

## LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, June 12, 2024  
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048

[www.leavenworthcounty.gov](http://www.leavenworthcounty.gov)

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Minutes**
5. **Secretary's Report**
6. **Declarations: (if necessary)**
  - A. Declarations of receipt of communications by Planning Commissioners
  - B. Disclosure of ex-parte communications for each hearing item
  - C. Declarations of abstention from specific agenda items by a Commissioner
7. **Approval of Agenda**
8. **Consent Agenda**
  - A. Case DEV-24-012 Final Plat Wagon Wheel Ranch**

Consideration of a Final Plat for a Subdivision in the Southwest Quarter of the Fractional Section 3, Township 10 South, Range 20 East of the 6<sup>th</sup> PM, including Government Lots 3 & 4, Leavenworth County, Kansas.  
**Also known as 23752 259<sup>th</sup> St.**  
**PID: 132-03-0-00-00-009**
  - B. Case DEV-24-029 Final Plat Orchard Meadows**

Consideration of a Final Plat for tracts of land in the Northeast Quarter of Section 16, Township 11 South, Range 22, East of the 6<sup>th</sup> PM, Leavenworth County, Kansas.  
**Also known as 00000 166<sup>th</sup> St.**  
**PID: 185-16-0-00-00-063**
  - C. Case DEV-24-031 & 032 Preliminary & Final Plat Lisisni Acres**

Consideration of a Preliminary & Final Plat for tracts of land in the Southwest Quarter of Section 28, Township 9 South, Range 22, East of the 6<sup>th</sup> PM, Leavenworth County, Kansas.  
**Also known as 00000 171<sup>st</sup> St.**  
**PID: 108-28-0-00-00-011.08**
  - D. Case DEV-24-034 Replat Lot 2 Bud's Green Acres**

Consideration of a Replat of Lot 2, Bud's Green Acres, a Subdivision in Leavenworth County, Kansas.  
**Also known as 22594 155<sup>th</sup> St.**  
**PID: 156-14-0-00-00-004.06**

**E. Case DEV-24-036 & 037 Preliminary & Final Plat Nila Estates**

Consideration of a Preliminary & Final Plat for a Subdivision in the Northwest Quarter of Section 27, Township 10 South, Range 21, East of the 6<sup>th</sup> PM, Leavenworth County, Kansas.

**Also known as 00000 Donahoo Road**

**PID: 148-27-0-00-00-002**

**F. Case DEV-24-039 Final Plat Lecompton Estates**

Consideration of a Final Plat for Tracts of land in the Northeast quarter of Section 01, Township 09 South, Range 21 East of the 6<sup>th</sup> PM., Leavenworth County, Kansas

**Also known as 18933 Lecompton Rd**

**PID: 111-01-0-00-00-001.01**

**9. Regular Agenda**

**A. Case DEV-24-042 & 043 Horvat Estates**

Consideration of Preliminary & Final Plat for a tract of land in the Northwest of Section 33, Township 10 South, Range 22, East of the 6<sup>th</sup> PM, Leavenworth County, Kansas.

**Also known as: 20050 171<sup>st</sup> St.**

**PID: 158-33-0-00-00-034**

**B. Case DEV-24-045 Rezoning Cooper**

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: A tract of land at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 22, Township 11, Range 20, East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as: 25402 Metro Ave.**

**PID: 205-22-0-00-00-21**

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

**\*\*\*Public Comment limited to three minutes per person\*\*\***

**C. Case DEV-24-006 2024 Language Amendment Part 1**

Consideration of the proposed amendments to Articles 3, 22, 33, 35, 40, 43, 50, & 60 of the Leavenworth County Zoning & Subdivision Regulations.

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

**\*\*\*Public Comment limited to three minutes per person\*\*\***

**Adjournment of Planning Commission**

**Upcoming meeting dates:**

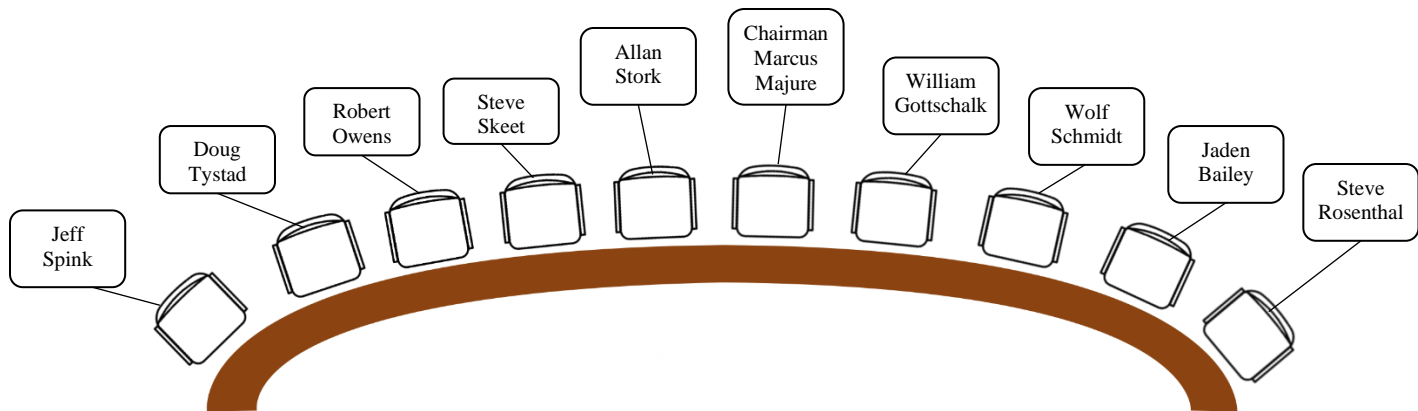
**Wednesday, July 10, 2024, 5:30 PM  
Regular Planning Commission Meeting**

**For More Information**

If you have any questions or need to make special arrangements for a meeting,  
please call or stop by the Planning and Zoning Department.

Contact Stephanie Sloop – 913-684-0465

# Planning Commission Seating Chart 2024



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-24-012 Wagon Wheel Ranch Final Plat

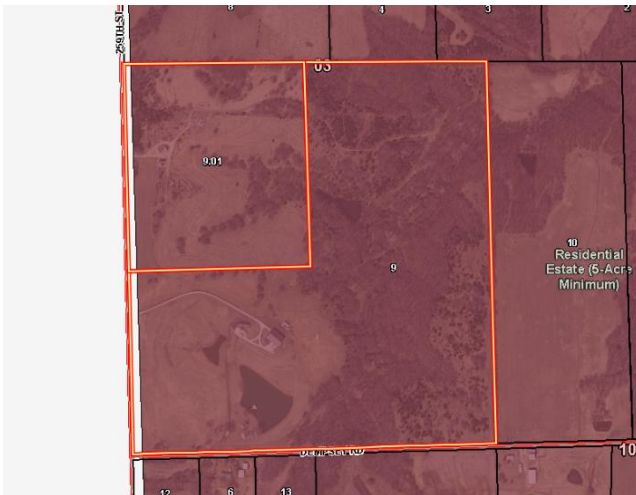
June 12, 2024

**REQUEST: *Consent Agenda***

Preliminary Plat       Final Plat

**STAFF REPRESENTATIVE:**  
AMY ALLISON  
DEPUTY DIRECTOR

**SUBJECT PROPERTY:** 23752 & 00000 259<sup>th</sup> Street



**APPLICANT/APPLICANT AGENT:**  
LARRY HAHN  
HAHN SURVEYING

**PROPERTY OWNER:**  
ROBERT L PURTEE  
23752 259<sup>TH</sup> STREET  
MCLOUTH, KS 66054

**CONCURRENT APPLICATIONS:**  
NONE

**LAND USE**

ZONING: RR-5

FUTURE LAND USE DESIGNATION: RESIDENTIAL (5 ACRE MIN)

**Future Land Use Designation:** Residential (5 Acre Min)

**LEGAL DESCRIPTION:**

Two tracts of land in the Southwest Quarter of Fractional Section 3, Township 10 South, Range 20 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

**STAFF RECOMMENDATION:** APPROVAL

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Approve Case No. DEV-24-012 Final Plat for Wagon Wheel Ranch, with or without conditions; or
2. Deny Case No. DEV-24-012 Final Plat for Wagon Wheel Ranch for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 171.35 ACRES

PARCEL ID NO: 132-03-0-00-00-009.00 & 132-03-0-00-00-009.01

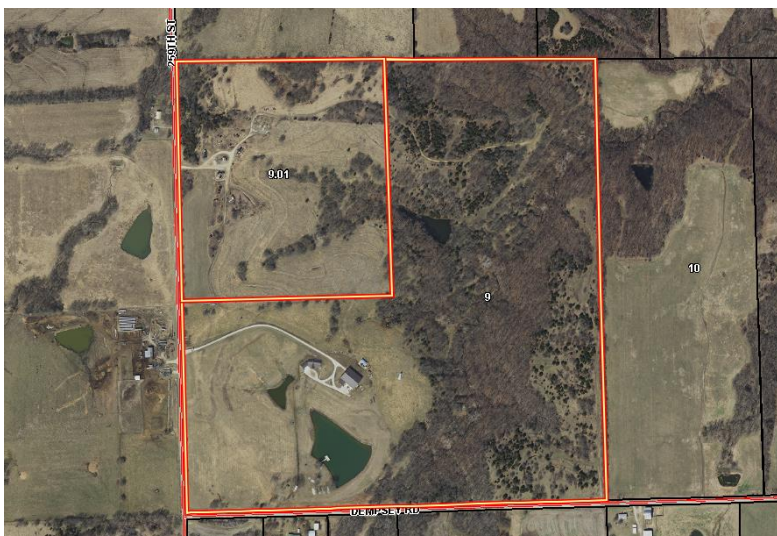
BUILDINGS: 1 SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURES

**PROJECT SUMMARY:**

Request for a final plat approval to subdivide property located at 23752 & 00000 259th Street as Lots 1 through 9 of Wagon Wheel Ranch.

ACCESS/STREET:  
259<sup>TH</sup> STREET – GRAVEL,  
JEFFERSON COUNTY  
REGULATED ROAD &  
DEMPSEY RD – LOCAL,  
GRAVEL, ± 15'

**Location Map:**



**UTILITIES**

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: UNION

WATER: RWD 12

ELECTRIC: FREESTATE

**NOTICE & REVIEW:**

STAFF REVIEW:  
3/28/2024

NEWSPAPER NOTIFICATION:  
N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:  
N/A

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

**STAFF COMMENTS:**

The applicant is proposing to divide 171 acres into a 9-lot subdivision. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots 1-4 will be approximately 12 acres each. Lot 5 will be 38 acres and will retain the existing house and accessory structures. Lot 6 will be over 70 acres and Lots 8-10 will be 5 acres each. Lots 1-5 will access off of 259<sup>th</sup> Street either through existing entrances or new entrances. Since 259<sup>th</sup> Street is controlled by Jefferson County, Jefferson County has confirmed that an access point will likely be approved for each proposed new lot without an existing entrance. Lots 6-10 will access off of Dempsey Road and should be able to meet the County's access management standards. RWD 9 & 12 indicated that a study will need to be performed to determine water availability for the proposed lots. However, all lots are large enough that a water well can be obtained per the LVCO Sanitary Code. Staff is generally in support.

**PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. The developer must comply with the following memorandums:
  - a. Memo – Phil Hoffman, Jefferson County Road Superintendent, dated March 6, 2024
  - b. Email - RWD 12, dated February 12, 2024
  - c. Email – RWD 9, dated May 6, 2024

**ATTACHMENTS:**

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

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

CAMA No.: <u>132-03</u> <u>009.01</u>	Office Use Only	Date Received: <u>02.06.2024</u>
Township: <u>Alexandria</u>		
Planning Commission Meeting Date: _____		
Project No.: <u>DEV-24-0</u>		Date Paid: <u>02.06.2024</u>

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME _____	NAME <u>ROBERT L. PURTEE</u>
ADDRESS _____	ADDRESS <u>23752 259TH STREET</u>
CITY/ST/ZIP _____	CITY/ST/ZIP <u>MCLOUTH, KS. 66054</u>
PHONE _____ EMAIL _____	PHONE <u>913-636-1108</u> EMAIL _____
CONTACT PERSON _____	CONTACT PERSON <u>ROBERT</u>

**GENERAL INFORMATION**

Subdivision Name: WAGON WHEEL RANCH

Legal Description (S-T-R 1/4 Section): SW 1/4 3-T10S-R20E

Zoning: RR- 5.0

Surveyor and/or Engineer Firm: HAHN SURVEYING

Contact Person: LARRY HAHN

Address: PO BOX 186 BASEHOR, KANSAS 66007

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

SUBDIVISION INFORMATION		
Gross Acreage: <u>171.35 ACRES</u>	Number of Lots: <u>9</u>	Minimum Lot Size: <u>5.00 ACRES</u>
Maximum Lot Size: <u>70.04 ACRES</u>	Zoning: <u>RR - 5.0</u>	Density: _____
Open Space Acreage: _____	Water District: <u>RWD 12</u>	Proposed Sewage: <u>ON SITE</u>
Fire District: _____	Electric Provider: <u>FREESTATE</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Phase Number: _____	
Is any part of the site designated as Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, what is the panel number: _____		

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

Signature: Robert L. Purtee Date: 2.5-24

ATTACHMENT A-2

OWNER AUTHORIZATION

I/WE ROBERT L. PURTEE, hereby referred to as the "Undersigned", being of lawful age, do hereby on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, make the following statements, to wit:

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

See Exhibit A attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize LARRY HAHN HAHN SURVEYING (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Department of Leavenworth County, Kansas, 23752 259TH STREET (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

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

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

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

STATE OF KANSAS  
COUNTY OF LEAVENWORTH

*Robert L. Purtee*  
ROBERT L. PURTEE

The foregoing instrument was acknowledged before me on this 5 day of February, 2024  
by Robert L. Purtee

My Commission Expires: 9/27/27

Notary Public *Rebekah Felix*



ATTACHMENT B

# WAGON WHEEL RANCH

A SUBDIVISION IN THE SOUTHWEST QUARTER OF  
FRACTIONAL SECTION 3-T10S-R20E OF THE 6TH P.M.,  
INCLUDING GOVERNMENT LOTS 3 AND 4  
LEAVENWORTH COUNTY, KANSAS

FINAL PLAT



LOCATION MAP  
NO SCALE

W LINE OF 3-T10S-R20E & DELAWARE RESERVE LINE  
1/2" REBAR WITH #1296 CAP (REF. #1)  
1. E 24.15 TO 40D NAIL IN CORNER POST  
2. W 20.23 TO 60D NAIL WITH WASHER IN STEEL POST  
3. NE 27.08 TO FIRST STEEL "T" POST NORTH OF CORNER  
4. E 20.00 TO 1/2" REBAR WITH #1349 CAP

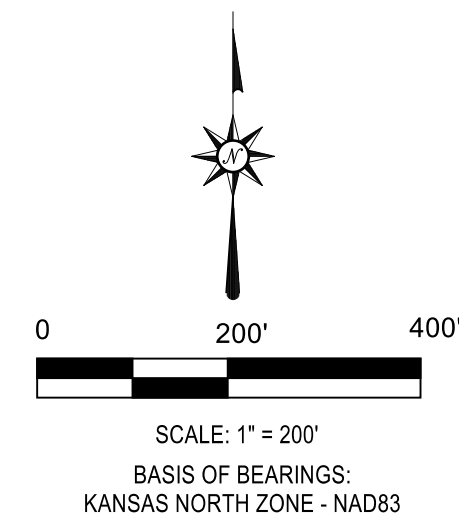
"UNPLATTED TRACT"  
PN. 132-3-8

"UNPLATTED TRACT"  
PN. 132-3-4

"UNPLATTED TRACT"  
PN. 132-3-3

NORTH LINE OF  
DELAWARE RESERVATION  
2647.51  
N 89°52'06"E

EAST LINE OF W 1/2 OF 3-T10S-R20E & DELAWARE RESERVE LINE  
(REDROCK WITH 1/2" REBAR WEST SIDE)  
1. E 10.00 TO 8" SPIKE IN 36" OAK  
2. ESE 4.50 TO MAG NAIL IN CORNER POST  
3. NNW 35.20 TO 60D NAIL WITH WASHER IN 10" OAK



- LEGEND**
- 1/2" x 24" REBAR SET WITH #1349 CAP
  - SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
  - POB POINT OF BEGINNING
  - S/B BUILDING SETBACK
  - U/E UTILITY EASEMENT - DEDICATED THIS PLAT

- RESTRICTIONS**
1. NO OFF PLAT RESTRICTIONS.
  2. 40' REAR SETBACK FOR RESIDENCES  
15' REAR SETBACK FOR ACCESSORY BUILDINGS  
15' SIDE SETBACK
  3. AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
  4. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
  5. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
  6. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.
  7. LOTS 1-5 ARE SUBJECT TO JEFFERSON COUNTY ACCESS MANAGEMENT CURRENT POLICY.  
ALL OTHER LOTS ARE SUBJECT TO CURRENT LEAVENWORTH COUNTY ACCESS MANAGEMENT POLICY RESOLUTION.
  8. STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.

- NOTES**
1. LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
  2. EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL / RESIDENTIAL  
PROPOSED USE - RR-5.0 / RESIDENTIAL
  3. THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA  
FEMA FIRM 20103C0200G, EFFECTIVE ON 7/16/2015
  4. TITLE REPORT ISSUED BY KANSAS SECURED TITLE, TX0017543 (12-27-23)

- REFERENCES**
1. DOC. #2007S036
  2. DOC. #2014R09507
  3. DOC. #2023R08775

- BENCHMARK**
- 1/2" REBAR AT THE SW CORNER OF 3-T10S-R20E  
EL. 1103.99 (NAVD 88)
1. SSE 63.63 TO 40D NAIL WITH WASHER IN CABLE MARKER POST
  2. NNW 28.45 TO 40D NAIL WITH WASHER IN POWER POLE
  3. NE 67.88 TO 40D NAIL WITH WASHER IN BRACE POST

**ZONING**  
RR - 5.0

**OWNER / DEVELOPER**  
ROBERT L. PURTEE  
23752 259TH STREET  
MCLOUTH, KS. 66054  
(913) 636-1108

- SW CORNER 3-T10S-R20E (13E)  
1/2" REBAR (REF. #1)  
1. SSE 63.63 TO 40D NAIL WITH WASHER IN CABLE MARKER POST  
2. NNW 28.45 TO 40D NAIL WITH WASHER IN POWER POLE  
3. NE 67.88 TO 40D NAIL WITH WASHER IN BRACE POST

POB 4

"LOT 1, BROWNING ESTATES"  
DOC. #2021P00026  
PN. 132-10-12

"UNPLATTED TRACT"  
PN. 131-10-6

"LOT 2, BROWNING ESTATES"  
DOC. #2021P00026  
PN. 132-10-13

NO ROAD RECORD FOUND  
(40' R/W BY STATE STATUTE)

"UNPLATTED TRACT"  
PN. 132-10-4

"UNPLATTED TRACT"  
PN. 132-10-3

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

REGISTER OF DEEDS / TERRILOIS G. MASHBURN

**SURVEYORS DESCRIPTION**

THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 3-T10S-R20E OF THE 6TH P.M., INCLUDING GOVERNMENT LOTS 3 AND 4, AS SURVEYED BY LARRY T. HAHN, PS #1349, JANUARY, 2024, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE, N 01°17'58"W, 2854.41 FEET ALONG THE WEST LINE OF SAID SECTION 3 TO THE NORTH LINE OF DELAWARE RESERVATION; THENCE, N 89°52'06"E, 2647.51 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF THE WEST HALF OF SAID SECTION 3; THENCE, S 01°28'36"E, 2776.14 FEET ALONG SAID EAST LINE TO THE SOUTH QUARTER CORNER OF SAID SECTION 3; THENCE, S 88°10'33"W, 2655.66 FEET ALONG THE SOUTH LINE OF SECTION 3 TO THE POINT OF BEGINNING. CONTAINS 171.35 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.  
RELATIVE: 1:1,739,898

**CERTIFICATION AND DEDICATION**

THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT HE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "WAGON WHEEL RANCH".  
EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR PUBLIC USE. THE RIGHTS OF WAY WHICH ARE SHOWN WITH DASHED LINES ON THE ACCOMPANYING PLAT AND SAID EASEMENTS MAY BE EMPLOYED TO LOCATE AND MAINTAIN SEWERS, WATER LINES, GAS LINES, POLES AND WIRES AND ANY OTHER FORM OF PUBLIC UTILITY NOW AND HEREAFTER USED BY THE PUBLIC, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" OR "U/E".  
BUILDING LINES OR SETBACK LINES (S/B) ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT OR CONSTRUCTED BETWEEN THIS LINE AND THE STREET LINE.

IN TESTIMONY WHEREOF:  
I, THE UNDERSIGNED OWNER OF "WAGON WHEEL RANCH", HAVE SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

ROBERT L. PURTEE

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

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

NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

**APPROVAL**

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

CHAIRPERSON / MARCUS MAJURE \_\_\_\_\_ SECRETARY / JOHN JACOBSON \_\_\_\_\_

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

COUNTY ENGINEER / MITCH PLEAK, PE \_\_\_\_\_

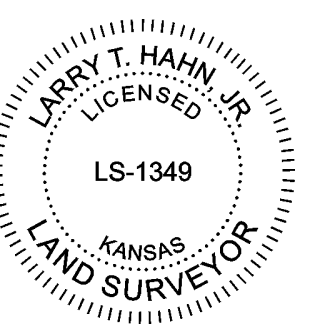
WE, THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "WAGON WHEEL RANCH" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRPERSON / JEFF CULBERTSON \_\_\_\_\_ COUNTY CLERK / JANET KLASINSKI (ATTEST) \_\_\_\_\_

**COUNTY SURVEYOR CERTIFICATION**

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

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS #1363



LARRY T. HAHN, PS #1349

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

**HAHN SURVEYING**  
PO BOX 186  
BASEHOR, KANSAS 66007  
(913) 347-3405  
hahnsurvey@gmail.com



## Allison, Amy

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**From:** Rural Water District 9 lvrwd9 <lvrwd9@gmail.com>  
**Sent:** Monday, May 6, 2024 9:44 AM  
**To:** larry hahn  
**Cc:** Allison, Amy  
**Subject:** Re: Wagon Wheel Ranch

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

LVRWD9 does not have an issue at this time with the final plat of WagonWheel Ranch. At this time we supply water to Lot #5. LVRWD9 can supply water to Lot #6, #7, #8 and #9. The owner or developer will have to receive, review and sign LVRWD9 developer policy. The owner or developer will also have to pay to have a study by the district engineer prior to any service being provided. They will also have to pay for line extensions to lots #6 thru #9 plus application fees, benefit unit fee and installation fees. I cannot speak on Lots #1 thru #4 those are still in Jefferson #12 district. I did speak personally to Bob Purtee (the owner) and he stated that he was not going to pursue this plat or seek water on the lots in the above plat. At that time he was also informed of LVRWD9 development policy and what his cost would be if he wanted to provide water to the subdivision.

On Sun, May 5, 2024 at 1:37 PM larry hahn <[hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)> wrote:  
I have submitted a final plat to Leavenworth County Planning And Zoning.

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

Please review the attached plat and forward any comments to Amy Allison at [aallison@leavenworthcounty.gov](mailto:aallison@leavenworthcounty.gov)

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

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

--

Thanks and have a great day,



**Karen Armstrong**  
District Manager  
913-845-3571

**JEFFERSON COUNTY  
ROAD DEPARTMENT**

P.O. BOX 322  
OSKALOOSA, KS 66066

PHONE (785) 403-0279  
FAX (785) 863-3026

**BEN DOMANN  
PUBLIC WORKS DIRECTOR**

---

March 6, 2024

Hahn Surveying  
c/o Larry Hahn  
PO Box 186  
Basehor, KS 66007  
913-547-3405  
hahnsurvey@gmail.com


Re: 052-132-03-0-00-00-009.00-0 & 01-0  
S03, T10, R20, Acres 38.8  
Wagon Wheel Ranch – Robert Purtee

Dear Mr. Hahn:

After reviewing the above, my findings are:

1. The existing entrance at 23752 259<sup>th</sup> St on the East side of 259<sup>th</sup> meets current Road Dept. Standards of 30' width for a residential entrance.
2. There is a possibility of at least one new entrance on each lot within the surveyed area on 259<sup>th</sup> St but any future entrance must be reviewed before installation due to the limited sight distance (i.e. curves, hills) and materials needed.

If you have any further questions, please call.

  
Phil Hoffman  
Road Superintendent

## Allison, Amy

---

**From:** Patrick Bartlett <pbartlettfd9@yahoo.com>  
**Sent:** Wednesday, February 21, 2024 12:37 PM  
**To:** Johnson, Melissa  
**Subject:** 259th and Dempsey

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

Melissa,

This is Pat Bartlett with Union township I have reviewed the plans and don't see any issues.

If you have any questions please let me know Thank you

Sent from my iPhone

## Allison, Amy

---

**From:** Gary Willits <gary.willits@freestate.coop>  
**Sent:** Tuesday, February 13, 2024 3:26 PM  
**To:** Johnson, Melissa  
**Cc:** hahnsurvey@gmail.com  
**Subject:** FW: Wagon Wheel Ranch

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

Melissa,  
FreeState Electric does not have any issues with the plat for Wagon Wheel Ranch.  
Thank you,  
Gary Willits



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

**Gary Willits**  
Staking Engineer



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

---

**From:** Gary Willits <[gary.willits@freestate.coop](mailto:gary.willits@freestate.coop)>  
**Sent:** Wednesday, February 7, 2024 11:09 AM  
**To:** Shauna Snyder <[shauna.snyder@freestate.coop](mailto:shauna.snyder@freestate.coop)>  
**Subject:** RE: Wagon Wheel Ranch

Shauna,  
This looks fine to me. I don't have any comments or questions for Leavenworth County.  
Thanks,

**Gary Willits**  
Staking Engineer



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

---

**From:** Line Department <[linedepartment@freestate.coop](mailto:linedepartment@freestate.coop)>  
**Sent:** Tuesday, February 6, 2024 12:04 PM  
**To:** Gary Willits <[gary.willits@freestate.coop](mailto:gary.willits@freestate.coop)>  
**Subject:** FW: Wagon Wheel Ranch

Hi Gary,

This was emailed to the line department queue.

Can you take a look at it and let me know if/what you need from me for it?

Thank you,  
Shauna

---

**From:** larry hahn <[hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)>  
**Sent:** Tuesday, February 6, 2024 11:45 AM  
**To:** Line Department <[linedepartment@freestate.coop](mailto:linedepartment@freestate.coop)>  
**Cc:** [pbartlettfd9@yahoo.com](mailto:pbartlettfd9@yahoo.com); [water12@embarqmail.com](mailto:water12@embarqmail.com); [dvanparys@leavenworthcounty.gov](mailto:dvanparys@leavenworthcounty.gov); [mpleak@olsson.com](mailto:mpleak@olsson.com);  
Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; Baumchen, Daniel <[DBaumchen@leavenworthcounty.gov](mailto:DBaumchen@leavenworthcounty.gov)>; Johnson, Melissa <[MJohnson@leavenworthcounty.gov](mailto:MJohnson@leavenworthcounty.gov)>  
**Subject:** Wagon Wheel Ranch

To all -

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

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

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

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

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

## Allison, Amy

---

**From:** RURAL WATER DIST <water12@embarqmail.com>  
**Sent:** Monday, February 12, 2024 10:31 AM  
**To:** Johnson, Melissa  
**Cc:** hahnsurvey@gmail.com  
**Subject:** Wagon Wheel Ranch

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

Melissa,

This is in regard to the availability of water for the Wagon Wheel Ranch. There is a 2" line near the location of the proposed subdivision. There will likely be a line extension required and an engineering study, paid for by the owner, will need to be done in order for the District to determine if benefit units are available for the subdivision. **It appears that a portion of the proposed subdivision is within the boundaries of Leavenworth RWD #9.**

Please feel free to contact me if you have any questions.

Thank you,

Denise Eggers

Office Manager

Jefferson County RWD #12

216 Winchester St.

Winchester, KS 66097

913-774-2872

[water12@embarqmail.com](mailto:water12@embarqmail.com)

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Wagon Wheel Ranch Subdivision  
**Date:** April 9, 2024

Amy, I have reviewed the preliminary plat of the Wagon Wheel Ranch Subdivision presented by Robert Purtee. 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, a fire hydrant should be placed along the right-a-away on 259<sup>th</sup> Street between Lot 2 and Lot 3 along the right-of-way. On Dempsey Road a fire hydrant placed between Lot 7 and Lot 8 this will meet the requirements for this subdivision. If the water department cannot support this subdivision I would ask that the large pond on lot 5 be equipped with a dry fire hydrant to suffice this area.

I have no further recommendation for this subdivision.

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

# WAGON WHEEL RANCH

A SUBDIVISION IN THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 3-T10S-R20E OF THE 6TH P.M., INCLUDING GOVERNMENT LOTS 3 AND 4 LEAVENWORTH COUNTY, KANSAS

FINAL PLAT



LOCATION MAP  
NO SCALE

W LINE OF 3-T10S-R20E & DELAWARE RESERVE LINE  
1/2" REBAR WITH #1296 CAP (REF. #1)  
1. E 24.15 TO 40D NAIL IN CORNER POST  
2. W 20.23 TO 60D NAIL WITH WASHER IN STEEL POST  
3. NE 27.08 TO FIRST STEEL "T" POST NORTH OF CORNER  
4. E 20.00 TO 1/2" REBAR WITH #1349 CAP

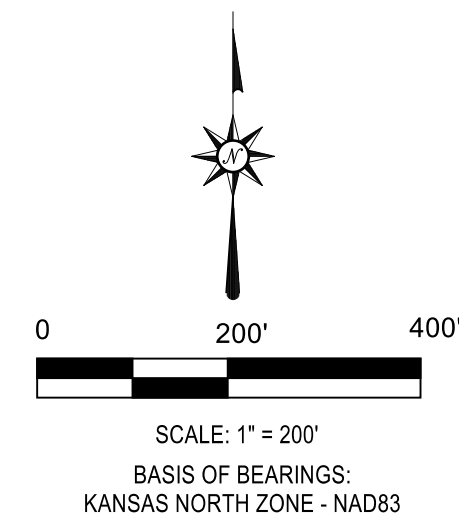
"UNPLATTED TRACT"  
PN. 132-3-8

"UNPLATTED TRACT"  
PN. 132-3-4

"UNPLATTED TRACT"  
PN. 132-3-3

NORTH LINE OF DELAWARE RESERVATION  
2647.51  
N 89°52'06"E

EAST LINE OF W 1/2 OF 3-T10S-R20E & DELAWARE RESERVE LINE (REDROCK WITH 1/2" REBAR WEST SIDE)  
1. E 10.00 TO 8" SPIKE IN 36" OAK  
2. ESE 4.50 TO MAG NAIL IN CORNER POST  
3. NNW 35.20 TO 60D NAIL WITH WASHER IN 10" OAK



LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
- POB POINT OF BEGINNING
- S/B BUILDING SETBACK
- U/E UTILITY EASEMENT - DEDICATED THIS PLAT

RESTRICTIONS

1. NO OFF PLAT RESTRICTIONS.
2. 40' REAR SETBACK FOR RESIDENCES  
15' REAR SETBACK FOR ACCESSORY BUILDINGS  
15' SIDE SETBACK
3. AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
4. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
5. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
6. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.
7. LOTS 1-5 ARE SUBJECT TO JEFFERSON COUNTY ACCESS MANAGEMENT CURRENT POLICY.  
ALL OTHER LOTS ARE SUBJECT TO CURRENT LEAVENWORTH COUNTY ACCESS MANAGEMENT POLICY RESOLUTION.
8. STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.

NOTES

1. LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
2. EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL / RESIDENTIAL  
PROPOSED USE - RR-5.0 / RESIDENTIAL
3. THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA  
FEMA FIRM 20103C0200G, EFFECTIVE ON 7/16/2015
4. TITLE REPORT ISSUED BY KANSAS SECURED TITLE, TX0017543 (12-27-23)

REFERENCES

1. DOC. #2007S036
2. DOC. #2014R09507
3. DOC. #2023R08775

BENCHMARK

1/2" REBAR AT THE SW CORNER OF 3-T10S-R20E  
EL. 1103.99 (NAVD 88)

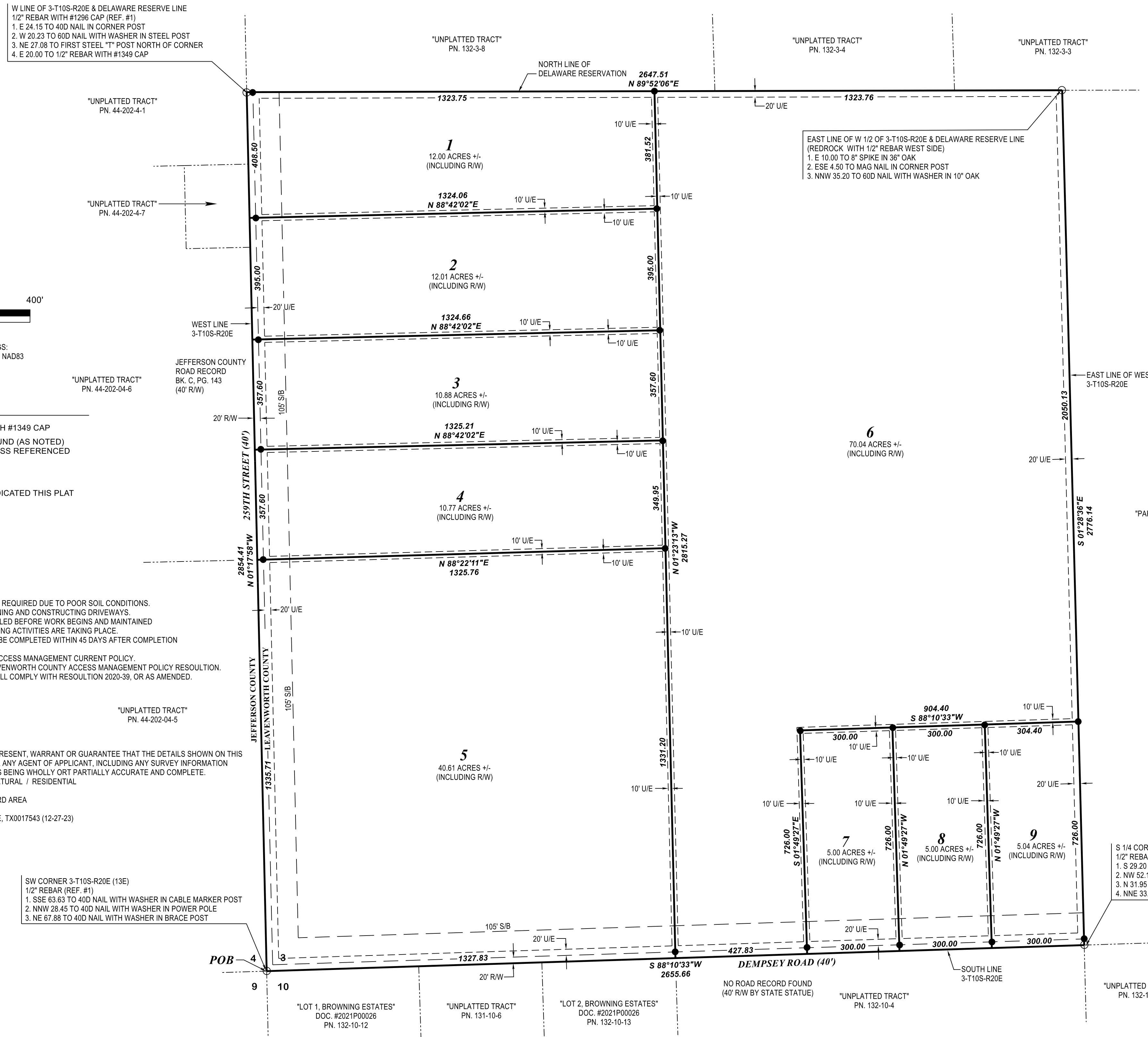
SW CORNER 3-T10S-R20E (13E)  
1/2" REBAR (REF. #1)  
1. SSE 63.63 TO 40D NAIL WITH WASHER IN CABLE MARKER POST  
2. NNW 28.45 TO 40D NAIL WITH WASHER IN POWER POLE  
3. NE 67.88 TO 40D NAIL WITH WASHER IN BRACE POST

ZONING

RR - 5.0

OWNER / DEVELOPER

ROBERT L. PURTEE  
23752 259TH STREET  
MCLOUTH, KS. 66054  
(913) 636-1108



SURVEYORS DESCRIPTION

THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 3-T10S-R20E OF THE 6TH P.M., INCLUDING GOVERNMENT LOTS 3 AND 4, AS SURVEYED BY LARRY T. HAHN, PS #1349, JANUARY, 2024, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE, N 01°17'58"W, 2854.41 FEET ALONG THE WEST LINE OF SAID SECTION 3 TO THE NORTH LINE OF DELAWARE RESERVATION; THENCE, N 89°52'06"E, 2647.51 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF THE WEST HALF OF SAID SECTION 3; THENCE, S 01°28'36"E, 2776.14 FEET ALONG SAID EAST LINE TO THE SOUTH QUARTER CORNER OF SAID SECTION 3; THENCE, S 88°10'33"W, 2655.66 FEET ALONG THE SOUTH LINE OF SECTION 3 TO THE POINT OF BEGINNING. CONTAINS 171.35 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY. RELATIVE: 1:1,739,898

CERTIFICATION AND DEDICATION

THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT HE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "WAGON WHEEL RANCH".  
EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR PUBLIC USE. THE RIGHTS OF WAY WHICH ARE SHOWN WITH DASHED LINES ON THE ACCOMPANYING PLAT AND SAID EASEMENTS MAY BE EMPLOYED TO LOCATE AND MAINTAIN SEWERS, WATER LINES, GAS LINES, POLES AND WIRES AND ANY OTHER FORM OF PUBLIC UTILITY NOW AND HEREAFTER USED BY THE PUBLIC, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" OR "U/E".  
BUILDING LINES OR SETBACK LINES (S/B) ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT OR CONSTRUCTED BETWEEN THIS LINE AND THE STREET LINE.

IN TESTIMONY WHEREOF:  
I, THE UNDERSIGNED OWNER OF "WAGON WHEEL RANCH", HAVE SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

ROBERT L. PURTEE

STATE OF KANSAS / COUNTY OF LEAVENWORTH

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

NOTARY PUBLIC

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

APPROVAL

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

CHAIRPERSON / MARCUS MAJURE

SECRETARY / JOHN JACOBSON

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

COUNTY ENGINEER / MITCH PLEAK, PE

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

CHAIRPERSON / JEFF CULBERTSON

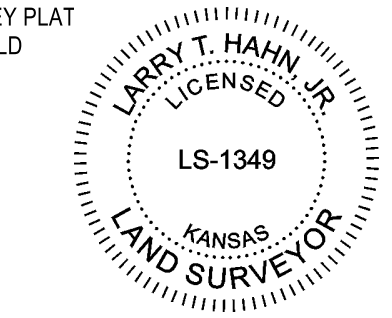
COUNTY CLERK / JANET KLASINSKI (ATTEST)

COUNTY SURVEYOR CERTIFICATION

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

Reviewed 2024.05.20 No Comments

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS #1363



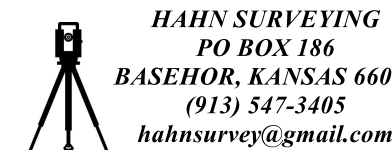
LARRY T. HAHN, PS #1349

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

STATE OF KANSAS / COUNTY OF LEAVENWORTH

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

REGISTER OF DEEDS / TERRILOIS G. MASHBURN



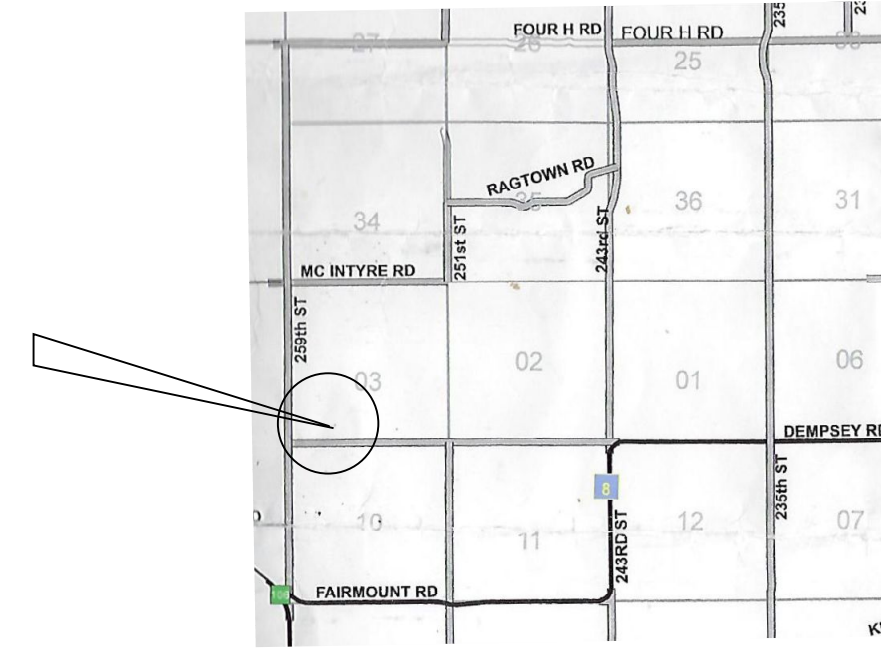


# WAGON WHEEL RANCH

A SUBDIVISION IN THE SOUTHWEST QUARTER OF  
FRACTIONAL SECTION 3-T10S-R20E OF THE 6TH P.M.,  
INCLUDING GOVERNMENT LOTS 3 AND 4  
LEAVENWORTH COUNTY, KANSAS

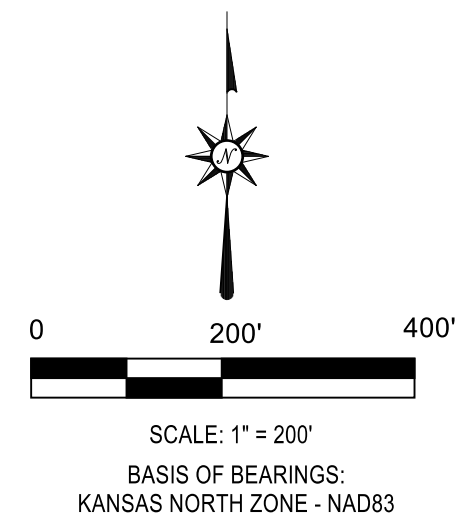
FINAL PLAT

05-28-2024  
Combined - No  
Further  
Comments



LOCATION MAP  
NO SCALE

- W LINE OF 3-T10S-R20E & DELAWARE RESERVE LINE  
1/2" REBAR WITH #1296 CAP (REF. #1)  
1. E 24.15 TO 40D NAIL IN CORNER POST  
2. W 20.23 TO 60D NAIL WITH WASHER IN STEEL POST  
3. NE 27.08 TO FIRST STEEL "T" POST NORTH OF CORNER  
4. E 20.00 TO 1/2" REBAR WITH #1349 CAP



- LEGEND**
- 1/2" x 24" REBAR SET WITH #1349 CAP
  - SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
  - POB POINT OF BEGINNING
  - S/B BUILDING SETBACK
  - U/E UTILITY EASEMENT - DEDICATED THIS PLAT

**RESTRICTIONS**

- NO OFF PLAT RESTRICTIONS.
- 40' REAR SETBACK FOR RESIDENCES  
15' REAR SETBACK FOR ACCESSORY BUILDINGS  
15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
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- A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
- RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.
- LOTS 1-5 ARE SUBJECT TO JEFFERSON COUNTY ACCESS MANAGEMENT CURRENT POLICY.  
ALL OTHER LOTS ARE SUBJECT TO CURRENT LEAVENWORTH COUNTY ACCESS MANAGEMENT POLICY RESOLUTION.
- STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.

