

LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, September 13, 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-23-094 Final Plat – Neu Airstrip**

Consideration of a Preliminary Plat for Neu Field Airpark PUD on the following described property: Two tracts of land in the West half of the East half of the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas
Also known as 17271 & 17251 Hollingsworth Rd (PID: 154-20-0-00-00-002.00 & 154-20-0-00-00-002.01)
 - B. **Case DEV-23-095 & 096 Preliminary and Final Plat – Schempps Double “S” Estates**

Consideration of a Preliminary and Final Plat for Schempps Double “S” Estates on the following described property: A tract of land in the Northeast Quarter of Section 7, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.
Also known as 18651 182nd Street
PID: 183-07-0-00-00-021.00
 - C. **Case DEV-23-107 Final Plat – Kesinger Farms**

Consideration of a Preliminary Plat for Kesinger Farms on the following described property: A tract of land in the South Half of Section 12, Township 12 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.
Also known as 24138 Loring Road & 00000 Loring Road
PID: 211-12-0-00-00-010.00 & 011.00 & 008.00

9. Regular Agenda

A. Case DEV-092 & 093 Preliminary and Final Plat Sunny Side Estates 2nd

Consideration of a Preliminary and Final Plat for Sunny Side Estates 2 on the following described property: A tract of land in the Southeast quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

Also known as 18209 166th Street

PID: 182-09-0-00-00-018.07

B. Case DEV-23-102 & 103 Preliminary and Final Plat – Dodge Addition

Consideration of a Preliminary and Final Plat for Dodge Addition on the following described property: A tract of land in the Southeast Quarter of Section 04, Township 12 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 00000 Cantrell Road

PID: 222-04-0-00-00-004.01

C. Case DEV-23-110 – Special Use Permit Whiskey Ridge

Consideration of an application for a Special Use Permit for an Event Center on the following described property: A tract of land in the Southwest Quarter of Section 3, Township 11 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas

Also known as 19051 Tonganoxie Drive (PID: 192-03-0-00-00-011.01)

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

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

D. Case DEV-23-114 Rezoning Brock RR-5 to RR-2.5

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: Four tracts of land in the South ½ of the Southeast ¼ of Section 9, Township 12, Range 21 East of the Sixt Principal Meridian in Leavenworth County, Kansas.

Also known as 21658 Loring Road

PID: 222-09-0-00-00-010.00, 010.02, and 010.03

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

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

E. Case DEV-23-117 Rezoning South Park RR-5 to RR-2.5

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: A triangular tract of land lying on the West side of the road in the Southwest Quarter of Section 28, Township 10, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 20571 219th Street

PID: 148-28-0-00-00-009.00

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

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

F. Case DEV-23-118 Rezoning McGee Estate and PCDI

Consideration of a rezoning request from RR-2.5 zoning district to R1 (43) zoning district on the following described property: The North 908.37 feet of the Southeast ¼ of Section 16, Township 11 South, Range 22 East of the Sixth P.M. in Leavenworth County, Kansas.

Also known as 17679 166th Street

PID: 185-16-0-00-00-063.00

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

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

Adjournment of Planning Commission

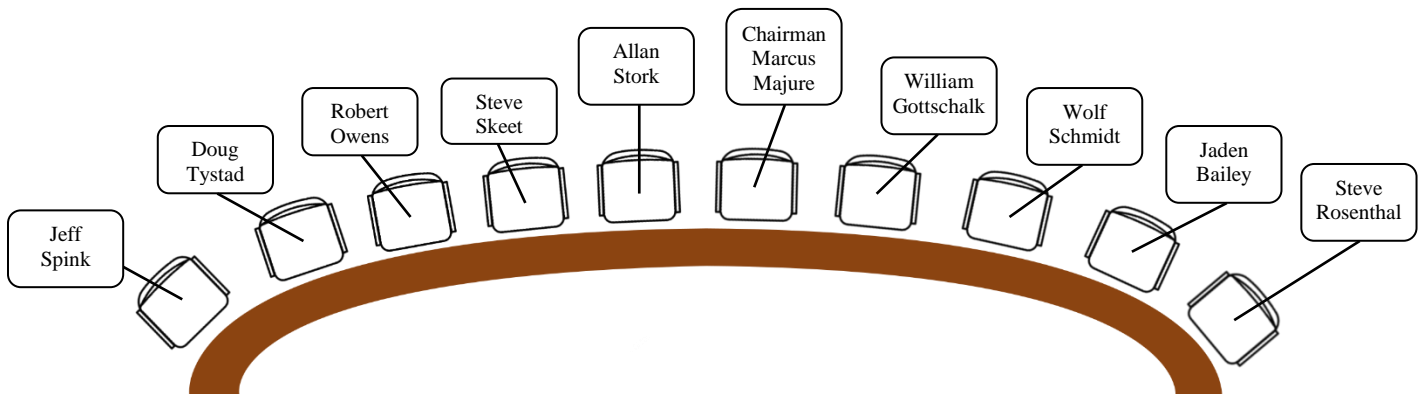
Upcoming meeting dates:

- **Wednesday, October 11, 2023, 5:30 PM**
Regular Planning Commission Meeting

For More Information

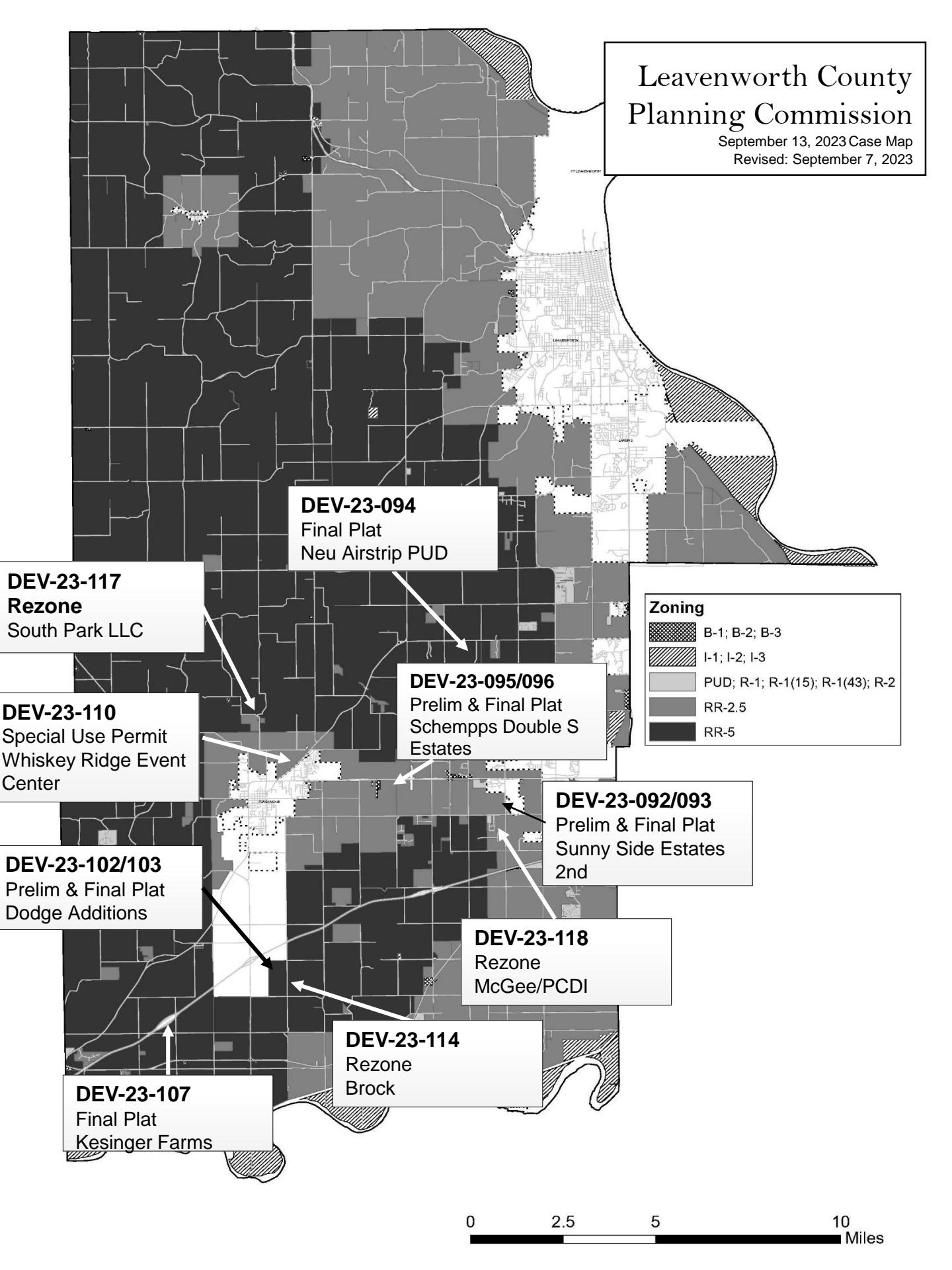
If you have any questions or need to make special arrangements for a meeting, please call or stop by the Planning and Zoning Department.
Contact Stephanie Sloop – 913-684-0465

Planning Commission Seating Chart 2023



Leavenworth County Planning Commission

September 13, 2023 Case Map
Revised: September 7, 2023



DEV-23-094
Final Plat
Neu Airstrip PUD

DEV-23-117
Rezone
South Park LLC

DEV-23-110
Special Use Permit
Whiskey Ridge Event
Center

DEV-23-102/103
Prelim & Final Plat
Dodge Additions

DEV-23-095/096
Prelim & Final Plat
Schempps Double S
Estates

DEV-23-092/093
Prelim & Final Plat
Sunny Side Estates
2nd

DEV-23-118
Rezone
McGee/PCDI

DEV-23-114
Rezone
Brock

DEV-23-107
Final Plat
Kesinger Farms

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



**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
August 9, 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, William Gottschalk, Jeff Spink, Marcus Majure, Steve Rosenthal, Allan Stork, Doug Tystad and Steve Skeet

Members absent: Robert Owens and Wolf Schmidt

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Stephanie Sloop-Planning Coordinator, David Van Parys Brown-County Counselor

Minutes:

Commissioner Tystad made a motion to approve the minutes. Commissioner Gottschalk seconded the motion.

ROLL CALL VOTE - Motion to approve the minutes passed, 6/0 (1 abstention)

Secretary's Report:

Amy Allison gave the secretary's report going over the agenda. Indicating that there were four plats on the consent agenda.

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

ROLL CALL VOTE - Motion to approve the agenda passed, 7/0

**Case DEV-075 & 076 Preliminary and Final Plat – Rader Farms
Consideration of a Preliminary and Final Plat for Rader Farms on the following described property: A tract of land in the Northeast Quarter of Section 9, Township 9 South, Range 22 East, of the 6th P.M., Leavenworth County, Kansas.**

Amy Allison gave the staff report for the above-listed case. Allison stated that the applicant is asking for an exception to the plat. She asked the board if they recommended granting the exception they first make a motion granting the exception and then make a motion on the plat.

Chairman Majure asked if there were any questions or discussions from the board. Chairman Majure asked if the applicant wished to speak. Joe Herring, Herring Surveying, addressed the board, further explaining the nature of his request.

Chairman Majure asked if there were any further questions or discussions from the board, if not he would accept a motion.

Commissioner Rosenthal motioned to approve the exception requested for Case DEV-23-075 & 076 a Preliminary and Final Plat for Rader Farms. Commissioner Bailey seconded the motion.

ROLL CALL VOTE - Motion to approve passed 7/0

Commissioner Stork motioned to approve DEV-23-75 & 076 a Preliminary and Final Plat for Rader Farms. Commissioner Skeet seconded the motion.

ROLL CALL VOTE - Motion to approve passed 7/0

Case DEV-23-077 & 078 Preliminary Plat – Atwood Acres

Consideration of a Preliminary and Final Plat for Atwood Acres on the following described property: A tract of land in the Southeast Quarter of Section 7, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Amy Allison gave the staff report for the above-listed case. Allison did point out that the applicant is asking for an exception to the plat. She asked the board that if they were recommending approval that they first make a motion granting the exception and then make a motion on the plat.

Chairman Majure asked if there were any questions or discussions from the board. Chairman Majure asked if the applicant wished to speak. Joe Herring, Herring Surveying, addressed the board, further explaining the plat.

Chairman Majure asked if there were any further questions or discussions from the board, if not he would accept a motion.

Commissioner Tystad motioned to approve the exception requested with the plat. Commissioner Stork seconded the motion.

ROLL CALL VOTE - Motion to approve passed 7/0

Commissioner Tystad motioned to approve DEV-23-077 & 078 a Preliminary and Final Plat for Atwood Acres. Commissioner Stork seconded the motion.

ROLL CALL VOTE - Motion to approve passed 7/0

The meeting was adjourned at 5:46 p.m.

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-094 Neu Airpark PUD Final

September 13, 2023

<p>REQUEST: Consent Agenda <input type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat</p>	<p>STAFF REPRESENTATIVE: AMY ALLISON DEPUTY DIRECTOR</p>
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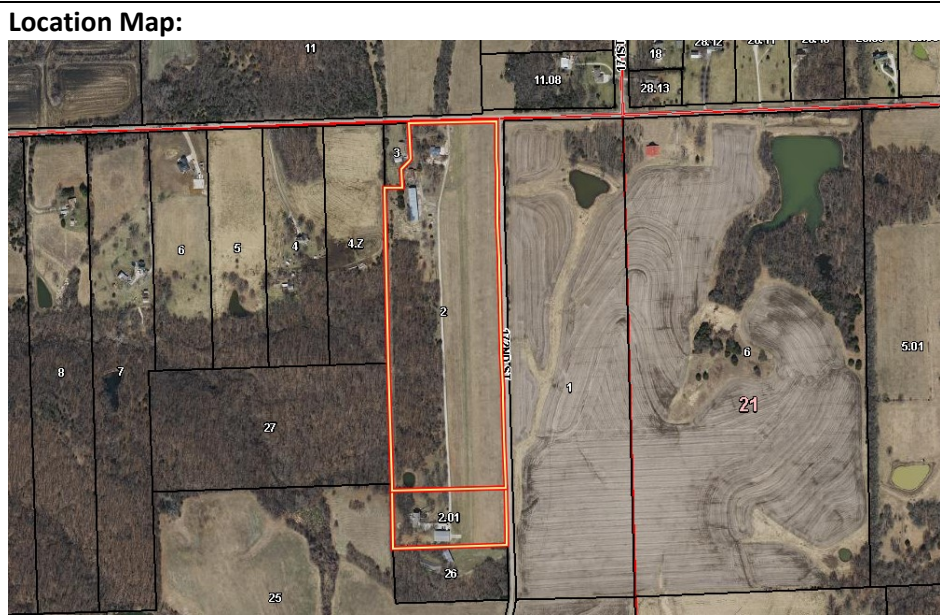
<p>SUBJECT PROPERTY: 17271 & 17251 HOLLINGSWORTH ROAD</p>	<p>APPLICANT/APPLICANT AGENT: JOE HERRING HERRING SURVEYING</p>
	<p>PROPERTY OWNER: HEARTLAND ENTERPRISES LLC & RICKY LEE AND VICKI L NEU</p>
	<p>CONCURRENT APPLICATIONS: N/A</p>
	<p align="center">LAND USE</p>
	<p>ZONING: PUD FUTURE LAND USE DESIGNATION: RESIDENTIAL (2.5 ACRE MIN)</p>

<p>LEGAL DESCRIPTION: Two tracts of land in the West half of the East half of the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas</p>	<p>SUBDIVISION: N/A FLOODPLAIN: N/A</p>
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<p>STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS</p>	<p align="center">PROPERTY INFORMATION</p>
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<p>ACTION OPTIONS:</p> <ol style="list-style-type: none"> 1. Recommend approval of Case No. DEV-23-094, Final Plat for Neu Airpark PUD, with or without conditions; or 2. Recommend denial of Case DEV-23-094, Final Plat for Neu Airpark PUD, for the following reasons; or 3. Continue the hearing to another date, time, and place. 	<p>PARCEL SIZE: 32.4 ACRES</p>
	<p>PARCEL ID NO: 154-20-0-00-00-002.00 & 154-20-0-00-00-002.01</p>
	<p>BUILDINGS: Two houses and accessory structures</p>

<p>PROJECT SUMMARY: Request for final plat approval to subdivide property located at 17271 & 17251 Hollingsworth Road as Lots 1 through 7 and Lots 1A through 7A of Neu Airpark PUD.</p>	<p>ACCESS/STREET: HOLLINGSWORTH ROAD COLLECTOR, GRAVEL, ±15' WIDE</p>
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<p align="center">UTILITIES</p>
<p>SEWER: SEPTIC</p>
<p>FIRE: STRANGER</p>
<p>WATER: SUBURBAN WATER</p>
<p>ELECTRIC: EVERGY</p>
<p align="center">NOTICE & REVIEW:</p>
<p align="center">STAFF REVIEW: 9/5/2023</p>
<p>NEWSPAPER NOTIFICATION: N/A</p>
<p>NOTICE TO SURROUNDING PROPERTY OWNERS: N/A</p>

STANDARDS TO BE CONSIDERED:			
<i>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</i>		Met	Not Met
35-40	Preliminary Plat Content	N/A	
40-20	Final Plat Content	X	
41-6	Access Management A variance was granted per DEV-21-204		X
41-6.B.a-c.	Entrance Spacing	N/A	
41-6.C.	Public Road Access Management Standards A variance was granted per DEV-21-204		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 a 14-lot subdivision to access off of Hollingsworth Road. The Subdivision is classified as a Class C subdivision with all lots lying within the Rural Growth Boundary of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system (see condition 3). The proposed subdivision will have primary lots (Lots 1-7) and Secondary Lots (1A-7A). The primary lots will have single-family residences whereas the secondary lots will only be permitted to have hangers and fuel storage. The applicant is proposing a Tract A which is the existing airstrip. The applicant is proposing to build a cross access easement development using the existing access off of Hollingsworth Rd. The applicant obtained a variance from the Access Management Policy to allow for the private road entrance. The proposed subdivision has been designed as a Planned Unit Development, establishing the standards for how the property can be developed. The rezoning to PUD was approved by the Board of County Commissioners on July 5, 2023.

The applicant has provided a final plat that complies with the conditions placed on the Preliminary Plat approval. Per the final Road Plans, on and off-site public improvements will be required for the construction of the private drive. The County will not issue building permits until all improvements have been completed and accepted by Public Works . The final plat will be subject to all design and regulatory requirements established via the Planned Unit Development. Because Neu Drive is a private roadway, the County will not accept any responsibility for installing or maintaining the private drive. Staff is generally in support of the request. The County received communication after the Preliminary Plat and Rezone were approved from Evergy discussing the potential layout of utility lines for the subdivision. Staff has included said email and placed compliance with Evergy’s comments as a proposed condition of approval on the Final plat.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction. A restriction shall be added that states “An accessory structures used for the purpose of storing airplanes or fuel shall be designed and reviewed by a licensed architect or engineer and designed in compliance with the 2006 IBC, as adopted.
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. Neu Airpark PUD is hereby approved as a Cross Access Easement subdivision. The installation and maintenance of Neu Drive is the responsibility of the members of the Home Owners Association per the attached HOA agreement. Leavenworth County does not accept any liability or maintenance of the proposed private drive.
6. No building permits shall be issued for this subdivision until all on and off-site public improvements have been installed and accepted by the Leavenworth County Public Works Department.
7. The developer must comply with the following memorandums:
 - a. Email – Tyler Rebel, Evergy, dated May 26, 2023 (forwarded to the County on July 7, 2023)

ATTACHMENTS:

A: Application & Narrative

B: Zoning Maps

C: Memorandums

D: Cross Access Easement Submittal Standards

LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-23-094

PERMIT SUB-TYPE SUBDIVISION

PID 154-20-0-00-00-002.00 PARCEL SIZE 27.8 AC ZONE RR-5
TWSP STRANGER SCHOOL DIST 458 SDD NO
SUBDIVISION LOT NO BLOCK NO
WATER DIST SUBURBAN ELECTRIC EVERGY SEWER DIST n/a
FLOOD PLAIN IN PARCEL NO FLOOD PLAIN ON BUILDING SITE NO
SITE ADDRESS 17271 Hollingsworth Rd
SITE CITY Leavenworth SITE STATE KS SITE ZIP CODE 66048

LAST NAME Neu Field Air Park FIRST NAME Neu, Rick PHONE 913-651-3858
EMAIL herringsurveying@outlook.com
ADDRESS 315 N 5th St
CITY Leavenworth STATE KS ZIP CODE 66048

CONSULTANT Joe Herring - Herring Surveying CONSULTANT PHONE 913-651-3858
CONSULTANT EMAIL

PROPOSED ZONING n/a SUP CATEGORY - USE
VARIANCE REGULATION CURRENT USE RESIDENTIAL ROAD LOCAL
COMP PLAN USE DESIGNATION UGMA

SUBDIVISION TYPE FINAL PLAT GROSS ACREAGE 27.8 COVENANTS NO
MAXIMUM LOT SIZE 4.9 MINIMUM LOT SIZE 2 OPEN SPACE ACREAGE
LOTS 7 TRACTS TOTAL PARCELS 7 DENSITY

NOTES: also contains 154-20-0-00-00-002.01 and see DEV-22-143
Paid on 10/12/2022

STAFF	7/5/2023	STAFF ACTION	PENDING	[X] PUBLIC HEARING	AGENDA AREA
PC		PC ACTION	PENDING		NOTICE PUB
BOCC		BOCC ACTION	PENDING		RESOLUTION PUB
BZA		BZA ACTION		DURATION	EXPIRATION

APPLICATION FEE \$460.00 TIF 0.00 BOND 0.00 TOTAL FEES \$460.00
CHECK NO 9175 [] CASH [] CC TIFF CHECK NO

STAFF APPROVAL *M. Johnson* DATE 07.05.2023
APPLICANT DATE

FIRST AMENDMENT TO
CONTRACT FOR PURCHASE OF REAL ESTATE

THIS FIRST AMENDMENT made this 8th day of March, 2019, between The Wesley W. Neu Revocable Trust dated December 12, 2011, hereinafter called "Seller" and Heartland Enterprises, LLC, hereinafter called "Buyer", is as follows:

WHEREAS, the parties have previously entered into a Contract for Purchase of Real Estate dated January 19, 2021, and hereby desire to amend the agreement with the following provisions:

1. Closing. The above contract is extended and closing shall be on or before the 11th day of March, 2021, at 4:00 P.M. at the office of Kansas Secured Title, Inc. - Leavenworth, 360 Santa Fe Street, Leavenworth, KS 66048, or such other time or place as the parties can agree.

2. Continued Effect. Except as modified above, the previous contract shall remain in full force and effect and without modification.


IN WITNESS WHEREOF, the parties have executed this Addendum on the date specified below.

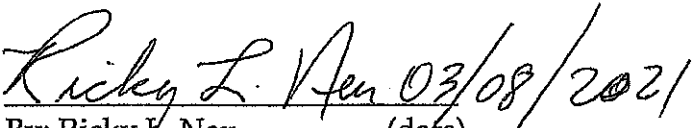
SELLER

BUYER

The Wesley W. Neu Revocable Trust
Dated December 12, 2011

Heartland Enterprises, LLC


Ricky L. Neu (date)
Successor Trustee


By: Ricky L. Neu (date)
Member

CERTIFICATION OF TRUST

Seller(s)/Owner(s) of record: The Wesley W. Neu Revocable Trust dated December 12, 2011

Buyer(s): Heartland Enterprises, LLC

Property(ies): 17271 Hollingsworth Road, Basehor, KS 66007

This document is furnished to Kansas Secured Title, Inc. - Leavenworth, by the undersigned,

Pursuant to K.S.A. 58a-1013 of the Uniform Trust Code of Kansas ("the Code"), and concerns The Wesley W. Neu Revocable Trust dated December 12, 2011 (herein "the Trust").


- a) The Trust is in existence on the date of this certification, and the trust instrument was executed on December 12, 2011.
- b) The Grantor, Wesley W. Neu, died on February 15, 2012.
- c) There are no other grantors, living or deceased.
- d) The Successor Trustee is Rick Neu, aka Ricky L. Neu, 3307 Valley Gardens Drive, Kingwood, TX 77345.
- e) The powers of the trustee include all those stated in K.S.A. 58a-815 and K.S.A. 58a-816 of the Code, and there is no provision of the Trust diminishing such powers.
- f) The Trust is irrevocable.
- g) The Trust's taxpayer identification number is 86-6411609.
- h) The proper manner of taking title to property of the Trust is: Rick Neu, Successor Trustee of the Wesley W. Neu Revocable Trust dated December 12, 2011, and its successors in interest, recorded December 29, 2011, as Doc. No. 2011R10435.
- i) The trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this Certificate of Trust to be incorrect.

832 767 9153

 **IRS** DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
PHILADELPHIA PA 19255-0023

003907.307614.92770.19555 1 MB 0.439 530




WESLEY W NEU RVOC TR DATED
DECEMBER 12 2011
RICK NEU TTEE
3307 VALLEY GARDENS DR
KINGWOOD TX 77345

003907

Date of this notice: 01-21-2021

Employer Identification Number:
86-6411609

Form: SS-4

Number of this notice: CP 575 D

For assistance you may call us at
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 86-6411609. This EIN will identify your estate or trust. If you are not the applicant, please contact the individual who is handling the estate or trust for you. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1041

01/15/2021

After our review of your information, we have determined that you have not filed tax returns for the above-mentioned tax period(s) dating as far back as 2012. Please file your return(s) by 02-05-2021. If there is a balance due on the return(s), penalties and interest will continue to accumulate from the due date of the return(s) until it is filed and paid. If you were not in business or did not hire any employees for the tax period(s) in question, please file the return(s) showing you have no liabilities.

If you have questions about the form(s) or the due dates(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, Accounting Periods and Methods.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, Entity Classification Election. See Form 8832 and its instructions for additional information.



This is a true and correct copy of the official record on file in the Office of Vital Statistics, Topeka, Kansas, certified on the date stamped below.

2012 FEB 28 AM 08:06

Elizabeth W. Saadi

Elizabeth W. Saadi, Ph.D.
State Registrar
Office of Vital Statistics
Department of Health & Environment

A05528785

It is in violation of KSA 65-2422d(g) to "prepare or issue any certificate which purports to be an original, certified copy or copy of a certificate of birth, death or fetal death, except as authorized in this act or rules and regulations adopted under this act."

CERTIFIED COPIES WILL BE PRODUCED ON MULTI-COLOR SECURITY PAPER.

NEU FIELD AIRPARK PUD

A Planned Unit Development and Cross Access Easement Plat in the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:

Rick & Vicki Neu
17251 Hollingsworth Road
Basehor, KS 66007
PID # 154-20-0-00-002.01

HEARTLAND ENTERPRISES LLC
17271 Hollingsworth Road
Basehor, KS 66007
PID # 154-20-0-00-002

SURVEYOR'S DESCRIPTION:

A tract of land in the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 24, 2022, more fully described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 88 degrees 15'39" West for a distance 659.61 feet along the North line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 28'14" East for a distance of 2345.93 feet; thence South 88 degrees 14'55" West for a distance of 657.58 feet; thence North 01 degrees 31'12" West for a distance of 1980.06 feet; thence North 88 degrees 28'39" East for a distance of 97.01 feet; thence North 02 degrees 39'41" West for a distance of 104.00 feet; thence North 45 degrees 51'39" East for a distance of 73.98 feet; thence North 06 degrees 47'21" West for a distance of 213.32 feet to the North line of said Northeast Quarter; thence North 88 degrees 15'39" East for a distance of 529.82 feet along said North line to the point of beginning.
Said property contain 34.42 acres, more or less, including road right of way.
Error of Closure = 1 : 1226905

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: NEU FIELD AIRPARK PUD.

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

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

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

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

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 Lots 1 through 6 for the benefit of all Lots 1 through 7. Maintenance is to be shared between the owners of said Lots 1 through 7. Maintenance as defined in the Home Owner's Association (H.O.A.), recorded at the Leavenworth County Register of Deeds Office Doc # 2023R.

IN TESTIMONY WHEREOF,
We, the undersigned owners of NEU FIELD AIRPARK PUD, have set our hands this _____ day of _____, 2023.

Rick Neu Vicki Neu

Rick Neu, Member of
HEARTLAND ENTERPRISES LLC

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Rick Neu and Vicki Neu, 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)

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Rick Neu, Member of Heartland Enterprises, LLC, 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 NEU FIELD AIRPARK PUD this _____ day of _____, 2023.

Secretary John Jacoboson Chairman Marcus Majure

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

County Engineer - Mitch Pleak

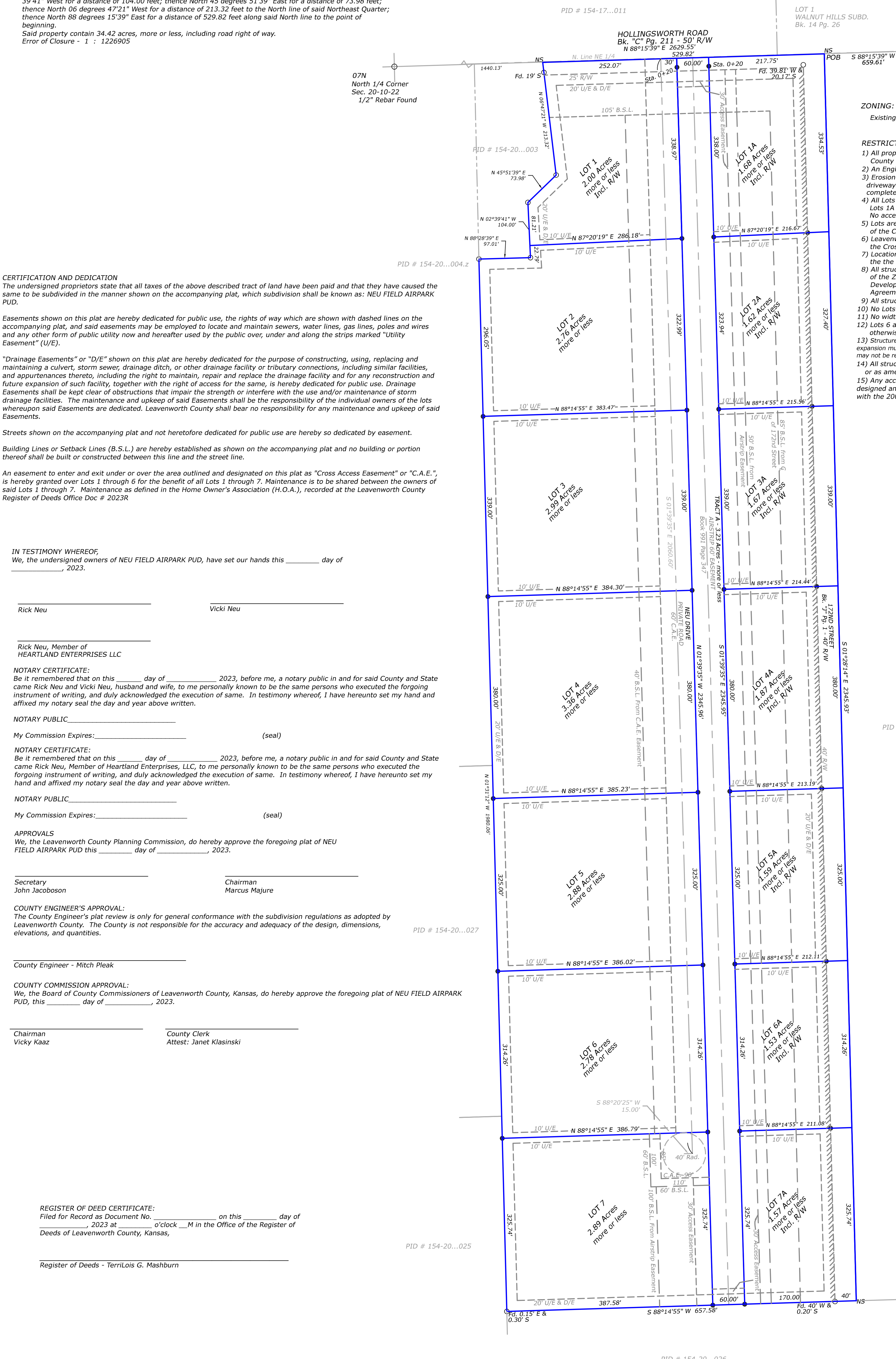
COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of NEU FIELD AIRPARK PUD, this _____ day of _____, 2023.

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

- LEGEND:
- - 1/2" Rebar Set with Cap No.1296
 - - 1/2" Rebar Found Cap #1349, 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
 - 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



ZONING:
Existing RR - 5 Ac., Proposed P.U.D. - Planned Unit Development

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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- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
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- 6) Leavenworth County shall bear no responsibility for any maintenance and upkeep of the Cross Access Easement, drive, and drive appurtenances.
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- 15) Any accessory structure used for the purpose of storing airplanes or fuel shall be designed and reviewed by a licensed architect or engineer and designed in compliance with the 2006 IBC, as adopted, or with the most current adopted building code.

NOTES:

- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Error of Closure Calculations
- 5) Basis of Bearing - KS SPC North 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Existing and Proposed Lots for Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD83 Project Benchmark (BM) - NE COR LOT 1A - 1/2" Rebar Cap 1349 - 948.6'
- 10) Easements, if any, are created hereon or listed in referenced title commitment.
- 11) Reference Recorded Deed Document No. 2021R02965
- 12) Utility Companies -
- Water - Suburban
- Electric - Eversy
- Sewer - Septic
- Gas - Propane / Natural Gas
- 13) Reference Kansas Secured Title Commitment File No. TX0017107 dated October 22, 2022 - updated June 23, 2023.
- 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C025050G 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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- 19) Fence Lines do not necessarily denote the boundary line for the property.
- 20) Reference Surveys:
- Larry T. Hahn PS-1349 Recorded Survey Doc #2016S012

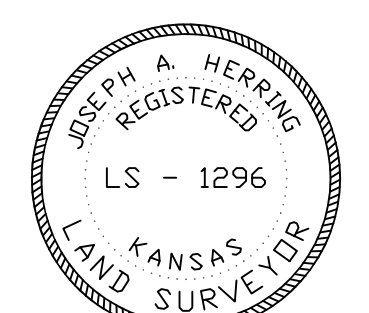
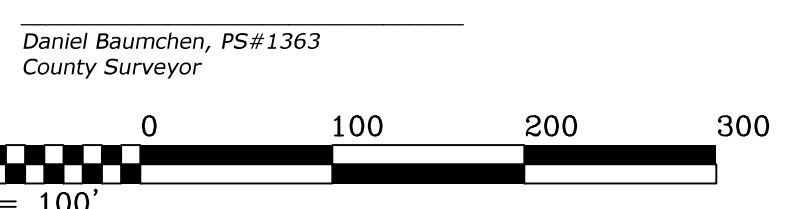


Job # K-21-1528
February 25, 2022 Rev. 7/26/23

J. HERRING
SURVEYING
COMPANY

315 North 5th Street, Leav., KS 66048
Ph. 913.661.3858 Fax 913.674.5381
Email - survey@camcash.com

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



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

Joseph A. Herring
PS # 1296



July 3, 2023

Leavenworth County
Planning and Zoning
Leavenworth KS 66048

To Whom It May Concern:

Suburban Water's present distribution system has the capacity to provide domestic water service (5/8" meter) to 5 lots of Neu Field Air Park, 172nd & Hollingsworth Road, Leavenworth County, KS.

If you have questions, please contact me at 913-724-1800.

Sincerely,

Travis J Miles
President

Allison, Amy

From: Joe Herring <herringsurveying@outlook.com>
Sent: Friday, July 7, 2023 7:32 AM
To: PZ
Subject: Re: Evergy inquiry: Neu Airfield Planned Unit Development

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

See Evergy email below.

From: Tyler Rebel
Sent: Friday, May 26, 2023 12:55 PM
To: bicki.vias@gmail.com
Subject: FW: Evergy inquiry: Neu Airfield Planned Unit Development

Rick,

After reviewing the site in-person, the preliminary plans, and Evergy's policies, I was able to put together a detailed plan that is incumbent upon the FAA permitting as this entity will set the table for what Evergy can and can't do. One important note before explaining Evergy's overall routing below, it was decided that Evergy will not extend, install, or operate facilities underneath the airstrip known as Tract A. Please see the breakdown below:

The biggest challenge for Evergy revolves around lots 1A-7A, while not impossible, it will involve construction of roughly a ½ mile of overhead power line for servicing a hanger or shop. Evergy is comfortable with utilizing the most western edge of 172nd Street right-of-way for the installation of an overhead power line that would run parallel with 172nd Street should Evergy receive approval from the FAA permit/study process. This option is the most economical solution to providing power for lots 1A through 7A ahead of time and also allow future property owners to setup metering points on their shop in a similar fashion as they did with their home on the west side of the airstrip. And as for lots designated for SFR dwellings (lots 1-7), we'll maintain our position with existing overhead power on the western edge of the development & interconnect each new home accordingly. (Developer responsibilities include: Property pin installation, vegetation removal along 172nd Street, and a one-time payment to Evergy for the overhead power line along 172nd Street.)

However, should the FAA study reveal a *rejected* application for the proposed installation of an overhead power line along 172nd Street, that will change the scope of the project quite a bit. As the developer you'll have (3) options total and they are listed below from most affordable to most expensive:

1. The existing overhead power line on the most western edge of the development will act as the power source for all 14 individual lots, but Evergy facilities will not extend due east through the Airstrip tract. Instead, property owners who request power for their shop or hanger will be

instructed by Evergy to install a metering point near the C.A.E tract which would allow the property owner to then route private conduit/wire through the Airstrip tract and into their shop or hanger.

2. A new underground power line is installed within a private Evergy 10' easement along or within the western portion of the C.A.E. tract which by doing so "centralizes" power facilities for the development and reduces the efforts of future property owners when extending private electrical lines easterly to their shop. The majority of the existing overhead power line would be removed. Property owners that request power to their shop or hanger will still be instructed to set a metering point on their SFR lot and take private electrical lines easterly through the airstrip. Evergy would contribute labor and underground material less trenching/backfill.
3. Most Expensive: The existing overhead power line stays as-is for servicing the SFR lots, 1-7. Developer & Evergy coordinate for the installation of a high voltage underground power line that routes north to south via the proposed 20' U/E on the eastern side of lots 1A through 7A. Developer responsible for Evergy material, labor, and trenching/backfilling.

Ultimately, it all depends how available you'd like power to be for future property owners within this development. Attempting to outline this with a drawing would be rather difficult to understand, so my apologies for the convoluted explanation. Let me know if you have questions – thanks.

Tyler Rebel
Distribution Designer
Evergy
tyler.rebel@evergy.com
O: 913.758.2727
evergy.com

From: Tyler Rebel
Sent: Thursday, January 26, 2023 1:42 PM
To: bicki.vias@gmail.com
Subject: Evergy inquiry: Neu Airfield Planned Unit Development

Good afternoon Rick,

It's been a bit since we last spoke, but I recently was sent plans from the County regarding your new development and had a few questions for yourself. If you have time to discuss over phone, that's great, if not, I can discuss over e-mail.

I left a voicemail on your phone (832) 767-8041, but wasn't sure if this was your best line. Either way, feel free to reach out when you get a moment - thanks

Tyler Rebel
Distribution Designer
Evergy
tyler.rebel@evergy.com
O: 913.758.2727
evergy.com

NEU FIELD AIRPARK PUD

A Planned Unit Development and Cross Access Easement Plat in the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:

Rick & Vicki Neu
17251 Hollingsworth Road
Basehor, KS 66007
PID # 154-20-0-00-002.01

HEARTLAND ENTERPRISES LLC
17271 Hollingsworth Road
Basehor, KS 66007
PID # 154-20-0-00-002

SURVEYOR'S DESCRIPTION:

A tract of land in the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 24, 2022, more fully described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 88 degrees 15'39" West for a distance of 659.61 feet along the North line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 28'14" East for a distance of 2345.93 feet; thence South 88 degrees 14'55" West for a distance of 657.58 feet; thence North 01 degrees 31'12" West for a distance of 1980.06 feet; thence North 88 degrees 28'39" East for a distance of 97.01 feet; thence North 02 degrees 39'41" West for a distance of 104.00 feet; thence North 45 degrees 51'39" East for a distance of 73.98 feet; thence North 06 degrees 47'21" West for a distance of 213.32 feet to the North line of said Northeast Quarter; thence North 88 degrees 15'39" East for a distance of 529.82 feet along said North line to the point of beginning.

Said property contain 34.42 acres, more or less, including road right of way.

Error of Closure = 1 : 1226905

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: NEU FIELD AIRPARK PUD.

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

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

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

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

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 Lots 1 through 6 for the benefit of all Lots 1 through 7. Maintenance is to be shared between the owners of said Lots 1 through 7. Maintenance as defined in the Home Owner's Association (H.O.A.), recorded at the Leavenworth County Register of Deeds Office Doc # 2023R.

IN TESTIMONY WHEREOF,
We, the undersigned owners of NEU FIELD AIRPARK PUD, have set our hands this _____ day of _____, 2023.

Rick Neu
Vicki Neu

Rick Neu, Member of
HEARTLAND ENTERPRISES LLC

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Rick Neu and Vicki Neu, 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)

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Secretary
John Jacoboson
Chairman
Marcus Majure

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County Engineer - Mitch Pleak

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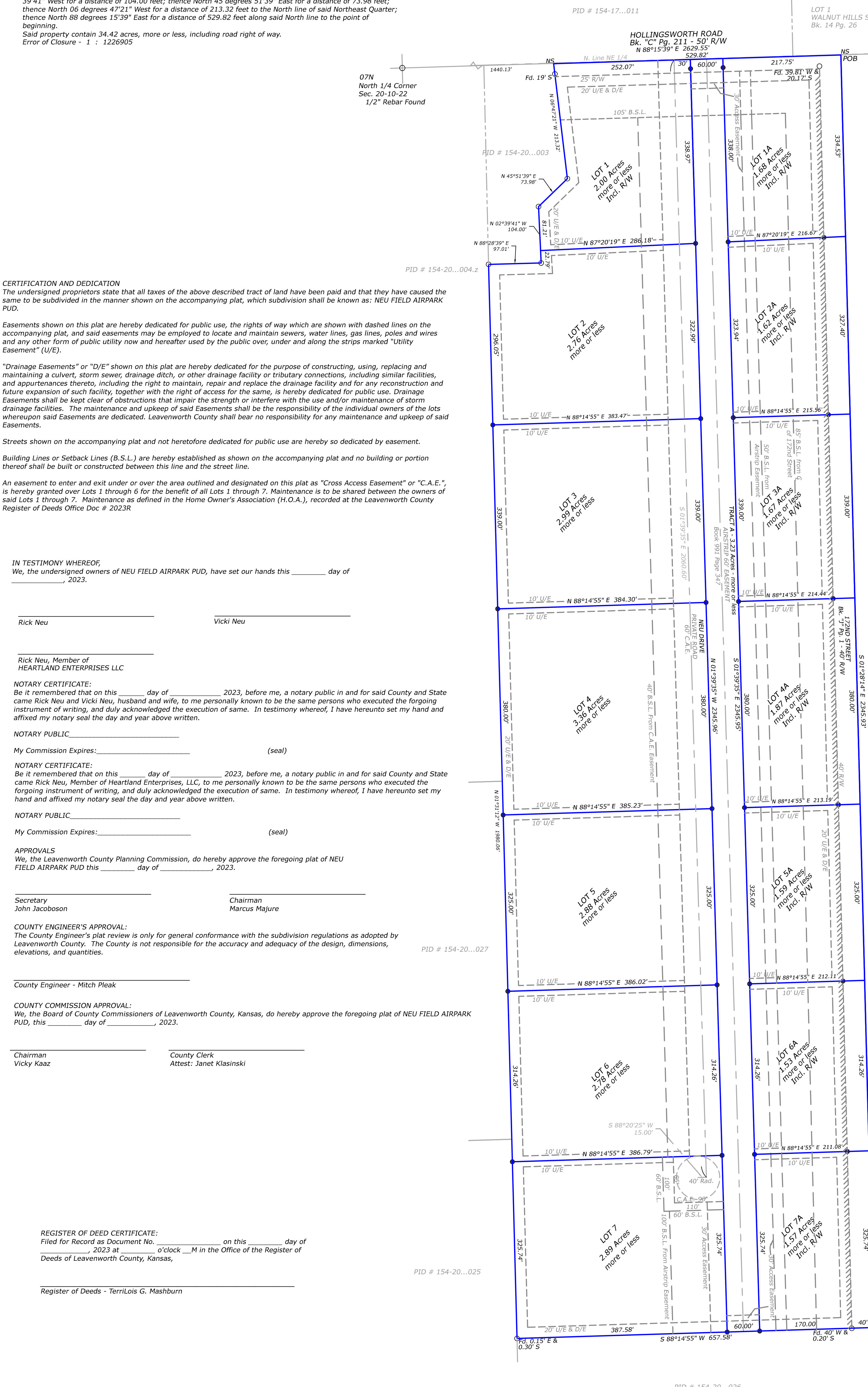
Chairman
Vicky Kaaz
County Clerk
Attest: Janet Klasinski

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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

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C - Chord Distance

Public Works Approved.
No further comments.



ZONING:
Existing RR - 5 Ac., Proposed P.U.D. - Planned Unit Development

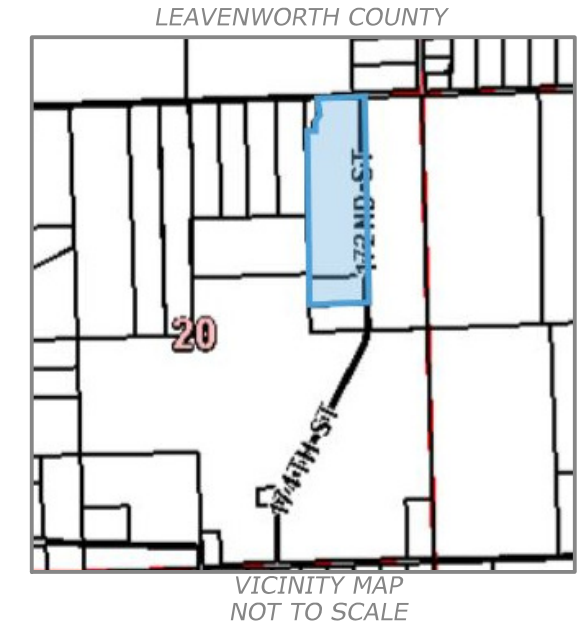
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 - Larry T. Hahn PS-1349 Recorded Survey Doc #2016S012

PID # 154-20...001



Job # K-21-1528
February 25, 2022 Rev. 7/21/23

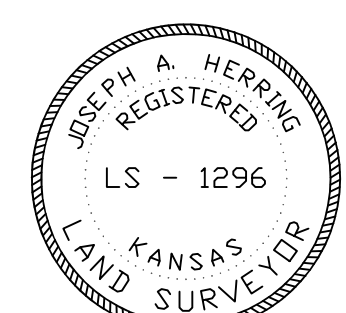
J. HERRING
SURVEYING
COMPANY

315 North 5th Street, Leav., KS 66048
Ph. 913.661.3858 Fax 913.674.5381
Email - survey@camcash.com

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



Daniel Baumchen, PS#1363
County Surveyor



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

Joseph A. Herring
PS # 1296

Allison, Amy

From: Baumchen, Daniel
Sent: Monday, August 7, 2023 3:47 PM
To: Allison, Amy; Noll, Bill
Subject: RE: Snyder
Attachments: Snyder BLA Comments 2023.08.07.pdf

No Comments

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

From: Allison, Amy
Sent: Monday, August 7, 2023 2:04 PM
To: Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>
Subject: FW: Snyder

From: larry hahn <hahnsurvey@gmail.com>
Sent: Monday, August 7, 2023 11:59 AM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Subject: Snyder

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 -
Attached is the revised BLA.
Building shown is not a trailer.
There is no flood area east of tract 2 on tract 1.
Thanks,

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

STATE OF KANSAS
LEAVENWORTH COUNTY
NEU AIRSTRIP PUD
PRIVATE ROADWAY

A CROSS ACCESS EASEMENT DEVELOPMENT

INDEX OF SHEETS

1. Title Sheet
2. Typical Section and General Notes
- 3.-4. Plan & Profile
5. Drainage and Grading Plan
6. Details
- 7.-12. Cross Sections

UTILITY COMPANIES

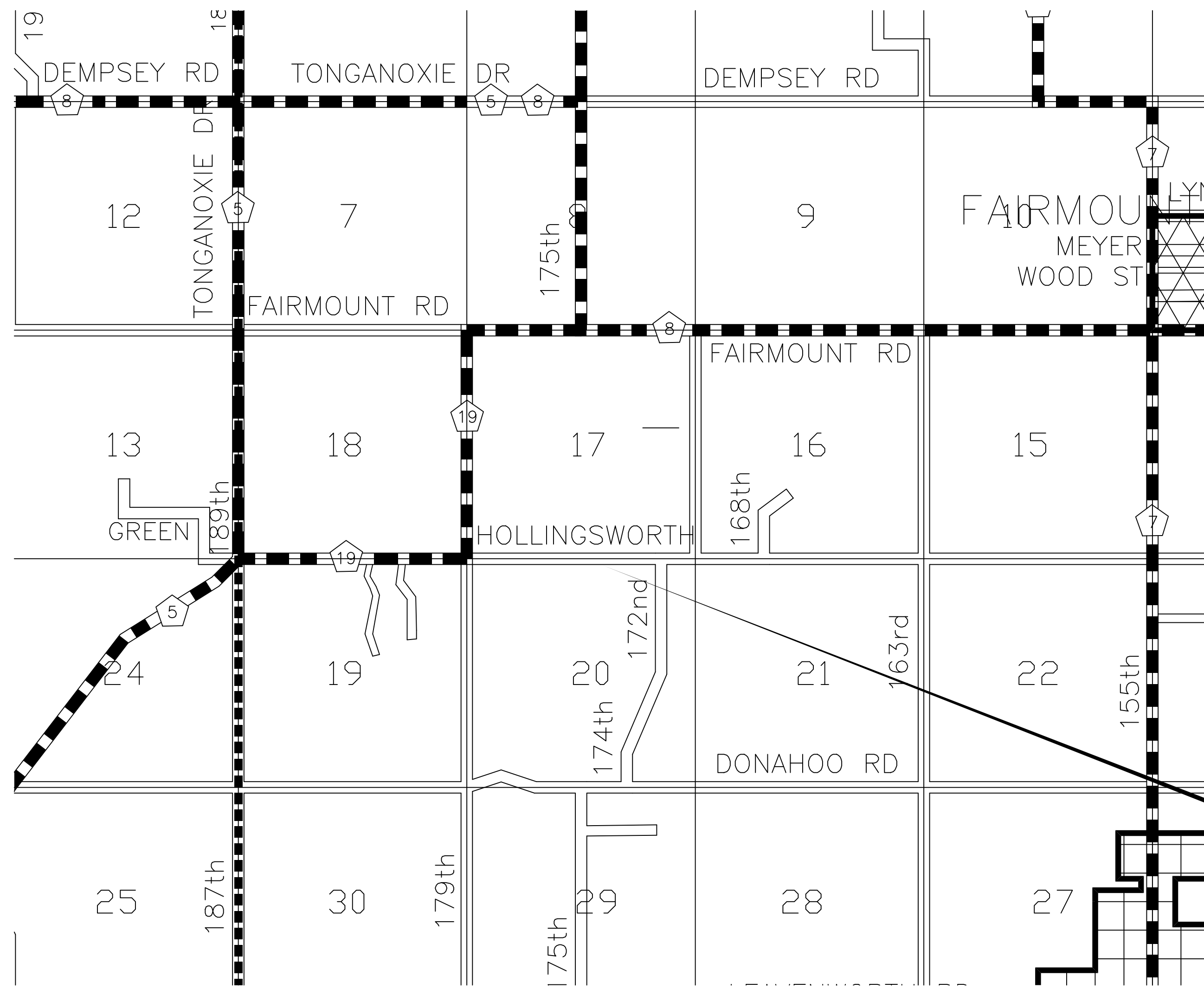
Evergy	1-888-471-5725
AT&T	1-800-288-2020
Suburban Water	913-724-1800
Kansas Dig Safe	1-800-344-7233

Benchmarks -

PointNo.	Northing(Y)	Easting(X)	Elev(Z)	Description
2	317469.13	2169025.82	964.9	fip CP#2
5	319794.34	2168966.34	948.6	fip hahn CP#1
82			963.7	NE COR conc CP #3
106			952.4	NE COR conc CP #4

Design Reference - AASHTO Guidelines for Geometric Design of Low-Volume Roads (2019 Edition)

Design Speed - 20 mph



Owner: Ricky Neu
17271 Hollingsworth Road
Basehor, KS 66007

Surveyor: Herring Surveying
315 N. 5th Street
Leavenworth, KS 66048

Engineer: David Lutgen
15554 Elm Street
Basehor, KS 66007

Project Location

NO.	DATE	REVISIONS	BY	APPROVED
5				
4				
3				
2				
1				

Designed By _____
Drawn By _____
Checked By _____
Issue Date: _____
Job No. _____

NEU AIRSTRIP PUD PRIVATE ROADWAY
LEAVENWORTH COUNTY KS

TITLE SHEET

SHEET NO.
1 of 12



David P. Lutgen, P.E.

8/27/23

Date

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



The 10' vertical curve does not create any form of sump connection to the public roadway within the vertical curve. Please provide existing elevations to remain for the centerline crown and the tie-in location at 0+52.37 for Hollingsworth to determine if the designer is creating the sump with a severe elevation change at the roadway connection.

If a sump is not being proposed in the design please add the following note to the plan sheet, "The field construction of the CAE roadway entrance connection to the public roadway shall provide a sump condition to the public roadway. Responsibility for field adjustment of the CAE culvert and roadway geometric design to obtain the sump shall rest with the Contractor and Developer."

1) The design and construction of the replacement Hollingsworth Road crossroad pipe culvert and the necessary regrading of the public roadway ditch is an Off-Site Public Improvement required for the development. Thus, it is the responsibility of the Developer to construct and the developer's Consultant to design.

The design drawings for public improvements shall comply with the General Plan Requirements for Public Improvements and all applicable County policies for required material testing and inspection. Please refer to Chapter III of the Road Construction and Storm Water Drainage Standards for required submittal information.

2) Correct errant culvert flowline elevations for Hollingsworth Road culvert for use on the public improvement plan document.

3) A cursory review of the submitted design shows that the proposed 18" CMP does not convey the 50-year event as required for the Collector road without overtopping the roadway. Based on the preliminary plat information the pipe was originally a 24" CMP. Please review and once the design is final provide the applicable plan documents as discussed in Item #1.

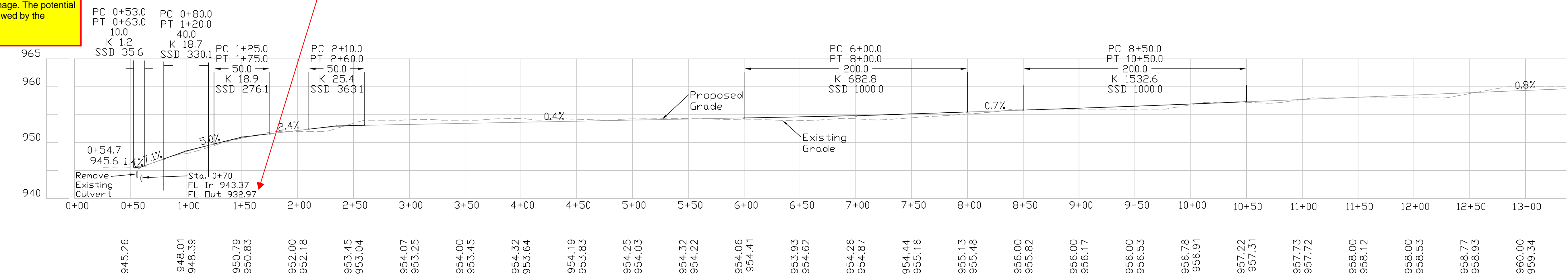
Sta. 0+52.37
N:319804.68
E:2168698.07

Sta. 0+52.37 Begin Construction Match Existing Road

Sta. 0+42 40' Rt Remove Existing Culvert. Install 18" x 35' CMP. (20' South of CL and 15' North of CL)
FL In (S) 932.70
FL Out (N) 932.35

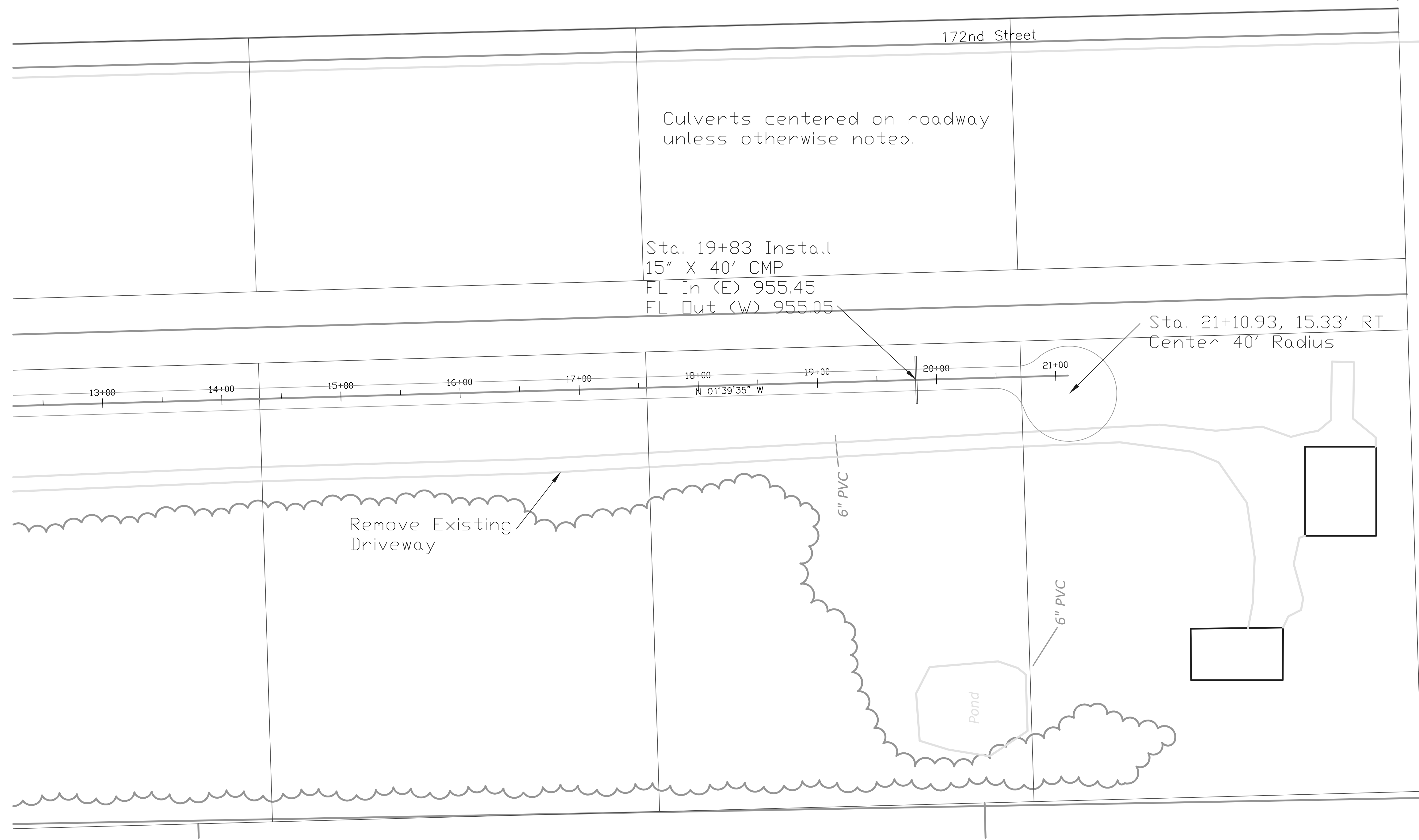
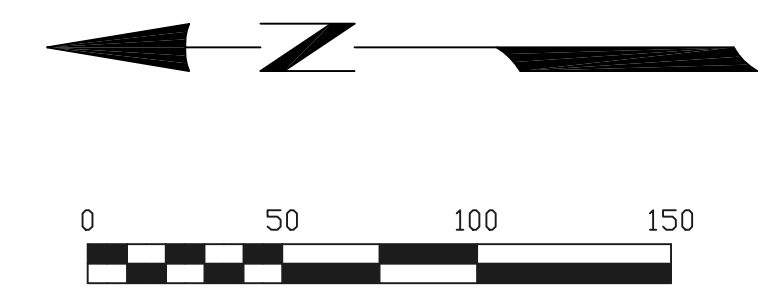
Culverts centered on roadway unless otherwise noted.

Public Works does not review CAE Roadways per County policy. However, a statement is made for informational purposes. The 8.5 algebraic grade difference of the 10' vertical curve has significant potential to ground vehicle bumpers resulting in damage. The potential condition should be reviewed by the Engineer.



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NUE AIRSTRIP PUD PRIVATE ROADWAY LEAVENWORTH COUNTY KS	
PLAN & PROFILE	
SHEET NO. 3 OF 12	



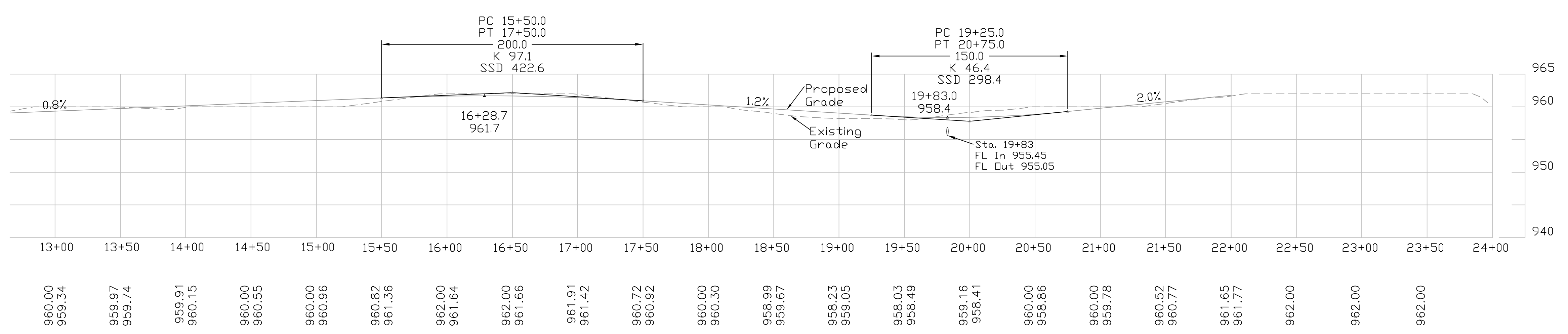
Culverts centered on roadway unless otherwise noted.

Sta. 19+83 Install
15" X 40' CMP
FL In (E) 955.45
FL Out (W) 955.05

Sta. 21+10.93, 15.33' RT
Center 40' Radius

Remove Existing Driveway

Pond



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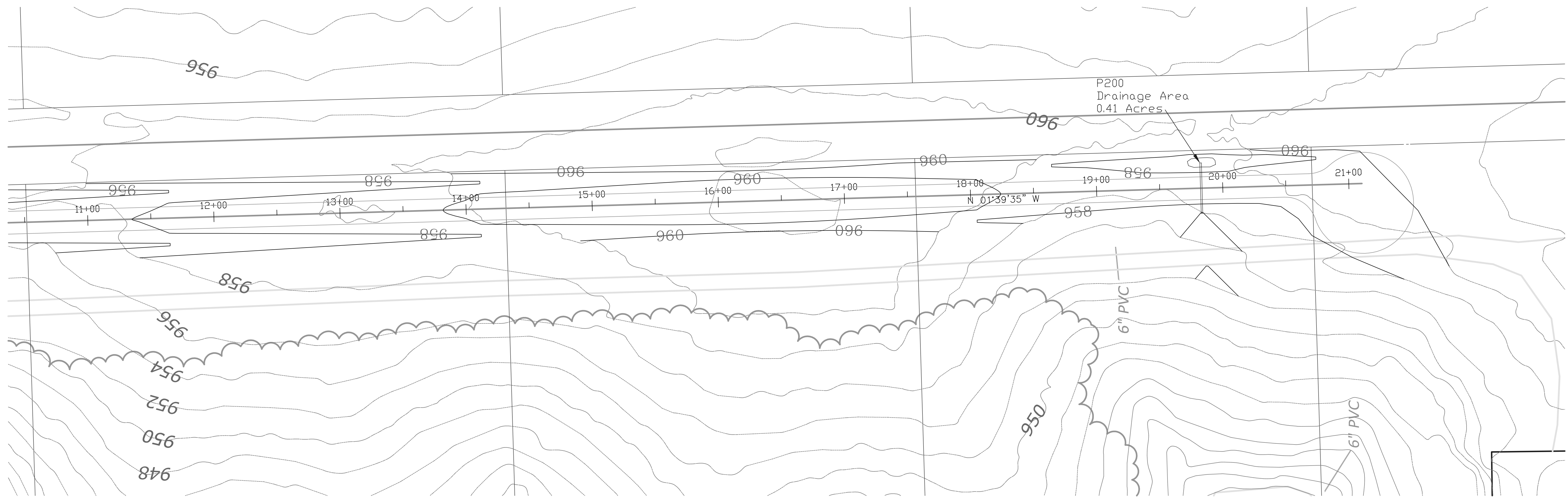
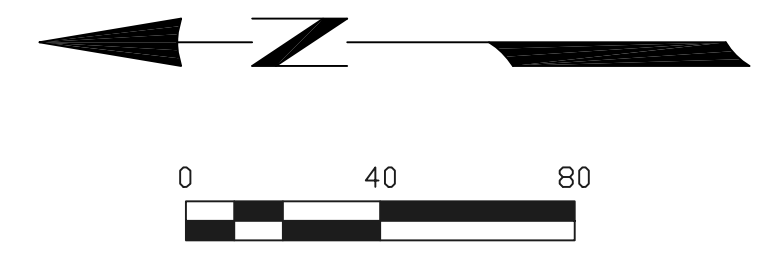
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NUE AIRSTRIP PUD PRIVATE ROADWAY
LEAVENWORTH COUNTY KS

PLAN & PROFILE

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Pipe	DA	C	I	A (acres)	Q25 (cfs)	Diameter (in)	Capacity (cfs)
P100	#1	0.29	4.62	1.93	2.9	15	3.5
P200	#2	0.40	5.10	0.41	0.9	15	3.5



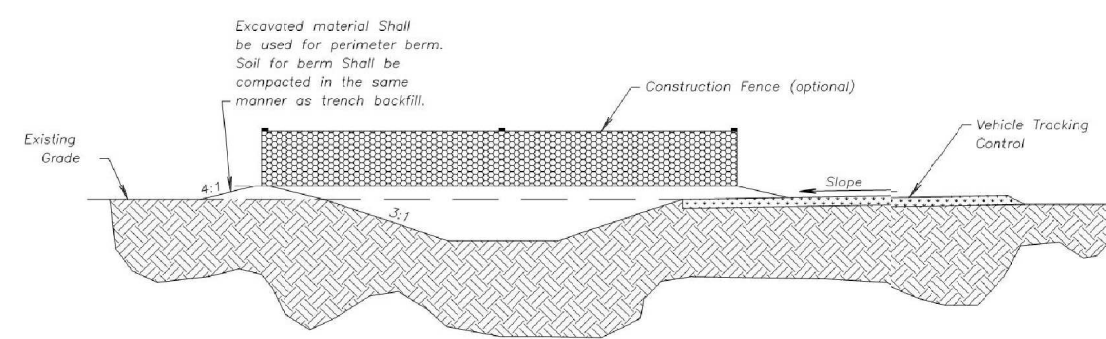
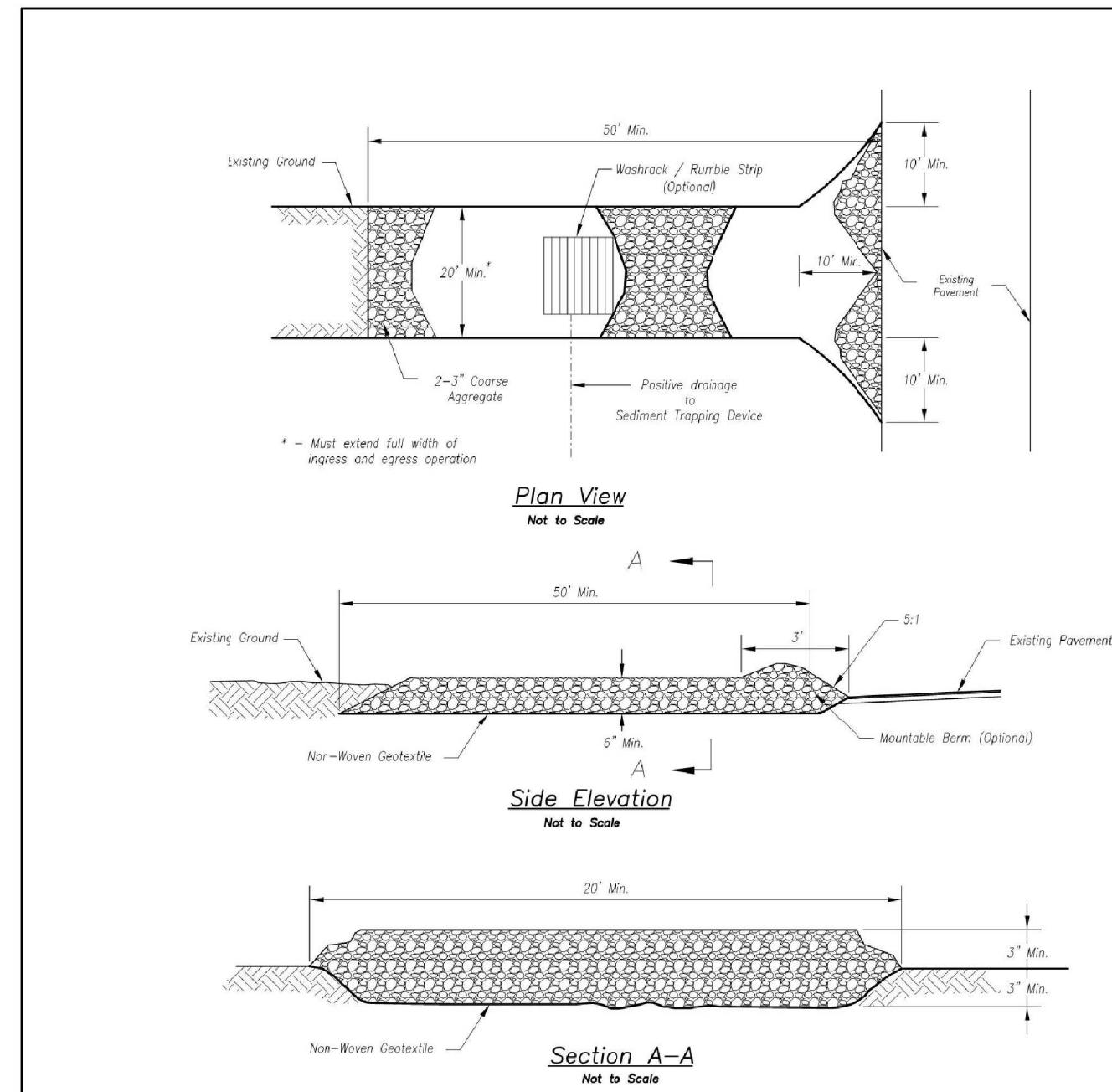
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NUE AIRSTRIP PUD PRIVATE ROADWAY
 LEAVENWORTH COUNTY KS
 DRAINAGE AND GRADING PLAN

SHEET NO.
 5 OF 12



- Notes for Concrete Washout:**
1. Concrete washout areas shall be installed prior to any concrete placement on site.
 2. Concrete washout areas shall include a flat subsurface pit sized relative to the amount of concrete to be placed on site. The slope leading out of the subsurface pit shall be 3:1. The vehicle tracking post shall be tapered towards the concrete washout area.
 3. Vehicle tracking control is required at the access point to all concrete washout areas.
 4. Slope shall be placed on the construction site entrance, washout area and elsewhere as necessary to clearly indicate the location(s) of the concrete washout area(s) to operators of concrete truck and pump rigs.
 5. A one-piece impervious liner may be required along the bottom and sides of the subsurface pit in sandy or gravelly soils.

