

CITY OF TONGANOXIE  
321 S. DELAWARE 913-845-2620  
June 5, 2017  
7:00 Regular Meeting



Honorable Jason K. Ward, Mayor  
Council Members  
Chris Donnelly                      James Truesdell  
Curtis Oroke                      Andy Gilner                      Kara Reed

**Open Regular Meeting – 7:00 p.m.**

**I. Pledge of Allegiance**

**II. Approval of Minutes –** Regular Meeting dated May 15, 2017

**III. Consent Agenda**

- a) Review Bill Payments

**IV. Open Agenda**

“Members of the public are welcome to use this time to comment about any matter relating to City business. The comments that are discussed under Open Agenda may or may not be acted upon by the Council during this meeting. Please wait to be recognized by the Mayor, then **state your name and address** and all comments are to be directed to the chair.”

**V. Old Business**

**VI. New Business**

- a) Consider approval of retail sales of fireworks for Rockstar Fireworks and Garrett’s Worldwide Enterprises
- b) Second Reading: Ordinance 1424: approval of preliminary development plan for Tonganoxie Business Park
- c) Consider approval of final plat for Tonganoxie Business Park and accept dedication of land for public purposes
- d) Consider approval of final plat for Timber Hills #4 and accept dedication of land for public purposes
- e) Resolution 06-17-01; authorizing the adoption of a housing needs analysis and designating legal descriptions of property proposed to be designated as a rural housing incentive district within the City of Tonganoxie
- f) Consider approval of release agreement with landowners at 242 S. Whilshire Drive and 238 S. Whilshire Drive
- g) City Manager Agenda
  - 1. Presentation of preliminary 2018 budget
  - 2. Set date for budget work sessions
  - 3. Tonganoxie Days Event Update – June 10 from 11 a.m. to 11 p.m.
- h) City Attorney Agenda
- i) Mayor Agenda

j) Mayor Pro Tem Agenda

1. Executive session to discuss matters of non-elected personnel

k) City Council Agenda

**VII. Information & Communications (No Action Required)**

1. Residential Building Permit Report for April

**VIII. Adjourn**

**City Council Meeting**  
May 15, 2017  
7:00 p.m. Regular Meeting



Mayor Ward opened the meeting at 7:00 p.m. with the pledge of allegiance. Council members present were Curtis Oroke, Chris Donnelly, and Kara Reed. Andy Gilner and Jim Truesdell were absent. Also in attendance were City Manager George Brajkovic and Assistant City Manager Jamie Shockley.

**Approval of Minutes and Consent Agenda**

- Ms. Reed moved to approve the minutes from May 1, 2017. Mr. Oroke seconded. All ayes. Motion carried.
- Ms. Reed moved to approve the Consent Agenda. Mr. Donnelly seconded. All ayes. Motion carried.

**Open Agenda**

Rachell Rowand, 19749 211<sup>th</sup> Street, and asked the Council what process she needs to take to have her property annexed into the City. She also asked if the City had a policy on supplier diversity. Mayor Ward informed her to work with city staff on the proper procedure for annexation, and Ms. Shockley said she would email her an annexation petition in the morning. Mayor Ward informed her that the City did not have a policy on supplier diversity.

**Introduction of Travis Adams – New Police Officer**

- Chief Brandau introduced Travis Adams as the newest police officer at the Tonganoxie Police Department.
- The Mayor and Council welcomed Travis to the City of Tonganoxie.

**Recognition of Project Lifesaver**

- Chief Brandau informed the Council that the Friends of Police received an anonymous donation in the amount of \$6,000, which will allow them to purchase the wrist bands/trackers to launch Project Lifesaver in Tonganoxie.

**Consider approval of temporary CMB license for Abdallah Shrine Rode**

- Mr. Donnelly moved to approve the temporary CMB license. Ms. Reed seconded. All ayes.

**Consider approval of selling police K-9 and equipment**

- Chief Brandau addressed the Council and explained that the K-9 officer is leaving the City of Tonganoxie for another job and has requested to purchase the K-9 from the department. Chief Brandau explained that he feels like he has exhausted all other options and does not have an officer that is capable of taking on the K-9. For these reasons, he is requesting to sell the K-9 for \$1500 and the police K-9 vehicle for \$13,000.
- Mr. Donnelly moved to sell the K-9 and equipment. Ms. Reed seconded. All ayes. Motion carried.

**Consider approval of budget amendment in Fire Equipment Reserve Fund and issuing request for bids for Quick Attack Firefighting Response Unit**

- Ms. Reed moved to amend the Fire Equipment Fund budget from \$132,200 to \$252,200 and authorize the fire department to seek bids for new wildlands/grass-fighting unit. Mr. Donnelly seconded, but requested that the Fire Chief provide a 3-5 year equipment replacement plan before the city council moves forward with approving the purchase of the quick attack unit. All ayes. Motion carried.

**May Financial Report**

- Ms. Shockley provided the financial report for May to the City Council.

**City Attorney Agenda**

- Mr. Brajkovic introduced Shannon Marciano, the City's new City Attorney.

With no further business, Ms. Reed moved to adjourn at 8:52 p.m. Mr. Oroke seconded. All ayes. Motion carried.



City of Tonganoxie, KS

# Check Report

By Check Number

Date Range: 05/11/2017 - 06/01/2017

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP Bank-AP Bank</b>						
0001	911 CUSTOM	05/12/2017	Regular	0.00	80.00	41449
0015	ALL SEASONS CAR WASH	05/12/2017	Regular	0.00	115.86	41450
0025	APAC-KANSAS, INC	05/12/2017	Regular	0.00	854.71	41451
0831	AXON	05/12/2017	Regular	0.00	12.96	41452
0749	BROADVOICE	05/12/2017	Regular	0.00	139.55	41453
0115	CONRAD FIRE EQUIPMENT, INC.	05/12/2017	Regular	0.00	464.34	41454
0157	EDWARDS CHEMICALS	05/12/2017	Regular	0.00	32.00	41455
0189	FIRST STATE BANK & TRUST	05/12/2017	Regular	0.00	313.05	41456
0225	HAMM INC	05/12/2017	Regular	0.00	1,966.12	41457
0250	HONEYCREEK DISPOSAL SERVICE	05/12/2017	Regular	0.00	24,750.75	41458
0757	KC CLEAN	05/12/2017	Regular	0.00	240.00	41459
0354	KELLY LAW OFFICE LLP	05/12/2017	Regular	0.00	690.00	41460
0367	KNOLOGY, INC.	05/12/2017	Regular	0.00	778.16	41461
0391	LAWRENCE JOURNAL WORLD	05/12/2017	Regular	0.00	156.74	41462
0392	LAWRENCE LANDSCAPE, INC.	05/12/2017	Regular	0.00	28.35	41463
0426	LV COUNTY SHERIFF OFFICE	05/12/2017	Regular	0.00	1,760.00	41464
0491	OLATHE WINWATER WORKS	05/12/2017	Regular	0.00	1,520.00	41465
0500	OREILLY AUTO PARTS	05/12/2017	Regular	0.00	385.19	41466
0503	PACE ANALYTICAL SERVICES INC	05/12/2017	Regular	0.00	454.00	41467
0522	POLYDYNE INC	05/12/2017	Regular	0.00	1,125.00	41468
0628	TODD'S TIRE LLC	05/12/2017	Regular	0.00	15.25	41469
0671	WESTAR ENERGY	05/12/2017	Regular	0.00	11,292.90	41470
0692	ZEP MANUFACTURING COMPANY	05/12/2017	Regular	0.00	608.99	41471
0019	AMCHAR WHOLESALE INC.	05/17/2017	Regular	0.00	713.00	41472
0046	BAY BRIDGE ADMINISTRATORS, LLC	05/17/2017	Regular	0.00	268.56	41473
0056	BLUE CROSS AND BLUE SHIELD	05/17/2017	Regular	0.00	27,639.78	41474
0059	BOARD OF PUBLIC UTIL.-WATER	05/17/2017	Regular	0.00	15,871.77	41475
0069	BRIDGESTONE AMERICAS INC	05/17/2017	Regular	0.00	494.72	41476
0070	BROTHER' S MARKET	05/17/2017	Regular	0.00	123.63	41477
0099	CITY OF LEAVENWORTH	05/17/2017	Regular	0.00	210.00	41478
0813	FREESTATE ELECTRIC COOPERATIVE	05/17/2017	Regular	0.00	1,572.00	41479
0205	GALL'S LLC	05/17/2017	Regular	0.00	100.00	41480
0254	HUBER & ASSOCIATES, INC	05/17/2017	Regular	0.00	750.00	41481
0308	KANSAS STATE TREASURER	05/17/2017	Regular	0.00	2,210.50	41482
0330	KANSAS GAS SERVICE	05/17/2017	Regular	0.00	243.42	41483
0360	KEY EQUIPMENT & SUPPLY CO	05/17/2017	Regular	0.00	102.21	41484
0367	KNOLOGY, INC.	05/17/2017	Regular	0.00	402.66	41485
0832	K-STATE CHEER MASCOT	05/17/2017	Regular	0.00	177.60	41486
0404	LEAVENWORTH TIMES	05/17/2017	Regular	0.00	132.00	41487
0476	NATIONAL SIGN COMPANY INC.	05/17/2017	Regular	0.00	536.00	41488
0484	NORTHERN SAFETY CO	05/17/2017	Regular	0.00	195.25	41489
0491	OLATHE WINWATER WORKS	05/17/2017	Regular	0.00	180.00	41490
0833	PAUL CONWAY SHIELDS	05/17/2017	Regular	0.00	801.87	41491
0384	PAUL LAMB	05/17/2017	Regular	0.00	49.00	41492
0542	QUILL	05/17/2017	Regular	0.00	195.02	41493
0578	SECURITY BENEFIT	05/17/2017	Regular	0.00	821.33	41494
0579	SECURITY BENEFIT - 457	05/17/2017	Regular	0.00	2,219.23	41495
0834	SWALLOW TAIL LLC	05/17/2017	Regular	0.00	24,200.00	41496
0617	TBS ELECTRONICS, INC.	05/17/2017	Regular	0.00	66.00	41497
0651	USA BLUE BOOK	05/17/2017	Regular	0.00	209.11	41498
0671	WESTAR ENERGY	05/17/2017	Regular	0.00	167.94	41499
	**Void**	05/23/2017	Regular	0.00	0.00	41500
0039	BAMFORD FIRE SPRINKLER CO	05/26/2017	Regular	0.00	339.00	41502
0835	BEV HERMANN	05/26/2017	Regular	0.00	200.00	41503

Check Report

Date Range: 05/11/2017 - 06/01/2017

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
0051	BG CONSULTANTS INC	05/26/2017	Regular	0.00	7,567.50	41504
0064	BOUND TREE MEDICAL, LLC	05/26/2017	Regular	0.00	697.75	41505
0111	COLEMAN EQUIPMENT INC	05/26/2017	Regular	0.00	31.20	41506
0113	COMMERCIAL AQUATIC SERVICES	05/26/2017	Regular	0.00	7,382.60	41507
0189	FIRST STATE BANK & TRUST	05/26/2017	Regular	0.00	26,141.02	41508
0812	Heartland Coca-Cola Bottling Co., LLC	05/26/2017	Regular	0.00	1,303.15	41509
0836	JC BOUNCE RENTALS, LLC	05/26/2017	Regular	0.00	585.00	41510
0330	KANSAS GAS SERVICE	05/26/2017	Regular	0.00	43.19	41511
0373	KS HEALTH & ENVIROMENT LAB	05/26/2017	Regular	0.00	216.00	41512
0365	KS MUNICIPAL INSURANCE TRUST	05/26/2017	Regular	0.00	2,639.00	41513
0393	LAWRENCE MEMORIAL HOSPITAL	05/26/2017	Regular	0.00	258.00	41514
0397	LEAGUE OF KANSAS MUNICIPALITIE	05/26/2017	Regular	0.00	25.00	41515
0414	LINK-LITE NETWORKING, INC.	05/26/2017	Regular	0.00	817.49	41516
0732	METLIFE - GROUP BENEFITS	05/26/2017	Regular	0.00	195.48	41517
0458	MIDWEST PUBLIC RISK	05/26/2017	Regular	0.00	92,276.92	41518
0491	OLATHE WINWATER WORKS	05/26/2017	Regular	0.00	4,225.00	41519
0507	PEAK SOFTWARE SYSTEMS, INC.	05/26/2017	Regular	0.00	983.00	41520
0548	RECORDNEWS	05/26/2017	Regular	0.00	847.00	41521
0617	TBS ELECTRONICS, INC.	05/26/2017	Regular	0.00	3,360.00	41522
0631	TONGANOXIE CHAMBER OF COMMERCE	05/26/2017	Regular	0.00	45.00	41523
0661	VISION SERVICE PLAN	05/26/2017	Regular	0.00	384.28	41524
0671	WESTAR ENERGY	05/26/2017	Regular	0.00	763.17	41525
0509	PETTY CASH	05/23/2017	Regular	0.00	300.00	45101

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	109	76	0.00	280,062.27
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>109</b>	<b>77</b>	<b>0.00</b>	<b>280,062.27</b>

### Fund Summary

Fund	Name	Period	Amount
998	Gen Fund-Pooled Cash	5/2017	280,062.27
			<hr/> 280,062.27



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** June 5, 2017  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Jamie Shockley, Assistant City Manager  
**SUBJECT:** Consider Approval of Fireworks Sales Permits for 2017

**DISCUSSION:**

Attached are applications for two vending permits for fireworks for 2017. By ordinance, the City Council reserves the authority to approve permits for such purpose. Each applicant has satisfied the requirements of the fireworks permit and is listed below:

- Garrett's Worldwide Enterprises, LLC
- Rockstar Fireworks

As a reminder, city code allows the general public to shoot fireworks beginning at 8:00 a.m. through 11 p.m. on July 4.

**Budget Impact:**

These two permits will generate a total of \$1,000 in revenue for the City. Additional revenue will follow in the form of sales tax. We also anticipate to receive three more applications that will be presented to the City Council at the June 19 meeting. This revenue is anticipated in the 2017 budget.

**Action Needed:**

Make a motion to approve the fireworks sales permits for Garrett's Worldwide Enterprises, LLC and Rockstar Fireworks.

# APPLICATION FOR RETAIL SALES OF FIREWORKS WITHIN THE CITY OF TONGANOXIE

Date of Application: 5/26/17

Square footage of Structure: 30'x70' = 2100 sq. ft.

**OFFICE USE ONLY**

**APPLICATION REVIEWED AND:**

Permit Fee: \$500<sup>00</sup> Date: 5/30/17

Permit # \_\_\_\_\_

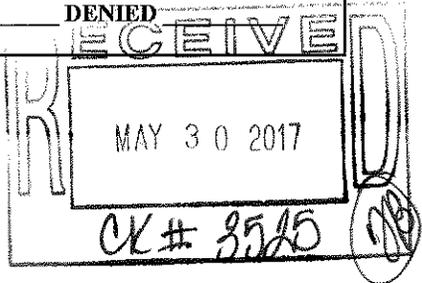
Council Acceptance/Denial Date: \_\_\_\_\_

Tent/Bldg Insp. \_\_\_\_\_ Date: \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_

**Dates of Operation:** June 30th through July 4th  
 Fireworks may be sold from **8:00 a.m. – 11:00 p.m. only**  
**All signs, tents and trash must be removed with 48 hours after sale date.**

- All Applications must be accompanied with:
- ✓ Non-refundable permit fee (\$500.00)
  - ✓ Certificate of Insurance (\$1,000,000.00) with City listed as additional insured
  - ✓ Tax Clearance from KS Dept of Revenue (785-296-3199) or www.ksrevenue.org
  - ✓ Copy of KS Retailers' Sales Tax Registration Certificate (785-296-4937) or www.ksrevenue.org/forms.htm



**For a list of rules and regulations see attached:  
 Code of the City of Tonganoxie, Chapter 7- Article 3. Fireworks**

APPLICATION IS MADE BY:  Individual  Partnership  Corporation  Non-profit

ADDRESS/LOCATION REQUESTED: 886 N. Star Ct. Tonganoxie, KS

KS STATE SALES TAX # 004-251923765F-01 TAX EXEMPT # NA

INDIVIDUAL/ORGANIZATION/BUSINESS Garrett's Worldwide Enterprises, LLC

MAILING ADDRESS PO Box 480

CITY, STATE & ZIP: Basehor, KS 66007

CONTACT NAME Chasity Schuler DAYTIME PHONE 818-260-6478

EVENING PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_ EMAIL retailsales@garrettsllc.com

CONTACT NAME Susan Garrett DAYTIME PHONE 785-528-2755

EVENING PHONE \_\_\_\_\_ CELL PHONE 785-760-1499 EMAIL susan@garrettsllc.com

I/WE HAVE READ AND AGREE TO ABIDE BY THE RULES AND REGULATIONS AS SET FORTH IN THE CITY CODE OF TONGANOXIE AND CITY ORDINANCES THAT GOVERN THE RETAIL SALES OF FIREWORKS WITHIN THE CITY LIMITS.

Chasity Schuler GWE, LLC 5/26/17  
 SIGNATURE OF RESPONSIBLE PARTY DATE  
*retail sales coordinator*

APPROVED BY THE CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

CITY CLERK

FIRE CHIEF – Tentative Approval  
 Final Inspection after set-up



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
5/23/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Ryder Rosacker McCue & Huston (MGD by Hull & Compa 509 W Koenig St Grand Island NE 68802	<b>CONTACT NAME:</b> Kristy Wolfe <b>PHONE (A/C, No, Ext):</b> 308-382-2330 <b>E-MAIL ADDRESS:</b> kwolfe@ryderinsurance.com	<b>FAX (A/C, No):</b>
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Garrett's Worldwide Enterprises, LLC DBA: see below 120 Barclay St. Osage City KS 66523	<b>INSURER A:</b> SCOTTSDALE INS CO	<b>NAIC #</b> 41297
	<b>INSURER B:</b> NATIONAL CAS CO	<b>NAIC #</b> 11991
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**

CERTIFICATE NUMBER: 142785792

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			CPS2507192	2/23/2017	2/23/2018	EACH OCCURRENCE	\$1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$100,000
							MED EXP (Any one person)	\$5,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$2,000,000
							PRODUCTS - COMP/OP AGG	\$2,000,000
								\$
B	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> Excess Hired			CAO7760408	11/10/2016	11/10/2017	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				WC STATUTORY LIMITS	OTHER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Blanket Additional Insured applies to the entities listed below per attached form GLS-150s when required by written agreement.

Named Insured:

Garrett's Worldwide Enterprises LLC  
dba Garrett's Fireworks  
See Attached...**CERTIFICATE HOLDER**City of Tonganoxie, KS  
PO Box 326  
Tonganoxie KS 66086**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Sam Brownback, Governor  
Samuel M. Williams, Secretary

[www.ksrevenue.org](http://www.ksrevenue.org)

# CERTIFICATE OF TAX CLEARANCE

Garretts Worldwide Enterprises, LLC  
DBA as Garretts Fireworks

**ISSUE DATE**  
04/26/2017

**TRANSACTION ID**  
T36B-BASA-AXM5

**CONFIRMATION NUMBER**  
CSG3-Y2B8-34NM

**TAX CLEARANCE VALID THROUGH 07/25/2017**

*Verification of this certificate can be obtained on our website, [www.ksrevenue.org](http://www.ksrevenue.org),  
or by calling the Kansas Department of Revenue at 785-296-3199*



Division of Taxation  
915 SW Harrison St  
Topeka KS 66612-1588



Phone: 785-368-8222  
FAX: 785-296-2073  
www.ksrevenue.org

Nick Jordan, Secretary of Revenue  
Steve Stotts, Director of Taxation

Department of Revenue

Sam Brownback, Governor

May 6, 2016

GARRETTS WORLDWIDE ENTERPRISES LLC  
120 BARCLAY ST  
OSAGE CITY, KS 66523-1012

Attached is your Kansas Retailers' Sales tax registration certificate. Refer to the next page to see how to use your certificate. If you close or sell your business, please return this certificate along with a Discontinuation of Business form, which can be found on our web site.

You are required by Kansas law to file returns electronically. To do so or make payments electronically, visit our web site at <http://www.ksrevenue.org/eservices.htm> or [www.webtax.org](http://www.webtax.org). See the next page for more details.

**KANSAS DEPARTMENT OF REVENUE**  
*Division of Taxation*

[www.ksrevenue.org](http://www.ksrevenue.org)

**RETAILERS' SALES TAX REGISTRATION CERTIFICATE**



Garretts Worldwide Enterprises LLC  
120 Barclay St  
Osage City, KS 66523-1012

Tax Account Number: 004-XXXXX3765F-01

Inception Date: 05/06/2016

Filing Frequency: Monthly

This Registration Certificate is valid until canceled and is not transferable.

# APPLICATION FOR RETAIL SALES OF FIREWORKS WITHIN THE CITY OF TONGANOXIE

Date of Application: May 20, 2017

Square footage of Structure: 1400sq ft

**OFFICE USE ONLY**

**APPLICATION REVIEWED AND:**

Permit Fee: \$500<sup>00</sup> Date: 5/30/17

Permit # \_\_\_\_\_

Council Acceptance/Denial Date: \_\_\_\_\_

Tent/Bldg Insp. \_\_\_\_\_ Date: \_\_\_\_\_

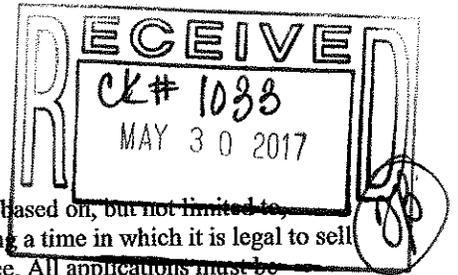
**APPROVED** \_\_\_\_\_ **DENIED** \_\_\_\_\_

**Dates of Operation:** June 30th through July 4th  
 Fireworks may be sold from **8:00 a.m. – 11:00 p.m. only**  
**All signs, tents and trash must be removed with 48 hours after sale date.**

All Applications must be accompanied with:

- Non-refundable permit fee (\$500.00)
- Certificate of Insurance (\$1,000,000.00) with City listed as additional insured
- Tax Clearance from KS Dept of Revenue (785-296-3199) or [www.ksrevenue.org](http://www.ksrevenue.org)
- Copy of KS Retailers' Sales Tax Registration Certificate (785-296-4937) or [www.ksrevenue.org/forms.htm](http://www.ksrevenue.org/forms.htm)

- ❖ Please note, Ordinance 1358 allows the Fire Chief to institute a burn ban based on, but not limited to, weather, soil conditions and water supply. If a burn ban is instituted during a time in which it is legal to sell fireworks, a firework vendor may apply for a 50% refund of the permit fee. All applications must be approved by City Council prior to issuing a refund.



**For a list of rules and regulations see attached:  
 Code of the City of Tonganoxie, Chapter 7- Article 3. Fireworks**

APPLICATION IS MADE BY:  Individual     Partnership     Corporation     Non-profit

ADDRESS/LOCATION REQUESTED: 325 East 24-40 Highway

KS STATE SALES TAX # \_\_\_\_\_ TAX EXEMPT # \_\_\_\_\_

INDIVIDUAL/ORGANIZATION/BUSINESS ROCKSTAR Fireworks

MAILING ADDRESS 18069 198th

CITY, STATE & ZIP: Tonganoxie, Kansas 66086

CONTACT NAME Patrick O'Hare DAYTIME PHONE \_\_\_\_\_

EVENING PHONE \_\_\_\_\_ CELL PHONE 785-840-8123 EMAIL unlimitedmasonry@aol.com

CONTACT NAME Samantha O'Hare DAYTIME PHONE \_\_\_\_\_

EVENING PHONE \_\_\_\_\_ CELL PHONE 816-289-0174 EMAIL sam71521@aol.com

I/WE HAVE READ AND AGREE TO ABIDE BY THE RULES AND REGULATIONS AS SET FORTH IN THE CITY CODE OF TONGANOXIE AND CITY ORDINANCES THAT GOVERN THE RETAIL SALES OF FIREWORKS WITHIN THE CITY LIMITS.



*Patricia M. O'Hara*  
SIGNATURE OF RESPONSIBLE PARTY

May 20, 2017

DATE

APPROVED BY THE CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

CITY CLERK

FIRE CHIEF – Tentative Approval  
Final Inspection after set-up







AGENCY CUSTOMER ID: \_\_\_\_\_  
LOC #: \_\_\_\_\_

### ADDITIONAL REMARKS SCHEDULE

AGENCY Britton Gallagher		NAMED INSURED Winco Fireworks International LLC 5200 W. 94th Terrace Suite 114 Prairie Village KS 66207	
POLICY NUMBER		EFFECTIVE DATE:	
CARRIER	NAIC CODE		

**ADDITIONAL REMARKS**

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

Stand Operator: Patrick O'Hare  
Landowner: Daniel Crookham  
Additional Insured: City of Tonganoxie



Sam Brownback, Governor  
Samuel M. Williams, Secretary

[www.ksrevenue.org](http://www.ksrevenue.org)

# CERTIFICATE OF TAX CLEARANCE

ROCKSTAR FIREWORKS

ISSUE DATE

05/24/2017

TRANSACTION ID

TFFX-JN8M-BR7C

CONFIRMATION NUMBER

C6GM-25G3-KSAT

**TAX CLEARANCE VALID THROUGH 08/22/2017**

*Verification of this certificate can be obtained on our website, [www.ksrevenue.org](http://www.ksrevenue.org),  
or by calling the Kansas Department of Revenue at 785-296-3199*

Division of Taxation  
915 SW Harrison St  
Topeka KS 66625-2007

Nick Jordan, Secretary of Revenue  
Steve Stotts, Director of Taxation



Department of Revenue

Phone: 785-368-8222  
FAX: 785-291-3614  
[www.ksrevenue.org](http://www.ksrevenue.org)

Sam Brownback, Governor

June 27, 2011

PATRICK M. OHARE  
ROCK STAR FIREWORKS  
15076 246TH ST  
LAWRENCE, KS 66044-7118

□ COPY

Attached is your Kansas retailers' sales tax registration certificate. This must be displayed in your place of business.

Kansas law requires that you file returns electronically. To do so or make payments electronically, visit our web site at <http://www.ksrevenue.org/eservices.htm> or [www.webtax.org](http://www.webtax.org).

Please see the back of this letter for details on how to use and display your certificate.

**KANSAS DEPARTMENT OF REVENUE**  
*Division of Taxation*

[www.ksrevenue.org](http://www.ksrevenue.org)

## RETAILERS' SALES TAX REGISTRATION CERTIFICATE



PATRICK M. OHARE  
Rock Star Fireworks  
325 Hwy 24-40  
Tonganoxie, KS 66086-9304  
# 20-5876475 FEN

Tax Account Number: 004-205876475F-01  
Inception Date: 06/30/2010  
Filing Frequency: Monthly

This Registration Certificate is valid until canceled and is not transferable.



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** June 5, 2017  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Jamie Shockley, Assistant City Manager  
**SUBJECT:** Second Reading: Ordinance 1424 – Preliminary Development Plan for Tonganoxie Business Park

**DISCUSSION:**

Before the City Council for approval is the preliminary development plan for the Tonganoxie Business Park, which is zoned as BP – Business Park District. According to section 15-5 of the City's subdivision regulations, the BP district is a planned district, which requires a preliminary and final development plan before any development can occur. This property was rezoned from rural residential to business park back in 2010; however, a preliminary development plan has never been approved.

The preliminary development plan for Tonganoxie Business Park was considered by the Planning Commission at the May 4, 2017 meeting. The City's subdivision regulations state that the Planning Commission shall review preliminary development plans, hold a public hearing and make a recommendation to the Governing Body for approval, approval with conditions, or denial. A public hearing was held on May 4, 2017, and the planning commission recommended approval of the preliminary development plan with a vote of 5-0 to include the following conditions, as outlined in the staff report from Gould Evans:

1. Changes to the "Floor Area Ratio (FAR) Calculations" table
  - i. Change the Title of the 3rd column to "Use"
  - ii. Identify on which lots manufacturing is allowed to occur.
  - iii. Identify on which lots outdoor storage is allowed to occur as a supplemental use.
  - iv. Provide a total for the square footage of lot area for the entire park.
  - v. Change the Floor Area Ratio calculations to decimals (i.e. .34, .24, etc.) and provide an average FAR for the entire business park, .285 average.
  - vi. Include Tract A in the project data table and identify use and tract statistics.
2. Dedication of 50' of right-of-way, from the centerline along the property length of Kansas Avenue and 222nd Street.
3. The maximum length of a cul-de-sac allowed by the Tonganoxie Subdivision Regulations is 800'. This is a generally a connectivity standard that is important to transportation networks. However in relation to this context, the constraints of the site, and this specific development plan the Planning Commission can grant a waiver for the proposed 1,600-foot cul-de-sac.
4. Sheet L.2, change name of #5 in Landscape Zone legend to "Native Prairie" and remove "Pasture" from the name.
5. Preliminary Development Plan and Design Guidelines document changes:
  - i. Add language that regulates the consistency of design between the Business Park signage and Building Design, specifically the consistency of materials and colors.
  - ii. Provide typical elevations for the Business Park Architectural standards that delineate the building materials palette for the park.

