

LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, January 10, 2024

County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048

www.leavenworthcounty.gov

1. **Call to Order**

2. **Pledge of Allegiance**

3. **Roll Call**

4. **Approval of Minutes**

5. **Secretary's Report**

6. **Declarations: (if necessary)**

- A. Declarations of receipt of communications by Planning Commissioners
- B. Disclosure of ex-parte communications for each hearing item
- C. Declarations of abstention from specific agenda items by a Commissioner

7. **Approval of Agenda**

8. **Consent Agenda** – No Items

9. **Regular Agenda**

A. Case DEV-23-148/149 Preliminary & Final Plat Novo Gradac Acres

Consideration of a Preliminary & Final Plat for a tract of land in the East ½ of the Southwest ¼ of Section 4, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 17208 State Avenue

PID: 182-04-0-00-00-014.00

B. Case DEV-23-147 Rezoning Bison Construction

Consideration of a rezoning request from I-2 & RR-5 zoning districts to I-2 & B-3 zoning on the following described property: The West Half of the Southwest Quarter of the Northeast Fractional Quarters, all in Section Three (3), Township Eight (8) South, Range Twenty-one (21) East, of the 6th P.M., Leavenworth, Kansas, less tract for highway.

Also known as 33698 Amelia Earhart Rd

PID: 062-03-0-00-00-008.00

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

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

Adjournment of Planning Commission

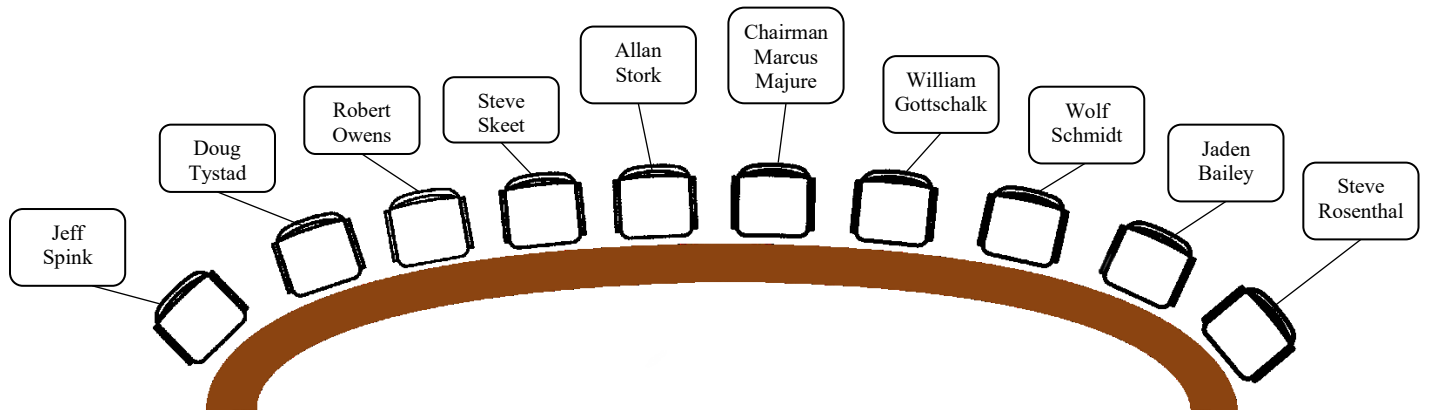
Upcoming meeting dates:

**Wednesday, February 14, 2024, 5:30 PM
Regular Planning Commission Meeting**

For More Information

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

Planning Commission Seating Chart 2024



**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
December 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: Doug Tystad, Jeff Spink, Marcus Majure, Steve Rosenthal, Allan Stork, Wolf Schmidt Jaden Bailey, Robert Owens, and Steve Skeet

Members absent: William Gottschalk

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Josh Schweitzer-Planner, Misty Brown-County Counselor

Minutes: Commissioner Schmidt made a motion to approve the minutes. Commissioner Spink seconded the motion.

ROLL CALL VOTE - Motion to approve the minutes passed, 9/0 (1 absent)

Secretary's Report: John Jacobson gave the secretary's report going over the agenda.

Declarations: None

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

ROLL CALL VOTE - Motion to approve the agenda passed, 9/0 (1 absent)

Case DEV-23-120 Final Plat Highland Meadows

Consideration of a Final Plat of Land in the Fractional Southwest Quarter of Section 7 and the Fractional Northwest Quarter of Section 19, Township 11 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Amy Alison gave the staff report for the above-listed case. Allison outlined the details of the request.

Chairman Majure asked if there were any questions or discussions from the board.

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

Commissioner Stork motioned to approve the Final Plat for Highland Meadows. Commissioner Tystad seconded the motion.

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

Case DEV-23-145 Final Plat Garden Villa

Consideration of a Final Plat of Lots 9A and 9B, Deer Mound Subdivision, Leavenworth County, Kansas.

Amy Alison gave the staff report for the above-listed case. Allison outlined the details of the request.

Chairman Majure asked if there were any questions or discussions from the board.

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

Commissioner Gottschalk motioned to approve the Final Plat for Garden Villa. Commissioner Schmidt seconded the motion.

Case DEV-23-140 Rezoning from RR-5 to RR-2.5 Blaser Farms
Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning on the following described property: Lots 1-8, Blaser Farms, a Minor Subdivision in the Southwest Quarter of Section 30, Township 9 South, Range 22 East of the 6th P.M., Leavenworth, 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. The public hearing was opened and the applicant/agent was invited to come forward. The applicant representative, 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. One resident came forward to give public testimony. The public hearing was closed.

Chairman Majure asked if there were any questions or discussions from the board. There was discussion about the request amongst board members and staff.

County Counselor, Misty Brown, stated that she watched the prior meetings for this request in preparation for this meeting. Ms. Brown went over the history of this case and clarified the motions that were made by the Board of County Commissioners when they remanded it back to the Planning Commission.

Chairman Majure said he would accept a motion.

Commissioner Stork motioned to approve the Rezoning request DEV-23-140. Commissioner Tystad seconded the motion.

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

Case DEV-23-141 Rezoning from RR-2.5 & RR-5 to RR-2.5 Young
Consideration of a rezoning request from RR-2.5 & RR-5 zoning district to RR-2.5 zoning district on the following described property: A tract of land located in the Northwest Quarter of 28, Township 09, Range 22, East of the 6th P.M., 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. The public hearing was opened and the applicant/agent was invited to come forward. The applicant's agent Herring Surveying, 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 hearing was closed.

Chairman Majure asked if there were any further questions or discussions from the board. Discussion was had between board members.

Commissioner Stork motioned to approve Case DEV-23-141 a rezoning from RR-2.5 & RR-5 to RR-2.5 Commissioner Skeet seconded the motion.

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

Case DEV-23-142 Rezoning from RR-5 to R 1 (43) B&J Lansing, LLC
Consideration of a rezoning request from RR-5 district to R1 (43) zoning district on the following described property: The North Half of the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas. Except part of used for road purposes. And the Southeast Quarter of Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas except part taken or used for road purposes.

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

Chairman Majure asked if there were any questions or discussions from the board. The public hearing was opened and the applicant/agent was invited to come forward. The applicant's agent Herring Surveying, 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 hearing was closed.

Chairman Majure asked if there were any further questions or discussions from the board. Discussion was had between board members.

**Commissioner Stork motioned to approve Case DEV-23-142 a rezoning from RR-5 to R1 (43)
Commissioner Owens seconded the motion.**

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

Case DEV-23-146 Rezoning from RR-5 to R 1 (43)

Consideration of a rezoning request from RR-2.5 zoning district to R1 (43) zoning district on the following described property: Tract of land in the South Half of the Southwest Quarter of Section 33, Township 10 South, Range East of the 6th P.M., in Leave3nworht 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. The public hearing was opened and the applicant/agent was invited to come forward. The applicant's agent Herring Surveying, 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. Two residents came forward to ask clarifying questions. Chairman Majure stated the public hearing was closed.

Chairman Majure asked if there were any further questions or discussions from the board. Discussion was had between board members.

**Commissioner Tystad motioned to approve Case DEV-23-146 a rezoning from RR-2.5 to R1 (43)
Commissioner Stork seconded the motion.**

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

Meeting was adjourned 6:40 PM

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-148/149 Novo-Gradac Acres

January 10, 2024

REQUEST: **Regular Agenda**

Preliminary Plat Final Plat

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

**SUBJECT PROPERTY: 17208 STATE AVENUE
FUTURE LAND USE: MIXED USE**

APPLICANT/APPLICANT AGENT:

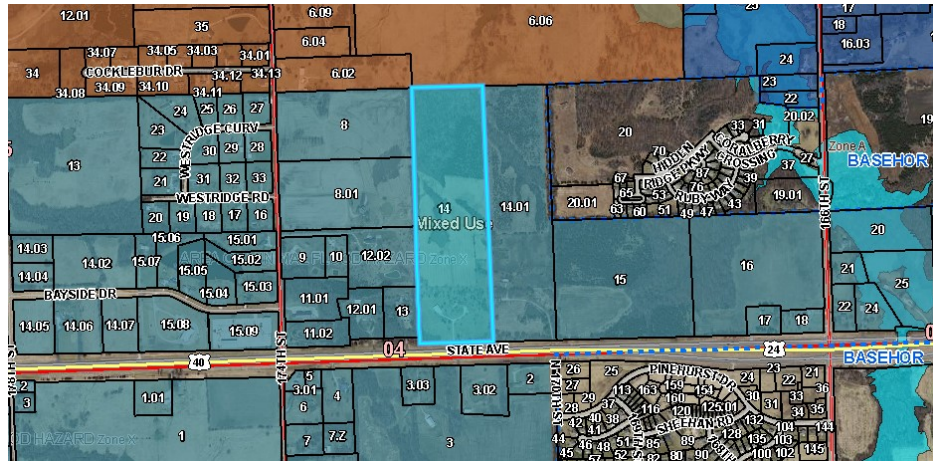
JOE HERRING
HERRING SURVEYING

PROPERTY OWNER:

SUSAN M NOVO-GRADAC TRUST
17208 STATE AVE
BASEHOR, KS 66007

CONCURRENT APPLICATIONS:

NONE



LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
MIXED USE

LEGAL DESCRIPTION:

A tract of land in the Southwest Quarter of Section 4, Township 11 South, Range 22 East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-148/149, Preliminary & Final Plat for Novo-Gradac Acres, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-23-148/149, Preliminary & Final Plat for Novo-Gradac Acres, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 40 ACRES

PARCEL ID NO:
182-04-0-00-00-014.00

BUILDINGS:
SINGLE FAMILY RESIDENCE,
MULTIPLE ACCESSORY STRUCTURES

PROJECT SUMMARY:

Request for a preliminary and final plat approval to subdivide property located at 17208 State Avenue as Lots 1 and 2 of Novo-Gradac Acres.

