SCANNED
7-10-08 CW

(a/k/a Field of Dreams Property)

**RESOLUTION NO. 2008-06**

**A RESOLUTION OF THE CITY OF BASEHOR, KANSAS, REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, TO MAKE CERTAIN FINDINGS REGARDING THE ANNEXATION OF PROPERTY.**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:**

**SECTION 1.** The Governing Body of the City of Basehor, Kansas, hereby finds that a request for annexation of the following described tracts of land has been presented to it by the Basehor Athletic Association:

Tract #1:

*A tract of land in the North ½ of Section 13, Township 10 South, Range 22 East of the Sixth P.M., more fully described as follows:*

*Beginning at the North ¼ corner of said Section 13; thence North 89 degrees 44' 58' East for a distance of 377.48 feet along the North line of said Section: thence South 01 degrees, 01' 16" West for a distance of 500.00 feet; thence North 89 degrees 44' 58" East for a distance of 500.00 feet; thence south 01 degrees 01'16" West for a distance of 466.80 feet; thence South 89 degrees 44' 58" West for a distance of 361.00 feet; thence South 89 degrees 45' 58" West for a distance of 592.64 feet; thence North 01 degrees 07' 43" East for a distance of 966.84 feet to the North line of said Section; thence North 89 degrees 52' 55" East for a distance of 74.35 feet along said North line to the point of beginning.*

And also

Tract #2

*A tract of land in the North ½ of Section 13, Township 10 South, Range 22 East of the Sixth P.M., more fully described as follows:*

*Beginning at a point 74.35 feet South 89 Degrees 52' 55" West of the Northwest ¼ corner of said Section 13; thence South 89 degrees 52' 55" West for a distance of 70.00 feet along the North line of said Section; thence South 01 degrees 07' 42" West for a distance of 1884.53 feet; thence North 89 degrees 49' 39" East for distance of 664.34 feet; thence North 01 degrees 01' 18" East for a distance of 918.22 feet; thence South 89 degrees 45' 48" West for a distance of 592.64 feet; thence North 01 degrees 07' 43" East for a distance of 966.84 feet to the point of beginning.*

*In Leavenworth County, Kansas.*

The Governing Body further finds that the above described properties do not adjoin land within the boundaries of the City of Basehor. The Governing Body further finds that such annexation, at the request of the property owner, is advisable, desirable, beneficial, and in the interest of the public.

**SECTION 2.** The City of Basehor, Kansas, hereby respectfully requests that the Board of County Commissioners of Leavenworth County, Kansas, find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Leavenworth County, Kansas, all as provided in K.S.A. 12-520c.

**ADOPTED AND APPROVED** by the Governing Body of the City of Basehor, Kansas, this 19th day of May, 2008.

Chris Garcia – Mayor

ATTEST:

SEAL OF THE CITY OF BASEHOR, KANSAS
CORPORATE SEAL

Mary A. Mogle – City Clerk

APPROVED AS TO FORM: _____
Patrick G. Reavey, City Attorney

# The City of Basehor

June 12, 2008

Board of County Commissioners
Leavenworth County Courthouse
300 Walnut, 2nd Floor
Leavenworth, KS 66048

Re: Resolution 2008-06,

Dear Board of County Commissioners:

Enclosed you will find a certified copy of Resolution 2008-06 and a annexation plan for property known as Field of Dreams. On May 19, 2008, the Basehor City Council voted to accept the voluntary annexation of this property and allow the sports complex to connect to the city of Basehor's sanitary sewer system.

We respectfully request the Board of County Commissioners approve the request for island annexation of this property. Please notify our planning director Dustin Smith at (913) 724-1370 ext. 24 when the item will be placed on your agenda for discussion and/or action.

