

We encourage everyone to view the meeting live via YouTube.

***Leavenworth County  
Board of County Commissioners***

***Regular Meeting Agenda***  
300 Walnut Street, Suite 225  
Leavenworth, KS 66048  
September 4, 2024  
9:00 a.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE/MOMENT OF SILENT PRAYER
- III. ROLL CALL
- IV. PUBLIC COMMENT: Public Comment shall be limited to 15 minutes at the beginning of each meeting and limited to three minutes per person. Anyone wishing to make comments either on items on the agenda or not are encouraged to provide their comments in writing no later than 8:00 AM the Monday immediately preceding the meeting. These comments will be included in the agenda packet for everyone to access and review. This allows the Commission to have time to fully consider input and request follow up if needed prior to the meeting.
- V. ADMINISTRATIVE BUSINESS:
- VI. CONSENT AGENDA: The items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, it will be removed from the Consent Agenda and considered separately.
  - a) Approval of the minutes of the meeting of August 28, 2024
  - b) Approval of the schedule for the week September 9, 2024
  - c) Approval of the check register
  - d) Approve and sign the OCB's
  - e) Approve letter for Eagle Scout Nathan Sickler

- f) Approve Case DEV-24-060 & 061 Badlands Ranch
- g) Approve Case DEV-24-064 & 065 Gaither Subdivision
- h) Approve Case DEV-24-067 & 068 Gambrill's Place
- i) Approve Case DEV-24-082 & 083 Tranquil Acres

VII. FORMAL BOARD ACTION:

- a) Consider a motion finding that the proposed final plat as outlined in Case DEV-24-051 & 052 is compliant with the Leavenworth County Zoning and Subdivision Regulations and move that the proposed final plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.
- b) Consider a motion finding that the proposed final plat as outlined in Case DEV-24-071 & 072 is compliant with the Leavenworth County Zoning and Subdivision Regulations and move that the proposed final plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.
- c) Consider a motion to adopt Resolution 2024-22 and approve the rezoning as outlined in Case DEV-24-094 based on the findings on the Golden Factors, as set forth in the staff report and as substantiated by the findings of fact as adopted by the Planning Commission.
- d) Consider a motion to adopt Resolution 2024-23 and approve the rezoning as outlined in Case DEV-24-095 based on the findings on the Golden Factors, as set forth in the staff report and as substantiated by the findings of fact as adopted by the Planning Commission.

VIII. PRESENTATIONS AND DISCUSSION ITEMS: presentations are materials of general concern where no action or vote is requested or anticipated.

IX. ADJOURNMENT



# LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

Monday, September 2, 2024 THE COURTHOUSE WILL BE CLOSED IN OBSERVANCE OF LABOR DAY

Tuesday, September 3, 2024

Wednesday, September 4, 2024

9:00 a.m.      Leavenworth County Commission meeting  
• Commission Meeting Room, 300 Walnut, Leavenworth KS

Thursday, September 5, 2024

Friday, September 6, 2024

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM

\*\*\*\*\*August 28, 2024 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, August 28, 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; Bill Noll, Infrastructure and Construction Services; John Richmeier, Leavenworth Times

ADMINISTRATIVE BUSINESS:

***A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, August 28, 2024.***

***Motion passed, 5-0.***

Commissioner Culbertson read an article he wrote about the County budget and property taxes.

Mark Loughry provided a powerpoint presentation showing budget statistics.

Commissioner Culbertson opened the public hearing for exceeding the revenue neutral rate and the Leavenworth County budget for 2025.

Mike Doyle, Bill Hadfield, Lisa Haack, Clarissa Rippee, Cindy McGuire, Denise Sullivan, Larry Scheller, Chad Schimke, Sherri Grogan, William Bergman, Connie Young, Jack Waldern, Don Young, Heather Green and Bob Keck spoke.

Commissioner Culbertson closed the public hearing.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve Resolution 2024-20 a resolution to levy a property tax exceeding the revenue neutral rate.***

***Motion passed, 5-0***

***A motion was made by Commissioner Stieben to reduce \$160,000.00 from the County Counselor position, remove the Budget Director position \$80,000.00, make a 1%, \$300,000.00 cut, \$100,000.00 for security at the front door, having one door open with the handicap door downstairs will be the public entrance for the next year saving us approximately \$640,000.00 and the reductions from all the departments with expenditures exceeding \$500,000.00 excluding the Health Department, EMS, Courthouse Building and Grounds and any and all funds with capital maintenance with the building and infrastructure getting us to a \$640,000.00 cut.***

***Motion dies for lack of a second.***

***A motion was made by Commissioner Mike Smith to proposed 1.6 mills dropping from the 2 mills taking a few hundred thousand from the road and a few hundred thousand which would delay the payments on the roof which can still be done in a timely manner and fund the agencies trying to keep alive.***

***Motion dies for lack of a second.***

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to approve the Leavenworth County budget as presented.***

***Motion failed, Commissioners Doug Smith, Stieben and Mike Smith voting nay.***

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve the county budget as proposed with the amendment of reducing \$230,000.00 out of the Courthouse repairs.***

***Motion passed, 3-2 Commissioners Doug Smith and Stieben voting nay***

Commissioner Culbertson opened public hearing on Resolution 2024-21, a resolution to levy a property tax exceeding the revenue neutral rate for Leavenworth County Special-Other Funds budget.

No one spoke in opposition or in favor.

Commissioner Culbertson closed the public hearing.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to approve Resolution 2024-21, a resolution to levy a property tax exceeding the revenue neutral rate for Leavenworth County Special-Other Funds budget.***

***Motion passed, 5-0.***

***A motion was made by Commissioner Kaaz and seconded by Commissioner Doug Smith to approve the Leavenworth County Special-Other Funds budget for 2025 as presented.***

***Motion passed, 5-0.***

Bill Noll presented a supplemental agreement with Wilson and Company for the 235<sup>th</sup> St. project.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve the supplemental agreement for engineering services with Wilson and Company for the 235<sup>th</sup> St. project.***

***Motion passed, 4-0 Commissioner Doug Smith abstained.***

Mr. Noll requested approval of an increase of compensation for the cost of fencing in accordance with current 2022 land acquisition policy.

***A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to increase the compensation for the cost to cure fencing for two properties in accordance with current 2022 land acquisition policy in the amount of \$17,347.00.***

***Motion passed, 5-0.***

Commissioner Doug Smith attended the Fairmount Township meeting.

Commissioner Kaaz participated in the Workforce Partnership meeting and the Leavenworth City Commission meeting.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to adjourn.***

***Motion passed, 5-0.***

The Board adjourned at 11:37 a.m.

# **LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE**

**Monday, September 9, 2024**

**Tuesday, September 10, 2024**

**Wednesday, September 11, 2024**

9:00 a.m.      Leavenworth County Commission meeting  
• Commission Meeting Room, 300 Walnut, Leavenworth KS

**Thursday, September 12, 2024**

12:00 p.m.      LCDC meeting

**Friday, September 13, 2024**

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM

START DATE: 08/25/2024    END DATE: 08/30/2024

warrants by vendor

FMWARRPTR2	LEAVENWORTH COUNTY							8/29/24	17:37:33
DCOX	WARRANT REGISTER - BY FUND / VENDOR							Page	2
START DATE: 08/25/2024    END DATE: 08/30/2024									
TYPES OF CHECKS SELECTED: * ALL TYPES									
			P.O.NUMBER	CHECK#					
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-001-5-33-391	BG:CTHSE IMP T-POSTS, CU MAINT	348.20	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-001-5-33-391	BG, CTHSE REPAIR:NH:SHOP,EMS,A	1,127.81	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-001-5-41-201	APPRAISER, COPIES, COMPUTER/OF	83.13	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-001-5-41-202	APPRAISER:TRAINING, VEH MAINT	1,516.50	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-001-5-41-213	APPRAISER:TRAINING, VEH MAINT	150.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-001-5-41-301	APPRAISER, COPIES, COMPUTER/OF	264.90	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-001-5-41-371	APPRAISER, COPIES, COMPUTER/OF	271.96	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-001-5-49-204	ELECTION:FK:TRUCK RENTALS,ELEC	384.70	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-001-5-49-301	CLERK/ELECTION:LABELSENVELOPES	94.85	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-001-5-49-340	CLERK/ELECTION:LABELSENVELOPES	153.71	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-001-5-49-340	ELECTION:JK:ELECTION NIGHT OFF	73.04	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-001-5-49-341	CLERK/ELECTION:LABELSENVELOPES	92.70	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-001-5-49-341	ELECTION:HK:LUNCH FOR WORKERS	63.11	
							*** VENDOR	648 TOTAL	15,605.27
1219	DIST CT CLERK LV	CLERK OF DIST COURT-LEAV	343882	110300 AP	08/30/2024	4-001-5-11-501	COUNTY ATTORNEY COURT COSTS JU	8,637.00	
30100	ELECTION WORKER	DAWN WILKERSON	343883	110301 AP	08/30/2024	4-001-5-49-340	PRIMARY ELECTION	20.00	
8686	EVERGY EFT	EVERGY KANSAS CENTRAL INC	343875	254	08/29/2024	4-001-5-14-220	ELEC SVC COURHTOUSE	13,022.50	
8686	EVERGY EFT	EVERGY KANSAS CENTRAL INC	343875	254	08/29/2024	4-001-5-32-392	ELEC SVC OLD KPL BLDG	33.47	
8686	EVERGY EFT	EVERGY KANSAS CENTRAL INC	343875	254	08/29/2024	4-001-5-32-392	ELEC SVC JUSTICE CENTER	26,171.66	
							*** VENDOR	8686 TOTAL	39,227.63
3550	FISHER, PATTERSON	FISHER, PATTERSON, SAYLER & SMIT	343884	110302 AP	08/30/2024	4-001-5-01-230	337-38148-ADH PROF SVC TO 8.15	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	2,475.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	2,475.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	2,475.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	2,475.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	2,475.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	2,475.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	75.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	2,475.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	2,475.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	2,475.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	75.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	2,475.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	60.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	2,475.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	343885	110303 AP	08/30/2024	4-001-5-13-271	INV G10CBFM02020007 JULY AUTOP	2,475.00	
							*** VENDOR	5824 TOTAL	32,560.00
4465	GRONIS	GRONIS HARDWARE INC	343886	110304 AP	08/30/2024	4-001-5-07-301	SHERIFF - KEYS, JAIL MAINT	6.58	
4465	GRONIS	GRONIS HARDWARE INC	343886	110304 AP	08/30/2024	4-001-5-07-357	SHERIFF - KEYS, JAIL MAINT	15.45	
4465	GRONIS	GRONIS HARDWARE INC	343886	110304 AP	08/30/2024	4-001-5-07-357	SHERIFF - KEYS, JAIL MAINT	9.20	
4465	GRONIS	GRONIS HARDWARE INC	343886	110304 AP	08/30/2024	4-001-5-07-357	SHERIFF - KEYS, JAIL MAINT	22.53	
4465	GRONIS	GRONIS HARDWARE INC	343886	110304 AP	08/30/2024	4-001-5-07-357	SHERIFF - KEYS, JAIL MAINT	4.14	
							*** VENDOR	4465 TOTAL	57.90
28526	GUIDANCE C	THE GUIDANCE CENTER (TRAINING	343887	110305 AP	08/30/2024	4-001-2-00-010	DIST CT VTC GRANT - TRANSPORTA	5,000.00	
8416	IRON MOUNTAIN	IRON MOUNTAIN INC	343969	256	08/30/2024	4-001-5-02-212	SHREDDING - COURTHOUSE/ANNEX	32.31	
8416	IRON MOUNTAIN	IRON MOUNTAIN INC	343969	256	08/30/2024	4-001-5-02-212	SHREDDING - COURTHOUSE/ANNEX	6.53	
8416	IRON MOUNTAIN	IRON MOUNTAIN INC	343969	256	08/30/2024	4-001-5-14-247	SHREDDING - COURTHOUSE/ANNEX	29.96	

START DATE: 08/25/2024 END DATE: 08/30/2024

warrants by vendor

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warrants by vendor



START DATE: 08/25/2024    END DATE: 08/30/2024

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#						
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-126-5-00-321	5645204 OFFICE SUPPLIES	69.99		
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-126-5-00-321	5645204 OFFICE SUPPLIES	14.99		
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-126-5-00-321	5645204 OFFICE SUPPLIES	121.74		
							*** VENDOR	7098 TOTAL	206.72	
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	343856	110289 AP	08/27/2024	4-126-5-00-321	JULY POSTAGE	19.53		
							TOTAL FUND 126		1,144.90	
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648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-127-5-00-3	COMM CORR RB:COMMODITIES, ADV	325.79		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-127-5-00-3	COMM CORR CS:PPPS WEEK COMMODI	27.47		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-127-5-00-3	COMM CORR:MI:PPPS WEEK,CLIENT	79.92		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-127-5-00-3	COMM CORR PPPS WEEK,ASSESSMENT	339.85		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-127-5-00-3	COMM CORR JV:PPPS,TRAINING,SUP	1,656.97		
							*** VENDOR	648 TOTAL	2,430.00	
2505	INTRINSIC INTERVENTI	INTRINSIC INTERVENTIONS	343890	110308 AP	08/30/2024	4-127-5-00-3	LAB COST - CLIENT	25.00		
537	LEAV TIMES	CHERRYROAD MEDIA INC	343938	110356 AP	08/30/2024	4-127-5-00-2	COMM CORR - 1 YEAR SUBSCRIPTIO	197.00		
							TOTAL FUND 127		2,652.00	
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648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-201	8-51 BN,JP,PW,CS,TU,JW:FACILIT	250.00		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-201	8-51 BN,JP,PW,CS,TU,JW:FACILIT	24.83		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-214	8-51 BN,JP,PW,CS,TU,JW:FACILIT	720.18		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-301	8-51 BN,JP,PW,CS,TU,JW:FACILIT	989.78		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-301	8-51 BN,JP,PW,CS,TU,JW:FACILIT	36.14		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-301	8-50 PUB WORKS:AA,DB,ZE,VG:PAR	66.96		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-304	8-51 BN,JP,PW,CS,TU,JW:FACILIT	63.50		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-309	8-51 BN,JP,PW,CS,TU,JW:FACILIT	387.63		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-311	8-50 PUB WORKS:AA,DB,ZE,VG:PAR	234.96		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-312	8-50 PUB WORKS:AA,DB,ZE,VG:PAR	1,310.22		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-312	8-50 PUB WORKS:AA,DB,ZE,VG:PAR	706.48		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-325	8-51 BN,JP,PW,CS,TU,JW:FACILIT	145.46		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-327	8-50 PUB WORKS:AA,DB,ZE,VG:PAR	36.93		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-360	8-51 BN,JP,PW,CS,TU,JW:FACILIT	62.97		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-360	8-50 PUB WORKS:AA,DB,ZE,VG:PAR	1,634.43		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-360	8-50 PUB WORKS:AA,DB,ZE,VG:PAR	1,744.27		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-364	8-51 BN,JP,PW,CS,TU,JW:FACILIT	360.82		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-365	8-50 PUB WORKS:AA,DB,ZE,VG:PAR	44.98		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-365	8-50 PUB WORKS:AA,DB,ZE,VG:PAR	150.89		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-440	8-51 BN,JP,PW,CS,TU,JW:FACILIT	87.93		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-440	8-51 BN,JP,PW,CS,TU,JW:FACILIT	2,832.80		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-133-5-00-440	8-50 PUB WORKS:AA,DB,ZE,VG:PAR	4,812.17		
							*** VENDOR	648 TOTAL	16,704.33	
537	LEAV TIMES	CHERRYROAD MEDIA INC	343853	110286 AP	08/27/2024	4-133-5-00-208	5-44 30313 NOTICE OF UB - SALT	8.79		
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	343856	110289 AP	08/27/2024	4-133-5-00-301	8-21 JULY POSTAGE	94.52		
							TOTAL FUND 133		16,807.64	
-----										
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-135-5-00-200	COMM CORR PPPS WEEK,ASSESSMENT	14.93		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-135-5-00-200	COMM CORR JV:PPPS,TRAINING,SUP	132.90		
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-135-5-00-200	COMM CORR JV:PPPS,TRAINING,SUP	75.00		
							*** VENDOR	648 TOTAL	222.83	
28526	GUIDANCE C	THE GUIDANCE CENTER (TRAINING	343871	110291 AP	08/29/2024	4-135-5-00-200	KFA GRANT - CLIENT SERVICES	600.00		
28526	GUIDANCE C	THE GUIDANCE CENTER (TRAINING	343871	110291 AP	08/29/2024	4-135-5-00-200	KFA GRANT - CLIENT SERVICES	675.00		
28526	GUIDANCE C	THE GUIDANCE CENTER (TRAINING	343871	110291 AP	08/29/2024	4-135-5-00-200	KFA GRANT - CLIENT SERVICES	600.00		
28526	GUIDANCE C	THE GUIDANCE CENTER (TRAINING	343871	110291 AP	08/29/2024	4-135-5-00-200	KFA GRANT - CLIENT SERVICES	525.00		

warrants by vendor

## WARRANT REGISTER - BY FUND / VENDOR

START DATE: 08/25/2024 END DATE: 08/30/2024

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#					
28526	GUIDANCE C	THE GUIDANCE CENTER (TRAINING	343871	110291 AP	08/29/2024	4-135-5-00-200	KFA GRANT - CLIENT SERVICES	525.00	
28526	GUIDANCE C	THE GUIDANCE CENTER (TRAINING	343871	110291 AP	08/29/2024	4-135-5-00-200	KFA GRANT - CLIENT SERVICES	750.00	
28526	GUIDANCE C	THE GUIDANCE CENTER (TRAINING	343871	110291 AP	08/29/2024	4-135-5-00-200	KFA GRANT - CLIENT SERVICES	750.00	
28526	GUIDANCE C	THE GUIDANCE CENTER (TRAINING	343871	110291 AP	08/29/2024	4-135-5-00-200	KFA GRANT - CLIENT SERVICES	450.00	
28526	GUIDANCE C	THE GUIDANCE CENTER (TRAINING	343871	110291 AP	08/29/2024	4-135-5-00-200	KFA GRANT - CLIENT SERVICES	600.00	
28526	GUIDANCE C	THE GUIDANCE CENTER (TRAINING	343871	110291 AP	08/29/2024	4-135-5-00-200	KFA GRANT - CLIENT SERVICES	750.00	
28526	GUIDANCE C	THE GUIDANCE CENTER (TRAINING	343871	110291 AP	08/29/2024	4-135-5-00-200	KFA GRANT - CLIENT SERVICES	450.00	
*** VENDOR								28526 TOTAL	6,675.00
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	343872	110292 AP	08/29/2024	4-135-5-00-200	COMM CORR; SUPPLIES	4.86	
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-135-5-00-200	5645204 KFA SUPPLIES	136.99	
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-135-5-00-200	5645204 KFA SUPPLIES	36.00	
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-135-5-00-200	5645204 KFA SUPPLIES	137.52	
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-135-5-00-200	5645204 KFA SUPPLIES	8.89	
*** VENDOR								7098 TOTAL	319.40
TOTAL FUND 135									7,222.09
-----									
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-136-5-00-201	COMM CORR RB:COMMODITIES, ADV	17.25	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-136-5-00-207	COMM CORR SH:CLIENT LODGING/IN	160.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-136-5-00-207	COMM CORR:MI:PPPS WEEK,CLIENT	33.95	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-136-5-00-3	COMM CORR JV:PPPS,TRAINING,SUP	32.48	
*** VENDOR								648 TOTAL	243.68
543	HEARTLAND RADAC	HEARTLAND REGIONAL ALCOHOL AND	343889	110307 AP	08/30/2024	4-136-5-00-207	DRUG/ALC TREASTMENT ASSESSMENT	100.00	
543	HEARTLAND RADAC	HEARTLAND REGIONAL ALCOHOL AND	343889	110307 AP	08/30/2024	4-136-5-00-227	DRUG/ALC TREASTMENT ASSESSMENT	100.00	
*** VENDOR								543 TOTAL	200.00
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-136-5-00-301	5645204 OFFICE SUPPLIES	23.33	
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-136-5-00-301	5645204 OFFICE SUPPLIES	9.79	
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-136-5-00-301	5645204 OFFICE SUPPLIES	16.60	
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-136-5-00-321	5645204 OFFICE SUPPLIES	23.33	
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-136-5-00-321	5645204 OFFICE SUPPLIES	9.79	
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-136-5-00-321	5645204 OFFICE SUPPLIES	16.59	
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-136-5-00-341	5645204 OFFICE SUPPLIES	23.33	
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-136-5-00-341	5645204 OFFICE SUPPLIES	9.79	
7098	QUILL CORP	QUILL CORP	343949	110367 AP	08/30/2024	4-136-5-00-341	5645204 OFFICE SUPPLIES	16.59	
*** VENDOR								7098 TOTAL	149.14
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	343856	110289 AP	08/27/2024	4-136-5-00-301	JULY POSTAGE	2.34	
575	US POSTAL SERVICE	US POSTAL SERVICE (QUADIENT-PO	343856	110289 AP	08/27/2024	4-136-5-00-321	JULY POSTAGE	2.34	
*** VENDOR								575 TOTAL	4.68
TOTAL FUND 136									597.50
-----									
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-137-5-00-320	8-13 LOCAL SVC:JW,AA:TIRES, EQ	1,890.43	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-137-5-00-320	8-13 LOCAL SVC:JW,AA:TIRES, EQ	785.12	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-137-5-00-321	8-13 LOCAL SVC:JW,AA:TIRES, EQ	308.08	
*** VENDOR								648 TOTAL	2,983.63
TOTAL FUND 137									2,983.63
-----									
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-138-5-00-227	COMM CORR PPPS WEEK,ASSESSMENT	296.45	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	343937	110355 AP	08/30/2024	4-138-5-00-227	COMM CORR OFFICE SUPPLIES	51.98	
TOTAL FUND 138									348.43
-----									
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-144-5-00-2	COA:PALS - MS:VET/SUPPLIES	100.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-144-5-00-2	COA PALS:CC:VET SVCS, PET SUPP	338.91	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-144-5-00-3	COA:PALS- MS:VET/SUPPLIES	337.16	

warrants by vendor

START DATE: 08/25/2024    END DATE: 08/30/2024

warrants by vendor

FMWARRPTR2		LEAVENWORTH COUNTY						8/29/24	17:37:33
DCOX		WARRANT REGISTER - BY FUND / VENDOR						Page	10
		START DATE: 08/25/2024    END DATE: 08/30/2024							
TYPES OF CHECKS SELECTED: * ALL TYPES									
		P.O.NUMBER		CHECK#					
						*** VENDOR		1737 TOTAL	1,298.91
8686	EVERGY EFT	EVERGY KANSAS CENTRAL INC	343970	257	08/30/2024	4-174-5-00-210	ELEC SVC 3 TOWERS	541.52	
8686	EVERGY EFT	EVERGY KANSAS CENTRAL INC	343970	257	08/30/2024	4-174-5-00-210	ELEC SVC 3 TOWERS	395.64	
8686	EVERGY EFT	EVERGY KANSAS CENTRAL INC	343970	257	08/30/2024	4-174-5-00-210	ELEC SVC 3 TOWERS	279.34	
						*** VENDOR		8686 TOTAL	1,216.50
17338	NTOA	NATL TACTICAL OFFICERS ASSN	343945	110363 AP	08/30/2024	4-174-5-00-202	ONLINE CRISIS NEG SKILLS E MOR	239.00	
						TOTAL FUND 174			2,754.41
-----									
8686	EVERGY EFT	EVERGY KANSAS CENTRAL INC	343875	254	08/29/2024	4-195-5-00-290	ELEC SVC COMM CORR	684.32	
2	WATER DEPT	WATER DEPT	343873	110293 AP	08/29/2024	4-195-5-00-290	WATER SVC COMM CORR	54.24	
						TOTAL FUND 195			738.56
-----									
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-210-5-00-2	BG:JC,CU,CTHS,SD TRAINING	150.00	
18885	HAYNES EQU	HAYNES EQUIPMENT CO	343888	110306 AP	08/30/2024	4-210-5-00-2	SD #1 SV CALL GILMAN RD	1,612.07	
						TOTAL FUND 210			1,762.07
-----									
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-212-5-00-2	BG:JC,CU,CTHS,SD TRAINING	150.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-212-5-00-3	BG:JC,CU,CTHS,SD TRAINING	34.97	
						*** VENDOR		648 TOTAL	184.97
						TOTAL FUND 212			184.97
-----									
8466	KDHE PERMITS	KANSAS DEPT OF HEALTH & ENVIRO	343936	110354 AP	08/30/2024	4-214-5-00-4	SEWER DIST 3 DEBT SERVICE C20	35,105.81	
						TOTAL FUND 214			35,105.81
-----									
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-215-5-14-401	BG:RT:ORANGE FENCING,CO SHOP,E	188.25	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-215-5-14-401	BG:CTHSE IMP T-POSTS, CU MAINT	233.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-215-5-14-401	BG, CTHSE REPAIR:NH:SHOP,EMS,A	258.35	
						*** VENDOR		648 TOTAL	679.60
						TOTAL FUND 215			679.60
-----									
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	343858	252	08/27/2024	4-218-5-00-2	BG:JC,CU,CTHS,SD TRAINING	150.00	
						TOTAL FUND 218			150.00
-----									
8466	KDHE PERMITS	KANSAS DEPT OF HEALTH & ENVIRO	343936	110354 AP	08/30/2024	4-219-5-00-401	SEWER DIST 7 PMT 36 C20 1429-0	11,959.11	
						TOTAL FUND 219			11,959.11
-----									
						TOTAL ALL CHECKS			298,291.74

FUND SUMMARY

001	GENERAL	190,855.60
108	COUNTY HEALTH	1,875.33
115	EQUIPMENT RESERVE	3,067.43
119	ROD TECHNOLOGY	778.31
126	COMM CORR ADULT	1,144.90
127	COMM CORR ADULT NON GRANT	2,652.00
133	ROAD & BRIDGE	16,807.64
135	COMM CORR OPIOID	7,222.09
136	COMM CORR JUVENILE	597.50
137	LOCAL SERVICE ROAD & BRIDGE	2,983.63
138	JUV INTAKE & ASSESSMENT	348.43
144	PALS (PETS AND LOVING SENIORS	1,263.29
145	COUNCIL ON AGING	10,179.81
146	COUNTY TREASURER SPECIAL	3,038.49
160	SOLID WASTE MANAGEMENT	2,142.76
174	911	2,754.41
195	JUVENILE DETENTION	738.56
210	SEWER DISTRICT 1: HIGH CREST	1,762.07
212	SEWER DISTRICT 2: TIMBERLAKES	184.97
214	SEWER DISTRICT 3: GLENWOOD	35,105.81
215	CAPITAL IMPROVEMENTS	679.60
218	SEWER DIST #5	150.00
219	SEWER DIST #7: CEDAR LAKE SUB (FAIRMOUN	11,959.11
	TOTAL ALL FUNDS	298,291.74

Consent Agenda 9/7/2024  
Checks 08/25-08/30

**Leavenworth County  
Request for Board Action  
Case No. DEV-24-060 & 061  
Preliminary & Final Plat Badlands Ranch  
\*Consent Agenda\***

**Date:** September 4, 2024  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** John Jacobson, Reviewed

**Additional Reviews as needed:**

**Budget Review** ☐ **Administrator Review** ☒ **Legal Review** ☒

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**Action Request:**

Chairman, I find that the proposed Final Plat as outlined in case DEV-24-061 is compliant with the Leavenworth County Zoning & Subdivision Regulations and move that the proposed Final Plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.

**Analysis:** The applicant is proposing a Cross Access Easement and to divide a 144.90 +- acre parcel into two (2) 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 range in size from 7.10 to 137.29. All lots meet the requirements for the RR-5 zoning district.

The final plat meets the standards set forth in the Leavenworth County Zoning and Subdivision Regulations.

**Recommendation:** The Planning Commission voted 8-0 (1 absent) to recommend approval of Case No.DEV-24-061, Final Plat for Badlands Ranch subject to conditions.

**Alternatives:**

1. Approve Case No. DEV-24-061, Final Plat for Badlands Ranch, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-24-061, Final Plat for Badlands Ranch, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-24-061, Final Plat for Badlands Ranch, with Findings of Fact; or



4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- ☒ Not Applicable
- ☐ Budgeted item with available funds
- ☐ Non-Budgeted item with available funds through prioritization
- ☐ Non-Budgeted item with additional funds requested

**Total Amount Requested:** \$0.00

**Additional Attachments:** Staff Report, Plat, Planning Commission Minutes

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-24-060 & 061 Badlands Ranch (Cross Access Easement)

August 14, 2024

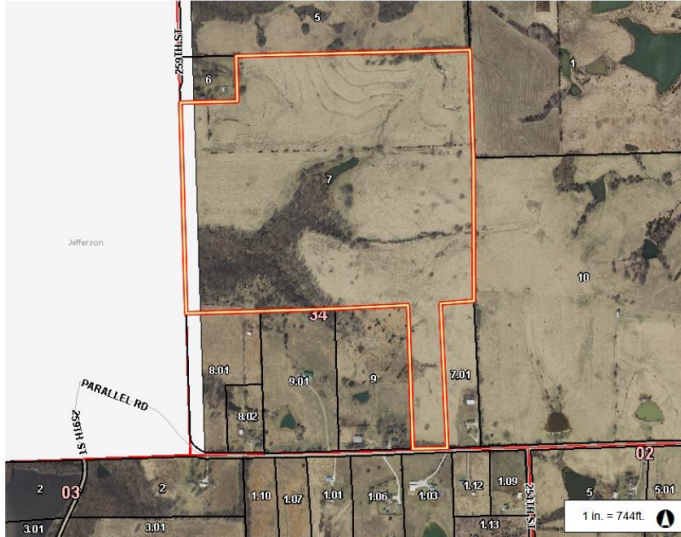
**REQUEST:** *Consent Agenda*

☒ Preliminary Plat      ☒ Final Plat

**STAFF REPRESENTATIVE:**

JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 00000 Parallel Road



**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING  
315 N. 5th Street  
Leavenworth, KS 66048

**PROPERTY OWNER:**

Kevin & Alana Smarker  
25470 Parallel Road  
Tonganoxie, KS 66086

**CONCURRENT APPLICATIONS:**

NONE

**LAND USE**

**ZONING:** RR-5

**FUTURE LAND USE DESIGNATION:**

RR-5

**LEGAL DESCRIPTION:**

Tracts of land in the Southwest Quarter of Section 34, Township 10 South, Range 20, 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-24-060 & 061, Preliminary & Final Plat for Badlands Ranch, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-060 & 061, Preliminary & Final Plat for Badlands Ranch to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:** 144.90 +- ACRES

**PARCEL ID NO:**

138-34-0-00-00-007

**BUILDINGS:**

N/A

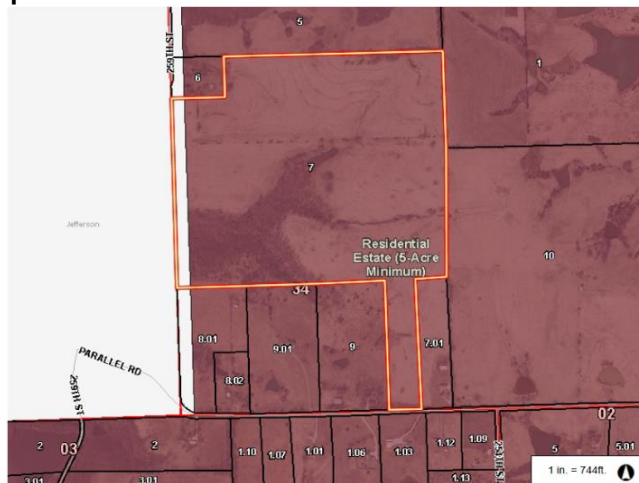
**PROJECT SUMMARY:**

Request for a final plat approval of a Cross Access Easement to subdivide property located at 00000 Parallel Road (138-34-0-00-00-007) as Lots 01 through 02 of Badlands Ranch.

**ACCESS/STREET:**

Parallel Rd - Local, Gravel  $\pm$  24'

**Location Map: FUTURE LAND USE DESIGNATION**



**UTILITIES**

**SEWER:** PRIVATE SEPTIC

**FIRE:** Tonganoxie

**WATER:** RWD 9

**ELECTRIC:** FREESTATE

**NOTICE & REVIEW:**

**STAFF REVIEW:**

8/5/2024

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**

N/A

<b>STANDARDS TO BE CONSIDERED:</b> <i>Type content in each if necessary (delete this afterwards)</i>			
<b>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</b>		<b>Met</b>	<b>Not Met</b>
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	X	
43	Cross Access Easements	X	
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 a Cross Access Easement and to divide a 144.90 +- acre parcel into two (2) 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 range in size from 7.10 to 137.29. All lots meet the requirements for the RR-5 zoning district.

#### 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. Provide an updated HOA in accordance with Article 43 (Cross Access Easements) of the Leavenworth County Zoning & Subdivision Regulations.
6. Badlands Ranch is hereby approved as a Cross Access Easement (C.A.E) Subdivision. The installation and maintenance of the C.A.E private drive is the responsibility of the members of the Home Owners Association per the approved HOA agreement. Leavenworth County does not accept any liability or maintenance of the proposed private drive.
7. The developer must comply with the following memorandums:
  - Memo – RWD 9, dated May 06, 2024
  - Memo – Emergency Management, dated July 09, 2024
  - Email –County Surveyor, dated August 05, 2024

#### ATTACHMENTS:

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



34 10 20 No Flood  
RR5 RWA 9  
Freestate Tonganoxie  
138-34 007.00

FINAL &  
~~PRELIMINARY~~ PLAT APPLICATION  
Leavenworth County Planning and Zoning Department  
300 Walnut St., Suite 212  
Leavenworth, Kansas  
913-684-0465

464 144.90 CK in Vault

Office Use Only	
Township: _____	Planning Commission Meeting Date: _____
Case No. <u>DEV-24</u>	Date Received/Paid: _____
Zoning District _____	Comprehensive Plan Land Use Designation: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>SMARKER, KEVIN M &amp; ALANA J</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS: <u>25470 Parallel Road</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP: <u>Tonganoxie, KS 66086</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL: <u>herringsurveying@outlook.com</u>	EMAIL: <u>N/A</u>

GENERAL INFORMATION

Proposed Subdivision Name: BADLANDS RANCH

Address of Property: 00000 Parallel Road

PID: 138-34-0-00-00-007 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: <u>144</u>	Number of Lots: <u>2</u>	Minimum Lot Size: <u>9 AC</u>
Maximum Lot Size: <u>135 AC</u>	Proposed Zoning: <u>RR-5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>RWD 9</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Tonganoxie</u>	Electric Provider: <u>Freestate</u>	Natural Gas Provider: <u>Propane</u>
Covenants: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</u>	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	Cross-Access Easement Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	1. <u>Lot 1 - Width to Depth</u>	
	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 5/30/2024 Date: 5-30-24

ATTACHMENT A





# Continental

## TITLE COMPANY

### SCHEDULE A

CTC File No.: 24462022

### INFORMATIONAL REPORT

1. Effective Date: March 19, 2024 at 8:00 A.M. Updated May 21, 2024
2. Fee Simple interest in the Land described in this Report is owned, at the Report Date, by:  
  
Kevin M. Smarker and Alana J. Smarker
3. The land referred to in this Commitment is described as follows:

A part of the Southwest Quarter of the South 60 acres of the Northwest Quarter of Section 34, Township 10 South, Range 20 East of the 6th PM, and more particularly described as follows: Beginning at a point that is North 00°03'44" West, 1320.00 feet from the Southwest corner of said Section 34; thence North 00°03'44" West 1905.97 feet; thence South 89°52'16" East, 521.10 feet; thence North 00°00'00" East, 409.49 feet; thence South 89°51'10" East, 2120.04 feet; thence South 00°02'20" East, 3629.61 feet; thence North 89°58'59" West, 625.19 feet; thence North 00°03'44" West, 1320.00 feet; thence North 89°58'59" West, 2014.91 feet to the Point of Beginning,

#### LESS THE FOLLOWING TRACT:

Beginning at the Southeast corner of the Southwest Quarter of said Section 34; thence North 89°58'59" West along the South line of the Southwest Quarter of said Section 34, 322.0 feet; thence North 00°02'20" West, parallel to East line of the Southwest Quarter, 1320.00 feet; thence South 89°58'59" East, parallel to the South line of the Southwest Quarter of said Section 34, 322.00 feet to a point on the East line of the Southwest Quarter; thence South 00°02'20" East, along the East line of the Southwest Quarter, 1320.00 feet to the Point of Beginning, also less any part thereof taken or used for road purposes, in Leavenworth County, Kansas

By: \_\_\_\_\_  
Title Officer: Mary Middleton

## **SCHEDULE BI - REQUIREMENTS**

CTC File No.: 24462022

**NOTE:** This is an Informational Report and has been issued as a report as to the status of title and as such should not be relied upon for a Real Estate Transaction. This is not a commitment to insure, and no insurance is provided by this informational report.

If a commitment for Title Insurance is desired, the identity of the entities to be insured and policy amounts must be disclosed to this Company and this Company will issue a Commitment for Title Insurance disclosing all requirements for issuance of the policy as well as any additional exceptions which may be taken.

1. The following Requirements must be met: NONE

## SCHEDULE BII - EXCEPTIONS

CTC File No.: 24462022

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

1. Right or claims of parties in possession not shown by the Public Records.
2. Easements, or claims of easements, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation or adverse circumstances affecting Title that would be disclosed by an accurate and complete survey of the Land or that could be ascertained by an inspection of the Land.
4. Any lien, or right to lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Taxes, or special assessments, if any, not shown as existing liens by the Public Records.
6. Loss or damage by reason of there being recorded in the Public Records, any deeds, mortgages, lis pendens, liens or other title encumbrances subsequent to the commitment date and prior to the effective date of the final Policy.
7. Assessments, Dues or Fees levied by the Homeowners Association of said Subdivision, if any.
8. State, County and City general taxes for the year 2023, and subsequent years.
9. Tenancy rights, either as month to month or by virtue of written lease of any party now in possession of the premises in question.
10. **The Company has been advised about a network security incident affecting access to Kansas Court systems, including, but not limited to, the ability to search Court records and e-file Court documents.**

### **NO COURT RECORDS HAVE BEEN SEARCHED OR REPORTED.**

11. Mortgage executed by Kevin Smarker and Alana Smarker, husband and wife to Union State Bank of Everest dba Bank of Mcclouth dated September 11, 2020 and recorded September 22, 2020, as Document No. 2020R09344, securing \$335,000.00. (Future Advances)
12. Building Setback Lines, Easements, Covenants, Conditions and Restrictions which are shown on the plat recorded in Plat Book S13 Page 52, including provisions for Subdivision Assessments according to the recorded plat.
13. Right of Way granted to Rural Water District No. 9 as more fully set forth in the instrument recorded in Book 503 at Page 1051.
14. Notwithstanding the reference to acreage in the description of subject property, no representation as to the actual acreage of subject property is assumed hereunder and any discrepancy between the actual acreage of subject property and the acreage of same as described, is hereby excepted.

NOTE: The Title Agent issuing this commitment is furnishing a 24 Month Chain of Title for informational purposes only and the Company has no liability for any of the information provided:

Warranty Deed from Kevin M. Smarker and Alana J. Smarker, husband and wife, and Henry O. Wirthman and Ethel L. Wirthman, husband and wife to Kevin M. Smarker and Alana J. Smarker, husband and wife, as joint tenants with rights of survivorship and not as tenants in common recorded February 23, 1994 in Book 690 at Page 1632.

NOTE: For informational purposes only we submit the following tax figures and property address, if known. We assume no liability for the correctness of the same.

Commonly known as: 0000 Parallel Rd, Tonganoxie, KS 66086

Tax Year: 2023

Tax ID No.: 14886

AFFIDAVIT

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

We/I Kevin M. Smarker and Alana J. Smarker

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
25470 Parallel 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. 5<sup>th</sup> Street, Leavenworth,  
KS 66048, 913-651-3858

2)

Signed and entered this 21<sup>st</sup> day of Feb, 2024

Kevin M. Smarker + Alana J. Smarker  
25470 Parallel Rd. Tonganoxie, KS 66086 913-704-7115  
Print Name, Address, Telephone

K M Smarker Alana J Smarker  
Signature

STATE OF KANSAS )  
 ) SS  
COUNTY OF LEAVENWORTH )

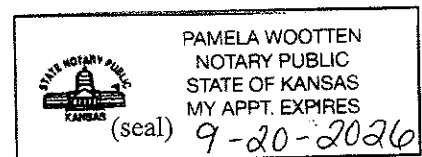
Be it remembered that on this 21<sup>st</sup> day of February, 2024, before me, a notary public in and  
for said County and State came Kevin & Alana Smarker to me  
personally known to be the same persons who executed the forgoing instrument of writing, and  
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand  
and affixed my notary seal the day and year above written.

NOTARY PUBLIC

Pamela Wootten

My Commission Expires:

9-20-2026



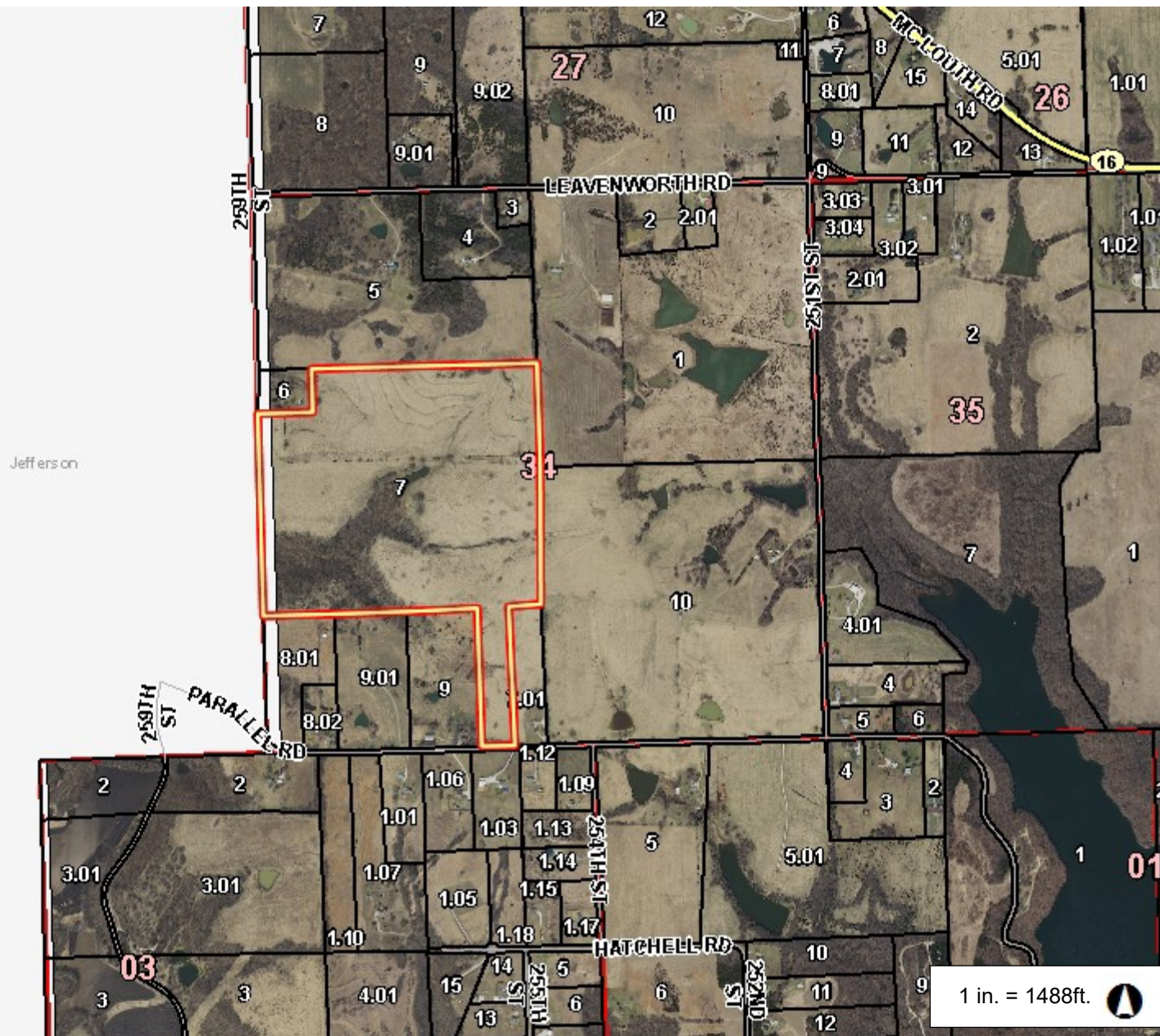


## BADLANDS RANCH HOA

Owners of Lots 1 and 2 will share 50% of the responsibility to maintain the Cross Access Easement driveway.

Maintenance of the cross access easement is the sole responsibility of the developer and/or future property owners of the properties that the cross access easement provides access to. The cross access easements is not a public right-of-way and will in no way be maintained by Leavenworth County.

