

# LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, October 11, 2023  
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048  
[www.leavenworthcounty.gov](http://www.leavenworthcounty.gov)

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Minutes**
5. **Secretary's Report**
6. **Declarations: (if necessary)**
  - A. Declarations of receipt of communications by Planning Commissioners
  - B. Disclosure of ex-parte communications for each hearing item
  - C. Declarations of abstention from specific agenda items by a Commissioner
7. **Approval of Agenda**
8. **Consent Agenda**
  - A. **Case DEV-23-121 & 122 Preliminary and Final Plat Von Behrens Addition**  
Consideration of a Preliminary and Final Plat for Von Behrens Addition on the following described property: A tract of land in the Northeast Quarter of Section 6, Township 12 South, Range 22 East, of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas  
**Also known as 14577 182<sup>nd</sup> Street, Linwood**  
**PID: 233-06-0-00-00-016.00**
  - B. **Case DEV-23-125 & 126 Preliminary and Final Plat – Whitetail Land North**  
Consideration of a Preliminary and Final Plat for Whitetail Land North on the following described property: A tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.  
**Also known as 00000 231<sup>st</sup> Street, Easton**  
**PID: 069-31-0-00-00-004.04**
  - C. **Case DEV-23-127 & 128 Preliminary and Final Plat – Whitetail Land South**  
Consideration of a Preliminary and Final Plat for Whitetail Land South on the following described property: A tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.  
**Also known as 00000 235<sup>th</sup> Street, Easton**  
**PID: 069-31-0-00-00-004.05**

## 9. Regular Agenda

### A. Case DEV-23-021 Preliminary Plat for Garden Villa

Consideration of a Preliminary Plat for Garden Villa on the following described property:  
A Replat of Lots 9A and 9B, Deer Mound Subdivision, in Leavenworth County, Kan.

**Also known as 00000 254<sup>th</sup> Street, Lawrence**

**PID: 211-02-0-00-00-001.10 & 001.14**

### B. Case DEV-23-132 & 133 Preliminary and Final Plat Doane Acres

Consideration of a Preliminary and Final Plat for Doane Acres on the following described property: Tracts of land in the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6<sup>th</sup> P.M., Leavenworth County, Kansas.

**Also known as 00000 Marxen Road, Kansas City**

**PID: 162-03-0-00-00-013.01**

## Adjournment of Planning Commission

### Upcoming meeting dates:

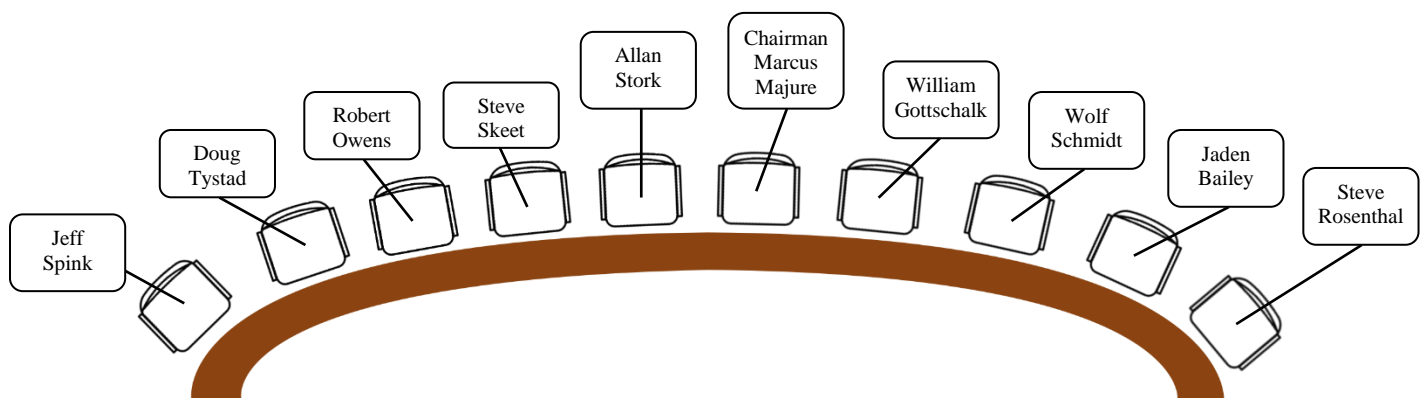
- **Wednesday, November 8, 2023, 5:30 PM**  
**Regular Planning Commission Meeting**

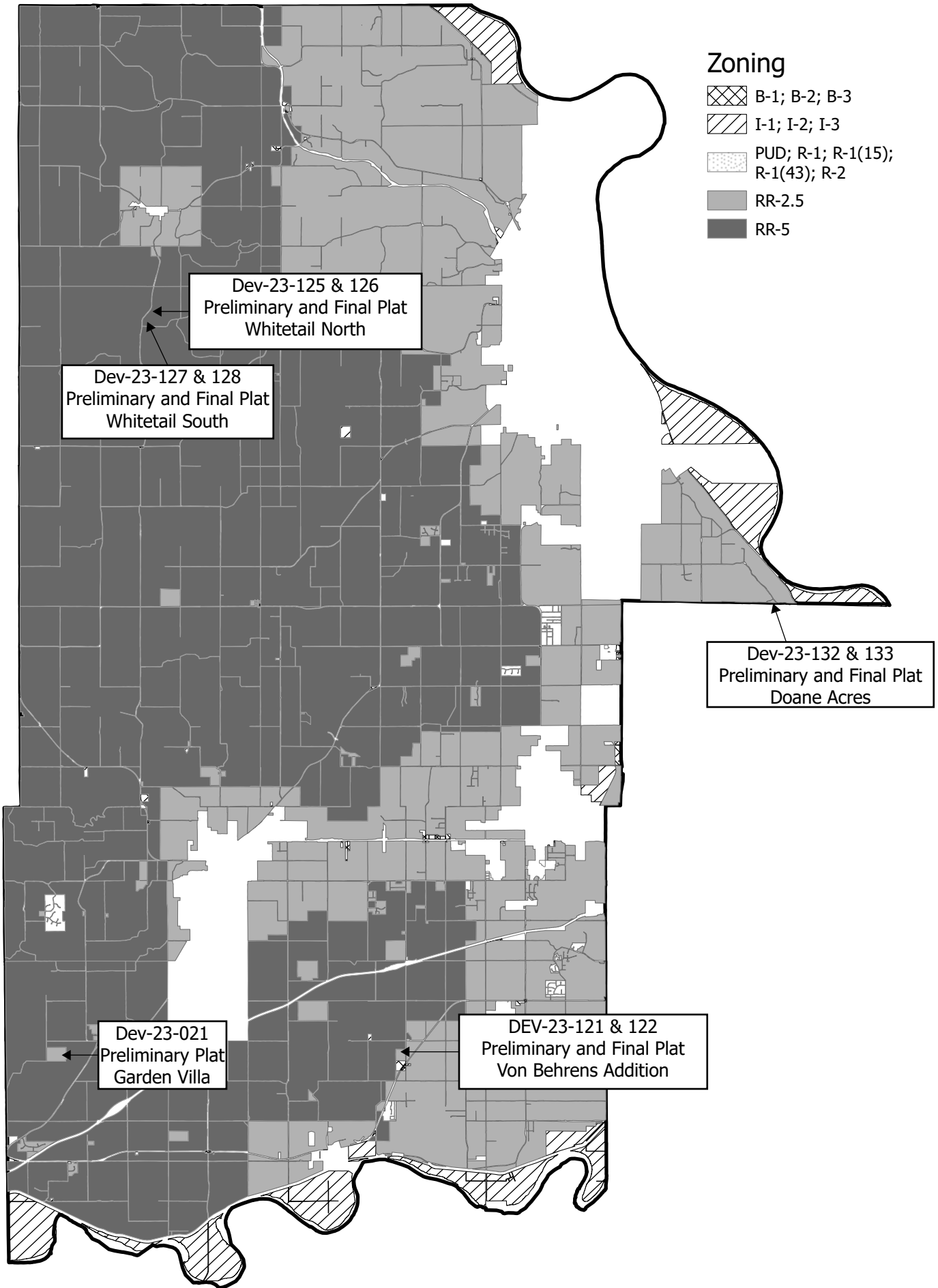
### For More Information

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

Contact Stephanie Sloop – 913-684-0465

## Planning Commission Seating Chart 2023





**LEAVENWORTH COUNTY PLANNING COMMISSION  
MINUTES OF THE REGULAR MEETING  
September 13, 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, Robert Owens, Wolf Schmidt and Steve Skeet

**Members absent:** Doug Tystad

**Staff present:** John Jacobson-Director, Amy Allison-Deputy Director, Stephanie Sloop-Planning Coordinator, Misty Brown-County Counselor

**Minutes:**

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

**ROLL CALL VOTE - Motion to approve the minutes passed, 6/0 (2 abstention, 1 absent)**

**Secretary's Report:**

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

**Commissioner Rosenthal made a motion to approve the agenda. Commissioner Schmidt seconded the motion.**

**ROLL CALL VOTE - Motion to approve the agenda passed, 8/0**

**Commissioner Stork declared that he would be abstaining from Case DEV-22-092 & 093.**

**Case DEV-092 & 092 Preliminary and Final Plat Sunny Side Estates 2<sup>nd</sup>**

**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 6<sup>th</sup> 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-23-092 & 093 a Preliminary and Final Plat for Sunny Side Estates 2<sup>nd</sup>. Commissioner Skeet seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 7/0 (1 Abstention, 1 Absent)**

**Commissioner Rosenthal motioned to approve DEV-23-092 & 093 a Preliminary and Final Plat for Sunny Side Estates 2<sup>nd</sup>. Commissioner Schmidt seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 7/0 (1 Abstention, 1 Absent)**

**Case DEV-23-102 & 103 Preliminary 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 4, Township 12 South, Range 21 East of the 6<sup>th</sup> 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 Rosenthal motioned to approve the exception requested with the plat. Commissioner Gottschalk seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 8/0 (1 Absent)**

**Commissioner Rosenthal motioned to approve DEV-23-102 & 103 a Preliminary and Final Plat for Dodge Addition. Commissioner Schmidt seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 8/0 (1 Absent)**

**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 6<sup>th</sup> P.M. in Leavenworth County, Kansas.**

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

Chairman Majure asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. The applicant's agent, Attorney Chip DeMoss, came forward to describe the request and answer any questions from the board.

Chairman Majure asked if there was anyone present wishing to speak in favor or opposition. The public comment portion of the hearing was closed.

Chairman Majure stated that he would accept a motion if there were no further discussion.

**Commissioner Rosenthal made a motion to approve Case DEV-23-110 – Special Use Permit – Whiskey Ridge. Commissioner Owens seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 8/0, (1 absent)**

**Case DEV-23-114 Rezone from RR-5 to RR-2.5 Brock**

**Consideration of a Rezone from RR-5 to RR-2.5 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 6<sup>th</sup> P.M. in Leavenworth County, Kansas.**

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

Chairman Majure asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. The applicant's agent, Joe Herring, came forward to describe the request and answer any questions from the board.

Chairman Majure asked if there was anyone present wishing to speak in favor or opposition. The public comment portion of the hearing was closed.

Chairman Majure stated that he would accept a motion if there were no further discussion.

**Commissioner Stork made a motion to approve Case DEV-23-114 – Rezoning from RR-5 to RR-2.5. Commissioner Schmidt seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 8/0, (1 absent)**

**Case DEV-23-117 Rezone from RR-5 to RR-2.5 South Park  
Consideration of a Rezone from RR-5 to RR-2.5 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 6<sup>th</sup> P.M., in Leavenworth County, Kansas.**

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

Chairman Majure asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. The applicant's agent, Joe Herring, came forward to describe the request and answer any questions from the board.

Chairman Majure asked if there was anyone present wishing to speak in favor or opposition. The public comment portion of the hearing was closed.

Chairman Majure stated that he would accept a motion if there were no further discussion.

**Commissioner Stork made a motion to approve Case DEV-23-117 – Rezoning from RR-5 to RR-2.5. Commissioner Gottschalk seconded the motion.**

**ROLL CALL VOTE - Motion to approve passed 8/0, (1 absent)**

**Case DEV-23-118 Rezone from RR-2.5 to R1 (43)  
Consideration of a Rezone from RR-2.5 to R1 (43) 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 6<sup>th</sup> P.M. in Leavenworth County.**

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

Chairman Majure asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. The applicant's agent, Joe Herring, came forward to describe the request and answer any questions from the board.

Chairman Majure asked if there was anyone present wishing to speak in favor or opposition. Multiple residents to address concerns with the request. The public comment portion of the hearing was closed.

Chairman Majure asked if there were questions or comments from the Planning Commission. The board asked staff questions regarding the process of rezoning and had discussion amongst themselves.

Chairman Majure stated that he would accept a motion if there were no further discussion. The Board had discussion

**Commissioner Bailey made a motion to deny Case DEV-23-118 – Rezoning from RR-2.5 to R1 (43), stating that the Golden Factor, specifically Character of Neighborhood, and some of the other factors we spoke on. County Counselor asked for him to elaborate for the record on the other concerns he mentioned in his motion. Commissioner Bailey added to his motion concerns on hydrology, density, distance from the City, and a plan of the nearby plan for growth in the County, as well as the affects on surrounding property. Commissioner Rosenthal seconded the motion.**

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

**The meeting was adjourned at 7:01 p.m.**

**LEAVENWORTH COUNTY  
PLANNING COMMISSION**

STAFF REPORT

CASE NO: DEV-23-121 & 122 Von Behrens Cross Access Easement Addition

October 11, 2023

<b>REQUEST: <i>Consent Agenda</i></b> x Preliminary Plat <input checked="" type="checkbox"/> Final Plat	<b>STAFF REPRESENTATIVE:</b> John Jacobson DIRECTOR
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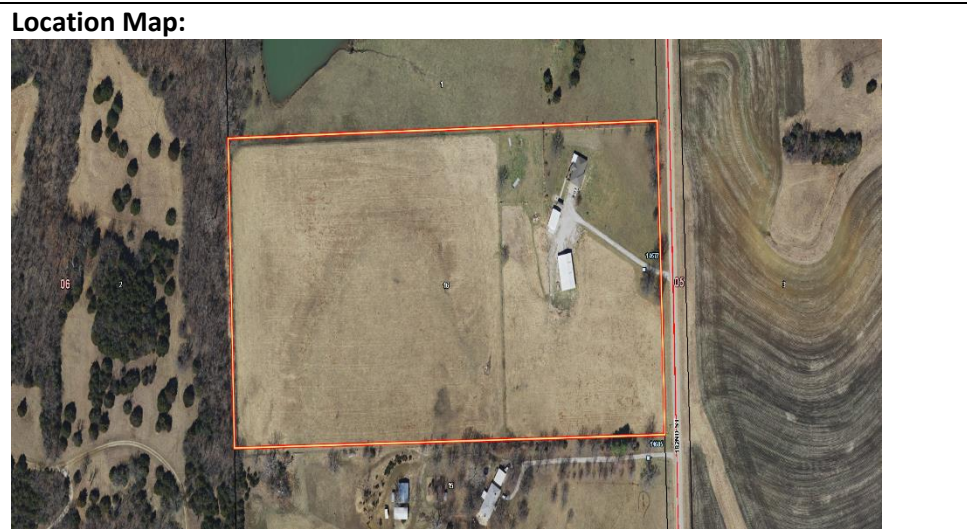
<b>SUBJECT PROPERTY:</b> 14577 182 <sup>nd</sup> Street Linwood Kansas	<b>APPLICANT/APPLICANT AGENT:</b> Austin Thompson Atlas Consulting LLC
	<b>PROPERTY OWNER:</b> Von Behrens Living Trust 14577 182 <sup>nd</sup> Street Linwood Kansas 66052
	<b>CONCURRENT APPLICATIONS:</b> Yes
	<p align="center"><b>LAND USE</b></p> ZONING: 2.5
	FUTURE LAND USE DESIGNATION: 2.5

<b>LEGAL DESCRIPTION:</b> A Cross Access Easement Plat in the Northeast Quarter of Section 06, Township 12 South, Range 22 East, of the 6 <sup>th</sup> P.M. In Leavenworth County Kansas	SUBDIVISION: N/A FLOODPLAIN: N/A
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<b>STAFF RECOMMENDATION:</b> APPROVAL	<p align="center"><b>PROPERTY INFORMATION</b></p>
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<b>ACTION OPTIONS:</b> <ol style="list-style-type: none"> <li>1. Recommend approval of Case No. DEV-23-121 &amp; 122, Preliminary &amp; Final Plat for Von Behrens Cross Access Easement Addition, to the Board of County Commission, with or without conditions; or</li> <li>2. Recommend denial of Case No. DEV-23-121 &amp; 122, Preliminary &amp; Final Plat for Von Behrens Cross Access Easement Addition, to the Board of County Commission for the following reasons; or</li> <li>3. Continue the hearing to another date, time, and place.</li> </ol>	PARCEL SIZE: 20 ACRES
	PARCEL ID NO: 233-06-0-00-00-016.00
	BUILDINGS: 1 Single Family Home and two accessory structures

<b>PROJECT SUMMARY:</b> Request for a final plat approval to subdivide property located at 14577 182 <sup>nd</sup> Street (PID 233-06-0-00-00-016.00) as Lots 1 and 2 of Von Behrens Cross Access Easement Addition.	ACCESS/STREET: Cross Access Easement to 182 <sup>nd</sup> Collector 24'+-, Gravel;
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<p align="center"><b>UTILITIES</b></p>
SEWER: PRIVATE SEPTIC SYSTEM
FIRE: Sherman
WATER: RWD #7
ELECTRIC: Evergy
<p align="center"><b>NOTICE &amp; REVIEW:</b></p>
STAFF REVIEW: 9/26/2023
NEWSPAPER NOTIFICATION: N/A
NOTICE TO SURROUNDING PROPERTY OWNERS: N/A



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

**STAFF COMMENTS:**

The applicant is proposing to divide a 20-acre parcel into 2 lots. The Subdivision is classified as a Class C 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. The lots will have access via a cross access easement. Lot 1 will be approximate 8.51 acres and Lot 2 will be approximately 11.81 acres in size. All lots meet the requirements for the RR-2.5 zoning district. Both proposed lots exceed the acreage requirements for well use (5 acres) and as such, will utilize well water. Staff is generally in support of the application.

**PROPOSED CONDITIONS:**

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

**ATTACHMENTS:**

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

# LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-23-121

PERMIT SUB-TYPE SUBDIVISION

PID 233-06-0-00-00-016.00 PARCEL SIZE 20 AC ZONE RR-2.5  
TWSP SHERMAN SCHOOL DIST 458 SDD NO  
SUBDIVISION LOT NO BLOCK NO  
WATER DIST RWD 7 ELECTRIC EVERGY SEWER DIST n/a  
FLOOD PLAIN IN PARCEL NO FLOOD PLAIN ON BUILDING SITE NO  
SITE ADDRESS 14577 182nd St  
SITE CITY Linwood SITE STATE KS SITE ZIP CODE 66052

LAST NAME Von Behrens Living Trust FIRST NAME Austin Thompson PHONE 913-702-8916  
EMAIL austin@alconsult-llc.com  
ADDRESS 14577 182nd St  
CITY Linwood STATE KS ZIP CODE 66052

CONSULTANT Austin Thompson - Atlas Land Consulting CONSULTANT PHONE 913-702-8916  
CONSULTANT EMAIL

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

SUBDIVISION TYPE PRE-PLAT GROSS ACREAGE 20 COVENANTS NO  
MAXIMUM LOT SIZE 10.02 MINIMUM LOT SIZE 7.9 OPEN SPACE ACREAGE  
LOTS 2 TRACTS TOTAL PARCELS 2 DENSITY

NOTES: CAE requested

STAFF	8/21/2023	STAFF ACTION	PENDING	<input type="checkbox"/> PUBLIC HEARING	AGENDA AREA
PC		PC ACTION	PENDING		NOTICE PUB
BOCC		BOCC ACTION	PENDING		RESOLUTION PUB
BZA		BZA ACTION		DURATION	EXPIRATION

APPLICATION FEE \$300.00 TIF 0.00 BOND 0.00 TOTAL FEES \$300.00  
CHECK NO 1123  CASH  CC TIF CHECK NO

STAFF APPROVAL *M. Johnson* DATE 08.21.2023  
APPLICANT DATE

# LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-23-122

PERMIT SUB-TYPE SUBDIVISION

PID 233-06-0-00-00-016.00 PARCEL SIZE 20 AC ZONE RR-2.5  
TWSP SHERMAN SCHOOL DIST 458 SDD NO  
SUBDIVISION LOT NO BLOCK NO  
WATER DIST RWD 7 ELECTRIC EVERGY SEWER DIST n/a  
FLOOD PLAIN IN PARCEL NO FLOOD PLAIN ON BUILDING SITE NO  
SITE ADDRESS 14577 182nd St  
SITE CITY Linwood SITE STATE KS SITE ZIP CODE 66052

LAST NAME Von Behrens Living Trust FIRST NAME Austin Thompson PHONE 913-702-8916  
EMAIL austin@alconsult-llc.com  
ADDRESS 14577 182nd St  
CITY Linwood STATE KS ZIP CODE 66052

CONSULTANT Austin Thompson - Atlas Land Consulting CONSULTANT PHONE 913-702-8916  
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 20 COVENANTS NO  
MAXIMUM LOT SIZE 10.02 MINIMUM LOT SIZE 7.9 OPEN SPACE ACREAGE  
LOTS 2 TRACTS TOTAL PARCELS 2 DENSITY

NOTES: CAE requested

STAFF	8/21/2023	STAFF ACTION	PENDING	<input type="checkbox"/> PUBLIC HEARING	AGENDA AREA
PC		PC ACTION	PENDING		NOTICE PUB
BOCC		BOCC ACTION	PENDING		RESOLUTION PUB
BZA		BZA ACTION		DURATION	EXPIRATION

APPLICATION FEE \$225.00 TIF 0.00 BOND 0.00 TOTAL FEES \$225.00  
CHECK NO 1123  CASH  CC TIF CHECK NO

STAFF APPROVAL *A. Thompson* DATE 08.21.2023  
APPLICANT DATE

**FINAL PLAT APPLICATION**

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

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

<b>APPLICANT/AGENT INFORMATION</b>	<b>OWNER INFORMATION</b>
NAME: <u>AUSTIN THOMPSON - ATLAS LAND CONSULTING</u>	NAME: <u>VON BEHRENS LIVING TRUST</u>
MAILING ADDRESS: <u>14500 PARALLEL RD UNIT R</u>	MAILING ADDRESS: <u>14577 182ND ST</u>
CITY/ST/ZIP: <u>BASEHOR, KS 66007</u>	CITY/ST/ZIP: <u>LINWOOD, KS 66052</u>
PHONE: <u>913-702-8916</u>	PHONE: _____
EMAIL: <u>AUSTIN@ALCONSULT-LLC.COM</u>	EMAIL: <u>jennywarren76@gmail.com</u>

**GENERAL INFORMATION**

Proposed Subdivision Name: VON BEHRENS ADDITION

Address of Property: 14577 182ND STREET LINWOOD, KS 66052

PID: 2330600000016000 Urban Growth Management Area: \_\_\_\_\_

SUBDIVISION INFORMATION		
Gross Acreage: <u>20.00 ACRES</u>	Number of Lots: <u>2 LOTS</u>	Minimum Lot Size: _____
Maximum Lot Size: _____	Proposed Zoning: <u>RR 2.5</u>	Density: _____
Open Space Acreage: _____	Water District: <u>RWD #7</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: <u>Local - Collector - Arterial - State - Federal</u>	
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: Patricia Ann von Behrens Date: 8-2-2023

OWNER AUTHORIZATION

I/WE Patricia Ann vonBehrens, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 2 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 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.

Patricia Ann vonBehrens  
Owner

\_\_\_\_\_  
Owner

STATE OF KANSAS  
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 2<sup>nd</sup> day of Aug, 2023,  
by Mysty Phillips - Patricia VonBehrens  
My Commission Expires: 08/18/2026



Mysty Phillips  
Notary Public

ATTACHMENT B

PROPERTY TAX PAYMENT ACKNOWLEDGEMENT

I/WE Patricia Ann von Behrens, as owners of the following real property, 14577 182nd St. Linwood, KS 66052, acknowledge that I/we have read and understand the following statement:

Any property owner wishing to divide or amend their real property by the adoption of a Final Plat must issue payment for the full yearly amount of taxes owed to Leavenworth County before the Final Plat application will be accepted by the Planning and Zoning Department.

Patricia Ann von Behrens  
Owner

\_\_\_\_\_  
Owner

8-2-2023  
Date

\_\_\_\_\_  
Date

Treasurer's Office Approval

Property Owner Name: Von Behrens Living Trust

Address of Property: 14577 182nd St. #4, KS 66052

PID: 1-20557  
Linwood

Property Taxes Paid In Full?  Yes  No

Lisa S Crook  
Treasurer's Office Representative Name

Lisa G. Crook  
Signature

8/2/23  
Date



**MINIMUM REQUIREMENTS FOR CROSS ACCESS EASEMENT HOMEOWNERS ASSOCIATION  
FILINGS**

All applications for subdivision plats that will utilize a Cross Access Easement as defined by county regulations shall be accompanied by a draft Homeowners Association ("HOA") agreement for review and approval by staff and simultaneous filing with the subdivision plat. It shall be the responsibility of the submitter of the application to prepare the HOA document. Said HOA document shall contain, at a minimum, the following language.

---This HOA agreement shall be binding upon all owners, purchasers, lienholders, holders of any legally recognized interest in the real property and assigns ("Owner").

---The term of this HOA shall be perpetual or until dissolved pursuant to appropriate legal means.

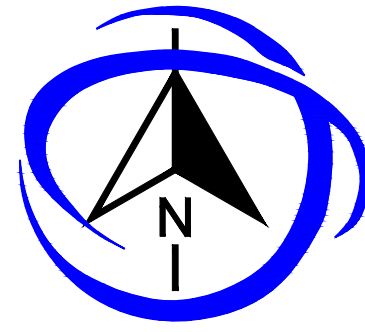
---The terms of this HOA are enforceable as a contract between the interested parties in this HOA.

---Each owner is jointly and severally responsible for the cost of the maintenance and repair of the shared utility easements, roads and appurtenances and all other improvements within the subdivision and as shown on the plat of VonBenrens Addition Subdivision. For the purpose of this HOA the owner of each lot shall annually pay 50 % of the costs of the maintenance and repairs referenced herein.

---Each owner of property within the VonBenrens Addition Subdivision hereby acknowledges, and is bound by the acknowledgment, that they are fully aware and agree that the maintenance and repair of the shared utility easements, roads and appurtenances and all other improvements within the subdivision as shown on the recorded plat of the subdivision is the sole responsibility of the owners of real property within the subdivision and that the county of Leavenworth, Kansas, or any municipality which shall annex said subdivision, has no role or responsibility for the maintenance and repairs referenced herein.

