LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, September 11, 2024
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048
www.leavenworthcounty.gov

1. **Call to Order**

2. **Pledge of Allegiance**

3. **Roll Call**

4. **Approval of Minutes**

5. **Secretary's Report**

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

7. **Approval of Agenda**

8. **Consent Agenda**

   A. Case DEV-24-074 Preliminary Plat Herrzin Acres 2
   Consideration of a Preliminary Plat for a Minor Subdivision in the Southwest Quarter of Section 28, Township 09 South, Range 22, East of the 6th P.M., in Leavenworth County, Kansas.
   Also known as: 00000 Gilman Rd.
   PID: 108-28-0-00-00-011.09

9. **Regular Agenda**

   A. Case DEV-24-076 & 077 Preliminary & Final Plat Koch Acres
   Consideration of a Preliminary & Final Plat for a Minor Subdivision in the Southeast Quarter of Section 02, Township 09 South, Range 20, East of the 6th P.M., in Leavenworth County, Kansas.
   Also known as: 24510 & 24492 Limit Rd.
   PID: 121-02-0-00-00-006.00 & 121-02-0-00-00-005.00

   B. Case DEV-24-078 Preliminary Plat Cottages at Whistle Creek
   Consideration of a Cross Access Easement Subdivision in the Northwest Quarter of Section 16, Township 12 South, Range 22, East of the 6th P.M., in Leavenworth County, Kansas.
   Also known as: 12927 170th St.
   PID: 235-16-0-00-00-014.00

C. Case DEV-24-080 & 081 Preliminary & Final Plat E&R Rolling Meadows North
Consideration of a Preliminary & Final Plat for a Minor Subdivision in the Southeast Quarter of Section 34, Township 11 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.
Also known as: 00000 206th St.
PID: 198-34-0-00-00-007.01

D. Case DEV-24-085 & 086 Preliminary & Final Plat Dodge Addition No 2
Consideration of a Preliminary & Final Plat for a Minor Subdivision in the Southeast Quarter of Section 04, Township 12 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.
Also known as: 00000 Cantrell Rd.
PID: 222-04-0-00-00-011.00

E. Case DEV-24-100 & 101 Preliminary & Final Plat Thomas Farm 2nd Plat
Consideration of a Preliminary & Final Plat for a Minor Subdivision in the Northeast Quarter of Section 26, Township 10 South, Range 22, East of the 6th P.M., in Leavenworth County, Kansas.
Also known as: 00000 147th St.; 20807 147th St.
PID: 157-26-0-00-00-001.04; 001.08; 001.09

F. Case DEV-24-102 & 103 Preliminary & Final Plat Smith Ridge
Consideration of a Preliminary & Final Plat for a Minor Subdivision in the Southeast Quarter of Section 13, Township 10 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.
Also known as: 22027 Tonganoxie Dr.
PID: 146-13-0-00-00-021.01

G. Case DEV-24-110 2024 Twin Venture Rezone
Consideration of a rezoning request from RR-2.5 zoning district to R-1(43) zoning district on the following described property: Lot 1, Rainmaker Ranch Addition, a subdivision in Leavenworth County, Kansas.
Also known as: 16476 Leavenworth Rd.
PID: 158-28-0-00-00-008.01
*****Public Hearing Required*****
*****Public Comment limited to three minutes per person*****

Adjournment of Planning Commission

Board of Zoning Appeals

1. **Roll Call**

2. **Regular Agenda**

A. Case DEV-24-104 Variance Schalipp Road Frontage
Consideration of a Variance request from Article 5, Section 4 of the Leavenworth County Zoning & Subdivision Regulations on the following described property: A tract of land in the Town of Delaware located in Section 20, Township 9 South, Range 23 East of the 6th p.m., in Leavenworth County, Kansas.
Also known as: 26117 Wolcott Road
PID: 094-20-0-00-00-018.00
*****Public Hearing Required*****
*****Public Comment limited to three minutes per person*****

B. Case DEV-24-109 Variance Pittman Road Frontage
Consideration of a Variance request from Article 5, Section 4 of the Leavenworth County Zoning & Subdivision Regulations on the following described property: The South 15 acres of the West Half of the Northeast Quarter of Section 22, Township 12 South, Range 20 East of the 6th p.m., Leavenworth County, Kansas.
Also known as: 12042 258th St.
PID: 215-22-0-00-00-018.00
*****Public Hearing Required*****
*****Public Comment limited to three minutes per person*****

Adjournment of the Board of Zoning Appeals

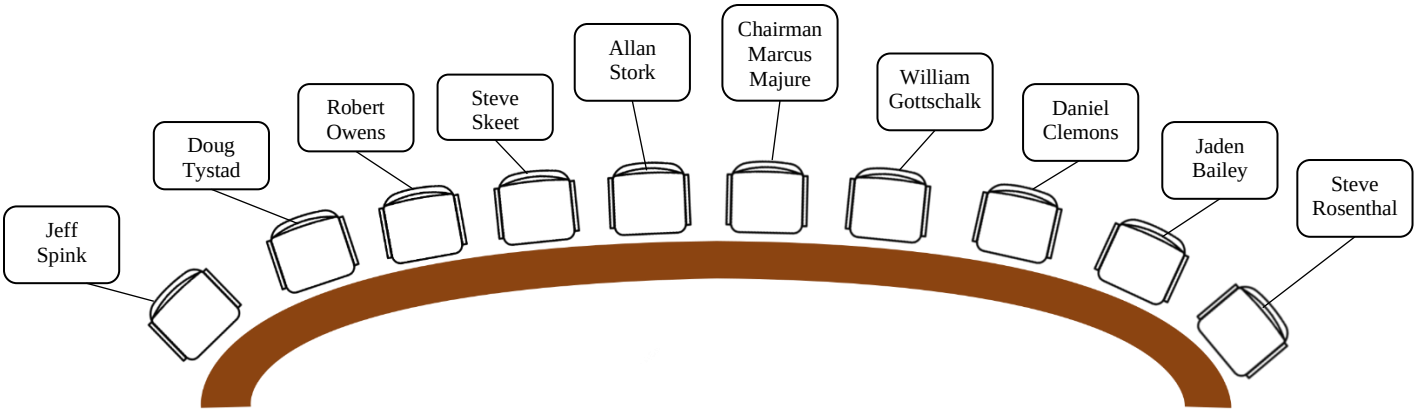
Upcoming meeting dates:

Wednesday, October 9, 2024, 5:30 PM
Regular Planning Commission Meeting

For More Information

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

Planning Commission Seating Chart 2024



LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
August 14, 2024

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

The Board of Zoning Appeals meeting was called to order at 5:30 p.m.

Pledge of Allegiance

Members present: Allan Stork, Robert Owens, William Gottschalk, Dan Clemons, Jeff Spink, Marcus Majure and Doug Tystad.

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Josh Schweitzer-Planner, Dawn Chamberlain-Planning Coordinator, David Van Parys-County Counselor

Secretary's Report: Ms. Allison explained change on the Agenda. The meeting would begin with the Board of Zoning Appeals. Once finalized, Planning Commission meeting would commence. There were two BZA items to be addressed.

Declarations: None

Commissioner Tystad made a motion to approve the agenda, the Commissioner Gottschalk made a motion to second.

ROLL CALL VOTE - Motion passed, 6/0

Case DEV-24-091 Variance Smith Trust Agreement Access Management
Consideration of a Variance request from Article 41, Section 6 Exhibit B.1.a of the Leavenworth County Zoning & Subdivision Regulations on the following described property: A trace of land in the Southeast Quart of Section 13, Township 10 South, Range 21, East of the 6th P.M., in Leavenworth County, Kansas.

Josh Schweitzer gave the staff report for the above-listed case, outlining the details of the request.

The public hearing was opened and Chairman Majure asked if the applicant or representative wished to speak. Joe Herring, with Herring Surveying, addressed the Board, further explaining the nature of the request. Chairman Majure asked if there were anyone from the public who wished to speak for or against the request. None came forward.

Chairman Majure closed the public hearing.

Chairman Majure asked if there were questions from the Board. No questions were asked.

Commissioner Stork motioned to approve the Variance request for Case DEV-24-091. Commissioner Owens seconded that motion.

ROLL CALL VOTE - Motion passed 6/0.

Case DEV-24-096 Variance Potts Access Management
Consideration of a Variance request from Article 41, Section 6 Exhibit B.1.a & Article 41, Section 6 Exhibit B.1.b.III of the Leavenworth County Zoning & Subdivision Regulations on the following described property: 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.

Josh Schweitzer gave the staff report for the above-listed case, outlining the details of the request.

Chairman Majure asked if there were any questions or discussions from the Board. The public hearing was opened and Chairman Majure asked if the applicant or representative wished to speak. Joe Herring, with

Herring Surveying, addressed the Board, further explaining the nature of the request. Chairman Majure asked if there were any questions of the applicant.

Discussion ensued by the Board.

Applicant Tammy Potts addressed the Planning Commission concerning the reason for the Variance request. The request for the Variance to allow their son's family access to construct a home to provide care to their terminally ill grandson. Ms. Potts is currently driving to Tonganoxie daily to provide caregiving for the child. Mr. Potts addressed the Planning Commission concerning the elevations of the property, driveway specs and confirmed the Variation request is for the sole purpose of supporting his son and family during their challenging circumstances.

Chairman Majure closed the public hearing.

Commissioner Stork motioned to approve the Variance request for Case DEV-24-096. Commissioner Owens seconded that motion.

ROLL CALL VOTE - Motion passed 5/1. Commissioner Tystad voted against the Motion due to him feeling it does not meet the five factors.

Board of Zoning Appeals Meeting was adjourned 6:06 PM

The Planning Commission meeting was called to order at 6:14 p.m.

Members Present – Marcus Majure, Jaden Bailey, Allan Stork, William Gottschalk, Jeff Spink, Doug Tystad, Robert Owens, Dan Clemons and Steve Rosenthal (Steve Skeet absent).

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Josh Schweitzer-Planner, Dawn Chamberlain-Planning Coordinator, David Van Parys-County Counselor

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

ROLL CALL VOTE: Motion passed, 8/0 (1 Absent)

Secretary's Report: Amy Allison introduced Dawn Chamberlain to the Planning Commission as the new Planning Coordinator.

Declarations: None

Commissioner Stork made a motion to approve Agenda. Commissioner Tystad seconded the motion.

ROLL CALL VOTE - Motion passed 8/0 (1 Absent).

A. Case DEV-24-051 & 052 Preliminary & Final Plat Metro Estates
Consideration of Preliminary & Final Plat for a tract of land in the East 1/2 of the Southeast1/4 of Section 22, Township 11 South, Range 20 East of the 6th P.M., in Leavenworth County, Kansas. Also known as: 25402 Metro Ave.

Josh Schweitzer gave the staff report for the above-listed case, outlining the details of the request. Joe Herring, with Herring Surveying, addressed the Board, further explaining the nature of the request.

Commissioner Stork motioned to approval of the Exception. Commissioner Owens seconded motion.

ROLL CALL VOTE - Motion passed 8/0 (1 absent).

Commissioner Stork motioned to approval of the Plat. Commissioner Clemons seconded motion.

ROLL CALL VOTE - Motion passed 8/0 (1 absent).

Case DEV-24-071 & 072 Preliminary & Final Plat Serenity Acres
Consideration of Preliminary & Final Plat for 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. Also known as: 18081 166th St.

Josh Schweitzer gave the staff report for the above-listed case, outlining the details of the request.

Commissioner Tystad motioned to approval of the Plat. Commissioner Gottschalk seconded motion.

ROLL CALL VOTE - Motion passed 8/0 (1 absent).

Case DEV-24-079 Preliminary Plat E & R Rolling Meadows South
Consideration of Preliminary Plat for a tract of land in the Southeast Quarter of Section 34, Township 11 South, Range 21 East of the 6th P.M., in Leavenworth County Kansas.
Also known as: 00000 Stillwell Rd

Amy Allison gave the staff report for the above-listed case, outlining the details of the request.

Commissioner Stork motioned to approve of the Exception. Commissioner Tystad seconded motion.

ROLL CALL VOTE - Motion passed 8/0 (1 absent).

Commissioner Stork motioned to approve the Plat. Commissioner Owens seconded motion.

ROLL CALL VOTE - Motion passed 8/0 (1 absent).

Case DEV-24-084 Exception Cook-Richter Boundary Line Adjustment
Consideration of an Exception from Article 50, Section 40.3.i Lot-Depth to Lot-Width for a tract of land in the East 1/2 of Section 5, Township 9 South, Range 21, East of the 6th p.m., Leavenworth County, Kansas. Also known as: 28813 219th St.

Josh Schweitzer gave the staff report for the above-listed case, outlining the details of the request. Austin Thompson, with Atlas Land Consulting, addressed the Board, further explaining the nature of the request.

Commissioner Stork motioned to approve the Exception. Commissioner Gottschalk seconded motion.

ROLL CALL VOTE - Motion passed 8/0 (1 absent).

Case DEV-24-094 Rezoning Baragary
Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: Three tracts of land in Southeast Quarter of Section 22, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.
Also known as: 20995 Honey Creek Rd; 00000 Honey Creek Rd; 16625 206th St.

Amy Allison gave the staff report for the above-listed case, outlining the details of the request.

Chairman Majure opened the public comment portion of the matter based upon the matter is a public hearing. Joe Herring, with Herring Surveying, addressed the Board, further explaining the nature of the request.

Chairman Majure closed the public comment.

Commissioner Stork motioned and Commissioner Clemons seconded motion.

ROLL CALL VOTE - Motion passed 8/0 (1 absent).

Case DEV-24-095 Rezoning Lamb
Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: Two tracts of land in the Northeast ¼ of Section 10, Township 12 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.
Also known as: 13963 206th St.

Amy Allison gave the staff report for the above-listed case, outlining the details of the request.

Chairman Majure opened the public comment portion of the hearing. Joe Herring, with Herring Surveying, addressed the Board, further explaining the nature of the request.

Chairman Majure closed the public comment.

Commissioner Stork motioned and Commissioner Owens seconded motion.

ROLL CALL VOTE - Motion passed 8/0 (1 absent).

Adjournment of Planning Commission at 6:40pm.

Upcoming meeting dates:

Wednesday, September 11, 2024, 5:30 PM

Regular Planning Commission Meeting
For More Information

If you have any questions or need to make special arrangements for a meeting, please call or stop by the Planning and Zoning Department.
Contact Dawn Chamberlain – 913-364-0465

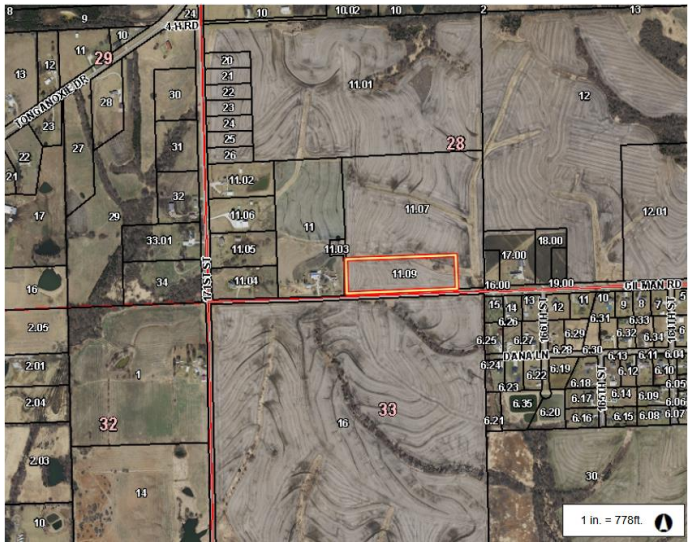
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-074 Herrzin Acres 2 — September 11, 2024

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

STAFF REPRESENTATIVE:
JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 00000 Gilman Rd.



APPLICANT/APPLICANT AGENT:
JOE HERRING
HERRING SURVEYING
315 N. 5th Street
Leavenworth, KS 66048

PROPERTY OWNER:
LRN LLC
16630 Gilman Road
Leavenworth, KS 66048

CONCURRENT APPLICATIONS:
NONE

LAND USE

ZONING: R-1(43)

FUTURE LAND USE DESIGNATION:
Residential 3 unit per Acre

LEGAL DESCRIPTION:
Tracts of land in the Southwest Quarter of Section 28, Township 9 South, Range 22, East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:
1. Recommend approval of Case No. DEV-24-074, Preliminary Plat for Herrzin Acres 2, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-074, Preliminary Plat for Herrzin Acres 2 for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 8.22 ACRES

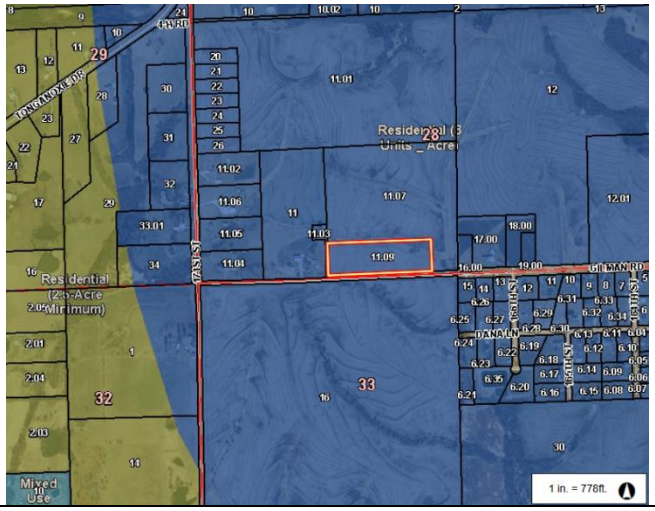
PARCEL ID NO:
108-28-0-00-00-011.09

BUILDINGS:
N/A

PROJECT SUMMARY:
Request for a Preliminary plat approval to subdivide property located at 00000 Gilman Rd (108-28-0-00-00-011.09) as Lots 01 through 07 of Herrzin Acres 2.

ACCESS/STREET:
Gilman Rd. - Local, paved ± 28'

Location Map: FUTURE LAND USE DESIGNATION



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: FD# 1

WATER: RWD 8

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW:
8/27/2024

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:
N/A

STANDARDS TO BE CONSIDERED: *Type content in each if necessary (delete this afterwards)*			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		**Met**	**Not Met**
35-40	**Preliminary Plat Content**	X	
40-20	**Final Plat Content**	N/A	
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 8.22 acre parcel into seven (7) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots 1 – 7 will be approximately 1.01 acres in size. All lots meet the requirements for the R-1(43) 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. A deed needs to be filed with the Register of Deeds for tract 4 prior to any Final plat action taking place.
6. The developer must comply with the following memorandums:
   Memo – Emergency Management, dated August 6, 2024
   Memo – RWD 8, dated March 11, 2024

ATTACHMENTS:

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

108-28 011.07

SCANNED

#Elec

PRELIMINARY PLAT APPLICATION

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

28 09 22 NoFlood

469 Freestate RWD 8

CK 9751 $690.00

Office Use Only

Township: High Prairie — Planning Commission Meeting Date: _____
Case No. DEV-24 — Date Received/Paid: _____
Zoning District RR1 (43) — Comprehensive Plan Land Use Designation: 3 ~~dua min~~ unit acre

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: 831 H2Z LLC	NAME:
MAILING ADDRESS: 16630 Gilman Road	MAILING ADDRESS
CITY/ST/ZIP: Leavenworth, KS 66048	CITY/ST/ZIP
PHONE: 913-651-3858	PHONE:
EMAIL : herringsurveying@outlook.com	EMAIL

GENERAL INFORMATION

Proposed Subdivision Name: HERRZIN ACRES 2

Address of Property: 00000 Gilman Road

PID: 108-28 011.07 — Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: 8.22	Number of Lots: 7	Minimum Lot Size: 1.16 Ac
Maximum Lot Size: 1.16 Ac	Proposed Zoning: R1-43	Density: N/A
Open Space Acreage: N/A	Water District: RWD 8	Proposed Sewage: SEPTIC
Fire District: District 1	Electric Provider: Freestate	Natural Gas Provider: Propane
Covenants: ☐ Yes ☒ No	Road Classification: *Local – Collector - Arterial – State - Federal*	
	Cross-Access Easement Requested: ☐ Yes ☒ No	
List of all Requested Exceptions: *Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.*	1.	
	2.	
	3.	
	4.	
	5.	

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

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

Signature: Joe Herring - digitally signed 6-6-24 Date:

ATTACHMENT A

CERTIFICATE OF SURVEY

Tracts of land in the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PREPARED FOR:

LRN LLC
00000 171st Street
Leavenworth, KS 66048
PID NO. 108-28-0-00-00-011.01

831 H2Z LLC
00000 Gilman Road
Leavenworth, KS 66048
PID NO. 108-28-0-00-00-011.07

Doc #: 20245013
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
03/21/2024 09:02:55 AM
RECORDING FEE: 32.00
PAGES: 1

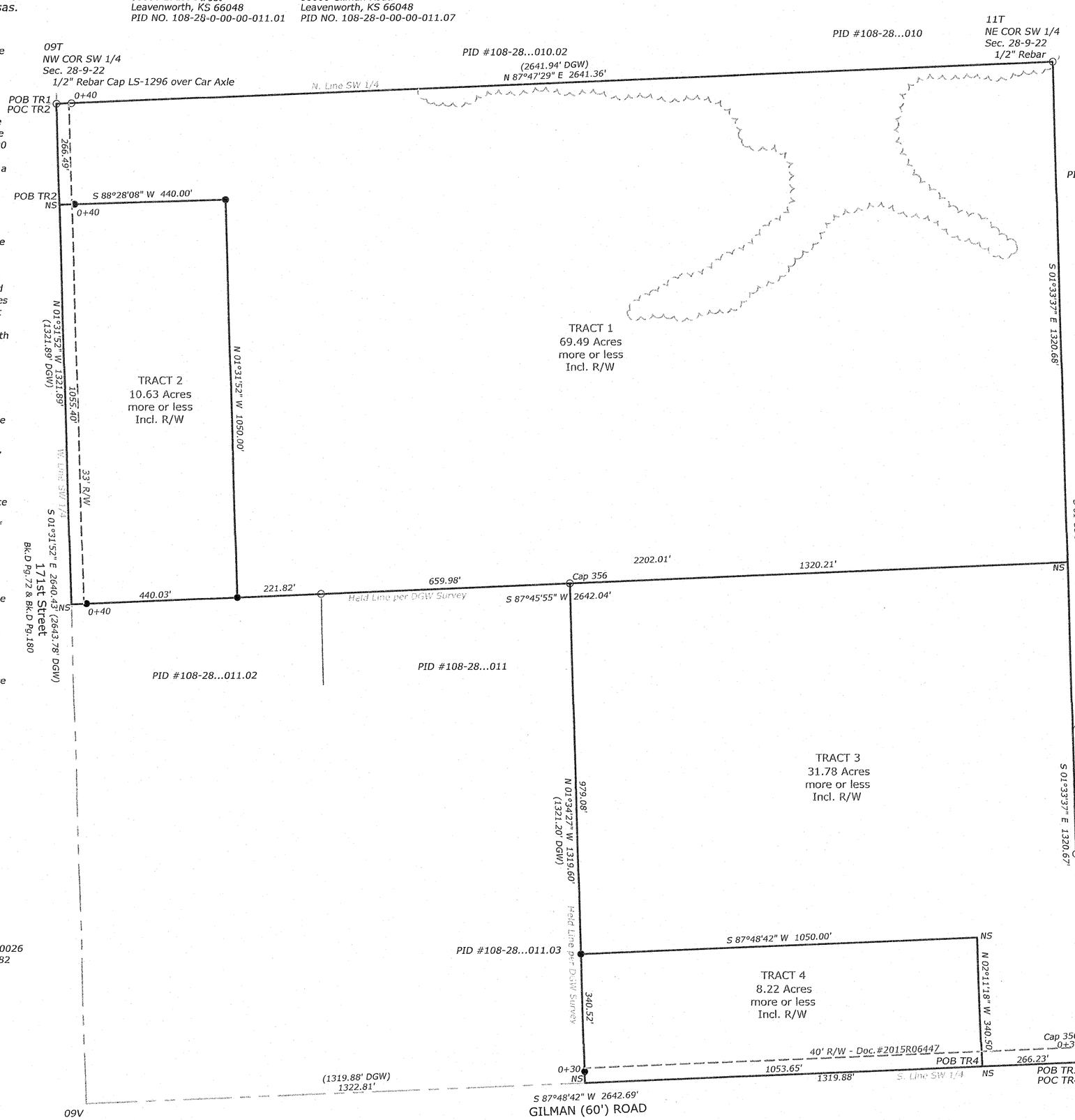
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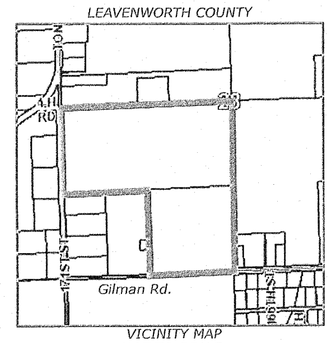
TRACT 1: LRN LLC
Tract of land in the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 7, 2024, and more fully described as follows: Beginning at the Northwest corner of said Southwest Quarter; thence North 87 degrees 47'29" East for a distance of 2641.36 feet along the North line of said Southwest Quarter to the Northeast Corner of said Southwest Quarter; thence South 01 degrees 33'37" East for a distance of 1320.68 feet along the East line of said Southwest Quarter; thence South 87 degrees 45'55" West for a distance of 2202.01 feet; thence North 01 degrees 31'52" West for a distance of 1050.00 feet; thence South 88 degrees 28'08" West for a distance of 440.00 feet to the West line of said Southwest Quarter; thence North 01 degrees 31'52" West for a distance of 266.49 feet along said West line to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 69.49 acres, more or less, including road right of way.
Error of Closure: 1 - 1944248

TRACT 2: LRN LLC
Tract of land in the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 7, 2024, and more fully described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence South 01 degrees 31'52" East for a distance of 266.49 feet along the West line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence North 88 degrees 28'08" East for a distance of 440.00 feet; thence South 01 degrees 31'52" East for a distance of 1050.00 feet; thence South 87 degrees 45'55" West for a distance of 440.03 feet to the West line of said Southwest Quarter; thence North 01 degrees 31'52" West for a distance of 1055.40 feet along said West line to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 10.63 acres, more or less, including road right of way.
Error of Closure: 1 - 623725

TRACT 3: 831 H2Z
Tract of land in the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 7, 2024, and more fully described as follows: Beginning at the Southeast corner of said Southwest Quarter; thence South 87 degrees 48'42" West for a distance of 266.23 feet along the South line of said Southwest Quarter; thence North 02 degrees 11'18" West for a distance of 340.50 feet; thence South 87 degrees 48'42" West for a distance of 1050.00 feet; thence North 01 degrees 34'27" West for a distance of 979.08 feet; thence North 87 degrees 45'55" East for a distance of 1320.21 feet to the East line of said Southwest Quarter; thence South 01 degrees 33'37" East for a distance of 1320.67 feet along said East line to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 31.78 acres, more or less, including road right of way.
Error of Closure: 1 - 1840768

TRACT 4: 831 H2Z
Tract of land in the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 7, 2024, and more fully described as follows: Commencing at the Southeast corner of said Southwest Quarter; thence South 87 degrees 48'42" West for a distance of 266.23 feet along the South line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence continuing South 87 degrees 48'42" West for a distance of 1053.65 feet along said South line; thence North 01 degrees 34'27" West for a distance of 340.52 feet; thence North 87 degrees 48'42" East for a distance of 1050.00 feet; thence South 02 degrees 11'18" East for a distance of 340.50 feet to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 8.22 acres, more or less, including road right of way.
Error of Closure: 1 - 6342452





LEGEND:

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

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

Daniel Baumchen, PS#1363
County Surveyor

COUNTY SURVEYOR DISCLAIMER:
This survey does not necessarily meet the Leavenworth County Planning and Zoning regulations for a conforming tract split and therefore may NOT be a buildable tract of land. Prospective purchasers should contact the County Planning and Zoning Office of Leavenworth County to determine if any tract shown hereon is a buildable tract.

NOTES:

1) This survey does not show ownership or easements, per agreement with client
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All record and measured distances are the same, unless otherwise noted.
4) Error of Closure - See Surveyor's Description
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Referenced Surveys -
   DGW - D.G.White - S-14 #10 NKA 1995S010
   S-14 #11 NKA 1995S011
   S-14 #88 NKA 1992S088
   JAH - J.A.Herring - ENGLISH ESTATES Bk. S-15 #26, 2003 NKA 2003P00026
   Doc # 2008S006, Survey dated 2002, Doc #2021S082
   HERRZIN ACRES - Doc # 2022P00037
   RBD - R.B. Dill Survey Doc # 2017S059
8) Road Records - See Survey
9) Referenced Deed Document # 2023R08487 & #2023R08488
10) Survey prepared without the benefit of a title commitment.
11) Fence Lines do not necessarily denote property lines.
12) Structures are shown in approximate location.
13) Property is not in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0250G dated July 16, 2015
14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.

PID #108-28...017
LOT 2
HERRZIN ACRES
Doc #2022P00037

PID #108-28...016
LOT 1
HERRZIN ACRES
Doc #2022P00037

SURVEYOR'S NOTE:
Two Monuments were used at the Southwest Corner of the Southwest Quarter. 1/2" Rebar - Southeast of the 5/8" Rebar - was held by D.G.White establishing the SE 1/4 of the SW 1/4. Later survey by J.A.Herring held the 5/8" Rebar established ENGLISH ESTATES, said point also held by R.B.Dill establishing right of way Document #2015R06447. The 5/8" Rebar location is held per this survey while holding the perimeter of properties as established by D.G.White Survey.

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

NORTH

Scale 1" = 200'

Job # K-24-LRN
March 7, 2024
Rev. 3/19/24

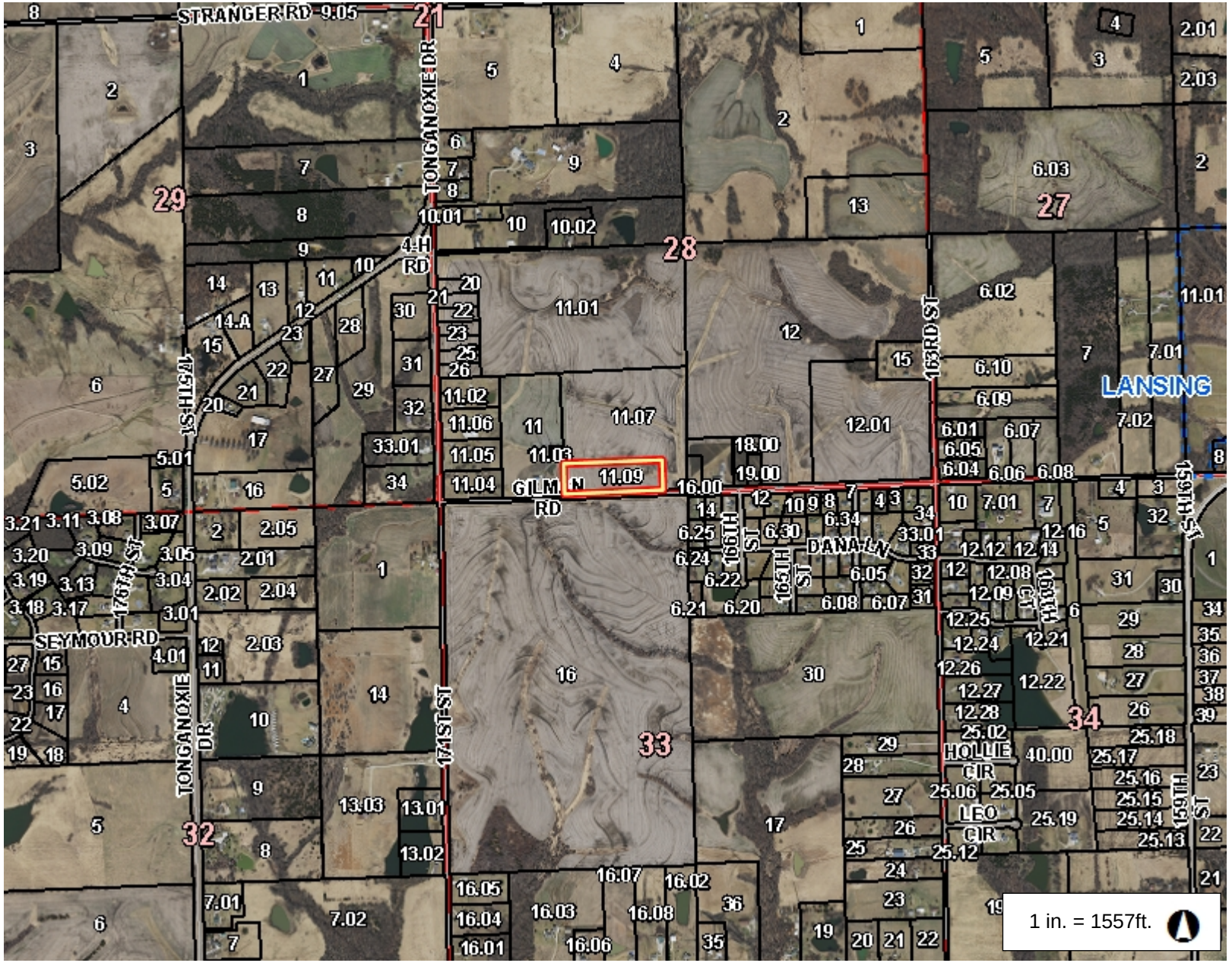
200 0 200 400 600
1" = 200'

JOSEPH A. HERRING
REGISTERED
LS - 1296
LAND SURVEYOR
KANSAS

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

Joseph A. Herring
PS # 1296

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

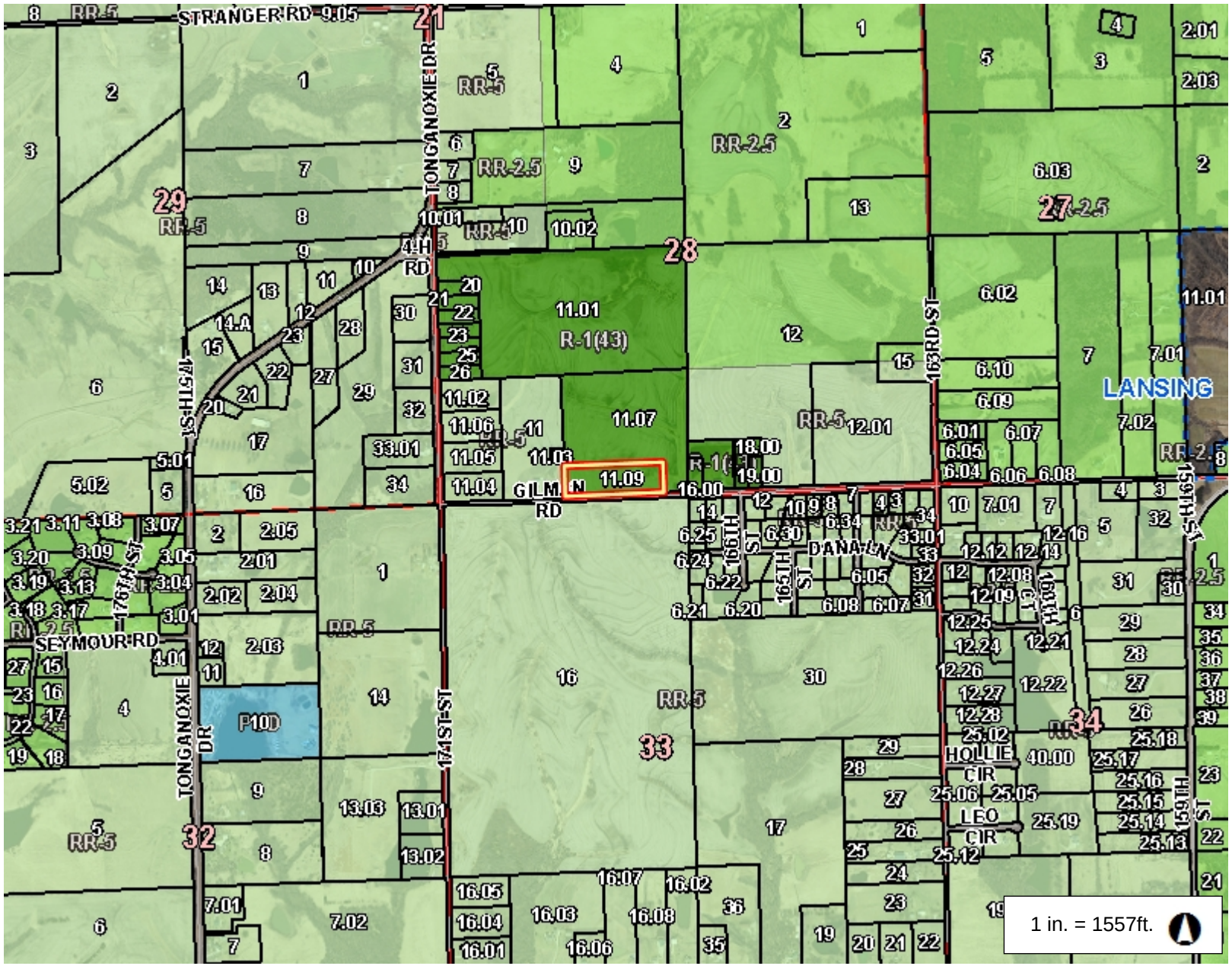
Notes

3,113.6 0 1,556.81 3,113.6 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 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

3,113.6 0 1,556.81 3,113.6 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

HERRZIN ACRES 2

Tracts of land in the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

08-13-24 PW Combined No Further Comment

PREPARED FOR:
831 HZZ, LLC
16630 Gilman Road
Leavenworth, KS 66048
PID NO. 108-28-0-00-00-011.07

DESCRIPTION:
Tract of land in the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 7, 2024, and more fully described as follows: Commencing at the Southeast corner of said Southwest Quarter; thence South 87 degrees 48'42" West for a distance of 266.23 feet along the South line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence continuing South 87 degrees 48'42" West for a distance of 1053.65 feet along said South line; thence North 01 degrees 34'27" West for a distance of 340.52 feet; thence North 87 degrees 48'42" East for a distance of 1050.00 feet; thence South 02 degrees 11'18" East for a distance of 340.50 feet to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 8.22 acres, more or less, including road right of way. Error of Closure: 1 - 6342452

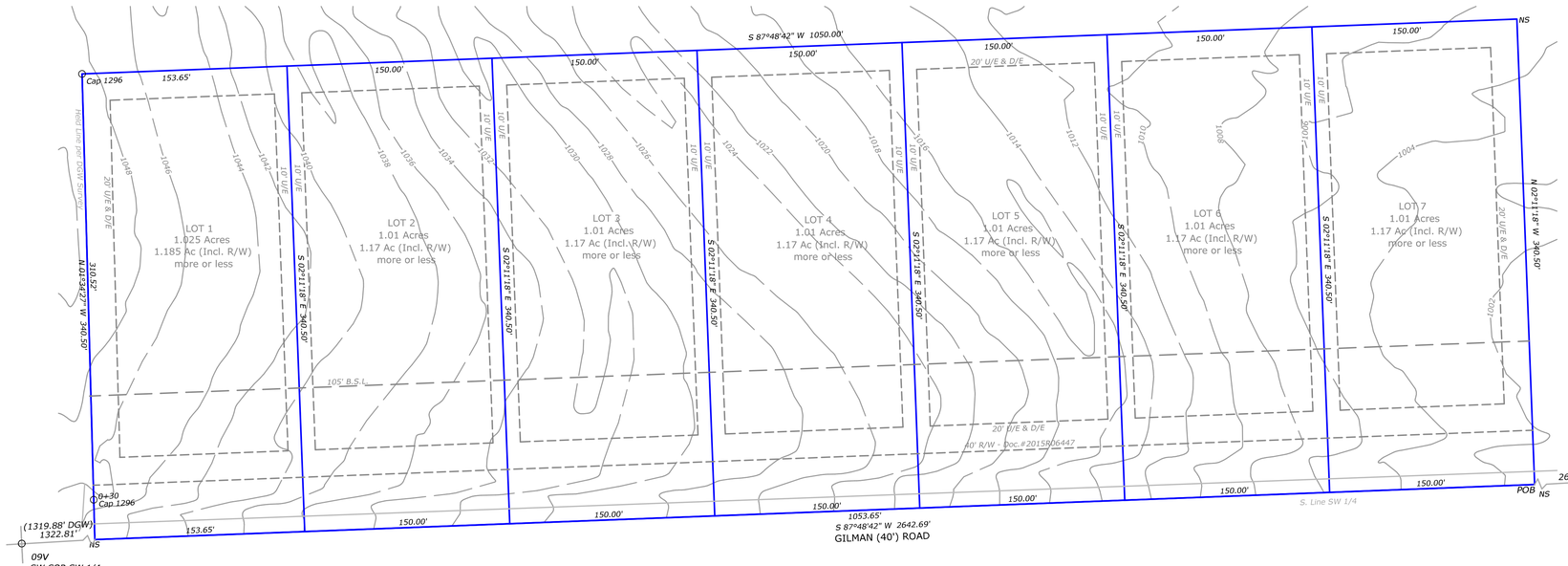
RESTRICTIONS:
1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
2) An Engineered Waste Disposal System will be required due to poor soil conditions.
3) Erosion and sediment control measures shall 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) No off-plat restrictions.

ZONING:
R1-43 - Residential 1 Acre
Existing Use - Agriculture - Proposed Use Agriculture & Residential

NOTES:
1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - See Record Description
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Proposed Lots for Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88 Project Benchmark (BM) - NW COR SW 1/4 - 1/2" Rebar - 1037.9'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Doc # 2024R0
12) Utility Companies -
- Water - RWD 8
- Electric - Freestate
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Lawyer's Title File Number 23448822 dated March 29, 2024.
14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0250G dated July 16, 2015
15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 10' (Accessory - 10')
- All rear yard setbacks - 30' (Accessory - 15')
16) Existing Structures, if any, not shown hereon.
17) Easements as per referenced Title Commitment are shown hereon, if any.
- RWD 8 Easement Book 444 Page 112 falls within the platted 20' U/E & D/E.
- Caporale Energy Corp Easement Book 634 Page 646 is non-productive.
18) Fence Lines do not necessarily denote the boundary line for the property.
19) Reference Surveys:
DGW - D.G.White - S-14 #88 NKA 1992S088
JAH - J.A.Herring HERRZIN ACRES - Doc # 2022P00037, Doc # 2008S006, Survey dated 2002, Doc #2021S082, Doc # 2024S013
RBD - R.B. Dill Survey Doc # 2017S059

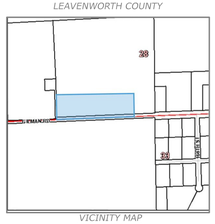
LEGEND:
● - 1/2" Rebar Set with Cap No.1296
○ - 1/2" Rebar Found, unless otherwise noted.
□ - Concrete Base around Point
△ - PK Nail Found in Place
( ) - Record / Deeded Distance
U/E - Utility Easement
D/E - Drainage Easement
B.S.L. - Building Setback Line
R/W - Permanent Dedicated Roadway Easement
BM - 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
POB - Point of Beginning
POC - Point of Commencing
- 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

PID NO. 108-28-0-00-00-011.07



- *Previous Report/Surveys show 2 Monuments assumed destroyed by County Road Improvment and not reset after construction by Leav. County. 5/8" Rebar location held per Herring 1296 LSRR. Monument to be reset at held location.*

SURVEYOR'S NOTE:
Two Monuments were used at the Southwest Corner of the Southwest Quarter. 1/2" Rebar - Southeast of the 5/8" Rebar - was held by D.G.White establishing the SE 1/4 of the SW 1/4. Later survey by J.A.Herring held the 5/8" Rebar established ENGLISH ESTATES, said point also held by R.B.Dill establishing right of way Document #2015R06447. The 5/8" Rebar location is held per this survey while holding the perimeter of properties as established by D.G.White Survey.



NORTH

Scale 1" = 50'

50 0 50 100 150
1" = 50'

Job # K-24-831 HZZ 2
June 2, 2024 Rev. 8-5-24

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

07-29-2024
No Further
Comment

Herrzin Acres

Leavenworth County Kansas

Drainage Report

June 5, 2024

Revised June 25, 2024



dlutgen72@gmail.com

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Herrzin Acres
Date: August 6, 2024

Krystal, I have reviewed the preliminary plat of the Herrzin Acres Subdivision presented by Joe and Shannon Herring. 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 placed along the road right-a-way at the intersection of 166th and Gilman Road at Lot 3. The plat shows the road intersection as 163rd but according to the address of the Herring's it is 166th. This hydrant will support this subdivision.

I have no further recommendation for this subdivision.

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

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Friday, June 21, 2024 9:34 AM
To: Schweitzer, Joshua
Subject: RE: DEV-24-074 Preliminary Plat Herrzin Acres 2 - Herring

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

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

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

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Monday, June 10, 2024 4:29 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-24-074 Preliminary Plat Herrzin Acres 2 - Herring

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary Plat for a 7-lot subdivision at 00000 Gilman Road (108-28-0-00-00-011.07)

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 June 25th.

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

v / r

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

Schweitzer, Joshua

From: Joe Herring <herringsurveying@outlook.com>
Sent: Monday, June 10, 2024 4:09 PM
To: PZ
Subject: Herrzin Acres 2 - Freestate

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 email chain below for possible service to Herrzin Acres 2

From: Gary Willits <gary.willits@freestate.coop>
Sent: Wednesday, March 27, 2024 12:34 PM
To: Joe Herring <herringsurveying@outlook.com>
Cc: Shauna Snyder <shauna.snyder@freestate.coop>
Subject: territory

Joe,
According to the written territory descriptions, FreeState Electric has the West ½ and the North ½ of the North/East1/4 of section 28, in Township 9-S, Range 22-E.
So, the section of land that you are checking on along the North side of Gilman road is in FreeState's territory.

As far as cost to build a new power line along the South side of this property, some of that answer will depend on the neighbors. It will depend on where, how and if we can extend this new power line across the neighboring property at 16930 Gilman road. Will the owners of this property allow FreeState Electric to build a new power line on their property and will they agree to have some of their trees trimmed or removed to accommodate a new power line.

Or will FreeState Electric have to build the new power line from the electric service for the rural water tower at 16894 Gilman road.

You as the developer would have to pay the infrastructure cost of the new power line extension. The portion of the new power line which you would have to pay for would be poles, primary wire, grounding, guys and anchors. You would NOT be responsible for any of the transformers, meter loops or meters, this equipment would be the responsibility of the individual lot owners.

You will be responsible for the removal of any trees, which need to be removed for the construction of a new power line.

Underground primary could also be an option to extend a power line to the new lots. Typically, a primary underground power line is about twice as expensive as a primary overhead line. Also, you would have to provide a 4' deep ditch and then back fill this ditch after FreeState personnel installed the electric cable in the ditch. You will also have to install a caution tape when back filling the ditch. FreeState Electric will provide the caution tape.

If you have any other questions please let us know.
Thanks,
Gary Willits
785-691-9297

Rural Water District #8

P.O. Box 246
Leavenworth, KS 66048
Phone: 913-796-2164
Email: rwd8lv@gmail.com

March 11, 2024

To Whom it May Concern:

Joe Herring has requested water service to Lisisni Acres on 171st Street and Herrzin Acres 2nd Plat on Gilman Rd.

Water is available to these areas with proper application.

As of this date, proper application will include a copy of the warranty deed showing ownership. A payment of $5,500.00 per benefit unit for the right to connect to the Rural Water District #8. The meter installation cost is approximately $2,000.00 due prior to installation.

If you have any further questions, please contact me at 913-796-2164.

Sincerely,

Sandra Heim
Office Manager for RWD#8

Fire District No.1, County of Leavenworth

111 East Kansas Avenue, Lansing, KS. 66043

Monday June 17th, 2024

Mr. Joe Herring
C/O 831 H2Z, LLC.
16630 Gilman Road
Leavenworth, KS. 66048
PID NO. 108-28-0-00-00-011.08

Dear Mr. Herring,

Your preliminary plat plan for Herrzin Acres 2, located in the Southwest Quarter of Section 28, Township 09 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, has been reviewed. There are no noticed deficiencies per the 2006 editions of the *International Building Code* (IBC), *International Fire Code (IFC),* and *International Mechanical Code* (IMC) and the plans provided by Herring Surveying Company dated 06/02/2024. Any changes to the plans provided need to be reviewed by our office.