# 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

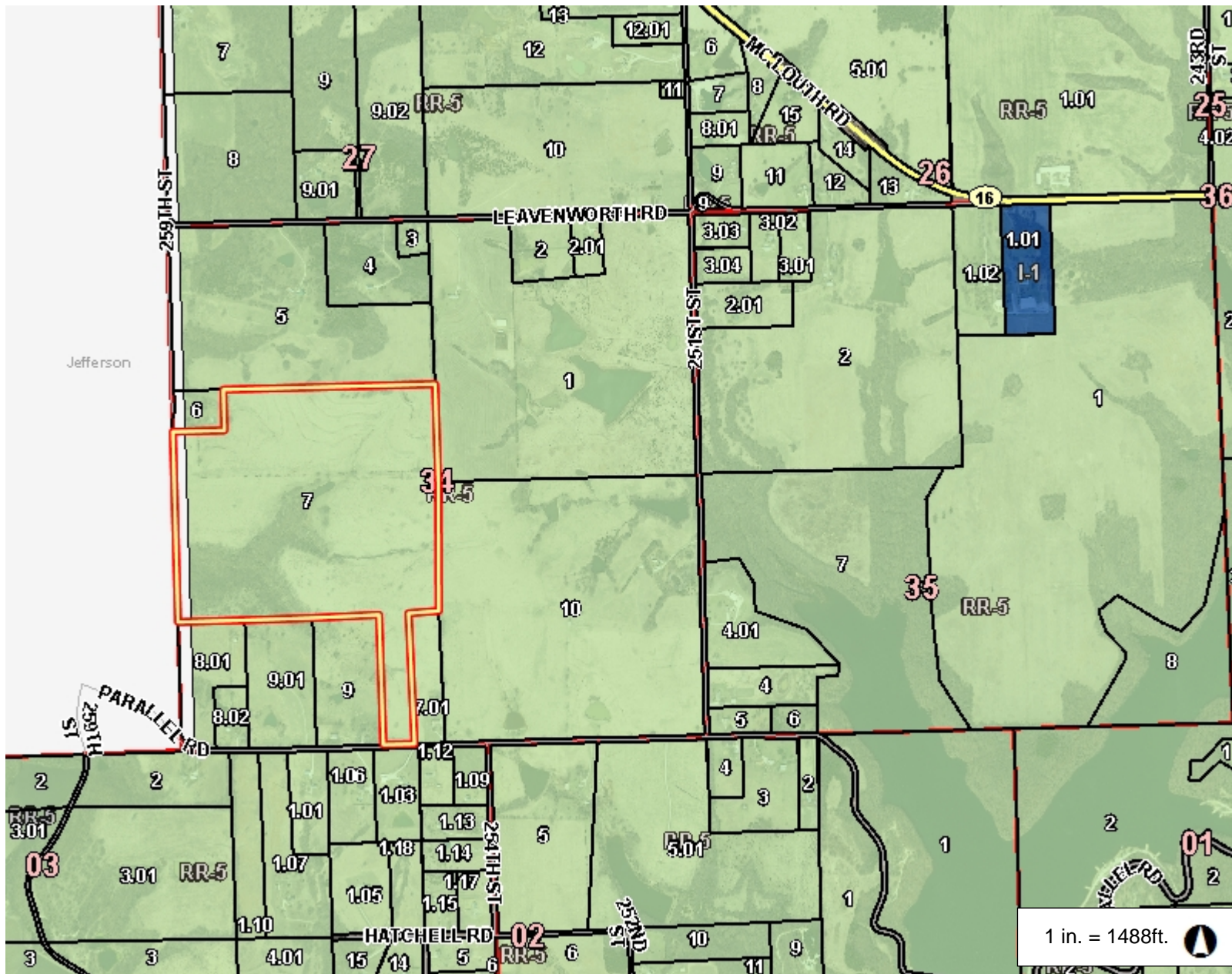
## Notes

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

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



# BADLANDS RANCH

A Cross Access Easement Plat in the West Half of Section 34, Township 10 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
SMARKER, KEVIN M & ALANA J  
25470 Parallel Road  
Tonganoxie, KS 66086  
PID # 138-34-0-00-00-007

### RECORD DESCRIPTION:

A part of the Southwest Quarter and the South 60 acres of the Northwest Quarter of Section 34, Township 10 South, Range 20 East of the 6th PM, and more particularly described as follows: Beginning at a point that is North 00°03'44" West, 1320.00 feet from the Southwest corner of said Section 34; thence North 00°03'44" West 1905.97 feet; thence South 89°52'16" East, 521.10 feet; thence North 00°00'00" East, 409.49 feet; thence South 89°51'10" East, 2120.04 feet; thence South 00°02'20" East, 3629.61 feet; thence North 89°58'59" West, 625.19 feet; thence North 00°03'44" West, 1320.00 feet; thence North 89°58'59" West, 2014.91 feet to the Point of Beginning,

### LESS THE FOLLOWING TRACT:

Beginning at the Southeast corner of the Southwest Quarter of said Section 34; thence North 89°58'59" West along the South line of the Southwest Quarter of said Section 34, 322.0 feet; thence North 00°02'20" West, parallel to East line of the Southwest Quarter, 1320.00 feet; thence South 89°58'59" East, parallel to the South line of the Southwest Quarter of said Section 34, 322.00 feet to a point on the East line of the Southwest Quarter; thence South 00°02'20" East, along the East line of the Southwest Quarter, 1320.00 feet to the Point of Beginning, also less any part thereof taken or used for road purposes, in Leavenworth County, Kansas

### RECORD DESCRIPTION:

A part of the Southwest Quarter of the South 60 acres and the Northwest Quarter of Section 34, Township 10 South, Range 20 East of the 6th PM, and more particularly described as follows: Beginning at a point that is North 00°03'44" West, 1320.00 feet from the Southwest corner of said Section 34; thence North 00°03'44" West 1905.97 feet; thence South 89°52'16" East, 521.10 feet; thence North 00°00'00" East, 409.49 feet; thence South 89°51'10" East, 2120.04 feet; thence South 00°02'20" East, 3629.61 feet; thence North 89°58'59" West, 625.19 feet; thence North 00°03'44" West, 1320.00 feet; thence North 89°58'59" West, 2014.91 feet to the Point of Beginning,

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Beginning at the Southeast corner of the Southwest Quarter of said Section 34; thence North 89°58'59" West along the South line of the Southwest Quarter of said Section 34, 322.0 feet; thence North 00°02'20" West, parallel to East line of the Southwest Quarter, 1320.00 feet; thence South 89°58'59" East, parallel to the South line of the Southwest Quarter of said Section 34, 322.00 feet to a point on the East line of the Southwest Quarter; thence South 00°02'20" East, along the East line of the Southwest Quarter, 1320.00 feet to the Point of Beginning, also less any part thereof taken or used for road purposes, in Leavenworth County, Kansas

### 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) All Lots only have Access to Parallel Road through the Cross Access Easement.
- 5) Lots are subject to the off-plat Home Owner's Association detailing the maintenance of the Cross Access Easement.
- 6) Leavenworth County shall bear no responsibility for any maintenance and upkeep of the the Cross Access Easement, drive, and drive appurtenances.
- 7) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.

### ZONING:

RR 5 - Rural Residential 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 - 1 : 342266, 144.39 Acres, more or less.
- 5) Basis of Bearing - KS SPC North Zone 1501 East line of the Northwest Quarter
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Existing Use Agriculture - Proposed Lots for Agriculture and Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD88 Project Benchmark (BM) - SW COR SECTION - 1/2" Rebar - Elev. 1021.9'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Book 690 at Page 1632
- 12) Utility Companies -
  - Water - Water District 9
  - Electric - FreeState
  - Sewer - Septic / Lagoon
  - Gas - Propane / Natural Gas
- 13) Continental Title File Number 24462022 updated May 21, 2024
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0200C 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')
- 17) Easements as per referenced Title Commitment are shown hereon, if any.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:
  - MDC - M.D.Cooper Survey Book S-13 Page 52, 1986 - NKA1986S052
  - COUNTY LINE SUBDIVISION Book S-16 Page 75, 2006 - NKA2006P00075

### LEGEND:

- - 1/2" Rebar Set with Cap No.1296
- - 1/2" Rebar 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
- BM - Benchmark
- NS - Not Set this survey per agreement with client
- 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
- ⬮ - Gas Valve
- ⬮ - Water Meter/Valve
- ⬮ - Telephone Pedestal
- W - 6" Water Line - location as per district
- ~ - Tree/Brush Line

### LEAVENWORTH COUNTY



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 March through July 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296

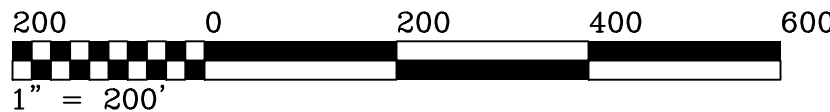


Scale 1" = 200'

Job # K-23-1766  
May 28, 2024 Rev. 7-20-24



315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5361  
Email - survey@leamcash.com





# BADLANDS RANCH

A Cross Access Easement Plat in the West Half of Section 34, Township 10 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
SMARKER, KEVIN M & ALANA J  
25470 Parallel Road  
Tonganoxie, KS 66086  
PID # 138-34-0-00-00-007

### 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: BADLANDS RANCH.

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.

An easement to enter and exit under or over the area outlined and designated on this plat as "Cross Access Easement" or "C.A.E.", is hereby granted over Lot 2 for the benefit of Lot 1, and over Lot 1 for the benefit of Lot 2 for said purposes. Maintenance is to be shared between the owners of said Lots 1 and 2. Home Owner's Association (H.O.A.) recorded at the Leavenworth County Register of Deeds Office Doc # 2024R

IN TESTIMONY WHEREOF,  
We, the undersigned owners of BADLANDS RANCH, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Kevin M. Smarker Alana J. Smarker

NOTARY CERTIFICATE:  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State came Kevin M. Smarker and Alana J. Smarker, husband and wife, 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)

APPROVALS  
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of BADLANDS RANCH this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Secretary Chairperson  
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 BADLANDS RANCH this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Chairperson 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,

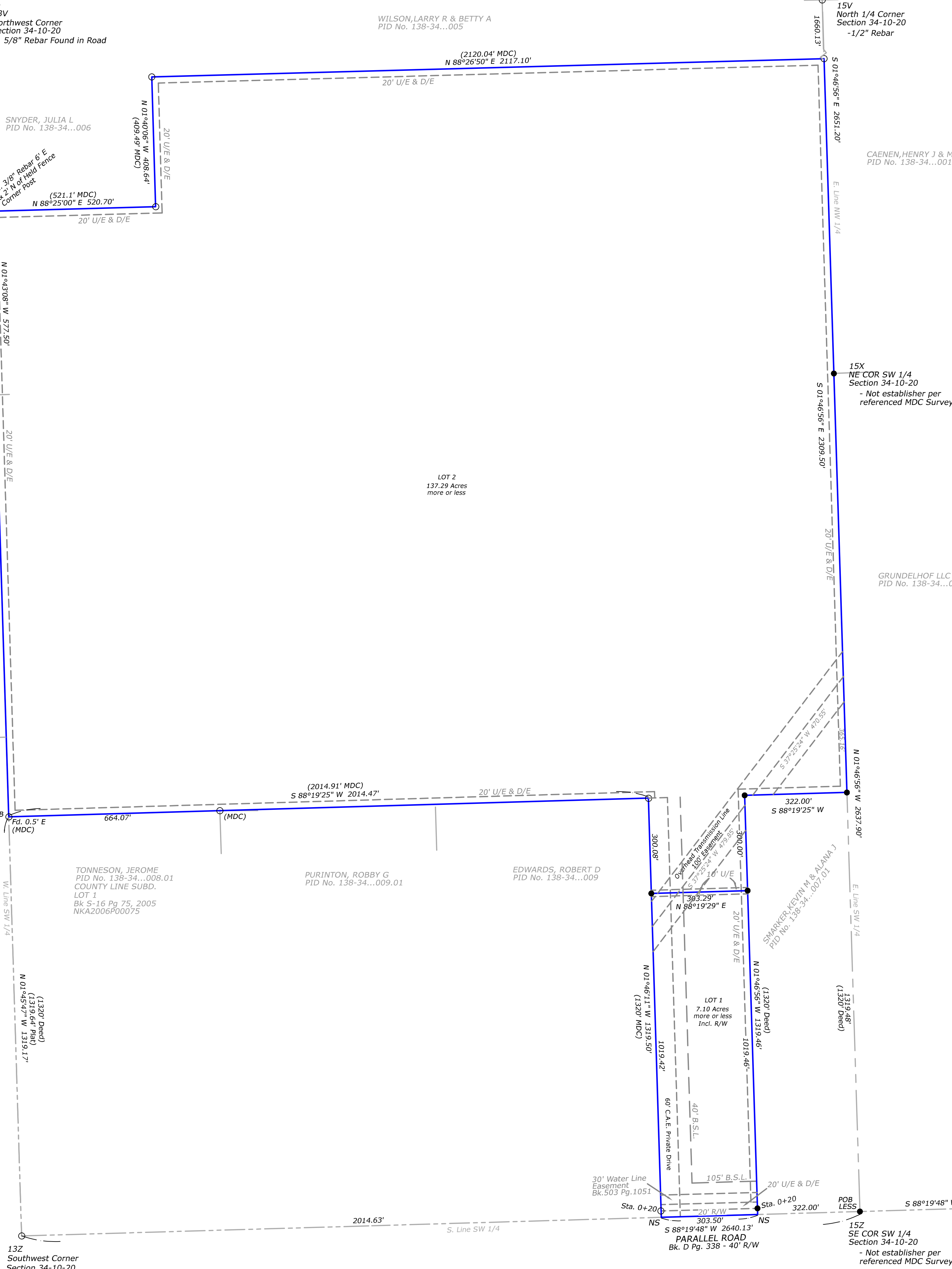
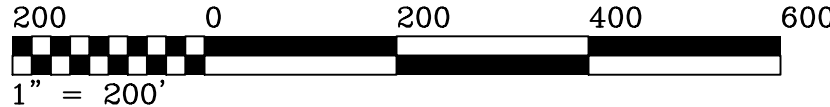
Register of Deeds - TerriLois G. Mashburn

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 Baumbchen, PS#1363  
County Surveyor



Scale 1" = 200'



LEGEND:  
● - 1/2" Rebar Set with Cap No.1296  
○ - 1/2" Rebar Found, unless otherwise noted.  
( ) - 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  
POB - Point of Beginning  
POC - Point of Commencing  
///// - No Vehicle Entrance Access



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

Joseph A. Herring  
PS # 1296

08-02-2024  
No Comments

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LESS THE FOLLOWING TRACT:  
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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.  
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7) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.

ZONING:  
RR 5 - Rural Residential 5

NOTES:  
1) This survey does not show ownership.  
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7) Existing Use Agriculture - Proposed Lots for Agriculture and Residential Use.  
8) Road Record - See Survey  
9) Benchmark - NAVD88 Project Benchmark (BM) - SW COR SECTION - 1/2" Rebar - Elev. 1021.9'  
10) Easements, if any, are created hereon or listed in referenced title commitment.  
11) Reference Recorded Deed Book 690 at Page 1632  
12) Utility Companies -  
- Water - Water District 9  
- Electric - FreeState  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas  
13) Continental Title File Number 24462022 updated May 21, 2024  
14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0200G dated July 16, 2015  
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- All rear yard setbacks - 40' (Accessory - 15')  
17) Easements as per referenced Title Commitment are shown hereon, if any.  
18) Fence Lines do not necessarily denote the boundary line for the property.  
19) Reference Surveys:  
MDC - M.D.Cooper Survey Book S-13 Page 52, 1986 - NKA1986S052  
COUNTY LINE SUBDIVISION Book S-16 Page 75, 2006 - NKA2006P00075

**08-02-24**

**Combined Review**

**No Comments**

Badlands Ranch  
Leavenworth County Kansas

Drainage Report

May 15, 2023

Revised July 3, 2024

Revised July 21, 2024



## Schweitzer, Joshua

---

**From:** Shauna Snyder <shauna.snyder@freestate.coop>  
**Sent:** Tuesday, May 7, 2024 7:15 AM  
**To:** PZ  
**Cc:** Joe Herring  
**Subject:** SERVICE VERIFICATION - Parcel - R18647

**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.

FreeState Electrical Cooperative will provide power to a new home/development being built on/at Parallel Rd, parcel R18647, for Kevin and Alana Smarker (Badlands Ranch). FreeState will provide service for 2 separate lots here.

Thank you,

**Shauna Snyder**  
Member Account Coordinator



1-800-794-1989 | [www.freestate.coop](http://www.freestate.coop)





## RURAL WATER DISTRICT 9

P.O. Box 295  
Tonganoxie, Kansas 66086  
(913) 845-3571  
LVRWD9.COM

I am responding to a request that LVRWD #9 received from Joe Herring from Herring Surveying Company, requesting a letter stating that LVRWD9 can provide water to R18647 S34 T10 R20 Lot #1 in Badlands Ranch, on Parallel Rd. Leavenworth County.

LVRWD9 can provide water to Lot #1 only at this time. For Lot #2 in the Badlands Ranch there will need to be an engineer evaluation and infrastructure cost at the owner/builders expense prior to being able to supply water to Lot #2. They will also need to receive, read and sign LVRWD 9 developer policy.

If you have any questions or concerns, please do not hesitate to contact us at (913) 845-3571 or by email at [lvrawd9@gmail.com](mailto:lvrawd9@gmail.com).

Thank you and have a great day.

Thanks,

District Manager,  
Karen Armstrong

## Schweitzer, Joshua

---

**From:** Joshua Schweitzer <joshua.schweitzer@gmail.com>  
**Sent:** Wednesday, July 17, 2024 10:25 AM  
**To:** Schweitzer, Joshua  
**Subject:** Fwd: Fw: Fw: Smarker Property - BADLANDS RANCH

**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.

----- Forwarded message -----

From: **Joe Herring** <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
Date: Wed, Jul 17, 2024 at 10:02 AM  
Subject: Fw: Fw: Smarker Property - BADLANDS RANCH  
To: Joshua Schweitzer <[joshua.schweitzer@gmail.com](mailto:joshua.schweitzer@gmail.com)>

Thank you - Joe Herring

---

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

---

**From:** Timothy Smith <[chief1860@ttrfd.com](mailto:chief1860@ttrfd.com)>  
**Sent:** Thursday, May 30, 2024 12:48 PM  
**To:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Subject:** Re: Fw: Smarker Property - BADLANDS RANCH

No, I hadn't sent one. Typically I get a copy of these requests from Planning and Zoning but didn't for this one.

You can use this email as confirmation that the Tonganoxie Township Fire Department does not have any issues with this request.

On Thu, May 30, 2024 at 12:30 PM Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)> wrote:  
Did you send a service letter for this project?

Thank you - Joe Herring

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

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Badlands Subdivision  
**Date:** July 09, 2024

Amy, I have reviewed the preliminary plat of the Badlands Subdivision presented by Kevin and Alana Sharker. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed, a fire hydrant should be placed along the right-a-way on the Lot 1 along the right-of-way, and this will meet the requirements for this subdivision. I am not for sure if this will become a larger subdivision in the future so the area will need to be addressed further regarding the plans for Lot 2. Lot 1 may become a driveway since it is not wide enough for the current width of the frontage, no for sure if this is correct?

I have no further recommendation for this subdivision.

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

## Schweitzer, Joshua

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**From:** Baumchen, Daniel  
**Sent:** Monday, August 5, 2024 1:22 PM  
**To:** Schweitzer, Joshua; Noll, Bill; McAfee, Joe; 'Mitch Pleak'  
**Cc:** PZ  
**Subject:** RE: DEV-24-060 & 061 Preliminary & Final Plat Badlands Ranch  
**Attachments:** Badlands Ranch final No Comments 2024.08.05.pdf

No comments for final plat drawing, but still need LSRR.

**Dan Baumchen, PS**  
County Surveyor  
Leavenworth County Department of Public Works  
913-684-0472

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**From:** Schweitzer, Joshua  
**Sent:** Monday, August 5, 2024 8:21 AM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-24-060 & 061 Preliminary & Final Plat Badlands Ranch

Good Morning,

Attached are the updated revisions 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

## Schweitzer, Joshua

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**From:** Anderson, Kyle  
**Sent:** Wednesday, June 5, 2024 8:36 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-24-060 & 061 Preliminary and Final Plat Badlands Ranch - Herring

We have not received any complaints on this property, and we are not aware of any septic systems currently installed on it.

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, June 4, 2024 2:38 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-24-060 & 061 Preliminary and Final Plat Badlands Ranch - Herring

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 2-lot subdivision at 00000 Parallel Rd. (138-34-0-00-00-007)

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 June 18th, 2024.

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

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning  
300 Walnut St, Suite 212  
Leavenworth County, Kansas 66048

**Leavenworth County  
Request for Board Action  
Case No. DEV-24-064 & 065  
Preliminary & Final Plat Gaither Subdivision  
\*Consent Agenda\***

**Date:** September 4, 2024  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** John Jacobson, Reviewed

**Additional Reviews as needed:**

**Budget Review** ☐ **Administrator Review** ☒ **Legal Review** ☒

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**Action Request:**

Chairman, I find that the proposed Final Plat as outlined in case DEV-24-065 is compliant with the Leavenworth County Zoning & Subdivision Regulations and move that the proposed Final Plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.

**Analysis:** The applicant is proposing to divide a 19.30 +- acre parcel into four (4) 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 range in size from 3.32 to 6.72 acres. All lots meet the requirements for the RR-2.5 zoning district.

The final plat meets the standards set forth in the Leavenworth County Zoning and Subdivision Regulations.

**Recommendation:** The Planning Commission voted 8-0 (1 absent) to recommend approval of Case No.DEV-24-065, Final Plat for Gaither Subdivision subject to conditions.

**Alternatives:**

1. Approve Case No. DEV-24-065, Final Plat for Gaither Subdivision, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-24-065, Final Plat for Gaither Subdivision, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-24-065, Final Plat for Gaither Subdivision, with Findings of Fact; or

4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- ☒ Not Applicable
- ☐ Budgeted item with available funds
- ☐ Non-Budgeted item with available funds through prioritization
- ☐ Non-Budgeted item with additional funds requested

**Total Amount Requested:** \$0.00

**Additional Attachments:** Staff Report, Plat, Planning Commission Minutes

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-24-064 & 065 Gaither Subdivision

August 14, 2024

**REQUEST:** *Consent Agenda*

☒ Preliminary Plat      ☒ Final Plat

**STAFF REPRESENTATIVE:**

JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 20571 219th St.



**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING  
315 N. 5th Street  
Leavenworth, KS 66048

**PROPERTY OWNER:**

Southpark Development Co LLC  
PO Box 147  
Tonganoxie, KS 66086

**CONCURRENT APPLICATIONS:**

NONE

**LAND USE**

**ZONING:** RR-2.5

**FUTURE LAND USE DESIGNATION:**

RR-2.5

**LEGAL DESCRIPTION:**

A triangular tract of land lying on the West side of the road in the Southwest Quarter of the Southwest Quarter of Section 28, Township 10, 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-24-064 & 065, Preliminary & Final Plat for Gaither Subdivision, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-064 & 065, Preliminary & Final Plat for Gaither Subdivision to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:** 19.30 +- ACRES

**PARCEL ID NO:**

148-28-0-00-00-009

**BUILDINGS:**

Existing House and Outbuildings

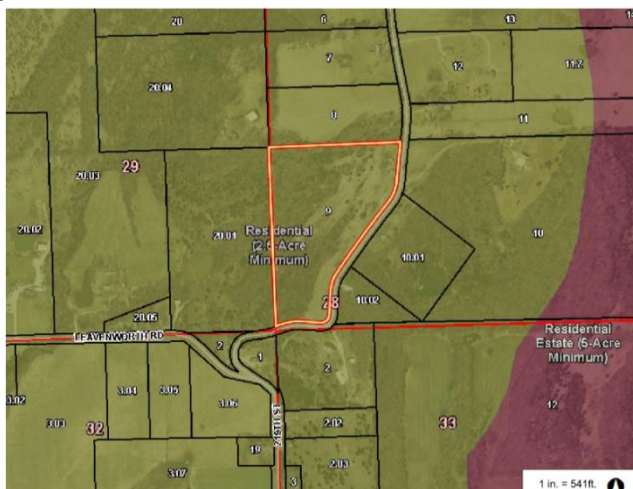
**PROJECT SUMMARY:**

Request for a final plat approval to subdivide property located at 20571 219th St. (148-28-0-00-00-009) as Lots 01 through 04 of Gaither Subdivision.

**ACCESS/STREET:**

219th Street - Collector, paved  $\pm$  23'

**Location Map: FUTURE LAND USE DESIGNATION**



**UTILITIES**

**SEWER:** PRIVATE SEPTIC

**FIRE:** Tonganoxie

**WATER:** RWD 9

**ELECTRIC:** FREESTATE

**NOTICE & REVIEW:**

**STAFF REVIEW:**

8/5/2024

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**

N/A



<b>STANDARDS TO BE CONSIDERED:</b> <i>Type content in each if necessary (delete this afterwards)</i>			
<b>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</b>		<b>Met</b>	<b>Not Met</b>
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	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 divide a 19.30 +/- acre parcel into four (4) 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 range in size from 3.32 to 6.72. All lots meet the requirements for the RR-2.5 zoning district.

#### **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. The developer must comply with the following memorandums:
  - Memo – RWD 9, dated March 22, 2024
  - Memo – Emergency Management, dated July 9, 2024

#### **ATTACHMENTS:**

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



148-23      009.00

FINAL &  
~~PRELIMINARY~~ PLAT APPLICATION  
Leavenworth County Planning and Zoning Department  
300 Walnut St., Suite 212  
Leavenworth, Kansas  
913-684-0465

OK 9743

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: <u>Herring Surveying Company</u>	NAME: <u>Southpark Development Co LLC</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS: <u>PO BOX 147</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP: <u>Tonganoxie, KS 66086</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL: <u>herringsurveying@outlook.com</u>	EMAIL: <u>N/A</u>

**GENERAL INFORMATION**

Proposed Subdivision Name: GAITHER SUBDIVISION

Address of Property: 20571 219TH ST

PID: 148-28-0-00-00-009 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: <u>20 Acres</u>	Number of Lots: <u>4</u>	Minimum Lot Size: <u>3.1 Ac</u>
Maximum Lot Size: <u>6.7 Ac</u>	Proposed Zoning: <u>RR-2.5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>RWD 9</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Tonganoxie</u>	Electric Provider: <u>FreeState</u>	Natural Gas Provider: <u>Propane</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</u>	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	1. _____	
	2. _____	
	3. _____	
	4. _____	
	5. _____	

Is any part of the site designated as Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No if yes, what is the panel number: _____	
I, the undersigned, am the owner, <b>duly authorized agent</b> , 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: <u>Joe Herring - digitally signed June 2, 2024</u>	Date: <u>6/2/24</u>

**ATTACHMENT A**





**Continental**  
TITLE COMPANY

**SCHEDULE A**

CTC File No.: 24461531

**INFORMATIONAL REPORT**

1. Effective Date: March 15, 2024 at 8:00 A.M. Updated May 21, 2024
2. Fee Simple interest in the Land described in this Report is owned, at the Report Date, by:  
  
South Park Development Company, LLC
3. The land referred to in this Commitment is described as follows:

The following described Real Estate, situated in the County of Leavenworth and State of Kansas, to-wit:

A triangular tract of land lying on the West side of the road in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 28, Township 10, Range 21.

By: 

\_\_\_\_\_  
Title Officer: Lisa Riggs

## **SCHEDULE BI - REQUIREMENTS**

CTC File No.: 24461531

**NOTE:** This is an Informational Report and has been issued as a report as to the status of title and as such should not be relied upon for a Real Estate Transaction. This is not a commitment to insure, and no insurance is provided by this informational report.

If a commitment for Title Insurance is desired, the identity of the entities to be insured and policy amounts must be disclosed to this Company and this Company will issue a Commitment for Title Insurance disclosing all requirements for issuance of the policy as well as any additional exceptions which may be taken.

1. The following Requirements must be met: NONE

## SCHEDULE BII - EXCEPTIONS

CTC File No.: 24461531

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

1. Right or claims of parties in possession not shown by the Public Records.
2. Easements, or claims of easements, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation or adverse circumstances affecting Title that would be disclosed by an accurate and complete survey of the Land or that could be ascertained by an inspection of the Land.
4. Any lien, or right to lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Taxes, or special assessments, if any, not shown as existing liens by the Public Records.
6. Loss or damage by reason of there being recorded in the Public Records, any deeds, mortgages, lis pendens, liens or other title encumbrances subsequent to the commitment date and prior to the effective date of the final Policy.
7. Assessments, Dues or Fees levied by the Homeowners Association of said Subdivision, if any.
8. State, County and City general taxes for the year 2023, and subsequent years.
9. Tenancy rights, either as month to month or by virtue of written lease of any party now in possession of the premises in question.
10. State, County, and City General Taxes for the second half of 2023, which become delinquent after May 10th.
11. Right of Way Easement granted to Rural Water District No. 9, Leavenworth Co., Kansas as more fully set forth in the instrument recorded in Book 502 at Page 1473.
12. **The Company has been advised about a network security incident affecting access to Kansas Court systems, including, but not limited to, the ability to search Court records and e-file Court documents.**

### **NO COURT RECORDS HAVE BEEN SEARCHED OR REPORTED.**

NOTE: The Title Agent issuing this commitment is furnishing a 24 Month Chain of Title for informational purposes only and the Company has no liability for any of the information provided:

Quit Claim Deed from Jack L Willis And Estee M Willis, husband and wife to South Park Development Company, LLC recorded May 6, 2022 as Document No. 2022R04313.

Quit Claim Deed from Louis Willis, a single person to Jack L Willis and Estee M Willis, husband and wife recorded August 26, 2019 as Document No. 2019R06650.

NOTE: For informational purposes only we submit the following tax figures and property address, if known. We assume no liability for the correctness of the same.

Commonly known as: 20571 219th St, Tonganoxie, KS 66086

Tax Year: 2023

Tax ID No.: 15326

CAMA/Pin No.: 148-28-0-00-00-009.00-0

Assessed Value: \$28,774

Tax Amount: \$3,384.34 FIRST HALF PAID; SECOND HALF DUE

Includes the following Special Assessments, if any: None

Delinquent Taxes, if any: None

AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I JACK Willis president of Estate Willis of South Park Development Co LLC

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 20571 219th Tonganoxie, 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. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2) Signed and entered this 11 day of Aug, 2023

JACK Willis president of South Park Development Co LLC  
Print Name, Address, Telephone

Jack Willis Estate Willis  
Signature

STATE OF KANSAS )

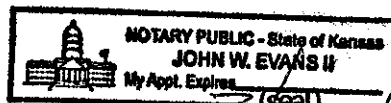
) SS

COUNTY OF LEAVENWORTH )

Be it remembered that on this 11 day of Aug, 2023, 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 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.

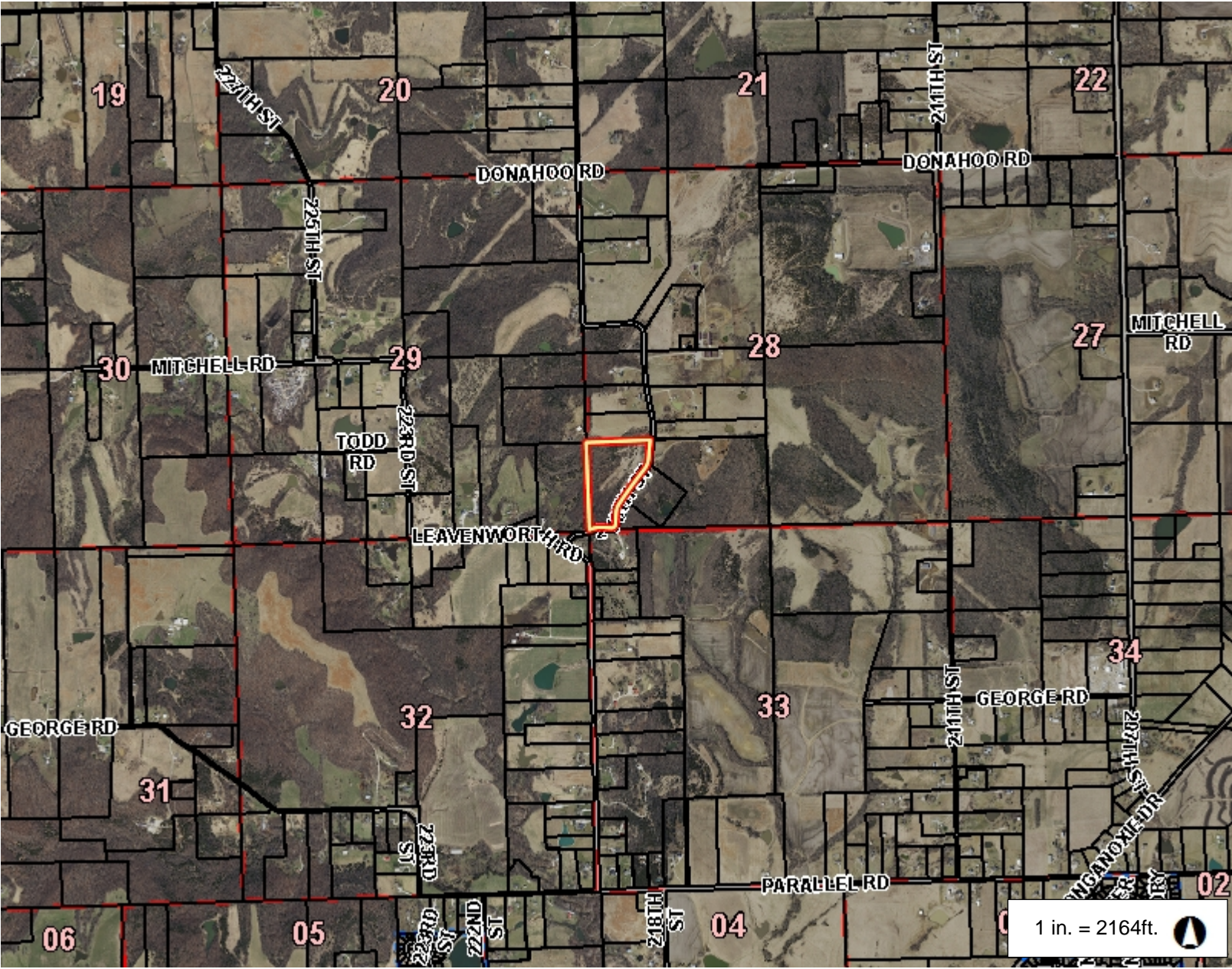
NOTARY PUBLIC John W. Evans II

My Commission Expires: 3/29/2024



3/29/2024

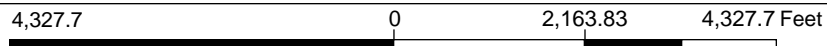
# Leavenworth County, KS



## Legend

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

## Notes

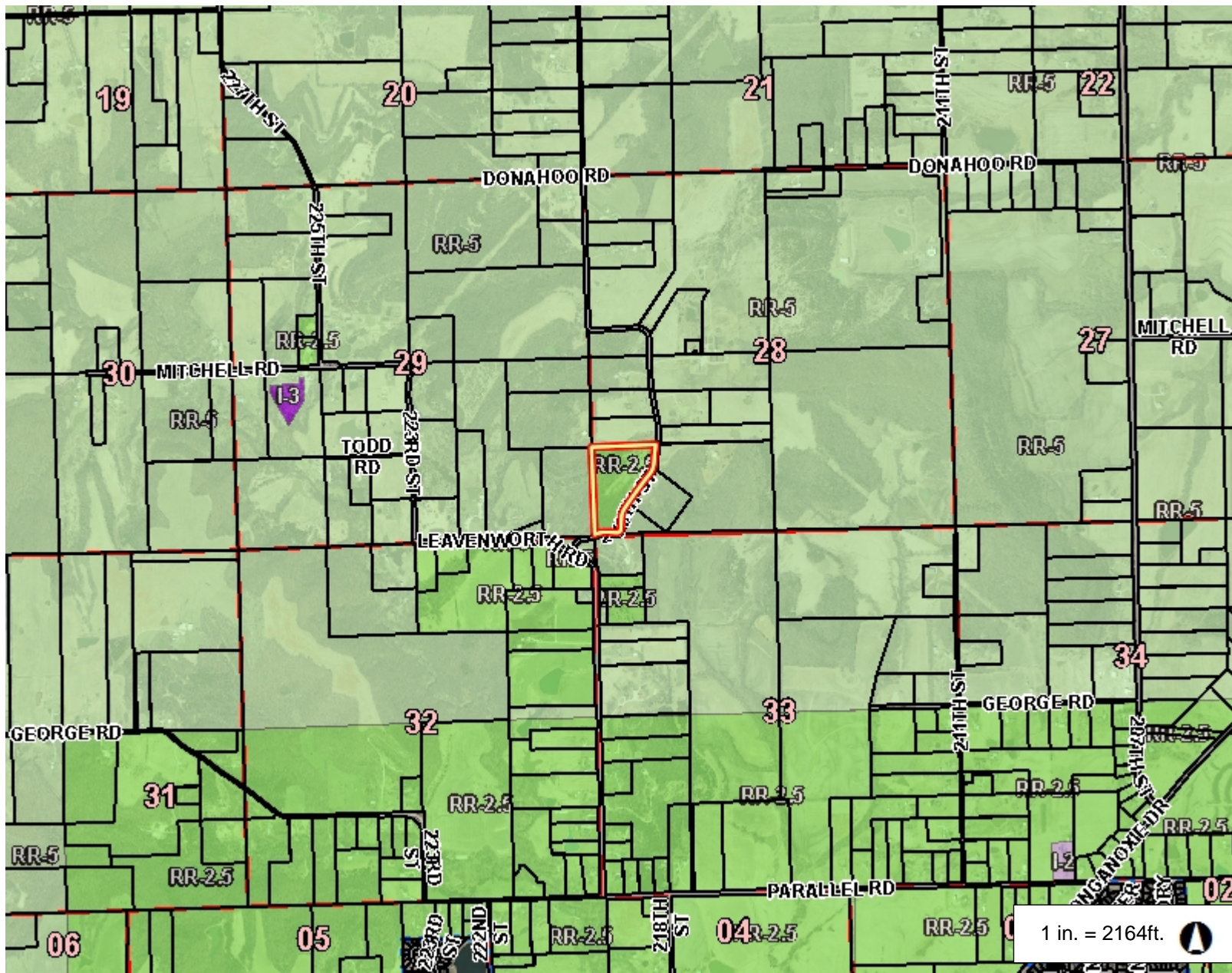


This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

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

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



GAITHER SUBDIVISION

A Minor Subdivision in the Southwest Quarter of Section 28, Township  
10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

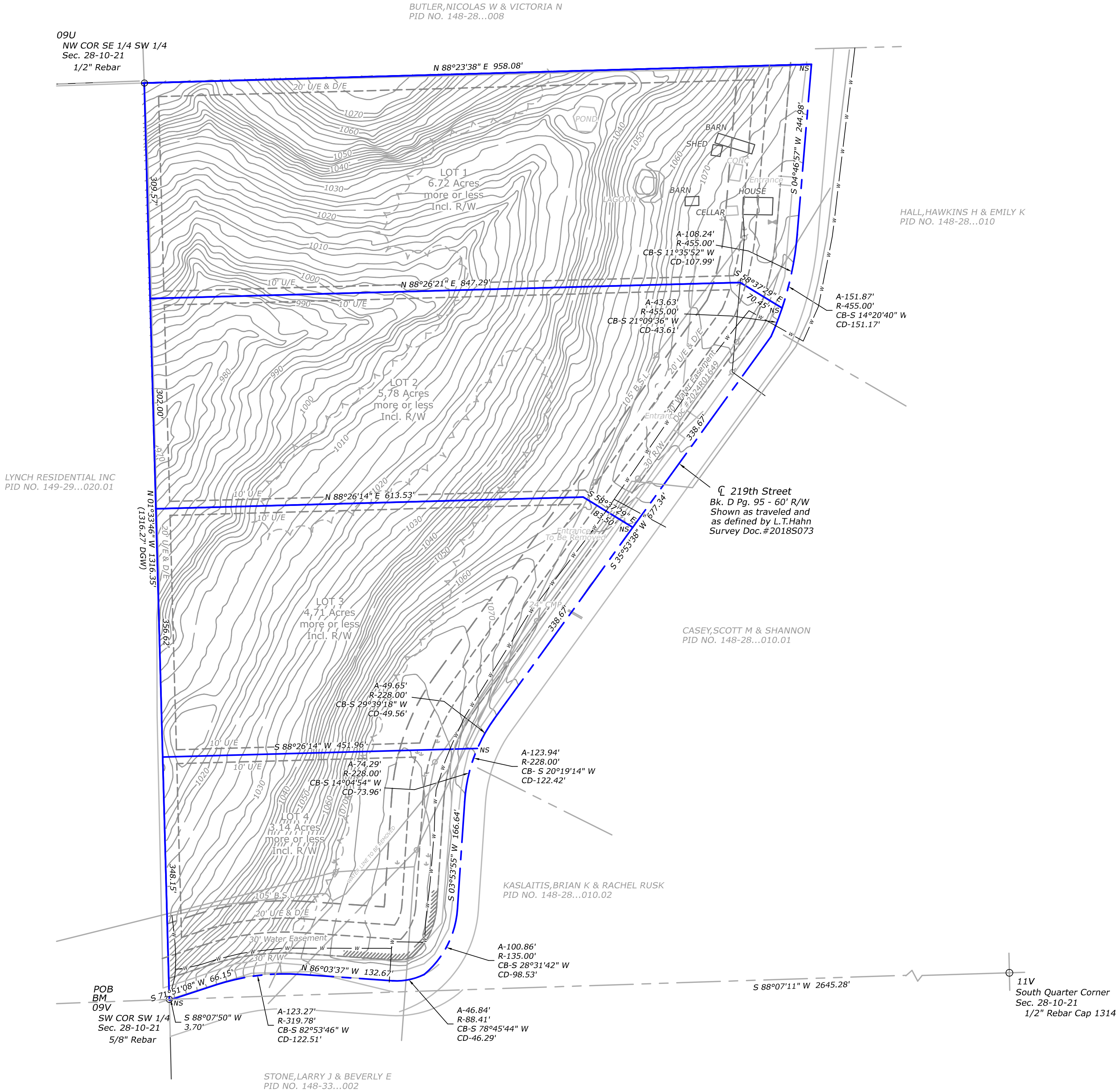
PRELIMINARY PLAT

PREPARED FOR:  
SOUTH PARK DEVELOPMENT CO LLC  
20571 219TH ST  
TONGANOXIE, KS 66086  
PID # 148-28-0-00-00-009

DESCRIPTION: per Referenced Title Commitment  
A triangular tract of land lying on the West side of the road in the Southwest Quarter (SW1/4) of the  
Southwest Quarter (SW1/4) of Section 28, Township 10, Range 21.

SURVEYOR'S DESCRIPTION:

A tract of land in the Southwest Quarter of Section 28, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on July 14, 2024, more fully described as follows: Beginning at the Southwest corner of said Southwest Quarter; thence North 01 degrees 33'46" West for a distance of 1316.41 feet along the West line of said Southwest Quarter to the Northwest corner of the Southwest Quarter of said Southwest Quarter; thence North 88 degrees 23'38" East for a distance of 958.08 feet to the apparent centerline of 219th Street, as existing and established by Larry Hahn survey Document #2018S073; thence South 04 degrees 46'57" West for a distance of 244.98 feet along said centerline; thence along a curve to the right having a radius of 455.00 feet and an arc length of 151.87 feet along said centerline, being subtended by a chord bearing South 14 degrees 20'40" West and a chord distance of 151.17 feet; thence South 35 degrees 53'38" West for a distance of 677.34 feet along said centerline; thence along a curve to the left having a radius of 228.00 feet and an arc length of 123.94 feet along said centerline, being subtended by a chord bearing South 20 degrees 19'14" West and a chord distance of 122.42 feet; thence South 03 degrees 53'55" West for a distance of 166.64 feet along said centerline; thence along a curve to the right having a radius of 135.00 feet and an arc length of 100.86 feet along said centerline, being subtended by a chord bearing South 28 degrees 31'42" West and a chord distance 98.53 feet; thence South 49 degrees 55'54" West for a distance of 38.55 feet to the South line of said Southwest Quarter; thence South 88 degrees 07'11" West for a distance of 336.60 feet along said South line to the point of beginning, together with and subject to covenants, easement and restriction of record.  
Said property contain 20.53 acres, more or less, including road right of way.  
Error of Closure - 1 : 392927

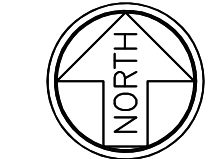


ZONING:  
RR 2.5 - Rural Residential 2.5

- 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 - 1 : 149381, 20.36 Acres, more or less
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Existing and Proposed Lots for Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88  
Project Benchmark (BM) - SW COR - ELEV - 1047'
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Doc # 2022R04313
  - 12) Utility Companies -
    - Water - RWD 9
    - Electric - Free State
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 13) Reference Continental Title Company File Number 24461531 dated May 21, 2024
  - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0225G 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) Easements as per referenced Title Commitment are shown hereon, if any.
    - Rural Water District No. 9 Easement Bk. 597 Pg. 220, vacated and replaced with Recorded Easement Doc #2024R01645
  - 17) Fence Lines do not necessarily denote the boundary line for the property.
  - 18) Reference Surveys:
    - (LTH) - L.T.Hahn Survey Doc # 2018S073
    - (DGW) - D.G.White Survey Book S-14 #82, 1992 - NKA 1992S082

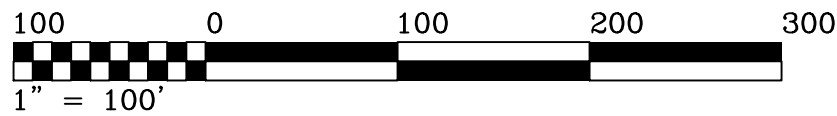
- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures 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) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
  - 7) No off-plat restrictions.

- 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
  - CL - Centerline
  - BM - Benchmark
  - POB - Point of Beginning
  - POC - Point of Commencing
  - NS - Not Set this Survey per agreement with client
  - A - Arc Distance
  - R - Radius Length
  - CB - Chord Bearing
  - CD - Chord Distance
  - - Power Pole
  - X - Fence Line
  - OHP - Overhead Power Lines
  - T - Underground Telephone/Fiber Optic Line
  - ◇ - Gas Valve
  - ⬮ - Water Meter/Valve
  - ⊞ - Telephone Pedestal
  - W - Proposed 6" Water Line - location as per district
  - ~ - Tree/Brush Line
  - //// - No Vehicle Entrance Access



Scale 1" = 100'

Job # K-23-1726  
June 2, 2024 Rev. 7/23/24



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of November 2023 through June 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



GAITHER SUBDIVISION

A Minor Subdivision in the Southwest Quarter of Section 28, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR: SOUTH PARK DEVELOPMENT CO LLC 20571 219TH ST TONGANOXIE, KS 66086 PID # 148-28-00-00-009

DESCRIPTION: per Referenced Title Commitment A triangular tract of land lying on the West side of the road in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 28, Township 10, Range 21.

SURVEYOR'S DESCRIPTION: A tract of land in the Southwest Quarter of Section 28, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on July 14, 2024, more fully described as follows: Beginning at the Southwest corner of said Southwest Quarter; thence North 01 degrees 33'46" West for a distance of 1316.41 feet along the West line of said Southwest Quarter to the Northwest corner of the Southwest Quarter of said Southwest Quarter; thence North 88 degrees 23'38" East for a distance of 958.08 feet to the apparent centerline of 219th Street, as existing and established by Larry Hahn survey Document #20185073; thence South 04 degrees 46'57" West for a distance of 244.98 feet along said centerline; thence along a curve to the right having a radius of 455.00 feet and an arc length of 151.87 feet along said centerline, being subtended by a chord bearing South 14 degrees 20'40" West and a chord distance of 151.17 feet; thence South 35 degrees 53'38" West for a distance of 677.34 feet along said centerline; thence along a curve to the left having a radius of 228.00 feet and an arc length of 123.94 feet along said centerline, being subtended by a chord bearing of South 20 degrees 19'14" West and a chord distance of 122.42 feet; thence South 03 degrees 53'55" West for a distance of 166.64 feet along said centerline; thence along a curve to the right having a radius of 135.00 feet and an arc length of 100.86 feet along said centerline, being subtended by a chord bearing South 28 degrees 31'42" West and a chord distance 98.53 feet; thence South 49 degrees 55'54" West for a distance of 336.60 feet to the South line of said Southwest Quarter; thence South 88 degrees 07'11" West for a distance of 336.60 feet along said South line to the point of beginning, together with and subject to covenants, easement and restriction of record. Said property contain 20.53 acres, more or less, including road right of way. Error of Closure - 1 : 392927

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: GAITHER SUBDIVISION.

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.

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated by easement.

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 GAITHER SUBDIVISION, have set our hands this \_\_\_\_ day of \_\_\_\_\_, 2024.