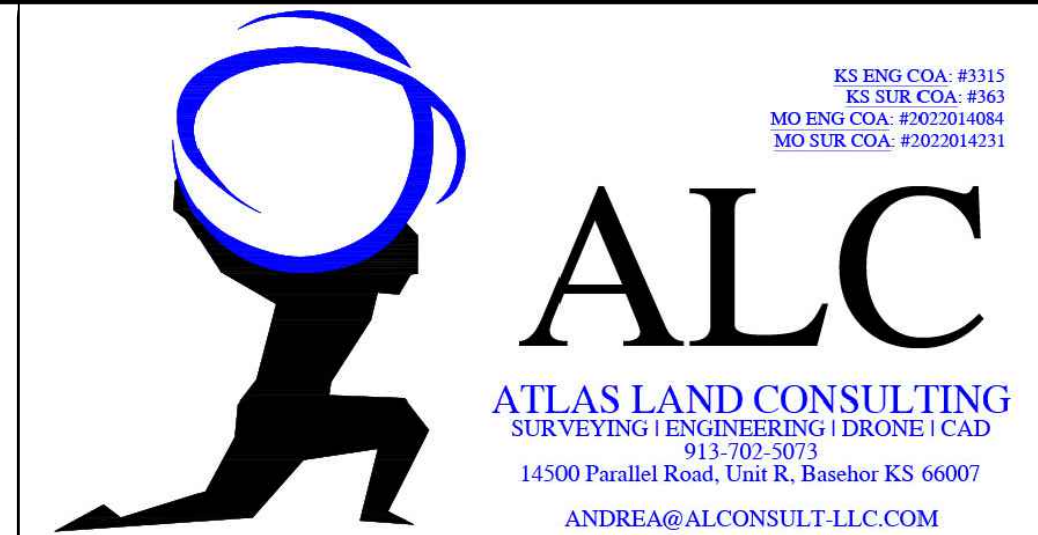






# VON BEHRENS ADDITION

A CROSS ACCESS EASEMENT PLAT IN THE NORTHEAST QUARTER OF SECTION 06, TOWNSHIP 12 SOUTH, RANGE 22 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS



**PRELIMINARY PLAT**

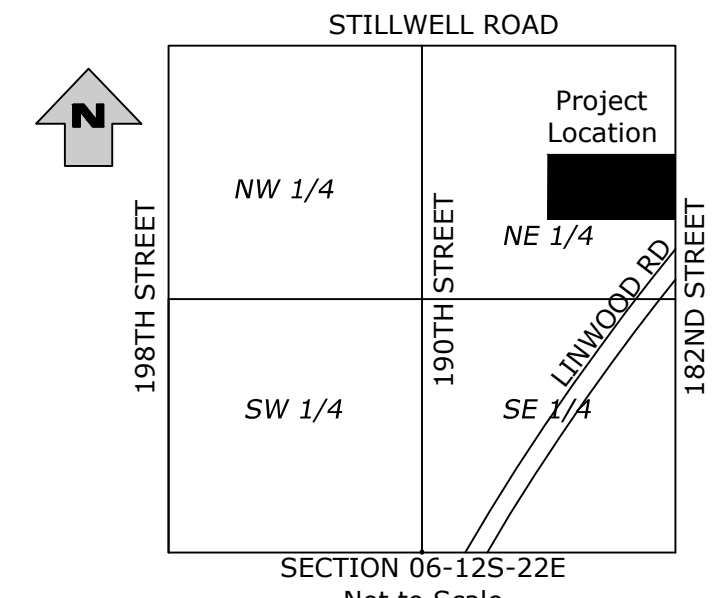
## LEGEND

- ▲ DENOTES FOUND MONUMENT AS NOTED
- DENOTES SET 1/2" 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
- ⊠ VEHICLE ACCESS

## GENERAL NOTES

1. THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983, THE EAST LINE OF THE NORTHEAST QUARTER OF SEC 06-12S-22E S01°51'56"E.
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".
4. KS ONE CALL WAS CALLED AT THE TIME OF SURVEY TICKET NO. 23372736.
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.
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9. CURRENT USE - RESIDENTIAL / PROPOSED USE - RESIDENTIAL
10. CURRENT ZONING RR-2.5 / PROPOSED ZONING RR 2.5
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22. LEAVENWORTH COUNTY SHALL BEAR NO RESPONSIBILITY FOR ANY MAINTENANCE AND UPKEEP OF THE CROSS ACCESS EASEMENT, DRIVE, AND DRIVE APPURTENANCES.
23. UTILITIES - ELECTRIC - WATER - RURAL WATER DISTRICT 7, GAS - PROPANE, SEWER - SEPTIC

## VICINITY MAP



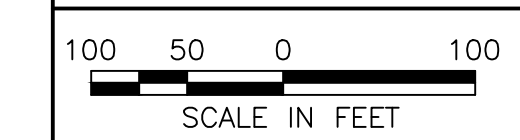
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07/28/2023  
ROGER B. DILL  
LS 1408

JOB NO: 23-190

SCALE

PREPARED FOR



SEC-TWN-RNG  
06-12S-22E

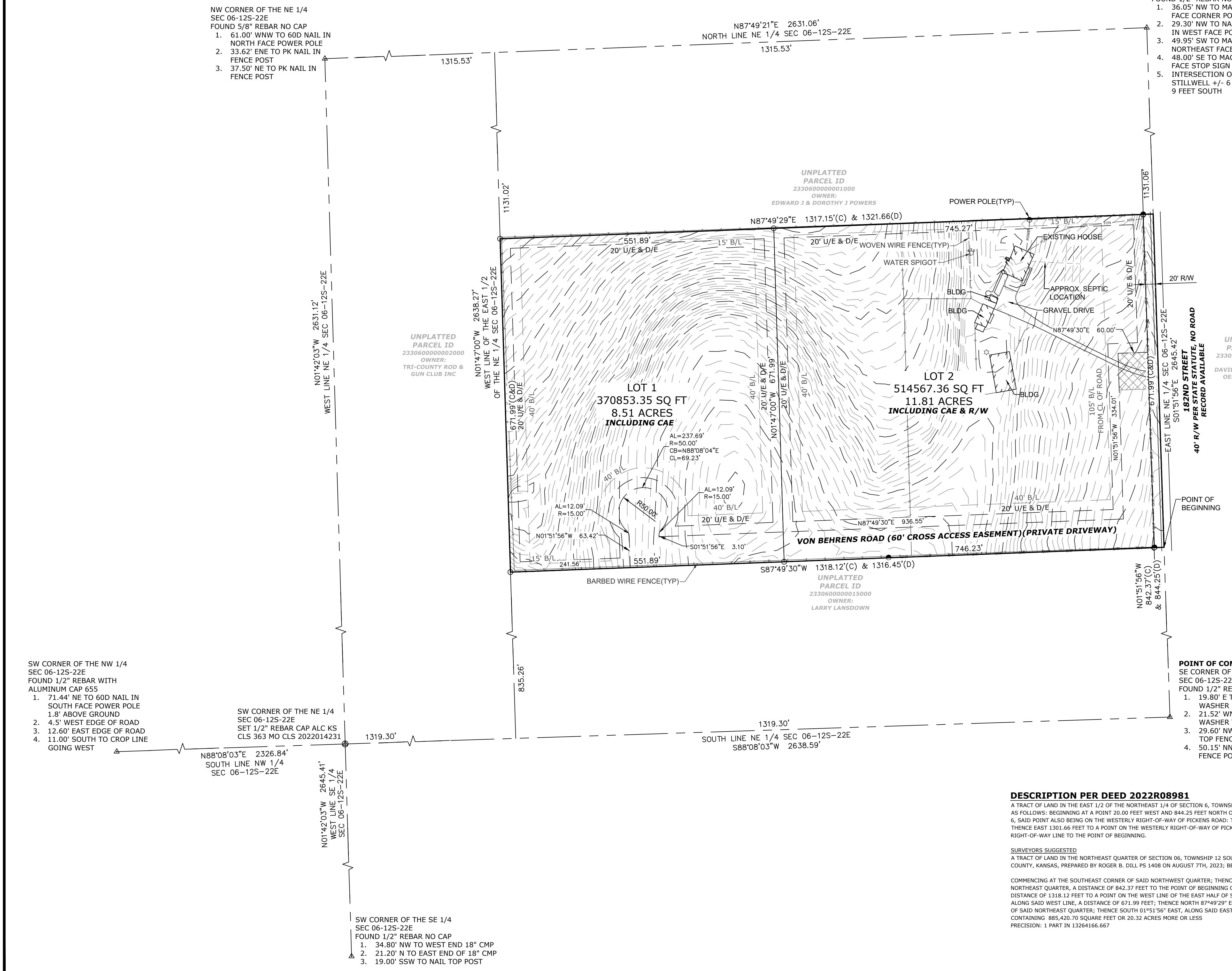
VON BEHRENS LIVING TRUST  
ADDRESS: 14577 182ND ST  
LINWOOD, KS 66052

DATE

AUGUST 4, 2023

- NW CORNER OF THE NE 1/4 SEC 06-12S-22E  
FOUND 5/8" REBAR NO CAP
1. 61.00' WNW TO 60D NAIL IN NORTH FACE POWER POLE
  2. 33.62' ENE TO PK NAIL IN FENCE POST
  3. 37.50' NE TO PK NAIL IN FENCE POST

- NE CORNER OF THE NE 1/4 SEC 06-12S-22E  
FOUND 1/2" REBAR NO CAP
1. 36.05' NW TO MAG NAIL IN EAST FACE CORNER POST
  2. 29.30' NW TO NAIL AND SHINER IN WEST FACE POWER POLE
  3. 49.95' SW TO MAG NAIL IN NORTHEAST FACE CORNER POST
  4. 48.00' SE TO MAG NAIL IN WEST FACE STOP SIGN
  5. INTERSECTION OF 182ND AND STILLWELL +/- 6 FEET EAST AND 9 FEET SOUTH



- SW CORNER OF THE NW 1/4 SEC 06-12S-22E  
FOUND 1/2" REBAR WITH ALUMINUM CAP 655
1. 71.44' NE TO 60D NAIL IN SOUTH FACE POWER POLE 1.8' ABOVE GROUND
  2. 4.5' WEST EDGE OF ROAD
  3. 12.60' EAST EDGE OF ROAD
  4. 11.00' SOUTH TO CROP LINE GOING WEST

- SW CORNER OF THE NE 1/4 SEC 06-12S-22E  
SET 1/2" REBAR CAP ALC KS CLS 363 MO CLS 2022014231
1. 2326.84' SOUTH LINE NW 1/4 SEC 06-12S-22E
  2. 2645.41' WEST LINE NE 1/4 SEC 06-12S-22E
  3. 2645.41' WEST LINE NE 1/4 SEC 06-12S-22E

- SW CORNER OF THE SE 1/4 SEC 06-12S-22E  
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### DESCRIPTION PER DEED 2022R08981

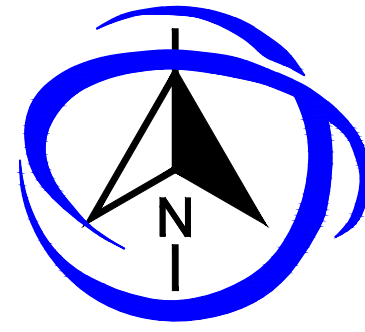
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### SURVEYORS SUGGESTED

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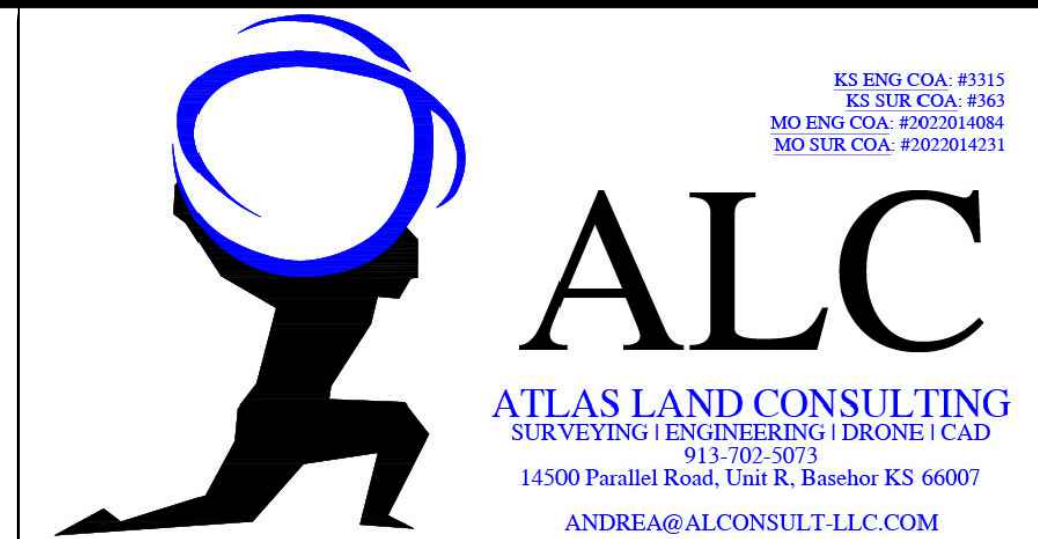
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PRECISION: 1 PART IN 13264166.667

UTILITIES  
EVERGY - 800-383-1183  
RURAL WATER DISTRICT 7 - 913-856-7375



# VON BEHRENS ADDITION

A CROSS ACCESS EASEMENT PLAT IN THE NORTHEAST QUARTER OF SECTION 06, TOWNSHIP 12 SOUTH, RANGE 22 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS



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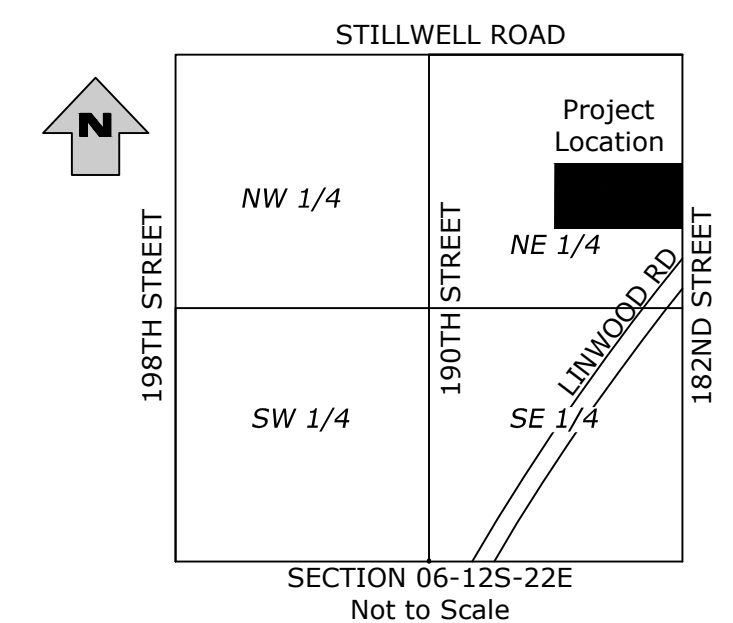
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8/28/2023  
ROGER BADILL  
LS 1408

JOB NO: 23-190

SCALE PREPARED FOR



SEC-TWN-RNG  
06-12S-22E  
VON BEHRENS LIVING TRUST  
ADDRESS: 14577 182ND ST  
LINWOOD, KS 66052

DATE

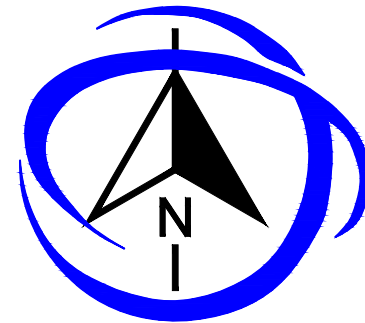
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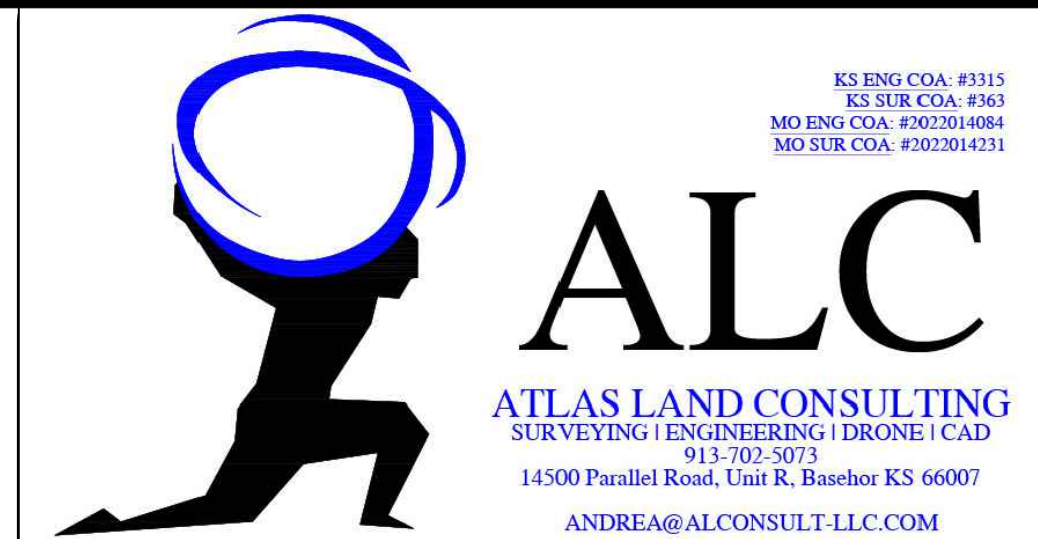
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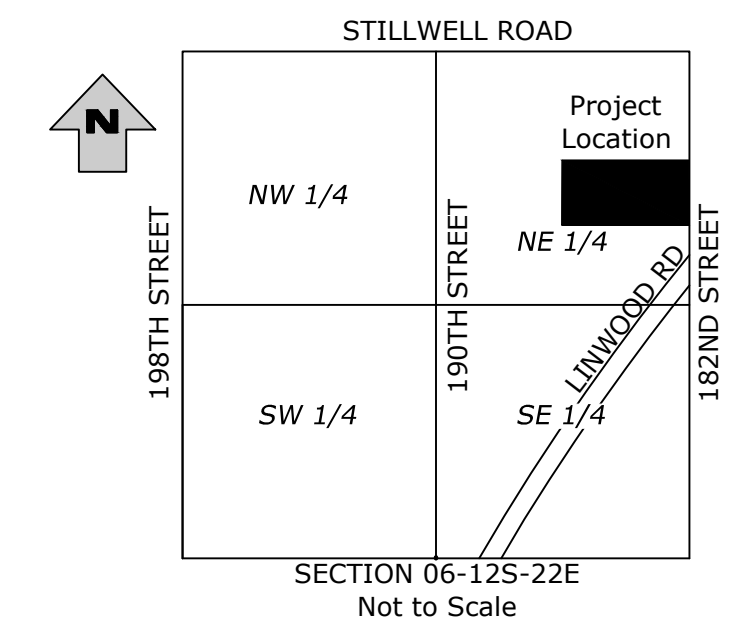
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ROGER B. DILL, Notary Public, State of Kansas, Commission Expires 08/28/2023, LS 1408

JOB NO: 23-190

SCALE                      PREPARED FOR

100    50    0    100  
SCALE IN FEET

SEC-TWN-RNG  
06-12S-22E

VON BEHRENS LIVING TRUST  
ADDRESS: 14577 182ND ST  
LINWOOD, KS 66052

DATE

AUGUST 4, 2023

**DESCRIPTION PER DEED 2022R08981**

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**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 "**VON BEHRENS ADDITION**".

The streets and roads shown on this plat and not heretofore dedicated to public use, are hereby so dedicated by easement.

All taxes have been paid.

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.

"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.

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 for the benefit of Lot 1 and Lot 2 Von Behrens Addition. Maintenance as defined in the Home Owner's Association (H.O.A.), recorded at the Leavenworth County Register of Deeds Office #2023R

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.

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 202\_.

OWNER

\_\_\_\_\_  
PATRICIA ANN VON BEHRENS TRUSTEE, VON BEHRENS LIVING TRUST

STATE OF KANSAS)  
                                  )SS  
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 **PATRICIA ANN VON BEHRENS TRUSTEE, VON BEHRENS LIVING TRUST**, 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

THIS PLAT OF VON BEHRENS 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

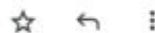
I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED FOR COMPLIANCE WITH KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

\_\_\_\_\_  
LEAVENWORTH COUNTY SURVEYOR  
DANIEL BAUMCHEN, PS-1363



**Kyle Burkhardt** <Kyle.Burkhardt@evergy.com>  
to me ▾

7:44 AM (13 minutes ago)



Internal Use Only

Austin

We can provide power to the new home, we would like to see an utility easement on the entire length of the north side of both properties were the existing line is so we can continue that on.

Thanks

**Kyle Burkhardt**

Evergy

TD Designer II

📞 785-508-2408

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





**jalayne leavenworthrwd7.com**

to me, Dylan, dritter@rtfd21.com, Tyler ▾

2:55 PM (11 minutes ago)



Hello Mr. Thompson:

Thank you for keeping us informed on the "Mother-in-law" split. However, you being on well water will eliminate any issues with the district supply water.

If you have any questions, please feel free to contact our Operator-Manager Mr. Clint Worrall @ 913-481-4973.

Thank you.

Jalayne Turner

Jalayne Turner

Office Manager

LVRWD#7

2451 S. 142<sup>nd</sup> St.

P O Box 257

Bonner Springs, KS 66012-0257

913-441-1205 Office

913-422-3393 Fax

[www.lvrwd7.com](http://www.lvrwd7.com)

...



**Dylan Ritter** <dritter@rtfd21.com>  
to jalayne, Dylan, Tyler, me ▾

Sun, Jul 30, 7:16 PM ☆ ↶ ⋮

I have no comments or concerns.



Looks good to me too.

I concur.

You are very welcome.

↶ Reply

↶ Reply all

↷ Forward

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Von Behrens Addition  
**Date:** September 1, 2023

Amy, I have reviewed the preliminary plat of the Von Behrens Addition Subdivision presented by the Von Behrens trust. 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 placed along the right-a-way at the corner between Lot 1 and Lot 2.

I have no further recommendation for this subdivision.

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

## Sloop, Stephanie

---

**From:** Jacobson, John  
**Sent:** Thursday, October 5, 2023 4:36 PM  
**To:** Sloop, Stephanie; Johnson, Melissa  
**Subject:** Fwd: Von Behrens DEV-23-121 & 23-122  
**Attachments:** Von Behrens Final Plat -2023.10.05 No Comments.pdf

Get [Outlook for iOS](#)

---

**From:** Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Sent:** Thursday, October 5, 2023 4:32 PM  
**To:** Jacobson, John <JJacobson@leavenworthcounty.gov>  
**Subject:** RE: Von Behrens DEV-23-121 & 23-122

No comments

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

---

**From:** Jacobson, John  
**Sent:** Thursday, October 5, 2023 3:41 PM  
**To:** Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Subject:** FW: Von Behrens DEV-23-121 & 23-122

Dan-

This appears to address all your comments- Wanted to make sure.

John Jacobson  
Director  
Planning and Zoning  
Leavenworth County  
(913) 684 0461

### 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.*



## Sloop, Stephanie

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Monday, October 2, 2023 2:24 PM  
**To:** Jacobson, John; Johnson, Melissa  
**Cc:** Noll, Bill; McAfee, Joe  
**Subject:** RE: Von Behrens DEV-23-121 & 23-122  
**Attachments:** Von. Behrens Addition Drainage Study 23.10.02.pdf

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

Melissa,  
The revised drainage report sent today was reviewed. No further comment. Attached is the report that was reviewed.

Thanks,

Mitch

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Friday, September 29, 2023 12:35 PM  
**To:** Jacobson, John <JJacobson@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>  
**Cc:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>; Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Subject:** RE: Von Behrens DEV-23-121 & 23-122

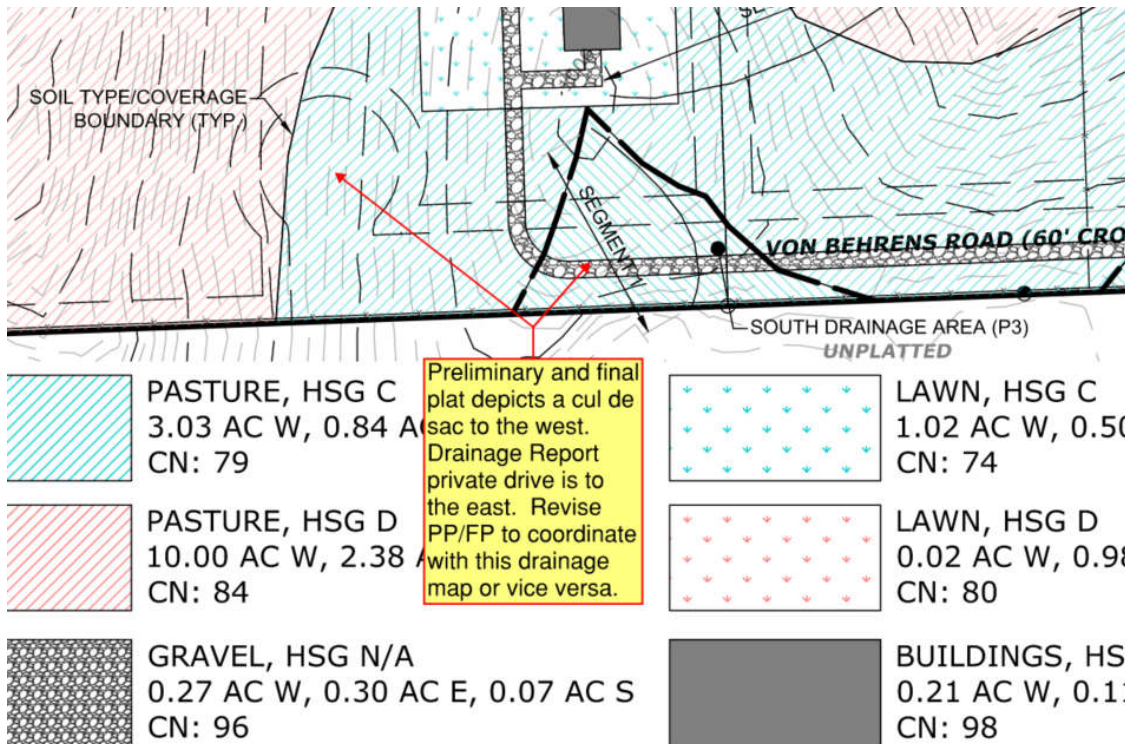
John,  
No further comment on the PP and FP. There is one outstanding comment on the drainage report that might impact the PP and FP regarding the CAE. If the drive is going to be east of the cul-de-sac, can the CAE be reduced.

## Sloop, Stephanie

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Friday, September 29, 2023 12:35 PM  
**To:** Jacobson, John; Noll, Bill; Brown, Misty; McAfee, Joe  
**Cc:** Johnson, Melissa; Sloop, Stephanie  
**Subject:** RE: Von Behrens DEV-23-121 & 23-122  
**Attachments:** Von. Behrens Addition Drainage Study 23.09.29.pdf; 23-190 Plat-Final Plat 1.pdf; 23-190 Plat-Final Plat 2.pdf; 23-190 Plat-Preliminary Plat.pdf

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

John,  
No further comment on the PP and FP. There is one outstanding comment on the drainage report that might impact the PP and FP regarding the CAE. If the drive is going to be east of the cul-de-sac, can the CAE be reduced.



Thanks,

Mitch Pleak

---

**From:** Jacobson, John <JJacobson@leavenworthcounty.gov>  
**Sent:** Friday, September 29, 2023 10:19 AM  
**To:** Noll, Bill <BNoll@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>; McAfee, Joe <JMcafee@leavenworthcounty.gov>  
**Cc:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>; Sloop, Stephanie <SSloop@leavenworthcounty.gov>  
**Subject:** FW: Von Behrens DEV-23-121 & 23-122

## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Wednesday, August 30, 2023 8:24 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-23-121/122 Preliminary and Final Plat – Von Behrens

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:** Wednesday, August 23, 2023 9:35 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-23-121/122 Preliminary and Final Plat – Von Behrens

Good Morning,

The Leavenworth County Department of Planning and Zoning has received a request for a Cross Access Easement Preliminary and Final Plat for a property located at 14577 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 Tuesday, September 5, 2023.

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

Thank you,

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

**Disclaimer**

HOME OWNER'S ASSOCIATION  
VON BEHRENS ADDITION  
LEAVENWORTH COUNTY, KANSAS

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 06, TOWNSHIP 12 SOUTH, RANGE 22 EAST, OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, PREPARED BY ROGER B. DILL PS 1408 ON AUGUST 7TH, 2023; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 01°51'56" WEST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 842.37 FEET TO THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE SOUTH 87°49'30" WEST, A DISTANCE OF 1318.12 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF SAID NORTHEAST QUARTER; THENCE NORTH 01°47'00" WEST, ALONG SAID WEST LINE, A DISTANCE OF 671.99 FEET; THENCE NORTH 87°49'29" EAST, A DISTANCE OF 1317.15 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 01°51'56" EAST, ALONG SAID EAST LINE, A DISTANCE OF 671.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 885,420.70 SQUARE FEET OR 20.32 ACRES MORE OR LESS  
PRECISION: 1 PART IN 13264166.667

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

Said VON BEHRENS ADDITION creates an area known as a Cross Access Easement (C.A.E.).

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

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

Maintenance of the cross access easement is the sole responsibility of the developer and/or the future property owners of the properties the CAE provides access to. The cross access easement is not a public right-of-way and will in no way be maintained by the County.

The Home Owner's Association is comprised of the owners of Lots 1 and 2, VON BEHRENS ADDITION.

All Lots will each have a single vote per Lot in determining the maintenance issues. If a tie were to occur, the owner of Lot 2 will receive the final decision.