ACCESS/STREET:
STATE AVENUE – STATE HIGHWAY,
PAVED ± 100’;

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: FAIRMOUNT

WATER: SUBURBAN

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:
1/3/2024

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 Access is on a State Highway and under KDOT control	N/A	
41-6.B.a-c.	Entrance Spacing Access is on a State Highway and under KDOT control	N/A	
41-6.C.	Public Road Access Management Standards	N/A	
43	Cross Access Easements	N/A	
50-20	Utility Requirements	X	
50-30	Other Requirements	X	
50-40	Minimum Design Standards An exception from Article 50, Section 40.3.i. Lot-Depth to Lot-Width will need to be granted.		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 40-acre parcel into two lots. The Subdivision is classified as a Class A with Lot 1 lying within the Urban Growth Area of the City of Basehor. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 1). The property is zoned RR-2.5 with both Lots meeting the standards for that zoning district except for the lot-depth to lot-width of Lot 1. The applicant has indicated that single family residence will be placed on Lot 2. Both lots will access through a shared-drive from State Avenue. Additional entrances will need to be approved by KDOT. Utilities for the lots will need to be obtained per the attached letters.

EXCEPTIONS:

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-width to Lot-Depth for Lot 1. The criteria for the acceptance of an exception is as follows:

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

Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.i. – Lot-width to Lot-Depth conformance with the Zoning Regulations for the Novo-Gradac Acres subdivision, as submitted by the application, based on a finding that all three criteria for an exception has been met.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.

3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. An exception to Article 50, Section 40.3.i. has been granted for Lot 1.
6. A single-family residential permit shall be obtained for Lot 2 prior to filing the Final Plat.

ATTACHMENTS:

A: Application & Narrative

B: Zoning Maps

C: Memorandums

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

~~* Owner activity~~
 * Energy
 * FD Fairmount
~~* Hard Copy~~
 * Suburban

Township: <u>Fairmount</u>	Office Use Only
Case No. <u>DEV-23-</u>	Planning Commission Meeting Date: _____
Zoning District <u>RR 2.5</u>	Date Received/Paid: <u>11.27.2023</u>
Comprehensive Plan Land Use Designation: <u>Mixed Use</u>	

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>M SUSAN NOVO-GRADAC TRUST</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS <u>17208 STATE AVE.</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Basehor, KS 66007</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL : <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>

GENERAL INFORMATION

Proposed Subdivision Name: NOVO-GRADAC ACRES

Address of Property: 17208 STATE AVE.

PID: 182-04-0-00-00-014 Urban Growth Management Area: Within 660 feet of Basehor City Limits

SUBDIVISION INFORMATION		
Gross Acreage: <u>40 Ac</u>	Number of Lots: <u>2 LOTS</u>	Minimum Lot Size: <u>8.29 AC</u>
Maximum Lot Size: <u>31 AC</u>	Proposed Zoning: <u>RR-2.5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>Suburban</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Fairmount</u>	Electric Provider: <u>Evergy</u>	Natural Gas Provider: <u>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 & Subdivision Regulations.</i>	1. Width to depth - Lot 2 - land is divided by high power transmission line	
	2.	
	3.	
	4.	
	5.	

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

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

Signature: Joe Herring - digitally signed 11/24/2023 Date: 11-24-23

ATTACHMENT A

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

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

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME: <u>Herring Surveying Company</u>	NAME: <u>M SUSAN NOVO-GRADAC TRUST</u>
MAILING ADDRESS: <u>315 North 5th Street</u>	MAILING ADDRESS <u>17208 STATE AVE.</u>
CITY/ST/ZIP: <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Basehor, KS 66007</u>
PHONE: <u>913-651-3858</u>	PHONE: <u>N/A</u>
EMAIL : <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>

GENERAL INFORMATION

Proposed Subdivision Name: NOVO-GRADAC ACRES

Address of Property: 17208 STATE AVE.

PID: 182-04-0-00-00-014 Urban Growth Management Area: Within 660 feet of Basehor City Limits

SUBDIVISION INFORMATION		
Gross Acreage: <u>40 Ac</u>	Number of Lots: <u>2 LOTS</u>	Minimum Lot Size: <u>8.29 AC</u>
Maximum Lot Size: <u>31 AC</u>	Proposed Zoning: <u>RR-2.5</u>	Density: <u>N/A</u>
Open Space Acreage: <u>N/A</u>	Water District: <u>Suburban</u>	Proposed Sewage: <u>Septic</u>
Fire District: <u>Fairmount</u>	Electric Provider: <u>Evergny</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 & Subdivision Regulations.</i>	1. <u>Width to depth - Lot 2 - land is divided by high power transmission line</u>	
	2. _____	
	3. _____	
	4. _____	
	5. _____	

Is any part of the site designated as Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No if yes, what is the panel number: _____
I, the undersigned, am the owner, duly authorized agent , of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a final plat approval as indicated above.
Signature: <u>Joe Herring - digitally signed 11/24/2023</u> Date: <u>11-24-23</u>

ATTACHMENT A

K-23-1729

AFFIDAVIT

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

We/I M. Susan Novogradac and _____

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at - 17208 State Ave Bashear, KS 66007-7149, and that we authorize the following people or firms to act in our interest with the Leavenworth County Planning and Zoning Department for a period of one calendar year. Additionally, all statements herein contained in the information herewith submitted are in all respects true and correct to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

- 1) Joseph A. Herring – Herring Surveying Company 315 N. 5th Street, Leavenworth, KS 66048, 913-651-3858
- 2)

Signed and entered this 23 day of August, 2023

M. SUSAN NOVOGRADAC 17208 STATE AVE. BASEHAR, KANSAS 66007

Print Name, Address, Telephone

M. Susan Novogradac

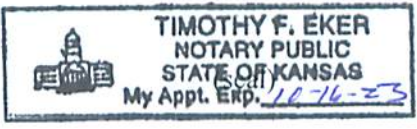
Signature

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 23 day of August 2023 before me, a notary public in and for said County and State came M. Susan Novogradac 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 Timothy Eker

My Commission Expires: 10-16-2025



ARTICLE 56 – EXCEPTIONS

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

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

1. That there are special circumstances or conditions affecting the property.
Lot 2 is 2640 feet deep and is divided by an Overhead Transmission Line.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
Yes - statement above - all structures are on the South portion of property - north end could still be developed.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

No

NOVO-GRADAC ACRES

A Minor Subdivision in the Southwest Quarter of Section 4, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
M SUSAN NOVO-GRADAC TRUST
17208 STATE AVE
BASEHOR, KS 66007
PID # 182-04-0-00-00-014

DESCRIPTION:
A tract of land in the East 1/2 of the Southwest 1/4 of Section 4, Township 11 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas, being more particularly described as follows:
Commencing at the Southeast corner of said Southwest 1/4, the South line of said Southwest 1/4 having an assumed bearing of South 87 degrees 40'33" West; thence South 87 degrees 40'33" West along the South line of said Southwest 1/4, 1314.39 feet to the Southwest corner of the East 1/2 of said Southwest 1/4; thence North 01 degrees 44'18" West along the West line of the East 1/2 of said Southwest 1/4, 202.60 feet to the True Point of Beginning of the tract herein described; thence North 01 degrees 44'18" West along the West line of the East 1/2 of said Southwest 1/4, 2445.05 feet to the Northwest corner of the East 1/2 of said Southwest 1/4; thence North 87 degrees 51'35" East along the North line of said Southwest 1/4, 714.84 feet; thence South 01 degrees 40'04" East, parallel with the East line of said Southwest 1/4, 2446.33 feet to the North right of way line of US 24 Highway; thence South 87 degrees 57'38" West along the North right of way line of said US 24 Highway, 711.01 feet to the True Point of Beginning of the tract herein described, less any part thereof taken or used for road or highway purposes.

SAMBOL, IVAN & ANNE M
PID NO. 182-04-...008

GAYLE, JOSHUA & LARISSA
PID NO. 182-04-...008.01

BROWN, THOMAS A & MARY D
PID NO. 182-04-...012.02

JASTER, JOHN E & BECKY A
PID NO. 182-04-...013

MILES, DARLA A; TRUST
PID NO. 182-04-...006.06
LOT 1
MILES RANCH SUBDIVISION
Doc # 2008P00016

ZONING:

RR 2.5 - Rural Residential 2.5

NOTES:

- This survey does not show ownership.
- All distances are calculated from measurements or measured this survey, unless otherwise noted.
- All recorded and measured distances are the same, unless otherwise noted.
- Error of Closure - 1 - 281730, 40.06 Acres, more or less
- Basis of Bearing - KS SPC North Zone 1501
- Monument Origin Unknown, unless otherwise noted.
- Existing and Proposed Lots for Residential Use.
- Road Record - See Survey
- Benchmark - NAVD88
- Project Benchmark (BM) - SE Cor. of Property - 1/2" Rebar Cap 655 - 970'
- Easements, if any, are created hereon or listed in referenced title commitment.
- Reference Recorded Deed Book 686 Page 1616
- Utility Companies -
- Water - Suburban
- Electric - Evergy
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
- Reference Lawyer's Title File Number 46867 dated November 4, 2023.
- Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0350G dated July 16, 2015
- Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 15' (Accessory - 15')
- All rear yard setbacks - 40' (Accessory - 15')
- Existing Structures, if any, are shown hereon.
- Easements as per referenced Title Commitment are shown hereon, if any.
- KCP&L / Westar Easement recorded as Document No. 2011R08073, as shown hereon.
- Williams Telecommunications Company, recorded in Bk 597 Pg 220, not located this survey.
- Fence Lines do not necessarily denote the boundary line for the property.
- Reference Surveys:
- MILES RANCH SUBDIVISION Doc # 2008P00016
- TBM - Terry B. Melton Survey dated 1996 - no recording information

