



City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, MAY 23, 2023 6:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting
Meetings are televised everyday on Channel 2 at 6 p.m. and midnight and available for viewing on YouTube

CALL TO ORDER – Pledge of Allegiance Followed by Silent Meditation

PRESENTATIONS:

1. Mayor's Award

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

2. Minutes from May 9, 2023 Regular Meeting **Action:** Motion (pg. 02)

NEW BUSINESS:

Public Comment: (i.e. Items not listed on the agenda or receipt of petitions)-Public comment is limited to 2-3 minutes and no action will be taken by the Commission on public comment items - Please state your name and address. A signup sheet will be provided in the commission chambers for anyone wishing to speak.

Resolutions:

3. Resolution B-2337 Setting Public Hearing for Unsafe Fire Damaged Structure 805 N 18th St **Action:** Motion (pg. 10)

Bids, Contracts and Agreements:

4. Consider Approval of Purchase and Replacement of Building Air Handlers for WPC **Action:** Motion (pg. 14)
5. Consider Approval of Engineering Services Contract for the Replacement Sludge Dewatering System **Action:** Motion (pg. 23)

First Consideration Ordinances:

6. First Consideration Ordinance Declaring the Necessity of Appropriating Private Property by Condemnation Connected with the U.S. 73 (Choctaw to Seneca) Improvement Project **Action:** Consensus (pg. 41)
7. First Consideration Ordinance Amending the City Code Solid Waste Collection and Disposal Section **Action:** Consensus (pg. 85)

Consent Agenda:

Claims for May 6, 2023 through May 19, 2023, in the amount of \$816,879.59; Net amount for Payroll #10 effective May 19, 2023, in the amount of \$373,488.13 (Includes Police & Fire Pension in the amount of \$10,383.15).

Action: Motion

Other:

8. Executive Session – Discussion of Matters Related to Security Measures **Action:** Motion (pg. 88)

Adjournment

Action: Motion



CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Jermaine Wilson, Mayor Pro-Tem Griff Martin and Commissioners Nancy Bauder and Edd Hingula. Absent: Commissioner Camalla Leonhard.

Staff members present: City Manager Paul Kramer, Assistant City Manager Penny Holler, Finance Director Roberta Beier, Chief Building Inspector Harold Burdette, Police Chief Patrick Kitchens, Public Works Director Brian Faust, City Attorney David E. Waters and City Clerk Sarah Bodensteiner.

Mayor Wilson asked everyone to stand for the pledge of allegiance followed by silent meditation.

PRESENTATIONS AND PROCLAMATIONS:

Economic Development Week – Mayor Wilson read the proclamation proclaiming May 8-12, 2023 as Economic Development Week. The proclamation was accepted by Diana Dodd.

Provider Appreciation Day – Mayor Wilson read the proclamation proclaiming May 12, 2023 as Provider Appreciation Day. The proclamation was accepted by Lisa Schmidt and Ann Soby.

National Police Week – Mayor Wilson read the proclamation proclaiming May 14-20, 2023 as National Police Week. The proclamation was accepted by Police Chief Patrick Kitchens.

Leavenworth Public Works Week – Mayor Wilson read the proclamation proclaiming May 21-27, 2023 as Leavenworth Public Works Week. The proclamation was accepted by Public Works Director Brian Faust.

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Martin moved to accept the minutes from the April 25, 2023 regular meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Second Consideration Ordinances:

Second Consideration Ordinance No. 8213 Amending by Regular Ordinance Charter Ordinance No. 40 – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the April 25, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8213 was unanimously approved.

Second Consideration Ordinance No. 8214 Amending Article 9, Historic Preservation of the Code of Ordinances Development Regulations – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the April 25, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8214 was unanimously approved.

Second Consideration Ordinance No. 8215 Approval of Special Use Permit for Two-Family Dwelling at 728 Pottawatomie Street – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the April 25, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8215 was unanimously approved.

Second Consideration Ordinance No. 8216 Approval of Special Use Permit for Two-Family Dwelling at 1906 5th Avenue – City Manager Paul Kramer reviewed the Ordinance. There have been no changes since first introduced at the April 25, 2023 meeting.

Mayor Wilson called the roll and Ordinance No. 8216 was unanimously approved.

Public Comment: *(Public comment on non-agenda items or receipt of petitions- limited to 2-3 minutes)*

Francis Hayes:

- Asked for assistance regarding an improper display of handicap signage in her neighborhood

Public Hearing:

Public Hearing for Unsafe Structure 1015 Ottawa Street

Open Public Hearing:

Commissioner Martin moved to open the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Review of Property by Staff and Public Comments:

Chief Building Inspector Harold Burdette reviewed the property:

- Structure was damaged by fire on November 10, 2022
- City received insurance proceeds
- Owner is indecisive about what he wants to do with the property
- Noted the owner is not present this evening
- No permits have been applied for or issued
- Staff usually recommends giving 90 days for owner to demolish or make significant repairs to the structure

Mr. Kramer:

- The Commission could decide to shorten the time frame from 90 days to a shorter window, since no permits have been pulled on the property

Commissioner Bauder:

- Noted she was good with 30 days

Close Public Hearing:

Commissioner Hingula moved to close the public hearing. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Commissioner Martin

- Asked how much is budgeted each year for demolishing properties

Mr. Kramer:

- The City received insurance proceeds for this property, so City dollars would not be used for this property

Commission was in favor of revising the allotted days to 30 days.

Consider Resolution B-2334 Directing Structure to be Repaired or Removed:

Commissioner Hingula moved to adopt Resolution B-2334 giving the owner 30 days to complete the demolition or repair of the property. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

General Items:**Mayor's Appointments:**

Mayor Wilson moved to reappoint to the Building Code Board of Appeals Jody Kaaz to a term ending May 1, 2028, reappoint to the Electrical Board of Appeals Jeff Wagner to a term ending May 1, 2028, reappoint to the Mechanical Board of Appeals Keith Sanders to a term ending May 1, 2028, and appoint to the Plumbing Board of Appeals John D'Agostino to a term ending May 1, 2028. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consider Cherokee Street Closure Request – Motorcycle Show Special Event – Police Chief Patrick Kitchens presented a request to close Cherokee Street on Saturday, August 26, 2023 from 2:30 p.m. to 10:00 p.m. for a Motorcycle Show. On March 27, 2023, the City of Leavenworth received a Special Event Application from Carl Slicker to have a Leavenworth Bike Show at Haymarket Square. Mr. Slicker and his team have held the bike show for the last several years and it has grown each year. Their application included a request to close the 600 block of Cherokee Street from 2:30 p.m. to 10:00 p.m. to accommodate the event. On April 10, 2023, I met with Mr. Slicker and his team at the Police Department to review the application and event. It was discussed the purpose for the closure was for the vendors to set up and have booths. The motorcycles and food trucks would be inside the envelope of Haymarket Square. Alternative locations were discussed but one was not identified that would work. Staff is sensitive to other businesses and residents when requests of this nature come in and could potentially require towing of cars. Chief Kitchens mentioned other pending road closure requests.

John Goodson 1428 S 2nd street:

- This will be the 7th year of the show
- The event has grown each year and there are 70 vendors and possible 500 attendees who want to participate this year
- Have a plan for the water department to not interfere with their business
- Personally spoken to every business on the block and has obtained a signed letter with their support

- Event is to raise funds for various charities in town

Mayor Wilson:

- Asked for clarity on the timeframe for the road closure

Mr. Goodson:

- We're usually done by 9pm

Chief Kitchens:

- The noise permit does not allow loud noise after 10pm, so that matches up with the road closure ending time

Commissioner Bauder:

- Stated the reason the City moved Camp to Landing Park was to have enough space

Commissioner Martin:

- First concern is local businesses
- Sounds like the group has spoken to the businesses and they are in favor

Mayor Wilson:

- Asked were any businesses opposed to the closure

Mr. Goodson:

- None

Commissioner Hingula:

- Asked will this place a burden on the police department

Chief Kitchens:

- There is no undue burden

Commissioner Bauder:

- Mentioned a letter of support from Leavenworth Main Street for the closure

Commissioner Martin moved to approve the request to close Cherokee Street on August 26, 2023 from 2:30 p.m. to 10:00 p.m. for the Motorcycle Show at Haymarket Square. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consider Request to Abate Special Assessment Nuisance and Demolition Fees and Nuisance Lien for 1921 5th Avenue –

Mayor Wilson:

- Stated pursuant to City Code Sec. 2-55(c), Members of the city commission have a duty to vote unless such member declares a conflict of interest or other conflict that appears to make voting on an issue improper. For the next agenda item, I believe it would be improper for me to vote and be a part of the discussion. The party requesting the action is my mother. At this point I will turn the meeting over to Mayor Pro Tem Martin until this item is concluded.

Mayor Wilson stepped down from the dais and took a seat in the audience.

City Manager Paul Kramer presented a request to waive the Special Assessment fees for Nuisance and Demolitions and for the Nuisance Lien for the property located at 1921 5th Avenue. In 2021, the City had performed mowing at the property. In March of 2022, the City demolished the single-family structure located on the property. Also in 2022, the City had performed mowing at the property on several occasions. Invoices had been sent to the property owner of record and the unpaid fees have been assessed to the property through liens and special assessments to the property taxes. In the past, the City Commission has reduced the fees for similar requests, to the actual cost incurred by the city and nominal administration fee. Mr. Kramer reviewed the Special Assessment and Nuisance Lien fees with the Commission,

Commissioner Martin:

- Asked about costs that are budgeted for demolition

Mr. Kramer:

- \$30,000 is set aside from CDBG funds for blight, the City also sets aside the same amount to ensure funds are available to address all blighted properties

Commissioner Bauder:

- What are the plans for the property
- Discussed what has been done in the past on requests like this

Savannah Nelson 1921 5th Avenue:

- Planning on building a house on the property for her son

Commissioner Martin:

- Doesn't feel like we should penalize the new owner

Commissioner Hingula:

- Likes the idea to adjust the fees

Commissioner Hingula moved to waive the administrative fees and reduce the Special Assessment fees for Nuisance and Demolition, and for the Nuisance Lien for the property located at 1921 5th Avenue by \$5,000.00. Commissioner Bauder seconded the motion.

Commissioners discussed further and were in agreement to waive all the fees instead of a reduction.

Commissioner Hingula withdrew his motion without objection.

Commission Hingula moved to waive the administrative fees, waive the Nuisance and Demolition Special Assessment fees, and waive the Nuisance Lien fees for the property located at 1921 5th Avenue. Commissioner Bauder seconded the motion and the motion unanimously approved. Mayor Pro Tem declared the motion carried 3-0

Mayor Wilson rejoined the Commission on the dais.

Resolutions:

Resolution B-2335 Authorizing Issuance of General Obligation Bonds for the Construction, Furnishing and Equipping of New Fire Station #3 – Finance Director Roberta Beier presented for consideration Resolution B-2335 authorizing the issuance of general obligation bonds for the purpose of funding the Fire Station #3 project. Staff is pursuing a design-build contract with Kaaz Construction & WSKF Architects for the design and construction of Fire Station #3 (the Project). Staff recommends funding the construction of the Project with general obligation bonds (G.O. bond), therefore prior to approving the design-build contract, Staff is requesting that the City Commission authorize the issuance of general obligation bonds, per K.S.A. 12-1736, for the purpose of funding the project.