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

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-23-125 & 126 Whitetail Acres North

October 11, 2023

**REQUEST: *Consent Agenda***

Preliminary Plat                       Final Plat

**STAFF REPRESENTATIVE:**

John Jacobson  
DIRECTOR

**SUBJECT PROPERTY:**

0000 231<sup>ST</sup> Street, Easton, Kansas 66020

**APPLICANT/APPLICANT AGENT:**

JOE HERRING  
HERRING SURVEYING

**PROPERTY OWNER:**

*WHITETAIL LAND CO LLC  
10000 Hollingsworth Road  
KANSAS CITY, KS 66109*

**CONCURRENT APPLICATIONS:**

Yes

**LAND USE**

ZONING: RR-5

**FUTURE LAND USE DESIGNATION:**

RR 2.5 Minimum

**LEGAL DESCRIPTION:**

*Tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 11, 2023, more fully described as follows: Commencing at the Northeast corner of said Southwest Quarter; thence South 88 degrees 22'52" West for a distance of 591.46 feet along the North line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 37'08" East for a distance of 390.00 feet; thence South 31 degrees 30'49" West for a distance of 992.86 feet; thence North 51 degrees 27'42" West for a distance of 695.00 feet to the apparent centerline of 231st Street, as it exists today; thence North 38 degrees 32'18" East for a distance of 320.03 feet along said centerline; thence on a curve to the left having a radius of 1146.28 feet and an arc length of 591.61 feet along said centerline, being subtended by a chord bearing of North 23 degrees 45'10" East and a chord distance of 585.07 feet, to the North line of said Southwest Quarter; thence North 88 degrees 22'52" East for a distance of 616.77 feet along said North line to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 17.25 acres, more or less, including road right of way. Error of Closure: 1 - 528538*

SUBDIVISION: N/A

FLOODPLAIN: Yes, Zones A and AE

**STAFF RECOMMENDATION: APPROVAL**

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-23-125 & 126, Preliminary & Final Plat for Whitetail Acres North, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-125 & 126, Preliminary & Final Plat for Whitetail Acres North, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:**

17 ACRES +-

**PARCEL ID NO:**

PID 069-31-0-00-004.04

**BUILDINGS:**

None

**PROJECT SUMMARY:**

Request for a Preliminary and Final Plat approval to subdivide property located at 00000 231<sup>st</sup> Street (PID 069-31-0-00-004.04) as Lots 1 through 3 of Whitetail Acres North.

**ACCESS/STREET:**

231<sup>st</sup> ARTERIAL, PAVED ± 24';

**Location Map:**



**UTILITIES**

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: Alexandria

WATER: RWD #12

ELECTRIC: Free State

**NOTICE & REVIEW:**

**STAFF REVIEW:**

9/26/2023

**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 17-acre parcel into 3 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. Lots will be approximately 5 – 6 acres in size. All lots are substantially impacted by floodplain encroachment but do meet the requirements for the RR-5 zoning district. Engineered site plans and compliance with floodplain construction criteria will be required for building permits. Alexandria Fire Department will service this subdivision but does outline concerns for accessibility due to flood events. 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 - Ben Olson Fire Chief, Alexandria Fire Department
  - b. Email - RWD 12, dated June 28, 2023
  - c. Email - Chuck Magaha, Emergency Management October 4,2023

**ATTACHMENTS:**

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

# LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-23-126

PERMIT SUB-TYPE SUBDIVISION

PID 069-31-0-00-00-004.04 PARCEL SIZE 16.3 AC ZONE RR-5  
TWSP ALEXANDRIA SCHOOL DIST 449 SDD NO  
SUBDIVISION LOT NO BLOCK NO  
WATER DIST RWD 12 ELECTRIC FREESTATE SEWER DIST n/a  
FLOOD PLAIN IN PARCEL YES FLOOD PLAIN ON BUILDING SITE NO  
SITE ADDRESS 00000 231st St  
SITE CITY Easton SITE STATE KS SITE ZIP CODE 66020

LAST NAME Whitetail Land Co LLC FIRST NAME Matt Francis PHONE 913-651-3858  
EMAIL herringsurveying@outlook.com  
ADDRESS 315 N 5th St  
CITY Leavenworth STATE KS ZIP CODE 66048

CONSULTANT Joe Herring 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 17 COVENANTS NO  
MAXIMUM LOT SIZE 6.4 MINIMUM LOT SIZE 5.2 OPEN SPACE ACREAGE  
LOTS 3 TRACTS TOTAL PARCELS 3 DENSITY

NOTES: NORTH

STAFF	8/31/2023	STAFF ACTION	PENDING	<input checked="" type="checkbox"/> PUBLIC HEARING	AGENDA AREA
PC		PC ACTION	PENDING		NOTICE PUB
BOCC		BOCC ACTION	PENDING		RESOLUTION PUB
BZA		BZA ACTION		DURATION	EXPIRATION

APPLICATION FEE \$400.00 TIF 0.00 BOND 0.00 TOTAL FEES \$400.00  
CHECK NO 9453 [ ] CASH [ ] CC TIFF CHECK NO

STAFF APPROVAL *M. Johnson* DATE 08.31.2023  
APPLICANT DATE

# LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-23-125

PERMIT SUB-TYPE SUBDIVISION

PID 069-31-0-00-00-004.04 PARCEL SIZE 16.3 AC ZONE RR-5  
TWSP ALEXANDRIA SCHOOL DIST 449 SDD NO  
SUBDIVISION [REDACTED] LOT NO [REDACTED] BLOCK NO [REDACTED]  
WATER DIST RWD 12 ELECTRIC FREESTATE SEWER DIST n/a  
FLOOD PLAIN IN PARCEL YES FLOOD PLAIN ON BUILDING SITE NO  
SITE ADDRESS 00000 231st St  
SITE CITY Easton SITE STATE KS SITE ZIP CODE 66020

LAST NAME Whitetail Land Co. LLC FIRST NAME Matt Francis PHONE 913-651-3858  
EMAIL herring@outlook.com  
ADDRESS 315 N 5th St  
CITY Leavenworth STATE KS ZIP CODE 66048

CONSULTANT Joe Herring CONSULTANT PHONE 913-651-3858  
CONSULTANT EMAIL [REDACTED]

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

SUBDIVISION TYPE PRE-PLAT GROSS ACREAGE 17 COVENANTS NO  
MAXIMUM LOT SIZE 6.4 MINIMUM LOT SIZE 5.2 OPEN SPACE ACREAGE [REDACTED]  
LOTS 3 TRACTS [REDACTED] TOTAL PARCELS 3 DENSITY [REDACTED]

NOTES: NORTH

STAFF	8/31/2023	STAFF ACTION	PENDING	<input checked="" type="checkbox"/> PUBLIC HEARING	AGENDA AREA
PC		PC ACTION	PENDING		NOTICE PUB
BOCC		BOCC ACTION	PENDING		RESOLUTION PUB
BZA		BZA ACTION		DURATION	EXPIRATION

APPLICATION FEE \$450.00 TIF 0.00 BOND 0.00 TOTAL FEES \$450.00  
CHECK NO 9453 [ ] CASH [ ] CC TIFF CHECK NO [REDACTED]

STAFF APPROVAL *M. Johnson* DATE 08.31.2023  
APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_



#file  
CK 9453

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

Township: <u>Alexandria</u>	Office Use Only
Case No. <u>DEV-23-125</u>	Planning Commission Meeting Date: _____
Zoning District <u>RR 5</u>	Date Received/Paid: <u>Complete 08/30/2023</u>
Comprehensive Plan Land Use Designation: _____	

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>Whitetail Land Co. LLC - Matt Francis</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS: <u>6203 NW 45 HWY</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP: <u>Parkville, Mo 64152</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL: <u>herringsurveying@outlook.com</u>	EMAIL: <u>N/A</u>

**GENERAL INFORMATION**

Proposed Subdivision Name: WHITETAIL LAND NORTH

Address of Property: 00000 231st Street

PID: 069-31-0-00-00-004 & 006 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: <u>17 AC</u>	Number of Lots: <u>3</u>	Minimum Lot Size: <u>5.2 AC</u>
Maximum Lot Size: <u>6.4 Ac</u>	Proposed Zoning: <u>RR-5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>RWD 12</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Alexandria</u>	Electric Provider: <u>Freestate</u>	Natural Gas Provider: <u>Propane</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</u>	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	1. _____	
	2. _____	
	3. _____	
	4. _____	
	5. _____	

Is any part of the site designated as Floodplain?  Yes  No if yes, what is the panel number: 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: Joe Herring - digitally signed 8-2-23 Date: 8/2/23

**ATTACHMENT A**

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

Township: <u>Alexandria</u>	Office Use Only
Case No. <u>DEV-23-</u>	Planning Commission Meeting Date: _____
Zoning District <u>RR 5</u>	Date Received/Paid: <u>Complete 08/30/2023</u>
Comprehensive Plan Land Use Designation: _____	

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>Whitetail Land Co. LLC - Matt Francis</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS: <u>6203 NW 45 HWY</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP: <u>Parkville, Mo 64152</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL: <u>herringsurveying@outlook.com</u>	EMAIL: <u>N/A</u>

**GENERAL INFORMATION**

Proposed Subdivision Name: WHITETAIL LAND NORTH

Address of Property: 00000 231st Street

PID: 069-31-0-00-00-004&006 Urban Growth Management Area: NA

04

SUBDIVISION INFORMATION		
Gross Acreage: <u>17 AC</u>	Number of Lots: <del>XX</del> <b>3Lots</b>	Minimum Lot Size: <u>5 AC</u>
Maximum Lot Size: <u>6.4 AC</u>	Proposed Zoning: <u>RR-5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>RWD 12</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Alexandria</u>	Electric Provider: <u>Freestate</u>	Natural Gas Provider: <u>Propane</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</u>	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	1. _____	
	2. _____	
	3. _____	
	4. _____	
	5. _____	

Is any part of the site designated as Floodplain?  Yes  No if yes, what is the panel number: 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: Joe Herring - digitally signed 8-2-23 Date: 8/2/23

ATTACHMENT A

*Janet Klasmer*  
COUNTY CLERK

Entered in Transfer Record in my office \_\_\_\_\_

\_\_\_\_\_  
County Clerk

Mail Tax Statement to:

Doc #: 2023R05836  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
08/11/2023 09:03:25 AM  
RECORDING FEE: 38.00  
PAGES: 2

### QUIT CLAIM DEED (Statutory)

THE GRANTOR,  
**WHITETAIL LAND CO., LLC**

a limited liability company duly organized and existing under and by virtue of the laws of the State of Kansas and having its principal place of business at 10000 Hollingsworth Rd., Kansas City in the State of Kansas, hereby CONVEYS AND QUITCLAIMS to

**WHITETAIL LAND CO., LLC**

for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

#### TRACT 1:

Tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 11, 2023, more fully described as follows: Beginning at the Northeast corner of said Southwest Quarter; thence South 01 degrees 10'05" East for a distance of 2661.91 feet along the East line of said Southwest Quarter to the Southeast corner of said Southwest Quarter; thence South 89 degrees 27'37" West for a distance of 1051.28 feet along the South line of said Southwest Quarter; thence North 00 degrees 32'23" West for a distance of 730.00 feet; thence South 89 degrees 27'37" West for a distance of 600.00 feet; thence North 00 degrees 32'23" West for a distance of 563.82 feet; thence South 89 degrees 27'37" West for a distance of 507.85 feet to the apparent centerline of 231st Street, as it exists today; thence North 38 degrees 32'18" East for a distance of 760.64 feet along said centerline; thence South 51 degrees 27'42" East for a distance of 695.00 feet; thence North 31 degrees 30'49" East for a distance of 992.86 feet; thence North 01 degrees 37'08" West for a distance of 390.00 feet to the North line of said Southwest Quarter; thence North 88 degrees 22'52" East for a distance of 591.46 feet along said North line to the point of beginning. Known as Tract 1 on Certificate of Survey recorded June 16, 2023 in Document No. 2023S030.

#### TRACT 2:

Tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 11, 2023, more fully described as follows: Commencing at the Northeast corner of said Southwest Quarter; thence South 88 degrees 22'52" West for a distance of 591.46 feet along the North line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 37'08" East for a distance of 390.00 feet; thence South 31 degrees 30'49" West for a distance of 992.86 feet; thence North 51 degrees 27'42" West for a distance of 695.00 feet to the apparent centerline of 231st Street, as it exists today; thence North 38 degrees 32'18" East for a distance of 320.03 feet along said centerline; thence on a curve to the left having a radius of 1146.28 feet and an arc length of 591.61 feet along said centerline, being subtended by a chord bearing of North 23 degrees 45'10" East and a chord distance of 585.07 feet, to the North line of said Southwest Quarter; thence North 88 degrees 22'52" East for a distance of 616.77 feet along said North line to the point of beginning. Known as Tract 2 on Certificate of Survey recorded June 16, 2023 in Document No. 2023S030.

TRACT 3:

Tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 11, 2023, more fully described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence North 89 degrees 27'37" East for a distance of 211.70 feet along the South line of said Southwest Quarter to the TRUE POINT OF BEGINNING, said point being the apparent centerline of 231 Street, as it exists today; thence North 01 degrees 40'21" East for a distance of 324.90 feet along said centerline; thence on a curve to the left having a radius of 1146.28 feet and an arc length of 100.70 feet along said centerline, being subtended by a chord bearing of North 00 degrees 50'39" West and a chord distance of 100.67 feet; thence North 02 degrees 40'41" West for a distance of 272.54 feet along said centerline; thence along a curve to the right having a radius of 573.69 feet and an arc length of 412.69 feet along said centerline, being subtended by a chord bearing of North 17 degrees 55'49" East and a chord distance of 403.85 feet; thence North 38 degrees 32'18" East for a distance of 239.73 feet along said centerline; thence North 89 degrees 27'37" East for a distance of 507.85 feet; thence South 00 degrees 32'23" East for a distance of 536.82 feet; thence North 89 degrees 27'37" East for a distance of 600.00 feet; thence South 00 degrees 32'23" East for a distance of 730.00 feet to the South line of said Southwest Quarter; thence South 89 degrees 27'37" West for a distance of 1388.76 feet along said South line to the point of beginning. Known as Tract 3 on Certificate of Survey recorded June 16, 2023 in Document No. 2023S030.

(THIS DEED IS BEING RECORDED PURSUANT TO K.S.A. 79-1437e AS AMENDED, EXEMPTION #3)

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

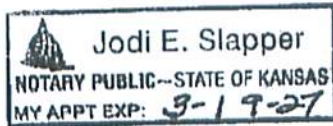
Dated this 7 day of July A.D. 2023

*Matthew J. Francis*  
Matthew J. Francis, Member

*Michael S. Kelly*  
Michael S. Kelly, Member

STATE OF Kansas, COUNTY OF Leavenworth  
This instrument was acknowledged before me on this 10th day of August 2023 by:  
Matthew J. Francis, Member of WHITETAIL LAND CO., LLC

My appointment expires:



*Jodi E. Slapper*  
Notary Public  
Jodi E. Slapper

STATE OF Minnesota, COUNTY OF Wannepin 7-10-2023  
This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_ 2023 by:  
Michael S. Kelly, Member of WHITETAIL LAND CO., LLC

My appointment expires: 1-31-2027



*Barbara Shari Ann Hawkins*  
Notary Public  
Barbara Shari Ann Hawkins

ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 12/20/2022

*Janet Klasmirke*  
COUNTY CLERK

Doc #: 2022R11170  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
12/20/2022 02:20:45 PM  
RECORDING FEE: 38.00  
PAGES: 2

MAIL TO:

Whitetail Land Co., LLC

*6203 North West 45 Hwy  
Parkville, MO 64152*

## STATUTORY WARRANTY DEED

Grantor(s): John R. Dunn AND Nadia Dunn, husband and wife

Conveys and Warrants to Whitetail Land Co., LLC.

The following described premises, to-wit:

The Southwest Quarter (SW 1/4) of Section Thirty-one (31), Township Eight (8), Range Twenty-one (21), Leavenworth County, Kansas. LESS: A 10' strip of ground for road purposes between the existing North R/W and the proposed North R/W in the SW1/4 of Section 31, Township 8, Range 21 running from County Route #21 to a line through the center of said Section 31; the centerline of said road being described in Book "A" on Page 154 of the Road Records of Leavenworth County, Kansas. ALSO LESS: A Tract of land in the SW 1/4 of fractional section 31-T8S-R21E of the 6th P.M., described as follows; Commencing at the SW corner of Section 31; thence N 00°04'43" W, 2284.98 feet along the section line to the NW corner of the SW 1/4 of Section 31; Thence, N 89°23'03" E (assumed), 1484.28 feet along the North line of the SW 1/4 of Section 31 to the centerline of 231st Street; Thence, 612.43 feet on a curve to the right with a radius of 1146.28 feet and a chord of S 25°03'19" W, 605.17 feet along said centerline; Thence, S 40°21'40" W, 1325.40 feet along said centerline; Thence, 412.69 feet on a curve to the left with a radius of 573.69 feet along said centerline; Thence, S 00°51'19" E, 272.54 feet along said centerline; Thence, 95.43 feet on a curve to the right with a radius of 1146.28 feet along said centerline; Thence, N 88°43'01" W, 231.53 feet to the point of beginning, Leavenworth County, Kansas. ALSO LESS: any part thereof taken or used for road purposes.

For the sum of One Dollar and other good and valuable consideration.

Subject to: easements and restrictions of record, if any

Dated this 12<sup>13</sup>, 20 22

File No.: 3008329



Security 1<sup>st</sup> Title

John R. Dunn  
John R. Dunn

Nadia Dunn  
Nadia Dunn

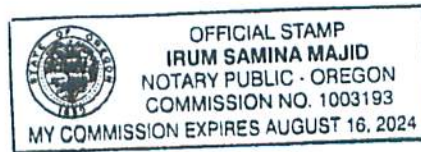
State of Oregon )  
County of Washington )ss.  
)

The foregoing instrument was acknowledged before me on this day of December 12/13, 2022 by John R. Dunn AND Nadia Dunn, husband and wife.

Witness my hand and official seal

My Commission expires: August 16, 2024

Irums Samina Majid  
Notary Public  
Irums Samina Majid





# WHITETAIL LAND NORTH

A Minor Subdivision in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
WHITETAIL LAND CO LLC  
10000 Hollingsworth Road  
KANSAS CITY, KS 66109  
PID NO. 069-31-0-00-004.04

**RECORD DESCRIPTION:**  
Tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 11, 2023, more fully described as follows:  
Commencing at the Northeast corner of said Southwest Quarter; thence South 88 degrees 22'52" West for a distance of 591.46 feet along the North line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 37'08" East for a distance of 390.00 feet; thence South 31 degrees 30'49" West for a distance of 992.86 feet; thence North 51 degrees 27'42" West for a distance of 695.00 feet to the apparent centerline of 231st Street, as it exists today; thence North 38 degrees 32'18" East for a distance of 320.03 feet along said centerline; thence on a curve to the left having a radius of 1146.28 feet and an arc length of 591.61 feet along said centerline, being subtended by a chord bearing of North 23 degrees 45'10" East and a chord distance of 585.07 feet, to the North line of said Southwest Quarter; thence North 88 degrees 22'52" East for a distance of 616.77 feet along said North line to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 17.25 acres, more or less, including road right of way.  
Error of Closure: 1 - 528538

01X  
West Quarter Corner  
Sec. 31-8-21  
11x7x3 Limestone on side  
"X" chiseled

WAGNER, EVELYN  
PID NO. 069-31...004.01

WAGNER, DAVID K & TRACY A  
PID NO. 069-31...004.02

WAGNER, EVELYN  
PID NO. 069-31...002.02

POB TR1  
POC TR2  
03X  
NE COR SW 1/4  
Sec. 31-8-21  
1/2" Rebar

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

- RESTRICTIONS:**
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - 4) Lots are subject to the current Access Management Policy.
  - 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
  - 6) 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 along with any other applicable Federal, State or local permit.
  - 7) Lots 1, 2, and 3, are impacted by Special Flood Hazard Zones and are depicted hereon graphically.
  - 8) No off-plat restrictions.

**ZONING:**  
RR 5 - Rural Residential 5

- NOTES:**
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Error of Closure Calculations
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Proposed Lots for Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD83  
Project Benchmark (BM) - NE COR SW 1/4 Section 31 - Elev - 890.3'
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Doc # 2023R05836
  - 12) Utility Companies -
    - Water - Rural Water 12
    - Electric - Freestate
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 13) Reference Lawyer's Title of Kansas Case Number updated August 15, 2023
  - 14) Property is in a Special Flood Hazard Area per FEMA FIRM Map 20103C0125G dated July 16, 2015
  - 15) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - 16) Distances to and of structures, if any, are +- 1'.
  - 17) Easements as per referenced Title Commitment are shown hereon, if any.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:
    - DGW - D.G. White Surveys S-16-07 #08 NKA #2007S008
    - JAH - J.A. Herring Survey Doc # 2023S030

WHITETAIL LAND CO LLC  
PID NO. 069-31...004.03

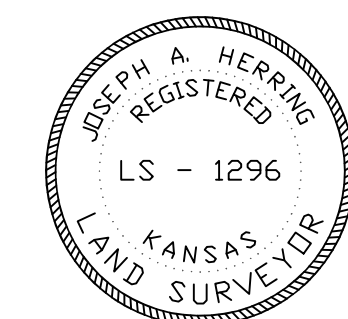
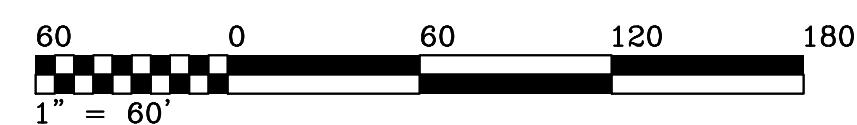


Scale 1" = 60'

Job # K-23-1645 2ND  
June 17, 2023 Rev. 9-28-23



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



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

Joseph A. Herring  
PS # 1296



# WHITETAIL LAND NORTH

A Minor Subdivision in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
WHITETAIL LAND CO LLC  
10000 Hollingsworth Road  
KANSAS CITY, KS 66109  
PID NO. 069-31-0-00-00-004.04

**RECORD DESCRIPTION:**  
Tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 11, 2023, more fully described as follows:  
Commencing at the Northeast corner of said Southwest Quarter; thence South 88 degrees 22'52" West for a distance of 591.46 feet along the North line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 37'08" East for a distance of 390.00 feet; thence South 31 degrees 30'49" West for a distance of 992.86 feet; thence North 51 degrees 27'42" West for a distance of 695.00 feet to the apparent centerline of 231st Street, as it exists today; thence North 38 degrees 32'18" East for a distance of 320.03 feet along said centerline; thence on a curve to the left having a radius of 1146.28 feet and an arc length of 591.61 feet along said centerline, being subtended by a chord bearing of North 23 degrees 45'10" East and a chord distance of 595.07 feet, to the North line of said Southwest Quarter; thence North 88 degrees 22'52" East for a distance of 616.77 feet along said North line to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 17.25 acres, more or less, including road right of way.  
Error of Closure: 1 - 528538

**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: WHITETAIL LAND NORTH.

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

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of said 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 WHITETAIL LAND NORTH, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Matthew Francis, Member of Whitetail Land Co. 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 Matthew Francis, Member of Whitetail Land Co. 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 WHITETAIL LAND NORTH 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 WHITETAIL LAND NORTH this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Chairman: Vicky Kaaz  
County Clerk: Janet Klasinski

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

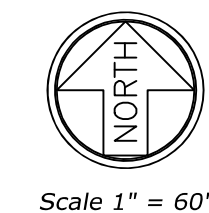
Register of Deeds - TerriLois G. Mashburn

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

Daniel Baumchen, PS#1363  
County Surveyor

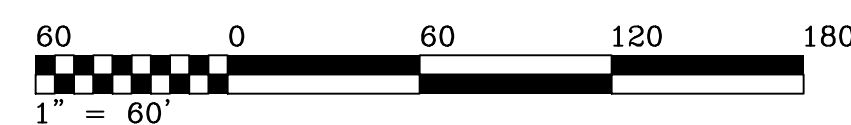


PID NO. 069-31...004.03



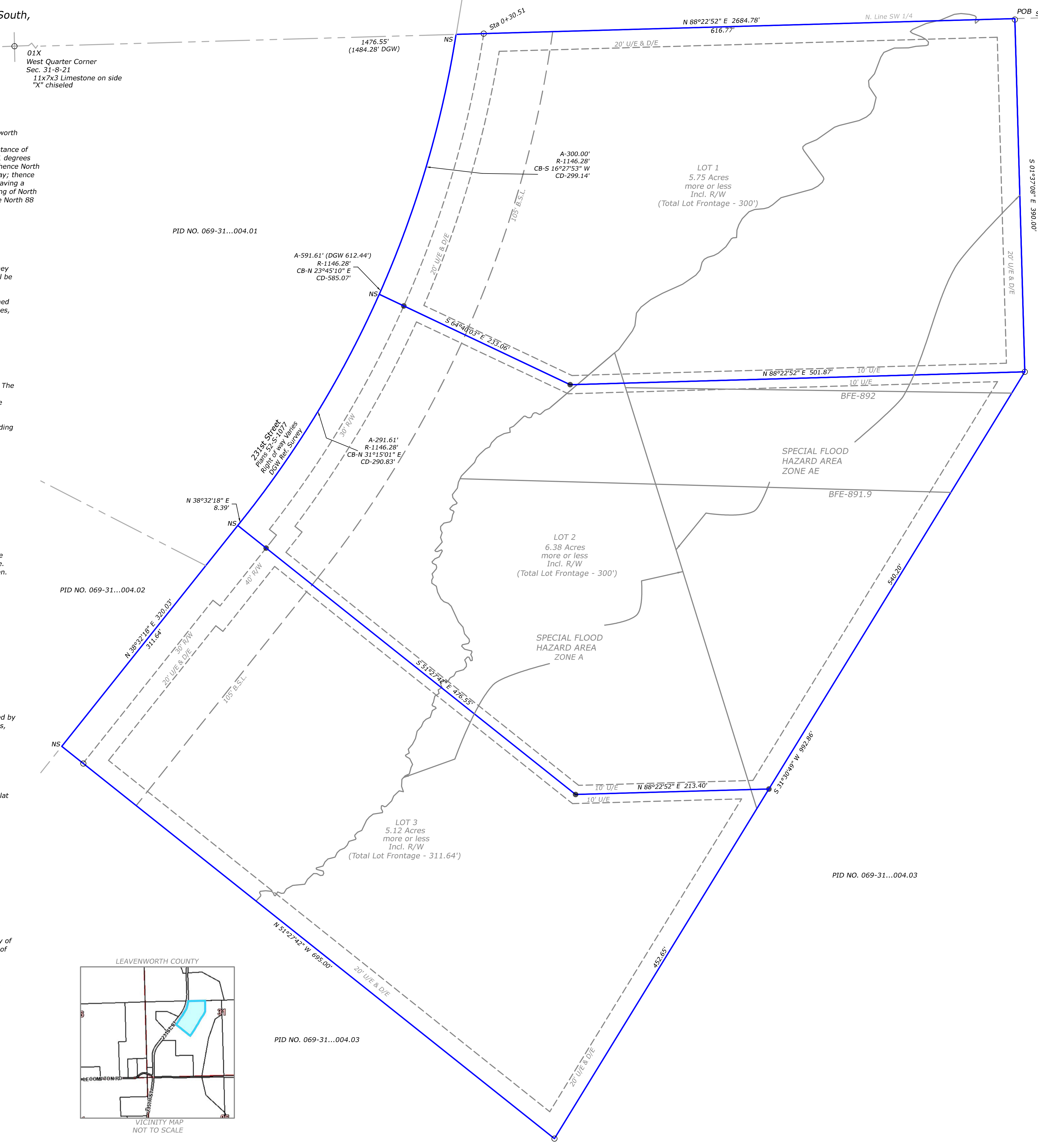
Job # K-23-1660 2ND  
June 17, 2023 - Rev. Sept. 29, 2023

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



PID NO. 069-31...002.02

POC  
03X  
NE COR SW 1/4  
Sec. 31-8-21  
1/2" Rebar

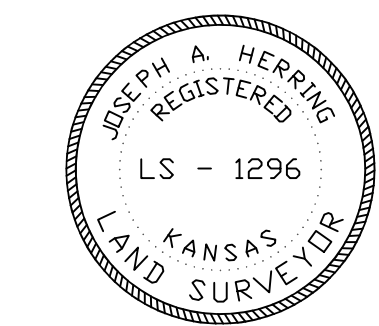


- LEGEND:**
- - 1/2" Rebar Set with Cap No.1296
  - - 1/2" Rebar Found Cap No.1296, unless otherwise noted.
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement
  - BM - Benchmark
  - NS - Not Set this survey per agreement with client
  - A - Arc Distance
  - R - Arc Radius
  - B - Chord Bearing
  - C - Chord Distance
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client
  - BFE - Base Flood Elevation with Cross Section as per FEMA

