

**EDGERTON SPECIAL CITY COUNCIL  
MEETING AGENDA  
CITY HALL, 404 EAST NELSON STREET  
July 2, 2024  
5:00 P.M.**

**Call to Order**

1. **Roll Call**

\_\_\_\_\_ Roberts \_\_\_\_\_ Longanecker \_\_\_\_\_ Lewis \_\_\_\_\_ Lebakken \_\_\_\_\_ Malloy \_\_\_\_\_ Conus

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 from June 13, 2024 Regular City Council Meeting

5. Approve Application FP2024-0001, Final Plat for Replat of Lots 9-12, Block 25, Town of Martin, Located At The Northwest Corner Of E. 4th Street and Hulett Street, Edgerton, Kansas.

6. Approve Application FP2024-0002, Final Plat for Replat of Logistics Park Kansas City – Southeast, Fourth Plat, Located At The Southeast Corner Of W. 191st Street and Montrose Street, Edgerton, Kansas.

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

**Regular Agenda**

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. **Public Comments.** The City of Edgerton encourages public participation in local governance issues. To facilitate an efficient and effective meeting, persons wishing to address the City Council must sign-up before the meeting begins. Speakers must provide their name and address for the record and are limited to three (3) minutes. The maximum time limit for all speakers will be thirty (30) minutes. Comments on personnel matters or matters pending before court/other outside tribunals are not permitted. Any comments are for informational purposes only. No action will be taken.

The Mayor may modify these provisions, as necessary. The Mayor may limit any unnecessary, off-topic, or redundant comments or presentations. Speakers should address their comments to City Council members only and should not speak to fellow audience members. City Council members will not engage in a dialogue or debate with speakers. Speakers and audience members should conduct themselves in a civil and respectful manner. Disruptive conduct may result in removal from the meeting.

**Business Requiring Action**

**9. CONSIDER A CONTRACT WITH ECOTURF PLAYGROUND SURFACING FOR PLAYGROUND AND FITNESS SURFACING OF \$49,582.72 FOR THE GLENDELL ACRES PARK IMPROVEMENTS PROJECT.**

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

**10. CONSIDER DESIGNATION OF OFFICIAL CITY NEWSPAPER**

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

**11. Report by the City Administrator**

- Right-of-Way Restoration Update

**12. Report by the Mayor**

**13. Future Meeting Reminders:**

- July 9: Planning Commission – 7:00 PM
- July 11: City Council Meeting – 7:00 PM
- July 18: Budget Work Session – 7:00 PM
- July 25: City Council Meeting – 7:00 PM
- August 8: City Council Meeting – 7:00 PM
- August 13: Planning Commission – 7:00 PM
- August 22: City Council Meeting – 7:00 PM

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

**EVENTS**

- 7/3: 3rd of July
- 7/5: Animal Wonders: Reptiles & Amphibians
- 7/8: Fun in the Sun
- 7/9: Tales for Tots
- 7/13: Puzzle Palooza
- 7/17: Senior Lunch
- 7/18: Culinary Kids: Chocolate Chip Cookies
- 7/19: Coloring Cafe
- 7/19: Outdoor Movie Night: Ghostbusters Frozen Empire
- 7/22: Fun in the Sun
- 7/24: Dog Bite Prevention Class
- 7/25: Crafty Kids: Paint Pouring

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**June 13, 2024**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas June 13, 2024. The meeting convened 7:00 PM with Mayor Donald Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	absent
Deb Lebakken	present
Bill Malloy	present
Ron Conus	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Assistant to the City Administrator, Kara Banks
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion
- Public Works Director, Dan Merkh
- Public Work Superintendent, Trey Whitaker
- Parks and Recreation Director, Levi Meyer
- Recreation Superintendent, Brittany Paddock
- CIP Project Manager, Holly Robertson
- Development Services Director, Zach Moore

**2. WELCOME.** Mayor Roberts welcomed all in attendance.

**3. PLEDGE OF ALLEGIANCE.** All present participated in the 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 from May 23, 2024 Regular City Council Meeting

Councilmember Longanecker moved to approve the Consent Agenda, seconded by Councilmember Lebakken. The Consent Agenda was approved, 4-0.

**Regular Agenda**

**5. Declaration.** There were no declarations made.

**6. Public Comments.** There were no public comments made.

**7. CONSIDER ACCEPTANCE OF A PROPOSAL FOR FITNESS EQUIPMENT AT THE GREENSPACE WITH JOHNSON FITNESS AND WELLNESS FOR \$15,889.18**

Ms. Robertson addressed the council. She stated in July 2023, Council awarded construction of The Greenspace project to Combes Construction, LLC. Construction began in August.

She stated staff has reviewed fitness equipment of facilities of similar size to The Greenspace and requested recommendations for equipment from two equipment providers. She stated consideration for future operations, flexibility, maintenance, and durability were top deciding factors for the items selected. She stated staff would recommend accepting the proposal with Johnson Fitness and Wellness to purchase the fitness equipment, which includes one bi-annual maintenance visit, all of which is outlined in the contract.

She stated the proposal includes the equipment shown in the attached layout. Additional details are included in the agreement and quote attached.

She stated the agreement includes purchase of the attached list of equipment and one bi-annual maintenance for a lump sum fee of just over \$15,000. She stated in alignment with the purchasing policy, the agreement incorporates reduced prices for municipalities through cooperative purchasing. The amount is within the initial budget estimated for finishes, furnishing, and equipment to prepare the project budget. She stated there will be other costs yet to be determined within this budget, including gym and janitorial equipment. She stated staff will continue to monitor the project budget and periodically update the Governing Body as categories of cost are set.

Mayor Roberts asked if there is something in the contract that estimates the costs outside of the bi-annual maintenance.

Ms. Robertson stated the annual maintenance is at \$568 year. She stated this includes 2 visits, cleaning and maintenance of the systems.

Mayor Roberts asked what if there is a need for a third visit.

Mr. Meyer stated that would be assessed at a call-out cost.

Councilmember Longanecker asked if there is a warranty.

Ms. Robertson stated there is a 3-5 year warranty.

Mr. Meyer stated it is a 5-year parts and 3-year labor warranty.

Ms. Linn stated staff can look for in the new agreement what the callout costs would be and know that in advance to budget for it.

With no further questions or comments, Mayor Roberts requested motion to approve the agreement with Johnson Fitness and Wellness for The Greenspace Fitness Equipment for \$15,889.18

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Malloy. The agreement was approved, 4-0.

**8. CONSIDER AGREEMENT WITH STRATEGY LLC FOR THE GREENSPACE PROJECT TO PROVIDE NETWORK RACK AND EQUIPMENT FOR \$19,208.35.**

Ms. Robertson stated the City currently maintains a contract with Strategy for IT Services. She stated in February, Council approved an agreement with them to provide security and access controls for The Greenspace. She stated as the project includes data network equipment to The Greenspace facility, staff would recommend entering into an agreement with Strategy to provide network rack, firewall, cabling, internet access points, network power supply, and other networking equipment.

She stated this agreement structures payment for network rack and equipment for a lump sum fee of just over \$19,000. She stated this amount is within the budget initially estimated for IT to prepare the project budget. There will be other costs yet to be determined within this budget item, including workstations, printers, etc. She stated staff will continue to monitor the project budget and periodically update as categories and costs are set.

Councilmember Longanecker asked if this is for security cameras too.

Ms. Robertson stated security cameras were approved in a previous agreement, but they will be installed at the facility.

With no further questions or comments, Mayor Roberts requested motion to approve the agreement with Strategy LLC for The Greenspace Project to provide Network Rack and Equipment for \$19,208.35

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Longanecker. The agreement was approved, 4-0.

**9. CONSIDER A CONTRACT WITH BRIGHTSPEED TO PROVIDE INTERNET SERVICE AT PUBLIC WORKS AND BIG BULL CREEK WASTEWATER TREATMENT PLANT**

Ms. Banks addressed the Council. She stated the City's current internet service provider at the treatment plant is Lumen. With the recent price increases due to the contract ending, staff requested new quotes for dedicated internet access at the facility. She stated the service speed at the treatment plant is currently 100MB.

She stated staff also requested quotes to improve service at the Public Works facility, which currently operates with DSL, which is inadequate for current and future internet needs.

She stated staff requested bids to provide internet services from Brightspeed, Lumen and Kwikom. She stated Kwikom indicated that a tower would be required to bring service to the treatment plant and access to public works facility would be problematic because of the railroad. She stated the packet includes the quotes from the two companies.

She stated staff recommends approval of 200M at \$978 a month for internet services for the treatment plant and also for public works. She stated this is a significant service improvement at a lower monthly cost for the treatment plant. For the public works facility, this is a significant service improvement but is an increased cost from the current DSL provider. She stated upgrading the services to 200M would be the same level of service for city operations at City Hall and 312B Nelson.

She stated included in the contract and pricing listed, Brightspeed offers a 99.99% up time guarantee, a 24/7 managed router with next day replacement and local technicians in case the circuit goes down.

With no questions or comments, Mayor Roberts requested motion to approve the agreement with Brightspeed to provide internet services at Public Works and the Wastewater Treatment Plant for \$978 per month, per facility and a \$500 one-time installation fee per facility.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Malloy. The agreement was approved, 4-0.

#### **10. CONSIDER A THREE-YEAR CONTRACT WITH KWIKOM TO PROVIDE INTERNET SERVICES AT THE GREENSPACE LOCATED AT 303 EAST NELSON**

Ms. Banks addressed the Council. She stated in December, Council approved a contract with Kwikom to provide internet services for downtown City-owned facilities once available. She stated Kwikom started services in April for 312 E Nelson St., 404 E Nelson St., and 414 E 4<sup>th</sup> St.