- iii. Site Planning – identify a Park Perimeter Setback of 30 feet, along all property boundaries and street frontages.
- iv. Land uses – Restrict “Manufacturing” uses within the Business Park to “Industrial Uses typically allowed in the standard I-LT Light Industrial and I-MD Medium Industrial zoning categories per the Tonganoxie Zoning Ordinance”.
- v. Land Uses – Identify “outdoor storage” as an allowed supplemental use to the primary use and restrict its height to 10 feet and require the area dedicated to be paved.
- vi. Loading – Add Business Park Drive to item c., as a restriction for loading docks to front upon.
- vii. Outdoor Storage – Item c., remove “aggregate material” from the definition.
- viii. Architectural Building Standards – Item #1 should read “Building Standards and Materials should seek to work in harmony with the overall natural environment design theme of the Business Park.”
- ix. Architectural Building Standards – Change item 4 to start with “Structure heights...” instead of “Building Heights...”.
- x. Architectural Building Standards – add item that requires 15% of all facades shall include a masonry product that is consistent with the design theme and colors of the Business Park.”
- xi. Landscaping – Add item to require the 30 foot landscape buffer to be implemented as part of the Park Perimeter Setback of 30 feet, along all property boundaries and street frontages, as development of adjacent sites occurs.
- xii. Landscaping – Add language to restrict site lighting to prohibit light spillover to adjacent properties, within the park and adjacent properties to the park.

The full planning and engineering reports and recommendations are attached for the Council’s review.

**Action Needed:**

Make a motion to approve Ordinance 1424; approving the preliminary development plan with conditions 1-5 outlined in the city planner’s staff report dated April 27, 2017.



## City of Tonganoxie, Kansas

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### PLANNING STAFF REPORT

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**Case#:** 2017-005P

**Date of Report:** April 27, 2017

**Applicant Name:** GBA, Inc. (Harland Russell)

**Property Owner Name:** City of Tonganoxie, Kansas (George Brajkovic)

**Subject Property Address:** Southeast Corner of 222<sup>nd</sup> Street and Kansas Avenue, Tonganoxie, KS 66086

**Application:**

*Zoning District:* BP – Business Park

*Type of Approval Desired:* Rezoning from “BP” Business Park to “BP” Business Park with a Development Plan

*Date of Application:* March 24, 2017

*Date of Meeting:* May 4, 2017

**Surrounding Property – Zoning and Use:**

*West:* RR-2.5 Rural District; Agriculture and Undeveloped (Leavenworth County)

*South:* RR-2.5 and RR-5 Rural Districts; Residential and Undeveloped (Leavenworth County)

*East:* BP Business Park District; Undeveloped (City of Tonganoxie)

*North:* RR-2.5 Rural District; Residential, Agriculture and Undeveloped (Leavenworth County)

*Vicinity:* The property in question represents the western portion of a proposed business park development for light and moderate industrial and business uses. The adjacent property is proposed for future residential uses and business park, to the east.

**Staff Recommendation:**

Recommend approval with conditions.

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**SUMMARY:**

*Preliminary Development Plan and Plat – Business Park*

The application proposes to rezone approximately 140 acres from “BP” Business Park District to “BP” Business Park District with a Preliminary Development Plan. The property is located south of the contiguous Tonganoxie City Limits, in a predominately rural, undeveloped portion of Leavenworth County. The property is within the City limits of Tonganoxie and surrounded by County property on the North, South and West and additional City property on the east. The property is zoned “BP” Business Park, but does not have an associated development plan as required by the BP zoning. The surrounding area is a mix of county zoning including “RR-2.5” and “RR-5” Rural Districts that accommodate low intensity residential and agricultural uses. The property is currently undeveloped. This application is for the use of the property for light and moderate industrial and business uses, and includes a development plan that defines the development standards for the entire Business Park.

The preliminary plat divides the property into 6 lots and 1 tract, and establishes the rights-of-way easements and building lines. The preliminary plat proposes additional right-of-way along both 222<sup>nd</sup> Street and Kansas Avenue, 50 feet from the centerline, and appropriate amount to accommodate the future arterial roadways. A total of 100 feet of right-of-way, of 50 feet on each side of the centerline, is needed. The preliminary plat does not identify the future use of Tract A. Through conversations with the applicant Tract A is to be use for storm water detention and natural area.

*Final Plat*

A final plat has been prepared for the entire business park site, 140 acres, to create 6 lots and 1 tract. The final plat does identify the necessary easements within the park and indicates sufficient rights-of-way for 222<sup>nd</sup> Street and Kansas Avenue.

*Final Development Plan – Unilock Site*

The Final Development Plan is for the Lot 5 of the proposed Business Park to accommodate development of a manufacturing facility and storage yard for Unilock. The proposed use of this site includes production of landscape materials such as pavers, walls, fireplace features and grills for use in outdoor applications, both residential and commercial. The final development plan is for a 34.43 acre site located at the southwest corner of the Business Park adjacent to 222<sup>nd</sup> Street to the west. The final plan is for three buildings to be constructed over time, with the first building being located at the north central section of the site, along the new Business Park Drive, to serve as a “ check-out and storage” building to support the pick-up, delivery and storage of material on-site. Subsequent buildings are proposed for the manufacturing of products on site in addition to the storage and distribution. The timeline for future development of the site is governed by the real estate agreement.

**ANALYSIS:**

This rezoning is requested for an undeveloped parcel of land located at the Southeast corner of 222<sup>nd</sup> Street and Kansas Avenue and is approximately 140 acres in size. The property was rezoned BP Business Park on May 24<sup>th</sup> 2010, but a development plan was not adopted. The BP District is intended to “accommodate a mix of office, research, light industrial and limited retail and service uses in a planned business park setting. This is a planned zoning district designed to provide for low-density, high-quality development with increased amenities and open space, consequently, in appropriate circumstances, property zoned BP may be located adjacent to residential uses. Uses in this district will be held to a higher aesthetic standard than other industrial zones.” Additionally, the BP District states, “The BP District shall conform to all other sections of the Zoning Ordinance and Subdivision Regulations unless specifically exempted or modified in the ordinance granting the BP District.”

*Preliminary Development Plan*

The rezoning of the property to the Business Park District, with the adoption of the Preliminary Development Plan, places development restrictions with regard to use, pattern and scale of development, as well as access, landscaping, signage and other site development elements for the proposed business park. The proposed preliminary development plans proposes the following regulations on development of the business park.

- The business park property is approximately 140 acres in size.
- The park would contain six lots totaling 5,649,601 square feet, 129.7 acres, of developable land and approximately 11 acres of land dedicated to open space, including one tract, 8.15 acres in size, dedicated to stormwater retention.
- The park would accommodate up to 1,592,020 square feet of building, supported by 1,741 parking spaces.
- The development of the Business Park is impacted by a significant area of wetlands that divide the site east to west in a few different locations, making the site layout difficult.
- The uses allowed in the business park are limited to office, retail, showroom, laboratory and warehouse and manufacturing.
- Design Guidelines are proposed as part of this Development Plan that would regulate site planning – setbacks, building orientation, views, land use, circulation and access, parking, loading, outdoor storage, signage, site maintenance and site performance. The design guidelines proposed would also address architectural standards, landscaping and stormwater management within the Business Park. Some of the most pertinent design guidelines provide the following regulations:
  - A natural Kansas design theme for the Business Park design buildings, site and landscape.
  - Proposed development site setbacks meet the current zoning regulations.
  - Uses within the park would be limited to manufacturing, research – development and testing, wholesaling, warehousing and distribution, office uses, retail sales
  - Ingress / Egress to the Business Park and sites from 222<sup>nd</sup> Street and Kansas Avenue are limited.
  - Parking requirements are as follows – 1 space / 250 Sq. ft. of Office, 1 space / 1,500 sq. ft. of Warehouse and 1 space / 1 employee for manufacturing.
  - Parking areas are required to be dust-free and hard covered.
  - Loading Docks shall face away from the primary streets.
  - Outdoor storage will be screened from all streets by fence, vegetation and/or berm.
  - Building heights shall not exceed 6 stories.
  - The landscaping plan provides a cohesive treatment for the park and individual sites.

#### *Final Development Plan*

The final development plan for Lot 5 of the business park conforms to the preliminary development plan for the Business Park. The plan identifies the immediate development of the northern portion of Lot 5 for the construction of a “check-out / storage building” and outdoor storage area. The outdoor storage area is approximately 13 acres in size (38% of the site) and is proposed to be surfaced with aggregate. The initial building is proposed to be approximately 17,000 square feet in size and be utilized for product pick-up / checkout and storage. The Business Park landscape adjacent to the portion of Lot 5 that is being developed will be installed at the time of construction. Subsequent areas of landscape will be installed as construction occurs. The timing of future development on Lot 5 is governed by the real estate agreement between the City of Tonganoxie and Leavenworth County.

Rezoning applications must be reviewed against the following considerations (in bold italic text) as outlined by the City of Tonganoxie Zoning Ordinance, Section 27-011. Following each of the considerations are staff comments (in plain text). However, since staff has not had the benefit of considering testimony provided during the public hearing, the Planning Commission should consider

each factor and the analysis in conjunction with testimony at the hearing prior to acting on the application. No one factor is necessarily controlling, nor do all factors need to be clearly established, but rather they are to be considered in balance as an overall evaluation of the application.

**1. Character of the neighborhood.**

The character of the surrounding area is rural residential, natural areas and some agricultural uses. The northwest corner of the site is adjacent to Highway 24/40 oriented north and south to the west of the property. At the northwest corner of the property is a mobile home park with approximately 45 housing units. Residential development within the City of Tonganoxie city limits lies approximately ½ mile to the north of this site with the property in between being in Leavenworth County. This property is bounded on the north by Kansas Avenue and on the west by 222<sup>nd</sup> Street, two future arterial streets.

**2. Zoning and uses of properties nearby:**

Surrounding properties are zoned for rural residential and agricultural uses according to the Leavenworth County Zoning Ordinance. North, west and a portion of the south boundary of the business park are zoned RR-2.5, allowing rural residential uses with a minimum lot size of 2.5 acres, and agricultural uses. The remaining portion of the southern boundary is zoned RR-5, allowing rural residential uses with a minimum lot size of 5 acres, and agricultural uses. The land adjacent to the east of the proposed property is within the city limits of Tonganoxie and is zoned BP Business Park, but does not have an adopted development plan and is restricted by the regulations of the originally created BP District.

**3. Suitability of subject property for the uses to which it has been restricted:**

The subject property was originally identified and annexed into the City of Tonganoxie on September 14<sup>th</sup>, 2009. The property was rezoned BP Business Park on May 24<sup>th</sup>, 2010. The site is adjacent to Highway 24/40 which provides good access and visibility for future users of the business park. Highway 24/40 also provides direct access to Interstate 70 to support potential warehouse users of the business park. The site is also surrounded on the north and west by two future arterial roadways, Kansas Avenue and 222<sup>nd</sup> Street, according to the Tonganoxie Comprehensive Plan, providing additional buffer from surrounding uses and improving future access to the business park. The preliminary development plan identifies a mix of site sizes to accommodate a variety of potential users, including large sites that are currently lacking the community.

**4. Extent to which removal of the restrictions will detrimentally affect nearby property:**

The rezoning of the subject property to “BP” would place additional restriction on the site development, building design and landscaping of the business park as well as the individual sites. The additional regulations and design standards are to create a cohesive development theme throughout the park and reduce the impact of potential uses within and on surrounding properties.

**5. Length of time the subject property has remained vacant as zoned:**

The subject site has not been developed before and is currently in agricultural use.

**6. Relative gain to the public health, safety and welfare by the destruction of the value of the landowner’s property as compared to the hardship imposed upon the landowner:**

The design and development of the business park will be governed by the development plan and design guidelines to achieve a higher aesthetic standard and reduce the impact on surrounding property. Most of the surrounding property is currently not within the city limits of Tonganoxie. As future annexation and development occurs the property surrounding the business park

should be evaluated for compatibility, and because of the proposed development plan and guidelines, residential development should remain a viable option.

**7. Conformance of the requested change to the adopted or recognized comprehensive plan of Tonganoxie, Kansas:**

This subject property is located within the city limits of Tonganoxie and the 2006 Comprehensive Plan identifies the future land use of this area as “Low Density Residential” and Rural Residential”. The plan calls for the development of a future commercial node near the intersection of US 24/40 and Honey Creek Road. Much of the Business Park site lies within the “Planning Area” of Tonganoxie but not within the “Near-term Growth Area” as defined in 2006.

It is proposed that manufacturing or industrial uses will be allowed in the Business Park, and the comprehensive plan address the development of industrial uses in proximity to residential uses. The Comprehensive Plan states:

- Industrial areas should have reasonable and convenient access to major arterials as required.
- Industrial areas should be designed to minimize aesthetic incompatibility with neighboring land uses.
- Any research and development areas, including warehouse districts that would be constructed should include a high degree of visual amenities including screening, landscaping and signage.

The location of the proposed business park, the development plan proposed and the design guidelines address each of these items with regard to future development and impact of the business park.

**8. Recommendations of professional staff:**

- A. Staff recommended Approval of the Preliminary Development Plan and Plat with the following conditions:
- i. Changes to the “Floor Area Ratio (FAR) Calculations” table
    - a. Change the Title of the 3<sup>rd</sup> column to “Use”
    - b. Identify on which lots manufacturing is allowed to occur.
    - c. Identify on which lots outdoor storage is allowed to occur as a supplemental use.
    - d. Provide a total for the square footage of lot area for the entire park.
    - e. Change the Floor Area Ratio calculations to decimals (i.e. .34, .24, etc.) and provide an average FAR for the entire business park, .285 average.
    - f. Include Tract A in the project data table and identify use and tract statistics.
  - ii. Dedication of 50’ of right-of-way, from the centerline along the property length of Kansas Avenue and 222<sup>nd</sup> Street.
  - iii. The maximum length of a cul-de-sac allowed by the Tonganoxie Subdivision Regulations is 800’. This is a generally connectivity standard that is important to transportation networks. However in relation to this context, the constraints of the site, and this specific development plan the Planning Commission can grant a waiver for the proposed 1,600-foot cul-de-sac.
  - iv. Sheet L.2, change name of #5 in Landscape Zone legend to “Native Prairie” and remove “Pasture” from the name.
  - v. Preliminary Development Plan and Design Guidelines document changes:
    - a. Add language that regulates the consistency of design between the Business Park signage and Building Design, specifically the consistency of materials and colors.
    - b. Provide typical elevations for the Business Park Architectural standards that delineate the building materials palette for the park.

- c. Site Planning – identify a Park Perimeter Setback of 30 feet, along all property boundaries and street frontages.
  - d. Land uses – Restrict “Manufacturing” uses within the Business Park to “Industrial Uses typically allowed in the standard I-LT Light Industrial and I-MD Medium Industrial zoning categories per the Tonganoxie Zoning Ordinance”.
  - e. Land Uses – Identify “outdoor storage” as an allowed supplemental use to the primary use and restrict its height to 10 feet and require the area dedicated to be paved.
  - f. Loading – Add Business Park Drive to item c., as a restriction for loading docks to front upon.
  - g. Outdoor Storage – Item c., remove “aggregate material” from the definition.
  - h. Architectural Building Standards – Item #1 should read “Building Standards and Materials should seek to work in harmony with the overall natural environment design theme of the Business Park.”
  - i. Architectural Building Standards – Change item 4 to start with “Structure heights...” instead of “Building Heights...”.
  - j. Architectural Building Standards – add item that requires 15% of all facades shall include a masonry product that is consistent with the design theme and colors of the Business Park.”
  - k. Landscaping – Add item to require the 30 foot landscape buffer to be implemented as part of the Park Perimeter Setback of 30 feet, along all property boundaries and street frontages, as development of adjacent sites occurs.
  - l. Landscaping – Add language to restrict site lighting to prohibit light spillover to adjacent properties, within the park and adjacent properties to the park.
- B. Staff recommends Approval of the Final Plat for the Tonganoxie Business Park.
- C. Staff recommends Approval of the Final Development Plan for Lot 5 of the Tonganoxie Business Park with the following conditions:
- i. The outdoor storage area identified be paved.
    - a. OR, at a minimum the aggregate only be allowed for a limited time, tied to the construction of the first manufacturing facility on the site, and that pavement of the outdoor stage area be paved within one-year of completion of the first manufacturing building.
    - b. If aggregate is allowable, either permanently or temporarily, a design detail of the edging used to contain the aggregate should be provided as a design element of the plan documents.
  - ii. Identify the location of site lighting and demonstrate that it will not adversely affect adjacent properties.
  - iii. Provide dimensions of the initial building to be build prior to the issuance of a building permit.

***Effect of Decision***

The Planning Commission recommends rezoning requests to the Governing Body. Based on the record and other findings of the testimony at the public hearing, the Planning Commission may:

1. Recommend approval,
2. Recommend approval with conditions
3. Recommend denial for rezoning request.

The Governing Body reviews the request in light of the Planning Commission’s recommendation. They may accept the recommendation based on a simple majority of the Governing Body, they may refer the application back to the Planning Commission with direction for specific further discussions or consideration, or they may modify or override the Planning Commission recommendation by a 2/3 vote of the entire Governing Body.

**Recommendation**

Staff recommends Approval with conditions of the rezoning from “BP” Business Park District to “BP” Business Park District with a development plan, with the conditions stated above.

*Graham Smith*

Graham Smith, AICP  
Contract City Planner



**Zoning Classification**

- Rural
- Res. Estate
- Single Family
- Multi-Fam. 1
- Multi-Fam. 2
- Multi-Fam. 3
- Manuf. Home Pk.
- Planned Res.
- Historic Bus.
- Ltd. General Bus.
- General Bus.
- Plan. Comm.
- Bus. Park
- Light Ind.
- Mod. Ind.
- Heavy Ind.
- Community Unit Pin.
- Unincorporated
- R-1 Infill Dist.
- City Limits

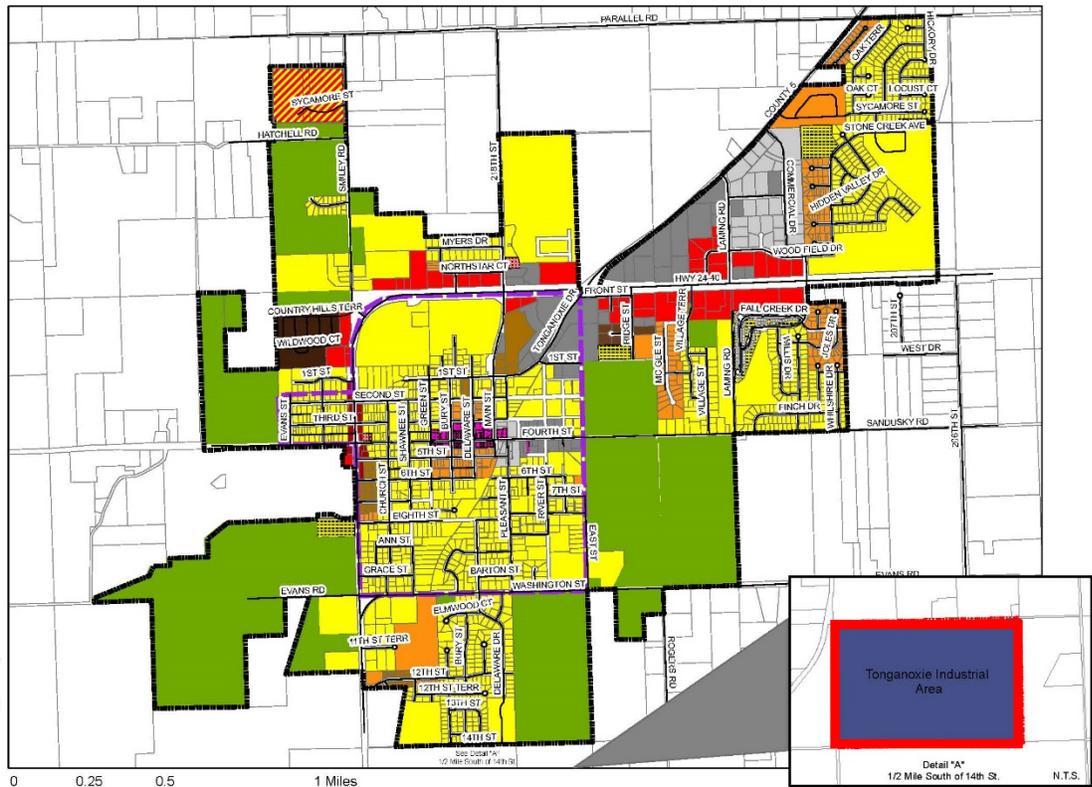
Revisions:  
Date: March 11, 2013  
Last Ordinance: 1953



Source Data: Map Layers were obtained from Leavenworth County, Kansas GIS Department. This map was created in Arc GIS 9.3.1 from the official AutoCAD map created and maintained by BG Engineers.

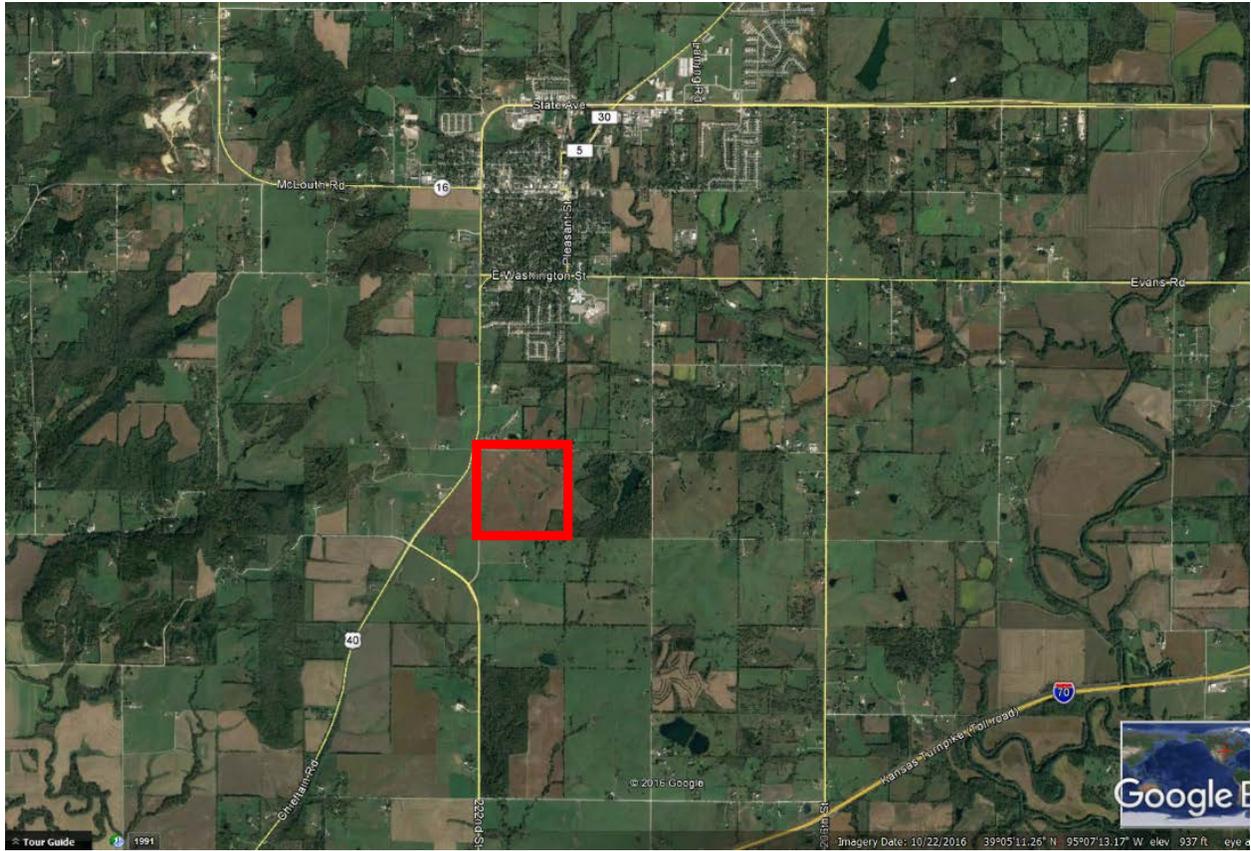


**CITY OF TONGANOXIE, KS ZONING MAP**



**Current City Zoning (property in red box now zoned I-LT)**

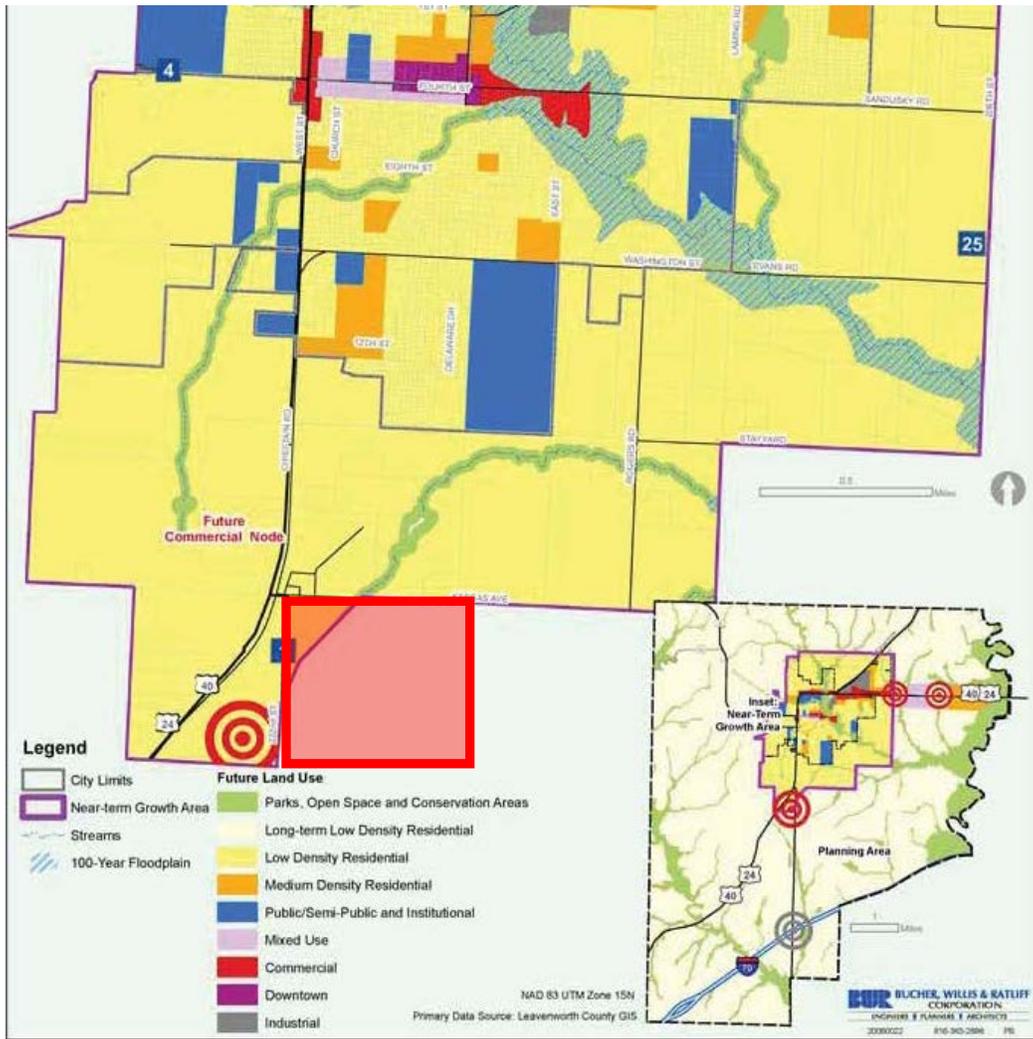
**Vicinity**



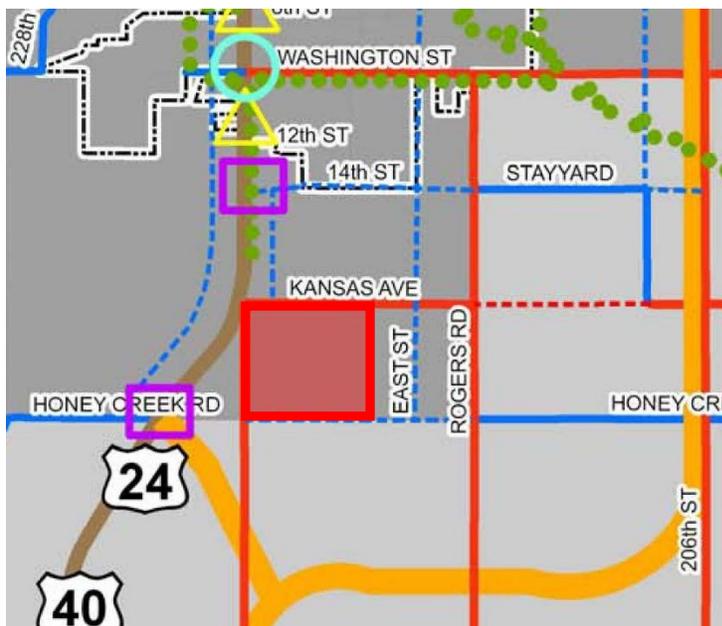
**Area**



**Future Land Use** (Tonganoxie Comprehensive Plan 2006)



**Future Transportation** (US 24-40 Corridor Study 2009)





# MEMO

**To:** George Brajkovic, City Manager  
City of Tonganoxie

**Cc:** Jamie Shockley, Assistant City Manager  
Kent Heskett, City Superintendent  
Jack Holcom, City Fire Chief  
Harland Russell, GBA

**From:** Brian Kingsley, City Engineer

**Date:** May 1, 2017

**Re:** Tonganoxie Business Park  
Preliminary Development Plan, Final Development Plan and Final Plat Review  
17-1001L

---

The following are the City Engineer review comments:

Preliminary Development Plan:

- 1) All engineering issues identified to date appear to have been addressed.

Final Development Plan:

- 1) All engineering issues identified to date appear to have been addressed.

Final Plat:

- 1) A property owners association should be created to own and maintain the Tract of land including wetlands and detention. The general note referring to the responsibility of maintenance on the Final Plat should be revised accordingly.
- 2) Construction plans for Street/Storm and Sanitary Sewer should be submitted for review and approval. Approval of the Final Plat should be contingent upon verifying easements and R/W with construction plans.

