

CEDAR LAKES ESTATES PUBLIC HEARING

BASEHOR CITY COUNCIL

February 9, 2009

6:00 p.m.

Glenwood Ridge Elementary School

Basehor City Council will hear comments from residents of Cedar Lake Estates subdivision regarding proposed annexation.

1. Call to Order
2. Roll Call and Pledge of Allegiance
3. Staff Report
4. Public Comments
5. Council Comments
6. Adjournment or continuation of public hearing.

Note: No work session items will be discussed at this meeting.

AGENDA ITEM INFORMATION FORM

Agenda Item: Public Hearing for proposed Cedar Lake Estates annexation.

Department: Administration

Background/Description of Item:

The city council on July 7, 2008 approved Resolution 2008-09 which set a public hearing date of September 8, 2008 as part of the process in the proposed annexation of Cedar Lake Estates subdivision in accordance with K.S.A. 12-520. Prior to the public hearing on July 17 notices were mailed to the affected property owners. An open house was also held on August 25 to give an opportunity to discuss the issues surrounding the annexation.

During the public hearing on September 8 questions were raised concerning the sufficiency of the legal process required by K.S.A. 12-520a. After considering the alleged deficiencies the city council decided to start the process over again rather than take the chance that a legal appeal would result in the same recommendation.

The city council on Dec. 1, 2008 adopted resolution 2008-16 setting a public hearing date of Feb. 9, 2009 for the purpose of determining the advisability of annexation of the subdivision. Notices were mailed to the residents as required with a copy of the resolution.

At the public hearing the Governing Body will consider the criteria set forth in K.S.A. 520a(e). Each of the 16 points for consideration will be reviewed and then the residents will be given time to make statements regarding the impact of the annexation.

The annexation package prepared by MHS Engineers has been reviewed by the city attorney and found to address adequately the statutory requirements.

Statutory provision for the annexation comes from K.S.A. 12-520(1) The land is platted, and some part of the land adjoins the city. K.S.A. 12-520a sets the requirements for the resolution.

Funding Source: Planning

Recommendation: Listen to the comments from the property owners prior to taking action on Feb. 17, 2009 regarding the proposal.