Sincerely,

Mary A. Mogle
City Clerk

Enc: Res. 2008-06
Clerk Certification
Annexation Report

J:\COUNTY Leavenworth\BOCC - Field of Dreams Annexation Request.doc

2620 N. 155th Street
P.O. Box 406
Basehor, KS 66007-0406

913.724.1470
FAX 913.724.3388
www.cityofbasehor.org

**LEAVENWORTH COUNTY, KANSAS**
**David C. Van Parys**
**County Counselor**
**300 Walnut**
**Leavenworth, KS 66048**
**(913) 684-0415**
**Fax (913-680-2748**
**email: dvanparys@leavenworthcounty.org**

November 19, 2008

Mr. Carl Slaugh, City Mgr.
Basehor City Hall
2620 N. 155th Street
Basehor, KS 66007

Re: Field of Dreams annexation

Dear Mr. Slaugh,

Enclosed please find a sealed copy of Resolution 2008-35, through which the board makes the requisite findings pursuant to K.S.A. 12-520c allowing the city to proceed with the adoption and publication of an annexation ordinance affecting the property and as required by K.S.A. 12-522. Upon the adoption and publication of the ordinance, please cause a copy of the ordinance to be filed with the county clerk and register of deeds (the county clerk also serves as election officer).

I apologize for the delay in providing this to you. Please contact me if I can be of further assistance on this matter.

Sincerely,

David C. Van Parys
County Counselor

encl.
cc Board of County Commissioners
Heather Morgan, County Adminstrator
Mr. Jeff Joseph, Director, Planning and Zoning

RESOLUTION 2008- 35

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, MAKING CERTAIN FINDINGS REGARDING RESOLUTION 2008-6 OF THE CITY OF BASEHOR, KANSAS, A RESOLUTION REGARDING THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF BASEHOR, KANSAS.**

**WHEREAS** the City of Basehor, Kansas, has adopted Resolution 2008-6 requesting that the County Commission make certain findings regarding certain property proposed for annexation by the City of Basehor, such findings provided for by the provisions of K.S.A. 12-520c, and

**WHEREAS** the Board of County Commissioners conducted a public hearing on said request on the 20th day of October,2008;

**NOW, BE IT THEREFORE RESOLVED:**

1. That the Board of County Commissioners hereby determines and finds that the annexation of the land proposed in Resolution 2008-6 of the City of Basehor, Kansas, a copy of which is attached hererto, will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the County of Leavenworth, Kansas.

2. That the area proposed for annexation by the City of Basehor may be adequately provided municipal services by the City, is within the area designated for incorporation into the City of Basehor in both the City and County Comprehensive Plans, and that the owners of said property have petitioned the City of Basehor for annexation.

**ADOPTED THIS 20TH DAY OF OCTOBER, 2008.**

CLYDE D. GRAEBER, CHAIR

JAMES C. TELLEFSON, 1ST DISTR.

ATTEST: Linda A. Scheer
LINDA A. SCHEER, CLERK

ABSTAIN
GERALD D. OROKE. 3RD DISTR.

(a/k/a Field of Dreams Property)

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*In Leavenworth County, Kansas.*

The Governing Body further finds that the above described properties do not adjoin land within the boundaries of the City of Basehor. The Governing Body further finds that such annexation, at the request of the property owner, is advisable, desirable, beneficial, and in the interest of the public.

**SECTION 2.** The City of Basehor, Kansas, hereby respectfully requests that the Board of County Commissioners of Leavenworth County, Kansas, find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Leavenworth County, Kansas, all as provided in K.S.A. 12-520c.

**ADOPTED AND APPROVED** by the Governing Body of the City of Basehor, Kansas, this 19th day of May, 2008.

Chris Garcia – Mayor

ATTEST:

Mary A. Mogle – City Clerk

SEAL OF THE CITY OF BASEHOR, KANSAS CORPORATE SEAL

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney

**Criteria for the Approval of (Island) Annexation of Property known as Field of Dreams, as provided in Kansas Statutes 12-520(c)**

**(1)Extent to which any of the area is land devoted to agricultural use.**

No portion of the property is devoted to agricultural use at this time.

**(2) area of platted land relative to unplatted land.**

No portion of the land is platted at this time.