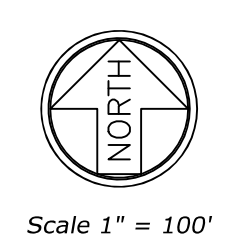
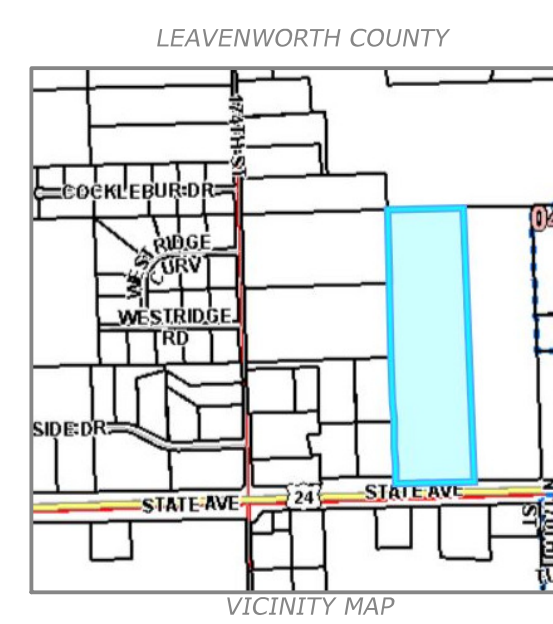
RESTRICTIONS:

- All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- An Engineered Waste Disposal System may be required due to poor soil conditions.
- Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- Lots are subject to the current Access Management Policy
Additional access limits as shown hereon.
- All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- An exception to Article 50, Section 40.3.1. Lot-Depth to Lot-Width has been granted for Lot 2
- Lots 1 and 2 have a shared access to State Avenue. Maintenance of the access drive is shared between the appropriate lots.
- Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
- No off-plat restrictions.

BROWN, JOHN WILLIAM SR & LEAH L
PID NO. 182-04-...014.01

LEGEND:

- - 1/2" Bar Set with Cap No.1296
- - 1/2" Bar Found, unless otherwise noted.
- - Concrete Base to be Set 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 dedicated this plat
- CL - Centerline
- SL - Section Line
- BM - Benchmark
- - DIRECTION OF WATER FLOW
- ⊙ - Power Pole
- X - Fence Line
- OHP - Overhead Power Lines
- T - Underground Telephone/Fiber Optic Line
- ⊕ - Water Shut-off Valve, line is abandoned
- ⊕ - Water Meter/Valve
- ⊕ - Telephone Pedestal
- W - 6" Water Line - location as per district
- POB - Point of Beginning
- POC - Point of Commencing
- ~ - Tree/Brush Line
- NS - Not Set this Survey per agreement with client

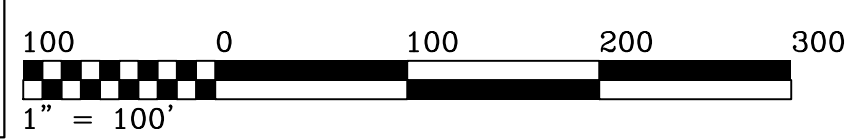


Scale 1" = 100'

Job # K-23-1729
November 24, 2023 Rev. 12/28/23

J. HERRING, INC. (dba)
SURVEYING COMPANY

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



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

Joseph A. Herring
PS # 1296

NOVO-GRADAC ACRES

A Minor Subdivision in the Southwest Quarter of Section 4, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
M SUSAN NOVO-GRADAC TRUST
17208 STATE AVE
BASEHOR, KS 66007
PID # 182-04-0-00-00-014

09C
NW COR SW 1/4
Sec. 4-11-22
1/2" Rebar

MILES, DARLA A; TRUST
PID NO. 182-04-...006.06
LOT 1
MILES RANCH SUBDIVISION
Doc # 2008P00016

602.67'

11C
NE COR SW 1/4
Sec. 4-11-22
Alum. Cap stamped
"CTR COR 4-11-22"
in concrete

DESCRIPTION; per Deed Book 686 Page 1616.

A tract of land in the East 1/2 of the Southwest 1/4 of Section 4, Township 11 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of said Southwest 1/4, the South line of said Southwest 1/4 having an assumed bearing of South 87 degrees 40'33" West; thence South 87 degrees 40'33" West along the South line of said Southwest 1/4, 1314.39 feet to the Southwest corner of the East 1/2 of said Southwest 1/4; thence North 01 degrees 44'18" West along the West line of the East 1/2 of said Southwest 1/4, 202.60 feet to the True Point of Beginning of the tract herein described; thence North 01 degrees 44'18" West along the West line of the East 1/2 of said Southwest 1/4, 2445.05 feet to the Northwest corner of the East 1/2 of said Southwest 1/4; thence North 87 degrees 51'35" East along the North line of said Southwest 1/4, 714.84 feet; thence South 01 degrees 40'04" East, parallel with the East line of said Southwest 1/4, 2446.33 feet to the North right of way line of US 24 Highway; thence South 87 degrees 57'38" West along the North right of way line of said US 24 Highway, 711.01 feet to the True Point of Beginning of the tract herein described, less any part thereof taken or used for road or highway purposes.

SAMBOL, IVAN & ANNE M
PID NO. 182-04-...008

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: NOVO-GRADAC 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 NOVO-GRADAC ACRES, have set our hands this _____ day of _____, 2024.

GAYLE, JOSHUA & LARISSA
PID NO. 182-04-...008.01

M. Susan Novo-Gradac - Trustee
M SUSAN NOVO-GRADAC TRUST

NOTARY CERTIFICATE:

Be it remembered that on this _____ day of _____, 2024, before me, a notary public in and for said County and State came M. Susan Novo-Gradac, Trustee of the M SUSAN NOVO-GRADAC TRUST 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 NOVO-GRADAC ACRES this _____ day of _____, 2024.

Secretary

John Jacobson

Chairperson

Marcus Major

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 NOVO-GRADAC ACRES this _____ day of _____, 2024.

Chairperson

Vicky Kaaz

County Clerk

Attest: Janet Klasinski

BROWN, THOMAS A & MARY D
PID NO. 182-04-...012.02

JASTER, JOHN E & BECKY A
PID NO. 182-04-...013

BROWN, JOHN WILLIAM SR & LEAH L
PID NO. 182-04-...014.01

ZONING:

RR 2.5 - Rural Residential 2.5

NOTES:

- This survey does not show ownership.
- All distances are calculated from measurements or measured this survey, unless otherwise noted.
- All recorded and measured distances are the same, unless otherwise noted.
- Error of Closure - 1 - 281730, 40.06 Acres, more or less
- Basis of Bearing - KS SPC North Zone 1501
- Monument Origin Unknown, unless otherwise noted.
- Existing and Proposed Lots for Residential Use.
- Road Record - See Survey
- Benchmark - NAVD83
- Project Benchmark (BM) - SE Cor. of Property - 1/2" Rebar Cap 655 - 970'
- Easements, if any, are created hereon or listed in referenced title commitment.
- Reference Recorded Deed Book 686 Page 1616.
- Utility Companies -
 - Water - Suburban
 - Electric - Evergy
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
- Reference Lawyer's Title File Number 46867 dated November 4, 2023.
- Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0350G 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')
- Easements as per referenced Title Commitment are shown hereon, if any.
 - KCP&L / Westar Easement recorded as Document No. 2011R08073, as shown hereon.
 - Williams Telecommunications Company, recorded in Bk 597 Pg 220, not located this survey.
- Fence Lines do not necessarily denote the boundary line for the property.
- Reference Surveys:
 - MILES RANCH SUBDIVISION Doc # 2008P00016
 - TBM - Terry B. Melton Survey dated 1996 - no recording information

RESTRICTIONS:

- All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- An Engineered Waste Disposal System may be required due to poor soil conditions.
- Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- Lots are subject to the current Access Management Policy. Additional access limits as shown hereon.
- All structures built within this subdivision shall comply with Resolution 2020-39, or as amended.
- An exception to Article 50, Section 40.3.1. Lot-Depth to Lot-Width has been granted for Lot 2
- Lots 1 and 2 have a shared access to State Avenue. Maintenance of the access drive is shared between the appropriate lots.
- Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
- No off-plat restrictions.

LEGEND:

- - 1/2" Bar Set with Cap No. 1296
- - 1/2" Bar Found, unless otherwise noted.
- () - Record / Deeded Distance
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- R/W - Permanent Dedicated Roadway Easement dedicated this plat
- ⊖ - Centerline
- ⊞ - Section Line
- BM - Benchmark
- POB - Point of Beginning
- POC - Point of Commencing
- NS - Not Set this Survey per agreement with client

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



Scale 1" = 100'

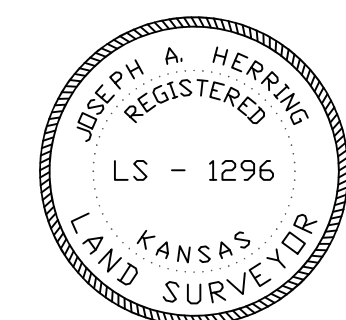
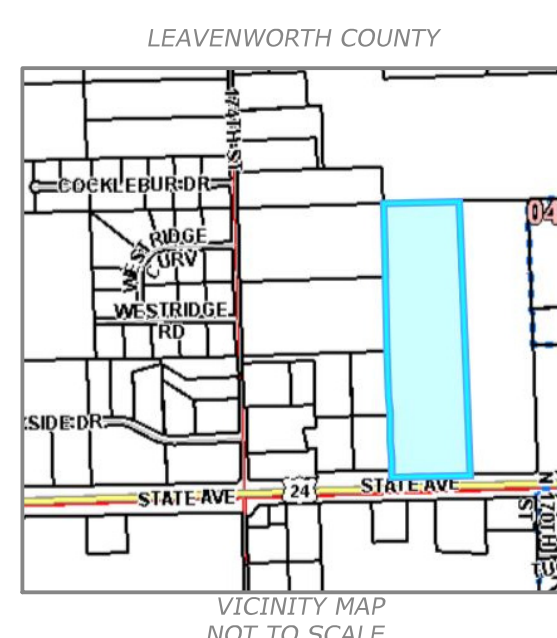
I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363
County Surveyor

Job # K-23-1729
November 24, 2023 Rev. 12/28/23

J. HERRING, Inc. (dba)
SURVEYING
COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.661.3858 Fax 913.674.5381
Email - survey@camcash.com