She stated as The Greenspace (303 E Nelson) construction continues, the City needs internet services to the new building. Staff requested a quote from Kwikom to provide internet service to the building for city operations, and also to provide public Wi-Fi in The Lawn for a three-year term. She stated the costs are included in the packet.

She stated staff would recommend approval of the 200M at \$675 a month for direct internet access connection to The Greenspace for city operations. She stated this is the same price and level of service for city operations at City Hall and 312B Nelson.

She stated staff recommends approval of the 1G Public Wi-Fi option with managed services for \$175 per month in The Lawn outdoors of The Greenspace. She stated if approved, this contract includes the equipment installation and month management of the Public Wi-Fi in The Lawn.

She stated with this service, Kwikom manages all aspects of the public wi-fi without the need for support from city staff or the city's contracted IT service provider.

She stated if approved, there is a one-time set-up cost for both services, this would be paid from The Greenspace project budget. The monthly recurring cost will be included in the annual budgets, starting in 2025.

Councilmember Lebakken asked about the public Wi-Fi costs. Ms. Banks responded that the total is the monthly fee, plus \$20 per month for managed services.

With no further questions or comments, Mayor Roberts requested motion to approve the agreement with Kwikom to provide internet services at The Greenspace, including public wi-fi in the lawn.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Longanecker. The agreement was approved, 4-0.

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

- Update on 312 E 5<sup>th</sup> Street

Mr. Moore addressed the Council. He stated in May, Council adopted a resolution that required the property owner to resolve the dangerous structure by June 10. That resolution did state Council could be agreeable to extend, providing the owner makes effort. He stated a stipulation of this was for the owner to activate city utilities. He stated they did complete that application and payment for connection to city services, this was done in advance of the deadline they were given. He stated the dilapidated trailer has been removed as of last Monday. He stated no permits have been applied for as of Council, the City Council can grant an extension, otherwise the City can abate. He stated since publication of the packet, staff has received one bid from the property owner for demolition of the structure and the owner is currently reviewing this bid.

Councilmember Longanecker stated things are happening.  
Mr. Moore stated concurred.

The owners representative was present and addressed the Council. He stated the plan is to demolish. He stated the decision is not final, however he can say there is not a bid submitted for repair of the property. He stated once authorization is received from client and sent to contractor, there is 65 days to complete all work with the demolition.

Mayor Roberts asked if there is a time frame for the bid.

He stated he did not see a drop-dead date on the bid, but it is a very time sensitive issue. He stated there is a meeting tomorrow to discuss next steps.

Mayor Roberts asked if there is an update on the agenda for next council meeting.

Mr. Moore stated he will work with the owner rep to have an update ready for the next council meeting.

Mayor Roberts stated he appreciates them moving forward and would like to see that continue.

Councilmember Conus asked if he understood it right that they are to be connected to utilities for demolishing the structure.

Mr. Moore stated per our code, they are to be connected for services, however the water is not on.

Councilmember Conus asked if there is a time requirement for demo.

Mr. Moore stated code states that it must be done in a reasonable amount of time, but does not give the number of days.

Mayor Roberts stated he would like a report back on the decision on the bid for demolition at the next meeting.

With no further questions or comments, Mayor Roberts requested motion to grant an extension until June 27 with a report back to council on the decision of demolition of the structure.

Councilmember Conus moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 4-0.

- Public Works Quarterly Update

Mr. Whitaker addressed the Council and referred to the Public Works update provided in the council packet.

Councilmember Conus asked what valve exercising and the jetting program are.

Mr. Whitaker stated it is a requirement by the state to exercise the water system valves. If the valves are not working correctly, staff will notate that and complete the necessary work. He stated the jetting is to clear the sewer lines and make sure there are no plugs.

Ms. Linn stated it is a preventative maintenance piece that ensures staff can isolate a water main break when it happens.

Councilmember Lebakken asked how often the tennis courts get used.

Ms. Linn stated the courts are unused and they have been locked off. Now that staff has done some minor repairs to the surface, they can be used for events. She stated Council could decide to do a full renovation as part of the master plan and elevate that piece to have them fixed.



Councilmember Lebakken stated she saw someone commenting about having pickleball courts, so she wanted to ask.

Ms. Linn stated there was not a way to convert the courts without funding, so staff removed the fence to allow the paved surface to be used for events.

**12. Report by the Mayor**

Mayor Roberts stated he has no report to give.

**13. Future Meeting Reminders**

Mayor Roberts reminded the Council of the future meetings for the Council and Planning Commission.

**14. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR, PUBLIC WORKS DIRECTOR, AND CIP PROJECT MANAGER FOR DISCUSSIONS RELATED TO ACQUISITION OF REAL PROPERTY (K.S.A. 75-4319(B)(6))**

Mayor Roberts requested motion for the City Council to recess into executive session for discussions related to acquisition of real property. The justification for such executive session is for a consultation with the City Attorney, which is deemed privileged in an attorney-client relationship (K.S.A. 75-4319B(6)). Present in the executive session will be the Governing Body and the following staff members: City Administrator Beth Linn, City Attorney Lee Hendricks, Public Works Director Dan Merkh, and CIP Project Manager Holly Robertson. The executive session will start at 7:30PM and last 15minutes. The open meeting will resume in the Council Chambers.

Councilmember Longanecker moved to recess into executive session pursuant to K.S.A 75-4319(B)(6) to discuss acquisition of real property. Councilmember Conus seconded the motion. The meeting recessed into executive session at 7:30PM, 4-0.

Councilmember Malloy moved to return to open session with no action being taken. Councilmember Lebakken seconded the motion. Open session resumed at 7:45PM, 4-0.

**15. WALK ON: CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR DISCUSSIONS OF PERSONNEL MATTERS OF NONELECTED PERSONNEL (K.S.A. 75- 4319(B)(1))**

Mayor Roberts requested motion to recess into executive session to discuss personnel matters of nonelected personnel. He stated the justification of such is for consultation with the City Attorney, which is deemed privileged in an attorney-client relationship (KSA 75-4319 B(1)).

Present in the executive session will be the Governing Body, City Administrator, and City Attorney.

He stated the executive session will start at 7:49PM and last for 5 minutes. The open meeting will resume in the Council Chambers.

Councilmember Longanecker moved to recess into executive session to discuss personnel matters of nonelected personnel. Councilmember Lebakken seconded the motion. The meeting recessed into executive session at 7:49PM.

Councilmember Lebakken moved to return to open session with no action being taken. Councilmember Conus seconded the motion. Open session resumed at 7:54PM.

#### **16. Adjourn**

Councilmember Lebakken moved to adjourn, seconded by Councilmember Malloy. The meeting was adjourned at 7:56PM 4-0.

Submitted by Alexandria Clower, City Clerk

## City Council Action Item

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**Council Meeting Date:** June 27, 2024

**Department:** Community Development

**Agenda Item: Consider Application FP2024-0001, Final Plat for Replat of Lots 9-12, Block 25, Town of Martin, Located At The Northwest Corner Of E. 4<sup>th</sup> Street and Hulett Street, Edgerton, Kansas.**

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

The City of Edgerton has received Application FP2024-0001 for the Final Plat of *Replat of Lots 9-12, Block 25, Town of Martin*, located at the northwest corner of E. 4<sup>th</sup> Street and Hulett Street. This Final Plat request will establish lot lines for two (2) R-1 (Single Family Residences) zoned lots. There are no new public dedications included with this replat. The overall plat area includes a total of 0.60± acres.

The subject property was included on the original plat of the City, which was recorded in 1870, as lots 9-12 of Block 25, and has not been replatted since. The property has been zoned R-1 (Single Family Residences) District since 1966, and a residential structure was constructed on the property in 1968, which has historically been used as a parsonage for the United Methodist Church on the south side of Hulett Street and the Edgerton Food Pantry.

City staff has reviewed the Final Plat submittal for conformance with requirements of Section 13.3 of Article 13 (Subdivision Approval Procedures) of the Edgerton Unified Development Code (UDC). This Final Plat has been reviewed by the City Engineer and found to be in compliance with City Code requirements.

The Planning Commission voted to recommend approval of the Final Plat (FP2024-0001) for *Replat of Lots 9-12, Block 25, Town of Martin* with a 3-0 vote at their meeting on June 11, 2024.