- Maintenance for Concrete Washout:**
1. Concrete washout materials shall be removed once the materials have filled the washout to approximately 75% full.
 2. Concrete washout areas shall be emptied as necessary to maintain capacity for washed concrete.
 3. Concrete washout areas, washed pieces of concrete and all other debris in the subsurface pit shall be transported from the job site in a water-tight container and disposed of properly.
 4. Concrete washout areas shall remain in place until all concrete for the project is placed.
 5. When concrete washout areas are removed, excavations shall be filled with suitable compacted backfill and topped, any disturbed areas associated with the installation, maintenance, and/or removal of the concrete washout areas shall be stabilized.

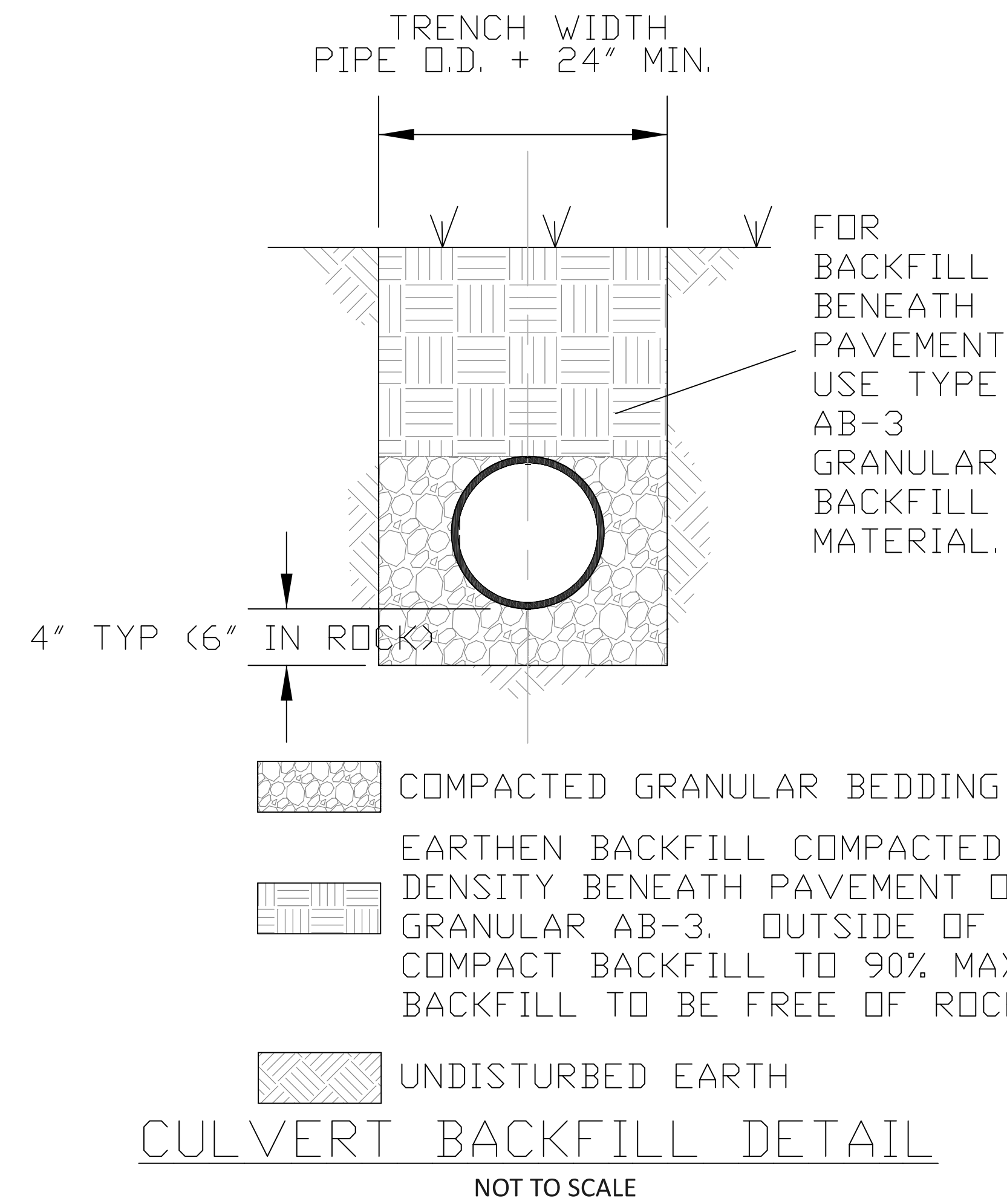
- Maintenance for Construction Entrance:**
1. Repave entrance as needed to maintain function and integrity of installation. Top dress with clean aggregate as needed.

- Notes for Construction Entrance:**
1. Avoid landing on steep slopes, at curves on public roads, or driveway of disturbed areas.
 2. Remove all vegetation and other unsuitable material from the foundation area, grade, and crown for positive drainage.
 3. If slope towards the public road exceeds 2%, construct a 6- to 8-inch high ridge with 3:1 or steeper slopes across the foundation approximately 15 feet from the edge of the public road to divert runoff from it.
 4. Install pipe under the entrance if needed to maintain drainage ditches along public roads.
 5. Place stone to dimensions and grade as shown on plans. Leave surface sloped for drainage.
 6. divert all surface runoff and drainage from the entrance to a sediment control device.
 7. If conditions warrant, place geotextile fabric on the graded foundation to improve stability.

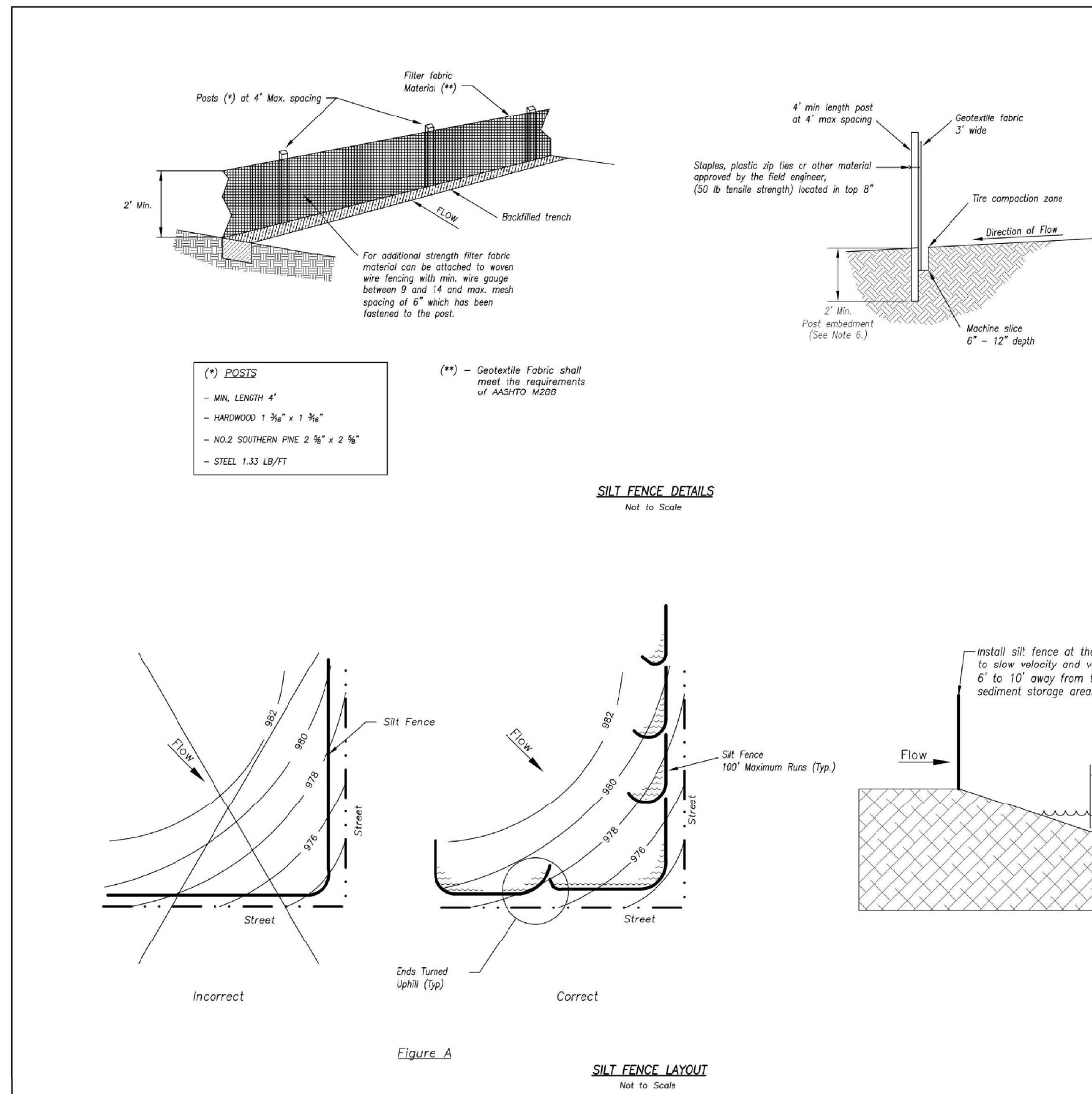
CONSTRUCTION ENTRANCE

Construction Entrance modified from 2015 Overland Park Standard Details for Erosion and Sediment Control. Concrete Washout modified from 2009 City of Great Bend Standard Drawings.

AMERICAN PUBLIC WORKS ASSOCIATION
 KANSAS CITY METRO CHAPTER
 STANDARD DRAWING NUMBER ESC-01
 ADOPTED: 10/24/2016

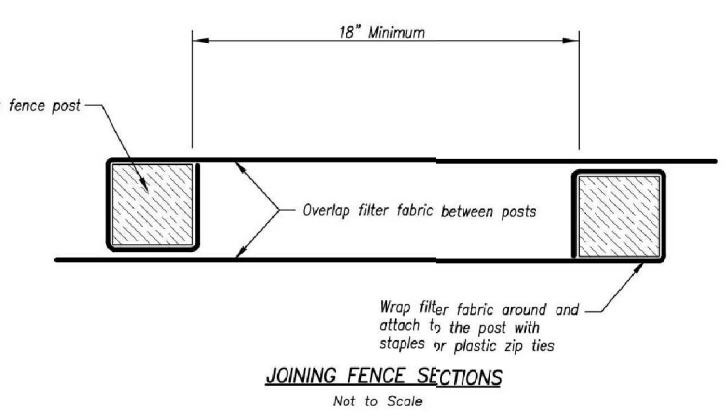


- TRENCH WIDTH
PIPE O.D. + 24" MIN.
- FOR BACKFILL BENEATH PAVEMENT USE TYPE AB-3 GRANULAR BACKFILL MATERIAL.
- 4" TYP 6" IN ROCK
- COMPACTED GRANULAR BEDDING (AB-3)
- EARTHEN BACKFILL COMPACTED TO 95% OF MAXIMUM DENSITY BENEATH PAVEMENT OR USE COMPACTED GRANULAR AB-3. OUTSIDE OF PAVEMENT LIMITS COMPACT BACKFILL TO 90% MAXIMUM DENSITY. BACKFILL TO BE FREE OF ROCKS AND DEBRIS.
- UNDISTURBED EARTH
- CULVERT BACKFILL DETAIL**
- NOT TO SCALE

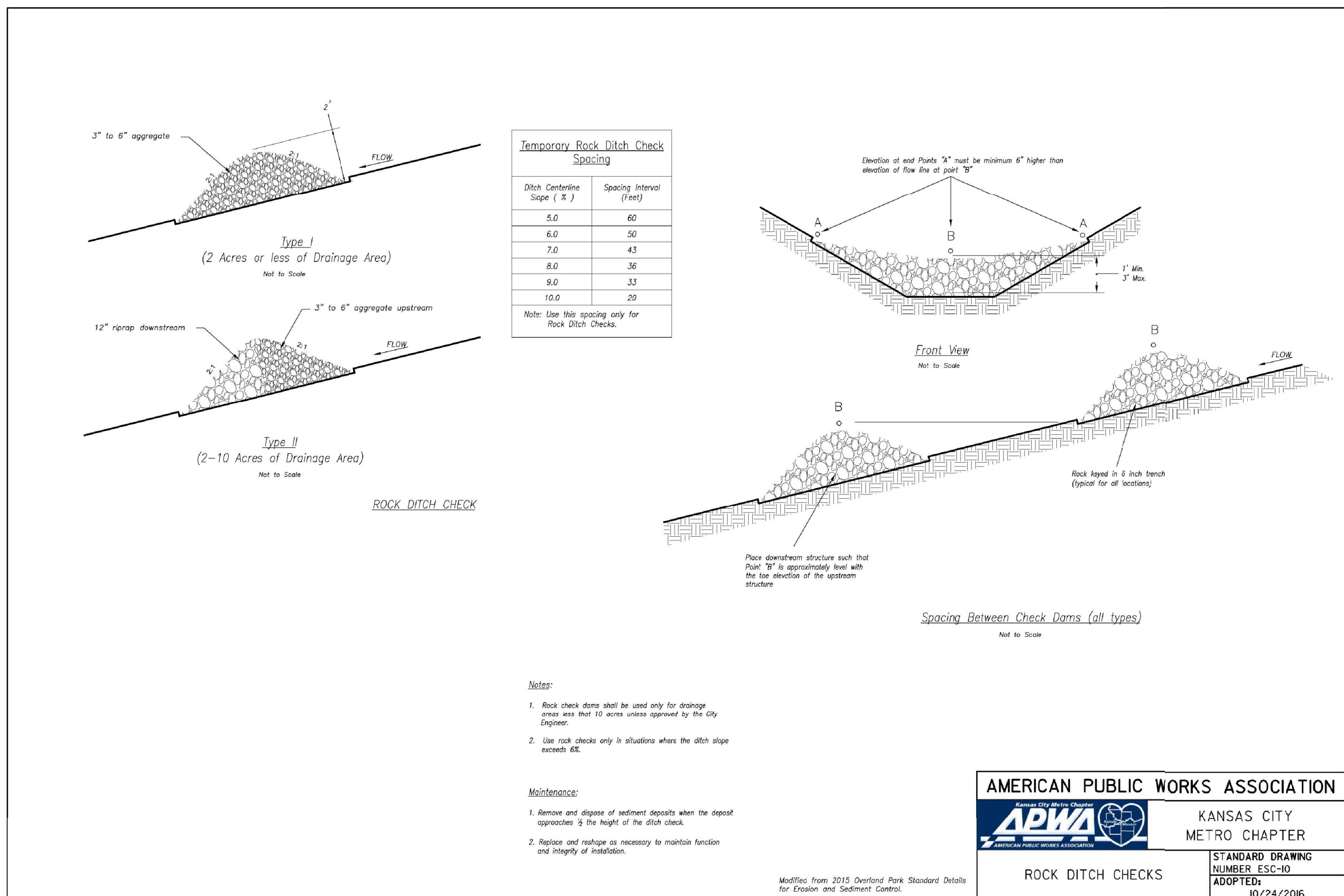


- Notes:**
1. In order to contain water, the ends of the silt fence must be turned uphill (Figure A).
 2. Long perimeter runs of silt fence must be broken up into several smaller segments to minimize water concentrations (Figure A).
 3. Long slopes should be broken up with intermediate rows of silt fence to slow runoff velocities.
 4. Attach fabric to upstream side of post.
 5. Install posts a minimum of 2' into the ground.
 6. Trenching will only be allowed for small or difficult installation, where sloping machine cannot be reasonably used.

- Maintenance:**
1. Remove and dispose of sediment deposits when the deposit approaches 1/2 the height of silt fence.
 2. Repair as necessary to maintain function and structure.



AMERICAN PUBLIC WORKS ASSOCIATION
 KANSAS CITY METRO CHAPTER
 STANDARD DRAWING NUMBER ESC-03
 ADOPTED: 10/24/2016



Ditch Centerline Slope (±)	Spacing Interval (feet)
5.0	60
6.0	50
7.0	43
8.0	36
9.0	33
10.0	29

Note: Use this spacing only for Rock Ditch Checks.

- Notes:**
1. Rock check dams shall be used only for drainage areas less than 10 acres unless approved by the City Engineer.
 2. Use rock checks only in situations where the ditch slope exceeds etc.

- Maintenance:**
1. Remove and dispose of sediment deposits when the deposit approaches 1/2 the height of the ditch check.
 2. Replace and reshape as necessary to maintain function and integrity of installation.

AMERICAN PUBLIC WORKS ASSOCIATION
 KANSAS CITY METRO CHAPTER
 STANDARD DRAWING NUMBER ESC-10
 ADOPTED: 10/24/2016

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NUE AIRSTRIP PUD PRIVATE ROADWAY
 LEAVENWORTH COUNTY KS

DETAILS

SHEET NO. 6 OF 12

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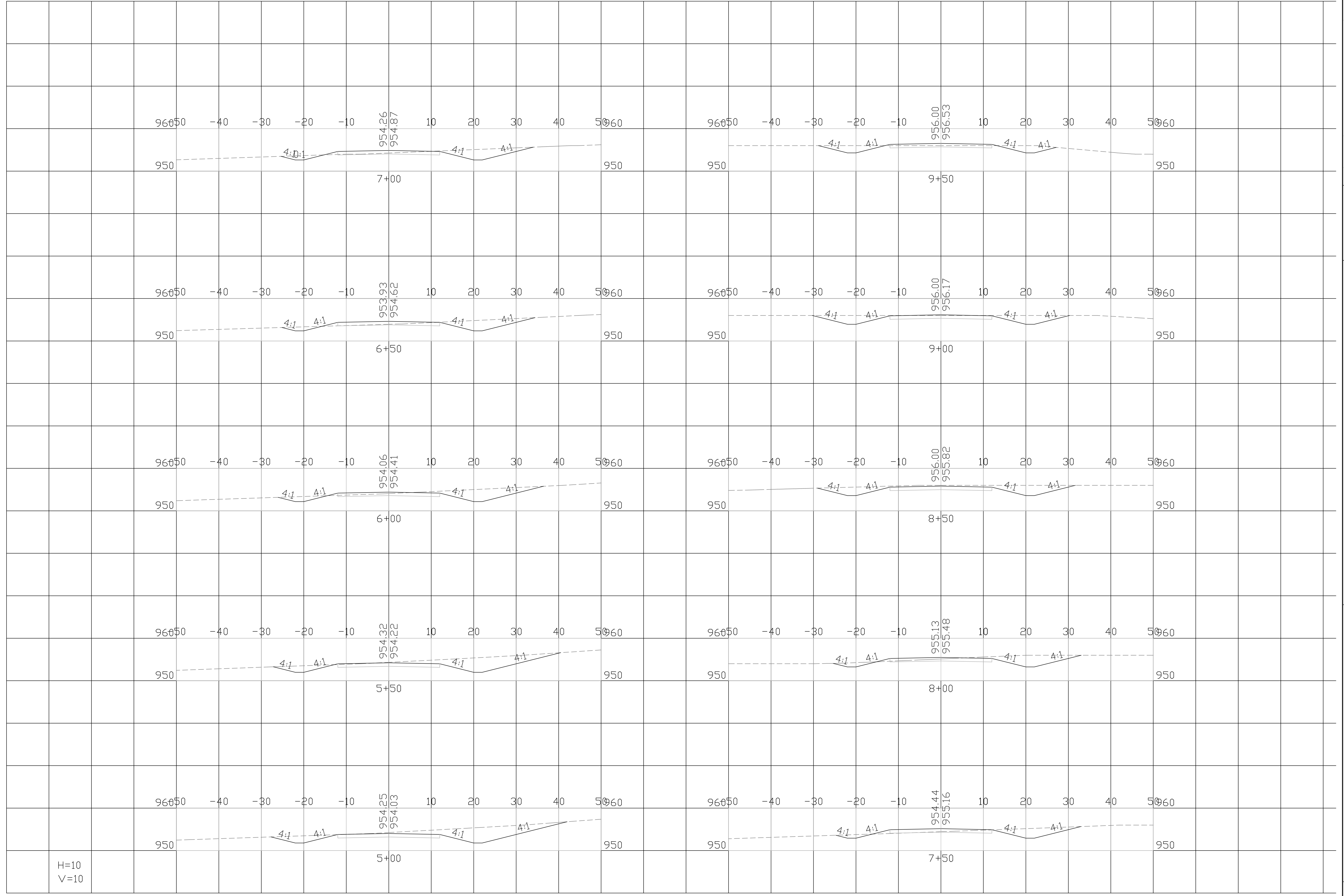


H=10
V=10

Update as necessary to comply with final public improvements grading design of Hollingsworth ditches.

NUE AIRSTRIP PUD PRIVATE ROADWAY LEAVENWORTH COUNTY KS		DETAILS	
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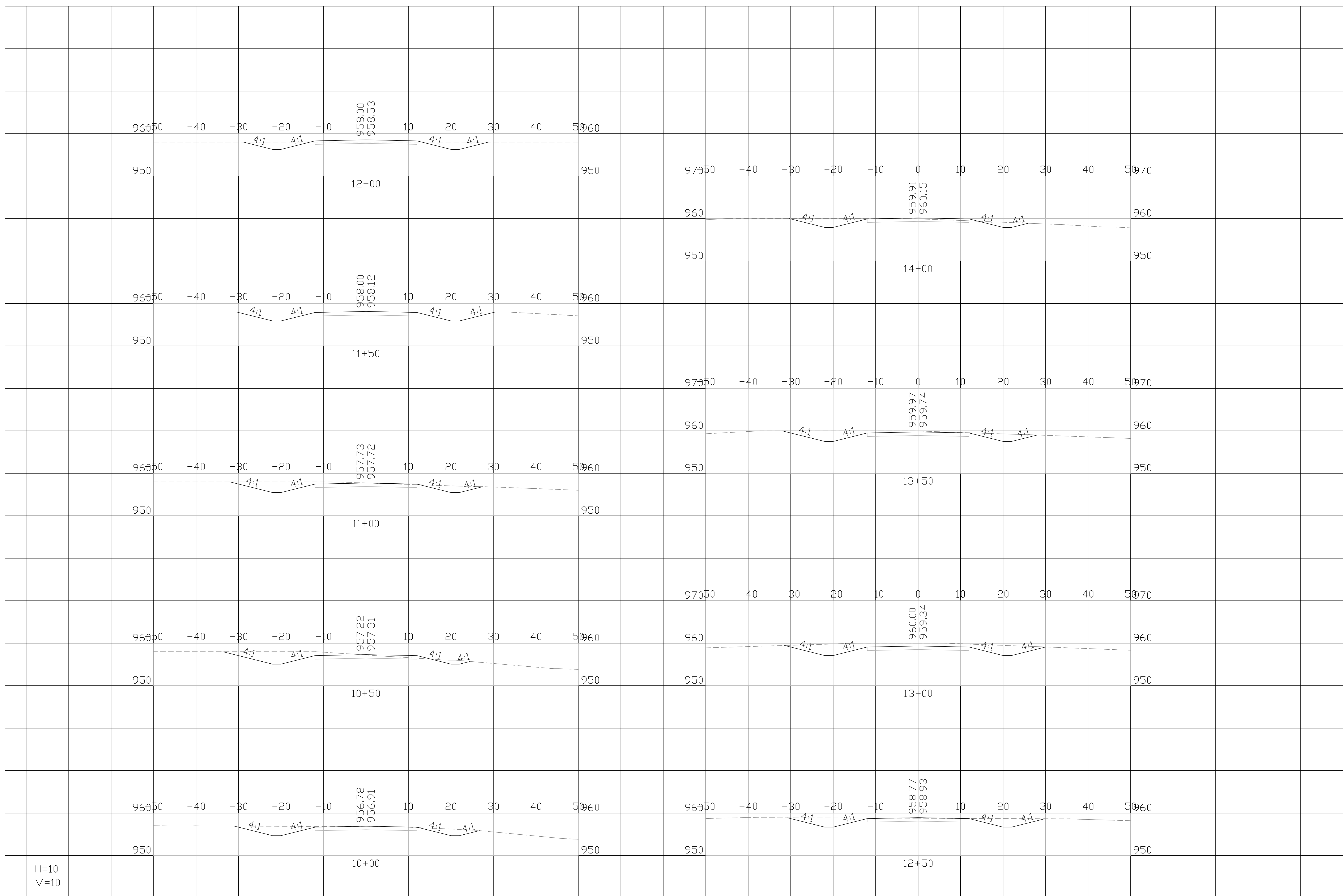
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NUE AIRSTRIP PUD PRIVATE ROADWAY
 LEAVENWORTH COUNTY KS

DETAILS

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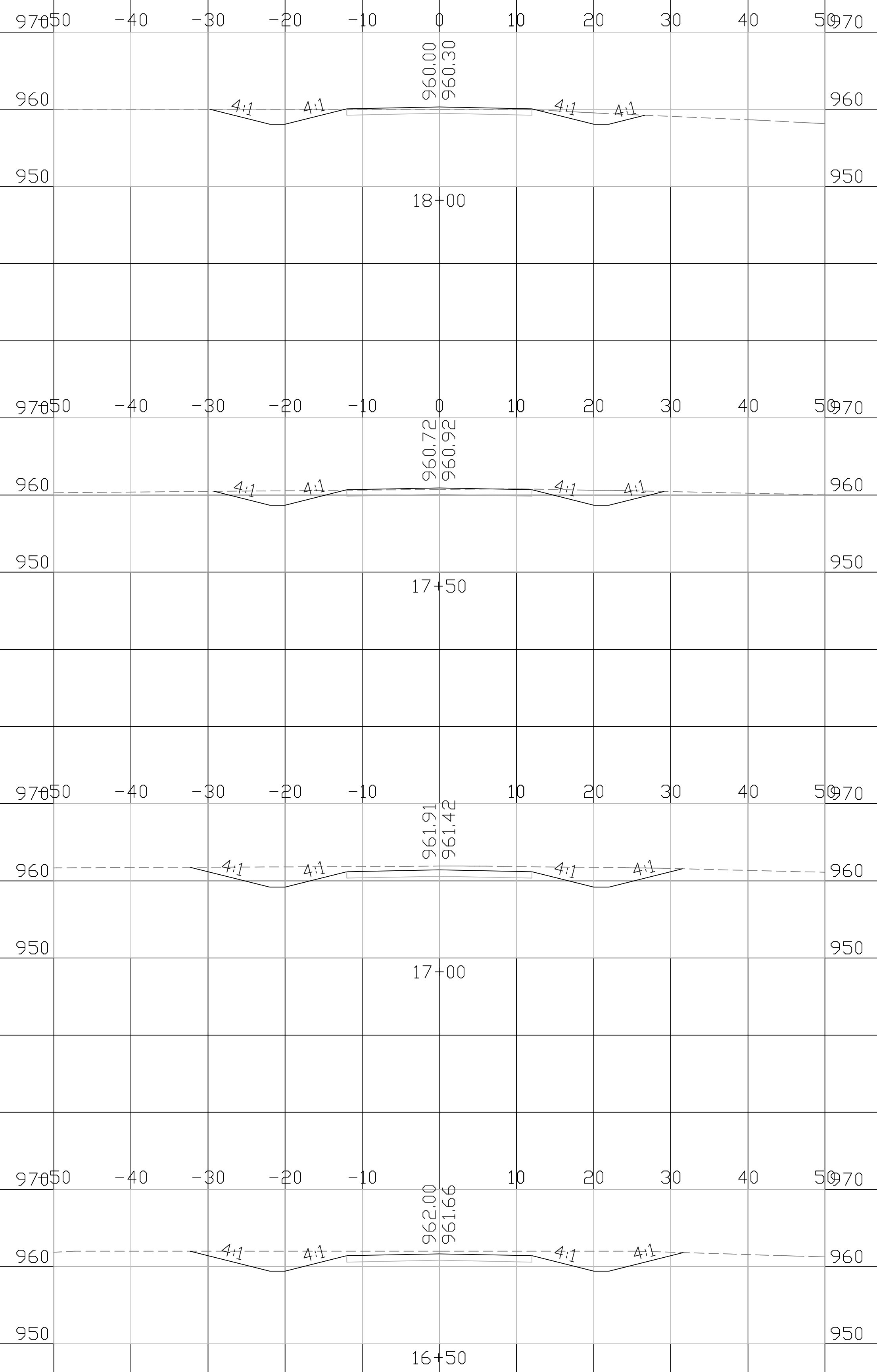
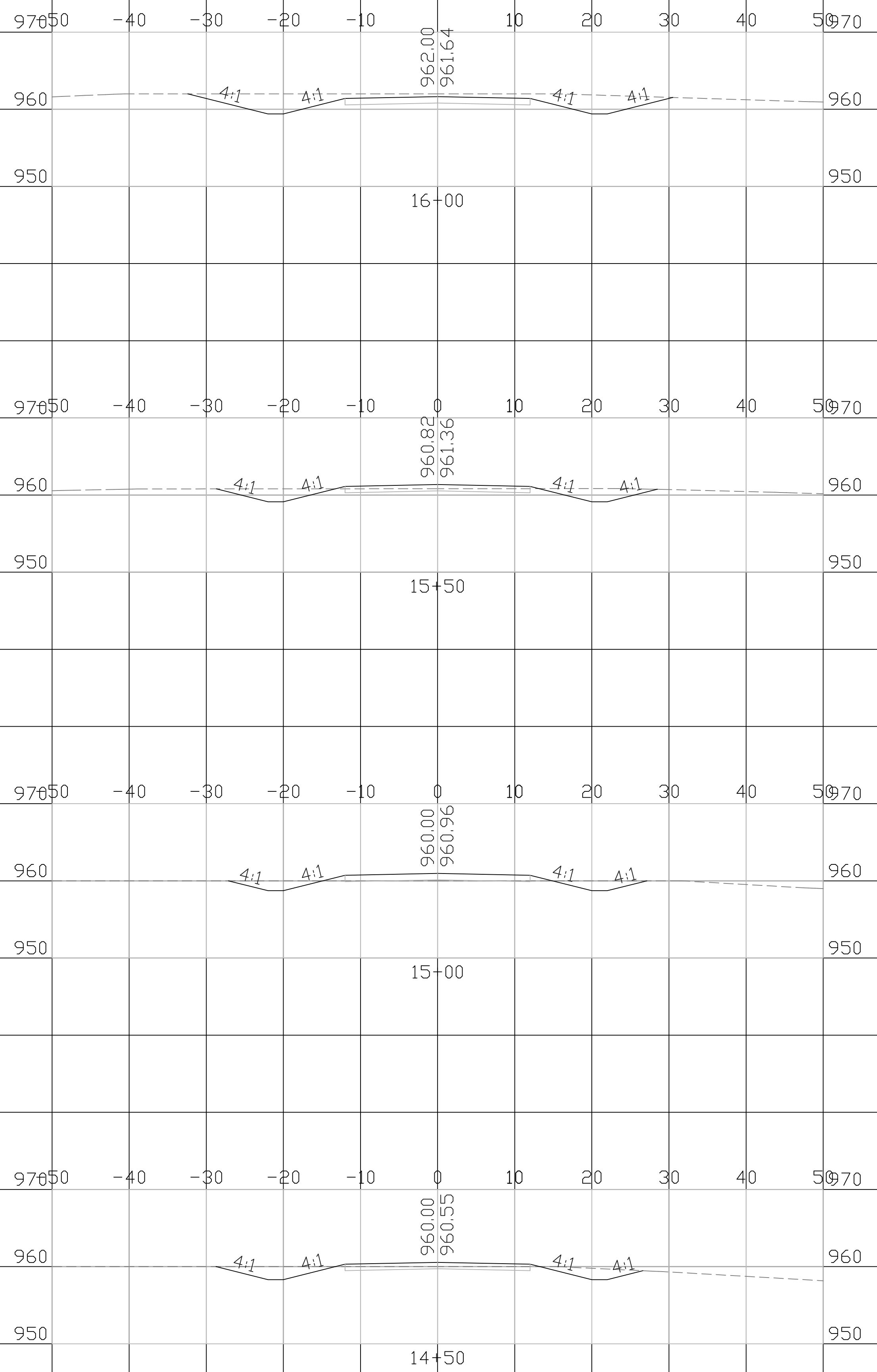
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 LEAVENWORTH COUNTY KS

DETAILS

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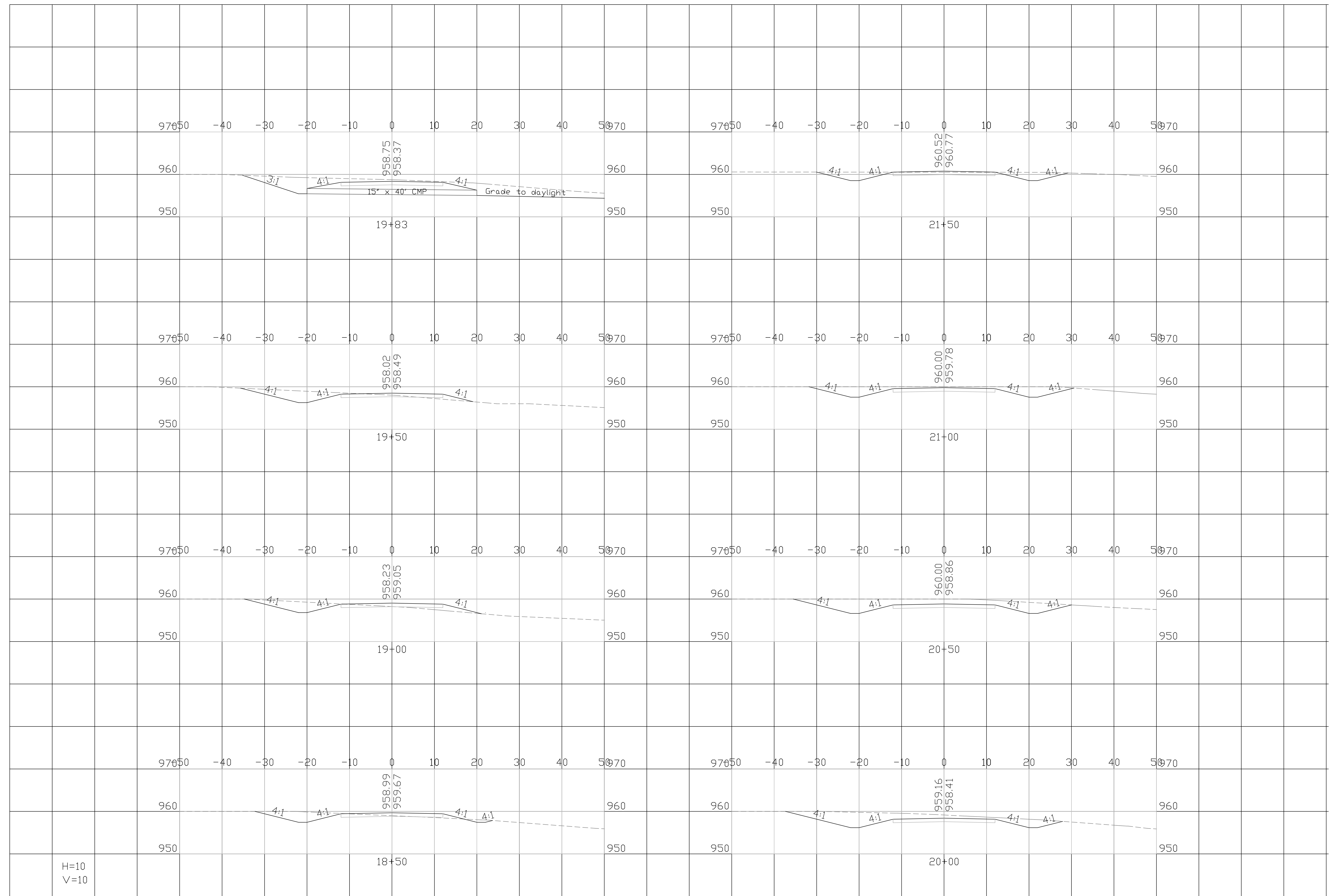
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NUE AIRSTRIP PUD PRIVATE ROADWAY
 LEAVENWORTH COUNTY KS

DETAILS

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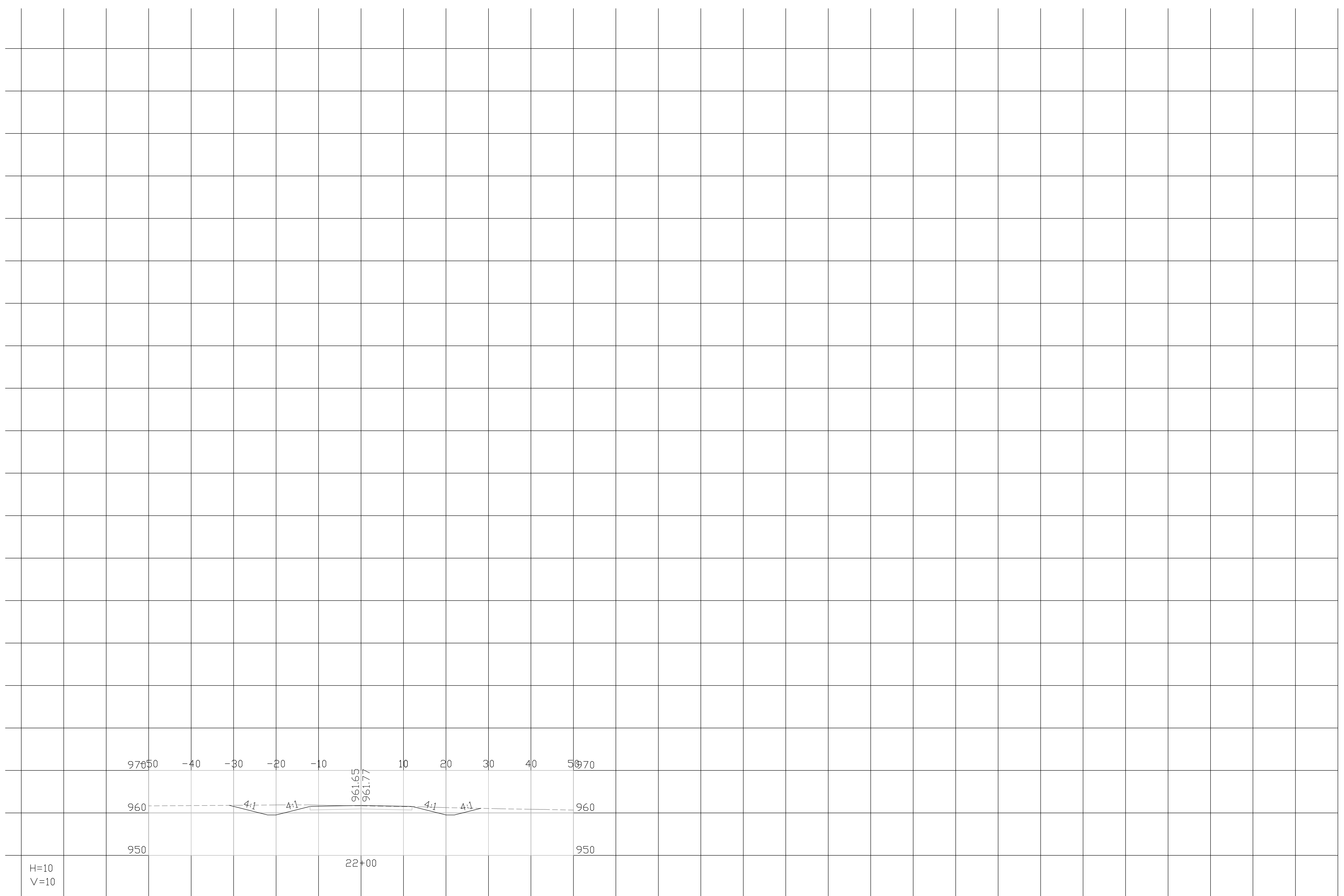
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NUE AIRSTRIP PUD PRIVATE ROADWAY
 LEAVENWORTH COUNTY KS

DETAILS

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NUE AIRSTRIP PUD PRIVATE ROADWAY
 LEAVENWORTH COUNTY KS
 DETAILS

RESOLUTION 2023-16

A resolution of the Leavenworth County Kansas Board of Commissioners, authorizing a rezoning from RR-5 to Planned Unit Development on the following described property:

Two tracts of land in the West half of the East half of the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas more commonly known as 17271 & 17251 Hollingsworth Road.

WHEREAS, it is hereby found and determined that a request for a Rezoning as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 13th day of October, 2022, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Rezoning on the 14th day of June, 2023; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Rezoning be approved; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the setback from 172nd Street shall be 85 feet as measured from the centerline of the road; and

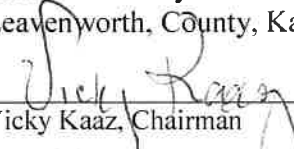
WHEREAS, the Board of County Commissioners considered, in session on the 5th day of July, 2023, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commissioners in regular session on the 5th day of July, 2023, and incorporated herein by reference;

That request for rezoning as described above, also known as 17271 & 17251 Hollingsworth Road, Parcel Identification Number 154-20-0-00-00-002.00 & 154-20-0-00-00-002.01, is hereby granted.

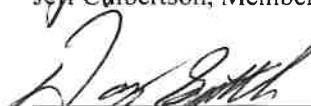
Adopted this 5th day of July, 2023
Board of County Commission
Leavenworth, County, Kansas



Vicky Kaaz, Chairman

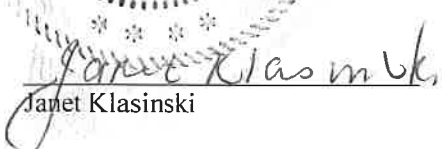


Jeff Culbertson, Member



Doug Smith, Member

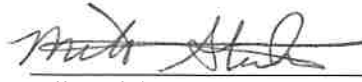




Janet Klasinski



Mike Smith, Member



Mike Stieben, Member

NEU FIELD AIRPARK PLANNED UNIT
DEVELOPMENT

DECLARATION OF USE RESTRICTIVE
COVENANTS AND EASEMENT
AGREEMENT

THIS DECLARATION is made this 30th day of September, 2022, by Heartland Enterprises, LLC, and Rick L. Neu and Vicki L.B. Neu, herein referred to as "Owner".

WHEREAS, Owner owns the following described real estate situated within Neu Field Airpark Planned Unit Development in Leavenworth County, Kansas:

A tract of land in the Northeast Quarter of Section 20, Township 10 South, Range 22 East of the 6^h P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on February 24, 2022, more fully described as follows: Commencing at the Northeast corner of said Northeast Quarter; thence South 88 degrees 15'39" West for a distance 659.61 feet along the North line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 28'14" East for a distance of 2345.93 feet; thence South 88 degrees 14'55" West for a distance of 657.58 feet; thence North 01 degrees 31'12" East for a distance of 1385.06 feet; thence North 88 degrees 28'39" East for a distance of 97.01 feet; thence North 02 degrees 39'41" West for a distance of 104.00 feet; thence North 45 degrees 51'39" East for a distance of 73.98 feet; thence North 06 degrees 47'21" West for a distance of 213.32 feet to the North line of said Northeast Quarter; thence North 88 degrees 15'39" East for a distance of 529.82 feet along said North line to the point of beginning. Said property contain 34.42 acres, more or less including road right of way. Error of Closure - 1 : 1226905

AND, WHEREAS, THE FOLLOWING ARE OWNERS OF THE LOTS AND Tracts within the Neu Field Airpark Planned Unit Development of Leavenworth County, Kansas:

Lot and Exhibit Number	Lot Owners
1, 2, 3, 4, 5, 6, and 1A, 2A, 3A, 4A, 5A, 6A	Heartland Enterprises, LLC
7 and 7A	Rick L Neu and Vicki L.B. Neu
Tract A (Airstrip)	Heartland Enterprises, LLC, Rick L. Neu and Vicki L.B. Neu

AND, WHEREAS, the legal descriptions for these Lots and Tracts are attached and marked Schedule A; and,

AND, WHEREAS, the Corporation does hereby grant to the Lot or Tract Owners use and easement rights to the Airstrip on the following covenants, terms and provisions:

LEGAL DESCRIPTION OF AIRSTRIP (PRIVATE LANDING FIELD): A 60 foot strip 30 feet either side of a line described as follows: Beginning at a point 240.0 feet South 89° 54; 30" West from the Southeast corner of the West ½ of the East ½ of the Northeast ¼ of Section 20, Township 10 South, Range 22 East of the Sixth P.M., thence North 00° East approximately 2640.0 feet to the North line of the West ½ of the East ½ of said Northeast ¼.

FAA IDENTIFIER

8KS1

Lat/Long: 39-10-09.1100N 094-58-
43.0250W 39-10.151833N
094-58.717083W
39.1691972,-94.9786181

(estimated)

Elevation: 920 ft./ 280 m (estimated)

Variation: 05E (1985)

From city: 3 miles NW of BASEHOR, KS

Time zone: UTC -5 (UTC -6 during Standard

Time) Zip code: 66007

Together with all air space above the surface of Owner's above-described property *to* an infinite height above the Owner's property.

A. DEFINITIONS OF TERMS:

1. The term "airplane" or "aircraft" means any contrivance now known or hereafter invested, used or designed for navigation of or flight in the air.

2. The term "Airstrip" shall mean the tract of ground as described above in both Legal Description as Tract A, and FAA Identifier.

3. The term "Corporation" refers to Neu Field Airpark Owners Assn., a Kansas Corporation.

4. The term "district" means those lots, tracts and any other real estate that may be acquired in the-future from time to time by the Corporation.

5. The term "guest" means an individual or individuals visiting but not residing with an Owner. It is important to note that all guests must abide by operating rules and should be monitored or supervised by the Lot Owner who invited them.

6. The term "laws" means any and all applicable federal, state, county, or municipal enactments and regulations adopted by any governmental body and agency with jurisdiction including without limitation the Board of County Commissioners of Leavenworth County, Kansas.

7. The term "Lot" means either any Lot as platted or any later added tract of land and upon which a residence or hangar may be erected, but does not include the airstrip.

8. The term "Owner" or "Owners" means those natural persons, associations, partnerships, corporations or other legal entities, which may from time to time be the record Owner of a fee interest in any Lot or Tract.

9. The term "Review Committee" shall refer to that Committee established by Article IX of the Bylaws of the Neu Field Airpark Owners Association.

10. The term "tract" means an unplatted parcel of land.

11. The term "Unattached building" means a hangar, garage, animal abode, etc. serving the residence to which it is appurtenant.

12. The term "Fuel" or "Fuel Tanks" means a tank designated for aviation fuel to be used to fuel aircraft and not to exceed 500 gallons, and not to be advertised for sale.

B. USE RESTRICTIONS:

1. Persons bound and Duration – All Lot Owners, their heirs, assigns or anyone who now owns or shall hereafter acquire any interest in the Lots shall be taken to hold and agree and covenant to conform to and observe the following

covenants, restrictions, and stipulations as to their use. The parties may release any Lot which is hereby restricted from one or more of the restrictions by mutual agreement executed and acknowledged in writing and filed for record in the office of the Register of Deeds of Leavenworth County, Kansas.

2. Use of Land – Zoning of the Lots will remain Leavenworth County “PUD” unless or until changed at some future time by the Owner with the consent of the Control Committee and approved by Leavenworth County.

3. No Lot or Lots recorded shall be re-subdivided and no tract or tracts shall be divided into building lots or tracts other than those shown on the recorded plat or recorded documents or amendments. A Lot or Tract Owner may combine portions of lot or tract with an adjoining lot or lots or tract or tracts, but no additional building or improvement site is created thereby. Any division or combination of lots shall be effective only with the written approval of the Corporation.

4. If the Owner of Lots 1-7 does not purchase or Land Lease the corresponding Lot A, then that Lot A must remain in the ownership of Heartland Enterprises, LLC, or Neu Field Airpark Owners Association as its assignee.

5. Easements for installation and maintenance of utilities and drainage are reserved as may be shown on the recorded plat of the Neu Field Airpark Planned Unit Development, Leavenworth County, Kansas. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation, use and flow of drainage in the easements, or which may obstruct or retard the flow of water through drainage channels in the easement. The easement area of each lot and all improvements in it shall be maintained continuously by the Owner of the lot,

except for those improvements for which a public authority or utility company is responsible. Lot setbacks are as follows; all permanent structures must be set back 15 feet from the side property lines, and 40 feet from the rear property lines per County guidelines. The rear yard setback must allow for the Public Utility overhead powerline road access.

6. Any residence or building erected on the property shall not be more than two stories in height above ground level, and have a maximum height of 35 feet per county guidelines. Each residence shall have a minimum of 2000 square feet of living area above ground excluding attached garages, porches, decks .or other extensions of buildings or improvements. There is no limit to the total area that may be developed on a Lot. Pre-fabricated or manufactured homes, or mobile homes are prohibited except for temporary housing for one year during the building of a home or hangar. Homes should be built before hangars or additional buildings.

7. Unattached garages or buildings shall be permitted if consistent with good and acceptable style for the neighborhood, subject to the restrictions stated in this agreement, consistent with all Leavenworth County regulations, and with the approval of the Review Committee.

8. No building shall be constructed on a Lot and no improvements shall be made, unless the plans, specifications and location of the buildings or improvements shall have written approval of the Review Committee.

9. Driveways an Lots and Tracts shall be wide enough to accommodate emergency vehicles, and in compliance with all Leavenworth County codes and regulations.

10. Failure to approve or disapprove submitted documentation specified in paragraph 5 within 30 days after receipt by the Review Committee shall constitute approval. All construction shall be completed in six months after excavation has commenced on the lot. For good cause shown, extensions for completion will be granted by the Review Committee.

11. No inoperative trailers, motor-homes, boats, or other recreational type vehicle, or other junk or salvage; (i.e., trashy in appearance), shall be parked or left on the exterior of any lot.

12. To protect the operational safety of the airstrip, on the East side, no part of a hangar shall be built within fifty-one (51) feet from center of the airstrip. On the West side, all structures shall be not less than ninety (90) feet from the center of the airstrip. Hangars built on East side Lot(s) 1A, 2A, 3A, 4A, 5A, 6A, and 7A shall not include any residential features, including but not limited to bathroom or living quarters. These setbacks shall be strictly enforced, and all side Lot and rear Lot setbacks required by applicable zoning and subdivision regulations shall be observed.

13. Aviation Fuel tanks are not allowed on the airstrip, and should be beside or near the Owner's Hangar whether it be on Lots 1-7 or Lots 1A – 7A. Fuel tanks shall not exceed 500 gallons. Owners shall not advertise Aviation Fuel for sale.

14. Animals and/or livestock may be raised, bred, and/or kept on any Lot, including, dogs cats or other household pets, provided that proper fencing is provided to fence in any such animal or livestock, and the fencing is in place prior to the arrival of the animal(s). No such animal or livestock shall be kept, raised,

bred or maintained for any commercial purpose without the prior approval of the Review Committee. Pets shall be under the control of the Owner at all times.

15. There shall be no front yard fences except fences for decorative purposes. Fences require previous approval by the Corporation and must be of a good or acceptable style for the neighborhood. All land in front of the residence shall be used solely for lawn, driveways and walks. No fences shall be built on an easement.

16. No Lot or Tract shall be used in whole or in part for the storage of rubbish of any character whatever or for the storage of any property or item that will cause the Lot or Tract to appear to be in an unclean or untidy condition or that would be obnoxious to the eye, nor shall any substance, thing or material be kept upon any Lot or Tract that will emit foul or obnoxious odors.

17. Home offices or personal service type home businesses may be allowed if allowed by law, including all county regulations, and if approved by the Review Committee. Home offices may be staffed only by family, and any home business should be limited so as to not increase vehicular traffic on the private driveways and roads.

18. No permanent sign of any kind shall be permitted on a Lot or Tract or displayed to the public or on any building or improvement except for ordinary and customary professional signs advertising the property for sale. No sign shall exceed five square feet. Nothing in this restriction is intended to restrict or prohibit the Corporation from developing signs to advertise Lots and Tracts for sale or improvement. Any other temporary signs shall be approved by the Review Committee prior to their use. Commercial advertising signs are prohibited, with the

exception of Neu Field Airpark signage.

19. Each Owner shall, at the Owner's sole cost and expense, maintain and repair all buildings and improvements in a condition comparable to the initial construction.

20. The renting or leasing of a Lot or Tract together with its buildings and improvements shall be permitted. The renting or leasing of less than all the Lot or Tract together with all its improvements shall not be permitted without approval of the Review Committee. All persons renting or leasing such property shall be subject to the same conditions and restrictions as the lot or tract Owner.

21. These use restrictions shall run with the land and are not personal.

22. Disputes or disagreement between the Corporation and the Owners, or among the Owners shall be determined by proceedings under the arbitration statutes of the State of Kansas, as amended from time to time.

23. Invalidation of any one or more of these covenants and restrictions by judgment or order of the court shall in no way affect any other provisions which shall remain in full force or effect.

24. The failure by the Corporation or any Owner to enforce these restrictions shall in no event be deemed a waiver of the right to such enforcement either as to the same breach or as to a separate or additional breach.

C. REVIEW COMMITTEE:

1. The Review Committee shall be constituted as set out in Article IX of the Neu Field Airpark Owners Association By-Laws.

2. Standard for Review. Approval by the Committee must be in writing, and shall be based, among other things, on adequacy of the Lot dimensions,

conformity and harmony of external design, colors, roof materials effect of location and use of improvements on neighboring Lots, operations and uses; relationship of topography, grade and finished ground elevation of the Lot being improved to that of neighboring Lots; proper orientation of main elevation to airstrip, compatibility and location of parking areas; and conformity of the plans and specifications to the purpose and intent of this Declaration. The Committee shall not arbitrarily or unreasonably withhold its approval of any such plans and specifications.

3. Limitation of Liability. Neither the Committee nor Declarant, nor their respective agents, employees, successors or assigns, shall be liable in damages to (i) anyone submitting plans to them for approval, or (ii) the Owner of any land affected by this Declaration, by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval, or failure to approve or disapprove any such plans and specifications which are submitted to it. Every person who submits plans to the Committee for approval agrees by submission of such plans and specifications, and any Owner or tenant of any of the Lots agrees by acquiring title thereto or an interest therein, to not bring any action or suit, against the Committee or Declarant, asserting any right to recover any such damages.

4. Enforcement.

a. The Committee members shall have the authority and standing, on behalf of the Owners, to enforce in courts of competent jurisdiction, decisions of the Committee established in this section.

No restriction set forth in this Declaration shall be

personally binding upon any Owner, except in respect to breaches committed during his, their, or its Owner's ownership of a Lot as record title holder, and the Committee and/or the Owner or Owners of any other Lot, or part thereof, may have the right to sue for and obtain a prohibitive or mandatory injunction to prevent the breach, or to enforce the observance of the restrictions herein set forth, in addition to ordinary legal action for damages. Enforcement either to recover damages or restrain violations shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant. The costs (including attorneys' fees and court costs) incurred by the Committee to enforce the provisions hereof may be assessed against the Lot upon which such violation occurred. When the costs are so assessed, the assessment shall become due and payable and a continuing lien upon such Lot, and a binding personal obligation of the Owner of such Lot, and the Committee may, but shall not be required to, file a statement (a "**Lien Statement**") in the office of the Register of Deeds of Leavenworth County, Kansas, setting forth the amount due and the lien in favor of the Committee. The Committee shall have the further right, through its agents, employees or committees, to enter upon and inspect any Lot at any reasonable time for the purpose of ascertaining whether any violation of the provisions of this section, or any other provisions or requirements of this Declaration, exist on such Lot, and neither the Committee nor any such agent or employee shall be deemed to have committed a trespass or

other wrongful act by reason of such entry or inspection.

b. In addition to the remedies set forth elsewhere in this Declaration, the Review Committee may assess a fifty dollar (\$50.00) per day assessment, together with attorneys' fees and recording costs, against the title holder of any Lot on which construction of any type is commenced prior to approval of construction plans of a site by the Review Committee, or for any other violation for which there is not a specific assessment otherwise provided. This assessment shall continue to be in effect until construction is stopped and a set of plans has been submitted for review and approved by the Review Committee, or until any other violation is ceased. Such assessments, attorneys' fees and recording costs shall be a lien on the subject Lot until paid, and the Review Committee may file a Lien Statement with the Register of Deeds of Leavenworth County, Kansas, to make such liens a matter of public notice. Construction shall not commence again until a full set of construction plans has been approved by the Review Committee.

D. AIRSTRIP EASEMENT:

1. Heartland Enterprises, LLC hereby grants to the Owners an easement to the Airstrip for the takeoff and landing of aircraft owned or operated by the Owners and guests upon compliance with the terms and provisions the Articles of Incorporation, By-Laws of the Corporation and the terms of this Declaration in effect or as may be amended or adopted by the Corporation from time to time. This is an easement appurtenant to the airstrip and its use; it shall

run with the land and is not personal.

2. The following shall constitute the beginning regulations and operating rules.

a. Interference with Aircraft: The Owners shall not hereafter use or permit their Lots to be used in such a manner as to create electrical interference with radio communications between any installation upon the Airstrip or aircraft, to make it difficult for flyers to distinguish between Airstrip lights or others, to impair visibility in the vicinity of the Airstrip, or any act which may endanger the landing, taking off or maneuvering of aircraft.

b. Operating Rules:

i. Nothing in these rules is to override the pilot's authority and responsibility to conduct a safe flight. The intent of these rules is to insure a safe and orderly Airstrip operation that is neighborhood compatible;

ii. All traffic patterns are to be left hand traffic pattern landing to the north, and left hand traffic pattern landing to the south;

iii. There shall be no commercial activities involving use of the Airstrip that could jeopardize any regulatory requirements for the Airstrip;

iv. No Airstrip activity shall be conducted by an Owner which shall in any way increase the liability insurance rate of Owners or in any way be considered illegal;

- v. There shall be no fly-in (5 or more aircraft) or special events that require use of the Airstrip without previous approval of the Corporation. The Corporation in its discretion, may require the Owner to provide additional insurance, if appropriate;
- vi. In the interest of noise abatement, no touch and go, low passes (dragging the field) or buzzing any buildings. will be allowed at any time. This does not apply to an Owner as to touch and go for qualification purposes;
- vii. Aircraft operation between the hours of 9:00 P.M. and 6:00 A.M. is restricted to one take-off and/or landing per individual aircraft;
- viii. This Airstrip shall not be used as a primary training facility for instruction of non-Owners;
- ix. This Airstrip shall be operated only as a non-commercial airstrip.
- x. The Corporation and each Owner shall comply with all laws in effect from time to time;
- xi. Each Owner shall be liable for and responsible to the Corporation and its Owners for all damages, claims of liability and costs including without limitation attorney fees arising out of the acts of an Owner and of the guests of the Owner;
- xii. Owners and guests shall hold the Corporation, harmless and shall pay all expenses including, without limitation attorney fees, relating to any claim of liability of the Corporation by any person, association, or legal entity based or relating to lots of an

Owner and,

xiii. Each Owner shall be liable to the Corporation and the Owners for all costs and expenses including without limitations attorney fees for any act or procedure for enforcement as to that member under section D(1). These costs and expenses shall be assessed in addition to the annual improvement assessment. (The "Enforcement Assessment").

E. DRIVEWAY EASEMENT AND AIRSTRIP EASEMENT:

1. The Owners of Neu Field Airpark Planned Unit Development Lots 1-7 hereby grant to all Owners of Lots in Neu Field Airpark Planned Unit Development an easement solely for the purpose of ingress and egress to or from their properties. This "Driveway Easement" is legally described in Schedule A to this Declaration. This is an easement appurtenant to Lots 1-7, and it shall run with the land and is not personal.

2. There will be no access to any of Lots 1-7, or Lots 1A-7A directly from a County Road. All access to Lots 1-7 will be limited to the private driveway, and access to Lots 1A-7A will be via the north and south ends of the Airstrip and private easements.

3. Airstrip and Road Maintenance Improvements, Upkeep – For the purpose of providing funds to the Corporation to improve and maintain the Tract of land commonly known as "Airstrip," and the driveway easement. The annual assessment shall be an amount equal to the annual cost incurred by the Corporation for liability insurance, real estate taxes, normal maintenance of improvements, Airstrip lights electric bill, upkeep for the Airstrip, and

administrative expenses of the Corporation, including directors and officers' liability insurance. The records of such costs shall be kept by the Corporation and presented to Owners upon demand. Each subsequent assessment shall be fixed and levied prior to January 1 annually and shall be due and payable within 30 days thereafter.

F. POWERS AND DUTIES OF THE CORPORATION:

In addition, to the powers and duties granted by other provisions of this Declaration or the Bylaws, the Corporation shall have the following powers and duties:

1. To enforce, either in its own name or in the name of any Owner any or all use provisions, restrictions, rules, regulations, easement provisions or the provisions of this Declaration in use in effect or as adopted by the Corporation from time to time and to require the observance of all laws.
2. To adopt use provisions, restrictions, regulations and easement provisions from time to time.
3. To obtain and keep in force public liability insurance and such other insurance coverage with respect to the airstrip and the activities of the Corporation in such amounts and from such companies and, naming as insured the Corporation, its members, officers, directors, agents and employees as the board may determine.
4. To acquire and own title to such real estate or personal property as may reasonably be necessary to carry out the purposes of the Corporation, including acceptance of transfer of the Airstrip from Heartland Enterprises, LLC, if offered to the Corporation.

5. To pay the costs or expenses to carry out the duties and powers of the Corporation and including directors and officers liability insurance premiums, bookkeeping and accounting expenses, attorneys fees and such other expenses as they may be determined necessary or proper to carry out the intent of this declaration.

6. To exercise the general and specific powers enumerated in the Corporation Code of the State of Kansas as it may be amended from time to time.

7. To receive and take action on applications for building permits which are required and to grant occupancy permits.

8. To take such action as may be determined by the Corporation for the benefit of the Corporation, its Owners, officers, directors, agents and employees.

G. METHOD OF PROVIDING FUNDS:

1. For the purpose of providing general funds to enable the Corporation to exercise its powers, duties and to perform its obligations to accomplish its purposes, all Lots, and Lots with divided Ownership of the Owners, other than Tract A, the Airstrip, shall be subject to an annual improvement assessment to be paid to the Corporation annually in advance by the respective Owners. The Owners of Lots 1-7, and Lots 1A-&a shall share this improvement assessment equally.

2. The amount of the annual improvement assessment shall be fixed by the Corporation from year to year at a meeting duly called, held and convened in accordance with he Articles of Incorporation, by-laws of the Corporation and

laws of Kansas.

H. DATE WHEN ASSESSMENTS ARE DUE:

The first assessment shall be for the calendar year beginning January 1, 2023. It shall be fixed and levied before January 1, 2023, and shall be due and payable on January 1, 2023, and on the 1st day of January of each subsequent year. The first annual assessment for any Lot and a divided portion of a Lot of a member after January 1, 2023, shall be due and payable on the first day of the month following such conveyance, and the amount of the assessment shall be a sum prorated on the number of days remaining to the end of the calendar year. The Corporation shall notify all Owners on or before that date, stating the amount of the assessment, the date the assessment is due and the amount due for each Lot or divided portion of a Lot owned by each Owner. Failure of the Corporation to levy the assessment prior to January 1st of any year for the next succeeding calendar year beginning on January 1st shall not invalidate any such assessment subsequently fixed and levied for that particular year, nor shall failure to fix and levy an assessment for any one year affect the right of the Corporation to do so for any subsequent year. When the assessment is fixed and levied on a date subsequent to January 1 of any year it shall become due and payable thirty (30) days from the subsequent date.

I. LIEN ON REAL ESTATE:

Each assessment shall become a lien on each Lot or divided portion of a Lot of the Owners as soon as it is due and payable. In the event of failure of any Owner to pay any annual assessment on or before the 1st day of the

third month following the date it became due and payable, the assessment shall bear interest at the rate of ten percent (10%) per annum, or the maximum legal rate of interest allowed by the laws of the State of Kansas, from the 1st day of the third month. This interest shall be an additional assessment against the Lot or Lots of the Owner or Owners requiring enforcement.

J. SUBORDINATION OF THE LIEN TO MORTGAGES:

The lien of all assessments shall be subordinate to the lien of any mortgage now or hereafter recorded upon any property subject to assessments. However, this subordination shall apply only to the assessment or installments, which have become due and payable before the sale of such property pursuant to a foreclosure of such mortgage, or before a conveyance to the mortgagee or beneficial member in lieu of foreclosure. Such sale shall not relieve the property from liability for any assessment or installments thereafter becoming due or from the lien of any such subsequent assessments or installments.

K. DATE WHEN ASSESSMENT DELINQUENT:

If unpaid on March 1, 2023, and on the first day of March of each following year, or within sixty days from the date of levying the assessment for the calendar year during and for which the assessment is made, whichever may first occur, the entire assessment shall be delinquent. Payment both of principal and of interest when delinquent may be enforced as a lien on the real estate, in proceedings in the District Court of Leavenworth County,

Kansas, having jurisdiction of suits for the enforcement of such liens.

L. TERMINATION OF LIENS:

Liens shall be effective for a period of two (2) years from the date of delinquency and no longer, unless within that time suit shall have been instituted to foreclose the lien, in which case the lien shall continue until the final determination of the suit, and until the sale of the property under execution of a judgment. The Corporation may purchase the property foreclosed at the sale.

M. AMENDMENT AND TERMINATION OF DECLARATION:

At any time and by its action, the Corporation may amend or by unanimous, affirmative votes of all Owners terminate this Declaration and release all lands then affected from the terms and provisions of this Declaration. This right of amendment or termination shall not be effective if a third party shall have easement rights in the common area unless the third party shall previously agree in writing by executing a document for recording to reflect the termination.

N. ASSIGNMENT:

This Declaration shall be binding upon and inure to the benefit of the Corporation and its successors and assignees and to the Owners and their heirs, devisees, grantees and assigns.

O. RESOLUTION OF DISPUTES:

Any and all disputes shall be determined according to the arbitration statutes of the State of Kansas as amended.

IN WITNESS WHEREOF, The Corporation has caused this Declaration to be executed as its act and deed as of the day and year first above written.

Heartland Enterprises, LLC

By: _____
Rick L. Neu, Joint Member

By: _____
Rick L. Neu, Individually

By: _____
Vicki L. B. Neu, Joint Member

By: _____
Vicki L. B. Neu, Individually

NEU FIELD AIRPARK OWNERS ASSOCIATION BY-LAWS

ARTICLE I DEFINITIONS

"Association" - shall mean and refer to Neu Field Airpark Owners Association, its successors or assigns.

"Common Areas" - shall be defined as real property acquired by, or conveyed to, the Association, to be owned by, or leased to, the Association for the benefit and use of its Members.

"Declarations" - as used in these By-laws, shall mean and refer to the Declaration of Use, Restrictive Covenants, and Easement Agreement, dated September 30, 2022, and recorded with the Register of Deeds on October 19, 2022, as Document number 2022R09570, and as such may be further amended from time to time.

"Developer" - shall mean and refer to Heartland Enterprises, LLC and Rick L. Neu and Vicki L.B. Neu for the purposes of the application of these By-laws to the Association, or its successors or assigns within the Development. The term shall not refer to any individual Lot Owner as a successor or assignee of Developer.

"Development" - shall mean and refer to the Neu Field Airpark Planned Unit Development, and all subsequent phases and subdivisions developed on the property described on Exhibit "A" of the Declarations.

"Lot" - shall mean and refer to the various tracts or parcels of ground designated numerically, as Lots 1-7, Lots 1A-7A, and Tract A on the plat of the Neu Field Airpark Planned Unit Development, and such Lots or Tracts which may be subsequently platted within the Development.

"Lot Owner" - shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot or portion thereof, which is a part of the Subdivision, but excluding those having such interest merely as a security for the performance of an obligation such as lenders and holders of mortgages. "Lot Owner" shall also mean and refer to buyers in possession under a contract for deed.

"Review Committee" - shall mean and refer to a committee appointed by ("Developer"), until such time as Developer has conveyed 100% of the Lots described above. At such time as 100% of the above described Lots have been conveyed, a Review

ARTICLE IV
MEMBERSHIP AND MEETINGS OF MEMBERS

- A. Membership. Every person or entity who is a Lot Owner, as the term is defined by these By-laws and the Declarations, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. No Lot Owner shall have more than one membership. Membership shall not be separated from ownership of any Lot. Ownership of any Lot shall be the sole qualification for membership.
- B. Place of Meetings. All annual meetings of members and all other meetings of members shall be held at the principal office of the Association unless another place within or without the State of Kansas is designated either by the Board of Directors pursuant to authority hereinafter granted to said Board, or by the written consent of all members entitled to vote there at, given either before or after the meeting and filed with the secretary of the Association.
- C. Voting Rights. Each Lot Owner shall be entitled to vote one vote for each Lot in which he or she holds the interest required for membership by this Article IV(A). When more than one person holds such interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot.
- D. Meeting of Voting Members & Other Membership Matters. The annual meetings of the members shall be held on the second Sunday in October in each year at 4:00 p.m. At such meeting directors shall be elected, reports of the affairs of the Association shall be considered, and any other business may be transacted which is within the power of the members.

Written notice of each annual meeting shall be given to each member entitled to vote, either personally or by mail or other means of written communication, charges prepaid, addressed to such member at his address appearing on the books of the Association or given by him to the Association for the purpose of notice. If a member gives no address, notice shall be deemed to have been given if sent by mail or other means of written communication addressed to the place where the principal office of the Association is situated, or if published at least once in some newspaper of general circulation in the county in which said office is located. All such notices shall be sent to each member entitled thereto not less than ten (10) days nor more the fifty (50) days before each annual meeting, and shall specify the place, the day and the hour of such meeting, and shall state such other matters, if any, as may be expressly required by statute. If this bylaw as to the time and place of

by such person or his duly authorized by a written proxy executed by such person or his duly authorized agent and filed with the secretary of the Association; provided that no such proxy shall be valid after the expiration of one (1) year from the date of its execution, unless the person executing it specified therein the length of time for which such proxy is to continue in force.

- J. Inspection of Corporate Records. The membership ledger, the books of account, and minutes of proceedings of the members, the Board of Directors and of executive committees of directors shall be open to inspection upon the written demand of any member within five (5) days of such demand during ordinary business hours if for a purpose reasonably related to his interests as a member. A list of members entitled to vote shall be exhibited at any reasonable time and at meetings of the members when required by demand of any member at least twenty (20) days prior to the meetings. Such inspection may be made in person or by an agent or attorney authorized in writing by a member, and shall include the right to make abstracts. Demand of inspection other than at a members' meeting shall be made in writing upon the president, secretary, or general manager of the Association.
- K. Inspection of By-laws. The Association shall keep in its principal office for the transaction of business the original or a copy of these By-laws as amended or otherwise altered to date, certified by the secretary, which shall be open to inspection by the members at all reasonable times during ordinary business hours.