For questions or comments, please contact:

**Brian Kingsley, PE**

Vice President

T: 785.749.4474 ext. 2105

E: [brian.kingsley@bgcons.com](mailto:brian.kingsley@bgcons.com)

**PROJECT DATA**

FLOOR AREA RATIO (FAR) CALCULATIONS					
Lot	Total Square Footage of Lot	Parking Use	Proposed Building SquareFootage	Total Building Area (S.F.)	Floor Area Ratio
1	554,750.37	Office, Retail, Showroom, Lab	30,000	205,000	37
		Warehouse	175,000		
2	95,089.02	Office, Retail, Showroom, Lab	1,500	24,300	26
		Warehouse	22,800		
3	452,989.82	Office, Retail, Showroom, Lab	30,000	145,000	32
		Warehouse	115,000		
4	1,335,446.81	Office, Retail, Showroom, Lab	30,000	450,000	34
		Warehouse	420,000		
5	1,480,954.50	Office, Retail, Showroom, Lab	22,000	237,720	16
		Warehouse/Storage	215,720		
6	1,643,237.32	Office, Retail, Showroom, Lab	30,000	530,000	32
		Warehouse	500,000		
Total Proposed Square Feet (ALL Bldgs.)			1,592,020		

PARKING CALCULATIONS						
Lot	Proposed Parking Ratios	Parking Use	Proposed Building SquareFootage	Required Per Ratio	Total Spaces Required	Total Spaces Provided
1	1/250 s.f.	Office, Retail, Showroom, Lab	30000	120	237	301
	1/1500 s.f.	Warehouse	175000	117		
2	1/250 s.f.	Office, Retail, Showroom, Lab	1500	6	21	21
	1/1500 s.f.	Warehouse	22800	15		
3	1/250 s.f.	Office, Retail, Showroom, Lab	30000	120	197	292
	1/1500 s.f.	Warehouse	115000	77		
4	1/250 s.f.	Office, Retail, Showroom, Lab	30000	120	400	474
	1/1500 s.f.	Warehouse	420000	280		
5	1/250 s.f.	Office, Retail, Showroom, Lab	22000	88	232	152
	1/1500 s.f.	Manufacturing/Storage	215720	144		
6	1/250 s.f.	Office, Retail, Showroom, Lab	30000	120	453	501
	1/1500 s.f.	Warehouse	500000	333		
Grand Total					1540	1741

**Current Zoning = Business Park (BP)**

	Required	Proposed
Building Height	6 Stories	6 Stories
Maximum Buildings per Lot	1	Varies
Setbacks:		
Front	30'	30'
Side	20'	20'
Rear	25'	25'
Landscape (R/W)	30'	30'

**Surrounding Zoning**

Rural, Agricultural and Residential RR2.5 - 2.5 Acre Minimum Lot  
RR.5 - 5 Acre Minimum Lot

**SURVEY CONTROL**

Coordinates Shown Hereon:

Modified State Plane (Project Ground Coordinates), NAD83  
1501 - Kansas North, U.S. Feet  
Vertical - NAVD83, U.S. Feet

0.99991631  
To get to State Plane:  
Coordinates x C.A.F. = State Plane

CP #100 - Set 1/2" Rebar with GBA cap, West side of 222nd Street across from E of field entrance to the East, approximately 1,940' ± South of Kansas Ave.  
Coordinates:  
N: 286009.99  
E: 2137408.34  
EL: 926.27'

CP #101 - Set 1/2" Rebar with GBA cap, West side of 222nd Street 48' North of CMP under 222nd, approximately 975' ± South of Kansas Ave.  
Coordinates:  
N: 286977.93  
E: 2137377.62  
EL: 924.24'

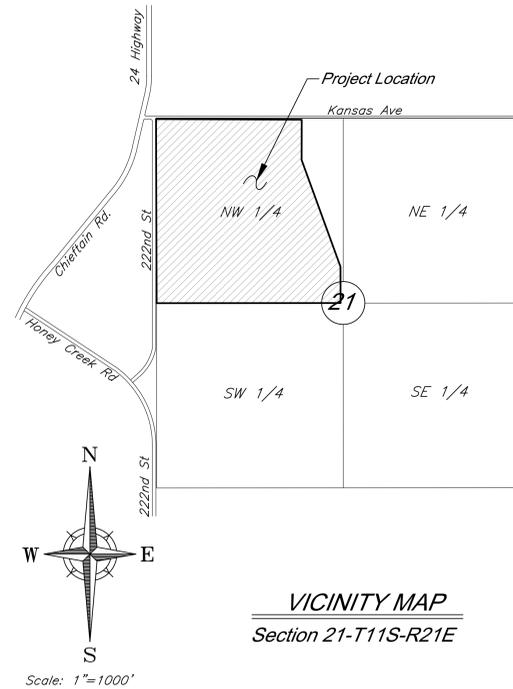
BM #2 - Set Railroad spike in West face of power pole, East side 222nd Street, 2nd pole South of Kansas Ave. Coordinates:  
N: 287586.68  
E: 2137395.19  
EL: 929.01'

BM #3 - Set Railroad spike in East face of power pole, East side 222nd Street, 5th pole North of drive for House # 16680  
Coordinates:  
N: 285529.67  
E: 2137463.13  
EL: 933.70'

BM #5 - Chiseled "T" Tap SE corner of the North concrete base of cattle crossing at entrance to cell tower site, South side of Kansas Ave., 3000' East of 222nd Street  
Coordinates:  
N: 287972.97  
E: 2140140.44  
EL: 973.54'

BM #6 - Set Railroad spike in North face of power pole, South side of Kansas Ave., 1st pole East of drive for House #21610  
Coordinates:  
N: 286023.16  
E: 2141311.44  
EL: 902.76'

# PRELIMINARY DEVELOPMENT PLAN FOR TONGANOXIE BUSINESS PARK Sections 21-Township 11S-Range 21E City of Tonganoxie Leavenworth County, Kansas



**VICINITY MAP**  
Section 21-T11S-R21E

**Property Description**

This is a survey and plot of part of the Northwest Quarter of Section 21, Township 11 South, Range 21 East, of the Sixth Principal Meridian, in the City of Tonganoxie, Leavenworth County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence South 01°50'21" East, along the West line of said Northwest Quarter, a distance of 50.39 feet; thence North 88°09'39" East, departing said West line, a distance of 50.00 feet, to the Point of Beginning; thence North 88°36'15" East, a distance of 2,044.65 feet; thence South 01°23'45" East, a distance of 544.86 feet; thence South 21°28'58" East, a distance of 1,621.37 feet, to a point on the East line of said Northwest Quarter; thence South 01°48'06" East, along said East line a distance of 520.42 feet, to the Southeast corner of said Northwest Quarter; thence South 88°20'00" West, departing said East line, along the South line of said Northwest Quarter, a distance of 2,585.10 feet; thence North 01°50'21" West, departing said South line, a distance of 2,600.32 feet, to the Point of Beginning, containing 5,897,859.01 square feet, or 135.40 acres, more or less.

**Floodplain**

The Site lies within Zone X, as areas of 0.2% annual chance floodplain. Per FEMA Map Number 20103C325G, dated July 16, 2015.

**UTILITY CONTACTS**

<b>Sanitary Sewers and Water:</b>	Mr. Kent Heskett City of Tonganoxie 15368 E. 4th Street Tonganoxie, KS 66086 (913) 845-2640	<b>Gas:</b>	Mr. David Teefey Kansas Gas Service 11401 W. 89th Street Overland Park, KS 66214 (913) 599-8933
<b>Telephone, Cable TV and Fiber:</b>	Mr. Scott Smidt Midco 3901 N Louise Avenue Sioux Falls, SD 57107 (605) 357-8899	<b>Electric Service:</b>	Mr. Mark Gettys Westar Energy 918 Kansas Avenue Topeka, KS 66612 (913) 704-7119

Kansas One Call 811

DEVELOPED BY:  
CITY OF TONGANOXIE  
526 EAST 4TH STREET  
TONGANOXIE, KANSAS 66086  
PHONE: 913-845-2620  
CONTACT: MR. GEORGE BRAJKOVIC  
CITY MANAGER

PREPARED & SUBMITTED BY:  
GEORGE BUTLER ASSOCIATES, INC.  
9801 RENNER BOULEVARD  
LENEXA, KANSAS 66219  
PHONE: 913-492-0400  
FAX: 913-577-8312  
CONTACT: CLINT LOUMASTER P.E.  
EMAIL: CLOUMASTER@GBATEAM.COM

**INDEX OF SHEETS**

Sht. No.	Description
C1.00	Title Sheet
C2.00	General Layout
C3.00	Site Plan (Lots 1-3, Tract A)
C4.00	Site Plan (Lot 4)
C5.00	Site Plan (Lot 5)
C6.00	Site Plan (Lot 6)
L1.00	Landscape Zones
L2.00	Landscape & Trees
L3.00	Street Frontage Plan
L4.00	Landscape Details
A1.00	Typical Building Elevations
A2.00	Typical Building Elevations
A3.00	Typical Building Elevations

PROJECT ENGINEER: CLINT LOUMASTER, P.E.

DATE:

RECOMMENDED FOR APPROVAL:

CITY ENGINEER:

DATE:

CITY SUPERINTENDENT

DATE:

RELEASED FOR CONSTRUCTION:

CITY ADMINISTRATOR

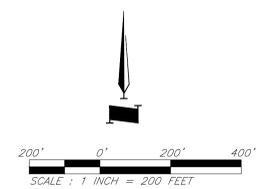
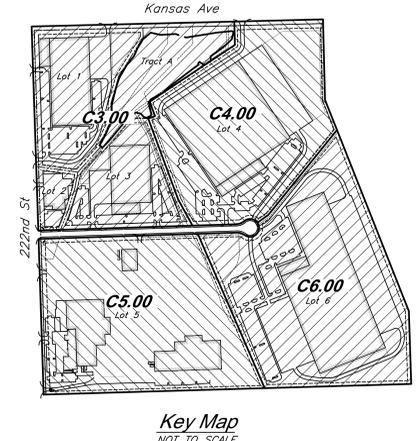
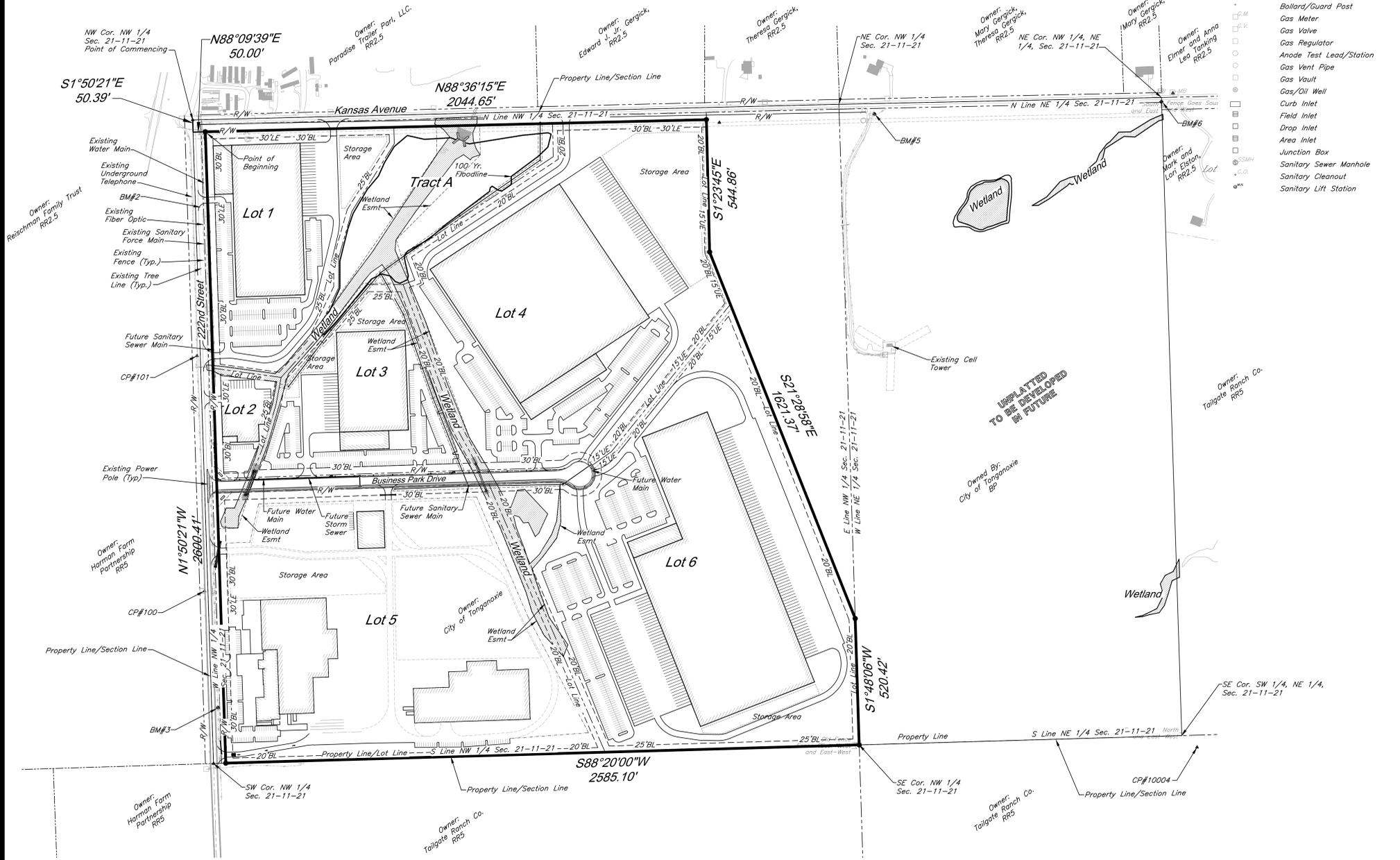
DATE:

**GBA**  
architects  
engineers

9801 Renner Boulevard  
Lenexa, Kansas 66219  
913.492.0400  
www.gbateam.com

**LEGEND**

○	Utility Pole	○	Light Pole	○	BM	Bench Mark
○	Cable Drop	○	Yard Light	○	CP	Control Point
○	Cable TV Pedestal	○	Flood Light	○	BL	Building Line
○	Satellite Dish	○	Electric Eye Cabinet	○	LE	Landscape Easement
○	Power Pole	○	Mail Box	○	R/W	Right-of-Way
○	Guy Anchor	○	Flag Pole	○	S/E	Sanitary Easement
○	Guy Pole	○	Monitoring Well	○	U/E	Utility Easement
○	Electrical Manhole	○	Boring Hole	○	W/E	Water Easement
○	Electric Meter	○	Mile Marker	○	—x—	Barb Wire Fence
○	Electrical Sectionalizer	○	Railroad Cabinet	○	—x—	Barb Wire Fence
○	Electrical Transformer	○	Railroad Signal Pole	○	—	Boundary Line
○	High-Voltage Power Pole	○	Sign	○	—	Centerline
○	Electric Pedestal	○	Property Corner	○	—o—	Chain Link Fence
○	Power Pole/Telephone Pole	○	Telephone Manhole	○	—900—	Existing Contour Major
○	Gate Post	○	Telephone Pedestal	○	—902—	Existing Contour Minor
○	Ballard/Guard Post	○	Telephone Sectionalizer	○	—FG—	Fiber Optic Line
○	Gas Meter	○	Telephone Splice Box	○	—FP—	Fire Protection Line
○	Gas Regulator	○	Telephone Vault	○	—FM—	Sanitary Force Main
○	Anode Test Lead/Station	○	Telephone Pole	○	—G—	Gas Line
○	Gas Vent Pipe	○	Traffic Signal Post	○	—GR—	Guard Rail
○	Gas Vault	○	Traffic Signal Controller Box	○	—HPG—	High Pressure Gas
○	Gas/Oil Well	○	Traffic Control Sign	○	—HSL—	Hydraulic Signal Line
○	Curb Inlet	○	Tree Caniferous	○	—OHT—	Over Head Electric
○	Field Inlet	○	Tree Deciduous	○	—OHTV—	Over Head Cable TV
○	Drop Inlet	○	Bush	○	—PSL—	Pneumatic Signal Line
○	Area Inlet	○	Fire Hydrant	○	—PL—	Property Line
○	Junction Box	○	Water Meter	○	—ROW—	Right-of-Way Line
○	Sanitary Sewer Manhole	○	Water Valve	○	—RR—	Railroad
○	Sanitary Cleanout	○	Sprinkler Head	○	—SAN—	Sanitary Sewer Line
○	Sanitary Lift Station	○	Sprinkler Valve/Box	○	—SL—	Sanitary Service Line
○		○	Post Indicator Valve	○	—SL—	Section Line
○		○	Yard Spigot/Hydrant	○	—S—	Slope
○		○	Water Well/Cistern	○	—SWS—	Storm Sewer
		○		○	—S—	Stream
		○		○	—T—	Tree Line
		○		○	—LGE—	Underground Electric
		○		○	—LGT—	Underground Telephone
		○		○	—LGTV—	Underground Cable TV
		○		○	—W—	Water Line



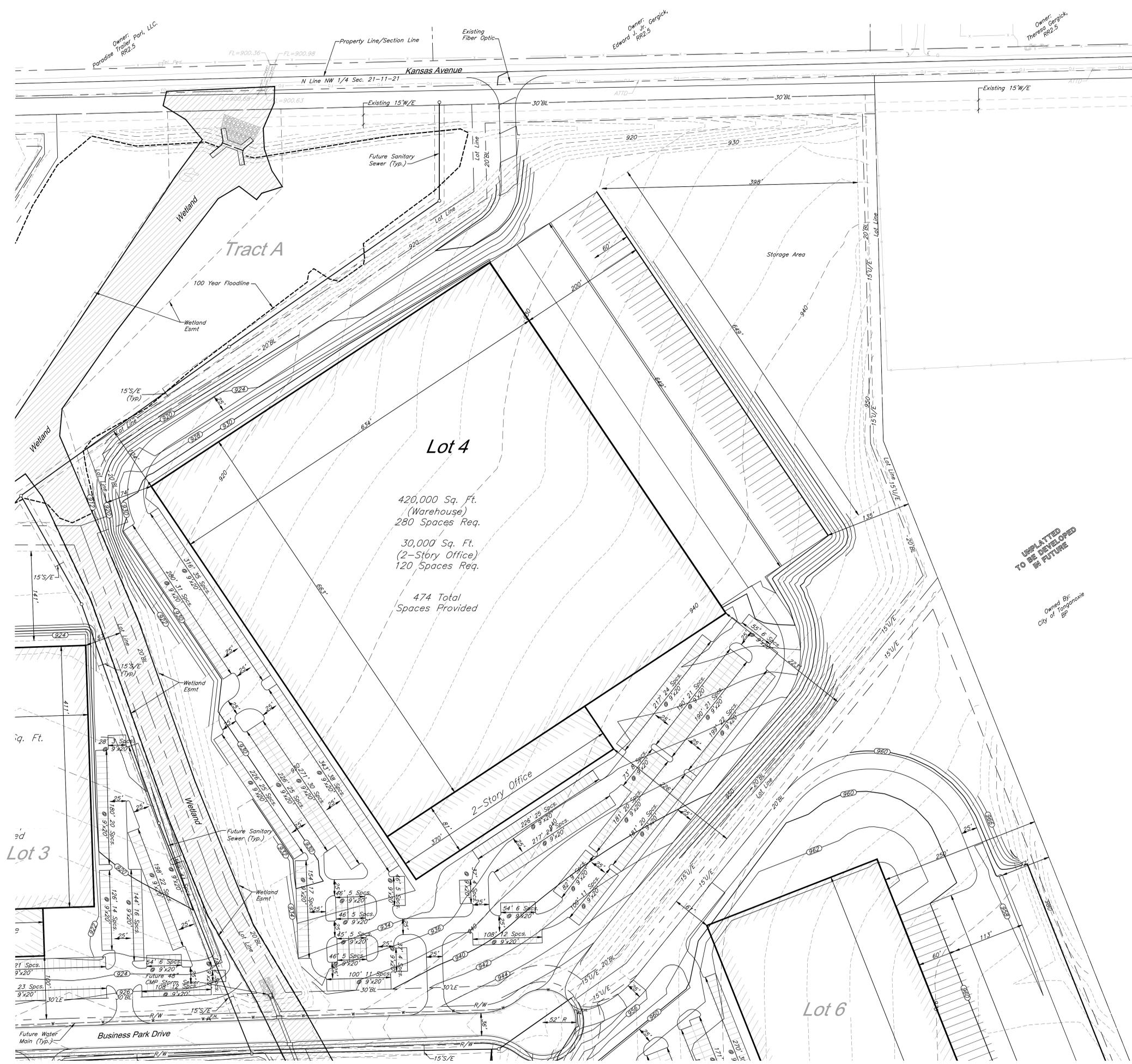
**TONGANOXIE BUSINESS PARK**  
222nd STREET and KANSAS AVE  
TONGANOXIE, KANSAS  
LEAVENWORTH COUNTY, KS

PRELIMINARY DEVELOPMENT PLAN/PLAT FOR:

REV	DATE	DESCRIPTION

PROJECT NUMBER	13599.00
DATE	03/23/17
SUBMITTAL TITLE	
DESIGNED:	CEL/HTR
DRAWN:	GAN
REVIEWED:	
SHEET TITLE	General Layout
SHEET NUMBER	C2.00
© George Butler Associates, Inc.	2017





**Lot 4**  
 420,000 Sq. Ft.  
 (Warehouse)  
 280 Spaces Req.  
 30,000 Sq. Ft.  
 (2-Story Office)  
 120 Spaces Req.  
 474 Total  
 Spaces Provided

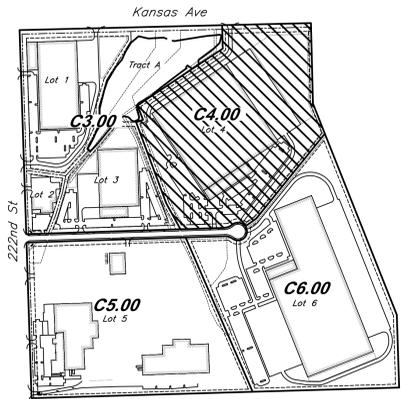
UNPLATTED  
 TO BE DEVELOPED  
 IN FUTURE  
 Owned By:  
 City of Tonganoxie  
 BR

- Legend**
- BM Bench Mark
  - CP Control Point
  - BL Building Line
  - LE Landscape Easement
  - R/W Right-of-Way
  - S/E Sanitary Easement
  - U/E Utility Easement
  - W/E Water Easement

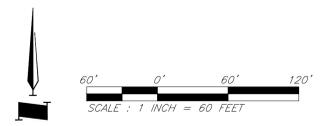
**GBA**  
 architects  
 engineers  
 9801 Renner Boulevard  
 Lenexa, Kansas 66219  
 913.492.0400  
 www.gbateam.com

PRELIMINARY DEVELOPMENT PLAN/PLAT FOR  
**TONGANOXIE BUSINESS PARK**  
 222nd STREET and KANSAS AVE  
 TONGANOXIE, KANSAS  
 LEAVENWORTH COUNTY, KS

REV	DATE	DESCRIPTION



Key Map  
 NOT TO SCALE



PROJECT NUMBER  
 13599.00  
 DATE  
 03/23/17  
 SUBMITTAL TITLE  
 DESIGNED: CEL/HTR  
 DRAWN: GAN  
 REVIEWED:  
 SHEET TITLE  
**Site Plan (Lot 4)**  
 SHEET NUMBER  
**C4.00**  
 © George Butler Associates, Inc.  
 2017





**Lot 6**

500,000 Sq. Ft.  
(Warehouse)  
333 Spaces Req.

30,000 Sq. Ft.  
(2-Story Office)  
120 Spaces Req.

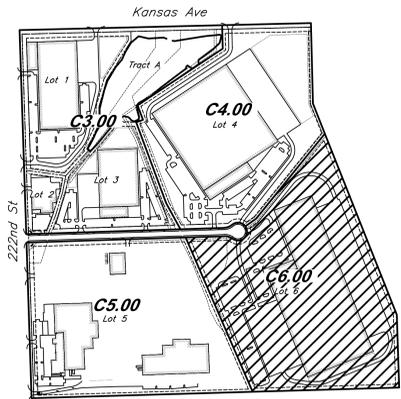
501 Total Spaces  
Provided

UNPLATTED  
TO BE DEVELOPED  
IN FUTURE

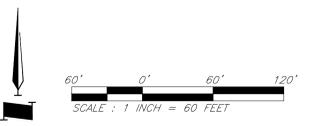
Owned By:  
City of Tonganoxie  
GP

Owner:  
Tailgate Ranch Co.  
RR5

- Legend**
- BM Bench Mark
  - CP Control Point
  - BL Building Line
  - LE Landscape Easement
  - R/W Right-of-Way
  - S/E Sanitary Easement
  - U/E Utility Easement
  - W/E Water Easement



Key Map  
NOT TO SCALE



PRELIMINARY DEVELOPMENT PLAN/PLAT FOR:

**TONGANOXIE BUSINESS PARK**  
222nd STREET and KANSAS AVE  
TONGANOXIE, KANSAS  
LEAVENWORTH COUNTY, KS

REV	DATE	DESCRIPTION

PROJECT NUMBER  
13599.00

DATE  
03/23/17  
SUBMITTAL TITLE

DESIGNED: CEL/HTR  
DRAWN: GAN  
REVIEWED:

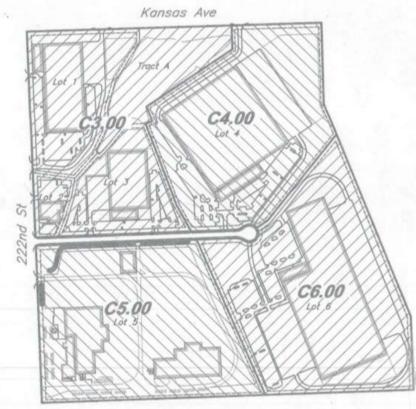
SHEET TITLE  
**Site Plan (Lot 6)**

SHEET NUMBER  
**C6.00**



### LANDSCAPE ZONE LEGEND

- ① PERIMETER STREET FRONTAGE
- ② INTERIOR STREET FRONTAGE
- ③ WETLAND / RIPARIAN
- ④ UPLAND / RIPARIAN
- ⑤ PRAIRIE / PASTURE



Key Map  
NOT TO SCALE

E Line NW 1/4 Sec. 21-11-21  
W Line NE 1/4 Sec. 21-11-21

LANDSCAPE ZONE PLAN  
3.22.17

**wk urban design, LLC**  
Community & Town Planning | Urban Revitalization |  
Arts & Park Design | Landscape Architecture  
Wayne L. Kuehnert AICP  
1627 Blvd., Overland Park, KS 66204  
913.481.8100 | wkurban@gmail.com



PRELIMINARY DEVELOPMENT PLAN / PLAT FOR:  
**TONGANOXIE BUSINESS PARK - PHASE 1**  
222nd STREET and KANSAS AVE  
TONGANOXIE, KANSAS  
LEAVENWORTH COUNTY, KS

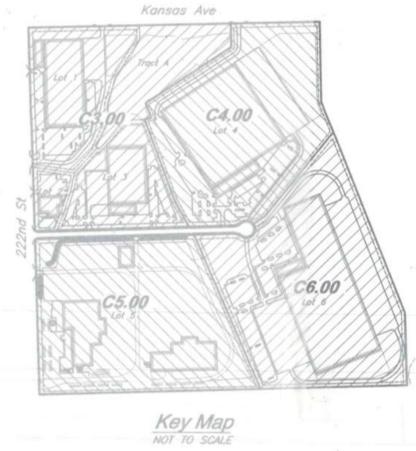
REV	DATE	DESCRIPTION

PROJECT NUMBER	13599.00
DATE	3.22.17
DESIGNED:	CEL/HTR
DRAWN:	GAN
REVIEWED:	
SHEET TITLE	LANDSCAPE ZONES
SHEET NUMBER	L.1



### LANDSCAPE ZONE LEGEND

- ① PERIMETER STREET FRONTAGE
- ② INTERIOR STREET FRONTAGE
- ③ WETLAND / RIPARIAN
- ④ UPLAND / RIPARIAN
- ⑤ PRAIRIE / PASTURE



PRELIMINARY DEVELOPMENT PLAN / PLAT FOR

## TONGANOXIE BUSINESS PARK - PHASE 1

222nd STREET and KANSAS AVE  
TONGANOXIE, KANSAS  
LEAVENWORTH COUNTY, KS

REV	DATE	DESCRIPTION

PROJECT NUMBER	13599.00
DATE	3.22.17
DESIGNED:	CEL/HTR
DRAWN:	GAN
REVIEWED:	
SHEET TITLE	LANDSCAPE + TREES
SHEET NUMBER	L.2

LANDSCAPE ZONE WITH STREET TREES  
3.2217

**wk urban design, LLC**  
 Community & Town Planning | Urban Revitalization  
 Amenity & Park Design | Landscape Architecture  
 Wayne J. Korbholz AICP  
 1417 Flax, Overland Park, KS 66202  
 (913) 661-8610 | wkurban@gmail.com



BUSINESS PARK MONUMENT SIGN

**TYPICAL STREET FRONTAGE LANDSCAPE**

- Typical Street Tree Patterns with 5-9 trees of same species both sides of street, change species for diversity
- Street Trees at 40' O.C.
- Evergreen Trees at intersections
- Low Native Grasses at corners
- Low-Medium Native Grasses on earth berm along typical street frontage
- Mowed Lawn from base of berm to curb

Typical Street Tree Patterns with 5-9 trees of same species and then change species for diversity