**Related Ordinance(s) or Statue(s):** K.S.A. 12-741, K.S.A 12-749, K.S.A. 12-752.

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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**Recommendation: Approve Application FP2024-0001, Final Plat for Replat of Lots 9-12, Block 25, Town of Martin, Located At The Northwest Corner Of E. 4<sup>th</sup> Street and Hulett Street, Edgerton, Kansas.**

**Enclosed:**

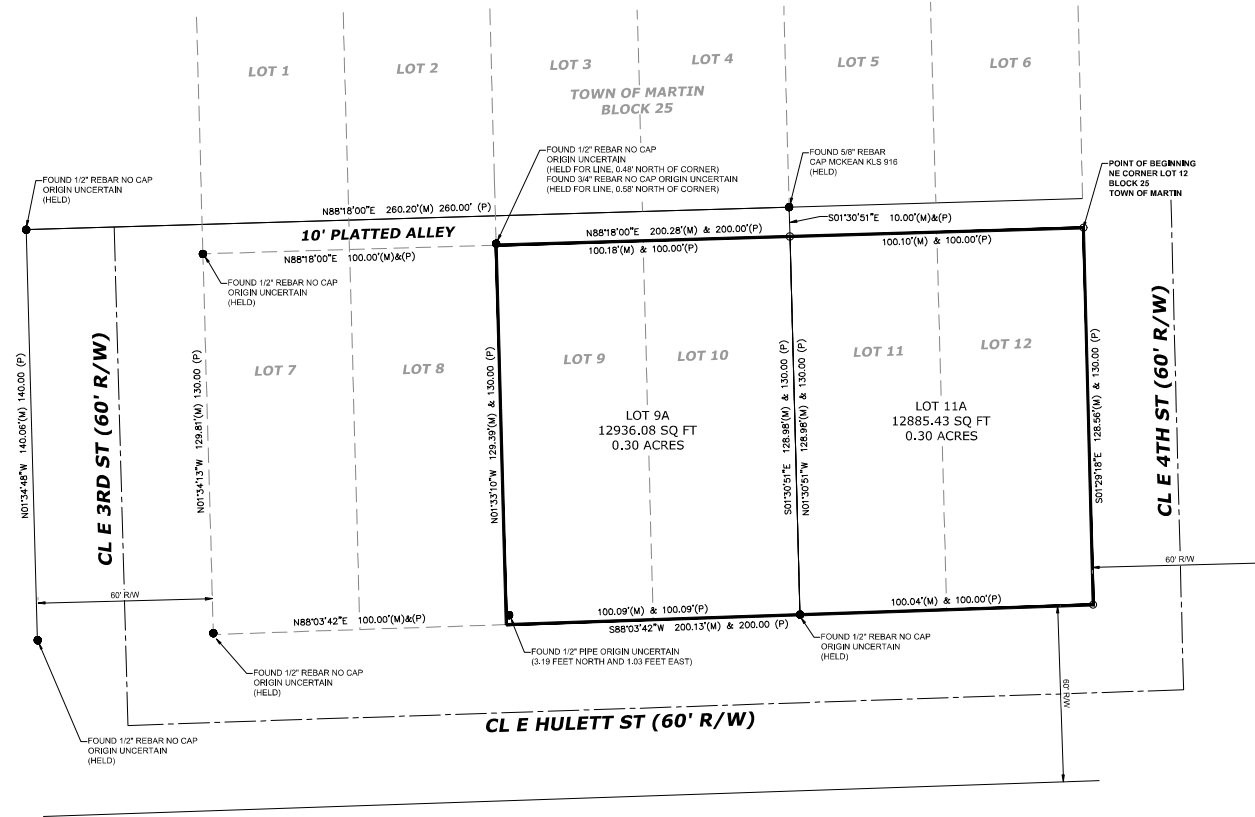
- Final Plat dated March 13, 2024.
- Staff Report from June 11, 2024 Planning Commission including Final Plat Application FP2024-0001
- Excerpt of June 11, 2024 Planning Commission Meeting Draft Minutes – *Replat of Lots 9-12, Block 25, Town of Martin* portion only.

**Prepared by:** Zachary Moore, Development Services Director



# REPLAT OF LOTS 9-12, BLOCK 25, TOWN OF MARTIN

A SUBDIVISION OF LAND IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS



### DESCRIPTION PER DEED:

BK 7128 PG 883  
LOT 9, 10, BLOCK 25, TOWN OF MARTIN COMMONLY CALLED EDGERTON, A SUBDIVISION IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS.

BK 8420 PG 648  
LOT 11, BLOCK 25, TOWN OF MARTIN COMMONLY CALLED EDGERTON, A SUBDIVISION IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS.

BK 7128 PG 881  
LOT 12, BLOCK 25, TOWN OF MARTIN COMMONLY CALLED EDGERTON, A SUBDIVISION IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS.

### SURVEYORS SUGGESTED:

A REPLAT OF LOTS 9, 10, 11 & 12, BLOCK 25, TOWN OF MARTIN, A SUBDIVISION OF LAND IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS, PREPARED BY ANDREA N WEISHAUBT, PLS 1730 DATED MARCH 13, 2024, AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 12, ALSO KNOWN TO BE A POINT ON THE WEST RIGHT OF WAY LINE OF EAST 4TH STREET AS IT NOW EXISTS; THENCE SOUTH 01°29'18" EAST, ALONG THE EAST LINE OF SAID LOT 12 AND SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 126.56 FEET TO THE SOUTHEAST CORNER OF SAID LOT 12, ALSO KNOWN TO BE A POINT ON THE NORTH RIGHT OF WAY LINE OF EAST HULETT STREET AS IT NOW EXISTS; THENCE SOUTH 88°03'42" WEST, ALONG THE SOUTH LINE OF SAID LOTS 12, 11, 10 AND 9 AND SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 200.13 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTH 01°33'10" WEST, ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 129.39 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE NORTH 88°18'00" EAST, ALONG THE NORTH LINE OF SAID LOTS 9, 10, 11 AND 12, A DISTANCE OF 200.28 FEET TO THE POINT OF BEGINNING.

### DEDICATION:

THE UNDERSIGNED PROPRIETOR OF THE ABOVE DESCRIBED TRACT OF LAND HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER AS SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "REPLAT OF LOTS 9-12, BLOCK 25, TOWN OF MARTIN."

THE UNDERSIGNED PROPRIETOR OF SAID PROPERTY SHOWN ON THIS PLAT DOES HEREBY DEDICATE FOR PUBLIC USE AND PUBLIC WAYS AND THROUGHFARES, ALL PARCELS AND PARTS OF LAND INDICATED ON SAID PLAT AS STREETS, TERRACES, PLACES, ROADS, DRIVEWAYS, PARKWAYS, ALLEYS AND ALLEYS NOT HERETOFORE DEDICATED, WHERE PRIOR EASEMENTS 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, BY ACCORDANCE WITH UNDERSIGNED 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.

IN ACCORDANCE WITH 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.

### EXEMPTION:

IN TESTIMONY WHEREOF, I, undersigned owner of this tract of land have set our hands this \_\_\_ day of \_\_\_\_\_, 2024.

ANDREA N. WEISHAUBT, MANAGING MEMBER, ROSS BAKER

### ACKNOWLEDGEMENT:

STATE OF KANSAS  
COUNTY OF \_\_\_\_\_

BE IT REMEMBERED THAT ON THIS \_\_\_ DAY OF \_\_\_\_\_, 2024, BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, AND EDGERTON UNITED METHODIST CHURCH INC. MANAGING MEMBER, ROSS BAKER, TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING, AND WHO ACKNOWLEDGED THE EXECUTION OF SAID INSTRUMENT TO ME IN MY OFFICE, I HAVE HERETO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC \_\_\_\_\_  
My Commission Expires, \_\_\_\_\_

### APPROVALS:

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS THIS \_\_\_ DAY OF \_\_\_\_\_, 2024.

CHAIRMAN: JOHN E. DALEY SECRETARY: THA MATIAS

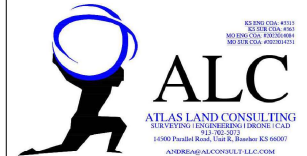
APPROVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS THIS \_\_\_ DAY OF \_\_\_\_\_, 2024.

DONALD RIBBEY, MAYOR ATTEST: ALEXANDRIA CLOVER, CITY CLERK

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS THIS \_\_\_ DAY OF \_\_\_\_\_, 2024.

ZALARY MOORE, ZONING ADMINISTRATOR

PARCEL TABLE					
	LOT AREA	FRONT YARD SETBACK	SIDE YARD SETBACK	SIDE YARD STREET	REAR YARD SETBACK
LOT 9A	12936.08 SQ FT OR 0.30 ACRES	35 FEET	9 FEET	-	26 FEET
LOT 11A	12885.43 SQ FT OR 0.30 ACRES	35 FEET	9 FEET	20 FEET	26 FEET



### FINAL PLAT

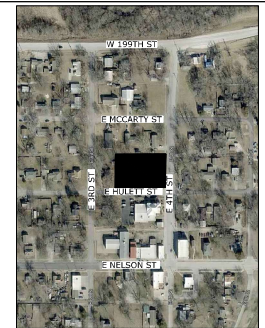
### LEGEND

- ▲ DENOTES FOUND MONUMENT AS NOTED
- DENOTES SET 1/2" X 24" REBAR CAP ALC KS CLS 363 NO C.L.S. 20200149231
- DENOTES FOUND MONUMENT AS NOTED
- P.O.C POINT OF COMMENCEMENT
- P.O.B POINT OF BEGINNING
- B/L BUILDING LINE
- C CALCULATED
- M MEASURED
- D DEEDED

### GENERAL NOTES

1. THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983.
2. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN FEET.
3. FLOODPLAIN NOTE: ACCORDING TO FIRM MAP COMMUNITY PANEL NUMBERS 2000IC130G EFFECTIVE AUGUST 3, 2009 AREA ZONE X\* AREA OF MINIMAL FLOOD HAZARD.
4. KS ONE CALL WAS NOT CALLED.
5. CURRENT ZONING: R-4
6. CLOSURE PRECISION: 1 PART IN 259586.607
7. REFERENCED SURVEY: CITY OF EDGERTON (MARTIN) FINAL PLAT

### VICINITY MAP

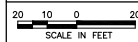


This is to certify on this 13th day of MARCH, 2024 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.

ANDREA N. WEISHAUBT LS 1730

JOB NO: 24-031

SCALE PREPARED FOR



SCALE IN FEET

SEC-TWN-RNG

UNITED METHODIST CHURCH INC

07-15-22

ADDRESS:  
308 E HULETT ST  
EDGERTON, KS 66021

### DATE

MARCH 13, 2024

## REPLAT OF LOTS 9-12, BLOCK 25, TOWN OF MARTIN

**Application FP2024-0001**  
**308 E. Hulett Street**

### QUICK FACTS

#### PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval of a Final Plat located at 308 E. Hulett Street.

#### Owner and Applicant

Austin Thompson, Atlas Land Consulting, LLC, Representing Edgerton United Methodist Church, Inc.

