

We encourage everyone to view the meeting live via YouTube.

*Leavenworth County*  
*Board of County Commissioners*

*Regular Meeting Agenda*  
300 Walnut Street, Suite 225  
Leavenworth, KS 66048  
January 25, 2023  
9:00 a.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE
- III. ROLL CALL
- IV. PUBLIC COMMENT: Public Comment shall be limited to 15 minutes at the beginning of each meeting for agenda items **only** and limited to three minutes per person. Comments at the end of the meeting shall be open to any topic of general interest to the Board of County Commissioners and limited to five minutes per person. There should be no expectation of interaction by the Commission during this time.  
  
Anyone wishing to make comments either on items on the agenda or not are encouraged to provide their comments in writing no later than 8:00 AM the Monday immediately preceding the meeting. These comments will be included in the agenda packet for everyone to access and review. This allows the Commission to have time to fully consider input and request follow up if needed prior to the meeting.
- V. ADMINISTRATIVE BUSINESS:
- VI. CONSENT AGENDA: The items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, it will be removed from the Consent Agenda and considered separately.
  - a) Approval of the minutes of the meeting of January 18, 2023
  - b) Approval of the minutes of the work session of January 18, 2023

- c) Approval of the minutes of the work session of January 19, 2023
- d) Approval of the schedule for the week January 30, 2023
- e) Approval of the check register
- f) Approve and sign the OCB's
- g) Approve Case # DEV-22-148/149 Preliminary and Final Plat for CABO-1880 LLC
- h) Approve Case # DEV-22-159/160 Preliminary and Final Plat for Dusty Rhodes Acres
- i) Approve Case # DEV-22-171 Replat Prairie Hills 2<sup>nd</sup> replat
- j) Approve Case # DEV-22-145 Preliminary and Final Plat for J & A Farms
- k) Approve the re-appointment of Doug Schimke to the Leavenworth County Port Authority Board

VII. FORMAL BOARD ACTION:

- a) Consider a motion to approve and authorize the chairperson to sign the Clinical Agreement with St. Mary's University as presented.

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

- a) Quarterly reports
  - Information Systems
  - EMS/Health Department
  - Planning and Zoning
  - Economic Development

IX. ADDITIONAL PUBLIC COMMENT IF NEEDED

X. ADJOURNMENT

# **WORK SESSION TO DISCUSS TRACT SPLITS**

# LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

## Monday, January 23, 2023

## Tuesday, January 24, 2023

8:00 a.m. Workforce Partnership meeting

12:00 p.m. MARC meeting

## Wednesday, January 25, 2023

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

1:00 p.m. Local Government Day  
• The Beacon, 420 SW 9<sup>th</sup> Ave., Topeka KS

## Thursday, January 26, 2023

1:00 p.m. Juvenile Advisory Board  
• Atchison Community Corrections, 729 Kansas Ave, Atchison, KS

## Friday, January 27, 2023

5:00 p.m. Leavenworth/Lansing Chamber of Commerce Annual Banquet  
• Riverfront Community Center, 123 S. Esplanade, Leavenworth KS

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

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



\*\*\*\*\*January 18, 2023 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, January 18, 2023. Commissioner Kaaz, Commissioner Doug Smith, Commissioner Mike Smith, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Amy Allison, Planning and Zoning Deputy Director; Bill Noll, Infrastructure and Construction Services; Connie Harmon, Council on Aging Director; Andrew Holder, Legal Counselor; John Richmeier, Leavenworth Times

Residents: Julie and Kenny Eastburn, Kara Lugenbill-Smith, Kyle Smith, Sharon Wagner, Karen Crook, Shawn and Christy Britz, Wes Baker, John Matthews, Eric McMillin, Greg List, Donna Crook-Rogers, John Wagner, Lloyd Crook, Howard Crook

**PUBLIC COMMENT:**

Julie Eastburn, Kara Lugenbill-Smith, Kyle Smith, Sharon Wagner and Karen Crook commented on an agenda item.

**ADMINISTRATIVE BUSINESS:**

Commissioner Kaaz reported there will be a vacancy on the NEK-CAP Board indicating they would like a Commissioner to serve on that Board.

***A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith that Commissioner Kaaz be reappointed.***

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

Commissioner Stieben read a report on year to date housing.

Mark Loughry reported Senator Roger Marshall's office sent County employees who have work anniversaries in January each a letter of recognition.

Commissioner Doug Smith recognized Wilbur Grisham who was involved with starting the fire department in Basehor as celebrating his 100<sup>th</sup> birthday.

Commissioner Doug Smith inquired if a work session is needed on public comment in light of the change in Johnson County and the YouTube policies.

Staff will review the YouTube policies and report back to the Board.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, January 18, 2023 as presented.***

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

An employment agreement was presented for the County Administrator.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve the employment agreement with the County Administrator.***

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

Bill Noll requested approval of a subdivision roadway inspection policy.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben to approve the subdivision roadway inspection policy.***

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

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben that this Board recess for a closed executive meeting for the discussion of litigation involving the legal interests of the County as justified by K.S.A. 75-4319(B)(2) for consultation with legal counsel for the Board which would be deemed privileged in the attorney-client relationship and that Board resume open meeting at 10:05 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Mike Smith, Doug Smith and Commissioner Stieben, Senior County Counselor David Van Parys, County Administrator Mark Loughry and Legal Counsel Andrew Holder.***

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

The Board returned to regular session at 10:05 a.m. No action was taken and no decisions were made. The subject was limited to the legal interests of the County.

A Memorandum of Understanding with Flat Lands Excavating was presented.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve a memorandum of understanding presented by legal counsel addressing issues and setting out conditions regarding the operation of a landfill in Easton, Kansas by Flat Land Excavating.***

***Motion passed, 3-2, Commissioners Stieben and Culbertson voting nay.***

A settlement agreement and mutual release with Flat Lands Excavating was presented.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve a settlement agreement and mutual release as presented by legal counsel resolving and leading to the dismissal of an action currently pending in the U.S. District Court involving Flat Land Excavating and Leavenworth County.***

***Motion passed, 3-2 Commissioners Stieben and Culbertson voting nay.***

Connie Harmon presented the quarterly report for Council on Aging.

Mr. Noll presented the quarterly report for Public Works.

Commissioner Mike Smith will meet with the Mayor of Lansing and will attend the LCDC luncheon along with other Commissioners on Friday.

Commissioner Doug Smith attended the Basehor City Council meeting and attended the MLK celebration in Leavenworth.

Commissioner Stieben attend a town hall meeting in Linwood. He will also attend a meeting today regarding the battery plant and an Elephant Club meeting in Basehor.

Commissioner Culbertson met with Representative Johnson, Buehlar and Senator Tyson about Senate Bill 13 and LAVTR funds. He will also speak at the League of Women Voter's at the Leavenworth Public Library on Saturday.

Commissioner Kaaz attended two MLK celebrations and met with Representative Davids at the KCATA meeting. She attended the Port Authority meeting via Zoom and the Leavenworth City Commission meeting.

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

*Motion passed, 5-0.*

The Board adjourned at 10:52 a.m.

Draft

\*\*\*\*\*January 18, 2023 \*\*\*\*\*

The Board of County Commissioners met in a work session on Wednesday, January 18, 2023. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Amy Allison, Planning and Zoning Deputy Director

Members of the Planning Commission: Jeff Spink, Robert Owens, William Gottschalk, Wolf Schmidt, Alan Stork, Jaden Bailey and Doug Tystad

The Board held a joint work session with the Planning Commission to review the Comprehensive Plan and discuss special use permits and zoning.

The Board ended the work session at 12:06 p.m.

\*\*\*\*\*January 19, 2023 \*\*\*\*\*

The Board of County Commissioners met in a work session on Thursday, January 19, 2023. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Tom Cole, Economic Development Administrator; John Richmeier, Leavenworth Times

Members of the Leavenworth County Port Authority Board: Dirck Hoagland and Doug Schimke

The Board held a work session with County appointed members of the Leavenworth County Port Authority Board.

The Board ended the work session at 10:12 a.m.

DRAFT

# **LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE**

**Monday, January 30, 2023**

**Tuesday, January 31, 2023**

**Wednesday, February 1, 2023**

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

**Thursday, February 2, 2023**

**Friday, February 3, 2023**

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

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



START DATE: 01/14/2023 END DATE: 01/20/2023

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#						
2410	FIRST CALL INC	FIRST CALL INC	332446	101823 AP	01/20/2023	3-001-5-13-211	INV 15346 DEC TRANSPORTS		150.00	
2410	FIRST CALL INC	FIRST CALL INC	332446	101823 AP	01/20/2023	3-001-5-13-211	INV 15346 DEC TRANSPORTS		150.00	
2410	FIRST CALL INC	FIRST CALL INC	332446	101823 AP	01/20/2023	3-001-5-13-211	INV 15346 DEC TRANSPORTS		150.00	
2410	FIRST CALL INC	FIRST CALL INC	332446	101823 AP	01/20/2023	3-001-5-13-211	INV 15346 DEC TRANSPORTS		150.00	
2410	FIRST CALL INC	FIRST CALL INC	332446	101823 AP	01/20/2023	3-001-5-13-211	INV 15346 DEC TRANSPORTS		115.00	
2410	FIRST CALL INC	FIRST CALL INC	332446	101823 AP	01/20/2023	3-001-5-13-211	INV 15346 DEC TRANSPORTS		500.00	
							*** VENDOR	2410 TOTAL		5,665.00
605	FLEET HOSTER	FLEET HOSTER LLC	332447	101824 AP	01/20/2023	3-001-5-06-222	JANUARY CAM SERVICE		39.90	
605	FLEET HOSTER	FLEET HOSTER LLC	332447	101824 AP	01/20/2023	3-001-5-11-253	JANUARY CAM SERVICE		19.95	
605	FLEET HOSTER	FLEET HOSTER LLC	332447	101824 AP	01/20/2023	3-001-5-31-230	JANUARY CAM SERVICE		59.85	
605	FLEET HOSTER	FLEET HOSTER LLC	332447	101824 AP	01/20/2023	3-001-5-41-271	JANUARY CAM SERVICE		140.00	
605	FLEET HOSTER	FLEET HOSTER LLC	332447	101824 AP	01/20/2023	3-001-5-53-220	JANUARY CAM SERVICE		159.60	
							*** VENDOR	605 TOTAL		419.30
656	FLOYD, JAMES	JAMES ANTWONE FLOYD	332448	101825 AP	01/20/2023	3-001-5-09-231	COURT APPOINTED ATTORNEY (CONF		3,000.00	
81	FULLER G	GARY L FULLER ATTY	332449	101826 AP	01/20/2023	3-001-5-09-231	COURT APPOINTED ATTORNEY (CONF		562.50	
16080	GT DISTRIBUTORS	GT DISTRIBUTORS	332450	101827 AP	01/20/2023	3-001-5-07-353	009074 5 QUICKLOCK SYSTEMS		168.75	
6015	GUERRA, JOSE	JOSE GUERRA	332451	101828 AP	01/20/2023	3-001-5-11-202	PER DIEM, REIMB NDAA CONF PALM		190.00	
6015	GUERRA, JOSE	JOSE GUERRA	332451	101828 AP	01/20/2023	3-001-5-11-202	PER DIEM, REIMB NDAA CONF PALM		579.46	
6015	GUERRA, JOSE	JOSE GUERRA	332451	101828 AP	01/20/2023	3-001-5-11-202	PER DIEM, REIMB NDAA CONF PALM		672.64	
							*** VENDOR	6015 TOTAL		1,442.10
1941	HALLEY	LAW OFFICE OF E ELAINE HALLEY	332452	101829 AP	01/20/2023	3-001-5-09-231	COURT APPOINTED ATTORNEY		3,000.00	
99	JUROR									

warrants by vendor



START DATE: 01/14/2023 END DATE: 01/20/2023

TYPES OF CHECKS SELECTED: \* ALL TYPES

		P.O.NUMBER	CHECK#							
99	JUROR									
							*** VENDOR	99 TOTAL		1,854.35
6636	KANSAS GAS	KANSAS GAS SERVICE	332495	101872 AP	01/20/2023	3-001-5-05-215	510614745 2015657 27 GAS TRANS		246.02	
30	KOHL FRANK	FRANK E KOHL	332499	101876 AP	01/20/2023	3-001-5-09-231	CONFLICT COURT APPOINTED ATTOR		2,722.50	
1842	KONE INC	KONE INC	332500	101877 AP	01/20/2023	3-001-5-31-220	N40131062 MONTHLY ELEVATOR MAI		129.86	
1842	KONE INC	KONE INC	332500	101877 AP	01/20/2023	3-001-5-32-262	N40131062 MONTHLY ELEVATOR MAI		519.46	
1842	KONE INC	KONE INC	332500	101877 AP	01/20/2023	3-001-5-33-262	N40131062 MONTHLY ELEVATOR MAI		1,179.86	
							*** VENDOR	1842 TOTAL		1,829.18
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS		258.43	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS		124.80	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS		63.26	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS		330.80	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS		190.38	

warrants by vendor

START DATE: 01/14/2023 END DATE: 01/20/2023

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#					
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS	189.78	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS	63.26	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS	661.60	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS	63.26	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS	165.40	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS	330.80	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS	63.26	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS	165.40	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	332502	101879 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILLS	63.26	
							*** VENDOR		1629 TOTAL
									2,733.69
220	LEAV CO EX	LEAVENWORTH COUNTY EXTENSION	332503	101880 AP	01/20/2023	3-001-5-25-220	1ST QUARTER PER LVCO 2023 BUDG	66,259.00	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	332504	101881 AP	01/20/2023	3-001-5-19-301	DIST CT CLERK OFFICE SUPPLIES	48.54	
537	LEAV TIMES	CHERRYROAD MEDIA INC	332505	101882 AP	01/20/2023	3-001-5-06-218	21250 PUBLIC NOTICES/RESOLUTIO	23.57	
537	LEAV TIMES	CHERRYROAD MEDIA INC	332505	101882 AP	01/20/2023	3-001-5-06-218	21250 PUBLIC NOTICES/RESOLUTIO	19.57	
537	LEAV TIMES	CHERRYROAD MEDIA INC	332505	101882 AP	01/20/2023	3-001-5-06-218	21250 PUBLIC NOTICES/RESOLUTIO	16.38	
537	LEAV TIMES	CHERRYROAD MEDIA INC	332505	101882 AP	01/20/2023	3-001-5-06-218	21250 PUBLIC NOTICES/RESOLUTIO	13.98	
							*** VENDOR		537 TOTAL
									73.50
9021	LIVEVIEWGPS INC	LIVEVIEWGPS INC	332393	101799 AP	01/17/2023	2-001-5-07-208	REPL CK 100750 12-MO SUB CUST	479.40	
9021	LIVEVIEWGPS INC	LIVEVIEWGPS INC	332393	101799 AP	01/17/2023	2-001-5-07-208	REPL CK 100750 12-MO SUB CUST	479.40	
							*** VENDOR		9021 TOTAL
									958.80
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	332507	101884 AP	01/20/2023	3-001-5-01-201	OPK595_K MONTHLY COPIER USAGE	183.05	
1962	MOTOROLA	MOTOROLA	332400	101805 AP	01/18/2023	3-001-5-07-265	1000301747 ANNUAL MAINT TO 12.	93,500.00	
6539	MTI SECURITY	A&M SECURITY SOLUTIONS INC	332401	101806 AP	01/18/2023	3-001-5-31-290	2363 MONITORING TO 12/31/23 X5	600.00	
6539	MTI SECURITY	A&M SECURITY SOLUTIONS INC	332401	101806 AP	01/18/2023	3-001-5-31-297	2363 MONITORING TO 12/31/23 X5	720.00	
							*** VENDOR		6539 TOTAL
									1,320.00
102	PROFESSIONAL SERVICE	UNIVERSITY OF KANSAS HOSP AUTH	332512	101889 AP	01/20/2023	3-001-5-07-219	INMATE MEDICAL BILL - MEDICATE	43,253.75	
7098	QUILL CORP	QUILL CORP	332513	101890 AP	01/20/2023	3-001-5-01-301	6310540 BOCC SUPPLIES	6.35	
103	RESTITUTIO								
							*** VENDOR		103 TOTAL
									220.00
6148	SHERIFF	LEAV CO SHERIFF DEPT	332519	101896 AP	01/20/2023	3-001-5-11-503	LAW ENFORCEMENT FEES	100.00	
6148	SHERIFF	LEAV CO SHERIFF DEPT	332519	101896 AP	01/20/2023	3-001-5-11-503	LAW ENFORCEMENT FEES	100.00	
							*** VENDOR		6148 TOTAL
									200.00
915	SMITHEREEN PEST MANA	SMITHEREEN PEST MANAGEMENT	332403	101808 AP	01/18/2023	3-001-5-31-212	204513 PEST CONTROL JANUAYR 20	590.00	
915	SMITHEREEN PEST MANA	SMITHEREEN PEST MANAGEMENT	332403	101808 AP	01/18/2023	3-001-5-32-211	204513 PEST CONTROL JANUAYR 20	85.00	
							*** VENDOR		915 TOTAL
									675.00
1980	STATE OF KANSAS	STATE OF KANSAS	332404	101809 AP	01/18/2023	3-001-5-07-202	SAFE&SECURE SCHOOLS CONF	75.00	
261	TELEFLEX	TELEFLEX FUNDING LLC	332520	101897 AP	01/20/2023	3-001-5-05-381	1239536 EMS EZ-IO NEEDLES	562.50	
829	THOMSON REUTERS	THOMSON REUTERS - WEST	332521	101898 AP	01/20/2023	3-001-5-09-307	ACCT 1000090351 KS R&P FED/STA	530.00	
829	THOMSON REUTERS	THOMSON REUTERS - WEST	332521	101898 AP	01/20/2023	3-001-5-11-210	ACCT 100059017 WEST INFORMATIO	835.06	
							*** VENDOR		829 TOTAL
									1,365.06
41	UNDERGROUN	UNDERGROUND VAULTS & STORAGE	332523	101900 AP	01/20/2023	3-001-5-19-214	100492 FILE RETRIEVAL	8.00	
2	WATER DEPT	WATER DEPT	332524	101901 AP	01/20/2023	3-001-5-05-215	WATER SVC EMS 9103	55.29	
							TOTAL FUND 001		289,027.49
2518	KANSAS INK AND THREA	KANSAS INK & THREAD LLC	332496	101873 AP	01/20/2023	3-104-5-00-212	8260791 POLOS & JACKET FOR CO	1,346.95	
2666	MISC REIMBURSEMENTS	NANCY THEIS	332508	101885 AP	01/20/2023	3-104-5-00-212	REIM SUPPLIES	38.38	
2666	MISC REIMBURSEMENTS	NANCY THEIS	332508	101885 AP	01/20/2023	3-104-5-00-301	REIM SUPPLIES	68.84	
							*** VENDOR		2666 TOTAL
									107.22
							TOTAL FUND 104		1,454.17
6605	KS ASSON OF LOCAL HE	KANSAS ASSN OF LOCAL HEALTH DE	332501	101878 AP	01/20/2023	3-108-5-00-203	2023 DUES	1,331.84	

warrants by vendor

START DATE: 01/14/2023 END DATE: 01/20/2023

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#					
6539	MTI SECURITY	A&M SECURITY SOLUTIONS INC	332510	101887 AP	01/20/2023	3-108-5-00-219	HEALTH DEPT SECURITY MONITORIN	60.00	
12204	PROPIO LANGUAGE	PROPIO LANGUAGE SERVICES LLC	332402	101807 AP	01/18/2023	3-108-5-00-606	WIC MONTHLY TELEPHONE INTERPRE	25.00	
								TOTAL FUND 108	1,416.84
24545	CDW GOVERN	CDW GOVERNMENT INC	332437	101814 AP	01/20/2023	3-115-5-00-409	3773122 NETWORK ADAPTER, ADAPT	265.82	
24545	CDW GOVERN	CDW GOVERNMENT INC	332437	101814 AP	01/20/2023	3-115-5-00-409	3773122 NETWORK ADAPTER, ADAPT	162.92	
								*** VENDOR 24545 TOTAL	428.74
								TOTAL FUND 115	428.74
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	332525	47	01/20/2023	3-126-5-00-221	516725A FBN4648212 JANUARY VEH	142.32	
605	FLEET HOSTER	FLEET HOSTER LLC	332447	101824 AP	01/20/2023	3-126-5-00-221	JANUARY CAM SERVICE	20.00	
								TOTAL FUND 126	162.32
5637	CLEARWATER ENTERPRIS	CLEARWATER ENTERPRISES,LLC	332439	101816 AP	01/20/2023	3-133-5-00-304	1-11 20642-5600012212 GAS SER	593.90	
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	332525	47	01/20/2023	3-133-5-00-229	516725A FBN4648212 JANUARY VEH	5,436.36	
86	EVERGY	EVERGY KANSAS CENTRAL INC	332444	101821 AP	01/20/2023	3-133-5-00-251	1-36 ELEC SVC CO SHOP ET AL	1,110.38	
86	EVERGY	EVERGY KANSAS CENTRAL INC	332444	101821 AP	01/20/2023	3-133-5-00-251	1-36 ELEC SVC CO SHOP ET AL	925.04	
86	EVERGY	EVERGY KANSAS CENTRAL INC	332444	101821 AP	01/20/2023	3-133-5-00-251	1-36 ELEC SVC CO SHOP ET AL	23.16	
86	EVERGY	EVERGY KANSAS CENTRAL INC	332444	101821 AP	01/20/2023	3-133-5-00-251	1-36 ELEC SVC CO SHOP ET AL	475.40	
								*** VENDOR 86 TOTAL	2,533.98
605	FLEET HOSTER	FLEET HOSTER LLC	332447	101824 AP	01/20/2023	3-133-5-00-229	JANUARY CAM SERVICE	1,057.46	
19	KANSAS TUR	KANSAS TURNPIKE AUTHORITY	332497	101874 AP	01/20/2023	3-133-5-00-201	1-20 KTA TOLL STATEMENT B2945	15.00	
8466	KDHE PERMITS	KDHE-BUREAU OF WATER	332498	101875 AP	01/20/2023	3-133-5-00-209	1-19 WASTEWATER PERMIT - TONGI	60.00	
461	LEAV CO CO	LEAV CO COOP	332399	101804 AP	01/18/2023	2-133-5-00-304	12-59 AFD DYED DIESEL LEAR	1,209.43	
632	RWD 8	RURAL WATER DIST NO 8	332518	101895 AP	01/20/2023	3-133-5-00-214	1-8 WATER METERS AT CO SOHP	71.40	
632	RWD 8	RURAL WATER DIST NO 8	332518	101895 AP	01/20/2023	3-133-5-00-214	1-8 WATER METERS AT CO SOHP	332.52	
								*** VENDOR 632 TOTAL	403.92
								TOTAL FUND 133	11,310.05
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	332525	47	01/20/2023	3-136-5-00-221	516725A FBN4648212 JANUARY VEH	142.33	
605	FLEET HOSTER	FLEET HOSTER LLC	332447	101824 AP	01/20/2023	3-136-5-00-221	JANUARY CAM SERVICE	40.00	
								TOTAL FUND 136	182.33
1351	LEAV ASPHALT	LEAVENWORTH ASPHALT MATERIALS	332392	101798 AP	01/17/2023	2-137-5-00-325	REPL 11-6 CK 100994 ACCOUNT 49	24,249.68	
								TOTAL FUND 137	24,249.68
2621	CAFE	TERRY BOOKER	332435	101812 AP	01/20/2023	3-145-5-00-256	MEALS RESERVED 1/1/23 - 1/13/2	10,536.50	
2621	CAFE	TERRY BOOKER	332435	101812 AP	01/20/2023	3-145-5-00-256	MEALS RESERVED 1/1/23 - 1/13/2	13,136.50	
								*** VENDOR 2621 TOTAL	23,673.00
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	332525	47	01/20/2023	3-145-5-00-230	516725A FBN4648212 JANUARY VEH	14,188.22	
605	FLEET HOSTER	FLEET HOSTER LLC	332447	101824 AP	01/20/2023	3-145-5-00-230	JANUARY CAM SERVICE	738.80	
2666	MISC REIMBURSEMENTS	RANDY DAY	332509	101886 AP	01/20/2023	3-145-5-00-205	REIM MILEAGE STAFF MEETING	15.72	
								TOTAL FUND 145	38,615.74
605	FLEET HOSTER	FLEET HOSTER LLC	332447	101824 AP	01/20/2023	3-155-5-00-403	JANUARY CAM SERVICE	200.00	
								TOTAL FUND 155	200.00
516725	ENTERPRISE (ACH)	ENTERPRISE FM TRUST	332525	47	01/20/2023	3-160-5-00-215	516725A FBN4648212 JANUARY VEH	931.98	
605	FLEET HOSTER	FLEET HOSTER LLC	332447	101824 AP	01/20/2023	3-160-5-00-215	JANUARY CAM SERVICE	59.85	
10703	TIRE TOWN	TIRE TOWN	332522	101899 AP	01/20/2023	3-160-5-00-207	SCRAP TIRES	500.00	
								TOTAL FUND 160	1,491.83