- RESTRICTIONS:**
- All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
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  - 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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**ZONING:**  
RR 5 - Rural Residential 5

- NOTES:**
- This survey does not show ownership.
  - All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - All recorded and measured distances are the same, unless otherwise noted.
  - Error of Closure - See Error of Closure Calculations
  - Basis of Bearing - KS SPC North Zone 1501
  - Monument Origin Unknown, unless otherwise noted.
  - Proposed Lots for Residential Use.
  - Road Record - See Survey
  - Benchmark - NAVD88
  - Project Benchmark (BM) - NE COR SW 1/4 Section 31 - Elev - 890.3'
  - Easements, if any, are created hereon or listed in referenced title commitment.
  - Reference Recorded Deed Doc # 2023R05836
  - Utility Companies -
    - Water - Rural Water 12
    - Electric - Freestate
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - Reference Lawyer's Title of Kansas Case Number updated August 15, 2023
  - Property is in a Special Flood Hazard Area per FEMA FIRM Map 20103C0125G dated July 16, 2015
  - Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - Distances to and of structures, if any, are +- 1'.
  - Easements as per referenced Title Commitment are shown hereon, if any.
  - Fence Lines do not necessarily denote the boundary line for the property.
  - Reference Surveys:
    - DGW - D.G.White Surveys S-16-07 #08 NKA #20075008
    - JAH - J.A. Herring Survey Doc # 2023S030



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

Joseph A. Herring  
PS # 1296

# WHITETAIL LAND NORTH

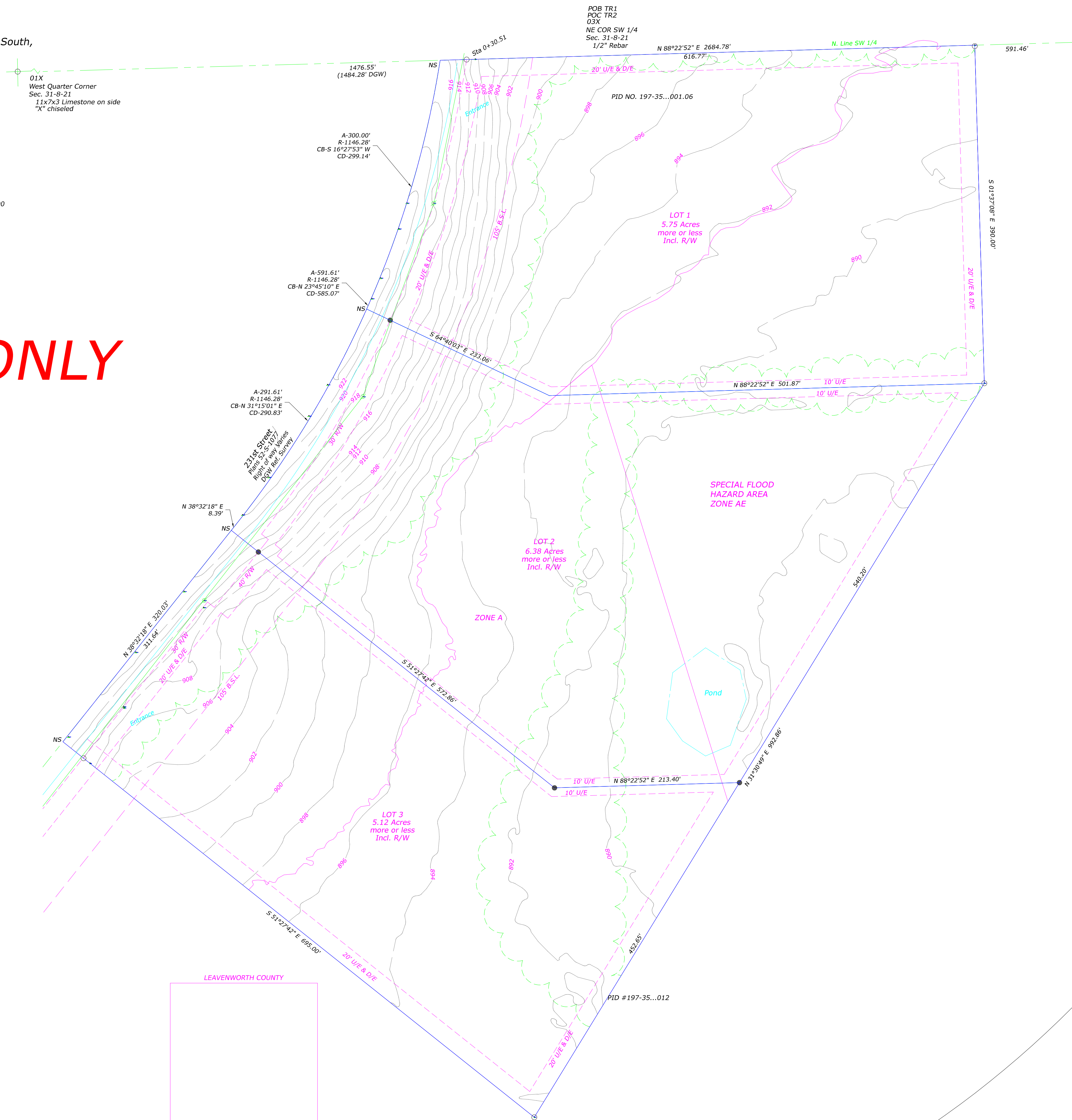
A Minor Subdivision in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
WHITETAIL LAND CO LLC  
6203 NW 45 HWY  
PARKVILLE, MO 64152  
PID NO. 069-31-0-00-004 & 006

RECORD DESCRIPTION:  
Tract of land in the Northeast Quarter of Section 35, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 9, 2023, and more fully described as follows: Commencing at the Southwest corner of said Northeast Quarter; thence North 89 degrees 20'06" East for a distance of 213.86 feet along the South line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence North 01 degrees 39'54" West for a distance of 550.00 feet; thence North 88 degrees 20'06" East for a distance of 800.0 feet; thence South 01 degrees 39'54" East for a distance of 550.00 feet to said South line; thence South 88 degrees 20'06" West for a distance of 800.00 feet along said South line to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 10.1 acres, more or less, including road right of way.  
Error of Closure: 1 - 999999

# REVIEW ONLY



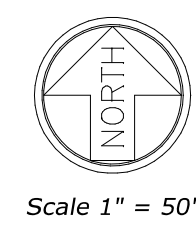
- ### LEGEND:
- - 1/2" Rebar Set with Cap No. 1296
  - - 1/2" Rebar Found, unless otherwise noted.
  - - Concrete Base around Point
  - △ - PK Nail Found in Place
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent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

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

PID NO. 197-35...001.07

ZONING:  
RR 2.5 - Rural Residential 2.5

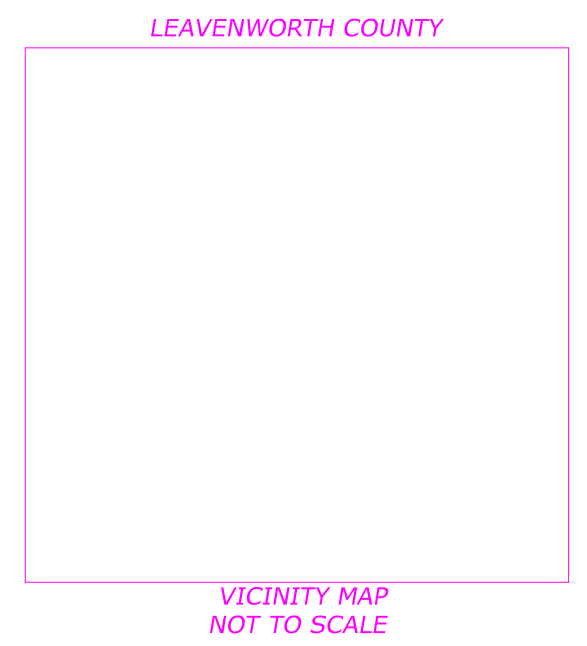
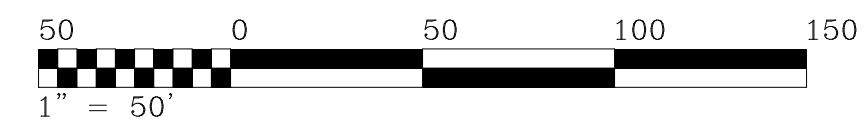
- ### NOTES:
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Error of Closure Calculations
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Proposed Lots for Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88 Project Benchmark (BM) - CENTER COR Section 35 - Elev - 878'
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Doc # 2023R03055
  - 12) Utility Companies -
    - Water - Rural Water 12
    - Electric - Freestate
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 13) Reference Lawyer's Title of Kansas Case Number 46288 updated June 20, 2023
  - 14) FEMA is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0325G dated July 16, 2015
  - 15) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - 16) Distances to and of structures, if any, are +- 1'.
  - 17) Easements as per referenced Title Commitment are shown hereon, if any.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:
    - DGW - D.G.White Surveys S-12 #49 1984, S-12 #30 1987
    - TBM - T.B.Melton Survey S-15 #73 2005
    - KH - K. Herring Survey 1977
    - JAH - J.A. Herring Survey Doc # 2023S018



Scale 1" = 50'

Job # K-23-1645 2ND  
June 17, 2023

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



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

Joseph A. Herring  
PS # 1296

## Johnson, Melissa

---

**From:** Olson <bolson642@gmail.com>  
**Sent:** Wednesday, August 30, 2023 3:21 PM  
**To:** Johnson, Melissa  
**Cc:** Joe Herring  
**Subject:** Re: Whitetail North and Whitetail South Pre and Final Plat

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

**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 afternoon,

Alexandria fire department can service these plots. However there are some concerns. First is that there is not a hydrant within 3 miles of the plots. In the event of a fire water resources could be an issue. The second point is that during times of high water the plots would not be directly accessible from the fire station due to road closures 231st has been closed due to high water several times in the last 5 years. Please let me know if you have any other questions.

Thank you  
Chief Olson Alexandria township fire department

Thank you,  
Ben Olson  
Sent from my iPhone

On Aug 24, 2023, at 10:11 AM, Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

Chief,

I'm including Joe Herring on this email so that you and him can communicate about his plats being submitted.

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

## Sloop, Stephanie

---

**From:** Amanda Tarwater <amanda.tarwater@freestate.coop>  
**Sent:** Friday, June 30, 2023 12:53 PM  
**To:** PZ  
**Cc:** herringsurveying@outlook.com  
**Subject:** FW: Whiteland Land North and South Developments  
**Attachments:** Whitetail Property - Dunn Farm.JPG; K-22-1660 Whitetail Acres North REVIEW ONLY.pdf; K-22-1660 Whitetail Land South REVIEW ONLY.pdf

**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.

FreeState Electric is able to provide power to the land described below and attached.

Thank you,

**Amanda Tarwater**  
Member Accounts Coordinator



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

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Wednesday, June 28, 2023 7:38 AM  
**To:** Amanda Tarwater <amanda.tarwater@freestate.coop>  
**Subject:** Fw: Whiteland Land North and South Developments

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="">

Please see the attached documents. Client is wanted to divide the property as shown. North portion into 3 Lots along 231<sup>st</sup> Street. South portion into 6 Lots along 231<sup>st</sup>/235<sup>th</sup> Street and LeCompton Road. This is the previous Dunn Farm

Please provide a letter of service to myself and Leavenworth County Planning and Zoning - ATTN: Amy Allison ([pz@leavenworthcounty.gov](mailto:pz@leavenworthcounty.gov)).

**RURAL WATER DISTRICT NO. 12**

**Jefferson County, Kansas**

**216 Winchester St.**

**Winchester, KS 66097**

**TEL: (913)774-2872**

**FAX: (913)774-2875**

**[EMAIL-water12@embargo.com](mailto:EMAIL-water12@embargo.com)**



June 28, 2023

Leavenworth County Planning & Zoning

Attn: Amy Allison

300 Walnut St. Suite 212

Leavenworth. KS 66048

RE: Rural Water Availability-Whitetail Land Co., LLC c/o Joe Herring

Dear Amy:

Please be advised that at this time domestic water service is available from Jefferson County Rural Water District No. 12 for land, owned by Whitetail Land Co., LLC located in the Southwest Quarter of Section 31, Township 8, Range 21 East, and the Northeast Quarter of Section 35, Township 11, Range 21 East Leavenworth County, Kansas.

Benefit units are available in the said area for all 9 lots at this time, but this is in no way a guarantee that benefit units will be available in the future for said property. All new benefit units must be approved by the Board of Directors for Jefferson County Rural Water District No. 12. Pre-application for water service with the district has not been made for said property.

Please feel free to contact me at the District Office if you have any questions.

Sincerely,  
Denise Eggers,  
Office Manager

Cc: Joe Herring

## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Tuesday, September 5, 2023 8:34 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-23-125/126 Preliminary and Final Plat – Whitetail Land North

We have not received any complaints on this property, and are not aware of any septic systems currently installed. The PID listed on both plats are wrong.

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, September 1, 2023 4:29 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-23-125/126 Preliminary and Final Plat – Whitetail Land North

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 00000 231st St (PID 069-31-0-00-00-004.04).

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, September 13, 2023..

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

Thank you,

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

**Disclaimer**

## Sloop, Stephanie

---

**From:** Jacobson, John  
**Sent:** Thursday, October 5, 2023 3:37 PM  
**To:** Sloop, Stephanie  
**Subject:** FW: White Tail North Revisions  
**Attachments:** Whitetail Land North final No Comments 2023.10.02.pdf

John Jacobson  
Director  
Planning and Zoning  
Leavenworth County  
(913) 684 0461

### 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:** Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Sent:** Monday, October 2, 2023 10:50 AM  
**To:** 'Joe Herring' <herringsurveying@outlook.com>; PZ <PZ@leavenworthcounty.gov>; Sloop, Stephanie <SSloop@leavenworthcounty.gov>; Jacobson, John <JJacobson@leavenworthcounty.gov>  
**Cc:** Noll, Bill <BNoll@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>  
**Subject:** RE: White Tail North Revisions

No comments

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

---

**From:** Joe Herring [<mailto:herringsurveying@outlook.com>]  
**Sent:** Friday, September 29, 2023 6:57 AM  
**To:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>; Baumchen, Daniel <[DBaumchen@leavenworthcounty.gov](mailto:DBaumchen@leavenworthcounty.gov)>  
**Subject:** White Tail North Revisions

**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.

## Sloop, Stephanie

---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Tuesday, October 3, 2023 8:12 AM  
**To:** Jacobson, John; PZ  
**Cc:** McAfee, Joe; Noll, Bill  
**Subject:** RE: Whitetail North DR  
**Attachments:** Whitetail Land North Drainage Report 10-02-23.pdf

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

John,  
Homestead locations were removed from the revised drainage report's proposed condition exhibit. Please add note to the final plat requiring an engineered site plan for each individual lot.

No other comments.

Thanks,

Mitch

---

**From:** David Lutgen <dlutgen72@gmail.com>  
**Sent:** Monday, October 2, 2023 4:55 PM  
**To:** Jacobson, John <JJacobson@leavenworthcounty.gov>; McAfee, Joe <jmcafee@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; Mitch Pleak <mpleak@olsson.com>  
**Cc:** Joe Herring <herringsurveying@outlook.com>  
**Subject:** Re: Whitetail North DR

### This Message Is From an External Sender

This message came from outside your organization. Please take care when clicking links or opening attachments. When in doubt, use the Report Phish button or contact IT to have the message analyzed.

All,

The updated drainage report is attached. I removed the notes and assumed home locations from exhibit #2.

Thank you,

David Lutgen, P.E.

On Mon, Oct 2, 2023 at 3:00 PM Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)> wrote:




**LEAVENWORTH COUNTY  
PLANNING COMMISSION**

STAFF REPORT

CASE NO: DEV-23-127 and 128 Whitetail Land South Subdivision

October 11, 2023

<p>REQUEST: <b>Consent Agenda</b>  <input checked="" type="checkbox"/> Preliminary Plat      <input checked="" type="checkbox"/> Final Plat</p>	<p><b>STAFF REPRESENTATIVE:</b>                  John Jacobson                  DIRECTOR</p>
<p><b>SUBJECT PROPERTY:</b>                  00000 231<sup>th</sup> Street, Easton, Kansas 66020</p>	<p><b>APPLICANT/APPLICANT AGENT:</b>                  JOE HERRING                  HERRING SURVEYING</p> <p><b>PROPERTY OWNER:</b>                  WHITETAIL LAND CO LLC                  10000 Hollingsworth Road                  KANSAS CITY, KS 66109</p> <p><b>CONCURRENT APPLICATIONS:</b>                  Yes</p> <p align="center"><b>LAND USE</b></p> <p>ZONING: RR 5                  FUTURE LAND USE DESIGNATION:                  RR 2.5 Minimum</p>
<p><b>LEGAL DESCRIPTION:</b>  <i>A Minor Subdivision in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.</i></p>	<p>SUBDIVISION: N/A                  FLOODPLAIN: Yes- Zones A and AE</p>
<p><b>STAFF RECOMMENDATION:</b> APPROVAL</p>	<p align="center"><b>PROPERTY INFORMATION</b></p>
<p><b>ACTION OPTIONS:</b></p> <ol style="list-style-type: none"> <li>1. Recommend approval of Case No. DEV-23-127 &amp; 128, Preliminary &amp; Final Plat for Whitetail Land South, to the Board of County Commission, with or without conditions; or</li> <li>2. Recommend denial of Case No. DEV-23-127 &amp; 128, Preliminary &amp; Final Plat for Whitetail Land South Subdivision, to the Board of County Commission for the following reasons; or</li> <li>3. Continue the hearing to another date, time, and place.</li> </ol>	<p>PARCEL SIZE:                  31.65 ACRES</p> <p>PARCEL ID NO:                  069-31-0-00-00-004.05</p> <p>BUILDINGS:                  None/ Vacant</p>
<p><b>PROJECT SUMMARY:</b>                  Request for a Preliminary and Final Plat approval to subdivide property located at 00000 231<sup>th</sup> Street (069-31-0-00-00-004.05) as Lots 1 through 6 of Whitetail Land South Subdivision.</p>	<p>ACCESS/STREET:                  231st- COUNTY ARTERIAL, PAVED ± 24'; Lecompton Road-Local Min. Maintenance</p>
<p><b>Location Map:</b></p> 	<p align="center"><b>UTILITIES</b></p> <p>SEWER: PRIVATE SEPTIC SYSTEM                  FIRE: Alexandria Township                  WATER: Rural District #12                  ELECTRIC: Free State</p> <p align="center"><b>NOTICE &amp; REVIEW:</b></p> <p>STAFF REVIEW:                  9/26/2023</p> <p>NEWSPAPER NOTIFICATION:                  N/A</p> <p>NOTICE TO SURROUNDING PROPERTY OWNERS:                  N/A</p>

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

**STAFF COMMENTS:**

The applicant is proposing to divide a 31-acre parcel into 6 lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. \*Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision. Lots 1, 2,3, 5 and 6 will be approximately 5 acres in size. Lots 4 is 6+ acres. All lots meet the requirements for the RR-5 zoning district. RWD 12 can at this time service this subdivision. Staff is generally in support.

**PROPOSED CONDITIONS:**

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. The developer must comply with the following memorandums:
  - a. Email – Ben Olson, Alexandria FD August. 30, 2023
  - b. Email - RWD 12, dated June 28, 2023
  - c. Email – Emergency Management. Oct. 4,2023

**ATTACHMENTS:**

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

# LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-23-127

PERMIT SUB-TYPE SUBDIVISION

PID 069-31-0-00-00-004.05 PARCEL SIZE 31.6 AC ZONE RR-5  
TWSP ALEXANDRIA SCHOOL DIST 449 SDD NO  
SUBDIVISION LOT NO BLOCK NO  
WATER DIST RWD 12 ELECTRIC FREESTATE SEWER DIST n/a  
FLOOD PLAIN IN PARCEL YES FLOOD PLAIN ON BUILDING SITE NO  
SITE ADDRESS 00000 231st St  
SITE CITY Easton SITE STATE KS SITE ZIP CODE 66020

LAST NAME Whitetail Land Co LLC FIRST NAME Matt Francis PHONE 913-651-3858  
EMAIL herringsurveying@outlook.com  
ADDRESS 315 N 5th St  
CITY Leavenworth STATE KS ZIP CODE 66048

CONSULTANT Joe Herring 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 PRE-PLAT GROSS ACREAGE 31.6 COVENANTS NO  
MAXIMUM LOT SIZE 6.4 MINIMUM LOT SIZE 5 OPEN SPACE ACREAGE  
LOTS 6 TRACTS TOTAL PARCELS 6 DENSITY

NOTES: SOUTH

STAFF	8/31/2023	STAFF ACTION	PENDING	<input type="checkbox"/> PUBLIC HEARING	AGENDA AREA
PC		PC ACTION	PENDING		NOTICE PUB
BOCC		BOCC ACTION			RESOLUTION PUB
BZA		BZA ACTION		DURATION	EXPIRATION

APPLICATION FEE ~~\$450.00~~ 630.00 TIF 0.00 BOND 0.00 TOTAL FEES \$450.00  
CHECK NO 9454  CASH  CC TIFF CHECK NO

STAFF APPROVAL *M. Johnson* DATE 08.31.2023  
APPLICANT DATE

# LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-23-128

PERMIT SUB-TYPE SUBDIVISION

PID 069-31-0-00-00-004.05 PARCEL SIZE 31.6 AC ZONE RR-5  
TWSP ALEXANDRIA SCHOOL DIST 449 SDD NO  
SUBDIVISION LOT NO BLOCK NO  
WATER DIST RWD 12 ELECTRIC FREESTATE SEWER DIST n/a  
FLOOD PLAIN IN PARCEL YES FLOOD PLAIN ON BUILDING SITE NO  
SITE ADDRESS 00000 231st St  
SITE CITY Easton SITE STATE KS SITE ZIP CODE 66020

LAST NAME Whitetail Land Co LLC FIRST NAME Matt Francis PHONE 913-651-3858  
EMAIL herringsurveying@outlook.com  
ADDRESS 315 N 5th St.  
CITY Leavenworth STATE KS ZIP CODE 66048

CONSULTANT Joe Herring 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 31.6 COVENANTS NO  
MAXIMUM LOT SIZE 6.4 MINIMUM LOT SIZE 5 OPEN SPACE ACREAGE  
LOTS 6 TRACTS TOTAL PARCELS 6 DENSITY

NOTES: SOUTH

STAFF	8/31/2023	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 \$445.00 TIF 0.00 BOND 0.00 TOTAL FEES \$445.00  
CHECK NO 9454 [ ] CASH [ ] CC TIFF CHECK NO

STAFF APPROVAL *M. Herring* DATE 08.31.2023  
APPLICANT DATE

\* Fire

CR 9454

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

Office Use Only
Township: Alexandria
Case No. 001-23-127
Zoning District RES
Planning Commission Meeting Date:
Date Received/Paid: Complete 08.31.2023
Comprehensive Plan Land Use Designation:

APPLICANT/AGENT INFORMATION OWNER INFORMATION
NAME: Herring Surveying Company NAME: Whitetail Land Co. LLC - Matt Francis
MAILING ADDRESS: 315 North 5th Street MAILING ADDRESS 6203 NW 45 HWY
CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP Parkville, Mo 64152
PHONE: 913-651-3858 PHONE: N/A
EMAIL: herringsurveying@outlook.com EMAIL N/A

GENERAL INFORMATION

Proposed Subdivision Name: WHITETAIL LAND SOUTH
Address of Property: 00000 235th Street
PID: 069-31-0-00-004 & 006 004.05 Urban Growth Management Area: N/A

Table with 3 columns: Gross Acreage, Number of Lots, Minimum Lot Size, etc. Includes rows for Maximum Lot Size, Open Space Acreage, Fire District, Covenants, Road Classification, and List of all Requested Exceptions.

Is any part of the site designated as Floodplain? [x] 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: Joe Herring - digitally signed 8-2-23 Date: 8/2/23

ATTACHMENT A

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

Office Use Only	
Township: <u>Alexandria</u>	Planning Commission Meeting Date: _____
Case No. <u>DEV-23-128</u>	Date Received/Paid: <u>Complete 08.31.2023</u>
Zoning District <u>RR 5</u>	Comprehensive Plan Land Use Designation: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>Whitetail Land Co. LLC - Matt Francis</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS <u>6203 NW 45 HWY</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Parkville, Mo 64152</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL: <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>

**GENERAL INFORMATION**

Proposed Subdivision Name: WHITETAIL LAND SOUTH

Address of Property: 00000 235th Street

PID: 069-31-0-00-00-004&006 Urban Growth Management Area: NA

SUBDIVISION INFORMATION		
Gross Acreage: <u>31.6 AC</u>	Number of Lots: <u>6</u>	Minimum Lot Size: <u>5 AC</u>
Maximum Lot Size: <u>6.4 AC</u>	Proposed Zoning: <u>RR-5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>RWD 12</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Alexandria</u>	Electric Provider: <u>Freestate</u>	Natural Gas Provider: <u>Propane</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: <u>Local - Collector - Arterial - State - Federal</u>	
	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	1. _____	
	2. _____	
	3. _____	
	4. _____	
	5. _____	

Is any part of the site designated as Floodplain?  Yes  No if yes, what is the panel number: 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: Joe Herring - digitally signed 8-2-23 Date: 8/2/23

**ATTACHMENT A**

AFFIDAVIT

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

COUNTY OF LEAVENWORTH

STATE OF KANSAS

We/I Kelly Francis and Matthew Francis

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

Authorized Agents (full name, address & telephone number)

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

2) Signed and entered this 5<sup>th</sup> day of June, 2023

Kelly and Matthew Francis 10,000 Hollingsworth Rd KCK  
Print Name, Address, Telephone 66109

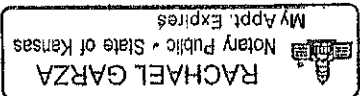
Kelly Francis / Matthew Francis  
Signature

STATE OF KANSAS )  
) SS  
COUNTY OF LEAVENWORTH )

Be it remember that on this 5<sup>th</sup> day of June 2023 before me, a notary public in and for said County and State came Leavenworth County, Kansas 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 Rachael Garza

My Commission Expires: 1/27/2025 (seal)



ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 08/11/2023

*Janet Klasmirke*  
COUNTY CLERK

Entered in Transfer Record in my office \_\_\_\_\_

\_\_\_\_\_  
County Clerk

Mail Tax Statement to:

Doc #: 2023R05836  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
08/11/2023 09:03:25 AM  
RECORDING FEE: 38.00  
PAGES: 2

### QUIT CLAIM DEED (Statutory)

THE GRANTOR,  
**WHITETAIL LAND CO., LLC**

a limited liability company duly organized and existing under and by virtue of the laws of the State of Kansas and having its principal place of business at 10000 Hollingsworth Rd., Kansas City in the State of Kansas, hereby CONVEYS AND QUITCLAIMS to

**WHITETAIL LAND CO., LLC**

for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

#### TRACT 1:

Tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 11, 2023, more fully described as follows: Beginning at the Northeast corner of said Southwest Quarter; thence South 01 degrees 10'05" East for a distance of 2661.91 feet along the East line of said Southwest Quarter to the Southeast corner of said Southwest Quarter; thence South 89 degrees 27'37" West for a distance of 1051.28 feet along the South line of said Southwest Quarter; thence North 00 degrees 32'23" West for a distance of 730.00 feet; thence South 89 degrees 27'37" West for a distance of 600.00 feet; thence North 00 degrees 32'23" West for a distance of 563.82 feet; thence South 89 degrees 27'37" West for a distance of 507.85 feet to the apparent centerline of 231st Street, as it exists today; thence North 38 degrees 32'18" East for a distance of 760.64 feet along said centerline; thence South 51 degrees 27'42" East for a distance of 695.00 feet; thence North 31 degrees 30'49" East for a distance of 992.86 feet; thence North 01 degrees 37'08" West for a distance of 390.00 feet to the North line of said Southwest Quarter; thence North 88 degrees 22'52" East for a distance of 591.46 feet along said North line to the point of beginning. Known as Tract 1 on Certificate of Survey recorded June 16, 2023 in Document No. 2023S030.

