

LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, March 8, 2023
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048
www.leavenworthcounty.gov

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Minutes**
5. **Secretary's Report**
6. **Declarations: (if necessary)**
 - A. Declarations of receipt of communications by Planning Commissioners
 - B. Disclosure of ex-parte communications for each hearing item
 - C. Declarations of abstention from specific agenda items by a Commissioner
7. **Approval of Agenda**
8. **Consent Agenda**
 - A. **Case DEV-23-001 & 002 – Double M Acres**

Consideration of a Preliminary and Final Plat – Double M Acres on the following described property: A tract of land in the Northwest Quarter of Section 31, Township 10, Range 21 East of the 6th P.M., in Leavenworth County Kansas.
Also known as 20078 235th Street (PID: 149-31-0-00-00-011.00)
 - B. **Case DEV-23-010 & 011 – Cadillac Ranch**

Consideration of a Preliminary and Final Plat – Cadillac Ranch on the following described property: A tract of land in the Southwest Quarter of Section 5, Township 12 South, Range 22 East of the 6th P.M., in Leavenworth County Kansas.
Also known as 14184 182nd Street (PID: 233-05-0-00-00-008.00)
 - C. **Case DEV-23-015 & 016 – South Majure Acres**

Consideration of a Preliminary and Final Plat – South Majure Acres on the following described property: A tract of land in the Northwest Quarter of Fractional Section 4, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County Kansas.
Also known as 00000 Jamison Road (PID: 152-04-0-00-00-002.16)
 - D. **Case DEV-23-017 & 018 – North Majure Acres**

Consideration of a Preliminary and Final Plat – Stranger Point on the following described property: A tract of land in the Northwest Quarter of Fractional Section 4, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County Kansas.
Also known as 00000 McIntyre Road Leavenworth RD (PID: 152-04-0-00-00-002.00)

9. Regular Agenda

A. Case DEV-23-012 & 013 – Stranger Point

Consideration of a Preliminary and Final Plat – Stranger Point on the following described property: A tract of land in the South half of the Southwest Quarter of Section 25, Township 10 South, Range 21 East of the 6th P.M., in Leavenworth County Kansas.
Also known as 19266 Leavenworth Rd (PID: 147-25-0-00-00-010.04)

B. Case DEV-22-156 – Lexeco (REQUEST TO TABLE)

Consideration of an application for a Special Use Permit for an Extraction of Raw Materials and Landfill use on the following described property: A tract of land in the Northeast Quarter of Section 33, Township 8 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

Also known as 00000 Springdale Road (PID: 078-33-0-00-00-021.00)

Adjournment of Planning Commission

10. Board of Zoning Appeals

1. Roll Call

A. Case DEV-23-022 Variance - Farley

Consideration of an application for a Variance from Article 5, Section 4 of the Zoning and Subdivision Regulations on the following described property: A tract of land in the Southwest Quarter (SW ¼) Section 12, Township 10 South, of Range 20, East of the 6th p.m., Leavenworth County, Kansas.

Also known as 00000 243rd Street (PID: 131-12-0-00-00-005.00-Z)

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

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

Adjournment of Board of Zoning Appeals

Upcoming meeting dates:

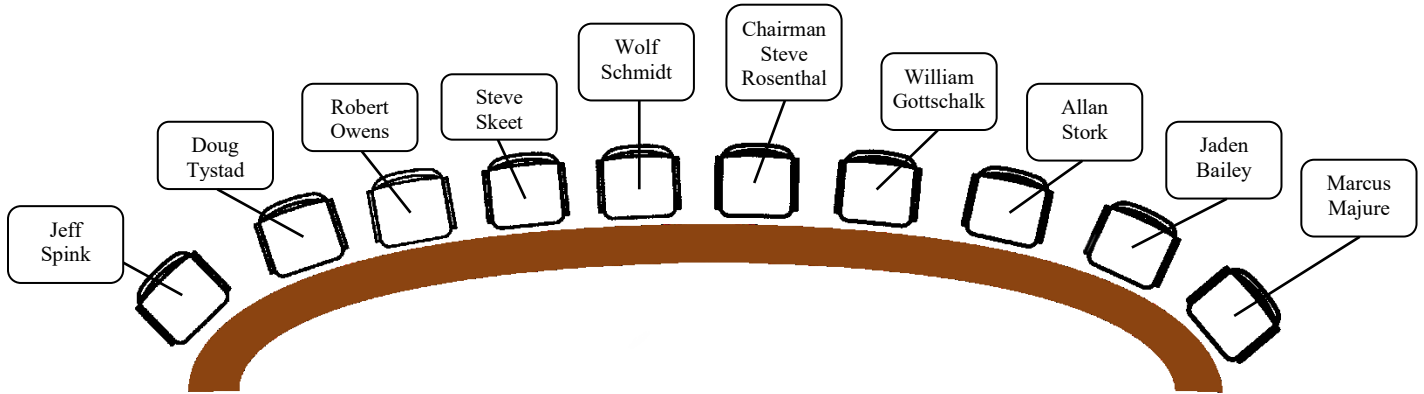
- **Wednesday, March 15, 2023, 5:30 PM**
Work Session: Training
- **Wednesday, April 12, 2023, 5:30 PM**
Regular Planning Commission Meeting

For More Information

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

Contact Stephanie Sloop – 913-684-0465

Planning Commission Seating Chart 2023



**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
February 8, 2023**

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

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

Pledge of Allegiance

Members present: Jaden Bailey, Steve Skeet, William Gottschalk, Wolf Schmidt, Jeff Spink, Marcus Majure, Doug Tystad, and Alan Stork

Members absent: Steve Rosenthal and Robert Owens

Staff present: Amy Allison-Deputy Director, Josh Gentzler-Planner, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

Minutes:

Commissioner Schmidt made a motion to approve the minutes. Commissioner Majure seconded the motion.

ROLL CALL VOTE - Motion to approve the minutes passed, 7/0 (2 Absent)

Secretary's Report:

Amy Allison gave the secretary's report going over the agenda, explaining that the agenda will need to be rearranged so a variance can be heard about a parcel that has a preliminary and final plat on the agenda.

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

ROLL CALL VOTE - Motion to approve the agenda passed, 7/0 (2 Absent)

Case DEV-22-166 Rezone – Armstrong

Consideration of a Rezone from RR-5 to RR-2.5 on the following described property: A tract of land in the Northwest Quarter of Section 29, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas

Josh Gentzler gave the staff report for the above-listed case.

Chairman Spink asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. Mr. Herring, Herring Survey came forward to describe the request and answer any questions from the board. Some discussion was had.

Chairman Spink asked if there was anyone present wishing to speak in favor or opposition. Public comment was given one resident, seeking clarification. The public comment portion of the hearing was closed. Discussion was had

Chairman Spink said that he would accept a motion.

Commissioner Stork motioned to approve Case DEV-22-166 a Rezone from RR-5 to RR-5.5 - Armstrong. Commissioner Tystad seconded the motion.

ROLL CALL VOTE - Motion to approve passed 6/1, (2 absent)

(Commissioner Gottschalk voted to deny based on staff's recommendations and the reasons stated in the staff report.)

The Board of County Commissioners will consider this item no earlier than **March 1, 2023, at 9:00 A.M** in the Leavenworth County Courthouse.

**Case DEV-22-129 Comprehensive Plan Annual Review (Continued from 12/4/2022)
Consideration of the 2023 Comprehensive Plan Annual Review, including recommended amendments to the Plan.**

Amy Allison gave the staff report for the above-listed case.

Chairman Spink asked if there were any questions or discussions from the board. Hearing none the public hearing was opened. Commissioner Spink asked if there was anyone present wishing to speak in favor or opposition. Public comment was given by several residents. The public comment portion of the hearing was closed. Discussion was had between the Planning Commission and County Staff.

Chairman Spink said he would accept a motion if there were no further discussions on this request.

**Commissioner Tystad motioned to approve Case DEV-22-129 Comprehensive Plan Update.
Commissioner Gottschalk seconded the motion.**

ROLL CALL VOTE - Motion to approve passed 7/0 (2 absent)

The Board of County Commissioners will consider this item no earlier than **March 1, 2023, at 9:00 A.M** in the Leavenworth County Courthouse.

Planning Commission adjourned at 6:15 p.m.

The Board of Zoning Appeals meeting called to order at 6:15 p.m.

Members present: Jaden Bailey, Steve Skeet, William Gottschalk, Wolf Schmidt, Jeff Spink, Marcus Majure, Doug Tystad, and Alan Stork

Staff present: Amy Allison-Deputy Director, Josh Gentzler-Planner, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

**Case DEV-23-005 Variance - Bieniecki
Consideration of an application for a Variance from Article 18, Section 1.1 of the Zoning and Subdivision Regulations on the following described property: A tract of land located in the Northeast Quarter of Section 17, Township 11 South, of Range 21 East of the 6th p.m., Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case.

Chairman Spink asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. Mr. Herring, Herring Survey came forward to describe the request and answer any questions from the board. Mr. Herring discussed reasoning relief from the regulations were being requested. The property owner, Mr. Bieniecki came forward to further explain the reason for requesting this variance. Discussion was had between the Board of Zoning Appeals and staff.

Commissioner Spink asked if there was anyone present wishing to speak in favor or opposition. Public comment was given in both support and opposition. The public comment portion of the hearing was closed.

Chairman Spink reminding the Board that they were the final decision for Variance requests also stating that he would accept a motion if there were no further discussion.

Commissioner Stork motioned to table Case DEV-23-005 a Variance and Commissioner Schmidt accepted the change.

ROLL CALL VOTE - Motion to table the request passed 7/0

The meeting adjourned at 6:23 p.m.

The Planning and Zoning meeting called to order at 6:23 p.m.

Members present: Jaden Bailey, Doug Tystad, William Gottschalk, Steve Skeet, Wolf Schmidt, Jeff Spink, Marcus Majure, Doug Tystad, and Alan Stork

Staff present: Amy Allison-Deputy Director, Josh Gentzler-Planner, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

Case DEV-22-167/168 – Oakridge Estates 2nd

Consideration of a Preliminary and Final Plat – Oakridge Estates 2nd on the following described property: A tract of land located in the Northeast Quarter (NE ¼) of Section 17, Township 11 South, Range 21 East of the 6th P.M., in Leavenworth County Kansas.

Also known as 00000 West Washington Street (PID: 194-17-0-00-00-002.00)

Amy Allison gave the staff report for the above-listed case.

Chairman Spink asked if there were any questions or discussions from the board. Commissioner Spink asked if the applicant wanted to come forward. Discussion was had between the Planning Commission and County Staff.

Chairman Spink said he would accept a motion if there were no further discussions on this request.

Commissioner Stork motioned to approve Case DEV-22-167 & 168 – Pre and Final Plat Oakridge Estates. Commissioner Gottschalk seconded the motion.

ROLL CALL VOTE - Motion to approve passed 7/0 (2 absent)

The Board of County Commissioners will consider this item no earlier than **March 1, 2023, at 9:00 A.M** in the Leavenworth County Courthouse.

Planning Commission adjourned at 6:34 p.m.

Leavenworth County Planning Commission

Case Map
March 8th, 2023
Revised: March 2nd, 2023

Legend

- RR-2.5
- RR-5
- B-1; B-2; B-3
- I-1; I-2; I-3
- PUD; R-1; R-1(15); R-1(43); R-2

DEV-22-156
Special Use Permit
Lexeco

DEV-23-022
Variance
Farley Frontage

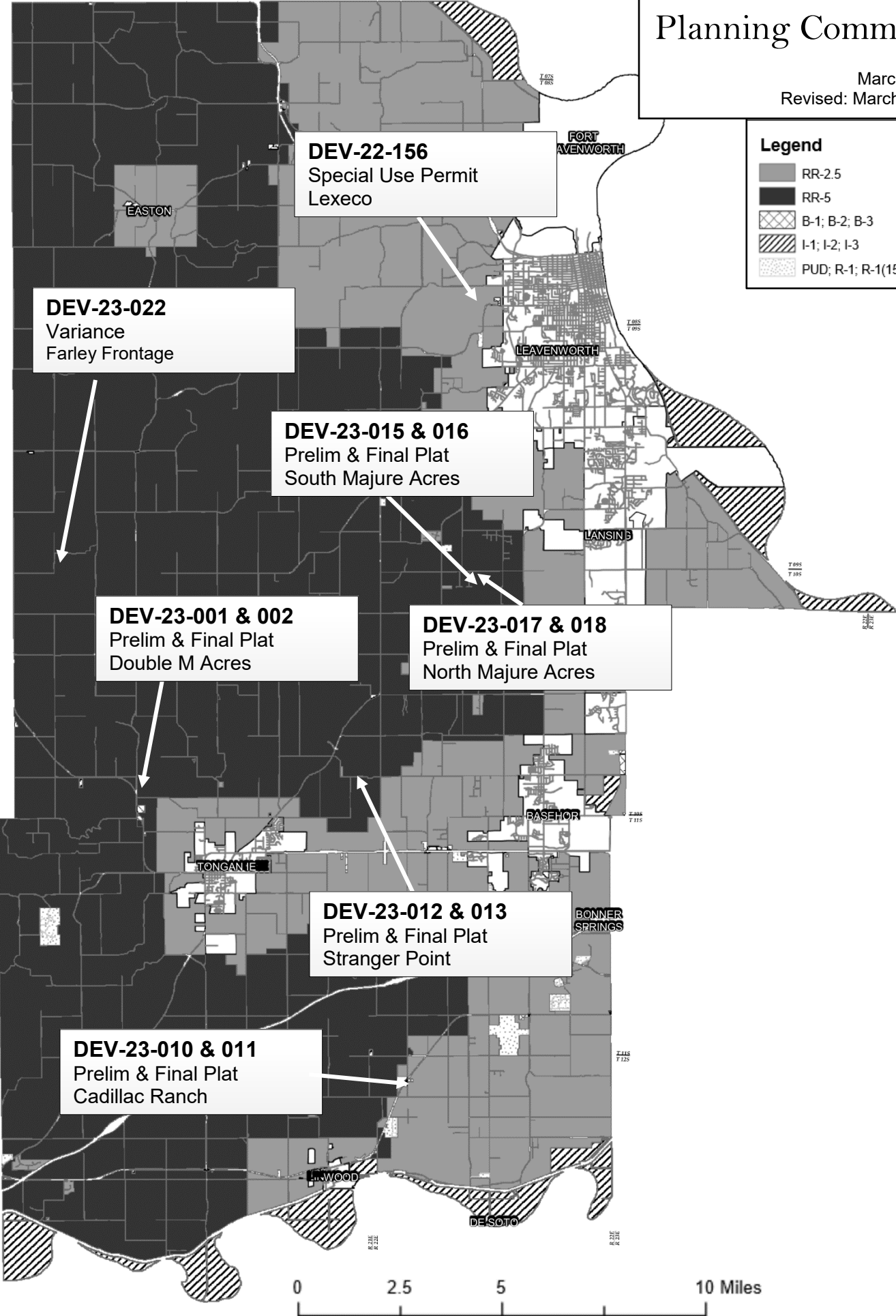
DEV-23-015 & 016
Prelim & Final Plat
South Majure Acres

DEV-23-001 & 002
Prelim & Final Plat
Double M Acres

DEV-23-017 & 018
Prelim & Final Plat
North Majure Acres

DEV-23-012 & 013
Prelim & Final Plat
Stranger Point

DEV-23-010 & 011
Prelim & Final Plat
Cadillac Ranch



**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-001 & 002 Double M Acres

March 8, 2023

REQUEST: *Consent Agenda*

Preliminary Plat Final Plat

STAFF REPRESENTATIVE:

JOSHUA GENTZLER
PLANNER II

SUBJECT PROPERTY: 20078 235TH STREET

APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING

PROPERTY OWNER:

STEPHEN & TERESSA MCCLENDON
20078 235TH ST
TONGANOXIE, KS 66086

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
RESIDENTIAL (2.5 ACRE MIN)

LEGAL DESCRIPTION:

A tract of land in the Northwest Quarter of Section 31, Township 10, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-001 & 002, Preliminary & Final Plat for Double M Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-001 & 002, Preliminary & Final Plat for Double M Acres, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:

4.96 ACRES

PARCEL ID NO:

149-31-0-00-00-011.00

BUILDINGS:

SINGLE-FAMILY HOUSE & 3
ACCESSORY STRUCTURES

PROJECT SUMMARY:

Request for a Preliminary and Final plat approval to subdivide property located at 20078 235th Street (149-31-0-00-00-011.00) as Lots 1 through 2 of Double M Acres.

ACCESS/STREET:

235th STREET
COUNTY ARTERIAL, PAVED ROAD ±20
FT. WIDE

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: TONGANOXIE TWSHP

WATER: RWD 6

ELECTRIC: FREESTAR

NOTICE & REVIEW:

STAFF REVIEW:

2/23/2023

NEWSPAPER NOTIFICATION:

2/28/2023

NOTICE TO SURROUNDING

PROPERTY OWNERS:
N/A

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

STAFF COMMENTS:

The applicant is proposing to divide a 4.96-acre parcel into two lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 1). The property received a variance to allow for the rezone and subdivision of the property into two lots when they do not meet ZSR Article 5.4.4. which states that each lot shall be a minimum of 2.5 acres in size. Lots 1 and 2 will be 2.35 and 2.61 acres in size, respectively. The applicant will need to work with RWD 6 to determine what facility upgrades will be needed to service this subdivision. Staff is generally in support.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. The developer must comply with the following memorandums:
 - a. Email – Jerry Hubbard, RWD 6, dated January 12, 2023

ATTACHMENTS:

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

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

PID: <u>149-31-0-00-00-011.00</u>	Office Use Only
Township: _____	
Planning Commission Meeting Date: _____	
Case No. _____	Date Received/Paid: _____
Zoning District _____	
Comprehensive Plan land use designation _____	

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>Stephen and Theresa McLendon</u>
MAILING ADDRESS: <u>315 N. 5th Street</u>	MAILING ADDRESS <u>20078 235th Street</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Tonganoxie, KS 66086</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL : <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>

GENERAL INFORMATION

Proposed Subdivision Name: DOUBLE M ACRES

Address of Property: 20078 235th Street

Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: <u>4.96 Acres</u>	Number of Lots: <u>2</u>	Minimum Lot Size: <u>2.35 Acres</u>
Maximum Lot Size: <u>2.61 Acres</u>	Proposed Zoning: <u>RR 2.5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>RWD 6</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Tonganoxie</u>	Electric Provider: <u>Free State</u>	Natural Gas Provider: <u>Propane</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</u>	
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 <u>duly authorized agent</u> , of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a final plat approval as indicated above.		
Signature: <u>Joe Herring - digitally signed 12/31/2022</u>		Date: <u>12-31-22</u>

ATTACHMENT A

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: Stephen and Theresa McLendon
 MAILING ADDRESS: 315 N. 5th Street MAILING ADDRESS 20078 235th Street
 CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Tonganoxie, KS 66086
 PHONE: 913-651-3858 PHONE: N/A
 EMAIL : herringsurveying@outlook.com EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: DOUBLE M ACRES
 Address of Property: 20078 235th Street
 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: 4.96 Acres	Number of Lots: 2	Minimum Lot Size: 2.35 Acres
Maximum Lot Size: 2.61 Acres	Proposed Zoning: RR 2.5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 6	Proposed Sewage: Septic
Fire District: Tonganoxie	Electric Provider: Free State	Natural Gas Provider: Propane
Covenants: <input type="checkbox"/> Yes <input checked="" 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 12/31/2022 Date: 12-31-22

ATTACHMENT A

AFFIDAVIT

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

We/I Stephen E. McClendon and Teressa K. McClendon

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
20078 235th St, Tonganoxie, KS 66086, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

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

2)

Signed and entered this 11th day of March, 2022

Stephen E. and Teressa K. McClendon 913/298-3574 or 913/449-4087
Print Name, Address, Telephone 20078 235th St, Tonganoxie, KS 66086

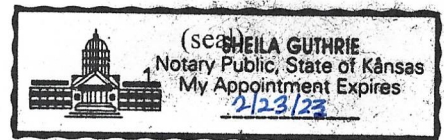
Stephen E. McClendon Teressa K. McClendon
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 11th day of March 2022, before me, a notary public in and for said County and State came Stephen and Teressa McClendon 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 Sheila Guthrie

My Commission Expires: _____



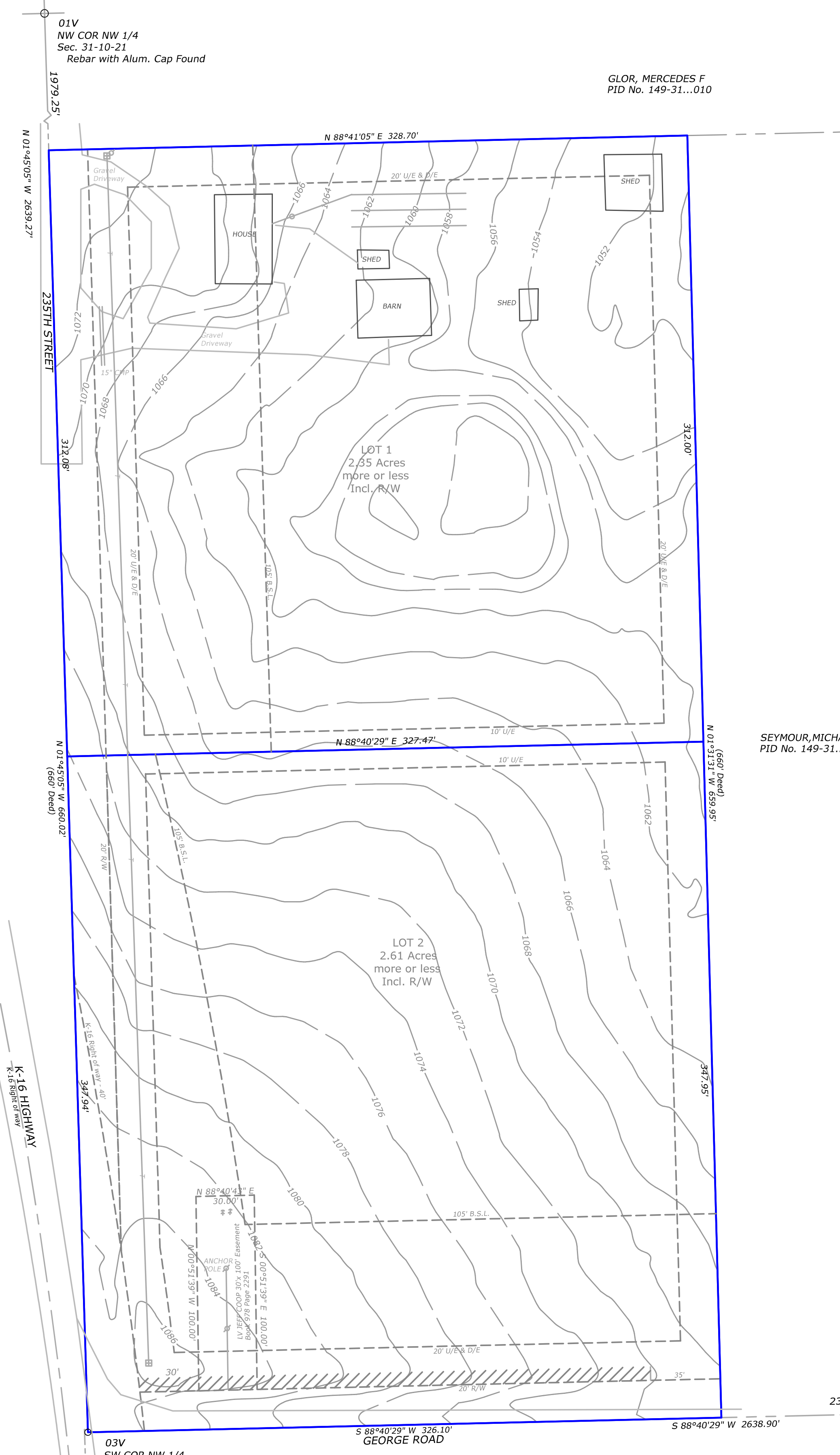
DOUBLE M ACRES

A Minor Subdivision in the Northwest Quarter of Section 31, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PROPERTY OWNER:
Stephen E. & Theresa K. McLendon
20078 235th Street
Tonganoxie, KS 66086
PID No. 149-31-0-00-00-011

RECORD DESCRIPTION:
A tract in the Northwest Quarter of Section 31, Township 10, Range 21, Leavenworth County, Kansas, described as: Beginning at the Southwest corner of the Northwest Quarter of said Section 31; thence East 326.095 feet; thence North 660.0 feet; thence West to the West line of said Northwest Quarter, 328.7 feet; thence South along said West line, 660.0 feet to the Beginning, except part taken for road.



- LEGEND:**
- - 1/2" Rebar Set with Cap No.1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - - Concrete Base around Point
 - △ - PK Nail Found in Place
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement
 - BM - Benchmark
 - NS - Not Set this survey per agreement with client
 - A - Arc Distance
 - R - Arc Radius
 - B - Chord Bearing
 - C - Chord Distance
 - //// - No Vehicle Entrance Access
 - NS - Not Set this survey per agreement with client
 - - Power Pole
 - X - Fence Line
 - OHP - Overhead Power Lines
 - T - Underground Telephone/Fiber Optic Line
 - ◇ - Gas Valve
 - ⊠ - Water Meter/Valve
 - ⊞ - Telephone Pedestal
 - W - 6" Water Line - location as per district
 - POB - Point of Beginning
 - POC - Point of Commencing
 - ~ - Tree/Brush Line

- 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 - Lot 2 must access George Road.
 - 5) Variance granted for Lots Size under 2.5 Acres November 9, 2022.
 - 6) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
 - 7) No off-plat restrictions.

ZONING:
RR 2.5 - Rural Residential 2.5
Board of Zoning Appeal Approval Case No. DEV-22-130.

- 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 : 383033 - Area 4.96 Acres, more or less.
 - 5) Basis of Bearing - KS SPC North Zone 1501 South Line Southeast Quarter
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD83 Project Benchmark (BM) - SW COR NW 1/4 Section 31 - Elev - 1086'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Book 562 at Page 886
 - 12) Utility Companies -
- Water - Water District 6
- Electric - FreeState
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
 - 13) Reference Continental Title File Number 22444043 updated November 17, 2022
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRN 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.
- Rural Water District No. 6 recorded in Book 454 at Page 182 lies within newly platted easements.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:

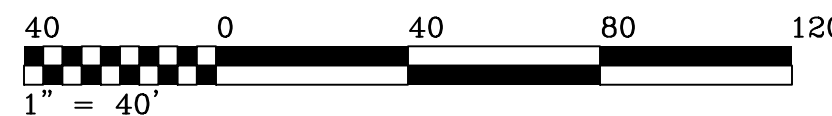
SEYMOUR, MICHAEL R & JANICE K
PID No. 149-31-1...012

K-16 HIGHWAY
K-16 HIGHWAY



Scale 1" = 40'

Job # K-22-1599
December 31, 2022



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

Joseph A. Herring
PS # 1296

DOUBLE M ACRES

A Minor Subdivision in the Northwest Quarter of Section 31, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

RECORD DESCRIPTION:
A tract in the Northwest Quarter of Section 31, Township 10, Range 21, Leavenworth County, Kansas, described as: Beginning at the Southwest corner of the Northwest Quarter of said Section 31; thence East 328.095 feet; thence North 660.0 feet; thence West to the West line of said Northwest Quarter, 328.7 feet; thence South along said West line, 660.0 feet to the Beginning, except part taken for road.

PROPERTY OWNER:
Stephen E. & Theresa K. McClendon
20078 235th Street
Tonganoxie, KS 66086
PID No. 149-31-0-00-011

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: DOUBLE M 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 DOUBLE M ACRES, have set our hands this _____ day of _____, 2023.

Stephen E. McClendon
Theresa K. McClendon

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Stephen E. McClendon and Theresa K. McClendon, 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 DOUBLE M ACRES 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 DOUBLE M 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

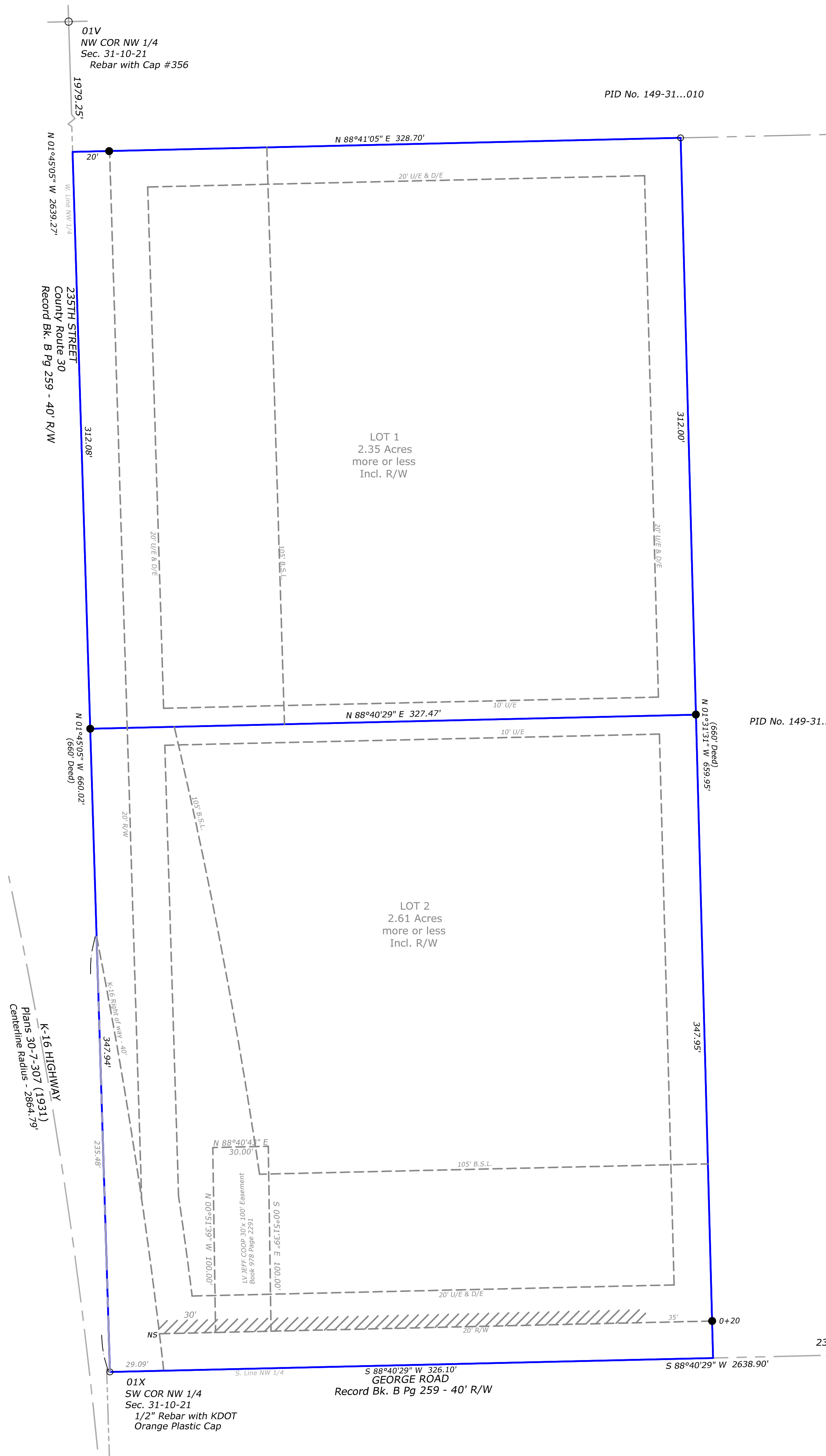
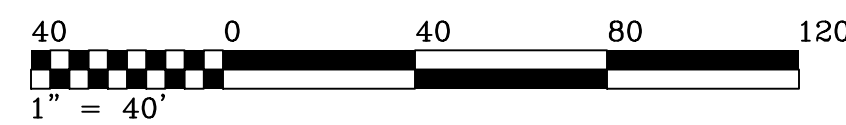
I hereby certify that this plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baunchem, PS#1363
County Surveyor



Scale 1" = 40'

Job # K-22-1599
December 31, 2022 Rev. 2-13-23
J. Herring, Inc. (dba)
SURVEYING
& COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@jeancash.com



PID No. 149-31...010

PID No. 149-31...012

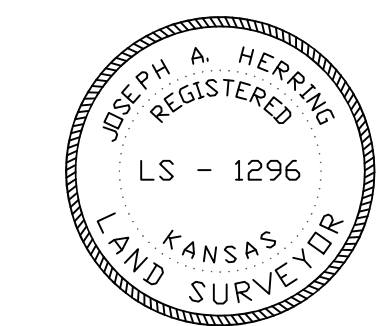
PID No. 149-31...015

- 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. Lot 2 Access limited to George Road.
 - 5) Variance granted for Lots Size under 2.5 Acres November 9, 2022.
 - 6) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
 - 7) No off-plat restrictions.

ZONING:
RR 2.5 - Rural Residential 2.5
Board of Zoning Appeal Approval Case No. DEV-22-130.

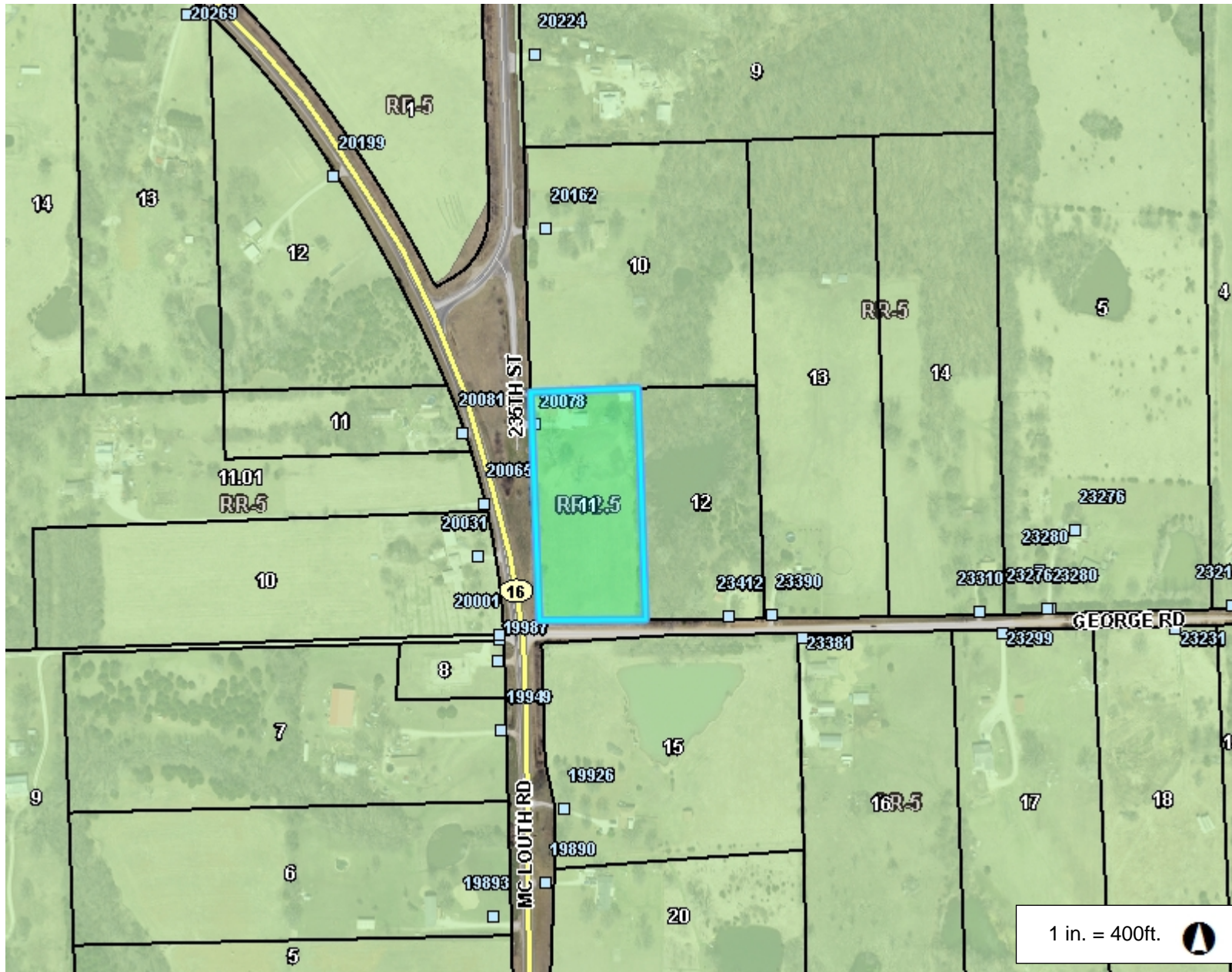
- NOTES:**
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - 1 : 383033 - Area 4.96 Acres, more or less.
 - 5) Basis of Bearing - KS SPC North Zone 1501
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88
 - 10) Project Benchmark (BM) - SW COR NW 1/4 Section 31 - Elev - 1086'
 - 11) Easements, if any, are created hereon or listed in referenced title commitment.
 - 12) Reference Recorded Deed Book 562 at Page 886
 - 13) Utility Companies -
 - Water - Water District 6
 - Electric - FreeState
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - 14) Reference Continental Title File Number 22444043 updated November 17, 2022
 - 15) Property is not in a Special Flood Hazard Area per FEMA FIRN Map 20103C0225G dated July 16, 2015
 - 16) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 15' (Accessory - 15')
 - All rear yard setbacks - 40' (Accessory - 15')
 - 17) Distances to and of structures, if any, are +- 1'.
 - 18) Easements as per referenced Title Commitment are shown hereon, if any.
 - 19) Rural Water District No. 6 recorded in Book 454 at Page 182 lies within newly platted easements.
 - 20) Fence Lines do not necessarily denote the boundary line for the property.
 - 21) Reference Surveys:



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

Joseph A. Herring
PS # 1296

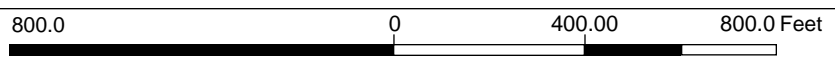
DEV-23-001 & 002 Double M Acres Zoning



Legend

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

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

Allison, Amy

From: Allison, Amy
Sent: Thursday, January 12, 2023 11:55 AM
To: Gentzler, Joshua
Subject: Fwd: Dev-23-001/002

Sent from my iPhone

Begin forwarded message:

From: WinnieJane Hubbard <winbottomdollar@sbcglobal.net>
Date: January 12, 2023 at 10:32:33 AM CST
To: "Allison, Amy" <AAllison@leavenworthcounty.gov>
Subject: **Dev-23-001/002**

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

Hi Amy,

We propose connecting to the 3" line in front of the relatives house located on 235th St. and run the line to George Rd.

The charge for this work by Daniels Excavating would be \$12,330.00. There would be extra expense if they run into rock. Estimated cost for 2 meters and settings would run \$14,000,

There is not enough volume for any fire hydrants.

If you have any further questions, please contact me at 913-775-0931.

