Agenda

Basehor City Council
Work Session

April 6, 2016 - 7:00 p.m.
Basehor City Hall

1. Falcon Lakes Replat – Ordinance No. 667
2. Basehor Elementary School Sanitary Sewer Agreement – Resolution 2016-08
3. Executive Session *(If Needed)*
4. Adjournment

Per K.S.A. 75-438 the City Council Meeting agenda is available for review at Basehor City Hall, 2620 North 155th

City of Basehor

Agenda Item Cover Sheet

Agenda Item No. 1

Topic: Short-form final plat of lots 137 and 138 located within the Falcon Lakes 3rd Phase.

Action Requested: Consider Ordinance 667, approving the short-form final plat of the Johnson Subdivision.

Narrative: The purpose of the short-form final plat is for subdivision and/or platting of areas containing four or less lots. The proposed short-form plat is for the combination of Lots 137 and 138 in the Falcon Lakes 3rd Phase. One of the stipulations in the covenants and restrictions of the Falcon Lakes Home Owners Association is that an individual purchasing a lot must construct a residence within a specified timeframe. In order for the applicant to alleviate himself from this requirement he is being required to replat the two individual lots into one single lot.

On March 8, 2016, the Planning Commission conducted a public hearing and approved the short-form, final plat with three (3) stipulations. There were no individuals present during the public hearing to speak in favor, nor against. Planning Commission had no specific questions of the applicant at that time either. Per the City Attorney, approval of the plat by the city does not alleviate the owners from signing and recording the plat, if all appropriate signature from owners are not received then the plat effectively cannot be filed and becomes null and void.

Presented by: Mark Lee - Planning & Zoning Director

Administration Recommendation: Staff recommends Ordinance 667, approving a short-form final plat for the Johnson Subdivision with the following conditions.

1. Two Mylar signature copies of the final plat shall be submitted for approval.
2. The applicant shall complete the installation of the approved sidewalk along lot 138, per city standards within sixty (60) days of approval.
3. Final plat shall be recorded with the Register of Deeds of Leavenworth County, one registered copy shall be returned to city staff for record keeping purposes.

Attachments:
Ordinance 667
Staff report
Reduced copy of plat

Projector needed for this item? No

ORDINANCE NO. 667

AN ORDINANCE APPROVING A SHORT FORM FINAL PLAT FOR THE CONSOLIDATION OF LOTS 137 AND 138 OF THE FALCON LAKES SUBDIVISION 3RD PHASE, GENERALLY LOCATED AT 142ND STREET AND INDEPENDENCE STREET, BASEHOR, LEAVENWORTH COUNTY, KANSAS.

WHEREAS, the applicant submitted an application for a short form final plat for the consolidation of Lots 137 and 138 of the Falcon Lake Subdivision, 3rd Phase, entitled "Johnson Subdivision; a replat of Lots 137 and 138; Falcon Lakes 3rd Plat, Basehor, Leavenworth County, Kansas"; and

WHEREAS, in accordance with Section 2-104 of the Basehor Subdivision Regulations, the Planning Commission held a public hearing and reviewed the application for the short form final plat on March 8, 2016; and

WHEREAS, the Planning Commission recommended approval of the application for the short form final plat with the following stipulations:

1. The Mylar signature copies of the final plat shall contain the name of the appropriate representative from the owners of lot 138.
2. The applicant shall complete the installation of approved sidewalk along the frontage of lot 138, per city standards within sixty (60) days.
3. The final plat shall be recorded with the Register of Deeds of Leavenworth County, one registered copy shall be returned to city staff for record keeping purposes; and

WHEREAS, the Planning Commission's recommendation was presented to the Governing Body at its regularly scheduled meeting on April 20, 2016.

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

Section 1: That the Governing Body hereby approves the short form final plat for the consolidation of Lots 137 and 138 of the Falcon Lake Subdivision, 3rd Phase, entitled "Johnson Subdivision; a replat of Lots 137 and 138; Falcon Lakes 3rd Plat, Basehor, Leavenworth County, Kansas" with the following stipulations:

1. Two Mylar signature copies of the final plat shall be submitted for approval.
2. The applicant shall complete the installation of the approved sidewalk along lot 138, per city standards within sixty (60) days of approval.
3. Final plat shall be recorded with the Register of Deeds of Leavenworth County, one registered copy shall be returned to city staff for record keeping purposes.

Section 2: That this ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Basehor, Kansas as provided by law.

PASSED by the City Council this 20th day of April, 2016.

APPROVED by the Mayor this 20th day of April, 2016.

