NOTICE OF SPECIAL MEETING

TO THE MEMBERS OF THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

You are hereby notified that I have called and do hereby call a special meeting of the governing body of the City of Basehor, Kansas (the "Issuer"), to be held at Basehor City Hall, 2620 North 155th Street, Basehor, Kansas, 66007 on February 19, 2013, at 6:30 p.m., for the purpose of:

1. Conducting a Public Hearing on the Annexation of Lots 1, 2, 54, and 55 of Briarwood Estates West Subdivision.
2. Consider Ordinance 622 – Annexing Lots 1, 2, 54, and 55 of Briarwood Estates West Subdivision.

DATED: February 4, 2013.

David K. Breuer, Mayor

CONSENT TO MEETING

We, the undersigned, being all the members of the Governing Body of the City of Basehor, Kansas, hereby accept service of the foregoing notice, waiving any and all irregularities in such service and in such notice and consent and agree that said Governing Body shall meet at the time and place therein specified and for the purposes therein stated.

DATED: February 4, 2013.

Travis Miles

Richard Drennon

Vernon Fields

Brian D. Healy

Ty Garver

Attest/Seal:

Corey Swisher, City Clerk/Finance Director

City of Basehor

Agenda Item Cover Sheet

Agenda Item No. 1

Topic:
Public Hearing for proposed annexation of Lots 1, 2, 54, and 55 of Briarwood Estates West Subdivision.

Action Requested:
Conduct public hearing per Resolution 2012-29. City Council shall motion and vote to open the public hearing. Once the public hearing is opened, Staff will present the City's plan for annexation. After the presentation by Staff, all interested persons shall be given an opportunity to be heard. Once all evidence is heard from the public, the City Council shall motion and vote on the advisability of the annexation. After the vote, the City Council shall close the public hearing via motion and vote.

Narrative:
June 4th, 2012, City Council directed Staff to prepare a report regarding the feasibility of annexing Lots 1, 2, 54, and 55 of Briarwood Estates West Subdivision.

November 19th, 2012, City Council approved a plan for extension of services and a public hearing date to consider the annexation of Lots 1, 2, 54, and 55 of Briarwood Estates West Subdivision.

November 26th, 2012, Staff sent required information to stakeholders, including Leavenworth County, regarding the proposed annexation as required.

November 29th, 2012, Leavenworth County contacted the City to discuss adding additional right-of-way to the annexation. Staff concluded the additional right-of-way would be contiguous to the existing City limits.

December 17th, 2012, the City Council approved Resolution 2012-29 to revise the legal description and set a public hearing date of February 19, 2013 as part of the process in the proposed annexation of Lots 1, 2, 54, and 55 of Briarwood Estates West Subdivision. A copy of the resolution providing for a public hearing and plan was certified mailed, within ten (10) days of approval of the resolution, to property owners proposed to be annexed, County Commissioners, County Planning Commission, Fairmount Township, appropriate utility and service representatives, USD #458, and Basehor Community Library. Resolution 2012-29 was published in the Basehor Sentinel on February 7th, 2013.

Presented by: Mitch Pleak, City Engineer
Administration Recommendation:
Conduct the Public Hearing per Resolution 2012-29.
Attachments:
Resolution 2012-29 (15 pages)
Projector needed for this item? No

RESOLUTION NO. 2012-29

A RESOLUTION REVISING THE LEGAL DESCRIPTION AND SETTING A PUBLIC HEARING TO CONSIDER THE ANNEXATION OF LOTS 1, 2, 54 AND 55 OF BRIARWOOD ESTATES WEST SUBDIVISION, IN BASEHOR, LEAVENWORTH COUNTY, KANSAS

WHEREAS, the Governing Body of the City of Basehor, Kansas, approved a Report and Plan for Extension of Services in accordance with K.S.A. 12-520a and K.S.A. 12-520b on November 19, 2012, and which Report and Plan for Extension of Services is on file and available for inspection in the City Clerk's office during normal business hours; and

WHEREAS, K.S.A. 12-520(a)(1) requires that the property proposed to be annexed adjoins the City of Basehor; and

WHEREAS, the legal description for the property proposed to be annexed must be revised to reflect that the property proposed to be annexed adjoins the City of Basehor; and

WHEREAS, the Report and Plan for Extension of Services must reflect the revised legal description, but will not change in form or substance; and

WHEREAS, the public hearing to consider the annexation must be rescheduled so that the proper procedures are followed for the annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF BASEHOR, KANSAS:

Section 1. That the Governing Body of the City of Basehor, Kansas, wishes to revise the legal description and sketch of the property proposed to be annexed to reflect that the property proposed to be annexed adjoins the City of Basehor, attached as **Exhibit A**.

Section 2. That the Governing Body of the City of Basehor, Kansas, adopts the Report and Plan for Extension of Services with the revised annexation, but no change in form or substance, attached as **Exhibit B**.

Section 3. That in accordance with K.S.A. 12-521a, and to properly consider the proposed annexation of Lots 1, 2, 54 and 55 of Briarwood Estates West Subdivision, further described in the legal description and sketch attached as **Exhibit A**, the Governing Body orders the following:

a. A public hearing on the proposed annexation will be held on February 19, 2013, beginning at 7 p.m. at Basehor City Hall, located at 2620 N. 155th St, Basehor, Kansas for the determination of the advisability of the proposed annexation.

b. A copy of this resolution, and a sketch of the land proposed to be annexed, shall be sent by certified mail to each owner of land proposed to be annexed not more than 10 days following the date of the adoption of the resolution

c. A copy of this resolution, and a sketch of the land proposed to be annexed, shall be published in the official City newspaper not less than one week, but no more than two weeks, preceding the date fixed for the public hearing.

d. A copy of this resolution shall also be sent, no later than ten days following its adoption, by certified mail to the following (if applicable):

1. The board of county commissioners.

2. The governing body of any township where the land to be annexed is located.

3. Any special assessment district or governmental unit providing municipal services to the area proposed to be annexed including, but not limited to, sewer districts, rural water districts, fire districts, or improvement districts.

4. Any utilities having facilities within the area proposed to be annexed.

5. The governing body of any school district in the area proposed to be annexed.

6. Any city, county, township or joint planning commission having jurisdiction over the area proposed to be annexed.

7. Any other political or taxing subdivision located within the area proposed to be annexed.

Section 4. That at the public hearing, a representative of the City of Basehor will present the City's proposal for annexation, including the City's Report and Plan for Extension of Services to the area proposed to be annexed. In determining the advisability of the annexation, the Governing Body will consider the criteria set forth in K.S.A. 520a(e).

Section 5. That this resolution shall be effective upon its adoption by the Governing Body of the City of Basehor, Kansas.

ADOPTED by the Governing Body this 17th day of December, 2012.

APPROVED by the Mayor this 17th day of December, 2012.

[SEAL]

SEAL OF THE CITY OF BASEHOR, KANSAS
CORPORATE SEAL

David K. Breuer, Mayor

ATTEST:

Corey Swisher, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney

EXHIBIT A

Legal Description and Sketch

Part 1:

All of Lots 1, 2, and 55, and all that part of Lot 54, and all that part of 153rd Street dedicated for public use, of BRIARWOOD ESTATES WEST SUBDIVISION, a recorded subdivision of land in the Northeast Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 1; thence South 89° 28' 00" East, along the most Northern line of said BRIARWOOD ESTATES WEST SUBDIVISION, a distance of 574.42 feet to the Northeast corner of said Lot 55; thence South 00° 12' 13" West, along the East lines of said Lots 55 and 54, a distance of 549.08 feet to the Southeast corner of said Lot 54; thence North 89° 30' 52" West, along the South line of said Lot 54, a distance of 160.21 feet to the East line of the West 87.00 feet of said Lot 54; thence North 00° 12' 13" East, along the East line of the West 87.00 feet of said Lot 54, a distance of 6.00 feet; thence North 89° 30' 52" West, along a line that is 6.00 feet North of and parallel with the South line of said Lot 54, a distance of 87.00 feet to a point on the West line of said Lot 54; thence North 00° 12' 13" East, along the West line of said Lot 54, a distance of 66.51 feet to the point of intersection of the Easterly prolongation of the South line of said Lot 2 with the West line of said Lot 54; thence North 89° 30' 52" West, along the South line of said Lot 2 and its Easterly prolongation thereof, a distance of 327.21 feet to the Southwest corner of said Lot 2; thence North 00° 12' 13" East, along the West lines of said Lots 2 and 1, a distance of 477.05 feet to the Point of Beginning. Containing 6.69 acres, more or less. The bearings used in this description are based on the recorded plat of BRIARWOOD ESTATES WEST SUBDIVISION.