Michael L. Stackhouse,

Michael L. Stackhouse

Fire Chief
Fire District No.1, County of Leavenworth
111 E. Kansas Avenue
Lansing, Kansas 66043
Office: 913-727-5844

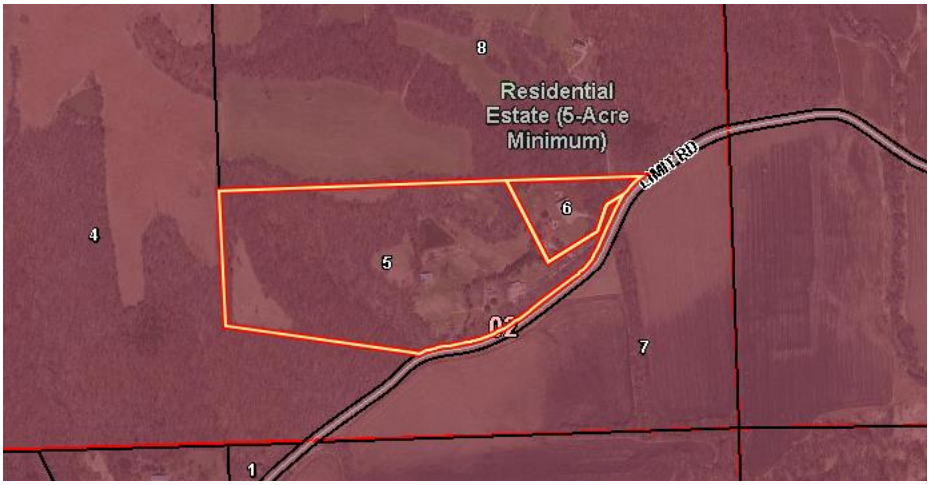
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-076/077 Koch Acres — September 11, 2024

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

STAFF REPRESENTATIVE:
Amy Allison
Deputy Director

SUBJECT PROPERTY: 24492 & 24510 Limit Road
FUTURE LAND USE: Residential Estate (5 acre min)



APPLICANT/APPLICANT AGENT:
JOE HERRING
HERRING SURVEYING
315 N. 5th Street
Leavenworth, KS 66048

PROPERTY OWNER:
Judy & Daniel Koch; Thomas Koch
24492 & 24510 Limit Road
Easton KS 66020

CONCURRENT APPLICATIONS:
NONE

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
Residential Estate (5 acre min)

LEGAL DESCRIPTION:
Two tracts of land in the Southeast Quarter of Section 2, Township 9 South, Range 20 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:
1. Recommend approval of Case No. DEV-24-076/077 Preliminary and Final Plat for Koch Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-076/077 Preliminary and Final Plat for Koch Acres, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 35 ACRES

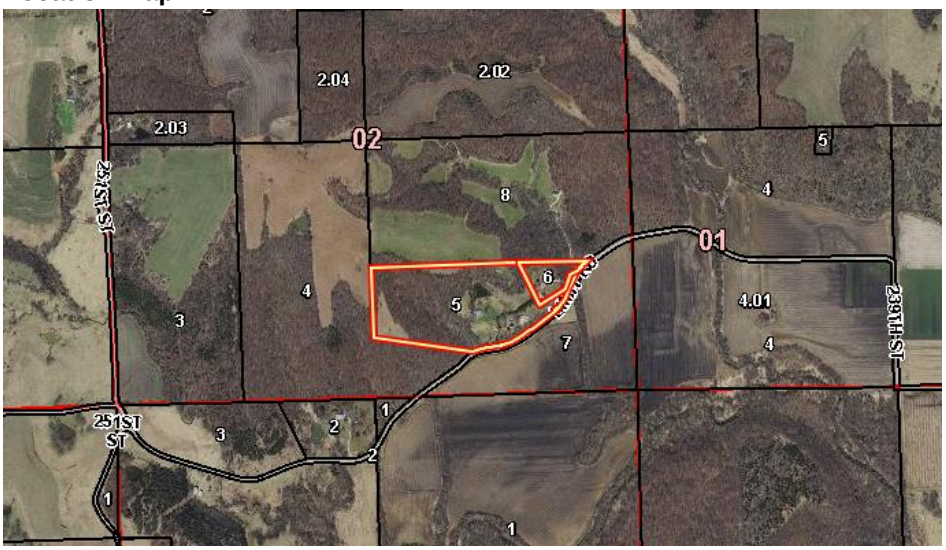
PARCEL ID NO:
121-02-0-00-00-005.00 & -006.00

BUILDINGS:
Two single family residences and accessory structures

PROJECT SUMMARY:
Request for preliminary and final plat approval to subdivide property located at 24492 & 24510 Limit Road as Lots 1 through 3 and Tract A of Koch Acres.

ACCESS/STREET:
Limit Road - Local, Gravel ± 19'

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: Alexandria

WATER: RWD 12

ELECTRIC: Freestate

NOTICE & REVIEW:

STAFF REVIEW:
9/6/2024

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:
N/A

STANDARDS TO BE CONSIDERED: *Type content in each if necessary (delete this afterwards)*			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		**Met**	**Not Met**
35-40	**Preliminary Plat Content**	X	
40-20	**Final Plat Content**	X	
41-6	**Access Management**	X	
41-6.B.a-c.	**Entrance Spacing**	X	
41-6.C.	**Public Road Access Management Standards**	N/A	
43	**Cross Access Easements**	N/A	
50-20	**Utility Requirements**	X	
50-30	**Other Requirements**	X	
50-40	**Minimum Design Standards**		X
	An exception from the Lot-width to Lot-Depth is needed for Lots 1-3.		
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 35 acres into three lots and one tract. 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). All lots are compliant with the minimum road frontage and acreage requirement for the RR-5 zoning district. However, Lots 1 & 2 do not meet the maximum lot-width to lot-depth requirement (1:4) and Lot 3 does not meet the minimum (1:1). An exception will need to be granted. Tract A will be considered a non-buildable lot, notation to that effect has been made. Currently Lots 2 & 3 share a driveway but Lot 2 does have enough road frontage to gain their own access. Staff recommends placing a condition that if Lot 2 will continue to access through Lot 3 a private drive easement must be filed with the Register of Deeds prior to filing the plat. If a separate access will be created for Lot 2, an entrance permit shall be submitted.

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 in conformance with the Zoning & Subdivision Regulations for the Koch Acres 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 Art. 50, Sec. 40.3.i. Lot-Width to Lot-Depth has been granted for Lots 1-3.
6. The applicant shall file a private access easement for Lot 2 or submit an entrance permit application prior to the filing of the subdivision with the Register of Deeds.
7. The developer must comply with the following memorandums:
   Memo – Denise Eggers, RWD 12, dated March 5, 2024
   Memo – Chuck Magaha, Emergency Management, dated July 10, 2024

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

~~FINAL~~ &

PRELIMINARY PLAT APPLICATION

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

Township: Alexandria	Office Use Only Planning Commission Meeting Date:
Case No. PEV-24-	Date Received/Paid: 06.17.2024
Zoning District RR 5	Comprehensive Plan Land Use Designation: 5 acre Min.

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: Herring Surveying Company	NAME: KOCH,DANIEL O & JUDY L KOCH,THOMAS L
MAILING ADDRESS: 315 North 5th Street	MAILING ADDRESS 24492 & 24510 LIMIT RD
CITY/ST/ZIP: Leavenworth, KS 66048	CITY/ST/ZIP Easton, KS 66020
PHONE: 913-651-3858	PHONE: N/A
EMAIL : herringsurveying@outlook.com	EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: KOCH ACRES

Address of Property: 24492 & 24510 LIMIT RD

PID: 121-02-0-00-00-005 & 006 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: 35 Ac	Number of Lots: 3	Minimum Lot Size: 9 AC
Maximum Lot Size: 14 AC	Proposed Zoning: RR-5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 12	Proposed Sewage: Septic
Fire District: Alexandria	Electric Provider: FREESTATE	Natural Gas Provider: Propane
Covenants: ☐ Yes ☒ No	Road Classification: *Local – Collector - Arterial – State - Federal*	
	Cross-Access Easement Requested: ☐ Yes ☒ No	
List of all Requested Exceptions: *Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.*	1. TBD	
	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 June 15, 2024 Date: 6-15-24

ATTACHMENT A

FINAL &
~~PRELIMINARY~~ PLAT APPLICATION

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

SCANNED

Office Use Only	
Township: Alexandria	Planning Commission Meeting Date:
Case No. DEV-24-	Date Received/Paid: 06.17.2024
Zoning District RR5	Comprehensive Plan Land Use Designation: ~~5~~ 5 acre Min.

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: Herring Surveying Company	NAME: KOCH,DANIEL O & JUDY L KOCH,THOMAS L
MAILING ADDRESS: 315 North 5th Street	MAILING ADDRESS 24492 & 24510 LIMIT RD
CITY/ST/ZIP: Leavenworth, KS 66048	CITY/ST/ZIP Easton, KS 66020
PHONE: 913-651-3858	PHONE: N/A
EMAIL : herringsurveying@outlook.com	EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: KOCH ACRES

Address of Property: 24492 & 24510 LIMIT RD

PID: 121-02-0-00-00-005 & 006 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: 35 Ac	Number of Lots: 3	Minimum Lot Size: 9 AC
Maximum Lot Size: 14 AC	Proposed Zoning: RR-5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 12	Proposed Sewage: Septic
Fire District: Alexandria	Electric Provider: FREESTATE	Natural Gas Provider: Propane
Covenants: ☐ Yes ☒ No	Road Classification: *Local – Collector - Arterial – State - Federal*	
	Cross-Access Easement Requested: ☐ Yes ☒ No	
List of all Requested Exceptions: *Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.*	1. TBD	
	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 June 15, 2024 Date: 6-15-24

ATTACHMENT A

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

We/I Victoria E. Burge / Koch

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 24510 Limit Rd., and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

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

Signed and entered this 21 day of August, 2023

Victoria E Burge Koch

Print Name, Address, Telephone

Victoria E Burge Koch

Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 21 day of August 2023 before me, a notary public in and for said County and State came Victoria E. Burge Koch 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 Kimberly Allison

My Commission Expires: 5/18/2027

(seal)

KIMBERLY ALLISON
Notary Public - State of Kansas
My Appt. Expires 5/18/2027

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

We/I Daniel O Koch and _____

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 24510 Linert Rd, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

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

Signed and entered this 21 day of August, 2023

Daniel O Koch
Print Name, Address, Telephone

Daniel E Koch
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 21 day of August 2023 before me, a notary public in and for said County and State came Daniel O. Koch 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 Kimberly Allison

My Commission Expires: 5/18/2027 (seal)

KIMBERLY ALLISON
Notary Public - State of Kansas
My Appt. Expires 5/18/2027

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

We/I Thomas L. Koch and Joyce F. Koch

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 24510 Limit Road, 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 21 day of August, 2023

Thomas L. Koch 1617 So. 7th, Atchison, KS. 913-360-0836
Print Name, Address, Telephone

Thomas L. Koch
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 21 day of August 2023 before me, a notary public in and for said County and State came Thomas L. Koch 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 Kimberly Allison

My Commission Expires: 5/18/2027 (seal)

KIMBERLY ALLISON
Notary Public - State of Kansas
My Appt. Expires 5/18/2027

KOCH ACRES - Exception from Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for all Lots

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.
   The steep terrain, Tract configuration, road alignment, and existing structures give special circumstances.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
   Yes - due to the statements above, this property is not suitable for additional development beyond this family division.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.
   It would not.

KOCH ACRES

A Minor Subdivision in the Southeast Quarter of Section 2, Township 9 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:

KOCH,DANIEL O & JUDY L
24492 LIMIT RD
EASTON, KS 66020
PID # 121-02-0-00-00-006

KOCH,THOMAS L & KOCH,DANIEL O
24510 LIMIT RD
EASTON, KS 66020
PID # 121-02-0-00-00-005

SURVEYOR'S DESCRIPTION:

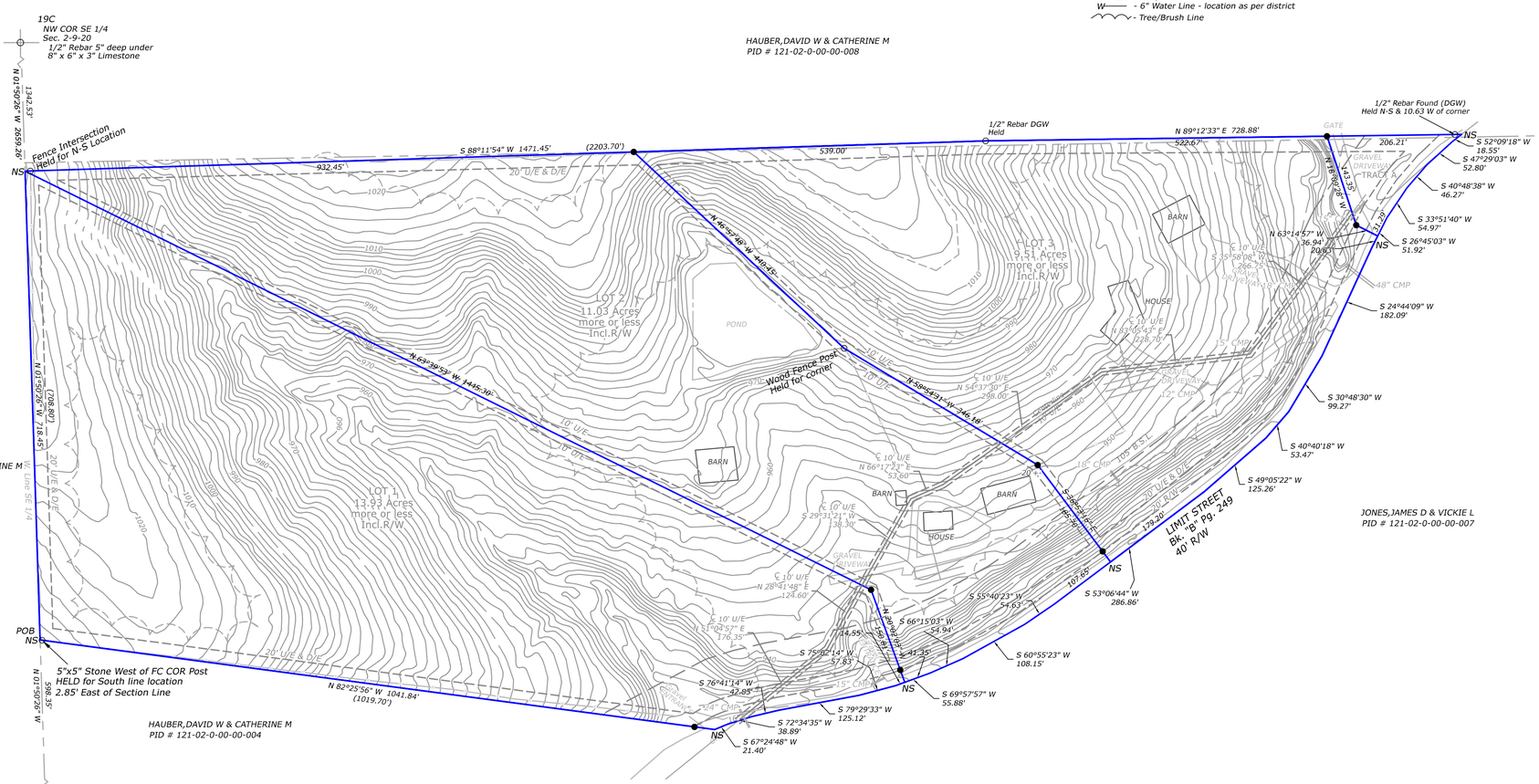
A tract of land in the Southeast Quarter of Section 2, Township 9 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 dated February 19, 2024, more fully described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 01 degrees 50'26" West for a distance of 598.35 feet along the West line of said Southeast Quarter to TRUE POINT OF BEGINNING, said point being an extended line through existing 5" x 5" Stone on the South line of surveyed property; thence North 01 degrees 50'26" West for a distance of 718.45 feet; thence North 88 degrees 11'54" East for a distance of 1471.45 feet along said North line to a 1/2" Rebar D.G.White Cap #356; thence North 89 degrees 12'33" East for a distance of 728.88 to the apparent centerline of Limit Street, as it exists today; thence South 52 degrees 09'18" West for a distance of 18.55 feet along said centerline; thence South 47 degrees 29'03" West for a distance of 52.80 feet along said centerline; thence thence South 40 degrees 48'38" West for a distance of 46.27 feet along said centerline; thence South 33 degrees 51'40" West for a distance of 54.97 feet along said centerline; thence South 26 degrees 45'03" West for a distance of 51.92 feet along said centerline; thence South 24 degrees 44'09" West for a distance of 182.09 feet along said centerline; thence South 30 degrees 48'30" West for a distance of 99.27 feet along said centerline; thence South 40 degrees 40'18" West for a distance of 53.47 feet along said centerline; thence South 49 degrees 05'22" West for distance of 125.26 feet along said centerline; thence South 53 degrees 06'44" West for a distance of 286.86 feet along said centerline; thence South 55 degrees 40'23" West for a distance of 54.63 feet along said centerline; thence South 60 degrees 55'23" West for a distance of 108.15 feet along said centerline; thence South 66 degrees 15'03" West for a distance of 54.94 feet along said centerline; thence South 69 degrees 57'57" West for a distance of 55.88 feet along said centerline; thence South 75 degrees 02'14" West for a distance of 57.83 feet along said centerline; thence South 79 degrees 29'33" West for a distance of 125.12 feet along said centerline; thence South 76 degrees 41'14" West for a distance of 42.85 feet along said centerline; thence South 72 degrees 34'35" West for a distance of 38.89 feet along said centerline; thence South 67 degrees 24'48" West for a distance of 21.40 feet along said centerline; thence North 82 degrees 25'56" West for a distance of 1041.84 feet to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 34.89 acres, more or less, including road right of ways.
Error of Closure - 1 : 157769

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) Tract A is not entitled to a building permit. Tract to be dedicated to adjacent land to North for access.
7) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for all Lots.
8) No off-plat restrictions.

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
- ///// - No Vehicle Entrance Access
- NS - Not Set this survey per agreement with client
- POB - Point of Beginning
- POC - Point of Commencing
- - DIRECTION OF WATER FLOW
- - Power Pole
- X —— - Fence Line
- OHP —— - Overhead Power Lines
- T —— - Underground Telephone/Fiber Optic Line
- - Gas Valve
- - Water Meter/Valve
- - Telephone Pedestal
- W —— - 6" Water Line - location as per district
- - Tree/Brush Line


19C
NW COR SE 1/4
Sec. 2-9-20
1/2" Rebar 5" deep under
8" x 6" x 3" Limestone
N 01°50'26" W 1342.53'
2695.26'
Fence Intersection
Held for N-S Location
NS
S 88°11'54" W 1471.45'
(2203.70')
932.45'
1/2" Rebar DGW
Held
539.00'
N 89°12'33" E 728.88'
522.67'
GATE
1/2" Rebar Found (DGW)
Held N-S & 10.63 W of corner
206.21'
S 52°09'18" W
18.55'
S 47°29'03" W
52.80'
S 40°48'38" W
46.27'
S 33°51'40" W
54.97'
S 26°45'03" W
51.92'
S 24°44'09" W
182.09'
S 30°48'30" W
99.27'
S 40°40'18" W
53.47'
S 49°05'22" W
125.26'
S 53°06'44" W
286.86'
S 55°40'23" W
54.63'
S 60°55'23" W
108.15'
S 66°15'03" W
54.94'
S 69°57'57" W
55.88'
S 75°02'14" W
57.83'
S 76°41'14" W
42.85'
S 79°29'33" W
125.12'
S 72°34'35" W
38.89'
S 67°24'48" W
21.40'
N 82°25'56" W 1041.84'
(1019.70')
POB
NS
5"x5" Stone West of FC COR Post
HELD for South line location
2.85' East of Section Line
N 01°50'26" W 598.35'
BM
POC
19E
SW COR SE 1/4
Sec. 2-9-20
5/8" Rebar 0.9' above ground
HAUBER,DAVID W & CATHERINE M
PID # 121-02-0-00-00-004
HAUBER,DAVID W & CATHERINE M
PID # 121-02-0-00-00-004
HAUBER,DAVID W & CATHERINE M
PID # 121-02-0-00-00-008
JONES,JAMES D & VICKIE L
PID # 121-02-0-00-00-007
W Line SE 1/4
N 01°50'26" W (208.80')
718.45'
20' U/E & D/E
10' U/E
LOT 1
13.93 Acres
more or less
Incl.R/W
LOT 2
11.03 Acres
more or less
Incl.R/W
LOT 3
9.51 Acres
more or less
Incl.R/W
POND
BARN
HOUSE
GRAVEL DRIVEWAY
TRACK A
LIMIT STREET
Bk. "B" Pg. 249
40' R/W
179.70'
107.65'
N 63°39'53" W 1445.38'
N 16°52'16" W 440.19'
N 58°54'51" W 346.16'
Wood Fence Post
Held for corner
N 63°14'57" W
36.94'
20.83'
S 35°58'06" W
1266.72'
(1267.41')
48" CMP
15" CMP
12" CMP
18" CMP
24" CMP
N 54°37'30" E
298.00'
N 66°17'23" E
53.60'
S 29°31'21" W
38.30'
N 28°41'48" E
124.60'
N 21°04'57" E
176.35'
N 79°29'33" E
44.55'
N 41°35'
58.81'
N 63°15'03" E
54.94'
N 69°57'57" E
55.88'
N 75°02'14" E
57.83'
N 60°55'23" E
108.15'
N 53°06'44" E
286.86'
N 49°05'22" E
125.26'
N 40°48'38" E
46.27'
N 30°48'30" E
99.27'
N 24°44'09" E
182.09'
N 26°45'03" E
51.92'
N 33°51'40" E
54.97'
N 40°40'18" E
53.47'
N 47°29'03" E
52.80'
N 52°09'18" E
18.55'
S 78°50'25" W
1470.35'
S 11°10'42" E
206.70'
S 78°49'18" W
206.70'
S 10°50'42" E
206.70'
S 78°49'18" W
206.70'
S 11°10

KOCH ACRES

A Minor Subdivision in the Southeast Quarter of Section 2, Township 9 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:

KOCH,DANIEL O & JUDY L
24492 LIMIT RD
EASTON, KS 66020
PID # 121-02-0-00-00-006

KOCH,THOMAS L & KOCH,DANIEL O
24510 LIMIT RD
EASTON, KS 66020
PID # 121-02-0-00-00-005

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: KOCH 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 KOCH ACRES, have set our hands this _____ day of _____, 2024.

_____ _____
Thomas L. Koch *Joyce F. Koch*

_____ _____
Daniel O. Koch *Judy L. Koch*

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came Thomas L. Koch and Joyce F. Koch, a married couple, 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)

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came Daniel O. Koch and Judy L. Koch, a married couple, 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 KOCH ACRES 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

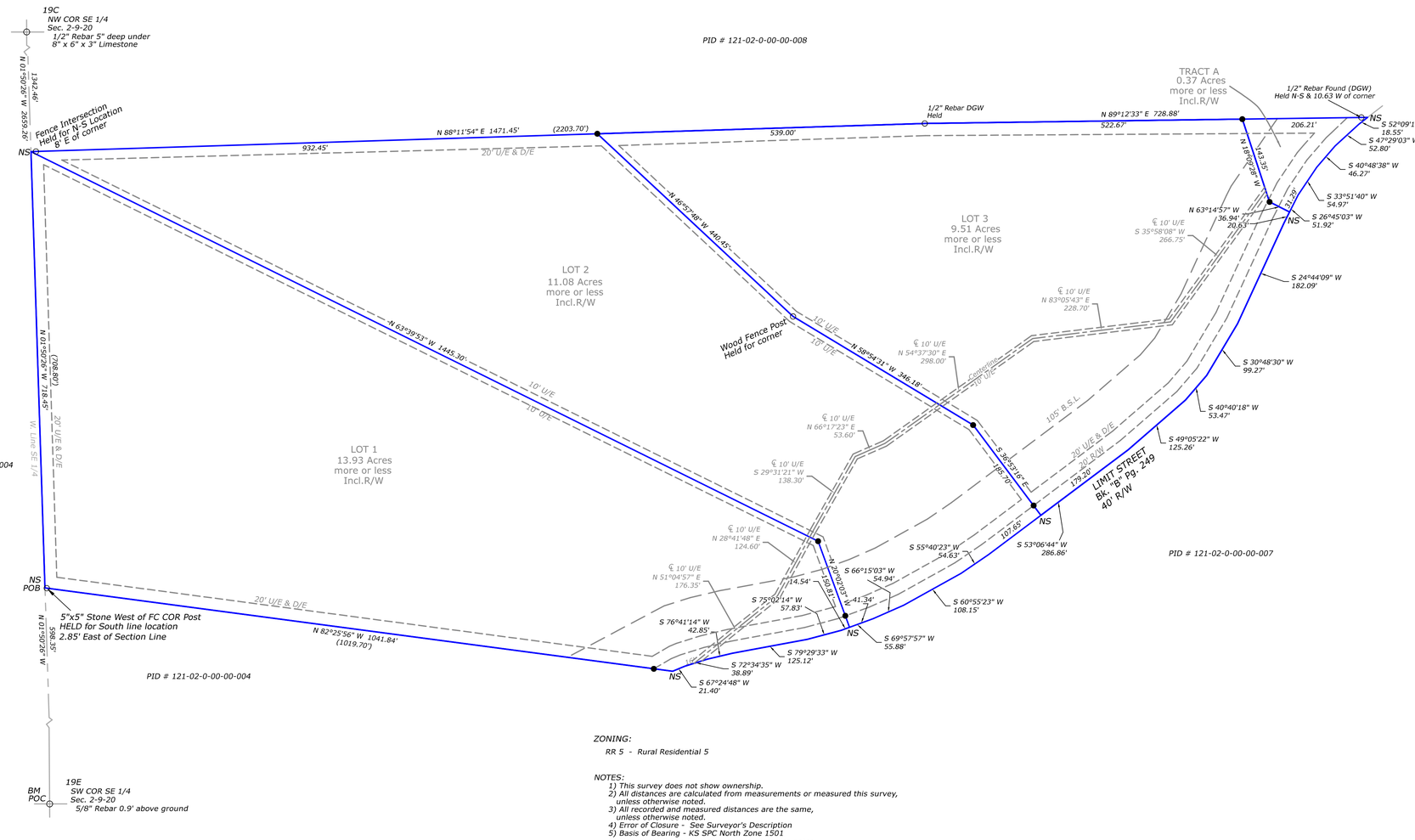
COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of KOCH ACRES this _____ day of _____, 2024.

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

SURVEYOR'S DESCRIPTION:
A tract of land in the Southeast Quarter of Section 2, Township 9 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 dated February 19, 2024, more fully described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 01 degrees 50'26" West for a distance of 598.35 feet along the West line of said Southeast Quarter to TRUE POINT OF BEGINNING, said point being an extended line through existing 5" x 5" Stone on the South line of surveyed property; thence North 01 degrees 50'26" West for a distance of 718.45 feet; thence North 88 degrees 11'54" East for a distance of 1471.45 feet to a 1/2" Rebar D.G.White Cap #356; thence North 89 degrees 12'33" East for a distance of 728.88 to the apparent centerline of Limit Street, as it exists today; thence South 52 degrees 09'18" West for a distance of 18.55 feet along said centerline; thence South 47 degrees 29'03" West for a distance of 52.80 feet along said centerline; thence thence South 40 degrees 48'38" West for a distance of 46.27 feet along said centerline; thence South 33 degrees 51'40" West for a distance of 54.97 feet along said centerline; thence South 26 degrees 45'03" West for a distance of 51.92 feet along said centerline; thence South 24 degrees 44'09" West for a distance of 182.09 feet along said centerline; thence South 30 degrees 48'30" West for a distance of 99.27 feet along said centerline; thence South 40 degrees 40'18" West for a distance of 53.47 feet along said centerline; thence South 49 degrees 05'22" West for distance of 125.26 feet along said centerline; thence South 53 degrees 06'44" West for a distance of 286.86 feet along said centerline; thence South 55 degrees 40'23" West for a distance of 54.63 feet along said centerline; thence South 60 degrees 55'23" West for a distance of 108.15 feet along said centerline; thence South 66 degrees 15'03" West for a distance of 54.94 feet along said centerline; thence South 69 degrees 57'57" West for a distance of 55.88 feet along said centerline; thence South 75 degrees 02'14" West for a distance of 57.83 feet along said centerline; thence South 79 degrees 29'33" West for a distance of 125.12 feet along said centerline; thence South 76 degrees 41'14" West for a distance of 42.85 feet along said centerline; thence South 72 degrees 34'35" West for a distance of 38.89 feet along said centerline; thence South 67 degrees 24'48" West for a distance of 21.40 feet along said centerline; thence North 82 degrees 25'56" West for a distance of 1041.84 feet to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 34.89 acres, more or less, including road right of ways.
Error of Closure - 1 : 157769

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) Tract A is not entitled to a building permit. Tract to be dedicated to adjacent land to North for access.
7) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for all Lots.
8) No off-plat restrictions.

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
////// - No Vehicle Entrance Access
NS - Not Set this survey per agreement with client
POB - Point of Beginning
POC - Point of Commencing



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 - See Surveyor's Description
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Existing and Proposed Lots for Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
Project Benchmark (BM) - SW COR SE 1/4 - Elev - 937.7'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Doc # 2019R08451, Doc #2007R07164
12) Utility Companies -
- Water - RWD 12
- Electric - FreeState
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Lawyer's Title of Kansas File Number 47861, dated June 24, 2024
14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0100G 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) Fence Lines do not necessarily denote the boundary line for the property.
18) Reference Surveys:
(JEM) - J.E. McCorkle Survey C-130, 1925
(HVP) - H.V.Parr Book S-2 49 4383 NKA 1949S4383
(DGW) - D.G.White Survey Book S-12 Pg.8, 1985 NKA 1985S008
19) Barn on Lot 2 that encroaches into the 10' Utility Easement will have to be rebuilt outside the easement limits if destroyed. No additions are allowed to said barn.
20) Lot 2 has required spacing for their own access point to be constructed, otherwise an access easement will be required.

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 Baumchen, PS#1363
County Surveyor

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

JOSEPH A. HERRING
REGISTERED
LS - 1296
KANSAS
LAND SURVEYOR

Job # K-23-1734
June 14, 2024 Rev 9-5-24

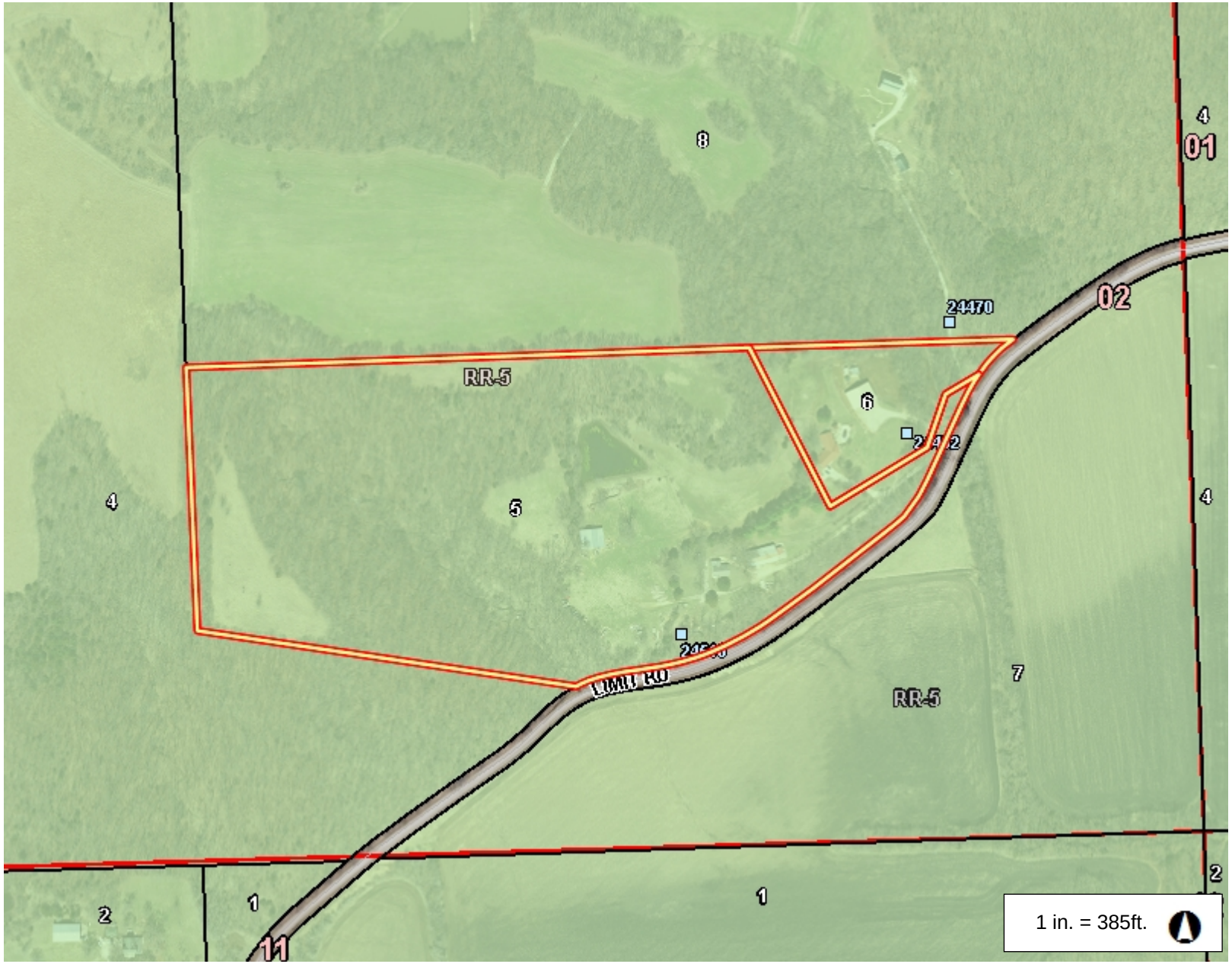
J.Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@leamcash.com

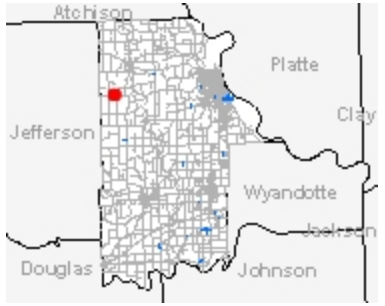
NORTH

Scale 1" = 100'

100 0 100 200 300
1" = 100'

DEV-24-076/077 Koch Acres





Legend

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

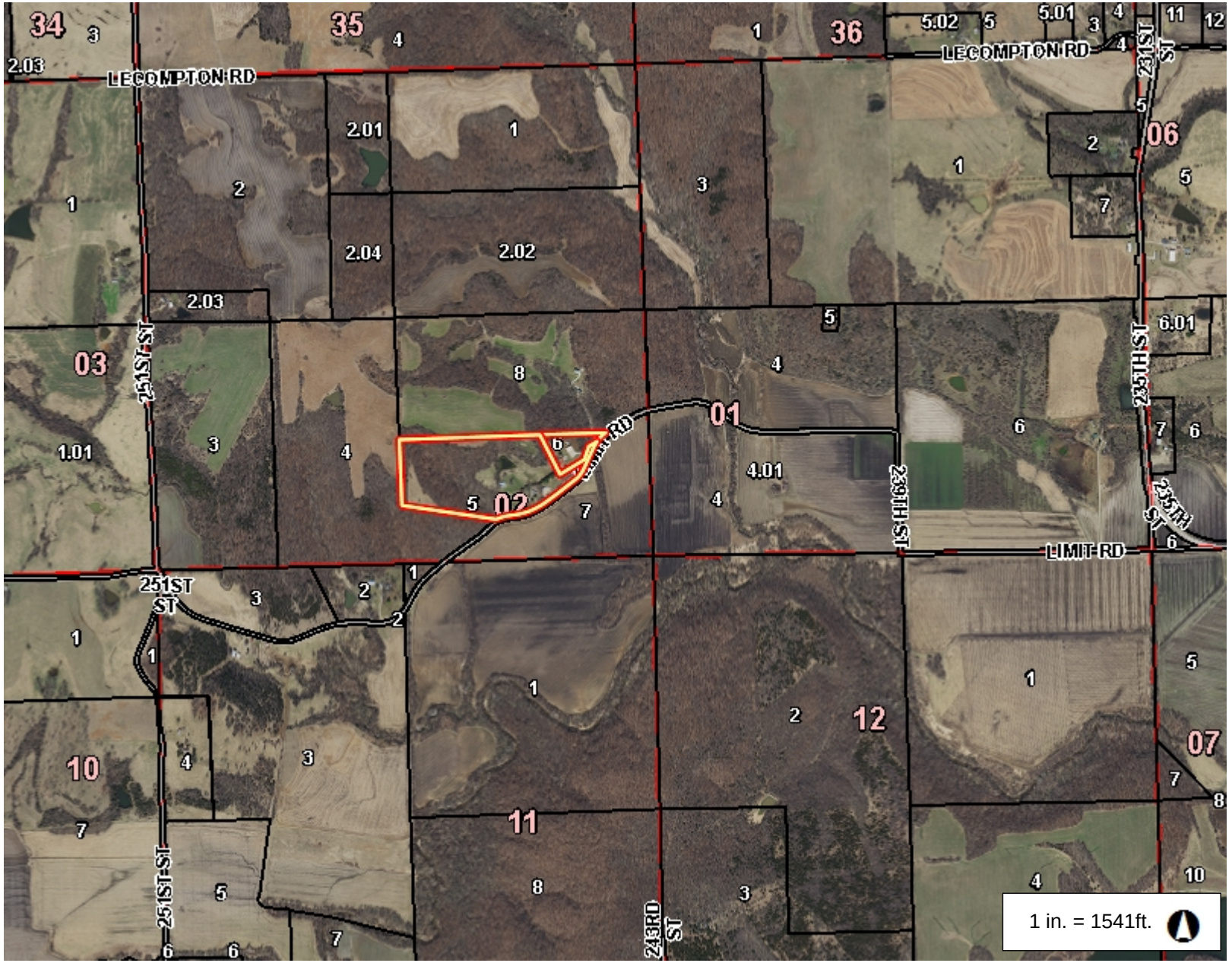
Notes

770.6 0 385.31 770.6 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

DEV-24-076/077 Koch Acres





Legend

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

Notes

3,082.5 0 1,541.24 3,082.5 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Allison, Amy

From: Joe Herring <herringsurveying@outlook.com>
Sent: Monday, June 17, 2024 1:27 PM
To: PZ
Subject: Fwd: Koch 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.

Fire reply

Sent via the Samsung Galaxy S22 5G, an AT&T 5G smartphone
Get Outlook for Android

From: Olson <bolson642@gmail.com>
Sent: Monday, June 17, 2024 12:58:58 PM
To: Joe Herring <herringsurveying@outlook.com>
Subject: Re: Koch Acres

To all involved,

I do not see a problem with the division of the property to make another build site.

Thank you,
Chief Olson
Sent from my iPhone

> On Jun 15, 2024, at 6:52 AM, Joe Herring <herringsurveying@outlook.com> wrote:
>
> I apologize if you have sent a response to the email request back in March.
> If you could resend it or send at response to serving this proposed division. Division will create on additional build site on their property.
>
> Thank you - Joe Herring
>
> _____
> J.Herring Inc., dba,Herring Surveying Company
> 315 N. 5th Street, Leavenworth, KS 66048
> 913-651-3858 - ROCK CHALK!
>
> <K-23-1734 Koch ACRES PRELIMINARY 6-14-24.pdf>

Allison, Amy

From: Joe Herring <herringsurveying@outlook.com>
Sent: Monday, June 17, 2024 8:00 AM
To: PZ
Subject: Fw: SERVICE VERIFICATION - PARCEL - R18112 KOCH 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: Shauna Snyder <shauna.snyder@freestate.coop>
Sent: Thursday, February 29, 2024 12:06 PM
To: Joe Herring <herringsurveying@outlook.com>
Subject: SERVICE VERIFICATION - PARCEL - R18112

FreeState Electrical Cooperative will provide power to a new home/development being built on/at Limit Rd, parcel R18112, for Koch Acres. FreeState will provide service for 3 separate lots.

Thank you,
Shauna Snyder

Shauna Snyder
Members Service Representative

FreeState Electric Cooperative, Inc.
Your Touchstone Energy® Cooperative

1-800-794-1989 | www.freestate.coop

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

March 5, 2024

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

RE: Rural Water Availability-Daniel O. & Judy L. Koch

To Whom It May Concern:

Please be advised that at this time domestic water service is available from Jefferson County Rural Water District No. 12 for land, owned by Daniel O. & Judy L. Koch, located in SE ¼ of Section 2, Township 9, Range 20, Leavenworth County, Kansas.

Benefit units are available in the said area, but this is in no way a guarantee that benefit units will be available in the future for said property. All new benefit units must be approved by the Board of Directors for Jefferson County Rural Water District No. 12. Pre-application for water service with the district has not been made for said property at this time.

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

Sincerely,

Denise Eggers,
Office Manager

Cc: Joe Herring

Allison, Amy

From: Anderson, Kyle
Sent: Friday, June 21, 2024 9:55 AM
To: Allison, Amy
Subject: RE: RE: DEV-24-076/77 Preliminary and Final Plat – Koch Acres
Attachments: 24492 Limit.png

We have not received any complaints on these properties. It appears the septic system servicing 24492 will remain on lot 3 with the home (drawing attached). We do not have any records on the septic system for 24510 so I do not know the location.

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

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Tuesday, June 18, 2024 5:02 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-24-076/77 Preliminary and Final Plat – Koch Acres

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 3 lot subdivision at 24492 & 24510 Limit 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 Tuesday, July 2, 2024.

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

Thank you,

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

Disclaimer

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Koch Acres Subdivision
Date: July 10, 2024

Amy, I have reviewed the preliminary plat of the Koch Acres Subdivision presented by Daniel and Judy Koch. 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-away on the 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.

KOCH ACRES

A Minor Subdivision in the Southeast Quarter of Section 2, Township 9 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:

KOCH,DANIEL O & JUDY L
24492 LIMIT RD
EASTON, KS 66020
PID # 121-02-0-00-00-006

KOCH,THOMAS L & KOCH,DANIEL O
24510 LIMIT RD
EASTON, KS 66020
PID # 121-02-0-00-00-005

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: KOCH 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 KOCH ACRES, have set our hands this _____ day of _____, 2024.

_____ _____
Thomas L. Koch *Joyce F. Koch*

_____ _____
Daniel O. Koch *Judy L. Koch*

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came Thomas L. Koch and Joyce F. Koch, a married couple, 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)

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came Daniel O. Koch and Judy L. Koch, a married couple, 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)

PID # 121-02-0-00-00-004

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

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

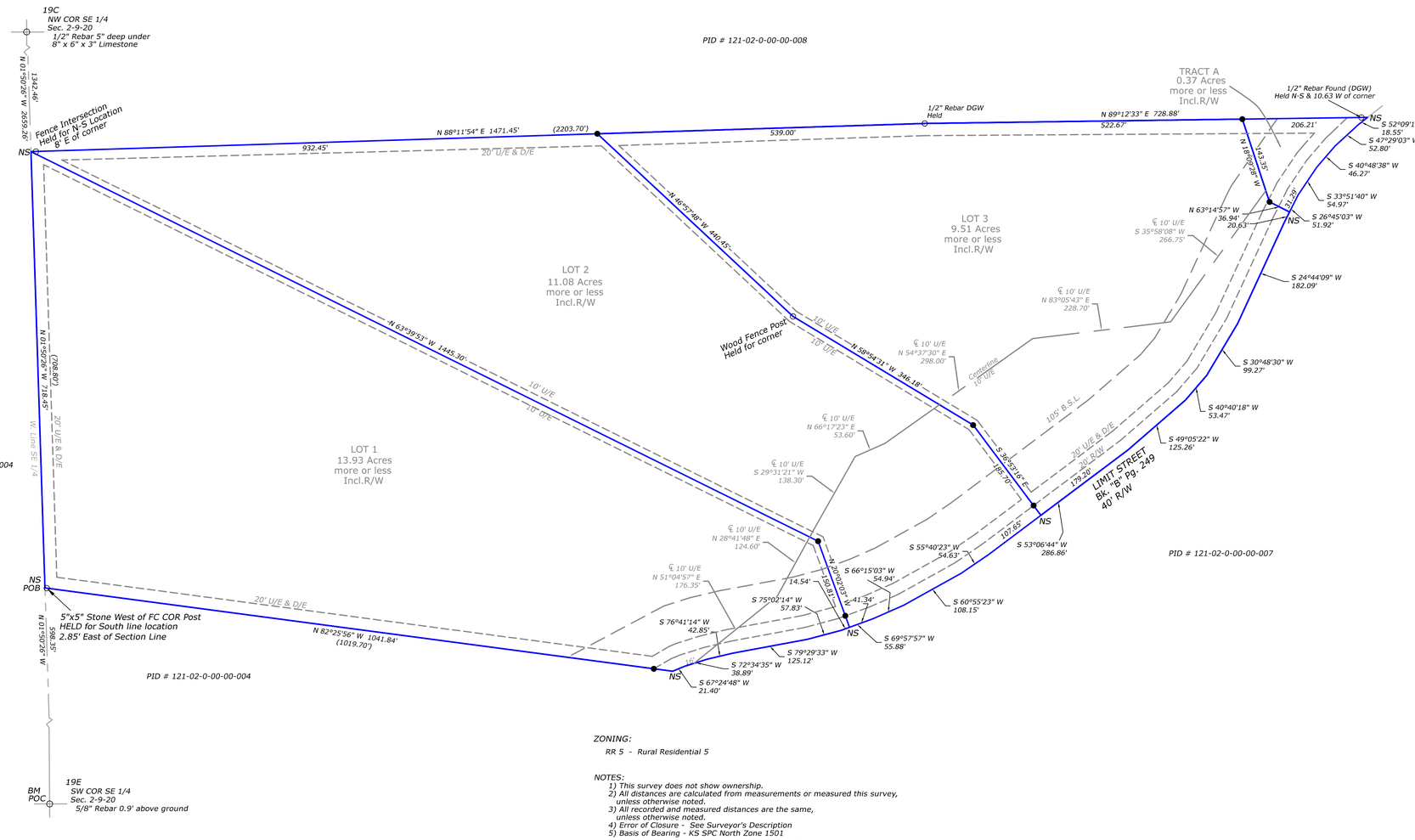
REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2024 at _____ o'clock __M in the Office of the Register of Deeds of Leavenworth County, Kansas,

_____
Register of Deeds - TerriLois G. Mashburn

SURVEYOR'S DESCRIPTION:
A tract of land in the Southeast Quarter of Section 2, Township 9 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 dated February 19, 2024, more fully described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 01 degrees 50'26" West for a distance of 598.35 feet along the West line of said Southeast Quarter to TRUE POINT OF BEGINNING, said point being an extended line through existing 5" x 5" Stone on the South line of surveyed property; thence North 01 degrees 50'26" West for a distance of 718.45 feet; thence North 88 degrees 11'54" East for a distance of 1471.45 feet to a 1/2" Rebar D.G.White Cap #356; thence North 89 degrees 12'33" East for a distance of 728.88 to the apparent centerline of Limit Street, as it exists today; thence South 52 degrees 09'18" West for a distance of 18.55 feet along said centerline; thence South 47 degrees 29'03" West for a distance of 52.80 feet along said centerline; thence thence South 40 degrees 48'38" West for a distance of 46.27 feet along said centerline; thence South 33 degrees 51'40" West for a distance of 54.97 feet along said centerline; thence South 26 degrees 45'03" West for a distance of 51.92 feet along said centerline; thence South 24 degrees 44'09" West for a distance of 182.09 feet along said centerline; thence South 30 degrees 48'30" West for a distance of 99.27 feet along said centerline; thence South 40 degrees 40'18" West for a distance of 53.47 feet along said centerline; thence South 49 degrees 05'22" West for distance of 125.26 feet along said centerline; thence South 53 degrees 06'44" West for a distance of 286.86 feet along said centerline; thence South 55 degrees 40'23" West for a distance of 54.63 feet along said centerline; thence South 60 degrees 55'23" West for a distance of 108.15 feet along said centerline; thence South 66 degrees 15'03" West for a distance of 54.94 feet along said centerline; thence South 69 degrees 57'57" West for a distance of 55.88 feet along said centerline; thence South 75 degrees 02'14" West for a distance of 57.83 feet along said centerline; thence South 79 degrees 29'33" West for a distance of 125.12 feet along said centerline; thence South 76 degrees 41'14" West for a distance of 42.85 feet along said centerline; thence South 72 degrees 34'35" West for a distance of 38.89 feet along said centerline; thence South 67 degrees 24'48" West for a distance of 21.40 feet along said centerline; thence North 82 degrees 25'56" West for a distance of 1041.84 feet to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 34.89 acres, more or less, including road right of ways.
Error of Closure - 1 : 157769

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) Tract A is not entitled to a building permit. Tract to be dedicated to adjacent land to North for access.
7) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for all Lots.
8) No off-plat restrictions.