SEAL

_____
David K. Breuer, Mayor

ATTEST:

_____
Katherine M. Renn, City Clerk

APPROVED AS TO FORM:

_____
Shannon M. Marcano, City Attorney

STAFF REPORT

FALCON LAKES PHASE 3 REPLAT – REQUEST FOR APPROVAL OF A SHORT-FORM FINAL PLAT – A replat of lots 137 and 138 within Falcon Lakes Phase 3 with an approximate location along the north curve of 142nd Street and Independence Street.

MEETING DATE: **April 6, 2016**

REPORT WRITTEN: **February 9, 2016**

STAFF RECOMMENDATION:

Staff recommends approval by the City Council of the replat of lots 137 and 138 of Falcon Lakes 3rd Phase via the short-form plat process, with the stipulations stated in the staff report.

APPLICANT:

- The applicant is Mark Johnson.
- The surveyor is Larry Hahn, Jr.

REQUEST:

- The applicant is requesting approval of a short-form plat in an effort to combine lots 137 and 138 to create a single lot, Mr. Johnson is the current owner of lot 137 (4413 N. 142nd Street). The lot will consist of approximately 33,808 square feet.

ZONING:

- The property is currently zoned "R-1" Single Family Residential District.

SURROUNDING ZONING:

- All surrounding properties are zoned as R-1-Single Family Residential

LOCATION:

BACKGROUND:

Falcon Lakes 3rd Phase was initially platted in 2006. Lot 137 currently has the Johnson residence constructed upon it, lot 138 is currently vacant. Mr. Johnson is in the final stages of purchasing lot 138. One of the conditions placed upon Mr. Johnson, by the Falcon Lakes Home Owners Association, is that the two lots must be replatted into one single lot. The deeds and covenants of Falcon Lakes require that if an individual purchases a lot they have a set timeframe in which they must construct a residence upon said lot. With the replatting of the two lots into one single lot, this alleviates Mr. Johnsons' requirement to construct a residence upon lot 138.

A short-form plat procedure is being utilized for this application. The purpose for a short-form plat is to provide a means of approving a subdivision of land that contains four (4) lots or less. The short-form plat shall serve as the final plat of the subdivision. The submission and approval of a preliminary plat is not required as a prerequisite for a short-form plat approval; provided, that the public hearing requirements outlined in preliminary plats are met.

Traffic Impact:

No additional traffic will be created by the proposed plat.

Stormwater Management:

Stormwater Management facilities will not be changed with the approval of the subject plat.

Utilities:

No new utilities will be proposed with the subject plat. As part of the replat, all existing utility easements shall remain intact as platted. Staff has requested reviews from all utility companies of the application for the proposed final plat.

Subdivision Regulations Requirements:

The items to be included on the final plat per the Subdivision Regulations requirements are indicated on the included checklist.

STAFF RECOMMENDATION:

Staff recommends approval of the Replat of lots 137 & 138 located within the Falcon Lakes 3rd Phase application, with the following stipulations:

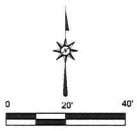
1. **The Mylar signature copies of the final plat shall contain the name of the appropriate representative from the owners of lot 138.**
2. **The applicant shall complete the installation of approved sidewalk along the frontage of lot 138, per city standards within sixty (60) days.**
3. **The final plat shall be recorded with the Register of Deeds of Leavenworth County, one registered copy shall be returned to city staff for record keeping purposes.**