#### Existing Zoning and Land Use

The property is zoned City of Edgerton R-1 (Single Family Residence) District. There is a single-family residential building currently on the subject parcel.

#### Parcel Size

0.60± acres

#### Staff Report Prepared by

Chris Clinton



**BACKGROUND**

**1. Proposal**

This Final Plat request is to replat four (4) existing parcels into two (2) lots. The proposed replat is combining four (4) parcels totaling approximately 0.60 acres into two (2) lots each being approximately 0.30 acres in size. Each existing parcel is roughly 50 feet wide by 130 feet deep and each new lot will be 100 feet wide by 130 feet.

**2. Subject Site History**

The subject parcels were platted as part of the original plat recorded in 1870 and has not been replatted. A residential structure was constructed on the western two (2) lots in 1966 and is currently used as the Edgerton Food Pantry. The parcels have been zoned R-1 (Single Family Residential) since 1968. The Unified Development Code (UDC) lists places of worship and customary accessory residential uses as a permitted use by-right in the R-1 District.

**FINAL PLAT REVIEW**

City staff has reviewed the Final Plat submittal for compliance with the requirements in Section 13.3.G of the UDC. The replat proposes combining four (4) parcels into two (2). Lot 9A is proposed to be 12,936.08 square feet and Lot 11A is proposed to be 12,885.43 square feet. Table 1, below, shows the proposed building setbacks compared to what is required by the UDC for each lot.

*Table 1: Setbacks*

Setback	Required for Lot 9A	Proposed for Lot 9A	Required for Lot 11A	Proposed for Lot 11A
South (Front)	35 feet	35 feet	35 feet	35 feet
North (Rear)	26 feet	26 feet	26 feet	26 feet
East (Side)	9 feet	9 feet	20 feet	20 feet
West (Side)	9 feet	9 feet	9 feet	9 feet

The proposal meets or exceeds the required minimum setback for both lots. There were no easements included on the plat, and if there are any current easements, they must be included on the plat. Any proposed easements must also include dedication language on the face of the plat. The applicant is aware of those requirements and has acknowledged the requirements. All other requirements for replatting have either been met or exceeded by the applicant.

**NOTICE OF CITY CODES AND PERMITS**

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

Various permits may be required in order to complete this project and the project may also be subject to obtaining permits and/or approvals from other local, County, State, or Federal agencies.

**DOCUMENTS INCLUDED IN PACKET**

Sheet #	Title	Date on Document
Application	Application for FP2024-0001	04/08/2024
1	Final Plat	03/13/2024

**STAFF RECOMMENDATION**

City Staff recommends approval of Final Site Plan **Application FP2024-0001** *Replat of Lots 9-12, Block 25, Town of Martin*, subject to the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat.
2. The applicant must meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC, and all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.

***Note: For application FP2024-0001 the Planning Commission will be the approving authority for the application. However, the Governing Body must accept all dedication of land for public use, and the Final Plat will be presented to the Governing Body on June 27, 2024.***



INITIAL SUBMISSION

RE-REVIEW

NAME OF PROPOSED SUBDIVISION: \_\_\_\_\_

LOCATION OR ADDRESS OF SUBJECT PROPERTY: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

CURRENT ZONING ON SUBJECT PROPERTY: \_\_\_\_\_ CURRENT LAND USE: \_\_\_\_\_

TOTAL AREA: \_\_\_\_\_ Acres      NUMBER OF LOTS: \_\_\_\_\_      AVG. LOT SIZE: \_\_\_\_\_ Sq. Ft.

DEVELOPER'S NAME(S): \_\_\_\_\_ PHONE: \_\_\_\_\_

COMPANY: \_\_\_\_\_ FAX: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Street

City

State

Zip

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

COMPANY: \_\_\_\_\_ FAX: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Street

City

State

Zip

ENGINEER'S NAME(S): \_\_\_\_\_ PHONE: \_\_\_\_\_

COMPANY: \_\_\_\_\_ FAX: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Street

City

State

Zip

SIGNATURE OF OWNER OR AGENT: AUSTIN THOMPSON

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**

Application No.: \_\_\_\_\_ Application Fee Paid: \$ \_\_\_\_\_ Date Fee Paid: \_\_\_\_\_ Receipt # \_\_\_\_\_

Cashier Code: FINALPLAT

Received By: \_\_\_\_\_

## FINAL PLAT INSTRUCTIONS

**SUBMITTAL DEADLINE:** The applicant shall submit an application at least forty-nine (49) 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.

**PLANNING COMMISSION REVIEW AND DECISION:** The Edgerton Planning Commission meets in the City Hall on the second Tuesday of every month. The Planning Commission shall review the final plat and other material submitted with it to determine conformity preliminary plat. The Planning Commission shall act upon the final plat within ninety (90) days after submission, unless the subdivider shall waive or consent to an extension of the ninety (90) day period.

**GOVERNING BODY APPROVAL:** Following the approval of a final plat by the Planning Commission, the Governing Body shall review the instrument for dedications and reservations and assure that the final plat and construction plans for all proposed streets, sidewalks, storm water sewers, sanitary sewers and water mains meet the standards of the City of Edgerton. The Governing Body may either approve the final plat, return the final plat and/or construction plans to the applicant with instructions and specifications to conform to City standards, or deny the final plat and/or construction plans with a refusal to accept dedication. If the Governing Body denies the final plat and/or construction plans, a set of written findings must be given to the applicant within 30 (thirty) days.

**RECORDING OF FINAL PLAT:** Upon approval of a final plat by the Governing Body, the applicant shall record the plat with the Register of Deeds within a period of one year. If the final plat is not recorded within one year from the date of approval by the Governing Body, it shall be considered null and void. Before any final plat shall be signed by the Zoning Administrator and filed by the Register of Deeds, the applicant shall submit a certificate of title indicating the ownership of all property within the bounds of the subdivision.

The applicant shall provide the Zoning Administrator with one copy of the final plat that was approved by the Governing Body on Mylar<sup>®</sup>. The applicant shall also return one copy of the final plat that was recorded by the Register of Deeds.

**FEES DUE BEFORE ENDORSEMENT OF FINAL PLAT:** Article 10 of Chapter IV of the Edgerton City Code imposes an excise tax \$0.10 per square foot of Final Plat. Prior to endorsement of any final plat, all excise taxes must be paid or City staff must determine that an exemption from payment prior to platting is applicable, all in accordance with Article 10 of Chapter IV of the City Code. In addition, a New Street Light Fee of \$250 each shall be submitted prior to the endorsement of any final plat.

**VESTING AND CONFLICTING REQUIREMENTS:** Initial rights for a final plat shall vest for a period of three (3) years. If all streets, sidewalks, storm water sewers, sanitary sewers and water mains have not been installed and the development of structures commenced after three (3) years, the final plat shall be considered null and void.

The requirements and standards in force at the time of the adoption of a final plat shall remain and shall continue to govern and not be set aside by the adoption of subsequent standards. Standards (such as setbacks) appearing on a plat which are greater than those imposed by this ordinance are valid, and shall be duly noted and enforced by building permits. Restrictive covenants are private instruments between buyer and seller. The Zoning Administrator does not enforce restrictive covenants unless such restrictions are part of a Planned Unit Development, or unless the City itself, as a condition of platting, is a party to such agreements. Nothing contained in these regulations is intended to void the obligation of any party to adhere to the terms of all contracts, conditions, and covenants of record.

**ASSURANCES:** Developers are required to install all streets, storm water sewers, sanitary sewers and water mains and other services to all lots (in a designated phase) as they appear on the final plat and/or construction plans prior to receiving a building permit from the Zoning Administrator. Developers are required to install all sidewalks on a lot as they appear on the final plat and/or construction plans prior to receiving a certificate of occupancy from the Zoning Administrator. Developers are also required to reimburse the City of Edgerton for the cost of all street signs, stop signs and speed limit signs.

Exceptions: The Zoning Administrator may issue building permits for lots in an approved subdivision when such lots have direct access to an existing public right-of-way and when, in his/her opinion, building construction would not interfere with the orderly process of the installation of facilities and utilities.

Financial Assurance: Prior to the commencement of any improvements, all required infrastructure (streets, sidewalks, storm water sewers, sanitary sewers, and water mains) must be assured by a financial instrument (performance and maintenance bond or special

vs. 6.1.22

benefit district). Financial assurances must be made in a form and amount acceptable and approved by the City Attorney. Unless otherwise indicated by special resolution of the Governing Body, financial assurances shall be equal to the contract cost of purchase and installation of all facilities and utilities and valid for a period ending no less than two years after acceptance by the City of Edgerton. If substantial progress in installing the infrastructure is not evident within two hundred eighty (280) days after the approval of the final plat by the Governing Body, the City of Edgerton shall take appropriate action to exercise the financial assurance.

**Public Improvement Inspection Fee:** If a Developer is required to construct any public improvements, including streets, sidewalks, storm water sewers, sanitary sewers and water mains, that construction must be inspected by city staff or their designee. Developers are required to pay 3% of construction costs to the City for those inspections.

**As Built:** Prior to acceptance of public improvements by the City, the developer shall provide two (2) sets of prints for all public improvement projects, excluding sidewalks, corrected to show the project as constructed and shall accurately and completely denote all changes made during the construction. Each sheet within the prints shall be clearly marked as "Conforming to Construction Records" and shall include the date of revision and certifications by a Kansas licensed engineer. This set of plans shall be substantially similar to the set of construction plans that was approved by the Governing Body.

## CHECKLIST

The following items shall be included on the final plat.

