

LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, December 10, 2025

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. **Board of Zoning Appeals**
 8. **Roll Call**
 9. **Regular Agenda**
 - A. **Case DEV-25-119 Variance McDonald/Sheets**

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 Northeast Quarter of Section 8, Township 12 South, Range 22 East of the 6th P.M., Leavenworth, Kansas.

Also known as 00000 Cantrell Road

PID: 233-08-0-00-00-002.00

*****Public Hearing Required*****

*****Public Comment limited to five minutes per person*****
- Adjournment of the Board of Zoning Appeals**
10. **Planning Commission**
 11. **Approval of Agenda**
 12. **Consent Agenda**
 - A. **Case DEV-25-126/127 Preliminary & Final Plat Foxridge 4th**

Consideration of a Preliminary and Final Plat for a tract of land in the Southeast Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 00000 Woodend Road
PID: 197-35-0-00-00-001.05

B. Case DEV-25-131 Final Plat Porth Acres

Consideration of a Preliminary Plat for tracts of land in Section 28, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 17210 & 00000 Hemphill Rd

PID: 188-28-0-00-00-010.00 & 188-28-0-00-00-011.00

13. Regular Agenda

A. Case DEV-25-108/109 Preliminary & Final Plat Marxen North

Consideration of a Preliminary and Final Plat for a tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 00000 Marxen Road

PID: 162-03-0-00-00-012.00

B. Case DEV-25-110/111 Preliminary & Final Plat Marxen South

Consideration of a Preliminary and Final Plat for a tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 00000 Wolcott Road

PID: 162-03-0-00-00-013.02

C. Case DEV-25-123 Tract Split Exception Miller

Consideration of a Tract Split Exception for a tract of land in the Northeast Quarter of Section 35, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 20078 199th Street

PID: 147-35-0-00-00-001.03

D. Case DEV-25-128 Lot Split Exception Lot 1 Alexander Farm

Consideration of a Lot Split Exception for a Lot 1, Alexander Farm Subdivision., Leavenworth County, Kansas.

Also known as 23836 Millwood Road

PID: 051-01-0-00-00-006.07

E. Case DEV-25-132 2025 Language Amendment

Consideration of a Language Amendment to the 2006 Leavenworth County Zoning & Subdivision Regulations.

*****Public Hearing Required*****

*****Public Comment limited to five minutes per person*****

Adjournment of Planning Commission

Upcoming meeting dates:

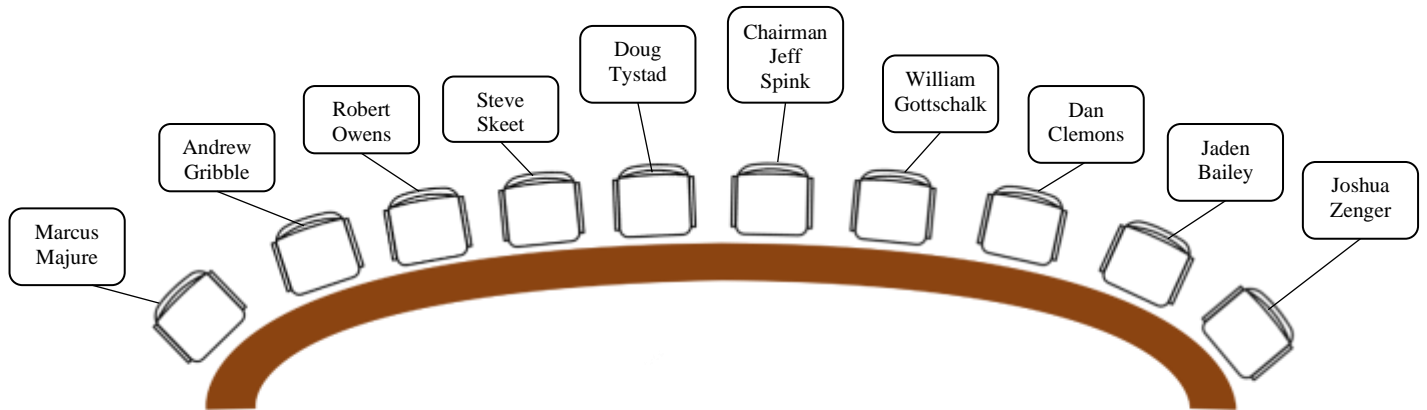
Wednesday, January 14 2026, 5:30 PM
Regular Planning Commission Meeting

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 2025



LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
November 12, 2025

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

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

Pledge of Allegiance

Members present: Joshua Zenger, Jaden Bailey, William Gottschalk, Dan Clemons, Chairman Jeff Spink, Doug Tystad, Steve Skeet, Andrew Gribble and Marcus Majure.

Members absent: None.

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Josh Schweitzer-Senior Planner, Misty Brown-County Counselor, Jon Khalil-Deputy County Counselor

Approval of Minutes

Commissioner Bailey motioned to approve the minutes. Commissioner Tystad seconded.

ROLL CALL VOTE - Motion to approve the minutes passed 8/0 (1 abstained).

Secretary's Report. Amy Allison stated there are four items on the Consent Agenda. Ms. Allison added there are three subdivision items on the Regular Agenda, including one public hearing. Ms. Allison stated additional items were received after the agenda packet was complete. Staff

Declarations None.

Approval of Agenda

Commissioner Majure motioned to approve the agenda and Commissioner Clemons seconded.

ROLL CALL VOTE - Motion to approve the motion passed 9/0.

Regular Agenda

Case DEV-25-102/103 Preliminary and Final Plat – Nehl Acres

Consideration of a Preliminary and Final Plat for a tract of land in Section 4, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 22013 Parallel Road

Josh Schweitzer outlined the preliminary and final plan consideration, where the applicant is proposing to split a 15-acre tract into two lots. Mr. Schweitzer explained the request does require an exception for an irregular shaped lot. In this case the property owners prefer the newly split lots to align the creek line. The natural features of the property and potential changes were explained and Mr. Schweitzer mentioned that those details have been included in the staff report.

Applicant Krystal Voth of Atlas spoke briefly about the progression of the creek on the property over time and offered to answer any questions.

Commissioner Tystad motioned to approve the exception and Commissioner Owens seconded.

ROLL CALL VOTE - Motion to approve the exception passed 9/0.

Commissioner Gribble motioned to approve the plat and Commissioner Tystad seconded.

ROLL CALL VOTE - Motion to approve the plat passed 9/0.

B. Case DEV-25-106 Preliminary Plat – The Reserve at Blake Farms

Consideration of a Preliminary Plat for a tract of land in the Northeast Quarter of Section 14, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 14971 Fairmount Road

Amy Allison outlined the request for a preliminary plat approval, which is a cross access subdivision which includes a public drive which currently contains an existing primary property and accessory structure. The application is requesting to divide the property into 8 lots, which would require two exceptions to comply with regulations. Mr. Herring shared the history of the property and the high-end potential of the expansion.

Applicant Joe Herring spoke of the request is essentially a plan to separate lot 8 which contains a barn and a shop to maximize use.

Commissioners Tystad and Owens asked a few questions regarding the larger horse barn. Joe Herring clarified several items.

Commissioner Owens asked if the property owners are considering a barndominium concept. Mr. Herring confirmed that type of structure is being considered but if it is built, it will be high-quality.

Commissioner Gribble asked questions regarding conformity and road access. Commissioner Tystad asked about fire district access. Mr. Herring confirmed the layout would accommodate emergency services.

Commissioner Clemons motioned to approve the exception and Commissioner Tystad seconded.

ROLL CALL VOTE - Motion to approve the exception passed 9/0.

Commissioner Bailey motioned to approve the subdivision request and Commissioner Gribble seconded.

ROLL CALL VOTE - Motion to approve the exception passed 9/0.

Commissioner Zenger motioned to approve the plat and Commissioner Clemons seconded.

ROLL CALL VOTE - Motion to approve the plat passed 9/0.

C. Case DEV-25-117/118 Preliminary and Final Plat – Aye Acres

Consideration of a Preliminary and Final Plat for a tract of land in the Southeast Quarter of Section 32, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 19851 219th Street

Josh Schweitzer outlined the consideration of applicant's proposal to divide their property into 2 lots. This request requires an exception as lot 2 exceeds the lot depth to lot width ratio by approximately 130 feet.

Joe Herring explained the applicant's request for the exception as well as the impact the flood plain has on the regulations.

Commissioner Clemons motioned to approve the exception and Commissioner Tystad seconded.

ROLL CALL VOTE - Motion to approve the exception passed 9/0.

Commissioner Tystad motioned to approve the plat and Commissioner Clemons seconded.

ROLL CALL VOTE - Motion to approve the plat passed 9/0.

D. Case DEV-25-021 Special Use Permit – Kaw Valley Companies, Inc.

Consideration of a Special Use Permit request for a sand excavation and stockpiling business on the following described property: A tract of land over a portion of the Northwest, Northeast, Southwest and Southeast of Section 22, Township 12 South, Range 22 East, of Leavenworth County, Kansas.

Also known as 16201 & 00000 Lenape Road

Amy Allison stated the case is a Special Use Permit for the parcels which are zoned I-3, heavy industrial. Both properties are currently being used for agricultural purposes. Ms. Allison explained the applicant is requesting the SUP for sand excavation and stockpiling business on both properties. Ms. Allison provided specific details regarding the intent of processes of the applicant including explanation of employees and proposed hours of operation. Ms. Allison explained the anticipated traffic and that the applicant has offered both primary and alternate routes. It was further added that the applicant intends to convert the excavation pit into a recreational lake that will serve future property owners. Ms. Allison added that once a KDHA permit has been finalized, a copy of the permit including the reclamation plan and state required bond shall be provided to the County. Ms. Allison covered fencing and sanitary conditions in the Special Use Permit. The cities of DeSoto and Olathe's concerns were mentioned along with the applicant's plan to remedy the concerns.

Ms. Allison shared the concept plans applicant proposes for plantings to serve as noise buffering as well as lighting specifics. Staff has recommended noise near residential areas is not to exceed 65 decibels.

A dust control and abatement program would be in place by the applicant to make sure all stock piles would be maintained and watered at regular intervals. Ms. Allison mentioned the property is located in a regulatory floodway and the applicant provided letters of jurisdictional determination from Army Corp of Engineers based upon the flood plain requirements. Additionally, the applicant has been in contact with the State in regards to the water resources and floodplain requirements. The applicant provided a State floodplain permit as part of their application. Ms. Allison added that a floodplain permit is also required by the County.

Lastly, Ms. Allison stated that the applicant has requested the SUP be approved for a period of 25 years. Staff is recommending a period of 3 years based upon the impact of the surrounding property owners and increased traffic as well as conditions to be met if the proposal is approved.

Aaron March spoke on behalf of Kaw Valley. Mr. March thanked property owners who attended a recent community meeting as well as the Planning Commission meeting. Mr. March thanks various departments of Leavenworth County. Mr. March added that Kaw Valley has agreed to 28 of the 31 requirements.

Mr. March explained the history of Kaw Valley, zoning classifications and current and potential future functions. Adequate buffering will be provided by installing berms with a 6ft construction site. They are highly regulated by federal and local governments.

Mr. March explained the excavating process and how the dredges are utilized. Production details were provided along with specifics on the traffic study and the transporting by trucks owned by Kaw Valley. Mr. March confirmed Evergy has lines nearby and would provide electrical needs, not diesel.

Mr. March outlined the process of dust abatement to reduce the amount of waste in the production as well as the fencing on the property to protect the top soil as well as Kaw Valley's inspection schedule. It was further mentioned that no toxic chemicals would be used in Kaw Valley's operations.

Eric Fritz spoke about the specifics on traffic on relevant roadways. Mr. Fritz mentioned an extensive route study that was done and that Kaw Valley has been receptive to recommendation by Olssen Engineering which

identifies areas of improvements which would be part of the development agreement. K32 access was mentioned and concepts about bicycle and traffic safety. It is anticipated that these

Brian Boyd if GBA Engineering discussed the noise analysis. He touched about the measurable decibels and to mitigate the noise. Trees would be planted on the north and south ends of the parcel to reduce the noise to an allowable.

Mr. March returned to explain the economic impact of the Wichita State has studied the impact would create an strengthen local economy. It is estimated a lasting operational presence that strengthens local employment, household employment and economic growth.

Mr. March explained the expenses involved with complying with the conditions of the SUP, which would likely exceed the 3-year recommendation by staff. Mr. March explained the reasons behind Kaw Valley's disagreement with 3 of the conditions recommended by staff.

Chairman Spink offered questions by the Planning Commission.

Commissioner Owens asked Mr. March for clarification regarding who will maintain the ponds, which was provided. Commissioner Owens asked Director Jacobson for clarification of the zoning. Mr. Jacobson confirmed this particular property has been zoned Industrial since 1965.

Commissioner Tystad asked for clarification about the current agricultural use (corn and beans crops). Commissioner Tystad also asked if Kaw Valley anticipates an entrance on Lanape Road. Tystad asked for confirmation of operation hours and traffic and economic impact on the County. Tystad asked for clarification for

Commissioner Zenger asked for clarification on public roadway improvements by the applicant. Mr. March responded that those items are very preliminary, but will be included in the required development agreement.

Director Jacobson stated the development agreement would be created with the involvement of Board of County Commissioners.

Commissioner Tystad asked for further about the engineering and what would occur if another hauler comes in to assist with operations. Mr. March confirmed a Point of Sale would not occur on site.

Commissioner Gribble asked for clarification on drudging and stockpiling. Mr. March responded Were inventory is stored until sold which could typically be 1-5 days. Primary and secondary routes and right-of-way access.

Commissioner Tystad asked if engineers have looked at ground stability near Lanape Road. Mr. March responded that before the County would approve the installation of a transmission line under Lanape Road, the engineering report would need to be submitted to Leavenworth County Public Works department. Discussions ensued regarding points of sale at this facility. Mr. March confirmed that there would not be points of sale at this location.

Commissioner Zenger asked for clarification on specifics "temporary" stockpiling as well as primary and secondary routes and right-of-way specifics.

Commissioner Bailey asked if County Road 1 and I-70 would ever be considered for alternate routes. Mr. stated that was mentioned by not part of their application. Currently there is no rail, but they are happy to explore and likely not occur in the near future.

Current a public hearing comes to a Planning Commission recommendation which then is addressed with BOCC.

Director John Jacobson stated that Kaw Valley cannot operate an SUP unless every condition of the development agreement is met.

Commissioner Clemons asked for clarification on roadway materials, traffic life expectancy of the materials on the roadway as well as signage and the types of trucks that would be affecting the roadways. Life expectancy of the roadways after improvement are estimated to be 20 years.

Commissioner Owens questioned roadway improvements and County Counselor Misty Brown stated that in 2023 the County established a policy regarding a haul route that is requested in connection with an SUP and which require the applicant to hire a 3rd party to study and determine road improvements that would be appropriate to support the usage and applicant would be required to pay for those improvements. In order to obtain the SUP the process is required to

Commissioner Clemons spoke of his concern regarding a 25year SUP based upon long-term road conditions as time lapses.

Commissioner Tystad asked for clarification on the applicant's position on conditions regarding to applicant's complying with requirements for roadways and coverts.

Commissioner Bailey asked about the possibility of connecting Golden Road to Loring Road as a possible alternate route.

Commissioner Clemons raised his concern for the length of the SUP as it relates to Kaw Valley's maintaining roadway quality.

Commissioner Majure asked if the operations would affect water well. Deputy Director Allison stated water quality certification would be part of the SUP. Commissioner Majure raised the issue of trips per day. Mr. March stated an average of 50 trips on average per day.

Further discussions ensued regarding safety, State involvement and traffic related to the Kaw Valley.

Commissioners discussed the possibility of retail sales tax dollars from the project. Director Jacobson suggested planning commissioners request the issue of including sales tax be included in the development agreement as part of the Special Use Permit.

Chairmen Spink opened the Public Hearing.

Kirk Sours, vice-chairman that the Fire District #2 and the district has taken no formal position of the SUP, but does have some safety concerns. Assistant Fire Chief Dylan Ritter spoke about this project, but has limited information.

Currently the fire district covers 92 square miles, nearly all of the calls (500-550 per year) are related to high-speed traffic accidents. The district includes some of the worst intersections that the department responds to annually. The district responds to roughly 4-7 fatalities per year and they correlate with several dangerous intersections.

Charlie Hefton, 14539 158th Street, spoke in opposition based upon the dangers at the intersection of 158th and K-32.

David Holland, 13242 170th St., Linwood, spoke in opposition based upon his concerns related to safety and traffic issues.

Mike McDonald, 14439 Woodend Rd., spoke in opposition based upon the complexity of the Kaw Valley's use and the importance of making an informed decision. He spoke of impact on roadways and safety and also questioned the benefits are there to the County if the SUP is approved.

Brad Aberall, 15355 161st St, Bonner Springs, spoke in opposition based upon his concern related to the truck traffic.

Maureen Ross, 12927 170th St., Linwood) who resides approximately 1 mile from the site. Ms. Ross spoke in opposition based up declined property values and the dangers of silica dust.

Dan Yates, 15256 Loring Rd, Bonner Springs, spoke in opposition based upon the dangers and risks the Kaw Valley project. Mr. Yates raised the concern that the County will not have the ability to monitor the activity.

Alan Jaskinia, 13162 158th St., Bonner Springs, spoke in opposition based upon potential traffic issues, specifically related to the 3 bridges connecting the Missouri River.

Cindy Reeves, 18738 Golden Road, spoke in opposition of based upon safety. She has witnessed dispatch of Life Lights and has known of many fatalities.

Paula Constania, 13162 158th and Loring, spoke in opposition based upon traffic concerns.

Mike Little, 14896 170th St, Bonner Springs, spoke in opposition based upon the pollution.

Tony Schmidt, 17322 Golden Rd, who spoke in opposition of the project based upon Golden Factors not being met. He and his wife received a notice about the SUP application. Mr. Schmidt stated he believed that not all property owners within 1,000 feet were notified.

Stacy Schmidt, 17322 Golden Rd, spoke in opposition based upon the Planning Commissions lack of facts, safety and declining property values.

Jason Hinckley, 17000 Loring Rd., stated the reasons for his opposition based upon community safety concerns, economic impact and lack of transparency and the County's inability to monitor the conditions of the Special Use Permit.

Mark Tinburg, 16904 Kreider Rd., Bonner Springs, outlined his opposition to approval of the SUP based upon environmental impacts.

Scott Harrison, 15885 Woodend Rd., near 158th and K-32. Mr. Harrison spoke in opposition based upon safety and traffic fatalities.

Todd Donaldson, 16440 Golden Rd., who resides across the street from the sandpit. Mr. Donaldson spoke in opposition based upon old data being used for the project.

Chris Hanson, 12537 166th St, spoke in opposition based upon the pollution and health risks.

Matthew Ross, 12927 170th St. Linwood, spoke in opposition based upon the noise, pollution, and roadway safety.

Damian Martell, 14725 Kreider Rd., just north of the Kaw Valley project. Mr. Martell spoke in opposition of the SUP based upon lack of information and the negative impact of the sandpit.

Jennifer Smith James, 13804 158th St., spoke in opposition based upon roadway safety and pollution related to health risks.

Nancy Carpenter, 14681 Krieder Rd., spoke in opposition of the SUP based upon declining of property values, roadway safety and traffic concerns.

There was a brief break in the meeting.

Aaron March addressed the public concerns and reinforced their plans to address the public concerns. Mr. March gave the example of the success of project near Lake Quivira. There was an SUP renewal recently and no one attended in opposition of the renewal.

Chairman Spink closed the public hearing.

Commissioner Tystad stated his stance on potential problems with the Kaw Valley SUP renewal and the hours of operation. Deputy Director Amy Allison responded with clarifications.

Commissioner Clemons requested clarification on timeframe of meeting conditions prior to SUP approval. Jacobson confirmed the 3-year period of the SUP begins after all conditions have been met.

Commissioner Gribble asked Kaw Valley the timeframe on the Lake Quivira SUP renewal. Mr. March confirmed the Lake Quivira SUP was renewed for a period of 10 years.

Further discussions ensued.

Commissioner Bailey proposed the case be tabled to allow more time to gather information needed to make the final decision.

County Counselor Brown stated that since the public hearing has been closed and new information could not be considered.

Director Jacobson stated it is not realistic to discuss design details related on the SUP within the next month.

Commissioners discussed potential term of the SUP.

Commissioner Tystad motioned to deny the request based upon golden factors 1, 4 and 6 factors. Commissioner Skeet seconded the motion.

Commissioner Tystad amended his motion to include golden factor 2 and Commission Skeet seconded.

ROLL CALL VOTE - Motion to deny approval passed 9/0.

Meeting concluded at 9:23pm.

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 – 913-364-5750

**LEAVENWORTH COUNTY
BOARD OF ZONING APPEALS
STAFF REPORT
(PUBLIC HEARING REQUIRED)**

CASE NO: DEV-25-119 Sheets

December 10, 2025

REQUEST: Variance from Zoning and Subdivision Regulations Article 5, Section 4

STAFF REPRESENTATIVE:

Josh Schweitzer
Development Planner

SUBJECT PROPERTY: 00000 Cantrell Road



APPLICANT/APPLICANT

AGENT:

JOE HERRING
Herring Surveying Co
315 N 5th Street
Leavenworth KS 66048

PROPERTY OWNER:

Jeffry Dean Sheets; Stephanie
Marie McDonald; Monte Ford
Sheets
00000 Cantrell Road
Linwood, KS 66052

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
RR-2.5

LEGAL DESCRIPTION:

A tract of land in the Northeast Quarter of Section 8, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas

SUBDIVISION: N/A

FLOODPLAIN: N/A

PROPERTY INFORMATION

PARCEL SIZE: 15.90 Acres

PARCEL ID NO:
233-08-0-00-00-002

BUILDINGS:
N/A

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-25-, variance from the required road frontage; or
2. Recommend denial of Case No. DEV-25-, variance from the required road frontage; or
3. Continue the hearing to another date, time, and place.

Location Map: FUTURE LAND USE DESIGNATION



ACCESS/STREET:

207th Street, County Arterial
±24' WIDE, PAVED

UTILITIES

SEWER: SEPTIC

FIRE: FD # 2

WATER: RWD 7

ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW: 12/3/2025

NEWSPAPER NOTIFICATION:
11/13/2025

NOTICE TO SURROUNDING
PROPERTY OWNERS:
11/19/2025

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;

- This property was created through deed in April 1996, which also had a survey completed but was not recorded. The current owners of the property inherited the property from their father that passed approximately two years ago. This property has remained in its current configuration since April 1996.
- Since the applicants are requesting the variance, it has to meet today's regulations which require 200 feet of road frontage. However, in 1996 when the property was created in its current configuration the minimum road frontage requirement was 100 feet. This made the property not meet the requirement by approximately 9 feet.

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 its current configuration since 1996. The applicants would like to sell the property as a buildable tract of land.

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:

This parcel is considered a noncompliant parcel and not entitled to building permits, which makes it difficult for the owners to build a house or to sell the property as buildable tract.

4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and;

The request does not appear to adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

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 ensure new development within the county is designed in a manner to protect the safety of the public and protect the rights of adjoining property owners.

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 April 1996 by a previous owner with approximately 91 feet of road frontage. The road frontage did not meet the requirement at the time of creation (100 feet). The applicant is requesting this variance in order to sell the property as a buildable tract of land.

In reference to the adjoining 1-acre tract (003), the tract is considered a non-compliant/ buildable tract. This is due to when the tracts were created in April 1996, the minimum requirements for a tract of land was 1-acre and 100 feet of road frontage.

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

Office Use Only

Case No. _____
PID: _____
Township _____
BZA Hearing Date _____
ACTION _____ Date Received _____ Date Paid _____
Zoning District _____
Comprehensive Plan land use designation _____

APPLICANT/AGENT INFORMATION

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

OWNER INFORMATION (If different)

NAME _____ Dean A. Sheets (deceased)
Stephanie McDonald
ADDRESS _____ 2264 Sprucewood Drive
CITY/ST/ZIP _____ Youngstown, OH 44515
PHONE _____ N/A
EMAIL _____ N/A

GENERAL INFORMATION

Description of Appeal or Variance – Attach narrative addressing the Factor to be Considered (last page of application packet) to this application.

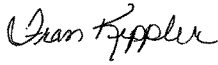
PROPERTY INFORMATION

Address of Property _____ 00000 Cantrell Road - PID 233-08-0-00-002
Parcel size _____ 16.33 Acres
Present improvements or structures _____ None
Current use of the property? _____ AG

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 _____ Joe Herring - digitally signed October 18, 2025 Date _____ 10-18-25

ATTACHMENT A



COUNTY CLERK

DOC #: 2025R08391
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
10/29/2025 10:59:33 AM
RECORDING FEE: 72.00
PAGES: 4

Continental Title Company: C25011534

KANSAS QUIT CLAIM DEED
(Individual)

This Indenture, made and entered into as of this 23 Day of October, 2025 by and between Jeffry Dean Sheets and Pamela K. Sheets, a married couple and Stephanie Marie McDonald and Jeffrey G. McDonald, a married couple and Monte Ford Sheets, a single person, of Bryan County, in the State of Georgia, party or parties of the first part, Grantor(s) and Jeffry Dean Sheets, a married person and Stephanie Marie McDonald, a married person and Monte Ford Sheets, a single person, whose mailing address is: KS of the County of Leavenworth, State of Kansas party or parties of the second part, Grantee(s).

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations paid by the Grantee, the receipt of which is hereby acknowledged, does by these presents **REMISE, RELEASE, AND FOREVER QUIT CLAIM** unto the said Grantee, the following described Real Estate, situated in the County of Leavenworth and State of Kansas to-wit:

Tract of land in the Northeast Quarter of Section 8, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on October 10, 2025, more fully described as follows: Commencing at the Northwest corner of said Northeast Quarter; thence North 88 degrees 33' 03" East for a distance of 208.71 feet along the North line of said Northeast Quarter to the True Point of Beginning; thence continuing North 88 degrees 33' 03" East for a distance of 91.29 feet along said North line; thence South 01 degrees 49' 17" East for a distance of 1330.87 feet; thence North 88 degrees 33' 02" East for a distance of 71.63 feet; thence South 21 degrees 01' 03" East for a distance of 238.35 feet; thence south 01 degrees 49' 17" East for a distance of 584.84 feet; thence South 88 degrees 19' 42" West for a distance of 450.00 feet to the West line of said Northeast Quarter; thence North 01 degrees 49' 17" West for a distance of 1933.33 feet along said West line; thence North 88 degrees 33' 03" East for a distance of 208.71 feet; thence North 01 degrees 49' 17" West for a distance of 208.71 feet to the Point of Beginning, subject to that part in roads, if any.

PURSUANT TO K.S.A. 79-1437 (E), A REAL ESTATE VALIDATION QUESTIONNAIRE IS NOT REQUIRED DUE TO EXEMPTION NO. 3.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the said party or parties of the second part, and to the heirs and assigns of such party or parties forever. So that neither the said party or parties of the first part, nor its successors, nor any other person or persons for it or in its name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises, or any part thereof, but they and every one of them shall, by these presents, be excluded and forever barred.

AFFIDAVIT

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

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Jeffrey Sheets and Pamela Sheets

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
00000 Cantrell Rd, 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 3 day of December, 2025.

Jeffrey Sheets & Pamela Sheets 10 Egrets West Ln E Richmond Hill GA
Print Name, Address, Telephone 31324

Jeffrey Sheets Pamela Sheets
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)

AFFIDAVIT

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

We/I Stephanie McDonald and Jeffrey McDonald

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
00000 Cantrell Rd 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 03 day of December, 2025.

Stephanie and Jeffrey McDonald 2264 Sprucewood Dr Youngstown Oh 44515

Print Name, Address, Telephone

Stephanie McDonald

Jeffrey McDonald

Signature

STATE OF ¹KANSAS)
) 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)

AFFIDAVIT

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

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Monte Ford Sheets and _____

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
00000 Cantrell Rd 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)

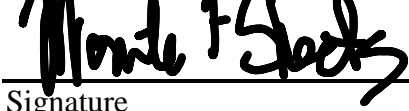
1) Joseph A. Herring – Herring Surveying Company 315 N. 5th Street, Leavenworth,
KS 66048, 913-651-3858

2)

Signed and entered this 3 day of December, 2025.

Monte Ford Sheets 1040 2nd Ave E
Horton, Ks 66439 785-817-1156

Print Name Address Telephone



Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

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

NOTARY PUBLIC _____

My Commission Expires: _____

(seal)

Schweitzer, Joshua

From: JEFF SHEETS <jeffrysheets1959@sbcglobal.net>
Sent: Wednesday, December 3, 2025 4:16 PM
To: Schweitzer, Joshua; Jacobson, John; Allison, Amy
Subject: Sheets
Attachments: jsheets_2025-12-03_14-33-26 (1).pdf

Here the form you requested

Jeff Sheets
10 Egrets Nest Ln E
Richmond Hill, GA 31324
785-479-0952
Email:jeffrysheets1959@sbcglobal.net

Schweitzer, Joshua

From: Allison, Amy
Sent: Thursday, December 4, 2025 8:07 AM
To: Schweitzer, Joshua
Subject: FW: Sheets
Attachments: ATT_1764799117699_AuthorizationAFFIDAVIT (2).pdf

From: Pam Sheets <pksheets61@gmail.com>
Sent: Wednesday, December 3, 2025 4:44 PM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Subject: Sheets

Here is the form you requested

Pam Sheets

Schweitzer, Joshua

From: Stephanie McDonald <smsmcdonald@yahoo.com>
Sent: Wednesday, December 3, 2025 3:12 PM
To: Jacobson, John; Schweitzer, Joshua; allison@leavenworthcounty.gov
Subject: Sheets BZA
Attachments: AuthorizationAFFIDAVIT (2)-3(1).pdf

This is the form from Stephanie and Jeff McDonald on the Sheets form
Please let me know if this is all you need

Thank you
Stephanie McDonald
620-228-2792

[Yahoo Mail: Search, Organize, Conquer](#)

Schweitzer, Joshua

From: Allison, Amy
Sent: Wednesday, December 3, 2025 4:23 PM
To: Schweitzer, Joshua
Subject: FW: Sheets bza Jeff McDonald
Attachments: ATT_1764799147497_AuthorizationAFFIDAVIT (2).pdf

From: Stephanie McDonald <stephaniescreations50@yahoo.com>
Sent: Wednesday, December 3, 2025 4:05 PM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Subject: Sheets bza Jeff McDonald

I give my authorization to Joe Herring as my representative in Leavenworth co for the property in Linwood KS.

Thank you,
Jeffrey G McDonald
620-228-2792
2264 Sprucewood Dr
Youngstown Oh 44515
stephaniescreations50@yahoo.com

[Yahoo Mail: Search, Organize, Conquer](#)

Schweitzer, Joshua

From: matwarriors@yahoo.com
Sent: Wednesday, December 3, 2025 3:03 PM
To: Schweitzer, Joshua
Cc: Jacobson, John; Allison, Amy
Subject: Monte Sheets BZA form
Attachments: AuthorizationAFFIDAVIT (2)-2(1).pdf

Please let me know if this is all you needed for the Sheets property in Linwood for the variance meeting

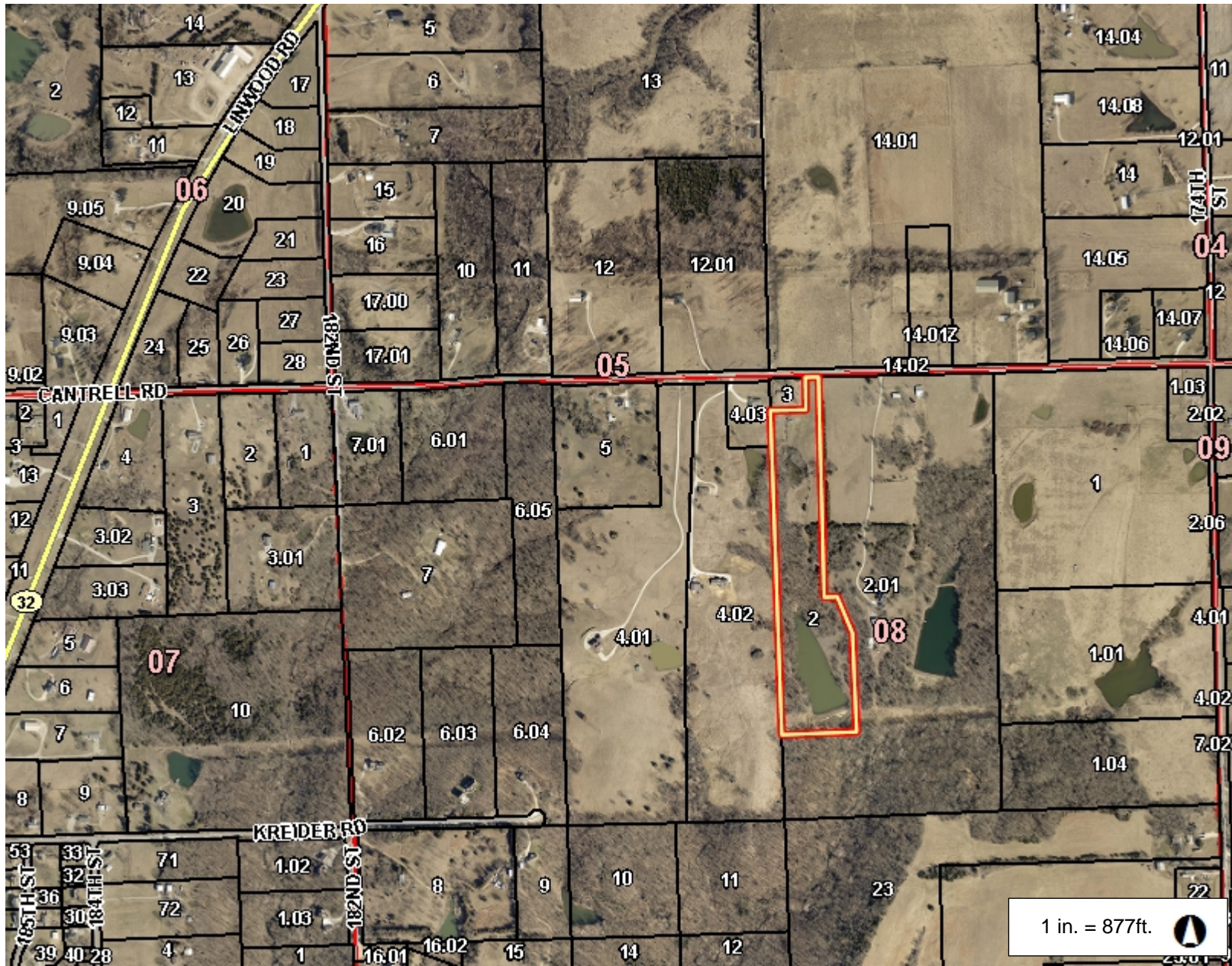
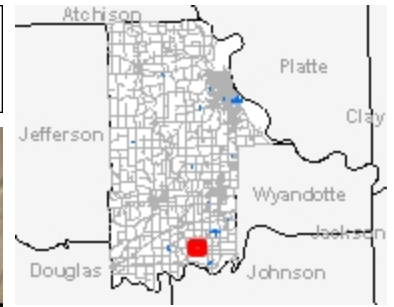
Monte Sheets

[Yahoo Mail: Search, Organize, Conquer](#)

Sheets / McDonald Variance Narrative

- A) This property was created by the previous owner. Existing neighboring house (to the west) is on a separate tract and not part of this process. The parcel in question was created by a division of land resulting in the tract to the East Parcel ID 233-08-0-00-00-002.01 per Deed 719 Page 117 between Dean A. and Juanita G. Sheets, to Michael A. and Deborah L. Konovalske (current owners of Parcel 233-08...002.01). Said deed was created by a survey and adjusted in 1996. Owners did not record a new deed for the remaining parcel. Variance is needed for insufficient road frontage and not meeting the width to depth ratio of 1:4.
- B) It will not affect the adjoining neighbors, as stated above the tract was created for land purchased by the adjacent neighbor to the East. Parcel in question also has existed since 1996 and has 16.33 acres exceeding the zoning requirement.
- C) Yes. Heirs of this property have held this land since the end of 2023 without being able to sell the tract. They have created an acceptable new deed for this tract through a recorded survey Doc#2025S072.
- D) It will not. Tract has been in this configuration since 1996. It has an established access driveway on to Cantrell Road. It was created through a division of land with the existing neighbor to the East and meets the size requirements being zoned RR-2.5 acres.
- E) It will not. As stated above, it meets the size requirements and should allow for better use of this property with a potential single-family residence on the remaining 16.33 acres.

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. = 877ft.



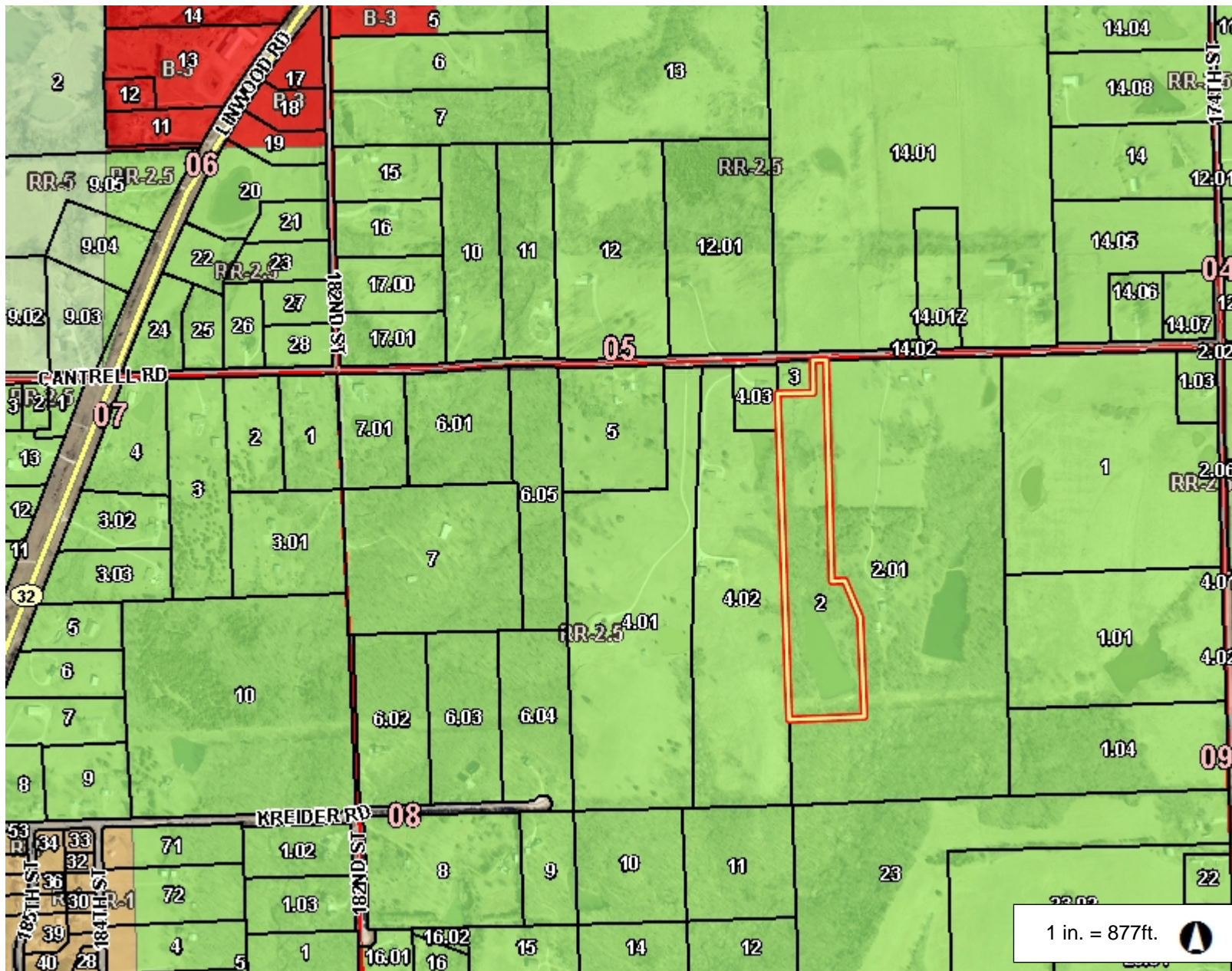
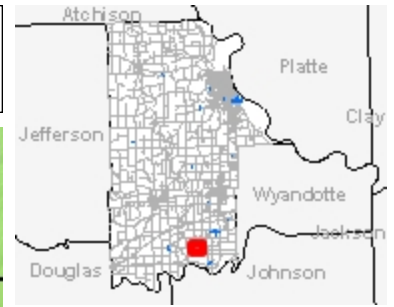
1,754.6 0 877.28 1,754.6 Feet

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

Notes

Leavenworth County, KS



Legend

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

Notes

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

CERTIFICATE OF SURVEY

Tracts of land in the Northeast Quarter, Section 8, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

SURVEYOR'S DESCRIPTION:

Tract of land in the Northeast Quarter of Section 8, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on October 10, 2025, more fully described as follows: Commencing at the Northwest corner of said Northeast Quarter; thence North 88 degrees 33'03" East for a distance of 208.71 feet along the North line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence continuing North 88 degrees 33'03" East for a distance of 91.29 feet along said North line; thence South 01 degrees 49'17" East for a distance of 1330.87 feet; thence North 88 degrees 33'02" East for a distance of 71.63 feet; thence South 21 degrees 01'03" East for a distance of 238.35 feet; thence South 01 degrees 49'17" East for a distance of 584.84 feet; thence South 88 degrees 19'42" West for a distance of 450.00 feet to the West line of said Northeast Quarter; thence North 01 degrees 49'17" West for a distance of 1933.33 feet along said West line; thence North 88 degrees 33'03" East for a distance of 208.71 feet; thence North 01 degrees 49'17" West for a distance of 208.71 feet to the point of beginning.