Prepared by: Carl E. Slaugh, City Administrator
Council Date: February 2, 2009

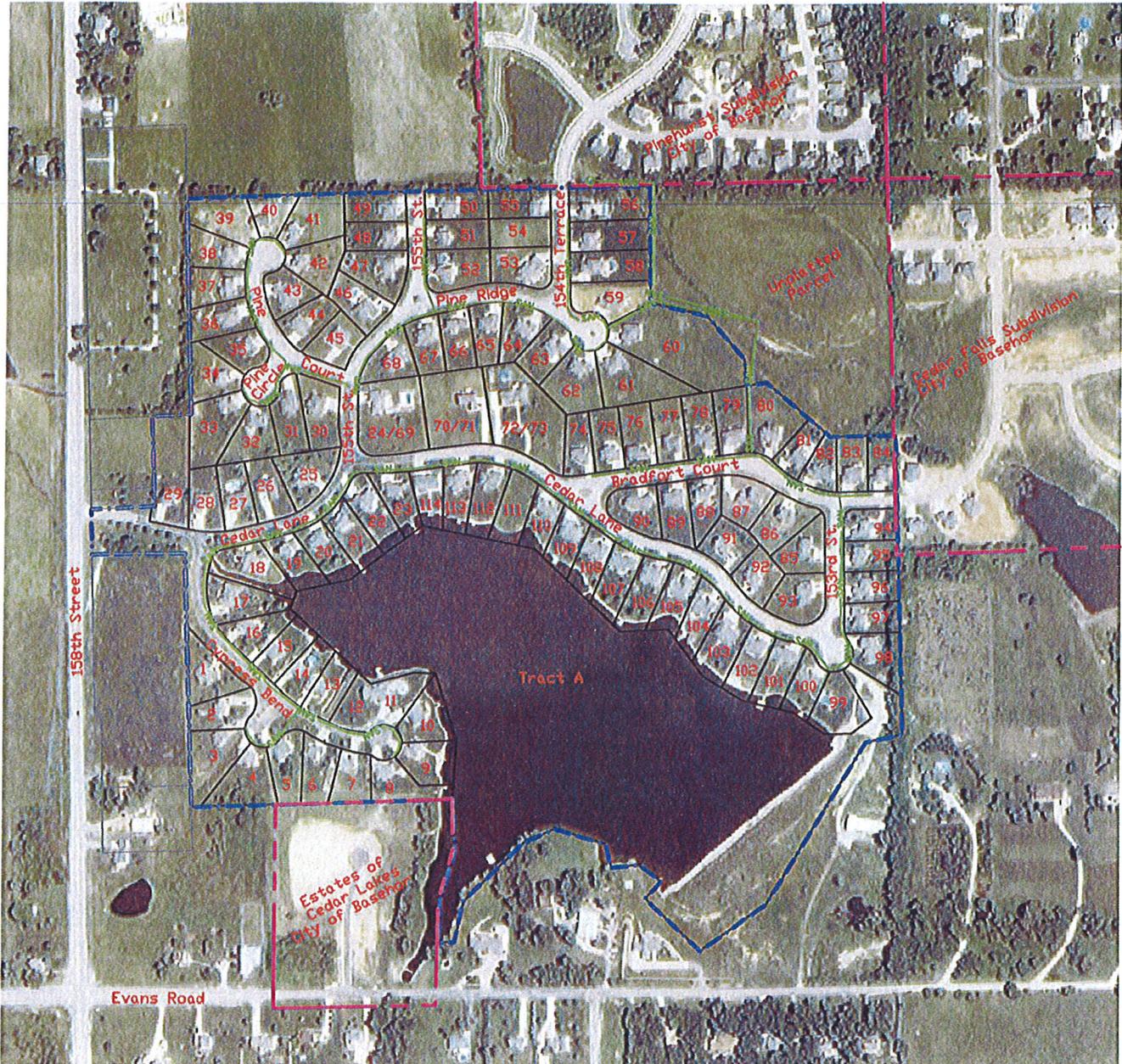
Annexation Legal

A tract of land located in Southwest Quarter of Section 11, Township 11 South, Range 22 East, and being all of Cedar Lake Estates, Cedar Lake Estates – Phase 2, Cedar Lake Estates Phase 3, and Cedar Lake Estates Phase 4 Subdivision, all subdivisions in the County of Leavenworth, Kansas according to the recorded plats thereof and being more particularly described as follows:

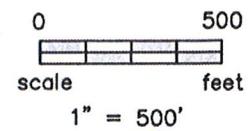
COMMENCING at the Southeast corner of the Southwest Quarter of said Section 11; thence North 00°19'04" East, along the East line of said Southwest Quarter, a distance of 706.58 feet to the POINT OF BEGINNING; thence continuing North 00°19'04" East, along said East line, a distance of 1932.89 feet to the Northeast corner of the Southwest Quarter of said Section 11; thence North 89°13'03" West, along the North line of the Southwest Quarter of said Section 11, a distance of 2286.87 feet; thence South 00°00'43" West, a distance of 725.99 feet; thence South 89°13'03" West, a distance of 125.00 feet; thence South 00°00'43" West, a distance of 275.00 feet; thence South 89°13'03" West, a distance of 200.00 feet to the East right-of-way line of 158th Street as shown on the recorded plat; thence South 00°00'43" West, along said right-of-way line, a distance of 150.00 feet; thence South 89°59'17" East, a distance of 300.00 feet; thence South 00°00'43" West, a distance of 829.00 feet; thence South 90°00'00" East, a distance of 843.87 feet; thence South 01°36'23" East, a distance of 174.00 feet; thence South 17°13'37" West, a distance of 164.54 feet; thence South 03°22'07" West, a distance of 134.25 feet; thence South 90°00'00" East, a distance of 51.56 feet; thence North 13°43'52" East, a distance of 134.52 feet; thence North 46°47'14" East, a distance of 278.31 feet; thence North 68°12'43" East, a distance of 103.13 feet; thence South 70°56'34" East, a distance of 169.45 feet; thence South 14°02'43" East, a distance of 75.39 feet; thence North 86°52'48" East, a distance of 91.62 feet; thence South 51°41'08" East, a distance of 91.16 feet; thence South 45°26'02" West, a distance of 106.06 feet; thence South 44°27'07" East, a distance of 252.25 feet; thence North 84°10'39" East, a distance of 290.03 feet; thence North 43°06'36" East, a distance of 99.95 feet; thence North 29°54'56" East, a distance of 108.63 feet; thence North 19°36'26" East, a distance of 386.05 feet; thence North 89°53'53" East, a distance of 143.97 feet to the point of beginning and containing 5,021,508.21 square feet or 115.28 acres more or less.

Calculated error of closure = 1:995,932

NOTE: the above described legal description is based upon the recorded plats noted. No field work was performed to verify any overlaps or gaps. The legal descriptions for the indicated plats closed and were contiguous to each other.



-  Existing Sanitary Sewer
-  Proposed Annexation Area
-  Existing City Limits



CEDAR LAKES ANNEXATION EXHIBIT A



McAFEE HENDERSON SOLUTIONS, INC.
 Civil Engineering ♦ Land Surveying
 15323 W. 95th Street Lenexa, KS 66219
 Ph: (913) 688-4647 Fax: (913) 390-9965

12-520a(7)(e)

(1) Extent to Which Any of the Area is Land Devoted to Agricultural Use

No land within the proposed area 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 currently being served by City of Basehor's wastewater treatment plant. The area abuts the current city boundary and is within the City's growth management area. The area to be annexed has developed in a similar manner to subdivisions within the city i.e. high density, asphalt streets with curb and gutter, storm sewer system, and sanitary sewer system.