ARTICLE V **DIRECTORS**

- A. Powers. Subject to limitations of the Articles of Incorporation, the Declarations, the By-laws, the Developer's authority as stated in Article III of the By-laws and of the Kansas Corporation Code as to action which shall be authorized or approved by the members, and subject to the duties of directors as prescribed by the By-laws, all corporate powers shall be exercised by or under the authority of, and the conduct and affairs of the Association shall be controlled by, the Board of Directors. Without prejudice to such general powers but subject to the same limitations, it is hereby expressly declared that the directors shall have the following powers, to-wit:
1. To recommend changes to the By-laws to the membership for a vote pursuant to the member's powers under Article X(F).
 2. To select and remove all the other officers, agents and employees of the Association, prescribe such powers and duties for them as may not be inconsistent with law, or with the Articles of Incorporation or the By-laws.

omissions insurance covering the officers and directors of the Association;
and

5. To interpret and enforce the provisions of the Declarations.
- C. Number and Qualification of Directors. Until such time as the Developer has conveyed 100% of the Lots, the authorized number of directors of the Association shall be two (2). At such time as 100% of the Lots have been conveyed by the Developer or the Developer has relinquished control of the Board of Directors as provided in Article III above, the authorized number of directors of the Association shall be automatically increased to three (3), until changed by amendment to this bylaw. Directors must be members, unless appointed by the Developer.
 - D. Election and Term of Office. After the Developer has relinquished its authority over this action or conveyed 100% of the Lots in the Development, the directors shall be elected at each annual meeting of voting members, but if any such annual meeting is not held, or the directors are not elected thereat, the directors may be elected at a special meeting of voting members held for the purpose as soon thereafter as convenient. All directors shall hold office until their respective successors are elected. A director can be removed from office at any time for good cause, by a majority vote of the voting members, and he may be removed without cause by 2/3rd vote of the voting members.
 - E. Vacancies. After the Developer has relinquished his authority over this action or conveyed 100% of the Lots in the Development, vacancies on the Board of Directors may be filled by a majority of the remaining directors, although less than a quorum, or by a sole remaining director. If at any time, by reason of death, resignation, or other cause, the Association should have no directors in office, then any officer or any member may apply to the District Court for a decree summarily offering election as provided for by the Kansas Corporation Code. Each director so elected shall hold office until his successor is elected at an annual or a special meeting of the members.

A vacancy or vacancies on the Board of Directors shall be deemed to exist in case of the death, resignation or removal of any director, or if the authorized number of directors be increased, or if the members fail at any annual or special meeting or members at which any director or directors are elected to elect the full authorized number of directors to be voted for at the meeting, or if any director or directors elected shall refuse to serve.

Any Member may call a Special Meeting of the Members at any time to fill

- K. Waiver of Notice. The transactions of any meeting of the Board of Directors, however called noticed of wherever held, shall be as valid as though had at a meeting duly held after regular call and notice, if a quorum be present, and if, either before or after the meeting, each of the directors not present signs a written waiver of notice, or a consent to holding such meeting, or an approval of the minutes thereof. All such waivers, consents or approvals shall be filed with the corporate records or made a part of the minutes of the meeting.
- L. Quorum. A majority of the total number of directors shall be necessary to constitute a quorum for the transaction of business, except to adjourn as hereinafter provided. Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present shall be regarded as the act of the Board of Directors, unless a greater number be required by law or by the Articles of Incorporation. The directors present at a duly called or held meeting at which a quorum is present may continue to do business until adjournment, notwithstanding the withdrawal of enough directors to leave less than a quorum.
- M. Meetings by Telephone or Video Conference. Members of the Board of Directors of the Association, or any committee designated by such Board, may participate in a meeting of the Board of Directors by means of conference telephone, video conference, or similar communications equipment, by means of which all persons participating in the meeting can hear one another, and such participation in a meeting shall constitute presence in person at the meeting.
- N. Adjournment. A majority of the directors present may adjourn any directors' meeting to meet again at a stated day and hour or until the time fixed for the next regular meeting of the Board.
- O. Fees and Compensation. Directors shall not receive any payment for their services as Directors. Directors shall be entitled to reimbursement for expenses made on behalf of the Association.

ARTICLE VI OFFICERS

- A. Officers. The officers of the Association shall be president, a secretary, and a treasurer. The Association may also have such other officers as may be appointed in accordance with the provisions of Article VI(C). Any number of offices may be held by the same person.
- B. Election. The officers of the Association, except such officers as may be appointed in

The secretary shall keep, or cause to be kept, at the principal office, a membership list, showing the names of the members and their addresses, the number and dates of membership.

The Secretary shall give, or cause to be given, a notice of all the meetings of the members and of the Board of Directors required by these By-laws or by law to be given, and he shall keep the seal of the Association in safe custody, and shall have such other powers and perform such other duties as may be prescribed by the Board of Directors or these By-laws.

H. Treasurer.

1. The Treasurer shall keep and maintain or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the Association, including accounts of its assets, liabilities, receipts and disbursements. The books of account shall at all reasonable times be open to inspection by any director.

2. The Treasurer shall deposit all monies and other valuables in the name and to the credit of the Association with such depositories as may be designated by the Board of Directors. He shall disburse the funds of the Association as may be ordered by the Board of Directors, shall render to the president and directors, whenever they request it, an account of all of his transactions as treasurer and of the financial condition of the Association, and shall have such other powers and perform such other duties as may be prescribed by the Board of Directors or these By-laws. He shall be bonded, if required by the Board of Directors.

ARTICLE VII
COMMON AREAS

A. Governance; Rules and Regulations. Common Areas shall be governed by the following provisions:

1. The Board of Directors may limit the number of guests of members or occupants, and may promulgate and establish rules and regulations for the use of any "Common Areas" or any facilities located thereon.
2. The Board of Directors may establish and charge admission and other fees for the use for the use of any recreational facility, if any, situated upon the Common Areas.

accepted by, or otherwise owned or acquired by, a public authority shall be exempt from annual and special assessments.

ARTICLE IX REVIEW COMMITTEE

- A. Review Committee-Appointment. Until such time as the Developer has conveyed 100% of the Lots or relinquished the Developer's authority relative to the Review Committee pursuant to Article III, the Developer shall appoint the members of the Review Committee, who do not have to be Lot Owners. At such time as 100% of the Lots of the Subdivision have been conveyed by the Developer or relinquished control of the Review Committee, the Board of Directors shall appoint a Review Committee comprised of three (3) Lot Owners, who shall thereafter be appointed annually. Any vacancies on the Review Committee shall be filled by the Board of Directors. The operations of the Review Committee shall be governed by the By-laws, the Declarations.
- B. Review Committee Function. It is the purpose and function of the Review Committee to insure the best use and most appropriate development and improvement of the lands located within the Subdivision; to protect the Association and its members against such improper use of surrounding Lots as will depreciate the value of their property; to preserve, so far as practicable, the natural beauty of and provide for proper landscaping of the Subdivision; to guard against the erection thereon of poorly designed and proportioned structures and structures built of improper or unsuitable materials; to encourage and secure the erection of attractive homes thereon with appropriate locations thereof on the Lots; to secure and maintain proper setbacks from streets and adequate free spaces between structures; and in general to provide for a high quality and aesthetically pleasing type of improvements to the Subdivision, and thereby to enhance the value of investments made by Lot Owners within the Subdivision.

The Review Committee is specifically charged with plan review and approval as outlined in the Declarations, and interpretation and enforcement of the specific Development, Use and Building Standards established in and pursuant to the Declarations.

In the event any Lot Owner shall attempt to construct or alter any improvements, except in compliance herewith, the Review Committee, the Association, or any Lot Owner shall have the authority to seek injunctive or other appropriate relief to enforce compliance with the Declarations.

times as may be deemed appropriate by the Board of Directors.

- E. Contracts, Deeds, Etc., How Executed. The Board of Directors, except as in these By-laws otherwise provided, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of the Association, and such authority may be general or confined to specific instances; and unless so authorized by the Board of Directors, no officer, agent or employee shall have any power or authority to bind the Association by any contract or engagement or to pledge its credit or to render it liable for any purpose in any amount, provided, however, that any deeds or other instruments conveying lands or any interest therein shall be executed on behalf of the Association by the president or vice-president, if there be one, or by any agent or attorney so authorized under letter of attorney or other written power which was executed on behalf of the Association by the president or vice-president.
- F. Amendment/ By-laws. Subject to the exclusive rights of amendment reserved to the Developer in Article X(G) below and after the Developer has conveyed 100% of the Lots, the By-laws may be amended at a meeting of the Association members upon the approval thereof of two - thirds of all of the Lot Owners entitled to vote, or without any meeting if all Lot Owners have been duly notified and if two -thirds of all of the Lot Owners entitled to vote at such a meeting, if held, consent in writing to such amendment.
- G. Developer/ Amendment. Until such time as the Developer has conveyed 100% of the Lots, the Developer reserves the exclusive right to amend these By-laws without approval of the Board, the Association members or any Lot Owner.
- H. Fiscal Year. The Association's Fiscal Year shall run from January 1 to December 31.
- I. Inconsistent Terms. Should any terms of these By-laws be interpreted to be in conflict with the terms of the Declarations, as they may be amended from time to time, then the terms of the Declarations shall control.

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify:

(1) That I am the duly elected and acting secretary of New Field Airpark Owners Association, a Kansas Nonprofit Corporation; and

(2) That the foregoing By-laws, comprising sixteen (16) pages, including this page,

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-095/096 Schempps Double S

September 13, 2023

REQUEST: <i>Consent Agenda</i> <input checked="" type="checkbox"/> Preliminary Plat <input checked="" type="checkbox"/> Final Plat	STAFF REPRESENTATIVE: AMY ALLISON DEPUTY DIRECTOR
--	--

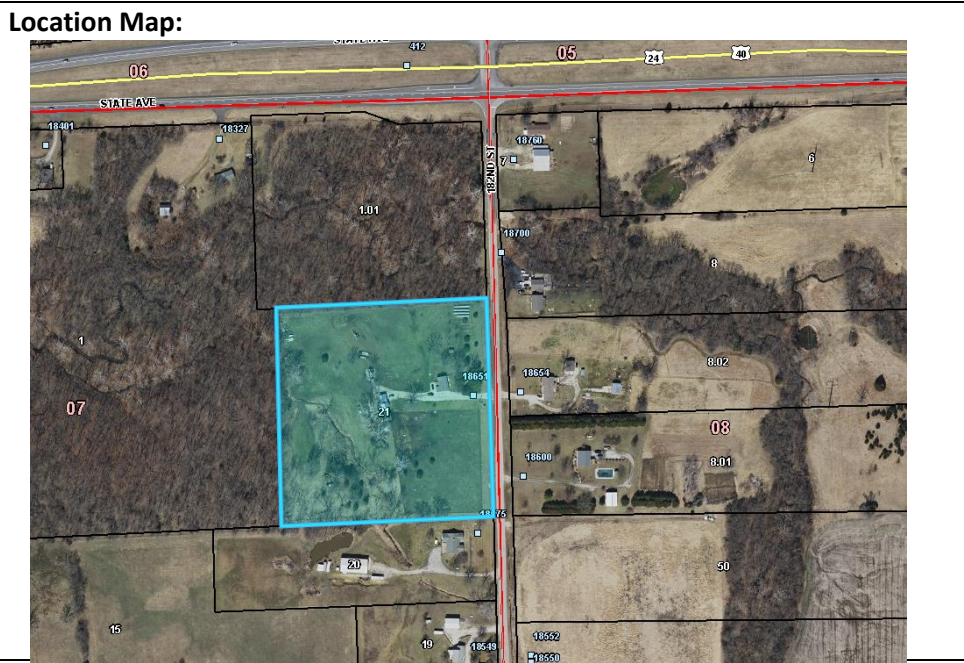
SUBJECT PROPERTY: 18651 182ND STREET	APPLICANT/APPLICANT AGENT: LARRY HAHN HAHN SURVEYING
	PROPERTY OWNER: KYLE J & DAVID SCHEMPP 5422 GLEASON ROAD SHAWNEE, KS 66226
	CONCURRENT APPLICATIONS: NONE
	LAND USE
	ZONING: RR-2.5 FUTURE LAND USE DESIGNATION: MIXED USE

LEGAL DESCRIPTION: The Southeast ¼ of the Northeast ¼ of the Northeast ¼ of Section 7, Township 11 South, Range 22 East of the Sixth P.M., Leavenworth County, Kansas.	SUBDIVISION: N/A
	FLOODPLAIN: ZONE AE

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS	PROPERTY INFORMATION
---	-----------------------------

ACTION OPTIONS: 1. Recommend approval of Case No. DEV-23-095/096, Preliminary & Final Plat for Schempps Double S, to the Board of County Commission, with or without conditions; or 2. Recommend denial of Case No. DEV-23-095/096, Preliminary & Final Plat for Schempps Double S, to the Board of County Commission for the following reasons; or 3. Continue the hearing to another date, time, and place.	PARCEL SIZE: 10.07 ACRES
	PARCEL ID NO: 183-07-0-00-00-021.00
	BUILDINGS: 1 SINGLE FAMILY RESIDENCE, MULTIPLE ACCESSORY STRUCTURES

PROJECT SUMMARY: Request for preliminary and final plat approval to subdivide property located at 18651 182 nd Street as Lots 1 through 3 of Schempps Double S.	ACCESS/STREET: 182ND STREET - COUNTY COLLECTOR, PAVED ± 25';
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UTILITIES
SEWER: PRIVATE SEPTIC SYSTEM
FIRE: STRANGER
WATER: SUBURBAN WATER
ELECTRIC: EVERGY
NOTICE & REVIEW:
STAFF REVIEW: 8/8/2023
NEWSPAPER NOTIFICATION: N/A
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 three lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots 1 and 2 will be approximately 3.45 acres in size. All lots meet the requirements for the RR-2.5 zoning district. The proposed driveway locations will access off of 182nd Street and comply with the Access Management regulations. Suburban Water District will require the applicant to upgrade the existing water main prior to meters being issued for this property. Fire hydrants will not be allowed to be installed on the existing line. 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, Stanger Fire District, dated June 28, 2023
 - b. Memo – Chuck Magaha, Emergency Management, dated July 3, 2023
 - c. Email – Travis J Miles, Suburban Water, dated July 6, 2023

ATTACHMENTS:

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

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

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME _____	NAME <u>KYLE J. SCHEMPP</u>
ADDRESS _____	ADDRESS <u>5422 GLEASON ROAD</u>
CITY/ST/ZIP _____	CITY/ST/ZIP <u>SHAWNEE, KS. 66226</u>
PHONE _____ EMAIL _____	PHONE <u>913-617-1326</u> EMAIL _____
CONTACT PERSON _____	CONTACT PERSON <u>DAVID SCHEMPP (913) 488-3533</u>

GENERAL INFORMATION

Subdivision Name: SCHEMPPS DOUBLE "S" ESTATES

Legal Description (S-T-R 1/4 Section): SE 1/4 OF NE 1/4 OF NE 1/4 7-T11S-R22E

Zoning: RR- 2.5

Surveyor and/or Engineer Firm: HAHN SURVEYING


Contact Person: LARRY HAHN

Address: PO BOX 186 BASEHOR, KANSAS 66007

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

SUBDIVISION INFORMATION		
Gross Acreage: 10.07 ACRES	Number of Lots: 3	Minimum Lot Size: 3.15 ACRES
Maximum Lot Size: 3.47 ACRES	Zoning: RR - 2.5	Density:
Open Space Acreage:	Water District: SUBURBAN	Proposed Sewage: ON SITE
Fire District:	Electric Provider: EVERGY	Natural Gas Provider: PROPANE
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Phase Number:	
Is any part of the site designated as Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, what is the panel number: 20103C0325G		

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

Signature:  Date: 6-19-23

ATTACHMENT A-2

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

Office Use Only

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: _____	NAME: <u>KYLE J. SCHEMPP</u>
MAILING ADDRESS: _____	MAILING ADDRESS <u>5422 GLEASON ROAD</u>
CITY/ST/ZIP: _____	CITY/ST/ZIP <u>SHAWNEE, KS. 66226</u>
PHONE: _____ EMAIL: _____	PHONE: <u>913-617-1326</u> EMAIL _____
CONTACT PERSON: _____	CONTACT PERSON: <u>DAVID SCHEMPP (913) 488-3533</u>

GENERAL INFORMATION

Proposed Subdivision Name: SCHEMPPS DOUBLE "S" ESTATES

Nearest Intersection: STATE AVE. & 182ND STREET

Legal Description (S-T-R 1/4 Section): SE 1/4 OF NE 1/4 OF NE 1/4 7-T11S-R22E

Zoning: RR - 2.5

Comprehensive Plan Land Use Designation: _____

Urban Growth Management Area: _____

Surveyor and/or Engineer Firm: HAHN SURVEYING

Contact Person: LARRY HAHN

Address: PO BOX 186 BASEHOR, KANSAS 66007

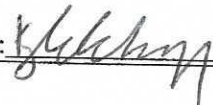
Phone: 913-547-3405 Fax: _____ Email: hahnsurvey@gmail.com

SUBDIVISION INFORMATION

Gross Acreage: <u>10.07 ACRES</u>	Number of Lots: <u>3</u>	Minimum Lot Size: <u>3.15 ACRES</u>
Maximum Lot Size: <u>3.47 ACRES</u>	Proposed Zoning: <u>RR-2.5</u>	Density: _____
Open Space Acreage: _____	Water District: <u>SUBURBAN</u>	Proposed Sewage: <u>ON SITE</u>
Fire District: <u>STRANGER</u>	Electric Provider: <u>EVERGY</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local - Collector</u>	<u>Arterial - State - Federal</u>

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

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

Signature:  Date: 6-19-23

ATTACHMENT A-1

OWNER AUTHORIZATION

I/WE KYLE J. SCHEMP, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 20 day of June, 2023, make the following statements, to wit:

- 1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property
See Exhibit A attached hereto and incorporated herein by reference.
- 2. I/We the undersigned, have previously authorized and hereby authorize LARRY HAHN
HAHN SURVEYING (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Department of Leavenworth County, Kansas, 18651 182ND STREET (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
- 3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the 'County'), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly our of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- 4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

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

STATE OF KANSAS
COUNTY OF LEAVENWORTH

X Kyle J. Schempp
KYLE J. SCHEMP

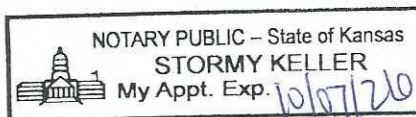
The foregoing instrument was acknowledged before me on this 20 day of June, 2023

by Stormy Keller

My Commission Expires: 10/07/2026

Notary Public, Stormy Keller

ATTACHMENT B



Entered in the transfer record in my office this

1 day of May, 2013

Jamie Blawie
County Clerk

Doc #: 2013R04053
STACY R. DRISCOLL
REGISTER OF DEEDS
LEAVENWORTH COUNTY
RECORDED ON
05/01/2013 09:13AM
RECORDING FEE: \$12.00

Nations Title Agency of Kansas, Inc.
9415 Nail Avenue
Prairie Village, Kansas 66207
(913) 383-9454
13500623
12/2/20067

INDEBTEDNESS: 0
PAGES: 2

(Space above reserved for Recorder of Deeds certification)

KANSAS WARRANTY DEED

THIS INDENTURE, Made on the 23rd day of April, 2013 by and between Kyle J Schempp And Alison Schempp, Husband And Wife of the County of Leavenworth, State of Kansas, herein called the grantor whether one or more, and Kyle J Schempp, A Married Person of the County of Leavenworth, State of Kansas, herein called the grantee whether one or more.

WITNESSED: THAT SAID GRANTOR, in consideration of the sum of One Dollar and other valuable consideration the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey unto the said grantee, his heirs and assigns, all the following described real estate, situated in the County of Leavenworth and State of Kansas, to-wit:

The Southeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 7, Township 11 South, Range 22 East of the Sixth P.M., less any part thereof taken or used for road purposes, Leavenworth County, Kansas.

Exemption 3
Tax Identification/Parcel Number 17305

SUBJECT TO covenants, conditions, easements, restrictions and reservations of record, if any.

TO HAVE AND TO HOLD THE SAME, Together with all and singular, the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, forever. And said grantor for his heirs, executors or administrators, does hereby covenant, promise and agree to and with said grantee, that at the delivery of these presents he is lawfully seized in his own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever except as hereinbefore stated, and except for the lien of taxes, both general and special, not now due and payable.

AND that he will warrant and forever defend the same unto the said grantee, his heirs and assigns, against said grantor, his heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same

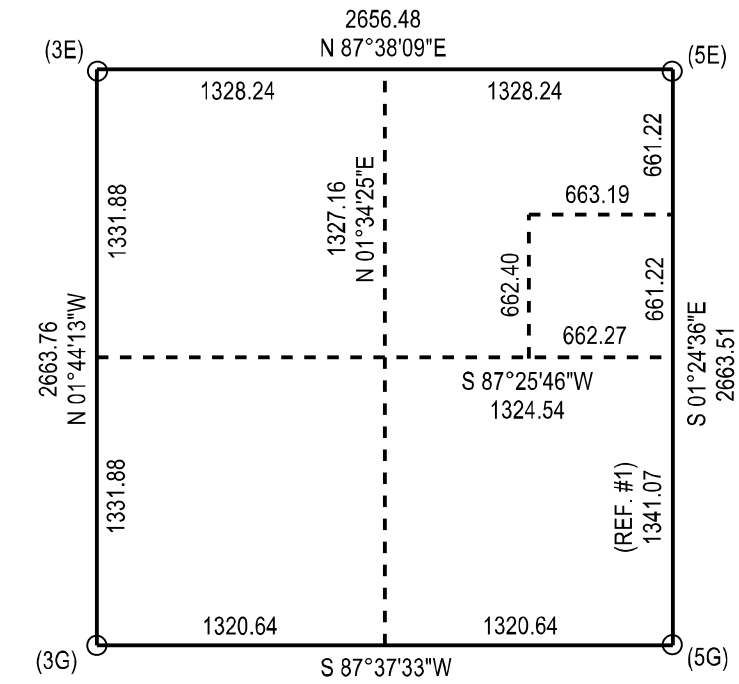
WORDS and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

SCHEMPPS DOUBLE "S" ESTATES

A SUBDIVISION BEING THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7-T11S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS

PRELIMINARY PLAT

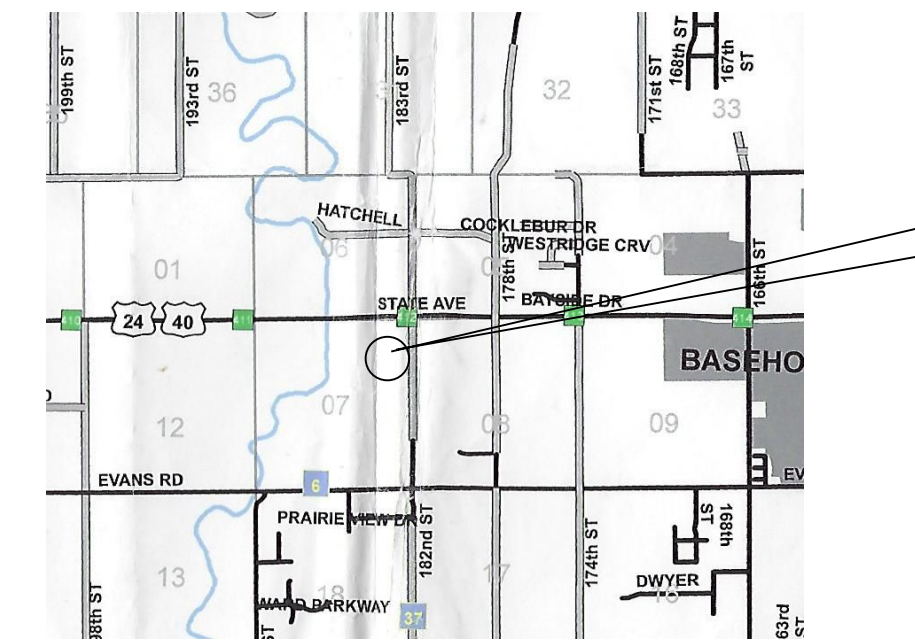
NE CORNER 7-T11S-R22E (5E)
ALUMINUM CAP
1. SW 125.21 TO CORNER POST - R/W FENCE
2. SSE 146.06 TO TOP NUT OF FIRE HYDRANT
3. SE 115.73 TO CORNER POST - CHAINLINK FENCE



SECTION MAP - NE 1/4 NO SCALE

(3E) N 1/4 CORNER 7-T11S-R22E
ALUMINUM CAP (REF. #1)
1. SSW 35.33 TO "*" CUT ON EAST END OF SOUTH GUARDRAIL
2. WNW 14.59 TO "*" CUT ON EAST END OF NORTH GUARDRAIL
3. NW 26.51 TO "*" CUT ON EAST END OF NORTH GUARDRAIL

(3G) CENTER 7-T11S-R22E
1/2" REBAR (REF. #1)
1. SW 10.68 TO SPIKE & WASHER IN CORNER POST
2. NW 21.00 TO SPIKE & WASHER IN TOP OF FENCE POST
3. NW 37.69 TO SPIKE & WASHER IN 20' TREE
4. 7' EAST & 5.5' NORTH OF FENCE CORNER



LOCATION MAP NO SCALE

OWNER / DEVELOPER

KYLE J. SCHEMP / DAVID SCHEMP
5422 GLEASON ROAD
SHAWNEE, KANSAS 66226
(913) 617-1326
(913) 488-3533

DEED DESCRIPTION - DOC. #2013R04053

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE 6TH P.M., LESS ANY PART THEREOF TAKEN OR USED FOR ROAD PURPOSES, LEAVENWORTH COUNTY, KANSAS.

SURVEYORS DESCRIPTION

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7-T11S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, KS PS-1349, JUNE, 2023, DESCRIBED AS FOLLOWS, COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 7; THENCE, S 01°24'36"E, 661.22 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7 AND THE POINT OF BEGINNING OF THIS TRACT; THENCE, CONTINUING ALONG SAID EAST LINE, S 01°24'36"E, 661.22 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE, S 87°25'46"W, 662.27 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7 TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE, N 01°29'31"W, 662.40 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7 TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE, N 87°31'58"E, 663.19 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER TO THE POINT OF BEGINNING. CONTAINS 10.07 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY. RELATIVE: 1:542,121

NOTES

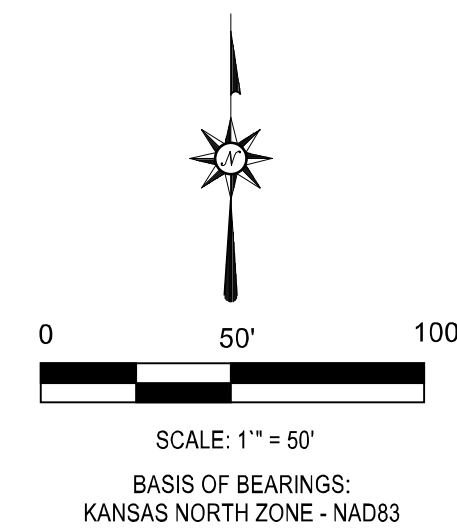
- FENCE LINES DO NOT DENOTE PROPERTY LINES.
- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL / RESIDENTIAL PROPOSED USE - RR-2.50 / RESIDENTIAL
- THIS PLAT IS WITHIN A SPECIAL FLOOD HAZARD AREA (ZONE "AE") FEMA FIRM 20103C0325G, EFFECTIVE DATE: 7-16-2015.

RESTRICTIONS

- NO OFF PLAT RESTRICTIONS.
- 40' REAR SETBACK FOR RESIDENCES
15' REAR SETBACK FOR ACCESSORY BUILDINGS
15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
- 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.
- LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.
- STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.

LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
- POC POINT OF COMMENCING
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT
- S/B BUILDING SETBACK
- (NS) NO MONUMENT SET BY AGREEMENT WITH CLIENT
- ✕ EXISTING FENCE
- ▨ NO DRIVE ACCESS



DRAINAGE CALCULATIONS

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

UTILITIES

ELECTRIC / EVERGY
WATER / SUBURBAN WATER
GAS / PRIVATE PROPANE
SEWAGE / PRIVATE ON SITE SYSTEM FIRE DISTRICT / STRANGER

ROAD INFORMATION

182ND STREET - 24' WIDE PAVED SURFACE
ROAD CLASS - COUNTY MINOR COLLECTOR

PUBLIC IMPROVEMENT

NONE

ZONING

RR - 2.5

REFERENCES

1. DOC. #2014S020

BENCHMARK

TOP NUT OF FIRE HYDRANT AT THE SE CORNER OF 182ND STREET AND STATE AVE. EL. 840.07 (NAVD 88)

E 1/4 CORNER 7-T11S-R22E (5G)
KDOT CAP - 1.80' +/- DEEP (REF. #1)
1. SSW 60.70 TO 60D NAIL WITH SKOAL LID IN 10' OAK
2. ENE 42.95 TO 60D NAIL WITH SKOAL LID IN TOP OF CORNER POST
3. NNE 132.55 TO 60D NAIL WITH SKOAL LID IN POWER POLE

"UNPLATTED TRACT"
PN. 183-7-1.01
OWNER:
IRA L. & DELORES R. DALTON
4502 COUNTY LINE RD.
KANSAS CITY, KS. 66106

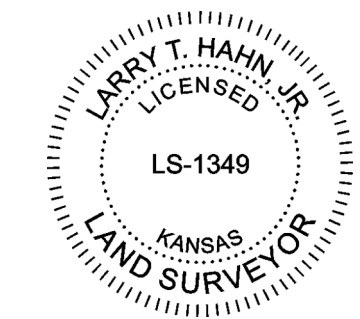
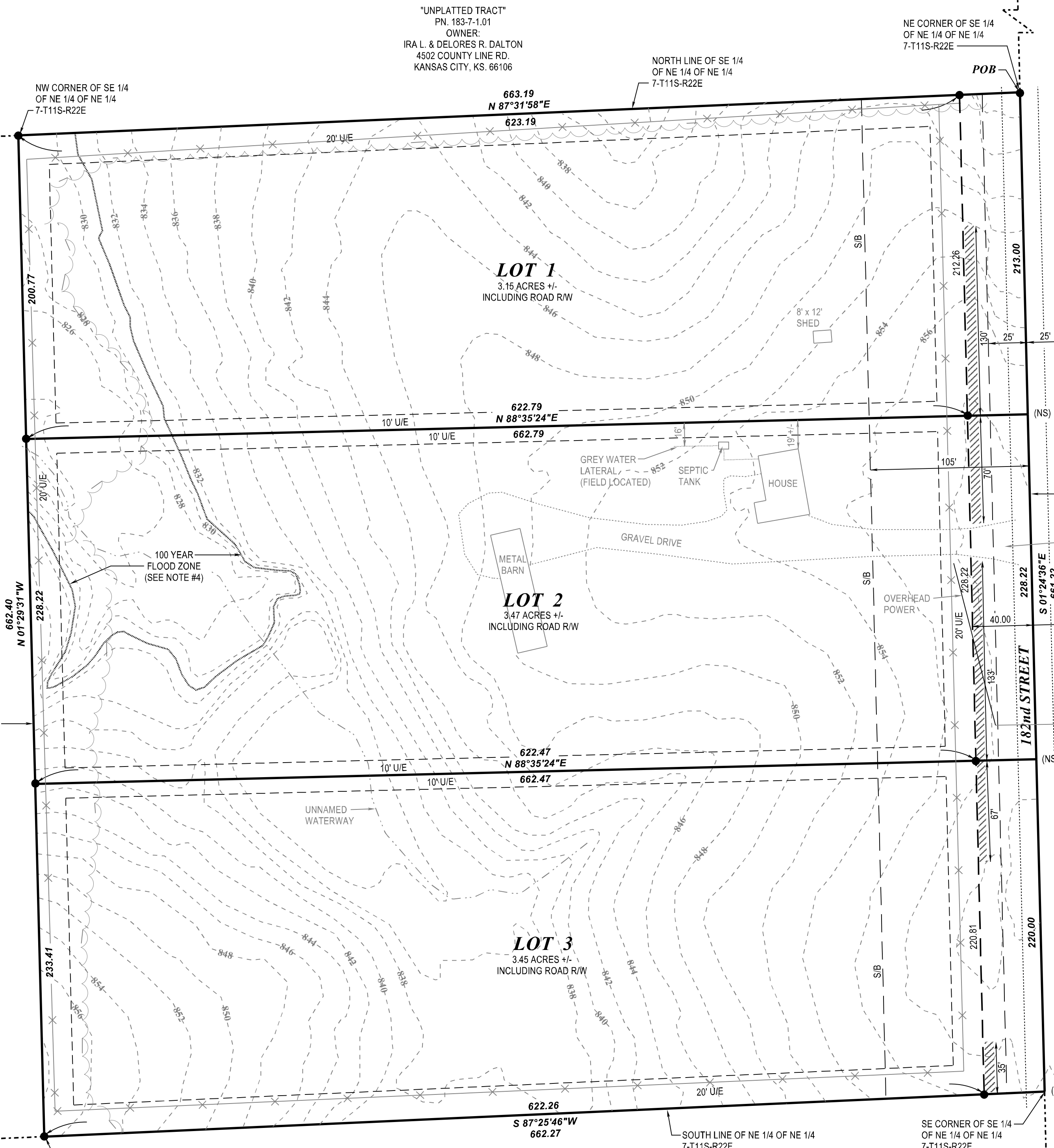
"UNPLATTED TRACT"
PN. 183-8-8.00
OWNER:
BRADY MARK & TIFFANIE DIANE SAYERS
18700 182ND STREET
TONGANOXIE, KS. 66086

"UNPLATTED TRACT"
PN. 183-8-8.02
OWNER:
HENSON JOINT REVOCABLE TRUST
18654 182ND STREET
TONGANOXIE, KS. 66086

"UNPLATTED TRACT"
PN. 183-8-8.01
OWNER:
CAMERON S. & TERI L. BELL
18600 182ND STREET
TONGANOXIE, KS. 66086

"UNPLATTED TRACT"
PN. 183-7-20.00
OWNER:
BRADLEY A. & AMANDA K. JORDAN
18575 182ND STREET
TONGANOXIE, KS. 66086

"UNPLATTED TRACT"
PN. 183-7-1.00
OWNER:
IMOGENE J. GARRISON; TRUST
19110 MCLOUTH RD.
TONGANOXIE, KS. 66086



THIS IS TO CERTIFY THAT IN THE MONTH OF JUNE, 2023, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

LARRY T. HAHN, PS #1349

SCHEMPPS DOUBLE "S" ESTATES

A SUBDIVISION BEING THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7-T11S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS

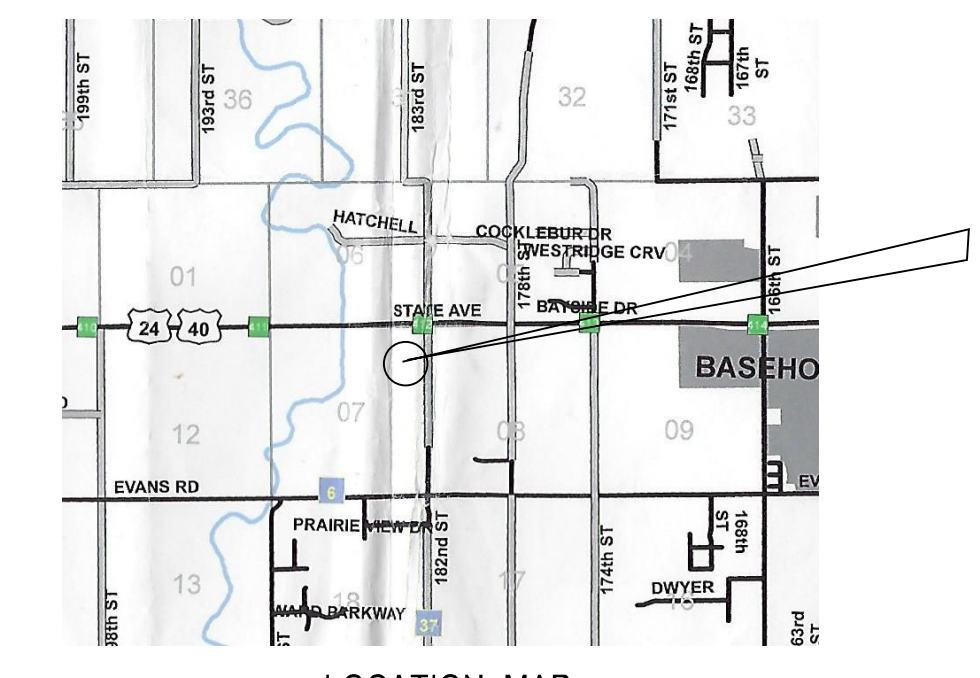
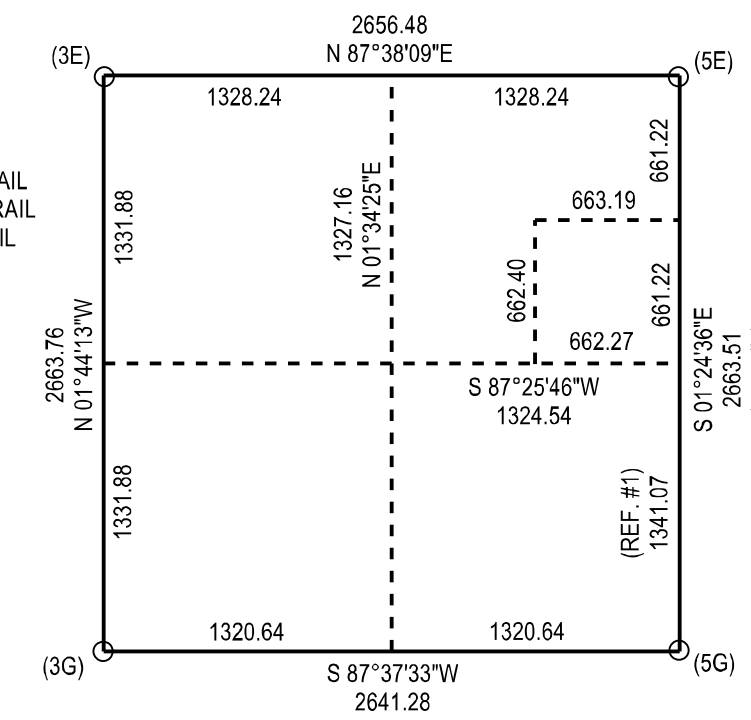
FINAL PLAT

STATE AVE / 24-40 HIGHWAY

NE CORNER 7-T11S-R22E (5E)
ALUMINUM CAP (REF. #1)
1. SW 125.21 TO CORNER POST - RAW FENCE
3. SSE 146.06 TO TOP NUT OF FIRE HYDRANT
3. SE 115.73 TO CORNER POST - CHAINLINK FENCE

(3E) N 1/4 CORNER 7-T11S-R22E
ALUMINUM CAP (REF. #1)
1. SSW 35.33 TO "+" CUT ON EAST END OF SOUTH GUARDRAIL
2. WNW 14.59 TO "+" CUT ON EAST END OF NORTH GUARDRAIL
3. NW 26.51 TO "+" CUT ON EAST END OF NORTH GUARDRAIL

(3G) CENTER 7-T11S-R22E
1/2" REBAR (REF. #1)
1. SW 10.68 TO SPIKE & WASHER IN CORNER POST
2. NW 21.00 TO SPIKE & WASHER IN TOP OF FENCE POST
3. NNW 37.69 TO SPIKE & WASHER IN 20' TREE
4. 7' EAST & 5.5' NORTH OF FENCE CORNER



SECTION MAP - NE 1/4
NO SCALE

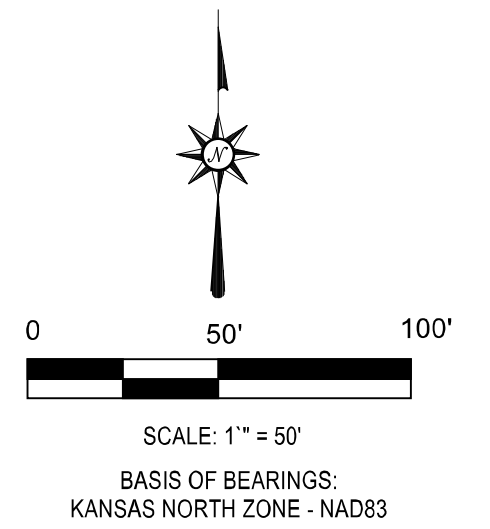
LOCATION MAP
NO SCALE

DEED DESCRIPTION - DOC. #2013R04053

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE 6TH P.M., LESS ANY PART THEREOF TAKEN OR USED FOR ROAD PURPOSES, LEAVENWORTH COUNTY, KANSAS.

SURVEYORS DESCRIPTION

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7-T11S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, KS PS-1349, JUNE, 2023, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 7; THENCE, S 01°24'36\"/>



CERTIFICATION AND DEDICATION

THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT HE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "SCHEMPPS DOUBLE "S" ESTATES".

EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR PUBLIC USE. THE RIGHTS OF WAY WHICH ARE SHOWN WITH DASHED LINES ON THE ACCOMPANYING PLAT AND SAID EASEMENTS MAY BE EMPLOYED TO LOCATE AND MAINTAIN SEWERS, WATER LINES, GAS LINES, POLES AND WIRES AND ANY OTHER FORM OF PUBLIC UTILITY NOW AND HEREAFTER USED BY THE PUBLIC, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" OR "U/E".

BUILDING LINES OR SETBACK LINES (S/B) ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT OR CONSTRUCTED BETWEEN THIS LINE AND THE STREET LINE.

IN TESTIMONY WHEREOF: I, THE UNDERSIGNED OWNER OF "SCHEMPPS DOUBLE "S" ESTATES", HAVE SET MY HAND THIS _____ DAY OF _____, 2023.

KYLE J. SCHEMP

STATE OF KANSAS / COUNTY OF LEAVENWORTH

ON THIS _____ DAY OF _____, 2023, BEFORE ME APPEARED KYLE J. SCHEMP, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HIS FREE ACT AND DEED. IN WITNESS WHEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

APPROVAL

WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "SCHEMPPS DOUBLE "S" ESTATES" THIS _____ DAY OF _____, 2023.

CHAIRPERSON / STEVE ROSENTHAL SECRETARY / JOHN JACOBSON

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

COUNTY ENGINEER / MITCH PLEAK, PE

WE, THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "SCHEMPPS DOUBLE "S" ESTATES" THIS _____ DAY OF _____, 2023.

CHAIRPERSON / VICKY KAAZ COUNTY CLERK / JANET KLASINSKI (ATTEST)

COUNTY SURVEYOR CERTIFICATION

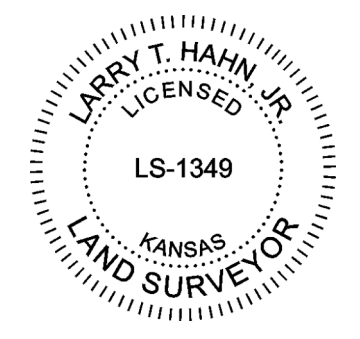
I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED FOR COMPLIANCE WITH KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS #1363

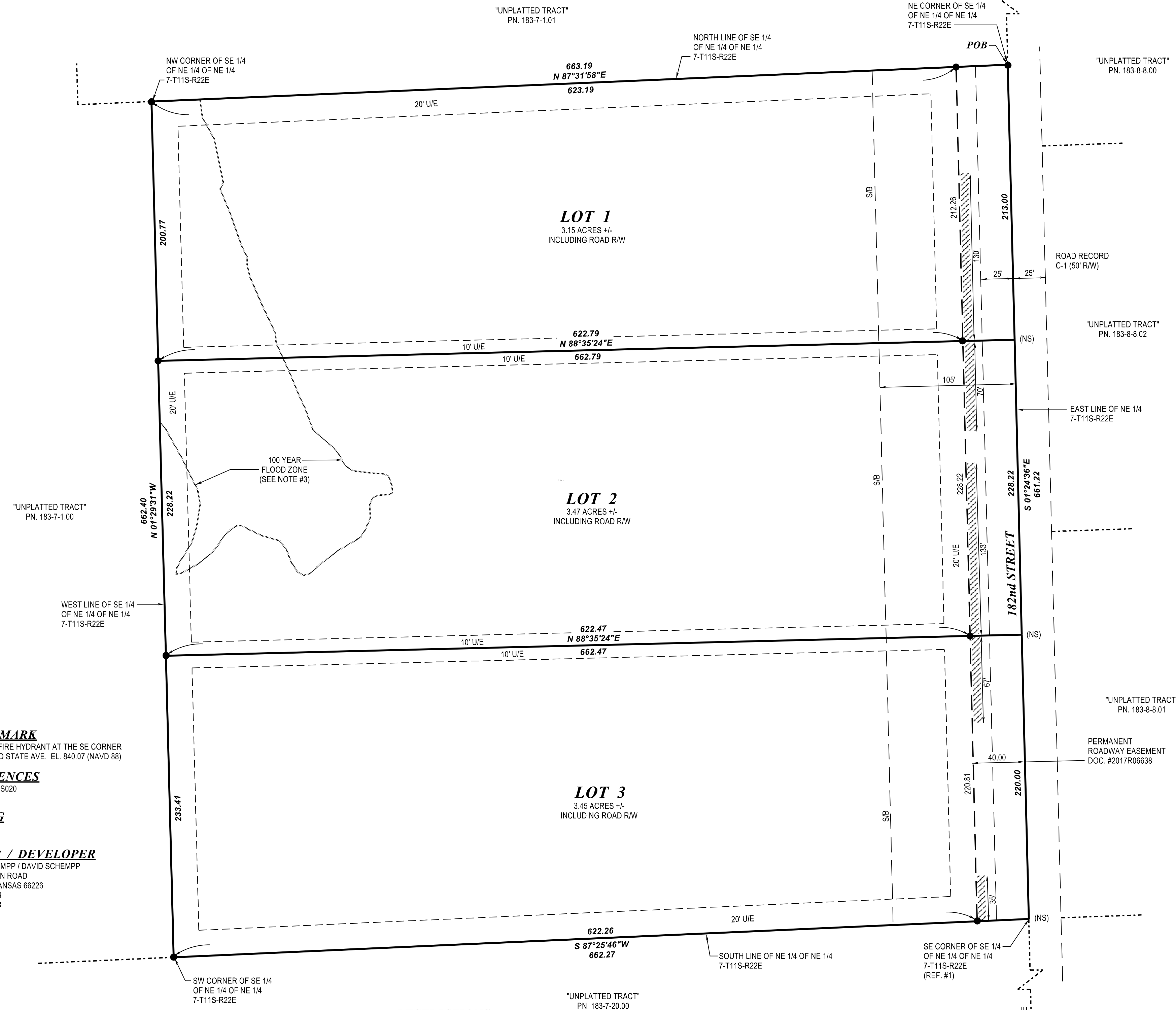
STATE OF KANSAS / COUNTY OF LEAVENWORTH

FILED FOR RECORD AS DOCUMENT # _____ ON THIS _____ DAY OF _____, 2023 AT _____ O'CLOCK _____ IN THE OFFICE OF THE REGISTER OF DEEDS OF LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILOIS G. MASHBURN



LARRY T. HAHN, PS #1349
THIS IS TO CERTIFY THAT IN THE MONTH OF JUNE, 2023, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.



BENCHMARK
TOP NUT OF FIRE HYDRANT AT THE SE CORNER OF 182ND AND STATE AVE. EL. 840.07 (NAVD 88)

REFERENCES
1. DOC. #2014S020

ZONING
RR - Z.5

OWNER / DEVELOPER
KYLE J. SCHEMP / DAVID SCHEMP
5422 GLEASON ROAD
SHAWNEE, KANSAS 66226
(913) 617-1326
(913) 488-3533

RESTRICTIONS

- NO OFF PLAT RESTRICTIONS.
- 40' REAR SETBACK FOR RESIDENCES
- 15' REAR SETBACK FOR ACCESSORY BUILDINGS
- 15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
- 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.
- LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.
- STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.

E 1/4 CORNER 7-T11S-R22E (5G)
KDOT CAP - 1.80' +/- DEEP (REF. #1)
1. SSW 60.70 TO 60D NAIL WITH SKOAL LID IN 10' OAK
2. ENE 42.05 TO 60D NAIL WITH SKOAL LID IN TOP OF CORNER POST
3. NNE 132.55 TO 60D NAIL WITH SKOAL LID IN POWER POLE

NOTES
1. LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT OR ANY AGENT OF APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
2. EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL / RESIDENTIAL PROPOSED USE - RR-Z.50 / RESIDENTIAL
3. THIS PLAT IS WITHIN A SPECIAL FLOOD HAZARD AREA (ZONE "AE") FEMA FIRM 20103C0325G, EFFECTIVE DATE: 7-16-2015.

HAHN SURVEYING
PO BOX 186
BASEHOR, KANSAS 66607
(913) 547-3405
hahnsurvey@gmail.com

Allison, Amy

From: Mark B <stfdchief1760@gmail.com>
Sent: Wednesday, June 28, 2023 1:22 PM
To: Johnson, Melissa
Cc: hahnsurvey@gmail.com
Subject: Re: Schempps double "S" Estates

Follow Up Flag: Follow up
Flag Status: Completed

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

Stranger Township has no issues with the Schempp plat, 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 Department
913-369-0510

On Wed, Jun 28, 2023 at 12:08 PM larry hahn <hahnsurvey@gmail.com> wrote:

To all -

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

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

Please review the attached information and forward any comments to Leavenworth County Planning And Zoning to mjohnson@leavenworthcounty.gov

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

Thank You,

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

--

Mark Billquist
Stranger Township Fire Chief

Midwest Regional Treasurer 10-33 Foundation

[913-369-0510](tel:913-369-0510) mobile

stfdchief1760@gmail.com

"Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that." - Martin Luther King Jr.

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Schempps Double S Estates Subdivision
Date: July 3, 2023

Amy, I have reviewed the preliminary plat of the Schempps Double S Estates Subdivision presented by Kyle and David Schempps. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The proposed subdivision has two fire hydrants that are within 100o feet of the location so no additional hydrants will be needed. One fire hydrant is located at 18575 182nd Street and the other is located at State Ave. and 182nd just to the South.

I have no further recommendation for this subdivision.

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

Allison, Amy

From: Kyle Burkhardt <Kyle.Burkhardt@evergy.com>
Sent: Thursday, July 6, 2023 10:10 AM
To: Johnson, Melissa; Design Group Shawnee; 'Trish Peterson'
Cc: 'larry hahn'
Subject: RE: [EXTERNAL]Schempp Double 'S' Estates - Larry Hahn

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

Internal Use Only

Evergy has no issues with the proposed plat.

Thank you

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



From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Thursday, July 6, 2023 8:31 AM
To: Design Group Shawnee <DesignGroupShawnee@evergy.com>; 'Trish Peterson' <trish@suburbanwaterinc.com>
Cc: 'larry hahn' <hahnsurvey@gmail.com>
Subject: [EXTERNAL]Schempp Double 'S' Estates - Larry Hahn

This Message Is From an External Sender

[Report Suspicious](#)

This message came from outside your organization.

Mr. Hahn states that there were no responses from the above listed entities for the proposed plats. He cannot proceed with a complete application until there is either a no comment from you or an email stating what the comments need to be for these plats.

If you have any questions, please let me or Joe Herring know.

Thank you,

Melissa Johnson
Planner I
Leavenworth County
Planning & Zoning Department
Leavenworth County Courthouse
300 Walnut St, Suite 212

Allison, Amy

From: Travis Miles <Travis@suburbanwaterinc.com>
Sent: Thursday, July 6, 2023 1:55 PM
To: Johnson, Melissa
Cc: Trish Peterson
Subject: Re: Schempp Double 'S' Estates - Larry Hahn

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

Melissa,

Below are Suburban's responses for the proposed development, Schempp Double 'S' Estates.

1. Does the water district have existing service lines in the vicinity of the proposed plat boundary to provide potable water to the lots of the subdivision?

Response: Yes

2. What is the size and location of the water line(s) and fire hydrants that are adjacent to this property?

Response: Suburban Water has an existing 4" PVC Water Main on the east side of 182nd Street. Suburban has a fire hydrant located at the intersection of 182nd & State Avenue, ~661 LF north of Lot 1.

3. Would the water district allow fire hydrants to be installed on the existing service line(s) in the area of the proposed plat boundary?

Response: No Suburban will not allow fire hydrants to be added to the existing infrastructure.

4. Does the water district have plans to upgrade the service in this vicinity to such a level that fire hydrants can be installed in the foreseeable future, or within a set number of years? If so, what would the improvements consist of?

Response: Suburban will require that the developer upgrade the existing 4" PVC Water main to an 8" Water Main across the road frontage of the proposed development.

Travis J Miles
CEO/President

Suburban Water, Inc.
1216 N 155th Street, PO BOX 588
Basehor, KS 66007
Office: (913) 724-1800
Fax: (913) 724-1505
Cell: (913) 238-0040
travis@suburbanwaterinc.com

This email and any files transmitted with it may be confidential and/or contain Suburban Water, Inc. proprietary information intended solely for the use of only the individual to which it is addressed. If you are not the intended recipient, please be advised that you have received this email in error and that any use, dissemination, forwarding, printing, or copying of this email and any attachments is strictly prohibited. If you have received this email in error, please immediately delete the email and any attachments from your system and notify the sender. Any other use of this email is prohibited. Thank you for your compliance.

From: Trish Peterson <trish@suburbanwaterinc.com>
Sent: Thursday, July 6, 2023 9:13 AM
To: Travis Miles <Travis@suburbanwaterinc.com>
Subject: FW: Schempp Double 'S' Estates - Larry Hahn

Travis,

Did you get this from the county recently?

Trish Peterson
Accountant
Suburban Water, Inc.
www.suburbanwaterinc.com
913-724-1800 X 2

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Thursday, July 6, 2023 8:31 AM
To: Design Group Shawnee <DesignGroupShawnee@evergy.com>; Trish Peterson <trish@suburbanwaterinc.com>
Cc: 'larry hahn' <hahnsurvey@gmail.com>
Subject: Schempp Double 'S' Estates - Larry Hahn

Mr. Hahn states that there were no responses from the above listed entities for the proposed plats. He cannot proceed with a complete application until there is either a no comment from you or an email stating what the comments need to be for these plats.

If you have any questions, please let me or Joe Herring know.

Thank you,

Melissa Johnson
Planner I
Leavenworth County
Planning & Zoning Department
Leavenworth County Courthouse
300 Walnut St, Suite 212

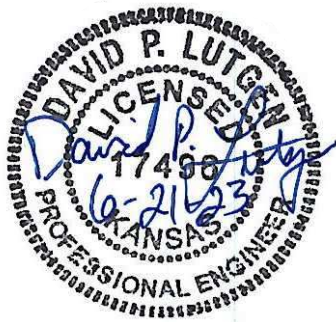
Drainage Report is reviewed and approved with no corrections. Gravel roads in this situation are single owner driveways so the use of the minimum C Value =0.50 is allowed.

Schempps Double "S" Estates

Leavenworth County Kansas

Drainage Report

June 21, 2023



Allison, Amy

From: Anderson, Kyle
Sent: Monday, July 17, 2023 9:55 AM
To: Allison, Amy
Subject: RE: RE: DEV-23-095/096 Preliminary and Final Plat – Schempps Double S Estates

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

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

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Friday, July 7, 2023 3:38 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-095/096 Preliminary and Final Plat – Schempps Double S Estates

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 3-lot Subdivision at 18651 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 Thursday, July 20, 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

Disclaimer

SCHEMPPS DOUBLE "S" ESTATES

A SUBDIVISION BEING THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7-T11S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS

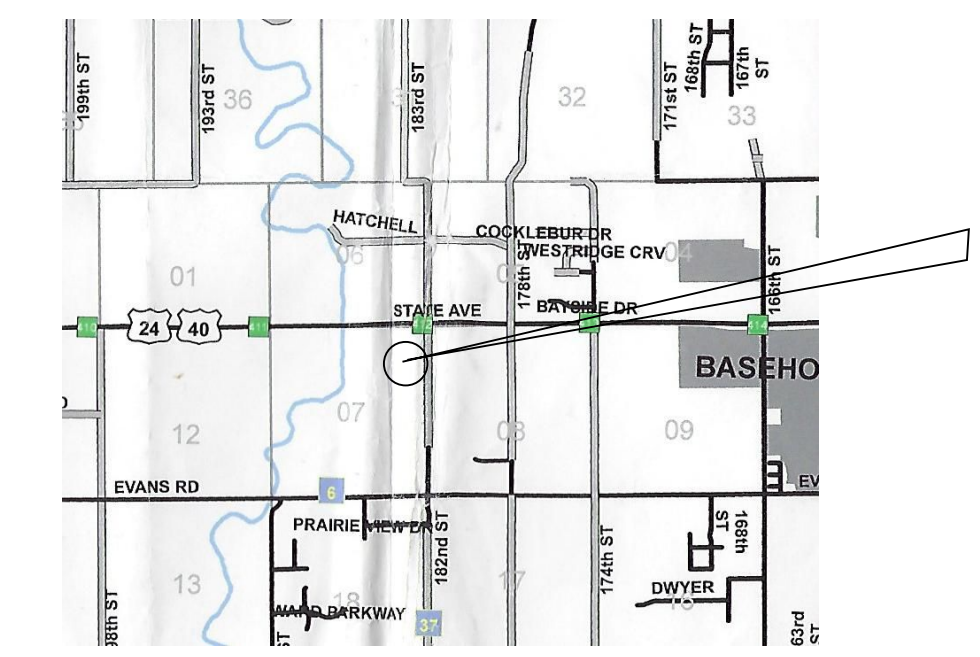
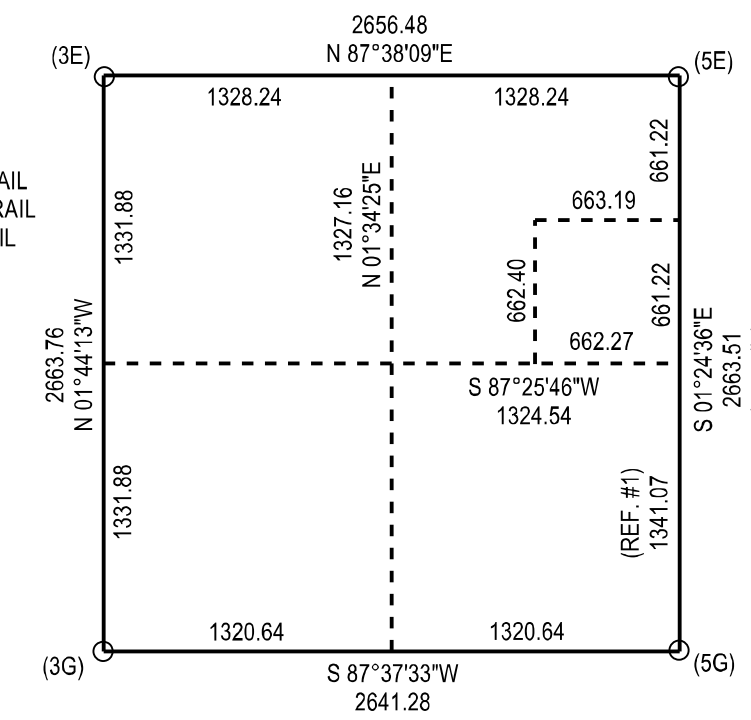
FINAL PLAT

STATE AVE / 24-40 HIGHWAY

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3. SE 115.73 TO CORNER POST - CHAINLINK FENCE

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ALUMINUM CAP (REF. #1)
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2. WNW 14.59 TO "+" CUT ON EAST END OF NORTH GUARDRAIL
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(3G) CENTER 7-T11S-R22E
1/2" REBAR (REF. #1)
1. SW 10.68 TO SPIKE & WASHER IN CORNER POST
2. NW 21.00 TO SPIKE & WASHER IN TOP OF FENCE POST
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4. 7' EAST & 5.5' NORTH OF FENCE CORNER



SECTION MAP - NE 1/4
NO SCALE

LOCATION MAP
NO SCALE

DEED DESCRIPTION - DOC. #2013R04053

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE 6TH P.M., LESS ANY PART THEREOF TAKEN OR USED FOR ROAD PURPOSES, LEAVENWORTH COUNTY, KANSAS.

SURVEYORS DESCRIPTION

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7-T11S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, KS PS-1349, JUNE, 2023, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 7; THENCE, S 01°24'36"E, 661.22 FEET ALONG THE EAST LINE OF SECTION 7 TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7 AND THE POINT OF BEGINNING OF THIS TRACT; THENCE, CONTINUING ALONG SAID EAST LINE, S 01°24'36"E, 661.22 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE, S 87°25'46"W, 662.27 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7 TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE, N 01°29'31"W, 662.40 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7 TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE, N 87°31'58"E, 663.19 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER TO THE POINT OF BEGINNING. CONTAINS 10.07 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY. RELATIVE: 1.542,121

CERTIFICATION AND DEDICATION

THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT HE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "SCHEMPPS DOUBLE "S" ESTATES".

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BUILDING LINES OR SETBACK LINES (S/B) ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT OR CONSTRUCTED BETWEEN THIS LINE AND THE STREET LINE.

IN TESTIMONY WHEREOF, I, THE UNDERSIGNED OWNER OF "SCHEMPPS DOUBLE "S" ESTATES", HAVE SET MY HAND THIS _____ DAY OF _____, 2023.

KYLE J. SCHEMP

STATE OF KANSAS / COUNTY OF LEAVENWORTH

ON THIS _____ DAY OF _____, 2023, BEFORE ME APPEARED KYLE J. SCHEMP, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HIS FREE ACT AND DEED. IN WITNESS WHEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES

APPROVAL

WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "SCHEMPPS DOUBLE "S" ESTATES" THIS _____ DAY OF _____, 2023.

CHAIRPERSON / STEVE ROSENTHAL

SECRETARY / JOHN JACOBSON

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

COUNTY ENGINEER / MITCH PLEAK, PE

WE, THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "SCHEMPPS DOUBLE "S" ESTATES" THIS _____ DAY OF _____, 2023.

CHAIRPERSON / VICKY KAAZ

COUNTY CLERK / JANET KLASINSKI (ATTEST)

COUNTY SURVEYOR CERTIFICATION

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

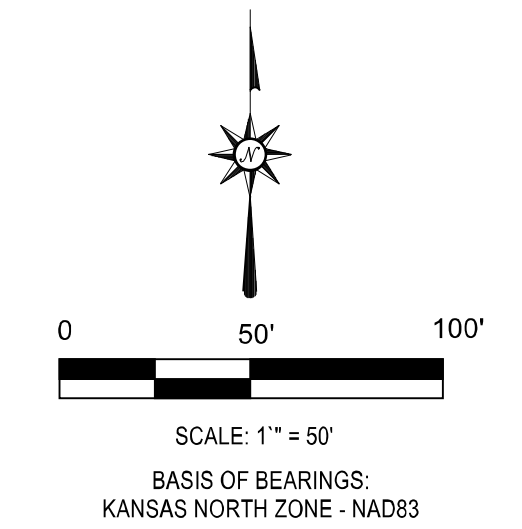
Reviewed 2023.07.31 No Comments

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS #1363

STATE OF KANSAS / COUNTY OF LEAVENWORTH

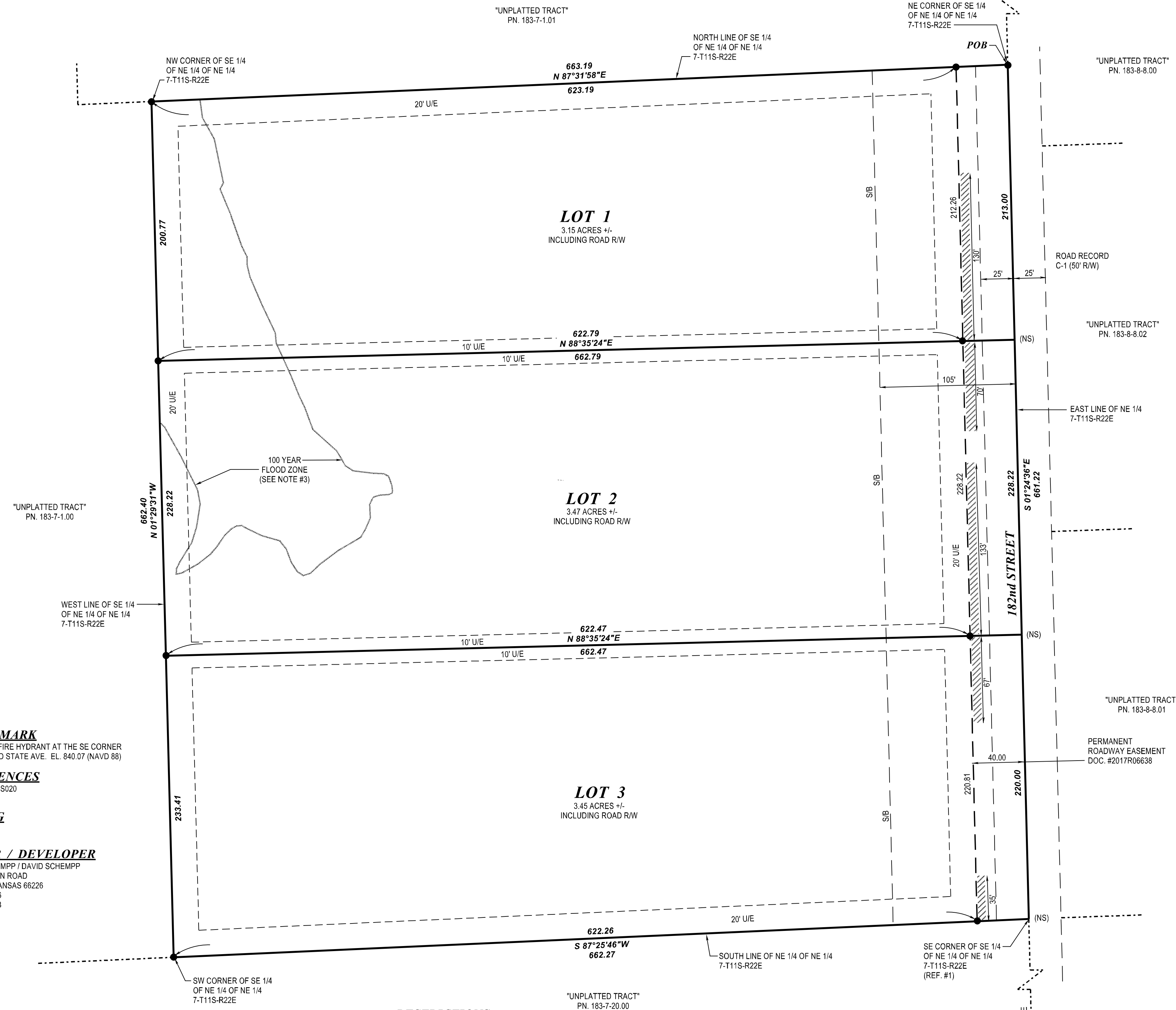
FILED FOR RECORD AS DOCUMENT # _____ ON THIS _____ DAY OF _____, 2023 AT _____ O'CLOCK _____ IN THE OFFICE OF THE REGISTER OF DEEDS OF LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILOIS G. MASHBURN



LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
- POC POINT OF COMMENCING
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT
- S/B BUILDING SETBACK
- (NS) NO MONUMENT SET BY AGREEMENT WITH CLIENT
- ▨ NO DRIVE ACCESS



BENCHMARK
TOP NUT OF FIRE HYDRANT AT THE SE CORNER OF 182ND AND STATE AVE. EL. 840.07 (NAVD 88)

REFERENCES
1. DOC. #2014S020

ZONING
RR - Z.5

OWNER / DEVELOPER
KYLE J. SCHEMP / DAVID SCHEMP
5422 GLEASON ROAD
SHAWNEE, KANSAS 66226
(913) 617-1326
(913) 488-3533

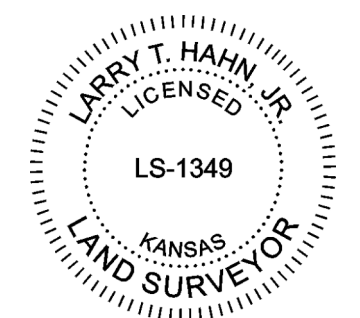
RESTRICTIONS

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

E 1/4 CORNER 7-T11S-R22E (5G)
KDOT CAP - 1.80' +/- DEEP (REF. #1)
1. SSW 60.70 TO 60D NAIL WITH SKOAL LID IN 10' OAK
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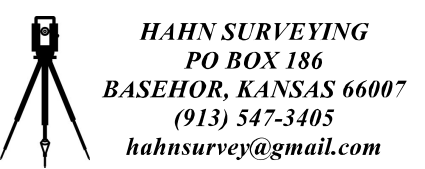
NOTES

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3. THIS PLAT IS WITHIN A SPECIAL FLOOD HAZARD AREA (ZONE "AE") FEMA FIRM 20103C0325G, EFFECTIVE DATE: 7-16-2015.



LARRY T. HAHN, PS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF JUNE, 2023, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.



HAHN SURVEYING
PO BOX 186
BASEHOR, KANSAS 66607
(913) 547-3405
hahnsurveying@gmail.com

SCHEMPPS DOUBLE "S" ESTATES

A SUBDIVISION BEING THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7-T11S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS

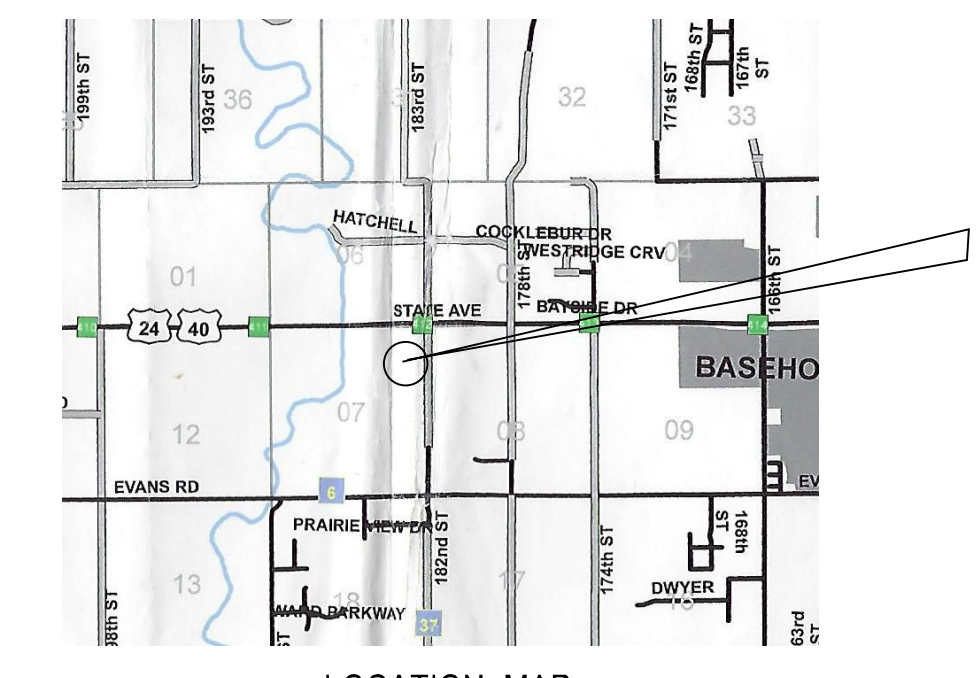
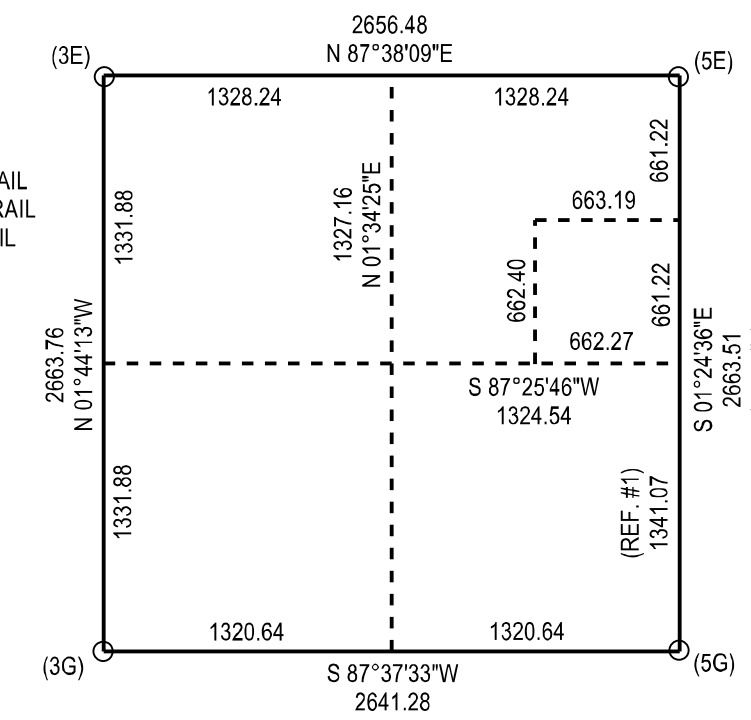
FINAL PLAT

STATE AVE / 24-40 HIGHWAY

NE CORNER 7-T11S-R22E (5E)
ALUMINUM CAP (REF. #1)
1. SW 125.21 TO CORNER POST - RAW FENCE
3. SSE 146.06 TO TOP NUT OF FIRE HYDRANT
3. SE 115.73 TO CORNER POST - CHAINLINK FENCE

(3E) N 1/4 CORNER 7-T11S-R22E
ALUMINUM CAP (REF. #1)
1. SSW 35.33 TO "+" CUT ON EAST END OF SOUTH GUARDRAIL
2. WNW 14.59 TO "+" CUT ON EAST END OF NORTH GUARDRAIL
3. NW 26.51 TO "+" CUT ON EAST END OF NORTH GUARDRAIL

(3G) CENTER 7-T11S-R22E
1/2" REBAR (REF. #1)
1. SW 10.68 TO SPIKE & WASHER IN CORNER POST
2. NW 21.00 TO SPIKE & WASHER IN TOP OF FENCE POST
3. NNW 37.69 TO SPIKE & WASHER IN 20' TREE
4. 7' EAST & 5.5' NORTH OF FENCE CORNER



Public Works Reviewed and Approved 8-8-23.