- Scale, the same used for the preliminary plat; North point; vicinity map.
- The words "FINAL PLAT" followed by the name of the subdivision at the top of the sheet, and then followed by a metes and bounds description of the tract.
- The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s corners, boundaries must be monumental with a 2" x 24" metal bar.
- A boundary survey of third order surveying accuracy (maximum closure error one in five thousand (1 in 5,000), with bearings and distances referenced to section or fractional section comers or other base line shown on the plat and readily reproducible on the ground.
- Individual notations and a TABLE showing: lot area, setbacks, and building envelopes.
- A number for each lot, starting (if practical) in the northwest corner.
- All easements with widths, and roads with curve data.
- Ingress/egress limitations, if required.
- The location of existing utility easements.
- A written legal description from the survey.
- An instrument of dedication for all roads and easements.
- Special notations required as a condition of platting by the Planning Commission.
- Approved phases – clearly delineated.
- Private travel easements.
- The Owner's Certificate with Notary Seal.
- Certificate of the Governing Body with City Clerk's attest and Seal.
- Edgerton City Planning Commission chair and secretary approval.
- Certificate of the Register of Deeds.
- Surveyor's Certificate and Seal and certificate for survey review by the County Surveyor or designated Land Surveyor.
- Certificate of the Zoning Administrator.

**PLANNING COMMISSION**  
**June 11, 2024 Minutes**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Street, Edgerton, Kansas on June 11, 2024. The meeting convened when Vice Chairperson Jeremy Little called the meeting to order at 7:00 PM.

**1. ROLL CALL**

Jeremy Little	present
Tina Mathos	present
Adam Draskovich	absent
John Daley	absent
Jordyn Mueller	present

With a quorum present, the meeting commenced.

Staff in attendance: Zachary Moore, Development Services Director  
Chris Clinton, Planning and Zoning Coordinator/Deputy City Clerk

2. **WELCOME** Vice Chairperson Little welcomed all in attendance to the meeting.
3. **PLEDGE OF ALLEGIANCE** All present participated in the Pledge of Allegiance.

**CONSENT AGENDA**

4. Minutes from the April 9, 2024 Planning Commission Meeting.
5. Final Plat Application FP2024-0001 for Replat of Lots 9-12, Block 25, Town of Martin.
6. Final Plat Application FP2024-0002 for Replat of Logistics Park Kansas City – Southeast, Fourth Plat.
7. Temporary Construction Use Application TCU2024-0001 for Rock Crushing Operations for TSL Phase II.
8. Temporary Construction Use Application TCU2024-0002 for Temporary Construction Trailers for TSL Phase II.

Mr. Zachary Moore, Development Services Director, explained that all of the items on the consent agenda can be approved with one motion. If there is an item a Commissioner wishes to discuss, it can be removed, discussed, then approved with a new motion.

Commissioner Mueller moved to approve the Consent Agenda. The motion was seconded by Commissioner Mathos. The Consent Agenda was approved, 3-0.

## City Council Action Item

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**Council Meeting Date:** June 27, 2024

**Department:** Community Development

**Agenda Item: Consider Application FP2024-0002, Final Plat for Replat of Logistics Park Kansas City – Southeast, Fourth Plat, Located At The Southeast Corner Of W. 191<sup>st</sup> Street and Montrose Street, Edgerton, Kansas.**

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

The City of Edgerton has received Application FP2024-0002 for the Final Plat of *Replat of Logistics Park Kansas City – Southeast, Fourth Plat*, located at the southeast corner of W. 191<sup>st</sup> Street and Montrose Street. This Final Plat request will reestablish lot lines for two (2) L-P (Logistics Park) zoned lots, by shifting the eastern property line of Lot 2 approximately 12 feet to the east. There are no new public dedications included with this replat. The overall plat area includes a total of 56.20± acres.

The subject property was annexed into the City on March 27, 2014, and was later rezoned to the L-P District on August 28, 2014. The western portion of the property was platted (FP-11-20-2014) and had a Final Site Plan (FS-11-06-2014) approved for a 650,000± square foot warehouse (Inland Port XII) in January 2015. The property was later replatted on May 5, 2017, as *Logistics Park Kansas City – Southeast, Fourth Plat*. A Final Site Plan for Inland Port XIII on the eastern portion of the property was approved in December 2016 but has never been constructed.

City staff has reviewed the Final Plat submittal for conformance with requirements of Section 13.3 of Article 13 (Subdivision Approval Procedures) of the Edgerton Unified Development Code (UDC). This Final Plat has been reviewed by the City Engineer and found to be in compliance with City Code requirements.

The Planning Commission voted to recommend approval of the Final Plat (FP2024-0002) for *Replat of Logistics Park Kansas City – Southeast, Fourth Plat* with a 3-0 vote at their meeting on June 11, 2024.

**Related Ordinance(s) or Statue(s):** K.S.A. 12-741, K.S.A 12-749, K.S.A. 12-752.

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**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

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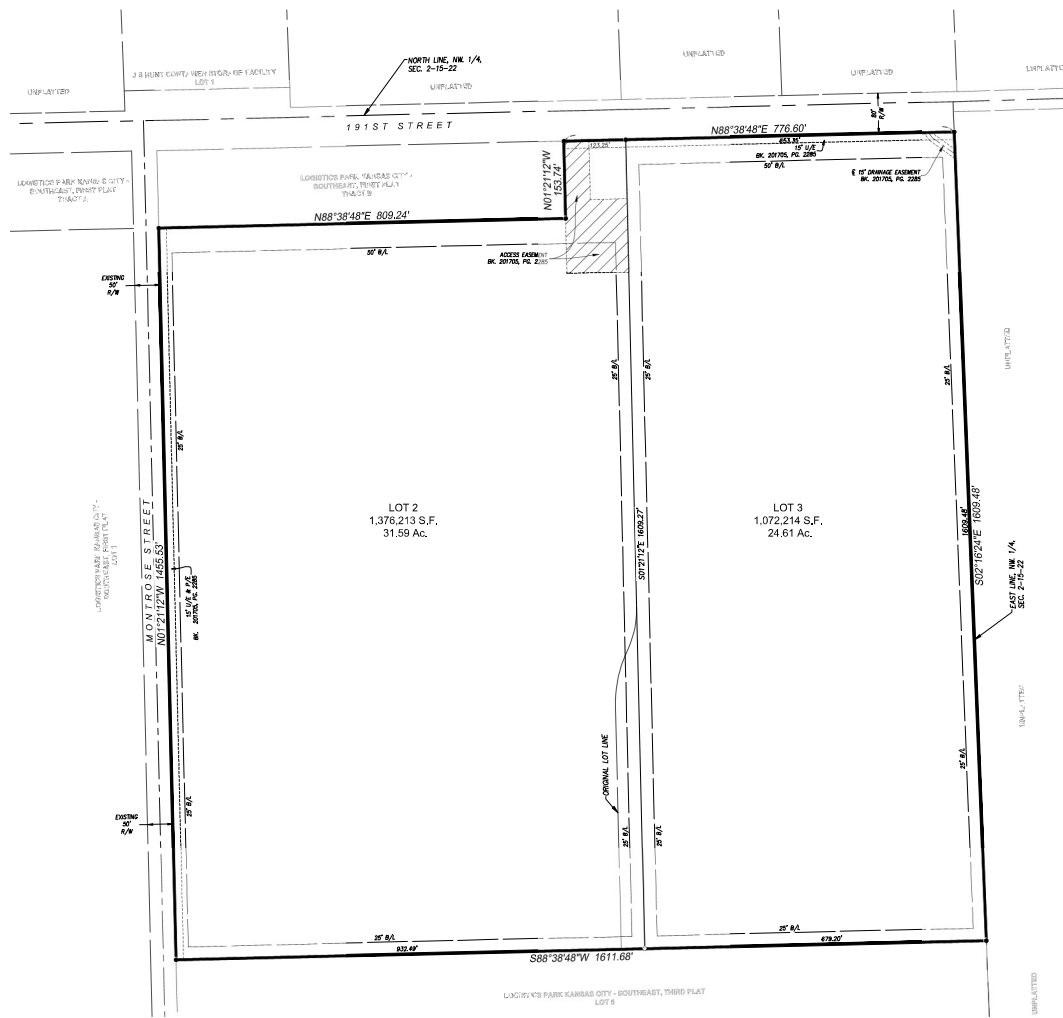
**Recommendation: Approve Application FP2024-0002, Final Plat for Replat of Logistics Park Kansas City – Southeast, Fourth Plat, Located At The Southeast Corner Of W. 191<sup>st</sup> Street and Montrose Street, Edgerton, Kansas.**

**Enclosed:**

- Final Plat dated April 22, 2024.
- Staff Report from June 11, 2024, Planning Commission including Final Plat Application FP2024-0002
- Excerpt of June 11, 2024, Planning Commission Meeting Draft Minutes – *Replat of Logistics Park Kansas City – Southeast, Fourth Plat* portion only.

**Prepared by:** Zachary Moore, Development Services Director

FINAL PLAT  
REPLAT OF LOGISTICS PARK KANSAS CITY - SOUTHEAST, FOURTH PLAT  
A REPLAT OF LOTS 2 AND 3, LOGISTICS PARK KANSAS CITY - SOUTHEAST, FOURTH PLAT  
SECTION 2, TOWNSHIP 15 SOUTH, RANGE 22 EAST, IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS



**LEGAL DESCRIPTION:**  
Lots 2 and 3 LOGISTICS PARK KANSAS CITY - SOUTHEAST, FOURTH PLAT, in the City of Edgerton, Johnson County, Kansas.  
**DEDICATION:**  
The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as 'REPLAT OF LOGISTICS PARK KANSAS CITY - SOUTHEAST, FOURTH PLAT'.  
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, lanes, alleys, roads, ditches, bridges, easements, sidewalks 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 dedicated, and any pipes, lines, cables and wires, conduits, ducts or cables heretofore installed thereon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby assigns 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.