#### TRACT 2:

Tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 11, 2023, more fully described as follows: Commencing at the Northeast corner of said Southwest Quarter; thence South 88 degrees 22'52" West for a distance of 591.46 feet along the North line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence South 01 degrees 37'08" East for a distance of 390.00 feet; thence South 31 degrees 30'49" West for a distance of 992.86 feet; thence North 51 degrees 27'42" West for a distance of 695.00 feet to the apparent centerline of 231st Street, as it exists today; thence North 38 degrees 32'18" East for a distance of 320.03 feet along said centerline; thence on a curve to the left having a radius of 1146.28 feet and an arc length of 591.61 feet along said centerline, being subtended by a chord bearing of North 23 degrees 45'10" East and a chord distance of 585.07 feet, to the North line of said Southwest Quarter; thence North 88 degrees 22'52" East for a distance of 616.77 feet along said North line to the point of beginning. Known as Tract 2 on Certificate of Survey recorded June 16, 2023 in Document No. 2023S030.



TRACT 3:

Tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 11, 2023, more fully described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence North 89 degrees 27'37" East for a distance of 211.70 feet along the South line of said Southwest Quarter to the TRUE POINT OF BEGINNING, said point being the apparent centerline of 231 Street, as it exists today; thence North 01 degrees 40'21" East for a distance of 324.90 feet along said centerline; thence on a curve to the left having a radius of 1146.28 feet and an arc length of 100.70 feet along said centerline, being subtended by a chord bearing of North 00 degrees 50'39" West and a chord distance of 100.67 feet; thence North 02 degrees 40'41" West for a distance of 272.54 feet along said centerline; thence along a curve to the right having a radius of 573.69 feet and an arc length of 412.69 feet along said centerline, being subtended by a chord bearing of North 17 degrees 55'49" East and a chord distance of 403.85 feet; thence North 38 degrees 32'18" East for a distance of 239.73 feet along said centerline; thence North 89 degrees 27'37" East for a distance of 507.85 feet; thence South 00 degrees 32'23" East for a distance of 536.82 feet; thence North 89 degrees 27'37" East for a distance of 600.00 feet; thence South 00 degrees 32'23" East for a distance of 730.00 feet to the South line of said Southwest Quarter; thence South 89 degrees 27'37" West for a distance of 1388.76 feet along said South line to the point of beginning. Known as Tract 3 on Certificate of Survey recorded June 16, 2023 in Document No. 2023S030.

(THIS DEED IS BEING RECORDED PURSUANT TO K.S.A. 79-1437e AS AMENDED, EXEMPTION #3)

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

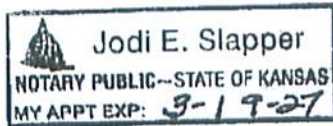
Dated this 7 day of July A.D. 2023

*Matthew J. Francis*  
Matthew J. Francis, Member

*Michael S. Kelly*  
Michael S. Kelly, Member

STATE OF Kansas, COUNTY OF Leavenworth  
This instrument was acknowledged before me on this 10th day of August 2023 by:  
Matthew J. Francis, Member of WHITETAIL LAND CO., LLC

My appointment expires:



*Jodi E. Slapper*  
Notary Public  
Jodi E. Slapper

STATE OF Minnesota, COUNTY OF Wannepin 7-10-2023  
This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_ 2023 by:  
Michael S. Kelly, Member of WHITETAIL LAND CO., LLC

My appointment expires: 1-31-2027



*Barbara Shari Ann Hawkins*  
Notary Public  
Barbara Shari Ann Hawkins

ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 12/20/2022

*Janet Klasinski*  
COUNTY CLERK

Doc #: 2022R11170  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
12/20/2022 02:20:45 PM  
RECORDING FEE: 38.00  
PAGES: 2

MAIL TO:

Whitetail Land Co., LLC

*6203 North West 45 Hwy  
Parkville, MO 64152*

## STATUTORY WARRANTY DEED

Grantor(s): John R. Dunn AND Nadia Dunn, husband and wife

Conveys and Warrants to Whitetail Land Co., LLC.

The following described premises, to-wit:

The Southwest Quarter (SW 1/4) of Section Thirty-one (31), Township Eight (8), Range Twenty-one (21), Leavenworth County, Kansas. LESS: A 10' strip of ground for road purposes between the existing North R/W and the proposed North R/W in the SW1/4 of Section 31, Township 8, Range 21 running from County Route #21 to a line through the center of said Section 31; the centerline of said road being described in Book "A" on Page 154 of the Road Records of Leavenworth County, Kansas. ALSO LESS: A Tract of land in the SW 1/4 of fractional section 31-T8S-R21E of the 6th P.M., described as follows; Commencing at the SW corner of Section 31; thence N 00°04'43" W, 2284.98 feet along the section line to the NW corner of the SW 1/4 of Section 31; Thence, N 89°23'03" E (assumed), 1484.28 feet along the North line of the SW 1/4 of Section 31 to the centerline of 231st Street; Thence, 612.43 feet on a curve to the right with a radius of 1146.28 feet and a chord of S 25°03'19" W, 605.17 feet along said centerline; Thence, S 40°21'40" W, 1325.40 feet along said centerline; Thence, 412.69 feet on a curve to the left with a radius of 573.69 feet along said centerline; Thence, S 00°51'19" E, 272.54 feet along said centerline; Thence, 95.43 feet on a curve to the right with a radius of 1146.28 feet along said centerline; Thence, N 88°43'01" W, 231.53 feet to the point of beginning, Leavenworth County, Kansas. ALSO LESS: any part thereof taken or used for road purposes.

For the sum of One Dollar and other good and valuable consideration.

Subject to: easements and restrictions of record, if any

Dated this 12<sup>13</sup>, 2022

File No.: 3008329



Security 1<sup>st</sup> Title



John R. Dunn  
John R. Dunn

Nadia Dunn  
Nadia Dunn

State of Oregon )  
County of Washington )ss.  
)

The foregoing instrument was acknowledged before me on this day of December 12/13, 2022 by John R. Dunn AND Nadia Dunn, husband and wife.

Witness my hand and official seal

My Commission expires: August 16, 2024

Irums Samina Majid  
Notary Public  
Irums Samina Majid



# WHITETAIL LAND SOUTH

A Minor Subdivision in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
WHITETAIL LAND CO LLC  
10000 Hollingsworth Road  
KANSAS CITY, KS 66109  
PID NO. 069-31-0-00-004.03

**SURVEYOR'S DESCRIPTION:**  
Tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 11, 2023, more fully described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence North 89 degrees 27'37" East for a distance of 211.70 feet along the South line of said Southwest Quarter to the TRUE POINT OF BEGINNING, said point being the apparent centerline of 231 Street, as it exists today; thence North 01 degrees 40'21" East for a distance of 324.90 feet along said centerline; thence on a curve to the left having a radius of 1146.28 feet and an arc length of 100.70 feet along said centerline, being subtended by a chord bearing of North 00 degrees 50'39" West and a chord distance of 100.67 feet; thence North 02 degrees 40'41" West for a distance of 172.54 feet along said centerline; thence along a curve to the right having a radius of 573.69 feet and an arc length of 412.69 feet along said centerline, being subtended by a chord bearing of North 17 degrees 55'49" East and a chord distance of 403.85 feet; thence North 38 degrees 32'18" East for a distance of 239.73 feet along said centerline; thence North 89 degrees 27'37" East for a distance of 507.85 feet; thence South 00 degrees 32'23" East for a distance of 536.82 feet; thence North 89 degrees 27'37" East for a distance of 600.00 feet; thence South 00 degrees 32'23" East for a distance of 730.00 feet to the South line of said Southwest Quarter; thence South 89 degrees 27'37" West for a distance of 1388.76 feet along said South line to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 31.65 acres, more or less, including road right of way.  
Error of Closure: 1 - 552904



WAGNER, EVELYN  
PID # 069-31-1...004.01

231st Street  
Plans 52-S-1077  
Right of Way Varies  
DGM R&R Survey

SCHMALSTIEG, SANDRA L  
PID # 069-31-1...005

012  
Southwest Corner  
Sec. 31-8-21  
1/2" Rebar Cap 356  
N 89°27'37" E  
211.70'

POB TR3

WHITETAIL LAND CO LLC  
PID # 069-31-1...004.03

### RESTRICTIONS:

- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
- 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- 4) Lots are subject to the current Access Management Policy.  
Lot 4 to have 2 access points to LeCompton Road being west of existing bridge.  
- Western most access point is for the residence on Lot 4 only.  
- Eastern access point, easement, and maintenance to be shared by only Lots 5 and 6.
- 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 6) 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 along with any other applicable Federal, State or local permit.
- 7) Lots 1, 5, and 6, are impacted by Special Flood Hazard Zones and are depicted here graphically.
- 8) LeCompton Road is a Minimum Maintained Road and subject to Leavenworth County Regulations.
- 9) No off-plat restrictions.

WHITETAIL LAND CO LLC  
PID # 069-31-1...004.03

### LEGEND:

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

### ZONING:

- NOTES-RR 5 - Rural Residential 5**
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Error of Closure Calculations
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Proposed Lots for Residential Use.
  - 8) Road Record - See Survey Dedication in Book 513 Page 1873 was intended to be an easement for road purposes and not fee simple title. County will treat this as an easement. 231st St. R/W, as shown, is an easement by prescription.
  - 9) Benchmark - NAVD88 Project Benchmark (BM) - NE COR SW 1/4 Section 31 - Elev - 890.3'
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Doc # 2023R05836
  - 12) Utility Companies -
    - Water - Rural Water 12
    - Electric - Freestate
    - Sewer - Septic / Lagoons
    - Gas - Propane / Natural Gas
  - 13) Reference Lawyer's Title of Kansas Case Number updated August 15, 2023
  - 14) Property is in a Special Flood Hazard Area per FEMA FIRM Map 2010C0125G dated July 16, 2015
  - 15) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - 16) Distances to and of structures, if any, are +- 1'.
  - 17) Easements as per referenced Title Commitment are shown hereon, if any. Water Line Easement Bk.517 Pg.1706 lies with the right of way of 231st Street.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:
    - DGW - D.G.White Surveys S-16-07 #08 NKA #20075008
    - JAH - J.A. Herring Survey Doc # 20235030



Scale 1" = 60'

Job # K-23-1645 2ND  
June 17, 2023 - Rev. Sept 29, 2023



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

Joseph A. Herring  
PS # 1296



POC TR3

DOMANN, PATRICIA A  
PID #113-06-...005

032  
SE COR SW 1/4  
Sec. 31-8-21  
1/2" Rebar Pink Cap

S 89°27'37" E 2651.73'  
LeCompton Road  
BK # Pg. 154 - 40' R/W  
Widened - Bk. 513 Pg. 1873 - 60' R/W

# WHITETAIL LAND SOUTH

A Minor Subdivision in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

## FINAL PLAT

PREPARED FOR:  
WHITETAIL LAND CO LLC  
10000 Hollingsworth Road  
KANSAS CITY, KS 66109  
PID NO. 069-31-0-00-004.05

**SURVEYOR'S DESCRIPTION:**  
Tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 11, 2023, more fully described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence North 89 degrees 27'37" East for a distance of 211.70 feet along the South line of said Southwest Quarter to the TRUE POINT OF BEGINNING, said point being the apparent centerline of 231 Street, as it exists today; thence North 01 degrees 40'21" East for a distance of 324.90 feet along said centerline; thence on a curve to the left having a radius of 1146.28 feet and an arc length of 100.70 feet along said centerline, being subtended by a chord bearing of North 00 degrees 50'39" West and a chord distance of 100.67 feet; thence North 02 degrees 40'41" West for a distance of 272.54 feet along said centerline, being subtended by a chord bearing of North 17 degrees 55'49" East and a chord distance of 403.85 feet; thence North 38 degrees 32'18" East for a distance of 239.73 feet along said centerline; thence North 89 degrees 27'37" East for a distance of 507.85 feet; thence South 00 degrees 32'23" East for a distance of 536.82 feet; thence North 89 degrees 27'37" East for a distance of 600.00 feet; thence South 00 degrees 32'23" East for a distance of 730.00 feet to the South line of said Southwest Quarter; thence South 89 degrees 27'37" West for a distance of 1388.76 feet along said South line to the point of beginning.  
Together with and subject to covenants, easements, and restrictions of record.  
Said property contains 31.65 acres, more or less, including road right of way.  
Error of Closure: 1 - 552904

**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: WHITETAIL LAND SOUTH.

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

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

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

**IN TESTIMONY WHEREOF,**  
We, the undersigned owners of WHITETAIL LAND SOUTH, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Matthew Francis, Member of Whitetail Land Co. 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 Matthew Francis, Member of Whitetail Land Co. 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 WHITETAIL LAND SOUTH 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

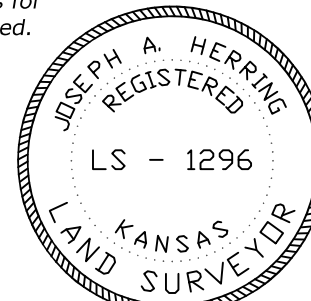
**COUNTY COMMISSION APPROVAL:**  
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of WHITETAIL LAND SOUTH this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Chairman: Vicky Kaaz  
County Clerk: Janet Klasinski

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

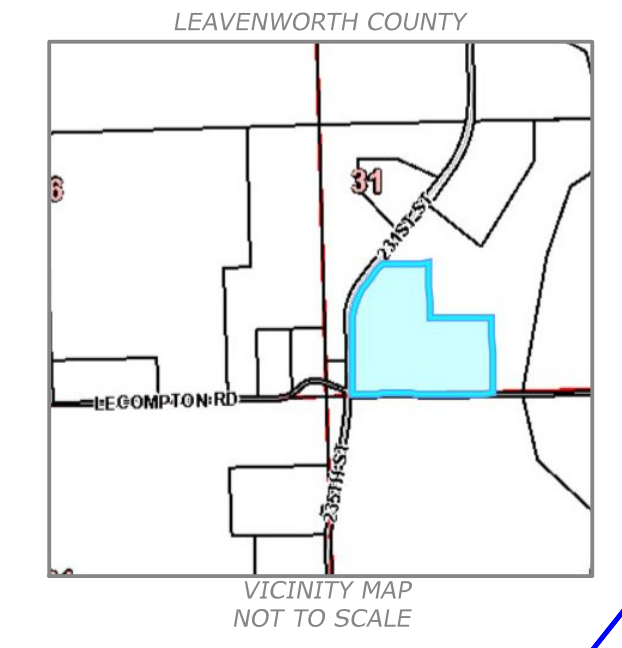
Register of Deeds - TerriLois G. Mashburn

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



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

Joseph A. Herring  
PS # 1296

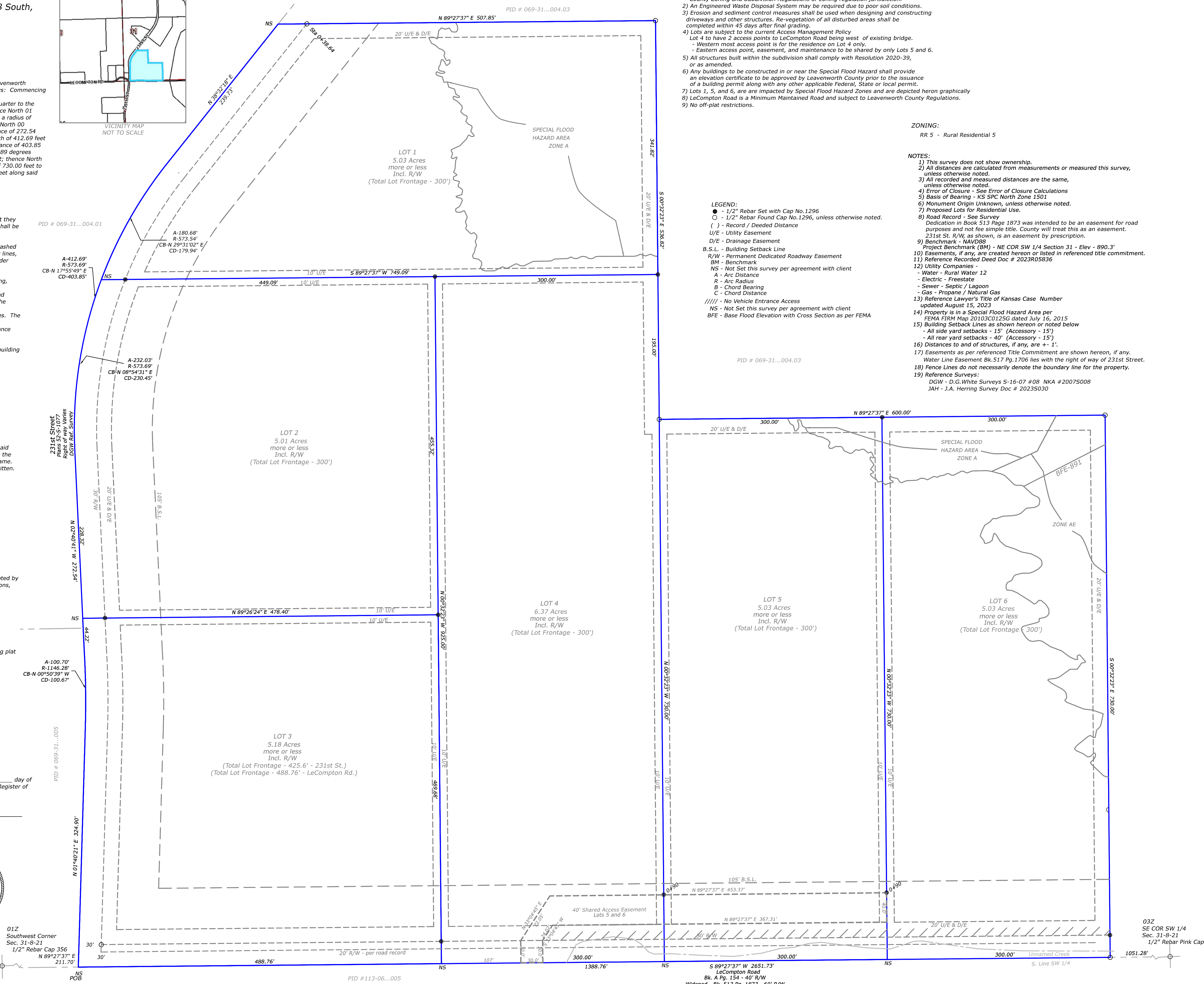
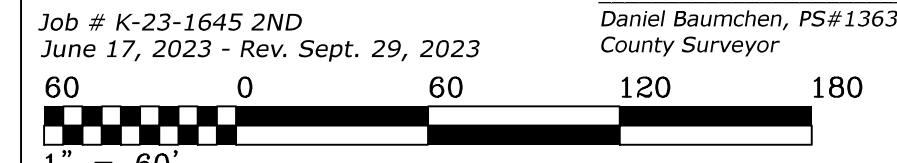
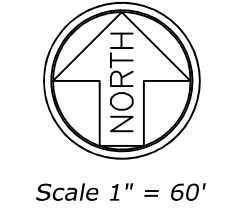


PID # 069-31...004.01

231st Street  
Plans 52-S-1077  
Right of Way Varies  
DGM R&F Survey

PID # 069-31...005

01Z  
Southwest Corner  
Sec. 31-8-21  
1/2" Rebar Cap 356  
N 89°27'37" E  
211.70'



- RESTRICTIONS:**
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - 4) Lots are subject to the current Access Management Policy  
Lot 4 to have 2 access points to LeCompton Road being west of existing bridge.  
- Western most access point is for the residence on Lot 4 only.  
- Eastern access point, easement, and maintenance to be shared by only Lots 5 and 6.
  - 5) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
  - 6) 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 along with any other applicable Federal, State or local permit.
  - 7) Lots 1, 5, and 6, are impacted by Special Flood Hazard Zones and are depicted hereon graphically.
  - 8) LeCompton Road is a Minimum Maintained Road and subject to Leavenworth County Regulations.
  - 9) No off-plat restrictions.

**ZONING:**  
RR 5 - Rural Residential 5

- NOTES:**
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Error of Closure Calculations
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Proposed Lots for Residential Use.
  - 8) Road Record - See Survey
  - 9) Dedication in Book 513 Page 1873 was intended to be an easement for road purposes and not fee simple title. County will treat this as an easement.
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Doc # 2023R05836
  - 12) Utility Companies -  
- Water - Rural Water 12  
- Electric - Freestate  
- Sewer - Septic / Lagoon  
- Gas - Propane / Natural Gas
  - 13) Reference Lawyer's Title of Kansas Case Number updated August 15, 2023
  - 14) Property is in a Special Flood Hazard Area per FEMA FIRN Map 20103C0125G dated July 16, 2015
  - 15) Building Setback Lines as shown hereon or noted below  
- All side yard setbacks - 15' (Accessory - 15')  
- All rear yard setbacks - 40' (Accessory - 15')
  - 16) Distances to and of structures, if any, are + - 1'.
  - 17) Easements as per referenced Title Commitment are shown hereon, if any.  
Water Line Easement Bk. 517 Pg. 1706 lies with the right of way of 231st Street.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:  
DGM - D.G. White Surveys S-16-07 #08 NKA #2007S008  
JAH - J.A. Herring Survey Doc # 2023S030

- LEGEND:**
- - 1/2" Rebar Set with Cap No. 1296
  - - 1/2" Rebar Found Cap No. 1296, unless otherwise noted.
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent Dedicated Roadway Easement
  - BM - Benchmark
  - NS - Not Set this survey per agreement with client
  - A - Arc Distance
  - B - Arc Radius
  - R - Chord Bearing
  - C - Chord Distance
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client
  - BFE - Base Flood Elevation with Cross Section as per FEMA

PID # 069-31...004.03

03Z  
SE COR SW 1/4  
Sec. 31-8-21  
1/2" Rebar Pink Cap

PID # 113-06...005

S 89°27'37" W 2651.73'  
LeCompton Road  
Bk. A Pg. 154 - 40' R/W  
Widened - Bk. 513 Pg. 1873 - 60' R/W

## Sloop, Stephanie

---

**From:** Amanda Tarwater <amanda.tarwater@freestate.coop>  
**Sent:** Friday, June 30, 2023 12:53 PM  
**To:** PZ  
**Cc:** herringsurveying@outlook.com  
**Subject:** FW: Whiteland Land North and South Developments  
**Attachments:** Whitetail Property - Dunn Farm.JPG; K-22-1660 Whitetail Acres North REVIEW ONLY.pdf; K-22-1660 Whitetail Land South REVIEW ONLY.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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FreeState Electric is able to provide power to the land described below and attached.

Thank you,

**Amanda Tarwater**  
Member Accounts Coordinator



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

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Wednesday, June 28, 2023 7:38 AM  
**To:** Amanda Tarwater <amanda.tarwater@freestate.coop>  
**Subject:** Fw: Whiteland Land North and South Developments

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="">

Please see the attached documents. Client is wanted to divide the property as shown. North portion into 3 Lots along 231<sup>st</sup> Street. South portion into 6 Lots along 231<sup>st</sup>/235<sup>th</sup> Street and LeCompton Road. This is the previous Dunn Farm

Please provide a letter of service to myself and Leavenworth County Planning and Zoning - ATTN: Amy Allison ([pz@leavenworthcounty.gov](mailto:pz@leavenworthcounty.gov)).

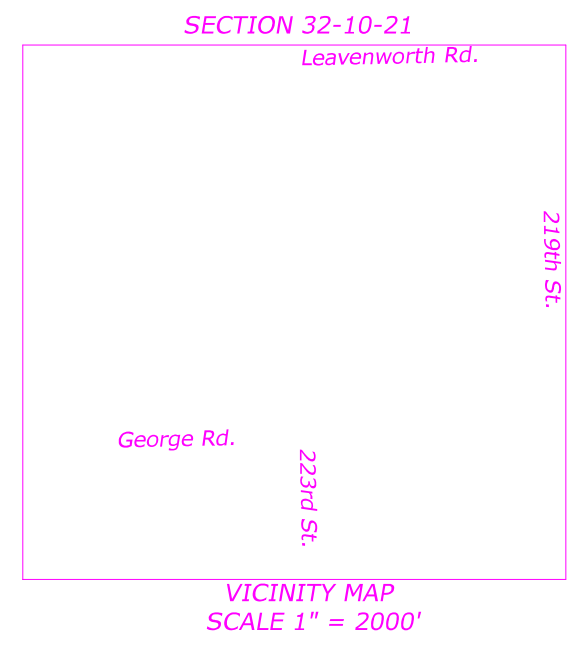
# WHITETAIL LAND SOUTH

A Minor Subdivision in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
 WHITETAIL LAND CO LLC  
 6203 NW 45 HWY  
 PARKVILLE, MO 64152  
 PID NO. 069-31-0-00-00-004 & 006

TRACT 3:  
 Tract of land in the Southwest Quarter of Section 31, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 11, 2023, more fully described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence North 89 degrees 27'37" East for a distance of 211.70 feet along the South line of said Southwest Quarter to the TRUE POINT OF BEGINNING, said point being the apparent centerline of 231 Street, as it exists today; thence North 01 degrees 40'21" East for a distance of 324.90 feet along said centerline; thence on a curve to the left having a radius of 1146.28 feet and an arc length of 100.70 feet along said centerline, being subtended by a chord bearing of North 00 degrees 50'39" West and a chord distance of 100.67 feet; thence North 02 degrees 40'41" West for a distance of 272.54 feet along said centerline; thence along a curve to the right having a radius of 573.69 feet and an arc length of 412.69 feet along said centerline, being subtended by a chord bearing of North 17 degrees 55'49" East and a chord distance of 403.85 feet; thence North 38 degrees 32'18" East for a distance of 239.73 feet along said centerline; thence North 89 degrees 27'37" East for a distance of 507.85 feet; thence South 00 degrees 32'23" East for a distance of 536.82 feet; thence North 89 degrees 27'37" East for a distance of 600.00 feet; thence South 00 degrees 32'23" East for a distance of 730.00 feet to the South line of said Southwest Quarter; thence South 89 degrees 27'37" West for a distance of 1388.76 feet along said South line to the point of beginning.  
 Together with and subject to covenants, easements, and restrictions of record.  
 Said property contains 31.65 acres, more or less, including road right of way.  
 Error of Closure: 1 - 552904



# REVIEW ONLY

POB TR1  
 POC TR2  
 03X  
 NE COR SW 1/4  
 Sec. 31-8-21  
 1/2" Rebar

PID NO. 197-35...001.06

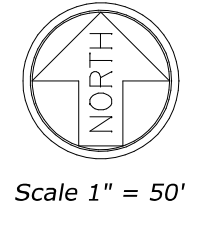
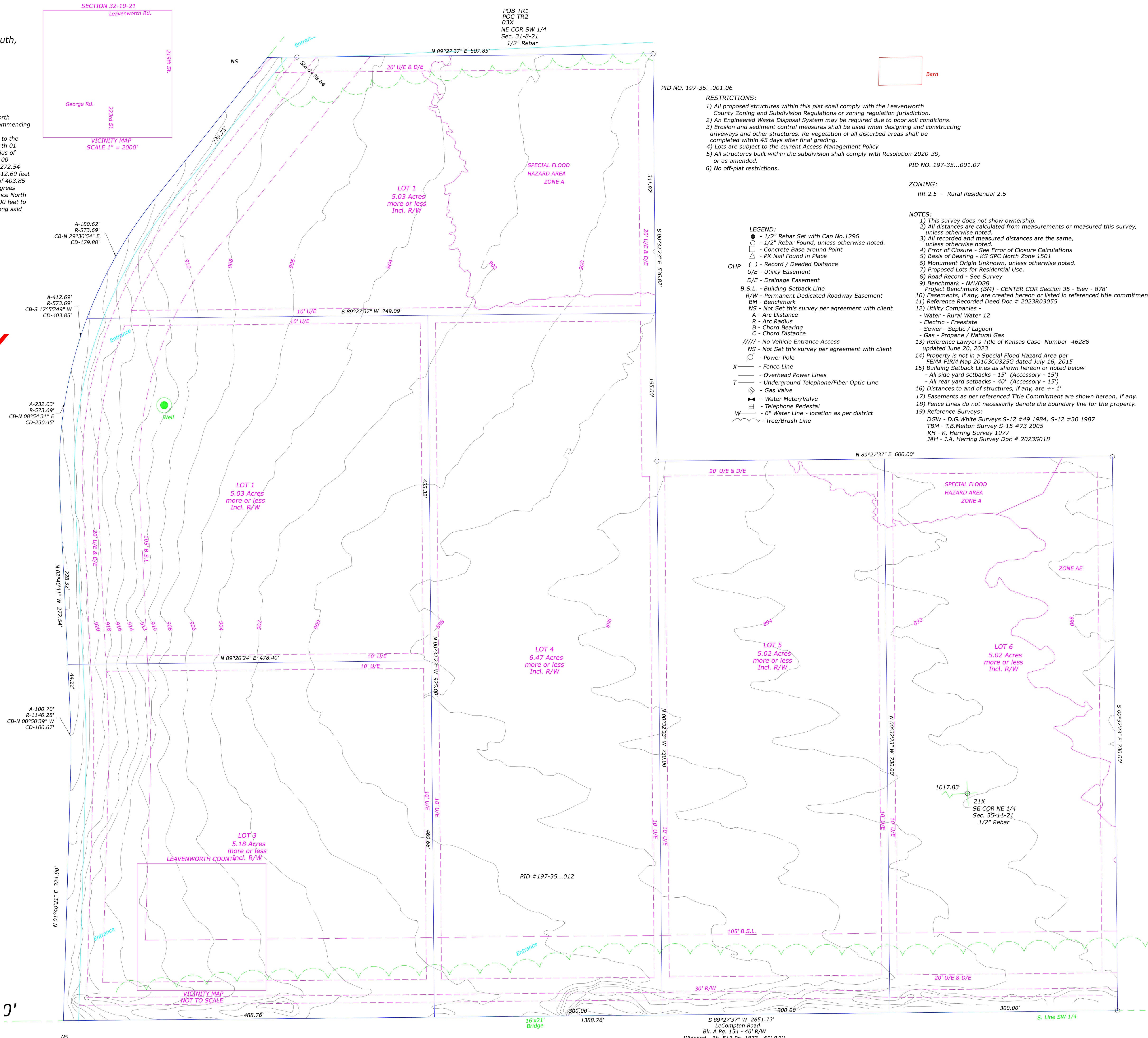
- RESTRICTIONS:**
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures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