SECTION MAP - NE 1/4
NO SCALE

LOCATION MAP
NO SCALE

DEED DESCRIPTION - DOC. #2013R04053

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE 6TH P.M., LESS ANY PART THEREOF TAKEN OR USED FOR ROAD PURPOSES, LEAVENWORTH COUNTY, KANSAS.

SURVEYORS DESCRIPTION

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7-T11S-R22E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, KS PS-1349, JUNE, 2023, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 7; THENCE, S 01°24'36"E, 661.22 FEET ALONG THE EAST LINE OF SECTION 7 TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7 AND THE POINT OF BEGINNING OF THIS TRACT; THENCE, CONTINUING ALONG SAID EAST LINE, S 01°24'36"E, 661.22 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE, S 87°25'46"W, 662.27 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7 TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE, N 01°29'31"W, 662.40 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7 TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE, N 87°31'58"E, 663.19 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER TO THE POINT OF BEGINNING. CONTAINS 10.07 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY. RELATIVE: 1.542,121

CERTIFICATION AND DEDICATION

THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT HE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "SCHEMPPS DOUBLE "S" ESTATES".

EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR PUBLIC USE. THE RIGHTS OF WAY WHICH ARE SHOWN WITH DASHED LINES ON THE ACCOMPANYING PLAT AND SAID EASEMENTS MAY BE EMPLOYED TO LOCATE AND MAINTAIN SEWERS, WATER LINES, GAS LINES, POLES AND WIRES AND ANY OTHER FORM OF PUBLIC UTILITY NOW AND HEREAFTER USED BY THE PUBLIC, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" OR "U/E".

BUILDING LINES OR SETBACK LINES (S/B) ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT OR CONSTRUCTED BETWEEN THIS LINE AND THE STREET LINE.

IN TESTIMONY WHEREOF: I, THE UNDERSIGNED OWNER OF "SCHEMPPS DOUBLE "S" ESTATES", HAVE SET MY HAND THIS _____ DAY OF _____, 2023.

KYLE J. SCHEMP

STATE OF KANSAS / COUNTY OF LEAVENWORTH

ON THIS _____ DAY OF _____, 2023, BEFORE ME APPEARED KYLE J. SCHEMP, KNOWN TO ME TO BE THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HIS FREE ACT AND DEED. IN WITNESS WHEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES

APPROVAL

WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "SCHEMPPS DOUBLE "S" ESTATES" THIS _____ DAY OF _____, 2023.

CHAIRPERSON / STEVE ROSENTHAL

SECRETARY / JOHN JACOBSON

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

COUNTY ENGINEER / MITCH PLEAK, PE

WE, THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, DO HEREBY APPROVE THE FOREGOING PLAT OF "SCHEMPPS DOUBLE "S" ESTATES" THIS _____ DAY OF _____, 2023.

CHAIRPERSON / VICKY KAAZ

COUNTY CLERK / JANET KLASINSKI (ATTEST)

COUNTY SURVEYOR CERTIFICATION

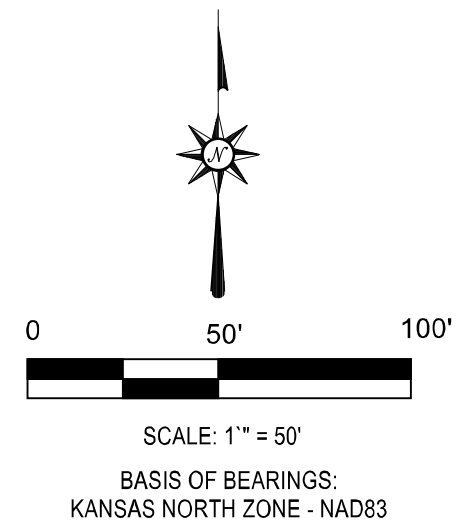
I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED FOR COMPLIANCE WITH KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / DANIEL BAUMCHEN, PS #1363

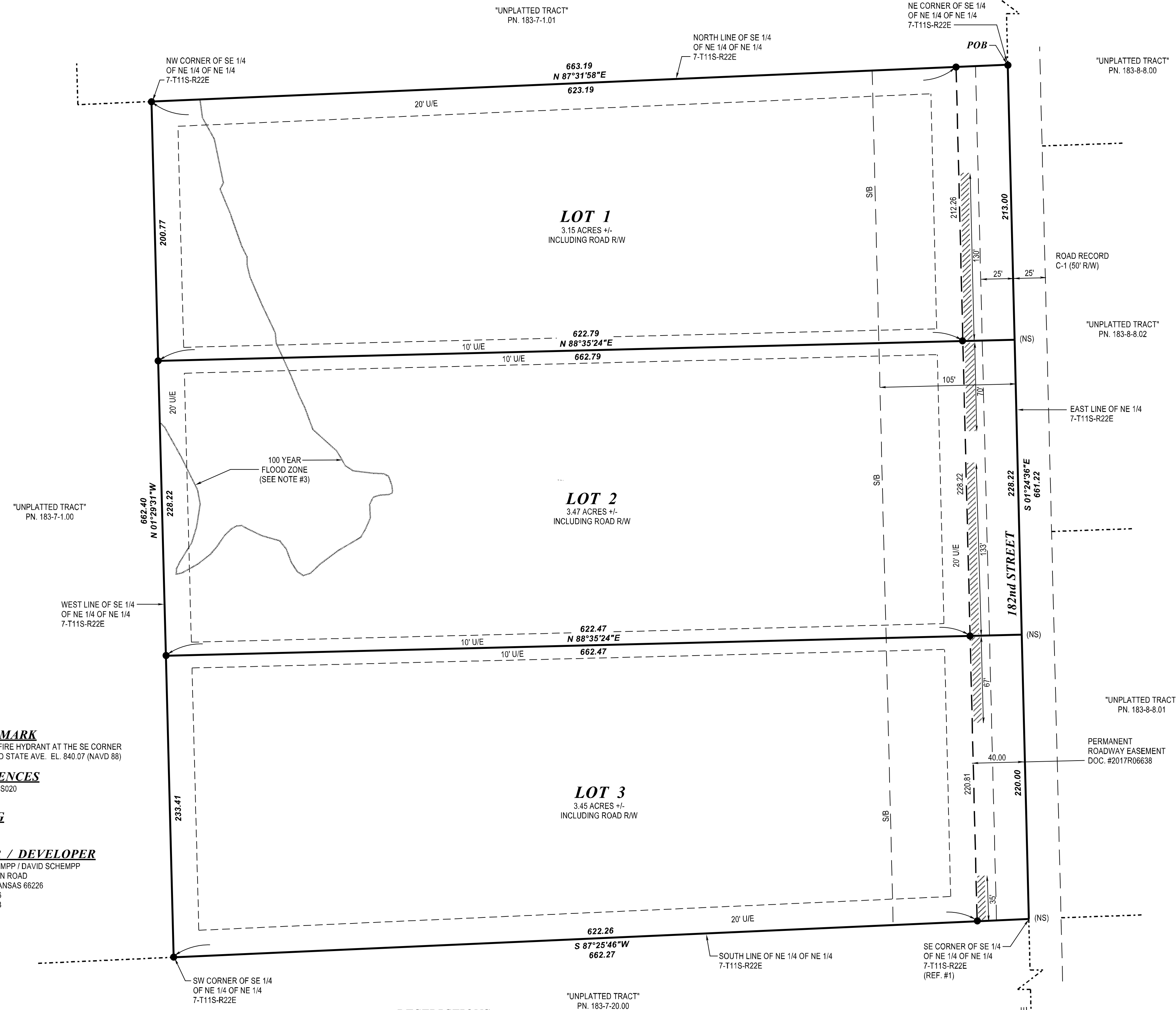
STATE OF KANSAS / COUNTY OF LEAVENWORTH

FILED FOR RECORD AS DOCUMENT # _____ ON THIS _____ DAY OF _____, 2023 AT _____ O'CLOCK _____ IN THE OFFICE OF THE REGISTER OF DEEDS OF LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / TERRILOIS G. MASHBURN



LEGEND	
●	1/2" x 24" REBAR SET WITH #1349 CAP
○	SURVEY MONUMENT FOUND (AS NOTED) ORIGIN UNKNOWN, UNLESS REFERENCED
POC	POINT OF COMMENCING
POB	POINT OF BEGINNING
U/E	UTILITY EASEMENT
S/B	BUILDING SETBACK
(NS)	NO MONUMENT SET BY AGREEMENT WITH CLIENT
▨	NO DRIVE ACCESS



BENCHMARK
TOP NUT OF FIRE HYDRANT AT THE SE CORNER OF 182ND AND STATE AVE. EL. 840.07 (NAVD 88)

REFERENCES
1. DOC. #2014S020

ZONING
RR - 2.5

OWNER / DEVELOPER
KYLE J. SCHEMP / DAVID SCHEMP
5422 GLEASON ROAD
SHAWNEE, KANSAS 66226
(913) 617-1326
(913) 488-3533

RESTRICTIONS

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- 15' SIDE SETBACK
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3. NNE 132.55 TO 60D NAIL WITH SKOAL LID IN POWER POLE

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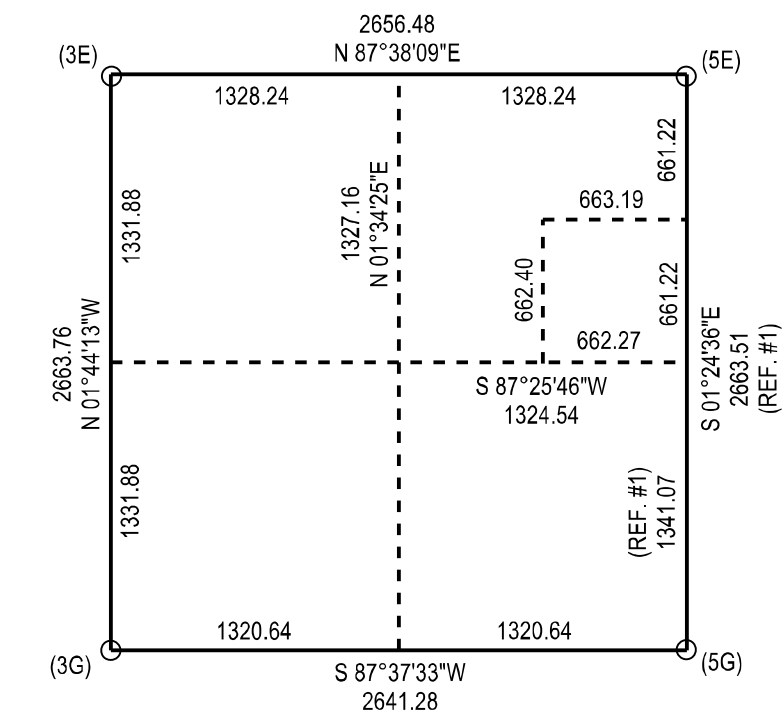
HAHN SURVEYING
PO BOX 186
BASEHOR, KANSAS 66607
(913) 547-3405
hahnsurvey@gmail.com

SCHEMPPS DOUBLE "S" ESTATES

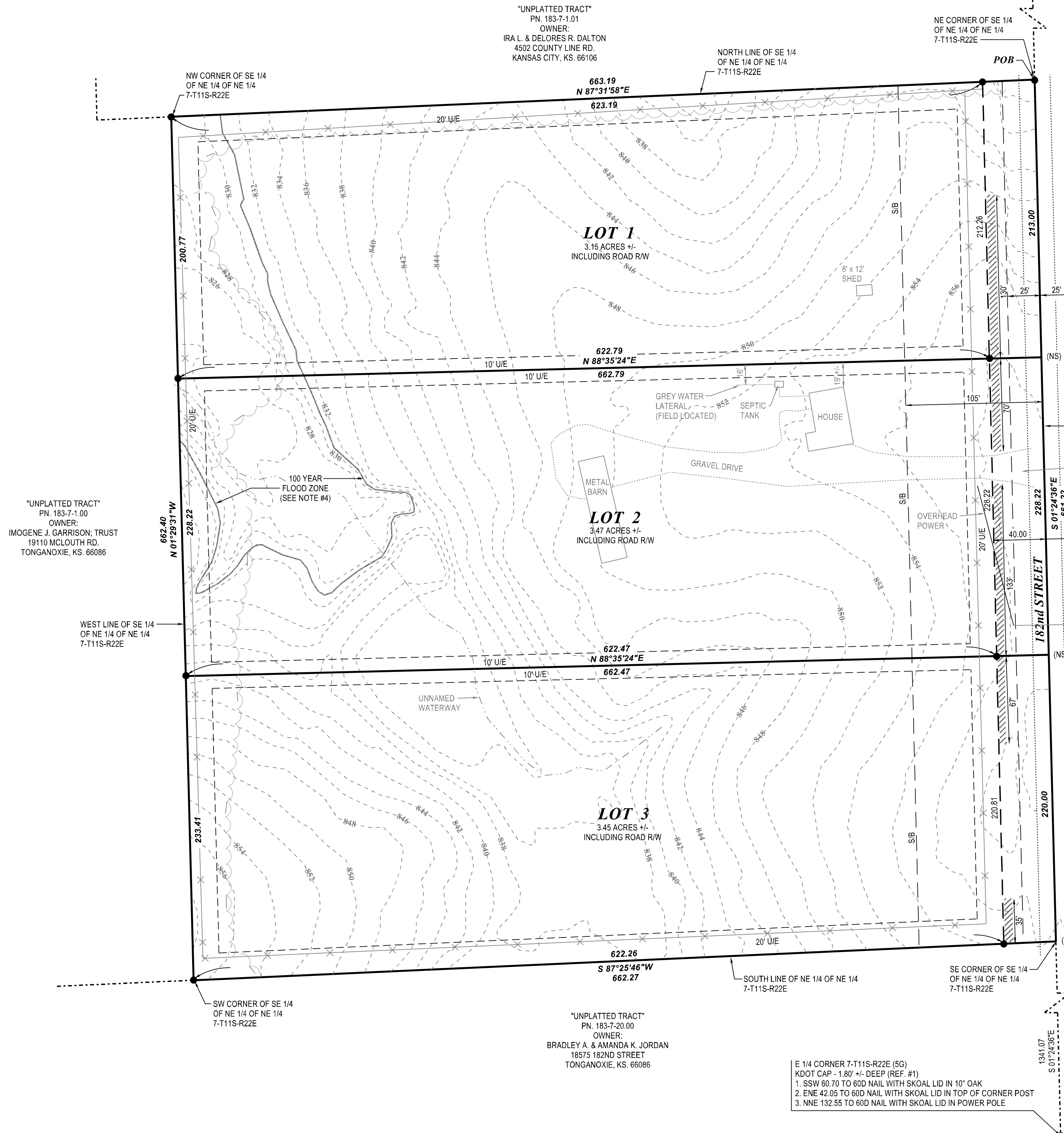
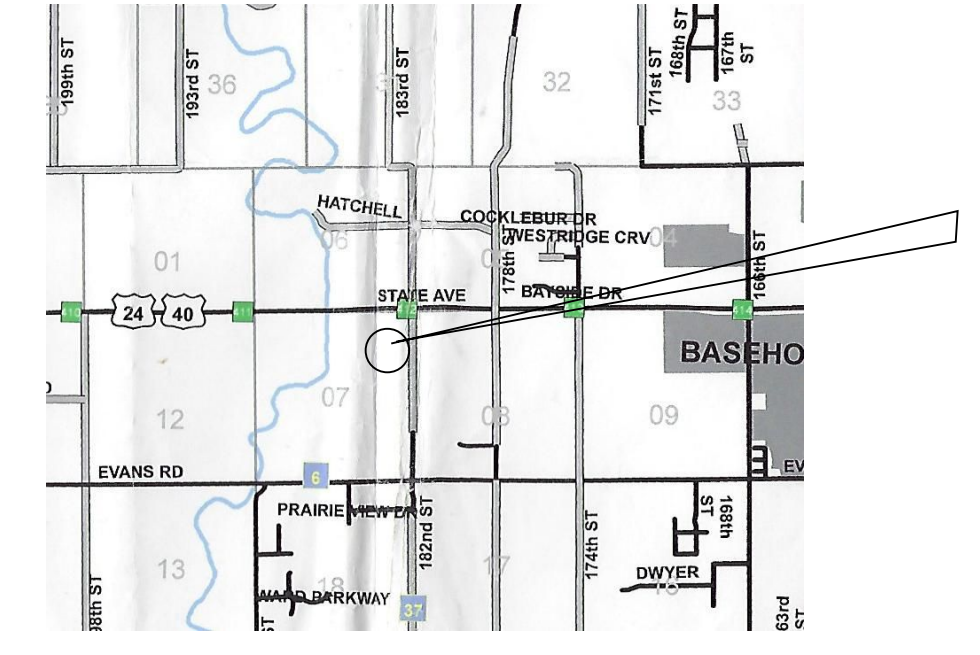
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PRELIMINARY PLAT

NE CORNER 7-T11S-R22E (5E)
ALUMINUM CAP
1. SW 125.21 TO CORNER POST - R/W FENCE
2. SSE 146.06 TO TOP NUT OF FIRE HYDRANT
3. SE 115.73 TO CORNER POST - CHAINLINK FENCE



Public Works Reviewed and Approved 8-8-23.

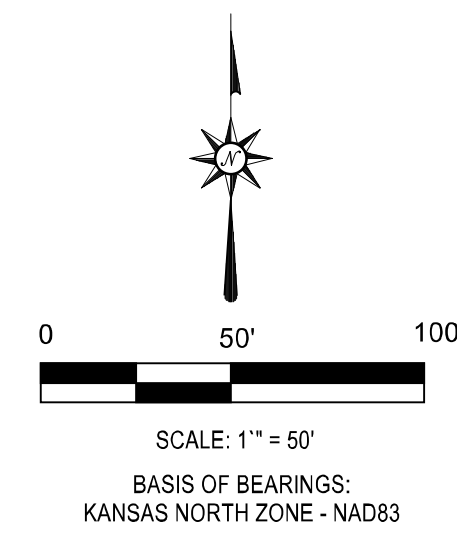


"UNPLATTED TRACT"
PN. 183-8-8.00
OWNER:
BRADY MARK & TIFFANIE DIANE SAYERS
18700 182ND STREET
TONGANOXIE, KS. 66086

SECTION MAP - NE 1/4 NO SCALE

(3E) N 1/4 CORNER 7-T11S-R22E
ALUMINUM CAP (REF. #1)
1. SSW 35.33 TO "*" CUT ON EAST END OF SOUTH GUARDRAIL
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3. NW 26.51 TO "*" CUT ON EAST END OF NORTH GUARDRAIL

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4. 7' EAST & 5.5' NORTH OF FENCE CORNER



"UNPLATTED TRACT"
PN. 183-8-8.02
OWNER:
HENSON JOINT REVOCABLE TRUST
18654 182ND STREET
TONGANOXIE, KS. 66086

"UNPLATTED TRACT"
PN. 183-8-8.01
OWNER:
CAMERON S. & TERI L. BELL
18600 182ND STREET
TONGANOXIE, KS. 66086

"UNPLATTED TRACT"
PN. 183-7-20.00
OWNER:
BRADLEY A. & AMANDA K. JORDAN
18575 182ND STREET
TONGANOXIE, KS. 66086

E 1/4 CORNER 7-T11S-R22E (5G)
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 - U/E UTILITY EASEMENT
 - S/B BUILDING SETBACK
 - (NS) NO MONUMENT SET BY AGREEMENT WITH CLIENT
 - ✕ EXISTING FENCE
 - ▨ NO DRIVE ACCESS

DRAINAGE CALCULATIONS

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

UTILITIES

ELECTRIC / EVERGY
WATER / SUBURBAN WATER
GAS / PRIVATE PROPANE
SEWAGE / PRIVATE ON SITE SYSTEM FIRE DISTRICT / STRANGER

ROAD INFORMATION

182ND STREET - 24' WIDE PAVED SURFACE
ROAD CLASS - COUNTY MINOR COLLECTOR

PUBLIC IMPROVEMENT

NONE

ZONING

RR - 2.5

REFERENCES

1. DOC. #2014S020

BENCHMARK

TOP NUT OF FIRE HYDRANT AT THE SE CORNER OF 182ND STREET AND STATE AVE. EL. 840.07 (NAVD 88)

OWNER / DEVELOPER

KYLE J. SCHEMP / DAVID SCHEMP
5422 GLEASON ROAD
SHAWNEE, KANSAS 66226
(913) 617-1326
(913) 488-3533

DEED DESCRIPTION - DOC. #2013R04053

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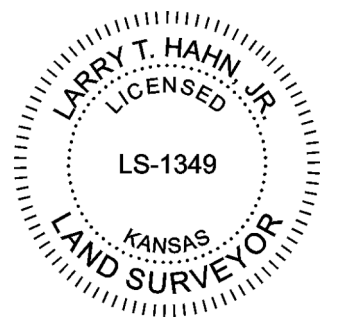
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NOTES

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**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-107 Kesinger Farms

September 13, 2023

REQUEST: **Consent Agenda**

Preliminary Plat Final Plat

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 00000 & 24138 Loring Road



APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING

PROPERTY OWNER:

MARILYN & PHILLIP ROBBINS
24138 LORING ROAD
LAWRENCE, KS 66044

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
RESIDENTIAL (2.5 ACRES MIN)

LEGAL DESCRIPTION:

A tract of land in the Southeast Quarter of Section 12, Township 12 South, Range 20 East of the 6th P.M., in Leavenworth County, Kansas AND a tract of land in the Southwest ¼ of Section 12, Township 12, Range 20 East of the 6th P.M., in Leavenworth County, Kansas

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-107, Final Plat for Kesinger Farms, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-107, Final Plat for Kesinger Farms, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:

65.47 ACRES

PARCEL ID NO:

211-12-0-00-00-010.00 & 211-12-0-00-00-012.08

BUILDINGS:

ONE SINGLE FAMILY RESIDENCE AND MULTIPLE ACCESSORY STRUCTURES

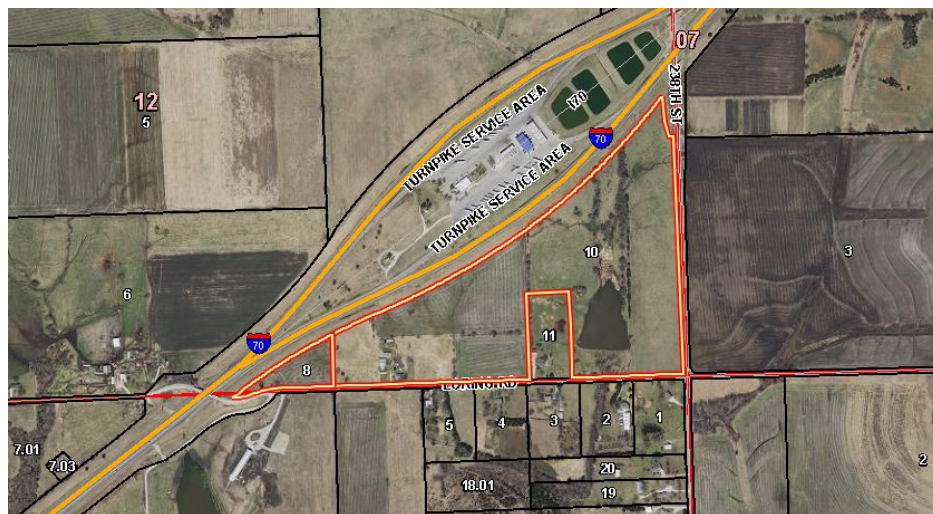
PROJECT SUMMARY:

Request for final plat approval to subdivide property located at 00000 & 24138 Loring Road as Lots 1 through 9 of Kesinger Farms.

ACCESS/STREET:

LORING ROAD - COUNTY LOCAL, GRAVEL ± 24'; 238TH STREET - COUNTY LOCAL, GRAVEL ± 24'

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: RENO FD

WATER: RWD 10

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:

8/23/2023

NEWSPAPER NOTIFICATION:

N/A

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	N/A	
40-20	Final Plat Content	X	
41-6	Access Management	X	
41-6.B.a-c.	Entrance Spacing	X	
41-6.C.	Public Road Access Management Standards	X	
43	Cross Access Easements	N/A	
50-20	Utility Requirements	X	
50-30	Other Requirements	X	
50-40	Minimum Design Standards		X
	Exception from Article 50, Section 40.3.i. Lot-depth to Lot-Width for Lot 1 was granted during the Preliminary Plat approval.		
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 65-acre acres into 10 lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). The proposed lots will range in size from 5.02 to 12.10 acres in size. The existing single-family residence with will remain on Lot 2 with most of the existing agricultural accessory structures. The house and barn are located within the front building setback line and any future modifications or additions must comply with the current regulations. Another structure will be located on Lot 7 but is less than 600 sf and used for maintenance/agricultural purposes. A small utility building is located in the right-of-way of Lot 1. Said building will not be permitted to be enlarged or modified in its current configuration. Two billboards are located within the plat. The applicant has removed the easements for the billboards and the billboard ownership will run with the land it sits on. . Lots 6 & 7 will both have access to the existing pond and therefore both owners will need to agree to maintain the pond. The properties are located along the I-70 corridor and therefore a 50 ft. buffer easement has been included. Once developed, the properties will need to provide the required screening per Restriction 9. Staff is generally in support.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. An exception to Article 50, Section 40.3.i. has been grated for Lot 1.
6. The subdivision will need to install the required buffer landscaping per Article 50, Section 40.2.g.
7. The developer must comply with the following memorandums:
 - a. Email – Chuck Magaha, Emergency Management, dated May 5, 2023
 - b. Email - RWD 10, dated April 28, 2023

ATTACHMENTS:

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

FINAL PLAT APPLICATION & PROCEDURES

For

**THE UNINCORPORATED AREA OF
LEAVENWORTH COUNTY, KANSAS**

**A PRE-APPLICATION CONFERENCE IS REQUIRED PRIOR TO
SUBMITTAL OF ANY APPLICATION**

**DEADLINE: All application materials shall be submitted by
the application deadline as indicated on the current Planning
Commission Schedule and Deadlines form.**

ALL APPLICATION FEES ARE NON-REFUNDABLE

For more information contact:
Leavenworth County Planning and Zoning Department,
300 Walnut St., Suite 212
Leavenworth, Kansas
pz@leavenworthcounty.gov
913-684-0465

FINAL PLATTING PROCEDURES

APPLICANT RESPONSIBILITIES: Submission of less than the following items may delay the review and processing of the application.

- A. A complete application form (Attachment A)
- B. Legal description (current deed) of the property.
- C. Payment of application fee. Make check payable to Leavenworth County Planning & Zoning Department.
- D. Utility Service Verification for parcel(s). (i.e. rural water district, electric company, township fire department, natural gas to be used and any other applicable services.)
- E. Owner Authorization if not the legal owner of the property. (Attachment B)
- F. Property Tax Acknowledgement. (Attachment C)
- G. A draft Homeowners Association (“HOA”) agreement (See Attachment D) if plat is proposing the creation of a Cross Access Easement.
- H. Copy of approved Preliminary Plat drawing if not being submitted with the Preliminary Plat Application.
- I. One (1) 24” x 36” physical and one (1) digital set of the Final Plat drawings, which must include the Parent Tract.
- J. Special studies, reports, etc. (Contact the Public Works office for any other applicable requirements).

FOR ADDITIONAL REQUIREMENTS, PLEASE REFER TO THE *LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS*, WHICH INCLUDES THE FOLLOWING ARTICLES APPLICABLE TO PLAT APPLICATIONS.

- 1. Article 20 – Additional Height and Area Regulations;
- 2. Article 35 – Preliminary Plat Procedure and Content;
- 3. Article 40 – Final Plat Procedure, Content and Action by the Planning Commission;
- 4. Article 50 – Minimum Subdivision Design Standards and General Requirements;
- 5. Article 55 – Improvements and Improvement Plans;
- 6. Article 60 – Miscellaneous Provision;
- 7. Article 70 – Supplementary Documents to Accompany the Final Plat;
- 8. Article 80 – Submission of Recorded Plats.
- 9. Any other applicable Regulations.

DEADLINE: See Planning Commission Schedule and Deadlines form.

PRELIMINARY PLAT REVIEWS ARE SUBJECT TO THE PROFESSIONAL REVIEW FEE REIMBURSEMENT POLICY (ATTACHMENT E) AS ADOPTED BY RESOLUTION 2020-46 ON NOVEMBER 18, 2020.

PRELIMINARY PLAT REVIEWS ARE SUBJECT TO THE SUBDIVISION ROADWAY INSPECTION SERVICES POLICY (ATTACHMENT F) AS ADOPTED ON JANUARY 18, 2023.

FINAL PLAT APPLICATION

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

Office Use Only

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

APPLICANT/AGENT INFORMATION

OWNER INFORMATION

NAME: Joe Herring NAME: Marilyn & Phillip Robbins
MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 24138 Loring Road
CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Lawrence, KS 66044
PHONE: 913-651-3858 PHONE: N/A
EMAIL : herringsurveying@outlook.comm EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: KESINGER FARMS
Address of Property: 24138 Loring Road
PID: 211-12-0-00-00-010 & 012.08 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: 62 Acres	Number of Lots: 9	Minimum Lot Size: 5 Acres
Maximum Lot Size: 10 Acres	Proposed Zoning: RR-5	Density: N/A
Open Space Acreage: N/A	Water District: RWD 10	Proposed Sewage: Septic
Fire District: Reno	Electric Provider: Evergy	Natural Gas Provider: Propane
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: Local - Collector - Arterial - State - Federal	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

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

Signature: Joe Herring - digitally signed Date: 7-21-23

ATTACHMENT A

KESINGER FARMS

A Subdivision in the South Half of Section 12, Township 12 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PROPERTY ADDRESS:
Marilyn L. & Phillip F. Robbins
34138 Long Road
Lawrence, KS 66044
FD # 211-12-0-00-010 & 012-08

SURVEYOR'S DESCRIPTION:
A tract of land in the South Half of Section 12, Township 12 South, Range 20 East of the 6th P.M., Leavenworth County, Kansas, written by Joseph A. Herring PS-1296 on August 10, 2023, more fully described as follows: Beginning at the Southeast Corner of the Southeast Quarter of said Section 12, thence South 87 degrees 57'24" West for a distance of 848.00 feet along the South line of said Southeast Quarter; thence North 02 degrees 02'08" West for a distance of 682.00 feet; thence South 87 degrees 57'52" West for a distance of 320.00 feet to a 1/2" Bar Cap LS-1296; thence South 02 degrees 02'08" East for a distance of 682.00 feet to said South line; thence South 87 degrees 57'52" West for a distance of 1483.36 feet along said South line; thence South 87 degrees 54'26" West for a distance of 691.27 feet along the South line of the Southwest Quarter of said Section 12 to the Southern right of way line of Kansas Turnpike (Interstate 70); thence along a non-tangent curve to the right having a radius of 4433.66 feet and an arc length of 796.40 feet along said Southerly right of way, being subtended by a chord bearing of North 57 degrees 51'03" East and a chord distance of 797.23 feet; thence North 64 degrees 27'27" East for a distance of 803.15 feet along said Southerly right of way to a 1/2" Bar Cap LS-1296; thence along a curve to the left having a radius of 4776.84 feet and an arc length of 1833.52 feet, being subtended by a chord bearing North 53 degrees 18'25" East and a chord distance 1822.39 feet, along said Southerly right of way, to a 1/2" Bar Cap LS-1296; thence North 39 degrees 44'42" East for a distance of 496.85 feet along said Southerly right of way to a 1/2" Bar Cap LS-1296; thence South 02 degrees 02'08" East for a distance of 112.36 feet along said right of way to a 1/2" Bar Cap LS-1296; thence South 02 degrees 02'08" East for a distance of 403.75 feet along said right of way to a 1/2" Bar Cap LS-1296; thence North 87 degrees 48'19" East for a distance of 50.00 feet to the East line of said Southeast Quarter; thence South 02 degrees 02'08" East for a distance of 1429.99 feet along said East line to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 65.81 acres, more or less, including road right of ways. Error of Closure = 1 : 123962

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: KESINGER FARMS. 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 sewers, drainage ditches, 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 KESINGER FARMS, have set our hands this _____ day of _____, 2023.

Marilyn L. Robbins Phillip F. Robbins

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Marilyn L. Robbins and Phillip F. Robbins, a married couple, 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 KESINGER FARMS this _____ day of _____, 2023.

Secretary John Jacobson Chairman Marcus Kijure

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 COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of KESINGER FARMS this _____ day of _____, 2023.

Chairman Vicky Kazz 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 - Terril G. Mashburn

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

Daniel Branchini, PS#1363 County Surveyor

217 Southwest Corner Section 12-12-20 3/4" Bar Found

238 VINEYARD DESTINATION KANSAS LLC TORNEDEN, HAROLD F

EDWARDS, CONSTANCE M ENGELMANN, TRUST CONTRERAS, ADELINA B. ZESATI, LALEJANDRA

DENHAM, JEFFREY B & KELLY R

DIBBLE, JOHN M & DEANNA

MOREY, BURT & JAM; TRUST

HALLENBECK, ROGER A; TRUST

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MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Kesinger Farms Subdivision
Date: May 5, 2023

Amy, I have reviewed the preliminary plat of the Kesinger Farms Subdivision presented by Phillip and Marilyn Robbins. The subdivision meets the requirements for a fire hydrants and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed, fire hydrants need to be placed along the road right-a-way at 238th at lot 8 one placed at the corner of 238th and Loring Road then proceed West 1000 feet to Lots 3 and 4. There is a blow off valve at 238th and Loring Road but this would need to be upgraded to a fire hydrant for this location.

I have no further recommendation for this subdivision.

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

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-092/093 Sunny Side Estates 2nd

September 13, 2023

REQUEST: *Regular Agenda*
 Preliminary Plat Final Plat

STAFF REPRESENTATIVE:
 AMY ALLISON
 DEPUTY DIRECTOR

SUBJECT PROPERTY: 00000 167TH TERRACE

APPLICANT/APPLICANT AGENT:
 JOE HERRING
 HERRING SURVEYING

PROPERTY OWNER:
 ALLAN F & MARION SUE STORK
 16678 EVANS ROAD
 BASEHOR, KS 66007

CONCURRENT APPLICATIONS:
 NONE

LAND USE

ZONING: RR-2.5
 FUTURE LAND USE DESIGNATION:
 MIXED RESIDENTIAL

LEGAL DESCRIPTION:
 A tract of land in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., 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-23-092/093, Preliminary & Final Plat for Sunny Side Estates 2nd, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-092/093, Preliminary & Final Plat for Sunny Side Estates 2nd, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:
 35 ACRES

PARCEL ID NO: 182-09-0-00-00-018.07

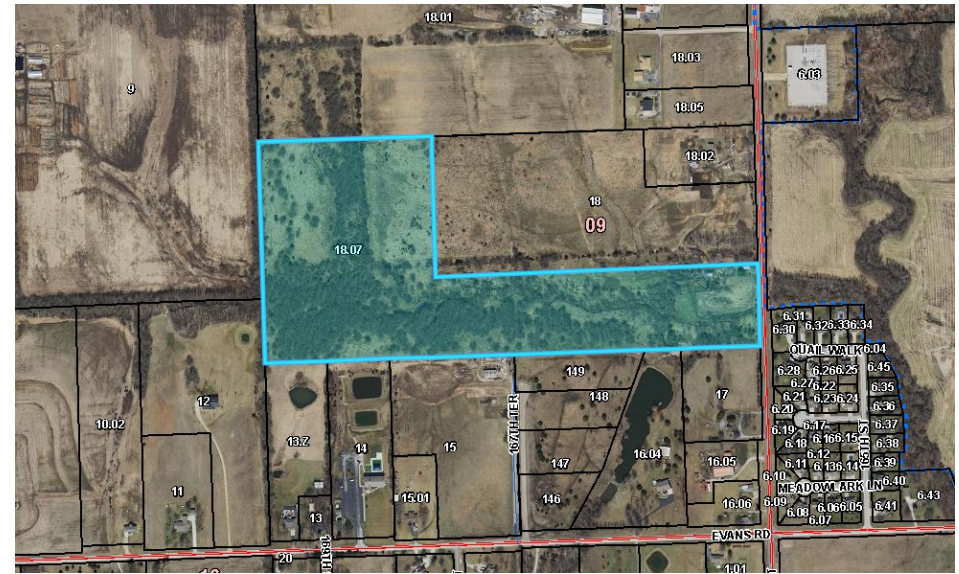
BUILDINGS:
 N/A

PROJECT SUMMARY:
 Request for preliminary and final plat approval to subdivide property located at 00000 167th Terrace (PID: 182-09-0-00-00-018.07) as Lots 1 through 3 of Sunny Side Estates 2nd

ACCESS/STREET:
 167TH TERRACE – CROSS ACCESS EASEMENT, PAVED ± 27’;

Location Map:

UTILITIES



SEWER: PRIVATE SEPTIC SYSTEM
 FIRE: FAIRMOUNT
 WATER: SUBURBAN WATER
 ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:
 8/23/2023

NEWSPAPER NOTIFICATION:
 N/A

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	N/A	
41-6.C.	Public Road Access Management Standards	N/A	
43	Cross Access Easements	X	
50-20	Utility Requirements	X	
50-30	Other Requirements	X	
50-40	Minimum Design Standards		X
The applicant is requesting an exception on Article 50, Section 40.3.i. lot-depth to lot-width for Lot 1.			
50-50	Sensitive Land Development	N/A	
50-60.	Dedication of Reservation of Public Sites and Open Spaces	N/A	

STAFF COMMENTS:

The applicant is proposing to divide a 35-acre non-compliant parcel into 3 lots. The property was split via a non-compliant Certificate of Survey. In order to bring the property back into compliance, the applicant must subdivide the property. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lot 1 is proposed to be 9.6 acres in size. It does not meet the lot-depth to lot-width requirement but the applicant is requesting an exception. Lot 2 is proposed to be 18.69 acres in size. Lots 1 & 2 will split a pond. Due to the location of the pond, both driveways have been designed in a manner that will not impact the proposed emergency spillway of the pond (see Preliminary Plat). Lot 3 is proposed to be 7.45 acres with an additional pond being located on this property. Both ponds have been permitted by the County and have been approved by the State. Lots 2 & 3 comply with the requirements of the RR-2.5 zoning district. The applicant is applying for an addition onto the Sunny Side Estates Cross Access Easement. This would be the second and final phase. Access to the three lots would come through 167th Terrace. The HOA agreement has been provided and reviewed. 167th Terrace shall remain the responsibility of the HOA for construction and maintenance. An existing gas line runs along the southern property line of this subdivision. The applicant has provided the County required 50 ft. setback, however, staff has not received verification from the applicant that the Gas Company will not require additional setbacks or whether the proposed private roadway has been approved.

EXCEPTIONS:

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

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

Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width for the Sunny Side Estates 2nd subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. A notation shall be included on the final plat that states an exception from Article 50 – Section 40.3.1. lot-depth to lot-width has been approved for Lot 1.
6. Sunny Side Estates 2nd is hereby approved as a Cross Access Easement subdivision. The installation and maintenance of 167th Terrace is the responsibility of the members of the Home Owners Association per the attached HOA agreement. Leavenworth County does not accept any liability or maintenance of the proposed private drive.
7. The developer must comply with the following memorandums:
 - a. Email – Mike Lingenfelser, Fairmount FD, dated June 28, 2023

ATTACHMENTS:

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

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

Office Use Only

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

APPLICANT/AGENT INFORMATION

OWNER INFORMATION

NAME: Herring Surveying Company NAME: Allan F & Marion Sue Stork
 MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 16678 Evans Road
 CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Basehor, KS 66007
 PHONE: 913-651-3858 PHONE: N/A
 EMAIL : herringsurveying@outlook.com EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: SUNNY SIDE ESTATES 2
 Address of Property: 00000 167th Street
 PID: 182-09-0-00-00-018.07 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: <u>35 Ac</u>	Number of Lots: <u>3</u>	Minimum Lot Size: <u>7 Ac</u>
Maximum Lot Size: <u>18 Ac</u>	Proposed Zoning: <u>RR 2.5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>Suburban</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Fairmount</u>	Electric Provider: <u>Evergy</u>	Natural Gas Provider: <u>Atmos / Propane</u>
Covenants: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</u>	
	Cross-Access Easement Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.</i>	1. <u>Width to Depth Ratio on Lot 1</u>	
	2. _____	
	3. _____	
	4. _____	
	5. _____	

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

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

Signature: Joe Herring - digitally signed 6-17-2023

Date: 6/17/23

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

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

GENERAL INFORMATION

Proposed Subdivision Name: _____
Address of Property: _____
PID: _____ Urban Growth Management Area: _____

SUBDIVISION INFORMATION

Gross Acreage:	Number of Lots:	Minimum Lot Size:
Maximum Lot Size:	Proposed Zoning:	Density: N/A
Open Space Acreage: N/A	Water District:	Proposed Sewage:
Fire District:	Electric Provider:	Natural Gas Provider:
Covenants: <input type="checkbox"/> Yes <input type="checkbox"/> No	Road Classification: <i>Local – Collector - Arterial – State - Federal</i>	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No	

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

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

Signature: _____ Date: _____

ATTACHMENT A

From: [sue stork](#)
Sent: Wednesday, July 19, 2023 11:29 AM
To: [Johnson, Melissa](#)
Subject: Sunny Side Estates 2

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.

July 19,2023

I Marion Sue Stork, give my authorization to Joe Herring to survey the property Sunny Side Estates 2.

AMENDED DECLARATION OF HOMEOWNERS' ASSOCIATION

THIS AMENDMENT to the Declaration of Homeowners' Association of Sunny Side Estates is made on the _____ day of April 2023 by Allan Stork and Sue Stork, husband and wife, hereinafter referred to as "Grantor."

WITNESSETH:

WHEREAS, Grantor pursuant to the authority of Article II of the original Declaration of Homeowners' Association executed July ____, 2021, continues to own parcels of real estate in Sunny Side Estates, hereby amends the Declaration of Homeowners' Association to add the property of Phase II of Sunny Side Estates to the associated properties and modify its terms to address the inclusion of Phase II more particularly described in Schedule B, which is annexed hereto and made a part hereof;

Grantor hereby declares that all of the properties described in the annexed Schedule A and Schedule B shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are intended for the purpose of protecting the value and desirability of the said property. Each of these easements, restrictions, covenants and conditions shall run with the real property. The easements, restrictions, covenants and conditions shall be binding upon all parties having any right, title or interest in the real property described in Schedule A, or any part thereof. These easements, restrictions, covenants and conditions shall bind their heirs, successors and assigns forever. These easements, restrictions, covenants and conditions shall inure to the mutual benefit of each owner hereafter.

ARTICLE I

DEFINITIONS

1. "Association" shall mean the SUNNY SIDE ESTATES HOMEOWNERS' ASSOCIATION, LLC, its successors and assigns.
2. "Grantee" shall mean the record owner or owners of the fee simple title to any lot which is part of the properties. It shall not include mortgagees until such time as title is transferred by deed. Each lot shall be deemed to have one grantee for voting purposes, regardless of the number of actual owners.
3. "Properties" shall mean all of that certain real property described in Schedule A, which is annexed hereto and made a part hereof, and such additional real property as may hereafter be brought under the jurisdiction of the Association by purchase, gift or devise.
4. "Common Area" shall mean all real property (including the improvements thereon) owned by the Association for the common use and enjoyment of the Grantees. This shall include, but not

be limited to, streets, sidewalks, medians, parks, swimming pools, tennis courts, jogging and walking trails and club house.

5. "Lot" shall mean and refer to any plot of land set aside for residential construction, as shown upon the subdivision map which was recorded in the Office of the Leavenworth County Clerk on _____2021, as Map No. _____ and the addition of Phase II which was recorded in the Office of the Leavenworth County, Kansas Clerk _____2023, as map no. _____.

6. "Grantor" shall mean the Allan and Marion Sue Stork, their successors and assigns.

7. "Family members" shall include the mother, father, spouse, son, daughter, sister or brother of any Grantee, provided that the person shall have his or her primary residence with the Grantee.

8. "Annual maintenance and insurance expenses" shall mean any expenses incurred by the Association for the property tax and care of the common areas. These may include, but shall not be limited to, landscaping, snow removal, general repairs, ad valorem real estate taxes, equipment and supply expenses, overhead and other expenses deemed necessary or appropriate by the Association for the full use and enjoyment of the common areas. Insurance shall include casualty and liability insurance for the common areas.

ARTICLE II

OWNERSHIP AND CONTROL BY DEVELOPER

Sole control of the HOA shall remain with the owners/developers of this development as long as the developer/owners own at least one (1) of the platted lots. Upon sale of the last platted lot all control of this Homeowners' Association shall be with its members in good standing.

ARTICLE III

GRANTEE'S RIGHT TO USE COMMON AREA

1. Every Grantee shall have the right to use and enjoy the common area as hereinafter described. Said right of use shall be appurtenant to the Grantee's lot and shall pass with title to every lot, subject only to the following provisions:

(a) the right of the Association to impose annual maintenance and insurance charges to the Grantees; and

(b) the right of the Association to dedicate, sell or transfer all or any part of the common area to the County of Leavenworth or any municipality annexing the properties described herein for public use by residents of the County or City. Such a transfer, sale or dedication shall be approved by the Grantees as herein provided.

2. The family members of any Grantee may exercise his/her right to use the common area.

3. A Grantee shall forfeit his/her right of use in the event that he/she fails to make any payment described in Paragraph 1(a) above when due. Rights of use shall be reinstated upon payment in full of any past due amount.

4. As defined above all “common areas” are owned by the Association. All control, design and maintenance of common areas shall be the responsibility and within the control of the Association.

ARTICLE IV

GRANTEE SHALL BE MEMBER OF HOMEOWNERS’ ASSOCIATION

1. Every Grantee of a lot shall be a member of the Association. Membership shall be appurtenant to ownership.

2. Every Grantee shall be entitled to cast one (1) vote upon any matter taken up by the Association. This shall apply regardless of any difference in lot size or value. Any Grantee who owns more than one (1) lot may cast one (1) vote for each such lot.

3. Written notice of any meeting called for the purposes of taking any action authorized under this Declaration shall be sent to all members not less than ten (10) days nor more than twenty (20) days prior to the scheduled date. A quorum shall be necessary for the transaction of business and shall be deemed to exist if sixty percent (60%) of the Grantees are present. No proxy voting shall be permitted. In the event that a quorum does not exist, the only action which may be taken is to adjourn the meeting to another date and direct the secretary to send notice of the new meeting date to all members.

4. To take effect, any matter brought before the Association must be approved by a majority of those Grantees who are present and voting. On any proposition to sell or acquire land, the approval of seventy-five percent (75%) of those Grantees who are present and voting shall be required. A quorum must be present at the time any vote is taken. Loss of quorum requires immediate adjournment of the meeting.

ARTICLE V

ASSESSMENTS

1. The Grantees shall establish the annual maintenance, property tax and insurance expense in March of each year. This amount shall be divided equally among and assessed against the lots. A notice of assessment shall be sent to each Grantee. Payment terms shall be specified in the notice. At least forty-two (42) days shall be given for payment. Interest shall accrue on assessments at the rate of twelve percent (12%) per annum from the date on which they are due, as set forth in the assessment.

2. The assessment shall be a lien against the lot of the Grantee as of the date on which the Grantees determine the amount of the assessment. The Association shall be entitled to foreclose its lien and shall be entitled to collect reasonable legal fees and expenses in such a foreclosure action. The Association may also personally sue the Grantee for the amount of the assessment, together with legal fees and interest.

3. For the year 2021, the maximum assessment shall not exceed _____ Dollars (\$_____) per lot.

4. The Association, upon approval of seventy-five percent (75%) of the Grantees present and voting at a meeting at which a quorum exists, may establish additional assessments for other purposes. Collection shall be as set forth in Paragraphs 1 and 2 above.

5. Transfer of any lot, by whatever means, shall not extinguish any lien for an unpaid assessment.

ARTICLE VI

OFFICERS OF HOMEOWNERS' ASSOCIATION

1. These declarations may be amended by approval of sixty-seven percent (67%) of the Grantees. The secretary of the Association shall cause such an amendment to be signed and acknowledged by all such Grantees. The secretary shall record the amendment in the office of the Leavenworth County Clerk. A copy of Schedule A shall be annexed thereto.

2. The Grantees shall elect a secretary annually. The secretary shall send notice of the meetings and take minutes at said meetings. The secretary shall maintain the records of the Association. The secretary shall be an officer of the Association.

3. The Grantees shall elect a treasurer annually. The treasurer shall send notice of and collect assessments. The treasurer shall also have the authority to pay expenses of the Association. The treasurer shall make a report at each meeting. The treasurer shall be an officer of the Association.

4. The Grantees shall elect an executive director annually. The executive director shall preside at meetings and observe the business of the Association. The executive director shall be an officer of the corporation.

5. No elected officer shall receive a salary. Officers may be reimbursed for out-of-pocket expenses in connection with the duties they perform for the Association.

6. All elected officers shall be Grantees. In the event an officer ceases to be a Grantee, he/she shall immediately forfeit his/her office.

7. Elections shall occur at the meeting in January of each year when the annual maintenance and insurance expense is determined. Each officer shall hold office until a successor is elected. In the event of a vacancy, an interim election shall be held at a special meeting. The newly-elected officer shall complete the term of the officer he/she is replacing.

8. Special meetings shall be called at the request of any Grantee.

ARTICLE VI

RESTRICTION

1. Residential Use. Each Lot shall be limited in use to single family residence purposes only, except that an owner of a Lot ("Owner") may use a portion of his or her residence constructed on a Lot for office or studio use, provided (i) the activities conducted therein shall not interfere with the quiet enjoyment or comfort of any other Owner, (ii) such use does not violate any local zoning ordinance, and (iii) no more than three (3) outside, non-resident employees are present at any time.

2. Approval by HOA.

A. Plan Approval. No construction, including, but not limited to, the construction of any residence, garage, deck, gazebo, outbuilding, patio, swimming pool, landscaping, grading or other improvement to the Lot, may be commenced or erected on any Lot unless the complete plans, specifications (including brand, style and color of the brick, shingles, and all other exterior surfaces) and building grades for such construction be first submitted to and approved in writing by the HOA by at least a two third majority. Any material changes made subsequent to the written approval by the HOA must be resubmitted and approved in writing prior to the commencement of changes.

B. Builder Approval. No general contractor, subcontractor, corporation, sole proprietorship, general partnership, limited partnership, limited liability company, individual or any other party (the "Builder") may commence or erect any construction described in subparagraph A hereof, or assist or participate in such construction, unless the HOA shall first approve such Builder for such purpose.

C. It will be the purpose of the HOA in reviewing construction and development requests to insure the integrity and harmony of the Subdivision and each building constructed therein for the benefit of each Owner. The HOA will have sole and absolute discretion in its decisions. Refusal of approval of plans, specifications or locations by the HOA may be based on any ground, including purely aesthetic grounds. No action or conduct by the HOA in furtherance of these restrictions shall be grounds for any liability whatsoever against the HOA. Nothing herein shall be construed as relieving any Owner, such Owner's heirs, successors or assigns from any obligation to comply with all applicable local, state and federal laws and regulations.

3. Building Restrictions.

A. Number of Residence Buildings. No more than (1) residence building may be erected on any Lot, however, a guest house conforming to the same architectural standards and of similar design to the main residence building may be permitted upon approval by the HOA.

B. Size of Residence. No residence erected on any Lot may contain less than 1,600 square feet for a one-story residence or less than 2,500 square feet for a two-story residence. The area of any residence shall be computed on the outside foundation of the first floor and the exterior dimensions of the second floor. In the case of a Cape Cod, the second floor area shall be computed from the outside dimension of the knee walls. Basement and garage area shall not be included in the computation. Any guest house constructed on a Lot shall not be required to meet the requirements of this subsection; however, the area of any such guest house shall not be included in the computation.

C. Garages. Except as provided herein, all garages shall be affixed to their respective residence building, and, except as otherwise provided in this subsection, shall have minimum inside dimensions of 23 feet by 32 feet so as to accommodate a minimum of two (2) automobiles. Detached garages are permissible but may not replace the required attached garage. Detached garages must conform to the same architectural standards as residence buildings and must be similar to the residence in design. In the event that a detached garage accommodating two (2) or

more automobiles is constructed, the attached garage may be built so as to accommodate only two (2) automobiles.

D. Foundation. No exposed foundation may be constructed with cement or cinder block as the completed face. Exterior foundation surfaces must be brick, stone, stucco, wood, aluminum or vinyl siding, or any natural material.

E. Exposed Surfaces. No exposed surface may be constructed with unfinished masonry material (i.e., cement or cinder block) as the completed face. Exposed exterior walls must be brick, stone, stucco, wood, or any natural material or finished masonry products.

F. Roof Pitch. All residence buildings, guest houses, and garages (attached or otherwise) shall have a sloping roof with a pitch of 8 to 12.

G. Outbuildings. Outbuildings must conform to residence's architecture, including color and material. Outbuildings must be a minimum of 1200 square feet in space and at least 20 feet from the side property line or 30 feet from the rear property line. Any outbuilding must be approved as any other construction pursuant to the requirements contained herein

H. Utilities. All electrical, television or telephone cables and any other utility lines and facilities which are to extend from outside a Lot to any residence or other structure located on the Lot or between structures on the Lot shall be placed underground.

I. Front Set Back. No building may be erected on any Lot, Lots or parts thereof nearer than 70 feet to the front of the Lot line, unless otherwise specified on plans which the HOA has approved pursuant to Section 2, above. The HOA may increase or decrease the required front set back if it deems, in its sole discretion, that topography and Lot configuration so require.

4. Construction and Maintenance.

A. Timing for Completion. Once construction on any structure on a Lot has commenced, it must be completed within eighteen (18) months of commencement.

B. Construction Debris. During construction, the Owner shall keep the Lot free from construction debris and shall not allow the burial of such debris on the Lot or its use as fill material at any location on the Lot.

C. Construction Mud and Damage. Each Owner shall keep such Owner's Lot and the streets providing access thereto free of accumulations of dirt, mud and debris, and shall be responsible for all repairs of damage to the swales, ditches, storm sewers and streets occasioned by work on or around the Lot by the Owner or the Owner's contractor, or their agents, representatives, subcontractors or employees. If the Owner shall fail to keep such Owner's Lot and the streets free of such accumulations, or shall fail to repair any damage to the swales, ditches, storm sewers and streets, then in addition to all other rights and remedies Declarant may have (including the right to specific performance), Declarant shall have the right to remove such dirt, mud and debris and repair all damage and shall charge the cost of such removal or repair to the Owner. Such costs shall be payable by the Owner upon demand and shall constitute an assessment, as set forth in Section 8, below, against the Lot.

D. Building Maintenance. Each Owner shall, at such Owner's sole cost and expense, maintain and keep the residence building and all other buildings or structures on the Lot in a state of good repair.

E. Building Casualties. If all or any portion of a residence on a Lot is damaged or destroyed by fire or other casualty, the Owner shall promptly rebuild, repair or reconstruct such residence or raze the structure, remove all rubble and debris, fill in any basement areas or excavation areas with clean fill, and grade the Lot in accordance with any applicable improvement plans for the Subdivision or Lot.

F. Storm Sewer Maintenance on Lots. Each Owner shall maintain the ditches, storm sewers, culverts, water management areas and basins, swales and grading for the Lots owned by them in accordance with the improvement plans approved for the Subdivision.

5. Landscaping and Lot Appearance.

A. Lawns and Vegetation; Existing Trees. Lawns shall be kept properly trimmed at all times. No grains, underbrush, excessive weeds or other unsightly vegetation shall be permitted to grow or remain on any Lot or in any ditches in whole or in part on a Lot or in the street right-of-way in front of any Lot. All grass on any unbuilt lot must be kept at a maximum height of six (6) inches. Vegetables may be grown on a lot, provided they are not grown for commercial purposes and provided they are restricted to an area which is situated to the rear of the Lot and is at least 20 feet from any Lot line.

All plans for the clearing of a Lot which include removal of any tree with a trunk diameter greater than five (5) inches must be approved by the HOA prior to commencement of work.

B. Timing of Landscaping. All landscaping must be completed within one (1) year of the occupancy of the residence, including the replacement of any landscaping that does not survive initial and subsequent plantings.

C. Fences. No freestanding fences, solid or living, may be erected, placed, or permitted on any Lot from the street to the front building line, provided, however, that an entrance gate, the design and construction material of which must be approved by the HOA in writing, may be constructed. Fences may be installed from the building line to the rear property line for safety, decorative and/or aesthetic value only if approved in writing by the HOA. Chain link fences will not be permitted except for dog runs contiguous to and in the rear of the residence which are not visible from the street.

D. Driveways. All driveways less than one hundred fifty yards (150 yds.) long must either be concrete, asphalt or brick and must be installed within one (1) year of commencement of construction. Driveways in excess of one hundred fifty yards (150 yds.) long may be gravel or asphalt.

E. Signs. No nuisance or advertising signs, billboards, or banners will be permitted, erected, or maintained on any Lot. Signs offering the sale of Lots or residences in the Subdivision shall be limited to twelve (12) square feet in area. Subdivision signs at the entrances shall be a maximum of 60 square feet. All construction and realty signs shall be removed upon the occupancy of the building or sale of the Lot or Lots to which they relate. In the case of signs erected for the

purpose of resale of Lots or residences, the same shall be removed at such time as the Lot or residence offered for sale is sold or is taken off the market.

F. Mailboxes. All mailbox stands or posts shall be of uniform design which shall be designed by and which shall be available from the HOA.

G. Re-grading. No re-grading of any Lot that affects drainage or construction work on any building shall be performed by any Owner, builder or contractor prior to receiving written approval for such grading, filling or excavating from the HOA.

H. Vehicles. No recreational vehicles, boats, buses, dump trucks or any other vehicle may be parked on any portion of a Lot beyond a period of 24 hours unless completely enclosed in a garage. Commercial vehicles are permitted during the period of time during which they are necessary to perform specific duties. No abandoned or non-operational vehicles may be parked on a Lot beyond a period of 24 hours unless it is parked in a garage so as to be concealed from public view.

I. Trash. No rubbish, trash, garbage, or waste material shall be kept or permitted on any Lot except in sanitary containers which shall be placed within enclosed areas so as to be concealed from public view, except when placed for collection.

J. Satellite Dishes. No satellite dish is permitted on any Lot in front of the rear line of any structure. If a satellite dish is installed, it shall be screened so as not to be visible from any adjoining Lots or from the street right-of-way.

L. Fuel Storage. No fuel storage containers except containers smaller than 5 gallons shall be kept on a lot. All such containers on a Lot must be placed within the residence or underground, subject to applicable laws and regulations.

M. Clothes Lines. No clothes lines or clothes poles or other device or mechanism for hanging clothes shall be maintained on any building lot, unless totally screened from both public view and neighboring lots.

6. Use Restrictions.

A. Pets. No poultry or livestock of any kind shall be raised, bred or kept on any Lot, except for dogs, cats and other common household pets provided they are not kept, bred or maintained for commercial purposes.

B. Hazardous Substances. No Owner shall release, store or bury or permit the release, storage or burial of any hazardous substance on any Lot. "Hazardous substance" and "release" shall have the meanings given them in the Federal Comprehensive Environmental Response, Compensation, and Liability Act ([42 U.S.C. 9601](#)).

C. Oil and Gas Leases. No oil or gas lease will be permitted within the Subdivision. No Lot or portion of any Lot shall be used in any way for oil and/or gas drilling, exploration or production, including consolidation of any Lot or any portion of any Lot with any other property for purposes of oil and/or gas drilling, exploration or production.

ARTICLE 56 – EXCEPTIONS

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

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

1. That there are special circumstances or conditions affecting the property.
This is a CAE Private Road Development - pond (natural feature) creates a longer lot than normal.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
Yes - since it is private with a HOA for roadway and use - larger and irregular tracts should be acceptable.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

No



Mikayla Dendurent <mdendurent@cfse.com>

Leavenworth County Determination

Mikayla Dendurent <mdendurent@cfse.com>
To: "Phillips, Janelle [KDA]" <janelle.phillips@ks.gov>

Mon, May 8, 2023 at 9:18 AM

Janelle,

I have a project in Leavenworth county where they are building two small ponds. The dams are non-jurisdictional but I wanted to confirm with you that you will not require any permitting. The dams will be approximately 8-10 feet tall. The project location is 18209 166th Street, Bonner Springs, KS. I have attached an aerial image that the contractor sent me showing the two ponds.

Please let me know if you need any additional information.

Thank you,

Mikayla

--

Mikayla Dendurent, IE

1421 E 104th Street, Suite 100
Kansas City, Missouri 64131

p: 816.333.4477
c: 913.439.7563

mdendurent@cfse.com
www.cfse.com



Aerial map.png
1817K



Mikayla Dendurent <mdendurent@cfse.com>

Leavenworth County Determination

Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
To: Mikayla Dendurent <mdendurent@cfse.com>

Mon, May 8, 2023 at 9:39 AM

Mikayla –

DWR has reviewed the information provided and a DWR permit will not be required for this project.

Janelle Phillips, P.E., CFM

Stream Obstruction Team Lead

Water Structures Program

Division of Water Resources

Kansas Department of Agriculture

[1320 Research Park Drive](#)

[Manhattan, KS 66502](#)

[Office:785-564-6656](#)

[Cell: 785-307-8292](#)

Janelle.phillips@ks.gov

From: Mikayla Dendurent <mdendurent@cfse.com>
Sent: Monday, May 8, 2023 9:18 AM
To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Subject: Leavenworth County Determination

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.

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NOTICE OF INTENT (NOI)

For Authorization to Discharge Stormwater Runoff from Construction Activities
In accordance with the Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System (NPDES)

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form requests authorization for coverage under the Kansas Water Pollution Control general permit, or KDHE issued successor permits, issued for stormwater runoff from construction activities in the State of Kansas.

Please Print or Type.

I. OWNER OR OPERATOR ADDRESS, BILLING, CONTACT & RECORDS LOCATION INFORMATION

A. Owner or Operator's Name: Allan Stork
Company Name:
Owner or Operator's Phone:
Mailing Address: 16678 EVANS RD
City: Basehor State: KS Zip: 66007
E-mail Address (optional): astork1963@gmail.com
B. Billing Contact Name:
Billing Contact Phone:
Billing Address (if different):
City: State: Zip:
E-mail Address (optional):
C. Contact Name: Mikayla Dendurent
Company Name: CFS Engineers
Contact Phone: 913-439-7563
Mailing Address: 1421 E 104th Street Suite 100
City: Kansas City State: MO Zip: 64131
E-mail Address (optional): mdendurent@cfse.com
D. Address where records will be kept (if not on-site):
Records Address:
City: State: Zip:

II. SITE INFORMATION, Type of Request: [X] New Permit Authorization [] Modification of Existing Permit Authorization

A. Project Name: Sunnyside Estates Development
Site Address: 18209 166TH ST
City: Basehor State: KS Zip: 66007
(Nearest City to Project) County: Leavenworth
B. LEGAL SITE DESCRIPTION:
QTR of QTR of SE QTR Section: 9
Township: 11 South; Range: 22 [X] E [] W
Latitude: 39 06 18.37 Longitude: -94 58 02.28
Deg. Min. Sec. Deg. Min. Sec.

For Official Use Only:

Received RECEIVED MAY 22 2023 BUREAU OF WATER
Amount Paid: 60.00
Date:
Initials:
Check No.: 1053
Reviewed: [Signature]
Authorized: [X] [] Y; [] N
Is Authorization Conditional? [] Y; [X] N
Authorized by: [Signature]
Secretary, Kansas Department of Health and Environment Date: 6/2/2023
KS Permit No.: S-KS04-0116 Federal Permit No.: KSR/21554

Send completed 3 page NOI form with original signature and all appropriate submittals (see page 3 of NOI) to:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367

Effective August 1, 2017

Note: A copy of the permit can be obtained at: www.kdheks.gov/stormwater or by submitting a written request to KDHE.

KDHE Contact Information: * Submit a location map
Phone: (785) 296-5545
E-mail: kdhe.stormwater@ks.gov

locations and elevation contours extending at least 1/2 mile beyond the dam sites. /DA

C. EXISTING CONDITIONS/USES

- 1) Is any part of the project located on Indian Country land? Y; N
If yes: Contact EPA regarding discharging stormwater runoff from industrial activities on Indian Country land.
- 2) If stormwater runoff drains to or through a Municipal Separate Storm Sewer System (MS4): MS4 Name: _____
- 3) Name of the first receiving water, stream, or lake: tributary to Hog Creek, River Basin: Hog Creek
- 4) Are contaminated soils present on the site or is there groundwater contamination located within the site boundary? Y; N
If yes: On separate paper describe in detail the locations and concentrations of the contaminants.
- 5) Are there any contaminated soils that will be disturbed or any contaminated groundwater that will be pumped by the proposed construction activity? Y; N
If yes: On separate paper describe the special procedures and erosion and sediment control measures to be implemented to eliminate or minimize the potential to discharge the soil and/or groundwater contaminants.
- 6) Are there any surface water intakes for public drinking water supplies located within 1/2 mile of the site discharge points? Y; N
- 7) Are there any known historical or archeological sites present within the site boundary or any historic structures located within 1000 feet of the project site? Y; N
Note: Include documentation of project-specific coordination with the Kansas Historical Society in making this determination.
- 8) Is any threatened or endangered species habitat located within the site boundary or in the receiving water body? Y; N
Note: Include documentation of project-specific coordination with the Kansas Department of Wildlife, Parks & Tourism in making this determination.
- 9) Will the project impact the line or grade of a stream or does it include dredge or fill of a potential jurisdictional water body or wetlands? Y; N
If yes: Include documentation of project-specific coordination with the US Army Corps of Engineers and/or the Kansas Department of Agriculture, Division of Water Resources in making this determination.
- 10) Are any Critical Water Quality Management Areas, Special Aquatic Life Use Waters, or Outstanding National Resource Waters located within 1/2 mile of the facility boundary? Y; N
If yes: List the names of all such areas and waters: _____

D. PROJECT DESCRIPTION

- 1) Project Description: two ponds to provide retention for future site development.
- 2) Does this NOI include all proposed soil disturbing activities associated with the entire common plan of development? Y; N
If no: Explain what development areas of the site are not included in this NOI and provide contact information, if available, for the party or parties that own or have operational control of these areas:

- 3) Anticipated project Start Date: Summer 2023, and Completion Date: Fall 2023
- 4) Estimated total area to be disturbed: 4.0 Acres Total area of the site: 40.9 Acres
- 5) Do you plan to disturb ten or more acres that are within a common drainage area? Y; N
If yes: Will a sedimentation basin be installed in that drainage area? (Attach design calculations for each sedimentation basin.) Y; N
 If a sediment basin is not feasible, on a separate sheet describe similarly effective erosion and sediment control measures to be implemented in lieu of a sedimentation basin.

E. Maps

Include an area map showing the outline of the construction site and the topographic features of the area at least one mile beyond the project site.

F. EROSION CONTROL PLAN AND BEST MANAGEMENT PRACTICES

- 1) Provide a summary of the sequence of major soil disturbing activities including installation of the corresponding stormwater management and pollution control features.
- 2) Provide one or more site plans covering the anticipated soil disturbing activities showing the limits of disturbance, the existing and proposed elevation contours, the types and locations of erosion/sediment control measures and stormwater management/pollution control features during each phase of construction and the locations where stormwater runoff leaves the construction site.

- 3) Provide a description of the best management practices to be utilized to control erosion and the discharge of sediment and other pollutants in stormwater runoff throughout construction and the design calculations for each sediment basin including total drainage area and storage capacity below the elevation of the mass volume flow outlet device.
- 4) Provide the name and License or Certification Number of the engineer, geologist, architect, landscape architect, or Certified Professional in Erosion and Sediment Control (CPESC) under which the construction stormwater pollution prevention plan has been developed.

<u>Michelle Mahoney</u>	<u>226496</u>	<u>Engineer</u>
Name	License or Certification Number	Profession or Field (Engineer, Architect, etc.)

III. ANNUAL FEE

Enclose a check for the first year of the annual permit fee specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE". Per K.A.R. 28-16-56, as amended, the current annual permit fee for this general permit is \$60. An invoice for the annual permit fee will be sent to the contact person requesting a permit until such time as the permittee submits a Notice of Termination (NOT).

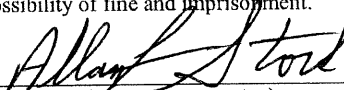
Failure to pay the annual fee will result in termination of the construction stormwater discharge Authorization.

IV. OWNER OR OPERATOR CERTIFICATIONS

I, the undersigned, certify that a Stormwater Pollution Prevention Plan (SWP2 Plan) will be or has been developed for the construction site described in this NOI and supporting documentation. I further certify that the plan will be implemented at the time construction begins, and, as required by the NPDES general permit for Stormwater Runoff from Construction Activity, will revise the SWP2 plan if necessary.

I understand that continued coverage under the NPDES general permit for Stormwater Runoff from Construction Activities is contingent upon maintaining eligibility as provided for in the requirements and conditions of the general permit, and paying the annual fee.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

	<u>5-18-23</u>
Signature (owner or operator)	Date
<u>owner - Allan F. Stork</u>	
Name and Official Title (Please print or type. Form with original signature must be sent to KDHE.)	

Conditions of Authorization - For Official Use Only:

When indicated, Conditions of Authorization are as follows:

A complete request for Authorization for coverage under the general permit must be submitted or the request will not be processed. A complete request for Authorization includes:

- An NOI form (construction stormwater) with an original authorized signature;
- The annual permit fee for the first year; (\$60.)
- An area map showing the outline of the construction site and the general topographic features of the area at least one mile beyond the project site boundary;
- Sequence of major soil disturbing activities including installation of stormwater management and pollution control features;
- A detailed site plan/plans showing the limits of disturbance, existing and proposed contours, erosion and sediment control features, locations where stormwater runoff leaves the construction site;
- A narrative summary of the additional erosion and sediment control and other best management practices that will be utilized to prevent or reduce contamination of stormwater runoff from the construction activities;
- Total drainage area, storage capacity and design calculations for each sedimentation basin; and
- Copies of letters or e-mails documenting coordination with appropriate local, state or federal agencies.