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
- ///// - No Vehicle Entrance Access
- NS - Not Set this survey per agreement with client
- POB - Point of Beginning
- POC - Point of Commencing



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 - See Surveyor's Description
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Existing and Proposed Lots for Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
Project Benchmark (BM) - SW COR SE 1/4 - Elev - 937.7'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Doc # 2019R08451, Doc #2007R07164
12) Utility Companies -
- Water - RWD 12
- Electric - FreeState
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Lawyer's Title of Kansas File Number 47861, dated June 24, 2024
14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0100G 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.
18) Fence Lines do not necessarily denote the boundary line for the property.
19) Reference Surveys:
(JEM) - J.E. McCorkle Survey C-130, 1925
(HVP) - H.V.Parr Book S-2 49 4383 NKA 1949S4383
(DGW) - D.G.White Survey Book S-12 Pg.8, 1985 NKA 1985S008



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 2024.08.26 No Comments

_____
Daniel Baumchen, PS#1363
County Surveyor

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

JOSEPH A. HERRING
REGISTERED
LS - 1296
KANSAS
LAND SURVEYOR

Job # K-23-1734
June 14, 2024 Rev 8-21-24

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

NORTH

Scale 1" = 100'

100 0 100 200 300
1" = 100'

Public Works has no comments. The Drainage Study is approved.

Koch Acres

Leavenworth County Kansas

Drainage Report

March 17, 2024



dlutgen72@gmail.com

KOCH ACRES

A Minor Subdivision in the Southeast Quarter of Section 2, Township 9 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:

KOCH,DANIEL O & JUDY L
24492 LIMIT RD
EASTON, KS 66020
PID # 121-02-0-00-00-006

KOCH,THOMAS L & KOCH,DANIEL O
24510 LIMIT RD
EASTON, KS 66020
PID # 121-02-0-00-00-005

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: KOCH 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.

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

_____ _____
Thomas L. Koch *Joyce F. Koch*

_____ _____
Daniel O. Koch *Judy L. Koch*

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came Thomas L. Koch and Joyce F. Koch, a married couple, 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)*

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came Daniel O. Koch and Judy L. Koch, a married couple, 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 KOCH ACRES 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 KOCH ACRES 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,

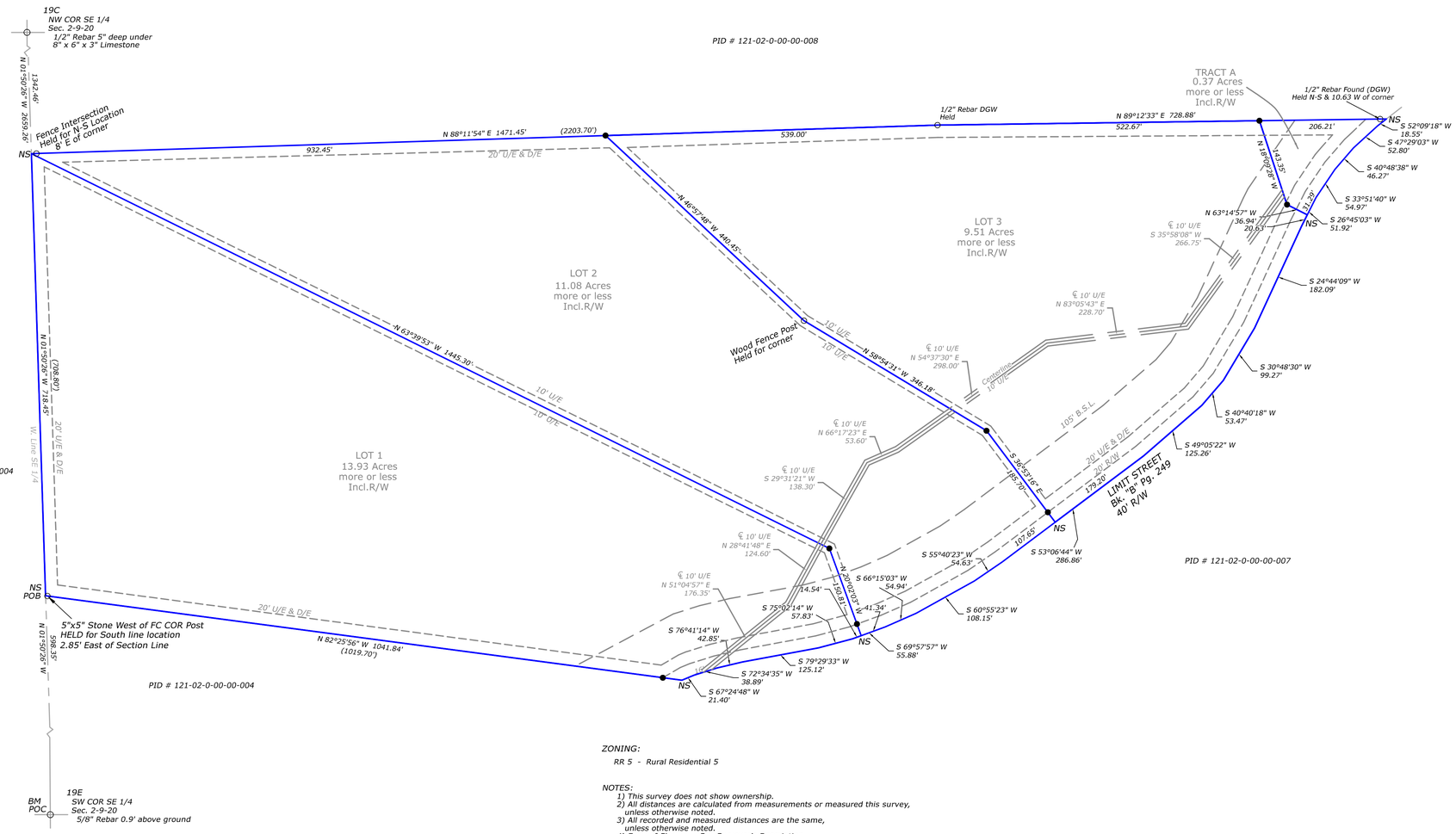
_____
Register of Deeds - TerriLois G. Mashburn

SURVEYOR'S DESCRIPTION:
A tract of land in the Southeast Quarter of Section 2, Township 9 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 dated February 19, 2024, more fully described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 01 degrees 50'26" West for a distance of 598.35 feet along the West line of said Southeast Quarter to TRUE POINT OF BEGINNING, said point being an extended line through existing 5" x 5" Stone on the South line of surveyed property; thence North 01 degrees 50'26" West for a distance of 718.45 feet; thence North 88 degrees 11'54" East for a distance of 1471.45 feet to a 1/2" Rebar D.G.White Cap #356; thence North 89 degrees 12'33" East for a distance of 728.88 to the apparent centerline of Limit Street, as it exists today; thence South 52 degrees 09'18" West for a distance of 18.55 feet along said centerline; thence South 47 degrees 29'03" West for a distance of 52.80 feet along said centerline; thence thence South 40 degrees 48'38" West for a distance of 46.27 feet along said centerline; thence South 33 degrees 51'40" West for a distance of 54.97 feet along said centerline; thence South 26 degrees 45'03" West for a distance of 51.92 feet along said centerline; thence South 24 degrees 44'09" West for a distance of 182.09 feet along said centerline; thence South 30 degrees 48'30" West for a distance of 99.27 feet along said centerline; thence South 40 degrees 40'18" West for a distance of 53.47 feet along said centerline; thence South 49 degrees 05'22" West for distance of 125.26 feet along said centerline; thence South 53 degrees 06'44" West for a distance of 286.86 feet along said centerline; thence South 55 degrees 40'23" West for a distance of 54.63 feet along said centerline; thence South 60 degrees 55'23" West for a distance of 108.15 feet along said centerline; thence South 66 degrees 15'03" West for a distance of 54.94 feet along said centerline; thence South 69 degrees 57'57" West for a distance of 55.88 feet along said centerline; thence South 75 degrees 02'14" West for a distance of 57.83 feet along said centerline; thence South 79 degrees 29'33" West for a distance of 125.12 feet along said centerline; thence South 76 degrees 41'14" West for a distance of 42.85 feet along said centerline; thence South 72 degrees 34'35" West for a distance of 38.89 feet along said centerline; thence South 67 degrees 24'48" West for a distance of 21.40 feet along said centerline; thence North 82 degrees 25'56" West for a distance of 1041.84 feet to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 34.89 acres, more or less, including road right of ways.
Error of Closure - 1 : 157769

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) Tract A is not entitled to a building permit. Tract to be dedicated to adjacent land to North for access.
7) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for all Lots.
8) No off-plat restrictions.

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
////// - No Vehicle Entrance Access
NS - Not Set this survey per agreement with client
POB - Point of Beginning
POC - Point of Commencing

09-04-2024 Combined PW No Comments



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 - See Surveyor's Description
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Existing and Proposed Lots for Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
Project Benchmark (BM) - SW COR SE 1/4 - Elev - 937.7'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Doc # 2019R08451, Doc #2007R07164
12) Utility Companies -
- Water - RWD 12
- Electric - FreeState
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Lawyer's Title of Kansas File Number 47861, dated June 24, 2024
14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0100G 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) Fence Lines do not necessarily denote the boundary line for the property.
18) Reference Surveys:
(JEM) - J.E. McCorkle Survey C-130, 1925
(HVP) - H.V.Parr Book S-2 49 4383 NKA 1949S4383
(DGW) - D.G.White Survey Book S-12 Pg.8, 1985 NKA 1985S008
19) Barn on Lot 2 that encroaches into the 10' Utility Easement will have to be rebuilt outside the easement limits if destroyed. No additions are allowed to said barn.
20) Lot 2 has required spacing for their own access point to be constructed, otherwise an access easement will be required.

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 Baumchen, PS#1363
County Surveyor

JOSEPH A. HERRING
REGISTERED
LS - 1296
KANSAS
LAND SURVEYOR

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

Joseph A. Herring
PS # 1296

Job # K-23-1734
June 14, 2024 Rev 9-3-24

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

NORTH

Scale 1" = 100'

100 0 100 200 300
1" = 100'

KOCH ACRES

A Minor Subdivision in the Southeast Quarter of Section 2, Township 9 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:

KOCH,DANIEL O & JUDY L
24492 LIMIT RD
EASTON, KS 66020
PID # 121-02-0-00-00-006

KOCH,THOMAS L & KOCH,DANIEL O
24510 LIMIT RD
EASTON, KS 66020
PID # 121-02-0-00-00-005

SURVEYOR'S DESCRIPTION:

A tract of land in the Southeast Quarter of Section 2, Township 9 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 dated February 19, 2024, more fully described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 01 degrees 50'26" West for a distance of 598.35 feet along the West line of said Southeast Quarter to TRUE POINT OF BEGINNING, said point being an extended line through existing 5" x 5" Stone on the South line of surveyed property; thence North 01 degrees 50'26" West for a distance of 718.45 feet; thence North 88 degrees 11'54" East for a distance of 1471.45 feet along said North line to a 1/2" Rebar D.G.White Cap #356; thence North 89 degrees 12'33" East for a distance of 728.88 to the apparent centerline of Limit Street, as it exists today; thence South 52 degrees 09'18" West for a distance of 18.55 feet along said centerline; thence South 47 degrees 29'03" West for a distance of 52.80 feet along said centerline; thence thence South 40 degrees 48'38" West for a distance of 46.27 feet along said centerline; thence South 33 degrees 51'40" West for a distance of 54.97 feet along said centerline; thence South 26 degrees 45'03" West for a distance of 51.92 feet along said centerline; thence South 24 degrees 44'09" West for a distance of 182.09 feet along said centerline; thence South 30 degrees 48'30" West for a distance of 99.27 feet along said centerline; thence South 40 degrees 40'18" West for a distance of 53.47 feet along said centerline; thence South 49 degrees 05'22" West for distance of 125.26 feet along said centerline; thence South 53 degrees 06'44" West for a distance of 286.86 feet along said centerline; thence South 55 degrees 40'23" West for a distance of 54.63 feet along said centerline; thence South 60 degrees 55'23" West for a distance of 108.15 feet along said centerline; thence South 66 degrees 15'03" West for a distance of 54.94 feet along said centerline; thence South 69 degrees 57'57" West for a distance of 55.88 feet along said centerline; thence South 75 degrees 02'14" West for a distance of 57.83 feet along said centerline; thence South 79 degrees 29'33" West for a distance of 125.12 feet along said centerline; thence South 76 degrees 41'14" West for a distance of 42.85 feet along said centerline; thence South 72 degrees 34'35" West for a distance of 38.89 feet along said centerline; thence South 67 degrees 24'48" West for a distance of 21.40 feet along said centerline; thence North 82 degrees 25'56" West for a distance of 1041.84 feet to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 34.89 acres, more or less, including road right of ways.
Error of Closure - 1 : 157769

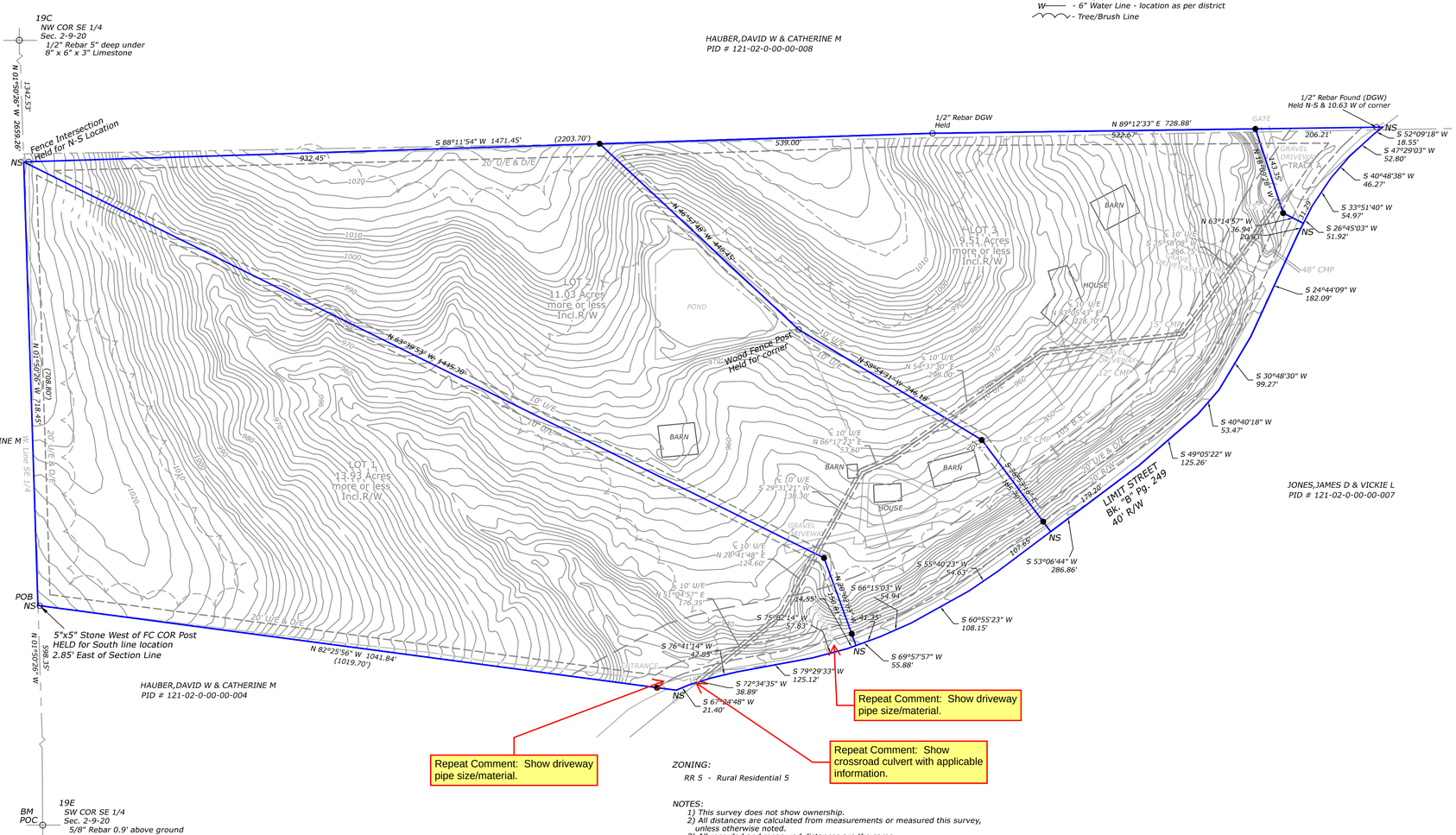
RESTRICTIONS:

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) Tract A is not entitled to a building permit. Tract to be dedicated to adjacent land to North for access.
7) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for all Lots.
8) No off-plat restrictions.

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
- ///// - No Vehicle Entrance Access
- NS - Not Set this survey per agreement with client
- POB - Point of Beginning
- POC - Point of Commencing
- - DIRECTION OF WATER FLOW
- - Power Pole
- X —— - Fence Line
- OHP —— - Overhead Power Lines
- T —— - Underground Telephone/Fiber Optic Line
- - Gas Valve
- - Water Meter/Valve
- - Telephone Pedestal
- W —— - 6" Water Line - location as per district
- - Tree/Brush Line

09-04-2024
Combined PW
Comments



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 - See Surveyor's Description
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Existing and Proposed Lots for Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
   Project Benchmark (BM) - SW COR SE 1/4 - Elev - 937.7'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Doc # 2019R08451, Doc #2007R07164
12) Utility Companies -
   - Water - RWD 12
   - Electric - FreeState
   - Sewer - Septic / Lagoon
   - Gas - Propane / Natural Gas
13) Reference Lawyer's Title of Kansas File Number 47861, dated June 24, 2024
14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0100G 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.
18) Fence Lines do not necessarily denote the boundary line for the property.
19) Reference Surveys:
   (JEM) - J.E. McCorkle Survey C-130
20) Barn on Lot 2 that encroaches into the 10' Utility Easement will have to be rebuilt outside the easement limits if destroyed. No additions are allowed to said barn.
21) Lot 2 has required spacing for their own access point to be constructed, otherwise an access easement will be required.



NORTH

Scale 1" = 100'

100 0 100 200 300
1" = 100'

Job # K-23-1734
June 14, 2024 Rev. 9-3-24

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

JOSEPH A. HERRING
REGISTERED
LS - 1296
KANSAS
LAND SURVEYOR

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

Joseph A. Herring
PS # 1296

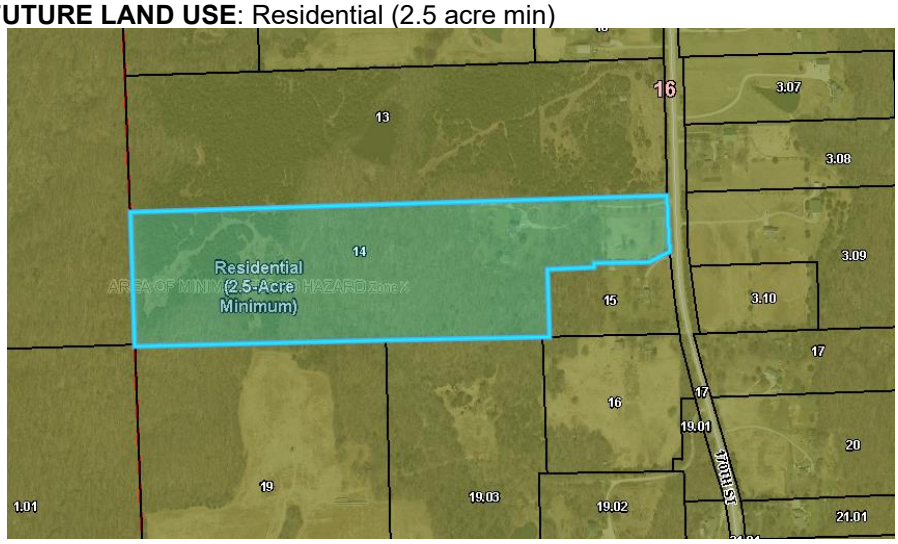
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-078 Cottages at Whistle Creek CAE — September 11, 2024

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

STAFF REPRESENTATIVE:
Amy Allison
Deputy Director

SUBJECT PROPERTY: 12927 170th Street
FUTURE LAND USE: Residential (2.5 acre min)



APPLICANT/APPLICANT AGENT:
JOE HERRING
HERRING SURVEYING
315 N. 5th Street
Leavenworth, KS 66048

PROPERTY OWNER:
Ross Family Living Trust
12927 170th Street
Linwood KS 66052

CONCURRENT APPLICATIONS:
NONE

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
Residential (2.5 acre min)

LEGAL DESCRIPTION:
A tract of land in the Northwest Quarter of Section 16, Township 12 South, Range 22 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:
1. Recommend approval of Case No. DEV-24-078, Cottages at Whistle Creek Cross Access Easement with or without conditions; or
2. Recommend denial of Case No. DEV-24-078, Cottages at Whistle Creek Cross Access Easement the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 34.8 acres

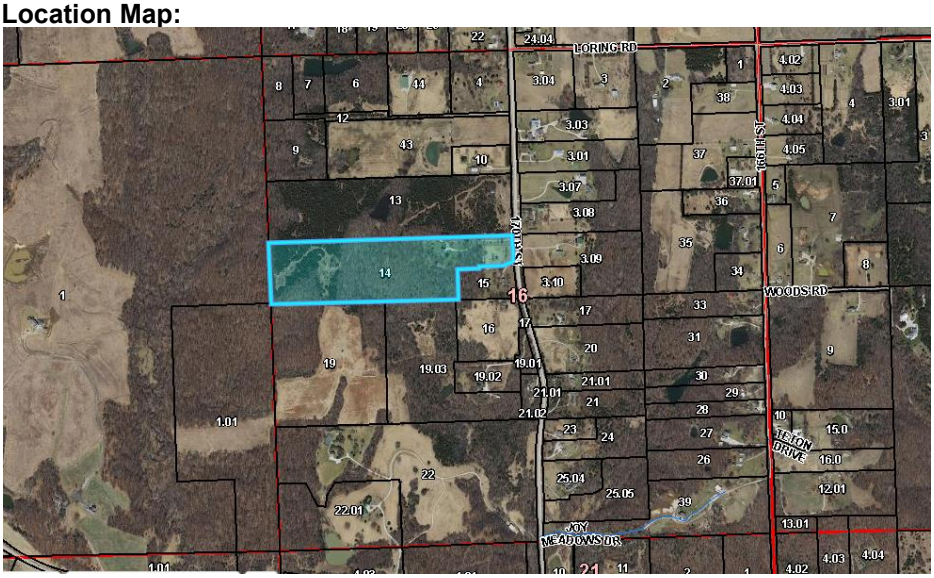
PARCEL ID NO:
235-16-0-00-00-014.00

BUILDINGS:
Single family residence and accessory structures

PROJECT SUMMARY:
Request for preliminary plat approval to subdivide property located at 12927 170th Street as Lots 1 through 7 of Cottages at Whistle Creek.

ACCESS/STREET:
170th Street – Local Collector, Paved ± 30'

Location Map:



UTILITIES

SEWER: Private Septic

FIRE: FD# 2

WATER: RWD 7

ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW:
9/4/2024

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:
N/A

STANDARDS TO BE CONSIDERED: *Type content in each if necessary (delete this afterwards)*			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		**Met**	**Not Met**
35-40	**Preliminary Plat Content**	X	
40-20	**Final Plat Content**	X	
41-6	**Access Management**	X	
41-6.B.a-c.	**Entrance Spacing**	X	
41-6.C.	**Public Road Access Management Standards**	X	
43	**Cross Access Easements**	X	
50-20	**Utility Requirements**	X	
50-30	**Other Requirements**	X	
50-40	**Minimum Design Standards**		X
	An exception from Lot-width to Lot-depth needed for Lots 2-5, utility easement requirements, and non-conforming structures		
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 34-acre parcel into seven 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 applicant is proposing a Cross Access Easement private drive to provide access to all lots. All lots meet the minimum acreage and frontage requirements for the RR-2.5 zoning district. Lots 2-5 will require an exception from the Lot-width to Lot-depth standards as they do not meet the 1:1 ratio minimum. The applicant is also requesting an exception from Art. 50, Sec. 40.4.a. which requires utility easements to be placed along all rear property lines at a minimum width of 20 feet. The reason for their request is included in the application packet. Evergy has been contacted about this request and would like more time to consider the impacts of the proposed utility easement layout. Last, the applicant is requesting an exception from the non-conforming structure requirement as there are existing structures that would be placed in the proposed 40 BSL along the private drive. Again, their narrative has been provided in the application.

EXCEPTIONS:

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

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

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

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

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

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

The applicant has requested an exception from Article 50, Section 40.4.a. – Utility Easement Requirements. 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 40.4.a. – Utility Easement Requirements in conformance with the Zoning & Subdivision Regulations for the Cottages at Whistle Creek 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 Art. 50, Sec. 40.3.h. Non-conforming Structure has been granted for Lot 2.
6. An exception from Art. 50, Sec. 40.3.i. Lot-Width to Lot-Depth has been granted for Lots 2-5.
7. An exception from Art. 50, Sec. 40.4.a. Utility Easement Requirements have been granted for Cottages at Whistle Creek.
8. The developer must comply with the following memorandums:
   Memo – Dylan Ritter, Fire District #2, dated June 25, 2024
   Email – Kyle Kraemer, RWD 7, dated July 25, 2024
   Memo – Mitch Pleak, Olsson, dated September 4, 2024

ATTACHMENTS:

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

235-16 014.00

~~FINAL &~~

PRELIMINARY PLAT APPLICATION

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

Sherman
RWD 7 Evergy
34.80 458 RR2.5

Office Use Only

Township: Sherman
Planning Commission Meeting Date:
Case No. DEV-24-
Date Received/Paid:
Zoning District RR 2.5
Comprehensive Plan Land Use Designation:

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: Herring Surveying Company	NAME: ROSS FAMILY LIVING TRUST
MAILING ADDRESS: 315 North 5th Street	MAILING ADDRESS 12927 170th Street
CITY/ST/ZIP: Leavenworth, KS 66048	CITY/ST/ZIP Linwood KS 66052
PHONE: 913-651-3858	PHONE: N/A
EMAIL : herringsurveying@outlook.com	EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: Cottages at Whistle Creek

Address of Property: 12927 170th Street

PID: 235-16-0-00-00-014
Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: ~~25~~ 34.80 AC	Number of Lots: 7	Minimum Lot Size: 2.6 Ac
Maximum Lot Size: 5.6 Ac	Proposed Zoning: RR-2.5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 7	Proposed Sewage: Septic
Fire District: Fire District 2	Electric Provider: Evergy	Natural Gas Provider: Propane
Covenants: [x] Yes [ ] No	Road Classification: *Local – Collector - Arterial – State - Federal*	
	Cross-Access Easement Requested: [x] Yes [ ] No	
List of all Requested Exceptions: *Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.*	1. Width to Depth	
	2. Easements	
	3.	
	4.	
	5.	

Is any part of the site designated as Floodplain? [ ] Yes [x] 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 June 21, 2024 Date: 6-21-24

ATTACHMENT A

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

We/I MATTHEW F. ROSS and LAURA M. ROSS

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 12927 170TH st. LINWOOD, KS 66052, 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 5 day of DEC, 2023

MATTHEW F. ROSS AND LAURA M. ROSS
Print Name, Address, Telephone

Matthew F. Ross Laura M. Ross
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 5 day of DEC 2023, before me, a notary public in and for said County and State came MATTHEW F & LAURA M ROSS 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 Joely Foster

My Commission Expires: 4/18/24

Joely Foster
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Expires: 4/18/24

Ross Family Living Trust - COTTAGES AT WHISTLE CREEK

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:

Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)

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

   This is a CAE Private Road Development - terrain and parent tract configuration.

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

   Yes - since it is private with a HOA for roadway and use - larger and irregular tracts shoud be acceptable.

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

   No

Project is also requesting for no interior or perimeter easements within the project. All utilities can fit within the 60 foot CAE Easement and also serve for drainage. Owners want to preserve the property's natural feature and tree coverage throughout the development.

Ross Family Living Trust - COTTAGES AT WHISTLE CREEK

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.

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Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)

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

   Yes - since it is private with a HOA for roadway and use - larger and irregular tracts shoud be acceptable.

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

   No

Project is also requesting for no interior or perimeter easements within the project. All utilities can fit within the 60 foot CAE Easement and also serve for drainage but not designated on the plat. Owners want to preserve the property's natural feature and tree coverage throughout the development. Also requesting to allow an existing Shop across a 40' BSL instead of asking for a reduced setback line of 30 feet. If structure is damaged more than 50% it would have to be reconstructed adhering to county regulations.

ARTICLE 56 – EXCEPTIONS

easements Article 50, Sec.40.4.a.

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.

   Land is heavily treed and steep - removal of unnecessary trees in a sensitive area
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.

   Yes - keeps the damage to trees at a minimum.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

   It will not

Building is a setback Article 50, Sec. 40.3.h

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

   Existing shop encroaches across 40 foot setback - if damaged over 50% has meet all regulations
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.

   Yes - allows the road to remain in the best place and protects from more tree removal
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

   It will not

COTTAGES AT WHISTLE CREEK

A Cross Access Easement Subdivision in the Northwest Quarter of Section 16, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
ROSS FAMILY LIVING TRUST
12927 170TH ST
LINWOOD, KS 66052
PID # 235-16-0-00-00-014

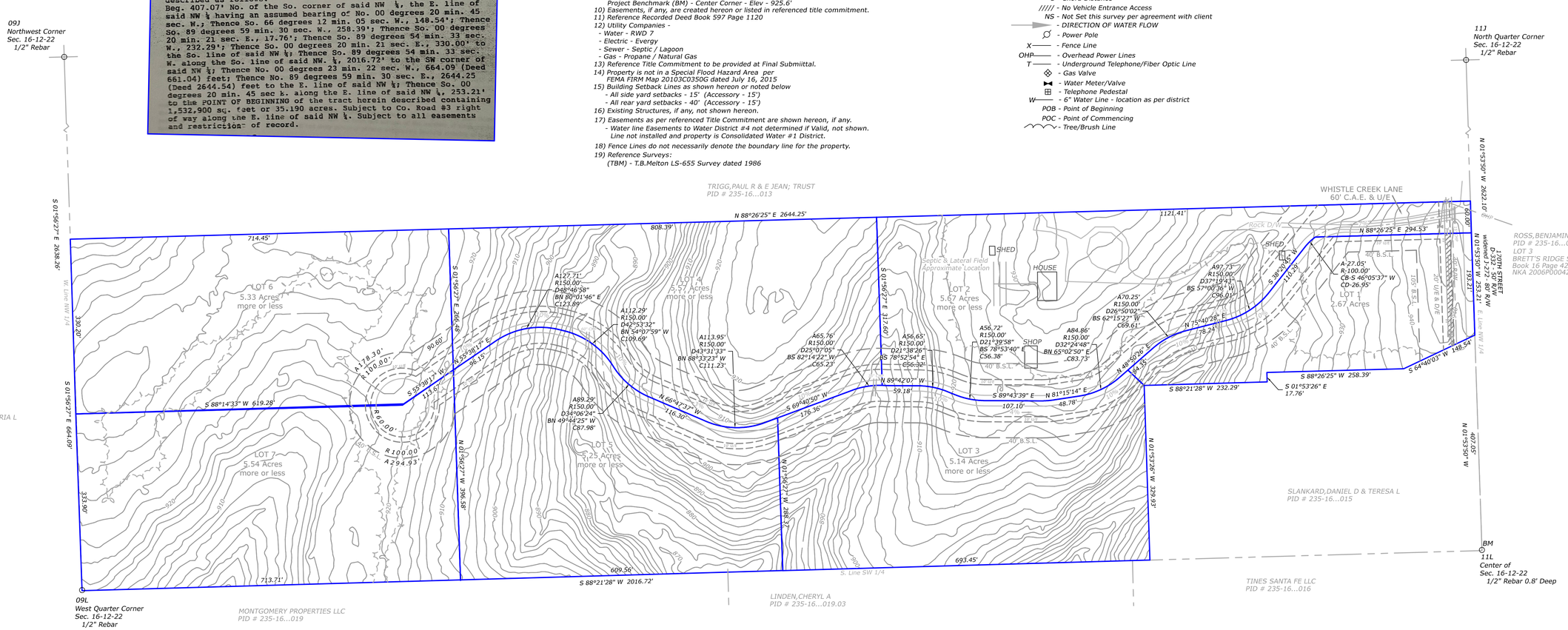
TRACT #1

A tract of land in the NW ¼ of Sec. 16, Twn. 12 So., Rng. 22 E. of the 6th Principal Meridian in Lv. Co., Ks. beign more particulary described as follows:
Beg. 407.07' No. of the So. corner of said NW ¼, the E. line of said NW ¼ having an assumed bearing of No. 00 degrees 20 min. 45 sec. W.; Thence So. 66 degrees 12 min. 05 sec. W., 148.54'; Thence So. 89 degrees 59 min. 30 sec. W., 258.39'; Thence So. 00 degrees 20 min. 21 sec. E., 17.76'; Thence So. 89 degrees 54 min. 33 sec. W., 232.29'; Thence So. 00 degrees 20 min. 21 sec. E., 330.00' to the So. line of said NW ¼; Thence So. 89 degrees 54 min. 33 sec. W. along the So. line of said NW. ¼, 2016.72' to the SW corner of said NW ¼; Thence No. 00 degrees 23 min. 22 sec. W., 664.09 (Deed 661.04) feet; Thence No. 89 degrees 59 min. 30 sec. E., 2644.25 (Deed 2644.54) feet to the E. line of said NW ¼; Thence So. 00 degrees 20 min. 45 sec E. along the E. line of said NW ¼, 253.21' to the POINT OF BEGINNING of the tract herein described containing 1,532,900 sq. feet or 35.190 acres. Subject to Co. Road #3 right of way along the E. line of said NW ¼. Subject to all easements and restrictions of record.

ZONING:
RR 2.5 - Rural Residential 2.5

NOTES:
1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - See Surveyor's Description
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Existing and Proposed Lots for Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
Project Benchmark (BM) - Center Corner - Elev - 925.6'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Book 597 Page 1120
12) Utility Companies -
- Water - RWD 7
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Title Commitment to be provided at Final Submiittal.
14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0350G 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.
- Water line Easements to Water District #4 not determined if Valid, not shown. Line not installed and property is Consolidated Water #1 District.
18) Fence Lines do not necessarily denote the boundary line for the property.
19) Reference Surveys:
(TBM) - T.B.Melton LS-655 Survey dated 1986

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



- Per County Surveyor Review - South line will have angle breaks holding existing monuments per previous recorded surveys - linework and Lots to be adjusted if same points are held this survey and to be noted on the Final Plat. Adjustments, if any, should not affect the intent of this document.

NOTE:
- 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 1 though 7 and for the benefit of Lot 1 though 7 of COTTAGES OF WHISTLE CREEK. All Lots only have access to 170th Street through the Cross Access Easement. Maintenance as defined in the Home Owner's Association (H.O.A.), recorded at the Leavenworth County Register of Deeds Office Doc # 2024R. Leavenworth County shall bear no responsibility for any maintenance and upkeep of the Cross Access Easement, drive and drive appurtenances.
- Requested Exceptions:
- Lots 2-5 - Article 50, Section 40.3.i. Lot-Depth to Lot-Width
- All Lot and Perimeter Easements - Exception from Article 50 Sec.40.4.a. and subject to Sensitive
- Structure over the 40' Building Setback Line - Exception from Article 50, Sec. 40.3.h. will be subject to all regulations if damaged over 50%.
- Whistle Creek Lane - Private Road - 20' Wide with Gravel surface.

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.
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4) All Lots only have access to 170th Street through the Cross Access Easement
5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
6) No off-plat restrictions.



VICINITY MAP
NOT TO SCALE

Scale 1" = 100'

100 0 100 200 300
1" = 100'

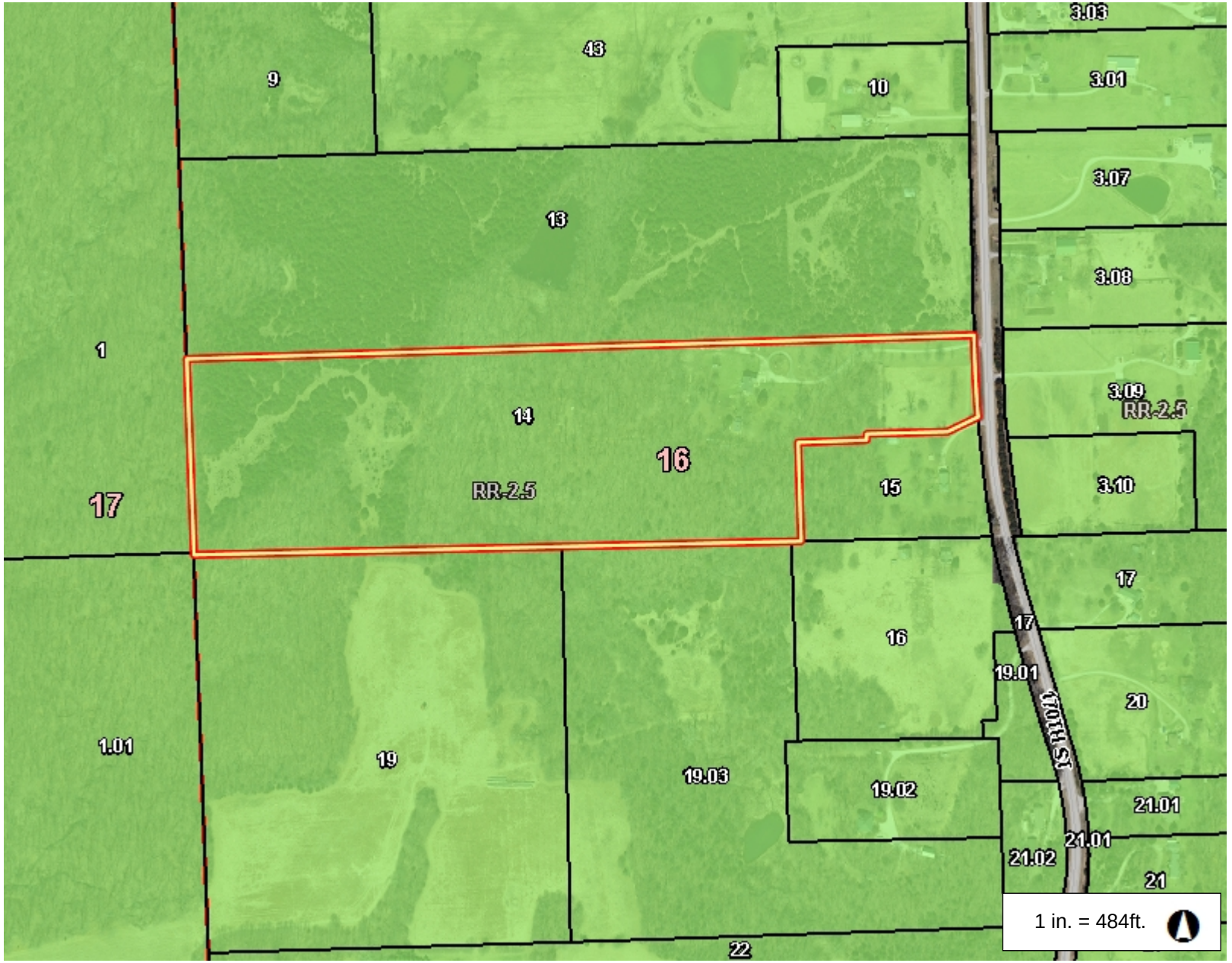
Job # K-23-1753
June 20, 2024 Rev. 9-4-24

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

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

Joseph A. Herring
PS # 1296

DEV-24-078 Cottages at Whistle Creek





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

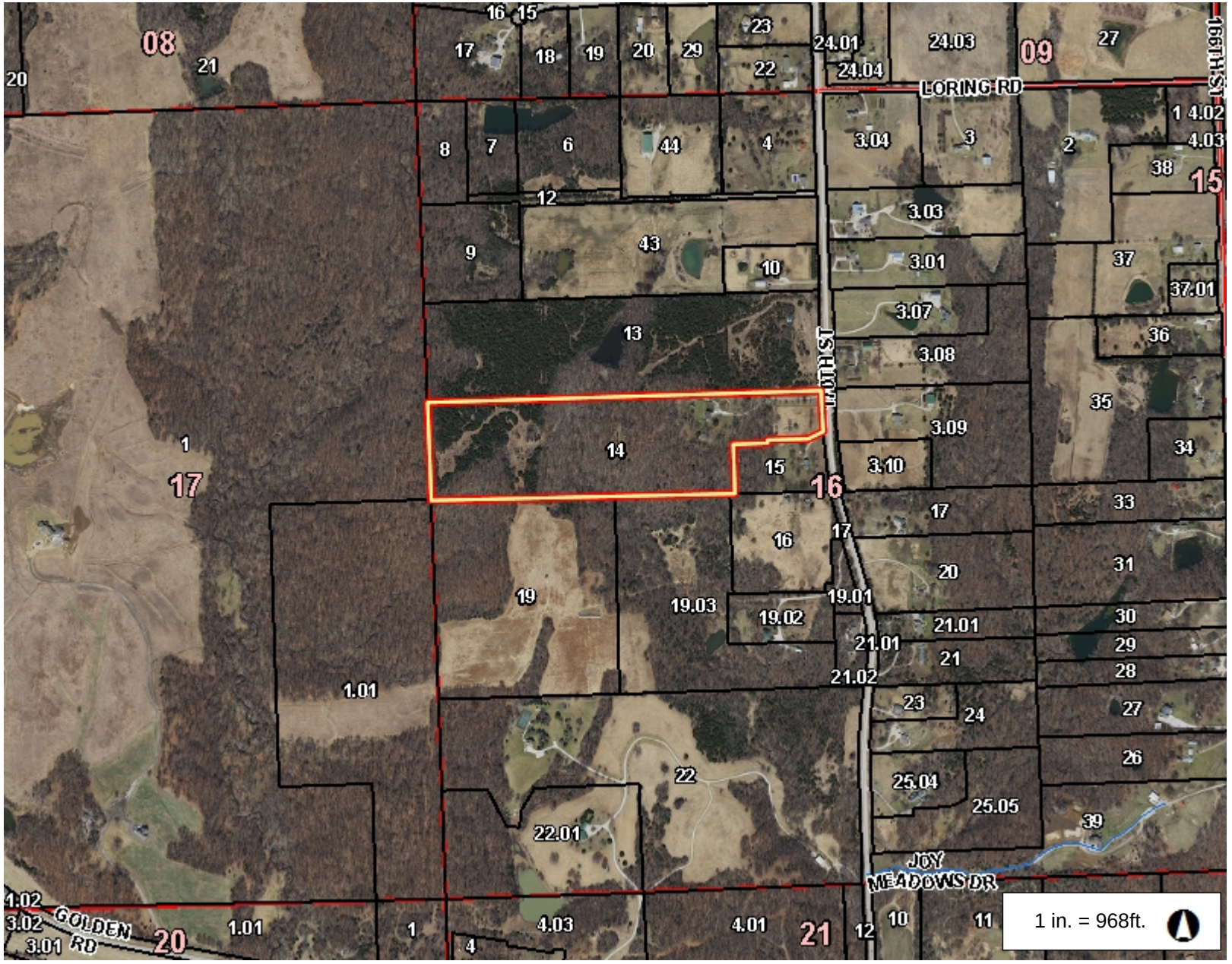
Notes

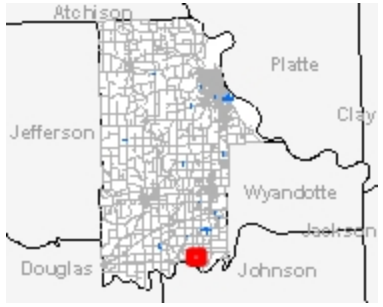
968.1 0 484.03 968.1 Feet

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

DEV-24-078 Cottages at Whistle Creek





Legend

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

Notes

1,936.1 0 968.07 1,936.1 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

LEAVENWORTH COUNTY FIRE DISTRICT #2
100 MAIN STREET LINWOOD, KS 66052

ATTN: LEAVENWORTH COUNTY PLANNING AND ZONING
HERRING SURVEYING COMPANY

DATE: 6/25/2024

PROPOSAL: COTTAGES ON WHISTLE CREEK

Leavenworth County Fire District #2 has reviewed the preliminary plat proposal and recommends that a fire hydrant be located at the entrance to the proposed subdivision and subsequent hydrants be located at a length no greater than 1000' apart. Based on the proposal this could be accomplished with a total of three hydrants.

Based on the intent to not carry water in from RWD#7 to the proposed division and place the residences on well water, it is important to explain that if no hydrants are provided, this could affect the ability for fire suppression activities to occur in a timely and proficient manner. This may also lead to a higher ISO rating for this division, which could affect insurance rates.

Fire protection will be provided regardless of the availability of hydrants.

Thank you

DYLAN RITTER
ASSISTANT FIRE CHIEF
LEAVENWORTH COUNTY FIRE DISTRICT #2
DRITTER@LVCOFD2.COM
(913) 339-8973

Allison, Amy

From: Joe Herring <herringsurveying@outlook.com>
Sent: Friday, June 21, 2024 4:04 PM
To: PZ
Subject: Fw: Water district letter - Cottages of Whistle Creek

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.

Lot 1 will get new service from RWD7.
Lots 3-7 will currently be on well

Thank you - Joe Herring

_____

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

From: Mary Riffel <mriffel1408@gmail.com>
Sent: Wednesday, February 28, 2024 7:48 AM
To: Joe Herring <Herringsurveying@outlook.com>
Subject: Water district letter

Hi Joe,
We got the required letter from the water district at their meeting last night. I've attached it to this email.
Please let me know steps going forward and what you need from me. Thank you!
-Mary

Leavenworth Rural Water District No. 7

P. O. Box 257 2451 S. 142nd St.
Bonner Springs, KS 66012
Phone: (913) 441-1205 Fax: (913) 422-3393 Toll Free: (888) 449-4028
E-Mail: Jalayne@leavenworthrwd7.com
Website: http://www.lvrwd7.com

February 28, 2024

Dear Matthew & Maureen (Laura) Ross:

The Board of Directors met on Tuesday, February 27, 2024, and approved your application for benefit unit. According to your application, the benefit unit will be assigned to the following tract of land.

12927 170th St. Linwood, KS 66052

You should pay the benefit unit price of $5,750.00 immediately. In the event that you fail to pay that sum within 180 days, your application will be deemed rejected and you will need to re-apply for service.

Please contact this office at 913-441-1205 or 1-888-449-4028 if you have any questions.

Sincerely,

Jalayne Turner
Office Manager
LVRWD#7

Allison, Amy

From: Joe Herring <herringsurveying@outlook.com>
Sent: Friday, August 30, 2024 12:33 PM
To: PZ
Subject: Fw: Water district letter - Cottages

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: Leavenworth RWD#7 <manager@leavenworthrwd7.com>
Sent: Thursday, July 25, 2024 8:49 AM
To: Joe Herring <herringsurveying@outlook.com>
Subject: Re: Water district letter

Good Morning Joe,

As stated in previous correspondence our current infrastructure can support the addition of 1 benefit unit at 12927 170th St. Linwood, KS 66052. The benifit unit has already applied for by Matt and Maureen (Laura) Ross and was approved on February 28th, 2024.

In order to provide water to any additional tracts a water main upgrade and extension would have to be engineered and constructed at the developer's expense.

Please let me know if I can assist in any other way.

Thank you,

Kyle Kraemer
Kraemer & Sons Construction and Excavating
DBA LVRWD #7 Manager/Operator
Office - 913.441.1205
Cell - 913.645.1636

From: Joe Herring <herringsurveying@outlook.com>
Sent: Monday, July 22, 2024 11:33 AM

Allison, Amy

From: Matt Roecker <Matt.Roecker@evergy.com>
Sent: Monday, June 24, 2024 12:57 PM
To: PZ
Subject: 12927 170th Street

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

Hello,

Evergy will serve 12927 170th Street within Leavenworth County.

Thanks

Matt Roecker
Evergy
TD Designer IV
matt.roecker@evergy.com
913-667-5116

Allison, Amy

From: Matt Roecker <Matt.Roecker@evergy.com>
Sent: Thursday, September 5, 2024 3:45 PM
To: Allison, Amy
Subject: RE: Cottages

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

Amy,

Evergy is requesting some more time to review this proposal. This is different from most other subdivisions that we see.

Thanks

Matt Roecker
Evergy
TD Designer IV
matt.roecker@evergy.com
913-667-5116

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, September 5, 2024 3:39 PM
To: Matt Roecker <matt.roecker@evergy.com>
Cc: Jacobson, John <JJacobson@leavenworthcounty.gov>
Subject: FW: Cottages

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

Good Afternoon Matt,

Just wanted to get confirmation from you that you either support, don't support or need additional time for review of this request.

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.

From: Joe Herring <herringsurveying@outlook.com>
Sent: Wednesday, September 4, 2024 4:40 PM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Cc: Jacobson, John <JJacobson@leavenworthcounty.gov>; Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Subject: Re: Cottages

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. Evergy is supportive of this per conversation.

Thank you - Joe Herring

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

From: Joe Herring <herringsurveying@outlook.com>
Sent: Wednesday, September 4, 2024 4:31 PM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Cc: Jacobson, John <JJacobson@leavenworthcounty.gov>; Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Subject: Cottages

Had a conversation with Evergy today - they were ok with the U/E being dedicated within the 60' C.A.E. But prefer that the U/E is on the outside of the road on this one with the winding and steep road. Does not want the widening of the road or road work to conflict with their equipment.
Know that you had stated this one is good to goto PC next week but we will provide an updated drawing with the 10' U/E along the road easement perimeter.