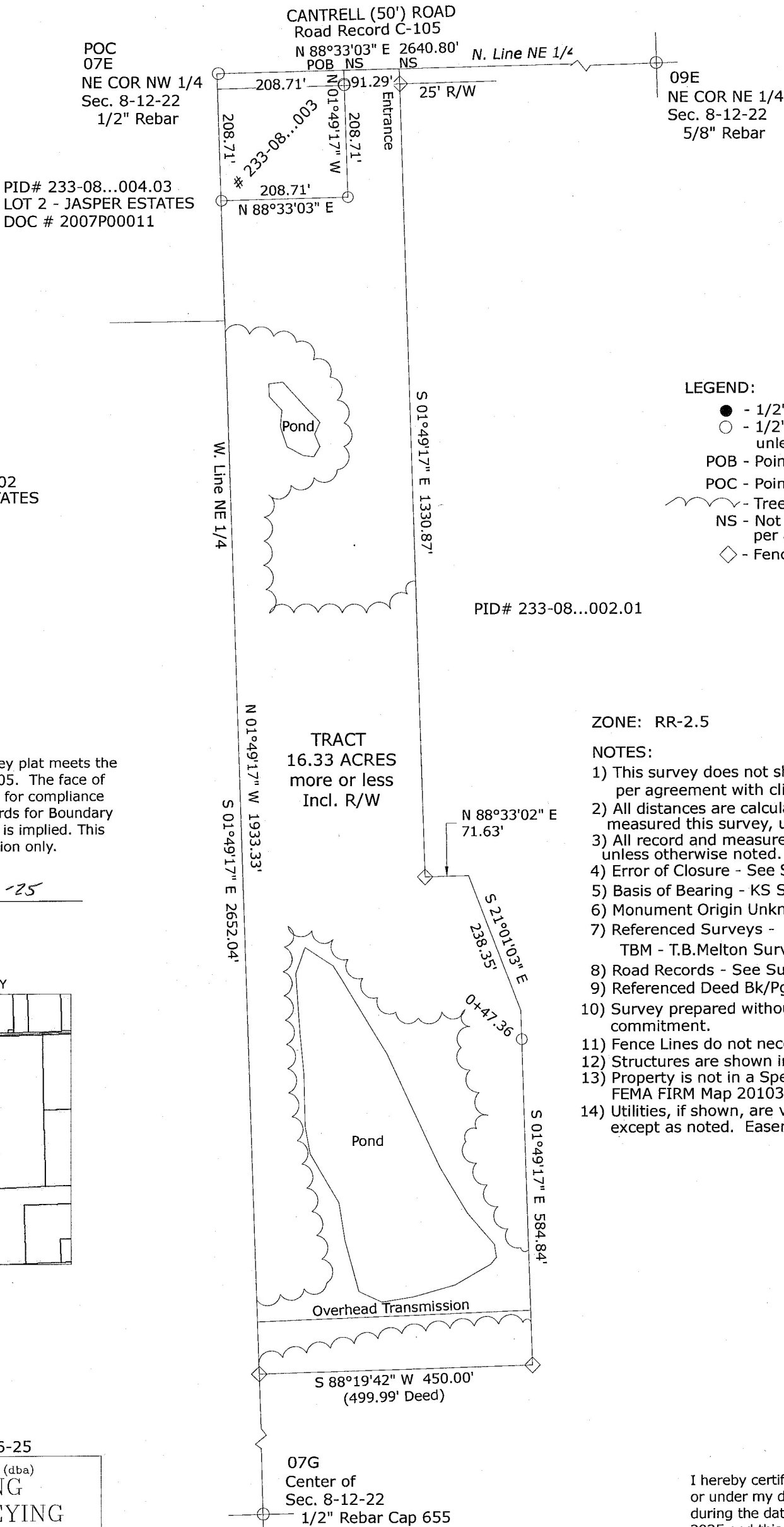
Together with and subject to covenants, easements, and restrictions of record.

Said property contains 16.33 acres, more or less, including road right of way.

Error of Closure: 1 - 619307

PREPARED FOR:
SHEETS, DEAN A
00000 CANTRELL RD
LINWOOD, KS 66052
PID NO. 233-08-0-00-00-002

DOC #: 20258072
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
10/17/2025 04:39:34 PM
RECORDING FEE: 32.00
PAGES: 1



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
- ◇ - Fence Corner Post

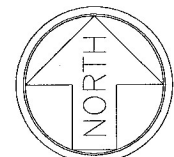
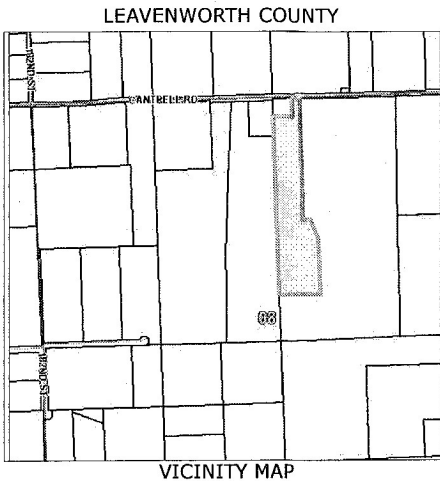
ZONE: RR-2.5

NOTES:

- 1) This survey does not show ownership or easements, per agreement with client
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All record and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Surveyor's Description
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Referenced Surveys -
TBM - T.B.Melton Survey dated April, 1996
- 8) Road Records - See Survey
- 9) Referenced Deed Bk/Pg - 502/1264, 719/117
- 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 per FEMA FIRM Map 20103C0350G dated July 16, 2015
- 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.

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 10-17-25
Daniel Baumchen, PS#1363
County Surveyor



Scale 1" = 200'
Job #K-25-1680-23
October 10, 2025 Rev. 10-16-25

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 August 2023 through October 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

Schweitzer, Joshua

From: McAfee, Joe
Sent: Monday, October 20, 2025 4:23 PM
To: Schweitzer, Joshua; Brown, Misty; Khalil, Jon; Noll, Bill
Cc: PZ
Subject: RE: DEV-25-119 Mcdonald/Sheets Variance

Josh,
PW has no comment on the BZA request.

From: Schweitzer, Joshua
Sent: Monday, October 20, 2025 2:05 PM
To: Magaha, Chuck ; Brown, Misty ; Khalil, Jon ; Noll, Bill ; McAfee, Joe ; 'adedeke@lvsheriff.org' ; 'kritter@lvcofd2.com' ; 'dritter@lvcofd2.com'
Cc: PZ
Subject: DEV-25-119 Mcdonald/Sheets Variance

Good Afternoon,

The Department of Planning and Zoning has received a request for a Variance from Article 5, Section 4., minimum road frontage requirement within the RR-2.5 zoning district for the property located at 233-08-0-00-00-002.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by November 3, 2025.

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

v / r

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

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Thursday, October 23, 2025 8:11 AM
To: Schweitzer, Joshua
Subject: RE: DEV-25-119 Mcdonald/Sheets 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

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
Sent: Monday, October 20, 2025 2:05 PM
To: Magaha, Chuck ; Brown, Misty ; Khalil, Jon ; Noll, Bill ; McAfee, Joe ; 'adedeke@lvsheriff.org' ; 'kritter@lvcofd2.com' ; 'dritter@lvcofd2.com'
Cc: PZ
Subject: DEV-25-119 Mcdonald/Sheets Variance

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v / r

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

Schweitzer, Joshua

From: Dylan Ritter <dritter@lvcofd2.com>
Sent: Thursday, October 23, 2025 2:26 PM
To: Schweitzer, Joshua
Subject: Re: DEV-25-119 Mcdonald/Sheets Variance

Leavenworth County Fire District #2 has no comments or concerns regarding this variance request.

Thank you

On Mon, Oct 20, 2025 at 2:04 PM Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov> wrote:

Good Afternoon,

The Department of Planning and Zoning has received a request for a Variance from Article 5, Section 4., minimum road frontage requirement within the RR-2.5 zoning district for the property located at 233-08-0-00-00-002.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by November 3, 2025.

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

--

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

11/18, 2025

Mr. Joshua Schweitzer
Development Planning
Leavenworth County Planning and Zoning Department
300 Walnut, Suite 212
Leavenworth, Kansas 66048

Dear Mr. Schweitzer,
I am opposed to a variance for parcel number 233-08-0-00-00-002, site address 00000 Cantrell Road.

Opposing this variance is uncomfortable. I know the potential buyers and welcome them as neighbors. I am angry that they have been misled, especially knowing solutions have been offered and ignored by the seller and her realtor.

I understand that the smallest lot allowed in our neighborhood is a 2.5 acre lot that has a minimum of 200 feet facing the road (frontage). I could understand requesting a variance if the frontage was close to 200 feet, but this case requests a variance for less than half the required frontage.

This variance problem was created by the people who represented and advised Mr. Dean Sheets on obtaining a reverse mortgage. Instead of obtaining a reverse mortgage on the entire piece of land owned by Mr Sheets, a 1 acre lot was carved out that includes a house but not its septic field. And it left this parcel without adequate frontage for a new home.

The realtor who listed the property should have advised the seller that the frontage was not adequate as a homestead. It could have been listed as farm land or hunting land. Instead he listed the property as "build-able anywhere". He wrote a contract to sell the land, knowing the buyers intended to build a house and then he assured them that "they would get a variance". This does not seem ethical.

The seller has been offered solutions to the frontage problem. The neighbors to the east offered to trade land and make a boundary adjustment so that a variance is not needed. Why has this not been pursued?

Separate from this frontage variance question, I have multiple questions about the 1 acre bank-owned lot. Why was a single acre lot allowed? Was a variance granted? Why were neighbors not notified then? May the rest of us sell 1 acre building sites without platting?

If rules can be broken as easily as this case suggests, then why have the rule? It is a bad precedent to set, especially when other solutions are available.

Sincerely,



Katherine Claflin
17580 Cantrell Road
Linwood, Ks

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-25-126 & 127 Foxridge Acres 4th Plat

December 10, 2025

REQUEST: *Consent Agenda*

☒ Preliminary Plat ☒ Final Plat

STAFF REPRESENTATIVE:

JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 00000 Woodend Road



APPLICANT/APPLICANT AGENT:

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

PROPERTY OWNER:

Linwood Development LLC
49 Landscape LN
Camdenton, MO 65020

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 16, Township 10 South, Range 21, East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-25-126 & 127, Preliminary & Final Plat for Foxridge Acres 4th Plat, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-126 & 127, Preliminary & Final Plat for Foxridge Acres 4th Plat to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 19.30 ACRES

PARCEL ID NO:

197-35-0-00-00-001.05

BUILDINGS:

N/A

PROJECT SUMMARY:

Request for preliminary & final plat approval to subdivide property located at 00000 Woodend Road (197-35-0-00-00-001.05) as Lots 01 through 08 of Foxridge Acres 4th Plat.

ACCESS/STREET:

198th Street & Woodend Road - Local,
Gravel \pm 23'

Location Map: FUTURE LAND USE DESIGNATION



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: FD# 2

WATER: RWD 10

ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW:

12/3/2025

NEWSPAPER NOTIFICATION:

N/A

**NOTICE TO SURROUNDING
PROPERTY OWNERS:**

N/A

STANDARDS TO BE CONSIDERED:			
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	
50-50	Sensitive Land Development	N/A	
50-60.	Dedication of Reservation of Public Sites and Open Spaces	N/A	

STAFF COMMENTS:

The applicant is proposing to divide a 19.30-acre parcel into eight (8) 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 will approximately be 2.5 acres in size. All lots meet the requirements for the RR-2.5 zoning district.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available. If the infrastructure is not available to support fire hydrants, a letter from the Water District stating such must be provided prior to any building permit being issued.
5. Verification of a bond with water district or verification of payment for water line extension prior to recording the plat.
6. Must provide updated plats in compliance with all outstanding review comments made by County Staff prior to recording.
7. The developer must comply with the following memorandums:
Memo – RWD 10, dated September 24, 2025

PROPOSED MOTIONS:

Approve case DEV-25-126/127, a request to plat the property located at 00000 Woodend Rd. into an 8-lot subdivision in conformance with the Zoning and Subdivision Regulations with a majority vote; or

Motion: Chairman, I find that the subdivision request complies with the Zoning and Subdivision Regulations and move to recommend approval to the Board of County Commissioners of the request as outlined in Case DEV-25-126/127 based on the recommendation of Planning Staff and the findings as set forth in the Staff Report.

Deny case DEV-25-126/127, a request to plat the property located at 00000 Woodend Rd. into an 8-lot subdivision not in conformance with the Zoning and Subdivision Regulations with a majority vote; or

Motion: Chairman, I find that the subdivision request does not comply with the Zoning and Subdivision Regulations (list Article and Section #) and move to recommend denial to the Board of County Commissioners as outlined in Case DEV-25-126/127

Table the case to a date and time certain for additional information.

Motion: Chairman, I move to table Case No. DEV-25-126/127 to (Date and Time) requesting additional information for (STATE THE REASON(S)).

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

Office Use Only

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

APPLICANT/AGENT INFORMATION

OWNER INFORMATION

NAME: Herring Surveying Company NAME: Robert E. Fox - Linwood Development LLC
MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 49 Landscape Lane
CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Camdenton, MO 65020
PHONE: 913-651-3858 PHONE: N/A
EMAIL : herringsurveying@outlook.com EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: FOX RIDGE ACRES 4th PLAT
Address of Property: 00000 Woodend Road
PID: 195-35-0-00-00-001.05 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: <u>20 Ac</u>	Number of Lots: <u>8</u>	Minimum Lot Size: <u>2.5 Ac</u>
Maximum Lot Size: <u>2.5 Ac</u>	Proposed Zoning: <u>RR 2.5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>RWD 10</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Sherman</u>	Electric Provider: <u>Evergy</u>	Natural Gas Provider: <u>Atmos / Propane</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</u>	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.</i>	1.	
	2.	
	3.	
	4.	
	5.	

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

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

Signature: Joe Herring - digitally signed 10-24-25

Date: 10/24/25

ATTACHMENT A



121 Express Lane, Suite A Lansing, KS 66043
913-682-3368

OWNERS AND ENCUMBRANCE REPORT SCHEDULE A

1. Effective Date: **10/22/2025 07:00 AM** **Case No: 49333**
2. Title to the **Fee Simple** estate or interest in the land described or referred to in this Report is as the effective date hereof vested in:
LINWOOD DEVELOPMENT, LLC, a Kansas Limited Liability Company
3. The land referred to in this Report is described as follows:
0 Woodend Rd Linwood, KS 66052

See Page 2 Schedule A for Legal Description

The undersigned is a duly licensed and qualified abstractor for the State of Kansas, a member in good standing of the Kansas Land Title Association and the American Land Title Association whose bond as required by law is in force at the date of this report.

Lawyers Title of Topeka, Inc.

Abstracter

Lawyers Title of Kansas, Inc.

OWNERS AND ENCUMBRANCE REPORT

SCHEDULE A Legal Description

Case No.: 49333

Tract of land in the Northeast Quarter of Section 35, 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, 2023, and more fully described as follows: Commencing at the Southwest corner of said Northeast Quarter; thence North 88 degrees 20'06" East for a distance of 2081.67 feet along the South line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence North 02 degrees 07'09" West for a distance of 1620.63 feet; thence North 87 degrees 52'51" East for a distance of 550.00 feet to the East line of said Northeast Quarter; thence South 02 degrees 07'09" East for a distance of 1624.98 feet along the said East line to the Southeast corner of said Northeast Quarter; thence South 88 degrees 20'06" West for a distance of 550.02 feet along the South line of said Northeast Quarter to the point of beginning.

[The following is/are the last document(s) transferring title of record and are provided for informational purposes only:

Quit Claim Deed dated August 23, 2024, executed by Laura M. Schnell, a single person, to LINWOOD DEVELOPMENT, LLC, a Kansas Limited Liability Company, filed October 18, 2024 at 9:19 AM, and recorded in Document No. 2024R07756.

Quit Claim Deed dated August 22, 2024, executed by Bridget A. Howard fka Brigett A. Fox aka Bridget A. Fox, a single person, to LINWOOD DEVELOPMENT, LLC, a Kansas Limited Liability Company, filed October 18, 2024 at 9:19 AM, and recorded in Document No. 2024R07757.

Quit Claim Deed dated August 20, 2024, executed by Irene A. Haugen, a single person, to LINWOOD DEVELOPMENT, LLC, a Kansas Limited Liability Company, filed October 18, 2024 at 9:19 AM, and recorded in Document No. 2024R07758.

Quit Claim Deed dated August 31, 2024, executed by Linda L. Harding, a single person, to LINWOOD DEVELOPMENT, LLC, a Kansas Limited Liability Company, filed October 18, 2024 at 9:19 AM, and recorded in Document No. 2024R07759.

Quit Claim Deed dated October 11, 2024, executed by Mary A. Knight fka Mary A. Fox and William C. Knight, wife and husband, to LINWOOD DEVELOPMENT, LLC, a Kansas Limited Liability Company, filed October 18, 2024 at 9:19 AM, and recorded in Document No. 2024R07760.

Quit Claim Deed dated August 28, 2024, executed by Robert K. Fox and Patricia J. Fox, husband and wife, to LINWOOD DEVELOPMENT, LLC, a Kansas Limited Liability Company, filed October 18, 2024 at 9:19 AM, and recorded in Document No. 2024R07761.

Quit Claim Deed dated August 26, 2024, executed by Michelle R. Millan aka Michelle R. Malan and Michael Millan, wife and husband, to LINWOOD DEVELOPMENT, LLC, a Kansas Limited Liability Company, filed October 18, 2024 at 9:19 AM, and recorded in Document No. 2024R07762.]

AFFIDAVIT

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

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Robert K Fox and Linwood Development, LLC

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 198th & Woodbine Rd, Linwood, KS, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

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

2)

Signed and entered this _____ day of _____, 20__.

Robert Fox 49 Landscape Ln 65020 573-881-7867

Print Name, Address, Telephone

Robert K Fox

Signature

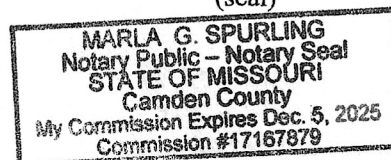
Missouri
STATE OF ~~KANSAS~~)
Camden) SS
COUNTY OF ~~LEAVENWORTH~~)

Be it remember that on this 24 day of Oct 2025, before me, a notary public in and for said County and State came Robert Fox 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.

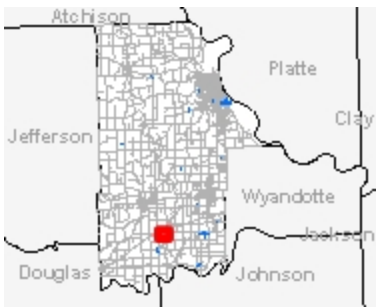
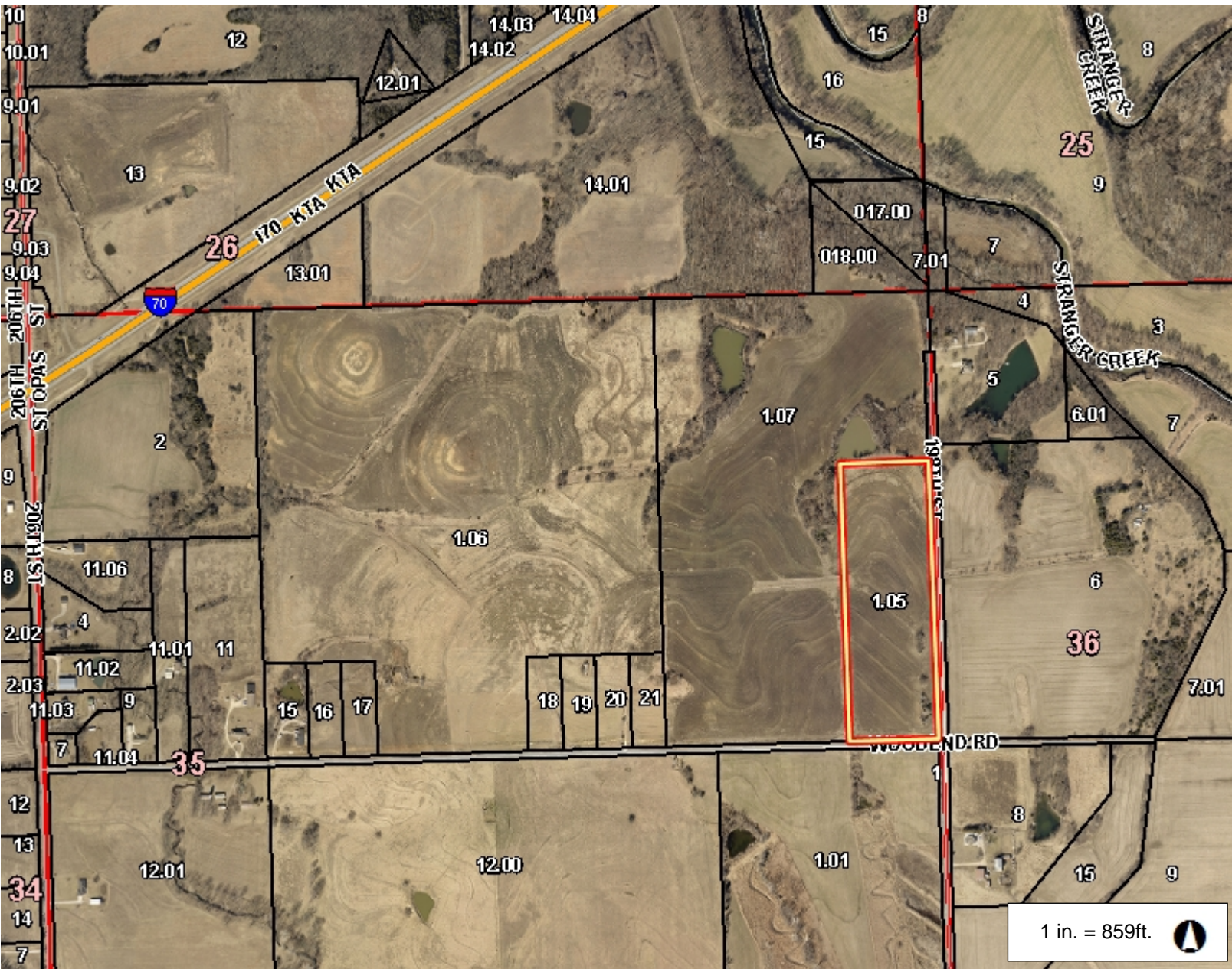
NOTARY PUBLIC Marla G Spurling

My Commission Expires: Dec 5, 2025

(seal)




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. = 859ft. 

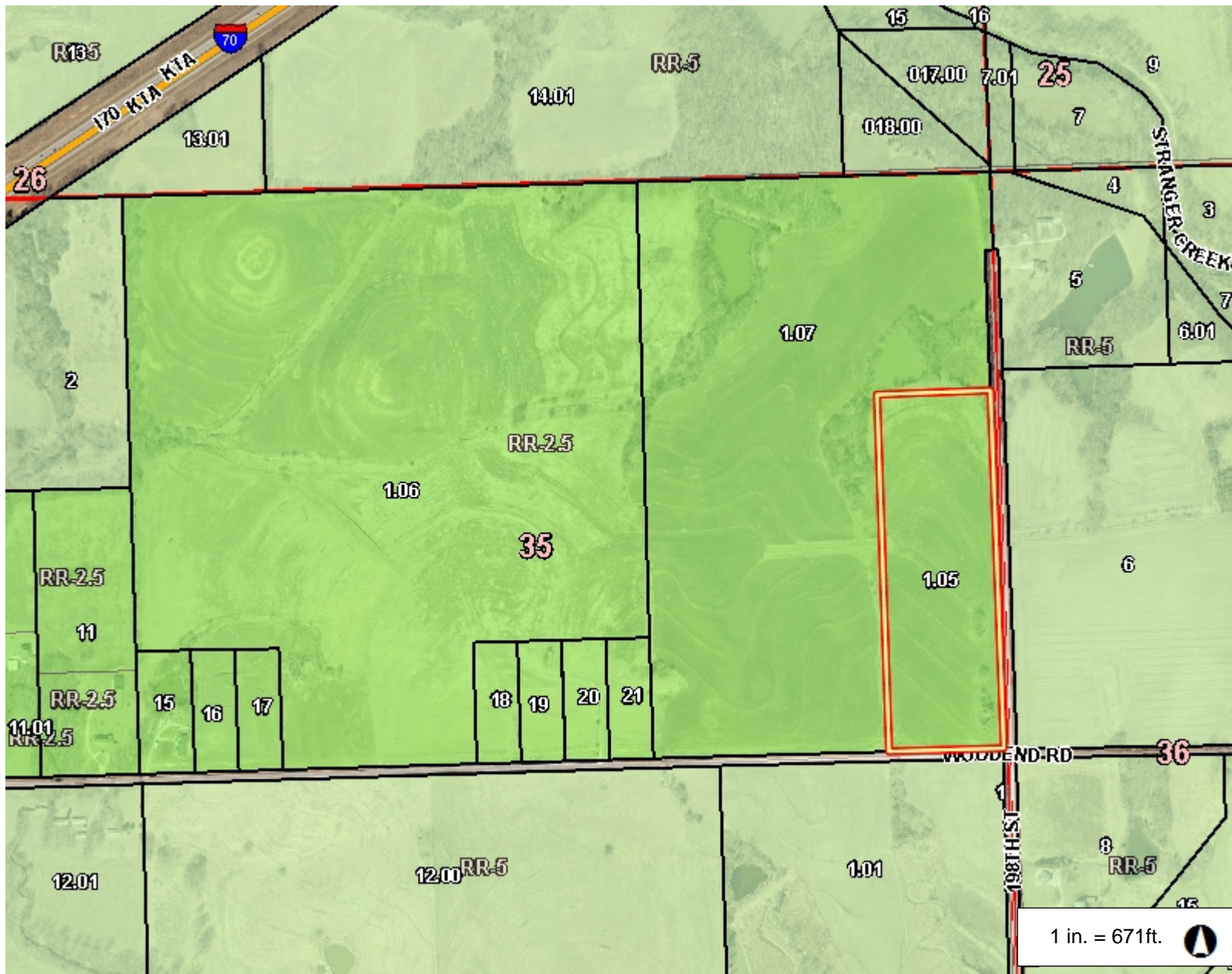
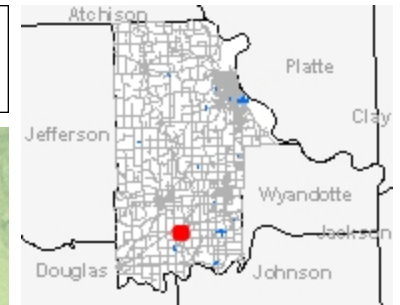
Notes

1,718.1	0	859.06	1,718.1 Feet
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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

1,342.7 0 671.35 1,342.7 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

11/24/25 - Review. No Further Comment.

Acres of Foxridge 4th Plat
Leavenworth County Kansas

Drainage Report

July 2, 2025

Revised November 18, 2025



ACRES OF FOXRIDGE 4TH PLAT

A Minor Subdivision in the Southeast Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
LINWOOD DEVELOPMENT LLC
49 LANDSCAPE LN
CAMDENTON, MO 65020
PID NO. 197-35-0-00-00-001.05

RECORD DESCRIPTION:
Tract of land in the Northeast Quarter of Section 35, 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, 2023, and more fully described as follows: Commencing at the Southwest corner of said Northeast Quarter; thence North 88 degrees 20'06" East for a distance of 2081.67 feet along the South line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence North 02 degrees 07'09" West for a distance of 1620.63 feet; thence North 87 degrees 52'51" East for a distance of 550.00 feet to the East line of said Northeast Quarter; thence South 02 degrees 07'09" East for a distance of 1624.98 feet along the said East line to the Southeast corner of said Northeast Quarter; thence South 88 degrees 20'06" West for a distance of 550.02 feet along the South line of said Northeast Quarter to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 20.49 acres, more or less, including road right of way.
Error of Closure: 1 - 427277

KC BARND COMPANY LLC
PID NO. 197-35...001.07

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
○ - 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

RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to the current Access Management Policy
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) No off-plat restrictions.

ZONING:

RR 2.5 - Rural Residential 2.5

NOTES:

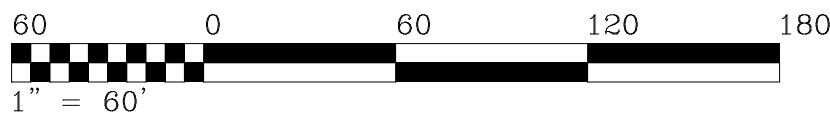
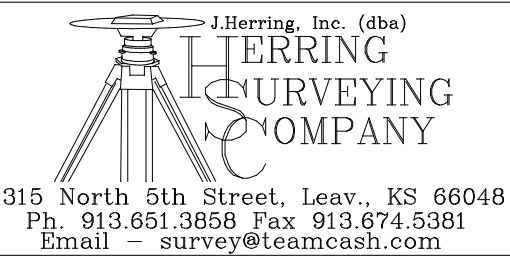
- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Error of Closure Calculations
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Proposed Lots for Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD88
Project Benchmark (BM) - SE COR Section 35 - Elev - 855'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Doc #2024R07760
- 12) Utility Companies -
- Water - Water District 10
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
- 13) Reference Lawyer's Title Company File Number 49333
updated October 22, 2025
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0325G dated July 16, 2015
- 15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
- 16) Distances to and of structures, if any, are + 1'.
- 17) Easements as per referenced Title Commitment are shown hereon, if any.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:
DGW - D.G.White Surveys S-12 #49 1984, S-12 #30 1987 NKA 1987S030
KH - K. Herring Survey 1977
JAH - J.A.Herring Survey Doc # 2023S018
ACRES OF FOXRIDGE 2ND PLAT Doc # 2023P00036



Scale 1" = 60'

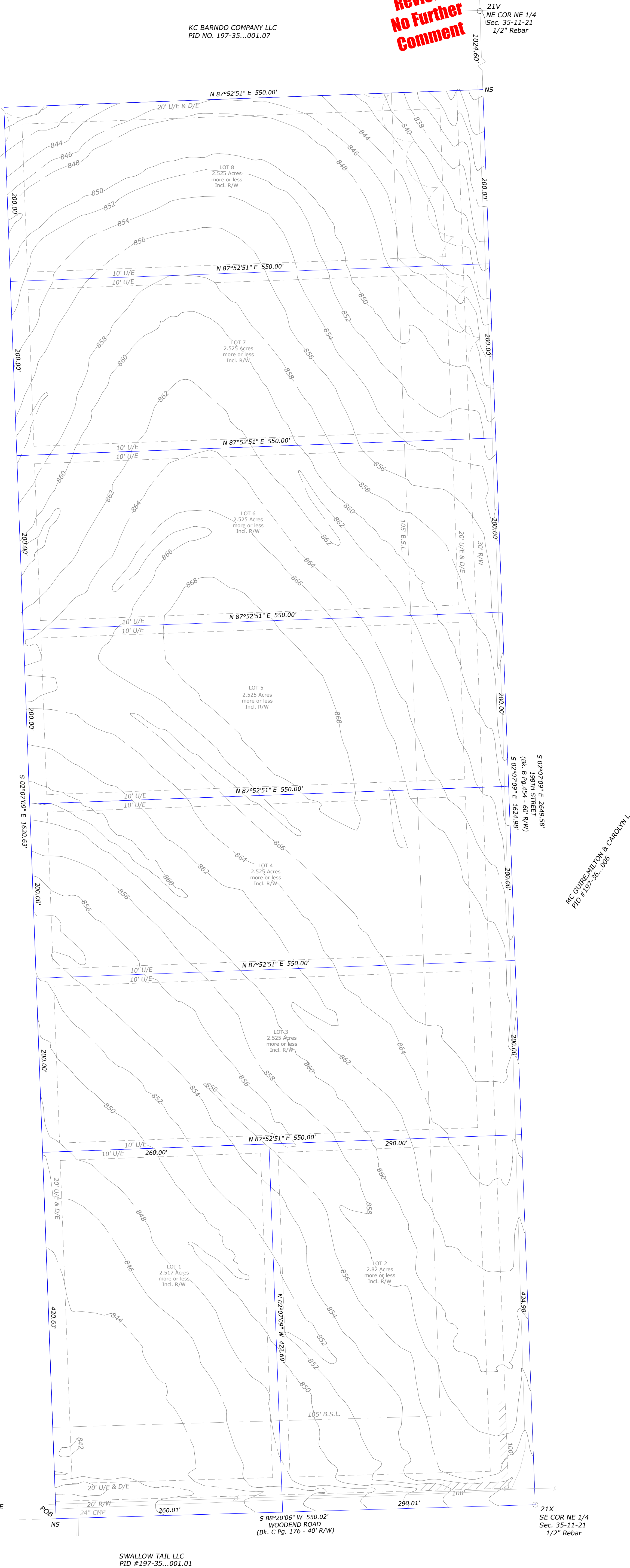


Job # K-25-1645 - 4th
October 23, 2025 Rev. 11/20/25



11-24-25
PW Combined

Review
No Further
Comment



ACRES OF FOXRIDGE 4TH PLAT

A Minor Subdivision in the Northeast Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
LINWOOD DEVELOPMENT LLC
49 LANDSCAPE LN
CAMDEN TON, MO 65020
PID NO. 197-35-0-00-00-001.05

RECORD DESCRIPTION:
Tract of land in the Northeast Quarter of Section 35, 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, 2023, and more fully described as follows: Commencing at the Southwest corner of said Northeast Quarter; thence North 88 degrees 20'06" East for a distance of 2081.67 feet along the South line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence North 02 degrees 07'09" West for a distance of 1620.63 feet; thence North 87 degrees 52'51" East for a distance of 550.00 feet to the East line of said Northeast Quarter; thence South 02 degrees 07'09" East for a distance of 1624.98 feet along the said East line to the Southeast corner of said Northeast Quarter; thence South 88 degrees 20'06" West for a distance of 550.02 feet along the South line of said Northeast Quarter to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 20.49 acres, more or less, including road right of way. Error of Closure: 1 - 427277

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: ACRES OF FOXRIDGE 4TH 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 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 ACRES OF FOXRIDGE 4TH PLAT, have set our hands this _____ day of _____, 2025.

Robert E. Fox, Member
LINWOOD DEVELOPMENT LLC

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2025, before me, a notary public in and for said County and State came Robert K. Fox, Member of Linwood Development LLC, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC
My Commission Expires: _____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of ACRES OF FOXRIDGE 4TH PLAT this _____ day of _____, 2025.

Secretary
John Jacobson
Chairman
Jeff Spink

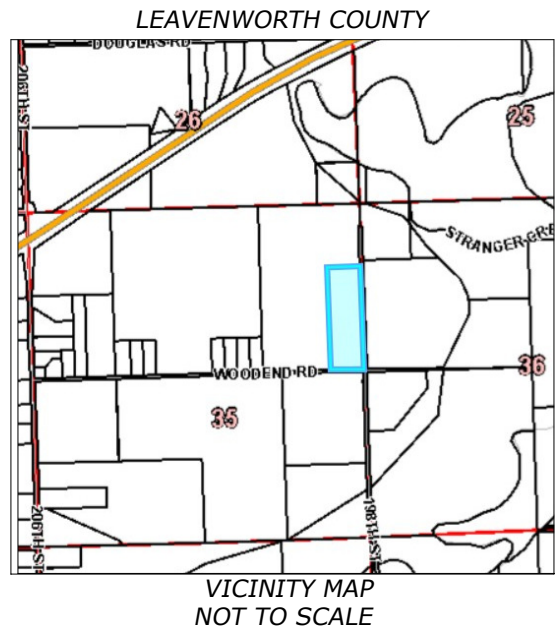
COUNTY ENGINEER'S APPROVAL:
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of ACRES OF FOXRIDGE 4TH PLAT this _____ day of _____, 2025.

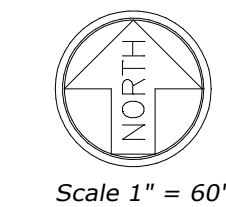
Chairman
Mike Smith
County Clerk
Attest: Fran Keppler

- 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 Error of Closure Calculations
 - 5) Basis of Bearing - KS SPC North Zone 1501
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88
Project Benchmark (BM) - SE COR Section 35 - Elev - 855'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Doc #2024R07760
 - 12) Utility Companies -
 - Water - Water District 10
 - Electric - Evergy
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - 13) Reference Lawyer's Title Company File Number 49333 updated October 22, 2025
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0325G dated July 16, 2015
 - 15) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 15' (Accessory - 15')
 - All rear yard setbacks - 40' (Accessory - 15')
 - 16) Distances to and of structures, if any, are +- 1'.
 - 17) Easements as per referenced Title Commitment are shown hereon, if any.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
 - DGW - D.G.White Surveys S-12 #49 1984 NKA 1984S049, S-12 #30 1987 NKA 1987S030
 - KH - K. Herring Survey 197
 - JAH - J.A.Herring Survey Doc # 2023S018
 - ACRES OF FOXRIDGE 2ND PLAT Doc # 2023P00036

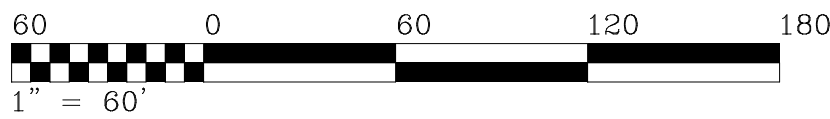


REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2025 at _____ o'clock _____ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Todd



Job # K-25-1645 - 4th
October 23, 2025 Rev. 12-3-25
J. HERRING, Inc. (dba)
SURVEYING
COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@examcash.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.

