

WELCOME TO YOUR CITY COUNCIL MEETING

Regular meetings are held on the first and third Thursday of each month at 7 pm and are televised on Cable Television Channel 2 on Monday 7 pm, Tuesday 10 am & 7 pm, Friday 5 pm, Saturday 1 pm and Sunday 7 pm.

Any person wishing to address the City Council, simply proceed to the microphone in front of the dais after the agenda item has been introduced and wait to be recognized by the Mayor. When called upon, please begin by stating your name and address. A time designated "Audience Participation" is listed on the agenda for any matter that does not appear on this agenda. The Mayor will call for audience participation. Please be aware that the city council and staff may not have had advance notice of your topic and that the city council may not be able to provide a decision at the meeting. If you require any special assistance, please notify the City Clerk prior to the meeting.

- ***In order to adhere to social distancing and limiting large gatherings of people to mitigate the spread of COVID-19, the Lansing City Meeting will not be open to the public. In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed live via YouTube at www.lansingks.org/live and will be available for viewing on Spectrum Cable Channel 2 the following day.***
- ***Want to comment during Audience Participation?***
 - ***Submit your comment to Cityclerk@lansingks.org no later than 6:00 p.m. on February 3rd.***
- ***Questions on agenda items will be read during discussion on that topic.***
 - ***Submit your question to Cityclerk@lansingks.org no later than 6:00 pm on February 3rd.***

Call To Order

Pledge of Allegiance

Roll Call

OLD BUSINESS:

1. Approval of Minutes

NEW BUSINESS:

Audience Participation

Presentations

Council Consideration of Agenda Items:

2. Ordinance No. 1054 – Rezone Request 00000 Centre Drive
3. Final Plat - Saddle Ridge
4. Final Plat - Ryan Family Farms
5. Final Plat - Fawn Valley South, 2nd Plat
6. 2021 Independence Days Event
7. 2021 Bernard BBQ Battle Event
8. Approval of Quote - Belt Filter Press Rehabilitation Project

Reports:




City Attorney, City Administrator, Department Heads, Councilmembers

Proclamations

Other Items of Interest

Adjournment

AGENDA ITEM

TO: Tim Vandall, City Administrator 
THRU: Sarah Bodensteiner, City Clerk 
FROM: Shantel Scrogin, Assistant City Clerk 
DATE: January 29, 2021
SUBJECT: Approval of Minutes

The Special Meeting Minutes for January 21, 2021, the Regular Meeting Minutes for January 21, 2021, and the Special Meeting Minutes of January 28, 2021 are enclosed for your review.

Action: Staff recommends a motion to approve the Special Meeting Minutes for January 21, 2021, the Regular Meeting Minutes for January 21, 2021, and the Special Meeting Minutes of January 28, 2021 as presented.

Call To Order:

The special meeting of the Lansing City Council was called to order by Mayor Tony McNeill at 6:00 p.m.

Roll Call:

Mayor Tony McNeill called the roll and indicated which councilmembers were in attendance.

Councilmembers Present:

Ward 1: Dave Trinkle and Gene Kirby
Ward 2: Don Studnicka and Marcus Majure
Ward 3: Jesse Garvey and Kerry Brungardt
Ward 4: Gregg Buehler

Councilmembers Absent: Ward 4 Vacancy

Councilmembers were present via Zoom video conference with Councilmember Majure arriving at 6:05pm.

NEW BUSINESS:

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Councilmember Vacancy Ward 4 Applicant Interviews: Councilmembers interviewed applicants Ron Dixon and Jeffrey Eyerly.

Councilmember Buehler moved to nominate Ron Dixon for Ward 4 Councilmember. Councilmember Majure seconded the motion. The motion was unanimously approved.

Councilmember Vacancy Ward 4 Appointment: Councilmember Brungardt moved to appoint Ron Dixon to the Lansing City Council for an unexpired term beginning January 21, 2021 and ending January 10, 2022. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

ADJOURNMENT: Councilmember Kirby moved to adjourn. Councilmember Studnicka seconded the motion. The motion was unanimously approved. The meeting was adjourned at 6:25 p.m.

ATTEST:

Anthony R. McNeill, Mayor

Sarah Bodensteiner, City Clerk

Call To Order:

The regular meeting of the Lansing City Council was called to order by Mayor Tony McNeill at 7:00 p.m.

Roll Call:

Mayor Tony McNeill called the roll and indicated which Councilmembers were in attendance.

Councilmembers Present:

Ward 1: Gene Kirby and Dave Trinkle
Ward 2: Don Studnicka and Marcus Majure
Ward 3: Jesse Garvey and Kerry Brungardt
Ward 4: Ron Dixon and Gregg Buehler

Councilmembers Absent:

Councilmembers were present via Zoom video conference, with Councilmember Dixon in-person.

OLD BUSINESS:

Approval of Minutes: Councilmember Kirby moved to approve the regular meeting minutes of January 7, 2021, and the special meeting minutes of January 11, 2021, as presented. Councilmember Garvey seconded the motion. The motion was unanimously approved.

Audience Participation: Mayor McNeill called for audience participation and there was none.

Presentations: Oath of Office – Councilmember Ward 4: City Clerk Sarah Bodensteiner issued the Oath of Office to Ward 4 Councilmember Ron Dixon.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Election of Council President: Councilmember Trinkle stated Mayor I nominate Mr. Kirby.

- Councilmember Buehler stated Mayor I'd like to nominate Don Studnicka.
 - Councilmember Majure stated Mayor I'd like to nominate Don Studnicka.
 - Councilmember Kirby replied I'll second that.
 - Mayor McNeill responded ok I have two nominations.
 - City Administrator Tim Vandall I don't believe the motion for Mr. Kirby had a second.
 - City Clerk Sarah Bodensteiner replied correct, the nomination for Mr. Kirby did not have a second.
 - Mayor McNeill asked is there is a second for Mr. Kirby even though Mr. Kirby just seconded Don Studnicka.
 - Councilmember Brungardt replied I'll second it.
 - Councilmember Trinkle stated well that answers my question.
 - Mayor McNeill stated ok we have a nomination and a second for Mr. Kirby and Mr. Studnicka. So, I need a motion, actually we are going to vote on each one of those. We'll go with the first nomination, Mr. Kirby.

The nomination for Gene Kirby for Council President was not approved, with Councilmembers Studnicka, Kirby, Majure, Garvey, and Buehler voting against the motion, and Councilmember Dixon abstaining.

- Mayor McNeill stated it did not pass so we will now vote for Don Studnicka.

The nomination for Don Studnicka for Council President was approved with Councilmembers Brungardt and Trinkle voting against the motion, and Councilmember Dixon abstaining.

Councilmember Buehler moved to elect and appoint Don Studnicka as the President of the Council. Councilmember Majure seconded the motion. The motion was approved with Councilmember Dixon abstaining.

Planning Commission Appointment: Councilmember Brungardt moved to appoint Richard Hannon to the Lansing Planning Commission for a term that will expire on April 30, 2023. Councilmember Kirby seconded the motion. The motion was approved with Councilmember Dixon abstaining.

City Engineer Appointment: Councilmember Buehler moved to appoint Michael W. Spickelmier, P.E., a registered professional engineer in the State of Kansas, as the City Engineer for the City of Lansing. Councilmember Studnicka seconded the motion.

- Councilmember Studnicka stated I have a question. Does that mean when the contract runs out on Mr. Harding, we won't renew that.
 - City Administrator Tim Vandall replied the contract ran out a week or two ago.
 - Councilmember Studnicka responded ok.

The motion was unanimously approved.

Request to Use Activity Center After Hours – Boy Scouts: Councilmember Studnicka moved to approve the request from Matthew Blome and Boy Scout Troop 165 for use of the Lansing Activity Center from February 20 to February 21, 2021 as requested. Councilmember Garvey seconded the motion.

- Councilmember Garvey asked what are they going to be doing as far as COVID rules. Are they going to be doing social distancing, wearing masks? What is going to be the plan for that?
 - Matthew Blome responded I can speak to that. We are going to follow the CDC and BSA guidelines that have been established since last summer. The BSA just sent out an update and I'll forward it to Mr. Crum, a link to the guidance, but we follow that. They had good success with it last summer with all the summer camps. We had good success all fall. The basic stuff includes we'll screen people for any symptoms prior to the event, we'll take their temperature as they arrive. We'll make sure they are wearing masks and washing hands as well. We'll maintain social distancing although that is relatively easy with gym space and the boys won't be hanging around in a cluster. They'll probably be in several small groups, but it'll be easy to keep them apart. We don't have to worry about anyone staying in the same tent but up to this point we've not kept anybody but immediate family members, i.e., brothers, in the same tent when we've done campouts. That is about it. Like I said, I forwarded a copy of that to Mr. Crum as well and it's straight from the BSA and that is what we follow.
 - Councilmember Garvey replied sounds good. Thank you.

The motion was unanimously approved.

- Councilmember Brungardt stated Mr. Blome, tell your kids hello.
 - Matthew Blome replied thank you sir and thank you gentleman for helping us.

REPORTS:

Department Heads: Parks & Recreation Director Jason Crum stated they are currently taking soccer registrations for the spring. Same guidelines will apply as it did in the fall. Anyone not playing soccer, will need to wear a mask.

- Councilmember Majure asked if we will be able to do the same for the spring/summer baseball.
 - Parks & Recreation Jason Crum replied he believes so as long as COVID doesn't get bad.

City Attorney: City Attorney Greg Robinson had nothing to report.

City Administrator: City Administrator Tim Vandall let the Council know we received the annual insurance renewal. Our current provider, Travelers was the second lowest by about \$4,000. Staff has concerns about switching providers over a relatively small amount and would prefer to stay with Travelers. The Council was ok with staying with the current provider. City Administrator Tim Vandall let everyone know

they invited Leavenworth County to a future Council meeting in February to discuss the Eastern gateway bridge proposal. The mask mandate is set to expire at the end of January. The Public Health Officer felt a thirty-day extension would be appropriate. If the Council is interested in an extension, we can have paperwork ready prior to next weeks' Work Session.

- Councilmember Studnicka stated he is interested in an extension.
 - Councilmember Buehler agreed and suggested going 30 days out.
 - Councilmember Kirby also agreed and let everyone know Tonganoxie extended theirs 60 days. Leavenworth has it on their agenda for next week. The numbers have been cut in almost half from when the mask mandate went into effect.

February 3rd is World Read Aloud Day, and the library will be hosting Author Dan Gutman. Library Director Terri Wojtalewicz and staff are pretty excited about a national author reading aloud to Lansing children.

Governing Body: Councilmember Buehler welcomed Mr. Dixon to the Council and looks forward to working with him. He provided a fun fact, on this day in 1954, the world's first nuclear-powered submarine the USS Nautilus was launched in Groton, CT by Mamie Eisenhower, First Lady of the United States. Councilmember Dixon stated he is glad to be part of the team and looking forward to getting caught up to speed and contributing.

Councilmember Brungardt welcomed Mr. Dixon and told him this is a good group of people. He also stated it is a good decision by sticking with the mask mandate. This isn't going away anytime soon.

Councilmember Studnicka welcomed Mr. Dixon to the Council and looks forward to getting to know him better. He also suggested looking at a longer mask mandate timeframe instead of taking it month by month. Councilmember Trinkle welcomed Councilmember Dixon.

Councilmember Kirby welcomed Mr. Dixon and told him it would be an eye-opening experience and he hopes he enjoys it. He said hats off to the street crew for the snow removal they did. Councilmember Kirby agreed with Councilmember Studnicka on looking further out on the mask mandate with possibly cutting it short rather than keep adding on.

Councilmember Majure stated it is great to have Councilmember Dixon on board. He thanked Councilmember Studnicka for taking on the Council President role again. He asked if there was any information on the COVID vaccines.

- City Clerk Sarah Bodensteiner stated she or Tim would check with the Health Department to get more information.

Councilmember Majure thanked Mike and Tim on their support for getting light poles installed on Gilman Rd.

Councilmember Garvey congratulated Councilmember Dixon and welcomed him to the board. He thanked Richard Hannon for volunteering. He spoke for the other side of the mask mandate and stated he doesn't think it is necessary. We are all adults and business owners can do what they need to do keep their clients and employees safe.

ADJOURNMENT:

Councilmember Garvey moved to adjourn. Councilmember Buehler seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:23 p.m.

ATTEST:

Anthony R. McNeill, Mayor

Sarah Bodensteiner, City Clerk

Call To Order:

The special meeting of the Lansing City Council was called to order by Mayor McNeill at 6:30 p.m.

Roll Call:

Mayor McNeill called the roll and indicated which councilmembers were in attendance.

Councilmembers Present:

Ward 1: Dave Trinkle and Gene Kirby

Ward 2: Don Studnicka and Marcus Majure

Ward 3: Kerry Brungardt and Jesse Garvey

Ward 4: Ron Dixon and Gregg Buehler

Councilmembers Absent:

Councilmembers were present via ZOOM video conference, with Councilmember Majure arriving at 6:33 p.m.

NEW BUSINESS:

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Ordinance No. 1053 – Face Mask Ordinance: Mayor McNeill stated that before we have internal discussion, he asked if we received any public comments.

City Clerk Sarah Bodensteiner read one letter received regarding the Mask Ordinance:

- Karen Rich of 31051 207th Street, Leavenworth, KS 66048 expressed her views that the information the Council is basing its decision on is propaganda and misleading. She further expressed concern about testing accuracy, the vaccine, and the harm of masks. She concluded her letter by asking the Council to think carefully on this ordinance and its impact to life, liberty, and property.

Councilmember Brungardt moved to approve and adopt Ordinance No. 1053. Councilmember Studnicka seconded the motion. The motion was approved with Councilmember Garvey voting against the motion.

ADJOURNMENT: Councilmember Kirby moved to adjourn. Councilmember Majure seconded the motion. The motion was unanimously approved.


The meeting was adjourned at 6:49 p.m.

ATTEST:

Anthony R. McNeill, Mayor

Sarah Bodensteiner, CMC, City Clerk

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Matthew R. Schmitz, Director, Community & Economic Development 
DATE: February 4, 2021
SUBJECT: Ordinance No. 1054: An Ordinance to rezone 00000 Centre Drive from PUD Planned Unit Development to B-3 Regional Business District

Explanation: City of Lansing, owner of property at 00000 Centre Drive, has applied to rezone the subject property from PUD Planned Unit Development to B-3 Regional Business District. This rezoning, if approved, will allow the City to develop the property slowly over time, rather than as a large Planned Unit Development. In the event that future development is sought, site plans would need to be submitted and approved for each development, as well as plats for any revisions in property lines on the subject property. Additionally, staff has begun the process of working with Gould Evans who assisted with the Unified Development Ordinance on an overall "plan" for the property to ensure consistency as the entire area is developed. The committee of Council Members overseeing this project has made it clear to Staff that they want consistent development in the area, and that they want the developments to work together to provide a uniform aesthetic look and feel to the entire property. While the intent of a PUD district is to perform what is outlined above, Staff believes that B-3 will make the property more marketable, and easier to develop in the long term.

Please refer to the attached checklist and staff report for detailed analysis of the application.

There have been a few residents who border the subject property who had called and asked about future plans for the property before the Planning Commission meeting was held. While the City does not have specific plans at this time, the feedback received from residents about this property prior to the Planning Commission meeting was neutral or positive. One property owner along Kay Street contacted the Director and asked about future development of the property and if the hillside along Kay Street would be cut down. While we do not have specific plans, it was explained to the property owner that the removal of that hillside would be quite expensive, and likely would not occur when a development occurs on the property. Additionally, screening requirements would be followed along the north side since this is a transition area from Commercial to Residential.

At the Planning Commission meeting, there were four residents who spoke during the Public Hearing. Those comments and discussion have been included in the meeting minutes excerpt attached to this item.

The Planning Commission, at its January 20, 2021 meeting, recommended approval of this rezoning application with a 4-0-1 vote with Chairman Ron Barry abstaining. The minutes excerpt from that meeting, the rezoning checklist, and the staff report (including a map of the property) are included for your review.

Policy Considerations: None.

Action: Approve, approve with conditions, remand back to Planning Commission, or deny with a super majority vote of the governing body Ordinance No. 1054: An Ordinance to rezone 00000 Centre Drive from PUD Planned Unit Development to B-3 Regional Business District.