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#						
1737	AT&T-CAROL STREAM IL	AT&T	332395	101800 AP	01/18/2023	3-174-5-00-210	MONTHLY KDOT SITE - BONNER (CO		366.30	
1737	AT&T-CAROL STREAM IL	AT&T	332395	101800 AP	01/18/2023	3-174-5-00-210	MONTHLY KDOT SITE - BONNER (CO		417.10	
							*** VENDOR	1737 TOTAL		783.40
							TOTAL FUND 174			783.40
-----										
5637	CLEARWATER ENTERPRIS	CLEARWATER ENTERPRISES,LLC	332439	101816 AP	01/20/2023	3-195-5-00-290	20642-0321A774932212 GAS SERVI		429.96	
							TOTAL FUND 195			429.96
-----										
1867	REDWOOD TOXICOLOGY	REDWOOD TOXICOLOGY LABORATORY	332514	101891 AP	01/20/2023	3-196-5-00-201	CONFIRMATION TEST		69.00	
							TOTAL FUND 196			69.00
-----										
86	EVERGY	EVERGY KANSAS CENTRAL INC	332444	101821 AP	01/20/2023	3-212-5-00-2	ELEC SVC SEWER DIST 2		199.26	
86	EVERGY	EVERGY KANSAS CENTRAL INC	332444	101821 AP	01/20/2023	3-212-5-00-2	ELEC SVC SEWER DIST 2		40.16	
86	EVERGY	EVERGY KANSAS CENTRAL INC	332444	101821 AP	01/20/2023	3-212-5-00-2	ELEC SVC SEWER DIST 2		29.20	
86	EVERGY	EVERGY KANSAS CENTRAL INC	332444	101821 AP	01/20/2023	3-212-5-00-2	ELEC SVC SEWER DIST 2		70.62	
							*** VENDOR	86 TOTAL		339.24
137	OMNI-SITE.NET	OMNI-SITE	332511	101888 AP	01/20/2023	3-212-5-00-2	1 YEAR SVC 4 LIFT STATIONS		660.00	
137	OMNI-SITE.NET	OMNI-SITE	332511	101888 AP	01/20/2023	3-212-5-00-2	1 YEAR SVC 4 LIFT STATIONS		366.00	
137	OMNI-SITE.NET	OMNI-SITE	332511	101888 AP	01/20/2023	3-212-5-00-2	1 YEAR SVC 4 LIFT STATIONS		366.00	
137	OMNI-SITE.NET	OMNI-SITE	332511	101888 AP	01/20/2023	3-212-5-00-2	1 YEAR SVC 4 LIFT STATIONS		366.00	
137	OMNI-SITE.NET	OMNI-SITE	332511	101888 AP	01/20/2023	3-212-5-00-2	1 YEAR SVC 4 LIFT STATIONS		366.00	
							*** VENDOR	137 TOTAL		2,124.00
							TOTAL FUND 212			2,463.24
-----										
86	EVERGY	EVERGY KANSAS CENTRAL INC	332444	101821 AP	01/20/2023	3-218-5-00-2	ELEC SVC SEWER DIST 5		131.22	
137	OMNI-SITE.NET	OMNI-SITE	332511	101888 AP	01/20/2023	3-218-5-00-2	1 YEAR SVC WITH 24H REPORTING		165.00	
137	OMNI-SITE.NET	OMNI-SITE	332511	101888 AP	01/20/2023	3-218-5-00-2	1 YEAR SVC WITH 24H REPORTING		366.00	
							*** VENDOR	137 TOTAL		531.00
							TOTAL FUND 218			662.22
-----										
451	AETNA	AETNA LIFE INSURANCE COMPANY	332433	101810 AP	01/20/2023	3-510-2-00-939	108798268 JANUARY PREMIUMS		311,064.08	
451	AETNA	AETNA LIFE INSURANCE COMPANY	332433	101810 AP	01/20/2023	3-510-2-00-939	108798268 JANUARY PREMIUMS		6,292.52	
451	AETNA	AETNA LIFE INSURANCE COMPANY	332433	101810 AP	01/20/2023	3-510-2-00-939	108798268 JANUARY PREMIUMS		784.15	
							*** VENDOR	451 TOTAL		318,140.75
1504	DELTA DENTAL OF KS	DELTA DENTAL OF KANSAS	332441	101818 AP	01/20/2023	3-510-2-00-942	1002567 JANUARY DENTAL PREMIUM		17,956.46	
1504	DELTA DENTAL OF KS	DELTA DENTAL OF KANSAS	332441	101818 AP	01/20/2023	3-510-2-00-942	1002567 JANUARY DENTAL PREMIUM		27.20	
1504	DELTA DENTAL OF KS	DELTA DENTAL OF KANSAS	332441	101818 AP	01/20/2023	3-510-2-00-942	1002567 JANUARY DENTAL PREMIUM		1,670.94	
							*** VENDOR	1504 TOTAL		19,654.60
8500	METLIFE	METLIFE (VISION PLAN)	332506	101883 AP	01/20/2023	3-510-2-00-944	5919453 JANUARY VISION PREMIUM		3,784.94	
8500	METLIFE	METLIFE (VISION PLAN)	332506	101883 AP	01/20/2023	3-510-2-00-944	5919453 JANUARY VISION PREMIUM		10.74	
							*** VENDOR	8500 TOTAL		3,795.68
1485	RELIANCE STANDARD	RELIANCE STANDARD	332515	101892 AP	01/20/2023	3-510-2-00-962	GL144512 JANUARY PREMIUMS		1,549.52	
1485	RELIANCE STANDARD	RELIANCE STANDARD	332515	101892 AP	01/20/2023	3-510-2-00-962	GL144512 JANUARY PREMIUMS		3.90-	
1485	RELIANCE STANDARD	RELIANCE STANDARD	332515	101892 AP	01/20/2023	3-510-2-00-965	GL144512 JANUARY PREMIUMS		3,071.30	
1485	RELIANCE STANDARD	RELIANCE STANDARD	332515	101892 AP	01/20/2023	3-510-2-00-965	GL144512 JANUARY PREMIUMS		6.12-	
							*** VENDOR	1485 TOTAL		4,610.80
							TOTAL FUND 510			346,201.83
-----										
							TOTAL ALL CHECKS			719,148.84

TYPES OF CHECKS SELECTED: \* ALL TYPES

FUND SUMMARY

001	GENERAL	289,027.49
104	DRUG PROSECUTOR'S FUND	1,454.17
108	COUNTY HEALTH	1,416.84
115	EQUIPMENT RESERVE	428.74
126	COMM CORR ADULT	162.32
133	ROAD & BRIDGE	11,310.05
136	COMM CORR JUVENILE	182.33
137	LOCAL SERVICE ROAD & BRIDGE	24,249.68
145	COUNCIL ON AGING	38,615.74
155	LSR CAPITAL EQUIP RESERVE	200.00
160	SOLID WASTE MANAGEMENT	1,491.83
174	911	783.40
195	JUVENILE DETENTION	429.96
196	DRUG TEST & SUPERVISION FEES	69.00
212	SEWER DISTRICT 2: TIMBERLAKES	2,463.24
218	SEWER DIST #5	662.22
510	PAYROLL CLEARING	346,201.83
	TOTAL ALL FUNDS	719,148.84

Checks dated 1/14/2023 to 1/20/2023  
Consent Agenda 1/25/2023

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**Leavenworth County  
Request for Board Action  
Case No. DEV-22-148 & 149  
Preliminary & Final Plat CABO-1880**

**Date:** January 25, 2023  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Amy Allison, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** The applicants are requesting a Preliminary and Final Plat for a five-lot subdivision. Lots 1 through 4 will range from approximately 11 to 12 acres in size, while Lot 5 is approximately 9 acres.

**Analysis:** The applicant is proposing to divide a 55-acre parcel into 5 lots. The Subdivision is classified as a Class C subdivision 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). Lots 1 through 4 will range from approximately 11 to 12 acres in size, while Lot 5 is approximately 9 acres. All lots meet the requirements for the RR-5 zoning district. RWD 8 has indicated that the district can provide service to the newly created parcels but the applicant and/or property owners will need to work with RWD 8 directly to determine what other upgrades may be necessary. Staff is generally in support of this subdivision as it abides by the regulations of the county.

**Recommendation:** The Planning Commission voted 8-0 (1 absence) to recommend approval of Case No. DEV-22-148 & 149, Preliminary and Final Plat for CABO-1880 subject to conditions.

**Alternatives:**

1. Approve Case No. DEV-22-148 & 149, Preliminary and Final Plat for CABO-1880, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-22-148 & 149, Preliminary and Final Plat for CABO-1880, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-22-148 & 149, Preliminary and Final Plat for CABO-1880, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

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

**Total Amount Requested:** \$0.00

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

**LEAVENWORTH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
STAFF REPORT**

CASE NO: DEV-22-148 & 149 CABO-1880

January 25, 2023

<b>REQUEST: <i>Consent Agenda</i></b> <input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	<b>STAFF REPRESENTATIVE:</b> JOSHUA GENTZLER PLANNER II
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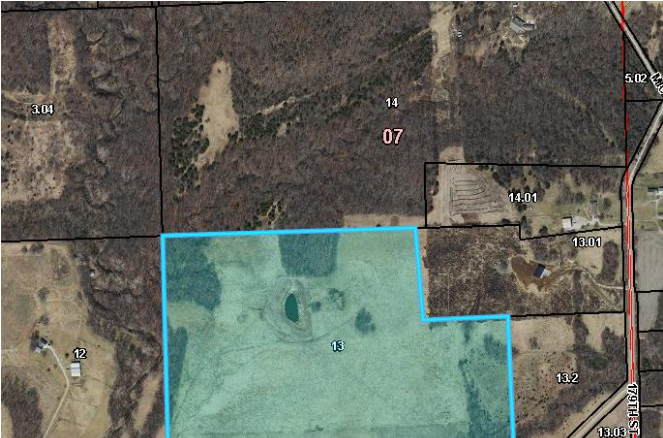
<b>SUBJECT PROPERTY:</b> 00000 HIGH PRAIRIE ROAD	<b>APPLICANT/APPLICANT AGENT:</b> LARRY HAHN HAHN SURVEYING
	<b>PROPERTY OWNER:</b> CABO-1880 LLC 7603 NW RIVER PARK DR PARKVILLE, MO 64152
	<b>CONCURRENT APPLICATIONS:</b> NONE
	<b>LAND USE</b>
	ZONING: RR-5 FUTURE LAND USE DESIGNATION: RESIDENTIAL (2.5-ACRE MIN)

<b>LEGAL DESCRIPTION:</b> A tract of land in the South Half of Section 7, Township 9 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.	SUBDIVISION: CABO-1880 (NEW) FLOODPLAIN: N/A
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<b>PLANNING COMMISSION RECOMMENDATION:</b> APPROVAL WITH CONDITIONS	<b>PROPERTY INFORMATION</b>
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<b>ACTION OPTIONS:</b> 1. Approve Case No. DEV-22-148 & 149, Preliminary and Final Plat for CABO-1880, with Findings of Fact, and with or without conditions; or 2. Deny Case No. DEV-22-148 & 149, Preliminary and Final Plat for CABO-1880, with Findings of Fact; or 3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-22-148 & 149, Preliminary and Final Plat for CABO-1880, with Findings of Fact; or 4. Remand the case back to the Planning Commission.	PARCEL SIZE: 54.5 ACRES
	PARCEL ID NO: 103-07-0-00-00-013.00
	BUILDINGS: NONE

<b>PROJECT SUMMARY:</b> Request for a final plat approval to subdivide property located at 00000 High Prairie Road (103-07-0-00-00-013.00) as Lots 1 through 5 of CABO-1880.	ACCESS/STREET: HIGH PRAIRIE ROAD - COUNTY LOCAL, GRAVEL ± 24';
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<b>LOCATION MAP:</b> 	<b>UTILITIES</b>
	SEWER: PRIVATE SEPTIC SYSTEM
	FIRE: FIRE DISTRICT 1
	WATER: RWD 8
	ELECTRIC: FREESTATE
	<b>NOTICE &amp; REVIEW:</b>
	STAFF REVIEW: N/A
NEWSPAPER NOTIFICATION: 1/3/2023	
NOTICE TO SURROUNDING PROPERTY OWNERS: N/A	

<b>STANDARDS TO BE CONSIDERED:</b>			
<i>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</i>		<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 55-acre parcel into 5 lots. The Subdivision is classified as a Class C subdivision 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). Lots 1 through 4 will range from approximately 11 to 12 acres in size, while Lot 5 is approximately 9 acres. All lots meet the requirements for the RR-5 zoning district. RWD 8 has indicated that the district can provide service to the newly created parcels but the applicant and/or property owners will need to work with RWD 8 directly to determine what other upgrades may be necessary. Staff is generally in support of this subdivision as it abides by the regulations of the county.

**PROPOSED CONDITIONS:**

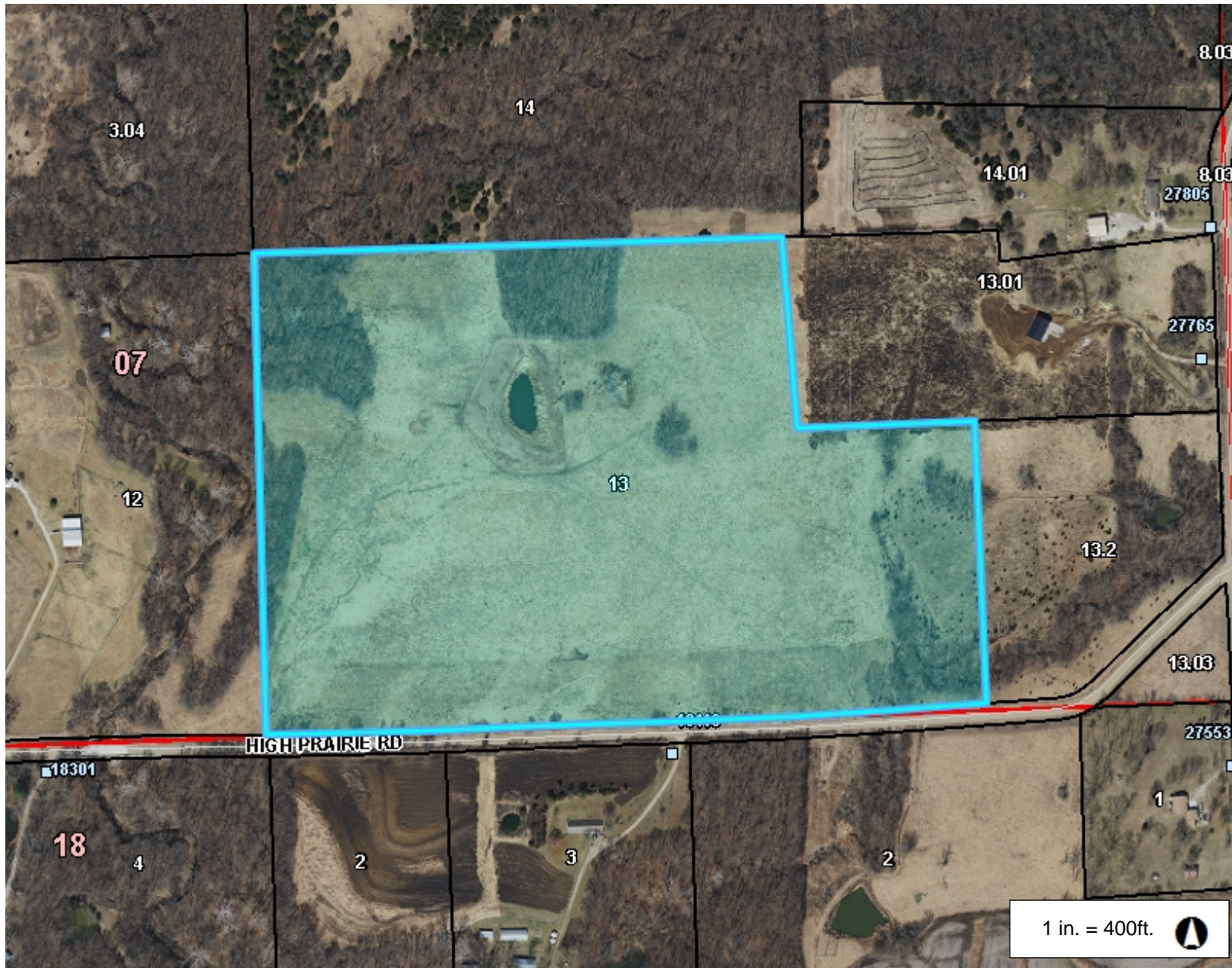
1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation 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. Email - RWD 8, dated November 7, 2022

**ATTACHMENTS:**

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

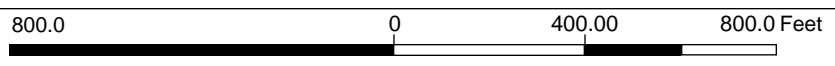


# DEV-22-148 & 149 CABO - 1880



- Legend**
- Address Point
  - Parcel Number
  - Lot Line
  - Parcel
  - ⋮ City Limit Line
  - Major Road
  - <all other values>
  - 70
  - Road
  - + Railroad
  - Section
  - Section Boundaries
  - County Boundary

1 in. = 400ft.

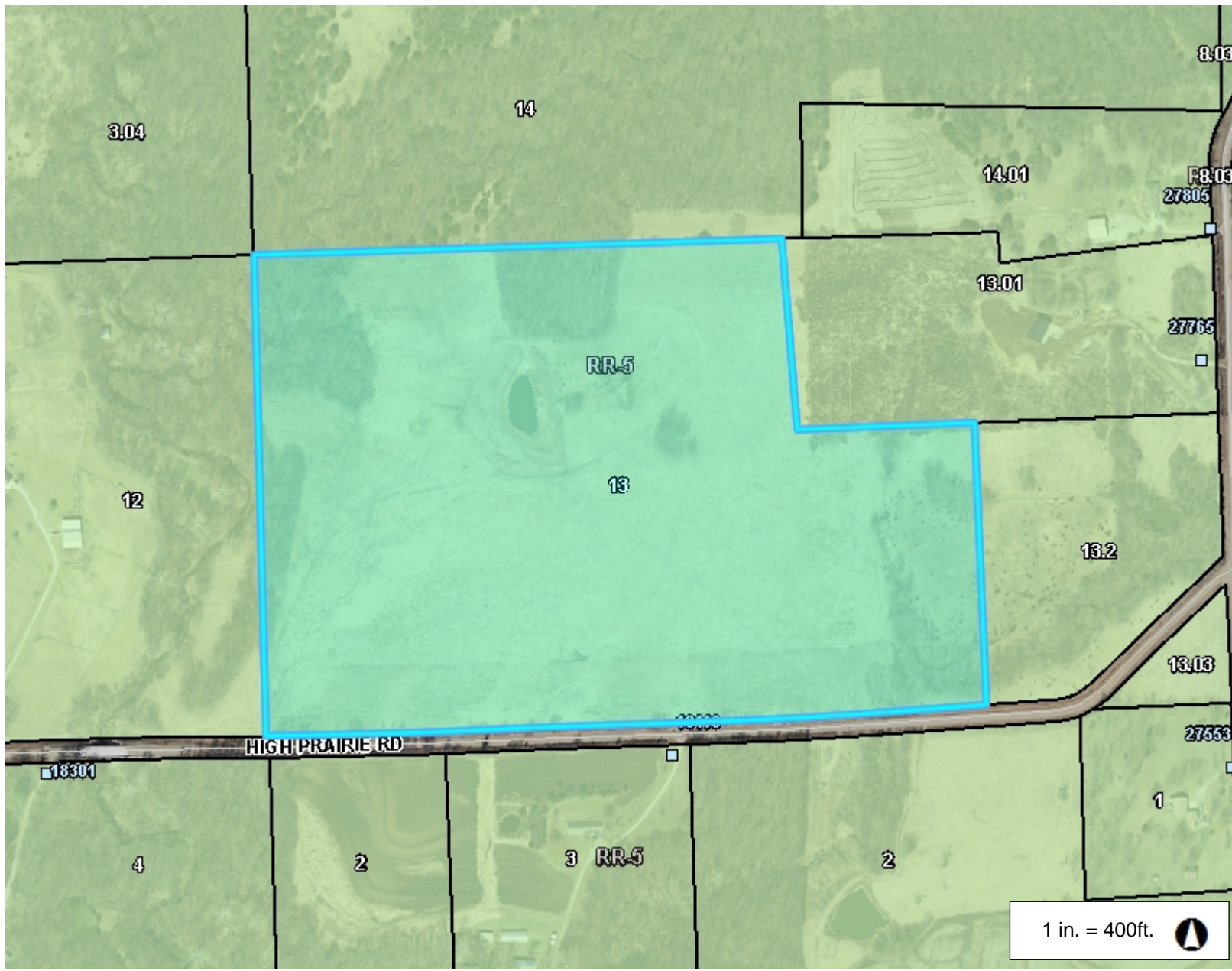


This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**



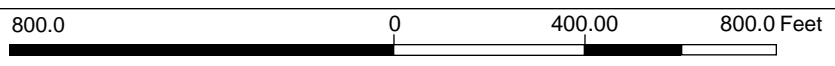
# DEV-22-148 & 149 CABO - 1880



## Legend

- Address Point
- Parcel Number
- Parcel
- City Limit Line
- Road
- Zoning
- B-1
- B-2
- B-3
- I-1
- I-2
- I-3
- MXD
- PC
- PI
- PR-1
- PR-2
- PR-3
- PUD
- R-1
- R-1(15)
- R-1(43)
- R-2
- RR-2.5
- RR-40
- RR-5

1 in. = 400ft.



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

Zoning of parcel and surrounding area

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

Office Use Only

CAMA No.: \_\_\_\_\_  
 Township: \_\_\_\_\_  
 Planning Commission Meeting Date: \_\_\_\_\_  
 Project No.: \_\_\_\_\_

Date Received: \_\_\_\_\_ Date Paid: \_\_\_\_\_

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: _____	NAME: <u>CABO - 1880, LLC / BOB BALL</u>
MAILING ADDRESS: _____	MAILING ADDRESS <u>7603 NW RIVER PARK DRIVE</u>
CITY/ST/ZIP: _____	CITY/ST/ZIP <u>PARKVILLE, MO. 64152</u>
PHONE: _____ EMAIL: _____	PHONE: <u>816-587-2013</u> EMAIL: _____
CONTACT PERSON: _____	CONTACT PERSON: <u>BOB BALL</u>

**GENERAL INFORMATION**

Proposed Subdivision Name: CABO - 1880

Nearest Intersection: HIGH PRAIRIE ROAD & 179TH STREET

Legal Description (S-T-R 1/4 Section): SE 1/4 7-T9S-R22E

Zoning: RR - 5.0

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

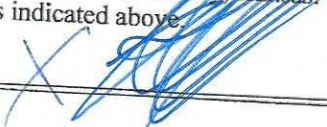
Urban Growth Management Area: \_\_\_\_\_

Surveyor and/or Engineer Firm: HAHN SURVEYING

Contact Person: LARRY HAHN

Address: PO BOX 186 BASEHOR, KANSAS 66007

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

SUBDIVISION INFORMATION		
Gross Acreage: <u>54.50 ACRES</u>	Number of Lots: <u>5</u>	Minimum Lot Size: <u>8.87 ACRES</u>
Maximum Lot Size: <u>11.67 ACRES</u>	Proposed Zoning: <u>RR-5.0</u>	Density: _____
Open Space Acreage: _____	Water District: <u>RWD #8</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	Road Classification: <u>Local</u> - <input type="checkbox"/> Collector - <input type="checkbox"/> Arterial - <input type="checkbox"/> State - <input type="checkbox"/> Federal	
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 preliminary plat approval as indicated above.		
Signature: 	Date: <u>10-24-22</u>	

ATTACHMENT A-1



**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: _____	
Project No.: _____	Date Paid: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME _____	NAME <u>CABO - 1880, LLC / BOB BALL</u>
ADDRESS _____	ADDRESS <u>7603 NW RIVER PARK DRIVE</u>
CITY/ST/ZIP _____	CITY/ST/ZIP <u>PARKVILLE, MO. 64152</u>
PHONE _____ EMAIL _____	PHONE <u>816-587-2013</u> EMAIL _____
CONTACT PERSON _____	CONTACT PERSON <u>BOB BALL</u>

**GENERAL INFORMATION**

Subdivision Name: CABO - 1880

Legal Description (S-T-R 1/4 Section): SE 1/4 SECTION 7-T9S-R22E

Zoning: RR- 5.0

Surveyor and/or Engineer Firm: HAHN SURVEYING

Contact Person: LARRY HAHN

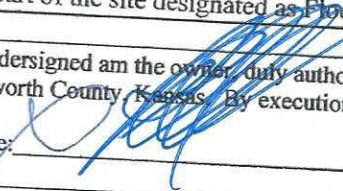
Address: PO BOX 186 BASEHOR, KANSAS 66007

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

SUBDIVISION INFORMATION		
Gross Acreage: <u>54.50 ACRES</u>	Number of Lots: <u>5</u>	Minimum Lot Size: <u>8.87 ACRES</u>
Maximum Lot Size: <u>11.67 ACRES</u>	Zoning: <u>RR - 5.0</u>	Density: _____
Open Space Acreage: _____	Water District: <u>RWD #8</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?  Yes  No If yes, what is the panel number: \_\_\_\_\_

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

Signature:  Date: 10-24-22

ATTACHMENT A-2

OWNER AUTHORIZATION

I/WE BOB BALL

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

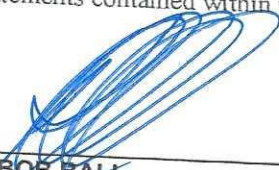
for the purpose of making application with the Planning Department of Leavenworth County, Kansas, PN. 103-07-0-00-00-013.00-0 (HIGH PRAIRIE ROAD) (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

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

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

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

STATE OF ~~KANSAS~~ Missouri  
COUNTY OF ~~LEAVENWORTH~~ Platte

X   
BOB BALL

The foregoing instrument was acknowledged before me on this 24<sup>th</sup> day of October, 2022 by Bob Ball

My Commission Expires: 1/22/2025

Notary Public



ATTACHMENT B



**From:** [Amanda Tarwater](#)  
**Sent:** Monday, November 14, 2022 8:25 AM  
**To:** [Gentzler, Joshua](#)  
**Subject:** RE: Review - Preliminary/Final Plat - CABO-1880 - DEV-22-148 & 149

**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 has no objection to this request.

Thank you,

**Amanda Tarwater**  
Member Accounts Coordinator



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

---

**From:** Gentzler, Joshua <JGentzler@leavenworthcounty.gov>  
**Sent:** Monday, November 7, 2022 12:08 PM  
**To:** RWD 8 (RWD8LV@gmail.com) <RWD8LV@gmail.com>; Amanda Tarwater <amanda.tarwater@freestate.coop>; 'firedistrict1@fd1lv.org' <firedistrict1@fd1lv.org>; Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>  
**Cc:** Allison, Amy <AAllison@leavenworthcounty.gov>; Sloop, Stephanie <SSloop@leavenworthcounty.gov>; Voth, Krystal <KVoth@leavenworthcounty.gov>  
**Subject:** Review - Preliminary/Final Plat - CABO-1880 - DEV-22-148 & 149

Warning: This message originated outside of the FEC organization. Do not click links or open attachments unless you have validated the sender and know the content is safe. <="" span="">

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for CABO 1880, located approximately 800 feet west of the intersection of High Prairie and 178<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 End of Business on November 15<sup>th</sup>, 2022.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at [JGentzler@LeavenworthCounty.gov](mailto:JGentzler@LeavenworthCounty.gov).

Thank you,



**From:** [Rural Water](#)  
**Sent:** Monday, November 7, 2022 1:40 PM  
**To:** [Gentzler, Joshua](#)  
**Subject:** Re: Review - Preliminary/Final Plat - CABO-1880 - DEV-22-148 & 149

---

**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,

RWD #8 does have water lines in that area and we can provide water to CABO 1880. Please let me know if you have any other questions,

Sandra Heim

for the Board of Directors

RWD #8

913-796-2164

On Mon, Nov 7, 2022 at 12:08 PM Gentzler, Joshua <[JGentzler@leavenworthcounty.gov](mailto:JGentzler@leavenworthcounty.gov)> wrote:

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for CABO 1880, located approximately 800 feet west of the intersection of High Prairie and 178<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 End of Business on November 15<sup>th</sup>, 2022.

If you have any questions or need additional information, please contact me at (913) 684-0464 or at [JGentzler@LeavenworthCounty.gov](mailto:JGentzler@LeavenworthCounty.gov).