LEAVENWORTH COUNTY RESIDENTIAL PERMIT

CASE NUMBER RES-23-122

PERMIT SUB-TYPE ACCESSORY BUILDING

PID 182-09-0-00-00-018.07 PARCEL SIZE 6.8 AC ZONE RR-2.5 SDD NO
WATER DIST SUBURBAN ELECTRIC EVERGY FLOOD PLAIN IN PARCEL NO
SEWER DIST n/a TWSP RENO FLOOD PLAIN ON BUILDING SITE NO
SUBDIVISION LOT NO SCHOOL DIST 458
BLOCK NO

LAST NAME Stork FIRST NAME Allan PHONE 217-519-1987
EMAIL astork1963@gmail.com
ADDRESS 16678 Evans Rd
CITY Basehor STATE KS ZIP CODE 66007

SITE ADDRESS 18209 166th St
SITE CITY Leavenworth SITE STATE KS SITE ZIP CODE 66048

CONTRACTOR Steve Blaser CONTRACTOR PHONE 913-683-4072
CONTRACTOR EMAIL

1ST FLOOR 0 2ND FLOOR 0 3RD FLOOR 0
BASEMENT 0 GARAGE 108900 TOTAL BLDG SQ FT 108900
BLDG HEIGHT <35' ACCESSORY BUILDING COVERAGE (if less than 2.51 ac. Parcel)
ACCESSORY BLDG USE POND

NOTES: West Pond - 2.5 Acres - Submitted NOI & SWPPP information_
ISSUED 6/13/2023 EXPIRES 6/13/2024 RECEIVED BY KA

APPLICATION FEE \$80.00
CHECK NO 1059 [] CASH [] CC

STAFF APPROVAL *[Signature]* DATE 6/13/23

Upon the signing of this permit, the applicant accepts responsibility to build their permitted Single-family residence in accordance to the International Residential Code, 2006 edition, which was adopted by the Board of County Commissioners on December 16, 2020.*

*Property owners in the Kickapoo and Easton townships are exempt from this requirement.

APPLICANT *Allan F. Stork* DATE 6-14-23

1. Issuance of this permit is confirmation of approval for the requested building, improvement, or development of the site.
2. This permit does not nullify any deed restrictions or covenants established as a part of any subdivision.
3. It is the responsibility of the applicant or owner to provide a source of potable water.
4. All construction shall comply with State and Federal regulations.
5. Zoning Regulations change over time; issuance of this permit is not a guarantee of compliancy with any future changes to the zoning and subdivision requirements.
6. Retain this document for your records as proof of receipt of a permit and proof of payment.

182-09 01801

Leavenworth County Building Permit Application

The review process begins once all required information is received. Upon approval of the application, we will contact you to come in and pay for the permit. **DO NOT BUILD** until the permit is posted on the property.

All Applications Require

- Copy of property deed
- A completed site plan (Required site plan information found on Page 2)
- A set of building plans indicating square footage
- ~~Owner Authorization~~ (Required if someone other than the owner is submitting this form or picking up the permit)

JUN 06 2023

New Homes also require

- A passing soil profile from a licensed septic installer
- A letter from the Electric Company stating service can be provided to the property or a copy of a bill.
- A letter from the Water Company stating service can be provided to the property or a copy of a bill.
- (Please check this block if on a well.)

~~East HAC~~
East 2.8 AC

Owner & Parcel Information

1. Print Name(s): <u>Alan Stork</u>	Date: <u>6-6-23</u>
2. Phone No: <u>217-519-1987</u> Email: <u>astork1963@gmail.com</u>	
3. Present Mailing Address: <u>16678 Evans Rd</u> City: <u>Bascher</u> State: <u>KS</u> Zip: <u>66007</u>	
4. Type of Permit (circle one): New Home - Secondary Dwelling - <u>Accessory</u> - Commercial - Building Addition	
*Accessory Use: Storage - Agriculture - Pool - Pond - Commercial - Other <u>X2</u>	
5. Site Address: <u>18209 166th St</u> City: <u>Bascher</u> State: <u>KS</u> Zip: <u>66007</u>	
6. Dimension of Structure:	Total Area of Structure: <u>approx 4 acres</u>
7. Contractor's Name: <u>Steve Blaser</u>	Contact Info: <u>913-683-4072</u>
8. Septic System Installer: <u>NA</u>	
9. Number of Bedrooms: <u>NA</u>	
10. Is the new structure less than 35' tall?	<input checked="" type="radio"/> Yes <input type="radio"/> No
11. Have you started building yet?	Yes <input type="radio"/> <input checked="" type="radio"/> No
12. Site located in the Flood Plain?	Yes <input type="radio"/> <input checked="" type="radio"/> No
13. Is more than 1 acre being disturbed?	<input checked="" type="radio"/> Yes <input type="radio"/> No
14. Property has a well that services the dwelling	Yes <input type="radio"/> <input checked="" type="radio"/> No

NW
Equip
DW R
Z email

Larry

Upon the signing of this permit, the applicant accepts responsibility to build their permitted commercial or single-family residence in accordance to the International Residential/Building Code, 2006 edition, which was adopted by the Board of County Commissioners on December 16, 2020.*

*Property owners in the Kickapoo and Easton townships are exempt from this requirement.

14. Applicant signature: Alan Stork

Staff Review

15. Section -Township - Range:															
16. Subdivision:	Lot No:			Block No:											
17. Zoning:	RR-2.5	RR-5.0	R-1(43)	R-1(15)	R-1 (10)	R-2	R-3	R-4	B-1	B-2	B-3	I-1	I-2	I-3	PUD
18. Is an Entrance Permit needed?								Yes	No						
19. Is a State Permit is required? (Disturbing more than 1 Acre):								Yes	No						
20. Is site in the County Road 1, Land Use Plan Area?															
21. Staff Approval:	Yes	No	Signature:												

LEAVENWORTH COUNTY RESIDENTIAL PERMIT

CASE NUMBER RES-23-123

PERMIT SUB-TYPE ACCESSORY BUILDING

PID 182-09-0-00-00-018.07 PARCEL SIZE 6.8 AC ZONE RR-2.5 SDD NO
WATER DIST SUBURBAN ELECTRIC EVERGY FLOOD PLAIN IN PARCEL NO
SEWER DIST n/a TWSP RENO FLOOD PLAIN ON BUILDING SITE NO
SCHOOL DIST 458
SUBDIVISION LOT NO BLOCK NO

LAST NAME Stork FIRST NAME Allan PHONE 217-519-1987
EMAIL astork1963@gmail.com
ADDRESS 16678 Evans Rd
CITY Basehor STATE KS ZIP CODE 66007

SITE ADDRESS 18209 166th St
SITE CITY Leavenworth SITE STATE KS SITE ZIP CODE 66048

CONTRACTOR Steve Blaser CONTRACTOR PHONE 913-683-4072
CONTRACTOR EMAIL

1ST FLOOR 0 2ND FLOOR 0 3RD FLOOR 0
BASEMENT 0 GARAGE 87120 TOTAL BLDG SQ FT 87120
BLDG HEIGHT <35' ACCESSORY BUILDING COVERAGE (if less than 2.51 ac. Parcel)
ACCESSORY BLDG USE POND

NOTES: East Pond - 2 Acres - Submitted NOI & SWPPP information_
ISSUED 6/13/2023 EXPIRES 6/13/2024 RECEIVED BY KA

APPLICATION FEE \$80.00
CHECK NO 1059 [] CASH [] CC

STAFF APPROVAL *Kyle Adair* DATE 6/13/23

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APPLICANT *Allan Stork* DATE 6-14-23

1. Issuance of this permit is confirmation of approval for the requested building, improvement, or development of the site.
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3. It is the responsibility of the applicant or owner to provide a source of potable water.
4. All construction shall comply with State and Federal regulations.
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6. Retain this document for your records as proof of receipt of a permit and proof of payment.

182-09

018.07

Leavenworth County Building Permit Application

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All Applications Require

- Copy of property deed
- A completed site plan (Required site plan information found on Page 2)
- A set of building plans indicating square footage
- ~~Owner Authorization~~ (Required if someone other than the owner is submitting this form or picking up the permit)

JUN 06 2023

west 2.5 AC
~~East 1.5 AC~~

New Homes also require

- A passing soil profile from a licensed septic installer
- A letter from the Electric Company stating service can be provided to the property or a copy of a bill
- A letter from the Water Company stating service can be provided to the property or a copy of a bill.
- (Please check this block if on a well.)

Owner & Parcel Information

1. Print Name(s):	ALLAN STORK	Date:	6-6-23
2. Phone No:	217-519-1987	Email:	astork1963@gmail.com
3. Present Mailing Address:	16670 Evans Rd	City	Bascher State KS Zip 66007
4. Type of Permit (circle one):	New Home - Secondary Dwelling - <u>Accessory</u> - Commercial - Building Addition		
*Accessory Use:	Storage - Agriculture - Pool - <u>Pond</u> - Commercial - Other X2		
5. Site Address:	18209 166 th St	City	Bascher State KS Zip 66007
6. Dimension of Structure:	Total Area of Structure: approx 4 acres Total		
7. Contractor's Name:	Steve Blaser	Contact Info:	913-683-4072
8. Septic System Installer:	na		
9. Number of Bedrooms:	na		
10. Is the new structure less than 35' tall?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
11. Have you started building yet?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
12. Site located in the Flood Plain?	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
13. Is more than 1 acre being disturbed?	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
14. Property has a well that services the dwelling	<input type="radio"/> Yes	<input checked="" type="radio"/> No	

NP
Bill
DWR
Zemait

Larry

Upon the signing of this permit, the applicant accepts responsibility to build their permitted commercial or single-family residence in accordance to the International Residential/Building Code, 2006 edition, which was adopted by the Board of County Commissioners on December 16, 2020.*

*Property owners in the Kickapoo and Easton townships are exempt from this requirement.

14. Applicant signature: *Allan Stork*

Staff Review

15. Section -Township - Range:	
16. Subdivision:	Lot No: Block No:
17. Zoning:	RR-2.5 RR-5.0 R-1(43) R-1(15) R-1(10) R-2 R-3 R-4 B-1 B-2 B-3 I-1 I-2 I-3 PUD
18. Is an Entrance Permit needed?	Yes No
19. Is a State Permit is required? (Disturbing more than 1 Acre):	Yes No
20. Is site in the County Road 1, Land Use Plan Area?	
21. Staff Approval:	Yes No Signature:

County of Leavenworth
Planning & Zoning Department
300 Walnut Street, Suite 212
Leavenworth County, KS 66048
Phone: 913-684-0465
Email: PZ@LeavenworthCounty.Gov

Site Plan Requirements:

- Shall be drawn to scale;
- Shall show all buildings, a North arrow, and streets;
- Shall show the actual dimensions of the lot or tract to be built upon or used;
- Shall show size, shape and location of the building to be erected, reconstructed or altered;
- Shall show all existing structures;
- Shall include location and distance to the on-site wastewater disposal system (septic system), including lateral field;
- Shall include any other pertinent information as may be necessary to enforce the regulations.
- Shall include location of centerline of the driveway dimensioned from property line.

Private Sewage Disposal Permit

1. Completed Soil Profile Description Form submitted by your installer.
2. Number of bedrooms, including future planned bedrooms.
3. Name of county licensed installer.
4. Site Plan of the proposed septic system to include the following information:
 - a. Location of the soil profile.
 - b. Layout of proposed system including laterals, tank, waterlines, wells, foundation drains, ponds, draws and creeks locations.
 - c. Proposed location of a replacement area for the sewage disposal system consisting of at least 5,000 square feet, or a total set aside of 10,000 square feet for the system.

Compliance Deposit will be required for the following:

- Engineered Septic System
- Accessory Manufactured Home
- Removal of Old Home

Set Back Quick-Facts

- Along Road Frontage (except for K7 & State Ave): Must be at least 105' from road centerline
- Along Internal Subdivision Road Frontage: Must be 40' from property line
- Side Property Line: Must be at least 15' from property line
- Rear Property Line: Must be at least 40' from property line for house, 15' from property line for accessory structure

SUNNY SIDE ESTATES 2

A Cross Access Easement Plat in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

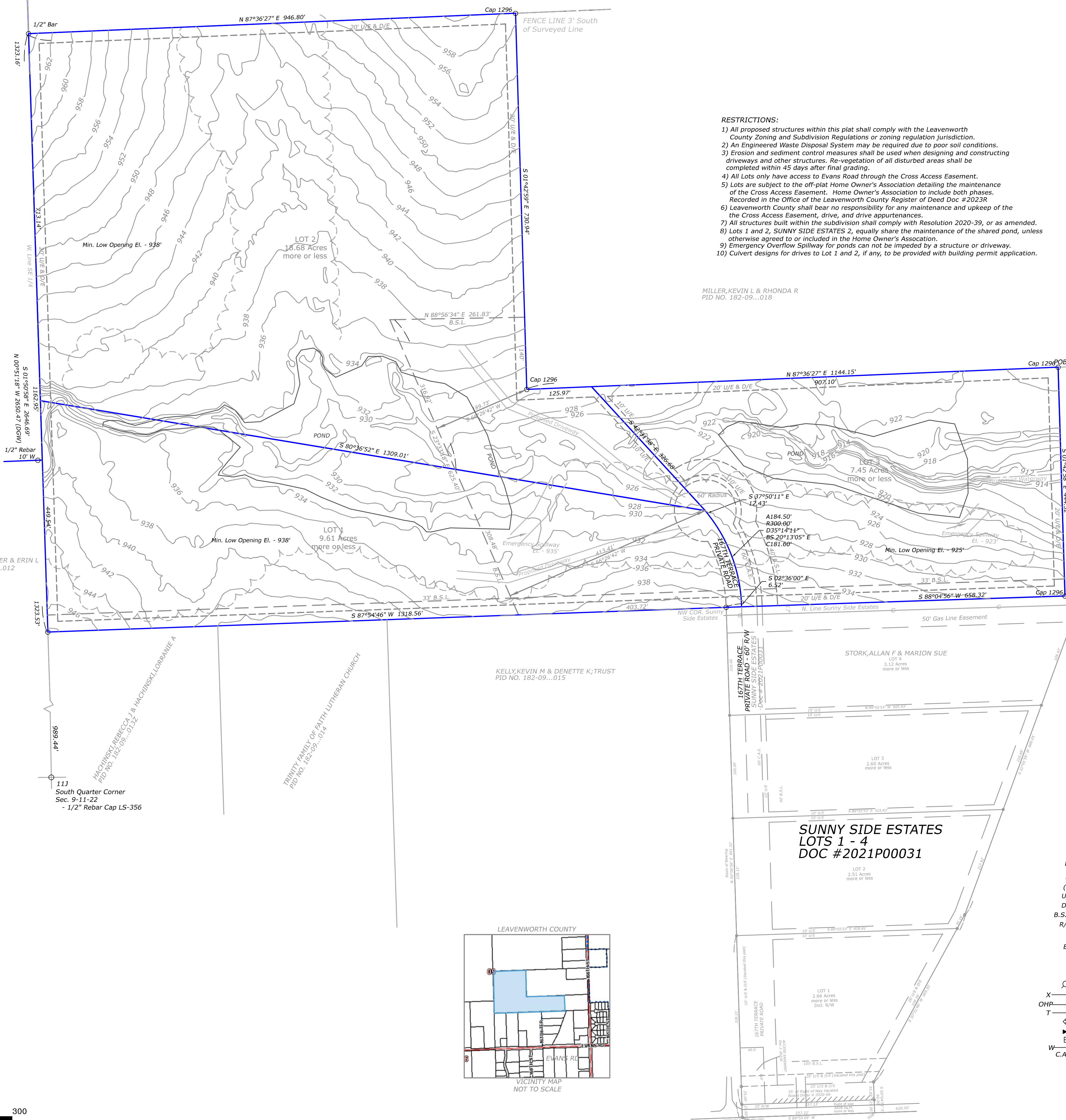
PRELIMINARY PLAT

PREPARED FOR:
STORK, ALLAN F & MARION SUE
16678 EVANS ROAD
BASEHOR, KS 66007
PID NO. 182-09-0-00-00-018.07

RECORD DESCRIPTION:
Tract of land in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on January 23, 2023, more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 42'58" East for a distance of 1225.63 feet along the East line of said Southeast Quarter; thence South 87 degrees 36'27" West for a distance of 661.05 feet to the TRUE POINT OF BEGINNING; thence South 01 degrees 42'58" East for a distance of 444.52 feet to the North line of SUNNY SIDE ESTATES; thence South 88 degrees 04'56" West for a distance of 658.46 feet and along the North line of said SUNNY SIDE ESTATES to the Northwest corner of said SUNNY SIDE ESTATES; thence South 87 degrees 54'46" West for a distance of 1318.56 feet to the West line of said Southeast Quarter; thence North 01 degrees 50'58" West for a distance of 1162.95 feet; thence North 87 degrees 36'27" East for a distance of 946.80 feet; thence South 01 degrees 42'59" East for a distance of 730.94 feet; thence North 87 degrees 36'27" East for a distance of 1033.07 feet to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 35.74 acres, more or less.
Error of Closure: 1 - 153425

WITT, CURTIS D & WITT, SHANNON D
PID NO. 182-09-...018.01

11G
Center of
Sec. 9-11-22
- 1/2" Rebar with 1 1/2" Alum. Cap



- 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 Evans 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. Home Owner's Association to include both phases. Recorded in the Office of the Leavenworth County Register of Deed Doc #2023R
 - 6) Leavenworth County shall bear no responsibility for any maintenance and upkeep of the the Cross Access Easement, drive, and drive appurtenances.
 - 7) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
 - 8) Lots 1 and 2, SUNNY SIDE ESTATES 2, equally share the maintenance of the shared pond, unless otherwise agreed to or included in the Home Owner's Association.
 - 9) Emergency Overflow Spillway for ponds can not be impeded by a structure or driveway.
 - 10) Culvert designs for drives to Lot 1 and 2, if any, to be provided with building permit application.

13G
NE COR SE 1/4
Sec. 9-11-22
- 1/2" Rebar

MILLER, KEVIN L & RHONDA R
PID NO. 182-09-...018

STORK, ALLAN F & MARION SUE
LOT 1 - PIONEER ACRES
Approved by County - not recorded

ZONING:
RR-2.5, Rural Residential, 2.5-Acre minimum size parcels - Current and proposed

- NOTES:**
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - See Error of Closure Calculations
 - 5) Basis of Bearing - KS SPC North Zone 1501
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Existing and Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88
Project Benchmark (BM) - NE COR SE 1/4 Section 9 - Elev - 932.27'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Doc # 2023R01014
 - 12) Utility Companies -
- Water - Suburban
- Electric - Evergy
- Sewer - Septic
- Gas - Propane / Natural Gas
 - 13) Reference Continental Title File Number 23445915 updated June 12, 2023
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 2010C0327G & 0350G 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 created hereon, if any.
 - 17) Easements as per referenced Title Commitment are shown hereon, if any.
Gas Line Easement Book 325 Page 321, Blanket over South 20 acres of Tract Existing Gas Line South of surveyed property.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
WITT SUBDIVISION Survey Book 15 #92, 2005
HEART LAND ESTATES Doc #2011P00006
SUNNY SIDE ESTATES Doc #2021P000031
JAH - J.A.Herring Survey Doc # 2022S016 & 2023S009
Heart Land Estates Lot Split Doc #2020S026

- LEGEND:**
- - 1/2" Bar Set with Cap No.1296
 - - 1/2" Bar Found, unless otherwise noted.
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement dedicated this plat
 - ⊕ - Centerline
 - ⊖ - Section Line
 - ⊙ - Benchmark
 - A - Arc Distance
 - R - Arc Radius
 - B - Chord Bearing
 - C - Chord Distance
 - ⊖ - 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
 - C.A.E. - Cross Access Easement



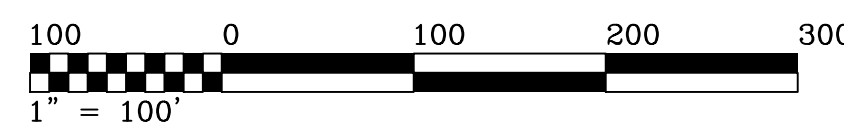
I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of February through June 2023 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296



Scale 1" = 100'

Job # K-23-1356
June 15, 2023 Rev. 8-12-23



VICINITY MAP
NOT TO SCALE

SUNNY SIDE ESTATES 2

A Cross Access Easement Plat in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
STORK, ALLAN F & MARION SUE
16678 EVANS ROAD
BASEHOR, KS 66007
PID NO. 182-09-0-00-00-018.07

RECORD DESCRIPTION:
Tract of land in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on January 23, 2023, more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 42'58" East for a distance of 1225.63 feet along the East line of said Southeast Quarter; thence South 87 degrees 36'27" West for a distance of 661.05 feet to the TRUE POINT OF BEGINNING; thence South 01 degrees 42'58" East for a distance of 444.52 feet to the North line of SUNNY SIDE ESTATES; thence South 89 degrees 04'55" West for a distance of 658.46 feet and along the North line of said SUNNY SIDE ESTATES to the Northwest corner of said SUNNY SIDE ESTATES; thence South 87 degrees 54'46" West for a distance of 1318.56 feet to the West line of said Southeast Quarter; thence North 01 degrees 50'58" West for a distance of 1162.95 feet; thence North 87 degrees 36'27" East for a distance of 946.80 feet; thence South 01 degrees 42'59" East for a distance of 730.34 feet; thence North 87 degrees 36'27" East for a distance of 1033.07 feet to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 35.74 acres, more or less.
Error of Closure: 1 - 153425

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: SUNNY SIDE ESTATES 2.

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, Lot 2, and Lot 3 for the benefit of Lot 1, Lot 2, and Lot 3, along with Lots 1 through 4, SUNNY SIDE ESTATES. Maintenance as defined in the Home Owner's Association (H.O.A.), recorded at the Leavenworth County Register of Deeds Office Doc # 2023R

IN TESTIMONY WHEREOF,
We, the undersigned owners of SUNNY SIDE ESTATES 2, have set our hands this _____ day of _____, 2023.

Allan F. Stork
Marion Sue Stork

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Allan F. Stork and Marion Sue Stork, a married couple, 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 SUNNY SIDE ESTATES 2 this _____ day of _____, 2023.

Secretary: John Jacobson
Chairman: Marcus Majure

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

County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of SUNNY SIDE ESTATES 2 this _____ day of _____, 2023.

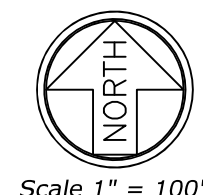
Chairman: Vicky Kaaz
County Clerk: Janet Klasinski
Attest: Janet Klasinski

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

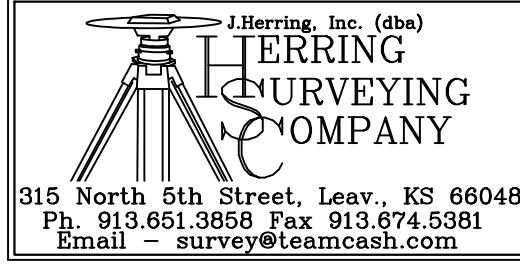
I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baunichen, PS#1363
County Surveyor

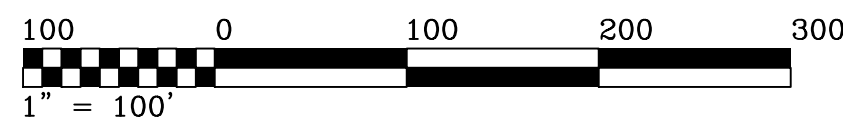


Scale 1" = 100'

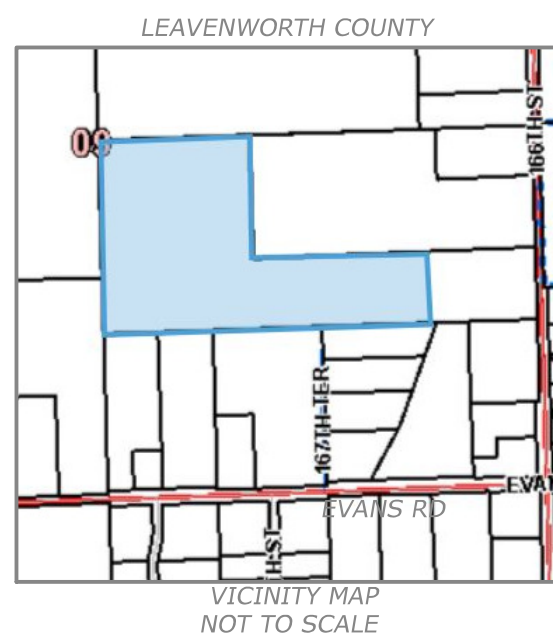
Job # K-23-1356
June 15, 2023 Rev. 8-12-23



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

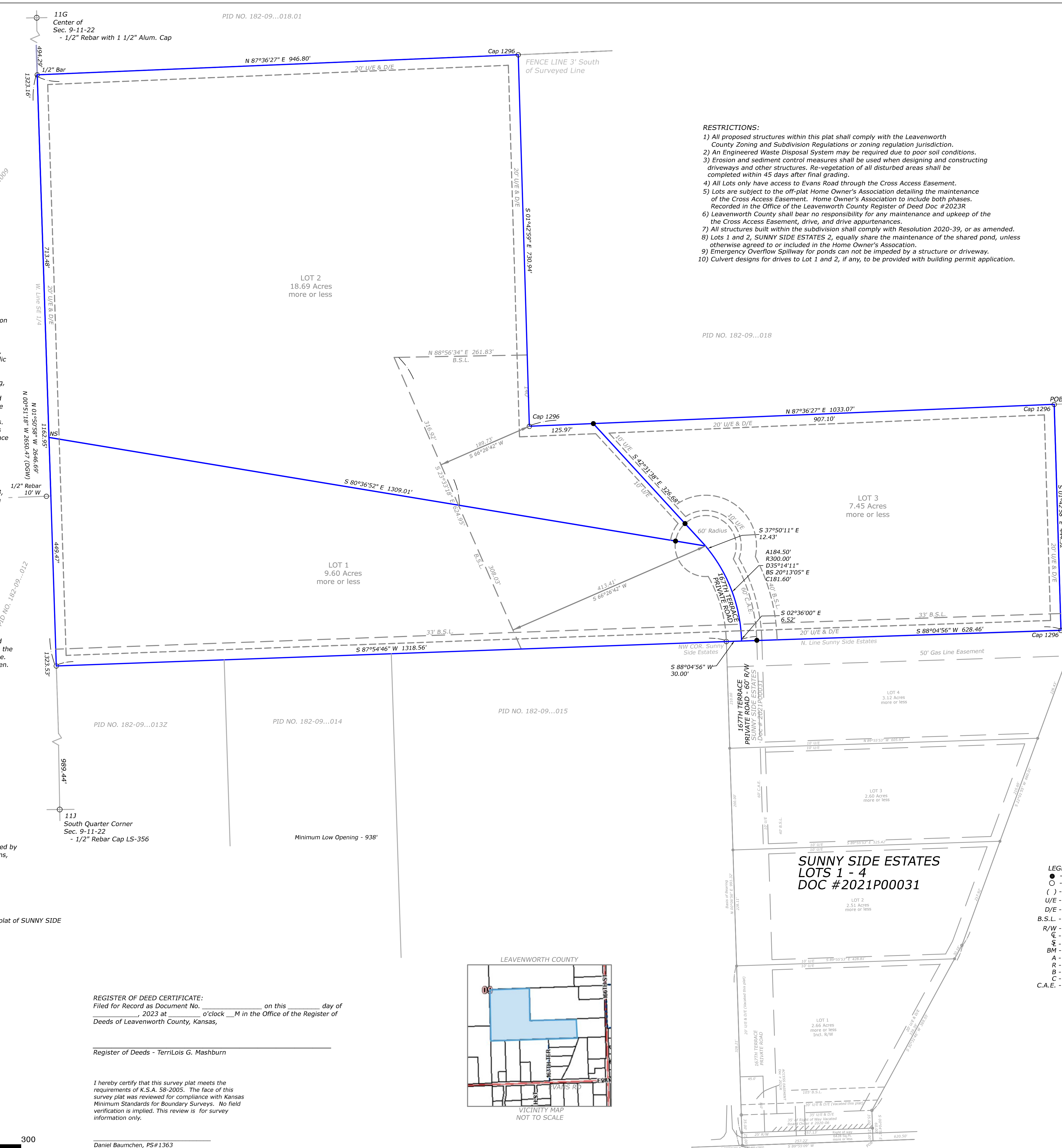


1" = 100'



VICINITY MAP
NOT TO SCALE

- 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 Evans 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. Home Owner's Association to include both phases. Recorded in the Office of the Leavenworth County Register of Deed Doc # 2023R
 - 6) Leavenworth County shall bear no responsibility for any maintenance and upkeep of the Cross Access Easement, drive, and drive appurtenances.
 - 7) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
 - 8) Lots 1 and 2, SUNNY SIDE ESTATES 2, equally share the maintenance of the shared pond, unless otherwise agreed to or included in the Home Owner's Association.
 - 9) Emergency Overflow Spillway for ponds can not be impeded by a structure or driveway.
 - 10) Culvert designs for drives to Lot 1 and 2, if any, to be provided with building permit application.



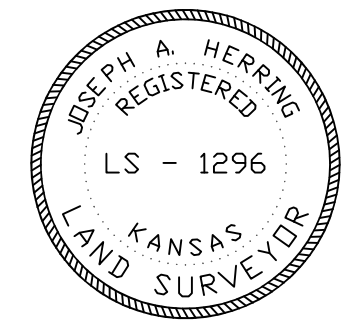
13G
NE COR SE 1/4
Sec. 9-11-22
- 1/2" Rebar

LOT 1 - PIONEER ACRES
Approved by County - not recorded

ZONING:
RR-2.5, Rural Residential, 2.5-Acre minimum size parcels - Current and proposed

- NOTES:**
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - See Error of Closure Calculations
 - 5) Basis of Bearing - KS SPC North Zone 1501
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Existing and Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88
Project Benchmark (BM) - NE COR SE 1/4 Section 9 - Elev - 932.27'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Doc # 2023R01014
 - 12) Utility Companies -
- Water - Suburban
- Electric - Evergy
- Sewer - Septic
- Gas - Propane / Natural Gas
 - 13) Reference Continental Title File Number 23445915 updated June 12, 2023
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 2010C0327G & 0350G 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 created hereon or shown hereon, if any.
 - 17) Easements as per referenced Title Commitment are shown hereon, if any.
Gas Line Easement Book 325 Page 321, Blanket over South 20 acres of Tract Existing Gas Line South of surveyed property.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
WITT SUBDIVISION Survey Book 15 #92, 2005
HEART LAND ESTATES Doc #2011P00006
SUNNY SIDE ESTATES Doc #2021P00031
JAH - J.A.Herring Survey Doc # 2022S016 & 2023S009
Heart Land Estates Lot Split Doc #2020S026

- LEGEND:**
- - 1/2" Bar Set with Cap No.1296
 - - 1/2" Bar Found, unless otherwise noted.
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement dedicated this plat
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 - - Section Line
 - BM - Benchmark
 - A - Arc Distance
 - R - Arc Radius
 - B - Chord Bearing
 - C - Chord Distance
 - C.A.E. - Cross Access Easement



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

Joseph A. Herring
PS # 1296



June 20, 2023

Leavenworth County
Planning and Zoning
Leavenworth KS 66048

To Whom It May Concern:

Suburban Water's present distribution system has the capacity to provide domestic water service (5/8" meter) to Sunny Side Estates Phase II lots, Leavenworth County, KS, as previously approved by Leavenworth County.

If you have questions, please contact me at 913-724-1800.

Sincerely,

Travis J Miles
President

Allison, Amy

From: Kyle Burkhardt <Kyle.Burkhardt@evergy.com>
Sent: Friday, June 16, 2023 8:41 AM
To: Allison, Amy; PZ
Cc: allan stork
Subject: SunnySide Phase 2

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

Internal Use Only

This email is on behalf of Allan Stork to notify Leavenworth County that Evergy will serve the additional lots that he is planning to add.

Thank you

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



Allison, Amy

From: Mike Lingenfelter <lingenfelserm@fairmountfd.org>
Sent: Wednesday, June 28, 2023 1:03 PM
To: PZ
Subject: Sunny Side Estates 2

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.

In reference to Sunny Side Estates 2, the Fairmount Township Fire Department is requesting that there be a fire hydrant installed at the end of the road at the cul de sac. We would also like to address the gate installation on the private road. This gate should not have been allowed per 503.6 of the 2006 Fire Code. Our Fire Department uses the Knox Rapid Access System for emergency access to buildings and properties. I will not support this project going forward until the gate is either taken off or a Knox system is installed with our department Knox key for emergency access.

*Mike Lingenfelter, Fire Chief
Fairmount Township Fire Department
2624 N 155th St
Basehor, Kansas 66007
Work-[913-724-4911](tel:913-724-4911)
Cell [913-306-0258](tel:913-306-0258)*

Allison, Amy

From: Anderson, Kyle
Sent: Wednesday, July 5, 2023 8:50 AM
To: Allison, Amy
Subject: RE: RE: DEV-23-092/093 Preliminary and Final Plat – Sunny Side Estates 2

We have not received any complaints on this property and we are not aware of any septic systems currently installed. The pond that was dug, or is being dug, on lot 3 is not shown on the plat.

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

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, July 3, 2023 4:10 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; McAfee, Joe <JMcafee@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-092/093 Preliminary and Final Plat – Sunny Side Estates 2

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a three-lot cross access easement subdivision located at 00000 Evans Road (PID 182-09-0-00-00-018.07)

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Friday, July 14, 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

Disclaimer

SUNNY SIDE ESTATES 2

A Cross Access Easement Plat in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
STORK, ALLAN F & MARION SUE
16678 EVANS ROAD
BASEHOR, KS 66007
PID NO. 182-09-0-00-00-018.07

RECORD DESCRIPTION:
Tract of land in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on January 23, 2023, more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 42'58" East for a distance of 1225.63 feet along the East line of said Southeast Quarter; thence South 87 degrees 36'27" West for a distance of 661.05 feet to the TRUE POINT OF BEGINNING; thence South 01 degrees 42'58" East for a distance of 444.52 feet to the North line of SUNNY SIDE ESTATES; thence South 89 degrees 04'55" West for a distance of 658.46 feet and along the North line of said SUNNY SIDE ESTATES to the Northwest corner of said SUNNY SIDE ESTATES; thence South 87 degrees 54'46" West for a distance of 1318.56 feet to the West line of said Southeast Quarter; thence North 01 degrees 50'58" West for a distance of 1162.95 feet; thence North 87 degrees 36'27" East for a distance of 946.80 feet; thence South 01 degrees 42'59" East for a distance of 730.34 feet; thence North 87 degrees 36'27" East for a distance of 1033.07 feet to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 35.74 acres, more or less.
Error of Closure: 1 - 153425

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: SUNNY SIDE ESTATES 2.

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, Lot 2, and Lot 3 for the benefit of Lot 1, Lot 2, and Lot 3, along with Lots 1 through 4, SUNNY SIDE ESTATES. Maintenance as defined in the Home Owner's Association (H.O.A.), recorded at the Leavenworth County Register of Deeds Office Doc # 2023R

IN TESTIMONY WHEREOF,
We, the undersigned owners of SUNNY SIDE ESTATES 2, have set our hands this _____ day of _____, 2023.

Allan F. Stork
Marion Sue Stork

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2023, before me, a notary public in and for said County and State came Allan F. Stork and Marion Sue Stork, a married couple, 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 SUNNY SIDE ESTATES 2 this _____ day of _____, 2023.

Secretary John Jacobson
Chairman Marcus Majure

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

County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of SUNNY SIDE ESTATES 2 this _____ day of _____, 2023.

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

Reviewed 2023.08.15 No Comments
Daniel Baunichen, PS#1363
County Surveyor

11G
Center of
Sec. 9-11-22
- 1/2" Rebar with 1 1/2" Alum. Cap

PID NO. 182-09...018.01

PID NO. 182-09...009

PID NO. 182-09...017

PID NO. 182-09...012

PID NO. 182-09...013

PID NO. 182-09...014

PID NO. 182-09...015

PID NO. 182-09...013Z

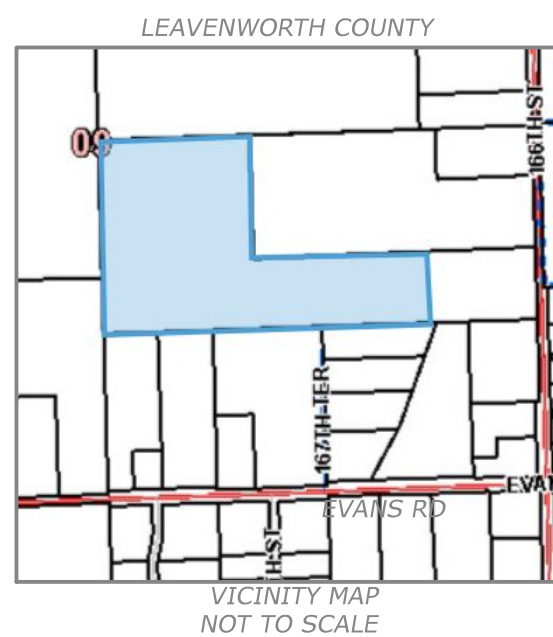
11J
South Quarter Corner
Sec. 9-11-22
- 1/2" Rebar Cap LS-356

LOT 2
18.69 Acres
more or less

LOT 1
9.60 Acres
more or less

LOT 3
7.45 Acres
more or less

SUNNY SIDE ESTATES
LOTS 1 - 4
DOC #2021P00031



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 Evans Road through the Cross Access Easement.
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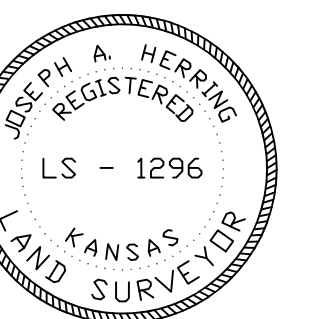
13G
NE COR SE 1/4
Sec. 9-11-22
- 1/2" Rebar

LOT 1 - PIONEER ACRES
Approved by County - not recorded

ZONING:
RR-2.5, Rural Residential, 2.5-Acre minimum size parcels - Current and proposed

- NOTES:**
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - See Error of Closure Calculations
 - 5) Basis of Bearing - KS SPC North Zone 1501
 - 6) Monument Origin Unknown, unless otherwise noted.
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 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88
Project Benchmark (BM) - NE COR SE 1/4 Section 9 - Elev - 932.27'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Doc # 2023R01014
 - 12) Utility Companies -
- Water - Suburban
- Electric - Evergy
- Sewer - Septic
- Gas - Propane / Natural Gas
 - 13) Reference Continental Title File Number 23445915 updated June 12, 2023
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 2010C0327G & 0350G 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 created hereon or shown hereon, if any.
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Gas Line Easement Book 325 Page 321, Blanket over South 20 acres of Tract Existing Gas Line South of surveyed property.
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HEART LAND ESTATES Doc #2011P00006
SUNNY SIDE ESTATES Doc #2021P00031
JAH - J.A.Herring Survey Doc # 20225016 & 20235009
Heart Land Estates Lot Split Doc #20205026

- LEGEND:**
- - 1/2" Bar Set with Cap No.1296
 - - 1/2" Bar Found, unless otherwise noted.
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 - D/E - Drainage Easement
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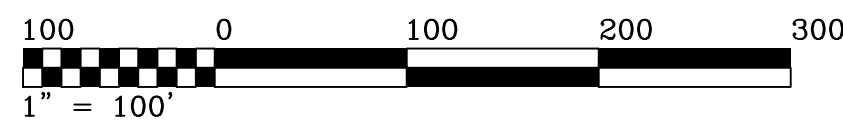
I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of February through June 2023 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296



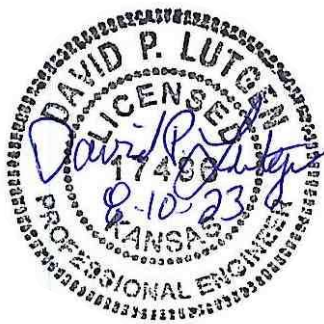
Scale 1" = 100'

Job # K-23-1356
June 15, 2023 Rev. 8-12-23



08-16-2023
OLSSON REVIEW
No Further
Comment

Sunny Side Estates Phase 2
Leavenworth County Kansas
Drainage Report
June 11, 2023
Revised July 27, 2023
Revised August 10, 2023



SUNNY SIDE ESTATES 2

A Cross Access Easement Plat in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
STORK, ALLAN F & MARION SUE
16678 EVANS ROAD
BASEHOR, KS 66007
PID NO. 182-09-0-00-00-018.07

RECORD DESCRIPTION:
Tract of land in the Southeast Quarter of Section 9, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on January 23, 2023, more fully described as follows: Commencing at the Northeast corner of said Southeast Quarter; thence South 01 degrees 42'58" East for a distance of 1225.63 feet along the East line of said Southeast corner; thence South 87 degrees 36'27" West for a distance of 661.05 feet to the TRUE POINT OF BEGINNING; thence South 01 degrees 42'58" East for a distance of 444.52 feet to the North line of SUNNY SIDE ESTATES; thence South 88 degrees 04'56" West for a distance of 658.46 feet and along the North line of said SUNNY SIDE ESTATES to the Northwest corner of said SUNNY SIDE ESTATES; thence South 87 degrees 54'46" West for a distance of 1318.56 feet to the West line of said Southeast Quarter; thence North 01 degrees 50'58" West for a distance of 1162.95 feet; thence North 87 degrees 36'27" East for a distance of 946.80 feet; thence South 01 degrees 42'59" East for a distance of 730.94 feet; thence North 87 degrees 36'27" East for a distance of 1033.07 feet to the point of beginning.
Together with and subject to covenants, easements, and restrictions of record.
Said property contains 35.74 acres, more or less.
Error of Closure: 1 - 153425

WITT, CURTIS D & WITT, SHANNON D
PID NO. 182-09-...018.01

11G
Center of
Sec. 9-11-22
- 1/2" Rebar with 1 1/2" Alum. Cap

YANICURIE & RAY PHRIGG
PID NO. 182-09-...009

MORRISON, R CHANDLER & ERIN L
PID NO. 182-09-...012

11J
South Quarter Corner
Sec. 9-11-22
- 1/2" Rebar Cap LS-356

5 01°50'58" E 2846.69'
N 00°51'18" W 2850.47' (DOW)

1162.95'
1/2" Bar
10' W

1323.53'

999.44'

1323.53'

1323.53'

1323.53'

1323.53'

N 87°36'27" E 946.80'

N 88°56'34" E 261.83'
B.S.L.

S 87°36'27" E 1144.15'

S 87°36'27" W 661.05'

S 87°36'27" E 1309.01'

S 87°54'46" W 1318.56'

S 87°54'46" W 1318.56'

S 87°54'46" W 1318.56'

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Cap 1296

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Cap 1296

- 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 Evans 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. Home Owner's Association to include both phases. Recorded in the Office of the Leavenworth County Register of Deed Doc #2023R
 - 6) Leavenworth County shall bear no responsibility for any maintenance and upkeep of the the Cross Access Easement, drive, and drive appurtenances.
 - 7) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
 - 8) Lots 1 and 2, SUNNY SIDE ESTATES 2, equally share the maintenance of the shared pond, unless otherwise agreed to or included in the Home Owner's Association.
 - 9) Emergency Overflow Spillway for ponds can not be impeded by a structure or driveway.
 - 10) Culvert designs for drives to Lot 1 and 2, if any, to be provided with building permit application.

08-16-2023
OLSSON REVIEW
No Further
Comment

MILLER, KEVIN L & RHONDA R
PID NO. 182-09-...018

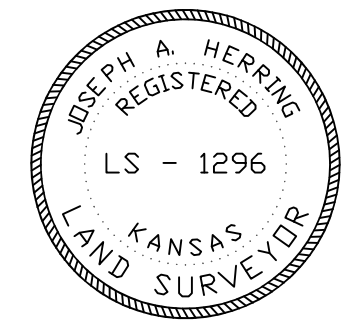
13G
NE COR SE 1/4
Sec. 9-11-22
- 1/2" Rebar

STORK, ALLAN F & MARION SUE
LOT 1 - PIONEER ACRES
Approved by County - not recorded

ZONING:
RR-2.5, Rural Residential, 2.5-Acre minimum size parcels - Current and proposed

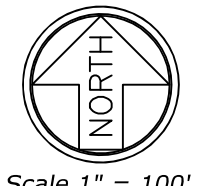
- NOTES:**
- 1) This survey does not show ownership.
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All recorded and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - See Error of Closure Calculations
 - 5) Basis of Bearing - KS SPC North Zone 1501
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Existing and Proposed Lots for Residential Use.
 - 8) Road Record - See Survey
 - 9) Benchmark - NAVD88
Project Benchmark (BM) - NE COR SE 1/4 Section 9 - Elev - 932.27'
 - 10) Easements, if any, are created hereon or listed in referenced title commitment.
 - 11) Reference Recorded Deed Doc # 2023R01014
 - 12) Utility Companies -
- Water - Suburban
- Electric - Evergy
- Sewer - Septic
- Gas - Propane / Natural Gas
 - 13) Reference Continental Title File Number 23445915 updated June 12, 2023
 - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 2010C0327G & 0350G 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 created hereon, if any -- 11'
 - 17) Easements as per referenced Title Commitment are shown hereon, if any.
Gas Line Easement Book 325 Page 321, Blanket over South 20 acres of Tract Existing Gas Line South of surveyed property.
 - 18) Fence Lines do not necessarily denote the boundary line for the property.
 - 19) Reference Surveys:
WITT SUBDIVISION Survey Book 15 #92, 2005
HEART LAND ESTATES Doc #2011P00006
SUNNY SIDE ESTATES Doc #2021P000031
JAH - J.A.Herring Survey Doc # 2022S016 & 2023S009
Heart Land Estates Lot Split Doc #2020S026

- LEGEND:**
- - 1/2" Bar Set with Cap No.1296
 - - 1/2" Bar Found, unless otherwise noted.
 - () - Record / Deeded Distance
 - U/E - Utility Easement
 - D/E - Drainage Easement
 - B.S.L. - Building Setback Line
 - R/W - Permanent Dedicated Roadway Easement dedicated this plat
 - ⊕ - Centerline
 - ⊖ - Section Line
 - BM - Benchmark
 - A - Arc Distance
 - R - Arc Radius
 - B - Chord Bearing
 - C - Chord Distance
 - ⊙ - 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
 - C.A.E. - Cross Access Easement



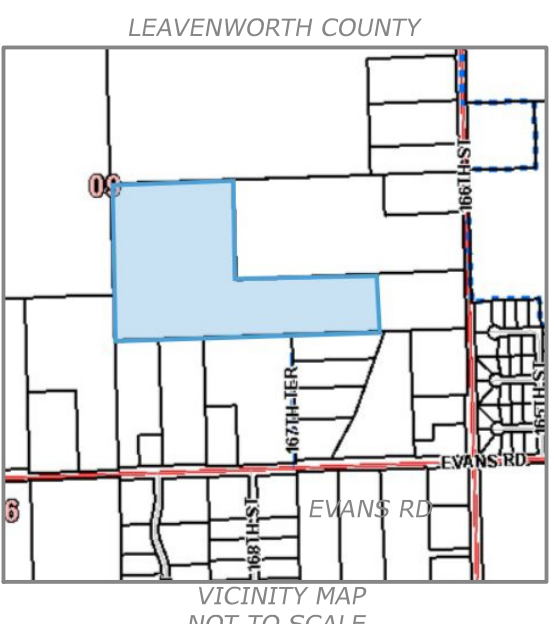
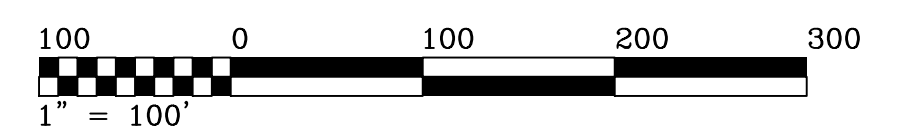
I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of February through June 2023 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296



Scale 1" = 100'

Job # K-23-1356
June 15, 2023 Rev. 8-12-23



**SUNNY SIDE ESTATES
LOTS 1 - 4
DOC #2021P00031**



Allison, Amy

From: McAfee, Joe
Sent: Wednesday, August 23, 2023 8:30 AM
To: Allison, Amy; Noll, Bill; 'Mitch Pleak'
Subject: RE: Sunny Side 2 Revision

Amy,
Both of the drawings are approved. No further comments from Public Works on any Sunny Side 2 submittals.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, August 23, 2023 8:13 AM
To: Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>
Subject: FW: Sunny Side 2 Revision

From: Joe Herring <herringsurveying@outlook.com>
Sent: Tuesday, August 22, 2023 9:14 PM
To: Allison, Amy <AAllison@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>
Subject: Re: Sunny Side 2 Revision

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

Please see attached revision for public works and the spillway

Thank you - Joe Herring

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, August 21, 2023 8:55 AM
To: 'Joe Herring' <herringsurveying@outlook.com>
Subject: FW: Sunny Side 2 Revision

Morning Joe,

Please see those comments attached.

Amy

From: McAfee, Joe <JMcAfee@leavenworthcounty.gov>
Sent: Friday, August 18, 2023 11:21 AM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Cc: Noll, Bill <BNoll@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>
Subject: RE: Sunny Side 2 Revision

Amy,
Approvals for DR and PP are attached. Comments for FP and Spillway Exhibit are attached. Let us know if you have any questions. We had to remove the MLO on the final plat because it is based on the normal pool, which will be exceeded when flow is through the emergency spillway. Also, since we do not review the pond design we do not want to give the false impression that the stated MLO is actually safe.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, August 14, 2023 4:25 PM
To: Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>
Subject: FW: Sunny Side 2 Revision

From: Joe Herring <herringsurveying@outlook.com>
Sent: Monday, August 14, 2023 4:10 PM
To: PZ <PZ@leavenworthcounty.gov>
Subject: Fwd: Sunny Side 2 Revision

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

See attached.

Public Works -

- Provided an exhibit with the shown emergency spillway location. This exhibit shows that the driveways do not cross the spillway. Basic cross section of each spillway is also illustrated.
- Did not place in easement - there is a restriction for the spillway. If we need to place an agreement between owners on the plat or in the HOA we can do so prior to BOCC approval.
- Did not change the note about Lots 1 and 2 shared pond. Question was which pond? Seems to be explained in the note. It is the pond show on Lot 1 and 2....
- Did not add notes to the comment box in the northeast corner of the plat - believe the above changes handled these concerns.

With changes, exhibit, and contactor information, hopefully we have satisfied any and all concerns.

Thank you - Joe Herring

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

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-102/103 Dodge Addition

September 13, 2023

REQUEST: **Regular Agenda**

Preliminary Plat Final Plat

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 00000 CANTRELL ROAD

APPLICANT/APPLICANT AGENT:

AUSTIN THOMPSON
ATLAS LAND CONSULTING

PROPERTY OWNER:

MARCY E RODELL & THOMAS D
DODGE
15817 W 131ST ST
OLATHE KS 66052

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
COUNTY ROAD 1

LEGAL DESCRIPTION:

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

SUBDIVISION: N/A

FLOODPLAIN: ZONE A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-102/103, Preliminary & Final Plat for Dodge Addition, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-102/103, Preliminary & Final Plat for Dodge Addition, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:

62.45 ACRES

PARCEL ID NO:

222-04-0-00-00-004.01

BUILDINGS:

TWO AGRICULTURAL BUILDINGS

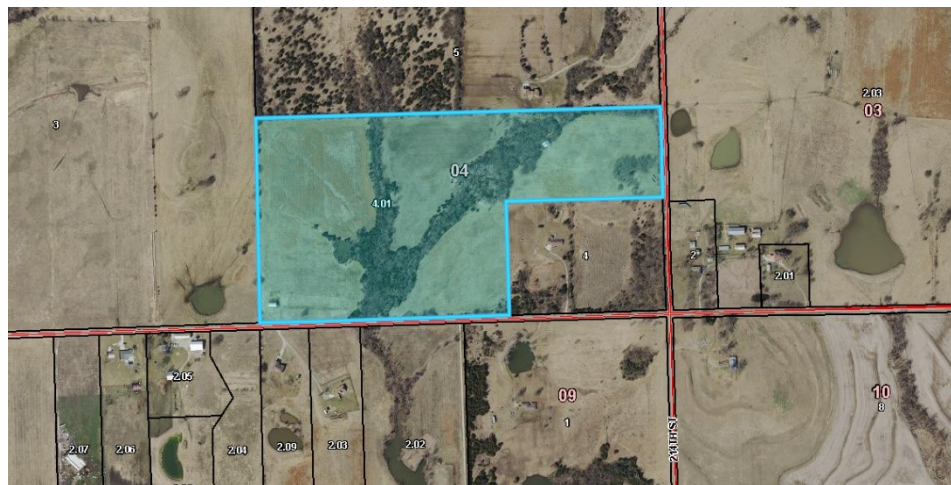
PROJECT SUMMARY:

Request for preliminary and final plat approval to subdivide property located at 00000 Cantrell Road (PID222-04-0-00-00-004.01) as Lots 1 through 2 of the Dodge Addition.

ACCESS/STREET:

CANTRELL ROAD - COUNTY LOCAL,
GRAVEL ± 24'; 214TH STREET –
COUNTY LOCAL, GRAVEL ± 24'

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: RENO

WATER: RWD 10

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:

9/5/2023

NEWSPAPER NOTIFICATION:

N/A

NOTICE TO SURROUNDING
PROPERTY OWNERS:

N/A

STANDARDS TO BE CONSIDERED:		Met	Not Met
<i>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</i>			
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 Applicant has submitted an exception request from Article 50 – Section 40.3.H. to allow for two accessory buildings larger than 600 sf to remain on a property without a principal structure nor on a lot greater than 40 acres.		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 62-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 3). Lots 1 and 2 will be approximately 31.23 acres in size. The lots meet the requirements for the RR-5 zoning district but do not meet the subdivision requirement that does not allow for structures to be made non-compliant via the platting process. Both proposed lots will have an existing agricultural structure in excess of 600 sf without a principal structure. The Zoning Regulations only permits this when the parcel is greater than 40 acres. Both proposed lots will be less than the required 40. The applicant has submitted a request for exception. If approved, staff is generally in support.

EXCEPTIONS:

The applicant has requested an exception from Article 50, Section 40.3.h. – Building conformance with the Zoning Regulations. The criteria for the acceptance of an exception is as follows:

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

Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.h. – Building conformance with the Zoning Regulations for the Dodge Addition subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.

3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. An exception from Article 50, Section 40.3.h. has been approved for Lots 1 & 2.
6. The developer must comply with the following memorandums:
 - a. Memo – Chuck Magaha, Emergency Management, dated September 1, 2023

ATTACHMENTS:

A: Application & Narrative

B: Zoning Maps

C: Memorandums

FINAL PLAT APPLICATION

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

Office Use Only

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

APPLICANT/AGENT INFORMATION

OWNER INFORMATION

NAME: AUSTIN THOMPSON - ATLAS LAND CONSULTING NAME: MARCY E RODELL & THOMAS D DODGE
MAILING ADDRESS: 14500 PARALLEL RD UNIT R MAILING ADDRESS _____
CITY/ST/ZIP: BASEHOR, KS 66007 CITY/ST/ZIP _____
PHONE: 913-702-8916 PHONE: _____
EMAIL : AUSTIN@ALCONSULT-LLC.COM EMAIL tdodge22@gmail.com

GENERAL INFORMATION

Proposed Subdivision Name: DODGE ADDITION
Address of Property: PARCEL R307618
PID: _____ Urban Growth Management Area: _____

SUBDIVISION INFORMATION

Gross Acreage: <u>62.45 ACRES</u>	Number of Lots: <u>2 LOTS</u>	Minimum Lot Size: <u>31.23ACRES</u>
Maximum Lot Size: <u>31.23ACRES</u>	Proposed Zoning: <u>RR 5</u>	Density: _____
Open Space Acreage: _____	Water District: <u>RWD #10</u>	Proposed Sewage: <u>SEPTIC</u>
Fire District: _____	Electric Provider: <u>EVERGY</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input type="checkbox"/> No	Road Classification: <i>Local – Collector - Arterial – State - Federal</i>	
Cross-Access Easement Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No		

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

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

Signature: _____ Date: _____

~~PRE~~
~~FINAL PLAT APPLICATION~~

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

Need
\$525.00
Rodell ~~owner~~ auth
Reno fire response
Big Copy

222-04

004.01

Office Use Only	
Township: <u>Reno</u>	Planning Commission Meeting Date: _____
Case No. <u>DEV-23-102</u>	Date Received/Paid: _____
Zoning District <u>RR 5</u>	Comprehensive Plan Land Use Designation: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>AUSTIN THOMPSON - ATLAS LAND CONSULTING</u>	NAME: <u>MARCY E RODELL & THOMAS D DODGE</u>
MAILING ADDRESS: <u>14500 PARALLEL RD UNIT R</u>	MAILING ADDRESS: _____
CITY/ST/ZIP: <u>BASEHOR, KS 66007</u>	CITY/ST/ZIP: _____
PHONE: <u>913-702-8916</u>	PHONE: _____
EMAIL: <u>AUSTIN@ALCONSULT-LLC.COM</u>	EMAIL: <u>tdodge22@gmail.com</u>

GENERAL INFORMATION

Proposed Subdivision Name: DODGE ADDITION

Address of Property: PARCEL R307618

PID: _____ Urban Growth Management Area: _____

SUBDIVISION INFORMATION		
Gross Acreage: <u>62.45 ACRES</u>	Number of Lots: <u>2 LOTS</u>	Minimum Lot Size: <u>31.23ACRES</u>
Maximum Lot Size: <u>31.23ACRES</u>	Proposed Zoning: <u>RR 5</u>	Density: _____
Open Space Acreage: _____	Water District: <u>RWD #10</u>	Proposed Sewage: <u>SEPTIC</u>
Fire District: <u>RENO</u>	Electric Provider: <u>EVERGY</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</u>	
Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

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

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

Signature: _____ Date: _____

OWNER AUTHORIZATION

I/WE THOMAS DODGE AND MARLY RODELL, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 9th day of JULY, 2023, make the following statements, to wit:

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

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

2. I/We the undersigned, have previously authorized and hereby authorize AUSTIN THOMPSON (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, _____ (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

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

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

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

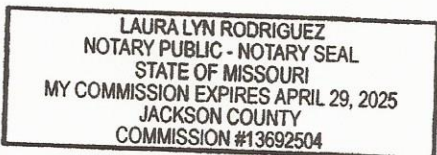
[Signature]
Owner

[Signature]
Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 9th day of July, 2023
by Laura Lyn Rodriguez.
My Commission Expires:

Laura Lyn Rodriguez
Notary Public



ATTACHMENT B

From: [Marcy Rodell](#)
Sent: Monday, July 17, 2023 12:02 PM
To: Johnson, Melissa
Cc: [Thomas Dodge](#)
Subject: Cantrell Rd Property

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.

To whom it may concern -

I am giving Austin Thompson with Atlas Land Consulting permission to complete the final plat on our property.

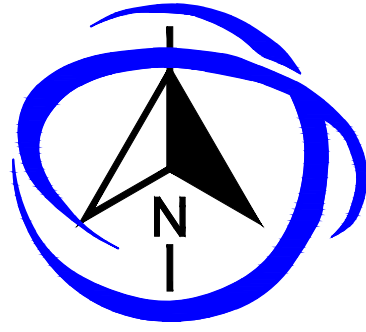
Marcy Rodell

ARTICLE 56 – EXCEPTIONS

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

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

1. That there are special circumstances or conditions affecting the property.
-The special circumstance for Lot 1 & Lot 2, is both of these structures are existing. Splitting the property allows each lot to have one accessory structure. The exception can be removed once a residential home is built on these lots. It doesn't make sense to tear down the buildings, just to one day have someone rebuild an accessory structure with their home.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
-The variance is necessary because this is creating a hardship on the owners. Requiring them to destroy accessory structures cost money. Also, they have value to the property as existing, and could affect the value of the property.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.
-Granting the variance will have no affect on the public welfare or injurious to adjacent properties. The buildings are already existing.



DODGE ADDITION

A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 04,
TOWNSHIP 12 SOUTH, RANGE 21 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS

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



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

KS ENG COA: #313
KS SUR COA: #363
MO ENG COA: #02034684
MO SUR COA: #02034231

PRELIMINARY PLAT

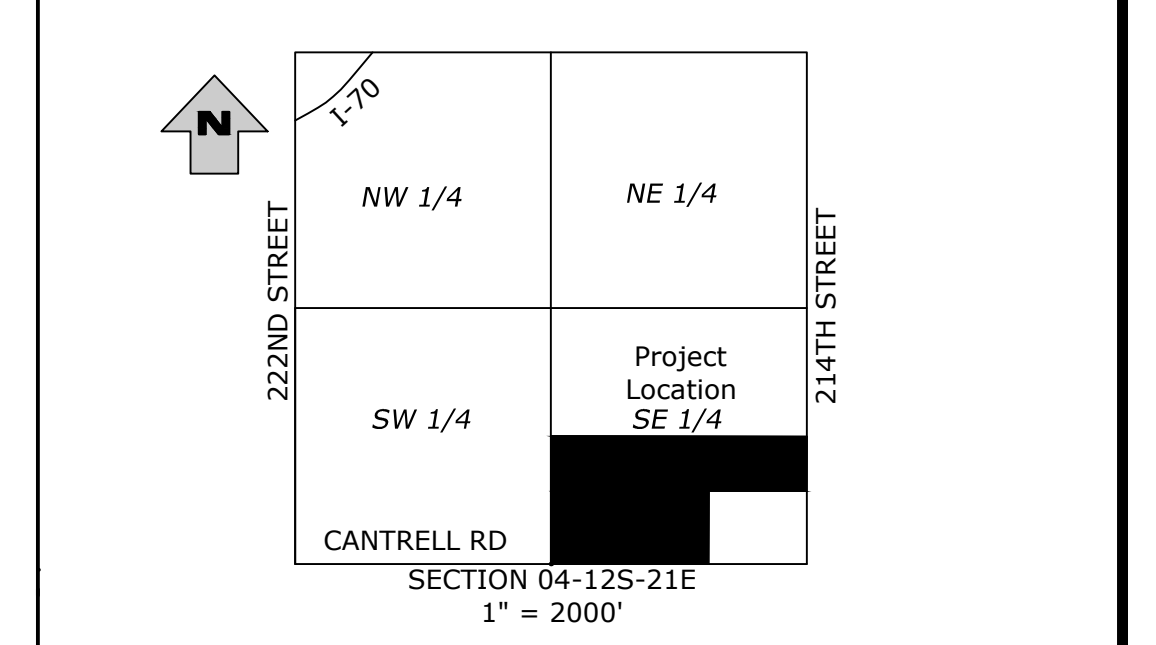
LEGEND

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

GENERAL NOTES

1. THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983. THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SEC 04-12S-21E S88°11'55"W.
2. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN FEET.
3. FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 2010303256 EFFECTIVE JULY 16, 2015, THIS PLAT IS LOCATED IN ZONES "X" AND ZONE "A".
4. KS ONE CALL WAS CALLED AT THE TIME OF SURVEY TICKET NO. 23350349.
5. THE MINIMUM FRONT YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 105 FEET FROM THE CENTERLINE OF THE ROAD.
6. THE MINIMUM SIDE YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 15 FEET FROM EACH SIDE OF STRUCTURE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE SIDE PROPERTY LINE.
7. THE MINIMUM REAR YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 40 FEET FROM THE STRUCTURE TO THE PROPERTY LINE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE REAR PROPERTY LINE.
8. BENCHMARK - NGS KE0629 - ELV-867.50
9. CURRENT USE - RESIDENTIAL / PROPOSED USE - RESIDENTIAL
10. CURRENT ZONING RR-5 / PROPOSED ZONING RR-5
11. ALL PROPOSED STRUCTURES WITHIN THIS PLAT SHALL COMPLY WITH THE LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS.
12. ALL LOTS WILL BE ON SEPTIC SEWER SYSTEMS. AN ENGINEERED WASTE SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
13. TITLE COMMITMENT VIA MCCAFFREY-SHORT TITLE COMPANY - FILE NO. L23-29500
14. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE USED WHEN DESIGNING AND CONSTRUCTION OF DRIVEWAYS AND OTHER STRUCTURES. RE-VEGETATION OF ALL DISTURBED AREAS SHALL BE COMPLETED WITHIN 45 DAYS AFTER FINAL GRADING.
15. REFERENCED SURVEY - TRACT SPLIT COMPLETED APRIL 12, 2018 BY ATLAS SURVEYORS VIA ROGER B. DILL LS 1408 DOCUMENT NO. 2018R05592
16. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY.
17. THERE ARE NO OFF-PLAT RESTRICTIONS IN PLACE.
18. LOT 1 PROPERTY ACCESS VIA CANTRELL ROAD & LOT 2 PROPERTY ACCESS VIA CANTRELL ROAD & 214TH STREET.
19. ALL STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.
20. UTILITY INFORMATION:
 - WATER - RURAL WATER DISTRICT 10
 - ELECTRIC - EVERGY
 - SEWER - SEPTIC
 - GAS - PROPANE/NATURAL GAS
21. ANY BUILDINGS TO BE CONSTRUCTED IN OR NEAR THE SPECIAL FLOOD HAZARD SHALL PROVIDE AN ELEVATION CERTIFICATE TO BE APPROVED BY LEAVENWORTH COUNTY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
22. AN EXCEPTION TO ARTICLE 50 - SECTION 40.3.H. HAS BEEN GRANTED FOR LOTS 1 & 2 TO ALLOW FOR ACCESSORY STRUCTURES TO REMAIN ON A LOT WITHOUT PRINCIPAL STRUCTURES

VICINITY MAP



This is to certify on this 26th day of June, 2023 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ROGER B. DILL LS 1408

JOB NO: 23-140

SCALE	PREPARED FOR
120 60 0 120 SCALE IN FEET	THOMAS D. DODGE & MARCY E. RODELL
SEC-TWN-RNG	CANTRELL RD. LINWOOD, KS 66052 MAILING ADDRESS: 15817 W 131ST ST OLATHE, KS 66062
04-12S-21E	DATE
	JUNE 23, 2023

(C) NW CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 5/8" REBAR NO CAP ORIGIN UNCERTAIN

N88°22'56"E 2642.38'
SOUTH LINE OF THE SOUTHEAST 1/4 SEC 04-12S-21E

(D) NE CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN UNCERTAIN

UNPLATTED
PARCEL ID
2220400000005000
OWNER:
JESSE L & ANGELA LOEWEN
N88°17'25"E 2637.89'
NORTH LINE OF THE SOUTH HALF OF
THE SOUTHEAST 1/4 OF SEC 04-12S-21E

NORTHEAST CORNER OF
THE SOUTH HALF
OF THE SOUTHEAST 1/4
SEC 04-12S-21E

FOUND 1/2" REBAR CAP LS 1408(HELD)

FOUND 1/2" REBAR CAP LS 1408(HELD)
NORTHWEST CORNER OF THE SOUTH HALF
OF THE SOUTHEAST 1/4 SEC 04-12S-21E

LOT 1
1360259.94 SQ FT
31.23 ACRES
INCLUDING RIGHT-OF-WAY

LOT 2
1360263.15 SQ FT
31.23 ACRES
INCLUDING RIGHT-OF-WAY

ZONE AREA "A"

ZONE AREA "A"

UNPLATTED
PARCEL ID
2220400000004000
OWNER:
WILLIAM A RUDOLPH

SECTION CORNER TIES:

- A - SE CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 38.75' NW TO 60D NAIL IN TOP CORNER POST
 2. 31.90' SW TO PK NAIL IN TOP CORNER POST
 3. 30.90' SE TO 60D NAIL IN POWER POLE
- B - SW CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 24.25' SW TO PK NAIL IN HEDGE POST
 2. 28.65' N TO PK NAIL IN CORNER POST
 3. 39.60' SE TO 60D NAIL IN POWER POLE
- C - NW CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 4.00' N TO EAST/WEST FENCE LINE
 2. 23.00' E TO NORTH/SOUTH FENCE LINE
 3. 23.55' E TO 1/2" REBAR WITH CAP LS 356
 4. 16.60' ENE TO NAIL AND SHINER IN FENCE CORNER POST
 5. 22.10' ESE TO NAIL AND SHINER IN 12" TREE
- D - NE CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 65.90' SSW TO TOP OF 15" CMP
 2. 21.20' E TO PK NAIL IN FENCE CORNER POST
 3. 35.00' SE TO PK NAIL IN FENCE POST
 4. 52.40' NNE TO TOP OF 15" CMP SOUTH END

(A) SE CORNER OF THE SE 1/4
SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN
UNCERTAIN

P.O.B
(A) SW CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN UNCERTAIN

UNPLATTED
PARCEL ID
2220900000002090
OWNER:
ROGER NORMAN &
CHRISTINE M CREWS

UNPLATTED
PARCEL ID
2220900000002030
OWNER:
JENNIFER J REUTLINGER

UNPLATTED
PARCEL ID
2220900000002030
OWNER:
TERESA A & DONALD C PAULEY

UNPLATTED
PARCEL ID
2220900000001000
OWNER:
DANIEL S & VICKI E HILL

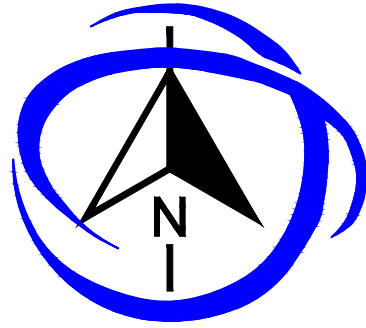
DESCRIPTION PER TITLE COMMITMENT

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE NORTH 01°48'25" WEST, ALONG THE WEST LINE OF SAID SOUTH HALF, A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF CANTRELL ROAD, AS IT NOW EXISTS, ALSO KNOWN TO BE THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 01°48'25" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1319.02 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTH HALF; THENCE NORTH 88°17'25" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 2637.89 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF 214TH STREET AS IT NOW EXISTS; THENCE SOUTH 01°38'01" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 568.71 FEET; THENCE SOUTH 88°11'54" WEST, PARALLEL TO SAID NORTH RIGHT OF WAY LINE OF CANTRELL ROAD, A DISTANCE OF 986.19 FEET; THENCE SOUTH 01°38'01" EAST, PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 726.08 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE; THENCE SOUTH 88°11'54" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1627.72 FEET TO THE POINT OF BEGINNING. SHOWN AS TRACT 2 ON THE TRACT SPLIT BY ROGER B. DILL, FILED JULY 26, 2018, AS DOCUMENT NO. 2018R0546.

