roads.

Bill Noll indicated there is a right of way permitting process in place through Public Works.

A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, October 30, 2024 as presented.

Motion passed, 5-0.

Mark Loughry presented amendments to the sick leave/buyback policy.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to table for two weeks.

Motion passed, 5-0.

Mr. Noll requested to accept the roadway in Orchard Meadows.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Kaaz to accept the roadway in Orchard Meadows by Precision Contracting and Development with an extended 3-year maintenance bond.

Motion passed, 3-2 Commissioners Culbertson and Stieben voting nay.

Mr. Noll presented an updated 2025 dust control request form.

Final Approved

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve the 2025 dust control form with the subsidized 10% of the dust abatement.

Motion passed, 5-0.

Amy Allison presented Resolution 2024-25 a rezone request from RR-5 to RR-2.5 located at 18415 Eisenhower Rd.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to send this case back to the Planning Commission and request that they have more specificity on the issue of character of the neighborhood in relation to the fact that there are existing parcels that are a smaller size and giving us more definitive reasons for their decision.

Motion failed, 2-3, Commissioners Culbertson, Doug Smith and Kaaz voting nay.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to approve the rezoning request from RR-5 to RR-2.5 in Case # DEV-24-116 and that it meets the Comp Plan and Land Use Plan.

Motion failed, 3-2, Commissioners Stieben and Mike Smith voting nay.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to send this back to the Planning Commission requesting specificity on their interpretation of the character of the neighborhood in relation to the fact that there are existing homesteads that are of smaller acreages and other factors.

Motion passed, 5-0.

Bob Weber presented Board Order 2024-8, granting disaster relief tax abatement for buildings destroyed by fire.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben to approve Board Order 2024-8, granting disaster relief tax abatement for buildings on 24625 200th St and a tax credit for buildings on 25214 163rd St. substantially destroyed by fire.

Motion passed, 5-0.

Mr. Weber presented the quarterly report for the County Appraiser's Office.

Jamie Miller presented the quarterly report for EMS and the Health Department.

Commissioner Kaaz attended the Transit Authority meeting. She also clarified she does not hold any interest or own the property in the rezone case today.

Commissioner Mike Smith will judge the costume contest at Council on Aging today.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to adjourn.

Motion passed, 5-0.

The Board adjourned at 11:03 a.m.

Final Approved