Thank you,

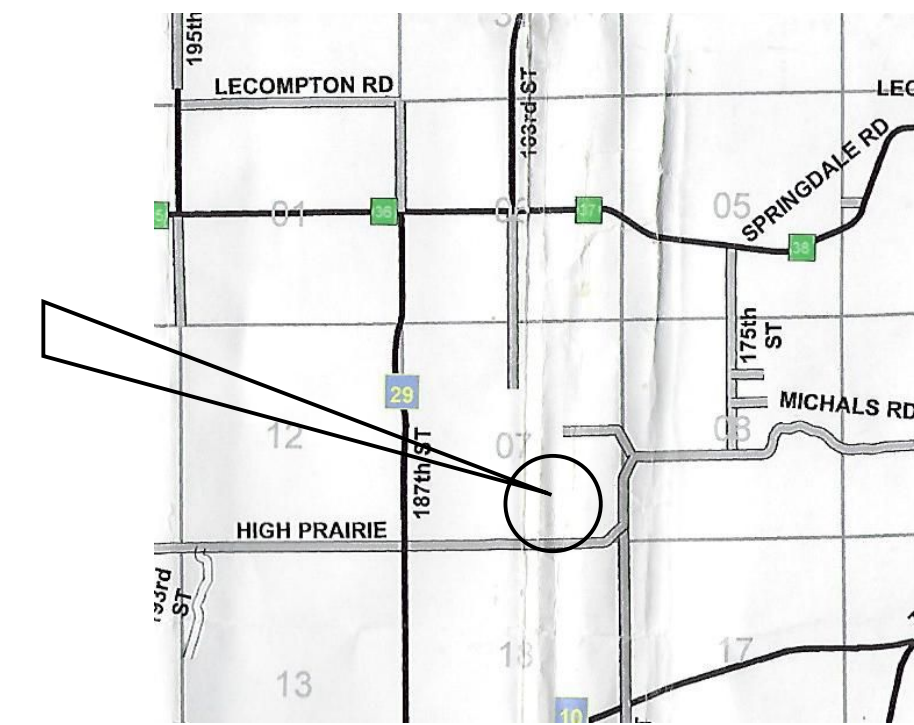
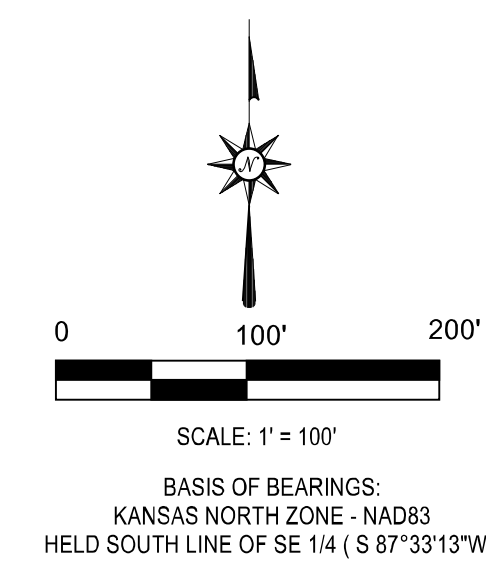
Joshua Gentzler



# CABO - 1880

## A SUBDIVISION IN THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7-T9S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS

### PRELIMINARY PLAT



LOCATION MAP  
NO SCALE

**OWNER / DEVELOPER**  
CABO - 1880, LLC  
908 BALL  
7603 NW RIVER PARK DRIVE  
PARKVILLE, MO. 64152  
(816) 587-2013

**SURVEYORS DESCRIPTION**

A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7-T9S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 7; THENCE, S 87°33'13\"/>

- LEGEND**
- 1/2" x 24" REBAR SET WITH #1349 CAP
  - SURVEY MONUMENT FOUND AS NOTED
  - POINT OF BEGINNING
  - POINT OF COMMENCING
  - ⊗ SURVEY MONUMENT FOUND (AS NOTED) ADDED CONCRETE
  - 1/2" x 24" REBAR SET WITH #1349 CAP IN CONCRETE
  - B/S BUILDING SETBACK
  - U/E UTILITY EASEMENT

**NOTES**

1. FENCE LINES DO NOT DENOTE PROPERTY LINES.
2. LEAVENWORTH COUNTY, KANSAS DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
4. EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL PROPOSED USE - RESIDENTIAL / AGRICULTURAL

**RESTRICTIONS**

1. 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
2. AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
3. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
4. LOTS ARE RESTRICTED TO ONE DRIVEWAY.
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.

**DRAINAGE CALCULATIONS**

ON SEPARATE DOCUMENT BY DAVID LUGTEN, PE

**REFERENCES**

1. DOC. #2010S002
2. McDIFFETT SURVEY - THIS TRACT (1972)
3. DOC. #2018R10284
4. DOC. #2019S056
5. DOC. #2022S032

**ROAD INFORMATION**

HIGH PRAIRIE ROAD (CLASS - LOCAL)  
18' +/- WIDE WITH GRAVEL SURFACE

**PUBLIC IMPROVEMENTS**

NONE

**BENCHMARK**

1/2" REBAR AT THE SOUTH QUARTER CORNER OF 7-T9S-R22E  
E.L. 977.35 (NAVD 88)

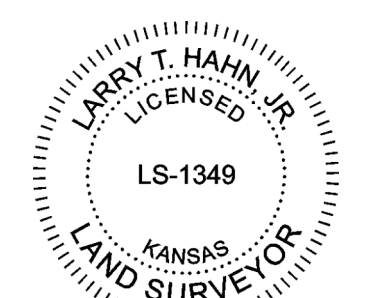
**UTILITIES**

ELECTRIC / FREESTATE  
WATER / R.W.D. #8  
GAS / PRIVATE PROPANE  
SEWAGE / PRIVATE ON SITE SYSTEM

**ZONING**

RR - 5.0

SE CORNER 7-T9S-R22E (S1)  
5/8" REBAR - 12" DEEP (REF. #1, #4, #5)  
1. WNW 35.54 TO MAG NAIL IN TOP OF CORNER POST  
2. SW 42.76 TO MAG NAIL IN TOP OF STUMP  
3. SSW 38.80 TO MAG NAIL IN SPEED LIMIT SIGN POST



LARRY T. HAHN, PS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF OCTOBER, 2022, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

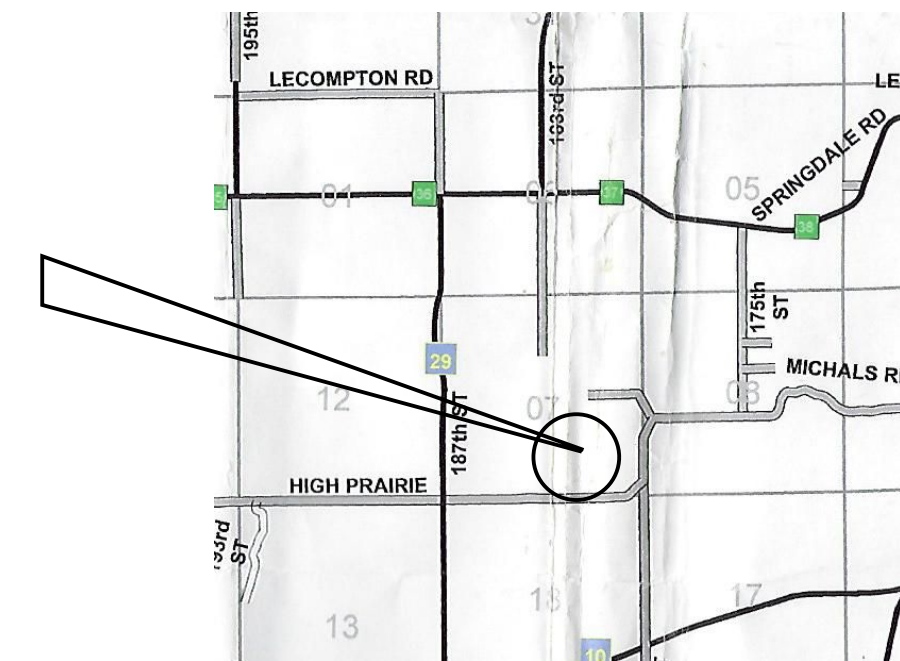
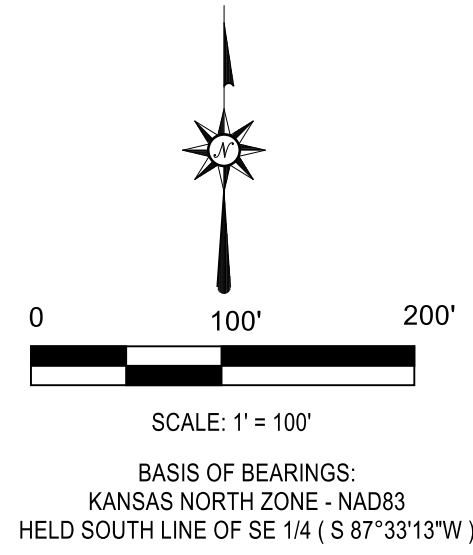
**HAHN SURVEYING**  
PO BOX 186  
BASEHOR, KANSAS 66007  
(913) 547-3405  
hahnsurvey@gmail.com



# CABO - 1880

A SUBDIVISION IN THE SOUTHEAST QUARTER OF  
FRACTIONAL SECTION 7-T9S-R22E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

FINAL PLAT



LOCATION MAP  
NO SCALE

**SURVEYORS DESCRIPTION**

A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF FRACTIONAL SECTION 7-T9S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE, S 87°33'13\"/>

**CERTIFICATION AND DEDICATION**

THE UNDERSIGNED PROPRIETOR STATES 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 "CABO - 1880".

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".

"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 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 UPKEEP OF SAID EASEMENTS.

STREETS SHOWN ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED FOR PUBLIC USE ARE HEREBY SO DEDICATED.

BUILDING LINES OR SETBACK LINES (B/S) 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 "CABO - 1880", HAVE SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

BOB BALL

**STATE OF KANSAS / COUNTY OF LEAVENWORTH**

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BEFORE ME APPEARED BOB BALL, 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 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

NOTARY PUBLIC

MY COMMISSION EXPIRES

**APPROVAL**

WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "CABO - 1880" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

CHAIRPERSON / STEVE ROSENTHAL

SECRETARY / KRISTAL A. VOTH, CFM

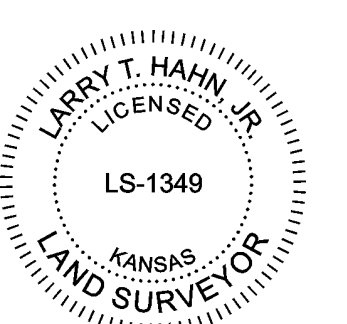
THE LEAVENWORTH COUNTY ENGINEERS PLAT REVIEW IS ONLY FOR GENERAL CONFORMANCE WITH THE SUBDIVISION REGULATIONS AS ADOPTED BY LEAVENWORTH COUNTY. THE COUNTY IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE DESIGN, DIMENSIONS, ELEVATIONS AND QUANTITIES.

COUNTY ENGINEER / MITCH PLEAK, PE

WE, THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "CABO - 1880" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

CHAIRPERSON / MICHAEL SMITH

COUNTY CLERK / JANET KLASINSKI (ATTEST)



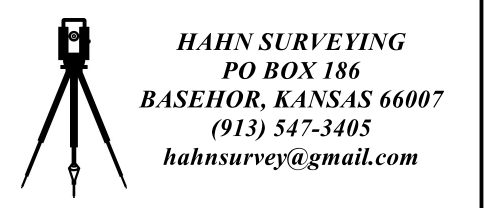
LARRY T. HAHN, KS PS - 1349

THIS IS TO CERTIFY THAT IN THE MONTH OF OCTOBER, 2022, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

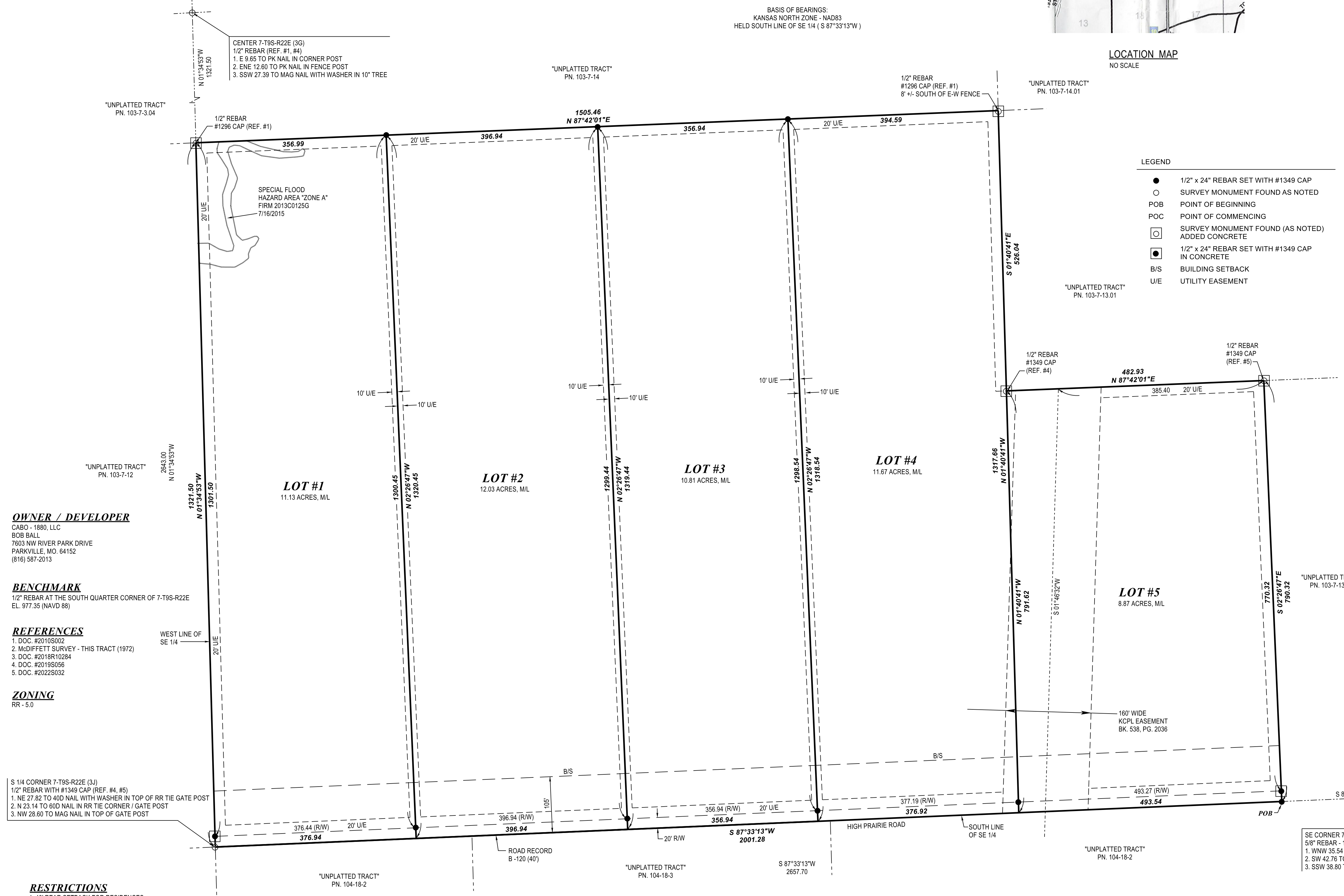
**COUNTY SURVEYOR CERTIFICATION**

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

COUNTY SURVEYOR / DANIEL BAUMCHEN, KS PS - 1363



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



**OWNER / DEVELOPER**  
CABO - 1880, LLC  
BOB BALL  
7803 NW RIVER PARK DRIVE  
PARKVILLE, MO. 64152  
(816) 567-2013

**BENCHMARK**  
1/2" REBAR AT THE SOUTH QUARTER CORNER OF 7-T9S-R22E  
E.L. 977.35 (NAVD 88)

**REFERENCES**  
1. DOC. #20105302  
2. McDIFFETT SURVEY - THIS TRACT (1972)  
3. DOC. #2018R10284  
4. DOC. #2019S056  
5. DOC. #2022S032

**ZONING**  
RR - 5.0

S 1/4 CORNER 7-T9S-R22E (3/1)  
1/2" REBAR WITH #1349 CAP (REF. #4, #5)  
1. NE 27.82 TO 40D NAIL WITH WASHER IN TOP OF RR TIE GATE POST  
2. N 23.14 TO 60D NAIL IN RR TIE CORNER / GATE POST  
3. NW 28.60 TO MAG NAIL IN TOP OF GATE POST

**RESTRICTIONS**  
1. 40' REAR SETBACK FOR RESIDENCES  
15' REAR SETBACK FOR ACCESSORY BUILDINGS  
15' SIDE SETBACK  
2. AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.  
3. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.  
4. LOTS ARE RESTRICTED TO ONE DRIVEWAY.  
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.

**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  
PROPOSED USE - RESIDENTIAL / AGRICULTURAL

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

REGISTER OF DEEDS / TERRILOIS G. MASHBURN

**Leavenworth County  
Request for Board Action  
Case No. DEV-22-159 & 160  
Preliminary & Final Plat Dusty Rhodes Acres**

**Date:** January 25, 2023  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Amy Allison, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** The applicants are requesting a Preliminary and Final Plat for a two lot subdivision. The proposed lots are approximately 10 acres in size.

**Analysis:** The applicant is proposing to divide a 20-acre parcel into 2 lots. The Subdivision is classified as a Class C Subdivision 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). Lots 1 and 2 will be approximately 10 acres in size. All lots meet the requirements for the RR-2.5 zoning district. RWD 7 will require a water feasibility study to be conducted to determine what facility upgrades will be needed to service this subdivision. Staff is generally in support of the subdivision as it abides by the regulations of the County.

**Recommendation:** The Planning Commission voted 8-0 (1 absence) to recommend approval of Case No. DEV-22-159 & 160, Preliminary and Final Plat for Dusty Rhodes Acres subject to conditions.

**Alternatives:**

1. Approve Case No. DEV-22-159 & 160, Preliminary and Final Plat for Dusty Rhodes Acres, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-22-159 & 160, Preliminary and Final Plat for Dusty Rhodes Acres, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-22-159 & 160, Preliminary and Final Plat for Dusty Rhodes Acres, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

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

**Total Amount Requested:** \$0.00

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



**LEAVENWORTH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
STAFF REPORT**

CASE NO: DEV-22-159 & 160 Dusty Rhodes Acres

January 25, 2023

**REQUEST: *Consent Agenda***

Preliminary Plat       Final Plat

**STAFF REPRESENTATIVE:**

JOSHUA GENTZLER  
PLANNER II

**SUBJECT PROPERTY: 00000 KREIDER ROAD**

**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING

**PROPERTY OWNER:**

JIM RHODES  
14763 KRIEDER ROAD  
BONNER SPRINGS, KS 66012

**CONCURRENT APPLICATIONS:**

NONE

**LAND USE**

ZONING: RR-2.5

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

**LEGAL DESCRIPTION:**

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

SUBDIVISION: DUSTY RHODES ACRES  
(NEW)

FLOODPLAIN: N/A

**PLANNING COMMISSION RECOMMENDATION: APPROVAL WITH CONDITIONS**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Approve Case No. DEV-22-159 & 160, Preliminary and Final Plat for Dusty Rhodes Acres, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-22-159 & 160, Preliminary and Final Plat for Dusty Rhodes Acres, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-22-159 & 160, Preliminary and Final Plat for Dusty Rhodes Acres, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**PARCEL SIZE:**

20 ACRES

**PARCEL ID NO:**

231-12-0-00-00-017.02

**BUILDINGS:**

NONE

**PROJECT SUMMARY:**

Request for a preliminary and final plat approval to subdivide property located at 00000 Kreider Road (231-12-0-00-00-017.02) as Lots 1 through 2 of Dusty Rhodes Acres.

**ACCESS/STREET:**

KREIDER ROAD - COUNTY ARTERIAL,  
GRAVEL ± 18’;

**LOCATION MAP:**



**UTILITIES**

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: SHERMAN

WATER: RWD 7

ELECTRIC: EVERGY

**NOTICE & REVIEW:**

**STAFF REVIEW:**

N/A

**NEWSPAPER NOTIFICATION:**

1/3/2023

**NOTICE TO SURROUNDING  
PROPERTY OWNERS:**

N/A

<b>STANDARDS TO BE CONSIDERED:</b>		<b>Met</b>	<b>Not Met</b>
<i>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</i>			
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 20-acre parcel into 2 lots. The Subdivision is classified as a Class C Subdivision 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). Lots 1 and 2 will be approximately 10 acres in size. All lots meet the requirements for the RR-2.5 zoning district. RWD 7 will require a water feasibility study to be conducted to determine what facility upgrades will be needed to service this subdivision. Staff is generally in support of the subdivision as it abides by the regulations of the County.

**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. Email – Jalayne Turner, RWD 7, dated November 28, 2022
  - b. Memo – Chuck Magaha, Emergency Management, dated January 6, 2023

**ATTACHMENTS:**

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




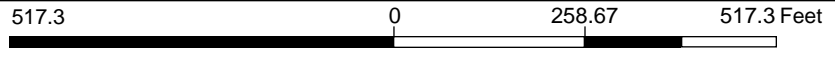
# DEV-22-159 & 160 Dusty Rhodes Acres



### Legend

- Address Point
- Parcel Number
- Parcel
- ⋮ City Limit Line
- Road

1 in. = 259ft. 

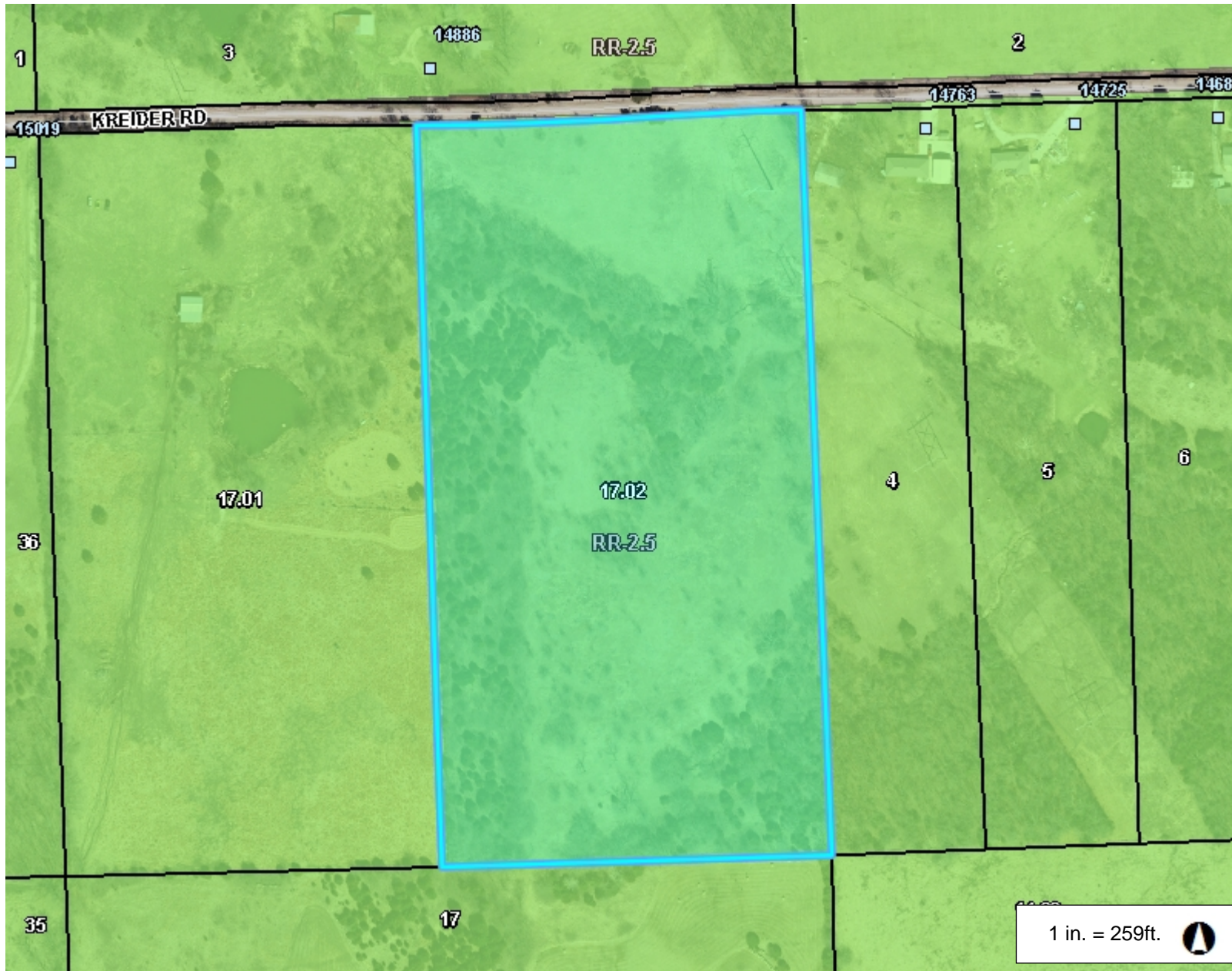


This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes



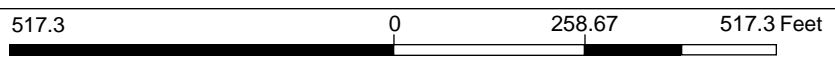
# DEV-22-159 & 160 Dusty Rhodes Acres



## Legend

- Address Point
- Parcel Number
- Parcel
- City Limit Line
- Road
- Zoning
- B-1
- B-2
- B-3
- I-1
- I-2
- I-3
- MXD
- PC
- PI
- PR-1
- PR-2
- PR-3
- PUD
- R-1
- R-1(15)
- R-1(43)
- R-2
- RR-2.5
- RR-40
- RR-5

1 in. = 259ft.



## Notes

Zoning of parcel and surrounding area

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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

PID: \_\_\_\_\_  
 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: Jim Rhodes  
 MAILING ADDRESS: 315 N. 5th Street                      MAILING ADDRESS 14763 Kreider Road  
 CITY/ST/ZIP: Leavenworth, KS 66048                      CITY/ST/ZIP Bonner Springs, KS  
 PHONE: 913-651-3858                      PHONE: N/A  
 EMAIL : herringsurveying@outlook.com                      EMAIL N/A

**GENERAL INFORMATION**

Proposed Subdivision Name: DUSTY RHODES ACRES  
 Address of Property: 00000 Kreider Road  
 Urban Growth Management Area: N/A

**SUBDIVISION INFORMATION**

Gross Acreage: 20 AC	Number of Lots: 2	Minimum Lot Size: 10 AC
Maximum Lot Size: 10 AC	Proposed Zoning: RR 2.5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 7	Proposed Sewage: Septic
Fire District: Sherman	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>	

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 11/19/2022                      Date: 11-19-22

**ATTACHMENT A**

# MEMO

**To:** Krystal Voth  
**From:** Chuck Magaha  
**Subject:** Dusty Rhodes Acres  
**Date:** January 6, 2023

Krystal, I have reviewed the preliminary plat of the Dusty Rhodes Acres Subdivision presented by Jim Rhodes. 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 along Kreider Road a fire hydrant placed between Lot 1 and Lot 2. I have no further recommendation for this subdivision.