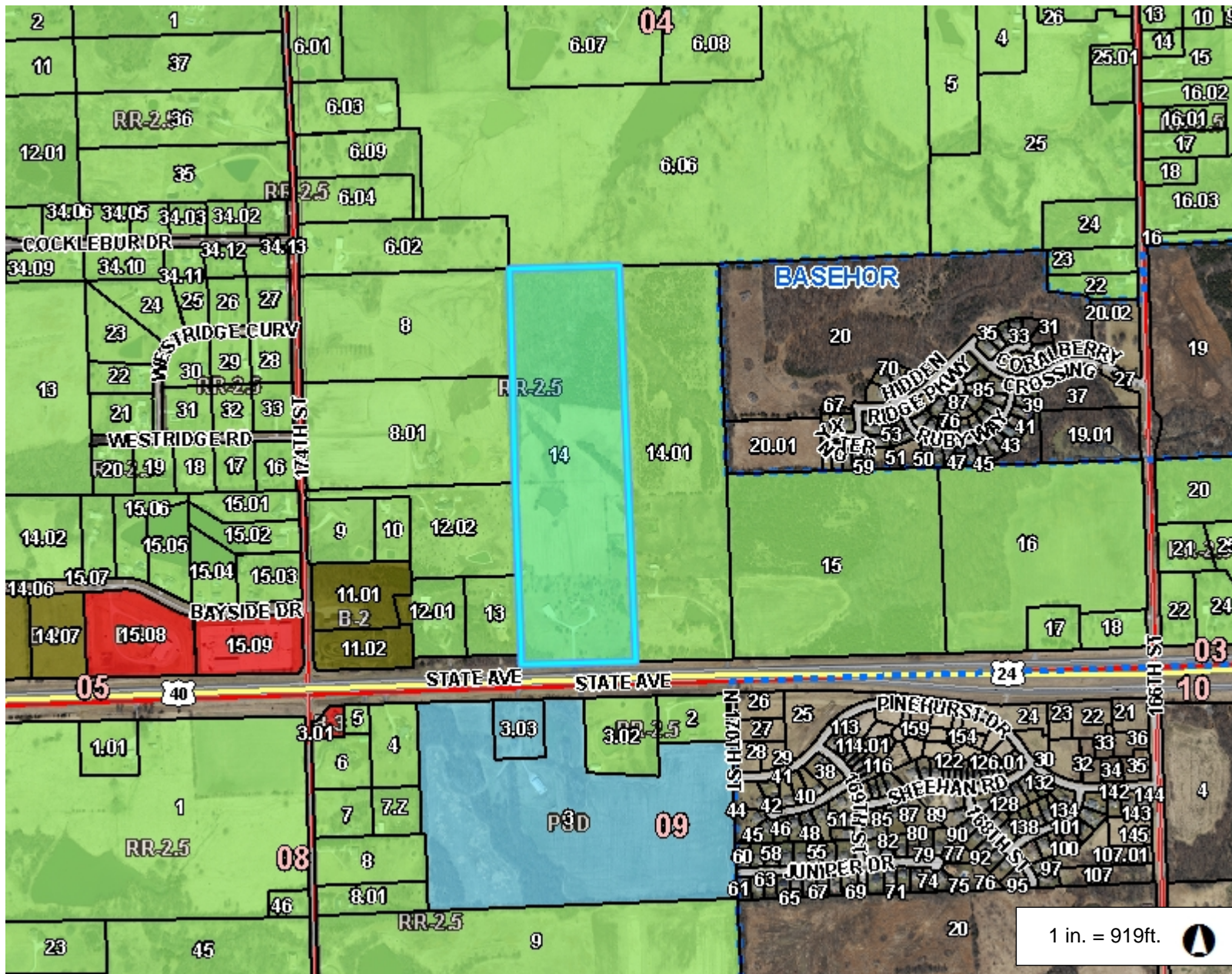
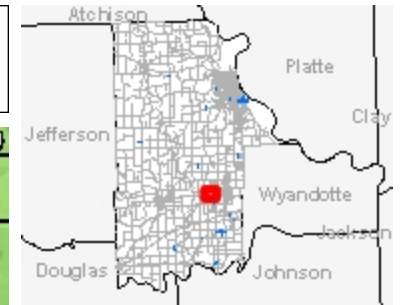
100 0 100 200 300
1" = 100'



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

Joseph A. Herring
PS # 1296

DEV-23-148/149 Novo-Gradac Acres



Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
- B-1
- B-2
- B-3
- I-1
- I-2
- I-3
- MXD
- PC
- PI
- PR-1
- PR-2
- PR-3

Notes

1,837.2 0 918.61 1,837.2 Feet

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

From: [Anderson, Kyle](#)
Sent: Tuesday, December 5, 2023 1:22 PM
To: [Johnson, Melissa](#)
Subject: RE: DEV-23-148/149 Pre & Final Plat Novo-Gradac Acres Herring

It appears that the lagoon will remain on the same lot as the home it services. Lot 1 will have 2 accessory buildings on it without a home.

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, December 5, 2023 10:36 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Steven.Taylor@KS.gov' <Steven.Taylor@KS.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcafee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-23-148/149 Pre & Final Plat Novo-Gradac Acres Herring

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

The Planning Staff would appreciate your written input in consideration of the above listed request. Please review the attached information and forward any comments to us by December 19, 2023.

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

NOVO-GRADAC ACRES

A Minor Subdivision in the Southwest Quarter of Section 4, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
M SUSAN NOVO-GRADAC TRUST
17208 STATE AVE
BASEHOR, KS 66007
PID # 182-04-0-00-00-014

09C
NW COR SW 1/4
Sec. 4-11-22
1/2" Rebar

MILES, DARLA A; TRUST
PID NO. 182-04-...006.06
LOT 1
MILES RANCH SUBDIVISION
Doc # 2008P00016

602.67'

11C
NE COR SW 1/4
Sec. 4-11-22
Alum. Cap stamped
"CTR COR 4-11-22"
in concrete

DESCRIPTION; per Deed Book 686 Page 1616.

A tract of land in the East 1/2 of the Southwest 1/4 of Section 4, Township 11 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of said Southwest 1/4, the South line of said Southwest 1/4 having an assumed bearing of South 87 degrees 40'33" West; thence South 87 degrees 40'33" West along the South line of said Southwest 1/4, 1314.39 feet to the Southwest corner of the East 1/2 of said Southwest 1/4; thence North 01 degrees 44'18" West along the West line of the East 1/2 of said Southwest 1/4, 202.60 feet to the True Point of Beginning of the tract herein described; thence North 01 degrees 44'18" West along the West line of the East 1/2 of said Southwest 1/4, 2445.05 feet to the Northwest corner of the East 1/2 of said Southwest 1/4; thence North 87 degrees 51'35" East along the North line of said Southwest 1/4, 714.84 feet; thence South 01 degrees 40'04" East, parallel with the East line of said Southwest 1/4, 2446.33 feet to the North right of way line of US 24 Highway; thence South 87 degrees 57'38" West along the North right of way line of said US 24 Highway, 711.01 feet to the True Point of Beginning of the tract herein described, less any part thereof taken or used for road or highway purposes.

SAMBOL, IVAN & ANNE M
PID NO. 182-04-...008

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: NOVO-GRADAC 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.

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IN TESTIMONY WHEREOF,

We, the undersigned owners of NOVO-GRADAC ACRES, have set our hands this _____ day of _____, 2024.

GAYLE, JOSHUA & LARISSA
PID NO. 182-04-...008.01

M. Susan Novo-Gradac - Trustee
M SUSAN NOVO-GRADAC TRUST

NOTARY CERTIFICATE:

Be it remembered that on this _____ day of _____, 2024, before me, a notary public in and for said County and State came M. Susan Novo-Gradac, Trustee of the M SUSAN NOVO-GRADAC TRUST 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 NOVO-GRADAC ACRES this _____ day of _____, 2024.

Secretary

John Jacobson

Chairperson

Marcus Major

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 NOVO-GRADAC ACRES this _____ day of _____, 2024.

Chairperson

Vicky Kaaz

County Clerk

Attest: Janet Klasinski

BROWN, THOMAS A & MARY D
PID NO. 182-04-...012.02

JASTER, JOHN E & BECKY A
PID NO. 182-04-...013

BROWN, JOHN WILLIAM SR & LEAH L
PID NO. 182-04-...014.01

ZONING:

RR 2.5 - Rural Residential 2.5

NOTES:

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- 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) - SE Cor. of Property - 1/2" Rebar Cap 655 - 970'
- Easements, if any, are created hereon or listed in referenced title commitment.
- Reference Recorded Deed Book 686 Page 1616.
- Utility Companies -
 - Water - Suburban
 - Electric - Evergy
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
- Reference Lawyer's Title File Number 46867 dated November 4, 2023.
- Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0350G dated July 16, 2015
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 - All side yard setbacks - 15' (Accessory - 15')
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- Reference Surveys:
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 - TBM - Terry B. Melton Survey dated 1996 - no recording information

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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- POC - Point of Commencing
- NS - Not Set this Survey per agreement with client

REGISTER OF DEED CERTIFICATE:

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

Register of Deeds - TerriLois G. Mashburn



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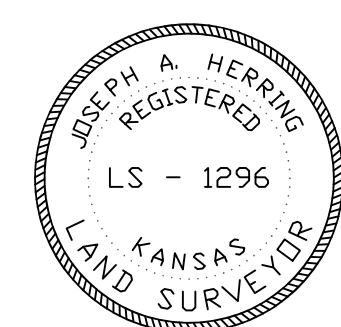
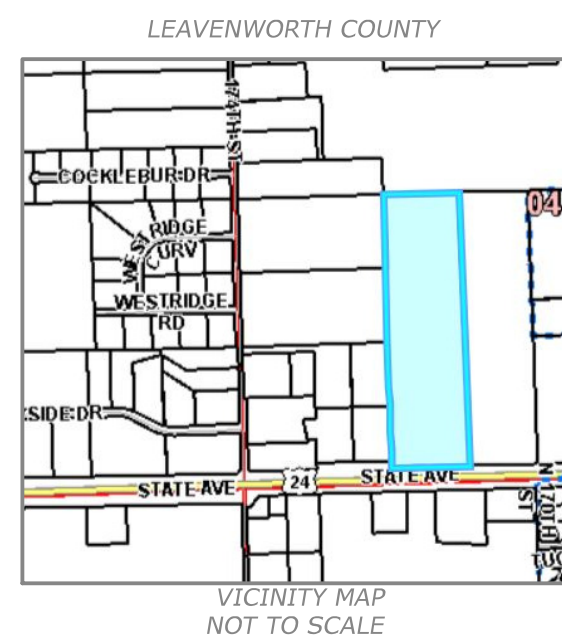
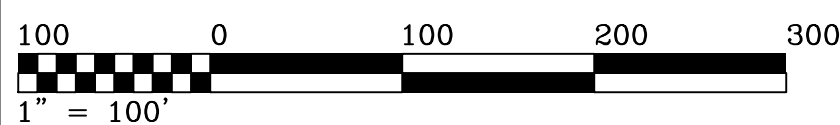
Job # K-23-1729
November 24, 2023 Rev. 12/21/23