Thank you - Joe Herring

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Tuesday, September 3, 2024 2:48 PM
To: 'Joe Herring' <herringsurveying@outlook.com>

Allison, Amy

From: Anderson, Kyle
Sent: Tuesday, July 2, 2024 9:11 AM
To: Allison, Amy
Subject: RE: RE: DEV-24-078 Preliminary Plat – Cottages at Whistle Creek
Attachments: Septic Map.png

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. Septic System is not drawn on pre-plat. I have attached the drawing we have on file so they can add it.

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: Monday, July 1, 2024 3:46 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-24-078 Preliminary Plat – Cottages at Whistle Creek

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary Plat application for a 7-lot CAE subdivision at 12927 170th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, July 16, 2024.

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

Thank you,

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

Disclaimer

08-22-24
Olsson Review
No Further
Comment

Cottages at Whistle Creek

Leavenworth County Kansas

Drainage Report

June 19, 2024

Revised July 21, 2024

Revised August 13, 2024



dlutgen72@gmail.com

COTTAGES AT WHISTLE CREEK

A Cross Access Easement Subdivision in the Northwest Quarter of Section 16, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
ROSS FAMILY LIVING TRUST
12927 170TH ST
LINWOOD, KS 66052
PID # 235-16-0-00-00-014

TRACT #1

A tract of land in the NW ¼ of Sec. 16, Twn. 12 So., Rng. 22 E. of the 6th Principal Meridian in Lv. Co., Ks. beign more particulary described as follows:
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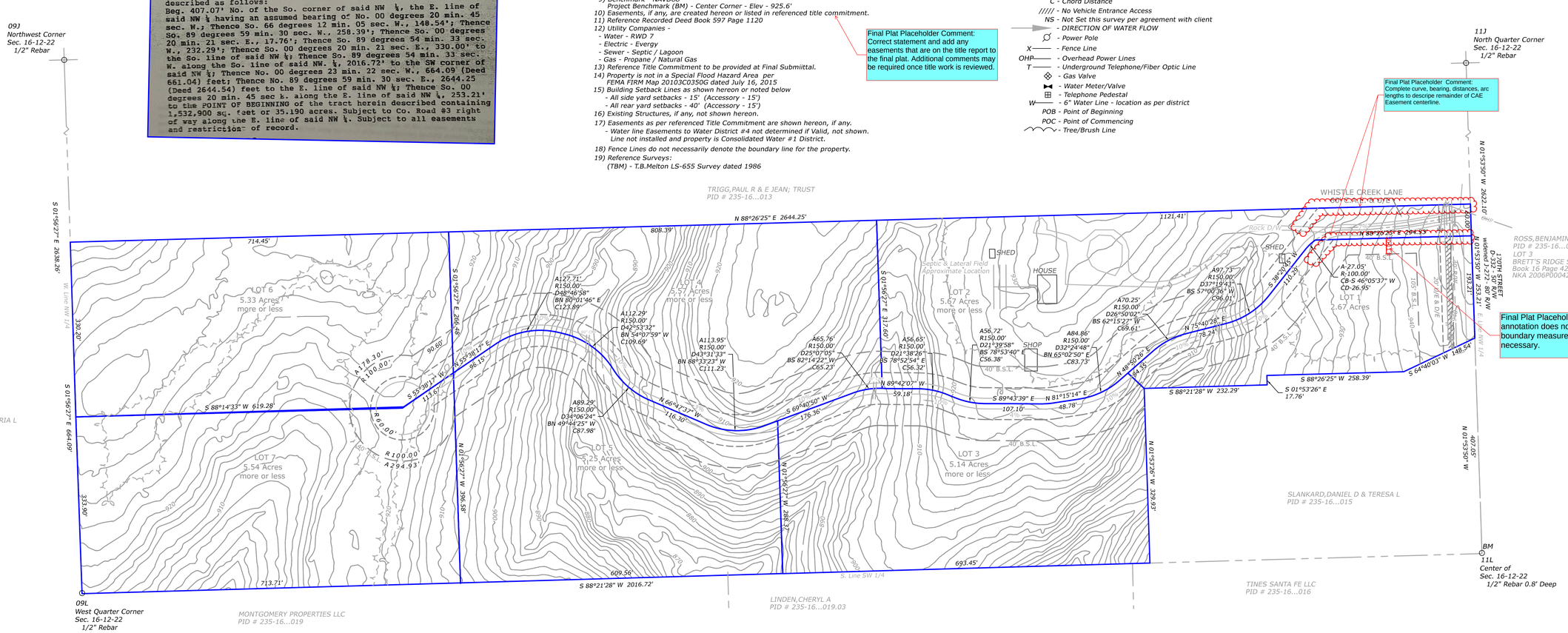
ZONING:
RR 2.5 - Rural Residential 2.5

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(TBM) - T.B.Melton LS-655 Survey dated 1986

Final Plat Placeholder Comment: Correct statement and add any easements that are on the title report to the final plat. Additional comments may be required once title work is reviewed.

LEGEND:
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○ - 1/2" Rebar Found, unless otherwise noted.
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- 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

09-04-2024
Combined PW
Pre Plat
Conditional
Approval



Final Plat Placeholder Comment: Complete curve, bearing, distances, arc lengths to descripe remainder of CAE Easement centerline.

Final Plat Placeholder Comment: BSL annotation does not agree with lot boundary measurements. Correct as necessary.

- Per County Surveyor Review - South line will have angle breaks holding existing monuments per previous recorded surveys - linework and Lots to be adjusted if same points are held this survey and to be noted on the Final Plat. Adjustments, if any, should not affect the intent of this document.

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NOT TO SCALE

Scale 1" = 100'

100 0 100 200 300
1" = 100'

Job # K-23-1753
June 20, 2024 Rev. 8-30-24

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

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

Joseph A. Herring
PS # 1296

Allison, Amy

From: Baumchen, Daniel
Sent: Friday, August 30, 2024 3:45 PM
To: Allison, Amy; Noll, Bill; McAfee, Joe; 'Mitch Pleak'
Subject: RE: DEV-24-078 Cottages at Whistle Creek Review Comments

No survey comments

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

From: Allison, Amy
Sent: Friday, August 30, 2024 1:54 PM
To: Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>
Subject: FW: DEV-24-078 Cottages at Whistle Creek Review Comments

---

From: Joe Herring <herringsurveying@outlook.com>
Sent: Friday, August 30, 2024 12:31 PM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>
Subject: Re: DEV-24-078 Cottages at Whistle Creek Review Comments

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

Please see attached revisions - Repeat Responses from below along with further explanation. If any this submittal or any comment statement below will warrant this project to "not make" the September Planning Commission. Please contact me immediately - I am available this afternoon to meet in person or via phone to discuss and hopefully get this one on the agenda.

Item per reviews.

1. PW - Curve data and alignment of the beginning of the CAE in the 60 foot strip - (Repeat Response) alignment will be provided with the engineered road design any adjustment to the Cross Access Easement Area, Easement along the exterior of CAE or the 40 foot setback lines will be shown appropriately on the FINAL PLAT along with the required Final Engineered Private Road Design.
2. PZ - PW - (Repeat Response) Title information to be provided with Final Plat - both plats will be subject to additional recorded easements if any apply along with reflecting the correct title information on the face of the Plat.

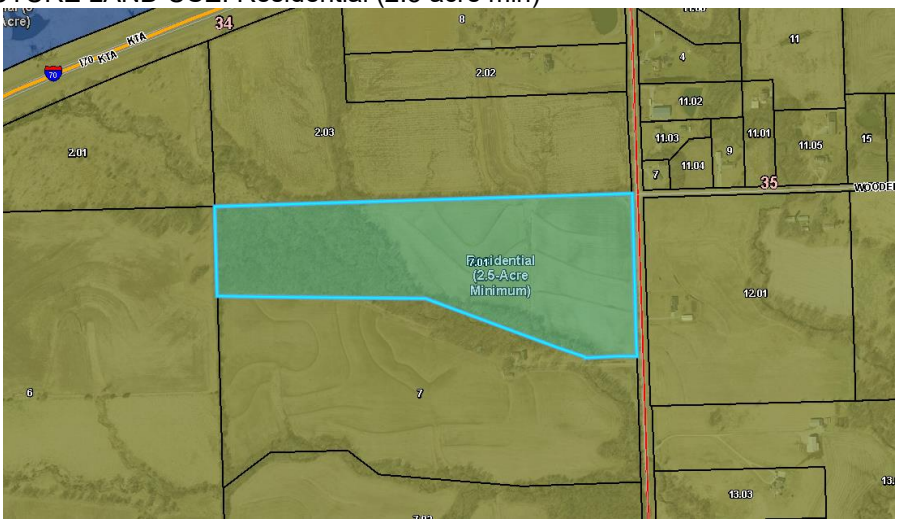
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-080/081 E&R Rolling Meadows North — September 11, 2024

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

STAFF REPRESENTATIVE:
Amy Allison
Deputy Director

SUBJECT PROPERTY: 00000 206th Street.
FUTURE LAND USE: Residential (2.5 acre min)



APPLICANT/APPLICANT AGENT:
JOE HERRING
HERRING SURVEYING
315 N. 5th Street
Leavenworth, KS 66048

PROPERTY OWNER:
David & Carrie Barth
17113 W 84th Street
Lenexa, KS 66219

CONCURRENT APPLICATIONS:
NONE

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
Residential (2.5 acre min)

LEGAL DESCRIPTION:
A tract of land in the Southeast Quarter of Section 34, Township 11 South, Range 21 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: Zone AE

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:
1. Recommend approval of Case No. DEV-24-080/081, Preliminary & Final Plat for E&R Rolling Meadows North, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-080/081, Preliminary & Final Plat for E&R Rolling Meadows North, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 44 ACRES

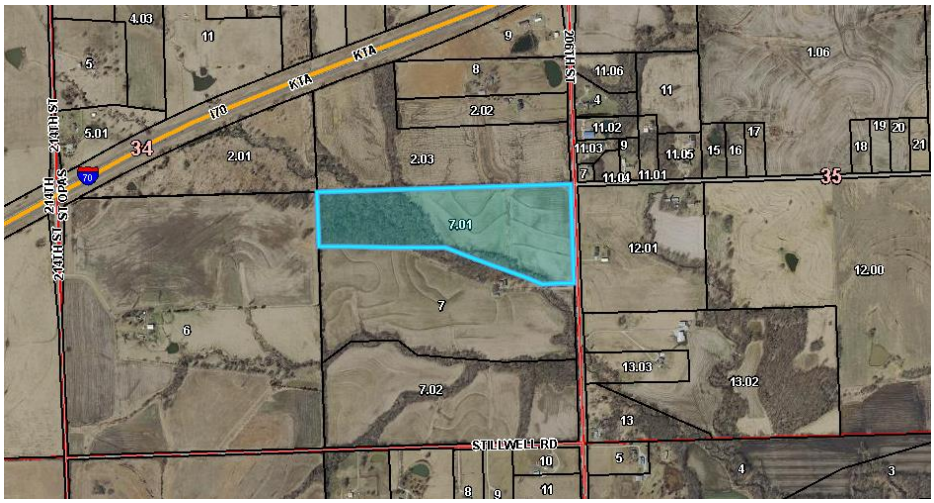
PARCEL ID NO:
198-34-0-00-00-007.01

BUILDINGS:
N/A

PROJECT SUMMARY:
Request for preliminary and final plat approval to subdivide property located at 00000 206th Street (198-34-0-00-00-007.01) as Lots 1 through 3 of E&R Rolling Meadows North.

ACCESS/STREET:
206th Street - Local, Arterial ± 22'

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: FD# 2

WATER: RWD 10

ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW:
9/2/2024

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:
N/A

STANDARDS TO BE CONSIDERED: *Type content in each if necessary (delete this afterwards)*			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		**Met**	**Not Met**
35-40	**Preliminary Plat Content**	X	
40-20	**Final Plat Content**	X	
41-6	**Access Management**	X	
41-6.B.a-c.	**Entrance Spacing**	X	
41-6.C.	**Public Road Access Management Standards**	N/A	
43	**Cross Access Easements**	N/A	
50-20	**Utility Requirements**	X	
50-30	**Other Requirements**	X	
50-40	**Minimum Design Standards**		X
	Exception needed for Lot-Width to Lot-Depth on Lot 1		
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 44-acre parcel into three lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lot 1 will be approximately 31 acres in size. The proposed lot does not meet the lot-width to lot-depth requirements and will need an exception. Floodplain is located along the rear of this lot. Lots 2 – 3 will be approximately 7.79 and 5.42 acres respectively. If the exception is approved, all lots meet the requirements for the RR-5 zoning district.

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 E&R Rolling Meadows North 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-Width to Lot-Depth has been approved for Lot 1.
6. The developer must comply with the following memorandums:
   Memo – Steven Heath, Evergy, dated June 13, 2024

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

~~FINAL &~~

PRELIMINARY PLAT APPLICATION

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

Office Use Only

Township: Sherman — Planning Commission Meeting Date: _____
Case No. DEV-24- — Date Received/Paid: 06.21.2024
Zoning District RR5 — Comprehensive Plan Land Use Designation: 2.5 acre min.

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: Herring Surveying Company	NAME: BARTH,DAVID M & CARRIE J
MAILING ADDRESS: 315 North 5th Street	MAILING ADDRESS 17113 W 84TH ST
CITY/ST/ZIP: Leavenworth, KS 66048	CITY/ST/ZIP LENEXA, KS 66219
PHONE: 913-651-3858	PHONE: N/A
EMAIL : herringsurveying@outlook.com	EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: E&R ROLLING MEADOWS NORTH

Address of Property: 00000 Stillwell Road

PID: 198-34-0-00-00-007.01 — Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: 44 AC	Number of Lots: 3	Minimum Lot Size: 5 AC
Maximum Lot Size: 31 Ac	Proposed Zoning: RR-5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 10	Proposed Sewage: Septic
Fire District: District 2	Electric Provider: Evergy	Natural Gas Provider: Propane
Covenants: ☐ Yes ☒ No	Road Classification: *Local – Collector - Arterial – State - Federal*	
	Cross-Access Easement Requested: ☐ Yes ☒ No	
List of all Requested Exceptions: *Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.*	1. Lot 1 - Width to Depth Exception	
	2.	
	3.	
	4.	
	5.	

Is any part of the site designated as Floodplain? ☒ Yes ☐ No if yes, what is the panel number: 20103C0325G

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 6-13-24 Date: 6/13/24

ATTACHMENT A

FINAL &

~~PRELIMINARY~~ **PLAT APPLICATION**

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

Office Use Only

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
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MAILING ADDRESS: 315 North 5th Street	MAILING ADDRESS 17113 W 84TH ST
CITY/ST/ZIP: Leavenworth, KS 66048	CITY/ST/ZIP LENEXA, KS 66219
PHONE: 913-651-3858	PHONE: N/A
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Signature: Joe Herring - digitally signed 6-13-24 Date: 6/13/24

ATTACHMENT A

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

We/I David Barth and Carrie Barth

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 15031 206th Street Linwood, KS 66052, 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 5th day of March, 2024

David Barth 17113 W. 84th St. Lenexa, KS 66219
Print Name, Address, Telephone
913-553-7012

Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this _____ day of _____ 20__, before me, a notary public in and for said County and State came _____ to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC_____

My Commission Expires:_____ (seal)

E & R ROLLING MEADOWS NORTH

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:

Request Exception from Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)

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

   3 Lots Subdivision - Lot 1 is divided by Flood Plain - western portion heavily treed. Limited access to 206th.

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

   Yes - for reasons stated above.

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

   No

E & R ROLLING MEADOWS NORTH

A Subdivision of land in the Southeast Quarter of Section 34, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
David M. Barth and Carrie J. Barth
17113 W 84TH ST
LENEXA, KS 66219
PID NO. 198-34-0-00-00-007.01

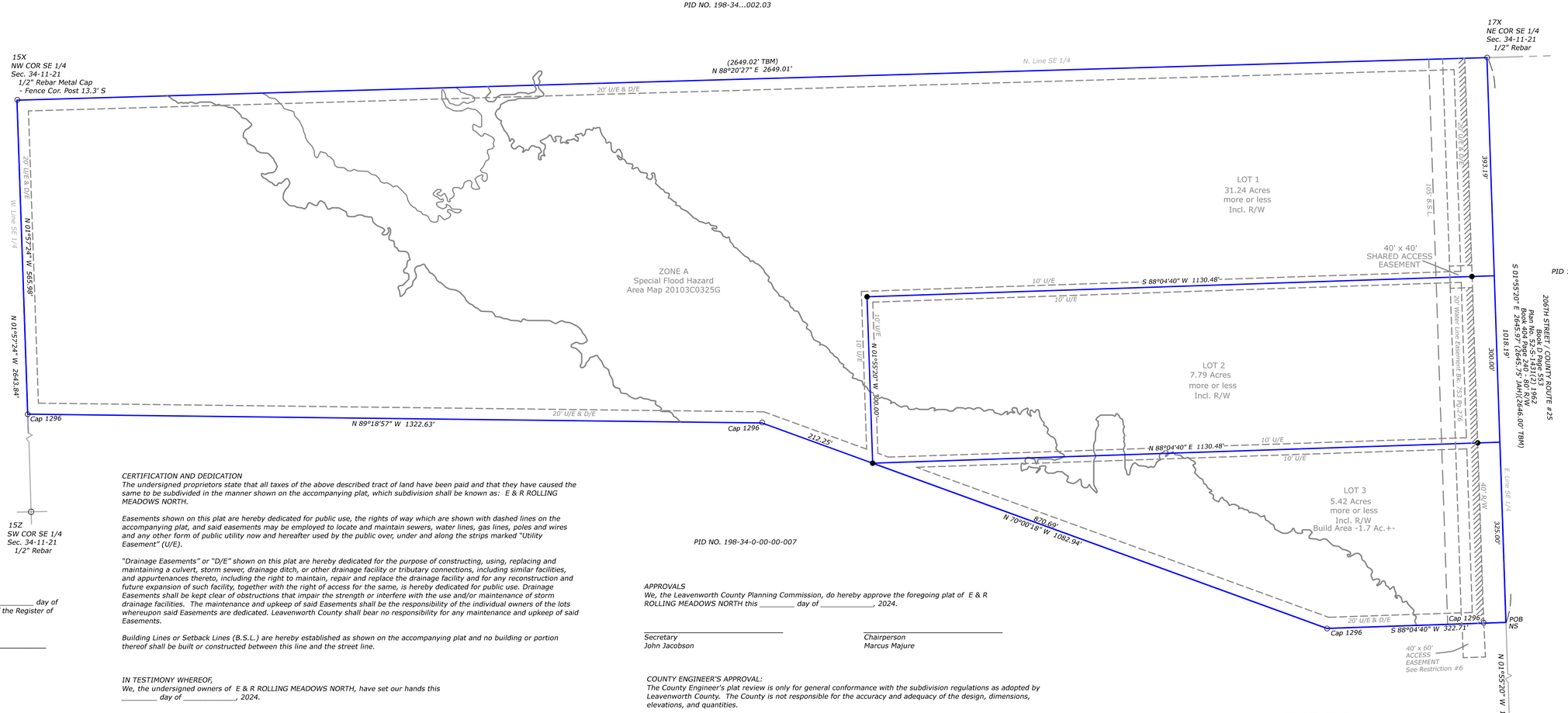
RECORD DESCRIPTION:
Tract of land in the Southeast Quarter of Section 34, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 9, 2024, and more fully described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence North 01 degrees 55'20" West for a distance of 1627.78 feet along the East line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence South 88 degrees 04'40" West for a distance of 322.71 feet; thence North 70 degrees 00'18" West for a distance of 1082.94 feet; thence North 89 degrees 18'57" West for a distance of 1322.63 feet to the West line of said Southeast Quarter; thence North 01 degrees 57'24" West for a distance of 565.98 feet along said West line to the Northwest corner of said Southeast Quarter; thence North 88 degrees 20'27" East for a distance of 2649.01 feet along the North line of said Southeast Quarter to the Northeast corner of said Southeast Quarter; thence South 01 degrees 55'20" East for a distance of 1018.19 feet along the East line of said Southeast Quarter to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 44.45 acres, more or less, including road right of way.
Error of Closure: 1 - 6188340

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) Lots 1 & 2, Lot 3 & Tract adjacent to and South of Lot 3, have shared access to 206th Street. Maintenance of the access drive is shared between appropriate Lots and Tracts.
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, 2, and 3, are impacted by Special Flood Zones and are depicted heron graphically.
9) Driveway construction withing 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.
10) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 1
11) No off-plat restrictions.

ZONING:
R-5 - 5 Acre Rural Residential

NOTES:
1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - See Record Description
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Existing & Proposed Lots for Agriculture and Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
Project Benchmark (BM) - SE Cor - 1/2" Rebar - 827.5'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Doc # 2024R03647
12) Utility Companies -
- Water - RWD 10
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Continental Land Title File Number 24464121 dated May 31, 2024.
14) Property is in a Special Flood Hazard Area per FEMA FIRM Map 20103C0325G dated July 16, 2015
15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
16) Existing Structures, if any, not shown hereon.
17) Easements as per referenced Title Commitment are shown hereon, if any.
- RWD 10 Easement Book 753 Page 276 falls as shown hereon.
- Oil and Gas Lease to Pioneer Petroleum, Inc. recorded in Book 551 at Page 1492.
18) Fence Lines do not necessarily denote the boundary line for the property.
19) Reference Surveys:
TBM - T.B.Melton Survey - S-15-05 #73 NKA 2005S073
DGW - BLUEBIRD ESTATES - Bk 16 Pg 31, 2005 NKA2005P00031
JAH - THREE Cs RESERVE - Document No. 2016P00028 Doc No. 2024S017

LEGEND:
● - 1/2" Bar Set with Cap No.1296
○ - 1/2" Bar Found, unless otherwise noted.
□ - Concrete Base to be Set 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 dedicated this plat
℄ - Centerline
S - Section Line
BM - Benchmark
POB - Point of Beginning
POC - Point of Commencing
NS - Not Set this Survey per agreement with client
///// - No Vehicle Entrance Access



PID NO. 198-34-0-00-00-007

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: E & R ROLLING MEADOWS NORTH,

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 E & R ROLLING MEADOWS NORTH, have set our hands this _____ day of _____, 2024.

_____ _____
David M. Barth Carrie J. Barth

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came David M. Barth and Carrie J. Barth, a married couple, 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)

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

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of E & R ROLLING MEADOWS NORTH 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 E & R ROLLING MEADOWS NORTH this _____ day of _____, 2024.

_____ _____
Chairperson County Clerk
Jeff Culbertson Attest: Janet Klasinski

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

_____
Daniel Baumchen, PS#1363
County Surveyor

LEAVENWORTH COUNTY



VICINITY MAP
NOT TO SCALE

JOSEPH A. HERRING
REGISTERED
LS - 1296
KANSAS
LAND SURVEYOR

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

Joseph A. Herring
PS # 1296

NORTH

Scale 1" = 100'

100 0 100 200 300
1" = 100'

Job # K-24-1769 North
June 13, 2024 Rev. 8-19-24

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

E & R ROLLING MEADOWS NORTH

A Subdivision of land in the Southeast Quarter of Section 34, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

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PREPARED FOR:
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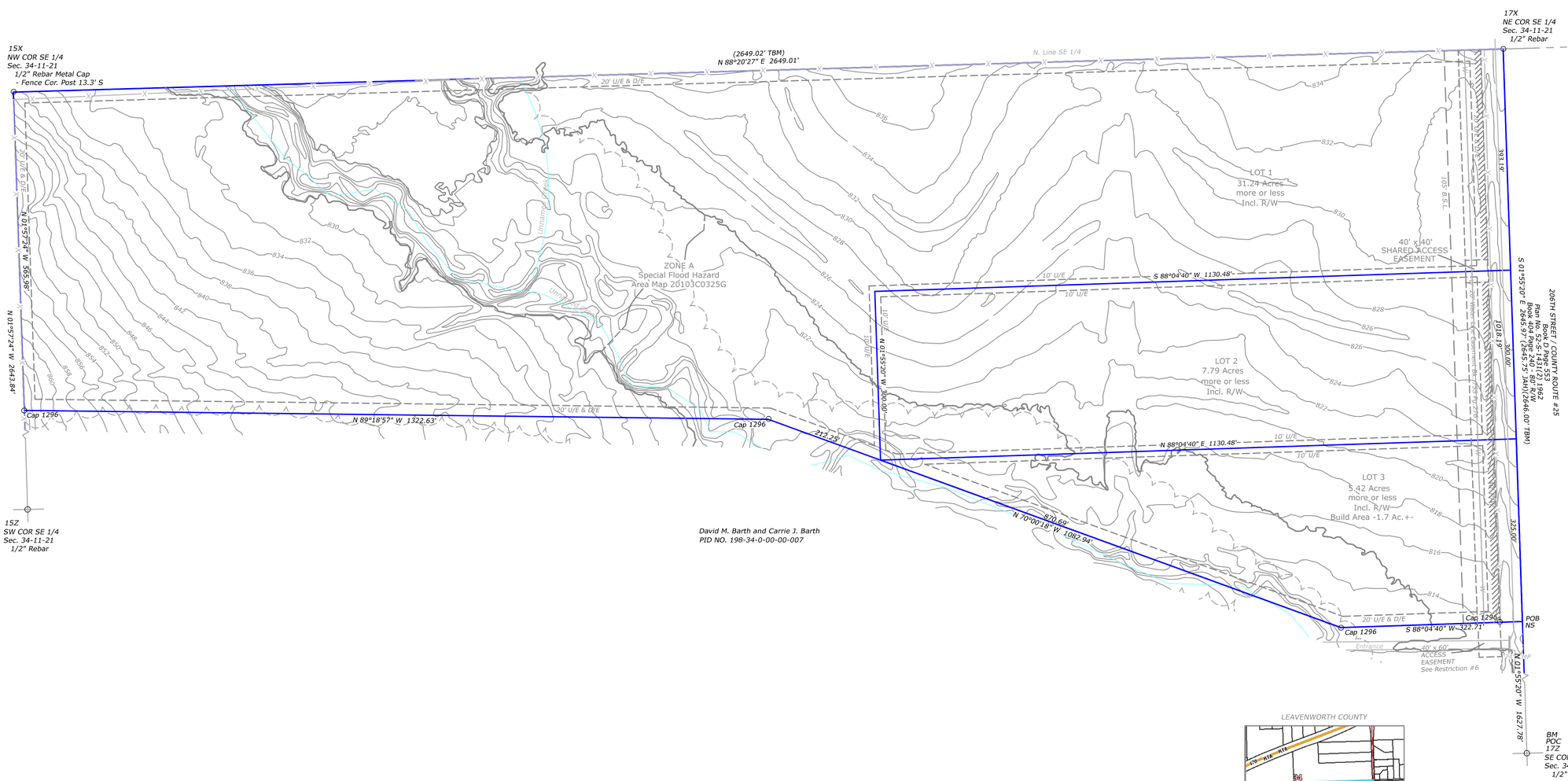
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- Gas - Propane / Natural Gas
13) Reference Continental Land Title File Number 24464121 dated May 31, 2024.
14) Property is in a Special Flood Hazard Area per FEMA FIRM Map 20103C0325G dated July 16, 2015
15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
16) Existing Structures, if any, not shown hereon.
17) Easements as per referenced Title Commitment are shown hereon, if any.
- RWD 10 Easement Book 753 Page 276 falls as shown hereon.
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LEGEND:
● - 1/2" Bar Set with Cap No.1296
○ - 1/2" Bar Found, unless otherwise noted.
□ - Concrete Base to be Set around Point
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B.S.L. - Building Setback Line
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- DIRECTION OF WATER FLOW
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- Water Meter/Valve
- Telephone Pedestal
W - 6" Water Line - location as per district
POB - Point of Beginning
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NS - Not Set this Survey per agreement with client
//// - No Vehicle Entrance Access





NORTH

Scale 1" = 100'

Job # K-24-1769 North
June 13, 2024 Rev. 8-19-24

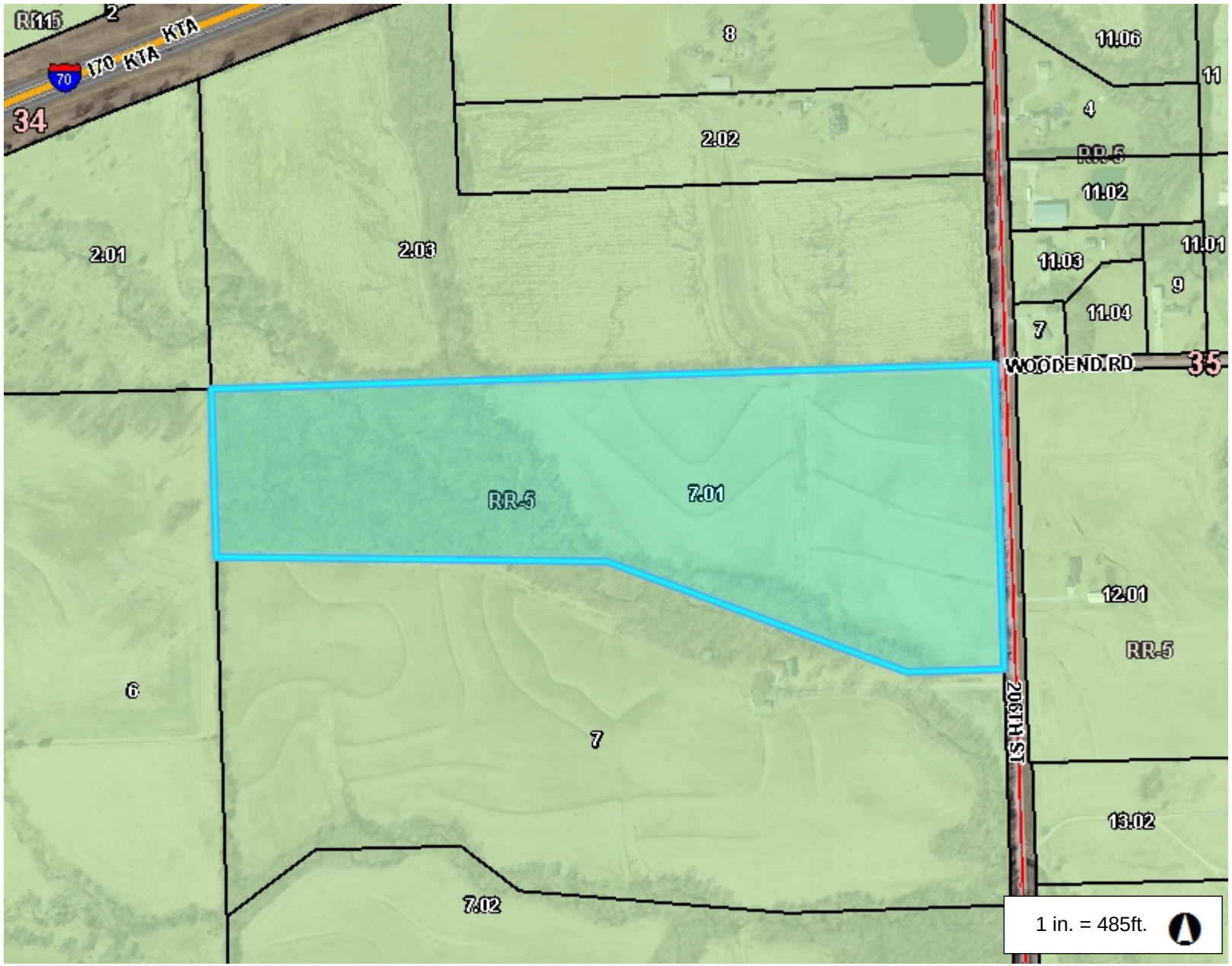
J.Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@leamcash.com

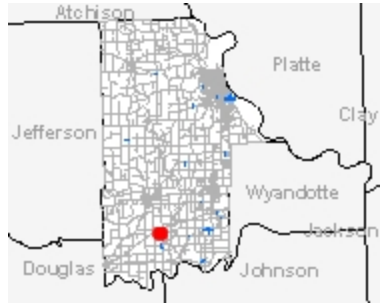
100 0 100 200 300
1" = 100'

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

Joseph A. Herring
PS # 1296

DEV-24-080/081 E&R Rolling Meadows North





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

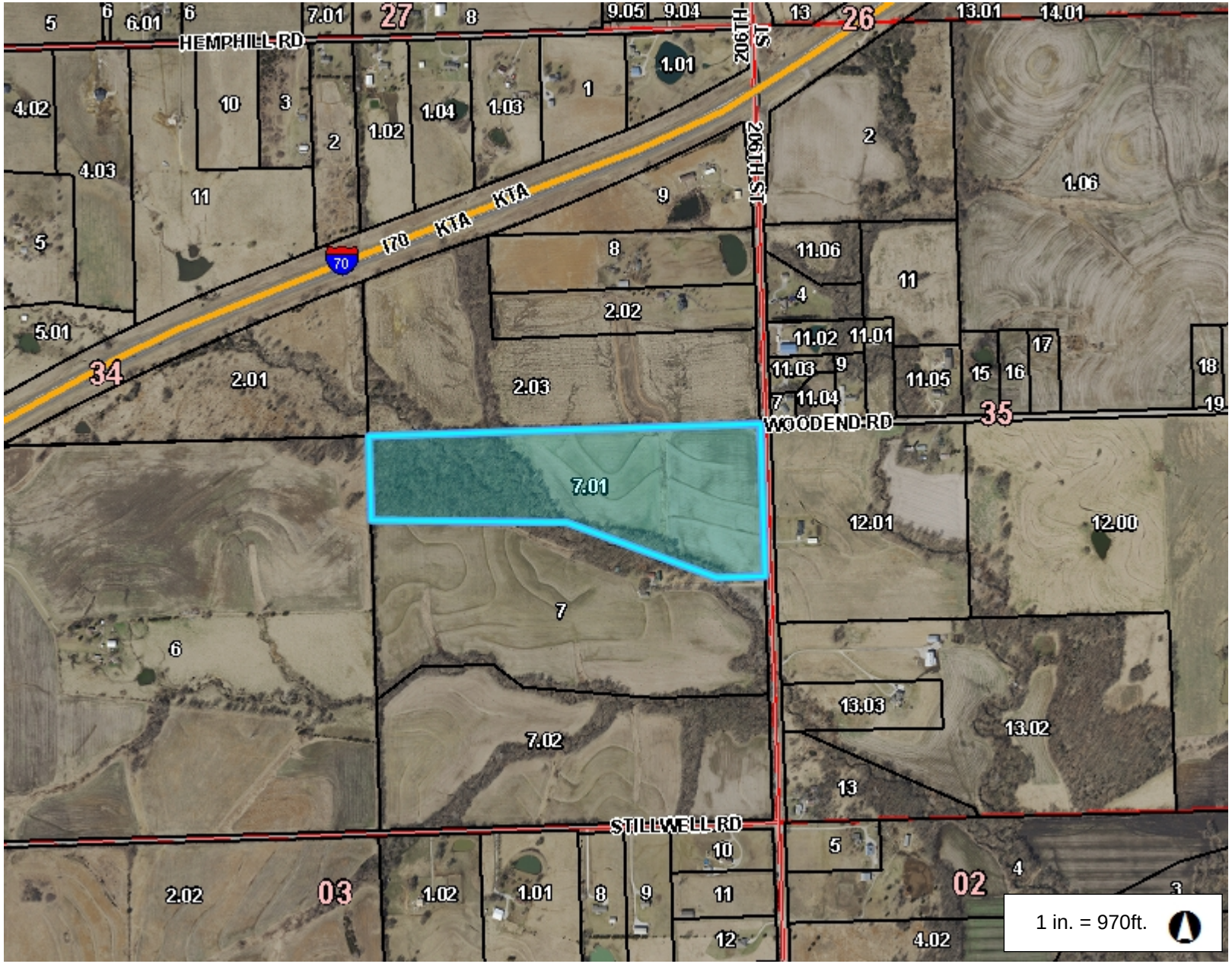
Notes

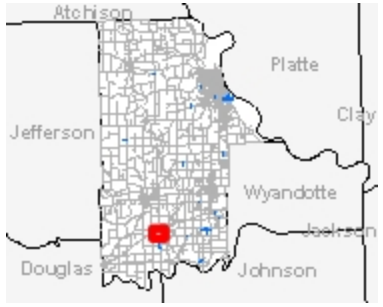
970.0 0 485.00 970.0 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DEV-24-080/081 E&R Rolling Meadows North





Legend

- Parcel Number
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- City Limit Line
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  - <all other values>
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- Road
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- County Boundary

Notes

1,940.0 0 970.01 1,940.0 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Allison, Amy

From: Joe Herring <herringsurveying@outlook.com>
Sent: Friday, June 21, 2024 3:56 PM
To: PZ
Subject: Fw: E & R Rolling Meadows NORTH - Fire Response

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: Dylan Ritter <dritter@lvcofd2.com>
Sent: Friday, June 21, 2024 2:33 PM
To: Joe Herring <herringsurveying@outlook.com>
Subject: Re: E & R Rolling Meadows NORTH

Fire District #2 has no comments or concerns.

Thank you

On Thu, Jun 13, 2024 at 7:14 AM Joe Herring <herringsurveying@outlook.com> wrote:

> Here is the second plat for this area.
> Please provide the standard service letter for Leavenworth County.
>
> Thank you - Joe Herring
>
> _____
>
> J.Herring Inc., dba,Herring Surveying Company
> 315 N. 5th Street, Leavenworth, KS 66048
> 913-651-3858 - ROCK CHALK!

From: Joe Herring
Sent: Tuesday, June 11, 2024 2:05 PM

To: rwd10@conleysandu.com <rwd10@conleysandu.com>; 'kritter@shermanfire.net' <kritter@shermanfire.net>; Boone Heston <Boone.Heston@evergy.com>
Subject: E & R Rolling Meadows South

Please see the attached project and provide the standard service letter for Leavenworth County.

RWD 10 - do not believe there is a line along Stillwell - Lots are purposefully above 5 acres for allowance of wells.

Thank you - Joe Herring

_____

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

--

Dylan Ritter
Assistant Chief
Leavenworth County Fire District #2
100 Main Street
P.O. Box 270
Linwood, KS, 66052
(913) 339-8973

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 Joe Herring.

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



E & R Rolling Meadows North Plat

Steven Heath

Evergy

TD Designer I

steven.heath@evergy.com

O 785-865-4857

Internal Use Only

June 13, 2024

Herring Surveying Company
315 North 5th Street
Leavenworth, KS 66048

RE: Preliminary and Final Plat for a 3-lot subdivision at 206th and Stillwell

Dear Joe Herring:

This letter is in response to your request for comments for the preliminary and final plat for a 3-lot subdivision at 206th and Stillwell.

RWD10 has an existing main and can provide water service along 206th St.

On Stillwell, west of 206th St, beyond 1300 ft, a line extension would be required.

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

Regards,

Steve Conley
RWD | District Manager

Allison, Amy

From: Anderson, Kyle
Sent: Monday, July 8, 2024 10:19 AM
To: Allison, Amy
Subject: RE: RE: DEV-24-080/081 Preliminary and Final Plat - E&R Rolling Meadows North

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: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, July 8, 2024 9:48 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-24-080/081 Preliminary and Final Plat - E&R Rolling Meadows North

Good Morning,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary Plat for a 3-lot subdivision at 00000 206th Street (PID 198-34-0-00-00-007.01).

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 22nd.

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

Thank you,

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

Disclaimer

07-19-24
Combined PW
Review
No Comment

E & R Rolling Meadows North

Leavenworth County Kansas

Drainage Report

June 9, 2024



dlutgen72@gmail.com

E & R ROLLING MEADOWS NORTH

A Subdivision of land in the Southeast Quarter of Section 34, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
David M. Barth and Carrie J. Barth
17113 W 84TH ST
LENEXA, KS 66219
PID NO. 198-34-0-00-00-007.01

RECORD DESCRIPTION:
Tract of land in the Southeast Quarter of Section 34, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 9, 2024, and more fully described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence North 01 degrees 55'20" West for a distance of 1627.78 feet along the East line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence South 88 degrees 04'40" West for a distance of 322.71 feet; thence North 70 degrees 00'18" West for a distance of 1082.94 feet; thence North 89 degrees 18'57" West for a distance of 1322.63 feet to the West line of said Southeast Quarter; thence North 01 degrees 57'24" West for a distance of 565.98 feet along said West line to the Northwest corner of said Southeast Quarter; thence North 88 degrees 20'27" East for a distance of 2649.01 feet along the North line of said Southeast Quarter to the Northeast corner of said Southeast Quarter; thence South 01 degrees 55'20" East for a distance of 1018.19 feet along the East line of said Southeast Quarter to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 44.45 acres, more or less, including road right of way.
Error of Closure: 1 - 6188340

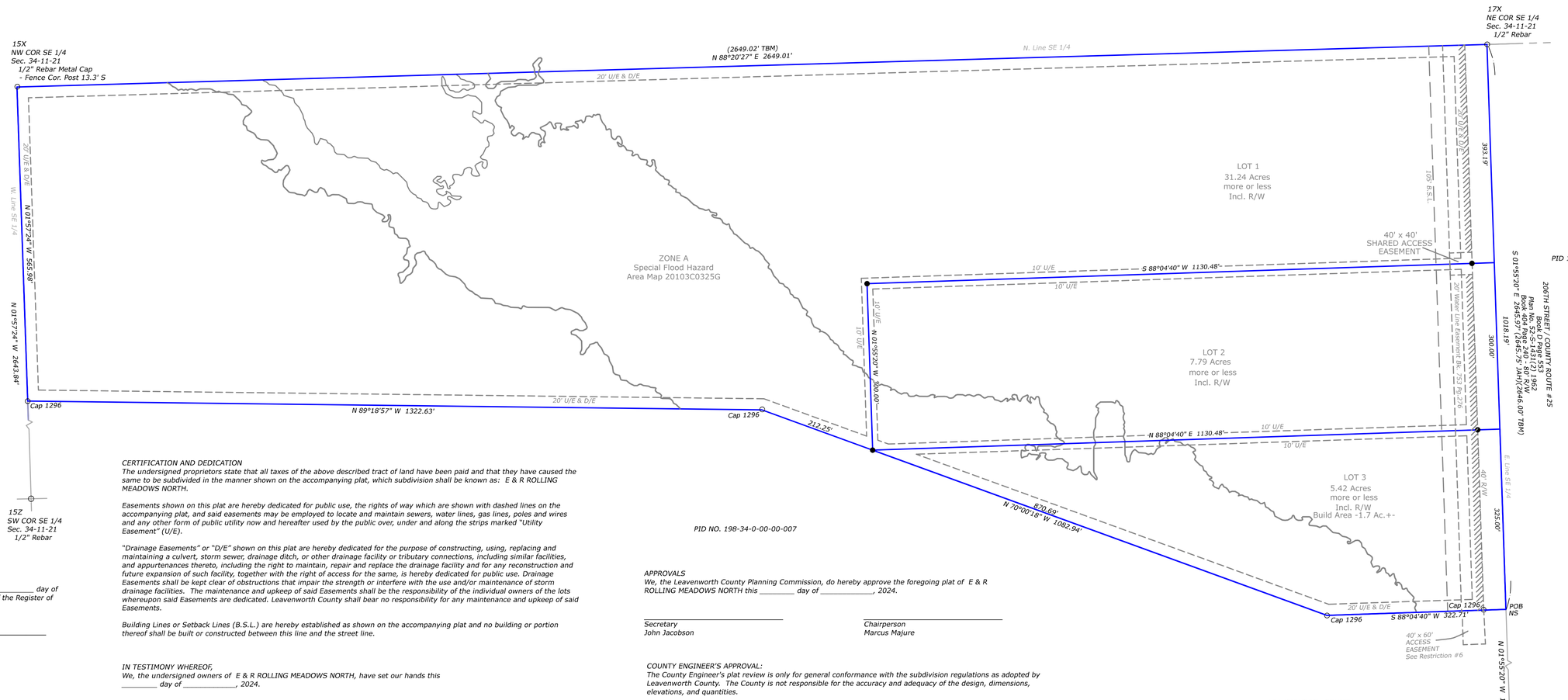
RESTRICTIONS:
1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
2) An Engineered Waste Disposal System may be required due to poor soil conditions.
3) Erosion and sediment control measures shall be 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) Lots 1 & 2, Lot 3 & Tract adjacent to and South of Lot 3, have shared access to 206th Street. Maintenance of the access drive is shared between appropriate Lots and Tracts.
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, 2, and 3, are impacted by Special Flood Zones and are depicted heron graphically.
9) Driveway construction withing 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.
10) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 1
11) No off-plat restrictions.

ZONING:
R-5 - 5 Acre Rural Residential

NOTES:
1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - See Record Description
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Existing & Proposed Lots for Agriculture and Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
Project Benchmark (BM) - SE Cor - 1/2" Rebar - 827.5'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Doc # 2024R03647
12) Utility Companies -
- Water - RWD 10
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Continental Land Title File Number 24464121 dated May 31, 2024.
14) Property is in a Special Flood Hazard Area per FEMA FIRM Map 20103C0325G dated July 16, 2015
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LEGEND:
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□ - Concrete Base to be Set around Point
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POB - Point of Beginning
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NS - Not Set this Survey per agreement with client
///// - No Vehicle Entrance Access

09-03-24
Combined PW
Review
No Further
Comment



PID NO. 198-34-0-00-00-007

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: E & R ROLLING MEADOWS NORTH,

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 E & R ROLLING MEADOWS NORTH, have set our hands this _____ day of _____, 2024.

_____ David M. Barth

_____ Carrie J. Barth

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came David M. Barth and Carrie J. Barth, a married couple, 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)

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

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of E & R ROLLING MEADOWS NORTH 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 E & R ROLLING MEADOWS NORTH this _____ day of _____, 2024.