Part 2:

All that part of Kansas State Highway 24-40 right-of-way in the Northeast Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas, that lies North of BRIARWOOD ESTATES WEST SUBDIVISION, a recorded subdivision of land, being bound on the West by the Northerly prolongation of the West line of Lot 1 of said BRIARWOOD ESTATES WEST SUBDIVISION up to the North line of the said Northeast Quarter, and bound on the East by the Northerly prolongation of the East line of Lot 55 of said BRIARWOOD ESTATES WEST SUBDIVISION up to the North line of the said Northeast Quarter. Containing 1.01 acres, more or less.

Sketch:

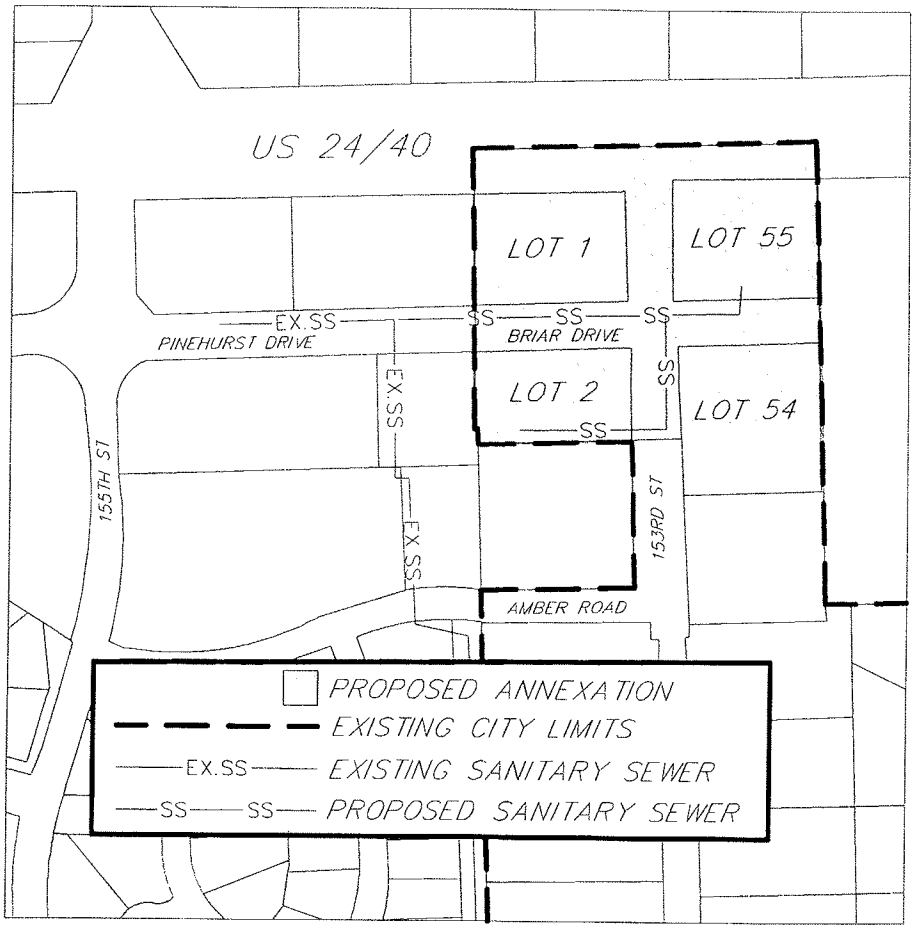

US 24/40
LOT 1
LOT 55
LOT 2
LOT 54
EX.SS
SS
PINEHURST DRIVE
BRIAR DRIVE
155TH ST
153RD ST
AMBER ROAD
PROPOSED ANNEXATION
EXISTING CITY LIMITS
EXISTING SANITARY SEWER
PROPOSED SANITARY SEWER

EXHIBIT B

Report and Plan for Extension of Services

ANNEXATION REPORT FOR LOTS 1, 2, 54, AND 55 OF BRIARWOOD ESTATES WEST SUBDIVISION, INCLUDING THE PLAN FOR EXTENSION OF SERVICES

(K.S.A. 12-520b)

Sketch A- annexation area:

This Annexation Report has been prepared for the Governing Body of the City of Basehor, Kansas concerning the annexation of certain property, described below, into the City. This Report includes a plan for extension of services, as required by K.S.A. 12-520b. The information included in this Report is intended to assist the Governing Body in determining the advisability of annexing the property, and providing information to inform the affected landowners what benefits they will receive and what cost they will incur through the annexation.

Legal Description:
Part 1:

All of Lots 1, 2, and 55, and all that part of Lot 54, and all that part of 153rd Street dedicated for public use, of BRIARWOOD ESTATES WEST SUBDIVISION, a recorded subdivision of land in the Northeast Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 1; thence South 89° 28' 00" East, along the most Northern line of said BRIARWOOD ESTATES WEST SUBDIVISION, a distance of 574.42 feet to the Northeast corner of said Lot 55; thence South 00° 12' 13" West, along the East lines of said Lots 55 and 54, a distance of 549.08 feet to the Southeast corner of said Lot 54; thence North 89° 30' 52" West, along the South line of said Lot 54, a distance of 160.21 feet to the East line of the West 87.00 feet of said Lot 54; thence North 00° 12' 13" East, along the East line of the West 87.00 feet of said Lot 54, a distance of 6.00 feet; thence North 89° 30' 52" West, along a line that is 6.00 feet North of and parallel with the South line of said Lot 54, a distance of 87.00 feet to a point on the West line of said Lot 54; thence North 00° 12' 13" East, along the West line of said Lot 54, a distance of 66.51 feet to the point of intersection of the Easterly prolongation of the South line of said Lot 2 with the West line of said Lot 54; thence North 89° 30' 52" West, along the South line of said Lot 2 and its Easterly prolongation thereof, a distance of 327.21 feet to the Southwest corner of said Lot 2; thence North 00° 12' 13" East, along the West lines of said Lots 2 and 1, a distance of 477.05 feet to the Point of Beginning. Containing 6.69 acres, more or less. The bearings used in this description are based on the recorded plat of BRIARWOOD ESTATES WEST SUBDIVISION.

Part 2:

All that part of Kansas State Highway 24-40 right-of-way in the Northeast Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas, that lies North of BRIARWOOD ESTATES WEST SUBDIVISION, a recorded subdivision of land, being bound on the West by the Northerly prolongation of the West line of Lot 1 of said BRIARWOOD ESTATES WEST SUBDIVISION up to the North line of the said Northeast Quarter, and bound on the East by the Northerly prolongation of the East line of Lot 55 of said BRIARWOOD ESTATES WEST SUBDIVISION up to the North line of the said Northeast Quarter. Containing 1.01 acres, more or less.

A. **Considerations to guide determination of advisability of annexation:**

1. **Extent to Which Any of the Area is Land Devoted to Agricultural Use**
   No land within the proposed lots to be annexed is used for agricultural purposes.

2. **Area of Platted Land Relative to Unplatted Land**
   All of the land within the proposed area to be annexed is platted.

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 proposed area to be annexed is located within the Wolf Creek drainage basin. The area is not currently being served by the City of Basehor's wastewater treatment plant, which is typical of

many lots within the City limits. The lots abut the current city boundary and are within the City's growth management area. The lots to be annexed currently use the same transportation links used by other similar lots in the City limits.

4. **Extent and Age of Residential Development in the Area to be Annexed and Adjacent Land Within the City's Boundaries**

   The lots to be annexed are a part of the Briarwood Estates West Subdivision , which was platted in 1989. The Briarwood Estates West Subdivision abuts the Pinehurst North Subdivision, which is west of the lots to be annexed. The Pinehurst North Subdivsion is located in the City limits and was platted in 2003. It contains commercially zoned lots.