JOHNSON SUBDIVISION

A REPLAT OF LOTS 137 AND 138
FALCON LAKES THIRD PLAT

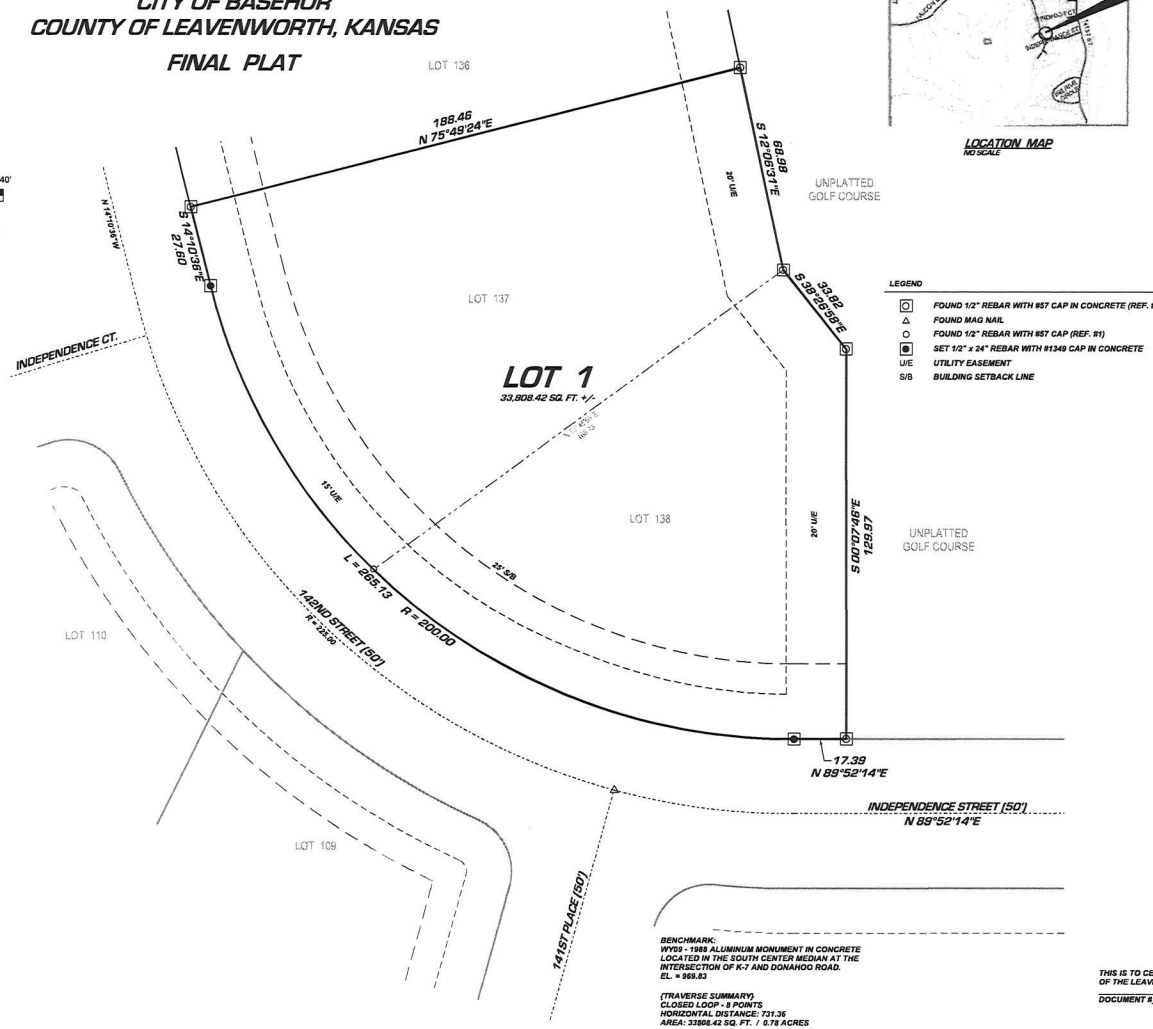
CITY OF BASEHOR
COUNTY OF LEAVENWORTH, KANSAS

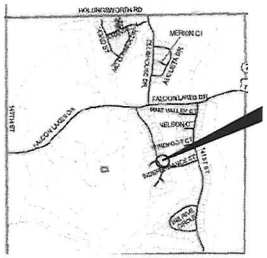
FINAL PLAT



SCALE: 1" = 20'

BASIS OF BEARINGS:
FALCON LAKES 3RD PLAT





LOCATION MAP
NO SCALE

LEGEND

○	FOUND 1/2" REBAR WITH #57 CAP IN CONCRETE (REF. #1)
△	FOUND MAG NAIL
○	FOUND 1/2" REBAR WITH #57 CAP (REF. #1)
●	SET 1/2" x 24" REBAR WITH #1349 CAP IN CONCRETE
U/E	UTILITY EASEMENT
S/B	BUILDING SETBACK LINE

BENCHMARK:
WY09 - 1988 ALUMINUM MONUMENT IN CONCRETE
LOCATED IN THE SOUTH CENTER MEDIAN AT THE
INTERSECTION OF K-7 AND DONAHOO ROAD.
EL. = 969.83

(TRAVERSE SUMMARY)
CLOSED LOOP - 8 POINTS
HORIZONTAL DISTANCE: 731.36
AREA: 33808.42 SQ. FT. / 0.78 ACRES

(ERROR SUMMARY)
RELATIVE: 1:1206705 (CLOSED LOOP) LINEAR: 0.001 FEET DIRECTION: S 64°12'35"W
NORTHING: 0.000 FEET EASTING: 0.001 FEET

REFERENCE:
1. FALCON LAKES 3RD PLAT (2006)

Traverse PC

LEGAL DESCRIPTION

LOTS 137 AND 138, FALCON LAKES THIRD PLAT, A SUBDIVISION IN THE CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS.