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





# Leavenworth County Planning and Zoning Preliminary and Final Plat

---

DATE: 2022.11.28  
RE: DEV-22-159 & 160 Preliminary and Final Plat – Dusty Rhodes Acres  
PID: 153-05-0-00-00-006.00  
To: Herring Surveying  
 Rural Water District # 7 : Suburban Water District

**Please address the following comments:**

- a. Does the water district have existing service lines in the vicinity of the proposed plat boundary to provide potable water to the lots of the subdivision?
  - 3” water main on same side of property
  
- b. What is the size and location of the water line(s) and fire hydrants that are adjacent to this property?
  - Will be an 8” water main approx. 40’ from center line of Kreider rd. on south side. F/H approx. Within 500’
  
- c. Would the water district allow fire hydrants to be installed on the existing service line(s) in the area of the proposed plat boundary?
  - Yes
  
- d. Does the water district have plans to upgrade the service in this vicinity to such a level that fire hydrants can be installed in the foreseeable future, or within a set number of years? If so, what would the improvements consist of?
  - Yes, 1 year 8” main with F/H every 500’

# DUSTY RHODES ACRES

A Minor Subdivision in the Southwest Quarter of Section 12, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
RHODES, JAMES R  
14763 KREIDER RD  
BONNER SPRINGS, KS  
PID # 231-12-0-00-017.02

**SURVEYOR'S DESCRIPTION:**  
A tract of land in the Northwest Quarter of the Southwest Quarter of Section 12, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on November 18, 2022, more fully described as follows: Beginning at the Northeast corner of the Northwest Quarter of said Southwest Quarter; thence South 01 degrees 51'43" East for a distance of 1319.70 feet along the East line of said Northwest Quarter of said Southwest Quarter to the Southeast corner of said Northwest Quarter of said Southwest Quarter; thence South 88 degrees 11'34" West for a distance of 664.32 feet along the South line of the Northwest Quarter of said Southwest Quarter; thence North 01 degrees 45'23" West for a distance of 1320.48 feet to the North line of said Northwest Quarter of said Southwest Quarter; thence North 88 degrees 15'36" East for a distance of 661.88 feet along said North line to the point of beginning, together with and subject to covenants, easement and restriction of record.  
Said property contain 20.1 acres, more or less, including road right of way.  
Error of Closure - 1 : 431291

### RESTRICTIONS:

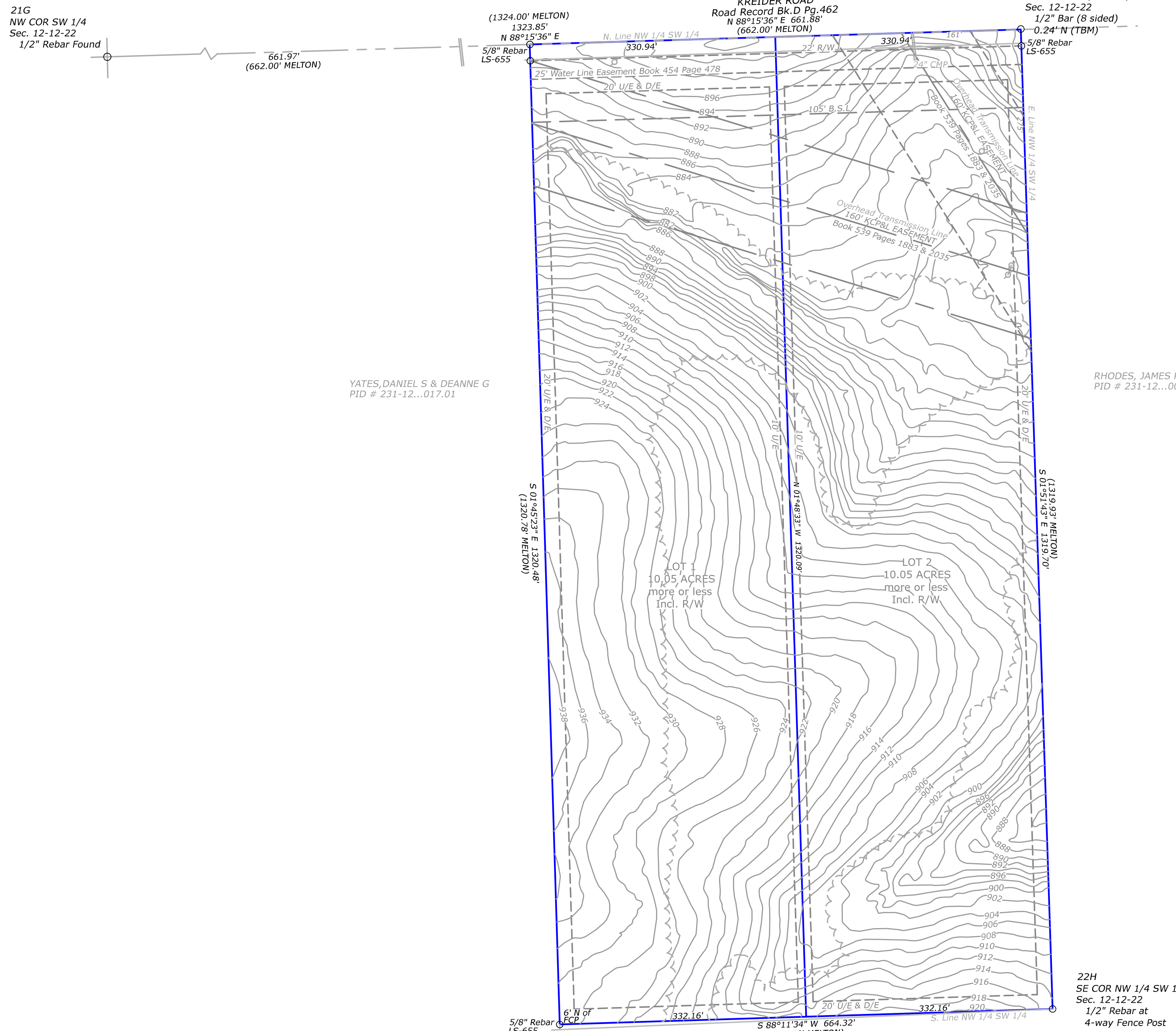
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when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

### ZONING:

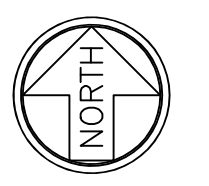
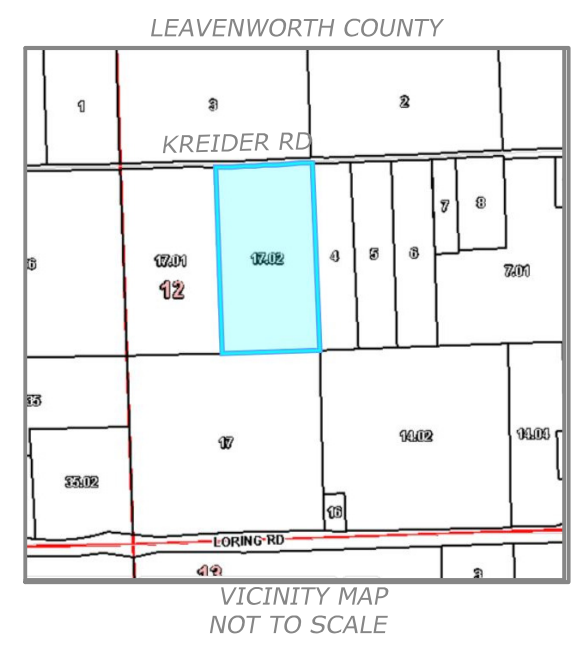
RR 2.5 - Rural Residential 2.5

### NOTES:

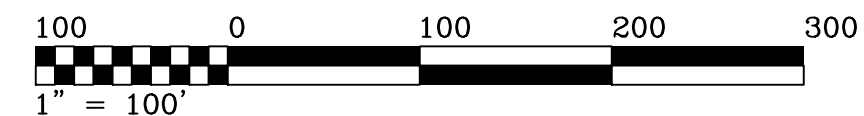
- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Error of Closure Calculations
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) North line NW 1/4 SW 1/4
- 7) Monument Origin Unknown, unless otherwise noted.
- 8) Proposed Lots for Residential Use.
- 9) Road Record - See Survey
- 10) Benchmark - NAVD88
- 11) Project Benchmark (BM) - NE Cor NW 1/4 SW 1/4 - Elev. - 900.6'
- 12) Easements, if any, are created hereon or listed in referenced title commitment.
- 13) Reference Recorded Deed Book 802 Page 1776
- 14) Utility Companies -
  - Water - Water District 7
  - Electric - Evergy
  - Sewer - Septic / Lagoon
  - Gas - Propane / Natural Gas
- 15) Reference Lawyer's Title of Kansas, Inc., Case No: 45627 updated November 10, 2022
- 16) Property is not in a Special Flood Hazard Area per FEMA FIRN Map 20103C0345G dated July 16, 2015
- 17) Building Setback Lines as shown hereon or noted below
  - All side yard setbacks - 15' (Accessory - 15')
  - All rear yard setbacks - 40' (Accessory - 15')
- 18) Distances to and of structures, if any, are +- 1'.
- 19) Easements as per referenced Title Commitment are shown hereon, if any.
- 20) Fence Lines do not necessarily denote the boundary line for the property.
- 21) Reference Surveys:
  - (TBM) - Terry B. Melton LS-655 Recorded Survey 1991



- 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
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  - R - Arc Radius
  - B - Chord Bearing
  - C - Chord Distance
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client
  - ⊙ - Power Pole
  - X - Fence Line
  - OHP - Overhead Power Lines
  - T - Underground Telephone/Fiber Optic Line
  - ⊕ - Gas Valve
  - ⊕ - Water Meter/Valve
  - ⊕ - Telephone Pedestal
  - W - 6" Water Line - location as per district
  - ~ - Tree/Brush Line



Scale 1" = 100'



Job # K-22-1586  
November 18, 2022 Rev. 12/15/22  
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 November through December 2022 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



# DUSTY RHODES ACRES

A Minor Subdivision in the Southwest Quarter of Section 12, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
RHODES, JAMES R  
14763 KREIDER RD  
BONNER SPRINGS, KS  
PID # 231-12-0-00-017.02

**SURVEYOR'S DESCRIPTION:**  
A tract of land in the Northwest Quarter of the Southwest Quarter of Section 12, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on November 18, 2022, more fully described as follows: Beginning at the Northeast corner of the Northwest Quarter of said Southwest Quarter; thence South 01 degrees 51'43" East for a distance of 1319.70 feet along the East line of said Northwest Quarter of said Southwest Quarter to the Southeast corner of said Northwest Quarter of said Southwest Quarter; thence South 88 degrees 11'34" West for a distance of 664.32 feet along the South line of the Northwest Quarter of said Southwest Quarter; thence North 01 degrees 45'23" West for a distance of 1320.48 feet to the North line of said Northwest Quarter of said Southwest Quarter; thence North 88 degrees 15'36" East for a distance of 661.88 feet along said North line to the point of beginning, together with and subject to covenants, easement and restriction of record.  
Said property contain 20.1 acres, more or less, including road right of way.  
Error of Closure - 1 : 431291

**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: DUSTY RHODES 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.

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

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 DUSTY RHODES ACRES, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

James R. Rhodes

**NOTARY CERTIFICATE:**  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, a notary public in and for said County and State came James R. Rhodes, a single person, 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 DUSTY RHODES ACRES this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Secretary Krystal A. Voth  
Chairman Steven Rosenthal

**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 DUSTY RHODES ACRES this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

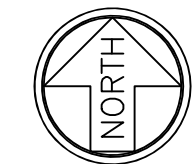
Chairman Michael Smith  
County Clerk Attest: Janet Klasinski

**REGISTER OF DEED CERTIFICATE:**  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 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 plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

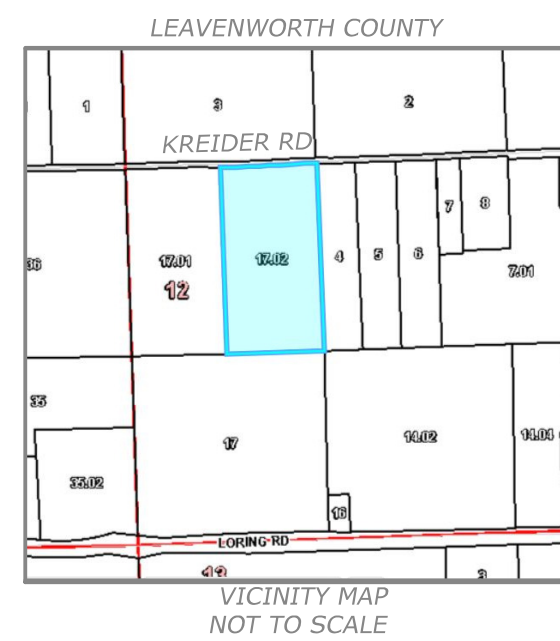
Daniel Baumchen, PS#1363  
County Surveyor



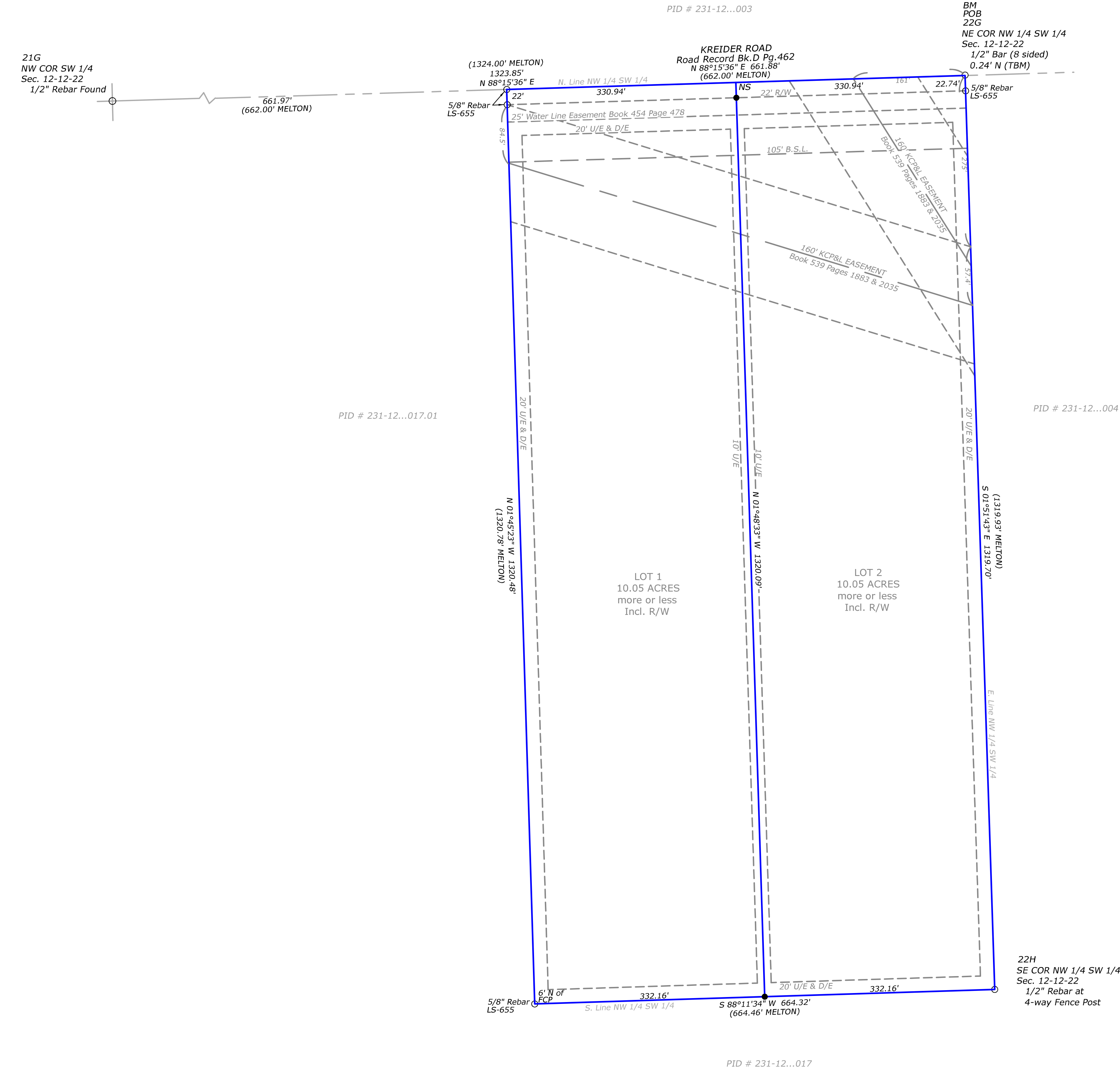
Scale 1" = 100'

Job # K-22-1586  
November 18, 2022 Rev. 12/15/22  
J. Herring, Inc. (dba)  
SURVEYING & COMPANY  
315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3858 Fax 913.674.5381  
Email - survey@jeamcsh.com

100 0 100 200 300  
1" = 100'



VICINITY MAP  
NOT TO SCALE



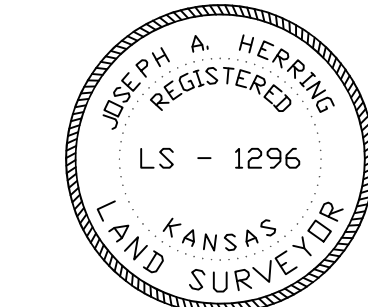
- LEGEND:**
- - 1/2" Rebar Set with Cap No. 1296
  - - 1/2" Rebar Found, unless otherwise noted.
  - - Concrete Base around Point
  - △ - PK Nail Found in Place
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent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

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

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

- NOTES:**
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Error of Closure Calculations
  - 5) Basis of Bearing - KS SPC North Zone 1501 North line NW 1/4 SW 1/4
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Proposed Lots for Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88 Project Benchmark (BM) - NE Cor NW 1/4 SW 1/4 - Elev. - 900.6'
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  - 12) Utility Companies -
    - Water - Water District 7
    - Electric - Evergy
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 13) Reference Lawyer's Title of Kansas, Inc., Case No: 45627 updated November 10, 2022
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  - 16) Distances to and of structures, if any, are +- 1'.
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  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:  
(TBM) - Terry B. Melton LS-655 Recorded Survey 1991

22H SE COR NW 1/4 SW 1/4 Sec. 12-12-22 1/2" Rebar at 4-way Fence Post



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of November 2022 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296

**Leavenworth County  
Request for Board Action  
Case No. DEV-22-171  
Prairie Hills 2<sup>nd</sup> Replat**

**Date:** January 25, 2023  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Amy Allison, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** The applicants are requesting to replat Lot 4 of the Prairie Hills Subdivision into a one lot subdivision. The proposed lot is 2.8 acres in size.

**Analysis:** The applicants are requesting to replat Lot 4 of the Prairie Hills Subdivision due to the fact that a portion of the original lot was deeded off and combined with Lot 3A of the Prairie Reserve Subdivision. That action made this property non-compliant and replatting is required in order to bring the property back into compliance. The proposed lot meets the minimum standards of the RR-2.5 district.

**Recommendation:** The Planning Commission voted 8-0 (1 absence) to recommend approval of Case No.DEV-22-171, Preliminary and Final Plat for Prairie Hills 2<sup>nd</sup> Replat subject to conditions.

**Alternatives:**

1. Approve Case No. DEV-22-171, Prairie Hills 2<sup>nd</sup> Replat, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-22-171, Prairie Hills 2<sup>nd</sup> Replat, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-22-171, Prairie Hills 2<sup>nd</sup> Replat, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

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

**Total Amount Requested:** \$0.00

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



**LEAVENWORTH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
STAFF REPORT**

CASE NO: DEV-22-171 Prairie Hills 2<sup>nd</sup> Replat

January 25, 2023

**REQUEST: *Consent Agenda***

- Preliminary Plat                       Final Plat  
 Replat

**STAFF REPRESENTATIVE:**

AMY ALLISON  
DEPUTY DIRECTOR

**SUBJECT PROPERTY: 14855 PRAIRIE CROSSING**



**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING

**PROPERTY OWNER:**

DENNIS & CHRISTINA ZIMMERMAN  
14855 PRAIRIE CROSSING  
LEAVENWORTH KS 66048

**CONCURRENT APPLICATIONS:**

NONE

**LAND USE**

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:  
MIXED RESIDENTIAL

**LEGAL DESCRIPTION:**

A portion of Lot 4, Prairie Hills Subdivision, Leavenworth County Kansas.

SUBDIVISION: PRAIRIE HILLS

FLOODPLAIN: N/A

**PLANNING COMMISSION RECOMMENDATION: APPROVAL WITH CONDITIONS**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Approve Case No. DEV-22-171, Prairie Hills 2nd Replat, with Findings of Fact, and with or without conditions
2. Deny Case No. DEV-22-171, Prairie Hills 2nd Replat, with Findings of Fact
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-22-171, Prairie Hills 2nd Replat, with Findings of Fact
4. Remand the case back to the Planning Commission.

**PARCEL SIZE:**

2.8 ACRES

**PARCEL ID NO:**

107-35-0-00-00-007.06

**BUILDINGS:**

SINGLE-FAMILY DWELLING,  
DETACHED GARAGE AND POOL

**PROJECT SUMMARY:**

Request to replat Lot 4 of the Prairie Hills Subdivision into Lot 1 of the Prairie Hills 2<sup>nd</sup> Replat.

**ACCESS/STREET:**

PRAIRIE CROSSING - LOCAL, PAVED ± 26';

**Location Map:**



**UTILITIES**

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: FD #1

WATER: RWD 8

ELECTRIC: EVERGY

**NOTICE & REVIEW:**

**STAFF REVIEW:**

1/4/2023

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING**

PROPERTY OWNERS:

N/A

<b>STANDARDS TO BE CONSIDERED:</b>			
<i>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</i>		<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>	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 replat a 2.8-acre lot as Lot 1. The replat is necessitated due to an approximately 25 ft. strip of land that had been deeded from Lot 4 of the Prairie Hills subdivision to be combined with the lot next door. This action left the property as a non-compliant lot. In order for this property to be brought back into conformance, it needs to be replatted to create a new legal description. The Subdivision is a lot within an existing subdivision which a waiver for the use of private septic systems has already been approved. This property has been developed with an existing house, detached garage and pool that will remain on the lot. The lot meets the requirements for the RR-2.5 zoning district. Staff is generally in support.

**PROPOSED CONDITIONS:**

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

**ATTACHMENTS:**

- A: Application
- 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

PID: \_\_\_\_\_  
 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: Dennis L. & Christina M. Zimmerman  
 MAILING ADDRESS: 315 N. 5th Street MAILING ADDRESS 14855 Prairie Crossing  
 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: PRAIRIE HILLS 2nd REPLAT  
 Address of Property: 14588 Prairie Crossing  
 Urban Growth Management Area: N/A

**SUBDIVISION INFORMATION**

Gross Acreage: 2.8 Ac	Number of Lots: 1	Minimum Lot Size: 2.8 Ac
Maximum Lot Size: 2.8 Ac	Proposed Zoning: RR 2.5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 8	Proposed Sewage: Septic
Fire District: District 1	Electric Provider: Evergy	Natural Gas Provider: propane/atmos
Covenants: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Road Classification: <u>Local</u> - Collector - Arterial - State - Federal	

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

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

Signature: Joe Herring - digitally signed 12/15/2022 Date: 12/15/22

**ATTACHMENT A**







# PRAIRIE HILLS 2ND REPLAT

A Replat of a part of Lot 4, PRAIRIE HILLS SUBDIVISION, a subdivision in Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
Dennis L. Zimmerman Jr. and Christina M. Zimmerman  
14855 Prairie Crossing  
LEAVENWORTH, KS 66048  
PID # 107-35-0-00-00-007.06

**SURVEYOR'S DESCRIPTION:**  
A part of Lot 4, PRAIRIE HILLS SUBDIVISION, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296, more fully described as follows: Beginning at the Northwest corner of said Lot 4; thence North 68 degrees 51'27" East for a distance of 155.57 feet along the North line of said Lot 4; thence on a curve to the right having a radius of 470.00 feet and an arc length of 115.91 feet along said North line, being subtended by a chord bearing of North 75 degrees 08'36" East and a chord distance of 115.62 feet, to the Northwest corner of Lot 3A of PRAIRIE RESERVE; thence South 02 degrees 00'25" East for a distance of 505.75 feet along the West line of PRAIRIE RESERVE to the Southwest corner of Lot 2A of said PRAIRIE RESERVE; thence South 87 degrees 59'35" West for a distance of 259.70 feet along the South line of PRAIRIE HILLS SUBDIVISION to the Southwest corner of said Lot 4; thence North 02 degrees 00'25" West for a distance of 429.04 feet along the West line of said Lot 4 to the point of beginning, together with and subject to covenants, easement and restriction of record.  
Said property contain 2.8 acres, more or less.

**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: PRAIRIE HILLS 2ND 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.

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

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 PRAIRIE HILLS 2ND REPLAT, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Dennis L. Zimmerman Jr. Christina M. Zimmerman

**NOTARY CERTIFICATE:**  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, a notary public in and for said County and State came Dennis L. Zimmerman Jr. and Christina M. Zimmerman, 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 PRAIRIE HILLS 2ND REPLAT this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Secretary: Amy Allison  
Chairman: Steven Rosenthal

**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 PRAIRIE HILLS 2ND REPLAT this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

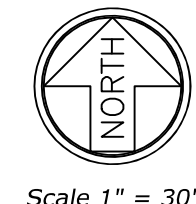
Chairman: Michael Smith  
County Clerk: Janet Klasinski

**REGISTER OF DEED CERTIFICATE:**  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 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 plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363  
County Surveyor

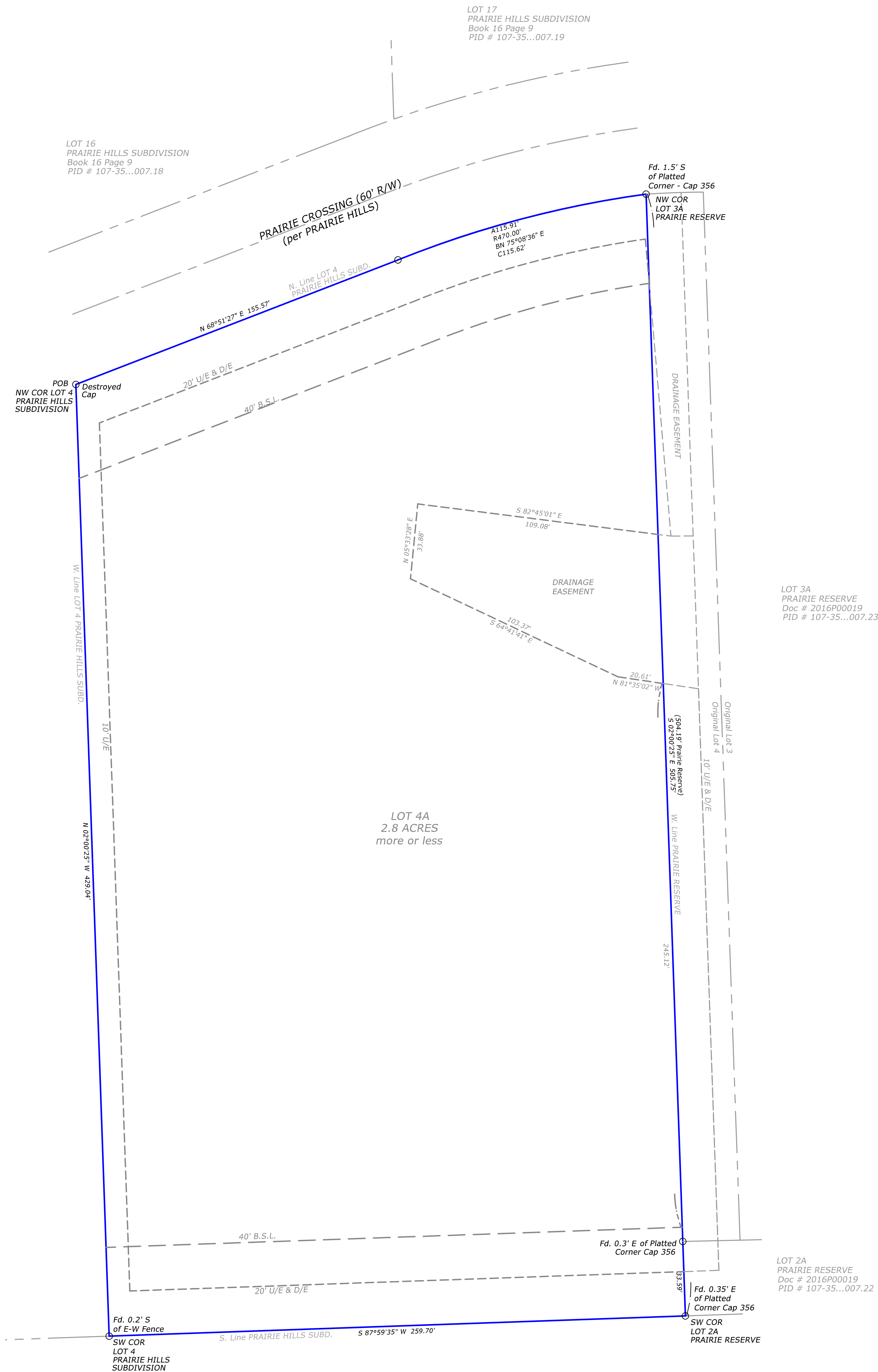
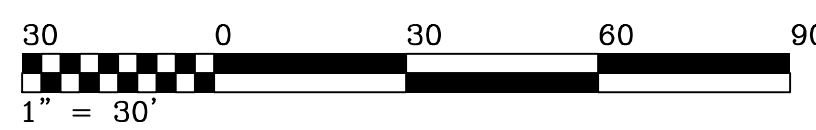


Scale 1" = 30'

Job # K-22-1664  
December 15, 2022 Rev. 1-2-23

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

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

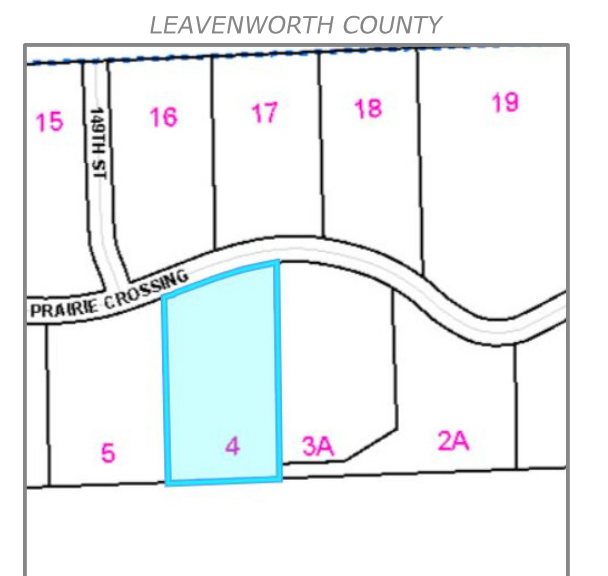


- RESTRICTIONS:**
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - 4) Lots are subject to the current Access Management Policy
  - 5) The owners of Lots 1-19 of the Prairie Hills Subdivision, and Lot 4A Prairie Hills 2nd Replat, shall not oppose the City of Lansing from forming a Benefit District for the future construction of internal gravity sewers or upgrade of Prairie Hills Drive from a "Residential" status to a "Collector" status. Benefit Districts will only be formed in the event there is a need for extension of a Collector Street to the west or there is gravity sewer adjacent to the Prairie Hills Subdivision.
  - 6) Restriction recorded in Book 976 at Page 810

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

- NOTES:**
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - 1 : 296362
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin per recorded/referenced plats.
  - 7) Existing and Proposed Lots for Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88  
Project Benchmark (BM) - NW Corner Lot 4 - 1/2" Rebar - 897'
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Book 707 Page 1648
  - 12) Utility Companies -  
- Water - RWD #8  
- Electric - Evergy  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas
  - 13) Reference First American Title Insurance Company File Number 22444702 dated December 7, 2022.
  - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0231G dated July 16, 2015
  - 15) Building Setback Lines as shown hereon or noted below  
- All side yard setbacks - 15' (Accessory - 15')  
- All rear yard setbacks - 40' (Accessory - 15')
  - 16) Distances to and of structures, if any, are +- 1'.
  - 17) Easements as per referenced Title Commitment are shown hereon, if any.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:  
- PRAIRIE HILLS SUBDIVISION Book 16 Page 9  
- PRAIRIE RESERVE Doc # 2016P00019

- LEGEND:**
- - 1/2" Rebar Set with Cap No. 1296
  - - 1/2" Rebar Found Cap #1373 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



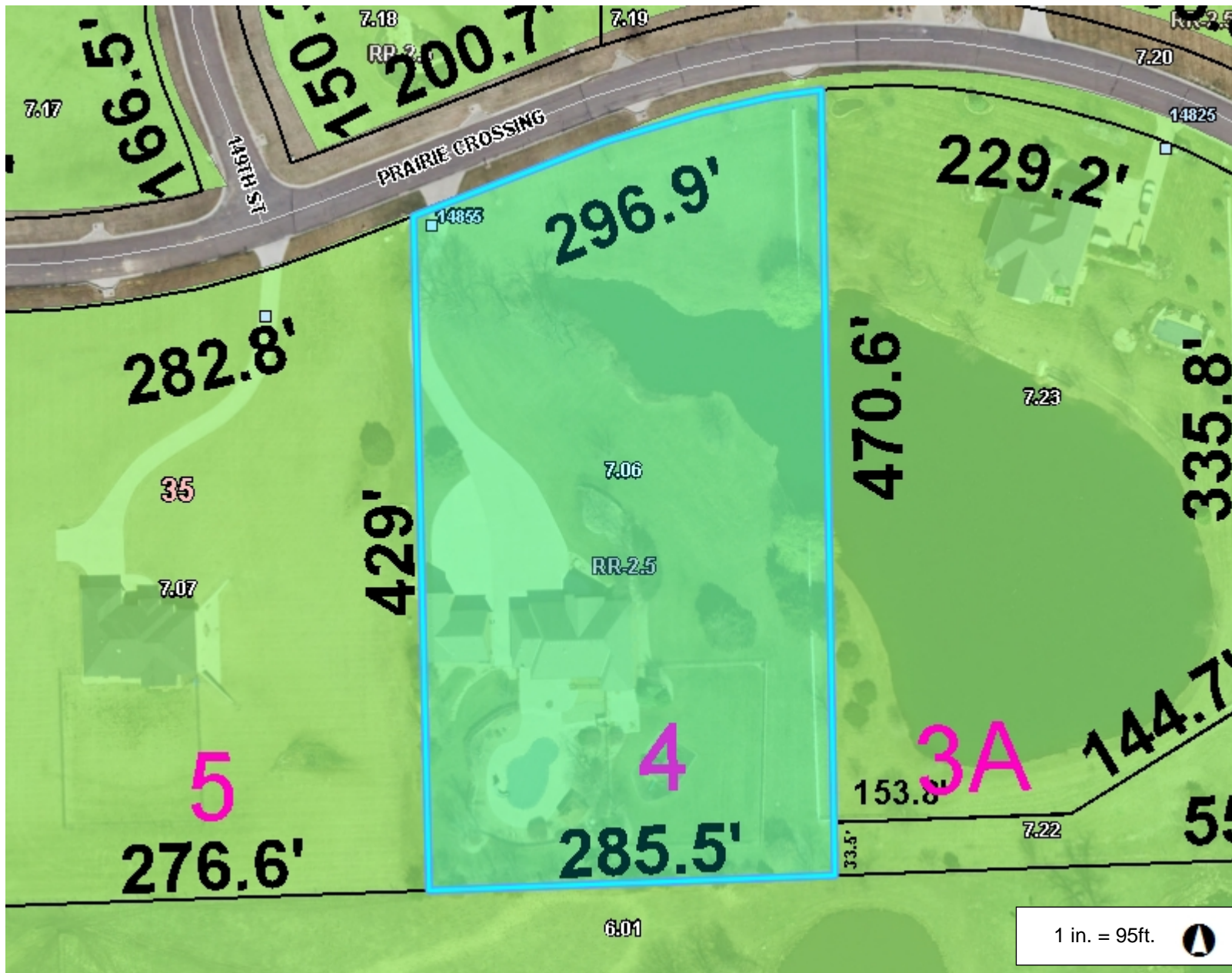
I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of December 2022 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296

PID # 107-35-0-00-00-006.01



# DEV-22-171 Prairie Hills 2nd Replat



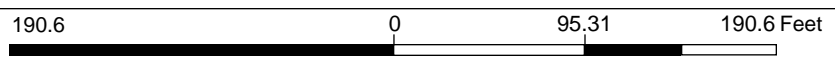
### Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- ⋯ City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + Railroad
- Section
- Section Boundaries
- County Boundary

### Zoning

- B-1
- B-2
- B-3
- I-1
- I-2
- I-3
- MXD
- PC
- PI
- PR-1
- PR-2
- PR-3

### Notes



1 in. = 95ft.

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Allison, Amy

---

**From:** Jon Hain <Jon.Hain@evergy.com>  
**Sent:** Friday, December 23, 2022 8:20 AM  
**To:** Allison, Amy; Magaha, Chuck; Miller, Jamie; Patzwald, Joshua; Van Parys, David; 'firedistrict1@fd1lvco.org'; Design Group Leavenworth; 'Rural Water'  
**Subject:** RE: DEV-22-171 - Replat – Prairie Hills 2nd

Internal Use Only

Amy,

Evergy has reviewed the re-plat, and has no objections. Evergy has no facilities on or near the relocated boundary.

Thank you

### Jon Hain

Evergy  
Design Technician  
[jon.hain@evergy.com](mailto:jon.hain@evergy.com)  
(913) 758-2724

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Thursday, December 22, 2022 4:50 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'firedistrict1@fd1lvco.org' <firedistrict1@fd1lvco.org>; Design Group Leavenworth <DesignGroupLeavenworth@evergy.com>; 'Rural Water' <rwd8lv@gmail.com>  
**Subject:** RE: DEV-22-171 - Replat – Prairie Hills 2nd

**\*\*WARNING:** This email originated from an external source outside of Evergy. Think before you click on links or attachments!\*\*

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Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Replat of Lot 4 of the Prairie Hills Subdivision.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, December 29, 2022.

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

Thank you,  
Amy Allison, AICP  
Deputy Director  
Planning & Zoning

## Allison, Amy

---

**From:** Michael Stackhouse <mstackhouse@fd1lvco.org>  
**Sent:** Wednesday, December 28, 2022 8:05 AM  
**To:** Allison, Amy  
**Subject:** RE: DEV-22-171 - Replat – Prairie Hills 2nd

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

Amy,

Thanks for the additional information. As described FD1 has no issues with the replat.

B/R,

Michael L. Stackhouse  
Fire Chief  
Fire District No. 1, County of Leavenworth  
111 E. Kansas Avenue  
Lansing, KS. 66043  
Office: 913-727-5844  
Cell: 913-683-3223



---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Wednesday, December 28, 2022 8:03 AM  
**To:** Michael Stackhouse <mstackhouse@fd1lvco.org>  
**Subject:** RE: DEV-22-171 - Replat – Prairie Hills 2nd

Good Morning,

The replat is only for Lot 3 which has already been developed. They are not proposing to create anymore lots or build anymore houses. The property owner is replatting just to fix a property line adjustment that happened a few years ago without going through the proper channels.

Amy

---

**From:** Michael Stackhouse <mstackhouse@fd1lvco.org>  
**Sent:** Wednesday, December 28, 2022 7:23 AM  
**To:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Subject:** RE: DEV-22-171 - Replat – Prairie Hills 2nd

# PRAIRIE HILLS 2ND REPLAT

A Replat of a part of Lot 4, PRAIRIE HILLS SUBDIVISION, a subdivision in Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
 Dennis L. Zimmerman Jr. and Christina M. Zimmerman  
 6825 E. Shawnee  
 LEAVENWORTH, KS 66048  
 PFD # 107-35-00-00467-05

**SURVEYOR'S DESCRIPTION:**  
 A part of Lot 4, PRAIRIE HILLS SUBDIVISION, Leavenworth County, Kansas, as written by Joseph A. Herring P.E., 2020, more fully described as follows: Beginning at the Northwest corner of said Lot 4, thence South 89° 52' 00" East for a distance of 115.31 feet to the North line of said Lot 4, thence South 89° 52' 00" East for a distance of 475.00 feet and an arc length of 115.31 feet along said North line, being subtended by a chord bearing of South 75 degrees 00' 00" East and a chord distance of 115.31 feet to the Northwest corner of Lot 34 of PRAIRIE RESERVE, thence South 02 degrees 00' 00" East for a distance of 502.79 feet along the West line of PRAIRIE RESERVE to the Southeast corner of Lot 26 of said PRAIRIE RESERVE, thence South 87 degrees 30' 00" West for a distance of 210.70 feet along the South line of PRAIRIE HILLS SUBDIVISION to the Southeast corner of said Lot 4, thence North 02 degrees 00' 00" West for a distance of 502.54 feet along the West line of said Lot 4 to the point of beginning, together with and subject to easements, easement and easement rights contained 2.8 acres, more or less.

**CERTIFICATION AND DEDICATION**  
 The undersigned practitioner states 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: PRAIRIE HILLS 2ND 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 for water and sewer lines, gas lines, pipes and wires and any other form of public utility use and hereafter used by the public over and along the same under ANY Easement (S).

"Drainage Easement" or "DSE" shown on this plat are hereby dedicated for the purpose of constructing, using, repairing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or ordinary connections, including similar facilities, and appurtenant thereto, including the right to channel, repair and extend 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 clear, unobstructed, and shall be maintained in conjunction with the use and maintenance of storm drainage facilities. The maintenance and repair of said easements shall be the responsibility of the individual owners of the lots abutting said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

Shows shown on the accompanying plat and not herebefore dedicated for public use are hereby so dedicated.

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.

**BY TESTAMENTARY INSTRUMENT:**  
 We, the undersigned parties of PRAIRIE HILLS 2ND REPLAT, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Dennis L. Zimmerman Jr. Christina M. Zimmerman

**NOTARY CERTIFICATE:**  
 Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, a notary public in and for said County and State of Kansas, Dennis L. Zimmerman Jr., and Christina M. Zimmerman, a married couple, do hereby appear to me in person and acknowledge 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: \_\_\_\_\_ (none)

**APPROVALS:**  
 We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat PRAIRIE HILLS 2ND REPLAT this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Secretary: Steven Rosenthal  
 Chairman: Steven Rosenthal

**COUNTY ENGINEER'S APPROVAL:**  
 The County Engineer's plan 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: Missi Fiske

**COUNTY COMMISSION APPROVAL:**  
 We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of PRAIRIE HILLS 2ND REPLAT this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Chairman: Michael Smith  
 County Clerk: Janet Mastasi

**REGISTER OF DEED CERTIFICATE:**  
 Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ o'clock \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas.

Register of Deeds: Tommaso G. Mastasi

I hereby certify that this plat meets the requirements of K.S.A. 86-501. The use of this plat was reviewed for compliance with Kansas Minimum Standards for Building Divisions. No field verification is required. This review is for survey information only.

Reviewed 2022 01 13 13 No Comments

Scale 1" = 30'

30' = 1:30' 1654  
 December 15, 2022 Rev. 1-2-23

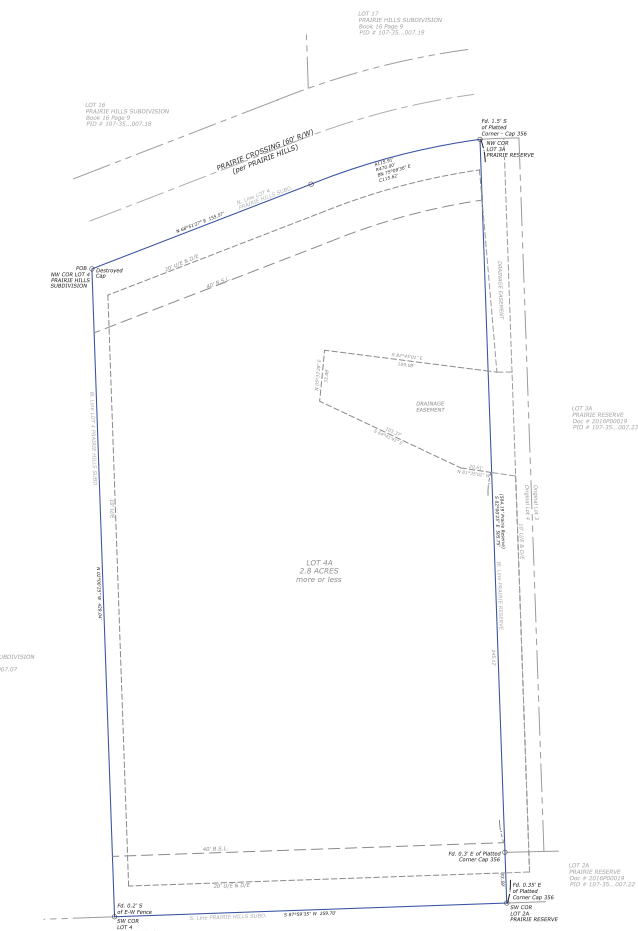
TERRING SURVEYING COMPANY  
 1010 North 10th Street, Suite 103 Omaha, NE 68102  
 Phone: 402-441-8888  
 Email: survey@terring.com

1

1" = 30'

0 30 60 90 120 150 180 210 240 270 300 330 360

1" = 30'



LOT 17  
 PRAIRIE HILLS SUBDIVISION  
 Book 18 Page 8  
 PFD # 107-35-00-00119

LOT 16  
 PRAIRIE HILLS SUBDIVISION  
 Book 18 Page 8  
 PFD # 107-35-00-00118

LOT 15  
 PRAIRIE HILLS SUBDIVISION  
 Book 18 Page 8  
 PFD # 107-35-00-00117

LOT 14  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 13  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 12  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 11  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 10  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 9  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 8  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 7  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 6  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 5  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 4  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 3  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 2  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 1  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT 0  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT -1  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT -2  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT -3  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT -4  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT -5  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT -6  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT -7  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT -8  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT -9  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT -10  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT -11  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

LOT -12  
 PRAIRIE RESERVE  
 Doc # 2019P001019  
 PFD # 107-35-00-00123

RESTRICTIONS:  
 1) All structural structures within the plat that comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.  
 2) An Equipment Storage System may be required due to zone not conditions.  
 3) Erosion and sediment control measures shall be used when designing and constructing driveway and other structures. Re-vegetation of all disturbed areas shall be completed within 30 days after this grading.  
 4) Lots are subject to the current Active Management Risk.  
 5) Easement recorded in Book 578 of Page 810

**ZONING:**  
 R2.5 - Rural Residential 2.5

**NOTES:**  
 1) This survey does not show easements.  
 2) All measurements are calculated from measurements or measured this survey, unless otherwise noted.  
 3) All recorded and measured distances are the same, unless otherwise noted.  
 4) Error of Closure = 1/250,000  
 5) Based on bearing = 45 deg. North Zone 1501  
 6) All measurements are per recorded/referenced plat.  
 7) Easement and Easement Lines are the Recreational Use.  
 8) Road Record - See Survey  
 9) Easement - See Survey  
 10) Easement - See Survey  
 11) Easement - See Survey  
 12) Utility Companies -  
 - Electric - Energy  
 - Sewer - Satic / Lagoon  
 - Gas - Public / Natural Gas  
 13) Reference First American Title Insurance Company File Number 224447342  
 14) Property is not in a County Flood Hazard Area per FEMA Flood Map 201502021D (Effective July 16, 2015)  
 15) Building Setback Lines as shown herein to be as follows:  
 - All rear yard setbacks = 15' (Accessory - 15')  
 - All side yard setbacks = 10' (Accessory - 10')  
 16) Distances to end of structures, if any, are 1 - 1'  
 17) Easements as per referenced file commitments are shown herein, if any.  
 18) Fence Lines do not necessarily denote the boundary line for the property.  
 19) PRAIRIE HILLS SUBDIVISION Book 18 Page 8  
 - PRAIRIE RESERVE Doc # 2019P001019

**LEGEND:**  
 1" = 30' Sublot Set with Cap No. 1236  
 0 - 1/2" Paper Bound Cap #1372 unless otherwise noted.  
 ( ) - Record / Unrecorded Easement  
 --- - Utility Easement  
 --- - Drainage Easement  
 --- - Building Setback Line  
 --- - Easement Enclosed Boundary Easement  
 BM - Benchmark

LEAVENWORTH COUNTY

VICTORY TWP  
 NOT TO SCALE

1" = 30' SUBLOT SET WITH CAP NO. 1236  
 0 - 1/2" PAPER BOUND CAP #1372 UNLESS OTHERWISE NOTED.  
 ( ) - RECORD / UNRECORDED EASEMENT  
 --- - UTILITY EASEMENT  
 --- - DRAINAGE EASEMENT  
 --- - BUILDING SETBACK LINE  
 --- - EASEMENT ENCLOSED BOUNDARY EASEMENT  
 BM - BENCHMARK

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of December 2022 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
 P.E. # 228

# Summary of Comments on K-22-1664 ZimmermanLOT4 24x36LS

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Page: 1

---

Number: 1 Author: dbaumchen Subject: Text Box Date: 1/3/2023 9:14:19 AM

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Reviewed 2023.01.03 No Comments



# PRAIRIE HILLS 2ND REPLAT

A Replat of a part of Lot 4, PRAIRIE HILLS SUBDIVISION, a subdivision in Leavenworth County, Kansas.

## FINAL PLAT

### PREPARED FOR:

Dennis L. Zimmerman Jr. and Christina M. Zimmerman  
14855 Prairie Crossing  
LEAVENWORTH, KS 66048  
PID # 107-35-0-00-00-007.06

### SURVEYOR'S DESCRIPTION:

A part of Lot 4, PRAIRIE HILLS SUBDIVISION, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296, more fully described as follows: Beginning at the Northwest corner of said Lot 4; thence North 68 degrees 51'27" East for a distance of 155.57 feet along the North line of said Lot 4; thence on a curve to the right having a radius of 470.00 feet and an arc length of 115.91 feet along said North line, being subtended by a chord bearing of North 75 degrees 08'36" East and a chord distance of 115.62 feet, to the Northwest corner of Lot 3A of PRAIRIE RESERVE; thence South 02 degrees 00'25" East for a distance of 505.75 feet along the West line of PRAIRIE RESERVE to the Southwest corner of Lot 2A of said PRAIRIE RESERVE; thence South 87 degrees 59'35" West for a distance of 259.70 feet along the South line of PRAIRIE HILLS SUBDIVISION to the Southwest corner of said Lot 4; thence North 02 degrees 00'25" West for a distance of 429.04 feet along the West line of said Lot 4 to the point of beginning, together with and subject to covenants, easement and restriction of record.  
Said property contain 2.8 acres, more or less.

### 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: PRAIRIE HILLS 2ND 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.

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

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 PRAIRIE HILLS 2ND REPLAT, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Dennis L. Zimmerman Jr. Christina M. Zimmerman

NOTARY CERTIFICATE:  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, a notary public in and for said County and State came Dennis L. Zimmerman Jr. and Christina M. Zimmerman, 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 PRAIRIE HILLS 2ND REPLAT this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Secretary: Amy Allison  
Chairman: Steven Rosenthal

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 PRAIRIE HILLS 2ND REPLAT this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

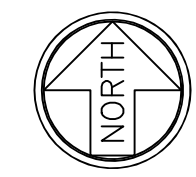
Chairman: Michael Smith  
County Clerk: Janet Klasinski

REGISTER OF DEED CERTIFICATE:  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_\_ o'clock \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn

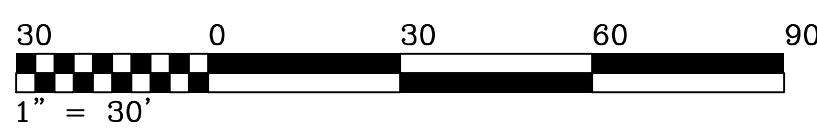
I hereby certify that this plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363  
County Surveyor



Scale 1" = 30'

Job # K-22-1664  
December 15, 2022 Rev. 1-2-23



LOT 17  
PRAIRIE HILLS SUBDIVISION  
Book 16 Page 9  
PID # 107-35...007.19

LOT 16  
PRAIRIE HILLS SUBDIVISION  
Book 16 Page 9  
PID # 107-35...007.18

LOT 3A  
PRAIRIE RESERVE  
Doc # 2016P00019  
PID # 107-35...007.23

LOT 5  
PRAIRIE HILLS SUBDIVISION  
Book 16 Page 9  
PID # 107-35...007.07

LOT 2A  
PRAIRIE RESERVE  
Doc # 2016P00019  
PID # 107-35...007.22

PID # 107-35-0-00-00-006.01

**01-03-2023  
OLSSON REVIEW  
No Further Comment**

### RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to the current Access Management Policy
- 5) The owners of Lots 1-19 of the Prairie Hills Subdivision, and Lot 4A Prairie Hills 2nd Replat, shall not oppose the City of Lansing from forming a Benefit District for the future construction of internal gravity sewers or upgrade of Prairie Hills Drive from a "Residential" status to a "Collector" status. Benefit Districts will only be formed in the event there is a need for extension of a Collector Street to the west or there is gravity sewer adjacent to the Prairie Hills Subdivision.
- 6) Restriction recorded in Book 976 at Page 810

### ZONING:

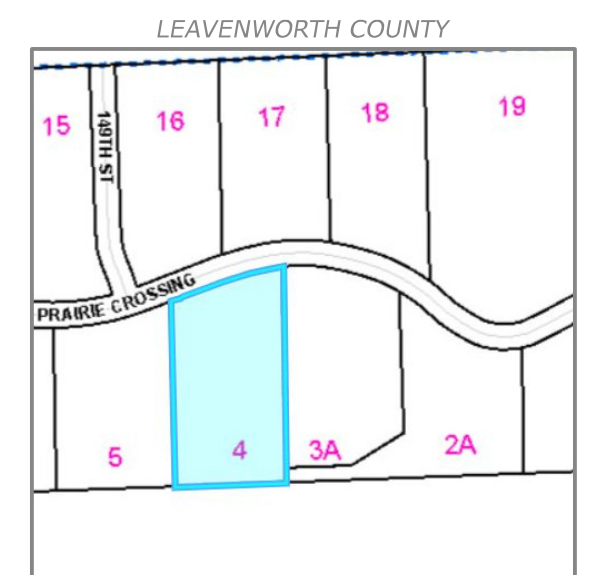
RR 2.5 - Rural Residential 2.5

### NOTES:

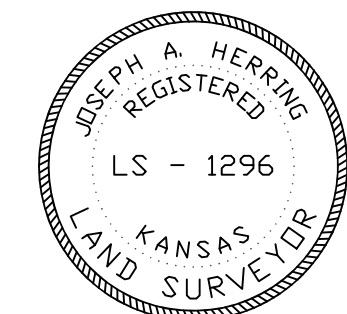
- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - 1 : 296362
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Monument Origin per recorded/referenced plats.
- 7) Existing and Proposed Lots for Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD88
- 10) Project Benchmark (BM) - NW Corner Lot 4 - 1/2" Rebar - 897'
- 11) Easements, if any, are created hereon or listed in referenced title commitment.
- 12) Reference Recorded Deed Book 707 Page 1648
- 12) Utility Companies -  
- Water - RWD #8  
- Electric - Evergy  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas
- 13) Reference First American Title Insurance Company File Number 22444702 dated December 7, 2022.
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0231G dated July 16, 2015
- 15) Building Setback Lines as shown hereon or noted below  
- All side yard setbacks - 15' (Accessory - 15')  
- All rear yard setbacks - 40' (Accessory - 15')
- 16) Distances to and of structures, if any, are +- 1'.
- 17) Easements as per referenced Title Commitment are shown hereon, if any.
- 18) Fence Lines do not necessarily denote the boundary line for the property.
- 19) Reference Surveys:  
- PRAIRIE HILLS SUBDIVISION Book 16 Page 9  
- PRAIRIE RESERVE Doc # 2016P00019

### LEGEND:

- - 1/2" Rebar Set with Cap No. 1296
- - 1/2" Rebar Found Cap #1373 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



VICINITY MAP  
NOT TO SCALE



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of December 2022 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296

**Leavenworth County  
Request for Board Action  
Case No. DEV-22-145  
Replat of J&A Farms**

**Date:** January 25, 2023  
**To:** Board of County Commissioners  
**From:** Planning & Zoning Staff

**Department Head Review:** Amy Allison, Reviewed

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** The applicants are requesting a Replat of Lots 1 & 2 of the J&A Farms subdivision. The proposed subdivision would create two 5.12 acre lots.

**Analysis:** The applicants are proposing to replat 10.2-acres into Lots 1A and 2A of the J&A Farms Replat. Lots 1A & 2A are proposed to remain as 5.12 acres in size. The proposed lot layout is requested due to a detached accessory structure and septic lateral lines being built over the property line. In order for this property to be brought back into conformance, an exception needs to be granted to permit an angled line to be created. The proposed layout will fix the non-conforming accessory structure and lateral field.

**Recommendation:** The Planning Commission voted 8-0 (1 absence) to recommend approval of Case No.DEV-22-145, J&A Farms Replat subject to conditions.

**Alternatives:**

1. Approve Case No. DEV-22-145, J&A Farms Replat, with Findings of Fact, and with or without conditions; or
2. Deny Case No. DEV-22-145, J&A Farms Replat, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-22-145, J&A Farms Replat with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

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

**Total Amount Requested:**  
\$0.00

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



**LEAVENWORTH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
STAFF REPORT**

CASE NO: DEV-22-145 J&A Farms Replat

January 25, 2023

**REQUEST: *Consent Agenda***

- Preliminary Plat                       Final Plat  
 Replat

**STAFF REPRESENTATIVE:**

AMY ALLISON  
DEPUTY DIRECTOR

**SUBJECT PROPERTY: 21242 & 21278 DEMPSEY RD**



**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING

**PROPERTY OWNER:**

CHARLES & CANDACE HARNETT  
21242 DEMPSEY RD  
LEAVENWORTH KS 66048

STERLINE & VICKI BROWNING

21278 DEMPSEY RD  
LEAVENWORTH KS 66048

**CONCURRENT APPLICATIONS:**

NONE

**LAND USE**

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:  
RESIDENTIAL (2.5-ACRE)

SUBDIVISION: J&A FARMS

FLOODPLAIN: N/A

**LEGAL DESCRIPTION:**

Lots 1 & 2, J&A Farms Subdivision, Leavenworth County Kansas.

**PLANNING COMMISSION RECOMMENDATION: APPROVAL WITH CONDITIONS**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Approve Case No. DEV-22-145, J&A Farms Replat, with Findings of Fact, and with or without conditions
2. Deny Case No. DEV-22-145, J&A Farms Replat, with Findings of Fact
3. Revise or Modify the Planning Commission Recommendation to Case No. DEV-22-145, J&A Farms Replat with Findings of Fact
4. Remand the case back to the Planning Commission.

**PARCEL SIZE:**

10.2 ACRES

**PARCEL ID NO:**

142-04-0-00-01-007.02 & 142-04-0-00-01-007.01

**BUILDINGS:** LOT 1 - SINGLE-FAMILY DWELLING AND ACCESSORY STRUCTURE

**PROJECT SUMMARY:**

Request to replat Lots 1-2 of the J&A Farms Subdivision into Lot 1A & 2A of the J&A Farms Replat.

**ACCESS/STREET:**

DEMPSEY RD – COUNTY ARTERIAL, PAVED ± 24’;

**Location Map:**



**UTILITIES**

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: ALEXANDRIA

WATER: RWD 8

ELECTRIC: EVERGY

**NOTICE & REVIEW:**

**STAFF REVIEW:**

12/27/2022

**NEWSPAPER NOTIFICATION:**

N/A

**NOTICE TO SURROUNDING**

PROPERTY OWNERS:

N/A

<b>STANDARDS TO BE CONSIDERED:</b>			
<i>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</i>		<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>	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
	An exception from Article 50, Section 40.3.d. is required.		
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 replat a 10.2-acres into Lots 1A and 2A of the J&A Farms Replat. 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). Lots 1A & 2A are proposed to remain as 5.12 acres in size. The proposed lot layout is requested due to a detached accessory structure and septic lateral lines being built over the property line. In order for this property to be brought back into conformance, an exception needs to be granted to permit an angled line to be created. The proposed layout will fix the non-conforming accessory structure and lateral field. Due to previous decisions of a similar nature, staff is not supportive of the request.

**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 to Article 50, Section 40.3.d., Lot Line bearing 90 degrees from Right-of-Way, has been granted.
6. The developer must comply with the following memorandums:
  - a. Memo – Chuck Magaha, Emergency Management, dated December 27, 2022

**ATTACHMENTS:**

- A: Application
- 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**

PID: \_\_\_\_\_  
 Township: \_\_\_\_\_  
 Planning Commission Meeting Date: \_\_\_\_\_  
 Case No. \_\_\_\_\_ Date Received/Paid: \_\_\_\_\_  
 Zoning District \_\_\_\_\_  
 Comprehensive Plan land use designation \_\_\_\_\_

**APPLICANT/AGENT INFORMATION**

**OWNER INFORMATION**

NAME: Joe Herring NAME: Sterling & Harnett  
 MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 21242 & 21278 Dempsey Road  
 CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Leavenworth, KS 66048  
 PHONE: 913-651-3858 PHONE: N/A  
 EMAIL : survey@teamcash.com EMAIL N/A

**GENERAL INFORMATION**

Proposed Subdivision Name: J & A FARMS REPLAT  
 Address of Property: 21242 & 21278 Dempsey Road  
 Urban Growth Management Area: N/A

**SUBDIVISION INFORMATION**

Gross Acreage: 10.2 Acres	Number of Lots: 2	Minimum Lot Size: 5.12 Acres
Maximum Lot Size: 5.12 Acres	Proposed Zoning: RR - 2.5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 8	Proposed Sewage: Septic
Fire District: Alexandria	Electric Provider: Evergy	Natural Gas Provider: Propane/Kansas Gas
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: Local <u>Collector</u> Arterial – State - Federal	

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

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

Signature: Joe Herring - digitally signed 10/15/2022 Date: 10-15-22

**ATTACHMENT A**

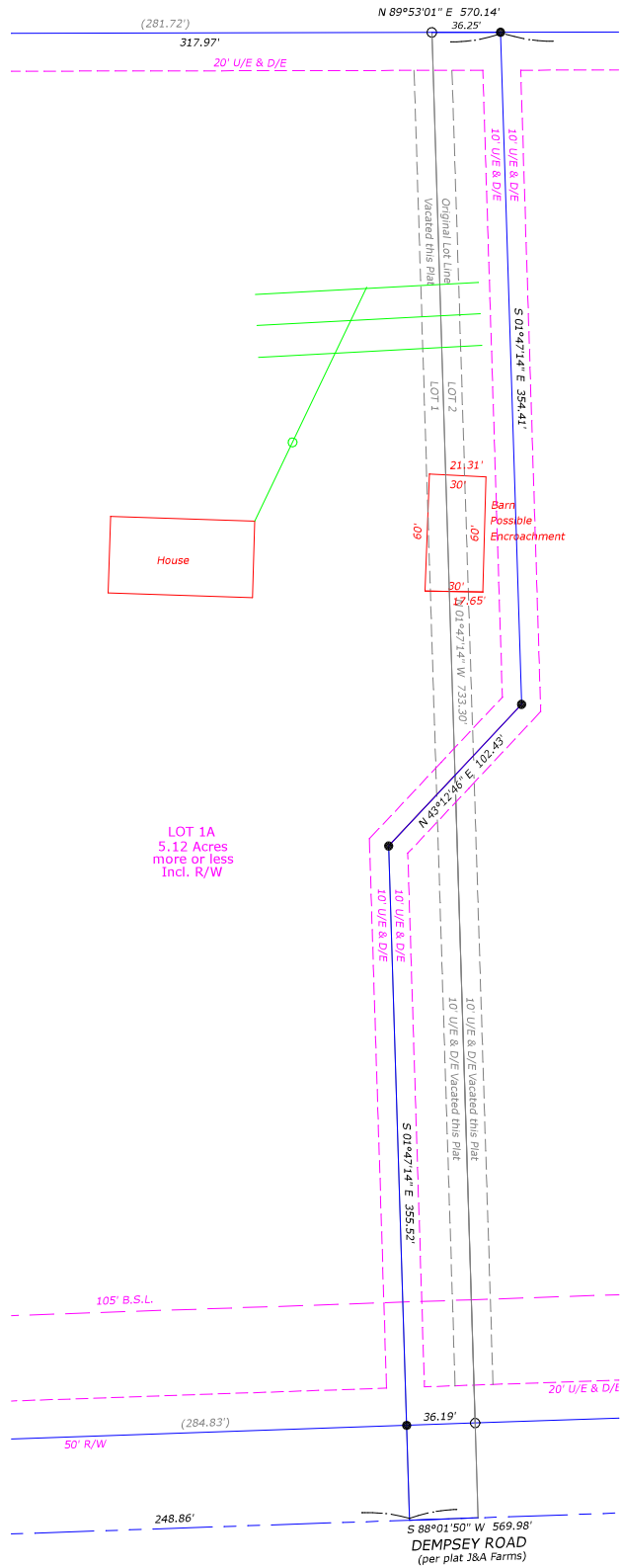







# AS-BUILT

## LOT 1A - Proposed J & A FARMS REPLAT



Scale 1" = 100'

Job # K-22-1596  
December 27, 2022



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

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

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY



# J & A FARMS REPLAT

A Replat of Lots 1 and 2, J & A FARMS, a subdivision in Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
BROWNING, STERLING E III & VICKI L  
21278 DEMPSEY ROAD  
LEAVENWORTH, KS 66048  
PID # 142-04-0-00-01-007.01  
Lot 1 - J&A Farms

HARNETT, CHARLES SR & CANDACE  
21242 DEMPSEY ROAD  
LEAVENWORTH, KS 66048  
PID # 142-04-0-00-01-007.02  
Lot 2 - J&A Farms

RECORD DESCRIPTION:  
Lot 1, J & A FARMS, a subdivision of land in Leavenworth County, Kansas.  
Lot 2, J & A FARMS, a subdivision of land in Leavenworth County, Kansas.

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

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

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 J & A FARMS REPLAT, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Sterling E. Browning, III  
Vicki L. Browning

Charles Harnett, Sr.  
Candance Harnett

NOTARY CERTIFICATE:  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, a notary public in and for said County and State came Sterling E. Browning III and Vicki L. Browning, a married couple, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

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

NOTARY CERTIFICATE:  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, a notary public in and for said County and State came Charles Harnett Sr. and Candace Harnett, 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 J & A FARMS REPLAT this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Secretary  
Krystal A. Voth

Chairman  
Steven Rosenthal

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 J & A FARMS REPLAT this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Chairman  
Michael Smith

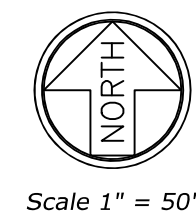
County Clerk  
Attest: Janet Klasinski

REGISTER OF DEED CERTIFICATE:  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_\_ o'clock \_\_\_M in the Office of the Register of Deeds of Leavenworth County, Kansas,

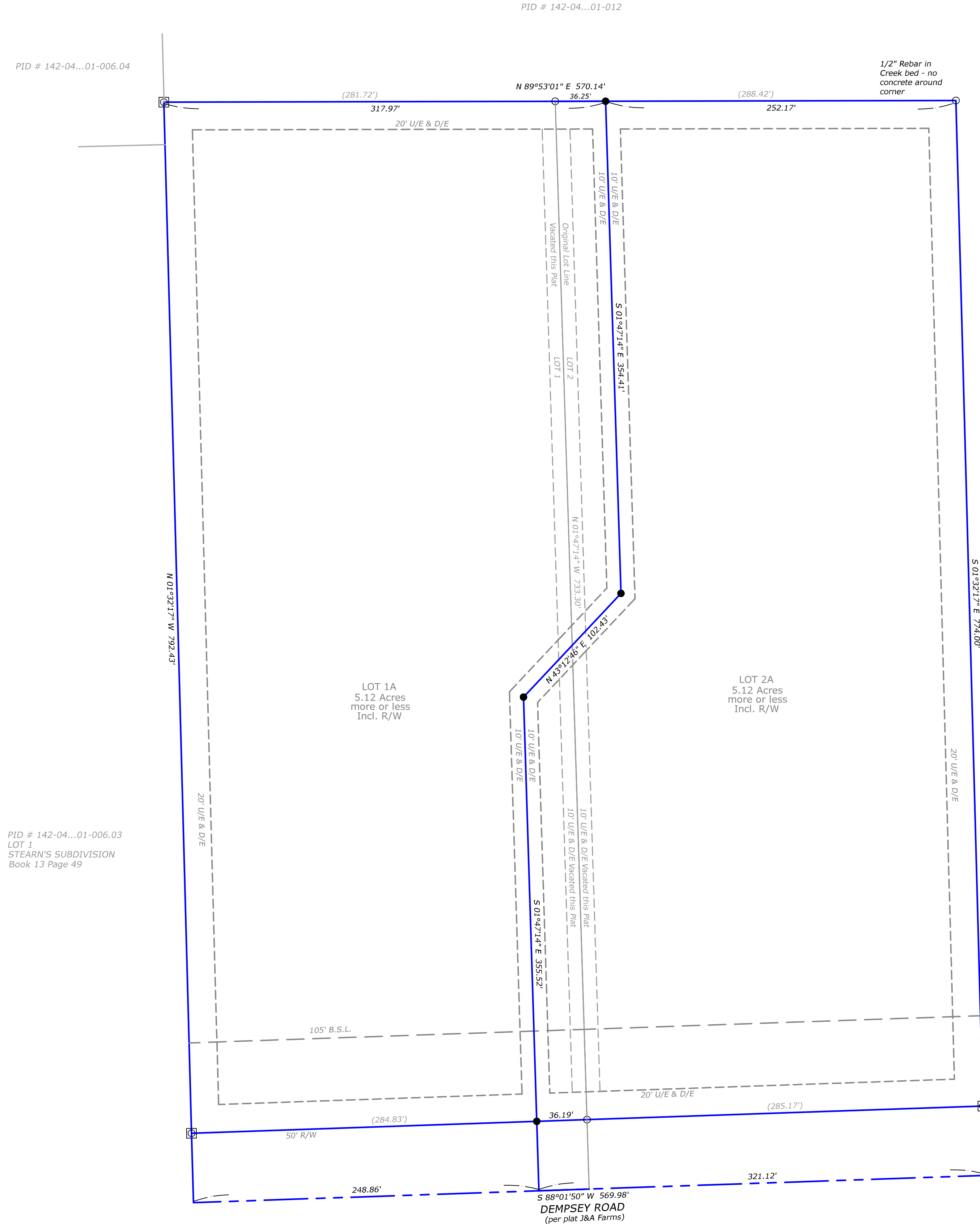
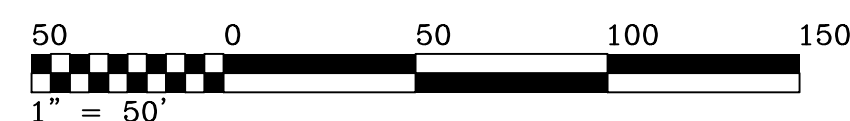
Register of Deeds - TerriLois G. Mashburn

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

Daniel Baumchen, PS#1363  
County Surveyor



Job # K-22-1596  
October 15, 2022 Rev. 12/6/22



TOWN OF JARBALO  
Book 1A Page 36

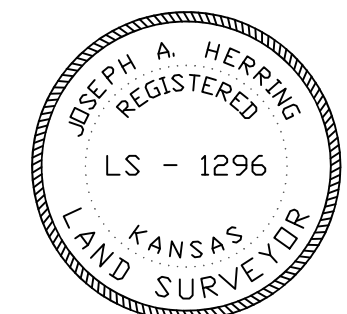
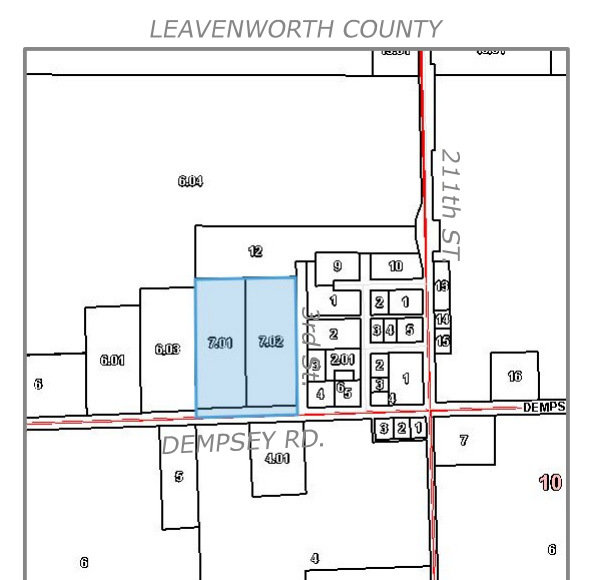
3RD STREET  
(per Town of Jarbalo - 60' R/W)

RESTRICTIONS:  
1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.  
2) An Engineered Waste Disposal System may be required due to poor soil conditions.  
3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.  
4) Lots are subject to the current Access Management Policy  
5) An exception to Article 50, Section 40.3.d. Lot Lines has been granted for Lots 1A & 2A.  
6) No off-plat restrictions.

ZONING:  
RR 2.5 - Rural Residential 2.5

NOTES:  
1) This survey does not show ownership.  
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.  
3) All recorded and measured distances are the same, unless otherwise noted.  
4) Error of Closure - 1 : 400518  
5) Basis of Bearing - KS 5PC North Zone 1501  
6) Monument Origin per recorded plat J & A Farms Subdivision.  
7) Proposed Lots for Residential Use.  
8) Road Record - See Survey  
9) Benchmark - NAVD83  
Project Benchmark (BM) - SW Corner Lot 1 - 908.4'  
10) Easements, if any, are created hereon or listed in referenced title commitment.  
11) Reference Recorded Deed Book 707 Page 1648  
12) Utility Companies  
- Water - Water District 8  
- Electric - Evergy  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas  
13) Reference Continental Title File Number 22443756 dated November 8, 2022, and Number 22443983 dated November 11, 2022.  
14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0225G dated July 16, 2015  
15) Building Setback Lines as shown hereon or noted below  
- All side yard setbacks - 15' (Accessory - 15')  
- All rear yard setbacks - 40' (Accessory - 15')  
16) Distances to and of structures, if any, are +- 1'.  
17) Easements as per referenced Title Commitment are shown hereon, if any.  
18) Fence Lines do not necessarily denote the boundary line for the property.  
19) Reference Surveys:  
- J & A FARMS SUBDIVISION Doc # 2015P00011

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



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of June through October 2022 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296



## Allison, Amy

---

**From:** Tyler Rebel <Tyler.Rebel@evergy.com>  
**Sent:** Monday, November 21, 2022 3:14 PM  
**To:** Allison, Amy  
**Subject:** RE: DEV-22-145 Replat– J&A Farms Replat

Internal Use Only

No comment from Evergy – thanks,

**Tyler Rebel**  
Distribution Designer  
Evergy  
[tyler.rebel@evergy.com](mailto:tyler.rebel@evergy.com)  
O: 913.758.2727  
[evergy.com](http://evergy.com)

---

**From:** Allison, Amy <AAllison@leavenworthcounty.gov>  
**Sent:** Monday, November 21, 2022 2:37 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'tonyburr@ymail.com' <tonyburr@ymail.com>; Design Group Leavenworth <DesignGroupLeavenworth@evergy.com>; 'RWD8LV@gmail.com' <RWD8LV@gmail.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-22-145 Replat– J&A Farms Replat

**\*\*WARNING:** This email originated from an external source outside of Evergy. Think before you click on links or attachments!\*\*

---

Good Afternoon,

The Department of Planning and Zoning has received an application for a Replat regarding Lots 1 & 2 of the J&A Farms subdivision. The applicant is adjusting the shared property line to fix a setback issue.

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, November 29, 2022.

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

Thank you,

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

## Allison, Amy

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**From:** Rural Water <rwd8lv@gmail.com>  
**Sent:** Wednesday, November 30, 2022 9:45 AM  
**To:** Allison, Amy  
**Subject:** Re: DEV-22-145 Replat- J&A Farms Replat

**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.

There is no water main on either property. Therefore there are no issues with Rural Water Dist #8.

On Mon, Nov 21, 2022 at 2:36 PM Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)> wrote:

Good Afternoon,

The Department of Planning and Zoning has received an application for a Replat regarding Lots 1 & 2 of the J&A Farms subdivision. The applicant is adjusting the shared property line to fix a setback issue.

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, November 29, 2022.

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

Thank you,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.364.5757

# J & A FARMS REPLAT

A Replat of Lots 1 and 2, J & A FARMS, a subdivision in Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
 BRONWING STERLING E III & VICKI L  
 21778 DEMPSEY ROAD  
 LEAVENWORTH, KS 66048  
 PID # 142-04-01-006-02  
 LOT 1 - 364 Acres

HARNETT CHARLES SR & CANDACE  
 21242 DEMPSEY ROAD  
 LEAVENWORTH, KS 66048  
 PID # 142-04-01-006-02  
 LOT 2 - 364 Acres

RECORD DESCRIPTION:  
 Lot 2, J & A FARMS, a subdivision of land in Leavenworth County, Kansas.

**CERTIFICATION AND DEDICATION**  
 The undersigned preparer states 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: J & A FARMS 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, power and water 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 Easement" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a collect, storm sewer, drainage ditch, or other drainage facility or facility 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, in 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 shown upon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

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

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 thereon in violation of this use and the street line.

**IN TESTIMONY WHEREOF**  
 We, the undersigned owners of J & A FARMS REPLAT, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
 Sterling E. Bronwing, III  
 Charles Harnett, Sr.

\_\_\_\_\_  
 Vicki L. Bronwing  
 Candace Harnett

**NOTARY CERTIFICATE:**  
 I, a Notary Public in and for said County and State of Kansas, do hereby certify that the above named persons and the undersigned preparer are 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 this \_\_\_\_\_ day and year above written.

\_\_\_\_\_  
 Notary Public  
 My Commission Expires: \_\_\_\_\_ (MM/YY)

**NOTARY CERTIFICATE:**  
 I, a Notary Public in and for said County and State of Kansas, do hereby certify that the above named persons and the undersigned preparer are 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 this \_\_\_\_\_ day and year above written.

\_\_\_\_\_  
 Notary Public  
 My Commission Expires: \_\_\_\_\_ (MM/YY)

**APPROVALS**  
 We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of J & A FARMS REPLAT this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
 Secretary  
 Kristy A. Jan

\_\_\_\_\_  
 Chairman  
 Steven Rosenthal

**COUNTY ENGINEER'S APPROVAL:**  
 The County Engineer's plan 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  
 MISSI PASE

**COUNTY COMMISSION APPROVAL:**  
 We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of J & A FARMS REPLAT this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
 Chairman  
 Michael Smith

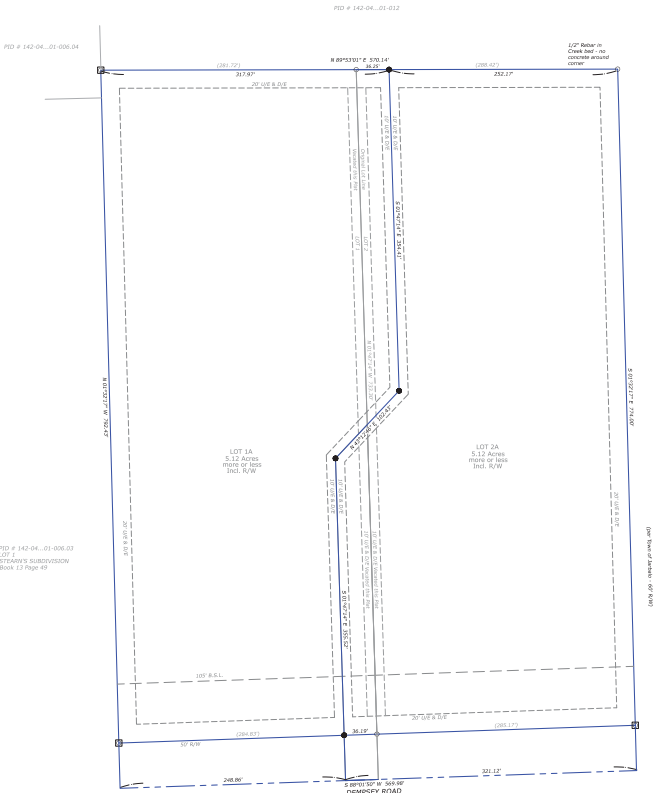
\_\_\_\_\_  
 County Clerk  
 Abbey Lindquist

**REGISTER OF DEEDS CERTIFICATE:**  
 I, the Register of Deeds for Leavenworth County, Kansas, do hereby certify that this plat meets the requirements of K.S.A. 85-506. The use of this plat was reviewed for compliance with Kansas Minimum Standards for Building Surveys. No field verification is required. This review is for survey information only.

\_\_\_\_\_  
 Register of Deeds  
 Tom Lewis G. Robinson

I hereby certify that this plat meets the requirements of K.S.A. 85-506. The use of this plat was reviewed for compliance with Kansas Minimum Standards for Building Surveys. No field verification is required. This review is for survey information only.

\_\_\_\_\_  
 Donald Baunheimer, R541363  
 County Surveyor



- RESTRICTIONS:**
- All personal structures within the plat that comply with the Leavenworth County Zoning and Subdivision Regulations or zoning jurisdiction.
  - All Equipment Storage Systems may be required due to zone not conforming.
  - Erosion and sediment control measures shall be used when designing and constructing drainage and/or structures. Erosion control of all disturbed areas shall be completed within 10 days after this platting.
  - Lot are subject to the current Active Management Policy
  - Exception for non-survey property line.
  - No off plat restrictions.

**ZONING:**  
 R2.5 - Rural Residential 2.5

- NOTES:**
- This survey does not show easements.
  - 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 = 1/400018
  - Based on Bearings, S 28° 52' 30" W, Zone 1501
  - With the Natural Flow
  - Measurement Drip per recorded plat J & A Farms Subdivision.
  - Proposed Lots for Recreational Use
  - Electric - Energy
  - Sewer - Sanitary / Septic
  - Gas - Propane / Natural Gas
  - Reference Geospatial Data File Number 22143736 dated November 8, 2022, and Number 22485877 dated November 12, 2022.
  - Reference Plat No. 2013002220/2014th July 10, 2013
  - Building Setback Lines to Show Reference to PL 2013
  - All new yard setbacks = 15' (Accessory - 15')
  - All rear yard setbacks = 40' (Accessory - 15')
  - Distances to end of structures, if any, are = 1 - 1
  - 272 Easements as per referenced file commitments are shown herein, if any.
  - Reference Surveys
  - J & A FARMS SUBDIVISION Doc # 201590001

- LEGEND:**
- 1/4" - 1/4" Arbor Set with Cap No. 1296
  - 1/2" - 1/2" Arbor Found, unless otherwise noted.
  - Concrete Base and/or Pier
  - PK Arbor Found in Place
  - Record / Easement Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - K/S - Easement (Underwater) Easement
  - - Not Set this survey per agreement with client
  - A - Air Discharge
  - - Air Return
  - - Closed Building
  - - Closed Building
  - - No Vehicle Entrance Access
  - - Not Set this survey per agreement with client



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of June through October 2022 and this map or plat is correct to the best of my knowledge.

\_\_\_\_\_  
 Joseph A. Herring  
 PS # 1296

Scale 1" = 50'

36 # W 321 1556  
 October 18, 2022 Rev. 12/8/22

300 West 15th Street, Suite 100, Leavenworth, KS 66048  
 Phone: 785-852-2222  
 Email: info@herringcoury.com

# Summary of Comments on K-22-Charles Dempsey 24x36LS

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Page: 1

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Number: 1 Author: dbaumchen Subject: Callout Date: 12/6/2022 2:23:31 PM

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Reviewed 2022.12.06 No Comments



# J & A FARMS REPLAT

A Replat of Lots 1 and 2, J & A FARMS, a subdivision in Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
BROWNING, STERLING E III & VICKI L  
21278 DEMPSEY ROAD  
LEAVENWORTH, KS 66048  
PID # 142-04-0-00-01-007.01  
Lot 1 - J&A Farms

HARNETT, CHARLES SR & CANDACE  
21242 DEMPSEY ROAD  
LEAVENWORTH, KS 66048  
PID # 142-04-0-00-01-007.02  
Lot 2 - J&A Farms

RECORD DESCRIPTION:  
Lot 1, J & A FARMS, a subdivision of land in Leavenworth County, Kansas.  
Lot 2, J & A FARMS, a subdivision of land in Leavenworth County, Kansas.