Jack Willis, Trustee SOUTH PARK DEVELOPMENT CO 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 Jack Willis, Trustee of the SOUTH PARK DEVELOPMENT CO 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 GAITHER SUBDIVISION this \_\_\_\_ day of \_\_\_\_\_, 2024.

Secretary John Jacobson Chairperson Marcus Major

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 GAITHER SUBDIVISION this \_\_\_\_ day of \_\_\_\_\_, 2024.

Chairperson Jeff Culbertson County Clerk Attest: Janet Klasinski

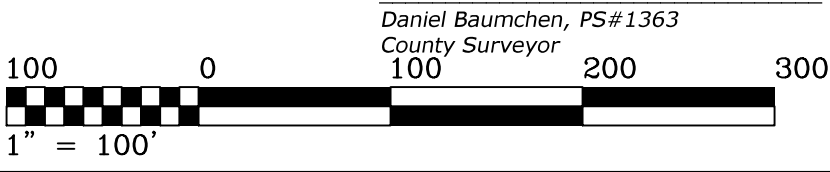
REGISTER OF DEED CERTIFICATE: Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn



Scale 1" = 100'

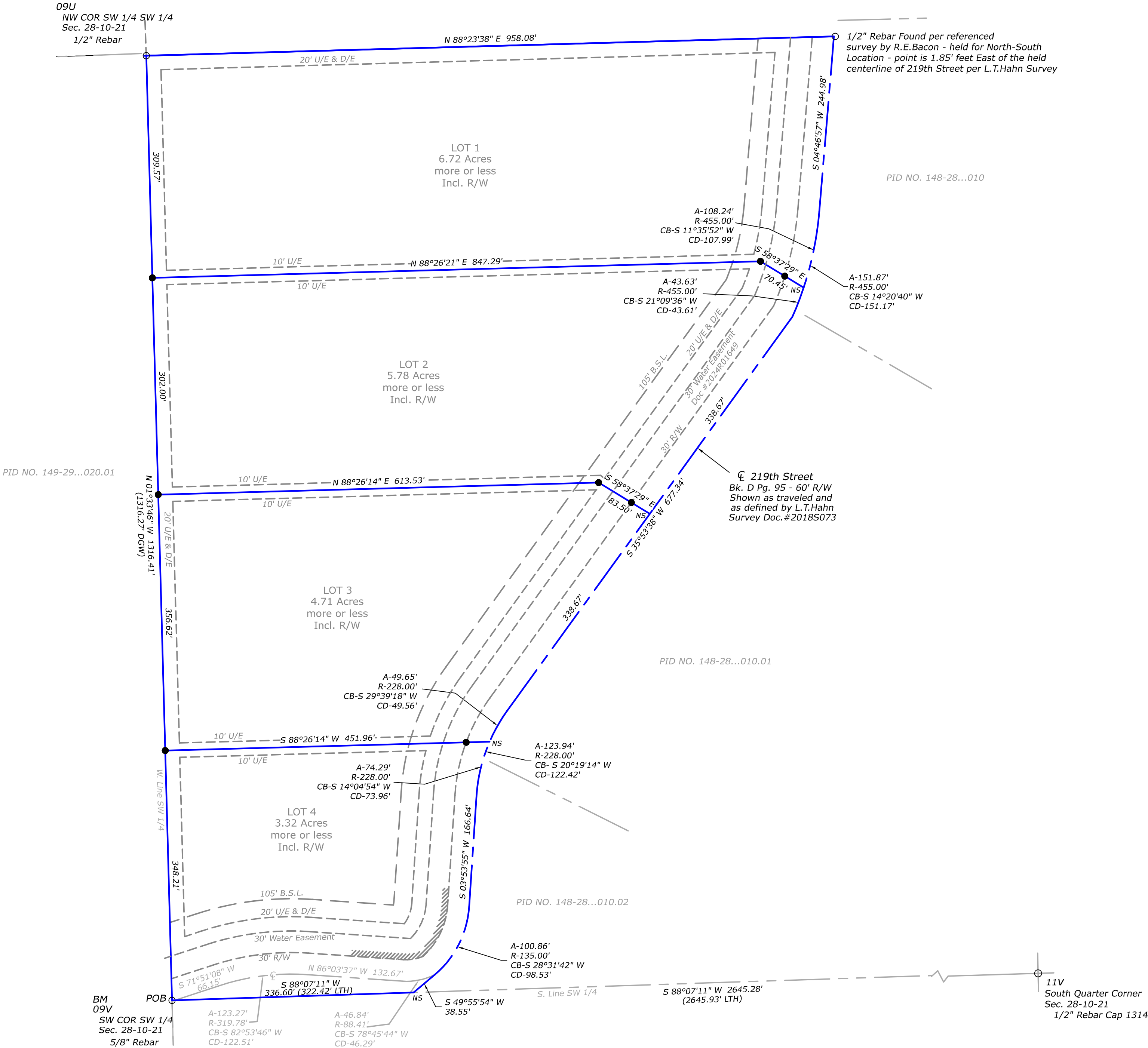
Job # K-23-1726 June 2, 2024 Rev. 7-23-24



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 Baumenchen, PS#1363 County Surveyor

PID NO. 148-28...008



STONE, LARRY J & BEVERLY E PID NO. 148-33...002

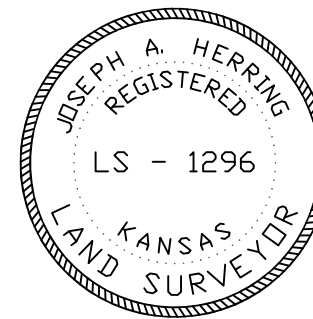


ZONING: RR 2.5 - Rural Residential 2.5

- 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 - 1 : 149381, 20.36 Acres, more or less
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Existing and Proposed Lots for Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD83 Project Benchmark (BM) - SW COR - ELEV - 1047'
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Doc # 2022R04313
  - 12) Utility Companies -
    - Water - RWD 9
    - Electric - Free State
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 13) Reference Continental Title Company File Number 24461531 dated May 21, 2024
  - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0225G 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) Easements as per referenced Title Commitment are shown hereon, if any.
    - Rural Water District No. 9 Easement Bk. 597 Pg. 220, vacated and replaced with Recorded Easement Doc. #2024R01645
  - 17) Fence Lines do not necessarily denote the boundary line for the property.
  - 18) Reference Surveys:
    - (LTH) - L.T.Hahn Survey Doc # 20185073
    - (DGW) - D.G.White Survey Book S-14 #82, 1992 - NKA 19925082
    - (REB) - R.E.Bacon Survey Book S-9 #35, 1974 - NKA 19745035

- 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) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
  - 7) No building can be constructed on the south portion of 219th St. on Lot 4.
  - 8) No off-plat restrictions.

- 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
  - CL - Centerline
  - SL - Section Line
  - BM - Benchmark
  - POB - Point of Beginning
  - POC - Point of Commencing
  - NS - Not Set this Survey per agreement with client
  - A - Arc Distance
  - R - Radius Length
  - CD - Chord Bearing
  - CD - Chord Distance
  - //// - No Vehicle Entrance Access



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of November 2023 through June 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring PS # 1296

**06-18-2024**  
**Combined PW**  
**Review**  
**No Comment**

Gaither Subdivision  
Leavenworth County Kansas  
Drainage Report  
March 8, 2024



# *Tonganoxie Township Rural Fire Department*

*18993 McLouth RD  
Tonganoxie, KS 66086  
Phone (913) 845-3801  
Fax (913) 845-3801  
Tim Smith Chief  
Chief1860@ttrfd.com*

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June 10, 2024

To whom it may concern,

The Tonganoxie Township Fire Department has looked at the Gaither Subdivision concept. At the present time while we are reluctant to give our approval for additional homes in this area without the infrastructure in place to allow for a viable water supply for fire suppression purposes we will do so.

Thank you,

Tim Smith



## Schweitzer, Joshua

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**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Sunday, June 2, 2024 11:51 AM  
**To:** PZ  
**Subject:** RWD 9 Water Gaither Subd  
**Attachments:** Development Policy.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:** Rural Water District 9 lvrwd9 <lvrwd9@gmail.com>  
**Sent:** Friday, March 22, 2024 12:07 PM  
**To:** Joe Herring <herringsurveying@outlook.com>  
**Subject:** Re: GAITHER SUBD CONCEPT

Joe, I apologize that it has taken a few weeks to get back with you. I have attached LVRWD9 Development Policy as requested. I have also spoken with Jack Willis and he signed an easement for LVRWD9 to be able to move our main water line that runs through the center of his lots to move them closer to the road. This plan is in our CIP from several years ago and now that we have secured a loan for these projects we are gaining easements so we can move forward. Where we are moving the line will benefit him and the district. It will benefit the district in part to have them closer to the road and benefit him to have them out of the center of his property. If you need anything further please let me know.

On Thu, Feb 29, 2024 at 7:25 AM Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)> wrote:

Please provide me with the standard letter for the proposed development. 4 Lots off of 219<sup>th</sup> Street..  
Appreciate you time in considering this request.  
Attached pdf file is the concept of the 4 Lots

Thank you - Joe Herring

---

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

## Schweitzer, Joshua

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**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Sunday, June 2, 2024 11:47 AM  
**To:** PZ  
**Subject:** Fw: SERVICE VERIFICATION - Parcel - R19308 GAITHER SUBDIVISION

**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.

Freestate service letter

Thank you - Joe Herring

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

---

**From:** Shauna Snyder <shauna.snyder@freestate.coop>  
**Sent:** Thursday, February 29, 2024 7:44 AM  
**To:** Joe Herring <herringsurveying@outlook.com>  
**Subject:** SERVICE VERIFICATION - Parcel - R19308

FreeState Electrical Cooperative will provide power to a new home/development being built on/at 219<sup>th</sup> St, parcel R19308, for Gaither Subdivision (South Park Development Co, LLC). FreeState will provide service for 4 separate lots.

Thank you,

**Shauna Snyder**  
Members Service Representative



1-800-794-1989 | [www.freestate.coop](http://www.freestate.coop)

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Gaither Subdivision  
**Date:** July 09, 2024

Amy, I have reviewed the preliminary plat of the Gaither Subdivision presented by South Park Development. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed, a fire hydrant should be placed along the right-a-way between Lot 2 and Lot 3 along the right-of-way, and 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.



## Schweitzer, Joshua

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**From:** Anderson, Kyle  
**Sent:** Thursday, June 6, 2024 9:16 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-24-064 & 065 Preliminary & Final Plat Gaither Subdivision - Herring

All past violations on this property were resolved in July 2020. There have been no additional violations on this property since then. 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.*

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**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Wednesday, June 5, 2024 1:59 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-24-064 & 065 Preliminary & Final Plat Gaither Subdivision - Herring

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 4-lot subdivision at 20571 219<sup>th</sup> St. (148-28-0-00-00-009)

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 June 20th, 2024.

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

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning  
300 Walnut St, Suite 212

**Leavenworth County  
Request for Board Action  
Case No. DEV-24-067 & 068  
Preliminary & Final Plat Gambrell's Place  
\*Consent Agenda\***

**Date:** September 4, 2024  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** John Jacobson, Reviewed

**Additional Reviews as needed:**

**Budget Review** ☐ **Administrator Review** ☒ **Legal Review** ☒

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**Action Request:**

Chairman, I find that the proposed final plat as outlined in Case DEV-24-068 is compliant with the Leavenworth County Zoning & Subdivision Regulations and move that the proposed final plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.

**Analysis:** The applicant is proposing to divide a 5.10-acre parcel into 2 lots. The Subdivision is classified as Class A with all lots lying within the Urban Growth Area of the City of Tonganoxie. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 600' of the subdivision (per City Requirements). Lots 1 and 2 will be approximately 2.5 acres in size. The applicant is proposing to use the existing driveway as a shared drive as no additional entrances would be permitted along the current frontage.

All lots meet the requirements for the RR-2.5 zoning district.

**Recommendation:** The Planning Commission voted 8-0 (1 absent) to recommend approval of Case No.DEV-24-068, Final Plat for Gambrell's Place, subject to conditions.

**Alternatives:**

1. Approve Case No. DEV-24-068, Final Plat for Gambrell's Place, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-24-068, Final Plat for Gambrell's Place, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-24-068, Final Plat for Gambrell's Place with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- ☒ Not Applicable
- ☐ Budgeted item with available funds
- ☐ Non-Budgeted item with available funds through prioritization
- ☐ Non-Budgeted item with additional funds requested

**Total Amount Requested:** \$0.00

**Additional Attachments:** Staff Report, Plat, Planning Commission Minutes

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-24-067/068 GAMBRILL'S PLACE

August 14, 2024

**REQUEST:** *Consent Agenda*

☒ Preliminary Plat

☒ Final Plat

**STAFF REPRESENTATIVE:**

AMY ALLISON  
DEPUTY DIRECTOR

**SUBJECT PROPERTY:** 21211 EVANS ROAD

**FUTURE LAND USE:** MIXED RESIDENTIAL



**APPLICANT/APPLICANT AGENT:**

LARRY HAHN  
HAHN SURVEYING

**PROPERTY OWNER:**

ERIC GAMBRILL  
21211 EVANS ROAD  
TONGANOXE, KS 66086

**CONCURRENT APPLICATIONS:**  
NONE

**LAND USE**

ZONING: RR-2.5

FUTURE LAND USE  
DESIGNATION: MIXED  
RESIDENTIAL

**LEGAL DESCRIPTION:**

A tract of land in the Northwest Quarter of Section 15, Township 11 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-24-067 & 068, Preliminary & Final Plat for Gambrill's Place, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-067 & 068, Preliminary & Final Plat for Gambrill's Place to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:**

5.10 ACRES

**PARCEL ID NO:**

195-15-0-00-00-006.00

**BUILDINGS:**

1 Single-family residence and  
accessory structure.

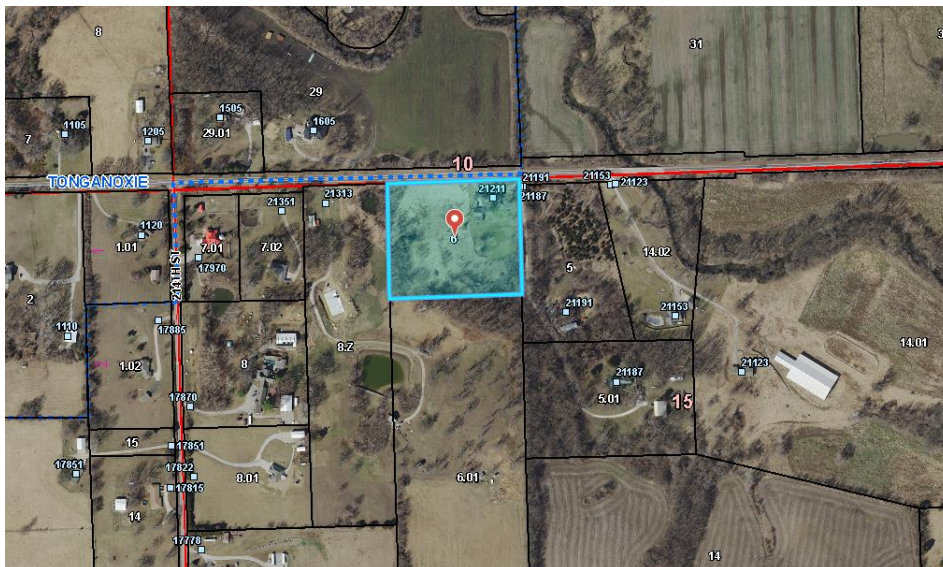
**PROJECT SUMMARY:**

Request for preliminary and final plat approval to subdivide property located at 21211 Evans Road as Lots 1 and 2 of Grambrill's Place.

**ACCESS/STREET:**

Evans Road – County Collector,  
PAVED ± 24';

**Location Map:**



**UTILITIES**

**SEWER:** PRIVATE SEPTIC  
SYSTEM

**FIRE:** Stranger

**WATER:** Suburban Water

**ELECTRIC:** Evergy

**NOTICE & REVIEW:**

**STAFF REVIEW:**

8/5/2024

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**

N/A

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

**STAFF COMMENTS:**

The applicant is proposing to divide a 5.10 acre parcel into 2 lots. The Subdivision is classified as Class A with all lots lying within the Urban Growth Area of the City of Tonganoxie. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 600' of the subdivision (per City Requirements). Lots 1 and 2 will be approximately 2.5 acres in size. All lots meet the requirements for the RR-2.5 zoning district. The applicant is proposing to use the existing driveway as a shared drive as no additional entrances would be permitted along the current frontage. 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. The developer must comply with the following memorandums:
  - a. Memo – Chuck Magaha, Emergency Management, dated July 10, 2024

**ATTACHMENTS:**

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



FINAL PLAT APPLICATION  
Leavenworth County Planning and Zoning Department,  
300 Walnut St., County Courthouse  
Leavenworth, Kansas  
913-684-0465  
913-684-0798 Fax

Stranger  
195-15 006.00

CAMA No. DEV-24- Office Use Only Date Received: \_\_\_\_\_  
Township: \_\_\_\_\_  
Planning Commission Meeting Date: \_\_\_\_\_ Date Paid: 05-13-2024  
Project No: \_\_\_\_\_

APPLICANT/AGENT INFORMATION		OWNER INFORMATION	
NAME	_____	NAME	<u>ERIC GAMBRILL</u>
ADDRESS	_____	ADDRESS	<u>21211 EVANS ROAD</u>
CITY/ST/ZIP	_____	CITY/ST/ZIP	<u>TONGANOXIE, KS. 66086</u>
PHONE	_____	PHONE	<u>913-423-8995</u>
EMAIL	_____	EMAIL	_____
CONTACT PERSON	_____	CONTACT PERSON	<u>TY GAMBRILL</u>

Subdivision Name: GAMBRILL'S PLACE  
Legal Description (S-T-R 1/4 Section): NW 1/4 15-T11S-R21E  
Zoning: RR-210  
Surveyor and/or Engineer Firm: HAHN SURVEYING  
Contact Person: LARRY HAHN  
Address: PO BOX 186 BASEHOR, KANSAS 66007  
Phone: 813-547-3405 Fax: \_\_\_\_\_ Email: hahnsurvey@gmail.com

SUBDIVISION INFORMATION		
Gross Acreage: <u>5.00 ACRES</u>	Number of Lots: <u>2</u>	Minimum Lot Size: <u>2.50 ACRES</u>
Maximum Lot Size: <u>2.50 ACRES</u>	Zoning: <u>RR-5.0</u>	Density: _____
Open Space Acreage: _____	Water District: <u>SUBURBAN</u>	Proposed Sewage: <u>ON SITE</u>
Fire District: <u>STRANGER</u>	Electric Provider: <u>EVERGY</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Phase Number: _____	

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

I, the undersigned as 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 Final Plat approval as indicated above.  
Signature: [Signature] Date: 5-16-2024

ATTACHMENT A-2



\* Large Copies  
\* Energy  
\* Suburban  
\* Stranger FD  
Chief Billquist

195-15 006.00  
Stranger  
DEV-24-

PRELIMINARY PLAT APPLICATION  
Leavenworth County Planning and Zoning Department,  
300 Walnut St., Suite 30  
Leavenworth, Kansas  
913-684-0465  
913-684-0398 Fax  
Office Use Only

CAMA No. \_\_\_\_\_  
Township: \_\_\_\_\_  
Planning Commission Meeting Date: \_\_\_\_\_ Date Received: 05-20-2024 Date Paid: 05-13-2024  
Project No. \_\_\_\_\_

APPLICANT/AGENT INFORMATION		OWNER INFORMATION	
NAME:	_____	NAME:	ERIC GAMBRILL
MAILING ADDRESS:	_____	MAILING ADDRESS:	21211 EVANS ROAD
CITY/ST/ZIP:	_____	CITY/ST/ZIP:	TONGANOXIE, KS. 66088
PHONE:	EMAIL:	PHONE:	913-433-8995 EMAIL:
CONTACT PERSON:	_____	CONTACT PERSON:	TY GAMBRILL

GENERAL INFORMATION

Proposed Subdivision Name: GAMBRILL'S PLACE

Nearest Intersection: EVANS ROAD & 214TH STREET

Legal Description (S-T-R 1/4 Section): NW 1/4 15-T11S-R21E

Zoning: RR - 2.50

Comprehensive Plan Land Use Designation: \_\_\_\_\_

Urban Growth Management Area: \_\_\_\_\_

Surveyor and/or Engineer Firm: HAHN SURVEYING

Contact Person: LARRY HAHN


Address: PO BOX 186 BASEHOR, KANSAS 66007

Phone: 913-547-3405 Fax: \_\_\_\_\_ Email: hahnsurvey@gmail.com

SUBDIVISION INFORMATION		
Gross Acreage: 1.00 ACRES	Number of Lots: 2	Minimum Lot Size: 2.50 ACRES
Maximum Lot Size: 2.50 ACRES	Proposed Zoning: RR-5.0	Density: _____
Open Space Acreage: _____	Water District: SUBURBAN	Proposed Sewage: ON SITE
Fire District: STRANGER	Electric Provider: EVERGY	Natural Gas Provider: PROPANE
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: Local <input checked="" type="checkbox"/> Collector <input type="checkbox"/> Arterial <input type="checkbox"/> State <input type="checkbox"/> Federal	

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 preliminary plat approval as indicated above.

Signature:  Date: 5-16-2024

ATTACHMENT A-1



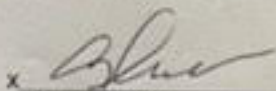
# OWNER AUTHORIZATION

I/We ERIC GAMBRILL hereby referred to as the "Undersigned", being of lawful age, do hereby on this 11<sup>th</sup> day of May 2024 make the following statements, to wit:

- 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.
- 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, 21211 EVANS 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.
- 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, meritorious 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.
- 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.

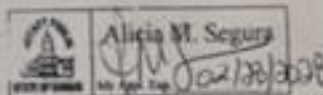
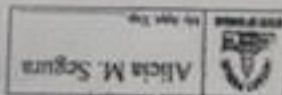
STATE OF KANSAS  
COUNTY OF LEAVENWORTH

  
ERIC GAMBRILL

The foregoing instrument was acknowledged before me on this 11<sup>th</sup> day of May, 2024,  
by Eric Gambrell

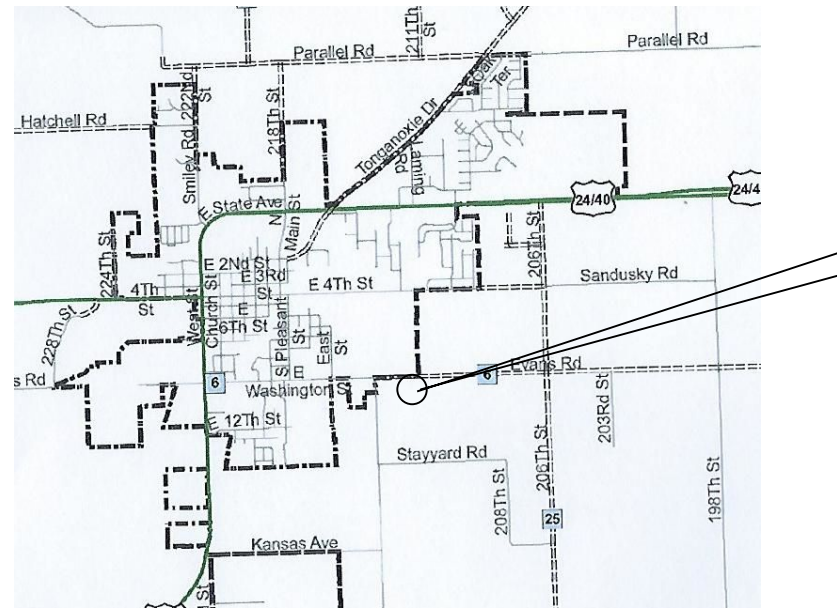
My Commission Expires February 28, 2028 Notary Public 

ATTACHMENT B

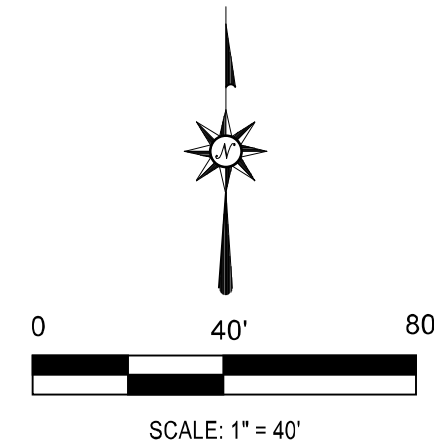




***PRELIMINARY PLAT***



LOCATION MAP  
NO SCALE



BASIS OF BEARINGS:  
KANSAS NORTH ZONE - NAD83

## LEGEND

- |       |   |
|-------|---|
| ●     | 1/2" x 24" REBAR SET WITH #1349 CAP                                   |
| ○     | SURVEY MONUMENT FOUND (AS NOTED)<br>ORIGIN UNKNOWN, UNLESS REFERENCED |
| POB   | POINT OF BEGINNING  |
| U/E   | UTILITY EASEMENT - DEDICATED THIS PLAT                                |
| S/B   | BUILDING SETBACK  |
| ////  | NO ACCESS   |
| POC   | POINT OF COMMENCING   |
| —[W]— | EXISTING WATERLINE (AS LAID)  |

NW CORNER 15-T11S-R21E (13J)  
1/2" REBAR (BM)  
1. N 14.30 TO CENTERLINE OF PAVEMENT  
2. N 14.18 TO 1/2" REBAR WITH 2" ALUMINUM CAP  
3. SW 47.00 TO 60D NAIL IN POWER POLE  
4. WSW 55.24 TO 60D NAIL IN POWER POLE  
5. N 42.30 TO NAIL WITH WASHER IN FENCE POST

NOTE:  
60 FEET WIDE ROAD RIGHT OF WAY  
PER BRIDGE PLANS  
PROJECT #52C-2468-01 (1994)  
SHEET 3

"UNPLATTED TRACT"  
PN. 192-10-29  
OWNER:  
WANDERING TRAVELLER TRUST  
1605 WASHINGTON STREET  
TONGANOXIE, KS. 66086

NE CORNER 15-T1S-R21E (17J)  
ALUMINUM CAP IN SURVEY BOX

1. NE 77.45 TO 60D NAIL WITH WASHER IN TOP OF CORNER POST
2. SE 78.64 TO 60D NAIL WITH WASHER IN RR TIE POST
3. SE 83.32 TO TOP NUT OF FIRE HYDRANT
4. SW 69.35 TO 60D NAIL WITH WASHER IN POWER POLE

N 1/4 CORNER 15-T11S-R21E (15J)  
1/2" REBAR (HELD THIS SURVEY)  
1. N 37.50 TO SPIKE WITH WASHER IN CORNER POST  
2. SE 31.85 TO MAG NAIL WITH WASHER IN 30" WALNUT  
3. N 2' +/- TO CENTERLINE OF PAVEMENT  
4. NW 3.23 TO FOUND MAG NAIL - NO PK NAIL OR REBAR

NOTE:  
HOUSE - ARTICLE 21 OF LEAVENWORTH COUNTY  
ZONING AND SUBDIVISION REGULATIONS.

— 40' WIDE ACCESS EASEMENT  
BK. 713, PG. 1467

"UNPLATTED TRACT"  
PN. 195-15-8.00-Z  
OWNER:  
JAMES MICHAEL GAMBRILL  
THERESA A. CHOP  
PO BOX 828  
TONGANOXIE, KS. 66086

**LOT 1**  
2.50 ACRES +/-  
(INCLUDING ROAD R/W)

**LOT 2**  
2.50 ACRES +/-  
(INCLUDING ROAD R/W)

"UNPLATTED TRACT"  
PN. 195-15-5  
OWNER:  
LISA SCHELLER; LIVING TRUST  
15912 206TH STREET  
TONGANOXIE, KS. 66086

**OWNER / DEVELOPER**

ERIC GAMBRILL / ROBIN GAMBRILL  
21211 EVANS ROAD  
TONGANOXIE, KS. 66086 (PN. 195-15-6)  
(913) 433-8995

## BENCHMARK

1/2" REBAR AT THE NW CORNER OF 15-T11S-R21E  
EL. 872.85 (NAVD 88)

**PUBLIC IMPROVEMENT**

NONE

### ROAD INFORMATION

EVANS ROAD - 24' WIDE PAVED SURFACE  
ROAD CLASS - COUNTY COLLECTOR

### DRAINAGE CALCULATIONS

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

## UTILITIES

ELECTRIC / EVERGY  
WATER / SUBURBAN WATER  
GAS / PRIVATE PROPANE  
SEWAGE / PRIVATE ON SITE SYSTEM

**ZONING**

RR - 2.50 ACRE

REFERENCES:

1. UNRECORDED SURVEY PROVIDED BY CLIENT (1966)  
THIS TRACT
2. KEN HERRING S-9, #120 (1972) NKA 1972S120
3. KEN HERRING S-9, #19 (1973) NKA 1973S019
4. KEN HERRING S-9, #126 (1972) NKA 1972S126
5. DG WHITE S-12, #48 (1983) NKA 1983S048
6. DOC. #2021S054

**DEED DESCRIPTION - BK. 805, PG. 1249 (2001)**

THE EAST 21 ACRES OF THE NORTH 55 ACRES OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 11, RANGE 21, LESS THE FOLLOWING TRACT: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 15; THENCE EAST 1318.58 FEET TO A POINT; THENCE SOUTH 438.50 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE SOUTH 1373.50 FEET; THENCE WEST 498.43 FEET; THENCE NORTH 1373.50 FEET; THENCE EAST 497.36 FEET TO THE POINT OF BEGINNING. LESS THAT PART THEREOF TAKEN OR USED FOR ROAD PURPOSES, IN LEAVENWORTH COUNTY, KANSAS.

### SURVEYORS DESCRIPTION

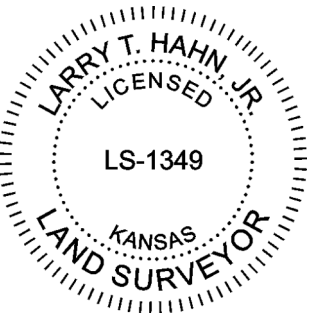
A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 15-T11S-R12E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, PS #1349, MAY, 2024, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE, N 88°13'51"E, 821.56 FEET ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER TO THE POINT OF BEGINNING OF THIS TRACT;  
THENCE, CONTINUING ALONG SAID NORTH LINE, N 88°13'51"E, 497.02 FEET;  
THENCE, S 01°48'38"E, 438.50 FEET;  
THENCE, S 88°13'51"W, 497.36 FEET;  
THENCE, N 01°45'48"W, 438.50 FEET TO THE POINT OF BEGINNING.  
CONTAINS 5.00 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.  
RELATIVE: 1:10,142,285

## RESTRICTIONS

14. 40' REAR SETBACK FOR RESIDENCES
15. REAR SETBACK FOR ACCESSORY BUILDINGS
15. SIDE SETBACK
16. AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
17. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
18. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
19. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.
20. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.
21. NO ADDITION TO THE HOUSE ON LOT 2 SHALL ENCROACH ANY FURTHER INTO THE BUILDING SETBACK LINE OR EASEMENT. IF THE STRUCTURE IS DAMAGED MORE THAN 5%, IT MUST BE BUILT IN COMPLIANCE WITH REQUIRED SETBACKS.
22. ALL OTHER BUILDINGS ON THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.
23. NO DRIVEWAY ACCESS FOR LOT 1 SHALL BE PERMITTED ON TO EVANS ROAD.
24. NO OFF PAVEMENT RESTRICTIONS.

## NOTES

1. FENCE LINES DO NOT DENOTE PROPERTY LINES
2. LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY, INFORMATION, OR RECORDS, SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE
3. EXISTING USE OF AREA BEING PLATTED - RESIDENTIAL - RR-2.5  
PROPOSED USE - RR-2.5
4. THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA  
FEMA FIRM 1709303026, DATED JULY 16, 2015
5. O & E REPORT BY CONTINENTAL TITLE COMPANY - FILE NO. 24461643, MARCH 11, 2024



---

LARRY T. HAHN, PS                      #1349

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



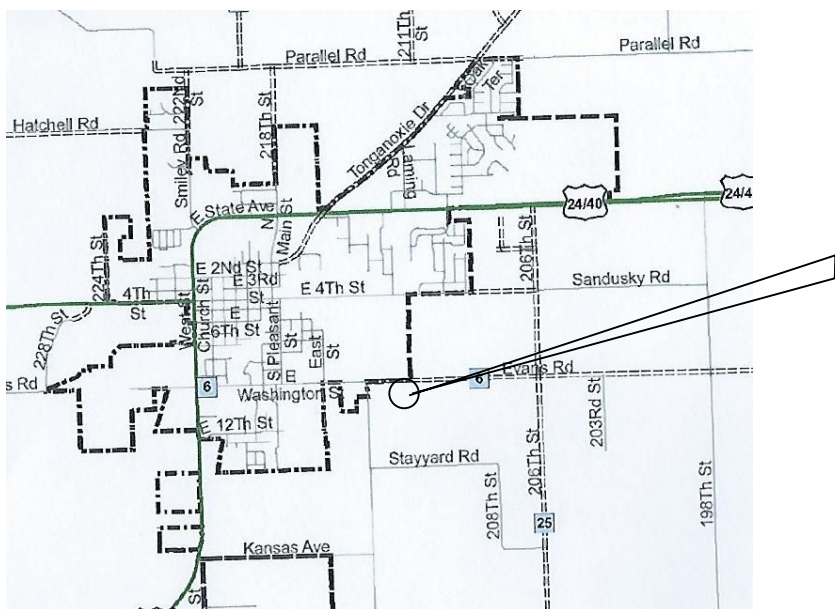
**HAHN SURVEYING**  
PO BOX 186  
BASEHOR, KANSAS 66007  
(913) 547-3405  
hahnsurvey@gmail.com



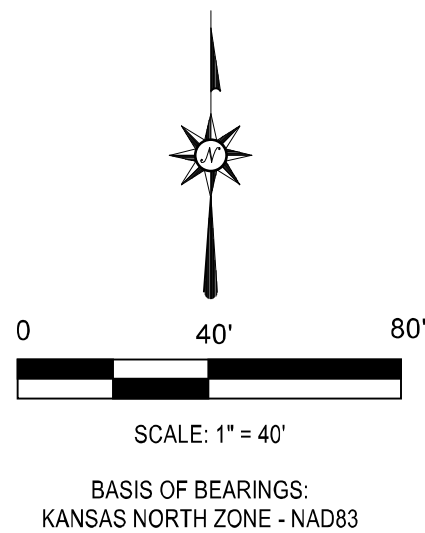
# GAMBRILL'S PLACE

## A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 15-T11S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS

### FINAL PLAT



LOCATION MAP  
NO SCALE



#### LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT - DEDICATED THIS PLAT
- S/B BUILDING SETBACK
- //// NO ACCESS
- POC POINT OF COMMENCING

NW CORNER 15-T11S-R21E (13J)  
1/2" REBAR (BM)  
1. N 14.30 TO CENTERLINE OF PAVEMENT  
2. N 14.18 TO 1/2" REBAR WITH 2" ALUMINUM CAP  
3. SW 47.00 TO 60D NAIL IN POWER POLE  
4. WSW 55.24 TO 60D NAIL IN POWER POLE  
5. N 42.30 TO NAIL WITH WASHER IN FENCE POST

NOTE:  
60 FEET WIDE ROAD RIGHT OF WAY  
PER BRIDGE PLANS  
PROJECT #52C-2468-01 (1994)  
SHEET 3

"UNPLATTED TRACT"  
PN. 192-10-29

NORTH LINE  
15-T11S-R21E

5.09 FEET NORTH  
OF SECTION LINE

NE CORNER 15-T11S-R21E (17J)  
ALUMINUM CAP IN SURVEY BOX  
1. NE 77.45 TO 60D NAIL WITH WASHER IN TOP OF CORNER POST  
2. SE 78.64 TO 60D NAIL WITH WASHER IN RR TIE POST  
3. SE 83.32 TO TOP NUT OF FIRE HYDRANT  
4. SW 69.35 TO 60D NAIL WITH WASHER IN POWER POLE

#### DEED DESCRIPTION - BK. 805, PG. 1249 (2001)

THE EAST 21 ACRES OF THE NORTH 55 ACRES OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 11, RANGE 21, LESS THE FOLLOWING TRACT: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 15; THENCE EAST 1318.58 FEET TO A POINT; THENCE SOUTH 438.50 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE SOUTH 1373.50 FEET; THENCE WEST 498.43 FEET; THENCE NORTH 1373.50 FEET; THENCE EAST 497.36 FEET TO THE POINT OF BEGINNING, LESS THAT PART THEREOF TAKEN OR USED FOR ROAD PURPOSES, IN LEAVENWORTH COUNTY, KANSAS.

#### SURVEYORS DESCRIPTION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 15-T11S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, PS #1349, MAY, 2024, DESCRIBED AS FOLLOWS, COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE, N 88°13'51"E, 821.56 FEET ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER TO THE POINT OF BEGINNING OF THIS TRACT;  
THENCE, CONTINUING ALONG SAID NORTH LINE, N 88°13'51"E, 497.02 FEET;  
THENCE, S 01°48'38"E, 438.50 FEET;  
THENCE, S 88°13'51"W, 497.36 FEET;  
THENCE, N 01°45'48"W, 438.50 FEET TO THE POINT OF BEGINNING.  
CONTAINS 5.00 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.  
RELATIVE: 1:10,142,285

#### CERTIFICATION AND DEDICATION

THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT HE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "GAMBRILL'S PLACE".

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, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" OR "U/E".

BUILDING LINES OR SETBACK LINES (S/B) 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:  
I, THE UNDERSIGNED OWNER OF "GAMBRILL'S PLACE", HAVE SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

ERIC GAMBRILL

#### STATE OF KANSAS / COUNTY OF LEAVENWORTH

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME APPEARED ERIC GAMBRILL, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HIS FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES

#### APPROVAL

WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "GAMBRILL'S PLACE" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRPERSON / MARCUS MAJURE

SECRETARY / JOHN JACOBSON

THE LEAVENWORTH COUNTY ENGINEERS 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, PE

WE THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "GAMBRILL'S PLACE" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRPERSON / JEFF CULBERTSON

COUNTY CLERK / JANET KLASINSKI (ATTEST)

#### COUNTY SURVEYOR CERTIFICATION

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 THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS #1363

REFERENCES:  
1. UNRECORDED SURVEY PROVIDED BY CLIENT (1966)  
"THIS TRACT"  
2. KEN HERRING S-9, #120 (1972) NKA 1972S120  
3. KEN HERRING S-9, #19 (1973) NKA 1973S019  
4. KEN HERRING S-9, #126 (1972) NKA 1972S126  
5. DG WHITE S-12, #48 (1983) NKA 1983S048  
6. DOC. #2021S054

#### OWNER / DEVELOPER

ERIC GAMBRILL  
21211 EVANS ROAD  
TONGANOXIE, KS. 66086 (PN. 195-15-6)  
(913) 433-8995

#### BENCHMARK

1/2" REBAR AT THE NW CORNER 15-T11S-R21E  
EL. 872.85 (NAVD 88)

#### ZONING

RR - 2.50 ACRE

#### NOTES

- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- EXISTING USE OF AREA BEING PLATTED - RESIDENTIAL - RR-2.5  
PROPOSED USE - RR-2.5
- THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA  
FEMA FIRM 20103C03026, DATED JULY 16, 2015
- O & E REPORT BY CONTINENTAL TITLE COMPANY - FILE NO. 24461643, MARCH 11, 2024

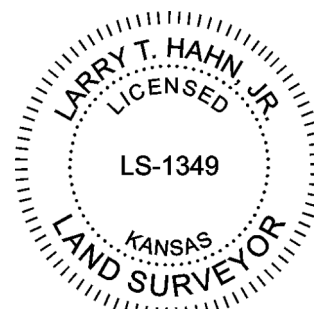
#### RESTRICTIONS

- 40' REAR SETBACK FOR RESIDENCES  
15' REAR SETBACK FOR ACCESSORY BUILDINGS  
15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
- 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.
- LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.
- NO ADDITION TO THE HOUSE ON LOT 2 SHALL ENCROACH ANY FURTHER INTO THE BUILDING SETBACK LINE OR EASEMENT.
- STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.
- NO DRIVEWAY ACCESS FOR LOT 1 SHALL BE PERMITTED ON TO EVANS ROAD.
- NO OFF PLAT RESTRICTIONS.

#### STATE OF KANSAS / COUNTY OF LEAVENWORTH

FILED FOR RECORD AS DOCUMENT # \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ IN THE OFFICE OF THE REGISTER OF DEEDS OF LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILOIS G. MASHBURN



LARRY T. HAHN, PS #1349

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



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

**Allison, Amy**

---

**From:** larry hahn <hahnsurvey@gmail.com>  
**Sent:** Friday, May 31, 2024 4:40 PM  
**To:** Johnson, Melissa  
**Subject:** Fwd: Gambrell's Place

**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.

Larry Hahn, PS  
Hahn Surveying  
PO Box 186  
Basehor, Ks. 66007  
(913) 547-3405

----- Forwarded message -----

**From:** Travis Miles <[Travis@suburbanwaterinc.com](mailto:Travis@suburbanwaterinc.com)>  
**Date:** Wed, May 22, 2024 at 6:54 AM  
**Subject:** Re: Gambrell's Place  
**To:** larry hahn <[hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)>  
**Cc:** Trish Peterson <[trish@suburbanwaterinc.com](mailto:trish@suburbanwaterinc.com)>, [AAlisson@leavenworthcounty.gov](mailto:AAlisson@leavenworthcounty.gov)  
<[AAlisson@leavenworthcounty.gov](mailto:AAlisson@leavenworthcounty.gov)>

Leavenworth County,

Suburban has reviewed the preliminary and final plat for Gambrell's place. As the proposed plat is only (2) Lots, Suburban will not require and improvements to the distribution system for the proposed development.

Suburban will provide service to the plat and recommends approval from LVCO.

Thanks

**Travis J Miles**  
*CEO/President*  
Suburban Water, Inc.  
1216 N 155<sup>th</sup> Street, PO BOX 588  
Basehor, KS 66007  
Office: (913) 724-1800  
Fax: (913) 724-1505  
Cell: (913) 238-0040  
[travis@suburbanwaterinc.com](mailto:travis@suburbanwaterinc.com)

This email and any files transmitted with it may be confidential and/or contain Suburban Water, Inc. proprietary information intended solely for the use of only the individual to which it is addressed. If you are not the intended recipient, please be advised that you have received this email in error and that any use,

dissemination, forwarding, printing, or copying of this email and any attachments is strictly prohibited. If you have received this email in error, please immediately delete the email and any attachments from your system and notify the sender. Any other use of this email is prohibited. Thank you for your compliance.

---

**From:** larry hahn <[hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)>  
**Sent:** Monday, May 20, 2024 2:28 PM  
**To:** Travis Miles <[Travis@suburbanwaterinc.com](mailto:Travis@suburbanwaterinc.com)>  
**Cc:** Trish Peterson <[trish@suburbanwaterinc.com](mailto:trish@suburbanwaterinc.com)>  
**Subject:** Gambrill's Place

To all -

I have submitted a preliminary and final plat to Leavenworth County Planning and Zoning.

The Planning Staff would appreciate your written input for the proposed plat.

Please review the attached information and forward any comments to [AAlisson@leavenworthcounty.gov](mailto:AAlisson@leavenworthcounty.gov)

If you have any questions or need additional information, please contact me.

Thank You,

Larry Hahn, PS  
Hahn Surveying  
PO Box 186  
Basehor, Ks. 66007  
(913) 547-3405

**Allison, Amy**

---

**From:** Mark B <stfdchief1760@gmail.com>  
**Sent:** Sunday, June 9, 2024 9:52 AM  
**To:** larry hahn; Schweitzer, Joshua  
**Cc:** Bert Dunham; Troy McKitrick  
**Subject:** Re: Gambrill's Place

**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 the final plat of Gambrill's Place.

Let me know if you have any questions.

Mark Billquist  
Stranger Township Fire Department

On Fri, Jun 7, 2024 at 11:38 AM larry hahn <[hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)> wrote:

Mark -

I have submitted a preliminary and final plat to Leavenworth County Planning and Zoning.

The Planning Staff would appreciate your written input for the proposed plat.

Please review the attached information and forward any comments to Leavenworth County Planning And Zoning to [JSchweitzer@leavenworthcountty.gov](mailto:JSchweitzer@leavenworthcountty.gov)

If you have any questions or need additional information, please contact me.

Thank You,

Larry Hahn, PS  
Hahn Surveying  
PO Box 186  
Basehor, Ks. 66007  
(913) 547-3405

--

**Mark Billquist**  
Stranger Township Fire Chief  
10-33 Foundation National Treasurer  
[913-369-0510](tel:913-369-0510) mobile  
[stfdchief1760@gmail.com](mailto:stfdchief1760@gmail.com)

**"Sometimes darkness can show you the light"**





June 24, 2024

To Whom It May Concern:

This letter is to Inform you that Evergy will provide electrical power to the area pictured below per request of Eric Gambrill.

Without knowing required load this letter does not guarantee we currently have capacity and additional build may be needed.