**NOTES**

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- EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL / RESIDENTIAL  
PROPOSED USE - RR-5.0 / RESIDENTIAL
- THIS PLAT IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA  
FEMA FIRM 20103C0200G, EFFECTIVE ON 7/16/2015
- TITLE REPORT ISSUED BY KANSAS SECURED TITLE, TX0017543 (12-27-23)

**REFERENCES**

- DOC. #2007S036
- DOC. #2014R09507
- DOC. #2023R08775

**BENCHMARK**

- 1/2" REBAR AT THE SW CORNER OF 3-T10S-R20E  
EL. 1103.99 (NAVD 88)

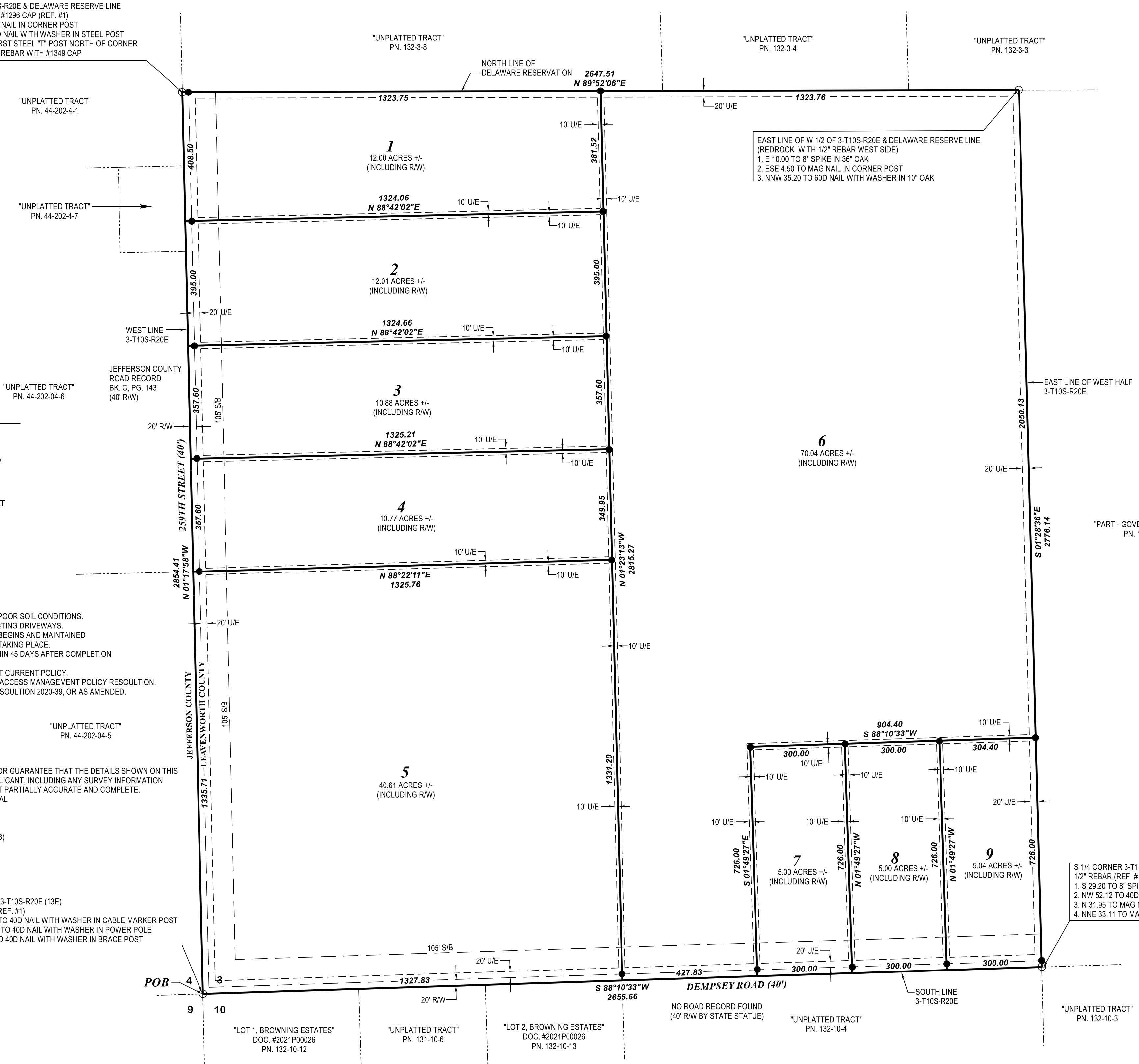
**ZONING**

RR - 5.0

**OWNER / DEVELOPER**

ROBERT L. PURTEE  
23752 259TH STREET  
MCLOUTH, KS. 66054  
(913) 636-1108

- SW CORNER 3-T10S-R20E (13E)  
1/2" REBAR (REF. #1)  
1. SSE 63.63 TO 40D NAIL WITH WASHER IN CABLE MARKER POST  
2. NNW 28.45 TO 40D NAIL WITH WASHER IN POWER POLE  
3. NE 67.88 TO 40D NAIL WITH WASHER IN BRACE POST



EAST LINE OF W 1/2 OF 3-T10S-R20E & DELAWARE RESERVE LINE (REDROCK WITH 1/2" REBAR WEST SIDE)  
1. E 10.00 TO 8" SPIKE NAIL IN 36" OAK  
2. ESE 4.50 TO MAG NAIL IN CORNER POST  
3. NNW 35.20 TO 60D NAIL WITH WASHER IN 10" OAK

\*PART - GOVERNMENT LOT 5\*  
PN. 132-3-10

- S 1/4 CORNER 3-T10S-R20E (15E)  
1/2" REBAR (REF. #1)  
1. S 29.20 TO 8" SPIKE IN FENCE POST  
2. NW 52.12 TO 40D NAIL IN TOP OF BRACE POST  
3. N 31.95 TO MAG NAIL IN TOP OF CORNER POST  
4. NNE 33.11 TO MAG NAIL IN TOP OF BRACE POST

**SURVEYORS DESCRIPTION**

THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 3-T10S-R20E OF THE 6TH P.M., INCLUDING GOVERNMENT LOTS 3 AND 4, AS SURVEYED BY LARRY T. HAHN, PS #1349, JANUARY, 2024, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE, N 01°17'58"W, 2854.41 FEET ALONG THE WEST LINE OF SAID SECTION 3 TO THE NORTH LINE OF DELAWARE RESERVATION; THENCE, N 89°52'06"E, 2647.51 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF THE WEST HALF OF SAID SECTION 3; THENCE, S 01°28'36"E, 2776.14 FEET ALONG SAID EAST LINE TO THE SOUTH QUARTER CORNER OF SAID SECTION 3; THENCE, S 88°10'33"W, 2655.66 FEET ALONG THE SOUTH LINE OF SECTION 3 TO THE POINT OF BEGINNING. CONTAINS 171.35 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY. RELATIVE: 1:1,739,898

**CERTIFICATION AND DEDICATION**

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EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR PUBLIC USE. THE RIGHTS OF WAY WHICH ARE SHOWN WITH DASHED LINES ON THE ACCOMPANYING PLAT AND SAID EASEMENTS MAY BE EMPLOYED TO LOCATE AND MAINTAIN SEWERS, WATER LINES, GAS LINES, POLES AND WIRES AND ANY OTHER FORM OF PUBLIC UTILITY NOW AND HEREAFTER USED BY THE PUBLIC, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" OR "U/E".  
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IN TESTIMONY WHEREOF:  
I, THE UNDERSIGNED OWNER OF "WAGON WHEEL RANCH", HAVE SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

ROBERT L. PURTEE

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

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

NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

**APPROVAL**

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

CHAIRPERSON / MARCUS MAJURE \_\_\_\_\_ SECRETARY / JOHN JACOBSON \_\_\_\_\_

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COUNTY ENGINEER / MITCH PLEAK, PE \_\_\_\_\_

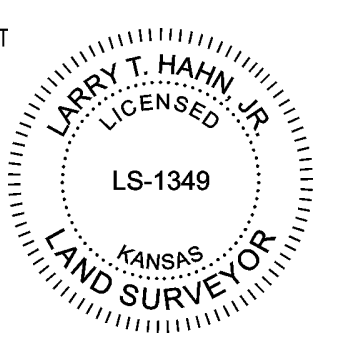
WE, THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "WAGON WHEEL RANCH" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRPERSON / JEFF CULBERTSON \_\_\_\_\_ COUNTY CLERK / JANET KLASINSKI (ATTEST) \_\_\_\_\_

**COUNTY SURVEYOR CERTIFICATION**

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

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS #1363



LARRY T. HAHN, PS #1349

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

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

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

REGISTER OF DEEDS / TERRILOIS G. MASHBURN



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-24-029 Orchard Meadow

June 12, 2024

**REQUEST:** *Consent Agenda*

Preliminary Plat       Final Plat

**STAFF REPRESENTATIVE:**  
JOSH SCHWEITZER  
Development Planner

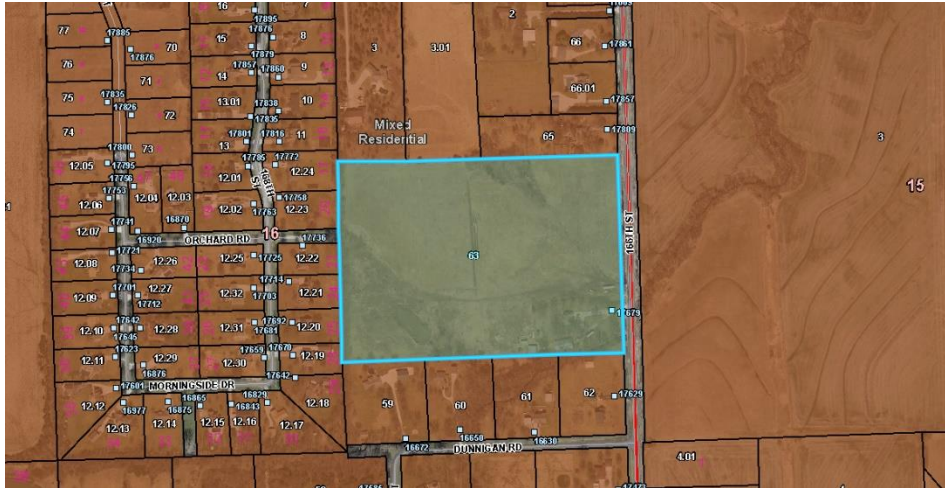
**SUBJECT PROPERTY:** 00000 166<sup>th</sup> Street

**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING

**PROPERTY OWNER:**  
PCDI HOMES  
17679 166<sup>TH</sup> STREET  
BASEHOR, KS 66007

**CONCURRENT APPLICATIONS:**  
NONE



**LAND USE**

ZONING: R-1 (43)

FUTURE LAND USE DESIGNATION: MIXED RESIDENTIAL

**LEGAL DESCRIPTION:**

A tract of land in the Northeast Quarter of Section 16, 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-24-029, Final Plat for Orchard Meadow, with or without conditions; or
2. Recommend denial of Case No. DEV-24-029, Final Plat for Orchard Meadow for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:

24.96 ACRES

PARCEL ID NO:

185-16-0-00-00-063.00

BUILDINGS:

N/A

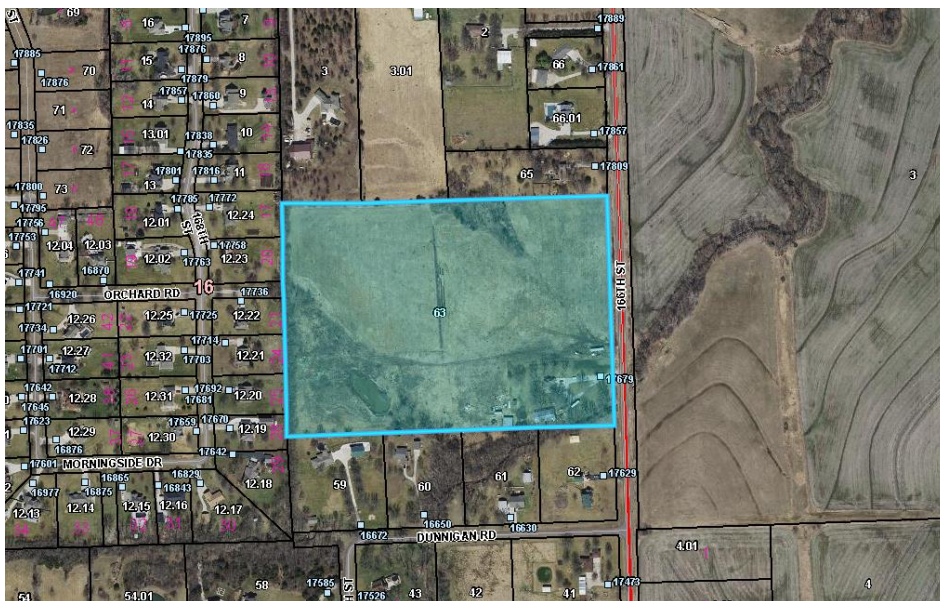
**PROJECT SUMMARY:**

Request for Final Plat approval to subdivide property located at 00000 166<sup>th</sup> Street (PID 185-16-0-00-00-063.00) as Lots 1 through 12 of Orchard Meadow.

ACCESS/STREET:

166<sup>TH</sup> STREET - COUNTY COLLECTOR, PAVED ± 26';

**Location Map:**



**UTILITIES**

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: FAIRMOUNT

WATER: SUBURBAN WATER

ELECTRIC: EVERGY

**NOTICE & REVIEW:**

STAFF REVIEW:

6/5/2024

NEWSPAPER NOTIFICATION:

N/A

NOTICE TO SURROUNDING PROPERTY OWNERS:

N/A

<b>STANDARDS TO BE CONSIDERED:</b>			
<b>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</b>		<b>Met</b>	<b>Not Met</b>
35-40	<b>Preliminary Plat Content</b>	X	
40-20	<b>Final Plat Content</b>	N/A	
41-6	<b>Access Management</b>	X	
41-6.B.a-c.	<b>Entrance Spacing</b>	X	
41-6.C.	<b>Public Road Access Management Standards</b>	X	
43	<b>Cross Access Easements</b>	N/A	
50-20	<b>Utility Requirements</b>	X	
50-30	<b>Other Requirements</b>	X	
50-40	<b>Minimum Design Standards</b>	X	
	Exception from Article 50, Section 40.1.a. Block Length has been granted		
50-50	<b>Sensitive Land Development</b>	N/A	
50-60.	<b>Dedication of Reservation of Public Sites and Open Spaces</b>	N/A	

**STAFF COMMENTS:**

The applicant is proposing to divide a 24-acre parcel into 12 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 1). The proposed lots will range in size from 1.13 to 2.66 acres. All lots comply with the standards for the R-1 (43) zoning district. An exception for the Block Length requirement was approved during the Preliminary Plat review. The proposed subdivision road is designed to extend to the west and join Orchard Road, creating a through street to 166<sup>th</sup> Street. All lots must access from Orchard Road. The southeast 2.5 acres were divided via tract split in 2024. Staff is generally in support.

**PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. An exception from Article 50, Section 40.1.a. – Block Length has been approved.
6. The developer must comply with the following memorandums:
  - a. Memo – Chuck Magaha, Emergency Management, dated February 12, 2024
  - b. Memo – Suburban Water, dated January 15, 2024
  - c. Email – Mike Lingenfelser, Fairmount FD, dated January 24, 2024
  - d. Email – Kyle Anderson, Code Enforcement, dated April 5, 2024

**ATTACHMENTS:**

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

## FINAL PLAT APPLICATION

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

### Office Use Only

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

### APPLICANT/AGENT INFORMATION

### OWNER INFORMATION

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

### GENERAL INFORMATION

Proposed Subdivision Name: ORCHARD MEADOW  
Address of Property: 00000 166th Street  
PID: 185-16-0-00-00-063 Urban Growth Management Area: N/A

### SUBDIVISION INFORMATION

Gross Acreage: 24.6 Ac	Number of Lots: 12	Minimum Lot Size: 1.13 Ac
Maximum Lot Size: 2.7 Ac	Proposed Zoning: R1-43	Density: N/A
Open Space Acreage: N/A	Water District: Suburban	Proposed Sewage: Septic
Fire District: Fairmount	Electric Provider: Evergy	Natural Gas Provider: Propane
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <i>Local – Collector – Arterial – State – Federal</i>	
	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: Joe Herring - digitally signed 3/18/2024 Date: 3-18-24

ATTACHMENT A

AFFIDAVIT

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

We/I Gerald St. Peter / Precision Contractor & Developer and \_\_\_\_\_

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
17679 166th St. Basehor KS 66007, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

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

2)

Signed and entered this 17<sup>th</sup> day of August, 2023

Gerald St. Peter / Precision Contractor & Developer 15395 Britton Rd Suite A  
Print Name, Address, Telephone 913-908-3166 Basehor KS 66007

[Handwritten Signature]

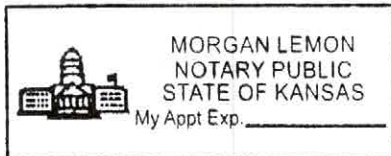
Signature

STATE OF KANSAS )  
) SS  
COUNTY OF LEAVENWORTH )

Be it remember that on this 17 day of August 2023 before me, a notary public in and for said County and State came Gerald St. Peter 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 Morgan Lemon

My Commission Expires: 2/23/27 (seal)



# INFORMATIONAL TITLE REPORT

Issued by

Kansas Secured Title, Inc. - Leavenworth

360 Santa Fe Street

Leavenworth, Kansas 66048

913-682-8911

www.kstitle.com



Title Officer: Michelle Coffey  
mcoffey@kstitle.com  
File No.: TX0017390  
Customer File No.: SKC0075948  
Revision No.:

1. THIS IS AN INFORMATIONAL TITLE REPORT  
This report is not a guarantee or warranty of title, nor is it an abstract of title, nor is this a commitment to provide, nor does it provide title insurance. Liability hereunder is expressly limited to the sum of \$1,000.00.

**THIS REPORT CONTAINS HYPERLINKS TO CERTAIN DOCUMENTS. ITEMS WHICH ARE BLUE AND UNDERLINED ARE HYPER-LINKS AND THE REFERENCED DOCUMENTS MAY BE VIEWED BY CLICKING THEM.**

2. This Report is Effective as of: July 19, 2023, 8:00 am
3. The land referred to herein is described as follows:

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

AND

The North 908.37 feet of the Southeast 1/4 of the Northeast 1/4 of Section 16, Township 11 South, Range 22 East of the Sixth P.M., Less the following described tract: Beginning at a point 1926.82 feet South from the Northeast corner of the said Northeast Quarter; thence South 302.79 feet along the East line of said Southeast Quarter of the Northeast Quarter; thence West 1318.16 feet to the West line of said Southeast Quarter of the Northeast Quarter; thence North 302.79 feet along said West line; thence East 1318.35 feet to the point of beginning, less that part used for public road, in Leavenworth County, Kansas.

NOTE: the vesting deed(s) incorrectly reference the Southeast Quarter in 2 places instead of the Southeast Quarter of the Northeast Quarter.

4. Property address as shown on tax roll:

Property Address: **17679 166th St  
Basehor, KS 66007**

TX0017390

The records of the County Treasurer show:

Taxes for 2021 and prior years are paid in full.

Parcel ID [17493](#)

2022 Tax Amount: \$4,541.24.

2022 taxes are FIRST HALF PAID; second half are due and delinquent.

No liability is assumed for errors in the county records. Amounts shown do not include any interest, costs or penalties if applicable.

5. The last deed or other document vesting Title to the Fee Simple estate or interest in the land is:

Title is vested in Robert M. McGee and the Estate of Wilma K. McGee, deceased by virtue of:

Joint Tenancy Warranty Deed dated March 7, 1986, recorded March 17, 1986, in [Book 591, Page 677](#), from Willard Dean Brooks and Jaqueline J. Brooks, husband and wife, to Robert M. McGee and Wilma K. McGee.

Warranty Deed dated March 13, 1986, recorded October 27, 1988, in Book 627, Page 1021, from Willard Dean Brooks and Jaqueline J. Brooks, husband and wife, to Robert M. McGee and Wilma K. McGee.

Probate Case No. [2022-PR-000014](#) entitled In the Matter of the Estate of Wilma Kay McGee, deceased, filed January 31, 2022, wherein Vicky Needham was appointed Executor of the Estate.

NOTE: the last entry of record was a hearing held on March 24, 2023. The Hearing Notes state that a nine month extension was granted in the case.

NOTE: Robert M. McGee is also deceased - October 21, 1990 per Find A Grave.

6. That there are no unreleased mortgages of record affecting the above described real property except:

None

7. There are no judgments, transcripts of judgments from State or United States Courts, foreign judgments filed under the Uniform Enforcement of Foreign Judgments Acts, executions from other Kansas counties, mechanic liens or other liens, attachments, suits pending, or court proceedings or other proceedings, on file or of record in any court of record, affecting the title to said real property, against, by or pertaining to the Grantee under the last deed above set forth, except:

State Tax Warrant # [2017-ST-000137](#) filed by the Kansas Department of Revenue on December 30, 1899, in the amount of \$1,211.58 for Oct 2015 to Mar 2016 Sales Tax against Wilma K. McGee.

State Tax Warrant # [2017-ST-000155](#) filed by the Kansas Department of Revenue on July 27, 2017, in the amount of \$5,426.55 for 2014, 2015 and 2016 Sales Tax against Robert B. McGee and Wilma K. McGee.

State Tax Warrant # [2018-ST-000212](#) filed by the Kansas Department of Revenue on May 18, 2018, in the amount of \$2,327.06 for 2017 Sales Tax against Robert B. McGee and Wilma K. McGee.

State Tax Warrant # [2020-ST-000030](#) filed by the Kansas Department of Revenue on January 22, 2020, in the amount of \$2,598.63 for 2018 Sales Tax against McGee Enterprises LLC, Robert B. McGee and Wilma K. McGee.

Federal Tax Lien against Robert McGee, in the amount of \$50,306.38, recorded November 27, 2017, as Document No. 2017R09686, in the office of the Register of Deeds of Leavenworth County, Kansas, also filed in UCC # [2017U00325](#).

Federal Tax Lien against Robert McGee, in the amount of \$105,527.14, recorded May 9, 2018, as Document No. 2018R03588, in the office of the Register of Deeds of Leavenworth County, Kansas, also filed in UCC # [2018U00107](#).

Kansas Department of Labor Lien against Robert McGee, in the amount of \$10,557.33, recorded May 13, 2019, as Document No. 2019R03298, in the office of the Register of Deeds of Leavenworth County, Kansas, also filed in UCC # [2019U00117](#).

Amounts shown, if any, do not include any interest, costs or penalties.

8. The following are Easements, Restrictions and other instruments of record affecting title to the Land:

General and special taxes for the last half of the year 2022 and subsequent years.

Any portion of the Land lying within public or private roadways.

Right of Way Easement granted to Great Lakes Pipe Line Company, recorded January 26, 1955 in [Book 400, Page 328](#). Covering the NW/4 16-11-22.

Foregoing right of way agreement assigned to Williams Brothers Pipe Line Company, a corporation, its successors and assigns by instrument dated March 15, 1966, recorded March 30, 1966 in [Book 461, Page 171](#) .

Easement to the Board of County Commissioners of Leavenworth County, recorded as Doc. No. [2007R08858](#), for construction and maintenance of a public way, together with a subservient utility easement.

THIS IS AN INFORMATIONAL TITLE REPORT

This report is not a guarantee or warranty of title, nor is it an abstract of title, nor is this a commitment to provide, nor does it provide title insurance. Liability hereunder is expressly limited to the sum of \$1,000.00.

End of Report



**05-16-24**  
**Olsson Review**  
**No Comment**

## INTERSECTION SIGHT DISTANCE EVALUATION

Project: Orchard Meadow Subdivision

Location: Proposed intersections of Orchard Way & 166<sup>th</sup> Street

The proposed Orchard Meadow Subdivision will create an intersection with 166<sup>th</sup> St, which has a posted speed limit of 45 mph. Exhibit 1 indicates the location of the proposed intersection relative to the surrounding area. The low point in 166<sup>th</sup> St is approx. 450' south of the proposed intersection. 166<sup>th</sup> St has a grade of -1% at the proposed intersection. The grade changes to +2.7% south of the low point.

For this analysis the stopping sight distance (SSD) and Intersection sight distance (ISD) are being evaluated. The minimum required sight distance to meet SSD and ISD requirements are shown on exhibit 1. The AASHTO SSD and ISD guidelines are indicated in the following tables for reference:

Design Speed (mph)	SSD (ft)			
	Downgrade		Upgrade	
	3%	6%	3%	6%
30	205	215	200	184
35	257	271	237	229
40	315	333	289	278
45	378	400	344	331

Stopping Sight Distance on Grades

Design Speed (mph)	SSD (ft)	Intersection Sight Distance
30	200	335
35	250	390
40	305	445
45	360	500

Left Turn From Stop

Design Speed (mph)	SSD (ft)	Intersection Sight Distance
30	200	290
35	250	335
40	305	385
45	360	430

Right Turn From Stop



# STATE OF KANSAS LEAVENWORTH COUNTY ORCHARD MEADOW DEVELOPMENT PUBLIC ROAD PLANS

05-20-2024  
Approved

**Sheet Index**

1. Title Sheet
2. Typical Section and General Notes
- 3-4 Plan & Profile Sheets
5. Culvert Plan & Profile
6. Intersections Plan
7. Drainage Plan
- 8-9 Swale Plan & Profile
10. Grading Plan
- 11-12 Details
- 13-18 Cross Sections

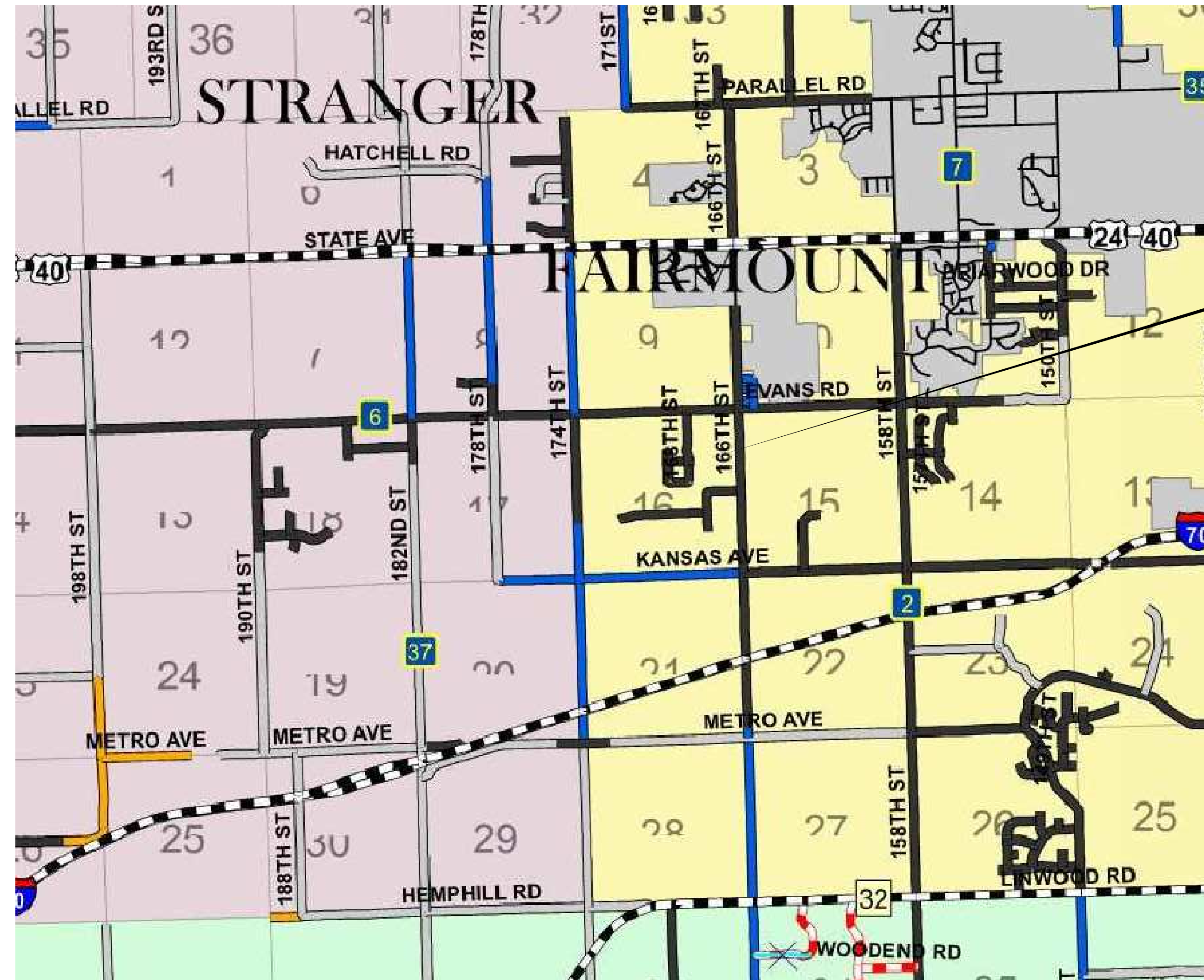
UTILITY COMPANIES

Everygy	816-471-5275
AT&T	800-288-2020
Suburban Water	913-724-1800
Kansas Dig Safe	1-800-344-7233

Design Speed 30 MPH  
Posted Speed 30 MPH

Benchmarks & Control Points

	Northing	Easting	Elevation
BM #1 Iron Bar	292815.57	2173476.41	937.60
BM #2 Iron Bar	292722.85	2172703.45	965.43
BM #3 Iron Bar	292440.80	2172686.13	953.59
BM #4 Iron Bar	292314.04	2173311.21	936.20
KS SPC North Zone	1501		



Owner: PCDI Homes  
15395 Briar Road Suite A  
Basehor, KS 66007  
913-543-1432

Surveyor: Herring Surveying  
315 N. 5th Street  
Leavenworth, KS 66048  
913-651-3858

Engineer: David Lutgen  
15554 Elm Street  
Basehor, KS 66007  
913-683-2864

Project Location

NO.	DATE	REVISIONS	BY	APPROVED

Designed By	
Drawn By	
Checked By	
Issue Date	
Job No.	

ORCHARD MEADOW DEVELOPMENT  
LEAVENWORTH COUNTY KS

TITLE SHEET

These plans have been prepared in accordance with Leavenworth County's Road and Storm Water Drainage Standards, 2003 Edition. I hereby hold harmless Leavenworth County for errors or omissions in these plans.

**May 8, 2024**

David P. Lutgen, P.E. Date



These plans are approved for one year, after which they automatically become void. The County Engineer's review is only for general conformance with road and storm water drainage standards adopted by Leavenworth County. The County did not check, and is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

County Engineer Date

AUTOCAD VER. 13 INFORMATION BLOCK	DATE:
DRAWING:	BY:
XREF DWG1: NONE	XREF DWG2: NONE
XREF DWG3: NONE	XREF DWG4: NONE

# ORCHARD MEADOW

A Subdivision in the Northeast Quarter of Section 16, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

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

**SURVEYOR'S DESCRIPTION:**  
A tract of land in the Northeast Quarter of Section 16, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on January 9, 2024, more fully described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence North 01 degrees 52'40" West for a distance of 672.11 feet along the East line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 88 degrees 07'20" West for a distance of 421.74 feet; thence South 01 degrees 52'40" East for a distance of 250.63 feet; thence South 87 degrees 56'08" West for a distance of 897.46 feet; thence North 01 degrees 51'53" West for a distance of 907.50 feet; thence North 87 degrees 56'28" East for a distance of 1319.00 feet to the East line of said Northeast Quarter; thence South 01 degrees 52'40" East for a distance of 648.12 feet along said East line to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 24.96 Acres, more or less, including road right of way.  
Error of Closure: 1 : 660991

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

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

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

Streets shown on the accompanying plat and not heretofore dedicated for public use are hereby so dedicated by easement. Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

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

Gerald St. Peter, President  
PRECISION CONTRACTING & DEVELOPMENT INC

**NOTARY CERTIFICATE:**  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State came Gerald St. Peter, President Precision Contracting & Development Inc., to me personally known to be the same persons who executed the 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 ORCHARD MEADOW this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Secretary: John Jacobson  
Chairperson: Marcus Majure

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

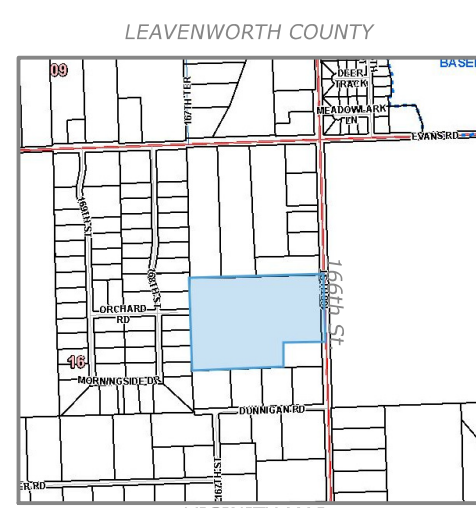
County Engineer - Mitch Pleak

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

Chairperson: Jeff Culberston  
County Clerk: Janet Klasinski

**PLAT NOTE:**  
- 1/2" Rebar Cap LS-1296 set at all interior Lot Corners, set at right of way for points along roads.

- 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



Job # K-23-1727  
March 7, 2024 Rev. 4/30/24  
J. Herring, Inc. (dba)  
SURVEYING  
& COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5381  
Email - survey@jeanash.com

60 0 60 120 180  
1" = 60'

### RESTRICTIONS:

- All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- An Engineered Waste Disposal System may be required due to poor soil conditions.
- 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.
- Lots are subject to the current Access Management Policy  
- All Lots must access from Orchard Road
- All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- An exception to Article 40, Section 1.A. Block length has been granted for this plat.
- Existing Entrance and Barn must be removed prior to any issuance of building permits.
- No off-plat restrictions.

### ZONING:

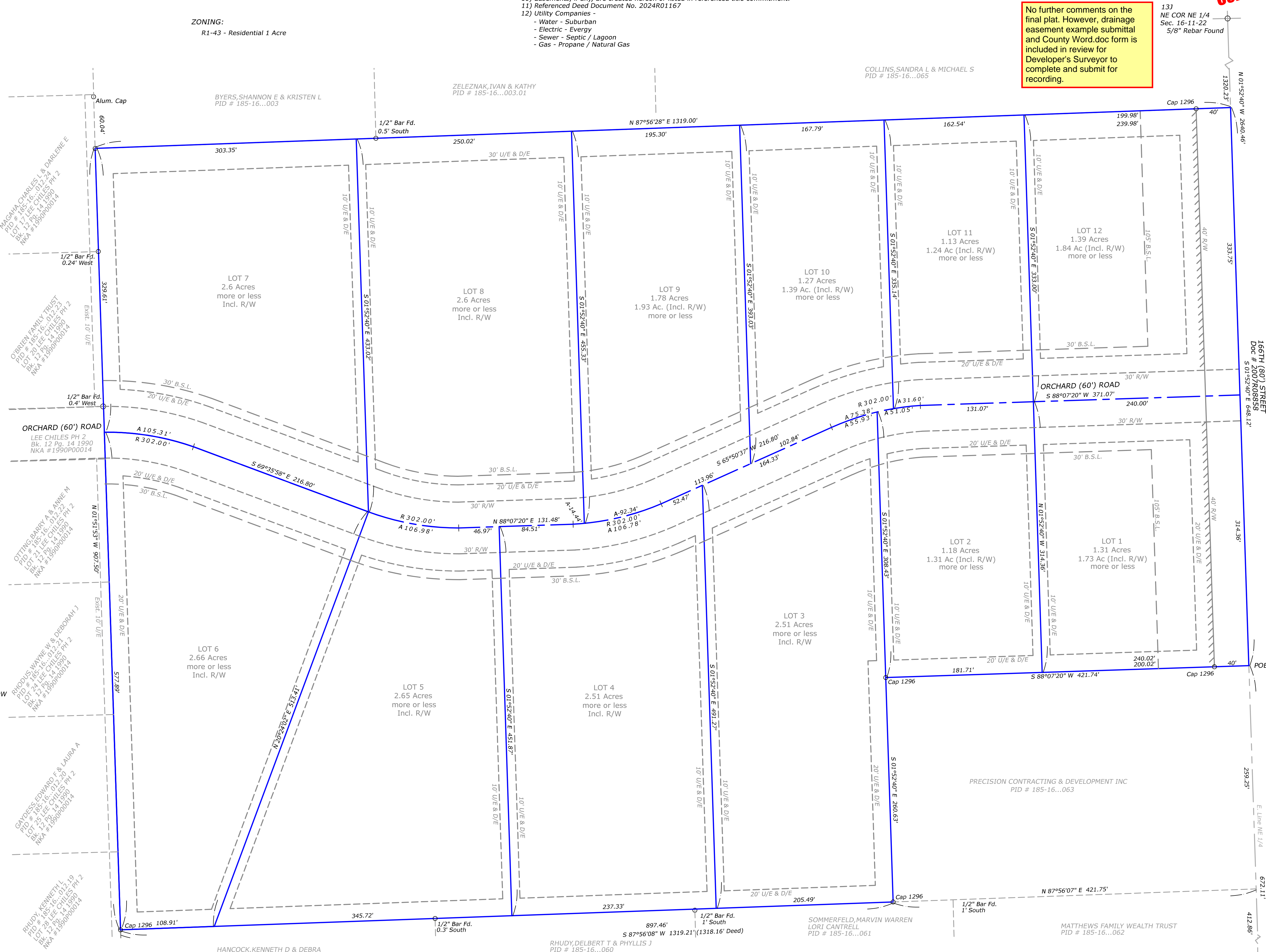
R1-43 - Residential 1 Acre

### NOTES:

- This survey does not show ownership.
- All distances are calculated from measurements or measured this survey, unless otherwise noted.
- All recorded and measured distances are the same, unless otherwise noted.
- Error of closure - 1 : 660991, 24.96 Acres, more or less, Incl. R/W
- Basis of Bearing - KS SPC North Zone 1501
- Monument Origin Unknown, unless otherwise noted.
- Proposed Lots for Residential Use.
- Road Record - See Survey
- Benchmark - NAVD83  
Project Benchmark (BM) - SE COR NE 1/4 Section 16 - Elev - 955'
- Easements, if any, are created hereon or listed in referenced title commitment.
- Referenced Deed Document No. 2024R01167
- Utility Companies -  
- Water - Suburban  
- Electric - Evergy  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas

- Reference Security First Title Commitment File Number 3072613 April 23, 2024
- Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0327G dated July 16, 2015
- Building Setback Lines as shown hereon or noted below  
- All side yard setbacks - 10' (Accessory - 15')  
- All rear yard setbacks - 30' (Accessory - 15')
- Easements as per referenced Title Commitment are shown hereon, if any.
- Fence Lines do not necessarily denote the boundary line for the property.
- Reference Surveys:  
- LEE CHILES 2 - Bk. 12 Pg. 14 - 1990 NKA #1990P00014  
- JAH-J.A.Herring - Doc # 2024S003 & previous unrecorded survey

No further comments on the final plat. However, drainage easement example submittal and County Word.doc form is included in review for Developer's Surveyor to complete and submit for recording.

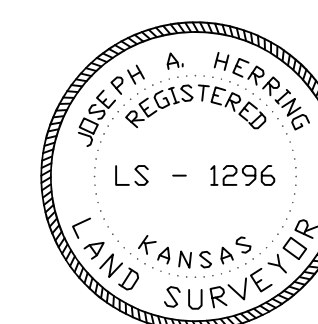


**REGISTER OF DEED CERTIFICATE:**  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_\_\_ o'clock \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn

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

Daniel Baumchen, PS#1363  
County Surveyor



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

Joseph A. Herring  
PS # 1296

05-07-24  
Olsson and  
PW Review  
No Further  
Comment

MIRBY, DANIEL, CHARLES, TR &  
MIRBY, BLANCHE TERESA, TR &  
PID # 185-15-...030

1657H (80) STREET  
Doc # 20070208959  
S 01°52'40" E 648.12'

POB

POC  
13L  
SE COR NE 1/4  
Sec. 16-11-22  
1/2" Rebar Cap LS-758

## Schweitzer, Joshua

---

**From:** Allison, Amy  
**Sent:** Friday, April 5, 2024 9:10 AM  
**To:** Schweitzer, Joshua  
**Subject:** FW: RE: DEV-24-029 Final Plat – Orchard Meadow

---

**From:** Anderson, Kyle <KAnderson@leavenworthcounty.gov>  
**Sent:** Friday, April 5, 2024 8:54 AM  
**To:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Subject:** RE: RE: DEV-24-029 Final Plat – Orchard Meadow

We have not received any complaints on this property and are not aware of any septic systems currently installed. Lots 1,2,9,10,11, & 12 are under 2.5 acres so they will require an engineered septic system.

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](mailto:AAllison@leavenworthcounty.gov)>  
**Sent:** Thursday, April 4, 2024 9:24 AM  
**To:** Magaha, Chuck <[cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@lvsheriff.org](mailto:jpatzwald@lvsheriff.org)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** RE: DEV-24-029 Final Plat – Orchard Meadow

Good Morning,

The Leavenworth County Department of Planning and Zoning has received a request for a Final Plat for Orchard Meadow at 17679 166<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 Wednesday, April 17, 2024.

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

Thank you,  
Amy Allison, AICP

# MEMO

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

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

I have no further recommendation for this subdivision.

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

Note from original Preliminary Plat



January/11/2024

To Whom It May Concern:

This letter is to Inform you that Evergy will provide electrical power to the property named Orchard Meadow for PCDI Homes.



**Kyle Burkhardt**

Evergy

TD Designer II

☎ 785-508-2408

[Kyle.Burkhardt@evergy.com](mailto:Kyle.Burkhardt@evergy.com)



## Allison, Amy

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

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

Melissa  
Here is what I sent on the 24th.  
Mike

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

**From:** Mike Lingenfelter <[lingenfelserm@fairmountfd.org](mailto:lingenfelserm@fairmountfd.org)>  
**Date:** Wed, Jan 24, 2024 at 9:52 AM  
**Subject:** Re: Orchard Meadows Preliminary Plat DEV-24-003, for 185-16-0-00-00-063.00  
**To:** Johnson, Melissa <[MJohnson@leavenworthcounty.gov](mailto:MJohnson@leavenworthcounty.gov)>

Melissa  
Installation of fire hydrants per code.  
*Mike Lingenfelter, Fire Chief*  
*Fairmount Township Fire Department*  
2624 N 155th St  
Basehor, Kansas 66007  
Work-[913-724-4911](tel:913-724-4911)  
Cell [913-306-0258](tel:913-306-0258)

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

Chief Lingenfelter,

We have received a preliminary plat from Herring Surveying regarding the above listed parcel. Please review the documents about this and let us know if you have any comments pertaining to this preliminary plat.

If you have any questions, please let me know.

Thank you,

Melissa Johnson





January 15<sup>th</sup>, 2024

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

RE: Orchard Meadows

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

Sincerely,

Travis J Miles  
President

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-24-031 & 032 Lisisni Acres

June 12, 2024

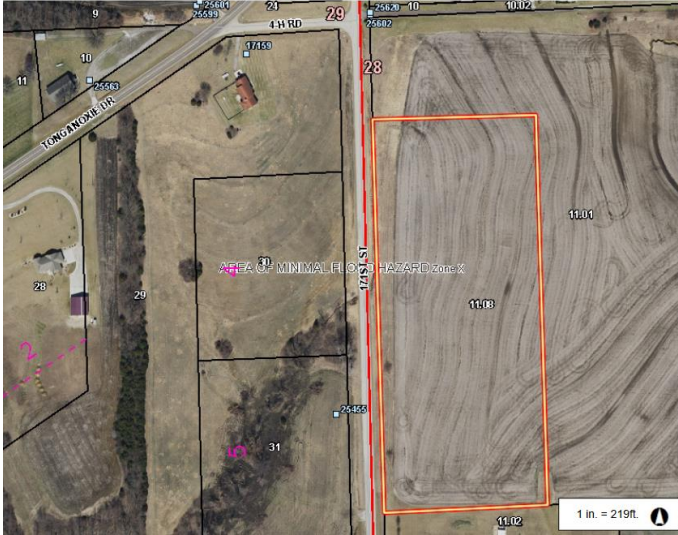
**REQUEST:** *Consent Agenda*

Preliminary Plat       Final Plat

**STAFF REPRESENTATIVE:**

JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 00000 171st Street.



**APPLICANT/APPLICANT AGENT:**

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

**PROPERTY OWNER:**

LRN LLC  
16630 Gilman Road  
Leavenworth, KS 66048

**CONCURRENT APPLICATIONS:**

NONE

**LAND USE**

**ZONING:** R-1(43)

**FUTURE LAND USE DESIGNATION:**

Residential 3 unit per Acre

**LEGAL DESCRIPTION:**

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

SUBDIVISION: N/A

FLOODPLAIN: N/A

**STAFF RECOMMENDATION:** APPROVAL

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-24-031 & 032, Preliminary & Final Plat for Lisisni Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-031 & 032, Preliminary & Final Plat for Lisisni Acres to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:** 10.60 ACRES

**PARCEL ID NO:**

108-28-0-00-00-011.08

**BUILDINGS:**

N/A

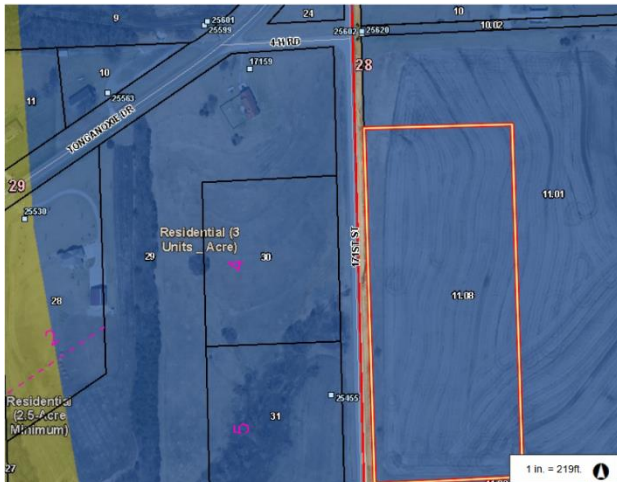
**PROJECT SUMMARY:**

Request for a final plat approval to subdivide property located at 00000 171st Street (108-28-0-00-00-011.08) as Lots 01 through 07 of Lisisni Acres.

**ACCESS/STREET:**

171st Street - Local, paved ± 28'

**Location Map:** FUTURE LAND USE DESIGNATION



**UTILITIES**

SEWER: PRIVATE SEPTIC

FIRE: FD# 1

WATER: RWD 8

ELECTRIC: FREESTATE

**NOTICE & REVIEW:**

STAFF REVIEW:

6/5/2024

NEWSPAPER NOTIFICATION:

N/A

NOTICE TO SURROUNDING

PROPERTY OWNERS:

N/A

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

**STAFF COMMENTS:**

The applicant is proposing to divide a 10.60 acre parcel into seven (7) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots 1 – 7 will be approximately 1.4 acres in size. All lots meet the requirements for the R-1(43) zoning district.

**PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. The developer must comply with the following memorandums:  
 Memo – RWD 8, dated March 11, 2024

**ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Maps
- C: 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 / Joe Herring NAME: LRN LLC  
 MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 16630 Gilman Road  
 CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Leavenworth, KS 66048  
 PHONE: 913-651-3858 PHONE: N/A  
 EMAIL : herringsurveying@outlook.com EMAIL N/A

**GENERAL INFORMATION**

Proposed Subdivision Name: LISISNI ACRES  
 Address of Property: 00000 171st Street  
 PID: 108-28-0-00-00-011.01 Urban Growth Management Area: N/A

**SUBDIVISION INFORMATION**

Gross Acreage: 10.6 AC	Number of Lots: 7	Minimum Lot Size: 1.4 AC (No R/W)
Maximum Lot Size: 1.4 AC (No R/W)	Proposed Zoning: R1-43	Density: N/A
Open Space Acreage: N/A	Water District: RWD 8	Proposed Sewage: Septic
Fire District: District 1	Electric Provider: Free State	Natural Gas Provider: Propane
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <b>Local</b> - Collector - Arterial - State - Federal	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	1.	
	2.	
	3.	
	4.	
	5.	

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

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

Signature: Joe Herring - digitally signed 4/6/2024

Date: 4-6-24

**ATTACHMENT A**

# Lawyers Title of Kansas, Inc.



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

## OWNERS AND ENCUMBRANCE REPORT SCHEDULE A

1. Effective Date: **03/22/2024 07:00 AM** **Case No: 47470**
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:

**LRN, LLC**

*The Company has been advised about a network security incident affecting access to Kansas court systems, including, but not limited to, the ability to search court records and e-file court documents. Once these issues have been resolved, the Company will require an updated search and reserves the right to make additional requirements and/or exceptions as we may deem necessary.*

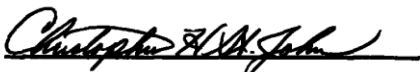
3. The land referred to in this Report is described as follows:

**0 Gilman Rd Leavenworth, KS 66048**

**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.**



**Abstractor**

SCHEDULE A – Page 1

This Owners and Encumbrance Report is invalid unless Schedules A and B are attached.

# Lawyers Title of Kansas, Inc.

## OWNERS AND ENCUMBRANCE REPORT

### SCHEDULE A Legal Description

Case No.: 47470

Tract of land in the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 7, 2024, and more fully described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence South 01 degrees 31 '52" East for a distance of 266.49 feet along the West line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence North 88 degrees 28'08" East for a distance of 440.00 feet; thence South 01 degrees 31 '52" East for a distance of 1050.00 feet; thence South 87 degrees 45'55" West for a distance of 440.03 feet to the West line of said Southwest Quarter; thence North 01 degrees 31 '52" West for a distance of 1055.40 feet along said West line to the point of beginning. Known as Tract 2 on Certificate of Survey filed in Document No. 2024S013.

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

Quit Claim Deed dated March 25, 2024, executed by LRN, LLC, to LRN, LLC, filed March 25, 2024 at 10:30 AM, and recorded in Document No. 2024R01912.

Warranty Deed dated November 28, 2023, executed by B & J Lansing, LLC, a Kansas limited liability company, to LRN LLC, filed December 1, 2023 at 4:27 PM, and recorded in Document No. 2023R08488.

Warranty Deed dated March 15, 2019, executed by Billie Catherine McGraw, a single person, to B & J Lansing LLC, a Kansas limited liability company, filed March 25, 2019 at 12:02 PM, and recorded in Document No. 2019R01886. (an undivided 36% interest)

Warranty Deed dated March 18, 2019, executed by Mildred M. Peltzman, a married person and Robert Peltzman, her husband, to B & J Lansing LLC, a Kansas limited liability company, filed March 25, 2019 at 12:02 PM, and recorded in Document No. 2019R01885. (an undivided 64% interest)]

**05-02-24  
Olsson Review  
No Further  
Comment**

Lisisni Acres  
Leavenworth County Kansas  
Drainage Report  
April 5, 2024  
Revised April 26, 2024  
Revised April 29, 2024



# LISISNI ACRES

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

## FINAL PLAT

PREPARED FOR:  
LRN LLC  
16630 Gilman Road  
Leavenworth, KS 66048  
PID NO. 108-28-0-00-00-011.08

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

**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: LISISNI ACRES.

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

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

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

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

Joseph A. Herring  
Member of LRN LLC

**NOTARY CERTIFICATE:**  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State came Joseph A. Herring, Member of LRN 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 LISISNI ACRES this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Secretary: John Jacobson  
Chairperson: Marcus Majure

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

County Engineer - Mitch Pleak

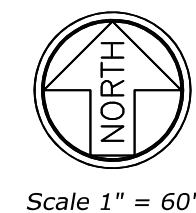
**COUNTY COMMISSION APPROVAL:**  
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of LISISNI ACRES this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Chairperson: Jeff Culbertson  
County Clerk: Janet Klasinski

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

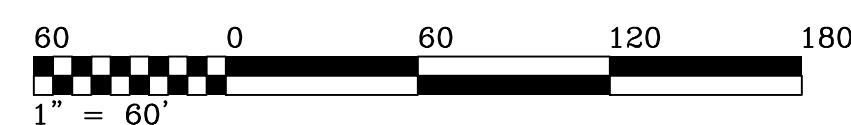
Register of Deeds - TerriLois G. Mashburn

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



Job # K-24-LRN PLAT  
March 24, 2024 Rev. 4/30/24

Daniel Baumchen, PS#1363  
County Surveyor



PID NO. 109-29...029  
LOT 3 - ENGLISH ESTATES  
Bk. S-15 #26, 2003 NKA 2003P00026

PID NO. 108-28...011.01

PID NO. 109-29...030  
LOT 4 - ENGLISH ESTATES  
Bk. S-15 #26, 2003 NKA 2003P00026

PID NO. 108-28...011.01

PID NO. 109-29...031  
LOT 5 - ENGLISH ESTATES  
Bk. S-15 #26, 2003 NKA 2003P00026

PID NO. 108-28...011.02

09V  
SW COR SW 1/4  
Sec. 28-9-22  
- 1/2" Rebar Cap 1296 set  
- Previous Report/Surveys show 2 Monuments assumed destroyed by County Road Improvement and not reset after construction by Leav. County.  
5/8" Rebar location held per Herring 1296 LSRR.

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

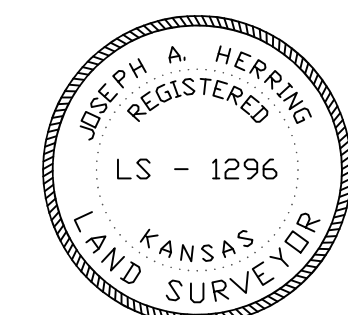
05-02-2024  
Olsson Comments  
No Further  
Comment

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

**ZONING:**  
R1-43 - Residential 1 Acre

**NOTES:**  
1) This survey does not show ownership.  
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.  
3) All recorded and measured distances are the same, unless otherwise noted.  
4) Error of Closure - See Record Description  
5) Basis of Bearing - KS SPC North Zone 1501  
6) Monument Origin Unknown, unless otherwise noted.  
7) Proposed Lots for Residential Use.  
8) Road Record - See Survey  
9) Benchmark - NAVD88  
Project Benchmark (BM) - NW COR SW 1/4 - 1/2" Rebar - 1037.9'  
10) Easements, if any, are created hereon or listed in referenced title commitment.  
11) Reference Recorded Deed Doc # 2024R01912  
12) Utility Companies -  
- Water - RWD 8  
- Electric - Freestate  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas  
13) Reference Lawyer's Title File Number 47470 dated March 22, 2024.  
14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 2010C02506 dated July 16, 2015  
15) Building Setback Lines as shown hereon or noted below  
- All side yard setbacks - 10' (Accessory - 10')  
- All rear yard setbacks - 30' (Accessory - 15')  
16) Existing Structures, if any, not shown hereon.  
17) Easements as per referenced Title Commitment are shown hereon, if any.  
- RWD 8 Easement Book 444 Page 112 falls within the platted 20' U/E & D/E.  
- Caporate Energy Corp Easement Book 643 Page 646 is non-productive.  
18) Fence Lines do not necessarily denote the boundary line for the property.  
19) Reference Surveys:  
DGW - D.G.White - S-14 #10 NKA 1995S010  
S-14 #11 NKA 1995S011  
S-14 #88 NKA 1992S088  
JAH - J.A.Herring - ENGLISH ESTATES Bk. S-15 #26, 2003 NKA 2003P00026  
Doc # 2008S006, Survey dated 2002, Doc #20215082  
Doc # 2024S013  
HERZIN ACRES - Doc # 2022P00037  
RBD - R.B. Dill Survey Doc # 2017S059

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



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

Joseph A. Herring  
PS # 1296



## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Tuesday, April 9, 2024 9:16 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-24-031/032 Pre & Final Plat for Lisisni Acres

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

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

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

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Tuesday, April 9, 2024 7:48 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-24-031/032 Pre & Final Plat for Lisisni Acres

All,

The Leavenworth County Planning & Zoning Department has received a request for a Preliminary and Final Plat for Lisisni Acres.

The Planning Staff would appreciate your written input in consideration of the above listed request. Please review the attached information and forward any comments to us by April 23, 2024.

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

v / r

Joshua J. Schweitzer  
Development Planner  
Leavenworth County Planning & Zoning



## **Fire District No.1, County of Leavenworth**

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

Monday March 25, 2024

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

Dear Herring Surveying Company  
In C/O LRN LLC,

Your final plat plan for Lisisni Acres located in the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas has been reviewed. There are no noticed deficiencies in accordance with the 2006 editions of the *International Building Code (IBC)*, *International Fire Code (IFC)*, and *International Mechanical Code (IMC)* and the plans provided by Herring Surveying Company dated 03/24/2024. Any changes to the provided plans would need to be reviewed by our office.

Michael L. Stackhouse,

*Michael L. Stackhouse*

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

# Rural Water District #8

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

March 11, 2024

To Whom it May Concern:

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

Water is available to these areas with proper application.

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

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

Sincerely,



Sandra Heim  
Office Manager for RWD#8

*"Serving our members quality water since 1967"*



## Schweitzer, Joshua

---

**From:** Shauna Snyder <shauna.snyder@freestate.coop>  
**Sent:** Wednesday, March 27, 2024 7:50 AM  
**To:** PZ  
**Cc:** Joe Herring  
**Subject:** SERVICE VERIFICATION - Parcel - R17263

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

FreeState Electrical Cooperative will provide power to a new home/development being built on/at 171<sup>st</sup> St, parcel R17263, for LRN LLC (Lisisni Acres). FreeState will provide service for 7 separate lots.

Thank you,

**Shauna Snyder**  
Members Service Representative



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

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-24-034 Replat Lot 2 Bud's Green Acres

June 12, 2024

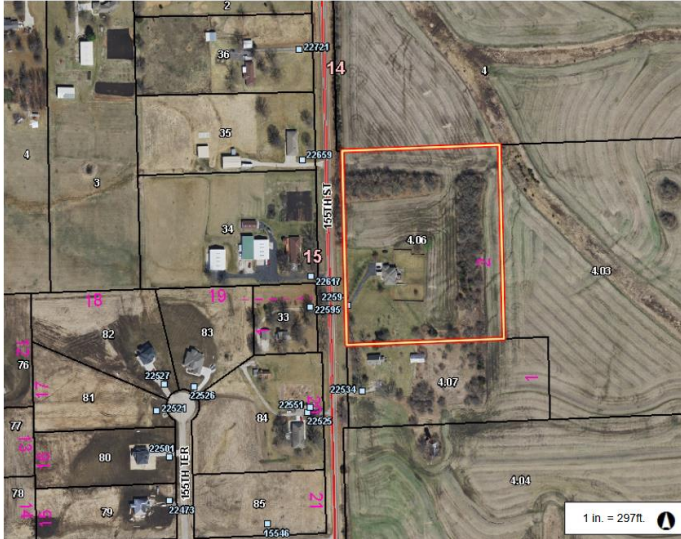
**REQUEST:** *Consent Agenda*

Preliminary Plat       Final Plat

**STAFF REPRESENTATIVE:**

JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 22594 155th Street.



**APPLICANT/APPLICANT AGENT:**

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

**PROPERTY OWNER:**

Jennifer & Joseph Laffoon  
22594 155th St.  
Basehor, KS 66007

**CONCURRENT APPLICATIONS:**

NONE

**LAND USE**

**ZONING:** RR-2.5

**FUTURE LAND USE DESIGNATION:**

Mixed Use

**LEGAL DESCRIPTION:**

A Replat of Lot 2, Bud's Green Acres, a Subdivision in Leavenworth County, Kansas.

**SUBDIVISION:** Bud's Green Acres

**FLOODPLAIN:** N/A

**STAFF RECOMMENDATION:** APPROVAL

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-24-034, Replat for Lot 2 Bud's Green Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-034, Replat for Lot 2 Bud's Green Acres to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:** 9.20 ACRES

**PARCEL ID NO:**

156-14-0-00-00-004.06

**BUILDINGS:**

Existing House

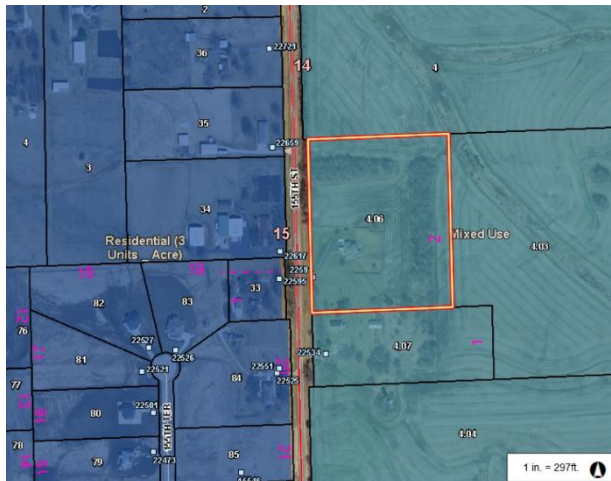
**PROJECT SUMMARY:**

Request for a Replat approval to subdivide property located at 22594 155th Street (156-14-0-00-00-004.06) as Lots 01 through 02 of Bud's Green Acres Replat.

**ACCESS/STREET:**

155th Street - Collector, Paved ± 24'

**Location Map:** FUTURE LAND USE DESIGNATION



**UTILITIES**

**SEWER:** PRIVATE SEPTIC

**FIRE:** Fairmount

**WATER:** Cons R-District 1

**ELECTRIC:** Evergy

**NOTICE & REVIEW:**

**STAFF REVIEW:**

5/31/2024

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**

N/A

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

**STAFF COMMENTS:**

The applicant is proposing to divide a 9.2 acre parcel into two (2) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots 1 & 2 will be approximately 5 acres in size.

**PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. The developer must comply with the following memorandums:
  - Memo – CWD 1, dated May 2, 2024
  - Memo – Chuck Magaha, dated May 29, 2024

**ATTACHMENTS:**

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

**PRELIMINARY & FINAL PLAT APPLICATION**

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

**Office Use Only**

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

**APPLICANT/AGENT INFORMATION**

**OWNER INFORMATION**

NAME: Herring Surveying Company NAME: LAFFOON, JENNIFER J & JOSEPH R  
MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 22594 155TH ST  
CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Basehor, KS 66007  
PHONE: 913-651-3858 PHONE: N/A  
EMAIL : herringsurveying@outlook.com EMAIL N/A

**GENERAL INFORMATION**

Proposed Subdivision Name: BUD'S GREEN ACRES REPLAT  
Address of Property: 22594 155th Street  
PID: 156-14-0-00-00-004.06 Urban Growth Management Area: N/A

**SUBDIVISION INFORMATION**

Gross Acreage: <u>10 Ac</u>	Number of Lots: <u>2</u>	Minimum Lot Size: <u>5 Ac</u>
Maximum Lot Size: <u>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>Cons. #1</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Fairmount</u>	Electric Provider: <u>Evergy</u>	Natural Gas Provider: <u>Propane</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</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: Joe Herring - digitally signed May 7, 2024 Date: 5/7/24

**ATTACHMENT A**

AFFIDAVIT

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

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Joseph Laffoon and Jennifer Laffoon

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 22594 155TH ST BASEHOR KS 66007, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

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

2)

Signed and entered this 14 day of March, 2024

Jennifer Laffoon  
Joseph Laffoon 22594 155TH ST Basehor KS 66007  
Print Name, Address, Telephone (913)972-3888

Jennifer Laffoon  
Joseph Laffoon  
Signature

STATE OF KANSAS )

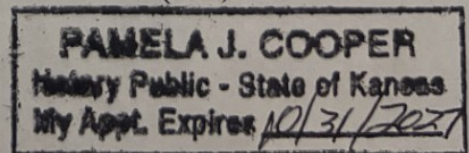
Wyandotte SS )  
COUNTY OF LEAVENWORTH ) (pc)

Be it remember that on this 14<sup>th</sup> day of March 2024, before me, a notary public in and for said County and State came Joseph Laffoon + Jennifer Laffoon to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC Pamela J. Cooper

My Commission Expires: 10/31/2027

(seal)







# Continental

## TITLE COMPANY

**SCHEDULE A**

CTC File No.: 24463944

### **INFORMATIONAL REPORT**

1. Effective Date: May 1, 2024 at 8:00 A.M.
2. Fee Simple interest in the Land described in this Report is owned, at the Report Date, by:  
  
Jennifer J. Laffoon and Joseph R. Laffoon
3. The land referred to in this Commitment is described as follows:  
  
Lot 2, BUD'S GREEN ACRES SUBDIVISION, in the County of Leavenworth, State of Kansas, according to the recorded plat thereof

By:   
\_\_\_\_\_  
Title Officer: Janet Bishop

**05-14-24**  
**Olsson and**  
**PW Review**  
**No Comment**

Bud's Green Acres Replat  
Leavenworth County Kansas  
Drainage Report  
May 6, 2024



# BUD'S GREEN ACRES REPLAT

A Replat of Lot 2, BUD'S GREEN ACRES, a Subdivision in Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
LAFFOON, JENNIFER J & JOSEPH R  
22594 155TH ST  
Basehor, KS 66007  
PID NO. 156-14-0-00-004.06

PROPERTY DESCRIPTION:  
Lot 2, BUD'S GREEN ACRES SUBDIVISION, in the County of Leavenworth, State of Kansas, according to the recorded plat thereof

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: BUD'S GREEN ACRES REPLAT.

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

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

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

IN TESTIMONY WHEREOF,  
We, the undersigned owners of BUD'S GREEN ACRES REPLAT, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Jennifer J. Laffoon Joseph R. Laffoon

NOTARY CERTIFICATE:  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State came Jennifer J. Laffoon and Joseph R. Laffoon, a married couple, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

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

APPROVALS  
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of BUD'S GREEN ACRES REPLAT this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Secretary Chairperson  
John Jacobson Marcus Majure

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

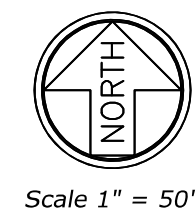
County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:  
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of BUD'S GREEN ACRES REPLAT this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Chairperson County Clerk  
Jeff Culbertson Attest: Janet Klasinski

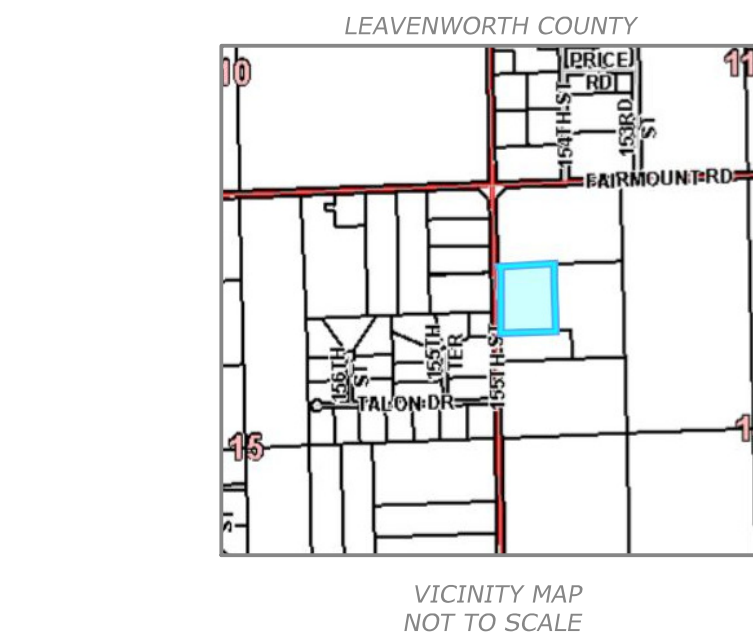
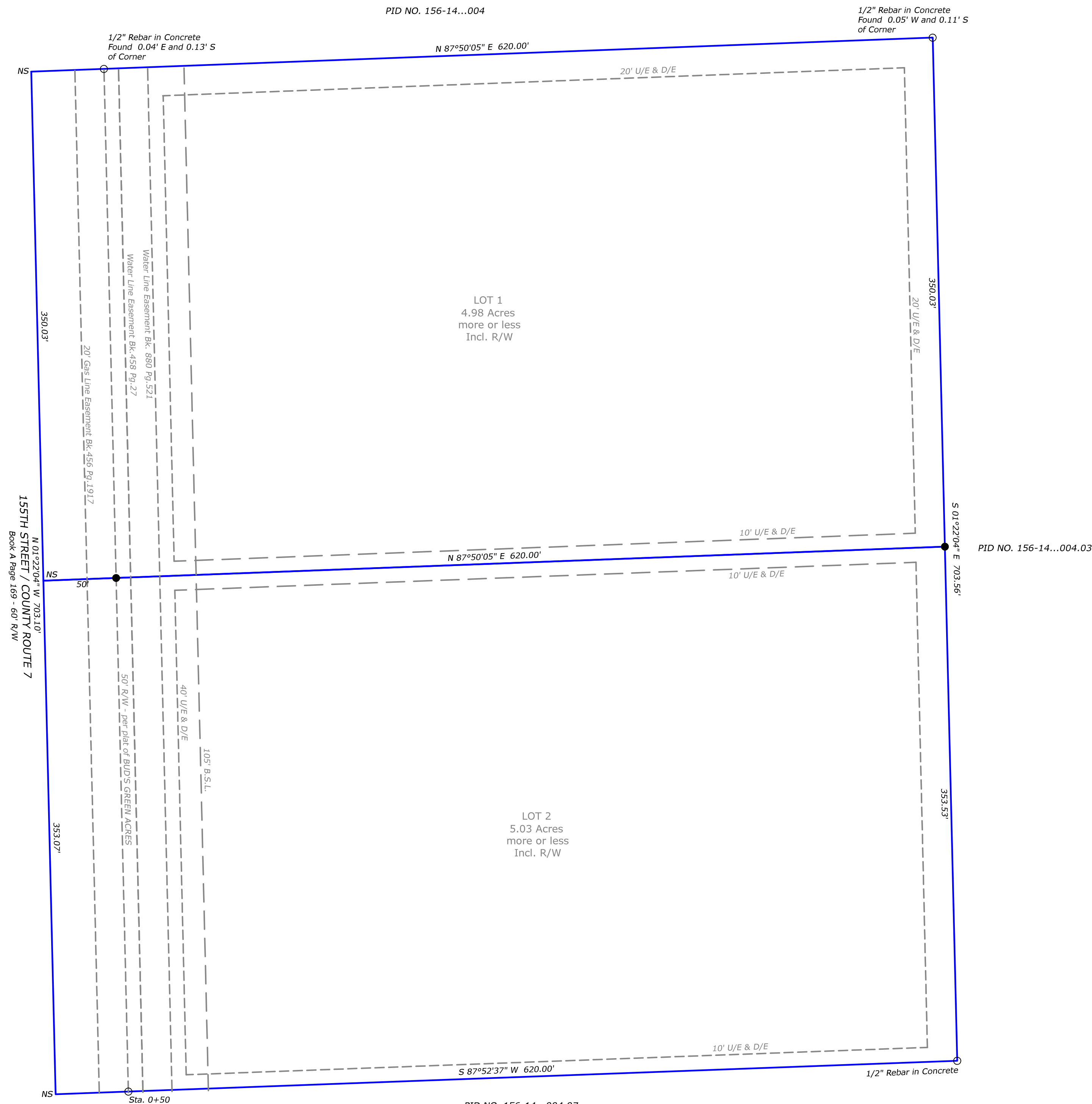
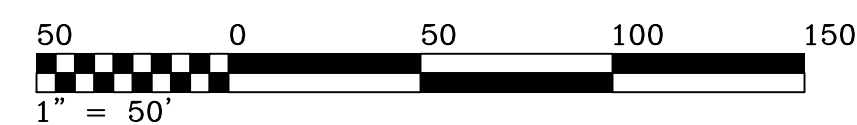
REGISTER OF DEED CERTIFICATE:  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_\_\_ o'clock \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn



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

Daniel Baumchen, PS#1363  
County Surveyor



05-28-2024  
Combined - No  
Further  
Comments

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

ZONING:  
RR 2.5 - Rural Residential 2.5

- NOTES:
- This survey does not show ownership.
  - All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - All recorded and measured distances are the same, unless otherwise noted.
  - Error of Closure - Lot 1 - 1 : 999999; Lot 2 - 1 : 280174
  - Basis of Bearing - KS SPC North Zone 1501
  - Monument Origin Unknown, unless otherwise noted.
  - Existing and Proposed Lots for Residential and Agriculture Use.
  - Road Record - See Survey
  - Benchmark - NAVD88
  - Project Benchmark (BM) - NE COR NE 1/4 Section 15 - Elev - 965'
  - Easements, if any, are created hereon or listed in referenced title commitment.
  - Reference Recorded Deed Book 805 Page 250
  - Utility Companies -
    - Water - Consolidated Water District #1
    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - Reference Continental Title File Number 24463944 dated May 1, 2024.
  - Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0241G dated July 16, 2015
  - Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - Existing Structures, if any, not shown hereon.
  - Easements as per referenced Title Commitment are shown hereon, if any.
    - Easement granted to Greeley Gas Company Bk 546 Pg 1917 lies within the platting right of way of 155th Street.
    - Water line easements are shown hereon within the platted Utility Easement.
  - Fence Lines do not necessarily denote the boundary line for the property.
  - Reference Surveys:
    - BUD'S GREEN ACRES SUBDIVISION Bk. 14 Pg. 19, 2000
    - NKA #2000P00019

- RESTRICTIONS:
- All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 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.
  - Lots are subject to the current Access Management Policy
  - Additional access limits as shown hereon.
  - All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
  - No off-plat restrictions.

Job # K-24-1774  
May 5, 2024 Rev. 5-16-24  
J. Herring, Inc. (dba)  
HERRING SURVEYING COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5361  
Email - survey@herringinc.com



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

Joseph A. Herring  
PS # 1296

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Bud's Green Acres Subdivision  
**Date:** May 29, 2024

Amy, I have reviewed the preliminary plat of the Bud's Green Acres Subdivision presented by Joseph and Jennifer Laffoon. 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, a fire hydrant is currently located along the property line in the North corner of the applicants' property. This hydrant will be sufficient for this subdivision.

I have no further recommendation for this subdivision.

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

## Schweitzer, Joshua

---

**From:** Anderson, Kyle  
**Sent:** Monday, May 13, 2024 11:45 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-24-034 Replat of Lot 2 Bud's Green Acres

We have not received any complaints on this property and it appears that the septic system currently installed will remain on the same lot as the home it services.

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

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

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Wednesday, May 8, 2024 8:36 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcaFee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'mfulkerson@crwd1.com' <mfulkerson@crwd1.com>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-24-034 Replat of Lot 2 Bud's Green Acres

The Leavenworth County Department of Planning and Zoning has received a request for a Replat of Lot 2 Bud's Green Acres

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 22 May 2024.

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

v / r

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

## Schweitzer, Joshua

---

**From:** Mike Lingenfelser <lingenfelserm@fairmountfd.org>  
**Sent:** Wednesday, May 8, 2024 8:49 AM  
**To:** Schweitzer, Joshua  
**Subject:** Re: DEV-24-034 Replat of Lot 2 Bud's Green Acres

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

Joshua  
Fairmount Township Fire has no issues.  
*Mike Lingenfelser, Fire Chief*  
*Fairmount Township Fire Department*  
2624 N 155th St  
Basehor, Kansas 66007  
Work-[913-724-4911](tel:913-724-4911)  
Cell [913-306-0258](tel:913-306-0258)

On Wed, May 8, 2024 at 8:35 AM Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)> wrote:

The Leavenworth County Department of Planning and Zoning has received a request for a Replat of Lot 2 Bud's Green Acres

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 22 May 2024.

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

v / r

Joshua J. Schweitzer

Development Planner

Leavenworth County Planning & Zoning

300 Walnut St, Suite 212

Leavenworth County, Kansas 66048

(913) 684-0465

May 2, 2024

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

Re: K-24-1774 Lafoon Review

Dear Mr. Herring,

Thank you for providing the opportunity for the water district to provide comments on the proposed replat. The proposed lot is in our service area and can be served by an existing 8-inch water main on the property. Any new connections to the water system will follow the policies of the water district in place at the time of connection. The closest fire hydrant to the proposed lot is approximately 360 feet south of the south property line. Additional fire hydrants can be added to the existing water main at the developer's expense if required.

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

Respectfully,

*Mike Fulkerson*

Mike Fulkerson  
General Manager



Cc; file



## Schweitzer, Joshua

---

**From:** Boone Heston <Boone.Heston@evergy.com>  
**Sent:** Monday, June 3, 2024 9:29 AM  
**To:** Schweitzer, Joshua; Design Group Leavenworth  
**Cc:** Allison, Amy; Jacobson, John  
**Subject:** Re: DEV-24-034 Replat of Lot 2 Bud's Green Acres

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

Internal Use Only

Evergy has no concerns with the replat.

Thanks,

### Boone Heston

TD Designer  
Leavenworth, KS

**Evergy**

[Boone.Heston@evergy.com](mailto:Boone.Heston@evergy.com)

O 913-758-2724

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Friday, May 31, 2024 10:08 AM  
**To:** Design Group Leavenworth <designgroupleavenworth@evergy.com>  
**Cc:** Allison, Amy <AAllison@leavenworthcounty.gov>; Jacobson, John <JJacobson@leavenworthcounty.gov>  
**Subject:** FW: DEV-24-034 Replat of Lot 2 Bud's Green Acres

### This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Good Morning,

I am just trying to follow-up with your department to see if you had any comments for the proposed Replat of Lot 2 Bud's Green Acres. Could you please provide comments at your earliest convenience.

v / r

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

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-24-036 & 037 Nila Estates

June 12, 2024

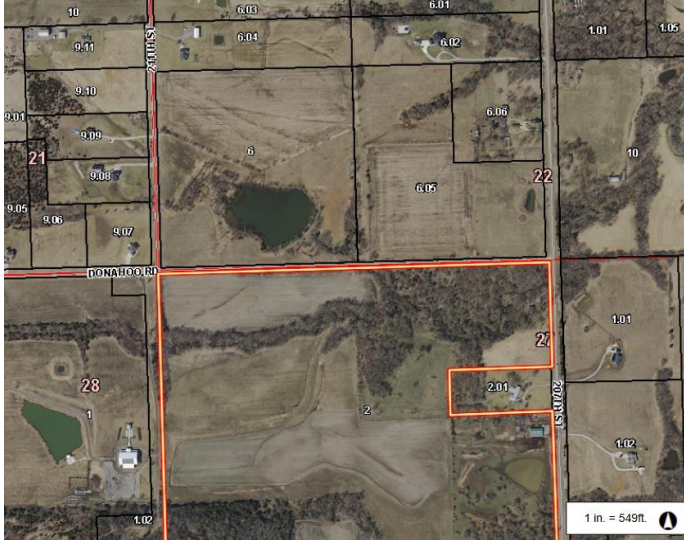
**REQUEST:** *Consent Agenda*

Preliminary Plat       Final Plat

**STAFF REPRESENTATIVE:**

JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 00000 Donahoo Road



**APPLICANT/APPLICANT AGENT:**

LARRY HAHN  
HAHN SURVEYING  
PO BOX 186  
Basehor, KS 66007

**PROPERTY OWNER:**

Nila & James Denholm  
20731 207th St.  
Tonganoxie, KS 66086

**CONCURRENT APPLICATIONS:**

NONE

**LAND USE**

**ZONING:** RR-5

**FUTURE LAND USE DESIGNATION:**

RR-5 & RR-2.5

**LEGAL DESCRIPTION:**

A Subdivision in the Northwest Quarter of Section 27, 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-24-036 & 037, Preliminary & Final Plat for Nila Estates, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-036 & 037, Preliminary & Final Plat for Nila Estates to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:** 41.98 ACRES

**PARCEL ID NO:**

148-27-0-00-00-002

**BUILDINGS:**

Existing House

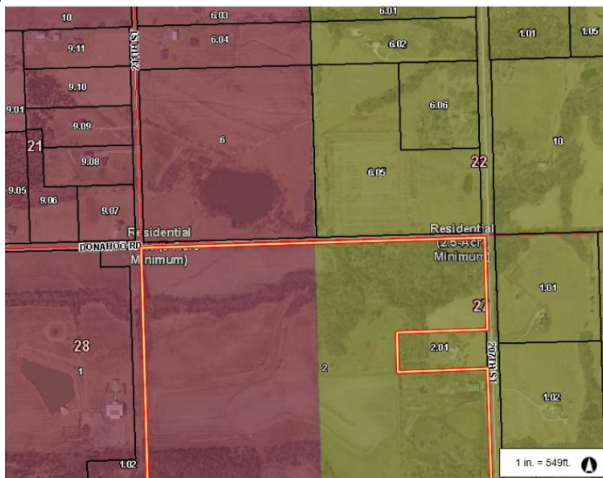
**PROJECT SUMMARY:**

Request for a final plat approval to subdivide property located at 00000 Donahoo Road (148-27-0-00-00-002) as Lots 01 through 07 of Nila Estates.

**ACCESS/STREET:**

Donahoo Road - Local, Paved ± 27'

**Location Map:** FUTURE LAND USE DESIGNATION



**UTILITIES**

**SEWER:** PRIVATE SEPTIC

**FIRE:** STRANGER

**WATER:** RWD 9

**ELECTRIC:** FREESTATE

**NOTICE & REVIEW:**

**STAFF REVIEW:**

6/3/2024

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING**

**PROPERTY OWNERS:**

N/A

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

**STAFF COMMENTS:**

The applicant is proposing to divide a 41.98 acre parcel into seven (7) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots 1 – 6 will be approximately 5 acres in size. Lot 7 will be approximately 12 acres in size. All lots meet the requirements for the RR-5 zoning district.

**PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. The developer must comply with the following memorandums:
  - Email – Stranger Fire District, dated April 19, 2024
  - Memo – Chuck Magaha, dated June 3, 2024

**ATTACHMENTS:**

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

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

CAMA No.: _____	Office Use Only
Township: _____	Date Received: _____
Planning Commission Meeting Date: _____	Date Paid: _____
Project No.: _____	

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME _____	NAME <u>JAMES DENHOLM</u>
ADDRESS _____	ADDRESS <u>20731 207TH STREET</u>
CITY/ST/ZIP _____	CITY/ST/ZIP <u>TONGANOXIE, KS. 66086</u>
PHONE _____ EMAIL _____	PHONE <u>913-369-2635</u> EMAIL _____
CONTACT PERSON _____	CONTACT PERSON <u>JAMES</u>

**GENERAL INFORMATION**

Subdivision Name: NILA ESTATES

Legal Description (S-T-R 1/4 Section): NW 1/4 27-T10S-R21E

Zoning: RR- 5.0

Surveyor and/or Engineer Firm: HAHN SURVEYING

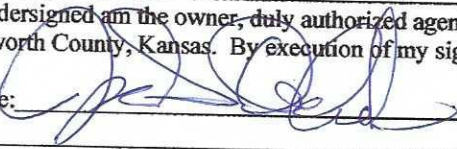
Contact Person: LARRY HAHN

Address: PO BOX 186 BASEHOR, KANSAS 66007

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

SUBDIVISION INFORMATION		
Gross Acreage: <u>41.98 ACRES</u>	Number of Lots: <u>7</u>	Minimum Lot Size: <u>5.00 ACRES</u>
Maximum Lot Size: <u>11.94 ACRES</u>	Zoning: <u>RR - 5.0</u>	Density: _____
Open Space Acreage: _____	Water District: <u>9</u>	Proposed Sewage: <u>ON SITE</u>
Fire District: <u>STRANGER</u>	Electric Provider: <u>FREESTATE</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Phase Number: _____	
Is any part of the site designated as Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, what is the panel number: _____		

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

Signature:  Date: 4-5-2024

ATTACHMENT A-2

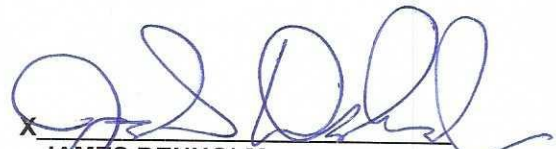
OWNER AUTHORIZATION

I/WE JAMES DENHOLM, hereby referred to as the "Undersigned", being of lawful age, do hereby on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, make the following statements, to wit:


- 1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property  
See Exhibit A attached hereto and incorporated herein by reference.
- 2. I/We the undersigned, have previously authorized and hereby authorize LARRY HAHN  
HAHN SURVEYING (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Department of Leavenworth County, Kansas, 21159 207TH STREET (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
- 3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the 'County'), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly our of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- 4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

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

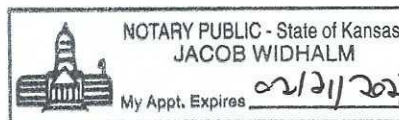
STATE OF KANSAS  
COUNTY OF LEAVENWORTH

  
JAMES DENHOLM

The foregoing instrument was acknowledged before me on this 5<sup>th</sup> day of April, 2024  
by James Denholm

My Commission Expires: 02/21/2027 Notary Public 

ATTACHMENT B



ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 04/18/2024

*Janet Klasmirke*  
COUNTY CLERK

Doc #: 2024R02600  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
04/18/2024 08:00:40 AM  
RECORDING FEE: 38.00  
PAGES: 2

**PREPARED BY:**  
EMW Law, LLC  
13571 S. Mur-Len Rd.  
Olathe, KS 66062

### QUIT CLAIM DEED

CTC#24462159 - Accom

THIS QUIT CLAIM DEED, is made and entered into this 12 day of April, 2024, by and between NILA LORRAINE DENHOLM, a/k/a NILA L. DENHOLM, a single person, with a mailing address of 21159 207th, Tonganoxie, KS 66086, the GRANTOR, and NILA LORRAINE DENHOLM, a/k/a NILA L. DENHOLM, a single person, with a mailing address of 21159 207th, Tonganoxie, KS 66086, the GRANTEE.

WITNESSETH, that the GRANTOR, by way of gift, donation or contribution stated in the Deed or other instrument, paid by the GRANTEE, the receipt and sufficiency of which is hereby acknowledged, does by these presents REMISE, RELEASE AND FOREVER QUIT CLAIM unto the GRANTEES, the Real Estate situated in the County of Leavenworth and State of Kansas, and described as follows:

A Tract of land in the Northwest Quarter of Section 27-T10S-R21E of the 6<sup>th</sup> P.M., Leavenworth County, Kansas, as surveyed by Larry T. Hahn, PS #1349, March 2024, described as follows:

Beginning at the Northwest corner of said Section 27; Thence, N 88°16'06"E, 2644.18 Feet along the North line of said Northwest Quarter to the North Quarter corner of said Section 27; Thence, S 01°42'20"E, 716.52 feet along the East Line of said Northwest Quarter; Thence, S 88°17'40"W, 726.00 feet; Thence, N 01°42'20"W, 34.18 feet; Thence, S 88°16'06"W, 1919.40 feet to the West line of said Northwest Quarter; Thence, N 01°36'10"W, 682.00 feet along said West line to the Point of Beginning. Contains 41.98 acres, more or less, including road r/w.

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

**Property Address:**

Pursuant to K.S.A. 79-1437e(a)(4), a real estate validation questionnaire is not required because this transfer is by way of gift, donation or contribution stated in the deed or other instrument.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the GRANTEE, and to its successors and assigns forever. So that neither the said

**04-30-24  
Olsson Review  
No Comment**

Nila Estate

Leavenworth County Kansas

Drainage Report

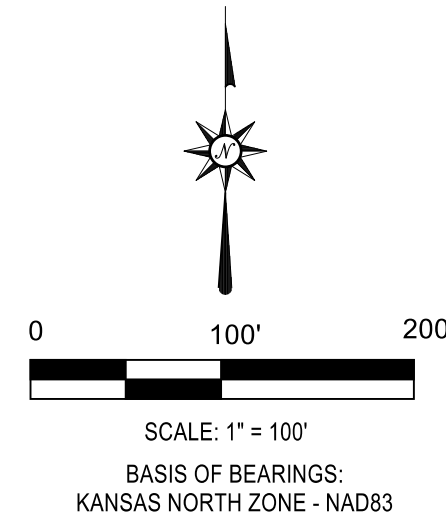
April 14, 2024



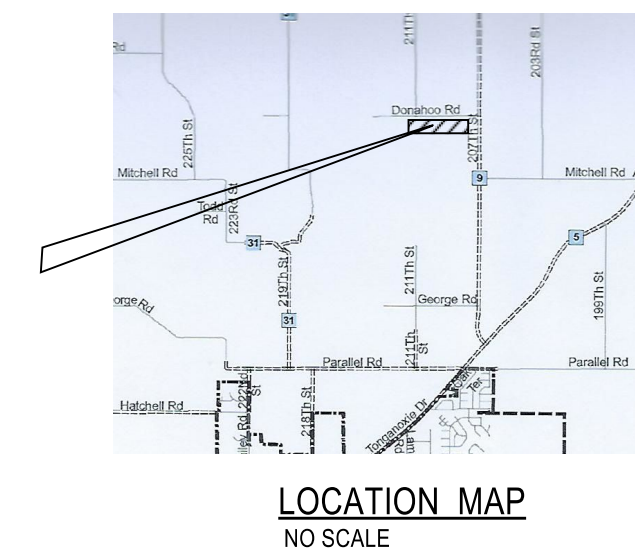
# NILA ESTATES

A SUBDIVISION IN THE NORTHWEST QUARTER  
SECTION 27-T10S-R21E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

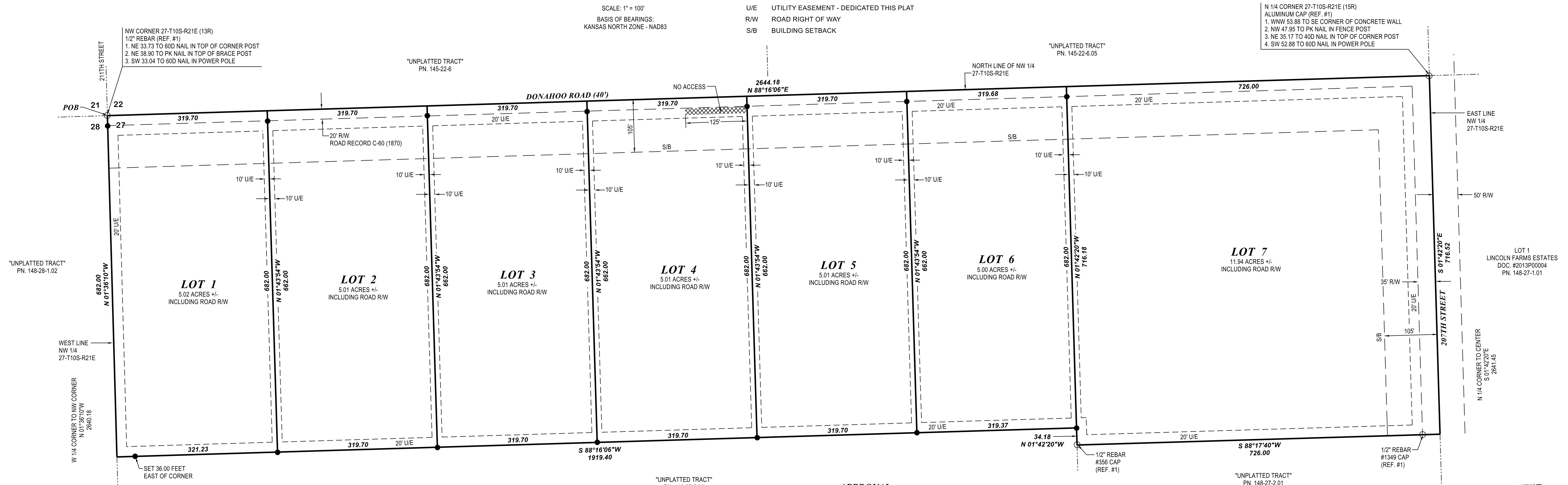
FINAL PLAT



- LEGEND**
- 1/2" x 24" REBAR SET WITH #1349 CAP
  - SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
  - POB POINT OF BEGINNING
  - U/E UTILITY EASEMENT - DEDICATED THIS PLAT
  - R/W ROAD RIGHT OF WAY
  - S/B BUILDING SETBACK



**5-03-2024**  
**Olsson Review No**  
**Further Comment**



N 1/4 CORNER 27-T10S-R21E (15R)  
ALUMINUM CAP (REF. #1)  
1. NNW 53.88 TO SE CORNER OF CONCRETE WALL  
2. NW 47.95 TO PK NAIL IN FENCE POST  
3. NE 35.17 TO 40D NAIL IN TOP OF CORNER POST  
4. SW 52.88 TO 60D NAIL IN POWER POLE

**OWNER / DEVELOPER**  
NILA DENHOLM  
JAMES DENHOLM  
20731 207TH STREET  
TONGANOXIE, KS. 66086  
(913) 369-2635

**REFERENCES**

- DOC. #2024S010
- 207TH STREET ROAD PLANS (1954)  
PROJECT #C-1392
- ROAD RECORD B-358 & J-115

**BENCHMARK**  
1/2" REBAR AT THE NORTHWEST CORNER  
27-T10S-R21E  
EL. 919.33 (NAVD 88)

**SURVEYORS DESCRIPTION**  
A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 27-T10S-R21E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, PS #1349, MARCH 2024, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 27; THENCE, N 88°16'06"E, 2644.18 FEET ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER TO THE NORTH QUARTER CORNER OF SAID SECTION 27; THENCE, S 01°42'20"E, 716.52 FEET ALONG THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE, S 88°17'40"W, 726.00 FEET; THENCE, N 01°42'20"W, 34.18 FEET; THENCE, S 88°16'06"W, 1919.40 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE, N 01°36'10"W, 682.00 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING. CONTAINS 41.98 ACRES, MORE OR LESS, INCLUDING ROAD R/W RELATIVE: 1:995,371

**CERTIFICATION AND DEDICATION**  
THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT HE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "NILA ESTATES".  
EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR PUBLIC USE. THE RIGHTS OF WAY WHICH ARE SHOWN WITH DASHED LINES ON THE ACCOMPANYING PLAT AND SAID EASEMENTS MAY BE EMPLOYED TO LOCATE AND MAINTAIN SEWERS, WATER LINES, GAS LINES, POLES AND WIRES AND ANY OTHER FORM OF PUBLIC UTILITY NOW AND HEREAFTER USED BY THE PUBLIC, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" OR "U/E".  
BUILDING LINES OR SETBACK LINES (S/B) ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT OR CONSTRUCTED BETWEEN THIS LINE AND THE STREET LINE.

IN TESTIMONY WHEREOF,  
I, THE UNDERSIGNED OWNER OF "NILA ESTATES", HAVE SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

JAMES S. DENHOLM  
**STATE OF KANSAS / COUNTY OF LEAVENWORTH**  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME APPEARED JAMES S. DENHOLM, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HIS FREE ACT AND DEED. IN WITNESS THEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

**APPROVAL**  
WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "NILA ESTATES" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRPERSON / MARCUS MAJURE SECRETARY / JOHN JACOBSON

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

COUNTY ENGINEER / MITCH PLEAK, PE  
WE, THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "NILA ESTATES" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRPERSON / JEFF CULBERTSON COUNTY CLERK / JANET KLASINSKI (ATTEST)

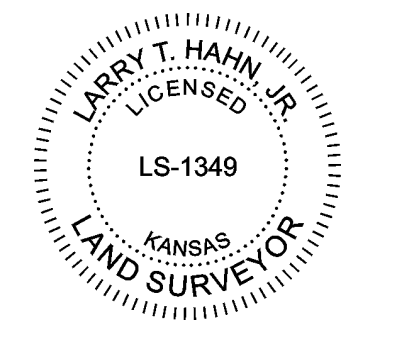
**COUNTY SURVEYOR CERTIFICATION**  
I HEREBY CERTIFY THIS SURVEY PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS SURVEY PLAT WAS REVIEWED FOR COMPLIANCE WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS #1363

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

REGISTER OF DEEDS / TERROIS G. MASHBURN

CENTER 27-T10S-R21E (15T)  
1/2" REBAR WITH #356 CAP (REF. #1)  
1. ESE 40.28 TO MAG NAIL WITH SKOAL LID IN POWER POLE  
2. NE 53.23 TO MAG NAIL WITH SKOAL LID IN POWER POLE  
3. W 41.95 TO MAG NAIL WITH SKOAL LID IN TOP OF CORNER POST (SLOPE)  
4. NE 55.00 TO STEEL STREET SIGN POST



LARRY T. HAHN, PS #1349

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

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



# MEMO

**To:** Joshua Schweitzer  
**From:** Chuck Magaha  
**Subject:** Nila Estates Subdivision  
**Date:** June 3, 2024

Joshua, I have reviewed the preliminary plat of the Nila Estates Subdivision presented by Nila and James Denholm. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed a fire hydrant should be placed along the right-a-way between lot 7 and lot 6 the West between lot 3 and lot 4 along Donahoo Road, this will meet the requirements for this subdivision.

I have no further recommendation for this subdivision.

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

## Schweitzer, Joshua

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**From:** Anderson, Kyle  
**Sent:** Tuesday, April 23, 2024 8:55 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-24-036 & 037 Preliminary & Final Plat Nila Estates

We have not received any complaints on this property. It appears that the septic system currently installed will remain on lot 7 with the home it services.

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

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

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Thursday, April 18, 2024 4:20 PM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Brown, Misty <MBrown@leavenworthcounty.gov>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>; 'linedepartment@freestate.coop' <linedepartment@freestate.coop>; 'lvrwd9@gmail.com' <lvrwd9@gmail.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-24-036 & 037 Preliminary & Final Plat Nila Estates

All,

The Leavenworth County Planning & Zoning Department has received a request for a Preliminary and Final Plat for Nila Estates.

The Planning Staff would appreciate your written input in consideration of the above listed request. Please review the attached information and forward any comments to us by May 2, 2024.

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

v / r

Joshua J. Schweitzer  
Development Planner

## Schweitzer, Joshua

---

**From:** Mark B <stfdchief1760@gmail.com>  
**Sent:** Friday, April 19, 2024 6:59 AM  
**To:** Schweitzer, Joshua  
**Cc:** Noll, Bill; McAfee, Joe; mpleak@olsson.com; Brown, Misty; Van Parys, David; Baumchen, Daniel; Magaha, Chuck; Miller, Jamie; Patzwald, Joshua; linedepartment@freestate.coop; lvrwd9@gmail.com; PZ  
**Subject:** Re: DEV-24-036 & 037 Preliminary & Final Plat Nila Estates

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

Joshua,

Stranger Township Fire Department has no issues but would suggest that hydrants be installed so that there is one within 500 feet of any structure.

Let me know if you have any questions.

Mark Billquist  
Stranger Township Fire Chief

On Thu, Apr 18, 2024 at 4:20 PM Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)> wrote:

All,

The Leavenworth County Planning & Zoning Department has received a request for a Preliminary and Final Plat for Nila Estates.

The Planning Staff would appreciate your written input in consideration of the above listed request. Please review the attached information and forward any comments to us by May 2, 2024.

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

v / r

## Schweitzer, Joshua

---

**From:** Allison, Amy  
**Sent:** Friday, April 19, 2024 1:49 PM  
**To:** Schweitzer, Joshua  
**Subject:** FW: Nila Estates

---

**From:** Rural Water District 9 lvrwd9 <lvrwd9@gmail.com>  
**Sent:** Friday, April 19, 2024 12:26 PM  
**To:** larry hahn <hahnsurvey@gmail.com>  
**Cc:** linedepartment@freestate.coop; Allison, Amy <AAllison@leavenworthcounty.gov>  
**Subject:** Re: Nila Estates

*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.

**LVRWD9 has no issue with the preliminary plat at this time.**

On Fri, Apr 19, 2024 at 11:53 AM larry hahn <[hahnsurvey@gmail.com](mailto:hahnsurvey@gmail.com)> wrote:

To all -

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

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

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

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

Thank You,

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

--

Thanks and have a great day,



**Karen Armstrong**  
District Manager  
913-845-3571

## Schweitzer, Joshua

---

**From:** Gary Willits <gary.willits@freestate.coop>  
**Sent:** Monday, April 22, 2024 8:44 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-24-036 & 037 Preliminary & Final Plat Nila Estates

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

Joshua,  
This proposed subdivision is in FreeState Electric's certified territory and FreeState Electric does not have any issues with this plat.  
Thank you,  
Gary Willits

**Gary Willits**  
Staking Engineer



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

---

**From:** Line Department <linedepartment@freestate.coop>  
**Sent:** Thursday, April 18, 2024 4:33 PM  
**To:** Gary Willits <gary.willits@freestate.coop>  
**Subject:** FW: DEV-24-036 & 037 Preliminary & Final Plat Nila Estates

Received in the line department email queue...

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**From:** Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)>  
**Sent:** Thursday, April 18, 2024 4:20 PM  
**To:** Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; McAfee, Joe <[JMcAfee@leavenworthcounty.gov](mailto:JMcAfee@leavenworthcounty.gov)>; 'mpleak@olsson.com' <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; Van Parys, David <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>; Baumchen, Daniel <[DBaumchen@leavenworthcounty.gov](mailto:DBaumchen@leavenworthcounty.gov)>; [cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org); Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@lvsheriff.org](mailto:jpatzwald@lvsheriff.org)>; 'stfdchief1760@gmail.com' <[stfdchief1760@gmail.com](mailto:stfdchief1760@gmail.com)>; Line Department <[linedepartment@freestate.coop](mailto:linedepartment@freestate.coop)>; 'lvrwd9@gmail.com' <[lvrwd9@gmail.com](mailto:lvrwd9@gmail.com)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** DEV-24-036 & 037 Preliminary & Final Plat Nila Estates

All,

The Leavenworth County Planning & Zoning Department has received a request for a Preliminary and Final Plat for Nila Estates.

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-24-039 Lecompton Estates

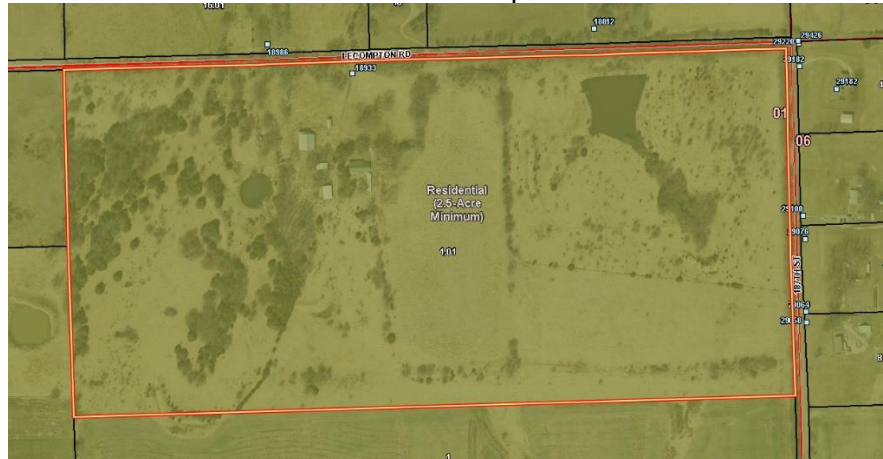
June 12, 2024

**REQUEST: *Consent Agenda***

Preliminary Plat       Final Plat

**STAFF REPRESENTATIVE:**  
JOHN JACOBSON  
DIRECTOR

**SUBJECT PROPERTY:** 18933 Lecompton Road



**APPLICANT/APPLICANT AGENT:**  
MATT KNOX  
ALLENDBRAND & DREW

**PROPERTY OWNER:**  
DAC VENTURES LLC  
6430 MIZE RD  
SHAWNEE KS 66226

**CONCURRENT APPLICATIONS:**  
NONE

**LAND USE**

ZONING: RR-5

**FUTURE LAND USE DESIGNATION:** RESIDENTIAL (2.5 ACRE MIN)

**LEGAL DESCRIPTION:**

A tract of land in the Northeast Quarter of Section 1, Township 9 South, Range 21 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

**STAFF RECOMMENDATION:** APPROVAL

**ACTION OPTIONS:**

1. Approve Case No. DEV-24-039, Final Plat for Lecompton Estates with or without conditions; or
2. Deny Case No. DEV-24-039 Final Plat for Lecompton Estates for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PROPERTY INFORMATION**

PARCEL SIZE: 76.07 ACRES

PARCEL ID NO:  
111-01-0-00-00-001.01

BUILDINGS: A SINGLE FAMILY RESIDENCE WITH ACCESSORY STRUCTURES

**PROJECT SUMMARY:**

Request for final plat approval to subdivide property located at 18933 Lecompton Road as Lots 1 through 9 of Lecompton Estates.

ACCESS/STREET:  
LECOMPTON RD - LOCAL,  
GRAVEL ± 16'; 187<sup>TH</sup> ST –  
LOCAL, GRAVEL, ± 16'

**Location Map:**



**UTILITIES**

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: FIRE DISTRICT 1

WATER: RWD 5

ELECTRIC: FREESTATE

**NOTICE & REVIEW:**

STAFF REVIEW:  
5/29/2024

NEWSPAPER NOTIFICATION:  
N/A

NOTICE TO SURROUNDING  
PROPERTY OWNERS:  
N/A

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

**STAFF COMMENTS:**

The applicant is proposing to divide a 76-acre parcel into a 9-lot subdivision. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots 1-5 will be range from 5.36 to 6.5 acres in size. These lots will access from 187<sup>th</sup> Street. Lots 5 through 9 will be approximately 10 acres each and will access from Lecompton Road. Lot 7 will retain the existing house and accessory structures. All entrances have been approved and installed. RWD 5 has indicated that water is available for all lots but due to the size of the proposed lots, a water well can be obtained per the LVCO Sanitary Code. Staff is generally in support.

**PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. The developer must comply with the following memorandums:
  - a. Memo – Shane Goff, RWD 5, dated November 21, 2023
  - b. Memo – Michael Stackhouse, Fire District 1, dated March 6, 2024
  - c. Memo – Chuck Magaha, Emergency Management, dated 4/22/2024

**ATTACHMENTS:**

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

**FINAL PLAT APPLICATION**

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

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>DAC Ventures LLC</u>	NAME: <u>Same</u>
MAILING ADDRESS: <u>6430 Mize Rd</u>	MAILING ADDRESS: _____
CITY/ST/ZIP: <u>Shawnee, KS 66226</u>	CITY/ST/ZIP: _____
PHONE: <u>913.226.7774</u>	PHONE: _____
EMAIL: <u>jim@coyleproperties.com</u>	EMAIL: _____

**GENERAL INFORMATION**

Proposed Subdivision Name: Lecompton Estates

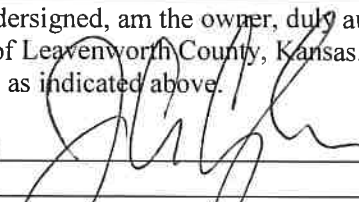
Address of Property: 18933 Lecompton Rd

PID: 1110100000001010      Urban Growth Management Area: Rural Growth Area

SUBDIVISION INFORMATION		
Gross Acreage: 76.07	Number of Lots: 9	Minimum Lot Size: 5.36
Maximum Lot Size: 10.94	Proposed Zoning: RR-5	Density: 1 house per 8.45 acres
Open Space Acreage: 0	Water District: RWD 5	Proposed Sewage: Septic
Fire District:	Electric Provider: FreeState Electric	Natural Gas Provider: none
Covenants: <input type="checkbox"/> Yes <input type="checkbox"/> No	Road Classification: <i>Local - Collector - Arterial - State - Federal</i>	
	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:       Date: 4/19/24

**ATTACHMENT A**



REGISTER OF DEEDS CERTIFICATE  
 Filed for Record as Document No. \_\_\_\_\_ on this  
 day of \_\_\_\_\_, 20\_\_\_\_ at  
 o'clock \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth  
 County, Kansas.

Register of Deeds - TerriLois G. Mashburn

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

Daniel Baumchen, PS-1363  
 County Surveyor

- NOTES:
1. Basis of bearings: N90°00'00"E along the North line of the Northeast Quarter of Section 1-9S-21E per survey by John Benton Kramer dated 6/5/2013, recorded at Document No. 20135023.
  2. Subject property lies in "Zone X, Areas determined to be outside the 0.2% annual chance floodplain" as shown on FEMA FIRM Number 20103C0125G, effective 7/16/2015. Floodplain information regarding the plat is based on the best information available at the time the plat was prepared and recorded.
  3. Front building line dimensions are measured to the section line and are at least 105' from the center of the road as field located.
  4. Future utilities crossing the existing natural gas pipeline running through Lots 1 through 4 shall cross perpendicular to the pipeline. Contact Southern Star Central Gas Pipeline prior to any work in the easement.

- RESTRICTIONS:
1. No off plat restrictions.
  2. Setbacks:  
 Rear - 40' for residences, 15' for accessory buildings  
 Side - 15'
  3. An engineered wastewater disposal may be required due to poor soil conditions.
  4. Erosion control shall be used when designing and constructing driveways and other structures.
  5. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place.
  6. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading, weather permitting.
  7. Lots are subject to the current access management policy resolution.
  8. Structures built within the subdivision shall comply with Resolution 2020-39, or as amended.

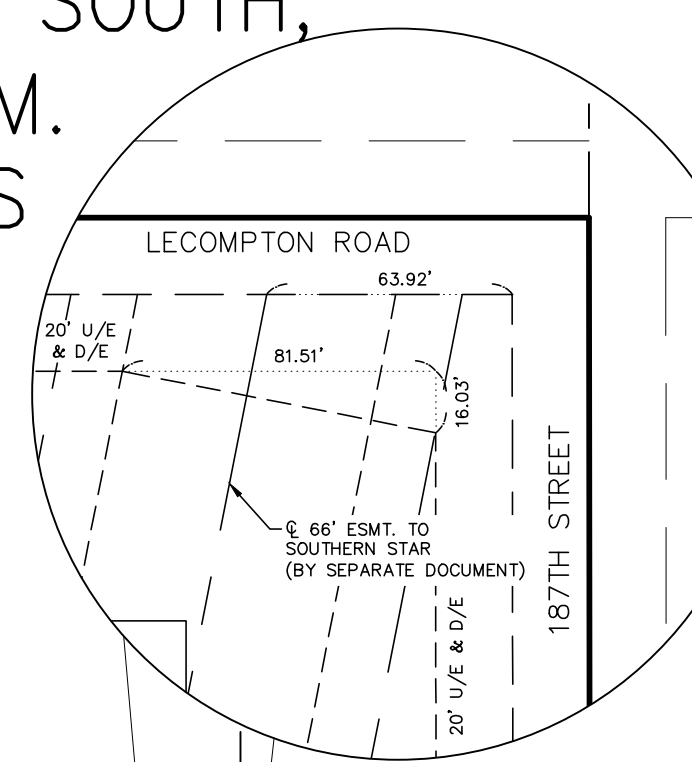
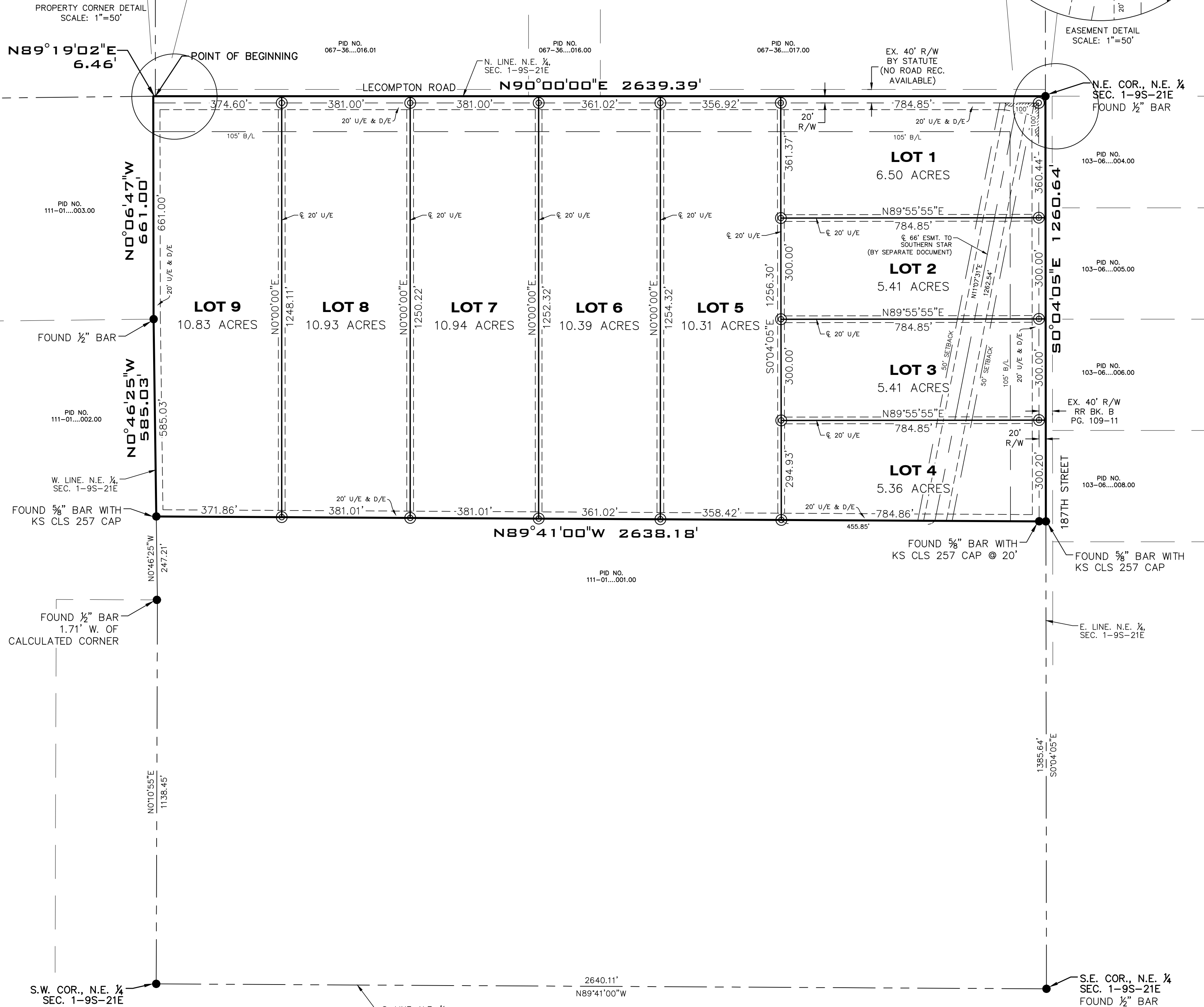
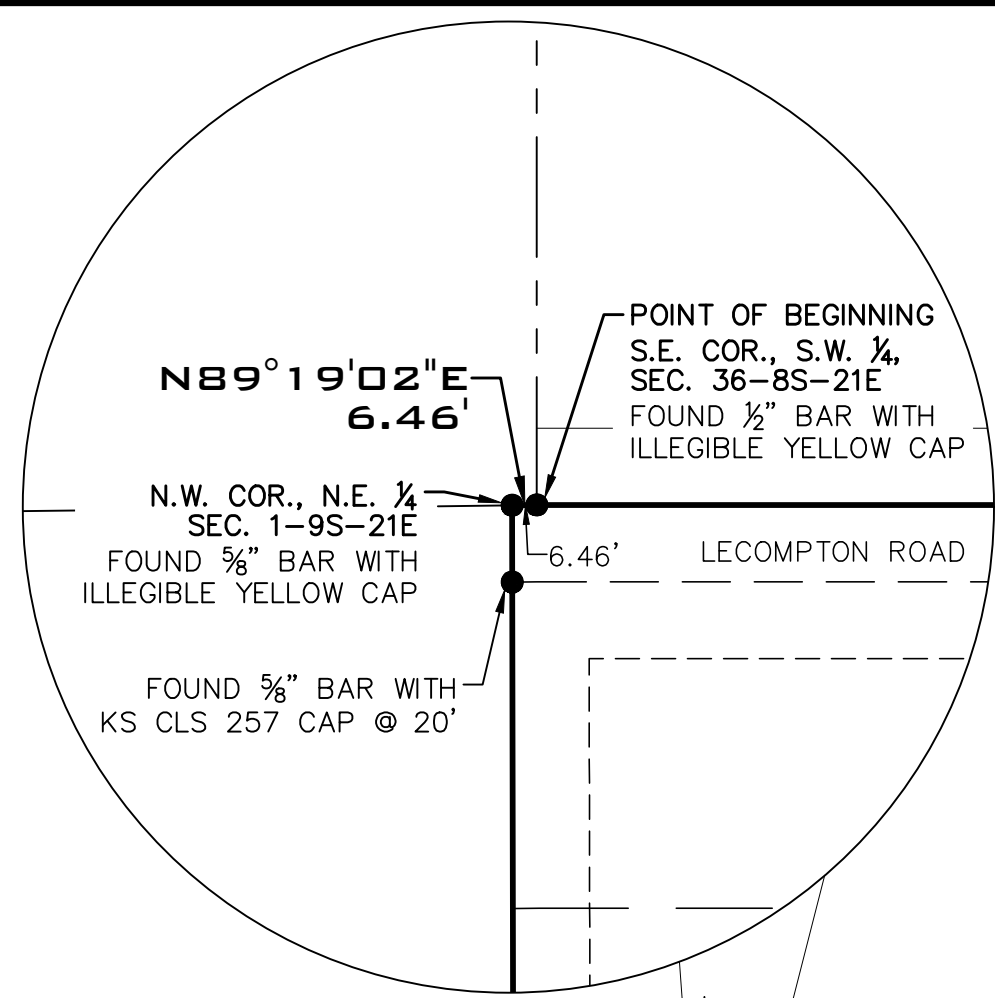
TITLE INFORMATION SHOWN HEREON IS BASED ON A COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. 1652871, DATED MARCH 13, 2024 AT 8:00 AM

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

- Items 1 through 7 are not survey issues.
8. Easements, Restrictions, and setback lines as per plat, Document No. 20135023. (No easements, restrictions, or setbacks dedicated by noted survey)
  9. Not a survey issue.
  10. An easement granted to Cities Service Gas Company in the document recorded as Book 375, Page 343 of Official Records. (Blanket easement, easement corridor to be defined along pipeline running through Lots 1 through 4 as shown hereon)
  11. An easement granted to Rural Water District No. 5 Leavenworth County, Kansas in the document recorded as Book 454, Page 246 of Official Records (Document notes that easement will be centered on water line as constructed. No water line exists on subject property, water lines are on north side of Leocompton and east side of 187th)
- Items 12 and 13 are not survey issues.

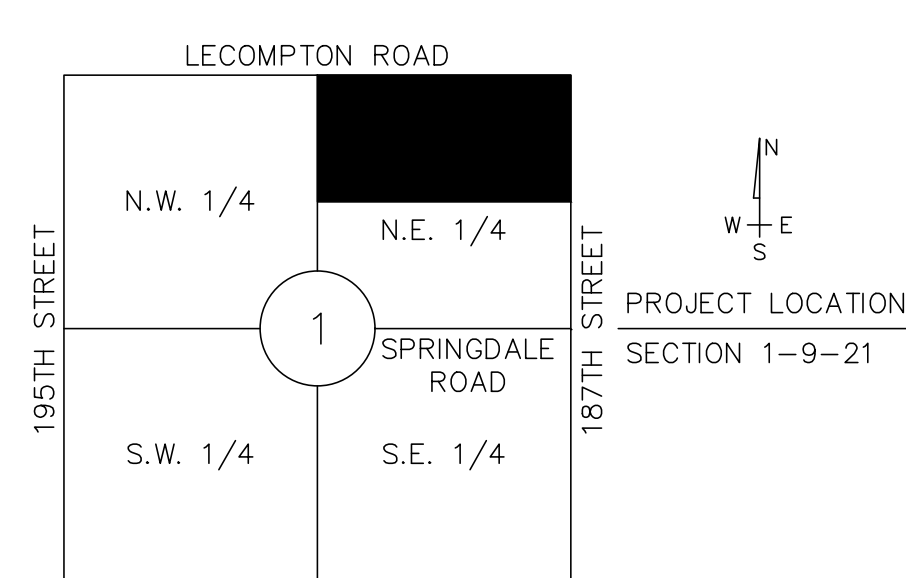
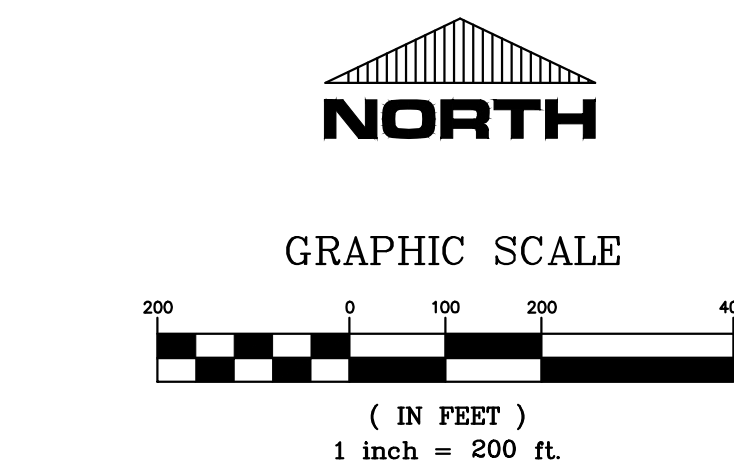
# FINAL PLAT OF LECOMPTON ESTATES

## PT. N.E. 1/4, SECTION 1, TOWNSHIP 9 SOUTH, RANGE 21 EAST OF THE 6TH P.M. LEAVENWORTH COUNTY, KANSAS



PROPERTY CORNER DETAIL  
 SCALE: 1"=50'

EASEMENT DETAIL  
 SCALE: 1"=50'

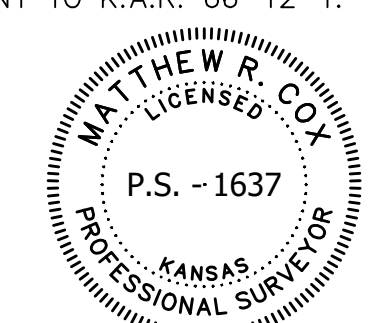


VICINITY MAP  
 SCALE: 1" = 2000'

- LEGEND
- BAR FOUND AS DESCRIBED ORIGIN UNKNOWN UNLESS NOTED
  - ⊙ SET 1/2" x 24" REBAR WITH PLASTIC KS CLS 93 CAP
  - U/E UTILITY EASEMENT
  - D/E DRAINAGE EASEMENT
  - B/L BUILDING LINE
  - R/W RIGHT-OF-WAY
  - ////// LIMITS OF NO ACCESS

ERROR OF CLOSURE  
 Perimeter: 7790.70' Area: 3313525.25 Sq. Ft.  
 Error Closure: 0.0072 Course: S34°27'16"E  
 Error North: -0.00592 East: 0.00406  
 Precision 1:1082041.67

THIS IS TO CERTIFY THAT ON THE 18TH DAY OF JANUARY 2024, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-12-1.



OWNER/DEVELOPER FOR:  
 DAC VENTURES, LLC  
 6430 MIZE ROAD  
 SHAWNEE, KS 66226  
 PHONE: (913) 226-7774  
 CONTACT: Jim Coyle  
 EMAIL: jim@coyleproperties.com



**LECOMPTON ESTATES**

*CIVIL ENGINEERS  
 LAND SURVEYORS - LAND PLANNERS*

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

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

LEGAL DESCRIPTION  
 (Per deed recorded in Doc. No. 2023R07694)

The North 76.07 acres, more or less. of the Northeast Quarter of Section 1, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more particularly described as follows:

Beginning at the Southeast corner of the Southwest Quarter of Section 36, Township 8 South, Range 21 East of the 6th P.M.; thence N90°00'00"E (Assumed Bearing) along the North line of said Northeast Quarter a distance of 2639.39 feet to the Northeast corner of said Northeast Quarter; thence S00°04'05"E along the East line of said Northeast Quarter a distance of 1260.64 feet; thence N89°41'00"W a distance of 2638.18 feet to a point on the West line of said Northeast Quarter; thence N00°46'25"W along said West line a distance of 585.03 feet to the Southeast corner of a tract of land recorded in Book 815, Page 516, in the Leavenworth County Register of Deeds Office; thence continuing along said West line N00°06'47"W a distance of 661.00 feet to the Northwest corner of the Northeast Quarter of Section 1, Township 9 South, Range 21 East of the 6th P.M., also being the Northeast corner of tract of land recorded in said Book and Page; thence N89°19'02"E along the North line of said Northeast Quarter a distance of 6.46 feet to the point of beginning, subject to easements and right of ways of record.

[Subject property contains 76.07 acres, more or less.]

**DEDICATION**

The undersigned proprietors to the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "LECOMPTON ESTATES"

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

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

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

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

**EXECUTION**

IN TESTIMONY WHEREOF, DAC VENTURES, LLC, has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DAC VENTURES, LLC

By: \_\_\_\_\_  
 James A. Coyle, Managing Member

STATE OF \_\_\_\_\_ )  
 ) SS:  
 COUNTY OF \_\_\_\_\_ )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came James A. Coyle, Managing Member of DAC Ventures, LLC, who is personally known to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same for himself and for the uses and purposes herein set forth.

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

My Commission Expires: \_\_\_\_\_  
 Notary Public

**ACKNOWLEDGEMENTS**

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

By: \_\_\_\_\_  
 Mitch Pleak, County Engineer

PLANNING COMMISSION APPROVAL  
 We, the Planning Commission Leavenworth County, Kansas, do hereby approved the foregoing plat of LECOMPTON ESATES this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
 Marcus Majure, Chairman John Jacobson, Secretary

COUNTY COMMISSION APPROVAL  
 We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approved the foregoing plat of LECOMPTON ESATES this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
 Jeff Culbertson, Chairman Janet Klasinski, County Clerk



## **Fire District No.1, County of Leavenworth**

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

Wednesday March 6, 2024

Matt Cox  
122 N. Water Street  
Olathe, KS. 66061

Dear Mr. Cox  
C/O DAC Ventures,

Your proposed plan for a 9-home/property subdivision located at the corner of 187<sup>th</sup> & Lecompton Rd. in Leavenworth Co., Kansas has been reviewed. There are no noticed deficiencies in accordance with the 2006 editions of the *International Building Code (IBC)*, *International Fire Code (IFC)*, and *International Mechanical Code (IMC)* and the plans provided by Allenbrand-Drews & Associates dated 11/21/2023. Any changes to the provided plans would need to be reviewed by our office.

Michael L. Stackhouse,

*Michael L. Stackhouse*

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

# Service Review

TO BE COMPLETED BY WATER SUPPLIER

Water Supplier's Name:

Leavenworth County AWD #5

Applicant's Name:

DAC Ventures, LLC

Date: 11/14/23

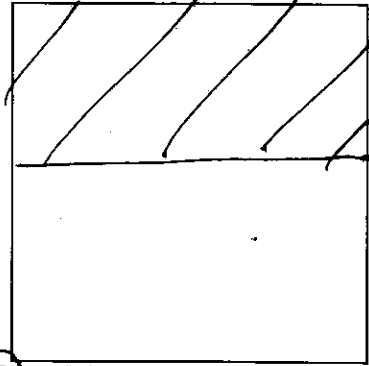
Section 1 Township 9 Range 21

Is this a typical domestic user?  Yes  No

If not, please estimate gallons used per month:

9 meters

Please indicate location of the meter on this 1/4 Section Block.



COMMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO BE COMPLETED BY ENGINEER

Distance from Existing Pipe Line 100'± Meter Elevation 1,110'-1,055'

Expected Pressure: Maximum 83 psi; Minimum 35 psi

Recommended for Service?  Yes  No

Pressure Regulator?  Recommended  Not Necessary

COMMENTS:

9 proposed meters do not cause any pressure concerns and are recommended for addition.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The maximum and minimum pressures are estimated based on conditions as of the date of the Service Review. These pressures may change with future additions and changes to the system.

REVIEWED BY Shane Goff

Date: 11/21/23

P.N. 3230.101

**From:** [Line Department](#)  
**To:** [Matt Cox](#); [Line Department](#)  
**Cc:** ["Jim Coyle"](#); ["Clayton Coyle"](#)  
**Subject:** SERVICE VERIFICATION - PARCEL - R305844  
**Date:** Thursday, February 29, 2024 3:14:23 PM

---

Hi Matt,

Our normal process is to email the county directly with our standard service verification. We have had a few other recent subdivision requests, and, for their purposes, the same email has been sufficient. I have provided that verbiage below.

FreeState Electrical Cooperative will provide power to a new home/development being built on/at Lecompton Rd, parcel R305844, for DAC Ventures, LLC. FreeState will provide service for 9 separate lots.

Please let me know if you need anything else.

Best regards,  
Shauna Snyder

---

**From:** Matt Cox <mcox@allenbrand-drews.com>  
**Sent:** Thursday, February 29, 2024 2:38 PM  
**To:** Line Department <linedepartment@freestate.coop>  
**Cc:** 'Jim Coyle' <jim@coyleproperties.com>; 'Clayton Coyle' <clayton@coyleproperties.com>  
**Subject:** Proposed plat at the SW corner of 187th & Lecompton, Leavenworth County

We are working for the owner of the property at 18933 Lecompton Road. They are proposing to subdivide the property as shown on the attached layout. Leavenworth County Planning Department requires that we reach out to you to verify there are adequate facilities to service the subdivision. Just in case it matters, the developer will not be building the homes. The lots will be sold and the owners/builders for each individual lot will be handling the eventual service connections. Please let us know if there is any additional information you need.

Thanks,

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

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Lecompton Estates Subdivision  
**Date:** April 22, 2024

Amy, I have reviewed the preliminary plat of the Lecompton Estates Subdivision presented by DAC Ventures LLC. 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 the right-a-way on the corner of 187<sup>th</sup> and Lecompton then West 1000 feet between Lots 3 and Lots 4 along the right-of-way, this will meet the requirements for this subdivision.

I have no further recommendation for this subdivision.

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

REGISTER OF DEEDS CERTIFICATE  
 Filed for Record as Document No. \_\_\_\_\_ on this  
 day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_  
 o'clock \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth  
 County, Kansas.

Register of Deeds - TeriLois G. Mashburn

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

Reviewed 2024.05.24 No Comments

Daniel Baumchen, PS-1363  
 County Surveyor

NOTES:

1. Basis of bearings: N90°00'00"E along the North line of the Northeast Quarter of Section 1-9S-21E per survey by John Benton Kramer dated 6/5/2013, recorded at Document No. 20135023.
2. Subject property lies in "Zone X, Areas determined to be outside the 0.2% annual chance floodplain" as shown on FEMA FIRM Number 20103C0125G, effective 7/16/2015. Floodplain information regarding the plat is based on the best information available at the time the plat was prepared and recorded.
3. Front building line dimensions are measured to the section line and are at least 105' from the center of the road as field located.
4. Future utilities crossing the existing natural gas pipeline running through Lots 1 through 4 shall cross perpendicular to the pipeline. Contact Southern Star Central Gas Pipeline prior to any work in the easement.

RESTRICTIONS:

1. No off plat restrictions.
2. Setbacks:  
 Rear - 40' for residences, 15' for accessory buildings  
 Side - 15'
3. An engineered wastewater disposal may be required due to poor soil conditions.
4. Erosion control shall be used when designing and constructing driveways and other structures.
5. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place.
6. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading, weather permitting.
7. Lots are subject to the current access management policy resolution.
8. Structures built within the subdivision shall comply with Resolution 2020-39, or as amended.

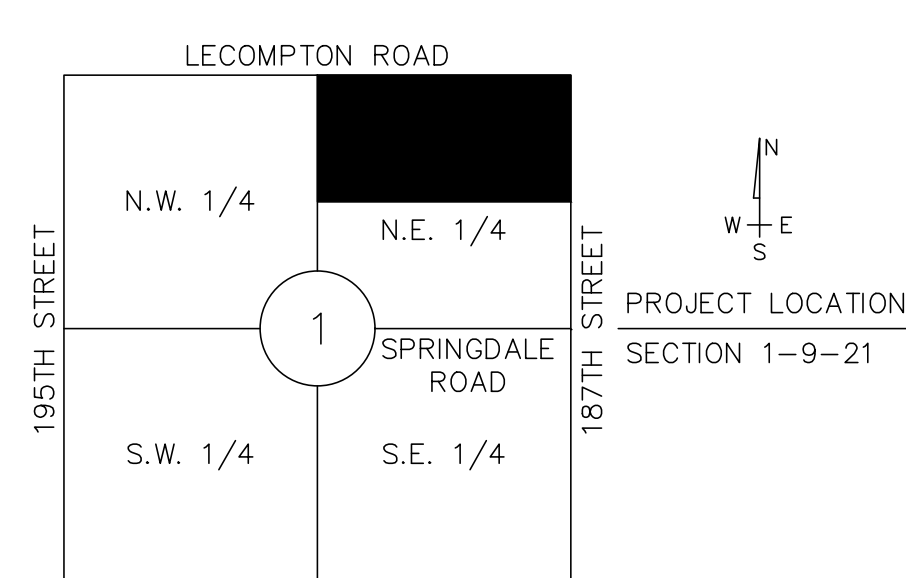
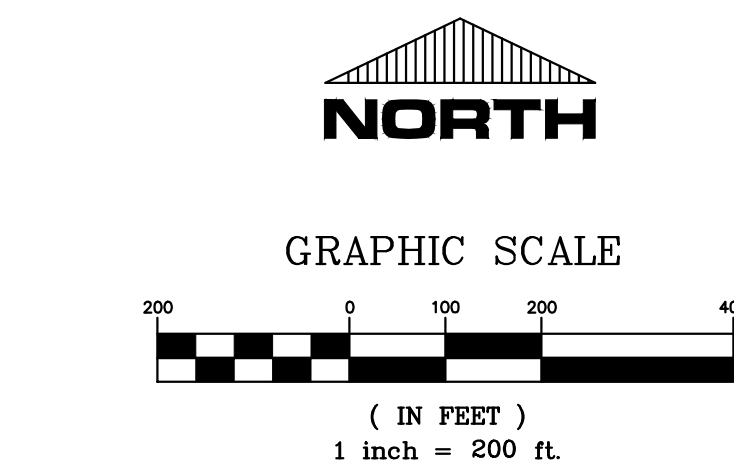
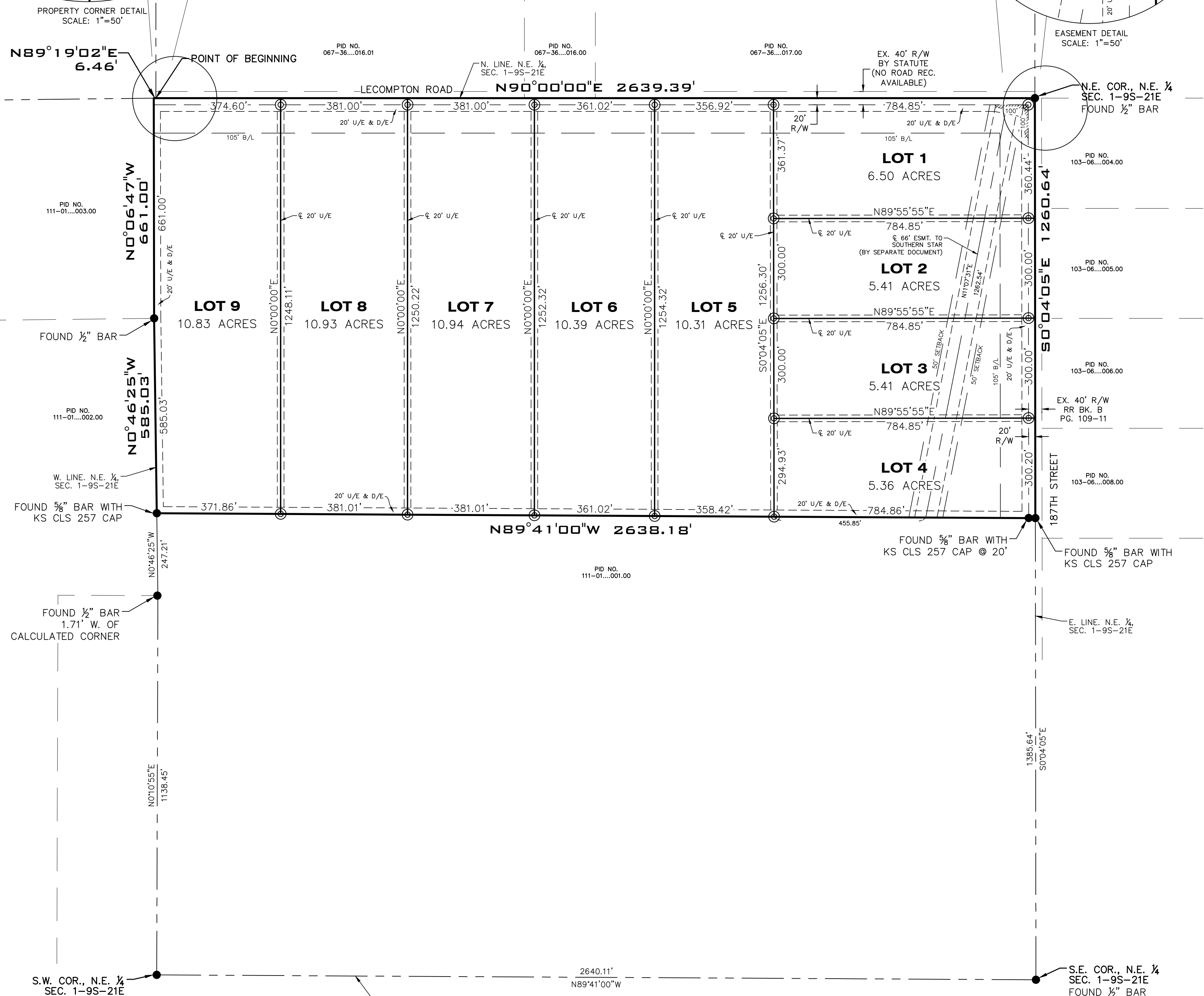
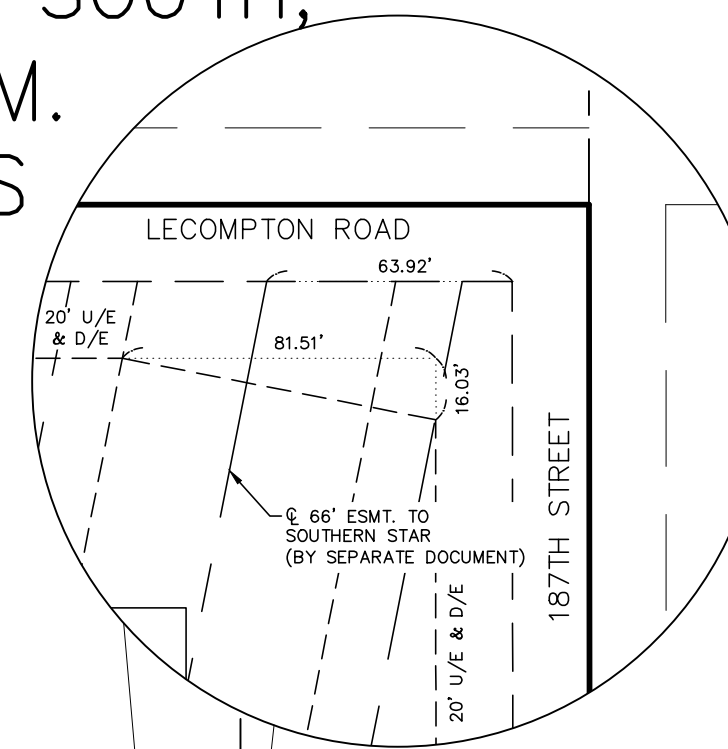
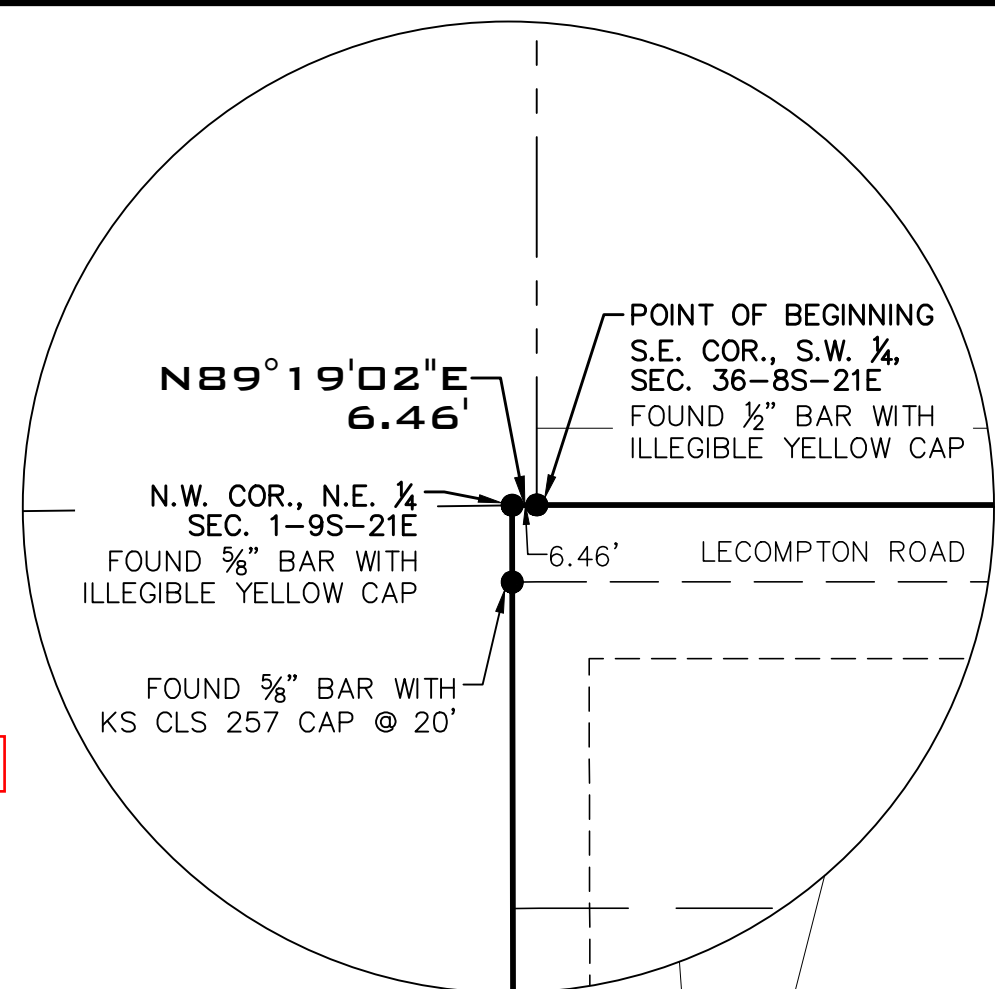
TITLE INFORMATION SHOWN HEREON IS BASED ON A COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. 1652871, DATED MARCH 13, 2024 AT 8:00 AM

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

- Items 1 through 7 are not survey issues.
8. Easements, Restrictions, and setback lines as per plat, Document No. 20135023. (No easements, restrictions, or setbacks dedicated by noted survey)
  9. Not a survey issue.
  10. An easement granted to Cities Service Gas Company in the document recorded as Book 375, Page 343 of Official Records. (Blanket easement, easement corridor to be defined along pipeline running through Lots 1 through 4 as shown hereon)
  11. An easement granted to Rural Water District No. 5 Leavenworth County, Kansas in the document recorded as Book 454, Page 246 of Official Records (Document notes that easement will be centered on water line as constructed. No water line exists on subject property, water lines are on north side of Lecompton and east side of 187th)
- Items 12 and 13 are not survey issues.

# FINAL PLAT OF LECOMPTON ESTATES

## PT. N.E. 1/4, SECTION 1, TOWNSHIP 9 SOUTH, RANGE 21 EAST OF THE 6TH P.M. LEAVENWORTH COUNTY, KANSAS

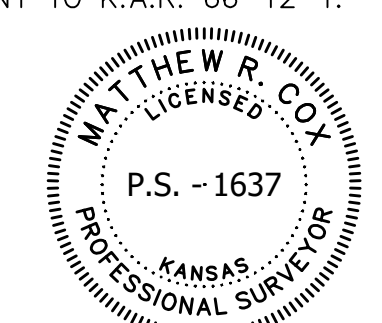


VICINITY MAP  
 SCALE: 1" = 2000'

- LEGEND**
- BAR FOUND AS DESCRIBED ORIGIN UNKNOWN UNLESS NOTED
  - ⊙ SET 1/2" x 24" REBAR WITH PLASTIC KS CLS 93 CAP
  - U/E UTILITY EASEMENT
  - D/E DRAINAGE EASEMENT
  - B/L BUILDING LINE
  - R/W RIGHT-OF-WAY
  - ////// LIMITS OF NO ACCESS

**ERROR OF CLOSURE**  
 Perimeter: 7790.70' Area: 3313525.25 Sq. Ft.  
 Error Closure: 0.0072 Course: S34°27'16"E  
 Error North: -0.00592 East: 0.00406  
 Precision 1:1082041.67

THIS IS TO CERTIFY THAT ON THE 18TH DAY OF JANUARY 2024, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-12-1.



**OWNER/DEVELOPER FOR:**  
 DAC VENTURES, LLC  
 6430 MIZE ROAD  
 SHAWNEE, KS 66226  
 PHONE: (913) 226-7774  
 CONTACT: Jim Coyle  
 EMAIL: jim@coyleproperties.com



**LECOMPTON ESTATES**  
**CIVIL ENGINEERS**  
**LAND SURVEYORS - LAND PLANNERS**  
 122 N. WATER STREET OLATHE, KANSAS 66061  
 PHONE: (913) 764-1076 FAX: (913) 764-8635  
 14 W. PEORIA PAOLA, KANSAS 66071  
 PHONE: (913) 557-1076 FAX: (913) 557-6904

**LEGAL DESCRIPTION**  
 (Per deed recorded in Doc. No. 2023R07694)  
 The North 76.07 acres, more or less, of the Northeast Quarter of Section 1, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more particularly described as follows:  
 Beginning at the Southeast corner of the Southwest Quarter of Section 36, Township 8 South, Range 21 East of the 6th P.M.; thence N90°00'00"E (Assumed Bearing) along the North line of said Northeast Quarter a distance of 2639.39 feet to the Northeast corner of said Northeast Quarter; thence S00°04'05"E along the East line of said Northeast Quarter a distance of 1260.64 feet; thence N89°41'00"W a distance of 2638.18 feet to a point on the West line of said Northeast Quarter; thence N00°46'25"W along said West line a distance of 585.03 feet to the Southeast corner of a tract of land recorded in Book 815, Page 516, in the Leavenworth County Register of Deeds Office; thence continuing along said West line N00°06'47"W a distance of 661.00 feet to the Northwest corner of the Northeast Quarter of Section 1, Township 9 South, Range 21 East of the 6th P.M., also being the Northeast corner of tract of land recorded in said Book and Page; thence N89°19'02"E along the North line of said Northeast Quarter a distance of 6.46 feet to the point of beginning, subject to easements and right of ways of record.  
 [Subject property contains 76.07 acres, more or less.]

**DEDICATION**  
 The undersigned proprietors to the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "LECOMPTON ESTATES"  
 Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" or "U/E."  
 "Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.  
 Building Lines or Setback Lines (B/L) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.  
 The undersigned proprietors to the above described tract of land hereby affirm that all previous property taxes have been paid.

**EXECUTION**  
 IN TESTIMONY WHEREOF, DAC VENTURES, LLC, has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DAC VENTURES, LLC

By: \_\_\_\_\_  
 James A. Coyle, Managing Member

STATE OF \_\_\_\_\_ )  
 ) SS:  
 COUNTY OF \_\_\_\_\_ )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came James A. Coyle, Managing Member of DAC Ventures, LLC, who is personally known to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same for himself and for the uses and purposes herein set forth.

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

My Commission Expires: \_\_\_\_\_  
 Notary Public

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

**PLANNING COMMISSION APPROVAL**  
 We, the Planning Commission Leavenworth County, Kansas, do hereby approved the foregoing plat of LECOMPTON ESATES this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 By: \_\_\_\_\_ Attest: \_\_\_\_\_  
 Marcus Majure, Chairman

**COUNTY COMMISSION APPROVAL**  
 We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approved the foregoing plat of LECOMPTON ESATES this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 By: \_\_\_\_\_ Attest: \_\_\_\_\_  
 Jeff Culbertson, Chairman Janet Klasinski, County Clerk

# Stormwater Report

for

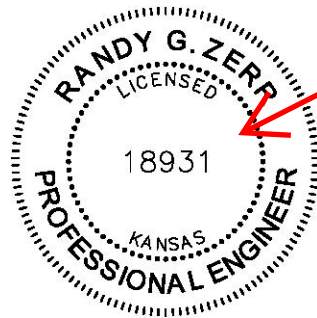
## **Lecompton Estates**

**Part of the Northeast Quarter, Sec. 1-9-21**

**Leavenworth County, Kansas**

May 30, 2024

AD# 39276



Still need to sign and seal.



---

**ALLENBRAND - DREWS & ASSOCIATES, INC.**

**CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS**

**122 N. WATER STREET  
OLATHE, KANSAS 66061**

PHONE: (913) 764-1076

FAX: (913) 764-8635

REGISTER OF DEEDS CERTIFICATE  
 Filed for Record as Document No. \_\_\_\_\_ on this  
 day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_  
 o'clock M in the Office of the Register of Deeds of Leavenworth  
 County, Kansas.

Register of Deeds - TerriLois G. Mashburn

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

Daniel Baumchen, PS-1363  
 County Surveyor

- NOTES:
1. Basis of bearings: N90°00'00"E along the North line of the Northeast Quarter of Section 1-9S-21E per survey by John Benton Kramer dated 6/5/2013, recorded at Document No. 2013S023.
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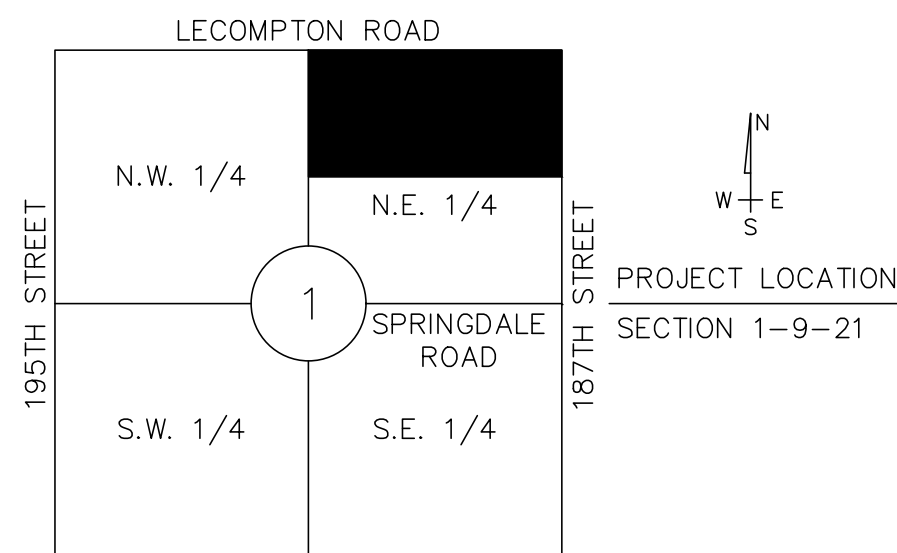
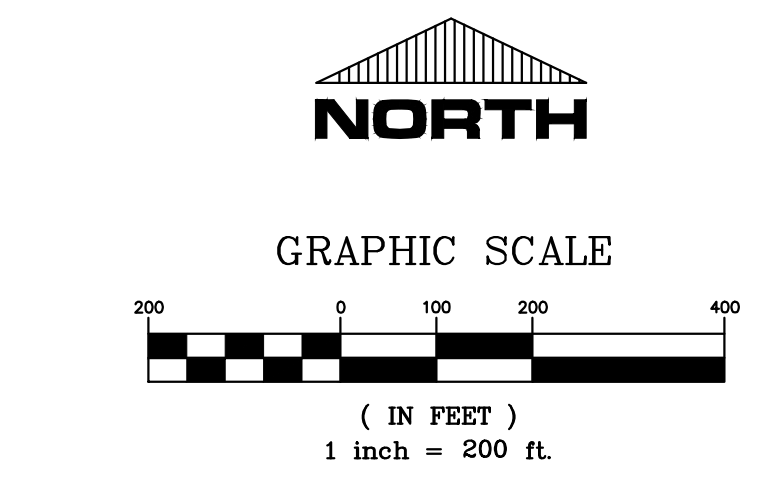
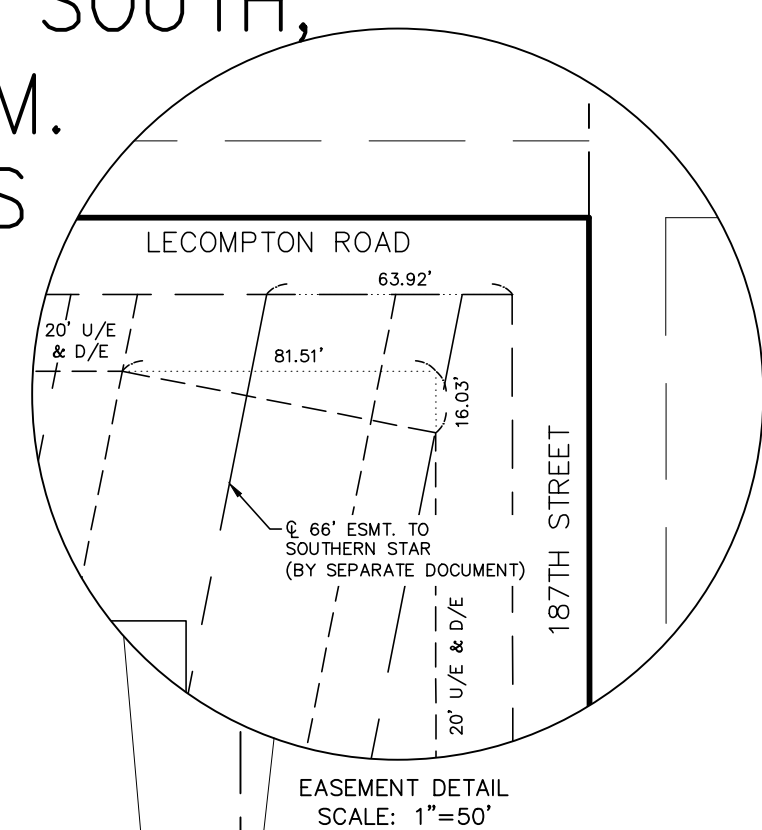
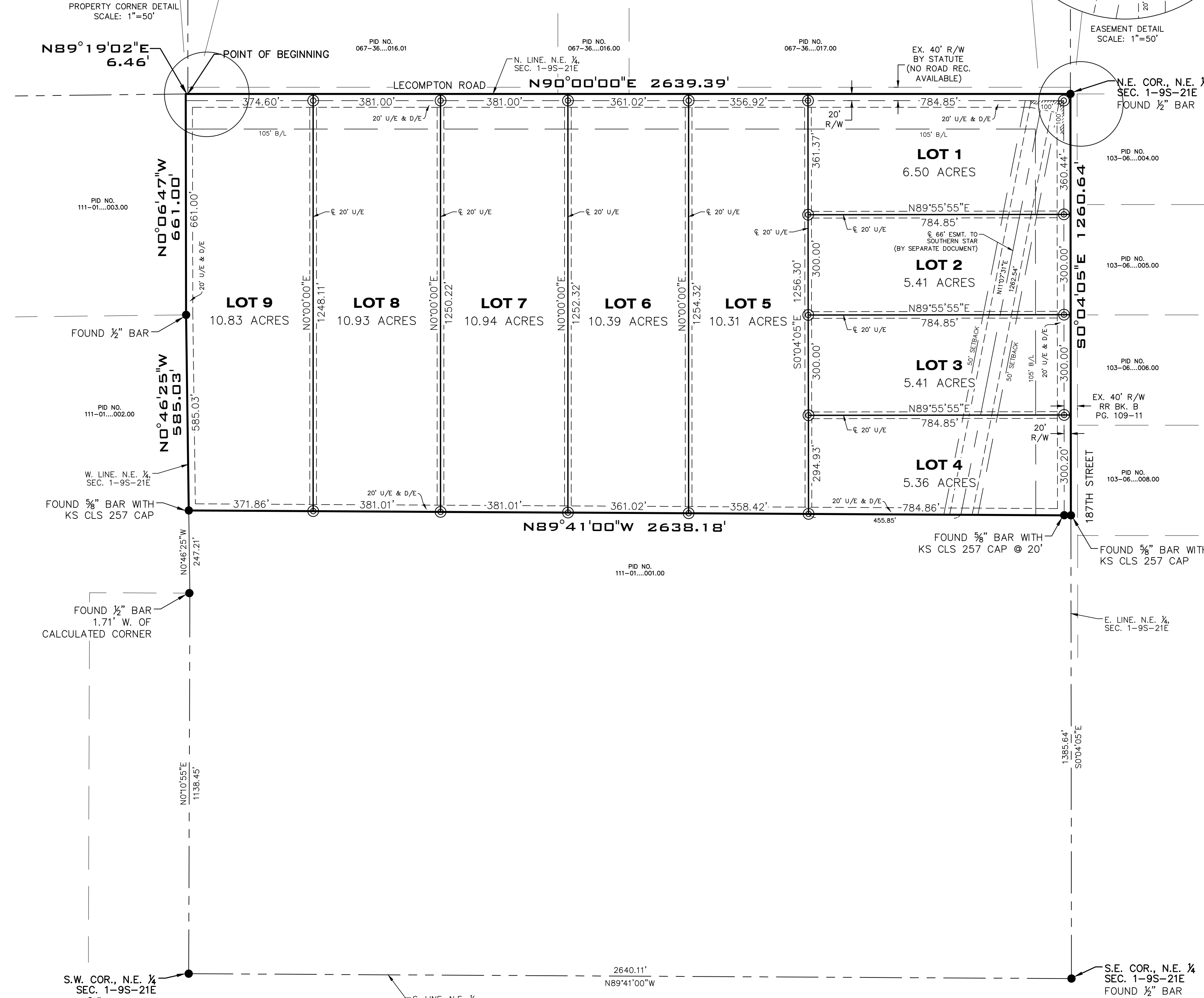
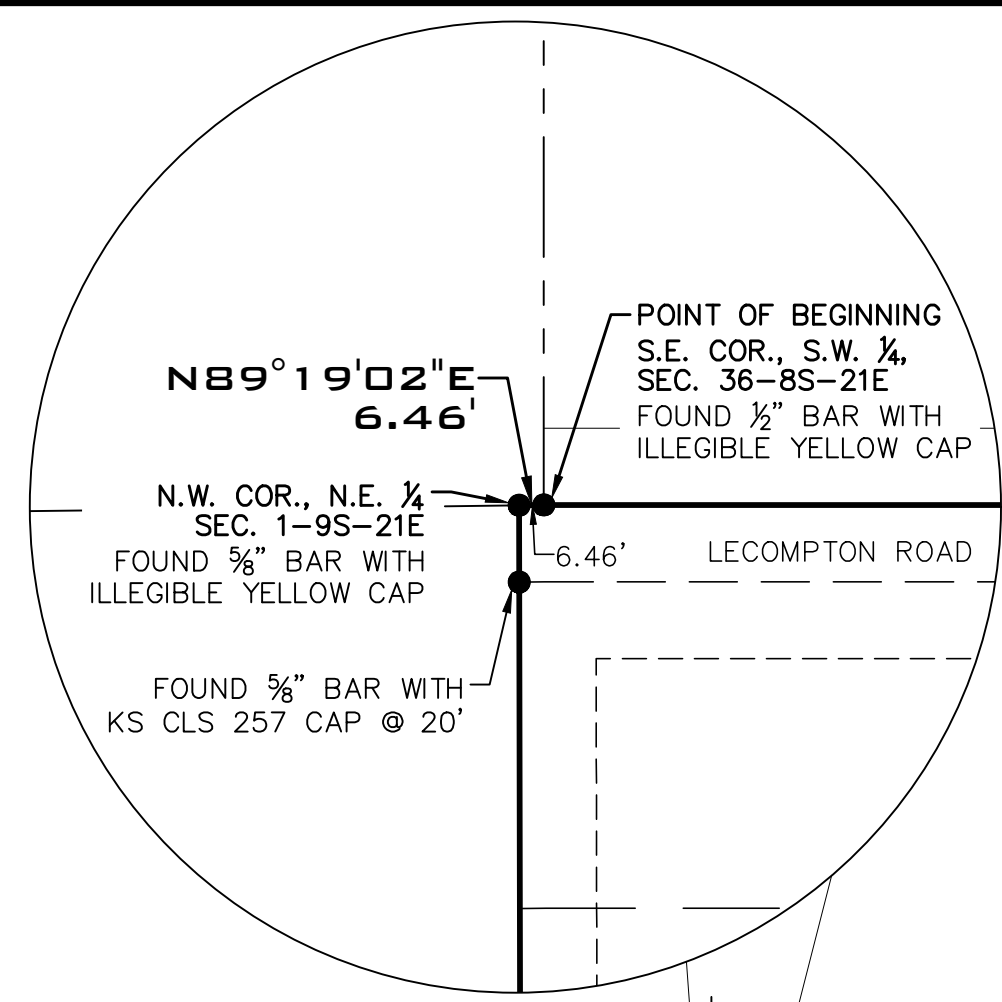
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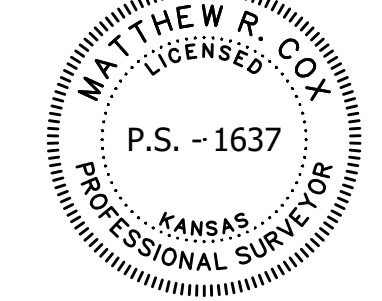
05-30-2024  
 Combined  
 Approved



- LEGEND
- BAR FOUND AS DESCRIBED ORIGIN UNKNOWN UNLESS NOTED
  - ⊙ SET 1/2" x 24" REBAR WITH PLASTIC KS CLS 93 CAP
  - U/E UTILITY EASEMENT
  - D/E DRAINAGE EASEMENT
  - B/L BUILDING LINE
  - R/W RIGHT-OF-WAY
  - ////// LIMITS OF NO ACCESS

ERROR OF CLOSURE  
 Perimeter: 7790.70' Area: 3313525.25 Sq. Ft.  
 Error Closure: 0.0072 Course: S34°27'16"E  
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OWNER/DEVELOPER FOR:  
 DAC VENTURES, LLC  
 6430 MIZE ROAD  
 SHAWNEE, KS 66226  
 PHONE: (913) 226-7774  
 CONTACT: Jim Coyle  
 EMAIL: jim@coyleproperties.com



**LECOMPTON ESTATES**  
 CIVIL ENGINEERS  
 LAND SURVEYORS - LAND PLANNERS  
 122 N. WATER STREET OLATHE, KANSAS 66061  
 PHONE: (913) 764-1076 FAX: (913) 764-8635  
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LEGAL DESCRIPTION  
 (Per deed recorded in Doc. No. 2023R07694)

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[Subject property contains 76.07 acres, more or less.]

**DEDICATION**

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

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

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

**EXECUTION**

IN TESTIMONY WHEREOF, DAC VENTURES, LLC, has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

DAC VENTURES, LLC

By: \_\_\_\_\_  
 James A. Coyle, Managing Member

STATE OF \_\_\_\_\_ )  
 ) SS:  
 COUNTY OF \_\_\_\_\_ )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came James A. Coyle, Managing Member of DAC Ventures, LLC, who is personally known to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same for himself and for the uses and purposes herein set forth.

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

My Commission Expires: \_\_\_\_\_ Notary Public

**ACKNOWLEDGEMENTS**

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

By: \_\_\_\_\_  
 Mitch Pleak, County Engineer

PLANNING COMMISSION APPROVAL  
 We, the Planning Commission Leavenworth County, Kansas, do hereby approved the foregoing plat of LECOMPTON ESATES this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
 Marcus Majure, Chairman John Jacobson, Secretary

COUNTY COMMISSION APPROVAL  
 We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approved the foregoing plat of LECOMPTON ESATES this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
 Jeff Culbertson, Chairman Janet Klasinski, County Clerk



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

**CASE NO:** DEV-24-042/043 Horvat Estates

June 12, 2024

**REQUEST: *Regular Agenda***

Preliminary Plat       Final Plat

**STAFF REPRESENTATIVE:**  
AMY ALLISON  
DEPUTY DIRECTOR

**SUBJECT PROPERTY:** 20050 171<sup>ST</sup> STREET  
**FUTURE LAND USE:** RESIDENTIAL (3-UNITS PER ACRE)



**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING

**PROPERTY OWNER:**  
THERESE HORVAT  
20050 171<sup>ST</sup> ST  
BASEHOR KS 66007

**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 Northwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: Zone A

**STAFF RECOMMENDATION:** APPROVAL

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-24-042 & 043, Preliminary & Final Plat for Horvat Estates to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-042 & 043, Preliminary & Final Plat for Horvat Estates, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:**  
9.7 ACRES  
**PARCEL ID NO:**  
158-33-0-00-00-034.00

**BUILDINGS:**  
SINGLE FAMILY RESIDENCE,  
ACCESSORY STRUCTURES

**PROJECT SUMMARY:**

Request for preliminary and final plat approval to subdivide property located at 20050 171<sup>ST</sup> Street as Lots 1 through 2 of Horvat Estates.

**ACCESS/STREET:**  
171ST STREET - LOCAL, PAVED  
± 24';

**Location Map:**



**UTILITIES**

**SEWER:** PRIVATE SEPTIC SYSTEM  
**FIRE:** FAIRMOUNT FD  
**WATER:** RWD 1 CONSERV.  
**ELECTRIC:** EVERGY

**NOTICE & REVIEW:**

**STAFF REVIEW:**  
5/30/2024  
**NEWSPAPER NOTIFICATION:**  
N/A  
**NOTICE TO SURROUNDING PROPERTY OWNERS:**  
N/A

<b>STANDARDS TO BE CONSIDERED:</b>			
<b>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</b>		<b>Met</b>	<b>Not Met</b>
35-40	<b>Preliminary Plat Content</b>	X	
40-20	<b>Final Plat Content</b>	X	
41-6	<b>Access Management</b>	X	
41-6.B.a-c.	<b>Entrance Spacing</b>	X	
41-6.C.	<b>Public Road Access Management Standards</b>	n/a	
43	<b>Cross Access Easements</b>	n/a	
50-20	<b>Utility Requirements</b>	X	
50-30	<b>Other Requirements</b>	X	
50-40	<b>Minimum Design Standards</b>		X
	An exception will be needed for Lot-Width to Lot-Depth for Lot 1		
50-50	<b>Sensitive Land Development</b>	n/a	
50-60.	<b>Dedication of Reservation of Public Sites and Open Spaces</b>	n/a	

**STAFF COMMENTS:**

The applicant is proposing to divide a 10.7 acre parcel into 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 1). Lot 1 will be approximately 4.89 acres. Lot 2 will be approximately 5.00 acres. All lots meet the requirements for the RR-2.5 zoning district. Lot 1 does not meet the lot-width to lot-depth ratio and will need an exception. A water line will need to be extended to accommodate the new lot. Staff is generally in support.

**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 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 in conformance with the Zoning & Subdivision Regulations for the Horvat Estates subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.*

**PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. An exception from Article 50, Section 40.3.i. Lot-Width to Lot-Depth has been approved.
6. The developer must comply with the following memorandums:
  - a. Memo – Chuck Magaha, Emergency Management, dated May 30, 2024
  - b. Email - RWD 1 Conservation, dated February 28, 2024

**ATTACHMENTS:**

- A: Application & Narrative
- B: Zoning Maps
- C: 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: Therese Horvat  
 MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 20050 171ST ST  
 CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Basehor, KS 66007  
 PHONE: 913-651-3858 PHONE: N/A  
 EMAIL : herringsurveying@outlook.com EMAIL N/A

**GENERAL INFORMATION**

Proposed Subdivision Name: HORVAT ESTATES  
 Address of Property: 20050 171ST ST  
 PID: 158-33-0-00-00-034 Urban Growth Management Area: N/A

**SUBDIVISION INFORMATION**

Gross Acreage: 9.9 Acres	Number of Lots: 2 Lots	Minimum Lot Size: 4.9 Acres
Maximum Lot Size: 5 Acres	Proposed Zoning: RR 2.5	Density: N/A
Open Space Acreage: N/A	Water District: Cons. #1	Proposed Sewage: Septic
Fire District: Fairmount	Electric Provider: Evergy	Natural Gas Provider: Propane
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <b>Local</b> – Collector – Arterial – State – Federal	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	1.	
	2.	
	3.	
	4.	
	5.	

Is any part of the site designated as Floodplain?  Yes  No if yes, what is the panel number: 20103C0238G

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 April 30, 2024

Date: 4/30/24

**ATTACHMENT A**

AFFIDAVIT

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

We/I Therese M. Horvat and \_\_\_\_\_

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 20050 171st St, Basehor, Kansas 66007, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

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

2)

Signed and entered this 18th day of February, 2024.

Therese M Horvat; 20050 171st St, Basehor, KS 66007; 816-225-5773  
Print Name, Address, Telephone

Therese M. Horvat  
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)

## HORVAT ESTATES

### ARTICLE 56 – EXCEPTIONS

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

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

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

1. That there are special circumstances or conditions affecting the property.  
*This is a 2 Lot Development with the Eastern part of the property in a special flood hazard area.*
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.  
*Yes - due to natural topography as stated above..*
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

No

# HORVAT ESTATES

A Minor Subdivision in the Northwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
 HORVAT, THERESA M  
 20050 171st Street  
 BASEHOR, KS 66007  
 PID # 158-33-0-00-034

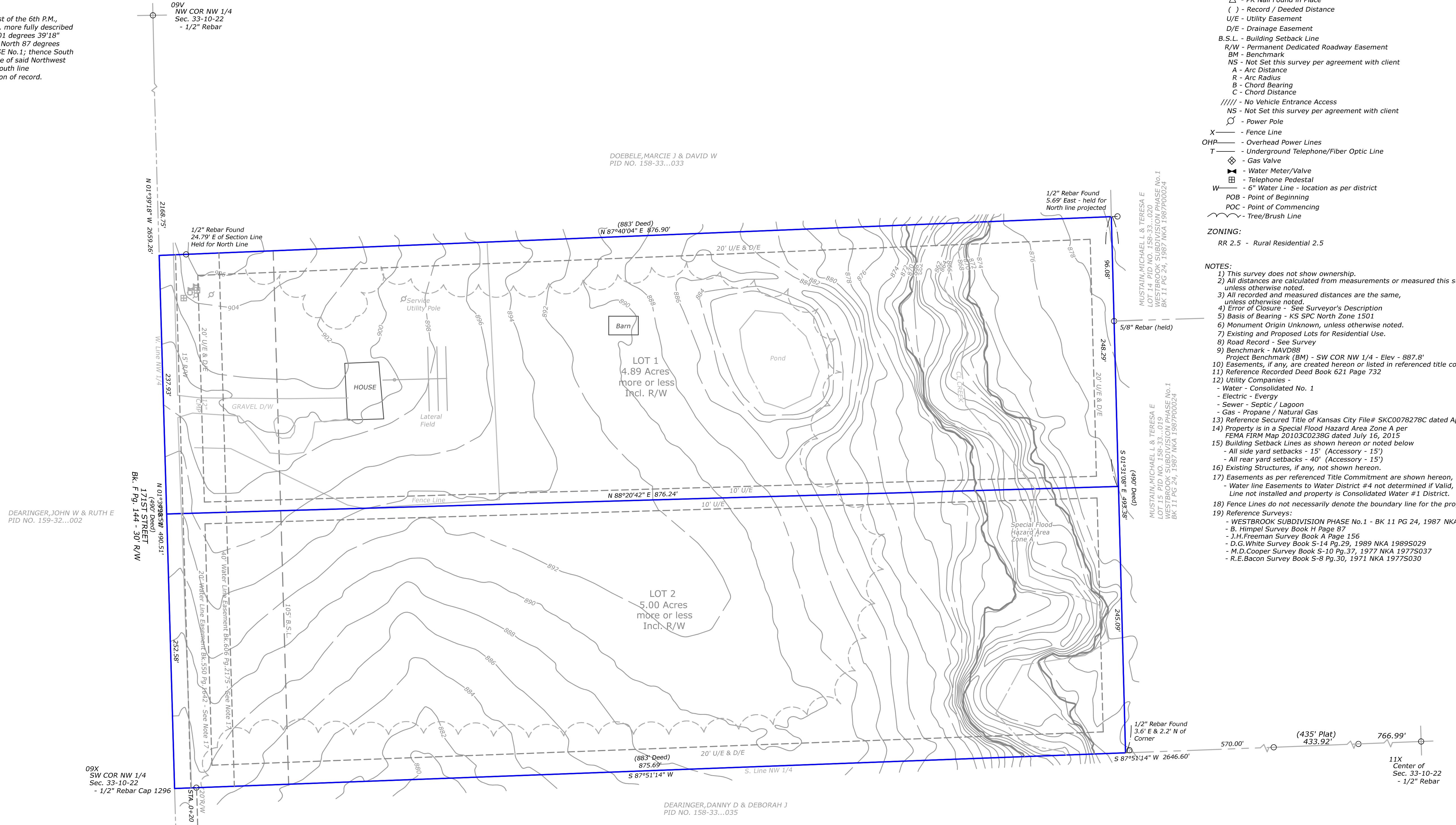
**SURVEYOR'S DESCRIPTION:**  
 A tract of land in the Northwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring P5-1296 on April 28, 2024, more fully described as follows: Beginning at the Southwest corner of said Northwest Quarter; thence North 01 degrees 39'18" West for a distance of 490.51 feet along the West line of said Northwest Quarter; thence North 87 degrees 40'04" East for a distance of 876.90 to the West line of WESTBROOK SUBDIVISION PHASE No.1; thence South 01 degrees 31'08" East for a distance of 493.38 feet along said West line to the South line of said Northwest Quarter; thence South 87 degrees 51'14" West for a distance of 875.69 feet along said South line to the point of beginning, together with and subject to covenants, easement and restriction of record. Said property contain 9.89 acres, more or less, including road right of way.  
 Error of Closure - 1 : 205004

### RESTRICTIONS:

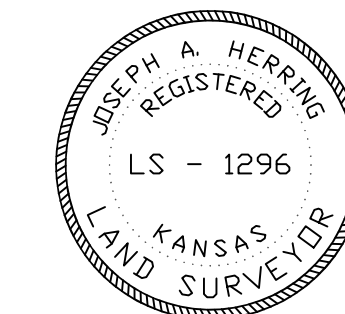
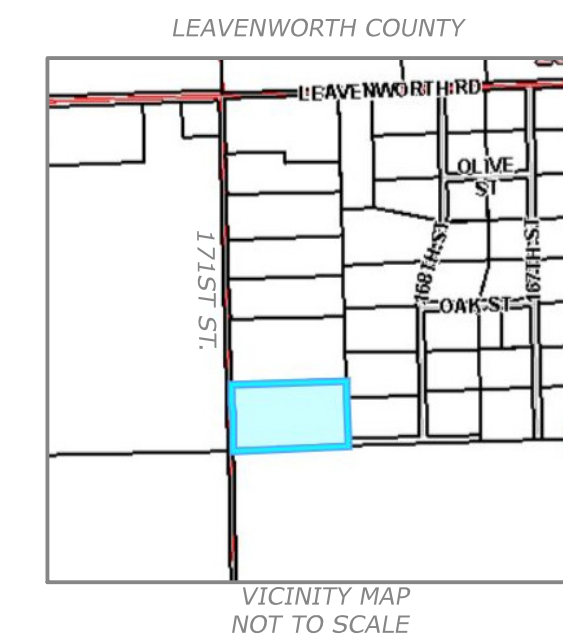
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to the current Access Management Policy. Additional access limits as shown hereon.
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) Any building to be constructed in or near the Special Flood Hazard shall provide an elevation certificate to be approved by Leavenworth County prior to the issuance of a building permit along with any other applicable Federal, State or Local permit.
- 7) Lots 1 and 2 are impacted by Special Flood Zones and are depicted hereon graphically.
- 8) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 1
- 9) No off-plat restrictions.

- 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
  - POB - Point of Beginning
  - POC - Point of Commencing
  - ~ - Tree/Brush Line
- ZONING:**  
 RR 2.5 - Rural Residential 2.5

- NOTES:**
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - 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) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Book 621 Page 732
  - 12) Utility Companies -  
 - Water - Consolidated No. 1  
 - Electric - Evergy  
 - Sewer - Septic / Lagoon  
 - Gas - Propane / Natural Gas
  - 13) Reference Secured Title of Kansas City File# SKC0078278C dated April 22, 2024.
  - 14) Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0238G dated July 16, 2015
  - 15) Building Setback Lines as shown hereon or noted below  
 - All side yard setbacks - 15' (Accessory - 15')  
 - All rear yard setbacks - 40' (Accessory - 15')
  - 16) Existing Structures, if any, not shown hereon.
  - 17) Easements as per referenced Title Commitment are shown hereon, if any.  
 - Water line Easements to Water District #4 not determined if Valid, not shown.  
 Line not installed and property is Consolidated Water #1 District.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:  
 - WESTBROOK SUBDIVISION PHASE No.1 - BK 11 PG 24, 1987 NKA 1987P00024  
 - B. Himpel Survey Book H Page 87  
 - J.H. Freeman Survey Book A Page 156  
 - D.G. White Survey Book S-14 Pg. 29, 1989 NKA 1989S029  
 - M.D. Cooper Survey Book S-10 Pg. 37, 1977 NKA 1977S037  
 - R.E. Bacon Survey Book S-8 Pg. 30, 1971 NKA 1977S030



**SURVEYOR'S NOTE:**  
 SW corner of the NW 1/4 Reset per previous Reference Report and Survey. Other Reports held a location 9'+- West of this corner, monument not recovered this survey. Subdivision to the West and other survey in the Northwest corner held the monument to the West. Referenced surveys in the SW 1/4, appear to be senior to all other surveys, reference the location of this corner that matches closer to the location held this corner. With the held corner also held the platted West line of WESTBROOK SUBDIVISION PHASE No.1. Differences from deeded and measured distances are noted hereon.



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

Joseph A. Herring  
 PS # 1296

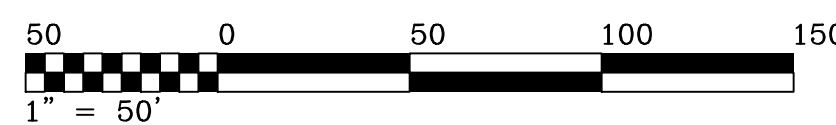


Scale 1" = 50'

Job # K-24-1765  
 April 28, 2024 Rev. 5-28-24



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



# HORVAT ESTATES

A Minor Subdivision in the Northwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
HORVAT, THERESE M  
20050 171st Street  
BASEHOR, KS 66007  
PID # 158-33-0-00-00-034

**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: HORVAT ESTATES.

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

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

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

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

Therese Horvat

**NOTARY CERTIFICATE:**  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State came Therese Horvat, 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 HORVAT ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Secretary: John Jacobson  
Chairperson: Marcus Majure

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

County Engineer - Mitch Pleak

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

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

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

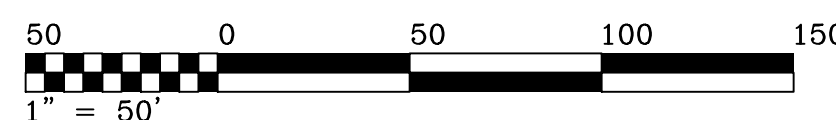
Register of Deeds - TerriLois G. Mashburn



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

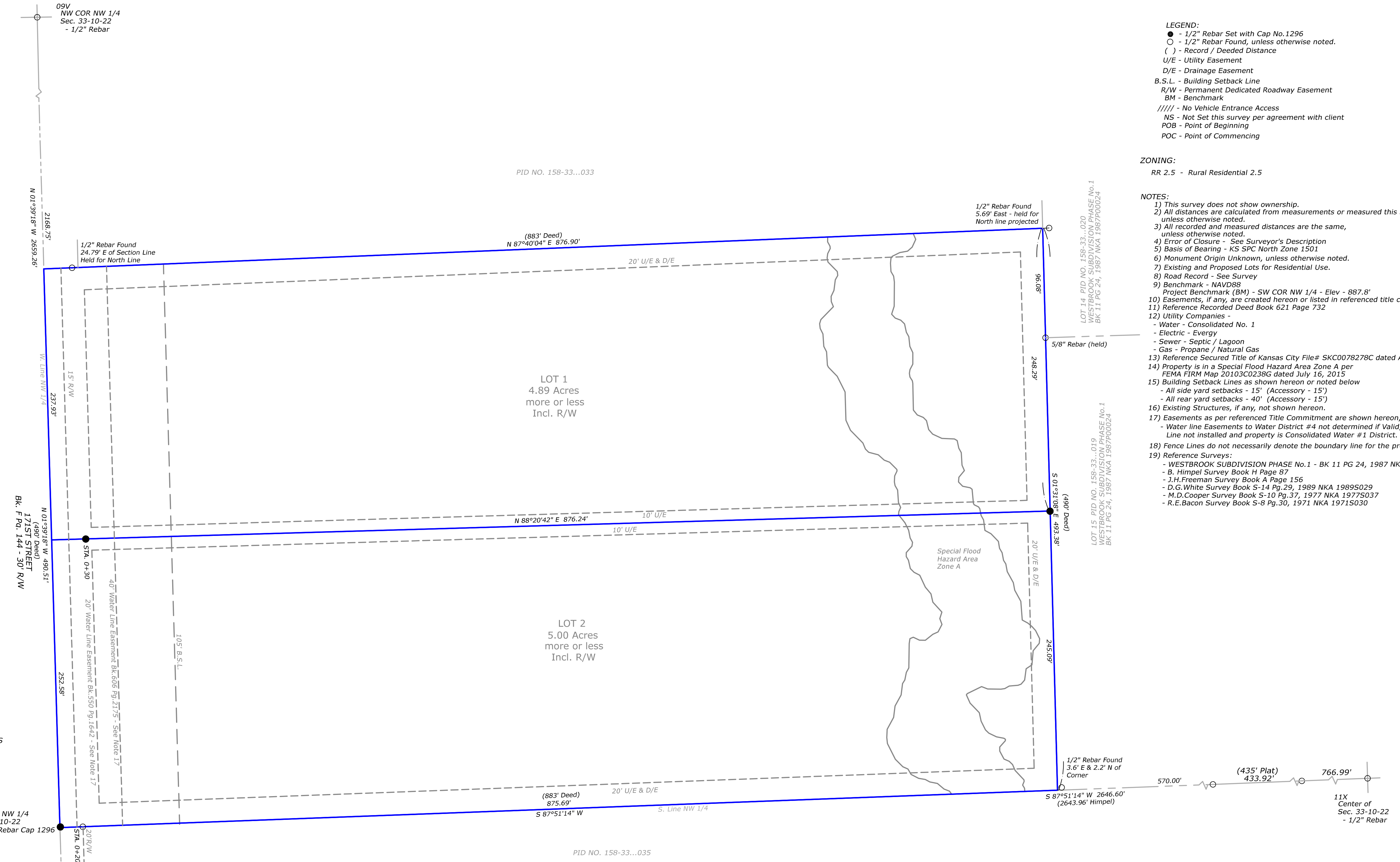
Job # K-24-1765  
April 28, 2024 Rev. 5-28-24

Daniel Baunchen, PS#1363  
County Surveyor



**SURVEYOR'S DESCRIPTION:**  
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Error of Closure - 1 : 205004

**RESTRICTIONS:**  
1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.  
2) An Engineered Waste Disposal System may be required due to poor soil conditions.  
3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.  
4) Lots are subject to the current Access Management Policy  
Additional access limits as shown hereon.  
5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.  
6) Any building to be constructed in or near the Special Flood Hazard shall provide an elevation certificate to be approved by Leavenworth County prior to the issuance of a building permit along with any other applicable Federal, State or Local permit.  
7) Lots 1 and 2 are impacted by Special Flood Zones and are depicted hereon graphically.  
8) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 1  
9) No off-plat restrictions.

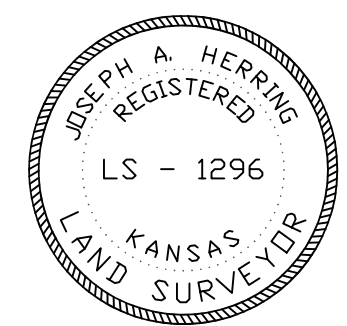


**LEGEND:**  
● - 1/2" Rebar Set with Cap No.1296  
○ - 1/2" Rebar Found, unless otherwise noted.  
( ) - Record / Deeded Distance  
U/E - Utility Easement  
D/E - Drainage Easement  
B.S.L. - Building Setback Line  
R/W - Permanent Dedicated Roadway Easement  
BM - Benchmark  
///// - No Vehicle Entrance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

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

**NOTES:**  
1) This survey does not show ownership.  
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.  
3) All recorded and measured distances are the same, unless otherwise noted.  
4) Error of Closure - See Surveyor's Description  
5) Basis of Bearing - KS SPC North Zone 1501  
6) Monument Origin Unknown, unless otherwise noted.  
7) Existing and Proposed Lots for Residential Use.  
8) Road Record - See Survey  
9) Benchmark - NAVD88  
10) Project Benchmark (BM) - SW COR NW 1/4 - Elev - 887.8'  
11) Easements, if any, are created hereon or listed in referenced title commitment.  
12) Reference Recorded Deed Book 621 Page 732  
13) Utility Companies -  
- Water - Consolidated No. 1  
- Electric - Evergy  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas  
14) Reference Secured Title of Kansas City File# SKC0078278C dated April 22, 2024.  
15) Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 2010C0238C 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) Existing Structures, if any, not shown hereon.  
18) Easements as per referenced Title Commitment are shown hereon, if any.  
- Water line Easements to Water District #4 not determined if Valid, not shown. Line not installed and property is Consolidated Water #1 District.  
19) Fence Lines do not necessarily denote the boundary line for the property.  
20) Reference Surveys:  
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- M.D. Cooper Survey Book S-10 Pg. 37, 1977 NKA 1977S037  
- R.E. Bacon Survey Book S-8 Pg. 30, 1971 NKA 1971S030

**SURVEYOR'S NOTE:**  
SW corner of the NW 1/4 Reset per previous Reference Report and Survey. Other Reports held a location 9' West of this corner, monument not recovered this survey. Subdivision to the West and other survey in the Northwest corner held the monument to the West. Referenced surveys in the SW 1/4, appear to be senior to all other surveys, reference the location of this corner that matches closer to the location held this corner. With the held corner also held the platted West line of WESTBROOK SUBDIVISION PHASE No.1. Differences from deeded and measured distances are noted hereon.



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

Joseph A. Herring  
PS # 1296



## Allison, Amy

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Wednesday, May 15, 2024 11:06 AM  
**To:** PZ; Schweitzer, Joshua  
**Subject:** Fw: Fw: Horvat Estates

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

See below

Thank you - Joe Herring

---

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

---

**From:** Mike Lingenfelser <lingenfelserm@fairmountfd.org>  
**Sent:** Wednesday, May 15, 2024 10:19 AM  
**To:** Joe Herring <herringsurveying@outlook.com>  
**Subject:** Re: Fw: Horvat Estates

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

On Wed, May 15, 2024 at 6:14 AM Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)> wrote:  
Resending this request for service letter - appreciate your time on this matter.

Thank you - Joe Herring

---

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

---

**From:** Joe Herring  
**Sent:** Wednesday, May 1, 2024 1:32 PM  
**To:** [lingenfelserm@fairmountfd.org](mailto:lingenfelserm@fairmountfd.org) <[lingenfelserm@fairmountfd.org](mailto:lingenfelserm@fairmountfd.org)>; Joshua Schweitzer

<[joshua.schweitzer@gmail.com](mailto:joshua.schweitzer@gmail.com)>

**Subject:** Horvat Estates

Please review and sent the appropriate statement that you are able to provide fire protection to this division.

Thank you - Joe Herring

---

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

## Allison, Amy

---

**From:** Joshua Schweitzer <joshua.schweitzer@gmail.com>  
**Sent:** Wednesday, May 1, 2024 4:28 PM  
**To:** Schweitzer, Joshua  
**Subject:** Fwd: Fw: Evergy 20050 171st Street HORVAT

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

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

**From:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Date:** Wed, May 1, 2024 at 1:29 PM  
**Subject:** Fw: Evergy 20050 171st Street HORVAT  
**To:** Joshua Schweitzer <[joshua.schweitzer@gmail.com](mailto:joshua.schweitzer@gmail.com)>

Thank you - Joe Herring

---

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

---

**From:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Sent:** Monday, March 11, 2024 7:36 AM  
**To:** Tyler Rebel <[Tyler.Rebel@evergy.com](mailto:Tyler.Rebel@evergy.com)>; Therese Horvat <[horvat.therese@gmail.com](mailto:horvat.therese@gmail.com)>  
**Subject:** Re: Evergy 20050 171st Street

Therese -

This application will need to be completed but not until the Plat is filed and you have filed for your building and access permit with Leavenworth County.

Thank you - Joe Herring

---

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

**From:** Tyler Rebel <[Tyler.Rebel@evergy.com](mailto:Tyler.Rebel@evergy.com)>  
**Sent:** Monday, March 11, 2024 7:30 AM  
**To:** Therese Horvat <[horvat.therese@gmail.com](mailto:horvat.therese@gmail.com)>; Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Subject:** RE: Evergy 20050 171st Street

Internal Use Only

Therese – Evergy will need your site plan, a completed EPA document(see attachment), and an established 911 address for the new site.

Joe may need to chime in on this, but it sounds like a replat is taking place – if so, we need to see the replat document.

Thank you,

**Tyler Rebel**  
**Distribution Designer**  
**Evergy**

[tyler.rebel@evergy.com](mailto:tyler.rebel@evergy.com)

O: 913.758.2727

[evergy.com](http://evergy.com)

---

**From:** Therese Horvat <[horvat.therese@gmail.com](mailto:horvat.therese@gmail.com)>  
**Sent:** Friday, March 8, 2024 2:17 PM  
**To:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Cc:** Tyler Rebel <[Tyler.Rebel@evergy.com](mailto:Tyler.Rebel@evergy.com)>  
**Subject:** Re: Evergy 20050 171st Street

**This Message Is From an Untrusted Sender**

[Report Suspicious](#)

You have not previously corresponded with this sender.

Thank you, Joe.

Tyler, Therese Horvat, owner of property at 20050 171st Street, Basehor, KS, planning to build a new house on the south pasture of this location.

What are the next steps in obtaining power for the south property? Thank you.

*Therese Horvat*



Virus-free. [www.avast.com](http://www.avast.com)

On Thu, Mar 7, 2024 at 12:00 PM Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)> wrote:

All,

I have included both in this email so you can start the process of extending power to the new build site.

Thank you - Joe Herring

---

J.Herring Inc., dba,Herring Surveying Company

315 N. 5th Street, Leavenworth, KS 66048

913-651-3858 - ROCK CHALK!

**From:** Tyler Rebel <[Tyler.Rebel@evergy.com](mailto:Tyler.Rebel@evergy.com)>  
**Sent:** Tuesday, March 5, 2024 1:07 PM  
**To:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Subject:** RE: [EXTERNAL]20050 171st Street

Internal Use Only

If they're building an SFR dwelling, an extension due south shouldn't cost them if the overall extension is less than 900 feet, give or take.

Per usual, the customer is responsible for any and all tree clearing that may be necessary.

**Tyler Rebel**  
**Distribution Designer**  
**Evergy**

[tyler.rebel@evergy.com](mailto:tyler.rebel@evergy.com)

O: 913.758.2727

[evergy.com](http://evergy.com)

---

**From:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Sent:** Monday, March 4, 2024 2:20 PM  
**To:** Tyler Rebel <[Tyler.Rebel@evergy.com](mailto:Tyler.Rebel@evergy.com)>  
**Subject:** [EXTERNAL]20050 171st Street

**This Message Is From an External Sender**

[Report Suspicious](#)

This message came from outside your organization.

Power Stops at the North line of this property.

Can Evergy service another lot to the South.

If so - what would be the expense to the owner.

Thank you - Joe Herring

---

J.Herring Inc., dba,Herring Surveying Company

315 N. 5th Street, Leavenworth, KS 66048

913-651-3858 - ROCK CHALK!

## Allison, Amy

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Wednesday, May 1, 2024 1:29 PM  
**To:** Schweitzer, Joshua  
**Subject:** Fw: Water 20050 171st HOVART

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

Thank you - Joe Herring

---

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

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Thursday, March 7, 2024 12:52 PM  
**To:** Mike Fulkerson <Mfulkerson@crwd1.com>; Therese Horvat <horvat.therese@gmail.com>  
**Subject:** Fw: Water 20050 171st

All,  
I have included both in this email so you can start the process of extending water to the new build site.

Thank you - Joe Herring

---

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

---

**From:** Mike Fulkerson <Mfulkerson@crwd1.com>  
**Sent:** Thursday, February 29, 2024 9:12 AM  
**To:** Joe Herring <herringsurveying@outlook.com>  
**Subject:** RE: 20050 171st

Joe,

Attached is the cost estimate for the water main extension on 171<sup>st</sup> St. We have waived the engineering requirement for this project.



Let me know if you have any questions.

Thanks,

Mike

---

**From:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Sent:** Thursday, February 29, 2024 7:26 AM  
**To:** Mike Fulkerson <[Mfulkerson@crwd1.com](mailto:Mfulkerson@crwd1.com)>  
**Subject:** Re: 20050 171st

Had to try!

Thank you - Joe Herring

---

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

---

**From:** Mike Fulkerson <[Mfulkerson@crwd1.com](mailto:Mfulkerson@crwd1.com)>  
**Sent:** Thursday, February 29, 2024 7:23 AM  
**To:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Subject:** RE: 20050 171st

You are correct about the boundary with Suburban. Our policies designate that water meters are assigned to a specific parcel and must be set on that parcel. Unfortunately, the water main will need to be extended. I will get an estimate to you this morning.

Mike

---

**From:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Sent:** Thursday, February 29, 2024 7:00 AM  
**To:** Mike Fulkerson <[Mfulkerson@crwd1.com](mailto:Mfulkerson@crwd1.com)>  
**Subject:** Re: 20050 171st

Was going over this -  
since your line stops within the north side of her property with a blow off, Line has zero chance of going south of her property due to Suburban, and only can gain 1 house.

Is there a chance to place a second meter in the same location as the first - then she can just run a service line to her new house in an easement?

Understand that under normal circumstances all would want the line extended so the next property could connect....

Thank you - Joe Herring

---

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

---

**From:** Mike Fulkerson <[Mfulkerson@crwd1.com](mailto:Mfulkerson@crwd1.com)>  
**Sent:** Wednesday, February 28, 2024 3:48 PM  
**To:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Subject:** RE: 20050 171st

I will get it to you tomorrow morning. Almost finished.

Mike

---

**From:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Sent:** Wednesday, February 28, 2024 1:36 PM  
**To:** Mike Fulkerson <[Mfulkerson@crwd1.com](mailto:Mfulkerson@crwd1.com)>  
**Subject:** 20050 171st

Friendly reminder for that 2" Line extension cost.

Thank you - Joe Herring

---

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

5/28/24 - No further comments.

Horvat Estates  
Leavenworth County Kansas  
Drainage Report  
April 6, 2024  
Revised May 15, 2024



# HORVAT ESTATES

A Minor Subdivision in the Northwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
HORVAT, THERESE M  
20050 171st Street  
BASEHOR, KS 66007  
PID # 158-33-0-00-00-034

**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: HORVAT ESTATES.

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

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

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

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

Therese Horvat

**NOTARY CERTIFICATE:**  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State came Therese Horvat, 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 HORVAT ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Secretary: John Jacobson  
Chairperson: Marcus Majure

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

County Engineer - Mitch Pleak

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

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

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

Register of Deeds - TerriLois G. Mashburn

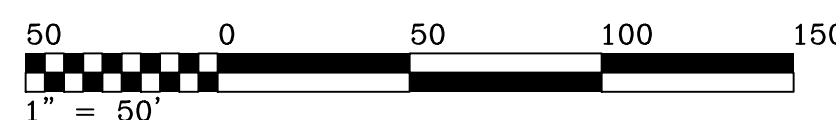
I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baunchen, PS#1363  
County Surveyor



Scale 1" = 50'

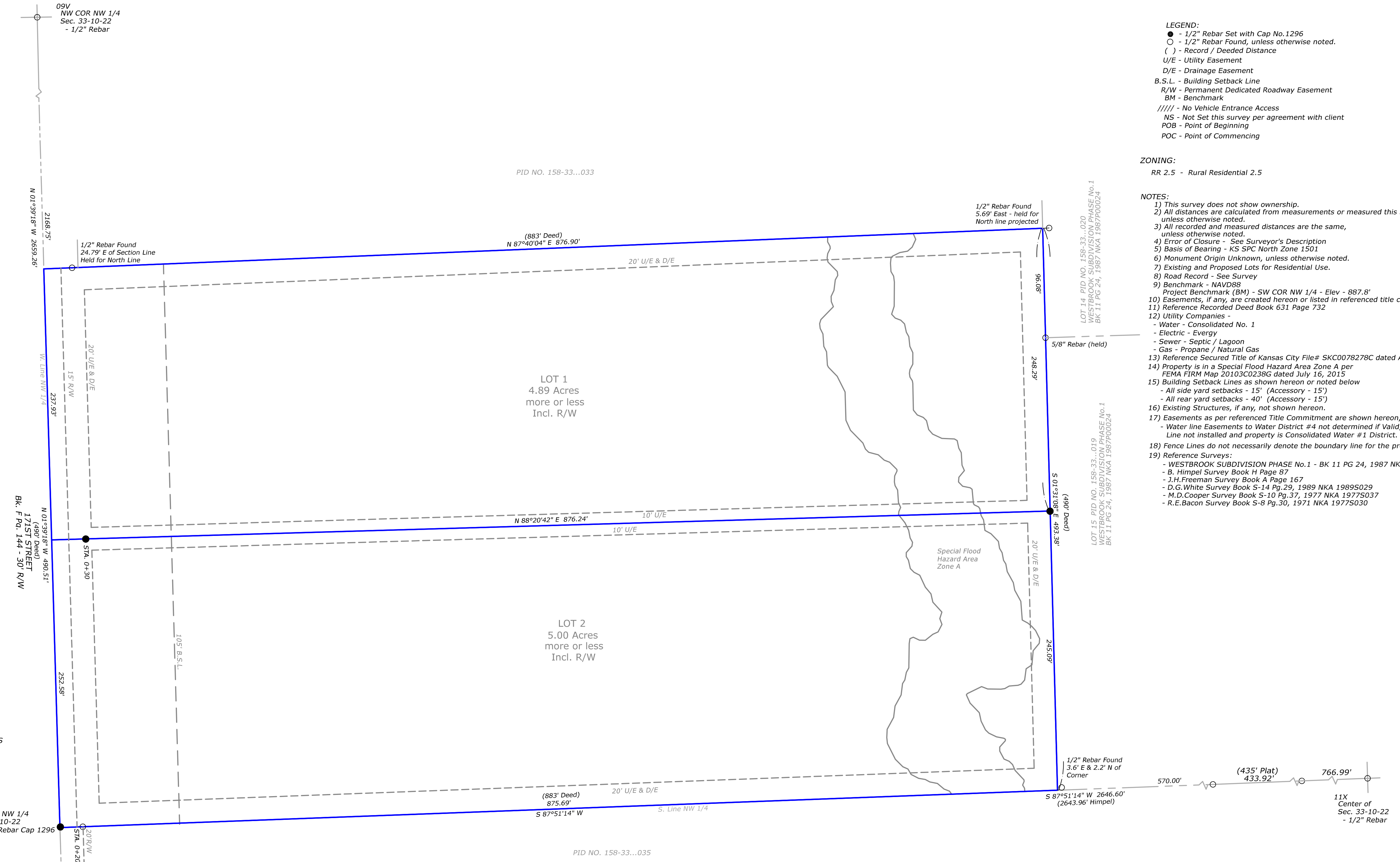
Job # K-24-1765  
April 28, 2024 Rev. 5-15-24  
J. Herring, Inc. (dba)  
HERRING SURVEYING COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5381  
Email - survey@eastcsh.com



**SURVEYOR'S DESCRIPTION:**  
A tract of land in the Northwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on April 28, 2024, more fully described as follows: Beginning at the Southwest corner of said Northwest Quarter; thence North 01 degrees 39'18" West for a distance of 490.51 feet along the West line of said Northwest Quarter; thence North 87 degrees 40'04" East for a distance of 876.90 to the West line of WESTBROOK SUBDIVISION PHASE No.1; thence South 01 degrees 31'08" East for a distance of 493.38 feet along said West line to the South line of said Northwest Quarter; thence South 87 degrees 51'14" West for a distance of 875.69 feet along said South line to the point of beginning, together with and subject to covenants, easement and restriction of record. Said property contain 9.89 acres, more or less, including road right of way.  
Error of Closure - 1 : 205004

### RESTRICTIONS:

- All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- An Engineered Waste Disposal System may be required due to poor soil conditions.
- 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.
- Lots are subject to the current Access Management Policy  
Additional access limits as shown hereon.
- All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- Any building to be constructed in or near the Special Flood Hazard shall provide an elevation certificate to be approved by Leavenworth County prior to the issuance of a building permit along with any other applicable Federal, State or Local permit.
- Lots 1 and 2 are impacted by Special Flood Zones and are depicted hereon graphically.
- An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lots 9)
- No off-plat restrictions.



**SURVEYOR'S NOTE:**  
SW corner of the NW 1/4 Reset per previous Reference Report and Survey. Other Reports held a location 9'+- West of this corner, monument not recovered this survey. Subdivision to the West and other survey in the Northwest corner held the monument to the West. Referenced surveys in the SW 1/4, appear to be senior to all other surveys, reference the location of this corner that matches closer to the location held this corner. With the held corner also held the platted West line of WESTBROOK SUBDIVISION PHASE No.1. Differences from deeded and measured distances are noted hereon.

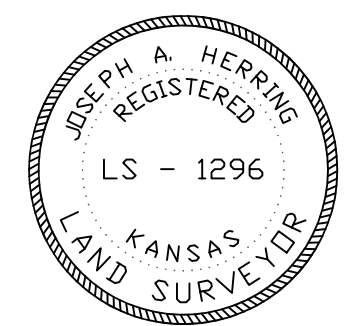


**05-28-2024  
Combined Review  
- No Further  
Comments**

- LEGEND:**
- - 1/2" Rebar Set with Cap No.1296
  - - 1/2" Rebar Found, unless otherwise noted.
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement
  - BM - Benchmark
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client
  - POB - Point of Beginning
  - POC - Point of Commencing

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

- NOTES:**
- This survey does not show ownership.
  - All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - All recorded and measured distances are the same, unless otherwise noted.
  - Error of Closure - See Surveyor's Description
  - Basis of Bearing - KS SPC North Zone 1501
  - Monument Origin Unknown, unless otherwise noted.
  - Existing and Proposed Lots for Residential Use.
  - Road Record - See Survey
  - Benchmark - NAVD88
  - Project Benchmark (BM) - SW COR NW 1/4 - Elev - 887.8'
  - Easements, if any, are created hereon or listed in referenced title commitment.
  - Reference Recorded Deed Book 631 Page 732
  - Utility Companies -
    - Water - Consolidated No. 1
    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - Reference Secured Title of Kansas City File# SKC0078278C dated April 22, 2024.
  - Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 2010C0238C dated July 16, 2015
  - Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - Existing Structures, if any, not shown hereon.
  - Easements as per referenced Title Commitment are shown hereon, if any.
    - Water line Easements to Water District #4 not determined if Valid, not shown. Line not installed and property is Consolidated Water #1 District.
  - Fence Lines do not necessarily denote the boundary line for the property.
  - Reference Surveys:
    - WESTBROOK SUBDIVISION PHASE No.1 - BK 11 PG 24, 1987 NKA 1987P00024
    - B. Himpel Survey Book # Page 87
    - J.H. Freeman Survey Book A Page 167
    - D.G. White Survey Book S-14 Pg. 29, 1989 NKA 1989S029
    - M.D. Cooper Survey Book S-10 Pg. 37, 1977 NKA 1977S037
    - R.E. Bacon Survey Book S-8 Pg. 30, 1971 NKA 1971S030



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

Joseph A. Herring  
PS # 1296

# HORVAT ESTATES

A Minor Subdivision in the Northwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

### PREPARED FOR:

HORVAT, THERESE M  
20050 171st Street  
BASEHOR, KS 66007  
PID # 158-33-0-00-034

### SURVEYOR'S DESCRIPTION:

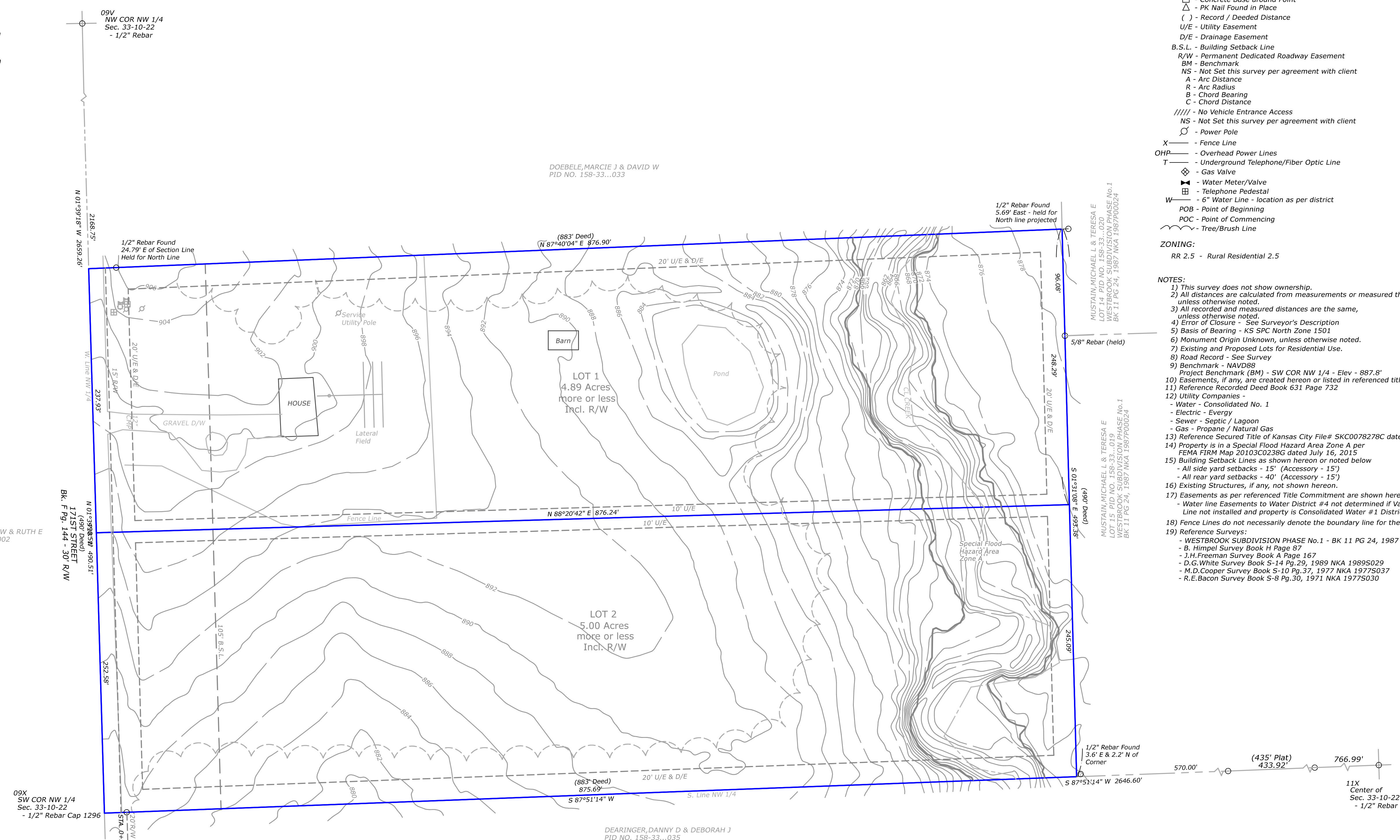
A tract of land in the Northwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring P5-1296 on April 28, 2024, more fully described as follows: Beginning at the Southwest corner of said Northwest Quarter; thence North 01 degrees 39'18" West for a distance of 490.51 feet along the West line of said Northwest Quarter; thence North 87 degrees 40'04" East for a distance of 876.90 to the West line of WESTBROOK SUBDIVISION PHASE No.1; thence South 01 degrees 31'08" East for a distance of 493.38 feet along said West line to the South line of said Northwest Quarter; thence South 87 degrees 51'14" West for a distance of 875.69 feet along said South line to the point of beginning, together with and subject to covenants, easement and restriction of record. Said property contain 9.89 acres, more or less, including road right of way.  
Error of Closure - 1 : 205004

### RESTRICTIONS:

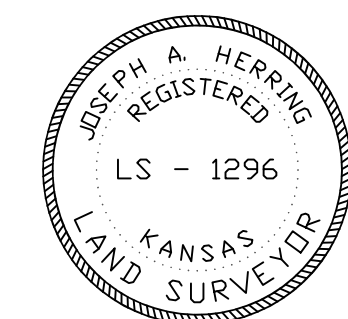
- All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- An Engineered Waste Disposal System may be required due to poor soil conditions.
- Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- Lots are subject to the current Access Management Policy. Additional access limits as shown hereon.
- All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- Any building to be constructed in or near the Special Flood Hazard shall provide an elevation certificate to be approved by Leavenworth County prior to the issuance of a building permit along with any other applicable Federal, State or Local permit.
- Lots 1 and 2 are impacted by Special Flood Zones and are depicted hereon graphically.
- An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lots 9)
- No off-plat restrictions.

**05-28-2024**  
**Combined - No**  
**Further**  
**Comments**

- ### LEGEND:
- - 1/2" Rebar Set with Cap No.1296
  - - 1/2" Rebar Found, unless otherwise noted.
  - - Concrete Base around Point
  - △ - PK Nail Found in Place
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement
  - BM - Benchmark
  - NS - Not Set this survey per agreement with client
  - A - Arc Distance
  - R - Arc Radius
  - B - Chord Bearing
  - C - Chord Distance
  - ///// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client
  - - Power Pole
  - X - Fence Line
  - OHP - Overhead Power Lines
  - T - Underground Telephone/Fiber Optic Line
  - ◇ - Gas Valve
  - ◀ - Water Meter/Valve
  - ⊞ - Telephone Pedestal
  - W - 6" Water Line - location as per district
  - POB - Point of Beginning
  - POC - Point of Commencing
  - ~ ~ ~ - Tree/Brush Line
- ### ZONING:
- RR 2.5 - Rural Residential 2.5
- ### NOTES:
- This survey does not show ownership.
  - All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - All recorded and measured distances are the same, unless otherwise noted.
  - Error of Closure - See Surveyor's Description
  - Basis of Bearing - KS SPC North Zone 1501
  - Monument Origin Unknown, unless otherwise noted.
  - Existing and Proposed Lots for Residential Use.
  - Road Record - See Survey
  - Benchmark - NAVD88
  - Project Benchmark (BM) - SW COR NW 1/4 - Elev - 887.8'
  - Easements, if any, are created hereon or listed in referenced title commitment.
  - Reference Recorded Deed Book 631 Page 732
  - Utility Companies -
    - Water - Consolidated No. 1
    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - Reference Secured Title of Kansas City File# SKC0078278C dated April 22, 2024.
  - Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0238G dated July 16, 2015
  - Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - Existing Structures, if any, not shown hereon.
  - Easements as per referenced Title Commitment are shown hereon, if any.
    - Water line Easements to Water District #4 not determined if Valid, not shown. Line not installed and property is Consolidated Water #1 District.
  - Fence Lines do not necessarily denote the boundary line for the property.
  - Reference Surveys:
    - WESTBROOK SUBDIVISION PHASE No.1 - BK 11 PG 24, 1987 NKA 1987P00024
    - B. Himpel Survey Book H Page 87
    - J.H.Freeman Survey Book A Page 167
    - D.G.White Survey Book S-14 Pg.29, 1989 NKA 1989S029
    - M.D.Cooper Survey Book S-10 Pg.37, 1977 NKA 1977S037
    - R.E.Bacon Survey Book S-8 Pg.30, 1971 NKA 1977S030



**SURVEYOR'S NOTE:**  
SW corner of the NW 1/4 Reset per previous Reference Report and Survey. Other Reports held a location 9'+ West of this corner, monument not recovered this survey. Subdivision to the West and other survey in the Northwest corner held the monument to the West. Referenced surveys in the SW 1/4, appear to be senior to all other surveys, reference the location of this corner that matches closer to the location held this corner. With the held corner also held the platted West line of WESTBROOK SUBDIVISION PHASE No.1. Differences from deeded and measured distances are noted hereon.



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

Joseph A. Herring  
PS # 1296

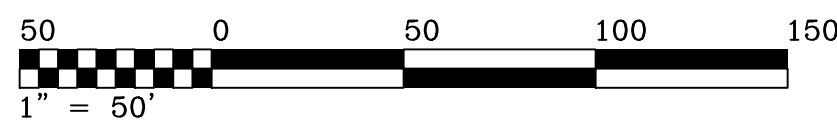


Scale 1" = 50'

Job # K-24-1765  
April 28, 2024 Rev. 5-15-24



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



# HORVAT ESTATES

A Minor Subdivision in the Northwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
HORVAT, THERESE M  
20050 171st Street  
BASEHOR, KS 66007  
PID # 158-33-0-00-00-034

**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: HORVAT ESTATES.

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

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

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

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

Therese Horvat

**NOTARY CERTIFICATE:**  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a notary public in and for said County and State came Therese Horvat, 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 HORVAT ESTATES this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Secretary: John Jacobson  
Chairperson: Marcus Majure

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

County Engineer - Mitch Pleak

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

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

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

Register of Deeds - TerriLois G. Mashburn

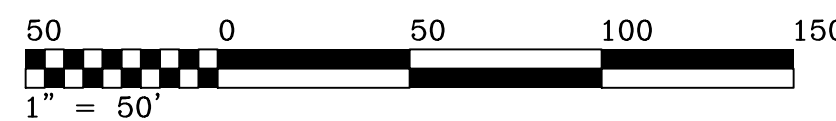


Scale 1" = 50'

Job # K-24-1765  
April 28, 2024 Rev. 5-28-24



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



1" = 50'

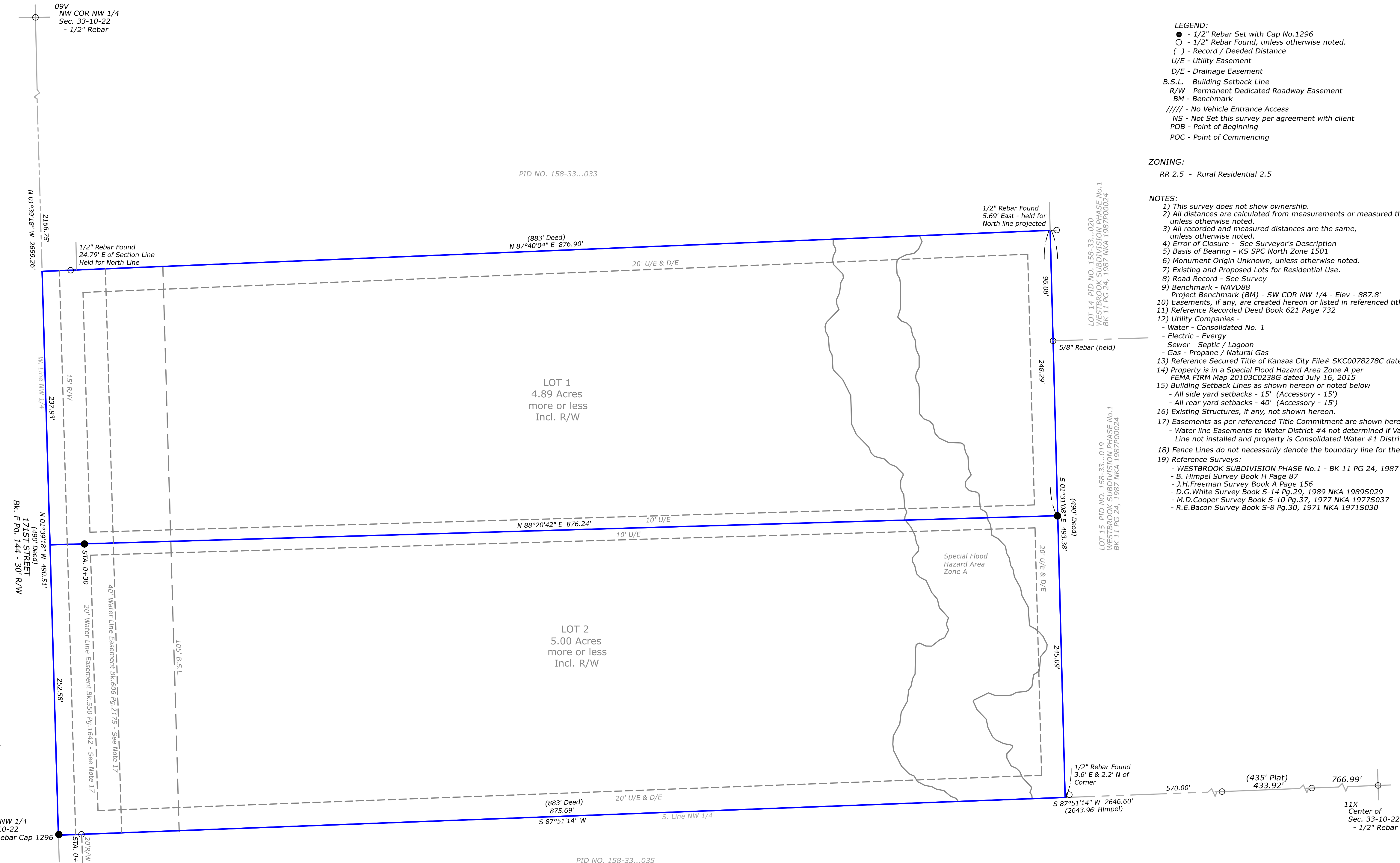
I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Reviewed 2024.05.29 No Comments

Daniel Baumchen, PS#1363  
County Surveyor

**SURVEYOR'S DESCRIPTION:**  
A tract of land in the Northwest Quarter of Section 33, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on April 28, 2024, more fully described as follows: Beginning at the Southwest corner of said Northwest Quarter; thence North 01 degrees 39'18" West for a distance of 490.51 feet along the West line of said Northwest Quarter; thence North 87 degrees 40'04" East for a distance of 876.90 to the West line of WESTBROOK SUBDIVISION, PHASE No.1; thence South 01 degrees 31'08" East for a distance of 493.38 feet along said West line to the South line of said Northwest Quarter; thence South 87 degrees 51'14" West for a distance of 875.69 feet along said South line to the point of beginning, together with and subject to covenants, easement and restriction of record. Said property contain 9.89 acres, more or less, including road right of way.  
Error of Closure - 1 : 205004

**RESTRICTIONS:**  
1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.  
2) An Engineered Waste Disposal System may be required due to poor soil conditions.  
3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.  
4) Lots are subject to the current Access Management Policy  
Additional access limits as shown hereon.  
5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.  
6) Any building to be constructed in or near the Special Flood Hazard shall provide an elevation certificate to be approved by Leavenworth County prior to the issuance of a building permit along with any other applicable Federal, State or Local permit.  
7) Lots 1 and 2 are impacted by Special Flood Zones and are depicted hereon graphically.  
8) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Lot 1  
9) No off-plat restrictions.

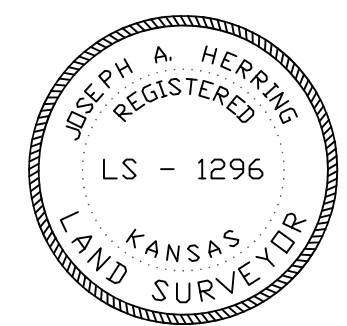


**LEGEND:**  
● - 1/2" Rebar Set with Cap No.1296  
○ - 1/2" Rebar Found, unless otherwise noted.  
( ) - Record / Deeded Distance  
U/E - Utility Easement  
D/E - Drainage Easement  
B.S.L. - Building Setback Line  
R/W - Permanent Dedicated Roadway Easement  
BM - Benchmark  
///// - No Vehicle Entrance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

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

**NOTES:**  
1) This survey does not show ownership.  
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.  
3) All recorded and measured distances are the same, unless otherwise noted.  
4) Error of Closure - See Surveyor's Description  
5) Basis of Bearing - KS SPC North Zone 1501  
6) Monument Origin Unknown, unless otherwise noted.  
7) Existing and Proposed Lots for Residential Use.  
8) Road Record - See Survey  
9) Benchmark - NAVD88  
10) Project Benchmark (BM) - SW COR NW 1/4 - Elev - 887.8'  
11) Easements, if any, are created hereon or listed in referenced title commitment.  
12) Reference Recorded Deed Book 621 Page 732  
13) Utility Companies -  
- Water - Consolidated No. 1  
- Electric - Evergy  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas  
14) Reference Secured Title of Kansas City File# SKC0078278C dated April 22, 2024.  
15) Property is in a Special Flood Hazard Area Zone A per FEMA FIRN Map 20103C0238C 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) Existing Structures, if any, not shown hereon.  
18) Easements as per referenced Title Commitment are shown hereon, if any.  
- Water line Easements to Water District #4 not determined if Valid, not shown. Line not installed and property is Consolidated Water #1 District.  
19) Fence Lines do not necessarily denote the boundary line for the property.  
20) Reference Surveys:  
- WESTBROOK SUBDIVISION PHASE No.1 - BK 11 PG 24, 1987 NKA 1987P00024  
- B. Himpel Survey Book # Page 87  
- J.H. Freeman Survey Book A Page 156  
- D.G. White Survey Book S-14 Pg. 29, 1989 NKA 1989S029  
- M.D. Cooper Survey Book S-10 Pg. 37, 1977 NKA 1977S037  
- R.E. Bacon Survey Book S-8 Pg. 30, 1971 NKA 1971S030

**SURVEYOR'S NOTE:**  
SW corner of the NW 1/4 Reset per previous Reference Report and Survey. Other Reports held a location 9'+- West of this corner, monument not recovered this survey. Subdivision to the West and other survey in the Northwest corner held the monument to the West. Referenced surveys in the SW 1/4, appear to be senior to all other surveys, reference the location of this corner that matches closer to the location held this corner. With the held corner also held the platted West line of WESTBROOK SUBDIVISION PHASE No.1. Differences from deeded and measured distances are noted hereon.



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

Joseph A. Herring  
PS # 1296

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Horvat Estates Subdivision  
**Date:** May 30, 2024

Amy, I have reviewed the preliminary plat of the Horvat Estates Subdivision presented by Therese Horvat. 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, a fire hydrant is currently located along the property line in the South corner of the applicants' adjacent property. This hydrant will be sufficient for this subdivision.

I have no further recommendation for this subdivision.

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



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-24-045 Cooper Rezone

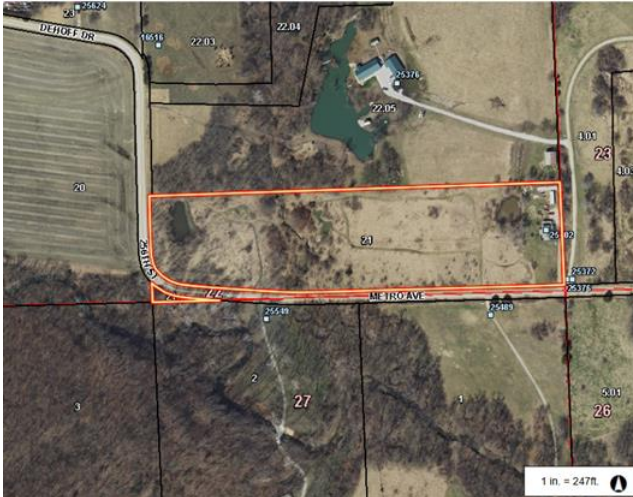
June 12, 2024

**REQUEST: *Public Hearing Required***

- ZONING AMENDMENT                       SPECIAL USE PERMIT  
 TEMPORARY SPECIAL USE PERMIT

**STAFF REPRESENTATIVE:**  
JOSH SCHWEITZER  
Development Planner

**SUBJECT PROPERTY:** 25402 Metro Ave.



**APPLICANT/APPLICANT AGENT:**  
JOE HERRING  
HERRING SURVEYING COMPANY

**PROPERTY OWNER:**  
Robert & Joy Cooper  
25402 Metro Ave.  
Tonganoxie, KS 66086

**CONCURRENT APPLICATIONS:**  
N/A

**LAND USE**

ZONING: RR-5  
FUTURE LAND USE DESIGNATION: RR-2.5

**LEGAL DESCRIPTION:**

A tract of land at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 22, Township 11, Range 20, East of the 6th P.M., in Leavenworth County, Kansas.

SUBDIVISION: N/A  
FLOODPLAIN: Zone A

**STAFF RECOMMENDATION: APPROVAL**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-24-045, Rezone for Cooper, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-24-045, Rezone for Cooper, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 9.90 ACRES  
PARCEL ID NO:  
205-22-0-00-00-021  
BUILDINGS:  
Existing House with Outbuildings

**PROJECT SUMMARY:**

Request to rezone one parcel at 25402 Metro Ave (PID: 205-22-0-00-00-021) from RR-5 to RR-2.5

ACCESS/STREET:  
Metro Ave., LOCAL, Gravel, ±24' WIDE

**Location Map: FUTURE LAND USE DESIGNATION**



**UTILITIES**

SEWER: SEPTIC  
FIRE: Tonganoxie  
WATER: RWD #13  
ELECTRIC: FREESTATE

**NOTICE & REVIEW:**

STAFF REVIEW: 6/4/2024  
NEWSPAPER NOTIFICATION:  
05/21/ 2024  
NOTICE TO SURROUNDING PROPERTY OWNERS:  
05/22/2024

<b>FACTORS TO BE CONSIDERED:</b> <i>Type content in each if necessary (delete this afterwards)</i>		
<b>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</b>	<b>Met</b>	<b>Not Met</b>
<b>1. Character of the Neighborhood:</b> <i>Density:</i> Surrounding parcels range in size from five (5) acres to more than 100 acres. The area is not densely populated.  <i>Nearby City Limits:</i> Tonganoxie is more than four (4) miles to the northeast.  <i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.	X	
<b>2. Zoning and uses of nearby property:</b> <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature.  <i>Adjacent Zoning:</i> All adjacent properties are zoned RR-5.	X	
<b>3. Suitability of the Property for the uses to which it has been restricted:</b> The property is suitable for rural residences and agricultural uses.	X	
<b>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</b> <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.</i>	X	
<b>5. Length of time the property has been vacant as zoned:</b> <input type="checkbox"/> Vacant: <input checked="" type="checkbox"/> Not Vacant:	X	
<b>6. Relative gain to economic development, public health, safety and welfare:</b> The rezoning does not impact economic development, public health, safety or welfare.	X	
<b>7. Conformance to the Comprehensive Plan:</b> <i>Future Land Use Map:</i> Rural-Residential 2.5 acre <i>Section 4 Land Use and Development Plan Strategies:</i> The proposed use is compatible with the future land use designation.	X	

**STAFF COMMENTS:**

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as Rural-Residential 2.5. Staff recommends approval of the request as it conforms to the future land use. The applicants are proposing to develop this parcel into three (3) lots with one lot being three (3) acres and the other two lots being approximately four (4) acres.

**ATTACHMENTS:**

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

22 11 20  
9.90  
464 RWD 13  
Freestate

**REZONING APPLICATION**

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

66086 Flood Plain

Office Use Only

Township: Tonganoxie Date Received: 05.10.2024  
 Planning Commission Date \_\_\_\_\_  
 Case No. DEV-24- Date Paid 05.10.2024  
 Zoning District RR5 Comprehensive Plan Land Use Designation RR 2.5

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

**PROPOSED USE INFORMATION**

Proposed Land Use Rural Residential and AG

Current Zoning RR-5 Requested Zoning RR-2.5

Reason for Requesting Rezoning Match Comprehensive Plan and develop the land into 3 Lots with Flood Plain dividing the tract - land has frontage on Metro and 256th Street

**PROPERTY INFORMATION**

Address of Property 25402 METRO AVE

Parcel Size 11 Ac

Current use of the property Rural Residential and AG

Present Improvements or structures House and Barn

PID 205-22-0-00-00-021

I, the undersigned am the (owner), (duly authorized agent), (Circle One) of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature Joe Herring - Digitally signed May 7, 2024 Date 5/7/24

ATTACHMENT A

OWNER AUTHORIZATION

I/WE \_\_\_\_\_, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 7<sup>th</sup> day of November, 2023 make the following statements, to wit:

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

See Exhibit A attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize HERRING Subdividing \_\_\_\_\_ (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, \_\_\_\_\_ 25402 METSO A.W. TOWNSEND BLVD (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.

[Signature]  
Owner

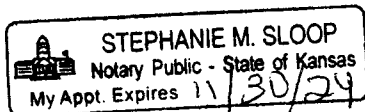
\_\_\_\_\_  
Owner

STATE OF KANSAS  
COUNTY OF LEAVENWORTH

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

My Commission Expires:

[Signature]  
Notary Public



Entered in the Transfer Register on the \_\_\_\_\_ day of \_\_\_\_\_, 1995

STATE OF KANSAS  
COUNTY OF LEAVENWORTH  
FILED FOR RECORD  
1995 MAY 17 P 2 31  
DORA I. PARMER  
REGISTER OF DEEDS

*Miller Abstract Company*  
*Dorcas*  
*by Kaye*

**WARRANTY DEED  
JOINT TENANCY**

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

of Leavenworth County, Kansas, convey<sup>s</sup> and warrant<sup>s</sup> to  
Robert D. Cooper, Jr. and Joy D. Cooper, husband and wife

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

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

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

said property situated in Leavenworth County, Kansas, for the sum of One dollar and other good and valuable considerations--NO/100-- Dollars, this 12th day of May, 1995.

*Coy L. Drinnon*  
Coy L. Drinnon

*Jane E. Drinnon*  
Jane E. Drinnon

STATE OF KANSAS, Douglas County, ss.

BE IT REMEMBERED, That on this 12th day of May, A. D. 1995

before me, a Notary Public in and for said County and State, came  
Coy L. Drinnon and Jane E. Drinnon, husband and wife

to me personally known to be the same person who executed the foregoing instrument, and they duly acknowledged the execution of the same.  
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last above written.

**JUDY C. BERG**  
Notary Public - State of Kansas  
My Appt. Expires 8-13-95

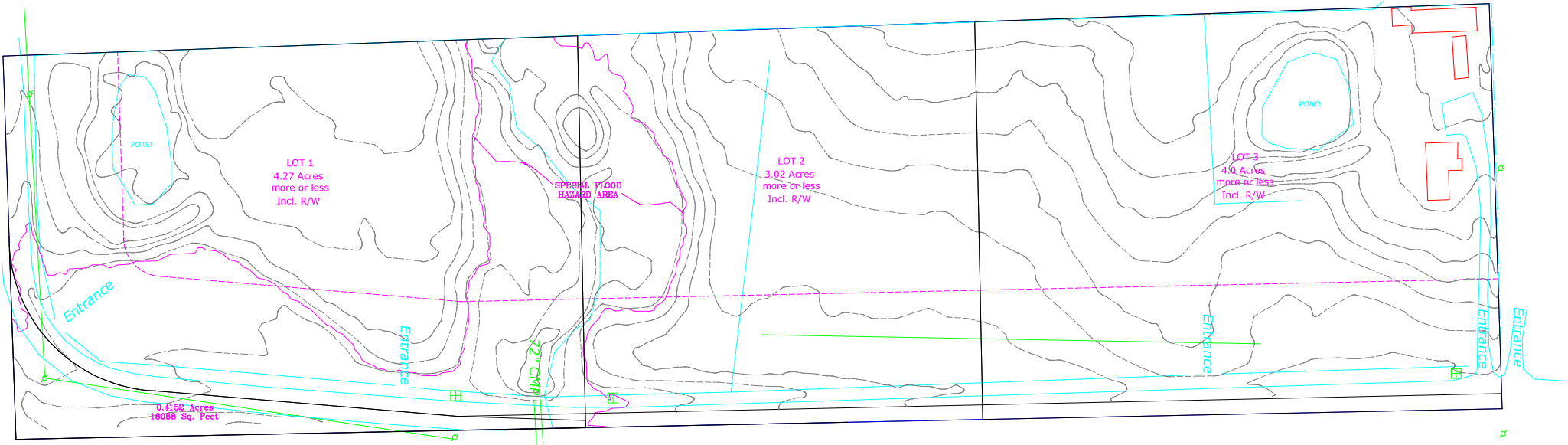
*Judy C. Berg*  
Judy C. Berg Notary Public

My notarial commission expires August 13 1995

# METRO ESTATES

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

PREPARED FOR:  
COOPER, ROBERT D JR & JOY D  
25402 METRO AVE  
TONGANOXIE, KS 66086  
PID # 209-22-0-00-021



## Schweitzer, Joshua

---

**From:** McAfee, Joe  
**Sent:** Tuesday, May 28, 2024 11:01 AM  
**To:** Schweitzer, Joshua  
**Cc:** Mitch Pleak; Noll, Bill  
**Subject:** RE: DEV-24-045 Rezone of Cooper - Herring

Josh,  
I have reviewed the proposed rezone and have the following comment: The only possible issue with this rezone is the west-most lot will need to have the entrance at least 100' from the southwest corner of the lot if we consider the roadway corner as an intersection. The road is classified as Local and requires 100' offset from driveway to roadway corner/intersection. There is 200' +/- of frontage on the north-south road so it should be possible but it may put the entrance coming in near the small pond in the northwest corner of the proposed rezone. If the owner of the lot puts the driveway on the east-west roadway they will need to contend with the floodplain fill associated with the driveway. The other two lots have no issues. Let me know if you have any questions.

---

**From:** Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Monday, May 13, 2024 10:54 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcafee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; 'chief1860@ttrfd.com' <chief1860@ttrfd.com>; 'linedepartment@freestate.coop' <linedepartment@freestate.coop>; 'niki@jfrwd13.com' <niki@jfrwd13.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-24-045 Rezone of Cooper - Herring

All,

The Department of Planning and Zoning has received an application for a Rezone of property at 25402 Metro Ave. from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, May 28, 2024.

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

v / r

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

## Schweitzer, Joshua

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**From:** Timothy Smith <chief1860@ttrfd.com>  
**Sent:** Monday, May 13, 2024 11:33 AM  
**To:** Schweitzer, Joshua  
**Subject:** Re: DEV-24-045 Rezone of Cooper - Herring

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

Tonganoxie Township has no concerns with this request.

On Mon, May 13, 2024 at 10:53 AM Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)> wrote:

All,

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The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Tuesday, May 28, 2024.

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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:** Anderson, Kyle  
**Sent:** Monday, May 13, 2024 11:47 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-24-045 Rezone of Cooper - Herring

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 <JSchweitzer@leavenworthcounty.gov>  
**Sent:** Monday, May 13, 2024 10:54 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; 'chief1860@ttrfd.com' <chief1860@ttrfd.com>; 'linedepartment@freestate.coop' <linedepartment@freestate.coop>; 'niki@jfrwd13.com' <niki@jfrwd13.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-24-045 Rezone of Cooper - Herring

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

v / r

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

## Schweitzer, Joshua

---

**From:** Gary Willits <gary.willits@freestate.coop>  
**Sent:** Thursday, May 16, 2024 10:36 AM  
**To:** Schweitzer, Joshua  
**Subject:** RE: DEV-24-045 Rezone of Cooper - Herring

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

FreeState Electric Cooperative does not have any issues with this property rezone.  
Thank you,  
Gary Willits

**Gary Willits**  
Staking Engineer



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

---

**From:** Line Department <linedepartment@freestate.coop>  
**Sent:** Monday, May 13, 2024 11:45 AM  
**To:** Gary Willits <gary.willits@freestate.coop>  
**Subject:** FW: DEV-24-045 Rezone of Cooper - Herring

---

**From:** Schweitzer, Joshua <[JSchweitzer@leavenworthcounty.gov](mailto:JSchweitzer@leavenworthcounty.gov)>  
**Sent:** Monday, May 13, 2024 10:54 AM  
**To:** [cmagaha@lvsheriff.org](mailto:cmagaha@lvsheriff.org); McAfee, Joe <[JMcAfee@leavenworthcounty.gov](mailto:JMcAfee@leavenworthcounty.gov)>; Miller, Jamie <[JMiller@leavenworthcounty.gov](mailto:JMiller@leavenworthcounty.gov)>; Patzwald, Joshua <[jpatzwald@lvsheriff.org](mailto:jpatzwald@lvsheriff.org)>; Van Parys, David <[DVanParys@leavenworthcounty.gov](mailto:DVanParys@leavenworthcounty.gov)>; Brown, Misty <[MBrown@leavenworthcounty.gov](mailto:MBrown@leavenworthcounty.gov)>; 'mpleak@olsson.com' <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; Baumchen, Daniel <[DBaumchen@leavenworthcounty.gov](mailto:DBaumchen@leavenworthcounty.gov)>; 'chief1860@ttrfd.com' <[chief1860@ttrfd.com](mailto:chief1860@ttrfd.com)>; Line Department <[linedepartment@freestate.coop](mailto:linedepartment@freestate.coop)>; 'niki@jfrwd13.com' <[niki@jfrwd13.com](mailto:niki@jfrwd13.com)>  
**Cc:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** DEV-24-045 Rezone of Cooper - Herring

All,

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## JEFFERSON COUNTY RURAL WATER DISTRICT #13

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1951 Wellman Road  
Lawrence, KS 66044

(785) 842-1502  
www.jfrwd13.com

January 23, 2024

Robert Cooper  
25402 Metro Avenue  
Tonganoxie, KS 66086

Project Location: Metro Ave.

Dear Mr. & Mrs. Cooper,

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

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

1. Standard Benefit Unit      \$7,000.00 x3 = \$21,000.00      **REQUIRED**
2. Standard Road Crossing    \$1,000.00      **NOT REQUIRED**
3. Line Extension                                      **NOT REQUIRED**

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

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

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

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

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

Sincerely,

Niki Fincham  
Office Operations Manager

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

**Case No. DEV-24-006**  
**Proposed Amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations**

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

**Staff Report – Planning Commission**

**June 12, 2024**

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**GENERAL INFORMATION:**

**Applicant:** Leavenworth County Planning and Zoning Department

**Planner:** Amy Allison

**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 3 – Definitions

Article 22 – Special Use Permits and Temporary Use Permits

Article 33 – Accessory Dwelling Units (Creation of Article)

Article 35 – Preliminary Plat Procedure and Content

Article 40 – Final Plat Procedure, Content and Action by the Planning Commission

Article 43 – Cross Access Easements

Article 50 – Minimum Subdivision Design Standards and General Requirements

Article 60 – Miscellaneous Provisions

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**STAFF RECOMMENDATION:**

The staff recommends approval of Case No.DEV-24-006, proposed amendment to the 2006 Leavenworth County Zoning and Subdivision Regulations.

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**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-24-006, 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-24-006, 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:**

Redline of Proposed Amendments

### ARTICLE 3 – DEFINITIONS

Accessory Dwelling Unit: A dwelling unit that is accessory and secondary to the principal dwelling unit and under the same ownership in all respects.

Home Occupation: A permitted accessory use in Rural Residential Zoning that shall be subject to the following: Home Occupation: an incidental use for a primary dwelling unit of a commercial or business nature with minimal impacts on the surrounding neighborhood.

#### A. Restrictions and Limitations:

The home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as such person's private residence.

No display or storage of equipment or material outside of a building or structure shall be permitted.

No alteration of the exterior of the principal residential building shall be made that removes the character of that building as a residence. There shall not be visible evidence of the business from the street or surrounding properties. The appearance of the building as a dwelling or residence shall not be altered to the extent it would appear to be a commercial or business operation. Alterations of building material, size, or color; light fixtures or intensity; parking area; or any other exterior change shall not cause the structure to lose its residential character nor shall it detract from the rural or residential character of the area.

Only one (1) non-illuminated ground or wall sign, not more than 16 square feet in sign area, may be used to identify the home occupation.

Employees or other assistants shall be limited to immediate members of the family residing on the premises and two (2) other people.

No equipment or machine may be used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.

Parking generated by the conduct of a home occupation shall be provided off street in an area other than the required front yard except that existing driveways may be used.

Vehicular or parking demand shall not exceed twelve (12) two-way vehicular or parking of greater than four (4) customer vehicles at any one time during any 24-hour period.

The commercial exchange of tangible goods or items constituting a sale between the proprietor of a home occupation and members of the general public shall not be permitted on the premises of a home occupation except on an incidental, occasional and infrequent basis. Members of the general public shall not include persons in the home by prior individualized invitation.

A home occupation may attract patrons, students, or any business-related individuals only between the hours of 6 A.M. and 7 P.M. A home occupation shall not generate more than twelve (12) business

~~related visitations per day which shall constitute twelve (12) arrivals and twelve (12) departures by vehicle. These standards shall not be construed so as to prohibit occasional group gatherings, recitals, or demonstrations. However, such gatherings shall not occur more frequently than once per month and must be held within the visitation hours specified above in this paragraph.~~

~~The keeping of stock and trade on premises shall be permitted so long as the majority of commerce is done via mail service.~~

~~Home occupation shall comply with all local, state, and federal rules and regulations that may be applicable.~~

~~B. Particular Home Occupations Permitted: Permitted home occupations may include, but are not limited to, the following list of occupations, provided, however, that each home occupation is subject to the home occupation restrictions and limitations within these regulations:~~

~~Teaching or instruction provided not more than three (3) students are taught at any one time and not more than twelve (12) students per day.~~

~~Preschools or day care centers for not more than twelve (12) children or adults per day, when properly approved by the Kansas Department of Health and the Environment or other such agencies as may be required by law.~~

~~Professional office for accountants, architects, bookkeepers, engineers, lawyers, and similar professions.~~

~~Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.~~

~~Home crafts and hobbies such as model making, rug weaving, and the like articles produced or constructed as a hobby activity shall not be sold on the premises except on an occasional and infrequent basis.~~

~~Tailoring, alterations, and seamstresses.~~

~~Beauty shops.~~

~~Medical offices such as physicians, dentists, chiropractors' offices.~~

~~Repair of items such as small appliances; personal electronic devices such as radios, televisions, stereos, personal computers or calculators provided that the use fully conforms with the performance requirements for home occupations.~~

~~C. Particular Home Occupations Prohibited:~~

~~Retail sales and services such as antiques, second hand merchandise, groceries, and the like. However, this prohibition shall not apply to garage sales, tag sales, or similar occasional, temporary sales which may otherwise be permitted by County regulations and Temporary Special Use Permit regulations~~

~~Equipment rental.~~

~~Automobile and other motor vehicle repair services.~~

~~Tourist homes including bed and breakfast facilities.~~

~~D. Home Occupations shall require a permit from the Leavenworth County Planning and Zoning Department.~~

~~Permit fee shall be subject to the fee schedule as determined by the Board of County Commissioners~~

~~Permits shall remain valid unless the conditions of the home occupation permit as set forth in these regulations have not been met.~~

~~(BOCC Resolution 2020-09; March 4, 2020)~~

Principle Dwelling Unit: A dwelling unit that is the primary residence for any lot or tract of land.

Recreational Vehicle Park: A lot or parcel of land occupied or intended for occupancy by recreation vehicles for travel, recreational, or vacation purposes not to exceed 612 months of occupancy by any single recreational vehicle. Recreational Vehicles Parks can also include communal buildings and group camping sites. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included.

Temporary Dwelling Unit: A dwelling unit that is used as a ~~nonim~~ permanent residence while the principal dwelling unit is under ~~permitted~~ construction.

## **ARTICLE 22 – SPECIAL USE PERMITS, ~~AND~~ TEMPORARY USE PERMITS AND HOME OCCUPATION LICENSES**

### **Section 1. GENERAL**

Certain uses, specified in this Article or other Articles, are of a type or nature which may be desirable or necessary to be located in the County, but, due to their nature, may be incompatible with the surrounding area without a thorough review and possibly the placing of conditions on the use to protect the health, safety and welfare. As specified in these regulations, these specific uses may be permitted only after ~~the approval of a Special Use Permit or a Temporary Use Permit by the Board of County Commissioners.~~ approval by the Planning & Zoning Director or by the Board of County Commissioners. A maximum of two special use permits shall be allowed per parcel. All valid Special Use Permits which remain in compliance with the approved conditions of the permit or have no substantiated complaints shall be approved without expiration upon approval of this amendment.

(BOCC Resolution 2009-41- August 27, 2009; Resolution 2022-08 - March 30, 2022)

### **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.

(BOCC Resolution 2011-45, December 1, 2011; Resolution 2022-08 - March 30, 2022)

### **Section 3. PROCEDURE**

Following the public hearing, the Planning Commission shall make a recommendation for approval or disapproval of the application to the Board of County Commissioners. A majority vote of the membership of the Planning Commission is required in order to make a recommendation.

When the Planning Commission submits a recommendation of approval or disapproval of a Special Use Permit, the Board of County Commissioners may adopt the same, amend the recommendation, or disregard the recommendation by resolution. Upon receipt of a recommendation of the Planning Commission with which the Board of County Commissioners disagrees, the Board of County Commissioners may return the recommendation to the Planning Commission with a written statement specifying the basis of disagreement. The Planning Commission may choose to reconsider the issue. After reconsideration of the same, the Planning Commission may resubmit their written recommendation, giving the reasons thereof, or submit a new recommendation. The Board of County Commissioners may only return a recommendation to the Planning Commission only one time.

(BOCC Resolution 2007-50; October 2, 2007)

Regardless of the recommendation of the Planning Commission, if a valid protest petition against a proposed amendment or Special Use Permit is filed in the office of the County Clerk within fourteen (14) days after the date of the conclusion of the hearing, duly signed and acknowledged by the owners of twenty (20) percent of the total area, excepting public streets and ways, which is located within one-thousand (1,000) feet of the boundaries of the property for which a Special Use Permit is sought, such permit shall not be approved except by at least a  $\frac{3}{4}$  vote of the Board of County Commissioners.

(BOCC Resolution 2019-23; September 4, 2019)

### **Section 4. LIMITATIONS ON SUCCESSIVE APPLICATIONS**

In the event of a denial by the Board of County Commission of an application for any rezoning or special use permit affecting a tract of real property, no subsequent application for any rezoning or special use permit for that tract of real property shall be accepted by the County until 12 months has elapsed from the date of the denial, provided that upon a finding by the Board of County Commission that there has been a material change of circumstances affecting the tract, such an application may be accepted by the County prior to the expiration of the 12 month period.

(BOCC Resolution 2016-15; June 2, 2016)

**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 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.

**Section 6. FACTORS TO BE CONSIDERED**

The following matters are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving a Special Use Permit or Temporary Use Permit request:

1. Character of the neighborhood.
2. Zoning and uses of nearby property.
3. Suitability of the property for the uses to which it has been restricted.
4. Extent to which removal of the restrictions will detrimentally affect nearby property.
5. Length of time the property has been vacant as zoned.
6. Relative gain to economic development, public health, safety and welfare.
7. Conformance to the Comprehensive Plan.
8. Staff recommendation.

The Planning Commission and the Board of County Commissioners when approving or disapproving a Special Use Permit or Temporary Use Permit request may also consider the following matters, when appropriate:

- |  |                       |
|--|-----------------------|
| Traffic / Parking                          | Location /Access      |
| Archaeological / Historic significance     | Topography / Drainage |
| Wildlife Presence                          | Ecological analysis   |
| Design compatibility with surrounding area | Tax base implications |
| Vegetation analysis                        | Flood hazards         |
| Soil survey                                | Sewage disposal       |
| Market / Economic analysis                 | Water supply          |
| Police / Fire / EMS protection             | Air / Noise pollution |
| Demographic study                          |                       |

**Section 7. PUBLICATION AND REVIEW**

The Administrative Official shall create a list of all active Special Use Permits annually. Upon receipt of a substantiated complaint or evidence that a Special Use Permit has been modified or expanded, the Planning Department may request submittal of documentation or an inspection to be held to verify that conditions of a Special Use Permit have not been violated. If a Special Use Permit has been found to not be in compliance with the conditions of approval, the Planning Department shall proceed with code enforcement until the time that all violations have

been remedied or the person(s) responsible for the Special Use Permit has applied and been approved for a modification to their application.  
(Resolution 2022-08 - March 30, 2022)

#### **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. 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 9. SPECIAL USES**

For a complete list of the Special Uses allowed in each district, refer to Article 19, Table of Uses.

Special Uses shall be classified into one of four categories. Special Use categories shall be determined by the intensity of the use, impacts on surrounding properties, impacts on public roadways and services, and the scale of the development. The categories shall be defined as:

Type 1: Uses on large tracts of land that are recreational or public/quasi-public in nature, but occasionally can include accessory uses or limited characteristics that can be detrimental to adjoining property if not controlled or constrained.

Type 2: Uses related to communications or utilities, which tend to be out of character to the land uses in the immediate vicinity.

Type 3: Uses with unique characteristics and potential to produce nuisance impacts such as light glare, noise, traffic, litter and more.

Type 4: Uses that are largely industrial operations that frequently generate hazardous or intense nuisance factors.

Use categories shall determine whether additional requirements or conditions will be placed on the Special Use Permit as well as the term limit of the permit, unless otherwise directed by the Board of County Commissioners.

#### **Section 10. TEMPORARY USES**

(BOCC Resolution 2019-23; September 4, 2019)

The purpose of this Article is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. The following types of temporary uses are permitted in any district upon review and finding of the Department of Planning & Zoning that the proposed use is in the public interest. The use shall be approved for a specific short-term duration. The following is a list of typical Temporary Uses which may be reviewed and permitted by the Director of Planning and Zoning. In the event that the Director of

Planning and Zoning denies the request, the applicant shall receive written notice from the Director within 10 days of application submittal.

Type 1: Fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations; including any on-site signs and structures used in conjunction with the event. Examples of these types of events include, but are not limited to: fun runs, bicycle races, foot races, ATV rides, auctions and other related activities. The following items shall be required:

- a. Organizations with appropriate documentation of 501(c)(3) status shall be exempt from application fees for a Temporary Special Use Permit.
- b. Organizations with appropriate documentation of 501(c)(3) status shall be required to submit an application for a Temporary Special Use Permit. 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. The application shall require review and approval by the Department of Emergency Management.
- e. 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.

Type 2: Fund-raising or non-commercial events for for-profit organizations: including any on-site signs and structures used in conjunction with the event. Examples of these types of events include, but are not limited to: fun runs, bicycle races, foot races, ATV rides auctions, and other related activities. The following items shall be required:

- 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. The application shall require review and approval by the department of Emergency Management.
- e. 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.

Type 3: Fireworks stands either non-profit or for-profit: including any on-site signs and structures used in conjunction with the event. The following items shall be required:

- a. Payment of application fee as set by the Board of County Commissioners per Resolution 2020-46. (Staff is recommending a fee based upon costs associated with inspections and staff review process)
- b. Applications, and all required supporting documents, shall be submitted to the Planning and Zoning Department a minimum of 30 days prior to the opening of the fireworks stand.
- c. Fireworks stands shall not be permitted on public roads or within public rights-of-way.
- d. Applications shall require review and approval by The Department of Emergency Management.
- e. Fireworks stands shall be located on private property and applicants shall submit with application an "Owner's Authorization" with property owners' signature and the Authorization shall be notarized.
- f. Applicants shall submit proof of required insurance and applicable bonds.
- g. Adequate off-street parking shall be required.

**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).

#### **Section 12. PRIVATE EVENTS**

(BOCC Resolution 2019-23; September 4, 2019)

Events meeting the definition of "Private Event" as defined by Article 3- Definitions- of these Regulations shall not require a Temporary Special Use Permit.

#### **Section 13. HOME OCCUPATION LICENSES**

Home Occupation Licenses shall be a permitted accessory use in the Rural Residential and Residential zoning districts to single family residences.

#### **Section 14. RESTRICTIONS AND LIMITATIONS**

The following restrictions and limitations shall apply to all Home Occupation Licenses.

1. The home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as such person's private residence. The Home Occupation shall be limited to 75 percent of the floor area of any structure on the premises.
2. No display or storage of equipment or material outside of a building or structure shall be permitted.
3. No alteration of the exterior of the principal residential building shall be made that removes the character of that building as a residence. There shall not be visible evidence of the business from the street or surrounding properties. The appearance of the building as a dwelling or residence

shall not be altered to the extent it would appear to be a commercial or business operation. Alterations of building material, size, or color; light fixtures or intensity; parking area; or any other exterior change shall not cause the structure to lose its residential character nor shall it detract from the rural or residential character of the area.

4. Only one (1) non-illuminated ground or wall sign, not more than 16 square feet in sign area, may be used to identify the home occupation on parcels 2.5 acres or larger. Signage for Home Occupations on parcels less than 2.5 acres are prohibited.
5. ~~Employees or other assistants shall be limited to immediate members of the family residing on the premises and two (2) other people.~~
6. No equipment or machinery may be used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
7. Parking generated by the conduct of a home occupation shall be provided off-street in an area other than the required front yard except that existing driveways may be used. Parking areas shall be paved with gravel, asphalt or concrete. Parking areas on grass are prohibited.
8. Vehicular or parking demand shall not exceed ~~twelve (12)~~ twenty (20) two-way vehicular trips. Off-premises employee parking shall be included in this count.
9. The commercial exchange of tangible goods or items constituting a sale between the proprietor of a home occupation and members of the general public shall not be permitted on the premises of a home occupation on properties less than 2.5 acres except on an incidental, occasional and infrequent basis. Members of the general public shall not include persons in the home by prior individualized invitation.
10. A home occupation may attract patrons, students, or any business-related individuals only between the hours of 6 A.M. and 7 P.M. A home occupation shall not generate more than ~~twelve (12)~~ twenty (20) business related visitations per day which shall constitute ~~twelve (12)~~ twenty (20) arrivals and ~~twelve (12)~~ twenty (20) departures by vehicle. These standards shall not be construed so as to prohibit occasional group gatherings, recitals, or demonstrations. However, such gatherings shall not occur more frequently than once per month and must be held within the visitation hours specified above in this paragraph.
11. The keeping of stock and trade on premises shall be permitted so long as the majority of commerce is done via mail service.
12. Home occupation shall comply with all local, state, and federal rules and regulations that may be applicable.

#### **Section 15. PERMITTED HOME OCCUPATIONS**

Permitted home occupations may include, but are not limited to, the following list of occupations, provided, however, that each home occupation is subject to the home occupation restrictions and limitations within these regulations:

1. Teaching or instruction provided not more than three (3) students are taught at any one time and not more than twelve (12) students per day.
2. Preschools or day-care centers for not more than twelve (12) children or adults per day, when properly approved by the Kansas Department of Health and the Environment or other such agencies as may be required by law.

3. Professional office for accountants, architects, bookkeepers, engineers, lawyers, and similar professions.
4. Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
5. ~~Home crafts and hobbies such as model making, rug weaving, and the like articles produced or constructed as a hobby activity shall not be sold on the premises except on an occasional and infrequent basis.~~
6. Tailoring, alterations, and seamstresses.
7. Personal Service shops (i.e Barbershop, Beauty shop, Massage Therapy) .
8. Medical offices such as physicians, dentists, chiropractors' offices.
9. Repair of items such as small appliances: ~~personal electronic devices such as radios, televisions, stereos, personal computers or calculators~~ provided that the use fully conforms with the performance requirements for home occupations.
10. Or other uses that meet the performance standards of a home occupation license.

#### **Section 16. PROHIBITED HOME OCCUPATIONS**

Prohibited uses from obtaining a Home Occupation License are as follows:

1. Retail sales (if under 2.5 acres) such as antiques, second-hand merchandise, groceries, and the like. However, this prohibition shall not apply to garage sales, tag sales, or similar occasional, temporary sales which may otherwise be permitted by County regulations and Temporary Special Use Permit regulations
2. Equipment rental.
3. Automobile and other motor vehicle repair services.
4. Tourist homes including bed and breakfast facilities.

#### **Section 17. HOME OCCUPATION LICENSE – APPLICATION & PROCEDURE**

Home Occupations shall require a permit from the Leavenworth County Planning and Zoning Department. Permit fees shall be subject to the fee schedule as determined by the Board of County Commissioners. Permits shall remain valid unless the conditions of the home occupation permit as set forth in these regulations have not been met. Site plan, floor plan, other required documents (BOCC Resolution 2020-09; March 4, 2020)



## ARTICLE 33 – ACCESSORY DWELLING UNITS

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### Section 1. OVERVIEW

The purpose of allowing Accessory Dwelling Units is to:

1. Allow life-style choices in single-family zoning districts that respond to changing demographics and economic conditions.
2. Respond to the needs of family members with health concerns or disabilities in a manner that is appropriate for people at a variety of stages in their life cycle by providing homeowners with a means of obtaining companionship, security and services.
3. Provide homeowners with the opportunity to use their property to enhance or fulfill personal objectives by allowing more options for the use of accessory buildings.
4. Recognize that homeowners are likely to maintain an owner-occupied residence in a manner that upholds the single-family character of the property. Requiring owner occupancy is intended, therefore, to support and foster housing maintenance and neighborhood stability.

### Section 2. RESTRICTIONS & LIMITATIONS

Accessory dwelling units shall comply with the following:

1. Accessory dwelling units shall only be permitted in rural residential zoning districts.
2. The accessory dwelling unit shall be under the same ownership as the principal dwelling unit.
3. The accessory dwelling unit may not be used for the purpose of long-term or short-term rentals to the general public.
4. The accessory dwelling unit shall be used for residential purposes only and shall not be used for any commercial use.
5. Lots or tracts of land shall be limited to one (1) accessory dwelling unit.
6. The accessory dwelling unit shall be required to have an appropriate onsite waste water system which conforms to the requirements of the Leavenworth County Sanitary Code and any applicable Kansas Department of Health and Environment regulations.
7. The accessory dwelling unit shall have an appropriate potable water source.
8. The accessory dwelling unit shall have appropriate utilities in compliance with County regulations.
9. The accessory dwelling unit shall meet all setback requirements of its respective zoning district.

### Section 2. APPLICATION

Accessory Dwelling Units shall require a permit from the Leavenworth County Planning and Zoning Department. Permit fees shall be subject to the fee schedule as determined by the Board of County Commissioners. Permits shall remain valid unless the conditions of the accessory dwelling unit permit as set forth in these regulations have not been met.

### Section 3. PROCEDURE

Property owners shall submit for review an application for an Accessory Dwelling Unit, along with all applicable supporting documents, including a site plan, to the Planning & Zoning Department. Upon receipt of all required documents, Staff will review the application and when appropriate, issue a permit for the

Accessory Dwelling Unit. The applicant will be required to sign an affidavit stating they agree to the terms and conditions of an Accessory Dwelling Unit. The applicant shall register this affidavit with the Leavenworth County Register of Deeds Office. The affidavit shall be recorded prior to Staff providing the final permit to the applicant.

#### Section 4. TEMPORARY DWELLING UNIT

Temporary Dwelling Units, for the sole purpose of occupancy during construction of a single-family residence, shall be exempt from payment of any Accessory Dwelling Unit fees. The use of a Temporary Dwelling Unit for one year or less shall require authorization through a signed affidavit. The applicant will be required to sign an affidavit stating they agree to the terms and conditions of a Temporary Dwelling Unit. If a temporary dwelling unit is later reverted into an Accessory Dwelling Unit, as defined by these regulations, an appropriate application and payment of all fees shall be required.

## ARTICLE 35 – PRELIMINARY PLAT PROCEDURE AND CONTENT

### **Section 5. GENERAL**

The pre-application and the preliminary procedures are intermediary steps prior to the actual filing of a subdivision for processing as a “final plat” as outlined in Article 40. These two steps do not constitute “submission” as set forth in K.S.A. 12-752.

While the subdivision of land may be denied subject to the Planning Commission’s finding that such subdivision concept does not meet any one requirement set forth in these regulations, the principal reasons for denial are most likely to be:

1. Does not meet Zoning Regulations or not properly zoned.
2. Inadequate service of water or sewerage.
3. Lack of appropriate restraint of storm water runoff or protection from flooding.
4. Streets too steep, lacking continuity or hazardous to public safety.
5. Soils inadequate or lots too steep for development.
6. Destruction of unique natural features.
7. Inadequate right-of-way continuity, grades, site distance, or poor relationship to the Comprehensive Guide Plan pertinent to collector streets, thoroughfares, (arterials) or any street necessary to avoid landlocking abutting property.
8. Not meeting any of the plat subdivision design or improvement requirements for the particular class of subdivision.
9. The applicant refuses to allow the County Planner, Engineer or other officials involved in the review of the plat access to the property for which he/she is requesting approval of such Preliminary Plat.

### **Section 10. CLASSIFICATION OF SUBDIVISION**

1. General: The Comprehensive Plan for Leavenworth County establishes two distinct areas or growth management zones as a tool to better manage such growth and development that is impacting those areas. Any proposed subdivision falling within such areas or zones must meet the requirements as set forth in these regulations.

The boundaries of such areas or growth management zones have been established through the adoption procedures as set forth in the Kansas Statutes, K.S.A. 12-741 et. Seq., for the development and adoption of the Comprehensive Plan. Any change in the boundary of these areas or zones must follow that procedure.

Subdivisions are classified as A, or C and are further defined on the basis of where they are permitted within the growth management zones as follows:

1. Class "A": Any subdivision in which one or more lots lies within the Initial Urban Growth Area of Leavenworth County.
3. Class "C": Any subdivision in which all of the lots lie within the Rural Growth Area of Leavenworth County.

(BOCC Resolution 2023-20; August 2, 2023))

**Section 20. PRE-APPLICATION**

Prior to the filing of the preliminary plat, the subdivider shall contact the Planning Department to determine:

1. Subdivision requirements and class designation of the proposed subdivision.
2. Procedure for plat filing.
3. Comprehensive Plan requirements for major streets, land use, parks, easements, schools and public open spaces.
4. Zoning requirements for the property being subdivided and adjacent properties.
5. Potential problems resulting from the conceptual design of the subdivision as determined from the pre-application sketch.
6. A pre-application conference with the County Engineer and County Planning Department is required prior to the filing of the preliminary plat. The subdivider, design engineer, and surveyor shall attend this conference.

(BOCC Resolution 2023-20; August 2, 2023)

**Section 30. PRELIMINARY PLAT PROCEDURE**

In obtaining final approval of a proposed subdivision by the Planning Commission and County Board, the subdivider shall first submit a preliminary plat in accordance with these procedures.

1. The subdivider shall prepare and submit to the Planning Department two (2) copies, one (1) physical and one (1) digital, of a preliminary plat, to be used for review purposes, at least forty-five (45) days before the Planning Commission meets. [The subdivider shall also provide preliminary road and storm drainage plans, if applicable.](#)  
(BOCC Resolution 2020-012; April 1, 2020)
2. Said plat shall be accompanied by a fee as established by Board Order 1985-8 dated May 13, 1985 (or as amended).
3. The Planning Director shall forthwith refer the digital copy to the County Engineer.
4. Where the preliminary plat is within 660 feet of any incorporated city, the Planning Director shall, at least ten (10) days prior to the Planning Commission meeting, forward a copy of such preliminary plat to the city staff for review and comment.
5. a. The County Engineer shall carefully examine said plat as to its compliance with the regulations of the County and specifically in regards to design and planning issues such as street grades, sight distance, storm drainage, easement locations, etc.

- b. Each department head shall, submit his/her findings to the Planning Department on a timely basis.
6. A hearing on the proposed plat will be held before the Planning Commission at its next regularly scheduled meeting.
7. Following receipt of required or requested reports, the Planning Commission will review the preliminary plat (see Section 50 of this Article).
8. If approved, a notification shall be sent to the subdivider, thus allowing him/her to proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations.
9. The approval of the preliminary plat does not constitute final approval or acceptance of the subdivision by the Board of County Commissioners or authorization to proceed on construction of the improvements within the subdivision, but shall constitute approval of layout and general engineering proposals and plans only.
10. The approval of the preliminary plat shall only be effective for one (1) year, unless an extension is granted by the Planning Commission. If the final plat has not been filed for review and approval within this period, a preliminary plat must again be submitted to the Planning Commission for approval.

(BOCC Resolution 2023-20; August 2, 2023)

**Section 40. PRELIMINARY PLAT CONTENT (all subdivision classes)**

The preliminary plat shall be made to a scale of one-inch equals one hundred feet (1" = 100') or larger, or if the subdivision contains more than one hundred and sixty (160) acres, the plat may be drawn to a scale of one-inch equals two hundred feet (1" = 200'). Unique conditions may allow for lesser scales approved by the Director of Planning. The preliminary plat shall show:

1. Clearly marked "Preliminary Plat".
2. The proposed name of subdivision and, if different, the title under which the subdivision is to be recorded.
3. The name and address of the owner and the name, address and profession of the person preparing the plat. All parts of the plat must be certified according to State Statutes and Administrative Regulations.
4. The date, scale, north point, and a key map showing the general location of the proposed subdivision in relation to surrounding development.
5. The legal description of the area being platted.
6. The boundary line (based on a survey accurately drawn to scale verifying corner pins in place), the dimensions and the location of the property to be platted, the location of section or quarter section lines, the projected control bench mark (identified as to location, elevation, and published datum). The exterior boundary must comply with Kansas Minimum Standards for Boundary Surveys.

(BOCC Resolution 2020-012; April 1, 2020)

7. Contours with intervals of not more than five (5) feet.
8. The names and location of adjacent subdivisions and the names of record owners and the location of adjoining parcels of unplatted land.
9. The location of property lines, streets and alleys, bridges and culverts, easements, public property, buildings, utilities (pipe sizes, manholes, grades, etc.), watercourses, tree masses, ground covers, lakes and other existing features within or adjacent to the proposed subdivision potentially affecting the plan.
10. The zoning classification and existing use and the proposed use of the area being platted.
11. The layout, numbers and approximate dimensions of proposed lots.
12. The location and dimensions of all existing and proposed building lines and easements.
13. The location, width, and dimensions of all streets, alleys, pedestrian ways and grounds proposed to be dedicated for parks, schools, or any public or semi-public use.
14. Proposed names for all streets in the area being platted.
15. Written and signed agreements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement and drainage structures.
16. Written and signed statement from the Environmental Officer of the County Health Department or designee, stating their approval of the type of sewage system to be used or their recommendations.
17. Applicant shall provide written and signed statements from the appropriate officials of subject utilities and public services, as follows;
  - a. availability of gas,
  - b. electricity and
  - c. water to the proposed subdivision.
  - d. fire response
  - e. State and Local transportation review
18. Any restrictions proposed to be included in the owner's declaration of plat, including but not restricted to those listed in the appendix.
19. General layout of adjacent property, to show how streets and other public facilities in the proposed subdivision relate to adjacent subdivided and unsubdivided property.

~~20.— 20. Preliminary Plats shall include the location, width, dimensions, preliminary grade, proposed street name and relationship to the existing street network of all proposed streets. Preliminary road plans and stormwater drainage calculations shall be prepared in accordance with Leavenworth County's Road Construction and Storm~~

~~Water Drainage Checklist, or latest edition approved by the Board of County Commissioners.~~

20. Preliminary Plats shall include horizontal and vertical locations and materials of existing culverts and bridges, horizontal and vertical locations and materials of proposed culverts, bridges and drainage swales & a preliminary grading plan with drainage arrows.

21. A Storm Drainage Report in compliance with the current policy.

(BOCC Resolution 2023-20; August 2, 2023)

**Section 50. APPROVAL OR DISAPPROVAL OF THE PRELIMINARY PLAT (all subdivision classes)**

1. Within sixty (60) days after the first consideration of a preliminary plat, the Planning Commission shall approve, disapprove or, with the approval of the applicant, table the preliminary plat. Action by the Planning Commission shall be conveyed to the subdivider in writing within ten (10) days after the Planning Commission hearing at which the plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet approval of the Planning Commission. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat.
2. If the Planning Commission disapproves or withholds approval of a preliminary plat, the applicant may request that said plat be submitted to the Governing Body, and the Planning Commission shall send the proposed preliminary plat, together with their report, stating the reason or reasons for the action taken. The Governing Body may make such findings and determinations as are deemed proper.
3. The approval of the preliminary plat shall only be effective for a period of one (1) year, unless an extension is granted by the Planning Commission. If the final plat has not been submitted for approval, within this specified period, the preliminary plat must be resubmitted to the Planning Commission for approval.

**Section 60. CONTINUANCE**

Applicants may request the continuance of Planning Commission consideration of an application to a specific date. A maximum of three continuances are allowed. After that time, the Planning Commission shall remove the case from the agenda. Once removed the applicant may re-file a new application at any time.

## ARTICLE 40 – FINAL PLAT PROCEDURE, CONTENT AND ACTION BY THE PLANNING COMMISSION

### Section 10. FINAL PLAT PROCEDURE

1. For final approval, the subdivider shall file with the Planning Department not less than thirty (30) days before the Planning Commissions regularly scheduled meeting:
  - a. Two (2) copies, one (1) physical copy and one (1) digital copy of the final plat.
  - b. ~~One (1) digital copy of the Road and Storm Drainage Plans in compliance with the current policy. A letter from the County Engineer stating the engineering specifics and final improvement plans for the final plat meet the county regulations and are substantially in accord with the preliminary plat as previously approved by the Planning Commission. Letter should also state that a copy of the certified, approved plans, profiles, cross sections (if required) and specifications for the project are on file with the County Engineer.~~
  - c. A performance guaranty or bond, if required (see definition) in an amount and with sureties approved by the County Engineer.
  - d. The County Surveyor shall carefully examine the exterior boundaries of the final plat for compliance with county and state regulations and Kansas Minimum Standards for Boundary Surveys including the signature, seal, and date of the land surveyor preparing the boundary.
  - e. Before the Final Plat is signed, the developer must submit a letter from a title company certifying the owner(s) of record as of the date that the Board of County Commissioners approved the Final Plat. All certified owners must sign the plat. The certification letter must accompany the Plat when it is recorded.
  - f. A copy of the policy verifying title, easements and liens. These documents should be dated no more than thirty (30) days prior to the application date.  
(BOCC Resolution 2020-012; April 1, 2020)
  - g. Two (2) copies, one (1) digital and one (1) print, of three-line profiles of streets to be dedicated, indicating the grades thereon, shall be required by the Planning Commission for plats submitted where street grades are more than five (5) percent.
  - h. Certificate stating that all taxes and encumbrances have been paid shall be submitted with the Final Plat.
  - i. If private restrictions are to be filed affecting the subdivision or any part thereof, two (2) copies, one (1) digital and one (1) print shall be submitted to the Planning Commission with the Final Plat.
2. When the final plat has been passed upon by the Planning Commission, the original copy, furnished by the subdivider, shall be signed by the Chairman and Secretary of the Planning Commission and the County Engineer, and shall be forthwith transmitted to the County Commission with the performance guaranty or bond, if required, and a letter from the Planning Director stating the Planning Commission's approval.



The Governing Body shall accept or refuse dedication of land upon a plat within thirty (30) days of its submission to the Governing Body. The Governing Body may defer action for an additional thirty (30) days for the purpose of allowing for modification to comply with requirements established by the Governing Body.

3. In instances where a performance bond has been required, when the final plat has been approved by the County Board and all conditions of that approval have been met, the performance bond accepted and filed with the County Clerk and the plat duly signed as set forth in Section 20, Item 15, the Planning Director shall release the plat to be recorded by the developer/owner in the office of the Register of Deeds of Leavenworth County, Kansas. The Register of Deeds office shall retain 1 paper original for their use. .
4. Approval by the Board of County Commissioners shall constitute final approval of the subdivision of the area and upon receipt of one (1) paper copy by the subdivider from the Planning Commission office with the appropriate and necessary signatures, the subdivider shall cause such plat to be recorded in the Office of the Register of Deeds of Leavenworth County, Kansas, before the County shall recognize the plat as being in full force and effect. A final plat that has been duly approved by the Board shall be in effect for 1 year from the date of approval. Any approved final plat not filed within that period of time shall be declared void. The approved plat may be extended for one year upon appeal to the Board of County Commissioners.
5. Receipt of the duly certified final plat by the subdivider is authorization that he may proceed with the installation and construction of the required improvements subject to acquisition of appropriate permits.
6. The County Engineer shall return any performance bond or guarantee to the subdivider upon meeting all of the requirements as stipulated in Leavenworth County's Road Construction and Storm Water Drainage Standards, 1994 Edition, or latest edition approved by the Board of County Commissioners.
7. No plat or re-plat or dedication or deed of a street or public way shall be filed with the Register of Deeds, as provided by law, until such plat or re-plat or dedication or deed shall have endorsed on it the fact that it has been submitted and approved by the Planning Commission and by the Governing Body.

(BOCC Resolution 2023-20; August 2, 2023)

**Section 20. FINAL PLAT CONTENT**

The final shall be made to a scale no smaller than one-inch equals two hundred feet (1" = 200') from an accurate survey drawn on a sheet whose overall dimensions are 24" x 36". (A scale of one-inch equals one hundred feet (1" = 100') shall be used if the tract is 1350' in width or less) and shall show:

1. The correct legal description of the property being subdivided.
2. The boundary lines of the area being subdivided with accurate distances and bearings.
3. The lines of all proposed highways, streets and alleys with their width and names.

4. The accurate outline of any portion of the property intended to be dedicated or granted to public use.
5. The lines of departure of one street from another.
6. The lines of all adjoining property and the lines of the adjoining highways, streets and alleys with their widths and names.
7. All lots designated by numbers or letters and streets, avenues and other grounds by names, letters or numbers.
8. The location and widths of building lines of front yards, the location and widths of utility easements for possible future construction, and easements for drainage purposes. Show a note on the plat listing the dimension of side, rear and front setbacks.
9. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and any other areas for public or private use. Linear dimensions are to be given to the nearest 1/100<sup>th</sup> of a foot and bearing to the nearest second of angle. The plat must comply with Kansas Minimum Standards for Boundary Surveys.
10. The radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
11. The location of all survey monuments and benchmarks together with their descriptions. All lot corners must be monumented with a minimum #4 (1/2") rebar 24" long with a survey cap bearing the registration number of the responsible party.
12. The name of the subdivision and the scale of the plat, points of the compass, and the name of the owner or owners or subdividers.
13. When private restrictions and trusteeships are of such lengths as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be on the plat.
14. Acknowledgement of the owner or owners of the plat restrictions including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
15. The following certificates to be signed:
  - a. Acknowledgement of ownership by owner or owners, and statements by a notary public authorized to take acknowledgements of deeds, to the effect, that all previous taxes have been paid and that all highways, streets, alleys and public grounds shown on the plat are dedicated for public use.
  - b. Land Surveyor certifying that he/she has accurately surveyed such subdivision and that said survey has been performed under his/her direct supervision. Month and year of field survey required.

- c. Approval of Planning Commission by the Secretary and Chairman of the Planning Commission.
- d. Approval by the County Engineer, with the following note: 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.
- e. Approval of the County by the Chairman of the Board of County Commissioners and attested by the County Clerk.
- f. By the Register of Deeds, stating the day, month, year, time, book and page that said plat was recorded.
- g. Approval by the County Surveyor, with the following note: "I hereby certify this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

16. True north point, graphic scale and date.

17. All exceptions to and variances from the Zoning & Subdivision Regulations shall be listed on the face of the plat.

(BOCC Resolution 2023-20; August 2, 2023)

**Section 30. PLANNING COMMISSION'S ACTION**

The Planning Commission shall act upon the final plat within sixty (60) days after its first meeting following submission of the final plat, and if the Planning Commission does not ask the subdivider for an extension of this period and no action is taken within this period, then the plat shall be deemed to have been approved by the Planning Commission.

If the Planning Commission feels that it lacks information on which to base the approval of said final plat within the time limitation and no "time waiver" has been provided by the subdivider, the Planning Commission will normally deny said final plat.

## ARTICLE 43 – CROSS ACCESS EASEMENTS

(BOCC Resolution 2020-29; September 2, 2020)

### Section 1. OVERVIEW

The purpose of this policy is to allow an ~~administrative approval~~ procedure for divisions of land to accommodate rural residential development within Leavenworth County where it is not desired by the applicant to build internal roads to County Standards. These developments shall be known as “Cluster Development” and they shall be accompanied by a subdivision plat in accordance with the Leavenworth County Zoning and Subdivision Regulations. These developments should be thoughtfully considered and should give forethought to future development.

### Section 2. PROCEDURES

1. Cross Access Easements shall accompany a request for a subdivision development which shall be known as “Cluster Development.” The subdivision plat shall be subject to the requirements of the zoning district set forth in the Leavenworth County Zoning and Subdivision Regulations.
  - a. Parcels located within a Cluster Development shall be subject to the zoning district requirements for lot area and lot frontage in which the tract of land is located.
  - b. Parcels which are located within a Cluster Development shall be serviced by a “Cross Access Easement.” A Cross Access Easement shall provide access to each lot within a cluster development, but will in no way be considered a public, county-maintained road.
  - c. Lots within Cluster Developments shall be situated so that all lots are accessed by the cross-access easement. ~~Cross access easements shall be a minimum of 60 feet in width.~~ Cross access easements shall be subject to the Leavenworth County Access Management policy requirements for driveway and roadway spacing when servicing three or more parcels. Developments serving two parcels shall only be required to meet the driveway spacing requirements. (BOCC Resolution 2021-18; June 16, 2021)
    - ~~d.~~ e. Cluster Developments shall be limited to eight (8) lots or less.
2. The cross access easement shall be established by separate legal instrument and shall be recorded with the Leavenworth County Register of Deeds. A separate restrictive covenant that encompasses, by legal description, the entire development must be filed in conjunction with the easement. The covenant shall clearly state that maintenance of the cross access easement is the sole responsibility of the developer and/or the future property owners of the properties the CAE provides access to. The covenant shall clearly state the cross access easement is not a public right-of-way and will in no way be maintained by the County.
3. If any portion of the development lies within a FEMA designated regulatory floodplain, or if drainage channel or swales exist on the development that carry runoff from adjacent property, the FEMA designated regulatory floodplain, channel or swale shall be protected by grant of an easement according to the same standards that apply to typical subdivisions. Maintenance of the drainage easement shall be the responsibility of the property owner.

### Section 3. ACCESS AND ROAD STANDARDS

1. A cluster development with an access easement shall have direct access to a fully maintained public road.
2. Only one access point shall be allowed for the entire development.

3. When established as part of a cluster development, the road and drainage plans submitted to County Staff shall be prepared and sealed by an engineer licensed in the State of Kansas. The developer shall provide documentation from the designing engineer stating the Cross Access Easement was built in accordance with the submitted design plans to the County upon completion of the Cross-Access Easement. Building permits shall not be issued until such document has been received. (BOCC Resolution 2021-18; June 16, 2021)
4. There will be no consideration by the County to assume responsibility of the cross access easement until the cross access easement is built to the current County standard in place at the time the request is made to accept the roadway. Any improvements or upgrades will be the sole responsibility of the developer and/or the owners of the properties being accessed by the CAE.
5. Cluster Developments with private drives terminating via cul-de-sac must design the cul-de-sac with a 50 foot diameter.
- 4-6. Cluster Developments with private drives terminating via hammer head or similar turnaround device must design the turnaround with a minimum dimension of 60 feet by 20 feet that meets engineering design standard

#### **Section 4. AMENDMENTS TO THE DEVELOPMENT**

1. Any further division for development purposes is prohibited until an amended Replat is approved by the Governing Body and recorded with the Register of Deeds.

## **ARTICLE 50 – MINIMUM SUBDIVISION DESIGN STANDARDS AND GENERAL REQUIREMENTS**

### **Section 10. MINIMUM SUBDIVISION DESIGN STANDARDS**

Each class of subdivision may require a variance in types of requirements. Care should be taken to utilize the correct requirements.

1. Acreage Subdivisions. Whenever a tract is divided into large lots each containing one or more acres and there are indications that such lots will eventually be re-subdivided into smaller urban sized lots, consideration must be given to the highways, streets, utility easements, and lot arrangement of the original subdivision so that additional streets can be opened which will permit a logical arrangement of smaller lots. Easements providing for future opening and extension of such streets may, at the discretion of the Planning Commission, be made a requirement of the plat.

The preferred subdivision design will be to plat the ultimate lot size and then group lots as indicated in the following example. Such groupings must be sufficient to meet sewage disposal or water supply, or any other code or Comprehensive Plan requirement adopted for the unincorporated portion of the County.

(BOCC Resolution 2023-20; August 2, 2023)

### **Section 20. UTILITY REQUIREMENTS**

In all classes of subdivisions, the required area of the lots will be determined by the method of treatment or disposal of wastewater. The determination of whether or not an approved public sanitary sewer system and an approved water system are available in sufficient size and capacity to serve the subdivision shall be made in the following manner.

1. All applications shall be submitted with a written report from the water department or district in which the subdivision is located on the availability of water to the proposed subdivision. The report from a rural water district shall be signed by the Board of Directors and its engineer. The report from a public water supply system shall be signed by its administrative official and engineer.
2. If the water supply is not from a rural water district or a public water supply system, a performance bond or guaranty shall be filed with the applicable rural water district sufficient to secure that the water system will be constructed in accordance with these regulations.
3. A copy of the preliminary plat shall be sent to the County Sewer District Administrator for a written report on the availability of an approved public sanitary sewer system.
4. Private sewage disposal systems will be allowed in subdivisions where all the lots are greater than 1 acre subject to the following procedure. The plat shall be reviewed by the Planning Department for compliance with the Leavenworth County Sanitary Code. A licensed sanitarian or engineer shall provide evidence that the soils within the platted area will safely handle private wastewater disposal systems or a notation stating that engineered septic systems may be required due to soil conditions.

(BOCC Resolution 2023-20; August 2, 2023)

**Section 30. OTHER REQUIREMENTS**

The following particular requirements are hereby made of each of the classes of subdivisions:

1. Class "A" Subdivisions:

All class "A" Subdivisions shall be served by an approved public sewage system and an approved public water system and shall be subject to Section 40 Minimum Design Standards. The subdivider may request a waiver of the requirement for an approved public sewage system pursuant to Article 30, Section 30.4 of these regulations.

2. Class "C" Subdivisions:

All class "C" Subdivisions shall be served by an approved public sewage system and an approved public water system, or a private water well if the requirements of the sanitary code are met, and shall be subject to Section 40 Minimum Design Standards. The subdivider may request a waiver of the requirement for an approved public sewage system pursuant to Article 50, Section 30.3. of these regulations.

3. Waiver of Requirement for Approved Sanitary Sewage System.

- a. A subdivider may request that the Planning Commission consider the granting of a waiver to the requirement that a subdivision be served by an approved sanitary sewage system, and be served by individual private sewage disposal systems.
- b. A request for a waiver may be granted in such case, upon a finding by the Planning Commission that all of the following conditions have been met:
  - 1) That the reason or reasons given for the waiver is not created by an action or actions of the property owner or the subdivider;
  - 2) That the strict application of this requirement for which a waiver is sought would constitute unnecessary hardship upon the owner or subdivider. Unnecessary hardship shall not mean that the cost of providing for private sewage disposal systems is less costly than for a public sewage system unless the cost/benefit ratio exceeds 2:1. Unnecessary hardship shall specifically exclude the reason or reasons given for the waiver which are determined to be for the convenience of the owner or subdivider;
  - 3) That the granting of the waiver will not adversely affect the rights of adjacent property owners or residents;
  - 4) That the waiver requested will not adversely affect the public health or safety;
  - 5) That the waiver requested will not be opposed to the general spirit and intent of the subdivision regulations, zoning regulations and sanitary code.

(BOCC Resolution 2023-20; August 2, 2023)

**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.
- b. The minimum lot depth shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code.
- c. The minimum lot area shall conform to the appropriate requirements of the Leavenworth County Zoning Regulations and the Sanitary Code.

- d. 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)

- e. 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.
- f. Every lot shall abut on a street other than an alley.
- g. 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.
- h. 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.
- i. 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, permanent easements of not less than ten (10) feet in width shall be provided on all 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 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> (inches)	<u>Minimum Gauge of Pipe</u>	
	<u>Steel</u>	<u>Aluminum</u>
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

**Section 50. SENSITIVE LAND DEVELOPMENT**

The Planning Commission will review any proposal for development of areas considered to be sensitive lands in the Comprehensive Guide Plan with concern for all potential on and off-site impacts. It shall be the obligation of the owner/developer to provide sufficient data to the Planning Commission to show that the negative impacts such as flooding, erosion, removal of woodlands, etc. can be eliminated or limited to an acceptable level. Notwithstanding any of the provisions of these Regulations, the following requirements shall constitute the Minimum Standards of Design, and improvements in specific areas of the proposed subdivision containing hills or steep slope conditions (grades or slopes in excess of ten (10) percent. Any variation from Article 50 must be fully substantiated by satisfactory engineering justification before deviations will be approved by the Planning Commission. The subdivider shall follow all requirements contained herein for filing Preliminary and Final Plats.

1. Lot Size and Arrangement:

- a. Any portion of a proposed residential subdivision containing hillsides or steep slopes shall be platted on the basis of lot sizes in the Chart "Lot Area on Sloping Ground" in the appendix. (Drawing No. 10)
- b. The Planning Commission may permit a deviation in the front yard setback areas in order to permit garages and driveways to be placed at street level. Where excessively steep slope lots are to be used as building sites, the subdivider shall show on the plat the location of all buildings or structures proposed. No structure or building shall be permitted to project into a street right-of-way and developer will provide a minimum of twenty-five (25) feet set back from the back of curb.

2. Streets:

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. Grading Plan:

Contour lines of five (5) foot intervals shall be shown on the plat where the average slopes exceed six (6) percent. Where slopes in excess of fifteen (15) percent occur, the Preliminary Plat shall indicate the general location and magnitude of all cuts and fills.

A grading plan shall be submitted with the Preliminary Plat showing how the proposed grading will affect the drainage of the surrounding area and the nature of the improvements which are proposed, if the average slope of the hillside subdivision is in excess of twenty-five (25) percent.

4. Cuts and Fills

- a. Cuts, excavation, grading and filling, where same materially changes the site and its relationship to the surrounding property, shall not be permitted if such excavation, grading or filling results in slopes exceeding County standards for abutting lots or between adjoining tracts of land, except where adequate engineering facilities are constructed to prevent slides and erosion.
- b. Where a cut or fill area is outside the normal right-of-way of the street, an easement shall be provided of sufficient width and area to permit the required side slopes, drainage channels, warping and rounding of cross-sections to be constructed and maintained.
- c. Structures or buildings when located near cuts or fills shall have a setback line of not less than ten (10) feet from the crest of the fills up to twenty-five (25) feet in height and the distance will be increased proportionately for higher fills. On cuts, a building or structure shall have a setback line of not less than twenty (20) feet distance from the base of the slope.
- d. In any fill area, satisfactory compaction of fill is mandatory. Compaction of a lesser density, as determined by the Planning Commission may be permitted in those areas where no building or structure is to be placed.

5. Storm Water Drainage System

The improvement plans for an adequate storm water drainage system including all necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, and other necessary structures and improvements which are required for the proper drainage of all surface waters shall be provided. This system must prevent the infiltration of water in areas of cuts and fills thereby causing the land to slip or collapse. Adequate provision and maintenance must be made for on-lot drainage channels and control of erosion on slope areas for either cuts or fills.

6. Water Supply System

Where applicable, the improvement plans for the water supply system installation shall be approved by local officials and the Governing Body prior to the submission of the Final Plat.

7. Sewage Disposal System

The improvement plans for the sewage disposal system installation shall be approved by local officials and the Governing Body prior to the submission of the Final Plat.

8. Utility Easements

Utility easements will be as required.

9. Utility Connections

Connection between storm water drainage systems and sewage disposal systems will not be permitted.

10. Fire Hydrants

- a. Fire hydrants shall be provided by the developer and such fire hydrants shall be located on six (6) inch water lines in residential areas and eight (8) inch water lines in commercial areas. Fire hydrants shall be placed at or near street intersections and at intermediate points so that there shall be no more than five hundred (500) feet between hydrants in residential areas and three hundred (300) feet in commercial areas. Fire hydrants shall conform to American Water Works Association (AWWA) C502 and shall be traffic models with breakaway flanges. They shall have one 4 and ½ inch NST connection and two 2 and ½ inch NST connections, and shall be furnished with auxiliary gate valves.
- b. Fire hydrants shall be color coded as identified thru NFPA 291 Marking of Fire Hydrants as follows:

Red top	Rated capacity of less than 500 gpm (gallons per minute)
Orange top	Rated capacity of 500 - 999 gpm
Green top	Rated capacity of 1,000 – 1,400 gpm
Light blue top	Rated capacity of 1,500 gpm or more
- c. For subdivisions with lots of 2.5 acres, or greater, adequate easement shall be dedicated so as to allow and provide for the installation of fire hydrants and necessary water lines and appurtenances. Upon written notice by the water service provider that existing water service is adequate to allow for the installation of fire hydrants, the installation of hydrants and necessary water lines and appurtenances shall be required as part of the approval of the subdivision plat. In the event that existing water service is not adequate to allow for the installation of fire hydrants and necessary water lines and appurtenances, as so stated by the water service provider, the Planning Commission shall provide for fire hydrants as follows:
  - 1) If the water service provider shall state, in writing, that it plans to provide such necessary water service to the proposed subdivision area so as to allow for the installation of fire hydrants and necessary water lines and appurtenances not later than 6 years from the time of the consideration of the plat, the Planning Commission shall require the installation of fire hydrants prior to the time when adequate water service to the subdivision area exists, provided that the water service provider does not object to such installation.
  - 2) If the water service provider objects to the installation of fire hydrants prior to the time that adequate water service to the subdivision area is available, and service to the area is planned not later than 6 years from the time of the consideration of the plat, the planning commission shall require that sufficient financial assurance be given so as to provide for the installation of fire hydrants at such time that adequate water service is made available.

Notwithstanding any other provision of these regulations, should financial assurance be given for the installation of fire hydrants as part of the consideration of any subdivision plat, and water service adequate to allow for the installation of fire hydrants not be made available within 6 years of the giving of such assurance, as so determined by the water service provided, such assurance shall be deemed to have been released and if appropriate a refund of any such assurance shall be made to the party giving the assurance.

**Section 60. DEDICATION OR RESERVATION OF PUBLIC SITES & OPEN SPACES**

In subdividing land, due consideration shall be given by the subdivider to the dedication or reservation of sites for school, parks, playgrounds, or other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform with the recommendations in the approved Comprehensive Plan and to the recommendations of the Board of Education. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that they may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. A written statement from the Board of Education shall be submitted by the subdivider indicating whether or not a school site in the proposed subdivision is desired.

## ARTICLE 60 – MISCELLANEOUS PROVISIONS

### **Section 10. BUILDING AND ZONING PERMITS**

After the date of the adoption of these subdivision regulations by the Planning Commission and Governing Body, no building permit or zoning permit shall be issued for any structure that is located upon a lot in an area that has not been subdivided ~~in an approved process or by a County department, unless approved in the manner as provided for in these subdivision regulations.~~ This shall not apply to subdivisions or lots of record that were platted prior to the adoption of this subdivision regulation.

Applications for building permits must be approved or rejected within seven (7) days of their submittal. Appeals on the rejection of a building permit application by the Administrative Officer may be made to the Governing Body and shall be made in writing within ten (10) days of such rejection.

### **Section 20. DEVELOPMENT PLANS**~~Repealed.~~

~~Development Plans shall be required as a submittal of a zoning amendment application when the request is for a residential zoning district with a ~~minimum~~maximum lot size ~~less than~~of 2.5 acres, a commercial or industrial zoning district or as requested by the Planning & Zoning Director.~~

~~Development Plans shall be submitted via ~~three~~one (3) paper copies and one (1) digital copy. The Development Plan shall contain ~~but not limited to~~ the following information:~~

- ~~1. North arrow and scale~~
- ~~2. With regard to the subject property only:~~
  - ~~a. Existing topography with contours at five-foot intervals, and delineating any land areas within the 100-year flood plain;~~
  - ~~b. Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public streets and easements;~~
  - ~~c. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas and other elements of the plan; and~~
  - ~~d. General extent and character of any proposed landscaping.~~
- ~~3. With regard to areas within 1000 feet of the subject property:~~
  - ~~a. Any public street which are of record;~~
  - ~~b. Any drives which exist or which are proposed to the degree that they appear on plans on file with the County;~~
  - ~~c. Any building which exists or which are proposed to the degree that their location and size are shown on plans on file with the County. Single- and Two-family residential buildings may be shown in approximate location and general size and shape; and~~
  - ~~d. The location and size of any drainage structures, such as culverts, paved or earthen ditches or storm water sewer and inlets.~~
- ~~4. Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the plan, a separate sketch shall be prepared for each type. These sketches shall include elevation drawings, but detailed drawings and perspectives are not required.~~
- ~~5. A schedule shall be included indicating total floor area, land area, parking spaces and other quantities relative to the submitted plan in order that compliance with requirements of this section can be met.~~



6. Name and address of landowner.
  7. Name and address of architect, landscape architect, planner, engineer, surveyor or other person involved in the preparation of the plan
  8. Date of preparation of the plan
  9. The following information shall be submitted in support of the application for the development plan approval:
    - a. All studies as may reasonably be required
    - b. Assurances of adequate public facilities, as may be required.
- ~~(BOCC Resolution 2023-20; August 2, 2023)~~

**Section 30. Repealed.**  
(BOCC Resolution 2023-20; August 2, 2023)