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

The first phase of the proposed area to be annexed was platted in 1996. The fourth and final phase was platted in 2002. The adjacent subdivisions to the north (Pinehurst), south (Estates of Cedar Lakes), and east (Cedar Falls) have been platted since 2002.

(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

There are 105 homes within the subdivision with two additional homes under construction. Assuming 3.5 people/home provides a present population of 368. At complete build out the area will have an approximate population of 380.

(6) Extent of Business, Commercial, and Industrial Development in the Area

There are no business, commercial, or industrial development within the area proposed to be annexed.

(7) Present Cost, Methods, and Adequacy of Governmental Services and Regulatory Controls in the Area

Police Protection – The proposed annexation area is currently served by the Leavenworth County Sheriff's Office (LVSO). The LVSO has divided the County into districts for patrolling purposes. The area to be annexed is 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 seventy-two square miles. There is one officer assigned to each patrol district. An additional officer roams between this district and the district to the west.

The LVSO is primarily funded through property taxes. The department received \$3,940,383 from the County's general fund in 2008. The tax levy is paid by all properties within the County, including those within incorporated cities.

Due to the large coverage area of each patrol officer compared to the City of Basehor's Police Department the service would be considered inadequate.

Fire Protection – The proposed annexation area is served by the Fairmount Township Fire Department (FTFD). The FTFD is a volunteer fire department with over thirty active members. The department is located on 155th Street approximately 2.5 miles north of the proposed annexation area. The fire department is funded by a 3.988 tax levy (2007 Tax Rate) that is paid by all properties in Fairmount Township.

The service provided by the fire department is adequate based upon the rural setting and population of the township.

Wastewater Treatment – Under KDHE mandate the sewage lagoons which served Sewer District #7 were removed from service in 2004. The sewage from the proposed annexation area is treated by the City of Basehor's wastewater treatment plant. Properties outside of the City limits pay 125% of the City's sewer rates. Based on billing records the average sewer bill for the area is \$44.55. The property tax bill for residents in the annexation area includes two special assessments. One is a grinder pump maintenance fee of \$91/year and the other is a \$240/year fee for repayment of a KDHE loan. The assessment for the KDHE loan will continue to be collected by the County until the loan has been paid off. The assessment for the grinder pump maintenance fee will only be discontinued if a gravity sewer system is constructed which would allow the grinder pumps to be removed.

Street Maintenance – The roads within the proposed annexation area are maintained by the Leavenworth County Public Works Department (CPWD). The department maintains 726 miles of county roads. The majority of the roads, approximately 69%, are unpaved. Only a small percentage of the roads within the County are constructed with asphalt and curb & gutter such as those within the area to be annexed.

The total budget for the CPWD was approximately \$9,200,000 in 2008. On a per mile basis the County spends over \$12,600/mile/year on maintaining roads. The CPWD receives the

majority of its funding, around 75%, through property taxes. All residents within the County, including those within incorporated cities, pay 8.055 mils (2007 Tax Rate) to the County Road & Bridge Fund. Residents outside of the City pay any additional township mil levy for township roads. The 2007 tax rate for township county roads was 7.629 mils.

The Leavenworth County Public Works Department is not designed to maintain asphalt roads with curb & gutter and an enclosed storm drainage system. Approximately 5 to 6 years ago the County chip sealed a portion of the roads that were constructed in phase 1 of Cedar Lakes. Numerous residents expressed their displeasure with how the County placed chip & seal over the asphalt roads in the subdivision.

The County's methods for maintaining the roadways within the development would be considered inadequate based on the expectations of how asphalt roads should be maintained by residents of subdivisions such as Cedar Lakes.

Trash Service – The area to be annexed is currently served by Bumpy Roads at a cost of \$18.35 per month.

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 there are no building codes within the 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 divides the City into two districts for patrolling purposes. The department has an east and a west district with 155th Street as the dividing line. The west district covers approximately 2.5 square miles of area while the east district covers approximately 3.5 square miles. The proposed annexation area would be located in the west district. The department has one officer assigned to each district at all times. Officers with the City of Basehor Police Department routinely drive through the annexation area while patrolling the surrounding City subdivisions, Pinehurst and Cedar Falls. Due to the proximity of the proposed area to be annexed in relation to the current City limits the increase in cost to the department to patrol the area will be minimal.

The Police Department is primarily funded through property taxes. In 2008 the department received \$741,101 from the City's general fund. This equates to 22% of the City mil levy. Based on the Police Department's 2008 budget and the department's coverage area approximately \$123,520/square mile is spent by the City on police protection. The proposed area to be annexed contains 0.18 square miles of land. The anticipated increased cost to the City to provide police protection to this area is \$22,200.