ORDINANCE NO. 1054

**AN ORDINANCE GRANTING A CHANGE OF ZONING
TO CERTAIN PROPERTY WITHIN THE CITY OF LANSING, KANSAS.**

WHEREAS, the Planning Commission of the City of Lansing has recommended to rezone particular real estate property within the City of Lansing, Kansas; and

WHEREAS, after proper legal publication and notice pursuant to the statutes of the State of Kansas, a public hearing was held on January 20, 2020, at 7:00 p.m. at the Lansing City Hall, Lansing, Kansas; and

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS:

Section 1. Change of Land Uses. The land uses for the following property currently addressed as 00000 Centre Drive within the city limits of the City of Lansing, County of Leavenworth, State of Kansas, legally described as follows:

LEGAL DESCRIPTION:

A tract of land in the Northeast Quarter (NE ¼) of Section 25, Township 9 South, Range 22 East and Southeast Quarter (SE ¼) of Section 24, Township 9 South, Range 22 East of the 6th Principal Meridian, City of Lansing, Leavenworth County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of said Section 25; thence South 89°36'17" West along the North line of the Northeast Quarter (NE 1/4) of said Section 25, a distance of 108.80 feet to the intersection of the West Right of Way of US Highway 73 (Kansas Highway 7), as Recorded in Book 469 at Page 600 in the Office of the Register of Deeds of Leavenworth County Kansas with said North line; thence South 01°05'31" West along said Westerly Right of Way a distance of 33.05 feet to the Northeast corner of Lot 1, First National Bank of Lansing, City of Lansing, Leavenworth County, Kansas; thence North 89°18'44" West along the North line of said Lot 1 a distance of 3.70 feet to a Point of Curvature; thence along a curve to the left and continuing along the North line of said Lot 1, said curve having a Radius of 554.55 feet and an Arc Length of 222.96 feet to a Point of Tangency; thence South 67°39'06" West continuing along the North line of said Lot 1, a distance of 110.49 feet to a Point of Curvature; thence along a curve to the right and continuing along the North line of said Lot 1, said curve having a Radius of 757.78 feet and an Arc Length of 25.34 feet to the Northwest Corner of said Lot 1; thence South 73°59'25" West a distance of 84.03 feet to the West Right of Way of Center Drive as described in the Quitclaim Deed Recorded in Book 854 at Page 741 in the Office of Register of Deeds of Leavenworth County Kansas and to the Point of Beginning; thence South 16°37'15" East along said West Right of Way a distance of 66.86 feet to a Point of Curvature; thence along a curve to the left and continuing along said West Right of Way, said curve having a Radius of 335.00 feet and an Arc Length of 164.15 feet to a Point of Tangency; thence South 44°41'45" East continuing along said, West Right of Way a distance of 103.59 feet to a Point of Curvature; thence along a curve to the right and continuing along said West Right of Way, said curve having a Radius of 465.00 feet and an Arc Length of 351.49 feet to a Point of Tangency; thence South 01°23'13" East continuing along said West Right of Way a distance of 250.63 feet to a Point of Curvature; thence along a curve to the right and continuing along said West Right of Way, said curve having a Radius of 1965.00 feet and an Arc Length of 86.21 feet to a Point of Tangency; thence South 01°07'37" West continuing along said West Right of Way a distance of 551.91 feet to a Point of Curvature; thence along a curve to the right and continuing along said West Right of Way, said curve having a Radius of 465.00 feet and an Arc Length of 121.26 feet to a Point of Tangency; thence South 16°04'04" West continuing along said West Right of Way a distance of 130.61 feet to a Point of Curvature; thence along a curve to the right and continuing along said West Right of Way, said curve having a Radius of 465.00 feet and an Arc Length of 339.56 feet to a Point of Reverse Curvature; thence along a curve to the left and continuing along said West Right of Way, said curve having a Radius of 535.00 feet and an Arc Length of 166.97 feet; thence North 88°43'14" West along said West Right of Way of a distance of 235.05 feet to the East Line of Stonecrest Subdivision, City of Lansing, Leavenworth County, Kansas; thence North 01°16'46" East along the East line of said Stonecrest Subdivision, the extension thereof and the East line of Lansing Heights Addition, City of Lansing, Leavenworth County, Kansas a distance of 2142.54 feet to the North Right of Way of Mary Street and a non-tangent curve; thence along a non-tangent curve to right continuing along said North Right of Way, having an initial bearing of North 83°30'22" West, said curve having a Radius of 691.78 feet and an Arc Length of 444.19 feet; thence North 37°16'24" West continuing along said North Right of Way a distance of 245.67 feet; thence North 31°54'11" West continuing along said North Right of Way a distance of 128.71 feet to a Point of Curvature; thence along a curve to the left and continuing along said North Right of Way, said curve having a Radius of 686.17 feet and

an Arc Length of 165.46 feet; thence North 01°07'47" East a distance of 117.30 feet to the South Right of Way for West Kay Street; thence North 69°47'51" East along said South Right of Way a distance of 59.31 feet; thence North 14°03'07" West continuing along said South Right of Way a distance of 15.56 feet; thence North 89°37'36" East continuing along said South Right of Way a distance of 1409.77 feet to the West Right of Way of US Highway 73 (Kansas Highway 7); thence South 00°59'42" West along said West Right of Way a distance of 298.42 feet; thence South 09°41'34" West continuing along said West Right of Way a distance of 32.60 feet; thence South 17 degrees 37'22" West a distance of 13.22 feet; thence North 87 degrees 25'02" West a distance of 227.73 feet along the South line of Lot 2, Lansing Towne Centre 2nd Plat; thence on a curve to the right having a radius of 91.68 feet and an arc length of 38.33 feet along South line of said Lot 2; thence North 68 degrees 34'52" West a distance of 65.00 feet to the East line of Lot 1 of Lansing Towne Centre; thence on a non-tangent curve to the right having a radius of 369.00 feet and an arc length of 45.15 feet, being subtended by a chord bearing of South 24 degrees 55'28" West and a chord distance of 45.13 feet, along the East line of said Lot 1; thence South 28 degrees 25'48" West a distance of 112.17 feet along East line of said Lot 1; thence on a curve to the right having a radius of 189.50 feet and an arc length of 44.28 feet along East line of said Lot 1; thence on a curve to the left having a radius of 210.50 feet and an arc length of 69.95 feet along East line of said Lot 1; thence on a curve to the left having a radius of 443.00 feet and an arc length of 226.69 feet along East line of said Lot 1; thence South 16°37'15" East a distance of 72.00 feet to the Point of Beginning, Containing 43.05 acres, more or less. Said Legal Description includes Road Rights of Way.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

All in Leavenworth County, Kansas,

less any part taken or used for road; presently zoned as "PUD" Planned Unit Development is hereby changed to "B-3" Regional Business District; and

Section 2. Amend Zoning District Map. That upon the taking effect of this ordinance, the above zoning change shall be entered and shown on the Zoning District Map, and said official zoning map shall be and is hereby reincorporated as a part of the Zoning Ordinance as amended.

Section 3. Effective Date. This ordinance shall take effect and be enforced from and after its passage, approval, and publication in the official city newspaper, as provided by law.

PASSED AND APPROVED by the governing body of the City of Lansing, Kansas, this 4th day of February, 2020.

Anthony R. McNeill, Mayor

ATTEST

Sarah Bodensteiner, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gregory C. Robinson, City Attorney

Publication Date: _____

Published: The Leavenworth Times

**CITY OF LANSING
FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE**

**Ordinance No. 1054: An Ordinance Granting a Change of Zoning to Certain Property Within the City of Lansing,
Kansas.**

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

Ordinance No. 1054 Summary:

On February 4, 2021, the City of Lansing, Kansas, adopted Ordinance No. 1054, an ordinance granting a change of zoning to certain property within the City of Lansing, Kansas. A complete copy of this ordinance is available at www.lansingks.org or at City Hall, 800 First Terrace, Lansing, KS 66043. This summary certified by Gregory C. Robinson, City Attorney.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: February 4, 2021

Gregory C. Robinson, City Attorney

Project Facts

Applicant

Lansing City

Address

00000 Centre Drive

Property ID

- 052-106-24-0-40-07-001.01
- 052-106-24-0-40-08-001.03-0
- 052-107-25-0-10-02-001.13-0
- 052-107-25-0-10-02-001.14
- 052-107-25-0-10-02-001.15
- 052-107-25-0-10-02-001.16-0
- 052-107-25-0-10-02-001.17-0
- 052-107-25-0-10-02-001.18-0

Zoning

PUD Planned Unit Development

Future Land Use

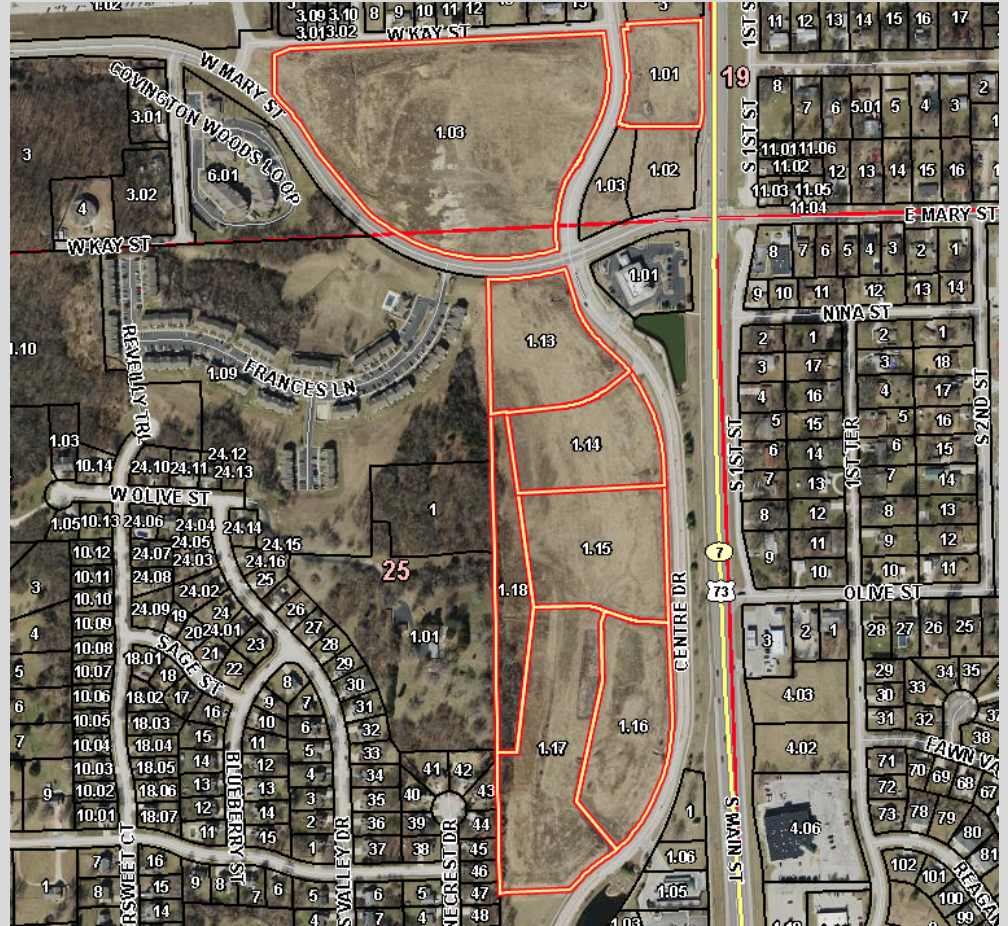
Commercial

Land

1,790,868.55 SF (41.11 acres)

Requested Approvals

Rezoning



Summary

City of Lansing, owner of property at 00000 Centre Drive, has applied to rezone the subject property from PUD Planned Unit Development to B-3 Regional Business District. This rezoning, if approved, will allow the City to develop the property slowly over time, rather than as a large Planned Unit Development. In the event that future development is sought, site plans would need to be submitted and approved for each development, as well as plats for any revisions in property lines on the subject property. Additionally, staff has begun the process of working with Gould Evans who assisted with the Unified Development Ordinance on an overall “plan” for the property to ensure consistency as the entire area is developed. The committee of Council Members overseeing this project has made it clear to Staff that they want consistent development in the area, and that they want the developments to work together to provide a uniform aesthetic look and feel to the entire property. While the intent of a PUD district is to perform what is outlined above, Staff believes that B-3 will make the property more marketable, and easier to develop in the long term.

A public hearing notice was published in the *Leavenworth Times* on December 29, 2020, and the notice was mailed to property owners within 200 feet of the subject property on December 28, 2020.

Discussion points from Checklist

The checklist was reviewed and completed by the Director of Community & Economic Development. There are no concerns marked as outstanding, and the application is in order.

Complaints / Questions

There have been a few residents who border the subject property who have called and asked about future plans for the property. While the City does not have specific plans at this time, the feedback received from residents about this property was neutral or positive. One property owner along Kay Street contacted the Director and asked about future development of the property and if the hillside along Kay Street would be cut down. While we do not have specific plans, it was explained to the property owner that the removal of that hillside would be quite expensive, and likely would not occur when a development occurs on the property. Additionally, screening requirements would be followed along the north side, since this is a transition area from Commercial to Residential.

Acknowledgments

The following City of Lansing staff members reviewed this project and provided information for this report:

- Matthew R. Schmitz, M.P.A. – Director, Community & Economic Development

Notice of City Codes

The Applicant is subject to all applicable City codes within the Municipal Code – whether specifically stated in this report or not – including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The Applicant is also subject to all applicable Federal, State, and local laws.

Recommendation

Staff recommends that the Planning Commission recommend approval of this rezoning request to the City Council.

REZONING CHECKLIST

Checklist Completed by: Matthew R. Schmitz
Case No. RZ-2021-1
Date Filed: December 21, 2020
Date Advertised: December 29, 2020
Date Notices Sent: December 28, 2020
Public Hearing Date: January 20, 2021

APPLICANT: Lansing City

LOCATION OF PROPERTY: 00000 Center Dr.

PRESENT ZONING: PUD **REQUESTED ZONING:** B-3

PRESENT USE OF PROPERTY: Undeveloped empty ground

SURROUNDING LAND USE AND ZONING:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Mixed Density and Multi-Family Residential	R-3, R-4
South	Agricultural and Regional Business District	A-1, B-3
East	Business districts and Residential District	B-1, B-2, B-3, R-1
West	Multi-Family, Regional Business District and Single Family	R-4, B-3, R-1

CHARACTER OF THE NEIGHBORHOOD: The area is well developed on all sides, with some multi family homes (duplexes) constructed to the northwest of the area, single family to the north and northeast, businesses at W. Mary and Main, single family to the east, businesses to the southeast, businesses and a single family home to the south, and a single family subdivision and multi-family apartments to the west..

NEAREST EQUIVALENT ZONING:

LOCATION: Intersection of Center Drive and W. Mary Street

CURRENT USE: Bank and office space

RELATIONSHIP TO EXISTING ZONING PATTERN:

- 1. Would proposed change create a small, isolated district unrelated to surrounding districts?** No
- 2. Are there substantial reasons why the property cannot be used in accord with existing zoning?** Yes **If yes, explain:** Staff believes that the designation of PUD on the property could be viewed as a hinderance by potential developers looking to buy ground in Town Center. When one developer buys a project and develops the entire project at once, as a PUD, then they work well. In this situation, because the City now owns it, we will most likely develop the property in pieces, rather than one large development. Staff believes that the

current designation of PUD could hinder the individual developments that could occur under a B-3 designation.

3. Are there adequate sites for the proposed use in areas already properly zoned? Not in close proximity to this area If yes, where? _____

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies? The Comprehensive Plan shows the area north of W. Mary as Commercial, with the area to the south being shown as Mixed Use, so this request is partially consistent with the Comprehensive Plan.

2. Consistent with Future Land Use Map? Partially. The future land use map shows the area north of W. Mary as commercial, and the area to the south as Mixed Use.

3. Are Public Facilities adequate? Yes. All utilities are present and in the area.

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: Main Street (K-7 Hwy), W. Mary Street, Center Drive, W. Kay Street, 4-H Road

2. Classification of Street(s):
Arterial Collector Local

3. Right of Way Width: ROW Widths for surrounding roads meet the guidelines established in the Unified Development Ordinance.

4. Will turning movements caused by the proposed use create an undue traffic hazard? No. The road network was designed for the type of use considered here when the project was originally constructed.

5. Comments on Traffic: Traffic in the area may be slightly increased due to increased trips to access the new use of the property, but there are no concerns about traffic because of this request.

SHOULD PLATTING OR REPLATTING BE REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? The current lot sizes are adequate but may need to shift in order to accommodate future developments. Should that occur, Staff would return with plats as required, if they do not meet the guidelines for Administrative Plats, etc.

2. Properly Sized Street Right of Way? The existing Street Right of Way is properly sized, and does not require any additions or modifications, subject to review of a site plan for any future development

3. Drainage Easements? Drainage easements would need to be considered as development occurs on the property. This would be reviewed and considered during the site planning process for any potential development on the property, and if a Plat is required, drainage easements would be considered at that time.

4. Utility Easements:

Electricity? Easements are in the area for the existing electric utilities. Future utilities needed would need to be located in easements as appropriate for development.

Gas? Easements are in the area for the existing gas utilities. Future utilities needed would need to be located in easements as appropriate for development.

Sewers? Easements are in the area for the existing sewer utilities. Future utilities needed would need to be located in easements as appropriate for development.

Water? Easements are in the area for the existing water utilities. Future utilities needed would need to be located in easements as appropriate for development.

5. Additional Comments: N/A

UNIQUE CHARACTERISTICS OF PROPERTY IN QUESTION: None

ADDITIONAL COMMENTS: The City Council has directed staff to review developments in this area on an overall basis. While that was the intent of the PUD, Staff believes that this can be achieved without the specific PUD designation by developing an overall plan for the property and project with Gould Evans. That process is already underway. Additionally, there are members of the City Council who are participating in a Town Center Committee to review potential developments and provide guidance to staff as projects come in.

Call to Order - The regular monthly meeting of the Lansing Planning Commission was called to order by Vice-Chairman Jake Kowalewski at 7:00 p.m. Also in attendance were Chairman Nancy McDougal and Amy Baker. Chairman Ron Barry joined after the meeting began via ZOOM, and Commissioner Jerry Gies joined via ZOOM before the meeting began. Vice-Chairman Jake Kowalewski noted there was a quorum present.

Approval of Minutes – December 16th, 2020, Regular Meeting – Commissioner Nancy McDougal made a motion to approve the minutes of the December 16th, 2020, meeting, seconded by Commissioner Amy Baker. The motion passed unanimously.

Old Business: - None

New Business:

- 1. Rezoning Application Case # RZ-2021-1: 00000 Centre Drive, Lansing, Kansas**
Application submitted by City of Lansing, property owner. This application is to rezone the subject parcels from PUD Planned Unit Development to B-3 Regional Business District.

Vice-Chairman Jake Kowalewski opened the public hearing at 7:03 p.m.

Dennis and Pat Charest, residents who live at 1 Pulley Hill, Lansing, KS asked what kind of businesses are expected to come under the potential B-3 rezoning. Vice-Chairman Kowalewski stated the type of businesses are unknown at this time, this is an administrative action establishing what businesses can come in, and he asked Community and Economic Development Director Matthew Schmitz for further clarification. Mr. Schmitz answered that B-3 districts allow a variety of businesses that range from big box stores to fast food restaurants. Mr. Schmitz further stated that there is a business development agreement in place for the entire 41-acre property as well as an adjacent property owner (Tom Dobski, proprietor of Leavenworth's McDonalds) for the NW quadrant located at K-7 & West Mary. Within this agreement, there are businesses that would be direct competitors of Mr. Dobski (and McDonalds), that would not be allowed.

Mr. Charest then asked if the City still planned to terrace the hill? Mr. Schmitz answered that "it would depend on what type of site plan was submitted (site plans/engineering plans are required to be submitted to the Planning Commission according to the guidelines set forth in the UDO that was adopted in 2019) and what type of development would take place. Regarding your concern, the west side of the property between West Mary and 4-H is steep, so there will have to be a design plan to terrace or install a wall to make that work."

Mr. Charest stated that he and his wife have lived in their home for roughly 28 years, own quite a bit of surrounding land, and are concerned primarily with safety and privacy. Mrs. Charest asked if there is a restriction on the size of building being built and Mr. Schmitz said he believes it's 3 stories based on fire code and Commissioner Jerry Gies confirmed 3 stories and/or 45' based off the ordinance he was reading from.