   The lots to be annexed do not include residential development and are zoned commercial. The closest residential property is located approximately 400 feet south of the lots to be annexed, within the Briarwood Estates West Subdivision and was developed in 1989.

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**

   Of the four lots to be annexed, three are occupied by commercial businesses, and one is a vacant lot, zoned for commercial use. Due to the nature of commercial property, no proposed population growth is projected within the lots to be annexed.

6. **Extent of Business, Commercial, and Industrial Development in the Area**

   Of the four lots to be annexed, three are occupied by commercial businesses, and one is a vacant lot, zoned for commercial use. Lot 1 is occupied by a storage business, consisting of four buildings with 96 storage units. Lot 2 is occupied by an automobile repair service and a pet grooming business located within the same building. Lot 55 is occupied by a strip center in which a heating and cooling service, pizzeria, martial arts school, and tavern business are located. The area to be annexed is located along U.S. Highway 24/40. Other businesses providing goods and services are located along U.S. Highway 24/40 within the City limits.

7. **Present Cost, Methods, and Adequacy of Governmental Services and Regulatory Controls in the Area**

   Police Protection – The lots to be annexed are currently served by the Leavenworth County Sheriff's Office ("LVSO"). The LVSO has divided the County into districts for patrolling purposes. The lots to be annexed are located in a district that is bounded by State Avenue on the north, 206th Street to the west, and the County line on the east and south sides. The district contains approximately 72 square miles. There is one officer assigned to each district. An additional officer roams between this district and the district to the west.

   Currently, the LVSO patrol officers have a large coverage area. Once the lots are annexed, the Basehor Police Department will provide police protection. The smaller coverage area of the Basehor Police Department will allow the level of service to increase once the annexation is completed.

The City of Basehor's Police Department currently patrols the streets and property adjoining the lots to be annexed.

Fire Protection – The lots to be annexed are currently served by the Fairmount Township Fire Department ("FTFD"), and will continue to be served by the FTFD after the annexation. The FTFD is a volunteer fire department with over thirty active members. The FTFD is located on 155th Street approximately 2.5 miles north of the proposed annexation area. The FTFD is funded by a 4.596 tax levy (2012 Tax Rate) that is paid by all properties in the Fairmount Township.

The service provided by the FTFD is adequate based upon the rural setting and population of the Fairmont Township.

Wastewater Treatment – The lots to be annexed are not currently serviced by the City's wastewater treatment plan. The lots to be annexed are currently on septic systems which are monitored by Leavenworth County under Kansas Department of Health and Environment regulations.

Street Maintenance – The roads within the proposed annexation area are maintained by the Leavenworth County Public Works Department ("CPWD"). The CPWD maintains 770 miles of county roads. The majority of the roads, approximately 66%, are unpaved.

The total budget for the CPWD was approximately $8,272,673 in 2012. On a per mile basis the County spends over $10,743/mile/year on road maintenance. The CPWD receives the majority of its funding, around 55%, through property taxes. All residents within the County, including those incorporated cities, pay 10.352 mills (2012 Tax Rate) to the County Road & Bridge Fund. Residents outside of the City pay any additional township mil levy for township roads. The 2012 tax rate for Fairmount Township county roads was 7.491 mils.

Trash Service – The lots to be annexed are individually responsible for their own trash service needs and agreements with trash service providers. This arrangement will not change once the annexation is completed.

Domestic Water – Domestic water service is provided by Suburban Water, Inc. No change in water service will occur once the annexation is completed.

Regulatory Controls – The Leavenworth County Board of County Commissioners ("BOCC") currently regulates this area. Land use issues within the area must be heard by the Leavenworth County Planning Commission ("PC"). The PC makes recommendations to the BOCC on land use issues. Leavenworth County issues building permits for the area, but no building codes have been adopted by County.

8. **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**

Police Protection – The City of Basehor Police Department (the "Department") divides the City into two Districts for patrolling purposes. The Department has a North and a South district with

Parallel Street as the dividing line. The North District covers approximately 3.5 square miles of area while the South District covers approximately 3.30 square miles. The lots to be annexed would be located in the South District once annexation is complete. The Department has one officer assigned to each District at all times. Officers with the Department currently drive through the annexation area on a routine basis while patrolling the surrounding homes within the subdivision. The increase in cost to the Department to patrol the area will be negligible because the lots to be annexed are adjacent to the current City limits, and officers are already in the area. The Department is primarily funded through property taxes. In 2013 the Department will receive $824,763 from the City's General Fund. This equates to 38% of the City General Fund. According to the Department's 2013 budget and the Department's coverage area, approximately $190/acre is spent by the City on police protection. The lots to be annexed are the equivalent of 6.4 acres of land. The anticipated increased cost to the City to provide police protection to this area is $798.

Fire Protection – The lots to be annexed and the City of Basehor are both located in Fairmount Township. No change in fire protection will occur once the annexation is complete.

Wastewater Treatment –The City plans to extend the sewer system to Lots 2, 54 and 55. The extension of sewer will be financed out of the City's general fund, with the possibility of a bond issue. The owners of Lots 2, 54, and 55 will enter into annexation agreements with the City in which they will agree to pay the costs of extension of sewers over an agreed upon time period. It is estimated that the sewer extension will cost $120,000, which will be split evenly between the three property owners. It is anticipated that the extension of sewer services will be completed within three years.

Street Maintenance – The City of Basehor Public Works Department ("PWD") maintains approximately 47 miles of roadway within the City limits. The 2013 budget includes $207,515 for the "PWD" and $890,000 for the Consolidated Highway Fund. The Consolidated Highway Fund is used for street maintenance and repair, the pavement management plan, as well as salt and sand. On a per mile basis the City spends $23,351/mile/year on maintaining roads. The lots to be annexed contain approximately 0.11 miles. The additional cost to the City for street maintenance once the annexation is complete will be negligible.

Trash Service – The lots to be annexed are commercially zoned. The City of Basehor does not provide or control commercial trash services. There will be no additional cost to the City once the annexation is complete.

Domestic Water – Domestic water service is provided by Suburban Water, Inc. No change in water service will occur once the annexation is complete.

Regulatory Controls – The City of Basehor Planning Commission and City Council would regulate the lots to be annexed.

The County assessed valuation of the four lots in 2012 was $1,760,550. Using the City's 2013 mil levy rate of 29.407 the City would collect $9,222 from the lots. These funds would be used to fund the public services provided to the lots by the City of Basehor.

9. **Tax Impact Upon Property in the City and the Area**

There will be no current tax impact on the taxpayers in the City of Basehor. The property owners of the lots to be annexed will see an approximate 22% increase in their taxes. The following table shows the 2013 tax levies for the Leavenworth County and the City of Basehor:

	City of Basehor	Leavenworth County
State	1.5	1.5
County	36.514	36.514
Basehor City	29.407	
Fairmount Township	4.596	13.05
School - USD 458	61.395	61.395
Basehor Library	7.142	7.142
Total	**140.554**	**119.601**

The following table shows the change in property taxes for each lot to be annexed:

Property Tax

PROPERTY ADDRESS	Existing Property Tax w/City	Property Tax	Property Tax Change
15395 Briar Road	$15,150	$17,804	$2,654
15394 Briar Road	$13,556	$15,931	$2,375
15208 153rd Street	$19,237	$22,608	$3,370
Parcel ID: 1811100000002930	$4,696	$5,518	$822

Based on 2013 Leavenworth County Tax Rates

The property owners of the lots to be annexed will be subject to franchise tax associated with public services within the City. The following table shows franchise taxes per service:

	% of Gross Revenue
Westar Energy	3
Atmos Energy	3
Suburban Water	5
Knology	3
AT&T	3
Southwestern Bell	3

10. **Extent to Which the Residents in the Area are Directly or Indirectly Dependent Upon the City for Governmental Services and for Social, Economic, Employment, Cultural, and Recreational Opportunities and Resources.**
Of the four lots to be annexed, three are occupied by commercial businesses, and one is a vacant lot, zoned for commercial use. The lots to be annexed are partially dependent on the City's transportation links for economic purposes. It is anticipated that the employment base for the businesses in the annexation area is mostly located within the City. In addition, employees would find most of their social, cultural and recreational opportunities within the City.