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

Reviewed 2023.12.26 No Comments

Daniel Baumchen, PS#1363
County Surveyor



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

Joseph A. Herring
PS # 1296

12-27-23
Olsson Comments
No Further
Comments

Novo-Gradac

Leavenworth County Kansas

Drainage Report

November 24, 2023

Revised December 21, 2023



NOVO-GRADAC ACRES

A Minor Subdivision in the Southwest Quarter of Section 4, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
M SUSAN NOVO-GRADAC TRUST
17208 STATE AVE
BASEHOR, KS 66007
PID # 182-04-0-00-00-014

09C
NW COR SW 1/4
Sec. 4-11-22
1/2" Rebar

MILES, DARLA A; TRUST
PID NO. 182-04-...006.06
LOT 1
MILES RANCH SUBDIVISION
Doc # 2008P00016

602.67'

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Sec. 4-11-22
Alum. Cap stamped
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in concrete

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SAMBOL, IVAN & ANNE M
PID NO. 182-04-...008

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: NOVO-GRADAC 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 NOVO-GRADAC ACRES, have set our hands this _____ day of _____, 2024.

GAYLE, JOSHUA & LARISSA
PID NO. 182-04-...008.01

M. Susan Novo-Gradac - Trustee
M SUSAN NOVO-GRADAC TRUST

NOTARY CERTIFICATE:

Be it remembered that on this _____ day of _____, 2024, before me, a notary public in and for said County and State came M. Susan Novo-Gradac, Trustee of the M SUSAN NOVO-GRADAC TRUST 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 NOVO-GRADAC ACRES this _____ day of _____, 2024.

Secretary
John Jacobson

Chairperson
Marcus Major

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 NOVO-GRADAC ACRES this _____ day of _____, 2024.

Chairperson
Vicky Kaaz

County Clerk
Attest: Janet Klasinski

BROWN, THOMAS A & MARY D
PID NO. 182-04-...012.02

JASTER, JOHN E & BECKY A
PID NO. 182-04-...013

BROWN, JOHN WILLIAM SR & LEAH L
PID NO. 182-04-...014.01

ZONING:

RR 2.5 - Rural Residential 2.5

NOTES:

- This survey does not show ownership.
- All distances are calculated from measurements or measured this survey, unless otherwise noted.
- All recorded and measured distances are the same, unless otherwise noted.
- Error of Closure - 1 - 281730, 40.06 Acres, more or less
- Basis of Bearing - KS SPC North Zone 1501
- Monument Origin Unknown, unless otherwise noted.
- Existing and Proposed Lots for Residential Use.
- Road Record - See Survey
- Benchmark - NAVD83
- Project Benchmark (BM) - SE Cor. of Property - 1/2" Rebar Cap 655 - 970'
- Easements, if any, are created hereon or listed in referenced title commitment.
- Reference Recorded Deed Book 686 Page 1616.
- Utility Companies -
 - Water - Suburban
 - Electric - Evergy
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
- Reference Lawyer's Title File Number 46867 dated November 4, 2023.
- Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0350G 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')
- Easements as per referenced Title Commitment are shown hereon, if any.
 - KCP&L / Westar Easement recorded as Document No. 2011R08073, as shown hereon.
 - Williams Telecommunications Company, recorded in Bk 597 Pg 220, not located this survey.
- Fence Lines do not necessarily denote the boundary line for the property.
- Reference Surveys:
 - MILES RANCH SUBDIVISION Doc # 2008P00016
 - TBM - Terry B. Melton Survey dated 1996 - no recording information

RESTRICTIONS:

- All proposed structures within this plat shall comply with the Leavenworth County Zoning and Subdivision Regulations or zoning regulation jurisdiction.
- An Engineered Waste Disposal System may be required due to poor soil conditions.
- Erosion and sediment control measures shall be used when designing and constructing driveways and other structures. Re-vegetation of all disturbed areas shall be completed within 45 days after final grading.
- Lots are subject to the current Access Management Policy. Additional access limits as shown hereon.
- All structures built within this subdivision shall comply with Resolution 2020-39, or as amended.
- An exception to Article 50, Section 40.3.1. Lot-Depth to Lot-Width has been granted for Lot 2
- Lots 1 and 2 have a shared access to State Avenue. Maintenance of the access drive is shared between the appropriate lots.
- Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
- No off-plat restrictions.

LEGEND:

- - 1/2" Bar Set with Cap No. 1296
- - 1/2" Bar Found, unless otherwise noted.
- () - Record / Deeded Distance
- U/E - Utility Easement
- D/E - Drainage Easement
- B.S.L. - Building Setback Line
- R/W - Permanent Dedicated Roadway Easement dedicated this plat
- ⊖ - Centerline
- ⊞ - Section Line
- BM - Benchmark
- POB - Point of Beginning
- POC - Point of Commencing
- NS - Not Set this Survey per agreement with client

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

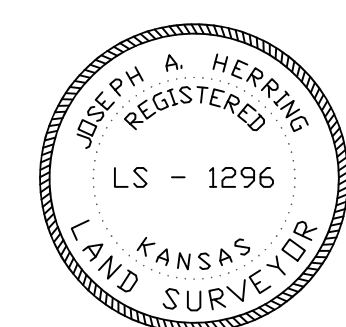
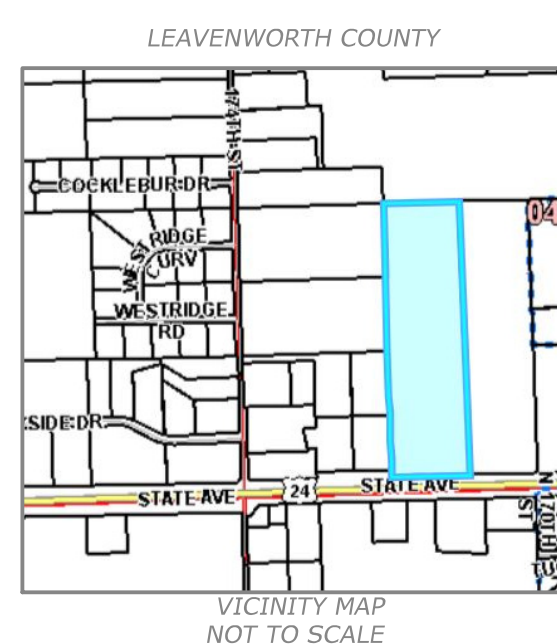
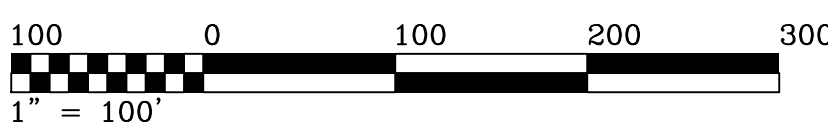


Scale 1" = 100'

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

Job # K-23-1729
November 24, 2023 Rev. 12/28/23



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

Joseph A. Herring
PS # 1296

NOVO-GRADAC ACRES

A Minor Subdivision in the Southwest Quarter of Section 4, Township 11 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

PRELIMINARY PLAT

PREPARED FOR:
M SUSAN NOVO-GRADAC TRUST
17208 STATE AVE
BASEHOR, KS 66007
PID # 182-04-0-00-00-014

DESCRIPTION:
A tract of land in the East 1/2 of the Southwest 1/4 of Section 4, Township 11 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas, being more particularly described as follows:
Commencing at the Southeast corner of said Southwest 1/4, the South line of said Southwest 1/4 having an assumed bearing of South 87 degrees 40'33" West; thence South 87 degrees 40'33" West along the South line of said Southwest 1/4, 1314.39 feet to the Southwest corner of the East 1/2 of said Southwest 1/4; thence North 01 degrees 44'18" West along the West line of the East 1/2 of said Southwest 1/4, 202.60 feet to the True Point of Beginning of the tract herein described; thence North 01 degrees 44'18" West along the West line of the East 1/2 of said Southwest 1/4, 2445.05 feet to the Northwest corner of the East 1/2 of said Southwest 1/4; thence North 87 degrees 51'35" East along the North line of said Southwest 1/4, 714.84 feet; thence South 01 degrees 40'04" East, parallel with the East line of said Southwest 1/4, 2446.33 feet to the North right of way line of US 24 Highway; thence South 87 degrees 57'38" West along the North right of way line of said US 24 Highway, 711.01 feet to the True Point of Beginning of the tract herein described, less any part thereof taken or used for road or highway purposes.

SAMBOL, IVAN & ANNE M
PID NO. 182-04-...008

GAYLE, JOSHUA & LARISSA
PID NO. 182-04-...008.01

BROWN, THOMAS A & MARY D
PID NO. 182-04-...012.02

JASTER, JOHN E & BECKY A
PID NO. 182-04-...013

MILES, DARLA A; TRUST
PID NO. 182-04-...006.06
LOT 1
MILES RANCH SUBDIVISION
Doc # 2008P0016

1-03-24
Olsson Review
No Further
Comment

ZONING:

RR 2.5 - Rural Residential 2.5

NOTES:

- 1) This survey does not show ownership.
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All recorded and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - 1 - 281730, 40.06 Acres, more or less
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Existing and Proposed Lots for Residential Use.
- 8) Road Record - See Survey
- 9) Benchmark - NAVD88
- 10) Project Benchmark (BM) - SE Cor. of Property - 1/2" Rebar Cap 655 - 970'
- 11) Easements, if any, are created hereon or listed in referenced title commitment.
- 12) Reference Recorded Deed Book 686 Page 1616
- 13) Utility Companies -
 - Water - Suburban
 - Electric - Evergy
 - Sewer - Septic / Lagoon
 - Gas - Propane / Natural Gas
- 14) Reference Lawyer's Title File Number 46867 dated November 4, 2023.
- 15) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0350G dated July 16, 2015
- 16) Building Setback Lines as shown hereon or noted below
 - All side yard setbacks - 15' (Accessory - 15')
 - All rear yard setbacks - 40' (Accessory - 15')
- 17) Existing Structures, if any, are shown hereon.
- 18) Easements as per referenced Title Commitment are shown hereon, if any.
 - KCP&L / Westar Easement recorded as Document No. 2011R08073, as shown hereon.
 - Williams Telecommunications Company, recorded in Bk 597 Pg 220, not located this survey.
- 19) Fence Lines do not necessarily denote the boundary line for the property.
- 20) Reference Surveys:
 - MILES RANCH SUBDIVISION Doc # 2008P0016
 - TBM - Terry B. Melton Survey dated 1996 - no recording information

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) Additional access limits as shown hereon.
- 6) All structures built within the subdivision shall comply with Resolution 2020-39, or as amended.
- 7) An exception to Article 50, Section 40.3.1. Lot-Depth to Lot-Width has been granted for Lot 2
- 8) Lots 1 and 2 have a shared access to State Avenue. Maintenance of the access drive is shared between the appropriate lots.
- 9) Structures that exist within the building setback line or platted easement. Any future building or expansion must comply with the building setback. If the structure is damaged greater than 51% it may not be rebuilt or restored on the existing location and must meet all setbacks
- 10) No off-plat restrictions.