E & R Rolling Meadows South Plat

**Steven Heath**

Evergy

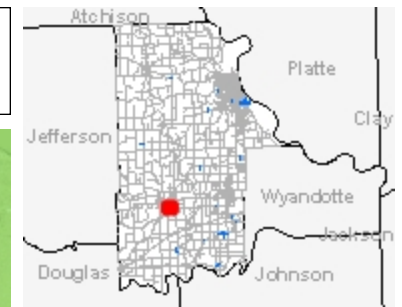
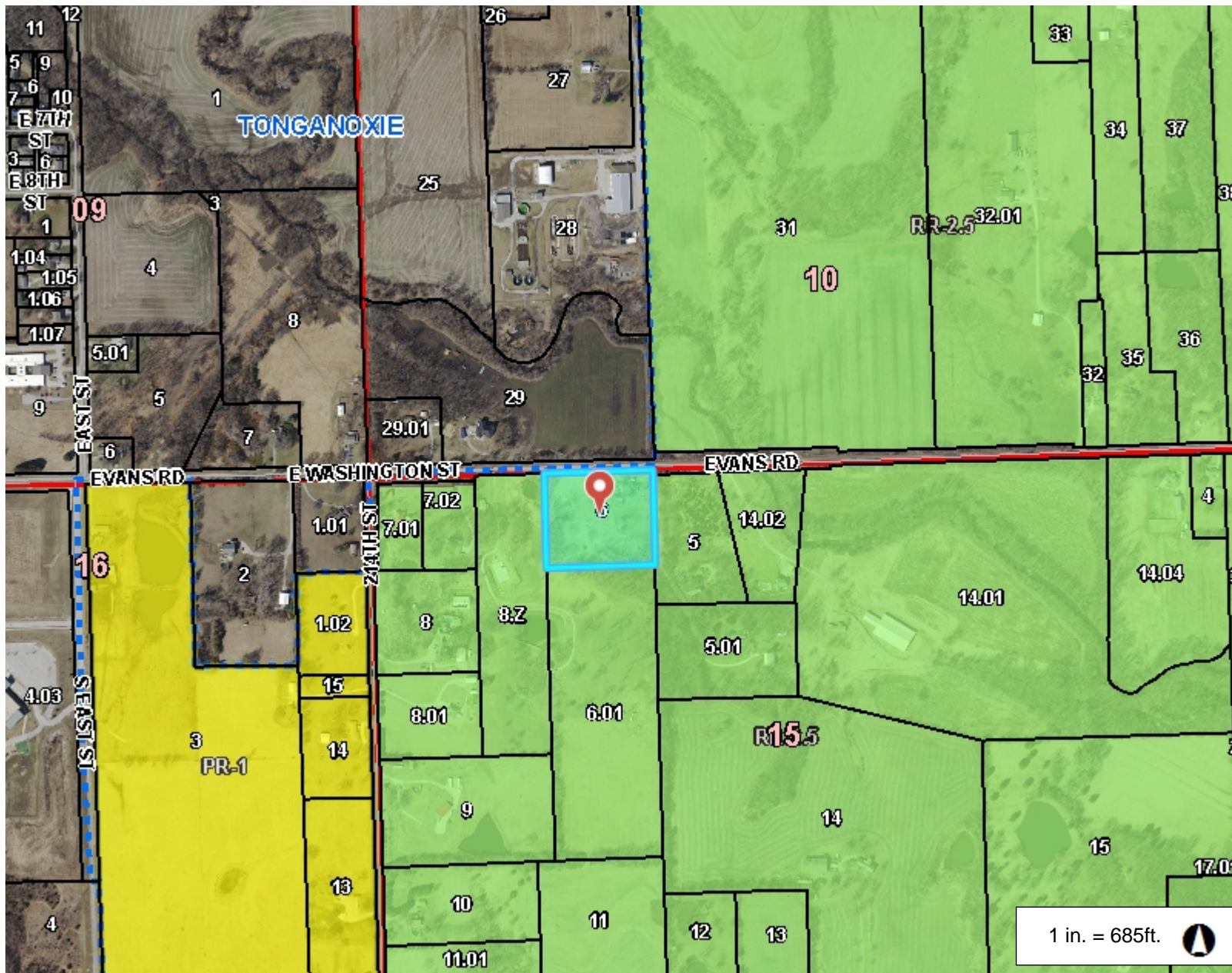
TD Designer I

[steven.heath@evergy.com](mailto:steven.heath@evergy.com)

☎ 785-865-4857



# DEV-24-067/068 Gambrill's Place



## 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. = 685ft.



1,370.7 0 685.35 1,370.7 Feet

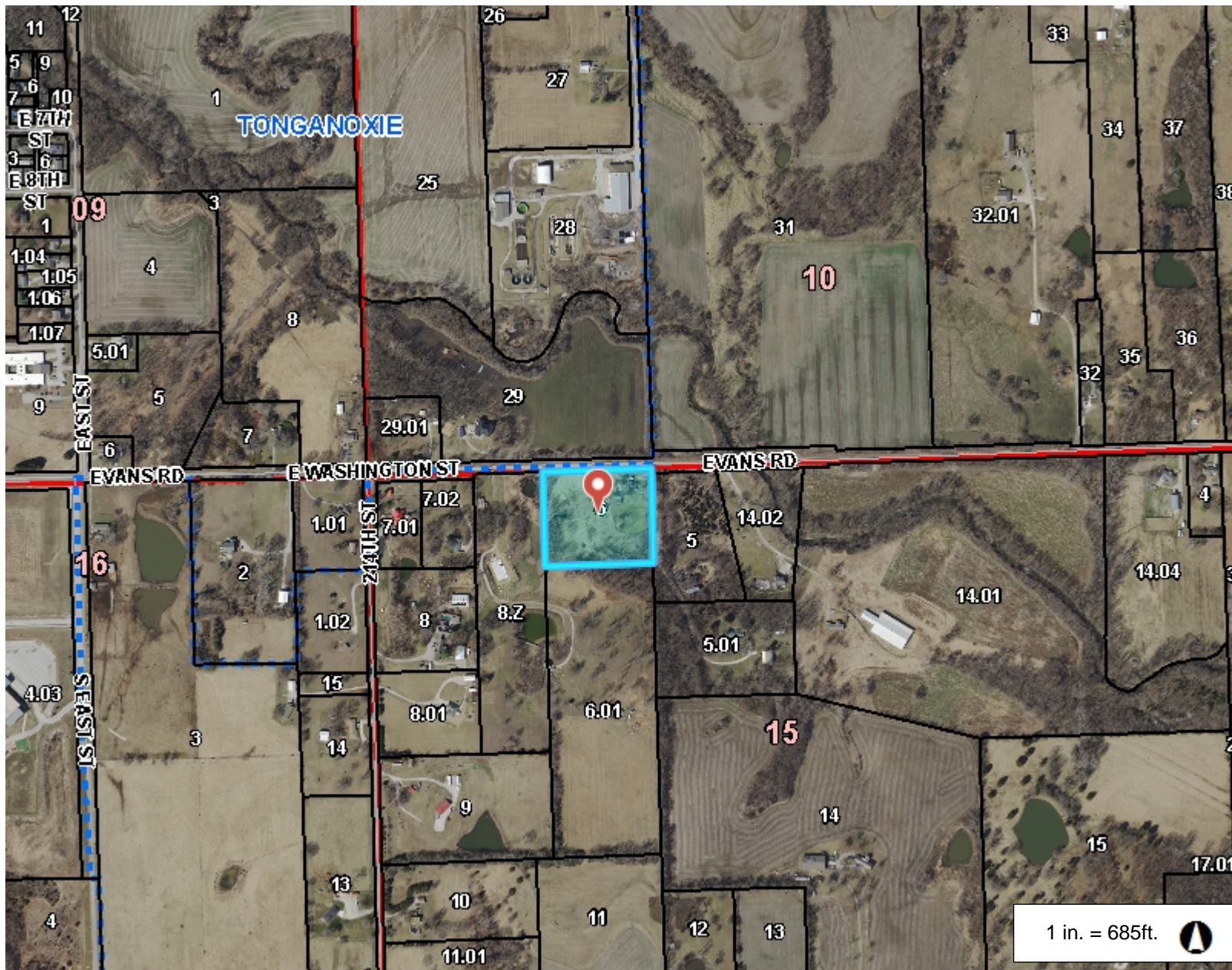
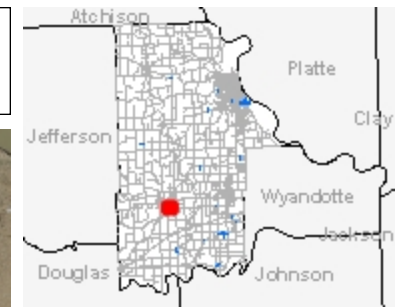
This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes



# DEV-24-067/068 Gambrill's Place



## 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. = 685ft.



1,370.7 0 685.35 1,370.7 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

## Notes

## Allison, Amy

---

**From:** George Brajkovic <[gbrajkovic@tonganoxie.org](mailto:gbrajkovic@tonganoxie.org)>  
**Sent:** Monday, August 5, 2024 2:57 PM  
**To:** Allison, Amy  
**Cc:** Jacobson, John; Dan Porter  
**Subject:** RE: RE: DEV-24-067/068 Preliminary and Final Plat – Gambrill Place

**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.

Since it is not within the City limits, no.

---

**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Monday, August 5, 2024 2:55 PM  
**To:** George Brajkovic <[gbrajkovic@tonganoxie.org](mailto:gbrajkovic@tonganoxie.org)>  
**Cc:** Jacobson, John <[JJacobson@leavenworthcounty.gov](mailto:JJacobson@leavenworthcounty.gov)>; Dan Porter <[dporter@tonganoxie.org](mailto:dporter@tonganoxie.org)>  
**Subject:** RE: RE: DEV-24-067/068 Preliminary and Final Plat – Gambrill Place

George,

Will you recommend the 3 acre minimum for the septic?

Amy

---

**From:** George Brajkovic <[gbrajkovic@tonganoxie.org](mailto:gbrajkovic@tonganoxie.org)>  
**Sent:** Monday, August 5, 2024 2:48 PM  
**To:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Cc:** Jacobson, John <[JJacobson@leavenworthcounty.gov](mailto:JJacobson@leavenworthcounty.gov)>; Dan Porter <[dporter@tonganoxie.org](mailto:dporter@tonganoxie.org)>  
**Subject:** RE: RE: DEV-24-067/068 Preliminary and Final Plat – Gambrill Place

**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 –

To answer your question, please find attached a copy of the City's Sewer and Drain Regulations, and I'd call your attention to 2 specific areas:

1. Article II. Infrastructure, Section 4. – discusses the mandatory tie-in to sanitary sewer if located within 600' of an existing line
2. Article III. Alternate Systems, Section 4. – mentions the land requirements for "septic" systems at approximately 3 acres

Using the Leavenworth County GIS mapping tools, it does not appear that the property is within 600' of an existing sanitary sewer line.

**George Brajkovic**  
City Manager  
City of Tonganoxie, KS  
[www.tonganoxie.org](http://www.tonganoxie.org)



---

**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Monday, August 5, 2024 2:22 PM  
**To:** George Brajkovic <[gbrajkovic@tonganoxie.org](mailto:gbrajkovic@tonganoxie.org)>  
**Cc:** Jacobson, John <[JJacobson@leavenworthcounty.gov](mailto:JJacobson@leavenworthcounty.gov)>  
**Subject:** FW: RE: DEV-24-067/068 Preliminary and Final Plat – Gambrill Place

Good Afternoon George,

Please let us know if you have any comments/concerns about this proposed subdivision. Will the City require any standards/utility connection?

Sincerely,

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.*

---

**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Monday, June 24, 2024 4:02 PM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@lvsheriff.org](mailto:jpatzwald@lvsheriff.org)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; 'George Brajkovic' <[gbrajkovic@tonganoxie.org](mailto:gbrajkovic@tonganoxie.org)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** RE: DEV-24-067/068 Preliminary and Final Plat – Gambrill Place

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 2-lot subdivision at 21211 Evans 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 Monday, July 8, 2024.



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

Thank you,

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

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# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Gambrill's Place Subdivision  
**Date:** July 10, 2024

Amy, I have reviewed the preliminary plat of the Gambrill's Place Subdivision presented by Eric Gambrill. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed, a fire hydrant should be placed along the right-a-way on the Between Lot 1 and Lot 2 along the right-of-way, and 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.

## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Wednesday, July 10, 2024 9:12 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-24-067/068 Preliminary and Final Plat – Gambrill Place

We have not received any complaints on this property and it appears the septic system 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

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---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, July 9, 2024 10:38 AM  
**To:** Anderson, Kyle <KAnderson@leavenworthcounty.gov>  
**Subject:** FW: RE: DEV-24-067/068 Preliminary and Final Plat – Gambrill Place

Hey Kyle,

Do you have any comments for this application?

Thanks!  
Amy

---

**From:** Allison, Amy  
**Sent:** Monday, June 24, 2024 4:02 PM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@lvsheriff.org](mailto:jpatzwald@lvsheriff.org)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; 'George Brajkovic' <[gbrajkovic@tonganoxie.org](mailto:gbrajkovic@tonganoxie.org)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** RE: DEV-24-067/068 Preliminary and Final Plat – Gambrill Place

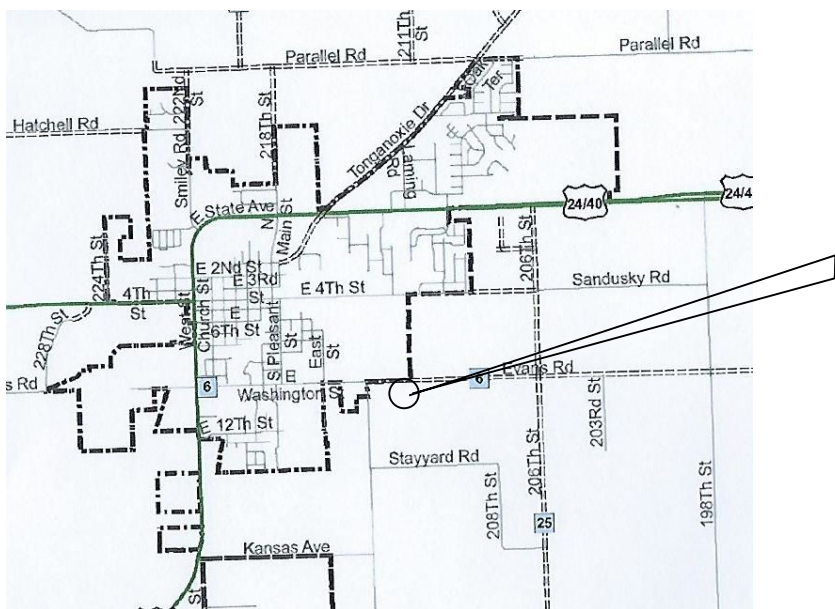
Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 2-lot subdivision at 21211 Evans Road.

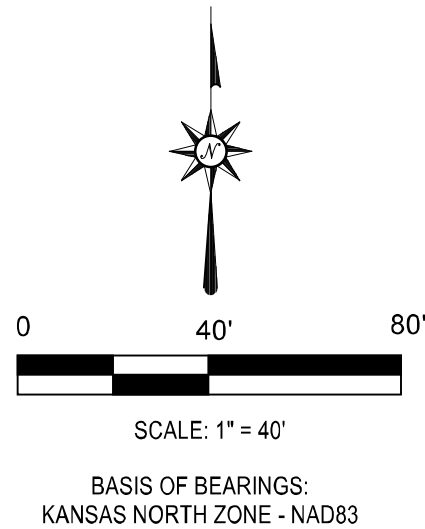
The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Monday, July 8, 2024.

**GAMBRILL'S PLACE**  
**A SUBDIVISION IN THE NORTHWEST QUARTER**  
**OF SECTION 15-T11S-R21E OF THE 6TH P.M.,**  
**LEAVENWORTH COUNTY, KANSAS**

**FINAL PLAT**



**LOCATION MAP**  
NO SCALE



**LEGEND**

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT - DEDICATED THIS PLAT
- S/B BUILDING SETBACK
- //// NO ACCESS
- POC POINT OF COMMENCING

NW CORNER 15-T11S-R21E (13J)  
1/2" REBAR (BM)  
1. N 14.30 TO CENTERLINE OF PAVEMENT  
2. N 14.18 TO 1/2" REBAR WITH 2" ALUMINUM CAP  
3. SW 47.00 TO 60D NAIL IN POWER POLE  
4. WSW 55.24 TO 60D NAIL IN POWER POLE  
5. N 42.30 TO NAIL WITH WASHER IN FENCE POST

NOTE:  
60 FEET WIDE ROAD RIGHT OF WAY  
PER BRIDGE PLANS  
PROJECT #52C-2468-01 (1994)  
SHEET 3

"UNPLATTED TRACT"  
PN. 192-10-29

NE CORNER 15-T11S-R21E (17J)  
ALUMINUM CAP IN SURVEY BOX  
1. NE 77.45 TO 60D NAIL WITH WASHER IN TOP OF CORNER POST  
2. SE 78.64 TO 60D NAIL WITH WASHER IN RR TIE POST  
3. SE 83.32 TO TOP NUT OF FIRE HYDRANT  
4. SW 69.35 TO 60D NAIL WITH WASHER IN POWER POLE

**DEED DESCRIPTION - BK. 805, PG. 1249 (2001)**

THE EAST 21 ACRES OF THE NORTH 55 ACRES OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 11, RANGE 21, LESS THE FOLLOWING TRACT: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 15; THENCE EAST 1318.58 FEET TO A POINT; THENCE SOUTH 438.50 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE SOUTH 1373.50 FEET; THENCE WEST 498.43 FEET; THENCE NORTH 1373.50 FEET; THENCE EAST 497.36 FEET TO THE POINT OF BEGINNING, LESS THAT PART THEREOF TAKEN OR USED FOR ROAD PURPOSES, IN LEAVENWORTH COUNTY, KANSAS.

**SURVEYORS DESCRIPTION**

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 15-T11S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, PS #1349, MAY, 2024, DESCRIBED AS FOLLOWS, COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE, N 88°13'51"E, 821.56 FEET ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER TO THE POINT OF BEGINNING OF THIS TRACT;  
THENCE, CONTINUING ALONG SAID NORTH LINE, N 88°13'51"E, 497.02 FEET;  
THENCE, S 01°48'38"E, 438.50 FEET;  
THENCE, S 88°13'51"W, 497.36 FEET;  
THENCE, N 01°45'48"W, 438.50 FEET TO THE POINT OF BEGINNING.  
CONTAINS 5.00 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.  
RELATIVE: 1:10,142,285

**CERTIFICATION AND DEDICATION**

THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT HE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "GAMBRILL'S PLACE".

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, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" OR "U/E".

BUILDING LINES OR SETBACK LINES (S/B) 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:  
I, THE UNDERSIGNED OWNER OF "GAMBRILL'S PLACE", HAVE SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

ERIC GAMBRILL

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME APPEARED ERIC GAMBRILL, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HIS FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES

**APPROVAL**

WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "GAMBRILL'S PLACE" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRPERSON / MARCUS MAJURE

SECRETARY / JOHN JACOBSON

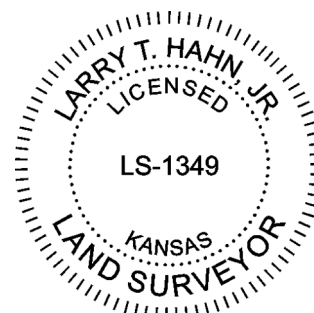
THE LEAVENWORTH COUNTY ENGINEERS PLAT REVIEW IS ONLY FOR GENERAL CONFORMANCE WITH THE SUBDIVISION REGULATIONS AS ADOPTED BY LEAVENWORTH COUNTY. THE COUNTY IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE DESIGN, DIMENSIONS, ELEVATIONS AND QUANTITIES.

COUNTY ENGINEER / MITCH PLEAK, PE

WE THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "GAMBRILL'S PLACE" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRPERSON / JEFF CULBERTSON

COUNTY CLERK / JANET KLASINSKI (ATTEST)



LARRY T. HAHN, PS #1349

**COUNTY SURVEYOR CERTIFICATION**

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 THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

Reviewed 2024.07.29 No comments

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS #1383

REFERENCES:  
1. UNRECORDED SURVEY PROVIDED BY CLIENT (1966) "THIS TRACT"  
2. KEN HERRING S-9, #120 (1972) NKA 1972S120  
3. KEN HERRING S-9, #19 (1973) NKA 1973S019  
4. KEN HERRING S-9, #126 (1972) NKA 1972S126  
5. DG WHITE S-12, #48 (1983) NKA 1983S048  
6. DOC. #2021S054

**OWNER / DEVELOPER**

ERIC GAMBRILL  
21211 EVANS ROAD  
TONGANOXIE, KS. 66086 (PN. 195-15-6)  
(913) 433-8995

**BENCHMARK**

1/2" REBAR AT THE NW CORNER 15-T11S-R21E  
EL. 872.85 (NAVD 88)

**ZONING**

RR - 2.50 ACRE

**NOTES**

- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- EXISTING USE OF AREA BEING PLATTED - RESIDENTIAL - RR-2.5  
PROPOSED USE - RR-2.5
- THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA  
FEMA FIRM 20103C03026, DATED JULY 16, 2015
- O & E REPORT BY CONTINENTAL TITLE COMPANY - FILE NO. 24461643, MARCH 11, 2024

**RESTRICTIONS**

- 40' REAR SETBACK FOR RESIDENCES  
15' REAR SETBACK FOR ACCESSORY BUILDINGS  
15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
- 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.
- LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.
- NO ADDITION TO THE HOUSE ON LOT 2 SHALL ENCROACH ANY FURTHER INTO THE BUILDING SETBACK LINE OR EASEMENT.
- STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.
- NO DRIVEWAY ACCESS FOR LOT 1 SHALL BE PERMITTED ON TO EVANS ROAD.
- NO OFF PLAT RESTRICTIONS.

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

FILED FOR RECORD AS DOCUMENT # \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ IN THE OFFICE OF THE REGISTER OF DEEDS OF LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILOIS G. MASHBURN

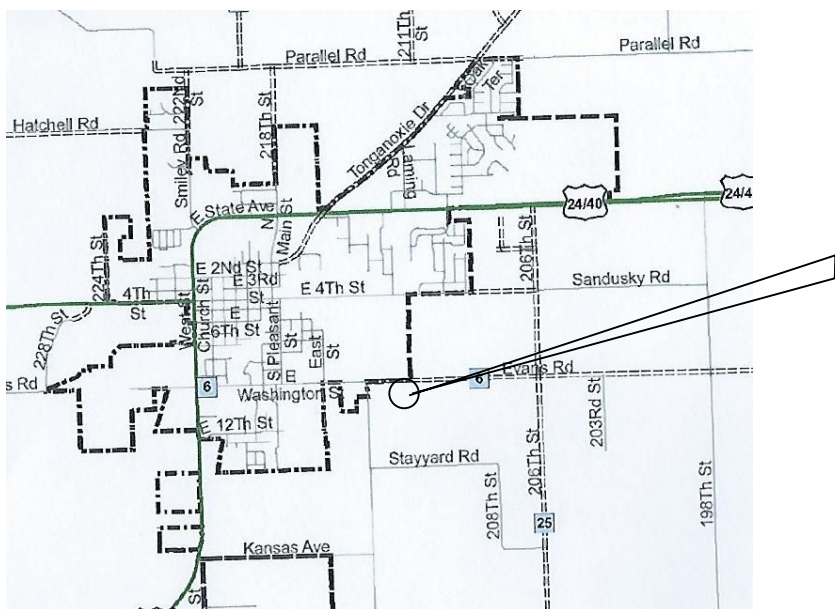


HAHN SURVEYING  
PO BOX 186  
BASEHOR, KANSAS 66007  
(913) 547-3405  
hahnsurvey@gmail.com

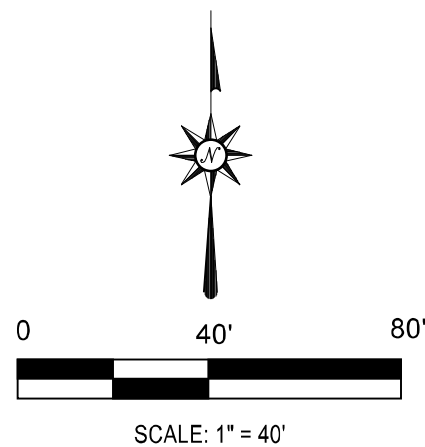


**GAMBRILL'S PLACE**  
**A SUBDIVISION IN THE NORTHWEST QUARTER**  
**OF SECTION 15-T11S-R21E OF THE 6TH P.M.,**  
**LEAVENWORTH COUNTY, KANSAS**

**FINAL PLAT**



**LOCATION MAP**  
NO SCALE



**08-06-2024**  
**PW Approved**  
**No Comments**

**LEGEND**

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT - DEDICATED THIS PLAT
- S/B BUILDING SETBACK
- //// NO ACCESS
- POC POINT OF COMMENCING

NW CORNER 15-T11S-R21E (13J)  
1/2" REBAR (BM)  
1. N 14.30 TO CENTERLINE OF PAVEMENT  
2. N 14.18 TO 1/2" REBAR WITH 2" ALUMINUM CAP  
3. SW 47.00 TO 60D NAIL IN POWER POLE  
4. WSW 55.24 TO 60D NAIL IN POWER POLE  
5. N 42.30 TO NAIL WITH WASHER IN FENCE POST

NOTE:  
60 FEET WIDE ROAD RIGHT OF WAY  
PER BRIDGE PLANS  
PROJECT #52C-2468-01 (1994)  
SHEET 3

"UNPLATTED TRACT"  
PN. 192-10-29

NE CORNER 15-T11S-R21E (17J)  
ALUMINUM CAP IN SURVEY BOX  
1. NE 77.45 TO 60D NAIL WITH WASHER IN TOP OF CORNER POST  
2. SE 78.64 TO 60D NAIL WITH WASHER IN RR TIE POST  
3. SE 83.32 TO TOP NUT OF FIRE HYDRANT  
4. SW 69.35 TO 60D NAIL WITH WASHER IN POWER POLE

**DEED DESCRIPTION - BK. 805, PG. 1249 (2001)**

THE EAST 21 ACRES OF THE NORTH 55 ACRES OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 11, RANGE 21, LESS THE FOLLOWING TRACT: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 15; THENCE EAST 1318.58 FEET TO A POINT; THENCE SOUTH 438.50 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE SOUTH 1373.50 FEET; THENCE WEST 498.43 FEET; THENCE NORTH 1373.50 FEET; THENCE EAST 497.36 FEET TO THE POINT OF BEGINNING, LESS THAT PART THEREOF TAKEN OR USED FOR ROAD PURPOSES, IN LEAVENWORTH COUNTY, KANSAS.

**SURVEYORS DESCRIPTION**

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 15-T11S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, PS #1349, MAY, 2024, DESCRIBED AS FOLLOWS, COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15; THENCE, N 88°13'51"E, 821.56 FEET ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER TO THE POINT OF BEGINNING OF THIS TRACT;  
THENCE, CONTINUING ALONG SAID NORTH LINE, N 88°13'51"E, 497.02 FEET;  
THENCE, S 01°48'38"E, 438.50 FEET;  
THENCE, S 88°13'51"W, 497.36 FEET;  
THENCE, N 01°45'48"W, 438.50 FEET TO THE POINT OF BEGINNING.  
CONTAINS 5.00 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.  
RELATIVE: 1:10,142,285

**CERTIFICATION AND DEDICATION**

THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT HE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "GAMBRILL'S PLACE".

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, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" OR "U/E".

BUILDING LINES OR SETBACK LINES (S/B) 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:  
I, THE UNDERSIGNED OWNER OF "GAMBRILL'S PLACE", HAVE SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

ERIC GAMBRILL

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME APPEARED ERIC GAMBRILL, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HIS FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES

**APPROVAL**

WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "GAMBRILL'S PLACE" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRPERSON / MARCUS MAJURE

SECRETARY / JOHN JACOBSON

THE LEAVENWORTH COUNTY ENGINEERS 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, PE

WE THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "GAMBRILL'S PLACE" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRPERSON / JEFF CULBERTSON

COUNTY CLERK / JANET KLASINSKI (ATTEST)

**COUNTY SURVEYOR CERTIFICATION**

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 THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS #1363

REFERENCES:  
1. UNRECORDED SURVEY PROVIDED BY CLIENT (1966)  
"THIS TRACT"  
2. KEN HERRING S-9, #120 (1972) NKA 1972S120  
3. KEN HERRING S-9, #19 (1973) NKA 1973S019  
4. KEN HERRING S-9, #126 (1972) NKA 1972S126  
5. DG WHITE S-12, #48 (1983) NKA 1983S048  
6. DOC. #2021S054

**OWNER / DEVELOPER**

ERIC GAMBRILL  
21211 EVANS ROAD  
TONGANOXIE, KS. 66086 (PN. 195-15-6)  
(913) 433-8995

**BENCHMARK**

1/2" REBAR AT THE NW CORNER 15-T11S-R21E  
EL. 872.85 (NAVD 88)

**ZONING**

RR - 2.50 ACRE

**NOTES**

- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- EXISTING USE OF AREA BEING PLATTED - RESIDENTIAL - RR-2.5  
PROPOSED USE - RR-2.5
- THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA  
FEMA FIRM 20103C03026, DATED JULY 16, 2015
- O & E REPORT BY CONTINENTAL TITLE COMPANY - FILE NO. 24461643, MARCH 11, 2024

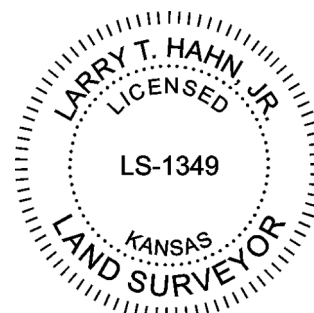
**RESTRICTIONS**

- 40' REAR SETBACK FOR RESIDENCES  
15' REAR SETBACK FOR ACCESSORY BUILDINGS  
15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
- 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.
- LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.
- NO ADDITION TO THE HOUSE ON LOT 2 SHALL ENCR OACH ANY FURTHER INTO THE BUILDING SETBACK LINE OR EASEMENT.
- STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.
- NO DRIVEWAY ACCESS FOR LOT 1 SHALL BE PERMITTED ON TO EVANS ROAD.
- NO OFF PLAT RESTRICTIONS.

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

FILED FOR RECORD AS DOCUMENT # \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ IN THE OFFICE OF THE REGISTER OF DEEDS OF LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILOIS G. MASHBURN



LARRY T. HAHN, PS #1349

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



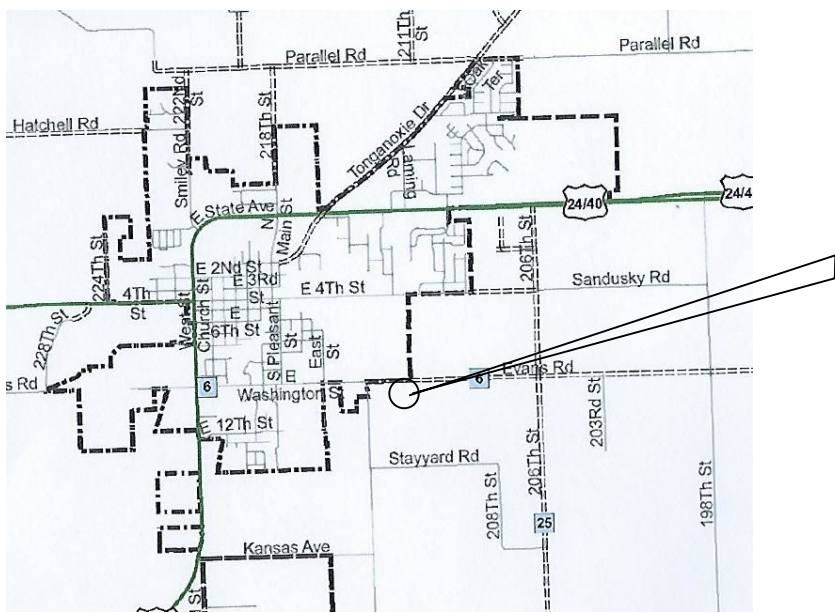
**HAHN SURVEYING**  
PO BOX 186  
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(913) 547-3405  
hahnsurvey@gmail.com



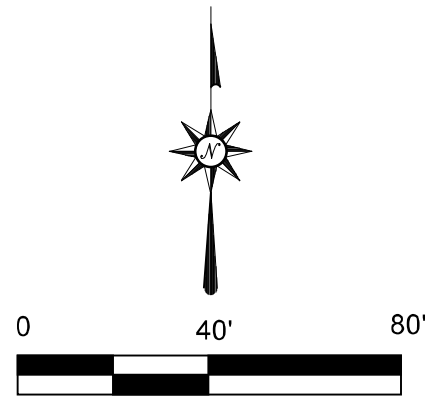
# GAMBRILL'S PLACE

A SUBDIVISION IN THE NORTHWEST QUARTER  
OF SECTION 15-T11S-R21E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

## PRELIMINARY PLAT



LOCATION MAP  
NO SCALE



### LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT - DEDICATED THIS PLAT
- S/B BUILDING SETBACK
- //// NO ACCESS
- POC POINT OF COMMENCING
- (W)— EXISTING WATERLINE (AS LAID)

NW CORNER 15-T11S-R21E (13J)  
1/2" REBAR (BM)  
1. N 14.30 TO CENTERLINE OF PAVEMENT  
2. N 14.18 TO 1/2" REBAR WITH 2" ALUMINUM CAP  
3. SW 47.00 TO 60D NAIL IN POWER POLE  
4. WSW 55.24 TO 60D NAIL IN POWER POLE  
5. N 42.30 TO NAIL WITH WASHER IN FENCE POST

NOTE:  
60 FEET WIDE ROAD RIGHT OF WAY  
PER BRIDGE PLANS  
PROJECT #52C-2468-01 (1994)  
SHEET 3

"UNPLATTED TRACT"  
PN. 192-10-29  
OWNER:  
WANDERING TRAVELLER TRUST  
1605 WASHINGTON STREET  
TONGANOXIE, KS. 66086

NE CORNER 15-T11S-R21E (17J)  
ALUMINUM CAP IN SURVEY BOX  
1. NE 77.45 TO 60D NAIL WITH WASHER IN TOP OF CORNER POST  
2. SE 78.64 TO 60D NAIL WITH WASHER IN RR TIE POST  
3. SE 83.32 TO TOP NUT OF FIRE HYDRANT  
4. SW 69.35 TO 60D NAIL WITH WASHER IN POWER POLE

N 1/4 CORNER 15-T11S-R21E (15J)  
1/2" REBAR (HELD THIS SURVEY)  
1. N 37.50 TO SPIKE WITH WASHER IN CORNER POST  
2. SE 31.85 TO MAG NAIL WITH WASHER IN 30" WALNUT  
3. N 2' +/- TO CENTERLINE OF PAVEMENT  
4. NW 3.23 TO FOUND MAG NAIL - NO PK NAIL OR REBAR

NOTE:  
HOUSE - ARTICLE 21 OF LEAVENWORTH COUNTY  
ZONING AND SUBDIVISION REGULATIONS.

40' WIDE ACCESS EASEMENT  
BK. 713, PG. 1467

"UNPLATTED TRACT"  
PN. 195-15-5  
OWNER:  
LISA SCHELLER, LIVING TRUST  
15912 206TH STREET  
TONGANOXIE, KS. 66086

### OWNER / DEVELOPER

ERIC GAMBRILL / ROBIN GAMBRILL  
21211 EVANS ROAD  
TONGANOXIE, KS. 66086 (PN. 195-15-6)  
(913) 433-8995

### BENCHMARK

1/2" REBAR AT THE NW CORNER OF 15-T11S-R21E  
EL. 872.85 (NAVD 88)

### PUBLIC IMPROVEMENT

NONE

### ROAD INFORMATION

EVANS ROAD - 24' WIDE PAVED SURFACE  
ROAD CLASS - COUNTY COLLECTOR

### DRAINAGE CALCULATIONS

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

### UTILITIES

ELECTRIC / EVERGY  
WATER / SUBURBAN WATER  
GAS / PRIVATE PROPANE  
SEWAGE / PRIVATE ON SITE SYSTEM

### ZONING

RR - 2.50 ACRE

### REFERENCES:

- UNRECORDED SURVEY PROVIDED BY CLIENT (1986)  
THIS TRACT
- KEN HERRING S-9, #120 (1972) NKA 1972S120
- KEN HERRING S-9, #19 (1973) NKA 1973S019
- KEN HERRING S-9, #126 (1972) NKA 1972S126
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- DOC. #2021S054

### DEED DESCRIPTION - BK. 805, PG. 1249 (2001)

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### SURVEYORS DESCRIPTION

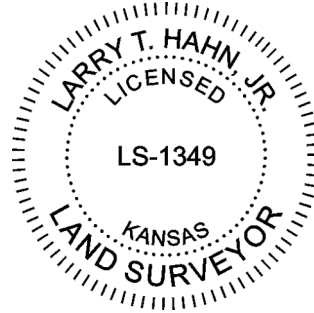
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CONTAINS 5.00 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.  
RELATIVE: 1:10,142,285

### RESTRICTIONS

- 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
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- LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.
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- STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.
- NO DRIVEWAY ACCESS FOR LOT 1 SHALL BE PERMITTED ON TO EVANS ROAD.
- NO OFF PLAT RESTRICTIONS.

### NOTES

- FENCE LINES DO NOT DENOTE PROPERTY LINES.
- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- EXISTING USE OF AREA BEING PLATTED - RESIDENTIAL - RR-2.5  
PROPOSED USE - RR-2.5
- THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA  
FEMA FIRM 2010C030026, DATED JULY 16, 2015
- O & E REPORT BY CONTINENTAL TITLE COMPANY - FILE NO. 24461643, MARCH 11, 2024



LARRY T. HAHN, PS #1349

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



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

**Leavenworth County  
Request for Board Action  
Case No. DEV-24-082 & 083  
Preliminary & Final Plat Tranquill Acres  
\*Consent Agenda\***

**Date:** September 4, 2024  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** John Jacobson, Reviewed

**Additional Reviews as needed:**

**Budget Review** ☐ **Administrator Review** ☒ **Legal Review** ☒

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**Action Request:**

Chairman, I find that the proposed Final Plat as outlined in case DEV-24-083 is compliant with the Leavenworth County Zoning & Subdivision Regulations and move that the proposed Final Plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.

**Analysis:** The applicant is proposing to divide a 39.10 +- acre parcel into five (5) 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 range in size from 5 to 20 acres. All lots meet the requirements for the RR-5 zoning district.

The final plat meets the standards set forth in the Leavenworth County Zoning and Subdivision Regulations.

**Recommendation:** The Planning Commission voted 8-0 (1 absent) to recommend approval of Case No. DEV-24-083, Final Plat for Tranquill Acres subject to conditions.

**Alternatives:**

1. Approve Case No. DEV-24-083, Final Plat for Tranquill Acres, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-24-083, Final Plat for Tranquill Acres, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-24-083, Final Plat for Tranquill Acres, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- ☒ Not Applicable
- ☐ Budgeted item with available funds
- ☐ Non-Budgeted item with available funds through prioritization
- ☐ Non-Budgeted item with additional funds requested

**Total Amount Requested:** \$0.00

**Additional Attachments:** Staff Report, Plat, Planning Commission Minutes



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-24-082 & 083 Tranquil Acres

August 14, 2024

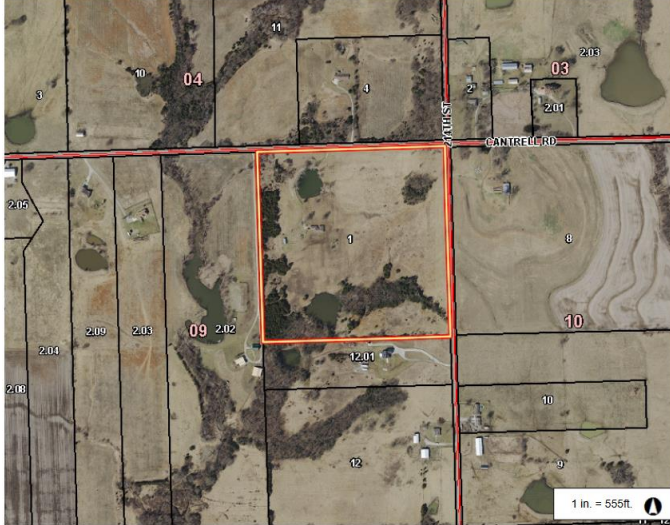
**REQUEST:** *Consent Agenda*

☒ Preliminary Plat      ☒ Final Plat

**STAFF REPRESENTATIVE:**

JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 21521 Cantrell Rd.



**APPLICANT/APPLICANT AGENT:**

LARRY HAHN  
HAHN SURVEYING  
PO Box 186  
Basehor, KS 66007

**PROPERTY OWNER:**

Tom & Karen Lindsay  
22511 Golden Road  
Linwood, KS 66052

**CONCURRENT APPLICATIONS:**

NONE

**LAND USE**

**ZONING:** RR-5

**FUTURE LAND USE DESIGNATION:**

County Road 1

**LEGAL DESCRIPTION:**

A Subdivision being the Northeast Quarter of the Northeast Quarter of Section 9, Township 12 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-24-082 & 083, Preliminary & Final Plat for Tranquil Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-082 & 083, Preliminary & Final Plat for Tranquil Acres to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:** 39.10 +- ACRES

**PARCEL ID NO:**

222-09-0-00-00-001

**BUILDINGS:**

Existing House and Outbuilding

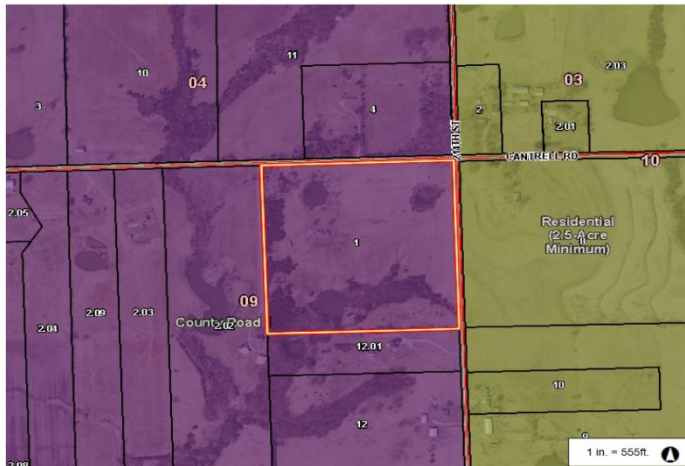
**PROJECT SUMMARY:**

Request for a final plat approval to subdivide property located at 21521 Cantrell Road (222-09-0-00-00-001) as Lots 01 through 05 of Tranquil Acres.

**ACCESS/STREET:**

214th Street & Cantrell Road - Local, Gravel, ± 22'

**Location Map: FUTURE LAND USE DESIGNATION**



**UTILITIES**

**SEWER:** PRIVATE SEPTIC

**FIRE:** FD# 2

**WATER:** RWD 10

**ELECTRIC:** EVERGY

**NOTICE & REVIEW:**

**STAFF REVIEW:**

8/6/2024

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**

N/A

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

#### **STAFF COMMENTS:**

The applicant is proposing to divide a 39.10 +- acre parcel into five (5) 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 range in size from 5 to 20 acres. All lots meet the requirements for the RR-5 zoning district.

#### **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. The developer must comply with the following memorandums:
  - Memo – RWD 10, dated June 13, 2024
  - Memo – Emergency Management, dated August 6, 2024

#### **ATTACHMENTS:**

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



**FINAL PLAT APPLICATION**  
Leavenworth County Planning and Zoning Department,  
300 Walnut St., County Courthouse  
Leavenworth, Kansas  
913-684-0465  
913-684-0398 Fax

430

CAMA No.: <u>222-09</u>	Office Use Only	Date Received: <u>06.13.2024</u>
Township: <u>Reed</u>		
Planning Commission Meeting Date: _____		
Project No.: <u>DEV-24-</u>		Date Paid: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME _____	NAME <u>LINDSAY FAMILY TRUST</u>
ADDRESS _____	ADDRESS <u>22511 GOLDEN ROAD</u>
CITY/ST/ZIP _____	CITY/ST/ZIP <u>LINWOOD, KS. 66052</u>
PHONE _____ EMAIL _____	PHONE <u>913-238-2473</u> EMAIL _____
CONTACT PERSON _____	CONTACT PERSON <u>TOM LINDSAY</u>

**GENERAL INFORMATION**

Subdivision Name: TRANQUIL ACRES

Legal Description (S-T-R 1/4 Section): NE 1/4 OF NE 1/4 OF SECTION 9-T12S-R21E

Zoning: RR- 5.00

Surveyor and/or Engineer Firm: HAHN SURVEYING

Contact Person: LARRY HAHN

Address: PO BOX 186 BASEHOR, KANSAS 66007

Phone : 913-547-3405 Fax : \_\_\_\_\_ Email : hahnsurvey@gmail.com

SUBDIVISION INFORMATION		
Gross Acreage: <u>40.00 ACRES</u>	Number of Lots: <u>5</u>	Minimum Lot Size: <u>5.00 ACRES</u>
Maximum Lot Size: <u>20.00 ACRES</u>	Zoning: <u>RR - 5.0</u>	Density: _____
Open Space Acreage: _____	Water District: <u>RWD #10</u>	Proposed Sewage: <u>ON SITE</u>
Fire District: <u>#2</u>	Electric Provider: <u>EVERGY</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Phase Number: _____	

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 Final Plat approval as indicated above.

Signature: Karen S. Lindsay Date: 6/13/24

ATTACHMENT A-2



Issuing Agent: McCaffree-Short Title Company, Inc.  
Issuing Office: 4701 W 110th, Overland Park, KS 66211  
Issuing Office's ALTA® Registry ID: 001200  
Issuing Office File No.: 24-0409  
Property Address: 21521 Cantrell Road, Linwood, KS 66052

## OWNERS POLICY

**Policy No.:** OYDA08128527

**Premium: \$1,308.00**

**1. The Insured is:**

**2. The estate or interest in the Land insured by this policy is:**

**3. The Title is vested in:**

**4. The Land is described as follows:**

ORT Form 4765KS A  
Schedule A - ALTA Owners Policy 2021 v 01.00  
07/01/2021

24-0409



**SCHEDULE B**  
**OWNERS POLICY**

Policy No.: OYDA08128527

**EXCEPTIONS FROM COVERAGE**

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This policy treats any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document are excepted from coverage.

This policy does not insure against loss or damage and the Company will not pay costs, attorneys' fees, or expenses resulting from the terms and conditions of any lease or easement identified in Schedule A, and the following matters:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the effective date of this policy.
2. Rights or claims of parties in possession not shown by the Public Records.
3. Easements, or claims of easements, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation or adverse circumstances affecting Title that would be disclosed by an accurate and complete survey of the Land or that could be ascertained by an inspection of the Land.
5. Any lien, or right to lien, for services, labor, or material heretofore or hereafter furnished, imposed by law, unless such lien is shown by the Public Records at Date of Policy.
6. Taxes, or special assessments, if any, not shown as existing liens by the Public Records.

NOTE: Exception(s) numbered NONE above is/are hereby deleted.

7. This policy will not insure against the possibility that the property in question may be included in a benefit or other improvement district, contemplated or existing, but for which no assessments have as yet been shown on the tax rolls.
8. The lien of the General, State, County and City Taxes for the year 2024 and all subsequent years.
9. Easements, Reservations, Homes Association Declaration, Restrictions, Building Set-back Lines, if any, of record.
10. Oil and Gas Lease to T. A. Goff recorded May 16, 1928, in O&G Book 272 at Page 217.
11. Reservation of oil, gas, and other minerals and mineral rights in favor of The Federal Land Bank of Wichita as set out in Corporation Special Warranty Deed recorded in Deed Book 329 at Page 449; Declaration of Expiration of Mineral Reservation recorded in Misc. Book 468 at Page 32.
12. Judgments, pending suits, state and federal tax liens, if any, against the insured parties.
13. Tenancy rights, either as month to month, or by virtue of written leases of persons in possession of any part of the subject property.



ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 05/02/2024

*Janet Klammer*  
COUNTY CLERK

Doc #: 2024R03017  
TERRILLOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
05/02/2024 10:07:53 AM  
RECORDING FEE: 38.00  
PAGES: 2

### GENERAL WARRANTY DEED

McCaffree-Short Title Company, Inc. - File No. 24-0409  
4701 W 110th  
Overland Park, KS 66211

THIS INDENTURE, made this 26 day of April, 2024, by and between Daniel S. Hill and Vicki E. Hill, a Married Couple, as GRANTOR, and Lindsay Family Trust dated September 21, 2023, as GRANTEE, whose mailing address is 22511 Golden Rd., Linwood, KS 66052.

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:

The Northeast Quarter of the Northeast Quarter of Section 9, Township 12 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas, except any part taken or used for streets, roads and/or public rights of way.

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.

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.