Commissioner Martin:

- Asked when will we have a fixed total cost of the project

City Attorney Waters:

- Advised that the Design-build process is 2 step process
- A designer/architect and contractor work together to put together a design-build proposal to help ensure the project remains on budget

Mr. Kramer:

- We will bring the entire project with total cost to the Commission for approval
- The Commission will decide the ultimate cost of the project

Commissioner Bauder moved to approve Resolution B-2335 which authorizes the issuance of general obligation bonds of the City in the maximum principal amount of \$5,000,000.00 to pay the costs of the Project together with all things necessary and incidental thereto. Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Resolution B-2336 Declaring the Necessity to Appropriate Private Property Connected with the U.S. 73 Choctaw to Seneca Improvement Project – Public Works Director Brian Faust presented for consideration a resolution to start the process for acquisition of private property for public purposes on the U.S. 73 Improvement Project. In order to keep the project on schedule and to ensure the City does not lose out on grant dollars, the City needs a parallel condemnation process to help ensure the needed properties are obtained. City staff will continue to work with all the property owners and Orrick & Erskine to obtain signed easements throughout this process. This project is scheduled to be bid in September; however, KDOT required the easements/ROW to be obtained or condemnation to be initiated prior to bidding. This resolution is simply the first step in a larger process.

Commissioner Hingula:

- Asked are any property owners adamantly opposed

Mr. Faust:

- We've had some calls and comments on landscape easements

Commissioner Martin:

- What does this do in terms of setting precedent

Mr. Kramer:

- The State requires that all easements are obtained or condemnation has commenced before the project can be bid
- Rarely do these go to condemnation
- This keeps the project moving

Commissioner Bauder moved to approve Resolution B-2336 regarding the appropriation of private property for public purposes. Commissioner Hingula seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Bids, Contracts and Agreements:

Consider Award of Bid for 2023 Pavement Management Project (Mill & Overlay Program) – Public Works Director Brian Faust presented for consideration award of bid for the Mill & Overlay program of the 2023 Pavement Management Project. The components of the 2023 program include micro-surfacing, mill and overlay, parking lot upgrades and major repair and maintenance work beyond the scope of the Streets Division. The Mill & Overlay Program for 2023 includes the City streets:

- Shawnee Street between 10th and 15th
- 10th Street between Stockton and Michigan
- Spruce between 3rd and 4th
- Poplar Street between 2nd and 3rd
- Intersection of 15th and Vilas

The project plans were prepared by Alfred Benesch & Company and the project was advertised for bid in the Leavenworth Times and at Drexel Technologies. Bids were opened on April 25, 2023. Little Joe's Asphalt met all the bidding requirements and has previously performed mill & overlay work for the City.

Commissioner Hingula moved to award the 2023 Pavement Management – Mill & Overlay Program to Little Joe's Asphalt in an amount not to exceed \$701,688.00. Commissioner Bauder seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Consent Agenda:

Commissioner Bauder moved to approve claims for April 22, 2023 through May 5, 2023, in the amount of \$1,509,327.44; Net amount for Payroll #09 effective May 5, 2023 in the amount of \$358,879.47 (No Police and Fire Pension). Commissioner Martin seconded the motion and the motion was unanimously approved. Mayor Wilson declared the motion carried 4-0.

Other:

City Manager Paul Kramer:

- Hawthorn Splash pad official kickoff is from 11am – 1pm this Saturday
- Noted the re-vamped pool will open in a few weeks

Commissioner Hingula:

- Was asked what age group is the splash pad for

Commissioner Martin:

- Have a great week

Commissioner Bauder:

- Thanked Mayor Wilson as the splash pad was his idea

Mayor Wilson:

- Looking forward for the splash pad event
- Thanked teachers in the community; you are true heroes

Adjournment:

Commissioner Hingula moved to adjourn the meeting. Commissioner Bauder seconded the motion and the motion was unanimously approved and the meeting was adjourned.

Time Meeting Adjourned 7:05 p.m.

Minutes taken by City Clerk Sarah Bodensteiner, CMC

POLICY REPORT PWD NO. 23-25

RESOLUTION SETTING HEARING DATE FOR UNSAFE STRUCTURE
805 N. 18th STREET

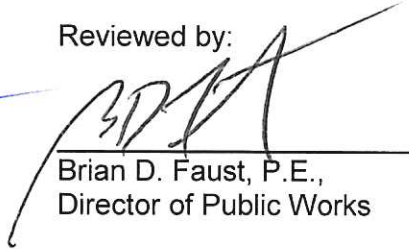
MAY 23, 2023

Prepared by:



Harold D. Burdette,
Chief Building Inspector

Reviewed by:



Brian D. Faust, P.E.,
Director of Public Works

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Consider a resolution setting July 11, 2023 as the date of a public hearing regarding the unsafe or dangerous structure located at 805 N. 18th Street.

BACKGROUND:

A fire significantly damaged this structure on January 21, 2023. Inspection staff has spoken with a contractor and discussed their intention to repair the structure, but no request for a building permit has been received.

When structures are damaged by fire or other causes and the damage is severe enough that the settlement from the insurance company exceeds 75% of the face value of the policy covering the structure, the insurance company is required to draft a payment to the City of Leavenworth for 15% of the settlement. This money is to be used by the City to either remove the structure if the owner decides not to address the issue, or be returned to the property owner once repairs are completed and the structure is ready for occupancy, or the owner has the structure demolished. The City has received money in regards to this property. The money will be returned to the owner once repairs have advanced to the point that the exterior work has been completed and the interior is ready for sheetrock.

The Chief Building Inspector recommends that proceedings under the provisions of K.S.A. 12-1750, et seq. should be commenced. Approval of this resolution setting the date of the public hearing is the first step in the process. This action will ensure that the City retains control over the proceeds from the fire insurance to assist with efforts to maintain the site.

Pursuant to the provisions of K.S.A. 12-1750, et seq., a public hearing is required to determine if the structure should be demolished or if the owners will commit to making improvements within a time frame acceptable to the City Commission. To establish the hearing date and to begin the legal service of notice process, the City Commission has to establish the hearing date by which assignees and owners must be notified. The legal rights are vested in the hearing and the City Commission should refrain from taking any testimony at this time in order to protect their legal rights in the process.

At the public hearing, the Commission will receive testimony for and against ordering the demolition of the structure. At the conclusion of the July 11, 2023 public hearing, the City Commission findings are adopted by resolution.

RECOMMENDATION: Motion to adopt Resolution No. B-2337 setting July 11, 2023 as the date for the public hearing regarding the unsafe structure located at 805 N. 18th Street.

ATTACHMENT:

Resolution No. B-2337

Photo of Exterior of 805 N. 18th Street

(To Be Published in the Leavenworth Times on May 26, 2023 and June 2, 2023)

RESOLUTION NO. B-2337

A RESOLUTION FIXING THE TIME AND PLACE AND PROVIDING FOR NOTICE OF HEARING BEFORE THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS, AT WHICH TIME AND PLACE THE OWNER, ITS AGENT, LIEN HOLDERS OF RECORD, AND OCCUPANTS OF THE STRUCTURES HEREIN DESCRIBED MAY APPEAR TO SHOW CAUSE WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS UNSAFE OR DANGEROUS STRUCTURES, PURSUANT TO K.S.A. 12-1751 ET SEQ.

WHEREAS, pursuant to K.S.A. 12-1752, the enforcing officer of the City of Leavenworth, Kansas, did on the 18th day of April, 2023, file with the Governing Body of said city a statement in writing that certain structures hereinafter described are unsafe or dangerous and should be ordered by the Governing Body to be repaired or demolished.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. Notice is hereby given that a public hearing will be held by the City Commission on July 11, 2023, at Leavenworth City Hall, 100 N. 5th Street, Leavenworth, Kansas, 66205, such date being at least thirty (30) days after the last date scheduled for publication of this Resolution. The public hearing will commence at 6:00 p.m. or as soon thereafter as the City Commission can hear the matter. If, as a result of the COVID-19 pandemic or other reason, such public hearing may not be held in person but rather via remote meeting, such remote meeting shall be held at the same date and time, and access instructions for remote participation shall be available at the City's website, www.leavenworthks.org, and included with the published agenda for such meeting. At the public hearing, the owners, their agents, heirs, any lien holders of record and other persons affected by certain structures herein described may appear and show cause why such structures should or should not be condemned as dangerous or hazardous structures and ordered repaired or demolished pursuant to K.S.A. 12-1751 *et seq.*:

The structure is described as: A single-family structure located at 805 N 18th Street. The property is legally described as: Block 1, Lot 2, Quail Creek Subdivision.

Section 2. The City Clerk and/or Chief Building Inspector are hereby authorized and directed to provide for the notice of the public hearing by taking the following action:

- a. A copy of this Resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder, and occupant at the last known address and shall be marked "deliver to addressee only."
- b. This Resolution shall be published for two (2) consecutive weeks on the same day of each week.

Section 3. This Resolution shall be effective upon its adoption by the City Commission of the City of Leavenworth, Kansas.

PASSED AND ADOPTED by the City Commission of the City of Leavenworth, Kansas, this 23rd day of May, 2023.

Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk




POLICY REPORT NO. 2023-22
WATER POLLUTION CONTROL DIVISION
REPLACEMENT OF BUILDING AIR HANDLERS

City Project No. 2023-019

May 23 2023

Prepared By:


Tim Guardado,
WPC Superintendent

Reviewed By:


Brian Faust,
Public Works Director

Approved By:


Paul Kramer,
City Manger

ISSUE:

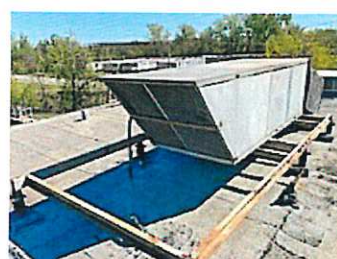
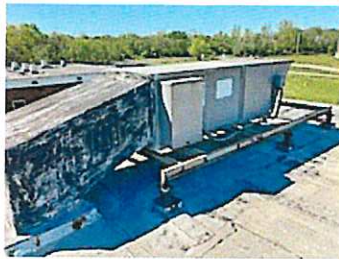
There are three main air handlers used to bring fresh air into buildings and confined spaces at WPC. The fresh air helps make conditions better for equipment that is susceptible to harsh conditions caused by the gases created by sewage coming into the plant. It also serves as fresh air for city staff performing maintenance in these areas. These units also provide heat to the buildings. As the air handlers age, they are experiencing more frequent failures. Repair costs are increasing along with the chance of frozen pipes as well as unsafe conditions for staff working in the areas.

BACKGROUND:

Bar Screen Building Air Handler: The Reznor RFD-2 air handler was replaced in 1997 as part of the new Bar Screen update. This air handler sits over the raw sewage wet well and is the most susceptible to H₂S gas coming into the plant. This H₂S gas has caused corrosive damage to the metal parts in the air handler. Technicians from D'Agustino that have worked on this unit recommend replacement due to the corrosion.



Grit Building Air Handler: The Reznor air handler was installed in 1970's. Due to the age of this air handler, parts are becoming obsolete and hard to find. Important parts to the gas valves have been ordered off Ebay because they were unavailable through other channels. Ordering parts off sites like this is not advised as the parts could be used or defective.



Primary Pump House Air Handler: The Hastings air handler was installed in 1970s. Due to the age of the air handler parts are becoming obsolete and hard to find.



Failure in any of our air handlers creates a significant safety concern for staff.

The City requested quotes for the replacement of the 3 air handlers. The following quotes were received:

Company	Grit Air Handler	Bar Screen Air Handler	Primary Air Handler
D'Agostino	\$40,425.00	\$43,080.00	\$50,535.00
JF Denney	\$33,740.00	\$38,850.00	\$55,095.50
P1 Services	Declined	Declined	Declined

Company	City	Quotes Total
D'Agostino	Kansas City, KS	\$134,040.00
JF Denney	Leavenworth, KS	\$127,685.50
P1 Services	Lenexa, KS	N/A

BUDGET IMPACT:

The 2023 CIP contains \$160,000 for the replacement of the air handlers on the main buildings. The original plan was to replace one air handler at a time. The quotes came back at a price per unit that allowed the projects to be combined into one versus multiple projects. The total cost for the three units is less than the budgeted CIP amount. Funding is from ARPA.

