

(a/k/a Cedar Lake, Phase V)

RESOLUTION NO. 2006-06

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 land has been presented to it by Benchmark Management, Inc:

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE 6TH P.M., IN LEAVENWORTH COUNTY, KANSAS, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89°21'05" EAST, ASSUMED BEARING, FOR A DISTANCE OF 594.59 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE EAST LINE OF A TRACT OF LAND RECORDED IN DEED BOOK 833, PAGE 1727; THENCE NORTH 01°20'44" EAST FOR A DISTANCE OF 665.93 FEET TO THE SOUTH LINE OF CEDAR LAKES ESTATES PHASE 1, A SUBDIVISION IN LEAVENWORTH COUNTY, KANSAS; THENCE SOUTH 89°53'34" EAST FOR A DISTANCE OF 479.07 FEET ALONG SAID SOUTH LINE OF CEDAR LAKES ESTATES PHASE 1 TO A ½" BAR WITH CAP LS NO. 356, SAID POINT BEING ON THE EAST LINE OF CEDAR LAKE ESTATES PROPERTY, AS SHOWN ON SURVEY BY D.G. WHITE DATED NOV. 15, 2005; THENCE SOUTH 11°14'57" WEST FOR A DISTANCE OF 682.03 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 89°21'01" WEST FOR A DISTANCE OF 361.77 FEET ALONG SAID SOUTH LINE TO A POINT OF BEGINNING, TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD, LESS ANY PART TAKEN OR USED FOR ROAD. [INTENT OF THE ABOVE LEGAL DESCRIPTION TO DESCRIBE THE EASTERN PORTION OF A TRACT SURVEYED BY KEN HERRING DATED 6/8/89 FOR BRYCE HUNT AND TO CORRECT ANY OVERLAPS OR GAPS BETWEEN THE SUBJECT PROPERTY AND THE PROPERTY TO THE NORTH AND EAST. REFERENCED TRACT DEED BOOK 833, PAGE 1727 LIES ADJACENT TO AND WEST OF THE ABOVE DESCRIBED PROPERTY AS SURVEYED BY TERRY MELTON DATED 11/12/90 FOR BRYCE HUNT. SUBJECT TRACT IS BOUNDED ON THE SOUTH BY EVANS ROAD, ON THE WEST BY REFERENCE TRACT BOOK 833, PAGE 1727, ON THE NORTH BY CEDAR LAKES ESTATES SUBDIVISION AND THE EAST BY CEDAR LAKES ESTATES PROPERTY AS SHOWN ON A SURVEY BY D.G. WHITE DATED NOV. 15, 2005. (ALL OF THE ABOVE PER SURVEY BY JOSEPH A. HERRING, HERRING SURVEYING COMPANY, DATED DECEMBER 5, 2005 AND REVISED FEBRUARY 10, 2006.)

The Governing Body further finds that the above described property does 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 15th day of May, 2006.



Chris Garcia – Mayor

ATTEST:



Mary Mogle – City Clerk



The City of Basehor



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

(913) 724-1370
FAX (913) 724-3388
www.basehor.org

CERTIFICATION

I, Mary A. Mogle, City Clerk of the City of Basehor, Kansas, do hereby certify that the attached and foregoing attached document is a true and complete original copy of said Resolution 2006-06.

IN WITNESS WHEREOF I have here unto set my hand and the official seal of said city this 18th day of September, 2006.




Mary A. Mogle, City Clerk

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September 18, 2006

Dean Oroke, Chairman
LEAVENWORTH COUNTY COMMISSIONERS
300 Walnut, 2nd Floor
Leavenworth, KS 66048

Re: Request for Annexation (Cedar Lake, Phase V)

Dear Chairman Oroke and Commissioners:

Please find enclosed Resolution 2006-06 requesting the Board of County Commissioners consider the annexation of property located in Section 11, Township 11 South, Range 22 East, also known as Cedar Lakes Phase V.

We respectfully request this matter be placed on the Board of County Commissioners agenda at your earliest convenience. The City will have a representative at the meeting. Please e-mail our planning director, Dustin Smith, at planning@cityofbasehor.org of the date and time of your meeting.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mary A. Mogle', is written over a horizontal line.

Mary A. Mogle
City Clerk

Enc. Res. 2006-06

**Criteria for the Approval of (Island) Annexation
of Property known as Cedar Lake, Phase V, as provided in
Kansas Statutes 12-521 (2)(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. However, the City of Basehor has already approved a preliminary plat and change of zoning for the property that is contingent on the annexation being approved by the County. If the annexation is not approved by the County, the applicant will be directed to submit the applications to the County Planning and Zoning Department.

(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 Evans 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 within Sewer District #7. The applicant will submit a petition to the County to request that the property be included into Sewer District #7, after which the effluent from the annexed property will be treated by the City of Basehor. The existing interlocal agreement for sewage treatment will be revised in conjunction with the annexation and development of the property.

(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 vacant at this time, but the age of the existing residential development in the general vicinity of the property is approximately 6-20 years. 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;

The property proposed for annexation is vacant at this time. The five (5) year projected population of the area to be annexed is approximately thirty-nine (39), based on the number of units proposed (13) multiplied by the average household size for Leavenworth County (2.54 persons per household).

13 lots
x 2.54 persons per household
33 total population of annexed area

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

No commercial, business or industrial development is proposed as part of the annexation. The only business development located near the subject is a plant nursery located just to the east.

(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 costs to extend these services to the annexation is expected to be very minimal with the exception of the extension of sewer service, which will be borne by the developer. This city is not participating in the costs of extending sewer facilities. 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;

As a result of the annexation and development of the property, the city portion of the property tax will be approximately \$656 per home per year, based on a home value of \$200,000. We also expect that the new development will positively impact surrounding property valuations, which could slightly increase the tax value of those properties. However, the possible increase in surrounding property valuations would occur regardless of whether the property is annexed into the city.

(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 (especially Cedar Lake) 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

(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;

The development of the subject property will place a heavier burden upon existing fire, water and sewer districts. However, the costs associated with the extension of services from these districts will be the same regardless of whether the property is annexed, except for the sewer district, the services of which we do not expect will be extended to the property unless it is annexed.

(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, except for the proposal to include the property into Sewer District #7.

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

As stated in item #5, we expect the property to be developed into thirteen single-family residential homes that will increase the population of the area accordingly. This area of the County is included in the City of Basehor's primary growth area and is expected to incur slow to moderate growth over the next five years.

(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 can be served by a water utility (Suburban Water) and public sewer. Service by private utilities, such as cable and gas, is undetermined at this time. Suburban Water provided no indication during the development review that there would be negative impact on their water system.

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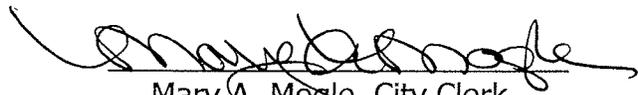
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