_____ Chairperson
Jeff Culbertson

_____ County Clerk
Attest: Janet Klasinski

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

_____
Daniel Baumchen, PS#1363
County Surveyor

LEAVENWORTH COUNTY



VICINITY MAP
NOT TO SCALE

JOSEPH A. HERRING
REGISTERED
LS - 1296
KANSAS
LAND SURVEYOR

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Job # K-24-1769 North
June 13, 2024 Rev. 8-19-24

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Ph 913.651.3858 Fax 913.674.5381
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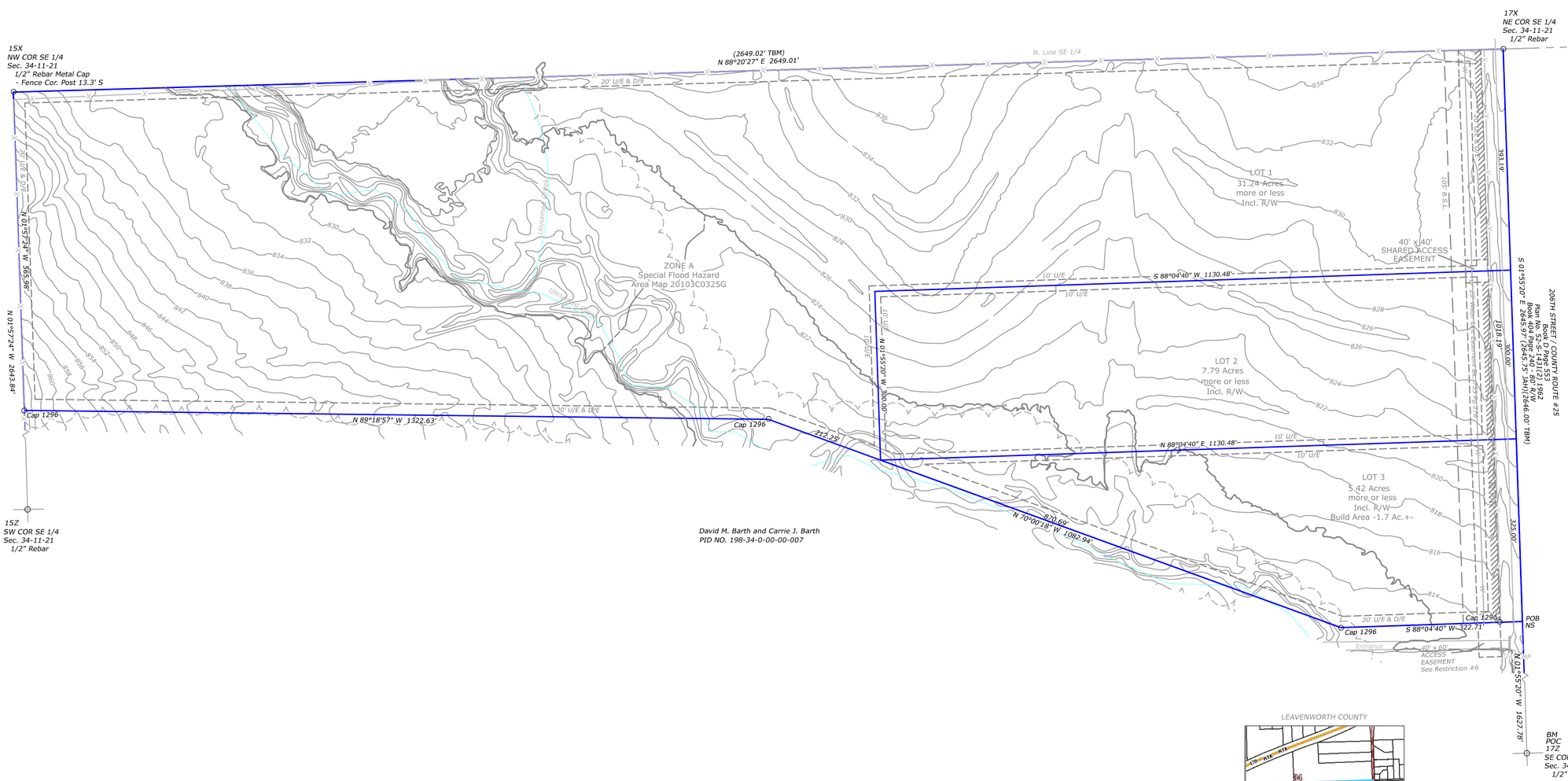
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Joseph A. Herring
PS # 1296

E & R ROLLING MEADOWS NORTH

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FINAL PLAT

PREPARED FOR:
David M. Barth and Carrie J. Barth
17113 W 84TH ST
LENEXA, KS 66219
PID NO. 198-34-0-00-00-007.01

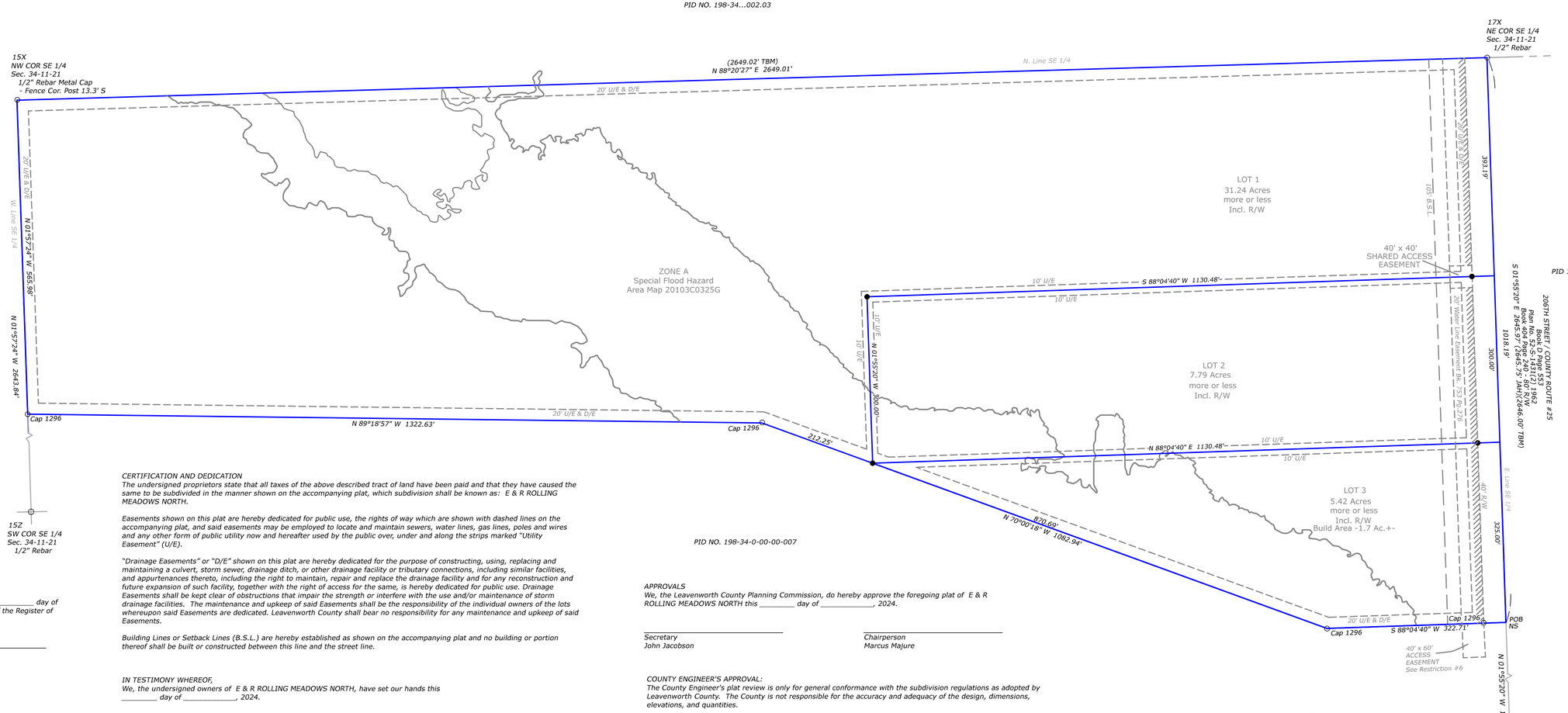
RECORD DESCRIPTION:
Tract of land in the Southeast Quarter of Section 34, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 9, 2024, and more fully described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence North 01 degrees 55'20" West for a distance of 1627.78 feet along the East line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence South 88 degrees 04'40" West for a distance of 322.71 feet; thence North 70 degrees 00'18" West for a distance of 1082.94 feet; thence North 89 degrees 18'57" West for a distance of 1322.63 feet to the West line of said Southeast Quarter; thence North 01 degrees 57'24" West for a distance of 565.98 feet along said West line to the Northwest corner of said Southeast Quarter; thence North 88 degrees 20'27" East for a distance of 2649.01 feet along the North line of said Southeast Quarter to the Northeast corner of said Southeast Quarter; thence South 01 degrees 55'20" East for a distance of 1018.19 feet along the East line of said Southeast Quarter to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 44.45 acres, more or less, including road right of way.
Error of Closure: 1 - 6188340

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) Lots 1 & 2, Lot 3 & Tract adjacent to and South of Lot 3, have shared access to 206th Street. Maintenance of the access drive is shared between appropriate Lots and Tracts.
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, 2, and 3, are impacted by Special Flood Zones and are depicted heron graphically.
9) Driveway construction withing 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.
10) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 1
11) No off-plat restrictions.

ZONING:
R-5 - 5 Acre Rural Residential

NOTES:
1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - See Record Description
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Existing & Proposed Lots for Agriculture and Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
Project Benchmark (BM) - SE Cor - 1/2" Rebar - 827.5'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Doc # 2024R03647
12) Utility Companies -
- Water - RWD 10
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Continental Land Title File Number 24464121 dated May 31, 2024.
14) Property is in a Special Flood Hazard Area per FEMA FIRM Map 20103C0325G dated July 16, 2015
15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
16) Existing Structures, if any, not shown hereon.
17) Easements as per referenced Title Commitment are shown hereon, if any.
- RWD 10 Easement Book 753 Page 276 falls as shown hereon.
- Oil and Gas Lease to Pioneer Petroleum, Inc. recorded in Book 551 at Page 1492.
18) Fence Lines do not necessarily denote the boundary line for the property.
19) Reference Surveys:
TBM - T.B.Melton Survey - S-15-05 #73 NKA 2005S073
DGW - BLUEBIRD ESTATES - Bk 16 Pg 31, 2005 NKA2005P00031
JAH - THREE Cs RESERVE - Document No. 2016P00028 Doc No. 2024S017

LEGEND:
● - 1/2" Bar Set with Cap No.1296
○ - 1/2" Bar Found, unless otherwise noted.
□ - Concrete Base to be Set 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 dedicated this plat
℄ - Centerline
S - Section Line
BM - Benchmark
POB - Point of Beginning
POC - Point of Commencing
NS - Not Set this Survey per agreement with client
///// - No Vehicle Entrance Access



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: E & R ROLLING MEADOWS NORTH,

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 E & R ROLLING MEADOWS NORTH, have set our hands this _____ day of _____, 2024.

_____ _____
David M. Barth Carrie J. Barth

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came David M. Barth and Carrie J. Barth, a married couple, 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)

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

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of E & R ROLLING MEADOWS NORTH 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 E & R ROLLING MEADOWS NORTH this _____ day of _____, 2024.

_____ _____
Chairperson County Clerk
Jeff Culbertson Attest: Janet Klasinski

LEAVENWORTH COUNTY

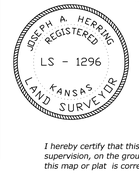


VICINITY MAP
NOT TO SCALE

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.

Reviewed 2024.08.21 No comments

Daniel Baumchen, PS#1363
County Surveyor



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

Joseph A. Herring
PS # 1296

NORTH

Scale 1" = 100'

100 0 100 200 300
1" = 100'

Job # K-24-1769 North
June 13, 2024 Rev. 8-19-24

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

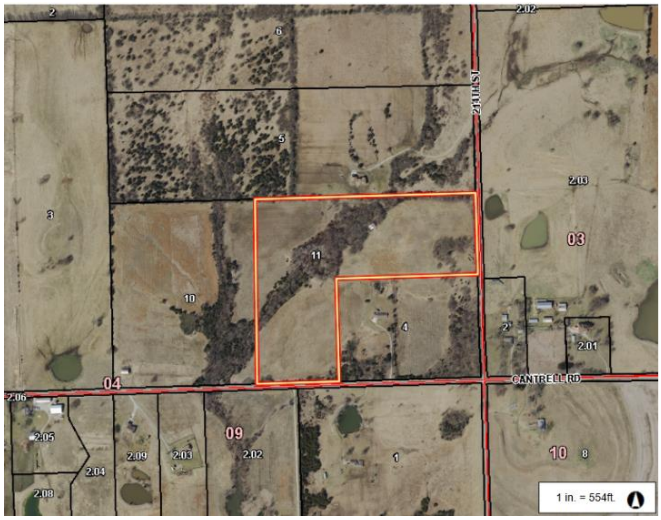
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-085 & 086 Dodge Addition No 2 September 11, 2024

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

STAFF REPRESENTATIVE:
JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 00000 CANTRELL ROAD



APPLICANT/APPLICANT AGENT:
AUSTIN THOMPSON
ATLAS LAND CONSULTING

PROPERTY OWNER:
Sweeney/Di Joseph, Jacob/Devin
PO Box 174
Linwood, KS 66052

CONCURRENT APPLICATIONS:
NONE

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
COUNTY ROAD 1

LEGAL DESCRIPTION:
A replat of Lot 2, Dodge Addition, a subdivision of land in Leavenworth County Kansas.

SUBDIVISION: Dodge Addition

FLOODPLAIN: A small portion of Zone A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:
1. Recommend approval of Case No. DEV-24-085 & 086, Preliminary & Final Plat for Dodge Addition No 2, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-085 & 086, Preliminary & Final Plat for Dodge Addition No 2 to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 30.40 ACRES

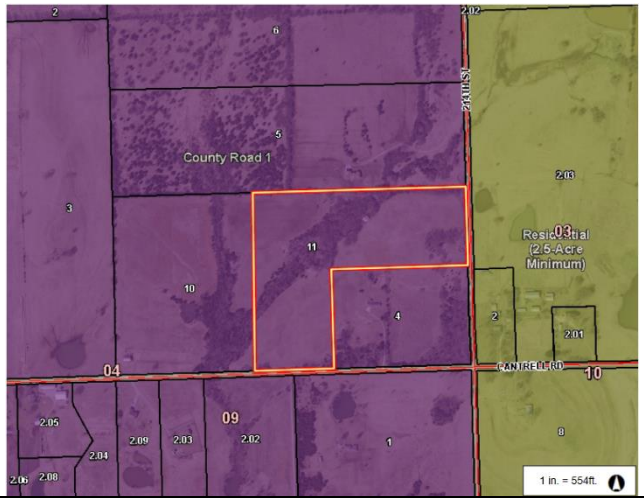
PARCEL ID NO:
222-04-0-00-00-011

BUILDINGS:
Existing Building

PROJECT SUMMARY:
Request for Preliminary & Final plat approval to subdivide property located at 00000 Cantrell Road (222-04-0-00-00-011) as Lots 01 through 03 of Dodge Addition No 2.

ACCESS/STREET:
CANTRELL ROAD/ 214TH ST.
LOCAL, GRAVEL, ±27' WIDE

Location Map: FUTURE LAND USE DESIGNATION



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: FD# 2

WATER: RWD 10

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:
9/52024

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:
N/A

STANDARDS TO BE CONSIDERED: *Type content in each if necessary (delete this afterwards)*			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		**Met**	**Not Met**
35-40	**Preliminary Plat Content**	X	
40-20	**Final Plat Content**	X	
41-6	**Access Management**	X	
41-6.B.a-c.	**Entrance Spacing**	X	
41-6.C.	**Public Road Access Management Standards**	X	
43	**Cross Access Easements**	N/A	
50-20	**Utility Requirements**	X	
50-30	**Other Requirements**	X	
50-40	**Minimum Design Standards**		X
	Exception needed from Article 50, Section 40.3.h. Accessory structure to remain on lot without a principal structure.		
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 30.40 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). Lots range in size from 5.11 to 21 acres. An exception is needed for an Accessory structure to remain on lot without a principal structure. All lots meet the requirements for the RR-2.5 zoning district.

EXCEPTIONS:

The applicant has requested an exception from Article 50, Section 40.3.h. – Accessory structure to remain on a lot without a principal structure. The criteria for the acceptance of an exception is as follows:

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

Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.h. – Accessory structure to remain on lot without a principal structure conformance with the Zoning & Subdivision Regulations for the Dodge Addition No 2 subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. An exception from Article 50, Section 40.3.h Accessory structure to remain on lot without a principal structure has been granted for Lot 3.
6. The developer must comply with the following memorandums:
   Memo – Chuck Magaha, dated July 9, 2024
   Memo – Evergy, dated July 2, 2024
   Email – Code Enforcement, dated July 19, 2024

ATTACHMENTS:
A: Application & Narrative
B: Zoning Map
C: Road Map (A minimum of 1/4 mile)
D: Memorandums

FINAL PLAT APPLICATION

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

Office Use Only

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: Austin Thompson - Atlas Land Consulting	NAME: Jacob Sweeney & Devin Di Joseph
MAILING ADDRESS: 14500 Parallel Rd Unit R	MAILING ADDRESS PO Box 174
CITY/ST/ZIP: Basehor, KS 66007	CITY/ST/ZIP Linwood, KS 66052
PHONE: 913-702-8916	PHONE:
EMAIL : austin@alconsult-llc.com	EMAIL devindijoseph@yahoo.com & jsweeney5460@gmail.com

GENERAL INFORMATION

Proposed Subdivision Name: Dodge Addition No. 2

Address of Property: Cantrell Rd - PO Box 174 Linwood, KS 66052

PID: 2220400000011000 Urban Growth Management Area: _____

SUBDIVISION INFORMATION		
Gross Acreage: 30.61 AC	Number of Lots: 3	Minimum Lot Size: 4.90 ACRES
Maximum Lot Size: 20.65 ACRES	Proposed Zoning: RR 2.5	Density:
Open Space Acreage:	Water District: RWD 10	Proposed Sewage: Septic
Fire District:	Electric Provider: Evergy	Natural Gas Provider:
Covenants: ☐ Yes ☐ No	Road Classification: *Local – Collector - Arterial – State - Federal*	
	Cross-Access Easement Requested: ☐ Yes ☑ No	

Is any part of the site designated as Floodplain? ☑ Yes ☐ No if yes, what is the panel number: 20103C0325G

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: Austin Thompson Date: 04/22/2024

ATTACHMENT A

INFORMATIONAL REPORT

ISSUED BY
MCCAFFREE-SHORT TITLE COMPANY, INC.

SCHEDULE A

File No.: L24-29701

1. Effective Date: March 22, 2024 at 08:00 AM

2. Policy (or Policies) to be issued:

   a. Informational Report Only

      Total Charge: $250.00

3. The estate or interest in the land described or referred to in this Commitment is:
   (Identify estate covered, i.e. Fee, Leasehold, etc.)

   Fee Simple

4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:

   Jacob Sweeney and Devin Di Joseph

5. The land referred to in this Commitment is described as follows:

   Lot 2, DODGE ADDITION, a tract of land in the South Half of the Southeast Quarter of Section 4, Township 12 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.

McCaffree-Short Title Company

Tracy L Johnson

_____
Tracy L. Johnson, Agent No. 5057588
(This Schedule A valid only when Schedule B is attached)

OWNER AUTHORIZATION

I/WE Devin DiJoseph + Jacob Sweeney, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 20th day of April, 2024 make the following statements, to wit:

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

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

2. I/We the undersigned, have previously authorized and hereby authorize Austin Thompson with Atlas Land Consutling (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, Parcel R310016 (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 the 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.

Devin DiJoseph
Owner

Jacob S. Sweeney
Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

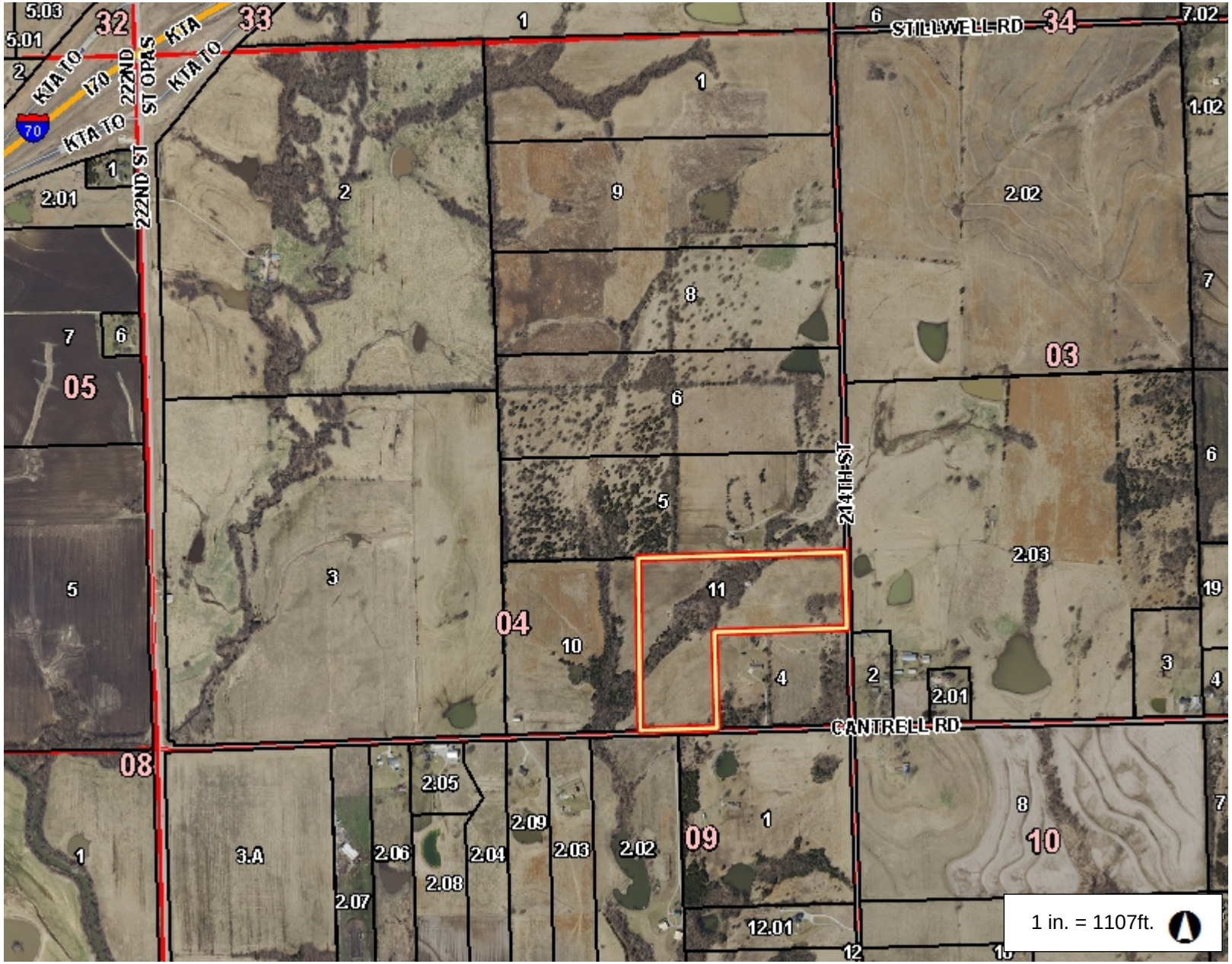
The foregoing instrument was acknowledge before me on this 20th day of 4, 2024,
by Matt Epley.
My Commission Expires: 02/21/28

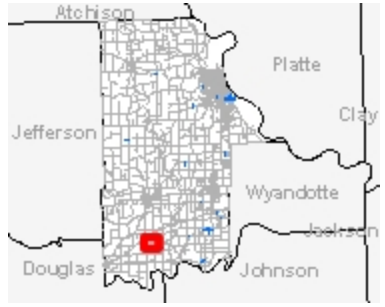
Matt Epley
Notary Public - State of Kansas
My Commission Expires 2-21-2028

Notary Public

ATTACHMENT B

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

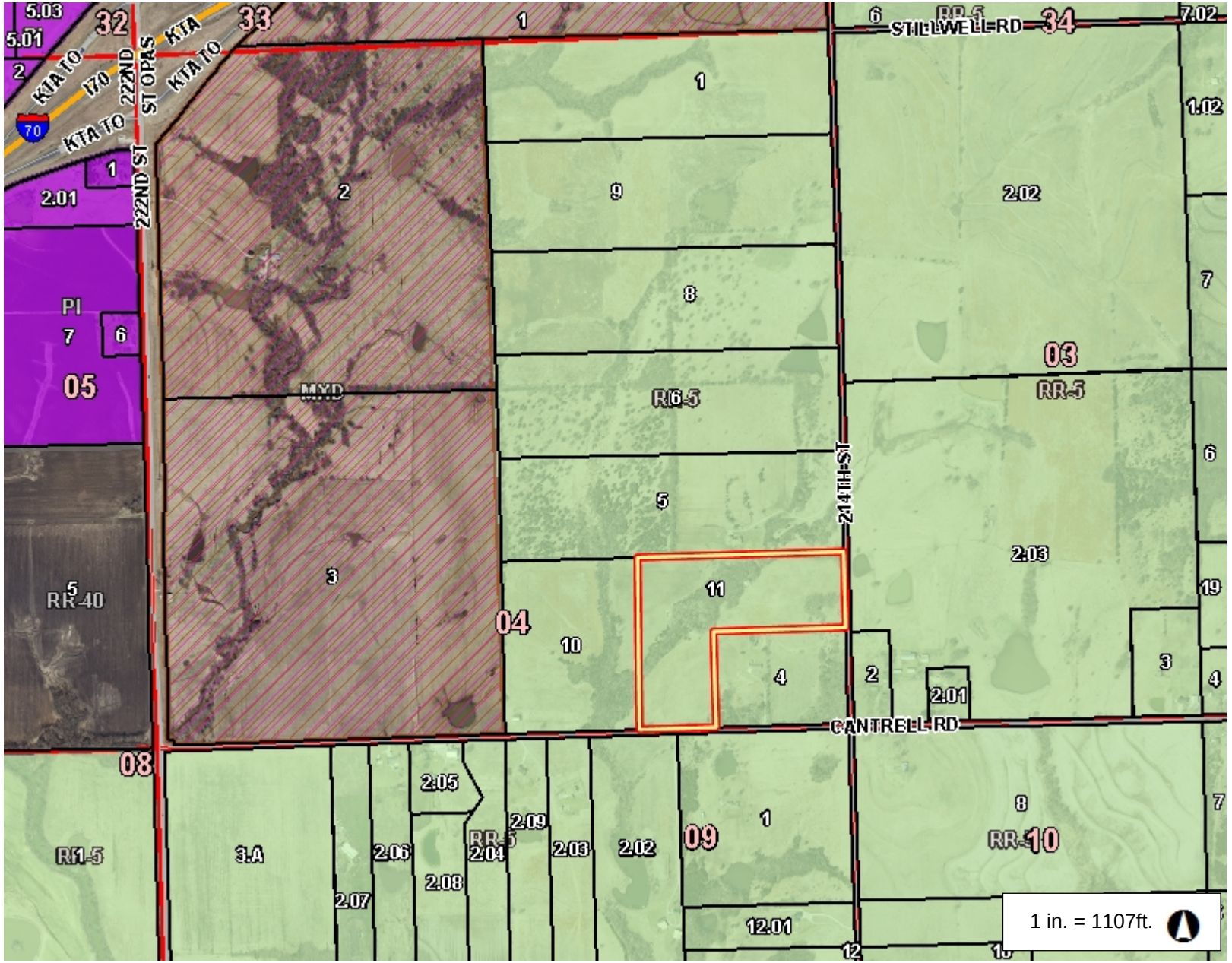
Notes

2,214.5 0 1,107.25 2,214.5 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Leavenworth County, KS





Legend

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

Notes

2,214.5 0 1,107.25 2,214.5 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

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:

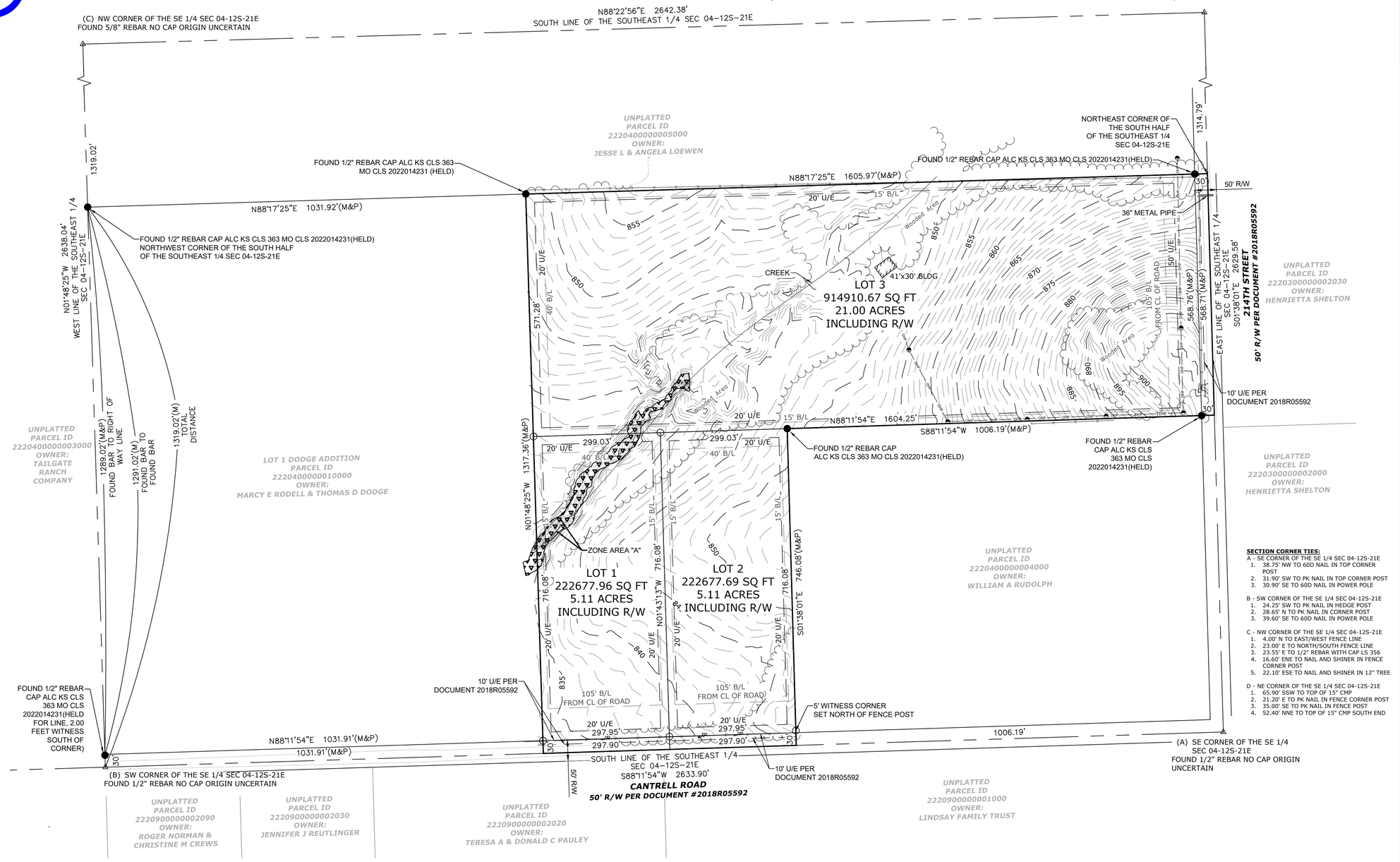
1. That there are special circumstances or conditions affecting the property.
   -The special circumstance for Lot 3, is the structures is existing. Splitting the property allows each lot to have one accessory structure. The exception can be removed once a residential home is built on these lots. It doesn't make sense to tear down the buildings, just to one day have someone rebuild an accessory structure with their home.

2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
   -The variance is necessary because this is creating a hardship on the owners. Requiring them to destroy accessory structures cost money. Also, they have value to the property as existing, and could affect the value of the property.

3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.
   -Granting the variance will have no affect on the public welfare or injurious to adjacent properties. The buildings are already existing.

DODGE ADDITION NO. 2

A REPLAT OF LOT 2, DODGE ADDITION, A SUBDIVISION OF LAND IN LEAVENWORTH COUNTY, KANSAS



DESCRIPTION PER TITLE COMMITMENT

TITLE COMMITMENT FILE NO: L24-29701 VIA MCCAFFREE-SHORT TITLE COMPANY, INC DATED MARCH 22, 2024 AT 8:00 AM

LOT 2, DODGE ADDITION, A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS

UTILITIES
EVERGY - 800-383-1183
RURAL WATER DISTRICT 10 - 913-856-7375

KS ENG COA: #3315
KS SUR COA: #363
MO ENG COA: #2025014084
MO SUR COA: #2025014231

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
14500 Parallel Road, Unit R, Basehor KS 66007
ANDREA@ALCONSULT-LLC.COM

PRELIMINARY PLAT

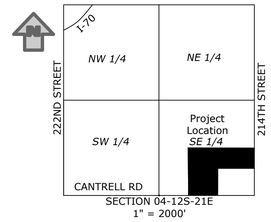
LEGEND

- DENOTES FOUND MONUMENT AS NOTED
- DENOTES SET 1/2" x 24" REBAR IN CONCRETE WITH CAP ALC KS CLS 363 MO CLS 2022014231
- DENOTES FOUND PROPERTY CORNER AS NOTED
- B/L BUILDING LINE
- U/E UTILITY EASEMENT
- TP TELEPHONE PEDESTAL
- POWER POLE
- FENCE LINE
- OHP OVERHEAD POWER LINE
- TREELINE

GENERAL NOTES

1. THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983, THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SEC 04-12S-21E S88°11'55"W.
2. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN FEET.
3. FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20103C0325G EFFECTIVE JULY 16, 2015, THIS PLAT IS LOCATED IN ZONES "X" AND ZONE "A".
4. KS ONE CALL WAS NOT CALLED ON THIS SURVEY.
5. THE MINIMUM FRONT YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 105 FEET FROM THE CENTERLINE OF THE ROAD.
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8. BENCHMARK - LVCO-2006-05-002 - 908.00
-APPROX 20 FEET SOUTH OF CL WOODEND RD & APPROX 300 FEET WEST OF CL 222ND ST (CO. RT. 1)
9. CURRENT USE - RESIDENTIAL / PROPOSED USE - RESIDENTIAL
10. CURRENT ZONING RR-2.5
11. ALL PROPOSED STRUCTURES WITHIN THIS PLAT SHALL COMPLY WITH THE LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS.
12. ALL LOTS WILL BE ON SEPTIC SEWER SYSTEMS. AN ENGINEERED WASTE SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
13. TITLE COMMITMENT VIA MCCAFFREE-SHORT TITLE COMPANY - FILE NO. L24-29701
14. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE USED WHEN DESIGNING AND CONSTRUCTION OF DRIVEWAYS AND OTHER STRUCTURES. RE-VEGETATION OF ALL DISTURBED AREAS SHALL BE COMPLETED WITHIN 45 DAYS AFTER FINAL GRADING.
15. REFERENCED SURVEY
-TRACT SPLIT COMPLETED APRIL 12, 2018 BY ATLAS SURVEYORS VIA ROGER B. DILL LS 1408 DOCUMENT NO. 2018S046
-DODGE ADDITION FINAL PLAT DOCUMENT NO. 2023P00051
16. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY.
17. THERE ARE NO OFF-PLAT RESTRICTIONS IN PLACE.
18. LOT 1 & LOT 2 PROPERTY ACCESS VIA CANTRELL ROAD & LOT 3 PROPERTY ACCESS VIA & 214TH STREET.
19. ALL STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.
20. UTILITY INFORMATION:
- WATER - RURAL WATER DISTRICT 10
- ELECTRIC - EVERGY
- SEWER - SEPTIC
- GAS - PROPANE/NATURAL GAS
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22. ERROR OF CLOSURE: PRECISION 1: 8343040.000
23. FENCE LINES DO NOT DETERMINE BOUNDARY LINE OF SURVEY.
24. LOT 1 & LOT 3 ARE IMPACTED BY THE SPECIAL FLOOD ZONES.
25. AN EXCEPTION TO ARTICLE 50 - SECTION 40.3.H. WAS GRANTED TO LOT 3 OF DODGE ADDITION TO ALLOW FOR ACCESSORY STRUCTURES TO REMAIN ON A LOT WITHOUT PRINCIPAL STRUCTURES

VICINITY MAP



This is to certify on this 12th day of APRIL, 2024 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ANDREA N WEISHAUBT *PLS 1730*

JOB NO:24-073

SCALE	PREPARED FOR
120 60 0 120 SCALE IN FEET	**JACOB SWEENEY & DEVIN DI JOSEPH** CANTRELL RD. LINWOOD, KS 66052 PO BOX 174 LINWOOD, KS 66052
SEC-TWN-RNG	
04-12S-21E	

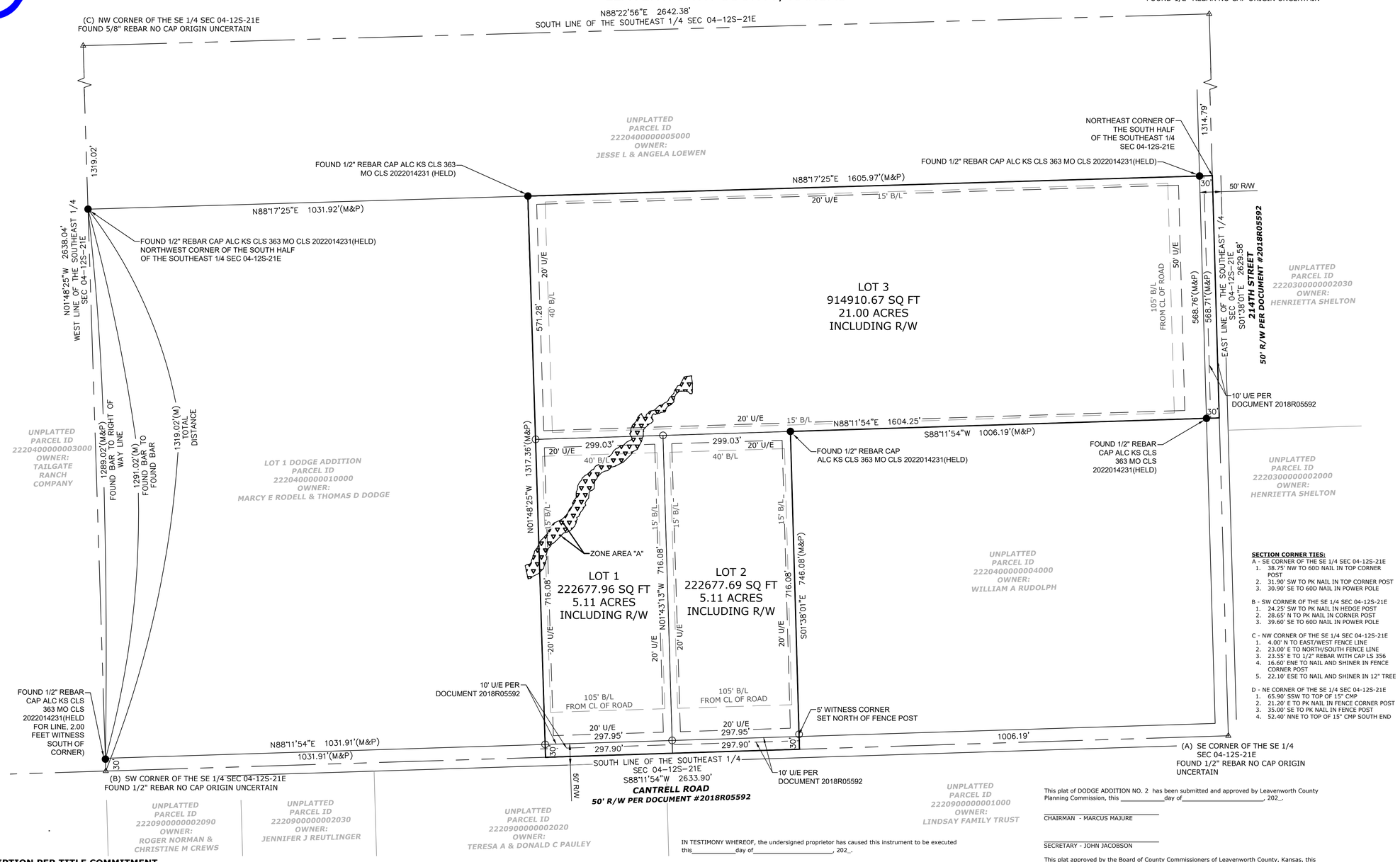
DATE

APRIL 15, 2024

CAD FILE : C:\Users\austi\Synology Drive\Atlas Land Consulting\2024\24-073 DiJoseph&Sweeney RePlat of Dodge Addition and Rezone\Dodge Addition No 2-1.dwg
9/4/2024 4:02 PM AUSTI

DODGE ADDITION NO. 2

A REPLAT OF LOT 2, DODGE ADDITION, A SUBDIVISION OF LAND IN LEAVENWORTH COUNTY, KANSAS



DESCRIPTION PER TITLE COMMITMENT

TITLE COMMITMENT FILE NO: L24-29701 VIA MCCAFFREE-SHORT TITLE COMPANY, INC DATED MARCH 22, 2024 AT 8:00 AM

LOT 2, DODGE ADDITION, A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS

DEDICATION

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "**DODGE ADDITION NO. 2**".

The streets and roads shown on this plat and not heretofore dedicated to public use, are hereby so dedicated by easement.

The undersigned proprietor of the above described tract of land does hereby certify that all prior existing easement rights on land to be dedicated for the public use running to any person, utility, or corporation have been absolved except that same person, utility or corporation shall retain whatever rights they would have as if located in a public street.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction, or maintenance and use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility facilities upon, over, and under these areas outlined and designated on this plat as "Utility Easement" or "U/E", is hereby granted to the Leavenworth County, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.

Building Lines 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.

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.

Lot 1 & Lot 3 are impacted by Special Flood Zones Area "A"

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this_____day of_____, 202_.

OWNER

_____
JACOB SWEENEY, OWNER

_____
DEVIN DI JOSEPH SWEENEY, OWNER

STATE OF KANSAS)
)SS
COUNTY OF LEAVENWORTH)

BE IT REMEMBERED, that on this _____ day of_____, 202_, before me, a Notary Public in and for said County and State, came **JACOB & DEVIN DI JOSEPH SWEENEY**,to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

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

_____
My Commission Expires:_____

Notary Public

This plat of DODGE ADDITION NO. 2 has been submitted and approved by Leavenworth County Planning Commission, this _____day of_____, 202_.

_____
CHAIRMAN - MARCUS MAJURE

_____
SECRETARY - JOHN JACOBSON

This plat approved by the Board of County Commissioners of Leavenworth County, Kansas, this _____ day of_____, 202_.

(SEAL)

_____ _____
CHAIRMAN - Jeff Culbertson ATTEST - COUNTY CLERK - JANET KLASINSKI

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 or adequacy of the design, dimensions, elevations, and quantities.

_____
COUNTY ENGINEER

This is to certify that this instrument was filed for record in the Register of Deeds office on the_____day of_____, 2024, in Book____, Page____.

_____
REGISTER OF DEEDS, TERRILOIS G. MASHBURN

I hereby certify this plat meets the requirements of K.S.A. 58-2005. The face of this 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 2024.09.04 No Comments
LEAVENWORTH COUNTY SURVEYOR
DANIEL BAUMCHEN, PS-1363

SECTION CORNER TIES:

A - SE CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 38.75' NW TO 60D NAIL IN TOP CORNER POST
2. 31.90' SW TO PK NAIL IN TOP CORNER POST
3. 30.90' SE TO 60D NAIL IN POWER POLE

B - SW CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 24.25' SW TO PK NAIL IN HEDGE POST
2. 28.65' N TO PK NAIL IN CORNER POST
3. 39.60' SE TO 60D NAIL IN POWER POLE

C - NW CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 4.00' N TO EAST/WEST FENCE LINE
2. 23.00' E TO NORTH/SOUTH FENCE LINE
3. 23.55' E TO 1/2" REBAR WITH CAP LS 356
4. 16.60' ENE TO NAIL AND SHINER IN FENCE CORNER POST
5. 22.10' ESE TO NAIL AND SHINER IN 12" TREE

D - NE CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 65.90' SSW TO TOP OF 15" CMP
2. 21.20' E TO PK NAIL IN FENCE CORNER POST
3. 35.00' SE TO PK NAIL IN FENCE POST
4. 52.40' NNE TO TOP OF 15" CMP SOUTH END

KS ENG COA: #3315
KS SUR COA: #363
MO ENG COA: #2025014084
MO SUR COA: #2025014231

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
14500 Parallel Road, Unit R, Basehor KS 66007
ANDREA@ALCONSULT-LLC.COM

FINAL PLAT

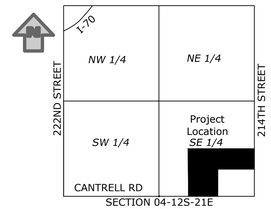
LEGEND

- DENOTES FOUND MONUMENT AS NOTED
- DENOTES SET 1/2" x 24" REBAR IN CONCRETE WITH CAP ALC KS CLS 363 MO CLS 2022014231
- DENOTES FOUND PROPERTY CORNER AS NOTED
- B/L BUILDING LINE
- U/E UTILITY EASEMENT
- TELEPHONE PEDESTAL
- FENCE LINE
- OHP OVERHEAD POWER LINE
- TREELINE

GENERAL NOTES

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VICINITY MAP



SECTION 04-12S-21E
1" = 2000'

This is to certify on this 12th day of APRIL, 2024 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

_____
ANDREA N WEISHAUBT PLS 1730

JOB NO:24-073

SCALE

120 60 0 120
SCALE IN FEET

SEC-TWN-RNG
04-12S-21E

PREPARED FOR
JACOB SWEENEY & DEVIN DI JOSEPH SWEENEY
CANTRELL RD.
LINWOOD, KS 66052
PO BOX 174 LINWOOD, KS 66052

DATE
APRIL 15, 2024

CAD FILE: C:\Users\aiasti\Synology Drive\Atlas Land Consulting\2024\24-073 DJoseph&Sweeney Re\Plat of Dodge Addition and Rezone\Dodge Addition No 2-1.dwg
9/4/2024 4:02 PM AIASTI

08-05-24
Combined
Review
No Further
Comment

KS ENG COA: #3315
KS SUR COA: #363
MO ENG COA: #2022014084
MO SUR COA: #2022014231

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
14500 Parallel Road, Unit R, Basehor KS 66007
ANDREA@ALCONSULT-LLC.COM

14500 Parallel Rd. Unit R
Basehor, KS 66007

DRAINAGE STUDY

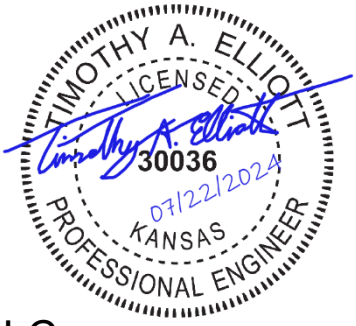
For:

Dodge Addition No. 2

Cantrell Rd.
Linwood, Ks 66052

Prepared for:

Jacob Sweeney & Devin DiJoseph
PO Box 174
Linwood, Ks 66052



Prepared by:

ATLAS LAND CONSULTING, LLC
14500 Parallel Rd Unit R
Basehor, Ks 66007
913-702-5073

April 26th, 2024

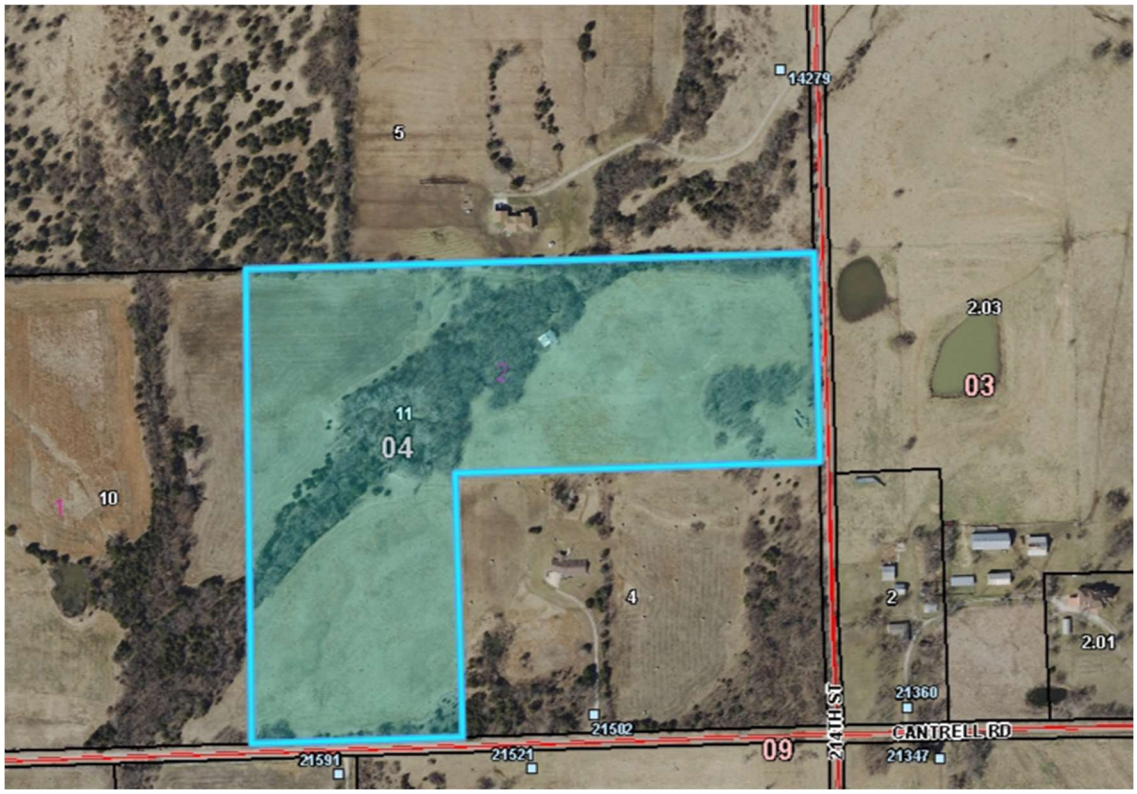
Revision	Date	By	Description
1	24.07.22	TAE	NE & S drainage areas added
2			
3			

July 02, 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 Austin Thompson.

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



Dodge Addition No 2-1 Plat

Steven Heath

Evergy

TD Designer I

steven.heath@evergy.com

O 785-865-4857

Internal Use Only



Mary Conley <mary.conley@conleysandu.com>

to LVCO, Devin, jsweeney5460@gmail.com, Steve, Steve, mary.conley@conleyandu.com, me, Mary

8:00 AM (2 hours ago)

Good morning Devin,
Yes, I agree with your statements in the previous email and LV RWD10 has no issue with you moving forward with the lot split.
Mary Conley

•••

Yes, I agree. | We will proceed. | I approve as well.

Reply | Reply all | Forward

Utility Letter Approval

External Inbox ×

Austin Thompson Wed, Apr 17, 7:55 AM (13 days ago)

Good Morning, We are completing a survey to split an existing lot in Leavenworth County. I am searching for approval of the split from all the utility companies

8

Austin Thompson Mon, Apr 22, 11:50 AM (8 days ago)

Devin and Jacob, Below is RWD10. They are requesting a review for the proposed split of your property. They have a review fee of $300 and can be paid to them di

Dylan Ritter Fri, Apr 26, 3:58 PM (4 days ago)

to LVCO, Design, Jordan, me

Fire District #2 has no comments or concerns with this property split.

Assistant Chief
Dylan Ritter
Sherman Township Fire/Rescue
100 Main St Linwood, Ks 66052
(913)-339-8973

I approve as well. | Thanks for the quick response. | I vote yes.