11. **Effect of the Proposed Annexation on the City and Other Adjacent Areas, Including, but not Limited to, Other Cities, Sewer and Water Districts, Improvement Districts, Townships or Industrial Districts and, Subject to the Provisions of K.S.A 12-512a, and Amendments Thereto, Fire Districts**
The annexation will have no impact on other cities, water district, improvement district, township, or fire district. Currently, Lot 2 and 55 utilize septic tanks. Once the sewer infrastructure is constructed, and the appropriate connections have been performed for each lot, and each lot has paid their obligation to the City, the sewer rates for the lots will be established at the current City sewer rates.

12. **Existing petition for Incorporation of the Area as a New City or for the Creation of a Special District**
There are no known existing petitions.

13. **Likelihood of Significant Growth in the Area and in Adjacent Areas During the Next Five Years**
The lots to be annexed are developed with commercial businesses, with the exception of one lot. The lots to be annexed abut commercial, multifamily, and residential lots.

Leavenworth County Sewer District #3 has closed its sewage lagoon by connecting the district's system to the City of Basehor's sewage system. A new gravity sewer line was constructed across undeveloped ground east of Glenwood Estates Subdivision. This line will open over sixty acres of land for development. A middle school was constructed in 2010 located near the west side of

158th Street directly west of Glenwood Elementary School. In 2011, the City was awarded matching dollars thru the Kansas Department of Transportation ("KDOT") to construct Wolf Creek Parkway (158th Street to 155th Street). In 2012, the City was awarded matching dollars thru KDOT to reconstruct 155th Street (US 24/40 to Wolf Creek Parkway) and 158th Street (US 24/40 to Wolf Creek Parkway). Also in 2012, KDOT is constructing a traffic light and capacity improvements at the intersection of 158th Street and US 24/40.

The likelihood of additional growth in the surrounding area is high.

14. **Effect of Annexation Upon the Utilities Providing Service to the Area and the Ability of Those Utilities to Provide Those Services Shown in the Detailed Plan**
The utility providers will not change due to the proposed annexation. Currently, Lot 2 and 55 utilize septic tanks. Once the sewer infrastructure is constructed, and the appropriate connections have been performed for each lot, and each lot has paid their obligation to the City, the sewer rates for the parcels lots will be established at the current City sewer rates.

15. **Economic Impact on the Area**
Other than the City fees, sanitary sewer obligations, and taxes discussed above, there will be no economic impact on the lots to be annexed. The economic impact on the area surrounding the lots to be annexed will be minimal. Of the four lots to be annexed, three are occupied by commercial businesses, and one is a vacant lot, zoned for commercial use. The sales taxes generated by the businesses, along with the property taxes, will offset any negative economic impact and will more likely have a beneficial economic impact on the area.

16. **Wasteful Duplication of Services**
There will be no duplication of services.

B. Plan for Extension of Services

Refer to Sketch A, which shows the proposed area to be annexed along with the existing City limits. The public roadways and City utility lines are also shown. The land use pattern within the area to be annexed is commercial.

The following information outlines how each major municipal service will be affected by the proposed annexation:

1. **Police Protection** – Upon annexation of the area police protection will be assumed by the City of Basehor Police Department. The police department is primarily funded through property taxes. The City of Basehor's Police Department to date patrols the adjoining lots (Lot 1 and Lot 2), Pinehurst Drive and 155th Street. Since police officers are regularly in the area the additional costs to the department will be minimal. Any additional costs for police protection will be paid for by the City's general fund. Extension of police service will occur immediately once the annexation is complete.

2. **Fire Protection** – The lots to be annexed and the City of Basehor are located in Fairmount Township. The township is served by the Fairmount Township Fire Department. The fire

department is funded by a tax levy paid by all properties within the Township. No additional cost will be incurred by residents within the lots to be annexed or current City limits due to the annexation, and fire protection services will continue, uninterrupted.

3. **Wastewater Treatment** - The City plans to extend the sewer system to Lots 2, 54 and 55. The extension of sewer will be financed out of the City's general fund, with the possibility of a bond issue. The owners of Lots 2, 54, and 55 will enter into annexation agreements with the City in which they will agree to pay the costs of extension of sewers over an agreed upon time period. It is estimated that the sewer extension will cost $120,000, which will be split evenly between the three property owners. It is anticipated that the extension of sewer services will be completed within three years.

4. **Street Maintenance** – Upon annexation of the area street maintenance will be assumed by the City of Basehor Public Works Department (PWD). The PWD maintains approximately 47 miles of roadway within the City limits. The proposed annexation contains approximately 0.11 miles. The additional cost to the City will be negligible. Extension of street maintenance services will occur immediately once the annexation is complete.

5. **Domestic Water** – Domestic water service is provided by Suburban Water, Inc. No change in water service will occur once the annexation is complete.

6. **Franchise Taxes** – Franchise tax will be collected for Westar Energy, Atmos Energy, Suburban Water, Knology, AT&T, and Southwestern Bell services once the annexation is complete.

City of Basehor

Agenda Item Cover Sheet

Agenda Item No. 2

Topic:
Ordinance 622 - Annexation of Lots 1, 2, 54, and 55 of Briarwood Estates West Subdivision.

Action Requested:
Consider the adoption of Ordinance 622.

Narrative:
June 4th, 2012, City Council directed Staff to prepare a report regarding the feasibility of annexing Lots 1, 2, 54, and 55 of Briarwood Estates West Subdivision.

November 19th, 2012, City Council approved a plan for extension of services and a public hearing date to consider the annexation of Lots 1, 2, 54, and 55 of Briarwood Estates West Subdivision.

November 26th, 2012, Staff sent required information to stakeholders, including Leavenworth County, regarding the proposed annexation as required.

November 29th, 2012, Leavenworth County contacted the City to discuss adding additional right-of-way to the annexation. Staff concluded the additional right-of-way would be contiguous to the existing City limits.

December 17th, 2012, the City Council approved Resolution 2012-29 to revise the legal description and set a public hearing date of February 19, 2013 as part of the process in the proposed annexation of Lots 1, 2, 54, and 55 of Briarwood Estates West Subdivision. A copy of the resolution providing for a public hearing and plan was certified mailed, within ten (10) days of approval of the resolution, to property owners proposed to be annexed, County Commissioners, County Planning Commission, Fairmount Township, appropriate utility and service representatives, USD #458, and Basehor Community Library. Resolution 2012-29 was published in the Basehor Sentinel on February 7th, 2013.

Presented by: Mitch Pleak, City Engineer
Administration Recommendation:
Adopt Ordinance 622.
Attachments:
Ordinance 622 (4 pages)
Resolution 2012-29 (15 pages)
Projector needed for this item? No

ORDINANCE NO. 622

AN ORDINANCE ANNEXING LOTS 1,2,54 AND 55 OF BRIARWOOD ESTATES WEST SUBDIVISION INTO THE CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS.

WHEREAS, the City of Basehor, Kansas, did by Resolution No. 2012-22, declare its desire to consider the annexation of Lots 1, 2, 54 and 55 of Briarwood Estates West Subdivision, further described in the legal description and sketch attached as Exhibit A, pursuant to K.S.A. 12-520a and K.S.A. 12-520b; and

WHEREAS, the Governing Body of the City of Basehor, Kansas has approved a Report and Plan for Extension of Services in accordance with K.S.A. 12-520a and K.S.A. 12-520b with the adoption of Resolution No. 2012-21, and which Report and Plan for Extension of Services is on file and available for inspection in the City Clerk's office during normal business hours; and

WHEREAS, on February 19, 2013, the Governing Body considered the annexation of Lots 1, 2, 54 and 55 of Briarwood Estates West Subdivision, further described in the legal description and sketch attached as Exhibit A, pursuant to K.S.A. 12-520a and K.S.A. 12-520b, and a public hearing was held in accordance with state law; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS AS FOLLOWS:

Section 1. That, after consideration of the criteria set forth in K.S.A. 520a(e), the Governing Body finds that the annexation of Lots 1, 2, 54 and 55 of Briarwood Estates West Subdivision, further described in the legal description and sketch attached as Exhibit A, is advisable and in the public interest.