STAFF RECOMMENDATION:

City Staff recommends the City Commission approve the purchase and replacement bid from JF Denney for the replacement of three Air Handler units on the Grit, Bar Screen and Primary buildings for an amount not to exceed \$127,685.50. Once the equipment is ordered, there is an 8- to 10-week delivery time.

ATTACHMENTS:

- CIP Sheet for WPC
- Quotes

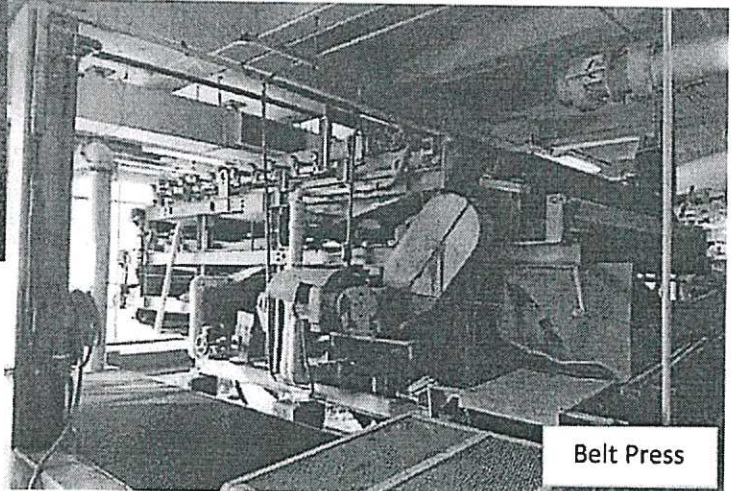
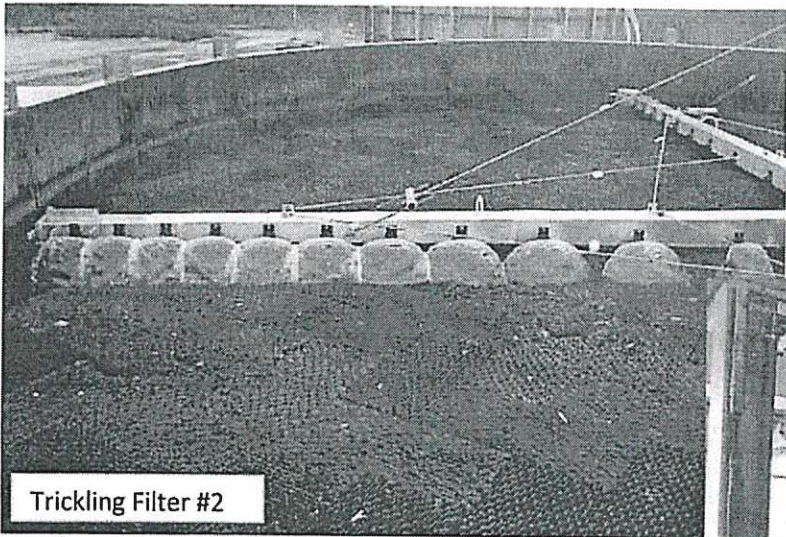
**Capital Improvements Program
2023 - 2027
Sewer - Waste Water Treatment Plant Improvements and Repairs**

Purpose:

This allocation provides for the replacement and improvement of critical equipment at the Waste Water Treatment Plant, asphalt repair at the WWTP, the purchase and construction of a utility storage building, and the purchase of UV lights (3rd of 3 installments).

Source	Comments	Year	Requested	Projected
ARPA funds		2023	3,000,000	3,000,000
Sewer Fund Operating Budget		2023	4,000	4,000
		2024	-	-
		2025	-	-
		2026	-	-
		2027	-	-
			\$ 3,004,000	\$ 3,004,000

Uses	Comments	Year	Requested	Projected
WWTP	Trickling filter #1 media replacement	2023	\$ 2,258,000	\$ 2,258,000
WWTP	Replace air handling unit - main buildings	2023	160,000	160,000
WWTP	Lift station repairs	2023	80,000	80,000
WWTP	Belt press repairs	2023	80,000	80,000
WWTP	Overhead heaters in all buildings	2023	11,000	11,000
WWTP	Mixing system for holding tank - WWTP	2023	100,000	100,000
WWTP	Asphalt resurfacing	2023	50,000	50,000
WWTP	Utility storage building	2023	125,000	125,000
WWTP	Third installment of UV light replacement	2023	140,000	140,000
		2024	-	-
		2025	-	-
		2026	-	-
		2027	-	-
			\$ 3,004,000	\$ 3,004,000



PROJECT: Leavenworth Waste Water Treatment Plant
1800 South 2nd Street
Leavenworth, Kansas 66048

SUBJECT: Replace Bar Screen Building Outside Air Unit
Based on Greenheck MAU
Revised Updated Unit Cost

ITEMIZED COST BREAKDOWN

Quantity	Description	MATERIALS		LABOR HOURS			
		Unit Cost	Extended	Laborer	Tradesman	Superint 15%	Extended
90.00	Hours of Service Disconnect Existing OAU Electrical Power & Control Wiring Along With Natural Gas Supply. Remove Existing Ductwork & Roofing. Modify Existing Unit Structural Steel as Needed to Accommodate New Unit Footprint. Hoist Existing Unit Off & Set New Unit in Place. Field Measure Required Duct Fittings & Return to DMC Shop. Fabricate Fittings & Return to Waste Water. Install Supply Ductwork & Seal Duct. Fabricate & Install Duct Flashing at Penetration. Assemble Unit Intake Air Hood & Mount Component on Unit. Modify Existing Natural Gas Piping as Needed & Connect to New Unit. Bleed Air from Piping System. Trace Down Existing Control Wiring & Replace Wiring as Needed. Modify Existing Electrical Power Wiring & Connect Power to Unit. Check & Verify Proper Rotation of Discharge Fan. Perform Factory Startup & Test Unit Operation. This Cost Does NOT Included Any Sales Tax A PEC Must Be Provided Prior to the Ordering of Any Equipment or Materials.	\$ 3.50	\$ 315.00	30.00	60.00	13.50	103.50
1	Lump Sum, Ductwork Fabrication Materials	\$ 1,600.00	\$ 1,600.00	-	-	-	-
1	Lump Sum, Natural Gas System Piping & Accessories	\$ 425.00	\$ 425.00	-	-	-	-
1	Lump Sum, Control Wiring & Accessories	\$ 1,500.00	\$ 1,500.00	-	-	-	-
1	Lump Sum, Electrical Power Wiring & Accessories	\$ 2,085.00	\$ 2,085.00	-	-	-	-
1	Lump Sum Structural Steel Support Materials	\$ 1,095.00	\$ 1,095.00	-	-	-	-
1	Greenheck # DGX-P122-H32-MF 9,900 CFM 976.2 MBH 460/3/60 Outside Fresh Air Unit with Freight	\$ 19,186.82	\$ 19,186.82	-	-	-	-
TOTALS			\$ 26,206.83	30.00	60.00	13.50	103.50
A.	MATERIALS COST:						
			SUBTOTAL:	\$26,206.83			
			Overhead: 15.00%	\$3,931.96			
			Profit: 10.00%	\$3,013.88			
			MATERIALS TOTAL:	\$ 33,152.68			
B.	LABOR:						
			HOURS	RATE			
	General Laborer Regular Hours:	30.00	\$52.75	\$1,582.50			
	Tradesman/Mechanic Regular Hours:	60.00	\$67.95	\$4,077.00			
	Field/Office Superintendent Hours:	13.50	\$75.35	\$1,017.23			
	Project Engineer Hours:	0.00	\$101.15	\$0.00			
	Total Hours:	103.50		SUBTOTAL: \$6,676.73			
			Overhead: 15.00%	\$1,001.51			
			Profit: 10.00%	\$767.82			
			LABOR TOTAL:	\$8,446.06			
				\$337.84			
C.	SMALL TOOL & EXPENDABLES CHARGE: (4.0% OF LABOR)						
D.	SUBTOTAL: (A + B + C)			\$ 41,936.58			
E.	SUBCONTRACTORS:						
			(American) Roofing:	\$0.00			
			Pipe Insulation:	\$0.00			
			Temperature Controls:	\$0.00			
			(Haggard) Hoisting:	\$915.00			
			Electrical:	\$0.00			
			8.0% Markup:	\$45.75			
			SUBCONTRACTOR TOTAL:	\$960.75			
				\$182.68			
F.	EQUIPMENT: (Trucks, Fuel Surcharge, Permit, Exc.)						
G.	SUBTOTAL: (F + G + H)			\$43,080.00			
H.	TAX:			\$0.00			
I.	TOTAL:			\$43,080.00			

PROJECT DURATION: (DAYS)
INCREASE: 6.47
DECREASE: 0.00
TOTAL: 6.47

PROJECT: Leavenworth Waste Water Treatment Plant
1800 South 2nd Street
Leavenworth, Kansas 66048

SUBJECT: Replace Grit Building Outside Air Unit
Based on Greenheck MAU
Revised Updated Unit Cost

ITEMIZED COST BREAKDOWN

Quantity	Description	MATERIALS		LABOR HOURS			
		Unit Cost	Extended	Laborer	Tradesman	Superint 15%	Extended
90.00	Hours of Service Disconnect Existing OAU Electrical Power & Control Wiring Along With Natural Gas Supply. Remove Existing Ductwork & Roofing. Modify Existing Unit Structural Steel as Needed to Accommodate New Unit Footprint. Hoist Existing Unit Off & Set New Unit in Place. Field Measure Required Duct Fittings & Return to DMC Shop. Fabricate Fittings & Return to Waste Water. Install Supply Ductwork & Seal Duct. Fabricate & Install Duct Flashing at Penetration. Assemble Unit Intake Air Hood & Mount Component on Unit. Modify Existing Natural Gas Piping as Needed & Connect to New Unit. Bleed Air from Piping System. Trace Down Existing Control Wiring & Replace Wiring as Needed. Modify Existing Electrical Power Wiring & Connect Power to Unit. Check & Verify Proper Rotation of Discharge Fan. Perform Factory Startup & Test Unit Operation. This Cost Does NOT Included Any Sales Tax A PEC Must Be Provided Prior to the Ordering of Any Equipment or Materials.	\$ 3.50	\$ 315.00	30.00	60.00	13.50	103.50
1	Lump Sum, Ductwork Fabrication Materials	\$ 1,600.00	\$ 1,600.00	-	-	-	-
1	Lump Sum, Natural Gas System Piping & Accessories	\$ 425.00	\$ 425.00	-	-	-	-
1	Lump Sum, Control Wiring & Accessories	\$ 1,500.00	\$ 1,500.00	-	-	-	-
1	Lump Sum, Electrical Power Wiring & Accessories	\$ 2,085.00	\$ 2,085.00	-	-	-	-
1	Lump Sum Structural Steel Support Materials	\$ 1,095.00	\$ 1,095.00	-	-	-	-
1	Greenheck # DGX-P122-H32-MF 6,000 CFM 591.7 MBH 460/3/60 Outside Fresh Air Unit with Freight	\$ 17,087.63	\$ 17,087.63	-	-	-	-
TOTALS			\$ 24,107.64	30.00	60.00	13.50	103.50
A.	MATERIALS COST:						
			SUBTOTAL:	\$24,107.64			
			Overhead: 15.00%	\$3,617.09			
			Profit: 10.00%	\$2,772.47			
			MATERIALS TOTAL:	\$ 30,497.20			
B.	LABOR:						
			HOURS	RATE			
	General Laborer Regular Hours:	30.00	\$52.75	\$1,582.50			
	Tradesman/Mechanic Regular Hours:	60.00	\$67.95	\$4,077.00			
	Field/Office Superintendent Hours:	13.50	\$75.35	\$1,017.23			
	Project Engineer Hours:	0.00	\$101.15	\$0.00			
	Total Hours:	103.50					
			SUBTOTAL:	\$6,676.73			
			Overhead: 15.00%	\$1,001.51			
			Profit: 10.00%	\$767.82			
			LABOR TOTAL:	\$8,446.06			
				\$337.84			
C.	SMALL TOOL & EXPENDABLES CHARGE: (4.0% OF LABOR)						
D.	SUBTOTAL: (A + B + C)						
E.	SUBCONTRACTORS:						
			(American) Roofing:	\$0.00			
			Pipe Insulation:	\$0.00			
			Temperature Controls:	\$0.00			
			(Haggard) Hoisting:	\$915.00			
			Electrical:	\$0.00			
			8.0% Markup:	\$45.75			
			SUBCONTRACTOR TOTAL:	\$960.75			
F.	EQUIPMENT: (Trucks, Fuel Surcharge, Permit, Exc.)						
G.	SUBTOTAL: (F + G + H)						
H.	TAX:						
I.	TOTAL:						
							\$40,425.00