# OWNER AUTHORIZATION

I/WE TOM LINDSAY & KAREN LINDSAY, hereby referred to as the  
"Undersigned", being of lawful age, do hereby on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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, \_\_\_\_  
21521 CANTRELL 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 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 below.

STATE OF KANSAS  
COUNTY OF LEAVENWORTH

x Karen S. Lindsay  
KAREN LINDSAY

x Tom Lindsay  
TOM LINDSAY

The foregoing instrument was acknowledged before me on this 13 day of June, 2024,  
by Tom & Karen Lindsay

My Commission Expires: 12/07/26

Notary Public

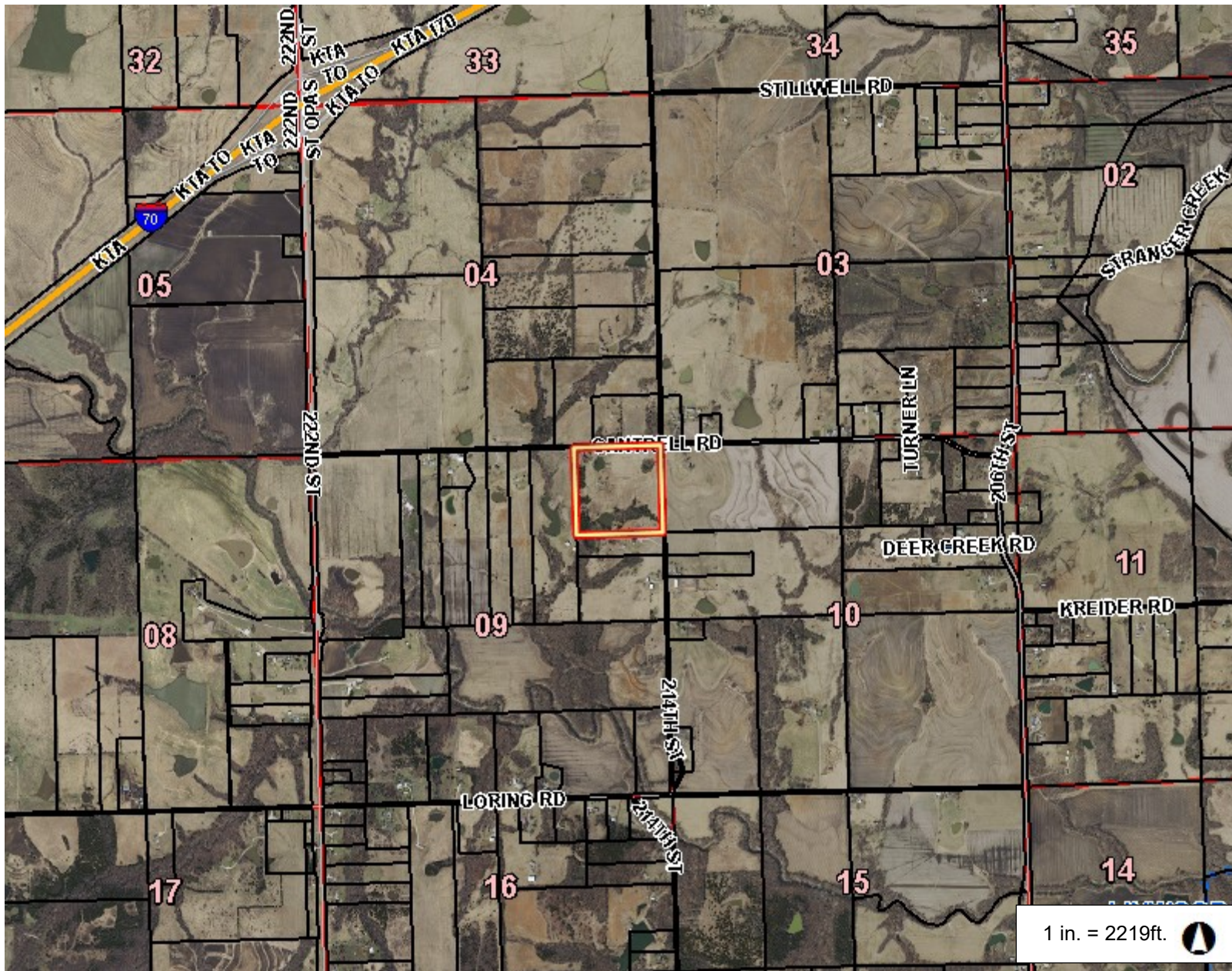
Stephanie Her

ATTACHMENT B

STEPHANIE HER  
Notary Public-State of Kansas  
My Appt. Expires 12/07/26



# 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

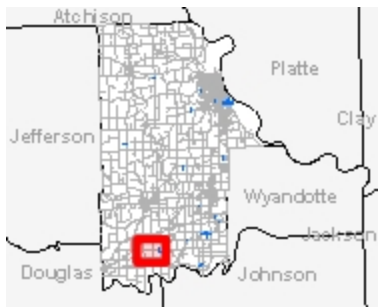
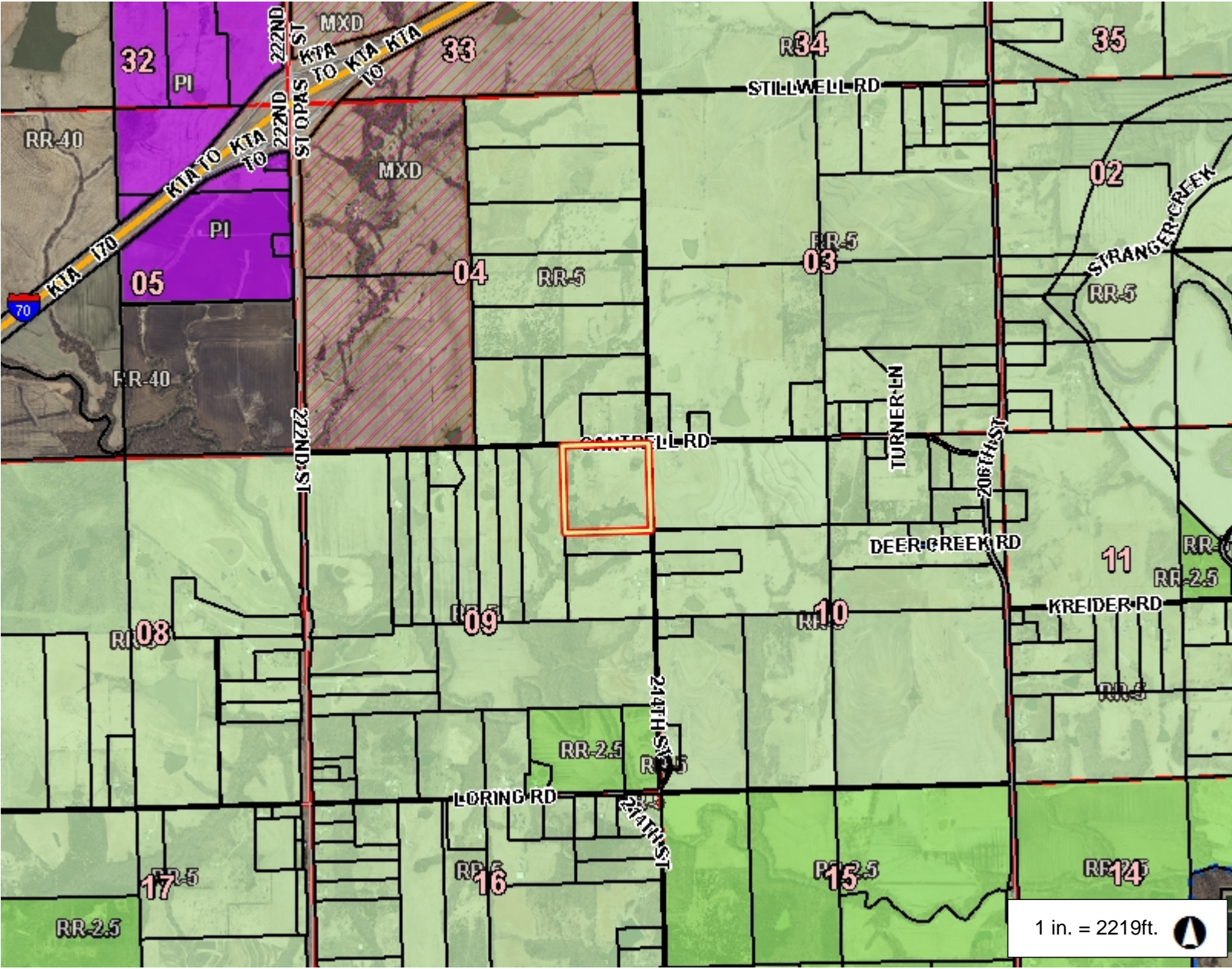
4,437.6 0 2,218.78 4,437.6 Feet

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



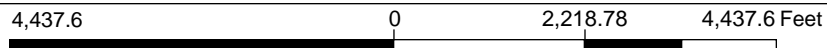
# Leavenworth County, KS



### 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



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.

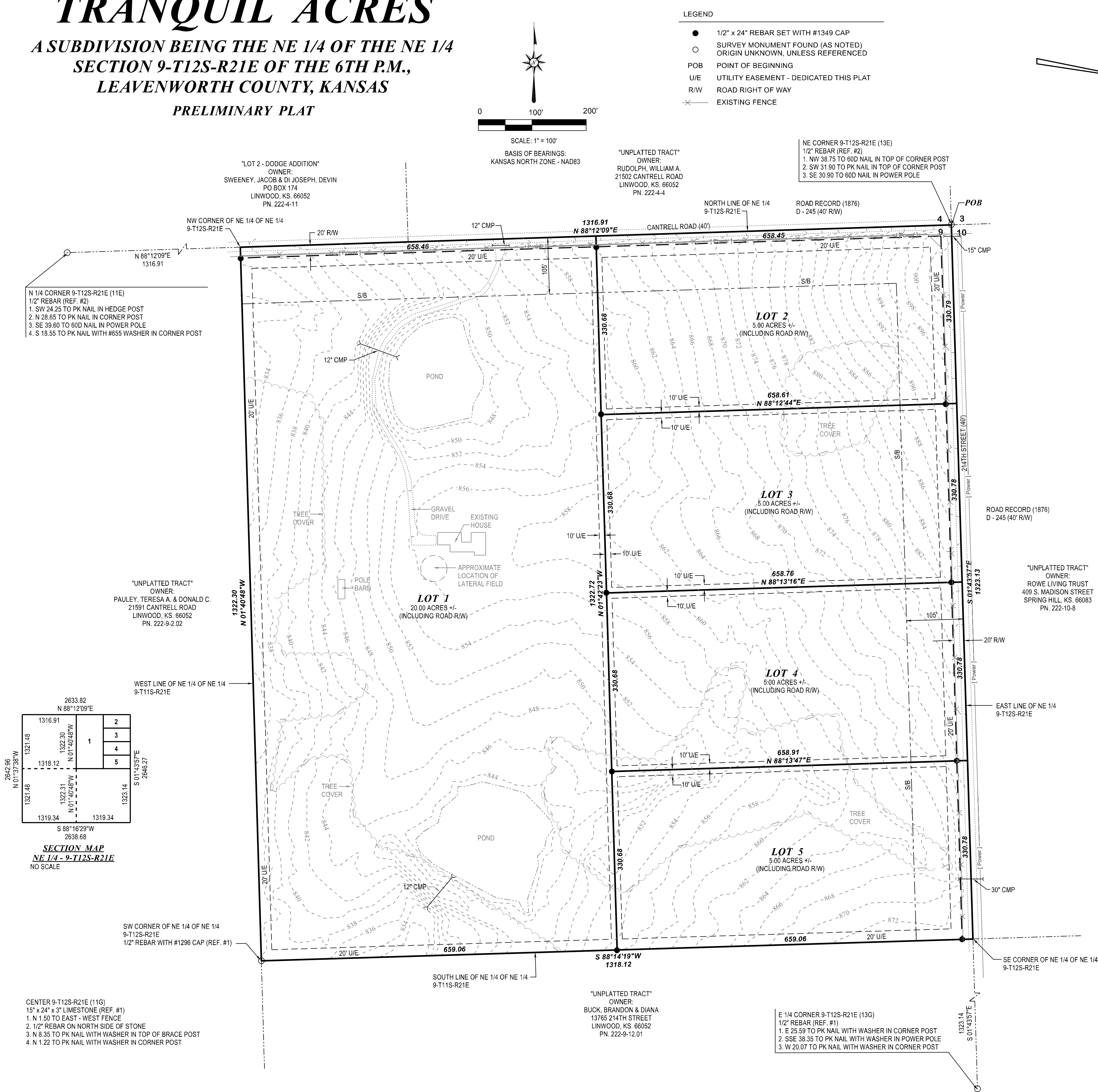
THIS MAP IS NOT TO BE USED FOR NAVIGATION



# TRANQUIL ACRES

A SUBDIVISION BEING THE NE 1/4 OF THE NE 1/4  
SECTION 9-T12S-R21E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

## PRELIMINARY PLAT

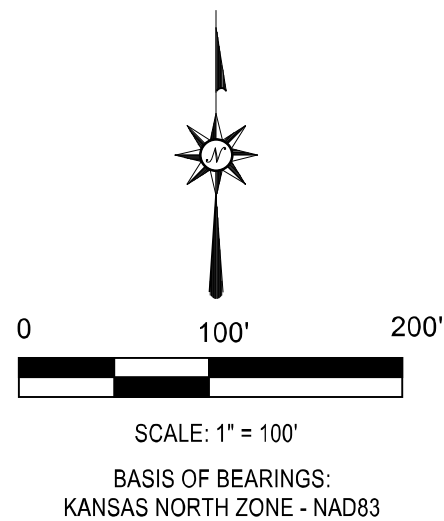




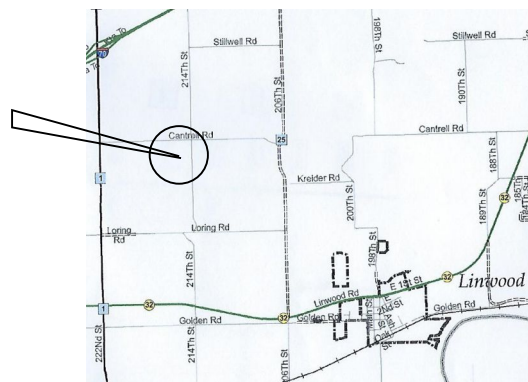
# TRANQUIL ACRES

A SUBDIVISION BEING THE NE 1/4 OF THE NE 1/4  
SECTION 9-T12S-R21E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

FINAL PLAT



- LEGEND
- 1/2" x 24" REBAR SET WITH #1349 CAP
  - SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
  - POB POINT OF BEGINNING
  - U/E UTILITY EASEMENT - DEDICATED THIS PLAT
  - R/W ROAD RIGHT OF WAY
  - (M) MEASURED
  - (CM) CALCULATED FROM MEASUREMENT



LOCATION MAP  
NO SCALE

## DEED DESCRIPTION - DOC. #2024R03017

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, EXCEPT ANY PART TAKEN OR USED FOR STREETS, ROADS AND/OR PUBLIC RIGHTS OF WAY.

## SURVEYORS DESCRIPTION

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9-T12S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, PS #1349, MAY, 2024, MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 9; THENCE, S 01°43'57"E, 1323.13 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 9 TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 9; THENCE, S 88°14'19"W, 1318.12 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 9; THENCE, N 01°40'48"W, 1322.30 FEET ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 9; THENCE, N 88°12'09"E, 1316.91 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9 TO THE POINT OF BEGINNING. CONTAINS 40.00 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY. RELATIVE: 1:3,512,539.

## CERTIFICATION AND DEDICATION

THE UNDERSIGNED PROPRIETORS STATE THAT ALL TAXES ON 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 SHALL BE KNOWN AS "TRANQUIL 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, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENTS" OR "U/E".

BUILDING LINES OR SETBACK LINES (S/B) 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 "TRANQUIL ACRES" HAVE SET OUR HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

LINDSAY FAMILY TRUST  
TOM LINDSAY

LINDSAY FAMILY TRUST  
KAREN LINDSAY

## STATE OF KANSAS / COUNTY OF LEAVENWORTH

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME APPEARED TOM LINDSAY AND KAREN LINDSAY, KNOWN TO ME TO BE THE SAME PERSONS DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS THEIR FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

## APPROVAL

WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "TRANQUIL ACRES" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRPERSON / MARCUS MAJURE

SECRETARY / JOHN JACOBSON

THE LEAVENWORTH COUNTY ENGINEERS 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, PE

WE THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "TRANQUIL ACRES" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRPERSON / JEFF CULBERTSON

COUNTY CLERK / JANET KLASINSKI (ATTEST)

## COUNTY SURVEYOR CERTIFICATION

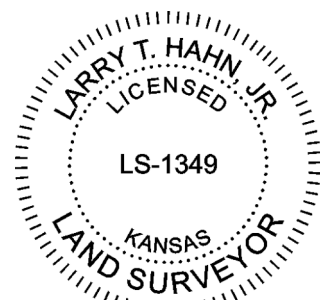
I HEREBY CERTIFY THIS SURVEY PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS SURVEY PLAT WAS REVIEWED FOR COMPLIANCE WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS #1363

## STATE OF KANSAS / COUNTY OF LEAVENWORTH

FILED FOR RECORD AS DOCUMENT # \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024  
AT \_\_\_\_\_ O'CLOCK, \_\_\_\_\_ IN THE OFFICE OF THE REGISTER OF DEEDS OF LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILOIS G. MASHBURN



LARRY T. HAHN, PS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF MAY, 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



**07-25-24**  
**Olsson Review**  
**No Further**  
**Comment**



Tranquil Acres  
Leavenworth County Kansas

Drainage Report

June 8, 2024

Revised July 21, 2024





June 13, 2024

Hahn Surveying  
PO Box 186  
Basehor, KS 66007

RE: Preliminary and Final Plat for a 5-lot subdivision at 214<sup>th</sup> and Cantrell

Dear Mr. Hahn.,

This letter is in response to your request for comments for the preliminary and final plot for a 5-lot subdivision at 214<sup>th</sup> and Cantrell.

RWD10 has an existing main that currently services water to Lot 1, at 21521 Cantrell.

For the other 4 lots, along 214<sup>th</sup> St., we would need for our engineer to run a hydraulic analysis, at the cost of \$300 to the owner/developer. This check should be made payable to RWD10.

If you have any additional questions, please do not hesitate to contact us.

Regards,

Steve Conley  
RWD10 | District Manager

## Schweitzer, Joshua

---

**From:** larry hahn <hahnsurvey@gmail.com>  
**Sent:** Friday, June 28, 2024 9:11 AM  
**To:** Schweitzer, Joshua  
**Subject:** Fwd: Tranquil Acres

**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.

Larry Hahn, PS  
Hahn Surveying  
PO Box 186  
Basehor, Ks. 66007  
(913) 547-3405

----- Forwarded message -----

**From:** Dylan Ritter <[dritter@lvcofd2.com](mailto:dritter@lvcofd2.com)>  
**Date:** Fri, Jun 21, 2024 at 2:25 PM  
**Subject:** Re: Tranquil Acres  
**To:** larry hahn <[hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)>  
**Cc:** <[designgroupleavenworth@evergy.com](mailto:designgroupleavenworth@evergy.com)>, <[designgrouplawrencesservicecenter@evergy.com](mailto:designgrouplawrencesservicecenter@evergy.com)>, Kevin Ritter <[kritter@lvcofd2.com](mailto:kritter@lvcofd2.com)>

Leavenworth County Fire District #2 has no concerns, however preference would be for at least one fire hydrant to be located on the South side of Cantrell Rd for fire suppression services to the additional lots.

Thanks.

On Thu, Jun 13, 2024 at 2:12 PM larry hahn <[hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)> wrote:

To all-

I have submitted a preliminary and final plat to Leavenworth County Planning And Zoning.

The Planning Staff would appreciate your written input for the proposed plat.

Please review the attached information and forward any comments to [AAlisson@leavenworthcounty.gov](mailto:AAlisson@leavenworthcounty.gov)

Thank You -

Larry Hahn, PS  
Hahn Surveying  
PO Box 186  
Basehor, Ks. 66007  
(913) 547-3405



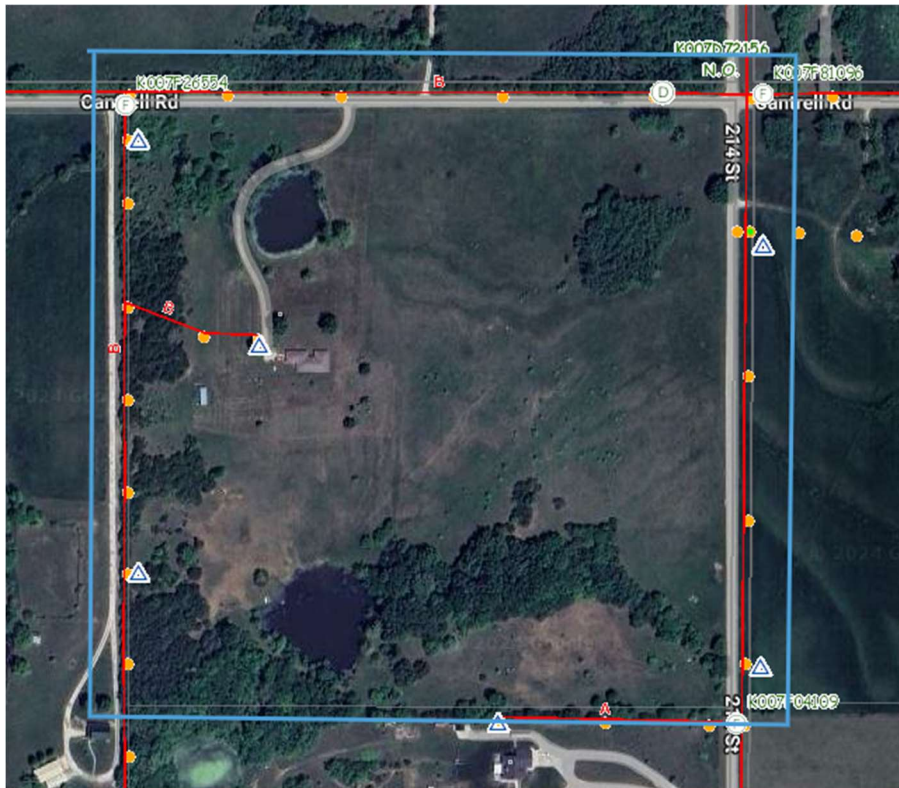


June 13, 2024

To Whom It May Concern:

This letter is to Inform you that Evergy will provide electrical power to the area pictured below per request of Larry Hahn.

Without knowing required load this letter does not guarantee we currently have capacity and additional build may be needed.



SW corner of 214<sup>th</sup> St and Cantrell Rd Linwood, KS Tranquil Acres Plat

**Steven Heath**

Evergy

TD Designer I

[steven.heath@evergy.com](mailto:steven.heath@evergy.com)

☎ 785-865-4857

## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Friday, June 28, 2024 10:32 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-24-082 & 083 Preliminary & Final Plat Tranquil Acres - Hahn

We have not received any complaints on this property and the septic system appears to 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:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Friday, June 28, 2024 9:42 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-24-082 & 083 Preliminary & Final Plat Tranquil Acres - Hahn

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary & Final Plat for a 5-lot subdivision at 21521 Cantrell Rd. (222-09-0-00-00-001)

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 July 15, 2024.

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

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning  
300 Walnut St, Suite 212  
Leavenworth County, Kansas 66048

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Tranquil Acres Subdivision  
**Date:** August 6, 2024

Amy, I have reviewed the preliminary plat of the tranquil Acres Subdivision presented by Lindsey Family Trust Trust. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed, a fire hydrant should be placed along the right-a-way between Lot 4 and Lot 3 along the right-of-way, and this will meet the requirements for this subdivision. Lot 1 should be covered with the hydrant on 222<sup>nd</sup> and Golden Rd.

I have no further recommendation for this subdivision.

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





## COUNTY OF LEAVENWORTH

Board of County Commissioners

300 Walnut, Suite 225

Leavenworth, Kansas 66048-2815

(913)684-0417

Fax (913) 680-2742

Email: [bocc@leavenworthcounty.gov](mailto:bocc@leavenworthcounty.gov)

September 4, 2024

Mr. Nathan Sickler  
c/o William Kidder  
First United Methodist Church  
422 Chestnut St.  
Leavenworth, KS 66048

Re: Completion of Eagle Project and Eagle Rank

Dear Mr. Sickler:

The Leavenworth County Board of County Commissioners has been notified that you have completed your Eagle Project and met all the other requirements to earn the Eagle Rank. The Board congratulates you in your work for cleaning and painting the fence along the Riverfront Park for your Eagle Scout Leadership Service project putting in 350 hours to complete! The Board of County Commissioners commends you for your leadership skills obtained through the scouting program and thank you for benefitting the community and Leavenworth County.

Good luck on all your future endeavors!

Sincerely,

---

Jeff Culbertson, Chairman  
1<sup>st</sup> District

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Michael Smith, Member  
4<sup>th</sup> District

---

Vicky Kaaz, Member  
2<sup>nd</sup> District

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Doug Smith, Member  
3<sup>rd</sup> District

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Mike Stieben, Member  
5<sup>th</sup> District

**Leavenworth County  
Request for Board Action  
Case No. DEV-24-051 & 052  
Preliminary & Final Plat Metro Estates  
\*Regular Agenda\***

**Date:** September 4, 2024  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** John Jacobson, Reviewed

**Additional Reviews as needed:**

**Budget Review** ☐ **Administrator Review** ☒ **Legal Review** ☒

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**Action Request:**

Chairman, I find that the proposed Final Plat as outlined in case DEV-24-052 is compliant with the Leavenworth County Zoning & Subdivision Regulations and move that the proposed Final Plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.

**Analysis:** The applicant is proposing to divide a 9.90 +- acre parcel into three (3) 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). The proposed lots range in size from 3.02 to 4 acres. An exception for Lot-Depth to Lot-Width is needed as the lots exceed the 1:1 ratio. All lots meet the requirements for the R-2.5 zoning district. Staff is generally in support. During the Preliminary Plat phase, exceptions were granted for:

1. Exception to Article 50 Section 40.3.i Lot Depth to Lot Width

With the approval of the exception, the final plat meets the standards set forth in the Leavenworth County Zoning and Subdivision Regulations.

**Recommendation:** The Planning Commission voted 8-0 (1 absent) to recommend approval of Case No.DEV-24-052, Final Plat for Metro Estates subject to conditions.

**Alternatives:**

1. Approve Case No. DEV-24-052, Final Plat for Metro Estates, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-24-052, Final Plat for Metro Estates, with Findings of Fact; or

3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-24-052  
Final Plat for Metro Estates, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- ☒ Not Applicable
- ☐ Budgeted item with available funds
- ☐ Non-Budgeted item with available funds through prioritization
- ☐ Non-Budgeted item with additional funds requested

**Total Amount Requested:** \$0.00

**Additional Attachments:** Staff Report, Plat, Planning Commission Minutes



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-24-051 & 052 Metro Estates

August 14, 2024

**REQUEST:** *Regular Agenda*

☒ Preliminary Plat      ☒ Final Plat

**STAFF REPRESENTATIVE:**

JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 25402 Metro Ave.



**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING  
315 N. 5th Street  
Leavenworth, KS 66048

**PROPERTY OWNER:**

Robert & Joy Cooper  
25402 Metro Ave.  
Tonganoxie, KS 66086

**CONCURRENT APPLICATIONS:**

NONE

**LAND USE**

**ZONING:** RR-2.5

**FUTURE LAND USE DESIGNATION:**

RR-2.5

**LEGAL DESCRIPTION:**

A tract of land in the East 1/2 of the Southeast 1/4 of Section 22, Township 11 South, Range 20 East of the 6th P.M., in Leavenworth County, Kansas.

**SUBDIVISION:** N/A

**FLOODPLAIN:** Zone A

**STAFF RECOMMENDATION:** APPROVAL

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-24-051 & 052, Preliminary & Final Plat for Metro Estates, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-051 & 052, Preliminary & Final Plat for Metro Estates to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:** 9.90 +- ACRES

**PARCEL ID NO:**

205-22-0-00-00-021

**BUILDINGS:**

Existing Home & Building

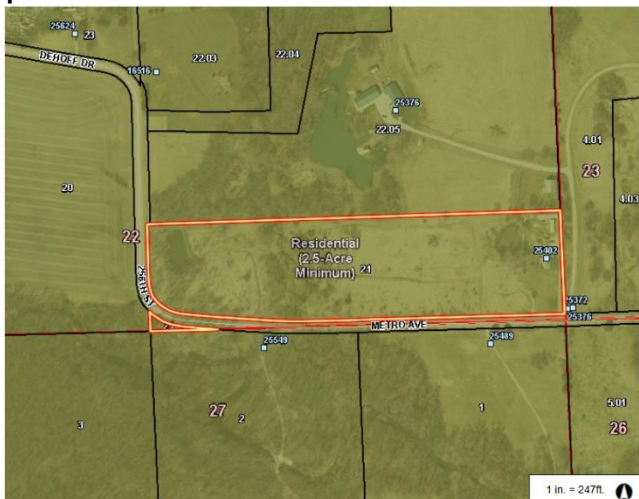
**PROJECT SUMMARY:**

Request for a final plat approval to subdivide property located 25402 Metro Ave (205-22-0-00-00-021) as Lots 01 through 03 of Metro Estates.

**ACCESS/STREET:**

Metro Ave & 256<sup>th</sup> St. - Local, Gravel,  
± 24' wide

**Location Map:** FUTURE LAND USE DESIGNATION



**UTILITIES**

**SEWER:** PRIVATE SEPTIC

**FIRE:** Tonganoxie

**WATER:** RWD 13

**ELECTRIC:** FREESTATE

**NOTICE & REVIEW:**

**STAFF REVIEW:**

8/5/2024

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**

N/A

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

#### **STAFF COMMENTS:**

The applicant is proposing to divide a 9.90 +- acre parcel into three (3) 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). The proposed lots range in size from 3.02 to 4 acres. An exception for Lot-Depth to Lot-Width is needed as the lots exceed the 1:1 ratio. All lots meet the requirements for the R-2.5 zoning district. Staff is generally in support

#### **EXCEPTIONS:**

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 Metro Estates 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.i – Lot-Depth to Lot- Width has been approved.
6. The developer must comply with the following memorandums:
  - Memo – RWD 13, dated January 23, 2024
  - Memo – Emergency Management, dated August 5, 2024

**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Maps

C: Memorandums



\* have big

FINAL

~~PRELIMINARY~~ PLAT APPLICATION

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

464  
205-22

021.00

9.9

CK 97 22 825.00

Township: <u>Tonganoxie</u>	Office Use Only
Case No. <u>DEV-24</u>	Planning Commission Meeting Date: _____
Zoning District <u>R</u>	Date Received/Paid: <u>05.20.2024</u>
Comprehensive Plan Land Use Designation: _____	

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>COOPER, ROBERT D JR &amp; JOY D</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS: <u>25402 METRO AVE</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP: <u>Tonganoxie, KS 66086</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL: <u>herringsurveying@outlook.com</u>	EMAIL: <u>N/A</u>

GENERAL INFORMATION

Proposed Subdivision Name: METRO ESTATES

Address of Property: 25402 METRO AVE

PID: 205-22-0-00-00-021 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: <u>11 ACRES</u>	Number of Lots: <u>3</u>	Minimum Lot Size: <u>3 AC</u>
Maximum Lot Size: <u>4 AC</u>	Proposed Zoning: <u>RR 2.5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>RWD 13</u>	Proposed Sewage: <u>SEPTIC</u>
Fire District: <u>Tonganoxie</u>	Electric Provider: <u>FREE STATE</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</u>	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	1. _____	
	2. _____	
	3. _____	
	4. _____	
5. _____		

Is any part of the site designated as Floodplain? ☒ Yes ☐ No if yes, what is the panel number: 20103C0300G

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 May 7, 2024

Date: 5/7/24

ATTACHMENT A



## 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.  
*Flood Hazard area and topography affect the property creating the need for an exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width. Existing tract is non-compliant.*
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.  
*Yes - would allow for the additional Lots and reducing the current width to depth ratio.*
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

*No*

STATE OF KANSAS  
COUNTY OF LEAVENWORTH  
FILED FOR RECORD

1995 MAY 17

DORA L. PARMER  
REGISTER OF DEEDS

**WARRANTY DEED**  
**JOINT TENANCY**

Coy L. Drinnon and Jane E. Drinnon, husband and wife

of Leavenworth County, Kansas, convey<sup>s</sup> and warrant<sup>s</sup> to

Robert D. Cooper, Jr. and Joy D. Cooper, husband and wife

of Leavenworth County, Kansas, as joint tenants with rights of survivorship and not as tenants in common.

Beginning at the Southwest corner of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section 22, Township 11, Range 20; thence East along said South Section line One Thousand Three Hundred Sixty-two and seventten one-hundreths (1362.17) feet to a point just East of the Southwest corner of the Section 23; thence North Three Hundred Fifty-one and eleven one-hundreths (351.11) feet to a point; thence West parallel to the South Section line One Thousand Three Hundred Sixty-two and seventeen one-hundreths (1362.17) feet to the West line of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section 22, thence South Three Hundred Fifty-one and eleven one-hundreths (351.11) feet to the place of beginning, all in Leavenworth County, Kansas, according to survey made by R.E. Bacon on November 8, 1964.

Subject to easements, restrictions, reservations and covenants, now of record, all taxes, both general and special, not now due and payable.

said property situated in Leavenworth County, Kansas, for the sum of One dollar and other good and valuable considerations--NO/100-- Dollars, this 12th day of May, 19 95.

Coy L. Drinnon

Jane E. Drinnon

STATE OF KANSAS, Douglas County, ss.

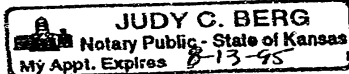
BE IT REMEMBERED, That on this 12th day of May, A. D. 19 95

before me, a Notary Public in and for said County and State, came

Coy L. Drinnon and Jane E. Drinnon, husband and wife

to me personally known to be the same person who executed the foregoing instrument, and they 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.



Judy C. Berg

Notary Public

My notarial commission expires August 13 19 95



## OWNER AUTHORIZATION

I/WE \_\_\_\_\_, hereby referred to as the  
"Undersigned", being of lawful age, do hereby on this 20 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 Surveying  
\_\_\_\_\_ (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, \_\_\_\_\_  
25402 MISSO AVE. LEAVENWORTH, KS (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

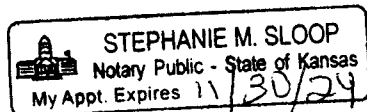
The foregoing instrument was acknowledge before me on this 20 day of Nov, 2023,

by Robert Cooper

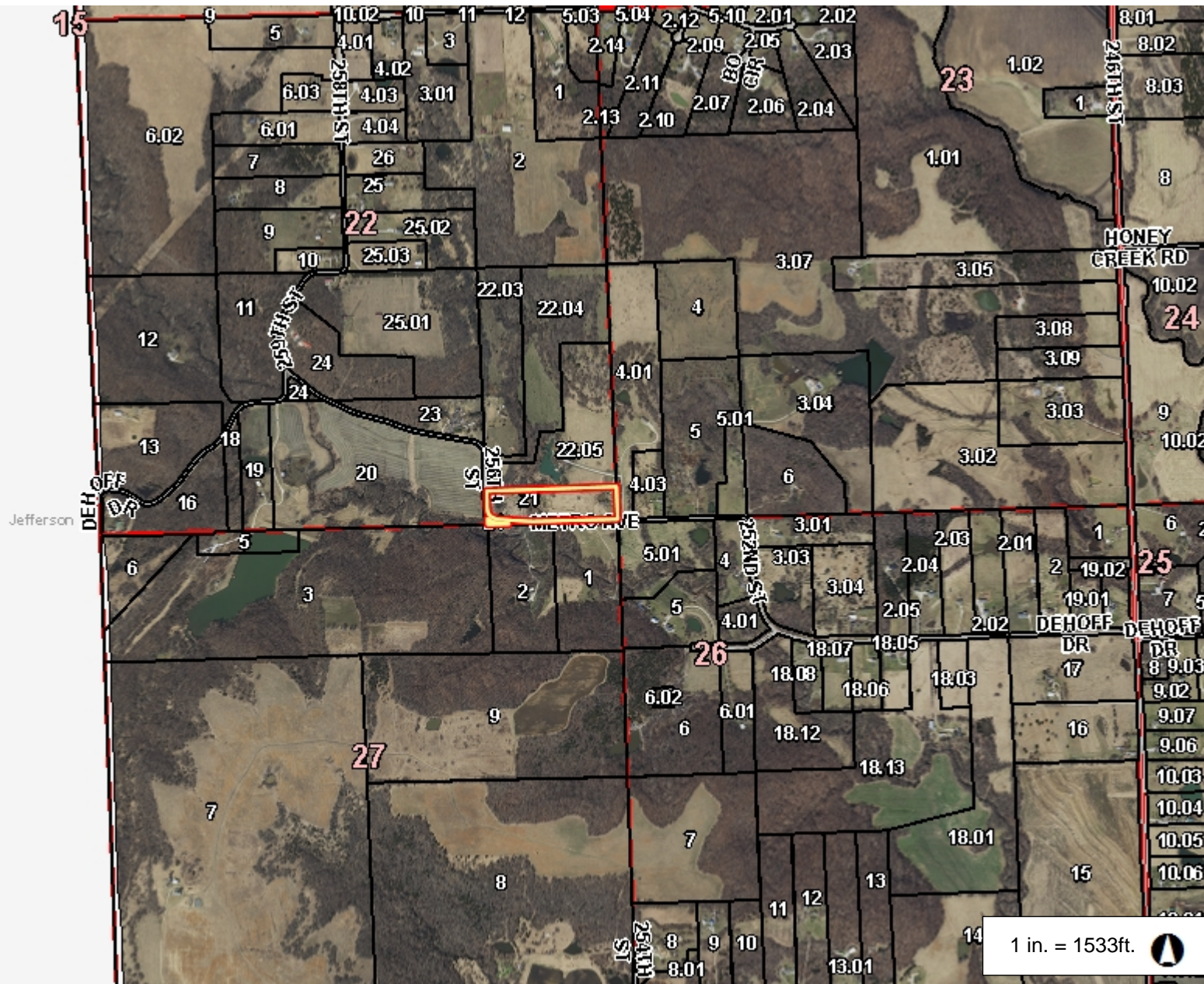
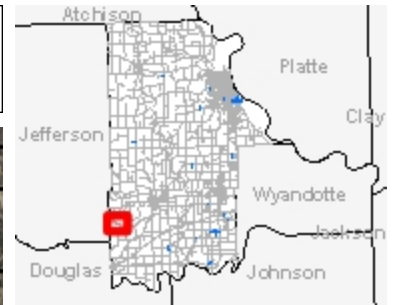
My Commission Expires:

Stephanie M Sloop

Notary Public



# 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

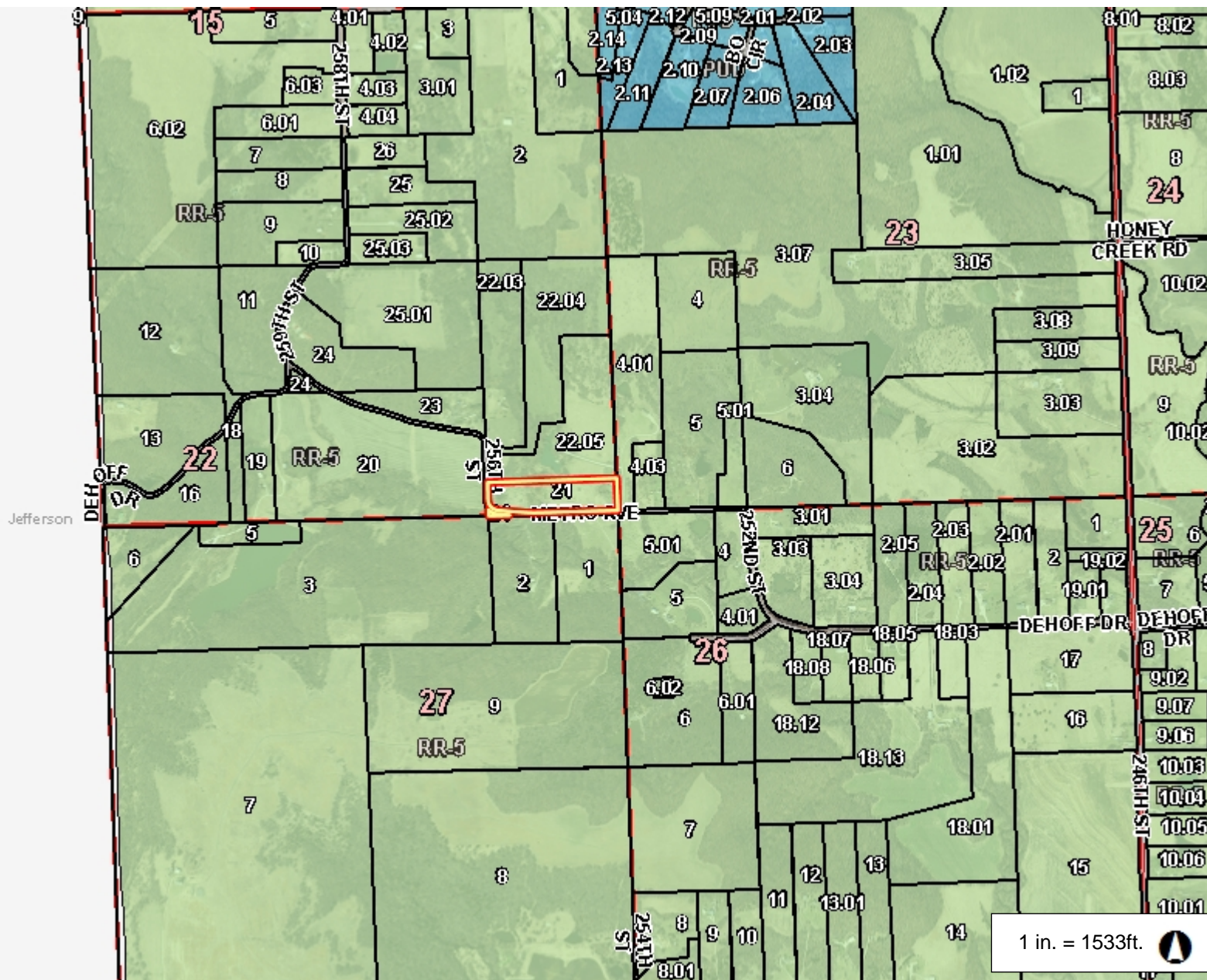
3,066.7 0 1,533.35 3,066.7 Feet

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



# 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

3,066.7 0 1,533.35 3,066.7 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



METRO ESTATES

A Minor Subdivision in the Southeast Quarter of Section 22, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:  
COOPER, ROBERT D JR & JOY D  
25402 METRO AVE  
TONGANOXIE, KS 66086  
PID # 205-22-0-00-00-021

RECORD DESCRIPTION: Per Title Commitment  
Beginning at the Southwest corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 22, Township 11, Range 20; thence East along said South Section line One Thousand Three Hundred Sixty-two and seventeen one-hundredths (1362.17) feet to a point just East of the South west corner of the Section 23; thence North Three Hundred Fifty-one and eleven one-hundredths (351.11) feet to a point; thence West parallel to the South Section line One Thousand Three Hundred Sixty-two and seventeen one-hundredths (1362.17) feet to the West line of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 22; thence South Three Hundred Fifty-one and eleven one-hundredths (351.11) feet to the place of beginning, all in Leavenworth County, Kansas, according to survey made by R.E. Bacon on November 8, 1964.  
ALSO DESCRIBED AS:  
A tract of land in the East 1/2 of the Southeast 1/4 of Section 22, Township 11 South, Range 20 East of the 6th P.M., AND ALSO The West 1/2 of the Southwest 1/4 of Section 23, Township 11 South, Range 20 East of the 6th P.M., more fully described as follows:  
Beginning at the Southwest corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 22, Township 11, Range 20; thence East along said South Section line One Thousand Three Hundred Sixty-two and seventeen one-hundredths (1362.17) feet to a point just East of the South west corner of the Section 23; thence North Three Hundred Fifty-one and eleven one-hundredths (351.11) feet to a point; thence West parallel to the South Section line One Thousand Three Hundred Sixty-two and seventeen one-hundredths (1362.17) feet to the West line of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 22; thence South Three Hundred Fifty-one and eleven one-hundredths (351.11) feet to the place of beginning, all in Leavenworth County, Kansas, according to survey made by R.E. Bacon on November 8, 1964; to survey made by R.E. Bacon on November 8, 1964; to survey made by R.E. Bacon on November 8, 1964.

SURVEYOR'S DESCRIPTION:  
A tract of land in the Southeast Quarter of Section 22, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring on July 18, 2024, more fully described as follows: Beginning at the Southwest corner of said Southeast Quarter; thence South 88 degrees 49'11" West for a distance 1362.05 feet along the South line of said Southeast Quarter to the Southwest corner of the Southeast Quarter of said Southeast Quarter; thence North 01 degrees 55'34" West for a distance of 351.11 feet to the Southwest corner of DRINNONS ESTATES; thence North 87 degrees 58'43" East for a distance of 1362.40 feet along the South line of said DRINNONS ESTATES to the Southeast corner of said DRINNONS ESTATES; thence South 01 degrees 51'16" East for a distance of 371.11 feet to the point of beginning, together with and subject to covenants, easement and restriction of record.  
Said property contain 11.29 acres, more or less, including road right of way.

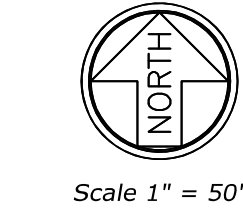
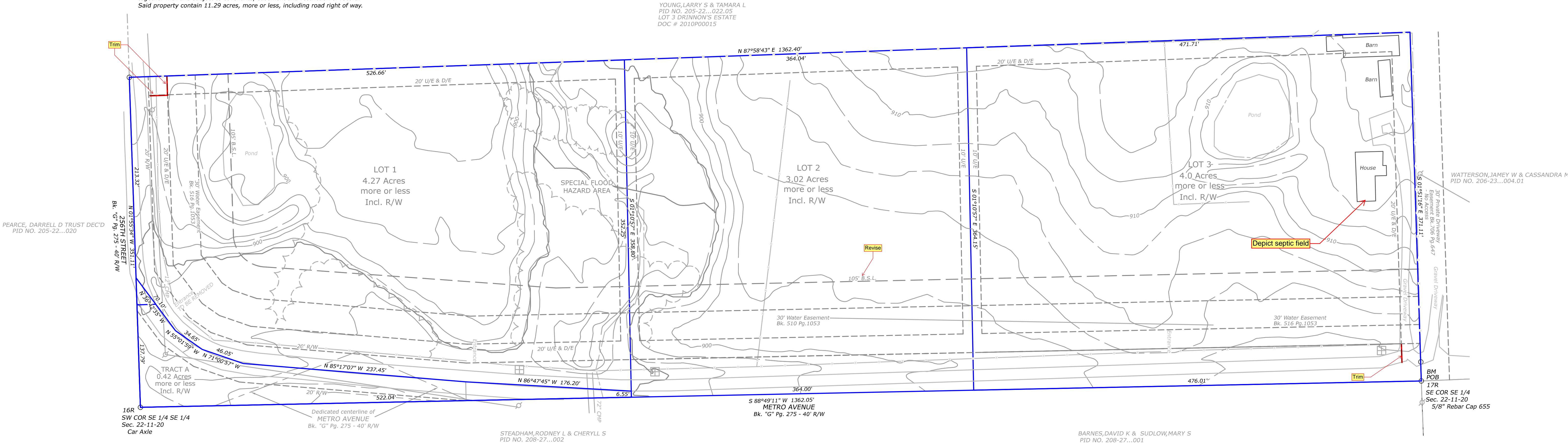
ZONING:  
RR 2.5 - Rural Residential 2.5

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) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks  
7) Any building to be constructed in or near the Special Flood Hazard shall provide an elevation certificate to be approved by Leavenworth County prior to the issuance of a building permit along with any other applicable Federal, State or Local permit.  
8) Lots 1 and 2 are impacted by Special Flood Zones and are depicted heron graphically.  
9) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lots  
10) Driveway construction within special flood zones will require a local floodplain fill and DWR floodplain Fill Permit. Other DWR permits may be required per driveway location and engineering.  
11) No off-plat restrictions.