Section 2. That in accordance with the Governing Body's finding, Lots 1, 2, 54 and 55 of Briarwood Estates West Subdivision, further described in the legal description and sketch attached as Exhibit A, hereby be annexed into the City of Basehor, Kansas.

Section 3. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional, or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

Section 4. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

ADOPTED by the Governing Body this ___ day of _____, 2013.

APPROVED by the Mayor this ___ day of _____, 2013.

[SEAL]

_____
David K. Breuer, Mayor

ATTEST:

_____
Corey Swisher, City Clerk

APPROVED AS TO FORM:

_____
Shannon M. Marcano, City Attorney

EXHIBIT A

Legal Description and Sketch

Legal Description:

Part 1:

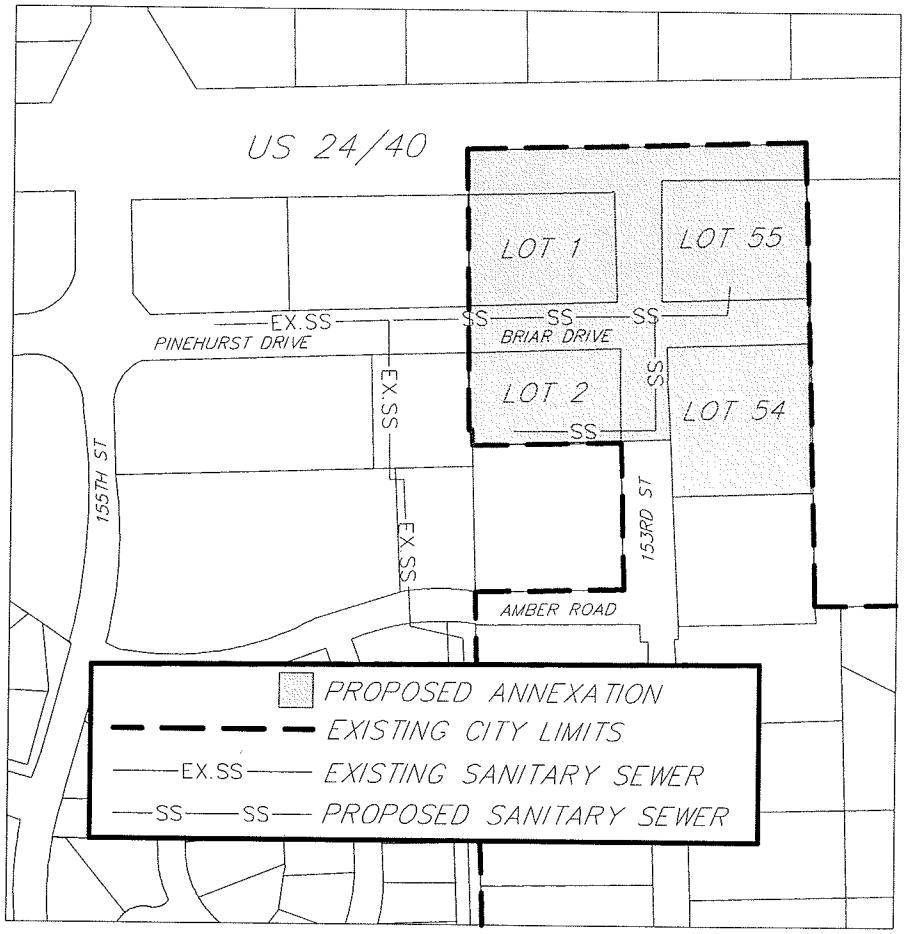
All of Lots 1, 2, and 55, and all that part of Lot 54, and all that part of 153rd Street dedicated for public use, of BRIARWOOD ESTATES WEST SUBDIVISION, a recorded subdivision of land in the Northeast Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 1; thence South 89° 28' 00" East, along the most Northern line of said BRIARWOOD ESTATES WEST SUBDIVISION, a distance of 574.42 feet to the Northeast corner of said Lot 55; thence South 00° 12' 13" West, along the East lines of said Lots 55 and 54, a distance of 549.08 feet to the Southeast corner of said Lot 54; thence North 89° 30' 52" West, along the South line of said Lot 54, a distance of 160.21 feet to the East line of the West 87.00 feet of said Lot 54; thence North 00° 12' 13" East, along the East line of the West 87.00 feet of said Lot 54, a distance of 6.00 feet; thence North 89° 30' 52" West, along a line that is 6.00 feet North of and parallel with the South line of said Lot 54, a distance of 87.00 feet to a point on the West line of said Lot 54; thence North 00° 12' 13" East, along the West line of said Lot 54, a distance of 66.51 feet to the point of intersection of the Easterly prolongation of the South line of said Lot 2 with the West line of said Lot 54; thence North 89° 30' 52" West, along the South line of said Lot 2 and its Easterly prolongation thereof, a distance of 327.21 feet to the Southwest corner of said Lot 2; thence North 00° 12' 13" East, along the West lines of said Lots 2 and 1, a distance of 477.05 feet to the Point of Beginning. Containing 6.69 acres, more or less. The bearings used in this description are based on the recorded plat of BRIARWOOD ESTATES WEST SUBDIVISION.

Part 2:

All that part of Kansas State Highway 24-40 right-of-way in the Northeast Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas, that lies North of BRIARWOOD ESTATES WEST SUBDIVISION, a recorded subdivision of land, being bound on the West by the Northerly prolongation of the West line of Lot 1 of said BRIARWOOD ESTATES WEST SUBDIVISION up to the North line of the said Northeast Quarter, and bound on the East by the Northerly prolongation of the East line of Lot 55 of said BRIARWOOD ESTATES WEST SUBDIVISION up to the North line of the said Northeast Quarter. Containing 1.01 acres, more or less.

Sketch:


US 24/40
LOT 1
LOT 55
LOT 2
LOT 54
EX.SS
SS
PINEHURST DRIVE
BRIAR DRIVE
155TH ST
153RD ST
AMBER ROAD
PROPOSED ANNEXATION
EXISTING CITY LIMITS
EX.SS EXISTING SANITARY SEWER
SS SS PROPOSED SANITARY SEWER

RESOLUTION NO. 2012-29

A RESOLUTION REVISING THE LEGAL DESCRIPTION AND SETTING A PUBLIC HEARING TO CONSIDER THE ANNEXATION OF LOTS 1, 2, 54 AND 55 OF BRIARWOOD ESTATES WEST SUBDIVISION, IN BASEHOR, LEAVENWORTH COUNTY, KANSAS

WHEREAS, the Governing Body of the City of Basehor, Kansas, approved a Report and Plan for Extension of Services in accordance with K.S.A. 12-520a and K.S.A. 12-520b on November 19, 2012, and which Report and Plan for Extension of Services is on file and available for inspection in the City Clerk's office during normal business hours; and

WHEREAS, K.S.A. 12-520(a)(1) requires that the property proposed to be annexed adjoins the City of Basehor; and

WHEREAS, the legal description for the property proposed to be annexed must be revised to reflect that the property proposed to be annexed adjoins the City of Basehor; and

WHEREAS, the Report and Plan for Extension of Services must reflect the revised legal description, but will not change in form or substance; and

WHEREAS, the public hearing to consider the annexation must be rescheduled so that the proper procedures are followed for the annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF BASEHOR, KANSAS:

Section 1. That the Governing Body of the City of Basehor, Kansas, wishes to revise the legal description and sketch of the property proposed to be annexed to reflect that the property proposed to be annexed adjoins the City of Basehor, attached as **Exhibit A**.

Section 2. That the Governing Body of the City of Basehor, Kansas, adopts the Report and Plan for Extension of Services with the revised annexation, but no change in form or substance, attached as **Exhibit B**.