The County appraised valuation of Cedar Lakes in 2007 was \$33,147,140. Using the City's 2007 mil levy rate of 28.547 the City would collect \$108,818 from Cedar Lakes. Assuming that 22% of the tax funds collected from Cedar Lakes would go towards police protection, the additional cost to police the annexed area would be covered entirely by property taxes collected from the area.

Fire Protection – The proposed area to be annexed and the City of Basehor are both located in Fairmount Township. No change in fire protection will occur.

Wastewater Treatment – Upon annexation the sewer rates for the area will decrease to the current established City sewer rates. Based upon current billing records the average bill will decrease \$8.91/month. It is anticipated that the City will continue to collect a grinder pump maintenance fee to fund repairs and replacement of grinder pumps. This fee may be adjusted as required to fund the needed maintenance.

The Wastewater treatment plant is funded by user fees, connection fees, and property taxes. These funding sources are used to pay for the daily maintenance and operation of the plant along with KDHE loans for upgrades, expansion, etc. Properties connected to the wastewater plant but outside of the city limits are only contributing through user fees. The City currently makes payments of \$488,000/year to KDHE for a loan that paid for the construction of the plant. The wastewater treatment plant is operating at near capacity. An expansion of the wastewater treatment plant is currently underway. This expansion is needed to serve the growth of the City and areas outside of the City which Leavenworth County is no longer able to provide wastewater treatment to.

While the City will see a decrease in revenue from the monthly sewer bills of approximately \$950/month (\$11,400/year) that decrease will be offset by the mil levy collected from the area. A portion of the property taxes collected from the annexed area will be used to pay for the operation and maintenance of the treatment plant, repairs and maintenance of the collection system, and for the expansion of the treatment plant.

Street Maintenance – The City of Basehor Public Works Department maintains approximately 44 miles of roadway within the City limits. The 2009 budget for the public works department is \$1,328,030. This includes \$835,507 for the reconstruction of a portion of 150th Street. In comparison with the County the City is spending over \$30,000/mile/year on road maintenance, repairs, and improvements.

If the budget for the reconstruction of 150th Street is removed then the City spends approximately \$11,200/mile/year on street maintenance and repairs. There are approximately 1.5 miles of roads within Cedar Lakes. Based on current spending, the City would spend an additional \$16,800/year to maintain the roads within Cedar Lakes. This is approximately 15% of the mil levy that would be collected from Cedar Lakes. Property taxes collected from the area would be used to fund this increased expense.

The City recently began a street maintenance program to evaluate the condition of the streets within the City and prioritize the repairs that are needed. The repairs in the program include

curb replacement, patching, milling, and overlaying. The 1.5 miles of streets within the annexation area will be included in this program.

Trash Service – The City of Basehor contracts with Deffenbaugh for trash service. The current charge is \$9.70 per month. This amounts to a savings of \$8.65 per month.

Regulatory Controls – The City of Basehor Planning Commission and City Council would regulate the proposed annexation area. The City issues building permits and has an inspection program to ensure compliance of building codes within the City limits.

(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 taxpayers in the proposed annexation area will see approximately a 22% increase in their taxes. The following table shows the 2007 tax levies for Leavenworth County and the City of Basehor.

	City of Basehor	Leavenworth County
State	1.500	1.500
County	28.121	28.121
Basehor City	28.547	
Fairmount Township	3.988	11.617
School – USD 458	47.688	47.688
Basehor Library	6.167	6.167
Total	116.011	95.093

Refer to Table 1 for the change in property taxes for each property within the proposed area to be annexed.

(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

No social, economic, employment, cultural or recreational opportunities or resources presently exist in the area proposed to be annexed, so the residents are directly dependent upon the City of Basehor or others for such services and amenities.

(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

There will be no impact on other cities, water district, improvement district, township, or fire district. The County Public Works Department currently maintains and manages the

Sewer District #7 account which collects fees for the repayment of a KDHE loan and maintenance of the grinder pumps. The County will continue to have responsibility for the KDHE load repayment.

(12) *Existing Petitions 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 proposed area to be annexed is built out with the exception of several lots so there will be no significant growth within the area to be annexed.

Leavenworth County Sewer District #3 is preparing to close its sewage lagoon by connecting the district's system to the City of Basehor's sewage system. A new gravity sewer line will be installed across undeveloped ground east of Glenwood Estates Subdivision. This line will open over sixty acres of land for development. A new middle school is scheduled to be completed in June 2010. The new middle school will be located on the west side of 158th Street directly west of Glenwood Elementary School.

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

(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 utility providers will not change due to the proposed annexation.

(15) *Economic Impact on the Area*

There will be no economic impact on the area.

(16) *Wasteful Duplication of Services*

There will be no duplication of services.