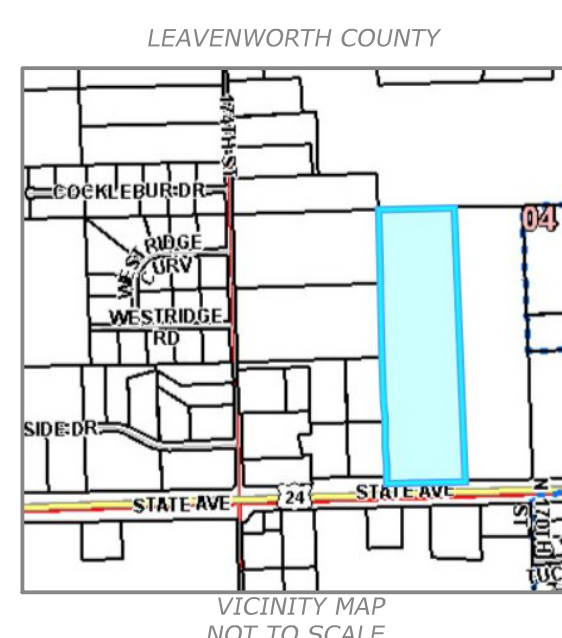
BROWN, JOHN WILLIAM SR & LEAH L
PID NO. 182-04-...014.01

LEGEND:

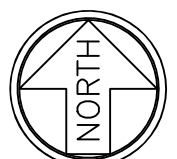
- - 1/2" Bar Set with Cap No.1296
- - 1/2" Bar Found, unless otherwise noted.
- - Concrete Base to be Set around Point
- △ - PK Nail Found in Place
- () - Record / Deeded Distance
- U/E - Utility Easement
- D/E - Drainage Easement
- B.S.L. - Building Setback Line
- R/W - Permanent Dedicated Roadway Easement dedicated this plat
- CL - Centerline
- SL - Section Line
- BM - Benchmark
- - DIRECTION OF WATER FLOW
- - Power Pole
- X - Fence Line
- OHP - Overhead Power Lines
- T - Underground Telephone/Fiber Optic Line
- ⊗ - Water Shut-off Valve, line is abandoned
- ⊕ - Water Meter/Valve
- ⊞ - Telephone Pedestal
- W - 6" Water Line - location as per district
- POB - Point of Beginning
- POC - Point of Commencing
- ~ - Tree/Brush Line
- NS - Not Set this Survey per agreement with client

09E SW COR SW 1/4 Sec. 4-11-22 2" Alum. KDOT Cap flush with Surface

11E SE COR SW 1/4 Sec. 4-11-22 2" Alum. KDOT Cap 1.5' below Surface



VICINITY MAP NOT TO SCALE



Scale 1" = 100'

Job # K-23-1729
November 24, 2023 Rev. 12/28/23

J. HERRING, Inc. (dba)
SURVEYING
COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.661.3858 Fax 913.674.5381
Email - survey@camcash.com

100 0 100 200 300
1" = 100'

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

Joseph A. Herring
PS # 1296



December 4, 2023

Leavenworth County
Planning and Zoning
Leavenworth KS 66048

To Whom It May Concern:

Suburban Water's present distribution system has the capacity to provide domestic water service (5/8" meter) to land on State Avenue with Parcel ID 1820400000014, Leavenworth County, KS.

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

Sincerely,

Travis J Miles
President

From: [Kyle Burkhardt](#)
Sent: Monday, December 4, 2023 3:12 PM
To: [Jim Godbout](#); [Johnson, Melissa](#); [Tyler Rebel](#); [Design Group Shawnee](#)
Subject: RE: Nova Gradac Acres, 182-04-0-00-00-014.00

Follow Up Flag: FollowUp
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.

Internal Use Only

Melissa

Evergy approves the following plat.

Thank you

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



From: Jim Godbout <Jimmy.Godbout@evergy.com>
Sent: Monday, December 4, 2023 2:24 PM
To: Johnson, Melissa <MJohnson@leavenworthcounty.gov>; Tyler Rebel <Tyler.Rebel@evergy.com>; Design Group Shawnee <DesignGroupShawnee@evergy.com>
Subject: RE: Nova Gradac Acres, 182-04-0-00-00-014.00

Internal Use Only

Ms. Johnson,

Good afternoon. Would it be possible for you to send over a Plat of the Nova Gradac Acres so that we have something to reference?

Thanks,

Jimmy Lee Godbout

Jimmy Lee Godbout
Evergy Kansas Central, Inc.
Senior T&D Designer
jimmy.godbout@evergy.com
O (785) 508-2868

Allison, Amy

From: Krystal A. Voth <kvoth@cityofbasehor.org>
Sent: Wednesday, December 6, 2023 4:50 PM
To: Allison, Amy
Subject: RE: DEV-23-148/149 Pre & Final Plat Novo-Gradac Acres Herring

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

Amy,

Thanks for sending this over. I hope you are doing well.

The City has no comments.

Thanks,

Krystal

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, December 6, 2023 4:12 PM
To: Krystal A. Voth <kvoth@cityofbasehor.org>
Subject: FW: DEV-23-148/149 Pre & Final Plat Novo-Gradac Acres Herring

Good Afternoon Krystal,

If you have any comments for the below listed plat, please let us know by December 19, 2023.

Thanks,
Amy

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Tuesday, December 5, 2023 10:36 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; 'Steven.Taylor@KS.gov' <Steven.Taylor@KS.gov>; 'mpleak@olsson.com' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-23-148/149 Pre & Final Plat Novo-Gradac Acres Herring

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

The Planning Staff would appreciate your written input in consideration of the above listed request. Please review the attached information and forward any comments to us by December 19, 2023.

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

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-23-147 Bison Construction LLC

January 10, 2024

REQUEST: *Public Hearing Required*

- ZONING AMENDMENT SPECIAL USE PERMIT
 TEMPORARY SPECIAL USE PERMIT

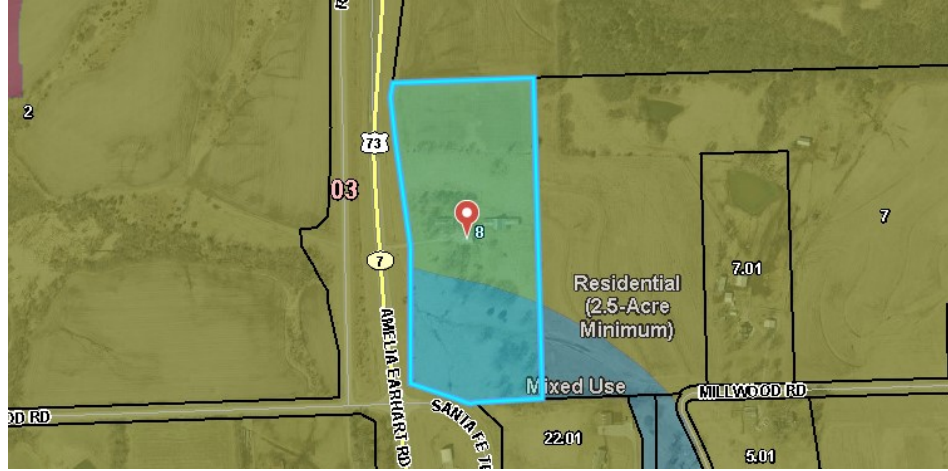
STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 33698 Amelia Earhart Rd
FUTURE LAND USE MAP: 3 UNITS PER ACRE

APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING COMPANY
315 N. 5TH STREET
LEAVENWORTH, KS 66048



PROPERTY OWNER:

BISON CONSTRUCTION LLC
20849 ROE ROAD
EASTON, KS 66020

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: I-2 & RR-5

FUTURE LAND USE DESIGNATION:
MIXED USE & RESIDENTIAL (2.5 ACRE)

LEGAL DESCRIPTION:

The West Half of the Southwest Quarter of the Northeast Fractional Quarters, all in Section Three (3), Township Eight (8) South, Range Twenty-one (21) East, less tract for highway

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-23-147, Rezone from I-2 & RR-5 to I-2 & B-3 for Bison Construction LLC, to the Board of County Commission; or
2. Recommend denial of Case No. DEV-23-147, Rezone from I-2 & RR-5 to I-2 & B-3 for Bison Construction LLC, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 16.4 ACRES

PARCEL ID NO:
062-03-0-00-00-008.00

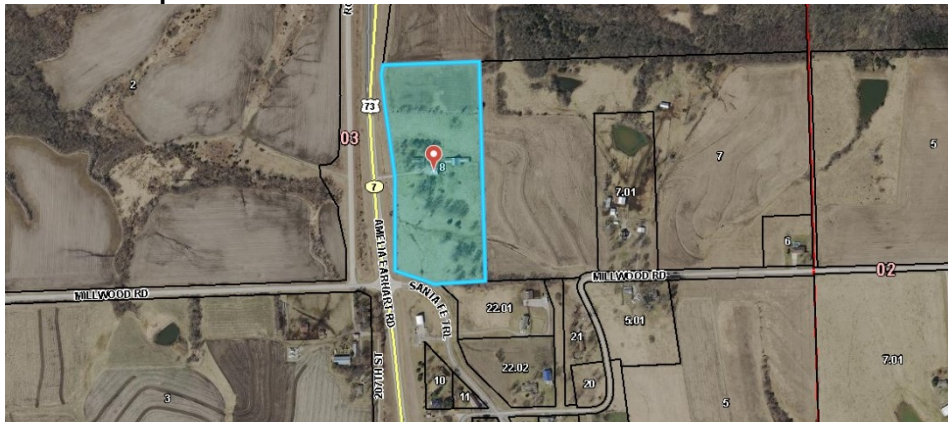
BUILDINGS: SINGLE FAMILY
RESIDENCE, ACCESSORY STRUCTURES

PROJECT SUMMARY:

Request to rezone 33698 Amelia Earhart Road from I-2 & RR-5 to I-2 & B-3 based on the provided survey drawing.