Section 3. That in accordance with K.S.A. 12-521a, and to properly consider the proposed annexation of Lots 1, 2, 54 and 55 of Briarwood Estates West Subdivision, further described in the legal description and sketch attached as **Exhibit A**, the Governing Body orders the following:

a. A public hearing on the proposed annexation will be held on February 19, 2013, beginning at 7 p.m. at Basehor City Hall, located at 2620 N. 155th St, Basehor, Kansas for the determination of the advisability of the proposed annexation.

b. A copy of this resolution, and a sketch of the land proposed to be annexed, shall be sent by certified mail to each owner of land proposed to be annexed not more than 10 days following the date of the adoption of the resolution

c. A copy of this resolution, and a sketch of the land proposed to be annexed, shall be published in the official City newspaper not less than one week, but no more than two weeks, preceding the date fixed for the public hearing.

d. A copy of this resolution shall also be sent, no later than ten days following its adoption, by certified mail to the following (if applicable):

1. The board of county commissioners.

2. The governing body of any township where the land to be annexed is located.

3. Any special assessment district or governmental unit providing municipal services to the area proposed to be annexed including, but not limited to, sewer districts, rural water districts, fire districts, or improvement districts.

4. Any utilities having facilities within the area proposed to be annexed.

5. The governing body of any school district in the area proposed to be annexed.

6. Any city, county, township or joint planning commission having jurisdiction over the area proposed to be annexed.

7. Any other political or taxing subdivision located within the area proposed to be annexed.

Section 4. That at the public hearing, a representative of the City of Basehor will present the City's proposal for annexation, including the City's Report and Plan for Extension of Services to the area proposed to be annexed. In determining the advisability of the annexation, the Governing Body will consider the criteria set forth in K.S.A. 520a(e).

Section 5. That this resolution shall be effective upon its adoption by the Governing Body of the City of Basehor, Kansas.

ADOPTED by the Governing Body this 17th day of December, 2012.

APPROVED by the Mayor this 17th day of December, 2012.

[SEAL] SEAL OF THE CITY OF BASEHOR, KANSAS CORPORATE SEAL

David K. Breuer, Mayor

ATTEST:

Corey Swisher, City Clerk

APPROVED AS TO FORM:

Shannon M. Marcano, City Attorney

EXHIBIT A

Legal Description and Sketch

Part 1:

All of Lots 1, 2, and 55, and all that part of Lot 54, and all that part of 153rd Street dedicated for public use, of BRIARWOOD ESTATES WEST SUBDIVISION, a recorded subdivision of land in the Northeast Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 1; thence South 89° 28' 00" East, along the most Northern line of said BRIARWOOD ESTATES WEST SUBDIVISION, a distance of 574.42 feet to the Northeast corner of said Lot 55; thence South 00° 12' 13" West, along the East lines of said Lots 55 and 54, a distance of 549.08 feet to the Southeast corner of said Lot 54; thence North 89° 30' 52" West, along the South line of said Lot 54, a distance of 160.21 feet to the East line of the West 87.00 feet of said Lot 54; thence North 00° 12' 13" East, along the East line of the West 87.00 feet of said Lot 54, a distance of 6.00 feet; thence North 89° 30' 52" West, along a line that is 6.00 feet North of and parallel with the South line of said Lot 54, a distance of 87.00 feet to a point on the West line of said Lot 54; thence North 00° 12' 13" East, along the West line of said Lot 54, a distance of 66.51 feet to the point of intersection of the Easterly prolongation of the South line of said Lot 2 with the West line of said Lot 54; thence North 89° 30' 52" West, along the South line of said Lot 2 and its Easterly prolongation thereof, a distance of 327.21 feet to the Southwest corner of said Lot 2; thence North 00° 12' 13" East, along the West lines of said Lots 2 and 1, a distance of 477.05 feet to the Point of Beginning. Containing 6.69 acres, more or less. The bearings used in this description are based on the recorded plat of BRIARWOOD ESTATES WEST SUBDIVISION.

Part 2:

All that part of Kansas State Highway 24-40 right-of-way in the Northeast Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas, that lies North of BRIARWOOD ESTATES WEST SUBDIVISION, a recorded subdivision of land, being bound on the West by the Northerly prolongation of the West line of Lot 1 of said BRIARWOOD ESTATES WEST SUBDIVISION up to the North line of the said Northeast Quarter, and bound on the East by the Northerly prolongation of the East line of Lot 55 of said BRIARWOOD ESTATES WEST SUBDIVISION up to the North line of the said Northeast Quarter. Containing 1.01 acres, more or less.

Sketch:

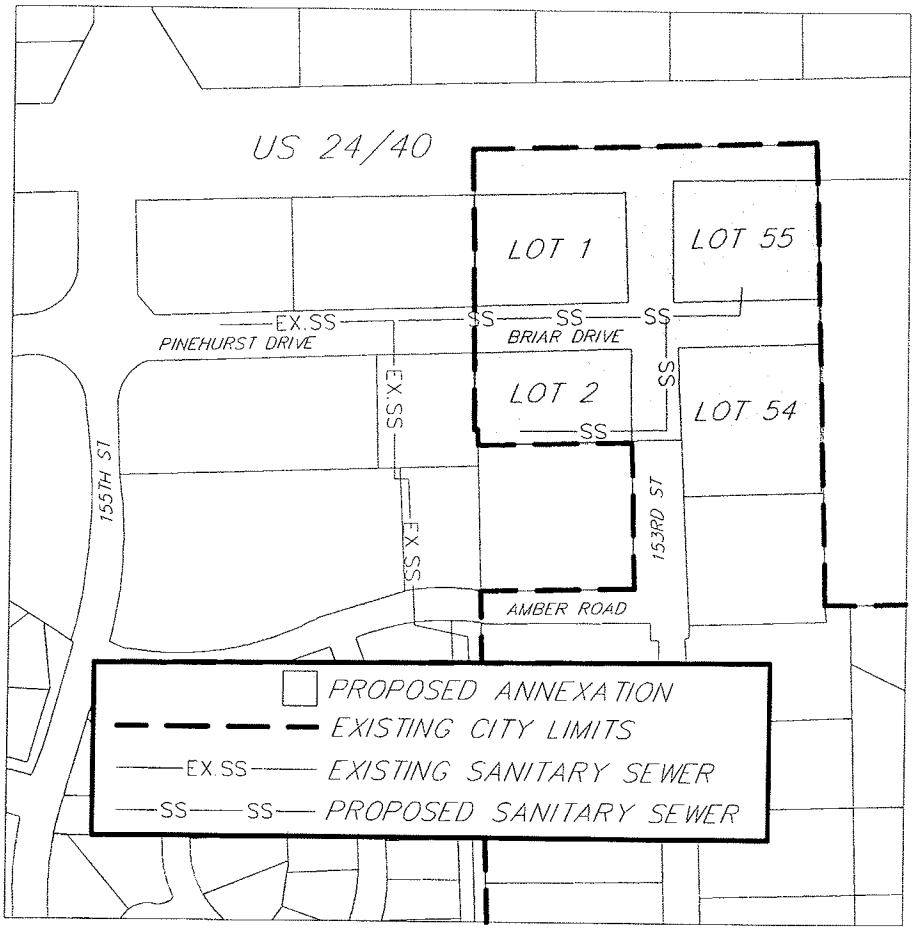

US 24/40
LOT 1
LOT 55
LOT 2
LOT 54
EX.SS
SS
PINEHURST DRIVE
BRIAR DRIVE
155TH ST
153RD ST
AMBER ROAD
PROPOSED ANNEXATION
EXISTING CITY LIMITS
EXISTING SANITARY SEWER
PROPOSED SANITARY SEWER

EXHIBIT B

Report and Plan for Extension of Services

ANNEXATION REPORT FOR LOTS 1, 2, 54, AND 55 OF BRIARWOOD ESTATES WEST SUBDIVISION, INCLUDING THE PLAN FOR EXTENSION OF SERVICES

(K.S.A. 12-520b)

Sketch A- annexation area:

This Annexation Report has been prepared for the Governing Body of the City of Basehor, Kansas concerning the annexation of certain property, described below, into the City. This Report includes a plan for extension of services, as required by K.S.A. 12-520b. The information included in this Report is intended to assist the Governing Body in determining the advisability of annexing the property, and providing information to inform the affected landowners what benefits they will receive and what cost they will incur through the annexation.