Low - Medium Native Grasses on Earth Berm

Low Native Grasses in front of Monument Sign

MAIN ENTRY SIGN FEATURE

Evergreen Trees to frame intersection

Low - Medium Native Grasses on Earth Berm

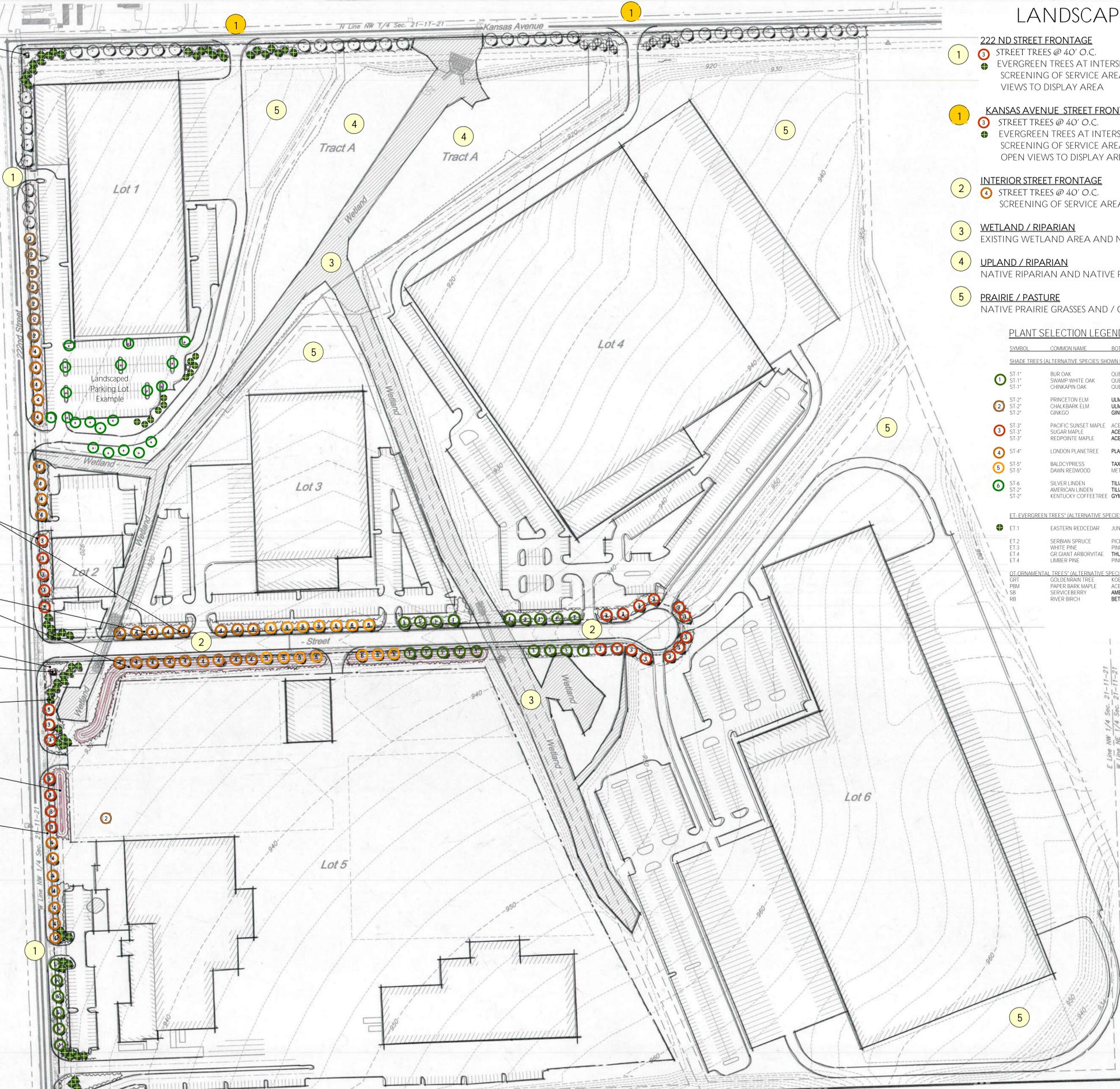
Mowed Lawn from base of berm to curb

**LANDSCAPE LEGEND**

- 1 222 ND STREET FRONTAGE**
  - ① STREET TREES @ 40' O.C.
  - ② EVERGREEN TREES AT INTERSECTIONS
  - ③ SCREENING OF SERVICE AREAS AND PARKING VIEWS TO DISPLAY AREA
- 1 KANSAS AVENUE STREET FRONTAGE**
  - ① STREET TREES @ 40' O.C.
  - ② EVERGREEN TREES AT INTERSECTIONS
  - ③ SCREENING OF SERVICE AREAS AND PARKING
  - ④ OPEN VIEWS TO DISPLAY AREA
- 2 INTERIOR STREET FRONTAGE**
  - ④ STREET TREES @ 40' O.C.
  - ⑤ SCREENING OF SERVICE AREAS AND PARKING
- 3 WETLAND / RIPARIAN**
  - ⑥ EXISTING WETLAND AREA AND NATIVE PLANT MATERIALS TO REMAIN
- 4 UPLAND / RIPARIAN**
  - ⑦ NATIVE RIPARIAN AND NATIVE PRAIRIE GRASSES
- 5 PRAIRIE / PASTURE**
  - ⑧ NATIVE PRAIRIE GRASSES AND / OR PASTURE GRASSES

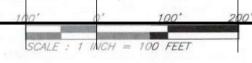
**PLANT SELECTION LEGEND**

SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE & NOTES
<b>SHADE TREES (ALTERNATIVE SPECIES SHOWN BELOW)</b>			
①	ST-1'	BUR OAK	QUERCUS MACROCARPA 2.5' CAL.
	ST-1'	SWAMP WHITE OAK	QUERCUS BICOLOR 2.5' CAL.
	ST-1'	CHINKAPIN OAK	QUERCUS MUEHLENBERGII 2.5' CAL.
②	ST-2'	PRINCETON ELM	ULMUS AMERICANA 'PRINCETON' 2.5' CAL.
	ST-2'	CHALKBARK ELM	ULMUS PROPIQUA 'EMERALD SUNSHINE' OR 'FRONTIER' 2.5' CAL.
	ST-2'	GINKGO	GINKGO BILOBA 'PRINCETON SENTRY' OR 'AUTUMN GOLD' 2.5' CAL.
③	ST-3'	PACIFIC SUNSET MAPLE	ACER TRUNCATUM PLATANOIDES 2.5' CAL.
	ST-3'	SUGAR MAPLE	ACER SACCHARUM 'FALL FIESTA', 'CADDO' OR 'JOHN PAIR' 2.5' CAL.
	ST-3'	REDPOINTE MAPLE	ACER RUBRUM 'REDPOINTE' 2.5' CAL.
④	ST-4'	LONDON PLANETREE	PLATANUS ACERIFOLIA 'EXCLAMATION' 2.5' CAL.
⑤	ST-5'	BALDCYPRESS	TAXODIUM DISTICHUM 'SHAWNEE BRAVE' 2.5' CAL.
	ST-5'	DAWN REDWOOD	METASEQUOIA GLYPTOSTROBILIDES 2.5' CAL.
⑥	ST-6'	SILVER LINDEN	TILIA TOMENTOSA 'STERLING' OR 'GREEN MOUNTAIN' 2.5' CAL.
	ST-2'	AMERICAN LINDEN	TILIA AMERICANA 'LEGEND' OR 'GREEN MOUNTAIN' 2.5' CAL.
	ST-2'	KENTUCKY COFFEETREE	GYNOCLEADUS DIOICUS 'EXPRESSO' 2.5' CAL.
<b>ET EVERGREEN TREES (ALTERNATIVE SPECIES SHOWN BELOW)</b>			
ET-1	ET-1	EASTERN REDCEDAR	JUNIPERUS VIRGINIANA 6-7 HT.
ET-2	ET-2	SERBIAN SPRUCE	PICEA AMORICA 6-7 HT.
ET-3	ET-3	WHITE PINE	PINUS STROBUS 6-7 HT.
ET-4	ET-4	GR GIANT ARBORVITAE	THUJA PLICATA X 'GREEN GIANT' 6-7 HT.
		LIMBER PINE	PINUS FLEXILIS 6-7 HT.
<b>OT ORNAMENTAL TREES (ALTERNATIVE SPECIES SHOWN BELOW)</b>			
OT-1	OT-1	GOLDENRAIN TREE	KOELREUTERIA PANICULATA 8-10' HT.
OT-2	OT-2	PAPER BARK MAPLE	ACER GRSELIUM 8-10' HT.
OT-3	OT-3	SERVICEBERRY	AMELANCHIER GRANDIFLORA 'AUTUMN BRILLIANCE' 8-10' HT.
OT-4	OT-4	RIVER BIRCH	BETULA NIGRA 'HERITAGE' 8-10' HT.



**STREET FRONTAGE LANDSCAPE PLAN**

**wik urban design, LLC**  
 Community & Town Planning | Urban Revitalization  
 Annuity & Park Design | Landscape Architecture  
 1437 Flint, Overland Park, KS 66204  
 913-481-8800 | wikurbandesign@gmail.com



**GBA**  
 architects  
 engineers  
 9801 Renner Boulevard  
 Lenexa, Kansas 66219  
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**TONGANOXIE BUSINESS PARK - PHASE 1**  
 222nd STREET and KANSAS AVE  
 TONGANOXIE, KANSAS  
 LEAVENWORTH COUNTY, KS

PRELIMINARY DEVELOPMENT PLAN / PLAT FOR

REV	DATE	DESCRIPTION

PROJECT NUMBER  
13599.00

DATE  
3.22.17

DESIGNED: CEL/HTR  
 DRAWN: GAN  
 REVIEWED: [Signature]

**STREET FRONTAGE PLAN**

SHEET NUMBER  
**L.3**

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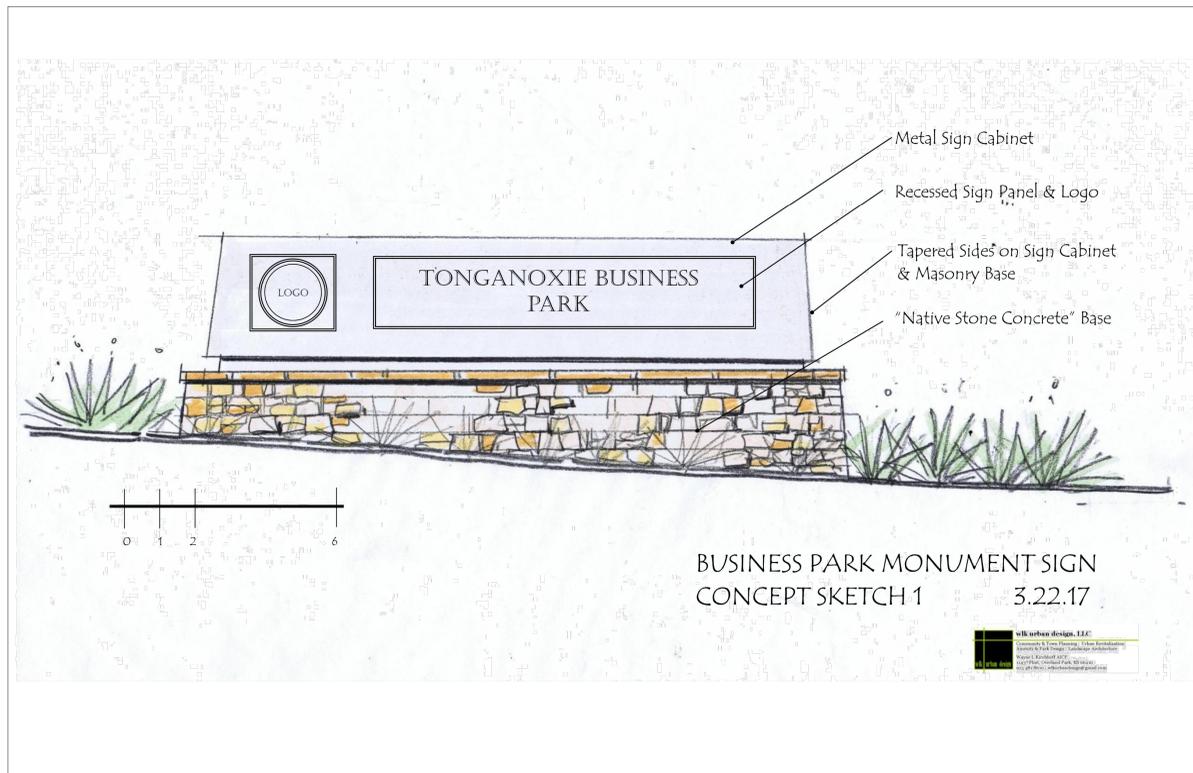
REV	DATE	DESCRIPTION

PROJECT NUMBER  
13599.00  
DATE  
03/23/17  
SUBMITTAL TITLE

DESIGNED: CEL/HTR  
DRAWN: GAN  
REVIEWED:

SHEET TITLE

SHEET NUMBER  
**L4.00**



*Entry View - Low Angle*



*Street Cross Section View In*



*Street Cross Section View Out*



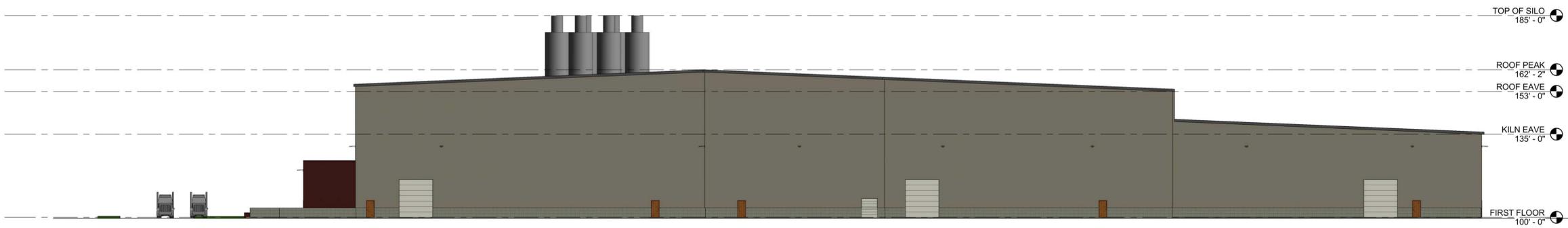
*Berm - Close Up*



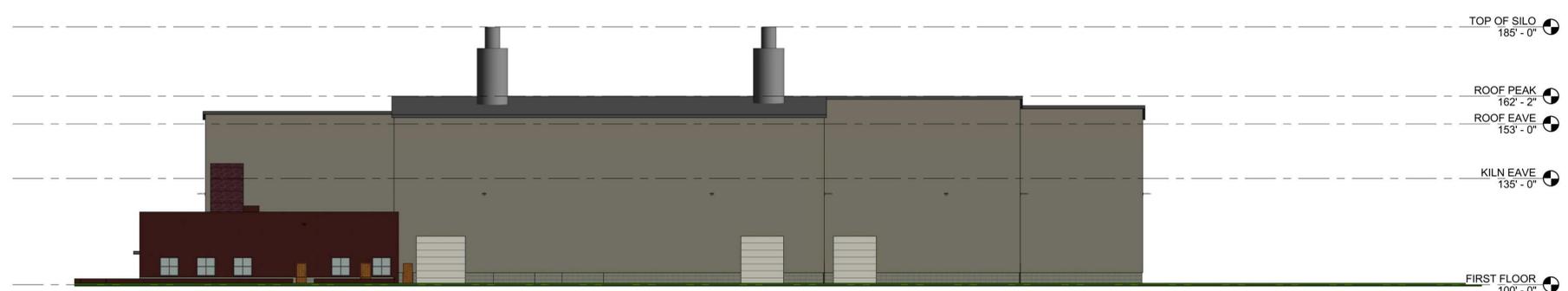
*Parking Lot Bird's Eye View*



*Entry Bird's Eye View*



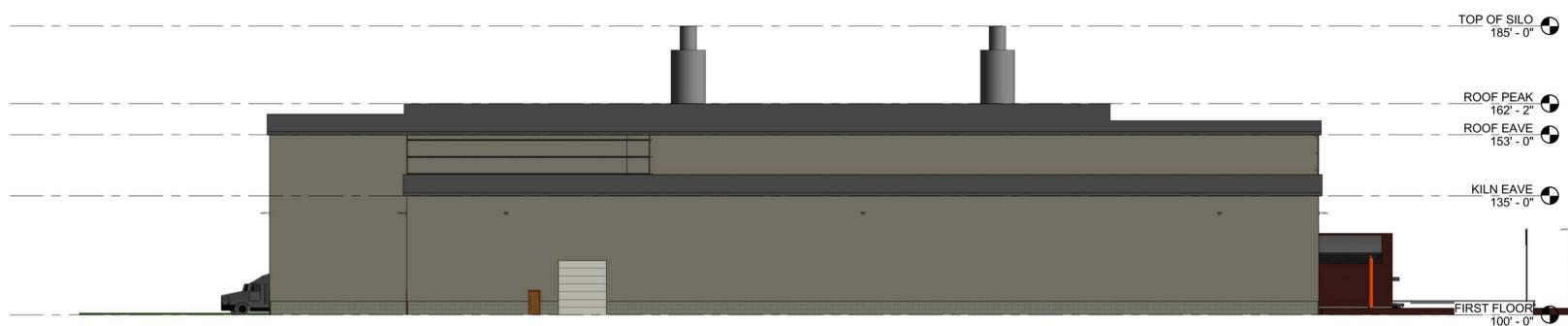
**OFFICE AND PLANT FUTURE PHASE**



**OFFICE AND PLANT FUTURE PHASE**



**OFFICE AND PLANT FUTURE PHASE**



**OFFICE AND PLANT FUTURE PHASE**

REV	DATE	DESCRIPTION

PROJECT NUMBER  
13599.00  
DATE  
03/23/17  
SUBMITTAL TITLE

DESIGNED: CEL/HTR  
DRAWN: GAN  
REVIEWED:

SHEET TITLE  
*Typical Building Elevations*

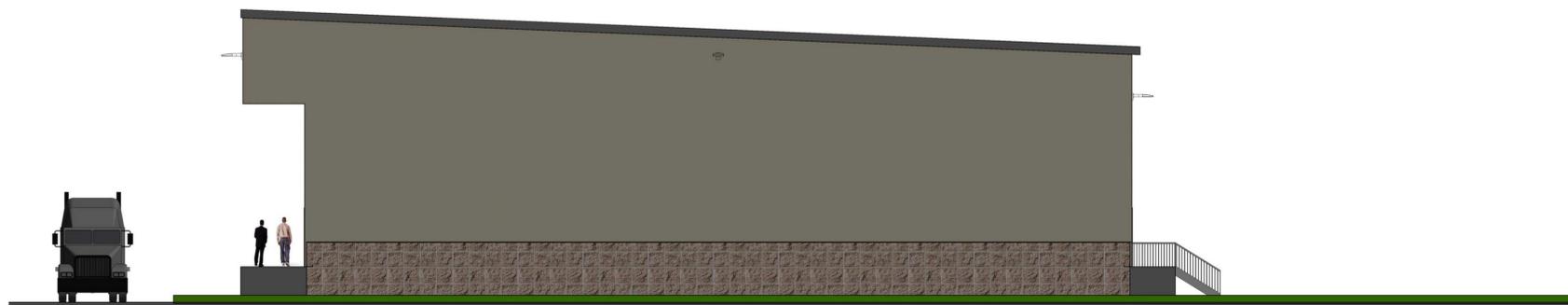
SHEET NUMBER  
**A1.00**



CHECK OUT / STORAGE BUILDING - PHASE 1



CHECK OUT / STORAGE - PHASE 1



CHECK OUT / STORAGE - PHASE 1



CHECK OUT / STORAGE - PHASE ONE

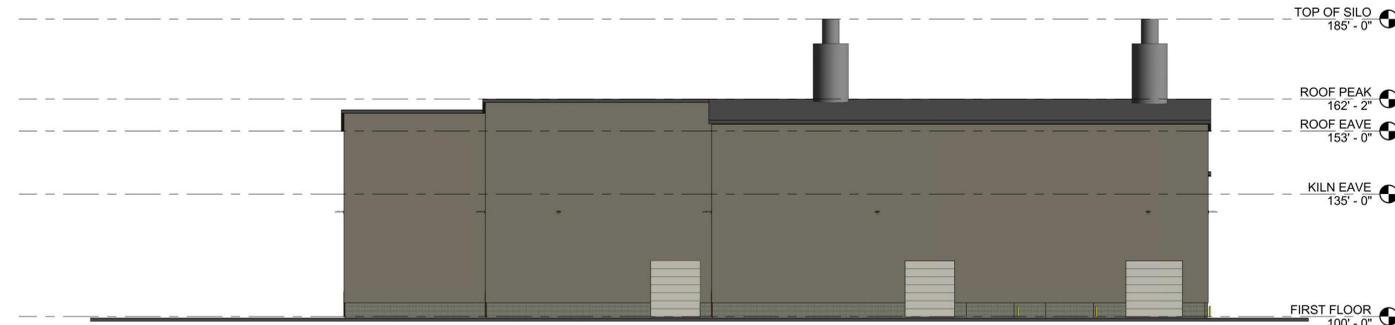
REV	DATE	DESCRIPTION

PROJECT NUMBER  
13599.00  
DATE  
03/23/17  
SUBMITTAL TITLE

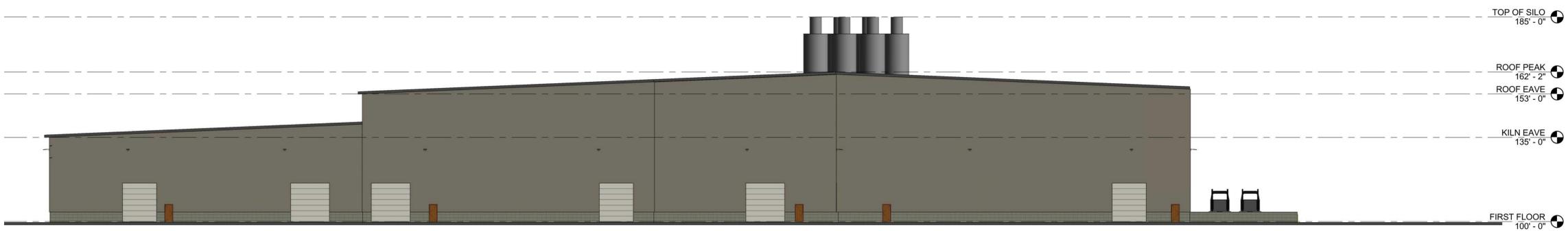
DESIGNED: CEL/HTR  
DRAWN: GAN  
REVIEWED:

SHEET TITLE  
*Typical Building  
Elevations*

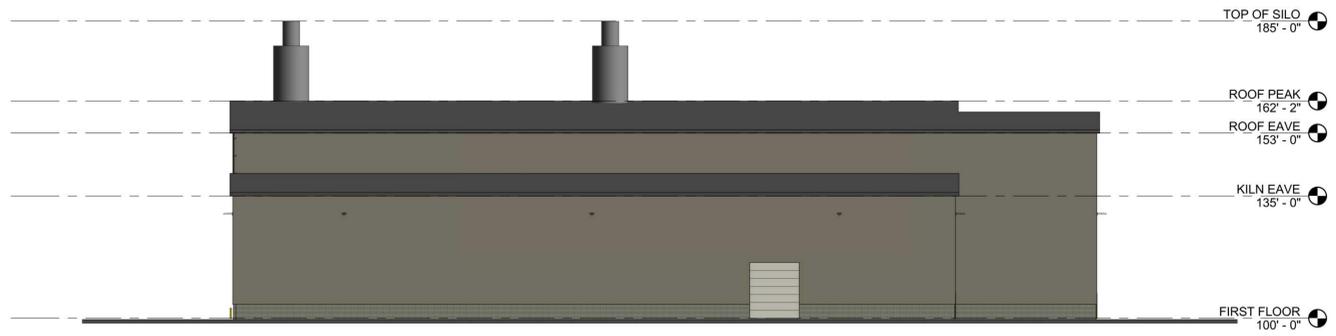
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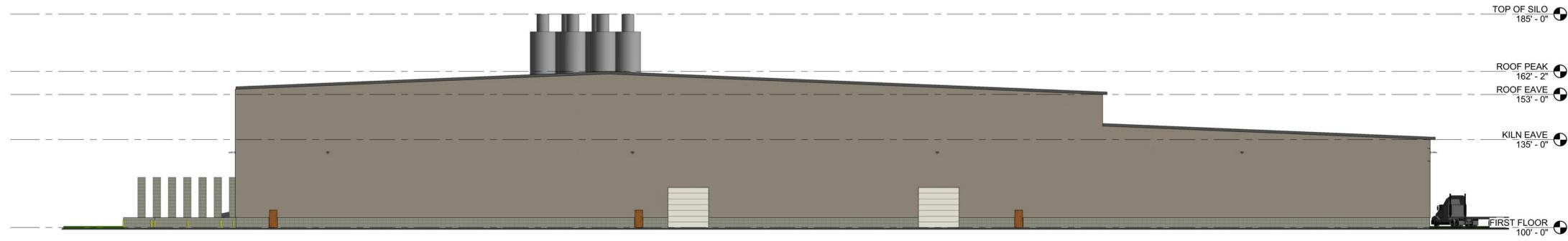
**PLANT 2 AND 3 - FUTURE PHASE**



**PLANT 2 AND 3 - FUTURE PHASE**



**PLANT 2 AND 3 - FUTURE PHASE**



**PLANT 2 AND 3 - FUTURE PHASE**

REV	DATE	DESCRIPTION



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** June 5, 2017  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Jamie Shockley, Assistant City Manager  
**SUBJECT:** Consider Approval of Final Plat and Acceptance of Public Infrastructure for Tonganoxie Business Park

**DISCUSSION:**

Section 3 of the City's subdivision regulations outlines the procedures for submitting and approving final plats, which states that the Planning Commission shall vote to determine if the plat conforms to the subdivision regulations and that the Governing Body shall approve the plat and accept or refuse dedication of land for public purposes.

The Planning Commission reviewed the final plat on May 4, 2017 and voted 5-0 to approve the final plat with the conditions outlined in the City engineer's staff report dated May 1, 2017, which are as follows:

- 1) A property owner's association should be created to own and maintain the tract of land including wetlands and detention. The general note referring to the responsibility of maintenance on the final plat should be revised accordingly.
- 2) Construction plans for street/storm and sanitary sewer should be submitted for review and approval. Approval of the final plat should be contingent upon verifying easements and r/w with construction plans.

The full engineering and staff report is included for the Council's review.

**Action Needed:**

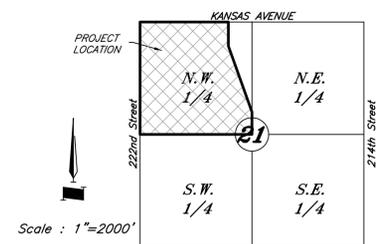
Make a motion to approve final plat with conditions and accept dedication of land for public purposes.