Jerry Hubbard,
RWD # 6
Chairman

DOUBLE M ACRES

A Minor Subdivision in the Northwest Quarter of Section 31, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

RECORD DESCRIPTION:
A tract in the Northwest Quarter of Section 31, Township 10, Range 21, Leavenworth County, Kansas, described as: Beginning at the Southwest corner of the Northwest Quarter of said Section 31; thence East 328.095 feet; thence North 660.0 feet; thence West to the West line of said Northwest Quarter, 328.7 feet; thence South along said West line, 660.0 feet to the Beginning, except part taken for road.

PROPERTY OWNER:
Stephen E. & Theresa K. McClendon
20078 235th Street
Tonganoxie, KS 66086
PID No. 149-31-0-00-011

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: DOUBLE M 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).

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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 DOUBLE M ACRES, have set our hands this _____ day of _____, 2023.

Stephen E. McClendon
Theresa K. McClendon

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Stephen E. McClendon and Theresa K. McClendon, 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 DOUBLE M ACRES 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 DOUBLE M 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,

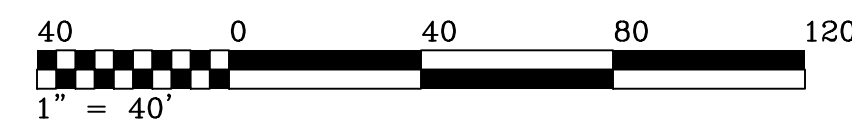
Register of Deeds - TerriLois G. Mashburn

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.

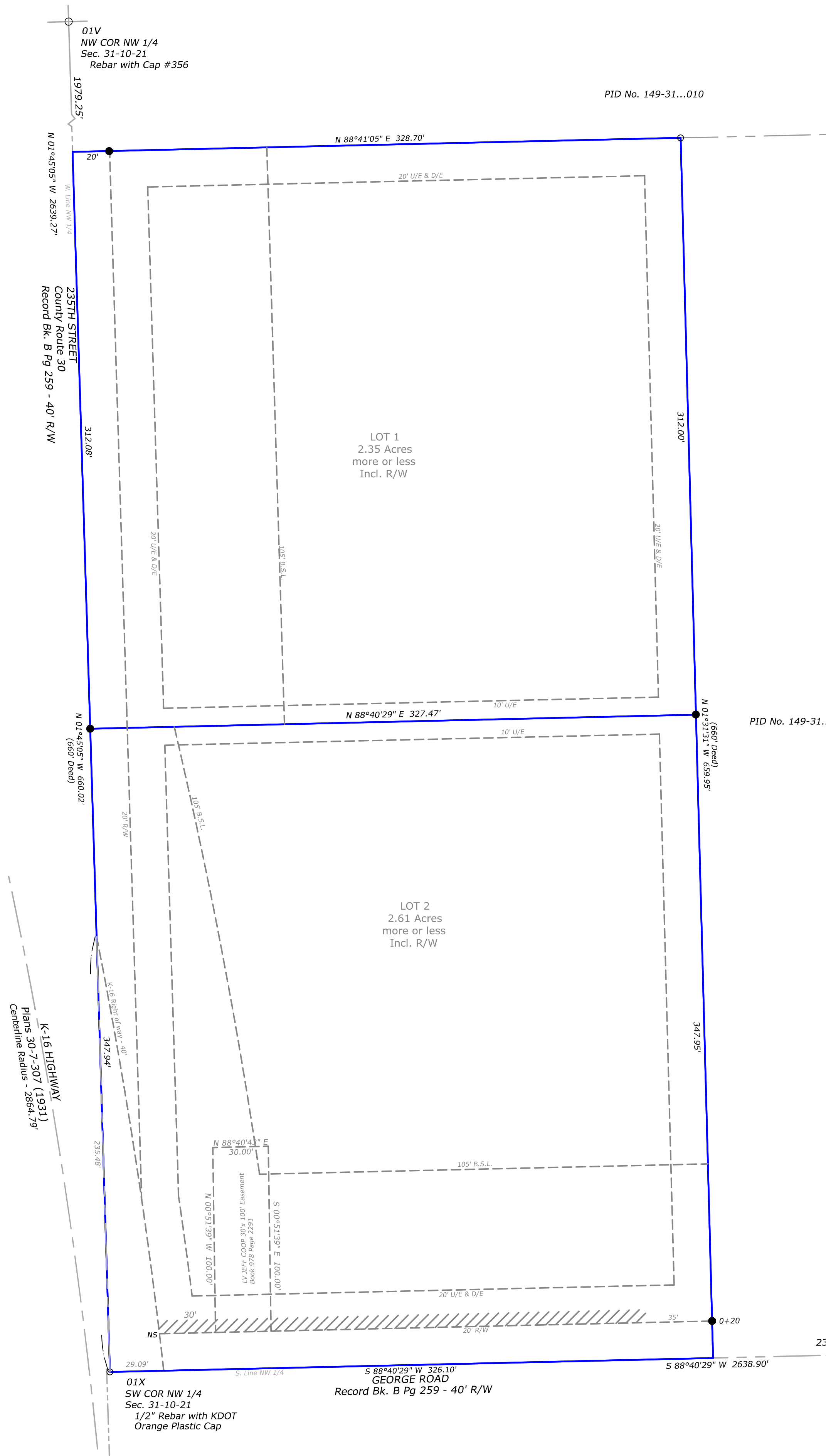
Daniel Baumchen, PS#1363
County Surveyor



Scale 1" = 40'



Job # K-22-1599
December 31, 2022 Rev. 2-13-23
J. Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@herringinc.com



PID No. 149-31...010

PID No. 149-31...012

PID No. 149-31...015

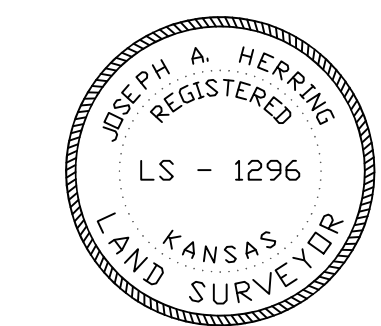
02-15-2023
OLSSON REVIEW
No Further
Review

- 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
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 - B.S.L. - Building Setback Line
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 - A - Arc Distance
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 - C - Chord Distance
 - //// - No Vehicle Entrance Access
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- RESTRICTIONS:**
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
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 - 5) Variance granted for Lots Size under 2.5 Acres November 9, 2022.
 - 6) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
 - 7) No off-plat restrictions.

ZONING:
RR 2.5 - Rural Residential 2.5
Board of Zoning Appeal Approval Case No. DEV-22-130.

- 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 : 383033 - Area 4.96 Acres, more or less.
 - 5) Basis of Bearing - KS SPC North Zone 1501
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88
 - 10) Project Benchmark (BM) - SW COR NW 1/4 Section 31 - Elev - 1086'
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 - 12) Reference Recorded Deed Book 562 at Page 886
 - 13) Utility Companies -
 - Water - Water District 6
 - Electric - FreeState
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - 14) Reference Continental Title File Number 22444043 updated November 17, 2022
 - 15) Property is not in a Special Flood Hazard Area per FEMA FIRN Map 20103C0225G dated July 16, 2015
 - 16) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 15' (Accessory - 15')
 - All rear yard setbacks - 40' (Accessory - 15')
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 - 18) Easements as per referenced Title Commitment are shown hereon, if any.
 - 19) Rural Water District No. 6 recorded in Book 454 at Page 182 lies within newly platted easements.
 - 20) Fence Lines do not necessarily denote the boundary line for the property.
 - 21) Reference Surveys:



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

Joseph A. Herring
PS # 1296

DOUBLE M ACRES

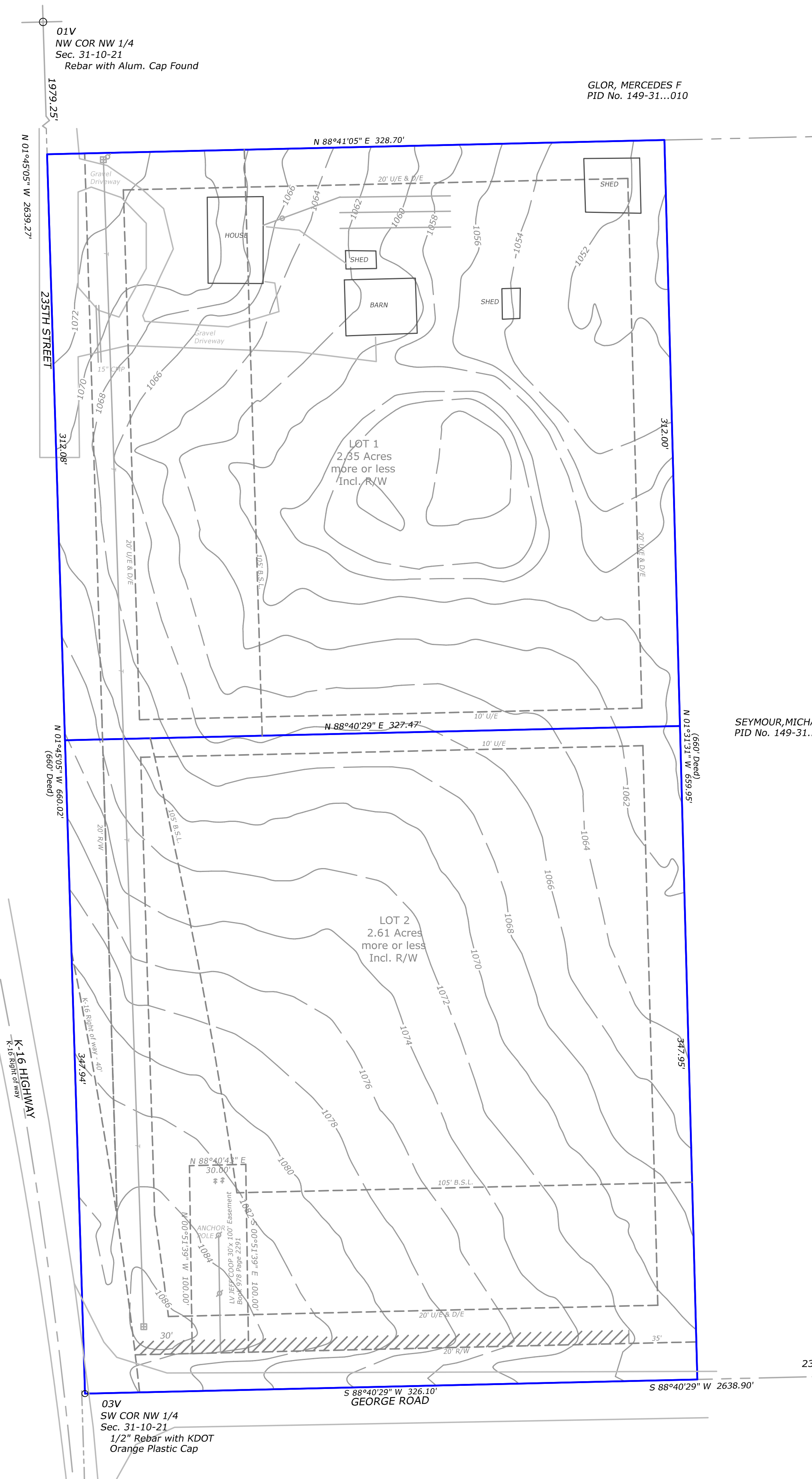
A Minor Subdivision in the Northwest Quarter of Section 31, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PROPERTY OWNER:
Stephen E. & Theresa K. McLendon
20078 235th Street
Tonganoxie, KS 66086
PID No. 149-31-0-00-00-011

**02-13-2023
OLSSON REVIEW
No Further
Comment**

RECORD DESCRIPTION:
A tract in the Northwest Quarter of Section 31, Township 10, Range 21, Leavenworth County, Kansas, described as:
Beginning at the Southwest corner of the Northwest Quarter of said Section 31; thence East 326.095 feet; thence North 660.0 feet; thence West to the West line of said Northwest Quarter, 328.7 feet; thence South along said West line, 660.0 feet to the Beginning, except part taken for road.



- LEGEND:**
- - 1/2" Rebar Set with Cap No.1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - - Concrete Base around Point
 - △ - PK Nail Found in Place
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement
 - BM - Benchmark
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 - A - Arc Distance
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 - B - Chord Bearing
 - C - Chord Distance
 - //// - No Vehicle Entrance Access
 - NS - Not Set this survey per agreement with client
 - - Power Pole
 - X - Fence Line
 - OHP - Overhead Power Lines
 - T - Underground Telephone/Fiber Optic Line
 - ◇ - Gas Valve
 - ⊠ - Water Meter/Valve
 - ⊞ - Telephone Pedestal
 - W - 6" Water Line - location as per district
 - POB - Point of Beginning
 - POC - Point of Commencing
 - ~ - Tree/Brush Line

- 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 - Lot 2 must access George Road.
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 - 7) No off-plat restrictions.

ZONING:
RR 2.5 - Rural Residential 2.5
Board of Zoning Appeal Approval Case No. DEV-22-130.

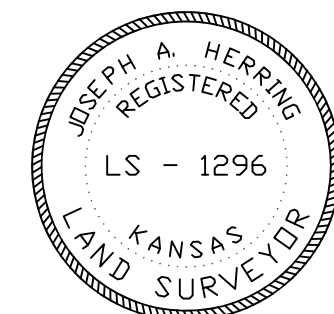
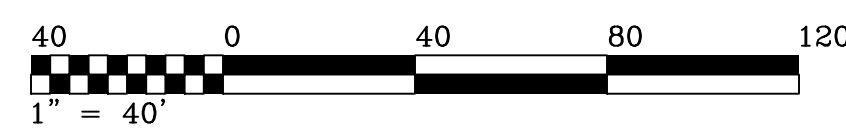
- NOTES:**
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 - 4) Error of Closure - 1 : 383033 - Area 4.96 Acres, more or less.
 - 5) Basis of Bearing - KS SPC North Zone 1501 South Line Southeast Quarter
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD83 Project Benchmark (BM) - SW COR NW 1/4 Section 31 - Elev - 1086'
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 - 12) Utility Companies -
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- Electric - FreeState
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 - 13) Reference Continental Title File Number 22444043 updated November 17, 2022
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRN Map 20103C0225G dated July 16, 2015
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 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:

SEYMOUR, MICHAEL R & JANICE K
PID No. 149-31...012



Scale 1" = 40'

Job # K-22-1599
December 31, 2022



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

Joseph A. Herring
PS # 1296

01-09-2023
OLSSON REVIEW
NO COMMENT

Double M Acres
Leavenworth County Kansas
Drainage Report
December 17, 2022



DOUBLE M ACRES

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

FINAL PLAT

RECORD DESCRIPTION:
A tract in the Northwest Quarter of Section 21, Township 10, Range 21, Leavenworth County, Kansas, described as beginning at the Southwest corner of the Northwest Quarter of said Section 21; thence East 520.75 feet thence North 88.00 feet thence West to the West line of said Northwest Quarter; 268.7 feet thence South 80.00 feet to the Beginning, except part taken for road.

PROPERTY OWNER:
Stephen E. & Theresa K. McClinton
2022 Zion Street
Doraville, MO 64060
PID No. 149-31-008-011

CERTIFICATION AND ASSOCIATION
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: DOUBLE M 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 use and hereafter used by the public, and under and along the strips marked "Utility Easement" (U/E).

"Storage Easement" or "SE" shown on this plat are hereby dedicated for the purpose of constructing, using, maintaining and installing a culvert, storm sewer, drainage ditch, or other drainage facility or drainage connection, including similar facilities, and appurtenant easements, 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, as hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that interfere with the flow and/or maintenance of drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots, whereas 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.

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IN TESTIMONY WHEREOF
We, the undersigned owners of DOUBLE M ACRES, have set our hands this _____ day of _____, 2022.

Stephen E. McClinton Theresa K. McClinton

NOTARY CERTIFICATE:
I, a Notary Public in and for the State of Kansas, do hereby certify that the foregoing plat was presented to me on this _____ day of _____, 2022, before me, a Notary Public in and for said County and State, and that the said Stephen E. McClinton and Theresa K. McClinton, a married couple, to me personally known to be the same persons who executed the foregoing instrument of record, 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.

MY COMMISSION EXPIRES: _____ (date)

APPROVAL:
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of DOUBLE M ACRES this _____ day of _____, 2022.

Secretary: Amy Allison Chairman: Steven Raemthal

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 - REED RHOAN

COUNTY COMMISSIONER APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of DOUBLE M ACRES this _____ day of _____, 2022.

Chairman: Michael Smith County Clerk: Abigail Krasinski

REGISTER OF DEED CERTIFICATE:
Filed for Record at Recorder 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 - Terrance G. Haskins

REGISTER OF DEED CERTIFICATE:
I hereby certify that this plat meets the requirements of K.S.A. 16-205. The fee for this plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is required. This review is for survey information only.

REGISTER OF DEED CERTIFICATE:
No Comments
Dorothy BRYANT-PATZNER
County Surveyor

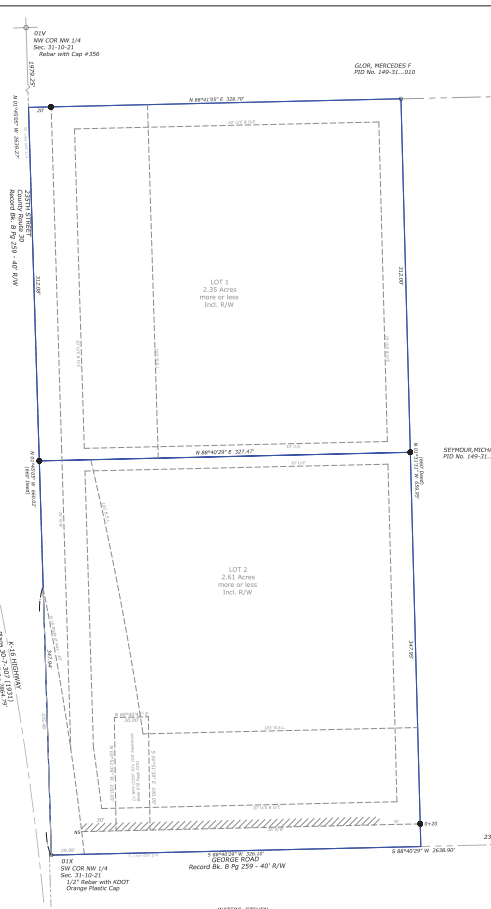
Scale 1" = 40'

Map No. 149-31-008-011
December 22, 2022 Rev. 3-2-23

TERRING SURVEYING COMPANY
1100 North 10th Street, Suite 102, Olathe, MO 64045
Phone: 816-254-1100 Fax: 816-254-1101
www.terring.com

40 0 40 80 120
1" = 40'

LEAVENWORTH COUNTY
UTILITY DEPT.
NOT TO SCALE



- LEGEND:**
- 1" = 10' Refer Set with Cap No. 1296
 - 1" = 10' Refer to Plat, unless otherwise noted.
 - Concrete Area around Road
 - As-Built Features on File
 - (/) - Refer to Zoned Distance
 - - Utility Easement
 - - Drainage Easement
 - B.S.L. - Building Setback Line
 - - Permitted Detached Accessway Easement
 - - Benchmark
 - - See this survey per agreement with client
 - A - Air Clearance
 - B - Air Clearance
 - C - Chord Distance
 - - No Vehicle Entrance Access
 - - See this survey per agreement with client

- RESTRICTIONS:**
- 1) All proposed structures within the plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An engineered Retention Treatment System may be required due to site soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing.
 - 4) Easements shown on this plat are hereby dedicated for public use.
 - 5) Lot area subject to that shown on this plat.
 - 6) Structure shall meet with the building setback line or setback easement. Any future building or expansion must comply with the building setback. If the structure is exempt greater than 10 ft, a 10 ft no-vehicle access is required on the existing location and must meet all setbacks.

- ZONING:**
- RS 2.5 - Rural Residential 2.5
 - Board of Zoning Appeal Approval Case No. DEV-22-130.

- NOTES:**
- 1) All distances are calculated from measurements or measured this survey.
 - 2) All recorded and proposed distances are the same.
 - 3) Error of closure = 0.0013' - Area 1.86 Acres, more or less.
 - 4) Surveyed from 2013 - 2013 (Area 1.86 Acres, more or less).
 - 5) South Line Southwest Quarter
 - 6) Record Origin - See Survey
 - 7) Proposed Lot for Residential Use
 - 8) Record Origin - See Survey
 - 9) Proposed Benchmark (BM) - SW COR NW 1/4 Section 21 - Rev. 1008'
 - 10) Easements, if any, are created herein or listed in referenced site commitment.
 - 11) Reference to Section (Sec) Book 45 at Page 86
 - 12) Utility Commitment
 - 13) Refer to Section 6
 - 14) Easement - See Section 6
 - 15) Easement - See Section 6
 - 16) Easement - See Section 6
 - 17) Easement - See Section 6
 - 18) Easement - See Section 6
 - 19) Easement - See Section 6
 - 20) Easement - See Section 6
 - 21) Easement - See Section 6
 - 22) Easement - See Section 6
 - 23) Easement - See Section 6
 - 24) Easement - See Section 6
 - 25) Easement - See Section 6
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 - 97) Easement - See Section 6
 - 98) Easement - See Section 6
 - 99) Easement - See Section 6
 - 100) Easement - See Section 6

SYRMAN, MICHAEL R. & JAVOCE K.
PID No. 149-31-011

INTERIM, STEVEN
PID No. 149-31-015

Record Bk. B Pg 259 - 40' R/W

Record Bk. B Pg 259 - 40' R/W

Record Bk. B Pg 259 - 40' R/W

Record Bk. B Pg 259 - 40' R/W

Record Bk. B Pg 259 - 40' R/W

Record Bk. B Pg 259 - 40' R/W

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Record Bk. B Pg 259 - 40' R/W

Record Bk. B Pg 259 - 40' R/W

Record Bk. B Pg 259 - 40' R/W



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

Joseph A. Herring
PID # 1296

Summary of Comments on DOUBLE M ACRES FINAL 24x36LS

Page: 1

Number: 1 Author: dbaumchen Subject: Text Box Date: 2/7/2023 4:31:52 PM
Reviewed 2023.02.07 No Comments

Allison, Amy

From: Amanda Tarwater <amanda.tarwater@freestate.coop>
Sent: Thursday, January 5, 2023 7:42 AM
To: Allison, Amy
Subject: RE: DEV-23-001/002 Preliminary and Final Plat – Double M Acres

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

FreeState Electric has no objection to this request.

Thank you,

Amanda Tarwater
Member Accounts Coordinator



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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, January 4, 2023 4:31 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'chief1860@ttrfd.com' <chief1860@ttrfd.com>; Amanda Tarwater <amanda.tarwater@freestate.coop>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>; 'winbottomdollar@sbcglobal.net' <winbottomdollar@sbcglobal.net>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-001/002 Preliminary and Final Plat – Double M Acres

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="">

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 2-lot subdivision at 20078 235th Street, Tonganoxie, KS.

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, January 12, 2023.

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

Allison, Amy

From: Anderson, Kyle
Sent: Monday, January 9, 2023 10:55 AM
To: Allison, Amy
Subject: RE: RE: DEV-23-001/002 Preliminary and Final Plat – Double M Acres

We have not received any complaints on this property. The septic system on Lot 1 will remain on the same property as the home it services.

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, January 4, 2023 4:31 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'chief1860@ttrfd.com' <chief1860@ttrfd.com>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>; 'winbottomdollar@sbcglobal.net' <winbottomdollar@sbcglobal.net>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-001/002 Preliminary and Final Plat – Double M Acres

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 2-lot subdivision at 20078 235th Street, Tonganoxie, KS.

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, January 12, 2023.

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

Thank you,

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

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-010 & 011 Cadillac Ranch

March 8, 2023

REQUEST: *Consent Agenda*

Preliminary Plat Final Plat

STAFF REPRESENTATIVE:

JOSHUA GENTZLER
PLANNER II

SUBJECT PROPERTY: 14184 182nd STREET

APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING

PROPERTY OWNER:

MATTHEW JOHN EDMONDS
14184 182ND STREET
LINWOOD, KS 66086

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
RESIDENTIAL (2.5 ACRE MIN)

LEGAL DESCRIPTION:

A tract of land in the Southwest Quarter of Section 5, Township 12 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-010 & 011, Preliminary & Final Plat for Cadillac Ranch, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-010 & 011, Preliminary & Final Plat for Cadillac Ranch, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:

10 ACRES

PARCEL ID NO:

233-05-0-00-00-008.00

BUILDINGS:

1 HOUSE, 3 ACCESSORY BUILDINGS

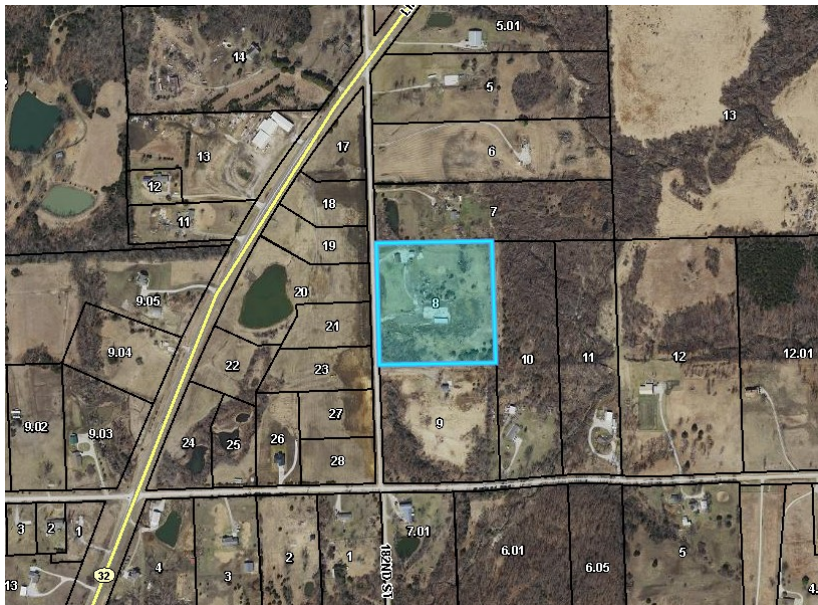
PROJECT SUMMARY:

Request for a Preliminary and Final plat approval to subdivide property located at 14184 182ND Street (233-05-0-00-00-008.00) as Lots 1 through 2 of Cadillac Ranch.

ACCESS/STREET:

182ND STREET - COUNTY LOCAL,
GRAVEL ± 24';

LOCATION MAP:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: SHERMAN

WATER: RWD 7

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:

2/23/2023

NEWSPAPER NOTIFICATION:

2/28/2023

**NOTICE TO SURROUNDING
PROPERTY OWNERS:**

N/A

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

STAFF COMMENTS:

The applicant is proposing to divide a 10-acre parcel into 2 lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 1). Lots 1 and 2 will be approximately 5 acres in size. All lots meet the requirements for the RR-2.5 zoning district. RWD 7 has indicated that the developer will be required to install a number of facility upgrades to service this subdivision. Staff is generally in support, with a stipulation: Due to the situation with the buildings on the property, the applicants have submitted an Accessory Dwelling Unit application for the proposed Lot 2. They are proposing to building a dwelling unit on the lot with an existing accessory building.

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 7, dated January 25, 2023

ATTACHMENTS:

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

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

Office Use Only

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: Matthew John Edmonds
 MAILING ADDRESS: 315 N. 5th Street MAILING ADDRESS 14184 182nd Street
 CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Linwood, KS 66086
 PHONE: 913-651-3858 PHONE: N/A
 EMAIL : herringsurveying@outlook.com EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: CADILLAC RANCH
 Address of Property: 14184 182nd Street
 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: 10 AC	Number of Lots: 2	Minimum Lot Size: 5 AC
Maximum Lot Size: 5 AC	Proposed Zoning: RR-5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 7	Proposed Sewage: Septic
Fire District: Sherman	Electric Provider: Every	Natural Gas Provider: Propane / Atmos
Covenants: <input type="checkbox"/> Yes <input checked="" 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 1/13/2023 Date: 1-13-23

ATTACHMENT A

CADILLAC RANCH

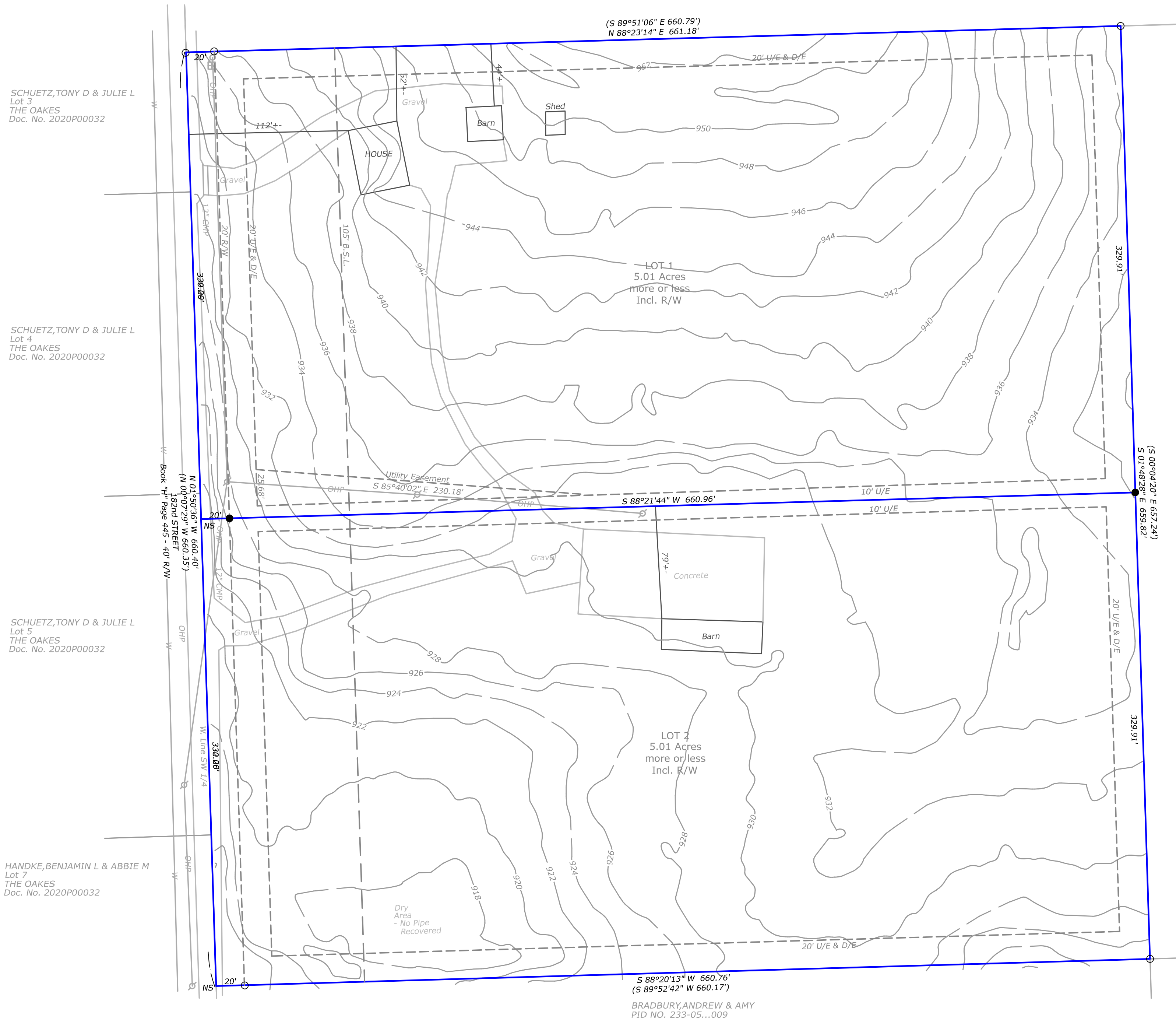
A Minor Subdivision in the Southwest Quarter of the Southwest Quarter of Section 5, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
Matthew John Edmonds
14184 182nd Street
Linwood, KS 66086
PID # 233-05-0-00-00-008

RECORD DESCRIPTION:
A tract of land in the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section 5, Township 12 South, Range 22 East of the Sixth P.M., described as follows: Beginning at the Northwest corner of the Southwest Quarter of said Southwest Quarter; thence South 89°51'06" East 660.79 feet; thence South 00°04'20" East 657.24 feet; thence South 89°52'42" West 660.17 feet; thence North 00°07'29" West 660.35 feet to the point of beginning, Leavenworth County, Kansas

ATTEBERY, ERIC C
PID NO. 233-05...007



- 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
 - D/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement
 - BM - Benchmark
 - NS - Not Set this survey per agreement with client
 - A - Arc Distance
 - R - Arc Radius
 - B - Chord Bearing
 - C - Chord Distance
 - //// - No Vehicle Entrance Access
 - NS - Not Set this survey per agreement with client
 - ⊙ - Power Pole
 - X - Fence Line
 - OHP - Overhead Power Lines
 - T - Underground Telephone/Fiber Optic Line
 - ⊕ - Gas Valve
 - ⊕ - Water Meter/Valve
 - ⊕ - Telephone Pedestal
 - W - 6" Water Line - location as per district
 - ~ - Tree/Brush Line

MUELLER, JAMES A & KERRY D
PID NO. 233-05...010

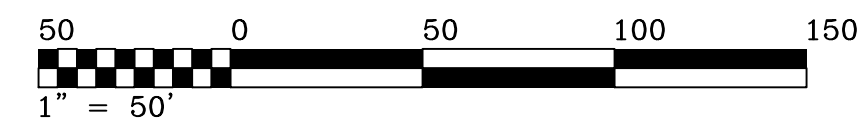
ZONING:
RR 2.5 - Rural Residential 2.5

- 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 State Plane NAD 83, North Zone 1501
 - 6) Point Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88
 - 10) Project Benchmark (BM) - NW Cor SW 1/4 SW 1/4 - 1/2" Bar - 934'
 - 11) Easements, if any, are created hereon or listed in referenced title commitment.
 - 12) Reference Recorded Deed Document No.
 - 13) Utility Companies -
- Water - Water District 7
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
 - 14) Reference Lawyer's Title Insurance Co. File Number TX0017196 updated January 6, 2023
 - 15) Property is not in a Special Flood Hazard Area per FEMA FIRN Map 20103C0319G dated July 16, 2015
 - 16) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
 - 17) Distances to and of structures, if any, are +- 1'.
 - 18) Easements, if any, as per referenced Title Commitment are shown hereon
 - 19) Fence Lines do not necessarily denote the boundary line for the property.
 - 20) Reference Surveys:
Recorded Plat THE OAKES Document No. 2020P00032 (REB) - R.E. Bacon Survey Book S-11 Pg. 22 1982

- 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.



Scale 1" = 50'



Job # K-22-1633
January 7, 2023 Rev. 2/7/23

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 month of November 2022 through January 2023 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

CADILLAC RANCH

A Minor Subdivision in the Southwest Quarter of Section 5, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
Matthew John Edmonds
14184 182nd Street
Linwood, KS 66086
PID # 233-05-0-00-008

RECORD DESCRIPTION:
A tract of land in the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section 5, Township 12 South, Range 22 East of the Sixth P.M., described as follows: Beginning at the Northwest corner of the Southwest Quarter of said Southwest Quarter; thence South 89°51'06" East 660.79 feet; thence South 00°04'20" East 657.24 feet; thence South 89°52'42" West 660.17 feet; thence North 00°07'29" West 660.35 feet to the point of beginning, 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: CADILLAC RANCH.

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

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

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

IN TESTIMONY WHEREOF,
We, the undersigned owners of CADILLAC RANCH, have set our hands this _____ day of _____, 2023.

Matthew John Edmonds

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Matthew John Edmonds, 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 CADILLAC RANCH 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 CADILLAC RANCH this _____ day of _____, 2023.

Chairman: Vicky Kaaz
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

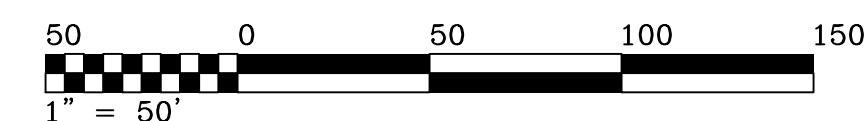
I hereby certify that this plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363
County Surveyor



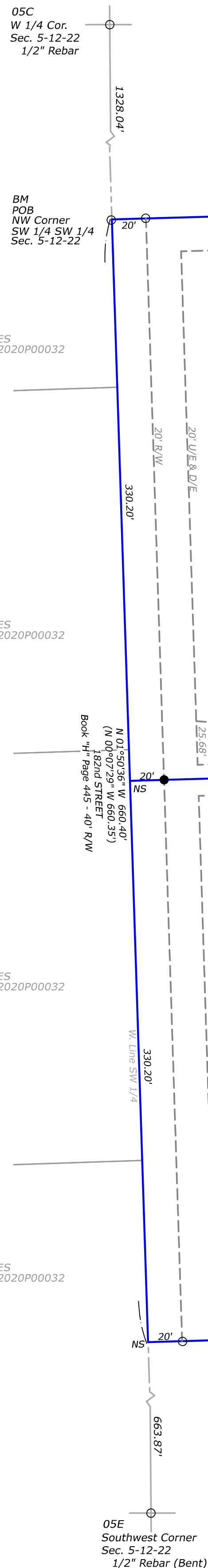
Scale 1" = 50'

Job # K-22-1633
January 7, 2023 Rev. 2/13/23
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



LEAVENWORTH COUNTY

VICINITY MAP
NOT TO SCALE



PID NO. 233-05...007

(S 89°51'06" E 660.79')
N 88°23'14" E 661.18'

LOT 1
5.01 Acres
more or less
Incl. R/W

LOT 2
5.01 Acres
more or less
Incl. R/W

PID NO. 233-05...009

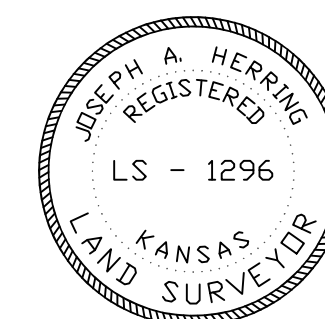
ZONING:
RR 2.5 - Rural Residential 2.5

- NOTES:**
- 1) This survey does not show ownership.
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 - 4) Error of Closure - See Error of Closure Calculations
 - 5) Basis of Bearing - KS State Plane NAD 83, North Zone 1501
 - 6) Point Origin Unknown, unless otherwise noted.
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 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88
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- Water - Water District 7
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Recorded Plat THE OAKES Document No. 2020P00032 (REB) - R.E.Bacon Survey Book S-11 Pg. 22 1982

- 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
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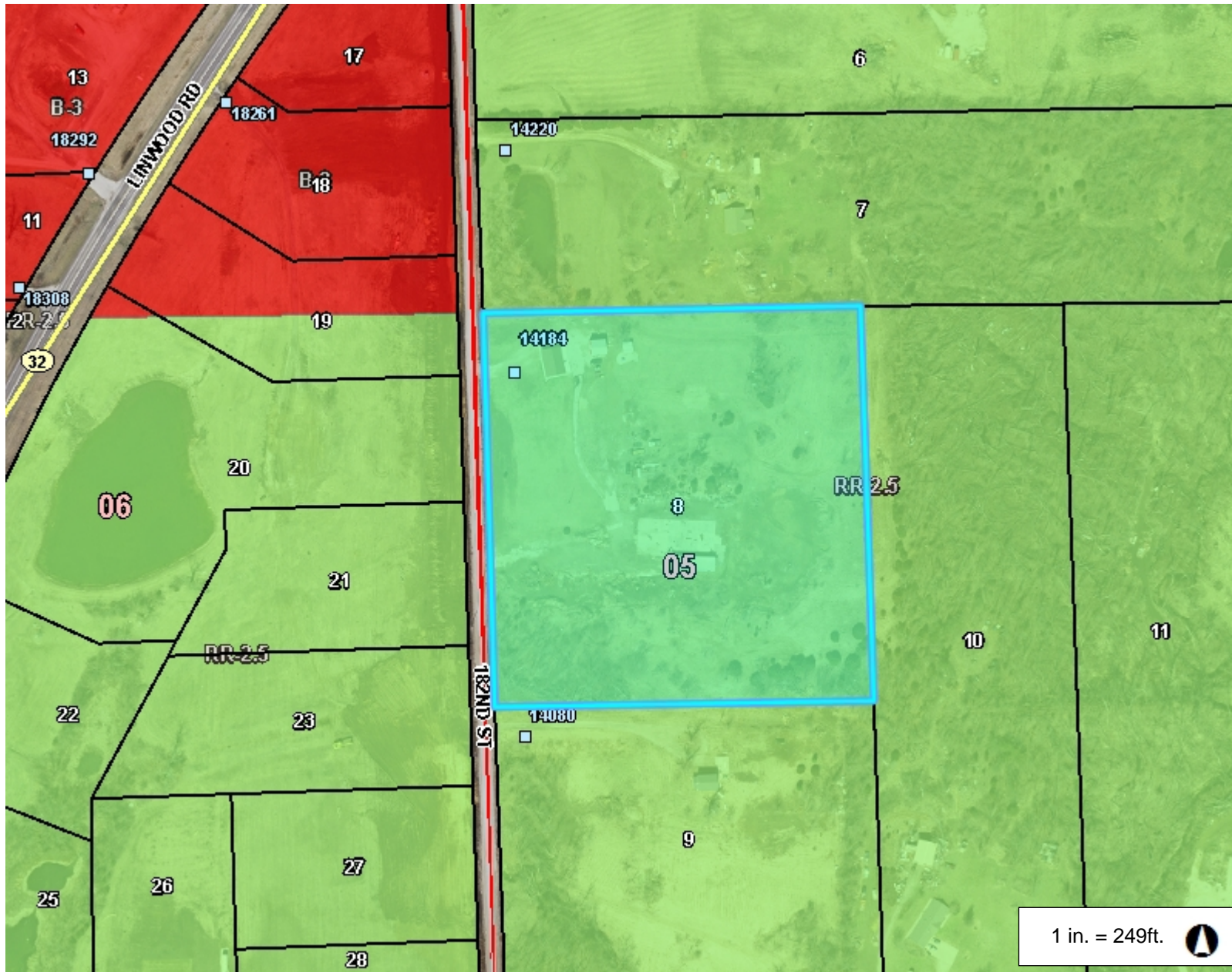
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I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of November 2022 through January 2023 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

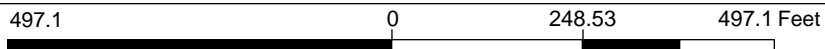
DEV-23-010 & 011 Cadillac Ranch



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

1 in. = 249ft.



