

FINAL PLAT APPLICATION & PROCEDURES

For

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

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

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

ALL APPLICATION FEES ARE NON-REFUNDABLE

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

FINAL PLATTING PROCEDURES

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

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

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

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

DEADLINE: See Planning Commission Schedule and Deadlines form.

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

FINAL PLAT APPLICATION

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

Office Use Only

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

APPLICANT/AGENT INFORMATION

OWNER INFORMATION

NAME: _____ NAME: _____
MAILING ADDRESS: _____ MAILING ADDRESS _____
CITY/ST/ZIP: _____ CITY/ST/ZIP _____
PHONE: _____ PHONE: _____
EMAIL : _____ EMAIL _____

GENERAL INFORMATION

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

SUBDIVISION INFORMATION

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

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

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

Signature: _____ Date: _____

OWNER AUTHORIZATION

I/WE _____, hereby referred to as the “Undersigned”, being of lawful age, do hereby on this ____ day of _____, 20____, make the following statements, to wit:

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

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

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

Owner

Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledge before me on this ____day of _____, 20____,
by _____.

My Commission Expires:

Notary Public

ATTACHMENT B

PROPERTY TAX PAYMENT ACKNOWLEDGEMENT

I/WE _____, as owners of the following real property, _____, acknowledge that I/we have read and understand the following statement:

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

Owner

Owner

Date

Date

Treasurer's Office Approval

Property Owner Name: _____

Address of Property: _____

PID: _____

Property Taxes Paid In Full? Yes No

Treasurer's Office Representative Name

Signature

Date

MINIMUM REQUIREMENTS FOR CROSS ACCESS EASEMENT HOMEOWNERS ASSOCIATION FILINGS

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

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

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

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

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

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

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION
Professional Review Fees Reimbursement	Board of County Commissioners	11.25.2020	1.0

A. PURPOSE:

Leavenworth County has recently experienced significant increases in growth and development within the unincorporated areas of the County. As such, the County has obtained outside consulting services in order to effectively and efficiently review development applications.

These services have proven to be effective and necessary to the orderly and safe development of Leavenworth County. Due to the increase in developments and the magnitude of many of these developments, the County has incurred significant review fees which have been paid out of the Planning and Zoning Budget and the Public Works Budget. The intention of this policy is to continue to provide quality reviews of development applications while holding the developer/applicant responsible for costs incurred which are greater than \$2,500.

B. POLICY:

Development applications submitted to the Planning and Zoning Department shall be assessed an application fee per the adopted Fee Schedule. The application fee is intended to account for the public notification process, initial Staff review and writing of the Staff Report. The applicant shall be responsible for the cost of the Professional Review Fees whenever the fees exceed \$2,500.

C. PROCEDURES:

Upon submittal of an application the developer shall pay an application fee. The developer should expect to incur additional fees if the development has unusual conditions that warrant extensive engineering review or is a subdivision with an internal roadway. The applicant will be responsible for paying all incurred fees (over \$2,500) prior to the application for development being executed. Further, in the event an applicant does not pay the fees, the County shall accept no further development applications from said applicant until all delinquent fees have been paid.

Effective 11.25.2020

BOCC Chairman – Doug Smith

11.25.2020
Date of Adoption