Mr. Charest asked if any offers have been put on the table at this point and Mr. Schmitz answered "no, not at this time." Mr. Charest then asked for clarification on the 8 parcels that

are open and whether that means 8 businesses could potentially move in. Mr. Schmitz stated it really depends on what is submitted and whether property lines would need to be adjusted to make development plans work. Mrs. Charest asked if notifications would be sent out to surrounding home/landowners when a new development is being considered and Mr. Schmitz stated that they would receive the same type of notice in the mail that they received for this rezone.

Mary Ryan, lifelong resident who lives at 128 West Kansas St, Lansing, KS said that she has been impacted by the development of Centre Drive and has been happy for the last 10 years since nothing has been built. Ms. Ryan stated initially she was concerned with drainage issues when homes were torn down and land was graded, that she was told would not be an issue but then became an issue and flooded homes on West Kay Street. The problem was fixed, but feels it was a temporary fix and if something were to be built and cement poured, it would create drainage issues again. Ms. Ryan is now concerned about the additional amount of traffic that might develop on Centre Drive, as it is currently a frequented road. Ms. Ryan asked that the future is taken into consideration when the Planning Commission begins reviewing business applications, as she feels potential issues were overlooked in the past that impacted nearby residents. Ms. Ryan asked if the term mixed use dwellings, which is listed under B-3 zoning, would be considered apartments and she is afraid if so, this would cause dense population in a small area. Vice-Chairman Kowalewski reassured her that the City as property owners will make advantageous decisions that benefit the City and mixed dwellings is probably not at the top of the list. Ms. Ryan asked how the City obtained the property as she thought it was privately owned and Vice-Chairman Kowalewski answered that the City purchased the property (unsure of why the seller sold it) for a financially great deal and were able to capitalize on the market. Ms. Ryan also noted that the space could be used for public open spaces, which is currently being done by dog walkers and such, and she feels the City should keep that in mind as well. Ms. Ryan said Lansing has a need for accessible open public spaces and/or parks and would like to see Lansing utilize this space for something of that nature.

Ms. Ryan questioned the next step of this rezoning process after tonight's meeting regarding plats and site plans and if approval needs to come from City Council. Mr. Schmitz answered that rezoning actions move on to City Council approval. He went on to further say that site plans are approved by the Planning Commission and do not need approval from the Council. Both processes still require public notification. There is a 14-day protest period that citizens can address their concerns with the City Council and the City Council can decide whether to approve the rezone request.

Ms. Ryan then asked for clarification regarding why the City wants to rezone from a PUD to a B-3 and what the advantage would be. Vice-Chairman Kowalewski answered it is to benefit the economy and widen the scale for what type of businesses would be developed. Mr. Schmitz added that it makes the property more marketable to developers. Ms. Ryan asked for a direct answer on whether apartment complexes would be developed, and Mr. Schmitz answered it is possible but highly improbable that the City would choose that avenue.

Mrs. Charest asked if any additional side streets would be added. Vice-Chairman Kowalewski answered that tonight's topic is the rezoning of the property and until something is developed, there is no answer on what if any, additional accessibility would be needed.

Craig Gephart, resident at 310 W. Olive St., Lansing, KS stated he would caution the Commission using the term improbable regarding apartments, because he has seen in the past where the City used that term regarding HUD housing and within 2 weeks of a developer going to the State, HUD housing is now Lansing Heights near him. Mr. Gephart said unfortunately there was no push back from the Council, after the public was told this would not be done. Mr. Gephart said he would like to see a development for this area that not only benefits the City, but Lansing residents as well. Mr. Gephart said he supports the idea of retail, but not of apartments/condominiums that can create a new set of problems from a high concentration of people living in one area. Mr. Gephart would like to see fencing and/or protection provided to the current residents in the area. Also, he would like to see erosion/drainage potentials addressed, lighting issues addressed, noise etc. Mr. Gephart would also like to see vegetation in the area to help beautify the City and Vice-Chairman stated this has been addressed in the ordinance to ensure the appropriate trees and vegetation are planted that are beneficial to the City. Mr. Gephart ended with a plea to the Commission to put the current residents in the area at the forefront of the decision-making process to ensure whatever is developed is mutually beneficial and not detrimental to the residents.

Vice-Chairman Kowalewski closed the public hearing at 7:25 p.m.

Vice-Chairman Kowalewski asked for a motion to approve the checklist as a finding of fact for the Rezoning application for 00000 Centre Drive, Lansing, Kansas. Commissioner Nancy McDougal made the motion seconded by Chairman Ron Barry. The motion passes 5-0.

Vice-Chairman Kowalewski asked for a motion to recommend approval, approve with conditions, or recommend disapproval to the Governing Body the Rezoning Application for City of Lansing, KS. Commissioner Jerry Gies made the motion seconded by Commissioner Nancy McDougal. The motion passes with 4-0-1 with Chairman Ron Barry abstaining.

2. Final Plat Application Case # SDFP-2021-1: 1022 E. Mary St, Lansing, Kansas

Application submitted by Mark Linaweaver Trust, property owner. This application is for a final plat consisting of 3 lots and approximately 98.67 acres. The property is currently zoned R-2 Single-Unit Residential District.

Commissioner Nancy McDougal made a motion to approve the checklist as a finding of fact seconded by Commissioner Gies recommending approval subject to conditions as outlined in the staff report. The motion passes 5-0.

3. Final Plat Application Case # SDFP-2021-2: 811 4-H Road, Lansing, Kansas

Application submitted by Lyle and Mary Chadwell Trust, property owners. This application is for a final plat consisting of 4 lots and approximately 154.6 acres. The property is currently zoned A-1 Agricultural District.

Mr. Schmitz asked for clarification from the Commission on the staff report comment regarding access along Gilman Rd for Lots 3 and 4. Harland Russell, with George Butler Associates (GBA), 9801 Renner Boulevard, Ste. 300, Lenexa, KS 66219, introduced himself as the plat preparer and said he asked the question to the staff earlier today and was told the restriction was on the

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Matthew R. Schmitz, Director, Community & Economic Development
DATE: February 4, 2021
SUBJECT: Final Plat – Saddle Ridge

Explanation: Mark Linaweaver, owner of 1022 E Mary Street, has applied for approval of a final plat for Saddle Ridge. This final plat, if approved, will allow the property owner to subdivide approximately 98.3 acres into three lots. Lot 1 would make up the majority of the existing property at approximately 87 acres. Lot 2 and 3 would be subdivided to each make up approximately 5 acres. The current zoning for the site is R-2 Single-Unit Residential District. As the Planning Commission may remember, this property was planned to be subdivided into roughly 149 lots but has since been revised to the submitted configuration.

The final plat has been updated to reflect the conditions listed in the Staff Report and now meets the requirements of the checklist, with the exception of final signatures for each required signatory. Those signatures will be obtained before the plat can be filed with Leavenworth County Register of Deeds.

The revised final plat, the checklist, and minutes excerpt from the January 20th Planning Commission meeting are attached for review.

The Planning Commission voted to recommend approval of this final plat application with a 5-0 vote.

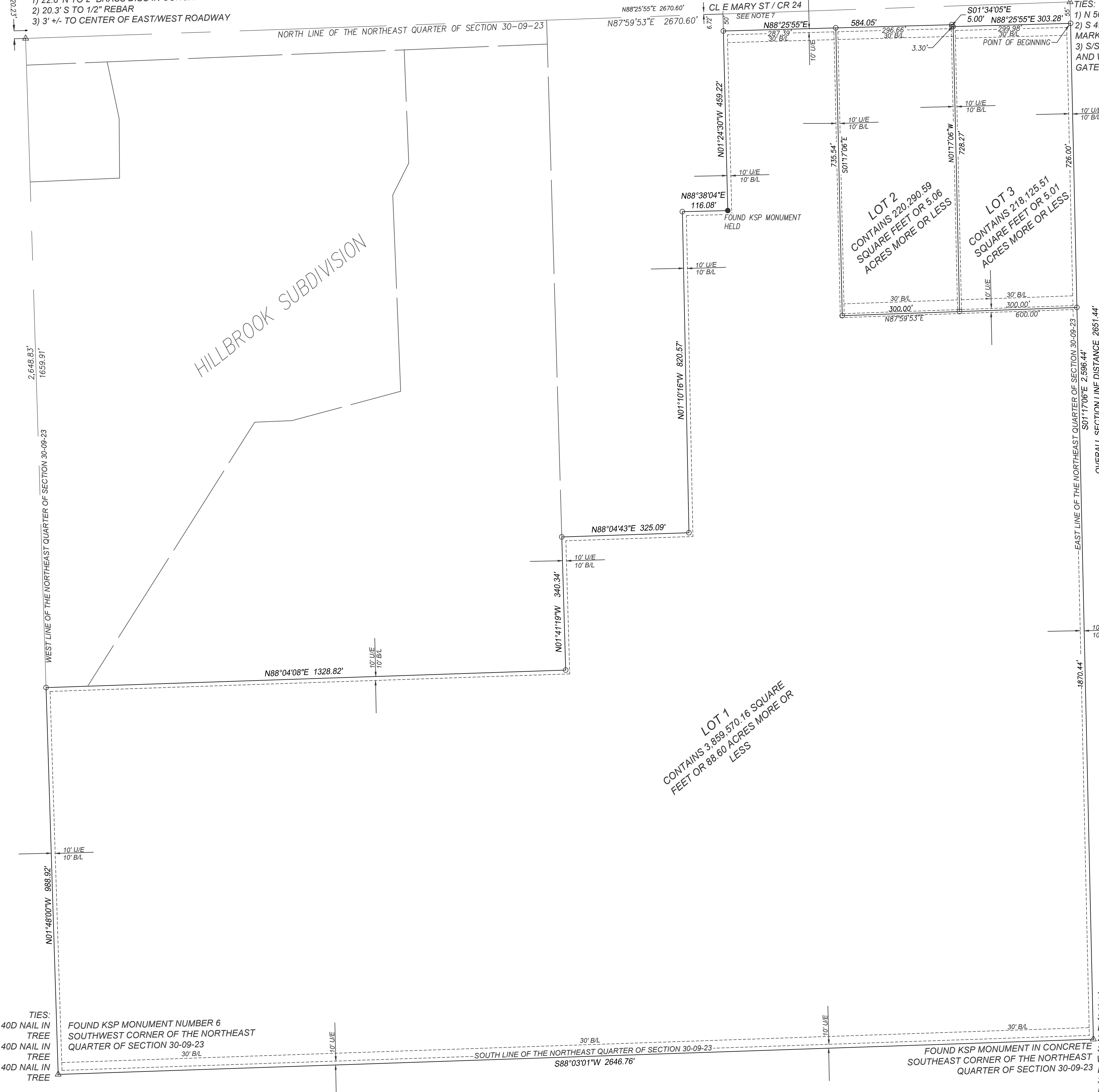
Action: Staff recommends a motion to approve the final plat for Saddle Ridge.

FINAL PLAT SADDLE RIDGE

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 09 SOUTH, RANGE 23 EAST OF THE 6TH P.M. IN THE CITY OF LANSING, LEAVENWORTH COUNTY, KANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOUND BRASS CAP
NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 30-09-23
TIES:
1) 22.8' N TO 2" BRASS DISC IN CONCRETE
2) 20.3' S TO 1/2" REBAR
3) 3' +/- TO CENTER OF EAST/WEST ROADWAY

FOUND 2.5" ALUM DISK IN MONUMENT BOX
NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 30-09-23
POINT OF COMMENCEMENT
SITE BENCHMARK - TOP OF MONUMENT BOX - 849.27'



DESCRIPTION

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 09 SOUTH, RANGE 23 EAST OF THE 6TH P.M. IN THE CITY OF LANSING, LEAVENWORTH COUNTY, KANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 01 DEGREES 17 MINUTES 06 SECONDS EAST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 55.00 FEET TO THE BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE SOUTH 01 DEGREES 17 MINUTES 06 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 2596.44 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 88 DEGREES 03 MINUTES 01 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2646.76 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 01 DEGREES 48 MINUTES 00 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 988.93 FEET; THENCE NORTH 88 DEGREES 04 MINUTES 08 SECONDS EAST, A DISTANCE OF 1328.81 FEET; THENCE NORTH 01 DEGREES 41 MINUTES 19 SECONDS WEST, A DISTANCE OF 340.34 FEET; THENCE NORTH 88 DEGREES 04 MINUTES 43 SECONDS EAST, A DISTANCE OF 325.09 FEET; THENCE NORTH 01 DEGREES 10 MINUTES 16 SECONDS WEST, A DISTANCE OF 820.57 FEET; THENCE NORTH 88 DEGREES 38 MINUTES 04 SECONDS EAST, A DISTANCE OF 116.08 FEET; THENCE NORTH 01 DEGREES 24 MINUTES 30 SECONDS WEST, A DISTANCE OF 459.22 FEET TO THE SOUTH RIGHT OF WAY OF EAST MARY STREET AS IT NOW EXISTS; THENCE NORTH 88 DEGREES 25 MINUTES 55 SECONDS EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 584.05 FEET; THENCE SOUTH 01 DEGREES 34 MINUTES 05 SECONDS EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 5.00 FEET; THENCE NORTH 88 DEGREES 25 MINUTES 55 SECONDS EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 303.28 FEET TO THE POINT OF BEGINNING.

CONTAINS: 4,297,987.15 SQUARE FEET OR 98.67 ACRES MORE OR LESS
DEDICATION: 4.29

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "SADDLE RIDGE."

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the City of Lansing, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easement.

An easement is hereby granted to the City of Lansing, Leavenworth County, Kansas, to enter upon, construct, maintain, use and authorize the location, of conduits for providing water, gas, cable, electric, sewers, and other utility services, including related facilities and appurtenances thereto, and drainage facilities, upon, under, over and across those areas outlined and designated on this plat as "Utility Easement" or "U/E", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Lansing, Leavenworth County, Kansas.

The undersigned proprietors of the above described land hereby consents and agrees the City Council of Lansing, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or part thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of that land fronting or abutting on such dedicated public ways or thoroughfares.

The use of all units in this subdivision shall hereafter be subject to the restrictions which will be executed as a separate instrument of writing and will be recorded in the Office of the Register of Deeds of Leavenworth County, Kansas, said restrictions will thereby be made a part of the dedication of this plat as though fully set forth herein.

IN TESTIMONY WHEREOF,
I, undersigned owner of SADDLE RIDGE have set our hands this ____ day of _____, 20__.

MARK LINAWEAVER
MARK LINAWEAVER TRUST

ACKNOWLEDGEMENT:
STATE OF KANSAS
COUNTY OF

BE IT REMEMBERED THAT ON THIS ____ DAY OF _____, 20__ BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME _____ TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FORGOING INSTRUMENT OF WRITING, AND DULY ACKNOWLEDGED THE EXECUTION OF SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC _____
My Commission Expires: _____

This plat of SADDLE RIDGE has been submitted to and approved by the Lansing, Kansas Planning Commission.

Dated this ____ day of _____, 20__
Lansing, Kansas Planning Commission

By _____, Chairman
RONALD BARRY
_____, Secretary
DEBRA WARNER

The dedications shown herein, if any, are accepted this ____ day of _____, 20__.

ANTHONY R. MCNEILL, Mayor
CITY OF LANSING, KANSAS

COUNTY SURVEYOR APPROVAL:
This survey has been reviewed for filing, pursuant to KSA 58-2003, 58-2005, and 58-2011, for content only and is in compliance with those provisions. No other warranties are extended for implied.

Reviewed by _____ Date: _____
WAYNE MALNICOF

State of KANSAS)
County of) JSS

This is to certify that this instrument was filed for record in the Register of Deeds office on this day of _____, 20__ at _____ o'clock and is duly recorded.

TERRILOIS G. MASHBURN, Register of Deeds

_____, Deputy



LEGEND

- △ DENOTES FOUND MONUMENT AS NOTED
- DENOTES SET 1/2" REBAR IN CONCRETE WITH L# 1408 CAP
- DENOTES FOUND MONUMENT AS NOTED

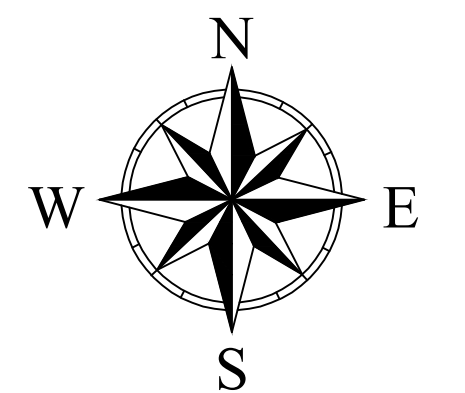
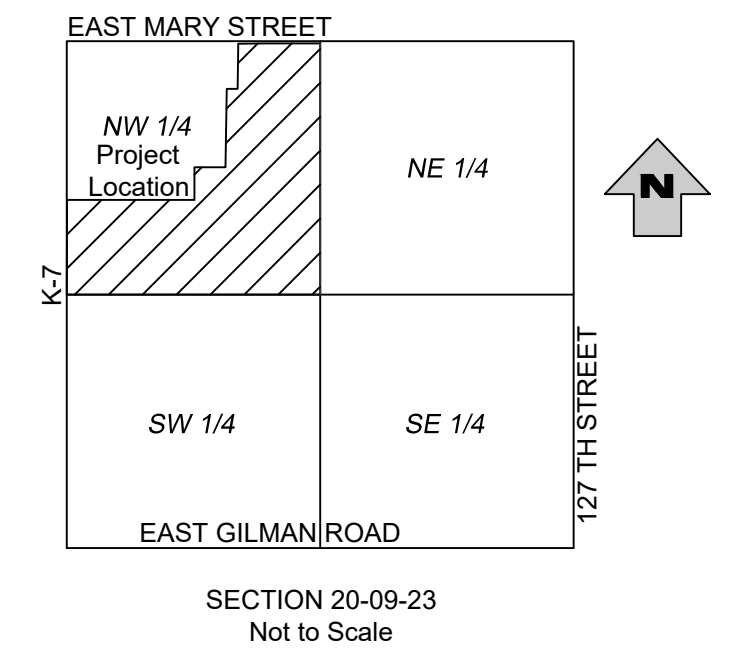
	GROSS ACRES	DEDICATED ROW
LOT 1	88.60 ACRES	14,499.23 SQFT/0.33 ACRES
LOT 2	5.06 ACRES	14,822.22 SQFT/0.34 ACRES
LOT 3	5.01 ACRES	16,888.08 SQFT/0.39 ACRES

DEDICATED ROW CALCULATED TO THE CL OF E MARY ST

GENERAL NOTES

1. The basis for the bearing system for this plat is the Kansas North Zone U.S. State Plane 1983.
2. All distances shown hereon are ground distances in feet.
3. Floodplain Note: According to "FIRM" Map Community Panel Numbers 20209C0010D, effective September 2, 2011, this plat is located in Zones "AE" and "X".
4. All section corners were found and held.
5. Error in Closure: 1 part in 21,140,878.16'
6. 10' proposed U/E surrounding property - 10' U/E centered on interior lot lines.
7. Right of way added to survey per Kansas State Highway plans, Leavenworth Project C-386, Public Road Division number 5. Right of way distances are shown from the centerline of the road.
8. Current Zoning R-2 / Proposed Zoning R-2
9. All lots will be serviced via septic system.
10. Number of buildable lots - 3
11. Maximum lot size is 3,859,570.16 sq ft or 88.60 Acres.
12. The average lot size is 1,432,662.09 sq ft or 32.89 Acres.
13. Sanitary manhole locations shown per City of Lansing Mapping.
14. No planned services.
15. Access to lots shall be governed by the provisions of the UDO and Technical Specifications. Any modification to the existing access points in location and/or utilization shall have a proper sight distance analysis as part of the application.