**RESTRICTIONS:**  
There are no restrictions to be recorded with this plat.  
**CONSENT TO LEVY:**  
The undersigned proprietor of the above described tract of land hereby consents and agrees that the Board of County Commissioners and the City of Edgerton, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall become and remain a lien on this land from and abutting on such dedicated public way or thoroughfare.

**EXECUTION:**  
IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Edgerton Land Holding Company, LLC  
By: NorthPine Development, LLC  
Its Manager  
Owners: Lot 3, Logistics Park Kansas City-Southeast Fourth Plat  
[XXII] 191 Street, LLC  
By: NorthPine Development, LLC  
Its Manager  
Owners: Lot 2, Logistics Park Kansas City-Southeast Fourth Plat

Nathaniel Hagedorn, Managing Member  
STATE OF KANSAS ) SS  
COUNTY OF JOHNSON)  
Nathaniel Hagedorn, Managing Member

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me a Notary Public in and for said County and State, came Nathaniel Hagedorn, Managing Member of Edgerton Land Holding Company, LLC, and [XXII] 191 Street, LLC who is personally known to me to be the same person who executed the foregoing instrument of writing or both of said corporation, and he duly acknowledged the execution of the same to be the act and deed of said corporation.  
IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year first written above.

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

**APPROVALS:**  
APPROVED by the Planning Commission of the City of Edgerton, Johnson County, Kansas, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
John Dalry, Chairperson  
Tire Mathos, Secretary

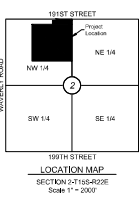
APPROVED by the Governing Body of the City of Edgerton, Johnson County, Kansas, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Donald Roberts, Mayor  
Alex Crowe, City Clerk

APPROVED by the Zoning Administrator on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Zauryah Moore, Zoning Administrator

**SURVEYOR'S CERTIFICATION:**  
This is to certify on the 9th day of April, 2024, this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the 'Kansas Minimum Standards' for boundary surveys pursuant to K.S.A. 74-1007.

Wayne E. Mahood, Kansas PS-1238  
REC-18 CDS-284  
wemaahood@icoms.com

- ▲ 1/4\"
- FOUND 5/2\"
- 1/2\"
- 3/4\"
- 1\"
- 1 1/2\"
- 2\"
- 3\"
- 4\"
- 6\"
- 8\"
- 12\"
- 18\"
- 24\"



**NOTES:**  
Basis of Bearings: Kansas North Zone, U.S. State Plane, NAD 83  
S88°38'48\"  
Error distance: 0.004'  
Error direction: S79°37'00\"  
Perimeter: 6,555.32'  
All bearings and distances shown on this plat are measured unless otherwise noted.  
Floor Plan Note: According to the F.E.M.A. Flood Insurance Rate Map Number 200912C0115G, dated August 3, 2009, and 200912C0134G, dated August 3, 2009, as published by the Federal Emergency Management Agency, the above site map shows the property in Zone 'X' for insurance purposes. Zone 'X' is defined as areas determined to be outside the 500-year flood elevation. No Base Flood Elevations have been determined.

LOT NO.	LOT AREA	ADJACENT PROPERTIES			BUILDING ENVELOPE
		ADJACENT PROPERTIES	ADJACENT PROPERTIES	ADJACENT PROPERTIES	
2	1,376,213 S.F. 31.59 Acres	AS SHOWN	AS SHOWN	1,276,332 S.F. 29.27 Acres	
3	1,072,214 S.F. 24.61 Acres	AS SHOWN	AS SHOWN	946,813 S.F. 21.77 Acres	
ROW	30,772 S.F. 0.70 Acres				

DRAFT COPY

Wayne E. Mahood, Kansas PS-1238  
REC-18 CDS-284  
wemaahood@icoms.com

24-0128

Prepared For:  
ELIX XII, LLC  
8015 NW Canal Street, Suite 200  
Riverside, MO 64150  
(816) 888-7390

Date of Preparation:  
April 22, 2024

By: AFB

207 S. 5th Street  
Lawrence, Kansas 66044

Renaissance Infrastructure Consulting  
913-317-8900  
www.riconsult.com

## REPLAT OF LOGISTICS PARK KANSAS CITY – SOUTHEAST, FOURTH PLAT

**Application FP2024-0002**  
**30751 and 30801 W. 191<sup>st</sup> Street**

### QUICK FACTS

#### PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval of a Final Plat located at 30751 and 30801 W. 191<sup>st</sup> Street.

#### Owner and Applicant

Kevin White,  
representing  
NorthPoint  
Development, property  
owner.

#### Existing Zoning and Land Use

The property is zoned to City of Edgerton L-P (Logistics Park) District. There is a warehouse currently on the western parcel, and the eastern is undeveloped.

#### Parcel Size

56.20± acres

#### Staff Report

Prepared by  
Chris Clinton





## BACKGROUND

### ***1. Proposal***

This Final Plat request is being made to realign the property line between the two addresses of 30751 and 30801 W. 191<sup>st</sup> Street. The existing property line curves west approximately 650± feet from the southern property line making the southern section of the 30751 W. 191<sup>st</sup> Street parcel wider than the north. The applicant is proposing to have that property line go directly north and south with this replat. The northern part of the property line would remain unchanged, and the southern approximately 650± feet of the property line will shift east. The applicant has indicated that they wish to expand the parking at 30801 W. 191<sup>st</sup> Street, which would cross the existing property line, which is not allowed per the United Development Code (UDC).

### ***2. Subject Site History***

The subject parcels were annexed into the City on March 27, 2014, via Ordinance No. 969. Rezoning to the L-P (Logistics Park) District occurred later that year and was approved by the Governing Body on August 28, 2014 (Ordinance No. 979). The subject parcels were preliminary platted on August 12, 2014 (PP-06-25-2014). The western parcel, Inland Port XII, located at 30801 W. 191<sup>st</sup> Street, was approved as part of a final plat on January 8, 2015 (FP-11-20-2014). Both parcels were then platted on January 26, 2017 (FP2016-03). A Preliminary Site Plan was approved for both parcels on August 12, 2014. Inland Port XII was approved on December 9, 2014 with Final Site Plan FS-11-06-2014 and was later constructed. Inland Port XIII was approved on December 13, 2016 (FS2016-09) but was never constructed. Any future development on that site will require a new Final Site Plan approval.

## FINAL PLAT REVIEW

City staff has reviewed the Final Plat submittal for compliance with the requirements in Sections 13.3.G and 13.8 of the UDC. The replat proposes removing the curve in the property line dividing the two (2) lots. This realignment will increase Lot 2 by approximately 27,300 square feet and decrease Lot 3 by approximately 29,600 square feet. There is no minimum lot size in the L-P (Logistics Park) District therefore, the proposed lots comply with UDC requirements. The setbacks shown on the lots also meet the UDC requirements for L-P (Logistics Park) zoned parcels. The applicant has met all UDC requirements for plats and replatting.

## NOTICE OF CITY CODES AND PERMITS

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

Various permits may be required in order to complete this project and the project may also be subject to obtaining permits and/or approvals from other local, County, State, or Federal agencies.

**DOCUMENTS INCLUDED IN PACKET**

Sheet #	Title	Date on Document
Application	Application for FP2024-0002	04/26/2024
1	Final Plat	04/22/2024

**STAFF RECOMMENDATION**

City Staff recommends approval of Final Site Plan **Application FP2024-0002** *Replat of Logistics Park Kansas City – Southeast, Fourth Plat*, subject to the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat.
2. The applicant must meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC, and all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.

***Note: For application FP2024-0002 the Planning Commission will be the approving authority for the application. However, the Governing Body must accept all dedication of land for public use, and the Final Plat will be presented to the Governing Body on June 27, 2024.***

INITIAL SUBMISSION RE-REVIEW

NAME OF PROPOSED SUBDIVISION: \_\_\_\_\_

LOCATION OR ADDRESS OF SUBJECT PROPERTY: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

CURRENT ZONING ON SUBJECT PROPERTY: \_\_\_\_\_ CURRENT LAND USE: \_\_\_\_\_

TOTAL AREA: \_\_\_\_\_ Acres      NUMBER OF LOTS: \_\_\_\_\_      AVG. LOT SIZE: \_\_\_\_\_ Sq. Ft.

DEVELOPER'S NAME(S): \_\_\_\_\_ PHONE: \_\_\_\_\_

COMPANY: \_\_\_\_\_ FAX: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Street

City

State

Zip

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

COMPANY: \_\_\_\_\_ FAX: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Street

City

State

Zip

ENGINEER'S NAME(S): \_\_\_\_\_ PHONE: \_\_\_\_\_

COMPANY: \_\_\_\_\_ FAX: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

Street

City

State

Zip

SIGNATURE OF OWNER OR AGENT: \_\_\_\_\_

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**

Application No.: \_\_\_\_\_ Application Fee Paid: \$ \_\_\_\_\_ Date Fee Paid: \_\_\_\_\_ Receipt # \_\_\_\_\_

Cashier Code: FINALPLAT

Received By: \_\_\_\_\_

## FINAL PLAT INSTRUCTIONS

**SUBMITTAL DEADLINE:** The applicant shall submit an application at least forty-nine (49) 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.