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

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

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 J & A FARMS REPLAT, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Sterling E. Browning, III  
Vicki L. Browning

Charles Harnett, Sr.  
Candace Harnett

NOTARY CERTIFICATE:  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, a notary public in and for said County and State came Sterling E. Browning III and Vicki L. Browning, a married couple, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

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

NOTARY CERTIFICATE:  
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, a notary public in and for said County and State came Charles Harnett Sr. and Candace Harnett, 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 J & A FARMS REPLAT this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Secretary  
Krystal A. Voth

Chairman  
Steven Rosenthal

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 J & A FARMS REPLAT this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Chairman  
Michael Smith

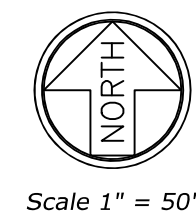
County Clerk  
Attest: Janet Klasinski

REGISTER OF DEED CERTIFICATE:  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_\_ o'clock \_\_\_M in the Office of the Register of Deeds of Leavenworth County, Kansas,

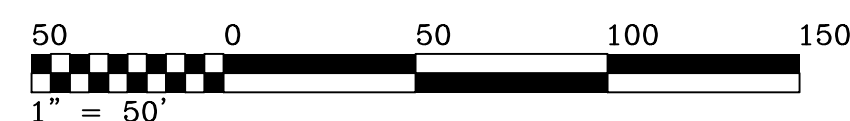
Register of Deeds - TerriLois G. Mashburn

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

Daniel Baumchen, PS#1363  
County Surveyor



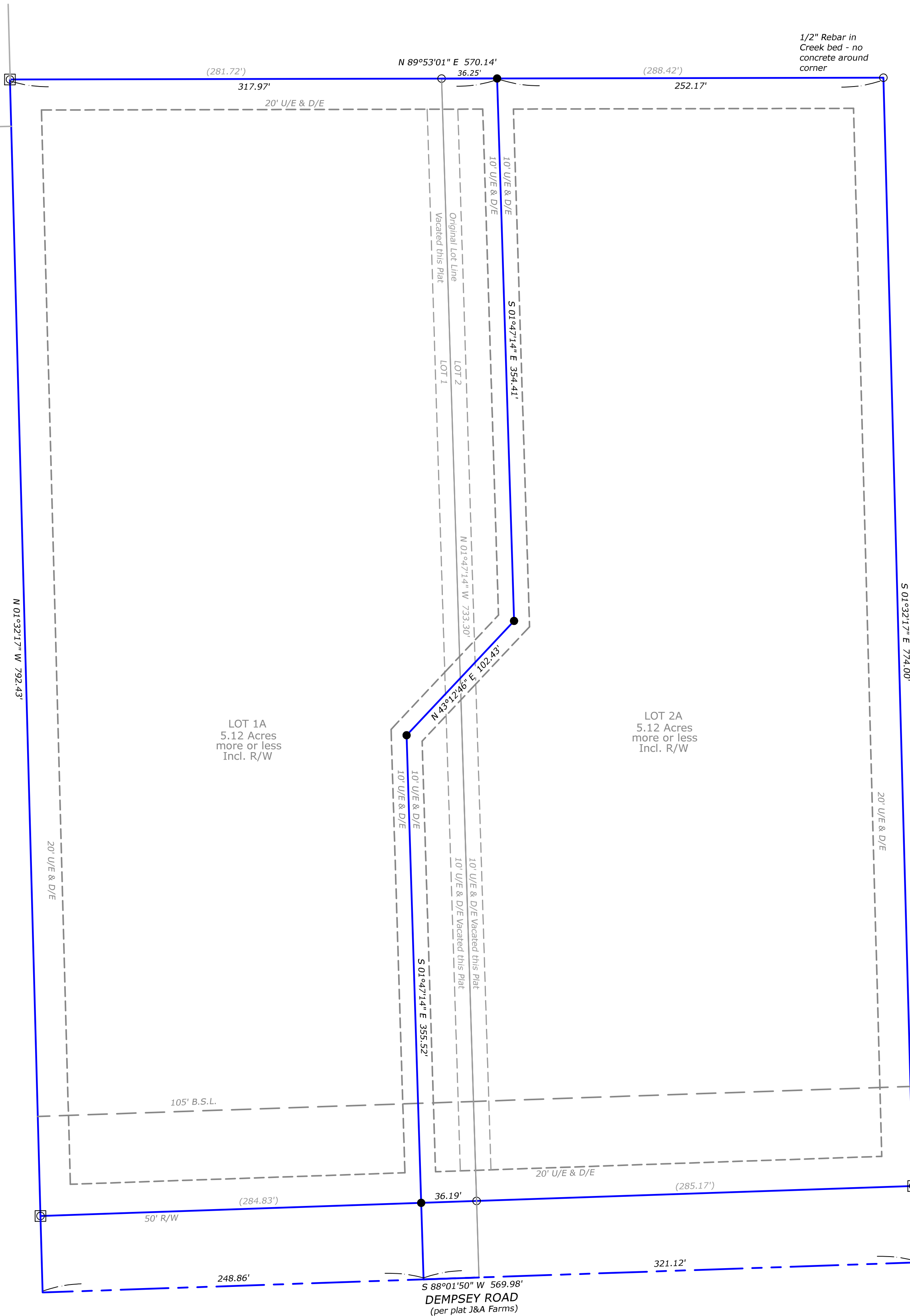
Job # K-22-1596  
October 15, 2022 Rev. 12/6/22



PID # 142-04...01-012

PID # 142-04...01-006.04

PID # 142-04...01-006.03  
LOT 1  
STEARNS' SUBDIVISION  
Book 13 Page 49



TOWN OF JARBALO  
Book 1A Page 36

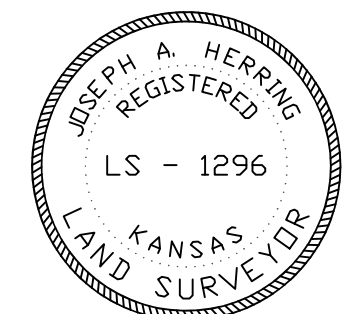
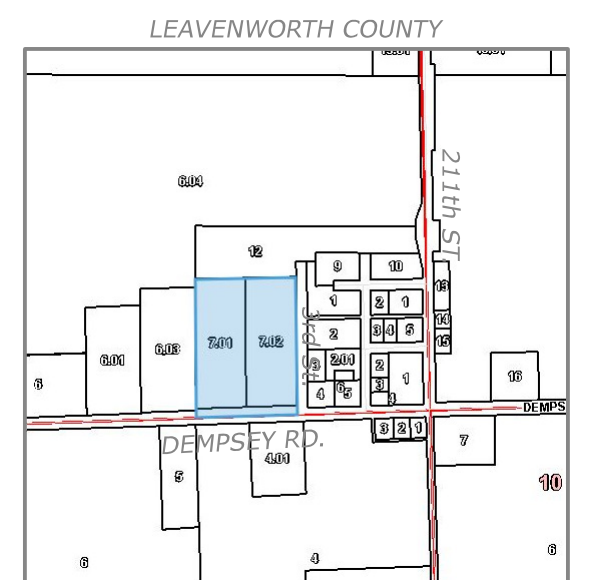
3RD STREET  
(per Town of Jarbalo - 60' R/W)

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

ZONING:  
RR 2.5 - Rural Residential 2.5

- NOTES:
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - 1 : 400518
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) West line Recorded Plat
  - 7) Proposed Lots for Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88  
Project Benchmark (BM) - SW Corner Lot 1 - 908.4'
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Book 707 Page 1648
  - 12) Utility Companies  
- Water - Water District 8  
- Electric - Evergy  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas
  - 13) Reference Continental Title File Number 22443756 dated November 8, 2022, and Number 22443983 dated November 11, 2022.
  - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0225G dated July 16, 2015
  - 15) Building Setback Lines as shown hereon or noted below  
- All side yard setbacks - 15' (Accessory - 15')  
- All rear yard setbacks - 40' (Accessory - 15')
  - 16) Distances to and of structures, if any, are +- 1'.
  - 17) Easements as per referenced Title Commitment are shown hereon, if any.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:  
- J & A FARMS SUBDIVISION Doc # 2015P00011

- 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



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of June through October 2022 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring  
PS # 1296

# MEMO

**To:** Krystal Voth  
**From:** Chuck Magaha  
**Subject:** J&A Farms  
**Date:** December 27, 2022

Krystal, I have reviewed the preliminary plat of the J&A Farms Subdivision presented by Sterling and Harnett. 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 along Dempsey Road a fire hydrant placed between Lot 1 and Lot 2. I have no further recommendation for this subdivision.

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

# Leavenworth County Request for Approval

Date: January 19, 2023

To: BOCC  
Mark Loughry

From: Jamie Miller

Department Head Approval: Jamie Miller

**Additional Reviews as needed:**

Budget Review  Administrator Review  Financial Review

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**Action Requested:** Authorize the Chairman to sign the Clinical Agreement with St. Mary's University as presented.

**Recommendation:** Approval

**Analysis:** Attached is a clinical agreement between St. Mary's University and LVCO EMS. This agreement would allow St. Mary University athletic trainers to have a clinical ride along with EMS. EMS has collaborated with St. Mary's university on many academic and training opportunities and this would be one more opportunity for the two entities to continue providing a learning environment.

The agreement has been reviewed by legal and adequately covers the issues of worker's comp, liability and insurance, indemnifications and mutual assurances. The agreement also outlines a 30-day termination clause should either party wish to vacate the agreement.

**Financial:**

There is no financial component entering into this agreement.

**Budgetary Impact:**

- Not Applicable
- Budget item with available funds
- Non-Budgeted Item with available funds through Grant Funding
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**AFFILIATION AGREEMENT**  
**ATHLETIC TRAINING STUDENT CLINICAL EXPERIENCE**  
**Leavenworth County EMS**

I. GENERAL AGREEMENT

- A. The term of this Agreement shall be for one year and shall be automatically renewed for successive terms of one (1) year unless otherwise terminated. This Agreement may be terminated by either party upon thirty (30) days prior written notice accomplished either by personal service or by certified or registered mail upon the University President, **University of Saint Mary** and **Leavenworth County EMS** (collectively AGENCY), CEO. Any students enrolled in the ongoing programs at the time of such termination notice shall be given the opportunity by the AGENCY and the UNIVERSITY to complete the requirements of the program as offered at the time of their entry and in compliance with the conditions contained in this Agreement.
- B. This Agreement shall be subject to annual review or review from time-to-time as the need may arise, in order to consider any amendment, alteration or change as may be mutually agreed upon in writing by the parties.
- C. This Agreement shall be interpreted in accordance with and pursuant to the law of the State of Kansas.
- D. Nothing in the Agreement is intended to be contrary to State or Federal laws. In the event of a conflict between terms and conditions of this Agreement and any applicable State or Federal laws, the State or Federal law will supersede the terms of this Agreement.

II. MUTUAL RESPONSIBILITIES

- A. UNIVERSITY personnel, faculty and students shall not be deemed to be employees or agents of the AGENCY, and nothing herein contained shall be construed as creating a relationship other than that of an independent contractor between the AGENCY and the UNIVERSITY, its employees, faculty and students. UNIVERSITY personnel, faculty and students shall not be entitled to compensation from the AGENCY in connection with any service or actions of benefit to the AGENCY which are a part of or related to the educational program. The AGENCY and its personnel shall not be entitled to compensation from the UNIVERSITY for services or actions of benefit to the UNIVERSITY which are part of or related to the educational program.
- B. UNIVERSITY personnel, faculty and students are not eligible for coverage under the AGENCY Worker's Compensation or Unemployment Compensation insurance programs. UNIVERSITY will provide, if any, Worker's Compensation or Unemployment Compensation coverage as required by State law for students enrolled in the program. It

is not anticipated that the students shall be compensated for services and clinical training, and by this Section, it is not intended to extend Worker's Compensation or Unemployment Compensation coverage beyond the specific requirements and provisions of State statute.

AGENCY personnel, including without limitation its administrative staff, medical, nursing and other health care provider and other health care service-related staff, housekeeping and maintenance staff, all other employees, agents and representatives are not eligible for coverage under the UNIVERSITY's Workers' Compensation or Unemployment Compensation insurance programs. AGENCY will provide any Workers' Compensation or Unemployment Compensation coverage as required by State law for its personnel. It is not anticipated that AGENCY personnel shall be compensated by UNIVERSITY for any service rendered in relation to the education programs subject to the terms of the Agreement and that by this Section, it is not intended to extend Workers' Compensation or Unemployment Compensation coverage beyond the specific requirements and provisions of State statute.

- C. The UNIVERSITY shall provide, at its own expense, comprehensive general liability insurance covering bodily injury and property damage liability, with minimum coverage limits of \$1,000,000 per occurrence/\$2,000,000 general total limit, and medical professional liability insurance with minimum coverage limits of \$2,000,000 per claim/\$5,000,000 annual aggregate, covering the UNIVERSITY, its faculty and students participating in the educational programs under this Agreement. The UNIVERSITY shall provide AGENCY with a Certificate of Insurance as evidence of such insurance coverage.

The UNIVERSITY will defend, indemnify and hold harmless the AGENCY, its officers, agents, employees and representatives from any and all claims for loss or damage to property or injury or death to persons, including costs, expenses and reasonable attorney's fees, arising from the negligent or wrongful acts or omissions of the UNIVERSITY, its faculty or students, as they pertain to services rendered under this Agreement.

AGENCY agrees to notify UNIVERSITY when any faculty member or student has been involved in an incident which has been reported to AGENCY.

- D. The AGENCY shall provide, at its own expense, adequate liability insurance coverage for its employees.

The AGENCY will defend, indemnify and hold harmless the UNIVERSITY, its trustees, officers, agents, representatives, employees, faculty and residents from any and all claims for loss or damage to property or injury or death to persons, including costs, expenses and reasonable attorney's fees, arising from the negligent or wrongful acts or omissions of the AGENCY or its employees as they pertain to services rendered under this Agreement.



- E. Except as otherwise provided on any Schedule attached hereto, the UNIVERSITY will provide qualified teachers to teach all courses prerequisite to participation in the UNIVERSITY's clinical practicum course(s). The faculty members will select and assign learning experiences of students in accordance with agreed-to schedules and work assignments. Faculty members will work with appropriate representatives and personnel of the AGENCY in determining the needs of clients assigned to students.

The UNIVERSITY shall notify the AGENCY in writing of any change or proposed change of any clinical instructor. The AGENCY may request that the UNIVERSITY replace clinical instructors assigned to any of the clinical training programs by providing the UNIVERSITY with a letter describing such reason. The UNIVERSITY shall, within five days, provide the AGENCY with names of qualified replacement staff, such replacement staff to be employee(s) of the UNIVERSITY unless otherwise mutually agreed to. The decision to replace clinical instructors is committed to the discretion and judgment of the UNIVERSITY.

- F. The UNIVERSITY shall provide the AGENCY with a schedule for student assignments, including the number and names of students, and a copy of the clinical objectives in sufficient time (a minimum of two calendar weeks) prior to the beginning of the student rotation to allow for adequate planning and staffing of the department to meet the needs of the department and the clients of the AGENCY.

The AGENCY shall determine whether its physical plant will be made available for the educational purposes requested by the UNIVERSITY. Under no circumstances shall the AGENCY be deemed to have consented to the use of its physical plant, programs, personnel, plans or schedules except as specifically indicated and mutually agreed.

- G. The UNIVERSITY shall comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, and related regulations, and assure that it does not and will not discriminate against any person on the basis of race, creed, sex, national origin, age, or disability under any program or activity receiving federal financial assistance as provided by the specific federal financial assistance program.

The AGENCY shall comply with Title VII of the Civil Rights Act of 1991, 42 U.S.C. § 2000e *et seq.*, as amended, the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* and the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* and will not discriminate against any student or Clinical Faculty or other faculty or employees or administrative staff of the UNIVERSITY participating in any clinical program under this Agreement on the basis of race, creed, sex, national origin, age or disability or any other basis prohibited by federal, state or local law.

- H. The safety, health and welfare of AGENCY clients shall be of the utmost importance in this Agreement. The UNIVERSITY will provide necessary assurance or evidence of acceptable health levels, safety training or screening of students while working in the clinical area. For example:
1. Proof of immunizations for Tetanus/Diphtheria/Pertussis with the Tetanus/Diphtheria vaccination occurring in the last 10 years, Rubella/Rubeola (Measles)/Mumps, Varicella, Hepatitis B or signed *Assumption of Risk Waiver*.
  2. Pass a Two-Step Tuberculosis Skin Test and renewed one year from initial TB test, utilizing a One-Step Tuberculosis Skin Test.
  3. Pass a criminal background check.
  4. Pass a drug test.
  5. Receive a medical examination.
  6. Attend a clinical orientation which includes: communicable disease prevention and control measures, Health Insurance Portability and Accountability Act (*HIPAA*), and Family Educational Rights and Privacy Act (*FERPA*) training.
  7. Annual review of program policies and procedures, clinical assignment responsibilities and professional code of conduct.
  8. On a case-by-case basis receive influenza vaccination, provide proof of health insurance and FA/CPR credentials.
- I. The AGENCY shall provide access to the UNIVERSITY to by-laws, rules, regulations, policies and procedures of the AGENCY relevant to students' clinical experience and shall participate in an orientation program in conjunction with the UNIVERSITY for informing all participating faculty and students of the provisions thereof. Students assigned to the educational program who do not abide by the by-laws, rules, regulations, policies and procedures of the AGENCY, or meet the standards of safety, health and ethical behavior prescribed thereby, may be suspended, placed on probation or dismissed from the clinical program. Prior to instituting disciplinary actions, UNIVERSITY shall, in consultation with AGENCY, provide the student notice of the proposed action and an opportunity to be heard. The UNIVERSITY shall be responsible for the proper conduct of students and instructors while at the AGENCY as governed by the rules and regulations of the clinical area. The decision regarding disciplinary action against clinical instructors or students of the UNIVERSITY as described in the Section II.I is committed to the discretion and judgment of the UNIVERSITY.

- J. The UNIVERSITY shall reimburse the AGENCY for the cost of any damage to the equipment solely caused by the inappropriate or negligent use by its students.

### III. UNIVERSITY RESPONSIBILITIES

- A. The UNIVERSITY shall maintain sole responsibility for the educational programs of students assigned to the AGENCY. The UNIVERSITY shall offer educational programs accredited by appropriate national and state accrediting organizations and shall determine standards of education, hours of instruction, clinical learning experiences, instructional schedules, evaluation of students, and other matters pertaining to educational programs offered by the UNIVERSITY. The UNIVERSITY shall maintain all student records relevant to the clinical training programs.
- B. The UNIVERSITY shall not discriminate against any STUDENT applicant for enrollment in its course of study because of race, creed, sex, national origin, age or disability.
- C. The UNIVERSITY shall abide by all applicable federal, state and local laws, rules and regulations and adhere to ethical business practices.
- D. AGENCY has in place an Organizational Responsibility Plan that has as its goal to ensure that the AGENCY complies with federal, state, and local laws and regulations. It focuses on risk management, the promotion of good corporate citizenship, including a commitment to uphold a high standard of ethical and legal business practices, and the prevention of misconduct. UNIVERSITY acknowledges AGENCY's commitment to organizational responsibility and agrees to conduct all business transactions which occur pursuant to this Agreement in accordance with the underlying philosophy and objectives of organizational responsibility adopted by AGENCY.
- E. All UNIVERSITY personnel, faculty and students shall abide by the by-laws, rules, regulations, policies and procedures of the AGENCY, and at all times shall maintain the appropriate degree of care and responsibility in connection with the educational programs carried out pursuant to this Agreement when dealing with clients, employees, and medical staff.
- F. All UNIVERSITY personnel, faculty and students who have access to client or research medical records shall maintain strict confidentiality with regard to said records and shall not disclose any information contained therein to any person outside the clinical training program in which they are involved.

- G. The UNIVERSITY maintains the privilege for its faculty to visit the AGENCY facility during normal business hours for purposes connected with the educational program during the educational period.
- H. Faculty of the UNIVERSITY shall verbally inform the client of the proposed student involvement in care and treatment prior to student assignment. The client shall have the right to consent to or refuse consent to student participation in their care and treatment.
- I. The UNIVERSITY agrees that the STUDENT shall:
1. Be permitted all AGENCY holidays: Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Years Eve.
  2. Have the responsibility of transportation to and from the AGENCY and on any reasonable special assignment by the AGENCY.
  3. Be responsible for own absences due to illness or other cause and AGENCY notification in accordance with AGENCY policy and practice.
  4. Complete health forms requested by the AGENCY.
  5. Be responsible for following all by-laws, rules, regulations, policies and procedures of the AGENCY.
  6. Be responsible for providing the necessary and appropriate uniforms required, if any, but not provided by the AGENCY.
  7. Be responsible for reporting on time to the designated individual at the AGENCY'S facility.
  8. Be responsible for the STUDENT'S own housing during clinical education assignment.
  9. At all times, behave in a professional and ethical manner as defined in the professional code of ethics and/or departmental policies and procedures.
  10. To comply with HIPAA requirements, each student will be asked to sign an AGENCY Confidentiality Statement.
- J. The UNIVERSITY will establish, charge and collect any and all fees, charges, costs and expenses to be paid by students for participation in the clinical program(s) and the AGENCY will have no right or responsibility in relation thereto.



- K. The UNIVERSITY shall remain responsible for any and all aspects of all of its degree granting programs including without limitation its **Master of Science in Athletic Training** Degree and the AGENCY shall have no right or responsibility with respect thereto.

#### IV. AGENCY RESPONSIBILITIES

- A. The AGENCY shall maintain ultimate responsibility for client care and treatment.
- B. The AGENCY shall cooperate with the UNIVERSITY in the preparation of students in clinical education programs. To the extent UNIVERSITY is able to make offerings available, the AGENCY will provide clinical space, subject to availability, to qualified students from the UNIVERSITY for educational purposes under the guidance and supervision of the clinical instructors during such periods of time and to such extent as AGENCY shall agree.
- C. The AGENCY shall determine the number of students it will accept during a specific clinical educational period and shall notify the UNIVERSITY within thirty (30) days of receipt of schedule. The AGENCY may, in its reasonable discretion, limit the number of students in any of the clinical programs.
- D. The AGENCY shall designate in writing a liaison to work with the UNIVERSITY'S assigned Clinical Instructors.
- E. The AGENCY shall complete all forms as requested by the UNIVERSITY such as general information forms and evaluation reports.
- F. The AGENCY shall not discriminate against any STUDENT applicant or clinical instructors because of race, creed, sex, national origin, age or disability.
- G. The AGENCY shall permit the full-time and part-time faculty and students assigned to the UNIVERSITY'S educational programs to use its client care, medical record and data facilities for clinical education, provided that such use shall not conflict with or violate any by-laws, rules, regulations, policies or procedures of the AGENCY. Such use shall be subject to and at all times comply with the confidentiality provisions contained in subsection III. E. of this Agreement.
- H. The AGENCY shall make available rooms or areas where groups of students may hold discussions and receive clinical instruction, and permit, for educational purposes, the use of such supplies and equipment as are commonly available for client care, the cost of same to be reimbursed by the UNIVERSITY.

- I. The AGENCY shall obtain consent for student involvement in client care and treatment on the general admission consent to treatment form. The client shall have the right to consent to or refuse consent to student participation in their care and treatment.
- J. If applicable, the AGENCY shall maintain full certification by the appropriate state certifying authority

**AFFILIATION AGREEMENT**

**University of Saint Mary**  
**4100 S 4<sup>th</sup> Street**  
**Leavenworth, KS 66048**

**Leavenworth County EMS**  
**500 Eisenhower Rd #100**  
**Leavenworth, KS 66048**

UNIVERSITY

Agency

It is agreed by the aforesaid parties to be of mutual interest and advantage for selected students of the UNIVERSITY to be provided quality clinical education experiences through the AGENCY, and of mutual interest to the AGENCY to participate in the provision of such quality education. The UNIVERSITY has established the following clinical training program which requires the educational facilities of the AGENCY for clinical experiences.

**Master of Science in Athletic Training**

The terms in this Affiliation Agreement apply to all clinical training programs selected above. Additional terms that are specific to any of the clinical training programs shall be contained on an attached Schedule. Collectively, the terms of this Affiliation Agreement and the attached Schedules are referred to as the "Agreement".

The parties acknowledge that they have read this Agreement, understand it, and agree to be bound by all of its provisions. This Agreement constitutes the complete and exclusive statement of the agreement between the parties, and supersedes all prior oral and written communications concerning the subject matter of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date shown below.

**UNIVERSITY OF SAINT MARY**

**LEAVENWORTH COUNTY EMS**

By: *Nancy Bramlett*

By: \_\_\_\_\_

Nancy Bramlett  
Vice President for Finance  
and Administrative Services

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Date: 01/19/2023

Date: \_\_\_\_\_



# Information Systems Department Quarterly Report

January 18, 2023

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## REPORT PERIOD: FOURTH QUARTER – 2022

### Budget

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Total Budget	\$720,863.00
Total Expenditures	\$614,063.34
End of Quarter Balance	\$106,799.66

Note: The department had \$90,120 allocated in the 2022 budget to cover expenditures for contracts with NetStandard, Inc. These department funds were not required, resulting in a significant balance.

### Personnel

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One IT Technician, a member of the Missouri National Guard, was called to active service and has notified HR of his intention to return in March. Until recently the position was filled by a temporary employee, however it is currently vacant. There is no intention to fill the position with another temporary employee due to the short time remaining.

### Projects

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#### Fiber Optic Cable

Project complete and fully functioning at this time. The four primary facilities are now connected via the new fiber optic cable.

Due to the availability of this new fiber optic loop, the existing contracts for circuits that connected the Health Department/EMS HQ, EMS Station 3 and Council on Aging to the Justice Center are no longer required. These contracts will expire in March/April and were an annual expense of \$30,000. It is my intention to cancel these circuits and implement an alternative connectivity option for EMS Station 3 with an estimated annual cost of \$2500.

The department has established an account with KS One Call and has retained USIC to provide locate services.

#### Wireless Network

The initial scope of the wireless network has been deployed and completed. A few additional access points have been ordered to fill in any gaps as well as provide service to the KSU Extension Office, which was not an item at the time of this projects development.

#### Server Virtualization

The primary virtual server environment is completed. The majority of county servers have been virtualized. The most critical systems were completed first, i.e. the domain controllers, exchange servers, network support systems, etc. The department continues to migrate applications and data as the opportunity presents itself. For example, we are scheduled to migrate the Transfer Station server and database in February.

A proposal for the high-availability virtual environment has been received and is under review at this time. This component creates a duplicate environment that would be deployed at the Cushing facility. This would provide the County the needed redundancy to quickly restore function should an event take the courthouse offline.



## **Miscellaneous**

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### **Extension Office**

Brought the KSU Extension Office IT equipment and personnel on board. Assisted with porting their main office number to the county phone system.

### **Council on Aging**

Migrated the department and existing network equipment to the Cushing building. This entailed a staged migration of the network equipment as staff did not all move at the same time. We were able to juggle some network equipment in order to provide services at both locations during the transition. Once all personnel were officially working out of the Cushing building staff consolidated the equipment and established the "final" network environment.