Legal Description:
Part 1:

All of Lots 1, 2, and 55, and all that part of Lot 54, and all that part of 153rd Street dedicated for public use, of BRIARWOOD ESTATES WEST SUBDIVISION, a recorded subdivision of land in the Northeast Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 1; thence South 89° 28' 00" East, along the most Northern line of said BRIARWOOD ESTATES WEST SUBDIVISION, a distance of 574.42 feet to the Northeast corner of said Lot 55; thence South 00° 12' 13" West, along the East lines of said Lots 55 and 54, a distance of 549.08 feet to the Southeast corner of said Lot 54; thence North 89° 30' 52" West, along the South line of said Lot 54, a distance of 160.21 feet to the East line of the West 87.00 feet of said Lot 54; thence North 00° 12' 13" East, along the East line of the West 87.00 feet of said Lot 54, a distance of 6.00 feet; thence North 89° 30' 52" West, along a line that is 6.00 feet North of and parallel with the South line of said Lot 54, a distance of 87.00 feet to a point on the West line of said Lot 54; thence North 00° 12' 13" East, along the West line of said Lot 54, a distance of 66.51 feet to the point of intersection of the Easterly prolongation of the South line of said Lot 2 with the West line of said Lot 54; thence North 89° 30' 52" West, along the South line of said Lot 2 and its Easterly prolongation thereof, a distance of 327.21 feet to the Southwest corner of said Lot 2; thence North 00° 12' 13" East, along the West lines of said Lots 2 and 1, a distance of 477.05 feet to the Point of Beginning. Containing 6.69 acres, more or less. The bearings used in this description are based on the recorded plat of BRIARWOOD ESTATES WEST SUBDIVISION.

Part 2:

All that part of Kansas State Highway 24-40 right-of-way in the Northeast Quarter of Section 11, Township 11 South, Range 22 East, in Leavenworth County, Kansas, that lies North of BRIARWOOD ESTATES WEST SUBDIVISION, a recorded subdivision of land, being bound on the West by the Northerly prolongation of the West line of Lot 1 of said BRIARWOOD ESTATES WEST SUBDIVISION up to the North line of the said Northeast Quarter, and bound on the East by the Northerly prolongation of the East line of Lot 55 of said BRIARWOOD ESTATES WEST SUBDIVISION up to the North line of the said Northeast Quarter. Containing 1.01 acres, more or less.

A. **Considerations to guide determination of advisability of annexation:**

1. **Extent to Which Any of the Area is Land Devoted to Agricultural Use**
   No land within the proposed lots to be annexed is used for agricultural purposes.

2. **Area of Platted Land Relative to Unplatted Land**
   All of the land within the proposed area to be annexed is platted.

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 proposed area to be annexed is located within the Wolf Creek drainage basin. The area is not currently being served by the City of Basehor's wastewater treatment plant, which is typical of

many lots within the City limits. The lots abut the current city boundary and are within the City's growth management area. The lots to be annexed currently use the same transportation links used by other similar lots in the City limits.

4. **Extent and Age of Residential Development in the Area to be Annexed and Adjacent Land Within the City's Boundaries**

   The lots to be annexed are a part of the Briarwood Estates West Subdivision , which was platted in 1989. The Briarwood Estates West Subdivision abuts the Pinehurst North Subdivision, which is west of the lots to be annexed. The Pinehurst North Subdivsion is located in the City limits and was platted in 2003. It contains commercially zoned lots.

   The lots to be annexed do not include residential development and are zoned commercial. The closest residential property is located approximately 400 feet south of the lots to be annexed, within the Briarwood Estates West Subdivision and was developed in 1989.

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**

   Of the four lots to be annexed, three are occupied by commercial businesses, and one is a vacant lot, zoned for commercial use. Due to the nature of commercial property, no proposed population growth is projected within the lots to be annexed.

6. **Extent of Business, Commercial, and Industrial Development in the Area**

   Of the four lots to be annexed, three are occupied by commercial businesses, and one is a vacant lot, zoned for commercial use. Lot 1 is occupied by a storage business, consisting of four buildings with 96 storage units. Lot 2 is occupied by an automobile repair service and a pet grooming business located within the same building. Lot 55 is occupied by a strip center in which a heating and cooling service, pizzeria, martial arts school, and tavern business are located. The area to be annexed is located along U.S. Highway 24/40. Other businesses providing goods and services are located along U.S. Highway 24/40 within the City limits.

7. **Present Cost, Methods, and Adequacy of Governmental Services and Regulatory Controls in the Area**

   Police Protection – The lots to be annexed are currently served by the Leavenworth County Sheriff's Office ("LVSO"). The LVSO has divided the County into districts for patrolling purposes. The lots to be annexed are located in a district that is bounded by State Avenue on the north, 206th Street to the west, and the County line on the east and south sides. The district contains approximately 72 square miles. There is one officer assigned to each district. An additional officer roams between this district and the district to the west.

   Currently, the LVSO patrol officers have a large coverage area. Once the lots are annexed, the Basehor Police Department will provide police protection. The smaller coverage area of the Basehor Police Department will allow the level of service to increase once the annexation is completed.

The City of Basehor's Police Department currently patrols the streets and property adjoining the lots to be annexed.

Fire Protection – The lots to be annexed are currently served by the Fairmount Township Fire Department ("FTFD"), and will continue to be served by the FTFD after the annexation. The FTFD is a volunteer fire department with over thirty active members. The FTFD is located on 155th Street approximately 2.5 miles north of the proposed annexation area. The FTFD is funded by a 4.596 tax levy (2012 Tax Rate) that is paid by all properties in the Fairmount Township.

The service provided by the FTFD is adequate based upon the rural setting and population of the Fairmont Township.

Wastewater Treatment – The lots to be annexed are not currently serviced by the City's wastewater treatment plan. The lots to be annexed are currently on septic systems which are monitored by Leavenworth County under Kansas Department of Health and Environment regulations.

Street Maintenance – The roads within the proposed annexation area are maintained by the Leavenworth County Public Works Department ("CPWD"). The CPWD maintains 770 miles of county roads. The majority of the roads, approximately 66%, are unpaved.

The total budget for the CPWD was approximately $8,272,673 in 2012. On a per mile basis the County spends over $10,743/mile/year on road maintenance. The CPWD receives the majority of its funding, around 55%, through property taxes. All residents within the County, including those incorporated cities, pay 10.352 mills (2012 Tax Rate) to the County Road & Bridge Fund. Residents outside of the City pay any additional township mil levy for township roads. The 2012 tax rate for Fairmount Township county roads was 7.491 mils.

Trash Service – The lots to be annexed are individually responsible for their own trash service needs and agreements with trash service providers. This arrangement will not change once the annexation is completed.

Domestic Water – Domestic water service is provided by Suburban Water, Inc. No change in water service will occur once the annexation is completed.

Regulatory Controls – The Leavenworth County Board of County Commissioners ("BOCC") currently regulates this area. Land use issues within the area must be heard by the Leavenworth County Planning Commission ("PC"). The PC makes recommendations to the BOCC on land use issues. Leavenworth County issues building permits for the area, but no building codes have been adopted by County.

8. **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**

Police Protection – The City of Basehor Police Department (the "Department") divides the City into two Districts for patrolling purposes. The Department has a North and a South district with

Parallel Street as the dividing line. The North District covers approximately 3.5 square miles of area while the South District covers approximately 3.30 square miles. The lots to be annexed would be located in the South District once annexation is complete. The Department has one officer assigned to each District at all times. Officers with the Department currently drive through the annexation area on a routine basis while patrolling the surrounding homes within the subdivision. The increase in cost to the Department to patrol the area will be negligible because the lots to be annexed are adjacent to the current City limits, and officers are already in the area. The Department is primarily funded through property taxes. In 2013 the Department will receive $824,763 from the City's General Fund. This equates to 38% of the City General Fund. According to the Department's 2013 budget and the Department's coverage area, approximately $190/acre is spent by the City on police protection. The lots to be annexed are the equivalent of 6.4 acres of land. The anticipated increased cost to the City to provide police protection to this area is $798.

Fire Protection – The lots to be annexed and the City of Basehor are both located in Fairmount Township. No change in fire protection will occur once the annexation is complete.