VICINITY MAP



This is to certify on this 23RD day of October, 2020 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ROGER B. DILL LS 1408

SCALE

1"=150'
0 75' 150'

PREPARED FOR

SEC-TWN-RNG

30-09-23

MARK LINAWEAVER
1022 E MARY STREET,
LANSING, KANSAS 66043

DATE

JANUARY 20, 2021

Project Facts

Applicant

Mark Linaweaver Trust

Address

1022 E. Mary St.

Property ID

099-30-0-10-01-001.00-0

Zoning

R-2 Single-Unit Residential District

Future Land Use

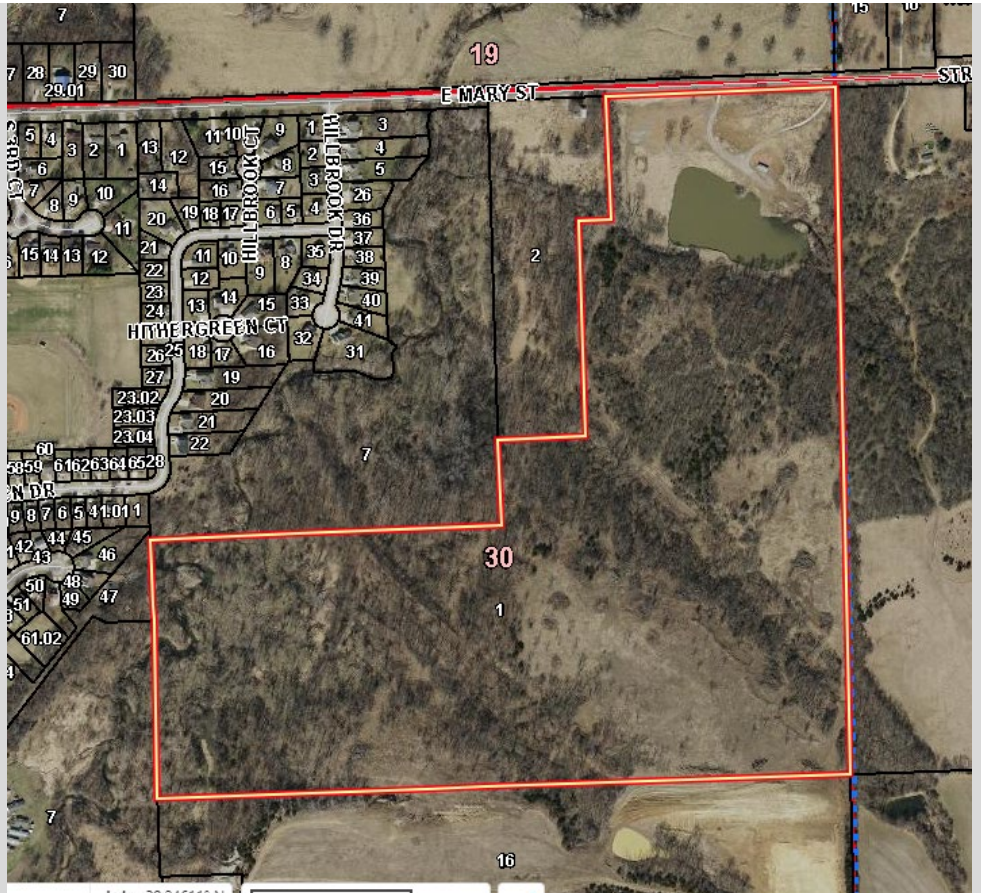
Park / State Property

Land

4,283,122.68 SF (98.3 acres)

Requested Approvals

Final Plat



Summary

Mark Linaweaver, owner of 1022 E Mary Street, has applied for approval of a final plat for Saddle Ridge. This final plat, if approved, will allow the property owner to subdivide approximately 98.3 acres into three lots. Lot 1 would make up the majority of the existing property at approximately 87 acres. Lot 2 and 3 would be subdivided to each make up approximately 5 acres. The current zoning for the site is R-2 Single-Unit Residential District.

As the Planning Commission may remember, this property was planned to be subdivided into roughly 149 lots but has since been revised to the submitted configuration.

Discussion points from Checklist

The checklist was reviewed and completed by the Director of Community & Economic Development. Items marked no are discussed below:

- Building setback lines are missing from the plat and have been noted as such on the attached plat that is marked up.
- The name of the registered land surveyor preparing the plat is shown on the submitted document but is not signed nor sealed. This will be completed prior to filing of the document, subject to the approval of the Planning Commission and City Council.
- Restrictive covenants are referenced on the plat, but no copy has been provided to the City at this point.
- Certificates signed by the City Clerk and County Treasurer that all taxes and special assessments due and payable have been paid will be collected before the plat is filed with the Register of Deeds.

Community & Economic Development / Public Works / Wastewater / City Engineer Comments

Comments on this final plat from the preliminary plat process have been addressed. Additional comments redlined on the plat have been identified and can be addressed before the plat is signed by the Chairman of the Planning Commission either before or after approval by the City Council.

Final plats are a refined version of the preliminary plat that presents proposed ownership and development patterns, as well as the specific location of public facilities and public property based on detailed designs. After approval of the preliminary plat, the applicant may submit a final plat for all or portions of the preliminary plat area for consideration at the next scheduled Planning Commission meeting. A final plat must be reviewed by staff and brought before the Planning Commission for approval, approval with conditions, or denial.

Community & Economic Development Review (from Article 2.02-E of the UDO):

- The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.
 - The final plat submitted is in compliance with the approved preliminary plat. No open space or civic design elements have been proposed, and the final plat notes that all lots will be serviced via septic system and has no planned services.
- The construction plans for any utilities, infrastructure or public facilities meet all technical specifications.
 - The final plat notes that all lots will be serviced via septic system and has no planned services.
- The phasing and timing of public improvements ensures construction and performance guarantees.
 - The final plat does not include public improvements; thus, no phasing is provided.
- Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.
 - There do not appear to be any deviations from the preliminary plat.
- The recommendations of professional staff, or any other public entity asked to officially review the plat.
 - Based on substantial compliance with the approved preliminary plat, and subject to the review of any technical drawings or legal review, Staff from Community & Economic Development find this proposed final plat acceptable, subject to revisions noted in this report.
 - All items redlined on the copy attached to this staff report must be rectified and completed before the final plat can be taken to City Council. Additionally, signatures of the surveyor, Planning Commission Chair, etc. should be applied to the copy taken to City Council.

Public Works:

- As noted in the Preliminary Plat process, there is significant floodplain on this property, so any construction will need to occur in accordance with the Lansing Floodplain Regulations.
- Access will be limited to one point per lot from E. Mary Street. Sight distance analysis may be required due to the grades and limited visibility along the frontage on E. Mary Street. This will need to be reviewed when building permits are submitted with plot plans for the lots. Additionally, this note needs to be added to the plat so that it becomes a matter of public record.

Wastewater:

- As noted in the Preliminary Plat process, there are plans to extend a sewer main through Lot 1 of this proposed subdivision at some point in the future. When Lot 1 is re-platted in the future, sewer easements will need to be obtained to provide for the extension of this sewer main.

Acknowledgments

The following City of Lansing staff members reviewed this project and provided information for this report:

- Matthew R. Schmitz, MPA – Director, Community & Economic Development
- Michael Spickelmier, P.E. – Director, Public Works
- Anthony Zell, MBA – Director, Wastewater

Notice of City Codes

The Applicant is subject to all applicable City codes within the Municipal Code – whether specifically stated in this report or not – including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The Applicant is also subject to all applicable Federal, State, and local laws.

Recommendation

Staff recommends that the Planning Commission approve the Final Plat and recommend to the City Council approval of this final plat, with the condition of modification of the plat to rectify the items outlined herein.

**CHECKLIST FOR COMPLETENESS
OF
APPLICATION FOR PLANNING COMMISSION
REVIEW AND APPROVAL
OF
FINAL PLAT
FOR

SADDLE RIDGE
(Name of Subdivision)**

Matthew R. Schmitz
Person Completing Checklist

1-14-2021
Date

COMPLETION OF THIS CHECKLIST IN NO WAY CONSTITUTES AN EVALUATION OF THE MERITS OR ACCURACY OF THE PLANS, DESIGN OR ENGINEERING OF THE FINAL PLAT. THIS STEP IS INTENDED ONLY AS AN ADMINISTRATIVE REVIEW OF THE COMPLETENESS OF THE APPLICATION FOR APPROVAL BEFORE IT UNDERGOES STAFF EXAMINATION BY THE CITY ENGINEER FOR HIS RECOMMENDATION TO THE PLANNING COMMISSION.

FINAL PLAT CHECKLIST

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
1. Preliminary Plat has been approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Applicant agrees to submit an original with all final revisions in both paper and electronic format to the Community and Economic Development Department	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Material is submitted at least fourteen (14) days prior to Planning Commission meeting at which it is desired to be considered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Original copy contains names and locations for duly acknowledged and notarized signatures of the owner(s) of the property.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Final Plat is drawn at scale of at least 1" = 200'	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Size of sheet on which final plat is prepared is at least 36 inches by 24 inches. If more than one sheet required, all are same size and index map is provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. FINAL PLAT CONTAINS:			
A. Name of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
B. Location, including section, township, range, county and state	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
C. Location and description of existing monuments or benchmarks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
D. Location of lots and blocks with dimensions in feet and decimals of feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
E. Location of alley, street and highway rights-of-way, parks and other features including radii on curves with dimensions in feet and decimals of feet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
F. Clear numbering for all lots.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
G. Clear numbering or lettering.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
H. Locations, widths and names of all streets and alleys to be dedicated. (If applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I. Boundaries and descriptions of any areas other than streets to be dedicated or reserved for public use. (If applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J. Minimum area and associated minimum elevation for the building on each lot (building site). (If requested by Planning Commission)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Final Plat Checklist

Page 2

		<u>YES</u>	<u>NO</u>	<u>N/A</u>
K.	Building setback lines along all streets, with dimensions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
L.	Name, signature, seal of licensed engineer or registered land surveyor preparing plat.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
M.	Scale of plat, (shown graphically) date of prep and north point.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
N.	Statement dedicating all easements, streets, alleys and all other public areas not previously dedicated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8.	A copy of any restrictive covenants applicable to the subdivision is provided. (If applicable)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.	Required certifications/acknowledgements are present:			
A.	Certificate signed and acknowledged by all parties having any record, title or interest in the land subdivided, and consenting to the preparation and recording of said subdivision map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
B.	Certificate (as above) dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use including easements, and those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
C.	Certificate of responsibility by registered land surveyor preparing final map, accompanied by seal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
D.	Certificate(s) signed by City Clerk and County Treasurer that all taxes and special assessments due and payable have been paid.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
E.	Notary acknowledgement in form shown in Subdivision Regulation (Pg. 10).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
F.	Endorsement by Planning Commission in form shown in Subdivision Regulations (Pg. 10).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
G.	Public use acceptance by Governing Body in form shown in Subdivision Regulation (Pg. 10, 11).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Craig Gephart, resident at 310 W. Olive St., Lansing, KS stated he would caution the Commission using the term improbable regarding apartments, because he has seen in the past where the City used that term regarding HUD housing and within 2 weeks of a developer going to the State, HUD housing is now Lansing Heights near him. Mr. Gephart said unfortunately there was no push back from the Council, after the public was told this would not be done. Mr. Gephart said he would like to see a development for this area that not only benefits the City, but Lansing residents as well. Mr. Gephart said he supports the idea of retail, but not of apartments/condominiums that can create a new set of problems from a high concentration of people living in one area. Mr. Gephart would like to see fencing and/or protection provided to the current residents in the area. Also, he would like to see erosion/drainage potentials addressed, lighting issues addressed, noise etc. Mr. Gephart would also like to see vegetation in the area to help beautify the City and Vice-Chairman stated this has been addressed in the ordinance to ensure the appropriate trees and vegetation are planted that are beneficial to the City. Mr. Gephart ended with a plea to the Commission to put the current residents in the area at the forefront of the decision-making process to ensure whatever is developed is mutually beneficial and not detrimental to the residents.

Vice-Chairman Kowalewski closed the public hearing at 7:25 p.m.

Vice-Chairman Kowalewski asked for a motion to approve the checklist as a finding of fact for the Rezoning application for 00000 Centre Drive, Lansing, Kansas. Commissioner Nancy McDougal made the motion seconded by Chairman Ron Barry. The motion passes 5-0.

Vice-Chairman Kowalewski asked for a motion to recommend approval, approve with conditions, or recommend disapproval to the Governing Body the Rezoning Application for City of Lansing, KS. Commissioner Jerry Gies made the motion seconded by Commissioner Nancy McDougal. The motion passes with 4-0-1 with Chairman Ron Barry abstaining.

2. Final Plat Application Case # SDFP-2021-1: 1022 E. Mary St, Lansing, Kansas

Application submitted by Mark Linaweaver Trust, property owner. This application is for a final plat consisting of 3 lots and approximately 98.67 acres. The property is currently zoned R-2 Single-Unit Residential District.

Commissioner Nancy McDougal made a motion to approve the checklist as a finding of fact seconded by Commissioner Gies recommending approval subject to conditions as outlined in the staff report. The motion passes 5-0.

3. Final Plat Application Case # SDFP-2021-2: 811 4-H Road, Lansing, Kansas

Application submitted by Lyle and Mary Chadwell Trust, property owners. This application is for a final plat consisting of 4 lots and approximately 154.6 acres. The property is currently zoned A-1 Agricultural District.

Mr. Schmitz asked for clarification from the Commission on the staff report comment regarding access along Gilman Rd for Lots 3 and 4. Harland Russell, with George Butler Associates (GBA), 9801 Renner Boulevard, Ste. 300, Lenexa, KS 66219, introduced himself as the plat preparer and said he asked the question to the staff earlier today and was told the restriction was on the

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Matthew R. Schmitz, Director, Community & Economic Development
DATE: February 4, 2021
SUBJECT: Final Plat – Ryan Family Farms

Explanation: Chadwell, Lyle H & Mary E; Trust, owner of 811 4-H RD, has applied for approval of a final plat for Ryan Family Farms. This final plat, if approved, will allow the property owner to subdivide 155.49 acres into four lots. Lot 1 would make up most of the existing property with 139.55 acres. Lot 2, 3, and 4 would be located along the south side of Lot 1 and separated by a proposed future public street – Gilman Road. Lot 2 would make up 6.76 acres, Lot 3 would make up 1.82 acres, and Lot 4 would make up 1.42 acres. The current zoning for the site is A-1 Agricultural District, and no zoning modifications are proposed at this time.

This plat is being performed to facilitate the sale of two properties, specifically Lots 3 and 4 as shown on the final plat. The property owners to the south, in Rock Creek Estates, have expressed interest in expanding their backyards in this area. City Staff initiated the extension of Gilman Road Right-of-Way in return for vacating the ROW along the southern border of the Ryan property, with any additional square footage that exceeds the original ROW to be compensated to the property owners by the City.

The final plat has been updated to reflect the conditions listed in the Staff Report and now meets the requirements of the checklist, with the exception of final signatures for each required signatory. Those signatures will be obtained before the plat can be filed with Leavenworth County Register of Deeds.

The revised final plat, the checklist, and minutes excerpt from the January 20th Planning Commission meeting are attached for review.

The Planning Commission voted to recommend approval of this final plat application with a 5-0 vote.

Action: Staff recommends a motion to approve the final plat for Ryan Family Farms.

RYAN FAMILY FARMS SUBDIVISION,

(A plat of the Southwest Quarter of Section 25, Township 9, Range 22,
in the City of Lansing, Leavenworth County, Kansas)

EXECUTION:

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this _____ day of _____, 2021

LYLE H. CHADWELL & MARY E. CHADWELL TRUST

LYLE H. CHADWELL, Trustee

MARY E. CHADWELL, Trustee

BETTY J. RYAN TRUST

HELEN M. RETTIE TRUST

BETTY J. RYAN, Trustee

HELEN M. RETTIE, Trustee

STATE OF KANSAS)
)SS
COUNTY OF LEAVENWORTH)

BE IT REMEMBERED, that on this _____ day of _____, 2021, before me a Notary Public in and for said County and State, came LYLE H. CHADWELL AND MARY E. CHADWELL, trustee(s) of the LYLE H. CHADWELL AND MARY E. CHADWELL TRUST, and BETTY J. RYAN, trustee of the BETTY J. RYAN TRUST, and HELEN M. RETTIE, trustee of the HELEN M. RETTIE TRUST, who is personally known to me to be the same persons who executed the foregoing instrument of writing on behalf of said Trust, and they duly acknowledged the execution of the same to be the act and deed of said Trust.

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

Notary Public

My Appointment Expires: _____

APPROVAL

This plat of RYAN FAMILY FARMS SUBDIVISION has been submitted to and approved by the Lansing Planning Commission, this _____ day of _____, 2021.