Table 1 - Property Tax

PROPERTY ADDRESS		County Property Tax	City Property Tax	Property Tax Change	
18175	CYPRESS BEND	\$2,925.30	\$3,568.79	\$643.49	
18147	CYPRESS BEND	\$2,672.68	\$3,260.61	\$587.92	
18141	CYPRESS BEND	\$2,800.63	\$3,416.70	\$616.07	
18137	CYPRESS BEND	\$3,767.24	\$4,595.93	\$828.69	
18131	CYPRESS BEND	\$2,984.35	\$3,640.83	\$656.48	
18125	CYPRESS BEND	\$2,987.63	\$3,644.83	\$657.20	
18119	CYPRESS BEND	\$2,749.34	\$3,354.13	\$604.78	
18111	CYPRESS BEND	\$3,001.85	\$3,662.18	\$660.33	
18105	CYPRESS BEND	\$4,068.08	\$4,962.95	\$894.87	
18100	CYPRESS BEND	\$4,216.59	\$5,144.12	\$927.54	
18114	CYPRESS BEND	\$4,940.75	\$6,027.58	\$1,086.84	
18138	CYPRESS BEND	\$4,235.39	\$5,167.07	\$931.68	
18152	CYPRESS BEND	\$4,042.93	\$4,932.27	\$889.34	
18168	CYPRESS BEND	\$4,694.69	\$5,727.41	\$1,032.71	
18184	CYPRESS BEND	\$3,463.33	\$4,225.18	\$761.84	
18200	CYPRESS BEND	\$4,290.07	\$5,233.78	\$943.71	
15713	CEDAR LANE	\$4,050.36	\$4,941.34	\$890.98	
15693	CEDAR LANE	\$3,824.21	\$4,665.44	\$841.23	
15677	CEDAR LANE	\$3,754.01	\$4,579.79	\$825.78	
15671	CEDAR LANE	\$4,130.74	\$5,039.40	\$908.66	
15651	CEDAR LANE	\$4,437.71	\$5,413.89	\$976.18	
15625	CEDAR LANE	\$3,746.57	\$4,570.72	\$824.15	
15674	CEDAR LANE	\$3,280.71	\$4,002.38	\$721.67	
15690	CEDAR LANE	\$3,158.67	\$3,853.49	\$694.82	
15710	CEDAR LANE	\$3,242.43	\$3,955.69	\$713.25	
15724	CEDAR LANE	\$2,768.92	\$3,378.01	\$609.09	
15750	CEDAR LANE	\$2,906.71	\$3,546.11	\$639.40	
18290	155TH ST	\$3,647.05	\$4,449.31	\$802.26	
00000	EVANS RD	\$0.11	\$0.13	\$0.02	Lake Tract
15604	CEDAR LANE	\$3,180.54	\$3,880.17	\$699.64	
15586	CEDAR LANE	\$5,844.58	\$7,130.24	\$1,285.66	
15564	BRADFORD CT	\$3,242.43	\$3,955.69	\$713.25	
15558	BRADFORD CT	\$3,376.94	\$4,119.78	\$742.84	
15544	BRADFORD CT	\$2,942.80	\$3,590.13	\$647.34	
15532	BRADFORD CT	\$2,740.81	\$3,343.72	\$602.91	
15522	BRADFORD CT	\$2,665.03	\$3,251.27	\$586.24	
15510	BRADFORD CT	\$3,230.40	\$3,941.01	\$710.61	
15502	BRADFORD CT	\$3,008.41	\$3,670.18	\$661.77	
15490	BRADFORD CT	\$3,074.02	\$3,750.23	\$676.21	
15474	BRADFORD CT	\$3,250.74	\$3,965.82	\$715.08	
15458	BRADFORD CT	\$2,588.48	\$3,157.88	\$569.40	
15446	BRADFORD CT	\$3,040.12	\$3,708.87	\$668.75	
18231	153RD ST	\$3,176.60	\$3,875.37	\$698.77	
15489	BRADFORD CT	\$3,042.53	\$3,711.81	\$669.28	
15507	BRADFORD CT	\$2,492.24	\$3,040.47	\$548.23	
15519	BRADFORD CT	\$3,214.00	\$3,921.00	\$707.00	
15523	BRADFORD CT	\$3,164.79	\$3,860.96	\$696.17	
15549	BRADFORD CT	\$3,072.93	\$3,748.90	\$675.97	
15506	CEDAR LANE	\$2,934.05	\$3,579.46	\$645.41	
15498	CEDAR LANE	\$3,031.37	\$3,698.20	\$666.82	
18209	153RD ST	\$3,141.61	\$3,832.68	\$691.07	
18236	153RD ST	\$2,531.61	\$3,088.50	\$556.89	
18224	153RD ST	\$3,206.13	\$3,911.39	\$705.27	
18210	153RD ST	\$3,433.81	\$4,189.16	\$755.35	
18198	153RD ST	\$3,128.70	\$3,816.94	\$688.23	
18180	153RD ST	\$3,836.24	\$4,680.12	\$843.87	
00000	153RD ST	\$828.38	\$1,010.60	\$182.22	Vacant Lot

Table 1 - Property Tax Cont.