PROJECT: Leavenworth Waste Water Treatment Plant
1800 South 2nd Street
Leavenworth, Kansas 66048

SUBJECT: Replace Primary Building Outside Air Unit
Based on Greenheck MAU & Duct Furnaces
Revised Undated Unit Cost

ITEMIZED COST BREAKDOWN

Quantity	Description	MATERIALS		LABOR HOURS			
		Unit Cost	Extended	Laborer	Tradesman	Superint 15%	Extended
96.00	Hours of Service Disconnect Existing OAU Electrical Power & Control Wiring Along With Natural Gas Supply & Ductwork. Remove Existing Ductwork, Flue Piping & Gas Piping. Lower Duct Furnaces & Air Handler to Floor & Remove from Building. Modify Existing Unit Structural Steel Hangers as Needed to Accommodate New Unit Footprint. Hoist Set New Unit in Place. Field Measure Required Duct Fittings & Return to DMC Shop. Fabricate Fittings & Return to Waste Water. Install Intake Air & Supply Ductwork & Seal Duct. Install New Discharge Supply Grilles. Core Drill Exterior Wall to Accommodate New Flue Exhaust & Combustion Intake Pipes. Install (2) New Flue Exhaust Pipes Along with (2) Combustion Air Intake Pipes Through Exterior Wall, Seal Penetrations. Modify Existing Natural Gas Piping as Needed & Connect to New Duct Furnaces. Bleed Air from Piping System. Modify Existing Electrical Power Wiring & Control Wiring as Needed & Connect Power to Unit. Check & Verify Proper Rotation of Discharge Fan. Perform Factory Startup & Test Unit Operation. This Cost Does NOT Included Any Sales Tax A PEC Must Be Provided Prior to the Ordering of Any Equipment or Materials.	\$ 1.50	\$ 144.00	32.00	64.00	14.40	110.40
1	Lump Sum, Ductwork Fabrication Materials	\$ 2,100.00	\$ 2,100.00	-	-	-	-
1	Lump Sum, Natural Gas System Piping & Accessories	\$ 750.00	\$ 750.00	-	-	-	-
1	Lump Sum, Control Wiring & Accessories	\$ 1,500.00	\$ 1,500.00	-	-	-	-
1	Lump Sum, Electrical Power Wiring & Accessories	\$ 1,650.00	\$ 1,650.00	-	-	-	-
1	Lump Sum Structural Steel Support Materials	\$ 585.00	\$ 585.00	-	-	-	-
1	Lump Sum Flue Exhaust & Combustion Intake Pipe & Fittings	\$ 750.00	\$ 750.00	-	-	-	-
1	Lump Sum Supply Grilles	\$ 475.00	\$ 475.00	-	-	-	-
1	Greenheck # IGX-P116-H22-MF-N 3,000 CFM 500 MBH Indirect Gas Heat 460/3/60 Outside Fresh Air Unit with Freight	\$ 24,431.75	\$ 24,431.75	-	-	-	-
TOTALS			\$ 32,385.75	32.00	64.00	14.40	110.40
A.	MATERIALS COST:		SUBTOTAL: \$32,385.75				
			Overhead: 15.00% \$4,858.80				
			Profit: 10.00% \$3,724.46				
			MATERIALS TOTAL: \$ 40,969.01				
B.	LABOR:						
			HOURS RATE				
	General Laborer Regular Hours:	32.00	\$52.75	\$1,688.00			
	Tradesman/Mechanic Regular Hours:	64.00	\$67.95	\$4,348.80			
	Field/Office Superintendent Hours:	14.40	\$75.35	\$1,085.04			
	Project Engineer Hours:	0.00	\$101.15	\$0.00			
	Total Hours:	110.40		SUBTOTAL: \$7,121.84			
				Overhead: 15.00% \$1,068.28			
				Profit: 10.00% \$819.01			
				LABOR TOTAL: \$9,009.13			
C.	SMALL TOOL & EXPENDABLES CHARGE: (4.0% OF LABOR)			\$360.37			
D.	SUBTOTAL: (A + B + C)			\$ 50,338.50			
E.	SUBCONTRACTORS:			(American) Roofing: \$0.00			
				Pipe Insulation: \$0.00			
				Temperature Controls: \$0.00			
				(Haggard) Hoisting: \$0.00			
				Electrical: \$0.00			
				8.0% Markup: \$0.00			
				SUBCONTRACTOR TOTAL: \$0.00			
F.	EQUIPMENT: (Trucks, Fuel Surcharge, Permit, Exc.)			\$196.50			
G.	SUBTOTAL: (F + G + H)			\$50,535.00			
H.	TAX:			\$0.00			
I.	TOTAL:			\$50,535.00			



April 6, 2023

City of Leavenworth
Wastewater Treatment Plant
1800 S. 2nd Street
Leavenworth, KS 66048

Dear Tim,

Thank you for the opportunity to provide you with a solution to replace the make up air unit that serves the Grit Building, Bar Screen Building and Primary Buildings.

Grit Building includes:

- Disconnect, remove and properly dispose of existing unit.
- Furnish and install one Greenheck Model DGX-P122-H32-MF make up air unit. New unit includes intake weather hood with bird screen, section with aluminum filters, discharge temperature sensor, and outlet damper.
- Reconnect to existing ductwork.
- Insulate duct and make connection watertight.
- Reconnect to existing electrical circuit.
- Install new 3 phase disconnect.
- Reconnect to existing control wiring.
- Reconnect to existing gas line.
- Check motor rotation at start-up.
- Start-up and log operation of new unit.
- Includes all necessary crane and rigging to remove and set new unit.

Total for the Grit Building is \$33,740.00

Bar Screen Building includes:

- Disconnect, remove and properly dispose of existing unit
- Furnish and install one Greenheck Model DGX-P124-H32-MF make up air unit. New unit includes intake weather hood with bird screen, section with aluminum filters, discharge temperature sensor, and outlet damper.
- Reconnect to existing ductwork.
- Insulate duct and make connection water tight.
- Reconnect to existing electrical circuit.
- Install new 3 phase disconnect.
- Reconnect to existing control wiring.
- Reconnect to existing gas line.
- Check motor rotation at start-up.
- Start-up and log operation of new unit.
- Includes all necessary crane and rigging to remove and set new unit.

Total for the Bar Screen Building is \$38,850.00



Primary Building includes:

- Disconnect, remove and properly dispose of existing unit.
- Furnish and install one Greenheck Model IGX-P116-H22-MF-N indirect fired make up air unit. New unit includes stainless steel heat exchanger & burner, modulating gas controls with discharge temperature controls, inlet damper, filter section, freeze protection and power exhauster.
- Install new hangers as applicable to hang new unit indoors.
- Reconnect to existing intake ductwork.
- Cap existing flue above roof line.
- Core wall and install new flue pipe per manufacturers specs.
- Install new supply duct and registers.
- Reconnect to existing electrical circuit.
- Reconnect to existing gas line.
- Check motor rotation at start-up.
- Start-up and log operation of new unit.
- Includes all necessary hoist and rigging to remove and set new unit.

Total for the Primary Building is \$55,095.50

Lead time once equipment is ordered is 8-10 weeks at day of quote.

This solution is valid for thirty days from April 6, 2023. If you have any questions, please don't hesitate to contact us.

Sincerely,

Joey Denney

Tim Guardado

From: Casey Drinkard <cdrinkard@p1-service.com>
Sent: Wednesday, April 5, 2023 8:11 AM
To: Tim Guardado
Cc: Ryck Sanders
Subject: Leavenworth Wastewater Treatment Plant

Tim,

Due to current workload and conditions at our company, P1 Service is regrettably not going to be able to fit this unit replacement project in at this time. Please don't hesitate to call on us for any future projects you may need.

Thank you,

Casey Drinkard

Account Manager

P1 Service, Inc. | 13605 W. 96th Terrace | Lenexa, KS 66215

Proud Past. Focused Future. 100 Years Strong.

www.p1group.com

(P) 913.529.5300

(D) 913.303.9027

(M) 913.954.0388



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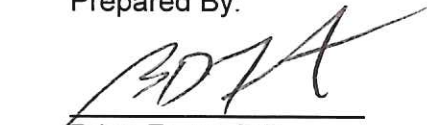
POLICY REPORT PWD NO. 23-23

**CONSIDER APPROVAL OF THE CONTRACT WITH BG CONSULTANTS FOR EVALUATING
OPTIONS AND DESIGN OF A REPLACEMENT SLUDGE DEWATERING SYSTEM AT THE WWTP**

City Project No. 2023-008

May 23, 2023

Prepared By:



Brian Faust, P.E.,
Director of Public Works

Reviewed By:



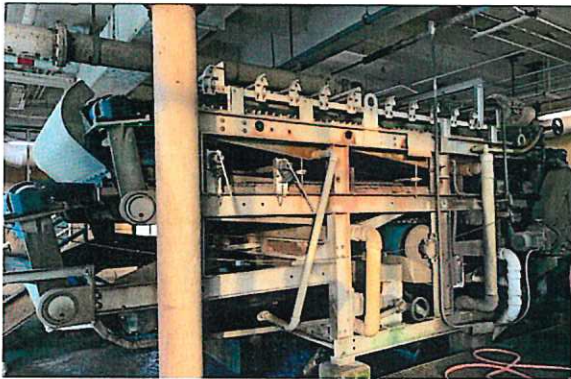
Paul Kramer,
City Manager

ISSUE:

Consider approval of a contract with BG Consultants for the evaluation and engineering design for the replacement of the current sludge dewatering belt filter press at the City's Wastewater Treatment Plant (WWTP).

BACKGROUND:

The current belt press was installed in the early 1990s with a rebuild around 2017. The press began experiencing a number of issues/failures in 2021. As a result of these issues, the City contracted with ANDRITZ Inc. in 2022 to evaluate the condition of the press and identify the needed repairs. The evaluation identified an extensive list of items to repair or replace due to age as well as the harsh corrosive environment with the presence of Hydrogen Sulfide (H₂S) gas.



View of Existing Belt Filter Press



Holes Rusted Through Frame

The belt filter press is used to remove water from liquid wastewater residuals and produce a non-liquid material sometimes referred to as 'cake'. Dewatering reduces the volume of material which reduces cost for storage, processing, hauling and disposal. In addition to a belt filter press, a screw press also provides a proven method of dewatering sludge and will be one of the replacement options evaluated in this process.

The City of Leavenworth worked with BG Consultants to develop a scope and fee for the evaluation of options and the engineering design associated with the replacement of the belt filter press at the WWTP.

BUDGET IMPACT:

The cost will be funded with ARPA funds set aside for the belt press.

POLICY:

The City generally uses the Qualifications Base Selections (QBS) process to select engineers for professional services. BG Consultants is one of our on-call engineers that was selected through a QBS process, and they have significant experience with this type of work.