RON BARRY, CHAIRMAN

DEBRA WARNER, SECRETARY

This plat approved by the City Council of Lansing, Kansas, this _____ day of _____, 2021.
(SEAL)

ATTEST: _____
TONY MCNEILL, MAYOR

SARAH BODENSTEINER, CITY CLERK

MICHAEL SPICKELMIER, P.E.
DIRECTOR OF PUBLIC WORKS

GREGORY ROBINSON, CITY ATTORNEY

I hereby certify, as the County Treasurer of Leavenworth County, Kansas, that all taxes and special assessments due and payable on the foregoing subdivision have been paid, on this _____ day of _____, 2021.

JANICE VAN PARYS
LEAVENWORTH COUNTY TREASURER

STATE OF KANSAS)
)SS
COUNTY OF LEAVENWORTH)

This is to certify that this instrument was filed for record in the Register of Deeds office on the _____ day of _____, 2021, in Book _____, Page _____.

TERRILOUIS G. MASHBURN,
REGISTER OF DEEDS

I hereby certify this plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary surveys. No field verification is implied. This review is for survey information only.

WAYNE MALNICOF, COUNTY SURVEYOR

OWNER/DEED:
May 31, 2017 - Doc. 2017R04228
Lyle H. Chadwell and Mary E. Chadwell
Apr. 3, 2017 - Deed Doc. 2017R02585
Helen M. Rettie
Apr. 3, 2017 - Doc. 2017R02584
Betty J. Ryan.

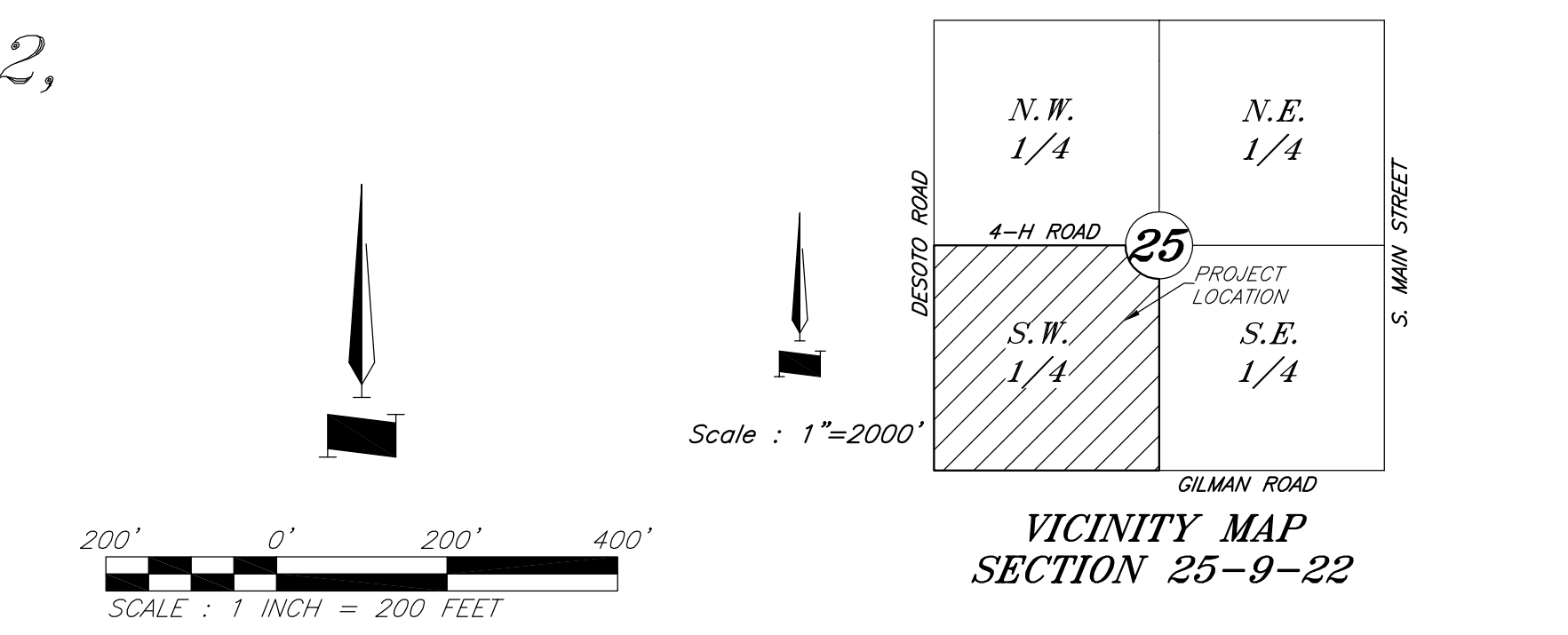
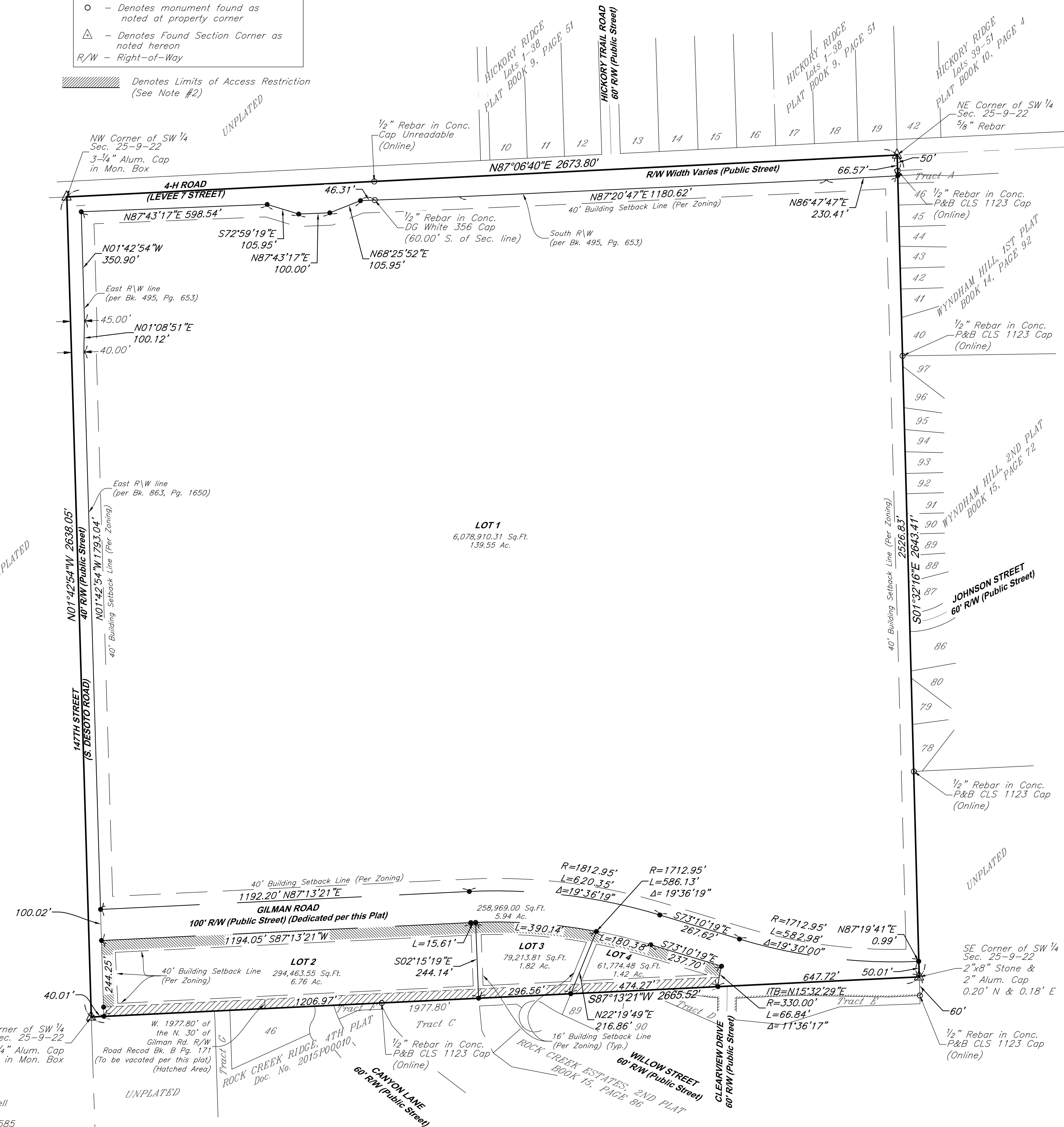
OWNER/DEVELOPER:
CHADWELL, LYLE H & MARY E; TRUST
PO BOX 265
CHAPMAN, KS, 67431

Closure Summary Plat Boundary
Precision, 1 part in: 3,101,126.74'
Error distance: 0.003"
Error direction: N11°33'53"E

Apr. 3, 2017 - Doc. 2017R02583
Betty J. Ryan, Helen M. Rettie and Mary E. Chadwell.

LEGEND

- - Denotes 1/2" Rebar with GBA cap set at property corner unless otherwise noted
- - Denotes monument found as noted at property corner
- △ - Denotes Found Section Corner as noted hereon
- R/W - Right-of-Way
- ▨ - Denotes Limits of Access Restriction (See Note #2)



Description:
All that part of the Southwest Quarter of Section 25, Township 9, Range 22, East of the Sixth Principal Meridian, in the City of Lansing, Leavenworth County, Kansas, being more particularly described as follows:

Beginning at the Northwest Corner of said Southwest Quarter; thence North 87°06'40" East, along the North line of said Southwest Quarter, a distance of 2673.80 feet, to the Northeast Corner of said Southwest Quarter; thence South 01°32'16" East, departing said North line, along the East line of said Southwest Quarter, a distance of 2643.41 feet, to the Southeast Corner of said Southwest Quarter; thence South 87°13'21" West, departing said East line, along the South line of said Southwest Quarter, a distance of 2665.52 feet, to the Southwest Corner of said Southwest Quarter; thence North 01°42'54" West, departing said South line, along the West line of said Southwest Quarter, a distance of 2638.05 feet, to the Point of Beginning; except that part in existing right-of-way as recorded in Book 863, Page 1650, and Book 495, Page 653, containing 6,773,331.15 square feet, or 155.49 acres, more or less.

Dedication:
The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "RYAN FAMILY FARMS SUBDIVISION".

The streets and roads shown on this plat and not heretofore dedicated to public use, are hereby so dedicated.

The use of all lots in this subdivision shall hereafter be subject to the restrictions which will be executed as a separate instrument writing and will be recorded in the Office of the Register of Deeds of Leavenworth County, Kansas, said restrictions will thereby be made a part of the dedication of this plat as though fully set forth herein.

Basis of Bearing:
Bearings shown hereon are based on the Kansas State Plane Coordinate System of 1983, North; with the North line of the Southeast Quarter having a bearing of N 87°06'40" E between a 3-1/4" alum. cap in mon. box found at the Northwest corner and a 5/8" rebar found at the Northeast corner.

Theory of Location:
Monuments found at the exterior corners of the Southwest Quarter of Section 25, Township 9, Range 22 were accepted and held for location as the boundary for this subdivision.

Notes:

- The North 30 feet of Gilman Road Right-of-Way in the Southwest Quarter of Section 25, Township 9, Range 22, as established per County Road Record Book B, Page 171, is to be vacated per this plat from a point on the East Right-of-Way line of 147th Street/S. Desoto Road, as now established, thence Easterly to a point 1977.80 feet East of said East Right-of-Way line.
- The following access restriction shall apply as follows: Lot 2; no access to Gilman Road or 147th Street in this configuration. Access to Lot 2 will be from Canyon Lane. Lots 3 & 4 are to be combined with tracts in Rock Creek Estates and access off of Willow Street. No access to Gilman Road for these lots.

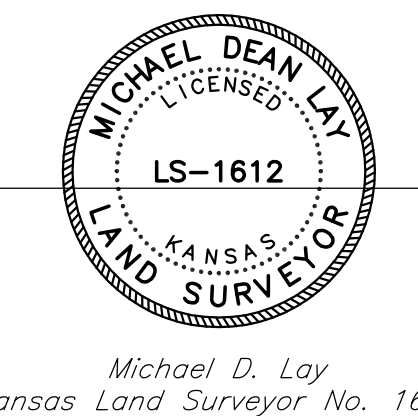
Zoning Information:

- According to FEMA Flood Insurance Rate Map, Panel 231 of 425, Community-Panel Number 20103C 0231 G, Map Revised July 16, 2015, the surveyed premises lies entirely within Zone X, Areas of minimal flooding.
- According to the City of Lansing, Kansas website, the surveyed premises is Zoned A-1. According to the City of Lansing Unified Development Ordinance, Article 4 Zoning Districts & Use Standards, Sub-Section 4.02 General Development Standards, Set backs shown on Table 4-1, for said Zone A-1 are as follows:

Minimum Front Setback - 40 feet
Minimum Rear Setback - 40 feet
Side Setback - 16 feet interior
Maximum Height - 35' / 2 Stories

Note - Zoning regulations listed for said Zone A-1 are subject to interpretation, and therefore are not otherwise shown hereon.

Certification:
I, Michael D. Lay, hereby certify that during the month of November, 2020, I or someone under my direct supervision have made a survey of the above described tract of land and the results of said survey are correctly represented on this plat. The field work was completed on 10/26/2020.



AREA TABLE	
LOT 1	6,078,910.31 sqft or 139.55 acres
LOT 2	294,463.55 sqft or 6.76 acres
LOT 3	79,213.81 sqft or 1.82 acres
LOT 4	61,774.48 sqft or 1.42 acres
ROW Area	258,969.00 sqft or 5.94 acres
Total	6,773,331.15 sqft or 155.49 acres

SHEET 1 OF 1

RYAN FAMILY FARMS SUBDIVISION,
a subdivision in
Section 25, Township 9, Range 22,
City of Lansing, Leavenworth County, Kansas



GEORGE BUTLER ASSOCIATES, INC.
CONSULTING ENGINEERS / ARCHITECTS / PLANNERS
ONE RENNER RIDGE, 9801 RENNER BLVD, LENEXA, KS 66219 / (913)492-0400
Surveyor Email: mlay@gbteam.com

Project Facts

Applicant

Lyle and Mary Chadwell Trust, et al.

Address

811 4-H Road

Property ID

107-25-0-00-00-005.00-0

Zoning

A-1 Agricultural District

Future Land Use

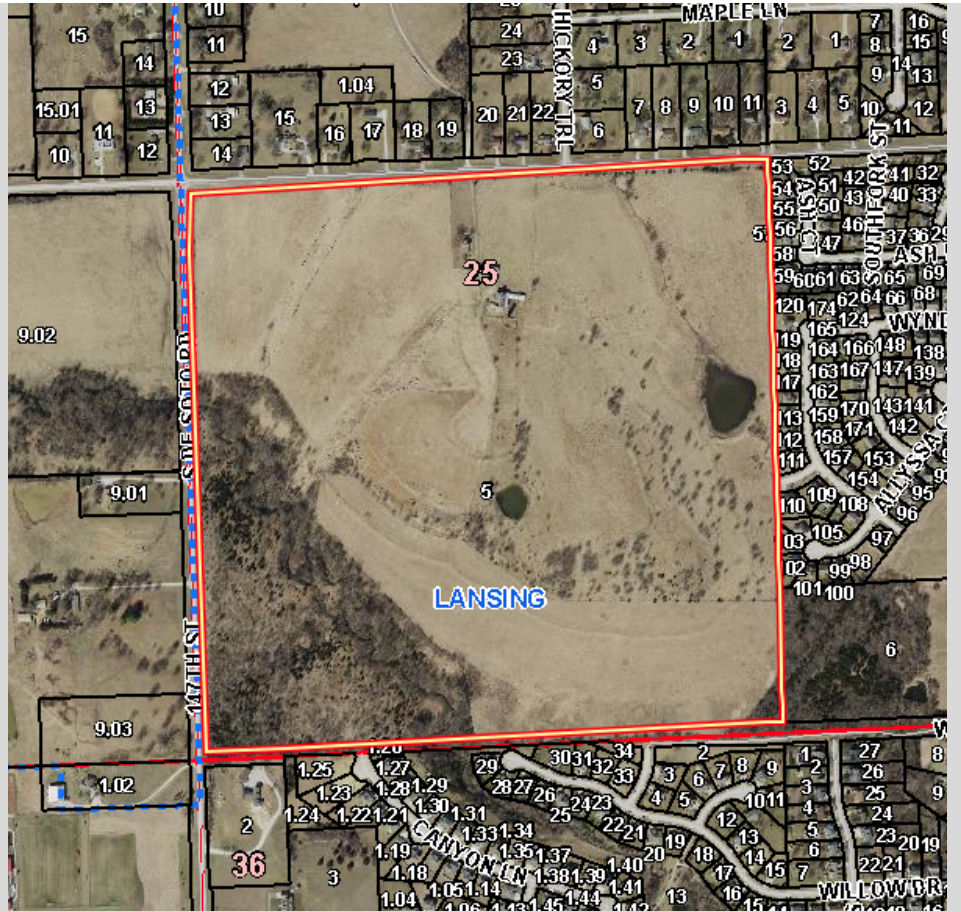
Single Family Residential

Land

6,733,683.60 SF (154.6 acres)

Requested Approvals

Final Plat



Summary

Chadwell, Lyle H & Mary E; Trust, owner of 811 4-H RD, has applied for approval of a final plat for Ryan Family Farms. This final plat, if approved, will allow the property owner to subdivide approximately 155 acres into four lots. Lot 1 would make up most of the existing property with approximately 141 acres. Lot 2, 3, and 4 would be located along the south side of Lot 1 and separated by a proposed future public street – Gilman Road. Lot 2 would make up approximately 6 acres, Lot 3 would make up approximately 2.6 acres, and Lot 4 would make up approximately 1.4 acres. The current zoning for the site is A-1 Agricultural District.

This plat is being done at this time to facilitate the sale of two properties, specifically Lots 3 and 4 as shown on the final plat. The property owners to the south, in Rock Creek Estates, have expressed interest in expanding their backyards in this area. City Staff initiated the extension of Gilman Road Right-of-Way in return for vacating the ROW along the southern border of the Ryan property, with any additional square footage that exceeds the original ROW to be compensated to the property owners by the City.

Discussion points from Checklist

The checklist was reviewed and completed by the Director of Community & Economic Development. Items marked no are discussed below:

- The name of the registered land surveyor preparing the plat is shown on the submitted document but is not signed nor sealed. This will be completed prior to filing of the document, subject to the approval of the Planning Commission and City Council.