SURVEYORS SUGGESTED

A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 04, TOWNSHIP 12 SOUTH, RANGE 21 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, PREPARED BY ROGER B. DILL PS 1408 ON JUNE 28TH, 2023; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 01°48'25" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1319.02 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER; THENCE NORTH 88°17'25" EAST, ALONG THE NORTH LINE OF SAID SOUTH HALF, A DISTANCE OF 2637.89 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF; THENCE SOUTH 01°38'01" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 568.71 FEET; THENCE SOUTH 88°11'54" WEST, A DISTANCE OF 1006.19 FEET; THENCE SOUTH 01°38'01" EAST, A DISTANCE OF 746.08 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88°11'55" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1627.71 FEET TO THE POINT OF BEGINNING. CONTAINING 2,720,522.96 SQUARE FEET OR 62.45 ACRES MORE OR LESS; INCLUDING ROAD RIGHT OF WAY. PRECISION: 1 PART IN 13176008.333



DODGE ADDITION

A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 04,
TOWNSHIP 12 SOUTH, RANGE 21 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS

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



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913-702-5073
14500 Parallel Road, Unit R, Basehor KS 66007
ANDREA@ALCONSULT-LLC.COM

KS ENG COA: #313
KS SUR COA: #363
MO ENG COA: #02014084
MO SUR COA: #020204231

FINAL PLAT

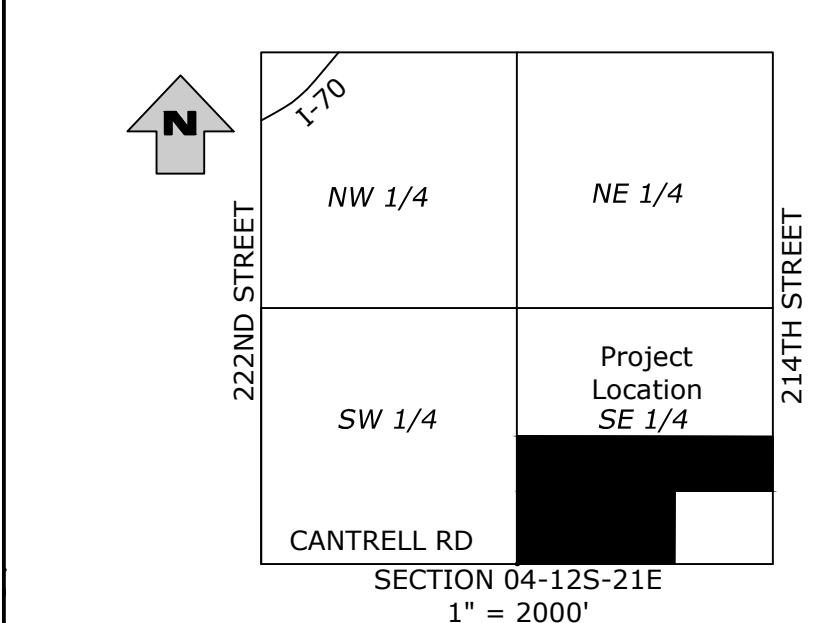
LEGEND

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

GENERAL NOTES

1. THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983, THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SEC 04-12S-21E S88°11'55"W.
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3. FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20103C0325G EFFECTIVE JULY 16, 2015, THIS PLAT IS LOCATED IN ZONES "X" AND ZONE "A".
4. KS ONE CALL WAS CALLED AT THE TIME OF SURVEY TICKET NO. 23350349.
5. THE MINIMUM FRONT YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 105 FEET FROM THE CENTERLINE OF THE ROAD.
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9. CURRENT USE - RESIDENTIAL / PROPOSED USE - RESIDENTIAL
10. CURRENT ZONING RR-5 / PROPOSED ZONING RR 5
11. ALL PROPOSED STRUCTURES WITHIN THIS PLAT SHALL COMPLY WITH THE LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS.
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15. REFERENCED SURVEY
-TRACT SPLIT COMPLETED APRIL 12, 2018 BY ATLAS SURVEYORS VIA ROGER B. DILL LS 1408 DOCUMENT NO. 20185046
16. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY.
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VICINITY MAP



This is to certify on this 26th day of June, 2023 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

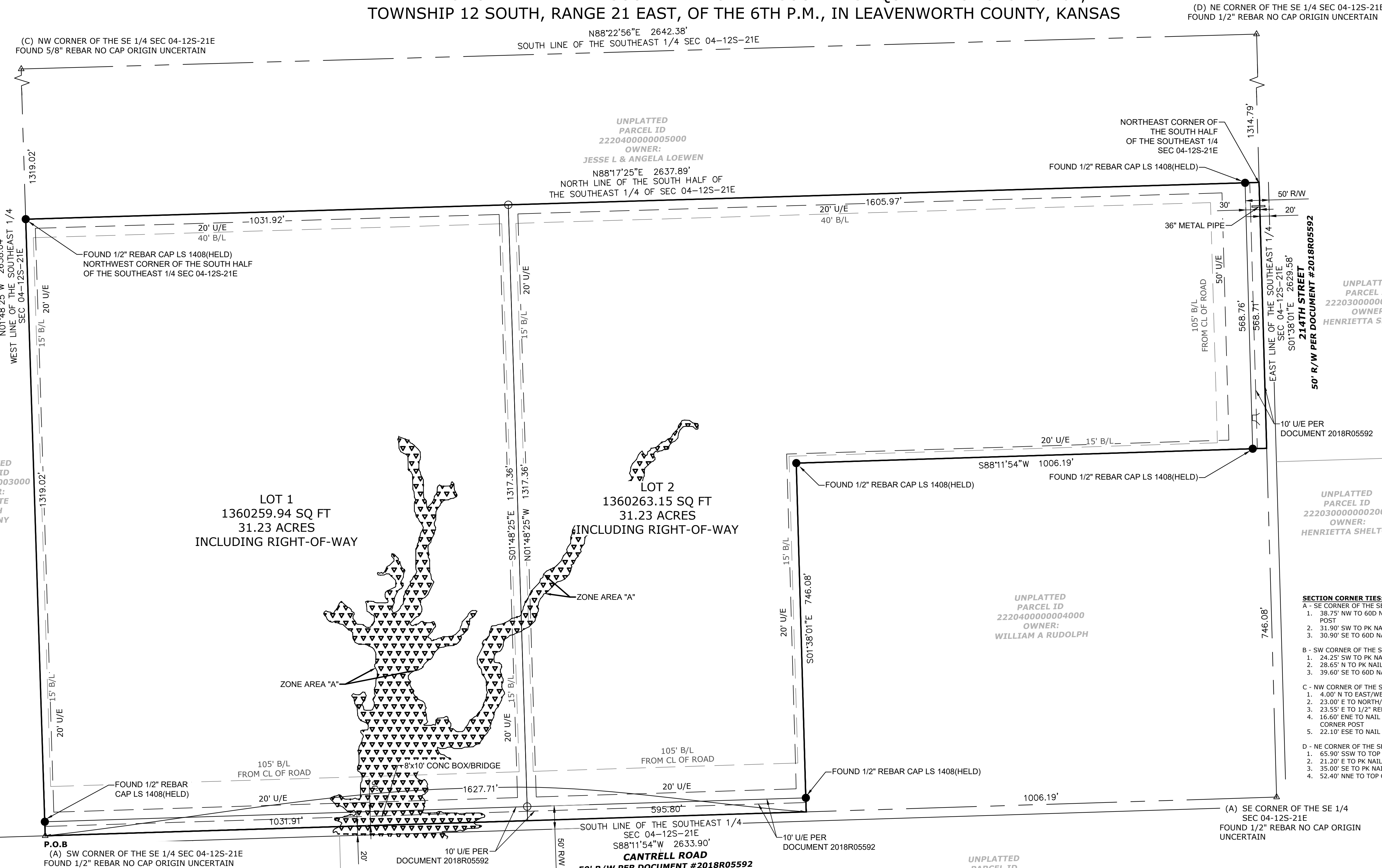
ROGER B. DILL LS 1408

JOB NO: 23-140

SCALE	PREPARED FOR
120 60 0 120 SCALE IN FEET	THOMAS D. DODGE & MARCH E. RODELL CANTRELL RD. LINWOOD, KS 66052 MAILING ADDRESS: 15817 W 131ST ST OLATHE, KS 66062
SEC-TWN-RNG	
04-12S-21E	

DATE

JUNE 23, 2023



- SECTION CORNER TIES:**
- A - SE CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 38.75' NW TO 60D NAIL IN TOP CORNER POST
2. 31.90' SW TO PK NAIL IN TOP CORNER POST
3. 30.90' SE TO 60D NAIL IN POWER POLE
- B - SW CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 24.25' SW TO PK NAIL IN HEDGE POST
2. 28.65' N TO PK NAIL IN CORNER POST
3. 39.60' SE TO 60D NAIL IN POWER POLE
- C - NW CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 4.00' N TO EAST/WEST FENCE LINE
2. 23.00' E TO NORTH/SOUTH FENCE LINE
3. 23.55' E TO 1/2" REBAR WITH CAP LS 356
4. 16.60' ENE TO NAIL AND SHINER IN FENCE CORNER POST
5. 22.10' ESE TO NAIL AND SHINER IN 12" TREE
- D - NE CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 65.90' SSW TO TOP OF 15" CMP
2. 21.20' E TO PK NAIL IN FENCE CORNER POST
3. 35.00' SE TO PK NAIL IN FENCE POST
4. 52.40' NNE TO TOP OF 15" CMP SOUTH END

This plat of DODGE ADDITION has been submitted and approved by Leavenworth County Planning Commission, this _____ day of _____, 2023.

CHAIRMAN - MARCUS MAJURE

SECRETARY - JOHN JACOBSON

This plat approved by the Board of County Commissioners of Leavenworth County, Kansas, this day of _____, 2023.

(SEAL)

CHAIRMAN - Vicky Kaaz ATTEST - COUNTY CLERK - JANET KLASINSKI

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

COUNTY ENGINEER

This is to certify that this instrument was filed for record in the Register of Deeds office on the _____ day of _____, 2023, in Book _____, Page _____.

REGISTER OF DEEDS, TERRILOIS G. MASHBURN

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

LEAVENWORTH COUNTY SURVEYOR
DANIEL BAUMCHEN, PS-1363

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this _____ day of _____, 2023.

OWNER

THOMAS D DODGE, OWNER

MARCH E RODELL

STATE OF KANSAS)

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

My Commission Expires: _____

Notary Public

DEDICATION
The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "DODGE ADDITION".

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

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

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

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

DESCRIPTION PER TITLE COMMITMENT

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE NORTH 01°48'25" WEST, ALONG THE WEST LINE OF SAID SOUTH HALF, A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF CANTRELL ROAD, AS IT NOW EXISTS, ALSO KNOWN TO BE THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 01°48'25" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1319.02 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTH HALF; THENCE NORTH 88°17'25" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 2617.89 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF 214TH STREET AS IT NOW EXISTS; THENCE SOUTH 01°38'01" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 568.71 FEET; THENCE SOUTH 88°11'54" WEST, PARALLEL TO SAID NORTH RIGHT OF WAY LINE OF CANTRELL ROAD, A DISTANCE OF 986.19 FEET; THENCE SOUTH 01°38'01" EAST, PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 726.08 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE; THENCE SOUTH 88°11'54" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1627.72 FEET TO THE POINT OF BEGINNING. SHOWN AS TRACT 2 ON THE TRACT SPLIT BY ROGER B. DILL, FILED JULY 26, 2018, AS DOCUMENT NO. 20185046.

SURVEYORS SUGGESTED
A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 04, TOWNSHIP 12 SOUTH, RANGE 21 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, PREPARED BY ROGER B. DILL PS 1408 ON JUNE 28TH, 2023; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 01°48'25" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1319.02 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER; THENCE NORTH 88°17'25" EAST, ALONG THE NORTH LINE OF SAID SOUTH HALF, A DISTANCE OF 2637.89 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF; THENCE SOUTH 01°38'01" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 568.71 FEET; THENCE SOUTH 88°11'54" WEST, A DISTANCE OF 1006.19 FEET; THENCE SOUTH 01°38'01" EAST, A DISTANCE OF 746.08 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88°11'55" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1627.71 FEET TO THE POINT OF BEGINNING. CONTAINING 2,720,522.96 SQUARE FEET OR 62.45 ACRES MORE OR LESS; INCLUDING ROAD RIGHT OF WAY
PRECISION: 1 PART IN 13176008.333

Austin Thompson <austin@alconsult-llc.com>
to DesignGroupLawrenceServiceCenter ▾

11:16 AM (1 hour ago) ☆ ↶ ⋮



Austin Thompson <austin@alconsult-llc.com> Wed, Jun 28, 3:01PM (9 days ago)
to kritter@shermanfire.net, dritter@shermanfire.net, tyler.rebel, rwd10, jmiller, Andrea ▾

Hello,

My name is Austin Thompson and I am with Atlas Land Consulting. We are completing a preliminary and final plat with Leavenworth County Department of Planning and Zoning.

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 as soon as possible for submission.

If you have any questions feel free to contact me.

Austin Thompson austin@alconsult-llc.com
atlaslandconsulting.com

Project Manager

Cell: (913) 702-8916

14500 Parallel Road Suite R

Basehor, KS 66007



2 Attachments • Scanned by Gmail ⓘ



Jordan Mesmer <Jordan.Mesmer@evergy.com>
to me, Design ▾

11:52AM (43 minutes ago) ☆ ↶ ⋮

Internal Use Only

Austin,

We have no problems with this plat.

Thanks,

Jordan Mesmer

Distribution Designer I

Jordan.Mesmer@evergy.com

O (785) 885-4844



From: Austin Thompson <austin@alconsult-llc.com>

Sent: Friday, July 7, 2023 11:16 AM

To: Design Group Lawrence Service Center <DesignGroupLawrenceServiceCenter@evergy.com>

Subject: [EXTERNAL]Utility Letter Approval

Johnson, Melissa


From: Austin Thompson <austin@alconsult-llc.com>
Sent: Wednesday, July 19, 2023 8:09 AM
To: Johnson, Melissa
Subject: Re: FW: Dodge Addition Submittal

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

Melissa,

Please see attached screenshot from Dylan Ritter regarding approval.

Thanks

 **Dylan Ritter**
to me ▾ Tue, Jul 18, 4:08 PM (15 hours ago) ☆ ↶ ⋮

I have no comments or concerns

Thank you

--
Deputy Chief
Dylan Ritter
Reno Township Fire Department
12755 238th St 66052
(913) 339-8973

On Mon, Jul 17, 2023 at 10:22 AM Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

Dylan Ritter's number is 913-339-8973. If you have any questions, please let me know.

Thank you, Melissa

From: Johnson, Melissa
Sent: Monday, July 17, 2023 10:02 AM
To: 'Austin Thompson' <austin@alconsult-llc.com>; PZ <PZ@leavenworthcounty.gov>
Cc: Allison, Amy <AAllison@leavenworthcounty.gov>
Subject: RE: Dodge Addition Submittal

It have received the paperwork from the Treasurers Office regarding the taxes last Thursday. I do not find any response from Reno Township Fire District. Their contact information if needed is ltornedan@rtfd21.com or dritter@rtfd21.com . If you need their phone numbers, please let me know.

Thank you,

Melissa Johnson

Planner I

Leavenworth County

Planning & Zoning Department

Leavenworth County Courthouse

300 Walnut St, Suite 212

Leavenworth County, Kansas 66048

(913) 684-0465

Disclaimer

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

From: Austin Thompson <austin@alconsult-llc.com>
Sent: Monday, July 17, 2023 9:53 AM
To: PZ <PZ@leavenworthcounty.gov>
Cc: Allison, Amy <AAllison@leavenworthcounty.gov>
Subject: Re: Dodge Addition Submittal

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.

Good morning,

Just wanted to check on this submission to make sure we had everything required.

Thanks

On Wed, Jul 12, 2023 at 3:01 PM Austin Thompson <austin@alconsult-llc.com> wrote:

Hello,

Please see attached, I believe our client, Thomas Dodge just dropped off the application waiting to be signed by the Treasury Office.

Please let me know if you need anything else. I believe we got the utility letters, but let me know if I am missing anything.

Thanks

--

Austin Thompson austin@alconsult-llc.com

atlaslandconsulting.com

Project Manager

Cell: (913) 702-8916

14500 Parallel Road Suite R

Basehor, KS 66007



--

Austin Thompson austin@alconsult-llc.com

atlaslandconsulting.com

Project Manager

Cell: (913) 702-8916

14500 Parallel Road Suite R

Basehor, KS 66007



--

Austin Thompson austin@alconsult-llc.com

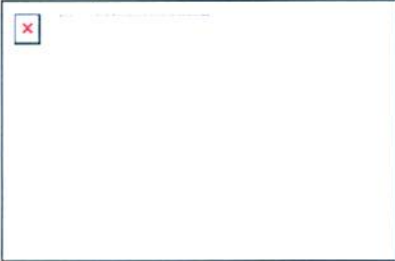
atlaslandconsulting.com

Project Manager

Cell: (913) 702-8916

14500 Parallel Road Suite R

Basehor, KS 66007



Preliminary and Final Plat - Dodge Addition

External



A

Austin Thompson

Wed, Jun 28, 3:01PM (9 days ago) ☆

Hello, My name is Austin Thompson and I am with Atlas Land Consulting. We are completing a preliminary and f...

D

Dylan Ritter

to me, Kevin ▾

Wed, Jun 28, 3:56 PM (9 days ago) ☆ ↶ ⋮

Forgive me if I'm missing this information somewhere already provided. Can you please provide answers to the following questions.

1. What is the intended usage for the property?
2. Will there be structures on the property? And if so, how many?

I will provide written input as requested, I just want to be informed prior to doing so.

Thank you

...

—

Assistant Chief

Dylan Ritter

Sherman Township Fire/Rescue

100 Main St Linwood, Ks 66052

(913)-339-8973

A

Austin Thompson <austin@alconsult-llc.com>

to Dylan, Kevin ▾

Wed, Jun 28, 4:06 PM (9 days ago) ☆ ↶ ⋮

Dylan,

Thanks for reaching back out. The intended use is currently to leave the property as is. The owners inherited the property and now are splitting to sell one half.

Thanks

...

A

Austin Thompson <austin@alconsult-llc.com>

to tyler.rebel, rwd10, jmillier, Andrea, kritter@shermanfire.net, dritter@shermanfire.net ▾

7:26 AM (5 hours ago) ☆ ↶ ⋮

Hello everyone,

I wanted to reach out about the utility letters? Do we have an update on these?

Thanks

...

r

LVCO RWD10

to LVCO, me, Andrea, kritter@shermanfire.net, dritter@shermanfire.net, tyler.rebel@evergy.com, jmillier@leavenworthcounti ▾

10:47 AM (1 hour ago) ☆ ↶ ⋮

Rural Water District 10 has an existing water line in the area and can supply service to these two lots.

...

Allison, Amy

From: Anderson, Kyle
Sent: Wednesday, July 26, 2023 8:44 AM
To: Allison, Amy
Subject: RE: RE: DEV-23-102/103 Preliminary and Final Plat – Dodge Addition

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

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

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From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, July 19, 2023 3:25 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-102/103 Preliminary and Final Plat – Dodge Addition

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 00000 Cantrell Road (PID 222-04-0-00-00-004.01).

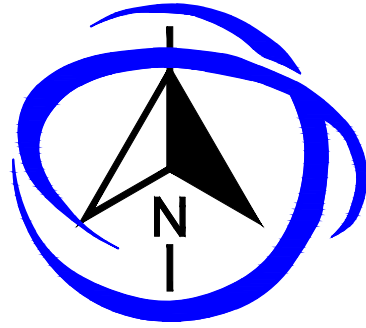
The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, August 2, 2023.

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

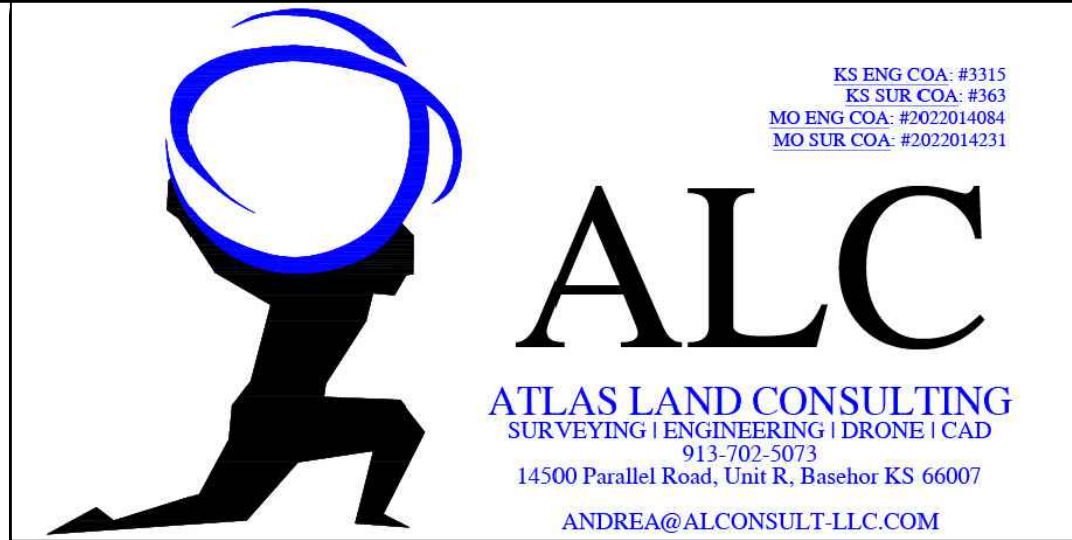
Disclaimer



DODGE ADDITION

A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 04, TOWNSHIP 12 SOUTH, RANGE 21 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS

UTILITIES
EVERGY - 800-383-1183
RURAL WATER DISTRICT 7 - 913-856-7375



FINAL PLAT

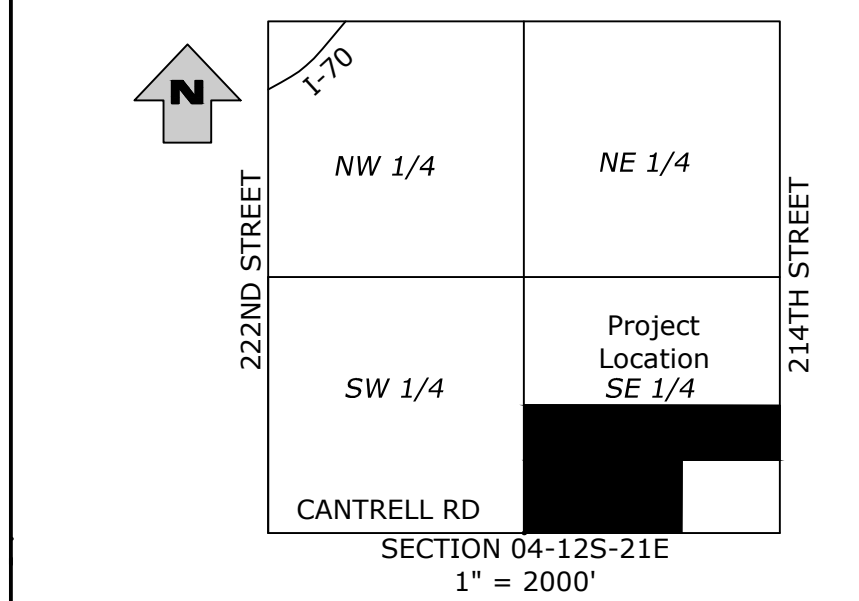
LEGEND

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

GENERAL NOTES

1. THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983, THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SEC 04-12S-21E S88°11'55"W.
2. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN FEET.
3. FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20103C0325G EFFECTIVE JULY 16, 2015, THIS PLAT IS LOCATED IN ZONES "X" AND ZONE "A".
4. KS ONE CALL WAS CALLED AT THE TIME OF SURVEY TICKET NO. 23350349.
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6. THE MINIMUM SIDE YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 15 FEET FROM EACH SIDE OF STRUCTURE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE SIDE PROPERTY LINE.
7. THE MINIMUM REAR YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 40 FEET FROM THE STRUCTURE TO THE PROPERTY LINE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE REAR PROPERTY LINE.
8. BENCHMARK - NGS KEG209 - ELEV 867.50
9. CURRENT USE - RESIDENTIAL / PROPOSED USE - RESIDENTIAL
10. CURRENT ZONING RR-5 / PROPOSED ZONING RR 5
11. ALL PROPOSED STRUCTURES WITHIN THIS PLAT SHALL COMPLY WITH THE LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS.
12. ALL LOTS WILL BE ON SEPTIC SEWER SYSTEMS. AN ENGINEERED WASTE SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
13. TITLE COMMITMENT VIA MCCAFFREY-SHORT TITLE COMPANY - FILE NO. L23-29500
14. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE USED WHEN DESIGNING AND CONSTRUCTION OF DRIVEWAYS AND OTHER STRUCTURES. RE-VEGETATION OF ALL DISTURBED AREAS SHALL BE COMPLETED WITHIN 45 DAYS AFTER FINAL GRADING.
15. REFERENCED SURVEY
-TRACT SPLIT COMPLETED APRIL 12, 2018 BY ATLAS SURVEYORS VIA ROGER B. DILL LS 1408 DOCUMENT NO. 20185046
16. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY.
17. THERE ARE NO OFF-PLAT RESTRICTIONS IN PLACE.
18. LOT 1 PROPERTY ACCESS VIA CANTRELL ROAD & LOT 2 PROPERTY ACCESS VIA CANTRELL ROAD & 214TH STREET.
19. ALL STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.
20. UTILITY INFORMATION:
- WATER - RURAL WATER DISTRICT 7
- ELECTRIC - EVERGY
- SEWER - SEPTIC
- GAS - PROPANE/NATURAL GAS
21. ANY BUILDINGS TO BE CONSTRUCTED IN OR NEAR THE SPECIAL FLOOD HAZARD SHALL PROVIDE AN ELEVATION CERTIFICATE TO BE APPROVED BY LEAVENWORTH COUNTY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
22. EXISTING BUILDINGS TO REMAIN. AN EXCEPTION HAS BEEN GRANTED FROM THE EXISTING ZONING AND SUBDIVISION REGULATIONS - BUILDINGS MAXIMUM SQUARE FOOTAGE TO LOT SIZE

VICINITY MAP



This is to certify on this 26th day of June, 2023 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ROGER B. DILL LS 1408

JOB NO: 23-140

SCALE	PREPARED FOR
120 60 0 120 SCALE IN FEET	THOMAS D. DODGE & MARGY E. RODELL CANTRELL RD. LINWOOD, KS 66052 MAILING ADDRESS: 15817 W 131ST ST OLATHE, KS 66062
SEC-TWN-RNG	
04-12S-21E	
DATE	
JUNE 23, 2023	

(C) NW CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 5/8" REBAR NO CAP ORIGIN UNCERTAIN

N88°22'56"E 2642.38'
SOUTH LINE OF THE SOUTHEAST 1/4 SEC 04-12S-21E

(D) NE CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN UNCERTAIN

UNPLATTED
PARCEL ID
2220400000005000
OWNER:
JESSE L & ANGELA LOEWEN
N88°17'25"E 2637.89'
NORTH LINE OF THE SOUTH HALF
OF THE SOUTHEAST 1/4 OF SEC 04-12S-21E

NORTHEAST CORNER OF
THE SOUTH HALF
OF THE SOUTHEAST 1/4
SEC 04-12S-21E

FOUND 1/2" REBAR CAP LS 1408(HELD)
NORTHWEST CORNER OF THE SOUTH HALF
OF THE SOUTHEAST 1/4 SEC 04-12S-21E

LOT 1
1360259.94 SQ FT
31.23 ACRES
INCLUDING RIGHT-OF-WAY

LOT 2
1360263.15 SQ FT
31.23 ACRES
INCLUDING RIGHT-OF-WAY

ZONE AREA "A"

ZONE AREA "A"

UNPLATTED
PARCEL ID
2220400000004000
OWNER:
WILLIAM A RUDOLPH

SECTION CORNER TIES:
A - SE CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 38.75' NW TO 60D NAIL IN TOP CORNER POST
2. 31.90' SW TO PK NAIL IN TOP CORNER POST
3. 30.90' SE TO 60D NAIL IN POWER POLE
B - SW CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 24.25' SW TO PK NAIL IN HEDGE POST
2. 28.65' N TO PK NAIL IN CORNER POST
3. 39.60' SE TO 60D NAIL IN POWER POLE
C - NW CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 4.00' N TO EAST/WEST FENCE LINE
2. 23.00' E TO NORTH/SOUTH FENCE LINE
3. 23.55' E TO 1/2" REBAR WITH CAP LS 356
4. 16.60' ENE TO NAIL AND SHINER IN FENCE CORNER POST
5. 22.10' ESE TO NAIL AND SHINER IN 12" TREE
D - NE CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 65.90' SSW TO TOP OF 15" CMP
2. 21.20' E TO PK NAIL IN FENCE CORNER POST
3. 35.00' SE TO PK NAIL IN FENCE POST
4. 52.40' NNE TO TOP OF 15" CMP SOUTH END

UNPLATTED
PARCEL ID
2220300000002000
OWNER:
HENRIETTA SHELTON

(A) SE CORNER OF THE SE 1/4
SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN
UNCERTAIN

P.O.B
(A) SW CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN UNCERTAIN

10' U/E PER
DOCUMENT 2018R05592

10' U/E PER
DOCUMENT 2018R05592

UNPLATTED
PARCEL ID
2220900000002090
OWNER:
ROGER NORMAN &
CHRISTINE M CREWS

UNPLATTED
PARCEL ID
2220900000002030
OWNER:
JENNIFER J REUTLINGER

UNPLATTED
PARCEL ID
2220900000002020
OWNER:
TERESA A & DONALD C PAULEY

UNPLATTED
PARCEL ID
2220900000001000
OWNER:
DANIEL S & VICKI E HILL

This plat of DODGE ADDITION has been submitted and approved by Leavenworth County Planning Commission, this _____ day of _____, 202_.

CHAIRMAN - MARCUS MAJURE

SECRETARY - JOHN JACOBSON

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

(SEAL)

CHAIRMAN - Vicky Kaaz ATTEST - COUNTY CLERK - JANET KLASINSKI

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

COUNTY ENGINEER

This is to certify that this instrument was filed for record in the Register of Deeds office on the _____ day of _____, 2023, in Book _____, Page _____.

REGISTER OF DEEDS, TERRILOIS G. MASHBURN

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

Reviewed 2023.08.21 No Comments
LEAVENWORTH COUNTY SURVEYOR
DANIEL BAUMCHEN, PS-1363

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this _____ day of _____, 202_.

OWNER

THOMAS D DODGE, OWNER

MARGY E RODELL

STATE OF KANSAS)

JSS
COUNTY OF LEAVENWORTH)

BE IT REMEMBERED, that on this _____ day of _____, 202_ before me, a Notary Public in and for said County and State, came **THOMAS D DODGE & MARGY E RODELL** to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

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

My Commission Expires: _____

Notary Public

DESCRIPTION PER TITLE COMMITMENT

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE NORTH 01°48'25" WEST, ALONG THE WEST LINE OF SAID SOUTH HALF, A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF CANTRELL ROAD, AS IT NOW EXISTS, ALSO KNOWN TO BE THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 01°48'25" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1319.02 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTH HALF; THENCE NORTH 88°17'25" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 2617.89 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF 214TH STREET AS IT NOW EXISTS; THENCE SOUTH 01°38'01" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 568.71 FEET; THENCE SOUTH 88°11'54" WEST, PARALLEL TO SAID NORTH RIGHT OF WAY LINE OF CANTRELL ROAD, A DISTANCE OF 986.19 FEET; THENCE SOUTH 01°38'01" EAST, PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 726.08 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE; THENCE SOUTH 88°11'54" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1627.72 FEET TO THE POINT OF BEGINNING. SHOWN AS TRACT 2 ON THE TRACT SPLIT BY ROGER B. DILL, FILED JULY 26, 2018, AS DOCUMENT NO. 20185046.

SURVEYORS SUGGESTED

A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 04, TOWNSHIP 12 SOUTH, RANGE 21 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, PREPARED BY ROGER B. DILL PS 1408 ON JUNE 28TH, 2023; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 01°48'25" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1319.02 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER; THENCE NORTH 88°17'25" EAST, ALONG THE NORTH LINE OF SAID SOUTH HALF, A DISTANCE OF 2637.89 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF; THENCE SOUTH 01°38'01" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 568.71 FEET; THENCE SOUTH 88°11'54" WEST, A DISTANCE OF 1006.19 FEET; THENCE SOUTH 01°38'01" EAST, A DISTANCE OF 746.08 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88°11'55" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1627.71 FEET TO THE POINT OF BEGINNING. CONTAINING 2,720,522.96 SQUARE FEET OR 62.45 ACRES MORE OR LESS; INCLUDING ROAD RIGHT OF WAY
PRECISION: 1 PART IN 13176008.333

9/9/2023 12:29 PM AUSTIN THOMPSON CAD FILE - Q:\Atlas Land Consulting\2023\23-140 Thomas Dodge 21502 Cantrell Rd Leavenworth Co\Cantrell tract split.dwg

08-23-2023
OLSSON REVIEW
No Comment



KS ENG COA: #3315
 KS SUR COA: #363
 MO ENG COA: #2023014084
 MO SUR COA: #2023014231

ALC

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

14500 Parallel Rd. Unit R
 Basehor, KS 66007

DRAINAGE STUDY

For:

Dodge Addition

13113 170th St
 Linwood, Ks 66052

Prepared for:

Thomas D. Dodge
 Cantrell Rd.
 Linwood, Ks 66052



Prepared by:

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

June 28th, 2023

Revision	Date	By	Description
1			
2			
3			

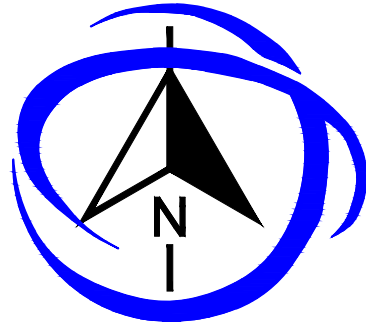
MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Dodge Addition
Date: September 1, 2023

Amy, I have reviewed the preliminary plat of the Dodge Addition Subdivision presented by Thomas Dodge. The subdivision meets the requirements for a fire hydrant and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed, a fire hydrant need to be placed along the road right-a-way at Cantrell Road between lot 1 and lot 2.

I have no further recommendation for this subdivision.

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




9-1-2023
OLSSON REVIEW
No Further
Comment

DODGE ADDITION

A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 04,
TOWNSHIP 12 SOUTH, RANGE 21 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS

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



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

KS ENG COA: #313
KS SUR COA: #363
MO ENG COA: #02014084
MO SUR COA: #02014231

FINAL PLAT

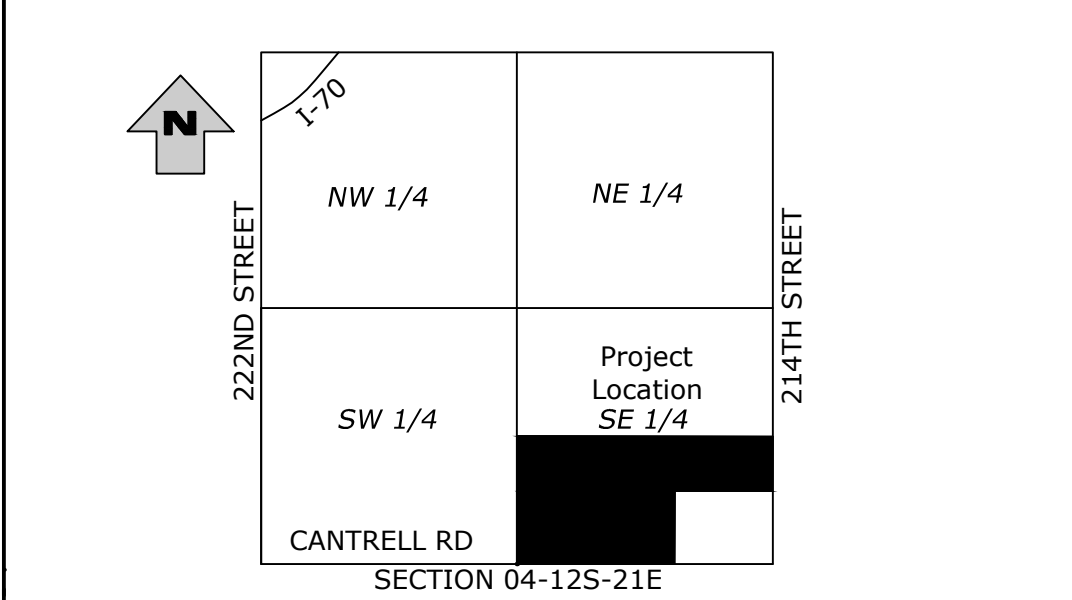
LEGEND

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

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6. THE MINIMUM SIDE YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 15 FEET FROM EACH SIDE OF STRUCTURE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE SIDE PROPERTY LINE.
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10. CURRENT ZONING RR-5 / PROPOSED ZONING RR 5
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-TRACT SPLIT COMPLETED APRIL 12, 2018 BY ATLAS SURVEYORS VIA ROGER B. DILL LS 1408 DOCUMENT NO. 20185046
16. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY.
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20. UTILITY INFORMATION:
- WATER - RURAL WATER DISTRICT 10
- ELECTRIC - EVERGY
- SEWER - SEPTIC
- GAS - PROPANE/NATURAL GAS
21. ANY BUILDINGS TO BE CONSTRUCTED IN OR NEAR THE SPECIAL FLOOD HAZARD SHALL PROVIDE AN ELEVATION CERTIFICATE TO BE APPROVED BY LEAVENWORTH COUNTY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
22. AN EXCEPTION TO ARTICLE 50 - SECTION 40.3.H. HAS BEEN GRANTED FOR LOTS 1 & 2 TO ALLOW FOR ACCESSORY STRUCTURES TO REMAIN ON A LOT WITHOUT PRINCIPAL STRUCTURES

VICINITY MAP



This is to certify on this 26th day of June, 2023 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ROGER B. DILL LS 1408

JOB NO: 23-140

SCALE	PREPARED FOR
120 60 0 120 SCALE IN FEET	THOMAS D. DODGE & MARCY E. RODELL CANTRELL RD. LINWOOD, KS 66052 MAILING ADDRESS: 15817 W 131ST ST OLATHE, KS 66062
SEC-TWN-RNG	
04-12S-21E	

DATE
JUNE 23, 2023

(C) NW CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 5/8" REBAR NO CAP ORIGIN UNCERTAIN

N88°22'56"E 2642.38'
SOUTH LINE OF THE SOUTHEAST 1/4 SEC 04-12S-21E

(D) NE CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN UNCERTAIN

UNPLATTED
PARCEL ID
2220400000005000
OWNER:
JESSE L & ANGELA LOEWEN
N88°17'25"E 2637.89'
NORTH LINE OF THE SOUTH HALF OF
THE SOUTHEAST 1/4 OF SEC 04-12S-21E

NORTHEAST CORNER OF
THE SOUTH HALF
OF THE SOUTHEAST 1/4
SEC 04-12S-21E

UNPLATTED
PARCEL ID
2220400000003000
OWNER:
TAILGATE
RANCH
COMPANY

LOT 1
1360259.94 SQ FT
31.23 ACRES
INCLUDING RIGHT-OF-WAY

LOT 2
1360263.15 SQ FT
31.23 ACRES
INCLUDING RIGHT-OF-WAY

UNPLATTED
PARCEL ID
2220300000002030
OWNER:
HENRIETTA SHELTON

UNPLATTED
PARCEL ID
2220300000002000
OWNER:
HENRIETTA SHELTON

UNPLATTED
PARCEL ID
2220400000004000
OWNER:
WILLIAM A RUDOLPH

- SECTION CORNER TIES:**
- A - SE CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 38.75' NW TO 60D NAIL IN TOP CORNER POST
2. 31.90' SW TO PK NAIL IN TOP CORNER POST
3. 30.90' SE TO 60D NAIL IN POWER POLE
- B - SW CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 24.25' SW TO PK NAIL IN HEDGE POST
2. 28.65' N TO PK NAIL IN CORNER POST
3. 39.60' SE TO 60D NAIL IN POWER POLE
- C - NW CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 4.00' N TO EAST/WEST FENCE LINE
2. 23.00' E TO NORTH/SOUTH FENCE LINE
3. 23.55' E TO 1/2" REBAR WITH CAP LS 356
4. 16.60' ENE TO NAIL AND SHINER IN FENCE CORNER POST
5. 22.10' ESE TO NAIL AND SHINER IN 12" TREE
- D - NE CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 65.90' SSW TO TOP OF 15" CMP
2. 21.20' E TO PK NAIL IN FENCE CORNER POST
3. 35.00' SE TO PK NAIL IN FENCE POST
4. 52.40' NNE TO TOP OF 15" CMP SOUTH END

P.O.B
(A) SW CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN UNCERTAIN

10' U/E PER DOCUMENT 2018R05592
10' U/E PER DOCUMENT 2018R05592
CANTRELL ROAD
50' R/W PER DOCUMENT #2018R05592

(A) SE CORNER OF THE SE 1/4
SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN
UNCERTAIN

UNPLATTED
PARCEL ID
2220900000002090
OWNER:
ROGER NORMAN &
CHRISTINE M CREWS

UNPLATTED
PARCEL ID
2220900000002030
OWNER:
JENNIFER J REUTLINGER

UNPLATTED
PARCEL ID
2220900000002020
OWNER:
TERESA A & DONALD C PAULEY

UNPLATTED
PARCEL ID
2220900000001000
OWNER:
DANIEL S & VICKI E HILL

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

CHAIRMAN - MARCUS MAJURE

SECRETARY - JOHN JACOBSON

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

(SEAL)

CHAIRMAN - Vicky Kaaz ATTEST - COUNTY CLERK - JANET KLASINSKI

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

COUNTY ENGINEER

This is to certify that this instrument was filed for record in the Register of Deeds office on the _____ day of _____, 2023, in Book _____, Page _____.

REGISTER OF DEEDS, TERRILOIS G. MASHBURN

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

LEAVENWORTH COUNTY SURVEYOR
DANIEL BAUMCHEN, PS-1363

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this _____ day of _____, 202__.

OWNER

THOMAS D DODGE, OWNER

MARCY E RODELL

STATE OF KANSAS)

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

My Commission Expires: _____

Notary Public

DEDICATION
The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "DODGE ADDITION".

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

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

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

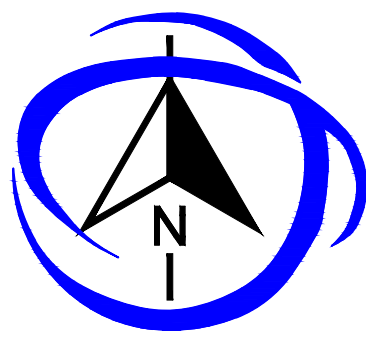
Building Lines are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

DESCRIPTION PER TITLE COMMITMENT

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE NORTH 01°48'25" WEST, ALONG THE WEST LINE OF SAID SOUTH HALF, A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF CANTRELL ROAD, AS IT NOW EXISTS, ALSO KNOWN TO BE THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 01°48'25" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1319.02 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTH HALF; THENCE NORTH 88°17'25" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 2617.89 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF 214TH STREET AS IT NOW EXISTS; THENCE SOUTH 01°38'01" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 568.71 FEET; THENCE SOUTH 88°11'54" WEST, PARALLEL TO SAID NORTH RIGHT OF WAY LINE OF CANTRELL ROAD, A DISTANCE OF 986.19 FEET; THENCE SOUTH 01°38'01" EAST, PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 726.08 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE; THENCE SOUTH 88°11'54" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1627.72 FEET TO THE POINT OF BEGINNING. SHOWN AS TRACT 2 ON THE TRACT SPLIT BY ROGER B. DILL, FILED JULY 26, 2018, AS DOCUMENT NO. 20185046.

SURVEYORS SUGGESTED
A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 04, TOWNSHIP 12 SOUTH, RANGE 21 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, PREPARED BY ROGER B. DILL PS 1408 ON JUNE 28TH, 2023; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 01°48'25" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1319.02 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER; THENCE NORTH 88°17'25" EAST, ALONG THE NORTH LINE OF SAID SOUTH HALF, A DISTANCE OF 2637.89 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF; THENCE SOUTH 01°38'01" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 568.71 FEET; THENCE SOUTH 88°11'54" WEST, A DISTANCE OF 1006.19 FEET; THENCE SOUTH 01°38'01" EAST, A DISTANCE OF 746.08 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88°11'55" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1627.71 FEET TO THE POINT OF BEGINNING. CONTAINING 2,720,522.96 SQUARE FEET OR 62.45 ACRES MORE OR LESS; INCLUDING ROAD RIGHT OF WAY
PRECISION: 1 PART IN 13176008.333




9-1-2023
OLSSON REVIEW
No Further
Comment

DODGE ADDITION

A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 04,
TOWNSHIP 12 SOUTH, RANGE 21 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS

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



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

KS ENG COA #3135
KS SUR COA #363
MO ENG COA #K02014684
MO SUR COA #020204231

PRELIMINARY PLAT

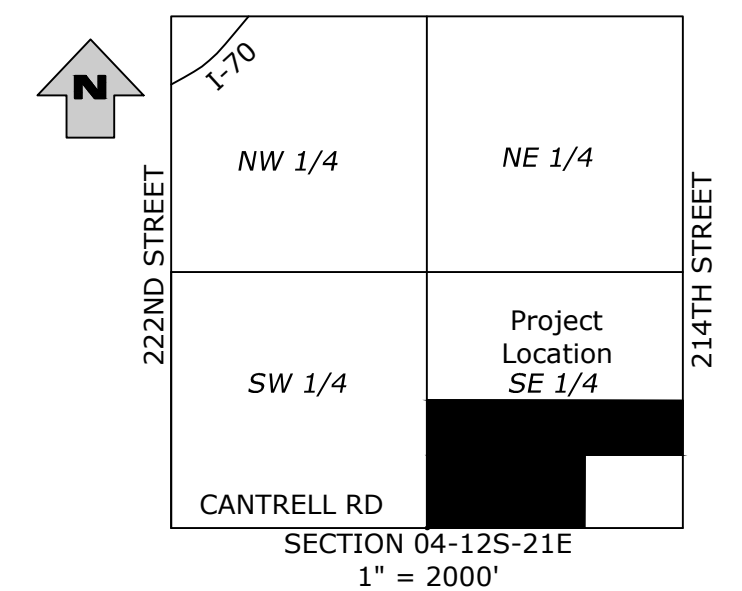
LEGEND

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

GENERAL NOTES

1. THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983. THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SEC 04-12S-21E S88°11'55"W.
2. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN FEET.
3. FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 2010303256 EFFECTIVE JULY 16, 2015, THIS PLAT IS LOCATED IN ZONES "X" AND ZONE "A".
4. AS ONE CALL WAS CALLED AT THE TIME OF SURVEY TICKET NO. 23350349.
5. THE MINIMUM FRONT YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 105 FEET FROM THE CENTERLINE OF THE ROAD.
6. THE MINIMUM SIDE YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 15 FEET FROM EACH SIDE OF STRUCTURE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE SIDE PROPERTY LINE.
7. THE MINIMUM REAR YARD SETBACK FOR SINGLE FAMILY LOT SHALL BE 40 FEET FROM THE STRUCTURE TO THE PROPERTY LINE. DETACHED ACCESSORY STRUCTURES MAY BE BUILT WITHIN 15 FEET OF THE REAR PROPERTY LINE.
8. BENCHMARK - NGS KE0629 - ELEV-867.50
9. CURRENT USE - RESIDENTIAL / PROPOSED USE - RESIDENTIAL
10. CURRENT ZONING RR-5 / PROPOSED ZONING RR-5
11. ALL PROPOSED STRUCTURES WITHIN THIS PLAT SHALL COMPLY WITH THE LEAVENWORTH COUNTY ZONING AND SUBDIVISION REGULATIONS.
12. ALL LOTS WILL BE ON SEPTIC SEWER SYSTEMS. AN ENGINEERED WASTE SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
13. TITLE COMMITMENT VIA MCCAFFREY-SHORT TITLE COMPANY - FILE NO. L23-29500
14. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE USED WHEN DESIGNING AND CONSTRUCTION OF DRIVEWAYS AND OTHER STRUCTURES. RE-VEGETATION OF ALL DISTURBED AREAS SHALL BE COMPLETED WITHIN 45 DAYS AFTER FINAL GRADING.
15. REFERENCED SURVEY - TRACT SPLIT COMPLETED APRIL 12, 2018 BY ATLAS SURVEYORS VIA ROGER B. DILL LS 1408 DOCUMENT NO. 2018R05592
16. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY.
17. THERE ARE NO OFF-PLAT RESTRICTIONS IN PLACE.
18. LOT 1 PROPERTY ACCESS VIA CANTRELL ROAD & LOT 2 PROPERTY ACCESS VIA CANTRELL ROAD & 214TH STREET.
19. ALL STRUCTURES BUILT WITHIN THE SUBDIVISION SHALL COMPLY WITH RESOLUTION 2020-39, OR AS AMENDED.
20. UTILITY INFORMATION:
 - WATER - RURAL WATER DISTRICT 10
 - ELECTRIC - EVERGY
 - SEWER - SEPTIC
 - GAS - PROPANE/NATURAL GAS
21. ANY BUILDINGS TO BE CONSTRUCTED IN OR NEAR THE SPECIAL FLOOD HAZARD SHALL PROVIDE AN ELEVATION CERTIFICATE TO BE APPROVED BY LEAVENWORTH COUNTY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
22. AN EXCEPTION TO ARTICLE 50 - SECTION 40.3.H. HAS BEEN GRANTED FOR LOTS 1 & 2 TO ALLOW FOR ACCESSORY STRUCTURES TO REMAIN ON A LOT WITHOUT PRINCIPAL STRUCTURES

VICINITY MAP



This is to certify on this 26th day of June, 2023 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ROGER B. DILL LS 1408

JOB NO: 23-140

SCALE PREPARED FOR

120 60 0 120
SCALE IN FEET

SEC-TWN-RNG

04-12S-21E

THOMAS D. DODGE & MARCY E. RODELL

CANTRELL RD.
LINWOOD, KS 66052
MAILING ADDRESS: 15817 W 131ST ST
OLATHE, KS 66062

DATE

JUNE 23, 2023

(C) NW CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 5/8" REBAR NO CAP ORIGIN UNCERTAIN

N88°22'56"E 2642.38'
SOUTH LINE OF THE SOUTHEAST 1/4 SEC 04-12S-21E

(D) NE CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN UNCERTAIN

UNPLATTED
PARCEL ID
2220400000005000
OWNER:
JESSE L & ANGELA LOEWEN
N88°17'25"E 2637.89'
NORTH LINE OF THE SOUTH HALF OF
THE SOUTHEAST 1/4 OF SEC 04-12S-21E

NORTHEAST CORNER OF
THE SOUTH HALF
OF THE SOUTHEAST 1/4
SEC 04-12S-21E

FOUND 1/2" REBAR CAP LS 1408(HELD)

FOUND 1/2" REBAR CAP LS 1408(HELD)
NORTHWEST CORNER OF THE SOUTH HALF
OF THE SOUTHEAST 1/4 SEC 04-12S-21E

LOT 1
1360259.94 SQ FT
31.23 ACRES
INCLUDING RIGHT-OF-WAY

LOT 2
1360263.15 SQ FT
31.23 ACRES
INCLUDING RIGHT-OF-WAY

ZONE AREA "A"

ZONE AREA "A"

UNPLATTED
PARCEL ID
2220400000004000
OWNER:
WILLIAM A RUDOLPH

SECTION CORNER TIES:

- A - SE CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 38.75' NW TO 60D NAIL IN TOP CORNER POST
 2. 31.90' SW TO PK NAIL IN TOP CORNER POST
 3. 30.90' SE TO 60D NAIL IN POWER POLE
- B - SW CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 24.25' SW TO PK NAIL IN HEDGE POST
 2. 28.65' N TO PK NAIL IN CORNER POST
 3. 39.60' SE TO 60D NAIL IN POWER POLE
- C - NW CORNER OF THE SE 1/4 SEC 04-12S-21E
1. 4.00' N TO EAST/WEST FENCE LINE
 2. 23.00' E TO NORTH/SOUTH FENCE LINE
 3. 23.55' E TO 1/2" REBAR WITH CAP LS 356
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 5. 22.10' ESE TO NAIL AND SHINER IN 12" TREE
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 2. 21.20' E TO PK NAIL IN FENCE CORNER POST
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(A) SE CORNER OF THE SE 1/4
SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN
UNCERTAIN

P.O.B
(A) SW CORNER OF THE SE 1/4 SEC 04-12S-21E
FOUND 1/2" REBAR NO CAP ORIGIN UNCERTAIN

10' U/E PER
DOCUMENT 2018R05592

10' U/E PER
DOCUMENT 2018R05592

SOUTH LINE OF THE SOUTHEAST 1/4
SEC 04-12S-21E
S88°11'54"W 2633.90'
CANTRELL ROAD
50' R/W PER DOCUMENT #2018R05592

UNPLATTED
PARCEL ID
2220900000001000
OWNER:
DANIEL S & VICKI E HILL

UNPLATTED
PARCEL ID
2220900000002090
OWNER:
ROGER NORMAN &
CHRISTINE M CREWS

UNPLATTED
PARCEL ID
2220900000002030
OWNER:
JENNIFER J REUTLINGER

UNPLATTED
PARCEL ID
2220900000002030
OWNER:
TERESA A & DONALD C PAULEY

DESCRIPTION PER TITLE COMMITMENT

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE NORTH 01°48'25" WEST, ALONG THE WEST LINE OF SAID SOUTH HALF, A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF CANTRELL ROAD, AS IT NOW EXISTS, ALSO KNOWN TO BE THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE NORTH 01°48'25" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1319.02 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTH HALF; THENCE NORTH 88°17'25" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 2637.89 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF 214TH STREET AS IT NOW EXISTS; THENCE SOUTH 01°38'01" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 568.71 FEET; THENCE SOUTH 88°11'54" WEST, PARALLEL TO SAID NORTH RIGHT OF WAY LINE OF CANTRELL ROAD, A DISTANCE OF 986.19 FEET; THENCE SOUTH 01°38'01" EAST, PARALLEL TO SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 726.08 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE; THENCE SOUTH 88°11'54" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1627.72 FEET TO THE POINT OF BEGINNING. SHOWN AS TRACT 2 ON THE TRACT SPLIT BY ROGER B. DILL, FILED JULY 26, 2018, AS DOCUMENT NO. 2018R0592.

SURVEYORS SUGGESTED

A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 04, TOWNSHIP 12 SOUTH, RANGE 21 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, PREPARED BY ROGER B. DILL PS 1408 ON JUNE 28TH, 2023; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 01°48'25" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1319.02 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER; THENCE NORTH 88°17'25" EAST, ALONG THE NORTH LINE OF SAID SOUTH HALF, A DISTANCE OF 2637.89 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF; THENCE SOUTH 01°38'01" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 568.71 FEET; THENCE SOUTH 88°11'54" WEST, A DISTANCE OF 1006.19 FEET; THENCE SOUTH 01°38'01" EAST, A DISTANCE OF 746.08 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88°11'55" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1627.71 FEET TO THE POINT OF BEGINNING. CONTAINING 2,720,522.96 SQUARE FEET OR 62.45 ACRES MORE OR LESS; INCLUDING ROAD RIGHT OF WAY. PRECISION: 1 PART IN 13176008.333

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-110 Whiskey Ridge Event Center

September 13, 2023

REQUEST: REGULAR AGENDA <input type="checkbox"/> Zoning Amendment <input checked="" type="checkbox"/> Special Use Permit <input type="checkbox"/> Temporary Special Use Permit	STAFF REPRESENTATIVE: AMY ALLISON DEPUTY DIRECTOR
---	--

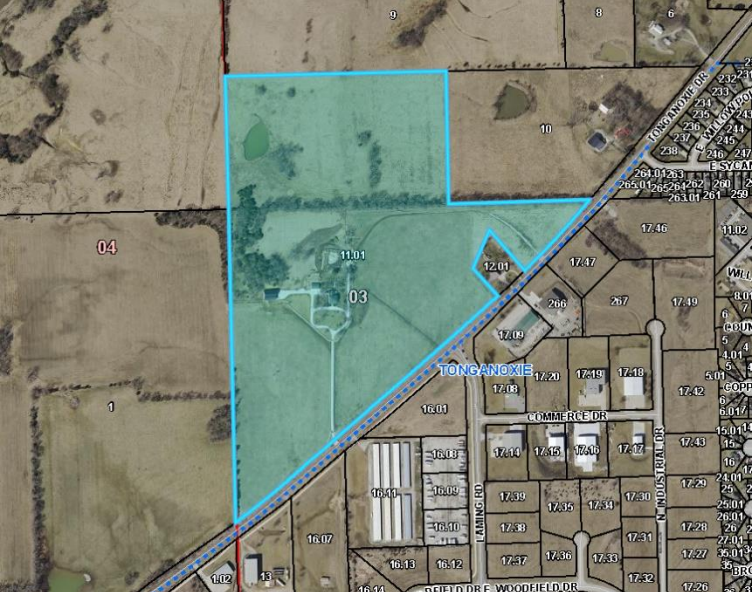
SUBJECT PROPERTY: 19051 TONGANOXIE DR	APPLICANT/APPLICANT AGENT: DAN & CINDY LYNCH 19751 219 TH ST TONGANOXIE KS 66086		
	PROPERTY OWNER: ORISON LLC		
	CONCURRENT APPLICATIONS: N/A		
	<table border="1"> <tr> <th align="center">LAND USE</th> </tr> <tr> <td>ZONING: RR-2.5</td> </tr> <tr> <td>FUTURE LAND USE DESIGNATION: MIXED RESIDENTIAL</td> </tr> </table>	LAND USE	ZONING: RR-2.5
LAND USE			
ZONING: RR-2.5			
FUTURE LAND USE DESIGNATION: MIXED RESIDENTIAL			

LEGAL DESCRIPTION: A tract of land in the Southwest Quarter of Section 3, Township 11 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas	SUBDIVISION: N/A FLOODPLAIN: N/A
--	-------------------------------------

STAFF RECOMMENDATION: DENIAL	PROPERTY INFORMATION
-------------------------------------	-----------------------------

ACTION OPTIONS: <ol style="list-style-type: none"> 1. Recommend approval of Case No. DEV-23-110, Special Use Permit for an Event Center, to the Board of County Commission, with or without conditions; or 2. Recommend denial of Case No. DEV-23-110, Special Use Permit for an Event Center, to the Board of County Commission for the following reasons; or 3. Continue the hearing to another date, time, and place. 	PARCEL SIZE: 58.70 ACRES PARCEL ID NO: 192-03-0-00-00-011.01 BUILDINGS: SINGLE-FAMILY RESIDENCE, ACCESSORY STRUCTURE & EVENT BARN
--	--

PROJECT SUMMARY: Requesting a permit to operate an event center at 19051 Tonganoxie Dr, Tonganoxie, KS.	ACCESS/STREET: TONGANOXIE DR – COUNTY ARTERIAL, PAVED, ± 24’
---	---

Location Map: 	<table border="1"> <tr> <th align="center">UTILITIES</th> </tr> <tr> <td>SEWER: SEPTIC</td> </tr> <tr> <td>FIRE: STRANGER</td> </tr> <tr> <td>WATER: RWD 9</td> </tr> <tr> <td>ELECTRIC: FREESTATE</td> </tr> <tr> <th align="center">NOTICE & REVIEW:</th> </tr> <tr> <td>STAFF REVIEW: 8/24/2023</td> </tr> <tr> <td>NEWSPAPER NOTIFICATION: 8/22/2023</td> </tr> <tr> <td>NOTICE TO SURROUNDING PROPERTY OWNERS: 8/22/2023</td> </tr> </table>	UTILITIES	SEWER: SEPTIC	FIRE: STRANGER	WATER: RWD 9	ELECTRIC: FREESTATE	NOTICE & REVIEW:	STAFF REVIEW: 8/24/2023	NEWSPAPER NOTIFICATION: 8/22/2023	NOTICE TO SURROUNDING PROPERTY OWNERS: 8/22/2023
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STAFF REVIEW: 8/24/2023										
NEWSPAPER NOTIFICATION: 8/22/2023										
NOTICE TO SURROUNDING PROPERTY OWNERS: 8/22/2023										

FACTORS TO BE CONSIDERED:		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Special Use Permit request:</i>	Met	Not Met
<p>1. Character of the Neighborhood: <i>Density:</i> Properties located within the unincorporated areas of the County are primarily rural in nature. Most of the surrounding lots are large in size. Properties within the City of Tonganoxie are primarily industrial in nature with some commercial businesses. There is a residential neighborhood to the north.</p> <p><i>Nearby City Limits:</i> The property is located adjacent to the City of Tonganoxie.</p>	✓	
<p>2. Zoning and uses of nearby property: <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature. Industrial and Commercial businesses are located across the road.</p> <p><i>Adjacent Zoning:</i> The adjacent properties within the unincorporated area are zoned RR-2.5. The properties within the City of Tonganoxie are zoned Light to Moderate Industrial.</p>	✓	
<p>3. Suitability of the Property for the uses to which it has been restricted: <i>The property is suitable as a rural residence. The requested use is allowed with a Special Use Permit</i></p>	✓	
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</p> <p><i>The requested-use is unlikely to detrimentally impact neighboring properties. The applicant had applied and was approved for this type of use in April of 2020. Due to inactivity on the original SUP, the applicant reapplied in November of 2022. The request failed however the Board of County Commissioners waived the one year re-application requirement for this Special Use Permit.</i></p> <p><i>Traffic:</i> Traffic will be limited to primarily weekends. The applicant is proposing that the proposed business will generate 400 trips for their largest events (accounts for guest, 200 vehicles, and supporting staff, 20 vehicles). The property accesses off of Tonganoxie Drive which is a County Arterial with an existing traffic count of more than 3,700 vpd.</p> <p><i>Lighting:</i> No exterior lighting besides security lighting is proposed with this request.</p> <p><i>Noise:</i> There may be additional noise during events, which will primarily be on the weekends. The event center is situated toward the center of the property which would reduce the noise heard at the property line.</p> <p><i>Outdoor Storage:</i> No outdoor storage is proposed with this request.</p> <p><i>Parking:</i> The applicant is proposing to install 180 parking spaces. The Zoning and Subdivision Regulations requires 80 spaces for this type of use. For the larger events, the applicant has indicated overflow parking to support the maximum guest car limits (200). Additional parking area are located to the west of the guest house for support staff.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	

<p><i>Visitors/Employees: The narrative indicates that most visitors will be on-site during the weekend when events are most likely to take place. The applicant is proposing a center that would accommodate up to 400 guests. There would also be additional work staff to support these events. During the weekdays, limited visitors is expected.</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 applicant has proposed an engineered on-site wastewater system.</i></p>	<p>✓</p> <p>✓</p>	
<p>5. Length of time the property has been vacant as zoned: <input checked="" type="checkbox"/> <i>Not Vacant: The property has a house and is being used for agricultural purposes.</i></p>	<p>✓</p>	
<p>6. Relative gain to economic development, public health, safety and welfare: <i>The proposed application would allow for another business to be located within Leavenworth County. There does not appear to be any detrimental effects to the public health, safety or welfare.</i></p>	<p>✓</p>	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: Mixed Residential</i> <i>The proposed use requires a Special Use Permit in this zoning district.</i></p>		<p>✓</p>

STAFF COMMENTS:

The applicant is requesting a Special Use Permit for an event center. The applicant applied for a similar Special Use Permit in 2020, but cancelled the permit shortly after it was approved. The applicant re-applied in November 2022 but was denied until such a time the applicant can install a fire suppression system that complies with the adopted Building Codes. The Board of County Commissioners waived the one-year re-application time limit for this type of use. The applicant is proposing to operate the event center out of a structure that was permitted in 2021 as an agricultural building. The applicant has provided an engineering report that inspected the foundation of the structure and found that it is structurally sound and compliant with the 2006 International Building Codes. The applicant has installed a fire suppression system, the plans are enclosed. The Stranger Fire District has inspected the site and structure and has approved the site for this type of use.

The event center is proposed to be open year-round with most events occurring during the weekend. The applicant has indicated that the center may be used for large gatherings on weekdays but this will most likely be infrequent and not last into the evening. The center will accommodate up to 400 guests. Wedding ceremonies may take place both inside or outside with music. Receptions, including music, will take place indoors. The narrative indicated that events will conclude at 11:00 PM. Clean-up will continue after the event but staff supports placing condition that it be limited till 12:00 AM.

The venue will have a warming kitchen available for use during the event. No food will be prepared on-site. The center will also have a bar area which the applicant has requested a temporary liquor license for use if requested.

The application includes a proposed parking lot that would accommodate up to 180 vehicles. The parking lot should accommodate most events, however some may require overflow parking which has been accounted for in the site plan. The parking lot is gravel. The applicants have contacted KDHE about a SWPPP which was not required by the State.

The property also has an historic farmhouse that has been renovated and will be leased as part of the event center for guest accommodation. Parking for the guest house is separate and adequate for this use.

STAFF RECOMMENDED CONDITIONS:

1. Events shall be limited to the hours of 8:00 AM until 11:00 PM. All business operations, except for overnight guest accommodations, shall cease by 12:00 AM.
2. The SUP shall be limited to four full-time employees and unlimited seasonal employees.

3. 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.
4. No on-street parking shall be allowed.
5. This SUP shall be limited to the Narrative and accompanying documents dated August 2, 2023 and August 15, 2023 submitted with this application.
6. 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.
7. Any noise generated from the proposed business shall be limited to 60 dB, as measured from the property line.
8. Any light generated from the proposed business shall be limited to 0 foot-candles, as measured from the property line.
9. No outdoor storage of materials shall be allowed.
10. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements. If a dumpster is used, said dumpster must be screened.
11. The developer must comply with the following memorandums:
 - a. Memo – Chuck Magaha, Emergency Management, dated August 3, 2023
 - b. Memo – Mitch Pleak, Olsson, dated August 24, 2023
12. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
13. 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>Dan/Lindy Lynch</u>	NAME <u>Orison, LLC</u>
ADDRESS <u>19751 21st St.</u>	ADDRESS <u>1204 State Ave, Ste A</u>
CITY/ST/ZIP <u>Tonganoxie, KS 66086</u>	CITY/ST/ZIP <u>Tonganoxie, KS 66086</u>
PHONE <u>(913) 488-9306</u>	PHONE <u>(913) 488-9306</u>
EMAIL <u>clcrury@gmail.com</u>	EMAIL <u>clcrury@gmail.com</u>
CONTACT PERSON <u>Lindy Lynch</u>	CONTACT PERSON <u>Lindy Lynch</u>

PROPERTY INFORMATION

PID: _____ Zoning District: _____

Address of property 19051 Tonganoxie Dr, Tonganoxie Parcel size 58 acres

Current use of the property Farm

Does the owner live on the property? Yes No

Proposed Special Use Event Center

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 Cindy Lynch Date 7/28/2023

ATTACHMENT A

PROPOSED SPECIAL USE PERMIT INFORMATION

Name of Business Whiskey Ridge Event Center

Existing and Proposed Structures 9x100' Building and existing house

Number of structures used for Special Use Permit 2

Will the use require parking? Yes No How many parking spaces are proposed/available? 180

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

Reason for requesting a Special Use Permit: To use building for events

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 320 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 3-5 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 _____ 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):

Primarily weekends for scheduled events

What is the anticipated route(s) from the nearest State Highway to the Site? 24-40, N. on Laming Rd, (L) on Tonganoxie Dr to parking lot on left.

Special Use Permit Renewal

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

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

Entered in the transfer record in my office this
4 day of Jan, 20 19
Janet Blaumen
County Clerk

Continental Title 18332240

Trustee's Deed

This indenture, made this 31st day of December, 2018, by and between, Don C Huebner, Jr. Trustee U/T/A dated 11/4/92 F/B/O Don C Huebner, Jr. as GRANTOR, and Orison, LLC as GRANTEE, whose mailing address is: 1204 State Ave Suite A, Tonganoxie, KS 66086.

WITNESSETH: That the said GRANTOR, in consideration of the sum of Ten DOLLARS and other good and valuable consideration, in hand paid by the GRANTEE, the receipt of which is hereby acknowledged, does by these presents sell and convey unto said GRANTEE, GRANTEE'S heirs, successors, and assigns, all of the right, title and interest of the said GRANTOR in and to the following described real estate located in the County of Leavenworth, State of Kansas, to wit:

Legal Description: A tract of land located in the Southwest Quarter of Section 3, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, described as follows: Commencing at the Southwest corner of said Section 3, Thence South 89° 43'51" East (assumed bearing) along the South line of the Southwest Quarter 481.88 feet, Thence North 0° 16'09" East 1330.50 feet to the True Point of Beginning, said point also being on the Northerly right of way of County Road No. 5; Thence North 14° 28'42" East 103.39 feet, Thence North 1° 37'20" East 488.67 feet, Thence North 47° 05'36" West 301.22 feet, Thence North 1° 28'16" East 255.28 feet, Thence South 88° 46'55" East 337.78 feet, Thence South 1° 45'02" West 361.61 feet, Thence South 37° 40'06" West 125.43 feet, Thence South 1° 37'20" West 468.00 feet, Thence South 45° 24'20" East 47.88 feet to the Northerly right of way of said County Road No. 5, Thence South 50° 30'00" West along said Northerly right of way 125.00 feet to the Point of Beginning, except part in streets or roads.

Note: Subject to all easements, restrictions and reservations, if any, now of record.

This Deed is made and given by the GRANTOR as Trustee(s) pursuant to the power of sale contained in the aforesaid Trust Agreement, which Agreement remains in full force and effect at this time. And the GRANTOR further states that the power to sell and convey the real estate described hereinabove is granted under said Trust Agreement.

To have and to hold the premises aforesaid with all, and singular, the tenements, hereditaments, and appurtenances thereunto belonging, or in any way appertaining thereto, unto the GRANTEE, and unto GRANTEE heirs, successors, and assigns forever; the said GRANTOR hereby covenants that an indefeasible estate in fee of the aforesaid premises is vested in the said GRANTOR; that the said premises unto the said GRANTEE and unto GRANTEE'S heirs, successors, and assigns forever, against the lawful claims and demands of all persons whomsoever.

If two or more persons constitute the GRANTOR or GRANTEE, the words GRANTOR and GRANTEE shall be construed to be GRANTORS and GRANTEES whenever the sense of this Deed requires.

CERTIFICATE OF SURVEY

Tracts of land in the fractional West Half of Section 3, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

BOUNDARY LINE ADJUSTMENT

SURVEYOR'S DESCRIPTION:

TRACT 1:

Tract of land in the Southwest Quarter of Section 3, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the West Quarter Corner of said Section 3; thence South 01 degrees 33'32" East for a distance of 1071.30 feet along the West line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence North 88 degrees 26'28" East for a distance of 200.00 feet; thence South 01 degrees 33'32" East for a distance of 472.85 feet to the apparent northerly right of way of Tonganoxie Road as it exists today; thence on a non-tangent curve to right having a radius of 6469.59 feet and an arc length of 249.75 feet, being subtended by a chord bearing South 51 degrees 39' West and a chord distance of 249.74 feet, along said right of way to the West line of said Southwest Quarter; thence North 01 degrees 33'32" West for a distance of 622.43 feet along said West line to point of beginning.

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

Said property contains 2.52 acres, more or less, including road right of way.

Error of Closure: 1 - 666.043

TRACT 2:

Tract of land in the Fractional West Half of Section 3, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the West Quarter Corner of said Section 3; thence North 01 degrees 32'22" West for a distance of 732.95 feet; thence North 88 degrees 38'18" East for a distance of 1195.09 feet; thence South 01 degrees 24'47" East for a distance of 728.16 feet to the North line of the Southwest Quarter of said Section 3; thence North 88 degrees 21'28" East for a distance of 122.73 feet; thence South 01 degrees 26'49" East for a distance of 624.33 feet to the apparent northerly right of way of Tonganoxie Road as it exists today; thence South 88 degrees 45'43" West for a distance of 1246.23 feet along said right of way; thence on a curve to right having a radius of 6469.59 feet and an arc length of 201.23 feet, being subtended by a chord bearing South 49 degrees 39' 11" West and a chord distance of 201.22 feet, along said right of way; thence North 01 degrees 33'32" West for a distance of 472.85 feet; thence North 88 degrees 26'28" West for a distance of 200.00 feet to the West line of said Southwest Quarter; thence North 01 degrees 33'32" West for a distance of 1071.30 feet along said West line to point of beginning.

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

Said property contains 52.82 acres, more or less, including road right of way.

Error of Closure: 1 - 272915

RECORD DESCRIPTION:

All that part of the West 1/2 of the Southwest 1/4 of Section 3, lying West of the Right-of-Way of the Union Pacific Railway Company, all in Township 11, of Range 21, in Leavenworth County, Kansas LESS AND EXCEPT a tract of land located in the Southwest Quarter of Section 3, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, described as follows: Commencing at the Southwest corner of said Section 3, Thence South 89°43'51" East (assumed bearing) along the South line of the Southwest Quarter 481.88 feet, Thence North 0°16'79" East 1220.50 feet to the True Point of Beginning, said point also being on the Northerly right of way of County Road No. 5; Thence North 14°28'42" East 103.39 feet, Thence North 1°37'20" East 498.57 feet, Thence North 17°05'16" West 301.22 feet, Thence North 1°28'18" East 255.28 feet, Thence South 88°46'55" East 337.78 feet, Thence South 104°51'2" West 361.61 feet, Thence South 37°40'06" West 125.43 feet, Thence South 1°37'20" West 480.30 feet, Thence South 45°14'20" East 47.88 feet to the northerly right of way of said County Road No. 5, Thence South 50°30'00" West along said Northerly right of way 125.00 feet to the POINT OF BEGINNING, containing 3.434 acres, and subject to any easements of record.