RECOMMENDATION:

Staff recommends approval of the contract with BG Consultants for the evaluation and engineering design of a replacement sludge dewatering system at the WWTP and authorize the Mayor to sign a contract in an amount not to exceed \$49,236.

ATTACHMENTS:

Contract with BG Consultants

Contract No. _____

Project No. _____

**CITY OF LEAVENWORTH
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION**

**STANDARD AGREEMENT
FOR
ENGINEERING SERVICES**

THIS AGREEMENT, is between the City of Leavenworth, Kansas (Owner) and BG Consultants, Inc. (Engineer);

WITNESSETH:

WHEREAS, the Owner wishes to employ the Engineer to perform professional engineering services on 2024 Belt Filter Press Replacement. These services include providing engineering services for the replacement of a Belt Filter Press at the Wastewater Treatment Facility (WWTF) located at 1800 South 2nd Street, Leavenworth, Kansas 66048 (the Project); and,

WHEREAS, the Owner requires certain engineering services in connection with the Project (the Services);
and,

WHEREAS, the Engineer is prepared to provide the Services;

NOW THEREFORE, in consideration of the promises contained in this Agreement, the Owner and Engineer agree to the following:

ARTICLE 1 - EFFECTIVE DATE

The effective date of this Agreement shall be _____

ARTICLE 2 - GOVERNING LAW

This Agreement shall be governed by the laws of the State of Kansas and the codes of the City of Leavenworth

ARTICLE 3 - SERVICES TO BE PERFORMED BY ENGINEER

Engineer shall perform the Services described in Attachment A, Scope of Services, in accordance with applicable sections of the City of Leavenworth Design Criteria and Drafting Standards of latest revision.

ARTICLE 4 - COMPENSATION

Owner shall pay Engineer in accordance with the Attachment B, Compensation.

ARTICLE 5 – OWNER’S RESPONSIBILITIES

Owner shall be responsible for all matters described in Attachment C, Owner's Responsibilities.

ARTICLE 6 - SUPPLEMENTAL AGREEMENTS

The provisions set forth in Attachment D, Supplemental Agreements shall be incorporated into this Agreement.

ARTICLE 7 - PROJECT SCHEDULE

The provisions set forth in the Attachment E, Project Schedule shall be incorporated into this Agreement.

ARTICLE 8 - STANDARD OF CARE

Engineer shall exercise the same degree of care, skill, and diligence in the performance of Services as is ordinarily possessed and exercised by a professional engineer under similar circumstances. Notwithstanding any other representations made elsewhere in this Agreement or in the execution of the Project, this Standard of Care shall not be modified.

ARTICLE 9 - INDEMNIFICATION AND INSURANCE

Engineer hereby agrees to fully indemnify and hold harmless, but not defend, Owner and any of its departments, divisions, agencies, officers, employees and elected officials from all loss, damage, cost, or expenses specifically including attorneys' fees and other expenses of litigation incurred by or on behalf of the Owner and any of its officers, employees or elected officials to the extent caused by Engineer's negligent performance of Services under this Agreement. Engineer specifically agrees that this duty to indemnify and hold harmless will apply to the following:

Contract No. _____

Project No. _____

- a. Claims, suits, or action of every kind and description when such suits or actions arise from the actual negligent acts, errors, or omissions of the Engineer, its employees, agents, or subcontractors.
- b. Injury or damages received or sustained by any party because of the negligent acts, errors, or omissions of the Engineer, its employees, agents, or subcontractors.

Engineer shall purchase and maintain during the life of this Agreement, insurance coverage which will satisfactorily insure him against claims and liabilities which arise because of the execution of this Agreement.

The insurance coverages are as follows:

- (1) Commercial General Liability Insurance, with a limit of \$1,000,000 for each occurrence and \$2,000,000 in the general aggregate.
- (2) Automobile Liability Insurance, with a limit of \$1,000,000 for each accident, combined single limit for bodily injury and property damage.
- (3) Worker's Compensation Insurance and Employer's Liability Insurance, in accordance with statutory requirements, with a limit of \$500,000 for each accident.
- (4) Professional Liability Insurance, with a limit of \$1,000,000 for each claim and aggregate.

Prior to issuance of the Notice to Proceed by Owner, Engineer shall have on file with Owner certificates of insurance acceptable to Owner. Said certificates of insurance shall be filed with Owner in January of each year or may be submitted with each agreement.

Engineer shall also maintain valuable papers insurance to assure the restoration of any plans, drawings, field notes or other similar data relating to the work covered by this agreement, in the event of their loss or destruction, until such time as the work has been delivered to the Owner.

Upon completion of all Services, obligations, and duties provided for in this Agreement, or if this Agreement is terminated for any reason, the terms and conditions of this Article shall survive.

Contract No. _____

Project No. _____

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY

Engineer shall not be responsible for: (1) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the Project, (2) the failure of any contractor, subcontractor, vendor, or other Project participant, not under contract to Engineer, to fulfill contractual responsibilities to the Owner or to comply with federal, state or local laws, regulations, and codes; or (3) procuring permits, certificates, and licenses required for any construction unless such responsibilities are specifically assigned to Engineer in Attachment A, Scope of Services.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE

Since Engineer has no control over the cost of labor, materials, or equipment furnished by others, or over the resources provided by others to meet Project construction schedules, Engineer's opinion of probable construction costs and of construction schedules shall be made on the basis of experience and qualifications as a professional engineer. Engineer does not guarantee that proposals, bids, or actual Project construction costs will not vary from Engineer's cost estimates or that actual construction schedules will not vary from Engineer's projected schedules.

ARTICLE 12 - REUSE OF DOCUMENTS

All documents, including, but not limited to, drawings, specifications, and computer software prepared by Engineer pursuant to the Agreement are instruments of service in respect to the Project. They are not intended or represented to be suitable for reuse by Owner or others on extensions of the Project or on any other project. Any reuse without prior written verification or adaptation by Engineer for the specific purpose intended will be at Owner's sole risk and without liability or legal exposure to Engineer. Any verification or adaptation requested by Owner shall entitle Engineer to compensation at rates to be agreed upon by Owner and Engineer.

Contract No. _____

Project No. _____

ARTICLE 13 - OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Except as otherwise provided herein, engineering documents, drawings, and specifications prepared by Engineer as part of the Services shall become the sole property of Owner, however, that both Owner and Engineer shall have the unrestricted right to their use. Engineer shall retain its rights in its standard drawing details, specifications, data bases, computer software, and other proprietary property protected under the copyright laws of the United States. Rights to intellectual property developed, utilized, or modified in the performance of services shall remain the property of Engineer. Owner shall have the unlimited right to the use of intellectual property developed, utilized, or modified in the performance of the Services at no additional cost to the Owner.

ARTICLE 14 - TERMINATION

This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. The nonperforming party shall have fifteen calendar days from the date of the termination notice to cure or to submit a plan for cure acceptable to the other party. Owner may terminate or suspend performance of this Agreement for Owner's convenience upon written notice to Engineer. Engineer shall terminate or suspend performance of the Services on a schedule acceptable to Owner. If termination or suspension is for Owner's convenience, Owner shall pay Engineer for all Services performed prior to the date of the termination notice. Upon restart, an adjustment acceptable to Owner and Engineer shall be made to Engineer's compensation.

ARTICLE 15 - DELAY IN PERFORMANCE

Neither Owner nor Engineer shall be considered in default of the Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonconforming party. For purposes of this Agreement, such circumstances include abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, or other civil disturbances; sabotage, judicial restraint, and inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either Owner or Engineer under this Agreement.

Contract No. _____

Project No. _____

Should such circumstances occur, the nonconforming party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of the Agreement.

For delays in performance by Engineer, as set forth in Attachment E, Project Schedule, which are caused by circumstances which are within its control, such delays shall be documented on the Engineer's Project Performance Evaluation form. Said form shall be completed at the conclusion of Project and acknowledged by both Owner and Engineer. Completed form shall be retained by Owner for a period of five years and reviewed prior to consultant selection for City projects.

In the event Engineer is delayed in the performance of Services because of delays caused by Owner, Engineer shall have no claim against Owner for damages or contract adjustment other than an extension of time.

ARTICLE 16 - COMMUNICATIONS

Any communication required by this Agreement shall be made in writing to the address specified below:

Engineer: Paul Owings, P.E.
1405 Wakarusa Drive
785.727.1694

Owner: City of Leavenworth Engineering Division
100 N. 5th Street
Leavenworth, KS 66048
(913)-684-0375

Nothing contained in the Article shall be construed to restrict the transmission of routine communications between representatives of Engineer and Owner.

ARTICLE 17 - WAIVER

A waiver by either Owner or Engineer of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 18 - SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

ARTICLE 19 - INTEGRATION

This Agreement represents the entire and integrated agreement between Owner and Engineer. All prior and contemporaneous communications, representations, and agreements by Engineer, whether oral or written, relating to the subject matter of this Agreement, as set forth in Attachment D, Supplemental Agreements are hereby incorporated into and shall become a part of this Agreement

ARTICLE 20 - SUCCESSORS AND ASSIGNS

Owner and Engineer each binds itself and its directors, officers, partners, successors, executors, administrators, assigns, and legal representatives to the other party of this Agreement and to the directors, officers, partners, successors, executors, administrators, assigns, and legal representatives of such other party in respect to all provisions of this Agreement.

ARTICLE 21 - ASSIGNMENT

Neither Owner nor Engineer shall assign any rights or duties under this Agreement without the prior written consent of the other party. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent Engineer from employing independent consultants, associates, and subcontractors to assist in the performance of the Services; however, other agreements to the contrary notwithstanding, in the event Engineer employs independent consultants, associates, and subcontractors to assist in performance of the Services, Engineer shall be responsible for the negligent performance of the independent consultants, associates, and subcontractors so employed.

ARTICLE 22 - THIRD PARTY RIGHTS

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than Owner and Engineer.

ARTICLE 23 – RELATIONSHIP OF PARTIES

Nothing contained herein shall be construed to hold or to make the Owner a partner, joint venturer, or associate of Engineer, nor shall either party be deemed the agent of the other, it being expressly understood and agreed that the relationship between the parties hereto is and shall at all times remain contractual as provided by the terms and conditions of this Agreement. No term of this Agreement, either expressed or implied, shall create an agency or fiduciary relationship.

ARTICLE 24 –LIMITATION OF LIABILITY

Owner's exclusive remedy for any alleged breach of standard of care hereunder shall be to require Engineer to re-perform any defective Services. Notwithstanding any other provision of this Agreement, the total liability of Engineer, its officers, directors and employees for liabilities, claims, judgments, demands and causes of action arising under or related to this Agreement, whether based in contract or tort, shall be limited to the total compensation actually paid to Engineer for the Services. All claims by Owner shall be deemed relinquished unless filed within one (1) year after completion of the Services.

Contract No. _____

Project No. _____

IN WITNESS WHEREOF, Owner and Engineer have executed this Agreement.

CITY OF LEAVENWORTH
Owner

By: Jarmaine Wilson

Mayor
Title

Date:

Attest: _____
City Clerk, Sarah Bodensteiner

BG CONSULTANTS, INC.
Engineer

Paul C. Owings
By: Paul Owings, P.E.

Project Manager
Title

May 11, 2023
Date:

Attest: J. H.

**ATTACHMENT A
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: BG Consultants, Inc.
Project Number & Name: 2024 Belt Filter Press Replacement

SCOPE OF SERVICES

BASIC SERVICES

The project is specifically defined below:

Engineering Services described herein relate to the replacement of a belt filter press located at the Owner's wastewater treatment facility, 1800 South 2nd Street, Leavenworth, Kansas 66048. Services are limited to replacement of the belt filter press and do not involve other treatment processes. Engineering services relating to the project are described in the following section(s):

The Engineer agrees to provide the following services.