# Final Plat of TONGANOXIE BUSINESS PARK

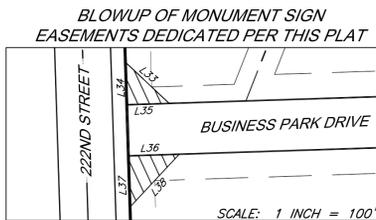
(PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 11 SOUTH, RANGE 21 EAST, OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF TONGANOXIE, LEAVENWORTH COUNTY, KANSAS)

LINE	BEARING	LENGTH
L1	S01°23'45"E	68.00'
L2	S15°48'20"W	198.13'
L3	S00°00'00"E	123.88'
L4	S25°36'39"W	198.13'
L5	S46°49'23"E	16.00'
L6	S41°47'52"W	240.83'
L7	S82°11'48"E	280.63'
L8	S10°35'23"W	118.00'
L9	S16°53'19"W	174.00'
L10	S21°28'15"W	138.47'
L11	N88°09'39"E	140.61'
L12	S28°26'12"E	210.86'
L13	S46°49'23"E	16.00'
L14	N43°10'37"E	68.15'
L15	N39°31'25"E	213.46'
L16	N00°00'00"E	143.00'
L17	S69°51'00"W	51.00'
L18	S20°09'00"E	110.00'
L19	S01°23'45"E	137.33'
L20	N88°09'39"E	310.53'
L21	S54°24'07"W	96.00'
L22	N88°09'39"E	275.15'
L23	N88°09'39"E	71.73'
L24	N01°50'21"W	60.00'
L25	N28°55'14"W	195.09'
L26	N00°00'00"E	150.50'
L27	N88°36'15"E	50.48'
L28	N01°23'45"W	18.18'
L29	S01°50'21"E	15.00'
L30	N54°50'16"E	9.98'
L31	S10°35'23"W	34.05'
L32	S79°24'37"E	35.17'
L33	S46°50'21"E	70.67'
L34	N01°50'21"W	49.97'
L35	N88°09'39"E	49.97'
L36	N88°09'39"E	60.00'
L37	S01°50'21"E	60.00'
L38	N43°09'39"E	84.85'

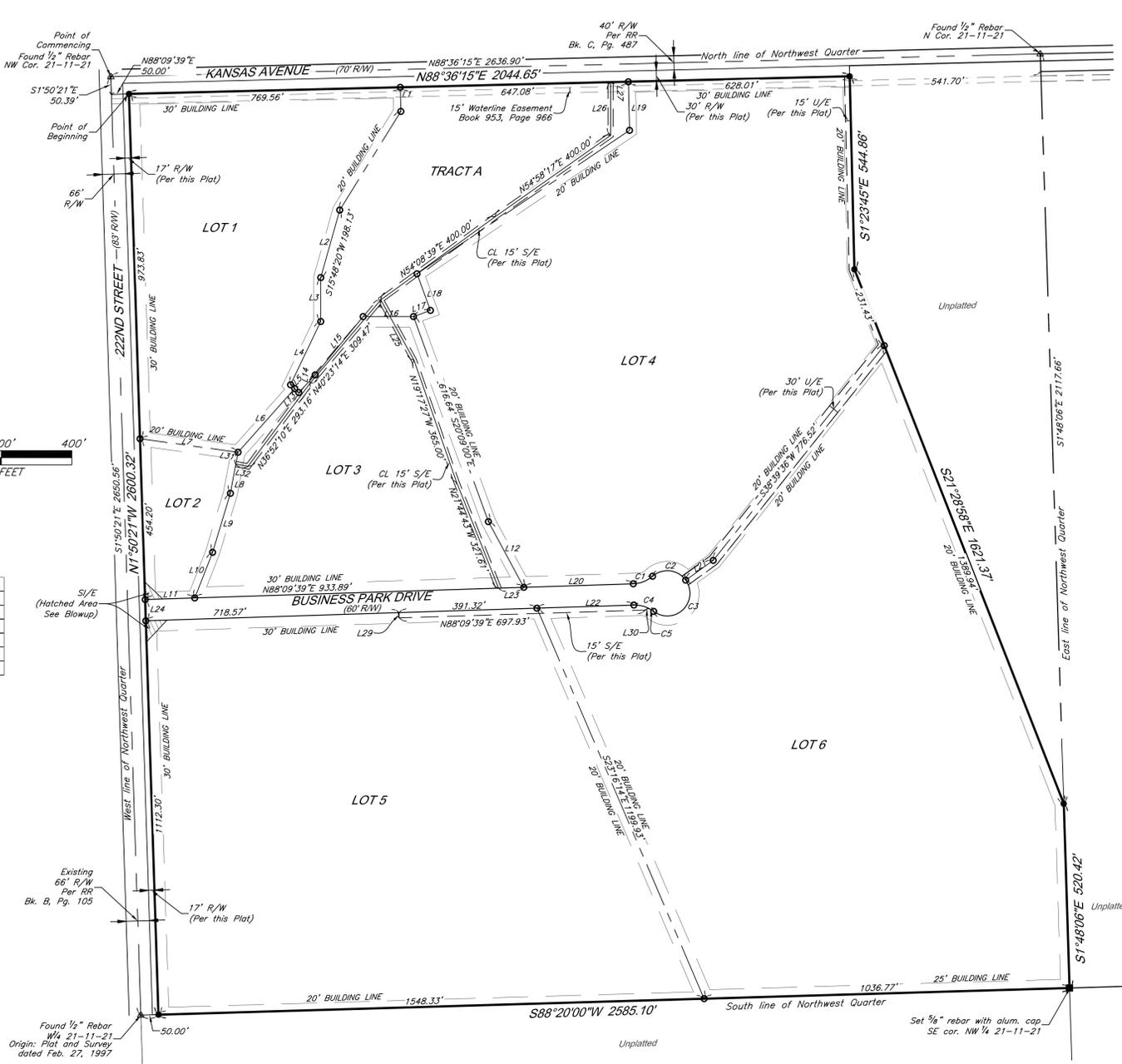
CURVE TABLE	ITB	RADIUS	LENGTH	DELTA
C1	N88°09'39"E	88.00'	60.02'	39°04'32"
C2	N49°15'07"E	64.00'	106.47'	95°19'01"
C3	N35°35'53"E	64.00'	181.89'	162°50'03"
C4	N52°45'50"W	88.00'	60.02'	39°04'32"
C5	N52°45'50"W	88.00'	18.71'	12°11'05"



**VICINITY MAP  
SECTION 21-11-21**



- LEGEND**
- ▲ - Found monument at section corner as noted
  - - Set 1/2" rebar with plastic GBA cap at property corner, unless otherwise noted
  - - Set 1/2" rebar with plastic GBA cap in concrete at property corner, unless otherwise noted
  - - Set 5/8" rebar with 2" aluminum cap in concrete at property corner, unless otherwise noted



LOT DATA	
TRACT A	335,391.17 sq. ft. or 7.70 acres
LOT 1	554,750.37 sq. ft. or 12.74 acres
LOT 2	95,089.02 sq. ft. or 2.18 acres
LOT 3	452,989.82 sq. ft. or 10.40 acres
LOT 4	1,335,446.81 sq. ft. or 30.66 acres
LOT 5	1,480,954.50 sq. ft. or 34.00 acres
LOT 6	1,643,237.32 sq. ft. or 37.72 acres
Right-of-Way Outside Plat	106,059.27 sq. ft. or 2.43 acres
Right-of-Way Within Plat	98,354.04 sq. ft. or 2.26 acres
Total Right-of-Way	204,413.31 sq. ft. or 4.69 acres
Total Platted Area	5,897,859.01 sq. ft. or 135.40 acres

**THEORY OF LOCATION:**  
The Southwest, Northwest, and Northeast corners of the Northwest Quarter of Section 21-11-21 were found as shown and match record distances. Their positions were held for the plotting of this tract of ground. The Southeast corner of the Northwest Quarter was reestablished by holding a line between monuments found at the Northeast corner of the Northwest Quarter and the Southeast corner of the Southwest Quarter, for an East/West position. The North/South position for this corner, was established by holding a line between the found monument at the Southwest corner of the Northwest Quarter, and an established position at the Southeast corner of the Northeast Quarter.

**BASIS OF BEARINGS:**  
The bearings shown hereon are based upon the West line of the Northwest Quarter of Section 21, Township 11 South, Range 21 East, having a bearing of South 01°50'21" East, between a found 1/2" rebar at the Northwest corner and a found 1/2" rebar at the Southwest corner of said Northwest Quarter.

**DESCRIPTION:**

This is a survey and plat of part of the Northwest Quarter of Section 21, Township 11 South, Range 21 East, of the Sixth Principal Meridian, in the City of Tonganoxie, Leavenworth County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence South 01°50'21" East, along the West line of said Northwest Quarter, a distance of 50.39 feet; thence North 88°09'39" East, a distance of 544.86 feet; thence South 21°28'58" East, a distance of 1,621.37 feet, to a point on the East line of said Northwest Quarter; thence South 01°23'45" East, along said East line a distance of 520.42 feet, to the Southeast corner of said Northwest Quarter; thence South 88°20'00" West, departing said East line, along the South line of said Northwest Quarter, a distance of 2,585.10 feet; thence North 01°50'21" West, departing said South line, a distance of 2,600.32 feet, to the Point of Beginning, containing 5,897,859.01 square feet, or 135.40 acres, more or less.

**GENERAL NOTES:**

- Title information shown hereon is based upon the "Informational Report", prepared by Kansas Secured Title, Inc. - Leavenworth, Commitment Number: TX0011416, Effective Date: November 5, 2016 at 8:00 AM.
- According to FEMA Flood Insurance Rate Map, Panel 325 of 425, Community-Panel Number 200192 0325 G, Map Revised July 16, 2015, the surveyed premises lies entirely within Zone X, Areas determined to be outside the 0.2% annual chance floodplain.
- All values shown hereon are measured and record unless otherwise stated.
- The origin of monuments found are unknown unless otherwise noted.
- The Wetland Area shown hereon was determined by The U.S. Army Corps of Engineers to be Jurisdictional and regulated under Section 404 of the Clean Water Act, 33 USC 1344 per the Nationwide Permit Verification Project Number NWK-2017-00421 dated March 31st, 2017.

**SURVEY REFERENCES:**

- Bartlett and West Survey dated May 2007, found in Leavenworth County Survey Records.
- County Survey Record for Section 21-11-21 dated April 22, 1869.
- Plat and Survey performed by Donald G. White, R.L.S. 356, dated July 2, 1997.
- Plat and Survey performed by Donald G. White, R.L.S. 356, dated February 27, 1992.

**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 "TONGANOXIE BUSINESS PARK".

The Streets, Drives, Terraces and other ways shown hereon and not heretofore dedicated to the public are hereby so dedicated.

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" 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.

The maintenance of the TRACT A stormwater detention facilities which serve this plat shall be the responsibility of the City of Tonganoxie, Leavenworth County, Kansas, and the owners of each lot within this plat.

The Wetland Easement "W/E" over all wetlands is to be owned and maintained by the City of Tonganoxie, Leavenworth County, Kansas. The removal of vegetation within the easement is prohibited unless approval from the City of Tonganoxie, Leavenworth County, Kansas is granted to remove dead or damaged vegetation that poses a hazard or approval is granted to remove exotic or nuisance vegetation. No soil excavation, fill, or removal within the easement shall be permitted.

An EASEMENT or LICENSE to enter upon, locate, construct and maintain or authorize the location, construction, maintenance and use of Streets, Roads, Drives, Sidewalks, etc., upon, over, and under these areas outlined and designated on this plat as "Sewer Easement" or "S/E" is hereby granted to the City of Tonganoxie, Leavenworth County, Kansas.

An EASEMENT or LICENSE to enter upon, locate, construct and maintain or authorize the location, construction, maintenance and use of Streets, Roads, Drives, Sidewalks, signs, etc., upon, over, and under these areas outlined and designated on this plat as "Monument Sign Easement" or "SI/E" is hereby granted to the City of Tonganoxie, Leavenworth County, Kansas.

There will be no restrictions other than those shown hereon.

**OWNER 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 Tonganoxie, Kansas this \_\_\_ day of \_\_\_\_\_ A.D. 2017

XXX

**NOTARY CERTIFICATE:**

STATE OF KANSAS  
COUNTY OF LEAVENWORTH } ss

Be it remembered that on this \_\_\_ day of \_\_\_\_\_ 2017, before me, a notary public in and for said County and State, came XXX 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 TONGANOXIE BUSINESS PARK has been Submitted to and Approved by the Tonganoxie Planning Commission this \_\_\_ day of \_\_\_\_\_ A.D. 2017.

John Morgan, Chairman Steve Gumm, Secretary

**CITY COUNCIL APPROVAL:**

The easements and rights-of-way accepted by the Governing Body of Tonganoxie, Kansas, this \_\_\_ day of \_\_\_\_\_ A.D. 2017.

Jason Ward, Mayor ATTEST: Patty Hagg, 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 Tonganoxie. The City is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

Brian Kingsley, 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.

Wayne Malnicof, Leavenworth County Surveyor

**REGISTER OF DEEDS CERTIFICATE**

Plat of TONGANOXIE BUSINESS PARK of Tonganoxie was filed for record this \_\_\_ day of \_\_\_\_\_ A.D., 2017, at \_\_\_\_\_ M., and duly recorded in volume \_\_\_\_\_ of plats, at page \_\_\_\_\_.

Stacy Driscoll, Register of Deeds, Leavenworth Co. Kansas

**SURVEYOR'S CERTIFICATION:** I hereby certify that under my direct supervision, a survey was made on the ground of the premises herein described, completed in the field during the month of March, 2017 and that the results of said survey are represented hereon.



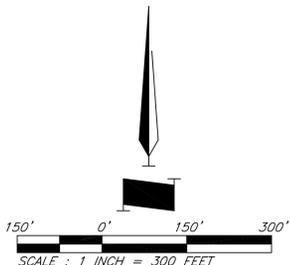
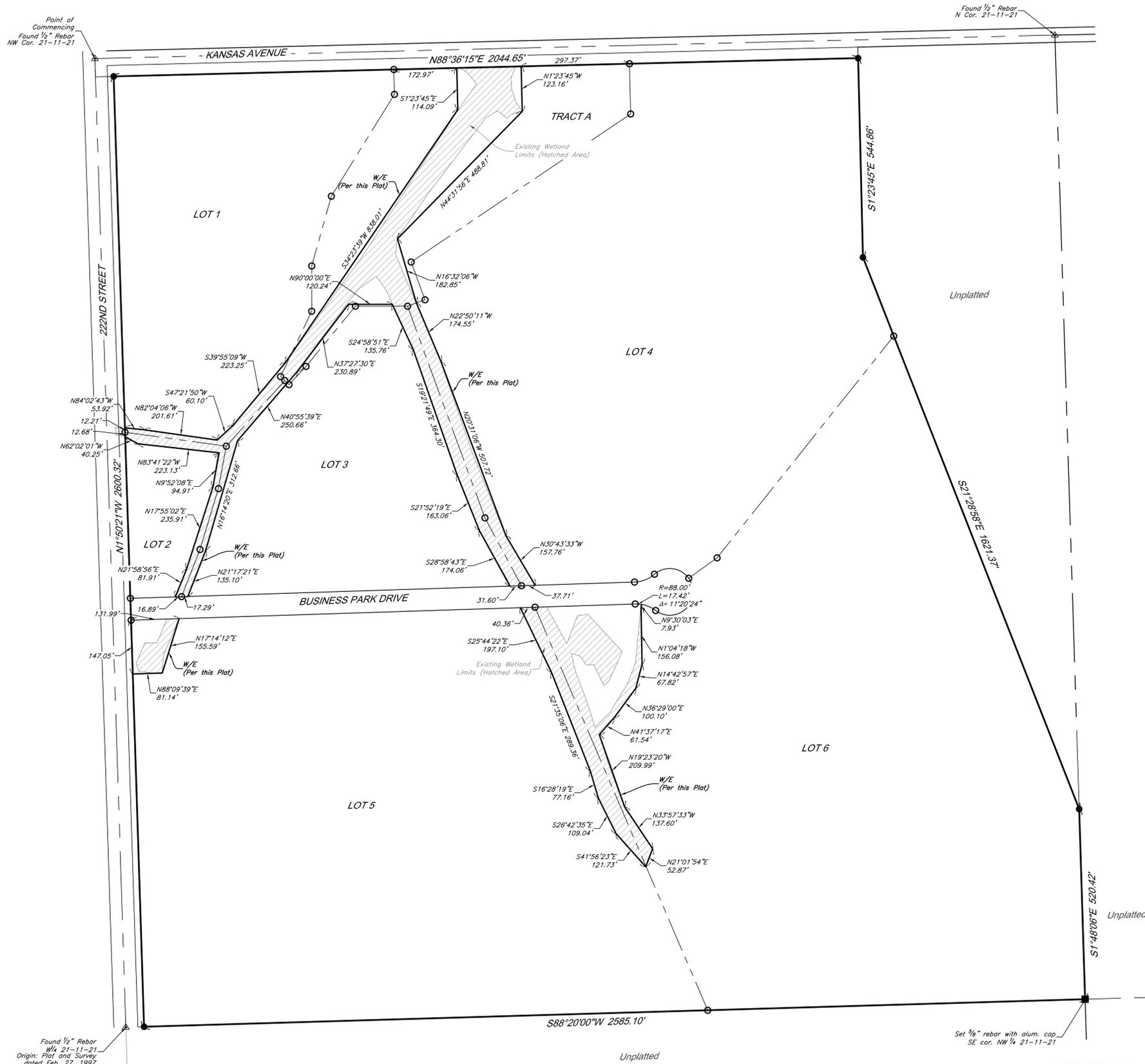
Andrew J. Riddle  
Kansas Land Surveyor No. 1530

Final Plat of  
TONGANOXIE BUSINESS PARK  
Section 21, Township 11, Range 21  
City of Tonganoxie, Leavenworth County, Kansas



**GEORGE BUTLER ASSOCIATES, INC.**  
CONSULTING ENGINEERS / ARCHITECTS / LANDSCAPE ARCHITECTS / PLANNERS  
ONE RENNER RIDGE, 9801 RENNER BLVD, LENEXA, KS 66219 / (913)492-0400

*Final Plat of*  
**TONGANOXIE BUSINESS PARK**  
 (PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 11 SOUTH, RANGE 21 EAST, OF  
 THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF TONGANOXIE, LEAVENWORTH COUNTY, KANSAS)



**2 OF 2**  
**WETLAND EASEMENTS**  
**DEDICATED PER THIS PLAT**

Revised April 27, 2017  
 Job No. 13599.00 March 22, 2017 Drawn By: MAP

**GBA**  
**GEORGE BUTLER ASSOCIATES, INC.**  
 CONSULTING ENGINEERS / ARCHITECTS / LANDSCAPE ARCHITECTS / PLANNERS  
 ONE RENNER RIDGE, 9801 RENNER BLVD, LENEXA, KS 66219 / (913)492-0400

*SURVEYOR'S CERTIFICATION: I hereby certify that under my direct supervision, a survey was made on the ground of the premises herein described, completed in the field during the month of March, 2017 and that the results of said survey are represented herein.*



Andrew J. Riddle  
 Kansas Land Surveyor No. 15330

*Final Plat of*  
**TONGANOXIE BUSINESS PARK**  
 Section 21, Township 11, Range 21  
 City of Tonganoxie, Leavenworth County, Kansas



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** June 5, 2017  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Jamie Shockley, Assistant City Manager  
**SUBJECT:** Consider Approval of Final Plat and Acceptance of Public Infrastructure for Timber Hills #4

**DISCUSSION:**

Section 3 of the City's subdivision regulations outlines the procedures for submitting and approving final plats, which states that the Planning Commission shall vote to determine if the plat conforms to the subdivision regulations and that the Governing Body shall approve the plat and accept or refuse dedication of land for public purposes.

The Planning Commission reviewed the final plat for Timber Hills #4 on May 4, 2017 and voted 5-0 to approve the final plat with the conditions outlined in the City engineer's staff report dated March 22, 2017 and the City planner's staff report dated , which are as follows:

- 1) Compliance with the City Engineer's review of construction plans, specifically:
  - a. Proposed sanitary sewer cleanout B3 should be revised to a standard sanitary manhole.
  - b. A copy of the agreement with the electric service provider showing locations of light poles to be installed for the subdivision.
- 2) An address plat meeting the Tonganoxie Street Naming and Addressing policy be submitted to the City prior to recording of the final plat.
- 3) All proposed improvements shall include a performance bond or irrevocable letter of credit from the applicant, approved by the City Attorney, prior to installation.
- 4) The Planning Commission's recommendation shall be forwarded to the City Council, and the City Council should approve and accept all public improvements prior to recording the final plat.
- 5) No building permits shall be issued and no lots shall be sold until the final plat is recorded with the Register of Deeds of Leavenworth County.
- 6) No occupancy permits shall be issued prior to acceptance of public improvements by the City.

The full engineering and staff report are included for the Council's review.

**Action Needed:**

Make a motion to approve final plat for Timber Hills #4 with conditions and accept dedication of land for public purposes.



## City of Tonganoxie, Kansas

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### PLANNING STAFF REPORT

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**Case#:** 2017-005P, Final Plat, Timber Hill Farms No. 4, Phase B

**Date of Report:** March 30, 2017

**Applicant Name:** Greg Ward

**Property Owner Name:** Greg Ward Investment Co. LC.

**Subject Property Address:** Northwest corner of Smiley Road and Hatchell Road

**Application:**

*Zoning District:* Planned Single Family Residential

*Type of Approval Desired:* Final Plat.

*Date of Application:* February 17, 20167

*Date of Meeting:* April 6, 2017

**Surrounding Property Zoning and Use:**

*West:* RR-2.5 (unincorporated Leavenworth County); rural homes on large lots and undeveloped parcels (2 to 40 acres)

*North:* R-SF-P; Unplatted portions of the preliminary plat

*East:* R-SF-P; singled family (previously platted and constructed prior phases)

*South:* R; Large lot single family homes fronting on Hatchell Road (1.1 to 1.16 acres)

**Recommendation:** Approval subject to conditions

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**Summary:**

This application is the final plat for 8 lots designated as “Subdivision No. 4, Phase B” of the Timber Hills subdivision. This creates 8 new lots (“Lots 1 – 8”) The final plat is following up to a revision to a previously approved preliminary plat that the Planning Commission conditionally approved at its April 2016 meeting, that included Phase A, Phase B and a conceptual layout for future Phase C. A final plat for Phase A (“Lots 2 – 5” and an adjustment to Lot 1) was approved at the June 2016 meeting.

**Background:**

The Timber Hill Farms subdivision preliminary plat was approved by the City, and revised on March 16, 2010. This preliminary plat included 62 lots, and 3 tracts to be laid out in two specific phases. Phase 1,

included 26 lots in “Block 1.” Phase 2 included 36 lots organized in “Blocks” 2 – 4. It also included conceptual layouts for future phases to continue development to the east.

Since that approval, 30 lots were approved for final plat.

A revised preliminary plat was approved by the Planning Commission in April 2016 that included to following significant changes to the approved preliminary plat:

1. 224<sup>th</sup> street is shown connecting Sycamore Street and Cedar Street, and serving 15 lots – 12 of which were in Phase 2, and 3 which were designated in the concept for future phases.
2. A note on the plat specified the following: “Construction of waterline return loop to Hatchel Road to be constructed with Phase Two.”

The changes also included a different phasing strategy with respect to required infrastructure. These changes were approved with the following additional conditions:

1. The approval is for the revised preliminary plat; any approvals for a final plat (sheet 3) shall be accompanied by all Final Plat required submittals and upon review of construction drawings and specifications.
2. A hammer head turnaround will be provided at the intersection of Cedar Street and Cedar court, through coordination with the Fire Chief as specified in the City Engineer’s report dated March 18, 2016.
3. The comment regarding the looped waterline as part of “Phase B” be modified as recommended in the City Engineer’s report dated March 18, 2016.
4. A recommendation on the highest elevation allowable, due to water pressure issues in the area, be identified and based on the Fire Chiefs recommendation as suggested in the City Engineer’s report dated March 18, 2016.

Since the April 2016 revision to the preliminary plat, 4 new lots were approved for final plat (“Lots 2 – 5” of No. 4, Phase A, and an adjustment to the size of Lot 1). This approval confirmed that prior to proceeding with Phase B, the water line loop to Hatchel Road be constructed.

### ***Analysis***

Section 3.3 of the Tonganoxie Subdivision Regulation require the Planning Commission to review all Final Plats for conformance with the regulations. In general this involves substantial compliance with the approved preliminary plat, any conditions of that approval, and the following additional items required for the final plat.

1. Letter from the City Engineer stating the final plat is substantially in accordance with the preliminary plat.
2. Completed and approved plans, reviewed by the City Engineer, for streets, storm sewers and sanitary sewers.
3. Proper format and content of the plat for recording with the county.
4. An Address Plat conforming to the Tonganoxie Street Naming and Addressing Policy.

Final Plat No. 4 Phase B of Timber Hill Farms is in substantial compliance with the layout, block and lot patterns of the Preliminary Plat, revised and conditionally approved by the Planning Commission in April 2016.

The revised preliminary plat was approved subject to the following 4 conditions:

1. The approval is for the revised preliminary plat; any approvals for a final plat (sheet 3) shall be accompanied by all Final Plat submittals and upon review of construction drawings and specifications.

This application represents fulfillment of this condition by submitting a final plat for review.

2. A hammer head turnaround will be provided at the intersection of Cedar Street and Cedar Court, through coordination with the Fire Chief, as specified in the City Engineer's report dated March 18, 2016.

This application proposes the completion of proposed Cedar Court, eliminating the need for this condition provided it is constructed according the city standards.

3. The comment regarding the looped waterline as part of "Phase B" be modified, as recommended in the City Engineer's report dated March 18, 2016.

The City Engineer has reviewed all construction plans, and the plans include the requirement for a looped water line back the Hatchel Road. [See the attached City Engineer letter dated March 22, 2017 regarding the review of Timber Hill Farms No. 4, Phase B construction plans.]

4. A recommendation on the highest elevation allowable, due to water pressure issues in the area, be identified and based on the Fire Chief's recommendation, as suggested in the City Engineer's report dated March 18, 2016.

At the April 2016 Planning Commission meeting it was discussed that the looped water line was most crucial to fire protection. The elevation issue dealt with more of the pressure and residential service issues. As more homes are added, the water pressure and service issues will need to be addressed. However all homes in this proposed final plat are below the elevation of where these service issues will be most impacted. The City Engineer has reviewed all construction plans for water service. [See the attached City Engineer letter dated March 22, 2017 regarding the review of Timber Hill Farms No. 4, Phase B construction plans.]

Per the City Engineer report dated March 22, 2107, all construction plans associated with this final plat have been reviewed and found to meet city requirements subject to the following:

1. Proposed Sanitary Sewer Cleanout B3 be revised to a standard sanitary manhole.
2. A copy of the agreement with the electric service provider showing locations of light poles to be installed for the subdivision.

Lastly, an address plan has not been submitted, nor was it submitted with the 4 new lots finally platted with Timber Hill Farms No. 4, Phase A in June 2016. The applicant shall submit an address plat that meets the Tonganoxie Street Naming and Addressing Policy, prior to recording the final plat.

### ***Effect of Decision***

The Planning Commission may approve, conditionally approve/modify or deny a plat application. Any denial or conditional approval/modification must specifically state the reasons for the decision and requirements to meet the Commission's approval.

Approval or conditional approval/modification is transmitted to the City Council with a letter from the Secretary of the Planning Commission stating the Commission's determination.

Approval of a plat by the Council accepts the dedication of land for public purposes and authorizes recording of the plat with the county, and receipt of a certified and recorded final plat by the City, with a performance bond or irrevocable letter of credit authorizes installation and construction of required improvements. Upon installation of improvements the applicant may apply for building permits.

**Recommendation**

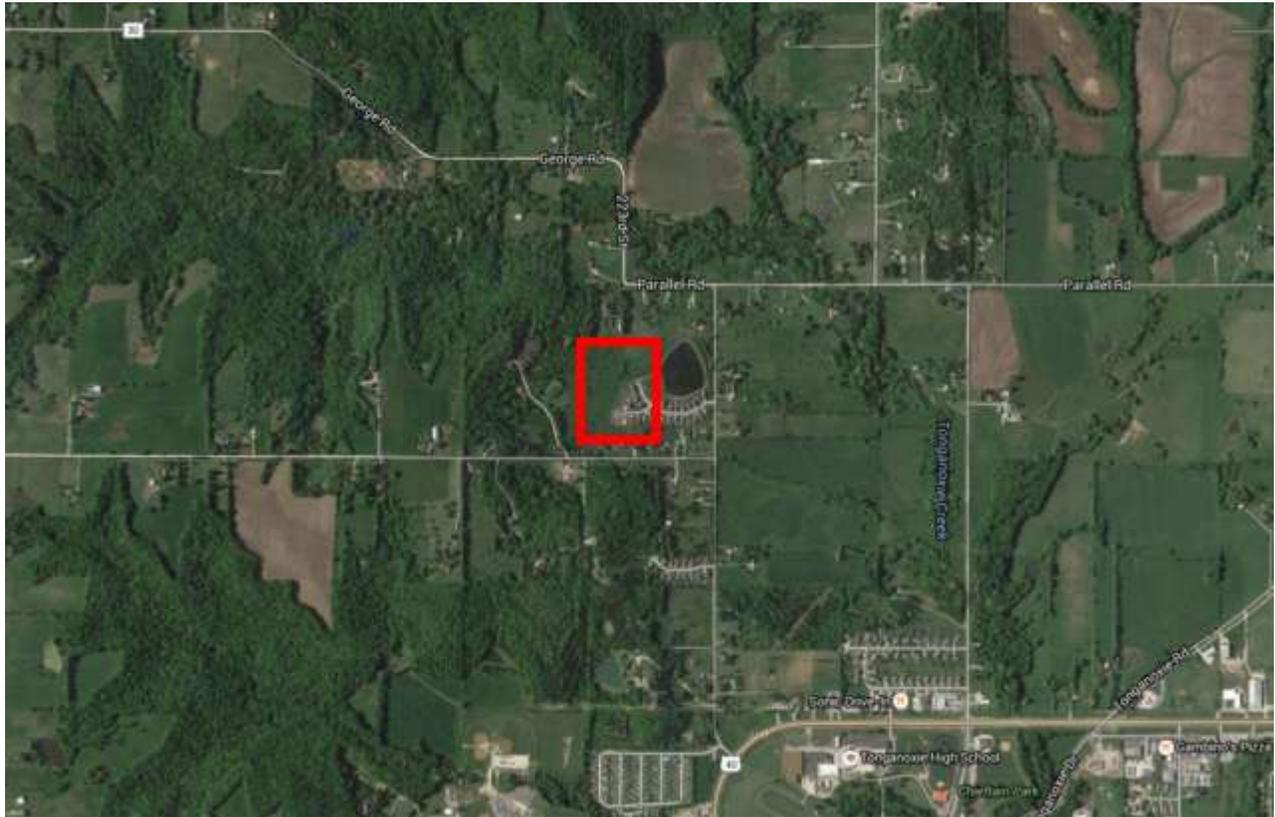
The final plat is in conformance with the approved and revised preliminary plat, the conditions of approval, and meets all applicable planning criteria. Staff recommends approval subject to the following conditions:

1. Compliance with the recommendations of the City Engineer March 22, 2017 review of Construction Plans dated February 17,2017, specifically”
  - a. Proposed Sanitary Sewer Cleanout B3 be revised to a standard sanitary manhole.
  - b. A copy of the agreement with the electric service provider showing locations of light poles to be installed for the subdivision.
2. An address plat meeting the Tonganoxie Street Naming and Addressing Policy be submitted to the City prior to recording of the final plat.
3. All proposed improvements shall include a performance bond or irrevocable letter of credit from the applicant, approved by the City Attorney, prior to installation.
4. The Planning Commission's recommendation shall be forward to the City Council, and the City Council approve and accept all public improvements prior to recording the final plat.
5. No building permits shall be issued and no lots shall be sold until the Final Plat is recorded with the Register of Deeds of Leavenworth County.
6. No occupancy permits shall be issued prior to acceptance of public improvements by the City.