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Allison, Amy

From: Kyle Burkhardt <Kyle.Burkhardt@evergy.com>
Sent: Friday, January 20, 2023 9:50 AM
To: Gentzler, Joshua; 'jalayne@leavenworthrwd7.com'; Design Group Shawnee; stfrchief@yahoo.com; Magaha, Chuck; Miller, Jamie; Patzwald, Joshua; Van Parys, David
Cc: Allison, Amy; Sloop, Stephanie
Subject: RE: [EXTERNAL]Cadillac Ranch Plat Review Request - DEV-23-010 & 011

Internal Use Only

Evergy has no issues with the following request.

Thank you

Kyle Burkhardt

Evergy
TD Designer II
785-508-2408
Kyle.Burkhardt@evergy.com



From: Gentzler, Joshua <JGentzler@leavenworthcounty.gov>
Sent: Thursday, January 19, 2023 10:40 AM
To: 'jalayne@leavenworthrwd7.com' <jalayne@leavenworthrwd7.com>; Design Group Shawnee <designgroupshawnee@evergy.com>; stfrchief@yahoo.com; 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>
Subject: [EXTERNAL]Cadillac Ranch Plat Review Request - DEV-23-010 & 011

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

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Cadillac Ranch, located at 14184 182nd 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 Wednesday, January 18th, 2023.

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

Thank you,

Joshua Gentzler

Allison, Amy

From: jalayne leavenworthrwd7.com <jalayne@leavenworthrwd7.com>
Sent: Wednesday, January 25, 2023 9:38 AM
To: Gentzler, Joshua; 'designgroupshawnee@evergy.com'; stfrchief@yahoo.com; Magaha, Chuck; Miller, Jamie; Patzwald, Joshua; Van Parys, David
Cc: Allison, Amy; Sloop, Stephanie
Subject: RE: Cadillac Ranch Plat Review Request - DEV-23-010 & 011
Attachments: LVRWD7 New Subdivision Policy.docx

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.

LVRWD# has water available.

Developer must have funds to install 1 Fire Hydrant. (approx. \$6000.00)

Benefit Unit Cost must be applied for at cost

Jalayne Turner

Office Manager

LVRWD#7

2451 S. 142nd St.

P O Box 257

Bonner Springs, KS 66012

913-441-1205 Office

jalayne@leavenworthrwd7.com email

www.lvrwd7.com website

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Sent: Thursday, January 19, 2023 10:40 AM
To: jalayne leavenworthrwd7.com <jalayne@leavenworthrwd7.com>; 'designgroupshawnee@evergy.com' <designgroupshawnee@evergy.com>; stfrchief@yahoo.com; 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>
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Thank you,

Joshua Gentzler



Leavenworth Rural Water District No. 7

P. O. Box 257 2451 S. 142nd St.

Bonner Springs, KS 66012

Phone: (913) 441-1205 Fax: (913) 422-3393 Toll Free: (888) 449-4028

E-Mail: Jalayne@leavenworthrwd7.com

Website: <http://www.lvrwd7.com>



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

Date: _____

Subdivision: _____

Location: _____

Dear Director of Planning and Zoning & Staff:

Leavenworth County Rural Water District 7's policy and procedures require all new subdivisions to perform a water line extension study by the District's engineer. This is to determine adequate water system upgrades that will be required to serve the subdivision and surrounding area. New subdivisions can greatly impact the District's infrastructure and ability to provide quality water to proposed and current patrons. The District requires 6-inch or larger waterlines with fire hydrants to be installed in subdivisions. The District will not approve any subdivision plat that water is available unless the policies and procedures are followed. These steps are vital as the District must analyze that water is available and the ability to approve future benefit units to lots within a new subdivision. This includes waterline feasibility study, water main extensions, fire hydrants and road crossings. Please review and present this information to the applicant and subdivision developer.

Respectfully,

Board of Directors
Leavenworth RWD7

Subdivision Applicant:

Summary of Comments on CADILLAC RANCH FINAL 24x36LS

Page: 1

Number: 1 Author: dbaumchen Subject: Text Box Date: 2/15/2023 9:10:24 AM

Reviewed 2023.02.15 No Comments

02-20-2023
OLSSON REVIEW
No Further
Review

Cadillac Ranch
Leavenworth County Kansas

Drainage Report

January 10, 2023

Revised February 9, 2023



CADILLAC RANCH

A Minor Subdivision in the Southwest Quarter of the Southwest Quarter of Section 5, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

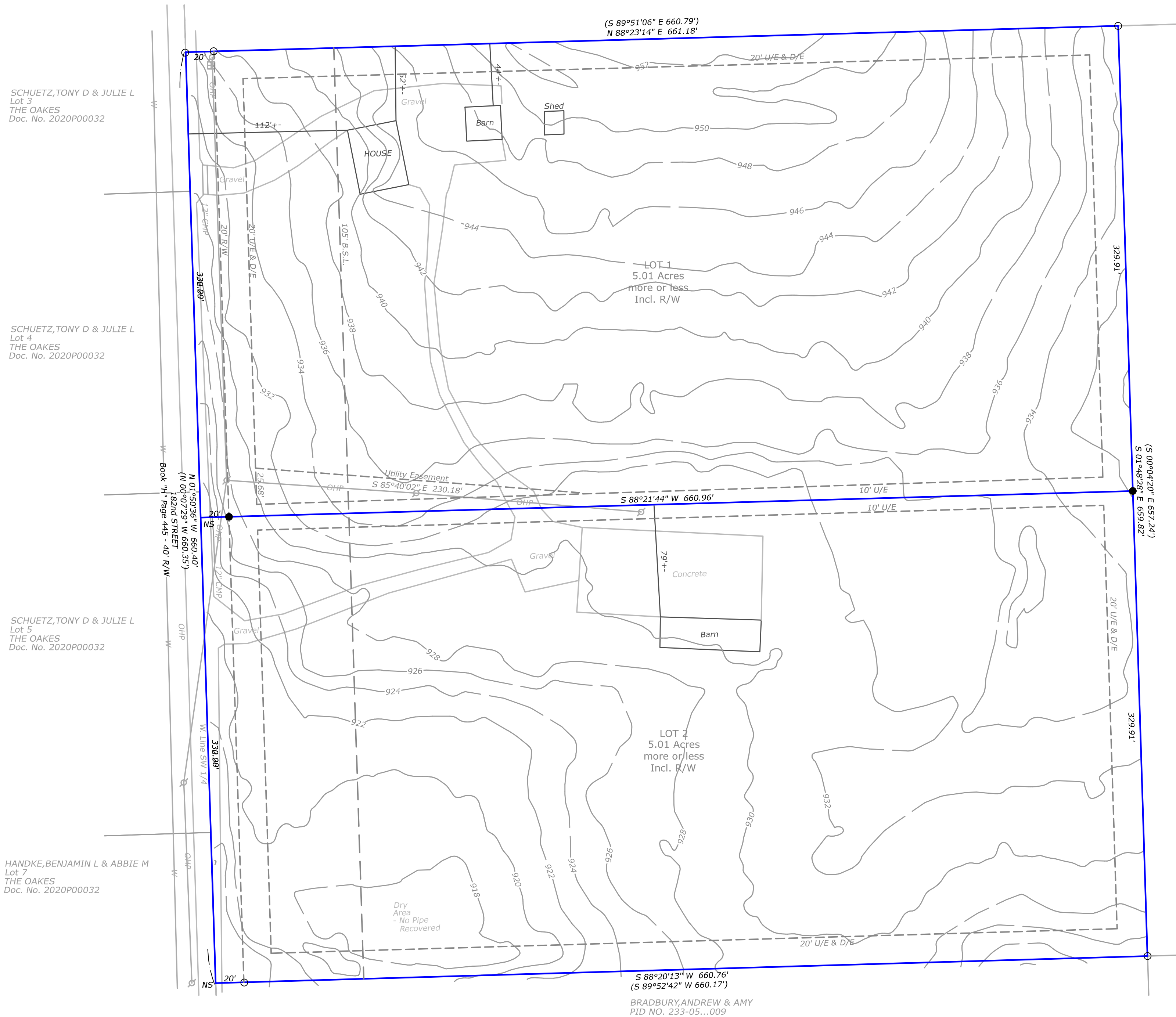
PRELIMINARY PLAT

PREPARED FOR:
Matthew John Edmonds
14184 182nd Street
Linwood, KS 66086
PID # 233-05-0-00-008

RECORD DESCRIPTION:
A tract of land in the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section 5, Township 12 South, Range 22 East of the Sixth P.M., described as follows: Beginning at the Northwest corner of the Southwest Quarter of said Southwest Quarter; thence South 89°51'06" East 660.79 feet; thence South 00°04'20" East 657.24 feet; thence South 89°52'42" West 660.17 feet; thence North 00°07'29" West 660.35 feet to the point of beginning, Leavenworth County, Kansas

ATTEBERY, ERIC C
PID NO. 233-05...007

**02-13-2023
OLSSON REVIEW
No Further
Comment**



SCHUETZ, TONY D & JULIE L
Lot 3
THE OAKES
Doc. No. 2020P00032

SCHUETZ, TONY D & JULIE L
Lot 4
THE OAKES
Doc. No. 2020P00032

SCHUETZ, TONY D & JULIE L
Lot 5
THE OAKES
Doc. No. 2020P00032

HANDKE, BENJAMIN L & ABBIE M
Lot 7
THE OAKES
Doc. No. 2020P00032

BRADBURY, ANDREW & AMY
PID NO. 233-05...009

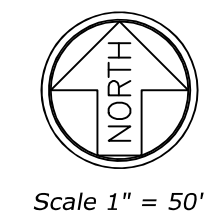
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 - C - Chord Distance
 - //// - No Vehicle Entrance Access
 - NS - Not Set this survey per agreement with client
 - - Power Pole
 - X - Fence Line
 - OHP - Overhead Power Lines
 - T - Underground Telephone/Fiber Optic Line
 - - - - - Gas Valve
 - ⊕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

MUELLER, JAMES A & KERRY D
PID NO. 233-05...010

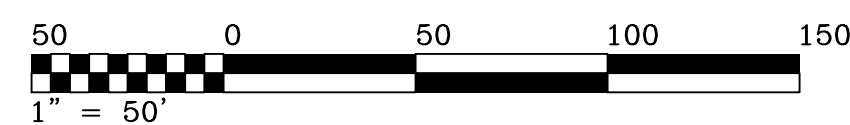
ZONING:
RR 2.5 - Rural Residential 2.5

- NOTES:**
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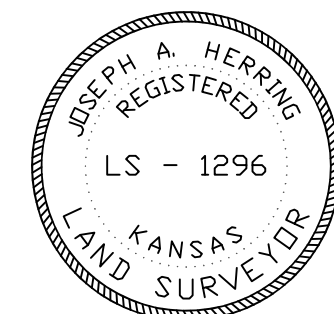
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Scale 1" = 50'



Job # K-22-1633
January 7, 2023 Rev. 2/7/23
J. HERRING, Inc. (dba)
HERRING SURVEYING & COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5361
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I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of November 2022 through January 2023 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

CADILLAC RANCH

A Minor Subdivision in the Southwest Quarter of Section 5, Township 12 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
Matthew John Edmonds
14184 182nd Street
Linwood, KS 66086
PID # 233-05-0-00-008

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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: CADILLAC RANCH.

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

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

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 CADILLAC RANCH, have set our hands this _____ day of _____, 2023.

Matthew John Edmonds

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Matthew John Edmonds, 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 CADILLAC RANCH 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 CADILLAC RANCH this _____ day of _____, 2023.

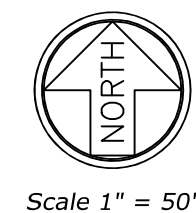
Chairman: Vicky Kaaz
County Clerk: Janet Klasinski

REGISTER OF DEED CERTIFICATE:
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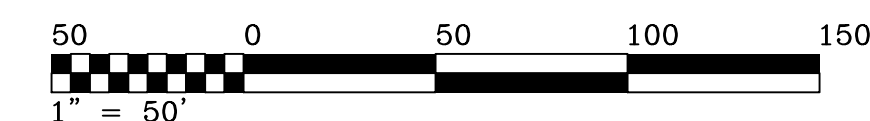
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County Surveyor



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J. Herring, Inc. (dba)
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315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5361
Email - survey@herringinc.com



05C
W 1/4 Cor
Sec. 5-12-22
1/2" Rebar

BM
POB
Northwest 1/4
SW 1/4 SW 1/4
Sec. 5-12-22

Lot 3
THE OAKES
Doc. No. 2020P00032

Lot 4
THE OAKES
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THE OAKES
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Lot 7
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Southwest Corner
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1/2" Rebar

PID NO. 233-05...007

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N 88°23'14" E 661.18'

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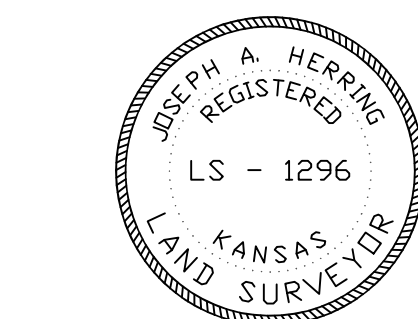
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**02-13-2023
OLSSON REVIEW
No Further
Comment**

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Joseph A. Herring
PS # 1296

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-015/016 South Majure Acres

March 8, 2023

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

STAFF REPRESENTATIVE:
 AMY ALLISON
 DEPUTY DIRECTOR

SUBJECT PROPERTY: 00000 JAMISON ROAD

APPLICANT/APPLICANT AGENT:
 JOE HERRING
 HERRING SURVEYING

PROPERTY OWNER:
 MARCUS AND LISA MAJURE
 1414 COREY LANE
 LANSING, KS 66043

CONCURRENT APPLICATIONS:
 NONE

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
 RESIDENTIAL (2.5 ACRE MIN)

LEGAL DESCRIPTION:
 Tract of land in the Northwest Quarter of Fractional Section 4, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

- ACTION OPTIONS:**
1. Recommend approval of Case No. DEV-23-015/016, Preliminary & Final Plat for South Majure Acres to the Board of County Commission, with or without conditions; or
 2. Recommend denial of Case No. DEV-23-015/016, Preliminary & Final Plat for South Majure Acres to the Board of County Commission for the following reasons; or
 3. Continue the hearing to another date, time, and place.

PARCEL SIZE:
 30.4 ACRES

PARCEL ID NO:
 152-04-0-00-00-002.16

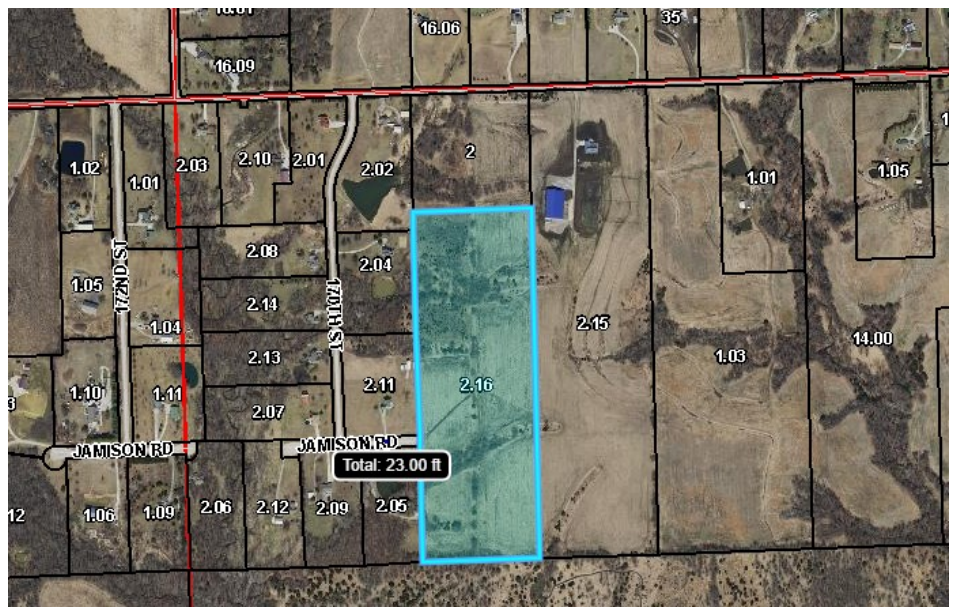
BUILDINGS:
 N/A

PROJECT SUMMARY:
 Request for preliminary and final plat approval to subdivide property located at 00000 Jamison Road (PID 152-04-0-00-00-002.16) as Lots 1 through 2 of South Majure Acres.

ACCESS/STREET:
 JAMISON ROAD - COUNTY LOCAL,
 PAVED ± 24’;

Location Map:

UTILITIES



SEWER: PRIVATE SEPTIC SYSTEM

FIRE: FIRE DISTRICT #1

WATER: RWD 8

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW:
 2/23/2023

NEWSPAPER NOTIFICATION:
 2/28/2023

NOTICE TO SURROUNDING
 PROPERTY OWNERS:
 N/A

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

STAFF COMMENTS:

The applicant is proposing to divide a 30-acre parcel into two lots. The original parcel was divided into two tracts by a non-complaint Certificate of Survey. The applicant is platting the property to bring the tracts back into compliance. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots 1 will be approximately 20-acres in size. Lot 2 will be 10 acres. All lots meet the requirements for the RR-5 zoning district. The applicant is proposing to extend Jamison Road into a private cul-de-sac and create access to the two lots through a Cross Access Easement. The private cul-de-sac would be maintained by the owners of Lot 1 & 2 per their HOA agreement. RWD 8 did not respond to the request for comment. A water feasibility study may be required to determine water access to this subdivision. Fire District #1 has indicated a concern about water access and fire hydrants to this subdivision. Fire hydrants will be required if the necessary infrastructure is available (Condition #4). Staff is generally in support.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. The developer must comply with the following memorandums:
 - a. Email – Kyle Anderson, Code Enforcement, dated January 27, 2023
 - b. Email – Amanda Tarwater, FreeState, dated January 27, 2023

ATTACHMENTS:

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

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

CN: 39011

Entered in Transfer Record in my office _____

County Clerk

E-RECORDED simplifile

ID: 2019R05805

County: _____

Date: 7/31/19 Time: _____

TRUSTEE'S DEED (Statutory) - Joint Tenancy

THE GRANTOR,

Timothy E. Allen, Trustee of the Timothy E. Allen Trust dated August 4, also known as the Timothy E. Allen Trust dated August 4, 1997

CONVEYS AND WARRANTS to

Marcus Majure and Alisa Majure husband and wife

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, THE GRANTOR(S), by virtue of the terms and provisions of said trust agreement, in consideration of the Sum of One Dollar and Other Valuable Consideration, does hereby convey and warrant as joint tenants with full rights of survivorship and not as tenants in common to GRANTEE(S) all of GRANTOR(S) undivided interest in the following described real estate, to-wit:

Tract of land in the Northwest Quarter of Fractional Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of the said Northwest Quarter; thence South 87 degrees 59'19" West for a distance of 662.50 feet along the North line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 23'10" East for a distance of 2645.02 feet to the South line of said Northwest Quarter; thence South 88 degrees 00'06" West for a distance of 668.92 feet along said South line; thence North 01 degrees 14'50" West for a distance of 2644.95 feet to the North line of said Northwest Quarter; thence North 87 degrees 59'19" East for a distance of 662.50 feet along said North line to point of beginning.

Above parcel being known as Tract 1 on survey by Herring Surveying Company. Recorded as Document 2019S035. (Subject to easements, restrictions, and reservations of record, and all taxes and assessments that may be levied, imposed, or become payable hereafter.)


THE GRANTOR(S) covenant that the trust remains in full force and effect at this time, that the trustee(s) have authorization without limitation to sell and convey all of the above described real estate.

Dated this 27 day of July A.D. 2019

Timothy E. Allen, Trustee
Timothy E. Allen, Trustee

STATE OF Kansas, COUNTY OF Shawnee
This instrument was acknowledged before me on this 27th day of July, 2019 by:
Timothy E. Allen, Trustee of the Timothy E. Allen Trust dated August 4, also known as the Timothy E. Allen Trust dated August 4, 1997

My appointment expires: 8/24/22

 **Amber M. Bradley**
Notary Public
State of Kansas
My Appt. Expires 8/24/22

Amber Bradley
Notary Public

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

CN: 39011

Doc #: 2019R05805
STACY R. DRISCOLL
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
07/31/2019 11:24:51 AM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office

7/31/19

Janet Klavinski
by Bjorn
County Clerk

TRUSTEE'S DEED (Statutory) - Joint Tenancy

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My appointment expires: 8/24/22



Amber M. Bradley
Notary Public
State of Kansas

My Appt. Expires 8/24/22

Amber Bradley
Notary Public

SOUTH MAJURE ACRES

A Cross Access Easement Plat in the Northwest Quarter of Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

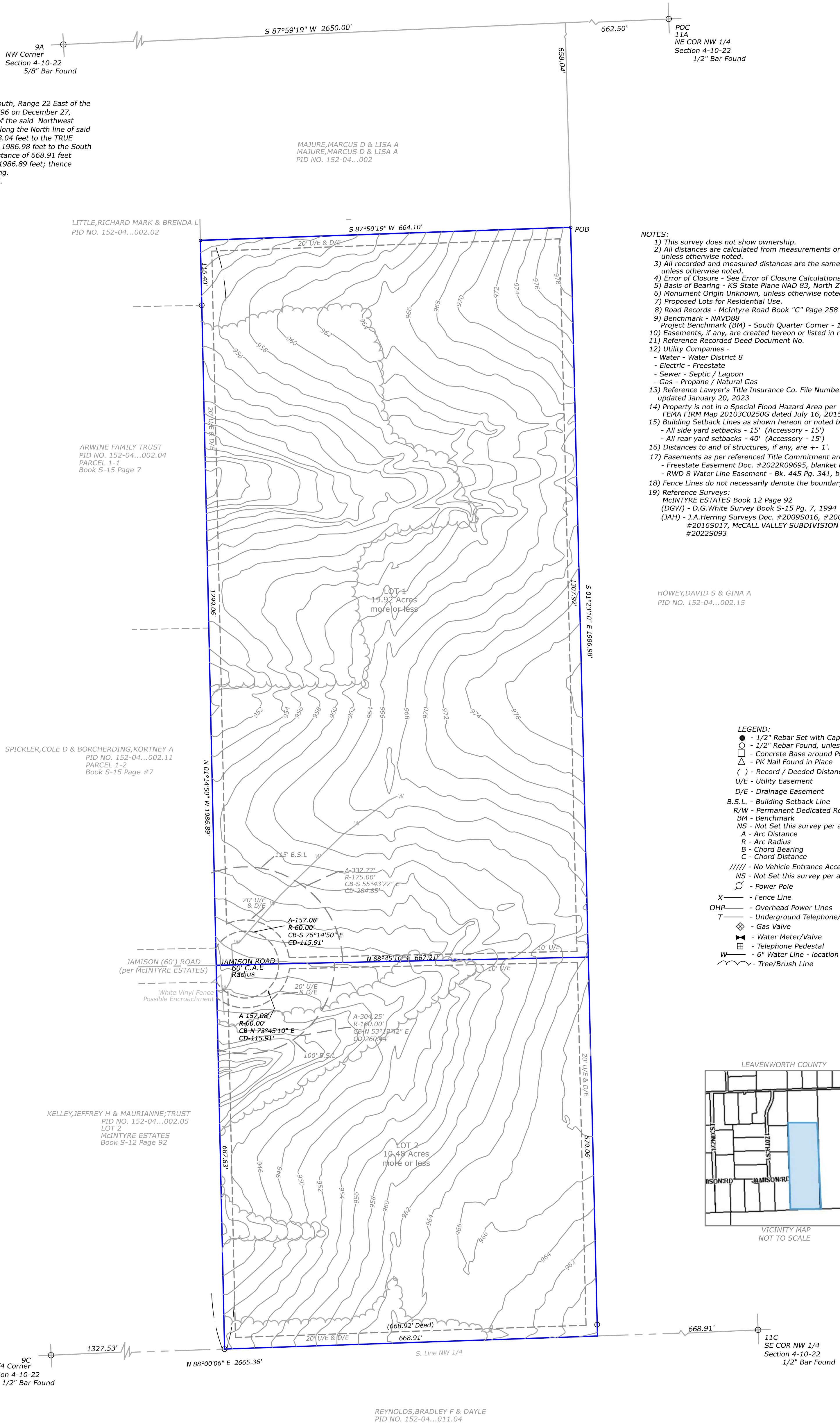
PRELIMINARY PLAT

PREPARED FOR:
MAJURE, MARCUS D & LISA A
1414 COREY LN
LANSING, KS 66043
PID NO. 152-04-00-00-002.16

ZONING:
RR 5 - Rural Residential 5 Acre

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
 - 4) All Lots only have access to Jamison Road through the Cross Access Easement
 - 5) Lots are subject to the off-plat Home Owner's Association detailing the maintenance of the Cross Access Easement, drive and drive appurtenances.
 - 6) Leavenworth County shall bear no responsibility for any maintenance and upkeep of the Cross Access Easement, drive and drive appurtenances.

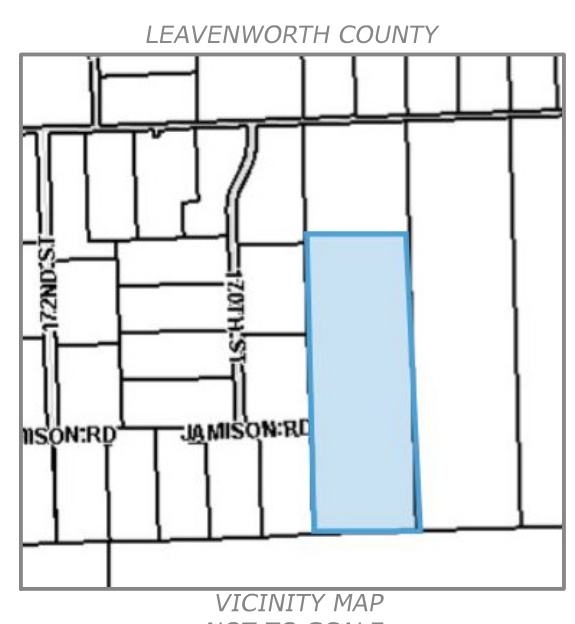
RECORD DESCRIPTION:
Tract of land in the Northwest Quarter of Fractional Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on December 27, 2022, more fully described as follows: Commencing at the Northeast corner of the said Northwest Quarter; thence South 87 degrees 59'19" West for a distance of 662.50 feet along the North line of said Northwest Quarter; thence South 01 degrees 23'10" East for a distance of 658.04 feet to the TRUE POINT OF BEGINNING; thence South 01 degrees 23'10" East for a distance of 1986.98 feet to the South line of said Northwest Quarter; thence South 88 degrees 00'06" West for a distance of 668.91 feet along said South line; thence North 01 degrees 14'50" West for a distance of 1986.89 feet; thence North 87 degrees 59'19" East for a distance of 664.10 feet to point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 30.4 acres, more or less, including road right of way.



- 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 State Plane NAD 83, North Zone 1501
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Records - McIntyre Road Book "C" Page 258 - 40' R/W
 - 9) Benchmark - NAVD88 Project Benchmark (BM) - South Quarter Corner - 1/2" Bar - 899.3'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Document No.
 - 12) Utility Companies -
 - Water - Water District 8
 - Electric - Freestate
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - 13) Reference Lawyer's Title Insurance Co. File Number 45747 updated January 20, 2023
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0250G dated July 16, 2015
 - 15) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 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
 - Freestate Easement Doc. #202209695, blanket description, not shown hereon.
 - RWD 8 Water Line Easement - Bk. 445 Pg. 341, blanket description, not shown hereon.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
 - McINTYRE ESTATES Book 12 Page 92
 - (DGW) - D.G. White Survey Book S-15 Pg. 7, 1994
 - (JAH) - J.A. Herring Surveys Doc. #2009S016, #2009S025
 - #2016S017, McCall Valley Subdivision #2019S035
 - #2022S093

HOWEY, DAVID S & GINA A
PID NO. 152-04...002.15

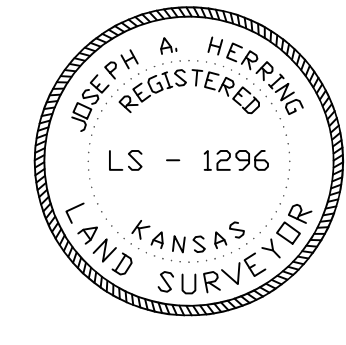
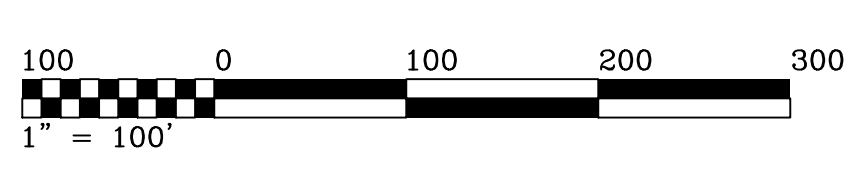
- LEGEND:
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 - △ - PK Nail Found in Place
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 - A - Arc Distance
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 - C - Chord Distance
 - //// - No Vehicle Entrance Access
 - NS - Not Set this survey 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-22-1669 South
January 19, 2023 Rev. 2/23/23

J. HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.661.3858 Fax 913.674.5381
Email - survey@jcamcsh.com



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

Joseph A. Herring
PS # 1296

SOUTH MAJURE ACRES

A Cross Access Easement Plat in the Northwest Quarter of Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
MAJURE, MARCUS D & LISA A
1414 COREY LN
LANSTING, KS 66043
PID NO. 152-04-00-00-002.16

ZONING:
RR 5 - Rural Residential 5 Acre

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
 - 4) All Lots only have access to Jamison Road through the Cross Access Easement
 - 5) Lots are subject to the off-plat Home Owner's Association detailing the maintenance of the Cross Access Easement
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Together with and subject to covenants, easements, and restrictions of record.
Said property contains 30.4 acres, more or less, including road right of way.
Error of Closure : 1 - 822887



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: SOUTH MAJURE ACRES.

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

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

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

An easement to enter and exit under or over the area outlined and designated on this plat as "Cross Access Easement" or "C.A.E.", is hereby granted over Lot 1 for the benefit of Lot 2, and over Lot 2 for the benefit of Lot 1 for said purposes. Maintenance is to be shared between the owners of said Lots 1 and 2.

IN TESTIMONY WHEREOF,
We, the undersigned owners of SOUTH MAJURE ACRES, have set our hands this _____ day of _____, 2023.

Marcus D. Majure Lisa A. Majure
PID NO. 152-04...002.11
PARCEL 1-2
Book 5-15 Page #7

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Marcus D. Majure and Lisa A. Majure, husband and wife, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC
My Commission Expires: _____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of SOUTH MAJURE ACRES this _____ day of _____, 2023.

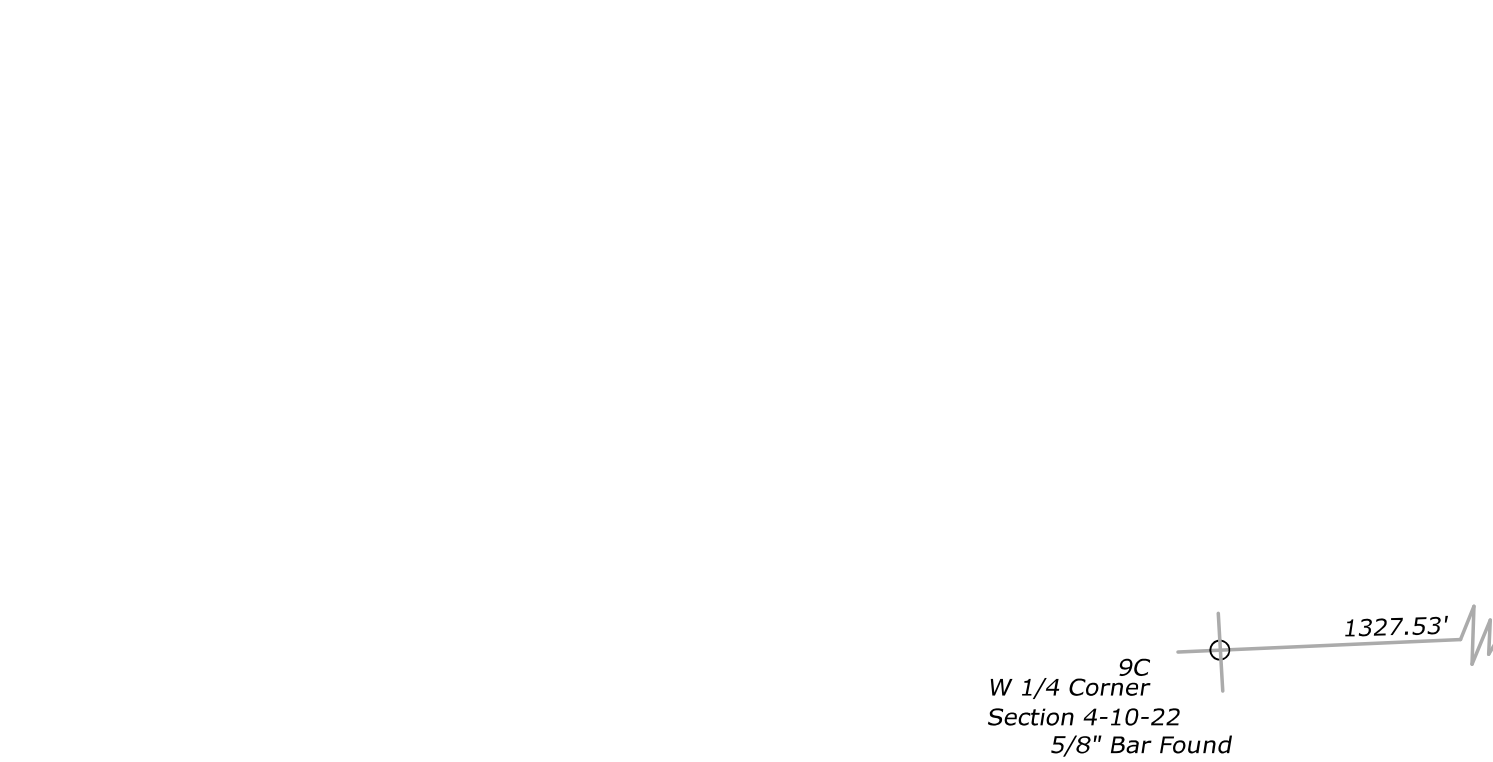
Secretary Amy Allison Chairman Steven Rosenthal

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 SOUTH MAJURE ACRES this _____ day of _____, 2023.