Reviewed 2025.12.04 No Comments

Daniel Baumchen, PS#1363
County Surveyor

POC
19X
SW COR NE 1/4
Sec. 35-11-21
1/2" Rebar Cap 356

SWALLOW TAIL LLC
PID #197-35...001.01

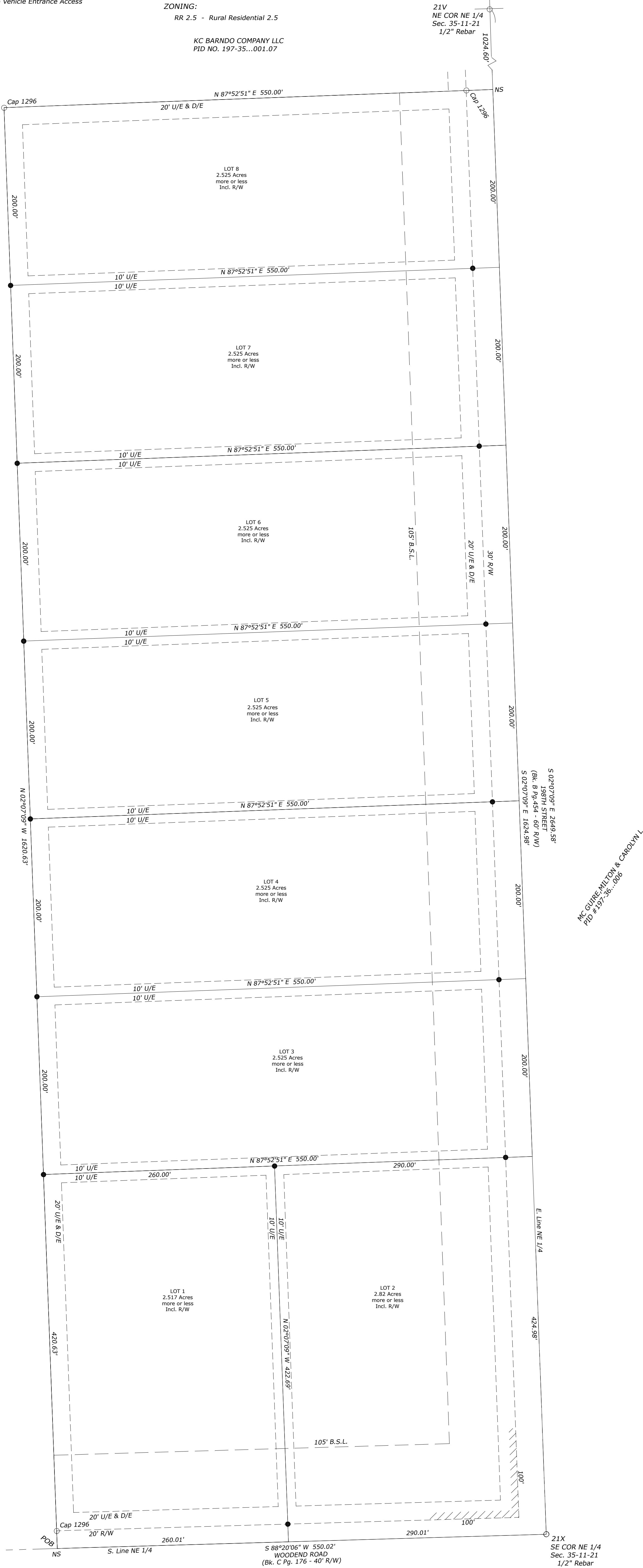
- LEGEND:
- - 1/2" Rebar Set with Cap No.1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - - Concrete Base around Point
 - △ - PK Nail Found in Place
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated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

RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to the current Access Management Policy
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) No off-plat restrictions.

ZONING:
RR 2.5 - Rural Residential 2.5

KC BARND COMPANY LLC
PID NO. 197-35...001.07



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of October through November 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Wednesday, November 5, 2025 12:27 PM
To: Schweitzer, Joshua
Subject: RE: DEV-25-126 & 127 Preliminary & Final Plat Foxridge Acres 4th Plat - Herring

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

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

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

From: Schweitzer, Joshua
Sent: Monday, November 3, 2025 1:44 PM
To: Magaha, Chuck ; 'adedeke@lvsheriff.org' ; Miller, Jamie ; Noll, Bill ; McAfee, Joe ; 'Mitch Pleak' ; Brown, Misty ; Khalil, Jon ; 'dritter@lvcofd2.com' ; 'kritter@lvcofd2.com' ; 'designgrouplawrenceservicecenter@evergy.com'
Cc: PZ
Subject: DEV-25-126 & 127 Preliminary & Final Plat Foxridge Acres 4th Plat - Herring

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 8-lot subdivision at 197-35-0-00-00-001.05.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by November 18, 2025.

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

v / r

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

Schweitzer, Joshua

From: Ryan McCallister <Ryan.McCallister@evergy.com>
Sent: Friday, November 7, 2025 10:51 AM
To: PZ
Subject: DEV-25-126 & 127 Preliminary & Final Plat Foxridge Acres 4th Plat - Herring

Internal Use Only

Good morning,

Evergy sees no conflict with this plat and will be able to provide power to each lot.

Thank you!

Ryan McCallister
Evergy
Distribution Designer
ryan.mccallister@Evergy.com
O (785) 865-4844

Schweitzer, Joshua

From: Dylan Ritter <dritter@lvcofd2.com>
Sent: Thursday, December 19, 2024 9:50 AM
To: Johnson, Melissa
Subject: Re: FW: Acres of Foxridge 3rd Plat review

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. Adequate fire hydrants are shown in the plans for this project.

Thank you

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

On Tue, Dec 17, 2024 at 10:13 Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

Sorry about the last email. This one is correct.

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



September 24, 2025

Joe Herring
Herring Surveying Company
315 N 5th St
Leavenworth, KS 66048

Dear Mr. Herring,

This letter is in response to your request for water service for ACRES OF FOXRIDGE 4TH PLAT lots 1-8 along Woodend Rd and 198th St in Linwood, Kansas.

This is in RWD10's district area. There is an existing line that runs down Woodend Rd that can provide service to lots 1 and 2. However, lots 3-8 would require a line extension to provide service. The developer is working directly with our engineer, and this project will be at developer's expense. Once completed and approved by the District, water will be available to those lots.

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

Regards,

Steve Conley | District Manager
Leavenworth Rural Water District 10

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-25-131 Final Plat Porth Acres

December 10, 2025

REQUEST: *Consent Agenda*

☐ Preliminary Plat ☒ Final Plat

STAFF REPRESENTATIVE:

JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 17210 Hemphill Rd & 00000 Linwood Rd.



APPLICANT/APPLICANT AGENT:

Krystal Voth
Atlas Land Consulting
14500 Parallel Road Suite R
Basehor, KS 66007

PROPERTY OWNER:

Porth Trust
17210 Hemphill Rd
Bonner Springs, KS 66012

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:

RR-2.5

LEGAL DESCRIPTION:

A Minor Subdivision in the Southwest Quarter of Section 28, Township 11 South, Range 22, East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-25-131 Final Plat Porth Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-131 Final Plat Porth Acres, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 194.8 ACRES

PARCEL ID NO:

188-28-0-00-00-010; 011

BUILDINGS:

Existing House & Outbuildings

PROJECT SUMMARY:

Request for a final plat approval to subdivide property located at 17210 Hemphill Rd & 00000 Linwood Rd. (188-28-0-00-00-010; 011) as Lots 01 through 13 of Porth Acres.

ACCESS/STREET:

174th Street & Hemphill Rd – Local, Gravel, ± 22'; Linwood Rd – State Hwy, Paved, ± 22'

Location Map: FUTURE LAND USE DESIGNATION



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: Fairmount

WATER: RWD 7

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:

12/3/2025

NEWSPAPER NOTIFICATION:

N/A

**NOTICE TO SURROUNDING
PROPERTY OWNERS:**

N/A

STANDARDS TO BE CONSIDERED:			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		Met	Not Met
35-40	Preliminary Plat Content – Approved by Planning Commission November 10th	X	
40-20	Final Plat Content	X	
41-6	Access Management	X	
41-6.B.a-c.	Entrance Spacing	X	
41-6.C.	Public Road Access Management Standards	X	
43	Cross Access Easements	X	
50-20	Utility Requirements	X	
50-30	Other Requirements	X	
50-40	Minimum Design Standards	X	
50-50	Sensitive Land Development	N/A	
50-60.	Dedication of Reservation of Public Sites and Open Spaces	N/A	

STAFF COMMENTS:

The applicant is proposing to divide approximately 194-acre parcel into 13 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 2 to 13 are approximately 2.5 acres in size. Lot 1 is approximately 168 acres. All lots are in compliant with the current zoning district requirements.

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. If the infrastructure is not available to support fire hydrants, a letter from the Water District stating such must be provided prior to any building permit being issued.
5. Must provide updated plats in compliance with all outstanding review comments made by County Staff prior to recording.
6. The developer must comply with the following memorandums:
Memo – RWD 7, dated July 14, 2025
Memo - Everygy, dated August 6, 2025
Memo - Emergency Management, dated September 2, 2025

PROPOSED MOTIONS:

Approve case DEV-25-131, a request to plat the property located at 17210 Hemphill Rd & 00000 Linwood Rd. into a 13-lot subdivision in conformance with the Zoning and Subdivision Regulations with a majority vote; or

Motion: Chairman, I find that the subdivision request complies with the Zoning and Subdivision Regulations and move to recommend approval to the Board of County Commissioners of the request as outlined in Case DEV-25-131 based on the recommendation of Planning Staff and the findings as set forth in the Staff Report.

Deny case DEV-25-131, a request to plat the property located at 17210 Hemphill Rd & 00000 Linwood Rd. into a 13-lot subdivision not in conformance with the Zoning and Subdivision Regulations with a majority vote; or

Motion: Chairman, I find that the subdivision request does not comply with the Zoning and Subdivision Regulations (list Article and Section #) and move to recommend denial to the Board of County Commissioners as outlined in Case DEV-25-131

Table the case to a date and time certain for additional information.

Motion: Chairman, I move to table Case No. DEV-25-131 to (Date and Time) requesting additional information for (STATE THE REASON(S)).

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

NAME: Krystal Voth, Atlas Land Consulting

MAILING ADDRESS: 14500 Parallel Road, Suite R

CITY/ST/ZIP: Basehor, KS 66007

PHONE: 417-622-2907

EMAIL : krystal@alconsult-llc.com

OWNER INFORMATION

NAME: Arthur P. Porth; Trust - Paul Bush

MAILING ADDRESS: 1505 Kenton Street (ATTN: Linda Hylton)

CITY/ST/ZIP: Leavenworth, KS 66048

PHONE: 913-269-0114

EMAIL: Paul Bush PaulB@firststateks.com

GENERAL INFORMATION

Proposed Subdivision Name: Porth Acres

Address of Property: 17210 Hemphill Road, Bonner Springs, KS 66012 and 00000 Linwood Road

PID: 188-28-0-00+00+010.00 & -011.00

Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: <u>200.24</u>	Number of Lots: <u>13</u>	Minimum Lot Size: <u>2.65</u>
Maximum Lot Size: <u>168</u>	Proposed Zoning: <u>RR 2.5</u>	Density: <u>.07</u>
Open Space Acreage: <u>200</u>	Water District: <u>RWD7</u>	Proposed Sewage: <u>On Site</u>
Fire District: <u>Fairmount</u>	Electric Provider: <u>EVERGY</u>	Natural Gas Provider: <u>N/A</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local – Collector – Arterial – State – Federal</u> <u>Local</u>	
Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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: Krystal A. Voth, Atlas Land Consulting

Date: 11/11/2025

ATTACHMENT A



SCHEDULE A

File No.: C25006993
Report Fee: \$350.00

INFORMATIONAL REPORT

1. Effective Date: June 9, 2025 at 8:00 A.M.
2. Fee Simple interest in the Land described in this Report is owned, at the Report Date, by:

Arthur P. Porth, Sole Trustee, or his successors in in trust, under the Arthur P. Porth Living Trust dated December 3, 2008
3. The land referred to in this Commitment is described as follows:

The West Half of the Southwest Quarter of Section28, Township 11 South, Range 22 East of the 6th PM, in Leavenworth County, Kansas.

Mary Middleton
Continental Title Company
1204 State Ave, Ste C
Tonganoxie, KS 66086

A handwritten signature in cursive script that reads 'Mary Middleton'.

By: _____

OWNER AUTHORIZATION

I/WE Arthur P. Porth Living Trust DATED 12/3/2008, hereby referred to as the
"Undersigned", being of lawful age, do hereby on this 7TH day of May, 2025, make the following
statements, to wit:

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

See Exhibit A attached hereto and incorporated herein by reference.
2. I/We the undersigned, have previously authorized and hereby authorize ATLAS LAND CONSULTING (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, 17210 Hemphill Rd (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.

Linda Hylton
Owner LINDA HYLTON, TRUSTEE

Owner

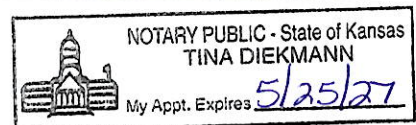
STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 7TH day of May, 2025,
by Linda Hylton

My Commission Expires: 5/25/27

Tina Diekmann

Notary Public



OWNER AUTHORIZATION

I/WE ARTHUR P. PORTY LIVING TRUST DATED 12/3/2008, hereby referred to as the
"Undersigned", being of lawful age, do hereby on this 7th day of May, 2025, make the following
statements, to wit:

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

See Exhibit A attached hereto and incorporated herein by reference.
2. I/We the undersigned, have previously authorized and hereby authorize ATLAS LAND
CONSULTING (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, _____
17210 Hemphill Rd (common address) the subject real property, or portion
thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily
required of Applicant in the application process.
3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County
Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter
collectively referred to as the "County"), free and harmless from and against any and all claims, losses,
penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether
false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any
and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and
character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of
this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the
Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any
such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all
other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
4. It is understood that in the event the Undersigned is a corporation or partnership then the individual
whose signature appears below for and on behalf of the corporation or partnership has in fact the
authority to so bind the corporation or partnership to the terms and statements contained within this
instrument.

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



Owner PAUL BUSH, TRUSTEE

Owner _____

STATE OF KANSAS
COUNTY OF LEAVENWORTH

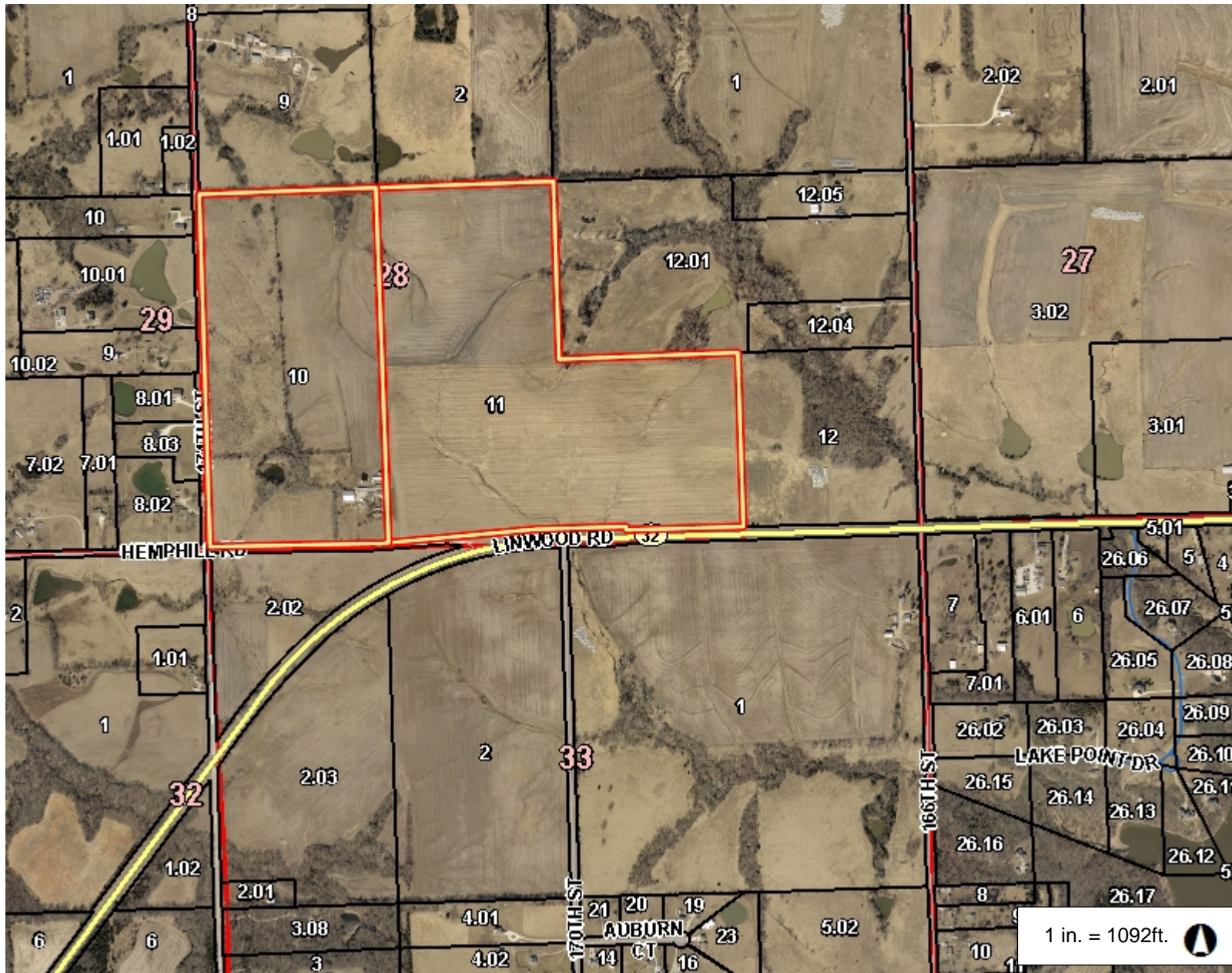
The foregoing instrument was acknowledge before me on this 7th day of May, 2025,
by Paul Bush

My Commission Expires: 5/25/27


Notary Public



Leavenworth County, KS



Legend

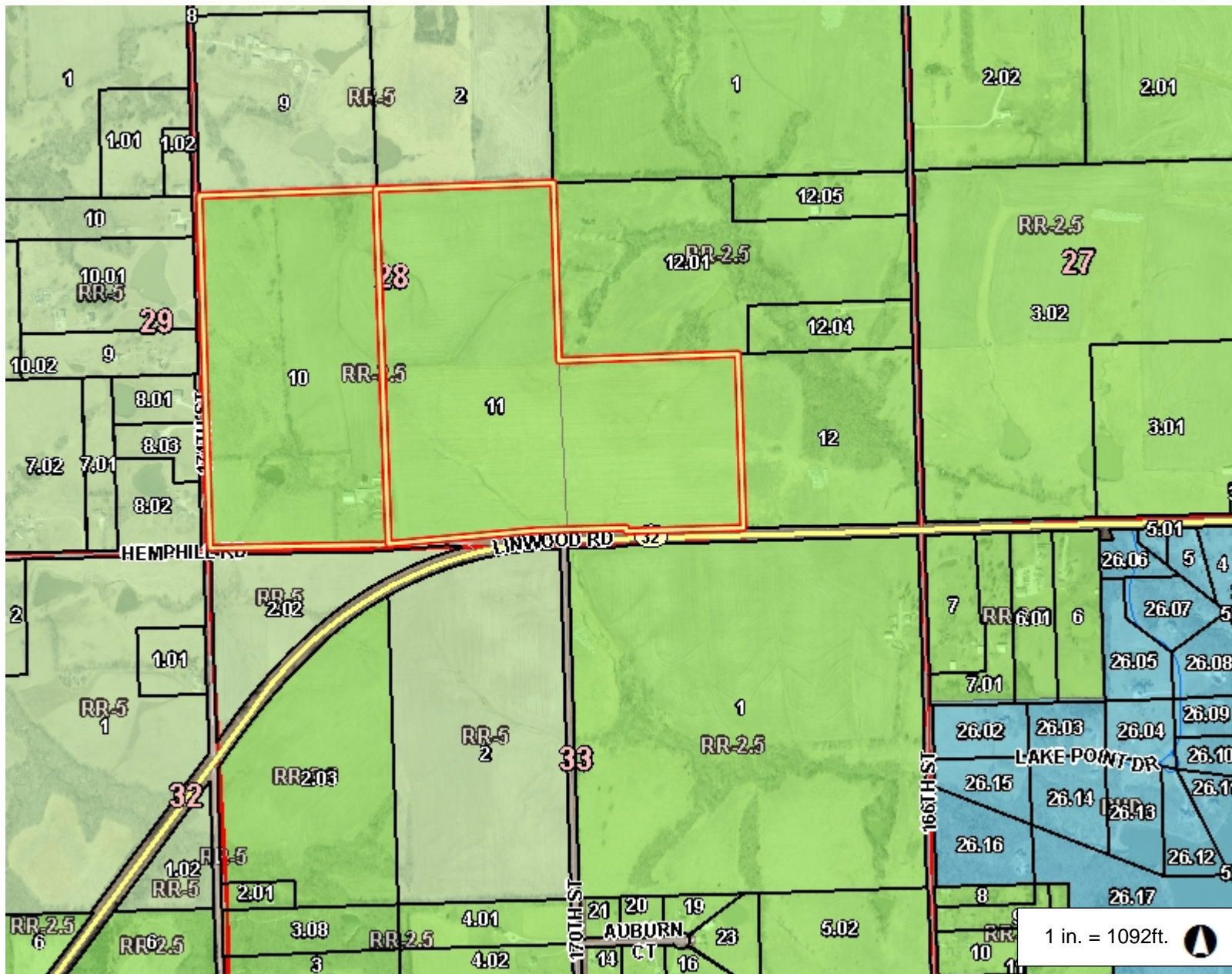
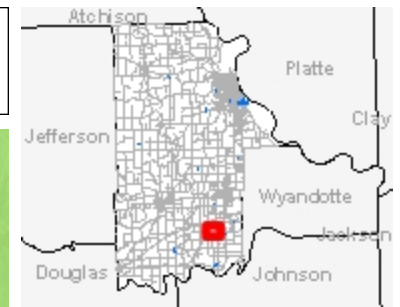
- Parcel Number
- Parcel
- City Limit Line
- Major Road
 - <all other values>
 - 70
- Road
 - <all other values>
 - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Leavenworth County, KS



Legend

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

Notes

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

11/24/25 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:

PORTH ACRES PLAT

17210 Hemphill Rd
Bonner Springs, Leavenworth County, KS 66012

Prepared for:

Arthur P Porth Trust
17210 Hemphill Rd.
Bonner Springs, KS 66012



Prepared by:

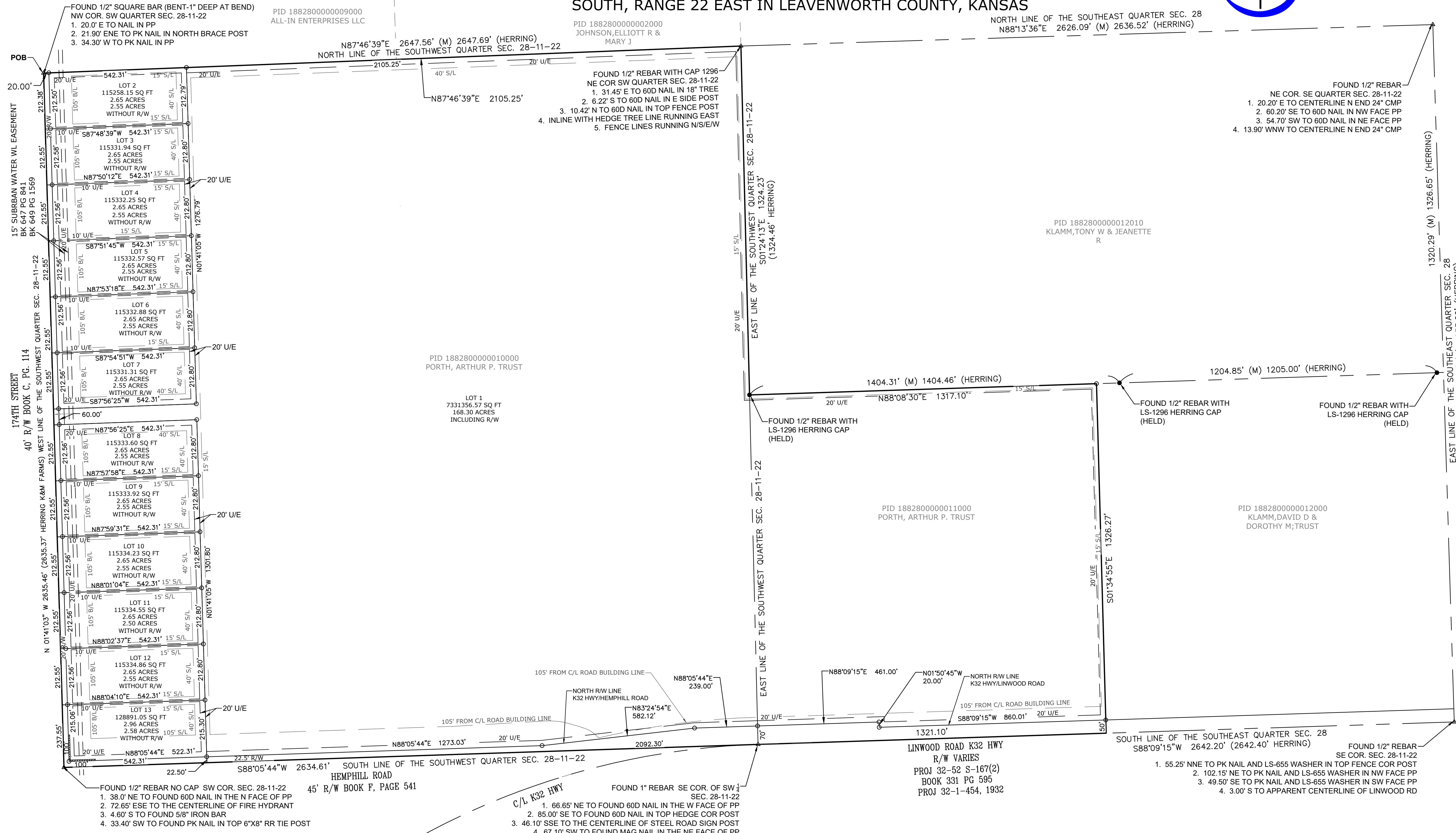
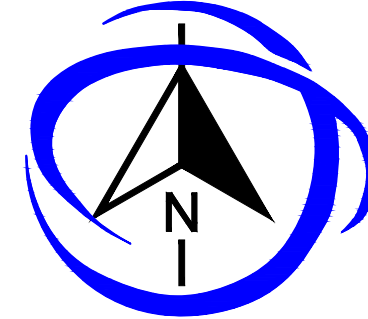
ATLAS LAND CONSULTING, LLC
14500 Parallel Rd Unit R
Basehor, Ks 66007
913-662-5050

June 13th, 2025

Revision	Date	By	Description
1	9/5/25	TAE	Eastern Property Added
2	10/8/25	TAE	Figure 1&2 coverage color fix
3	10/22/25	TAE	Area 4 & 5 coverage fix

PORTH ACRES

A SUBDIVISION OF LAND IN SECTION 28, TOWNSHIP 11
SOUTH, RANGE 22 EAST IN LEAVENWORTH COUNTY, KANSAS

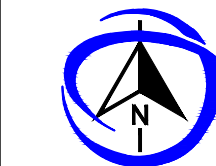


FINAL PLAT

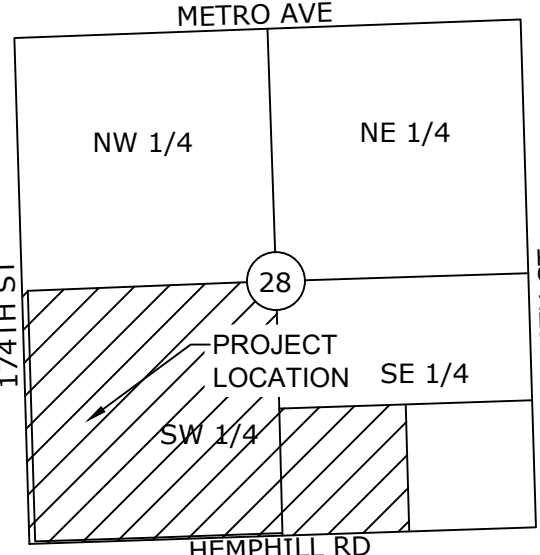
LEGEND

- SECTION CORNER
- BENCHMARK AS NOTED
- FOUND PROPERTY CORNER AS NOTED
- SET 1/2" X 24" REBAR CAP ALC KS CLS 363
- NO ACCESS

VICINITY MAP



SCALE: 1"=2000'
SEC. 28-11-22



GENERAL NOTES

- THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983.
- ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN US SURVEY FEET.
- FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20103C0350G EFFECTIVE JULY 16, 2015, THIS PLAT IS LOCATED IN ZONES "X".
- KS ONE CALL WAS NOT CALLED ON THIS SURVEY.
- THE MINIMUM FRONT YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 105 FEET FROM THE CENTERLINE OF THE ROAD.
- THE MINIMUM SIDE YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 15 FEET FROM EACH SIDE OF STRUCTURE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE SIDE PROPERTY LINE.
- THE MINIMUM REAR YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 40 FEET FROM THE STRUCTURE TO THE PROPERTY LINE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE REAR PROPERTY LINE.
- BENCHMARK - LVCO-2007-05-002-ELV-890.41
- CURRENT USE - RESIDENTIAL RR-2.5 / PROPOSED USE - RESIDENTIAL RR-2.5
- UTILITY INFORMATION:
 - WATER - RURAL WATER DISTRICT #7
 - ELECTRIC - EVERGY
 - SEWER - SEPTIC
 - GAS - PROPANE/NATURAL GAS
- CLOSURE PRECISION: 1 PART IN 44021090.000
- REFERENCE SURVEY:
 - SURVEY BY HERRING SURVEYING COMPANY DATED JUNE 13, 2008 DOC. #2008S026
 - K&M FARMS FINAL PLAT DOC. #2018P00003
- ACCESS TO LOT 1 ALONG KDOT HIGHWAY SHALL BE CONTROLLED BY KDOT.
- TITLE REPORT COMPLETED BY CONTINENTAL TITLE COMPANY DATED JUNE 9, 2025 AT 8:00 AM. FILE NO. C25006993
- FENCE LINES DO NOT DENOTE PROPERTY LINES.
- NO OFF-PLAT RESTRICTIONS DESIGNATED FOR THIS SUBDIVISION.
- AN ENGINEERING WASTE SYSTEM MAYBE REQUIRED DUE TO SOIL CONDITIONS.
- ALL LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY.
- ALL STRUCTURES MUST COMPLY WITH 2020-39 RESOLUTION, WHICH STATES ALL STRUCTURES MUST COMPLY WITH THE 2006 INTERNATIONAL BUILDING CODE.
- AN EROSION AND SEDIMENT CONTROL PLAN MUST BE EXECUTED WITH RE-VEGETATION OF DISTURBED AREAS WITHIN 45 DAYS OF FINAL GRADING.

This is to certify on this 2ND day of JUNE, 2025 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 WEISHAUBT PLS 1730

JOB NO:25-227S

SCALE

150 75 0 150
SCALE IN FEET

SEC-TWN-RNG

28-11S-22E

PREPARED FOR

ARTHUR P PORTH
TRUST

ADDRESS:
17210 HEMPHILL RD
BONNER SPRINGS, KS 66012
PID: 1882800000010000
PID: 1882800000011000

DATE

DECEMBER 5, 2025

DESCRIPTION DER DOC. # 2008R11599 & BK 511 PG 1265

THE WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWENTY-EIGHT (28) TOWNSHIP ELEVEN (11) SOUTH OF RANGE TWENTY-TWO (22) EAST OF THE 6TH P.M.

AND

THE EAST HALF OF THE SOUTHWEST QUARTER, AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE SIXTH PRINCIPAL MERIDIAN, CONTAINING 120 ACRES MORE OR LESS;

SURVEYORS SUGGESTED DESCRIPTION

A TRACT OF LAND IN SECTION 28, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE 6TH P.M., AS DESCRIBED BY ANDREA WEISHAUBT PLS 1730 ON DECEMBER 2, 2025, IN LEAVENWORTH COUNTY, KANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28;
THENCE NORTH 87°46'39" EAST, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2647.56 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE SOUTH 01°24'13" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 1324.23 FEET; THENCE NORTH 88°08'30" EAST, A DISTANCE OF 1317.10 FEET; THENCE SOUTH 01°34'55" EAST, A DISTANCE OF 1326.27 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28; THENCE SOUTH 88°09'15" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 1321.10 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE SOUTH 88°05'44" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 2634.61 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE NORTH 01°41'03" WEST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 2635.46 FEET TO THE POINT OF BEGINNING. CONTAINING 8728837.89 SQFT OR 200.38 ACRES INCLUDING ROAD RIGHT OF WAY MORE OR LESS.

12/5/2025 8:27 AM AUSTINTHOMPSON

CAD FILE : S:\Atlas Land Consulting\2025\Surveying\25-227S Paul Bush 17210 Hemphill Road Rezone Plat Drainage Study and Concept Plan\25-227 FINAL PLAT.dwg

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 "PORTH ACRES".

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.

TAXES FOR SUBJECT PROPERTY ARE PAID.

IN TESTIMONY WHEREOF,
I, undersigned owner of PORTH ACRES have set our hands this _____ day of _____, 20____.

OWNER

ACKNOWLEDGEMENT:

STATE OF KANSAS
COUNTY OF

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME

TO ME PERSONALLY KNOWN TO BE THE
SAME PERSON 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

PRINT NAME

My Commission Expires:

This plat of **PORTH ACRES** has been submitted and approved by Leavenworth County Planning Commission, this _____ day of _____, 202__.

CHAIRMAN -

SECRETARY -

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

(SEAL)

CHAIRPERSON - MIKE SMITH

ATTEST - COUNTY CLERK - FRAN KEPLER

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 - MITCH PLEAK

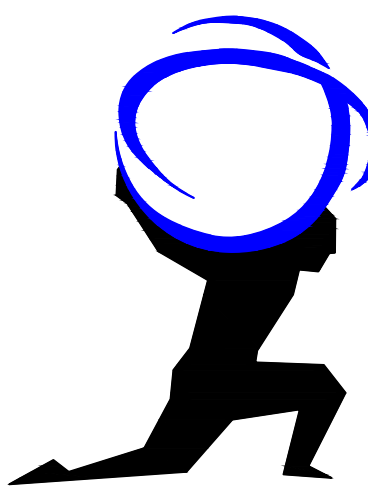
This is to certify that this instrument was filed for record in the Register of Deeds office on the _____ day of _____, 2026, in Book _____, Page _____.

REGISTER OF DEEDS, TERRILOIS G. TODD

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 2025.12.05 No Comments

LEAVENWORTH COUNTY SURVEYOR
DANIEL BAUMCHEN, PS-1363



ALC

ATLAS LAND CONSULTING
SURVEYING | CIVIL ENGINEERING | DRONE | CAD
atlaslandconsulting.com
14500 Parallel Road, Unit R, Basehor KS 66007

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



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>



Emailed: July 14, 2025

Krystal,

We have an existing water main and easement capable of providing water to the proposed lots on 174th street.

Any lots on Hemphill Rd requiring a water service would necessitate a water main extension. The cost of any needed extensions or upgrades to our current infrastructure would be the responsibility of the developer.

Please let us know if you have any additional questions.

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



August 6, 2025

Leavenworth County

Re: Porth Acres (14 lots 174th and Hemphill)

Dear Krystal:

At your request, Evergy is providing this acknowledgement that the above-mentioned property is within Evergy's service territory and, consequently, Evergy will serve the project consistent with its General Rules and Regulations. This correspondence is not a guarantee of service on any specific timeline. Changes, delays, or additions to the project's design, timeline, and installation may result in delays or additional equipment necessary to ensure service upon completion of the project. Additionally, Evergy is subject to the availability of distribution equipment and any supply chain disruptions may affect Evergy's ability to provide service.

All projects must conform to Evergy's Electrical Service Standards and service is dependent upon a timely application for electrical service and supporting information. Upon submission of updated project information, Evergy will work with you to provide information regarding our timeline for provision of service.

Sincerely,

Matt Roecker
TD Designer
Evergy
913-667-5116

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Porth Acres Subdivision
Date: September 2, 2025

Amy, I have reviewed the final plat of the Porth Acres Subdivision presented by Arthur P. Porth. The subdivision meets the requirements for fire hydrants and supported with a 6" water line as stated in the subdivision guidelines. The area, in which the subdivision is proposed, fire hydrants should be placed along 174th Street between Lot 9 and Lot 10 proceed 1000 feet North to Lot 3 and Lot 4 along the right of way. There is an existing fire hydrant at the intersection of 174th and Hemphill Road. These fire hydrants should provide this subdivision.

I have no further recommendation for this subdivision. The plat skips Lot 7, not for sure if this was intentional or not.

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

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Friday, August 8, 2025 2:35 PM
To: Schweitzer, Joshua
Subject: RE: DEV-25-089 Preliminary Plat Porth Acres - Atlas

We have received a couple complaints in the past about someone living in an RV on the property, but we have never been able to verify that any of the RVs are being used as a dwelling. It appears the septic system currently installed will remain on the same property as the home it services.

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

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

From: Schweitzer, Joshua
Sent: Thursday, August 7, 2025 12:58 PM
To: Magaha, Chuck; Dedek, Andrew; Miller, Jamie ; Brown, Misty ; Khalil, Jon ; McAfee, Joe ; Baumchen, Daniel ; 'Mitch Pleak' ; Noll, Bill ; 'Steven Taylor [KDOT]'
Cc: PZ
Subject: DEV-25-089 Preliminary Plat Porth Acres - Atlas

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary Plat for a 14-lot subdivision located at 188-28-0-00-00-010 & 188-28-0-00-00-011.

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 August 21st.

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

v / r

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

Schweitzer, Joshua

From: Mike Lingenfelter <lingenfelterm@fairmountfd.org>
Sent: Thursday, August 7, 2025 1:40 PM
To: Austin Thompson
Cc: Johnson, Melissa; Krystal Voth
Subject: Re: Porth Pre and Final Plat, Atlas

Krystal and Melissa
Fairmount Township have no issues with Final Plat.
Mike

On Thu, Aug 7, 2025 at 10:23 AM Austin Thompson <austin@alconconsult-llc.com> wrote:
Melissa,

That is great! Thank you

Austin Thompson
Vice President, LSIT

ATLAS LAND CONSULTING

ENGINEERING • SURVEYING • DRONE • INSPECTION



14500 Parallel Road, Unit R
Basehor, KS 66007
O: (913) 662-5050
M: (913) 702-8916
Proudly WBE Certified in Kansas and Missouri



Confidentiality Notice: This email and any attachments are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the sender immediately and delete it from your system. Any unauthorized use, disclosure, or distribution of this email is prohibited.