ACCESS/STREET: AMELIA EARHART ROAD, PAVED STATE HIGHWAY, ±44' WIDE; SANTA FE TRAIL, PAVED ARTERIAL, ±33' WIDE

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: KICKAPOO

WATER: RWD #12

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: N/A

NEWSPAPER NOTIFICATION:
12/20/2023

NOTICE TO SURROUNDING
PROPERTY OWNERS:
12/19/2023

FACTORS TO BE CONSIDERED:		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:</i>	Met	Not Met
<p>1. Character of the Neighborhood: <i>Density:</i> Surrounding parcels range in size from 0.6 acres to more than 140 acres. The area is not densely populated.</p> <p><i>Nearby City Limits:</i> Easton is more than three miles to the southwest.</p> <p><i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.</p>	✓	✓
<p>2. Zoning and uses of nearby property: <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature.</p> <p><i>Adjacent Zoning:</i> Adjacent parcels to the north and west are zoned RR-5, parcels to the south are zoned RR-5, RR-2.5 and B-3, parcels to the east are zoned RR-5, RR-2.5 and I-2.</p>	✓	
<p>3. Suitability of the Property for the uses to which is has been restricted: <i>The property is suitable for nodal, highway commercial and rural residence.</i></p>	✓	✓
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>The applicant is requesting to increase the area zoned I-2 to square off the zoning district for future division. Nearby properties are unlikely to be negatively impacted as industrial zoning already exists in this location and commercial zoning is located to the south</i></p>	✓	
<p>5. Length of time the property has been vacant as zoned: <i>Vacant:</i> <input checked="" type="checkbox"/> <i>Not Vacant:</i></p>	✓	
<p>6. Relative gain to economic development, public health, safety and welfare: <i>The rezoning supports economic development and not likely to impact public health, safety or welfare beyond existing zoning.</i></p>	✓	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: Mixed Use & Residential (2.5 acre)</i> <i>Section 4 Land Use and Development Plan Strategies: The Comprehensive Plan identifies this area for mixed use opportunity which would include commercial and potentially industrial zoning.</i></p>	✓	

STAFF COMMENTS:

The applicants are requesting a rezoning from Light Industrial and Rural Residential – 5 acres to Light Industrial and General Business. The Comprehensive Plan identifies the future land use of this area as both *Residential (2.5 acres minimum)* and *Mixed Use*. The applicant has provided a development plan of a proposed land division that would occur if the rezoning is approved. The property would be split into two parcels, the southern property would be I-2 Light Industrial (retain existing zoning) and the northern property would be B-3 General Business. While the proposal does not exactly match the Comprehensive Plan and Staff would typically recommend denial of a request that does not conform to the future land use, Staff recommends approval for the following reasons:

1. The requested zoning (I-2) is a continuation of the existing zoning and would square off an oddly shaped zoning designation.
2. The location of this property is adjacent to a state highway and county arterial interchange. The location is a prime spot for nodal commercial zoning and the frontage added would increase the ability for larger businesses to be located there.

ATTACHMENTS:

A: Application & Narrative

B: Zoning Map

C: Memorandums

RWD 12
Energy
449
16.40

REZONING APPLICATION

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

03 08 21

Office Use Only	
Township: <u>Kickapoo</u>	Date Received: <u>11.13.2023</u>
Planning Commission Date _____	
Case No. <u>DEV-23-</u>	Date Paid <u>11.13.2023</u>
Zoning District <u>I2 (RRS)</u>	Comprehensive Plan Land Use Designation <u>Mixed & RR 2.5 min.</u>

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Joe Herring</u>	NAME <u>Bison Construction - Spencer oster</u>
ADDRESS <u>315 North 5th Street</u>	ADDRESS <u>20849 Roe Road</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP <u>Easton KS 66020</u>
PHONE <u>913-651-3858</u>	PHONE <u>N/A</u>
EMAIL <u>herringsurveying@outlook.com</u>	EMAIL <u>N/A</u>
CONTACT PERSON <u>Joe</u>	CONTACT PERSON <u>Joe</u>

PROPOSED USE INFORMATION	
Proposed Land Use <u>Light Industrial and General Business</u>	
Current Zoning <u>I-2 & RR-5</u>	Requested Zoning <u>I-2 & GB-3</u>
Reason for Requesting Rezoning <u>Expand I-2 Zoning and add Business Zoning due to location and traffic along state highway</u>	

PROPERTY INFORMATION
Address of Property <u>33698 Amelia Earhart</u>
Parcel Size <u>16.4 Acres</u>
Current use of the property <u>AG and Rural Residential</u>
Present Improvements or structures <u>House and AG Buildings</u>
PID <u>062-03-0-00-00-008</u>

I, the undersigned am the (*owner*), (*duly authorized agent*), (*Circle One*) of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature Joe Herring - digitally signed 11/13/2023 Date 11-13-23

ATTACHMENT A

OWNER AUTHORIZATION

I/WE Spencer Foster, Bison Construction, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 6 day of November, 2023, make the following statements, to wit:

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

See Exhibit A attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Herring Survey (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, 33698 Amelia Earhart, Easton (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

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

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

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

[Signature] Owner _____ Owner _____

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this 6 day of November, 2023.

by Spencer Foster
My Commission Expires: [Signature]

Notary Public



ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 07/06/2023


COUNTY CLERK

Doc #: 2023R04763
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
07/06/2023 12:06:14 PM
RECORDING FEE: 55.00
PAGES: 3

TRUSTEE'S WARRANTY DEED

O'Keefe-Wilson Abstracting Co., Inc. - File No. 13242 Seever Trust-Bison Const
414 N. 5th St.
Atchison, KS 66002

THIS INDENTURE, made this 6 day of July, 2023, by and
between for Seever Family Living Trust dated August 24, 2011, as GRANTOR, and Bison
Construction LLC, as GRANTEE, whose mailing address is 20849 Roe Rd, Easton, KS 66020.

WITNESSETH: THAT SAID GRANTOR, in consideration of the sum of Ten Dollars and other good and
valuable consideration, the receipt and sufficiency which is hereby acknowledged by GRANTOR, does
hereby **grant, bargain and sell, convey and confirm**, unto the said GRANTEE, and unto Grantee's heirs
and assigns forever, the following described real property situated in the County of Leavenworth, State of
Kansas to-wit:

Legal description attached hereto and made a part hereof marked Exhibit "A"

Subject to all easements, restrictions and reservations, if any, now of record, and all the taxes and
assessments that may be levied, imposed or become payable hereafter.

*This Deed is made and given by the GRANTOR as Trustee(s) pursuant to the power of sale contained in
the aforesaid Trust agreement, which Agreement remains in full force and effect at this time. And the
GRANTOR further states that the power to sell and convey the real estate described hereinabove is
granted under said Trust Agreement.*

TO HAVE AND TO HOLD, the premises aforesaid, with all and singular the rights, privileges,
appurtenances and immunities thereto belonging or in anywise appertaining, unto the said GRANTEE and
unto Grantee's heirs and assigns forever, the said GRANTOR hereby covenanting that it is lawfully seized
of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the
same; that the said premises are free and clear from any encumbrance done or suffered by it or those
under whom it claims; except as stated above and except for all taxes and assessments, general and
special, not now due and payable; and that it will warrant and defend the title of the said premises unto the
said GRANTEE, and unto Grantee's heirs and assigns forever, against the lawful claims and demands of
all persons whomsoever.

If two or more persons constitute either GRANTOR or GRANTEE, the words GRANTOR and GRANTEE
shall be construed to read GRANTORS or GRANTEES, whenever the sense of this Deed requires.

IN WITNESS WHEREOF, The said GRANTOR has executed this instrument the day and year first above written.

Seever Family Living Trust dated August 24, 2011

BY: Belinda Reed
Belinda Reed, Successor Trustee

State of Kansas

County of Atchison

On this 6 day of July, 2023, before me, the undersigned, appeared for **Seever Family Living Trust dated August 24, 2011**, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their free act and deed.

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

My commission expires: May 7, 2027



Janice M Reiss
Notary Public
Janice M Reiss

When recorded return to:
Bison Construction LLC
20849 Roe Rd
Easton, KS 66020

EXHIBIT "A"

The West Half of the Southwest Quarter of the Northeast Fractional Quarters, all in Section Three (3), Township Eight (8) South, Range Twenty-one (21) East, less tract for highway.

Less

(a) A tract of land in the West Half of the Southwest Quarter of the North east Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., described as follows: Beginning at the Southwest corner of said Quarter Section, the West line of said Quarter Section, the West line of said Quarter Section having an assumed bearing of North 01°23' West; First Course, thence North 87°51' East, 370.5 feet along the South line of said Quarter Section; Second Course, thence North 70°51' West, 247.00 feet; Third Course, thence North 00°03' East, 545.1 feet; Fourth Course, thence North 08°15' West to a point on the North line, 72.5 feet East of the Northwest corner of said Southwest Quarter of the Northeast Quarter Section; Fifth Course, thence South 87°51' West along said North line to the West line of said Quarter Section; Sixth Course, thence South 01°23' East along said West line to the place of beginning. The above contains 2.95 acres, more or less, exclusive of the existing highway. This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutters rights of access to said highway, appurtenants to grantors remaining property, except and reserving, however, to the grantor, his heirs and assigns, the right of access to the highway over and across the following described courses: Beginning at the beginning of said "SECOND" course and extending North 70°51' West, 168.2 feet; ALSO, beginning at a point 9.9 feet North 08°15' West from the beginning of said "FOURTH" course and extending North 08°15' West, 59.4 feet.