PROPERTY ADDRESS		County Property Tax	City Property Tax	Property Tax Change	
15463	CEDAR LANE	\$4,287.89	\$5,231.11	\$943.22	
15471	CEDAR LANE	\$4,373.18	\$5,335.17	\$961.99	
15483	CEDAR LANE	\$4,551.44	\$5,552.63	\$1,001.20	
15491	CEDAR LANE	\$5,015.77	\$6,119.10	\$1,103.34	
15501	CEDAR LANE	\$4,028.05	\$4,914.12	\$886.07	
15515	CEDAR LANE	\$4,907.39	\$5,986.89	\$1,079.50	
15527	CEDAR LANE	\$4,142.44	\$5,053.67	\$911.23	
15539	CEDAR LANE	\$4,202.26	\$5,126.65	\$924.39	
15547	CEDAR LANE	\$4,715.14	\$5,752.35	\$1,037.21	
15561	CEDAR LANE	\$3,759.69	\$4,586.73	\$827.03	
15575	CEDAR LANE	\$4,966.56	\$6,059.07	\$1,092.51	
00000	CEDAR LANE	\$860.42	\$1,049.69	\$189.27	Vacant Lot
15591	CEDAR LANE	\$4,202.70	\$5,127.18	\$924.48	
15601	CEDAR LANE	\$3,531.90	\$4,308.83	\$776.93	
15613	CEDAR LANE	\$4,532.85	\$5,529.95	\$997.11	
18279	155TH ST	\$3,827.49	\$4,669.44	\$841.95	
18351	155TH ST	\$3,069.65	\$3,744.89	\$675.24	
18363	155TH ST	\$3,352.88	\$4,090.43	\$737.55	
18371	155TH ST	\$2,962.48	\$3,614.15	\$651.67	
18383	155TH ST	\$2,806.54	\$3,423.90	\$617.37	
18391	155TH ST	\$3,126.19	\$3,813.87	\$687.68	
18396	155TH ST	\$3,241.34	\$3,954.35	\$713.01	
18388	155TH ST	\$3,057.62	\$3,730.22	\$672.60	
18376	155TH ST	\$3,468.80	\$4,231.85	\$763.05	
18367	154TH TERR	\$3,792.50	\$4,626.75	\$834.25	
18375	154TH TERR	\$462.58	\$564.34	\$101.76	
18387	154TH TERR	\$2,783.13	\$3,395.35	\$612.22	
18392	154TH TERR	\$2,775.48	\$3,386.01	\$610.53	
18380	154TH TERR	\$2,891.40	\$3,527.43	\$636.03	
18372	154TH TERR	\$3,433.81	\$4,189.16	\$755.35	
15508	PINE RIDGE	\$2,926.39	\$3,570.12	\$643.73	
15518	PINE RIDGE	\$3,276.33	\$3,997.04	\$720.71	
15527	PINE RIDGE	\$3,057.40	\$3,729.95	\$672.55	
15541	PINE RIDGE	\$2,932.95	\$3,578.13	\$645.17	
15551	PINE RIDGE	\$3,351.79	\$4,089.10	\$737.31	
15561	PINE RIDGE	\$3,493.95	\$4,262.53	\$768.58	
15587	PINE RIDGE	\$3,242.43	\$3,955.69	\$713.25	
15613	PINE RIDGE	\$3,078.40	\$3,755.57	\$677.17	
15651	PINE RIDGE	\$3,024.81	\$3,690.19	\$665.38	
18356	155TH ST	\$3,690.80	\$4,502.68	\$811.88	
15709	PINE CIRCLE	\$3,195.41	\$3,898.32	\$702.91	
15715	PINE CIRCLE	\$3,019.45	\$3,683.66	\$664.20	
15721	PINE CIRCLE	\$3,134.17	\$3,823.61	\$689.44	
15727	PINE CIRCLE	\$2,582.36	\$3,150.41	\$568.05	
15733	PINE CIRCLE	\$3,019.78	\$3,684.06	\$664.27	
15743	PINE CT	\$3,139.31	\$3,829.88	\$690.57	
15753	PINE CT	\$2,732.83	\$3,333.98	\$601.15	
15763	PINE CT	\$2,701.12	\$3,295.29	\$594.18	
15773	PINE CT	\$621.04	\$757.65	\$136.61	
15778	PINE CT	\$420.48	\$512.97	\$92.49	
15768	PINE CT	\$2,515.21	\$3,068.49	\$553.28	
15758	PINE CT	\$2,787.73	\$3,400.96	\$613.23	
15748	PINE CT	\$3,626.28	\$4,423.96	\$797.69	
15738	PINE CT	\$2,577.65	\$3,144.67	\$567.02	

Based on 2007 Leavenworth County Tax Rates

12-520b

Refer to Exhibit 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 residential.

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

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 police department currently patrols the subdivisions surrounding the area to be annexed. 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 general fund.