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Thursday, August 7, 2025 10:20 AM
To: Krystal Voth <krystal@alconconsult-llc.com>; Austin Thompson <austin@alconconsult-llc.com>
Cc: 'lingenfelterm@fairmountfd.org' <lingenfelterm@fairmountfd.org>
Subject: Porth Pre and Final Plat, Atlas

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-25-108 & 109 Marxen North

December 10, 2025

REQUEST: *Consent Agenda*

☒ Preliminary Plat ☒ Final Plat

STAFF REPRESENTATIVE:

Amy Allison
Deputy Director

SUBJECT PROPERTY: 00000 Wolcott Road

APPLICANT/APPLICANT AGENT:

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

PROPERTY OWNER:

Matthew & Kelly Francis
10000 Hollingsworth Rd
Kansas City, KS 66109

CONCURRENT APPLICATIONS:

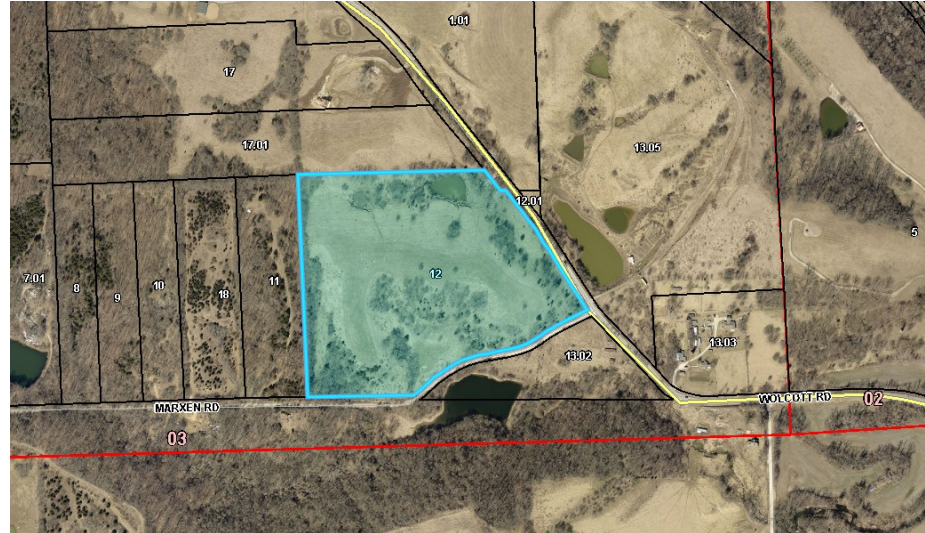
NONE

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:

Residential (3 units per acre)



LEGAL DESCRIPTION:

A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-25-108 & 109, Preliminary & Final Plat for Marxen North, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-108 & 109, Preliminary & Final Plat for Marxen North to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 33.2 ACRES

PARCEL ID NO:

162-03-0-00-00-012.00

BUILDINGS:

n/a

PROJECT SUMMARY:

Request for preliminary and final plat approval to subdivide property located at 00000 Marxen Rd (162-03-0-00-00-012.00) as Lots 1 through 6 of Marxen North.

ACCESS/STREET:

K-5 (Wolcott Rd) – State Hwy, Paved ± 22' & Marxen Rd – Local, Gravel ± 20'

Location Map: FUTURE LAND USE DESIGNATION

UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: City of Lansing FD

WATER: Cons. WD #1

ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW:

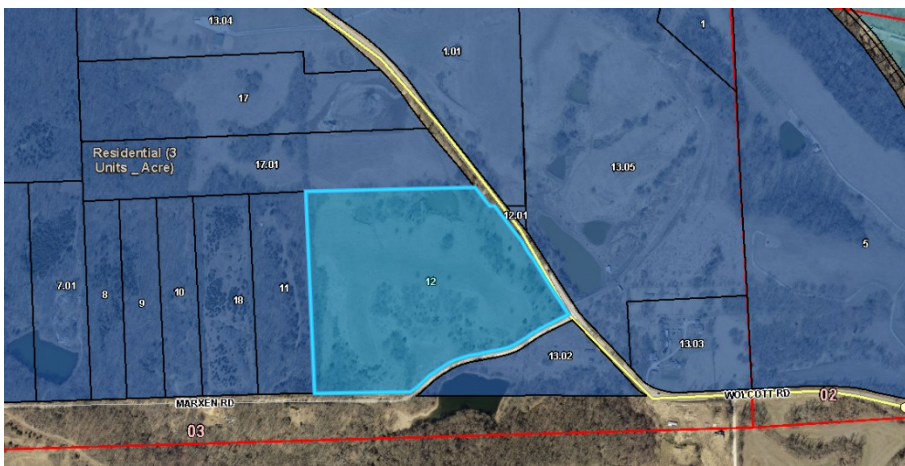
12/4/2025

NEWSPAPER NOTIFICATION:

N/A

**NOTICE TO SURROUNDING
PROPERTY OWNERS:**

N/A



STANDARDS TO BE CONSIDERED:			
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 from Article 50, Sec. 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 divide a 33.2-acre parcel into six (6) 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 will range in size from 3.5 to 9.22 acres. Lots 1, 3, 4 & 5 are 5 acres or greater and eligible for a water well. Consolidated Water District #1 has indicated that they do have plans to extend water along Marxen Road but currently there is not a line in place. Staff does recommend that a condition be placed on the plat that either the water line be extended or an approved water well permit from the State for residential use be provided at the time of issuing building permits. Lot 2 and 6 do have access to public water along Wolcott Road (Hwy 5). Lot 1 is an L-shaped lot that does exceed the 1:3.5 lot-width to lot-depth ratio (1:6). An exception will be needed.

EXCEPTIONS:

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-Width to Lot-Depth. The criteria for the acceptance of an exception are 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: Chairman, I find that all three criteria for an exception to Article 50, Section 40.3.i. Lot-Width to Lot-Depth (have/have not) been met and I move to approve an exception from Article 50, Section 40.3.i. Lot-Width to Lot-Depth, as submitted by the application.

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. If the infrastructure is not available to support fire hydrants, a letter from the Water District stating such must be provided prior to any building permit being issued.
5. Add a restriction that states "No building permits shall be issued until a public Water District can provide service to Lot 1, 3, 4 & 5, a water well permit has been issued by the State for residential use or potable water will be provided to the residence in compliance with the Leavenworth County Sanitary Code".
6. An exception from Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been approved for Lots 1.
7. The developer must comply with the following memorandums:
 - Memo – Mike Fulkerson, Consolidated Water District #1, dated January 27, 2025
 - Memo – Planning & Zoning, dated December 4, 2025
 - Memo – County Surveyor, dated December 2, 2025
 - Memo – Public Works, dated November 7, 2025

Proposed Plat Motions:

Approve: *Chairman, I find that the subdivision request complies with the Zoning and Subdivision Regulations based on the recommendations of the Planning staff and the findings set forth in the staff report. I hereby, move to approve the request as outlined in Case DEV-25-108 & 109.*

Denial: *Chairman, I find that the subdivision request does not comply with the Zoning and Subdivision regulations (list Article and Section #) and move deny Case DEV-25-108 & 109.*

Table: *Chairman, I move to table Case DEV-25-108 & 109 to (DATE AND TIME) requesting additional information for (STATE THE REASONS).*

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

Office Use Only

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

APPLICANT/AGENT INFORMATION

OWNER INFORMATION

NAME: Herring Surveying Company NAME: FRANCIS, MATTHEW JAMES & KELLY RENEE
MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 10000 HOLLINGSWORTH RD
CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Kansas City, KS 66109
PHONE: 913-651-3858 PHONE: N/A
EMAIL: herringsurveying@outlook.com EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: MARXEN NORTH
Address of Property: 00000 MARXEN ROAD
PID: 162-03-0-00-00-012 Urban Growth Management Area: _____

SUBDIVISION INFORMATION

Gross Acreage: <u>34.6 Ac</u>	Number of Lots: <u>6</u>	Minimum Lot Size: <u>3.15 Ac</u>
Maximum Lot Size: <u>9.3 Ac</u>	Proposed Zoning: <u>RR-2.5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>Consolidated 1</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Lansing</u>	Electric Provider: <u>Everygy</u>	Natural Gas Provider: _____
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local</u> – <u>Collector</u> - <u>Arterial</u> – <u>State</u> - <u>Federal</u>	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.</i>	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	1. _____	
	2. _____	
	3. _____	
	4. _____	
	5. _____	

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

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 9-1-25

Date: 9-1-25

ATTACHMENT A

Doc #: 2023R06970
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
09/22/2023 02:42:49 PM
RECORDING FEE: 38.00
PAGES: 2

Lawyers Title of Kansas, Inc.
913-682-3368

CN: 41784

Entered in Transfer Record in my office _____

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 09/22/2023

County Clerk

Janet Klasmink
COUNTY CLERK

WARRANTY DEED (Statutory) - Joint Tenancy

THE GRANTORS,

Brent Arnold Doane also known as Brent A. Doane and Deanna Doane, husband and wife

CONVEY AND WARRANT to

Matthew Francis and Kelly Francis, husband and wife

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, as joint tenants with full rights of survivorship and not as tenants in common, for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows: Commencing at intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 2046.33 feet along said Delaware Reserve Line the TRUE POINT OF BEGINNING; thence continuing South 89 degrees 08'56" West for a distance of 588.07 feet along said Delaware Reserve Line to the West line of said Southeast Quarter; thence North 01 degrees 53'50" West for a distance of 1205.63 feet along said West line; thence North 88 degrees 56'09" East for a distance of 1116.47 feet to the centerline of Kansas Highway #5; thence South 38 degrees 15'27" East for a distance of 304.90 feet along said centerline; thence South 32 degrees 56'13" East for a distance of 580.23 feet along said centerline to the centerline of Marxen Road, as it exists today; thence South 63 degrees 16'37" West for a distance of 242.38 feet along said centerline; thence South 55 degrees 47'52" West for a distance of 184.11 feet along said centerline; thence South 78 degrees 08'23" West for a distance of 292.08 feet along said centerline; thence South 67 degrees 45'45" West for a distance of 145.79 feet along said centerline; thence South 51 degrees 15'55" West for a distance of 260.34 feet along said centerline to the point of beginning. Known as Tract 1 on Certificate of survey recorded August 24, 2023 as Document No. 2023S034.

AND

All that part of the Southwest Quarter of the Southeast Quarter of Fraction Section 3, Township 10 South, Range 23 East of the 6th P.M., lying Northeasterly of Kansas Highway #5, Leavenworth County, Kansas. Known as Tract 3 on Certificate of survey recorded August 24, 2023 as Document No. 2023S034.

(Subject to easements, restrictions, and reservations of record, and all taxes and assessments that may be levied, imposed, or become payable hereafter.)

Dated this 12 day of September A.D. 2023

Brent A. Doane
Brent Arnold Doane also known as Brent A. Doane

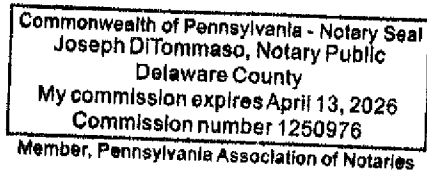
Deanna Doane
Deanna Doane

STATE OF PA, COUNTY OF Delaware

This instrument was acknowledged before me on this 12th day of September 2023 by:
Brent Arnold Doane also known as Brent A. Doane and Deanna Doane, husband and wife

My appointment expires:

April 13, 2024



Joseph DiTommaso
Notary Public
Joseph DiTommaso

Allison, Amy

From: Johnson, Melissa
Sent: Thursday, December 4, 2025 8:33 AM
To: Allison, Amy
Subject: FW: Marxen Plats Authorization

From: Kelly Francis <kellyfrancis.100@gmail.com>
Sent: Wednesday, December 3, 2025 4:44 PM
To: Matthew Francis <Matthew.Francis@gladwinmachinery.com>
Cc: Joe Herring <herringsurveying@outlook.com>; Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Subject: Re: Marxen Plats Authorization

I authorize Joe Herring to represent me.
Thankyou
Kelly Francis
612-701-9108

On Wed, Dec 3, 2025 at 3:39 PM Matthew Francis <Matthew.Francis@gladwinmachinery.com> wrote:

I authorize joe Herring to represent both me and my wife. Call me if you have questions

Thanks

Matthew Francis | VP

[16203 North West 45 Highway](#)
[Parkville](#), MO 64152
(o) 816.777.5999 (c) 612-701-9109
Matthew.Francis@gladwinmachinery.com



From: Joe Herring <herringsurveying@outlook.com>
Sent: Tuesday, December 2, 2025 11:18:47 AM
To: Matthew Francis <matthew.francis@gladwinmachinery.com>; Melissa <mjohnson@leavenworthcounty.gov>
Subject: Marxen Plats Authorization

This message was sent from outside of the organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Matt,

Allison, Amy

From: Johnson, Melissa
Sent: Thursday, December 4, 2025 8:29 AM
To: Allison, Amy
Subject: FW: Marxen Plats Authorization

From: Matthew Francis <Matthew.Francis@gladwinmachinery.com>
Sent: Wednesday, December 3, 2025 4:39 PM
To: Joe Herring <herringsurveying@outlook.com>; Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Cc: Kelly Francis <kellyfrancis.100@gmail.com>
Subject: Re: Marxen Plats Authorization

I authorize joe Herring to represent both me and my wife. Call me if you have questions

Thanks

Matthew Francis | VP

16203 North West 45 Highway
Parkville, MO 64152
(o) 816.777.5999 (c) 612-701-9109
Matthew.Francis@gladwinmachinery.com



From: Joe Herring <herringsurveying@outlook.com>
Sent: Tuesday, December 2, 2025 11:18:47 AM
To: Matthew Francis <matthew.francis@gladwinmachinery.com>; Melissa <mjohnson@leavenworthcounty.gov>
Subject: Marxen Plats Authorization

This message was sent from outside of the organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Matt,

Please reply all to this email authorizing me to continue to represent you on the 3 Marxen Subdivisions - NORTH - SOUTH - CAE.

Thank you - Joe Herring

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

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.
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 adjacent property.

Exception for Width to Depth for Lot 1

- 1) The front (south) portion of this tract is a steep valley with a side slope that does not provide a desirable or functioning buildable location. Exceed depth to allow for a better build spot on the ridge.
- 2) Yes it is necessary per above statement.
- 3) It will not

MARXEN NORTH

Tracts of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

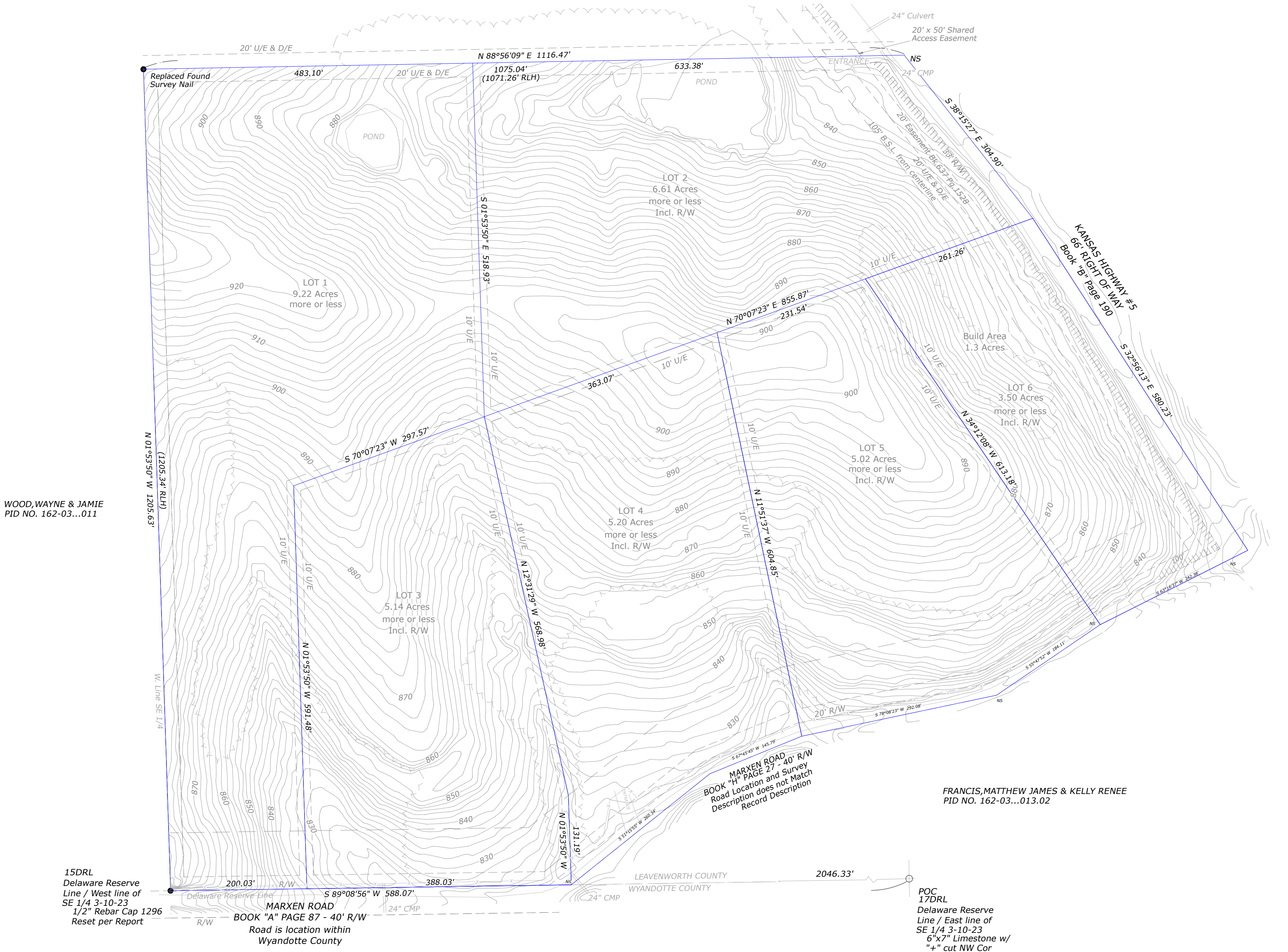
PRELIMINARY PLAT

PREPARED FOR:
FRANCIS, MATTHEW JAMES & KELLY RENEE
10000 HOLLINGSWORTH RD
KANSAS CITY, KS 66109
PID NO. 162-03-0-00-00-012

RECORD DESCRIPTION: Doc# 2023R06970

A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows: Commencing at intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 2046.33 feet along said Delaware Reserve Line the TRUE POINT OF BEGINNING; thence continuing South 89 degrees 08'56" West for a distance of 588.07 feet along said Delaware Reserve Line to the West line of said Southeast Quarter; thence North 01 degrees 53'50" West for a distance of 1205.63 feet along said West line; thence North 88 degrees 56'09" East for a distance of 1116.47 feet to the centerline of Kansas Highway #5; thence South 38 degrees 15'27" East for a distance of 304.90 feet along said centerline; thence South 32 degrees 56'13" East for a distance of 580.23 feet along said centerline to the centerline of Marxen Road, as it exists today; thence South 63 degrees 16'37" West for a distance of 242.38 feet along said centerline; thence South 55 degrees 47'52" West for a distance of 184.11 feet along said centerline; thence South 78 degrees 08'23" West for a distance of 292.08 feet along said centerline; thence South 67 degrees 45'45" West for a distance of 145.79 feet along said centerline; thence South 51 degrees 15'53" West for a distance of 260.34 feet along said centerline to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 34.59 acres, more or less, including road right of way. Error of Closure: 1 - 930957

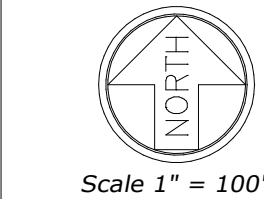
SCHERZER-COP, KATHERINE & COP, MILAN J
PID NO. 162-03...017.01
TRACT 1B
DOANE ACRES LOT SPLIT
DOC # 2024S018



ZONING:
RR 2.5 - Rural Residential 2.5

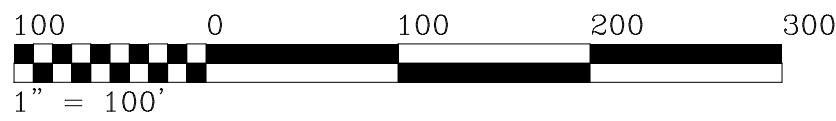
- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
 - 4) Lots are subject to the current Access Management Policy. Access to Lots and driveway improvements along Kansas Highway #5 subject to KDOT Approval
 - 5) Lot 2 and Tract to North have a shared access to Kansas Highway #5. Maintenance of the access drive is shared between the appropriate owners.
 - 6) Lot 2 and Tract to North have a shared pond. Maintenance of the pond is shared between the appropriate owners per signed document between owners. Doc# 2023P00052.
 - 7) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
 - 8) All residences built within the subdivision may require engineered plot plans.
 - 9) No off-plat restrictions.

- NOTES:
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - 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) - 1/2" Rebar (15DRL) Elev.
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Doc # 2023R06970
 - 12) Utility Companies -
 - Water - Consolidated No. 1
 - Electric - Evergy
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - 13) Reference Lawyer's Title Company Case #41784 1/2/25 updated 11/10/25
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0275G dated July 16, 2015
 - 15) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 15' (Accessory - 15')
 - All rear yard setbacks - 40' (Accessory - 15')
 - 16) Distances to and of structures, if any, are +- 1'.
 - 17) Easements as per referenced Title Commitment are shown hereon, if any.
 - Water District #1 Bk. 637 Pg. 1528 - 20' Easement, shown hereon.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
 - (RLH) - R.L.Hamm Survey Book S-15-05 #66 NKA2005S066
 - (MLR) - M.L.Rhodes Surveys Doc #2005S059
 - (JAH) - J.A. Herring Surveys Doc #2009S001 & #2009S002, #2023S034
 - DOANE ACRES Doc #2023P00052, Doc #2024S018
 - (LTH) - L.T.Hahn A&A ESTATES Doc #2022P00002
 - 20) Lots 1, 3, 4 & 5 do not have access to public water source. No building permits shall be issued until the Water District can provide service to the lots, or that a well permit from the State has been issued that can provide enough water to support a residence, or other acceptable methods of providing water is established.



Job # K-25-1865 NORTH
January 25, 2025 Rev. 11-24-25

J. HERRING, Inc. (dba)
SURVEYING
COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5391
Email - survey@eamcsa1.com



MARXEN NORTH
Tracts of land in the Southeast Quarter of Fractional Section 3, Township
10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
FRANCIS, MATTHEW JAMES & KELLY RENEE
10000 HOLLINGSWORTH RD
KANSAS CITY, KS 66109
PID NO. 162-03-0-00-00-012

PID NO. 162-03...017.01
TRACT 1B
DOANE ACRES LOT SPLIT
DOC # 2024S018

RECORD DESCRIPTION: Doc # 2023R06970

A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows: Commencing at intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 2046.33 feet along said Delaware Reserve Line the TRUE POINT OF BEGINNING; thence continuing South 89 degrees 08'56" West for a distance of 588.07 feet along said Delaware Reserve Line to the West line of said Southeast Quarter; thence North 01 degrees 53'50" West for a distance of 1205.63 feet along said West line; thence North 88 degrees 56'09" East for a distance of 1116.47 feet to the centerline of Kansas Highway #5; thence South 38 degrees 15'27" East for a distance of 304.90 feet along said centerline; thence South 32 degrees 56'13" East for a distance of 580.23 feet along said centerline to the centerline of Marxen Road, as it exists today; thence South 63 degrees 16'37" West for a distance of 242.38 feet along said centerline; thence South 55 degrees 47'52" West for a distance of 184.11 feet along said centerline; thence South 78 degrees 08'23" West for a distance of 292.08 feet along said centerline; thence South 67 degrees 45'45" West for a distance of 145.79 feet along said centerline; thence South 51 degrees 15'55" West for a distance of 260.34 feet along said centerline to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 34.59 acres, more or less, including road right of way. Error of Closure: 1 - 930957

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: MARXEN 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 MARXEN NORTH, have set our hands this _____ day of _____, 2025.

Matthew James Francis
Kelly Renee Francis

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2025, before me, a notary public in and for said County and State came Matthew Francis and Kelly Renee Francis, husband and wife, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC.
My Commission Expires: _____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of MARXEN NORTH this _____ day of _____, 2025.

Secretary John Jacobson
Chairman Jeff Spink

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 MARXEN NORTH this _____ day of _____, 2025.

Chairman Michael Smith
County Clerk Attest: Fran Keppler

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2025 at _____ o'clock _____ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Todd

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

Daniel Baumenchen, PS#1363
County Surveyor

ZONING:
RR 2.5 - Rural Residential 2.5

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
 - 4) Lots are subject to the current Access Management Policy. Access to Lots and driveway improvements along Kansas Highway #5 subject to KDOT Approval
 - 5) Lot 2 and Tract to North have a shared access to Kansas Highway #5.
 - 6) Lot 2 and Tract to North have a shared pond. Maintenance of the pond is shared between the appropriate owners per signed document between owners. Doc#2023P00052
 - 7) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
 - 8) Exception to regulation Article 50, Section 40.3.i. Lot-width for Lots 1 granted this plat
 - 9) All residences built within the subdivision may require engineered plot plans.
 - 10) No off-plat restrictions.

SURVEYOR'S NOTE: The North line of the South Half of Fractional Section 3-10-23 was established using a survey made by the County Surveyor March 22, 1890, found in the Book of Surveys at the County Surveyor's Office. Line was resurveyed and held by R.L.Hamm Survey Book S-15-05 #66. See referenced survey for additional information.

PID NO. 162-03...011

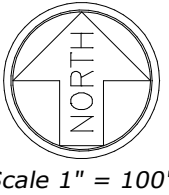
PID NO. 162-03...013.02

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

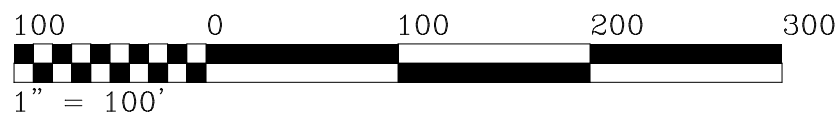
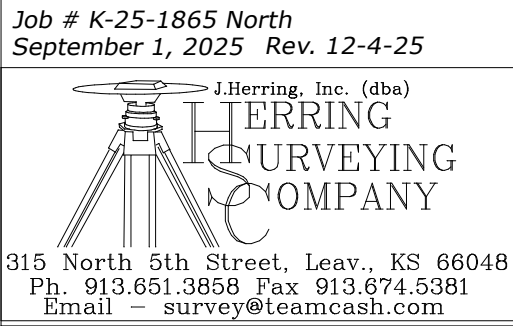
- NOTES:
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - See Surveyor's Description
 - 5) Basis of Bearing - 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) - 1/2" Rebar (15DRL) Elev.
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Doc # 2023R06970
 - 12) Utility Companies -
 - Water - Consolidated No. 1
 - Electric - Evergy
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - 13) Reference Lawyer's Title Company Case #41784 1/2/25 updated 11/10/25
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRI Map 20103C0275G dated July 16, 2015
 - 15) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 15' (Accessory - 15')
 - All rear yard setbacks - 40' (Accessory - 15')
 - 16) Distances to and of structures, if any, are +/- 1'.
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 - Water District #1 Bk. 637 Pg. 1528 - 20' Easement - shown hereon.
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 - 19) Reference Surveys:
 - (RLH) - R.L.Hamm Survey Book S-15-05 #66 NKA2005S066
 - (MLR) - M.L.Rhodes Surveys Doc #2005S059
 - (JAH) - J.A. Herring Surveys Doc #2009S001 & #2009S002, #2023S034
 - DOANE ACRES Doc #2023P00052, Doc #2024S018
 - (LTH) - L.T.Hahn A&A ESTATES Doc #2022P00002
 - 20) Lots 1, 3, 4 & 5 do not have access to public water source. No building permits shall be issued until the Water District can provide service to the lots, or that a well permit from the State has been issued that can provide enough water to support a residence, or other acceptable methods of providing water is established.

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of January through September 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296



Scale 1" = 100'



Allison, Amy

From: Joe Herring <herringsurveying@outlook.com>
Sent: Wednesday, September 10, 2025 7:47 AM
To: Johnson, Melissa
Subject: Fw: [EXTERNAL] Re: [EXTERNAL]New Service (Help needed)

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
Sent: Wednesday, September 3, 2025 2:31 PM
To: Joe Herring
Subject: Re: [EXTERNAL] Re: [EXTERNAL]New Service (Help needed)
Will you be servicing surrounding area -
Ground directly south - MARXEN NORTH and then MARXEN SOUTH - south side of Marxen road.
The 2 Lot CAE SPLIT is to the West just a bit.
Joe

Internal Use Only

We will be serving on the north side of Marxen only.
Will you be willing to resurvey the property for and the U/E's for this customer if I provide your info to them?

Thanks,

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

From: Joe Herring
Sent: Wednesday, September 3, 2025 1:53:27 PM
To: Boone Heston
Subject: Re: [EXTERNAL] Re: [EXTERNAL]New Service (Help needed)

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

[Report Suspicious](#)

Unless they have replatted this property and removed the easement which I do not think they have.

50' Right of way along Wolcott
Then a 20' U/E & D/E

Will you be servicing surrounding area -
Ground directly south - MARXEN NORTH and then MARXEN SOUTH - south side of Marxen road.
The 2 Lot CAE SPLIT is to the West just a bit.

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
Sent: Wednesday, September 3, 2025 1:13 PM
To: Joe Herring
Subject: Fw: [EXTERNAL] Re: [EXTERNAL]New Service (Help needed)

Internal Use Only

Hello Joe,

Wanted to reach out to you about this survey. Along Wolcott/5 HWY there shows a 20 ft u/e but has dashes. Is this U/E still in place?

Thanks,

Boone Heston

SR TD Designer
Leavenworth, KS

Evergy

Boone.Heston@evergy.com

O 785-508-2590

From: Wayne
Sent: Wednesday, September 3, 2025 11:56 AM

To: Wayne Wood
Cc: Boone Heston
Subject: Re: [EXTERNAL] Re: [EXTERNAL]New Service (Help needed)

This Message Is From an External Sender

This message came from outside your organization.

[Report Suspicious](#)

This shows the Scherzer property and our property. The new house you mentioned is the plot north of Scherzer's Sent from my iPhone

On Sep 3, 2025, at 11:50 AM, Wayne Wood wrote:

I generally do not have mobile phone access at work, but I will go out to my phone and send it over.



Wayne Wood

TSCM Specialist – Technical Security

Contractor for the Department of Energy's

Kansas City National Security Campus

14540 Botts Road, Kansas City, MO 64147

Phone: 816-488-5543 | wwood@kcnsd.doe.gov

This email and any accompanying attachments are intended for the addressee(s) only. If received in error, please notify the sender and delete this email immediately (including any copies and attachments).

From: Boone Heston

Sent: Wednesday, September 3, 2025 11:46 AM

To: Wayne Wood

Subject: [EXTERNAL] Re: [EXTERNAL]New Service (Help needed)

You don't often get email from boone.heston@evergy.com. [Learn why this is important](#)

Internal Use Only

Wayne can you sent me the survey screenshot please?

Thanks,

Boone Heston

SR TD Designer

Leavenworth, KS

Evergy

Boone.Heston@evergy.com

O 785-508-2590

From: Wayne Wood <wwood@kcncsc.doe.gov>

Sent: Wednesday, September 3, 2025 11:15 AM

To: Design Group Leavenworth <DesignGroupLeavenworth@evergy.com>

Subject: [EXTERNAL]New Service (Help needed)

This Message Is From an External Sender

This message came from outside your organization.

[Report Suspicious](#)

We are building a home at 11190 Marxen Rd. Kansas City, KS 66109 and the Division of Evergy that intended to serve us has agreed to swap with the Leavenworth Division/Territory. I desperately need to be in contact with someone to come out – our electrician cannot finish without a sign-off for the meter box location.

Work: 816-488-5543

Mobile (after 2pm): 913-620-0639



City of Lansing Kansas Fire Department

111 East Kansas Avenue, Lansing, KS. 66043

To: Joe Herring

Regarding the Marxen South plat Lansing City Fire will provide fire protection for this property. Thank you.

Joe Gates

Fire Chief

City Of Lansing Fire Department

Jgates@lansingsks.org



P.O. Box 419
15520 Crestwood Dr.
Basehor, KS 66007
913-724-7000 - O
913-724-1310 - F
www.crawd1.com

January, 27, 2025

Joe Herring
Herring Surveying Company
315 N 5th St.
Leavenworth, KS 66048

Re: Marxen North

Dear Mr. Herring,

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 lots 2 and 6 can be served from an existing water main along Wolcott Rd. There is no water main available to provide water to lots 1, 3, 4, or 5 at this time. The water district is designing a water main along Marxen Rd, however, there is no established timeline for the construction of the water main. If the developer wishes to fund a water main extension to have access to water for lots 1, 3, 4, and/or 5, we can work with the developer to extend water to the property.

Any new connections to the water system will follow the policies of the water district in place at the time of connection. There are no fire hydrants in the area, but will be added to any new water main 6-inch or larger when constructed.

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: Anderson, Kyle
Sent: Wednesday, November 5, 2025 12:09 PM
To: Allison, Amy
Subject: RE: RE: DEV-25-108/109 Preliminary and Final Plat - Marxen 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: Thursday, October 30, 2025 4:49 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; 'Dedeke, Andrew' <adedeke@lvsheriff.org>; San, Soma <SSan@leavenworthcounty.gov>; 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>; Khalil, Jon <jkhalil@leavenworthcounty.gov>
Cc: PZ <pz@leavenworthcounty.gov>
Subject: RE: DEV-25-108/109 Preliminary and Final Plat - Marxen North

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 6-lot subdivision located at 00000 Marxen Rd (PID 162-03-0-00-00-012.00).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, November 13, 2025.

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

MARXEN NORTH
Tracts of land in the Southeast Quarter of Fractional Section 3, Township
10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
FRANCIS, MATTHEW JAMES & KELLY RENEE
10000 HOLLINGSWORTH RD
KANSAS CITY, KS 66109
PID NO. 162-03-0-00-00-018

Edit to correct

RECORD DESCRIPTION:
A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows: Commencing at intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 2046.33 feet along said Delaware Reserve Line the TRUE POINT OF BEGINNING; thence continuing South 89 degrees 08'56" West for a distance of 588.07 feet along said Delaware Reserve Line to the West line of said Southeast Quarter; thence North 01 degrees 53'50" West for a distance of 1205.63 feet along said West line; thence North 88 degrees 50'09" East for a distance of 1116.47 feet to the centerline of Kansas Highway #5; thence South 38 degrees 15'27" East for a distance of 304.90 feet along said centerline; thence South 32 degrees 56'13" East for a distance of 580.23 feet along said centerline to the centerline of Marxen Road, as it exists today; thence South 63 degrees 19'32" West for a distance of 242.38 feet along said centerline; thence South 55 degrees 47'52" West for a distance of 184.11 feet along said centerline; thence South 78 degrees 08'23" West for a distance of 292.08 feet along said centerline; thence South 67 degrees 45'45" West for a distance of 145.79 feet along said centerline; thence South 34 degrees 15'55" West for a distance of 260.34 feet along said centerline to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 34.59 acres, more or less, including road right of way. Error of Closure: 1 - 930957

Add to references document No. for this description

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: MARXEN 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).

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IN TESTIMONY WHEREOF,
We, the undersigned owners of MARXEN NORTH, have set our hands this _____ day of _____, 2025.

Matthew James Francis
Kelly Renee Francis

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2025, before me, a notary public in and for said County and State came Matthew Francis and Kelly Renee Francis, husband and wife, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC.
My Commission Expires: _____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of MARXEN NORTH this _____ day of _____, 2025.

Secretary
John Jacobson
Chairman
Jeff Spink

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 MARXEN NORTH this _____ day of _____, 2025.

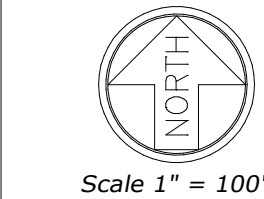
Chairman
Michael Smith
County Clerk
Attest: Fran Keppler

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2025 at _____ o'clock _____ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

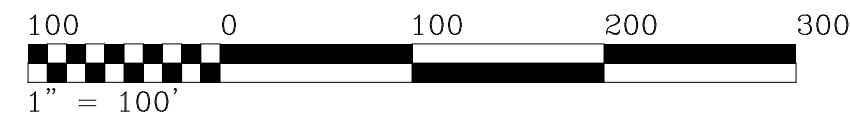
Register of Deeds - TerriLois G. Todd

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

Daniel Baumbchen, PS#1363
County Surveyor



Job # K-25-1865 North
September 1, 2025 Rev. 11-24-25
J. Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email: survey@eamcsa.com



Lighten Lines so less bold than plat area

clarify all 3 dimensions with leaders to show what dimensioned to

SURVEYOR'S NOTE: The North line of the South Half of Fractional Section 3-10-23 was established using a survey made by the County Surveyor March 22, 1890, found in the Book of Surveys at the County Surveyor's Office. Line was resurveyed and held by R.L.Hamm Survey Book S-15-05 #66. See referenced survey for additional information.

remove line

Show all interior lot corner symbols to be set

Provide LSRR

move or mask all text on lines

Label NS for all Perimeter corners not set

3.39

Resize text to be readable

Edit to correct

ZONING:
RR 2.5 - Rural Residential 2.5

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
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 - 5) Lot 2 and Tract to North have a shared access to Kansas Highway #5.
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 - 8) Exception to regulation Article 50, Section 40.3.i. Lot-width for Lots 1 granted this plat
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 - 10) No off-plat restrictions.

- NOTES:
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - 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) - 1/2" Rebar (15DRL) Elev.
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Doc # 2021R10530
 - 12) Utility Companies - Water - Consolidated No. 1 Electric - Evergy Gas - Propane / Natural Gas Sewer - Septic / Lagoon
 - 13) Reference Lawyer's Title Company - LTK Order ID 70542 - May 23, 2023
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0275G dated July 16, 2015
 - 15) Building Setback Lines as shown hereon or noted below - All side yard setbacks - 15' (Accessory - 15') - All rear yard setbacks - 40' (Accessory - 15')
 - 16) Distances to and of structures, if any, are + - 1'.
 - 17) Easements as per referenced Title Commitment are shown hereon, if any.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys: (RLH) - R.L.Hamm Survey Book S-15-05 #66 NKA2005S066 (MLR) - M.L.Rhodes Surveys Doc #2005S059 (JAH) - J.A. Herring Surveys Doc #2009S001 & S2009S002, #2023S034 DOANE ACRES Doc #2023P00052, Doc #2024S018 (LTH) - L.T.Hahn A&A ESTATES Doc #2022P00002
 - 20) Lots 1, 3, 4 & 5 do not have access to public water source. No building permits shall be issued until the Water District can provide service to the lots, or that a well permit from the State has been issued that can provide enough water to support a residence, or other acceptable methods of providing water is established.

2009S002

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of January through September 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296



12-3-25

PW Combined, no further comment.

Marxen North

Leavenworth County Kansas

Drainage Report

February 9, 2025

Revised November 29, 2025



MARXEN NORTH
Tracts of land in the Southeast Quarter of Fractional Section 3, Township
10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
FRANCIS, MATTHEW JAMES & KELLY RENEE
10000 HOLLINGSWORTH RD
KANSAS CITY, KS 66109
PID NO. 162-03-0-00-00-018

RECORD DESCRIPTION:
A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows: Commencing at intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 2046.33 feet along said Delaware Reserve Line the TRUE POINT OF BEGINNING; thence continuing South 89 degrees 08'56" West for a distance of 588.07 feet along said Delaware Reserve Line to the West line of said Southeast Quarter; thence North 01 degrees 53'50" West for a distance of 1205.63 feet along said West line; thence North 88 degrees 50'09" East for a distance of 1116.47 feet to the centerline of Kansas Highway #5; thence South 38 degrees 15'27" East for a distance of 304.90 feet along said centerline; thence South 32 degrees 56'13" East for a distance of 580.23 feet along said centerline to the centerline of Marxen Road, as it exists today; thence South 63 degrees 16'37" West for a distance of 242.38 feet along said centerline; thence South 55 degrees 47'52" West for a distance of 184.11 feet along said centerline; thence South 78 degrees 08'23" West for a distance of 292.08 feet along said centerline; thence South 67 degrees 45'45" West for a distance of 145.79 feet along said centerline; thence South 51 degrees 15'55" West for a distance of 260.34 feet along said centerline to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 34.59 acres, more or less, including road right of way. Error of Closure: 1 - 930957

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: MARXEN 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 MARXEN NORTH, have set our hands this _____ day of _____, 2025.