Less

A tract of land in the West Half of the Southwest Quarter of the Northeast Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, described as follows: Beginning at the Southwest corner of said Quarter Section; First Course, thence on an assumed bearing of North 01°22'28" West, 402.337 meters (1,320.00 feet) along the West line of said Quarter Section to the North line of said West Half; Second Course, thence North 87°45'17" East, 29.037 meters (95.27) along said North line; Third Course, thence South 06°22'09" West, 27.523 meters (90.30 feet) to the Easterly right of way line of the existing highway; Fourth Course, thence South 08°09'14" East, 182.464 meters (598.63) along said right of way line; Fifth Course, thence South 00°08'48" West, 166.147 meters (545.10 feet) along said right of way line; Sixth Course, thence South 70°45'12" East, 46.167 meters (151.47) along said right of way line; Seventh Course, thence South 19°14'48" West, 11.465 meters (37.62 feet) along said right of way line to the South line of said Quarter Section; Eighth Course, thence South 87°45'20" West, 81.634 meters (267.83 feet) along said South line to the point of beginning. The above described tract contains 1.668 hectares (4.12 acres), which includes 1.659 hectares, (4.10 acres) of existing right of way, resulting in an acquisition of 0.009 hectare (0.02 acre), more or less. This conveyance is made for the purpose of a controlled access highway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access to said highway, appurtenant to the grantor, his property, except and reserving, however, to the grantor, his heirs and assigns, the right of access to the highway over and across the following described courses: Beginning at a point 3.018 meters (9.10 feet) North from the end of said "Fourth" course and extending North 08°09'14" West, 18.105 meters (59.40 feet); ALSO, beginning at the end of said "Sixth" course and extending North 70°45'12" West, 22.148 meters (72.66 feet).

REZONE EXHIBIT

THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

REZONE AREA 1 DESCRIPTION:

South 550 feet on the West Half of the Southwest Quarter of the Northeast Fractional Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, LESS that part taken for Highway.

REZONE AREA 2 DESCRIPTION:

The West Half of the Southwest Quarter of the Northeast Fractional Quarter of Section 3, Township 8 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, EXCEPT the South 550 feet and LESS that part taken for Highway.

PREPARED FOR:

Bison Construction
20849 Roe Road
Easton, KS 66020
PID 062-03-0-00-00-008

PROPERTY ADDRESS

33698 Ameilia Earhart



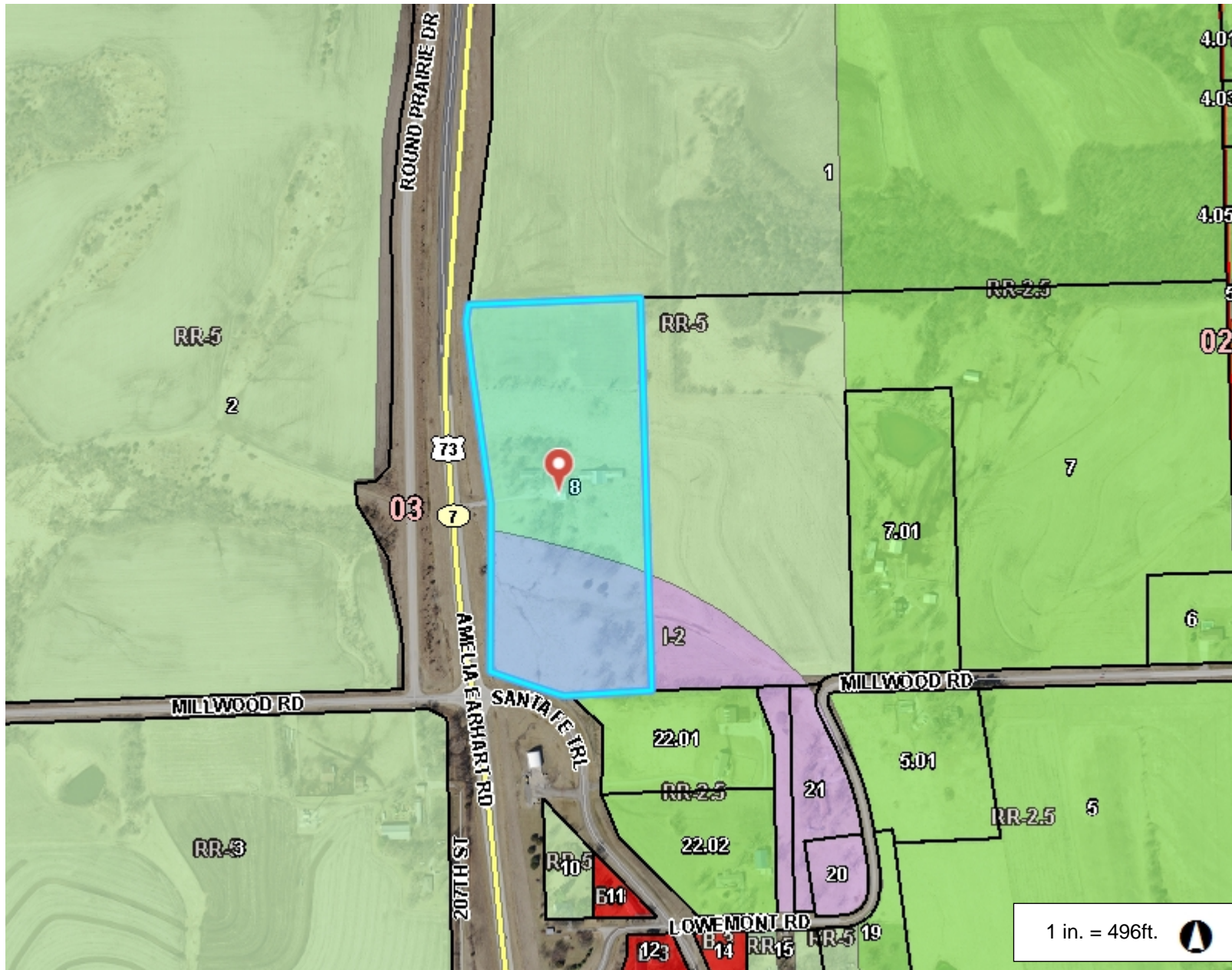
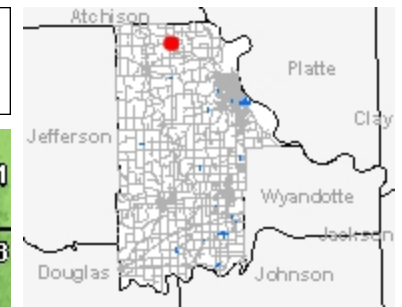
Not to Scale

Job # K-23-1749
November 13, 2023



THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

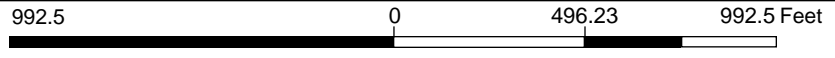
DEV-23-147 Bison Rezone



Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
 - <all other values>
 - 70
- Road
 - <all other values>
 - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
 - B-1
 - B-2
 - B-3
 - I-1
 - I-2
 - I-3
 - MXD
 - PC
 - PI
 - PR-1
 - PR-2
 - PR-3

1 in. = 496ft.



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

Notes

From: [Anderson, Kyle](#)
Sent: Wednesday, November 15, 2023 1:30 PM
To: [Johnson, Melissa](#)
Subject: RE: RE: DEV-23-147, Rezone Bison Foster Herring

We have not received any complaints on this property. The septic system that services the house will remain in the same zoning as the home it services making any future land division easier.

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: Wednesday, November 15, 2023 1:07 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcafee@leavenworthcounty.gov>; 'stevetaylor@ks.gov' <stevetaylor@ks.gov>; 'johnmcevoysr@yahoo.com' <johnmcevoysr@yahoo.com>; 'designgroupleavenworth@evergy.com' <designgroupleavenworth@evergy.com>; 'water12@embarqmail.com' <water12@embarqmail.com>
Subject: RE: DEV-23-147, Rezone Bison Foster Herring

The Department of Planning & Zoning has received an application for a Rezoning regarding the property 33698 Amelia Earhart Rd. property.

The Planning Staff would appreciate your written input on consideration of the above request. Please review the attached information and forward any comments to us by Wednesday the 29th day of November, 2023.

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

Thank you,

Melissa Johnson

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

From: [Tyler Rebel](#)
Sent: Wednesday, November 15, 2023 1:53 PM
To: [Johnson, Melissa](#)
Subject: RE: DEV-23-147, Rezone Bison Foster Herring

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

Internal Use Only

No comment from Evergy – thank you

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

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Wednesday, November 15, 2023 1:07 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcafee@leavenworthcounty.gov>; 'stevetaylor@ks.gov' <stevetaylor@ks.gov>; 'johnmcevoysr@yahoo.com' <johnmcevoysr@yahoo.com>; Design Group Leavenworth <designgroupleavenworth@evergy.com>; 'water12@embarqmail.com' <water12@embarqmail.com>
Subject: RE: DEV-23-147, Rezone Bison Foster Herring

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The Department of Planning & Zoning has received an application for a Rezoning regarding the property 33698 Amelia Earhart Rd. property.

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

Thank you,

Melissa Johnson
Planner I
Leavenworth County
Planning & Zoning Department

From: [RURAL WATER DIST](#)
Sent: Thursday, November 16, 2023 8:35 AM
To: [Johnson, Melissa](#)
Subject: RE: DEV-23-147, Rezone Bison Foster Herring

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

Melissa,
Jefferson County RWD #12 has no problem with this rezoning. There is a benefit unit(water meter) and a 4" main water line on the property.
Please feel free to contact me if you have any questions.
Sincerely,
Denise Eggers

On Wed, 15 Nov, 2023 at 1:18 PM, Johnson, Melissa <MJohnson@leavenworthcounty.gov> wrote:

To: magaha, chuck; anderson, kyle; miller, jamie; patzwald, joshua; van parys, david; noll, bill; mcafee, joe; 'stevetaylor@ks.gov'; 'johnmcevoysr@yahoo.com'; 'designgroupleavenworth@evergy.com'; 'water12@embarqmail.com'

The Department of Planning & Zoning has received an application for a Rezoning regarding the property 33698 Amelia Earhart Rd. property.

The Planning Staff would appreciate your written input on consideration of the above request. Please review the attached information and forward any comments to us by Wednesday the 29th day of November, 2023.

If you have any questions or need additional information, please contact us at (913) 684-0465 or at 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
(913) 684-0465

Disclaimer

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