### **Power Issues at the Courthouse**

The department has resolved the UPS issues in the courthouse server room. Instead of relying on one large 20KVa UPS that would service the entire server room, we have deployed several smaller rackmount UPSes. Buildings and Grounds has had the previous UPS disconnected and removed. This should help us in the future by not having one UPS fail and disrupt all of the equipment in that room. We were careful in ensuring all of the equipment that has redundant power supplies are not connected to a single UPS. Therefore we should be able to have any single UPS fail without any equipment abruptly shutting off.

### **HVAC Issues at the Courthouse**

In 2022 we suffered a number of HVAC issues at the courthouse server room. We have two small air conditioning units that should provide redundant cooling. However, in December, both units would not provide cooling. Buildings and Grounds quickly engaged HVAC repair services and it was determined that both units were not setup properly to operate during periods of extreme cold. It was 40 below outside while almost 100 degrees in our server room. It is our hope that this recurring problem is behind us and that we will not have any HVAC issues in 2023 and beyond.

### **Election Results**

Assisted the Clerk's Office with publication of election results to the county web site.

### **Managed Services/Monitoring**

Researching managed services, network monitoring and reporting.

### **Web Site Renewal/Redesign**

This year marks the fourth and final year of our existing web hosting contract with Revize. Should the County opt to renew our agreement, we will have this opportunity to have a complimentary redesign of the web site done.

I have received no negative feedback during our agreement with Revize and anticipate a recommendation in favour of renewal. To that end I have reached out to County departments requesting volunteers to join a committee to provide feedback and suggestions on what this redesign might look like.

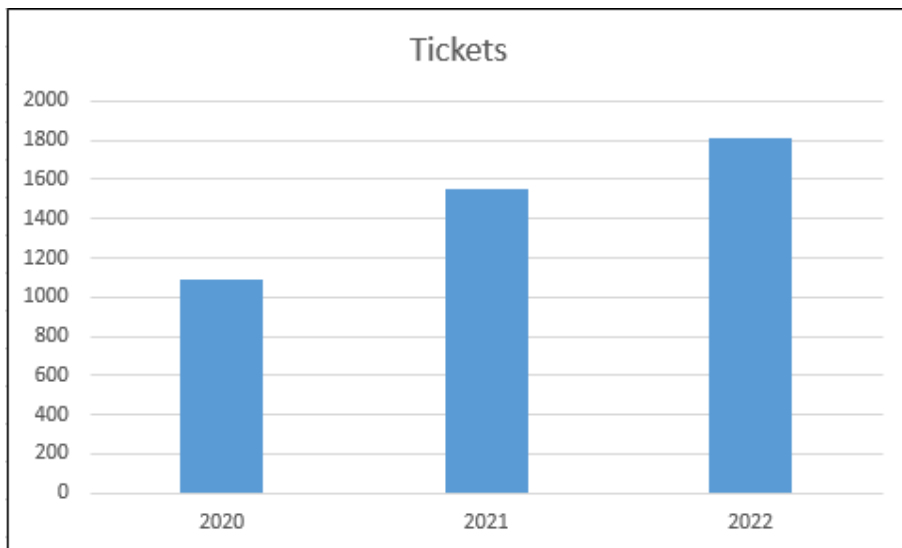
Feedback from the Commission is, of course, welcomed as well and will be passed along to the Revize designers.

## Help Desk Activity

For the fourth quarter (10/1/2022 - 12/31/2022): 428 tickets, up from 363 for the same period of 2021.

For the year (1/1/2022 - 12/31/2022): 1813 tickets, up from 1556 for the same period of 2021.

DEPARTMENT (2022)	TICKETS
Sheriff's Office	582
District Court	228
County Attorney Office	182
Information Systems	115
Council on Aging	106
Human Resources	95
EMS	79
Treasurer's Office	79
Community Corrections	72
Register of Deeds	55
Public Works	52
Appraiser's Office	34
Health Department	26
Clerk's Office	25
Planning and Zoning	15
Transfer Station	15
GIS	14
Buildings and Grounds	12
Commission	9
Weed Department	8



Note: This data represents documented service requests contained within the help desk management system and does not provide a complete view of all activity undertaken by the department.



Report  
2022  
Year End

# EMS 2022 Year End Report

## Reports:

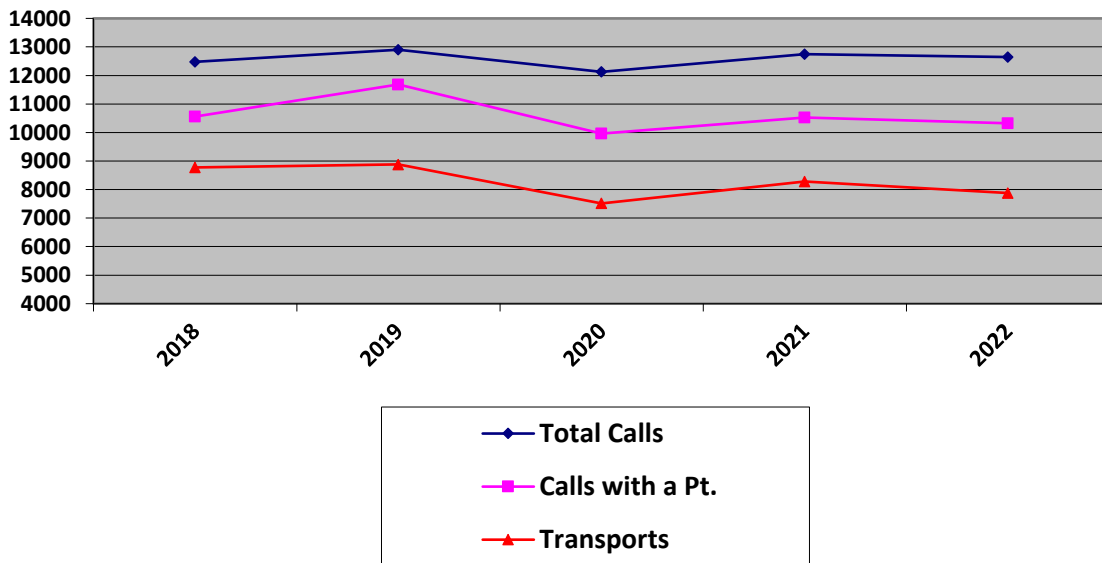
### 1. Budget –

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Approved Budget	3,611,937	3,724,148	3,836,941	4,122,580
Expenditures	3,556,495	3,650,249	3,938,923	4,177,820
Required User Fee To be collected per published budget	3,195,000	3,195,000	3,195,000	3,195,000
User Fee Revenue	3,255,438	3,441,390	2,674,436	3,165,523

### 2. Statistics

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Total Calls	12,481	12,902	12,126	12,748	12,644
Total Calls with a Patient	10,559	11,684	9,962	10,531	10,323
Total Patients Transported	8,775	8,882	7,814	8,287	7,881

### Runs Comparisons per Year

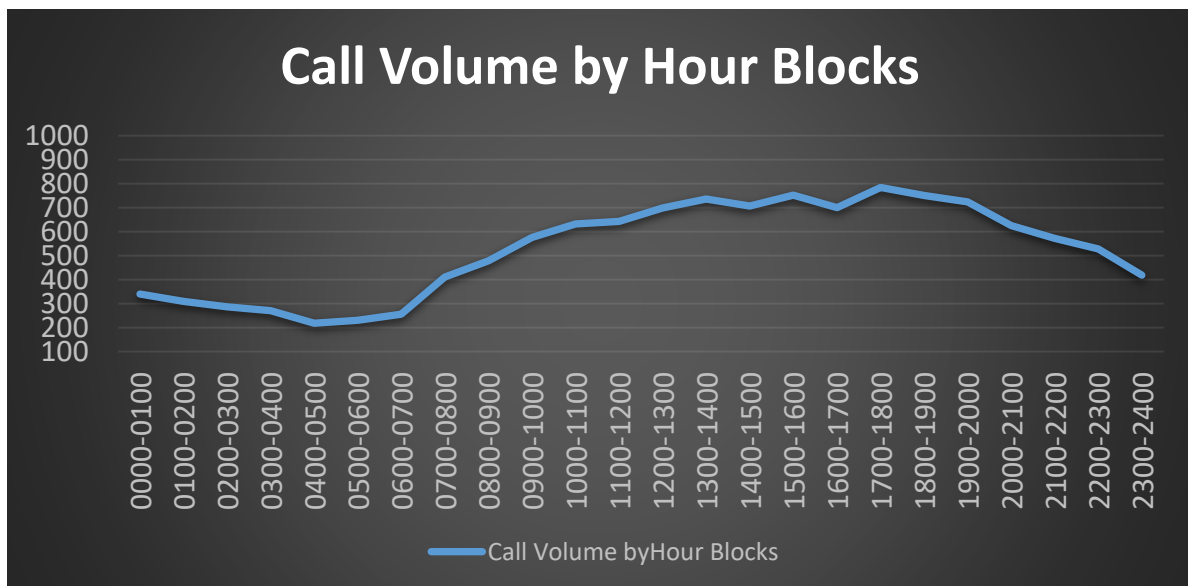
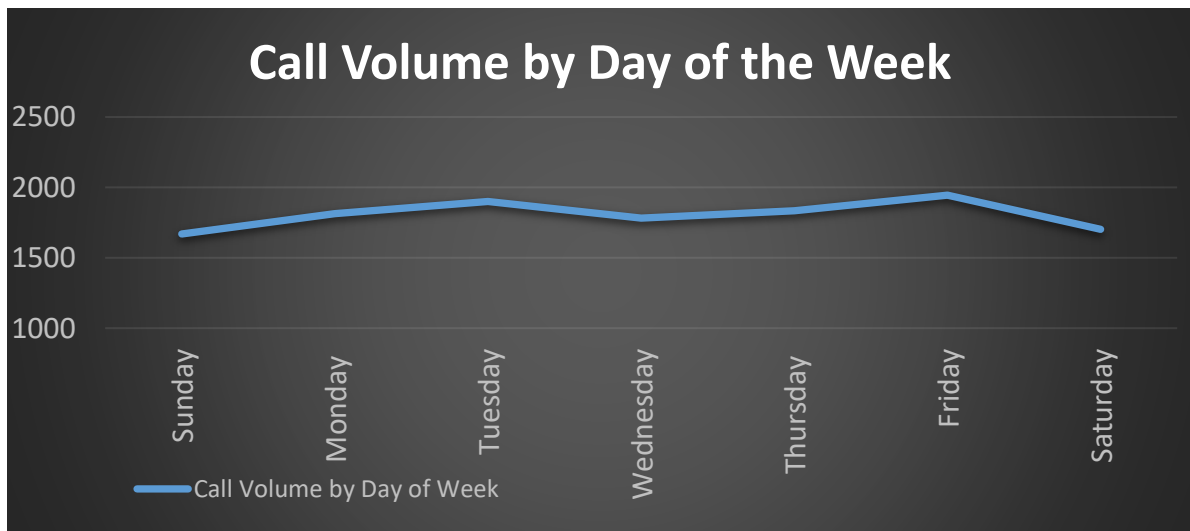




- **Total System Response time:**

Response Times 2021		
Minutes	# of Runs	% of Runs
0 - <5	6515	51.53%
5 - <10	3557	28.13%
10 - <15	1334	10.55%
> 15	879	6.95%
Not Arrive	359	2.84%

- **Call Volume Statistics 2021**



**TOTAL CALLS PER GEOGRAPHICAL LOCATION 2022**

City of Leavenworth	7338	58.03%
City of Lansing	1262	9.97%
City of Tonganoxie	970	7.67%
City of Basehor	772	6.11%
High Prairie Twp.	643	5.09%
Fairmount Twp.	271	2.14%
Fort Leavenworth	218	1.72%
Tonganoxie Twp.	216	1.71%
Stranger Twp.	195	1.54%
Reno Twp.	149	1.18%
Sherman Twp.	142	1.12%
Kickapoo Twp.	117	0.93%
City of Easton	96	0.76%
Delaware Twp.	75	0.59%
Mutual Aid/Fair	57	0.45%
Easton Twp.	43	0.34%
Alexandria Twp.	39	0.31%
City of Linwood	38	0.30%

**3. Vehicle maintenance 2022**

Total vehicle Budget 109,000  
 Expenditures 104,485 (96%)

- 9115 has had a transmission issue/failure. It is at the shop now and awaiting the replacement.
- (3) ambulances are on order due to build times. The first should be delivered sometime this spring.
- (2) Replacement PAR vehicles have arrived. Unfortunately, the graphics were not correct and are awaiting being corrected

<b>Purchased</b>	<b>Year</b>	<b>Unit</b>	<b>Make/Model</b>	<b>Mileage</b>
2017	2016	9112	CHEVY G4500 Express	228254
2021	2021	9113	Ford F-550 4X4	52426
2017	2016	9114	CHEVY G4500 Express	210702
2016	2016	9115	CHEVY G4500 Express	239266
2020	2020	9116	Ford F-550 4X4	103240
2018	2016	9117	CHEVY G4500 Express	172790
2018	2016	9118	CHEVY G4500 Express	161993
2020	2020	9119	Ford F-550 4X4	93127

## 4. Updates

- We have 4 technician positions currently vacant
  - We will be starting a hiring academy the first week of February filling these vacancies.
- Worked with IS (Larry) to get our billing software migrated to the virtual servers as well as updating all the software.
- Took possession of 2 replacement staff cars through the enterprise fleet contract. These 2 vehicles replace the shift captain and shift lieutenant PAR vehicles. We are happy to finally be receive these vehicles as the process took over a year. We are still waiting on the operations managers truck that was also scheduled to be replaced at the same time.
- EMS has been randomly selected by CMS to participate in the Medicare ground ambulance data collection system (GADCS). This will be 12 months of continuous data for the fiscal year of 2023. This is a mandatory requirement that must be complied with. Failure would result in penalties and fines
- Working with SMU on an agreement for clinical experience with our service for their Athletic Trainers program.
- EMS had multiple building issues at the end of the year with the freezing temperatures. (Heaters, broken water pipes.) All issues have been repaired through our buildings and grounds department.

# Leavenworth County Health Department Report 2022



## Year End



## Health Department Report Year End

<b>1. Budget</b>	<u><b>2019</b></u>	<u><b>2020</b></u>	<u><b>2021</b></u>	<u><b>2022</b></u>
Approved Budget	1,308,849	1,350,722	1,379,241	1,441,644
Expenditures	1,266,296	1,260,817	1,334,225	1,310,657
Required User Fee	100,000	110,000	110,000	110,000
User Fee Revenue Collected	126,023	65,930	74,223	93,828
Grants Received	631,703	630,437	870,129	716,922

### 2. Statistics

	<u><b>2017</b></u>	<u><b>2018</b></u>	<u><b>2019</b></u>	<u><b>2020</b></u>	<u><b>2021</b></u>	<u><b>2022</b></u>
Health Department	6,344	6,918	5,231	4,133	5,933	9,946
WIC Clients	<u>10,246</u>	<u>9,433</u>	<u>6,860</u>	<u>5,935</u>	<u>5,562</u>	<u>13,276</u>
Total Clients	16,590	16,351	12,091	10,068	11,495	23,222

### 3. Items to report:

- County Health Assessments
  - Health Assessments were available for county employees in Nov. (132) employees took advantage and completed an assessment
- ELC Grant
  - Radio communications at the Health Department. All purchases have been completed and installed
  - Upon BOCC approval will be replacing conference room furniture and equipment. (Tables, Chairs, etc.)
- Audits
  - Immunizations - VFC
  - Family planning
  - WIC
- WIC clerk position
  - Job is posted and will be conducting interviews by the end of the month to backfill this position.

# 4th Quarter Report

PLANNING & ZONING

AMY ALLISON

## Planning & Zoning Department News

The Planning & Zoning Department has continued to offer exceptional customer service, timely processing of applications and is continuously reviewing and offering amendments to the Zoning and Subdivision Regulations to support development in Leavenworth County.

The department processed 107 single-family home and 143 accessory building permits in 2022. Additionally, the department processed 172 development cases, including 41 plats for subdivisions.

Staff has completed the regulation changes for Wind Energy Conversion Systems which were adopted on August 3, 2022. The Sign Regulations Amendment was completed and approved on November 2, 2022. Staff has been working with the Planning Commission on the 2023 Annual Comprehensive Plan Review. Recommendations for amending the Comprehensive Plan will be submitted to the Board of County Commissioners for consideration sometime in early March. Staff has been directed to review the lot line requirements for Tract Splits. A work session has been scheduled.

Staff has adopted a “rolling deadline” for development applications. This new procedure has been adopted in order to streamline the development process and to allow items to be forwarded to the Planning Commission in a more efficient manner. This policy has been in effect for approximately one year and has generally been a positive change.

## Departmental Updates

The department has recently undergone a number of internal changes, specifically changes related to permits, applications and the processing of those items. These changes have been implemented in order to clarify processes and expedite, when appropriate, development review. Staff will continue to evaluate and accommodate processes in order to provide the most efficient and comprehensive service possible.

### Applications

The department is continually evaluating all permits and applications for any inconsistencies. Staff removed any items that were not relevant or were outdated. Staff clarified processes, provided clear information and expectations in order to provide a better experience to developers and applicants. Staff will continue to evaluate the permits and applications to ensure the best product possible. Staff has continued to modify and further clarify our applications. In addition to updating applications for the public, Staff has worked to clarify and adopt internal policies in order to ensure that all applications are treated the same. This is an ongoing process. The development of the new website was a great opportunity to once again thoroughly review our applications and procedures.

### Joint Review Committee

Staff has instituted a Joint Review Committee with Planning, Public Works and Survey. These weekly meetings allow the departments to review items together in order to discuss potential issues. Having these meetings in place has been a key factor in our Staff being able to continue to provide excellent customer service. In addition to the meetings, Staff continues to work with Public Works when writing Staff Reports (when applicable) to help facilitate a clear and common goal. These meetings continue to

take place. Staff is often able to identify potential issues with an application prior to the application being officially submitted which has helped speed up the development process.

### Development Submittal Meeting

Staff has a protocol for a development submittal meeting. This will ensure that the appropriate documents are submitted upon application. In the event the appropriate documents are not provided, the application will not be accepted. The applicant/developer will be informed of the missing items immediately so that they can obtain the appropriate documents and resubmit. Developers are strongly encouraged to schedule a meeting prior to the deadline in order to provide time to procure any missing documents. At this submittal meeting, Staff will not be checking the accuracy of documents. Upon further review, there may be additional information needed. This policy has remained in place; however, many applications are handled via email and the online application system through the new website.

### Regulation Updates

Staff has been directed to review the lot line regulations for Tract Splits. A work session has been scheduled for January 25, 2023 to review some proposed language. Staff has also identified some Subdivision Regulations that staff supports amending to streamline the review process.

### Comprehensive Plan

The Board of County Commissioners and the Planning Commission held a joint work session on January 18, 2023 to discuss the 2023 Annual Review of the Comprehensive Plan. Multiple items were discussed. The Planning Commission will reconvene their consideration of the proposed amendments on February 8, 2023.

### Committees

Planning and Zoning Staff are members of numerous committees, primarily committees spearheaded by the Mid-America Regional Council and the Kansas Department of Transportation. Participation in these committees helps ensure Leavenworth County is up-to-date with funding opportunities, planning initiatives and plan making which may affect Leavenworth County.

### Building Codes Appeals Board

This Board has been established. They have met to adopt by-laws and elect a chairman.

### Active Transportation Programming Committee (ATPC)

The Active Transportation Programming Committee oversees federal programs that provide funds to sponsors of transportation projects that benefit pedestrians, bicyclists and other non-motorized transportation users. The committee assists in reviewing project applications and provides recommendations to the Total Transportation Policy Committee (TTPC), Air Quality Forum and MARC Board of Directors. The committee also assists in monitoring and reporting on the progress of funded projects.

### Air Quality Forum

The Air Quality Forum is a policy committee comprised of local elected officials, air quality and transportation agency personnel, and business and community group representatives. The Forum reviews regional air quality issues and makes policy recommendations regarding those issues to the

MARC Board of Directors and the states of Kansas and Missouri. There are 31 seats on the Forum. Local governments occupy 21 seats, four are held by state air and transportation agencies, three by business and economic development concerns, and three are designated for health and environmental groups.

**K-7 Corridor Management Committee**

The K-7 Corridor plan was prepared under the direction of the K-7 Corridor Core Team, with additional input and participation by residents, stakeholders, and property owners within the Corridor. Meetings are held quarterly to discuss any changes in the corridor. Planning Staff holds the alternate position.

**Planning Commission**

The Planning Commission meets on the second Wednesday of each month to hear development cases. Typically, these cases include Special Use Permits, Plats and Rezoning requests. The Planning Commission is tasked with hearing development cases, and providing a recommendation to the Board of County Commissioners. The Planning Commission also holds work sessions periodically in order to assist staff in amending regulations or to have study sessions to review relevant case law. Staff has begun holding work sessions with the Planning Commission to provide education and guidance for new Commissioners.

**Work Sessions**

Work Sessions with the BOCC are held regularly. Staff also regularly holds work sessions with the Planning Commission. The next identified work session will be regarding the lot line regulations pertaining to Tract Splits.

**Development**

Development in the County has remained high, though is trending slightly down from 2021 for new Single-Family Homes. 107 Single-Family Home permits were issued in 2022. The number of Special Use Permits has decreased due to policy changes which allow SUP’s to operate without expiration. The overall numbers are listed below:

<b>Development Type</b>	<b>2021 Totals</b>	<b>2022 Totals</b>
Single Family Homes	134	107
Accessory Buildings	147	143
Special Use Permits	25	13
Temporary Special Use Permits	12	17
Rezoning	9	10
Subdivision Plats	55	80
Tract Splits and BLA’s	40	25
Variances	4	8





# COUNTY OF LEAVENWORTH

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*From the office of Thomas A. Cole, Economic Development Administrator  
Email: [tcole@leavenworthcounty.gov](mailto:tcole@leavenworthcounty.gov)*

**January 25, 2023**

## **Quarterly Report**

### **Items of Interest:**

- Economic Development Policy – Pending Legal Review
- Infrastructure Inventory Map – GIS (Complete)
- Comprehensive Plan Review with Planning & Zoning Department
- Economic Development Plan – Identified and Modified in Comprehensive Plan
- Studying Impacts/Needs/Opportunities from Panasonic Development (DeSoto, KS)
  - Infrastructure
  - Housing
  - Ancillary and/or Supplier Opportunities
  - KS Department of Commerce Teams and Community Updates
  - University of Kansas – Panasonic Collaborative Effort
  - Communication with Economic Development Authority of Eastern Nevada (EDAWN)
- Reviewing Potential State Adoption of Medical Marijuana Legislation and Impacts/Opportunities to Kansas Counties
- Relationship Enhancement and Frequent Contact with Leavenworth County Communities and Agencies
- Assisting Communities with Specific Initiatives

- Meeting with Local Lenders Regarding Small Business Support
- County Website – Economic Development
- Future Business Park Task Force (LCDC) – Pending Creation
- Leavenworth – Lansing Chamber of Commerce: Spoke at Leadership Industry Day
- Represent Leavenworth County on the MARC Goods Movement (Logistics) Committee

## **Market Snapshot (12-Months To-Date – January 2022 to January 2023)**

### **Industrial**

Inventory	4.6 million sf (approximate)
Vacancy	Negligible +/- 1%
Rents	Increased 5.7% to \$6.10/sf Average

### **Retail**

Inventory	2.7 million sf (approximate)
Vacancy	2.9%
An additional 9800 sf was leased in previous 12-months	
Rents	Increased 8.3% to \$12.52/sf Average

### **Office**

Inventory	1 million sf (approximate)
Vacancy	10.9%
Rents	Decreased .6% to \$18.87/sf Average
<ul style="list-style-type: none"><li>• Negative Net Absorption of 37,700 sf</li></ul>	

### **Multi-Family Housing**

Inventory	1300 Units (+60 units currently under construction)
Vacancy	11.3%
Rents	Increased 5.3% to \$986 Average

***\*Data provided by Costar Data Analytics***

**WORK SESSION  
MATERIAL ONLY**

**Leavenworth County  
Work Session  
Board of County Commissioners  
Tract Splits**

**Date: January 25, 2023**  
**To: Board of County Commissioners**  
**Cc: Mark Loughry**  
**From: Planning & Zoning Staff**

**Department Head Review: Amy Allison, Reviewed**

**Additional Reviews as needed:**

**Budget Review  Administrator Review  Legal Review**

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On January 11, 2023, the Board of County Commissioners requested that the Planning and Zoning Department review the current procedure for Tract Split review, specifically in regard to the lot line requirements. Staff has reviewed the regulations in place as well as current policy and has compiled a few options for the Board to consider.

**Current Practice**

Currently, Leavenworth County allows for tract splits to be approved via an administrative review as long as all requests meet the design requirements outlined in Article 50. Minimum Subdivision Design Standards of the Zoning and Subdivision Regulations. The regulation pertaining to the specific case in hand is Article 50 – Section 40.3.d. which requires all side lot lines to bear ninety degrees from the street right-of-way line on a straight street or from the tangent of a curved street, except where unusual conditions require a minor variance. It has been the interpretation of the County that a minor variance can only be granted as an exception established in Article 56 – Exceptions. Based on staff’s determination Article 56 can only be approved by the Planning Commission and BOCC through a subdivision plat and only in cases where the Commission deems that they have met the following requirements:

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

Article 56 also outlines that exceptions can only be granted in situations where unusual topography or other non-self inflicted conditions occur. The majority of exceptions granted to Article 50 – Section 40.3.d. are due to the presence of waterways, ponds, steep terrain changes or other physical features of the property that are unique to that property. Staff has maintained that if a property owner should wish to not meet the regulations as they are written, the Planning Commission and the BOCC are the correct entities to decide on when an exception should be approved.

**Surrounding County Procedure**

Staff has reviewed neighboring counties policies on Lot Line requirements and whether an exception can be granted for a Tract Split. Based on the information provided to staff, Douglas, Johnson and Wyandotte County’s regulations are as follows:



County	Lot Lines	90°	Tract Split	Variance
Douglas	Sec. 20-810	X	N/A	X
Johnson	Sec. 30-3	X	29-4	X
Wyandotte	Sec. 27-280	✓	N/A	X

Planning staff spoke to each County to review their policy and procedure. Each county stated that they allowed broken lot lines as a part of the platting process with no exception or variance required. Johnson County's tract split regulation (called a lot split in the regulations) specifically states that the split may only be approved if the split can be created with a single, straight, dividing line (29-4.H).

Options

Based on the direction provided to staff, there are three options staff presents to the Board for consideration:

1. Amend Article 56 – Exceptions to allow for the Planning Commission to approve exceptions for tract splits.

Amending this section would require a property owner seeking an exception from the regulations to present their case to the Planning Commission before staff can approve a tract split. This option would potentially add time to the application process depending on when the next meeting is held. Currently, subdivisions seeking exceptions are also approved by the Board of County Commissioner so should these requests also be presented to the Board as well?

2. Amend Article 85 – Lot and Tract Splits to allow for staff to grant an administrative exception.

Article 85 already has Section 33 which outlines permitted exceptions administrative staff can grant for a tract split. These are exceptions for instances where lots were created prior to the adopted regulations and therefore may not be compliant via existing road frontage or setbacks. This option would differ from the other allowed exceptions in that the non-conformity is being created through the tract split process. Staff would recommend that the conditions in which an administrative approval is granted be clearly outlined, specifying in which situations the Board considers an exception should be permitted. If this option is considered, Staff feels that Option #3 should also be considered.

3. Amend Article 50-Section 40.3.d. to adjust or remove the requirement of side lot lines to bear ninety degrees from the right-of-way.

If the Board is interested in Option 2, staff feels that any administrative exception granted for a tract split should also be allowed for a subdivision without having to seek an exception from the Planning Commission and Board of County Commissioners.