**PLANNING COMMISSION REVIEW AND DECISION:** The Edgerton Planning Commission meets in the City Hall on the second Tuesday of every month. The Planning Commission shall review the final plat and other material submitted with it to determine conformity preliminary plat. The Planning Commission shall act upon the final plat within ninety (90) days after submission, unless the subdivider shall waive or consent to an extension of the ninety (90) day period.

**GOVERNING BODY APPROVAL:** Following the approval of a final plat by the Planning Commission, the Governing Body shall review the instrument for dedications and reservations and assure that the final plat and construction plans for all proposed streets, sidewalks, storm water sewers, sanitary sewers and water mains meet the standards of the City of Edgerton. The Governing Body may either approve the final plat, return the final plat and/or construction plans to the applicant with instructions and specifications to conform to City standards, or deny the final plat and/or construction plans with a refusal to accept dedication. If the Governing Body denies the final plat and/or construction plans, a set of written findings must be given to the applicant within 30 (thirty) days.

**RECORDING OF FINAL PLAT:** Upon approval of a final plat by the Governing Body, the applicant shall record the plat with the Register of Deeds within a period of one year. If the final plat is not recorded within one year from the date of approval by the Governing Body, it shall be considered null and void. Before any final plat shall be signed by the Zoning Administrator and filed by the Register of Deeds, the applicant shall submit a certificate of title indicating the ownership of all property within the bounds of the subdivision.

The applicant shall provide the Zoning Administrator with one copy of the final plat that was approved by the Governing Body on Mylar<sup>®</sup>. The applicant shall also return one copy of the final plat that was recorded by the Register of Deeds.

**FEES DUE BEFORE ENDORSEMENT OF FINAL PLAT:** Article 10 of Chapter IV of the Edgerton City Code imposes an excise tax \$0.10 per square foot of Final Plat. Prior to endorsement of any final plat, all excise taxes must be paid or City staff must determine that an exemption from payment prior to platting is applicable, all in accordance with Article 10 of Chapter IV of the City Code. In addition, a New Street Light Fee of \$250 each shall be submitted prior to the endorsement of any final plat.

**VESTING AND CONFLICTING REQUIREMENTS:** Initial rights for a final plat shall vest for a period of three (3) years. If all streets, sidewalks, storm water sewers, sanitary sewers and water mains have not been installed and the development of structures commenced after three (3) years, the final plat shall be considered null and void.

The requirements and standards in force at the time of the adoption of a final plat shall remain and shall continue to govern and not be set aside by the adoption of subsequent standards. Standards (such as setbacks) appearing on a plat which are greater than those imposed by this ordinance are valid, and shall be duly noted and enforced by building permits. Restrictive covenants are private instruments between buyer and seller. The Zoning Administrator does not enforce restrictive covenants unless such restrictions are part of a Planned Unit Development, or unless the City itself, as a condition of platting, is a party to such agreements. Nothing contained in these regulations is intended to void the obligation of any party to adhere to the terms of all contracts, conditions, and covenants of record.

**ASSURANCES:** Developers are required to install all streets, storm water sewers, sanitary sewers and water mains and other services to all lots (in a designated phase) as they appear on the final plat and/or construction plans prior to receiving a building permit from the Zoning Administrator. Developers are required to install all sidewalks on a lot as they appear on the final plat and/or construction plans prior to receiving a certificate of occupancy from the Zoning Administrator. Developers are also required to reimburse the City of Edgerton for the cost of all street signs, stop signs and speed limit signs.

Exceptions: The Zoning Administrator may issue building permits for lots in an approved subdivision when such lots have direct access to an existing public right-of-way and when, in his/her opinion, building construction would not interfere with the orderly process of the installation of facilities and utilities.

Financial Assurance: Prior to the commencement of any improvements, all required infrastructure (streets, sidewalks, storm water sewers, sanitary sewers, and water mains) must be assured by a financial instrument (performance and maintenance bond or special

vs. 6.1.22

benefit district). Financial assurances must be made in a form and amount acceptable and approved by the City Attorney. Unless otherwise indicated by special resolution of the Governing Body, financial assurances shall be equal to the contract cost of purchase and installation of all facilities and utilities and valid for a period ending no less than two years after acceptance by the City of Edgerton. If substantial progress in installing the infrastructure is not evident within two hundred eighty (280) days after the approval of the final plat by the Governing Body, the City of Edgerton shall take appropriate action to exercise the financial assurance.

**Public Improvement Inspection Fee:** If a Developer is required to construct any public improvements, including streets, sidewalks, storm water sewers, sanitary sewers and water mains, that construction must be inspected by city staff or their designee. Developers are required to pay 3% of construction costs to the City for those inspections.

**As Built:** Prior to acceptance of public improvements by the City, the developer shall provide two (2) sets of prints for all public improvement projects, excluding sidewalks, corrected to show the project as constructed and shall accurately and completely denote all changes made during the construction. Each sheet within the prints shall be clearly marked as "Conforming to Construction Records" and shall include the date of revision and certifications by a Kansas licensed engineer. This set of plans shall be substantially similar to the set of construction plans that was approved by the Governing Body.

## CHECKLIST

The following items shall be included on the final plat.

- Scale, the same used for the preliminary plat; North point; vicinity map.
- The words "FINAL PLAT" followed by the name of the subdivision at the top of the sheet, and then followed by a metes and bounds description of the tract.
- The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s corners, boundaries must be monumental with a 2" x 24" metal bar.
- A boundary survey of third order surveying accuracy (maximum closure error one in five thousand (1 in 5,000), with bearings and distances referenced to section or fractional section comers or other base line shown on the plat and readily reproducible on the ground.
- Individual notations and a TABLE showing: lot area, setbacks, and building envelopes.
- A number for each lot, starting (if practical) in the northwest corner.
- All easements with widths, and roads with curve data.
- Ingress/egress limitations, if required.
- The location of existing utility easements.
- A written legal description from the survey.
- An instrument of dedication for all roads and easements.
- Special notations required as a condition of platting by the Planning Commission.
- Approved phases – clearly delineated.
- Private travel easements.
- The Owner's Certificate with Notary Seal.
- Certificate of the Governing Body with City Clerk's attest and Seal.
- Edgerton City Planning Commission chair and secretary approval.
- Certificate of the Register of Deeds.
- Surveyor's Certificate and Seal and certificate for survey review by the County Surveyor or designated Land Surveyor.
- Certificate of the Zoning Administrator.

**PLANNING COMMISSION**  
**June 11, 2024 Minutes**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Street, Edgerton, Kansas on June 11, 2024. The meeting convened when Vice Chairperson Jeremy Little called the meeting to order at 7:00 PM.

**1. ROLL CALL**

Jeremy Little	present
Tina Mathos	present
Adam Draskovich	absent
John Daley	absent
Jordyn Mueller	present

With a quorum present, the meeting commenced.

Staff in attendance: Zachary Moore, Development Services Director  
Chris Clinton, Planning and Zoning Coordinator/Deputy City Clerk

2. **WELCOME** Vice Chairperson Little welcomed all in attendance to the meeting.
3. **PLEDGE OF ALLEGIANCE** All present participated in the Pledge of Allegiance.

**CONSENT AGENDA**

4. Minutes from the April 9, 2024 Planning Commission Meeting.
5. Final Plat Application FP2024-0001 for Replat of Lots 9-12, Block 25, Town of Martin.
6. Final Plat Application FP2024-0002 for Replat of Logistics Park Kansas City – Southeast, Fourth Plat.
7. Temporary Construction Use Application TCU2024-0001 for Rock Crushing Operations for TSL Phase II.
8. Temporary Construction Use Application TCU2024-0002 for Temporary Construction Trailers for TSL Phase II.

Mr. Zachary Moore, Development Services Director, explained that all of the items on the consent agenda can be approved with one motion. If there is an item a Commissioner wishes to discuss, it can be removed, discussed, then approved with a new motion.

Commissioner Mueller moved to approve the Consent Agenda. The motion was seconded by Commissioner Mathos. The Consent Agenda was approved, 3-0.

## City Council Action Item

**Council Meeting Date:** June 27, 2024

**Department:** Public Works

**Agenda Item: Consider a Contract with Ecoturf Playground Surfacing for Playground and Fitness Surfacing of \$49,582.72 for the Glendell Acres Park Improvements Project.**

**Background/Description of Item:**

On February 22, 2024 City Council approved an update to the project budget and contract with CM Concrete for construction of the improvements at Glendell Acres Park. Construction is currently underway and scheduled to be completed later this year.

In May 2024 City Council approved a contract with KDHE for the Waste Tire Grant Program where the City was awarded \$24,791.36 (approximately 50% of the cost of supplies, labor, shipping, and equipment for the playground surfacing).

Attached is the Ecoturf Playground Surfacing contract for \$49,582.72 for the playground surfacing at Glendell Acres. Staff recommends contracting directly with Ecoturf Playground Surfacing (Ecoturf) to better control the deliverables required by KDHE as part of the loan process. Additionally, Ecoturf has experience with project specifications and worked with the equipment manufacturers. Ecoturf also has worked on similar projects of this size and larger, as well as projects that incorporate KDHE funding. CM Concrete also recommends Ecoturf having worked with them on past projects.

Below is a summary of costs related to playground surfacing.

Original Playground Surfacing (CM Concrete)	\$49,582.72
Contract Deduct (CM Concrete)	(\$44,490.00)
Playground Surfacing (Ecoturf)	\$49,582.72
Waste Tire Grant (KDHE)	(\$24,791.36)
Total	(\$19,698.64)

In accordance with the City's Purchasing Policy, the City Administrator has approved a deduct of \$44,490 from CM Concrete's construction contract. This amount is the cost of the playground surfacing minus \$5092.72 for administration/scheduling.