Matthew James Francis
Kelly Renee Francis

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2025, before me, a notary public in and for said County and State came Matthew Francis and Kelly Renee Francis, husband and wife, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC.
My Commission Expires: _____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of MARXEN NORTH this _____ day of _____, 2025.

Secretary
John Jacobson
Chairman
Jeff Spink

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 MARXEN NORTH this _____ day of _____, 2025.

Chairman
Michael Smith
County Clerk
Attest: Fran Keppler

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2025 at _____ o'clock _____ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Todd

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

Daniel Baumbchen, PS#1363
County Surveyor

PID NO. 162-03...017.01
TRACT 1B
DOANE ACRES LOT SPLIT
DOC # 2024S018

SURVEYOR'S NOTE: The North line of the South Half of Fractional Section 3-10-23 was established using a survey made by the County Surveyor March 22, 1890, found in the Book of Surveys at the County Surveyor's Office. Line was resurveyed and held by R.L.Hamm Survey Book S-15-05 #66. See referenced survey for additional information.

PID NO. 162-03...011

PID NO. 162-03...013

12-3-25
PW Combined
Comments

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

Hatch the KDOT frontage as No Access. Lot is required to use the lesser road for entrance.

Dimension no access hatch.

Provide book and page for recorded document on this plat associated with said note?

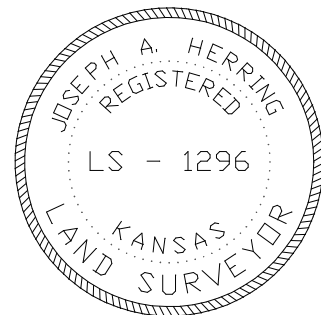
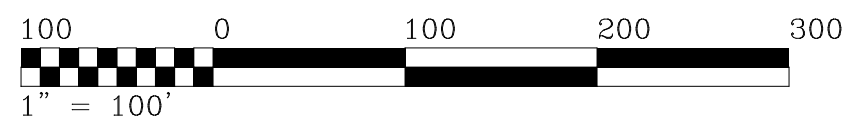
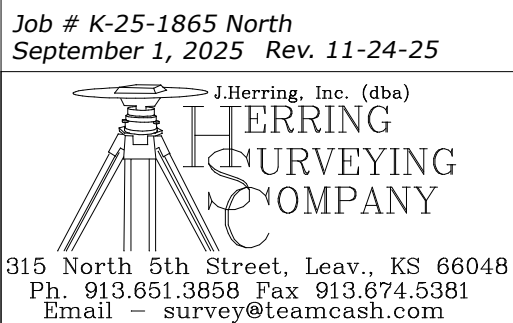
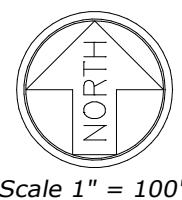
ZONING:
RR 2.5 - Rural Residential 2.5

RESTRICTIONS:
1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
2) An Engineered Waste Disposal System may be required due to poor soil conditions.
3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
4) Lots are subject to the current Access Management Policy. Access to Lots and driveway improvements along Kansas Highway #5 subject to KDOT Approval
5) Lot 2 and Tract to North have a shared access to Kansas Highway #5. Maintenance of the access drive is shared between the appropriate owners.
6) Lot 2 and Tract to North have a shared pond. Maintenance of the pond is shared between the appropriate owners per signed document between owners.
7) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
8) Exception to regulation Article 50, Section 40.3.i. Lot-width for Lots 1 granted this plat
9) All residences built within the subdivision may require engineered plot plans.
10) No off-plat restrictions.

NOTES:
1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - 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) - 1/2" Rebar (15DRL) Elev.
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Doc # 2021R10530
12) Utility Companies -
Water - Consolidated No. 1
Electric - Evergy
Sewer - Septic / Lagoon
Gas - Propane / Natural Gas
13) Reference Lawyer's Title Company - LTK Order ID 70542 - May 23, 2023
14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0275G dated July 16, 2015
15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
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(LTH) - L.T.Hahn A&A ESTATES Doc #2022P00002
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I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of January through September 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296



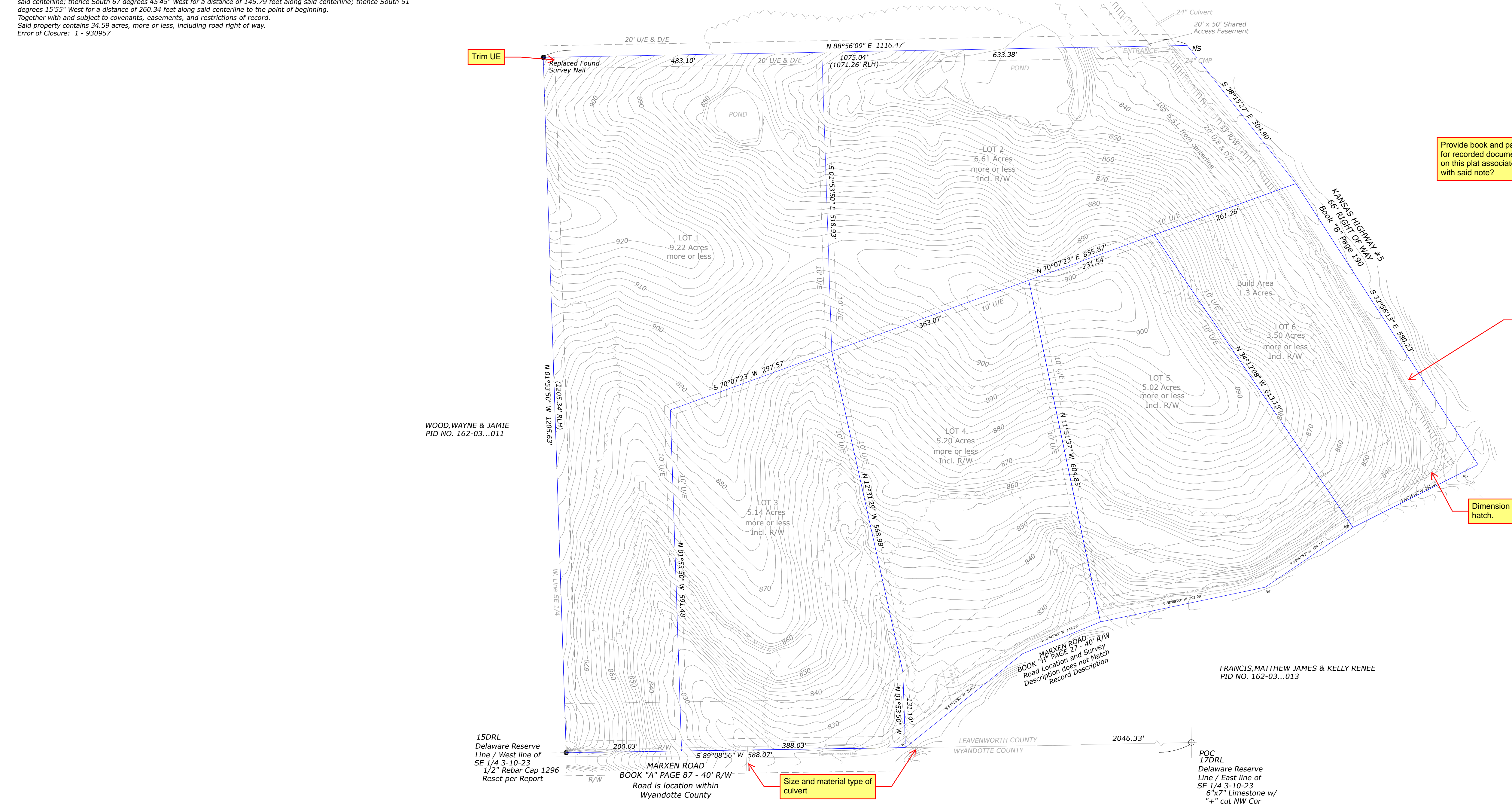
MARXEN NORTH

Tracts of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
FRANCIS, MATTHEW JAMES & KELLY RENEE
10000 HOLLINGSWORTH RD
KANSAS CITY, KS 66109
PID NO. 162-03-0-00-00-012

SRECORD DESCRIPTION:
A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows: Commencing at intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 2046.33 feet along said Delaware Reserve Line the TRUE POINT OF BEGINNING; thence continuing South 89 degrees 08'56" West for a distance of 588.07 feet along said Delaware Reserve Line to the West line of said Southeast Quarter; thence North 01 degrees 53'50" West for a distance of 1205.63 feet along said West line; thence North 88 degrees 56'09" East for a distance of 1116.47 feet to the centerline of Kansas Highway #5; thence South 38 degrees 15'27" East for a distance of 304.90 feet along said centerline; thence South 32 degrees 56'13" East for a distance of 580.23 feet along said centerline to the centerline of Marxen Road, as it exists today; thence South 63 degrees 16'37" West for a distance of 242.38 feet along said centerline; thence South 55 degrees 47'52" West for a distance of 184.11 feet along said centerline; thence South 78 degrees 08'23" West for a distance of 292.08 feet along said centerline; thence South 67 degrees 45'45" West for a distance of 145.79 feet along said centerline; thence South 51 degrees 15'55" West for a distance of 260.34 feet along said centerline to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 34.59 acres, more or less, including road right of way. Error of Closure: 1 - 930957



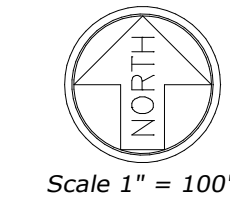
12-3-25
PW Combined
Comments

ZONING:
RR 2.5 - Rural Residential 2.5

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
 - 4) Lots are subject to the current Access Management Policy. Access to Lots and driveway improvements along Kansas Highway #5 subject to KDOT Approval
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 - 7) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
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 - 9) No off-plat restrictions.

- NOTES:
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - 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) - 1/2" Rebar (15DRL) Elev.
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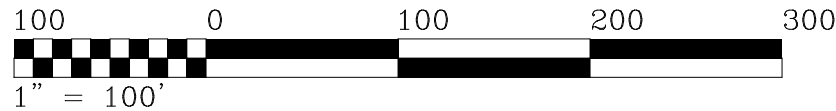
- LEGEND:
- - 1/2" Rebar Set with Cap No.1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - PGB - Point of Beginning
 - POC - Point of Commencing
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
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 - NS - Not Set this survey per agreement with client
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Job # K-25-1865 NORTH
January 25, 2025 Rev. 11-24-25

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

315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5391
Email - survey@eamcsa1.com



MARXEN NORTH
Tracts of land in the Southeast Quarter of Fractional Section 3, Township
10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
FRANCIS, MATTHEW JAMES & KELLY RENEE
10000 HOLLINGSWORTH RD
KANSAS CITY, KS 66109
PID NO. 162-03-00-00-018

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Together with and subject to covenants, easements, and restrictions of record.
Said property contains 34.59 acres, more or less, including road right of way.
Error of Closure: 1 - 930957

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: MARXEN NORTH.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with
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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,
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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 MARXEN NORTH, have set our hands this _____ day of
_____, 2025.

Matthew James Francis Kelly Renee Francis

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2025, before me, a notary public in and for said County and State
came Matthew Francis and Kelly Renee Francis, husband and wife, to me personally known to be the same persons who
executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have
hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC.
My Commission Expires: _____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of MARXEN
NORTH this _____ day of _____, 2025.

Secretary John Jacobson Chairman Jeff Spink

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 MARXEN NORTH this
_____ day of _____, 2025.

Chairman Michael Smith County Clerk Attest: Fran Keppler

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of
_____, 2025 at _____ o'clock _____ M in the Office of the Register of
Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Todd

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requirements of K.S.A. 58-2005. The face of this
survey plat was reviewed for compliance with Kansas
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information only.

Daniel Baumbchen, PS#1363
County Surveyor

PID NO. 162-03...017-01
TRACT 1B
DOANE ACRES LOT SPLIT
DOC # 2024S018

SURVEYOR'S NOTE: The North
line of the South Half of Fractional
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using a survey made by the
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found in the Book of Surveys at
the County Surveyor's Office. Line
was resurveyed and held by
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PID NO. 162-03...011

PID NO. 162-03...013

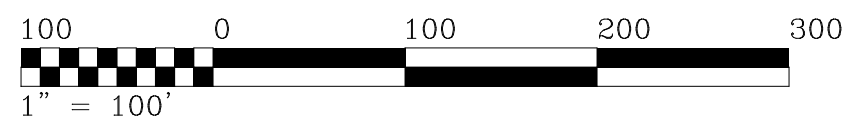
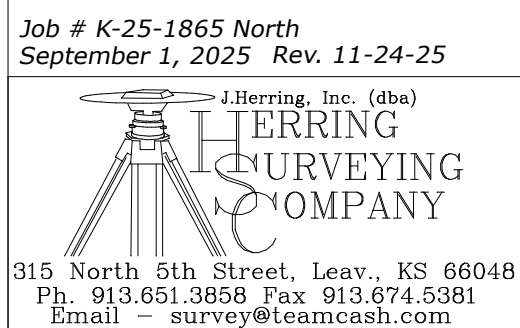
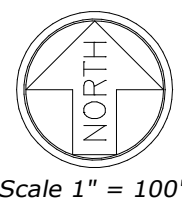
ZONING:
RR 2.5 - Rural Residential 2.5

- RESTRICTIONS:
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 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0275G dated July 16, 2015
 - 15) Building Setback Lines as shown hereon or noted below - All side yard setbacks - 15' (Accessory - 15') - All rear yard setbacks - 40' (Accessory - 15')
 - 16) Distances to and of structures, if any, are + - 1'.
 - 17) Easements as per referenced Title Commitment are shown hereon, if any.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys: (RLH) - R.L.Hamm Survey Book S-15-05 #66 NKA2005S066 (MLR) - M.L.Rhodes Surveys Doc #2005S059 (JAH) - J.A. Herring Surveys Doc #2009S001 & S2009S002, #2023S034 DOANE ACRES Doc #2023P00052, Doc #2024S018 (LTH) - L.T.Hahn A&A ESTATES Doc #2022P00002
 - 20) Lots 1, 3, 4 & 5 do not have access to public water source. No building permits shall be issued until the Water District can provide service to the lots, or that a well permit from the State has been issued that can provide enough water to support a residence, or other acceptable methods of providing water is established.

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of January through September 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring PS # 1296



update title report

delete

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-25-110/111 Marxen South

December 10, 2025

REQUEST: *Consent Agenda*

☒ Preliminary Plat ☒ Final Plat

STAFF REPRESENTATIVE:

Amy Allison
Deputy Director

SUBJECT PROPERTY: 00000 Wolcott Road

APPLICANT/APPLICANT AGENT:

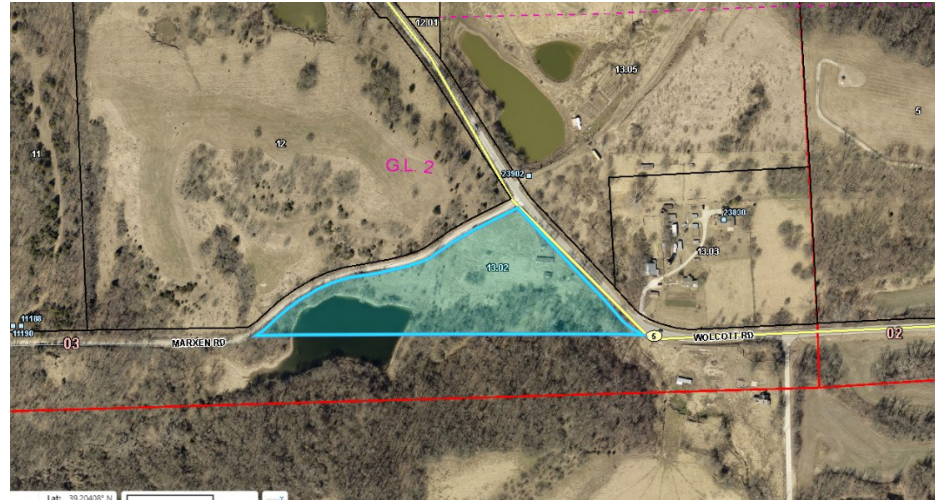
JOE HERRING
HERRING SURVEYING
315 N. 5th Street
Leavenworth, KS 66048

PROPERTY OWNER:

Matthew & Kelly Francis
10000 Hollingsworth Rd
Kansas City, KS 66109

CONCURRENT APPLICATIONS:

NONE



LEGAL DESCRIPTION:

A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-25-110 & 111, Preliminary & Final Plat for Marxen South, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-110 & 111, Preliminary & Final Plat for Marxen South to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 7.3 ACRES

PARCEL ID NO:

162-03-0-00-00-013.02

BUILDINGS:

Accessory Structures

PROJECT SUMMARY:

Request for preliminary and final plat approval to subdivide property located at 00000 Wolcott Rd (162-03-0-00-00-013.02) as Lots 1 and 2 of Marxen South.

ACCESS/STREET:

K-5 (Wolcott Rd) – State Hwy, Paved ± 22' & Marxen Rd – Local, Gravel ± 20'

Location Map: FUTURE LAND USE DESIGNATION



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: City of Lansing FD

WATER: Cons. WD #1

ELECTRIC: Evergy

NOTICE & REVIEW:

STAFF REVIEW:

12/4/2025

NEWSPAPER NOTIFICATION:

N/A

**NOTICE TO SURROUNDING
PROPERTY OWNERS:**

N/A

STANDARDS TO BE CONSIDERED:			
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 from Article 50, Sec. 40.3.h and Sec. 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 divide a 7.3-acre parcel into two (2) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lot 1 will be 5.00 acres in size. The lot will not meet the 1:1 ratio for lot-width to lot-depth, the applicant is requesting an exception for the proposed 1.08:1 ratio provided. Consolidated Water District #1 has indicated that they do have plans to extend water along Marxen Road but currently there is not a line in place. Since the parcel is 5 acres, they can apply for a water well to supply the parcel with water. Staff does recommend that a condition be placed that on the plat that either the water line be extended or an approved water well permit from the State for residential use be provided at the time of issuing building permits. Lot 2 is 3.3 acres and does have access to public water along Wolcott Road (Hwy 5). Lot 2 will need an exception due to accessory structures being on the lot without a residence. These are existing structures.

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 are 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: Chairman, I find that all three criteria for an exception to Article 50, Section 40.3.h. Non-conforming Structure (have/have not) been met and I move to approve an exception from Article 50, Section 40.3.h. Non-conforming Structure, as submitted by the application.

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-Width to Lot-Depth. The criteria for the acceptance of an exception are 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: Chairman, I find that all three criteria for an exception to Article 50, Section 40.3.i. Lot-Width to Lot-Depth (have/have not) been met and I move to approve an exception from Article 50, Section 40.3.i. Lot-Width to Lot-Depth, as submitted by the application.

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. If the infrastructure is not available to support fire hydrants, a letter from the Water District stating such must be provided prior to any building permit being issued.
5. Add a restriction that states “No building permits shall be issued until a public Water District can provide service to Lot 1, a water well permit has been issued by the State for residential use or potable water will be provided to the residence in compliance with the Leavenworth County Sanitary Code”.
6. An exception from Article 50, Section 40.3.h. Nonconforming structure has been approved for Lot 2.
7. An exception from Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been approved for Lots 1.
8. The developer must comply with the following memorandums:
 - Memo – Mike Fulkerson, Consolidated Water District #1, dated January 24, 2025
 - Memo – Bryson Heenan, Evergy, dated February 26, 2025.
 - Memo – Planning & Zoning, dated December 4, 2025
 - Memo – County Surveyor, dated December 2, 2025
 - Memo – Public Works, dated November 7, 2025

Proposed Plat Motions:

Approve: Chairman, I find that the subdivision request complies with the Zoning and Subdivision Regulations based on the recommendations of the Planning staff and the findings set forth in the staff report. I hereby, move to approve the request as outlined in Case DEV-25-110 & 111.

Denial: Chairman, I find that the subdivision request does not comply with the Zoning and Subdivision regulations (list Article and Section #) and move deny Case DEV-25-110 & 111.

Table: Chairman, I move to table Case DEV-25-110 & 111 to (DATE AND TIME) requesting additional information for (STATE THE REASONS).

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

Office Use Only

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

APPLICANT/AGENT INFORMATION

OWNER INFORMATION

NAME: Herring Surveying Company NAME: FRANCIS, MATTHEW JAMES & KELLY RENEE
MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 10000 HOLLINGSWORTH RD
CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Kansas City, KS 66109
PHONE: 913-651-3858 PHONE: N/A
EMAIL: herringsurveying@outlook.com EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: MARXEN SOUTH
Address of Property: 00000 MARXEN ROAD
PID: 162-03-0-00-00-013.02 Urban Growth Management Area: _____

SUBDIVISION INFORMATION

Gross Acreage: <u>7.78 Ac</u>	Number of Lots: <u>2</u>	Minimum Lot Size: <u>3.81 Ac</u>
Maximum Lot Size: <u>9.3 Ac</u>	Proposed Zoning: <u>RR-2.5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>Consolidated 1</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Lansing</u>	Electric Provider: <u>Everygy</u>	Natural Gas Provider: _____
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local</u> – <u>Collector</u> - <u>Arterial</u> – <u>State</u> - <u>Federal</u>	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.</i>	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	1. _____	
	2. _____	
	3. _____	
	4. _____	
	5. _____	

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

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 9-1-25

Date: 9-1-25

ATTACHMENT A

Lawyers Title of Kansas, Inc.
913-682-3368

CN: 41789

Doc #: 2024R02268
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
04/05/2024 12:18:23 PM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office _____

County Clerk
ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 04/05/2024

Janet Klasmaker
COUNTY CLERK

WARRANTY DEED (Statutory) - Joint Tenancy

THE GRANTORS,

Brent A. Doane and Deanna Doane, husband and wife

CONVEY AND WARRANT to

Matthew J. Francis and Kelly R. Francis, husband and wife

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, as joint tenants with full rights of survivorship and not as tenants in common, for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows: Commencing at the intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 584.00 feet along said Delaware Reserve Line to the TRUE POINT OF BEGINNING, said point being the centerline of Kansas Highway #5; thence continuing South 89 degrees 08'56" West for a distance of 1462.33 feet along said Delaware Reserve Line to the centerline of Marxen Road, as it exists today; thence North 51 degrees 15'55" East for a distance of 260.34 feet along said centerline; thence North 67 degrees 45'45" East for a distance of 145.79 feet along said centerline; thence North 78 degrees 08'23" East for a distance of 292.08 feet along said centerline; thence North 55 degrees 47'52" East for a distance of 184.11 feet along said centerline; thence North 63 degrees 16'37" East for a distance of 242.38 feet along said centerline to the centerline of Kansas Highway #5; thence South 45 degrees 02'26" East for a distance of 663.55 feet along said centerline to the point of beginning, less any part thereof taken or used for road purposes. Known as Tract 2 on Certificate of Survey recorded August 24, 2023 in Document No. 2023S034.

(Subject to easements, restrictions, and reservations of record, and all taxes and assessments that may be levied, imposed, or become payable hereafter.)

Dated this 29 day of MARCH A.D. 2024

Brent A. Doane
Brent A. Doane

Deanna Doane
Deanna Doane

STATE OF PA, COUNTY OF Delaware March 29, 2024
This instrument was acknowledged before me on this day of 2024 by:
Brent A. Doane and Deanna Doane, husband and wife

My appointment expires:

Commonwealth of Pennsylvania - Notary Seal
Joseph DiTommaso, Notary Public
Delaware County
My commission expires April 13, 2026
Commission number 1250976
Member, Pennsylvania Association of Notaries

Joseph DiTommaso
Notary Public
Joseph DiTommaso

Allison, Amy

From: Johnson, Melissa
Sent: Thursday, December 4, 2025 8:33 AM
To: Allison, Amy
Subject: FW: Marxen Plats Authorization

From: Kelly Francis <kellyfrancis.100@gmail.com>
Sent: Wednesday, December 3, 2025 4:44 PM
To: Matthew Francis <Matthew.Francis@gladwinmachinery.com>
Cc: Joe Herring <herringsurveying@outlook.com>; Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Subject: Re: Marxen Plats Authorization

I authorize Joe Herring to represent me.
Thankyou
Kelly Francis
612-701-9108

On Wed, Dec 3, 2025 at 3:39 PM Matthew Francis <Matthew.Francis@gladwinmachinery.com> wrote:

I authorize joe Herring to represent both me and my wife. Call me if you have questions

Thanks

Matthew Francis | VP

[16203 North West 45 Highway](#)
[Parkville](#), MO 64152
(o) 816.777.5999 (c) 612-701-9109
Matthew.Francis@gladwinmachinery.com



From: Joe Herring <herringsurveying@outlook.com>
Sent: Tuesday, December 2, 2025 11:18:47 AM
To: Matthew Francis <matthew.francis@gladwinmachinery.com>; Melissa <mjohnson@leavenworthcounty.gov>
Subject: Marxen Plats Authorization

This message was sent from outside of the organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Matt,

Allison, Amy

From: Johnson, Melissa
Sent: Thursday, December 4, 2025 8:29 AM
To: Allison, Amy
Subject: FW: Marxen Plats Authorization

From: Matthew Francis <Matthew.Francis@gladwinmachinery.com>
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I authorize joe Herring to represent both me and my wife. Call me if you have questions

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Subject: Marxen Plats Authorization

This message was sent from outside of the organization. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Matt,

Please reply all to this email authorizing me to continue to represent you on the 3 Marxen Subdivisions - NORTH - SOUTH - CAE.

Thank you - Joe Herring

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

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.
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 adjacent property.

Exception for Accessory Structure on Lot 2 without Residence

- 1) Structures have been in place since 1950s and we a part of a farm and a former residence -
- 2) Yes it is necessary, they already exist from a previous residence at this location.
- 3) It will not

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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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 adjacent property.

Exception for Width to Depth for Lot 1

- 1) The configuration of the parent tract, Highway 5 alignment, Marxen Road alignment, existing Pond, County Line and terrain.
- 2) Yes it is necessary per above statement.
- 3) It will not/

MARXEN SOUTH

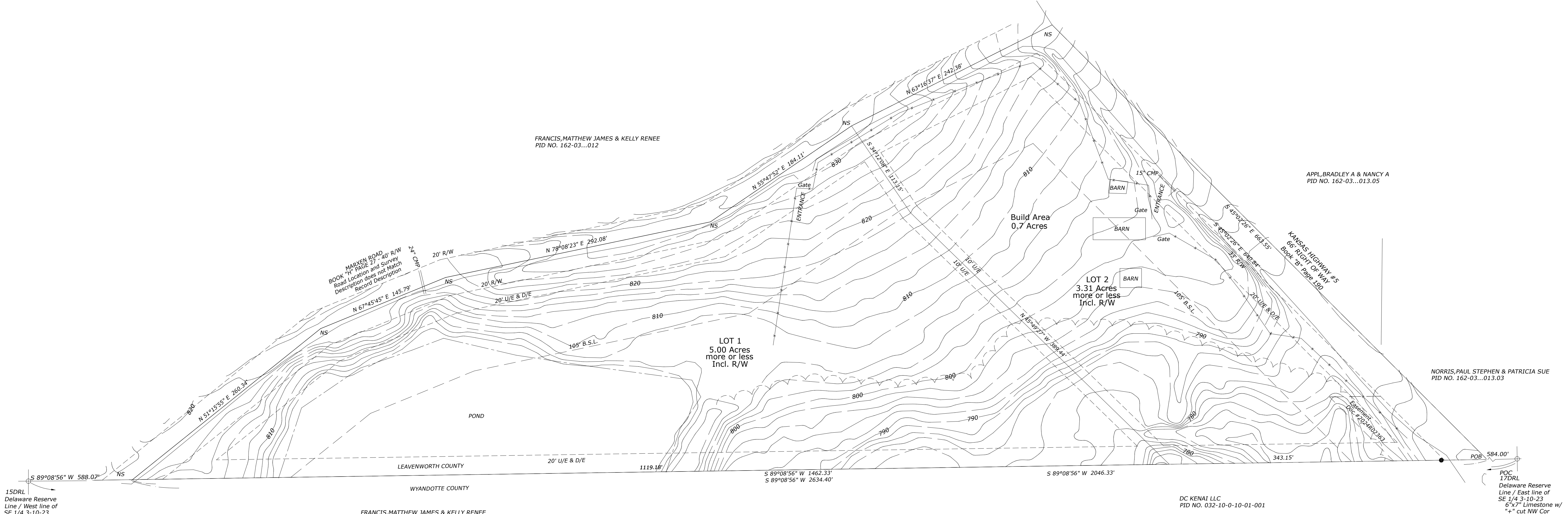
Tracts of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
FRANCIS, MATTHEW JAMES & KELLY RENEE
10000 HOLLINGSWORTH RD
KANSAS CITY, KS 66109
PID NO. 162-03-0-00-00-013.02

RECORD DESCRIPTION:
A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows:
Commencing at the intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 584.00 feet along said Delaware Reserve Line to the TRUE POINT OF BEGINNING, said point being the centerline of Kansas Highway #5; thence continuing South 89 degrees 08'56" West for a distance of 1462.33 feet along said Delaware Reserve Line to the centerline of Marxen Road, as it exists today; thence North 51 degrees 15'55" East for a distance of 260.34 feet along said centerline; thence North 67 degrees 45'45" East for a distance of 145.79 feet along said centerline; thence North 78 degrees 08'23" East for a distance of 292.08 feet along said centerline; thence North 55 degrees 47'52" East for a distance of 184.11 feet along said centerline; thence North 63 degrees 16'37" East for a distance of 242.38 feet along said centerline to the centerline of Kansas Highway #5; thence South 45 degrees 02'26" East for a distance of 663.55 feet along said centerline to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 8.31 acres, more or less, including road right of way.
Error of Closure: 1 - 538499