Reply | Reply all | Forward

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Dodge Addition No2 Subdivision
Date: July 09, 2024

Amy, I have reviewed the preliminary plat of the Dodge Addition No.2 Subdivision presented by Jacob Sweeney and Devan Joseph. 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-away on the Lot 2 and Lot 1 along the right-of-way and one placed at Lot 3, 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

From: Anderson, Kyle
Sent: Friday, July 19, 2024 8:49 AM
To: Schweitzer, Joshua
Subject: RE: DEV-24-085 & 086 Preliminary & Final Plat Dodge Addition No 2 - Atlas

We have not received any complaints on this property and we are not aware of any septic systems currently installed on it. There is a 1200 sq' (+/-) accessory building on lot 3. Until a house is built this will be a non-compliant parcel.

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, July 11, 2024 8:14 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-085 & 086 Preliminary & Final Plat Dodge Addition No 2 - Atlas

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 00000 Cantrell Road (PID: 222-04-0-00-00-011).

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 25, 2024.

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

v / r

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

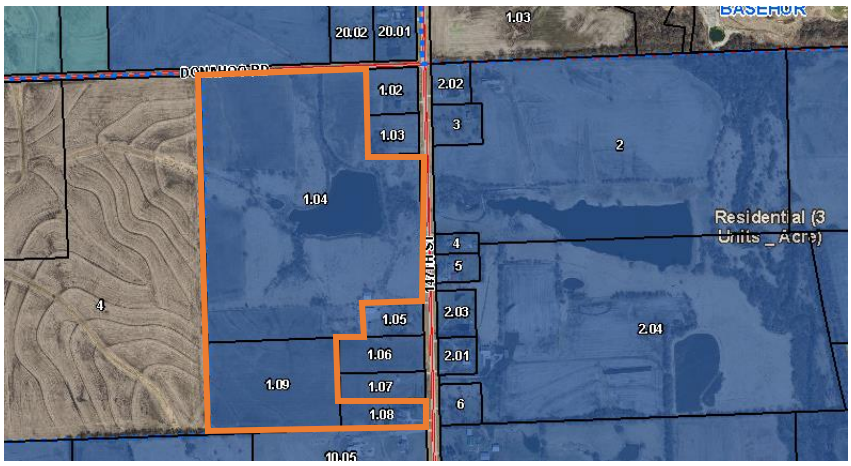
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-100/101 Thomas Farms 2nd Plat — September 11, 2024

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

STAFF REPRESENTATIVE:
Amy Allison
Deputy Director

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



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

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

CONCURRENT APPLICATIONS:
NONE

LAND USE

ZONING: RR-2.5

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

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

SUBDIVISION: Thomas Farms

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-100 & 101, Preliminary & Final Plat for Thomas Farms 2nd Plat, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-100 & 101, Preliminary & Final Plat for Thomas Farms 2nd Plat to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 83 Acres

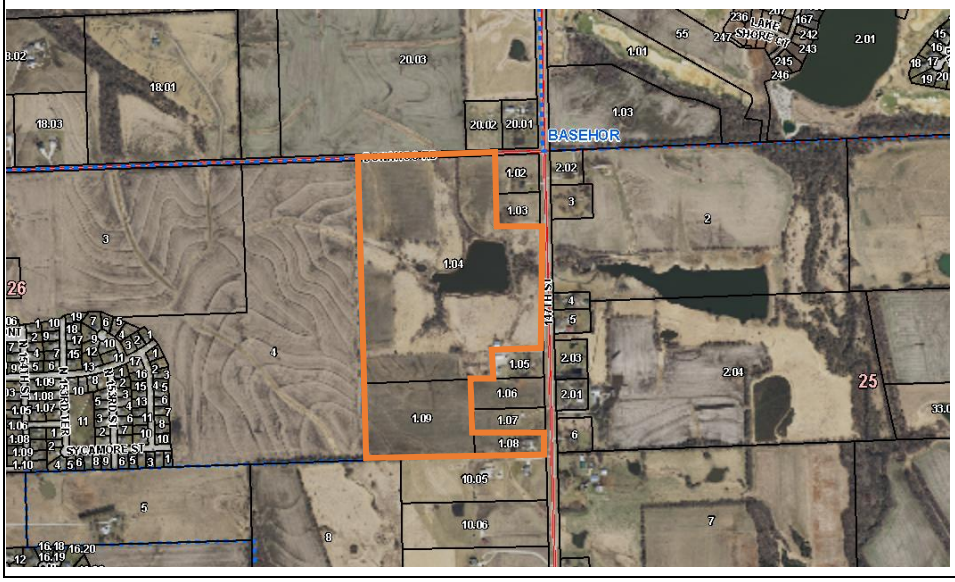
PARCEL ID NO:
157-26-0-00-00-001.04, -001.08, & -001.09

BUILDINGS:
Single family residence and accessory structures

PROJECT SUMMARY:
Request for preliminary and final plat approval to subdivide property located at 20807 147th Street and 00000 147th Street (157-26-0-00-00-001.04 & 157-26-0-00-00-001.09) as Lots 1 through 6 of Thomas Farms 2nd Plat.

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

Location Map



UTILITIES

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

NOTICE & REVIEW:

STAFF REVIEW:
9/5/2024

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:
N/A

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

STAFF COMMENTS:

The applicant is proposing to replat two lots in the Thomas Farm Subdivision into 6 lots. The Subdivision is classified as a Class A with all lots lying within the Urban Growth Area of Basehor. The City was notified but no response was received. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers appear not to be located within 660' of the subdivision (see condition 3). Lots 1 through 4 will range from 5.71 to 11.6 acres.
All will access from Donahoo Road. Donahoo is a minimally maintained road, which the applicant has placed that notation on the face of the plat and owners will have to sign an affidavit at the time of building permit application acknowledging that Donahoo Rd is minimally maintained. Fairmount FD has raised concerns about access for emergency apparatus. Public Works is reviewing the conditions of the road and additional comments are pending. Lots 5 & 6 will access off of 147th Street and both exceed the 2.5 acreage minimum required (34.24 & 17.7 acres). Lot 6 does not meet the lot-width to lot-depth requirement. An exception is needed. Lot 5 has an existing barn on the property. The current lot exceeds 40 acres which permits an accessory agricultural building without a principal structure. Since the lot is proposed to be approximately 34 acres, the exemption no longer applies and exception will be needed. The remainder of the plat is compliant with the Zoning& Subdivision Regulations.

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

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

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

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

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

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

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. An exception from Article 50, Section 40.3.h. has been approved for Lot 5.
6. An exception from Article 50, Section 40.3.i. has been approved for Lot 6.
7. The developer must comply with the following memorandums:
   Memo – Mike Fulkerson, CWRD 1, dated July 15, 2024
   Email – Mike Lingenfelser, Fairmount FD, dated July 24, 2024

ATTACHMENTS:

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

PRELIMINARY PLAT APPLICATION

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

Office Use Only

Township: Fairmount Planning Commission Meeting Date: _____
Case No. DEV-24-100 Date Received/Paid: _____
Zoning District _____ Comprehensive Plan Land Use Designation: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: Cody Herbster	NAME: FREEMAN,PAMELA; ATKINS,JANET; WHITED,CINDY; THOMAS,BRIAN R
MAILING ADDRESS: 14164 Ashbury Ct	MAILING ADDRESS 20807 147TH ST
CITY/ST/ZIP: Basehor, KS 66007	CITY/ST/ZIP BASEHOR, KS 66007
PHONE: (312) 859-8328	PHONE:
EMAIL : cody.herbster@me.com	EMAIL

GENERAL INFORMATION

Proposed Subdivision Name: Thomas Farm Subdivision, 2nd Plat

Address of Property: 20807 147TH ST, Basehor, KS 66007

PID: 1572600000001080, 1572600000001090, 1572600000001040 Urban Growth Management Area: _____

SUBDIVISION INFORMATION		
Gross Acreage: 83.45	Number of Lots: 6	Minimum Lot Size: 5.71
Maximum Lot Size: 34.24	Proposed Zoning: RR-2.5	Density: 1 house per 16.69 acres
Open Space Acreage: 0	Water District: RWD 1	Proposed Sewage: Septic
Fire District:	Electric Provider: Evergy	Natural Gas Provider: Atmos
Covenants: ☐ Yes ◉ No	Road Classification: *Local – Collector - Arterial – State - Federal*	
	Cross-Access Easement Requested: ☐ Yes ■ No	
List of all Requested Exceptions: *Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.*	1. Lot depth to lot width ratio for Lot 7A	
	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: _____ Date: 7/16/24

ATTACHMENT A

FINAL PLAT APPLICATION

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

Office Use Only

Township: Fairmount
Planning Commission Meeting Date: _____
Case No. DEV-24-101
Date Received/Paid: _____
Zoning District _____
Comprehensive Plan Land Use Designation: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: Cody Herbster	NAME: FREEMAN,PAMELA; ATKINS,JANET; WHITED,CINDY; THOMAS,BRIAN R
MAILING ADDRESS: 14164 Ashbury Ct	MAILING ADDRESS 20807 147TH ST
CITY/ST/ZIP: Basehor, KS 66007	CITY/ST/ZIP BASEHOR, KS 66007
PHONE: (312) 859-8328	PHONE:
EMAIL : cody.herbster@me.com	EMAIL

GENERAL INFORMATION

Proposed Subdivision Name: Thomas Farm Subdivision, 2nd Plat

Address of Property: 20807 147TH ST, Basehor, KS 66007

PID: 1572600000001080, 1572600000001090, 1572600000001040
Urban Growth Management Area: _____

SUBDIVISION INFORMATION		
Gross Acreage: 83.45	Number of Lots: 6	Minimum Lot Size: 5.71
Maximum Lot Size: 34.24	Proposed Zoning: RR-2.5	Density: 1 house per 16.69 acres
Open Space Acreage: 0	Water District: RWD 1	Proposed Sewage: Septci
Fire District: Fairmount	Electric Provider: Evergy	Natural Gas Provider: Atmos
Covenants: ☐ Yes ☐ No	Road Classification: *Local – Collector - Arterial – State - Federal*	
	Cross-Access Easement Requested: ☐ Yes ■ No	

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

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

Signature: _____ Date: 7/16/24

ATTACHMENT A

OWNER AUTHORIZATION

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

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

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

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

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

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

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

Pamela R. Freeman
Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

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

My Commission Expires: 09/07/2024

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

Notary Public Ashley J Davey

ATTACHMENT B

OWNER AUTHORIZATION

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

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

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

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

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

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

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

Cindy J. Whited
Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

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

My Commission Expires: 09/07/2024

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

Notary Public Ashley J Davey

ATTACHMENT B

OWNER AUTHORIZATION

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

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

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

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

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

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

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

Janet E Atkins
Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

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

My Commission Expires: 09/07/2024

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

Notary Public Ashley J Davey

ATTACHMENT B

OWNER AUTHORIZATION

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

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

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

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

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

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

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

Brian Thomas
Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

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

My Commission Expires: 09/07/2024

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

Notary Public Ashley J Davey

ATTACHMENT B

OWNER AUTHORIZATION

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

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

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

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

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

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

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

Pamela Freeman
Owner

Lloyde C Freeman
Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

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

My Commission Expires: 09/07/2024

Notary Public Ashley J Davey

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

ATTACHMENT B

PRELIMINARY PLAT

THOMAS FARM SUBDIVISION, 2ND PLAT

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

NOTES:

1. Basis of bearings: S01°33'49'E along the east line of Lot 3 per plat of Thomas Farm Subdivision, recorded at Document No. 2011P00008.
2. Subject property lies in "Zone X, Areas determined to be outside the 0.2% annual chance floodplain" as shown on FEMA FIRM Numbers 20103C0241G and 20103C0243G, effective 7/16/2015. Floodplain information regarding the plat is based on the best information available at the time the plat was prepared and recorded.
3. All bearings and distances are record and measured values unless otherwise noted.
4. Project Bench Mark - 2" aluminum disk in monument box at the N.E. corner of Section 26-10-22, elevation=964.4
5. Existing Use: Farming on existing Lot 3, single family home on existing Lot 7
6. Proposed Use: Single family residential
7. In accordance with the LVCO Access Management Policy, Lot 4 entrance(s) shall be limited to Donahoo Road." Lots with frontage on roadways of various road classifications must place their entrance(s) along the roadway with the lower roadway classification.
8. Donahoo Road is a Minimum Maintained Road and subject to Leavenworth County Regulations. Developer will ensure Donahoo Road meets federal low volume road standard prior to issuance of a building permit for Lots 1, 2, 3, and 4.

RESTRICTIONS:

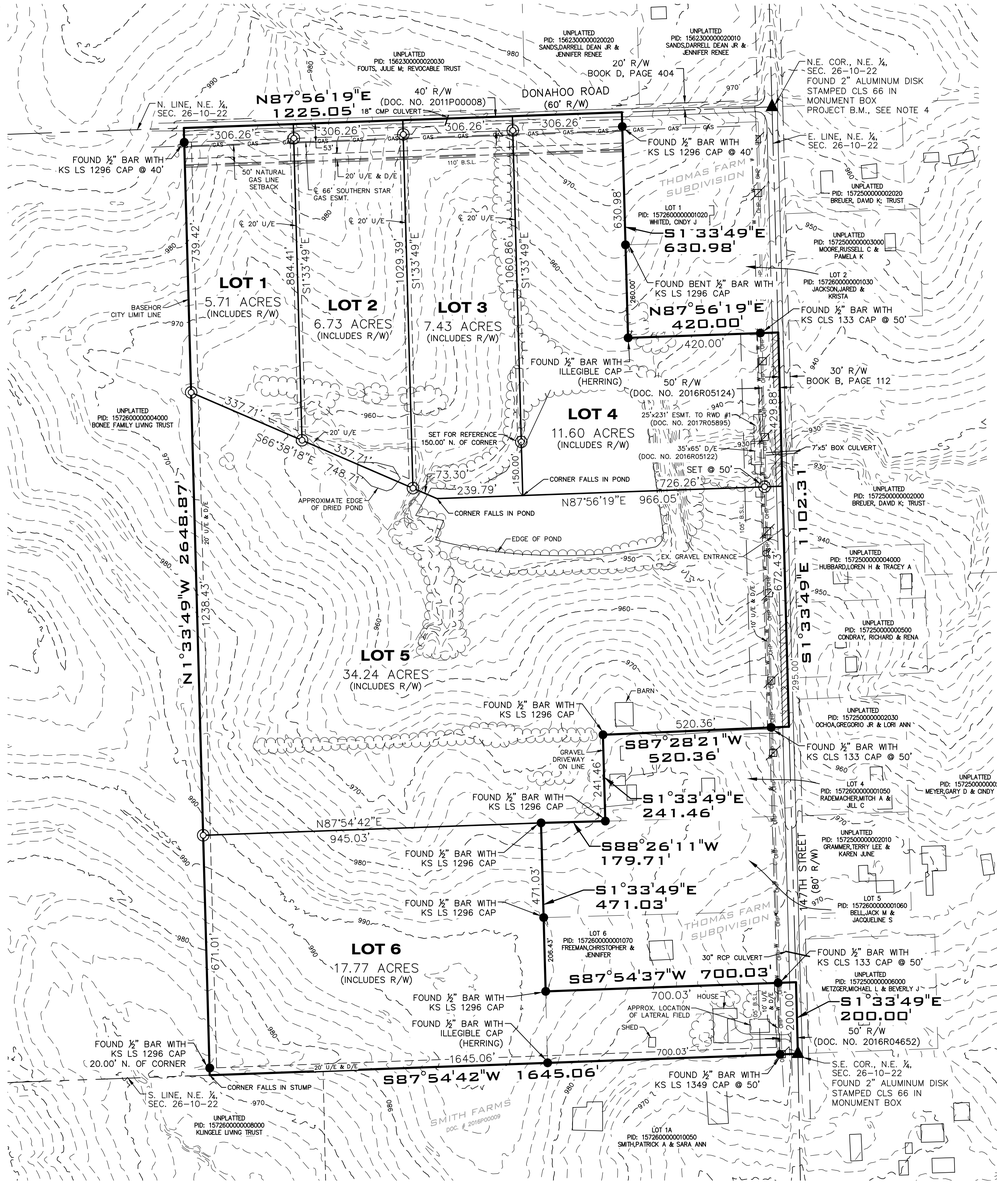
1. No off plat restrictions.
2. Setbacks:
   Rear - 40' for residences, 15' for accessory buildings
   Side - 15'
3. An engineered wastewater disposal may be required due to poor soil conditions.
4. Erosion control shall be used when designing and constructing driveways and other structures.
5. A form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

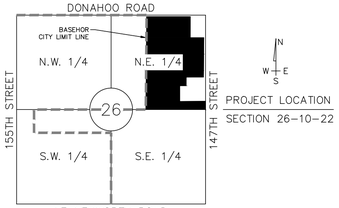
TITLE INFORMATION SHOWN HEREON IS BASED ON A COMMITMENT FOR TITLE INSURANCE ISSUED BY SECURITY 1ST TITLE, COMMITMENT NO. 3078434, DATED MAY 28, 2024 AT 7:00 AM

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

Items 1 through 9 are not survey issues.

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





PROJECT LOCATION
SECTION 26-10-22

VICINITY MAP
SCALE: 1" = 2000'

NORTH

GRAPHIC SCALE

200 0 100 200 400

(IN FEET)
1 inch = 200 ft.

LEGEND

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

LEGAL DESCRIPTION

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

SITE INFORMATION

Plat area: 83.45 acres

Existing & Proposed Zoning: RR-2.5

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

Proposed Use: Single family residential

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

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

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

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

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

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

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

THOMAS FARM SUBDIVISION, 2ND PLAT

Allenbrand-Drews & Associates, Inc.

CIVIL ENGINEERS
LAND SURVEYORS - LAND PLANNERS

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

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

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

REGISTER OF DEEDS CERTIFICATE

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

_____
Register of Deeds - TerriLois G. Mashburn

COUNTY SURVEYOR CERTIFICATE

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

_____
Daniel Baumchen, PS-1363
County Surveyor

ACKNOWLEDGEMENTS

COUNTY ENGINEER'S APPROVAL

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

By: _____
Mitch Pleak, County Engineer

PLANNING COMMISSION APPROVAL

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

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

COUNTY COMMISSION APPROVAL

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

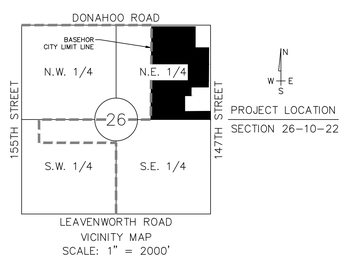
By: _____ Attest: _____
Jeff Culbertson, Chairman Janet Klasinski, County Clerk

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

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

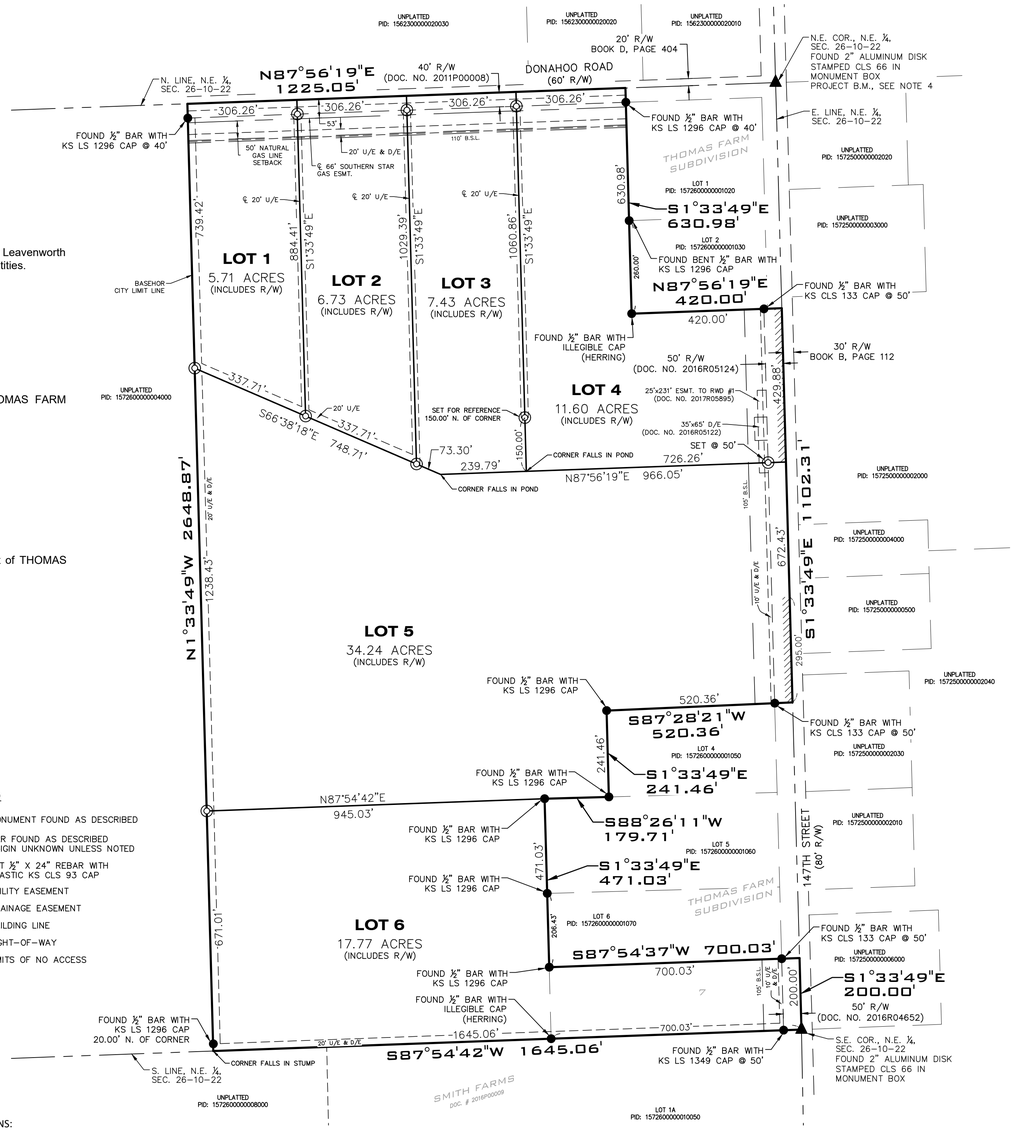
Items 1 through 9 are not survey issues.

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



PROJECT LOCATION
SECTION 26-10-22
VICINITY MAP
SCALE: 1" = 2000'

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



LEGEND

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

RESTRICTIONS:

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

NORTH

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

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

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

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

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

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

LEGAL DESCRIPTION

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

DEDICATION

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

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

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

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

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

EXECUTION

OWNERS OF PROPOSED LOT 6

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

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

STATE OF)
) SS:
COUNTY OF)

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

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

My Commission Expires: _____ _____
Notary Public

OWNERS OF PROPOSED LOTS 1, 2, 3, 4, & 5

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

By: _____ By: _____
Pamela Freeman Janet Atkins

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

STATE OF)
) SS:
COUNTY OF)

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

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

My Commission Expires: _____ _____
Notary Public

NOTES:

1. Basis of bearings: S01°33'49'E along the east line of Lot 3 per plat of Thomas Farm Subdivision, recorded at Document No. 2011P00008.
2. Subject property lies in "Zone X, Areas determined to be outside the 0.2% annual chance floodplain" as shown on FEMA FIRM Numbers 20103C0241G and 20103C0243G, effective 7/16/2015. Floodplain information regarding the plat is based on the best information available at the time the plat was prepared and recorded.
3. All bearings and distances are record and measured values unless otherwise noted.
4. Project Bench Mark - 2" aluminum disk in monument box at the N.E. corner of Section 26-10-22, elevation=964.4
5. Existing Use: Farming on existing Lot 3, single family home on existing Lot 7
6. Proposed Use: Single family residential
7. In accordance with the LVCO Access Management Policy, Lot 4 entrance(s) shall be limited to Donahoo Road." Lots with frontage on roadways of various road classifications must place their entrance(s) along the roadway with the lower roadway classification.
8. Donahoo Road is a Minimum Maintained Road and subject to Leavenworth County Regulations. Developer will ensure Donahoo Road meets federal low volume road standard prior to issuance of a building permit for Lots 1, 2, 3, and 4.

ERROR OF CLOSURE

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

Precision 1: 1051037.89

THOMAS FARM SUBDIVISION, 2ND PLAT

CIVIL ENGINEERS
LAND SURVEYORS - LAND PLANNERS
Allenbrand-Drews & Associates, Inc.
122 N. WATER STREET
OLATHE, KANSAS 66061
PHONE: (913) 764-1076
FAX: (913) 764-8635
14 W. PEORIA
PAOLA, KANSAS 66071
PHONE: (913) 557-1076
FAX: (913) 557-6904

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

Consolidated Water District #1

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

July 15, 2024

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

Re: Thomas Farm Subdivision, 2nd Plat

Dear Mr. Cox,

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

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

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

Respectfully,

Mike Fulkerson

Mike Fulkerson
General Manager

Cc; file

Allison, Amy

From: Mike Lingenfelser <lingenfelserm@fairmountfd.org>
Sent: Wednesday, July 24, 2024 2:43 PM
To: Johnson, Melissa
Subject: Re: DEV-24-100 & 101 Pre & Final Plat Thomas Farms 2nd Plat Herbster Allenbrand-Drews

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

Melissa
Fairmount Township accepts as long as the hydrants meet code and road improvements to support fire apparatus on Donahoo are completed.
Mike Lingenfelser, Fire Chief
Fairmount Township Fire Department
2624 N 155th St
Basehor, Kansas 66007
Work-913-724-4911
Cell 913-306-0258

On Tue, Jul 23, 2024 at 12:49 PM Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

> Chief Lingenfelser,
>
> We have received an application for the above listed preliminary & final plat. We would appreciate your response on this case.
>
> If you have any questions, or need additional information, please let me know.
>
> Thank you,
>
> Melissa Johnson
>
> Planner I
>
> Leavenworth County
>
> Planning & Zoning Department

Leavenworth County Courthouse

300 Walnut St, Suite 212

Leavenworth County, Kansas 66048

(913) 684-0465

Disclaimer

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

From: Matt Cox <mcox@allenbrand-drews.com>
Sent: Thursday, July 18, 2024 9:31 AM
To: Johnson, Melissa; Allison, Amy; Cody Herbster; Matt Burnett
Subject: Fwd: Proposed replat - 147th & Donahoo Rd

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

Please see below from Evergy.

Sent from my iPhone

Begin forwarded message:

> **From:** Boone Heston <Boone.Heston@evergy.com>
> **Date:** July 18, 2024 at 9:25:35 AM CDT
> **To:** Matt Cox <mcox@allenbrand-drews.com>
> **Subject: Re: Proposed replat - 147th & Donahoo Rd**
>
> Internal Use Only
>
> Good morning,
>
> This looks good to Evergy. Evergy will be the electric service provider for this plat.
>
> Thank you,
>
> **Boone Heston**
> TD Designer
> Leavenworth, KS
> **Evergy**
> Boone.Heston@evergy.com
> O 785-508-2590

From: Matt Cox <mcox@allenbrand-drews.com>
Sent: Monday, July 15, 2024 4:47 PM
To: Boone Heston <boone.heston@evergy.com>
Subject: FW: Proposed replat - 147th & Donahoo Rd

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

Report Suspicious

Boone,

Below is an email I sent to designgroupshawnee@evergy this morning regarding a plat we are working on for Cody Herbster. He said he has spoken with you and asked that I contact you directly to get confirmation that you don't have any objections to the proposed subdivision.

Thanks,

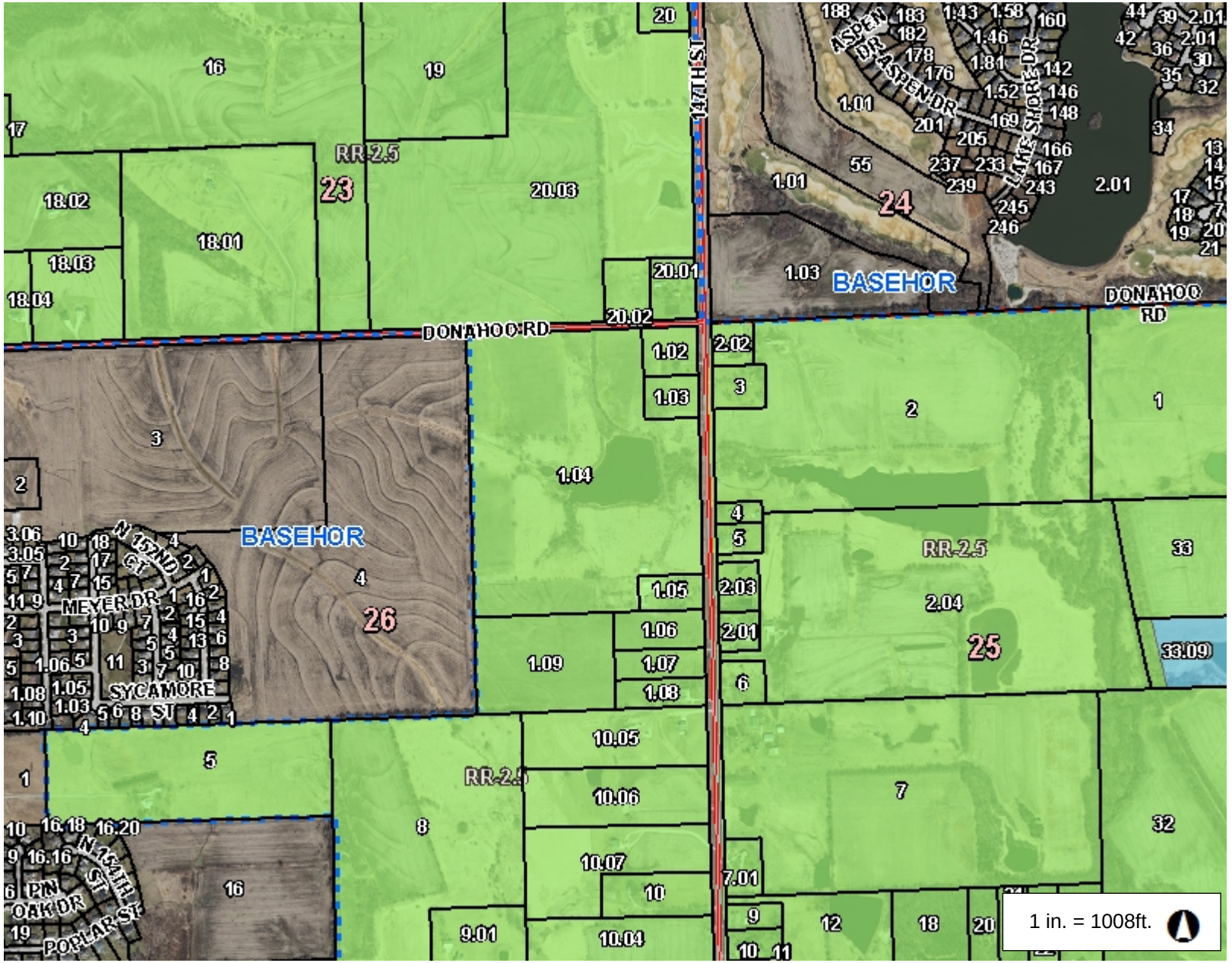
Matt Cox
Allenbrand-Drews
913.764.1076 (O)
913.522.6517 (M)

From: Matt Cox [mailto:mcox@allenbrand-drews.com]
Sent: Monday, July 15, 2024 8:16 AM
To: 'designgroupshawnee@evergy.com'
Subject: Proposed replat - 147th & Donahoo Rd

We are working on the attached plat of Thomas Farm Subdivision 2nd Plat, which is a replat of 2 lots of the existing Thomas Farm Subdivision. The proposed project would subdivide the existing lots as shown on the attached. Leavenworth County Planning Department requires that we reach out to you to verify there are adequate facilities to service the subdivision. Please let us know if there is any additional information you need.

Matt Cox, P.S.
Land Surveyor/Civil Designer
Allenbrand-Drews & Associates
122 N. Water Street
Olathe, Kansas 66061
Office: (913) 764-1076
Mobile: (913) 522-6517

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





Legend

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

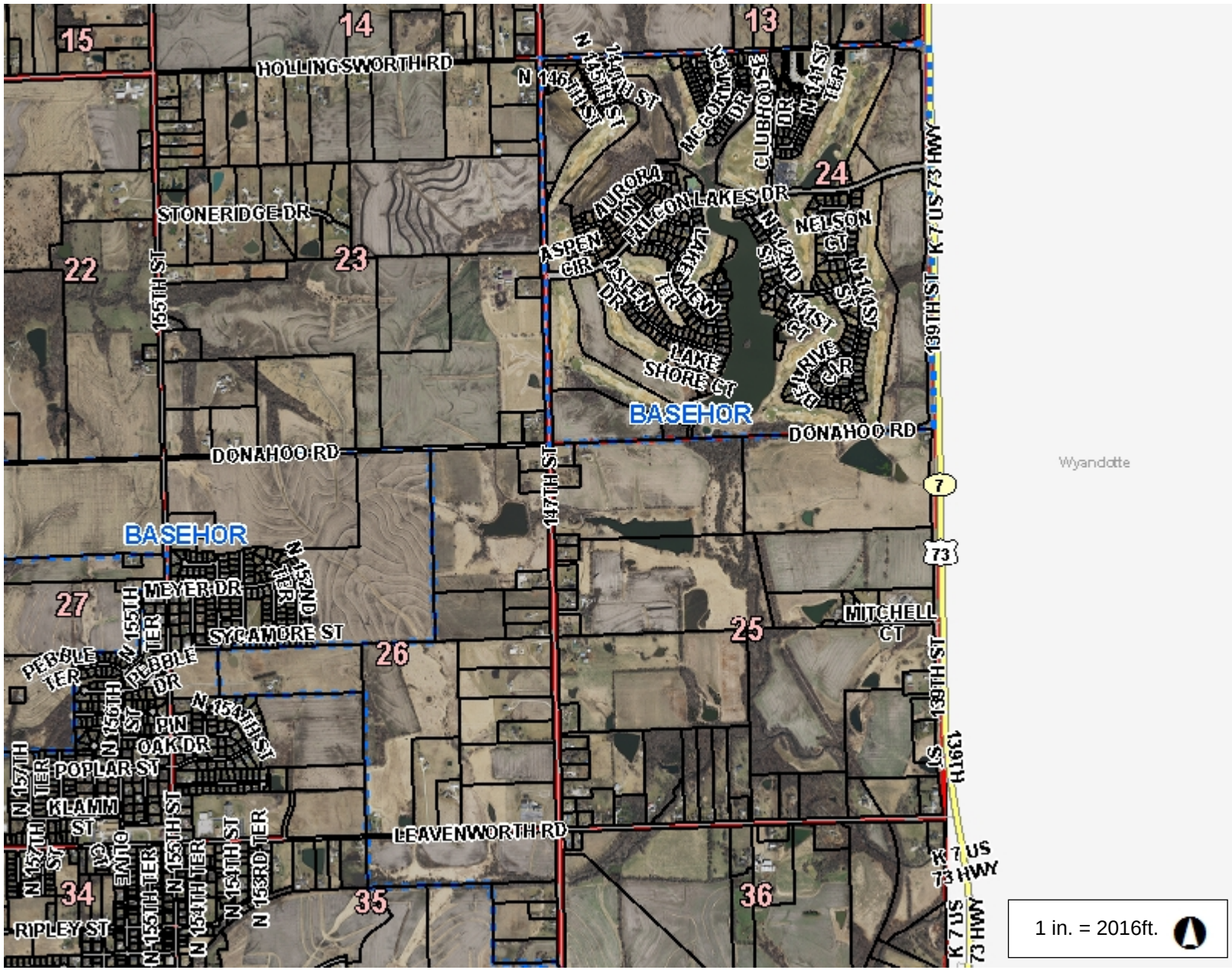
Notes

2,015.9 0 1,007.94 2,015.9 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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





Legend

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

1 in. = 2016ft.

4,031.8 0 2,015.88 4,031.8 Feet

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Notes

REGISTER OF DEEDS CERTIFICATE

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

_____

Register of Deeds - TerriLois G. Mashburn

09-03-2024
Combined PW
Comments

COUNTY SURVEYOR CERTIFICATE

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

_____

Daniel Baumchen, PS-1363
County Surveyor

ACKNOWLEDGEMENTS

COUNTY ENGINEER'S APPROVAL

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

By: _____
Mitch Pleak, County Engineer

PLANNING COMMISSION APPROVAL

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

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

COUNTY COMMISSION APPROVAL

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

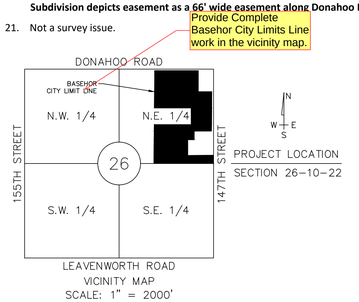
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Jeff Culbertson, Chairman Janet Klasinski, County Clerk

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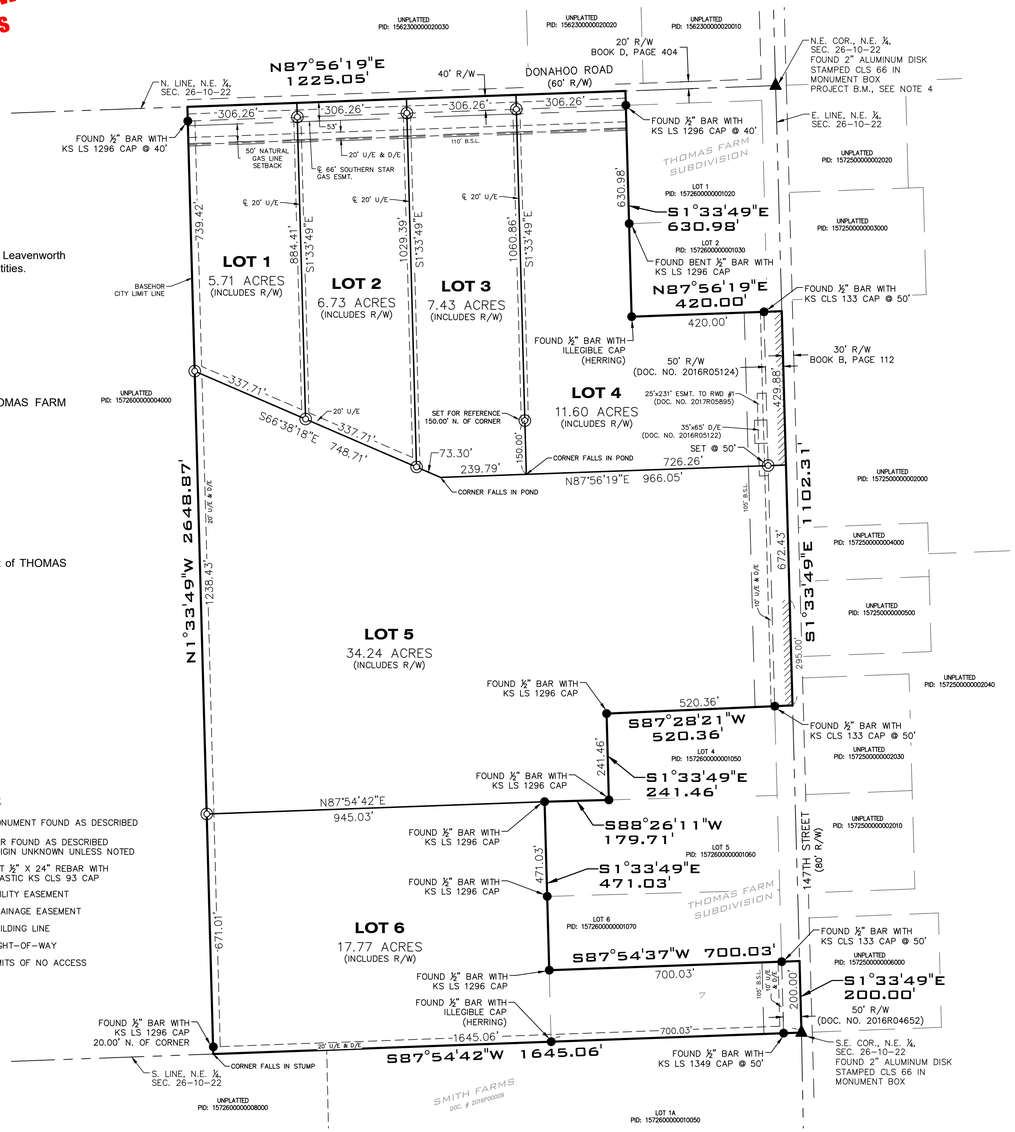
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21. Not a survey issue.



FINAL PLAT

THOMAS FARM SUBDIVISION, 2ND PLAT

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



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- ● BAR FOUND AS DESCRIBED ORIGIN UNKNOWN UNLESS NOTED
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- B/L BUILDING LINE
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NORTH

GRAPHIC SCALE

200 0 100 200 400

(IN FEET)
1 inch = 200 ft.

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

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

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

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20807 147TH STREET
BASEHOR, KANSAS 66007

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LLOYDE FREEMAN & PAMELA FREEMAN
20807 147TH STREET
BASEHOR, KANSAS 66007

LEGAL DESCRIPTION

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

DEDICATION

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

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

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OWNERS OF PROPOSED LOT 6

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

STATE OF)
) SS:
COUNTY OF)

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

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

My Commission Expires: _____ _____
Notary Public

OWNERS OF PROPOSED LOTS 1, 2, 3, 4, & 5

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

By: _____ By: _____
Pamela Freeman Janet Atkins

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

STATE OF)
) SS:
COUNTY OF)

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

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

My Commission Expires: _____ _____
Notary Public

NOTES:

1. Basis of bearings: S01°33'49'E along the east line of Lot 3 per plat of Thomas Farm Subdivision, recorded at Document No. 2011P00008.
2. Subject property lies in "Zone X, Areas determined to be outside the 0.2% annual chance floodplain" as shown on FEMA FIRM Numbers 20103C0241G and 20103C0243G, effective 7/16/2015. Floodplain information regarding the plat is based on the best information available at the time the plat was prepared and recorded.
3. All bearings and distances are record and measured values unless otherwise noted.
4. Project Bench Mark - 2" aluminum disk in monument box at the N.E. corner of Section 26-10-22, elevation=964.4
5. Existing Use: Farming on existing Lot 3, single family home on existing Lot 7
6. Proposed Use: Single family residential
7. In accordance with the LVCO Access Management Policy, Lot 4 entrance(s) shall be limited to Donahoo Road." Lots with frontage on roadways of various road classifications must place their entrance(s) along the roadway with the lower roadway classification.
8. Donahoo Road is a Minimum Maintained Road and subject to Leavenworth County Regulations.

ERROR OF CLOSURE

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

Precision 1: 1051037.89

THOMAS FARM SUBDIVISION, 2ND PLAT

CIVIL ENGINEERS
LAND SURVEYORS - LAND PLANNERS

Allenbrand-Drews & Associates, Inc.

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

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

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

PRELIMINARY PLAT

THOMAS FARM SUBDIVISION, 2ND PLAT

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

09-03-2024 Combined PW Comments

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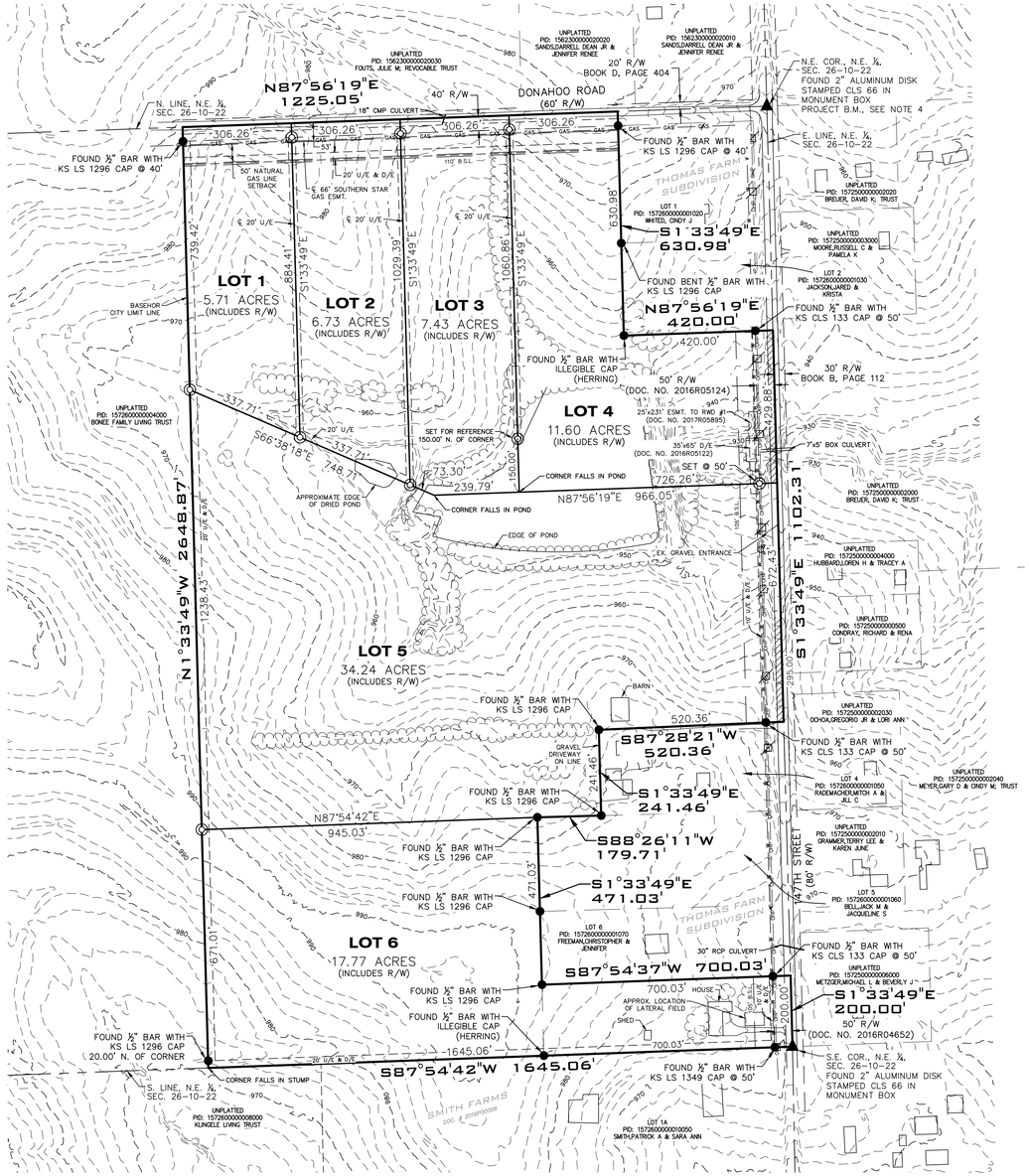
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2. Setbacks:
   Rear - 40' for residences, 15' for accessory buildings
   Side - 15'
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5. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place.
6. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading, weather permitting.
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8. Structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
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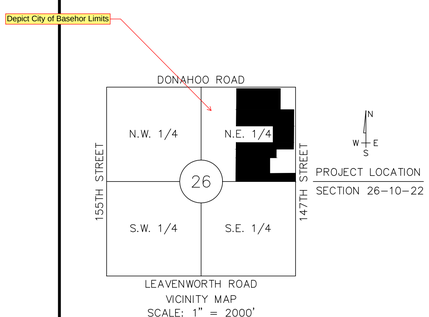
TITLE INFORMATION SHOWN HEREON IS BASED ON A COMMITMENT FOR TITLE INSURANCE ISSUED BY SECURITY 1ST TITLE, COMMITMENT NO. 3078434, DATED MAY 28, 2024 AT 7:00 AM

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

Items 1 through 9 are not survey issues.

10. Easements, restrictions, setback lines or servitudes, if any, reflected on the plat of said land filed May 05, 2011 as Document No. 2011P00008. **(Shown)**
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18. Easement granted to Greeley Gas Company as set forth in instrument recorded January 27, 1987 in Book 603, Page 1390. **(Falls within road right-of-way along the east side of existing Lot 3/proposed Lots 4 and 5)**
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20. Easement granted to Cities Service Gas Company as set forth in instrument recorded June 14, 1965 in Book 454, Page 447. **(Recorded document is a blanket easement, plat of Thomas Farm Subdivision depicts easement as a 66' wide easement along Donahoo Road as shown hereon)**
21. Not a survey issue.





PROJECT LOCATION
SECTION 26-10-22

VICINITY MAP
SCALE: 1" = 2000'

NORTH

GRAPHIC SCALE

200 0 100 200 400

(IN FEET)
1 inch = 200 ft.