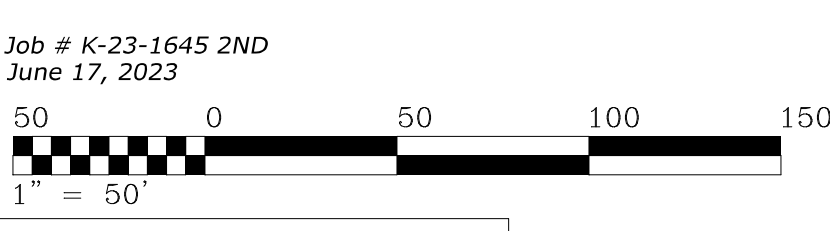
**ZONING:**  
 RR 2.5 - Rural Residential 2.5

- NOTES:**
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Error of Closure Calculations
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Proposed Lots for Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD88
  - 10) Project Benchmark (BM) - CENTER COR Section 35 - Elev - 878'
  - 11) Easements, if any, are created hereon or listed in referenced title commitment.
  - 12) Reference Recorded Deed Doc # 2023R03055
  - 13) Utility Companies -  
 - Water - Rural Water 12  
 - Electric - Freestate  
 - Sewer - Septic / Lagoon  
 - Gas - Propane / Natural Gas
  - 14) Reference Lawyer's Title of Kansas Case Number 46288 updated June 20, 2023
  - 15) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0325G dated July 16, 2015
  - 16) Building Setback Lines as shown hereon or noted below  
 - All side yard setbacks - 15' (Accessory - 15')  
 - All rear yard setbacks - 40' (Accessory - 15')
  - 17) Distances to and of structures, if any, are + 1'.
  - 18) Easements as per referenced Title Commitment are shown hereon, if any.
  - 19) Fence Lines do not necessarily denote the boundary line for the property.
  - 20) Reference Surveys:  
 DWG - D.G. White Surveys S-12 #49 1984, S-12 #30 1987  
 TBW - T.B. Milton Survey S-15 #73 2005  
 KH - K. Herring Survey 1977  
 JAH - J.A. Herring Survey Doc # 2023S018

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



Scale 1" = 50'



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

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of May through June 2023 and this map or plat is correct to the best of my knowledge.  
 Joseph A. Herring  
 PS # 1296

0'

S 89°27'37" W 2651.73'  
 LeCompton Road  
 Bk. A Pg. 154 - 40' R/W  
 Widened - Bk. 513 Pg. 1873 - 60' R/W

S. Line SW 1/4

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Whitetail Land South  
**Date:** October 5, 2023

Amy, I have reviewed the preliminary plat of the Whitetail Land South Subdivision presented by Matt Francis. 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 231<sup>st</sup> Street and Lecompton Road at the intersection. We need to be using caution regarding the flood zone when issuing permits along this subdivision.

I have no further recommendation for this subdivision.

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



## Johnson, Melissa

---

**From:** Olson <bolson642@gmail.com>  
**Sent:** Wednesday, August 30, 2023 3:21 PM  
**To:** Johnson, Melissa  
**Cc:** Joe Herring  
**Subject:** Re: Whitetail North and Whitetail South Pre and Final Plat

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

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Good afternoon,

Alexandria fire department can service these plots. However there are some concerns. First is that there is not a hydrant within 3 miles of the plots. In the event of a fire water resources could be an issue. The second point is that during times of high water the plots would not be directly accessible from the fire station due to road closures 231st has been closed due to high water several times in the last 5 years. Please let me know if you have any other questions.

Thank you  
Chief Olson Alexandria township fire department

Thank you,  
Ben Olson  
Sent from my iPhone

On Aug 24, 2023, at 10:11 AM, Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

Chief,

I'm including Joe Herring on this email so that you and him can communicate about his plats being submitted.

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

**RURAL WATER DISTRICT NO. 12**

**Jefferson County, Kansas**

**216 Winchester St.**

**Winchester, KS 66097**

**TEL: (913)774-2872**

**FAX: (913)774-2875**

**[EMAIL-water12@embargo.com](mailto:EMAIL-water12@embargo.com)**

June 28, 2023

Leavenworth County Planning & Zoning

Attn: Amy Allison

300 Walnut St. Suite 212

Leavenworth. KS 66048

RE: Rural Water Availability-Whitetail Land Co., LLC c/o Joe Herring

Dear Amy:

Please be advised that at this time domestic water service is available from Jefferson County Rural Water District No. 12 for land, owned by Whitetail Land Co., LLC located in the Southwest Quarter of Section 31, Township 8, Range 21 East, and the Northeast Quarter of Section 35, Township 11, Range 21 East Leavenworth County, Kansas.

Benefit units are available in the said area for all 9 lots at this time, but this is in no way a guarantee that benefit units will be available in the future for said property. All new benefit units must be approved by the Board of Directors for Jefferson County Rural Water District No. 12. Pre-application for water service with the district has not been made for said property.

Please feel free to contact me at the District Office if you have any questions.

Sincerely,  
Denise Eggers,  
Office Manager

Cc: Joe Herring

## Sloop, Stephanie

---

**From:** Jacobson, John  
**Sent:** Friday, October 6, 2023 8:06 AM  
**To:** Sloop, Stephanie  
**Subject:** FW: Whitetail South Revisions  
**Attachments:** K-22-1660 Whitetail Land South PRELIM Rev 9-29-23.pdf; K-22-1660 Whitetail Land South FINAL Rev 9-29-23.pdf

Steph- Sign off on WT South

John Jacobson  
Director  
Planning and Zoning  
Leavenworth County  
(913) 684 0461

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---

**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Friday, September 29, 2023 2:44 PM  
**To:** Jacobson, John <JJacobson@leavenworthcounty.gov>  
**Cc:** McAfee, Joe <JMcafee@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>  
**Subject:** RE: Whitetail South Revisions

**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.

John,  
There is 1 repeat comment on the PP and no further comment on the FP. Please see attachments.

Thanks,

Mitch

---

**From:** Jacobson, John <[JJacobson@leavenworthcounty.gov](mailto:JJacobson@leavenworthcounty.gov)>  
**Sent:** Friday, September 29, 2023 2:02 PM  
**To:** Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>  
**Subject:** FW: Whitetail South Revisions

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John Jacobson  
Director  
Planning and Zoning  
Leavenworth County  
(913) 684 0461

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---

**From:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Sent:** Friday, September 29, 2023 2:01 PM  
**To:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>  
**Subject:** Whitetail South Revisions

**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.

The 30' and 30' shown at the southwest corner of the plat are just dimensions to the survey monument as requested by Dan.

The different right of ways - 20 to 30 feet along lecompton exist, shown, notes, and also part of the additional notes on the survey.

Thank you - Joe Herring

---

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

## Sloop, Stephanie

---

**From:** Jacobson, John  
**Sent:** Thursday, October 5, 2023 3:37 PM  
**To:** Sloop, Stephanie  
**Subject:** FW: Whitetail South  
**Attachments:** Whitetail Land South final No Comments 2023.10.02.pdf

John Jacobson  
Director  
Planning and Zoning  
Leavenworth County  
(913) 684 0461

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---

**From:** Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Sent:** Monday, October 2, 2023 10:52 AM  
**To:** 'Joe Herring' <herringsurveying@outlook.com>; PZ <PZ@leavenworthcounty.gov>; Sloop, Stephanie <SSloop@leavenworthcounty.gov>; Jacobson, John <JJacobson@leavenworthcounty.gov>  
**Cc:** Noll, Bill <BNoll@leavenworthcounty.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>  
**Subject:** RE: Whitetail South

No Comments

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

---

**From:** Joe Herring [<mailto:herringsurveying@outlook.com>]  
**Sent:** Friday, September 29, 2023 7:00 AM  
**To:** PZ <[PZ@leavenworthcounty.gov](mailto:PZ@leavenworthcounty.gov)>; Baumchen, Daniel <[DBaumchen@leavenworthcounty.gov](mailto:DBaumchen@leavenworthcounty.gov)>  
**Subject:** Whitetail South

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## Allison, Amy

---

**From:** Anderson, Kyle  
**Sent:** Tuesday, September 5, 2023 8:38 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-23-127/128 Preliminary and Final Plat – Whitetail Land South

We have not received any complaints on this property, and are not aware of any septic systems currently installed. The PID listed on both plats are wrong.

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:** Friday, September 1, 2023 4:34 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-23-127/128 Preliminary and Final Plat – Whitetail Land South

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for a 6-lot subdivision at 00000 231st St (PID 069-31-0-00-00-004.05).

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, September 13, 2023.

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

Thank you,

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

**Disclaimer**

## Sloop, Stephanie

---

**From:** Jacobson, John  
**Sent:** Friday, October 6, 2023 8:09 AM  
**To:** Sloop, Stephanie  
**Subject:** FW: Whitetail South Drainage Report  
**Attachments:** Whitetail Land South Drainage Report 9-29-23.pdf

Steph- Sign off- I'll add the condition to the FP on North and South

John Jacobson  
Director  
Planning and Zoning  
Leavenworth County  
(913) 684 0461

### 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:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Monday, October 2, 2023 10:11 AM  
**To:** Jacobson, John <JJacobson@leavenworthcounty.gov>  
**Cc:** Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcafee@leavenworthcounty.gov>  
**Subject:** FW: Whitetail South Drainage Report

**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.

John,  
The drainage report does not include homestead locations in the proposed condition exhibit. Per Engineer's response below, his intent is not to depict said locations within the report. Please add note to the final plat requiring an engineered site plan for each individual lot.

No other comments.

Thanks,

Mitch

**Mitch Pleak, PE**  
Senior Engineer / Civil

D 913.748.2503

7301 W. 133rd Street, Suite 200  
Overland Park, KS 66213  
O 913.381.1170



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[View Legal Disclaimer](#)

**From:** David Lutgen <[dlutgen72@gmail.com](mailto:dlutgen72@gmail.com)>

**Sent:** Friday, September 29, 2023 5:54 PM

**To:** McAfee, Joe <[jmcafee@leavenworthcounty.gov](mailto:jmcafee@leavenworthcounty.gov)>; Noll, Bill <[BNoll@leavenworthcounty.gov](mailto:BNoll@leavenworthcounty.gov)>; Mitch Pleak <[mpleak@olsson.com](mailto:mpleak@olsson.com)>; Jacobson, John <[JJacobson@leavenworthcounty.gov](mailto:JJacobson@leavenworthcounty.gov)>

**Cc:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>

**Subject:** Whitetail South Drainage Report

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All,

The updated drainage report is attached.

My response to the latest comments on this drainage report.

*Comment- Include gravel drive for access to Lot 5 and 6 in the proposed condition table.*

Response - This is unnecessary as each building lot assumes 10,000 sq ft of impervious area which includes a driveway. I have added gravel in order to move the project forward.

*Comment - Depict homesteads and drives to homesteads in proposed condition exhibit.*

Response - After the stink the County made regarding assumed home locations on Garden Villas I will no longer be showing assumed home locations on the exhibit unless it is required by regulation (which I don't think it is). I will include my assumption in the body of the report when needed, not applicable on this site since there is only one drainage area.

Thank you,

David Lutgen, P.E.



**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-23-021 Garden Villa Preliminary Plat

October 11, 2023

**REQUEST: Discussion**  
x Preliminary Plat                      Final Plat

**STAFF REPRESENTATIVE:**  
John Jacobson  
DIRECTOR

**SUBJECT PROPERTY:** 00000 254<sup>TH</sup> STREET

**APPLICANT/APPLICANT AGENT:**  
JOE HERRING  
HERRING SURVEYING

**PROPERTY OWNER:**  
Warren Capital LLC  
2207 E. 26<sup>th</sup> Street  
Lawrence KS 66046

**CONCURRENT APPLICATIONS:**  
NO

**LAND USE**

ZONING: RR 2.5

FUTURE LAND USE DESIGNATION:  
RR 2.5

**LEGAL DESCRIPTION:**  
A REPLAT OF LOTS 9A AND 9B OF DEER MOUND SUBDIVISION., in Leavenworth County Kansas.

SUBDIVISION: Replat of 9a, 9b Deer Mound Subdivision

FLOODPLAIN: N/A

**STAFF RECOMMENDATION:** DENIAL

**PROPERTY INFORMATION**

- ACTION OPTIONS:**
1. The Planning Commission may approve of Case No. DEV-23-021, Preliminary Plat for Garden Villas Subdivision, with or without conditions; or
  2. Recommend denial of Case No. DEV-23-021, Preliminary Plat for Garden Villas Subdivision, to the Board of County Commission for the following reasons; or
  3. Continue the hearing to another date, time, and place.

**PARCEL SIZE:**  
ACRES 108

**PARCEL ID NO:**  
211-02-0-00-00-001.10 & 001.14

**BUILDINGS:**  
N/A

**PROJECT SUMMARY:**  
Request for a preliminary plat approval to subdivide property located at 00000 254<sup>h</sup> Street PID 211-02-0-00-00-001.10 & 001.14 Lots 1 through 42 of Garden Villas Subdivision.

**ACCESS/STREET:**  
254<sup>th</sup> Local Gravel

**Location Map:**



**UTILITIES**

**SEWER:** PRIVATE SEPTIC SYSTEM

**FIRE:** Reno

**WATER:** RWD #13

**ELECTRIC:** FreeState

**NOTICE & REVIEW:**

**STAFF REVIEW:**  
9/26/2023

**NEWSPAPER NOTIFICATION:**  
N/A

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

<b>STANDARDS TO BE CONSIDERED:</b>		<b>Met</b>	<b>Not Met</b>
<i>Leavenworth County Zoning and Subdivision Standards: Preliminary Review</i>			
35-40	<b>Preliminary Plat Content</b>		X
40-20	<b>Final Plat Content</b>	N/A	
41-6	<b>Access Management</b>	X	
41-6.B.a-c.	<b>Entrance Spacing</b>	X	
41-6.C.	<b>Public Road Access Management Standards</b>	X	
43	<b>Cross Access Easements</b>	N/A	
50-20	<b>Utility Requirements</b> <i>Water Service can only be supplied to 15 meters at this time. *Exception Req. by applicant</i>		X
50-30	<b>Other Requirements</b>	X	
50-40	<b>Minimum Design Standards</b> <i>Block Length and road connectivity requirements have not been met. *Exception Req. by applicant</i>		X
50-50	<b>Sensitive Land Development</b>	N/A	
50-60.	<b>Dedication of Reservation of Public Sites and Open Spaces</b>	N/A	

**STAFF COMMENTS:**

The applicant is proposing to replat lots 9a and 9b of Deer Mound Subdivision into 42 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.

There are several conditions that exist on the plat and in relationship to utility purveyance and street layout that prevent staff from recommending approval:

1. RWD #13 Can only service 15 of the 42 lots with existing infrastructure at this time. Please see attached letter. It is staffs understanding that future improvement will take place but those have not been guaranteed or scheduled at this point.
2. The proposed street layout constructs block lengths that exceed the maximum of 1200' by over a 1000' feet without intersecting streets to provide subdivision interconnectivity.

**REGULATORY EXCEPTIONS REQUESTED BY APPLICANT:**

- 1) Exception to Article 27 Section 2 D (ii) Road Connectivity
- 2) Exception to Article 40 Section 1 A Block Length
- 3) Exception to Article 50 Section 20 Adequate Public Utilities

**PROPOSED CONDITIONS:**

1. All outlined regulatory exceptions granted.
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. Olson and Public Works grading and drainage plan comments addressed prior to Final Plat submittal
6. The developer must comply with the following memorandums:
  - a. Email – Chuck Magha Emergency Management, Dated May25,2023
  - b. Email -
  - c. Email –

**ATTACHMENTS:**

A: Application & Narrative

B: Zoning Maps

C: Memorandums

# LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-23-021

PERMIT SUB-TYPE SUBDIVISION

PID 211-02-0-00-00-001.10 PARCEL SIZE 110 AC ZONE RR-2.5  
TWSP RENO SCHOOL DIST 497 SDD NO  
SUBDIVISION Deer Mound LOT NO 9A 9B BLOCK NO  
WATER DIST RWD 13 ELECTRIC FREESTATE SEWER DIST n/a  
FLOOD PLAIN IN PARCEL NO FLOOD PLAIN ON BUILDING SITE NO  
SITE ADDRESS 00000 254th St  
SITE CITY Lawrence SITE STATE KS SITE ZIP CODE 66046

LAST NAME Warren Capital LLC FIRST NAME PHONE 913-651-3858  
EMAIL herringsurveying@outlook.com  
ADDRESS 315 N 5th St  
CITY Leavenworth STATE KS ZIP CODE 66048

CONSULTANT Joe Herring CONSULTANT PHONE 913-651-3858  
CONSULTANT EMAIL herringsurveying@outlook.com

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

SUBDIVISION TYPE PRE-PLAT GROSS ACREAGE 110 COVENANTS YES  
MAXIMUM LOT SIZE 3 MINIMUM LOT SIZE 2.5 OPEN SPACE ACREAGE  
LOTS 42 TRACTS TOTAL PARCELS 42 DENSITY

NOTES: Paid on 02/18/2022 with check 8948  
Case DEV-22-020, Garden Villas

STAFF	1/31/2023	STAFF ACTION	PENDING	<input checked="" type="checkbox"/> PUBLIC HEARING	AGENDA AREA
PC		PC ACTION	PENDING		NOTICE PUB
BOCC		BOCC ACTION	PENDING		RESOLUTION PUB
BZA		BZA ACTION		DURATION	EXPIRATION

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

STAFF APPROVAL DATE

APPLICANT DATE

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

PID: 211-02 001.10 / 211-02 001.14 Office Use Only  
 Township: Reno  
 Planning Commission Meeting Date: \_\_\_\_\_  
 Case No. DEV-22-020 Date Received/Paid: 02.18.2022  
 Zoning District RR 2.5  
 Comprehensive Plan land use designation \_\_\_\_\_

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Joe Herring</u>	NAME: <u>Warren Capital LLC</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS <u>2207 E 26th Street</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Lawrence KS 66046</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL: <u>Herringsurveying@outlook.com</u>	EMAIL: <u>N/A</u>

**GENERAL INFORMATION**

Proposed Subdivision Name: GARDEN VILLAS  
 Address of Property: 00000 254th Street  
 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: <u>110 Ac</u>	Number of Lots: <u>42</u>	Minimum Lot Size: <u>2.5 AC</u>
Maximum Lot Size: <u>3 AC</u>	Proposed Zoning: <u>RR 2.5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>RWD 13</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Reno</u>	Electric Provider: <u>Freestate/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>	
Is any part of the site designated as Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No if yes, what is the panel number:		
I, the undersigned, am the owner, <u>duly authorized agent</u> , of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a preliminary plat approval as indicated above.		
Signature: <u>Joe Herring - digitally signed 2/17/22</u>		Date: <u>2-17-22</u>

**ATTACHMENT A**

# GARDEN VILLA

A Replat of Lots 9A and 9B, DEER MOUND SUBDIVISION, Leavenworth County, Kansas.

## PRELIMINARY PLAT

PREPARED FOR:  
Warren Capital LLC  
2027 E 26th Street  
Lawrence, KS 66044  
PID # 211-02-0-00-001.10 & 001.14

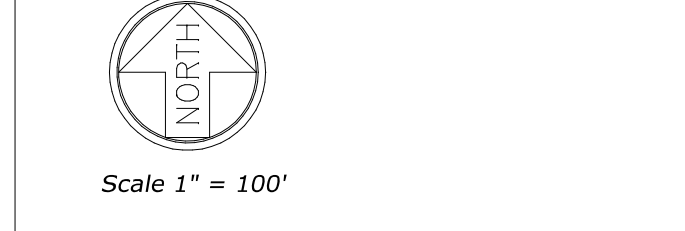
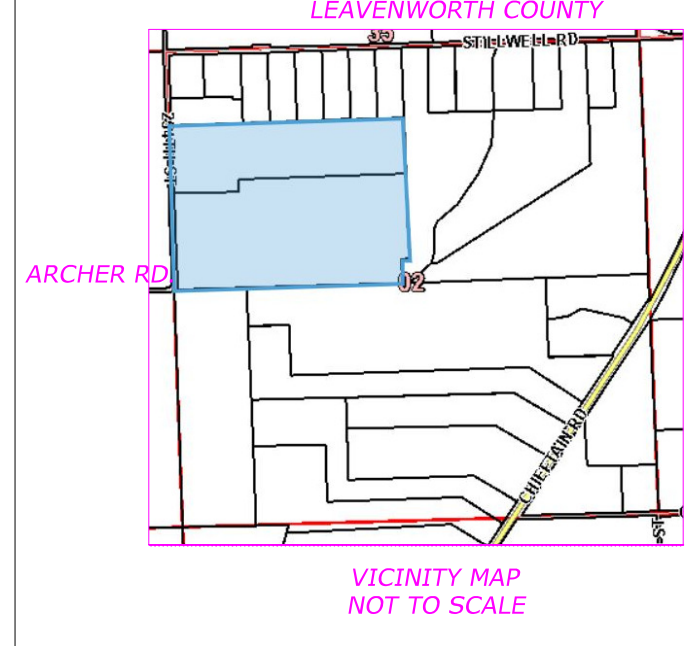
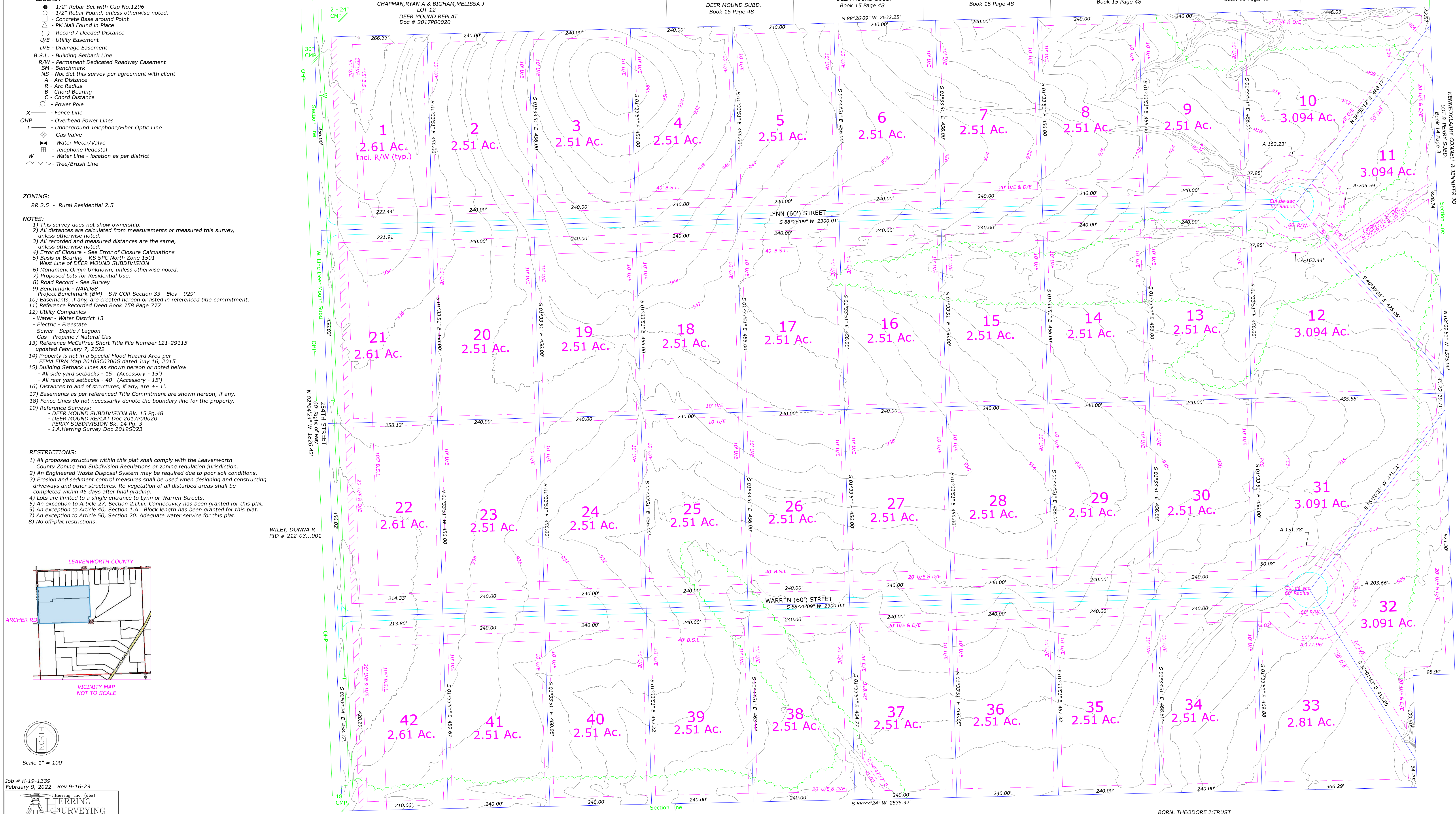
- LEGEND:**
- - 1/2" Rebar Set with Cap No. 1296
  - - 1/2" Rebar Found, unless otherwise noted.
  - - Concrete Base around Point
  - △ - PK Nail Found in Place
  - ( ) - Record / Deeded Distance
  - U/E - Utility Easement
  - D/E - Drainage Easement
  - B.S.L. - Building Setback Line
  - R/W - Permanent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

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

- NOTES:**
- 1) This survey does not show ownership.
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All recorded and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Error of Closure Calculations
  - 5) Basis of Bearing - KS SPC North Zone 1501 West Line of DEER MOUND SUBDIVISION
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Proposed Lots for Residential Use.
  - 8) Road Record - See Survey
  - 9) Benchmark - NAVD83
  - 10) Easements, if any, are created hereon or listed in referenced title commitment.
  - 11) Reference Recorded Deed Book 758 Page 777
  - 12) Utility Companies:
    - Water - Water District 13
    - Electric - Freestate
    - Sewer - Septic / Lagoon
    - Gas - Propane / Natural Gas
  - 13) Reference McAffree Short Title File Number L21-29115 updated February 7, 2022
  - 14) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 2010C0300G dated July 16, 2015
  - 15) Building Setback Lines as shown hereon or noted below
    - All side yard setbacks - 15' (Accessory - 15')
    - All rear yard setbacks - 40' (Accessory - 15')
  - 16) Distances to and of structures, if any, are +- 1'.
  - 17) Easements as per referenced Title Commitment are shown hereon, if any.
  - 18) Fence Lines do not necessarily denote the boundary line for the property.
  - 19) Reference Surveys:
    - DEER MOUND SUBDIVISION Bk. 15 Pg. 48
    - DEER MOUND REPLAT Doc 2017P00020
    - PERRY SUBDIVISION Bk. 14 Pg. 3
    - J.A. Herring Survey Doc 2019S023

- RESTRICTIONS:**
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
  - 2) An Engineered Waste Disposal System may be required due to poor soil conditions.
  - 3) Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
  - 4) Lots are limited to a single entrance to Lynn or Warren Streets.
  - 5) An exception to Article 27, Section 2.D.iii. Connectivity has been granted for this plat.
  - 6) An exception to Article 40, Section 1.A. Block length has been granted for this plat.
  - 7) An exception to Article 50, Section 20. Adequate water service for this plat.
  - 8) No off-plat restrictions.