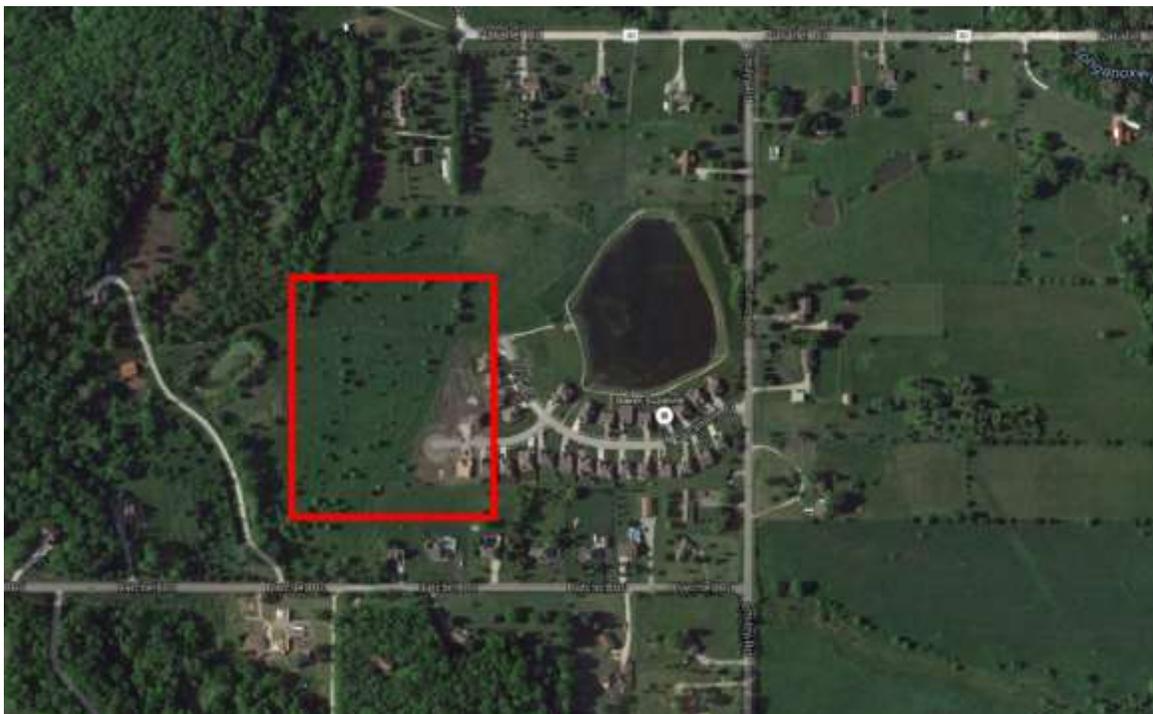
**Photos and Maps**



**Current Zoning**



*Vicinity*



*Area*



*Property*

A handwritten signature in black ink, appearing to read "Chris Brewster".

---

Chris Brewster  
Contract City Planner



**TO:** George Brajkovic, City Manager

**CC:** Kent Heskett, City Superintendent  
Chris Brewster, City Planner

**FROM:** Brian Kingsley, City Engineer, BG Consultants, Inc.

**DATE:** March 22, 2017

**RE:** Timber Hills #4 Phase B Development Review  
Construction Plans and Final Plat Review  
17-1001L

The following are the City Engineer and staff review comments:

**Construction Plans:**

**We recommend approval of the Construction Plans submitted and electronically dated February 17, 2017 after the following revisions are made to the plans:**

- 1) The proposed Sanitary Sewer Cleanout B2 should be revised to a standard sanitary sewer manhole.

**Final Plat Recommendation for Approval:**

**We recommend approval of the Final Plat submitted on February 17, 2017 contingent upon the City receiving a copy of the agreement with the electric service provider showing locations of light poles to be installed for the subdivision.**

--End

CITY OF TONGANOXIE, KANSAS

APPLICATION FOR PRELIMINARY PLAT AND FINAL PLAN APPROVAL

Requested Action	Fee Paid	Date Rec'd	Date Published	Hearing Date
_____ Preliminary Plat	_____	_____	_____	_____
_____ Street & Storm Sewer Plan	_____	_____	_____	_____
_____ Sanitary Sewer Plan	_____	_____	_____	_____
_____ Waterline Plan	_____	_____	_____	_____
✓ Final Plat	240 <sup>00</sup>	2/17/17	_____	_____
_____ Site Plan	_____	_____	_____	_____
_____ Landscaping Plan	_____	_____	_____	_____

Name of Development Timber Hill Farms

General Location Smiley Rd & Cedar

**Applicant:**

Name: WARD INVESTMENT CO. Contact: Greg Ward

Address: 2252D Hatfield

Phone/Fax: 785-766-1739

E-mail address g109@g109wardmail.com

**Owner Developer:**

Name: same Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Phone/Fax: \_\_\_\_\_

E-mail Address \_\_\_\_\_

**Engineer:**

Name: Grab Engineering Contact: Ben Grab

Address: \_\_\_\_\_

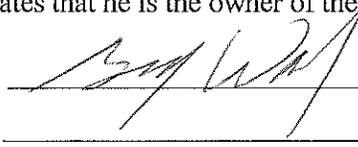
Phone/Fax: 785-856-1900

E-Mail Address ben@grabengineering.com

**SUBDIVISION INFORMATION:**

- Gross acreage of plat: 3
- Total number of lots: 8
  - Residential  Business \_\_\_\_\_ Industrial \_\_\_\_\_ Other \_\_\_\_\_
- Existing zoning \_\_\_\_\_ Proposed zoning \_\_\_\_\_

THE owner herein agrees to comply with the subdivision regulations for Tonganoxie, as amended, and all other pertinent ordinances or resolutions of Tonganoxie, and statutes of the State of Kansas. The undersigned further states that he is the owner of the proposed for platting.

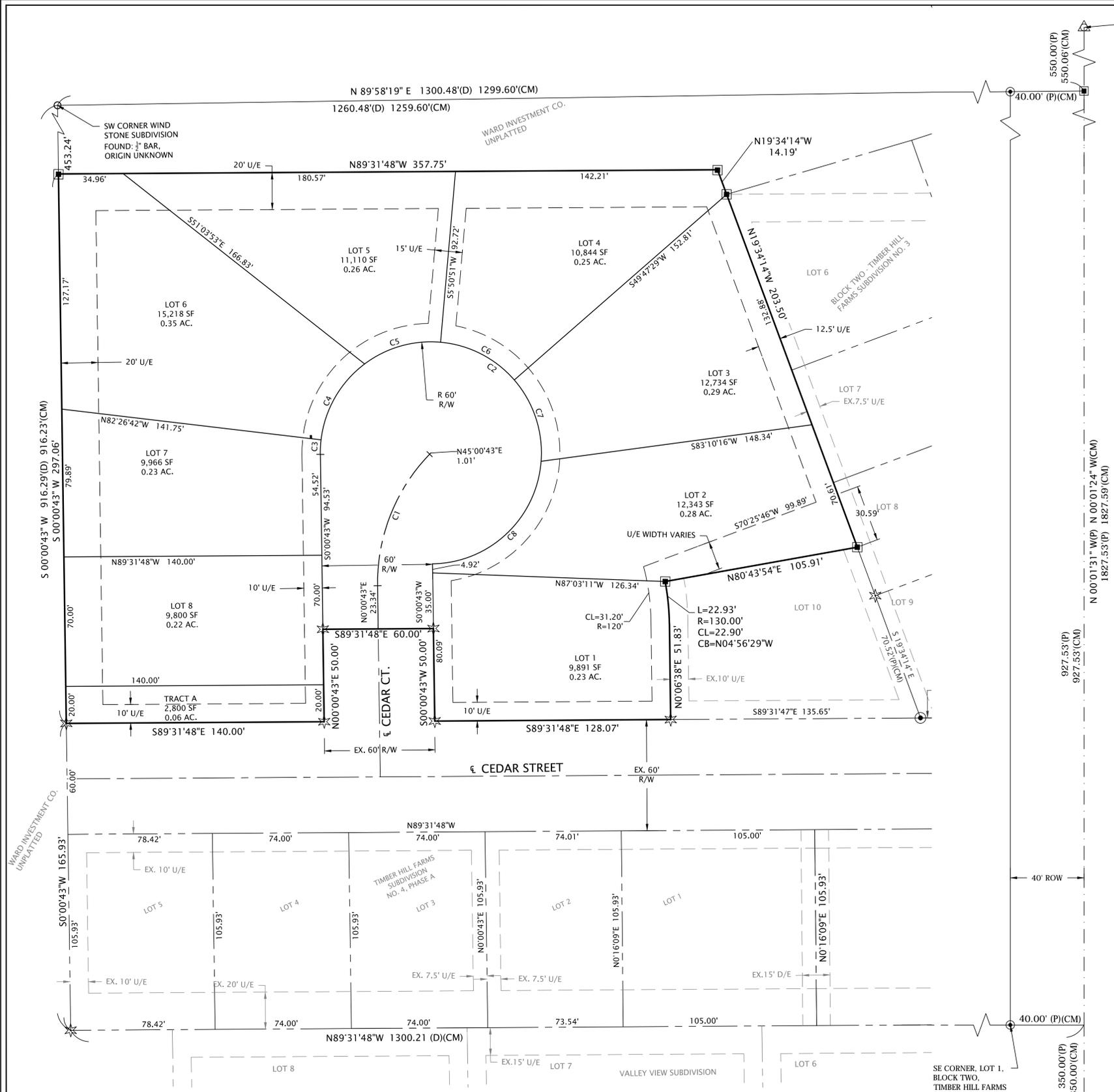
OWNER'S SIGNATURE 

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OFFICE USE:

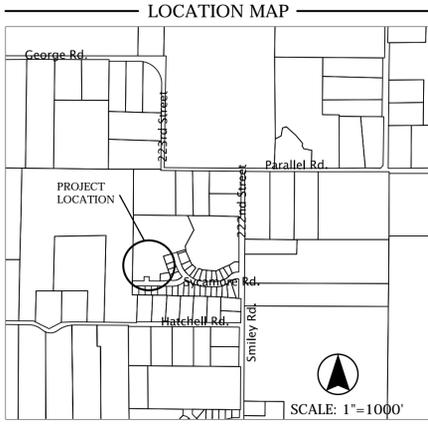
RECEIVED BY Patty

Date 2/17/17 Fee Submitted \$240<sup>00</sup> check



NE CORNER NE QUARTER  
SECTION 5-T11S-R21E  
FOUND: 3 1/4" ALUMINUM CAP  
(ORIGIN UNKNOWN)  
SECTION TIES  
1. NAIL IN SOUTHWEST FACE GUY POLE - 45.8' NE  
2. 60D NAIL IN NORTHEAST FACE POWER POLE - 64.7' SE  
3. TOP CENTER OF TELEPHONE PEDestal - 57.4' SW  
4. 60D NAIL IN NORTHWEST FACE CORNER FENCE POST - 46.0' SE

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD	BEARING
C1	78.54	100	76.54	S20°40'53"W
C2	282.74	60	84.85	N46°49'07"W
C3	7.90	60	7.89	S01°57'10"W
C4	48.67	60	47.35	S28°57'49"W
C5	43.79	60	42.82	S73°06'35"W
C6	46.02	60	44.90	N64°00'41"W
C7	47.57	60	46.34	N19°19'29"W
C8	88.79	60	80.91	N45°47'09"W



**LEGAL DESCRIPTION**  
A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE 6TH PRINCIPAL MERIDIAN, LEAVENWORTH COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION, THENCE NORTH 00°01'24" WEST ALONG THE EAST LINE OF SAID QUARTER SECTION, 350.00 FEET; THENCE NORTH 89°31'48" WEST, ALONG THE SOUTH LINE OF TIMBER HILL FARMS SUBDIVISION NO. 2, TIMBER HILL FARMS SUBDIVISION NO. 3, AND TIMBER HILL FARMS SUBDIVISION NO. 4 PHASE A, 1300.21 FEET, TO THE SOUTHWEST CORNER OF LOT 5 TIMBER HILL FARMS SUBDIVISION NO. 4; THENCE NORTH 00°00'43" EAST, 165.93 FEET, TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF CEDAR STREET; THENCE SOUTH 89°31'48" EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF CEDAR STREET, 140.00 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CEDAR COURT; THENCE NORTH 00°00'43" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF CEDAR COURT, 50.00 FEET; THENCE SOUTH 89°31'48" EAST, 60.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CEDAR COURT; THENCE SOUTH 00°00'43" WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF CEDAR COURT, 50.00 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CEDAR STREET; THENCE SOUTH 89°31'48" EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF CEDAR STREET 128.07 FEET, TO THE SOUTHWEST CORNER OF LOT 10, BLOCK TWO, TIMBER HILL FARMS SUBDIVISION NO. 3; THENCE NORTH 00°06'38" EAST, ALONG THE WEST LINE OF SAID LOT 10, 51.83 FEET; THENCE ON A 130.00 FOOT RADIUS CURVE TO THE LEFT WITH A 22.90 FOOT CHORD BEARING NORTH 04°56'29" WEST, AN ARC DISTANCE OF 22.93 FEET, TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE NORTH 80°43'54" EAST ALONG THE NORTH LINE OF SAID LOT 10, 105.91 FEET TO THE NORTHEAST CORNER OF SAID LOT 10, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 8, BLOCK TWO, TIMBER HILL FARMS SUBDIVISION NO. 3; THENCE NORTH 19°34'14" WEST, ALONG LOT 8, LOT 7, AND LOT 6, BLOCK TWO, TIMBER HILL FARMS SUBDIVISION NO. 3, 203.50 FEET TO THE NORTHWEST CORNER OF SAID LOT 6; THENCE CONTINUING NORTH 19°34'14" WEST, 14.19 FEET, THENCE NORTH 89°31'48" WEST, 357.75 FEET, THENCE SOUTH 00°01'24" WEST, 297.06 FEET TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 2.50 ACRES, MORE OR LESS.

**FILING RECORD**  
State of Kansas  
County of Leavenworth  
This is to certify that this instrument was filed for record in the office of the Leavenworth County Register of Deeds on this \_\_\_\_\_ day of \_\_\_\_\_, 2017, and is duly recorded at AM/PM, in plat book \_\_\_\_\_, page \_\_\_\_\_.

Register of Deeds  
Stacy R. Driscoll  
**ENDORSEMENTS**  
Approved by  
City of Tonganoxie  
Planning Commission  
Leavenworth County, Kansas  
On this Date: \_\_\_\_\_

John Morgan  
Chairman  
Notary Public  
State of Kansas  
County of \_\_\_\_\_  
Steve Gumm  
Secretary

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me, a Notary Public in and for said County and State, came the above city officials known personally to be the same person who executed the foregoing instrument and acknowledge the same to be their voluntary act and deed.

My Commission Expires: \_\_\_\_\_ Name: \_\_\_\_\_

Rights of Way and Easements  
Accepted by  
City of Tonganoxie  
Tonganoxie, KS  
On this Date: \_\_\_\_\_

Attest:  
Jason K. Ward  
Mayor  
Nathan D. McCommon  
City Clerk

Brian Kingsley, City Engineer  
**OWNER**

Greg Ward, Member  
Ward Investment Company, LLC  
22528 Hatchell Road  
Tonganoxie, Kansas 66086

Notary Public  
State of Kansas  
County of \_\_\_\_\_

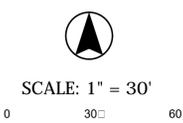
Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, before me a Notary Public in and for said County and State, came Greg Ward, Member, Ward Investment Company, LLC known personally to be the same person who executed the foregoing instrument and acknowledge the same to be their voluntary act and deed.

My Commission Expires: \_\_\_\_\_ Name: \_\_\_\_\_

Notary Signature

**LEGEND**

RAW	RIGHT-OF-WAY	△	SECTION CORNER
CL	CENTERLINE	●	FOUND BAR W/CAP "PLS 610" IN CONCRETE
D/E	DRAINAGE EASEMENT	■	SET 3/4" x 24" REBAR W/CAP "APS 1391" SET IN CONCRETE
U/E	UTILITY EASEMENT	☆	FOUND 3/4" REBAR W/CAP "APS 1391" IN CONCRETE
(D)	DEEDED	○	FOUND 3/4" BAR (ORIGIN UNKNOWN)
(P)	PLATTED	—	PLAT BOUNDARY
(M)	MEASURED	—	PROPERTY LINE
(CM)	CALCULATED FROM MEASUREMENTS	---	OFF-SITE PROPERTY LINE
		---	EASEMENT LINE
		---	SECTION LINE



**SURVEYOR'S CERTIFICATION**  
I hereby certify that the platted area shown hereon is the true and accurate result of a field survey performed under my direct supervision in February, 2017, and that the plat is a closed traverse. This survey conforms to the Kansas Minimum Standards for Boundary Surveys.

**ENGINEER'S CERTIFICATION**  
I hereby certify that the information and area map shown hereon are true and accurate to the best of my knowledge. Plat prepared February, 2017.

Steven D. Williams, P.L.S. #1391  
P.O. Box 4444  
Lawrence, KS 66046  
(785)832-2121

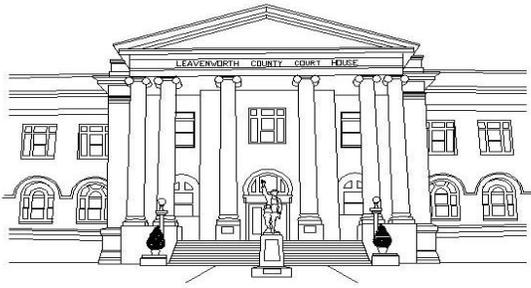
Wayne Malnicof, P.L.S. - County Surveyor  
Date \_\_\_\_\_



a final plat of **TIMBER HILL FARMS**  
**SUBDIVISION NO. 4 PHASE B**

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE 6TH PRINCIPAL MERIDIAN, LEAVENWORTH COUNTY, KANSAS.

Prepared February 17, 2017



# COUNTY OF LEAVENWORTH

**Survey Department**  
300 Walnut, Suite 007  
Leavenworth, Kansas 66048-2815  
Phone: (913) 684-0470  
Fax: (913) 684-0473

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April 4, 2017

To: Steven D. Williams  
All Points Surveying, LLP  
P.O. Box 4444  
Lawrence, KS 66046

RE: Survey Review # 2017-04-029  
**Timber Hill Farms Subdivision No. 4 Phase B Final Plat**  
Submitted via Email 4-3-2017

Steven:

I have reviewed the face of the survey based on Kansas State Minimum Standards and Leavenworth County regulations and noted the following recommendations:

**Item 7) Monuments Identified as Found or Set-**

A) No monument is shown for the PC of the 22.93' curve.

**Item 25) Legal Description-**

A) The plat is in the City of Tonganoxie and needs to be stated in the legal description and the title description.

**Item 26) Written Description Matches Drawing-**

A) The bearing on the closing West line of the Plat does not match the bearing in the description.

**Item 27) Closure Calculations-**

A) No closure calculations were provided for the lots or boundary.

**Item 29) Survey corner reports-**

A) Need to submit reference reports

**Other Observations:**

A) There is no Dedication for the streets and easements and the Name of the plat. The plat cannot be recorded without said dedication.

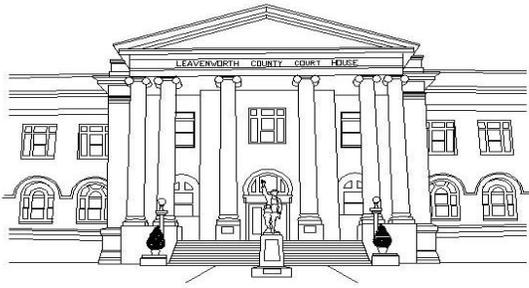
B) Check the language in General Notes #3.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wayne Malnicof".

Wayne Malnicof, PLS  
Leavenworth County Surveyor.

Cc: Tonganoxie Planning and Zoning



# COUNTY OF LEAVENWORTH

## Survey Department

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone: (913) 684-0470

Fax: (913) 684-0473

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Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** June 5, 2017  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Jamie Shockley, Assistant City Manager  
**SUBJECT:** Resolution 06-17-01: Authorizing the Adoption of a Housing Needs Analysis and Designating Legal Descriptions of Property Proposed to Be Designated as a Rural Housing Incentive District within the City of Tonganoxie

**DISCUSSION:**

Before the City Council for approval is a resolution that would adopt the City of Tonganoxie's Housing Needs Analysis and designate legal descriptions for property to be designated as a Rural Housing Incentive District. Upon approval, the City is required to publish the resolution and maps of the properties in the newspaper and then send the resolution and proof of publication to the Secretary of the Department of Commerce for approval.

Attached for the Council's review is the housing needs analysis and maps of the proposed properties to be eligible for a Rural Housing Incentive District.

**Action Needed:**

Make a motion to approve Resolution 06-17-01.

(Published in the Tonganoxie Mirror on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AS TO THE NEED FOR THE HOUSING WITHIN THE CITY OF TONGANOXIE, KANSAS AND SETTING FORTH THE LEGAL DESCRIPTION OF REAL PROPERTY PROPOSED TO BE DESIGNATED AS A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY.**

---

**WHEREAS**, K.S.A. 12-5241 et seq. (the "Act") authorizes any city incorporated in accordance with the laws of the State of Kansas (the "State") with a population of less than 60,000 located in a county with a population of less than 80,000, to designate rural housing incentive districts within such city; and

**WHEREAS**, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

**WHEREAS**, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein; and

**WHEREAS**, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the "Secretary") requesting that the Secretary agree with the finding contained in such resolution; and

**WHEREAS**, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district within such city and adopt a plan for the development or redevelopment of housing and public facilities in the proposed district; and

**WHEREAS**, the City of Tonganoxie, Kansas ( the "City") has an estimated population of 4,996 (2010 census) is located in Leavenworth County, Kansas which has a population of 76,227 (2010 Census) and therefore constitutes a city as said term is defined in this act; and

**WHEREAS**, the Governing Body of the City has performed a Housing Needs Analysis dated \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ (the "Needs Analysis"), a copy of which is on file in the office of the City Clerk; and

**WHEREAS**, based on the Needs Analysis, the Governing Body of the City proposes to commence proceedings necessary to create a Rural Housing Incentive District, in accordance with the provisions of the Act.

**THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Tonganoxie, Kansas, as follows:

**Section 1.** The Governing Body has previously adopted and incorporated reference as part of this Resolution the Needs Analysis, a copy of which is on file in the office of the City Clerk, and based on a review of said Needs Analysis makes the following findings and determinations.

**Section 2.** The Governing Body hereby finds and determines that there is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.

**Section 3.** The Governing Body hereby finds and determines that the shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.

**Section 4.** The Governing Body hereby finds and determines that the shortage of quality housing is a substantial deterrent to future economic growth and development in the City.

**Section 5.** The Governing Body hereby finds and determines that the future economic wellbeing of the City depends on the Governing Body providing additional incentives for the construction or renovation of quality housing in the City.

**Section 6.** Based on the findings and determinations contained in Sections 2 through 5 of this Resolution, the Governing Body proposed to establish a rural Housing Incentive District pursuant to the Act, within boundaries of the real estate legally described and depicted in the map in Exhibits "A-1" and "A-2" attached hereto.

**Section 7.** This Resolution shall take effect after its adoption and publication once in the official City newspaper.  
APPROVED AND PASSED by the Governing Body of the City of Tonganoxie, Kansas, this \_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Jaosn Ward, Mayor

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_,  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Shannon Marcano, City Attorney

**Exhibit "A-1"**

Legal Description

**Exhibit "A-2"**

RHID Map



# City of Tonganoxie

## Housing Needs Analysis

2017

## **City of Tonganoxie Housing Needs Analysis Introduction:**

This application for a Rural Housing Incentive District (RHID) designation contains a broad range of information about Tonganoxie’s housing needs. It includes consideration of both the present and future factors that might affect the housing needs of the community. In developing the RHID, both qualitative and quantitative information was gathered. Quantitative data on trends in local, regional, and national demographics was compiled, along with historical data about the City of Tonganoxie. This information helps provide the context in which the organization operates today and the challenges the organization and community may face in the future.

Additionally, the City of Tonganoxie considered perspectives from economic development officials, realtors, employees, and developers. This input describes the insights critical to consider for review of this application.

This Housing Needs Analysis is organized into the four functional areas that are identified in the “Kansas Rural Housing Incentive District Guidelines” dated May 2006.

- I. “(1) There is a shortage of quality housing of various price ranges in the city or county despite the best efforts of public and private housing developers;”
- II. “(2) The shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in such a city or county;”
- III. “(3) The shortage of quality housing is a substantial deterrent to the future economic growth and development of such city or county;”
- IV. “(4) The future economic well-being of the city or county depends on the governing body providing additional incentives for the construction or renovation of quality housing in such city of county.

With adherence to the four necessary categories above, presentation of relevant trends and data impacting the city, along with detailed narratives, demonstrate the housing needs in Tonganoxie.

**I. (1) There is a shortage of quality housing of various price ranges in the city or county despite the best efforts of public and private housing developers;**

This Housing Needs Analysis discusses the following aspects of Tonganoxie’s housing market:

- A shortage of quality homes valued above \$225,000
- A shortage of new construction in all price levels
- A shortage of new construction that will appeal to \$300k or higher-price buyers
- Developing newly—proposed projects without infrastructure assistance will not be economically feasible

The following pages include tables of the 2015 home sales data from Heartland Multiple Listing Service comparing Tonganoxie and the City of Basehor. This study chose the City of Basehor as a comparison because it is similar to the City of Tonganoxie by means of location, population, and local economy. The tables compare sales of 4 groups of data:

- (1) Homes sold at \$225,000 or above
- (2) All new homes constructed and sold
- (3) All homes sold (all price levels)
- (4) Current active listing of homes now on the market

**All Single-Family Homes Sold in 2015 minimum of \$225,000**

The table below show Basehor had 85 single-family homes that sold in 2015 at an average sales price of \$289,616. In contrast, Tonganoxie had only six homes selling in this higher—priced market (three homes were listed in Heartland Multiple Listing Service, as indicated, while another three homes in Timber Hill Farms were sold before being listed in the Heartland MLS system).

Status: Sold (85) Basehor 2015 Home Sales \$225,000 minimum						
	List Price	Sale Price	Beds	Full Baths	Half Baths	SqFt
Min	\$219,950	\$225,000	3	1	1	1642
Max	\$495,000	\$481,142	6	6	6	5066
Average	\$290,746	\$289,616	4	3	3	2731
Median	\$265,000	266,600	4	3	3	2608
Sum	\$24,713,377	\$24,617,395				

Criteria: Status is 'Sold'  
 Zip is '66007'  
 Price Sale is 225000+  
 Data Sold is 1/1/2015 to 12/31/2015  
 Type is 'Single Family'  
 Sewer is 'City/Public'

Status: Sold (3) Tonganoxie 2015 Home Sales \$225,00 minimum					
	List Price	Sale Price	Beds	Full Baths	SqFt
Min	\$217,900	\$233,000	3	2	3676
Max	\$285,000	\$265,000	5	3	3676
Average	\$245,967	\$249,333	4	2	3676
Median	\$235,000	\$250,000	3	2	3676
Sum	\$737,900	\$748,000			

Criteria: Status is 'Sold'  
 Zip is '66086'  
 Price Sale is 225000+  
 Date Sold is 1/1/2015 to 12/31/2015  
 Type is 'Single Family'  
 Sewer is 'City/Public'

### 2015 Homes Sold- All Price Ranges

The tables below contrasts the total: 181 single family homes sold in Basehor last year at the average price of \$233,039, compared to 99 total homes that sold in Tonganoxie at an average price of just \$154,341.

Status: Sold (181) Basehor Homes Sold in 2015					
	List Price	Sale Price	Beds	Full Baths	SqFt
Min	\$75,000	\$50,000	2	1	1032
Max	\$495,000	\$481,142	6	6	5066
Average	\$233,945	\$233,039	4	3	96
Median	\$219,950	\$219,000	4	3	54
Sum	\$42,344,052	\$42,180,043			

Criteria: Status is 'Sold'  
 Zip is '66007'  
 Date Sold is 1/1/2015 to 12/31/2015  
 Type is 'Single Family'  
 Sewer is 'City/Public'

Status: Sold (99) Tonganoxie Homes Sold in 2015					
	List Price	Sale Price	Beds	Full Baths	SqFt
Min	\$49,000	\$30,000	0	1	768
Max	\$285,000	\$265,000	5	4	3676
Average	\$157,945	\$154,341	3	2	1762
Median	\$165,000	\$165,000	3	2	1682
Sum	\$15,564,036	\$15,279,789			

Criteria: Status is 'Sold'

Zip is '66086'

Date Sold is 1/1/2015 to 12/31/2015

Type is 'Single Family'

Sewer is 'City/Public'

Data presented in the following sections are drawn from the U.S census Bureau Decennial Census. The medium household income in the City of Tonganoxie was \$49,130 in 2014, up from \$44,278 in 2000. In 2014, 33% of the population made between \$35,000 and \$75,000. Approximately 11% of the City's population meets federal poverty thresholds in 2014, up from 6% in 2000.

**Table 1: Tonganoxie Housing Information U.S Census 2010-2015**

Tonganoxie Housing information US. Census 2010-2015	Price Metrics
Building Permits	1,182,582
Total Housing Units	2,013
Median Gross Rent	\$920
Median Monthly owner costs-without mortgage	\$457
Median Value of owner-occupied housing units-with a mortgage	\$175,700
Owner occupied housing unit rate	64.40%

Currently the Tonganoxie housing profile is heavily saturated with multi-family, rental units and an over-abundance of split level homes. This trend has now suppressed the Tonganoxie market and diminished appeal to buyers finding higher priced homes elsewhere in the southern Leavenworth County corridor, evidenced by the Basehor homes-sales activity.

As Tonganoxie looks toward future development, its economic wellbeing will be greatly impacted if it has the ability to diversify the housing market and compete for buyers in the \$225K-\$320K price range.

Higher—priced homes will bring buyers with higher incomes. These buyers will bring more demand and economic activity for local goods and services. Providing higher quality housing and higher—priced homes is a much needed catalyst for propelling economic growth in Tonganoxie.

“Higher Quality housing is vital to stimulating economic development. In Tonganoxie there is no market for it. Therefore, spurring the local economy by making the community attractive to new people coming in will bolster Tonganoxie economy. New dollars coming in filters through the economy on many different levels- an example of this is by providing employment for the community. Through construction of new homes 25-30 people different people are provided jobs from the setting the formation of new home to adding electricity and connecting water to that home.” –Greg Ward, Ward Realty & Development Company, Inc. Personal Interview January, 2017.

**II. “(2) The shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in such a city or county;”**

Data presented in the following sections are drawn from USA City Facts.

The City of Tonganoxie is a community that is currently growing, the city’s land area increased by 59% between 1990 and 2010. During that same period, the population of the City has increased by 124%.

Based off of the current demographic trends the City’s economy, population, and land area have all grown and changed in recent years. As such, the City’s infrastructure, amenities, and services need to grow and improve, as well. The City will need to address challenges associated with growth, including maintenance of economic growth, preservation, and enhancement of service levels, increased economic inequality, and communication.

“We often have customers contact us looking for suitable lots for higher-end homes, and there generally aren’t many available. That causes many customers to look for small acreage parcels to build on outside of town. There has been a shortage of available lots to build on in Tonganoxie, but we are starting to see developers adding lots. The existing home inventory has also declined, making it difficult for buyers to find suitable homes. Financing options have remained good, so that is not causing problems for buyers. The lack of inventory has been the main problem in town.”—Steve Christensen, Senior Lender at First State Bank Personal Interview January, 2017.

**Tonganoxie Housing Overview:** The median owner costs (including mortgage) in Tonganoxie are higher than the state average. In Tonganoxie, KS houses typically have fewer rooms than the national average but are generally newer homes.

**Table 2: Tonganoxie Housing Overview USA City Facts**

	Tonganoxie	Kansas State	USA National Median
Median Owner Costs	\$1,310	\$1,231	\$1,524
Median Rent	\$519	\$507	\$699
Median Built Year	1984	1971	1975
Median Rooms	5	6	6

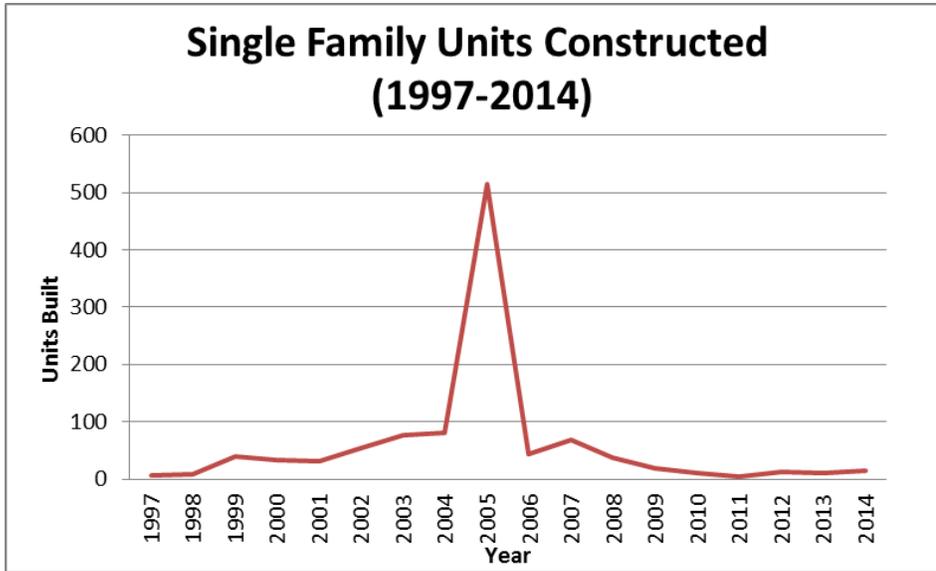
**Tonganoxie Housing Occupancy:** The following table shows housing numbers for Tonganoxie, KS. There are more owner occupied homes here than the national average. The number of rental homes is above the national average.

**Table 3: Tonganoxie Housing Occupancy USA City Facts**

Type	Tonganoxie	Kansas State	USA
Owner Occupied	66.1%	62.6%	58.5%
	1,206 Homes	765,049 Homes	76,089,650 Homes
Renter Occupied	31.3%	27.5%	29.3%
	571 Homes	336,623 Homes	34,149,346 Homes
For Rent	21.3%	2.1%	2.5%
	19 Homes	26,142 Homes	3,286,932 Homes
For Sale	2.6%	1.3%	1.5%
	35 Homes	15,841 Homes	1,886,522 Homes
Total Occupied	97.4%	90.1%	87.8%
	1,777 Homes	1,101,672 Homes	114,235,996 Homes
Total Vacant	2.6%	9.9%	12.2%
	47 Homes	121,077 Homes	15,802,084 Homes
Total Housing	1,824	1,222,749	130,038,080

With businesses planning to hire new employees and the community continuing to grow, the need for additional single family and multi-family housing will become even more necessary. The demand going forward will keep increasing with the growth that has and will occur.

The housing shortage includes both owner-occupied housing and multi-family apartment housing. As stated by a number of business owners, there is a need for owner-occupied housing for employees at all levels of their organizations, from line workers to professional officials. The need is also present for rental housing for new employees moving in to the community, who are not yet ready to purchase a home. All price ranges are needed for both owner-occupied housing and rental housing.



**Graph 1: Single Family Units Constructed (1997-2014):**

As displayed in graph 1- It is apparent that the City of Tonganoxie has largely focused on creating single family units. The city is in a position to establish a foundation for multi-family developments that has the potential to improve the economy of the entire community.

“In Tonganoxie apartments and townhomes serve the single family homes as a niche for people who work in the metro area but want to live outside the metro area. Tonganoxie is a good choice. We have a market for senior housing, millennia, and multi-family housing. LCDC and the port authority we focus on the drivers of the housing. Such examples are: The Army Reserve Center, Tonganoxie Business Park, and access to 1-70. This kind of activity was not on the table 5 years ago they were in-between booms more and more companies that are more interested in located in Tonganoxie’s that will drive demand.”—Steve Jack, Leavenworth County Development Cooperation Executive Director Personal Interview January, 2017.

**III. (3) The shortage of quality housing is a substantial deterrent to the future economic growth and development of such city or county;”**

Residential land is available to build on but the building activity remains very low. There are developers who are willing to invest and build in Tonganoxie if there is an RHID established. The need for financial incentives is strong with the low housing development rate without incentives. It is now evident that the lack of housing is directly affecting the future growth of the city. Over the past two year, Timber Hills Farms recognized the increased demand for higher-priced and quality homes than what was generally available in Tonganoxie. In 2015, four new homes were constructed, completed and sold in Timber Hills Farms and all went under construction prior to the home completion. Timber Hills Farms is sold-out of

available building sites. In 2015, these 30 properties generated \$86,468 of property tax revenue, according to the Leavenworth County Treasurer.

“Any financial help a developer can get to cover expansion costs is going to help increase the housing availability in Tonganoxie. I am in favor of any program we can offer in town to help our developers. The incentive district could make a difference in whether or not a developer decides to move forward with adding more lots and/or building new homes to add to the housing inventory in town.”—Steve Christian, Senior Lender at First State Bank Personal Interview January, 2017.

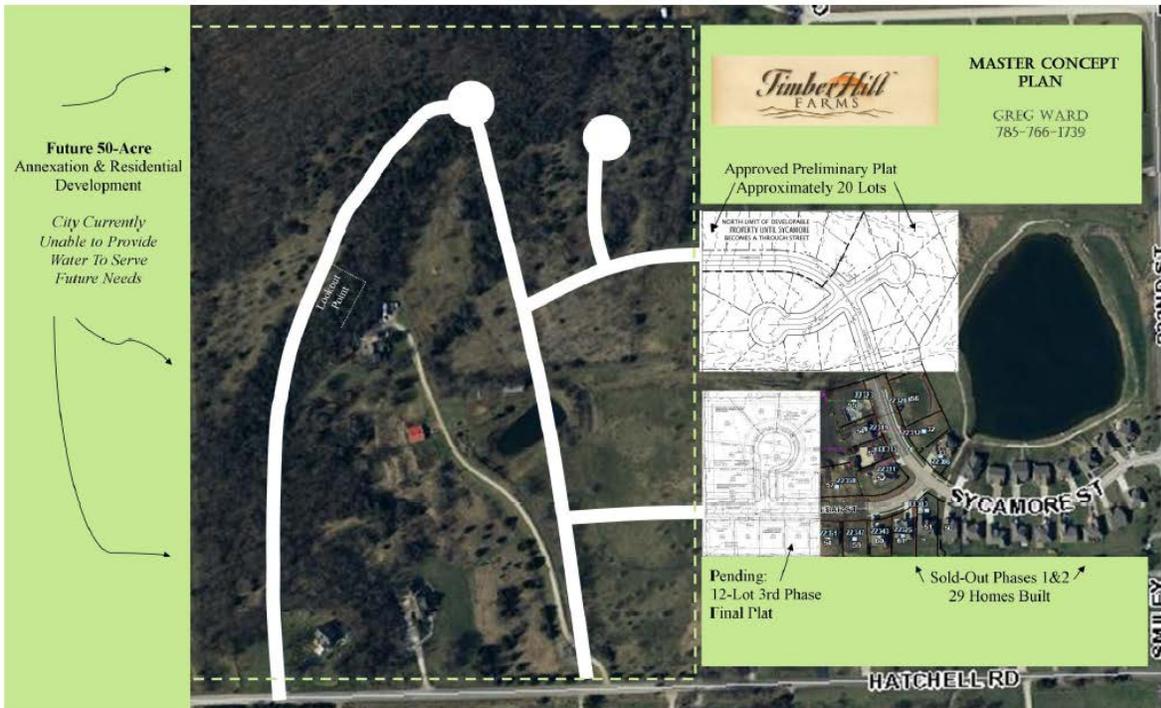


The four new homes, built in 2015 also brought additional revenue through sales tax with the purchase of building materials. The economic impact of new construction created employment and employee spending on other local goods and services. The construction activity from Timber Hill Farms is a model of economic growth and development that is needed to continue.

**IV. “(4) The future economic well-being of the city or county depends on the governing body providing additional incentives for the construction or renovation of quality housing in such city of county.**

The Master Concept plan below shows an aerial map of the entire Timber Hills Farms proposed development. The map includes the already-developed and sold-out phase of 30 lots, the 12 lot Cedar Street extension pending final plat approval and the remaining 20 lot future phase of the recently approved preliminary plat.

It is clear to see that the approved preliminary plats of 32 lots will double the size of the current development. Without this project, Tonganoxie’s shortage of higher priced and quality homes will not be met. The future wellbeing of Tonganoxie will be greatly impacted by the development of the approved preliminary plat.



The large tract to the west is equal to the entire section already annexed and platted. If this additional tract is annexed, it will provide one of the most desirable and scenic developments in Southern Leavenworth County. Like the short-range development plan, this future project will be ideally suited for the Kansas Rural Housing Incentive District.

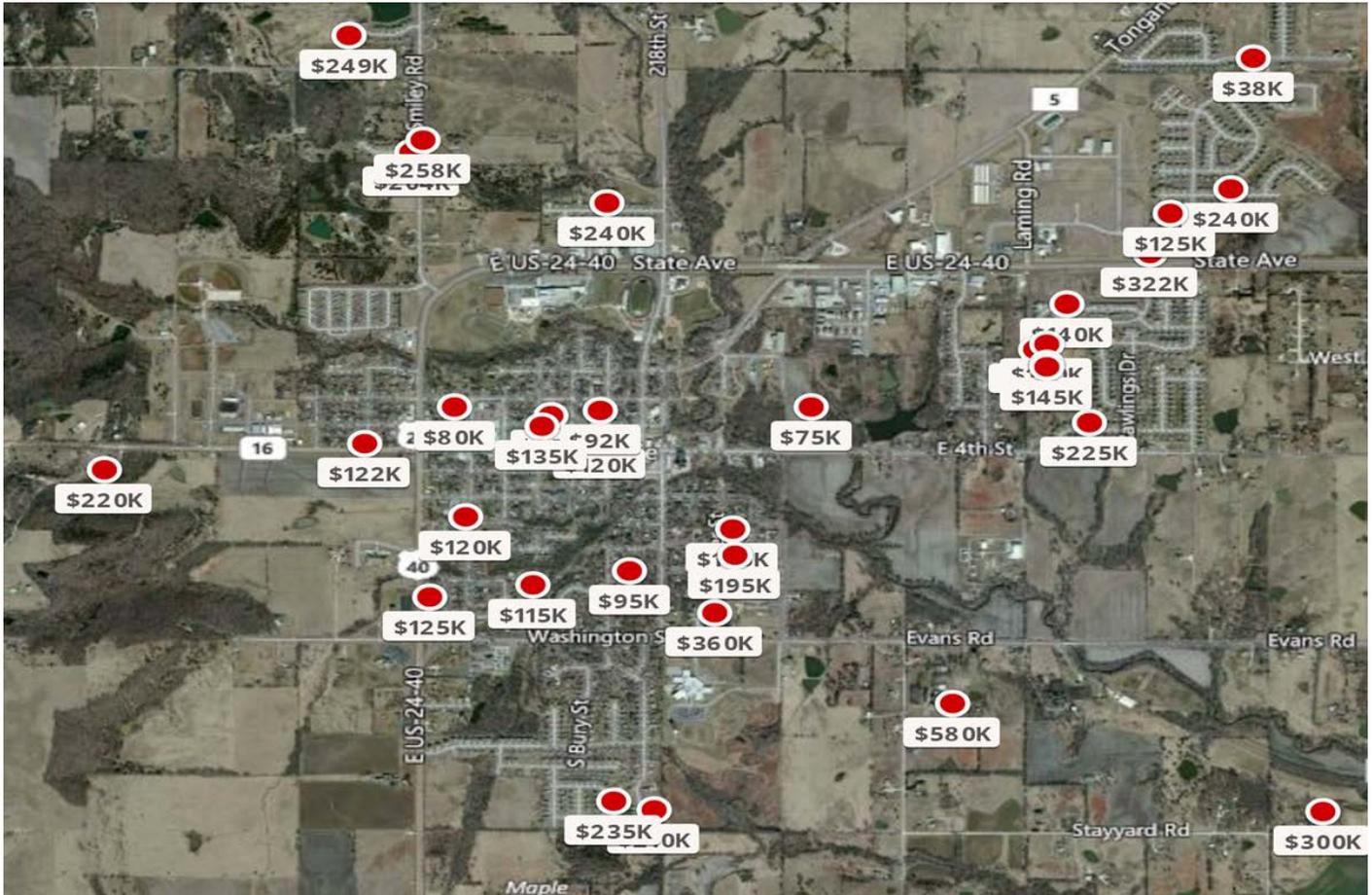
Installing infrastructure to this area will require a water tower in addition to sanitary sewer and other improvements needed to connect to the infrastructure already in place. If such improvements are available, Tonganoxie will have an exclusive community of estate sized lots primed for \$300K+ homes to be built.

Developing a unified long—range vision for the future of the City of Tonganoxie will require facing these challenges and seizing opportunities. The land and infrastructure costs are prohibitive; an RHID would solve this problem.

“Businesses coming to Tonganoxie are interested in the “fit” whether or not Tonganoxie is a good place for business and their employees. What they are interested in is affordable quality housing for their employees and where are their higher ups going to live for example: executive directors, managers and, CEOs. A Rural

Housing Incentive District would be a catalyst in the economic development of Tonganoxie by offsetting the costs of infrastructure for developers/ potential home buyers and increasing Tonganoxie’s own housing inventory.” –Jason Ward, Tonganoxie Mayor Personal Interview 2017.

Map 1: Tonganoxie Housing Appraised Value Map



Based on this map we can see the average appraised value of housing for the City of Tonganoxie. This map displays the most sought after parcels of land for development and points to areas ideal for the attracting housing developers.

**Attachment: Full interviews**

## **Steve Christensen, Senior Lender at First State Bank**

As the Senior Lender at First State Bank, I have been involved in the financing of local developers adding new housing developments to Tonganoxie, and the surrounding area in Leavenworth County. Most developers have focused on affordable homes, focusing on residences that would sell in the \$170,000 to \$225,000 range. Quite often, higher quality homes are built outside of town on acreage.

I have also been involved in attracting new businesses to town, and that almost always creates demand for housing. I have also worked with past City Manager Nathan McCommon, meeting with business owners looking to relocate to Tonganoxie. That requires a working knowledge of available land, commercial buildings, and infrastructure in and around Tonganoxie.

I believe there is a need for more high-quality housing in Tonganoxie. We often have customers contact us looking for suitable lots for higher-end homes, and there generally aren't many available. That causes many customers to look for small acreage parcels to build on outside of town. There has been a shortage of available lots to build on in Tonganoxie, but we are starting to see developers adding lots. The existing home inventory has also declined, making it difficult for buyers to find suitable homes. Financing options have remained good, so that is not causing problems for buyers. The lack of inventory has been the main problem in town.

The cost of expanding existing developments in town has gone-up dramatically, which has caused area developers to focus on adding a few lots at a time in order to build custom or spec homes. There also continues to be a need for rental homes. The rental market has always been strong in Tonganoxie, but that means there aren't many rentals to choose from as there is a high demand and the rental homes we do have in town stay occupied.

Without high quality housing, we are going to have a difficult time attracting new individuals and businesses to locate here. With the new projects starting up such as the Army Reserve Center and the new company coming into the Tonganoxie Industrial Park, demand is likely to stay strong. We also possibly have the Luxury RV Resort that may be constructed is the developer can resolve zoning issues. When we have individual looking to relocate to town, we are always asked about the housing situation in town. Without adequate inventory, we are going to lose out to other communities in the area that have the homes.

Any financial help a developer can get to cover expansion costs is going to help increase the housing availability in Tonganoxie. I am in favor of any program we can offer in town to help our developers. The incentive district could make a difference in whether or not a developer decides to move forward with adding more lots and/or building new homes to add to the housing inventory in town.

**Greg Ward, Ward Realty & Development Company, Inc**

Higher Quality housing is vital to stimulating economic development. In Tonganoxie there is no market for it. Therefore, spurring the local economy by making the community attractive to new people coming in will bolster Tonganoxie economy. New dollars coming in filters through the economy on many different levels- an example of this is by providing employment for the community. Through construction of new homes 25-30 people different people are provided jobs from the setting the formation of new home to adding electricity and connecting water to that home.

Yes, there is a need for quality housing it makes the community of Tonganoxie competitive with surrounding communities. Potential buyers that are looking for a market here are being turned away due to high infrastructure costs. Being able to provide an incentive district would be a catalyst for housing development. The Dynamic of Tonganoxie is that it is smaller market- building and selling 20 houses in a year is bad because the return investment becomes a bigger risk to take. This incentive district going to allow the developer to make money on the project for a lesser up front cost.

## Jason Ward, Tonganoxie Mayor

Has been on Tonganoxie City council since 2005 – When country road 1 interchange was routed through Tonganoxie the highway proved beneficial for local business and the visibility of the city.

“Yes, I believe there is a need for “high quality” housing that is built to industry standards.” By definition these are homes that are \$225,000 and above market segment. Tonganoxie has a very limited inventory in this price market. This disproportionate housing market has negative externalities on the city. Creating a range of housing availability will appease this issue.

There are two district neighborhoods in those price ranges which are Starlight Court neighborhood and Stone Creek neighborhood within the ranges of \$175,000

Businesses coming to Tonganoxie are interested in the “fit” whether or not Tonganoxie is a good place for business and their employees what they are interested in is

- Affordable quality housing for their employees
- Where are our higher ups going to live for example: executive directors, managers, CEOs

A Rural Housing Incentive District would be a catalyst in the economic development of Tonganoxie by:

1. Offsetting costs of infrastructure for developers and potential home buyers
2. Increasing Tonganoxie’s own housing inventory

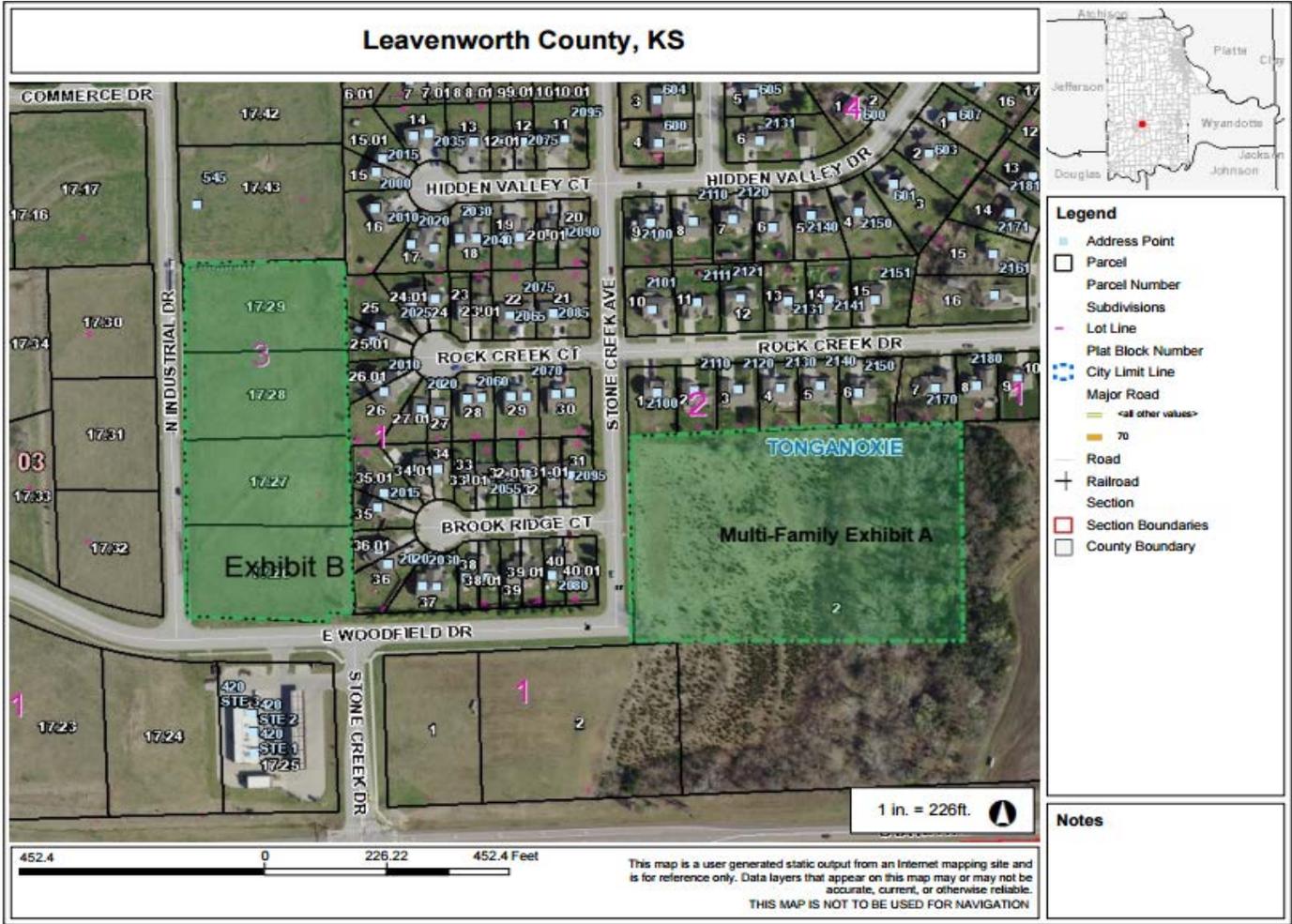
## **Steve Jack, Leavenworth County Development Cooperation Executive Director**

In 2007 Tonganoxie was one of the fastest growing communities in the state. The county growth in Tonganoxie and Basehor was rapidly growing because of its proximity to other cities. Each community pays Leaven Worth County Development Corporation (LCDC) according to a property evaluation and population. Years ago the population of Tonganoxie was higher than Basehor and evaluation was similar. Increases of evaluation are being built in Basehor verses the homes built in Tonganoxie

In Tonganoxie apartments and townhomes serve the single family homes as a niche for people who work in the metro area but want to live outside the metro area. Tonganoxie is a good choice. We have a market for senior housing, millennia, and multi-family housing. LCDC and the port authority we focus on the drivers of the housing. Such examples are: The Army Reserve Center, Tonganoxie Business Park, and access to I-70. This kind of activity was not on the table 5 years ago they were in-between booms more and more companies that are more interested in located in Tonganoxie's that will drive demand.

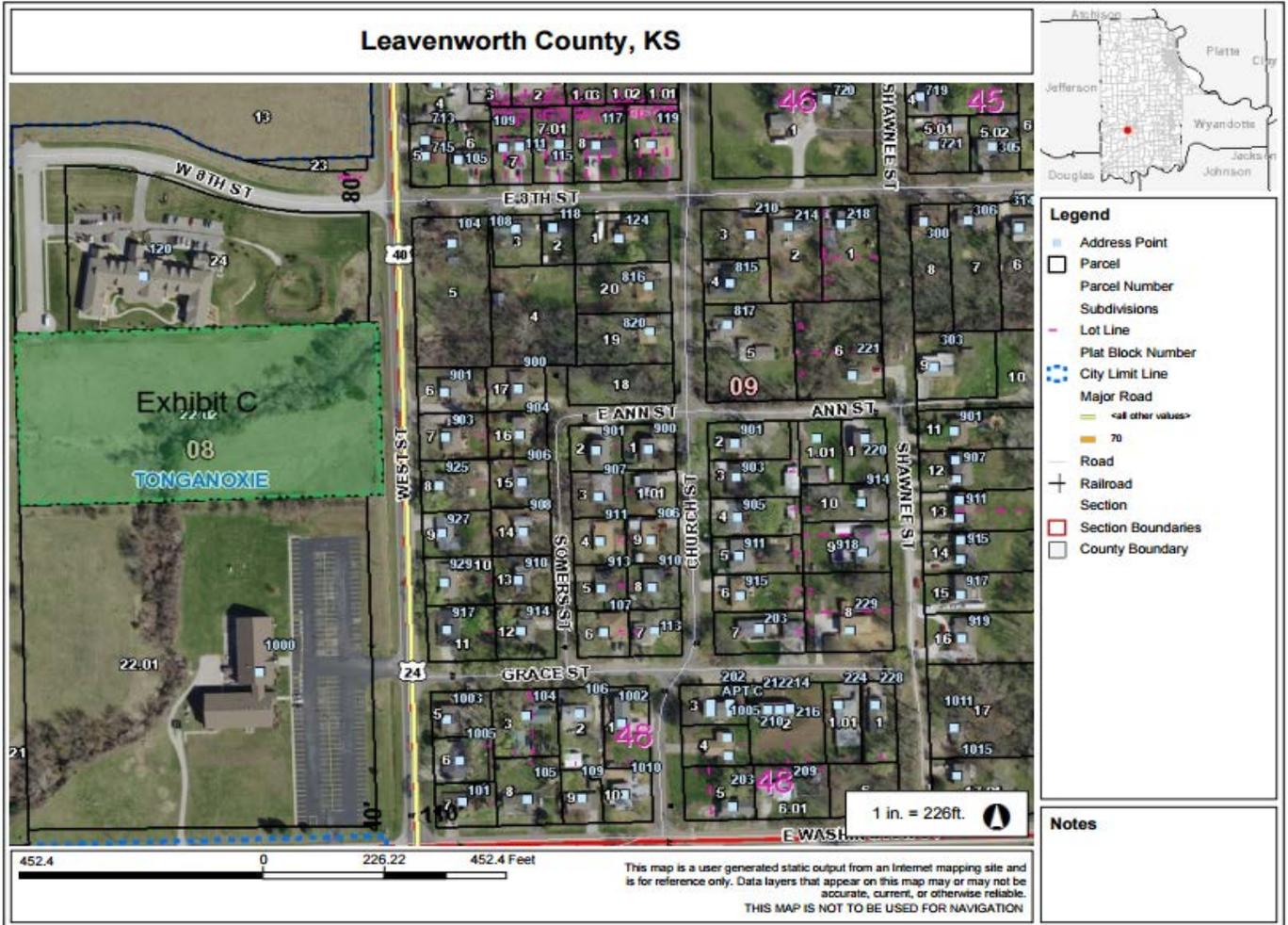
Therefore, yes there is a need for high quality housing in Tonganoxie. With the University of Kansas 20 min from Tonganoxie potentially KU staff who work there who wish to live in Tonganoxie \$300,000-\$500,000 range homes have been built in lots in the surrounding areas of Tonganoxie. That is an indicator of the need around Tonganoxie.

Another important aspect to consider is the two tiers: manufacturing company may have a need for single family homes of some quality but the employees have a need for homes either in multi-family and lower home range. If there is not a wide enough housing range for their workforce it makes the city less attractive for businesses wanting to locate. Primary business, economic drives, and housing go hand and hand.



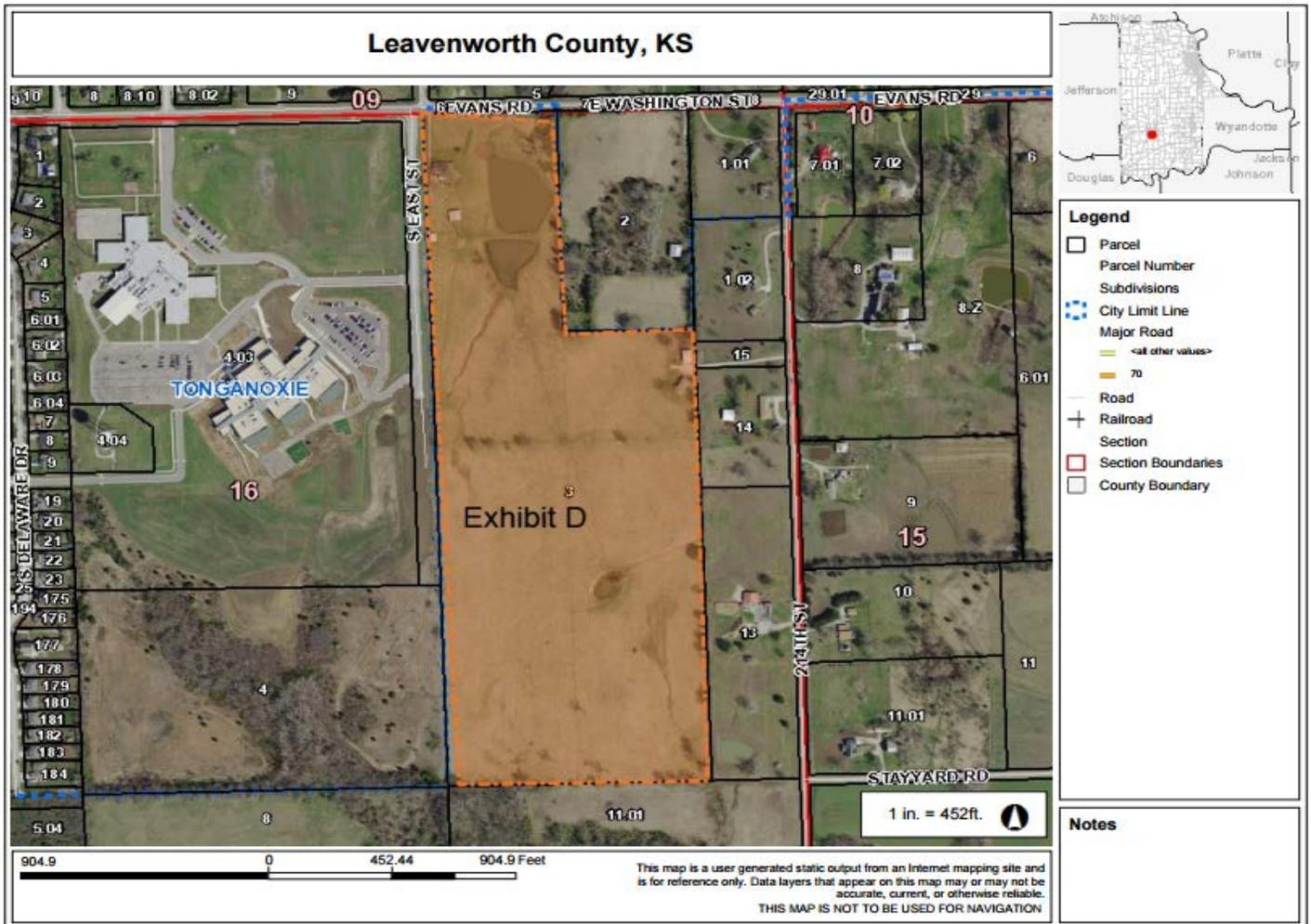
**Multi-Family Exhibits:**

	Parcel ID	Site Address	Legal Description
<b>Exhibit A</b>	1920304001002000	00000 STATE AVE, Tonganoxie, KS 66086	SE1/4 LESS E330'(S) & ALL THAT PART OF STONECREEK ADD #1, #2, #3, 4A, 4B, 5, 6, & 7 EXC N20, OF W496.59', OF E925.7'
<b>Exhibit B</b>	19203000000172(60-90)	00000 INDUSTRIAL DR, Tonganoxie, KS 66086	SECTION 03 TOWNSHIP 11 RANGE 21E



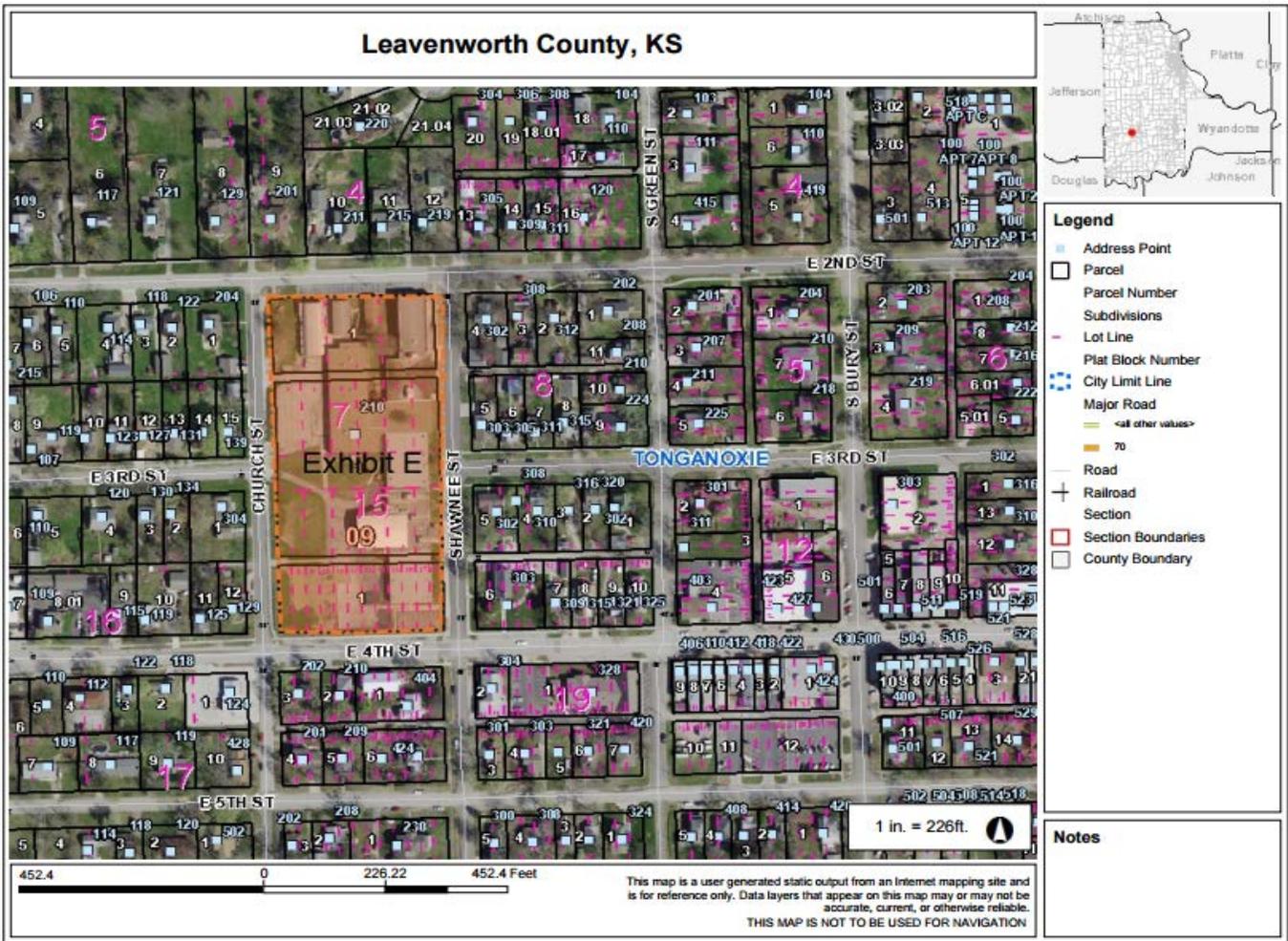
**Multi-Family Exhibit:**

	Parcel ID	Site Address	Legal Description
Exhibit C	1930800000022020	00000 WEST ST, Tonganoxie, KS 66086	S337.2' OF N660' OF E710'(S) OF SE1/4SE1/4 LESS ROW



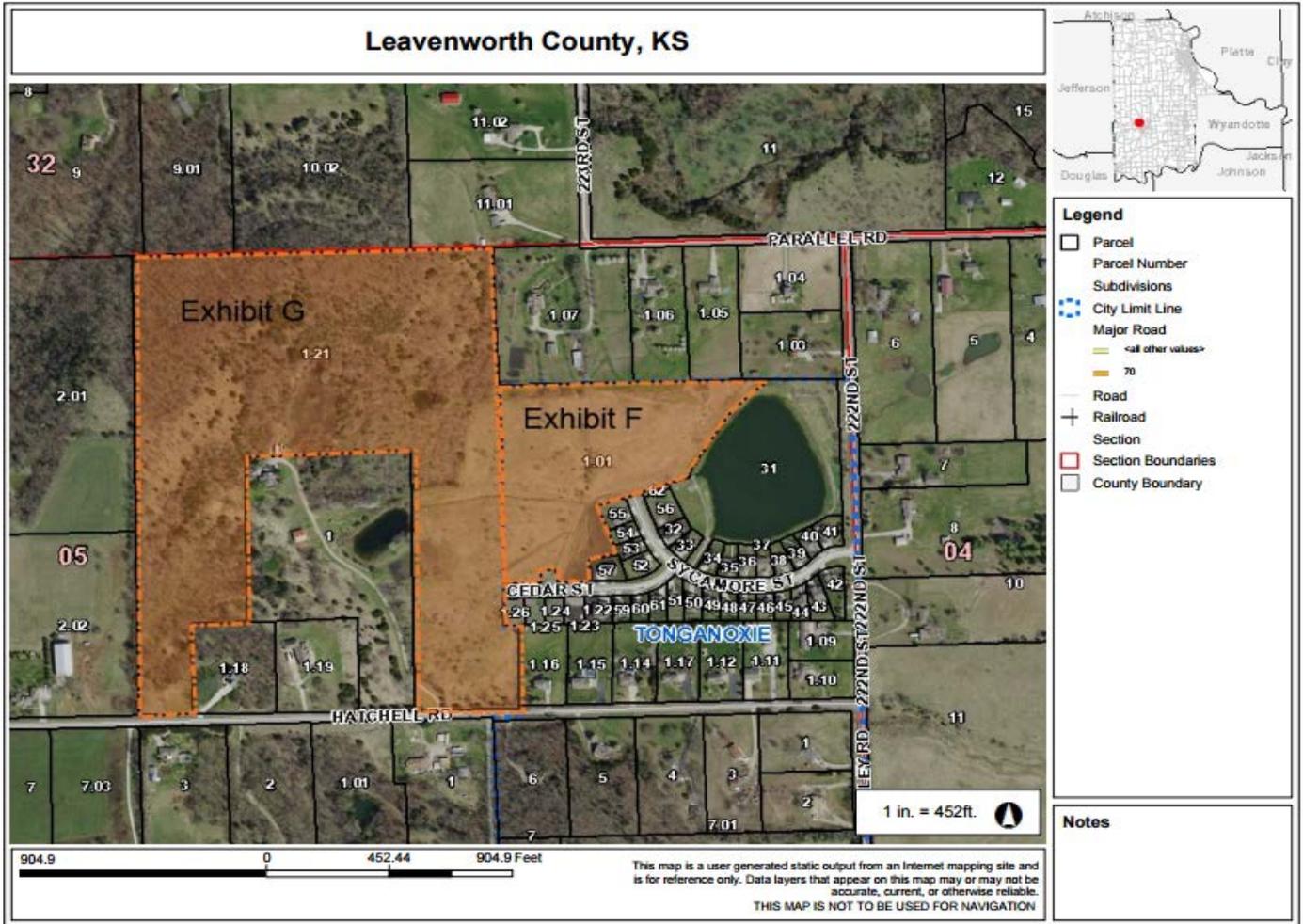
**Single-Family Exhibit:**

	<b>Parcel ID</b>	<b>Site Address</b>	<b>Legal Description</b>
<b>Exhibit D</b>	1951600000003000	21589 EVANS RD, Tonganoxie, KS 66086	PT E1/2 NE1/4 BEG SE COR N2600' E492', S864.45', E487', S1745.5', W979' TO POB



**Single-Family Exhibit:**

	Parcel ID	Site Address	Legal Description
Exhibit E	1920902011001000	304 SHAWNEE ST, Tonganoxie, KS 66086	BLKS 7&15 & VAC ALLEYS & VAC 3RD ST ADJ



**Single-Family Exhibits:**

	Parcel ID	Site Address	Legal Description
<b>Exhibit F</b>	1930500000001010	00000 223RD ST, Tonganoxie, KS 66086	BEG W1290'(S) & S530'(S) OF NE COR, E630', SE181.2', 225.8', S52.3', WLY271.7', SELY203.4'(S), WLY105.9', S74.7', W124'(S), N50', W60', S50', W140', N TO POB
<b>Exhibit G</b>	1930500000001210	00000 HATCHELL RD, Tonganoxie, KS 66086	PT NE1/4 BEG SW COR; N TO N LI NE1/4, E1311'(S), S1500'(S), E50'(S), S320', W360'(S), N1023', W625', S660', W175', S363'W TO POB LESS ROW



Office of the City Manager  
**AGENDA STATEMENT**

**DATE:** June 5, 2017  
**To:** Honorable Mayor Jason K. Ward and Members of the City Council  
**FROM:** Jamie Shockley, Assistant City Manager  
**SUBJECT:** Consider Approval of Release Agreement with Landowners at 242 S. Whilshire Drive and 238 S. Whilshire Drive

**DISCUSSION:**

Attached for the Council's review are two release agreements with the property owners on Whilshire Drive to address the drainage issues the Council has been discussing for the past two years. The agreements were drafted by the City Attorney and include the following provisions:

1. The City will provide dirt for construction of a berm on the landowner's property at no cost to the landowners.
2. The City will replace an existing 24" storm sewer pipe with a 36" storm sewer pipe located within the drainage easement and regrade the ditch located within the drainage easement, subject to utility locations, at no cost to the Landowners.
3. The Landowners, at their own cost, will be required to build a berm that is 2' above the calculated base flood elevation and the top of which is 4' above the finish floor of the landowners residence.
4. The Landowners will cause rock retaining walls to be constructed between the berm and residence.
5. The landowners will install and maintain a sump pump with a capacity of at least 140 gallons per minute to pump out water that falls between the top of the berm and the residence.
6. To execute the agreement, both the City and Landowners must release each other from any liability.

The proposed improvements would cost the City approximately \$11,500. This does not include engineering and legal fees that have already been paid studying this issue, which is over \$10,000 to date.

In response to the agreement that was drafted, Mr. Provost provided the following comments to City staff:

- *First and foremost, why is a release agreement even required? The City is going to perform upgrades on city easements. I would assume this work happens all over town without these type of agreements.*
- *Within the agreement, we discussed striking all of 2.B Landowners. Personal property improvements should not be part of this agreement, nor should they be required to happen in conjunction with City improvements. The recommendation of improvements listed may change the natural flow of water and create problems for other residents. I would ask that any personal property improvements be done after the fact so that each home owner can analyze the drainage easement and make an education decision that's best for them.*
- *The agreement mentions a completion within 6 months. Can we negotiate this? In discussions with the city superintendent this work is ready to perform once we come to an*

*agreement. This idea was brought to the table last August and got pushed aside. I would hope that we could expedite this due to our ongoing concerns with heavy rainfall.*

- *Strike the wording in the attached. I don't feel it would be responsible on our part to release liability for knowns or unknowns. If the city would like released from liability for the work they will perform we could agree to that.*
- *Without engineered documents specifically detailing the scope of work the city will perform, would it be possible to sign the release after the work is completed? That way we can at least have a visual inspection of the work completed before releasing any liability. Currently we are working on good faith that the work will be acceptable and adequate. There are no guidelines for the City to follow."*

In response to Mr. Provosts comments, city staff discussed his requests with the city engineer and city attorney, and we do not believe it would be appropriate to accept any of the above requests. The provisions listed in the contract, as it stands, should be non-negotiable. The City engineer has stated that the proposed solution, including both the city and property owner improvements, will satisfy the 100 year flood requirements for the property.

**Action Needed:**

Consider approval of release agreements for 242 and 238 S. Whilshire.

## RELEASE AGREEMENT

**THIS RELEASE AGREEMENT** ("Agreement") is executed by the City of Tonganoxie, Kansas (the "City") and Lucas W. and Brittany G. McWilliams (the "Landowners") on the \_\_\_\_ day of May, 2017 (the "Effective Date").

1. **Background.** The Landowners own the property located at 242 S Wilshire Dr. in the Greystone Addition, Tonganoxie, Kansas. Ongoing storm water issues have been identified by the parties. The City Engineers with BG Consultants have identified and recommended certain projects to mitigate these ongoing storm water issues. These projects include; 1) the construction of a berm that is 2' above the calculated flood elevation (99.42'), the top of the berm being approximately 4' above the finish floor of the residence, 2) the construction of retaining walls between the berm and the Landowners residence, 3) the installation of a sump pump to pump out water that falls between the top of the berm and the residence, 4) the replacement of an existing 24" storm sewer pipe with a 36" storm sewer pipe located within a drainage easement on Landowners property, and 5) the regrading of the ditch located in the drainage easement on Landowners property to allow for more efficient drainage.

2. **Agreement.** The City and Landowners will each be responsible for the following projects to remedy the ongoing storm water issues identified by the parties:

- a. **City.** The City will provide approximately 300 cubic yards of dirt for construction of a berm on the Landowners property at no cost to the Landowners. In addition to the delivery of dirt, the City will replace an existing 24" storm sewer pipe with a 36" storm sewer pipe located within the drainage easement located on Landowners property, and regrade the ditch located within the drainage easement located on the Landowners property, subject to utility locations, at no cost to the Landowners.
  - i. The projects to be completed by the City shall be completed within six (6) months of the Effective Date of this Agreement.
- b. **Landowners.** The Landowners, at their own cost, will cause the following improvements to be completed. Landowners will cause a berm that is 2' above the calculated base flood elevation (99.42'), and the top of which is approximately 4' above the finish floor of the Landowners residence to be constructed on Landowners property. The Landowners will cause rock retaining walls to be constructed between the above mentioned berm and the Landowners residence. The Landowners will install and maintain a sump pump with a capacity of at least 140 gallons per minute to pump out water that falls between the top of the berm and the residence.

3. **Contingent upon Council Approval.** The obligations of the City under this Agreement are contingent upon final approval of the Agreement by the City Council of the City.

4. **Mutual Release.** In consideration of the materials and work described above and in provision of the releases, covenants and promises set forth in this Agreement, the sufficiency of which the parties acknowledge, the parties for themselves, successors and assigns expressly release each other and each other's party successors and assigns who are or might be liable, none

of whom admit any liability but expressly deny any liability whatsoever from any and all claims and demands of whatever nature, actions and causes of action whether known in law or in equity, damages, costs, fees, expenses, loss of service, compensation and suits of any kind, whether known or unknown, that exist as of this date from or on account of or in any way growing out of which may be traced either directly or indirectly to the work performed to correct storm water issues on Landowners property, including all claims raised or that could have been raised by either party, and all claims arising from any alleged misrepresentations, acts of deceit or arising from any act, omission, matter, event or occurrence occurring at any time through the date of this Agreement.

5. **Denial of Liability.** Nothing stated in this Agreement shall be construed as an admission of liability by any party. This Agreement shall forever settle, adjust or discharge any and all claims which the parties may have against each other arising from the actions or inactions described in this Agreement, and each party shall pay its own costs and attorneys' fees.

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

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

**THE CITY OF TONGANOXIE, KANSAS**

\_\_\_\_\_  
Mayor Jason Ward

ATTEST

\_\_\_\_\_  
Patty Hagg, City Clerk

**LANDOWNERS**

\_\_\_\_\_  
Lucas W. McWilliams

\_\_\_\_\_  
Brittany G. McWilliams

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## RELEASE AGREEMENT

**THIS RELEASE AGREEMENT** ("Agreement") is executed by the City of Tonganoxie, Kansas (the "City") and Zackary J. and Jamie L. Provost (the "Landowners") on the \_\_\_\_\_ day of May, 2017 (the "Effective Date").

1. **Background.** The Landowners own the property located at 238 S Wilshire Dr. in the Greystone Addition, Tonganoxie, Kansas. Ongoing storm water issues have been identified by the parties. The City Engineers with BG Consultants have identified and recommended certain projects to mitigate these ongoing storm water issues. These projects include; 1) the construction of a berm that is 2' above the calculated flood elevation (99.42'), the top of the berm being approximately 4' above the finish floor of the residence, 2) the construction of retaining walls between the berm and the Landowners residence, 3) the installation of a sump pump to pump out water that falls between the top of the berm and the residence, 4) the replacement of an existing 24" storm sewer pipe with a 36" storm sewer pipe located within a drainage easement on Landowners property, and 5) the regrading of the ditch located in the drainage easement on Landowners property to allow for more efficient drainage.

2. **Agreement.** The City and Landowners will each be responsible for the following projects to remedy the ongoing storm water issues identified by the parties:

- a. **City.** The City will provide approximately 300 cubic yards of dirt for construction of a berm on the Landowners property at no cost to the Landowners. In addition to the delivery of dirt, the City will replace an existing 24" storm sewer pipe with a 36" storm sewer pipe located within the drainage easement located on Landowners property, and regrade the ditch located within the drainage easement located on the Landowners property, subject to utility locations, at no cost to the Landowners.
  - i. The projects to be completed by the City shall be completed within six (6) months of the Effective Date of this Agreement.
- b. **Landowners.** The Landowners, at their own cost, will cause the following improvements to be completed. Landowners will cause a berm that is 2' above the calculated base flood elevation (99.42'), and the top of which is approximately 4' above the finish floor of the Landowners residence to be constructed on Landowners property. The Landowners will cause rock retaining walls to be constructed between the above mentioned berm and the Landowners residence. The Landowners will install and maintain a sump pump with a capacity of at least 140 gallons per minute to pump out water that falls between the top of the berm and the residence.

3. **Contingent upon Council Approval.** The obligations of the City under this Agreement are contingent upon final approval of the Agreement by the City Council of the City.

4. **Mutual Release.** In consideration of the materials and work described above and in provision of the releases, covenants and promises set forth in this Agreement, the sufficiency of which the parties acknowledge, the parties for themselves, successors and assigns expressly release each other and each other's party successors and assigns who are or might be liable, none

of whom admit any liability but expressly deny any liability whatsoever from any and all claims and demands of whatever nature, actions and causes of action whether known in law or in equity, damages, costs, fees, expenses, loss of service, compensation and suits of any kind, whether known or unknown, that exist as of this date from or on account of or in any way growing out of which may be traced either directly or indirectly to the work performed to correct storm water issues on Landowners property, including all claims raised or that could have been raised by either party, and all claims arising from any alleged misrepresentations, acts of deceit or arising from any act, omission, matter, event or occurrence occurring at any time through the date of this Agreement.

5. **Denial of Liability.** Nothing stated in this Agreement shall be construed as an admission of liability by any party. This Agreement shall forever settle, adjust or discharge any and all claims which the parties may have against each other arising from the actions or inactions described in this Agreement, and each party shall pay its own costs and attorneys' fees.

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

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

**THE CITY OF TONGANOXIE, KANSAS**

\_\_\_\_\_  
Mayor Jason Ward

ATTEST

\_\_\_\_\_  
Patty Hagg, City Clerk

**LANDOWNERS**

\_\_\_\_\_  
Zackary J. Provost

\_\_\_\_\_  
Jamie L. Provost

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



**APRIL 2017**

	Single Family Units <sup>A</sup>	Multi-Family Units <sup>%</sup>	Total Units	S-F Units YTD	M-F Units YTD	Total Units YTD
<b>CASS COUNTY</b>						
Archie	0	0	0	0	0	0
Belton	37	0	37	49	0	49
Cass County	0	0	0	0	0	0
Cleveland	1	0	1	2	0	2
Drexel	0	0	0	0	0	0
Garden City	2	0	2	2	0	2
Harrisonville	0	0	0	0	0	0
Lake Winnebago	0	0	0	5	0	5
Lee's Summit	0	0	0	11	0	11
Peculiar	35	0	35	48	0	48
Pleasant Hill	0	0	0	15	0	15
Raymore	14	0	14	74	0	74
Village of Loch Lloyd	0	0	0	5	0	5
	<b>89</b>	<b>0</b>	<b>89</b>	<b>211</b>	<b>0</b>	<b>211</b>
<b>CLAY COUNTY</b>						
Clay County	5	0	5	24	0	24
Excelsior Springs	3	0	3	6	0	6
Gladstone	0	0	0	2	0	2
Kansas City	64	0	64	292	0	292
Kearney	11	0	11	38	0	38
Lawson	0	0	0	0	0	0
Liberty	6	0	6	21	0	21
North Kansas City	0	0	0	0	0	0
Pleasant Valley	0	0	0	0	0	0
Smithville	4	0	4	33	0	33
	<b>93</b>	<b>0</b>	<b>93</b>	<b>416</b>	<b>0</b>	<b>416</b>
<b>JACKSON COUNTY</b>						
Blue Springs	10	0	10	56	0	56
Buckner	0	0	0	0	0	0
Grain Valley	4	0	4	28	0	28
Grandview	0	0	0	0	0	0
Greenwood	4	0	4	6	0	6
Independence	4	0	4	28	0	28
Jackson County	2	0	2	18	0	18
Kansas City	4	0	4	19	0	19
Lake Lotawana	0	0	0	0	0	0
Lee's Summit	42	0	42	190	89	279
Oak Grove	5	0	5	19	0	19
Raytown	0	0	0	0	0	0
Sugar Creek	0	0	0	0	0	0
	<b>75</b>	<b>0</b>	<b>75</b>	<b>364</b>	<b>89</b>	<b>453</b>
<b>PLATTE COUNTY</b>						
Edgerton	0	0	0	0	0	0
Kansas City	7	0	7	59	0	59
Parkville	4	0	4	15	0	15
Platte City	0	0	0	0	0	0
Platte County	24	0	24	79	0	79
Riverside	8	0	8	17	0	17
Weatherby Lake	2	0	2	7	0	7
Weston	0	0	0	0	0	0
	<b>45</b>	<b>0</b>	<b>45</b>	<b>177</b>	<b>0</b>	<b>177</b>
<b>JOHNSON COUNTY</b>						
De Soto	4	0	4	6	0	6
Edgerton	0	0	0	0	0	0
Fairway	0	0	0	2	0	2
Gardner	20	0	20	25	0	25
Johnson County	6	0	6	20	0	20
Leawood	6	0	6	17	0	17
Lenexa	18	37	55	84	67	151
Merriam	0	0	0	0	0	0
Mission Hills	3	0	3	4	0	4
Olathe	41	12	53	159	22	181
Overland Park	30	0	30	143	287	430
Prairie Village	2	0	2	10	0	10
Shawnee	20	0	20	47	0	47
Spring Hill	11	0	11	34	0	34
Westwood	0	0	0	0	0	0
	<b>161</b>	<b>49</b>	<b>210</b>	<b>551</b>	<b>376</b>	<b>927</b>

	Single Family Units <sup>A</sup>	Multi-Family Units <sup>%</sup>	Total Units	S-F Units YTD	M-F Units YTD	Total Units YTD
<b>LEAVENWORTH COUNTY</b>						
Basehor	9	0	9	27	0	27
Lansing	0	0	0	5	0	5
Leav. County	13	0	13	30	0	30
Leavenworth	0	0	0	5	0	5
Tonganoxie	0	0	0	22	0	22
	<b>22</b>	<b>0</b>	<b>22</b>	<b>89</b>	<b>0</b>	<b>89</b>
<b>WYANDOTTE COUNTY</b>						
Bonner Springs	0	0	0	2	0	2
Edwardsville	0	0	0	0	0	0
KCK/Wyandotte Co	52	0	52	187	0	187
	<b>52</b>	<b>0</b>	<b>52</b>	<b>189</b>	<b>0</b>	<b>189</b>
<b>MIAMI COUNTY</b>						
Louisburg	1	0	1	12	0	12
Miami County	12	0	12	14	0	14
Osawatomie	0	0	0	0	0	0
Paola	5	0	5	5	0	5
Spring Hill	0	0	0	5	0	5
	<b>18</b>	<b>0</b>	<b>18</b>	<b>36</b>	<b>0</b>	<b>36</b>
<b>Totals</b>	<b>555</b>	<b>49</b>	<b>604</b>	<b>2033</b>	<b>465</b>	<b>2498</b>

**Comparison of Single Family Building Units for Greater Kansas City**  
(Cass, Clay, Jackson, Platte, Johnson, Leavenworth, Miami, Wyandotte Counties)

Month/Year	2010	2011	2012	2013	2014	2015	2016	2017
January	137	90	188	273	287	240	274	448
February	145	121	182	224	216	260	408	469
March	252	180	270	335	362	393	542	561
April	228	210	277	444	439	437	523	555
May	213	230	294	337	385	395	503	
June	239	262	268	333	364	438	578	
July	180	204	288	409	375	399	494	
August	243	205	260	354	352	425	530	
September	173	202	379	384	383	462	418	
October	279	205	331	369	468	459	462	
November	173	185	283	340	312	360	412	
December	209	207	279	288	328	432	345	
<b>Annual Total</b>	<b>2,471</b>	<b>2,301</b>	<b>3,299</b>	<b>4,090</b>	<b>4,271</b>	<b>4,700</b>	<b>5,489</b>	<b>2,033</b>

**Comparison of Permits By Units Issued Year to Date**

**2010 - 2017**

	S-F Units	M-F Units	Total Units
2010	762	55	817
2011	601	212	813
2012	917	121	1038
2013	1276	1281	2557
2014	1304	1159	2463
2015	1329	999	2328
2016	1747	1348	3095
2017	2033	465	2498

<sup>A</sup>The Single Family number is units and includes both attached and detached units.  
<sup>%</sup>Multi-Family units are in buildings with 5 or more units.  
 # Not available at time of report

Permit information reflects the most recent data at time of publication. In order to ensure accurate recording of residential building permit statistics, the HBA may revise monthly and year-to-date figures when updated data is made available. Copyright 2017 Home Builders Assoc of Greater Kansas City. All rights reserved.