AND

A tract of land in the Northwest Quarter (NW1/4) of Section Three (3), Township Eleven (11) South, Range Twenty-One (21) East of the 6th Principal Meridian, more fully described as follows: Beginning at the Southwest corner of said Northwest Quarter (NW1/4); thence (N02°04'19"E) 726.85 feet along the west line of said Northwest Quarter (NW1/4), thence East 1198.00 feet; thence (S0°04'19"W) 726.85 feet to the South line of said Northwest Quarter (NW1/4); thence West 1198.00 feet along the South line to the point of beginning. Contains 20.0 acres more or less, as per Survey recorded January 22, 1975 at 1:02 o'clock P.M. in Survey Book S-10, #3 in the Office of the Register of Deeds of Leavenworth County, Kansas.

PREPARED FOR:
Orson LLC
190-51 Tonganoxie Road
Tonganoxie, KS 66608
PID NO. 192-02-00-00-011 & 011.01

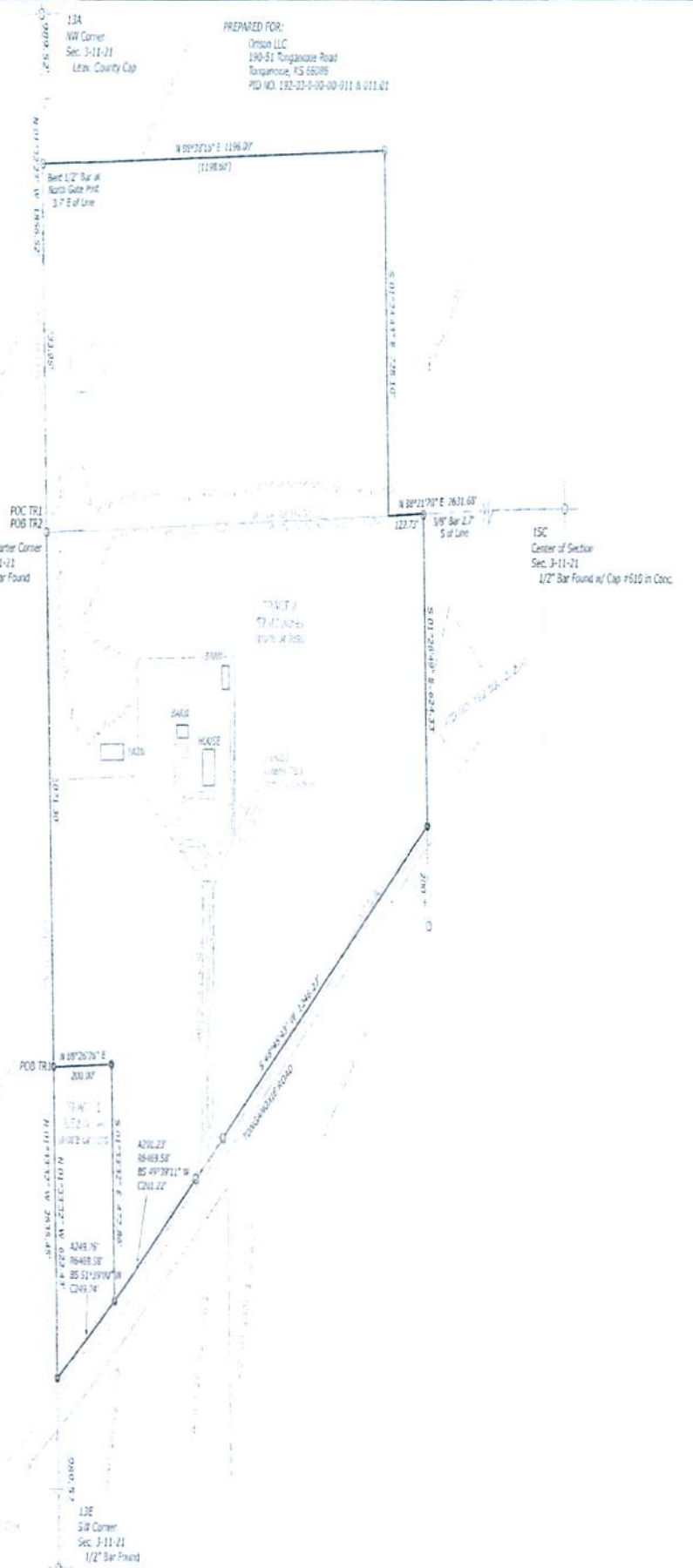
Doc. # 2020028
Eric A. DORSEY
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
11/19/2020 10:12:22 AM
RECORDED FOR: 21.00
PAGE: 1

NOTES:

- 1) This survey does not show unrecorded easements.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All record and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Surveyor's Description
- 5) Basis of Bearing - KS SPC North Zone 1551
- 6) Point Origin Unknown, unless otherwise noted.
- 7) Referenced Surveys
(A77) - A.P. Tanning Survey recorded in 2000
(A41) - J.A. Herring recorded plat BLUE MOUNTAIN SUBD.
(W7W) - W.F. Ward Survey recorded in 1992
- 8) Road Records - Tonganoxie Road Plans not recovered.
- 9) Referenced Deed Book 800 Page 737
- 10) Survey prepared without the benefit of a title commitment.
- 11) Fence Lines do not necessarily denote property lines.
- 12) Structures are shown in approximate location.
- 13) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 2010C0225G & 2020 dated July 16, 2015
- 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.

LEGEND:

- - Stone Found in place as noted
- - 1/2" Bar Set with Cap No. 1299
- - 1/2" Bar Found, unless otherwise noted.
- △ - PK Nail Found in Place
- ⋈ - Record / Deeded Distance
- POB - Point of Beginning
- POC - Point of Commencing
- Free/Brush Line



Job # K20-1249
March 17, 2020 Rev. 4/4/2023

TERRING SURVEYING COMPANY
115 North 5th Street, Leaw, KS 66044
Ph: 913.651.3958 Fax: 913.674.5381
Email - survey@terringco.com

VERIFICATION BY COUNTY STAFF
This last plat, as described and shown above, has been approved and assumed by the following County Staff persons this 15th day of April, 2020.

John Howard Director
Steph A. Vitt

COUNTY SURVEYOR
I hereby certify that this document has been reviewed by me and is being filed for public information only.

Walter Helms
4/5/20

I hereby certify that this survey was made by me or under the direct supervision, in the general during the date of January 20th, March 2020 and this map or plat is correct to the best of my knowledge.

Eric A. Dorsey
RS # 1299

OWNER AUTHORIZATION

I/WE Cindy Rynick, Orison, LLC, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 28th day of July, 2023, make the following statements, to wit:

- 1. I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property
See Attachment "A" attached hereto and incorporated herein by reference.
- 2. I/We the undersigned, have previously authorized and hereby authorize Dan Linder Linder (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, 14051 Tonganoxie, Dr. Tonganoxie (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
- 3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- 4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

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

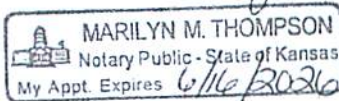
Cindy Rynick
Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 28th day of July, 2023,
by Marilyn M. Thompson.

My Commission Expires: June 16, 2026



Marilyn M. Thompson
Notary Public

ATTACHMENT C

Whiskey Ridge

Proposed Venue in Tonganoxie, KS

The property located at 19051 Tonganoxie Drive, Tonganoxie, KS is owned by Orison, LLC whose sole members are Dan and Cindy Lynch of 19751 219th Street, Tonganoxie, KS. The property currently consists of a home, built in 1869, a detached garage, and 2 barns. We have remodeled the home as it sustained water damage before we purchased it. The ground is being used as a hay field and home to cattle. This will continue until no longer reasonable.

We have replaced the smaller barn with a 90' x 100' barn to be used as a venue space. The barn consists of a large open space for approximately 300 people, a warming/refrigeration kitchen with sinks, bar, storage, and wheelchair accessible bathroom facilities for men and women. Dan and Cindy will not personally be preparing food in the kitchen, but it will be available for catered events. The bar area will not be stocked by the venue owners but is available for use by those renting the venue. They will provide their own beverages and servers. We will be responsible for maintenance of the facility, house, and surrounding property.

A gravel parking lot has been added to the west of the barn. It will allow for approximately 180 cars. For safety, the parking area will be lit by solar lighting placed in the landscaped areas of the parking lot.

There will not be any full-time employees at the venue. Family members and/or friends will be there to help with events. During an event, we will need 2-4 people there to answer questions or help with parking. The venue and house will be open or available for tours by potential customers by appointment. We are expecting to host events primarily on the weekends. Weekdays will also be available for rentals although those dates aren't usually as popular. Those that rent the property will have the option to rent for the day or weekend. An option to include the rental of the house with weekend events will also be available.

All music by band or DJ will be turned off by 11pm. Hours of operation will be from 8am to 11pm on days when events are scheduled unless the clients have also booked the house for the wedding party. The property will be available by appointment only for tours.

There will be a 2' x 3' sign at the end of the driveway. It will be made of metal and will be posted on the fence gate.

In case of an emergency, the venue barn is equipped with interior and exterior back-up flood lights for safety. Fire extinguishers are in the kitchen and storage/furnace area. Fire exits are located on 3 sides of the venue. Weather will be monitored using weather apps and anyone at the venue at times of dangerous weather will be directed to the house's basement, interior rooms or the storage room in the barn. We have met with our local fire department or emergency management to acquaint them with the venue and receive input on our safety plan. The sprinkler system will be operational by August 1. A 16,000-gallon holding tank, pump, control panel, and sprinkler equipment has been installed at the cost of over \$250,000.

An additional septic system has been installed to accommodate the additional people using the venue barn during events.

As the barn is located in the middle of the parcel (57 acres m/l), we don't expect any change in peaceful surroundings for our neighbors. The additional noise during events will be kept to a minimum by distance and our time restraints for events. Additional traffic will not be noticeable. Tonganoxie Road is already somewhat busy, so our seasonal biweekly or weekly events will not noticeably affect the traffic.

We are requesting the permit for 5 years. At that time, we would be able to revisit the uses for our space.

Thank you for your consideration.

Dan & Cindy Lynch
Orison, LLC

Addressing SUP Comments from Public Works

1. The other structure included in the narrative is the guest house. This will be used on occasion for bridal parties to get ready or for them to stay overnight if it is included in their event contract. Parking for the house is separate from the venue. There is enough parking there for 50 cars. That will never be necessary at the house.
2. The estimated average number of events per week is one per week. There will be some weeks when we don't have any and some weeks we will have more than one.
3. Most of our events will consist of one singular event (wedding, party, etc.). I can't say ALL events, but MOST. We currently only have weddings booked but that can change.
4. There shouldn't be event traffic during peak traffic hours.
5. The additional 20 trips mentioned in the narrative represent support staff for the venue.
6. A maximum capacity event could be up to 400 people. This exact number has never been discussed as county inspections prior to the SUP approval are not required. Per our square footage of 9,000 square feet, we can very comfortably hold an event with 400 people. This will include food, bar service, music, dance floor, tables and seating for 400 people. This size event could require some cars to park in the grass if needed. To break it down (200 cars x 2 (entry and exit) = 400 guest cars) plus staff of 20 people = 20 cars to be parked at the house x 2 = 40 trips. Total is 440 cars for the event. If grass parking is necessary, we will park in the center of our 58 acres, next to the event center parking lot. At no time should cars be parked on the public road.
7. The commercial vehicles should not be present during the events. They should only be there to drop off supplies. If they must remain, they will park at the house driveway.
8. We have approximately 180 parking stalls in our gravel parking lot. Generally, we approximate there will be 2 people per car. We plan on 2-10 event staff per average event = 2 to 10 additional cars. Staff will usually park in the driveway at the house on site.
9. All gates will remain open for the entirety of all events.

Additional Information for Planning & Zoning for SUP

1. The parking lot is a gravel lot without lines. It has space for approximately 180 cars.
2. Trash bags will be placed in a Honey Creek bin which will be hidden from view.
3. The water pump is scheduled to be installed to the fire suppression system on Wednesday, August 16th. The Stranger Township Fire Dept will come out after to inspect.
4. Some weddings will take place outside in the yard next to the building. This will just include the ceremony then the reception will take place inside the event center. We will have benches for guests to sit.
5. For events, we will have 2-4 people there to help with the event center. Any other staff will be employed by the clients hosting the events. I'm not sure about the maximum number of staff. Each event and client is different. It could be a few as 2 people and as many as 30.
6. Retail sales will not be on site.

Comments for Public Works regarding SUP 8/21/2023

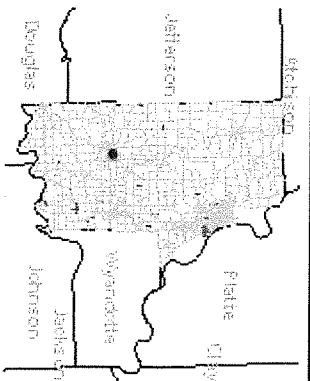
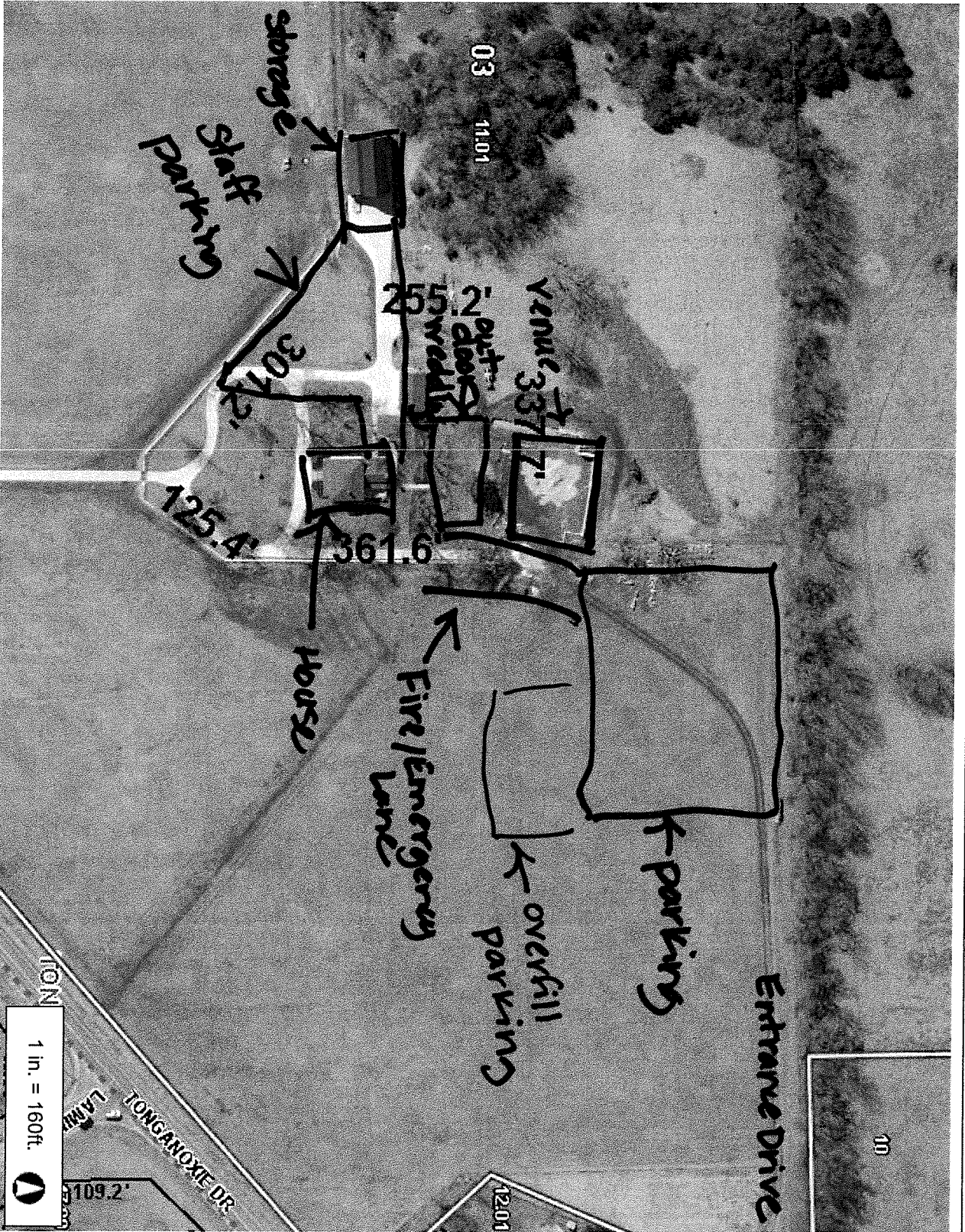
1. Guest house, drive, parking, overflow parking all included in the attached layout.

5. The maximum capacity as we currently understand it, could include up to 400 guests. There could be an additional 20 people (max) for support staff and vendors for an event of that size. That would mean an additional 40 trips. This would also be the same maximum as with any size event. Some events will only have 5 additional people (support staff and vendors). I'm guessing 20 people would be the maximum for any event.

6. The attached layout should explain this better. The gravel driveway consists of 180 parking spaces for guests. We will have overflow parking for guests in the grass (area is marked). Vendor and staff parking will be by the house either in the driveway or grassy area marked. At no time will street parking be allowed. We are expecting 2 people per car for guests and 1 person per car for support staff and vendors.

8. The driveway parking at the house will be for event staff and vendors only. There will not be any driveway parking at the guest entrance. Emergency vehicles can come through either gate to get to the venue or house. Both are open without cars parked in the drive.

Leavenworth County, KS



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

Notes

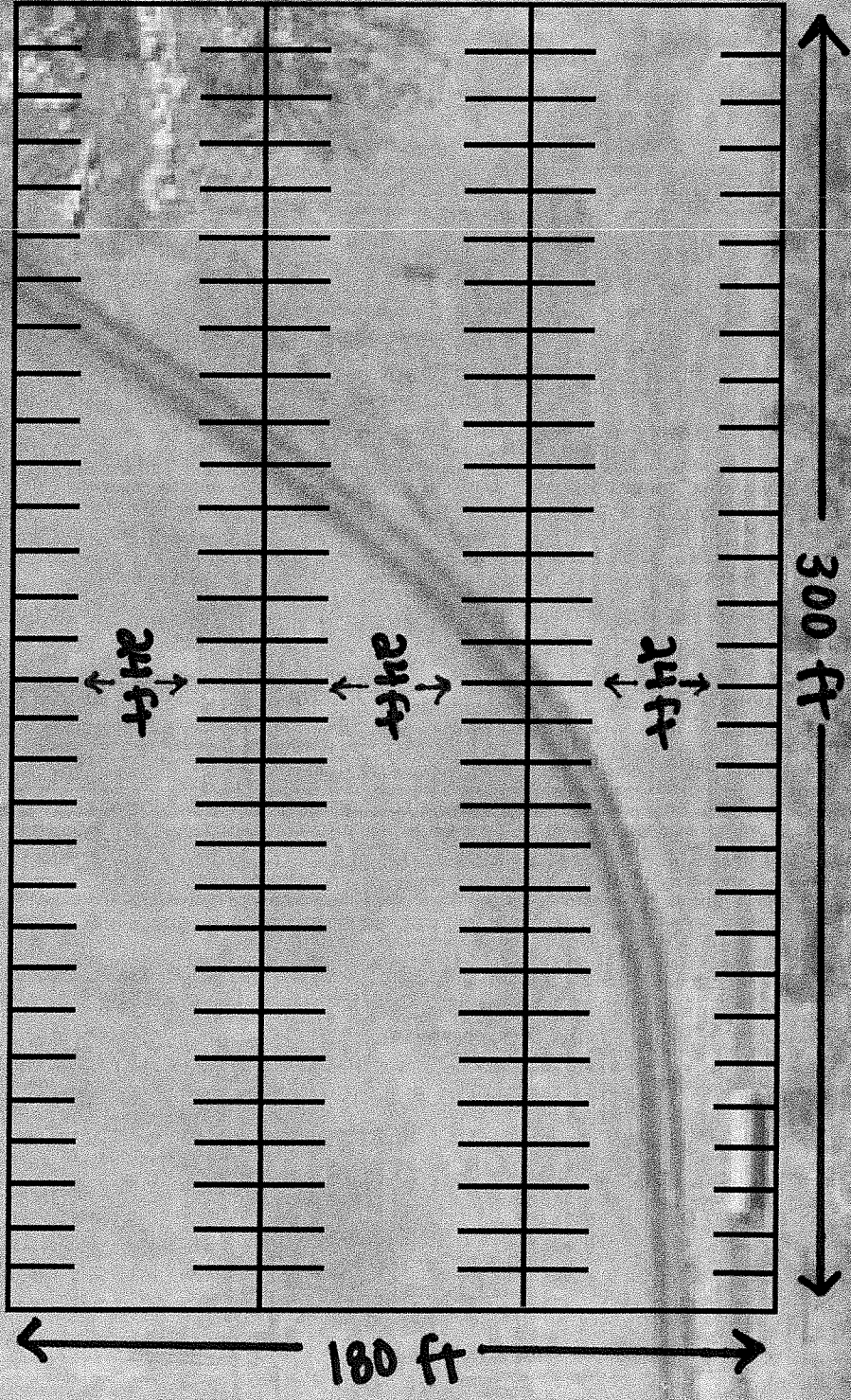
1 in. = 160ft.

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

320.5 0 160.23 320.5 Feet

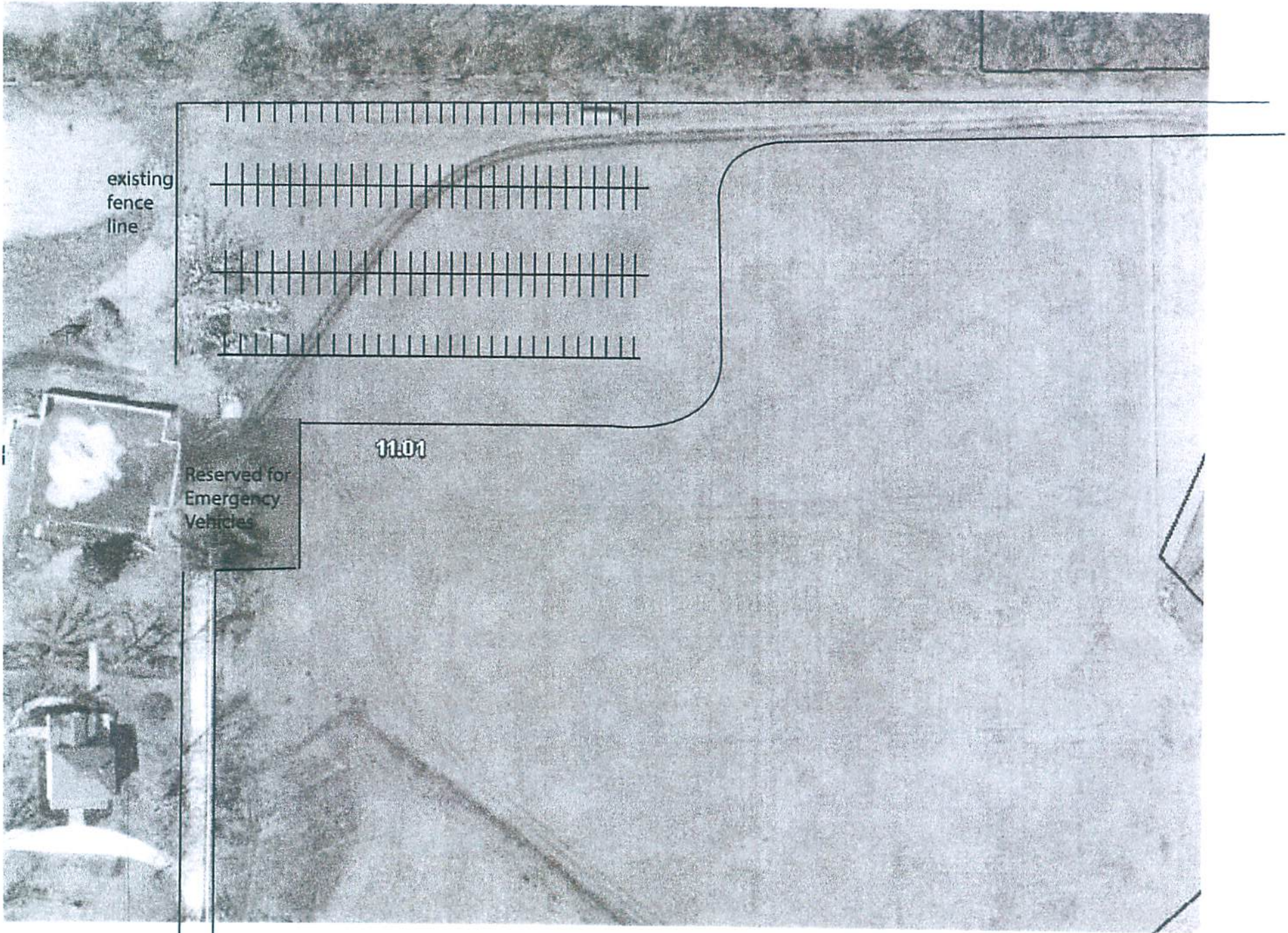
FENCE
24ft



PARKING SPACES
10ft wide
18ft long

30 SPACES PER ROW
6 ROWS

1101 180 PARKING SPACES TOTAL
ABOUT 1.24 ACRES
(54,000 sqft)



existing
fence
line

Reserved for
Emergency
Vehicles

11.01

19051 Tonganoxie Drive
Tonganoxie, Kansas 66086
Unplatted (58.7 acres)
192030000011010
Onsite Wastewater System Design (Chamber System)
For Orison LLC ("Digger" Jim Manderscheid)
March 23, 2023 page 1 of 2



Existing residence with four bedrooms (short-term stays) and event building for approximately 300 people/event.

Estimated flow:

Residence with four bedrooms – no proposed change to existing system, separate from event building system.

Proposed event building, approximately 300 guests/event and one event per week

Onsite kitchen, but no onsite food preparation, catering only

Event space has one kitchen sink, bar sink, shower, five lavatory sinks, four toilets, two urinals

Peak flow/event = 300 people/event x 3 gpd/meal served [1] = 900 gal/event (dinning hall, catered)

Average flow = peak flow/6 days* = 900 gpd/6 days* = 150 gpd (* sized for 1 events/week)

Site soils [2]: 7303 Martin silty clay loam, 3 to 7% slopes (house, event building, onsite wastewater system)
7252 Grundy silty clay loam, 1 to 3% slopes (southeast of site towards Tonganoxie Drive)
NRCS Rating for septic tank absorption field: very limited
Reasons for rating: Slow water movement, depth to saturated zone

Soil profile by Digger Jim 8/4/21, two holes located northeast of proposed event space, south of tree line

0" – 15" very dark grayish brown color, no redoximorphic features, silty clay loam texture, moderate blocky structure, moist friable consistency, many roots, easy to dig, conv. system loading rate 0.4 gpd/ft²
15" – 41" dark yellowish brown color, no redoximorphic features, clay loam texture, weak blocky structure, moist firm consistency, few roots, harder to dig, conventional system loading rate 0.2 gpd/ft²
41" – 63" very dark grayish brown color, "few mottles", clay loam texture, weak blocky structure, moist firm consistency, no roots, harder to dig, conventional system loading rate 0.2 gpd/ft²

Design Loading rate: 0.2 gpd/ft² based on soil profile

Note: Area of soil profile location used for gravel parking lot for event building. Onsite wastewater system (1,500 gal septic tank with three, 100 ft chamber absorption laterals) installed mid-July 2022 and per accessory building permit #SEW-22-139. Soil profile 8/4/21 approximately 300 ft north of installed onsite wastewater system. If event building wastewater system is expanded in the future, recommend new soil profile south of system installed July 2022.

Residence with four bedroom (short-term stays) – no proposed change to existing system

Event building system:

Calculated absorption area: 150 gpd / 0.2 gpd/ft² = 750 sf

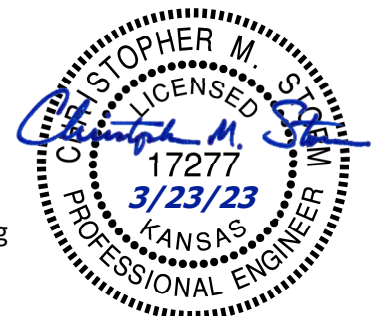
Based 3 ft camber width, required chamber lateral length = 750 sf / 3 ft = 250 ft

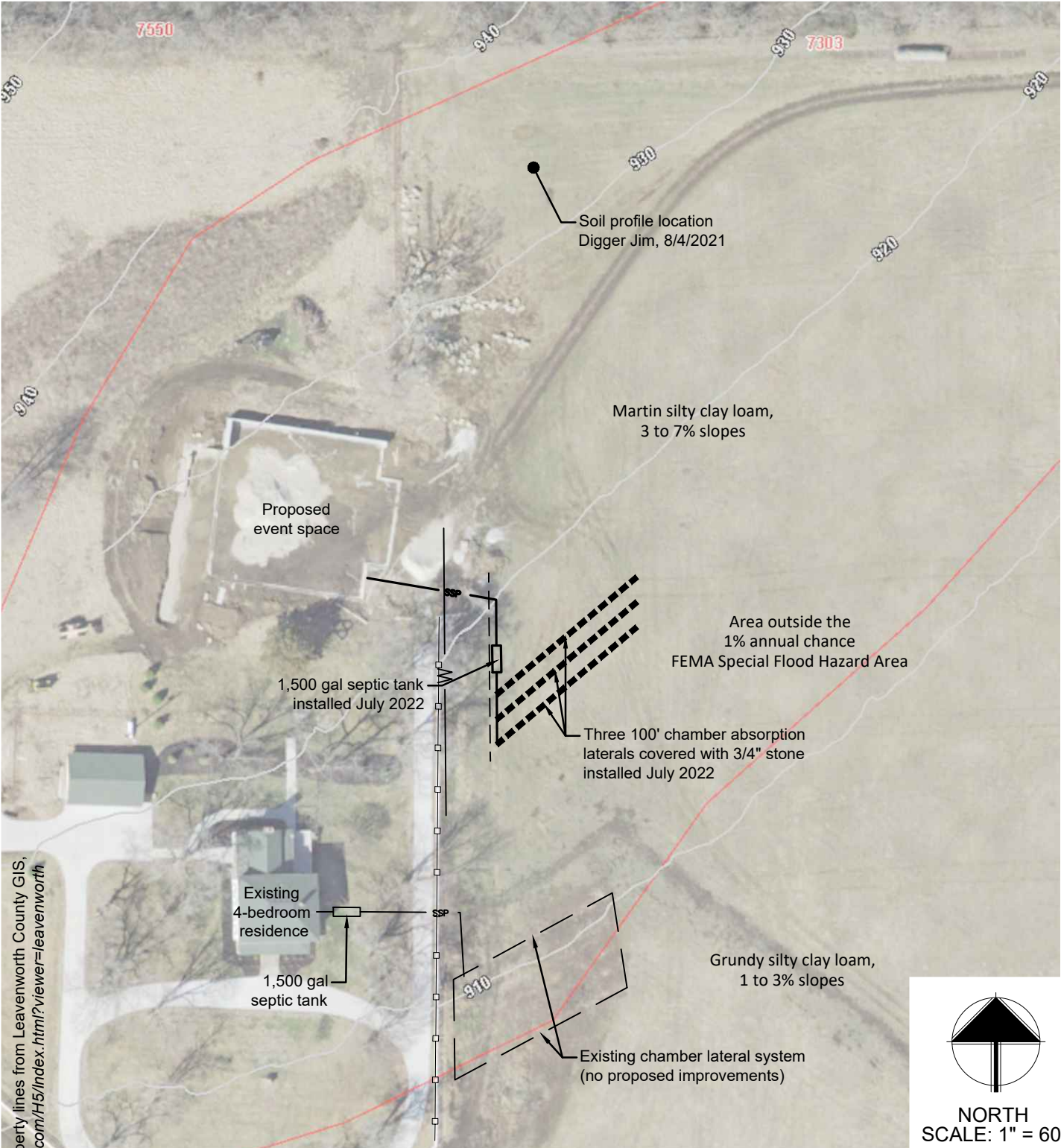
Total chamber lateral installed = 300 ft, installed system should have sufficient capacity for events

Note: Onsite wastewater system may be overloaded by seasonal precipitation, more frequent events, and higher than estimated water usage. Recommend monitoring system prior to events and during wet weather to ensure system is functioning properly.

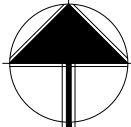
[1] Office of Water, Office of Research and Development, U.S. Environmental Protection Agency. Onsite Wastewater Treatment System Manual, EPA/625/R-00/008, Table 3-5, February 2002.

[2] Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at the following link: <https://websoilsurvey.sc.egov.usda.gov/>, Accessed July 7, 2021.





2022 Aerial image and property lines from Leavenworth County GIS, leavenworthgis.integritygis.com/H5/index.html?viewer=leavenworth



NORTH
SCALE: 1" = 60'



19051 Tonganoxie Drive
 Tonganoxie, Kansas 66086
 Unplatted (58.7 acres)
 1920300000011010
 Onsite Wastewater System Design
 Orison LLC ("Digger" Jim Manderscheid)
 page 2 of 2 March 23, 2023



Sight Distance Check

The sight distance for the entrance to a proposed event center located at 19051 TONGANOXIE DR, Tonganoxie, KS 66086 was checked for conformance to AASHTO standards.

The entrance will be located on the west side of Tonganoxie Drive north of Laming Road. Tonganoxie Drive is classified as an arterial roadway with a posted speed limit of 55 mph.

A site visit was conducted on January 4, 2023 to field verify the actual sight distances at the entrance. The AASHTO requirements for sight distance are shown in the following exhibits.

Metric				US Customary			
Design speed (km/h)	Stopping sight distance (m)	Intersection sight distance for passenger cars		Design speed (mph)	Stopping sight distance (ft)	Intersection sight distance for passenger cars	
		Calculated (m)	Design (m)			Calculated (ft)	Design (ft)
20	20	41,7	45	15	80	165,4	170
30	35	62,6	65	20	115	220,5	225
40	50	83,4	85	25	155	275,6	280
50	65	104,3	105	30	200	330,8	335
60	85	125,1	130	35	250	385,9	390
70	105	146,0	150	40	305	441,0	445
80	130	166,8	170	45	360	496,1	500
90	160	187,7	190	50	425	551,3	555
100	185	208,5	210	55	495	606,4	610
110	220	229,4	230	60	570	661,5	665
120	250	250,2	255	65	645	716,6	720
130	285	271,1	275	70	730	771,8	775
				75	820	826,9	830
				80	910	882,0	885

Note: Intersection sight distance shown is for a stopped passenger car to turn left onto a two-lane highway with no median and grades 3 percent or less. For other conditions, the time gap must be adjusted and required sight distance recalculated.

Exhibit 9-55. Design Intersection Sight Distance—Case B1—Left Turn From Stop

Metric				US Customary			
Design speed (km/h)	Stopping sight distance (m)	Intersection sight distance for passenger cars		Design speed (mph)	Stopping sight distance (ft)	Intersection sight distance for passenger cars	
		Calculated (m)	Design (m)			Calculated (ft)	Design (ft)
20	20	36.1	40	15	80	143.3	145
30	35	54.2	55	20	115	191.1	195
40	50	72.3	75	25	155	238.9	240
50	65	90.4	95	30	200	286.7	290
60	85	108.4	110	35	250	334.4	335
70	105	126.5	130	40	305	382.2	385
80	130	144.6	145	45	360	430.0	430
90	160	162.6	165	50	425	477.8	480
100	185	180.7	185	55	495	525.5	530
110	220	198.8	200	60	570	573.3	575
120	250	216.8	220	65	645	621.1	625
130	285	234.9	235	70	730	668.9	670
				75	820	716.6	720
				80	910	764.4	765

Note: Intersection sight distance shown is for a stopped passenger car to turn right onto or cross a two-lane highway with no median and grades 3 percent or less. For other conditions, the time gap must be adjusted and required sight distance recalculated.

Exhibit 9-58. Design Intersection Sight Distance—Case B2—Right Turn from Stop and Case B3—Crossing Maneuver

The sight distance at the entrance meets the AASHTO requirements. Vehicles turning left onto Tonganoxie Drive have an unobstructed view that extends south past Laming Road. For vehicles turning to the right, the view is unobstructed to the E Sycamore Street intersection.

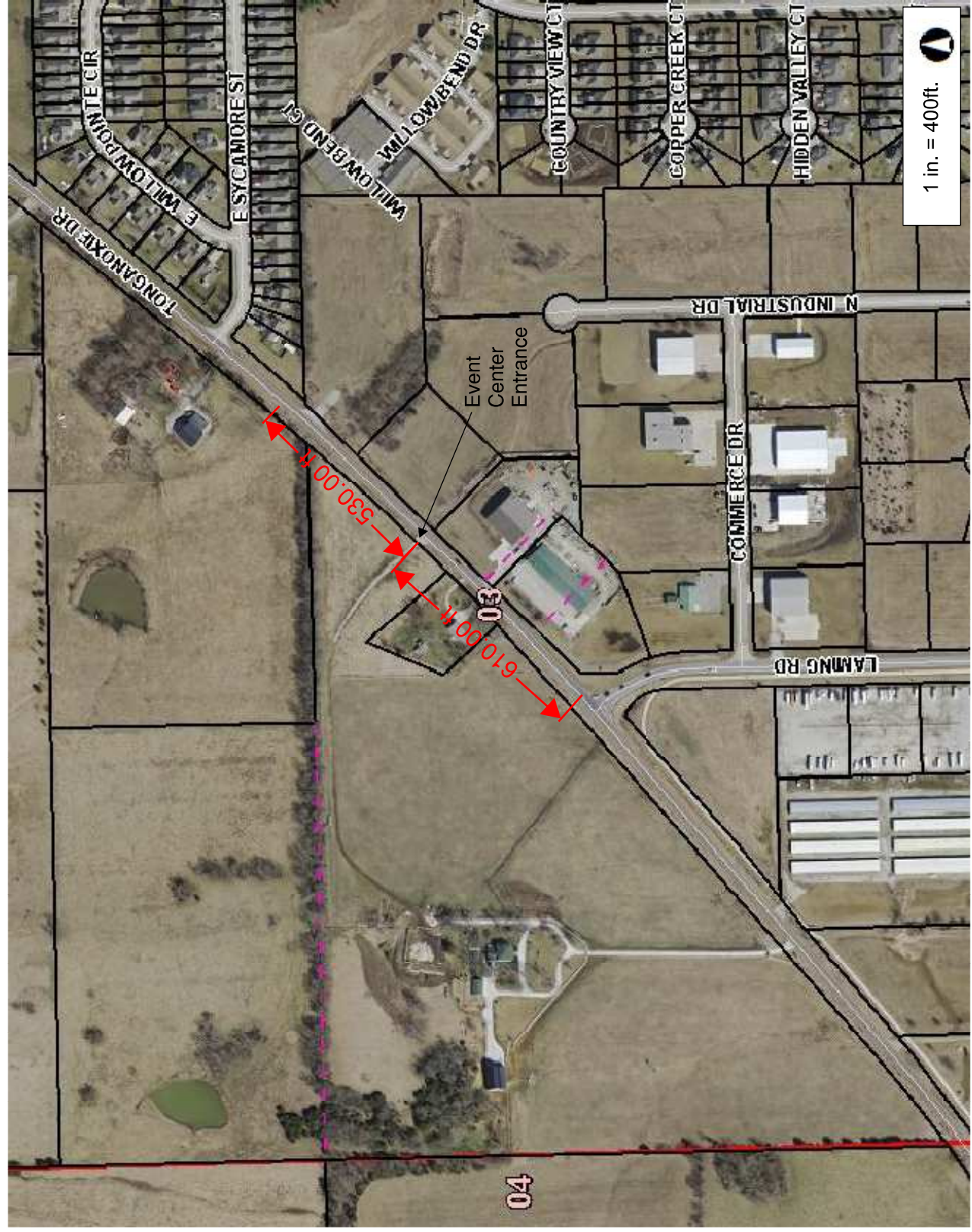


Leavenworth County, KS



- Legend**
- Lot Line
 - Parcel
 - Major Road
 - <all other values>
 - 70
 - Road
 - Railroad
 - Section
 - Section Boundaries
 - County Boundary

Notes



800.0 0 400.00 800.0 Feet

1 in. = 400ft.

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THIS MAP IS NOT TO BE USED FOR NAVIGATION





Laming Rd

System Dynamics dba Waterline Controls
 PO Box 12544
 Scottsdale, AZ 85267 US
 480-905-1892
 info@waterlinecontrols.com
 www.waterlinecontrols.com



Estimate

ADDRESS
 DAN LYNCH
 +1913481684

SHIP TO
 DAN LYNCH
 +1913481684

ESTIMATE # 131204
DATE 07/27/2023

SHIP VIA
 Fedex Ground

SALES REP
 NHE

ACTIVITY	QTY	RATE	AMOUNT
FPT-50-110VAC PROGRAM: SIMPLEX FILL W/ HIGH & LOW ALARMS ENCLOSURE: RED W/ LOCKABLE LATCH AND SPDT RELAYS INPUT POWER: 110VAC AUDIBLE ALARM: YES SENSOR: 3050 SENSOR CABLE LENGTH: 50FT MOUNTING: FPT STD EXT (A): EXT5	1	2,006.25	2,006.25
SENSOR-EXT5-45.5in SENSOR EXTENSION ROD KIT LENGTH: 45.5in ROD COLORS: BLK-BRN-WHT-RED-GRN THREADS ONTO SENSOR RODS & EXTENDS EACH ROD BY 45.5in INCLUDES ALL HARDWARE. MAY BE FIELD CUT TO DESIRED LENGTH	1	187.50	187.50
Shipping and Handling Shipping and Handling	1	58.00	58.00

TOTAL **\$2,251.75**

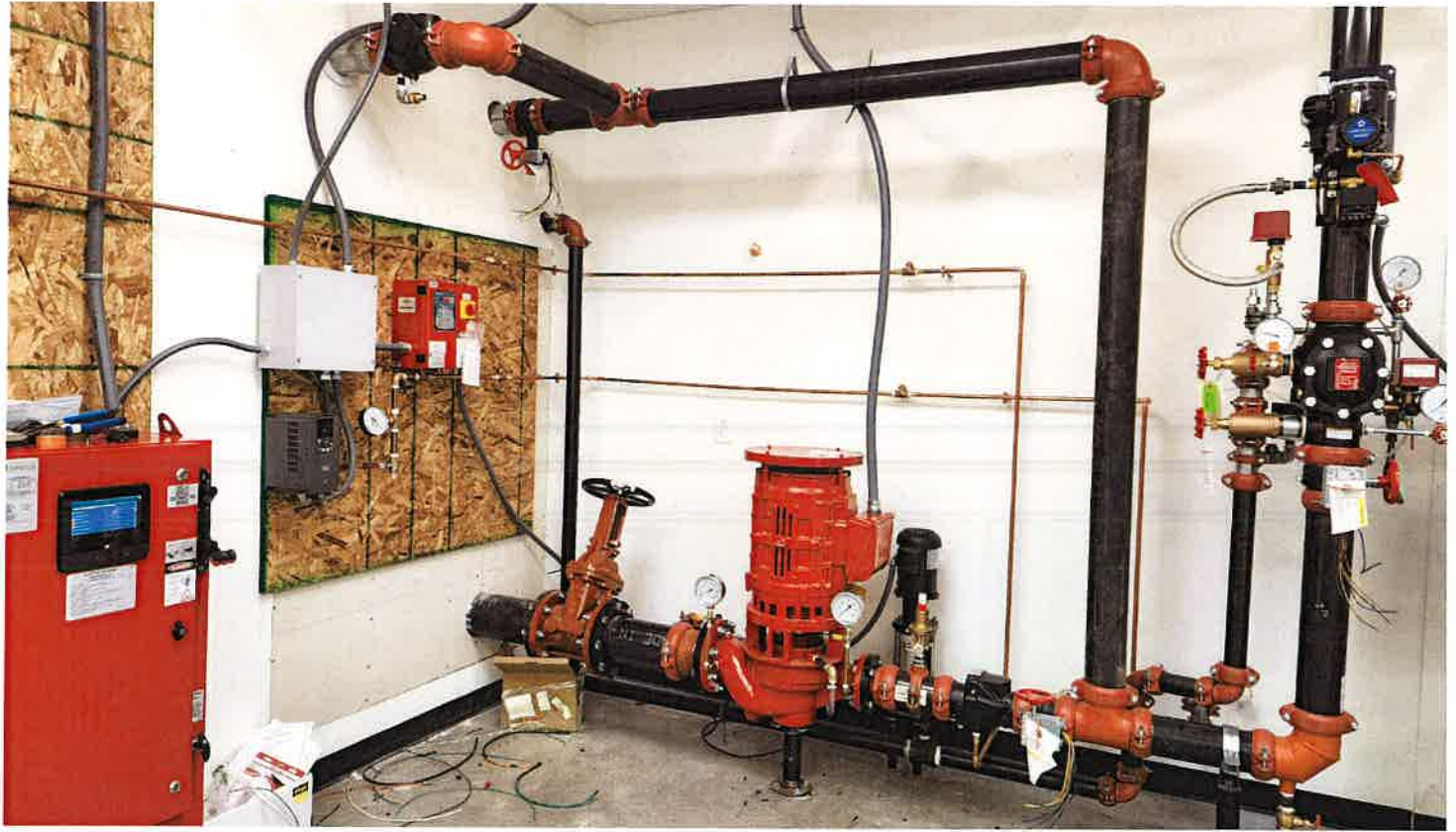
Accepted By

Accepted Date

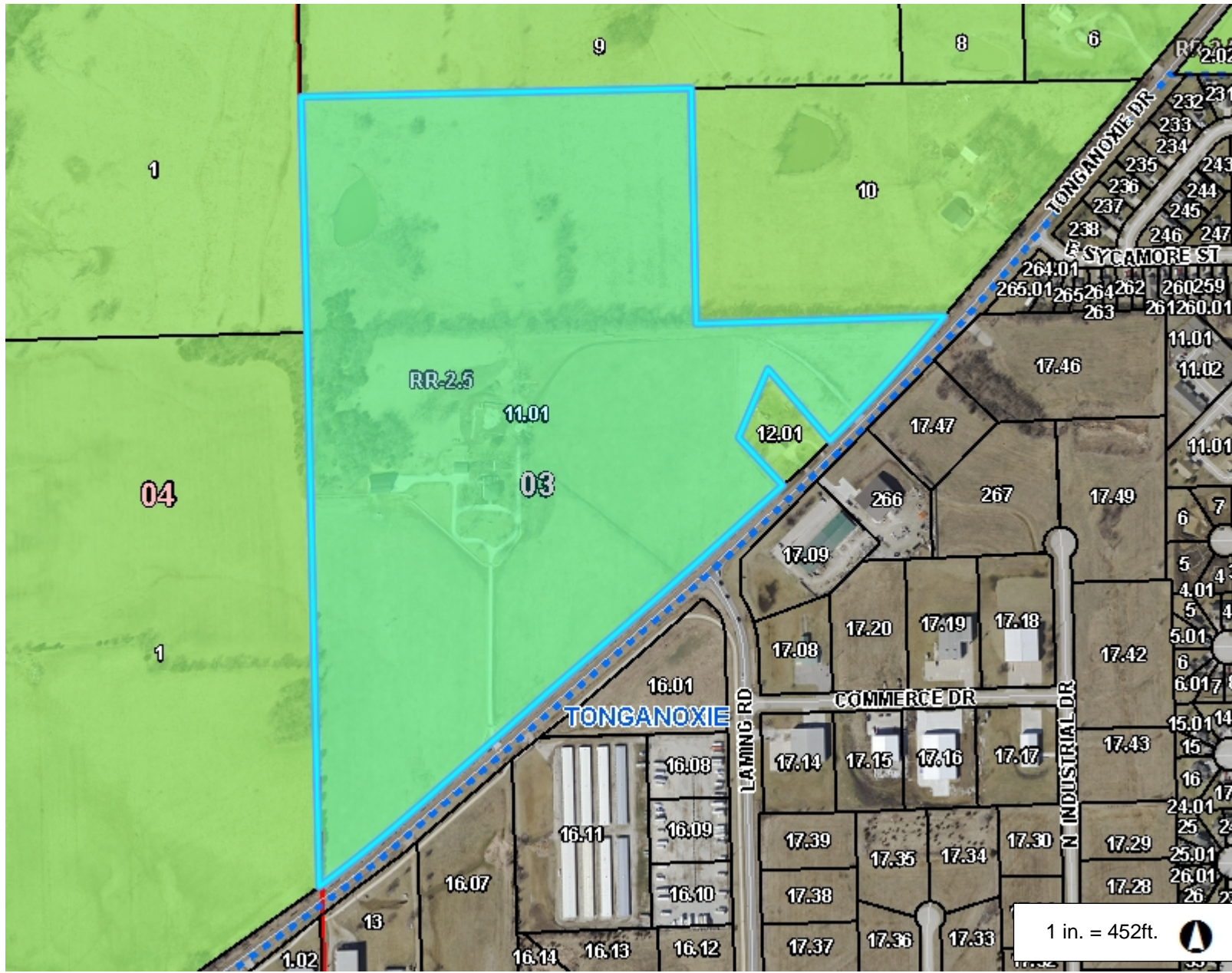








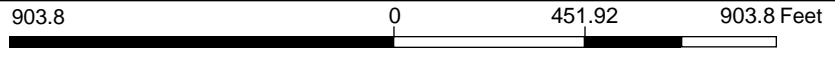
DEV-23-110 Whiskey Ridge Event Center



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. = 452ft.



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

MEMO

To: Krystal Voth
From: Chuck Magaha
Subject: Event Center Whiskey Ridge
Date: August 3, 2023

Krystal, thank you for the opportunity in review the recent special use permit submitted by Dan and Cindy Lynch for an event center on their property. The suggestion I have would be the requirement of a contingent plan for the applicant in all hazard planning pertaining to their facility. The center would be responsible to provide safe shelter in the event of dangerous weather or other emergencies as they have provided some details of the location in the existing site. The applicant needs to consider fire protection, IE. Escape routes posted, notification procedures and emergency contacts to be posted throughout the facilities. The applicant needs to be able to address the public during severe weather, sheltering in the event of tornados or high winds or flood. An all hazard weather radio needs to be placed in the facility and monitored for impending alerts that may affect the area. Smoke detectors placed throughout the gathering points of the center. A sign posted on the outside of the facility of emergency contacts for emergency responders to make contact if the applicant is not present during the emergency. I would like to see a Fire Hydrant placed at the base of the land owners driveway along Tonganoxie Drive for fire suppression on a 6" water line. I have no further comments to make at this time.

Note: 8/3/2023-This is my original response to share regarding the facility. With the owners providing the fire sprinkler system still would not eliminate the need for a fire hydrant.

Thanks

Chuck

Allison, Amy

From: Mark B <stfdchief1760@gmail.com>
Sent: Thursday, August 3, 2023 9:06 AM
To: Allison, Amy
Cc: Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Brown, Misty; amanda.holloway@freestate.coop; Rural Water District 9 lvrwd9; George Brajkovic; PZ
Subject: Re: DEV-23-110 Special Use Permit – Whiskey Ridge Event Center

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

Stranger Township Fire Department has been working with the owner on this project and has no issues with the issuance of the permit.

Mark Billquist
Stranger Township Fire Chief

On Wed, Aug 2, 2023 at 4:44 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding an event center at 19051 Tonganoxie Drive.

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, August 15, 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

Disclaimer

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--

Mark Billquist

Stranger Township Fire Chief

Midwest Regional Treasurer 10-33 Foundation

[913-369-0510](tel:913-369-0510) mobile

stfdchief1760@gmail.com

"Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that." - Martin Luther King Jr.

Allison, Amy

From: Amanda Tarwater <amanda.tarwater@freestate.coop>
Sent: Wednesday, August 9, 2023 2:50 PM
To: Allison, Amy
Subject: RE: DEV-23-110 Special Use Permit – Whiskey Ridge Event Center

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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, August 2, 2023 4:44 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mark B' <stfdchief1760@gmail.com>; Amanda Tarwater <amanda.tarwater@freestate.coop>; 'Rural Water District 9 lvrwd9' <lvrwd9@gmail.com>; 'George Brajkovic' <gbrajkovic@tonganoxie.org>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-110 Special Use Permit – Whiskey Ridge Event Center

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 Department of Planning and Zoning has received an application for a Special Use Permit regarding an event center at 19051 Tonganoxie Drive.

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, August 15, 2023.

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

Allison, Amy

From: Patzwald, Joshua
Sent: Friday, August 11, 2023 8:33 AM
To: Allison, Amy
Subject: RE: RE: DEV-23-110 Special Use Permit – Whiskey Ridge Event Center

Ref 23-109 and 23-110, the Sheriff's Office has no objection to this permits. We have met with the owners previously and discussed our concerns.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, August 2, 2023 4:44 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mark B' <stfdchief1760@gmail.com>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; 'Rural Water District 9 lvrwd9' <lvrwd9@gmail.com>; 'George Brajkovic' <gbrajkovic@tonganoxie.org>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-110 Special Use Permit – Whiskey Ridge Event Center

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding an event center at 19051 Tonganoxie Drive.

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, August 15, 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

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Allison, Amy

From: George Brajkovic <gbrajkovic@tonganoxie.org>
Sent: Wednesday, August 16, 2023 4:05 PM
To: Allison, Amy
Subject: RE: DEV-23-110 Special Use Permit – Whiskey Ridge Event Center

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Amy-

My apology for the delayed response. Tonganoxie does not have any issue with the application.

George

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, August 2, 2023 4:44 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mark B' <stfdchief1760@gmail.com>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; 'Rural Water District 9 lvrwd9' <lvrwd9@gmail.com>; George Brajkovic <gbrajkovic@tonganoxie.org>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-110 Special Use Permit – Whiskey Ridge Event Center

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

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Allison, Amy

From: Rural Water District 9 lvrwd9 <lvrwd9@gmail.com>
Sent: Friday, August 18, 2023 3:16 PM
To: Mark B
Cc: Allison, Amy; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Brown, Misty; amanda.holloway@freestate.coop; George Brajkovic; PZ
Subject: Re: DEV-23-110 Special Use Permit – Whiskey Ridge Event Center

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

LVRWD9 does not have any issues at this time with Whiskey Ridge receiving a Special Use Permit.

On Thu, Aug 3, 2023 at 9:06 AM Mark B <stfdchief1760@gmail.com> wrote:

Stranger Township Fire Department has been working with the owner on this project and has no issues with the issuance of the permit.

Mark Billquist
Stranger Township Fire Chief

On Wed, Aug 2, 2023 at 4:44 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding an event center at 19051 Tonganoxie Drive.

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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

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--

Mark Billquist

Stranger Township Fire Chief

Midwest Regional Treasurer 10-33 Foundation

[913-369-0510](tel:913-369-0510) mobile

stfdchief1760@gmail.com

"Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that." - Martin Luther King Jr.

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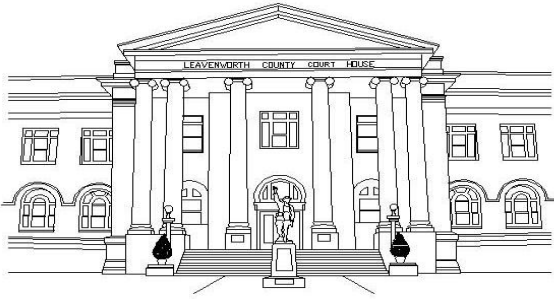
Thanks and have a great day,



Karen Armstrong

District Manager

913-845-3571



COUNTY OF LEAVENWORTH

Department of Public Works

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone (913) 684-0470

Fax (913) 684-0473

August 24, 2023

Whiskey Ridge SUP DEV-23-110 – Public Works Review

The Public Works Department have reviewed the following documents:

- 23.08.08 Application
- 23.08.08 Revised Application
- 23.01.04 Site Distance Memo
- 23.08.08 Parking Lot Layout
- 23.08.15 Additional Information from Applicant
- 23.08.21 Response Letter
- 23.08.21 Parking Layout

Below are comments from the received documents listed above. Direct any questions to Amy Allison at aallison@leavenworthcounty.gov.

Tonganoxie Rd. is a two-lane hard surfaced roadway.

County has reported the barn has been constructed under a separate permit.

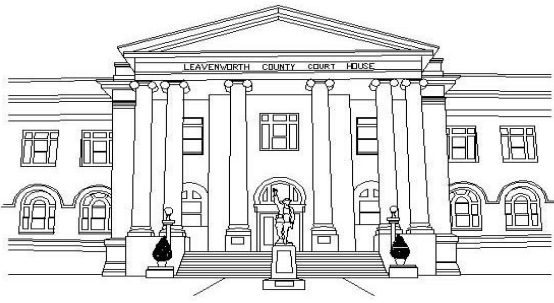
Sign and septic system to be permitted with a separate application.

Fire Protection and Sprinkler System not reviewed by Public Works.

Comment Responses:

1. Olsson Comment (08.11.23): From the application, the number of structures used for Special Use Permit is 2. The narrative includes the use of 1 structure. Provide additional information on the second structure use, trips, and parking.

Applicant Response (08.15.23): The other structure included in the narrative is the guest house. This will be used on occasion for bridal parties to get ready or for them to stay overnight if it is included in their event contract. Parking for the house is separate from the venue. There is enough parking there for 50 cars. That will never be necessary at the house.



COUNTY OF LEAVENWORTH

Department of Public Works

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone (913) 684-0470

Fax (913) 684-0473

Olsson Response (08.17.23): Include the guest house and drive to the main parking area in the parking lot layout.

Applicant Response (08.21.23): Guest house, drive, parking, overflow parking all included in the attached layout.

Olsson Response (08.24.23): Reviewer is unable to confirm additional areas are adequate for onsite parking and circulation with the additional layout submitted. Provide a layout of planned onsite parking, aisles, and drive lanes to scale with dimensions. Layout to include parking aisle widths, drive lane widths, and layout of the additional parking. Include overflow, fire/emergency, house, staff, and vendor areas.

2. Olsson Comment (08.11.23): Estimated traffic assumes 1 event per week year round. The narrative states events to be hosted primarily on the weekends but weekday rentals are also available. Confirm the estimated event is 1 per week.

Applicant Response (08.15.23): The estimated average number of events per week is one per week. There will be some weeks when we don't have any and some weeks we will have more than one.

Olsson Response (08.17.23): No further comment.

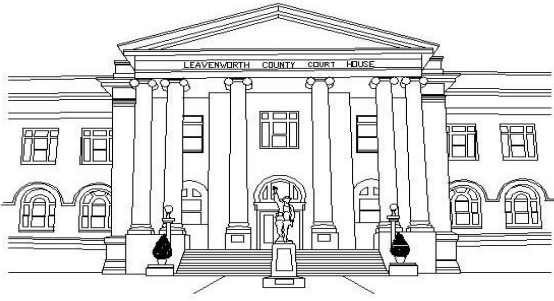
3. Olsson Comment (08.11.23): From the application, the venue can be rented for the weekday or weekend. Clarify if a rental is expected to be like a conference/event where visitors are in and out often or is this (for example) a wedding party renting with one main event. Is traffic limited to an event or continual traffic to/from the site?

Applicant Response (08.15.23): Most of our events will consist of one singular event (wedding, party, etc.). I can't say ALL events, but MOST. We currently only have weddings booked but that can change.

Olsson Response (08.17.23): No further comment.

4. Olsson Comment (08.11.23): Will weekday entering or exiting trips be within the AM (7-9 AM) or PM (4-6 PM) traffic peak hour?

Applicant Response (08.15.23): There shouldn't be event traffic during peak traffic hours.



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Olsson Response (08.17.23): No further comment.

5. Olsson Comment (08.11.23): On the application, the estimated traffic is 320 passenger vehicles. The narrative states a 300 person event. Is the additional 20 trips for support staff?

Applicant Response (08.15.23): The additional 20 trips mentioned in the narrative represent support staff for the venue.

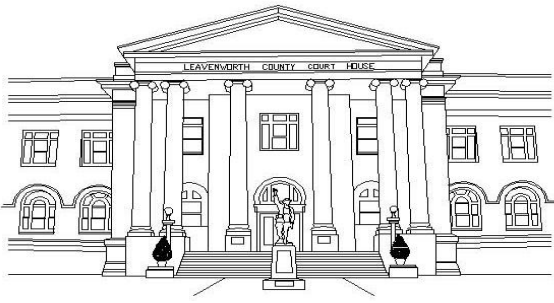
Olsson Response (08.17.23): Revised application information received on 8/15/23 states the maximum capacity event could be up to 400 people. Would support staff trips be 20 trips or the same as a 300 person event? The document 'SUP Planning and Zoning 08_14_23' indicates up to 30 staff. Would vendors be in addition to this number? The application should indicate the number of trips expected with a maximum capacity event, include guests/staff/vendors.

Applicant Response (08.21.23): The maximum capacity as we currently understand it, could include up to 400 guests. There could be an additional 20 people (max) for support staff and vendors for an event of that size. That would mean an additional 40 trips. This would also be the same maximum as with any size event. Some events will only have 5 additional people (support staff and vendors). I'm guessing 20 people would be the maximum for any event.

Olsson Response (08.24.23): No further comment.

6. Olsson Comment (08.11.23): Confirm expected trips for a maximum capacity event. Total number of trips should include guests trips as well as support staff (event staff, catering, trash, and etc.). State the number of expected commercial vehicle trips. Provide the assumed number of guests per vehicle for an event.

Applicant Response (08.15.23): A maximum capacity event could be up to 400 people. This exact number has never been discussed as county inspections prior to the SUP approval are not required. Per our square footage of 9,000 square feet, we can very comfortably hold an event with 400 people. This will include food, bar service, music, dance floor, tables and seating for 400 people. This size event could require some cars to park in the grass if needed. To break it down (200 cars x 2 (entry and exit) = 400 guest cars) plus staff of 20 people = 20 cars to be parked at the house x 2 = 40 trips. Total is 440 cars for the event. If grass parking is necessary, we will park in the center of our 58 acres, next to the event center parking lot. At no time should cars be parked on the public road.



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Olsson Response (08.17.23): Parking area layout provided indicates 180 parking stalls. Assuming two guests per vehicle, plus staff/vendors, the proposed parking is not adequate to support a 400 person event. Provide a revised parking lot layout serving maximum capacity (guests including staff/vendors).

Applicant Response (08.21.23): The attached layout should explain this better. The gravel driveway consists of 180 parking spaces for guests. We will have overflow parking for guests in the grass (area is marked). Vendor and staff parking will be by the house either in the driveway or grassy area marked. At no time will street parking be allowed. We are expecting 2 people per car for guests and 1 person per car for support staff and vendors.

Olsson Response (08.24.23): Reviewer is unable to confirm additional areas are adequate for onsite parking and circulation with the additional layout submitted. Provide a layout of planned onsite parking, aisles, and drive lanes to scale with dimensions. Layout to include parking aisle widths, drive lane widths, and layout of the additional parking. Include overflow, fire/emergency, house, staff, and vendor areas.

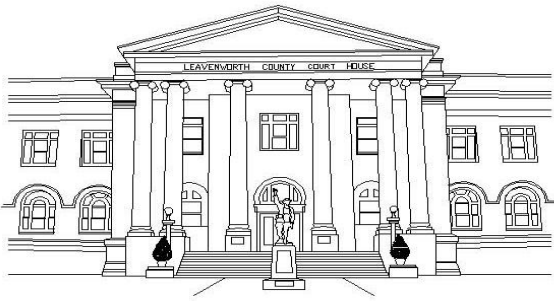
7. Olsson Comment (08.11.23): On the estimated traffic form 3-5 commercial trips are proposed. Will the commercial vehicles be present during an event? If so, where will the commercial vehicles park?

Applicant Response (08.15.23): The commercial vehicles should not be present during the events. They should only be there to drop off supplies. If they must remain, they will park at the house driveway.

Olsson Response (08.17.23): No further comment.

8. Olsson Comment (08.11.23): The narrative indicates that approximately 180 parking stalls will be provided; reviewing the parking layout it appears 168 stalls are proposed. Confirm number of parking stalls to be provided. Provide expected ridership per vehicle for event attendees as well as expected number of support staff. Will support staff park in the same lot as event attendees?

Applicant Response (08.15.23): We have approximately 180 parking stalls in our gravel parking lot. Generally, we approximate there will be 2 people per car. We plan on 2-10 event staff per average event = 2 to 10 additional cars. Staff will usually park in the driveway at the house on site.



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Olsson Response (08.17.23): See comment #6 requesting updated parking lot layout. Reviewing aerial imagery, parking along the driveway would potentially impact site circulation and flow. Parked vehicles should not block access to the event venue (emergency vehicles).

Applicant Response (08.21.23): The driveway parking at the house will be for event staff and vendors only. There will not be any driveway parking at the guest entrance. Emergency vehicles can come through either gate to get to the venue or house. Both are open without cars parked in the drive.

Olsson Response (08.24.23): Reviewer is unable to confirm additional areas are adequate for onsite parking and circulation with the additional layout submitted. Provide a layout of planned onsite parking, aisles, and drive lanes to scale with dimensions. Layout to include parking aisle widths, drive lane widths, and layout of the additional parking. Include overfill, fire/emergency, house, staff, and vendor areas.

9. Olsson Comment (08.11.23): It appears the property is gated. Is there any guidance from fire/emergency services regarding how the gate should operate during an event.

Applicant Response (08.15.23): All gates will remain open for the entirety of all events.

Olsson Response (08.17.23): No further comment.

Initial Public Work Comments (Comments may change based on the review of the above requested additional information):

1. Application states a proposed sign. Any signage should be placed such that it does not restrict sight distance for the drive.
2. From a traffic perspective the gate needs to remain open prior to/during/after an event due to concerns of no space for a vehicle to queue at the entrance and to prevent queueing on the public road due to the gate being closed.

Allison, Amy

From: Mark B <stfdchief1760@gmail.com>
Sent: Friday, September 1, 2023 3:23 PM
To: Allison, Amy
Cc: Dan Lynch; Cindy Lynch; Bert Dunham; Troy McKitrick
Subject: Re: DEV-23-110 Special Use Permit – Whiskey Ridge Event Center

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 inspected the Whiskey Ridge event center yesterday and reviewed the sprinkler test documentation.

To the best of my knowledge, I can approve of the safe use of the facility for its intended use.

Please let me know if you need anything further.

Mark Billquist
Stranger Township Fire Chief

On Wed, Aug 2, 2023 at 4:44 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding an event center at 19051 Tonganoxie Drive.

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, August 15, 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

Disclaimer

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

--

Mark Billquist

Stranger Township Fire Chief

Midwest Regional Treasurer 10-33 Foundation

[913-369-0510](tel:913-369-0510) mobile

stfdchief1760@gmail.com

"Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that." - Martin Luther King Jr.

Leavenworth Times Affidavit of Publication

County of Leavenworth
State of Kansas
NOTICE OF PUBLIC HEARING

Notice is hereby given for the Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-23-110) for a Special Use Permit for an Event Center for Whiskey Ridge Event Center such use being listed in Article 19, Table of Uses, in the Leavenworth County Zoning and Subdivision Regulations.

The Special Use Permit (DEV-23-110) request is for the following described property:

A tract of land in the Southwest Quarter of Section 3, Township 11 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas

Request submitted by Dan & Cindy Lynch
Address: 19051 Tonganoxie Drive, Tonganoxie, KS 66086
Parcel ID number: 192-03-0-00-011.01

The hearing will be held on Wednesday the 13th day of September, 2023 at 5:30 p.m., in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas. Further information is available, including the full legal description, for inspection during regular business hours in the Leavenworth County Planning & Zoning Department.

We encourage public input. If you wish to provide comments in writing instead of in person, written comments must be received no later than noon Tuesday, September 12, 2023.

John Jacobson, Secretary
Leavenworth County Planning Commission Publish by 8/23/2023

Published in the Leavenworth Times, August 22, 2023.

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 22nd day of August, 2023.

WITNESS my hand this 22nd day of August, 2023.

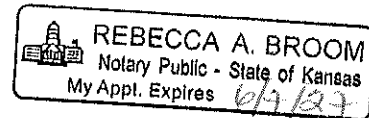
Tammy Lawson
Legal Representative

Subscribe and sworn before me, this 22 day of Aug, 2023.

Rebecca A. Broom

Notary Public

My Commission Expires: 6/7/27



**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-114 Brock Rezone

September 13, 2023

REQUEST: *Public Hearing Required*

- ZONING AMENDMENT SPECIAL USE PERMIT
 TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 21658 & 00000 Loring Road

APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING COMPANY

PROPERTY OWNER:

HAL & NANCY BROCK
21658 LORING ROAD
LINWOOD KS 66052

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
COUNTY ROAD 1

LEGAL DESCRIPTION:

Four tracts of land in the South ½ of the Southeast ¼ of Section 9, Township 12, Range 21 East of the Sixth Principal Meridian in Leavenworth County, Kansas

SUBDIVISION: N/A

FLOODPLAIN: ZONE A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-114, Brock Rezone, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-114, Brock Rezone, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 57.4 ACRES

PARCEL ID NO:

222-09-0-00-00-010.00, 222-09-0-00-00-010.02, & 222-09-0-00-00-010.03

BUILDINGS:

1 SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURE

PROJECT SUMMARY:

Request to rezone four parcels at 21658 & 00000 Loring Road (PID: 222-09-0-00-00-010.00, 222-09-0-00-00-010.02, & 222-09-0-00-00-010.03).

ACCESS/STREET:

LORING RD
LOCAL, GRAVEL, ±24' WIDE

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: RENO

WATER: RWD 10

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 8/17/2023

NEWSPAPER NOTIFICATION:
8/22/2023

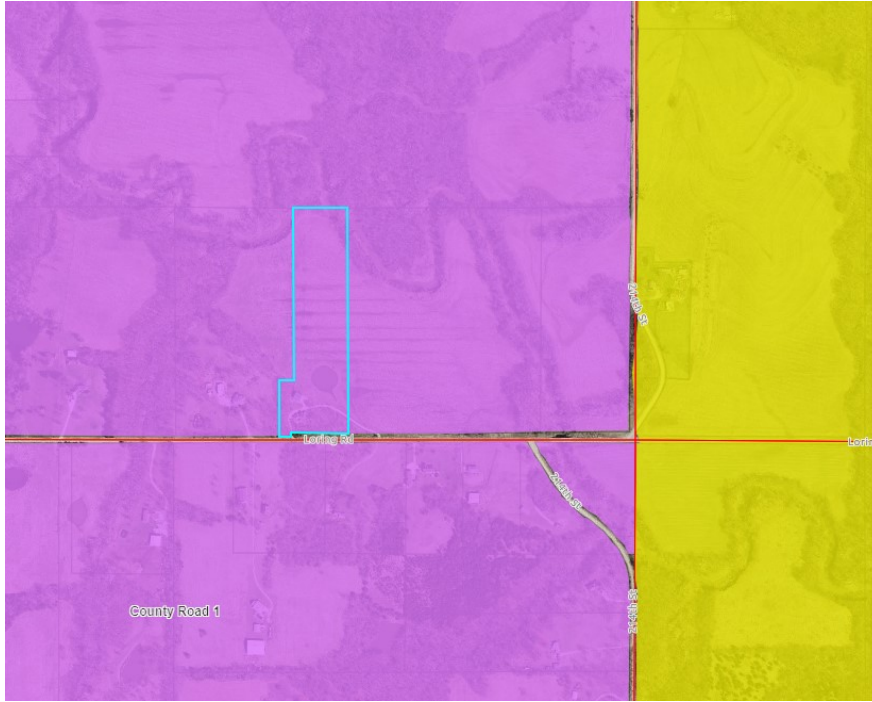
NOTICE TO SURROUNDING
PROPERTY OWNERS:
8/22/2023

FACTORS TO BE CONSIDERED:		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</i>	Met	Not Met
<p>1. Character of the Neighborhood: <i>Density:</i> Surrounding parcels range in size from 4.5 acres to more than 90 acres. The area is not densely populated.</p> <p><i>Nearby City Limits:</i> Linwood is more than 1.5 miles to the southeast.</p> <p><i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.</p>	✓	
<p>2. Zoning and uses of nearby property: <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature.</p> <p><i>Adjacent Zoning:</i> Most parcels are zoned RR-5. However, the parcels to the southeast of the property are zoned RR-2.5</p>	✓	
<p>3. Suitability of the Property for the uses to which is has been restricted: The property is suitable for rural residences and agricultural uses.</p>	✓	
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.</i></p>	✓	
<p>5. Length of time the property has been vacant as zoned: <i>Vacant:</i> <input checked="" type="checkbox"/> <i>Not Vacant:</i></p>	✓	
<p>6. Relative gain to economic development, public health, safety and welfare: The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel were to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development.</p>	✓	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map:</i> County Road 1. However, this area of County Road 1 was identified as Rural Residential with no distinction made in the Comprehensive Plan. The adjacent Future Land Use is Residential (2.5-Acre Min). <i>Section 4 Land Use and Development Plan Strategies:</i> The proposed use is compatible with the future land use designation.</p>	✓	

STAFF COMMENTS:

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as *County Road 1*. The County Road 1 Corridor Study identified this area as Rural Residential. During the rezoning of other parts of the corridor, this area was not rezoned. Those areas surrounding this part of the Corridor Study were identified in the Future Land Use Map as compatible with Residential (2.5-acres Min). These tracts of land area adjacent to land identified for Residential (2.5-Acre Min), see below. Loring Road does transition from a gravel road to a paved road approximately 0.24 miles to the west of this property boundary. Due to the proximity to RR-2.5 to the southeast and proximity to land designated for Residential 2.5- acre min, staff is supportive of the request.