Chairman Vicky Kaaz County Clerk Attest: Janet Klasinski
PID NO. 152-04...002.05
LOT 2
McINTYRE ESTATES
Book 5-12 Page 92



W 1/4 Corner Section 4-10-22 5/8" Bar Found
S 88°00'06" W 2665.36'
S Line NW 1/4
668.91'
PID NO. 152-04...011.04

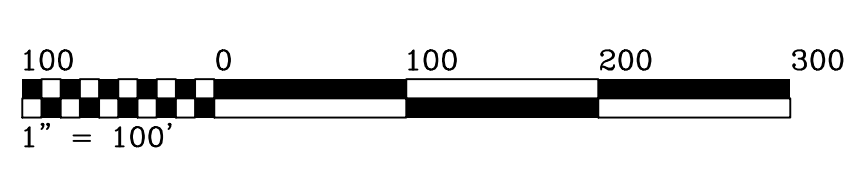
REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2023 at _____ o'clock _____ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

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

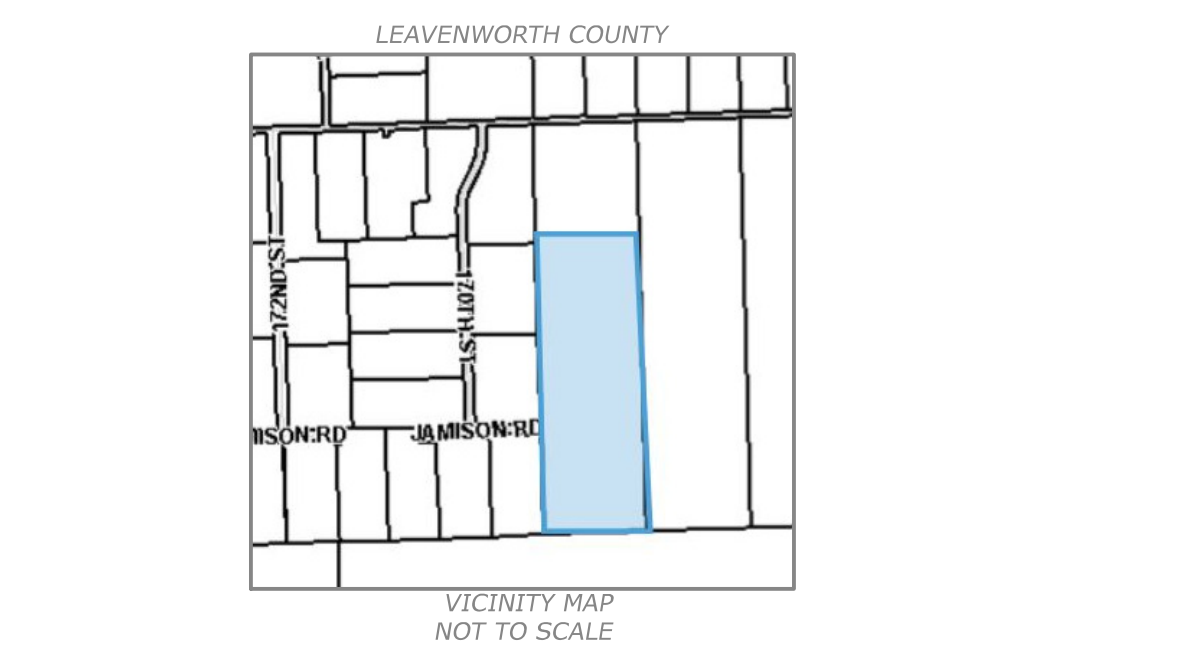
J. HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@jhamco.com



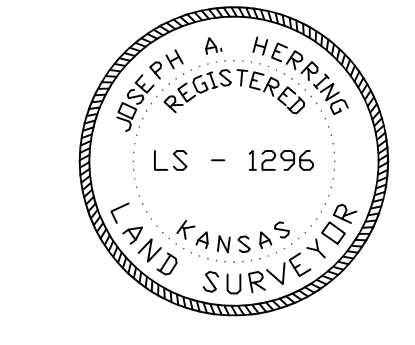
- NOTES:
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 - 4) Error of Closure - See Error of Closure Calculations
 - 5) Basis of Bearing - KS State Plane NAD 83, North Zone 1501
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Records - McIntyre Road Book "C" Page 258 - 40' R/W
 - 9) Benchmark - NAVD88 Project Benchmark (BM) - South Quarter Corner - 1/2" Bar - 899.3'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Document No.
 - 12) Utility Companies -
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 - Electric - Freestate
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - 13) Reference Lawyer's Title Insurance Co. File Number 45747 updated January 20, 2023
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0250G dated July 16, 2015
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 - All side yard setbacks - 15' (Accessory - 15')
 - All rear yard setbacks - 40' (Accessory - 15')
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 - 17) Easements as per referenced Title Commitment are shown hereon
 - Freestate Easement Doc. #2022R09695, blanket description, not shown hereon.
 - RWD 8 Water Line Easement - Bk. 445 Pg. 341, blanket description, not shown hereon.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
 - McINTYRE ESTATES Book 12 Page 92
 - (DGW) - D.G. White Survey Book 5-15 Pg. 7, 1994
 - (JAH) - J.A. Herring Surveys Doc. #2009S016, #2009S025, #2016S017, McCALL VALLEY SUBDIVISION #2019S035 #2022S093

PID NO. 152-04...002.15

- 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



1/2" Bar Cap 1296 20" N of Line
668.91'
11C SE COR NW 1/4 Section 4-10-22 1/2" Bar Found



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

Joseph A. Herring
PS # 1296

HOME OWNER'S ASSOCIATION
SOUTH MAJURE ACRES
LEAVENWORTH COUNTY, KANSAS

This Home Owner's Association is for SOUTH MAJURE ACRES, a Cross Access Easement Subdivision in the Northwest Quarter of Section 4, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Said SOUTH MAJURE ACRES creates an area known as a Cross Access Easement (C.A.E.).

Said area is to be shared and used by all owners/parties within SOUTH MAJURE ACRES for the rights of access and for utilities to be allowed to service all Lots.

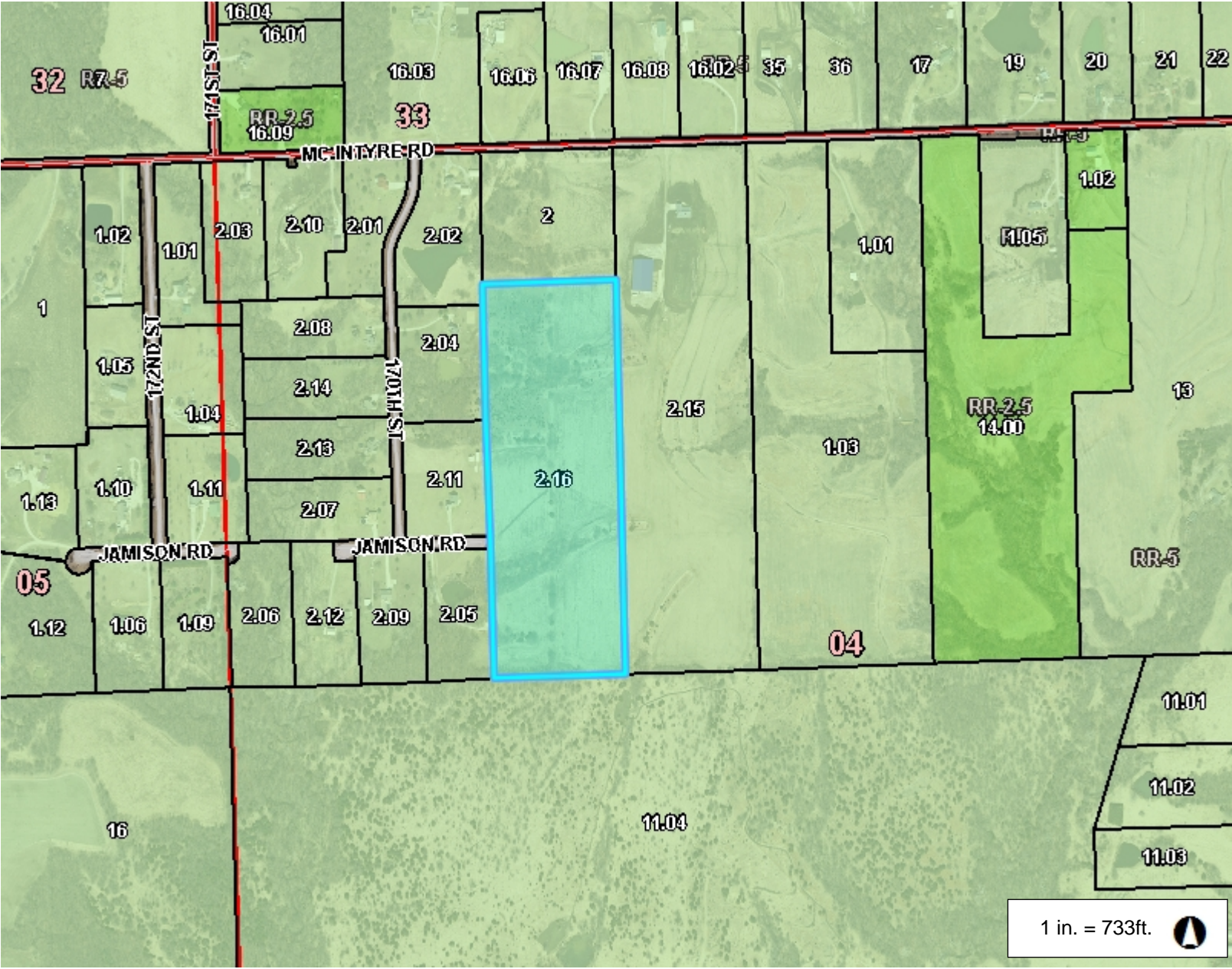
All Lot Owners are responsible for 50% of the total cost of maintenance of the C.A.E. area.

The Home Owners Association is comprised of the owners of Lot 1 and Lot 2, SOUTH MAJURE ACRES.

All Lots will each have a single vote per Lot in determining the maintenance issues.

To change any portion of this Home Owners Association document a unanimous vote must occur.

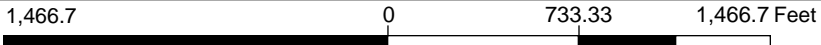
DEV-23-015/016 South Majure Acres



Legend

- Parcel Number
- 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
- PUD
- R-1

1 in. = 733ft.



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Allison, Amy

From: Anderson, Kyle
Sent: Friday, January 27, 2023 10:31 AM
To: Allison, Amy
Subject: RE: RE: DEV-23-015 & 016 Preliminary and Final Plat – South Majure Acres

We have not received any complaints on this property. It appears the house being built will be on Lot 1. During inspection we will verify that the septic system is on Lot 1 and meets the setback for the south property line.

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, January 25, 2023 3:47 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Andrew Holder' <aholder@fpsslaw.com>; 'firedistrict1@fd1lvco.org' <firedistrict1@fd1lvco.org>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; 'Rural Water' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-015 & 016 Preliminary and Final Plat – South Majure Acres

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a two-lot subdivision at 00000 Jamison Road (part of PID 152-04-0-00-00-002.00).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, February 2, 2023.

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

Thank you,

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

Allison, Amy

From: Amanda Tarwater <amanda.tarwater@freestate.coop>
Sent: Friday, January 27, 2023 11:34 AM
To: Allison, Amy
Subject: RE: DEV-23-015 & 016 Preliminary and Final Plat – South Majure Acres
Attachments: MAJURE APP.pdf; M102204NW001.pdf

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

FreeState Electric has no objection to this request.

However, Mr. Majure has applied for and paid for service to be built in for a home he was to build here that he wanted service built in around August of 2022. That has yet to come to fruition. We will most likely need to rework his entire job which could cause more out of pocket cost for him. When he approached us for new service, he did not mention plans to split the land into lots.

See attached application and right of way easement.

Amanda Tarwater
Member Accounts Coordinator



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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, January 25, 2023 3:47 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Andrew Holder' <aholder@fpsslw.com>; 'firedistrict1@fd1lvco.org' <firedistrict1@fd1lvco.org>; Amanda Tarwater <amanda.tarwater@freestate.coop>; 'Rural Water' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-015 & 016 Preliminary and Final Plat – South Majure Acres

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="">

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a two-lot subdivision at 00000 Jamison Road (part of PID 152-04-0-00-00-002.00).

RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned, (whether one or more) Marcus Majure and Alisa Majure (hereafter called the "Grantor(s)" for good and valuable consideration of \$1.00, the receipt whereof is hereby acknowledged, hereby grant unto FreeState Electric Cooperative, Inc., a Kansas cooperative corporation (hereafter called the "Cooperative") and to its successors or assigns, a right-of-way easement upon the lands of the Grantor situated in the County of Leavenworth and State of Kansas, and more particularly described as follows, such right-of-way to be 30 feet wide:

Tract of land in the Northwest Quarter of Fractional Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of the said Northwest Quarter; thence South 87 degrees 59'19" West for a distance of 662.50 feet along the North line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 23'10" East for a distance of 2645.02 feet to the South line of said Northwest Quarter; thence South 88 degrees 00'06" West for a distance of 668.92 feet along said South line; thence North 01 degrees 14'50" West for a distance of 2644.95 feet to the North line of said Northwest Quarter; thence North 87 degrees 59'19" East for a distance of 662.50 feet along said North line to point of beginning.

Above parcel being known as Tract 1 on survey by Herring Surveying Company. Recorded as Document 2019S035.

to construct, operate and maintain underground or overhead conduits or lines for the transmission and/or distribution of electric power on, under, along, over, and across the above-described lands and/or all waterways, street, roads, highways or other areas reserved for public use or for the use of public utilities abutting said lands; to inspect and make such repairs, changes, alterations, improvements, removals from substitutions and additions to such facilities as the Cooperative may from time to time deem advisable, including by way of example and not by way of limitation the right to increase or decrease the number of wires; to cut, trim, and control the growth by chemical means, machinery or otherwise of trees, shrubbery, undergrowth and roots within or without such right-of-way that may interfere with or threaten to endanger such facilities, or which may be a hazard to such facilities in the opinion of the Cooperative by reason of falling on such facilities, and including any control of the growth or other vegetation in the right-of-way which may incidentally or necessarily result from the means of control employed; to keep such facilities clear of all buildings, structures or other obstructions except ordinary fences which do not constitute a hazard to or endanger such facilities and Grantor agrees not to construct any such improvements or obstructions within such right-of-way and not to construct any such improvements or obstruction without such right-of-way if such improvements or obstructions will constitute a hazard to or endanger such facilities; and to license, permit or otherwise agree to the joint use or occupancy of the lines, system or, if any of said system is placed underground, of the trench and related underground facilities, by any other person, association or corporation.

If such facilities are to be for underground service, there is attached hereto and made part hereof a plat showing the location of the center line of said right-of-way.

The Grantor agrees that all such facilities installed by the Cooperative shall remain the property of the Cooperative, removable at the option of the Cooperative.

It is understood and agreed that the Grantor, his successors and assigns, may use the land within this easement for any purpose not inconsistent with the right hereby granted the Cooperative, provided such use does not interfere with or endanger the construction, operation or maintenance of such facilities.

For the purposes of this easement, the Cooperative shall have the right of ingress and egress to, from and across the easement and the lands of the Grantor adjacent thereto, such right to be exercised in such manner as shall occasion the least practicable damage and inconvenience to the Grantor.

The Cooperative agrees that it will repair or replace any improvements and pay for any crops of the Grantor which it may damage in the construction, operation and maintenance of such facilities to the extent of the fair market value of such improvements and crops immediately prior to the damage except as to the improvements or vegetation with which the Cooperative is otherwise authorized to deal under the terms of this easement.

The Grantor covenants that he is the owner of the above-described lands and had the right to convey this easement, the Cooperative shall have quiet and peaceable possession, use and enjoyment of this easement, and that said lands are free and clear of encumbrances and liens of whatever character except those held by the following person:

The Grantor acknowledges that the granting of this easement will not make Grantor a displaced person subject to relocation under the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and waives any available rights under the act. Grantor waives appraisal and donates the easement to the Cooperative. It is understood and agreed that the respective rights and duties of the Grantor and the Cooperative under the terms of this easement shall continue as rights and duties of their respective successor and assigns.



IN WITNESS WHEREOF, the Grantor has set his hand and seal this 13th day of September, 20 22

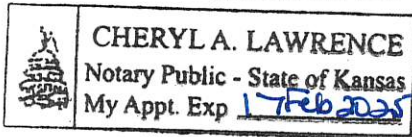
Marcus Majure
Marcus Majure

Alisa Majure
Alisa Majure

ACKNOWLEDGMENT

STATE OF Kansas, COUNTY OF Leavenworth ss:

The foregoing instrument was acknowledged before me this 13th day of September,
2022 by Marcus Majure and Alisa Majure
husband and wife



Cheryl A. Lawrence
NOTARY PUBLIC

Cheryl A. Lawrence
PRINTED NOTARY NAME

My Commission Expires:

17 Feb 2025

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

CN: 39011

Doc #: 2019R05805
STACY R. DRISCOLL
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
07/31/2019 11:24:51 AM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office

7/31/19

Janet Klavinski
by Bjorn
County Clerk

TRUSTEE'S DEED (Statutory) - Joint Tenancy

THE GRANTOR,

Timothy E. Allen, Trustee of the Timothy E. Allen Trust dated August 4, also known as the Timothy E. Allen Trust dated August 4, 1997

CONVEYS AND WARRANTS to

Marcus Majure and Alisa Majure husband and wife

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, THE GRANTOR(S), by virtue of the terms and provisions of said trust agreement, in consideration of the Sum of One Dollar and Other Valuable Consideration, does hereby convey and warrant as joint tenants with full rights of survivorship and not as tenants in common to GRANTEE(S) all of GRANTOR(S) undivided interest in the following described real estate, to-wit:

Tract of land in the Northwest Quarter of Fractional Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of the said Northwest Quarter; thence South 87 degrees 59'19" West for a distance of 662.50 feet along the North line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence South 91 degrees 23'10" East for a distance of 2645.02 feet to the South line of said Northwest Quarter; thence South 88 degrees 00'06" West for a distance of 668.92 feet along said South line; thence North 91 degrees 14'50" West for a distance of 2644.95 feet to the North line of said Northwest Quarter; thence North 87 degrees 59'19" East for a distance of 662.50 feet along said North line to point of beginning.

Above parcel being known as Tract I on survey by Herring Surveying Company. Recorded as Document 2019S035. (Subject to easements, restrictions, and reservations of record, and all taxes and assessments that may be levied, imposed, or become payable hereafter.)

THE GRANTOR(S) covenant that the trust remains in full force and effect at this time, that the trustee(s) have authorization without limitation to sell and convey all of the above described real estate.

Dated this 27 day of July A.D. 2019

Timothy E. Allen, Trustee
Timothy E. Allen, Trustee

STATE OF Kansas, COUNTY OF Shawnee

This instrument was acknowledged before me on this 27th day of July 2019 by:
Timothy E. Allen, Trustee of the Timothy E. Allen Trust dated August 4, also known as the Timothy E. Allen Trust dated August 4, 1997

My appointment expires: 8/24/22

Amber M. Bradley
Notary Public
State of Kansas
My Appt. Expires 8/24/22

Amber Bradley
Notary Public

New Construction Service Application

Scope of Work and Member Responsibilities

FreeState Electric Cooperative will handle requests for new construction services in the order the requests are received but will also consider member's circumstances and needs when establishing its design and construction schedules. FreeState assumes no liability for unforeseen factors that delay the project completion date.

FreeState provides and installs a meter base for our members seeking new standard service. The meter base provided will either be a meter loop installed on a pole or a meter pedestal for underground service, served from a pad mounted transformer. FreeState will install, own, and maintain this meter base. The type of meter installation and location will be determined and agreed upon during a new construction meeting held between a FreeState representative and the member seeking a new service. This meeting should not occur until the foundation and all other utilities are staked. The cost of installing the meter base will be included in the overall construction cost, presented to the member.

The recommended total distance of secondary and service conductor from the transformer location to the service entrance of the primary structure in need of service is 150 feet.

Any wire or service components installed on the load-side of the Point of Demarcation, as defined in the FreeState Construction and Service Standards, will be the responsibility of the member. This will include, but not be limited to, all trenching, conduit, conductors, and connections. For Standard Service, the Point of Demarcation is the load side lugs of meter base or integrated main breaker. The Construction and Service Standards can be found on FreeState's website: www.freestate.coop/standards. Open trenching must be inspected by the FreeState crew prior to backfilling unless on member side.

If builder is applying for service they assume all costs of the electric bill until service is transferred to the Owner. The Owner will need to contact the office and apply for service in order for the service to be transferred into their name. Applicant is responsible for all costs associated with the Aid in Construction (AIC).

Members are responsible for notifying FreeState of any mailing address changes, including updated temporary mailing addresses.



Topeka Office **McLouth Office**
1100 SW Auburn Rd. 507 N. Union
Topeka, KS 66615 McLouth, KS 66054
800-794-1989
www.freestate.coop
customerservice@freestate.coop

Estimated Connect Date: Late August 2022

Applicant is: Owner Builder

Member's Name: Marcus D. Majure
Or If Business: _____ If Business, Employer ID#: _____
Birth Date: 06/26/1964 Employer: US Army
Home Phone: N/A Mobile Phone: 913-775-3222
E-Mail Address: flymtp@yahoo.com

Co-Member's Name: Lisa Majure
Birth Date: 05/04/1963 Employer: N/A
Home Phone: N/A Mobile Phone: 913-775-2044
E-Mail Address: aamajure@yahoo.com

Service Location (911 Address)

Street Address: ? Jamison Court
City: Leavenworth
State: Kansas Zip Code: KS 66048

Mailing Address

Same as Service

Street Address: 1414 Corey Lane
City: Lansing
State: KS Zip Code: 66043

Please read the Terms and Conditions before signing the application. The undersigned hereby makes application to the FreeState Electric Cooperative, Inc. for membership and/or electric service and agrees to the terms and conditions. The undersigned also certifies that all statements made in connection with this application are true and correct to best of his/her knowledge. With your signature you agree, in order for us to service your account or collect any amounts you may owe, we may contact you by telephone at any telephone number associated with your account, including wireless telephone numbers, which could result in charges to you. We may also contact you by sending text messages or emails, using any email address you provide us. Methods of contact may include using pre-recorded or artificial voice messages and/or the use of an automatic dialing device, as applicable. I/We have read this disclosure and agree the FreeState Electric Cooperative, Inc. may contact me/us as directed above.

Member Signature [Signature]
Co-Member Signature Lisa Majure

Date 06/21/22
Date 06/21/22

New Construction Service Application



Your Touchstone Energy® Cooperative

Topeka Office

1100 SW Auburn Rd.
Topeka, KS 66615

McLouth Office

507 N. Union
McLouth, KS 66054

800-794-1989

www.freestate.coop

customerservice@freestate.coop

Service Location

Street Address: Jamison Court

City: Leavenworth

State: Kansas Zip Code: KS 66048

CURRENT RATING

- 200 amps (standard)
- 320 amps (additional charge)
- More than 320 amps (additional charge)

OPTIONAL METER BASES (additional charge)

- Double Throw
- Mechanical Interlock

SERVICE REQUESTED (check all that apply)

- Overhead
- Underground
- Single Phase
- Three Phase
- Security Light
- Surge Suppressor

VOLTAGE REQUIRED

- 120/240 volts
- 240/480 volts
- 277/480 volts
- 120/208 volts

TYPE OF USE

- Residence Business

- Permanent Residence
- Weekend/Vacation/Seasonal Home
- Mobile or Modular Home
- Water Well
- Irrigation
- RV
- Other: _____

SERVICE INFORMATION (check all that apply)

- Residence: 3600 Sq. ft.
- Commercial Building: _____ Sq. ft.
- Manufactured: _____ Sq. ft.
- Shop: _____ Sq. ft.
- Other: _____

DESCRIPTION OF ELECTRICAL LOADS

HVAC Type

- Electric
- Gas or Propane
- Heat Pump _____ Tons

Water Heater

- Electric
- Gas or Propane
- On Demand

Clothes Dryer

- Electric
- Gas or Propane

Other Load

- Welder _____ KW
- Compressor _____ HP/KW
- Heated Shop _____ KW
- Other _____ KW

Commercial

Number and size of motors

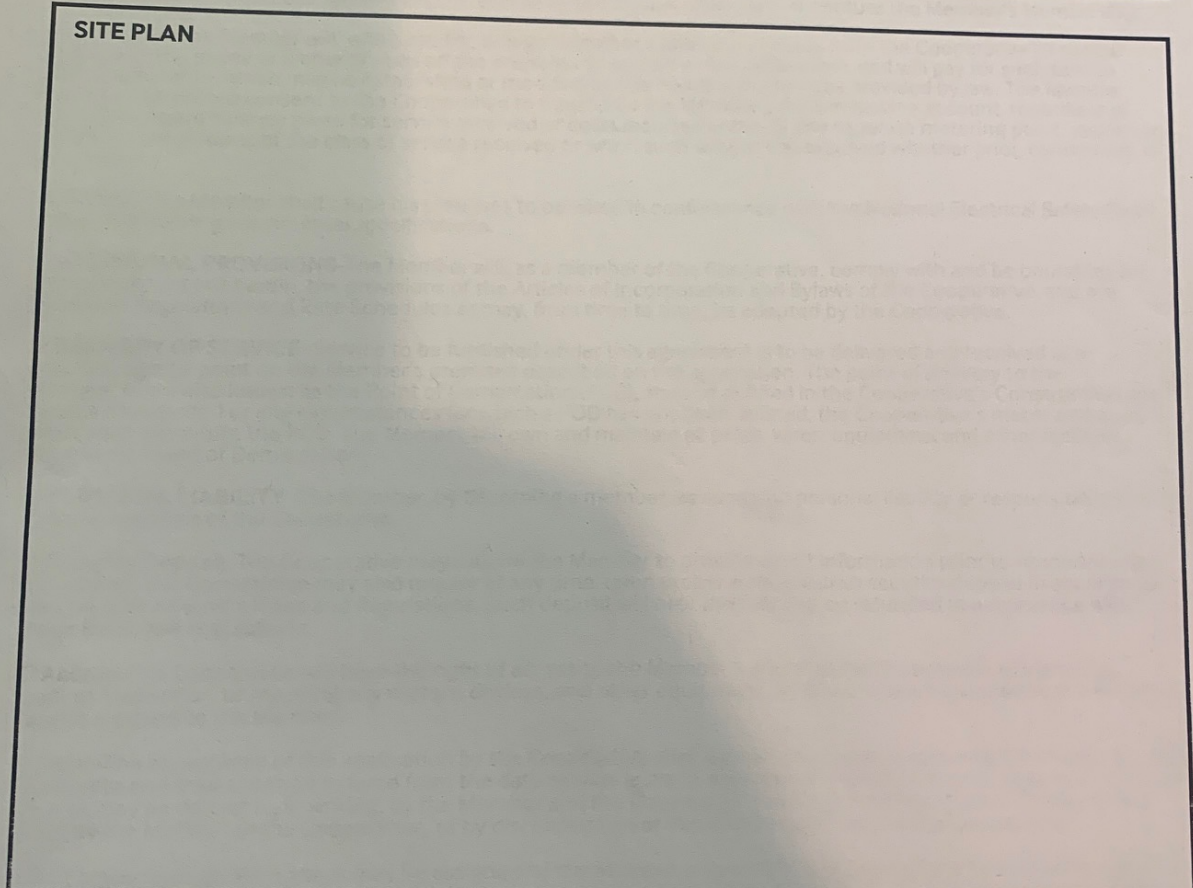
New Construction Service Application



Service Location
Street Address: Jamison Court
City: Leavenworth
State: Kansas Zip Code: KS 66048

Topeka Office **McLouth Office**
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Topeka, KS 66615 McLouth, KS 66054
800-794-1989
www.freestate.coop
customerservice@freestate.coop

SITE PLAN



PRIMARY CONTACT ELECTRICIAN

Building Contractor Name: _____
 Electrician Phone: _____
 Applicant Email: _____

BUILDING CONTRACTOR — *Primary POC*

Name: Larry Hahn
Phone: 913-290-0112
Email: jjcarwash@att.net

FEC Use Only. Do not mark.

Customer No. _____ Work Order No. _____
Account No. _____ Date Received/Entered _____

02-13-2023
OLSSON REVIEW
No Further
Comment

South Majure
Leavenworth County Kansas
Drainage Report
January 13, 2023
Revised February 8, 2023



Allison, Amy

From: Michael Stackhouse <mstackhouse@fd1lvco.org>
Sent: Wednesday, February 22, 2023 1:55 PM
To: Allison, Amy
Cc: Sloop, Stephanie
Subject: RE: DEV-23-015 & 016 Preliminary and Final Plat – South Majure Acres

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

Amy,

I do not see any issues with either Majure Acres. Any new additions to Rural Water 8 water distribution system will be taxing the system. At some point they will be forced to make upgrades due to poor supply. As an example, we were testing hydrants on Eisenhower Rd. this summer and due to one fire hydrant open and flowing at that location, it prompted their back-up pump to activate at their office and prompted their staff to look for the flow. RW8 personnel contacted FD1 personnel and made them aware of the situation during the testing. The fact that one fire hydrant can deplete an entire water supply system should raise Red flags to everyone. This is why I have been and will consistently lean on your office and the county commissioners when new developments take place. It is imperative that the water supply grid keep up with the population growth. I have major concerns with the present system after the findings on Eisenhower Rd. Let me know if you have any questions or need assistance.

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: Tuesday, February 21, 2023 2:07 PM
To: Michael Stackhouse <mstackhouse@fd1lvco.org>
Cc: Sloop, Stephanie <SSloop@leavenworthcounty.gov>
Subject: RE: DEV-23-015 & 016 Preliminary and Final Plat – South Majure Acres

Good Afternoon Chief Stackhouse,

SOUTH MAJURE ACRES

A Cross Access Easement Plat in the Northwest Quarter of Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

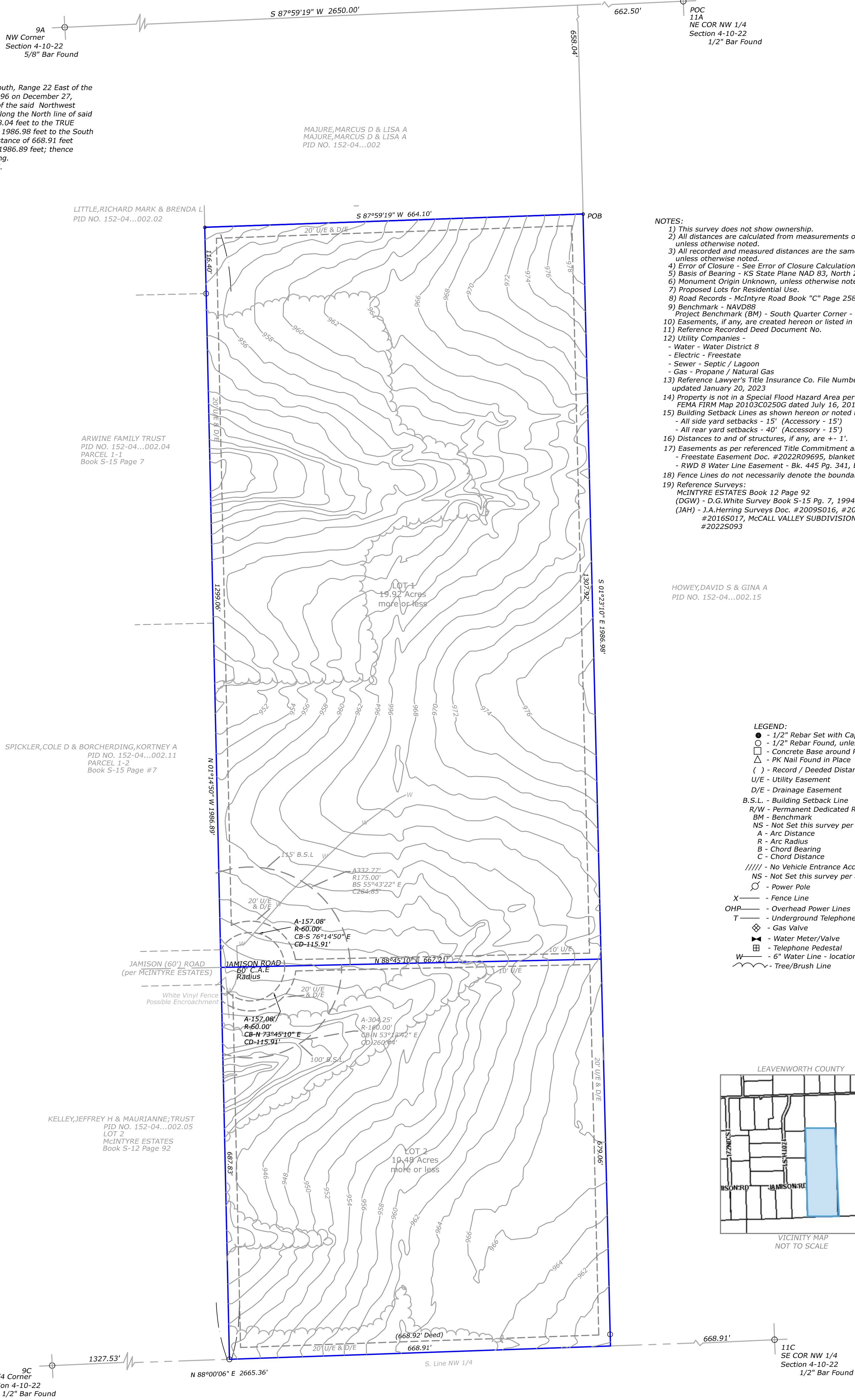
PREPARED FOR:
MAJURE, MARCUS D & LISA A
1414 COREY LN
LANSING, KS 66043
PID NO. 152-04-00-00-002.16

ZONING:
RR 5 - Rural Residential 5 Acre

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
 - 4) All Lots only have access to Jamison Road through the Cross Access Easement
 - 5) Lots are subject to the off-plat Home Owner's Association detailing the maintenance of the Cross Access Easement, drive and drive appurtenances.
 - 6) Leavenworth County shall bear no responsibility for any maintenance and upkeep of the Cross Access Easement, drive and drive appurtenances.

02-23-2023
OLSSON REVIEW
No Further
Comment

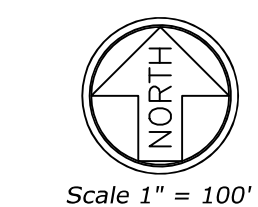
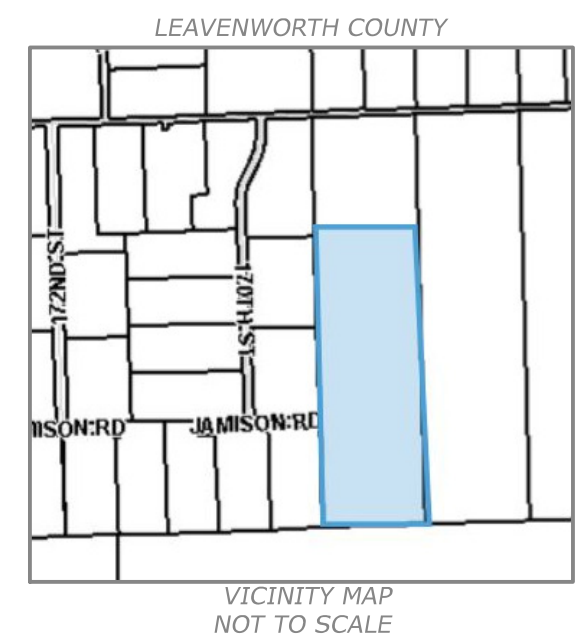
RECORD DESCRIPTION:
Tract of land in the Northwest Quarter of Fractional Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on December 27, 2022, more fully described as follows: Commencing at the Northeast corner of the said Northwest Quarter; thence South 87 degrees 59'19" West for a distance of 662.50 feet along the North line of said Northwest Quarter; thence South 01 degrees 23'10" East for a distance of 658.04 feet to the TRUE POINT OF BEGINNING; thence South 01 degrees 23'10" East for a distance of 1986.98 feet to the South line of said Northwest Quarter; thence South 88 degrees 00'06" West for a distance of 668.91 feet along said South line; thence North 01 degrees 14'50" West for a distance of 1986.89 feet; thence North 87 degrees 59'19" East for a distance of 664.10 feet to point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 30.4 acres, more or less, including road right of way.



- 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 State Plane NAD 83, North Zone 1501
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Records - McIntyre Road Book "C" Page 258 - 40' R/W
 - 9) Benchmark - NAVD88 Project Benchmark (BM) - South Quarter Corner - 1/2" Bar - 899.3'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Document No.
 - 12) Utility Companies -
 - Water - Water District 8
 - Electric - Freestate
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - 13) Reference Lawyer's Title Insurance Co. File Number 45747 updated January 20, 2023
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0250G dated July 16, 2015
 - 15) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 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
 - Freestate Easement Doc. #202209695, blanket description, not shown hereon.
 - RWD 8 Water Line Easement - Bk. 445 Pg. 341, blanket description, not shown hereon.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
 - McIntyre Estates Book 12 Page 92
 - (DGW) - D.G. White Survey Book S-15 Pg. 7, 1994
 - (JAH) - J.A. Herring Surveys Doc. #2009S016, #2009S025
 - #2016S017, McCall Valley Subdivision #2019S035
 - #2022S093

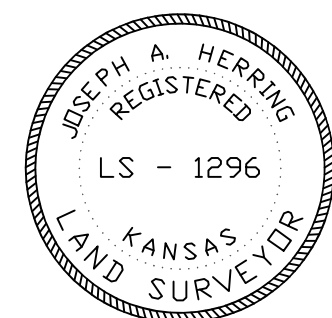
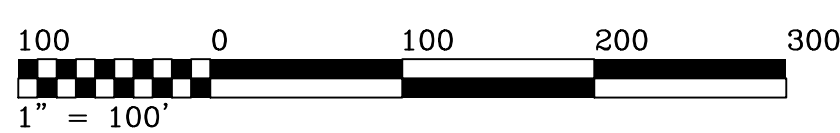
HOWEY, DAVID S & GINA A
PID NO. 152-04...002.15

- LEGEND:
- - 1/2" Rebar Set with Cap No. 1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - - Concrete Base around Point
 - △ - PK Nail Found in Place
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement
 - BM - Benchmark
 - NS - Not Set this survey per agreement with client
 - A - Arc Distance
 - R - Arc Radius
 - B - Chord Bearing
 - C - Chord Distance
 - //// - No Vehicle Entrance Access
 - NS - Not Set this survey per agreement with client
 - - Power Pole
 - X - Fence Line
 - OHP - Overhead Power Lines
 - T - Underground Telephone/Fiber Optic Line
 - ◇ - Gas Valve
 - ◆ - Water Meter/Valve
 - ⊞ - Telephone Pedestal
 - W - 6" Water Line - location as per district
 - ~ - Tree/Brush Line



Job # K-22-1669 South
January 19, 2023 Rev. 2/22/23

J. HERRING SURVEYING COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.661.3858 Fax 913.674.5381
Email - survey@jcamcsh.com



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

Joseph A. Herring
PS # 1296

SOUTH MAJURE ACRES

A Cross Access Easement Plat in the Northwest Quarter of Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
MAJURE, MARCUS D & LISA A
1414 COREY LN
LANING, KS 66043
PID NO. 152-04-0-00-002.16

ZONING:
RR 5 - Rural Residential 5 Acre

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
 - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
 - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
 - 4) All Lots only have access to Jamison Road through the Cross Access Easement
 - 5) Lots are subject to the off-plat Home Owner's Association detailing the maintenance of the Cross Access Easement
 - 6) Leavenworth County shall bear no responsibility for any maintenance and upkeep of the Cross Access Easement, drive and drive appurtenances.

RECORD DESCRIPTION:
Tract of land in the Northwest Quarter of Fractional Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on December 27, 2022, more fully described as follows: Commencing at the Northeast corner of the said Northwest Quarter; thence South 87 degrees 59'19" West for a distance of 662.50 feet along the North line of said Northwest Quarter; thence South 01 degrees 23'10" East for a distance of 658.04 feet to the TRUE POINT OF BEGINNING; thence South 01 degrees 23'10" East for a distance of 1986.98 feet to the South line of said Northwest Quarter; thence South 88 degrees 00'06" West for a distance of 668.91 feet along said South line; thence North 01 degrees 14'50" West for a distance of 1986.89 feet; thence North 87 degrees 59'19" East for a distance of 664.10 feet to point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 30.4 acres, more or less, including road right of way.
Error of Closure : 1 - 822887

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: SOUTH MAJURE ACRES.

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

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

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

An easement to enter and exit under or over the area outlined and designated on this plat as "Cross Access Easement" or "C.A.E.", is hereby granted over Lot 1 for the benefit of Lot 2, and over Lot 2 for the benefit of Lot 1 for said purposes. Maintenance is to be shared between the owners of said Lots 1 and 2.

IN TESTIMONY WHEREOF,

We, the undersigned owners of SOUTH MAJURE ACRES, have set our hands this _____ day of _____, 2023.