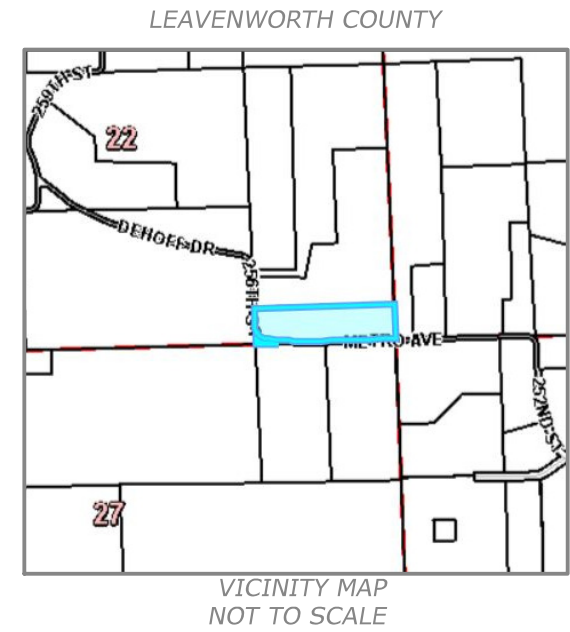
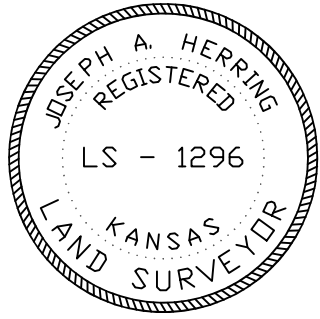
NOTES:  
1) This survey does not show ownership.  
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.  
3) All recorded and measured distances are the same, unless otherwise noted.  
4) Error of Closure - 1 : 974549, 39.95 Acres, more or less, Incl. R/W  
5) Basis of Bearing - KS SPC North Zone 1501  
6) Monument Origin Unknown, unless otherwise noted.  
7) Proposed & Existing Lots for Agriculture & Residential Use.  
8) Road Record - See Survey  
9) Benchmark - NAVD88  
Project Benchmark (BM) - SW COR SE 1/4 - Elev - 896.2'  
10) Easements, if any, are created hereon or listed in referenced title commitment.  
11) Reference Recorded Deed Book 706 Page 541  
12) Utility Companies -  
Water - RWD 13  
Electric - Freestate  
Sewer - Septic / Lagoon  
Gas - Propane / Natural Gas  
13) Reference Lawyer's Title File Number dated May 7, 2024.  
14) Property is in a Special Flood Hazard Area per FEMA FIRM Map 20103C0300G 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, not shown hereon.  
17) Easements as per referenced Title Commitment are shown hereon, if any.  
- Right of Way Agreement for Socony-Vacuum Oil Company, Book 319 Page 49. Assignment to Magnolia Pipe Line Company Book 429 Page 20. Assignment to Williams Pipe Line Company Book 570 Page 404. Blanket in nature, not shown hereon.  
- Agreement granted to Socony-Vacuum Oil Company, Incorporated, Book 375 Page 239. Assignment to Magnolia Pipe Line Company Book 429 Page 20. Assignment to Williams Pipe Line Company Book 570 Page 404. Blanket in nature, not shown hereon.  
- Right of Way Easement granted to Jefferson County Rural Water District #13, Book 516 Page 1053 - shown hereon.  
- Easement granted to Coy L. Drinnon, permanent and perpetual easement for ingress, egress, maintenance, repair, relocation or removal of a private roadway with the right of ingress and egress, Book 706 Page 647 - shown hereon.  
18) Fence Lines do not necessarily denote the boundary line for the property.  
19) Reference Surveys:  
DRINNONS ESTATE Doc # 2010P00015  
REB - R.E.Bacon Survey 1964 NKA 1964S092

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  
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A - Arc Distance  
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B - Chord Bearing  
C - Chord Distance  
○ - 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

08-01-2024  
Combined  
Comments



Job # K-24-1761  
May 19, 2024 Rev. 7-18-24  
J. Herring, Inc. (dba)  
J. HERRING  
SURVEYING  
COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5361  
Email - survey@leamcash.com



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

Joseph A. Herring  
PS # 1296



METRO ESTATES

A Minor Subdivision in the Southeast Quarter of Section 22, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:  
COOPER, ROBERT D JR & JOY D  
25402 METRO AVE  
TONGANOXIE, KS 66086  
PID # 205-22-0-00-00-021

RECORD DESCRIPTION: Per Title Commitment  
Beginning at the Southwest corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 22, Township 11, Range 20; thence East along said South Section line One Thousand Three Hundred Sixty-two and seventeen one-hundredths (1362.17) feet to a point just East of the South west corner of the Section 23; thence North Three Hundred Fifty-one and eleven one-hundredths (351.11) feet to a point; thence West parallel to the South Section line One Thousand Three Hundred Sixty-two and seventeen one-hundredths (1362.17) feet to the West line of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 22; thence South Three Hundred Fifty-one and eleven one-hundredths (351.11) feet to the place of beginning, all in Leavenworth County, Kansas, according to survey made by R.E. Bacon on November 8, 1964.  
ALSO DESCRIBED AS:  
A tract of land in the East 1/2 of the Southeast 1/4 of Section 22, Township 11 South, Range 20 East of the 6th P.M., AND ALSO The West 1/2 of the Southwest 1/4 of Section 23, Township 11 South, Range 20 East of the 6th P.M., more fully described as follows:  
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SURVEYOR'S DESCRIPTION:  
A tract of land in the Southeast Quarter of Section 22, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring on July 18, 2024, more fully described as follows: Beginning at the Southwest corner of said Southeast Quarter; thence South 88 degrees 49'11" West for a distance 1362.05 feet along the South line of said Southeast Quarter to the Southwest corner of the Southeast Quarter of said Southeast Quarter; thence North 01 degrees 55'34" West for a distance of 351.11 feet to the Southwest corner of DRINNON ESTATES; thence North 87 degrees 58'43" East for a distance of 1362.40 feet along the South line of said DRINNON ESTATES to the Southeast corner of said DRINNON ESTATES; thence South 01 degrees 51'16" East for a distance of 371.11 feet to the point of beginning, together with and subject to covenants, easement and restriction of record.  
Said property contain 11.29 acres, more or less, including road right of way.

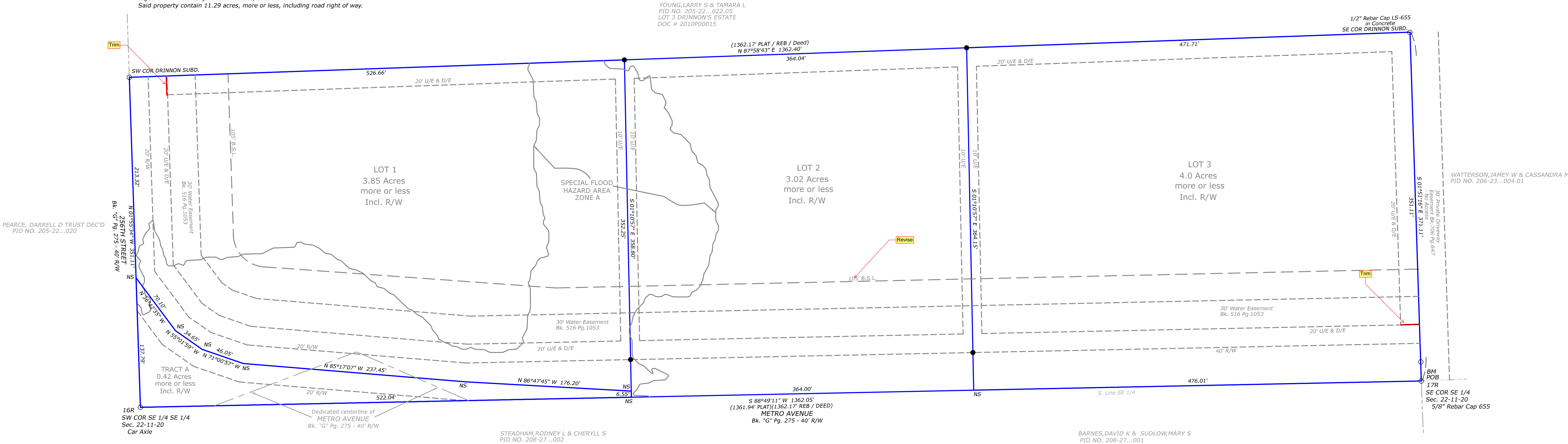
ZONING:  
RR 2.5 - Rural Residential 2.5

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) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks  
7) Any building to be constructed in or near the Special Flood Hazard shall provide an elevation certificate to be approved by Leavenworth County prior to the issuance of a building permit along with any other applicable Federal, State or Local permit.  
8) Lots 1 and 2 are impacted by Special Flood Zones and are depicted heron graphically.  
9) An exception to Article 50, Section 40.3.i, Lot-Depth to Lot-Width has been granted for Lots  
10) Driveway construction within special flood zones will require a local floodplain fill and DWR floodplain Fill Permit. Other DWR permits may be required per driveway location and engineering.  
11) No off-plat restrictions.

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 : 754122, 39.9511.29 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 & Existing Lots for Agriculture & Residential Use.  
8) Road Record - See Survey  
9) Benchmark - NAVD88  
Project Benchmark (BM) - SE COR SE 1/4 - Elev - 899'  
10) Easements, if any, are created hereon or listed in referenced title commitment.  
11) Reference Recorded Deed Book 706 Page 541  
12) Utility Companies -  
- Water - RWD 13  
- Electric - Freestate  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas  
13) Reference Lawyer's Title File Number dated May 7, 2024.  
14) Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0300G dated July 16, 2015  
15) Building Setback Lines as shown hereon or noted below  
- All side yard setbacks - 15' (Accessory - 10')  
- All rear yard setbacks - 40' (Accessory - 15')  
16) Existing Structures, if any, not shown hereon.  
17) Easements as per referenced Title Commitment are shown hereon, if any.  
- Right of Way Agreement for Socony-Vacuum Oil Company, Book 319 Page 49. Assignment to Magnolia Pipe Line Company Book 429 Page 20. Assignment to Williams Pipe Line Company Book 570 Page 404. Blanket in nature, not shown hereon.  
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19) Reference Surveys:  
DRINNONS ESTATE Doc # 2010P00015  
REB - R.E.Bacon Survey Book S-7 Page 92, 1964 NKA 1964S0092

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○ - 1/2" Rebar Found, unless otherwise noted.  
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( ) - Record / Deeded Distance  
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B.S.L. - Building Setback Line  
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BM - Benchmark  
NS - Not Set this survey per agreement with client  
POB - Point of Beginning  
POC - Point of Commencing  
///// - No Vehicle Entrance Access

08-01-2024  
Combined  
Comments



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: METRO ESTATES  
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 METRO ESTATES, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Robert D. Cooper Jr. Joy D. Cooper

NOTARY CERTIFICATE:  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State came Robert D. Cooper Jr. and Joy D. Cooper, husband and wife, 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 METRO ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Secretary John Jacobson Chairman 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

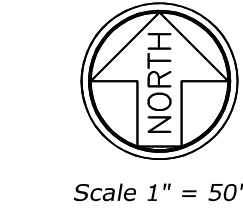
COUNTY COMMISSION APPROVAL:  
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of METRO ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Chairman Jeff Culbertson County Clerk Attest: Janet Klasinski

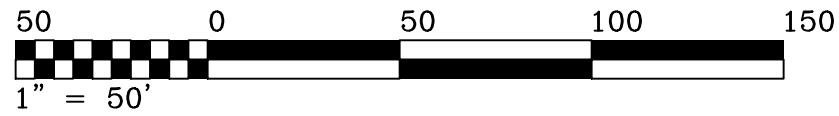


I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of February through May 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



Job # K-24-1761  
May 19, 2024 Rev. 7-18-24  
J. Herring, Inc. (dba)  
HERRING SURVEYING & COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5361  
Email - survey@leamcash.com





## Schweitzer, Joshua

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Friday, August 2, 2024 8:33 AM  
**To:** Schweitzer, Joshua  
**Cc:** Allison, Amy; Anderson, Kyle; Jacobson, John; Johnson, Melissa  
**Subject:** Re: DEV-24-051 & 052 Preliminary & Final Plat Metro Estates  
**Attachments:** K-24-1761 METRO ESTATES FINAL Rev 8-2-24.pdf; K-24-1761 METRO ESTATES PRELIM Rev 8-2-24.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.

### PW Comments

#### 105' Building Setback Line

- there was a line in error on the PP - centerline of Metro at this location is dedicated along the section line - 105' BSL should be correct as shown

Dan - did show existing 20 r/w and then an additional 20 r/w to be dedicated - line will match the subdivision from the East and is dedicated from the existing dedicated centerline and sectionline.

Thank you - Joe Herring

---

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

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Thursday, August 1, 2024 1:16 PM  
**To:** 'Joe Herring' <herringsurveying@outlook.com>  
**Cc:** Allison, Amy <AAllison@leavenworthcounty.gov>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Jacobson, John <JJacobson@leavenworthcounty.gov>; Johnson, Melissa <MJohnson@leavenworthcounty.gov>; Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Subject:** DEV-24-051 & 052 Preliminary & Final Plat Metro Estates

Good Afternoon Joe,

Attached are the Review Comments 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



METRO ESTATES

A Minor Subdivision in the Southeast Quarter of Section 22, Township 11 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:  
COOPER, ROBERT D JR & JOY D  
25402 METRO AVE  
TONGANOXIE, KS 66086  
PID # 205-22-0-00-00-021

RECORD DESCRIPTION: Per Title Commitment  
Beginning at the Southwest corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 22, Township 11, Range 20; thence East along said South Section line One Thousand Three Hundred Sixty-two and seventeen one-hundredths (1362.17) feet to a point just East of the South west corner of the Section 23; thence North Three Hundred Fifty-one and eleven one-hundredths (351.11) feet to a point; thence West parallel to the South Section line One Thousand Three Hundred Sixty-two and seventeen one-hundredths (1362.17) feet to the West line of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 22; thence South Three Hundred Fifty-one and eleven one-hundredths (351.11) feet to the place of beginning, all in Leavenworth County, Kansas, according to survey made by R.E. Bacon on November 8, 1964.  
ALSO DESCRIBED AS:  
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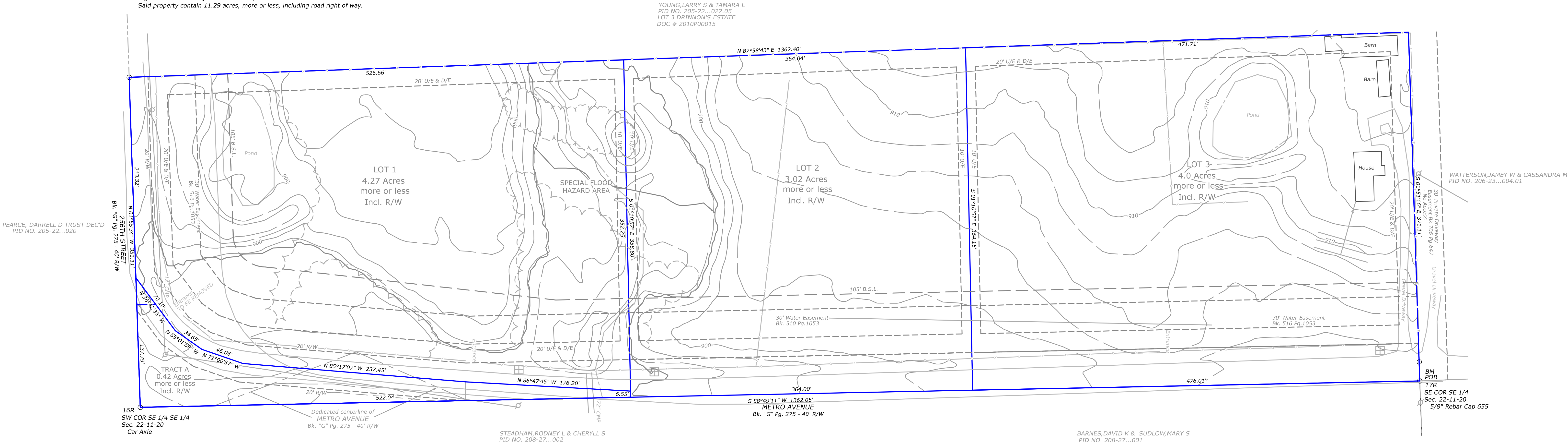
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Said property contain 11.29 acres, more or less, including road right of way.

ZONING:  
RR 2.5 - Rural Residential 2.5

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) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lots  
10) Driveway construction within special flood zones will require a local floodplain fill and DWR floodplain Fill Permit. Other DWR permits may be required per driveway location and engineering.  
11) Tract A is a not entitled to a building permit.  
12) No off-plat restrictions.

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4) Error of Closure - 1 : 754122, 11.29 Acres, more or less, Incl. R/W  
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6) Monument Origin Unknown, unless otherwise noted.  
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8) Road Record - See Survey  
9) Benchmark - NAVD88  
Project Benchmark (BM) - SW COR SE 1/4 - Elev - 896.2'  
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Electric - Freestate  
Sewer - Septic / Lagoon  
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⊞ - Telephone Pedestal  
W - 6" Water Line - location as per district



Job # K-24-1761  
May 19, 2024 Rev. 8-8-24

J. Herring, Inc. (dba)  
**J. HERRING**  
SURVEYING  
COMPANY

315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5361  
Email - survey@leamcash.com



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

Joseph A. Herring  
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METRO ESTATES

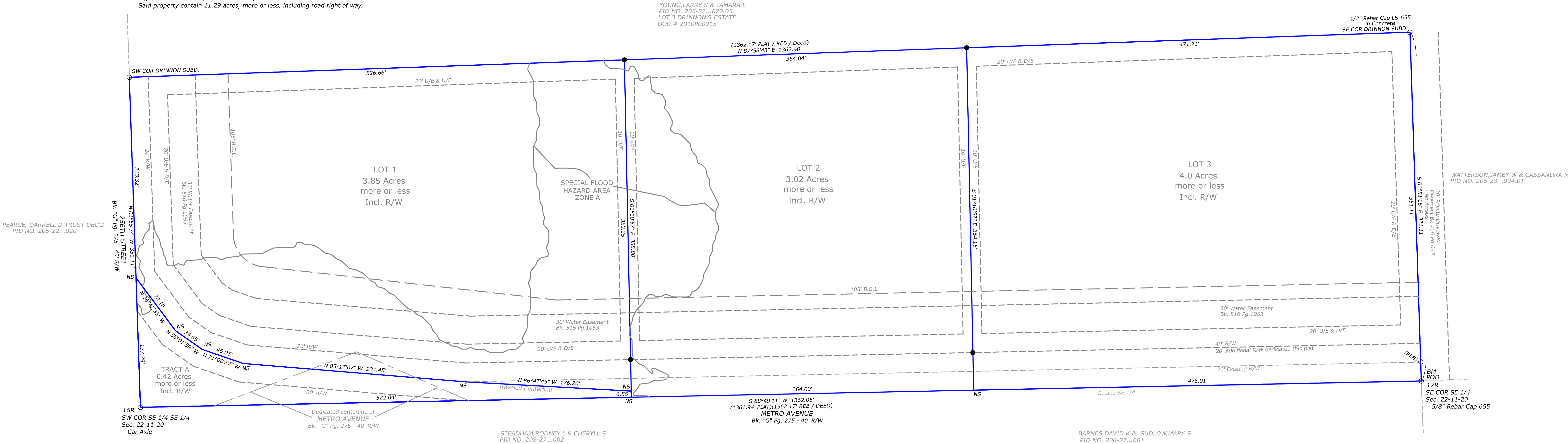
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Said property contain 11.29 acres, more or less, including road right of way.



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: METRO ESTATES

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.

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated by easement.

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 METRO ESTATES, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Robert D. Cooper Jr. Joy D. Cooper

NOTARY CERTIFICATE:  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State came Robert D. Cooper Jr. and Joy D. Cooper, husband and wife, 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.
  - 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 : 754122, 11.29 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 & Existing Lots for Agriculture & Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88
  - 10) Project Benchmark (BM) - SE COR SE 1/4 - Elev - 899'
  - 11) Easements, if any, are created hereon or listed in referenced title commitment.
  - 12) Reference Recorded Deed Book 706 Page 541
  - 13) Utility Companies -
    - Water - RWD 13
    - Electric - Freestate
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 14) Reference Lawyer's Title File Number dated May 7, 2024.
  - 15) Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0300G dated July 16, 2015
  - 16) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 10')
    - All rear yard setbacks - 40' (Accessory - 15')
  - 17) Existing Structures, if any, not shown hereon.
  - 18) Easements as per referenced Title Commitment are shown hereon, if any.
    - Right of Way Agreement for Socony-Vacuum Oil Company, Book 319 Page 49. Assignment to Magnolia Pipe Line Company Book 429 Page 20. Assignment to Williams Pipe Line Company Book 570 Page 404. Blanket in nature, not shown hereon.
    - Agreement granted to Socony-Vacuum Oil Company, Incorporated, Book 375 Page 239. Assignment to Magnolia Pipe Line Company Book 429 Page 20. Assignment to Williams Pipe Line Company Book 570 Page 404. Blanket in nature, not shown hereon.
    - Right of Way Easement granted to Jefferson County Rural Water District #13, Book 516 Page 1053 - shown hereon.
    - Easement granted to Coy L. Drinnon, permanent and perpetual easement for ingress, egress, maintenance, repair, relocation or removal of a private roadway with the right of ingress and egress, Book 706 Page 647 - shown hereon.
  - 19) Fence Lines do not necessarily denote the boundary line for the property.
  - 20) Reference Surveys:
    - DRINNONS ESTATE Doc # 2010P00015
    - R.E.Bacon Survey Book S-7 Page 92, 1964 NKA 1964S092

- 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
  - POB - Point of Beginning
  - POC - Point of Commencing
  - ///// - No Vehicle Entrance Access

APPROVALS  
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of METRO ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Secretary John Jacobson Chairman 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

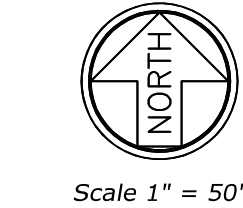
COUNTY COMMISSION APPROVAL:  
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of METRO ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Chairman Jeff Culbertson County Clerk Attest: Janet Klasinski

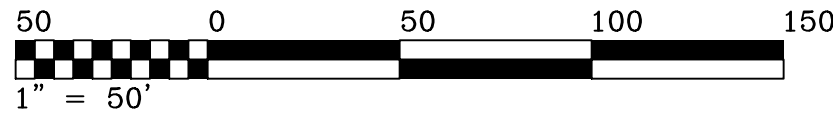


I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of February through May 2024 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



Job # K-24-1761  
May 19, 2024 Rev. 8-8-24  
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



**08-01-24**  
**Combined Review**  
**No Further**  
**Comment**



Metro Estates  
Leavenworth County Kansas  
Drainage Report  
May 6, 2024  
Revised July 14, 2024



**JEFFERSON COUNTY RURAL WATER DISTRICT #13**

**1951 Wellman Road  
Lawrence, KS 66044**

**(785) 842-1502**  
**www.jfrwd13.com**

January 23, 2024

Robert Cooper  
25402 Metro Avenue  
Tonganoxie, KS 66086

Project Location: Metro Ave.

Dear Mr. & Mrs. Cooper,

The Board of Directors of Rural Water District #13, Jefferson County, Kansas has approved your application for Benefit Unit (water service) for three residential (standard 3/4" x 5/8") meters. The cost of a Benefit Unit has fixed costs and possibly some variable costs associated with the installation of your meters. You will be responsible to pay for the fixed costs prior to installation. Any additional variable costs must be paid before service to a meter may begin.

**Fixed Costs** (paid prior to installation)

- |                           |                             |                     |
|---------------------------|-----------------------------|---------------------|
| 1. Standard Benefit Unit  | \$7,000.00 x3 = \$21,000.00 | <b>REQUIRED</b>     |
| 2. Standard Road Crossing | \$1,000.00                  | <b>NOT REQUIRED</b> |
| 3. Line Extension         |                             | <b>NOT REQUIRED</b> |

Note: Meters are set within 15 feet of the water main.

**Variable Costs** (paid after installation if required):

These costs could be for rock excavation and/or any other unforeseen additional expenses, etc. The rate charged is set by the annual service agreement between the District and the District's installation contractor. You would only be billed for the actual expenses charged by the contractor.

**Please complete and return the attached Benefit Unit Application and Water User's Agreement along with payment in full for all fixed costs totaling to \$21,000.00.**

If payment is not received or arrangements made within **120** days from the date of the Service Review, the Board will consider your application withdrawn. In the event you should want water service in the future, it will be necessary for you to file a new application.

Sincerely,

Niki Fincham  
Office Operations Manager

*Encl.: B.U. Application and Water User's Agreement/ Bylaws/ Rules & Regulations*

## Schweitzer, Joshua

---

**From:** Timothy Smith <chief1860@ttrfd.com>  
**Sent:** Monday, August 5, 2024 1:43 PM  
**To:** Schweitzer, Joshua  
**Subject:** Re: FW: DEV-24-051 & 052 Preliminary & Final Plat Metro Estates - 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.

Thank you,  
No, I do not have any additional questions or concerns at this time.

On Mon, Aug 5, 2024 at 9:31 AM Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)> wrote:

Good Morning Sir,

I was wanting to follow-up with you to see if you wanted to provide any comment 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](mailto:JSchweitzer@leavenworthcounty.gov)>

**Sent:** Thursday, June 27, 2024 1:55 PM

**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; McAfee, Joe <[JMcAfee@leavenworthcounty.gov](mailto:JMcAfee@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@lvsheriff.org](mailto:jpatzwald@lvsheriff.org)>; Van Parys, David <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; Noll, Bill



## Schweitzer, Joshua

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**From:** Shauna Snyder <shauna.snyder@freestate.coop>  
**Sent:** Tuesday, May 7, 2024 7:15 AM  
**To:** PZ  
**Cc:** Joe Herring  
**Subject:** SERVICE VERIFICATION - Parcel - R28310

**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.

FreeState Electrical Cooperative will provide power to a new home/development being built on/at Metro Ave, parcel R28310, for Robert and Joy Cooper (Metro Estates). FreeState will provide power for three separate lots here.

Thank you,

**Shauna Snyder**  
Member Account Coordinator



1-800-794-1989 | [www.freestate.coop](http://www.freestate.coop)

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Metro Estates Subdivision  
**Date:** August 5, 2024

Amy, I have reviewed the preliminary plat of the Metro Estates Subdivision presented by Robert and Joy Cooper. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed, a fire hydrant should be placed along the right-a-way on the Lot 2 along the right-of-way, and this will meet the requirements for this subdivision. Lot 1 being in the special Flood Hazard may lead to existing concerns in the future for building, I have seen this are during flood but not for sure where the actual property line was located at the time.

I have no further recommendation for this subdivision.

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

## Schweitzer, Joshua

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**From:** Anderson, Kyle  
**Sent:** Friday, June 28, 2024 8:19 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-24-051 & 052 Preliminary & Final Plat Metro Estates - Herring

We have not received any complaints on this property, and the septic system appears to 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:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Thursday, June 27, 2024 1:55 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-24-051 & 052 Preliminary & Final Plat Metro Estates - Herring

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary & Final Plat for a 3-lot subdivision at 25402 Metro Ave. (205-22-0-00-00-021)

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 July 12, 2024.

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

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning  
300 Walnut St, Suite 212  
Leavenworth County, Kansas 66048



**Leavenworth County  
Request for Board Action  
Case No. DEV-24-071 & 072  
Preliminary & Final Plat Serenity Acres  
**\*Regular Agenda\*****

**Date:** September 4, 2024  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** John Jacobson, Reviewed

**Additional Reviews as needed:**

**Budget Review** ☐ **Administrator Review** ☒ **Legal Review** ☒

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**Action Request:**

Chairman, I find that the proposed Final Plat as outlined in case DEV-24-072 is compliant with the Leavenworth County Zoning & Subdivision Regulations and move that the proposed Final Plat be conditionally approved and accepted by this Board subject to the conditions set forth in the staff report and as adopted by the Planning Commission.

**Analysis:** The applicant is proposing to divide a 4.70 acre parcel into two (2) lots. The Subdivision is classified as a Class A with all lots lying within the Urban Growth Area of the City of Basehor. Staff is supportive of a waiver of the requirement to not connect to public sanitary sewer system as the City of Basehor had no requirements/comments to provide. This subdivision is within 660' of Sewer District 5, however it is currently at capacity and can not support anymore connections (see condition 3). Both lots are approximately 2.5 acres in size. All lots meet the requirements for the RR-2.5 zoning district.

During the Board of Zoning Appeals, a variance request from Zoning & Subdivision Regulations of Article 41, Section 6.B.1.a (Residential Entrance Spacing) and Article 41, Section 6.B.1.b.III (Secondary Access) was approved.

The final plat meets the standards set forth in the Leavenworth County Zoning and Subdivision Regulations.

**Recommendation:** The Planning Commission voted 8-0 (1 absent) to recommend approval of Case No.DEV-24-072, Final Plat for Serenity Acres subject to conditions.

**Alternatives:**

1. Approve Case No. DEV-24-072, Final Plat for Serenity Acres, with Findings of Fact, and with or without conditions; or

2. Deny Case No. DEV-24-072, Final Plat for Serenity Acres, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-24-072, Final Plat for Serenity Acres, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- ☒ Not Applicable
- ☐ Budgeted item with available funds
- ☐ Non-Budgeted item with available funds through prioritization
- ☐ Non-Budgeted item with additional funds requested

**Total Amount Requested:** \$0.00

**Additional Attachments:** Staff Report, Plat, Planning Commission Minutes

LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT

**CASE NO:** DEV-24-071 & 072 Serenity Acres

August 14, 2024

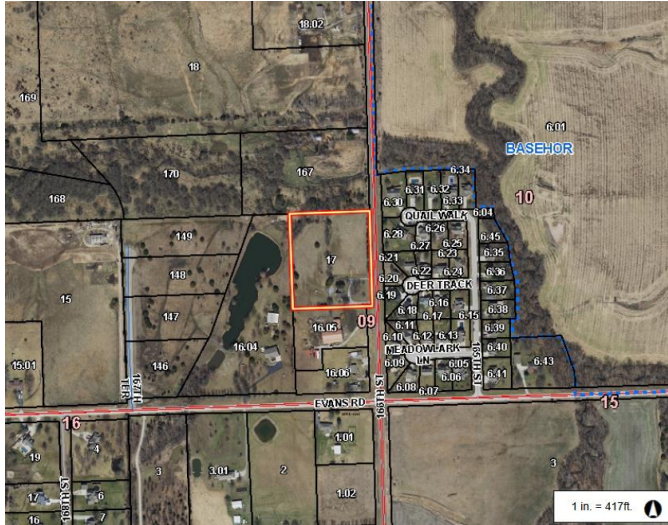
**REQUEST:** *Regular Agenda*

☒ Preliminary Plat ☒ Final Plat

**STAFF REPRESENTATIVE:**

JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 18081 166<sup>th</sup> Street



**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING  
315 N. 5th Street  
Leavenworth, KS 66048

**PROPERTY OWNER:**

Daryl & Tamara Potts  
18081 166<sup>th</sup> St.  
Basehor, KS 66007

**CONCURRENT APPLICATIONS:**

DEV-24-096 BZA on Access  
Management

**LAND USE**

**ZONING:** RR-2.5

**FUTURE LAND USE DESIGNATION:**

Mixed Residential

**LEGAL DESCRIPTION:**

A tract of land in the Southeast Quarter of the Southeast Quarter of Section 09, Township 11 South, Range 22, East of the 6th P.M., in Leavenworth County, Kansas.

**SUBDIVISION:** N/A

**FLOODPLAIN:** N/A

**STAFF RECOMMENDATION:** APPROVAL (Dependent upon Disposition of BZA)

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-24-071 & 072, Preliminary & Final Plat for Serenity Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-071 & 072, Preliminary & Final Plat for Serenity Acres to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:** 4.70 +- ACRES

**PARCEL ID NO:**

182-09-0-00-00-017

**BUILDINGS:**

Existing House

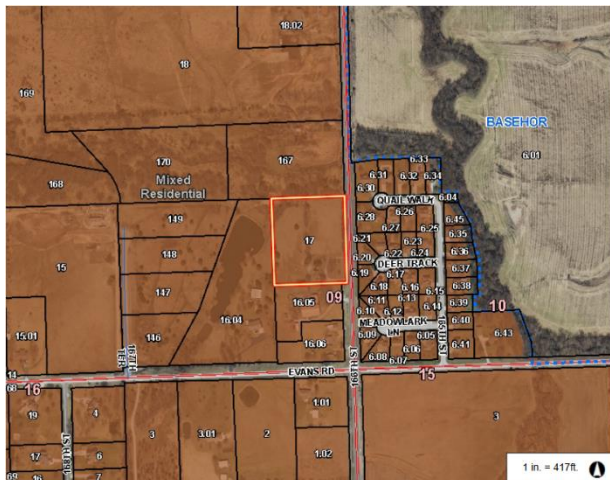
**PROJECT SUMMARY:**

Request for a final plat approval to subdivide property located at 18081 166<sup>th</sup> Street (182-09-0-00-00-017) as Lots 01 through 02 of Serenity Acres.

**ACCESS/STREET:**

166<sup>th</sup> St., Collector  $\pm 30'$  WIDE, Paved

**Location Map: FUTURE LAND USE DESIGNATION**



**UTILITIES**

**SEWER:** PRIVATE SEPTIC

**FIRE:** Fairmount

**WATER:** Suburban

**ELECTRIC:** Everygy

**NOTICE & REVIEW:**

**STAFF REVIEW:**

8/6/2024

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**

N/A



<b>STANDARDS TO BE CONSIDERED:</b> <i>Type content in each if necessary (delete this afterwards)</i>			
<b>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</b>		<b>Met</b>	<b>Not Met</b>
35-40	<b>Preliminary Plat Content</b>	X	
40-20	<b>Final Plat Content</b>	X	
41-6	<b>Access Management</b>		X
	Dependent upon the BZA disposition of Case DEV-24-096		
41-6.B.a-c.	<b>Entrance Spacing</b>		X
	Dependent upon the BZA disposition of Case DEV-24-096		
41-6.C.	<b>Public Road Access Management Standards</b>	X	
43	<b>Cross Access Easements</b>	N/A	
50-20	<b>Utility Requirements</b>	X	
50-30	<b>Other Requirements</b>	X	
50-40	<b>Minimum Design Standards</b>	X	
50-50	<b>Sensitive Land Development</b>	N/A	
50-60.	<b>Dedication of Reservation of Public Sites and Open Spaces</b>	N/A	

#### **STAFF COMMENTS:**

Staff's comment's listed below are contingent upon the disposition of case DEV-24-096. If case DEV-24-096 is denied, then staff's recommendation is to table this case to allow for the applicant agent to make the necessary design adjustments.

The applicant is proposing to divide a 4.70 acre parcel into two (2) lots. The Subdivision is classified as a Class A with all lots lying within the Urban Growth Area of the City of Basehor. Staff is supportive of a waiver of the requirement to not connect to public sanitary sewer system as the City of Basehor had no requirements/comments to provide. This subdivision is within 660' of Sewer District 5, however it is currently at capacity and can not support anymore connections (see condition 3). Both lots are approximately 2.5 acres in size. All lots meet the requirements for the RR-2.5 zoning district.

#### **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. The developer must comply with the following memorandums:
  - Memo – RWD 8, dated March 11, 2024
  - Memo - Emergency Management, dated July 9, 2024

#### **ATTACHMENTS:**

- A: Application & Narrative
- B: Location Map
- B: Zoning Map
- C: Memorandums



FINAL &  
~~PRELIMINARY~~ PLAT APPLICATION

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

Energy Suburban  
5.0 458 09 11 22

182-09 017.00  
CK 9745  
#525.00

Office Use Only	
Township: <u>Fairmount</u>	Planning Commission Meeting Date: _____
Case No. <u>DEV-24-012</u>	Date Received/Paid: <u>06.06.2024</u>
Zoning District <u>RR 2.5</u>	Comprehensive Plan Land Use Designation: <u>Mixed Use</u>

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>POTTS, DARYL L &amp; WILSON-POTTS, TAMARA D</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS: <u>18081 166th Street</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP: <u>Basehor, KS 66007</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL: <u>herringsurveying@outlook.com</u>	EMAIL: <u>N/A</u>

GENERAL INFORMATION

Proposed Subdivision Name: SERENITY ACRES

Address of Property: 18081 166th Street

PID: 182-09-0-00-00-017 Urban Growth Management Area: Basehor

SUBDIVISION INFORMATION		
Gross Acreage: <u>5 Ac</u>	Number of Lots: <u>2</u>	Minimum Lot Size: <u>2.5 Ac</u>
Maximum Lot Size: <u>2.5 Ac</u>	Proposed Zoning: <u>RR-2.5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>Suburban</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Fairmount</u>	Electric Provider: <u>Evergy</u>	Natural Gas Provider: <u>Propane</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local - Collector</u> - Arterial - State - Federal	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	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 6-6-24 Date: 6-6-24

ATTACHMENT A



**WARRANTY DEED  
JOINT TENANCY**

Lyle B. Lewis and Jean M. Lewis, husband and wife

of Leavenworth County, Kansas, convey and warrant to

Daryl L. Potts and Tamara D. Wilson-Potts, husband and wife

of Leavenworth County, Kansas, as joint tenants with rights of survivorship and not as tenants in common.

A tract in the Southeast Quarter of the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, described as: Beginning 494.32 feet North 00° East from the Southeast corner of said Southeast Quarter; thence South 89° 40' 58" West 440.0 feet; thence North 00° East 495.0 feet; thence North 89° 40' 58" East 440.0 feet to the east line of said Southeast Quarter; thence South 00° West 495.0 feet to the beginning. EXCEPT part taken or used for road.

Said property situated in Leavenworth County, Kansas, for the sum of One dollar and other good and valuable considerations Dollars, this 24<sup>th</sup> day of October, 1991

Lyle B. Lewis  
Jean M. Lewis  
Jean H. Lewis

STATE OF KANSAS, Leavenworth County, ss.

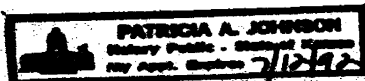
BE IT REMEMBERED, That on this 24<sup>th</sup> day of October, A. D. 1991

before me, a Notary Public in and for said County and State, came

Lyle B. Lewis and Jean M. Lewis, husband and wife

to me personally known to be the same person who executed the foregoing instrument, and he 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.



Patricia A. Johnson  
Patricia A. Johnson Notary Public

My notarial commission expires

7-12

1992

BOOK 658 PAGE 896



STATE OF KANSAS, \_\_\_\_\_ County, ss.

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_  
before me, a Notary Public in and for said County and State, came \_\_\_\_\_

to me personally known to be the same person\_\_\_\_ who executed the foregoing  
instrument, and \_\_\_\_\_he\_\_\_\_ 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.

My notarial commission expires \_\_\_\_\_ 19\_\_\_\_ Notary Public

STATE OF KANSAS, \_\_\_\_\_ County, ss.

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_  
before me, a Notary Public in and for said County and State, came \_\_\_\_\_

to me personally known to be the same person\_\_\_\_ who executed the foregoing  
instrument, and \_\_\_\_\_he\_\_\_\_ 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.

My notarial commission expires \_\_\_\_\_ 19\_\_\_\_ Notary Public

STATE OF KANSAS  
COUNTY OF LEAVENWORTH } SS  
FILED FOR RECORD

1991 OCT 24 P 4: 01

DORA J. PARMER  
REGISTER OF DEEDS

Justin A. Feltner DEP.

Address:  
1801 166th St.  
Bonner Springs KS 66012  
James: 606

THIS DEED MUST BE RECORDED

No. \_\_\_\_\_

WARRANTY DEED

JOINT TENANCY

FROM

TO

Entered in Transfer Record \_\_\_\_\_ in my  
office, this 25 day of Oct

A. D. 1991

Linda A. Schen  
County Clerk.

STATE OF KANSAS,

County, } ss.

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

Register of Deeds.

Deputy.

FEES.

Register of Deeds, for recording, \$ \_\_\_\_\_

County Clerk, for transfer, \$ \_\_\_\_\_

Total, \$ \_\_\_\_\_

Midwest Title Company, Inc.

FOURTH AND DELAWARE STREETS  
LEAVENWORTH, KANSAS 66048

600

AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I

Daryl L. Potts and Tamara D. Wilson Potts

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
1808 166th St. Bascher, KS 66007 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 20th day of May, 2024

Daryl L. Potts 18081 166th St. Bascher KS 66007

Print Name, Address, Telephone

913 416 2345

Signature

STATE OF KANSAS )

) SS

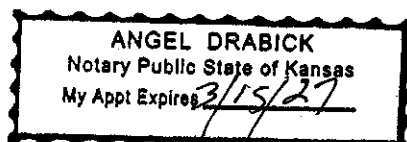
COUNTY OF LEAVENWORTH )

Be it remember that on this 20th day of May, 2024, before me, a notary public in and for said County and State came Daryl & Tamara Potts 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.

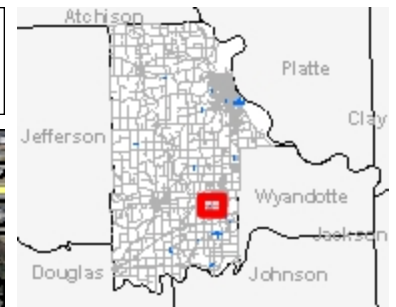
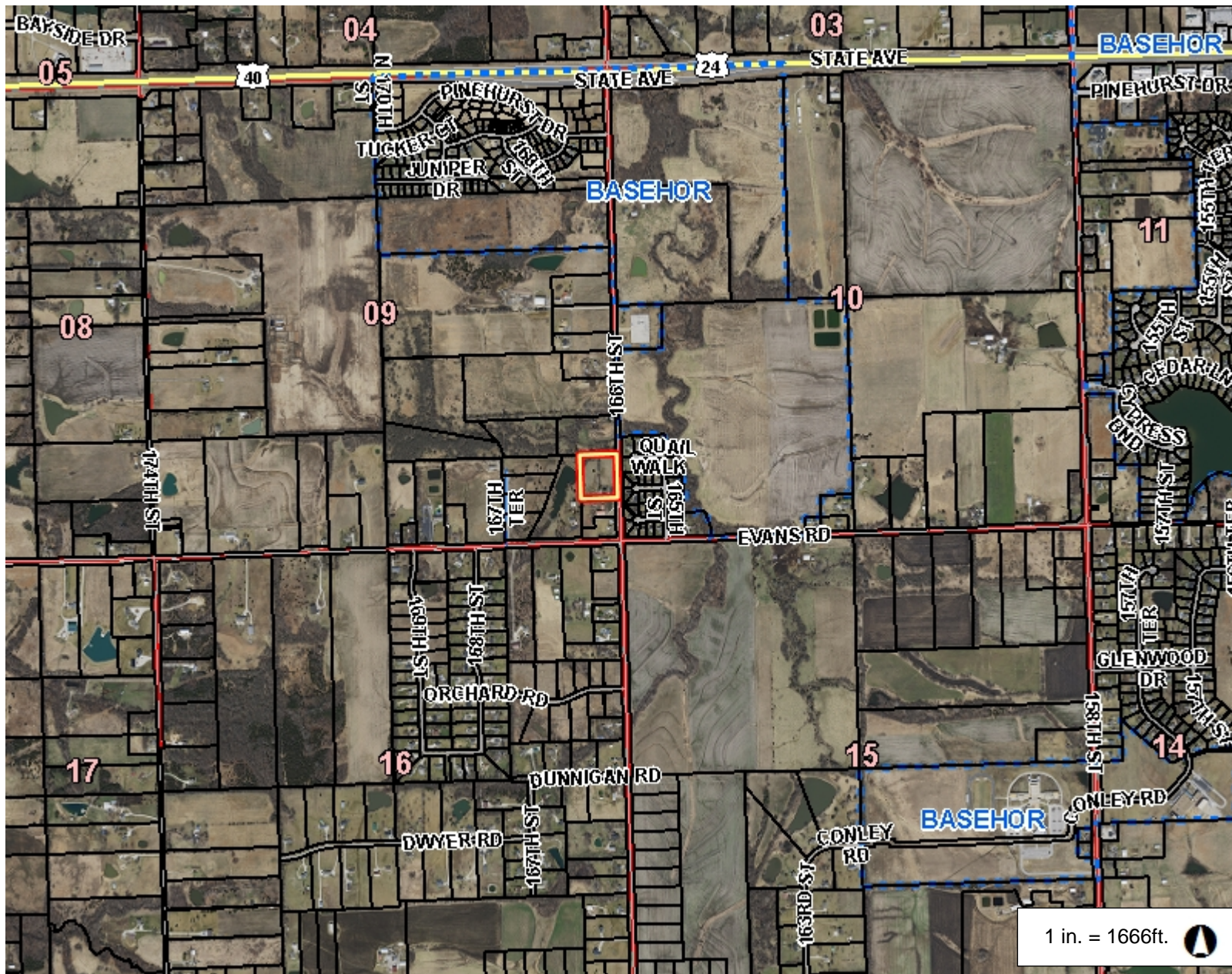
NOTARY PUBLIC

My Commission Expires: 3/15/2027

(seal)



# 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

1 in. = 1666ft.