Community & Economic Development / Public Works / Wastewater / City Engineer Comments

Comments on this final plat from the preliminary plat process have been addressed. Additional comments redlined on the plat have been identified and can be addressed before the plat is signed by the Chairman of the Planning Commission either before or after approval by the City Council.

Final plats are a refined version of the preliminary plat that presents proposed ownership and development patterns, as well as the specific location of public facilities and public property based on detailed designs. After approval of the preliminary plat, the applicant may submit a final plat for all or portions of the preliminary plat area for consideration at the next scheduled Planning Commission meeting. A final plat must be reviewed by staff and brought before the Planning Commission for approval, approval with conditions, or denial.

Community & Economic Development Review (from Article 2.02-E of the UDO):

- The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.
 - The final plat is in compliance with the approved preliminary plat. A public easement of Gilman Road would be dedicated as indicated on the plat with the understanding the City plans to construct the road connection at some point in the future. There would be no direct access to Lots 3 and 4 until Gilman Road is constructed.
- The construction plans for any utilities, infrastructure or public facilities meet all technical specifications.
 - No construction plans related to any utilities, infrastructure, or public facilities have been reviewed as no construction is planned at this time.
- The phasing and timing of public improvements ensures construction and performance guarantees.
 - No construction plans or phasing plans were provided at this time, as no construction is planned.
- Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.
 - There does not appear to be any deviations from the preliminary plat.
- The recommendations of professional staff, or any other public entity asked to officially review the plat.
 - Based on substantial compliance with the approved preliminary plat, and subject to the review of any technical drawings or legal review, Staff from Community & Economic Development find this proposed final plat acceptable, subject to revisions noted in this report.

Public Works:

- Because Lot 4 is planned to be extensions of existing property to the south (homeowners along Willow Street), and Lot 3 will have access from the cul-de-sac on Willow Street, Staff is requesting that the Planning Commission make it a requirement that access control along Gilman Road for these lots be added to the Final Plat before the Final Plat is filed with the Register of Deeds. This would prevent driveways from being installed onto future Gilman Road from these parcels.

- Staff is also requesting that the Planning Commission make it a requirement that access control along 147th Street be added on Lot 2. Access to Lot 2 would be provided via future Gilman Road, or via Canyon Lane today.

Wastewater:

- There are plans to extend a sewer main through this proposed subdivision at some point in the future. When Lot 1 is re-platted in the future, sewer easements will need to be obtained from the owners of Lot 3, Lot 2, and Lot 1 to provide for the extension of this future sewer main.

Acknowledgments

The following City of Lansing staff members reviewed this project and provided information for this report:

- Matthew R. Schmitz, MPA – Director, Community & Economic Development
- Michael Spickelmier, P.E. – Director, Public Works
- Anthony Zell, MBA – Director, Wastewater

Notice of City Codes

The Applicant is subject to all applicable City codes within the Municipal Code – whether specifically stated in this report or not – including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The Applicant is also subject to all applicable Federal, State, and local laws.

Recommendation

Staff recommends that the Planning Commission approve the Final Plat and recommend to the City Council approval of this final plat, with the condition of modification of the plat to rectify the items outlined herein.

**CHECKLIST FOR COMPLETENESS
OF
APPLICATION FOR PLANNING COMMISSION
REVIEW AND APPROVAL
OF
FINAL PLAT
FOR**

**RYAN FAMILY FARMS
(Name of Subdivision)**

Matthew R. Schmitz
Person Completing Checklist

1-14-2021
Date

COMPLETION OF THIS CHECKLIST IN NO WAY CONSTITUTES AN EVALUATION OF THE MERITS OR ACCURACY OF THE PLANS, DESIGN OR ENGINEERING OF THE FINAL PLAT. THIS STEP IS INTENDED ONLY AS AN ADMINISTRATIVE REVIEW OF THE COMPLETENESS OF THE APPLICATION FOR APPROVAL BEFORE IT UNDERGOES STAFF EXAMINATION BY THE CITY ENGINEER FOR HIS RECOMMENDATION TO THE PLANNING COMMISSION.

FINAL PLAT CHECKLIST

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
1. Preliminary Plat has been approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Applicant agrees to submit an original with all final revisions in both paper and electronic format to the Community and Economic Development Department	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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I. Boundaries and descriptions of any areas other than streets to be dedicated or reserved for public use. (If applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Final Plat Checklist

Page 2

		<u>YES</u>	<u>NO</u>	<u>N/A</u>
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L.	Name, signature, seal of licensed engineer or registered land surveyor preparing plat.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
M.	Scale of plat, (shown graphically) date of prep and north point.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
N.	Statement dedicating all easements, streets, alleys and all other public areas not previously dedicated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8.	A copy of any restrictive covenants applicable to the subdivision is provided. (If applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.	Required certifications/acknowledgements are present:			
A.	Certificate signed and acknowledged by all parties having any record, title or interest in the land subdivided, and consenting to the preparation and recording of said subdivision map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
B.	Certificate (as above) dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use including easements, and those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
C.	Certificate of responsibility by registered land surveyor preparing final map, accompanied by seal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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F.	Endorsement by Planning Commission in form shown in Subdivision Regulations (Pg. 10).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
G.	Public use acceptance by Governing Body in form shown in Subdivision Regulation (Pg. 10, 11).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Craig Gephart, resident at 310 W. Olive St., Lansing, KS stated he would caution the Commission using the term improbable regarding apartments, because he has seen in the past where the City used that term regarding HUD housing and within 2 weeks of a developer going to the State, HUD housing is now Lansing Heights near him. Mr. Gephart said unfortunately there was no push back from the Council, after the public was told this would not be done. Mr. Gephart said he would like to see a development for this area that not only benefits the City, but Lansing residents as well. Mr. Gephart said he supports the idea of retail, but not of apartments/condominiums that can create a new set of problems from a high concentration of people living in one area. Mr. Gephart would like to see fencing and/or protection provided to the current residents in the area. Also, he would like to see erosion/drainage potentials addressed, lighting issues addressed, noise etc. Mr. Gephart would also like to see vegetation in the area to help beautify the City and Vice-Chairman stated this has been addressed in the ordinance to ensure the appropriate trees and vegetation are planted that are beneficial to the City. Mr. Gephart ended with a plea to the Commission to put the current residents in the area at the forefront of the decision-making process to ensure whatever is developed is mutually beneficial and not detrimental to the residents.

Vice-Chairman Kowalewski closed the public hearing at 7:25 p.m.

Vice-Chairman Kowalewski asked for a motion to approve the checklist as a finding of fact for the Rezoning application for 00000 Centre Drive, Lansing, Kansas. Commissioner Nancy McDougal made the motion seconded by Chairman Ron Barry. The motion passes 5-0.

Vice-Chairman Kowalewski asked for a motion to recommend approval, approve with conditions, or recommend disapproval to the Governing Body the Rezoning Application for City of Lansing, KS. Commissioner Jerry Gies made the motion seconded by Commissioner Nancy McDougal. The motion passes with 4-0-1 with Chairman Ron Barry abstaining.

2. Final Plat Application Case # SDFP-2021-1: 1022 E. Mary St, Lansing, Kansas

Application submitted by Mark Linaweaver Trust, property owner. This application is for a final plat consisting of 3 lots and approximately 98.67 acres. The property is currently zoned R-2 Single-Unit Residential District.

Commissioner Nancy McDougal made a motion to approve the checklist as a finding of fact seconded by Commissioner Gies recommending approval subject to conditions as outlined in the staff report. The motion passes 5-0.

3. Final Plat Application Case # SDFP-2021-2: 811 4-H Road, Lansing, Kansas

Application submitted by Lyle and Mary Chadwell Trust, property owners. This application is for a final plat consisting of 4 lots and approximately 154.6 acres. The property is currently zoned A-1 Agricultural District.

Mr. Schmitz asked for clarification from the Commission on the staff report comment regarding access along Gilman Rd for Lots 3 and 4. Harland Russell, with George Butler Associates (GBA), 9801 Renner Boulevard, Ste. 300, Lenexa, KS 66219, introduced himself as the plat preparer and said he asked the question to the staff earlier today and was told the restriction was on the

fact that Gilman Rd. is a collector road and one wouldn't want to have driveway access off a collector road. Mr. Russell further stated the idea would be if Gilman were to be developed in the future, there might be consideration for Lots 2 and 3 to front Gilman Rd and potentially house residential homes. Mr. Russell stated the current intent is not to have them developed but to re plat them as part of the Rock Creek development that is to the South. Mr. Russell would like to see some flexibility in today's thoughts towards the future. Commissioner Gies stated he does not feel the Chadwell's should have any say in the future access of this property because they will no longer be owners of the property. Mr. Russell stated he agrees with Mr. Gies' statement today, however if the re plat never occurs with Rock Creek to the South, then you face the potential of having two buildable lots that would be taxable entities on home sites. Commissioner Gies answered if that happens, then the future homeowners at that time can address their concerns with the City then. Mr. Russell agreed and stated it is nothing of a concern in the present moment.

Mary Chadwell, property owner, stated she agreed also with Commissioner Gies. Public Works Director Michael Spickelmier also added that the intent is to never have rear access to any residential lot, especially off a collector street. Mr. Russell agreed. Ms. Chadwell said at this time there is no need for access off Gilman Rd for those 2 lots and made note that Lot 2 could be accessed from Rock Creek Estates from Canyon Lane and Mr. Schmitz confirmed.

Vice-Chairman Jake Kowalewski asked for a motion to approve, approve with conditions, or disapprove the Final Plat application for Lyle and Mary Chadwell Trust. Commissioner Nancy McDougal made a motion to approve with conditions that the access issues as outlined in the staff report be addressed seconded by Commissioner Amy Baker. The motion passes 5-0.

4. Final Plat Application Case # SDFP-2021-3: 00000 Reagan Drive, Lansing, Kansas

Application submitted by Greenamyre Rentals Inc, property owners. This application is for a final plat consisting of 5 lots and approximately 10.81 acres. The property is currently zoned R-3 Mixed-Density Neighborhood.

Commissioner Gies asked Mr. Schmitz if the sub street North of Lot 4 would go away and Mr. Schmitz answered that in the preliminary plat that area was not shown as right-of-way but was corrected in the final plat to show right-of-way and there is no intention of building anything for public improvement today, it is just to establish right-of-way for the future. Commissioner Gies asked if there would have to be a front yard setback (25') as opposed to 12' as listed on the North side of Lot 4 and Mr. Schmitz agreed since it is a corner lot. Mr. Schmitz added that whatever may develop would need to face Reagan Drive. Jeremy Greenamyre representing Greenamyre Rentals, 2500 S. 2nd Street in Leavenworth, Kansas stated that Lot 4's intention would be uniform to the rest of the cul-de-sac.

Vice-Chairman Kowalewski asked for a motion to approve, approve with conditions, or disapprove the Final Plat application for Greenamyre Rentals, Inc. Commissioner Gies made a motion to recommend approval to City Council with modification as outlined for Lot 4 seconded by Chairman Barry. The motion passes 5-0.

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Matthew R. Schmitz, Director, Community & Economic Development
DATE: February 4, 2021
SUBJECT: Final Plat – Fawn Valley South, 2nd Plat

Explanation: Greenamyre Rentals Inc., owner of property at 00000 Reagan Drive and 00000 1st Terrace, have applied to plat Fawn Valley South, 2nd Plat, which will replat Block 10 and portions of Blocks 7, 8, and 9, Fawn Subdivision. This final plat, if approved, will allow the property owners to subdivide this area. The intention is to add four developable lots to the end of Reagan Drive to add additional duplexes and finish out the development of this cul-de-sac. Upon development of the remaining property shown on the plat (Lot 5), an additional plat may be required depending on the type of project presented.

The final plat has been updated to reflect the conditions listed in the Staff Report and now meets the requirements of the checklist, with the exception of final signatures for each required signatory. Those signatures will be obtained before the plat can be filed with Leavenworth County Register of Deeds.

The revised final plat, the checklist, and minutes excerpt from the January 20th Planning Commission meeting are attached for review.

The Planning Commission voted to recommend approval of this final plat application with a 5-0 vote.

Action: Staff recommends a motion to approve the final plat for Fawn Valley South, 2nd Plat.

Final Plat of

FAWN VALLEY SOUTH, 2ND PLAT

A Replat of Block 10 and portions of Blocks 7, 8, and 9, Fawn Subdivision in the City of Lansing, Leavenworth County, Kansas

NOTES:

- Date of Survey: Field Survey was performed August 28, 2020.
- Basis of Bearings: Grid North - NAD83 Kansas North Zone. North line of Lot 4, Block 3, Fawn Valley South being N59°12'33"E.
- All values shown are measured as platted unless otherwise noted.
- Flood information: The subject property is located on flood insurance rate map number 20103C0232C, Effective Date: July 16, 2015, Panel 232 of 425 in zone X (Areas determined to be outside the 0.2% annual chance floodplain). Flood information is subject to change.
- Vertical Benchmark: Leavenworth County Control Point LVCO-0522 - ELEV.=844.30 (NAVD 88 DATUM).
- Sanitary Sewer Service to be provided by city of Lansing
- Public water service provided by Landel water.
- All internal streets shall be constructed to the City of Lansing standards. (No internal streets proposed)
- Sediment will be controlled during all grading and construction phases of development.
- Future development of Lot 5 will require a street connection between 1st Terrace and Reagan Drive, North of Lot 4.

REFERENCES:

- Fawn Subdivision, a subdivision plat in the city of Lansing, Leavenworth County, Kansas, filed in Plat Book 9, Page 44.
- Fawn Valley South, a subdivision plat in the city of Lansing, Leavenworth County, Kansas, filed in Plat Book 15, Page 16.
- Title Commitment(s) provided by:
File Numbers: TX0015145, TX0015146, TX0015147
Effective Date(s): August 27, 2020 @ 8:00 A.M.
Kansas Secured Title, Inc. - Leavenworth
360 Santa Fe Street
Leavenworth, Kansas 66048

ZONING:

- 1) The herein described tract shall be governed by the following:
R-3 Zoning
Minimum Lot Size: 50' X 6,000 S.F.
Front Yard Requirements: 30 feet
Side Yard Requirements: 7 feet
Rear Yard Requirements: 30 feet

LEGAL DESCRIPTION:

A tract of land being part of Blocks 7, 8, 9 & 10, Fawn Subdivision, in the City of Lansing, Leavenworth County, Kansas, being more particularly described as follows:
Beginning at the Northwest Corner of Lot 4, Block 3, Fawn Valley South, a subdivision in the City of Lansing, Leavenworth County, Kansas as filed in Plat Book 15, Page 16 at the Register of Deeds office of Leavenworth County, said point also being on the West line of original Block 7, said Fawn Subdivision; thence N 31°39'15" W along the said West line of said Block 7, Fawn Subdivision, a distance of 148.21 feet to the South right-of-way line of Morning Deer Drive as platted per said Fawn Subdivision, said point being a point of curvature; thence Southeast along said right-of-way line along a curve to the left having an initial tangent bearing of S 31°39'15" E, a radius of 50.00 feet, a delta angle of 87°00'00", and an arc length of 75.92 feet; thence continuing along said right-of-way line N 61°20'45" E, a distance of 12.63 feet to Southerly extension of the East line of said Morning Deer Drive; thence N 31°39'15" W along the East right-of-way line of said platted Morning Deer Drive, a distance of 497.42 feet to a point of curvature; thence Northeasterly along the said East right-of-way line along a curve to the right having an initial tangent bearing of N 31°39'15" W, a radius of 120.00 feet, a delta angle of 53°15'00", and an arc length of 111.53 feet; thence continuing along said East right-of-way line N 21°35'45" E, a distance of 164.00 feet to a point of curvature; thence continuing along said East right-of-way line along a curve to the left having an initial tangent bearing of N 21°35'45" E, a radius of 371.00 feet, a delta angle of 29°10'37", and an arc length of 188.93 feet to the Southwest Corner of Lot 1, Block 1, said Fawn Valley South; thence S 84°24'06" E, a distance of 89.46 feet to the Southeast Corner of said Lot 1, Block 1; thence S 52°22'23" E along the Southwest line of Lot 2, Block 1, said Fawn Valley South, a distance of 72.79 feet; thence S 35°39'29" E along the Southwest lines of Lots 3 through 7, Block 1, said Fawn Valley South, a distance of 463.03 feet to the South-most corner of said Lot 7, Block 1; thence N 36°57'00" E along the Southeast line of said Lot 7, Block 1, a distance of 108.39 feet to the South right-of-way line of Reagan Drive as platted per said Fawn Valley South, said point being a point of curvature; thence along said platted South right-of-way line Southeast along a curve to the left having an initial tangent bearing of S 45°33'16" E, a radius of 230.00 feet, a delta angle of 36°29'16", and an arc length of 146.47 feet to a point of curvature; thence along said platted South right-of-way line along a curve to the left having a radius of 50.00 feet, a delta angle of 187°55'01", an initial tangent bearing of S 28°54'42" E, and an arc length of 163.99 feet to the Southeast Corner of Lot 10, Block 2, said Fawn Valley South; thence N 53°10'19" E along the Southeast line of said Lot 10, Block 2, a distance of 230.23 feet to the Northeast Corner of said Lot 10, Block 2; thence S 11°02'42" E along the West line of said Lot 4, Block 3, Fawn Valley South, a distance of 244.06 feet; thence continuing along the West line of said Lot 4, Block 3, S 40°31'16" W, a distance of 239.71 feet; thence continuing along the West line of said Lot 4, Block 3, S 59°12'33" W, a distance of 678.19 feet to said Northwest Corner of Lot 4, Block 3, Fawn Valley South, said point also being the Point of Beginning, and containing 470,973.32 Sq. Ft., more or less. Error of Closure 1: 417,811.49

DEDICATION:

The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat which hereafter shall be known as "Fawn Valley South, 2nd Plat".
The Streets, Drives, Terraces and other ways shown hereon and not heretofore dedicated to the public are hereby so dedicated. Portions of Street right-of-ways previously dedicated per Fawn Subdivision (Reference No. 1), as shown hereon, and those only contained within the boundary limits of this plat, are hereby so vacated by this plat.

An EASEMENT is hereby granted all public utility companies, their successors or assigns or rural water districts duly incorporated and authorized to do business in Leavenworth County, Kansas, to enter upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E", and "Drainage Easement" or "D/E", and "Electric Easement" or "E/E", for purposes of utility installations and maintenance thereof. The use of said easement by any such entity shall obligate such entity to return said easement to its condition prior to any installation, maintenance or repair performed on said easement.