Marcus D. Majure
Lisa A. Majure

PID NO. 152-04...002.11
PARCEL 1-2
Book S-15 Page #7

NOTARY CERTIFICATE:

Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Marcus D. Majure and Lisa A. Majure, husband and wife, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC

My Commission Expires: _____ (seal)

APPROVALS

We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of SOUTH MAJURE ACRES 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 SOUTH MAJURE ACRES this _____ day of _____, 2023.

Chairman
Vicky Kaaz
County Clerk
Attest: Janet Klasinski

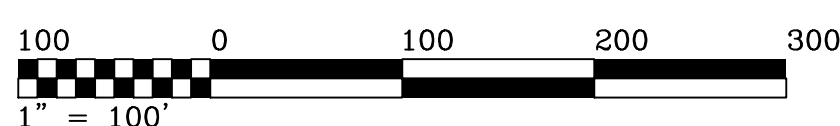
PID NO. 152-04...002.05
LOT 2
McINTYRE ESTATES
Book S-12 Page 92

9C
W 1/4 Corner
Section 4-10-22
5/8" Bar Found



Scale 1" = 100'

Job # K-22-1669 South
January 19, 2023 Rev. 2/23/23



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.

Reviewed 2023.02.23 No Comments

Daniel Baumchen, PS#1363
County Surveyor

- 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 State Plane NAD 83, North Zone 1501
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Proposed Lots for Residential Use.
 - 8) Road Records - McIntyre Road Book "C" Page 258 - 40' R/W
 - 9) Benchmark - NAVD88
 - 10) Project Benchmark (BM) - South Quarter Corner - 1/2" Bar - 899.3'
 - 11) Easements, if any, are created hereon or listed in referenced title commitment.
 - 12) Reference Recorded Deed Document No.
 - 13) Utility Companies -
 - Water - Water District 8
 - Electric - Freestate
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0250G dated July 16, 2015
 - 15) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 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
 - Freestate Easement Doc. #2022R09695, blanket description, not shown hereon.
 - RWD 8 Water Line Easement - Bk. 445 Pg. 341, blanket description, not shown hereon.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
 - McINTYRE ESTATES Book 12 Page 92
 - (DGW) - D.G. White Survey Book S-15 Pg. 7, 1994
 - (JAH) - J.A. Herring Surveys Doc. #2009S016, #2009S025
 - #2016S017, McCALL VALLEY SUBDIVISION #2019S035
 - #2022S093

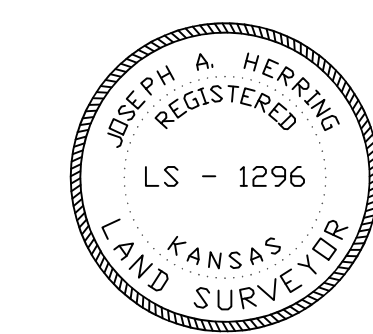
- LEGEND:
- - 1/2" Rebar Set with Cap No. 1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - - Concrete Base around Point
 - △ - PK Nail Found in Place
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated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



1/2" Bar
Cap 1296
20" N of Line

668.91'

11C
SE COR NW 1/4
Section 4-10-22
1/2" Bar Found



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

Joseph A. Herring
PS # 1296

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-017/018 North Majure Acres

March 8, 2023

REQUEST: **Consent Agenda**

Preliminary Plat Final Plat

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 00000 McIntyre Road

APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING

PROPERTY OWNER:

MARCUS AND LISA MAJURE
1414 COREY LANE
LANSING, KS 66043

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
RESIDENTIAL (2.5 ACRE MIN)

LEGAL DESCRIPTION:

Tract of land in the Northwest Quarter of Fractional Section 4, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-017/018, Preliminary & Final Plat for North Majure Acres to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-017/018, Preliminary & Final Plat for North Majure Acres to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:

10.02 ACRES

PARCEL ID NO:

152-04-0-00-00-002.00

BUILDINGS:

N/A

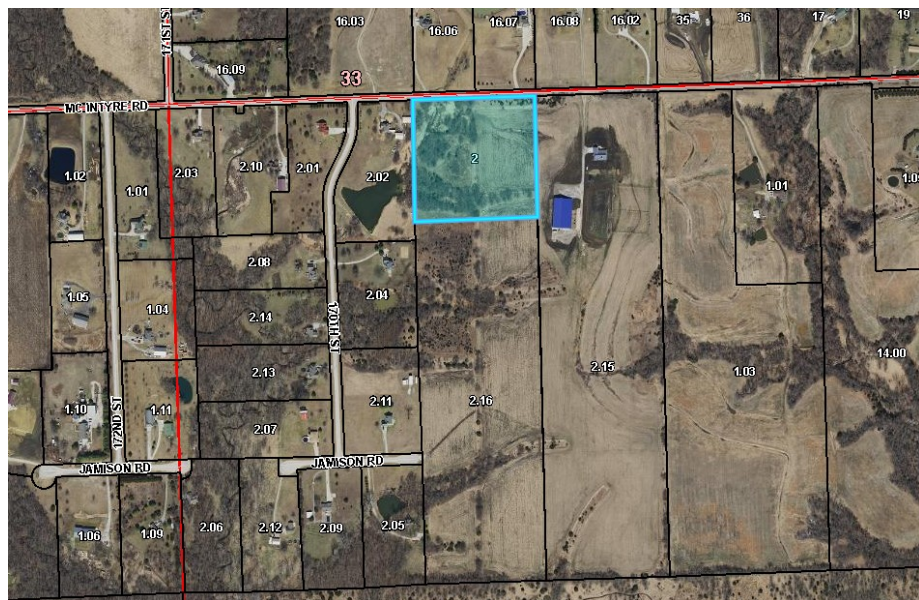
PROJECT SUMMARY:

Request for preliminary and final plat approval to subdivide property located at 00000 McIntyre Road (PID 152-04-0-00-00-002.00) as Lots 1 through 2 of North Majure Acres.

ACCESS/STREET:

McIntyre Road - COUNTY LOCAL,
PAVED ± 24’;

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: FIRE DISTRICT #1

WATER: RWD 8

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW:

2/23/2023

NEWSPAPER NOTIFICATION:

2/16/2023

NOTICE TO SURROUNDING
PROPERTY OWNERS:

N/A

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

STAFF COMMENTS:

The applicant is proposing to divide a 10-acre parcel into two lots. The original parcel was divided into two tracts by a non-complaint Certificate of Survey. The applicant is platting the property to bring the tracts back into compliance. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots 1 and 2 will be approximately 5 acres in size. All lots meet the requirements for the RR-5 zoning district. The lots will access off of McIntyre Road which is a local roadway. RWD 8 did not respond to the request for comment. A water feasibility study may be required to determine water access to this subdivision. Fire District #1 has indicated a concern about water access and fire hydrants to this subdivision. Fire hydrants will be required if the necessary infrastructure is available (Condition #4). 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 & Narrative
- B: Zoning Maps
- C: Memorandums

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

Office Use Only

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: Marcus and Lisa Majure
 MAILING ADDRESS: 315 N. 5th Street MAILING ADDRESS 1414 Corey Lane
 CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Lansing, KS 66043
 PHONE: 913-651-3858 PHONE: N/A
 EMAIL : herringsurveying@outlook.com EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: NORTH MAJURE ACRES
 Address of Property: 00000 McIntyre Road
 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: 10	Number of Lots: 2	Minimum Lot Size: 5 Ac
Maximum Lot Size: 5 Ac	Proposed Zoning: RR-5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 8	Proposed Sewage: Septic
Fire District: District 1	Electric Provider: Freestate	Natural Gas Provider: Propane
Covenants: <input type="checkbox"/> Yes <input checked="" 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 1/24/2023 Date: 1-24-23

ATTACHMENT A

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

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 PHONE: 913-651-3858 PHONE: N/A
 EMAIL : herringsurveying@outlook.com EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: NORTH MAJURE ACRES
 Address of Property: 00000 McIntyre Road
 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: 10	Number of Lots: 2	Minimum Lot Size: 5 Ac
Maximum Lot Size: 5 Ac	Proposed Zoning: RR-5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 8	Proposed Sewage: Septic
Fire District: District 1	Electric Provider: Freestate	Natural Gas Provider: Propane
Covenants: <input type="checkbox"/> Yes <input checked="" 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 1/24/2023 Date: 1-24-23

ATTACHMENT A

NORTH MAJURE ACRES

A Minor Subdivision in the Northwest Quarter of Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

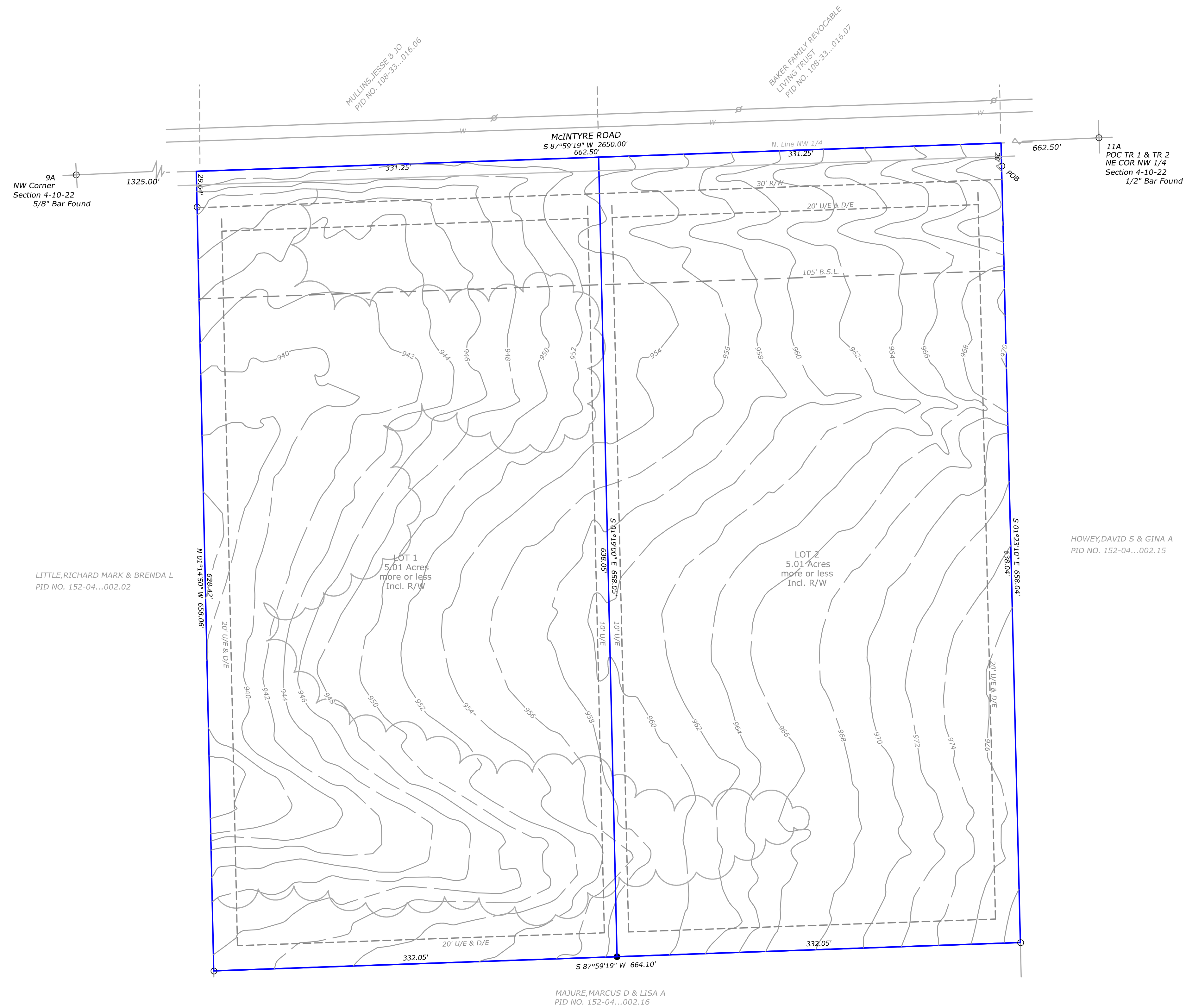
PRELIMINARY PLAT

PREPARED FOR:

MAJURE, MARCUS D & LISA A
1414 COREY LN
LANSING, KS 66043
PID NO. 152-04-0-00-00-002

RECORD DESCRIPTION:

Tract of land in the Northwest Quarter of Fractional Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring P5-1296 on December 27, 2022, more fully described as follows:
Commencing at the Northeast corner of the said Northwest Quarter; thence South 87 degrees 59'19" West for a distance of 662.50 feet along the North line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 23'10" East for a distance of 658.04 feet; thence South 87 degrees 59'19" West for a distance of 664.10 feet; thence North 01 degrees 14'50" West for a distance of 658.06 feet to the North line of said Northwest Quarter; thence North 87 degrees 59'19" East for a distance of 662.50 feet along said North line to point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 10.02 acres, more or less, including road right of way.
Error of Closure: 1 - 554894



- LEGEND:**
- - 1/2" Rebar Set with Cap No. 1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - - Concrete Base around Point
 - △ - PK Nail Found in Place
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement
 - BM - Benchmark
 - NS - Not Set this survey per agreement with client
 - A - Arc Distance
 - R - Arc Radius
 - B - Chord Bearing
 - C - Chord Distance
 - //// - No Vehicle Entrance Access
 - NS - Not Set this survey per agreement with client
 - - Power Pole
 - X - Fence Line
 - OHP - Overhead Power Lines
 - T - Underground Telephone/Fiber Optic Line
 - ◇ - Gas Valve
 - ⊕ - Water Meter/Valve
 - ⊞ - Telephone Pedestal
 - W - 6" Water Line - location as per district
 - ~ - Tree/Brush Line

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 State Plane NAD 83, North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Proposed Lots for Residential Use.
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- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Document No.
- 12) Utility Companies -
 - Water - Water District 8
 - Electric - Freestate
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
- 13) Reference Lawyer's Title Insurance Co. File Number 45747 updated January 20, 2023
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 2013C0250G 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')
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 - #2016S017, McCALL VALLEY SUBDIVISION #2019S035
 - #2022S093

ZONING:

RR 5 - Rural Residential 5

RESTRICTIONS:

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

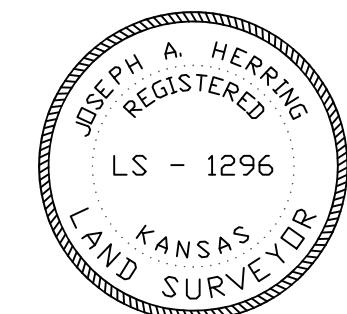
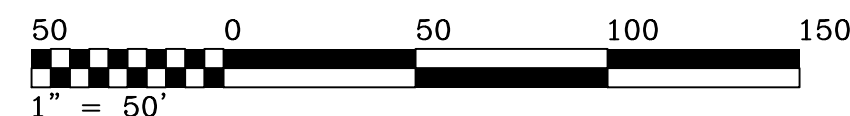


Scale 1" = 50'

Job # K-22-1669
January 8, 2023 Rev. 2/15/23



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 month of February 2021 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

NORTH MAJURE ACRES

A Minor Subdivision in the Northwest Quarter of Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
MAJURE, MARCUS D & LISA A
1414 COREY LN
LANING, KS 66043
PID NO. 152-04-0-00-002

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Said property contains 10.02 acres, more or less, including road right of way.
Error of Closure: 1 - 554894

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: NORTH MAJURE ACRES.

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

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

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

IN TESTIMONY WHEREOF,

We, the undersigned owners of NORTH MAJURE ACRES, have set our hands this _____ day of _____, 2023.

Marcus D. Majure

Lisa A. Majure

NOTARY CERTIFICATE:

Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Marcus D. Majure and Lisa A. Majure, husband and wife, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC

My Commission Expires: _____ (seal)

APPROVALS

We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of NORTH MAJURE ACRES 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 NORTH MAJURE ACRES this _____ day of _____, 2023.

Chairman
Vicky Kaaz

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

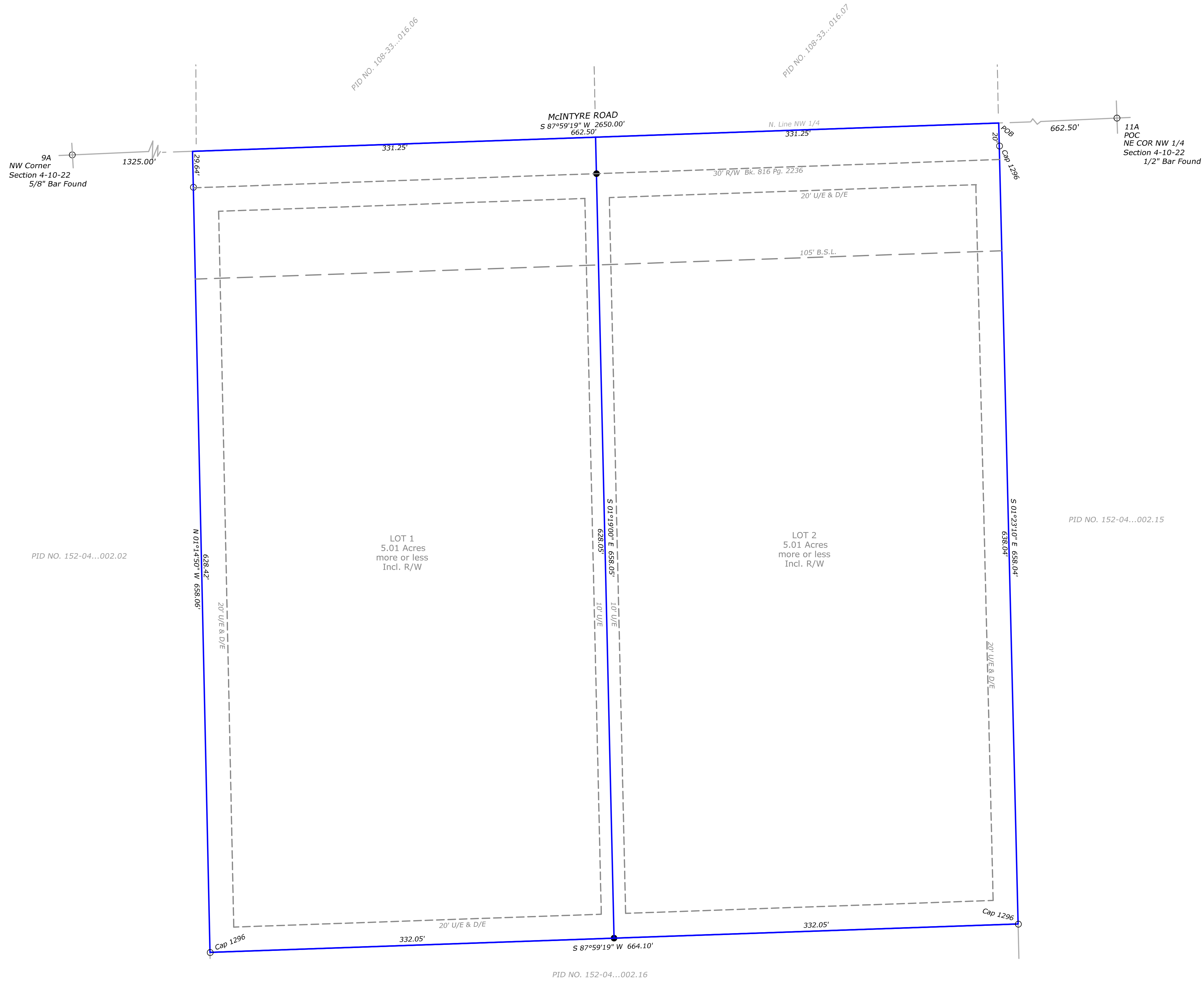
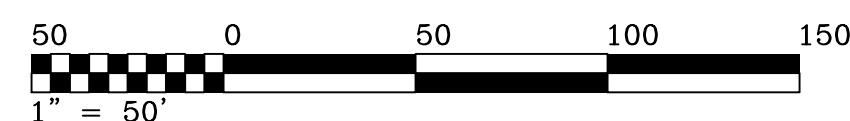
I hereby certify that this plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363
County Surveyor



Scale 1" = 50'

Job # K-22-1669
January 8, 2023 Rev. 2/15/23
J. Herring, Inc. (dba)
HERRING SURVEYING & COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@leavesh.com



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
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 - B - Chord Bearing
 - C - Chord Distance
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NOTES:

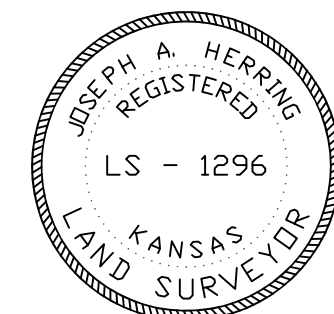
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- 4) Error of Closure - See Error of Closure Calculations
- 5) Basis of Bearing - KS State Plane NAD 83, North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Proposed Lots for Residential Use.
- 8) Road Records - McIntyre Road Bk "C" Pg 258 - 40' R/W, Bk. 816 Pg.2236
- 9) Benchmark - NAVD88
- 10) Project Benchmark (BM) - South Quarter Corner - 1/2" Bar - 899.3'
- 11) Easements, if any, are created hereon or listed in referenced title commitment.
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 - Water - Water District 8
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- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0250G dated July 16, 2015
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 - #2016S017, McCALL VALLEY SUBDIVISION #2019S035
 - #2022S093

ZONING:

RR 5 - Rural Residential 5

RESTRICTIONS:

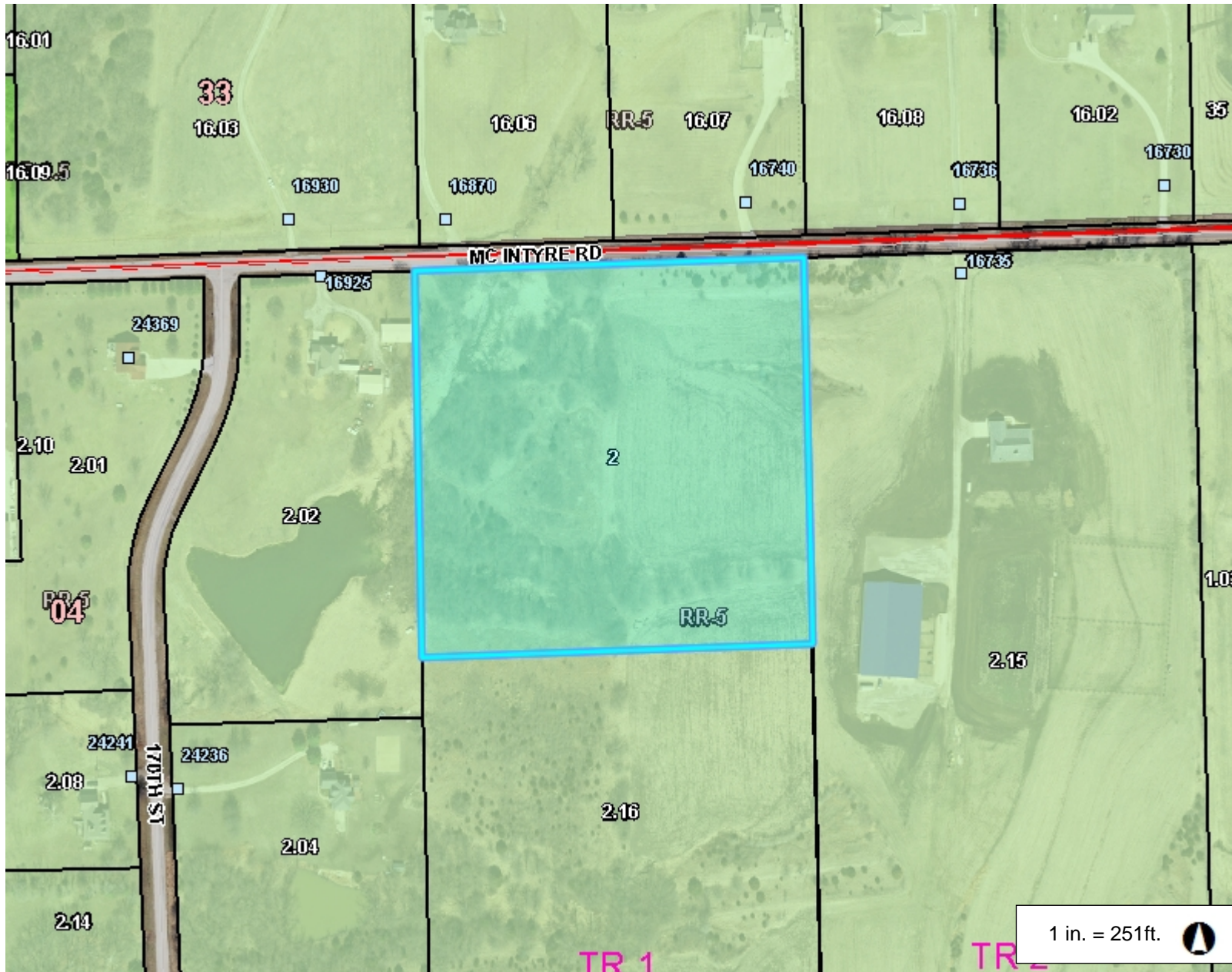
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- 4) Lots are subject to the current Access Management Policy
- 5) No off-plat restrictions.



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

Joseph A. Herring
PS # 1296

DEV-23-017/018 North Majure Acres



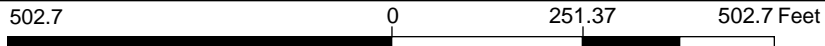
Legend

- 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

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



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Allison, Amy

From: Anderson, Kyle
Sent: Friday, January 27, 2023 10:28 AM
To: Allison, Amy
Subject: RE: RE: DEV-23-017 & 018 Preliminary and Final Plat – North Majure Acres

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

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, January 25, 2023 3:54 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Andrew Holder' <aholder@fpsslaw.com>; 'firedistrict1@fd1lvco.org' <firedistrict1@fd1lvco.org>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; 'Rural Water' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-017 & 018 Preliminary and Final Plat – North Majure Acres

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for two-lot subdivision at 00000 McIntyre Road (remaining portion of PID 152-04-0-00-00-002.00).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, February 2, 2023.

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

Thank you,

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

Allison, Amy

From: Amanda Tarwater <amanda.tarwater@freestate.coop>
Sent: Friday, January 27, 2023 11:28 AM
To: Allison, Amy
Subject: RE: DEV-23-017 & 018 Preliminary and Final Plat – North Majure Acres

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

FreeState Electric has no objection to this request.

Thank you,

Amanda Tarwater
Member Accounts Coordinator



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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, January 25, 2023 3:54 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Andrew Holder' <aholder@fpsslaw.com>; 'firedistrict1@fd1lvco.org' <firedistrict1@fd1lvco.org>; Amanda Tarwater <amanda.tarwater@freestate.coop>; 'Rural Water' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
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Thank you,

01-31-23 - Olsson Review
No comment.

North Majure Acres
Leavenworth County Kansas
Drainage Report
January 10, 2023



Summary of Comments on North Majure Acres FINAL 24x36LS

Page: 1

Number: 1 Author: dbaumchen Subject: Text Box Date: 2/14/2023 9:40:49 AM
[Reviewed 2023.02.14 No Comments](#)

NORTH MAJURE ACRES

A Minor Subdivision in the Northwest Quarter of Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
MAJURE, MARCUS D & LISA A
1414 COREY LN
LANING, KS 66043
PID NO. 152-04-0-00-002

RECORD DESCRIPTION:
Tract of land in the Northwest Quarter of Fractional Section 4, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on December 27, 2022, more fully described as follows:
Commencing at the Northeast corner of the said Northwest Quarter; thence South 87 degrees 59'19" West for a distance of 662.50 feet along the North line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 23'10" East for a distance of 658.04 feet; thence South 87 degrees 59'19" West for a distance of 664.10 feet; thence North 01 degrees 14'50" West for a distance of 658.06 feet to the North line of said Northwest Quarter; thence North 87 degrees 59'19" East for a distance of 662.50 feet along said North line to point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 10.02 acres, more or less, including road right of way.
Error of Closure: 1 - 554894

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: NORTH MAJURE ACRES.

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

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

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

IN TESTIMONY WHEREOF,

We, the undersigned owners of NORTH MAJURE ACRES, have set our hands this _____ day of _____, 2023.

Marcus D. Majure

Lisa A. Majure

NOTARY CERTIFICATE:

Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Marcus D. Majure and Lisa A. Majure, husband and wife, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC

My Commission Expires: _____ (seal)

APPROVALS

We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of NORTH MAJURE ACRES 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 NORTH MAJURE ACRES this _____ day of _____, 2023.

Chairman
Vicky Kaaz

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

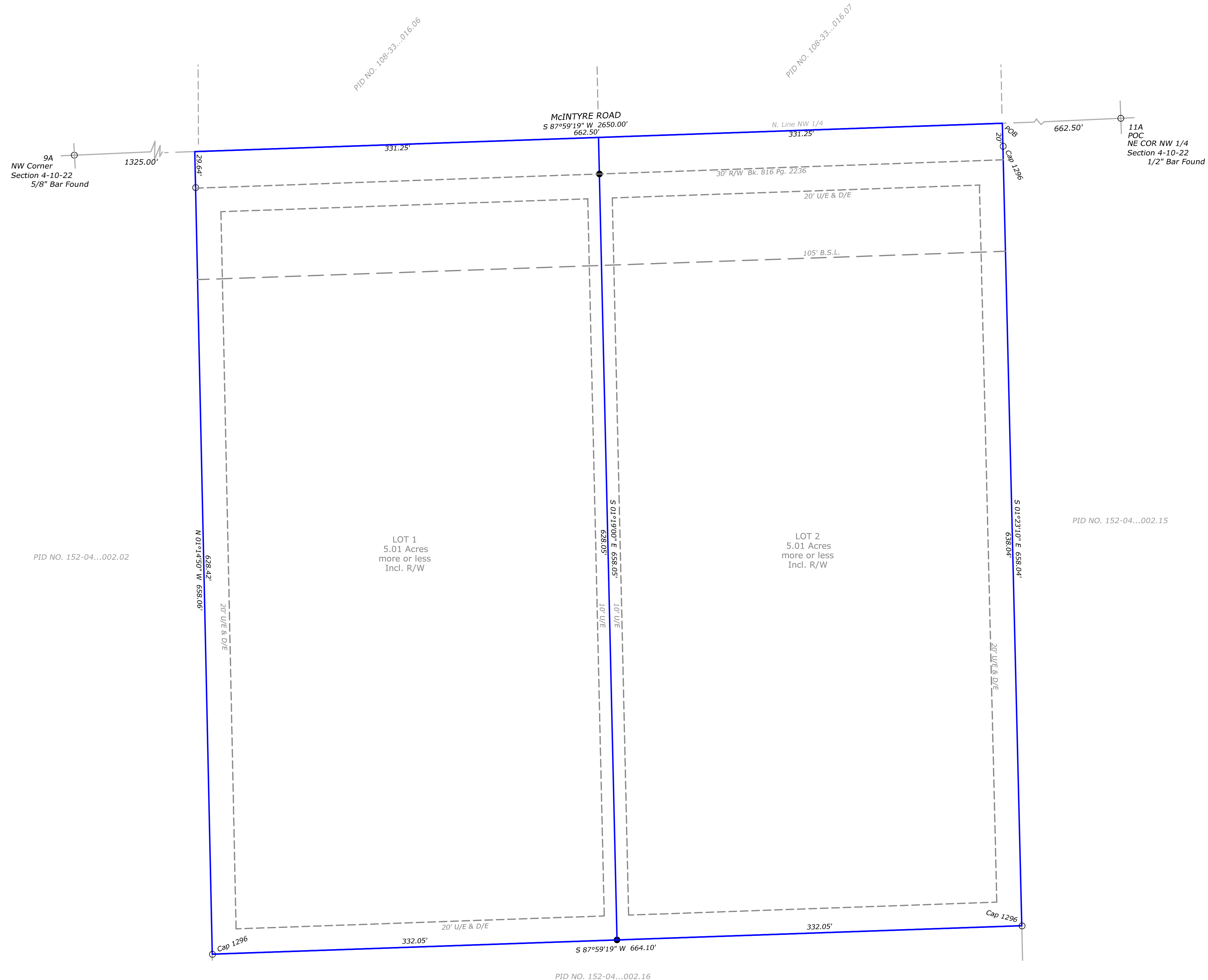
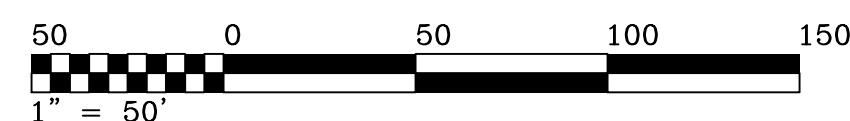
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Daniel Baumchen, PS#1363
County Surveyor



Scale 1" = 50'

Job # K-22-1669
January 8, 2023 Rev. 2/15/23
J. Herring, Inc. (dba)
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315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@leavensh.com



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 - - 1/2" Rebar Found, unless otherwise noted.
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 - △ - PK Nail Found in Place
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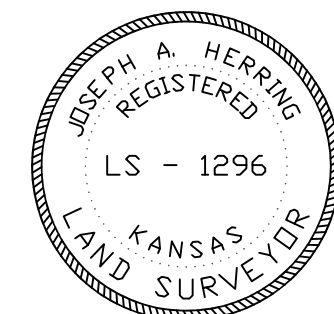
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 - #2022S093

ZONING:

RR 5 - Rural Residential 5

RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
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Joseph A. Herring
PS # 1296

**02-16-2023
OLSSON REVIEW
No Further
Review**

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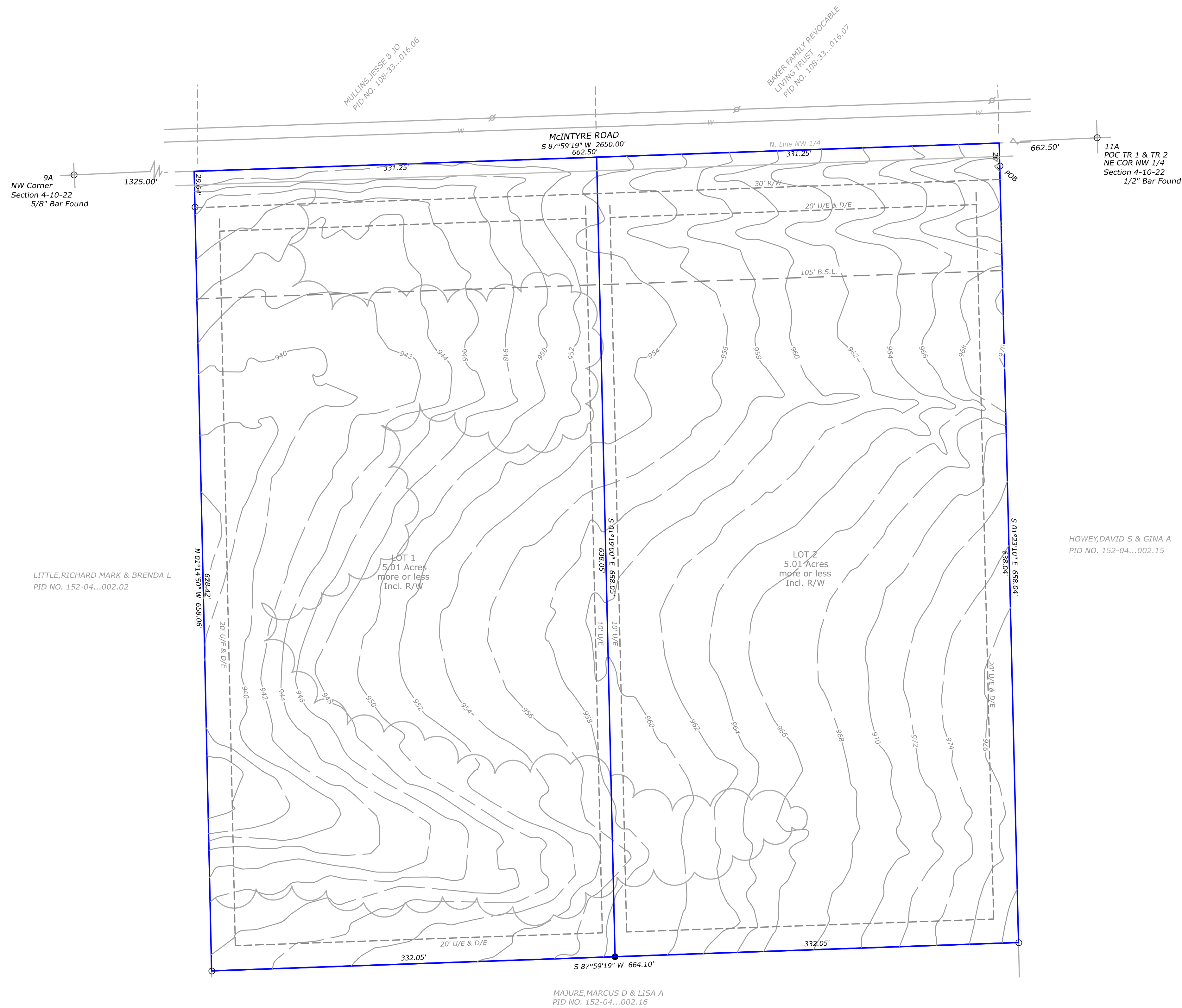
PRELIMINARY PLAT

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LANSING, KS 66043
PID NO. 152-04-0-00-00-002

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 - - 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

NOTES:

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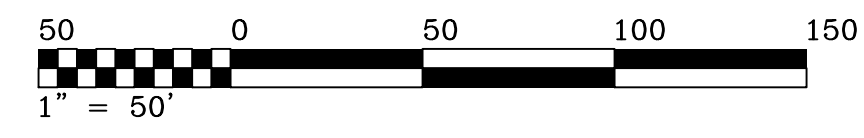
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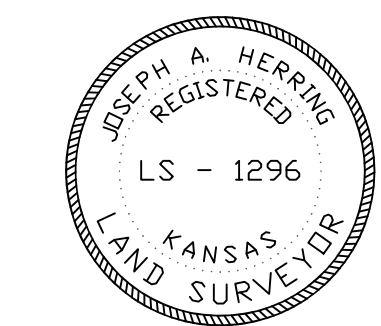
Scale 1" = 50'



Job # K-22-1669
January 8, 2023 Rev. 2/15/23

J. HERRING
SURVEYING
COMPANY

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



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the month of February 2021 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

Allison, Amy

From: Michael Stackhouse <mstackhouse@fd1lvco.org>
Sent: Wednesday, February 22, 2023 1:55 PM
To: Allison, Amy
Cc: Sloop, Stephanie
Subject: RE: DEV-23-015 & 016 Preliminary and Final Plat – South Majure Acres

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

Amy,

I do not see any issues with either Majure Acres. Any new additions to Rural Water 8 water distribution system will be taxing the system. At some point they will be forced to make upgrades due to poor supply. As an example, we were testing hydrants on Eisenhower Rd. this summer and due to one fire hydrant open and flowing at that location, it prompted their back-up pump to activate at their office and prompted their staff to look for the flow. RW8 personnel contacted FD1 personnel and made them aware of the situation during the testing. The fact that one fire hydrant can deplete an entire water supply system should raise Red flags to everyone. This is why I have been and will consistently lean on your office and the county commissioners when new developments take place. It is imperative that the water supply grid keep up with the population growth. I have major concerns with the present system after the findings on Eisenhower Rd. Let me know if you have any questions or need assistance.