3,332.1 0 1,666.04 3,332.1 Feet

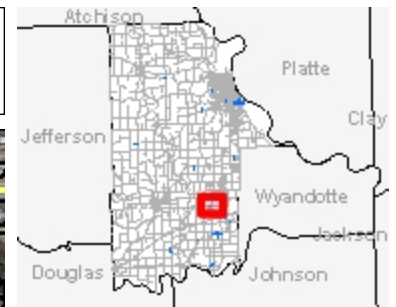
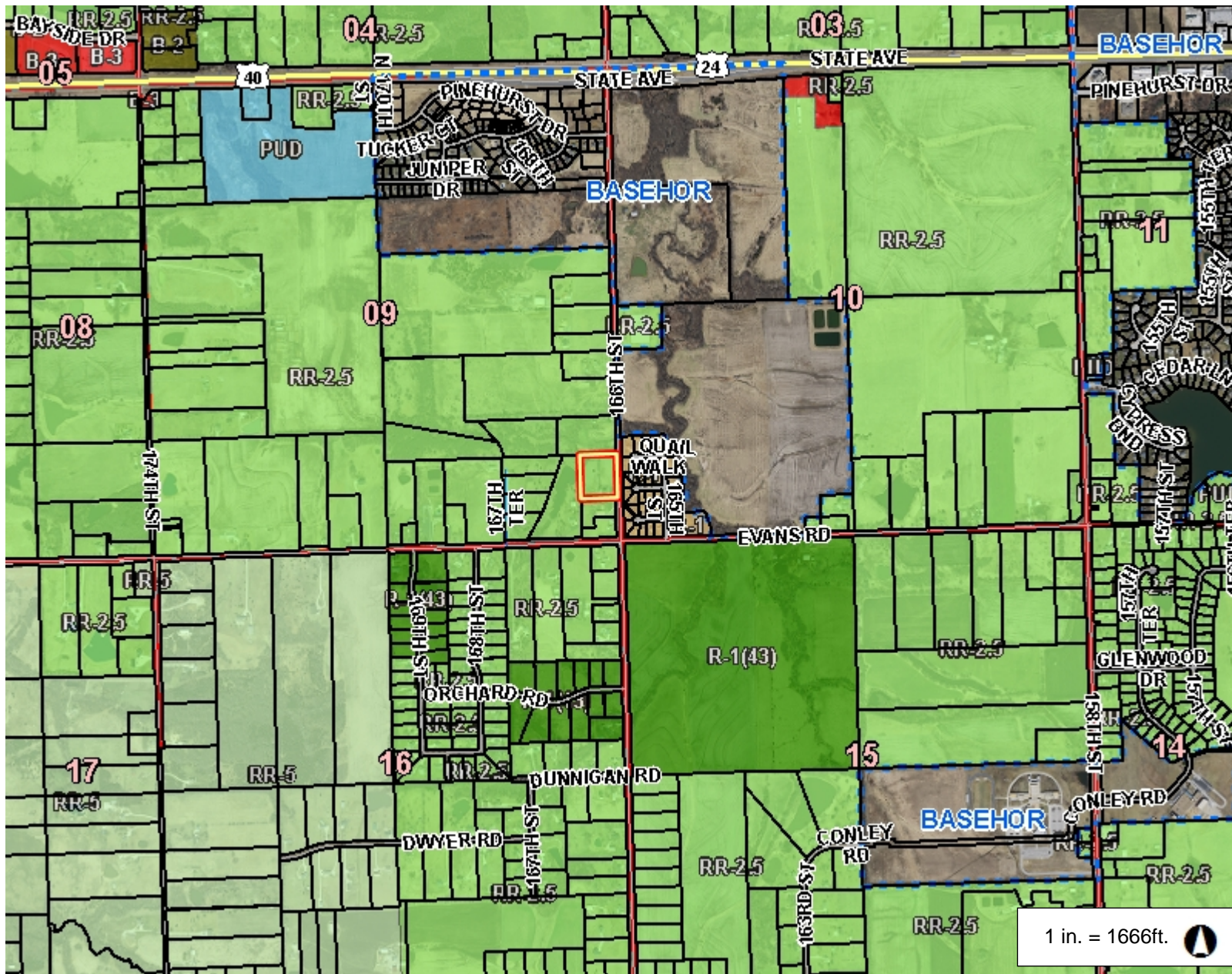
This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes



# 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

3,332.1 0 1,666.04 3,332.1 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



# SERENITY ACRES

A Minor Subdivision in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
POTTS,DARYL L & WILSON-POTTS,TAMARA D  
18081 166TH ST  
BASEHOR, KS 66007  
PID NO. 182-09-0-00-00-017

### 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
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) No off-plat restrictions.

### NOTE:

- On August 14, 2024, The Board of Zoning Appeals granted a variance from Ariclle 41 - Access Manangement Policy

Two variances are required.  
Remove note if BZA does not approve the two drives on lot that is 2.5-acre and not meeting minimum offset distance requirement for High Volume Collector.

Repeat Comment:  
Show gas line.  
Provide setback for residential structures from Gas Line.

This is the pin that Joe Herring set for Pioneer Acres plat. It shold have Cap # 1296. Verify on site and annotate correctly.

07-31-2024  
Combined  
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  
A - Arc Distance  
R - Arc Radius  
B - Chord Bearing  
C - Chord Distance  
///// - No Vehicle Entrance Access  
NS - Not Set this survey per agreement with client  
➔ - 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  
POB - Point of Beginning  
POC - Point of Commencing  
~ ~ ~ - Tree/Brush Line

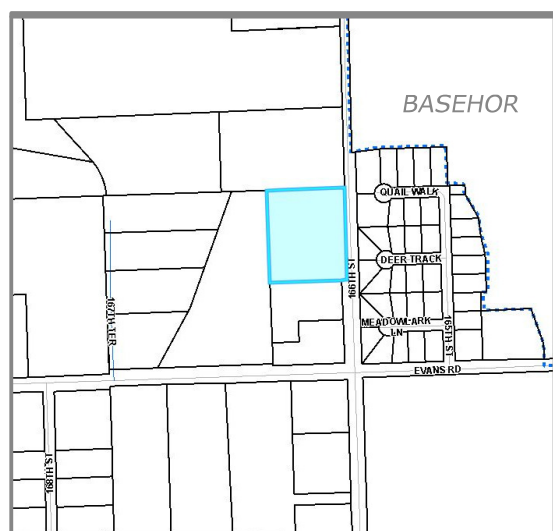
ZONING:  
RR 2.5 - Rural Residential 2.5

STORK,ALLAN F & MARION SUE  
PID NO. 182-09...016.04  
LOT 1B  
HEART LAND ESTATES  
Doc # 2020S026

TALLGRASS BUILDING COMPANY LLC  
PID No. 182-09-0-00-00-167  
PIONEER ACRES  
LOT 1  
Doc # 2023P00040

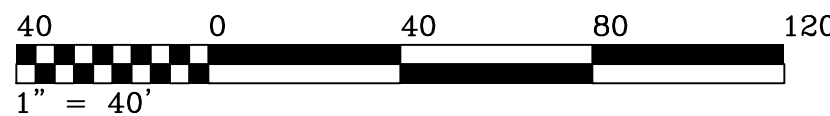
MC KENNA,GLEN J & ANGIE; CARROLL,FRANK JR & LISA MARIE  
PID NO. 182-09-0-00-00-016.05  
LOT 2  
HEART LAND ESTATES  
Doc # 2011P00006

LEAVENWORTH COUNTY



Scale 1" = 40'

Job # K-24-1792  
June 6, 2024 Rev. 7-14-24



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

Joseph A. Herring  
PS # 1296

## Schweitzer, Joshua

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Sunday, August 4, 2024 6:24 AM  
**To:** Schweitzer, Joshua  
**Cc:** PZ  
**Subject:** Re: DEV-24-071 & 072 Preliminary & Final Plat Serenity Acres  
**Attachments:** K-24-1792 Potts Serenity Acres PRELIM Rev 8-3-24.pdf; K-24-1792 Potts Serenity Acres FINAL Rev 8-3-24.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.

See attached revisions:  
PW Comments

- Setback lines - see correspondence with the Gas Company that does not require or request an additional setback line and one was not a part of Sunny Side or Heartland. There was one place on the North side (Sunny Side 2) of the property but that was placed at the request of PZ and the email from the Gas Company was delivered after the plat was approved.

- Per meeting and email with previous revision - plat will have all adjustments placed on it depending on BZA results

- Repeating Pin comment - PIONEER ACRES shows this pin as being found on that and the previous survey.

Cape, Tonya<Tonya.Cape@oneok.com>

?

?

?

To:You

Cc:Faherty, Jess

Thu 10/26/2023 3:44 PM

Joe,

What I am seeing easement wise is what was recorded in Book 400 at Page 369. It's the north 50' of the following described land:

The South 30 acres of the SE/4 SE/4

AND

The E/2 of the South 30 acres of the SW/4 SE/4

All in Section 9, Township 11 South, Range 22 East.



We can not ask for an additional setback beyond our easement limits. I'm not sure why you would be told that in this case. When we have a blanket easement and we are asked to define it down...those are currently defined to 100'....50' on each side of the pipeline. However, that is not what we have here at this location.



**Tonya Cape**

*Senior Real Estate Representative*

4022 SW 35th | Topeka, KS 66614

[www.oneok.com](http://www.oneok.com)

Phone: 913-310-7740 | Mobile: 816-896-0584

Email: [tonya.cape@magellanlp.com](mailto:tonya.cape@magellanlp.com)

---

**From:** Joe Herring <herringsurveying@outlook.com>

**Sent:** Thursday, October 5, 2023 7:57 AM

**To:** Cape, Tonya <Tonya.Cape@magellanlp.com>

**Cc:** Faherty, Jess <Jessica.Faherty@magellanlp.com>

**Subject:** Re: [External] Re: Sunny Side Road Plans

Sent by an external sender. Use caution opening attachments, clicking web links, or replying unless you have verified this email is legitimate.

Please see the attached recorded plat of Sunny Side 2.

The county made us place a 50 foot setback line from the existing gas line. This 50 foot line was not placed on Lot 4 Sunny Side Phase 1 (also attached). We only showed the 50' gas line easement. Is this a high pressure line with a 50 foot building setback on each line??

If so then we need to make a statement on the first phase and add a 17' additional restriction, if not then a house could be built up to the easement line??

Thank you - Joe Herring

---

J.Herring Inc., dba,Herring Surveying Company

315 N. 5th Street, Leavenworth, KS 66048

913-651-3858 - ROCK CHALK!

# SERENITY ACRES

A Minor Subdivision in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

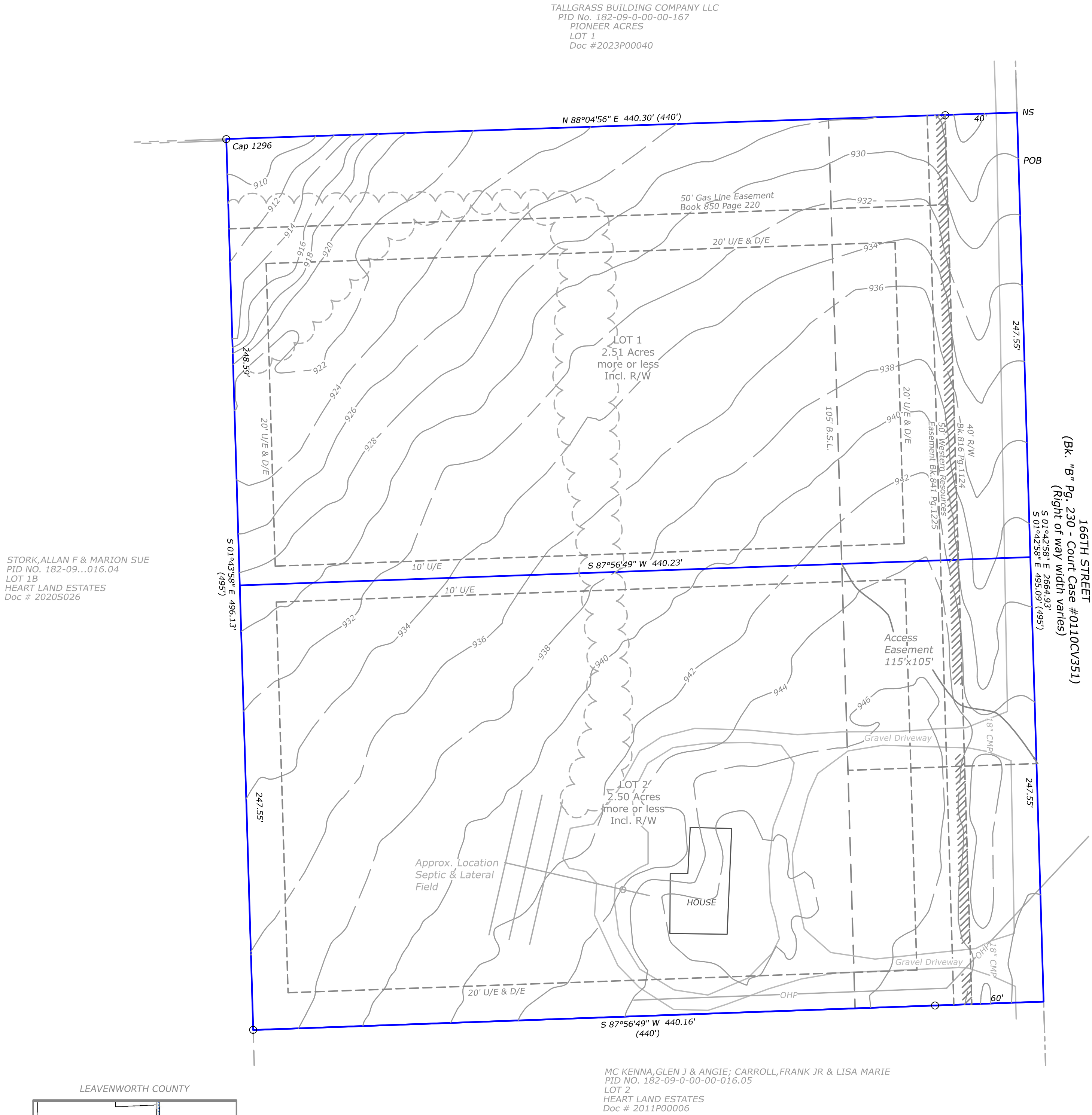
## PRELIMINARY PLAT

PREPARED FOR:  
POTTS,DARYL L & WILSON-POTTS,TAMARA D  
18081 166TH ST  
BASEHOR, KS 66007  
PID NO. 182-09-0-00-00-017

### 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
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) No off-plat restrictions.

- On August 14, 2024, The Board of Zoning Appeals granted a variance from Article 41 - Access Management Policy driveway spacing (Sec 6(B)(1)(a)) & one entrance per Lot under 3 Acres (Sec 6(B)(b)(III))



- 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
  - NS - Not Set this survey per agreement with client
  - - 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
  - POB - Point of Beginning
  - POC - Point of Commencing
  - ~ - Tree/Brush Line

### ZONING:

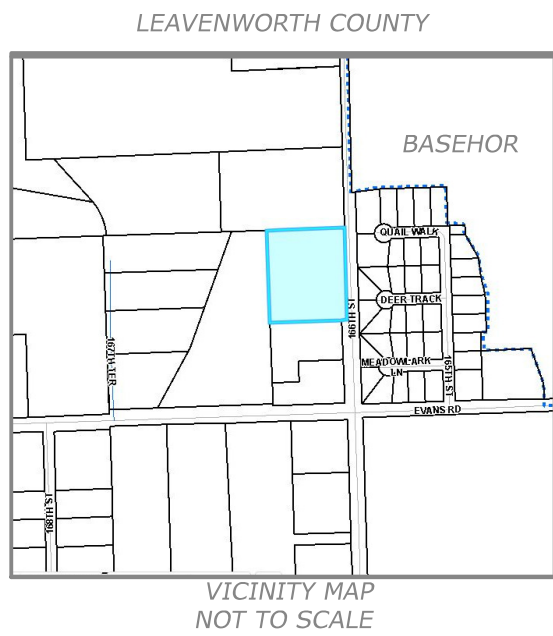
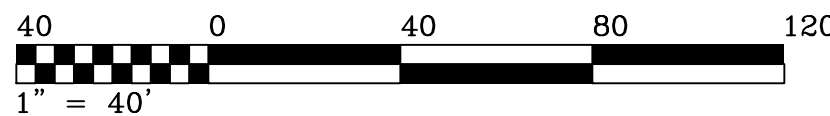
RR 2.5 - Rural Residential 2.5

### 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 - Plat - 1 : 1367002 - 5,0087 Acres, more or less
- 5) Basis of Bearing - KS SPC North Zone 1301
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Existing and Proposed Lots for Agriculture & Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD88
- 10) Project Benchmark (BM) - NE COR SE 1/4 Section 9 - Elev - 932.27'
- 11) Easements, if any, are created hereon or listed in referenced title commitment.
- 12) Reference Recorded Deed Book 658 Page 896
- 13) Utility Companies
  - Water - Suburban
  - Electric - Evergy
  - Sewer - Septic / Lagoon
  - Gas - Propane / Natural Gas
- 14) Reference Security First Title File No. 3079723 updated June 3, 2024
- 15) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0327G dated July 16, 2015
- 16) Building Setback Lines as shown hereon or noted below
  - All side yard setbacks - 15' (Accessory - 15')
  - All rear yard setbacks - 40' (Accessory - 15')
- 17) Distances to and of structures, if any, are +- 1'.
- 18) Easements as per referenced Title Commitment are shown hereon, if any.
- 19) Fence Lines do not necessarily denote the boundary line for the property.
- 20) Reference Surveys:
  - WITT SUBDIVISION Survey Book 15 #92, 2005 - NKA2005P00092
  - HEART LAND ESTATES Doc # 2011P00006
  - SUNNY SIDE ESTATES Doc # 2021P00031
  - PIONEER ACRES Doc # 2023P00040
  - JAH - J.A.Herring Survey Doc # 2022S016 & 2023S009
  - Heart Land Estates Lot Split Doc #2020S026



Scale 1" = 40'



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

Joseph A. Herring  
PS # 1296



# SERENITY ACRES

A Minor Subdivision in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
POTTS,DARYL L & WILSON-POTTS,TAMARA D  
18081 166TH ST  
BASEHOR, KS 66007  
PID NO. 182-09-0-00-00-017

### RECORD DESCRIPTION:

A tract in the Southeast Quarter of the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, described as: Beginning 494.32 feet North 00° East from the Southeast corner of said Southeast Quarter; thence South 89° 40' 58" West 440.0 feet; thence North 00° East 495.0 feet; thence North 89° 40' 58" East 440.0 feet to the east line of said Southeast Quarter; thence South 00° West 495.0 feet to the beginning. EXCEPT part taken or used for road.

### 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
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) No off-plat restrictions.

### NOTE:

- On August 14, 2024, The Board of Zoning Appeals granted a variance from Article 41 - Access Manangement Policy driveway spacing (Sec 6(B)(1)(a)) & one entrance per Lot under 3 Acres (Sec 6(B)(b)(III))

### 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: SERENITY 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 SERENITY ACRES, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

DARYL L. POTTS

TAMARA D. WILSON-POTTS

### NOTARY CERTIFICATE:

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State came Daryl L. Potts and Tamara D. Wilson-Potts, husband and wife, 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 SERENITY ACRES 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 SERENITY ACRES this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Chairperson

Jeff Culbertson

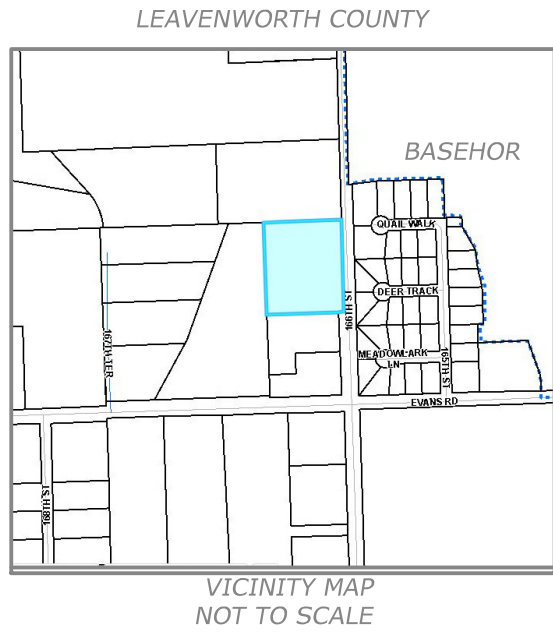
County Clerk

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



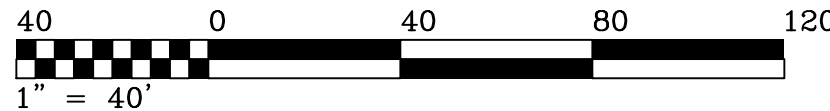
I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Reviewed 2024.08.05 No Comments

Daniel Baumchen, PS#1363  
County Surveyor



Scale 1" = 40'



### 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
- NS - Not Set this survey per agreement with client

### 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 - Plat - 1 : 1367002 - 5.0087 Acres, more or less
- 5) Basis of Bearing - KS SPC North Zone 1301
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Existing and Proposed Lots for Agriculture & Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD83 Project Benchmark (BM) - NE COR SE 1/4 Section 9 - Elev - 932.27'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Book 658 Page 896
- 12) Utility Companies -
  - Water - Suburban
  - Electric - Evergy
  - Sewer - Septic / Lagoon
  - Gas - Propane / Natural Gas
- 13) Reference Security First Title File No. 3079723 updated June 3, 2024
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  - All rear yard setbacks - 40' (Accessory - 15')
- 16) Distances to and of structures, if any, are +- 1'.
- 17) Easements as per referenced Title Commitment are shown hereon, if any.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:
  - WITT SUBDIVISION Survey Book 15 #82, 2005 - NKA2005P00092
  - HEART LAND ESTATES Doc # 2011P00006
  - SUNNY SIDE ESTATES Doc # 2021P00031
  - PIONEER ACRES Doc # 2023P00040
  - JAH - J.A.Herring Survey Doc # 2022S016 & 2023S009
  - Heart Land Estates Lot Split Doc #2020S026



7-31-24 Comments:

If BZA does not approve two variance requests amend the drainage report to concur with removal of a driveway on Lot 2. Otherwise, the DR is approved.

Serenity Acres  
Leavenworth County Kansas

Drainage Report

June 5, 2024

Revised July 17, 2024



## Schweitzer, Joshua

---

**From:** Krystal A. Voth <kvoth@cityofbasehor.org>  
**Sent:** Friday, June 7, 2024 3:16 PM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-24-071 & 072 Preliminary & Final Plat Serenity Acres - 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.

Mr. Schweitzer,

Thank you for sending this over. The City of Basehor has no comment.

Respectfully,

**Krystal A. Voth, CFM**  
Planning & Zoning Director  
City of Basehor, KS  
1600 N 158<sup>th</sup> Street  
913-724-1370  
CityofBasehor.org



---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Friday, June 7, 2024 3:00 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Krystal A. Voth <kvoth@cityofbasehor.org>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-24-071 & 072 Preliminary & Final Plat Serenity Acres - Herring

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 2-lot subdivision at 18081 166th St. (182-09-0-00-00-017)



## Allison, Amy

---

**From:** Yoakam, Aaron  
**Sent:** Monday, March 27, 2023 3:18 PM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-23-040/041 Preliminary and Final Plat – Pioneer Acres

No the future capacity is completed, and it is also not in the original agreement.

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Monday, March 27, 2023 2:55 PM  
**To:** Yoakam, Aaron <AYoakam@leavenworthcounty.gov>  
**Subject:** FW: RE: DEV-23-040/041 Preliminary and Final Plat – Pioneer Acres

Good Afternoon Aaron,

The attached subdivision is within 660' of the Giger Creek Subdivision/sewer district. Is there capacity at this sewer district at this time?

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

---

**From:** Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Friday, March 17, 2023 3:29 PM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@lvsheriff.org](mailto:jpatzwald@lvsheriff.org)>; Van Parys, David <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>; 'butchbollin@yahoo.com' <[butchbollin@yahoo.com](mailto:butchbollin@yahoo.com)>; 'DesignGroupShawnee@evergy.com' <[DesignGroupShawnee@evergy.com](mailto:DesignGroupShawnee@evergy.com)>; 'Travis@suburbanwaterinc.com' <[Travis@suburbanwaterinc.com](mailto:Travis@suburbanwaterinc.com)>; 'Krystal A. Voth' <[kvoth@cityofbasehor.org](mailto:kvoth@cityofbasehor.org)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** RE: DEV-23-040/041 Preliminary and Final Plat – Pioneer Acres

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a one-lot subdivision at 18209 166th St (PID 182-09-0-00-00-018.07).

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 Friday, March 25, 2023.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [Aallison@LeavenworthCounty.org](mailto:Aallison@LeavenworthCounty.org).

Thank you,

## Schweitzer, Joshua

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Thursday, June 6, 2024 2:30 PM  
**To:** PZ  
**Subject:** Fw: Serenity Acres

**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.

See below

Thank you - Joe Herring

---

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

---

**From:** Travis Miles <Travis@suburbanwaterinc.com>  
**Sent:** Thursday, June 6, 2024 2:28 PM  
**To:** Joe Herring <herringsurveying@outlook.com>  
**Subject:** Re: Serenity Acres

Joe,

Suburban Water will provide water service to Serenity Acres.

**Travis J Miles**  
*CEO/President*  
Suburban Water, Inc.  
1216 N 155<sup>th</sup> Street, PO BOX 588  
Basehor, KS 66007  
Office: (913) 724-1800  
Fax: (913) 724-1505  
Cell: (913) 238-0040  
[travis@suburbanwaterinc.com](mailto:travis@suburbanwaterinc.com)

This email and any files transmitted with it may be confidential and/or contain Suburban Water, Inc. proprietary information intended solely for the use of only the individual to which it is addressed. If you are not the intended recipient, please be advised that you have received this email in error and that any use, dissemination, forwarding, printing, or copying of this email and any attachments is strictly prohibited. If you

## Schweitzer, Joshua

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Thursday, June 6, 2024 2:14 PM  
**To:** PZ  
**Subject:** Fw: Serenity Acres

**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.

See below

Thank you - Joe Herring

---

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

---

**From:** Mike Lingenfelter <lingenfelterm@fairmountfd.org>  
**Sent:** Tuesday, June 4, 2024 11:36 AM  
**To:** Joe Herring <herringsurveying@outlook.com>  
**Subject:** Re: Serenity Acres

Joe  
Fairmount Township can provide fire protection to the split.  
*Mike Lingenfelter, Fire Chief*  
*Fairmount Township Fire Department*  
2624 N 155th St  
Basehor, Kansas 66007  
Work-[913-724-4911](tel:913-724-4911)  
Cell [913-306-0258](tel:913-306-0258)

On Tue, Jun 4, 2024 at 11:28 AM Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)> wrote:  
Please provide the standard service letters for this proposed division of land.  
Provided document is preliminary.

Thank you - Joe Herring

---

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



## Schweitzer, Joshua

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Thursday, June 6, 2024 2:14 PM  
**To:** PZ  
**Subject:** Fw: [EXTERNAL]Serenity Acres

**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.

See below

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:** Wednesday, June 5, 2024 7:37 AM  
**To:** Joe Herring <herringsurveying@outlook.com>; Travis Miles <Travis@suburbanwaterinc.com>; Mike Lingenfelser <lingenfelserm@fairmountfd.org>  
**Subject:** Re: [EXTERNAL]Serenity Acres

Internal Use Only

Evergy will serve power to the proposed land development.

FYI this property falls within the service territory out of Shawnee so as someone gets closer to needing power they will need to work through that team.

Thanks,

**Boone Heston**

TD Designer  
Leavenworth, KS

**Evergy**

[Boone.Heston@evergy.com](mailto:Boone.Heston@evergy.com)

O 913-758-2724

---

## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Friday, June 21, 2024 9:23 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-24-071 & 072 Preliminary & Final Plat Serenity Acres - Herring

We have not received any complaints on this property, and it appears the septic system will remain on the same lot at 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:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Friday, June 7, 2024 3:00 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; 'kvoth@cityofbasehor.org' <kvoth@cityofbasehor.org>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-24-071 & 072 Preliminary & Final Plat Serenity Acres - Herring

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 2-lot subdivision at 18081 166th St. (182-09-0-00-00-017)

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 June 21st.

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

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning  
300 Walnut St, Suite 212

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Serenity Acres Subdivision  
**Date:** July 09, 2024

Amy, I have reviewed the preliminary plat of the Serenity Acres Subdivision presented by Daryl and Tamara Potts. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed, fire hydrant should be placed along the right-a-way of 166<sup>th</sup> Street along the right away between Lot 1 and Lot 2. This will meet the requirement for the subdivision.

I have no further recommendation for this subdivision.

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



## Schweitzer, Joshua

---

**From:** McAfee, Joe  
**Sent:** Wednesday, August 28, 2024 2:19 PM  
**To:** Schweitzer, Joshua; 'Mitch Pleak'; Baumchen, Daniel; Noll, Bill  
**Cc:** PZ  
**Subject:** RE: DEV-24-071 & 072 Preliminary & Final Plat Serenity Acres  
**Attachments:** K-24-1792 Potts Serenity Acres FINAL Rev 8-15-24.pdf; K-24-1792 Potts Serenity Acres PRELIM Rev 8-15-24.pdf

Joshua,

PP and FP reviews are attached. Typing errors only, once fixed there is no reason for us to re-review.

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Friday, August 16, 2024 8:03 AM  
**To:** 'Mitch Pleak' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-24-071 & 072 Preliminary & Final Plat Serenity Acres

Good Morning,

Attached is the updated revisions addressing the comments that was sent yesterday.

v / r

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

# SERENITY ACRES

A Minor Subdivision in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
POTTS,DARYL L & WILSON-POTTS,TAMARA D  
18081 166TH ST  
BASEHOR, KS 66007  
PID NO. 182-09-0-00-00-017

### 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
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) Lots 1 and 2 share an access point to 166th Street. Maintenance for the common access area shall be shared by Lots 1 and 2.
- 7) No off-plat restrictions.

### NOTE:

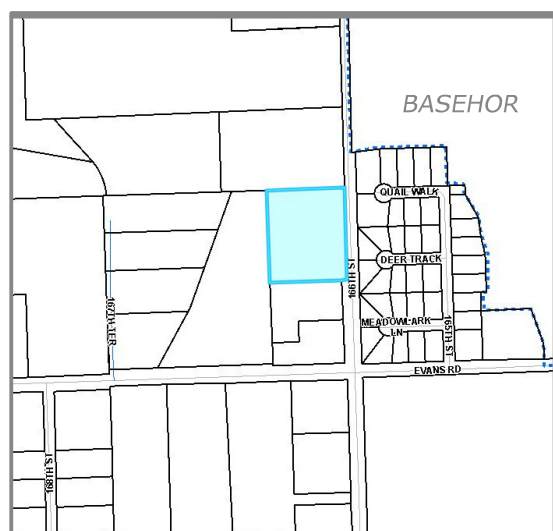
- On August 14, 2024, The Board of Zoning Appeals granted a variance from Aricle 41 - Access Manangement Policy driveway spacing (Sec 6(B)(1)(a)) & one entrance per Lot under 3 Acres (Sec 6(B)(b)(III))

TALLGRASS BUILDING COMPANY LLC  
PID No. 182-09-0-00-00-167  
PIONEER ACRES  
LOT 1  
Doc # 2023P00040

STORK,ALLAN F & MARION SUE  
PID NO. 182-09-0-016.04  
LOT 1B  
HEART LAND ESTATES  
Doc # 2020S026

MC KENNA,GLEN J & ANGIE; CARROLL,FRANK JR & LISA MARIE  
PID NO. 182-09-0-00-00-016.05  
LOT 2  
HEART LAND ESTATES  
Doc # 2011P00006

LEAVENWORTH COUNTY



VICINITY MAP  
NOT TO SCALE

08-28-2024  
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
  - A - Arc Distance
  - R - Arc Radius
  - B - Chord Bearing
  - C - Chord Distance
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client
  - - 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
  - POB - Point of Beginning
  - POC - Point of Commencing
  - ~ - Tree/Brush Line

### ZONING:

RR 2.5 - Rural Residential 2.5

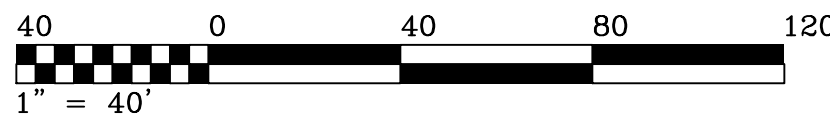
### NOTES:

- 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 - Plat - 1 : 1367002 - 5.0087 Acres, more or less
- 5) Basis of Bearing - KS SPC North Zone 1301
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Existing and Proposed Lots for Agriculture & Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD88
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Book 658 Page 896
- 12) Utility Companies
  - Water - Suburban
  - Electric - Evergy
  - Sewer - Septic / Lagoon
  - Gas - Propane / Natural Gas
- 13) Reference Security First Title File No. 3079723 updated June 3, 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 - 15' (Accessory - 15')
  - All rear yard setbacks - 40' (Accessory - 15')
- 16) Distances to and of structures, if any, are +- 1'.
- 17) Easements as per referenced Title Commitment are shown hereon, if any.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:
  - WITT SUBDIVISION Survey Book 15 #92, 2005 - NKA2005P00092
  - HEART LAND ESTATES Doc # 2011P00006
  - SUNNY SIDE ESTATES Doc # 2021P00031
  - PIONEER ACRES Doc # 2023P00040
  - JAH - J.A.Herring Survey Doc # 2022S016 & 2023S009
  - Heart Land Estates Lot Split Doc #2020S026



Scale 1" = 40'

Job # K-24-1792  
June 6, 2024 Rev. 8-15-24  
J Herring, Inc. (dba)  
HERRING  
SURVEYING  
& COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5361  
Email - survey@leamcash.com



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

Joseph A. Herring  
PS # 1296



# SERENITY ACRES

A Minor Subdivision in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
POTTS,DARYL L & WILSON-POTTS,TAMARA D  
18081 166TH ST  
BASEHOR, KS 66007  
PID NO. 182-09-0-00-00-017

RECORD DESCRIPTION:  
A tract in the Southeast Quarter of the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, described as: Beginning 494.32 feet North 00° East from the Southeast corner of said Southeast Quarter; thence South 89° 40' 58" West 440.0 feet; thence North 00° East 495.0 feet; thence North 89° 40' 58" East 440.0 feet to the east line of said Southeast Quarter; thence South 00° West 495.0 feet to the beginning. EXCEPT part taken or used for road.

### 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
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) Lots 1 and 2 share an access point to 166th Street. Maintenance for the common access area shall be shared by Lots 1 and 2.
- 7) No off-plat restrictions.

### NOTE:

- On August 14, 2024, The Board of Zoning Appeals granted a variance from Article 41 - Access Manangement Policy driveway spacing (Sec 6(B)(1)(a)) & one entrance per Lot under 3 Acres (Sec 6(B)(b)(III))

### 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: SERENITY 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 SERENITY ACRES, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

DARYL L. POTTS

TAMARA D. WILSON-POTTS

### NOTARY CERTIFICATE:

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State came Daryl L. Potts and Tamara D. Wilson-Potts, husband and wife, 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 SERENITY ACRES 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 SERENITY ACRES this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Chairperson  
Jeff Culbertson

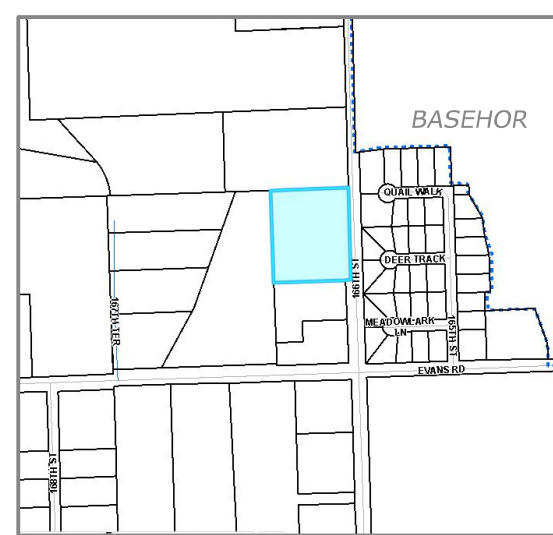
County Clerk  
Attest: Janet Klasinski

### 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

### LEAVENWORTH COUNTY



VICINITY MAP  
NOT TO SCALE

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 Baurnchen, PS#1363  
County Surveyor



Scale 1" = 40'

Job # K-24-1792  
June 6, 2024 Rev. 8-5-24  
J. Herring, Inc. (dba)  
HERRING SURVEYING  
& COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5361  
Email - survey@leamcsh.com

40 0 40 80 120  
1" = 40'

08-28-2024  
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
- A - Arc Distance
- R - Arc Radius
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- C - Chord Distance
- //// - No Vehicle Entrance Access
- NS - Not Set this survey per agreement with client

### 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.
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- 5) Basis of Bearing - KS SPC North Zone 1301
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Existing and Proposed Lots for Agriculture & Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD83 Project Benchmark (BM) - NE COR SE 1/4 Section 9 - Elev - 932.27'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Book 658 Page 896
- 12) Utility Companies -
  - Water - Suburban
  - Electric - Evergy
  - Sewer - Septic / Lagoon
  - Gas - Propane / Natural Gas
- 13) Reference Security First Title File No. 3079723 updated June 3, 2024
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRN Map 20103C0327G 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) Distances to and of structures, if any, are +- 1'.
- 17) Easements as per referenced Title Commitment are shown hereon, if any.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:
  - WITT SUBDIVISION Survey Book 15 #92, 2005 - NKA2005P00092
  - HEART LAND ESTATES Doc # 2011P00006
  - SUNNY SIDE ESTATES Doc # 2021P00031
  - PIONEER ACRES Doc # 2023P00040
  - JAH - J.A.Herring Survey Doc # 2022S016 & 2023S009
  - Heart Land Estates Lot Split Doc #2020S026



**Leavenworth County  
Request for Board Action  
Resolution 2024-22  
Rezoning from RR-5 to RR-2.5**

**Date:** September 4, 2024  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** John Jacobson, Reviewed

**Additional Reviews as needed:**

**Budget Review** ☐ **Administrator Review** ☒ **Legal Review** ☒

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**Action Requested:**

Chairman, I move to adopt Resolution 2024-22 and approve the rezoning as outlined in Case DEV-24-094 based on the findings on the Golden Factors, as set forth in the Staff Report and as substantiated by the findings of fact as adopted by the Planning Commission.

**Analysis:** The applicants are requesting a rezoning of 20995 Honey Creek Road, 00000 Honey Creek Road and 16625 206<sup>th</sup> Street 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. 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 almost one mile to the west with multiple county properties in between, therefore making extension of sanitary sewer (necessary for 3 units/acre) unlikely.

**Planning Commission Recommendation:** The Planning Commission voted 8-0 (1 absent) to recommend approval of Case No. DEV-24-094 (Resolution 2024-22) rezoning request from RR-5 to RR-2.5.

**Alternatives:**

1. Approve case DEV-24-094 (Resolution 2024-22), Rezoning Request from RR-5 to RR-2.5 with Findings of Fact; or
2. Deny case DEV-24-094 (Resolution 2024-22), Rezoning Request from RR-5 to RR-2.5 with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2024-22, Rezoning Request from RR-5 to RR-2.5 with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- ☒ Not Applicable
- ☐ Budgeted item with available funds
- ☐ Non-Budgeted item with available funds through prioritization
- ☐ Non-Budgeted item with additional funds requested

**Total Amount Requested:**

\$0.00

**Additional Attachments:** Staff Report, Planning Commission Minutes

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-24-094 BARAGARY REZONE

AUGUST 14, 2024

**REQUEST: *Public Hearing Required***

☒ ZONING AMENDMENT                      ☐ SPECIAL USE PERMIT  
☐ TEMPORARY SPECIAL USE PERMIT

**STAFF REPRESENTATIVE:**

AMY ALLISON  
DEPUTY DIRECTOR

**SUBJECT PROPERTY:** 20995 HONEY CREEK RD, 00000 HONEY CREEK RD & 16625 206<sup>TH</sup> ST

**APPLICANT/APPLICANT AGENT:**  
JOE HERRING  
HERRING SURVEYING COMPANY

**FUTURE LAND USE MAP:** RESIDENTIAL 3 UNITS PER ACRE

**PROPERTY OWNER:**

WILLIAM & KATHLEEN  
BARAGARY  
19966 TONGANOXIE DR  
TONGANIXE KS 66086  
WAYNE & JENNICE BARAGARY  
20995 HONEY CREEK RD  
TONGANOXIE KS 66086

**CONCURRENT APPLICATIONS:**

N/A



**LAND USE**

ZONING: RR-5 to R-2.5

SUBDIVISION: N/A

**LEGAL DESCRIPTION:**

Three tracts of land in Southeast Quarter of Section 22, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

FLOODPLAIN: N/A

**PROPERTY INFORMATION**

**STAFF RECOMMENDATION: APPROVAL**

PARCEL SIZE: 160 ACRES

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-24-094, Rezone for Baragary, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-094, Rezone for Baragary, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL ID NO:  
195-22-0-00-00-005.00, -005.01. & -005.02

**BUILDINGS:**  
TWO SINGLE FAMILY RESIDENCES  
AND ACCESSORY STRUCTURES

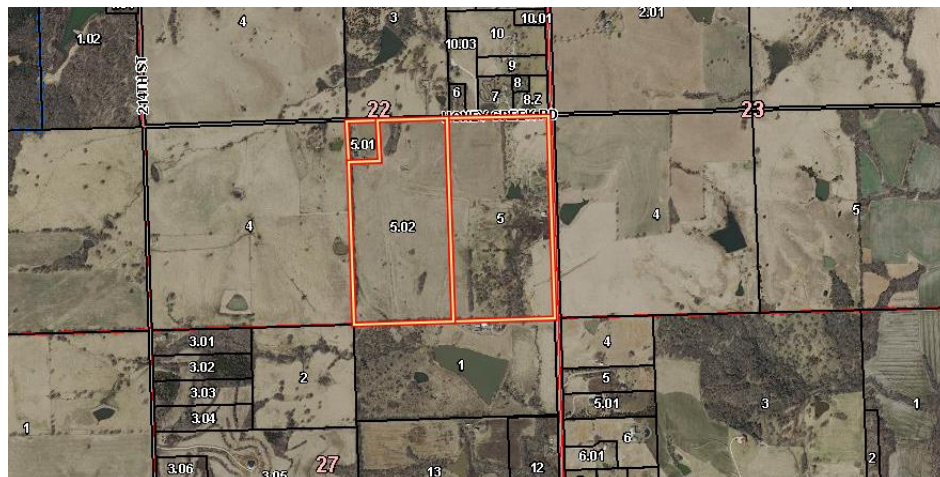
**ACCESS/STREET:**  
HONEY CREEK ROAD  
LOCAL, GRAVEL, ±18' WIDE  
206<sup>TH</sup> STREET  
ARTERIAL, PAVED, ±32' WIDE

**PROJECT SUMMARY:**

Request to rezone three parcels at 20995 HONEY CREEK RD, 00000 HONEY CREEK RD & 16625 206<sup>TH</sup> ST  
(PID: 195-22-0-00-00-005.00, -005.01. & -005.02).

**UTILITIES**

**Location Map:**



SEWER: SEPTIC

FIRE: STRANGER

WATER: SUBURBAN WATER

ELECTRIC: EVERGY

**NOTICE & REVIEW:**

STAFF REVIEW: 7/25/2024

NEWSPAPER NOTIFICATION:  
7/23/2024

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
7/23/2024

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
7/23/2024



<b>FACTORS TO BE CONSIDERED:</b>		
<i><b>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</b></i>	<b>Met</b>	<b>Not Met</b>
<b>1. Character of the Neighborhood:</b> <i>Density:</i> Surrounding parcels range in size from 1.1 acres to more than 150 acres. The area is not densely populated.  <i>Nearby City Limits:</i> Tonganoxie is ¾ mile to the west.  <i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.	X	
<b>2. Zoning and uses of nearby property:</b> <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature.  <i>Adjacent Zoning:</i> Most adjoining parcels are zoned RR-5 however the parcel to the northwest is zoned RR-2.5.	X	
<b>3. Suitability of the Property for the uses to which it has been restricted:</b> The property is suitable for rural residences and agricultural uses.	X	
<b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b> <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.</i>	X	
<b>5. Length of time the property has been vacant as zoned:</b> <input checked="" type="checkbox"/> Vacant: 00000 Honey Creek Road <input checked="" type="checkbox"/> Not Vacant: 20995 Honey Creek Road & 16625 206 <sup>th</sup> Street	X	
<b>6. Relative gain to economic development, public health, safety and welfare:</b> The rezoning does not impact economic development, public health, safety or welfare. In the event the parcels 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	
<b>7. Conformance to the Comprehensive Plan:</b> <i>Future Land Use Map: Residential (3 units per acre)</i> <i>Section 4 Land Use and Development Plan Strategies: The proposed use is compatible with the future land use designation.</i>	X	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*. 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 almost one mile to the west with multiple county properties in between, therefore making extension of sanitary sewer (necessary for 3 units/acre) unlikely.