Wastewater Treatment –The City plans to extend the sewer system to Lots 2, 54 and 55. The extension of sewer will be financed out of the City's general fund, with the possibility of a bond issue. The owners of Lots 2, 54, and 55 will enter into annexation agreements with the City in which they will agree to pay the costs of extension of sewers over an agreed upon time period. It is estimated that the sewer extension will cost $120,000, which will be split evenly between the three property owners. It is anticipated that the extension of sewer services will be completed within three years.

Street Maintenance – The City of Basehor Public Works Department ("PWD") maintains approximately 47 miles of roadway within the City limits. The 2013 budget includes $207,515 for the "PWD" and $890,000 for the Consolidated Highway Fund. The Consolidated Highway Fund is used for street maintenance and repair, the pavement management plan, as well as salt and sand. On a per mile basis the City spends $23,351/mile/year on maintaining roads. The lots to be annexed contain approximately 0.11 miles. The additional cost to the City for street maintenance once the annexation is complete will be negligible.

Trash Service – The lots to be annexed are commercially zoned. The City of Basehor does not provide or control commercial trash services. There will be no additional cost to the City once the annexation is complete.

Domestic Water – Domestic water service is provided by Suburban Water, Inc. No change in water service will occur once the annexation is complete.

Regulatory Controls – The City of Basehor Planning Commission and City Council would regulate the lots to be annexed.

The County assessed valuation of the four lots in 2012 was $1,760,550. Using the City's 2013 mil levy rate of 29.407 the City would collect $9,222 from the lots. These funds would be used to fund the public services provided to the lots by the City of Basehor.

9. **Tax Impact Upon Property in the City and the Area**

There will be no current tax impact on the taxpayers in the City of Basehor. The property owners of the lots to be annexed will see an approximate 22% increase in their taxes. The following table shows the 2013 tax levies for the Leavenworth County and the City of Basehor:

	City of Basehor	Leavenworth County
State	1.5	1.5
County	36.514	36.514
Basehor City	29.407	
Fairmount Township	4.596	13.05
School - USD 458	61.395	61.395
Basehor Library	7.142	7.142
Total	**140.554**	**119.601**

The following table shows the change in property taxes for each lot to be annexed:

Property Tax

PROPERTY ADDRESS	Existing Property Tax w/City	Property Tax	Property Tax Change
15395 Briar Road	$15,150	$17,804	$2,654
15394 Briar Road	$13,556	$15,931	$2,375
15208 153rd Street	$19,237	$22,608	$3,370
Parcel ID: 1811100000002930	$4,696	$5,518	$822

Based on 2013 Leavenworth County Tax Rates

The property owners of the lots to be annexed will be subject to franchise tax associated with public services within the City. The following table shows franchise taxes per service:

	% of Gross Revenue
Westar Energy	3
Atmos Energy	3
Suburban Water	5
Knology	3
AT&T	3
Southwestern Bell	3

10. **Extent to Which the Residents in the Area are Directly or Indirectly Dependent Upon the City for Governmental Services and for Social, Economic, Employment, Cultural, and Recreational Opportunities and Resources.**
Of the four lots to be annexed, three are occupied by commercial businesses, and one is a vacant lot, zoned for commercial use. The lots to be annexed are partially dependent on the City's transportation links for economic purposes. It is anticipated that the employment base for the businesses in the annexation area is mostly located within the City. In addition, employees would find most of their social, cultural and recreational opportunities within the City.

11. **Effect of the Proposed Annexation on the City and Other Adjacent Areas, Including, but not Limited to, Other Cities, Sewer and Water Districts, Improvement Districts, Townships or Industrial Districts and, Subject to the Provisions of K.S.A 12-512a, and Amendments Thereto, Fire Districts**
The annexation will have no impact on other cities, water district, improvement district, township, or fire district. Currently, Lot 2 and 55 utilize septic tanks. Once the sewer infrastructure is constructed, and the appropriate connections have been performed for each lot, and each lot has paid their obligation to the City, the sewer rates for the lots will be established at the current City sewer rates.

12. **Existing petition for Incorporation of the Area as a New City or for the Creation of a Special District**
There are no known existing petitions.

13. **Likelihood of Significant Growth in the Area and in Adjacent Areas During the Next Five Years**
The lots to be annexed are developed with commercial businesses, with the exception of one lot. The lots to be annexed abut commercial, multifamily, and residential lots.

Leavenworth County Sewer District #3 has closed its sewage lagoon by connecting the district's system to the City of Basehor's sewage system. A new gravity sewer line was constructed across undeveloped ground east of Glenwood Estates Subdivision. This line will open over sixty acres of land for development. A middle school was constructed in 2010 located near the west side of

158th Street directly west of Glenwood Elementary School. In 2011, the City was awarded matching dollars thru the Kansas Department of Transportation ("KDOT") to construct Wolf Creek Parkway (158th Street to 155th Street). In 2012, the City was awarded matching dollars thru KDOT to reconstruct 155th Street (US 24/40 to Wolf Creek Parkway) and 158th Street (US 24/40 to Wolf Creek Parkway). Also in 2012, KDOT is constructing a traffic light and capacity improvements at the intersection of 158th Street and US 24/40.

The likelihood of additional growth in the surrounding area is high.

14. **Effect of Annexation Upon the Utilities Providing Service to the Area and the Ability of Those Utilities to Provide Those Services Shown in the Detailed Plan**
The utility providers will not change due to the proposed annexation. Currently, Lot 2 and 55 utilize septic tanks. Once the sewer infrastructure is constructed, and the appropriate connections have been performed for each lot, and each lot has paid their obligation to the City, the sewer rates for the parcels lots will be established at the current City sewer rates.

15. **Economic Impact on the Area**
Other than the City fees, sanitary sewer obligations, and taxes discussed above, there will be no economic impact on the lots to be annexed. The economic impact on the area surrounding the lots to be annexed will be minimal. Of the four lots to be annexed, three are occupied by commercial businesses, and one is a vacant lot, zoned for commercial use. The sales taxes generated by the businesses, along with the property taxes, will offset any negative economic impact and will more likely have a beneficial economic impact on the area.

16. **Wasteful Duplication of Services**
There will be no duplication of services.

B. Plan for Extension of Services

Refer to Sketch A, which shows the proposed area to be annexed along with the existing City limits. The public roadways and City utility lines are also shown. The land use pattern within the area to be annexed is commercial.

The following information outlines how each major municipal service will be affected by the proposed annexation:

1. **Police Protection** – Upon annexation of the area police protection will be assumed by the City of Basehor Police Department. The police department is primarily funded through property taxes. The City of Basehor's Police Department to date patrols the adjoining lots (Lot 1 and Lot 2), Pinehurst Drive and 155th Street. Since police officers are regularly in the area the additional costs to the department will be minimal. Any additional costs for police protection will be paid for by the City's general fund. Extension of police service will occur immediately once the annexation is complete.

2. **Fire Protection** – The lots to be annexed and the City of Basehor are located in Fairmount Township. The township is served by the Fairmount Township Fire Department. The fire

department is funded by a tax levy paid by all properties within the Township. No additional cost will be incurred by residents within the lots to be annexed or current City limits due to the annexation, and fire protection services will continue, uninterrupted.

3. **Wastewater Treatment** - The City plans to extend the sewer system to Lots 2, 54 and 55. The extension of sewer will be financed out of the City's general fund, with the possibility of a bond issue. The owners of Lots 2, 54, and 55 will enter into annexation agreements with the City in which they will agree to pay the costs of extension of sewers over an agreed upon time period. It is estimated that the sewer extension will cost $120,000, which will be split evenly between the three property owners. It is anticipated that the extension of sewer services will be completed within three years.

4. **Street Maintenance** – Upon annexation of the area street maintenance will be assumed by the City of Basehor Public Works Department (PWD). The PWD maintains approximately 47 miles of roadway within the City limits. The proposed annexation contains approximately 0.11 miles. The additional cost to the City will be negligible. Extension of street maintenance services will occur immediately once the annexation is complete.

5. **Domestic Water** – Domestic water service is provided by Suburban Water, Inc. No change in water service will occur once the annexation is complete.

6. **Franchise Taxes** – Franchise tax will be collected for Westar Energy, Atmos Energy, Suburban Water, Knology, AT&T, and Southwestern Bell services once the annexation is complete.