**(3) topography, natural boundaries, storm and sanitary sewers, drainage basins, transportation links or any other physical characteristics which may be an indication of the existence or absence of common interest of the city and the area proposed to be annexed;**

The property to be annexed is adjacent to Fairmount Road. The city intends to annex to the centerline of the street. However, the city does not intend to maintain the road, or any portion thereof, until such time that the entire street is annexed into the city. In addition, the sanitary sewer effluent from the annexed area will flow into the existing sewer lines that serve Victory Crest (formerly known as Theno Estates).

**(4) extent and age of residential development in the area to be annexed and adjacent land within the city's boundaries;**

The subject property is the site of the Field of Dreams. A relatively new residential subdivision is located adjacent to the site on the east, but only about six lots of the 100+ platted lots have commenced building. The developer of that subdivision has verbally agreed to annex into the City, but has not submitted the petition. There is no land adjacent to the subject property that is within the City of Basehor.

**(5) present population in the area to be annexed and the projected population growth during the next five years in the area proposed to be annexed;**

No population growth is possible in the area to be annexed under its current use due to it being a non-residential business establishment.

**(6) the extent of business, commercial and industrial development in the area;**

The subject property contains a sports complex that operates during the spring, summer and fall months. There has been some interest in commercial development of property adjacent to the intersection of K-7 and Fairmount Road. However, none has occurred in the past several years. The northeast corner of this intersection is the site of new Wyandotte County Fairgrounds.

**(7) the present cost, methods and adequacy of governmental services and regulatory controls in the area;**

The costs associated with government services and regulatory controls in the proposed annexation area are very minimal. At such time the property is annexed, the property will fall under the regulatory control of the City of Basehor, which will include police service, code enforcement, building inspection and planning and zoning services.

**(8) the proposed cost, extent and the necessity of governmental services to be provided by the city proposing annexation and the plan and schedule to extend such services;**

The State of Kansas has mandated the removal of the sewer lagoons that serve this property. Therefore, the best option for the property owners was to request a connection to the City of Basehor sewer system. The costs to connect are (were) the responsibility of the property owner. The city will incur the costs of providing police protection, code enforcement, building inspection and planning and zoning services to the annexed area, but these costs are somewhat intangible. Whatever tangible costs may be realized will be offset by the city's collection of fees for building permits, sewer connections, property taxes, etc. It is the City's (unofficial) policy that any new development wishing to connect to the city's sewer facilities will be required to annex into the city.

**(9) tax impact upon property in the city and the area;**

Tax impact on the city will be very minimal due to the fact that Basehor Athletic Association does not pay property taxes on the land. However, sales taxes from the concession sales are required, but will likely be insignificant relative to the city's overall budget.

**(10) extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources;**

Existing residents in this area do not rely on the city for governmental services since they are not residents of the city. However, the City of Basehor does include residents in this area on our Planning Commission and other public boards. We suspect many of the residents in the surrounding area are employed in Basehor, shop in Basehor and attend public social and cultural events in Basehor. As the City of Basehor continues to add new services that accompany growth, residents in this area of the County will increasingly rely on Basehor for these services. Even though the Field of Dreams is not in the City of Basehor, the Basehor Police Department has responded to several police calls to the complex.

**(11) effect of the proposed annexation on the city and other adjacent areas, including, but not limited to, other cities, fire, sewer and water districts, improvement districts, townships or industrial districts;**

There are no foreseen effects on any city, fire, sewer and water districts, improvement districts, townships or industrial districts.

**(12) existing petitions for incorporation of the area as a new city or for the creation of a special district;**

There are no existing petitions for the incorporation of the area as a new city or for the creation of any special district at this time.

**(13) likelihood of significant growth in the area and in adjacent areas during the next five years;**

The current growth in the area is being generated by the Victory Crest Subdivision. The property at the northeast corner of K-7/Fairmount Road is the apparent future site of the Wyandotte County Fairgrounds, which may bring some additional growth to this area. There is also some commercial development speculation along K-7 in this area.

**(14) effect of annexation upon the utilities providing services to the area and the ability of those utilities to provide those services shown in the detailed plan.**

The annexation area is already being served by a water utility (Consolidated Rural Water District #1). The property has recently connected to the City of Basehor sewer. Service by private utilities, such as cable and gas, is undetermined at this time.