CERTIFICATE AND DEDICATION

THE UNDERSIGNED PROPRIETORS STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT THEY HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT, WHICH SHALL BE KNOWN AS "JOHNSON SUBDIVISION".

EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR PUBLIC USE, THE RIGHTS OF WAY ARE SHOWN WITH DASHED LINES ON THE ACCOMPANYING PLAT AND SAID EASEMENTS MAY BE EMPLOYED TO LOCATE AND MAINTAIN SEWERS, WATER LINES, GAS LINES, POLES AND WIRES AND ANY OTHER FORM OF PUBLIC UTILITY NOW AND HEREAFTER USED BY THE PUBLIC OVER, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT", U/E OR D/E, DRAINAGE EASEMENT.

STREETS SHOWN ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED FOR PUBLIC USE ARE HEREBY SO DEDICATED.

BUILDING LINES OR SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT OR CONSTRUCTED BETWEEN THIS LINE AND THE ROAD RIGHT OF WAY.

IN TESTIMONY WHEREOF:

THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED TRACT OF LAND HAVE HEREUNTO SUBSCRIBED THEIR HANDS THIS_____DAY OF_____, 2016.

MARK A. JOHNSON

JOHN PRICE
VALLEY VIEW BANK

ACKNOWLEDGMENT

STATE OF KANSAS
COUNTY OF LEAVENWORTH

BE IT REMEMBERED THAT ON THIS_____DAY OF_____, 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME MARK A. JOHNSON AND JOHN PRICE OF VALLEY VIEW BANK, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR OWN FREE ACT AND DEED. IN WITNESS THEREOF, I HEREUNTO SET MY HAND AND AFFIX MY NOTARIAL SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES

PLANNING COMMISSION APPROVAL

APPROVED THIS_____DAY OF_____, 2016 BY THE CITY OF BASEHOR PLANNING COMMISSION.

JON GALLION
CHAIRMAN

CONNIE LEGGETT
SECRETARY

CITY COUNCIL APPROVAL

APPROVED THIS_____DAY OF_____, 2016 BY THE CITY COUNCIL, CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS.

DAVID K. BREUER
MAYOR

KATHERINE REEN
CITY CLERK (ATTEST)

CITY ENGINEER APPROVAL

THE CITY ENGINEERS PLAT REVIEW IS ONLY FOR GENERAL CONFORMANCE WITH THE SUBDIVISION REGULATIONS AS ADOPTED BY THE CITY OF BASEHOR. THE CITY IS NOT RESPONSIBLE FOR THE ACCURACY OR ADEQUACY OF THE DESIGN, DIMENSIONS, ELEVATIONS AND QUANTITIES.

CITY ENGINEER

COUNTY SURVEYOR CERTIFICATION

I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED FOR COMPLIANCE WITH KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

WAYNE MALNICOF, PLS
COUNTY SURVEYOR

LARRY T. HAHN, JR. LICENSED LS-1349 KANSAS LAND SURVEYOR

LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE LEAVENWORTH COUNTY REGISTER OF DEEDS ON THIS_____DAY OF_____, 2016, AND IS DULY RECORDED AT_____A.M., P.M., IN DOCUMENT #_____.

STACY R. DRISCOLL
REGISTER OF DEEDS

THIS IS TO CERTIFY THAT IN THE MONTH OF JANUARY, 2016. THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSANT TO K.S.A. 74-7037. FIELD SURVEY COMPLETED JANUARY 20, 2016.

HAHN SURVEYING
PO BOX 41
LANSING, KANSAS 66043
(913) 727-1007 (913) 547-3405
lhahn3@kc.rr.com

City of Basehor

Agenda Item Cover Sheet

Agenda Item No. 2

Topic: Release agreement with USD 458 Basehor-Linwood Elementary School regarding sanitary sewer installation

Action Requested: Approve Resolution 2016-08 authorizing the execution of a release agreement with USD 458 Basehor-Linwood Elementary School for the installation of a sanitary sewer system.

Narrative: USD 458 Basehor-Linwood owns property located at 15602 Leavenworth Road in Basehor, Kansas. The landowner is constructing a new addition to the existing Basehor Elementary School, which will be attached on the west side of the existing building. Because there is no feasible way to connect to the existing sewer system in place at this location, the landowner must install a new sewer system. The new sewer system shall meet all standards in the Basehor city code in order for connection to be allowed to the City's sewer system.