**PARENT DESCRIPTION:**  
Tract 1: A part of Lot 9, DEER MOUND SUBDIVISION, Leavenworth County, Kansas, more fully described as follows: Beginning at the Northwest corner of said Lot 9; thence North 89°31'49" East for a distance of 2632.29 feet along the North line of said Lot 9; thence South 01°04'11" East for a distance of 622.55 feet along the East line of said Lot 9; thence South 89°31'49" West for a distance of 1865.85 feet; thence South 00°28'11" East for a distance of 140.00 feet; thence South 89°31'49" West for a distance of 766.17 feet to the West line of said Lot 9; thence North 00°58'49" West for a distance of 762.56 feet along said West line to the Point of Beginning. Shown as Lot 9A per recorded survey by Herring Surveying as Document No. 2019S023.  
Tract 2: A part of Lot 9, DEER MOUND SUBDIVISION, Leavenworth County, Kansas, more fully described as follows: Commencing at the Northwest corner of said Lot 9; thence South 00°58'49" East for a distance of 762.56 feet along the West line of said Lot 9 to the TRUE POINT OF BEGINNING; thence North 89°31'49" East for a distance of 766.17 feet; thence North 00°28'11" West for a distance of 140.00 feet; thence North 89°31'49" East for a distance of 1865.85 feet to the East line of said Lot 9; thence South 01°04'11" East for a distance of 952.49 feet along said East line; thence South 88°57'10" West for a distance of 98.94 feet along the Lot line of said Lot 9; thence South 01°03'25" East for a distance of 263.26 feet to the South line of said Lot 9; thence South 89°50'04" West for a distance of 2536.32 feet along said South line to the West line of said Lot 9; thence North 00°58'49" West for a distance of 1063.86 feet along said West line to the Point of Beginning. Shown as Lot 9B per recorded survey by Herring Surveying as Document No. 2019S023.



Job # K-19-1339  
February 9, 2022 Rev 9-16-23

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

BORN, CARMELLA A; TRUST  
PID # 211-02...002.03

BORN, THEODORE J; TRUST  
PID # 211-02...002

KENNEDY LARRY CONNELL & JENNIFER JO  
LOT 8 PERRY SUBD.  
Book 14 Page 3

N 02°09'51" W 1375.06'

623.30'

64.29'



## **JEFFERSON COUNTY RURAL WATER DISTRICT #13**

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**1951 Wellman Road  
Lawrence, KS 66044**

**(785) 842-1502  
www.jfrwd13.com**

28 February 2023

To: Lynn Hui, Member – Warren Capital, LLC

Re: Garden Villa Subdivision

Dear Ms. Hui,

Two water line upgrade projects will have to be completed before all 42 benefit units/meters can be added to our system to accommodate the proposed 42 lot Garden Villa Subdivision. With our current hydraulics we could only add approximately 15 benefit units/meters.

The first project is an 8” water line upgrade on Dehoff Dr. This is one of eight major water line upgrades that are being considered under a USDA loan project proposed to begin late 2023 and extend through 2025. This project is of high priority for the water district; however, the district cannot commit to any of the projects until a bid is accepted and signed by the district. We anticipate the bidding process to begin in late 2023 or early 2024.

The second project is a water line upgrade that will have to be completed on 254<sup>th</sup> St. from Stillwell Rd. to the Garden Villa Subdivision including all water lines inside the subdivision. The size and scope of these improvements will depend on fire flow requirements (it would require further study to see what it would take to meet the minimum 250 GPM) and would be determined by the engineer when the project moves forward. All costs for the second project will be the developer’s responsibility.

Once both projects are completed, we would then review each benefit unit/meter application on a first come first serve basis as we do with all applications. The only way to guarantee water service (once approved) is to pay for the benefit unit/meter and any other additional costs necessary for water service.

This letter does not guarantee any water service or commit the district to any water line projects.

Respectfully,

Joe Osborn, Plant & Distribution Operations Mgr.

## Sloop, Stephanie

---

**From:** Jacobson, John  
**Sent:** Friday, October 6, 2023 8:10 AM  
**To:** Sloop, Stephanie  
**Subject:** FW: Fw: Garden Villas Preliminary Plat Revision and Exceptions 9.17 Review comments  
**Attachments:** Garden Villa Drainage Report 9-22-23.pdf

DR Garden Villas

John Jacobson  
Director  
Planning and Zoning  
Leavenworth County  
(913) 684 0461

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**From:** Mitch Pleak <mpleak@olsson.com>  
**Sent:** Tuesday, September 26, 2023 3:01 PM  
**To:** Sloop, Stephanie <SSloop@leavenworthcounty.gov>; Jacobson, John <JJacobson@leavenworthcounty.gov>  
**Cc:** Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>  
**Subject:** RE: Fw: Garden Villas Preliminary Plat Revision and Exceptions 9.17 Review comments

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Stephanie and John,  
The drainage report has been reviewed for the preliminary plat application with no further comments. Reviewed document is attached. Please let me know of any questions.

Sincerely,

Mitch Pleak

---

**From:** David Lutgen <[dlutgen72@gmail.com](mailto:dlutgen72@gmail.com)>  
**Sent:** Friday, September 22, 2023 6:55 AM  
**To:** Joe Herring <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>; Jacobson, John <[JJacobson@leavenworthcounty.gov](mailto:JJacobson@leavenworthcounty.gov)>; McAfee, Joe <[JMcAfee@leavenworthcounty.gov](mailto:JMcAfee@leavenworthcounty.gov)>  
**Subject:** Re: Fw: Garden Villas Preliminary Plat Revision and Exceptions 9.17 Review comments

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All,



The updated drainage report for Garden Villas is attached.

Thank you,

David Lutgen

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**From:** Jacobson, John <[JJacobson@leavenworthcounty.gov](mailto:JJacobson@leavenworthcounty.gov)>  
**Sent:** Thursday, September 21, 2023 2:15 PM  
**To:** 'Joe Herring' <[herringsurveying@outlook.com](mailto:herringsurveying@outlook.com)>  
**Cc:** Sloop, Stephanie <[SSloop@leavenworthcounty.gov](mailto:SSloop@leavenworthcounty.gov)>; Allison, Amy <[AAllison@leavenworthcounty.gov](mailto:AAllison@leavenworthcounty.gov)>; Johnson, Melissa <[MJohnson@leavenworthcounty.gov](mailto:MJohnson@leavenworthcounty.gov)>  
**Subject:** FW: Garden Villas Preliminary Plat Revision and Exceptions 9.17 Review comments

Good afternoon Joe-

Please see the attached comments from the 9/17 Garden Villa submittal.

John Jacobson

Director

Planning and Zoning

Leavenworth County

(913) 684 0461

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## Allison, Amy

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**From:** Anderson, Kyle  
**Sent:** Friday, May 19, 2023 9:21 AM  
**To:** Allison, Amy  
**Subject:** RE: RE: DEV-23-021 Preliminary Plat – Garden Villas

We have not received any complaints on these properties and we are not aware of any septic systems installed on them.

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, May 17, 2023 3:54 PM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'LTorneden@RTFD21.com' <LTorneden@RTFD21.com>; 'dshepherd@rtfd21.com' <dshepherd@rtfd21.com>; 'linda@jfrwd13.com' <linda@jfrwd13.com>; 'designgrouplawrenceservicecenter@evergy.com' <designgrouplawrenceservicecenter@evergy.com>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** RE: DEV-23-021 Preliminary Plat – Garden Villas

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary Plat for a 42-lot subdivision at 00000 234th Street (PID 211-02-0-00-00-001.10 & 211-02-0-00-00-001.14).

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, May 26, 2023.

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

Thank you,

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

**Disclaimer**

# MEMO

**To:** Amy Allison  
**From:** Chuck Magaha  
**Subject:** Garden Villa Subdivision  
**Date:** May 25, 2023

Amy, I have reviewed the preliminary plat of the Garden Villa Subdivision presented by Warren Capital LLC. The subdivision meets the requirements for fire hydrants and supported with a 6" water line as stated in the subdivision guidelines. The area in which the subdivision is proposed along 254<sup>th</sup> Street a fire hydrant placed on the corner of Lynn Street (proposed) and 254<sup>th</sup> Street then East every 500' to Lot 11. Then at 254<sup>th</sup> street and Warren Street (proposed) a fire hydrant placed at Lot 42 then East every 500 feet to Lot 32. I have real concern with the length to the Cul-de-sac being approximately 2300 feet long, most cul-de-sacs are 1000 feet or less from the main entrance. This length would be a public safety concern to citizens that would build homes towards the Far East end and get cut off escaping the route from damage of severe storms and of any other major emergencies that would limit egress and ingress to the residents. If the end of the proposed roads had a loop into each other might lessen this impact. If I have no further recommendation for this subdivision.

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

## Sloop, Stephanie

---

**From:** Jacobson, John  
**Sent:** Friday, October 6, 2023 8:49 AM  
**To:** Sloop, Stephanie  
**Subject:** FW: Grading Plan

To include with Garden Villas

John Jacobson  
Director  
Planning and Zoning  
Leavenworth County  
(913) 684 0461

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**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Tuesday, September 19, 2023 10:19 AM  
**To:** PZ <PZ@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; David Lutgen <dlutgen72@gmail.com>; Lynn Hui <huifinancial@yahoo.com>; Charlie Stimac <charlie\_stimac@yahoo.com>  
**Subject:** Grading Plan

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Per discussion yesterday it is our understanding that a grading plan (per standards to be discussed and agreed upon by project engineer and Public works) will be created prior to final or the understanding that Planning and Zoning can enforce engineered plot plans on each lot in question per the 2006 Building Codes. The agreement is sent to allow the plat to go to Planning Commission for the Preliminary Plat.

Thank you - Joe Herring

---

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

## Garden Villa Subdivision

---

From: Lynn Hui (huifinancial@yahoo.com)

To: bocc@leavenworthcounty.gov

Cc: charlie\_stimac@yahoo.com; herringsurveying@outlook.com

Date: Sunday, July 23, 2023 at 01:07 PM CDT

---

### Commissioners and Staff,

I apologize for not stating my request properly in my first email. My intent is not to ask for the Subdivision to be officially heard but for the opportunity to discuss the project with the board as a whole in a meeting, much like the developer Mr. Reilly was able to speak at the last work session that I attended. No other developers were asked of their opinion at that time and I found out that there were a few others in the room, they may have similar concerns that I have. I understand that at least 3 or majority of the board members have to agree to have an item be placed on an agenda. I am hoping that this could happen. My concern is with the new enforcement of the block regulation being placed and demanded on my project.

I believe most of you know my situation with the Garden Villa project. The layout was included in a recent work session where it was determined that certain regulations should be enforced in the development process. We have been working on this development since 2019. By the time of that work session, my project had already been through a preapplication meeting, submittal process with payment, several delays with utilities, and a change to my civil engineer. During that timeframe I have spent tens of thousands of dollars on the project, not including the cost of the land. At one point I was also informed that if we did not continue to submit items or show progress that my application would be pulled from the system. Fortunately we were able to keep it an active application. I was also informed that the original drainage report was not in the right format, but nothing has been said about the lot and road layout.

So I have been working on this project since 2019 to get to a point that I now need to resubmit a layout with approximately 2000 foot of new roads at my cost. This was not part of the layout that was supported in the preapplication meeting or commented on. This additional requirement could add up to \$400,000 to the cost and I will not get any new lots out of that, but most likely lose lots. I was also told that a new layout with road designs would have to be submitted and approved by staff before I can be on an agenda or get my project in front of the commissioners to ask the same thing that I want to ask now. In order to do so I would have to have the engineer redesign the roadway. I feel my application and layout should be allowed as originally discussed with the county staff since we have kept it active and have continuously been working to the end. I do not wish to pay for a redesign of the road, especially if the additional road is unnecessary. And if my project is considered to be allowed to proceed as it was originally discussed and designed, then the redesign of the road would be a complete waste of time and money.

I am also very baffled by the blocks requirement that was forced upon my project. I reviewed the published Leavenworth County Zoning and Subdivision Regulations and I have found the following:

1. My Subdivision is classified as Class "C" as all of the lots in my subdivision lie within the Rural Growth Area of Leavenworth County.
2. Class "C" subdivisions are permitted to depart from the maximum block length and width requirement.
3. The two main roads surrounding my subdivision, Stillwell Road and 254<sup>th</sup> Road, each goes for at least a mile before you see another intersection. So why would my two shorter roads need any intersecting road?
4. On Stillwell Road there are neighbors on 5 acre lots and their driveways can clearly serve as turn around road whenever necessary. All the lots in my subdivision would have similar driveways to serve the same purpose.

In conclusion, my subdivision is in a rural growth area and I feel that street requirements for cities should not apply nor is there a need for an exception.

For all the above reasons, I would like the opportunity to discuss my project so it can be moved forward without additional road requirements. Thank you very much for your time and considerations.

Sincerely,

Lynn

Lynn Hui

Member, Warren Capital, LLC

2027 E. 26th St. Lawrence, KS 66046

Tel: (785) 865-0878 or (785) 218-3283

**DISCLAIMER**

*This message and any attachments contain information, which may be confidential and/or privileged, and is intended for use only by the intended recipient, any review; copying, distribution or use of this transmission is strictly prohibited. If you have received this transmission in error, please (i) notify the sender immediately and (ii) destroy all copies of this message. If you do not wish to receive marketing emails from this sender, please reply to this email with the word **REMOVE** in the subject line.*

**LEAVENWORTH COUNTY  
PLANNING COMMISSION  
STAFF REPORT**

CASE NO: DEV-23-132 & 133 Doane Acres

October 11, 2023

REQUEST: Discussion  
 Preliminary Plat                       Final Plat

**STAFF REPRESENTATIVE:**  
 John Jacobson  
 DIRECTOR

**SUBJECT PROPERTY:** 00000 Wolcott Road Marxen & HWY 5

**APPLICANT/APPLICANT AGENT:**  
 JOE HERRING  
 HERRING SURVEYING

**PROPERTY OWNER:**  
 Brent Arnold Doane  
 3504 Columbia Court Way  
 Newton Square PA 19073

**CONCURRENT APPLICATIONS:**  
 YES

**LAND USE**

ZONING: RR 2.5

FUTURE LAND USE DESIGNATION:  
 Residential 3 Units per acre

**LEGAL DESCRIPTION:**

The South one-half(S1/2) of the West one half (W1/2) of the Southeast Fractional Quarter (SE1/4) of Section 3, Township 10 South, Range 23 East of the 6<sup>th</sup> PM, in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

**STAFF RECOMMENDATION:** APPROVAL

**PROPERTY INFORMATION**

**ACTION OPTIONS:**

1. Recommend approval of Case No. DEV-23-132 & 133, Preliminary & Final Plat for Doane Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-132 & 133, Preliminary & Final Plat for Doane Acres, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE:  
 48 ACRES

PARCEL ID NO:  
 162-03-0-00-00-013.01

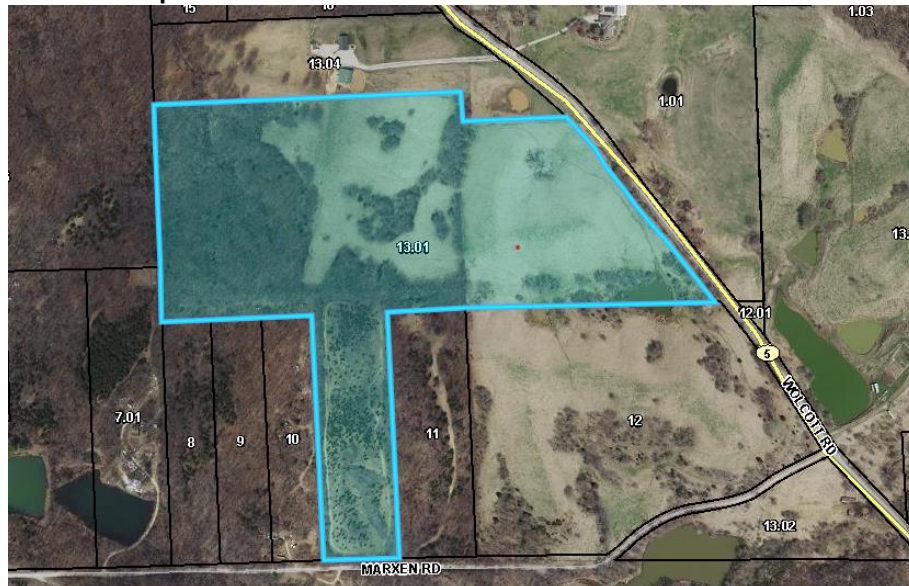
BUILDINGS:

**PROJECT SUMMARY:**

Request for a Preliminary and Final Plat approval to subdivide property located at 00000 Wolcott Road Street (PID162-03-0-00-00-013.01) as Lots 1 and 2 of Doane Acres Subdivision.

ACCESS/STREET:  
 HWY 5 State ARTERIAL, PAVED ± 24';  
 Marxen Road paved local

**Location Map:**



**UTILITIES**

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: FD #1

WATER: CWD #1

ELECTRIC: Evergy

**NOTICE & REVIEW:**

STAFF REVIEW:  
 9/26/2022

NEWSPAPER NOTIFICATION:  
 N/A

NOTICE TO SURROUNDING  
 PROPERTY OWNERS:  
 N/A

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

**STAFF COMMENTS:**

The applicant is proposing to divide a 48-acre parcel into 2 lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision. Lots 1 will be 39.66 acres and lot 2 will be approximately 9 acres in size. Lot 2 adjoins existing platted lots configured in the form presented here this configuration requires a lot to depth exception to accomplish. The applicant's agent has submitted the request in the application form. Staff supports this request due to existing platting in the adjoining tracts. The lots meet the requirements for the RR-2.5 zoning district. CWD #1 can only support Lot 2 at this time. However, the lots are in excess of 5 acres and can be served by a private well. Staff is generally in support.

**REGULATORY EXCEPTION(S) REQUESTED BY APPLICANT:**

Article 50 Section 40 3. (i) Lot to Depth Ratio

**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 – Michael Stackhouse, FD #1 September 26, 2023
  - b. Email – Mike Fulkerson CWD #1, September 22, 2023
  - c. Email – Steve Taylor KDOT, August 10<sup>th</sup> 2023

**ATTACHMENTS:**

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



# LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-23-132

PERMIT SUB-TYPE SUBDIVISION

PID 162-03-0-00-00-013.01 PARCEL SIZE 52.3 AC ZONE RR-2.5  
TWSP DELAWARE SCHOOL DIST 469 SDD NO  
SUBDIVISION LOT NO BLOCK NO  
WATER DIST CONS. R-DIST 1 ELECTRIC EVERGY SEWER DIST n/a  
FLOOD PLAIN IN PARCEL NO FLOOD PLAIN ON BUILDING SITE NO  
SITE ADDRESS 23965 Wolcott Rd  
SITE CITY Kansas City SITE STATE KS SITE ZIP CODE 66109

LAST NAME Doane FIRST NAME Brent PHONE 913-651-3858  
EMAIL herringsurveying@outlook.com  
ADDRESS 315 N 5th St  
CITY Leavenworth STATE KS ZIP CODE 66048

CONSULTANT Joe Herring CONSULTANT PHONE 913-651-3858  
CONSULTANT EMAIL herringsurveying@outlook.com

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

SUBDIVISION TYPE PRE-PLAT GROSS ACREAGE 52.30 COVENANTS NO  
MAXIMUM LOT SIZE 39.66 MINIMUM LOT SIZE 9.07 OPEN SPACE ACREAGE  
LOTS 2 TRACTS TOTAL PARCELS 2 DENSITY

NOTES: State Road and Local Rd.  
Evergy and KCPL

STAFF	9/26/2023	STAFF ACTION	PENDING	<input type="checkbox"/> PUBLIC HEARING	AGENDA AREA
PC		PC ACTION	PENDING		NOTICE PUB
BOCC		BOCC ACTION	PENDING		RESOLUTION PUB
BZA		BZA ACTION		DURATION	EXPIRATION

APPLICATION FEE \$300.00 TIF 0.00 BOND 0.00 TOTAL FEES \$300.00  
CHECK NO 9508  CASH  CC TIF CHECK NO

STAFF APPROVAL M. Johnson DATE 09.26.2023  
APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_

# LEAVENWORTH COUNTY DEVELOPMENT APPLICATION PERMIT

CASE NUMBER DEV-23-133

PERMIT SUB-TYPE

SUBDIVISION

PID 162-03-0-00-00-013.01 PARCEL SIZE 52.3 AC ZONE RR-2.5  
TWSP DELAWARE SCHOOL DIST 469 SDD NO  
SUBDIVISION LOT NO BLOCK NO  
WATER DIST CONS. R-DIST 1 ELECTRIC EVERGY SEWER DIST n/a  
FLOOD PLAIN IN PARCEL NO FLOOD PLAIN ON BUILDING SITE NO  
SITE ADDRESS 23965 Wolcott Rd  
SITE CITY Kansas City SITE STATE KS SITE ZIP CODE 66109

LAST NAME Doane FIRST NAME Brent PHONE 913-651-3858  
EMAIL herringsurveying@outlook.com  
ADDRESS 315 N 5th St  
CITY Leavenworth STATE KS ZIP CODE 66048

CONSULTANT Joe Herring with Herring Surveying CONSULTANT PHONE 913-651-3858  
CONSULTANT EMAIL herringsurveying@outlook.com

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

SUBDIVISION TYPE FINAL PLAT GROSS ACREAGE 52.30 COVENANTS NO  
MAXIMUM LOT SIZE 39.66 MINIMUM LOT SIZE 9.07 OPEN SPACE ACREAGE  
LOTS 2 TRACTS TOTAL PARCELS 2 DENSITY

NOTES: State Road and Local Rd  
Evergy and KCPL

STAFF	9/26/2023	STAFF ACTION	PENDING	<input type="checkbox"/> PUBLIC HEARING	AGENDA AREA
PC		PC ACTION	PENDING		NOTICE PUB
BOCC		BOCC ACTION	PENDING		RESOLUTION PUB
BZA		BZA ACTION		DURATION	EXPIRATION

APPLICATION FEE \$225.00 TIF 0.00 BOND 0.00 TOTAL FEES \$225.00  
CHECK NO 9508  CASH  CC TIF CHECK NO

STAFF APPROVAL *M. Johnson* DATE 09.26.2023  
APPLICANT DATE

with resp  
 Delaware FD  
 Big Copy  
 Ray

~~FINAL &~~

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

Township: <u>Delaware</u>	Office Use Only
Case No. <u>DEP-23-132</u>	Planning Commission Meeting Date: _____
Zoning District <u>RR35</u>	Date Received/Paid: <u>09.26.2023</u>
Comprehensive Plan Land Use Designation: _____	

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>Brent Arnold Doane</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS <u>3504 Columbia Court Way</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>NEWTON SQUARE, PA 19073</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL : <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>

**GENERAL INFORMATION**

Proposed Subdivision Name: DOANE ACRES

Address of Property: 00000 WOLCOTT ROAD - KANSAS HIGHWAY 5 & MARXEN ROAD

PID: 162-03-0-00-00-013.01 Urban Growth Management Area: N/A

SUBDIVISION INFORMATION		
Gross Acreage: <u>48 AC</u>	Number of Lots: <u>2</u>	Minimum Lot Size: <u>9 AC</u>
Maximum Lot Size: <u>39 Ac</u>	Proposed Zoning: <u>RR-5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>RWD #1 Cons.</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Fire District 1</u>	Electric Provider: <u>Evergy &amp; KCPL</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	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	1. <u>Lot 2 - Width to Depth - this was an prior existing tract with in a Fractional Quarter Section</u>	
	2. _____	
	3. _____	
	4. _____	
	5. _____	

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: Joe Herring - digitally signed 9-21-23 Date: 9/21/23

**ATTACHMENT A**

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

Township: <u>Delaware</u>	Office Use Only
Case No. <u>DEV-23-133</u>	Planning Commission Meeting Date: _____
Zoning District <u>RR-2.5</u>	Date Received/Paid: <u>09.26.2023</u>
Comprehensive Plan Land Use Designation: _____	

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>Brent Arnold Doane</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS <u>3504 Columbia Court Way</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>NEWTON SQUARE, PA 19073</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL: <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>

**GENERAL INFORMATION**

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Open Space Acreage: <u>N/A</u>	Water District: <u>RWD #1 Cons.</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Fire District 1</u>	Electric Provider: <u>Evergy &amp; KCPL</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	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning &amp; Subdivision Regulations.</i>	1. <u>Lot 2 - Width to Depth - this was an prior existing tract with in a Fractional Quarter Section</u>	
	2. _____	
	3. _____	
	4. _____	
	5. _____	

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: Joe Herring - digitally signed 9-21-23 Date: 9/21/23

ATTACHMENT A

ENTERED IN TRANSFER RECORD IN  
MY OFFICE THIS DAY 08/27/2021

*Jane Klasmaker*  
COUNTY CLERK



Doc #: 2021R10530  
TERRILOIS MASHBURN  
REGISTER OF DEEDS  
LEAVENWORTH COUNTY, KANSAS  
RECORDED ON:  
08/27/2021 10:21:27 AM  
RECORDING FEE: 38.00  
PAGES: 2

### Quitclaim Deed

This Quitclaim Deed ("Deed"), made on the 11<sup>th</sup> day of August, 2021, by UMB Bank, n.a., as Trustee of Trust C created under the Last Will and Testament of Joseph W. Radotinsky (the "Radotinsky Trust"); GRANTOR, whose address is 1010 Grand Boulevard, Kansas City, Missouri 64106, and Brent Arnold Doane, GRANTEE, whose address is 3504 Columbia Court Way, Newtown Square, PA 19073.

Now, Therefore, know all men by these presents that the undersigned GRANTOR does hereby Remise, Release, and forever Quitclaim to GRANTEE, and GRANTEE's heirs and assigns, any interest owned by the Radotinsky Trust in the following described real property in Leavenworth County, Kansas, to wit:

The South one-half (S ½) of the West one-half (W ½) of the Southeast Fractional Quarter (SE ¼) of Section 3, Township 10 South, Range 23 East of the 6<sup>th</sup> P.M., in Leavenworth County, Kansas, less any part thereof taken or used for road purposes. Commonly known as 0 Marxen Road (CAMA 162-03-0-00-00-012.00-0)

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

**No Real Estate Sales Validation Questionnaire is required as per K.S.A. §79-1437e(a)(7)**

TO HAVE AND TO HOLD, the premises aforesaid, together with all rights, immunities, privileges and appurtenances thereto belonging unto GRANTEE, and to the GRANTEE's heirs, successors and assigns, forever; so that neither the GRANTOR, nor GRANTOR's heirs, nor any other person or persons for GRANTOR or in GRANTOR's name or behalf, shall claim or demand any right or title to these premises, or any part thereof, but they and every one of them shall, by these presents, be excluded and forever barred.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

Witness the hand of the GRANTOR the day and year first above written.

UMB Bank, n.a., as Trustee of Trust C created under the Last Will and Testament of Joseph W. Radotinsky

By *Janet Keefer*  
Janet Keefer, Vice President

STATE OF Missouri )  
 ) ss  
COUNTY OF JACKSON )

On this 11<sup>th</sup> day of August, 2021, before me, the undersigned, a Notary Public, personally appeared Janet Keefer, to me personally known, who, being by me duly sworn, did say that she is an Vice President of UMB Bank, n.a., that it is the Trustee of Trust C created under the Last Will and Testament of Joseph W. Radotinsky; that said instrument was signed and sealed on behalf of said Bank as Trustee by authority of its Board of Directors; and they acknowledged said instrument to be the free act and deed of said corporation.