LEGEND:
● - 1/2" Rebar Set with Cap No. 1296
○ - 1/2" Rebar Found, unless otherwise noted.
POB - Point of Beginning
POC - Point of Commencing
() - 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
○ - Power Pole
X - Fence Line
OHP - Overhead Power Lines
T - Underground Telephone/Fiber Optic Line
◇ - Gas Valve
⬮ - Water Meter/Valve
⊞ - Telephone Pedestal
W - 6" Water Line - location as per district
~~~~~ - Tree/Brush Line

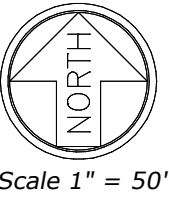


ZONING:  
RR 2.5 - Rural Residential 2.5

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - 4) Lots are subject to the current Access Management Policy. Access to Lots and driveway improvements along Kansas Highway #5 subject to KDOT Approval
  - 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
  - 6) Lot 1 and Tract to South have a shared pond. Maintenance of the pond is shared between the appropriate owners per verbal agreement.
  - 7) All residences built within the subdivision may require engineered plot plans.
  - 8) Exception to regulation Article 50, Section 40.3.i. Lot-width for Lots 1 granted this plat
  - 9) Exception to regulation Article 50, Section 40.3.h. Accessory Structure without principal residence
  - 10) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
  - 11) No off-plat restrictions.

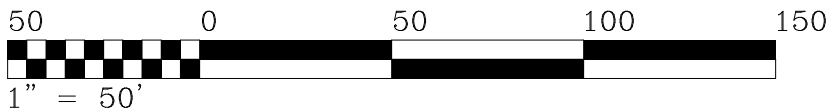


- NOTES:
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Surveyor's Description
  - 5) Basis 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) - 1/2" Rebar (15DRL) Elev.
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Doc # 2021R10530
  - 12) Utility Companies -
    - Water - Consolidated No. 1
    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 13) Reference Lawyer's Title Company Case #41784 1/2/25 updated 11/10/25
  - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0275G dated July 16, 2015
  - 15) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - 16) Distances to and of structures, if any, are +/- 1'.
  - 17) Easements as per referenced Title Commitment are shown hereon, if any.
    - Water District #1 Access and Use Easement Doc. # 2024R02363
    - Water District #1 Bk. 637 Pg. 1528 - does not affect this property
    - Pond water rights statement in title commitment, not shown hereon.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:
    - (RLH) - R.L.Hamm Survey Book S-15-05 #66 NKA2005S066
    - (MLR) - M.L.Rhodes Surveys Doc #2005S059
    - (JAH) - J.A. Herring Surveys Doc #2009S001 & S2009002, #2023S034 DOANE ACRES Doc #2023P00052, Doc #2024S018 PREMIER ACRES - Wyandotte County
    - (LTH) - L.T.Hahn A&A ESTATES Doc #2022P00002
  - 20) Lot 1 does not have access to public water source. No building permits shall be issued until the Water District can provide service to the lots or that a well permit from the State has been issued that can provide enough water to support a residence, or other acceptable methods of providing water is established.
  - 21) No building permit shall be issued for Lots 1 or 2 until a letter from Evergy has been provided stating they have the capacity to provide electric service to the lots.



Scale 1" = 50'

Job # K-25-1865 South  
September 1, 2025 Rev. 12-4-25  
J. Herring, Inc. (dba)  
HERRING SURVEYING & COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5381  
Email - survey@eamcash.com





# MARXEN SOUTH

Tracts of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
FRANCIS, MATTHEW JAMES & KELLY RENEE  
10000 HOLLINGSWORTH RD  
KANSAS CITY, KS 66109  
PID NO. 162-03-0-00-00-013.02

**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: MARXEN SOUTH.

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 MARXEN SOUTH, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Matthew James Francis Kelly Renee Francis

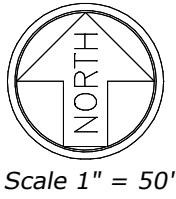
**NOTARY CERTIFICATE:**  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me, a notary public in and for said County and State came Matthew Francis and Kelly Renee Francis, husband and wife, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

**NOTARY PUBLIC.**  
My Commission Expires: \_\_\_\_\_ (seal)

15DRL  
Delaware Reserve  
Line / West line of  
SE 1/4 3-10-23  
1/2" Rebar Cap 1296  
Reset per Report

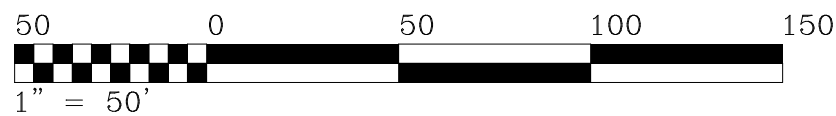
**REGISTER OF DEED CERTIFICATE:**  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2025 at \_\_\_\_\_ o'clock \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Todd



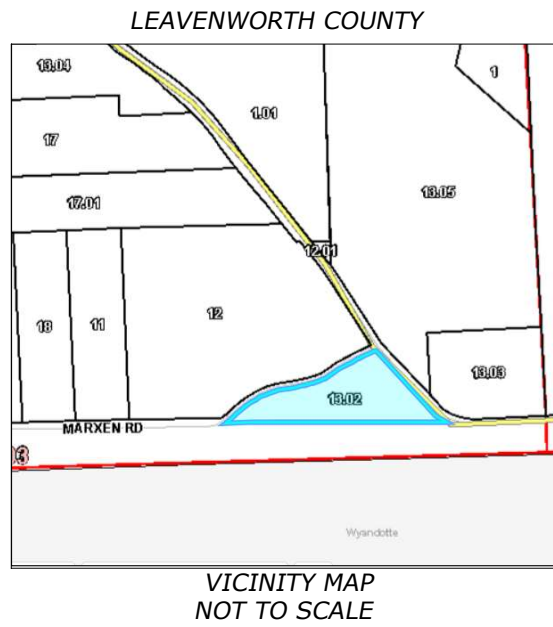
Scale 1" = 50'

Job # K-25-1865 South  
September 1, 2025 Rev. 12-4-25  
J. Herring, Inc. (dba)  
SURVEYING  
& COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5381  
Email - survey@teamcash.com



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

Daniel Baunchen, PS#1363  
County Surveyor



**RECORD DESCRIPTION:**  
A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows: Commencing at the intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 584.00 feet along said Delaware Reserve Line to the TRUE POINT OF BEGINNING, said point being the centerline of Kansas Highway #5; thence continuing South 89 degrees 08'56" West for a distance of 1462.33 feet along said Delaware Reserve Line to the centerline of Marxen Road, as it exists today; thence North 51 degrees 15'55" East for a distance of 260.34 feet along said centerline; thence North 67 degrees 45'45" East for a distance of 145.79 feet along said centerline; thence North 78 degrees 08'23" East for a distance of 292.08 feet along said centerline; thence North 55 degrees 47'52" East for a distance of 184.11 feet along said centerline; thence North 63 degrees 16'37" East for a distance of 242.38 feet along said centerline to the centerline of Kansas Highway #5; thence South 45 degrees 02'26" East for a distance of 663.55 feet along said centerline to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 8.31 acres, more or less, including road right of way. Error of Closure: 1 - 538499

**APPROVALS**  
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of MARXEN SOUTH this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Secretary John Jacobson Chairman Jeff Spink

**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 MARXEN SOUTH this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Chairman Michael Smith County Clerk Attest: Fran Keppler

PID NO. 162-03...012

**ZONING:**  
RR 2.5 - Rural Residential 2.5

- RESTRICTIONS:**
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - 4) Lots are subject to the current Access Management Policy. Access to Lots and driveway improvements along Kansas Highway #5 subject to KDOT Approval
  - 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
  - 6) Lot 1 and Tract to South have a shared pond. Maintenance of the pond is shared between the appropriate owners per verbal agreement.
  - 7) All residences built within the subdivision may require engineered plot plans.
  - 8) Exception to regulation Article 50, Section 40.3.i. Lot-width for Lots 1 granted this plat
  - 9) Exception to regulation Article 50, Section 40.3.h. Accessory Structure without principal residence
  - 10) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
  - 11) No off-plat restrictions.

- NOTES:**
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - 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) - 1/2" Rebar (15DRL) Elev.
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Doc # 2024R02268
  - 12) Utility Companies -
    - Water - Consolidated No. 1
    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 13) Reference Lawyer's Title Company Case #41784 1/2/25 updated 11/10/25
  - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0275G dated July 16, 2015
  - 15) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - 16) Distances to and of structures, if any, are +/- 1'.
  - 17) Easements as per referenced Title Commitment are shown hereon, if any.
    - Water District #1 Access and Use Easement Doc. # 2024R02363
    - Water District #1 Bk. 637 Pg. 1528 - does not affect this property
    - Pond water rights statement in title commitment, not shown hereon.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:
    - (RLH) - R.L.Hamm Survey Book S-15-05 #66 NKA2005S066
    - (MLR) - M.L.Rhodes Surveys Doc #2005S059
    - (JAH) - J.A. Herring Surveys Doc #2009S001 & S2009002, #2023S034 DOANE ACRES Doc #2023P00052, Doc #2024S018 PREMIER ACRES - Wyandotte County
    - (LTH) - L.T.Hahn A&A ESTATES Doc #2022P00002
  - 20) Lot 1 does not have access to public water source. No building permits shall be issued until the Water District can provide service to the lots or that a well permit from the State has been issued that can provide enough water to support a residence, or other acceptable methods of providing water is established.
  - 21) No building permit shall be issued for Lots 1 or 2 until a letter from Evergy has been provided stating they have the capacity to provide electric service to the lots.

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



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of January through September 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



Feb 26,2025

Joe Herring  
J.Herring Inc  
315 N 5<sup>th</sup> st  
Leavenworth, KS 66048

**Re: Marxen Rd**  
**Leavenworth KS**

Dear Joe,

At your request, Evergy is providing this acknowledgement that the above-mentioned property is within Evergy's service territory and, consequently, Evergy will serve the project consistent with its General Rules and Regulations. This correspondence is not a guarantee of service on any specific timeline. Changes, delays, or additions to the project's design, timeline, and installation may result in delays or additional equipment necessary to ensure service upon completion of the project. Additionally, Evergy is subject to the availability of distribution equipment and any supply chain disruptions may affect Evergy's ability to provide service.

All projects must conform to Evergy's Electrical Service Standards and service is dependent upon a timely application for electrical service and supporting information. Upon submission of updated project information, Evergy will work with you to provide information regarding our timeline for provision of service.

Sincerely,

*Bryson Heenan*

Field Design Supervisor  
Evergy  
16215 W 108<sup>th</sup> St.  
Lenexa, KS, 66219  
816-652-1843



## **City of Lansing Kansas Fire Department**

**111 East Kansas Avenue, Lansing, KS. 66043**

To: Joe Herring

Regarding the Marxen South plat Lansing City Fire will provide fire protection for this property. Thank you.

Joe Gates

Fire Chief

City Of Lansing Fire Department

Jgates@lansingks.org



P.O. Box 419  
15520 Crestwood Dr.  
Basehor, KS 66007  
913-724-7000 - O  
913-724-1310 - F  
[www.crwld1.com](http://www.crwld1.com)

January, 24, 2025

Joe Herring  
Herring Surveying Company  
315 N 5<sup>th</sup> St.  
Leavenworth, KS 66048

Re: Marxen South

Dear Mr. Herring,

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, however there is no water main available to provide water to Lot 1 at this time. Lot 2 can be served from a water main along Wolcott Rd. The water district is designing a water main along Marxen Rd, however, there is no established timeline for construction of the water main. If the developer wishes to fund a water main extension to have access to water for Lot 1, we can work with the developer to extend water to the property.

Any new connections to the water system will follow the policies of the water district in place at the time of connection. There are no fire hydrants in the area, but will be added to any new water main 6-inch or larger when constructed.

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:** Anderson, Kyle  
**Sent:** Wednesday, November 5, 2025 12:07 PM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-25-110/111 Preliminary and Final Plat - Marxen South

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:** Thursday, October 30, 2025 4:46 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; 'Dedeke, Andrew' <adedeke@lvsheriff.org>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; San, Soma <SSan@leavenworthcounty.gov>; 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>  
**Cc:** PZ <pz@leavenworthcounty.gov>  
**Subject:** RE: DEV-25-110/111 Preliminary and Final Plat - Marxen South

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 2-lot subdivision located at 00000 Marxen Rd (PID 162-03-0-00-00-013.02).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, November 13, 2025.

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

Thank you,

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

**Disclaimer**

## 11-07-2025 PW Combined Review

Drainage map arrows indicate multiple outfalls to off site. Outfalls with associated drainage areas to be analyzed in report.

Exhibits: Provide contour labels. Provide Lot #s.

Marxen South  
Leavenworth County Kansas  
Drainage Report  
August 31, 2025



# MARXEN SOUTH

Tracts of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
FRANCIS, MATTHEW JAMES & KELLY RENEE  
10000 HOLLINGSWORTH RD  
KANSAS CITY, KS 66109  
PID NO. 162-03-0-00-00-018

### 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: MARXEN SOUTH.

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 MARXEN SOUTH, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Matthew James Francis Kelly Renee Francis

### NOTARY CERTIFICATE:

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me, a notary public in and for said County and State came Matthew Francis and Kelly Renee Francis, husband and wife, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

### NOTARY PUBLIC.

My Commission Expires: \_\_\_\_\_ (seal)

### TRACT 2:

A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows: Commencing at the intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 633.41 feet along said Delaware Reserve Line to the TRUE POINT OF BEGINNING; thence continuing South 89 degrees 08'56" West for a distance of 1412.92 feet along said Delaware Reserve Line to the centerline of Marxen Road, as it exists today; thence North 51 degrees 15'55" East for a distance of 260.34 feet along said centerline; thence North 67 degrees 45'45" East for a distance of 145.79 feet along said centerline; thence North 78 degrees 08'23" East for a distance of 292.08 feet along said centerline; thence North 55 degrees 47'52" East for a distance of 184.11 feet along said centerline; thence North 63 degrees 16'37" East for a distance of 205.06 feet along said centerline to the Westerly right of way line of Kansas Highway #5; thence South 45 degrees 02'26" East for a distance of 640.84 feet along said right of way to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 7.78 acres, more or less, including road right of way. Error of Closure: 1 - 519340

### APPROVALS

We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of MARXEN SOUTH this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Secretary

John Jacobson

Chairman

Jeff Spink

### 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:

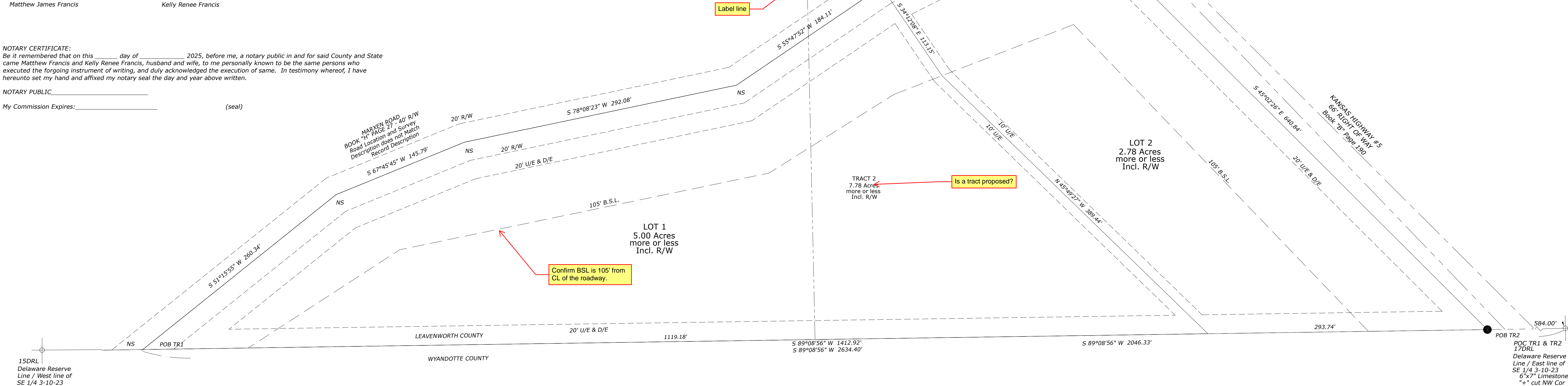
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of MARXEN NORTH this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Chairman

Michael Smith

County Clerk

Attest: Fran Keppler



### ZONING:

RR 2.5 - Rural Residential 2.5

### RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to the current Access Management Policy. Access to Lots along Kansas Highway #5 subject to KDOT Approval
- 5) Lot 1 and Tract to South have a shared access to Kansas Highway #5. Maintenance of the access drive is shared between the appropriate owners.
- 6) Lot 1 and Tract to South have a shared pond. Maintenance of the pond is shared between the appropriate owners per signed document between owners.
- 7) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 8) All residences built within the subdivision may require engineered plot plans.
- 9) No off-plat restrictions.

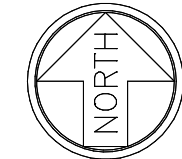
### REGISTER OF DEED CERTIFICATE:

Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2025 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 Baumen, PS#1363  
County Surveyor



Job # K-25-1710 South  
September 1, 2025 Rev. 10-15-25  
J Herring, Inc. (dba)  
J HERRING  
SURVEYING  
& COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5381  
Email - survey@eamcash.com

### LEGEND:

- - 1/2" Rebar Set with Cap No. 1296
- - 1/2" Rebar Found, unless otherwise noted.
- POB - Point of Beginning
- POC - Point of Commencing
- ( ) - 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
- - 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

11-07-25  
PW Combined  
Review  
Comments

### 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) - 1/2" Rebar (15DRL) Elev.
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Doc # 2021R10530
- 12) Utility Companies -
  - Water - Consolidated No. 1
  - Electric - Evergy
  - Sewer - Septic / Lagoon
  - Gas - Propane / Natural Gas
- 13) Reference Lawyer's Title Company - LTK Order ID 70542 - May 23, 2023
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0275G dated July 16, 2015
- 15) Building Setback Lines as shown hereon or noted below
  - All side yard setbacks - 15' (Accessory - 15')
  - All rear yard setbacks - 40' (Accessory - 15')
- 16) Distances to and of structures, if any, are +/- 1'.
- 17) Easements as per referenced Title Commitment are shown hereon, if any.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:
  - (RLH) - R.L.Hamm Survey Book S-15-05 #66 NKA2005S066
  - (MLR) - M.L.Rhodes Surveys Doc #2005S059
  - (JAH) - J.A. Herring Surveys Doc #2009S001 & S2009002, #2023S034
  - DOANE ACRES Doc #2023P0052, Doc #2024S018
  - PREMIER ACRES - Wyandotte County
  - (LTH) - L.T.Hahn A&A ESTATES Doc #2022P00002



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of January through September 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



# MARXEN SOUTH

Tracts of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

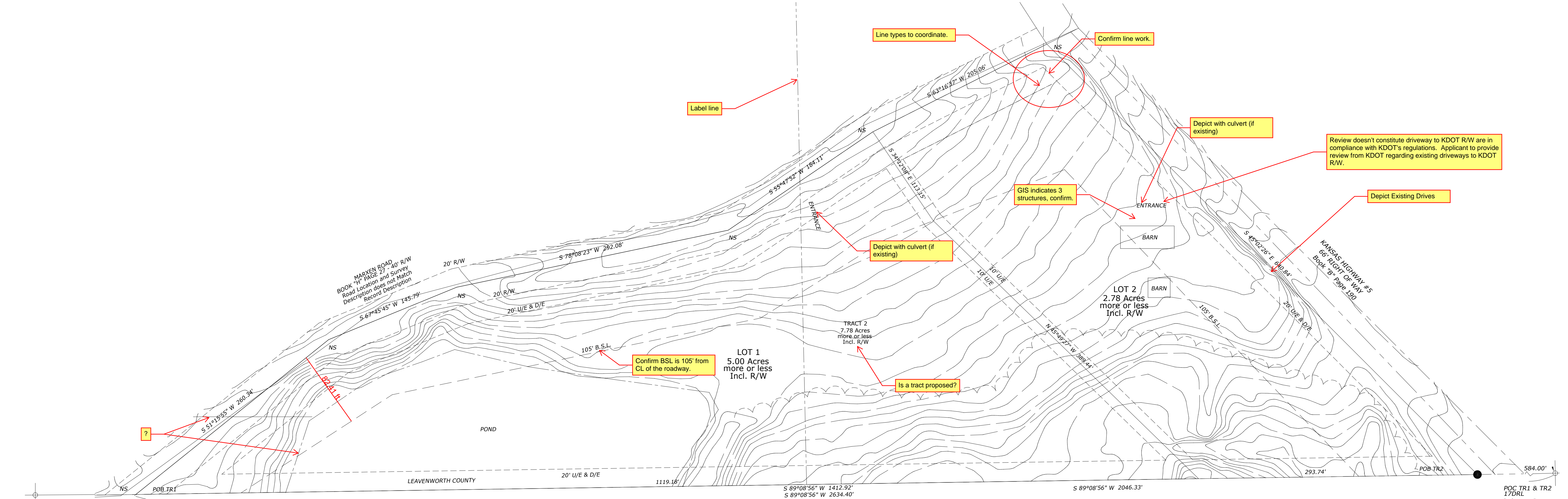
## PRELIMINARY PLAT

PREPARED FOR:  
FRANCIS, MATTHEW JAMES & KELLY RENEE  
10000 HOLLINGSWORTH RD  
KANSAS CITY, KS 66109  
PID NO. 162-03-0-00-00-018

TRACT 2:  
A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows:  
Commencing at the intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 633.41 feet along said Delaware Reserve Line to the TRUE POINT OF BEGINNING; thence continuing South 89 degrees 08'56" West for a distance of 1412.92 feet along said Delaware Reserve Line to the centerline of Marxen Road, as it exists today; thence North 51 degrees 15'55" East for a distance of 260.34 feet along said centerline; thence North 67 degrees 45'45" East for a distance of 145.79 feet along said centerline; thence North 78 degrees 08'23" East for a distance of 292.08 feet along said centerline; thence North 55 degrees 47'52" East for a distance of 184.11 feet along said centerline; thence North 63 degrees 16'37" East for a distance of 205.06 feet along said centerline to the Westerly right of way line of Kansas Highway #5; thence South 45 degrees 02'26" East for a distance of 640.84 feet along said right of way to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 7.78 acres, more or less, including road right of way.  
Error of Closure: 1 - 519340

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

11-07-25  
PW Combined  
Review  
Comments



### ZONING:

RR 2.5 - Rural Residential 2.5

### RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to the current Access Management Policy.
- 5) Access to Lots along Kansas Highway #5 subject to KDOT Approval
- 6) Lot 1 and Tract to South have a shared access to Kansas Highway #5.
- 7) Maintenance of the access drive is shared between the appropriate owners.
- 8) Lot 1 and Tract to South have a shared pond. Maintenance of the pond is shared between the appropriate owners per signed document between owners.
- 9) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 10) All residences built within the subdivision may require engineered plot plans.
- 11) No off-plat restrictions.

### NOTES:

- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - 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
- 10) Project Benchmark (BM) - 1/2" Rebar (15DRL) Elev.
- 11) Easements, if any, are created hereon or listed in referenced title commitment.
- 12) Reference Recorded Deed Doc # 2021R10530
- 13) Utility Companies -
  - Water - Consolidated No. 1
  - Electric - Evergy
  - Sewer - Septic / Lagoon
  - Gas - Propane / Natural Gas
- 14) Reference Lawyer's Title Company - LTK Order ID 70542 - May 23, 2023
- 15) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 2010C0275G dated July 16, 2015
- 16) Building Setback Lines as shown hereon or noted below
  - All side yard setbacks - 15' (Accessory - 15')
  - All rear yard setbacks - 40' (Accessory - 15')
- 17) Distances to and of structures, if any, are +/- 1'.
- 18) Easements as per referenced Title Commitment are shown hereon, if any.
- 19) Fence Lines do not necessarily denote the boundary line for the property.
- 20) Reference Surveys:
  - (RLH) - R.L.Hamm Survey Book S-15-05 #66 NKA2005S066
  - (MLR) - M.L.Rhodes Surveys Doc #2005S059
  - (JAH) - J.A. Herring Surveys Doc #2009S001 & S2009002, #2023S034
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  - PREMIER ACRES - Wyandotte County
  - (LTH) - L.T.Hahn A&A ESTATES Doc #2022P00002

15DRL  
Delaware Reserve  
Line / West line of  
SE 1/4 3-10-23  
1/2" Rebar Cap 1296  
Reset per Report

POC TR1 & TR2  
17DRL  
Delaware Reserve  
Line / East line of  
SE 1/4 3-10-23  
6"x7" Limestone w/  
"+" cut NW Cor



Job # K-25-1710 South  
September 1, 2025 Rev. 10-15-25

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



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of January through September 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



# MARXEN SOUTH

Tracts of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

### PREPARED FOR:

FRANCIS, MATTHEW JAMES & KELLY RENEE  
10000 HOLLINGSWORTH RD  
KANSAS CITY, KS 66109  
PID NO. 162-03-0-00-00-013.02

### 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: MARXEN SOUTH.

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 MARXEN SOUTH, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Matthew James Francis

Kelly Renee Francis

PID NO. 162-03...012

### NOTARY CERTIFICATE:

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me, a notary public in and for said County and State came Matthew Francis and Kelly Renee Francis, husband and wife, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

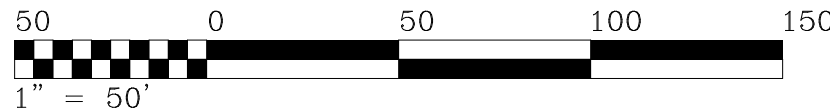
### NOTARY PUBLIC.

My Commission Expires: \_\_\_\_\_ (seal)

15DRL  
Delaware Reserve  
Line / West line of  
SE 1/4 3-10-23  
1/2" Rebar Cap 1296  
Reset per Report



Job # K-25-1865 South  
September 1, 2025 Rev. 11-23-25  
J. HERRING, Inc. (dba)  
HERRING SURVEYING  
COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5381  
Email - survey@eamcash.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 Baumen, PS#1363  
County Surveyor

TRACT 2:

A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows: Commencing at the intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 584.00 feet along said Delaware Reserve Line to the TRUE POINT OF BEGINNING, said point being the centerline of Kansas Highway #5; thence continuing South 89 degrees 08'56" West for a distance of 1462.33 feet along said Delaware Reserve Line to the centerline of Marxen Road, as it exists today; thence North 51 degrees 15'55" East for a distance of 260.34 feet along said centerline; thence North 67 degrees 45'45" East for a distance of 145.79 feet along said centerline; thence North 78 degrees 08'23" East for a distance of 292.08 feet along said centerline; thence North 55 degrees 47'52" East for a distance of 184.11 feet along said centerline; thence North 63 degrees 16'37" East for a distance of 242.38 feet along said centerline to the centerline of Kansas Highway #5; thence South 45 degrees 02'26" East for a distance of 663.55 feet along said centerline to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 8.31 acres, more or less, including road right of way. Error of Closure: 1 - 538499

Repeat comment edit to: record description

Provide LSRR

### APPROVALS

We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of MARXEN SOUTH this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Secretary

John Jacobson

Chairman

Jeff Spink

### 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 MARXEN SOUTH this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Chairman

Michael Smith

County Clerk

Attest: Fran Keppler

BOOK "HP PAGE 27" 40' R/W  
Road Location and Survey  
Description do not Match  
Record Description

N 67°45'45" E 145.79'

N 51°15'55" E 260.34'

N 78°08'23" E 292.08'

N 55°47'52" E 184.11'

N 63°16'37" E 242.38'

S 45°02'26" E 663.55'

S 45°02'26" E 640.84'

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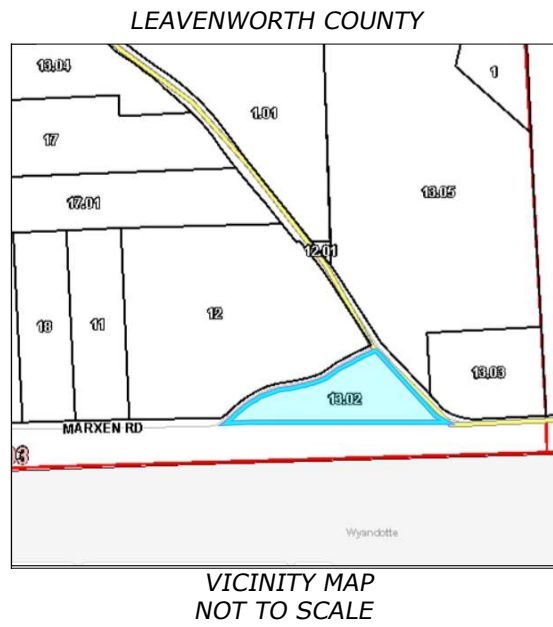
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### ZONING:

RR 2.5 - Rural Residential 2.5

### RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to the current Access Management Policy. Access to Lots and driveway improvements along Kansas Highway #5 subject to KDOT Approval
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) Lot 1 and Tract to South have a shared pond. Maintenance of the pond is shared between the appropriate owners per verbal agreement.
- 7) All residences built within the subdivision may require engineered plot plans.
- 8) Exception to regulation Article 50, Section 40.3.i. Lot-width for Lots 1 granted this plat
- 9) Exception to regulation Article 50, Section 40.3.h. Accessory Structure without principal residence
- 10) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
- 11) No off-plat restrictions.



VICINITY MAP  
NOT TO SCALE

### 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) - 1/2" Rebar (15DRL) Elev.
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
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- 12) Utility Companies -
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  - Electric - Evergy
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- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0275G dated July 16, 2015
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- 21) No building permit shall be issued for Lots 1 or 2 until a letter from Evergy has been provided stating they have the capacity to provide electric service to the lots.

Provide Title report

Edit to: 2009S002

LEGEND:  
● - 1/2" Rebar Set with Cap No. 1296  
○ - 1/2" Rebar Found, unless otherwise noted.  
POB - Point of Beginning  
POC - Point of Commencing  
( ) - Record / Deeded Distance  
U/E - Utility Easement  
D/E - Drainage Easement  
B.S.L. - Building Setback Line  
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C - Chord Distance  
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NS - Not Set this survey per agreement with client

remove arrow

Show monument symbol



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of January through September 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



# MARXEN SOUTH

Tracts of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
FRANCIS, MATTHEW JAMES & KELLY RENEE  
10000 HOLLINGSWORTH RD  
KANSAS CITY, KS 66109  
PID NO. 162-03-0-00-00-013.02

**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: MARXEN SOUTH.

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 MARXEN SOUTH, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

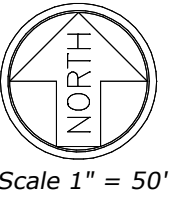
Matthew James Francis Kelly Renee Francis

PID NO. 162-03...012

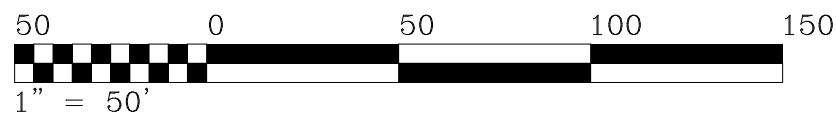
**NOTARY CERTIFICATE:**  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2025, before me, a notary public in and for said County and State came Matthew Francis and Kelly Renee Francis, husband and wife, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

**NOTARY PUBLIC.**  
My Commission Expires: \_\_\_\_\_ (seal)

15DRL  
Delaware Reserve  
Line / West line of  
SE 1/4 3-10-23  
1/2" Rebar Cap 1296  
Reset per Report



Job # K-25-1865 South  
September 1, 2025 Rev. 11-23-25  
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



**TRACT 2:**  
A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows: Commencing at the intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 584.00 feet along said Delaware Reserve Line to the TRUE POINT OF BEGINNING, said point being the centerline of Kansas Highway #5; thence continuing South 89 degrees 08'56" West for a distance of 1462.33 feet along said Delaware Reserve Line to the centerline of Marxen Road, as it exists today; thence North 51 degrees 15'55" East for a distance of 260.34 feet along said centerline; thence North 67 degrees 45'45" East for a distance of 145.79 feet along said centerline; thence North 78 degrees 08'23" East for a distance of 292.08 feet along said centerline; thence North 55 degrees 47'52" East for a distance of 184.11 feet along said centerline; thence North 63 degrees 16'37" East for a distance of 242.38 feet along said centerline to the centerline of Kansas Highway #5; thence South 45 degrees 02'26" East for a distance of 663.55 feet along said centerline to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 8.31 acres, more or less, including road right of way. Error of Closure: 1 - 538499

**APPROVALS**  
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of MARXEN SOUTH this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Secretary Chairman  
John Jacobson Jeff Spink

**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

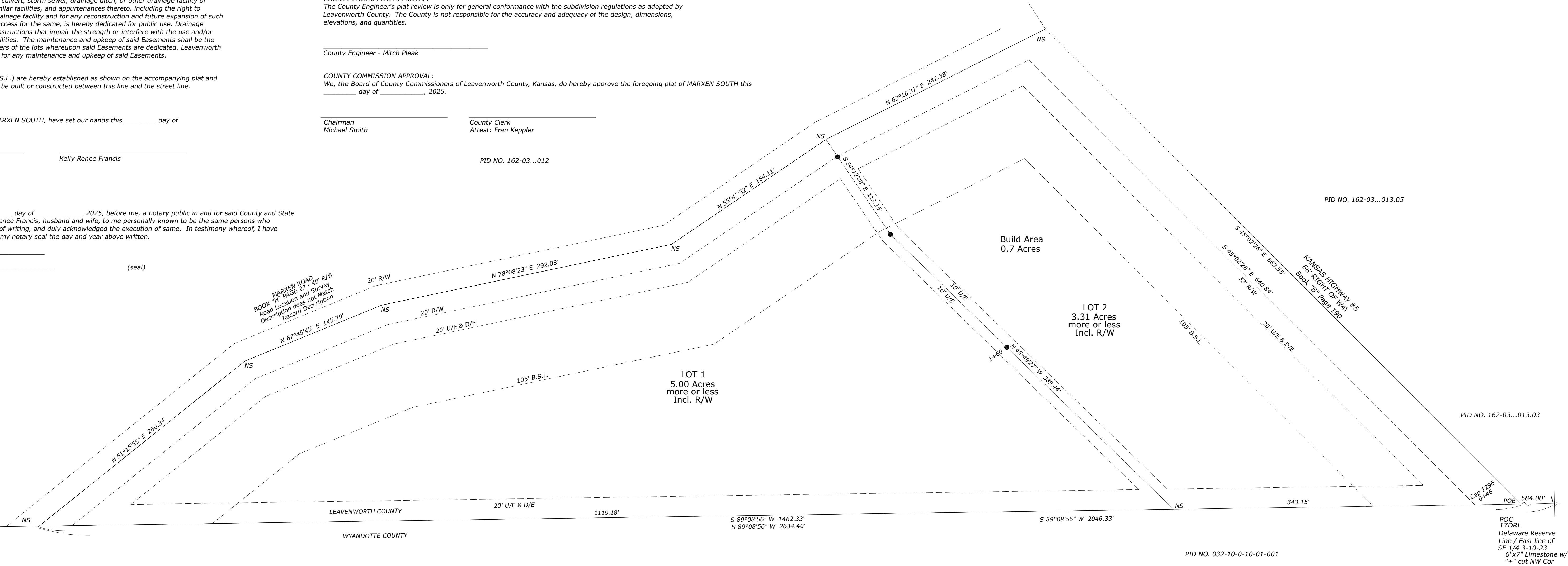
**COUNTY COMMISSION APPROVAL:**  
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of MARXEN SOUTH this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Chairman County Clerk  
Michael Smith Attest: Fran Keppler

-place note that Lots 1 does not have access to public water source. No building permits shall be issued until the Water District can provide service to the lots or that a well permit from the State has been issued that can provide enough water to support a residence.  
-show easements listed on the Title Report for Tract B

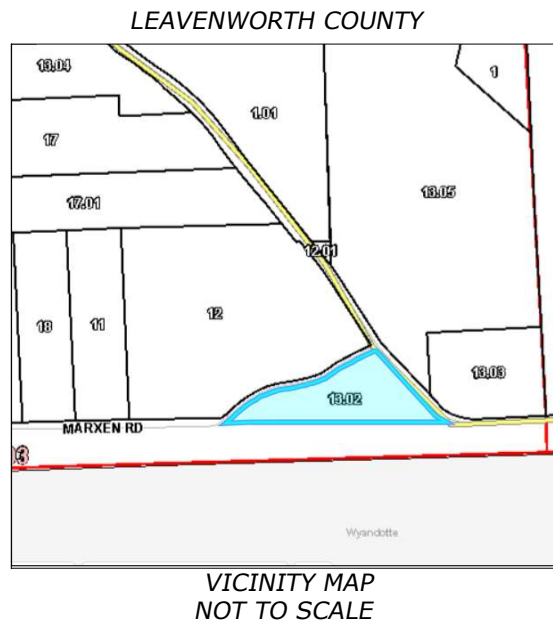
REVIEWED  
Limestone, 12/24/2025, 10:54:43 AM

**LEGEND:**  
● - 1/2" Rebar Set with Cap No. 1296  
○ - 1/2" Rebar Found, unless otherwise noted.  
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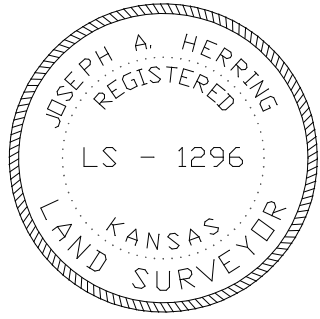


**ZONING:**  
RR 2.5 - Rural Residential 2.5

- RESTRICTIONS:**
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- NOTES:**
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I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of January through September 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



# MARXEN SOUTH

Tracts of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

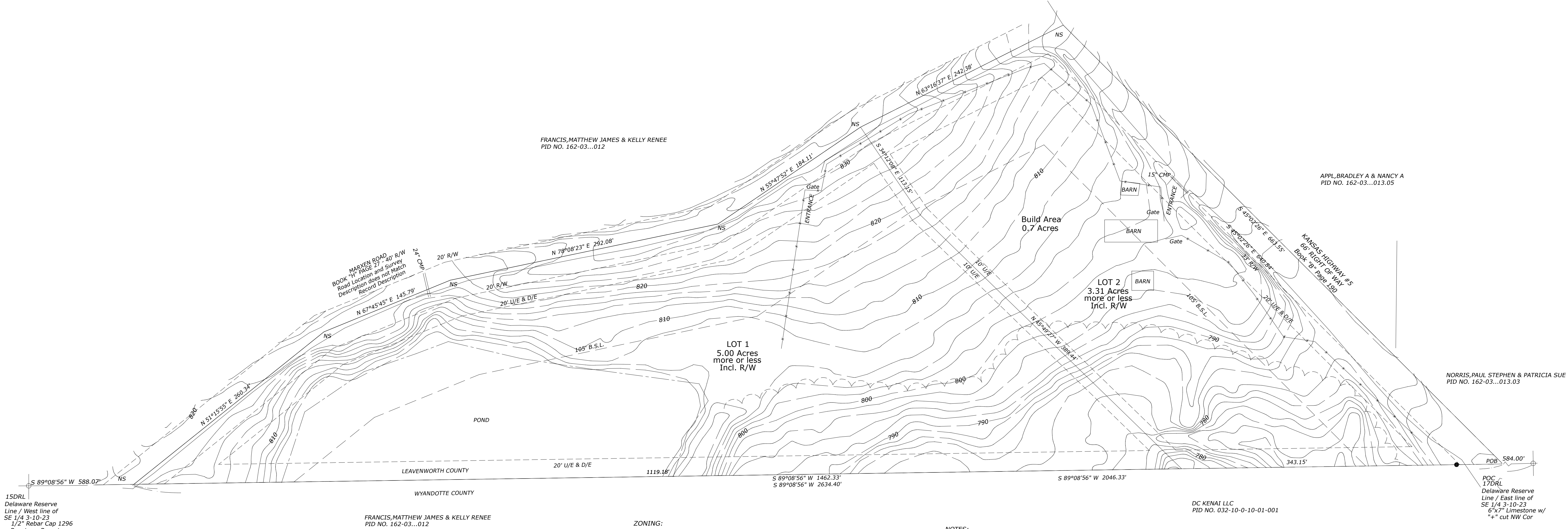
PREPARED FOR:  
FRANCIS, MATTHEW JAMES & KELLY RENEE  
10000 HOLLINGSWORTH RD  
KANSAS CITY, KS 66109  
PID NO. 162-03-0-00-00-013.02

TRACT 2:  
A tract of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on July 15, 2023, more fully described as follows:  
Commencing at the intersection of the Delaware Reserve Line and the East line of said Southeast Quarter; thence South 89 degrees 08'56" West for a distance of 584.00 feet along said Delaware Reserve Line to the TRUE POINT OF BEGINNING, said point being the centerline of Kansas Highway #5; thence continuing South 89 degrees 08'56" West for a distance of 1462.33 feet along said Delaware Reserve Line to the centerline of Marxen Road, as it exists today; thence North 51 degrees 15'55" East for a distance of 260.34 feet along said centerline; thence North 67 degrees 45'45" East for a distance of 145.79 feet along said centerline; thence North 78 degrees 08'23" East for a distance of 292.08 feet along said centerline; thence North 55 degrees 47'52" East for a distance of 184.11 feet along said centerline; thence North 63 degrees 16'37" East for a distance of 242.38 feet along said centerline to the centerline of Kansas Highway #5; thence South 45 degrees 02'26" East for a distance of 663.55 feet along said centerline to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 8.31 acres, more or less, including road right of way.  
Error of Closure: 1 - 538499

-place note that Lots 1 does not have access to public water source. No building permits shall be issued until the Water District can provide service to the lots or that a well permit from the State has been issued that can provide enough water to support a residence.  
-show easements listed on the Title Report for Tract B

REVIEWED  
11/14/2025, 10:50:09 AM

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



15DRL  
Delaware Reserve  
Line / West line of  
SE 1/4 3-10-23  
1/2" Rebar Cap 1296  
Reset per Report

FRANCIS, MATTHEW JAMES & KELLY RENEE  
PID NO. 162-03-0-00-00-013.02

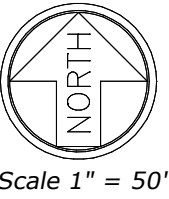
ZONING:  
RR 2.5 - Rural Residential 2.5

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - 4) Lots are subject to the current Access Management Policy. Access to Lots and driveway improvements along Kansas Highway #5 subject to KDOT Approval
  - 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
  - 6) Lot 1 and Tract to South have a shared pond. Maintenance of the pond is shared between the appropriate owners per verbal agreement.
  - 7) All residences built within the subdivision may require engineered plot plans.
  - 8) Exception to regulation Article 50, Section 40.3.i. Lot-width for Lots 1 granted this plat
  - 9) Exception to regulation Article 50, Section 40.3.h. Accessory Structure without principal residence
  - 10) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
  - 11) No off-plat restrictions.

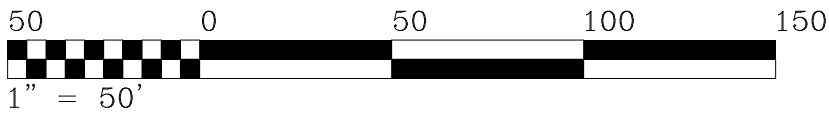


- NOTES:
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Surveyor's Description
  - 5) Basis 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) - 1/2" Rebar (15DRL) Elev.
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Doc # 2021R10530
  - 12) Utility Companies -
    - Water - Consolidated No. 1
    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 13) Reference Lawyer's Title Company - LTK Order ID 70542 - May 23, 2023
  - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0275G dated July 16, 2015
  - 15) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - 16) Distances to and of structures, if any, are +/- 1'.
  - 17) Easements as per referenced Title Commitment are shown hereon, if any.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:
    - (RLH) - R.L.Hamm Survey Book S-15-05 #66 NKA2005S066
    - (MLR) - M.L.Rhodes Surveys Doc #2005S059
    - (JAH) - J.A. Herring Surveys Doc #2009S001 & S2009002, #2023S034
    - DOANE ACRES Doc #2023P00052, Doc #2024S018
    - PREMIER ACRES - Wyandotte County
    - (LTH) - L.T.Hahn A&A ESTATES Doc #2022P00002
  - 20) Lot 1 does not have access to public water source. No building permits shall be issued until the Water District can provide service to the lots or that a well permit from the State has been issued that can provide enough water to support a residence, or other acceptable methods of providing water is established.
  - 21) No building permit shall be issued for Lots 1 or 2 until a letter from Evergy has been provided stating they have the capacity to provide electric service to the lots.

Update Case #  
and Date



Job # K-25-1865 South  
September 1, 2025 Rev. 11-23-25  
J. Herring, Inc. (dba)  
HERRING  
SURVEYING  
& COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5381  
Email - survey@eamcash.com





**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-25-123 Miller Tract Split Exception

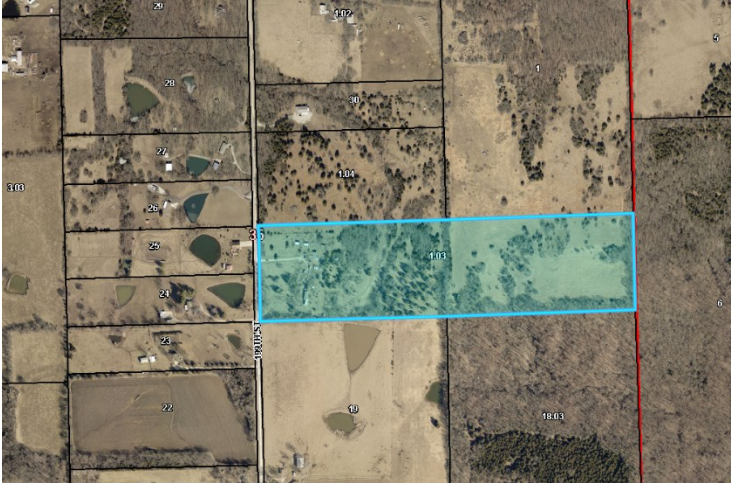
December 10, 2025

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

**STAFF REPRESENTATIVE:**

Amy Allison  
Deputy Director

**SUBJECT PROPERTY:** 20078 199<sup>th</sup> Street



**APPLICANT/APPLICANT AGENT:**

Joe Herring  
Herring Surveying Company  
315 N. 5th St.  
Leavenworth, KS 66048

**PROPERTY OWNER:**

Kenneth & Sherry Miller  
20078 199<sup>th</sup> Street  
Tonganoxie KS 66086

**CONCURRENT APPLICATIONS:**

N/A

**LAND USE**

ZONING: RR-5

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

SUBDIVISION: N/A

FLOODPLAIN: N/A

**PROPERTY INFORMATION**

**PARCEL SIZE:** 40 Acres

**PARCEL ID NO:**

147-35-0-00-00-001.03

**BUILDINGS:**

Two single-family residences and  
accessory structures

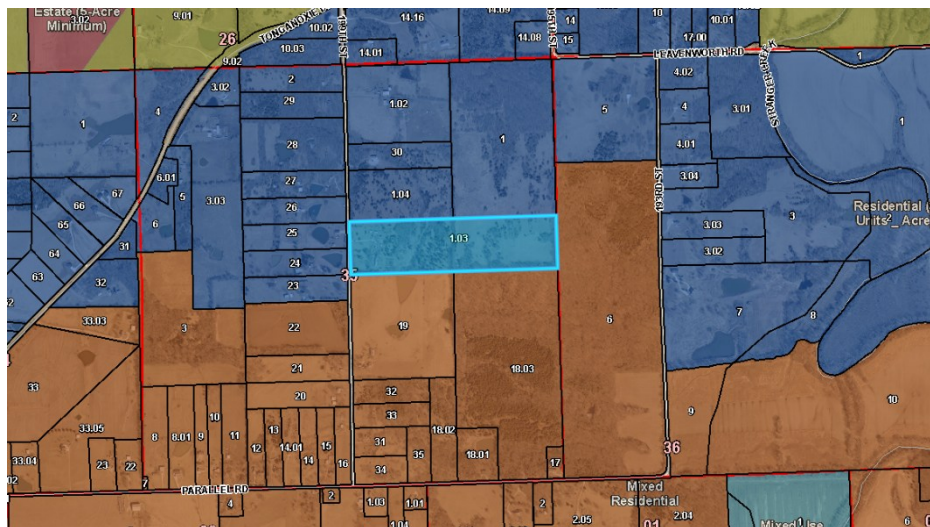
**LEGAL DESCRIPTION:**

Tracts of land in the Northeast Quarter of Section 35, Township 10 South, Range 21 East of the 6th p.m., Leavenworth County, Kansas.