LEGEND

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

LEGAL DESCRIPTION

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

SITE INFORMATION

Plat area: 83.45 acres

Existing & Proposed Zoning: RR-2.5

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

Proposed Use: Single family residential

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

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

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

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

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

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

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

THOMAS FARM SUBDIVISION, 2ND PLAT

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

REGISTER OF DEEDS CERTIFICATE

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

_____

Register of Deeds - TerriLois G. Mashburn

COUNTY SURVEYOR CERTIFICATE

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

Reviewed 2024.09.03 No Comments

_____

Daniel Baumchen, PS-1363

County Surveyor

ACKNOWLEDGEMENTS

COUNTY ENGINEER'S APPROVAL

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

By: _____

Mitch Pleak, County Engineer

PLANNING COMMISSION APPROVAL

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

By: _____ Attest: _____

Marcus Majure, Chairman John Jacobson, Secretary

COUNTY COMMISSION APPROVAL

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

By: _____ Attest: _____

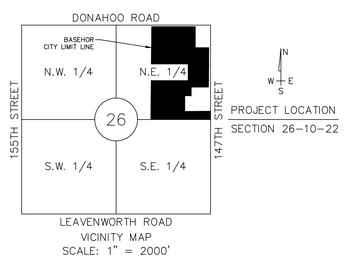
Jeff Culbertson, Chairman Janet Klasinski, County Clerk

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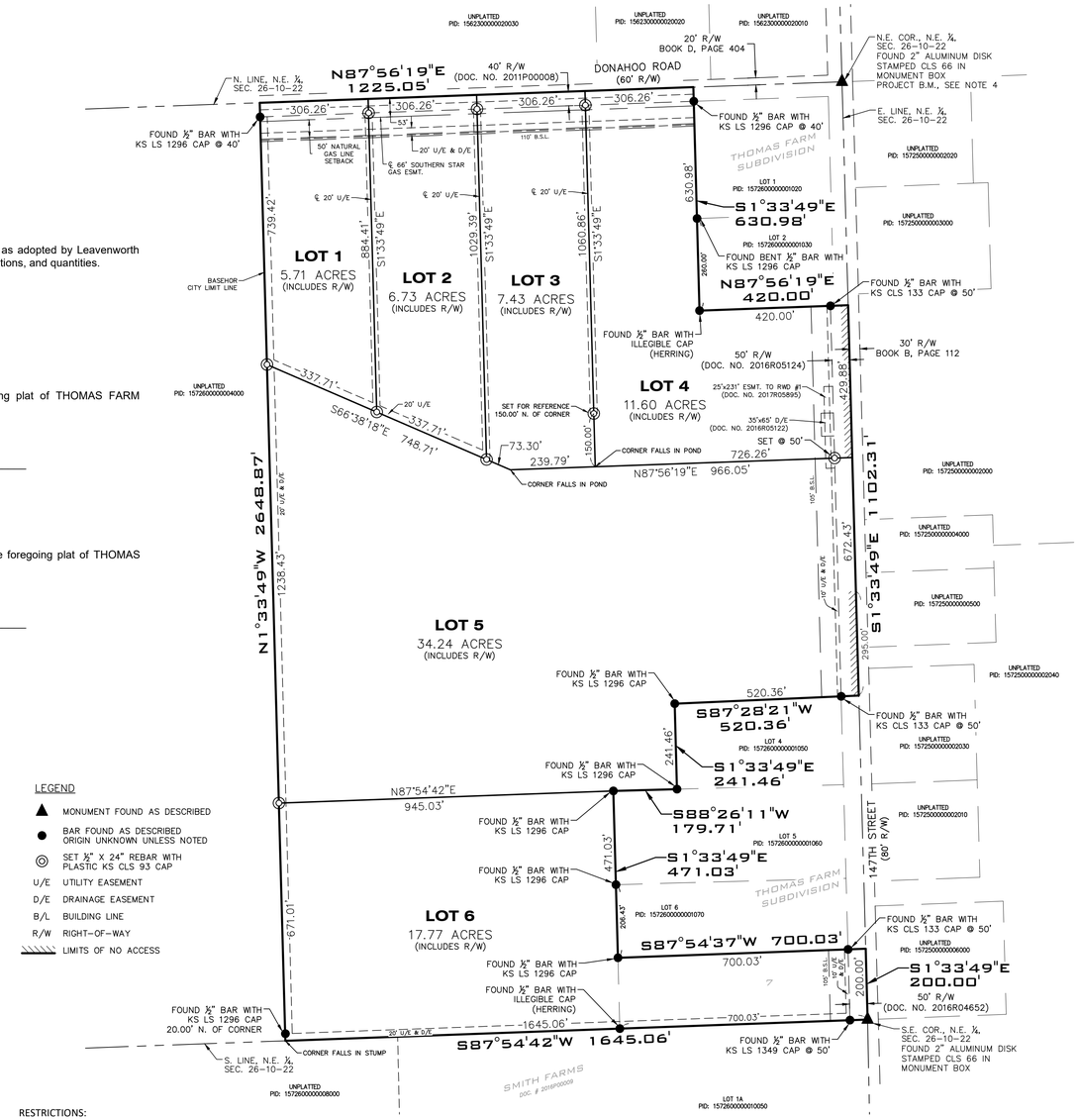
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21. Not a survey issue.



FINAL PLAT

THOMAS FARM SUBDIVISION, 2ND PLAT

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



LEGEND

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

RESTRICTIONS:

1. No off plat restrictions.
2. Setbacks:
   Rear - 40' for residences, 15' for accessory buildings
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3. An engineered wastewater disposal may be required due to poor soil conditions.
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10. Donahoo Road is a Minimum Maintained Road and subject to Leavenworth County Regulations.
11. This plat hereby vacates any previously platted easements and or encumbrances not shown hereon.
12. An exception from Article 50, Section 40.3.h was granted to allow an accessory building without a principal building has been approved for Lot 5.
13. An exception from Article 50, Section 40.3.i was granted for the lot-width to lot-depth has been approved for Lot 6.

NORTH

GRAPHIC SCALE

200 0 100 200 400

(IN FEET)

1 inch = 200 ft.

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

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

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

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PAMELA FREEMAN, JANET ATKINS, CINDY WHITED, & BRIAN THOMAS
20807 147TH STREET
BASEHOR, KANSAS 66007

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

LEGAL DESCRIPTION

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

DEDICATION

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

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

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

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

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

EXECUTION

OWNERS OF PROPOSED LOT 6

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

By: _____ By: _____

Lloyde C. Freeman Pamela Freeman

STATE OF)
) SS:
COUNTY OF)

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

My Commission Expires: _____ _____

Notary Public

OWNERS OF PROPOSED LOTS 1, 2, 3, 4, & 5

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

By: _____ By: _____

Pamela Freeman Janet Atkins

By: _____ By: _____

Cindy Whited Brian R. Thomas

STATE OF)
) SS:
COUNTY OF)

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Notary Public

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

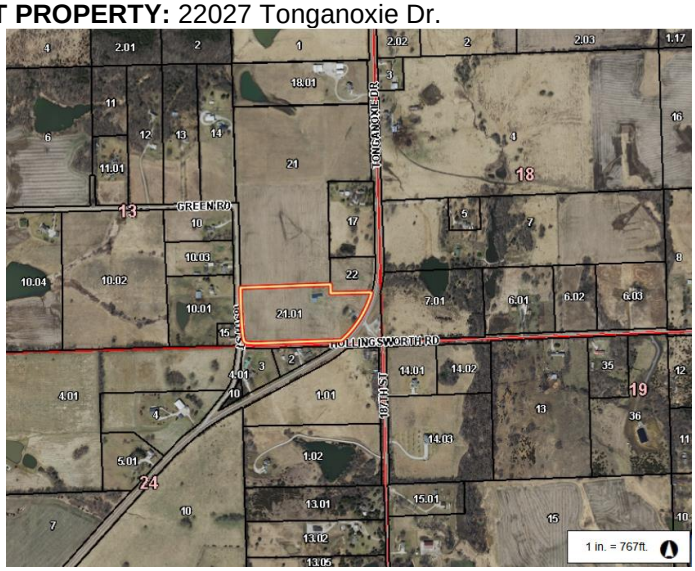
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-102 & 103 Smith Ridge — September 11, 2024

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

STAFF REPRESENTATIVE:
JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 22027 Tonganoxie Dr.



APPLICANT/APPLICANT AGENT:
JOE HERRING
HERRING SURVEYING
315 N. 5th Street
Leavenworth, KS 66048

PROPERTY OWNER:
Smith Trust Agreement
22323 Tonganoxie Dr.
Tonganoxie KS 66086

CONCURRENT APPLICATIONS:
NONE

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION: RR-2.5

LEGAL DESCRIPTION:
A Minor Subdivision in the Southeast Quarter of Section 13, Township 10 South, Range 21, East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:
1. Recommend approval of Case No. DEV-24-102 & 103, Preliminary & Final Plat for Smith Ridge, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-102 & 103, Preliminary & Final Plat for Smith Ridge to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 12.80 ACRES

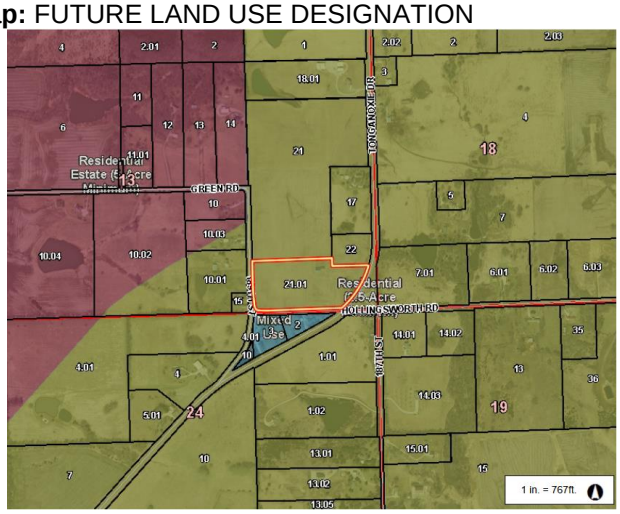
PARCEL ID NO:
146-13-0-00-00-021.01

BUILDINGS:
Existing House and Outbuilding

PROJECT SUMMARY:
Request for Preliminary & Final plat approval to subdivide property located at 22027 Tonganoxie Dr. (146-13-0-00-00-021.01) as Lots 01 through 05 of Smith Ridge.

ACCESS/STREET:
Tonganoxie Dr., Arterial, Paved ± 28' & Hollingsworth Road - Local, Gravel ± 22'

Location Map: FUTURE LAND USE DESIGNATION



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: STRANGER

WATER: RWD 8

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:
9/5/2024

NEWSPAPER NOTIFICATION:
N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:
N/A

STANDARDS TO BE CONSIDERED: *Type content in each if necessary (delete this afterwards)*			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		**Met**	**Not Met**
35-40	**Preliminary Plat Content**	X	
40-20	**Final Plat Content**	X	
41-6	**Access Management**	X	
41-6.B.a-c.	**Entrance Spacing**	X	
41-6.C.	**Public Road Access Management Standards**	X	
43	**Cross Access Easements**	N/A	
50-20	**Utility Requirements**	X	
50-30	**Other Requirements**	X	
50-40	**Minimum Design Standards**		X
	Exception needed from Article 50, Section 40.3.i. Lot-Depth to Lot-Width & Article 50, Section 40.3.h. Accessory structure to remain on lot without a principle structure.		
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 12.80 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). All lots range in size from approximately 2.5 to 3.23 acres. An exception for Lot-Depth to Lot-Width is needed for lot 5 because it exceeds the 1:1 ratio. An exception for an accessory structure to remain on a lot without a principal structure is needed for Lot 4. All lots meet the requirements for the RR-2.5 zoning district.

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 Smith Ridge subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.

The applicant has requested an exception from Article 50, Section 40.3.h. – Accessory structure to remain on a lot without a principal structure. The criteria for the acceptance of an exception is as follows:

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

Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.h. – Accessory structure to remain on lot without a principal structure conformance with the Zoning & Subdivision Regulations for the Smith Ridge subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. An exception from Article 50, Section 40.3.h Accessory structure to remain on lot without a principal structure has been granted for Lot 4.
6. An exception from Article 50, Section 40.3.i Lot-Width to Lot-Depth has been granted for Lot 5.
7. The developer must comply with the following memorandums:
   Memo – RWD 8, dated July 16, 2024
   Memo – Emergency Management, dated August 6, 2024
   Email – Code Enforcement, dated July 19, 2024

ATTACHMENTS:

A: Application & Narrative
B: Zoning Map
C: Road Map (A minimum of 1/4 mile)
D: Memorandums

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

SCANNED

Office Use Only

Township: Stranger — Planning Commission Meeting Date: _____
Case No. DEV-24- — Date Received/Paid: _____
Zoning District 2.5 — Comprehensive Plan Land Use Designation: 2.5 acre min.

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: Herring Surveying Company	NAME: SMITH TRUST AGREEMENT
MAILING ADDRESS: 315 North 5th Street	MAILING ADDRESS 22323 TONGANOXIE DR
CITY/ST/ZIP: Leavenworth, KS 66048	CITY/ST/ZIP Tonganoxie, KS 66086
PHONE: 913-651-3858	PHONE: N/A
EMAIL : herringsurveying@outlook.com	EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: SMITH RIDGE

Address of Property: 22027 Tonganoxie Drive

PID: 146-13-0-00-00-021 — Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: 13.97 Acres	Number of Lots: 5 Lots	Minimum Lot Size: 2.53 Acre
Maximum Lot Size: 3.23 Acres	Proposed Zoning: RR - 2.5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 8	Proposed Sewage: Septic
Fire District: Stranger	Electric Provider: Evergy	Natural Gas Provider: Atmos - Propane
Covenants: ☐ Yes ☒ No	Road Classification: *Local – Collector - Arterial – State - Federal*	
	Cross-Access Easement Requested: ☐ Yes ☒ No	
List of all Requested Exceptions: *Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.*	1.	
	2.	
	3.	
	4.	
	5.	

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

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

Signature: Joe Herring - digitally signed July 7, 2024 Date: 7/7/24

ATTACHMENT A

INFORMATIONAL TITLE REPORT

Issued by

Kansas Secured Title, Inc. - Leavenworth
360 Santa Fe Street
Leavenworth, Kansas 66048
913-682-8911
www.kstitle.com

SERVICE BEYOND EXPECTATION

Title Officer:	Jeff Conklin jconklin@kstitle.com	File No.:	TX0017732
Customer File No.:		Revision No.:	

1. THIS IS AN INFORMATIONAL TITLE REPORT
This report is not a guarantee or warranty of title, nor is it an abstract of title, nor is this a commitment to provide, nor does it provide title insurance. Liability hereunder is expressly limited to the sum of $1,000.00.

THIS REPORT CONTAINS HYPERLINKS TO CERTAIN DOCUMENTS. ITEMS WHICH ARE BLUE AND UNDERLINED ARE HYPER-LINKS AND THE REFERENCED DOCUMENTS MAY BE VIEWED BY CLICKING THEM.

2. This Report is Effective as of: July 5, 2024, 8:00 am

3. The land referred to herein is described as follows:

Tract A:
A tract of land in the Southeast Quarter of Section 13, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on June 28, 2024, and more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01°39'39" East for a distance of 407.71 feet along the East line of said Southeast Quarter to the True Point of Beginning; thence continuing South 01°39'39" East for a distance of 726.10 feet along said East line; thence South 88°49'04" West for a distance of 466.72 feet; thence South 01°32'18" East for a distance of 959.26 feet; thence South 88°28'17" West for a distance of 851.22 feet; thence North 01°39'42" West for a distance of 1684.57 feet; thence North 88°33'34" East for a distance of 1320.00 feet to the point of beginning, together with and subject to covenants, easements, and restrictions of record.

Tract B:
A tract of land in the Southeast Quarter of Section 13, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on June 28, 2024, and more fully described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence South 88°28'17" West for a distance of 347.53 feet along the South line of said Southeast Quarter to the True Point of Beginning; thence continuing South 88°28'17" West for a distance of 972.48 feet along said South line; thence North 01°39'42" West for a distance of 550.00 feet; thence North 88°28'17" East for a distance of 851.22 feet; thence South 01°32'18" East for a distance of 91.13 feet; thence North 88°27'42" East for a distance of 374.99 feet; thence South 73°44'10" East for a distance of 50.01 feet to the apparent centerline of Tonganoxie Drive as surveyed and described by D.G. White LS-356; thence along a non-tangent curve to the right having a radius of 955.30 feet and an arc length of 542077 feet along said centerline to the SOuth line of said Southeast Quarter, being subtended by a chord bearing South 32°32'45" West and a chord distance of 535.61 feet, and to the point of beginning, together with and subject to covenants, easements, and restrictions of record.

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

We/I Douglas Edward Smith and _____

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 22323 Tonganoxie Road, Tonganoxie KS and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

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

Signed and entered this 16 day of January, 2024

Douglas Edward Smith 22323 Tonganoxie Rd Tonganoxie KS 913 683 5778 66092
Print Name, Address, Telephone

Douglas Edward Smith Trustee
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

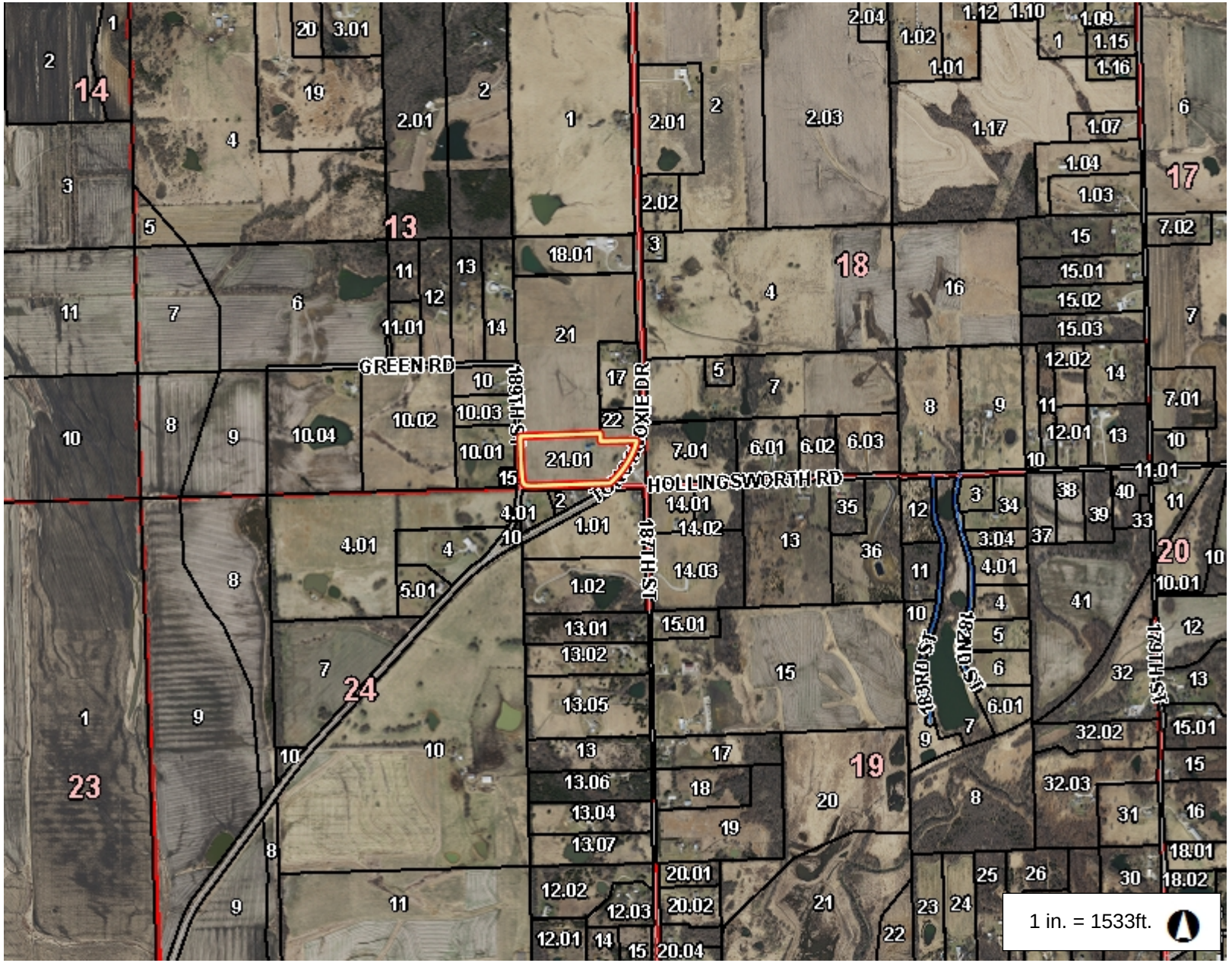
Be it remember that on this 16 day of January 2024 before me, a notary public in and for said County and State came Douglas Edward Smith to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC John W. Evans

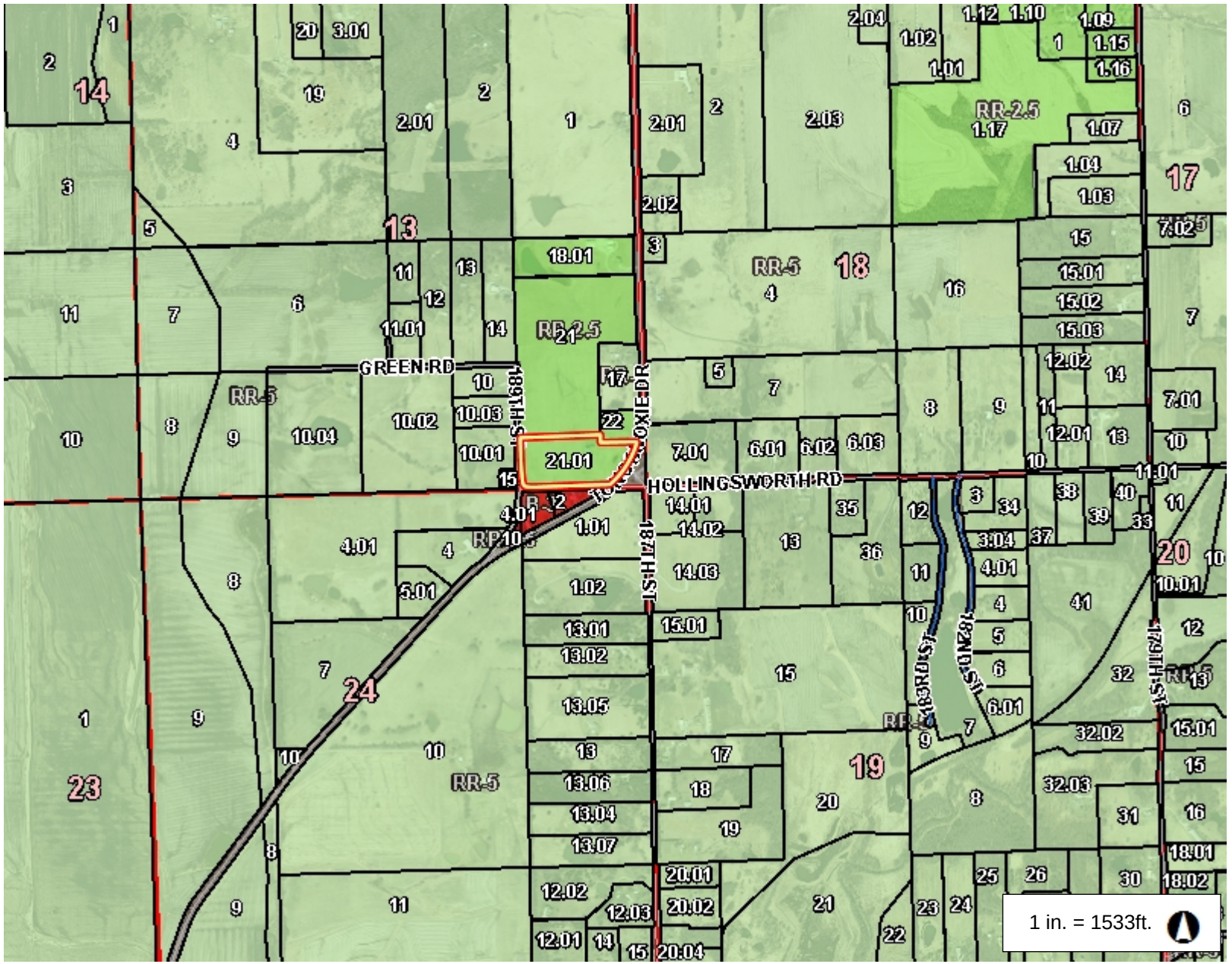
My Commission Expires: 8/23/2024 (seal)

NOTARY PUBLIC - State of Kansas
JOHN W. EVANS
My Appt. Exp. 8/23/2024

Leavenworth County, KS


GREEN RD
HOLLINGSWORTH RD
187TH ST
187TH ST
187TH ST

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

SMITH RIDGE Lot 5 - Exception from Article 50, Section 40.3.i. Lot-Depth to Lot-Width

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.
   Corner Lot with majority of frontage on a curve along Tonganoxie Road
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
   Yes - allows for best use and development of property
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

   It is not.

An exception to Article 50, Section 40.3.h. Accessory structure to remain on lot without a principal structure

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.
   Structure stores equipment for the family farm. Barn has been in place prior to 1966
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
   Yes - allows the structure to be continually used for equipment storage for the Family farm.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.
   No it will not.

SMITH RIDGE

A Minor Subdivision in the Southeast Quarter of Section 13, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
SMITH TRUST AGREEMENT
22323 TONGANOXIE DR
TONGANOXIE, KS 66086
PID NO. 146-13-0-00-00-021.01

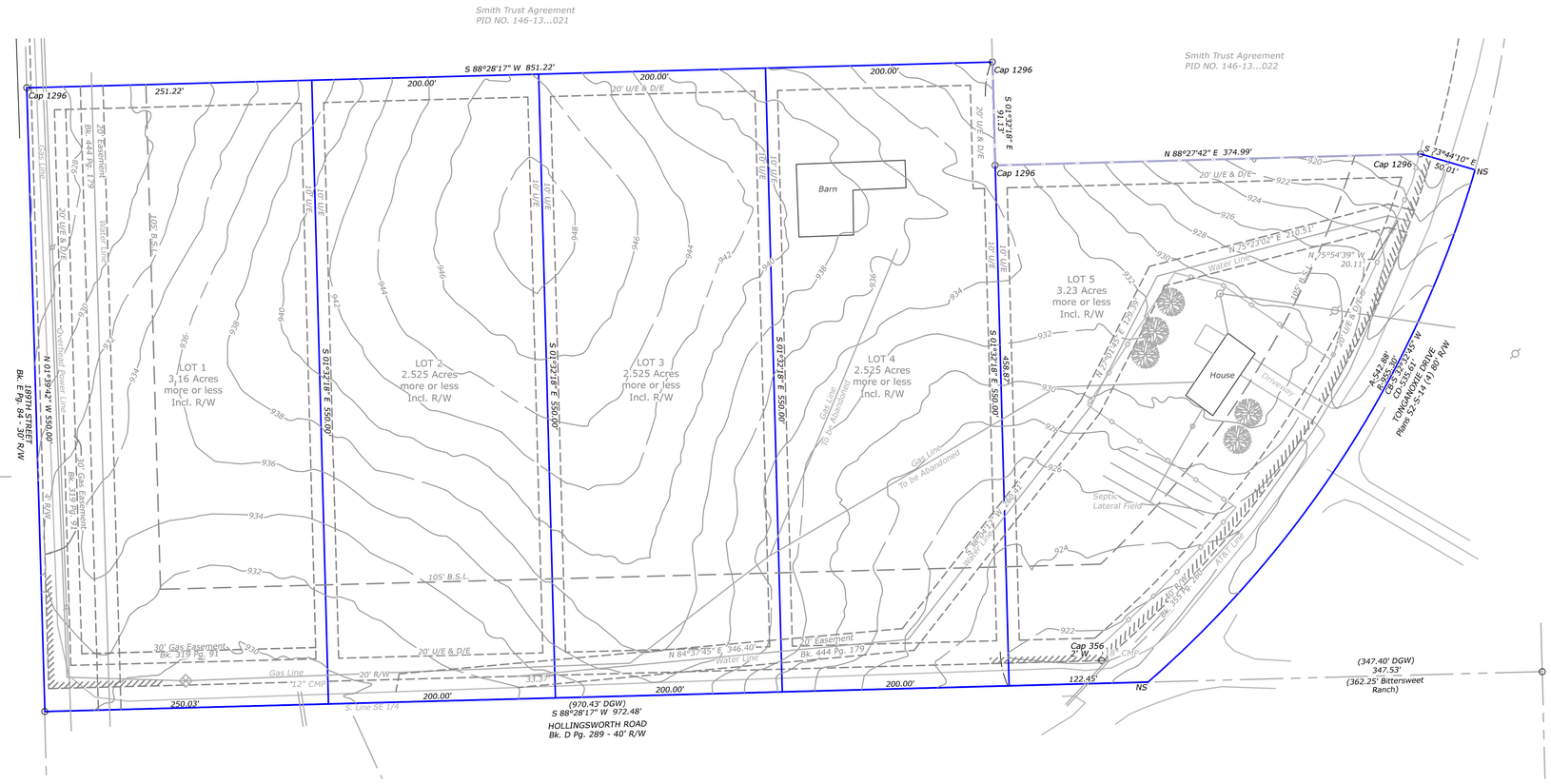
RECORD DESCRIPTION:
Tract of land in the Southeast Quarter of Section 13, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on June 28, 2024, and more fully described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence South 88 degrees 28'17" West for a distance of 347.53 feet along the South line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence continuing South 88 degrees 28'17" West for a distance of 972.48 feet along said South line; thence North 01 degrees 39'42" West for a distance of 550.00 feet; thence North 88 degrees 28'17" East for a distance of 851.22 feet; thence South 01 degrees 32'18" East for a distance of 91.13 feet; thence North 88 degrees 27'42" East for a distance of 374.99 feet; thence South 73 degrees 44'10" East for a distance of 50.01 feet to the apparent centerline of Tonganoxie Drive as surveyed and described by D.G.White LS-356; thence along a non-tangent curve to the right have a radius of 955.30 feet and an arc length of 542.88 feet along said centerline to the South line of said Southeast Quarter, being subtended by a chord bearing South 32 degrees 32'45" West and a chord distance of 535.61 feet, and to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 13.97 acres, more or less, including road right of way.
Error of Closure: 1 - 670006

RESTRICTIONS:
1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
2) An Engineered Waste Disposal System may be required due to poor soil conditions.
3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
4) Lots are subject to the current Access Management Policy Additional access limits as shown hereon.
5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
6) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 5
7) An exception to Article 50 Section 40.3.h to allow for accessory structure to remain on a lot without principle structure has been granted for Lot 4.
8) No off-plat restrictions.

ZONING:
RR 2.5 - Rural Residential 2.5

NOTES:
1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - 1 : 670006, 13.97 Acres, more or less, Incl. R/W
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Existing and Proposed Lots for Agriculture and Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
Project Benchmark (BM) - SE COR SE 1/4 Section 13 - Axle - Elev - 922.9'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Doc # 2024R04910
12) Utility Companies -
- Water - RWD 8
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Kansas Secure Title File Number TX0017732 dated July 5, 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) Existing Structures, if any, shown in approximate location.
17) Fence Lines do not necessarily denote the boundary line for the property.
18) Reference Surveys:
DGW - D.G.White - Survey 2011, S-15-05 #44, NKA 2005S044
KH - K. Herring Survey S-11 #60, 1978 NKA1978S060
JAH - J.A.Herring Survey Doc # 2024S027, 2024S030

LEGEND:
● - 1/2" Bar Set with Cap No.1296
○ - 1/2" Bar Found, unless otherwise noted.
( ) - Record / Deeded Distance
U/E - Utility Easement
D/E - Drainage Easement
B.S.L. - Building Setback Line
R/W - Permanent Dedicated Roadway Easement dedicated this plat
℄ - Centerline
℄ - Section Line
BM - Benchmark
- DIRECTION OF WATER FLOW
- Power Pole
X - Barb Wire Fence Line
- Agricultural Vinyl 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
NS - Not Set this Survey per agreement with client
- Tree
///// - No Vehicle Entrance Access





VICINITY MAP
NOT TO SCALE

NORTH

Scale 1" = 60'

60 0 60 120 180
1" = 60'

Job # K-23-1741 PLAT
July 6, 2024 Rev. 9-4-24

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

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

Joseph A. Herring
PS # 1296

SMITH RIDGE

A Minor Subdivision in the Southeast Quarter of Section 13, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
SMITH TRUST AGREEMENT
22323 TONGANOXIE DR
TONGANOXIE, KS 66086
PID NO. 146-13-0-00-00-021.01

RECORD DESCRIPTION:
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Together with and subject to covenants, easements, and restrictions of record.
Said property contains 13.97 acres, more or less, including road right of way.
Error of Closure: 1 - 670006

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 : 670006, 13.97 Acres, more or less, Incl. R/W
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Existing and Proposed Lots for Agriculture and Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
Project Benchmark (BM) - SE COR SE 1/4 Section 13 - Axle - Elev - 922.9'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Doc # 2024R04910
12) Utility Companies -
- Water - RWD 8
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Kansas Secure Title File Number TX0017732 dated July 5, 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) Existing Structures, if any, shown in approximate location.
17) Fence Lines do not necessarily denote the boundary line for the property.
18) Reference Surveys:
DGW - D.G.White - Survey 2011, S-15-05 #44, NKA 2005S044
KH - K. Herring Survey S-11 #60, 1978 NKA1978S060
JAH - J.A.Herring Survey Doc # 2024S027, 2024S030

LEGEND:
● - 1/2" Bar Set with Cap No.1296
○ - 1/2" Bar Found, unless otherwise noted.
( ) - Record / Deeded Distance
U/E - Utility Easement
D/E - Drainage Easement
B.S.L. - Building Setback Line
R/W - Permanent Dedicated Roadway Easement dedicated this plat
℄ - Centerline
S - Section Line
BM - Benchmark
POB - Point of Beginning
POC - Point of Commencing
////// - No Vehicle Entrance Access
NS - Not Set this survey per agreement with client

RESTRICTIONS:
1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
2) An Engineered Waste Disposal System may be required due to poor soil conditions.
3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
4) Lots are subject to the current Access Management Policy
Additional access limits as shown hereon.
5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
6) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 5
7) An exception to Article 50 Section 40.3.h to allow for accessory structure to remain on a lot without principle structure has been granted for Lot 4.
8) No off-plat restrictions.

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: SMITH RIDGE.

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 SMITH RIDGE, have set our hands this _____ day of _____, 2024.

_____ _____
Kay Diane Smith, Trustee
SMITH TRUST AGREEMENT

_____
Douglas Edward Smith, Trustee
SMITH TRUST AGREEMENT

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2024, before me, a notary public in and for said County and State came Kay Diane Smith and Douglas Edward Smith, Trustee to the SMITH TRUST AGREEMENT, 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 SMITH RIDGE 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

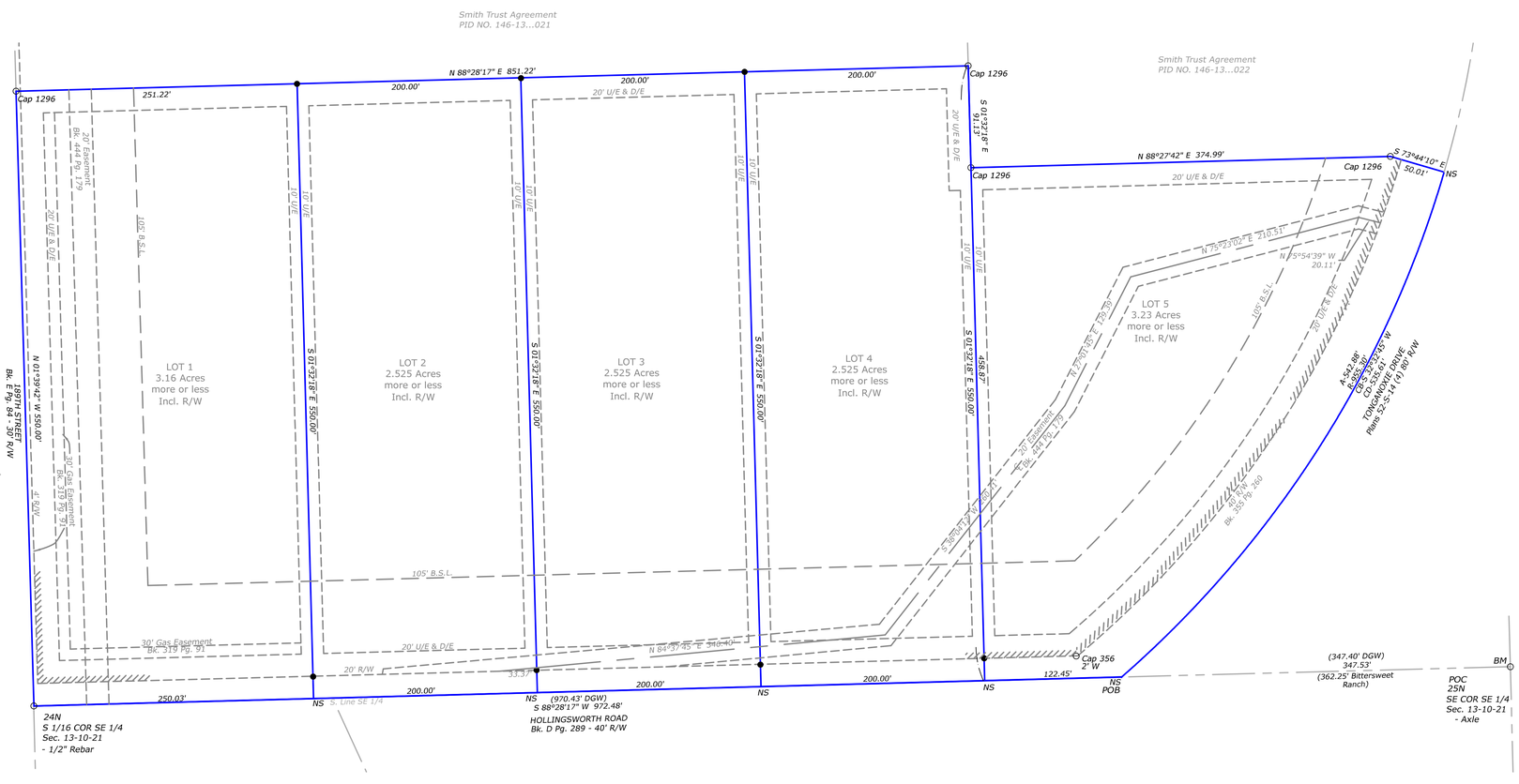
COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of SMITH RIDGE this _____ day of _____, 2024.

_____ _____
Chairman
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





NORTH

Scale 1" = 60'

60 0 60 120 180
1" = 60'

Job # K-23-1741 PLAT
July 6, 2024 Rev 9-4-24

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

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

_____
Daniel Baumchen, PS#1363
County Surveyor

JOSEPH A HERRING
REGISTERED
LS - 1296
KANSAS
LAND SURVEYOR

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

Joseph A. Herring
PS # 1296

08-26-2024
Combined PW
Review
No Further Comment

Smith Ridge

Leavenworth County Kansas

Drainage Report

July 7, 2024

Revised August 12, 2024



dlutgen72@gmail.com

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Smith Ridge Subdivision
Date: August 6, 2024

Amy, I have reviewed the preliminary plat of the Smith Ridge Subdivision presented by Smith 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-away 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

From: Anderson, Kyle
Sent: Friday, July 19, 2024 9:07 AM
To: Schweitzer, Joshua
Subject: RE: DEV-24-102 & 103 Preliminary & Final Plat Smith Ridge - Herring

We have not received any complaints on this property. The septic system currently installed appears to remain on lot 5 with the home it services. Lot 4 has an accessory building over 600 sq' on it, making it non-compliant until a home is built.

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

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

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Wednesday, July 17, 2024 10:50 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 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-24-102 & 103 Preliminary & Final Plat Smith Ridge - Herring

Good Morning,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary & Final Plat for a 5-lot subdivision at 22027 Tonganoxie Rd. (146-13-0-00-00-021.01)

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 31, 2024.

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

v / r

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

Schweitzer, Joshua

From: Mark B <stfdchief1760@gmail.com>
Sent: Thursday, September 5, 2024 11:33 AM
To: Johnson, Melissa
Cc: Schweitzer, Joshua
Subject: Re: Smith Ridge - Herring Pre/Final Plat

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

Stranger Township Fire Department has no issues with this plat.

Mark Billquist

On Thu, Sep 5, 2024 at 10:22 AM Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

> I have attached the paperwork submitted for the above listed case. We have not received your response for the application. We would appreciated any response for this.
>
> If you have any questions or need additional information, please let me know.
>
> Thank you,
>
> Melissa Johnson
>
> Planner I
>
> Leavenworth County
>
> Planning & Zoning Department
>
> Leavenworth County Courthouse
>
> 300 Walnut St, Suite 212
>
> Leavenworth County, Kansas 66048
>
> (913) 684-0465
>
> Disclaimer

Rural Water District #8

P.O. Box 246
Leavenworth, KS 66048
Phone: 913-796-2164
Email: rwd8lv@gmail.com

July 16, 2024

To Whom it May Concern:

RE: Smith Ridge
PID 146-13-0-00-00-021
Property Owner Smith Trust Agreement

Water is available to these areas with proper application.

As of this date, proper application will include a copy of the warranty deed showing ownership. A payment of $5,500.00 per benefit unit for the right to connect to the Rural Water District #8. The meter installation cost is approximately $2,000.00 due prior to installation.

If you have any further questions, please contact me at 913-796-2164.

Sincerely,

Sandra Heim

Sandra Heim
Office Manager for RWD#8

Schweitzer, Joshua

From: Joe Herring <herringsurveying@outlook.com>
Sent: Tuesday, July 9, 2024 8:44 AM
To: PZ
Subject: Fw: [EXTERNAL]Smith Ridge - EVERGY

Follow Up Flag: FollowUp
Flag Status: Flagged

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

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: Tuesday, July 9, 2024 8:41 AM
To: Joe Herring <herringsurveying@outlook.com>
Subject: Re: [EXTERNAL]Smith Ridge

Internal Use Only

Good morning,

Evergy will be the electric utility to provide power to Smith Ridge subdivision.

Thank you,

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

From: Joe Herring <herringsurveying@outlook.com>
Sent: Saturday, July 6, 2024 1:37 PM
To: Rural Water <rwd8lv@gmail.com>; Boone Heston <Boone.Heston@evergy.com>; stfdchief1760@gmail.com

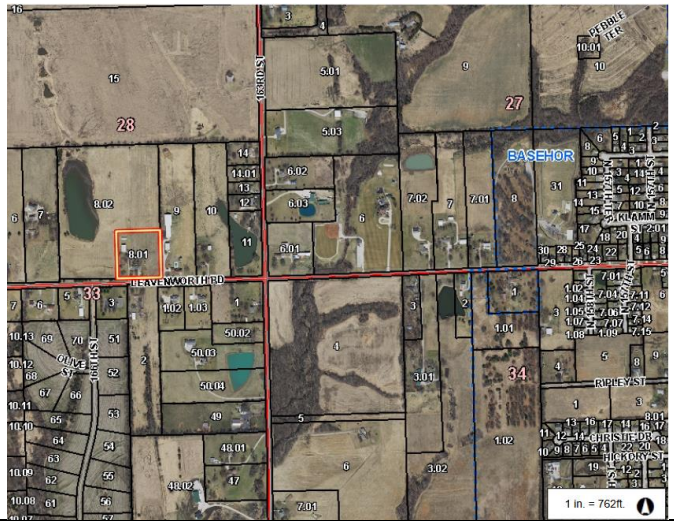
LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT

CASE NO: DEV-24-110 Twin Ventures Rezone — September 11, 2024

REQUEST: ***Public Hearing Required***
☒ ZONING AMENDMENT ☐ SPECIAL USE PERMIT
☐ TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:
JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 16476 Leavenworth Rd.



APPLICANT/APPLICANT AGENT:
Jeremy Ressler
18902 174th St
Tonganoxie, KS 66086

PROPERTY OWNER:
Twin Ventures
18902 174th St
Tonganoxie, KS 66086

CONCURRENT APPLICATIONS:
N/A

LEGAL DESCRIPTION:
Lot 1, Rainmaker Ranch Addition, a subdivision in Leavenworth County, Kansas.

LAND USE

ZONING: RR-2.5 to R-1-43

FUTURE LAND USE DESIGNATION: RESIDENTIAL 3-UNITS PER ACRE

SUBDIVISION: Rainmaker Ranch Addition

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-24-110, Rezone for Twin Ventures, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-110, Rezone for Twin Ventures, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 4.40 ACRES

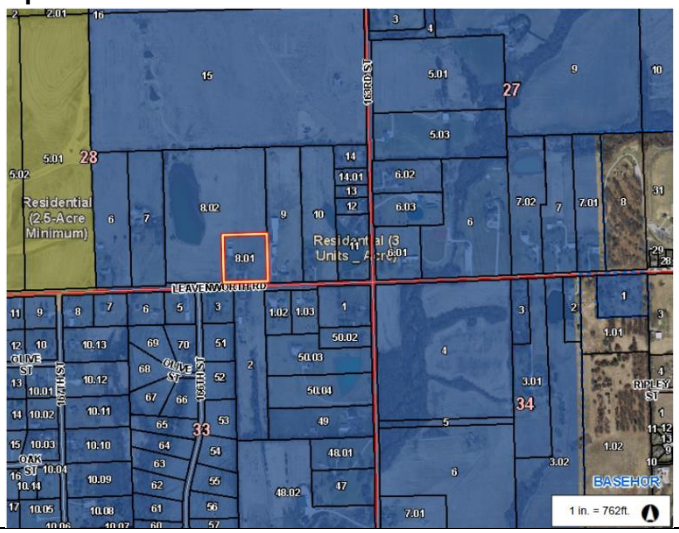
PARCEL ID NO:
158-28-0-00-00-008.01

BUILDINGS:
Existing House and Outbuildings

PROJECT SUMMARY:
Request to rezone one parcel at 16476 Leavenworth Rd. (PID: 158-28-0-00-00-008.01) from RR-2.5 to R-1(43).

ACCESS/STREET:
Leavenworth Rd. Collector, PAVED, ±28' WIDE

Location Map: FUTURE LAND USE MAP



UTILITIES

SEWER: SEPTIC

FIRE: FAIRMOUNT

WATER: CWD 1

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 9/3/2024

NEWSPAPER NOTIFICATION: 8/212024

NOTICE TO SURROUNDING PROPERTY OWNERS: 8/21/2024

FACTORS TO BE CONSIDERED: *Type content in each if necessary (delete this afterwards)*		
The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:	**Met**	**Not Met**
1. Character of the Neighborhood: *Density:* Surrounding parcels range in size from 1 acre to more than 24 acres. The area is not densely populated. *Nearby City Limits: Basehor is less than 1 mile to the East.* *Initial Growth Management Area: This parcel is located within the Rural Growth Area.*	X	
2. Zoning and uses of nearby property: *Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature.* *Adjacent Zoning: All adjacent properties are zoned RR-2.5. However, there are approximately 4 lots to the East of the subject property that is less than 1.5 acres.*	X	X
3. Suitability of the Property for the uses to which is has been restricted: The property is suitable for rural residences and agricultural uses.	X	
4. Extent to which removal of the restrictions will detrimentally affect nearby property: *Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.*	X	
5. Length of time the property has been vacant as zoned: ☐ *Vacant:* ☒ *Not Vacant:*	X	
6. Relative gain to economic development, public health, safety and welfare: The rezoning does not impact economic development, public health, safety or welfare.	X	
7. Conformance to the Comprehensive Plan: *Future Land Use Map: Residential 3 Units Per Acre* *Section 4 Land Use and Development Plan Strategies: The proposed use is not compatible with the future land use designation.*	X	

STAFF COMMENTS:

The applicants are requesting a rezoning from Rural-Residential 2.5 to Residential 1(43). The applicant is proposing to split off approximately 1.5 acres for his son. 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 less than a mile, however we are unsure of the nearest sewer connection.

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

REZONING APPLICATION

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

Office Use Only

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME Twin Ventures, LLC	NAME
ADDRESS 18902 174th St	ADDRESS
CITY/ST/ZIP Tonganoxie, KS 66086	CITY/ST/ZIP
PHONE 913-230-0062	PHONE
EMAIL jeremyressler@gmail.com	EMAIL
CONTACT PERSON Jeremy Ressler	CONTACT PERSON

PROPOSED USE INFORMATION

Proposed Land Use [redacted] single family residence
Current Zoning R2.5 Requested Zoning R1-43
Reason for Requesting Rezoning Add an additional home site for my son.