#### **ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Map
- C: Location map
- D: Memorandums



Handy

160  
Everyday Suburban  
22 " 21 464

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

Office Use Only	
Township: <u>Stranger</u>	Date Received: <u>07.12.2024</u>
Planning Commission Date	
Case No. <u>DEV-24-094</u>	Date Paid <u>07.11.2024</u>
Zoning District <u>RR 5</u>	Comprehensive Plan Land Use Designation <u>3 acre units</u>

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>BARAGARY, WILLIAM J &amp; KATHLEEN A</u> <u>BARAGARY, WAYNE E &amp; JENNICE M</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>19966 TONGANOXIE DR</u> <u>20995 HONEY CREEK RD</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Tonganoxie, KS 66086</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>N/A</u>

PROPOSED USE INFORMATION	
Proposed Land Use <u>Agriculture and Rural Residential</u>	
Current Zoning <u>RR-5</u>	Requested Zoning <u>RR 2.5</u>
Reason for Requesting Rezoning <u>Estate Planning to match Future Land Use</u>	

PROPERTY INFORMATION			
Address of Property	<u>16625 206TH ST, TONGANOXIE KS 66086</u>	<u>20995 HONEY CREEK RD</u>	<u>00000 HONEY CREEK RD</u>
Parcel Size	<u>80 Acres</u>	<u>5 Acres</u>	<u>75 Acres</u>
Current use of the property <u>Agriculture and Rural Residential Development</u>			
Present Improvements or structures <u>House and Agriculture Structures</u>			
PID	<u>195-22-0-00-00-005</u>	<u>195-22-0-00-00-005.01</u>	<u>195-22-0-00-00-005.02</u>

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 7-12-24 Date 7-12-24

ATTACHMENT A



AFFIDAVIT

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

We/I Kathleen A Baragary and William J Baragary

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - \_\_\_\_\_, 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. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2)  
Signed and entered this 25<sup>th</sup> day of June, 2024

William J & Kathleen A Baragary, 19966 Tonganoxie Dr, Tonganoxie Ks 66066  
Print Name, Address, Telephone

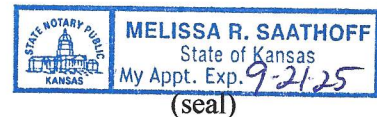
William J Baragary Kathleen A Baragary  
Signature

STATE OF KANSAS )  
 ) SS  
COUNTY OF LEAVENWORTH )

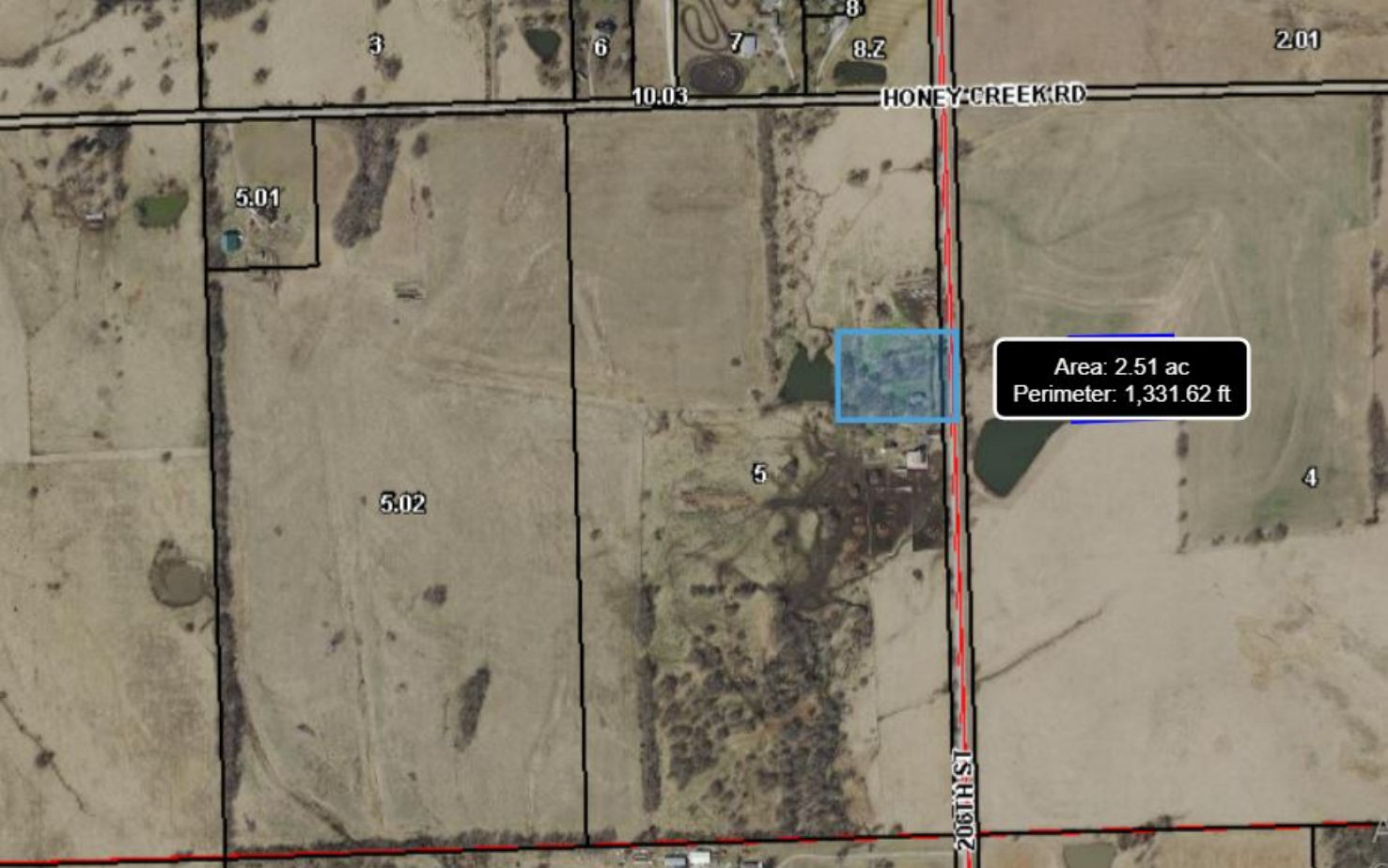
Be it remember that on this 25 day of June 2024, before me, a notary public in and for said County and State came William J Baragary, Kathleen A Baragary to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC Melissa R Saathoff

My Commission Expires: 9-21-25







3

6

7

8.2

2.01

10.03

HONEY CREEK RD

5.01

5.02

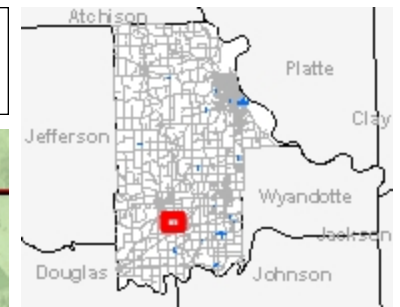
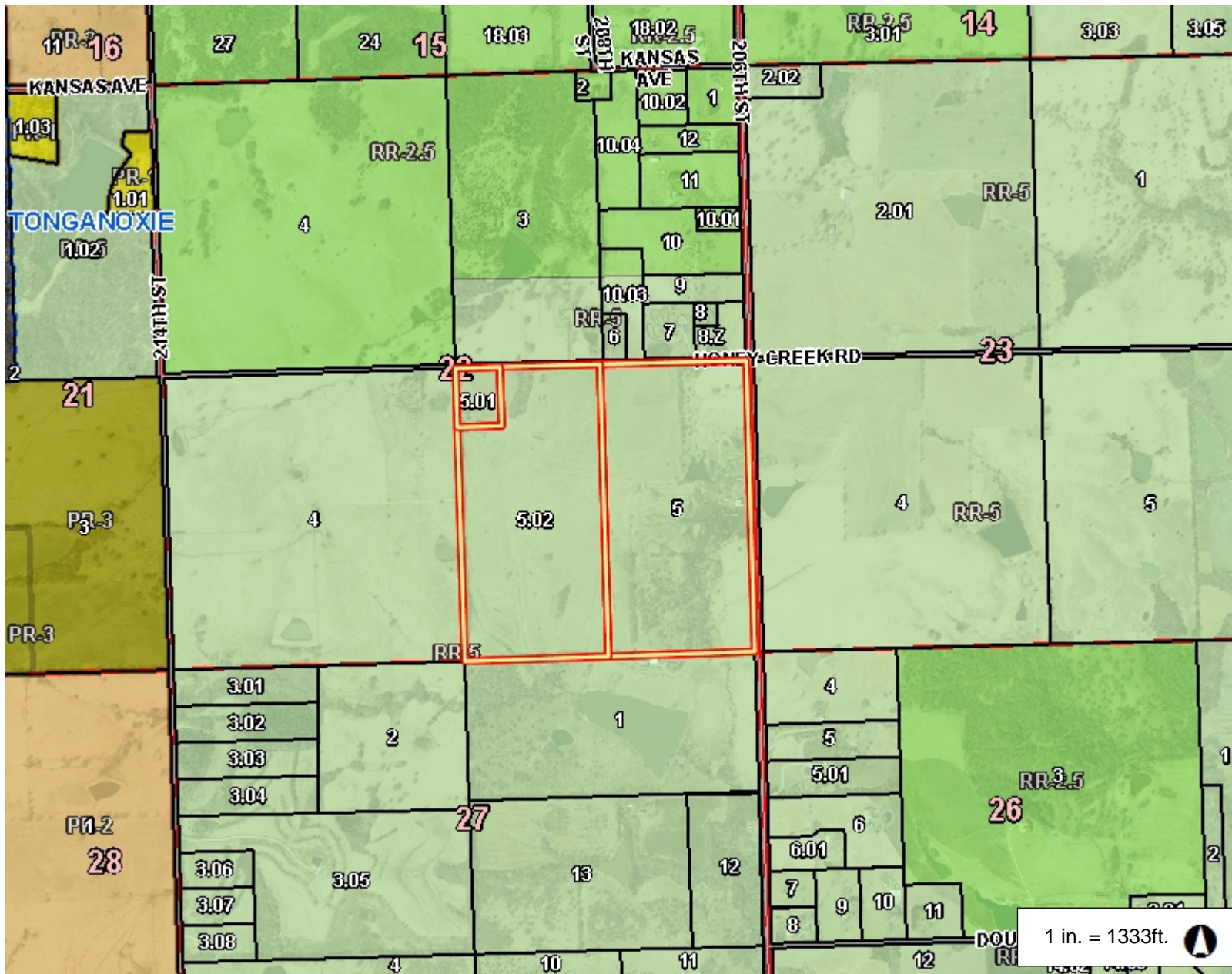
5

4

Area: 2.51 ac  
Perimeter: 1,331.62 ft

206TH ST

# DEV-24-094 Baragary 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

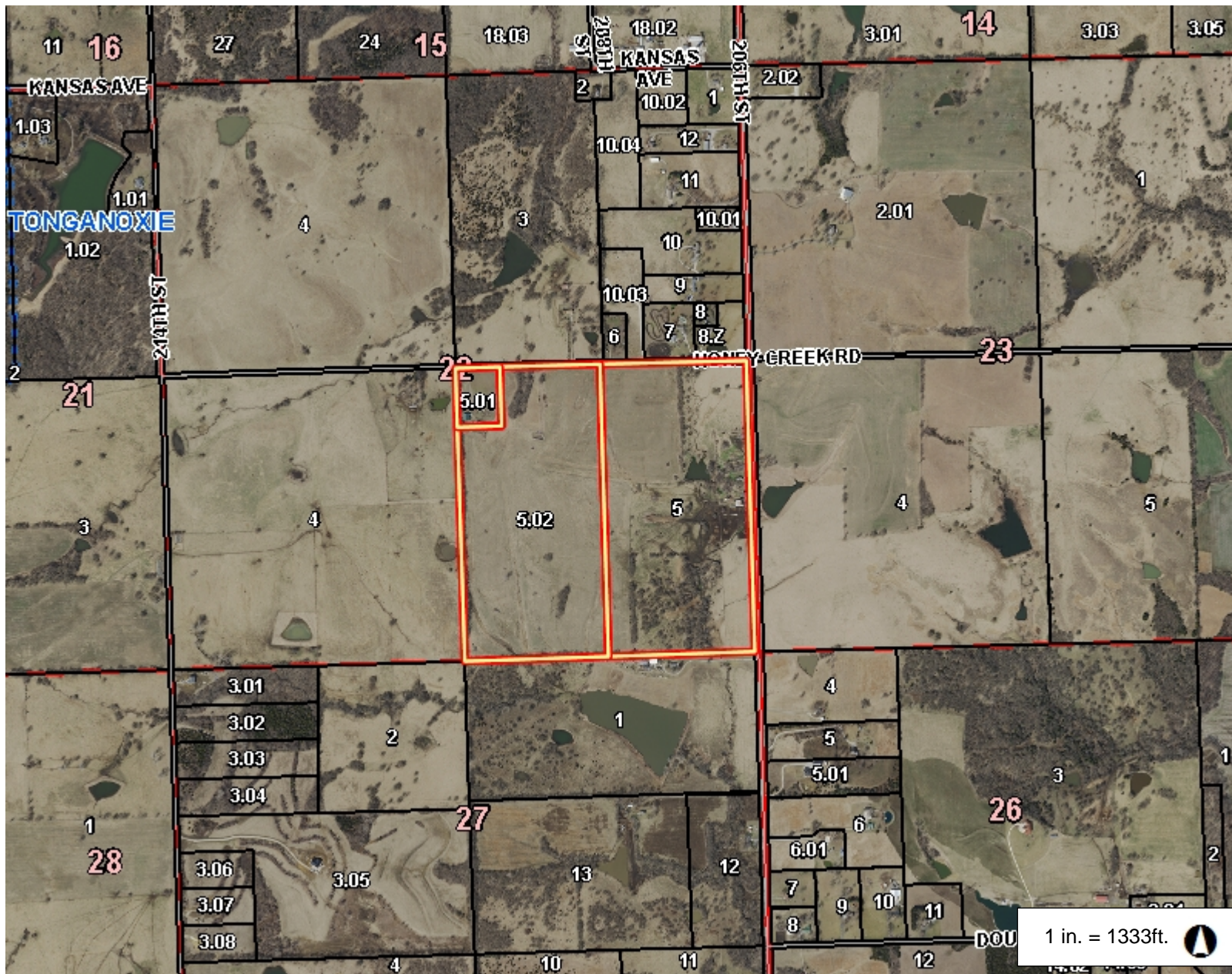
2,666.7 0 1,333.33 2,666.7 Feet

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-24-094 Baragary 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

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:** Steven Heath <Steven.Heath@evergy.com>  
**Sent:** Wednesday, July 17, 2024 4:06 PM  
**To:** Allison, Amy  
**Subject:** Re: DEV-24-094 Baragary 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

Thank you. In that case Evergy has no conflict. At the point of re-platting we may require easement be granted for existing lines that are currently running through the property.

### Steven Heath

Evergy  
TD Designer II  
[Steven.Heath@evergy.com](mailto:Steven.Heath@evergy.com)  
O: 785-865-4857  
C: 785-508-2550

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Wednesday, July 17, 2024 9:50 AM  
**To:** Steven Heath <Steven.Heath@evergy.com>  
**Subject:** RE: DEV-24-094 Baragary Rezone

Internal Use Only

### This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Good Morning Steven,

Attached is a concept plan the applicant has provided. They indicated that they are rezoning for estate planning purposes. They could choose to further subdivide in the future which would likely require platting. At that time you would be notified of the plat.

Sincerely,

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.*

---

**From:** Steven Heath <Steven.Heath@evergy.com>  
**Sent:** Wednesday, July 17, 2024 8:21 AM  
**To:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Subject:** Re: DEV-24-094 Baragary 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

Is this property being divided into separate parcels or are they just wishing to change the zoning of the existing property?

Thank you,

**Steven Heath**

Evergy

TD Designer II

[Steven.Heath@evergy.com](mailto:Steven.Heath@evergy.com)

O: 785-865-4857

C: 785-508-2550

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, July 16, 2024 4:41 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>; 'Travis@suburbanwaterinc.com' <Travis@suburbanwaterinc.com>; Design Group Lawrence Service Center <designgrouplawrenceservicecenter@evergy.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-24-094 Baragary 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 a rezoning application for the property located at 16625 206<sup>th</sup> St (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 July 30, 2024.

## Allison, Amy

---

**From:** Mark B <stfdchief1760@gmail.com>  
**Sent:** Thursday, July 18, 2024 8:09 AM  
**To:** Allison, Amy  
**Cc:** Magaha, Chuck; Miller, Jamie; Patzwald, Joshua; Noll, Bill; McAfee, Joe; Brown, Misty; Travis@suburbanwaterinc.com; designgrouplawrencesservicecenter@evergy.com; PZ  
**Subject:** Re: DEV-24-094 Baragary 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,

Stranger Fire Department has reviewed the application for the re-zoning of the property located at 16625 206<sup>th</sup> Street, Tonganoxie KS 66086 and has NO objection to the re-zoning. Since there is an existing 12" Water Main located on the east side of 206<sup>th</sup> Street, we would recommend the placement of a fire hydrant within 1000 feet of the property.

Let me know if you have any questions or concerns.

Mark Billquist  
Stranger Fire Chief

On Tue, Jul 16, 2024 at 4:41 PM Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)> wrote:

Good Afternoon,

The Department of Planning and Zoning has received a rezoning application for the property located at 16625 206<sup>th</sup> St (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 July 30, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [pz@leavenworthcounty.gov](mailto: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](tel:913-369-0510) mobile

[stfdchief1760@gmail.com](mailto:stfdchief1760@gmail.com)

**"Sometimes darkness can show you the light"**

## Allison, Amy

---

**From:** Travis Miles <Travis@suburbanwaterinc.com>  
**Sent:** Thursday, July 18, 2024 7:20 AM  
**To:** Allison, Amy; Magaha, Chuck; Miller, Jamie; Patzwald, Joshua; Noll, Bill; McAfee, Joe; Brown, Misty; 'stfdchief1760@gmail.com'; 'designgrouplawrenceservicecenter@evergy.com'  
**Cc:** PZ  
**Subject:** Re: DEV-24-094 Baragary 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,

Suburban Water has reviewed the application for the re-zoning of the property located at 16625 206<sup>th</sup> Street, Tonganoxie KS 66086 and has NO objection to the re-zoning. Suburban Water has an existing 12" Water Main located on the east side of 206<sup>th</sup> Street for the full road front of the property.

Thanks

**Travis J Miles**  
*CEO/President*  
Suburban Water, Inc.  
1216 N 155<sup>th</sup> Street, PO BOX 588  
Basehor, KS 66007  
Office: (913) 724-1800  
Fax: (913) 724-1505  
Cell: (913) 238-0040  
[travis@suburbanwaterinc.com](mailto:travis@suburbanwaterinc.com)

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---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, July 16, 2024 4:41 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>; Travis Miles <Travis@suburbanwaterinc.com>; 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-24-094 Baragary Rezone

Good Afternoon,

## Allison, Amy

---

**From:** Travis Miles <Travis@suburbanwaterinc.com>  
**Sent:** Thursday, July 18, 2024 8:19 AM  
**To:** Mark B; Allison, Amy  
**Subject:** Re: DEV-24-094 Baragary 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 and Mark,

There is an existing fire hydrant located at Honey Creek and 206<sup>th</sup> Street at the NE corner of the intersection.

### Travis J Miles

*CEO/President*

Suburban Water, Inc.

1216 N 155<sup>th</sup> Street, PO BOX 588

Basehor, KS 66007

Office: (913) 724-1800

Fax: (913) 724-1505

Cell: (913) 238-0040

[travis@suburbanwaterinc.com](mailto:travis@suburbanwaterinc.com)

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---

**From:** Mark B <stfdchief1760@gmail.com>  
**Sent:** Thursday, July 18, 2024 8:08 AM  
**To:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Cc:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Travis Miles <Travis@suburbanwaterinc.com>; designgrouplawrenceservicecenter@evergy.com <designgrouplawrenceservicecenter@evergy.com>; PZ <PZ@leavenworthcounty.gov>  
**Subject:** Re: DEV-24-094 Baragary Rezone

Amy,

Stranger Fire Department has reviewed the application for the re-zoning of the property located at 16625 206<sup>th</sup> Street, Tonganoxie KS 66086 and has NO objection to the re-zoning. Since there is an existing 12" Water Main located on the east side of 206<sup>th</sup> Street, we would recommend the placement of a fire hydrant within 1000 feet of the property.



Let me know if you have any questions or concerns.

Mark Billquist  
Stranger Fire Chief

On Tue, Jul 16, 2024 at 4:41 PM Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)> wrote:

Good Afternoon,

The Department of Planning and Zoning has received a rezoning application for the property located at 16625 206<sup>th</sup> St (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 July 30, 2024.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [pz@leavenworthcounty.gov](mailto: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](tel:913-369-0510) mobile  
[stfdchief1760@gmail.com](mailto:stfdchief1760@gmail.com)

**"Sometimes darkness can show you the light"**

## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Friday, July 19, 2024 8:57 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-24-094 Baragary 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

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---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, July 16, 2024 4:42 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>; 'Travis@suburbanwaterinc.com' <Travis@suburbanwaterinc.com>; 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-24-094 Baragary Rezone

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Thank you,

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

## Allison, Amy

---

**From:** McAfee, Joe  
**Sent:** Wednesday, July 31, 2024 8:53 AM  
**To:** Allison, Amy; Magaha, Chuck; Miller, Jamie; Patzwald, Joshua; Noll, Bill; Brown, Misty; 'stfdchief1760@gmail.com'; 'Travis@suburbanwaterinc.com'; 'designgrouplawrenceservicecenter@evergy.com'  
**Cc:** PZ  
**Subject:** RE: RE: DEV-24-094 Baragary Rezone

Amy,  
PW Engineering has no comment on the Rezone.

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, July 16, 2024 4:42 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>; 'Travis@suburbanwaterinc.com' <Travis@suburbanwaterinc.com>; 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>  
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Deputy Director  
Planning & Zoning  
Leavenworth County  
913.364.5757

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## RESOLUTION 2024-22

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from RR-5 to RR-2.5 as defined by the Zoning and Subdivision Regulations of Leavenworth County, Kansas on the following described property:

**The Southeast Quarter (SE ¼) of Section Twenty-two (22), in Township Eleven (11) South, Range Twenty-one (21) East of the Sixth Principal Meridian; containing 160 acres of land more or less, according to the Government Survey thereof, subject to any unreleased oil and gas leases of record, and subject to any existing rights of way for highway or ditches, subject to any reservation or exception in patent, if any.**

**WHEREAS**, it is hereby found and determined that a request for a Rezoning as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 12<sup>th</sup> day of July, 2024, and

**WHEREAS**, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing for Case DEV-24-094 upon the granting of such request for a Rezoning on the 14<sup>th</sup> day of August, 2024; and

**WHEREAS**, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Rezoning be approved; and

**WHEREAS**, the Board of County Commissioners considered, in session on the 4<sup>th</sup> day of September, 2024, the recommendation of the Leavenworth County Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission and the findings of fact adopted by the Board of County Commissioners in regular session on the 4<sup>th</sup> day of September, 2024, and incorporated herein by reference, it is hereby resolved that request for rezoning as described above, also known as 20995 Honey Creek Road, 00000 Honey Creek Road and 16625 206<sup>th</sup> Street, Parcel Identification Number 195-22-0-00-00-005.00, 195-22-0-00-00-005.01. & 195-22-0-00-00-005.02, is hereby granted.
2. The Planning and Zoning Department of Leavenworth County, Kansas is hereby ordered to and directed to cause such designations to be made on the official District Map of said County in its custody and to show property herein described to be now zoned RR-2.5. Said District Map previously incorporated by reference by Section 4 of the Zoning and Subdivision Regulations of the Leavenworth County, Kansas is hereby incorporated as part of the Zoning Resolution as amended.
3. This Resolution shall be in full force and effect from and after its adoption and publication in the Leavenworth Times.

Adopted this 4<sup>th</sup> day of September, 2024  
Board of County Commission  
Leavenworth, County, Kansas

\_\_\_\_\_  
Jeff Culbertson, Chairman

ATTEST:

\_\_\_\_\_  
Vicky Kaaz, Member

\_\_\_\_\_  
Janet Klasinski, Leavenworth County Clerk

\_\_\_\_\_  
Doug Smith, Member

\_\_\_\_\_  
Mike Smith, Member

\_\_\_\_\_  
Mike Stieben, Member

**Leavenworth County  
Request for Board Action  
Resolution 2024-23  
Rezoning from RR-5 to RR-2.5**

**Date:** September 4, 2024  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** John Jacobson, Reviewed

**Additional Reviews as needed:**

**Budget Review** ☐ **Administrator Review** ☒ **Legal Review** ☒

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**Action Requested:**

Chairman, I move to adopt Resolution 2024-23 and approve the rezoning as outlined in Case DEV-24-095 based on the findings on the Golden Factors, as set forth in the Staff Report and as substantiated by the findings of fact as adopted by the Planning Commission.

**Analysis:** The applicants are requesting a rezoning of 13963 206<sup>th</sup> Street 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 property is made up of two tracts of land. In order to bring one tract of land into compliance, the applicant must rezone the property to allow two 2.5 acre parcels. The applicant has provided a concept drawing showing the proposed boundary line adjustment.

**Planning Commission Recommendation:** The Planning Commission voted 8-0 (1 absent) to recommend approval of Case No. DEV-24-095 (Resolution 2024-23) rezoning request from RR-5 to RR-2.5.

**Alternatives:**

1. Approve case DEV-24-095 (Resolution 2024-23), Rezoning Request from RR-5 to RR-2.5 with Findings of Fact; or
2. Deny case DEV-24-095 (Resolution 2024-23), Rezoning Request from RR-5 to RR-2.5 with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2024-23, Rezoning Request from RR-5 to RR-2.5 with Findings of Fact; or
4. Remand the case back to the Planning Commission.



**Budgetary Impact:**

- ☒ Not Applicable
- ☐ Budgeted item with available funds
- ☐ Non-Budgeted item with available funds through prioritization
- ☐ Non-Budgeted item with additional funds requested

**Total Amount Requested:**

\$0.00

**Additional Attachments:** Staff Report, Planning Commission Minutes

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-24-095 Lamb/Trent Rezone

August 14, 2024

**REQUEST: *Public Hearing Required***

☒ ZONING AMENDMENT                      ☐ SPECIAL USE PERMIT  
☐ TEMPORARY SPECIAL USE PERMIT

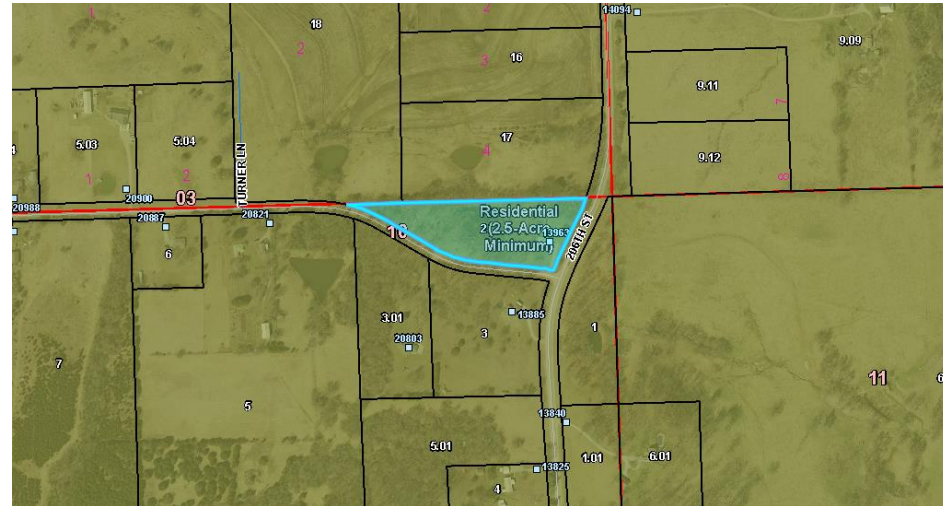
**STAFF REPRESENTATIVE:**  
AMY ALLISON  
DEPUTY DIRECTOR

**SUBJECT PROPERTY:** 13963 206<sup>TH</sup> STREET  
**FUTURE LAND USE MAP:** RESIDENTIAL (2.5 ACRE MIN)

**APPLICANT/APPLICANT AGENT:**  
JOE HERRING  
HERRING SURVEYING  
COMPANY

**PROPERTY OWNER:**  
PUAL JEROLD LAMB &  
MELISSA JOY TRENT  
17101 206<sup>TH</sup> STREET  
TONGANOXIE, KS 66086

**CONCURRENT APPLICATIONS:**  
N/A



<b>FACTORS TO BE CONSIDERED:</b>		
<i><b>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</b></i>	<b>Met</b>	<b>Not Met</b>
<b>1. Character of the Neighborhood:</b> <i>Density:</i> Surrounding parcels range in size from 2.10 acres to more than 140 acres. The area is not densely populated.  <i>Nearby City Limits:</i> Linwood is more than a mile to the southeast.  <i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.	X	
<b>2. Zoning and uses of nearby property:</b> <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature.  <i>Adjacent Zoning:</i> All adjacent properties are zoned RR-5.	X	
<b>3. Suitability of the Property for the uses to which it has been restricted:</b> The property is suitable for rural residences and agricultural uses.	X	
<b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b> <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.</i>	X	
<b>5. Length of time the property has been vacant as zoned:</b> <input type="checkbox"/> Vacant: <input checked="" type="checkbox"/> Not Vacant:	X	
<b>6. Relative gain to economic development, public health, safety and welfare:</b> 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	
<b>7. Conformance to the Comprehensive Plan:</b> <i>Future Land Use Map:</i> Residential (2.5 acre min) <i>Section 4 Land Use and Development Plan Strategies:</i> 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 property is made up of two tracts of land. In order to bring one tract of land into compliance, the applicant must rezone the property to allow two 2.5 acre parcels. The applicant has provided a concept drawing showing the proposed boundary line adjustment. Staff recommends approval.

#### **ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Map
- C: Location Map
- D: Memorandums



9.24  
4.03 Energy  
458 RWD 10

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

**SCANNED**

222-10 002.00

Office Use Only	
Township: <u>Sherman</u>	Date Received: <u>07.15.2024</u>
Planning Commission Date	
Case No. <u>DEV-24-</u>	Date Paid <u>07.15.2024</u>
Zoning District <u>AR5</u>	Comprehensive Plan Land Use Designation <u>2.5 acre min.</u>

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>LAMB, PAUL JEROLD &amp; TRENT, MELISSA JOY</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>17101 206TH ST</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>TONGANOXIE, KS 66086</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>N/A</u>

PROPOSED USE INFORMATION	
Proposed Land Use <u>AG &amp; RURAL RESIDENTIAL</u>	
Current Zoning <u>RR-5</u>	Requested Zoning <u>RR-2.5</u>
Reason for Requesting Rezoning <u>Match future land use plan</u>	

PROPERTY INFORMATION	
Address of Property <u>13963 206TH ST, Linwood, KS 66052</u>	
Parcel Size <u>5.02 Acres</u>	
Current use of the property <u>AG &amp; RURAL RESIDENTIAL</u>	
Present Improvements or structures <u>House</u>	
PID <u>222-10-0-00-002</u>	

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 July 15, 2024

Date 7-15-24

**ATTACHMENT A**



AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Paul Lamb and Melissa Trent

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
13963 206th ST Linwood 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. 5<sup>th</sup> Street, Leavenworth, KS 66048, 913-651-3858

2)

Signed and entered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Paul Lamb 17101 206th Tonganoxie 913 207-2172  
Print Name, Address, Telephone

Paul Lamb Melissa Trent  
Signature

STATE OF KANSAS )

) SS

COUNTY OF LEAVENWORTH )

Be it remember that on this 3rd day of May 2021 before me, a notary public in and for said County and State came Paul Lamb & Melissa Trent 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 Stacy L Bradley  
My Commission Expires: 6/8/27



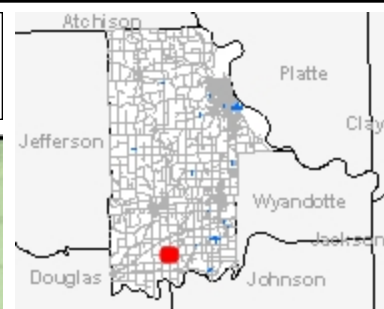
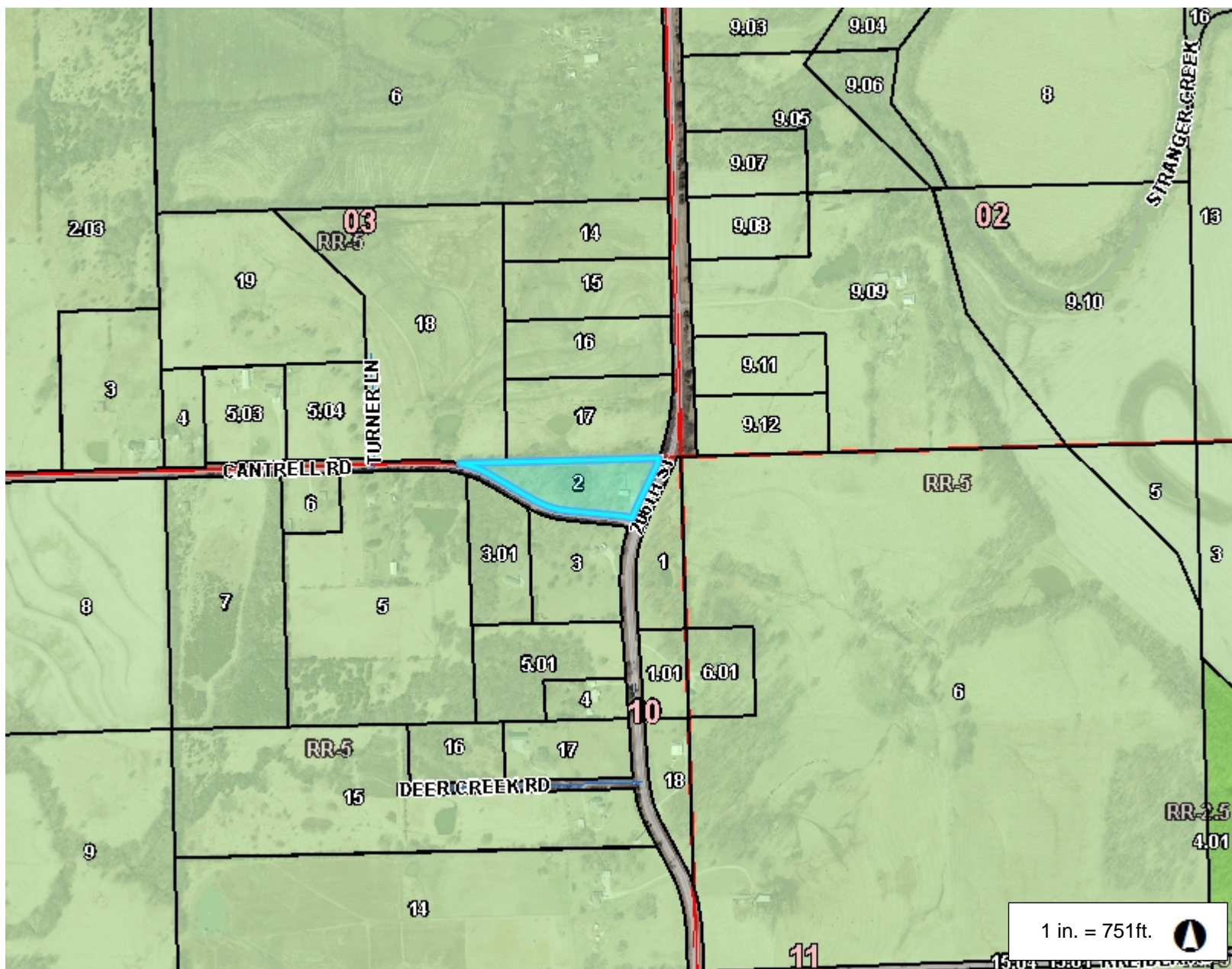
(seal)







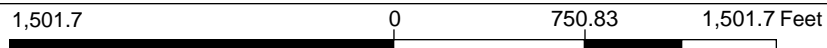
# DEV-24-095 Lamb/Trent Rezone



### 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

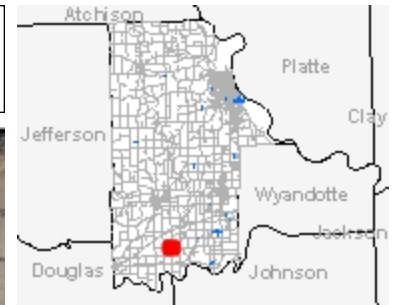
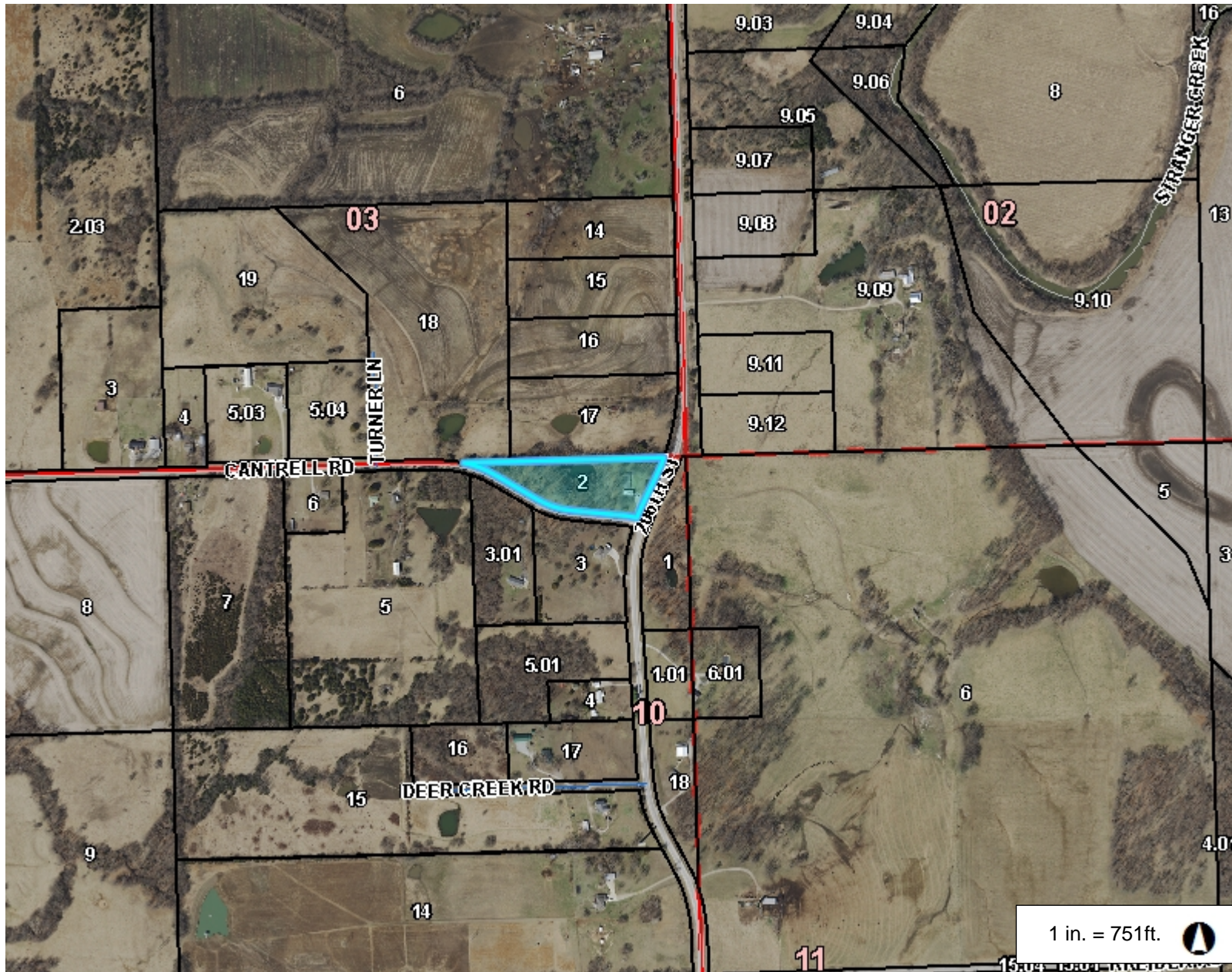


This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



# DEV-24-095 Lamb/Trent Rezone



## Legend

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

## Notes

1,501.7 0 750.83 1,501.7 Feet

1 in. = 751ft.



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## Allison, Amy

---

**From:** Steven Heath <Steven.Heath@evergy.com>  
**Sent:** Wednesday, July 17, 2024 8:13 AM  
**To:** Allison, Amy; Magaha, Chuck; Miller, Jamie; Patzwald, Joshua; Noll, Bill; McAfee, Joe; Design Group Lawrence Service Center; 'LVCO RWD10'; 'kritter@lvcofd2.com'; 'dritter@lvcofd2.com'; Brown, Misty  
**Cc:** PZ  
**Subject:** Re: DEV-24-095 Lamb 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 conflict on behalf of Evergy.

Thank you,

**Steven Heath**

Evergy

TD Designer II

[Steven.Heath@evergy.com](mailto:Steven.Heath@evergy.com)

O: 785-865-4857

C: 785-508-2550

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, July 16, 2024 4:37 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Design Group Lawrence Service Center <designgrouponlawrenceservicecenter@evergy.com>; 'LVCO RWD10' <RWD10@conleysandu.com>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'dritter@lvcofd2.com' <dritter@lvcofd2.com>; Brown, Misty <MBrown@leavenworthcounty.gov>  
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**Subject:** RE: DEV-24-095 Lamb Rezone

### This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Good Afternoon,

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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 July 30, 2024.





July 17, 2024

Amy Allison  
Leavenworth County Planning Development  
300 Walnut St., Suite 212  
Leavenworth, KS 66048

Re: Rezoning Application for 13963 206<sup>th</sup> St., Linwood, KS 66052

Dear Ms. Allison:

This letter is in response to your request for comments regarding water service with the rezoning application at 13963 206<sup>th</sup> St.

Rural Water District 10 has an existing main and can provide water if the property is split. Property address currently has a water meter and is on our service.

If you have any additional questions or concerns, please do not hesitate to contact us.

Regards,

Steve Conley  
RWD10 | Water District Manager

## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Friday, July 19, 2024 8:56 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-24-095 Lamb 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

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Thank you,

Amy Allison, AICP  
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Planning & Zoning  
Leavenworth County  
913.364.5757

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**Cc:** PZ  
**Subject:** RE: RE: DEV-24-095 Lamb Rezone

Amy,  
Public Works Engineering has no comment on the rezone.

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Tuesday, July 16, 2024 4:37 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>; 'LVCO RWD10' <RWD10@conleysandu.com>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'dritter@lvcofd2.com' <dritter@lvcofd2.com>; Brown, Misty <MBrown@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-24-095 Lamb Rezone

Good Afternoon,

The Department of Planning and Zoning has received a rezoning application for the property located at 13963 206<sup>th</sup> Street (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 July 30, 2024.

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



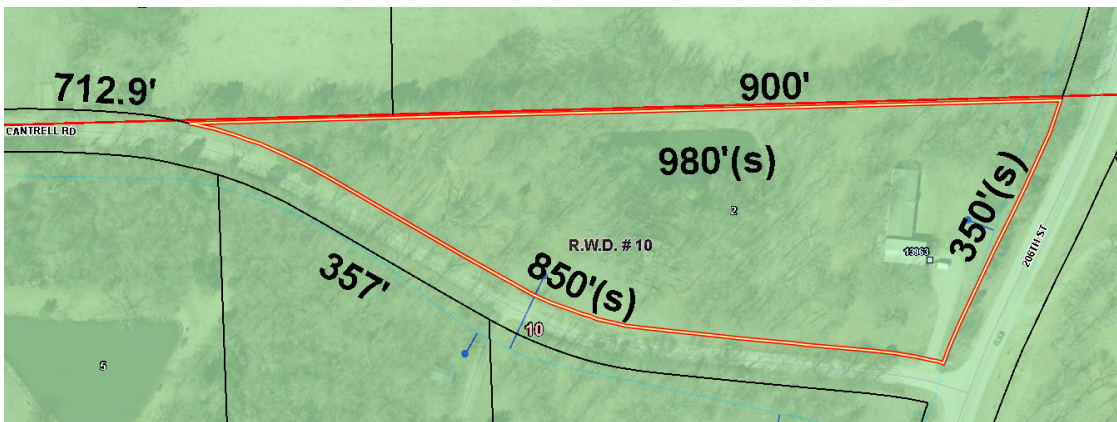
## Allison, Amy

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**From:** RWD10 <rwd10@conleysandu.com>  
**Sent:** Wednesday, July 31, 2024 2:37 PM  
**To:** RWD10@conleysandu.com  
**Cc:** Joe Herring; Allison, Amy  
**Subject:** Re: RWD10 Fw: DEV-24-095 Lamb 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.

Yes, we have an existing water line that runs along the south side of Cantrell from 206th to 222nd St. Please refer to GIS mapping for a visual.



On Tue, Jul 30, 2024 at 4:45 PM Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)> wrote:  
Is there a water line along cantrell?

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](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Tuesday, July 30, 2024 3:23 PM  
**To:** 'Joe Herring' <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** DEV-24-095 Lamb Rezone

Good Afternoon Joe,

This application has been noticed for the August 14<sup>th</sup> Planning Commission meeting. Attached are the comments we have received thus far.

Sincerely,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.364.5757

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You received this message because you are subscribed to the Google Groups "LVCO RWD10" group.

To unsubscribe from this group and stop receiving emails from it, send an email to

[RWD10+unsubscribe@conleysandu.com](mailto:RWD10+unsubscribe@conleysandu.com).

To view this discussion on the web visit

<https://groups.google.com/a/conleysandu.com/d/msgid/RWD10/DS7PR12MB63581B205251231BF711E6D9CFB02%40DS7PR12MB6358.namprd12.prod.outlook.com>.

## RESOLUTION 2024-23

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from RR-5 to RR-2.5 as defined by the Zoning and Subdivision Regulations of Leavenworth County, Kansas on the following described property:

**Parcel I: A tract of land in the Northeast  $\frac{1}{4}$  of Section 10, Township 12 South, Range 21 East of the 6<sup>th</sup> P.M., more fully described as follows: Commencing at the Northeast corner of the said Section 10; thence West along the North line of said Section 10, a distance of 73.72 feet to the center of County Highway 25 for a point of beginning; thence 353.0 feet Southwesterly along the center line of Highway 25; thence 240.0 feet on a bearing of North 83 degrees 20' West along the Township road; thence North 00 degrees 00' East, a distance of 289.87 feet to the North line of said Section 10 ; thence East along the North line of said Section 10, a distance of 394.12 feet to the point of beginning, less any part thereof taken or used for road purposes.**

**Parcel II: A tract of land in the Northeast  $\frac{1}{4}$  of Section 10, Township 12 South, Range 21 East of the 6<sup>th</sup> P.M., more fully described as follows: Commencing at the Northeast corner of Section 10; thence West along the North line of said Section 10, a distance 467.84 feet for a point of beginning; thence South 00'00" West, a distance 289.87 feet; thence 200.00 feet on a bearing of North 83 degrees 20' West along the Township road; thence 553.70 feet on a bearing of North 61 degrees 01' West along the Township Road to the intersection with the North line of said Section 10; thence East along the North line of Section 10, a distance 683.00 feet to the point of beginning, less any part thereof taken or used for road purposes, in Leavenworth County, Kansas.**

**WHEREAS**, it is hereby found and determined that a request for a Rezoning as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 15th day of July, 2024, and

**WHEREAS**, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing for Case DEV-24-095 upon the granting of such request for a Rezoning on the 14th day of August, 2024; and

**WHEREAS**, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Rezoning be approved; and

**WHEREAS**, the Board of County Commissioners considered, in session on the 4th day of September, 2024, the recommendation of the Leavenworth County Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission and the findings of fact adopted by the Board of County Commissioners in regular session on the 4th day of September, 2024, and incorporated herein by reference, it is hereby resolved that request for rezoning as described above, also known as 13963 206<sup>th</sup> Street, Parcel Identification Number 222-10-0-00-00-002.00, is hereby granted.
2. The Planning and Zoning Department of Leavenworth County, Kansas is hereby ordered to and directed to cause such designations to be made on the official District Map of said County in its custody and to show property herein described to be now zoned RR-2.5. Said District Map previously incorporated by reference by Section 4 of the Zoning and Subdivision Regulations of



the Leavenworth County, Kansas is hereby incorporated as part of the Zoning Resolution as amended.

3. This Resolution shall be in full force and effect from and after its adoption and publication in the Leavenworth Times.

Adopted this 4th day of September, 2024  
Board of County Commission  
Leavenworth, County, Kansas

\_\_\_\_\_  
Jeff Culbertson, Chairman

ATTEST:

\_\_\_\_\_  
Vicky Kaaz, Member

\_\_\_\_\_  
Janet Klasinski, Leavenworth County Clerk

\_\_\_\_\_  
Doug Smith, Member

\_\_\_\_\_  
Mike Smith, Member

\_\_\_\_\_  
Mike Stieben, Member