**ACTION OPTIONS:**

1. Approve Case DEV-25-123, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
2. Deny Case No.DEV-25-123, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
3. Modify Case No DEV-25-123, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio)

**Location Map: Future Land Use Designation**



**ACCESS/STREET:**

199<sup>th</sup> Street: Local, ±20' Wide, Gravel

**UTILITIES**

SEWER: N/A

FIRE: Stranger

WATER: RWD#9

ELECTRIC: FreeState

**NOTICE & REVIEW:**

STAFF REVIEW: 11/18/2025

NEWSPAPER NOTIFICATION:  
N/A

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
N/A

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

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

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

- The property is currently conforming with the lot-width to lot-depth standards (1:4). Any type of split will likely result in one tract not complying with the lot-width to lot-depth standards unless an internal road is added.

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

- See comment above.

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

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

**STAFF COMMENTS:**

The proposed layout would create one compliant tract with the remaining tract being a non-compliant L-shape lot. The property does not have any readily identifiable development constraints (floodplain, topography issues, etc.). The property does have enough frontage for two tracts in the RR-5 zoning district but it currently is compliant with the lot-width to lot-depth ratio (1:4). Any type of split would likely require an exception unless an internal road is installed. Two houses do exist on the property and the owners would like to divide one house from the other.

**ATTACHMENTS:**

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

## LOT/TRACT SPLIT APPLICATION

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

Office Use Only

PID: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Township: \_\_\_\_\_  
Case No. \_\_\_\_\_  
Legal description \_\_\_\_\_  
Zoning District \_\_\_\_\_  
Comprehensive Plan land use designation \_\_\_\_\_

### APPLICANT AGENT INFORMATION

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

### OWNER INFORMATION

NAME Kenneth & Sherry Miller  
ADDRESS 20078 199th Street  
CITY/ST/ZIP Tonganoxie, KS 66086  
PHONE N/A  
EMAIL N/A

### PROPERTY INFORMATION

Address of property 20078 199th Street  
Parcel size 40 Ac  
Existing structures 2 Houses and Ag Structure  
Current use of the property Ag & Residential

### PROPOSED USE INFORMATION

Proposed land use Ag & Residential  
Proposed Lot/Tract 1 Size  
35.0 Acres  
Proposed Lot/Tract 2 Size  
5.0 Acres

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

Signature Joe Herring - digitally signed 10-18-25 Date 10-18-25

ATTACHMENT A



\* 2 0 1 4 R 0 5 6 7 7 2 \*

Doc #: 2014R05677

STACY R. DRISCOLL/REGISTER OF DEEDS  
LEAVENWORTH COUNTY

RECORDED ON

08/11/2014 12:41PM

RECORDING FEE: 12.00

INDEBTEDNESS: 0.00

PAGES: 2

Entered in the transfer record in my office this  
day of Aug 2014

Stacy R. Driscoll  
County Clerk

Kansas Secured Title  
360 Santa Fe  
Leavenworth, KS 66048  
TX0005556

### QUIT CLAIM DEED – JOINT TENANCY

Darrell L. Miller and Cherry R. Miller, as Trustees under the Miller Revocable  
Living Trust dated 09/13/90

convey and quitclaim to

Kenneth A. Miller and Sherry S. Miller, husband and wife

as Joint Tenants with the right of survivorship and not as tenants in common

all the following REAL ESTATE in the County of LEAVENWORTH, and the State  
of Kansas, to-wit:

The West 1313.77 feet of the South 659.00 feet of the following describe tract:

#### TRACT 1:

A tract of land in the Northeast 1/4 of Section 35, Township 10 South, Range  
21 East of the 6th P.M., Leavenworth County, Kansas, more fully described  
as follows: Commencing at the Southwest corner of said Northeast 1/4;  
thence North 01°17'17" West for a distance of 661.78 feet along the West  
line of said Northeast 1/4 to the TRUE POINT OF BEGINNING; thence  
continuing North 01°17'17" West for a distance of 659.00 feet along said  
West line the South line of a tract of land recorded as Document No.  
2007R08248; thence North 88°16'08" East for a distance of 1313.77 feet  
along said South line to a 1/2" Bar Cap LS-1296; thence North 01°26'45"  
West for a distance of 1321.97 feet along the East line of said Tract to a 1/2"  
Bar Cap LS-1296 on the North line of said Northeast 1/4; thence North  
88°12'57" East for a distance of 1310.13 feet along the North line of said

CI  
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Northeast 1/4 to a 1/2" Bar Cap LS-1296; thence South 88°19'19" West for a distance of 2631.16 feet to the point of beginning, as described in Certificate of Survey by Herring Surveying Company recorded May 23, 2013 as Document No. 2013S018, less any part thereof taken or used for road purposes.

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

No Real Estate Validation Questionnaire per KSA 1993 Supp. 79-1437e as amended (#4)

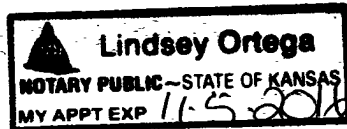
Dated this 7<sup>th</sup> day of August, 2014.

Darrell L. Miller  
Darrell L. Miller, Trustee

Cherry R. Miller  
Cherry R. Miller, Trustee

STATE OF KANSAS, LEAVENWORTH COUNTY:

The foregoing instrument executed was acknowledged before me this 7<sup>th</sup> day of August, 2014, by Darrell L. Miller and Cherry R. Miller, as Trustees under the Miller Revocable Living Trust dated 09/13/90



[Signature]  
Notary Public

My appointment expires: \_\_\_\_\_

Darrell L. & Cherry R. Miller: 20076 199<sup>th</sup> St., Tonganoxie, KS 66086

Kenneth A. & Sherry S. Miller: 20078 199<sup>th</sup> St., Tonganoxie, KS 66086

AFFIDAVIT

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

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Kenneth Miller and Sherry S. Miller

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 20078 199th St Tonganoxie, KS 66586 and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

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

2)

Signed and entered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

---

Print Name, Address, Telephone

---

Signature

STATE OF KANSAS                    )  
                                                  ) SS  
COUNTY OF LEAVENWORTH )

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

NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(seal)

Lot Width to Dept

## 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.  
Existing Tract is 40 acres with 2 Residential Structure and separate Lagoons
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.  
Yes - Tract exists with a 1 to 4 ratio.
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

CERTIFICATE OF SURVEY

Tracts of land in the Northeast Quarter of Section 35,  
Township 10 South, Range 21 East, Leavenworth County, Kansas.

TRACT SPLIT

PREPARED FOR:  
Kenneth & Sherry Miller  
20078 199th Street  
Tonganoxie, KS 66086  
PID NO. 147-35-0-00-00-001.03

RECORD DESCRIPTION: Doc # 2013R05473  
A tract of land in the Northeast Quarter of Section 35, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Southwest Corner of said Northeast Quarter; thence North 01 degrees 17'17" West for a distance of 661.78 feet along the West line of said Northeast Quarter; thence North 88 degrees 19'19" East for a distance of 2631.16 feet to a 1/2" Bar Cap LS-1296 on the East line of said Northeast Quarter; thence South 01 degrees 36'12" East for a distance of 661.76 feet along said East line; thence South 88 degrees 19'19" West for a distance of 2634.80 feet along the South line of said Northeast Quarter to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record. Said property contains 40.0 acres, more or less including road right of ways.

SURVEYOR'S DESCRIPTION:  
TRACT 1:  
A tract of land in the Northeast Quarter of Section 35, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on October 18, 2025, more fully described as follows: Commencing at the Southwest Corner of said Northeast Quarter; thence North 01 degrees 17'17" West for a distance of 300.01 feet along the West line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence continuing North 01 degrees 17'17" West for a distance of 361.77 feet along said West line; thence North 88 degrees 19'19" East for a distance of 2631.16 feet to a 1/2" Rebar Cap LS-1296 on the East line of said Northeast Quarter; thence South 01 degrees 36'12" East for a distance of 661.76 feet along said East line to the Southeast corner of said Northeast Quarter; thence South 88 degrees 19'19" West for a distance of 1908.80 feet along the South line of said Northeast Quarter; thence North 01 degrees 17'17" West for a distance of 300.01 feet; thence South 88 degrees 19'19" West for a distance of 726.00 feet to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record. Said property contains 35.0 acres, more or less including road right of ways. Error of closure - 1 : 1209127

TRACT 2:  
A tract of land in the Northeast Quarter of Section 35, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on October 18, 2025, more fully described as follows: Beginning at the Southwest Corner of said Northeast Quarter; thence North 01 degrees 17'17" West for a distance of 300.01 feet along the West line of said Northeast Quarter; thence North 88 degrees 19'19" East for a distance of 726.00 feet; thence South 01 degrees 17'17" East for a distance of 300.01 feet; thence South 88 degrees 19'19" West for a distance of 726.00 feet along the South line of said Northeast Quarter to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record. Said property contains 5.0 acres, more or less including road right of ways. Error of Closure - 1 : 999999

RATIFICATION BY PLANNING COMMISSION  
This tract split, as described and shown above, has been submitted to and approved by the following Leavenworth County Planning Commission persons this \_\_\_\_ day of \_\_\_\_ 2025.

Planning Commission Chairperson \_\_\_\_\_  
Jeff Spink

NOTARY CERTIFICATE  
Be it remember that on this \_\_\_\_ day of \_\_\_\_ 2025, before me, a notary public in and for said County and State came Jeff Spink, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_  
(seal)

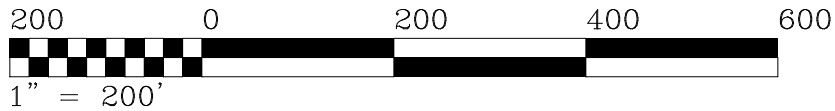


Scale 1" = 200'

Job # K-25-1484  
October 10, 2025 Rev. 11-11-25 (HVD)

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

315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5381  
Email - survey@teamcash.com



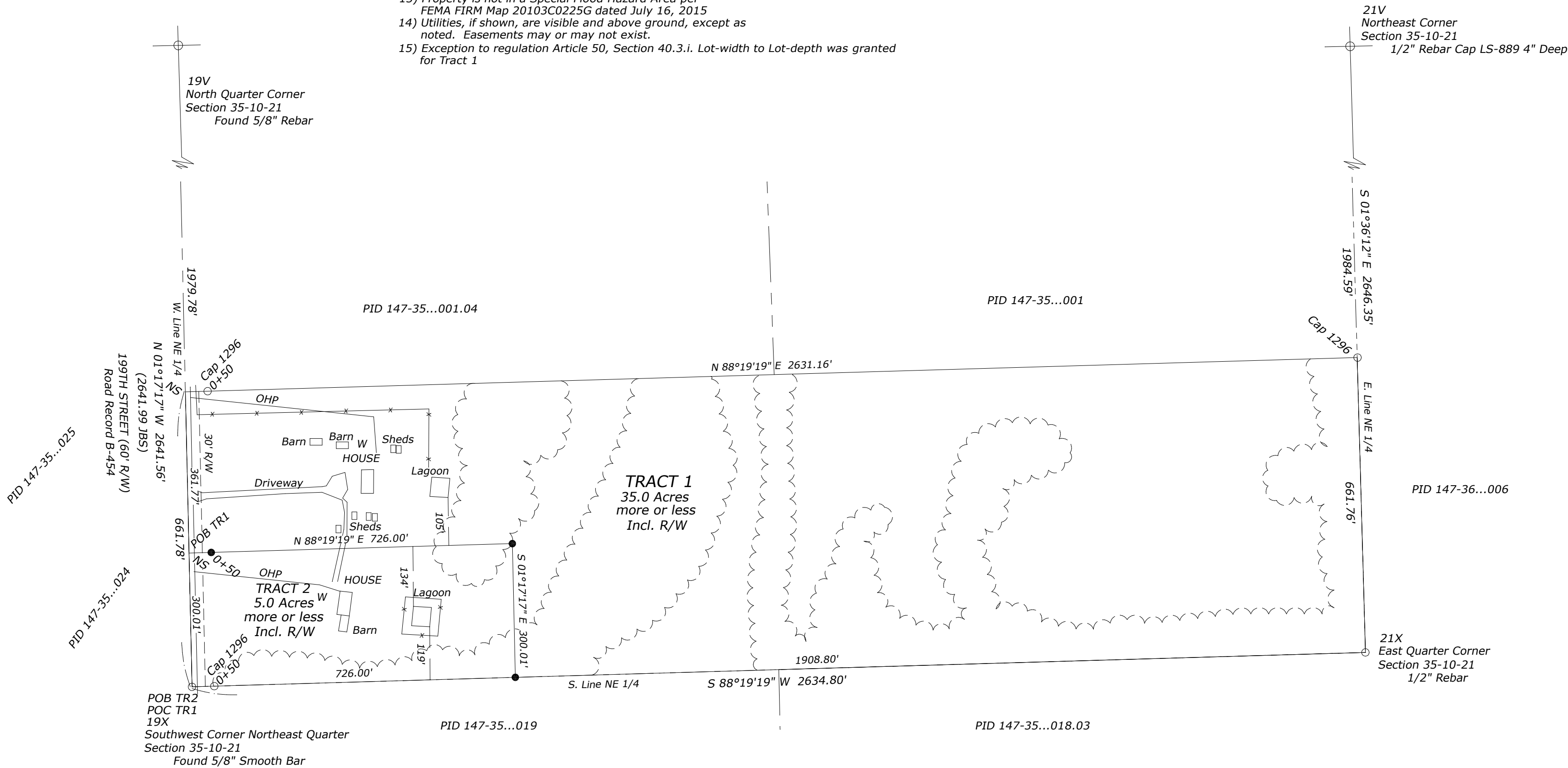
I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

\_\_\_\_\_  
Daniel Baumchen, PS#1363  
County Surveyor

ZONE: RR-5

- NOTES:
- 1) This survey does not show ownership or easements, per agreement with client
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All record and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Surveyor's Description
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Referenced Surveys -  
(DGW) - D.G.White Surveys Doc # 2009S008, S-14 #21 1994 NKA1994S021  
(WPW) - W.P.Ward Survey Book S-13 #3 dated 1992 NKA1992S003  
(JBS) - J.B.Strick ESTATES OF STRANGER CREEK Bk 15 Pg 90 2005, NKA2005P00090  
(JAH) - J.A.Herring Survey Doc # 2013S018, 2021S066  
VOELKER FAMILY FARM recorded 2015P00009
  - 8) Road Records - See Survey
  - 9) Referenced Deed Document # 2013R05473
  - 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 per FEMA FIRM Map 20103C0225G dated July 16, 2015
  - 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.
  - 15) Exception to regulation Article 50, Section 40.3.i. Lot-width to Lot-depth was granted for Tract 1

- 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
  - OHP - Power Overhead Service Line
  - W - Water Well - approx. location



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of October 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Thursday, October 30, 2025 12:27 PM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-25-123 Tract Split - Miller

We have not received any complaints on this property, and it appears that both lagoons will remain on the same property as the home they service.

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, October 27, 2025 4:50 PM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <pz@leavenworthcounty.gov>  
**Subject:** RE: DEV-25-123 Tract Split - Miller

Good Afternoon,

The Department of Planning and Zoning has received a request for a Tract Split at 20078 199<sup>th</sup> Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Monday, November 10, 2025.

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

Thank you,

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

**Disclaimer**

## Allison, Amy

---

**From:** McAfee, Joe  
**Sent:** Monday, November 3, 2025 3:56 PM  
**To:** Allison, Amy; Noll, Bill; Baumchen, Daniel  
**Cc:** PZ  
**Subject:** RE: RE: DEV-25-123 Tract Split - Miller

Amy,  
PW Engineering has no comment on the TS.

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Monday, October 27, 2025 4:50 PM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <pz@leavenworthcounty.gov>  
**Subject:** RE: DEV-25-123 Tract Split - Miller

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Thank you,

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

### Disclaimer

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CERTIFICATE OF SURVEY

Tracts of land in the Northeast Quarter of Section 35,  
Township 10 South, Range 21 East, Leavenworth County, Kansas.

TRACT SPLIT

PREPARED FOR:  
Kenneth & Sherry Miller  
20078 199th Street  
Tonganoxie, KS 66086  
PID NO. 147-35-0-00-00-001.03

RECORD DESCRIPTION: Doc # 2013R05473  
A tract of land in the Northeast Quarter of Section 35, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Southwest Corner of said Northeast Quarter; thence North 01 degrees 17'17" West for a distance of 661.78 feet along the West line of said Northeast Quarter; thence North 88 degrees 19'19" East for a distance of 2631.16 feet to a 1/2" Bar Cap LS-1296 on the East line of said Northeast Quarter; thence South 01 degrees 36'12" East for a distance of 661.76 feet along said East line; thence South 88 degrees 19'19" West for a distance of 2634.80 feet along the South line of said Northeast Quarter to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 40.0 acres, more or less including road right of ways.

SURVEYOR'S DESCRIPTION:  
TRACT 1:  
A tract of land in the Northeast Quarter of Section 35, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on October 18, 2025, more fully described as follows: Commencing at the Southwest Corner of said Northeast Quarter; thence North 01 degrees 17'17" West for a distance of 300.01 feet along the West line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence continuing North 01 degrees 17'17" West for a distance of 361.77 feet along said West line; thence North 88 degrees 19'19" East for a distance of 2631.16 feet to a 1/2" Rebar Cap LS-1296 on the East line of said Northeast Quarter; thence South 01 degrees 36'12" East for a distance of 661.76 feet along said East line to the Southeast corner of said Northeast Quarter; thence South 88 degrees 19'19" West for a distance of 1908.80 feet along the South line of said Northeast Quarter; thence North 01 degrees 17'17" West for a distance of 300.01 feet; thence South 88 degrees 19'19" West for a distance of 726.00 feet to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 35.0 acres, more or less including road right of ways.  
Error of closure - 1 : 1209127

TRACT 2:  
A tract of land in the Northeast Quarter of Section 35, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on October 18, 2025, more fully described as follows: Beginning at the Southwest Corner of said Northeast Quarter; thence North 01 degrees 17'17" West for a distance of 300.01 feet along the West line of said Northeast Quarter; thence North 88 degrees 19'19" East for a distance of 726.00 feet; thence South 01 degrees 17'17" East for a distance of 300.01 feet; thence South 88 degrees 19'19" West for a distance of 726.00 feet along the South line of said Northeast Quarter to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 5.0 acres, more or less including road right of ways.  
Error of Closure - 1 : 999999

RATIFICATION BY PLANNING COMMISSION  
This tract split, as described and shown above, has been submitted to and approved by the following Leavenworth County Planning Commission persons this \_\_\_\_ day of \_\_\_\_ 2025.

Planning Commission Chairperson, Jeff Spink

NOTARY CERTIFICATE  
Be it remember that on this \_\_\_\_ day of \_\_\_\_ 2025, before me, a notary public in and for said County and State came Jeff Spink, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC,

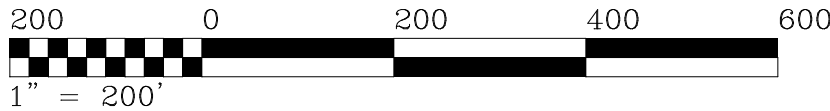
My Commission Expires: (seal)



Scale 1" = 200'

Job # K-25-1484  
October 10, 2025 Rev. 11-11-25 (HVD)

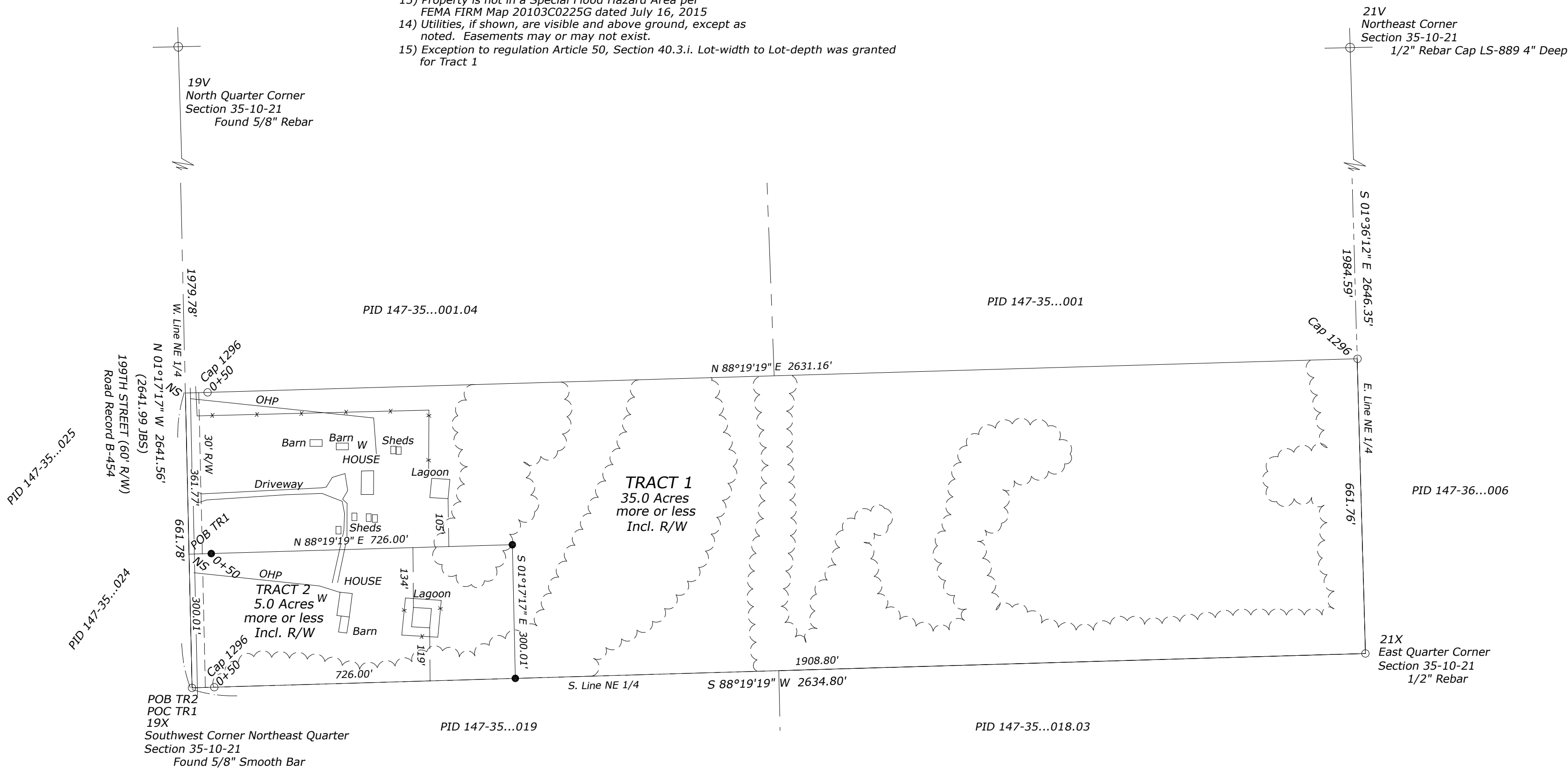
J.Herring, Inc. (dba)  
**HERRING**  
SURVEYING  
COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5381  
Email - survey@teamcash.com



ZONE: RR-5

- NOTES:
- 1) This survey does not show ownership or easements, per agreement with client
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All record and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Surveyor's Description
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Referenced Surveys -  
(DGW) - D.G.White Surveys Doc # 2009S008, S-14 #21 1994 NKA1994S021  
(WPW) - W.P.Ward Survey Book S-13 #3 dated 1992 NKA1992S003  
(JBS) - J.B.Strick ESTATES OF STRANGER CREEK Bk 15 Pg 90 2005, NKA2005P00090  
(JAH) - J.A.Herring Survey Doc # 2013S018, 2021S066  
VOELKER FAMILY FARM recorded 2015P00009
  - 8) Road Records - See Survey
  - 9) Referenced Deed Document # 2013R05473
  - 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 per FEMA FIRM Map 20103C0225G dated July 16, 2015
  - 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.
  - 15) Exception to regulation Article 50, Section 40.3.i. Lot-width to Lot-depth was granted for Tract 1

- 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
  - OHP - Power Overhead Service Line
  - W - Water Well - approx. location



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of October 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296

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 2025.11.18 No Comments

Daniel Baumchen, PS#1363  
County Surveyor

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-25-128 Lee/Caballero Lot Split Exception

December 10, 2025

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

**STAFF REPRESENTATIVE:**  
JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 23836 Millwood Rd.



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

**PROPERTY OWNER:**  
Brittanie Lee & Joshua Caballero  
23836 Millwood Rd.  
Easton, KS 66022

**CONCURRENT APPLICATIONS:**  
N/A

**LAND USE**

**ZONING:** RR-5

**FUTURE LAND USE DESIGNATION:**  
RR-2.5

**LEGAL DESCRIPTION:**

Lot 1, Alexander Farm Subdivision, Leavenworth County, Kansas.

**SUBDIVISION:** Alexander Farm

**FLOODPLAIN:** N/A

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Approve Case DEV-25-128, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
2. Deny Case No.DEV-25-128, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
3. Modify Case No DEV-25-128, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio)

**PARCEL SIZE:** 15.50 Acres

**PARCEL ID NO:**  
051-01-0-00-00-006.07

**BUILDINGS:**  
Existing House & Outbuildings

**Location Map:** Future Land Use Designation



**ACCESS/STREET:**  
Millwood Rd: Arterial, ±23' Wide,  
paved

**UTILITIES**

**SEWER:** N/A

**FIRE:** EASTON

**WATER:** RWD#12

**ELECTRIC:** EVERGY

**NOTICE & REVIEW:**

**STAFF REVIEW:** 12/3/2025

**NEWSPAPER NOTIFICATION:**  
N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**  
N/A



|                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>FACTORS TO BE CONSIDERED:</b> Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)                                                                                                                                                                                                                                                                                                                                   |
| <b><i>Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.</i></b>                             |
| <b>1. That there are special circumstances or conditions affecting the property;</b> <ul style="list-style-type: none"> <li>This lot in its current configuration already has an approved exception when the plat was approved in 2011. However, since the configuration is changing the lot still exceeds the 1:1 ratio. This split does bring the lot closer to compliance, but it still exceeds the 1:1 ratio.</li> </ul> |
| <b>2. That the exception is necessary for the reasonable and acceptable development of the property in question;</b> <ul style="list-style-type: none"> <li>It is reasonable to believe that the proposed development allows for best use of land. The proposed drawing creates a compliant parcel</li> </ul>                                                                                                                |
| <b>3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.</b> <ul style="list-style-type: none"> <li>Granting the exception does not appear to cause any issues with public welfare or injurious to adjacent properties.</li> </ul>                                                                                                                          |

**STAFF COMMENTS:**

The applicants are requesting an exception to the lot-depth to lot-width requirement for Lot 1A. Lot 1A exceeds the 1:1 ratio. The current configuration of the lot is apart of a platted subdivision (Alexander Farm). During the approval process for the subdivision, an exception was granted for the subject property. Even though an exception was previously approved, a new exception is needed since the lot configuration is changing. The creation of the new lot does bring it closer into compliance. However, it still exceeds the 1:1 ratio.

**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 width to Lot-depth from the Zoning & Subdivision Regulations for the Lee/Caballero Boundary Line Adjustment, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

**ATTACHMENTS:**

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

## LOT/TRACT SPLIT APPLICATION

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

Office Use Only

PID: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Township: \_\_\_\_\_  
Case No. \_\_\_\_\_  
Legal description \_\_\_\_\_  
Zoning District \_\_\_\_\_  
Comprehensive Plan land use designation \_\_\_\_\_

### APPLICANT AGENT INFORMATION

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

### OWNER INFORMATION

NAME LEE, BRITTANIE N & CABALLERO, JOSHUA L  
ADDRESS 23836 Millwood Road  
CITY/ST/ZIP Easton, KS 66020  
PHONE N/A  
EMAIL N/A

### PROPERTY INFORMATION

Address of property 23836 Millwood Road - PID 051-01-0-00-00-006.07  
Parcel size 18 Acres  
Existing structures House  
Current use of the property Ag & Rural Residential

### PROPOSED USE INFORMATION

Proposed land use AG & Rural Residential  
Proposed Lot/Tract 1 Size 13.53 Ac  
Proposed Lot/Tract 2 Size 5.07 AC

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

Signature Joe Herring - digitally signed 10-29-25 Date 10-29-25

ATTACHMENT A

*Janet Klasmirke*  
COUNTY CLERK

Doc #: 2021R05351  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
05/03/2021 12:14:45 PM  
RECORDING FEE: 38.00  
PAGES: 2

PURSUANT to K.S.A. 79-1437 a real estate  
validation questionnaire is not required due to  
exemption no. \_\_\_\_\_

132105  
Alliance Title

**GENERAL WARRANTY DEED - JOINT TENANCY**  
(Following Kansas Statutory Warranty Form)

This 27<sup>th</sup> day of April, 2021

Caleb Snowberg and Danielle Snowberg, as husband and wife, CONVEY(S) AND WARRANT(S) TO,  
Brittanie N Lee and Joshua L. Caballero, as wife and husband, as JOINT TENANTS and not as tenants in  
common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death  
of either, all of the following described REAL ESTATE in the County of Leavenworth County, State of  
Kansas to wit:

LOT 1, ALEXANDER FARM SUBDIVISION, LEAVENWORTH, KANSAS.

for the sum of One Dollar and other Valuable Consideration  
EXCEPT AND SUBJECT TO:

TO HAVE AND TO HOLD, the premises aforesaid, with all and singular the rights, privileges,  
appurtenances and immunities thereto belonging or in anywise appertaining unto the said Grantees as  
joint tenants and to the survivor of them and not as tenants in common, and unto their heirs and assigns  
of such survivor forever; the said Grantor hereby covenanting that it is lawfully seized of an indefeasible  
estate in fee of the premises herein conveyed; that it has good right to convey the same, that the said  
premises are free and clear from any encumbrances done or suffered by it or those under whom it claims;  
and that it will warrant and defend the title to said premises unto the said Grantees as joint tenants and to  
the survivor of them and not as tenants in common, and unto their heirs and assigns of such survivor  
forever, against the lawful claims and demands of all persons whomsoever.



AFFIDAVIT

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

We/I Joshua Caballero and Brittanie Caballero

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
23836 millwood Rd. Easton, KS 66020, and that we authorize the  
following people or firms to act in our interest with the Leavenworth County Planning  
and Zoning Department for a period of one calendar year. Additionally, all statements  
herein contained in the information herewith submitted are in all respects true and correct  
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

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

2)

Signed and entered this 19 day of August, 2025.

Brittanie Caballero 23836 millwood Rd. 913.680.7315  
Print Name, Address, Telephone

[Signature]  
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.

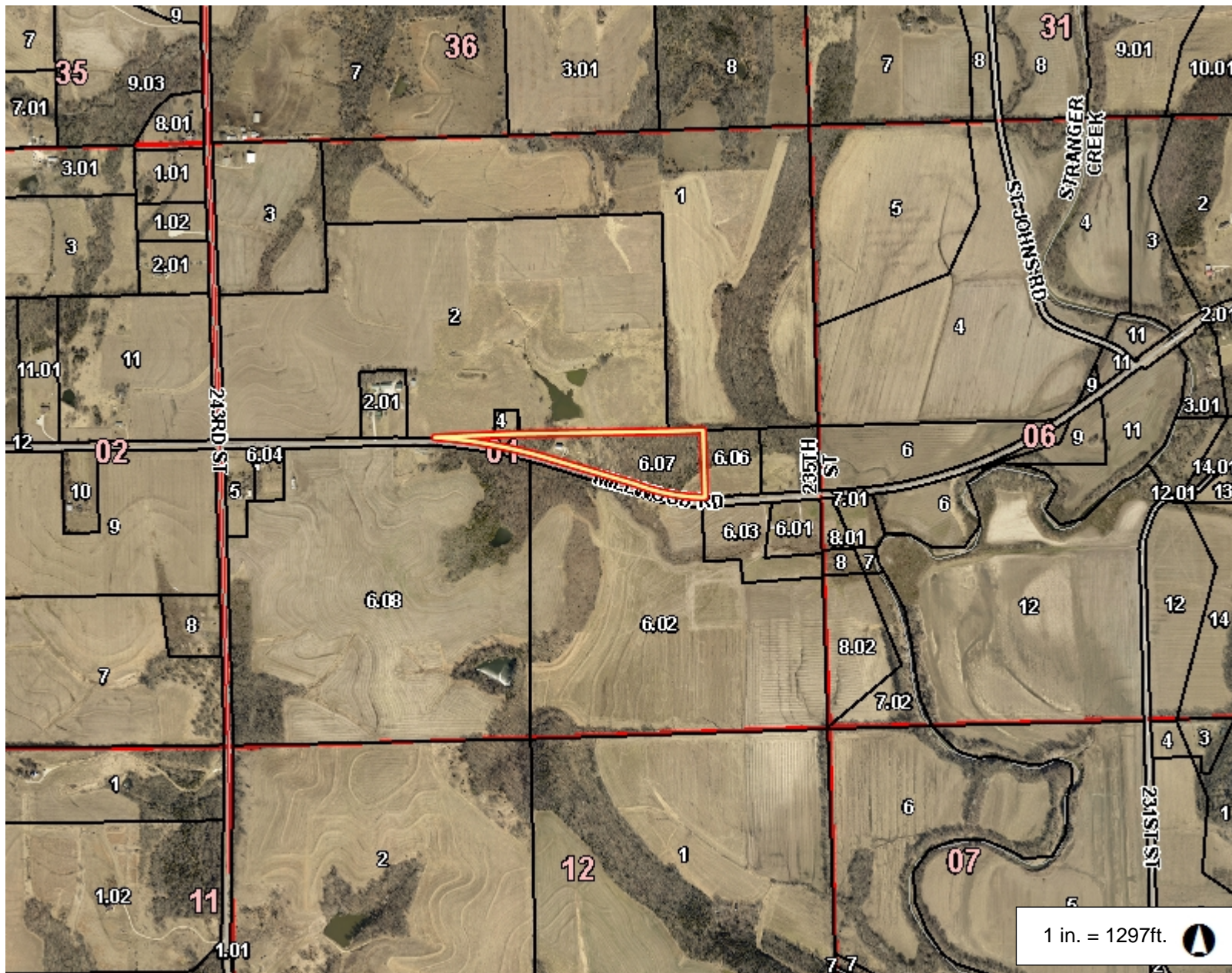
NOTARY PUBLIC \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(seal)



# 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. = 1297ft.



2,593.6 0 1,296.79 2,593.6 Feet

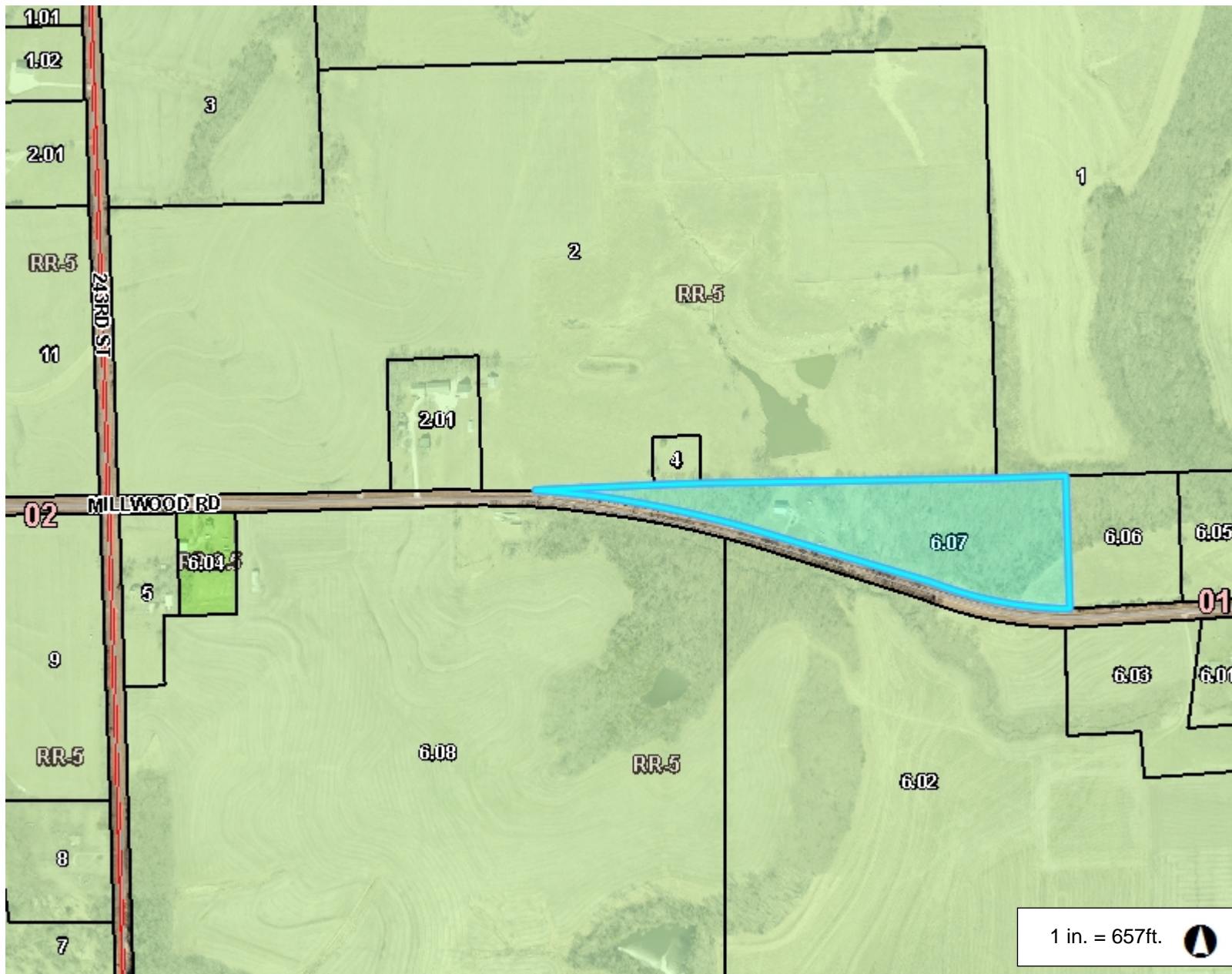
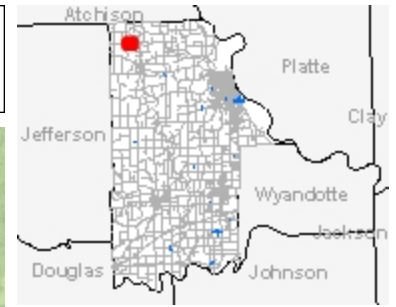
This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes



# Leavenworth County, KS



## Legend

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

1 in. = 657ft.

1,313.0 0 656.49 1,313.0 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

## Notes



CERTIFICATE OF SURVEY

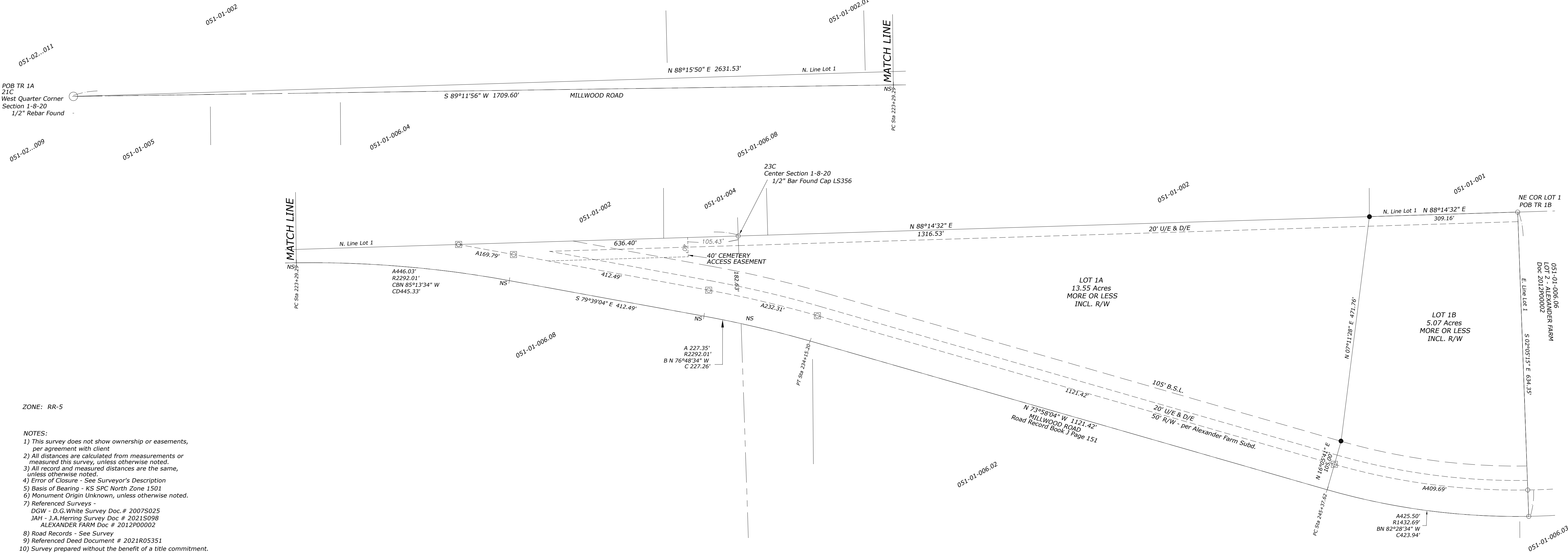
Lot 1, ALEXANDER FARM SUBDIVISION, Leavenworth County, Kansas.

LOT SPLIT

PREPARED FOR:  
LEE,BRITTANIE N & CABALLERO,JOSHUA L  
23836 MILLWOOD RD  
Easton, KS 66020  
PID NO. 051-01-0-00-00-006.07

SURVEYOR'S DESCRIPTION:  
LOT 1A:  
A part of Lot 1, ALEXANDER FARM SUBDIVISION, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on October 29, 2025, more fully described as follows: Beginning at the West Quarter Corner of Section 1, Township 8 South, Range 20 East of the 6th P.M.; thence North 88 degrees 15'50" East for a distance of 2631.53 feet along the North line said Lot 1 to the Center of Section 1; thence North 88 degrees 14'32" East for a distance of 1316.53 feet along said North line; thence South 07 degrees 11'28" West for a distance of 471.76 feet; thence South 16 degrees 05'41" West for a distance of 105.00 feet to centerline of Millwood Road as per Road Record Book J Page 151; thence North 73 degrees 58'04" West for a distance of 1121.42 feet along said centerline; thence on a curve to the left have a radius of 2292.01 feet and an arc length of 227.35 feet along said centerline, being subtended by a Chord Bearing North 76 degrees 48'34" West for a distance of 227.26 feet; thence North 79 degrees 39'04" West for a distance of 412.49 feet along said centerline; thence along a curve to the left having a radius of 2292.01 feet and an arc length of 446.03 feet along said centerline, being subtended by a Chord Bearing North 85 degrees 13'34" West for a distance of 445.33 feet; thence South 89 degrees 11'56" West for a distance of 1709.60 feet along said centerline to the point of beginning. Together with and subject to covenants, easements and restrictions of record. Said property contains 13.55 acres, more or less, including road right of way. Error of closure - 1 : 780304

LOT 1B:  
A part of Lot 1, ALEXANDER FARM SUBDIVISION, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on October 29, 2025, more fully described as follows: Beginning at the Northeast corner of said Lot 1; thence South 02 degrees 05'15" East for a distance of 634.35 feet to centerline of Millwood Road as per Road Record Book J Page 151; thence along a non-tangent curve to the right having a radius of 1432.69 feet and an arc length of 425.50 feet along said centerline, being subtended by a chord bearing North 82 degrees 28'34" West and a chord distance of 423.94 feet; thence North 16 degrees 05'41" East for a distance of 105.00 feet; thence North 07 degrees 11'28" East for a distance of 471.76 feet to the North line of said Lot 1; thence North 88 degrees 14'32" East for a distance of 309.16 feet along said North line to the point of beginning. Together with and subject to covenants, easements and restrictions of record. Said property contains 5.07 acres, more or less, including road right of way. Error of closure - 1 : 494977



ZONE: RR-5

- NOTES:
- 1) This survey does not show ownership or easements, per agreement with client
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All record and measured distances are the same, unless otherwise noted.
  - 4) Error of closure - See Surveyor's Description
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Referenced Surveys -  
DGW - D.G.White Survey Doc. # 2007S025  
JAH - J.A.Herring Survey Doc. # 2021S098  
ALEXANDER FARM Doc. # 2012P00002
  - 8) Road Records - See Survey
  - 9) Referenced Deed Document # 2021R05351
  - 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 per FEMA FIRM Map 20103C0025G dated July 16, 2015
  - 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.
  - 15) Exception to regulation Article 50, Section 40.3.i. Lot-width for Lot 1A granted Lot 1A granted this Lot Split.

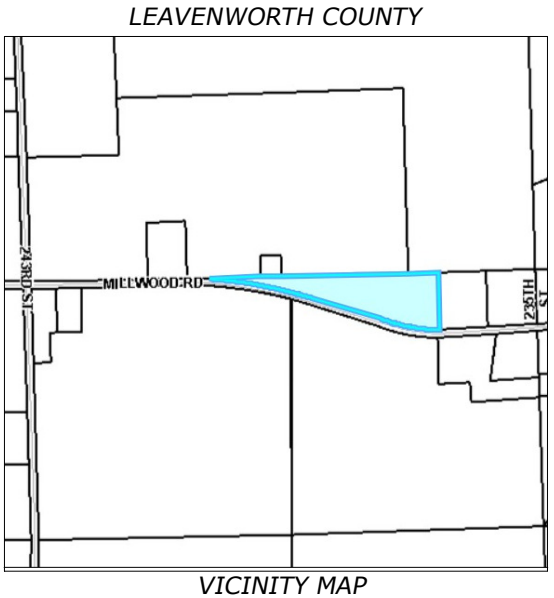
LEGEND:  
● - 1/2" Rebar Set with Cap No.1296  
○ - 1/2" Rebar Found, unless otherwise noted.  
( ) - Record / Deeded Distance  
U/E - Utility Easement  
D/E - Drainage Easement  
B.S.L. - Building Setback Line  
R/W - Road Right of way  
C - Centerline  
S - Section Line  
BM - Benchmark  
POB - Point of Beginning  
POC - Point of Commencing  
///// - No Vehicle Entrance Access  
NS - Not Set this survey per agreement with client

RATIFICATION BY PLANNING DEPARTMENT  
This lot split, as described and shown above, has been submitted to and approved by the following Leavenworth County Planning Commission person this \_\_\_\_ day of \_\_\_\_\_, 2025.

Planning Director: \_\_\_\_\_  
Jeff Spink

NOTARY CERTIFICATE  
Be it remembered that on this \_\_\_\_ day of \_\_\_\_\_, 2025, before me, a notary public in and for said County and State came John Jacobson, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
(seal)



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of October 2025 and this map or plat is correct to the best of my knowledge.  
Joseph A. Herring  
PS # 1296



Scale 1" = 100'

Job # K-25-1945  
October 29, 2025 Rev. 12/5/25  
J Herring, Inc. (dba)  
J HERRING  
SURVEYING  
COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5381  
Email - survey@eamcash.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.

Reviewed 2025.12.05 No Comments  
Daniel Baumchen, PS#1363  
County Surveyor

## Schweitzer, Joshua

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**From:** Anderson, Kyle  
**Sent:** Friday, November 7, 2025 9:43 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-25-128 Lot Split for Lee/Caballero

We have not received any complaints on this property and it appears that the septic system currently installed will remain on the same property as the home it services.

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

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

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**From:** Schweitzer, Joshua  
**Sent:** Friday, November 7, 2025 9:39 AM  
**To:** Noll, Bill ; McAfee, Joe ; Baumchen, Daniel  
**Cc:** PZ  
**Subject:** DEV-25-128 Lot Split for Lee/Caballero

Good Morning,

The Department of Planning and Zoning has received a request for a Lot Split at 23836 Millwood Rd.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by November 24, 2025.

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

v / r

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



## Schweitzer, Joshua

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**From:** McAfee, Joe  
**Sent:** Friday, November 21, 2025 2:35 PM  
**To:** Schweitzer, Joshua; Noll, Bill; Baumchen, Daniel  
**Cc:** PZ  
**Subject:** RE: DEV-25-128 Lot Split for Lee/Caballero

Josh,

Our only comment is that the applicant needs to confirm whether a driveway can occur on the Tract 1B frontage due to sight distance constraints. The lot to the east of Tract 1b shares a access easement with another lot further east. If a suitable entrance can not be placed on the Tract 1B frontage then a shared access easement with Tract 1A may be necessary. Public Works acceptance of the lot split does not confirm that an entrance can be placed on the Tract 1B frontage.

---

**From:** Schweitzer, Joshua  
**Sent:** Friday, November 7, 2025 9:39 AM  
**To:** Noll, Bill ; McAfee, Joe ; Baumchen, Daniel  
**Cc:** PZ  
**Subject:** DEV-25-128 Lot Split for Lee/Caballero

Good Morning,

The Department of Planning and Zoning has received a request for a Lot Split at 23836 Millwood Rd.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by November 24, 2025.

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

**Case No. DEV-25-132**  
**Proposed Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations**

\*\*\*Public Hearing Required\*\*\*

**Staff Report – Planning Commission**

**December 10, 2025**

**GENERAL INFORMATION:**

**Applicant:** Leavenworth County Planning and Zoning Department

**Planner:** Amy Allison, Deputy Director

**REQUEST:**

This is a request to consider a proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations. Proposed amendment is for the following Articles:

Article 4 – Growth Management Communities, Zoning Districts and Boundaries  
Article 5 – “R” Rural District Regulations  
Article 7 – “R-1” One-Family Dwelling District Regulations  
Article 8 – “R-2” One-Family Dwelling District Regulations  
Article 9 – “R-3” Two-Family Dwelling District Regulations  
Article 10 – “R-4” Apartment District Regulations  
Article 11 – “B-1” Neighborhood Business District Regulations  
Article 12 – “B-2” Limited Business District Regulations  
Article 13 – “B-3” General Business District Regulations  
Article 14 – “I-1” Limited Industrial District Regulations  
Article 15 – “I-2” Light Industrial District Regulations  
Article 16 – “I-3” Heavy Industrial District Regulations  
Article 20 – Additional Height and Area Regulations  
Article 22 – Special Use Permit and Temporary Use Permit  
Article 42 – Family Homestead Exemption  
Article 50 – Minimum Subdivision Design Standards and General Requirements  
Article 85 – Lot Splits, Tract Splits & Boundary Line Adjustments

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**STAFF RECOMMENDATION:**

The staff recommends approval of Case No.DEV-25-132, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations.

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**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-25-132, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, to the Board of County Commission, with Findings of Fact; or

2. Recommend denial of Case No. DEV-25-132, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations, to the Board of County Commission, with Findings of Fact; or
3. Continue the Public hearing to another date, time, and place.

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**ATTACHMENTS:**

Proposed Language Amendment Redline