Fire Protection – The proposed area 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 Cedar Lakes or the current City limits due to the annexation.

Wastewater Treatment – The sanitary sewer system in Cedar Lakes Subdivision Phases 1 - 4, the proposed area to be annexed, is a low pressure, force main system that includes a grinder pump at each residence. The property tax bill for property in Cedar Lakes includes an assessment for grinder pump maintenance and an assessment for repayment of a KDHE loan. The City of Basehor is currently responsible for the maintenance and repairs of the sanitary sewer system within Cedar Lakes. The City may, depending upon the costs for grinder repairs, change the grinder pump assessment fee.

Upon annexation the sewage treatment rates within the subdivision will decrease to the current established City sewer rates. A portion of the property taxes collected from the annexed area will be used to fund the operations and maintenance of the treatment plant, repair and maintenance of the collection system, and repayment of KDHE loans.

The property owners within Cedar Lakes can form a benefit district for the removal of the grinder pumps and low pressure sanitary sewer and the construction of a gravity sanitary sewer system. It is estimated that a gravity sewer system would cost in excess of \$2 million to construct.

Street Maintenance – Upon annexation of the area the City of Basehor will assume responsibility for maintenance of the public roadways located with the Cedar Lakes development. In 2008 the City of Basehor inspected and evaluated approximately ten miles of roads within the city limits. The roads were evaluated based on the condition and repairs that are needed. A pavement condition index (PCI) was calculated for all the streets that were inspected. The City of Basehor plans on continuing this evaluation process so that a database of all the streets within the City can be created. The PCI is used to determine where repairs are

needed within the City. The roads within Cedar Lakes will be included in this process and will be included in the City's pavement management program.

The City will assume responsibility for snow/ice removal and treatment also. The City will add the new roads to their

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

Timetable For Municipal Services Method of Financing

Service	Existing in City	Proposed Area	Timing	Financing
Local Street - Maintenance	Yes	Yes	As needed. Streets in annexed area will be added to the City's maintenance program. Streets will be inspected and evaluated based on condition and needed repairs.	General Fund
Street Lights	Yes	No	If requested. Westar has provided an estimated cost of \$29,393 to install seventeen street lights in Cedar Lakes. This cost does not include the cost for trenching the line.	Benefit District
Police Protection	Yes	Yes	Immediate	General Fund
Fire Protection	Yes	Yes	No Change in provider	Mill Levy
Water	Yes	Yes	No change in provider	User/Connection Fees
General Governmental Services	Yes	Yes	Immediate	License and Permit Fees/ General Fund
Building, Property Maintenance, and Health Code Enforcement	Yes	Yes (Limited)	Immediate	License and Permit Fees/ General Fund
Planning & Zoning	Yes	Yes	Immediate	License and Permit Fees/ General Fund
Sewer	Yes	Yes	Immediate	Connection Fees/Assessment/User Fees/General Fund
Refuse Collection	Yes	Yes	Immediate	User Fees

Utility Company Information

Magellan Midstream Pipeline
Tonya Cape
13424 W. 98th Street
Lenexa, KS 66215

Sunflower Cable
Jim Day
1 Riverfront Plaza, Suite 301
Lawrence, KS 66044

Westar Energy
Mary Bolewski
2720 2nd Avenue
Leavenworth, KS 66048

Time Warner Cable
6550 Winchester Avenue
Kansas City, MO 64133

Atmos Energy
Richard Yunghans
25090 W. 110th Terrace
Olathe, Kansas 66061

City of Basehor
Gene Myracle
P.O. Box 406
Basehor, KS 66007

AT&T
Jacqueline VanDeBerghe
5400 Foxridge Dr. Rm 500
Mission, KS 66202

Annexation Information

2.3 REASONS FOR ANNEXATION

There are many reasons for cities to be able to annex territory, and often many reasons for a specific city to undertake a specific annexation. The National League of Cities has identified six basic reasons for annexation:

1. to provide for orderly growth and prosperity in the metropolitan area;
2. to plan and provide public service facilities, such as water and sewer systems, street extensions, and recreational facilities on a rational and economic basis.
3. to bring the fringe area within the city's land use controls;
4. to subject the fringe area to the city's police power regulations;
5. to regulate and deliver health and sanitation services to the fringe area;
6. to ensure residents of the fringe area who benefit from many of the facilities provided by the government bear their full share of those costs.

The proper, timely use of annexation can lead to a unified community and can prevent or alleviate the fragmentation of local government authority among different units of government, especially among special districts. Effects of fragmentation include, among many other problems, the following: '... conflicts of authority and the absence of cooperation, political irresponsibility, a long ballot, duplication of service, inadequate service levels, lack of area-wide planning and programming, financial inequities and other problems.

Annexation allows political boundaries to more accurately and meaningfully reflect the true and existing sociological, economic, cultural, and physical boundaries of the urban community. The fringe area and the city are a part of the same community. Annexation can protect or enhance a city's tax base. With the increased base also comes an increase in size and population. This increase can translate to, among other advantages, greater political influence, greater prestige and a greater ability to attract commercial development.