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

My Commission Expires: Dec. 26, 2022

*Paige S. Kuhn*  
Notary Public Paige S. Kuhn  
NOTARY PUBLIC

PAIGE S. KUHN  
Notary Public - Notary Seal  
STATE OF MISSOURI  
JACKSON County  
My Commission Expires: Dec. 26, 2022  
Commission # 15443004

AFFIDAVIT

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

We/I BRENT DOANE and \_\_\_\_\_

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -  
MARXEN ROAD, PAR 10: 1-16846, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

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

2)

Signed and entered this 2 day of JUNE, 2023

BRENT DOANE 3504 COLUMBIACR WAY  
Print Name, Address, Telephone 618-4574311

NEW Town  
SEWER P 4  
19073

[Signature]  
Signature

Pennsylvania  
STATE OF ~~KANSAS~~ )  
Delaware ) SS  
COUNTY OF ~~LEAVENWORTH~~ )

Be it remember that on this 2nd day of June 2023, before me, a notary public in and for said County and State came Brent Doane to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC

[Signature]

My Commission Expires: April 11, 2027

(seal)

Commonwealth of Pennsylvania - Notary Seal  
Eric C. Slade, Notary Public  
Delaware County  
My commission expires April 11, 2027  
Commission number 1343980  
Member, Pennsylvania Association of Notaries

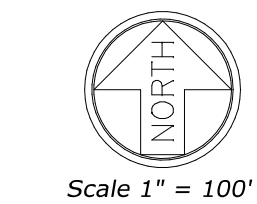
# DOANE ACRES

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

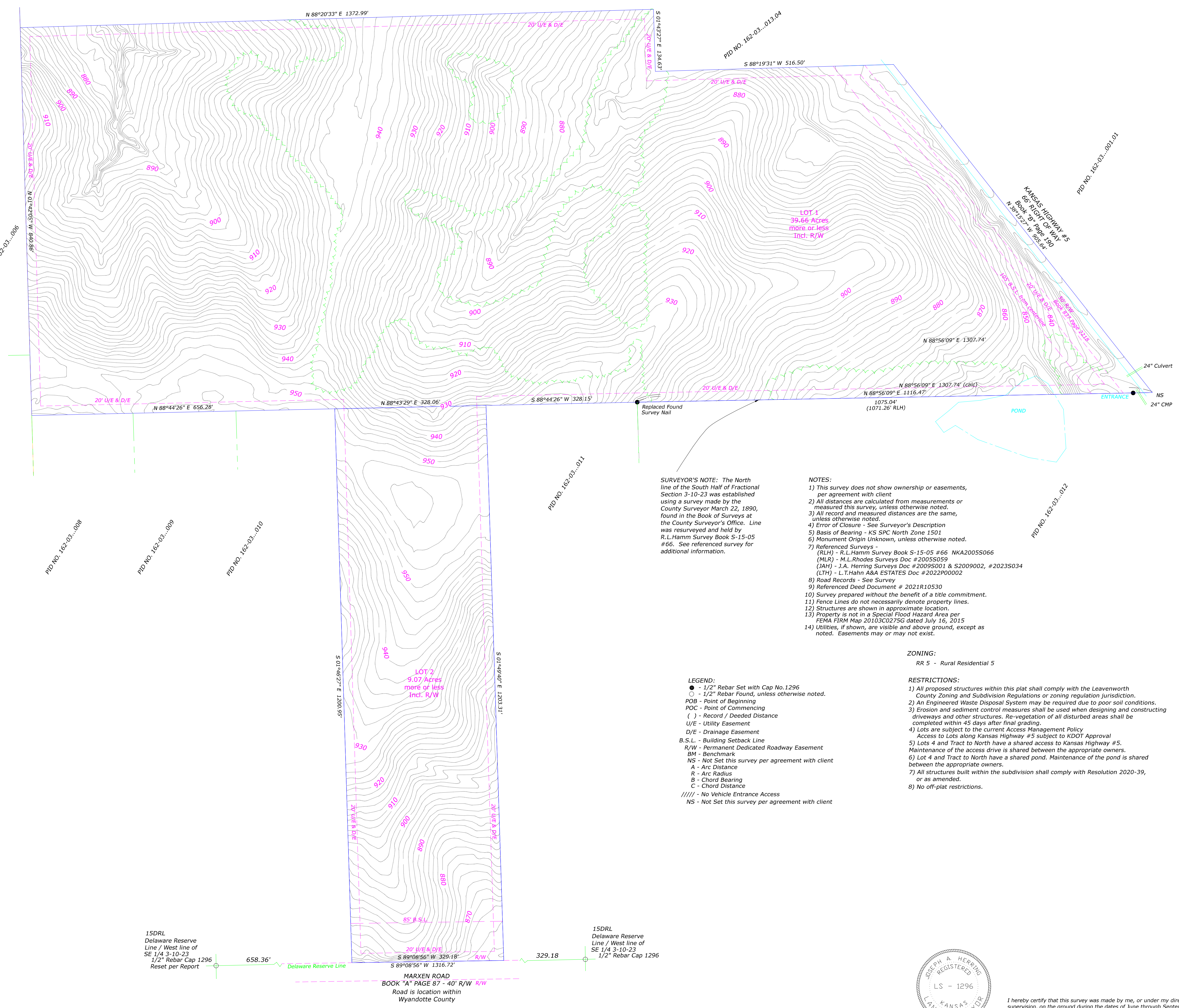
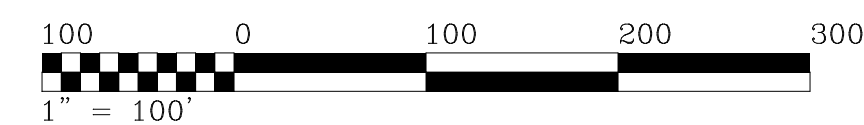
## PRELIMINARY PLAT

PREPARED FOR:  
DOANE, BRENT ARNOLD  
3504 COLUMBIA CT WAY  
NEWTOWN SQUARE, PA 19073  
PID NO. 162-03-00-00-012 & 013.02

**DESCRIPTION:** As per Title Commitment  
A Tract of land in the Northeast Quarter of the Southwest Quarter and also in the Northwest Quarter of the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of the Southwest Quarter of Fractional Section 3; thence South 88° 19' 31" West 52.96 feet along the North line of the Northeast Quarter of the Southwest Quarter of Fractional Section 3 (The North line of the Southwest Quarter of Fractional Section 3 has an assumed bearing of South 88° 19' 31" West) to a point on the Westerly right of way line of Kansas State Highway No. 5, as now established; thence South 53° 08' 05" East 706.29 feet along the Westerly right of way line of Kansas State Highway No. 5; thence South 38° 16' 31" East 62.21 feet along the Westerly right of way line of Kansas State Highway No. 5 to the point of beginning of the tract of land hereinafter described; thence continuing South 38° 16' 31" East 905.05 feet along the Westerly right of way line of Kansas State Highway No. 5 to a point on the South line of the Northwest Quarter of the Southeast Quarter of Fractional Section 3; thence South 88° 55' 38" West 1071.26 feet to the Southwest corner of the Northwest Quarter of the Southeast Quarter of Fractional Section 3; thence South 88° 44' 26" West 328.15 feet to the Northeast corner of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Fractional Section 3; thence South 1° 51' 32" East 1202.96 feet along the East line of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Fractional Section 3 to a point on the Delaware Reserve line; thence South 89° 09' 10" West 329.31 feet along the Delaware Reserve line to a point on the West line of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Fractional Section 3; thence North 1° 48' 19" West 1200.58 feet to the Northwest corner of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Fractional Section 3; thence South 88° 44' 26" West 656.28 feet to the Southwest corner of the Northeast Quarter of the Southwest Quarter of Fractional Section 3; thence North 01° 41' 47" West 840.81 feet along the West line of the Northeast Quarter of the Southwest Quarter of Fractional Section 3 to a point South 01° 41' 47" East 355.00 feet from the Northwest corner of the Northeast Quarter of the Southwest Quarter of Fractional Section 3; thence North 88° 19' 31" East 1372.74 feet parallel with the North line of the Northeast Quarter of the Southwest Quarter of Fractional Section 3; thence South 01° 40' 29" East 135.00 feet; thence North 88° 19' 31" East 471.72 feet to the point of beginning, according to the Lot Split Survey dated December 20, 2001 and revised on January 15, 2002, by Norman E. Holmes, as recorded on December 22, 2005 in Survey Book 15, Page 66.



Job # K-23-1710  
September 19, 2023



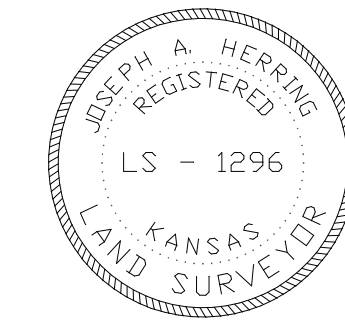
**SURVEYOR'S NOTE:** The North line of the South Half of Fractional Section 3-10-23 was established using a survey made by the County Surveyor March 22, 1890, found in the Book of Surveys at the County Surveyor's Office. Line was resurveyed and held by R.L.Hamm Survey Book S-15-05 #66. See referenced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

- NOTES:**
- 1) This survey does not show ownership or easements, per agreement with client
  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All record and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - See Surveyor's Description
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Referenced Surveys - (RLH) - R.L.Hamm Survey Book S-15-05 #66 NKA2005S066 (MLR) - M.L.Rhodes Surveys Doc #2005S059 (JAH) - J.A. Herring Surveys Doc #2009S001 & S2009002, #2023S034 (LTH) - L.T.Hahn A&A ESTATES Doc #2022P00002
  - 8) Road Records - See Survey
  - 9) Referenced Deed Document # 2021R10530
  - 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 2010C0275G dated July 16, 2015
  - 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.

**ZONING:**  
RR 5 - Rural Residential 5

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

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



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of June through September 2023 and this map or plat is correct to the best of my knowledge.  
Joseph A. Herring  
PS # 1296



# DOANE ACRES

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

## FINAL PLAT

PREPARED FOR:  
DOANE, BRENT ARNOLD  
3504 COLUMBIA CT WAY  
NEWTOWN SQUARE, PA 19073  
PID NO. 162-03-0-00-012 & 013.02

### DESCRIPTION: As per Title Commitment

A Tract of land in the Northeast Quarter of the Southwest Quarter and also in the Northwest Quarter of the Southeast Quarter of Fractional Section 3, Township 10 South, Range 23 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Commencing at the Northeast corner of the Southwest Quarter of Fractional Section 3; thence South 88° 19' 31" West 52.96 feet along the North line of the Northeast Quarter of the Southwest Quarter of Fractional Section 3 (The North line of the Southwest Quarter of Fractional Section 3 has an assumed bearing of South 88° 19' 31" West) to a point on the Westerly right of way line of Kansas State Highway No. 5, as now established, thence South 53° 08' 05" East 706.29 feet along the Westerly right of way line of Kansas State Highway No. 5; thence South 38° 16' 31" East 62.21 feet along the Westerly right of way line of Kansas State Highway No. 5 to the point of beginning of the tract of land hereinafter described; thence continuing South 38° 16' 31" East 905.05 feet along the Westerly right of way line of Kansas State Highway No. 5 to a point on the South line of the Northwest Quarter of the Southeast Quarter of Fractional Section 3; thence South 88° 55' 38" West 1071.26 feet to the Southwest corner of the Northwest Quarter of the Southeast Quarter of Fractional Section 3; thence South 88° 44' 26" West 328.15 feet to the Northeast corner of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Fractional Section 3; thence South 1° 51' 32" East 1202.96 feet along the East line of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Fractional Section 3 to a point on the Delaware Reserve line; thence South 89° 09' 10" West 329.31 feet along the Delaware Reserve line to a point on the West line of the East Half of the Southeast Quarter of the Southwest Quarter of Fractional Section 3; thence North 1° 48' 19" West 1200.58 feet to the Northwest corner of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter of Fractional Section 3; thence South 88° 44' 26" West 656.28 feet to the Southwest corner of the Northeast Quarter of the Southwest Quarter of Fractional Section 3; thence North 01° 41' 47" West 840.81 feet along the West line of the Northeast Quarter of the Southwest Quarter of Fractional Section 3 to a point South 01° 41' 47" East 355.00 feet from the Northwest corner of the Northeast Quarter of the Southwest Quarter of Fractional Section 3; thence North 88° 19' 31" East 1372.74 feet parallel with the North line of the Northeast Quarter of the Southwest Quarter of Fractional Section 3; thence South 01° 40' 29" East 135.00 feet; thence North 88° 19' 31" East 471.72 feet to the point of beginning, according to the Lot Split Survey dated December 20, 2001 and revised on January 15, 2002, by Norman E. Holmes, as recorded on December 22, 2005 in Survey Book 15, Page 66.

### 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: DOANE ACRES.

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

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

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

IN TESTIMONY WHEREOF,  
We, the undersigned owners of DOANE ACRES, have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Brent Arnold Doane

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

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

APPROVALS  
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of DOANE ACRES 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 DOANE ACRES this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Chairman Vicky Kaaz County Clerk Attest: Janet Klasinski

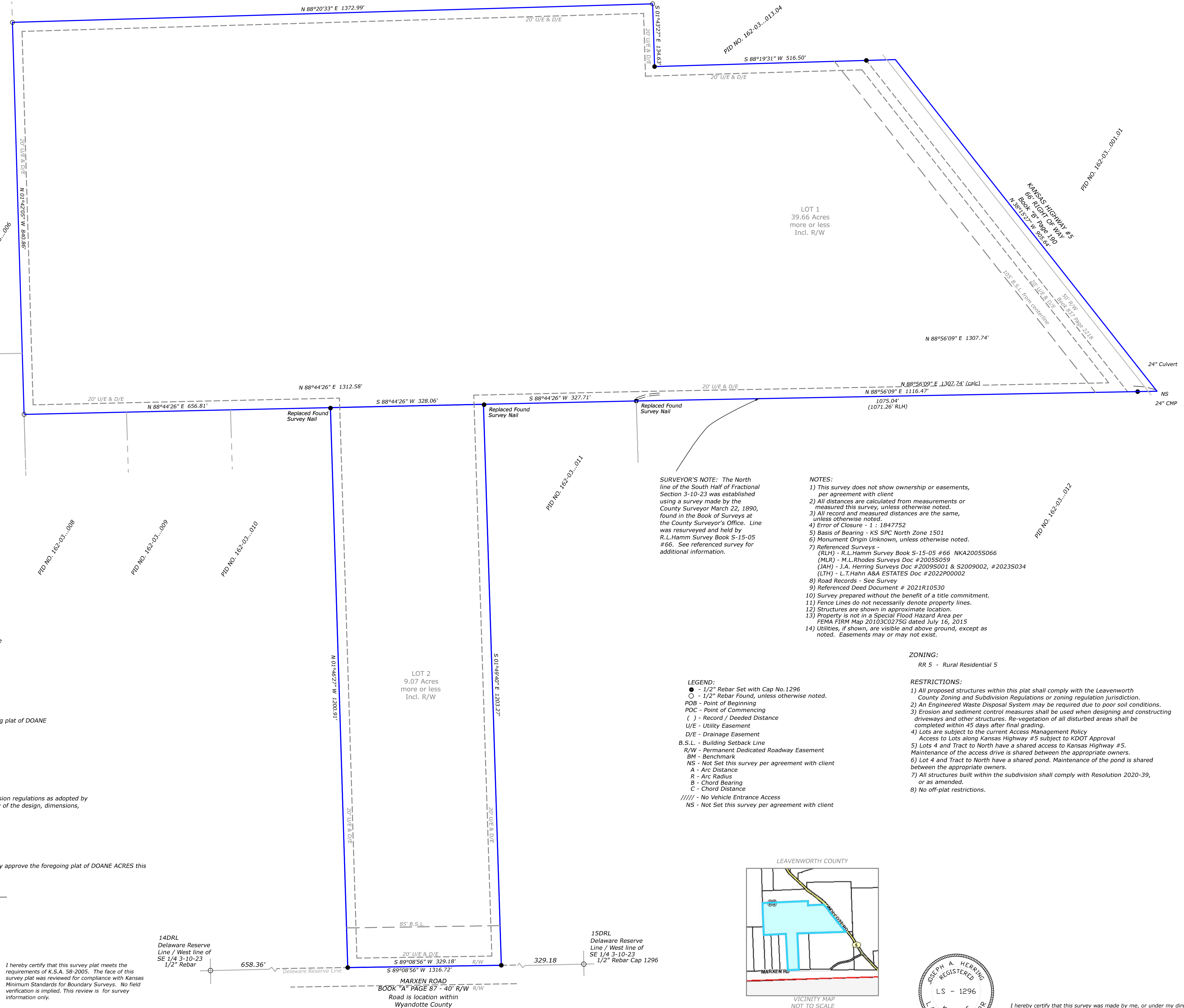
REGISTER OF DEED CERTIFICATE:  
Filed for Record as Document No. \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_\_ o'clock \_\_\_\_\_ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn

100 0 100 200 300  
1" = 100'

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



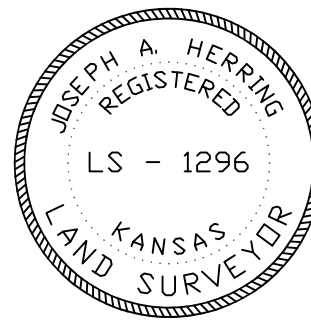
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- NOTES:
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  - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
  - 3) All record and measured distances are the same, unless otherwise noted.
  - 4) Error of Closure - 1: 1847752
  - 5) Basis of Bearing - KS SPC North Zone 1501
  - 6) Monument Origin Unknown, unless otherwise noted.
  - 7) Referenced Surveys - (RLH) - R.L.Hamm Survey Book 5-15-05 #66 NKA20055066 (MLR) - M.L.Rhodes Surveys Doc #2005S059 (JAH) - J.A. Herring Surveys Doc #2009S001 & S2009002, #2023S034 (LTH) - L.T.Hahn A&A ESTATES Doc #2022P00002
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  - 9) Referenced Deed Document # 2021R10530
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  - 13) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 2010C0275G dated July 16, 2015
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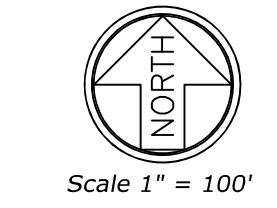
ZONING:  
RR 5 - Rural Residential 5

- RESTRICTIONS:
- 1) All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
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  - C - Chord Distance
  - //// - No Vehicle Entrance Access
  - NS - Not Set this survey per agreement with client



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of June through September 2023 and this map or plat is correct to the best of my knowledge.  
Joseph A. Herring  
PS # 1296



Job # K-23-1710 PLAT 1  
September 19, 2023

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

315 North 5th Street, Leav., KS 66048  
Ph. 913.651.3658 Fax 913.674.5301  
Email - survey@herringinc.com

## Sloop, Stephanie

---

**From:** Anderson, Kyle  
**Sent:** Monday, October 2, 2023 11:21 AM  
**To:** Johnson, Melissa  
**Subject:** RE: DEV-23-132 & 23-133 Prelim and Final Plat Doane Acres Herring

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

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

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

---

**From:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Sent:** Tuesday, September 26, 2023 9:47 AM  
**To:** Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Steven.Taylor@KS.gov' <Steven.Taylor@KS.gov>; 'MPleak@olsson.com' <MPleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>  
**Cc:** PZ <PZ@leavenworthcounty.gov>  
**Subject:** DEV-23-132 & 23-133 Prelim and Final Plat Doane Acres Herring

The Leavenworth county Department of Planning & Zoning has received a request for a Preliminary and Final Plat for Doane Acres.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by October 3<sup>rd</sup>, 2023.

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

Thank you,

*Melissa Johnson*

Planner I  
Leavenworth County  
Planning & Zoning Department  
Leavenworth County Courthouse  
300 Walnut St, Suite 212  
Leavenworth County, Kansas 66048

## Johnson, Melissa

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Tuesday, September 26, 2023 8:05 AM  
**To:** PZ  
**Subject:** Fw: Doane Acres - Fire District 1

**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 reply from District 1

Thank you - Joe Herring

---

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

---

**From:** Michael Stackhouse <mstackhouse@fd1lvco.org>  
**Sent:** Tuesday, September 26, 2023 7:56 AM  
**To:** Joe Herring <herringsurveying@outlook.com>  
**Subject:** RE: Doane Acres

Mr. Herring,

Good morning. There is a lot of lacking information for approval of a sub-division going forward. The only information that FD1 will approve or deny would be whether the plat has an approved fire apparatus access road. Additionally, I cannot approve that scenario with the limited information, but I am able to provide two scenarios.

What I can state is that according to Appendix D of the 2006 International Fire Code which is the current adopted code to include the appendix, by the State of Kansas, State Fire Marshal's Office and therefore the minimum standard applicable to Leavenworth county requires a minimum 20' width fire access road if there are not any fire hydrants located on the road and a minimum of 26' wide fire access road if there are hydrants located on the road. I would anticipate, based upon future information that your fire access road will need to be a minimum of 26' wide. Based upon the information provided this is the extent of the response that I would be able to provide.

Please let me know if there is any other information I can assist with.

B/R,

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

## Sloop, Stephanie

---

**From:** Joe Herring <herringsurveying@outlook.com>  
**Sent:** Friday, September 22, 2023 1:20 PM  
**To:** Johnson, Melissa  
**Subject:** Fwd: [EXTERNAL]Doane Acres (Leavenworth County, Marxen Rd & Wolcott Rd.)  
**Attachments:** K-23-1710 Doane ACRES FINAL Reveiw.pdf

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

Sent via the Samsung Galaxy S22 5G, an AT&T 5G smartphone  
Get [Outlook for Android](#)

---

**From:** Tyler Rebel <Tyler.Rebel@evergy.com>  
**Sent:** Friday, September 22, 2023 11:59:41 AM  
**To:** Joe Herring <herringsurveying@outlook.com>  
**Cc:** Gwen A Corches <Gwen.Corches@evergy.com>  
**Subject:** RE: [EXTERNAL]Doane Acres (Leavenworth County, Marxen Rd & Wolcott Rd.)

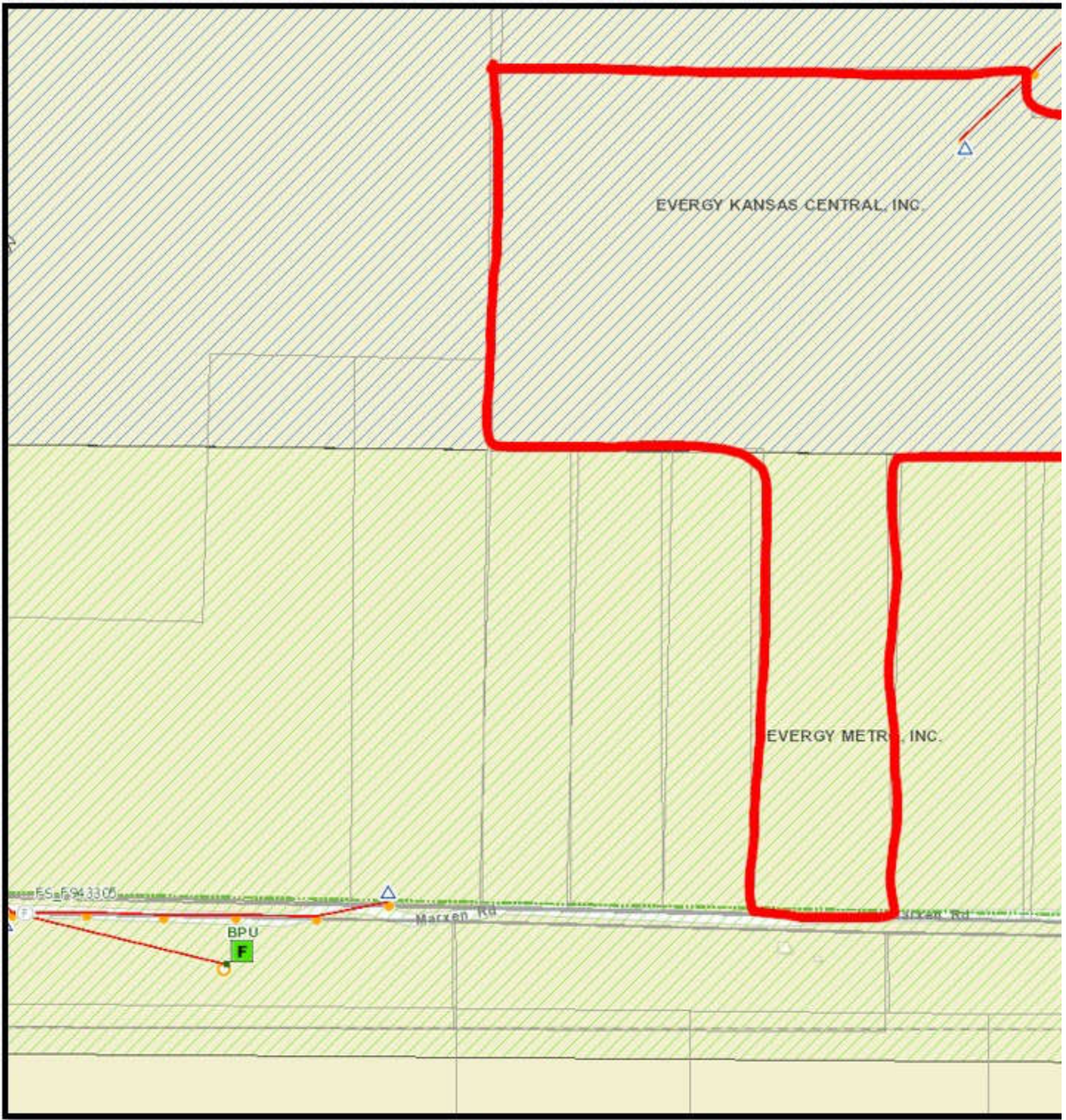
Internal Use Only

Joe,

This area has an awkward electric utility territory divide, but Lot 1 falls within Evergy Kansas Central(Leavenworth service center) and Lot 2 is served by legacy KCP&L via BPU primary metering.  
The Leavenworth territory can provide service to Lot 1.

I have Gwen Corches(legacy KCP&L) cc'd so he's aware of your request.

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



**From:** Joe Herring <herringsurveying@outlook.com>

**Sent:** Friday, September 22, 2023 11:26 AM

**To:** mfulkerson@crwd1.com; Tyler Rebel <Tyler.Rebel@evergy.com>; mstackhouse@fd1lvco.org

**Subject:** [EXTERNAL]Doane Acres

This Message Is From an External Sender

## Sloop, Stephanie

---

**From:** Baumchen, Daniel  
**Sent:** Thursday, October 5, 2023 4:48 PM  
**To:** 'Joe Herring'; Jacobson, John; PZ  
**Cc:** Noll, Bill  
**Subject:** RE: Doane Acres  
**Attachments:** Doane ACRES No Comments 2023.10.05.pdf

No comments

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

---

**From:** Joe Herring [mailto:herringsurveying@outlook.com]  
**Sent:** Thursday, October 5, 2023 4:16 PM  
**To:** Jacobson, John <JJacobson@leavenworthcounty.gov>; PZ <PZ@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>  
**Subject:** Re: Doane Acres

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

See attached revision and LSRR

Engineering revision should be there by the AM

Thank you - Joe Herring

---

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

---

**From:** Jacobson, John <JJacobson@leavenworthcounty.gov>  
**Sent:** Thursday, October 5, 2023 12:00 PM  
**To:** 'Joe Herring' <herringsurveying@outlook.com>  
**Cc:** Johnson, Melissa <MJohnson@leavenworthcounty.gov>  
**Subject:** FW: Doane Acres

Joe-

Please see Dan`s comments from today.



---

**From:** Joe Herring <herringsurveying@outlook.com>

**Sent:** Friday, September 22, 2023 11:26 AM

**To:** mfulkerson@crwd1.com; Tyler Rebel <Tyler.Rebel@evergy.com>; Michael Stackhouse <mstackhouse@fd1lvco.org>

**Subject:** Doane Acres

Please review the attached proposed Subdivision and return a reply stating that you can service this development.

Thank you - Joe Herring

---

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

September 22, 2023

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

Re: Doane Acres

Dear Mr. Herring,

Thank you for providing the opportunity for the Water District to provide comments on the proposed plat.

I have reviewed the provided plat and have the following comments:

1. This plat is in the service area of Consolidated Water District #1.
2. The Water District is currently positioned to provide service to Lot #1 on the proposed plat. From a water main long K5 (Wolcott Rd)
3. Water service to Lot #2 on the proposed plat is currently not available. We are in the design phase of constructing a water main along Marxen Rd from 123<sup>rd</sup> St. to K5. This main is preliminarily scheduled to be constructed in 2024.
4. There are currently no fire hydrants in the area of this plat and fire hydrants are not able to be placed on the current 4-inch water main along K5. Fire hydrants will be installed on the new water main installed on Marxen Rd.
5. Any relocation of any of our existing facilities due to conflict with storm and/or sanitary sewers, or driveways will be determined by the Water District and will be the financial responsibility of the developer.
6. Any future domestic water service connections shall follow water district policies/procedures.

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

Respectfully,

*Mike Fulkerson*

Mike Fulkerson  
General Manager

Cc; file