Part 1: Design Phase Services:

1. Engineer will communicate proposed improvements with the Kansas Department of Health and Environment (KDHE) and request a summary of permitting requirements.
2. Engineer will receive information from the Owner relating to existing site conditions and the quantity and quality of biosolids to be treated.
3. Engineer will establish design criteria for replacement of biosolids thickening equipment based on information received from the Owner.
4. Engineer will provide design criteria to equipment suppliers for preliminary equipment selection.
5. Engineer will provide PDF copies of preliminary equipment proposals to Owner. Engineer will provide up to 5 copies of preliminary proposals upon request.
6. Engineer will coordinate equipment presentations with Owner and equipment suppliers.
7. Owner will make an informed decision and select preferred equipment based on information received from equipment suppliers.
8. Engineer will meet with the Owner onsite up to three times.
9. Engineer will prepare technical specifications, drawings, and project specific provisions relating to selected equipment. Owner will provide contractual procurement documents. Technical specifications, drawings, and project specific provisions will be appended to contractual procurement documents to form a procurement package. The procurement package will be utilized to procure equipment and services related to equipment installation. The procurement package is not intended to be a bid package.
10. Engineer will provide draft procurement package to Owner for review. Engineer will address Owner's review comments.

Contract No. _____

Project No. _____

11. Engineer will prepare an Opinion of Probable Cost and provide to Owner prior to receiving proposals.
12. Engineer will provide procurement packages to equipment supplier(s) and receive proposals. PDF copies of proposals will be provided to the Owner. Engineer will provide up to 5 copies of proposals upon request.
13. Owner will contract directly with an equipment supplier if proposals are acceptable.
14. Engineer will prepare engineering drawings and specifications for KDHE permit acquisition if required.

Part 2: Construction Phase Services:

1. Engineer will assist the owner in administering a construction contract.
2. Engineer will provide part-time on-site observation services.
3. Budgeted Hours:
 - a. Engineer IV: 12 hours @ \$192/hour = \$2,304.
 - b. Intern Engineer II: 32 hours @ \$151/hour = \$4,832.
 - c. Construction Observer: 100 hours @ \$121/hour = \$12,100.

SUPPLEMENTAL SERVICES

Any work requested by the Owner that is not included in the Basic Services will be classified as Supplemental Services. Supplemental Services shall include, but are not limited to the following.

- Meetings other than those listed in the Basic Services, including public meetings.
- Public engagement.
- Survey services.

**ATTACHMENT B
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: BG Consultants, Inc.
Project Number & Name: 2024 Belt Filter Press Replacement

COMPENSATION

For the services covered by this Agreement, the Owner agrees to pay the Engineer as follows:

A. For the Basic Services described in Attachment A, **Part 1, a lump sum fee of thirty thousand and NO/100 Dollars (\$30,000.00)**. Payments shall be made monthly in amounts which are consistent with the amount of engineering services provided, as determined by the Engineer.

B. For the Basic Services described in Attachment A, **Part 2, an hourly not to exceed fee of nineteen thousand two hundred thirty-six and NO/100 Dollars (\$19,236.00)**. Owner will be invoiced for services based on the actual hours expended at the Engineer's Standard Hourly Rates, see attached. Owner acknowledges and understands this fee is an estimated budget based on the volume of hours identified in Attachment A, Part 2. Additional compensation in excess of this estimated budget may be necessary depending on the actual volume of hours expended by Engineer, which will be affected by the duration of construction.

C. Compensation for Supplemental Services shall be made as defined below, when authorized in writing by the Owner. The maximum limit for each item of additional service shall be established individually and specifically agreed to by the Owner as stated below, unless the service is included in a subsequent agreement.

Hourly rates for each classification as defined by the Engineer's rate schedule, see Attachment F. Hourly charge rates are subject to adjustment annually on January 1. Overtime, when authorized by the Owner, will be billed at 1.5 times the rates listed (for any Federal Wage and Hour Law non-exempt personnel only).

Reimbursable charges will be considered the amount of actual costs of expenses or charges, including such items as staking materials, equipment rental, equipment hourly charges, mileage, toll telephone calls, reproduction and similar project related expenses.

D. The entire amount of each statement shall be due and payable upon receipt by the Owner.

E. It is understood and agreed:

1. That the Engineer shall start the performance of Services within 10 days of receipt of a notice to proceed and shall complete the work in accordance with the contract times set forth in Attachment E, Project Schedule.

Contract No. _____
Project No. _____

2. That the Engineer shall keep records on the basis of generally accepted accounting practice of costs and expenses which records shall be available for inspection at all reasonable times.

Contract No. _____

Project No. _____

**ATTACHMENT C
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: BG Consultants, Inc.
Project Number & Name: 2024 Belt Filter Press Replacement

OWNER'S RESPONSIBILITIES

The Owner will furnish, as required by the work and not at the expense of the Engineer, the following items:

1. Make available to the Engineer all records, reports, maps, and other data pertinent to provision of the services required under this contract.
2. Examine all plans, specifications and other documents submitted by the Engineer and render decisions promptly to prevent delay to the Engineer.
3. Designate one City of Leavenworth employee as the Owner representative with respect to all services to be rendered under this agreement. This individual shall have the authority to transmit instructions, receive information and to interpret and define the Owner's policies and decisions pertinent to the Engineer's services.
4. Issue notices to proceed to the Engineer for each phase of the design services.

Contract No. _____

Project No. _____

**ATTACHMENT D
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: BG Consultants, Inc.
Project Number & Name: 2024 Belt Filter Press Replacement

SUPPLEMENTAL AGREEMENTS

Owner and Engineer agree that the following communications, representations, and agreements by Engineer, whether oral or written, relating to the subject matter of the Agreement are hereby incorporated into and shall become a part of the Agreement as set forth in ARTICLE 19 - INTEGRATION.

None

Contract No. _____

Project No. _____

**ATTACHMENT E
TO
AGREEMENT FOR ENGINEERING SERVICES**

Owner: City of Leavenworth, Kansas
Engineer: BG Consultants, Inc.
Project Number & Name: 2024 Belt Filter Press Replacement

PROJECT SCHEDULE

Owner and Engineer recognize that that Owner will suffer financial loss if the work is not completed within the times stipulated herein, plus any extensions thereof. Accordingly, Engineer has established time intervals, in calendar days, for submittals at various stages of the project as detailed below. As each actual submittal date occurs, Engineer shall meet with Owner to discuss the progress of the work and the actual submittal date shall be documented. If project is behind schedule, the reason shall be recorded. Engineer shall not be responsible for the time required by Owner's representative to review Engineer's submittal. When review is complete, Owner shall, in writing, authorize Engineer to proceed to the next submittal date. After final submittal date, Engineer and Owner shall meet to evaluate Engineer's performance with regard to design schedule. An Engineer's Project Performance Evaluation form shall be completed and acknowledged by both Owner and Engineer. Completed form shall be retained by Owner for a period of five years and reviewed prior to consultant selection for City projects. Past performance shall be accounted for on the evaluation sheet used to rank consultants during the interview process.

1. Schedule: Engineer will make plan submittals to Owner based on the following schedule:
 - a. Draft Procurement Package - Engineer will submit draft procurement package within 150 calendar days after Notice to Proceed by Owner.
 - b. Final Procurement Package – Engineer will submit final procurement package within 30 calendar days after Notice to Resume Work is given by Owner following Owner's review of the draft procurement package.
 - c. Remaining work will be dependent on equipment procurement and construction times.

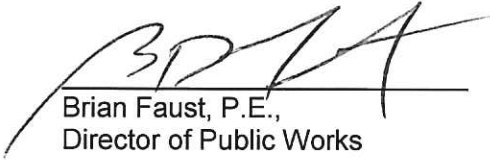
POLICY REPORT PWD NO. 23-20
CONSIDER AN ORDINANCE FOR FIRST CONSIDERATION DECLARING THE NECESSITY
OF APPROPRIATING PRIVATE PROPERTY BY CONDEMNATION
CONNECTED WITH THE
U.S. 73 (CHOCTAW TO SENECA) IMPROVEMENT PROJECT

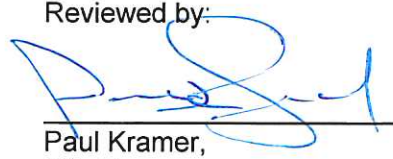
KDOT Project Number 052 KA-05590-01
City Project 2020-939

May 23, 2023

Prepared by:

Reviewed by:


Brian Faust, P.E.,
Director of Public Works


Paul Kramer,
City Manager

ISSUE:

Consider an ordinance authorizing and providing for acquisition of private property by condemnation for the U.S. 73 (4th Street from Choctaw to Seneca) Improvement Project.

BACKGROUND:

Following procedure as outlined by state statutes, the City Commission adopted Resolution B-2336 at the May 9, 2023 meeting. The resolution declared the necessity of acquiring property through eminent domain and authorized a survey and description of the land to be condemned. The next action requires the adoption of the proposed ordinance as prepared by the City Attorney.

The tracts to be acquired in this area by condemnation are described in the attached ordinance. The City needs to acquire Temporary Construction Easements (TCEs), a Permanent Landscape Easement (PLE) and Right-of-Way (ROW). The properties are generally described as:

<u>Owner</u>	<u>Property</u>
Crystal Hospitality LLC	405 Choctaw Street
Shirley L. Martens Revocable Trust	400 Choctaw Street 411 Choctaw Street 315 Choctaw Street
Leavenworth National Bank & Trust Co	400 Cherokee Street 322 Cherokee Street
United States of America Public Bldg Services	150 N. 4 th Street 330 Shawnee Street

Detailed legal descriptions and map for these parcels have been prepared by a land surveyor licensed in the State of Kansas. They are included in the ordinance.

Orrick & Erskine LLP has maintained contact with the property owners and they are continuing in their efforts to reach agreements on the easements and right-of-way. Staff opinion is that it is necessary to proceed with the condemnation action until the easements and right-of-way are obtained.

The cost of court-appointed appraisers, payments of calculated values of the easements to be acquired, attorney and any related expenses would be paid from the project budget. The City is entirely responsible for these expenses.

STAFF RECOMMENDATION:

Staff recommends approval of an ordinance necessitating the appropriation of private property by condemnation.

ATTACHMENTS:

Project Location Map

Resolution B-2336

Ordinance

(Published in the Leavenworth Times on _____, 2023)

ORDINANCE NO. XXXX

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE U.S. 73 (CHOCTAW TO SENECA) IMPROVEMENT PROJECT, IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, on May 9, 2023, and pursuant to K.S.A. 26-201, the Governing Body of the City of Leavenworth, Kansas, did by Resolution No. B-2336 declare the necessity for, and authorize the completion of, surveys and descriptions of lands or interests therein to be condemned by the City, for use by the City for rights-of-way, permanent easements, landscape easements, temporary construction easements, and other interests in real property, including but not limited to for the completion of the Leavenworth CCLIP-PR (U.S. 73 from Choctaw to Seneca), KDOT Project No. 052 KA05590-01, and City project no. 2020-939 project, as shown on the plan documents therefor (the “Project”); and

WHEREAS, Resolution No. B-2336 was published once in the official City newspaper as shown in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, surveys and legal descriptions of the lands or interests therein to be condemned have been made and prepared by a competent engineer and filed with the City Clerk, such legal descriptions and interests being as shown and/or described on Exhibit B, which is attached hereto and incorporated herein by this reference;

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

Section 1: It is hereby authorized and provided that the above-described lands and interests be acquired by condemnation pursuant to K.S.A. 26-201 and K.S.A. 26-501, *et seq.*, for the above-described purposes.

Section 2: This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED and APPROVED by the Governing Body on the ____ day of _____, 2023.

Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

EXHIBIT A

[Resolution No. B-2336--Proof of Publication]

"EXHIBIT A"

Leavenworth Times Affidavit of Publication

(Published in the Leavenworth Times on May 13, 2023)
 RESOLUTION NO. B-2336
 A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY CONNECTED WITH THE U.S. 73 (CHOCTAW TO SENECA) IMPROVEMENT PROJECT, FOR THE USE OF THE CITY AND AUTHORIZING SURVEYS AND DESCRIPTIONS OF LAND OR INTERESTS TO BE CONDEMNED TO BE PREPARED. WHEREAS, the City of Leavenworth, Kansas, intends to undertake certain street and other public improvements, generally described as Leavenworth CCLIP-PR (U.S. 73 from Choctaw to Seneca), KDOT Project No. 052 KA05590-01, and City project no. 2020-939, as shown on the plan documents therefor (the "Project"), and in furtherance thereof, the City shall require certain easements and/or rights-of-way; and WHEREAS, pursuant to K.S.A. 26-201, whenever it shall be deemed necessary by the governing body of

any city to appropriate private property for the use of the city for any purpose whatsoever, the governing body shall by resolution declare such necessity and authorize a survey and description of the land or interest to be condemned to be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey and filed with the city clerk. NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS: Section 1: That the Governing Body does hereby deem it necessary to appropriate private property for the use of the City for the purposes of rights-of-way, permanent easements, landscape easements, temporary construction easements, and other interests in real property to complete the Project. Section 2: That the Governing Body does hereby authorize a survey and description of the lands or interests to be condemned to be made by a licensed land surveyor or a professional engineer who is competent to conduct land surveys, the same to be filed with the City Clerk. Section 3: That the City Clerk shall cause this Resolution to be published once in the official city newspaper as provided by K.S.A. 26-201. Section 4: This Resolution shall be effective upon its adoption by the City Commission of the City of Leavenworth, Kansas. PASSED AND ADOPTED by the City Commission of the City of Leavenworth, Kansas, this 9th day of May, 2023. Jermaine Wilson, Mayor (SEAL) ATTEST: Sarah Bodensteiner, CMC, City Clerk

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 13th day of May, 2023.

WITNESS my hand this 19th day of May, 2023.

Tammy Lawson
 Legal Representative

Subscribe and sworn before me, this 19 day of May, 2023.

Rebecca A. Broom
 Notary Public

My Commission Expires: 6/7/23

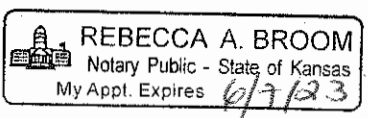


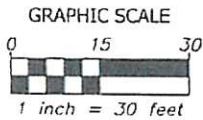
EXHIBIT B

[Surveys and Legal Descriptions]

"EXHIBIT B"

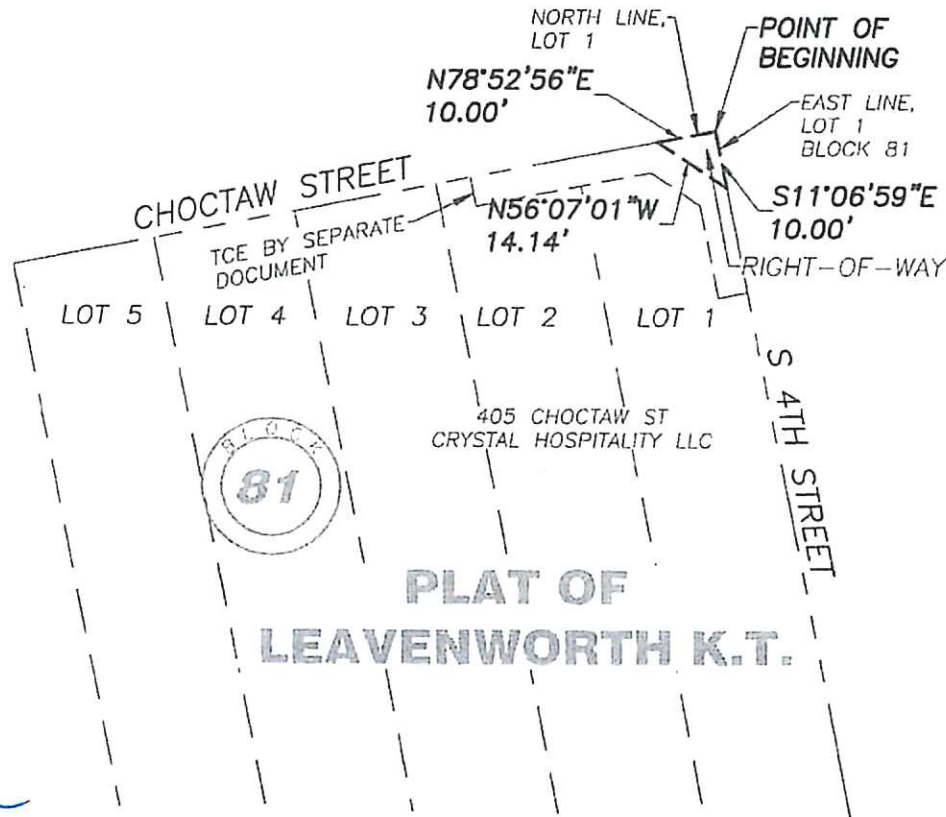
EXHIBIT A

RIGHT-OF-WAY EXHIBIT
 PART OF LOT 1, BLOCK 81, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 MAP (SEE SHEET 2 FOR DESCRIPTION)
 TRACT 1

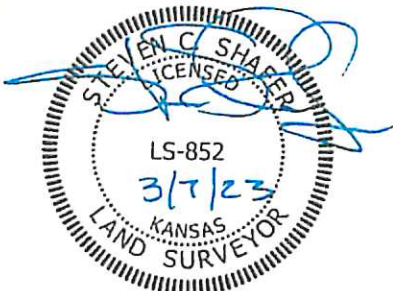


LEGEND

TCE Temporary Construction Easement



**PLAT OF
 LEAVENWORTH K.T.**



CIVIL ENGINEERING / SURVEYING / UTILITIES
 712 State Avenue, Kansas City, KS 66101
 Phone: (913) 371-5300

Client: CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS 66048

Project: RIGHT-OF-WAY EXHIBIT
 LOT 1, BLOCK 81,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
 Project No: 031930
 Field Date: 11/17/2021
 Issue Date: 03/07/2023
 Sheet:

1 OF 2

"EXHIBIT B"

EXHIBIT A

RIGHT-OF-WAY EXHIBIT

PART OF LOT 1, BLOCK 81, LEAVENWORTH K.T.
CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
DESCRIPTION (SEE SHEET 1 FOR MAP)
TRACT 1

A Tract of land for the purposes of a Right-of-Way Easement, being a part of Lot 1, Block 81, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

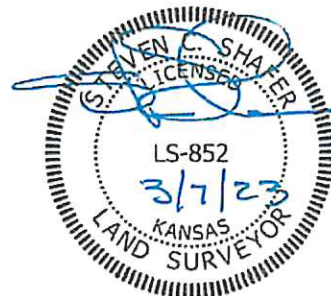
(Note: For course orientation the bearings in this description are based on the East line of Lot 1, Block 81 having a bearing of South 11° 06' 59" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northeast corner of said Lot 1;

Thence South 11° 06' 59" East, 10.00 feet, on the East line of said Lot 1;

Thence North 56° 07' 01" West, 14.14 feet, to the North line of said Lot 1;

Thence North 78° 52' 56" East, 10.00 feet, on the North line of said Lot 1, to the POINT OF BEGINNING, said Tract containing 50 square feet or 0.0011 acres.



Mar 07, 2023 - 11:38am Plotted by: david.jones i:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 1\031930-SRWY-RW-TRACT 1.dwg

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Drawn By: TC
Project No: 031930
Field Date: 11/17/2021
Issue Date: 03/07/2023

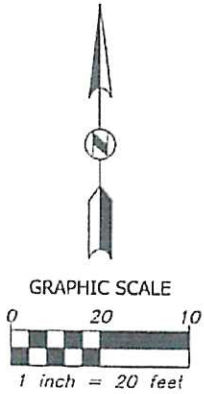
Project:
RIGHT-OF-WAY EXHIBIT
LOT 1, BLOCK 81,
LEAVENWORTH K.T.
CITY OF LEAVENWORTH,
LEAVENWORTH COUNTY, KANSAS

Client:
CITY OF LEAVENWORTH
100 N. 5TH STREET,
LEAVENWORTH, KANSAS
66048



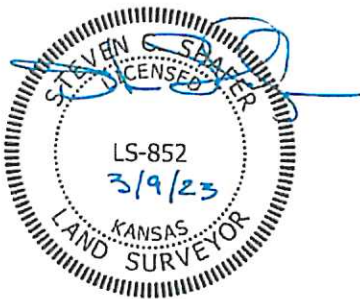
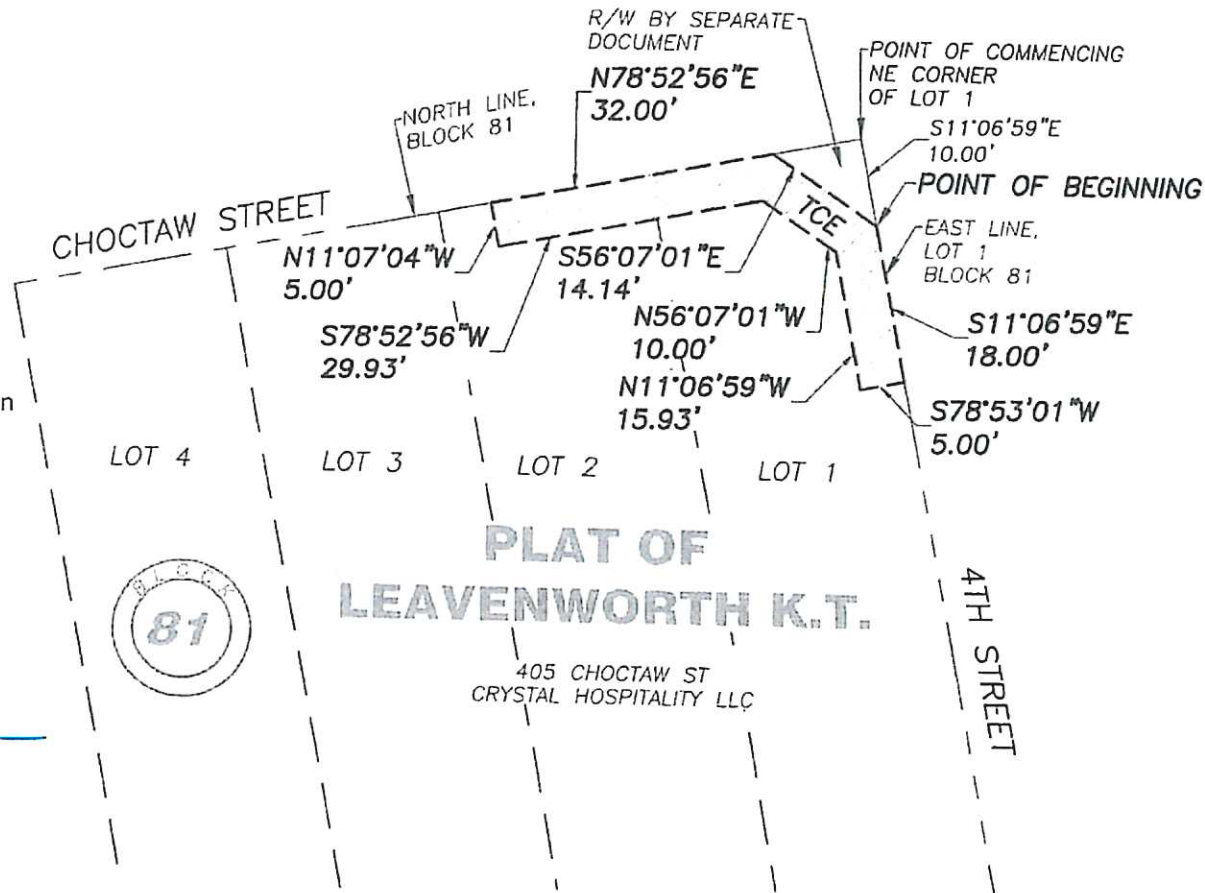
"EXHIBIT B"