Presented by: Lloyd Martley, Chief of Police/City Administrator
Gene Myracle, City Superintendent

Administration Recommendation: Approve Resolution 2016-08

Attachments: Resolution 2016-08
Release Agreement

Projector needed for this item?

No

RESOLUTION NO. 2016-08

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A RELEASE AGREEMENT WITH USD 458 BASEHOR-LINWOOD REGARDING SANITARY SEWER INSTALLATION AT BASEHOR ELEMENTARY SCHOOL

WHEREAS, USD 458 Basehor-Linwood and the City of Basehor wish to enter into a Release Agreement related to the installation of a new sanitary sewer system at Basehor Elementary School describing the duties and responsibilities of the respective parties, attached as Exhibit A.

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

Section 1. That the Governing Body approves and hereby authorizes the Mayor to execute the Release Agreement related to the installation of a new sanitary sewer system at Basehor Elementary School describing the duties and responsibilities of the respective parties, attached as Exhibit A.

Section 2. That this resolution shall become effective upon passage.

ADOPTED by the Governing Body this 20th day of April, 2016.

SIGNED by the Mayor this 20th day of April, 2016.

SEAL

_____
David K. Breuer, Mayor

ATTEST:

_____
Katherine M. Renn, City Clerk

APPROVED AS TO FORM:

_____
Shannon M. Marcano, City Attorney

EXHIBIT A
Release Agreement

RELEASE AGREEMENT

THIS RELEASE AGREEMENT ("Agreement") is executed by the City of Basehor, Kansas (the "City") and USD 458 Basehor-Linwood (the "Landowner") on the 24th day of March, 2016.

1. **Background.** The Landowner owns property located at 15602 Leavenworth Road in Basehor, Kansas (the "Property"). The Landowner is constructing a new addition to the existing Basehor Elementary School on the Property, which will be attached on the west side of the existing building. Because there is no feasible way to connect to the existing sewer system in place at this location, the Landowner must install a new sewer system. The new sewer system shall meet all standards in the Basehor city code in order for connection to be allowed to the City's sewer system.

2. **Agreement.** The Landowner acknowledges that the new sewer system must meet the Basehor city code in all respects, and that the City shall have no responsibility related to the installation of the new sewer system on the Property. In addition, the Landowner acknowledges that any maintenance, repair, or replacement obligations are its sole responsibility. The City acknowledges that once it is determined by the City that the sewer system standards contained in the city code are met, the Landowner will be allowed to connect to the City's sewer system.

3. **Release.** The Landowner, its successors and assigns, expressly release the City from any and all claims and demands of whatever nature, actions and causes of action whether known in law or in equity, damages, costs, fees, expenses, loss of service, compensation and suits of any kind, whether known or unknown, that exist as of this date from or on account of or in any way growing out of which may be traced either directly or indirectly to the installation, maintenance, repair or replacement of the new sewer system, including all claims raised or that could have been raised, and all claims arising from any alleged misrepresentations, acts of deceit or arising from any act, omission, matter, event or occurrence occurring at any time through the date of this Agreement.

4. **Entire Agreement.** This Agreement contains the entire understanding between the parties with respect to its subject matter, and supersedes all other prior and contemporaneous agreements and understandings, inducements or conditions, express or implied, oral or written, except as contained in this Agreement. The express terms of this Agreement control and supersede any course of performance and usage of the trade inconsistent with any of its terms. This Agreement may not be modified or amended other than by agreement in writing and signature by the parties.

5. **Voluntary Agreement.** The parties acknowledge that they have read this Agreement, have had the opportunity to consult with their own attorneys prior to executing it, and that they have fully understood this Agreement. This Agreement has been executed by persons having full power and authority to bind the named signatories.

6. **Agreement Running with the Land.** Each term, covenant, condition and agreement contained herein with respect to the Property shall be a burden on the Property and shall run with the land.

7. **Counterparts.** The parties acknowledge that this Agreement may be executed in two or more counterparts.

THE CITY OF BASEHOR, KANSAS

_____
Mayor David K. Breuer

ATTEST

_____
Katherine Renn, City Clerk

LANDOWNER

USD 458 BASEHOR LINWOOD

By: _____

3-24-2016
Date

ACKNOWLEDGEMENT

THE STATE OF _____)
) ss:
THE COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 2016, before me the undersigned, a notary public in and for the County and State aforesaid, came _____, of _____, who is personally known to me to be the same person who executed this instrument in writing, and the said person fully acknowledged this instrument to be the act and deed of the aforementioned entity.

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

_____
Notary Public

My appointment expires: