

**EDGERTON CITY COUNCIL  
MEETING AGENDA **AMENDED**  
CITY HALL, 404 EAST NELSON STREET  
March 12, 2020  
7:00 P.M.**

**Call to Order**

1. **Roll Call** \_\_\_\_ Roberts \_\_\_\_ Longanecker \_\_\_\_ Conus \_\_\_\_ Lewis \_\_\_\_ Smith \_\_\_\_ Beem
2. **Welcome**
3. **Pledge of Allegiance**

**Consent Agenda** *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

4. Approve Minutes for February 27, 2020 Regular City Council Meeting
5. Approve Ordinance No. 2033 Approving The Descriptions And Survey Of Lands Necessary For Acquisition Of Easements Needed For Constructing 56 Highway Multi-Use Trail And Associated Improvements.

**Regular Agenda**

6. **Public Comments.** Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court or other outside tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers are limited to three (3) minutes. Any presentation is for informational purposes only. No action will be taken.
7. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.
8. **Presentation By ETC Institute of 2020 Citizen Survey Results**
9. **Presentation By The Gardner Edgerton Chamber Of Commerce**

**Business Requiring Action**

10. **PUBLIC HEARING TO CONSIDER WAIVING THE CITY DISTANCE REQUIREMENT REGARDING THE SALE AND SERVING OF ALCOHOLIC LIQUOR AT THE FULL DRAW BAR AND GRILL LOCATED AT 100 EAST 2<sup>ND</sup> STREET, EDGERTON, KANSAS**
11. **CONSIDER RESOLUTION 03-12-20A WAIVING THE CITY DISTANCE REQUIREMENT REGARDING THE SALE AND SERVING OF ALCOHOLIC LIQUOR AT THE FULL DRAW BAR AND GRILL LOCATED AT 100 EAST 2<sup>ND</sup> STREET, EDGERTON, KANSAS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**12. CONSIDER ORDINANCE NO. 2034 ANNEXING CERTAIN LAND INTO THE CITY OF EDGERTON, KANSAS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**13. CONSIDER AGREEMENT WITH JOHNSON COUNTY TO JOIN WATERSHED ORGANIZATION 4, PARTICIPATING IN JOHNSON COUNTY'S STORMWATER MANAGEMENT PROGRAM**

**14. CONSIDER APPLICATION FP2019-03, FINAL PLAT FOR ON THE GO TRAVEL CENTER, FIRST PLAT, GENERALLY LOCATED AT THE NORTHEAST CORNER OF HOMESTEAD LANE AND INTERSTATE 35 (I-35)**

**15. CONSIDER ACCEPTANCE OF 207<sup>TH</sup> GRADE SEPARATION DEED OF DEDICATION OF RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT**

**16. Report By The City Administrator**

**17. Report By the Mayor**

**18. Future Meeting/Event Reminders:**

- March 26<sup>th</sup>: City Council Meeting – 7:00 PM
- April 9<sup>th</sup>: City Council Meeting – 7:00 PM
- April 14<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- April 23<sup>rd</sup>: City Council Meeting – 7:00 PM
- May 5<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- May 14<sup>th</sup>: City Council Meeting – 7:00 PM

**19. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75- 4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**20. Adjourn** Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

# EVENTS

March 13<sup>th</sup>: Card Sharks

March 16<sup>th</sup>-20<sup>th</sup>: Spring Break Parks and Rec Activities

March 31<sup>st</sup>: Knitting Class

April 4<sup>th</sup>: Easter Egg Hunt

April 6<sup>th</sup>: Art Class

April 13<sup>th</sup>: Cooking Class

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**February 27, 2020**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on February 27, 2020. The meeting convened at 7:00 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present
Josh Beem	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Tiffany Thomas
- City Clerk/Planning and Zoning Coordinator Chris Clinton
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Superintendent Trey Whittaker
- Marketing and Communications Manager Kara Banks
- Accountant Justin Vermillion
- Parks & Recreation Coordinator Maddie Becker

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

4. Approve Minutes for January 23, 2020 Regular City Council Meeting.
5. Approve Minutes for February 7, 2020 Special City Council Meeting.
6. Approve Resolution No. 02-27-20A Setting Forth the Authority for Members of the Governing Body and City Staff with Regard to the City's Accounts at Central Bank of the Midwest.
7. Final Acceptance of Street Reconstruction

Councilmember Longanecker motioned to approve the Consent Agenda, motion seconded by Councilmember Smith. The Consent Agenda was approved, 5-0.

**REGULAR AGENDA**

**8. Public Comments.**



There were no public comments made at this time.

**9. Declaration.**

None of the Councilmembers had any declarations at this time.

**10. Introduction of New Accountant, Justin Vermillion.**

Ms. Beth Linn, City Administrator introduced Mr. Justin Vermillion to the City Council (the Council). She stated he works in Studio B above ACA Catering at 312 East Nelson, Edgerton, Kansas 66021 and he began work with the City of Edgerton (the City) in the last week of January 2020. Mr. Vermillion stated he has enjoyed his first month with the City and the nice people and great environment. He informed the Council he was employed with the same firm for fifteen (15) years before joining the City. Ms. Linn stated he no longer is commuting to Downtown Kansas City. Mr. Vermillion stated that is correct and appreciates the extra hour and half he gets to spend with his family daily. Ms. Linn informed the Council this was a new position created to allow Ms. Karen Kindle, Finance Director, to focus on strategic planning and long-range budgeting. The Council welcomed Mr. Vermillion to the City.

**11. Introduction of Master Deputy Brad Johnson, Edgerton's Community Officer.**

Ms. Linn stated Master Deputy Brad Johnson's schedule finally allowed him to be in attendance for a Council meeting. She said City Staff is delighted to have Master Deputy Johnson in Downtown Edgerton and he is already assisting Staff. Mayor Roberts recognized Master Deputy Johnson's efforts to be seen in the community and making his presence known to the residents. Master Deputy Johnson greeted the Council and explained he has been a part of the Sheriff's Department for sixteen (16) years with the first four (4) being in the jail. He stated he has been a part of teams in the maximum-security facility, but his focus has been on community policing for the last four (4) years. Master Deputy Johnson mentioned he appreciates it when residents register their security camera with the Sheriff's Office as it allows crimes to be solved quicker and easier. Master Deputy Johnson enjoys spending time with the children of the City. Ms. Linn stated he has an office located in Edgerton Elementary School and it is beneficial for the children to see an officer in a positive light. Master Deputy Johnson agreed and stated there have been times when children see him in a negative light while on duty but has noticed a change in the children's attitudes towards him while being at the school. He informed the Council he does plan on having a bicycle to do patrol on and not just his normal vehicle when the weather allows. The Council welcomed Master Deputy Johnson and stated they look forward to seeing him throughout the City.

**12. Presentation for 2020 Budget Request by Project Grad.**

Ms. Brenda Cloud, 105 West Martin Street, Edgerton, Kansas 66021 approached the Council. She stated the goal of Project Grad is to give safe travel and a safe place for newly graduated seniors from Gardner-Edgerton High School to celebrate in. Ms. Cloud is requesting any contribution the City is able to make to help supply transportation and food

for the new graduates. Ms. Linn informed the Council in May of 2019, the Council at that time set aside \$2,000 for the 2020 Project Grad donation in the City's 2020 budget. Ms. Linn and Mayor Roberts recommended the president of Project Grad should plan on presenting before the Council in May to request the budget include a donation for 2021. Councilmember Longanecker motioned to approve a donation of \$2,000 to Project Grad, Councilmember Conus seconded. The Council donated \$2,000 to Project Grad for 2020, 5-0.

### **Business Requiring Action**

#### **13. CONSIDER RESOLUTION NO. 02-27-20B PURSUANT TO K.S.A. 26-201 SETTING FORTH THE NECESSITY FOR CONDEMNATION OF PRIVATE PROPERTY AND AUTHORIZING PREPARATION OF A SURVEY AND LEGAL DESCRIPTIONS OF THE PROPERTY TO BE CONDEMNED.**

Ms. Linn introduced Resolution No. 02-27-20B. She said the Highway 56 Trail Project includes construction of a new multi-use path along the southside of Highway 56 to provide pedestrian and bicycle access from neighborhoods and residences along Highway 56 to Dollar General, Edgerton Elementary, and other future development. The Project requires acquisition of easements from several property owners along the corridor. Ms. Linn informed the Council in September of 2019, the Council passed Resolution 09-12-19B and Ordinance No. 2026 to acquire the necessary permanent easements for the Project. Following that action, City Staff determined that the temporary construction easements that are necessary to construct the improvements were inadvertently left out of the resolution and ordinance. She explained the temporary construction easements allow the contractors space to work for the construction the trail. Councilmember Beem inquired if the property owners along the trail accept providing their property to the City. Ms. Linn replied the eminent domain process is used as a last resort to obtain land for public improvement when an agreement cannot be reached between the City and the property owner.

Councilmember Longanecker motioned to approve Resolution No. 02-27-20B, Councilmember seconded the motion. Resolution No. 02-27-20B was approved, 5-0.

#### **14. Report by the City Administrator**

- Designate Voting Member and Alternate for Kansas Rural Water Association (KRWA)

Ms. Linn stated Councilmember Smith is attending the KRWA conference in March and recommended Councilmember Smith be listed as the primary voting delegate. Ms. Linn suggested Mr. Mike Mabrey, Utilities Superintendent, be listed as an alternate voting delegate. She said Mr. Dan Merkh, Public Works Director, and Mr. Wayne Kauffman, Utilities, would also be attending the conference.

Councilmember Beem motioned to approve Councilmember Smith as the primary voting delegate and Mr. Mabrey as the alternate for the KRWA conference, Councilmember Longanecker seconded. Councilmember Smith was named the primary voting delegate and Mr. Mabrey was named the secondary voting delegate for the KRWA conference, 5-0.

- Field Rental Discussion

Ms. Linn stated in November of 2019, City Staff presented a report regarding the field rentals in Martin Creek Park. At that time, the Council requested more information on how the City would go about hosting a tournament. Ms. Linn said the memo included in the Council's packet does highlight what was presented to the Council last November. Ms. Maddie Becker, Parks and Recreation Coordinator and Mr. Trey Whitaker, Public Works Superintendent came before the Council. Ms. Becker recapped the usage of the fields in 2019 by stating seven (7) teams reserved Field One for practices. She reminded the Council Field One is only available upon reservations. The practices allowed for one team each night for two (2) hours. A \$50 deposit was required to obtain a key for Field One and the deposit was returned fully once the key was returned. Ms. Becker stated lighting was available for \$20 an hour. Field Two was available on a first come, first serve basis so the public had access to a field.

Ms. Becker stated there are four (4) options for the fields in 2020. The first option would be for the City to enhance the practice fields and build upon what is in place currently. Ms. Becker recommended a field rental fee of \$5 per hour for resident teams, which are teams that have at least 60% Edgerton address, and \$10 per hour for a non-resident team. The deposit would remain the same at \$50 to be refunded upon return of the key. City Staff also recommended a splitting of the season dates. A Spring season from March 1 to June 30 and a Fall season from July 1 – October 31. Currently, the field rental season is March 1 to October 31. The splitting of the season would allow a team to change the practice time mid-way through the season. Ms. Becker stated Staff recommends a change from the two (2) hour time slots to ninety (90) minutes so more than one team can practice per night. The fee for lighting would stay the same at \$20 per hour. To reserve Field One, each coach would email the completed registration to the Parks and Recreation Coordinator starting on the first business day of January at 8:00 AM for the Spring Season. The coaches would then submit their top three preferences for practice times. Reservations would be first come, first served with Edgerton teams getting preference. The registration process would start on the first business day of June for the Fall season. Mr. Whitaker stated this option would have more involved work to bring the quality of the turf up for safety and to maintain the quality. He stated it would not require any additional funding.

Ms. Becker informed the Council the second option would be for the City to join a youth recreation league known as the Big 4. It is comprised of Baldwin City, Wellsville, Eudora, and De Soto for younger children, ages seven (7) and eight (8). Gardner and Spring Hill participate in the league for older age groups, age nine (9) and up. Each municipality determines the enrollment requirements. The requirements include the cost, what equipment is provided, deadlines, and other obligations. Ms. Becker stated a lot of the other cities provide some equipment, such as catcher's gear, and some level of a uniform, such as the shirts and hats. The City would need to ensure there are enough children to field a team in an age group. Currently, around fifty-two (52) Edgerton children participate in Gardner. Based on the number of participants in the age brackets, the City might be able to field one or two teams. Each City provides a League Coordinator for enrollment and administrative purposes, a Field Supervisor, and Umpires when hosting games. Mr. Whitaker informed the Council there would need to be more

improvements made to reach the same operating level of field as the other participating Cities. He stated when City Staff met with the League Staff, to be considered to join, there would need to be a plan for a restroom facility, concessions, dugouts, and the fields would need to be upgraded. An estimated total cost for each field would be \$94,925 for this season and \$524,925 to \$674,925 for future seasons. Mr. Whitaker explained a large portion of the cost would be the restroom and concession facility.

Ms. Becker explained the final two (2) options regard the City hosting tournaments. She stated for the City to host a youth tournament, a restroom facility, concessions facility, and dugouts need to be in place. To be a host site, the City would need at least four (4) fields with the amenities mentioned previously. As of now, Edgerton could be an overflow site if the amenities were provided. The City would need to reserve the fields for possible tournament overflow for the tournament dates. Mr. Whitaker stated there would need to be many upgrades to the field as well as the construction of facilities to be ready to host a youth tournament. He provided an estimate of \$864,925 to \$1,014,925 to become eligible to host a youth tournament.

Ms. Becker stated some cities do have locations for adult tournament play with limited amenities. Portable restrooms can be used, and Field Supervisor would be needed like with youth recreation league. City Staff recommends the Parks and Recreation Coordinator serve this role. There would still be a need for seasonal staff to ensure smooth operations of these tournaments. Ms. Becker stated if this option is selected, the only additional cost would be to add more portable restrooms.

Ms. Linn explained there is a chance to create some revenue with these options, but the amounts vary wildly. She said City Staff can continue researching and compile a more detailed budget to include revenue possibilities and expenditures if the Council would like. Ms. Linn was informed by the City's insurance agent that the current insurance policies do not cover any accidents and it is possible for additional policies to be needed. Ms. Linn also recognized there would be additional staffing that would be needed for the concessions and other operations associated with the functions of the fields. Ms. Linn asked for the Council to consider what direction to lead Staff in regard to this season and discuss what research needs to be done to add funding in the future to make the upgrades a Capital Improvement Project (CIP).

Councilmember Beem stated he has coached through Gardner's League. He inquired if Edgerton would partner with Gardner. Ms. Becker replied the options presented would be organizing a team and league specific to Edgerton. Councilmember Beem followed up by asking if the numbers of participants would be brought up enough to field teams. Ms. Linn stated each City will need to provide their own team if they join the Big 4 League. Councilmember Beem inquired what would happen if Edgerton does not fill a team. Ms. Linn stated the Council could direct staff to look into that league for more details. Mayor Roberts would like to have Edgerton-only teams competing. Councilmember Beem voiced his willingness to help coach the team if needed. Councilmember Smith wondered if enough children would sign up as well. Mayor Roberts stated it would be a long-term goal to have teams composed of Edgerton players.

Councilmember Lewis clarified the budget would be in the Parks and Recreation category. Mayor Roberts replied it is. Councilmember Lewis said he would like to see Edgerton youth join a local team and get acclimated to sport. He said it does not cost much at this moment for the kids to play and could eventually bring in revenue when all the upgrades are done. Councilmember Longanecker asked if there would be enough community involvement to warrant the investment. Councilmember Lewis stated he believes most parents take their children to other cities to play so involvement should be high. He explained it could be low for a year or two then as residents realize there is a league in Edgerton, more and more people would sign up. Mayor Roberts requested clarification by asking if Councilmember Lewis would like to see City Staff work toward Edgerton having a youth league team then work towards making the fields ready to host a tournament. Councilmember Lewis confirmed that is what he would like to see Staff work towards. Mayor Roberts asked if it is practical at this time for the 2020 season. Councilmember Lewis replied most signup deadlines have passed or are quickly approaching so it would be difficult to field a team this year. Councilmember Smith recommended it be something to work towards for next year. Councilmember Lewis requested the fees for joining the Big 4 League. Ms. Linn replied the enrollment fees are set by each City and varies on cost depending on what the City supplies to the players. Councilmember Lewis mentioned it is expensive where he coaches and would be beneficial to have a league here. Councilmember Beem inquired about the City renting equipment to players. Ms. Linn stated there are many things that would be needed for Edgerton to join the Big 4 League and equipment rental. Councilmember Lewis recommended for City Staff to keep the process the same as last year and start the process of joining the Big 4 League. Councilmember Longanecker stated the funds could be set aside in the budget for the upgrades. Councilmember Lewis agreed and said there are many models to look at to see what would work best for Edgerton.

Mayor Roberts inquired about the fees associated with the upgrades so it can be added to the for budget. Ms. Linn answered the most expensive upgrades are for the lighting, concessions, and restrooms, but that the project would need to be a CIP and would not be added to the CIP Budget until 2021 to be implemented as a 2020 CIP. Councilmember Longanecker agreed with Councilmember Lewis that it is too late for this year, but the City should work on adding the funds to the 2022 CIP Budget. Mayor Roberts said it would be a big change from how it is currently. Councilmember Lewis stated he uses the fields, but if there is a City league, then those teams would take preference. Mayor Roberts informed the Council the item is on a path for a budget discussion, so funds do need to be set aside. He recommended a more detailed presentation be brought forth by City Staff if the Council requests staff to improve the fields for league play.

Councilmember Longanecker noted the restrooms and concessions would be a benefit to many more than just those at baseball games. The Council agreed it would be beneficial to have them for City events at Martin Creek Park. Councilmember Smith mentioned the upgraded fields would also be helpful to aid the City in population growth.

Councilmember Lewis mentioned he is confident that no team will meet the residency requirements that City Staff has recommended. He stated the reservations would be for teams from all over the place. Councilmember Lewis understands charging teams that

are not from Edgerton as it adds wear and tear to the field but does not think Edgerton teams should be charged for practice times. Mayor Roberts inquired as to why Councilmember Lewis does not practice in Blue Valley where he plays. Councilmember Lewis answered it is closer to home and easier to practice here in Edgerton, but there is no charge in Blue Valley or Gardner to practice. He wants to provide a place for kids to practice when resources can be limited. Mayor Roberts said he does want to see families using the fields but there is a lot of money that has been and could be spent on the fields and it is important to recoup some of those funds. Councilmember Beem asked if the Council wanted kids to practice on improved fields. Councilmember Lewis said it would be around \$120 a month to practice in Edgerton. He stated it is not a lot so why charge for practice. Mayor Roberts said it is free to encourage people to use the fields and charging for the practices would assist in recouping some of the cost of maintaining and improving the fields. The more the fields get used, the more maintenance will need to be done. Mayor Roberts compared it to the tax funds used for the Gardner pool. Anybody can use the Gardner pool; however, Edgerton residents pay more to go to the pool.

Mayor Roberts proposed no fee for Edgerton teams while non-residential teams do have a rental fee. Councilmember Lewis said he is not a part of the Gardner league but uses their fields to practice and still does not have to pay a fee in order to use the field. Mayor Roberts replied Gardner has a league to help recoup the funds to maintain the field, to where Edgerton does not have a league at this time. Mayor Roberts said \$10 an hour is minimal, but it is something to help recoup the costs. Councilmember Lewis is concerned it could create a barrier for children to play and the cost would be passed on to the player and parents. Councilmember Lewis recommended the residential requirement needs to be adjusted to have a lower fee if the coach lives in Edgerton or a smaller amount of team members need to residents to get the reduced rate. Councilmember Longanecker said he does not want to block any child from playing but is not sure how the funds to upgrade the facility would be paid for.

Mayor Roberts inquired how many teams registered to practice on the fields. Ms. Becker replied seven (7) teams requested Field One but there could be more who want to practice with reduction in times. Councilmember Smith pointed out the fees collected would aid in the maintenance of keeping the field in playable condition. She believes the cost would be roughly \$10 a month for the parents to help with the fee increase to practice. Councilmember Beem inquired about charging one base fee for the whole season and not per hour. Mayor Roberts replied that drastic of a change is a different conversation regarding next year and does not answer what to do about reservation fees for the 2020 season. Councilmember Beem agreed with Councilmember Lewis and stated it would be difficult to have a team that meets the residential requirements City Staff recommended. Councilmember Lewis said the reservation process and fees should be kept the same as last year to create interest and City Staff should talk with teams and coaches to get their input on how the process could be improved and to discuss the possibility of rental fees. He is concerned the fees would deter coaches from practicing in Edgerton. Councilmember Lewis stated he would practice in Gardner as there is no fee. Councilmember Conus mentioned it is nice to see the teams practicing and utilizing the fields but is unsure if the upgrades to the fields would be beneficial for the size of the community. Councilmember Lewis concurred about the costs of the upgrades but

hosting tournaments and league play would be a good way for the City to create revenue. Mayor Roberts agrees the cost does matter and it is difficult to figure out how to pay for the upgrades at this time, but that is a budgetary discussion to have at a later date.

Councilmember Lewis mentioned Kansas City hosts the largest youth baseball tournament in the nation and the teams in that tournament play at many different locations in the area, so Edgerton could be one of the places games are played at. Mayor Roberts reminded the Council four (4) fields are needed for to host a tournament.

Councilmember Conus asked about a slow pitch softball league or tournament with teams from the companies in Logistics Park Kansas City. Ms. Linn replied the fees for something of like that are outlined in the memo under the fourth option presented. She explained the challenges for adult leagues are while portable bathrooms can be used and outside food can be brought into the park, there would be no concessions available and the Council would need to discuss an alcohol policy.

Councilmember Lewis stated he is looking at the upgrades in terms of this year and for the future. Mayor Roberts agreed and understands the concerns voiced regarding the costs of the upgrades. He recapped the estimates by stating for both fields to be useable for youth league play, the City would need to commit funds over \$1,000,000. Ms. Linn replied the second option outlines what would need to be done to have two (2) operational fields for league play and there would only be one concession stand and restroom facility erected. Mayor Roberts confirmed the Council would like to see a concession stand as it would benefit the City in many more ways than just for the baseball games, but the Council is concerned about the funding for that project. Councilmember Lewis added it would be best to have something for the children to do if the City wants a housing development to be built.

Mayor Roberts requested the Council direct Staff to which option they would like to see implemented. Councilmember Conus requested the cost to join the youth league. Ms. Linn recommended the Council direct Staff for the 2020 season before deciding what to do in the future. Mayor Roberts recommended to change the residency requirement to 50% Edgerton players and if that requirement is met then would be no rental charge and if the requirement is not met then there would be a \$10 per hour rental fee. Councilmember Lewis disagreed with Mayor Robert's recommendation. Councilmember Conus inquired if that was because Councilmember Lewis did not believe a team would meet that requirement. Councilmember Lewis confirmed that is why he disagrees with the Mayor's recommendation.

The Council approved a rental fee of \$10 per hour for teams that are not made of at least 50% of the players residing in Edgerton, and no charge for teams that are 50% or more Edgerton residents, 3-2, Councilmembers Lewis and Beem voted against the reservation fee. Mayor Roberts recommended 90-minute practice times. The Council unanimously agreed.

Mayor Roberts said any future plans would be a budgetary item and discussed during the budget making process. Ms. Linn stated a CIP Budget could be used for the fields and upgrades. Mayor Roberts requested the upgrades be placed in the budget as a CIP.

Ms. Linn replied it would be considered in the 2022 budget. Mayor Roberts said Councilmember Lewis is correct when he stated some kind of plan would be needed for the fields as the population grows. Councilmember Smith agreed and added the few years between now and when the upgrades are viewed in the budget as a CIP would allow for population growth. Mayor Roberts recognized Wellsville has teams in every age group and is about the same size as Edgerton, so Edgerton could do the same. Councilmember Beem requested City Staff research information regarding an adult softball league. Councilmember Lewis clarified the upgrades to the fields would not be discussed until the 2022 budget. Ms. Linn confirmed that is correct. Ms. Becker inquired if the season should be split into two (2) or be kept as a single season. The Council agreed a split season would be beneficial to the coaches and teams.

- Marketing and Communication Quarterly Update

Ms. Kara Banks, Marketing and Communications Manager, came before the Council. She stated there has been decent growth in the number of followers of the City's social media pages. Since the last update in November of 2019, the City's Facebook page has gained 187 new followers and the City's Twitter account has gained seventy-three (73) followers. Ms. Banks explained this has enabled the City to have a wider reach in the posts. The City's HGTV submission video has reached 7,709, the announcement of Master Deputy Johnson patrolling Edgerton reached 5,925, and the retirement of former Councilmember Jodi Brown reached 2,959. Mayor Roberts asked if the City's posts were boosted in any way to reach more people. Ms. Banks replied that the outreach was purely organic with no boosting. She stated the Facebook page has the most followers in Edgerton, with Gardner in second, and Olathe in third. Baldwin City, Wellsville, and Lawrence each have around a dozen followers each. Ms. Banks hopes to grow the number of followers in Baldwin City and Wellsville. She also would like to see Spring Hill enter the list by the next update.

Ms. Banks said Edgerton has been in the media in Kansas City. The KCUR radio station named Mayor Roberts as one key player to watch in 2020 and the Kansas City Business Journal and Kansas City Star covered the new retail development along Homestead Lane. Ms. Banks believes there would be a groundbreaking ceremony on the TA Express soon.

Ms. Banks said the City's website has been visited by 7,300 users. The most popular pages are the job openings and City Council Documents. 75% of users are on a desktop with 25% on mobile devices. The highest traffic times for the City's website are Monday afternoons and the mornings of Tuesdays and Wednesdays. Ms. Banks said there was not a high number of visitors from outside countries this time. Mayor Roberts stated the growth is impressive and it is harder to create a big social media presence than most people realize. Councilmember Lewis praised the Facebook posts as they been beneficial to the public. Ms. Banks hope to increase the local engagement with Edgerton residents. Mayor Roberts said the more people like and share the City's posts then the more likely that post will be visible to more people. He encouraged the public to like and share the City's posts. Ms. Banks informed the Council the HGTV submission video was over Facebook's minimum time to be on the high view threshold to be seen so it is more likely that more people will see the video.



- Capstone Award Announcement

Ms. Linn stated the City of Edgerton has been chosen as a Capstone Award winner for the Homestead Lane project by the Kansas City Business Journal. She said there is a reception at the Arvest Bank Theatre at the Midland on March 24, 2020 from 4:30 PM to 6:30 PM. If any of the members from the Council are interested in going, they need to let Ms. Linn know as registration for the event is required.

- Authorization for Beth Linn, City Administrator, to Sign Documentation Related to the Purchase of Real Estate Located at 36790 West 207<sup>th</sup> Street, Edgerton, Kansas 66021

Ms. Linn stated the City is scheduled to close on the purchase of Real Estate at 36790 W. 207<sup>th</sup> Street, Edgerton, Kansas 66021. She informed the Council approval for the City Administrator to sign the related documents to the closing of the purchase must be granted by the Council.

Councilmember Longanecker motion to authorize City Administrator, Ms. Beth Linn, to sign the closing documents for the purchase of real estate at 36790 W. 207<sup>th</sup> Street, Councilmember Smith seconded the motion. The motion was approved, 5-0.

## 15. Report by the Mayor

Mayor Roberts informed the Council the State of the County Address is on March 24, 2020. It is a luncheon in Olathe, Kansas. Ms. Linn stated Ms. Banks will email the Council the details. Mayor Roberts stated it is like the State of the City address he does for Edgerton.

## 16. Future Meeting/Event Reminders:

- March 10<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- March 12<sup>th</sup>: City Council Meeting – 7:00 PM
- March 26<sup>th</sup>: City Council Meeting – 7:00 PM
- April 9<sup>th</sup>: City Council Meeting – 7:00 PM
- April 14<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- April 23<sup>rd</sup>: City Council Meeting – 7:00 PM

## 17. **CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF PENDING LITIGATION**

Councilmember Lewis motioned to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing pending litigation to include the City Attorney and City Administrator for twenty (20) minutes. Councilmember Longanecker seconded, the motioned carried, 5-0. Open session recessed at 8:25 PM.

Councilmember Smith motioned to return to open session, Councilmember Beem seconded the motion. The meeting returned to open session at 8:45 PM, 5-0.

Councilmember Lewis motioned to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing pending litigation to include the City Attorney and City Administrator for five (5) minutes. Councilmember Longanecker seconded, the motioned carried, 5-0. Open session recessed at 8:45 PM.

Councilmember Smith motioned to return to open session, Councilmember Beem seconded the motion. The meeting returned to open session at 8:50 PM, 5-0.

**18. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS**

Councilmember Smith motioned to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing contract negotiations to include the City Attorney and City Administrator for twenty (20) minutes. Councilmember Lewis seconded, the motioned carried, 5-0. Open session recessed at 8:50 PM.

Councilmember Smith motioned to return to open session, Councilmember Longanecker seconded the motion. The meeting returned to open session at 9:10 PM, 5-0.

**19. Adjourn**

Councilmember Conus requested information on a handout that was provided to the Council that gives data on the number of code cases for the last quarter. He asked if the car removal was associated with snow removal. Ms. Katy Crow, Development Services Director, stated that is correct. Councilmember Conus asked for the definition of what constitutes as public safety on the report. Ms. Crow replied is not sure but will ask the Code Enforcement Officer for clarification.

Councilmember Smith motioned to adjourn the meeting, seconded by Councilmember Lewis. The motion carried and the meeting adjourned at 9:17 PM.

## EVENTS

March 2<sup>nd</sup>: Youth Art Class: Floam, Slime, and Puffy Slime

March 9<sup>th</sup>: Youth Cooking Class

March 13<sup>th</sup>: Card Sharks

March 16<sup>th</sup>-20<sup>th</sup>: Spring Break Parks and Rec Activities

March 31<sup>st</sup>: Knitting Class

## City Council Action Item

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**Council Meeting Date:** March 12, 2020

**Department:** Public Works

### **Agenda Item: Consider Ordinance No. 2033 Approving The Descriptions And Survey Of Lands Necessary For Acquisition Of Easements Needed For Constructing 56 Highway Multi-Use Trail And Associated Improvements**

**Background/Description of Item:**

The Highway 56 Trail Project includes construction of a new multi-use path along the southside of Highway 56 to provide pedestrian/bicycle access from neighborhood/residences along Highway 56 to Dollar General, Edgerton Elementary, and other future development. The Project requires acquisition of easements from several property owners along the corridor.

In September 2019, City Council passed Resolution 09-12-19B and Ordinance No. 2026 to acquire the necessary permanent easements for the Project. Following that action, staff determined that the temporary construction easements that are necessary to construct the improvements were inadvertently left out of the resolution and ordinance.

On February 27, 2020 City Council passed Resolution 02-27-20B confirming the necessity for condemnation and authorizing the preparation of survey and legal descriptions. Passing that resolution does not prohibit the City from continuing to negotiate and/or acquire the easements. It simply authorizes the preparation of the descriptions. That Resolution with the remaining easements needed was published in the Gardner News on March 11, 2020.

Enclosed with the packet is a draft ordinance to include both the temporary construction and permanent easements in the condemnation action.

Related Ordinance(s) or Statue(s): N/A

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Ordinance No. 2033 Approving The Descriptions And Survey Of Lands Necessary For Acquisition Of Easements Needed For Constructing 56 Highway Multi-Use Trail And Associated Improvements**

**Enclosed:** Draft Ordinance No. 2033

**Prepared by:** Dan Merkh, Public Works Director  
Trey Whitaker, Public Works Superintendent

## **ORDINANCE NO. 2033**

### **AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF EASEMENTS NEEDED FOR CONSTRUCTING 56 HIGHWAY MULTI-USE TRAIL PROJECT AND ASSOCIATED IMPROVEMENTS**

WHEREAS, K.S.A. 26-201 requires that, prior to commencing condemnation proceedings, the Governing Body, by passage of an ordinance, authorize and provide for the acquisition of land or interest needed by the City, set forth the land or interest to be condemned, state for what purpose the condemned land or interest in land is to be used, and, if applicable, designate, as a benefit district, property specifically benefited by the proposed improvement.

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

**Section 1.** That the legal descriptions and survey of pedestrian easements, permanent water line easements, temporary construction easements and storm water easements necessary for the construction of the 56 Highway Multi-use Trail project within the City of Edgerton, Johnson County, Kansas -- as prepared by the City Engineer, and filed with the City Clerk pursuant to Resolution No. 02-27-20B (adopted by the Governing Body of the City of Edgerton, Kansas on February 27, 2020), are hereby approved.

**Section 2.** That the action of the Governing Body of the City of Edgerton, Kansas in acquiring permanent and temporary easements necessary for the construction of the 56 Highway Multi-use Trail within the City of Edgerton, Johnson County, Kansas has been declared necessary by the Governing Body.

**Section 3.** That the acquisition of permanent and temporary easements, as described hereinafter, is all in accordance with and under the provisions of Chapter 26 of the Kansas Statutes Annotated.

**Section 4.** That there be and there is hereby declared to be public necessity to acquire, by Eminent Domain Proceedings for the purpose of constructing of the 56 Highway Multi-use Trail on the south side of Highway 56, the land hereinafter described:

#### Permanent Water Line and Pedestrian Easement

THE NORTH 12.5 FEET OF LOT 10, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 1,650 SQUARE FEET.

#### Temporary Construction Easement

THE SOUTH 5.00 FEET OF THE NORTH 17.50 FEET OF LOT 10, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST

QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 660 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

THE NORTH 12 FEET OF LOT 9, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 1,765 SQUARE FEET.

Temporary Construction Easement

THE SOUTH 5.00 FEET OF THE NORTH 17.00 FEET OF LOT 9, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 735 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 8, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 8 AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE PRESENT SOUTH RIGHT-OF-WAY LINE OF SAID US HIGHWAY 56  
N.88°04'51"E. (BEING AN ASSUMED BEARING) 243.07 FEET TO A POINT ON THE EAST LINE OF SAID LOT 8; THENCE ALONG THE EAST LINE OF SAID LOT 8  
S.01°45'17"E. 15.90 FEET; THENCE  
N.84°05'35"W. 36.01 FEET; THENCE  
S.88°04'51"W. 42.93 FEET; THENCE  
S.81°45'22"W. 40.24 FEET; THENCE  
S.88°04'51"W. 5.22 FEET; THENCE  
N.85°35'39"W. 40.24 FEET; THENCE  
S.88°04'51"W. 57.52 FEET; THENCE  
S.82°05'43"W. 10.05 FEET; THENCE  
S.88°04'51"W. 5.15 FEET; THENCE  
N.85°56'00"W. 6.61 FEET TO A POINT ON THE WEST LINE OF SAID LOT 8; THENCE ALONG THE WEST LINE OF SAID LOT 8  
N.01°42'51"W. 11.36 FEET TO THE POINT OF BEGINNING, CONTAINING 2,977 SQUARE FEET.

Temporary Construction Easement

A TRACT OF LAND IN LOT 8, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID LOT 8 AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE WEST LINE OF SAID LOT 8 S.01°42'51"E. (BEING AN ASSUMED BEARING) 11.36 FEET TO THE POINT OF BEGINNING; THENCE S.85°56'00"E. 6.61 FEET; THENCE N.88°04'51"E. 5.15 FEET; THENCE N.82°05'43"E. 10.05 FEET; THENCE N.88°04'51"E. 57.52 FEET; THENCE S.85°35'39"E. 40.24 FEET; THENCE N.88°04'51"E. 5.22 FEET; THENCE N.81°45'22"E. 40.24 FEET; THENCE N.88°04'51"E. 42.93 FEET; THENCE S.84°05'35"E. 36.01 FEET TO A POINT ON THE EAST LINE OF SAID LOT 8; THENCE ALONG THE EAST LINE OF SAID LOT 8 S.01°45'17"E. 5.05 FEET; THENCE N.84°05'35"W. 36.34 FEET; THENCE S.88°04'51"W. 42.31 FEET; THENCE S.81°45'22"W. 40.24 FEET; THENCE S.88°04'51"W. 5.77 FEET; THENCE N.85°35'39"W. 40.24 FEET; THENCE S.88°04'51"W. 56.99 FEET; THENCE S.82°05'43"W. 10.05 FEET; THENCE S.88°04'51"W. 5.67 FEET; THENCE N.85°56'00"W. 6.37 FEET TO A POINT ON THE WEST LINE OF SAID LOT 8; THENCE ALONG THE WEST LINE OF SAID LOT 8 N.01°42'51"W. 5.03 FEET TO THE POINT OF BEGINNING, CONTAINING 1,220 SQUARE FEET.

Permanent Water Line, Storm-Water and Pedestrian Easement

A TRACT OF LAND IN LOT 7, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 7 AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE PRESENT SOUTH RIGHT-OF-WAY LINE OF SAID US HIGHWAY 56 N.88°10'58"E. (BEING AN ASSUMED BEARING) 219.63 FEET TO A POINT ON THE EAST LINE OF SAID LOT 7; THENCE ALONG THE EAST LINE OF SAID LOT 7 S.01°50'59"E. 15.94 FEET; THENCE N.79°43'38"W. 14.02 FEET; THENCE S.88°10'58"W. 98.26 FEET; THENCE S.76°19'14"W. 35.69 FEET; THENCE S.87°58'43"W. 39.06 FEET; THENCE N.84°05'35"W. 19.89 FEET; THENCE S.01°45'17"E. 12.28 FEET; THENCE S.88°14'43"W. 14.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 7; THENCE ALONG THE WEST LINE OF SAID LOT 7 N.01°45'17"W. 30.06 FEET TO THE POINT OF BEGINNING, CONTAINING 3,653 SQUARE FEET.

Temporary Construction Easement

A TRACT OF LAND IN LOT 7, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF SAID LOT 7 AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE EAST LINE OF SAID LOT 7 S.01°50'59"E. (BEING AN ASSUMED BEARING) 15.94 FEET TO THE POINT OF BEGINNING; THENCE

N.79°43'38"W. 14.02 FEET; THENCE

S.88°10'58"W. 98.26 FEET; THENCE

S.76°19'14"W. 35.69 FEET; THENCE

S.87°58'43"W. 39.06 FEET; THENCE

N.84°05'35"W. 19.89 FEET; THENCE

S.01°45'17"E. 5.05 FEET; THENCE

S.84°05'35"E. 19.57 FEET; THENCE

N.87°58'43"E. 39.91 FEET; THENCE

N.76°19'14"E. 28.73 FEET; THENCE

S.00°00'00"E. 9.77 FEET; THENCE

N.90°00'00"E. 13.39 FEET; THENCE

N.00°00'00"W. 11.62 FEET; THENCE

N.88°10'58"E. 90.57 FEET; THENCE

S.79°43'38"E. 14.56 FEET TO A POINT ON THE EAST LINE OF SAID LOT 7; THENCE ALONG THE EAST LINE OF SAID LOT 7

N.01°50'59"W. 5.11 FEET TO THE POINT OF BEGINNING, CONTAINING 1,183 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 14, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE ALONG THE EAST LINE OF SAID LOT 14

S.01°47'02"E. (BEING AN ASSUMED BEARING) 24.18 FEET; THENCE

N.46°30'24"W. 16.18 FEET; THENCE

N.83°28'15"W. 4.62 FEET; THENCE

S.88°09'32"W. 95.61 FEET; THENCE

S.78°41'47"W. 24.33 FEET; THENCE

S.88°09'32"W. 6.38 FEET TO THE WEST LINE OF SAID LOT 14; THENCE ALONG THE WEST LINE OF SAID LOT 14

N.01°50'59"W. 16.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 14; THENCE ALONG THE NORTH LINE OF SAID LOT 14

N.88°09'32"E. 141.96 FEET TO THE POINT OF BEGINNING, CONTAINING 1,852 SQUARE FEET.



Temporary Construction Easement

A TRACT OF LAND IN LOT 14, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE ALONG THE EAST LINE OF SAID LOT 14

S.01°47'02"E. (BEING AN ASSUMED BEARING) 24.18 FEET TO THE POINT OF BEGINNING;

THENCE

N.46°30'24"W. 16.18 FEET; THENCE

N.83°28'15"W. 4.62 FEET; THENCE

S.88°09'32"W. 95.61 FEET; THENCE

S.78°41'47"W. 24.33 FEET; THENCE

S.88°09'32"W. 6.38 FEET TO A POINT ON THE WEST LINE OF SAID LOT 14; THENCE ALONG THE WEST LINE OF SAID LOT 14

S.01°50'59"E. 5.00 FEET; THENCE

N.88°09'32"E. 6.79 FEET; THENCE

N.78°41'47"E. 24.33 FEET; THENCE

N.88°09'32"E. 94.83 FEET; THENCE

S.83°28'15"E. 2.58 FEET; THENCE

S.46°30'24"E. 19.56 FEET TO A POINT ON THE EAST LINE OF SAID LOT 14; THENCE ALONG THE EAST LINE OF SAID LOT 14

N.01°47'02"W. 7.11 FEET TO THE POINT OF BEGINNING, CONTAINING 738 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 1, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOT 1

N.88°09'32"E. (BEING AN ASSUMED BEARING) 149.66 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT 1

S.01°43'25"E. 16.01 FEET; THENCE

S.88°11'06"W. 12.01 FEET; THENCE

N.84°11'46"W. 30.13 FEET; THENCE

S.88°09'32"W. 87.14 FEET; THENCE

S.79°37'41"W. 11.81 FEET; THENCE

S.38°26'56"W. 13.86 FEET TO THE WEST LINE OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1

N.01°47'02"W. 24.32 FEET TO THE POINT OF BEGINNING, CONTAINING 1,977 SQUARE FEET.

Temporary Construction Easement

A TRACT OF LAND IN LOT 1, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1

S.01°47'02"E. (BEING AN ASSUMED BEARING) 24.32 FEET TO THE POINT OF BEGINNING;  
THENCE

N.38°26'56"E. 13.86 FEET; THENCE

N.79°37'41"E. 11.81 FEET; THENCE

N.88°09'32"E. 87.14 FEET; THENCE

S.84°11'46"E. 30.13 FEET; THENCE

N.88°11'06"E. 12.01 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT 1

S.01°43'25"E. 5.00 FEET; THENCE

S.88°11'06"W. 12.33 FEET; THENCE

N.84°11'46"W. 30.13 FEET; THENCE

S.88°09'32"W. 86.44 FEET; THENCE

S.79°37'41"W. 9.56 FEET; THENCE

S.38°26'56"W. 17.89 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1

N.01°47'02"W. 7.74 FEET TO THE POINT OF BEGINNING, CONTAINING 778 SQUARE FEET.

**Section 5.** That this Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 12<sup>th</sup> of March, 2020.

\_\_\_\_\_  
Donald Roberts, Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
Chris Clinton, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee W. Hendricks, City Attorney

## City Council Action Item

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**Council Meeting Date:** March 12, 2020

**Department:** Community Development

### **Agenda Item: Consider Resolution No. 03-12-20A Waiver of City Distance Requirements Regarding the Sale and Serving Of Alcoholic Liquor at The Full Draw Bar and Grill, Located at 100 E. 2<sup>nd</sup> Street, Edgerton, Kansas**

#### **Background/Description of Item:**

The Boxcar Bar and Grill operated for many years in the City of Edgerton. Last fall the property owner, Richard Mabrey, passed away. On December 21, 2019, the property operator Jody Riddle passed away. The business closed on December 31, 2019. Tiffany Riddle, daughter of Jody Riddle, is working to reopen the premise under the name Full Draw Bar and Grill. She is applying for a State of Kansas Drinking Establishment License through the Alcohol and Beverage Control (ABC), a division of the Department of Revenue. This parcel is zoned C-1 and the operation of a tavern/bar is a permitted use in a C-1 zoning designation.

Per the requirements outlined in Edgerton Municipal Code, Chapter III, Article 3, Section 3-301, it shall be unlawful for any person granted a drinking establishment license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license with the City without first obtaining a City license from the City Clerk. On February 28, 2020 the City of Edgerton received an application from Tiffany Riddle for a Drinking Establishment License. As part of the licensing process, City staff performs a review of City Code requirements to assess the applicant's compliance.

Chapter III, Article 2, Section 3-202(a) of the Edgerton Municipal Code prohibits the sale or serving of any alcoholic liquor within 200 feet of a church, school, nursing home, library, or hospital. The said distance is to be measured from the nearest property line to the nearest portion of the building occupied by the premise. The Full Draw Bar and Grill is located approximately 149 feet from The Edge Ministry Center, located at 203 E. Morgan Street. See Attachment A. This prohibition may be waived by the governing body after public notice, followed by a hearing and a finding by the governing body that the proximity of the location, where the alcoholic liquor will be sold and served, is not averse to the public welfare or safety.

In addition, Chapter III, Article 2, Section 3-202(c) states that no license or permit shall be issued for the sale of alcoholic liquor if the building or use does not meet the zoning ordinance requirements of the City or conflicts with other City laws including building and health codes. There is an outstanding building permit from 2013 (13-1331) which contains items requiring

resolution by the occupant. These include changing the premise doors so that the swing out (building code egress requirement), the installation of battery backup interior lights, some interior signage related to a non-used exit door and the signage of handicap parking. In addition, the applicant intends to perform plumbing work which will also require a building permit with the work being performed by a Johnson County licensed contractor.

A notice of public hearing for the waiver of the distance requirement was published in the March 4, 2020 edition of the Gardner News.

If approved, Resolution No. 03-12-20A would grant the waiver requested by the Full Draw Bar and Grill, with the following stipulations:

- The applicant must complete the work necessary to close the building permit issued in 2013 (13-1331).
- The applicant must apply for a building permit for any additional work performed on the premise. The required inspections must also be scheduled, and the work performed to the specifications of the building code.

City Attorney has not yet reviewed the resolution and will provide any changes at City Council meeting.

**Related Ordinance(s) or Statue(s):** Chapter III, Article II, Section 3-202

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Resolution No. 03-12-20A Waiver of City Distance Requirements Regarding the Sale and Serving Of Alcoholic Liquor at The Full Draw Bar and Grill, Located at 100 E. 2<sup>nd</sup> Street, Edgerton, Kansas**

**Enclosed:**

Attachment A – Distance Map

Application for City of Edgerton Drinking Establishment License

Draft Resolution No. 03-12-20A

**Prepared by:** Katy Crow, Development Services Director

## Distance Requirement For Full Draw Bar & Grill





☒ New Application☐ Renewal

If renewal, current City License Number \_\_\_\_\_

Name of Business to be Licensed FULL DRAW Bar and Grill LLC Business Phone 913 265 3300Business Location Address 100 E 2nd StreetCity Edgerton County Johnson Zip Code 66021

State of Kansas Drinking Establishment License Holder \_\_\_\_\_ License No. \_\_\_\_\_

Emergency Contact Person Tiffany Riddle Title OwnerContact Phone Number 913 265 3300 Email riddle.tiff@gmail.comProperty Owner Mike Mabrey Address 100 E 2nd St. Edgerton KS 66021

Include with this application:

☒ Existing State of Kansas Drinking Establishment License, or application for a new State of Kansas Drinking Establishment License if this is a new application and not a renewal☒ Biennial fee of \$500.00 due at time of application**FOR OFFICE USE ONLY**

Compliance with Edgerton Municipal Code Chapter 3, Section 3-202:

Is this premise at least 200 feet from any church, school, nursing home, library or hospital (measured from property line to property line) ☐ Yes ☒ No

If no, a public hearing is required to request a waiver from that proximity. Attach AIMS map indicating distance between parcels to this application.

Date Public Hearing Published 3/4/2020 Date Public Hearing Held 3/12/2020What is the Zoning of this Parcel? C-1 Is this type of operation a permitted use? ☒ Yes ☐ NoDoes the building or use conflict with any other City laws, including building and health codes? ☒ Yes ☐ NoIf yes, attach details. BP 2013-1331Date Application Received 2/28/2020Date Fee Paid 2/28/2020 Receipt Number 56275



February 18, 2020

Kansas Department of Revenue  
Alcoholic Beverage Control  
109 SW 9<sup>th</sup> Street  
P.O. Box 3506  
Topeka, KS 66601-3506

RE: *Drinking Establishment License request for 104 E. 2<sup>nd</sup> Street, Edgerton, KS 66021 – Full Draw Bar & Grill, licensee applicant Tiffany Riddle 84-4348144*

Dear Sir/Madam:

The City of Edgerton has received form ABC-806 "Request for Permanent Premise Approval" related to a Drinking Establishment License for the property located at 100/104 E. 2<sup>nd</sup> Street in Edgerton, Kansas. We respectfully request the following be considered should this license be issued:

- The City of Edgerton Municipal Code (Chapter 3, Article 3, Section 3-301) requires that any person granted a drinking establishment license by the State of Kansas to sell or serve any alcoholic liquor obtain a city license from the City Clerk. The City requests that the applicant be required to obtain this city license as a condition of obtaining a Drinking Establishment License.
- The applicant has an outstanding building permit dating to 2013 which includes work related to ingress/egress and life safety issues. The City requests the applicant be required to complete the work necessary to close the building permit, including passing a final inspection by the building inspector, prior to the issuance of a Drinking Establishment License by the State of Kansas. The City will not be issuing the above referenced city license or a City of Edgerton Business License until those items are resolved.
- On January 3, 2020 the owner of record was notified of several code violations related to trash and debris piled on the property both at the exterior of the building and at the property line. The City requests that the applicant be required to abate these code violations prior to the issuance of a Drinking Establishment License by the State of Kansas.

Should you have any additional questions or need further clarification, please feel free to reach me at the phone number or email address below.

Regards,



Katy Crow  
Development Services Director  
City of Edgerton, Kansas  
(913) 893-6231  
[kcrow@edgertonks.org](mailto:kcrow@edgertonks.org)



ALCOHOLIC BEVERAGE  
CONTROL 109 SW 9<sup>th</sup> STREET  
P.O. Box 3506  
TOPEKA KS 66601-3506



DEPARTMENT OF REVENUE  
PHONE: 785-296-7015  
FAX: 785-296-7185  
[www.ksrevenue.org/abc.html](http://www.ksrevenue.org/abc.html)

Scanned to Address  
Folder 2/18/20  
KC

## REQUEST FOR PERMANENT PREMISE APPROVAL INSTRUCTIONS

### WHICH FORM DO I NEED TO COMPLETE?

Complete and submit the form (ABC-806) if you:

- are applying for a new liquor license.
- currently possess a liquor license and are applying for a **permanent change** to your existing licensed premise.
- currently possess a liquor license and are changing your location. You must also complete and submit the *ABC LIQUOR LICENSE/PERMIT BUSINESS NAME AND/OR ADDRESS CHANGE FORM (ABC-22)* and submit a copy of your lease or deed.

Complete and submit the *REQUEST FOR TEMPORARY EXTENSION OF PREMISE (ABC-816)* if you:

- currently possess a liquor license and are applying for a **temporary extension** of your licensed premise.

All forms may be found on our website at: <https://ksrevenue.org/abcforms.html>

### INSTRUCTIONS TO COMPLETE THE REQUEST FOR PERMANENT PREMISE APPROVAL (ABC-806):

1. Check the applicable type of permanent premise approval you are requesting.
2. LICENSEE INFORMATION. Enter the licensee information requested.
3. Answer the questions. Note: A Retailer, Farm Winery, Microbrewery or Microdistillery must be at least 200 feet from a school, college or church.
4. DIAGRAM. Check the appropriate box, then draw a complete diagram of the premises for which you are seeking license approval **or** attach your drawing to the ABC-806 form, provided it is no larger than 8½ X 11.
  - a. The diagram must include **all** entrances, exits and interior doors, walls, coolers, bars, liquor storage space, kitchen, counters, sales areas, office, restrooms, etc.
  - b. The diagram must show approximate dimensions of the premise for which you are seeking approval.
  - c. If you are seeking a permanent change to the premise, indicate the currently approved premise **and** the area you wish to change.
5. ZONING. Check the appropriate license type, then take the form to the city/county clerk to complete the zoning certificate section to the form.
6. Read the statements and check the boxes that you understand, then sign and date the form.
7. Submit your completed request with the required documents, if any, to the ABC by mail, fax or email to [KDOR\\_ABC.Licensing@ks.gov](mailto:KDOR_ABC.Licensing@ks.gov) **at least 10 calendar days prior to the permanent or location change.**

### CONTACT INFORMATION:

If you have questions or need assistance, please contact the ABC Licensing Unit by:

- **Phone: 785-296-7015; or,**
- **Email: [KDOR\\_ABC.Licensing@ks.gov](mailto:KDOR_ABC.Licensing@ks.gov)**



ALCOHOLIC BEVERAGE CONTROL  
109 SW 9<sup>th</sup> STREET  
P.O. Box 3506  
TOPEKA KS 66601-3506



DEPARTMENT OF REVENUE  
PHONE: 785-296-7015  
FAX: 785-296-7185  
www.ksrevenue.org/abc.html

## REQUEST FOR PERMANENT PREMISE APPROVAL

Check one: ☒ New License Application  
☐ Permanent Change to Premise  
☐ Location Change – Required ABC-22 and a copy of your lease or deed are attached.

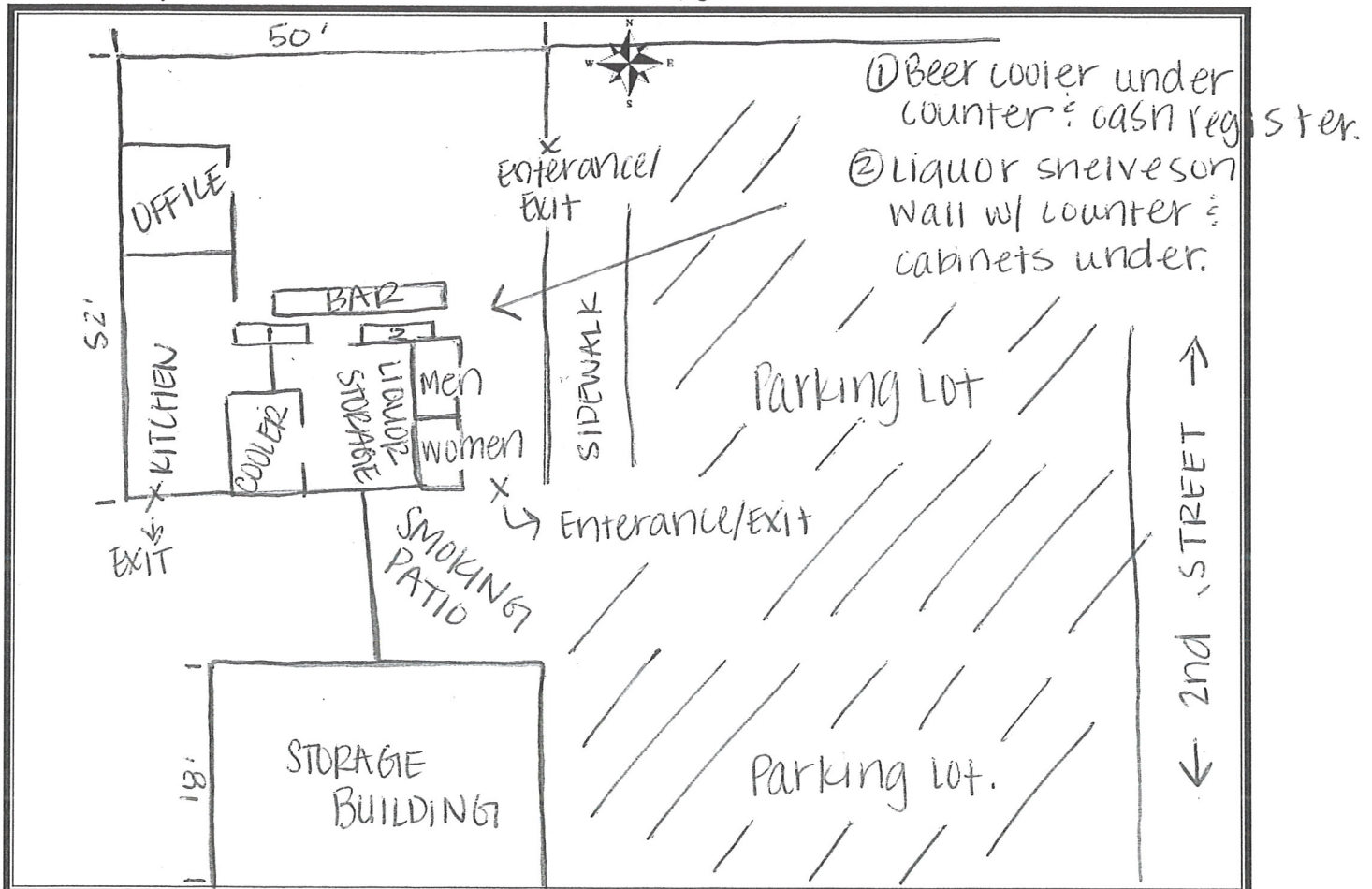
### Licensee Information

Business DBA Name <b>FULL DRAW BAR &amp; GRILL</b>		License Number (New License Applicant – enter your FEIN) <b>84-4348144</b>	
Business Location Street Address <b>100 E 2nd Street</b>	City <b>Edgerton</b>	County <b>Johnson</b>	Zip Code <b>66021</b>
Contact Phone Person <b>Tiffany Riddle</b>	Phone Number <b>913 205 3300</b>	Email Address <b>fulldrawbarandgrill@gmail.com</b>	
I am applying for or have a Retailer, Farm Winery, Microbrewery or Microdistillery license.			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, is the premise at least 200 feet from a school, college or church?			<input type="checkbox"/> Yes <input type="checkbox"/> No

### Diagram:

Check the appropriate box then draw a complete diagram of the premises for which you are seeking approval or attach your drawing. The diagram must include all entrances, exits and interior doors, walls, coolers, bars, liquor storage space, kitchen, counters, sales areas, office, restrooms, etc. **Architectural drawings will not be accepted.** Return the completed form to the address above.

Check one: ☒ Diagram drawn below ☐ 8½" X 11" drawing attached



ALCOHOLIC BEVERAGE CONTROL  
109 SW 9<sup>th</sup> STREET  
P.O. Box 3506  
TOPEKA KS 66601-3506



DEPARTMENT OF REVENUE  
PHONE: 785-296-7015  
FAX: 785-296-7185  
www.ksrevenue.org/abc.html

**Zoning:**

**CERTIFICATE OF CITY, TOWNSHIP OR COUNTY CLERK**

**License Type** (applicant check one):

☐ Caterer

☐ Distributor

☒ Drinking Establishment

☐ Drinking Establishment/Caterer

☐ Farm Winery

☐ Farm Winery Outlet

☐ Producer

☐ Hotel/Caterer

☐ Hotel

☐ Manufacturer

☐ Microbrewery

☐ Microbrewery Packaging/Warehouse

☐ Microdistillery

☐ Microdistillery Packaging/Warehouse

☐ Non-Beverage User

☐ Public Venue

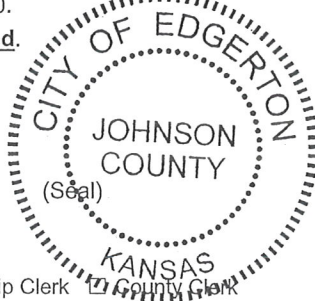
☐ Private Club: ☐ A or ☐ B

☐ Retailer

☐ Packaging/Warehouseing Facility Permit

**NOTICE TO CITY/COUNTY CLERK:** Submission of this zoning form by the applicant to the City or County constitutes notification to the governmental entity that an application for a liquor license has been or will be received by the ABC. Should the City or County you represent desire to make any comments, suggestions or recommendations relative to the granting of or refusal to grant a license to the above-named applicant; or, the premise for which licensure is sought or to request a hearing pursuant to K.S.A. 41-318 or 41-2608, it may do so by submitting such comments, suggestions, recommendations or requests to the ABC within 10 days of the date you affix your seal to this document. You may submit your written request to the address or fax number provided at the top of the form.

I HEREBY CERTIFY THAT THE PREMISES AT <u>104/100 E. 2nd St.</u> <u>Edgerton, KS</u> <u>66021</u> is:		
	Location Street Address	City Zip
(Check one box in each section below)		
CITY LIMITS: <input checked="" type="checkbox"/> <u>Inside</u> the incorporated city limits <input type="checkbox"/> <u>Outside</u> the city limits		<u>Johnson</u> County
<b>Retailers only:</b> K.S.A. 41-303 states <b>no</b> license shall be granted to any applicant unless:		
1. The board of county commissioners has adopted a resolution approving the issuance of a license to the location. <u>A certified copy of such resolution must accompany the license application.</u>		
ZONING:	<input type="checkbox"/> within an area that complies with all applicable zoning regulations required by K.S.A. 41-710 or K.S.A. 41-2608. Farm Wineries, Microbreweries and Microdistilleries <b>must</b> be zoned agricultural, commercial or business as required by K.S.A. 41-710(b); <b>AND</b> , Retail Liquor Sales, Farm Wineries or Microbreweries premises must comply with the building regulations required by K.S.A. 41-710.	
	<input type="checkbox"/> located outside an incorporated city, in a township or county <b>that is not zoned.</b>	
THE CITY/COUNTY ALLOWS: <input type="checkbox"/> Basic Hours <input checked="" type="checkbox"/> Expanded Hours (Sunday sales)		
CLERK SIGNATURE <u>Christopher Clinton</u>	<input checked="" type="checkbox"/> City Clerk <input type="checkbox"/> Township Clerk <input type="checkbox"/> County Clerk	
PRINTED NAME <u>Christopher Clinton</u>	DATE <u>2-18-2020</u> PHONE <u>913-893-6231</u>	



☒ I understand that any changes to the approved diagram must be submitted to the ABC and approved prior to making any change and that this diagram is subject to onsite review by an ABC Enforcement Agent.

☒ I understand that I must maintain a copy of the approved diagram on the licensed premise and make it available for immediate inspection upon request.

Under penalties of perjury, I declare the information contained in this document a true, accurate and complete disclosure of information.

Tiffany Riddle  
Licensee Signature

Tiffany Riddle  
Printed Name

2/12/2020  
Date

ABC Office Use Only

☐ DIAGRAM APPROVED AS SUBMITTED

☐ DIAGRAM DENIED

Reason Denied: .

Signature of ABC Official

Date

## **RESOLUTION NO. 03-12-20A**

### **A RESOLUTION PURSUANT TO 3-202(b) OF THE CITY CODE OF THE CITY OF EDGERTON, KANSAS WAIVING THE DISTANCE REQUIREMENT PROHIBITING THE SALE AND SERVICE OF ALCOHOLIC LIQUOR AT THE FULL DRAW BAR AND GRILL, LOCATED AT 100 E. 2<sup>ND</sup> STREET, EDGERTON, KANSAS**

**WHEREAS**, pursuant to Chapter III, Article 3, Section 3-301 of the City Code of the City of Edgerton, Kansas, it is unlawful for any person granted a drinking establishment license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license with the City without first obtaining a City license from the City Clerk; and

**WHEREAS**, on or about February 28, 2020, Tiffany Riddle submitted a City of Edgerton Drinking Establishment Application to operate the Full Draw Bar and Grill located at 100 E. 2<sup>nd</sup> Street, Edgerton, Kansas; and

**WHEREAS**, pursuant to Chapter III, Article 3, Section 3-202(a) of the City Code, no retail package liquor nor any alcoholic liquor may be sold or served by a person holding a license or permit from the City whose place of business or other premises are located within two hundred feet (200') of any church, school, nursing home, library, or hospital, said distance to be measured from the nearest property line of such church, school, nursing home, library, or hospital, to the nearest portion of the building occupied by the premises; and

**WHEREAS**, pursuant to Article 3, Section 3-202(b) of the City Code, the distance requirement of 3-202 (a) does not apply to a club, drinking establishment, caterer or special event permit holder when the license or permit applicant petitions for and receives a waiver of the distance limitation from the Governing Body. Such a waiver may only be granted by the Governing Body following public notice and hearing and a finding by the Governing Body that the proximity of the establishment is not averse to the public welfare or safety; and

**WHEREAS**, the location of the Full Draw Bar and Grill is located approximately 149 feet from The Edge Ministry Center located at 203 E. Morgan Street and thus a waiver from the Governing Body is necessary for this establishment to be in compliance with the City of Edgerton Municipal Code; and

**WHEREAS**, notice of a public hearing to discuss such a distance waiver on this matter was published on March 4, 2020 in the Gardner News informing the public of a hearing to be held on March 12, 2020; and

**WHEREAS**, a public hearing was conducted during the City of Edgerton Council Meeting on March 12, 2020; and

**WHEREAS**, following that hearing, the City Council wishes to approve such a waiver allowing operation of the Full Draw Bar and Grill.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, THAT:**

**SECTION ONE: Finding:** That the Governing Body, after receiving a request from Tiffany Riddle, operator of the Full Draw Bar and Grill, and after a hearing held on the matter, does hereby find and conclude that the proximity of the requested location for the sale and consumption of alcoholic liquor is not adverse to the public welfare or safety, and the Governing Body's conclusion is further supported by the fact that the Boxcar Bar and Grill operated on this same premises for several years without any adversity to the public welfare or safety.

**SECTION TWO: Waiver Granted:** That the Governing Body, pursuant to Chapter III, Article II, Section 3-202 of the Edgerton City Code, hereby grants the waiver requested by Tiffany Riddle, operator of the Full Draw Bar and Grill, subject to the following stipulations:

- a) The applicant must complete the work necessary to close the building permit issued in 2013 (13-1331).
- b) The applicant must apply for a building permit for any additional work performed on the premise. The required inspections must also be scheduled, and the work performed to the specifications of the building code.

**SECTION FOUR - Effective Date:** This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 12<sup>th</sup> DAY OF MARCH 2020.

ATTEST:

CITY OF EDGERTON, KANSAS

\_\_\_\_\_  
Chris Clinton, City Clerk

By: \_\_\_\_\_  
Donald Roberts, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee W. Hendricks, City Attorney



**EDGERTON**  
global routes. local roots.

404 East Nelson  
Edgerton, KS 66021  
P: 913.893.6231  
EDGERTONKS.ORG

## City Council Action Item

**Council Meeting Date:** March 12, 2020

**Department:** Administration

### **Agenda Item: Consider Ordinance No. 2034 An Ordinance Annexing Certain Land Owned By The City Into The City Of Edgerton, Kansas.**

**Background/Description of Item:**

On March 2, 2020, the City of Edgerton became the owner of the property generally located at 36790 West 207<sup>th</sup> Street (north side of 207<sup>th</sup> Street just east of Co-op Road). The property was purchased as part of the 207<sup>th</sup> Street Grade Separation Project. As owner of the land, the City desires to annex that land into the City of Edgerton pursuant to K.S.A. § 12-520(a)(2).

The draft ordinance was prepared by City Attorney.

**Related Ordinance(s) or Statue(s):** K.S.A. § 12-520(a)(2)

**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

**Recommendation:** Approve Ordinance No. 2034 Annexing Certain Land Into The City Of Edgerton, Kansas

**Enclosed:** Draft Ordinance No. 2034  
Johnson County AIMS map of parcel

**Prepared by:** Beth Linn, City Administrator





**ORDINANCE NO. 2034**

**AN ORDINANCE ANNEXING CERTAIN LAND OWNED BY THE CITY INTO THE CITY OF EDGERTON, KANSAS.**

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

WHEREAS, the land described below is owned by the City of Edgerton, Kansas; and

WHEREAS, the City desires to annex that land into the City of Edgerton pursuant to K.S.A. § 12-520(a)(2).

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EDGERTON, KANSAS:

**Section 1.** The following described land is hereby annexed into the City of Edgerton, Kansas, pursuant to K.S.A. § 12-520(a)(2):

The Southeast Quarter of the Southwest Quarter of Section 7, Township 15, Range 22, EXCEPT that part lying West of the railroad right of way. ALSO EXCEPT The South 40.00 feet of the East 404.09 feet of the Southeast Quarter of the Southwest Quarter of said Section 7; AND EXCEPT the South 70.00 feet of the Southeast Quarter of the Southwest Quarter of said Section 7, lying East of the Easterly right-of-way line of the Atchison, Topeka and Santa Fe Railroad, EXCEPT the East 404.09 feet. Subject to existing road, street or highway rights of way. More commonly known as 36790 W. 207<sup>th</sup> Street, Edgerton, KS 66021.

**Section 2.** The Clerk of the City of Edgerton, Kansas shall cause a certified copy of this ordinance to be filed with the County Clerk, Register of Deeds and the County Election Commissioner of Johnson County, Kansas.

**Section 3.** This Ordinance shall become effective upon its publication in the official City newspaper.

PASSED by the Council and APPROVED by the Mayor on this 12<sup>TH</sup> day of March, 2020.

---

DONALD ROBERTS, Mayor

ATTEST:

---

CHRIS CLINTON, City Clerk

APPROVED AS TO FORM:

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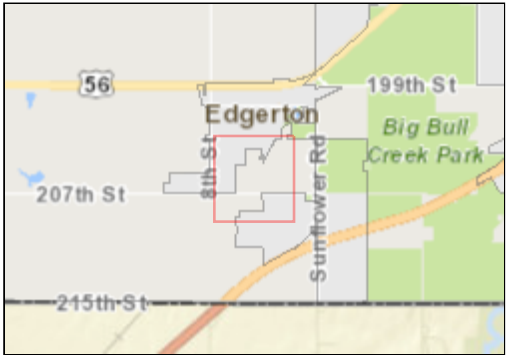
LEE W. HENDRICKS, City Attorney



Johnson Co AIMS Map

LEGEND

- AIMS Imagery: Current Imagery (2019)
- Property



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JOHNSON COUNTY  
KANSAS  
AIMS GIS & Mapping



## City Council Action Item

**Council Meeting Date:** March 12, 2020

**Department:** Public Works

### **Agenda Item: Consider Agreement With Johnson County To Join Watershed Organization 4, Participating In Johnson County's Stormwater Management Program.**

**Background/Description of Item:**

On March 28, 2019, Lee Kellenberger with Johnson County Public Works presented to City Council various changes to their Stormwater Management Program (SMP). The new direction is creation of organizations that are then joined by various cities that fall within the same watershed. Johnson County was split into 6 different watersheds with Edgerton falling in Watershed 4 along with Gardner, Spring Hill and unincorporated Johnson County. Entities that join serve as the governing body for the projects that are approved for funding by the SMP program. The draft Agreement and draft by-laws for this organization are included in the packet.

Included with this agenda item is the presentation from March 28<sup>th</sup>. As identified in the presentation, the Watershed method is being broken down into 4 categories, Flooding, System Management, Planning, and Water Quality. Page 9 of the presentation summarizes the changes in funding allocation from previous years to the current program. Below staff has summarized the opportunities and challenges with participating in the organization.

<b>Opportunities</b>	<b>Challenges</b>
Watershed-wide approach to stormwater	Investment of staff time. Already a member of Hillsdale Area Water Cooperative (HAWC), a watershed organization
County-funded Master Plan on watershed level	Because of broad approach will be difficult to provide actionable information for the City
Eligible for county funding in four categories	Funding category requirements will make it difficult for Edgerton to qualify (cost and type of eligible project)
Could participate in watershed-wide public education program	City of Edgerton already provides funding to Miami County Conservation District for watershed-wide public education efforts
Language in Agreement says does not supplant, preempt or superseded the authority or role of City	Participation gives appearance of commitment to minimum design standards, consistent policies and actions

Based on the analysis of the above opportunities and challenges, staff would recommend not joining the Johnson County Watershed Organization 4 at this time. The City has already committed both financial and staff resources to both the Hillsdale Area Water Cooperative (HAWC) and the Miami County Conversation District. These organizations provide similar opportunities and initiatives as the Johnson County organization. With limited resources, staff would recommend focusing the city's resources towards our existing commitments. Staff will monitor the County's Watershed Organization and present to City Council in future if recommendation to participate changes.

Related Ordinance(s) or Statue(s): N/A

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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<p><b>Recommendation: Decline the Participation in the Johnson County Watershed Organization 4 and the Johnson County's Stormwater Management Program</b></p>
---

**Enclosed:** Watershed Org 4 Agreement  
Watershed Org 4 By-laws  
Watershed Org Boundaries  
Johnson County Public Works Presentation (3-28-19)

**Prepared by:** Dan Merkh, Public Works Director  
Beth Linn, City Administrator

## **Agreement for the Establishment of Watershed Organization 4 in Johnson County, Kansas**

This Agreement is entered into by and among the cities of Edgerton, Gardner, Spring Hill, and unincorporated Johnson County (collectively “Watershed Organization Member” or “Members”); in connection with their desire and intent to undertake a cooperative effort relating to stormwater and flood control matters within the Watershed Organization boundaries.

### **Recitals**

A. Previously, stormwater improvement efforts within Johnson County have been carried out independently, rather than cooperatively.

B. The Members desire to cooperate in future stormwater-related projects through an informal watershed organization for the purposes of broadly and comprehensively cooperating in stormwater management projects within a particular watershed giving appropriate consideration to watershed-wide, rather than solely local concerns (hereinafter the “Watershed Organization”).

C. The Members acknowledge that funds for stormwater structural and non-structural measures and projects including proper maintenance of the stormwater system may be spent in a collaborative effort directed towards common benefits without focusing upon location within one jurisdiction or another.

D. The Members recognize that benefits may be derived from a comprehensive collaborative approach and the development of a master plan to reduce flood risks, replace and maintain systems, and improve water quality within the watershed.

E. The Watershed Organization will be the means by which the Members will participate and obtain funding from the Johnson County Stormwater Management Program.

F. The Watershed Organization boundary is depicted on the attached exhibit.

### **Agreement**

The Members to this Agreement agree as follows:

1. Each of the undersigned Members shall be a member of Watershed Organization 4 (the “Organization”) which shall be an unincorporated association.

2. The Organization shall develop and implement a master plan that will identify and prioritize improvements to address flooding, water quality and stormwater system replacement (hereinafter the “Watershed Master Plan”).
3. The Organization’s general approach shall be to develop stormwater related studies and improvement projects using recognized and accepted stormwater engineering principles and practices.
4. The Organization shall discuss minimum design standards, policies and actions in an effort to promote consistency and a uniform approach to stormwater management improvements throughout the watershed.
5. The Organization will prioritize improvement projects identified in the Watershed Master Plan and may collaborate to pursue the identified projects. The primary funding source for these improvement projects shall be the Johnson County Stormwater Management Program.
6. The Organization may also pursue funding from the Johnson County Stormwater Management Program for stormwater improvement projects which have benefits limited to a sole Member jurisdiction (i.e., local projects).
7. The Organization may participate in a watershed-wide public education program to promote the benefits of the Organization’s cooperative effort with respect to flood risk reductions, water quality and system replacement.
8. The Organization’s internal operating procedures shall be as set forth by the “Watershed Organization By-laws,” a copy of which is attached to this Agreement.
9. This Agreement shall be effective on January 1, 2020 and shall remain in effect for 10 years.
10. It is not the purpose or intent of this Agreement to create, supplant, preempt or supersede the authority or role of any jurisdiction or governmental entity. Nothing in this Agreement shall be deemed to be contrary to any Member’s statutory or other duties or obligations and the Organization shall have no authority or ability to encumber any funds of any Member or enter into a contract or agreement on behalf of any Member.
11. Individual Member’s may terminate their participation in this Agreement and the Organization at any time by written notice to the Organization.

**Signature Page (1 of 4)**

**City of Edgerton, Kansas**

---

Donald Roberts, Mayor

---

Attest: City Clerk

---

Date

**Signature Page (2 of 4)**

**City of Gardner, Kansas**

---

Steve Shute, Mayor

---

Attest: City Clerk

---

Date

**Signature Page (2 of 4)**

**City of Spring Hill, Kansas**

---

Steven M. Ellis, Mayor

---

Attest: City Clerk

---

Date

**Signature Page (4 of 4)**

**Board of County Commissioners of Johnson County, Kansas**

---

Ed Eilert, Chairman

---

Attest: Deputy County Clerk

---

Date



**BY-LAWS OF  
WATERSHED ORGANIZATION 4  
JOHNSON COUNTY, KANSAS**

**ARTICLE I  
STATEMENT OF PURPOSE**

Pursuant to the agreement between the Cities of Edgerton, Gardner, Spring Hill, and unincorporated Johnson County, Kansas (collectively the “Members”); the following rules are to govern the transaction of business by Watershed Organization 4 (the “Organization”), an unincorporated association. The objectives, purposes, powers and duties of the Organization are as follows:

1. Implement goals of Watershed Organization Agreement (“Agreement” as adopted by the Members.
2. Coordinate efforts among the Members in planning of improvements within the Watershed.
3. Discuss stormwater investments under consideration and better collaborate on a watershed basis.
4. Develop and maintain a watershed-based master plan that includes projects and policies to reduce flood risk, maintain and replace systems and improve water quality irrespective of jurisdictional boundaries.
5. Work cooperatively to implement the watershed-based master plan by jointly developing and funding studies and projects that benefit the watershed.
6. Work cooperatively to adopt common stormwater design standards and achieve a consistent level of service throughout the watershed.
7. Develop best management practices designed to protect investment in existing stormwater improvements through proper maintenance.
8. Assist with permitting and other common needs or benefits.
9. Provide letters of support for outside funding source applications.

**ARTICLE II  
MEMBERSHIP**

**Section 1. Membership.**

Each Member which is and remains a signatory to the Watershed Organization Agreement shall appoint one representative to serve as a participating member of the Watershed Organization. Membership qualifications shall be established, vacancies filled, and members removed as determined by each Member for that Member’s position.

In order to ensure further coordination of stormwater management throughout the Watershed, other entities that have an interest may be invited to nominate a representative from their organizations to

serve as ex officio members on the Organization. The qualifications for and manner of appointment for ex-officio members shall be at the sole discretion of the participating Members of the Organization.

## **Section 2. Quorum.**

A quorum shall consist of a majority of the entire membership of the Organization. In the absence of a quorum, the Organization may discuss issues on the agenda but may not conduct any formal business or take any action on behalf of the Organization. Members may attend meetings and vote by telephone or by proxy.

## **Section 3. Voting.**

Each member of the Organization present at a meeting shall be entitled to one vote.

# **ARTICLE III OFFICERS AND THEIR DUTIES**

## **Section 1. Officers.**

The officers of the Organization shall consist of a chairperson, vice-chairperson, and secretary, who shall be members appointed to the Organization. The officers shall perform the duties prescribed in these bylaws, and any other duties prescribed by the parliamentary authority adopted by the Organization.

## **Section 2. Election of Officers.**

- (a) The Organization shall elect officers by a majority vote annually at the first regular meeting of the calendar year.
- (b) Nomination of officers shall be made from the floor by Organization members. Nominees shall accept the nomination in order to become a candidate. After an acceptance, Members may discuss nominations.
- (c) Elections shall follow immediately after any discussion of the nomination, and shall be made by motion of any Organization member. The motion shall receive a second prior to a vote on the motion by Organization members.
- (d) A candidate receiving a majority vote of the entire membership of the Organization shall be declared elected and shall fill the office nominated for one year or until the successor shall take office. In the event that no candidate receives a majority vote of the entire membership of the Organization, the election process shall be repeated.
- (e) Any vacancies in offices shall be filled immediately by regular election procedure.

### **Section 3. The Chairperson's Duties.**

The Chairperson:

- (a) Shall call any regular or special meetings of the Organization and authorize the agenda for any meeting.
- (b) Shall be the presiding officer at all meetings of the Organization at which the Chairperson is present.
- (c) Shall have the privilege of recognizing all speakers and Organization members and declaring who has the floor for the purposes of all discussions and proceedings before the Organization,
- (d) Shall decide all points of order and procedure in accordance with the parliamentary procedure adopted by the Organization, and
- (e) Shall sign all official documents for the Organization.

### **Section 4. The Vice-Chairperson's Duties.**

The Vice-Chairperson:

- (a) Shall act as the Chairperson in the absence or disability of the Chairperson.
- (b) Shall co-sign all official documents for the Organization.

### **Section 5. The Secretary's Duties.**

The Secretary:

- (a) Shall act as the Chairperson in the absence or disability of the Chairperson and Vice-Chairperson.
- (b) Shall attest to the Chairperson's and Vice-Chairperson's signature on all official documents for the Organization.
- (c) Shall tend to any correspondence with the Jurisdiction's staff, applicants, and the public, as directed by the Chairperson and as necessary for carrying out duties and objectives of the Organization.
- (d) Shall take and keep minutes of all Organization meetings.
- (e) Shall be the Custodian of Records for the Organization.

### **Section 6. Acting Officers.**

- (a) In the absence or disability of the Chairperson, the Vice-Chairperson, and Secretary, an acting Chairperson shall be selected by the members of the Organization present.
- (b) In the absence or disability of the Secretary, an acting Secretary shall be selected by the members of the Organization present.
- (c) A member of the Organization may act to fulfill the duties of only one office at a time unless serving in the absence or disability of another officer.

## **ARTICLE IV SUPPORT STAFF**

The Organization shall utilize, as necessary, the staff provided and authorized by the Members to assist in the completion of the Organization's work. Support staff may include:

- (a) Staff planner(s), engineer(s), or appointed consultants for the Member responsible for planning and public works functions in the Watershed Organization;
- (b) Designated planner, engineer, or consultant for the Organization, funded by funds made available through the Organization's actions or as authorized by the Members;
- (c) Any other support staff designated to represent the interests of the Members and assist in implementation of the Watershed Organization Watershed Plan.

## **ARTICLE V MEETINGS**

### **Section 1. Regular Meetings.**

- (a) Regular meetings of the Organization shall be held as needed, but at least bi-annually.
- (b) A meeting may be cancelled by directive of the presiding officer for failure to assemble a quorum for a scheduled meeting.
- (c) Held via teleconferences, Skype, etc...

### **Section 2. Special Meetings.**

- (a) Special meetings may be called as needed to handle business of the Organization. Special meetings may be called by the Chairperson, or at the request of three members of the Organization to the Chairperson, provided that prior notice is given to each Member of the Organization of the time, place, and agenda of such meeting, and provided all other public notice requirements are met.
- (b) No business other than that specified in the agenda may be considered at a special meeting, except by unanimous consent of the Members present at the special meeting.

## **ARTICLE VI PARLIAMENTARY PROCEDURE**

The rules contained in the current edition of *Robert's Rules of Order* shall govern the Organization in all cases to which they are applicable except where they are inconsistent with these bylaws, any special rules of order the Organization may adopt, or any of the Kansas Statutes Annotated that are applicable to the operation of the Organization.




## **ARTICLE VII AMENDMENT OF BYLAWS**

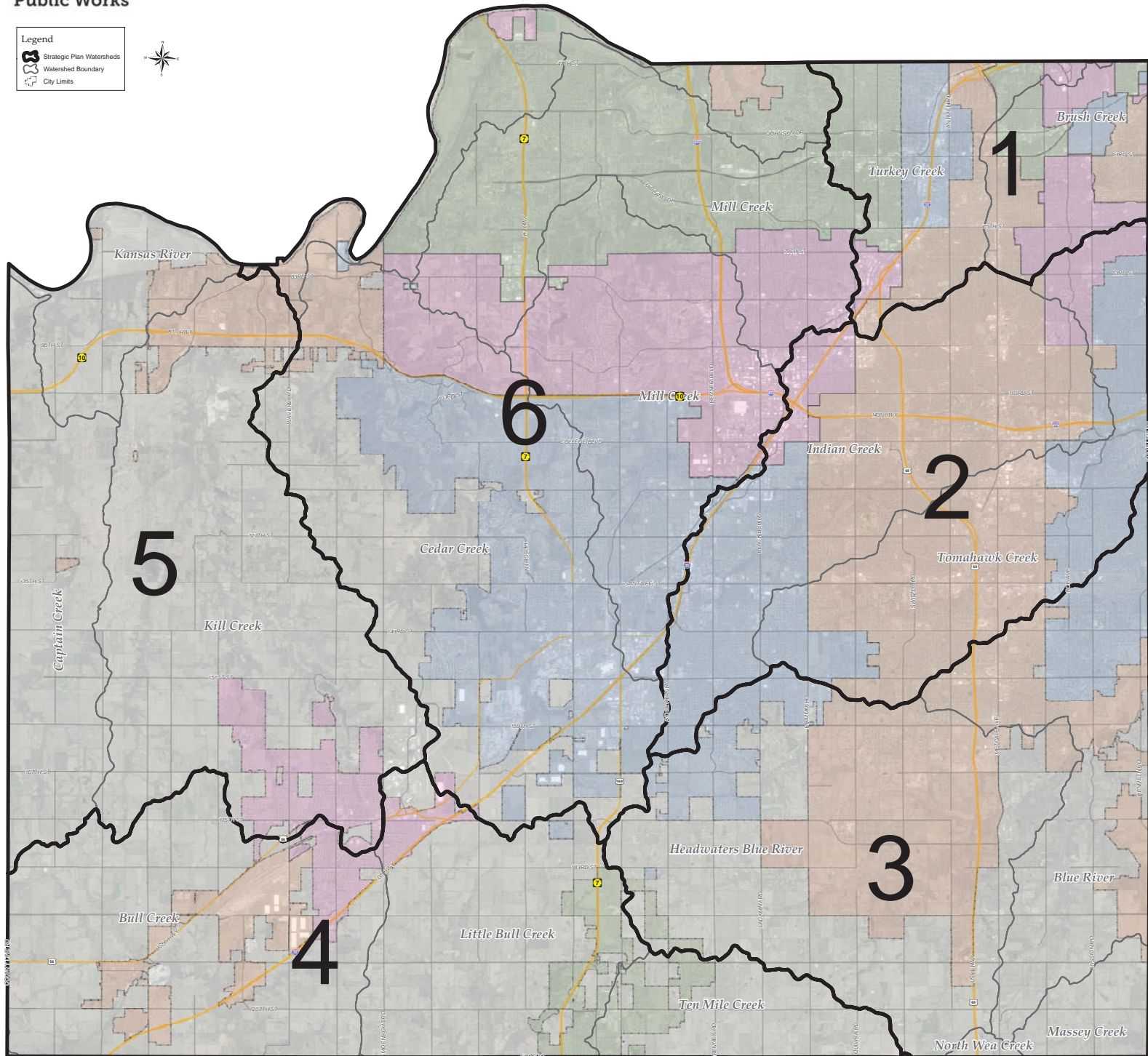
**Section 1.** These bylaws may be amended by an affirmative vote of the majority of the Organization.

**Section 2.** Proposals for amendment of the bylaws shall be presented in writing at a meeting of the Organization and action on the proposed amendment shall be taken at a subsequent meeting.

These bylaws are approved and adopted by Watershed Organization 4 this 1<sup>st</sup> day of January, 2020.

Legend

-  Strategic Plan Watersheds
-  Watershed Boundary
-  City Limits





The background of the slide features a scenic photograph of a calm lake surrounded by dense trees with vibrant autumn foliage in shades of green, yellow, and orange. The water reflects the surrounding forest. Overlaid on this image are several large, semi-transparent water droplets of varying sizes. A single, solid white water droplet is positioned to the right of the main title. At the bottom of the image, there is a horizontal bar composed of five distinct colored segments: light green, teal, dark blue, yellow, and red.

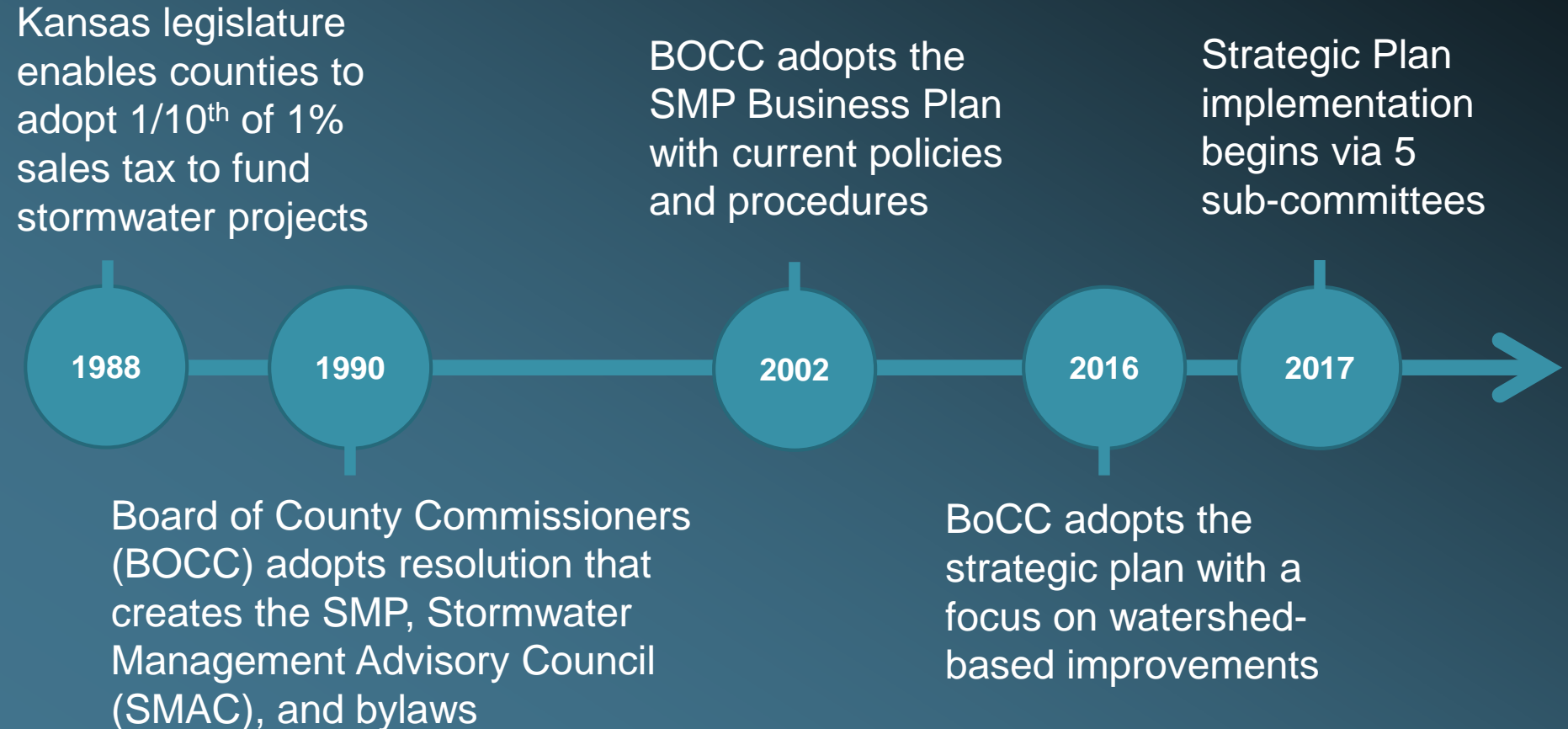
# Johnson County Stormwater Management Program

Strategic Plan Implementation

City of Edgerton

MARCH 28, 2019

# Stormwater Management Program (SMP) Timeline





# STRATEGIC PLAN STEERING COMMITTEE

NAME	AGENCY	TITLE
Jim Allen	Johnson County	County Commissioner
Mike Brungardt	City Administrator	City of De Soto
Celia Duran	City Engineer	City of Olathe
Aaron Otto	Former City Administrator	City of Roeland Park
Penny Postoak-Ferguson	Deputy County Manager	Johnson County
Brian Pietig	Public Works & Infrastructure Director	Johnson County
Fred Spears	Council Person	City of Overland Park
Bill Stogsdill	Public Works Director	City of Fairway

“Don’t let good be the enemy of great.”  
- Jim Collins

# Implementation Process

28 meetings, avg. 12 stakeholders per meeting

DeSoto, KS  
Fairway, KS  
Gardner, KS  
Kansas City, MO  
Leawood, KS  
Lenexa, KS  
Merriam, KS  
Mission, KS  
Mission Hills, KS  
Olathe, KS  
Overland Park, KS  
Prairie Village, KS  
Roeland Park, KS  
Shawnee, KS  
Spring Hill, KS  
Westwood, KS  
Westwood Hills, KS

Other JoCo Department/Agency's  
Mid-America Regional Council  
The Conservation Fund  
U.S. Geological Survey

GBA  
Affinis  
BHC Rhodes  
HDR  
CDM Smith  
Olsson Associates  
Walter P Moore  
Benesch  
Burns & McDonnell  
PEI  
Lamp Ryneearson  
AECOM  
Trek



# Watershed Organizations

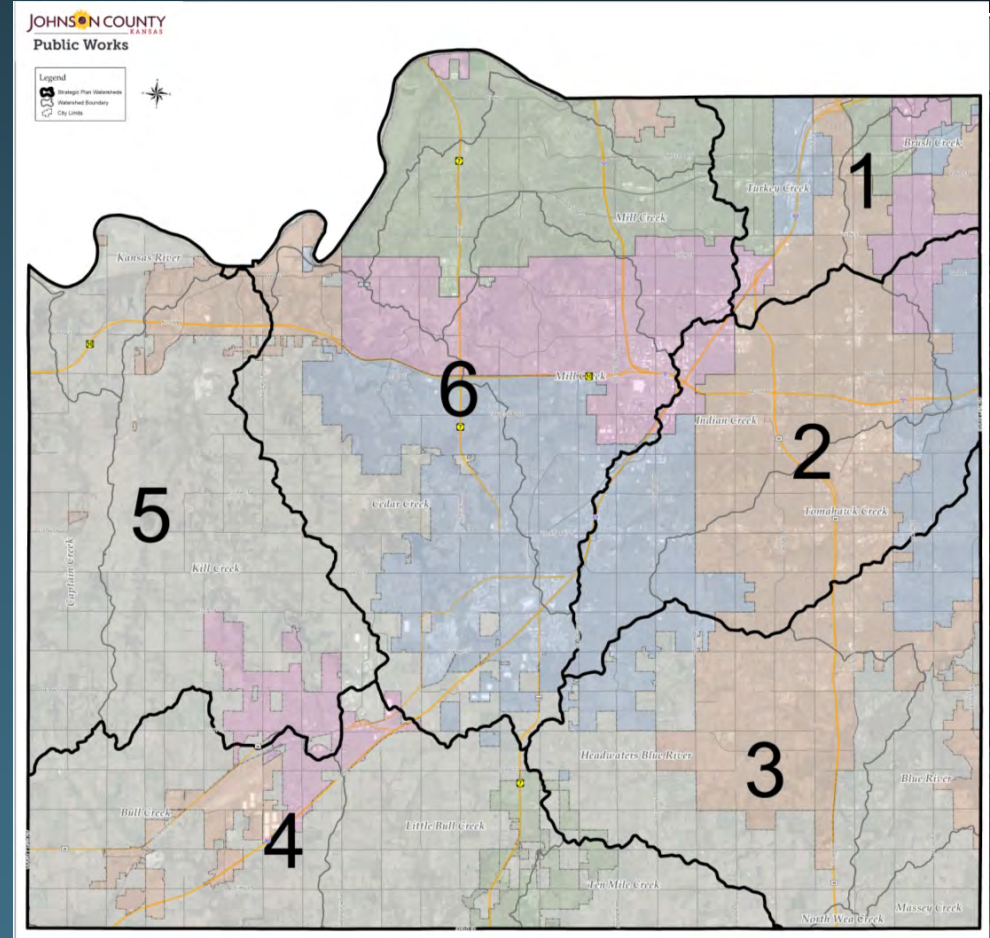
Community characteristics

Percent build out

Potential types of projects

Common receiving waters

Other factors



# Cities in the 6 Watershed Organizations as of Jan. 2019

1	2	3	4	5	6
Brush/Turkey Creek	Indian Creek	Upper Blue River	Marais Des Cygnes River	Captain/Kill Creek	Cedar/Mill Creek
Fairway	Leawood	Johnson County Uninc.	Edgerton	Gardner	Bonner Springs
Lenexa	Lenexa	Leawood	Gardner	De Soto	De Soto
Merriam	Olathe	Olathe	Johnson County Uninc.	Johnson County Uninc.	Johnson County Uninc.
Mission	Overland Park	Overland Park	Spring Hill		Lake Quivira
Mission Hills	Prairie Village				Lenexa
Mission Woods					Olathe
Overland Park					Shawnee
Prairie Village					
Roeland Park					
Shawnee					
Westwood					
Westwood Hills					



# The Focus Ahead

- Habitable Buildings
- Streets
- Home Buyout Program
- Homeowners Technical Assistance Program

- Countywide inventory
- Condition assessment
- Replace failing infrastructure
- Natural and manmade

## Flooding

## Water Quality

## System Management

## Planning

- Restore Impaired Streams/Lakes
- Protect high quality areas
- Streambank Stabilization
- Retrofit existing infrastructure

- Watershed Masterplans
- Near term and long range improvement projects
- Increased level of coordination

# Programmatic Changes

PAST	MOVING FORWARD
Local scope	Watershed scope
Year-to-year plan	5/10/15 Year Capital Improvement Plan (CIP)
0% County funding for system replacement projects	50% County funding for system replacement projects
75% County funding for flood damage reduction projects	100% County funding for significant watershed projects 50% County funding for local projects
0% County funding for water quality improvement projects	100% County funding for significant watershed projects 50% County funding for local projects
Alternate funding not emphasized	Alternative funding incentivized

## Next Steps 2019

Watershed boards established

Watershed Master Planning

Policies and Procedures Updates

Revised Inter local Agreement



## City Council Action Item

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**Council Meeting Date:** March 12, 2020

**Department:** Community Development

### **Agenda Item: Consider Application FP2019-03, Final Plat for On the Go Travel Center, First Plat, Generally Located at the Northeast Corner of Homestead Lane and Interstate 35 (I-35).**

**Background/Description of Item:** On April 26, 2019 the City of Edgerton received Application FP-2019-03 for the Final Plat of On the Go Travel center, generally located at the Northeast Corner of Homestead Lane and Interstate 35 (I-35).

This parcel was annexed into the City of Edgerton on January 1, 2015. The Planning Commission held a public hearing with regards to the rezoning (Application RZ-09-24-2014A) of this parcel from Johnson County RUR to City of Edgerton C-2 (Heavy Service Commercial) on March 10, 2015. The Governing Body approved the rezoning on March 26, 2015 (Ordinance 996).

The final plat includes approximately 12.162 acres, broken down as follows:

- Lot 1 – 9.139 acres
- Tract A – 2.115 acres
- Right of Way - .956 acres
- Total – 12.21 acres

Preliminary Plat Application PP2019-03 was submitted to, and approved by, the City of Edgerton Planning Commission on August 13, 2019. Final Plat Application FP2019-03 was also reviewed by the Edgerton Planning Commission and was recommended for City Council acceptance at the same meeting.

Staff, including City Engineer, have reviewed the revised Final Plat submittal for compliance with the approved Preliminary Plat and requirements in Section 13.3 of Article 13 of the Edgerton UDC. Staff review comments detailed in the attached Staff Report stipulated that additional easements may be necessary pending discussions regarding the intersection alignment, easements, utility locations, etc.

In order to accommodate the interior curve of West 200<sup>th</sup> Street, a small land swap was required between My Store III, Inc., the owner of this parcel, and Paul Middleton and Naomi Middleton Trust dated April 26, 1988, owner of an adjacent parcel. The documents related to



this land swap have been filed and recorded with the Johnson County Records and Tax Administration (RTA) per one of the stipulations of Planning Commission approval.

In addition, the applicant has obtained easement documents for the road piece shown on this plat that is on the Middleton parcel. These easement documents have also been recorded with the Johnson County RTA.

**Related Ordinance(s) or Statue(s):** K.S.A. 12-715b, K.S.A. 12-741, et. Seq. to K.S.A. 12-771 – Establishment of the Unified Development Code

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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<p><b>Recommendation: Approve Application FP2019-03, Final Plat for On the Go Travel Center, First Plat, Generally Located at the Northeast Corner of Homestead Lane and Interstate 35 (I-35).</b></p>
--

**Enclosed:**

- Revised Final Plat received February 11, 2020.
- Staff Report from August 13, 2019 Planning Commission including Final Plat Application FP2019-03.
- Excerpt of August 13, 2019 Planning Commission Meeting Minutes – On the Go Preliminary and Final Plat portions only

**Prepared by:** Katy Crow, Development Services Director

# FINAL PLAT OF ON THE GO TRAVEL CENTER, FIRST PLAT

PART OF THE NW1/4 OF SECTION 10, TOWNSHIP 15 S, RANGE 22 E  
CITY OF EDGERTON, JOHNSON COUNTY, KANSAS

## LEGAL DESCRIPTION

This is a survey and subdivision of all that part of the NW1/4 of Section 10, Township 15 S, Range 22 E, in the City of Edgerton, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the NW1/4 of said Section 10; thence S 2° 52' 48" E, along the West line of the NW1/4 of said Section 10, a distance of 999.89 feet; thence N 87° 35' 22" E, a distance of 280.86 feet, to a point on the North right-of-way line of Interstate Highway No. 35, as established in the Survey and Plat of the City of Edgerton, Johnson County, Kansas, said point also being the true point of beginning; thence continuing N 87° 35' 22" E, a distance of 215.98 feet; thence Eastwardly, along a curve to the right having a radius of 342.00 feet, a central angle of 26° 5' 02" and whose initial tangent bearing is S 64° 36' 47" E, to a point of tangency; thence S 27° 45' 38" E, a distance of 138.54 feet, to a point of curvature; thence Southwardly and Eastwardly, along a curve to the left having a radius of 318.00 feet and a central angle of 27° 32' 34", on a distance of 119.56 feet; thence S 30° 41' 48" W, a distance of 61.44 feet, to a point on the North line of the South half of the NW1/4 of said Section 10; thence S 11° 47' 20" E, a distance of 638.10 feet, to a point on the North right-of-way line of said Interstate Highway No. 35; thence S 80° 00' 40" W, along the North right-of-way line of said Interstate Highway No. 35, a distance of 509.79 feet; thence N 10° 04' 47" W, along the North right-of-way line of said Interstate Highway No. 35, a distance of 802.50 feet; thence N 10° 12' 54" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 141.15 feet; thence N 88° 57' 08" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 116.36 feet; thence N 07° 35' 22" W, along the North right-of-way line of said Interstate Highway No. 35, a distance of 76.42 feet, to the true point of beginning, containing 12.210 acres, more or less.

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "ON THE GO TRAVEL CENTER, FIRST PLAT".

## DEDICATION

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

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined hereon and designated on this plat as "U/E" or "Utility Easement" is hereby granted to the City of Edgerton, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located with the easement.

An easement to lay, construct, alter, repair, replace or operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through these areas designated as "sanitary sewer easement" or "S/E", on this plat are hereby dedicated to the City of Edgerton, Kansas. Sanitary Sewer Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of sanitary sewer facilities located within the easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over, under and through these areas outlined and designated on this plat as "D/E" or "Drainage Easement" is hereby granted to the City of Edgerton, Kansas. Drainage easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities.

Tract A as shown hereon shall be designated and used for storm water drainage easement and/or treatment or detention facilities, and shall be owned and maintained by the undersigned proprietors, their successors and/or assigns.

In accordance with KSA 12-512b, all rights, obligations, reservations, easements, or interests not shown on this plat shall be vacated as to use and as to title, upon filing or recording of this plat.

## CONSENT TO LEVY

The undersigned proprietor of the above described land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Edgerton, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment on such land as dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public way or thoroughfare.

## EXECUTION

IN TESTIMONY WHEREOF, undersigned proprietor has caused this instrument to be executed on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

MY STORE II, INC., a Kansas corporation

By: \_\_\_\_\_  
Moussa Sabido

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

## ACKNOWLEDGEMENT

BE IT REMEMBERED that on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, came Moussa Sabido, President of MY STORE II, INC., who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of the same.

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

Notary Public: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

Print Name: \_\_\_\_\_

## APPROVALS

Approved by the Planning Commission of the City of Edgerton, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Chairman: John E. Daley Secretary: Jeremy Little

Approved by the Governing Body of the City of Edgerton, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Mayer: Donald Roberts Attest: \_\_\_\_\_  
City Clerk: Chris Olson

APPROVED by the Zoning Administrator of the City of Edgerton, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Zoning Administrator: Katy Crow



I, THOMAS D. PHELPS, HEREBY CERTIFY THAT IN NOVEMBER 2018, I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.

CERTIFICATE OF AUTHORIZATION  
NAME: THOMAS D. PHELPS  
LICENSE NO.: LS-1076  
EXPIRATION DATE: 12/28/2023  
RENEWAL DATE: 12/28/2023  
EXPIRATION DATE: 12/28/2023



SCALE: 1"=100'  
0' 100' 200'

HEARING BOARD, STATE PLANE COORDINATE  
SYSTEM, KANSAS NORTH ZONE  
WEST LINE OF NW1/4, SEC. 10-15-22  
BEARING N 2° 03' 46" W

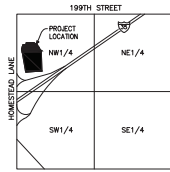
## LEGEND

- DENOTES SET 1/2" DIA. REBAR W/PHILIPS CORP. CLS-82 PLASTIC CAP IN CONCRETE
- DENOTES FOUND MONUMENT AS DESCRIBED
- R/L = BUILDING LINE
- D/E = DRAINAGE EASEMENT
- L/E = LANDSCAPE EASEMENT
- U/E = UTILITY EASEMENT
- P/E = PEDESTRIAN EASEMENT
- S/E = SEWER EASEMENT
- R/W = RIGHT-OF-WAY
- (P) = PLATTED
- (D) = DEEDED
- (M) = MEASURED

FLOOD NOTE:  
THE PROPERTY LIES WITHIN FLOOD ZONE A, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE LIMITS OF THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE INCORPORATED AREAS OF JOHNSON COUNTY, KANSAS, COMMUNITY NO. 200158, PANEL NO. 01540, DATED AUGUST 3, 2009.

LOT AREA TABULATION		
LOT NO.	AREA	BUILDING ENVELOPE
1	381,122.8 SQ.FT. 8.7364 ACRES	341,185.4 SQ.FT.
TRACT A	92,164.8 SQ.FT. 2.124 ACRES	N/A
ROW	41,651.4 SQ.FT. 0.9564 ACRES	
TOTAL	533,898.6 SQ.FT. 12.210 ACRES	

RETRACT TABULATION			
LOT NO.	FRONT	REAR	SIDE
1	40 FEET	N/A	N/A
TRACT A	N/A	N/A	N/A



VICINITY MAP  
SEC. 10-T15S-R22E

NAME OF PROPOSED SUBDIVISION: ON THE GO TRAVEL CENTER, FIRST PLAT

LOCATION OR ADDRESS OF SUBJECT PROPERTY: 199TH AND HOMESTEAD LANE

LEGAL DESCRIPTION: NW1/4, SEC. 10-15-22

CURRENT ZONING ON SUBJECT PROPERTY: C-2 CURRENT LAND USE: N/A

TOTAL AREA: 12.16 Acres NUMBER OF LOTS: 1 AVG. LOT SIZE: 405K Sq. Ft.

DEVELOPER'S NAME(S): DAVID ANDERSON PHONE: 913-422-5300

COMPANY: KBS CONSTRUCTORS, INC. FAX: \_\_\_\_\_

MAILING ADDRESS: 14955 W. 117TH STREET, OLATHE, KS 66062

Street City State Zip

PROPERTY OWNER'S NAME(S): MOUSSA SOBAITI PHONE: \_\_\_\_\_

COMPANY: MY STORE III INC. FAX: \_\_\_\_\_

MAILING ADDRESS: 14728 W. 93RD STREET, LENEXA, KS 66215

Street City State Zip

ENGINEER'S NAME(S): JUDD CLAUSSEN PHONE: 913-393-1155

COMPANY: PHELPS ENGINEERING, INC. FAX: 913-393-1166

MAILING ADDRESS: 1270 N. WINCHESTER, OLATHE, KS 66061

Street City State Zip

SIGNATURE OF OWNER OR AGENT: (SEE ATTACHED)

If not signed by owner, authorization of agent must accompany this application.

NOTE: Ten (10) copies of the proposed preliminary plat must accompany this application for staff review. One (1) reduced copy (8 ½ x 11) must also be submitted with the application.

#### FOR OFFICE USE ONLY

Case No.: ~~NZ~~-FP2019-03 Amount of Fee Paid: \$ 310 Date Fee Paid: 4-26-19 Receipt #: \_\_\_\_\_

Received By: \_\_\_\_\_ Date of Hearing: 6-7-19

#### FINAL PLAT INSTRUCTIONS

**SUBMITTAL DEADLINE:** The applicant shall submit an application at least forty-five (45) days prior to a scheduled meeting. If the final plat complies with the preliminary plat, Planning Commission and Governing Body may consider approval without notice or public hearing.



NAME OF PROPOSED SUBDIVISION: ON THE GO TRAVEL CENTER, FIRST PLAT

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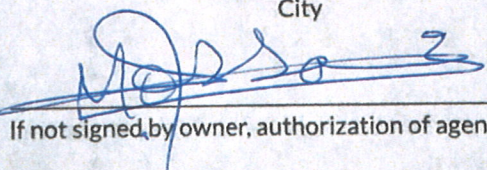
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4-26-2019

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vs. 9-9-11



This is a survey and subdivision of all that part of the NW 1/4 of Section 10, Township 15, Range 22, in Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the NW 1/4 of said Section 10; thence S 2° 03' 46" E, along the West line of the NW 1/4 of said Section 10, a distance of 991.99 feet; thence N 87° 35' 22" E, a distance of 280.86 feet, to a point on the North right-of-way line of Interstate Highway No. 35, as established in the Warranty Deed recorded in Book 201108 at Page 001191, in the Office of the Register of Deeds, Johnson County, Kansas, said point also being the true point of beginning; thence continuing N 87° 35' 22" E, a distance of 185.94 feet; thence Easterly and Southeasterly, along a curve to the right having a radius of 390.00 feet, a central angle of 32° 01' 48" and whose initial tangent bearing is S 69° 47' 26" E, an arc distance of 218.02 feet, to the point of tangency; thence S 37° 45' 38" E, a distance of 93.64 feet, to a point of curvature; thence Southeasterly and Easterly, along a curve to the left having a radius of 320.00 feet and a central angle of 21° 31' 36", an arc distance of 120.23 feet; thence S 30° 41' 48" W, a distance of 59.41 feet, to a point on the North line of the South Half of the NW 1/4 of said Section 10; thence S 1° 47' 20" E, a distance of 638.10 feet, to a point on the North right-of-way line of said Interstate Highway No. 35; thence S 85° 06' 40" W, along the North right-of-way line of said Interstate Highway No. 35, a distance of 509.79 feet; thence N 10° 04' 47" W, along the North right-of-way line of said Interstate Highway No. 35, a distance of 802.50 feet; thence N 15° 12' 54" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 141.15 feet; thence N 88° 57' E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 116.36 feet; thence N 0° 38' 21" E, along the North right-of-way line of said Interstate Highway No. 35, a distance of 76.42 feet, to the true point of beginning, containing 12.162 acres, more or less.

FINAL PLAT OF  
ON THE GO TRAVEL CENTER, FIRST PLAT

PART OF THE NW1/4 OF SECTION 10, TOWNSHIP 15 S, RANGE 22 E  
CITY OF EDGERTON, JOHNSON COUNTY, KANSAS

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

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under those areas outlined hereon and designated on this plat as "U/E" or "Utility Easement" is hereby granted to the City of Edgerton, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easement shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located with the easement.

An easement to lay, construct, alter, repair, replace or operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "sanitary sewer easement" or "S/E" on this plat are hereby dedicated to the City of Edgerton, Kansas. Sanitary Sewer Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of sanitary sewer facilities located within the easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over, under and through those areas outlined and designated on this plat as "D/E" or "Drainage Easement" is hereby granted to the City of Edgerton, Kansas. Drainage easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities.

An easement or license for the public to enter upon and utilize a sidewalk for pedestrian cross access through the subject property is hereby granted over those areas outlined and designated on this plat as "P/E" or "Pedestrian Easement".

Tract A as shown hereon shall be designated and used for storm water drainage easement and/or treatment or detention facilities, and shall be owned and maintained by the undersigned proprietors, their successors and/or assigns.

In accordance with KSA 12-512b, all rights, obligations, reservations, easements, or interests not shown on this plat shall be vacated as to use and as to title, upon filing or recording of this plat.

CONSENT TO LEVY

The undersigned proprietor of the above described land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Edgerton, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public way or thoroughfare.

EXECUTION

IN TESTIMONY WHEREOF, undersigned proprietor has caused this instrument to be executed on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

MY STORE III, INC., a Kansas corporation

By: \_\_\_\_\_  
Moussa Sobatiti

ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

BE IT REMEMBERED that on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ , before me, the undersigned, a Notary Public in and for said County and State, came Moussa Sobatiti, President of MY STORE III, INC., who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of the same.

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

Notary Public: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

Print Name: \_\_\_\_\_

APPROVALS

Approved by the Planning Commission of the City of Edgerton, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Chairman: John E. Daley Secretary: Jeremy Little

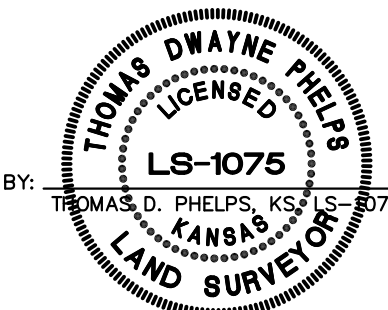
Approved by the Governing Body of the City of Edgerton, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Mayor: Donald Roberts Attest: \_\_\_\_\_  
City Clerk: Rachel James

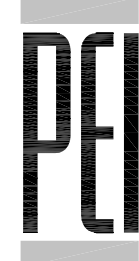
APPROVED by the Zoning Administrator of the City of Edgerton, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Zoning Administrator: Katy Crow

I, THOMAS D. PHELPS, HEREBY CERTIFY THAT IN NOVEMBER 2018, I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.

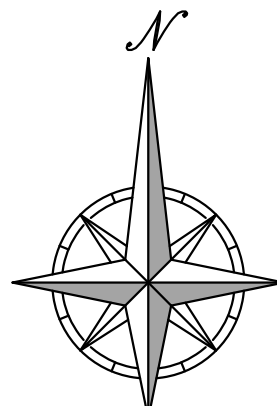


CERTIFICATE OF AUTHORIZATION  
KANSAS  
LAND SURVEYING - LS-82  
ENGINEERING - E-391  
MISSOURI  
LAND SURVEYING-2007001128  
ENGINEERING-2007005058



PLANNING  
ENGINEERING  
IMPLEMENTATION

PHELPS ENGINEERING, INC.  
1270 N. Winchester  
Olathe, Kansas 66061  
(913) 393-1155  
Fax (913) 393-1166



SCALE: 1"=100'  
0' 100' 200'

BEARING BASIS: STATE PLANE COORDINATE  
SYSTEM, KANSAS NORTH ZONE  
WEST LINE OF NW1/4, SEC. 10-15-22  
BEARING N 2° 03' 46" W

LEGEND

- DENOTES SET 1/2"x24" REBAR W/PHELPS CORP. CLS-82 PLASTIC CAP IN CONCRETE
- DENOTES FOUND MONUMENT AS DESCRIBED

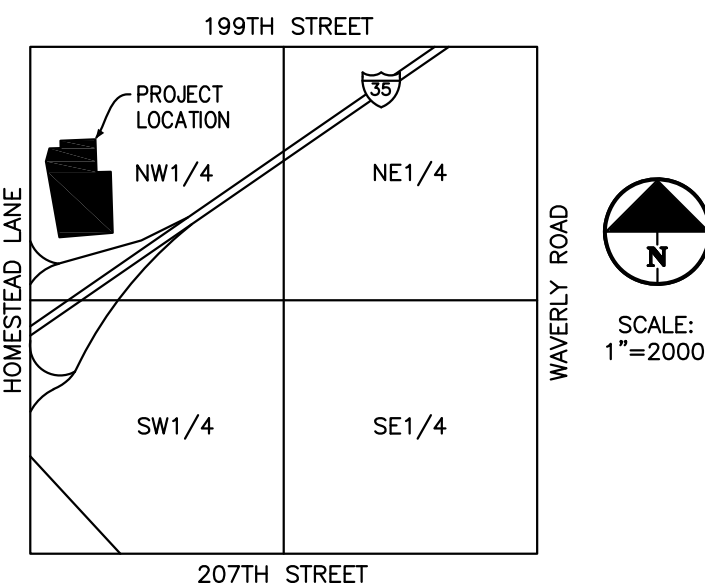
B/L = BUILDING LINE  
D/E = DRAINAGE EASEMENT  
L/E = LANDSCAPE EASEMENT  
U/E = UTILITY EASEMENT  
P/E = PEDESTRIAN EASEMENT  
R/W = RIGHT-OF-WAY  
(P) = PLATTED  
(D) = DEEDED  
(M) = MEASURED

FLOOD NOTE:

THIS PROPERTY LIES WITHIN FLOOD ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE LIMITS OF THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE INCORPORATED AREAS OF JOHNSON COUNTY, KANSAS, COMMUNITY NO. 200158, PANEL NO. 0134G, DATED AUGUST 3, 2009.

LOT AREA TABULATION			
LOT NO.	AREA	BUILDING ENVELOPE	
1	405,500± SQ.FT. 9.309± ACRES	346,734± SQ.FT.	
TRACT A	92,116± SQ.FT. 2.115± ACRES	N/A	
ROW	32,179± SQ.FT. 0.738± ACRES		
TOTAL	529,795± SQ.FT. 12.162± ACRES		

SETBACK TABULATION			
ZONING: C-2, HEAVY SERVICE COMMERCIAL			
LOT NO.	FRONT	REAR	SIDE
1	40 FEET	N/A	N/A
TRACT A	N/A	N/A	N/A



VICINITY MAP  
SEC. 10-T15S-R22E

EDGERTON CITY HALL  
PLANNING COMMISSION MEETING  
REGULAR SESSION  
August 13, 2019

The Edgerton Planning Commission met in regular session with Chair John Daley calling the meeting to order at 7:00 p.m.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were Chair John Daley, Commissioner Tim Berger, Commissioner Jeremy Little, and Commissioner Charlie Crooks. Commissioner Josh Beem was absent from the meeting. Also present were Mayor Donald Roberts, City Administrator Beth Linn, Development Services Director Katy Crow, and Planning and Zoning Coordinator Chris Clinton.

The Planning and Zoning Coordinator announced a quorum was present.

**NEW BUSINESS**

**PUBLIC HEARING – PRELIMINARY PLAT – APPLICATION PP2019-03**

Chairman Daley stated this application was continued from the July 9, 2019 Planning Commission meeting. Ms. Crow, Development Services Director, introduced Application PP2019-03 as a Preliminary Plat for On the Go Travel Center and presenting the application is Mr. Judd Clausen of Phelps Engineering, Incorporated. Mr. Clausen came before the Planning Commission (the Commission). He stated this project is brought forth by the civil engineers from Phelps Engineering, the architects at BCS Architecture, and will be constructed by KBS Construction. Mr. Clausen thanked the Commission for the opportunity to present and appreciated the hard work and time commitment by City Staff to aid them in putting this project together and in compliance with the Unified Development Code (UDC).

Mr. Clausen stated this project is located on the northeast corner of Homestead Land and Interstate 35 (I-35). The Preliminary Plat shows Kansas Department of Transportation (KDOT) right-of-way to the south and west of the parcel. The northern property line abuts another parcel but there is a proposed road that will go to the eastern end of the parcel. At this time, the road will go about halfway into the parcel and stop at what will be the eastern property line of Lot 1 on the Final Plat. Mr. Clausen explained there is a land swap in progress between the northern neighbor and the property owner to get the curvature correct of the new road.

Ms. Crow informed the Commission City Staff is aware of the land swap and one condition of approval of the Preliminary Plat requires the appropriate paperwork documenting the land swap be prepared and provided to the City before any construction can start on the site. The proposed road will also need to meet City standards. She reminded the Commission the plat is about the division of the land and not what is going to be built. Ms. Crow also stated the water line easement location and other easement details need to be finalized, but City Staff is working with the applicant on those details. City Staff recommends approval for Preliminary Plat Application PP2019-03.

Chairman Daley reopened the public hearing. There were no public comments. Mr. Berger motioned to close the public hearing, Mr. Little seconded. The public hearing was closed, 4-0.

Chairman Daley asked if the Commission had any questions for City Staff or Mr. Clausen. No questions were raised. Mr. Berger motioned to approve Preliminary Plat Application PP2019-03 with the following stipulations:

1. Documentation be provided to dedicate the right-of-way along the proposed road, any additional easements not listed, and the water easement;
2. The Planning Commission Secretary and City Clerk signature block be removed from the Certification on the Preliminary Plat;
3. All infrastructure requirements of the City shall be met;
4. All City Engineer comments related to Stormwater Management Plan must be address;
5. Preliminary Plat shall be approved for a one-year period and shall be extended for an additional year upon the approval of a Final Plat for the same parcel of land or any part thereof. If a Final Plat is not approved for a portion or all of the land covered under the Preliminary Plat within one year, the Preliminary Plat shall be ruled null and void. The Planning Commission, upon submittal and approval of a written request, may grant a one-year extension on the approval of the Preliminary Plat.

Mr. Little seconded the motion to approve with stipulations. Preliminary Plat Application PP2019-03 was approved, 4-0.

### **FINAL PLAT – APPLICATION FP2019-03**

Chairman Daley introduced Final Plat Application PP2019-03 for the same parcel as Preliminary Plat Application PP2019-03. Mr. Clausen came forward to present the Final Plat that is one page and will set the lot lines of the western half of the parcel. This plat will also dedicate the road right-of-way once it is constructed. Tract A, which is located on the southern part of the plat will be dedicated for storm detention only. This detention basin is to be used for the whole parcel. He stated there are other easements dedicated on the final plat, including a 12-foot utility and pedestrian easement. Mr. Clausen stated that with the restricted access from KDOT, no other curb cut will be needed off of Homestead Lane, and the existing entrance will be utilized. Chairman Daley asked if the one access point will be an issue. Ms. Linn, City Administrator, explained KDOT has done a traffic study for this intersection and are considering full access at this intersection. KDOT and the City are still in discussion when it comes to the exact design of this intersection.

Ms. Crow said during their review, City Staff noted there is to be one lot and one tract. The name of the proposed road will be West 200<sup>th</sup> Terrace, not East Nelson Street as noted in the Staff Report. City Staff recommends approval for Final Plat Application FP2019-03.

Chairman Daley asked if the Commissioners had any questions for Staff or the applicant. Mr. Berger asked if it was the stipulations for approval are as follows:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewer, sanitary sewers, and water mains contained within the Final Plat by the Governing Body. The property owner and/or developer shall work with City Staff to determine the best possible placement for a storm water easement and shall dedicate said storm water easement on the Final Plat;
2. A Public Improvement Inspection Fee, established by the Fee Schedule for the UDC, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements;
3. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC, including payment of excise tax;



4. The applicant shall meet all requirements of Financial Assurance as defined in Section 13.7 of the Edgerton UDC;
5. All City Engineer comments related to the Stormwater Management Plan must be addressed;
6. All Final Plat requirements of the City listed in the Staff Report shall be met or addressed prior to recording the Final Plat. Those requirements are:
  - a. Confirm monuments have been set after the plat has been recorded with Johnson County Register of Deeds;
  - b. Prior to road construction, applicant is required to submit public infrastructure plans for West 200<sup>th</sup> Terrace. Additional right-of-way width may be needed, and additional easements may be required by utilities. City Engineer will review infrastructure plans when submitted to ensure City standards are met. If the applicant is unable to provide documentation to dedicate right-of-way, any necessary easements and private property construction, the project will need to be revised to be located entirely on this property;
  - c. Upon filing the Final Plat with Johnson County Register of Deeds Certificate (Book/Page) will need to be added.
7. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plats.

Ms. Crow stated those are the stipulations for approval including the requirement of providing the documentation of the land swap. Mr. Berger motioned to approve Final Plat Application FP2019-03 with the stipulations. Mr. Little seconded. Final Plat Application FP2019-03 was approved, 4-0.

## City Council Action Item

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**Council Meeting Date:** March 12, 2020

**Department:** Administration

### **Agenda Item: Consider Acceptance of 207th Grade Separation Deed of Dedication of Right-of-Way and Temporary Construction Easement**

**Background/Description of Item:**

In 2020, the City of Edgerton will begin construction of the 207<sup>th</sup> Street Grade Separation Project. The Project requires acquisition of rights-of-way and easements from several property owners near the 207<sup>th</sup> Street and Co-op Road intersection. Enclosed with this packet is an executed deed of dedication of right-of-way and temporary construction easement necessary for the project.

The 207<sup>th</sup> Street Grade Separation Project (design, construction, inspection, utility relocations, right-of-way acquisition, etc.) is funded entirely from the Public Infrastructure Fund as part of the City's agreements with BNSF Railway and Edgerton Land Holding Company for Logistics Park Kansas City (LPKC). No city general fund dollars will be used for this project.

**Related Ordinance(s) or Statue(s):** N/A

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**Funding Source:** LPKC Phase I Public Infrastructure Fund

**Budget Allocated:** \$15,000,000

**Finance Director Approval:**

x   
Karen Kindle, Finance Director

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**Recommendation: Accept a Deed of Dedication of Right-of-Way and Temporary Construction Easement for the 207th Grade Separation Project**

**Enclosed:** Deed of Dedication of Right-of-way  
Temporary Construction Easement

**Prepared by:** Beth Linn, City Administrator

### **DEED OF DEDICATION**

This deed of dedication is made on this \_\_\_\_ day of \_\_\_\_\_, 2020.

**DARIUS C. CRIST and GINGER D. CRIST**, a married couple (hereinafter "Grantors"), for the consideration of Five Thousand, One Hundred and Seventy-Six Dollars (\$5,176.00) in hand paid, sell, convey and deed to the City of Edgerton, Kansas (hereinafter "Grantee"), free and clear of all liens and encumbrances, fee title to the following described real property in Johnson County, Kansas:

All that part of the Southwest Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County; thence North 87°40'21" East along the south line of said Southwest Quarter a distance of 932.50 feet; thence North 01°36'00" West along a line parallel to the west line of said Southwest Quarter a distance of 20.00 feet to the Point of beginning; thence continuing North 01°36'00" West along a line parallel to the west line of said Southwest Quarter a distance of 61.41 feet; thence southwesterly, along a non-tangent curve to the right having a radius of 475.00 feet a chord bearing of South 74°54'13" West, and a chord length of 209.97 feet for a distance of 211.72 feet; thence South 87°40'21" West parallel to the south line of said Southwest Quarter a distance of 50.00 feet; thence South 02°19'39" East a distance of 15.00 feet to a point on the existing north R/W line of 207th Street; thence North 87°40'21" East along said existing R/W line a distance of 254.00 feet to the Point of Beginning, containing 6,901 square feet, or 0.158 acres, more or less.

IN WITNESS WHEREOF, the parties above named have hereunto set their hands and seals the date first above written.

**GRANTORS:**

  
**DARIUS C. CRIST**

  
**GINGER D. CRIST**

**GRANTEE:**

(SEAL)

**CITY OF EDGERTON, KANSAS,**  
A Municipal Corporation

By: \_\_\_\_\_  
Beth Linn, City Administrator

**ATTEST:**

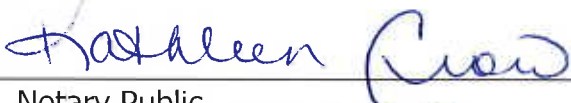
\_\_\_\_\_  
Chris Clinton, City Clerk

**ACKNOWLEDGMENT**

STATE OF KANSAS        )  
                                  ) ss:  
COUNTY OF JOHNSON    )

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_ 2020,  
before me, the undersigned, a Notary Public in and for the County and State aforesaid,  
came **DARIUS C. CRIST and GINGER D. CRIST**, a married couple, who are personally  
known to me to be the same persons who executed the foregoing instrument of writing  
and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my  
official seal the day and year last above written.

  
Notary Public

My Appointment Expires:

12/31/2023



**ACKNOWLEDGMENT**

STATE OF KANSAS            )  
                                      ) ss:  
COUNTY OF JOHNSON        )

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **BETH LINN**, City Administrator of the City of Edgerton, Kansas, and **CHRIS CLINTON**, City Clerk of said City, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

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

\_\_\_\_\_  
Notary Public

Deed of Dedication  
Page 3 of 3

My Appointment Expires:

\_\_\_\_\_

\*Pursuant to K.S.A. 79-1437e, a real estate validation questionnaire is not required due to Exception No.  
13

City Project: 207<sup>th</sup> Street Grade Separation  
Parcel No. BF221507-2008

**TEMPORARY CONSTRUCTION EASEMENT**

THIS AGREEMENT, Made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between **DARIUS C. CRIST and GINGER D. CRIST**, a married couple, hereinafter called Grantors, and the **CITY OF EDGERTON, KANSAS**, a Municipal Corporation, located in the County of Johnson, State of Kansas, hereinafter called Grantee.

NOW, THEREFORE, for the sum of Three Hundred and Sixteen (\$316.00) and other good and valuable consideration, including just compensation paid for all property damage resulting from the public improvement and from those factors set forth in K.S.A. 26-513 and other factors arising from the public improvement to be made, including but not limited to access to the property; productivity, convenience, use to be made of the property remaining; view; severance of the tract; changes of grade; loss or impairment of access; loss of landscaping, trees and shrubbery; loss of fences; damage to property remaining due to change of grade; medians; and increased water run-off or drainage as indicated on the construction plan; the sufficiency of which is hereby acknowledged, the Grantors do hereby grant to Grantee, its successors and assigns, a Temporary Construction Easement in, on, over, under and through the following described real estate, to wit:

All that part of the Southwest Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County; thence North 87°40'21" East along the south line of said Southwest Quarter a distance of 932.50 feet; thence North 01°36'00" West along a line parallel to the west line of said Southwest Quarter a distance of 81.41 feet to the Point of beginning; thence continuing North 01°36'00" West along a line parallel to the west line of said

Southwest Quarter a distance of 25.06 feet; thence South 48°14'53" West a distance of 62.07 feet; thence South 72°02'06" West a distance of 63.88 feet; thence South 14°04'07" East a distance of 5.00 feet; thence southwesterly, along a non-tangent curve to the right having a radius of 475.00 feet a chord bearing of South 76°50'31" West, and a chord length of 15.10 feet for a distance of 15.10 feet; thence North 12°14'51" West a distance of 5.00 feet; thence South 82°42'45" West a distance of 81.27 feet; thence South 02°19'39" East a distance of 5.00 feet to a point on the proposed R/W line; thence following the proposed R/W line along a non-tangent curve to the left having a radius of 475.00 feet a chord bearing of North 74°54'13" East, and a chord length of 209.97 feet for a distance of 211.72 feet to the Point of Beginning, containing 1,612 square feet, or 0.037 acres, more or less.

**AND**

All that part of the Southwest Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County; thence North 87°40'21" East along the south line of said Southwest Quarter a distance of 932.50 feet; thence North 01°36'00" West along a line parallel to the west line of said Southwest Quarter a distance of 81.41 feet to a point on the proposed right of way line; thence southwesterly, along a non-tangent curve to the right having a radius of 475.00 feet a chord bearing of South 69°01'58" West, and a chord length of 114.11 feet for a distance of 114.38 feet; to the Point of beginning; thence North 14°04'07" West a distance of 5.00 feet; thence South 76°50'31" West a distance of 14.94 feet; thence South 12°14'51" East a distance of 5.00 feet; thence northeasterly, along a non-tangent curve to the left having a radius of 475.00 feet a chord bearing of North 76°50'31" East, and a chord length of 15.10 feet for a distance of 15.10 feet to the Point of Beginning, containing 76 square feet, or 0.002 acres, more or less.

This Temporary Construction Easement shall be for a two (2) year period starting with the date of the Construction Work Order (CWO) which begins the project and expiring two (2) years thereafter, or August 20, 2022, whichever is the earliest date. Grantors agree that if the project is delayed and not completed within the temporary construction easement area prior to the expiration date set forth herein, Grantee, upon the filing of an Affidavit of Notice of Extension of Temporary Construction Easement with the Record and Tax Administration in Johnson County, Kansas, shall be granted a period of time not to exceed one (1) year from the original expiration date, to complete said project within the easement area. In no event shall the actual work of the project within the temporary construction easement area exceed a time period of two years.



For one year after the expiration date or extension of the expiration date set forth in this easement, Grantee shall have the right to perform maintenance work on or repair of the improvement and to perform landscaping work related thereto.

Grantors reserve the right to fully use and enjoy the premises except for such use as may unreasonably interfere with the exercise by Grantee of the rights granted herein.

After completion of construction, Grantee shall restore the premises and improvement within the temporary construction easement to as near as possible the conditions set out in the project plans and specifications. Said improvement within the temporary construction easement shall be permanent.

Grantee agrees to restore the temporary construction easement by seeding, replacement of sod or paving as set out in the improvement plans and specifications. Grading within the temporary construction easement may result in a permanent grade change.

Grantors covenant that they are the owner of the premises and have the right, title and capacity to grant the easements herein conveyed.

This agreement is binding upon the heirs, executors, administrators, successors and assigns of the Grantors and Grantee, and it is understood that this agreement cannot be changed or altered in any way except by writing, legally signed by both Grantors and Grantee.

TO THESE COVENANTS, the Grantors do hereby consent and agree.

IN WITNESS WHEREOF, the parties above named have hereunto set their hands and seals the date first above written.

**GRANTORS:**

  
\_\_\_\_\_

**DARIUS C. CRIST**

  
\_\_\_\_\_

**GINGER D. CRIST**

**GRANTEE:**

**CITY OF EDGERTON, KANSAS,**  
A Municipal Corporation

(SEAL)

By: \_\_\_\_\_  
Beth Linn, City Administrator

ATTEST:

\_\_\_\_\_  
Chris Clinton, City Clerk

**ACKNOWLEDGMENT**

STATE OF KANSAS       )  
                                  ) ss:  
COUNTY OF JOHNSON   )

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_ 2020,  
before me, the undersigned, a Notary Public in and for the County and State aforesaid,  
came **DARIUS C. CRIST and GINGER D. CRIST**, a married couple, who are personally  
known to me to be the same persons who executed the foregoing instrument of writing  
and said persons duly acknowledged the execution of the same to be their act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my  
official seal the day and year last above written.

  
\_\_\_\_\_  
Notary Public

My Appointment Expires:

12/31/2023



## ACKNOWLEDGMENT

STATE OF KANSAS       )  
                                  ) ss:  
COUNTY OF JOHNSON    )

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **BETH LINN**, City Administrator of the City of Edgerton, Kansas, and **CHRIS CLINTON**, City Clerk of said City, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

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

\_\_\_\_\_  
Notary Public

My Appointment Expires:

\_\_\_\_\_