There will be no restrictions other than those shown hereon and/or those previously dedicated by the "Declaration and Establishment of Conditions, Reservations, and Restrictions for Fawn Subdivision" - (Book 524, Page 824)

OWNER'S CERTIFICATE:

This is to certify that the undersigned is the owner of the land described in the plat, and that all previous taxes have been paid, and that they have caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes therein set forth, and do hereby acknowledge and adopt the same under the style and title thereon indicated.

Given under my hand at Lansing, Kansas this _____ day of _____ A.D. 20__.

Jeremy Greenamyre
Greenamyre Rentals Inc.

NOTARY CERTIFICATE:

STATE OF KANSAS }
COUNTY OF LEAVENWORTH }
Be it remembered that on this _____ day of _____, 20__, before me, a notary public in and for said County and State, came Jeremy Greenamyre of Development Inc., to me personally known to be the same persons who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL) _____ Notary Public

My Commission Expires: _____

PLANNING COMMISSION APPROVAL:

This plat of Fawn Valley South, 2nd Plat has been Submitted to and Approved by the Lansing Planning Commission this _____ day of _____ A.D. 20__.

Barry Ron, Chairman Cynthia Tripp, Secretary

CITY COUNCIL APPROVAL:

The easements and rights-of-way accepted by the Governing Body of Lansing, Kansas, this _____ day of _____ A.D. 20__.

Mike Smith, Mayor ATTEST: Sarah Bodensteiner, City Clerk

CITY ENGINEER APPROVAL:

The City Engineer's review is only for general conformance with the Subdivision Regulations as adopted by the City of Lansing. The City is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

Mike Spickelmier, City Engineer

COUNTY SURVEYOR'S CERTIFICATE:

I hereby certify this plat meets the requirements of K.S.A. 58-2005. The face of this plat was reviewed based on Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Leavenworth County Surveyor

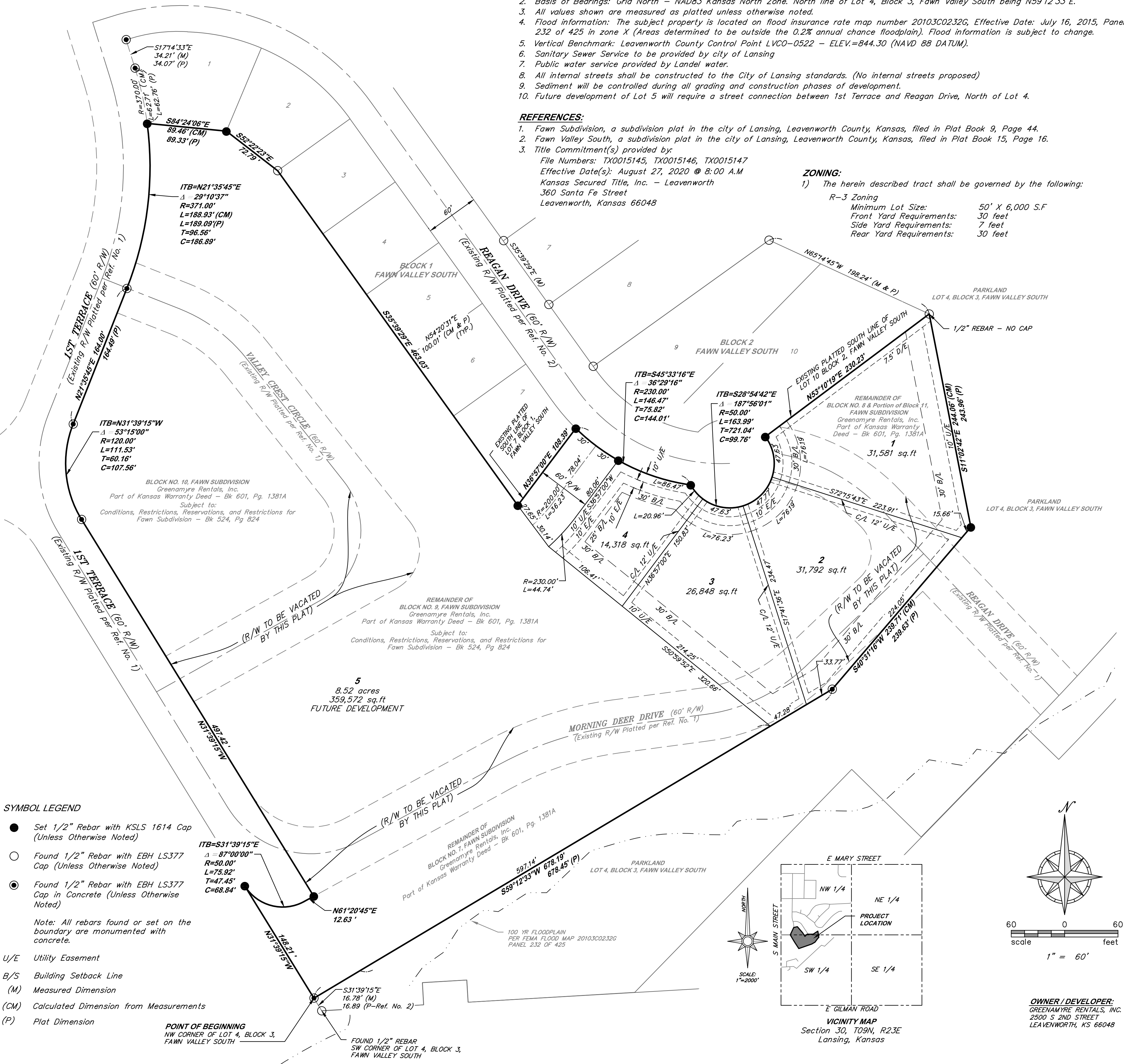
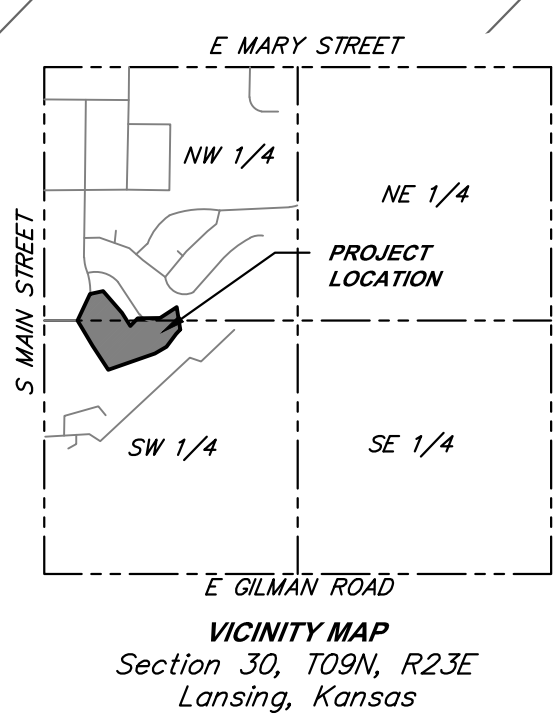
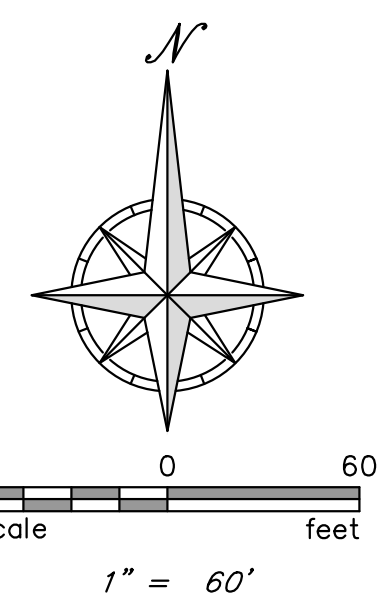
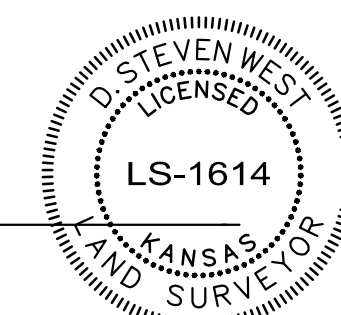
REGISTER OF DEEDS CERTIFICATE:

Plat of Fawn Valley South, 2nd Plat, of Lansing was filed for record this _____ day of _____ A.D. 20__, at _____ M., and duly recorded in volume _____ of plats, at page _____.

Stacy Driscoll, Register of Deeds, Leavenworth Co. Kansas

SURVEYOR'S CERTIFICATE:

I, D. Steven West, a Professional Surveyor in the State of Kansas, License Number 1614, do hereby certify that the survey shown hereon was completed in the field on August, 2020, by me or under my direct supervision and that this plat is a true and accurate exhibit of said field survey, based on actual field measurements, where the monuments are of the character and occupy the positions as indicated.



- SYMBOL LEGEND**
- Set 1/2" Rebar with KSLs 1614 Cap (Unless Otherwise Noted)
 - Found 1/2" Rebar with EBH LS377 Cap (Unless Otherwise Noted)
 - Found 1/2" Rebar with EBH LS377 Cap in Concrete (Unless Otherwise Noted)
- Note: All rebars found or set on the boundary are monumented with concrete.
- U/E Utility Easement
 - B/S Building Setback Line
 - (M) Measured Dimension
 - (CM) Calculated Dimension from Measurements
 - (P) Plot Dimension

POINT OF BEGINNING
NW CORNER OF LOT 4, BLOCK 3, FAWN VALLEY SOUTH

FOUND 1/2" REBAR
SW CORNER OF LOT 4, BLOCK 3, FAWN VALLEY SOUTH

Drawing Path: P:\Active Projects\2019-06-06 - Fawn Valley Replat\dwg\plats\Final Plat\19-060-006_Final Plat.dwg
Plotted at: Jan 21, 2021 - 1:15pm

Project Facts

Applicant

Greenamyre Rentals Inc.

Address

00000 Reagan Drive / 00000 1st Terrace.

Property ID

099-30-0-20-07-088.00-0
 099-30-0-00-00-009.00-0
 099-30-0-00-00-010.00-0

Zoning

R-3 Mixed-Density
 Neighborhood District

Future Land Use

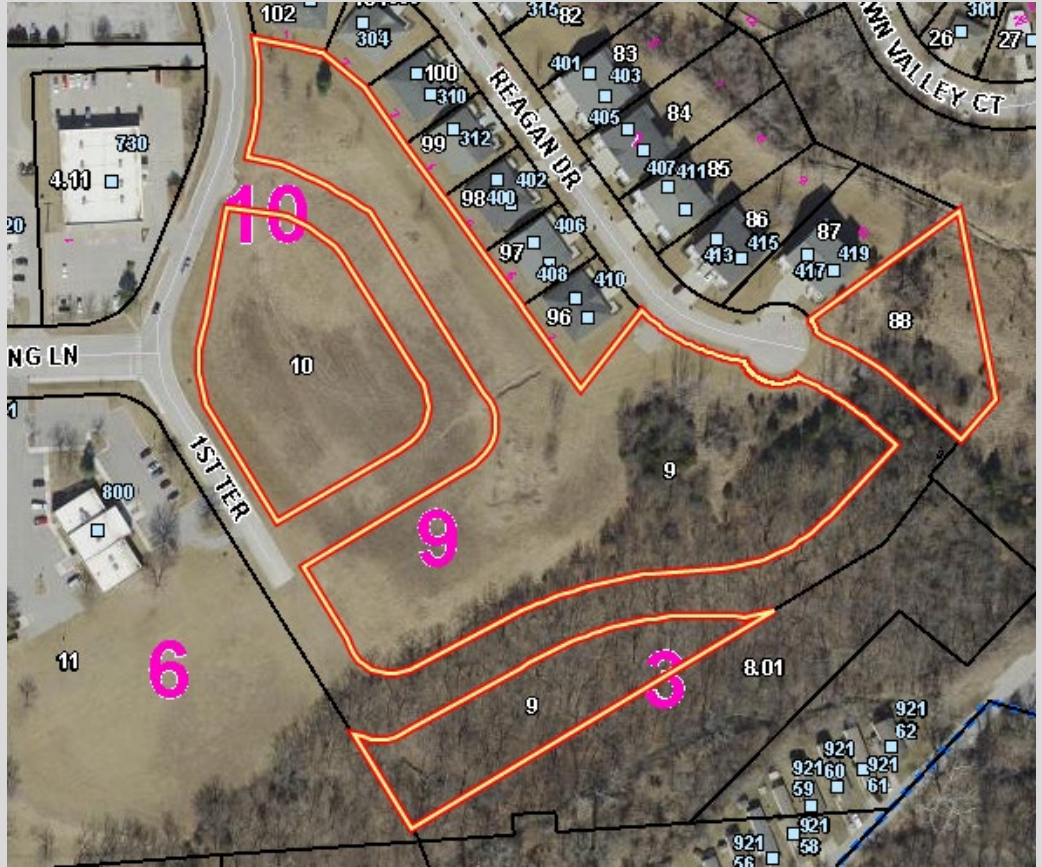
Medium Density

Land

362,534.26 SF (8.32 acres)

Requested Approvals

Final Plat



Summary

Greenamyre Rentals Inc., owner of property at 00000 Reagan Drive and 00000 1st Terrace, have applied to Plat Fawn Valley South, 2nd Plat, which will replat Block 10 and portions of Blocks 7, 8, and 9, Fawn Subdivision. This final plat, if approved, will allow the property owners to subdivide this area. The intention is to add four developable lots to the end of Reagan Drive to add additional duplexes and finish out the development of this cul-de-sac. Upon development of the remaining property shown on the plat (Lot 5), an additional plat may be required depending on the type of project presented.

Discussion points from Checklist

The checklist was reviewed and completed by the Director of Community & Economic Development. Items marked no are discussed below:

- Building setback lines are shown on Lots 1-4. Lot 5 has none shown, and they will need to be added to this lot before the plat is filed with the Register of Deeds.
- The name of the registered land surveyor preparing the plat is shown on the submitted document but is not signed nor sealed. This will be completed prior to filing of the document, subject to the approval of the Planning Commission and City Council.
- Certificates signed by the City Clerk and County Treasurer that all taxes and special assessments due and payable have been paid will be collected before the plat is filed with the Register of Deeds.

Community & Economic Development / Public Works / Wastewater / City Engineer Comments

Comments on this final plat from the preliminary plat process have been addressed. Additional comments redlined on the plat have been identified and can be addressed before the plat is signed by the Chairman of the Planning Commission either before or after approval by the City Council.

Final plats are a refined version of the preliminary plat that presents proposed ownership and development patterns, as well as the specific location of public facilities and public property based on detailed designs. After approval of the preliminary plat, the applicant may submit a final plat for all or portions of the preliminary plat area for consideration at the next scheduled Planning Commission meeting. A final plat must be reviewed by staff and brought before the Planning Commission for approval, approval with conditions, or denial.

Community & Economic Development Review (from Article 2.02-E of the UDO):

- The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.
 - The final plat is in compliance with the approved preliminary plat.
- The construction plans for any utilities, infrastructure or public facilities meet all technical specifications.
 - Construction plans related to any utilities, infrastructure, or public facilities will be reviewed before construction of any of these items begins, if needed.
- The phasing and timing of public improvements ensures construction and performance guarantees.
 - No construction plans or phasing plans were provided at this time, as no construction of public improvements is planned.
- Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.
 - There does not appear to be any deviations from the preliminary plat.
- The recommendations of professional staff, or any other public entity asked to officially review the plat.
 - Based on substantial compliance with the approved preliminary plat, and subject to the review of any technical drawings or legal review, Staff from Community & Economic Development find this proposed final plat acceptable, subject to revisions noted in this report.

Public Works:

- When Lot 5 is developed in the future, utility easements will need to be considered around the edges of this lot to provide access for utilities.

Wastewater:

- No comments

Acknowledgments

The following City of Lansing staff members reviewed this project and provided information for this report:

- Matthew R. Schmitz, MPA – Director, Community & Economic Development
- Michael Spickelmier, P.E. – Director, Public Works
- Anthony Zell, MBA – Director, Wastewater

Notice of City Codes

The Applicant is subject to all applicable City codes within the Municipal Code – whether specifically stated in this report or not – including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The Applicant is also subject to all applicable Federal, State, and local laws.

Recommendation

Staff recommends that the Planning Commission approve the Final Plat and recommend to the City Council approval of this final plat, with the condition of modification of the plat to rectify the items outlined herein.

**CHECKLIST FOR COMPLETENESS
OF
APPLICATION FOR PLANNING COMMISSION
REVIEW AND APPROVAL
OF
FINAL PLAT
FOR**

**FAWN VALLEY SOUTH
(Name of Subdivision)**

Matthew R. Schmitz
Person Completing Checklist

1-14-2021
Date

COMPLETION OF THIS CHECKLIST IN NO WAY CONSTITUTES AN EVALUATION OF THE MERITS OR ACCURACY OF THE PLANS, DESIGN OR ENGINEERING OF THE FINAL PLAT. THIS STEP IS INTENDED ONLY AS AN ADMINISTRATIVE REVIEW OF THE COMPLETENESS OF THE APPLICATION FOR APPROVAL BEFORE IT UNDERGOES STAFF EXAMINATION BY THE CITY ENGINEER FOR HIS RECOMMENDATION TO THE PLANNING COMMISSION.