Annexation and accompanying comprehensive planning fosters unified political representation. Sound economic development, enhancement of property values, and high levels of cost-effective municipal services. Annexation avoids, on the other hand, duplication of publicly- financed services and conflict of authority.

Annexation allows city boundaries to be squared or made orderly and logical so as to eliminate hodgepodge boundaries and confusion as to which jurisdiction is responsible for what land area. Public safety services—police, fire and emergency medical care—particularly benefit from clarity of jurisdictional responsibility. Annexation may bring lower utility rates to the area annexed as city imposed surcharges to customers in unincorporated areas are removed. Lower fire insurance premiums often result when territory is brought within the jurisdiction of a full-time, professional city fire department. Also, real estate values and marketability increase as public improvements and municipal services are extended to the annexed area.

From "Annexation in Kansas", a manual Concerning the Annexation Powers and Duties of Cities, League of Kansas Municipalities, 1992, page 2-3.

K.S.A. 12-520

Chapter 12.--CITIES AND MUNICIPALITIES

Article 5.--ADDITIONS, VACATION AND LOT FRONTAGE

12-520. Conditions which permit annexation; ordinance; severability of ordinance where annexation invalid. (a)

Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

- (1) The land is platted, and some part of the land adjoins the city.

(g) The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

History: L. 1967, ch. 98, § 2; L. 1974, ch. 56, § 4; L. 1980, ch. 62, § 1; L. 1986, ch. 70, § 2; L. 1987, ch. 66, § 2; L. 1993, ch. 147, § 1; L. 2005, ch. 166, § 11; L. 2005, ch. 186, § 6; L. 2007, ch. 142, § 1; April 26.

12-520a

Chapter 12.--CITIES AND MUNICIPALITIES

Article 5.--ADDITIONS, VACATION AND LOT FRONTAGE

12-520a. Resolution; hearing; notice; publication; sketch of area; criteria considered at hearing; consent, effect.

(a) The governing body of any city desiring to annex land under the authority of K.S.A. 12-520, and amendments thereto, shall adopt a resolution stating that the city is considering the annexation of the land. The resolution shall:

(1) Give notice that a public hearing will be held to consider the annexation of the land and fix the date, hour and place of the public hearing. Unless the governing body of the city determines adequate facilities are not available, the public hearing shall be held at a site located in or as near as possible to the area proposed to be annexed. The hearing shall be held at the time determined by the governing body to be the most convenient for the greatest number of interested persons;

(2) describe the boundaries of the land proposed to be annexed; and

(3) state that the plan of the city for the extension of services to the area proposed to be annexed, which is required under the provisions of K.S.A. 12-520b, and amendments thereto, is available for inspection during regular office hours in the office of the city clerk.

(b) The date fixed for the public hearing shall be not less than 60 nor more than 70 days following the date of the adoption of the resolution fixing the date of the hearing.

(c) A copy of the resolution providing for the public hearing shall be mailed 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. The resolution shall be published in the official newspaper of the city not less than one week and not more than two weeks preceding the date fixed for the public hearing. A sketch clearly delineating the area in such detail as may be necessary to advise the reader of the particular land proposed to be annexed shall be published with the resolution. A copy of such sketch also shall be mailed to the owner of the property with the resolution.

(d) A copy of the resolution providing for the public hearing shall be sent by certified mail not more than 10 days following the date of the adoption of the resolution to:

(1) The board of county commissioners;

(2) the governing body of the 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; and

(7) any other political or taxing subdivision located within the area proposed to be annexed.

(e) At the public hearing, a representative of the city shall present the city's proposal for annexation, including the plan of the city for the extension of services to the area proposed to be annexed. Following the explanation, all interested persons shall be given an opportunity to be heard. The governing body may recess, for good cause shown, the hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

At such hearing or at any continuation of such hearing, the city shall determine the advisability of the annexation. As a guide in determining the advisability of such annexation, the city shall consider the:

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

(2) area of platted land relative to unplatted land;

(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;

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

(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;

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

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

(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;

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

(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;

(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. 12-521a, and amendments thereto, fire districts;

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

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

(15) economic impact on the area; and

(16) wasteful duplication of services.

(f) No resolution, notice and public hearing required under the provisions of this section shall be required as a prerequisite to the annexation of land owned by or held in trust for the city or any agency thereof or land all of the owners of which petition for or consent thereto in writing.

(g) Any resolution, adopted pursuant to this section, which includes territory subsequently incorporated pursuant to K.S.A. 15-115 et seq., and amendments thereto, shall be invalid.

History: L. 1974, ch. 56, § 2; L. 1984, ch. 66, § 1; L. 1987, ch. 66, § 3; L. 1993, ch. 147, § 2; L. 2005, ch. 155, § 2; July 1.