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: Tuesday, February 21, 2023 2:07 PM
To: Michael Stackhouse <mstackhouse@fd1lvco.org>
Cc: Sloop, Stephanie <SSloop@leavenworthcounty.gov>
Subject: RE: DEV-23-015 & 016 Preliminary and Final Plat – South Majure Acres

Good Afternoon Chief Stackhouse,

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-012 & 013 Stranger Point

March 8, 2023

REQUEST: REGULAR AGENDA

Preliminary Plat Final Plat

STAFF REPRESENTATIVE:

JOSHUA GENTZLER
PLANNER II

SUBJECT PROPERTY: 19266 LEAVENWORTH ROAD

APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING

PROPERTY OWNER:

CHARLES COOPER
19266 LEAVENWORTH ROAD
LEAVENWORTH, KS 66048

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
RESIDENTIAL 3 UNITS/ACRE

LEGAL DESCRIPTION:

A tract of land in the South ½ of the Southwest ¼ of Section 25, Township 10 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-012 & 013, Preliminary & Final Plat for Stranger Point, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-012 & 013, Preliminary & Final Plat for Stranger Point, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:

14 ACRES

PARCEL ID NO:

147-25-0-00-00-010.04

BUILDINGS:

3 BUILDINGS: 1 HOME, 2 ACCESSORY BUILDINGS

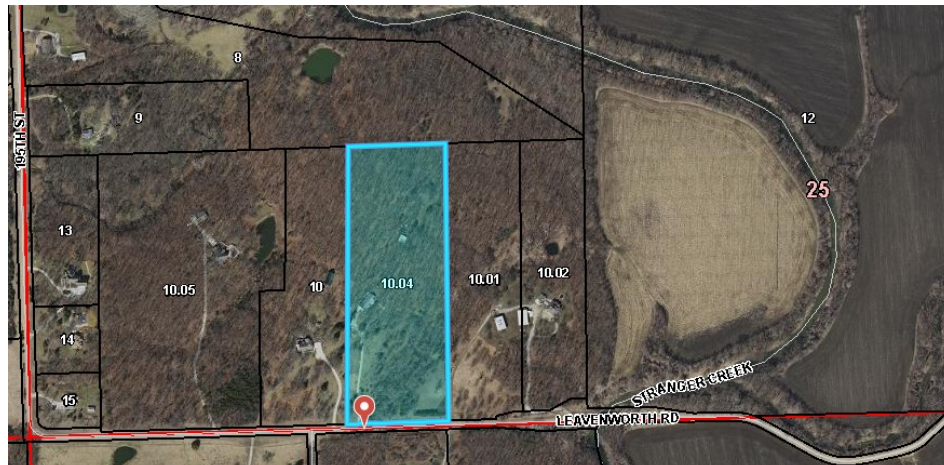
PROJECT SUMMARY:

Request for a Preliminary and Final Plat approval to subdivide property located at 19266 Leavenworth Road (147-25-0-00-00-010.04) as Lots 1 through 2 of Stranger Point.

ACCESS/STREET:

LEAVENWORTH ROAD
LOCAL, PAVED, ±24' WIDE

LOCATION MAP:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: STRANGER

WATER: RWD 9

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW:

2/23/2023

NEWSPAPER NOTIFICATION:

2/28/2023

NOTICE TO SURROUNDING PROPERTY OWNERS:

N/A

STANDARDS TO BE CONSIDERED:			
<i>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</i>		Met	Not Met
35-40	Preliminary Plat Content	X	
40-20	Final Plat Content	X	
41-6	Access Management	X	
41-6.B.a-c.	Entrance Spacing	X	
41-6.C.	Public Road Access Management Standards	X	
43	Cross Access Easements	N/A	
50-20	Utility Requirements	X	
50-30	Other Requirements	X	
50-40	Minimum Design Standards		X
	Article 50 – Section 40.3.i.		
50-50	Sensitive Land Development	N/A	
50-60.	Dedication of Reservation of Public Sites and Open Spaces	N/A	

STAFF COMMENTS:

The applicant is proposing to divide a 14-acre parcel into 2 lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660’ of the subdivision (see condition 1). Lots 1 is approximately 11.5 acres and Lot 2 will be approximately 2.5 acres in size. All lots meet the requirements for the RR-2.5 and RR-5 zoning districts. Lot 1 will require an exception to Article 50 – Section 40.3.i. Lot-Depth to Lot-width due to the minimum frontage requested. The developer will have to meet the requirements of RWD 9 upon time of development. Staff is generally in support.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. The developer must comply with the following memorandums:
 - a. Email – Mark Billquist, Stranger FD, dated January 23, 2023

ATTACHMENTS:

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

AFFIDAVIT

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

We/I Charles E. Cooper and Florence A. Cooper

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
19266 Leavenworth Road, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

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

2)

Signed and entered this 12th day of October, 2022

Charles E. Cooper, 19266 Leavenworth Rd, Tonganoxie,
Print Name, Address, Telephone 913-523-6870 & KS 66086

Charles E. Cooper Florence A. Cooper
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

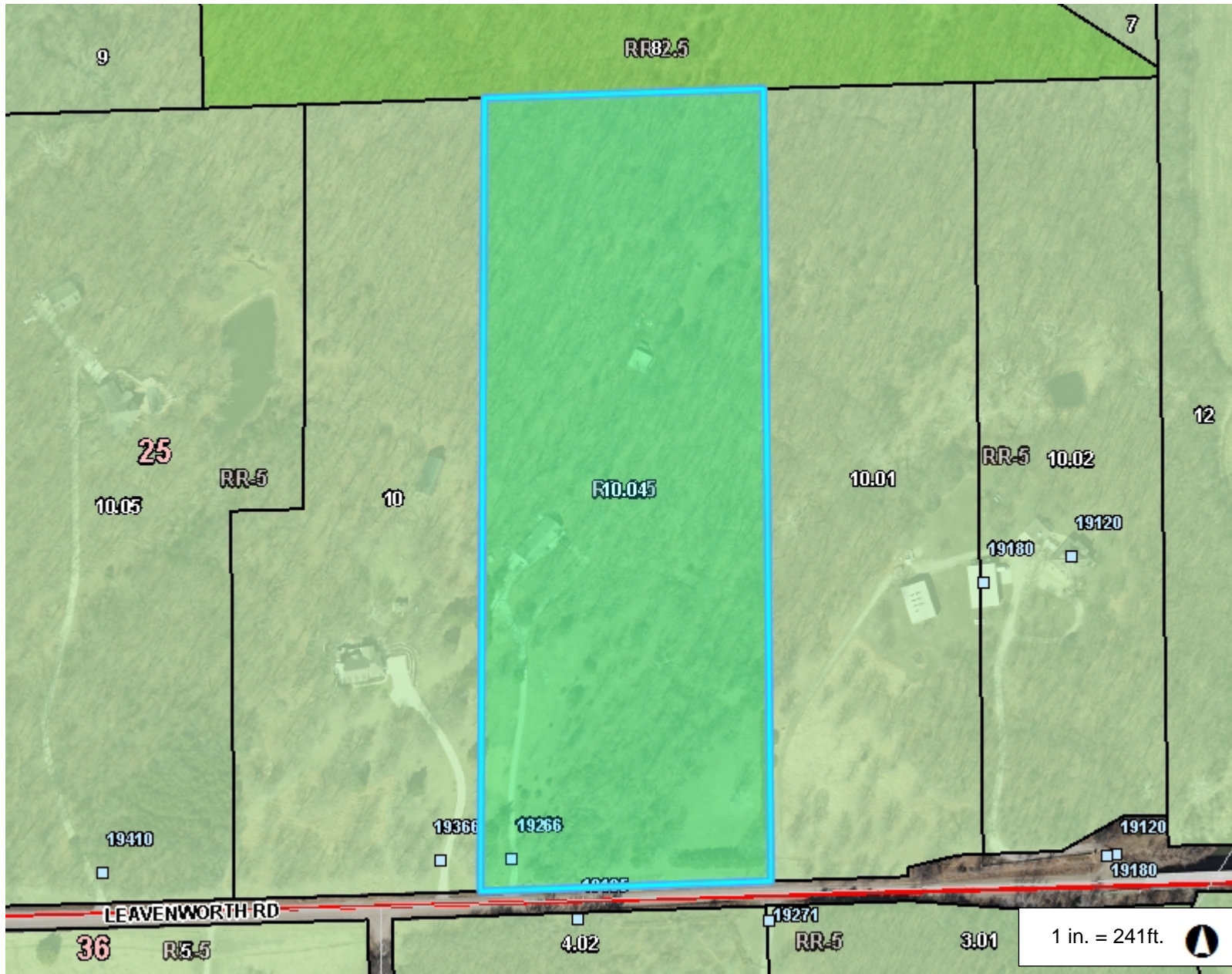
Be it remember that on this 12th day of October 2022 before me, a notary public in and for said County and State came Charles & Florence Cooper to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC [Signature]

My Commission Expires: 8/19/23

[Signature] (seal)
MICHAEL SKAGGS
Notary Public - State of Kansas
My Appt. Expires 8/19/23

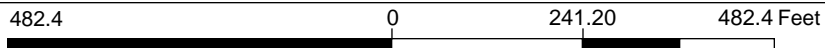
DEV-23-012 & 013 Stranger Point



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

1 in. = 241ft.



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

Gentzler, Joshua

From: Mark B <stfdchief1760@gmail.com>
Sent: Monday, January 23, 2023 4:50 PM
To: Gentzler, Joshua
Subject: Re: Stranger Point Subdivision Review - DEV-23-012 & 013

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

Joshua,

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

Let me know if you have any questions.

Mark Billquist
Stranger Township Fire Chief

On Mon, Jan 23, 2023 at 4:45 PM Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Stranger Point Subdivision, located at 19266 Leavenworth Road, Tonganoxie.

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 Monday, January 30th, 2023.

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

Thank you,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0465

From: [Rural Water District 9 lvrwd9](#)
Sent: Tuesday, January 24, 2023 12:54 PM
To: [Gentzler, Joshua](#)
Cc: [Mark Bilquist \(stfdchief1760@gmail.com\)](#); [Amanda Holloway \(Amanda.holloway@freestate.coop\)](#); [Allison, Amy](#); [Baumchen, Daniel](#); [Mitch Pleak](#); [Noll, Bill](#); [Sloop, Stephanie](#)
Subject: Re: Stranger Point Subdivision Review - DEV-23-012 & 013

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

Leavenworth Rural Water District 9 does not have an issue with the Preliminary and Final Plat for Stranger Point Subdivision, located at 19266 Leavenworth Road, Tonganoxie.

Thank you for your email.

On Mon, Jan 23, 2023 at 4:45 PM Gentzler, Joshua <JGentzler@leavenworthcounty.gov> wrote:

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Thank you,

Joshua Gentzler

Planner II

[Planning & Zoning](#)

Leavenworth County

913.684.0465

--

Thanks and have a great day,



RURAL WATER DISTRICT 9

Karen Armstrong

District Manager

913-845-3571

STRANGER POINT SUBDIVISION

A Minor Subdivision in the Southwest Quarter of Section 25, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

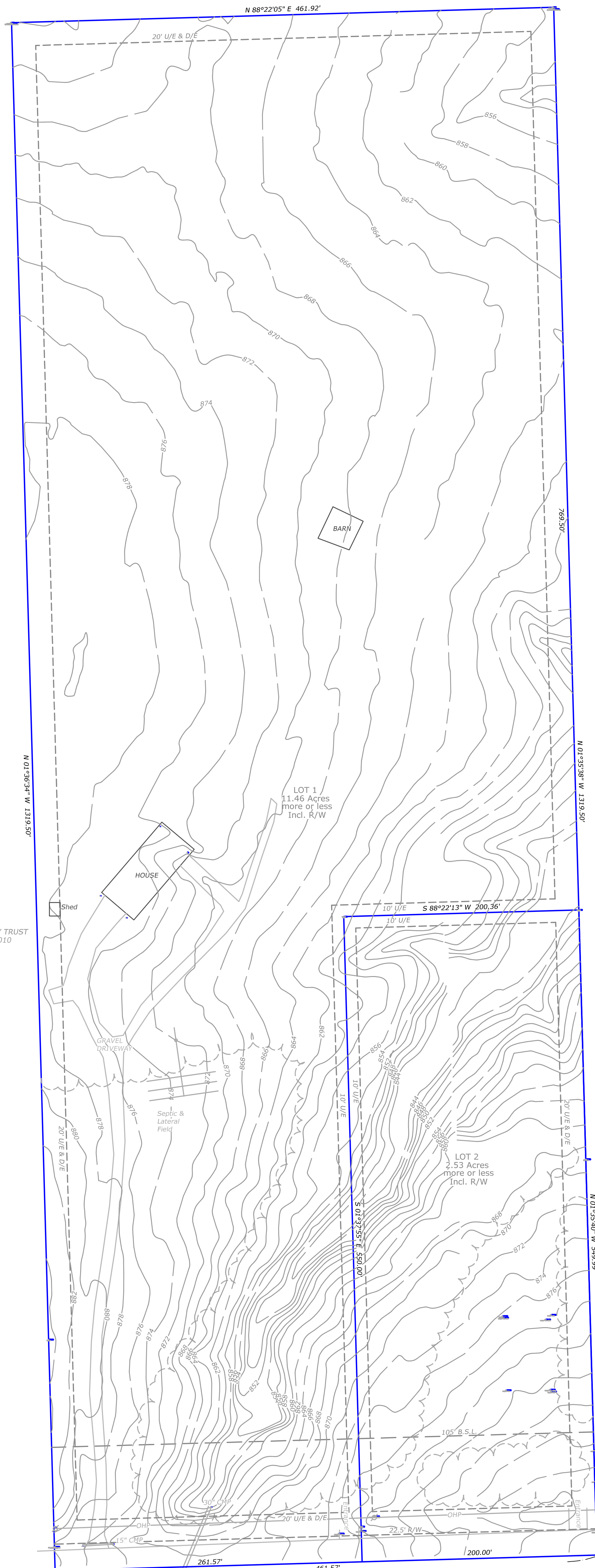
CALOVICH, NICHOLAS J JR & MARSHA E
PID # 147-25...008

02-15-2023
OLSSON REVIEW
No Further
Comment

PRELIMINARY PLAT

PREPARED FOR:
COOPER, CHARLES E & FLORENCE A
19266 LEAVENWORTH RD
TONGANOXIE, KS 66086
PID # 147-25-0-00-010.04

SURVEYOR'S DESCRIPTION:
A tract of land in the South half of the Southwest Quarter of Section 25, Township 10 South, Range 21 East of the 6th, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on January 19, 2023, more fully described as follows:
Commencing at the Southwest corner of said Southwest Quarter; thence North 88 degrees 22'05" East for a distance of 1496.30 feet along the South line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence North 01 degrees 36'34" West for a distance of 1319.50 feet; thence North 88 degrees 22'05" East for a distance of 461.92 feet; thence South 01 degrees 35'38" East for a distance of 1319.50 feet to said South line; thence South 88 degrees 22'05" West for a distance of 461.57 feet along said South line to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 13.99 acres, more or less, including road right of ways.
Error of Closure - 1 : 432307



ZONING:
RR 2.5 - Rural Residential 2.5

RESTRICTIONS:
1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
2) An Engineered Waste Disposal System may be required due to poor soil conditions.
3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
4) Lots are subject to the current Access Management Policy
5) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
6) An exception has been granted for width to depth ratio on Lot 1
7) No off-plat restrictions.

NOTES:
1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - See Error of Closure Calculations
5) Basis of Bearing - KS State Plane NAD 83, North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Proposed Lots for Residential Use.
8) Road Records - See survey
9) Benchmark - NAVD88
Project Benchmark (BM) - South Quarter Corner - Bridge Deck - 842'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Document Book 704 Page 1104
12) Utility Companies -
- Water - Water District 9
- Electric - Freestate
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Lawyer's Title Insurance Co. Case No.: 45782 updated January 10, 2023
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
- Freestate Electric Easement Doc #2021R02917, not shown hereon, blanket description, existing structure lies within the platted easement along Leavenworth Road.
18) Fence Lines do not necessarily denote the boundary line for the property.
19) Reference Surveys:
(DGW) - D.G.White 1995

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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○ - 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

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.

21V
SW COR SW 1/4
Sec. 25-10-21
1/2" Rebar Cap LS-899 4" Deep

461.57'
N 88°22'05" E 2617.82'
LEAVENWORTH ROAD
Book C Page 199 - 45' R/W

PESTOCK, GEORGE P
PID # 147-36...004.02

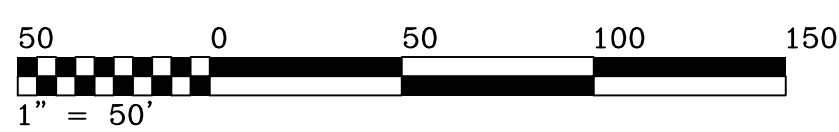
CLEMENS, ARIC W & ALLISON L
PID # 147-25...010.01



Scale 1" = 50'

Job # K-22-1631
January 12, 2023

Daniel Baumchen, PS#1363
County Surveyor



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of December 2022 through January 2023 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

STRANGER POINT SUBDIVISION

A Minor Subdivision in the Southwest Quarter of Section 25, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

PID # 147-25...008

02-15-2023
OLSSON REVIEW
No Further
Comment

FINAL PLAT

PREPARED FOR:
COOPER, CHARLES E & FLORENCE A
19266 LEAVENWORTH RD
TONGANOXIE, KS 66086
PID # 147-25-0-00-00-010.04

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Together with and subject to covenants, easements, and restrictions of record.
Said property contains 13.99 acres, more or less, including road right of ways.
Error of Closure - 1 : 432307

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: STRANGER POINT SUBDIVISION.

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

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

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

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 STRANGER POINT SUBDIVISION, have set our hands this _____ day of _____, 2023.

Charles E. Cooper
Florence A. Cooper

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 E. Cooper and Florence A. Cooper, husband and wife, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC:
My Commission Expires: _____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of STRANGER POINT SUBDIVISION 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 STRANGER POINT SUBDIVISION this _____ day of _____, 2023.

Chairman
Vicky Kaaz
County Clerk
Attest: Janet Klasinski

ZONING:
RR 2.5 - Rural Residential 2.5

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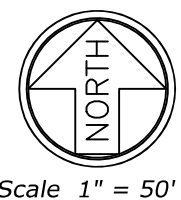
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○ - 1/2" Rebar Found, unless otherwise noted.
□ - Concrete Base around Point
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///// - No Vehicle Entrance Access
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○ - Power Pole
X - Fence Line
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

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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.

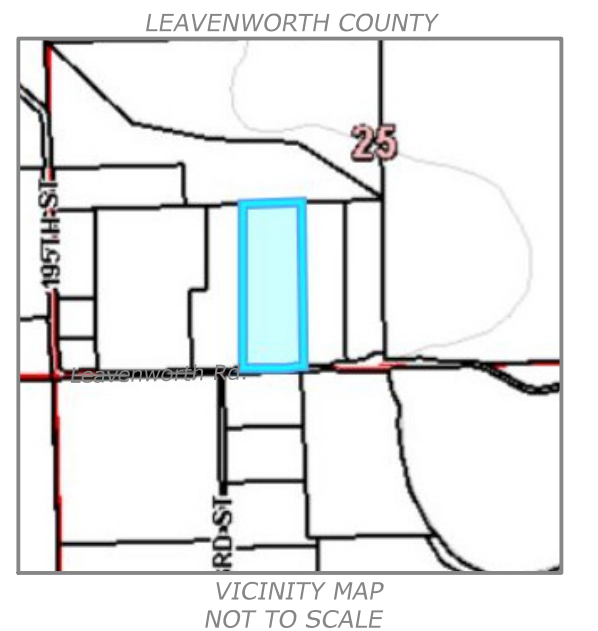
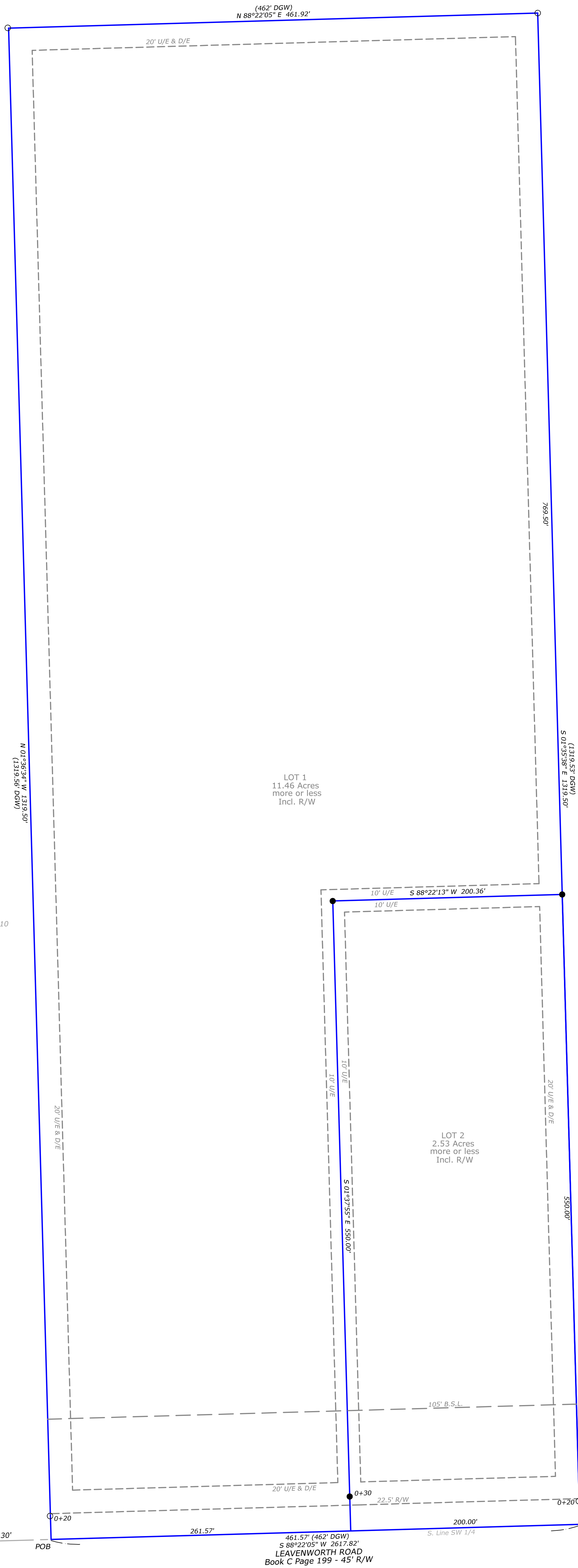


Scale 1" = 50'

Job # K-22-1631
January 12, 2023 Rev. 2/13/23
J. HERRING, INC. (dba)
SURVEYING
COMPANY
315 North 5th Street, Leav., KS 66048
Ph: 913.651.3858 Fax: 913.674.5381
Email: survey@herringinc.com

50 0 50 100 150
1" = 50'

Daniel Baumchen, PS#1363
County Surveyor



461.57' (462' D/GW)
S 88°22'05" W 2617.82'
LEAVENWORTH ROAD
Book C Page 199 - 45' R/W

23V
South 1/4 Corner
Sec. 25-10-21
** Chiseled in Concrete
Bridge Deck over Stranger Creek

PID # 147-36...004.02



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of December 2022 through January 2023 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

02-21-2023
OLSSON REVIEW
No Further
Review

Stranger Point

Leavenworth County Kansas

Drainage Report

January 13, 2023

Revised February 9, 2023



Allison, Amy

From: Matt Kaaz <matt@lexeco.com>
Sent: Tuesday, February 14, 2023 7:40 AM
To: Allison, Amy
Cc: Greg Kaaz
Subject: DEV-22-156 Lexeco Soil Borrow Site and Clean Rubble Landfill

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,

When we meet at the January Planning and Zoning meeting they agreed to table our Special Use Permit for a Soil Borrow site and Clean Rubble landfill on 92 hwy until March 8, and let me get time to get a type 5 entrance permit from KDOT.

KDOT has been less than responsive. Long story short I am still waiting on KDOT and was seeing if they could push this back to the April meeting? I am hoping by then I will have some answers from KDOT.

Thanks,

Matt D. Kaaz



Leavenworth Excavating & Equipment Co., Inc. (Lexeco)

5037 South 4th/Leavenworth, KS 66048

Office 913.727.1234

Fax 913.727.1270

Cell 913.775.1200

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**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-22-156 Lexeco Soil Borrow Site and Clean Rubble Landfill

January 11, 2023

REQUEST: *Public Hearing Required*

- Zoning Amendment Special Use Permit
 Temporary Special Use Permit

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 00000 SPRINGDALE RD (K-92)

APPLICANT/APPLICANT AGENT:

LEAVENWORTH EXCAVATION &
EQUIPMENT COMPANY
5037 S 4TH STREET
LEAVENWORTH, KS 66048

PROPERTY OWNER:

K&L LEASING INC.

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
MIXED RESIDENTIAL

LEGAL DESCRIPTION:

A tract of land in the Northeast Quarter of Section 33, Township 8 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: DENIAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-22-156, Special Use Permit for the extraction of raw materials and landfill, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-22-156, Special Use Permit for the extraction of raw materials and landfill, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 22.8 ACRES

PARCEL ID NO:
078-33-0-00-00-021.00

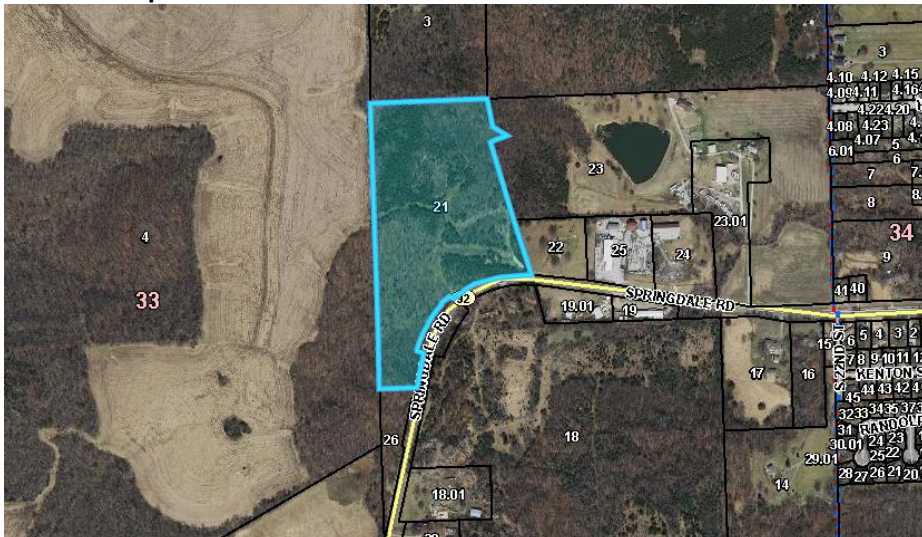
BUILDINGS:
N/A

PROJECT SUMMARY:

Requesting a permit to operate an extraction of raw materials and landfill at 00000 Springdale Rd, Leavenworth, KS (PID 078-33-0-00-00-021.00).

ACCESS/STREET:
SPRINGDALE RD – STATE HWY,
PAVED, ± 26’

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: FD 1

WATER: RWD 5 (ADJACENT)

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 12/8/2022

NEWSPAPER NOTIFICATION:
12/20/2022

NOTICE TO SURROUNDING
PROPERTY OWNERS:
12/20/2022

<p><i>Chemicals, Hazardous Materials, Oils, Lubricants and Fuels: The applicant indicated that no chemicals or hazardous materials will be stored on-site. They are proposing to install a 1500-gallon diesel tank for the use of equipment stored on-site. The tank will be mounted on a trailer. The applicant is also requesting the use of a ConEx box to store grease, engineer oil, transmission oil and hydraulic oil.</i></p> <p><i>Waste: Any waste generated from the proposed use must be disposed of in compliance with all local and state requirements. The proposed Landfill will be used for the disposal of clean rubble in compliance with KSA 65-3402(w).</i></p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	
<p>5. Length of time the property has been vacant as zoned: <input type="checkbox"/> Not Vacant <input checked="" type="checkbox"/> Vacant</p>	<p style="text-align: center;">✓</p>	
<p>6. Relative gain to economic development, public health, safety and welfare: <i>The proposed application would allow for the expansion of an existing business with Leavenworth County. The proposed conditions would reduce concerns to the public health, safety and welfare.</i></p>	<p style="text-align: center;">✓</p>	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: Mixed Residential</i></p>		<p style="text-align: center;">✓</p>

STAFF COMMENTS:

The applicant is proposing to establish a soil borrow site and clean rubble landfill on the property at 00000 Springdale Road. The property is located on K-92 which is a State maintained highway. They intend to use the 23-acre property to excavate soil for use on construction projects off-site as well as the disposal of clean rubble from said construction sites. They are proposing that this site only be used for the purposes of the business and not open to the public. They intend to install a fence and gate around the site for security purposes. One employee will be present on the site during operation hours. They anticipate the site will only be used seasonally, from April to November, Monday through Saturday. The operation hours will be from 7:00 AM to 6:00 PM, or as needed. They anticipate the site will be used 2 days a week for 35 weeks out of the year.

The applicant is not proposing any structures be built on-site, however, they are proposing the storage of equipment and a ConEx box on the property. The ConEx box would store Lubricants and Oils for the maintenance of equipment. They also propose to store a 1500-gallon fuel tank which will be mounted on a trailer. A portable toilet will be used on-site. Any water needed for the operation will be hauled in via truck. The applicant has indicated that the north, west and east property lines will be screened with a natural brush/tree buffer. They also propose to screen K-92 with a seeded berm. The applicant has requested the ability to burn trees and brush on-site in compliance with local fire district's approval.

Any clean rubble disposed on-site must be in compliance with KSA 65-3402(w) and 65-34115b.

STAFF RECOMMENDED CONDITIONS:

1. Hours of operation shall be limited to the hours of 7:00 AM until 6:00 PM, Monday through Saturday. The site shall only be used from April to November.
2. The SUP shall be limited to one (1) full-time employees and eight (8) off-site employees.
3. The number of trucks to the site shall be limited to eight (8) per day.
4. The applicant shall submit an approved NOI and SWPPP prior to any work occurring on the property.
5. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements. A copy of the agreement with a licensed hauler for the portable toilet must be submitted to the County prior to operations occurring on-site.

6. No signage shall be allowed in the right-of-way. Sign permits shall be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
7. No on-street parking shall be allowed.
8. No storage of inoperable vehicles shall be allowed.
9. Any noise generated from the proposed business shall be limited to 60 dB, as measured from the property line.
10. Any light generated from the proposed business shall be limited to 0 foot-candles, as measured from the property line.
11. A 20-foot screening buffer shall be installed and maintained, either through brush/trees or a seeded berm, along all property lines.
12. No vegetation from off-site can be stored or burned on the premises.
13. Prior to any excavation taking place, the applicant will locate the existing discontinued gas line on the property and contact the Kansas Corporation Commission about best practices for abandoned gas lines.
14. All items disposed of on-site must comply with the provisions of KSA 65-3402(w) & 65-34115b. Any rubble that is mixed with other construction and demolition waste must be disposed of in an approved C&D Landfill.
15. This SUP shall be limited to the Narrative and accompanying documents dated October 31, 2022, December 1, 2022 and December 7, 2022 submitted with this application.
16. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
17. The developer must comply with the following memorandums:
 - a. Email – David Van Parys, County Counselor, dated November 14, 2022
 - b. Email – Chuck Magaha, Emergency Management, dated December 6, 2022
18. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
19. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and required documents shall be provided to the Planning and Zoning Office before the Special Use Permit shall take effect.

ATTACHMENTS:

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

SPECIAL USE PERMIT APPLICATION

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Leavenworth Excavating & Equipment Co., Inc.</u>	NAME <u>K & L Leasing Inc.</u>
ADDRESS <u>5037 S. 4th Street</u>	ADDRESS _____
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP _____
PHONE _____ <u>913-727-1234</u>	PHONE _____
EMAIL _____ <u>greg@lexeco.com</u>	EMAIL _____
CONTACT PERSON <u>Greg Kaaz</u>	CONTACT PERSON _____

PROPERTY INFORMATION

PID: 078-33-0-00-00-021.00-0 Zoning District: _____

Address of property N/A Parcel size 22.80 Ac

Current use of the property Vacant Ground

Does the owner live on the property? Yes No

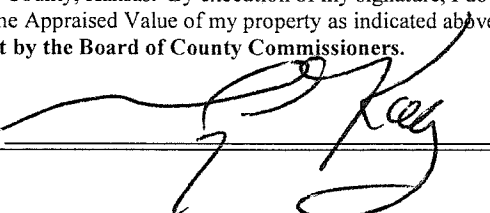
Proposed Special Use Fill Side/Borrow Area

TAX ASSESSEMENT STATEMENT

Upon the granting of a Special Use Permit by the Leavenworth County Board of County Commissioners, the assessable nature of the above referenced property and structures on the property may result in a change of the Appraised Class and Value and in the next year's Tax Assessment.

I, the applicant, have read and understand that there may be a change in the appraised value of my property due to the presence of a Special Use Permit for my property. (Check one) Yes No

I, the undersigned am the (circle one) *owner, duly authorized agent*, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Special Use Permit and acknowledge the potential of a change in the Appraised Value of my property as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.

Signature  Date 10/31/22

ATTACHMENT A

PROPOSED SPECIAL USE PERMIT INFORMATION

Name of Business Leavenworth Excavating & Equipment Co., Inc.

Existing and Proposed Structures None there and none proposed

Number of structures used for Special Use Permit 0

Will the use require parking? Yes No How many parking spaces are proposed/available? _____

Is the proposed use seasonal? Yes No
If yes, what months will the use be active? April through November
Month Month

Reason for requesting a Special Use Permit: Required by County

Estimated Traffic

In this section, you are determining the impact your proposed use will have on the county roadways. A vehicle visiting your site is to be considered two trips because the visitor/employee/user will use the roadways twice. If you are planning to expand the use that may generate additional traffic during the duration of the permit, provide the traffic generation for the full expansion.

How many total Passenger vehicle trips (both entering and exiting) will be generated by the Special Use Permit?

Daily _____ Weekly _____ Monthly _____

If applicable, how many total Commercial (delivery, heavy trucks, equipment, etc.) vehicle trips (both entering and exiting) will be generated by the Special Use Permit?

Daily _____ Weekly _____ Monthly _____

If applicable, describe Seasonal trips not accounted for above: What type (Passenger and Commercial) vehicle trips, how many trips per vehicle type in the seasonal timeframe, and describe the seasonal time frame (months, weeks, or days) in a calendar year.

Passenger: Months _____ Weeks _____ Days _____

Commercial: Months 30 Weeks _____ Days _____

When are trips to the site expected to occur (i.e. throughout the day, limited certain hours, etc.)? If applicable, separate occurrences by vehicle type (Passenger, Commercial, Seasonal Passenger, and Seasonal Commercial):

Mostly dump trucks running between 7am and 6pm

What is the anticipated route(s) from the nearest State Highway to the Site? On State Highway

Special Use Permit Renewal

Describe any change to operations since the SUP was last issued including traffic trips compared to this SUP:

N/A

Have you added any buildings since the SUP was last issued? Yes No Any parking? Yes No

OWNER AUTHORIZATION

I/WE K & L Leasing Inc, by Greg D. Kaaz, President, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 31st day of October, 20 22, make the following statements, to wit:

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

See Attachment "A" attached hereto and incorporated herein by reference.
- I/We the undersigned, have previously authorized and hereby authorize Leavenworth Excavating & Equipment Co., Inc. (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, Parcel ID 078-33-0-00-00-021.00-0 (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
- I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

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

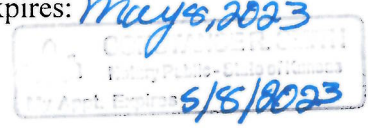
Greg D. Kaaz
Owner **Greg D. Kaaz**
President

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 31 day of October, 2022,
by Greg D. Kaaz.

My Commission Expires: May 5, 2023



Constance B Smith
Notary Public

ATTACHMENT C



Leavenworth Excavating & Equipment Co., Inc.

October 31, 2022

Ms. Krystal Voth, Director
Leavenworth County Planning and Zoning
300 Walnut Street, Suite 212
Leavenworth, KS 66048

Re: Special Use Permit
Parcel ID 078-33-0-00-00-021.00-0
Route 92, Leavenworth County

Ms. Voth,

We are requesting a Special Use Permit (SUP) to use the above referenced property as a soil borrow site and a clean fill disposal site. Below is the narrative information for this request.

General Site Information

The proposed site is located 1750 feet west of the city limits of Leavenworth on Kansas State Highway 92. The site comprises of 23 acres of area in size. The site is currently vacant ground due to the rough terrain, varies in elevation from 970 ft MSL to 1100 ft MSL, and has trees and overgrown brush. The site is in area of mixed property use. Currently there is single family housing (2 locations), a KDOT maintenance yard, a metal fabrication business, and an abandoned salvage yard within 1000 feet of the property. An entrance to the property is located by the east property line and access Rt. 92 highway. A copy of the KDOT entrance permit is attached.

Proposed Use of Property

Lexeco is a heavy highway contractor operating in the states of Kansas and Missouri. We are proposing this site is used at a soil borrow area and site for disposal of clean rubble as defined by Kanas Department of Health and Environment (KDHE). KDHE defines clean rubble as: *“concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary”*. The site will be used for various construction projects Lexeco has in the area.

The site will not be open to the public or others for use. A full-time employee will not be assigned to the site since it’s exclusive to Lexeco. As the site is used, an employee will be assigned to assist in loading the borrow dirt or pushing off the disposal area. No permanent facilities will be located at the site. A fence and locked gate will be used to secure the site from unauthorized personal accessing it from Rt 92 highway.



Page 2
K. Voth
October 31, 2022

Final Development of Property

The ultimate goal is to develop the property for future residential, commercial or industrial development. An existing contour map, and proposed contour map of the property showing the areas of use is attached. Currently activity will be limited to the southern portion of the property.

Traffic Impact

Since the site is located on a state highway, the traffic impact policy would not be applicable.

Notice of Intent (NOI) and Storm Water Pollution Protection Plan (SWPPP)

Since the property is over 1 acre in size, a NOI and SWPPP will need to be filed with the Kansas Department of Environmental. Due to the cost to develop the plan, considering we have already done a site plan, we are requesting the SUP be approved contingent upon receipt of the NOI from the State. I have never seen the state deny a NOI for a site so I don't think that would be an issue. Storage of Lubricants/Oils/Fuel will be addressed in the SWPPP.

Other Comments

This is an appropriate site for this type of use since it's located on a state highway and in area of industrial use. The site is in a location that can serve City of Leavenworth and Fort Leavenworth infrastructure projects.

If trees and brush are burnt on the property, it will be done in accordance with the local fire district's approval. Dozers and/or excavators will be onsite to control any burning.

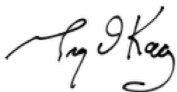
A portable toilet will be provided onsite for use by employees when they are working.

A sign will be erected indicating the operator of the site and the 24-hour phone numbers to contact in case of emergency.

If needed, dust will be controlled by using water or asphalt millings on access roadways.