At the next council meeting, City Staff will be present a project update for Glendell Acres Park Improvements.

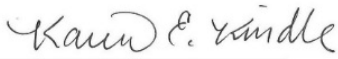
City Staff recommends approving this contract with Ecoturf Playground Surfacing pending City Attorney review.

**Related Ordinance(s) or Statute(s):**

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**Funding Source:** Park Impact Fee, General Fund, KDHE Waste Tire Grant

**Budget Allocated:** \$1,140,867

x 

**Finance Director Approval:** Karen Kindle, Finance Director

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**Recommendation: Approve a Contract with Ecoturf Playground Surfacing for Playground and Fitness Surfacing for \$49,582.72 for the Glendell Acres Park Improvements Project.**

**Enclosed:** Ecoturf Playground Surfacing Estimate

**Prepared by:** Holly Robertson, P.E. CIP Project Manager



# ESTIMATE

**Ecoturf Surfacing**  
7356 Holliday Dr  
Kansas City, KS 66106

kristin@ecoturfsurfacing.com  
913-713-1573  
www.ecoturfsurfacing.com



## Estimates 2023-1:23351

### Bill to

CITY OF EDGERTON  
404 E NELSON ST  
EDGERTON, KS 66021

### Ship to

23351  
Glendell Acres Park  
Edgerton, KS 66021

### Estimate details

Payment Terms: Net 30

Estimate no.: 23351 6-18  
Estimate date: 06/18/2024

#	Product or service	Description	Qty	Rate	Amount
1.		Playground Area			\$0.00
2.	<b>Installation</b>	Installation of Poured In Place Safety Surface 50/50 black & color mix for 6' and below fall height (2.5'' depth)	1991	\$10.34	\$20,586.94
3.	<b>Installation</b>	Installation of Poured In Place Safety Surface 50/50 black & color mix for 8' and below fall height (3.5'' depth)	1184	\$12.16	\$14,397.44
4.					\$0.00
5.		Fitness Area			\$0.00
6.	<b>Installation</b>	Installation of Poured In Place Safety Surface 50/50 black & color mix for 6' and below fall height (2.5'' depth)	1121	\$10.34	\$11,591.14
7.					\$0.00
8.	<b>Installation</b>	Estimated Shipping for Material	4296	\$0.70	\$3,007.20
9.					\$0.00
10.		***Does not include removal of existing surface or installation of sub-base and drainage***			\$0.00

**Total**

**\$49,582.72**



**7356 Holliday Drive  
Kansas City, KS 66106  
Phone: 913-713-1573**

## **Estimate Contract**

The estimate price for this project has been calculated based on the current prices for the materials. However, the market for the materials is considered to be volatile, and sudden price increases could occur.

Ecoturf Surfacing agrees to use our best efforts to obtain the lowest possible prices from available material suppliers, but should there be an increase in the prices of these specified materials that are purchased after execution of the Contract for use in this project, the Customer will be notified of the cost increase.

Upon notification, the Customer will then have the option to pay the cost increase or cancel the project and contract.

All projects are dependent on weather and installation dates are tentative

A standard additional insured certificate will be supplied at no charge upon customer request. If the customer requests any changes to Ecoturf Surfacing's insurance the customer will be responsible for the cost of any and all changes.

Customer is to supply and install construction fence around site and have security to watch over the site once the project has begun, up until the surface is dry and ready to be used. Any and all costs to repair or replace damage to surface caused by a lack of security or fencing will be the responsibility of the customer.

Customer is responsible for placing rubber wear mats in high traffic areas, such as under swings and at the bottom of slides.

100% full payment is due in NET 30 days upon completion of project. Past due invoice will be billed at 2% per month (24% annum). In the case of any default, customer shall pay Taylormade Co, Inc. DBA Ecoturf Surfacing reasonable attorney fees and costs, including those on any appeal even if no suit or action is filed. Customer understands that payment is still due whether or not they have been paid by the state.

All work completed under this contract remains the property of Ecoturf Surfacing until this contract is paid in full.

**Please sign and submit this quote to have your project added to our job list. By signing you are stating that you agree to the scope, details, and terms for the above mentioned proposal.**

Customer Signature \_\_\_\_\_

Date: \_\_\_\_\_

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**Leaders in Playground Surfacing**

**A Taylormade Company**

## City Council Action Item

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**Council Meeting Date:** July 2, 2024

**Department:** Administration

### Agenda Item: Consider Designation of Official City Newspaper

**Background/Description of Item:**

The City of Edgerton currently designates The Gardner News as its official city newspaper for legal publications and notices. The Gardner News is now no longer in circulation. The owner, CherryRoad Media, announced on June 27 that the paper was not financially viable and would be closed on July 1. In a letter on their website, CherryRoad CEO Jeremy Gulban wrote the paid circulation for the paper was less than 200.

Under K.S.A. 12-1651, the City now must designate a new official City newspaper with the following qualifications:

1. It must be published at least weekly 50 times per year for at least one year prior to any publication of any official city publication
2. It must be entered at the post office of publication as second-class mail matter
3. More than 50% of the circulation must be sold to the subscribers either on a daily, weekly, monthly or yearly basis
4. It shall have general paid circulation on a daily, weekly, monthly or yearly basis in the county and shall not be a trade, religious or fraternal publication.

Under those requirements, the City has two options now for official City newspapers: the Kansas City Star or the Legal Record. Per research attached, the Legal Record is significantly less expensive for the City; however, the subscriber cost is much higher than the Kansas City Star.

The City may have a third option for most legal publications. The Kansas Attorney General's Office released an opinion last year that allows cities of the second and third class to use Home Rule powers to opt out of the newspaper publication requirements because they are not uniformly applied to cities across the state. The city may then publish official city business on its own website. However, this does not apply to budget publications or where service by publication requires notice to be published in a newspaper in the county where a lawsuit is filed.

For these reasons, staff recommends legally required publications and notifications be published in the Legal Record and a new legal record page be created for the City's website.

**Related Ordinance(s) or Statue(s):** K.S.A 12-1651, K.S.A. 79-2929, K.S.A. 60-307

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**Funding Source:** General Fund

**Budget Allocated:** \$6,580

x *Karen E. Kindle*

**Finance Director Approval:** Karen Kindle, Finance Director

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**Recommendation: Designate the Legal Record as official city newspaper**

**Enclosed:** The Gardner News Closing Letter published by the owners on June 27 Council Memo regarding legal publications, dated December 14, 2023

**Prepared by:** Kara Banks, Assistant to the City Administrator

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# The Gardner News Closing Letter

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**JUNE 27, 2024 FREE, NEWS**

To The Gardner News readers,

It is with regret that CherryRoad Media announces the closing of The Gardner News effective July 1<sup>st</sup>, 2024.

Our company is dedicated to the preservation of community journalism. Since the purchase of our 1<sup>st</sup> paper in late-2020 to today, we have prided ourselves on our ability to fight the difficult battle that newspapers face in today's digital society. Unfortunately, that battle cannot always be won.

The Gardner News, founded in 1982, has struggled in recent years to find its footing in this growing community. While the population of this community has risen to almost 25,000, the paid circulation for the newspaper has dipped to less than 200. That loss of readers, a challenge newspapers across the country face, has resulted in a loss of advertising partners as we come up short in reaching the community they need to market to.

Since purchasing The Gardner News in the Spring of 2022, CherryRoad Media has been unable to avoid financial losses every month. The paper was losing money when we bought it, and it continued to do so. We have tried relying upon neighboring papers we own for support, to no avail. We tried reducing office and other expenses, which only exasperated our challenges. We must now come to terms with the fact that we do not have a path forward to sustainability.

Any subscribers to The Gardner News will receive a refund check for the remaining balance on their accounts.

We wish the outcome of this endeavor were different. We have appreciated the opportunity to serve Gardner these two-plus years. We wish continued success for Gardner, its citizens and its business community. And we thank those who have supported our endeavor here by subscribing to The Gardner News.

Sincerely,

Jeremy Gulban

Chief Executive Officer

CherryRoad Media

DATE: December 14, 2023

TO: Mayor and City Council Members

FROM: Beth Linn, City Administrator  
Kara Banks, Marketing and Communications Manager  
Alex Clower, City Clerk

SUBJECT: Legal Publications Research Results

On November 9, City Council directed Staff to investigate options for the City's legal publications. State statute KS 12-1651 requires cities of the second and third classes to designate an official city newspaper. The newspaper must have the following qualifications:

- (1) It must be published at least weekly 50 times each year and have been so published for at least one year prior to the publication of any official city publication.
- (2) It must be entered at the post office of publication as second-class mail matter.
- (3) More than 50% of the circulation must be sold to the subscribers either on a daily, weekly, monthly or yearly basis.
- (4) It shall have general paid circulation on a daily, weekly, monthly or yearly basis in the county and shall not be a trade, religious or fraternal publication.

Under those requirements, the City of Edgerton has three options for official city newspapers: The Gardner News, The Kansas City Star, and The Legal Record. Staff reviewed costs for each of these papers using three different types of publications: a short ordinance summary, the City's annual budget publication, and a codes violation publication.

	Subscription Cost	Ordinance Summary	Budget Publication	Codes Violation Notice
Gardner News	\$59/year	\$34	\$76	\$149
KC Star	\$220/year	\$32	\$68	\$52
Legal Record	\$334/year	\$4	\$26	\$20

Lastly, the Kansas Attorney General's Office released an opinion in July that allows cities of the second and third class to use Home Rule powers to opt out of the publication requirements because the statute does not uniformly apply to cities across the state. The City would still be required to publish budget documents and hearing notifications and other certain legal actions because those notifications fall under other statutes that do apply uniformly to all cities in Kansas.