FINAL PLAT CHECKLIST

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
1. Preliminary Plat has been approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Applicant agrees to submit an original with all final revisions in both paper and electronic format to the Community and Economic Development Department	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Material is submitted at least fourteen (14) days prior to Planning Commission meeting at which it is desired to be considered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Original copy contains names and locations for duly acknowledged and notarized signatures of the owner(s) of the property.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Final Plat is drawn at scale of at least 1" = 200'	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Size of sheet on which final plat is prepared is at least 36 inches by 24 inches. If more than one sheet required, all are same size and index map is provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. FINAL PLAT CONTAINS:			
A. Name of Subdivision	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
B. Location, including section, township, range, county and state	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
C. Location and description of existing monuments or benchmarks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
D. Location of lots and blocks with dimensions in feet and decimals of feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
E. Location of alley, street and highway rights-of-way, parks and other features including radii on curves with dimensions in feet and decimals of feet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
F. Clear numbering for all lots.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
G. Clear numbering or lettering.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
H. Locations, widths and names of all streets and alleys to be dedicated. (If applicable)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. Boundaries and descriptions of any areas other than streets to be dedicated or reserved for public use. (If applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J. Minimum area and associated minimum elevation for the building on each lot (building site). (If requested by Planning Commission)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Final Plat Checklist

Page 2

		<u>YES</u>	<u>NO</u>	<u>N/A</u>
K.	Building setback lines along all streets, with dimensions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
L.	Name, signature, seal of licensed engineer or registered land surveyor preparing plat.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
M.	Scale of plat, (shown graphically) date of prep and north point.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
N.	Statement dedicating all easements, streets, alleys and all other public areas not previously dedicated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8.	A copy of any restrictive covenants applicable to the subdivision is provided. (If applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.	Required certifications/acknowledgements are present:			
A.	Certificate signed and acknowledged by all parties having any record, title or interest in the land subdivided, and consenting to the preparation and recording of said subdivision map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
B.	Certificate (as above) dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use including easements, and those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
C.	Certificate of responsibility by registered land surveyor preparing final map, accompanied by seal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
D.	Certificate(s) signed by City Clerk and County Treasurer that all taxes and special assessments due and payable have been paid.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
E.	Notary acknowledgement in form shown in Subdivision Regulation (Pg. 10).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
F.	Endorsement by Planning Commission in form shown in Subdivision Regulations (Pg. 10).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
G.	Public use acceptance by Governing Body in form shown in Subdivision Regulation (Pg. 10, 11).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

fact that Gilman Rd. is a collector road and one wouldn't want to have driveway access off a collector road. Mr. Russell further stated the idea would be if Gilman were to be developed in the future, there might be consideration for Lots 2 and 3 to front Gilman Rd and potentially house residential homes. Mr. Russell stated the current intent is not to have them developed but to re plat them as part of the Rock Creek development that is to the South. Mr. Russell would like to see some flexibility in today's thoughts towards the future. Commissioner Gies stated he does not feel the Chadwell's should have any say in the future access of this property because they will no longer be owners of the property. Mr. Russell stated he agrees with Mr. Gies' statement today, however if the re plat never occurs with Rock Creek to the South, then you face the potential of having two buildable lots that would be taxable entities on home sites. Commissioner Gies answered if that happens, then the future homeowners at that time can address their concerns with the City then. Mr. Russell agreed and stated it is nothing of a concern in the present moment.

Mary Chadwell, property owner, stated she agreed also with Commissioner Gies. Public Works Director Michael Spickelmier also added that the intent is to never have rear access to any residential lot, especially off a collector street. Mr. Russell agreed. Ms. Chadwell said at this time there is no need for access off Gilman Rd for those 2 lots and made note that Lot 2 could be accessed from Rock Creek Estates from Canyon Lane and Mr. Schmitz confirmed.

Vice-Chairman Jake Kowalewski asked for a motion to approve, approve with conditions, or disapprove the Final Plat application for Lyle and Mary Chadwell Trust. Commissioner Nancy McDougal made a motion to approve with conditions that the access issues as outlined in the staff report be addressed seconded by Commissioner Amy Baker. The motion passes 5-0.

4. Final Plat Application Case # SDFP-2021-3: 00000 Reagan Drive, Lansing, Kansas

Application submitted by Greenamyre Rentals Inc, property owners. This application is for a final plat consisting of 5 lots and approximately 10.81 acres. The property is currently zoned R-3 Mixed-Density Neighborhood.

Commissioner Gies asked Mr. Schmitz if the sub street North of Lot 4 would go away and Mr. Schmitz answered that in the preliminary plat that area was not shown as right-of-way but was corrected in the final plat to show right-of-way and there is no intention of building anything for public improvement today, it is just to establish right-of-way for the future. Commissioner Gies asked if there would have to be a front yard setback (25') as opposed to 12' as listed on the North side of Lot 4 and Mr. Schmitz agreed since it is a corner lot. Mr. Schmitz added that whatever may develop would need to face Reagan Drive. Jeremy Greenamyre representing Greenamyre Rentals, 2500 S. 2nd Street in Leavenworth, Kansas stated that Lot 4's intention would be uniform to the rest of the cul-de-sac.

Vice-Chairman Kowalewski asked for a motion to approve, approve with conditions, or disapprove the Final Plat application for Greenamyre Rentals, Inc. Commissioner Gies made a motion to recommend approval to City Council with modification as outlined for Lot 4 seconded by Chairman Barry. The motion passes 5-0.

Lansing Planning Commission
Regular Meeting
January 20th, 2021

Notices and Communications- None

Reports - Commission and Staff Members – Mr. Schmitz noted that there was a motion for the City Council to appoint Michael Spickelmier as City Engineer in the next City Council meeting.

Adjournment- Commissioner Nancy McDougal made a motion to adjourn. Commissioner Amy Baker seconded it and it passed by acclamation. The meeting adjourned at 7:47 p.m.

Respectfully submitted,



Debra Warner, Secretary

Reviewed by,

Matthew R. Schmitz, Community and Economic Development Director



AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Matthew R. Schmitz, Director, Community & Economic Development 
DATE: February 4, 2021
SUBJECT: 2021 Independence Days Event



Explanation: The department of Community & Economic Development would like to solicit bids to perform a display for Lansing's Independence Days Celebration on either Saturday June 26th, or Saturday July 3rd. Staff has talked with the vendor from last year, and they have indicated they are open on both of these dates, but staff would still like to put this out to bid for consideration.

This would be for the same type of show as we had in 2019, although only on one night, with the expectation and hope that the pandemic will be mostly concluded by the time this event takes place, and we can return to having events.

Financial Consideration: The Community & Economic Development department budget has funding for up to \$21,000 in the Transient Guest Tax Budget – Line item 63-060-43502. Last year's bid was for \$22,0000 and was funded from the fireworks line item, as well as the Independence Day Event line item – 63-060-43501, which has \$36,000 budgeted for 2021. The remainder of the funds in 43501 are what pay for rides, food vendors, stage, music, etc. for this event.

Action: Staff would like clarity on which date the Council would prefer for the event, as well as authority to issue an RFP and enter into a contract not to exceed the budget authority assigned to the department.

AGENDA ITEM

TO: Tim Vandall, City Administrator 
FROM: Matthew R. Schmitz, Director, Community & Economic Development 
DATE: February 4, 2021
SUBJECT: 2021 Bernard BBQ Battle Event


Explanation: Staff has been discussing the upcoming Bernard BBQ Battle Event and would like the Council's input on this event. The event is scheduled to be held on April 30th and May 1st, 2021, at Bernard Park, and is not planned to be open to the public at this time.

With the ongoing COVID-19 Pandemic, out of an abundance of caution and the fact that BBQ teams come from all over for this event, Staff is recommending cancelling this event.

Financial Consideration: The Community & Economic Development department budget has funding for up to \$10,000 in the Transient Guest Tax Budget – Line item 63-060-43500 for this event. As of the today, no funds have been expended from this account at this time, so cancelling this event would represent a savings of \$10,000 for the City.

Action: Staff is requesting that the Council cancel this event for 2021.

AGENDA ITEM

TO: Tim Vandall, City Administrator
FROM: Anthony J. Zell, Jr., Wastewater Utility Director 
DATE: February 1, 2021
SUBJECT: Belt Filter Press Rehabilitation Project Request

At the January 28th work session Director Zell presented information and pricing to the City Council for the replacement of components on the belt filter press.

The current equipment has been in use since early 2004, running approximately 24 hours per week. Recent failures of bearings have been replaced in house by staff, however, additional roller/bearing assemblies have begun to show signs of damage. The scope of a major project is best left to the manufacturer and their maintenance team.

Staff has met with the manufacturer, Andritz Separation Inc, and received pricing for the replacement of 14 rollers and 28 bearings. The quote received included pricing for the parts, (\$134,954.02) and labor, (\$82,988.00). The total project cost is \$217,943.00 Lead time of the replacement parts is approximately 10 to 12 weeks.

Andritz's proposal is to send a team of mechanics to the Lansing facility, and spend 14 days performing the work. They will work 7 days/week at 12 hours/day. Department staff will augment their work as needed.

Policy Consideration: N/A

Financial Consideration: Funds for this project are available in the Utility's Reserve Fund, Account, 50-050-41120.

Recommended Action: A motion to approve the quote from Andritz Separation in an amount of \$217,943.00 (Two hundred seventeen thousand, nine hundred and forty-three dollars).



QUOTATION

Customer: 117974
City Of Lansing, KS
800 First Terrace
Lansing KS 66043

Contact:
Fax: **+19137271538**
Copy to:
Your inquiry: **Email**

Our quote no: **20750246**

Supplier: **Andritz Separation Inc.**
Contact: **Sarah Toppins**
Phone: **+18174191747**
Fax: **+18174191947**
E-mail: **Sarah.Toppins@andritz.com**
Date: **01/06/2021**

Sales Responsible: **GREEN, BRICE**

Ladies and Gentlemen,

We thank you for your inquiry and are pleased to quote as follows:

1. Scope of supply

Should you choose to place an order, please provide the following information:

1. Shipping Address for Delivery
2. Billing Address for Invoice
3. Shipping Terms: If a specific carrier is preferred, please list as FCA, Origin Collect with preferred carrier. Otherwise, list as FCA, Origin Prepaid & Add.
4. Reference this Quote #.

Item	Product	ID No.	S/W*	Quantity	Unit	Unit Price	Amount
10	FIELD SERVICE	100031977		1	EA	82,988.00	82,988.00
Please see attached scope of work.							
Total Amount						USD	82,988.00

* S = Spare Parts, W = Wear Parts

Technical contact: Armondo Alvarado /**Phone:** +18174191728 / armondo.alvarado@andritz.com



QUOTATION

Customer: 117974
City Of Lansing, KS
800 First Terrace
Lansing KS 66043

Contact:
Fax: **+19137271538**
Copy to:
Your inquiry: **Email**

Our quote no: **20742043**

Supplier: **Andritz Separation Inc.**
Contact: **Gina Mongardo**
Phone: **+18174191790**
Fax: **+18174191990**
E-mail: **gina.mongardo@andritz.com**
Date: **11/24/2020**

Sales Responsible: **GREEN, BRICE**

Ladies and Gentlemen,

The delivery dates and price in Supplier#s quotations dated 11/24/2020, although represented as firm, were calculated based on sourcing and manufacturing certain components in areas affected by restrictions resulting from the COVID-19 break out and on information existing prior to the implementation of these restrictions.

Unfortunately, the unforeseen outbreak, spread and consequences of COVID-19, including governmental and other restrictions being put in place to mitigate its spread, will have an impact on the delivery time and price related to the components sourced from such countries. As such, Supplier#s quoted delivery times and price will need to be adjusted once Supplier has better information with respect to the full impact of the coronavirus and related restrictions and when normal sourcing, manufacturing, personnel travel and transportation activities in or to the affected areas will resume. Supplier will update Purchaser as soon as more information is available and will submit a revised quotation/proposal with firm delivery dates and price as soon as commercially practicable.

Andritz reserves its right and shall be entitled to adjust its quoted delivery dates and/or price in order to reflect these impacts. Nothing in the quotations, or in any contractual documentation based upon the quotations shall be construed as a waiver of this right.

1. Scope of supply

For 400193112 Heavy Duty Belt Press
Model: Heavy Duty Belt Press SMX 2,0
Serial number: 0324
ANDRITZ JOB # 1302A



Our quote no: **20742043**

Should you choose to place an order, please provide the following information:

1. Shipping Address for Delivery
2. Billing Address for Invoice
3. Shipping Terms: If a specific carrier is preferred, please list as FCA, Origin, Collect with preferred carrier. Otherwise, list as FCA, Origin, Prepaid & Add.
4. Reference this Quote
Freight is excluded.

Products will be ready to ship in 10 to 12 weeks from receipt of approved purchase order.

***** WE NOW REQUIRE A \$250 MINIMUM ORDER EFFECTIVE IMMEDIATELY*****

Please note currency is in US Dollars
Andritz Inc Standard Terms & Conditions apply
Returned goods require pre approval and are subject to restocking and inspection fees.

Item	Product	ID No.	S/W*	Quantity	Unit	Unit Price	Amount
10	ROLL ASSEMBLY S-ROLL, 12-3/4" 2.0M SMX S8	131406430		4	PC	9,215.25	36,861.00
20	PERFORATED ROLLER ASSEMBLY 23" DIA 316L, 2.0 SMX S8	131406462		1	PC	18,890.25	18,890.25
30	PERFORATED ROLLER ASSEMBLY 15-3/8" DIA 316L, 2.0M SMX S8	131406771		1	PC	15,770.25	15,770.25
40	ROLL ASSEMBLY TENSION, 8-5/8" 2.0M SMX S8	131406437		2	PC	7,775.25	15,550.50
50	ROLL/BEARING ASSEMBLY DEFLECTION 8-5/8" 2.0M SMX S8	131406440		1	PC	6,752.92	6,752.92
60	ROLL ASSEMBLY TRACKING, 7" 2.0M SMX S8	131406434		2	PC	6,677.08	13,354.16
70	ROLL/BEARING ASSEMBLY 13-1/4" DRIVE ROLL, FA87 GRBOX 2.0M SMX-S8	131570547		2	PC	10,888.72	21,777.44
80	ROLL ASSEMBLY DEFLECTION, 6-1/2" 2.0M SMX S8	131406436		1	PC	5,997.50	5,997.50

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ANDRITZ Separation Inc.
1010 Commercial Blvd. South
Arlington, TX 76001 USA

Tel : +1 (817) 465-5611
Fax: +1 (817) 468-3961

Remit to:
ANDRITZ Separation Inc.
Dept: 0312
P.O. Box 120312
Dallas, TX 75312-0312
Federal Tax ID Number: 59-3773483

Wire instructions:
Nordea Bank Abp
New York Branch
SWIFT: NDEAUS3N
Account: 8879433001
ABA: 026010786



Our quote no: 20742043

Total Amount	USD	134,954.02
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* S = Spare Parts, W = Wear Parts

Technical contact: Armondo Alvarado /Phone: +18174191728 / armondo.alvarado@andritz.com

Terms and Conditions

2. **Delivery Time:**
after receipt of order and any clarifications.
3. **Terms of delivery:**
Our terms of delivery are FCA Origin, PrePaid, Add, according to INCOTERMS 2020.
4. **Terms of Payment:**
Within 30 days Due net
(1% default interest per month for delayed payment).
5. **Validity of quotation:**
This quotation is valid to 01/01/2021.

Other Terms:

6. TERMS APPLICABLE

This quotation or acknowledgment and Seller's sale of Products and/or provision of Services described in Buyer's purchase order issued in whole or in part in response to this quotation or in response to which this acknowledgment is issued are expressly limited to and expressly made conditional on Buyer's acceptance of the Terms and Conditions of Sale and/or Service listed below, which are the exclusive terms and conditions upon which Andritz Separation Inc. or the applicable Andritz entity supplying the same ("Seller") will accept a purchase order for the sale of new, used and refurbished products, equipment, parts and/or the provision of services ("Products" and "Services"). These Terms and Conditions of Sale and/or Service control, supersede and replace any and all other additional and/or different terms and conditions of Buyer, and Seller hereby objects to and rejects all such terms and conditions of Buyer without further notification, except to the extent Seller expressly agrees to such conditions in writing. Seller's commencement of work under the Purchase Order or Buyer's acceptance of delivery of or payment for any Products or Services covered by this Agreement, in whole or in part, shall be deemed Buyer's agreement to the foregoing. The term "this Agreement" as used herein means this quotation or acknowledgment or Buyer's purchase order, together with any attachment thereto, any documents expressly incorporated by reference (but excluding any Buyer terms and conditions attached thereto or incorporated therein by reference), and these Terms and Conditions of Sale and/or Service.

7. DELIVERY OR PERFORMANCE

Delivery or performance dates are good faith estimates and do not mean that "time is of the essence." Buyer's failure to promptly make advance or interim payments, supply technical information, drawings and approvals will result in a commensurate delay in delivery or performance. Installation of any Product shall not be Seller's responsibility unless specifically provided for in this Agreement. Upon and after delivery, risk of loss or damage to the Products shall be Buyer's. Delivery of the Products hereunder will be made on the terms agreed to by the parties as set forth in this Agreement, according to INCOTERMS 2010.

8. WARRANTY

(a) Products Warranty.

(i) New Equipment Warranty. In the case of the purchase of new equipment the Seller warrants to Buyer that the new equipment manufactured by it will be delivered free from defects in material and workmanship. This warranty shall commence upon delivery of the new equipment to Buyer and shall expire on the earlier to occur of 12 months from initial operation of the new equipment and 18 months from delivery thereof (the "Warranty Period").

(ii) Parts and Used or Reconditioned Machinery or Equipment Warranty. In the case of parts or used or reconditioned machinery or equipment, and unless otherwise indicated, Seller warrants to Buyer that the parts or the used or reconditioned machinery or equipment manufactured by it will be delivered free from defects in material and workmanship. This warranty shall commence upon delivery of the parts or the used or reconditioned machinery or equipment to the buyer and shall expire 6 months from delivery thereof (the "Warranty Period").

(iii) If during the Warranty Period Buyer discovers a defect in material or workmanship of a Product and gives Seller written notice thereof within 10 days of such discovery, Seller will, at its option, either deliver to Buyer, on the same terms as the original delivery was made, according to INCOTERMS 2010, a replacement part or repair the defect in place. Any repair or replacement part furnished pursuant to this warranty are warranted against defects in material and workmanship for one period of 12 months from completion of such repair or replacement, with no further extension. Seller will have no warranty obligations for the Products under this Paragraph 3(a): (i) if the Products have not been stored, installed, operated and maintained in accordance with generally approved industry practice and with Seller's specific written instructions; (ii) if the Products are used in connection with any mixture or substance or operating condition other than that for which they were designed; (iii) if Buyer fails to give Seller such written 10 day notice; (iv) if the Products are repaired by someone other than Seller or have been intentionally or accidentally damaged; (v) for corrosion, erosion, ordinary wear and tear or in respect of any parts which by their nature are exposed to severe wear and tear or

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ANDRITZ Separation Inc.
1010 Commercial Blvd. South
Arlington, TX 76001 USA

Tel : +1 (817) 465-5611
Fax: +1 (817) 468-3961

Remit to:
ANDRITZ Separation Inc.
Dept: 0312
P.O. Box 120312
Dallas, TX 75312-0312
Federal Tax ID Number: 59-3773483

Wire instructions:
Nordea Bank Abp
New York Branch
SWIFT: NDEAUS3N
Account: 8679433001
ABA: 026010786