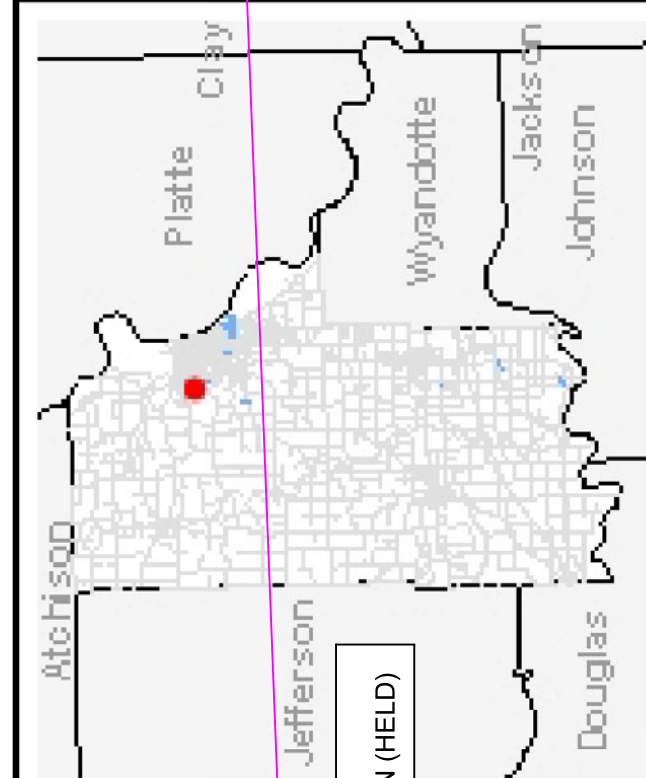
The \$400 application fee will be mailed to Leavenworth Planning and Zoning. If you have any questions, please contact me.

Thanks,



Greg D. Kaaz, President

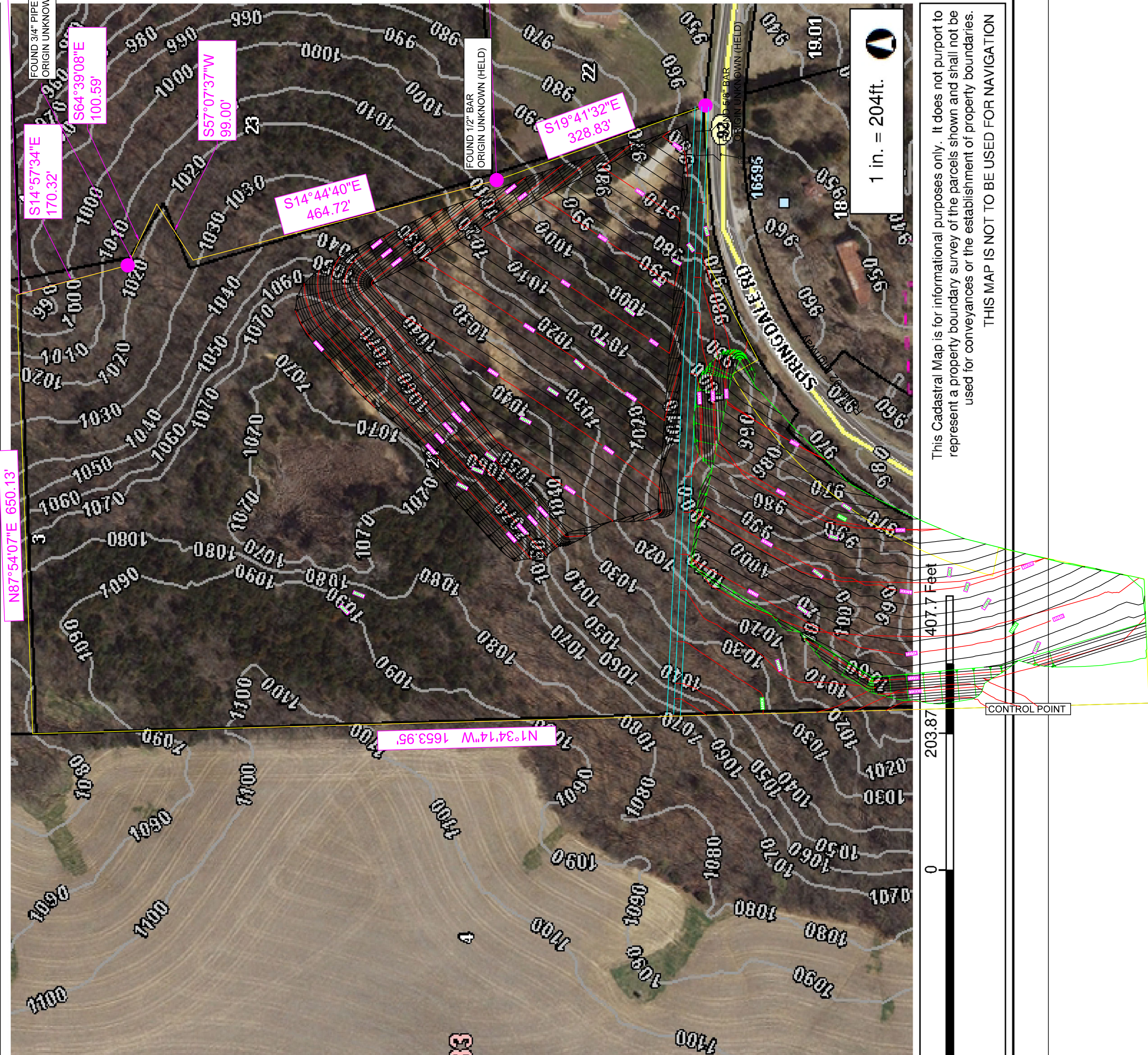
Leavenworth County, KS



Legend

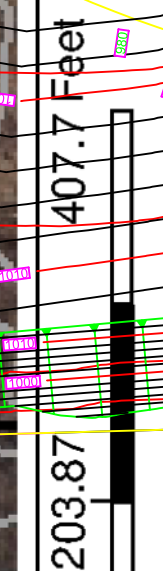
- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- Railroad
- Contour
- Section
- Section Boundaries
- County Boundary

Notes



1 in. = 204ft.

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



CONTROL POINT

← North

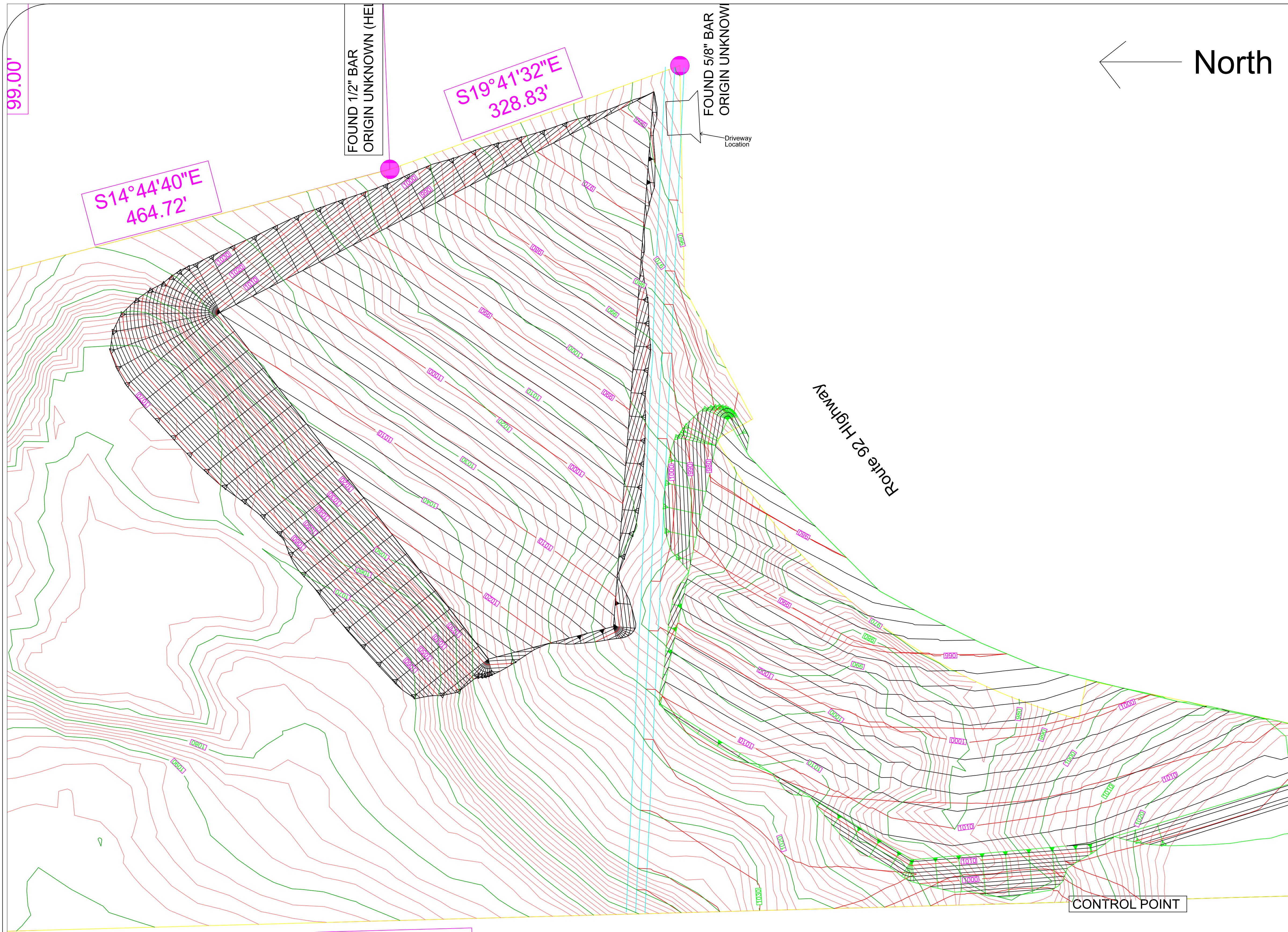
General Notes

No.	Revision/Issue	Date

Firm Name and Address
LEXECO INC
 5037 S. 4th Street
 Leavenworth, KS 66048

Project Name and Address
 Rt 92 Special Use Permit
 Lexeco Inc.
 ID: 078-33-0-00-00-021.00-0
 Leavenworth County, Kansas

Project	Sheet
Date 10/28/22	01
Scale 1" = 100'	



← North

General Notes

No.	Revision/Issue	Date

Firm Name and Address
LEXECO INC
 5037 S. 4th Street
 Leavenworth, KS 66048

Project Name and Address
 Rt 92 Special Use Permit
 Lexeco Inc.
 ID: 078-33-0-00-00-021.00-0
 Leavenworth County, Kansas

Project	Sheet
Date 10/28/22	02
Scale 1"=50'	

**KANSAS DEPARTMENT OF TRANSPORTATION
HIGHWAY ACCESS PERMIT**

Permittee: Greg Kaas	Permit No: 01-22-000024A	Access Route Class: D	District Plan: <input type="checkbox"/>
City: No City Required	Route: K0009200	County: 052	City Connecting Link: <input type="checkbox"/>

THIS PERMIT, made and entered into, by and between the Secretary of Transportation of the State of Kansas, hereinafter referred to as the "Secretary" and Greg Kaas 913-727-1234

Name of Owner or Agent for the Owner _____ Phone # _____

5037 S. 4th _____ Leavenworth _____ KS _____ 66048 _____

Street Address _____ City _____ State _____ Zip _____

hereinafter referred to as "Permittee" and the City of N/A hereinafter referred to as the "City", collectively referred to as the "Parties".

(If not applicable, enter N/A)

WHEREAS, the Secretary has jurisdiction over highway right-of-way within the State Highway System of Kansas, and

WHEREAS, the Secretary (and City) believe that it is in the interest of the Citizens of the State of Kansas to permit certain work or projects to be performed upon Highway right-of-ways for access for a specific property usage and access type, and

WHEREAS, the Permittee understands that their specific point of access may be modified or withdrawn as long as reasonable access is afforded, and

WHEREAS, the Permittee agrees to perform certain work as indicated on Form 334 *Highway Access Permit Work Details Sheet* and described as follows:

Construct type 4 access 150 feet west of previously approved 01-21-000024A. Original location could not be used because of a gas pipeline. This will increase sight distance and spacing distance. Existing access will be removed. Access will be used for borrow and waste area for construction projects.

Said work is located on public right-of-way in, upon or along State Highway Route, Reference Point

39.6 (or City Connecting Link Routes _____ on _____ Street)

in Section 33, Township 08S, Range 22E

LEAVENWORTH-052 County, 0.620 Miles west (direction) from 20th street

(Cross Street), and

Access Types: 1 2 3 4 5 6 As defined herein:

Type 1: Low Volume—0-49 vehicles per day maximum (two-way access traffic count); Non-commercial—farm, agriculture, field, timber, cultivated, pasture, duplex, single family residential/home, apartment building containing five or fewer dwelling units

Type 2: Low volume—0-49 vehicles per day maximum (two-way access traffic count); Special-use—city water treatment plant, microwave station, pipeline checkpoint, telephone repeater stations, utilities (electric, gas, telephone, water) check/maintenance stations, Corps of Engineers dike roads

Type 3: Low volume—0-49 vehicles per day maximum (two-way access traffic count); Emergency facility—fire station and/or paramedic facility

Type 4: Low volume—0-49 vehicles per day maximum (two-way access traffic count); Commercial - small business, cemetery, nursing home, other.

Type 5: Medium volume—50-499 vehicles per day and/or less than 50 vehicles per peak hour of the highway (two-way vehicular access count); Commercial industrial, institutional, recreational, local road connections (included joint-use/shared access)

Type 6: High volume—500 vehicles per day and over and/or 50 vehicles per peak hour of the highway or more; Commercial—industrial, institutional, recreational, local road connections (includes join-use/shared access)

WHEREAS, the Secretary has delegated full and complete authority to the District Engineers of the Kansas Department of Transportation (KDOT) to execute Highway Permits, hereinafter referred to as "Permits," for and on the Secretary's behalf.

NOW THEREFORE, in consideration of the permission granted hereunder by the Secretary (and City) to utilize Highway right-of-ways in the manner described above and on Form 334, the following terms and conditions are mutually agreed to by the Permittee, the Secretary (and the City). The access facility described in Form 334 and permitted under this document is referred to herein as the "Facility."

Terms and Conditions of Permit:

The Owner or their designated Agent agrees that the "Access Type" will remain as indicated on this form and apply for a new permit when the "Access Type" or "Property Usage" changes. The owner or their designated Agent agrees to incur all costs associated with revising the access when "Access Type" or "Usage" changes occur and improvements are determined to be necessary. In Cities, the Permittee will obtain additional Permits as required by the City.

- 1.0 PLANS: Approved plans ("Plans") for the Facility are attached and hereby incorporated and made a part of this permit. If, before, during or after construction, it is determined that alterations to the Facility are needed and made, an accurate set of "As-Built" Plans shall be provided to reflect deviation(s) from the Plans. The As-Built Plans are required before the Notice of Completion or Revocation (Form 309C) will be issued.
- 2.0 MATERIALS AND CONSTRUCTION METHODS:
- 2.1 The Permittee shall furnish all materials, do all work and pay all costs for the work described on this Permit.
- 2.2 All Facility installations shall comply with the conditions and requirements of the *KDOT Access Management Policy*, current edition, (and City standards when they exceeded those of KDOT).
- 2.3 Drainage structure requirements shall be determined by the Permittee, but said requirements are subject to review and approval by the District Engineer (and City).
- 2.4 All material and construction methods used on work within the limits of the right-of-way shall be equal to or better than that required in the *Standard Specifications for State Road and Bridge Construction*, current edition.
- 3.0 INITIATION AND COMPLETION OF WORK: Permittee agrees to notify the District Engineer (and City) or their duly authorized representative Steven Taylor [KDOT-(913) 942-3049] before work is initiated and again when the work is completed.
- 3.1 An approved signed copy of the Permit shall be on the premises before and during any work is performed.
- 3.2 All work, including right-of-way restoration, shall be completed within 365 calendar days of the PERMIT APPROVAL DATE; otherwise, this Permit is rescinded. If an extension is needed to complete the work included in this permit, the permittee will obtain written consent of the Area Engineer. If work has not been started within the completion time, the Permit becomes null and void.
- 4.0 INSPECTION: The Permittee will be responsible for supervising construction to insure compliance with KDOT (and City) policies and standards.
- 5.0 ACCEPTANCE: City If checked the city will be responsible for concurring in the acceptance of the restored right-of-way.
- 6.0 RIGHT-OF-WAY: Except for authorized changes, Permittee agrees to restore said right-of-way to a condition equal to or better than existed prior to approval of the work described in this Permit.
- 6.1 Any sod, shrubs or trees destroyed by this work shall be replaced as directed by the District Engineer (and City).
- 6.2 The right-of-way shall be kept free from parking, advertising signs or any other commercial activity.
- 7.0 OBSTRUCTION OF TRAFFIC: Permittee agrees that the highway (and connecting link) traffic will be free of interference unless specifically provided for as part of the Permit. Temporary traffic control shall be in accordance with the *Manual of Uniform Traffic Control Devices*, current edition.
- 8.0 BOND WAIVED: In lieu of the Secretary requiring the Permittee to provide a bond, the Permittee agrees that the Secretary may revoke the permit and remove any work performed. The Permittee agrees to reimburse the Secretary for any cost incurred by the Secretary to restore the right-of-way. The Secretary will not authorize any other highway permits until the Permittee has either reimbursed the Secretary or restored the right-of-way to its previous condition, as accepted by the Secretary.
- 9.0 LIABILITY: The Permittee, its heirs, successors, or assigns, shall assume all risk and liability for accidents and damages that may occur to persons or property during construction and/or installation of the Facility pursuant to this Permit, and shall indemnify and hold the Secretary (or City) harmless from any and all costs, liabilities, expenses, suits, judgments, or damages to persons or property for claims of any nature whatsoever arising out of or in connection with this Permit, or the operation and performance there-under by the Permittee, their agents, employees, or subcontractors. Upon completion of the Facility by the Secretary, the Permittee's duty and obligation to assume all risk and liability and to indemnify and hold the Secretary (or City) harmless shall lapse.
- 10.0 INSURANCE: The Permittee shall be subject to the Liability provisions above and shall provide a Certificate of Insurance indicating the following minimum coverage:
- A. Comprehensive Liability:
- Bodily injury and property damage for which the Permittee is responsible with limits of \$250,000 per person and \$500,000 per occurrence (required for Access Types 1 through 4).
- Bodily injury and property damage for which the Permittee is responsible with limits of \$1,000,000 per person and \$2,000,000 per occurrence (required for access Types 5 & 6).
- Local governments requesting access to the Highway are not required to provide liability insurance
- B. Workman's Compensation: Any entity working subject to this Permit, including Permittee's contractors, subcontractors and consultants, which is subject to worker's compensation laws and regulations must carry legally sufficient worker's compensation insurance.
- 10.1 The insurance coverage period must cover the time period for construction up to and including the notice of acceptance completion by KDOT. Insurance as herein required shall be maintained in force until completion of the Facility by the Secretary.
- In the event the Facility has not been completed and an extension of the construction period is required, Permittee agrees to notify the Secretary (or City) and an updated Certificate of Insurance must be provided if the extension will go beyond the coverage period indicated on the Certificate of insurance on file.
- 11.0 HIGHWAY IMPROVEMENTS AND/OR MAINTENANCE: The Secretary (or City) reserves the right to make any alteration or improvement along or upon the highway right-of-way which is the subject of this Permit or in the vicinity of the Facility located pursuant to this Permit, including, but not limited to, relocation or complete eradication of a Facility subject to this Permit.
- 11.1 In the event the Secretary determines it necessary to relocate the Facility subject to this Permit, Permittee agrees to hold the Secretary (or City) harmless for any damages, if any, that may arise as a result of said relocation of the Facility. If the Secretary (or City) deems it necessary to

relocate the Facility subject to this Permit, the Secretary (or City), at the discretion of the Secretary, will either, assume the actual construction costs related to said relocation or perform the relocation itself. Permittee agrees that in, the event of relocation, Secretary (or City) has complete and full discretion regarding the location of the new permitted access point.

11.2 Subject to the terms of this Permit, in the event the Secretary determines it necessary to completely eradicate Permittee's Facility and/or revoke this Permit, Permittee agrees to hold the Secretary (or City) harmless for any damages, if any, that may arise as a result of said eradication of the Facility or revocation. If the Secretary (or City) deems it necessary to eradicate the Facility subject to this Permit, the Secretary (or City), at the discretion of the Secretary, will either, assume the actual construction costs related to said eradication or perform the eradication itself.

11.3 The Permittee agrees that the work approved pursuant to this Permit will be conducted in such a manner as not to interfere with any construction or other work being performed by the Secretary (or City) or its contractors in the vicinity of the Permittee's work or projects.

11.4 It is further agreed that written notice will not be required for the Secretary's (or City's) normal maintenance including, but not limited to , cleaning ditches, repair/replace surfacing and drainage structures and sign installation or replacement. The Permittee agrees to hold the Secretary (or City) harmless for any temporary loss of use or inconvenience arising out of maintenance activities.

12.0 SNOW REMOVAL ON FACILITY: The Permittee is obligated to perform any and all snow and ice removal maintenance to the Facility. Permittee further understands and agrees the Secretary (or City) does not assume any responsibility for the removal or clearance of snow and/or ice, the opening of windrows by authorized representatives engaged in normal winter maintenance operations. Permittee agrees to save and indemnify the Secretary (or City) against any and all claims related to maintenance of the Facility.

13.0 ABANDONED OR RETIRED IN PLACE: The Permittee agrees to notify the Secretary (or City) when the Facility has been abandoned, in whole or in part, or retired in place and to be responsible for all costs associated with removal and/or closure of said Facility. In the event Permittee receives notice from the Secretary (or City) to remove the abandoned and/or retired Facility, Permittee agrees to perform said work within 180 days of notice. Should Permittee fail to properly perform said work, the Secretary (or City) reserves the right to remove and/or close the Facility at Permittee's expense.

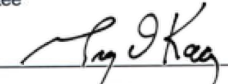
13.1 The Secretary (or City) reserves the right to require Permittee to place certain gates or other infrastructure, as set forth in the *KDOT Access Management Policy*, across the Facility the Secretary (or City) deems inactive. In no event shall the Permittee block or otherwise impede the Facility pursuant to this Permit without the express written authorization of the Secretary (or City).

It is understood and agreed by the Parties that this Permit only creates a license for Permittee to have the right and privilege to use the right-of-way for the specific purpose stated herein and subject to the terms of this Permit. It is further understood and agreed by the Parties that this Permit does not create, grant, convey, transfer, or vest, any property right or interest in the Secretary's real property to the Permittee; thus, the Secretary may terminate, modify, or revoke this Permit without notice and without duty, obligation, penalty, damages, or compensation owed to the Permittee by the Secretary unless otherwise stated herein.

This Permit is hereby accepted and its provisions agreed to by the parties hereto:

KDOT's Access Management Unit has reviewed the Permit and provided comments to the District Engineer regarding the conditions of the Permit.

N/A Reviewed (Access Types 5 and 6, and all variances)

<p>PERMITTEE The person signing as the Permittee must be the Owner or legal representative of the property (Agent of the Owner) served by the permitted access and have full authority to accept the Permit and its terms and conditions.</p>	<p>APPROVED The permit must be signed by the duly authorized representative of the Secretary of Transportation, the city (when applicable) and the Permittee. The permit is not valid until signed by all parties and returned to KDOT for Permit Approval Date.</p>
<p>Owner/Agent of the Owner Greg Kaas</p>	<p>The City of (when applicable) No City Required</p>
<p>Street Address 5037 S. 4th</p>	<p>City Representative</p>
<p>City, State, Zip Leavenworth KS 66048</p>	<p><input type="checkbox"/> Mayor <input type="checkbox"/> City Manager <input type="checkbox"/> City Engineer</p>
<p>Permittee By: </p> <p><input type="checkbox"/> Owner <input checked="" type="checkbox"/> Agent of the Owner</p>	<p>Recommended by (KDOT) Signed by Ryan P Barrett at 6/14/2022 9:41:58 AM on PC DTA30010</p> <p>Area/Metro Engineer <input type="checkbox"/> AM Engineer</p>
	<p>Secretary of Transportation of the State of Kansas <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p>By: Signed by Charlotte M Fitzgerald at 6/21/2022 6:07:56 PM on PC DTA00053</p> <p>District Engineer or Designee</p>
	<p>For KDOT Use Only Permit Approval Date : _____</p> <p>By: _____ KDOT Representative (Please Print)</p>

**KANSAS DEPARTMENT OF TRANSPORTATION
ACCESS PERMIT WORK DETAILS SHEET**

Permittee: Greg Kaas	Permit No: 01-22-000024A	Access Route Class: D	
City: No City Required	Route: K0009200	County: 052	

Business Data:

Name _____ Phone No. _____

Address _____ KS _____

Street _____ City _____ State _____ Zip Code _____

Use _____

Fast Food, Restaurant, Service Station, Office, Shopping Center, Apartments, etc.

Highway Data

Surface Type: Area Type:

Surface Width: Ft. Curb and Gutter Open Ditch

Shoulder Width: Ft. Parking along Highway

Number of Lanes: Highway Slope > 3% Actual Highway Grade:

Speed Limit: MPH Average Daily Traffic: (2-way)

Access Route Class: Is a Highway Construction Project Programmed? Yes No

Access Data:

Access Surfacing:

Access Width: Ft. 1-Way 2-Way Traffic Volume: Daily Peak Hr

Access Radius: Ft. Drop Curb*

Access Thickness: In.

Taper
Taper Type: Taper Size:

Frequency of Usage

Largest Vehicle Using	# of Trips	Frequency
<input type="text" value="Single Trailer Semi"/>	<input type="text" value="500"/>	<input type="text" value="Year"/>

Proposed Access Drainage Method:

Sight Distance

	Stopping	Intersection
Upstation	<input type="text" value="1,850"/> Ft. Left	<input type="text" value="1,870"/> Ft.
Downstation	<input type="text" value="453"/> Ft. Right	<input type="text" value="460"/> Ft.

Adjacent Access Spacing

Direction	Distance	Access Type
Upstation	<input type="text" value="331"/> Ft. Centerline to Centerline	Type 1; Non-commercial: Residential, field, Duplex, or small apartment complex.
Downstation	<input type="text" value="1,505"/> Ft. Centerline to Centerline	Type 1; Non-commercial: Residential, field, Duplex, or small apartment complex.

Other Location Notes: Reference to Section Corner, Permanent Object, Project Plan Station, etc.

Comments:



Leavenworth Excavating & Equipment Co., Inc.

December 1, 2022

Route 92, Leavenworth **Emergency Plan**

Emergency Contacts

Matt Kaaz	913-775-1200
Hank Wiehe	816-223-4536
Greg Kaaz	816-223-5691

Fire

Before any brush is burned, the local fire department will be contacted for a burn permit or permission. All open fires (for brush) will be controlled by Dozers or Excavators. In the advent, a fire can't be controlled with dozers or excavators, the local fire department will be contacted.

Weather

Normally during times of inclement weather, no one will be located on site. However, if a tornado warning was issued, the operator(s) will be notified through a phone app or tornado siren located near the site.

In the event a tornado will hit the site, the best course of action is to drive to the closest shelter. If you are unable to make it to a safe shelter, either get down in your car and cover your head, or abandon your car and seek shelter in a low lying area such as a ditch or ravine.



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

CN: 41412

Doc #: 2020R10342
STACY R. DRISCOLL
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
10/14/2020 08:37:29 AM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office 10/14/2020

Janet Klasmoki by J. Kessler
County Clerk

WARRANTY DEED (Statutory)

THE GRANTOR,

The Dawson Family LLC, a Kansas Limited Liability Company

a limited liability company duly organized and existing under and by virtue of the laws of the State of Kansas and having its principal place of business in Leavenworth County, Kansas, hereby
CONVEYS AND WARRANTS to
K & L Leasing, Inc.

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

A tract of land situated in the County of Leavenworth, State of Kansas, to-wit: A tract of land in the Northeast Quarter (NE/4) of Section 33, Township 8 South, Range 22 East of the 6th P.M., described as follows: Beginning at the Southwest corner of the Northeast Quarter (NE/4) of Section 33, Township 8 South, Range 22 East; thence North 1318 feet to the Northwest corner of the South Half (S/2) of the Northeast Quarter (NE/4) of Section 33; thence East 660 feet; thence South 14° 17' East 165 feet; thence South 59° 17' East 99 feet; thence South 59° 17' West 99 feet; thence South 14° 17' East, a distance of 790 feet more or less to the North line of State Highway #92; thence Southeasterly and on a curve whose radius is 613.7 feet, a distance of 481.6 feet; thence on a right angle to the right a distance of 45 feet; thence on a parallel curve whose radius is 658.7 feet to a point on the South line of the Northeast Quarter (NE/4) of Section 33, Township 8 South, Range 22 East; thence West to the point of beginning, as per survey S-6 #247 recorded March 22, 1966.
ALSO, the North Half (N/2) of Lot Four (4), in TAYLOR'S SUBDIVISION, West of State Highway #92, as per survey S-6 #247 recorded March 22, 1966.

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

Dated this 9th day of October A.D. 2020

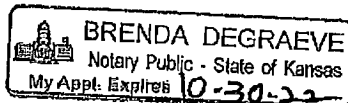
The Dawson Family LLC, a Kansas Limited Liability Company

Barbara B. Dawson
By: Barbara B. Dawson, Managing Member

STATE OF KANSAS, COUNTY OF LEAVENWORTH

This instrument was acknowledged before me on this 9th day of October 2020 by:
The Dawson Family LLC, a Kansas Limited Liability Company, By: Barbara B. Dawson, Managing Member

My appointment expires:

BRENDA DEGRAEVE
Notary Public - State of Kansas
My Appt. Expires 10-30-22

Brenda Degraeve
Notary Public



Laura Kelly, Governor
Mark A. Burghart, Secretary
www.ksrevenue.org

CERTIFICATE OF TAX CLEARANCE

Leavenworth Excavating & Equipment Co In

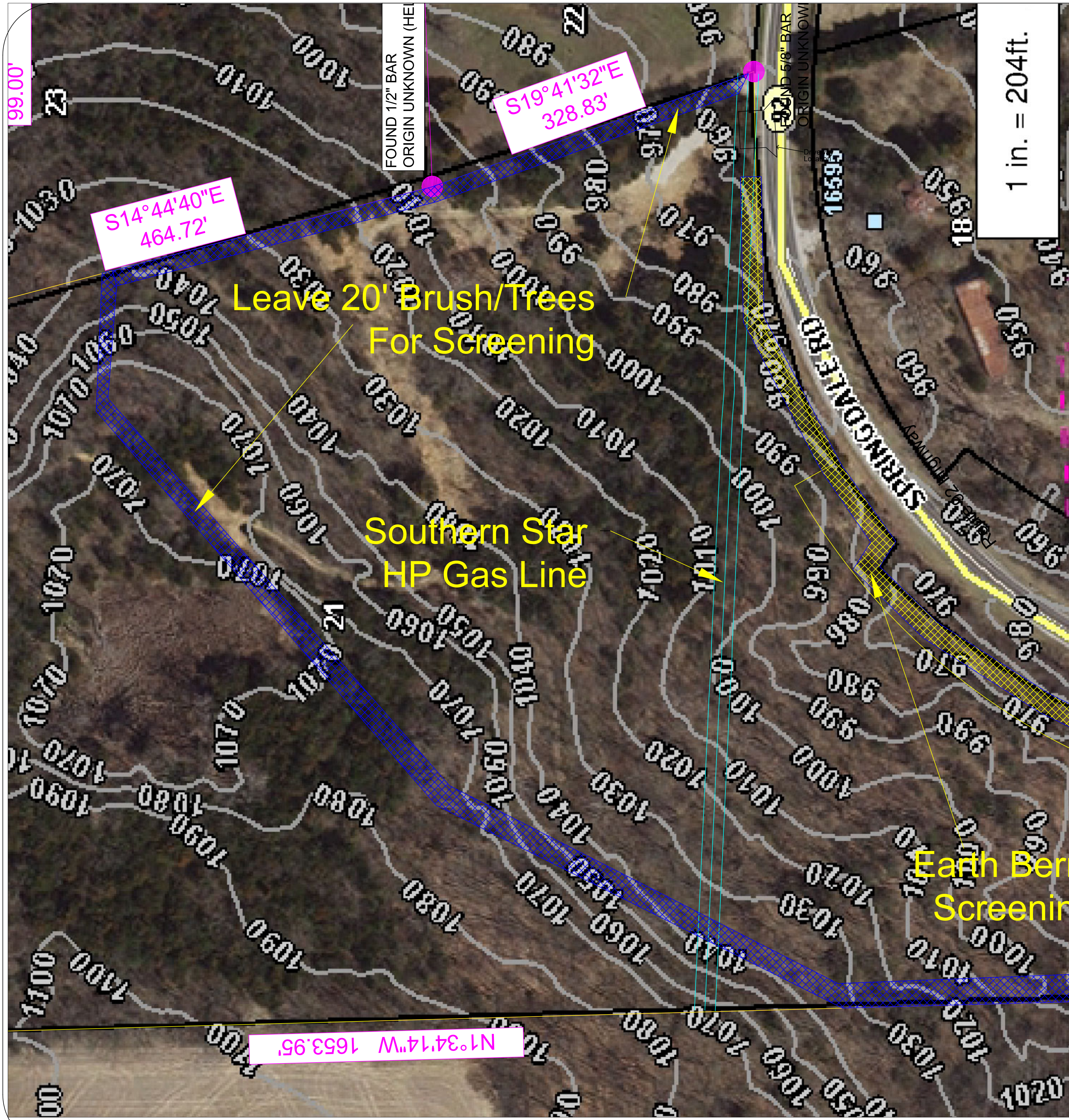
ISSUE DATE
09/08/2022

TRANSACTION ID
TEMJ-MG6D-D6XR

CONFIRMATION NUMBER
C83P-MKXC-NDPC

TAX CLEARANCE VALID THROUGH 12/07/2022

*Verification of this certificate can be obtained on our website, www.ksrevenue.org,
or by calling the Kansas Department of Revenue at 785-296-3199*



99.00'

FOUND 1/2" BAR
ORIGIN UNKNOWN (HEI)

S14°44'40"E
464.72'

S19°41'32"E
328.83'

FOUND 5/8" BAR
ORIGIN UNKNOWN

1 in. = 204ft.

Leave 20' Brush/Trees
For Screening

Southern Star
HP Gas Line

Earth Berm
Screening

407.7 Feet

203.87

CONTROL POINT

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

North

General Notes		
No.	Revision/Issue	Date
Firm Name and Address		
LEXECO INC 5037 S. 4th Street Leavenworth, KS 66048		
Project Name and Address		
Rt 92 Special Use Permit Lexeco Inc. ID: 078-33-0-00-00-021.00-0 Leavenworth County, Kansas		
Project	Sheet	
Date	10/28/22	
Scale	1"=50'	

03



Leavenworth Excavating & Equipment Co., Inc.

December 7, 2022

Special Use Permit Application
PID 078-33-0-00-00-021.00-0
Fill/Borrow Site
Response for Additional Information

1. Resubmittal Required - A copy of the property deed needs to be submitted. **See Attached**
2. Resubmittal Required - Sales Tax Clearance for the business needs to be submitted. **See Attached**
3. Revised Plans Needed - Please include the location of any areas where soil will be stored on the site plan. **Don't mound soil There will be no soil stored onsite. Just what's in the cut and fill areas.**
4. Revised Plans Needed - Screening from all property lines will be required. Please include description of screening in narrative and location on site plan. **The north, west and east will be screen with the natural brush/trees (we won't clear trees and brush in that area). Rt 92 will be screened with a dirt berm that is seeded to restrict the view.**
5. Revised Plans Needed - Please provide hours and days of operation in the narrative. **Normal hours will be 7am to 6pm, Monday-Saturday. We mainly operate from April to November depending on the weather. The operation will be on a "as-needed" basis, so we won't operate every day. On a average we will probably operate 2 days a week for 35 weeks a year.**
6. Revised Plans Needed - While the narrative indicates that no permanent structures will be located on site, will there be any temporary structures besides the portable toilet? If so, please provide the information in the narrative. **No permanent structure will be onsite.**
7. Revised Plans Needed - Are any exterior lights proposed on the property? If so, please include in the narrative. **No exterior lights will be used. Operations will be during day light hours only.**
8. Revised Plans Needed - The narrative indicates only one employee will be on-site during use. Will there be any additional employees coming to the site for transport/loading purposes? If so, please include that number in the narrative. **Normally there will be one employee onsite when we are operating. That employee will load rental dump trucks to haul soil off the site. There will be rental trucks that will be dumping clean fill on the site. This will be limited to trucks that are working for Lexeco only. There could be 10 trucks entering and leaving the site throughout the day (i.e. each truck makes 8 round trips for a total of 80 loads)**



9. Revised Plans Needed - Please list all vehicles and equipment that will be used on site and include the location of where this equipment will be stored on the site plan. **Dozers and Excavators will be used on the site. These units will be parked in the cut or fill areas.**

10. Revised Plans Needed - Will any chemicals or hazardous materials be used on site? If yes, please include in narrative. **No chemical or hazardous materials will be used on site except diesel fuel and lubricants.**

11. Revised Plans Needed - A list of all proposed oils, lubricants and fuel to be used and stored on the site must be included in the narrative. **A 1500 gallon diesel tank will be used on the site to fuel equipment. The tank is mounted on a trailer and is double walled for leak protection. Lubricants to be used could include engine oil, transmission oil, hydraulic oil and grease. If onsite, this material will be stored in a locked ConEx box.**

12. Revised Plans Needed - Please include the size of the sign described in the narrative. Depending on the size, a sign permit may be required. **No signage will be on the site other than what is required by the County for emergency contacts.**

13. Revised Plans Needed - Please provide an emergency plan. **See attached**

14. Revised Plans Needed - The narrative indicates that water may be used for dust abatement. Where will this water be sourced from? If stored on site, please include location of tanks on the site plan. **If water is needed, it will be hauled using a water truck. No onsite water storage is expected**

15. Revised Plans Needed - On the Site Plan provided, please label the location of the existing gas line (located in blue?).

16. Condition of Approval - Prior to any excavation taking place, the applicant will locate the existing discontinued gas line on the property and contact the Kansas Corporation Commission about best practices for abandoned gas lines. **See attached email from KCC concerning removal of gas well.**

17. Condition of Approval - A NOI and SWPPP must be completed and submitted to the county prior to any work occurring on the property.

18. Condition of Approval - Any noise generated from the business operation shall not exceed 65 dB at the property line.

19. Condition of Approval - No inoperable vehicles shall be placed on the site.

20. Condition of Approval - The proposed business shall abide by the Leavenworth County Sanitary Code. A copy of the agreement with a licensed hauler for the portable toilet must be submitted to the County prior to operations occurring on-site.

21. Condition of Approval - The applicant shall provide a certificate of liability insurance with a minimum of \$1,000,000 per occurrence with certificate holder listed as County of Leavenworth.

22. Condition of Approval - No on-street parking shall be allowed

Emergency Management Comments Response

1. A sign will be posted outside the property for emergency contacts
2. A Notice of Intent and Storm Water Prevention Plan will be developed for the site if approved. That plan will be developed by a professional engineer and will address water runoff.
3. Asbestos will not be allowed in the fill area. Only clean rubble as defined by KDHE will be allowed. According to KSA 65-3402(w), "Clean rubble means the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary."
4. A 75' Fire barrier will be established before any material is burned. Also, any permits from the fire department will be obtained.

Greg Kaaz

From: Levi Short <l.short@kcc.ks.gov>
Sent: Monday, October 31, 2022 3:15 PM
To: Greg Kaaz
Cc: Russell Hine
Subject: RE: Kellner Lease - Leavenworth County

Greg,

I spoke with you on October 22, 2020 regarding an abandoned well, Kellner #1, on your property west of Leavenworth. I left a message on your mobile number today and thought I would email you as well. As for the well, a contract has been awarded to a company to plug the well using KCC funds. A start date has not been set yet, but will probably occur within the next month. An inspection of the property has determined to access the well and perform plugging activities trees will need to be removed along the access road and at the well site. If you have any questions, please call or email me or the KCC District 3 Abandoned Well Coordinator Russell Hine. Mr. Hine arranges the plugging using state contracts after the abandoned well investigation is done.

Russell Hine
620-432-4001
r.hine@kcc.ks.gov

Levi Short
Environmental Compliance and Regulatory Specialist



Conservation Division District 3
Kansas Corporation Commission
137 E. 21st Street | Chanute, KS | 66720
Mobile (620) 432-6527 | Office (620) 902-6457 | <http://kcc.ks.gov/>

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From: John Almond <j.almond@kcc.ks.gov>
Sent: Monday, October 19, 2020 7:19 AM
To: Levi Short <l.short@kcc.ks.gov>
Subject: FW: Kellner Lease - Leavenworth County

Levi,
I will process a complaint and forward it to you this morning. I sent an e-mail response to Mr. Kaaz and told him that you would not be able to inspect the well until sometime later this week. Thank you.

From: Greg Kaaz <greg@lexeco.com>
Sent: Thursday, October 15, 2020 4:18 PM

To: John Almond <j.almond@kcc.ks.gov>
Subject: Kellner Lease - Leavenworth County

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Mr. Almond,

I recently purchased a tract of land in Leavenworth County that has a natural gas well on it. I've been trying to figure out who the well belongs to. The gentleman (Thomas Dawson) I purchased the ground from is not competent to provide any information on the gas well. From the limited documents we obtained from him, it appears the last operator was Monument Resources Inc. from Castle Rock, CO. I believe the lease expired in 2006 and was not renewed. At that time a Request for Change of Operator (Form T-1) was filed with the KCC. This form was rejected since Thomas Dawson was not a licensed operator. There were some notes written on the back of the rejection letter indicating the Mr. Dawson talked to Jonelle Rains at the KCC. The last note indicates Jonelle would contact Monument Resources to plug the well.

After talking with the receptionist at the KCC, it appears legal action was taken by the KCC in 2016 ending in a Default Order.

The original person I talked to at KCC said I might talk to the district office and request a Lease Inspection. I'm really just trying to figure out if the well has been plugged and if not, how to go about getting that done. It appears there is still piping above the ground on the site. If you open one of the valves, you hear gas escape so I'm questioning whether it's been plugged or if that's residual gas in the line.

Any information you could provide would be helpful. I have attached copies of the documents that I have that may be useful to you.

Thanks,

Greg D. Kaaz
Lexeco, Inc.
(Leavenworth Excavating and Equipment Company)
5037 S. 4th Street
Leavenworth, KS 66048
913-727-1234
913-727-1270 (fax)



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Allison, Amy

From: Tim Goetz <tmgoetz@stjoewireless.com>
Sent: Friday, November 11, 2022 11:53 PM
To: Allison, Amy
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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

Leavenworth RWD. 5 has no issues with the above reference. We have no waterlines in this area.

From: "Allison, Amy" <AAllison@leavenworthcounty.gov>
Sent: 11/10/22 3:20 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>, 'Michael Stackhouse' <mstackhouse@fd1lvco.org>, ""tyler.rebel@westarenergy.com"" <tyler.rebel@westarenergy.com>, ""tmgoetz@stjoewireless.com"" <tmgoetz@stjoewireless.com>, "Steven Taylor [KDOT]" <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding a fill site/borrow area at 00000 Springdale Rd (078-33-0-00-00-021.00)

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Friday, November 18, 2022.

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

Thank you,

Amy Allison, AICP

Deputy Director

Allison, Amy

From: Anderson, Kyle
Sent: Monday, November 14, 2022 9:53 AM
To: Allison, Amy
Subject: RE: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, November 10, 2022 3:21 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>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'tyler.rebel@westarenergy.com' <tyler.rebel@westarenergy.com>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Good Afternoon,

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

Thank you,

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

Allison, Amy

From: Van Parys, David
Sent: Monday, November 14, 2022 8:11 AM
To: Allison, Amy
Subject: RE: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Amy, The request to issue the SUP subject the contingency of obtaining the necessary environmental permits is acceptable.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, November 10, 2022 3:21 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>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'tyler.rebel@westarenergy.com' <tyler.rebel@westarenergy.com>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding a fill site/borrow area at 00000 Springdale Rd (078-33-0-00-00-021.00)

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Friday, November 18, 2022.

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

Thank you,

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

Allison, Amy

From: Noll, Bill
Sent: Monday, November 14, 2022 8:33 AM
To: Van Parys, David; 'Mitch Pleak'
Cc: PZ
Subject: RE: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Since this is on a KDOT highway and does not have a defined haul route onto county roadways, Public Works has not roadway comments.

Bill Noll, PS MPA CPM CFM

Leavenworth County
Infrastructure and Construction Services Director
(913) 684-0470

From: Allison, Amy
Sent: Thursday, November 10, 2022 3:21 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>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'tyler.rebel@westarenergy.com' <tyler.rebel@westarenergy.com>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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Thank you,

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

Allison, Amy

From: Michael Stackhouse <mstackhouse@fd1lvco.org>
Sent: Tuesday, November 15, 2022 11:24 AM
To: Allison, Amy
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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.

We have no issues with this.

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: Thursday, November 10, 2022 3:21 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>; Michael Stackhouse <mstackhouse@fd1lvco.org>; 'tyler.rebel@westarenergy.com' <tyler.rebel@westarenergy.com>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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

Allison, Amy

From: Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Sent: Monday, November 21, 2022 3:07 PM
To: Allison, Amy
Subject: RE: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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.

No comments.

Steve Taylor
Kansas Department of Transportation
Utility Coordinator
District 1 Area 3
650 north K-7 Highway
Bonner Springs, Ks.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, November 21, 2022 2:57 PM
To: Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Subject: FW: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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

Good Afternoon Steve,

Do you have any comments for the attached case? Since this is a State maintained road, the county did not have any comments as far as the roads.

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, November 10, 2022 3:21 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

MEMO

To: Krystal Voth
From: Chuck Magaha
Subject: Landfill Lexeco
Date: December 6, 2022

Krystal, I have reviewed the special use permit for the operation of a landfill by Lexeco on Springdale Road Just West of the KDOT site. A sign posted on the outside of the property for emergency contacts for responders to make contact in the event an emergency occurred after hours. I would like to see a containment area placed below the site for contaminates of runoff from water be placed at the base of the area to capture the silt from entering the surrounding properties. The area described is a high drainage area, which can wash, contaminates down stream from the area. I would ask how the operator plans to monitor Asbestos contaminates that may be in demolished contracts of debris. This will have a health issue if not addressed, and if ever abandoned the County may have to incur the cost of testing for asbestos. The operator should not be able to perform any outdoor burning within the immediate premise location. A fire barrier should be placed around the debris of at least 75 feet around the entire debris location freed of over growth vegetation I have no further comments at this time. If you have any questions please call me at 684-0455.

Allison, Amy

From: Magaha, Chuck
Sent: Thursday, December 8, 2022 4:47 PM
To: Allison, Amy
Subject: RE: DEV-21-156 Lexeco Review Comments

All looks fine I was in my memo inquiring of road signs of equipment entering the highway when in operations not for sure if KDOT will require or not with temporary or permanent signage.

Thanks

Chuck

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, December 8, 2022 1:12 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>
Subject: FW: DEV-21-156 Lexeco Review Comments

Chuck,

Please see the Kaaz response to your memo. Let me know if you have any additional comments.

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

From: Greg Kaaz <greg@lexeco.com>
Sent: Wednesday, December 7, 2022 12:32 PM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>; Matt Kaaz <matt@lexeco.com>
Subject: RE: DEV-21-156 Lexeco Review Comments

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

Amy,

Please see attached response to questions that addresses Emergency Management's concerns. I just added them to the bottom of the response I provided a week ago. I have also attached the correspondence from KCC concerning removal of the natural gas well. Let me know if you have any questions.

Thanks,

Greg D. Kaaz
Lexeco, Inc.



Construction and Demolition Wastes and Clean Rubble Guidance Document

Construction and Demolition (C&D) waste is solid waste generated during construction or demolition activities. Clean rubble is also generated during construction or demolition activities, but it differs in composition from C&D waste. This document explains the definitions of C&D waste and clean rubble and acceptable methods for disposal of both.

Construction and Demolition Waste

Definition of C&D waste

C&D waste is defined in [KSA 65-3402\(u\)](#) as:

- solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities;
- untreated wood and untreated sawdust from any source;
- treated wood from construction or demolition projects;
- small amounts of municipal solid waste generated by the consumption of food and drinks at construction or demolition sites, including, but not limited to, cups, bags and bottles;
- furniture and appliances from which ozone depleting chlorofluorocarbons have been removed in accordance with the provisions of the federal clean air act;
- solid waste consisting of motor vehicle window glass; and
- solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm related cleanup.

Such wastes include, but are not limited to, bricks, concrete, and other masonry materials, roofing materials, soil, rock, wood, wood products, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials, non-asbestos insulation and construction related packaging.

Other statutes and regulations further refine the definition:

Construction related packaging means small quantities of packaging wastes that are generated in the construction, remodeling or repair of structures and related appurtenances. “Construction related packaging” does not include packaging wastes that are generated at retail establishments selling construction materials, chemical containers generated from any source or packaging generated during maintenance of existing structures. *KSA 65-3402(dd)*

Furniture and appliances do not include computer monitors and other computer components, televisions, videocassette recorders, stereos, and similar waste electronics.
[KAR 28-29-300\(a\)\(4\)\(A\)](#)

Treated wood includes wood treated with any of the following:

- (i) Creosote;
- (ii) oil-borne preservatives, including pentachlorophenol and copper naphthenate;

- (iii) waterborne preservatives, including chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), and ammoniacal copper quaternary compound (ACQ); or
- (iv) any other chemical that poses risks to human health and the environment that are similar to the risks posed by the chemicals specified in paragraphs (i) through (iii).

KAR 28-29-300(a)(4)(B)

Untreated wood includes the following, if the wood has not been treated with any of the chemicals listed in the definition of treated wood:

- (i) Coated wood, including wood that has been painted, stained, or varnished; and
- (ii) engineered wood, including plywood, laminated wood, oriented-strand board, and particle board.

KAR 28-29-300(a)(4)(C)

Wastes which may be disposed of in a C&D landfill

In addition to the items *explicitly* identified as C&D waste in KSA 65-3402(u), the Kansas Department of Health and Environment (KDHE) considers the following materials as *acceptable* for disposal in a C&D landfill:

1. Uncontaminated wooden pallets;
2. Street sweepings (litter must be removed and concentrations of metals, volatile organic compounds, and other compounds must be below regulatory levels);
3. Floor tile, siding, and roofing material containing non-friable asbestos. This material should be:
 - a. handled so it remains non-friable (e.g., may have to be manually removed prior to demolition of structure);
 - b. transported wet (covered with a mist spray to suppress dust) or transported with tarp cover; and
 - c. covered immediately at the landfill;
4. Trees, brush, sod, and incidental quantities of leaves and grass;
5. Ash and other residues from the burning of trees and brush (trees and brush must have been burned in accordance with [KAR 28-19-647](#));
6. Metal scrap (e.g. tie strapping);
7. Mobile homes and trailers (except the tires and fuel tanks). KDHE encourages the recycling of metal components.

Dry mud trap solids from commercial car washes may be applied as cover at a C&D landfill. To be considered a solid the material must pass the paint filter test, EPA method SW 846/9095.

Wastes which may *not* be disposed of in a C&D landfill

Construction and demolition waste does not include waste material containing friable asbestos, garbage, appliances from which ozone depleting chlorofluorocarbons have not been removed in accordance with the provisions of the federal clean air act, electrical equipment containing hazardous materials, tires, drums and containers even though such wastes resulted from construction and demolition activities.

KSA 65-3402(u)

In addition to the items *explicitly* identified as not being C&D waste, KDHE considers the following wastes *unacceptable* for disposal in a C&D landfill:

1. Processed tires - i.e. cut or baled;
2. Mud trap wastes from businesses other than commercial car washes;
3. Bagged or bulk quantities of leaves and/or grass clippings;
4. Trash bags, unless demonstrated to contain only acceptable wastes.

Disposal options for C&D wastes

Acceptable C&D wastes may be disposed of in either a municipal solid waste landfill (MSWLF) or in a C&D landfill. Both MSWLFs and C&D landfills must be approved by KDHE through a permit process. But because of the relatively inert nature of the wastes disposed in C&D landfills, these landfills do not have to meet design standards as strict as those for MSWLFs.

Most C&D landfills will, on occasion, receive waste that is not appropriate for disposal. Therefore, all C&D landfills should conduct waste screening (i.e., inspect incoming waste and remove unacceptable materials) and maintain a dumpster or roll-off container onsite for unacceptable wastes which are received at the landfill. Waste screening is covered in Guidance Document [Waste Screening and General Operations at Construction & Demolition Landfills](#), and storage of unapproved wastes screened from construction and demolition landfills is addressed in Bureau of Waste Management [Policy 02-01](#).

Clean Rubble

Definition of clean rubble

According to KSA 65-3402(w), “Clean rubble means the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary.”

[KSA 65-3415b](#) lists “clean rubble” as a waste which is exempt from the state solid waste tonnage fee. The definition of “construction and demolition waste” in KSA 65-3402(u) states: “Clean rubble that is mixed with other construction and demolition waste during demolition or transportation shall be considered to be construction and demolition waste.”

Clean rubble that is brought separately to a construction and demolition landfill or a municipal solid waste landfill is not subject to the tonnage fee, even if the clean rubble is mixed with construction and demolition waste or municipal solid waste upon disposal.

Disposal of clean rubble

The stable nature of the materials in clean rubble means it may be disposed of with C&D waste, or it may be disposed of separately at a clean rubble site. However, clean rubble that is mixed with other C&D waste during demolition or transportation is considered to be C&D waste and must be disposed of at either a MSWLF or at a C&D landfill.

Unlike a C&D landfill, state statutes do not require a solid waste permit for operation of a site that accepts only clean rubble. However, a clean rubble site may be subject to local city or county requirements such as local approval (zoning or land use) and local ordinances.

Approval from the Division of Water Resources (DWR) may be required if the site is located in the 100-year flood plain. The operation and appearance of the site must not create a public nuisance or adversely affect the public health or the environment.

Issued: 04/1994; Content revised 01/20/1998, 09/1998, 05/29/2002, 07/02/2002, 10/03/2007, and 09/29/2014; Revised 06/23/2022: updated formatting and contact information and added hyperlinks

For additional information regarding proper management of solid or hazardous waste in Kansas, you may contact the Bureau of Waste Management at (785) 296-1600 or the address at the top of this document, or visit the Bureau’s website at www.kdhe.ks.gov/Waste.

**LEAVENWORTH COUNTY
BOARD OF ZONING APPEALS
STAFF REPORT**

CASE NO: DEV-23-022 Farley Variance Request

March 8, 2023

REQUEST: *Public Hearing Required*

Variance

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 00000 243rd Street

APPLICANT/APPLICANT AGENT:

RYAN FARLEY
23170 243RD STREET
MCLOUTH, KS 66054

PROPERTY OWNER:

RYAN FARLEY

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
RESIDENTIAL (2.5 ACRES MIN)

LEGAL DESCRIPTION:

A tract of land in the Southwest Quarter (SW ¼) Section 12, Township 10 South, of Range 20 East of the 6th p.m., Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

PROPERTY INFORMATION

ACTION OPTIONS:

1. Approve Case No. DEV-23-022, variance from Article 5, Section 4, the required road frontage for the RR-5 district.
2. Deny Case No. DEV-23-022, variance from Article 5, Section 4, the required road frontage for the RR-5 district.
3. Continue the public hearing on the variance at another date, time, and place.

PARCEL SIZE: 15 ACRES

PARCEL ID NO:

131-12-0-00-00-005.00-Z

BUILDINGS:

NONE

PROJECT SUMMARY:

Request for a variance from Article 5, Section 4 which requires a minimum road frontage of 300 feet.

ACCESS/STREET:

243RD STREET;
COUNTY ARTERIAL, PAVED ROAD ±26
FT. WIDE

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: UNION

WATER: RWD 9

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW: N/A

NEWSPAPER NOTIFICATION:

2/14/2023

NOTICE TO SURROUNDING

PROPERTY OWNERS:

2/14/2023

FACTORS TO BE CONSIDERED:

A request for a variance may be granted in such individual case, upon a finding that all of the following conditions have been met (KS Statutes 12-759):

1. The variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning classification, and is created by the zoning regulations and not by an action or actions of the property owner or the applicant;

The parcel, in its current configuration, was created in 1987 by deed (Survey filed in 1986). The current owners are not the party that created the non-compliant parcel.

2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;

The property has had a substandard frontage for more than 30 years. The applicant is proposing to keep the use of the land as residential. Granting the variance will not change the use of the property.

3. The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;

The strict application of the zoning regulations would result in the applicant not being able to develop the parcel. The applicant inherited two parcels from their parents, who had bought two parcels from another party. If the variance is not granted, the second parcel will remain unbuildable.

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

The requested variance would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare of the community.

5. Granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

The parcel was established over 30 years ago. Granting the variance will allow the parcel to be developed.

STAFF COMMENTS:

The applicant is seeking relief from Article 5, Section 4 the Zoning Regulations due to their property having a non-compliant road frontage (approximately 141 feet). The applicant acquired the property in its current configuration and did not cause the non-conformity. The owners would like to sell the parcel but it is currently not entitled to building permits. The property accesses off of 243rd Street. A new access will need to be granted for the property.

ATTACHMENTS:

A: Application

B: Zoning Map

C: Memorandums

RWD #9
Freestate
12 10 20
342 15.50

BOARD OF ZONING APPEALS APPLICATION

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

FEB 03 2023

CK 101

Office Use Only

Case No. DEV-23- 131-12 005Z
PID: 131-12 005Z
Township _____
BZA Hearing Date _____
ACTION Variance from minimum rd frontage Date Received 02.03.2023 Date Paid 02.03.2023
Zoning District RR S.O
Comprehensive Plan land use designation —

APPLICANT/AGENT INFORMATION

OWNER INFORMATION (If different)

NAME Ryan Farley
ADDRESS 23170 243rd St.
CITY/ST/ZIP McLouth, KS 66054
PHONE (913) 775-1326
EMAIL stlouisblues1972@yahoo.com

NAME John
ADDRESS _____
CITY/ST/ZIP _____
PHONE _____
EMAIL dfs2nf@sbcglobal.net

do

GENERAL INFORMATION

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

PROPERTY INFORMATION

Address of Property 00000 243rd St.
Parcel size 15.5 acre
Present improvements or structures None
Current use of the property? Agriculture

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

Signature Ryan M. Farley Date 2-3-23

ATTACHMENT A

Doc #: 2019R08198
STACY R. DRISCOLL
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
10/10/2019 11:26:55 AM
RECORDING FEE: 38.00
PAGES: 2

Entered in the transfer record in my office this
10 day of Oct, 2019
Janit Klavinski
County Clerk
by B Jones

THIS DEED IS PREPARED AT THE REQUEST OF THE PARTIES WITHOUT THE
BENEFIT OF A TITLE SEARCH OR AD VALOREM TAX INFORMATION

KANSAS TRANSFER-ON-DEATH DEED

On this 8 day of October, 2019, Sandra J. Fisher, a single person, by
her attorney-in-fact, Ryan M. Farley a/k/a Kathleen Anne Farley, Grantor, and as Owner of the
hereafter described interest, does herein sell, assign and

TRANSFER on her death to:

Ryan M. Farley, a single person, as Grantee Beneficiary, all of Grantor's interest in the
following described real estate in the County of Leavenworth, State of Kansas, to-wit:

The North 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of
Section 12, Township 10 South, Range 20 East of the Sixth P.M. Leavenworth
County, Kansas.

**THIS TRANSFER ON DEATH DEED IS REVOCABLE. IT DOES NOT TRANSFER
ANY OWNERSHIP UNTIL THE DEATH OF THE OWNER. IT REVOKES ALL PRIOR
BENEFICIARY DESIGNATIONS BY THIS OWNER FOR THIS INTEREST IN REAL
ESTATE.**

This Transfer on Death Deed is made pursuant to K.S.A. 59-3501 et seq.

Sandra J. Fisher by Ryan M. Farley aka Kathleen Anne Farley POA

Sandra J. Fisher

by her attorney-in-fact, Ryan M. Farley a/k/a Kathleen Anne Farley

STATE OF Kansas)

COUNTY OF Johnson) ss:

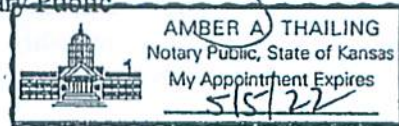
On this 8 day of October, 2019 before me personally appeared Sandra J. Fisher, by her attorney-in-fact, Ryan M. Farley a/k/a Kathleen Anne Farley, to me personally known to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same as a free and voluntary act and deed.

IN TESTIMONY WHEREOF, I set my hand and affixed my official seal in the City or County and State aforesaid, on the day and year above written.

My appointment expires:



Notary Public



Mailing address of Grantor and Grantee:

Sandra J. Fisher
23170 243rd Street
McLouth, Kansas 66054

Ryan M. Farley
23170 243rd Street
McLouth, Kansas 66054

Return To:

KC Elder Law, P.A.
Corporate Woods 32
9225 Indian Creek Parkway, Suite 1100
Overland Park, Kansas 66210

Entered in the transfer record in my office this

10 day of Oct, 2019

Janet K. Harrison
County Clerk
by B. Jones

THIS DEED IS PREPARED AT THE REQUEST OF THE PARTIES WITHOUT THE
BENEFIT OF A TITLE SEARCH OR AD VALOREM TAX INFORMATION

KANSAS TRANSFER-ON-DEATH DEED

On this 8 day of October, 2019, Sandra J. Fisher, a single person, by her attorney-in-fact, Ryan M. Farley a/k/a Kathleen Anne Farley, Grantor, and as Owner of the hereafter described interest, does herein sell, assign and

TRANSFER on her death to:

Ryan M. Farley, a single person, as Grantee Beneficiary, all of Grantor's interest in the following described real estate in the County of Leavenworth, State of Kansas, to-wit:

A tract of land in the Southwest Quarter (SW 1/4) of Section 12, Township 10 South, Range 20, East of the 6th P.M; more fully described as follows: Beginning at a point 330.0 feet South of the Northwest corner of the Southwest Quarter (SW1/4); thence South 89 Degrees 05' 12" East 660.00 feet, thence North 330.00 feet, South 89 degrees 5'12" East 1190.00 feet, thence South 471.00 feet, thence North 89 Degrees 5'12" West 1850.00 feet, thence North 141.0 feet to the point of Beginning, Leavenworth County Kansas, less that part used for road purposes.

THIS TRANSFER ON DEATH DEED IS REVOCABLE. IT DOES NOT TRANSFER ANY OWNERSHIP UNTIL THE DEATH OF THE OWNER. IT REVOKES ALL PRIOR BENEFICIARY DESIGNATIONS BY THIS OWNER FOR THIS INTEREST IN REAL ESTATE.

This Transfer on Death Deed is made pursuant to K.S.A. 59-3501 et seq.

Sandra J. Fisher by Ryan M. Farley aka Kathleen Anne Farley POA
Sandra J. Fisher

by her attorney-in-fact, Ryan M. Farley a/k/a Kathleen Anne Farley


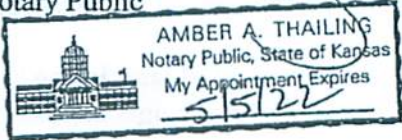
STATE OF Kansas)

COUNTY OF Johnson) ss:

On this 8 day of October, 2019 before me personally appeared Sandra J. Fisher, by her attorney-in-fact, Ryan M. Farley a/k/a Kathleen Anne Farley, to me personally known to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same as a free and voluntary act and deed.

IN TESTIMONY WHEREOF, I set my hand and affixed my official seal in the City or County and State aforesaid, on the day and year above written.

My appointment expires:


Notary Public


Mailing address of Grantor and
Grantee:

Sandra J. Fisher
23170 243rd Street
McLouth, Kansas 66054

Ryan M. Farley
23170 243rd Street
McLouth, Kansas 66054

Return To:

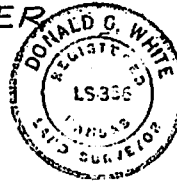
KC Elder Law, P.A.
Corporate Woods 32
9225 Indian Creek Parkway, Suite 1100
Overland Park, Kansas 66210

PLAT and SURVEY

FOR WILLIAM MURR & DARRELL FISHER

ADDITION _____ CITY _____
 BLOCK _____ LOT _____
 SECTION 12 TOWNSHIP 10S RANGE 20E
 COUNTY OF LEAVENWORTH STATE OF KANSAS
 DATE Nov 7 1986

SEAL



I HEREBY CERTIFY THIS PLAT TO BE A TRUE REPRESENTATION OF SURVEY.

Donald G. White
 DONALD G. WHITE
 L.S. 356

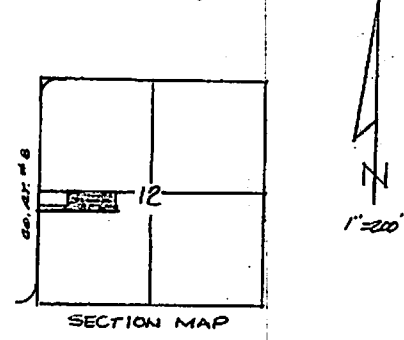
RECORDED: BOOK S-12 PAGE #16
 DATE 87

- LEGEND**
- SURVEY BAR FOUND
 - 1/2" x 24" REBAR SET
 - ▲ NAIL SET

REFERENCES

ROAD PLANS
 S-11 #42 1982

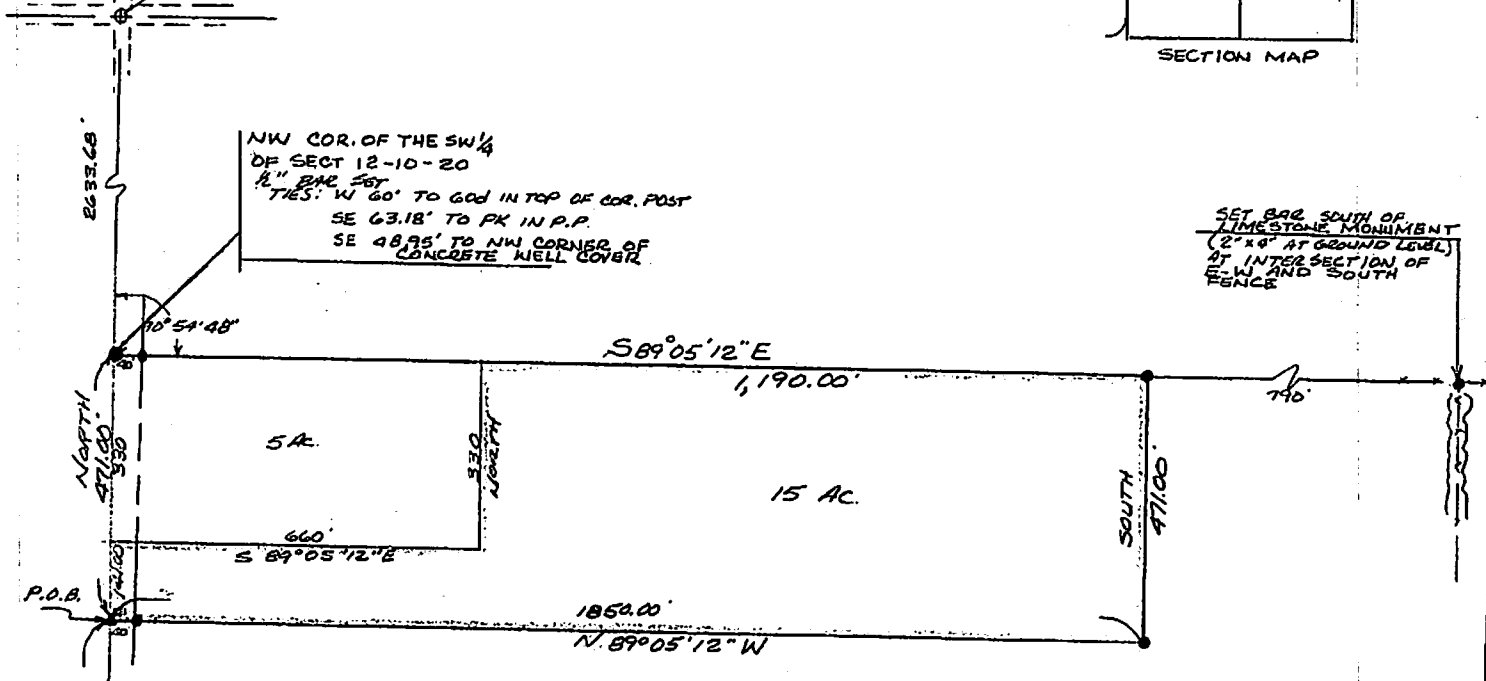
D.G. WHITE & ASSOCIATES
 Engineering & Surveying
 P. O. Box 192 Lansing, KS 66043
 (913) 727-1007



NW CORNER OF SECT 12-10-20
 3/4" BAR - 2" DEEP (BENT)
 TIES: NW 42.66' TO GOD IN TELE RISER GUARD POST
 NE 39.95' " " " P. POLE " " "

NW COR. OF THE SW 1/4
 OF SECT 12-10-20
 1/2" BAR SET
 TIES: W 60' TO GOD IN TOP OF COR. POST
 SE 63.18' TO PK IN P.P.
 SE 48.75' TO NW CORNER OF
 CONCRETE WELL COVER.

SET BAR SOUTH OF
 LIMESTONE MONUMENT
 (2' x 4" AT GROUND LEVEL)
 AT INTERSECTION OF
 E-W AND SOUTH
 FENCE



STATE OF KANSAS
 COUNTY OF LEAVENWORTH } ss
 FILED FOR RECORD
 1987 MAR 30 P. 2: 26 PM
Dora L. Farmer
 DORA L. FARMER
 REGISTER OF DEEDS
 DEP.

SW CORNER OF THE
 SW 1/4 OF 12-10-20
 1/2" BAR - 2" DEEP
 TIES: 1. SE 35.36' TO PK IN P.P.
 2. SW 42.89' " " " TOP OF COR. POST
 3. NE 39.25' " " " GOD IN " " EQ. POST



R. E. Bacon
 COUNTY SURVEYOR

Miller Abstract Company, Inc.

**WARRANTY DEED
JOINT TENANCY**

William L. Murr and Janeice E. Murr, husband and wife

of Leavenworth County, Kansas, convey S and warrant S to

Darrell J. Fisher and Sandra E. Fisher, husband and wife

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

A tract of land in the Southwest Quarter (SW1/4) of Section 12, Township 10 South, Range 20 East of the 6th P.M., more fully described as follows: Beginning at a point 330.0 feet South of the Northwest corner of the Southwest Quarter (SW1/4); thence south 89° 05' 12" East 660.00 feet; thence North 330.00 feet, South 89° 05' 12" East 1190.00 feet; thence South 471.0 feet; thence North 89° 05' 12" West 1850.00 feet; thence North 141.0 feet to the point of beginning, Leavenworth County, Kansas, less that part used for road purposes.

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

said property situated in Leavenworth County, Kansas,

for the sum of One dollar and other good and valuable considerations--NO----- Dollars, 100

this 25th day of March, 1987.

William L. Murr
William L. Murr
Janeice E. Murr
Janeice E. Murr

STATE OF KANSAS, Leavenworth County, ss.

BE IT REMEMBERED, That on this 25th day of March, A. D. 19 87

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

William L. Murr and Janeice E. Murr, husband and wife

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

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last above written.

L. C. EVANS
STATE OF KANSAS
NOTARY PUBLIC
My Ass't. Exp. June 27, 1990

L. C. Evans
L. C. Evans, Notary Public

My notarial commission expires June 27th, 1990

BOOK 605 PAGE 2027

STATE OF KANSAS, _____ County, ss.

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

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

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last above written.

My notarial commission expires _____ 19 _____ Notary Public

STATE OF KANSAS, _____ County, ss.

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

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

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last above written.

My notarial commission expires _____ 19 _____ Notary Public

STATE OF KANSAS
COUNTY OF LEAVENWORTH } 99
FILED FOR RECORD

1987 MAR 30 P 12:55 29

Dora J. Farmer
DORA J. FARMER
REGISTER OF DEEDS

DEP.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/19/01 BY 66054
P. O. Box 28
Leavenworth, Kansas 66048

Be 1
M. J. ...

THIS DEED MUST BE RECORDED

No. _____
BOOK _____

WARRANTY DEED
JOINT TENANCY

FROM

TO

605 PAGE 2028

Entered in Transfer Record _____ in my office, this 30 day of March

A.D. 1987

Deborah ...
Deputy Clerk.

STATE OF KANSAS,

County, } ss.

This instrument was filed for record on

the _____ day of _____ A. D. 19 _____

at _____ o'clock _____ M., and

duly recorded in Book _____ of Deeds,

at page _____

Register of Deeds.

Deputy.

By _____

FEE

Register of Deeds, for recording, \$ _____

County Clerk, for transfer, \$ _____

Total, \$ _____

Written Narrative Requirements

Written Narrative Description: A written narrative description of the proposed variance must be submitted that addresses:

FACTORS TO BE CONSIDERED

A request for a variance may be granted in such individual cases, upon finding that all the following conditions have been met (KS Statutes 12-759).

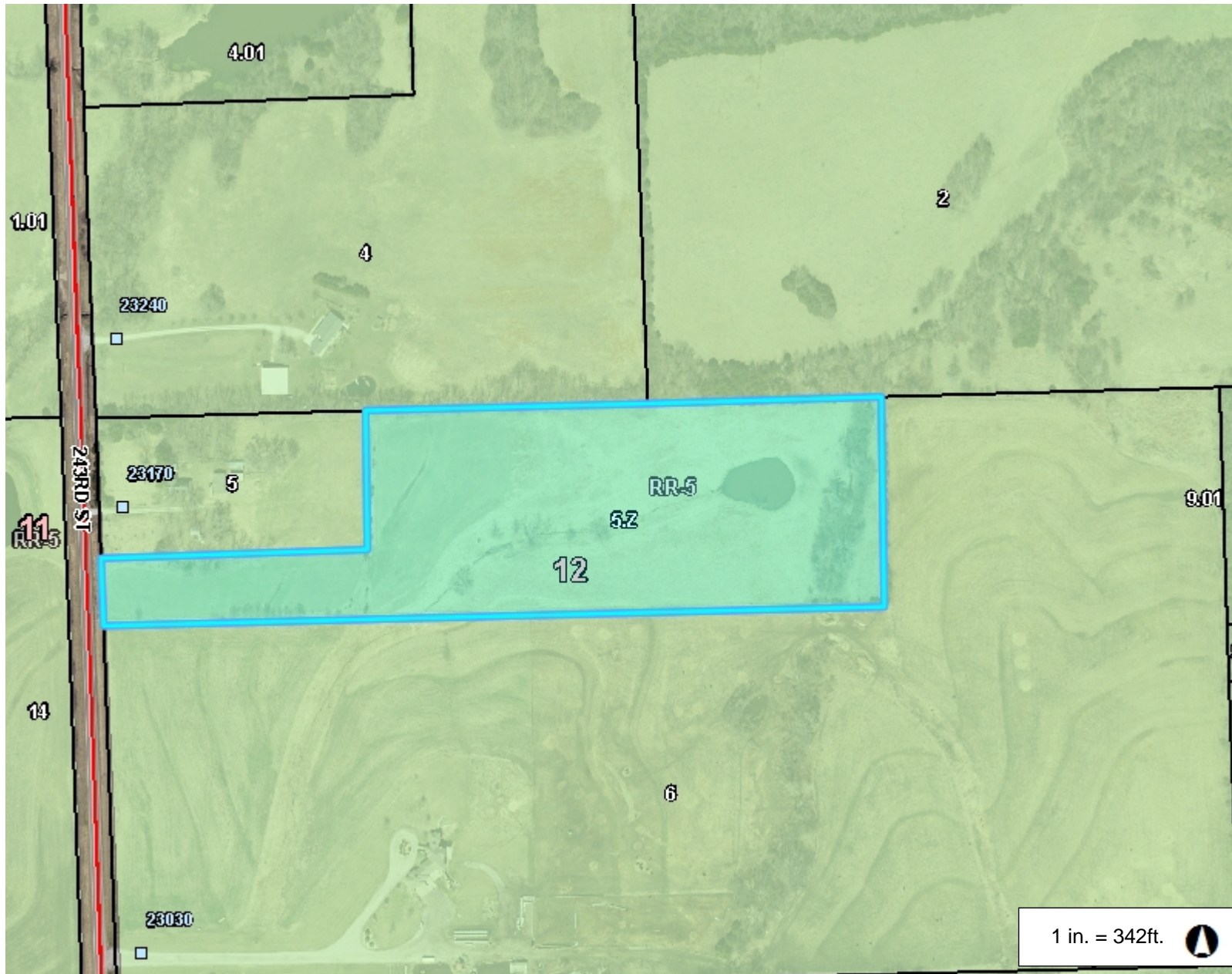
- (A) That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;
- (B) That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- (C) That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- (D) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;
- (E) That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

ATTACHMENT C

Property is 15.5 acres and has about 150 ft of road frontage. 300 ft of frontage is required to be buildable. I am requesting a variance for the property to be buildable.

- A.) The condition was NOT created by myself or family, the current + former owners, following my family's purchase of the property.
- B.) Issuance of variance will not adversely affect the adjacent property owners or residents,
- C.) This variance does ~~not~~ create a hardship on me. (I would not be able to sell my 20 acres as 2 lots - 1-5 acre lot with 2 houses + outbuildings + the other 15 acres of land.)
- D.) This variance will not affect any of the above.
- E.) The variance will not be opposed to the zoning regulations.

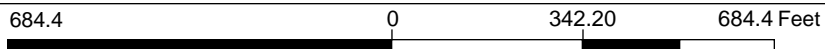
DEV-23-022 Farley Variance



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

1 in. = 342ft.



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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Allison, Amy

From: Anderson, Kyle
Sent: Wednesday, February 8, 2023 8:05 AM
To: Allison, Amy
Subject: RE: RE: DEV-23-022 Variance – Farley

We have not received any complaints on this property.

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Tuesday, February 7, 2023 10:09 AM
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-022 Variance – Farley

Good Morning,

The Department of Planning and Zoning has received a request for a Variance regarding Lot Frontage Requirements in the RR-5 district on the property located at 00000 243rd Street (PID 131-12-0-00-00-005.00-Z). The property currently has less than the required 300 feet of frontage.

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, February 14, 2023.

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

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