## **ARTICLE 4 – GROWTH MANAGEMENT COMMUNITIES, ZONING DISTRICTS AND BOUNDARIES**

### **Section 3. Establishment of Districts**

The Zoning Districts established in these Zoning Regulations are designed to promote and protect the public health, safety, comfort, convenience, prosperity and other aspects of moral and general welfare, thus encouraging the highest and best use of land and resources in accordance with the Comprehensive Plan as provided by the laws of the State of Kansas.

The unincorporated area of the County is hereby divided into the following zoning districts:

R Rural - Agricultural and Residential

RR – 2.5 (2.5-acre minimum lots)

RR – 5 (5-acre minimum lots)

RR – 40 (40-acre minimum lots)

R-1 Single-Family Residential

R-1(10) (10,000 sq. ft. minimum lots)

R-1(15) (15,000 sq. ft. minimum lots)

R-1(43) (43,560 sq. ft. minimum lots)

R-2 Single-Family Residential

R-3 Two-Family Residential

R-4 Apartment Residential

B-1 Neighborhood Business

B-2 Limited Business

B-3 General Business

I-1 Limited Industrial

I-2 Light Industrial

I-3 Heavy Industrial

PUD Planned Unit Development

PR-1 Planned Low Density Residential

PR-2 Planned Medium Density Residential

PR-3 Planned High Density Residential

PC Planned Commercial



PI Planned Industrial

MXD Planned Mixed Use

## ARTICLE 5 – “R” RURAL DISTRICT REGULATIONS

### Section 4. AREA REGULATIONS

#### 1. Front Yard

- a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least forty (40) feet from the~~ front property line along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to ~~The minimum front yard setback for~~ internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be forty (40) feet from the front property line.
- b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

#### 2. Side Yard.

- a. There shall be a minimum side yard of fifteen (15) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

#### 3. Rear Yard.

- a. There shall be a minimum rear yard of forty feet (40'), except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

#### 4. Intensity of Use.

The following zoning district classifications, minimum lot areas and minimum lot widths shall be allowed in the “R” Rural District

Zoning Classification: RR-2.5  
Minimum Lot Area: 2.5 Acres  
Minimum Road Frontage: 200 feet

Zoning Classification: RR-5  
Minimum Lot Area: 5 Acres  
Minimum Road Frontage: 300 feet

Zoning Classification: RR-40  
Minimum Lot Area: 40 Acres  
Minimum Road Frontage: 630 feet  
(BOCC Resolution 2011-36; August 25, 2011)

#### 5. Parking and Loading Requirements.

- a. As required by Article 24 of this Resolution.
6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

## ARTICLE 7 – “R-1” ONE-FAMILY DWELLING DISTRICT REGULATIONS

### **Section 1. “R-1” ONE-FAMILY DWELLING DISTRICT**

The regulations set forth in this article or set forth elsewhere in this resolution, are the district regulations in the “R-1” One-Family Dwelling District. The intent of this district is to support moderate level single-family subdivisions which requires the use of public utilities. As such, the presences of these zoning district should be within close proximity public utility systems that can support the level of development within these zoning districts, or within an area where the future expansion of services is viable. R-1 One Family Dwelling Districts shall be located within 1,500 linear feet of an incorporated city or public sewer system.

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the front property line~~ along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty feet (30'), except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
  - a. For tracts that do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:

For District R-1 (10)

- 1) Minimum lot size – 10,000 square feet
- 2) Minimum road frontage – 72 feet

For District R-1 (15)

- 1) Minimum lot size – 15,000 square feet
- 2) Minimum road frontage – 100 feet

For District R-1 (43)

- 1) Minimum lot size – 43,560 square feet
- 2) Minimum road frontage – 150 feet

5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.
6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

## ARTICLE 8 – “R-2” ONE-FAMILY DWELLING DISTRICT REGULATIONS

### Section 4. AREA REGULATIONS

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the front property line~~ along all State or County roads. ~~Provided, that the 105-foot setback from the centerline of the road shall not apply to~~ The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

4. Intensity of Use.
  - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size – 6,000 square feet
    - 2) Minimum road frontage – 48 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.
6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

## **ARTICLE 9 – “R-3” TWO-FAMILY DWELLING DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~105 feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the front property line~~ along all State or County roads. ~~Provided, that the 105-foot setback from the centerline of the road shall not apply to~~ The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.



- a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
  - a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size – 6,000 square feet
    - 2) Minimum road frontage – 48 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.
6. Accessory buildings on a lot or tract less than 2.51 acres in area shall not occupy more than 2.5% of the square footage of the lot or tract.

## ARTICLE 10 – “R-4” APARTMENT DISTRICT REGULATIONS

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the front property line~~ along all State or County roads. ~~Provided, that the 105-foot setback from the centerline of the road shall not apply to~~ The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.

3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.
  - a. For tracts which do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000 square feet for one, two, three or four-family dwelling units, plus an additional 1500 square feet for each dwelling unit over four.
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.

## **ARTICLE 11 – “B-1” NEIGHBORHOOD BUSINESS DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the front property line~~ along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations.
4. Intensity of Use.

- a. For tracts that do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts that have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
- a. As required by Article 24 of this Resolution.

## ARTICLE 12 – “B-2” LIMITED BUSINESS DISTRICT REGULATIONS

### Section 4. AREA REGULATIONS

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the front property line~~ along all State or County roads. ~~Provided, that the 105-foot setback from the centerline of the road shall not apply to~~ The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-2 District abuts a residential district. When a B-2 District abuts a non-residential district, no side yard is required.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-2 District abuts a residential district. When a B-2 District abuts a non-residential district, no rear yard is required.
4. Intensity of Use.

- a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
- a. As required by Article 24 of this Resolution.

## **ARTICLE 13 – “B-3” GENERAL BUSINESS DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

#### **1. Front Yard**

- a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least thirty (30) feet from the~~ front property line along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be thirty (30) feet from the front property line.
- b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

#### **2. Side Yard.**

- a. There shall be a minimum side yard of ten (10) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-3 District abuts a residential district. When a B-3 District abuts a non-residential district, no side yard is required.

#### **3. Rear Yard.**

- a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever a B-3 District abuts a residential district. When a B-3 District abuts a non-residential district, no rear yard is required.



4. Intensity of Use.

- a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
- b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
  - 1) Minimum lot size - 6,000 square feet for commercial, single-family or two-family dwellings plus 1,500 square feet in additional area for each dwelling unit over two.
  - 2) Minimum road frontage - 48 feet

5. Parking and Loading Requirements.

- a. As required by Article 24 of this Resolution.

**ARTICLE 14 – “I-1” LIMITED INDUSTRIAL DISTRICT REGULATIONS**

**Section 5. AREA REGULATIONS**

1. Front Yard

- a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least forty (40) feet from the front property line~~ along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be forty (40) feet from the front property line.
- b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.

2. Side Yard.

- a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-1 District abuts a residential district. When an I-1 District abuts a non-residential district, a ten (10) foot side yard is required.

3. Rear Yard.

- a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-1 District abuts a residential district. When an I-1 District abuts a non-residential district, a ten (10) foot rear yard is required.

4. Intensity of Use.
  - a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
  - a. As required by Article 24 of this Resolution.

## **ARTICLE 15 – “I-2” LIGHT INDUSTRIAL DISTRICT REGULATIONS**

### **Section 5. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least forty (40) feet from the front property line~~ along all State or County roads. Provided, that the 105-foot setback from the centerline of the road shall not apply to The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be forty (40) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-2 District abuts a residential district. When an I-2 District abuts a non-residential district, a ten (10) foot side yard is required.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-2 District abuts a residential district. When an I-2 District abuts a non-residential district, a ten (10) foot rear yard is required.
4. Intensity of Use.

- a. For tracts that do not have public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
- a. As required by Article 24 of this Resolution.

## **ARTICLE 16 – “I-3” HEAVY INDUSTRIAL DISTRICT REGULATIONS**

### **Section 4. AREA REGULATIONS**

1. Front Yard
  - a. The minimum setback requirement for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup> feet from ~~the centerline of all State or County roads, and at least forty (40) feet from the~~ front property line along all State or County roads. ~~Provided, that the 105-foot setback from the centerline of the road shall not apply to~~ The minimum front yard setback for internal road systems within platted subdivisions, ~~where the minimum front yard setback~~ shall be forty (40) feet from the front property line.
  - b. Where lots have a double frontage, or are located at the intersection of two or more roads or streets, the minimum front yard setback shall be maintained on all road frontages.
2. Side Yard.
  - a. There shall be a minimum side yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-3 District abuts a residential district. When an I-3 District abuts a non-residential district, a ten (10) foot side yard is required.
3. Rear Yard.
  - a. There shall be a minimum rear yard of thirty (30) feet, except for accessory structures as provided for in Article 20 Additional Height and Area Regulations whenever an I-3 District abuts a residential district. When an I-3 District abuts a non-residential district, a ten (10) foot rear yard is required.
4. Intensity of Use.



- a. For tracts which do not have both public water and public sewer available, the minimum tract size shall be as required by the Leavenworth County Sanitary Code.
  - b. For tracts which have both public water and public sewer available, the minimum tract size shall be as follows:
    - 1) Minimum lot size - 6,000
    - 2) Minimum road frontage - 48 feet
5. Parking and Loading Requirements.
- a. As required by Article 24 of this Resolution.

## **ARTICLE 20 – ADDITIONAL HEIGHT AND AREA REGULATIONS**

**Section 13.** The minimum setback requirements for all buildings or structures of any nature built, erected, constructed, rebuilt, re-erected or reconstructed shall be at least ~~75~~<sup>105</sup>-feet from the ~~centerline of all State or County roads~~<sup>front property line</sup>. Provided, that this section shall not apply to the internal road systems within subdivisions.

**Section 16.** The lot width shall be measured as road frontage on all lots except curved street and cul-de-sac lots. On curved street and cul-de-sac lots, the lot width shall be measured at the setback line.

## **ARTICLE 22 – SPECIAL USE PERMITS AND TEMPORARY USE PERMITS**

### **Section 2. SPECIAL USE PERMITS – APPLICATIONS**

Applications for a Special Use Permit may be made by any person(s) who own(s) the land for which a Special Use Permit is sought, or an agent of the land owner(s) as defined below. In the case where approval of the permit is a contingency on the sale of the property, the Permit may be approved for the specific purchaser. If such application is made by the owner's agent, the agent must attach a letter signed (and notarized) by the owner(s) or some other appropriate legal documentation authorizing the person as the owner's agent. A Special Use Permit, when approved, is granted to the specific property on which approval is sought, and is nontransferable to another property. **If ownership of the property is transferred, the new owner(s) must notify the Leavenworth County Planning & Zoning Department within 60 days, showing proof of ownership in the form of a deed or notarized affidavit. If no such notification is made, the Permit shall automatically become void.**

All applications for Special Use Permits shall be made to the Administrative Officer on such forms as are provided. All applications for a Special Use Permit shall include a Site Plan. Site

Plans shall meet the requirements of *Article 27 – Site Plan Approval; Section 4. Site Plan Contents*. The exceptions to this requirement are as follows:

- a. Site Plans may not require the seal of a licensed professional unless specifically requested by the Director of the Planning and Zoning Department,
- b. any other listed requirement in *Article 27; Section 4* may be waived based on the determination of the Director of the Planning and Zoning Department.

Immediately upon receipt of a complete application, with the fee required by the Leavenworth County Fee Schedule as adopted by the Board of County Commissioners, the Administrative Officer shall note the date and make a permanent record thereof. All such hearings shall be set for hearing before the Planning Commission within sixty (60) days of submission of a complete application. Notice of hearing shall be published in the official county newspaper not less than twenty (20) days prior to the date of the hearing. In addition, notices shall be sent by mail to the owners of all property located within the unincorporated area of the county within one-thousand (1,000) feet of the area proposed for a Special Use Permit (the notice area shall extend two hundred (200) feet in those areas where the notification area extends within the corporate limits of a city) at least twenty (20) days prior to the date of the hearing.

An application for a Special Use Permit, a site plan, and any other supporting documents must be filed with the Planning Office at least forty-five (45) days prior to the Planning Commission meeting at which a public hearing on the proposed Special Use Permit is to be held.

If a person(s) have been found to be in violation of operating a business or use without a Special Use Permit, the application fee shall be doubled at the time of submittal.

#### **Section 5. CONDITIONS OF APPROVAL**

Every Special Use Permit issued by Leavenworth County to a non-governmental person, business or corporation shall be valid ~~without until the permit has expired or action is taken to revoke the permit, expiration.~~ When necessary, the Board of County Commissioners may attach conditions to the approval of a Special Use Permit. Failure to abide by the conditions of the approval by the applicant shall be cause for an action to rescind approval of the Special Use Permit.

Upon meeting the criteria determined by departmental policy, a condition may be place don a Special Use Permit that requires the applicant to provide professional security staff to attend any event(s) that necessitate the presence of law enforcement personnel.

#### **Section 8. TERMINATION OF APPROVAL**

Cessation of the activity covered by an approved Special Use Permit for a continuous period of twelve (12) months shall be considered abandonment of the Special Use Permit. Change of ownership shall also result in the termination of an approved Special Use Permit unless the new owner has submitted an affidavit that acknowledges that they will operate the Special Use Permit in conformance with the approved conditions. Either of these conditions will result

in an immediate revocation of rights approved by the Special Use Permit. Reestablishment of the activity shall require a new application and new approval of a Special Use Permit.

Following approval of a Special Use Permit, if it is necessary for the Permit to be reevaluated because of the creation of nuisances, or hazards to the public health, safety and/or welfare, the Board of County Commissioners may initiate the process to rescind approval of the Special Use Permit, such procedure to be the same procedure that was followed in approving the original Special Use Permit.

**Section 11. TEMPORARY USES REQUIRING BOARD OF COUNTY COMMISSION REVIEW**  
(BOCC Resolution 2019-23; September 4, 2019)

The following temporary uses are permitted in any district upon review and finding of the Board of County Commissioners that the proposed use is in the public interest. The use shall be approved for a specific short-term duration and shall be subject to conditions.

Type 4: Public or private events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades, or as temporary “one-time” activities of a generally short durations, particularly such activities as “locational” work by film companies

Type 5: The temporary placement of a laydown yard, portable asphalt or concrete plant and attendant materials and equipment during construction work on any public road or public infrastructure. All other temporary uses that are similar to the listed uses in function, traffic-generating capacity, and effects on other land uses.

Type 6: Any use which would normally require a Special Use Permit but in situations which the Board of County Commissioners determine should only be approved for a finite period of time.

**Notification Requirements**

Events requiring a Temporary Special Use Permit which requires review and approval by the Board of County Commissioners shall require public notification and a public hearing.

1. Events associated with a singular parcel shall require written notification to neighboring property owners within 1000 feet of the property seven (7) days prior to the public hearing.
2. Events occurring throughout the County, such as: Filming shall require public notice...via publication in the local Newspaper seven (7) days prior to the public hearing. (BOCC Resolution 2015-35; September 24, 2015)

**Application Requirements**

The following items shall be required for a Temporary Special Use Permit:

- a. Payment of application fee as set by the Board of County Commissioners per Resolution 2010-10 and as amended.
- b. Applications, and all required supporting documents, shall be submitted to the Planning and Zoning Department a minimum of 30 days prior to the anticipated event.

- c. The application shall require review and approval by the Road and Bridge Superintendent if the event is to be held on public roads or public rights-of-way.
- d. In the event that Sheriff/Deputy presence is needed to control traffic, the applicant shall coordinate payment and scheduling directly with the Sheriff's department. This documentation shall be included with the application submittal.
- e. Not more than three (3) Temporary Special Use Permits per parcel shall be granted each year. (BOCC Resolution 2015-35; September 24, 2015).
- e.f. Upon meeting the criteria determined by departmental policy, a condition may be placed on a Temporary Special Use Permit that requires the applicant to provide professional security staff to attend any event or events that necessitate the presence of law enforcement personnel.

## **ARTICLE 42 – ~~FAMILY HOMESTEAD EXEMPTION~~ [REPEAL]**

### **Section 10. FAMILY HOMESTEAD EXEMPTION CRITERIA AND PROCEDURE** (BOCC Resolution 2018-9; April 23, 2018)

A property owner may transfer ownership to other family members by the following process:

- ~~1. A property owner may divide and transfer ownership to their family members as long as it meets the definition of a family member and requirements stated in this article.~~
- ~~2. This method of land division shall be allowed for parcels resulting 5 Acres or greater excluding parcels within special development districts and corridor plans.~~
- ~~3. A plat shall be required if and when any of the parcels created by the certificate of survey gets sold or transferred to anyone other than family member as defined in this article.~~
- ~~4. A certificate of survey shall be filed with the Register of Deeds office along with an affidavit certifying that they meet the definition of a family member and other applicable regulations.~~
- ~~5. The affidavit of compliance shall be recorded prior to recording of the survey. The book and page of the affidavit shall be referenced on the survey document.~~
- ~~6. The certificate of survey shall meet all applicable zoning, subdivision and building requirements. The certificate of survey will be reviewed and approved by the Planning and Zoning Department and the County Surveyor.~~
- ~~7. The division and layout of the proposed parcels shall be subject to review and approval by the Planning & Zoning director. The decision may be appealed to the Board of Zoning Appeals via the administrative appeal process outlined in Article 28 of the zoning and subdivision regulations.~~
- ~~8. The division shall be limited to one parcel per family member.~~
- ~~9. The parent parcel is also subject to all platting requirements if and when it becomes eligible for platting.~~



~~10. Standard Road Impact Fee (RIF) and Traffic Impact Fee (TIF) shall be collected at the time of building permit. Development Impact Fee (DIF) shall not be applicable to parcels regulated by this article until the parcels are divided via plat. The Development Impact Fee (DIF) shall be collected at the rate calculated at the time of plat.~~

~~11. Building permits shall not be issued for parcels that become non-compliant by violation of this Article. Article 29, Section 5 shall not be applicable for this process.~~

~~12. An application fee shall be required similar to a tract split application.~~

~~13. All applicable documents shall be filed with the Register of Deeds at the expense of the applicant.~~

~~14. A non-compliant letter will be filed with the Register of Deeds if and when a parcel becomes non-compliant with regard to the above stated regulations.~~

~~For the purpose of this article, a family member is defined as:~~

~~A. Parents; and~~

~~B. Spouses and descendants thereof; and~~

~~C. Children and descendants thereof.~~

## **ARTICLE 50 – MINIMUM SUBDIVISION DESIGN STANDARDS AND GENERAL REQUIREMENTS**

### **Section 40. MINIMUM DESIGN STANDARDS (Subdivisions of all classes)**

#### **1. Blocks:**

- a. Length: Intersection streets, which determine block lengths, shall be provided at such intervals as to serve cross traffic and to meet existing streets in the neighborhood. In residential districts, where no existing adjacent plats are recorded, the blocks shall not exceed one thousand two hundred (1,200) feet in length, except that in outlying Class “C” subdivisions a greater length may be permitted on review by the Planning Director where topography or other conditions justify a departure from this maximum. In blocks longer than seven hundred fifty (750) feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten (10) feet. Blocks for business uses should normally not exceed six hundred (600) feet in length.
- b. Width: In residential subdivisions, the block width shall normally be sufficient to allow two (2) tiers of lots of normally not less than two hundred (200) feet nor more than 350 feet in depth. Class “C” subdivisions on review by the Planning Director may, where conditions justify, depart from the maximum. Blocks intended for business use shall be of such width and depth as may be considered most suitable for the prospective use.

#### **2. Streets, Alleys and Public Ways:**

- a. Relationship to Adjoining Street System: The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining subdivisions (or their projection where adjoining property is not subdivided), insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. Alleys are not normally permitted, but where required, alleys and streets shall be arranged to permit owners of adjoining unsubdivided property to extend streets into the unsubdivided property. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted and dedicated.
- b. Street Names: Streets that are obviously in alignment with existing streets shall bear the names of the existing streets, but in any case, are subject to the final approval of the Governing Body.
- c. Arterial Streets: Arterial or major street alignments shall conform with the Comprehensive Plan.
- d. Collector Streets: Collector streets shall be designed to carry the residential traffic to the major streets and, in general, conform to the Comprehensive Plan.
- e. Minor Streets: Minor streets shall be so designed as to discourage through or nonlocal traffic.
- f. Cul-de-sacs and Dead-end Streets: Except in cases where the unusual topographic conditions may make it advisable to modify these provisions, the following shall apply: (BOCC Resolution 2019-23; September 4, 2019)
  - 1) The radius of a cul-de-sac shall be as stated above and depends on the type of road. The minimum radius for any road for vehicular turnaround shall be forty (40) feet and the minimum radius for right-of-way shall be fifty (50) feet.
  - 2) In the case of temporary dead-end roads, which are stub streets designed to provide future connection with adjoining unsubdivided areas, the Planning Board may require a temporary easement for a turnaround of a nature indicated above.
  - 3) When a subdivision is replatted or the existing road ends and is to be extended, the existing cul-de-sac shall be eliminated and removed and the road brought up to the standards specified in Leavenworth County's Road Construction and Storm Water Drainage Standards, 1994 Edition, or latest edition as approved by the Board of County Commissioners.
- g. Buffer Strips: This includes treatment of railroad right-of-way and limited access highways. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access highway, or where lots back onto a public street, the subdivision shall provide the following treatment:

In residential districts a buffer strip at least fifty (50) feet in depth, in addition to the normal required lot depth shall be provided adjacent to the railroad right-of-way and limited access highway. This strip shall be a part of the platted lots, and the planted materials must be approved by the Planning Commission and shall have the following restriction lettered on the face of the plat:

“This strip reserved for the planting of trees or shrubs by the owner or developer; the building of structures is prohibited.”

In commercial and industrial districts, provisions shall be made on each side of the railroad right-of-way or limited access highway for buffer strips approximately parallel to such right-of-way or highway at a distance suitable for the appropriate commercial or industrial use of the land. In no instance shall this be less than one hundred and fifty (150) feet.

Streets parallel to the railroad right-of-way or limited access highway shall, when intersecting a major street, highway or collector street, be located at a minimum distance of two-hundred fifty (250) feet from said right-of-way or highway. Such distance, where desirable and practical, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients. Location of minor streets immediately adjacent and parallel to railroad right-of-way shall be avoided.

- h. Limited Access: Wherever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitations of access, and the separation of through and local traffic shall be provided by the reversed frontage with screen plantings, provided by the developer, contained in a non-access reservation along the rear property lines; or by provision of a frontage road.

There shall be no reserve strips for controlling the access to streets except where control of such strips is definitely placed under conditions approved by the Planning Commission.

- i. Intersections: Streets shall intersect each other at as nearly right angles as permitted by topography or other limiting factors of good design but never less than sixty (60) degrees. The number of streets converging at one intersection shall be reduced to two, with no more than four approaches to an intersection without the specific approval of the County Engineer.

Minor streets need not continue across major or collector streets; but if the center lines of such minor streets approach the major streets from the opposite sides thereof within one hundred and fifty (150) feet, they must be aligned or the separation increased to a minimum of one hundred and fifty (150) feet.

See Drawings No. 8 and 9 in Appendix.

- j. Dead End Roads: Where a road does not extend to the boundary of the subdivision, and its continuation is not required by the Planning Commission for access of adjoining property, its terminus should normally not be nearer to such boundary than fifty (50) feet. However, the Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A circular dead-end street shall be built in accordance with County construction standards and specifications.

See Drawings No. 8 and 9 in Appendix.

- k. Half-Streets: Dedication of half-streets will be discouraged and may not be approved, except where it is essential to the reasonable development of the subdivision and is in conformity with the Comprehensive Plan and other requirements of these regulations.
- l. Alleys: Alleys shall be provided in commercial and industrial districts, except where other definite and assured provisions are made for service access to off-street loading and unloading areas and to off-street parking areas, consistent with and adequate for the uses proposed. Dead-end alleys shall be avoided.
- m. Minimum Requirements: For all streets or roads shall be prepared in accordance with design criteria specified in Leavenworth County's Road Construction and Storm Water Drainage Standards, 1994 Edition, or latest edition as approved by the Board of County Commissioners.

### 3. Lots

- a. The minimum lot width shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code. Lot widths shall meet the minimum frontage requirement, as determined by the applicable zoning district unless the lot is located on a cul-de-sac or a curved roadway. If the lot is located along a cul-de-sac or curved roadway, the width may be measured at the Building Setback Line as long as the width as measured at the property line is not less than 50% of the required road frontage for a cul-de-sac and not less than 20% of the required road frontage for a curved road lot.
- ~~b. The minimum lot depth shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code.~~
- ~~eb.~~ The minimum lot area shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code.
- ~~cd.~~ All side lot lines shall bear perpendicular from the center of the street or radially from a curved street. Once outside of the building setback line, side lines can include up to two bearing changes, provided they are within 45 degrees of previous line segment. Rear lot lines are encouraged to be parallel to the front lot line.  
(BOCC Resolution 2023-20; August 2, 2023)
- ~~ed.~~ Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.



- ~~ef.~~ Every lot shall abut on a street other than an alley.
- ~~fg.~~ Building or setback lines shall be shown on the Preliminary Plat and the Final Plat for all lots in the subdivision and shall not be less than the setback required by these regulations.
- ~~gh.~~ The subdivision or re-subdivision of a tract or lot shall not be permitted where said subdivision or re-subdivision places an existing permanent structure in violation of these regulations.
- ~~hi.~~ Within subdivisions, the lot-depth to lot-width ratios shall not exceed three and a half to one (3.5:1) or be less than one to one (1:1) for lots less than ten (10) acres. The lot-depth to lot-width ratios for lots above ten (10) acres and less than forty acres (40) acres shall not exceed four to one (4:1) or be less than one to one (1:1). Lots greater than forty (40) acres shall have no lot-depth to lot-width ratio.  
(BOCC Resolution 2009-42, August 27, 2009)

#### 4. Easements and Setbacks

- a. ~~Where alleys are not provided, P~~permanent easements of not less than ten (10) feet in width shall be provided on all front, side and rear lot lines, ~~where necessary,~~ for utility poles, wires and conduits, sanitary sewers, gas, water and heat mains, and other public utilities. These easements shall provide for a continuous ~~right-of-way~~dimension at least twenty (20) feet in width.
- b. Where a lot/tract or group of lots/tracts contain or about any portion of an existing high-pressure oil line or existing high-pressure natural gas line, a fifty (50) foot wide building setback shall be provided on each side of said oil line or gas line. No building or structure as defined by these regulations shall be located within said setback.

#### 5. Storm Drainage

Adequate provisions shall be made for the disposal of storm water subject to the approval of the County Engineer and the Planning Commission. The construction shall be supervised by a licensed contractor, with final approval by the County Engineer.

Culverts shall be corrugated galvanized steel or aluminum meeting the following requirements:

| <u>Pipe Diameter</u><br>(inches) | <u>Minimum Gauge of Pipe</u> |          |
|----------------------------------|------------------------------|----------|
|                                  | Steel                        | Aluminum |
| less than 36"                    | 16                           | 16       |
| 36"                              | 14                           | 14       |
| 42"                              | 14                           | 14       |
| 48"                              | 14                           | 12       |
| 54"                              | 14                           | 12       |
| 60"                              | 12                           | 10       |

|     |    |    |
|-----|----|----|
| 66" | 12 | 10 |
| 72" | 10 | 8  |

6. Lagoons (BOCC Resolution 2018-24; December 4, 2018)

Shared Lagoons shall not be allowed in Subdivision

## ARTICLE 85 – LOT SPLITS, TRACT SPLITS, ~~&~~ BOUNDARY LINE ADJUSTMENTS & LOT TIE AGREEMENTS

### Section 36. Requirements For Lot Tie Agreement

An agreement whereby the property owner agrees that the described lots shall be held under single ownership and shall not be sold separately unless both lots and subsequent structures are compliant with the Zoning and Subdivision Regulations. Said agreement shall be recorded with the Register of Deeds as a restriction on the subject properties. Eligible lots shall include:

- a. Platted lots in compliance with the approved subdivision plat.
- b. Lots no greater in size than 4.99 acres.
- c. No more than two (2) platted lots shall be combined as part of a Lot Tie Agreement.
- d. Said Lot Tie Agreement shall not create or further increase a non-conformity of the platted lots or any structures within the parcels with the Zoning & Subdivision Regulations.

### Section 50. RECORDING OF TRACT/LOT SPLITS, BOUNDARY LINE ADJUSTMENTS AND LOT TIE AGREEMENTS

1. All lot/tract splits, boundary line adjustments and lot tie agreements must be filed with the Leavenworth County Register of Deeds.
- ~~2. Filing Fee. The filing fee as set forth by separate resolution shall accompany the application for all lot or tract splits.~~