FUTURE LAND USE MAP:



- FloodPlain 2020 ...
- FloodPlain 2015 ...
- Subdivision Boundaries ...
- Future Land Use Shapefile ...
- County Road 1
- Mixed Residential
- Mixed Use
- Residential (2.5-Acre Minimum)
- Residential (3 Units _ Acre)
- Residential Estate (5-Acre Minimum)
- Flood Plain
- Mixed Use\ Retained Existing Zoning
- Parcel_Boundaries ...
- Zoning ...
- Linwood_Zoning ...
- County Roads ...
- Aerial 2020 ...

ATTACHMENTS:

- A: Application & Narrative
- B: Zoning Map
- C: Memorandums
- D: County Road 1 Corridor Study Concept A
- E: Neighbor Comments

REZONING APPLICATION

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

Office Use Only

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

APPLICANT/AGENT INFORMATION

OWNER INFORMATION (If different)

NAME Joe Herring NAME Hal Brock
ADDRESS 315 North 5th Street ADDRESS 21658 Loring Road
CITY/ST/ZIP Leavenworth, KS 66048 CITY/ST/ZIP Linwood KS 66052
PHONE 913-651-3858 PHONE N/A
EMAIL herringsurveying@outlook.com EMAIL N/A
CONTACT PERSON Joe CONTACT PERSON N/A

PROPOSED USE INFORMATION

Proposed Land Use AG and Rural Residential
Current Zoning RR-5 Requested Zoning RR-2.5
Reason for Requesting Rezoning Match comp plan, estate planning

PROPERTY INFORMATION

Address of Property 21658 Loring Road
Parcel Size 58 Acres
Current use of the property AG & Rural Residential
Present Improvements or structures Residence structure
PID 222-09-0-00-00-010 & 010.02 & 010.03

I, the undersigned am the (*owner*), (*duly authorized agent*), (*Circle One*) of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature Joe Herring - digitally signed 8/7/2023 Date 8-7-23

ATTACHMENT A



* 2 0 0 7 R 0 2 7 9 9 2 *
Doc #: 2007R02799

STACY R. DRISCOLL/REGISTER OF DEEDS
LEAVENWORTH COUNTY

Entered in the transfer record in my office this
13th day of June, 2007
Sinda Alsheer by D. C.
County Clerk

RECORDED ON
06/13/2007 12:19PM
RECORDING FEE: 12.00
INDEBTEDNESS: 0.00
PAGES: 2

KANSAS JOINT TENANCY WARRANTY DEED

On this 13th day of June, 2007, Kent E. Rigdon and Barbara J. Rigdon, husband and wife, "Grantors", convey and warrant to Hal W. Brock and Nancy L. Brock, "Grantees", as joint tenants and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, all of the following described real estate in Leavenworth County, Kansas:

See legal description of Tract 2A on the attached Exhibit "A", attached hereto and incorporated herein by reference.

Consideration - Exchange of properties.

Subject to: Restrictions, reservations and easements of record, if any.

Kent E. Rigdon
Kent E. Rigdon

Barbara J. Rigdon
Barbara J. Rigdon

AMT
8
4
8/16

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS.
COUNTY OF WYANDOTTE)

This instrument was acknowledged before me on this 13th day of June, 2007, by Kent E. Rigdon and Barbara J. Rigdon, husband and wife.

Margaret Morrell
Notary Public Margaret Morrell

Pursuant to K.S.A. 79-1437e, a real estate valuation questionnaire is not required due to Exception No. _____.

MARGARET MORRELL
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp 01/24/2010

EXHIBIT "A"

TRACT 2A
SURVEY DESCRIPTION

A tract of land in the South One Half of the Southeast Quarter of Section 9, Township 12 South, Range 21 East of the sixth Principal Meridian in Leavenworth County, Kansas being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter, the South line of said Southeast Quarter having an assumed bearing of North 89°45'13" East;

Thence North 89°45'13" East along the South line of said Southeast Quarter, 594.97 feet to the TRUE POINT OF BEGINNING of the tract herein described;

Thence North 00°04'53" East, parallel with the West line of said Southeast Quarter, 335.37 feet;

Thence South 89°55'07" East, 64.67 feet;

Thence South 00°04'53" West, parallel with the West line of said Southeast Quarter, 335.00 feet to the South line of said Southeast Quarter;

Thence South 89°45'13" West along the South line of said Southeast Quarter, 64.67 feet to the TRUE POINT OF BEGINNING of the tract herein described, containing 21,677 square feet or 0.4976 acres.

Subject to County road right of way along the South line of said Southeast Quarter.

Subject to all easements and restrictions of record

Error in closure: 1:755,214

STATUTORY WARRANTY DEED

File No. 18466

C/C
1/1
√2

HARRY RAY BROCK a/k/a HARRY R. BROCK, a single person, and HAL W. BROCK and NANCY L. BROCK, husband and wife

of Leavenworth County, Kansas, conveys and warrants to:

HAL W. BROCK and NANCY L. BROCK, husband and wife, as joint tenants with rights of survivorship and not as tenants in common.

PURSUANT TO K.S.A. 79-1437 A REAL ESTATE VALIDATION QUESTIONNAIRE IS NOT REQUIRED DUE TO EXEMPTION NO. 4

of Leavenworth County, Kansas, her successors, heirs and assigns.

SEE ATTACHED

Subject to restrictions, reservations, assessments, and easements, if any, now affecting said property.

Said property situated in Leavenworth County, Kansas, and for the sum of one dollar and other good and valuable considerations.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, forever. And Grantors, for themselves, their heirs, successors and assigns, do hereby covenant, promise and agree, to and with Grantee, that at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above-granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments taxes, assessments and encumbrances, of what nature and kind whatsoever, subject to Grantor's reservation set forth herein, and that they will WARRANT AND FOREVER DEFEND the same unto Grantee, its successors and assigns, against Grantors, their heirs, successors and assigns, and all and every person or persons whomsoever lawfully claiming or to claim the same.

Dated this 31st day of March, 2005.

Harry Ray Brock
HARRY RAY BROCK a/k/a HARRY R. BROCK

Hal W. Brock
HAL W. BROCK

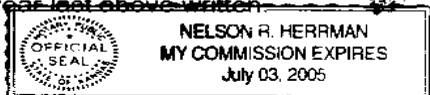
Nancy L. Brock
NANCY L. BROCK

State of Kansas)
County of Leavenworth) SS:

BE IT REMEMBERED, that on this 31st day of March, 2005, before me, a Notary Public in and for said county and state, came Harry Ray Brock a/k/ Harry R. Brock, a single person, to me personally known to be the same persons who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS THEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last above written.

(SEAL)



Nelson R. Herrman
Notary Public

My Commission Expires: 7-3-05

TRACT I:

The South 1/2 of the Southeast 1/4 of Section 9, Township 12, Range 21, in Leavenworth County, Kansas, containing 80 acres more or less, excluding the following described Parcels:

LESS AND EXCEPT:

The West 30 acres of the South Half of the Southeast Quarter of Section 9, Township 12, Range 21 of the 6th P.M., more or less, Leavenworth County, Kansas.

LESS AND EXCEPT:

The East 16 acres of the South one half (1/2) of the Southeast 1/4 of Section 9, Township 12, Range 21, less that part for streets, roads or public right of way, in Leavenworth County, Kansas.

TRACT II:

The East 16 acres of the South one half (1/2) of the Southeast 1/4 of Section 9, Township 12, Range 21, less that part for streets, roads or public right of way, in Leavenworth County, Kansas.

TRACT III:

A tract of land in the South One Half of the Southeast Quarter of Section 9, Township 12 South, Range 21 East of the Sixth Principal Meridian in Leavenworth County, Kansas being more particularly described as follows: Beginning at a point on the South line of said Southeast Quarter, said point being 659.64 feet East of the Southwest corner of said Southeast Quarter, the South line of said Southeast Quarter having an assumed bearing of North 89 degrees 45 minutes 13 seconds East; thence North 00 degrees 04 minutes 53 seconds East, parallel with the West line of said Southeast Quarter, 1320.27 feet to the North line of the South One Half of said Southeast Quarter; thence North 89 degrees 50 minutes 07 seconds East along the North line of the South One Half of said Southeast Quarter, 330.00 feet; thence South 00 degrees 04 minutes 53 seconds West, parallel with the West line of said Southeast Quarter, 1319.80 feet to the South line of said Southeast Quarter; thence South 89 degrees 45 minutes 13 seconds West along the South line of said Southeast Quarter, 330.00 feet to the POINT OF BEGINNING of the tract described, Subject to county road right of way along the South line of said Southeast Quarter.

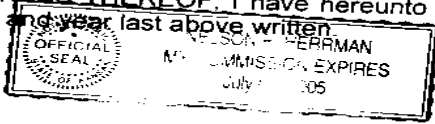
2005 APR -4 A 9:44

State of Kansas)
County of Leavenworth) SS:

STACY R. DRISCOLL
REGISTER OF DEEDS

BE IT REMEMBERED, that on this 31st day of March, 2005, before me, a Notary Public in and for said county and state, came **Hal W. Brock, husband of Nancy L. Brock**, to me personally known to be the same persons who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS THEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last above written.



(SEAL)

Nelson R. Herrman
Notary Public

My Commission Expires: 7-3-05

Entered in the transfer record in my office this

4th day of April, 2005
Linda A. Scherby
County Clerk

Missouri
State of ~~Kansas~~)
County of ~~Leavenworth~~) SS:

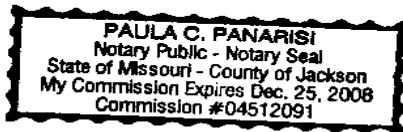
BE IT REMEMBERED, that on this 31st day of **March, 2005**, before me, a Notary Public in and for said county and state, came **Nancy L. Brock, wife of Hal W. Brock**, to me personally known to be the same persons who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS THEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last above written.

(SEAL)

Paula C. Panarisi
Notary Public

My Commission Expires: 12-25-08



AFFIDAVIT

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

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Hal Brock and _____

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 21658 Loring Road, Linwood, KS 66052, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

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

2)

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

Hal Brock 21658 Loring Road, Linwood, KS 66052 913-909-5104

Print Name, Address, Telephone

Hal Brock

Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

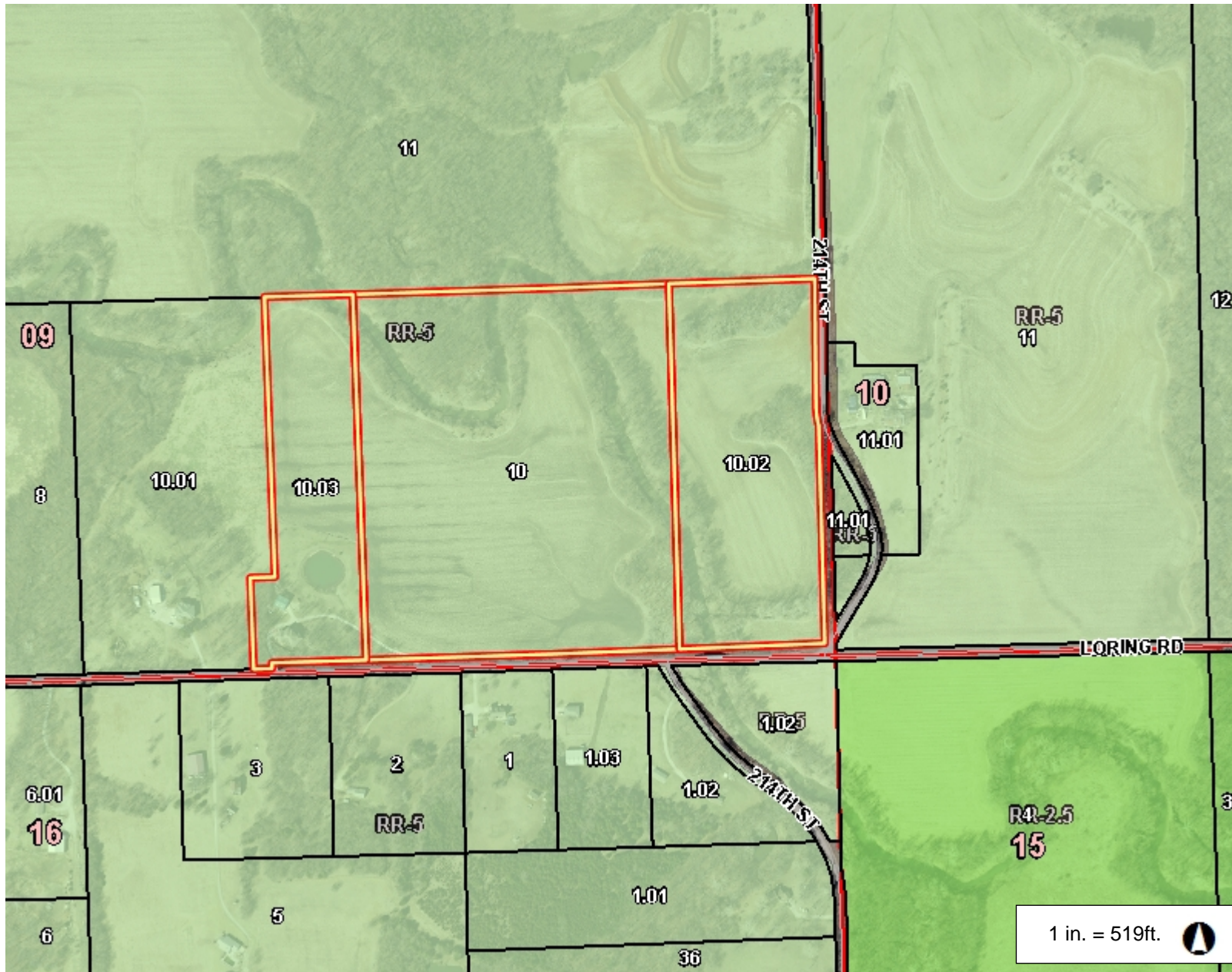
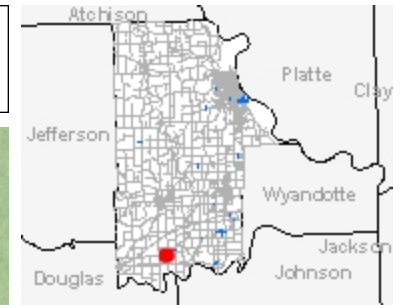
Be it remember that on this _____ day of _____ 20__, before me, a notary public in and for said County and State came _____ to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto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

NOTARY PUBLIC _____

My Commission Expires: _____

(seal)

DEV-23-114 Brock Rezoning



Legend

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

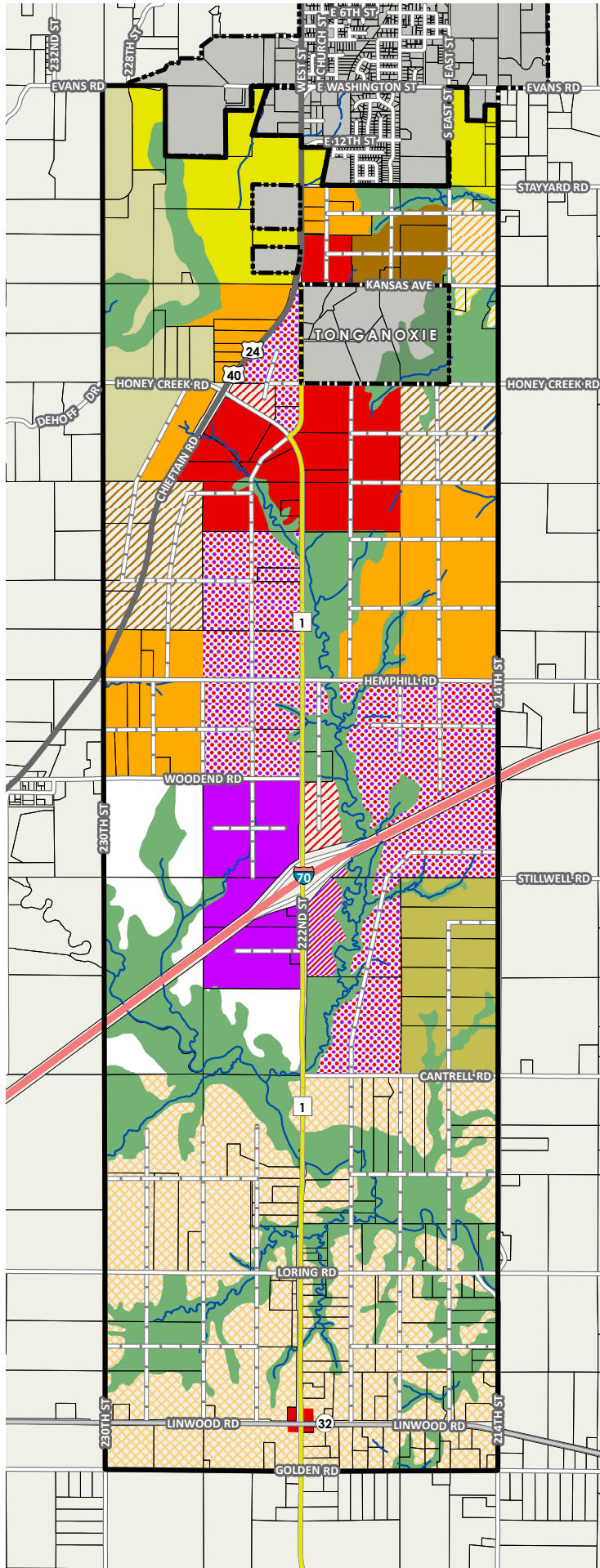
Notes

1,037.0 0 518.52 1,037.0 Feet

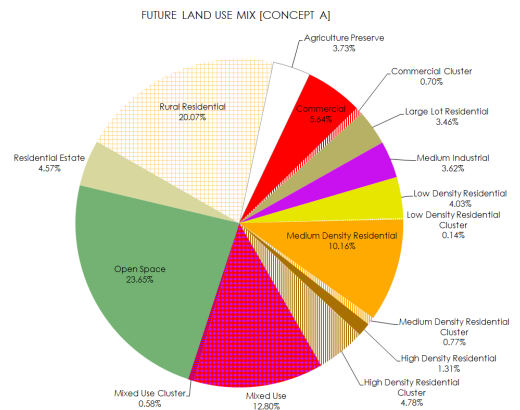
This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

LEAVENWORTH COUNTY ROAD 1 FUTURE LAND USE CONCEPT A



- Study Area
- Tonganoxie City Limits
- Interstate 70
- US Route 24-40
- State Route 32
- County Road 1
- Road
- Proposed Road
- Stream
- Parcel
- Future Land Use**
- Agriculture Preserve [296 AC]
- Commercial [448 AC]
- Commercial Cluster [56 AC]
- Large Lot Residential [275 AC]
- Medium Industrial [288 AC]
- Low Density Residential [320 AC]
- Low Density Residential Cluster [11 AC]
- Medium Density Residential [807 AC]
- Medium Density Residential Cluster [61 AC]
- High Density Residential [104 AC]
- High Density Residential Cluster [380 AC]
- Mixed Use [1017 AC]
- Mixed Use Cluster [46 AC]
- Open Space [1879 AC]



Allison, Amy

From: Travis Shockey <Travis.Shockey@evergy.com>
Sent: Tuesday, August 8, 2023 8:59 AM
To: Allison, Amy
Subject: RE: DEV-23-114 Rezoning– Brock

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

Internal Use Only

Evergy has no problems with this.

Travis Shockey

Evergy
Supervisor, Field Design
Lawrence Service Center
Travis.Shockey@evergy.com
O 785-508-2874


From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, August 7, 2023 4:31 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Design Group Lawrence Service Center <designgrouplawrenceservicecenter@evergy.com>; 'LVCO RWD10' <RWD10@conleysandu.com>; 'dritter@rtfd21.com' <dritter@rtfd21.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-114 Rezoning– Brock

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning from RR-5 to RR-2.5 for property located at 21658 & 00000 Loring Road (222-09-0-00-00-010.00 & 222-09-0-00-00-010.02).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, August 17, 2023.

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

Thank you,

Allison, Amy

From: Anderson, Kyle
Sent: Thursday, August 17, 2023 9:20 AM
To: Allison, Amy
Subject: RE: RE: DEV-23-114 Rezoning– Brock

We have not received any complaints on these properties.

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

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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, August 7, 2023 4:31 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>; 'LVCO RWD10' <RWD10@conleysandu.com>; 'dritter@rtfd21.com' <dritter@rtfd21.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-114 Rezoning– Brock

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning from RR-5 to RR-2.5 for property located at 21658 & 00000 Loring Road (222-09-0-00-00-010.00 & 222-09-0-00-00-010.02).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, August 17, 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

Allison, Amy

From: LVCO RWD10 <RWD10@conleysandu.com>
Sent: Thursday, August 17, 2023 11:58 AM
To: LVCO RWD10
Cc: Allison, Amy; PZ; Magaha, Chuck; Miller, Jamie; Patzwald, Joshua; Brown, Misty; Noll, Bill; Mitch Pleak; McAfee, Joe; designgrouplawrenceservicecenter@evergy.com; dritter@rtfd21.com
Subject: Re: DEV-23-114 Rezoning– Brock

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.

RWD10 has no issue with the rezoning request but any future plans for subdivision or the like would require hydraulic modeling study by our engineer at the expense of the owner/developer.

On Monday, August 7, 2023 at 4:31:27 PM UTC-5 Allison, Amy wrote:

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning from RR-5 to RR-2.5 for property located at 21658 & 00000 Loring Road (222-09-0-00-00-010.00 & 222-09-0-00-00-010.02).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Thursday, August 17, 2023.

If you have any questions or need additional information, please contact me at [\(913\) 684-0465](tel:9136840465) or at Aallison@LeavenworthCounty.Gov

Thank you,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

[913.364.5757](tel:913.364.5757)

Allison, Amy

From: Desiree Waxmonski <d_wax79@yahoo.com>
Sent: Tuesday, August 29, 2023 11:03 AM
To: PZ
Subject: Recent letter received RE: property on 214th & Loring Rd

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

Good Morning Everybody,

I am reaching out about a letter that we recently received about a meeting for the possible rezoning of some land located at what we believe is the NW corner of 214th & Loring Rd in Sherman Township. I say "believe" because the wording was very hard to understand since we do not have maps to reference that shows us the exact location. Before we get up in arms about it we would like to find out what they are trying to accomplish with this rezoning. I believe the public hearing is set for the 2nd week of September and as much as we would love to attend to give our opinion, as this will affect our lives since this property is right across the street from what is going to be our home, I am saddened that we will not be able to because of prior commitments. However, I understand that we can submit our concerns/opinions in writing before the hearing. Is there any way I can find out what their plans are so my concerns/opinions are not painted with a broad brush and they will be more to the point?

Thank You
Desiree Waxmonski
13318 214th St
Linwood, KS 66052

Leavenworth Times

Affidavit of Publication

County of Leavenworth
State of Kansas
NOTICE OF PUBLIC HEARING

Notice is hereby given for the Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-23-114) for a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property:

The South 1/2 of the Southeast 1/4 of Section 9, Township 12, Range 21, in Leavenworth County, Kansas, containing 80 acres more or less, excluding the following described parcels: Less and Except: The West 30 acres of the South Half of the Southeast Quarter of Section 9, Township 12, Range 21 of the 6th P.M., more or less, Leavenworth County, Kansas; Less and Except: the East 16 acres of the South one half (1/2) of the Southeast 1/4 of Section 9, Township 12, Range 21, less that part for streets, roads or public right of way, in Leavenworth County, Kansas, AND;

The East 16 acres of the South one half (1/2) of the Southeast 1/4 of Section 9, Township 12, Range 21, less that part for streets, roads or public right of way, in Leavenworth County, Kansas, AND;

A tract of land in the South One Half of the Southeast Quarter of Section 9, Township 12 South, Range 21 East of the Sixth Principal Meridian in Leavenworth County, Kansas; Less and Except: A tract of land in the South One Half of the Southeast Quarter of Section 9, Township 12 South, Range 21 East of the sixth Principal Meridian in Leavenworth County, Kansas being more particularly described as follows: Commencing at the Southwest corner of the Southeast Quarter, the South line of said Southeast Quarter having an assumed bearing of North 89 degree 45'13" East; thence North 89 degree 45'13" East along the South line of said Southeast Quarter, 659.64 feet; thence North 00 degree 04'53" East, parallel with the West line of said Southeast Quarter, 335.00 feet to the True Point of Beginnings of the tract herein described; Thence North 00 degree 04'43" East, parallel with the West line of

said Southeast Quarter, 985.27 feet to the North line of the South One Half of said Southeast Quarter; thence North 89 degree 50'07" East along the North line of the South One Half of said Southeast Quarter, 22.00 feet; thence South 00 degree 04'53" West parallel with the West line of said Southeast Quarter, 985.36 feet; thence North 89 degree 55'07" West, 22.00 feet to the True Point of Beginning; AND

A tract of land in the South One Half of the Southeast Quarter of Section 9, Township 12 South, Range 21 East of the sixth Principal Meridian in Leavenworth County, Kansas.

Request submitted by Herring Surveying on behalf of Hal Brock

Address: 21658 Loring Road

Parcel ID number: 222-09-0-00-00-010.00, 222-09-0-00-00-010.02 & 222-09-0-00-00-010.03

The hearing will be held on Wednesday the 13th day of September, 2023 at 5:30 p.m., in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas. Further information is available, including the full legal description, for inspection during regular business hours in the Leavenworth County Planning & Zoning Department.

We encourage public input. If you wish to provide comments in writing instead of in person, written comments must be received no later than noon Tuesday, Sept. 12, 2023.

John Jacobson, Secretary
Leavenworth County Planning Commission Publish by 8/23/2023

Published in the Leavenworth Times, August 22, 2023.

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 22nd day of August, 2023.

WITNESS my hand this 22nd day of August, 2023.

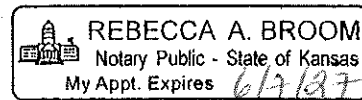
Tammy Lawson
Legal Representative

Subscribe and sworn before me, this 22 day of

Aug, 2023.

Rebecca A. Broom
Notary Public

My Commission Expires: 6/7/23



**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-117 South Park Development LLC Rezone

September 13, 2023

REQUEST: *Public Hearing Required*

- ZONING AMENDMENT SPECIAL USE PERMIT
 TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 20571 219TH STREET



APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING COMPANY

PROPERTY OWNER:

SOUTH PARK DEVELOPMENT LLC
PO BOX 147
TONGANOXIE, KS 66086

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
RESIDENTIAL (2.5 ACRE MIN)

LEGAL DESCRIPTION:

A triangular tract of land lying on the West side of the road in the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 28, Township 10, Range 21.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-117, Rezone for South Park Development LLC, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-117, Rezone for South Park Development LLC, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 19.3 ACRES

PARCEL ID NO:
148-28-0-00-00-009.00

BUILDINGS:
SINGLE FAMILY RESIDENCE AND
ACCESSORY STRUCTURES

PROJECT SUMMARY:

Request to rezone one parcel at 20571 219th Street from RR-5 to RR-2.5.

ACCESS/STREET:

219TH STREET
COUNTY COLLECTOR, PAVED, ±24'
WIDE

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: TONGANOXIE TOWN. FD

WATER: RWD 9

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW: 8/21/2023

NEWSPAPER NOTIFICATION:
8/22/2023

NOTICE TO SURROUNDING
PROPERTY OWNERS:
8/22/2023

FACTORS TO BE CONSIDERED:		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</i>	Met	Not Met
<p>1. Character of the Neighborhood: <i>Density:</i> Surrounding parcels range in size from 1 acre to more than 140 acres. The area is not densely populated.</p> <p><i>Nearby City Limits:</i> Tonganoxie is more than 1.5 miles to the south.</p> <p><i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.</p>	✓	
<p>2. Zoning and uses of nearby property: <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature.</p> <p><i>Adjacent Zoning:</i> All adjacent properties are zoned RR-5. The closest RR-2.5 zoning district area is 433 ft to the south.</p>	✓	
<p>3. Suitability of the Property for the uses to which it has been restricted: The property is suitable for rural residences and agricultural uses.</p>	✓	
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.</i></p>	✓	
<p>5. Length of time the property has been vacant as zoned: <i>Vacant:</i> <input checked="" type="checkbox"/> <i>Not Vacant:</i></p>	✓	
<p>6. Relative gain to economic development, public health, safety and welfare: The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel were to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development.</p>	✓	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map:</i> Residential (2.5 min acres) <i>Section 4 Land Use and Development Plan Strategies:</i> The proposed use is not compatible with the future land use designation.</p>	✓	

STAFF COMMENTS:

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5. The Comprehensive Plan identifies the future land use of this area as *Residential (2.5 min acres)*. Staff is supportive of the request due to the Conformance with the Comprehensive Plan.

ATTACHMENTS:

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

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

SCANNED

Free State RWD 9

Office Use Only	
Township: <u>Tonganoxie</u>	Date Received: <u>08.16.2023</u>
Planning Commission Date _____	_____
Case No. <u>DEV-23-</u>	Date Paid _____
Zoning District <u>RR5</u>	Comprehensive Plan Land Use Designation _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>Southpark Development LLC - Jack & Estee Willis</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>PO BOX 147</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Tonganoxie, KS 66086</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>Joe</u>

PROPOSED USE INFORMATION	
Proposed Land Use <u>AG & Rural Residential</u>	_____
Current Zoning <u>RR-5</u>	Requested Zoning <u>RR-2.5</u>
Reason for Requesting Rezoning <u>Match Comp plan and create new build sites</u>	

PROPERTY INFORMATION
Address of Property <u>20571 219th Street</u>
Parcel Size <u>20 Acres</u>
Current use of the property <u>AG & rural residential</u>
Present Improvements or structures <u>House and outbuildings</u>
PID <u>148-28-0-00-00-009</u>

I, the undersigned am the (*owner*), (*duly authorized agent*), (*Circle One*) of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature Joe Herring - digitally signed 8-16-23 Date 8/16/23

ATTACHMENT A

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 05/06/2022

Janet Klasmaker
COUNTY CLERK

Doc #: 2022R04313
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
05/06/2022 08:00:59 AM
RECORDING FEE: 38.00
PAGES: 2

Accord
224 33673
CONTINENTAL TITLE

KANSAS QUIT CLAIM DEED

This indenture, made on the 22nd day of April 2022.

Jack L. Willis and Estee M. Willis, husband and wife
of the County of **Leavenworth**, in the State of Kansas, party(s) of the first part,

South Park Development Company, LLC
of the County of **Leavenworth**, in the State of Kansas, party(s) of the second part.

WITNESSETH, That said party of the first part, in consideration of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, do by these presents, REMISE, RELEASE and QUIT CLAIM, unto said parties of the second part, their heirs and assigns, all the following described real estate, situated in the County of **Leavenworth**, and the **State of Kansas**, to-wit:

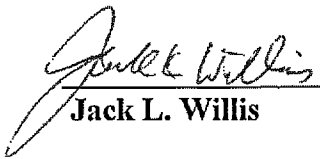
Legal Descriptions: **The following described Real Estate, situated in the County of Leavenworth and State of Kansas, to-wit:**

A triangular tract of land lying on the West side of the road in the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 28, Township 10, Range 21.

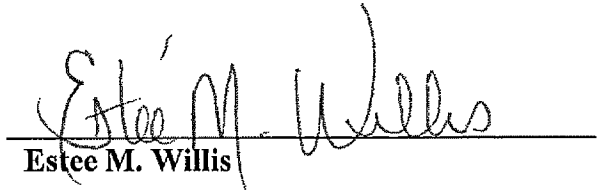
PURSUANT TO K.S.A. 79-1437 (E), A REAL ESTATE VALIDATION QUESTIONNAIRE IS NOT REQUIRED DUE TO EXEMPTION NO. 3.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set **their** hand, the day and year first above written.



Jack L. Willis



Estee M. Willis

STATE OF Kansas County of Leavenworth ss:

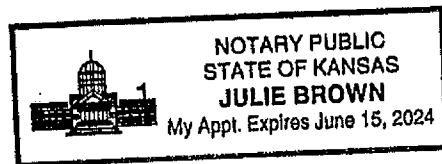
BE IT REMEMBERED, That on this 22 day of April, 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **Jack L. Willis and Estee M. Willis, husband and wife** who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

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



Julie Brown Notary Public

My Term Expires: **June 15, 2024**



AFFIDAVIT

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

We/I JACK Willis president of South Park Development Co LLC and Estee Willis

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 20571 219th Tonganoxie, 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 11 day of Aug, 2023

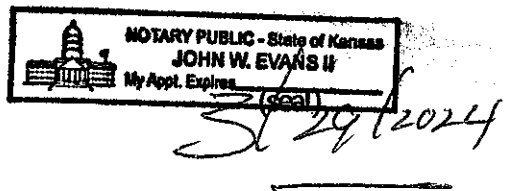
JACK Willis president of South Park Development Co LLC
Print Name, Address, Telephone

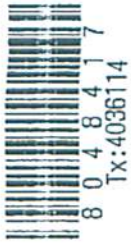
Jack Willis Estee Willis
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 11 day of Aug 2023, before me, a notary public in and for said County and State came _____ to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC John W. Evans II
My Commission Expires: 3/29/2024





Entered in the transfer record in my office this 20 day of Aug, 2019
Jana Klavinska
County Clerk
by B Jones

Doc #: 2019R06650
STACY R. DRISCOLL
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
08/26/2019 12:29:58 PM
RECORDING FEE: 38.00
PAGES: 2

UNITED TITLE COMPANY, LLC – 1106 N. 155th St., Suite B, BASEHOR KS 66007
(913) 724-8300 – (913) 724-8301
QUIT CLAIM DEED - JOINT TENANCY – Accom #217

THIS DEED, made and entered into this 20th day of May, 2009, by and between

Louis Willis, a single person

of the County of Leavenworth, State of Kansas, party of the first part, and

Jack L. Willis and Estee M. Willis, husband and wife

of the County of Leavenworth, State of Kansas, parties of the second part, as Joint Tenants with the right of survivorship and not as tenants in common

WITNESSETH, that the said party of the first part, for and in consideration of the sum of NO CONSIDERATION - #4, does by these presents REMISE, RELEASE AND FOREVER QUIT CLAIM unto the said parties of the second part, as Joint Tenants with the right of survivorship and not as tenants in common, the following described Real Estate, situated in the County of Leavenworth and State of Kansas, to-wit:

A triangular tract of land lying on the West side of the road in the Southwest ¼ of the Southwest ¼ of Section 28, Township 10, Range 21, containing 20 acres more or less

exempt #3

Commonly known as: 20571 219th St., Tonganoxie, KS 66086

Tax I.D. #15326 Cama #148-28-0-00-00-009.000

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the said parties of the second part, as Joint Tenants with the right of survivorship and not as tenants in common, and to the heirs and assigns of such parties forever. So that neither the said party of the first part, nor his heirs, nor any other person or persons for him or in his name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises, or any part thereof, but they and every one of them shall, by these presents, be excluded and forever barred.

JACK WILLIS
PO Box 147
Tonganoxie, KS 66086
#388
..c

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand the day and year first above written.

Louis Willis

Louis Willis

STATE OF KANSAS)
) ss.
COUNTY OF LEAVENWORTH)

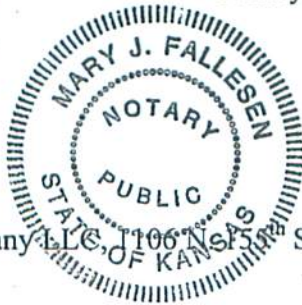
On this 8th day of May, 2009, before me personally appeared Louis Willis, a single person, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed by official seal in the County and State aforesaid, the day and year first above written.

Mary J. Fallesen

Notary Public

My term expires: 3-9-11
(Seal)



Return to: United Title Company LLC, 106 N. 52nd St., Suite B, Basehor, KS 66007

Allison, Amy

From: McAfee, Joe
Sent: Thursday, August 17, 2023 4:36 PM
To: Allison, Amy
Subject: RE: RE: DEV-22-117 Rezoning – Southpark Development LLC

Amy:
No comment from PW. Thanks.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, August 17, 2023 3:45 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcafee@leavenworthcounty.gov>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; 'Rural Water District 9 lvrwd9' <lvrwd9@gmail.com>; 'chief1860@ttrfd.com' <chief1860@ttrfd.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-22-117 Rezoning – Southpark Development LLC

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning from RR-5 to RR-2.5 on the property located at 20571 219th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, August 30, 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

Disclaimer

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

Allison, Amy

From: Anderson, Kyle
Sent: Friday, August 18, 2023 9:56 AM
To: Allison, Amy
Subject: RE: RE: DEV-22-117 Rezoning – Southpark Development LLC

All prior complaints on this property have been resolved and the tenants living on the property at the time of the complaints moved out in 2020.

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

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Sent: Thursday, August 17, 2023 3:45 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; 'Rural Water District 9 lvrwd9' <lvrwd9@gmail.com>; 'chief1860@ttrfd.com' <chief1860@ttrfd.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-22-117 Rezoning – Southpark Development LLC

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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, August 18, 2023 8:19 AM
To: Allison, Amy
Subject: RE: DEV-22-117 Rezoning – Southpark Development LLC

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.

Amanda Tarwater
Member Accounts Coordinator



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

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, August 17, 2023 3:45 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Amanda Tarwater <amanda.tarwater@freestate.coop>; 'Rural Water District 9 lvrwd9' <lvrwd9@gmail.com>; 'chief1860@ttrfd.com' <chief1860@ttrfd.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-22-117 Rezoning – Southpark Development LLC

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,

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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,

Allison, Amy

From: Rural Water District 9 lvrwd9 <lvrwd9@gmail.com>
Sent: Friday, August 18, 2023 3:19 PM
To: Allison, Amy
Cc: Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Mitch Pleak; Noll, Bill; McAfee, Joe; amanda.holloway@freestate.coop; chief1860@ttrfd.com; PZ
Subject: Re: DEV-22-117 Rezoning – Southpark Development LLC

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

The LVRWD9 Board meets on September 19th and this will be put on the agenda for discussion. I will be unable to respond by August 30th but will be able to respond by September 20th.

On Thu, Aug 17, 2023 at 3:45 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning from RR-5 to RR-2.5 on the property located at 20571 219th Street.

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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

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--

Thanks and have a great day,



Karen Armstrong
District Manager
913-845-3571

Allison, Amy

From: Timothy Smith <chief1860@ttrfd.com>
Sent: Monday, August 21, 2023 3:46 PM
To: Allison, Amy
Subject: Re: DEV-22-117 Rezoning – Southpark Development LLC

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.

Until such time as there is a plat drawn for this request I will withhold all recommendations.

I would urge the members of the Planning and Zoning board to consider the available infrastructure requirements as we see more and more of these requests being made. We cannot continue to allow more and more homes to be built without adequate water supply available for fire suppression and life safety.

On Thu, Aug 17, 2023 at 3:45 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

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

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--

Tim Smith, Chief
*Tonganoxie Township Rural Fire Department
President Kansas State Association Fire Chiefs*

18993 McLouth Rd
Tonganoxie KS 66086

Phone: [913-845-3801](tel:913-845-3801)
Fax: [913-845-3801](tel:913-845-3801)
Cell: [816-392-2468](tel:816-392-2468)

Failure to Prepare

Is

Preparing to Fail

MEMO

To: Amy Allison
From: Chuck Magaha
Subject: Rezoning South Park Development LLC
Date: September 1, 2023

Amy, I have reviewed the request of the rezoning to South Park development LLC. regarding the rezoning of the parcel you provided to our office. I have no comments to lend at this time. If you feel I have missed an issue please give a call at 684-0457.

Leavenworth Times Affidavit of Publication

County of Leavenworth
State of Kansas
NOTICE OF PUBLIC HEARING

Notice is hereby given for the Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-23-117) for a rezoning request from RR-5 zoning district to RR-2.5 zoning district on the following described property: A triangular tract of land lying on the West side of the road in the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section 28, Township 10, Range 21. Request submitted by Herring Surveying on behalf of South Park Development Co LLC

Address: PO Box 147,
Tonganoxie KS 66086
Parcel ID number:
148-28-0-00-009.00

The hearing will be held on Wednesday the 13th day of September, 2023 at 5:30 p.m., in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas. Further information is available, including the full legal description, for inspection during regular business hours in the Leavenworth County Planning & Zoning Department.

We encourage public input. If you wish to provide comments in writing instead of in person, written comments must be received no later than noon Tuesday, Sept. 12, 2023.

John Jacobson, Secretary
Leavenworth County Planning Commission Publish by 8/23/2023

Published in the Leavenworth Times, August 22, 2023.

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 22nd day of August, 2023.

WITNESS my hand this 22nd day of August, 2023.

Tammy Lawson

Legal Representative

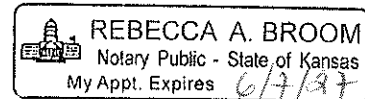
Subscribe and sworn before me, this 22 day of

Aug: 2023.

Rebecca A. Broom

Notary Public

My Commission Expires: 6/7/27



**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-118 MCGEE/PCDI Rezone

September 13, 2023

REQUEST: *Public Hearing Required*

- ZONING AMENDMENT SPECIAL USE PERMIT
 TEMPORARY SPECIAL USE PERMIT

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 17679 166TH STREET



APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING COMPANY

PROPERTY OWNER:

WILMA K MCGEE
17679 166TH STREET
BASEHOR, KS 66007

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
MIXED RESIDENTIAL

LEGAL DESCRIPTION:

The North 908.37 feet of the Southeast ¼ of the Northeast ¼ of Section 16, Township 11 South, Range 22 East of the Sixth 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-23-118, Rezone for McGee/PCDI, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-118, Rezone for McGee/PCDI, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 26.6 ACRES

PARCEL ID NO:
185-16-0-00-00-063.00

BUILDINGS:
SINGLE FAMILY RESIDENCE AND
ACCESSORY STRUCTURES

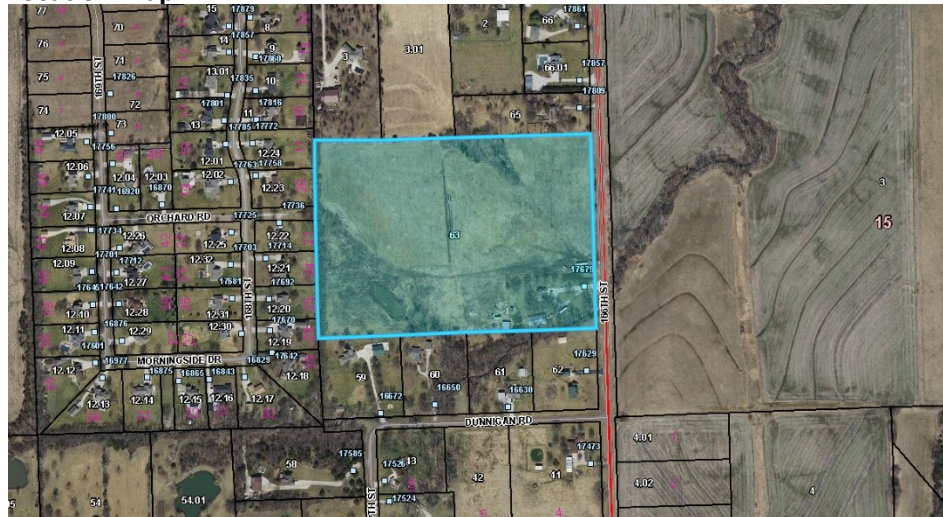
PROJECT SUMMARY:

Request to rezone one parcel at 17679 166th Street from RR-2.5 to RR-1 (43).

ACCESS/STREET:

166TH STREET
COUNTY COLLECTOR, PAVED, ±24'
WIDE

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: FAIRMOUNT

WATER: SUBURBAN WATER

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 8/21/2023

NEWSPAPER NOTIFICATION:
8/22/2023

NOTICE TO SURROUNDING
PROPERTY OWNERS:
8/22/2023

FACTORS TO BE CONSIDERED:		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</i>	Met	Not Met
<p>1. Character of the Neighborhood: <i>Density:</i> Surrounding parcels range in size from 1 acre to more than 150 acres. The area is not densely populated.</p> <p><i>Nearby City Limits:</i> Tonganoxie is more than 0.3 miles to the northeast.</p> <p><i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.</p>	✓	
<p>2. Zoning and uses of nearby property: <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature.</p> <p><i>Adjacent Zoning:</i> All adjacent properties are zoned RR-2.5. The closest RR-1 (43) zoning district area is 670 ft to the west.</p>	✓	✓
<p>3. Suitability of the Property for the uses to which it has been restricted: The property is suitable for rural residences and agricultural uses.</p>	✓	
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>The property is adjacent to a rural subdivision that matches the densities that are proposed in this rezoning request. Current county regulations allow for septic systems to be installed on lots 1 acre or greater so based on current county regulations, the proposed rezone should not detrimentally affect surrounding properties. Furthermore, if development were to occur, the proposed addition would exit onto a County Collector that should support additional traffic.</i></p>	✓	✓
<p>5. Length of time the property has been vacant as zoned: <i>Vacant:</i> <input checked="" type="checkbox"/> <i>Not Vacant: Existing House</i></p>	✓	
<p>6. Relative gain to economic development, public health, safety and welfare: <i>The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel was to be developed as a rural subdivision, twice as many homes could potentially be constructed which may have a positive impact on economic development. As stated previously, current county regulations allow for septic systems on properties that are one acre or greater. Consideration of the impact on public health for lots of this size has already been decided.</i></p>	✓	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: Mixed Residential</i> <i>Section 4 Land Use and Development Plan Strategies: Mixed Residential is identified as a mixture of high density single-family and multi-family residential. There are currently no sanitary sewer systems within 660' of the property and no plans to extend sanitary sewer to this site. R-1 (43) is the highest density residential that can be developed on this property currently.</i></p>	✓	✓

STAFF COMMENTS:

The applicants are in the process of acquiring the property. Owner authorization from both the party selling the property and the party purchasing has been submitted with this request. The applicants are requesting a rezoning from Rural-Residential 2.5 to Residential-1 (43). The Comprehensive Plan identifies the future land use of this area

as *Mixed Residential*. Staff is supportive of the request due to the current county regulations surrounding development of sanitary sewer systems at the highest density permitted.

ATTACHMENTS:

A: Application & Narrative

B: Zoning Map

C: Memorandums

D: Neighbor Comments

REZONING APPLICATION

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


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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>PCDI Homes / Gerald St.Peter</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>17679 166th Street</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Basehor, KS 66007</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>Joe</u>

PROPOSED USE INFORMATION	
Proposed Land Use <u>Rural Residential</u>	
Current Zoning <u>RR-2.5</u>	Requested Zoning <u>R1-43</u>
Reason for Requesting Rezoning <u>To match adjacent property to the West - a continuation of Lee Chile's Addition along with extension of platted (not constructed) Orchard Road.</u>	

PROPERTY INFORMATION
Address of Property <u>17679 166th Street</u>
Parcel Size <u>26.6 Acres</u>
Current use of the property <u>AG & Rural Residential</u>
Present Improvements or structures <u>House with barn/shop</u>
PID <u>185-16-0-00-00-063</u>

I, the undersigned am the (*owner*), (*duly authorized agent*), (*Circle One*) of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature Joe Herring - digitally signed 8-16-23 Date 8/16/23
 8-16-2023

ATTACHMENT A

REZONING APPLICATION

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

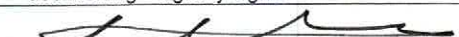
Office Use Only
Township: _____ Date Received: _____
Planning Commission Date _____
Case No. _____ Date Paid _____
Zoning District _____ Comprehensive Plan Land Use Designation _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>Vicky Needham, Executor - Wilma K. McGee Estate</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>17679 166th Street</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Basehor, KS 66007</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>Joe</u>

PROPOSED USE INFORMATION
Proposed Land Use Rural Residential
Current Zoning RR-2.5 Requested Zoning R1-43
Reason for Requesting Rezoning To match adjacent property to the West - a continuation of Lee Chile's Addition along with extension of platted (not constructed) Orchard Road.

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Parcel Size 26.6 Acres
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Signature Joe Herring - digitally signed 8-16-23 Date 8/16/23
 8-16-2023

ATTACHMENT A



Court: Leavenworth County District Court
Case Number: 2022-PR-000014
Case Title: In the Matter of the Estate of Wilma Kay McGee
Type: LETTERS TESTAMENTARY ISSUED UNDER THE KANSAS
SIMPLIFIED ESTATES ACT

SO ORDERED.

/s/Joan Lowdon, District Judge

Electronically signed on 2022-02-10 12:53:04 page 1 of 2



STATE OF KANSAS }
LEAVENWORTH COUNTY } 00

I hereby certify that the foregoing is a true copy of the record on file in this court and cause.

Linda Gale Deputy

Dated 2/10/22

IN THE DISTRICT COURT OF LEAVENWORTH COUNTY, KANSAS
PROBATE DEPARTMENT

IN THE MATTER OF THE ESTATE OF)
) Case No. 2022-PR-00014
WILMA KAY MCGEE, Deceased.)
(Petition Pursuant to K.S.A. Chapter 59))

**LETTERS TESTAMENTARY ISSUED UNDER
THE KANSAS SIMPLIFIED ESTATES ACT**

Vicky Needham a resident of Johnson County, Kansas, named as Executor of the "Last Will and Testament of Wilma Kay McGee," deceased, having been appointed and qualified as Executor, is granted Letters Testamentary issued under the Kansas Simplified Estates Act with full power and authority as provided by law and the Last Will and Testament.

IN WITNESS, I, the undersigned Judge of the above-entitled Court, have signed my name and affixed the official seal of this Court at Johnson County, Kansas.

/s/ Kristen Shelley-Chapin
Kristen Shelley-Chapin, KS #20443
11212 Johnson Drive
Shawnee KS 66203
(913) 385-0600
kristen@estatelawks.com
Attorney for Petitioner

AFFIDAVIT

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

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

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

Authorized Agents (full name, address & telephone number)

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

2)

Signed and entered this 17th day of August, 2023

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

[Handwritten Signature]

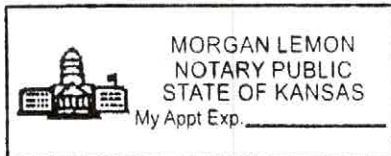
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 17 day of August 2023 before me, a notary public in and for said County and State came Gerald St. Peter to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC Morgan Lemon

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



OWNER AUTHORIZATION

I/WE Vicky Needham, Executor, Wilma K. M. Gee Estate, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 14th day of August, 2023, make the following statements. to wit:

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

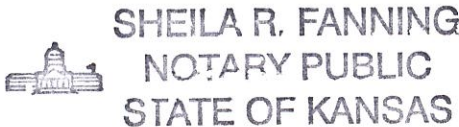
See Exhibit A attached hereto and incorporated herein by reference.
- 2. I/We the undersigned, have previously authorized and hereby authorize PCDI HOMES/GERALD ST. PETER (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, 17679 166TH STREET, BASEHOR, KANSAS (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
- 3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly our of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- 4. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

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

Vicky Needham, Executor
Owner Wilma Kay M. Gee Estate Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 14th day of August, 2023
by Vicky Needham
My Commission Expires: 5/13/27
Sheila R. Fanning
Notary Public



Kansas Warranty Deed

JOINT TENANCY

This Indenture Made this 7th day of March A. D., One Thousand

Nine Hundred Eighty-six by and between

WILLARD DEAN BROOKS AND JAQUELINE J. BROOKS, HUSBAND AND WIFE

of Leavenworth County, in the State of Kansas of the first part, and

ROBERT M. MCGEE AND WILMA K. MCGEE, HUSBAND AND WIFE

of County, in the State of Kansas of the second part,

WITNESSETH: THAT SAID PART IES OF THE FIRST PART, in consideration of the sum

of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS -----DOLLARS,

the receipt of which is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey unto

the said parties of the second part, and the survivor of them, as joint tenants, and not as tenants in common, all

the following described real estate, situated in the County of Leavenworth

and State of Kansas, to-wit:

A tract of land in the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 16, Township 11 South, Range 22 East of the Sixth P.M., more fully described as follows: Beginning at a point 1926.82 feet South from the Northeast corner of the said Northeast $\frac{1}{4}$; thence South 302.79 feet along the East line of said Southeast $\frac{1}{4}$; thence West 1318.16 feet to the West line of said Southeast $\frac{1}{4}$; thence North 302.79 feet along said West line; thence East 1318.35 feet to the point of beginning, less that part used for public road, in Leavenworth County, Kansas.

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

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, forever. And said grantors

for their heirs, executors or administrators, do hereby covenant, promise and agree to and with said parties of the second part, that at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever: Except as hereinbefore stated, and except for the lien of taxes, both general and special, not now due and payable.

and that said grantors will warrant and forever defend the same unto the said parties of the second part, their assigns, and the heirs and assigns of the survivor of them, against said part ies of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hands the day and year first above written.

Willard Dean Brooks
WILLARD DEAN BROOKS
Jaqueline J. Brooks
JACQUELINE J. BROOKS

KANSAS ACKNOWLEDGEMENT

STATE OF KANSAS
County of Wyandotte } ss.

BE IT REMEMBERED, That on this Seventh day of March A.D., 19 86
before me, the undersigned, a Notary Public in and for said County and State, came Willard Dean Brooks and
Jacqueline J. Brooks, Husband and Wife
who are personally known to me to be the same person S who executed the within instrument of writing, and
duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last
above written.

Mary L. Nemeth
Mary L. Nemeth

My appointment expires November 13 1988

MARY L. NEMETH
NOTARY PUBLIC
STATE OF KANSAS
My Appointment Expires 11/13/88

KANSAS ACKNOWLEDGEMENT

STATE OF _____ } ss.
County of _____

BE IT REMEMBERED, That on this _____ day of _____ A.D., 19 _____
before me, the undersigned, a Notary Public in and for said County and State, came _____
who _____ personally known to me to be the same person _____ who executed the within instrument of writing, and
duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last
above written.

My appointment expires _____ 19 _____

Warranty Deed	
FROM	TO
Entered in Transfer Record in my office this <u>17</u> day of <u>March</u> 19 <u>86</u>	
<u>Dorothy Schillerky Klavich</u> County Clerk	
STATE OF KANSAS, } County, }	ss.
Received for Record on the _____ day of _____ 19 _____, at _____ o'clock _____ M., and duly Recorded in Book _____ of _____ at Page _____	
Fee, \$	Register of Deeds.

Judith N. B. K
966 Central
KCK

STATE OF KANSAS }
COUNTY OF LEAVENWORTH } ss.
FILED FOR RECORD

1986 MAR 17 P 3:08
Dora I. Farmer
DORA I. FARMER
REGISTER OF DEEDS

by Maureen Dennis DEP.

GUARANTEE LAND TITLE OF LEAVENWORTH, INC.
P. O. BOX 166 • 400 DELAWARE
LEAVENWORTH, KANSAS 66048

86

Kansas Warranty Deed

JOINT TENANCY

This Indenture Made this 13th day of March A. D., One Thousand
Nine Hundred Eighty-six by and between

WILLARD DEAN BROOKS AND JACQUELINE J. BROOKS, HUSBAND AND WIFE

of Leavenworth County, in the State of Kansas of the first part, and

ROBERT M. MCGEE AND WILMA K. MCGEE, HUSBAND AND WIFE

of Wyandotte County, in the State of Kansas of the second part,

WITNESSETH: THAT SAID PARTIES OF THE FIRST PART, in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS-----DOLLARS, the receipt of which is hereby acknowledged, do by these presents, Grant, Bargain, Sell and Convey unto the said parties of the second part, and the survivor of them, as joint tenants, and not as tenants in common, all the following described real estate, situated in the County of Leavenworth and State of Kansas, to-wit:

The North 908.37 feet of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 16, Township 11 South, Range 22 East of the Sixth P.M., LESS THE FOLLOWING DESCRIBED TRACT:

Beginning at a point 1926.82 feet South from the Northeast corner of the said Northeast $\frac{1}{4}$; thence South 302.79 feet along the East line of said Southeast $\frac{1}{4}$; thence West 1318.16 feet to the West line of said Southeast $\frac{1}{4}$; thence North 302.79 feet along said West line; thence East 1318.35 feet to the point of beginning, ALSO LESS THAT PART USED FOR PUBLIC ROAD, in Leavenworth County, Kansas.

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

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, forever. And said grantors for their heirs, executors or administrators, do hereby covenant, promise and agree to and with said parties of the second part, that at the delivery of these presents they are lawfully seized in their own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever: Except as hereinbefore stated, and except for the lien of taxes, both general and special, not now due and payable.

and that said grantors will warrant and forever defend the same unto the said parties of the second part, their assigns, and the heirs and assigns of the survivor of them, against said parties of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands the day and year first above written.

Willard Dean Brooks
Willard Dean Brooks
Jacqueline J. Brooks
Jacqueline J. Brooks

KANSAS ACKNOWLEDGEMENT

STATE OF KANSAS
County of Wyandotte } ss.

BE IT REMEMBERED, That on this 13th day of March A.D., 19 86
before me, the undersigned, a Notary Public in and for said County and State, came Willard Dean Brooks and
Jacqueline J. Brooks, Husband and Wife
who are personally known to me to be the same person S who executed the within instrument of writing, and
duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last
above written.

Mary L. Nemeth
Mary L. Nemeth

My appointment expires November 13 19 88

MARY L. NEMETH
NOTARY PUBLIC
STATE OF KANSAS

My Appointment Expires 11/13/88

KANSAS ACKNOWLEDGEMENT

STATE OF _____ } ss.
County of _____

BE IT REMEMBERED, That on this _____ day of _____ A.D., 19 _____
before me, the undersigned, a Notary Public in and for said County and State, came _____

who _____ personally known to me to be the same person _____ who executed the within instrument of writing, and
duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last
above written.

My appointment expires _____ 19 _____

FA 309 A1

Warranty Deed

FROM _____

TO _____

Entered in Transfer Record in my office this 27 day of Oct 1988
Mary E. Schell
Suzette
_____, County Clerk

STATE OF KANSAS, } ss.
County, _____

Received for Record on the _____ day of _____ 19 _____, at _____ o'clock
M., and duly Recorded in Book _____ of _____ at Page _____

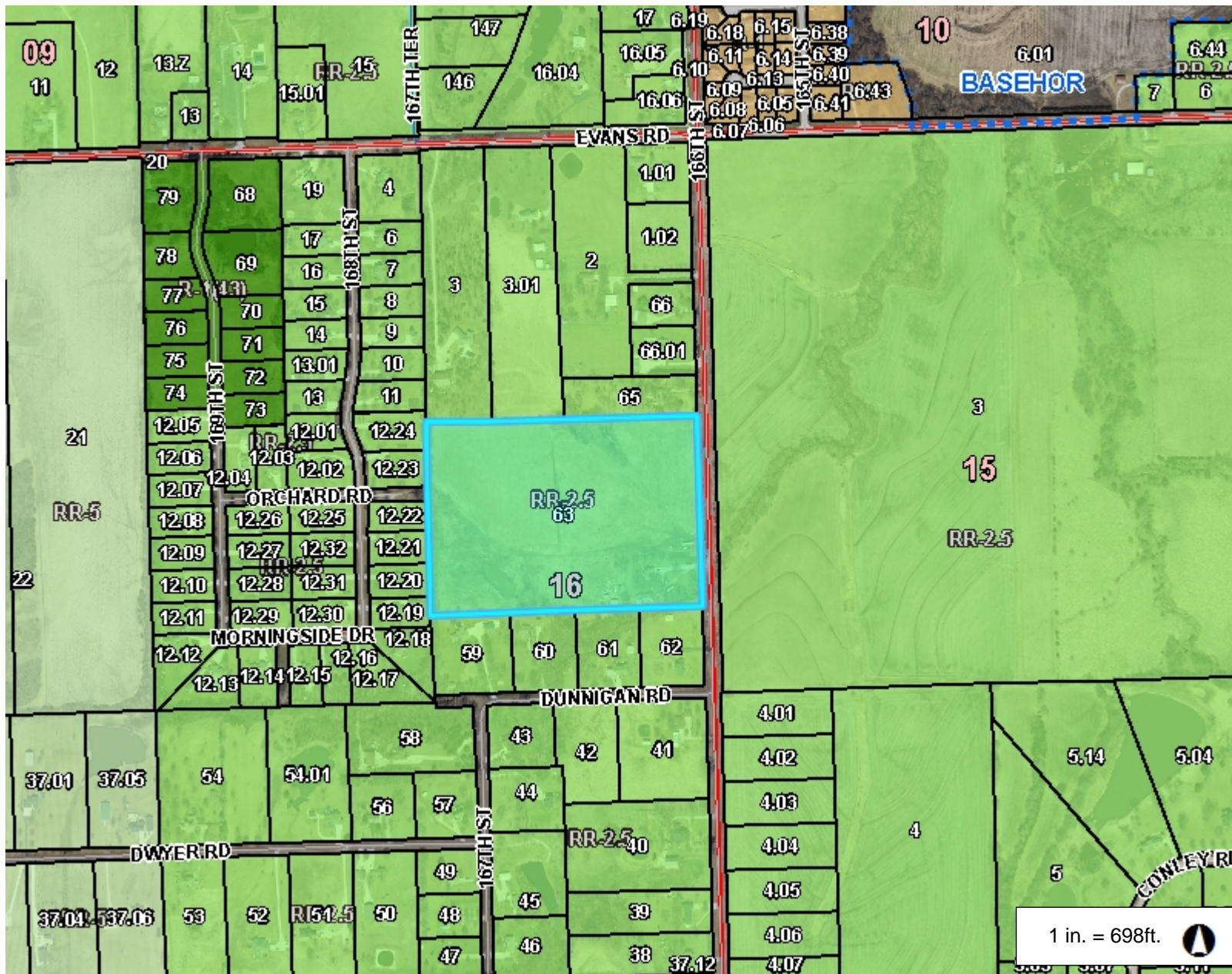
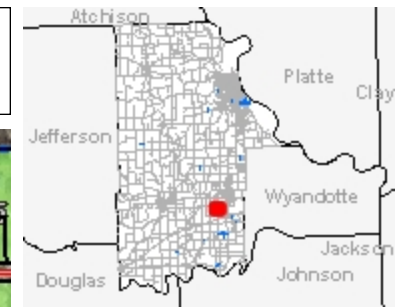
Fee, \$ _____

Register of Deeds.

Return of Deed!
McDer 602
Ch. 2 Bar 134
Barnes Spring KS. 40012

STATE OF KANSAS
COUNTY OF LEAVENWORTH } ss.
FILED FOR RECORD
1988 OCT 27 P 1:05 05
Dora I. Farmer
DORA I. FARMER
REGISTER OF DEEDS

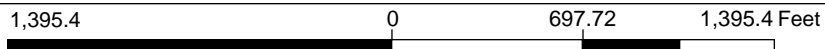
DEV-23-118 McGee/PCDI Rezone



Legend

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

1 in. = 698ft.



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: McAfee, Joe
Sent: Thursday, August 17, 2023 4:36 PM
To: Allison, Amy
Subject: RE: RE: DEV-22-118 Rezoning– McGee/PCDI

Amy:
No comment from PW. Thanks.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, August 17, 2023 3:51 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'Travis@suburbanwaterinc.com' <Travis@suburbanwaterinc.com>; 'DesignGroupShawnee@evergy.com' <DesignGroupShawnee@evergy.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-22-118 Rezoning– McGee/PCDI

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning from RR-2.5 to R-1 (43) for property located at 17679 166th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, August 30, 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

Disclaimer

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

Allison, Amy

From: Anderson, Kyle
Sent: Friday, August 18, 2023 10:00 AM
To: Allison, Amy
Subject: RE: RE: DEV-22-118 Rezoning– McGee/PCDI

The prior owners may have been operating a business without an SUP. The property has sold to new owners so possible business is no longer operating on the property.

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

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

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Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-22-118 Rezoning– McGee/PCDI

Good Afternoon,

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The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, August 30, 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

Allison, Amy

From: Kyle Burkhardt <Kyle.Burkhardt@evergy.com>
Sent: Friday, August 18, 2023 8:04 AM
To: Allison, Amy; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Brown, Misty; 'Mitch Pleak'; Noll, Bill; McAfee, Joe; 'lingenfelserm@fairmountfd.org'; 'Travis@suburbanwaterinc.com'; Design Group Shawnee
Cc: PZ
Subject: RE: DEV-22-118 Rezoning– McGee/PCDI

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

Internal Use Only

Evergy has no issues with the following request. Would just like to see adequate utility easements.

Thank you

Kyle Burkhardt

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



From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, August 17, 2023 3:51 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'lingenfelserm@fairmountfd.org' <lingenfelserm@fairmountfd.org>; 'Travis@suburbanwaterinc.com' <Travis@suburbanwaterinc.com>; Design Group Shawnee <DesignGroupShawnee@evergy.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-22-118 Rezoning– McGee/PCDI

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Good Afternoon,

The Department of Planning and Zoning has received an application for a Rezoning from RR-2.5 to R-1 (43) for property located at 17679 166th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, August 30, 2023.

Allison, Amy

From: Barb Fehrenbach <barbf47@aol.com>
Sent: Monday, August 28, 2023 4:46 PM
To: Allison, Amy
Subject: Fw: McGee Property on 166th St

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.

This is the email that I sent to our county commissioner in regards to the letter you sent on the McGee Property. If I need to send this in letter form please let me know otherwise please know that we are against this rezoning request.

----- Forwarded Message -----

From: Barb Fehrenbach <barbf47@aol.com>
To: //dsmith@leavenworthcounty.gov <//dsmith@leavenworthcounty.gov>
Sent: Monday, August 28, 2023 at 03:26:19 PM CDT
Subject: McGee Property on 166th St

My husband and I live 2 doors to the south of the McGee property which was recently purchased by PCDI. We would like for it to be known that we are not in favor of the county changing the zoning requirements for this property to R-1. We also question why it is currently RR-2.5 instead of Agriculture but that's irreverent at this time.

Reasons for our request to not approve the change:

- 1) Additional traffic - the traffic is already very heavy on this portion of 166th especially since the upgrade of 158th. During that upgrade 166th was the detour route and the additional traffic has never reduced. The speeding, racing and so on is ridiculous, unsafe and there is no control. This has a lot to do with all the wrecks at Evans and 166th intersection. We have addressed this with the Sheriff's office before. There's really no where for them to sit and observe on this road.
- 2) Sewers are not available in this area and septic systems on 1.3 acre lots do not work. There are many cases of lots in this area not perking during normal years. Being in a drought now will probably change that but only for short term. Also the homes in the Childs Addition have had problems with their septic systems in the past.
- 3) Most of the people who live in this area moved here to have a little bit of land and not be in a subdivision with close neighbors. The county has changed/reduced the required lot size several times over the years. There should be a limit to granting these variances. Sub-divisions belong in the city and living in the country should be different. The city provides all sorts of amenities that we do not have in the country and most of us gave them up to live in the country.
- 4) Leavenworth County is known for granting variances to the lot size requirement depending on what your name is (three names in particular come to mind). Why can't our county commissioners and Planning Board govern consistently with the same rules applying to all. I could give several examples here but I won't.
- 5) All the county cares about is the additional tax revenue. They won't deal with any of the issues of traffic, leaking septic systems etc. What benefits will we see from the county with this additional tax revenues? Other than the roads that's it and the road to north side of our property we and our neighbors had to pay for ourselves to have it improved and blacktop. When we first moved out here the county did mow the weeds along the road not so much anymore. We originally moved from Wyandotte County to Basehor for lower taxes and better schools for our sons. We then moved from Basehor city limits to the country to have some land and room for our

sons to roam and grow up on. Our taxes have more than tripled over the years and our peace and quiet of living in the country has gone.

Please vote NO to granting this variance.

Thank you,
Orlie and Barbara Fehrenbach
17473 166th St
Basehor, KS

PS: There is more than 200 acres in Basehor right in town by BIS that can be developed. Let them build sub-divisions there.

SEP 06 2023

Sept. 6, 2023

Leavenworth County Planning Commission
Application (DEV-23-118) for rezoning request.
Public hearing held 13th day of Sept., 2023

I am writing in opposition to the rezoning request from RR-2.5 zoning district to R-1(43) zoning district on the property at 17679 166 St. Basehor, Ks, The Wilma & McLee Estate and PCD1.

Growth comes, but changing the zoning district to R-1 would not be fair to current land owners who met county regulations when they purchased their land, looking for a little bit more space and country. Leaving the zoning district at RR-2.5 would enhance the area.

The intersection at 166 St and Evans Rd is dangerous now. Basehor-Linwood School District is looking at bond issues now for schools, is this a consideration?

RR-2.5 zoning district should remain in south Basehor for more appeal to future land owners who desire more space. Keeping in mind, the zoning change to R-1 will only help the developer, who will not be residing there.

Moody Family Wealth Trust
Audrey M. Moody
15012 Parallel Rd.
Basehor, Ks. 66007-3011

Leavenworth Times Affidavit of Publication

County of Leavenworth
State of Kansas
NOTICE OF PUBLIC HEARING

Notice is hereby given for the Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-23-118) for a rezoning request from RR-2.5 zoning district to R-1 (43) zoning district on the following described property: The North 908.37 feet of the Southeast ¼ of the Northeast ¼ of Section 16, Township 11 South, Range 22 East of the Sixth P.M. in Leavenworth County, Kansas.

Request submitted by Herring Surveying on behalf of the Wilma K McGee Estate and PCDI

Address: 17679 166th Street, Basehor KS 66007
Parcel ID number: 185-16-0-00-00-063.00

The hearing will be held on Wednesday the 13th day of September, 2023 at 5:30 p.m. in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas. Further information is available, including the full legal description, for inspection during regular business hours in the Leavenworth County Planning & Zoning Department.

We encourage public input. If you wish to provide comments in writing instead of in person, written comments must be received no later than noon Tuesday, Sept. 12, 2023.

John Jacobson, Secretary
Leavenworth County Planning Commission Publish by 8/23/2023

Published in the Leavenworth Times, August 22, 2023.

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 22nd day of August, 2023.

WITNESS my hand this 22nd day of August, 2023.

Tammy Lawson
Legal Representative

Subscribe and sworn before me, this 22 day of Aug, 2023.

Rebecca A. Broom
Notary Public

My Commission Expires: 10/7/27