PROPERTY INFORMATION

Address of Property 16476 Leavenworth RD Basehor, KS 66007
Parcel Size 43.1 Acres
Current use of the property single family
Present Improvements or structures Home & Barn on existing
PID R21666

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 _____ Date 8/13/2024

ATTACHMENT A

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 09/08/2023

Janet Klaumke
COUNTY CLERK

Doc #: 2023R06609
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
09/08/2023 04:25:30 PM
RECORDING FEE: 38.00
PAGES: 2

Continental Title Company: 23454531

Trustee's Deed

This indenture, made this 1 day of September, 2023, by and between, **Rodney L. Watson and Joann L. Watson Revocable Living Trust dated March 23rd, 2019, and any amendments thereto as GRANTOR, and Twin Ventures, LLC as GRANTEE, whose mailing address is 18902 174th Street, Tonganoxie, KS 66086.**

WITNESSETH: That the said GRANTOR, in consideration of the sum of Ten DOLLARS and other good and valuable consideration, in hand paid by the GRANTEE, the receipt of which is hereby acknowledged, does by these presents sell and convey unto said GRANTEE, GRANTEE'S heirs, successors, and assigns, all of the right, title and interest of the said GRANTOR in and to the following described real estate located in the **County of Leavenworth, State of Kansas**, to wit:

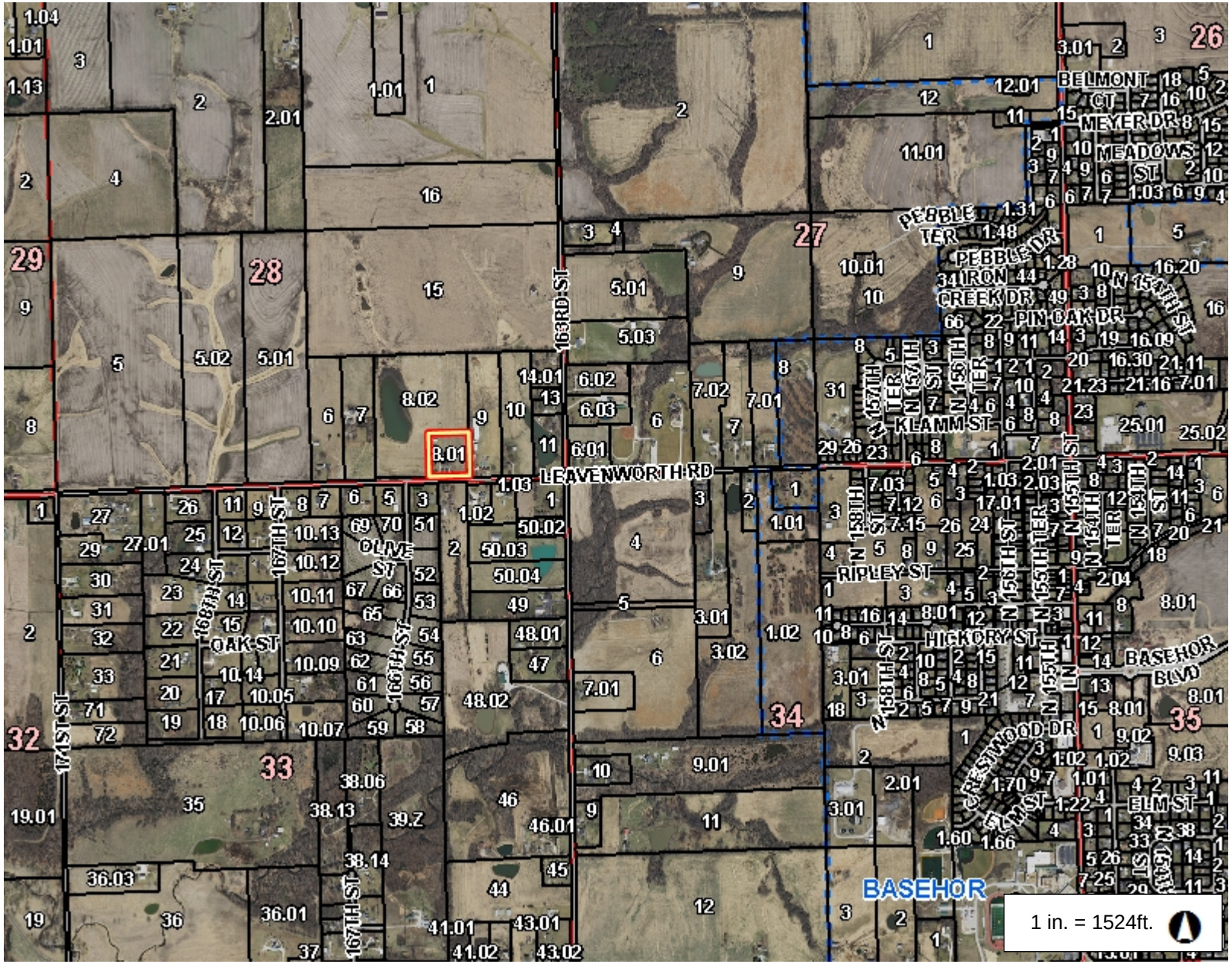
Legal Description: **Lot 1, RAINMAKER RANCH ADDITION, a subdivision in Leavenworth County, Kansas**

Note: Subject to all easements, restrictions and reservations, if any, now of record.

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

To have and to hold the premises aforesaid with all, and singular, the tenements, hereditaments, and appurtenances thereunto belonging, or in any way appertaining thereto, unto the GRANTEE, and unto GRANTEE heirs, successors, and assigns forever; the said GRANTOR hereby covenants that an indefeasible estate in fee of the aforesaid premises is vested in the said GRANTOR; that the said premises unto the said GRANTEE and unto GRANTEE'S heirs, successors, and assigns forever, against the lawful claims and demands of all persons whomsoever.

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

1 in. = 1524ft.

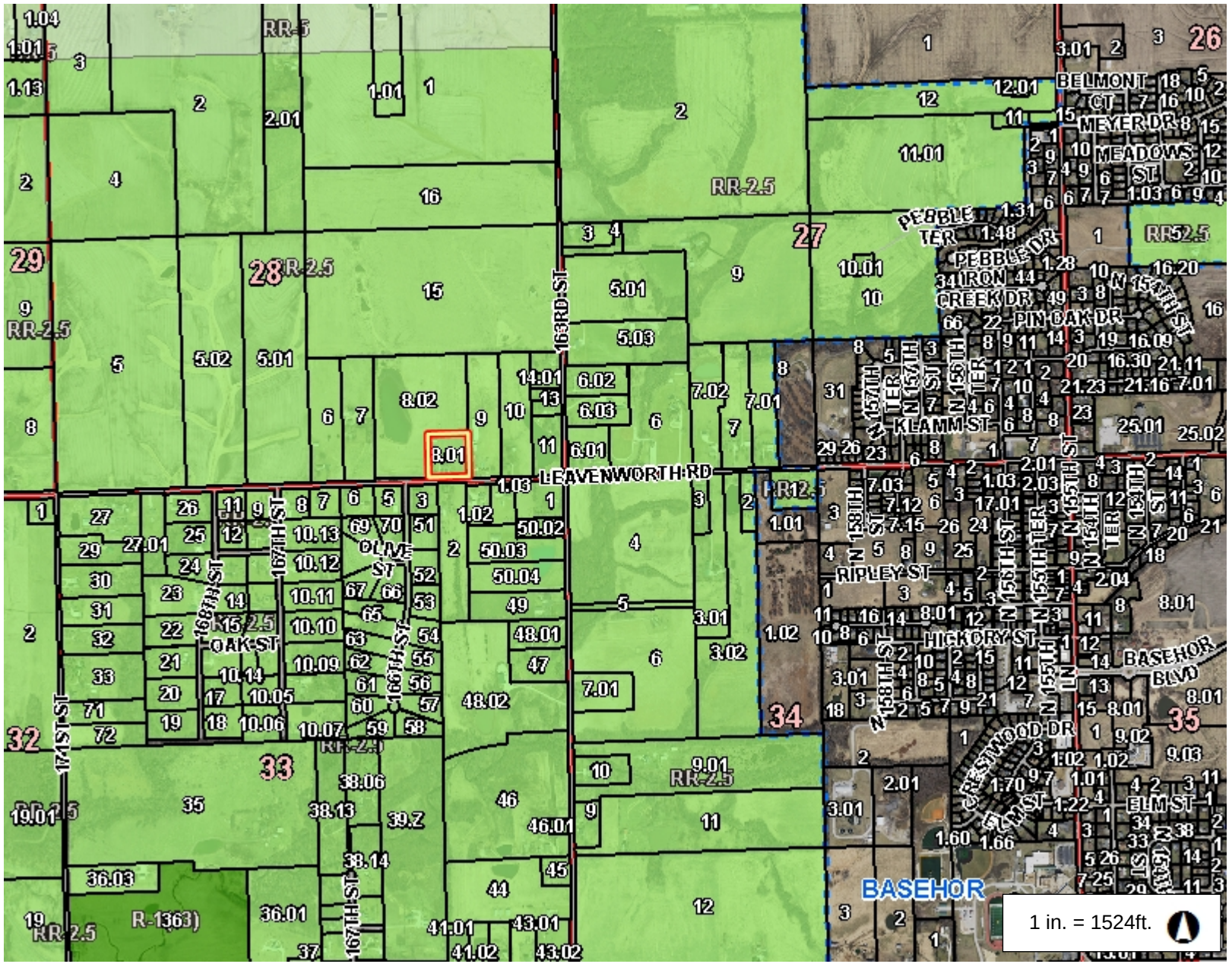
Notes

3,047.7 0 1,523.87 3,047.7 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

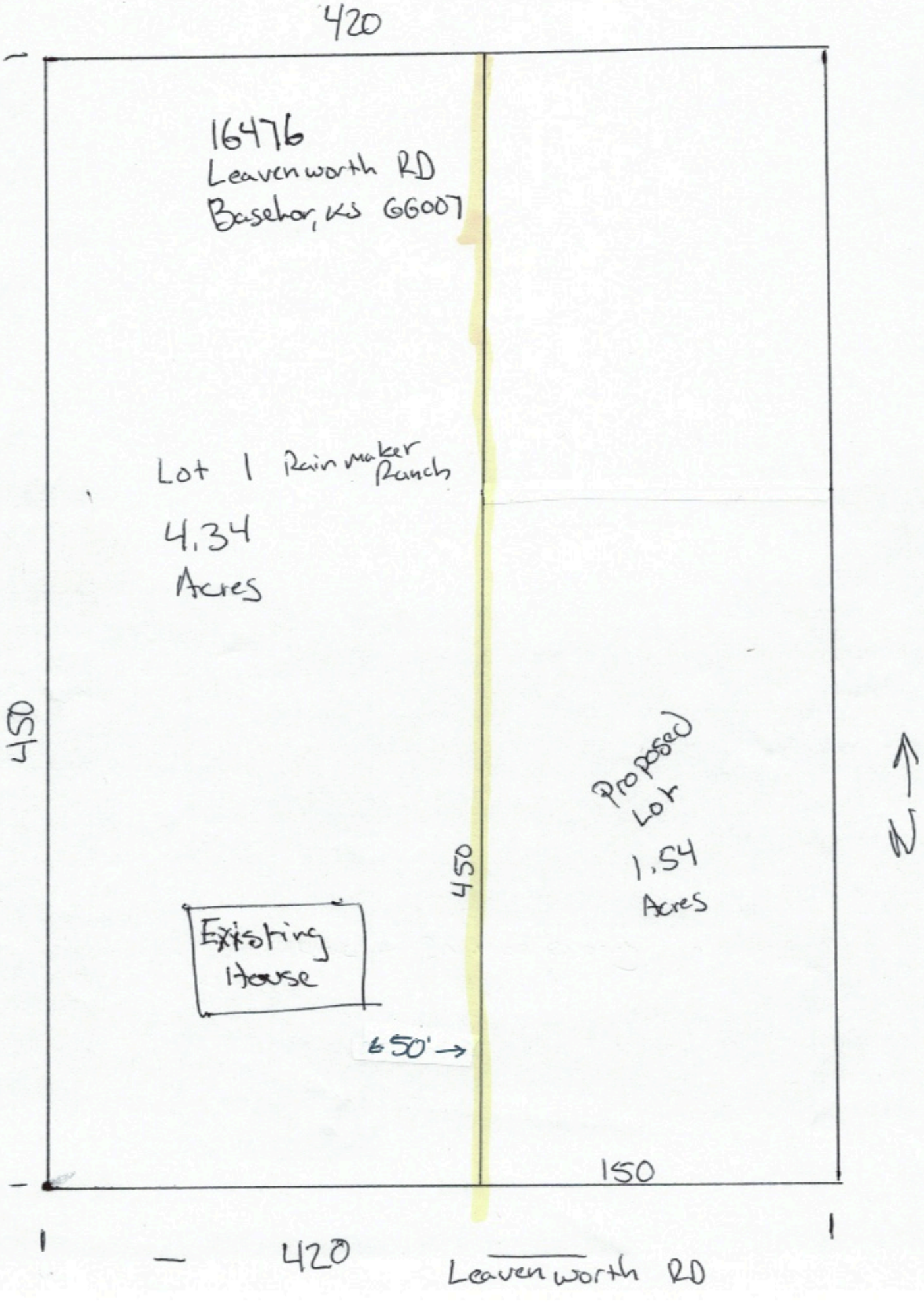
- Parcel Number
- Parcel
- City Limit Line
- Major Road
  - <all other values>
  - 70
- Road
  - <all other values>
  - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
  - B-1
  - B-2
  - B-3
  - I-1
  - I-2
  - I-3
  - MXD
  - PC
  - PI
  - PR-1
  - PR-2
  - PR-3

Notes

3,047.7 0 1,523.87 3,047.7 Feet

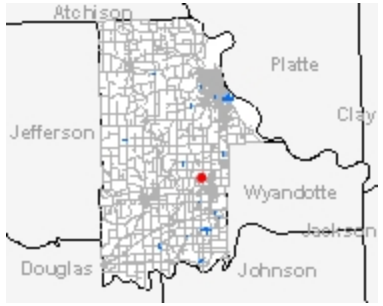
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420
16476
Leavenworth RD
Basehor, KS 66007
Lot 1 Rainmaker Ranch
4.34
Acres
450
Proposed
Lot
1.54
Acres
450
Existing
House
650'
150
N
420
Leavenworth RD

Leavenworth County, KS





Legend

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

Notes

190.5 0 95.24 190.5 Feet

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Consolidated Water District #1

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

August 16, 2024

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

Re: 16476 Leavenworth Rd Rezoning Request

Dear Mr. Schweitzer,

Consolidated Water District #1 has no objections to the proposed rezoning. Any new domestic service connections will follow applicable water district policies in place at that time.

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

Respectfully,

Mike Fulkerson

Mike Fulkerson
General Manager

Cc; file

Schweitzer, Joshua

From: Boone Heston <Boone.Heston@evergy.com>
Sent: Monday, August 19, 2024 8:27 AM
To: Schweitzer, Joshua
Subject: Re: [EXTERNAL]DEV-24-110 Twin Ventures Rezone

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

Internal Use Only

Evergy has no concerns with the proposed lot.

Thanks,

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

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, August 16, 2024 1:28 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Design Group Leavenworth <designgroupleavenworth@evergy.com>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: [EXTERNAL]DEV-24-110 Twin Ventures 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 16476 Leavenworth Rd. (RR-2.5 to R-1(43)).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by August 30, 2024.

Schweitzer, Joshua

From: Mike Lingenfelser <lingenfelserm@fairmountfd.org>
Sent: Monday, August 19, 2024 9:21 AM
To: Schweitzer, Joshua
Subject: Re: DEV-24-110 Twin Ventures Rezone

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

Joshua
Fairmount Township Fire Department has no issues.
Mike Lingenfelser, Fire Chief
Fairmount Township Fire Department
2624 N 155th St
Basehor, Kansas 66007
Work-913-724-4911
Cell 913-306-0258

On Fri, Aug 16, 2024 at 1:28 PM Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov> wrote:

> Good Afternoon,
>
> The Department of Planning and Zoning has received a rezoning application for the property located at 16476 Leavenworth Rd. (RR-2.5 to R-1(43)).
>
> The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by August 30, 2024.
>
> If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov
>
> v / r
>
> Joshua J. Schweitzer
>
> Development Planner
>
> Leavenworth County Planning & Zoning

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Thursday, August 22, 2024 12:06 PM
To: Schweitzer, Joshua
Subject: RE: DEV-24-110 Twin Ventures Rezone

We have not received any complaints on this property. During the platting process we will need to verify that the septic system currently installed meets the setback requirements after any division of the property. The septic system on the proposed 1.54 acre lot will need to be designed by an engineer.

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, August 16, 2024 1:28 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-110 Twin Ventures Rezone

Good Afternoon,

The Department of Planning and Zoning has received a rezoning application for the property located at 16476 Leavenworth Rd. (RR-2.5 to R-1(43)).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by August 30, 2024.

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

v / r

Joshua J. Schweitzer
Development Planner

Schweitzer, Joshua

From: McAfee, Joe
Sent: Thursday, August 29, 2024 10:37 AM
To: Schweitzer, Joshua; Magaha, Chuck; Miller, Jamie; Patzwald, Joshua; Van Parys, David; Brown, Misty; 'Mitch Pleak'; Noll, Bill; 'designgroupleavenworth@evergy.com'; 'lingenfelserm@fairmountfd.org'; 'mfulkerson@crwd1.com'
Cc: PZ
Subject: RE: DEV-24-110 Twin Ventures Rezone

Joshua,
PW Engineering has no comment on the rezone.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, August 16, 2024 1:28 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-24-110 Twin Ventures Rezone

Good Afternoon,

The Department of Planning and Zoning has received a rezoning application for the property located at 16476 Leavenworth Rd. (RR-2.5 to R-1(43)).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by August 30, 2024.

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

v / r

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

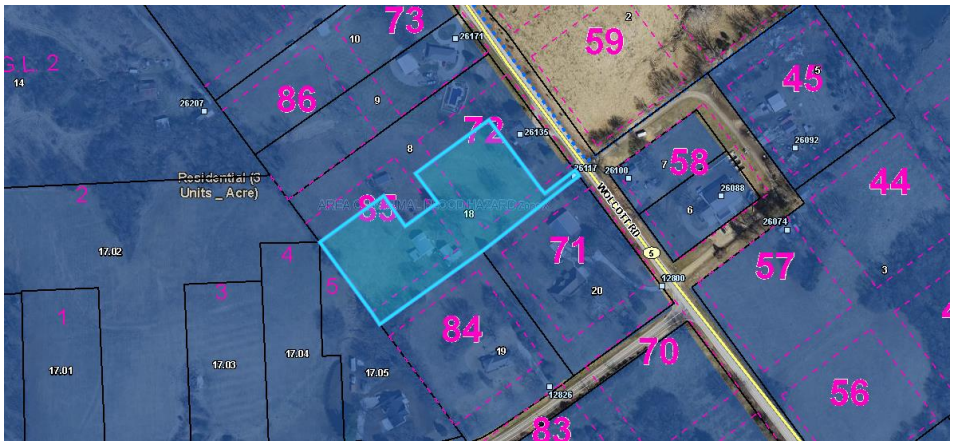
LEAVENWORTH COUNTY
BOARD OF ZONING APPEALS
STAFF REPORT

CASE NO: DEV-24-104 Schalipp (**PUBLIC HEARING REQUIRED)** September 11, 2024

REQUEST: Variance from Zoning and Subdivision Regulations Art 5 Sec 4. Road Frontage Requirement for RR-2.5 (200 feet)

STAFF REPRESENTATIVE:
AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 26117 Wolcott Road
FUTURE LAND USE: Residential (3 units per acre)



APPLICANT/APPLICANT AGENT:
Cheryl L Schalipp, Brock Schalipp III & Robin Wagner
741 Michigan St.
Leavenworth, KS 66048

PROPERTY OWNER:
See above

CONCURRENT APPLICATIONS:
N/A

LEGAL DESCRIPTION:
A tract of land in the Town of Delaware located in Section 20, Township 9, Range 23 East of the 6th p.m., Leavenworth County, Kansas.

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION: RESIDENTIAL 3 UNITS PER ACRE

SUBDIVISION: N/A

FLOODPLAIN: N/A

PROPERTY INFORMATION

ACTION OPTIONS:

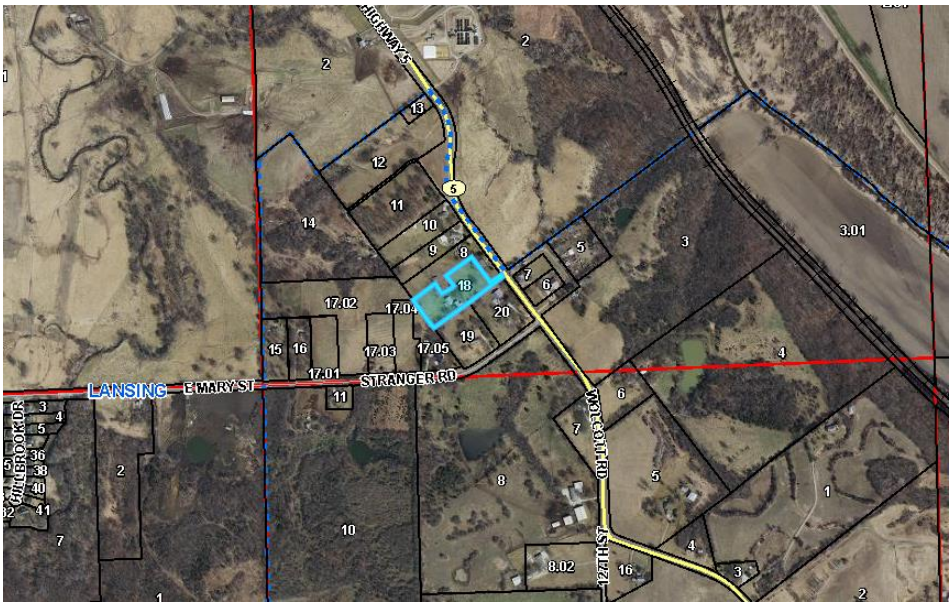
1. Recommend approval of Case No. DEV-24-, variance from the required 200 ft road frontage; or
2. Recommend denial of Case No. DEV-24-, variance from the required 200 ft road frontage; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 3.4 ACRES

PARCEL ID NO:
094-20-0-00-00-018.00

BUILDINGS:
Single-family residence and accessory structure

Location Map:



ACCESS/STREET:
Wolcott Road/K-5, State Highway,
±24' Wide, Paved

UTILITIES

SEWER: Septic

FIRE: Fire District 1

WATER: CRWD#1

ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW: 8/17/2024

NEWSPAPER NOTIFICATION: 8/20/2024

NOTICE TO SURROUNDING PROPERTY OWNERS: 8/20/2024

FACTORS TO BE CONSIDERED:

A request for a variance may be granted in such individual case upon finding that all of the following conditions have been met (KS Statute 12-759)

1. ***The variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning classification, and is created by the zoning regulations and not by an action of the property owner or the applicant;***

   The property was created in its current configuration in the 1960's via deed. At that time a minimum road frontage of 30 feet was required. The property currently has approximately 20 feet of road frontage. The current owners inherited the property in 2015.

2. ***The granting of the variance will not adversely affect the rights of adjacent property owners or residents;***

   As mentioned above, this property has been in this configuration since the 1960s. A single family residence with the existing drive have been at this location since the 1910s. The applicants are not proposing to modify the property.

3. ***The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application:***

   The strict application of the regulations will require the applicant to acquire an additional 180 feet of road frontage to become compliant. Adjacent parcels are built out and the location of adjacent buildings diminishes the chances of adjacent land acquisition.

4. ***The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and;***

   As mentioned above, this property has been in this configuration since the 1960s. A single family residence with the existing drive have been at this location since the 1910s. The applicants are not proposing to modify the property.

5. ***Granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations***

   The spirit and intent of the zoning regulations is to allow the development of property. The request arises to allow the property owner to rebuild the existing house if it were to be damaged or destroyed.

STAFF COMMENTS:

The applicants are requesting a variance from the lot frontage requirement for the RR-2.5 zoning district, which requires 200 feet of road frontage. The parcel was created in this configuration in the early 1960s by a previous owner with approximately 20 feet of road frontage. That road frontage did not meet the requirement at the time of creation. The applicant is requesting this variance in order to obtain building permits for this parcel if the existing house were to be damaged or destroyed by more than 50%.

ATTACHMENTS:

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

Delaware City
Block 85
3.40 469
No flood
Evergy CRWD 1

BOARD OF ZONING APPEALS APPLICATION

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

Office Use Only

Case No. DEV-24-
PID: 094-20 018.00
Township Delaware
BZA Hearing Date
ACTION Date Received 07.22.2024 Date Paid 07.22.2024
Zoning District RR 2.5
Comprehensive Plan land use designation 3 unit acre

APPLICANT/AGENT INFORMATION

NAME
ADDRESS
CITY/ST/ZIP

PHONE
EMAIL

OWNER INFORMATION (If different)

NAME Cheryl L. Schalipp, Brock Schalipp III Robin Wagner
ADDRESS 741 MICHIGAN
CITY/ST/ZIP LEAVENWORTH, KS 66048

PHONE 913-682-4323
EMAIL

GENERAL INFORMATION

Description of Appeal or Variance – Attach narrative addressing the Factor to be Considered (last page of application packet) to this application. VARIANCE - FOR Rebuilding if House is destroyed - Fire, Tornado, etc
VARIANCE FOR LOT FRONTAGE

PROPERTY INFORMATION

Address of Property 26117 WOLCOTT RD. LEAVENWORTH KS. 66048
Parcel size 3 ACRES
Present improvements or structures
Current use of the property? FOR SALE

I, the undersigned, am the *(circle one)* (owner) *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 an appeal/variance as indicated above.

Signature Brock E Schalipp III Cheryl L. Schalipp Date 7-8-24

ATTACHMENT A

Allison, Amy

From: Robin Wagner <rw4908@icloud.com>
Sent: Monday, July 22, 2024 12:32 PM
To: Allison, Amy
Subject: Re: Owners Authorization

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.

Hi Amy, I give Brock Schalipp and Cheryl Schalipp permission to sign my name on the variance. Thank you Robin Wagner 913-240-1404 Sent from my iPad

> On Jul 22, 2024, at 12:30 PM, Allison, Amy <AAllison@leavenworthcounty.gov> wrote:
>
> Hello,
> Please respond this email.
> Amy
> Sent from my iPhone

Written Narrative Requirements

Written Narrative Description: A written narrative description of the proposed variance must be submitted that addresses:

FACTORS TO BE CONSIDERED

A request for a variance may be granted in such individual cases, upon finding that all the following conditions have been met (KS Statutes 12-759).

(A) That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;

(B) That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

(C) That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

(D) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;

(E) That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

A - Land was split in 1960's. House built 1913 Before we owned it.
B - would not effect neighbors. This has been the same since split
C - Need Ability to apply for building permits in future
D - Will not effect
E - would like to rebuild if home destroyed by tornado, fire, etc.

ATTACHMENT C

Gmail

Deana Larkin <realtorlarkin@gmail.com>

Zoning Variance Application

1 message

Allison, Amy <AAllison@leavenworthcounty.gov> Fri, May 24, 2024 at 3:05 PM
To: "realtorlarkin@gmail.com" <realtorlarkin@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>

Good Afternoon Ms. Larkin,

Per our conversation, the property at 26117 Wolcott Road is considered a non-compliant tract of land and is not entitled to building permits. The non-compliance is due to the road frontage of the parcel. To bring the parcel back into compliance, the applicant can request a Zoning Variance. Variances are approved by the Board of Zoning Appeals based on the criteria that is outlined on page 4 of the attached application. Since this application requires a public hearing, we require a pre-application meeting with the applicant to insure they have a complete application and to answer any questions about the process. You or your client can schedule that pre-application by calling our office or emailing PZ@leavenworthcounty.gov. I've also attached a link to our Planning Commission/Board of Zoning Appeals schedule for applications.

Planning Commission & BZA Schedule (leavenworthcounty.gov)

If you have any additional questions, please let us know.

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

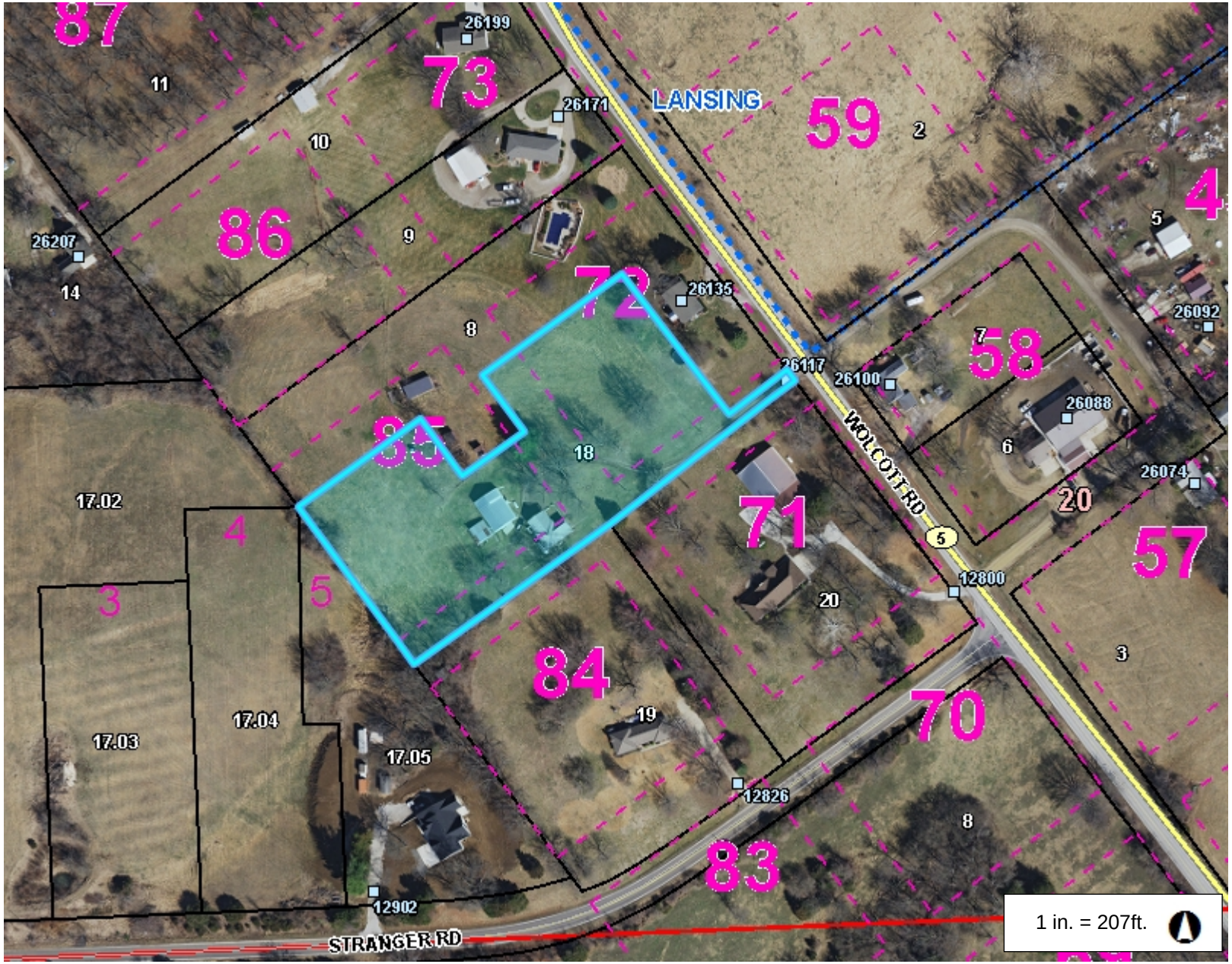
913.364.5757

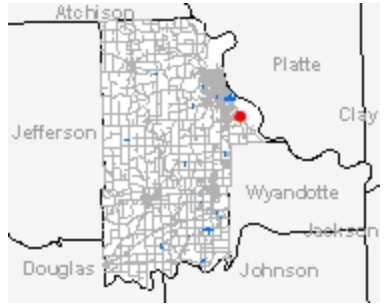
Disclaimer

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.

Board of Zoning Appeals Procedures Application.pdf
120K

Schalipp Variance





Legend

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

Notes

413.8 0 206.88 413.8 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Allison, Amy

From: Joshua Gentzler <jgentzler@lansingks.org>
Sent: Tuesday, July 23, 2024 4:12 PM
To: Allison, Amy
Subject: RE: [External] - RE: DEV-24-104 Variance – Schalipp

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.

The City of Lansing has no comment on this Variance request.

Joshua Gentzler, AICP
Director, Community and Economic Development
City of Lansing | 730 First Terrace Ste. 2, Lansing, KS 66043
Phone: 913.364.6920
www.lansingks.org

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Tuesday, July 23, 2024 4:08 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>; Joshua Gentzler <jgentzler@lansingks.org>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: [External] - RE: DEV-24-104 Variance – Schalipp

Good Afternoon,

The Department of Planning and Zoning has received a request for a Variance from Article 5, Section 4.4. 200 ft. frontage requirement for the property located at 26117 Wolcott 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 August 6, 2024.

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

Thank you,

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

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Allison, Amy

From: Anderson, Kyle
Sent: Wednesday, July 24, 2024 8:49 AM
To: Allison, Amy
Subject: RE: RE: DEV-24-104 Variance – Schalipp

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 23, 2024 4:08 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>; 'jgentzler@lansingks.org' <jgentzler@lansingks.org>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-24-104 Variance – Schalipp

Good Afternoon,

The Department of Planning and Zoning has received a request for a Variance from Article 5, Section 4.4. 200 ft. frontage requirement for the property located at 26117 Wolcott 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 August 6, 2024.

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

Thank you,

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

Disclaimer

Allison, Amy

From: McAfee, Joe
Sent: Thursday, July 25, 2024 3:49 PM
To: Allison, Amy; Magaha, Chuck; Brown, Misty; 'Steven Taylor [KDOT]'
Cc: PZ; Noll, Bill
Subject: RE: RE: DEV-24-104 Variance – Schalipp

Amy,
PW Engineering has no comment on the Variance request.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Tuesday, July 23, 2024 4:08 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>; 'jgentzler@lansingks.org' <jgentzler@lansingks.org>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-24-104 Variance – Schalipp

Good Afternoon,

The Department of Planning and Zoning has received a request for a Variance from Article 5, Section 4.4. 200 ft. frontage requirement for the property located at 26117 Wolcott 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 August 6, 2024.

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

Thank you,

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

Disclaimer

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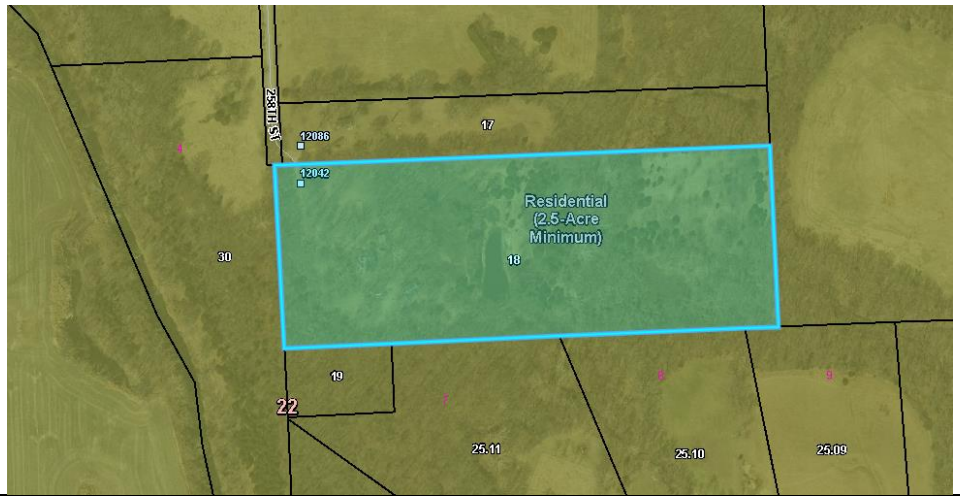
LEAVENWORTH COUNTY
BOARD OF ZONING APPEALS
STAFF REPORT

CASE NO: DEV-24-109 Pittman (**PUBLIC HEARING REQUIRED)** September 11, 2024

REQUEST: Variance from Zoning and Subdivision Regulations Art 5 Sec 4. Road Frontage Requirement for RR-5 (300 feet)

STAFF REPRESENTATIVE:
AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 12042 258th Street
FUTURE LAND USE: Residential (2.5 acre min)



APPLICANT/APPLICANT AGENT:
Galen L Pittman
12042 258th Street
Lawrence KS 66044

PROPERTY OWNER:
See above

CONCURRENT APPLICATIONS:
N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION: RESIDENTIAL (2.5 acre min)

LEGAL DESCRIPTION:
The South 15 acres of the West Half of the Northeast Quarter of Section 22, Township 12, Range 20 East of the 6th p.m., Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

PROPERTY INFORMATION

ACTION OPTIONS:

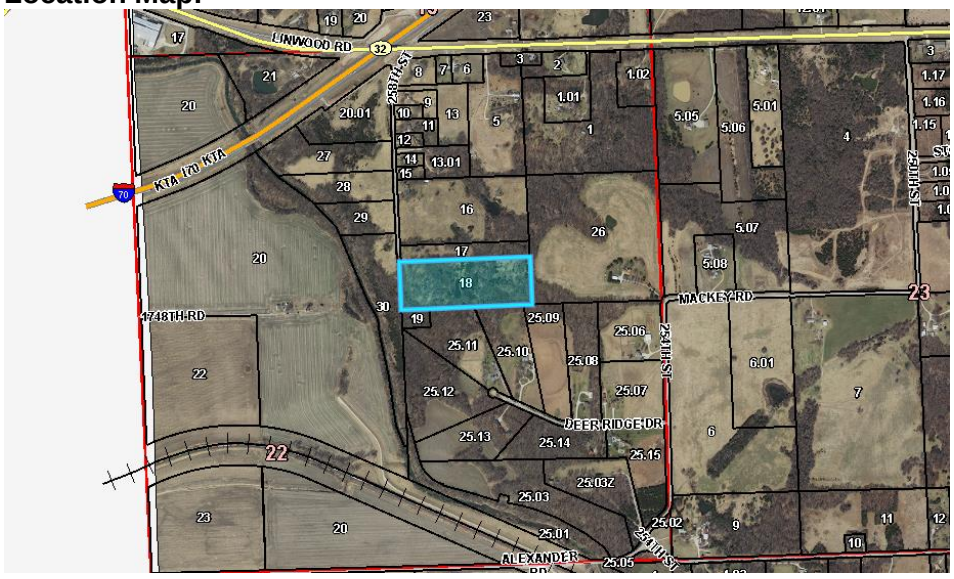
1. Recommend approval of Case No. DEV-24-, variance from the required 300 ft road frontage; or
2. Recommend denial of Case No. DEV-24-, variance from the required 300 ft road frontage; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 15.00 ACRES

PARCEL ID NO:
215-22-0-00-00-018.00

BUILDINGS:
Single-family residence and accessory structure

Location Map:



ACCESS/STREET:
258th Street, County Local, ±20' Wide, Gravel

UTILITIES

SEWER: Septic

FIRE: Fire District 2

WATER: RWD 10

ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW: 8/17/2024

NEWSPAPER NOTIFICATION: 8/20/2024

NOTICE TO SURROUNDING PROPERTY OWNERS: 8/20/2024

FACTORS TO BE CONSIDERED:

A request for a variance may be granted in such individual case upon finding that all of the following conditions have been met (KS Statute 12-759)

1. ***The variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning classification, and is created by the zoning regulations and not by an action of the property owner or the applicant;***

   The property was created in its current configuration around 1967 via deed. At that time a minimum road frontage of 30 feet was required. The property currently has approximately 22 feet of adjacent right-of-way. The current owner purchased the property in 1986.

2. ***The granting of the variance will not adversely affect the rights of adjacent property owners or residents;***

   As mentioned above, this property has been in this configuration since the 1960s. A single family residence and driveway have been at this location since the 1930s. The applicant would like to maintain a single family residence on the property.

3. ***The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application:***

   The strict application of the regulations will require the applicant to acquire an additional 278 feet of road frontage to become compliant. The parcel is located at the dead end of 258th Street and would either have to acquire adjacent land or build an extension of 258th Street to create the required frontage.

4. ***The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and;***

   As mentioned above, this property has been in this configuration since the 1960s. The applicant would like to renovate or replace the house if it were damaged or destroyed.

5. ***Granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations***

   The spirit and intent of the zoning regulations is to allow the development of property. The request arises due to the property owner wishing to maintain or replace the existing house.

STAFF COMMENTS:

The applicant is requesting a variance from the lot frontage requirement for the RR-5 zoning district, which requires 300 feet of road frontage. The parcel was created in this configuration in 1967 by a previous owner with approximately 22 feet of adjacent right-of-way. The lot was not compliant with the minimum road frontage at the time of creation. The applicant is requesting this variance in order to obtain building permits for this parcel to repair or replace the existing house.

ATTACHMENTS:

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

BOARD OF ZONING APPEALS APPLICATION

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

Evergy RWD 10
497 22 E 12 20

Office Use Only

Case No. DEV-24-
PID: 215-22 018.00
Township Reno
BZA Hearing Date 09.11.2024
ACTION _____ Date Received 08.15.2024 Date Paid 08.15.2024
Zoning District RR 5
Comprehensive Plan land use designation 2.5 min acres

APPLICANT/AGENT INFORMATION

NAME Galen L. Pittman
ADDRESS 12042 258th ST
CITY/ST/ZIP Lawrence, KS 66044
PHONE 785760-3572
EMAIL GALENPITT@gmail.com

OWNER INFORMATION (If different)

NAME _____
ADDRESS _____
CITY/ST/ZIP _____
PHONE _____
EMAIL _____

GENERAL INFORMATION

Description of Appeal or Variance – Attach narrative addressing the Factor to be Considered (last page of application packet) to this application. See attached

PROPERTY INFORMATION

Address of Property 12042 258th ST
Parcel size 15 Acres
Present improvements or structures house and several out buildings
Current use of the property? Single family residence

I, the undersigned, am the *(circle one) owner/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 an appeal/variance as indicated above.

Signature Galen L Pittman Date 15Aug 24

ATTACHMENT A

* road ROW * less than adequate frontage
unique
non comp, non buildable

talked to John & Galen

Proposed zoning variance for 12042 258th street Lawrence, KS 66044, submitted by Galen L. Pittman, owner and applicant.

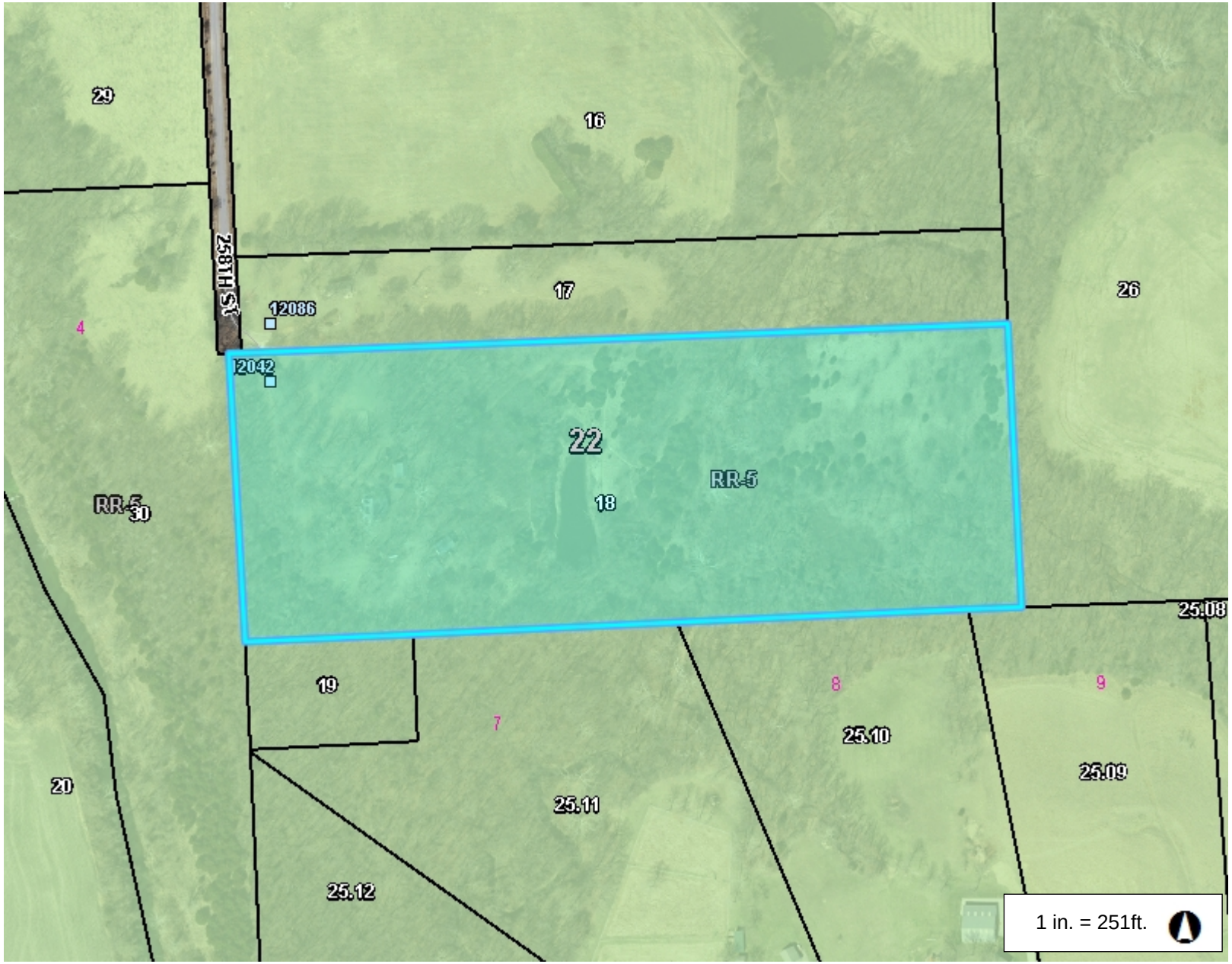
I bought this property in 1986 and have lived there ever since, till the present day. I have not altered the single-family residence and outbuildings on the property. I have not taken any action that has contributed to this situation other than simply living on this property since purchase.

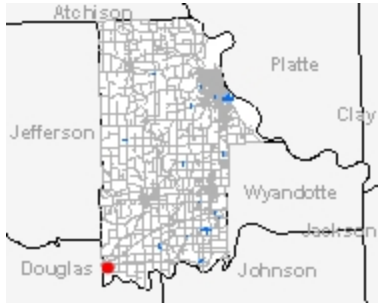
My current residence is in need of renovation or replacement. And in fact, if it were damaged or destroyed by fire or wind, etc. I would not be able to rebuild my residence, even with my homeowner's insurance ($$) coverage without having to first build a new 300 ft frontage road, to be in compliance. Since the house is getting older, I would also like the option to refurbish, remodel, or replace my existing residence for my personal use even if it were not damaged by insured perils.

This would constitute an unnecessary hardship for me just because I wish to continue living on the property with an updated modern residence. This variance would save me the cost of building new road frontage since I live at the end of a dead-end county road (258th street). At present, since my property is in non-compliance due to a lack of the required road frontage, granting me this zoning variance would allow me to secure a necessary county building permit, if and when one is needed for a future home (replacement) project.

I see no adverse effects on any of my neighbors or the public that granting this zoning variance would have on them. And allowing me this variance would seem to be consistent with the spirit and intent of the zoning regulations.

DEV-24-109 Pittman Variance





Legend

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

Notes

501.1 0 250.55 501.1 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Allison, Amy

From: McAfee, Joe
Sent: Friday, August 16, 2024 4:12 PM
To: Allison, Amy
Subject: RE: RE: DEV-24-109 Pittman Variance

Amy,
No comment from PW on the variance.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Friday, August 16, 2024 3:34 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'dritter@lvcofd2.com' <dritter@lvcofd2.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-24-109 Pittman Variance

Good Afternoon,

The Department of Planning and Zoning has received a request for a Variance from Article 5, Section 4.4. 300 ft. frontage requirement for the property located at 12042 258th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by August 30, 2024.

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

Thank you,

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

Disclaimer

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

Allison, Amy

From: Dylan Ritter <dritter@lvcofd2.com>
Sent: Monday, August 19, 2024 4:07 PM
To: Allison, Amy
Cc: Magaha, Chuck; Brown, Misty; Noll, Bill; McAfee, Joe; kritter@lvcofd2.com; PZ
Subject: Re: DEV-24-109 Pittman Variance

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

Leavenworth County Fire District #2 has no comments or concerns regarding this request.

On Fri, Aug 16, 2024 at 3:34 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

> Good Afternoon,
>
> The Department of Planning and Zoning has received a request for a Variance from Article 5, Section 4.4. 300 ft. frontage requirement for the property located at 12042 258th Street.
>
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>
> Thank you,
>
> Amy Allison, AICP
>
> Deputy Director
>
> Planning & Zoning
>
> Leavenworth County
>
> 913.364.5757
>
> **Disclaimer**

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--

Dylan Ritter
Assistant Chief
Leavenworth County Fire District #2
100 Main Street
P.O. Box 270
Linwood, KS, 66052
(913) 339-8973

Allison, Amy

From: Anderson, Kyle
Sent: Thursday, August 22, 2024 11:42 AM
To: Allison, Amy
Subject: RE: RE: DEV-24-109 Pittman Variance

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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Sent: Friday, August 16, 2024 3:34 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>; 'dritter@lvcofd2.com' <dritter@lvcofd2.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-24-109 Pittman Variance

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Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
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