EXHIBIT A TEMPORARY CONSTRUCTION EASEMENT LOTS 1 AND 2, BLOCK 81, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS MAP (SEE SHEET 2 FOR DESCRIPTION) TRACT 1



LEGEND

TCE	Temporary Construction Easement
R/W	Right-of-Way



ELC
CIVIL ENGINEERING / SURVEYING / UTILITIES
712 State Avenue, Kansas City, KS 66101
Phone: (913) 371-5300

Client:
CITY OF LEAVENWORTH
100 N. 5TH STREET,
LEAVENWORTH, KANSAS
66048

Project:
TEMPORARY CONSTRUCTION EASEMENT
LOTS 1 AND 2, BLOCK 81,
LEAVENWORTH K.T.
CITY OF LEAVENWORTH,
LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
Project No: 031930
Field Date: 11/17/2021
Issue Date: 03/09/2023
Sheet:

1 OF 2

"EXHIBIT B"

EXHIBIT A TEMPORARY CONSTRUCTION EASEMENT LOTS 1 AND 2, BLOCK 81, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS DESCRIPTION (SEE SHEET 1 FOR MAP) TRACT 1

A Tract of land for the purposes of a Temporary Construction Easement, being a part of Lots 1 and 2, Block 81, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the East line of Lot 1, Block 81, having a bearing of South 11° 06' 59" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Northeast corner of said Lot 1, Block 81;

Thence South 11° 06' 59" East, 10.00 feet, on the East line of said Lot 1, to the POINT OF BEGINNING of said Tract herein described;

Thence South 11° 06' 59" East, 18.00 feet, continuing on said East line;

Thence South 78° 53' 01" West, 5.00 feet;

Thence North 11° 06' 59" West, 15.93 feet;

Thence North 56° 07' 01" West 10.00 feet;

Thence South 78° 52' 56" West, 29.93 feet;

Thence North 11° 07' 04" West, 5.00 feet, said North line, Block 81;

Thence North 78° 52' 56" East, 32.00 feet, on said North line;

Thence South 56° 07' 01" East, 14.14 feet, to the East line, to the POINT OF BEGINNING, said Tract containing 300 square feet or 0.0069 acres.



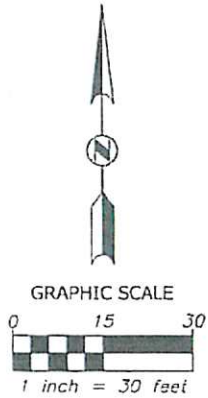
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Sheet:	DAJ	Project:	Client:	
2 OF 2	Drawn By: DAJ Project No: 031930 Field Date: 11/17/2021 Issue Date: 03/09/2023	TEMPORARY CONSTRUCTION EASEMENT LOTS 1 AND 2, BLOCK 81, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS	CITY OF LEAVENWORTH 100 N. 5TH STREET, LEAVENWORTH, KANSAS 66048	<p>BHC CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300</p>

"EXHIBIT B"

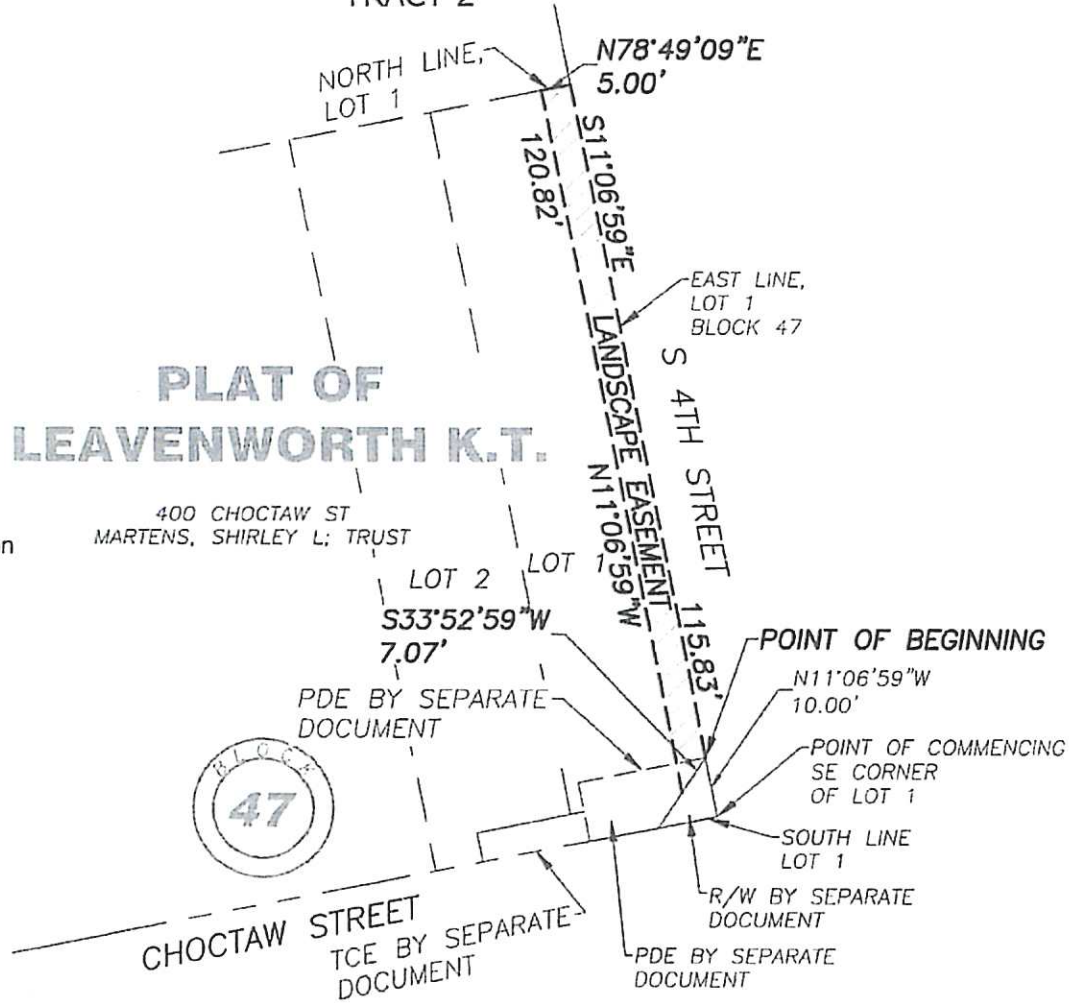
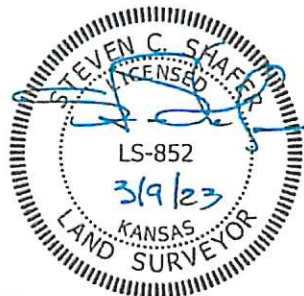
EXHIBIT A

LANDSCAPE EASEMENT EXHIBIT
 PART OF LOT 1, BLOCK 47, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 MAP (SEE SHEET 2 FOR DESCRIPTION)
 TRACT 2



LEGEND

- R/W Right-of-Way
- PDE Permanent Drainage Easement
- TCE Temporary Construction Easement



BLHC
 CIVIL ENGINEERING / SURVEYING / UTILITIES
 712 State Avenue, Kansas City, KS 66101
 Phone: (913) 371-5300

Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048

Project:
 LANDSCAPE EASEMENT EXHIBIT
 LOT 1, BLOCK 47,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
Project No: 031930
Field Date: 11/17/2021
Issue Date: 03/07/2023
Sheet:

1 OF 2

"EXHIBIT B"

EXHIBIT A

**LANDSCAPE EASEMENT EXHIBIT
PART OF LOT 1, BLOCK 47, LEAVENWORTH K.T.
CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
DESCRIPTION (SEE SHEET 1 FOR MAP)
TRACT 2**

A Tract of land for the purposes of a Landscape Easement, being a part of Lot 1, Block 47, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the East line of Lot 1, Block 47 having a bearing of South 11° 06' 59" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southeast corner of Lot 1, Block 47;

Thence North 11° 06' 59" West, 10.00 feet, on the East line of Lot 1, to the POINT OF BEGINNING of Tract herein described;

Thence South 33° 52' 59" West, 7.07 feet;

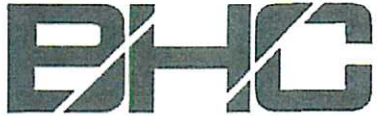
Thence North 11° 06' 59" West, 120.82 feet, parallel to the East line of said Lot 1, to a point on the North line of said Lot 1;

Thence North 78° 49' 09" East, 5.00 feet, on the North line of said Lot 1, to the Northeast corner of said Lot 1;

Thence South 11° 06' 59" East, 115.83 feet, on the East line of said Lot 1, to the POINT OF BEGINNING, said Tract containing 592 square feet or 0.0136 acres.



I:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 2\031930-SRVY-LE-TRACT 2.dwg
Mar 09, 2023 - 9:53am Plotted by: david.jones

Sheet:	DAJ	Project:	Client:	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
2	Drawn By:	LANDSCAPE EASEMENT	CITY OF LEAVENWORTH	
OF	Project No:	LOT 1, BLOCK 47,	100 N. 5TH STREET,	
2	Field Date:	LEAVENWORTH K.T.	LEAVENWORTH, KANSAS	
	Issue Date:	CITY OF LEAVENWORTH,	66048	
		LEAVENWORTH COUNTY, KANSAS		

"EXHIBIT B"

EXHIBIT A

PERMANENT DRAINAGE EASEMENT
PART OF LOT 1, BLOCK 47, LEAVENWORTH K.T.
CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
DESCRIPTION (SEE SHEET 1 FOR MAP)
TRACT 2

A Tract of land for the purpose of a Permanent Drainage Easement, being a part of Lot 1, Block 47, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of Lot 1, Block 47, having a bearing of South 78° 52' 56" West, and are referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southeast corner of Lot 1, Block 47;

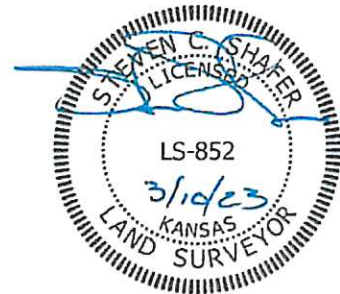
Thence South 78° 52' 56" West, 10.00 feet, on the South line of said Lot 1, to the POINT OF BEGINNING of said Tract herein described;

Thence South 78° 52' 56" West, 11.73 feet, on the South line of said Lot 1;

Thence North 11°07' 04" West, 10.00 feet;

Thence North 78°52' 56" East, 21.69 feet, to the East line of said Lot 1;

Thence South 33° 52' 59" West, 14.14 feet, to the POINT OF BEGINNING, said Tract containing 167 square feet or 0.0038 acres



Mar 10, 2023 - 9:46am Plotted by: david.jones I:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 2\031930-SRVY-PDE-TRACT 2.dwg

Sheet:	DAJ	Project:	PERMANENT DRAINAGE EASEMENT
2	Project No: 031930	Field Date: 11/17/2021	LOT 1, BLOCK 47
OF	Issue Date: 03/10/2023		LEAVENWORTH K.T.
2			CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS

Client:	CITY OF LEAVENWORTH
	100 N. 5TH STREET, LEAVENWORTH, KANSAS
	66048

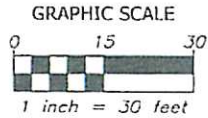


BHC
CIVIL ENGINEERING / SURVEYING / UTILITIES
712 State Avenue, Kansas City, KS 66101
Phone: (913) 371-5300

"EXHIBIT B"

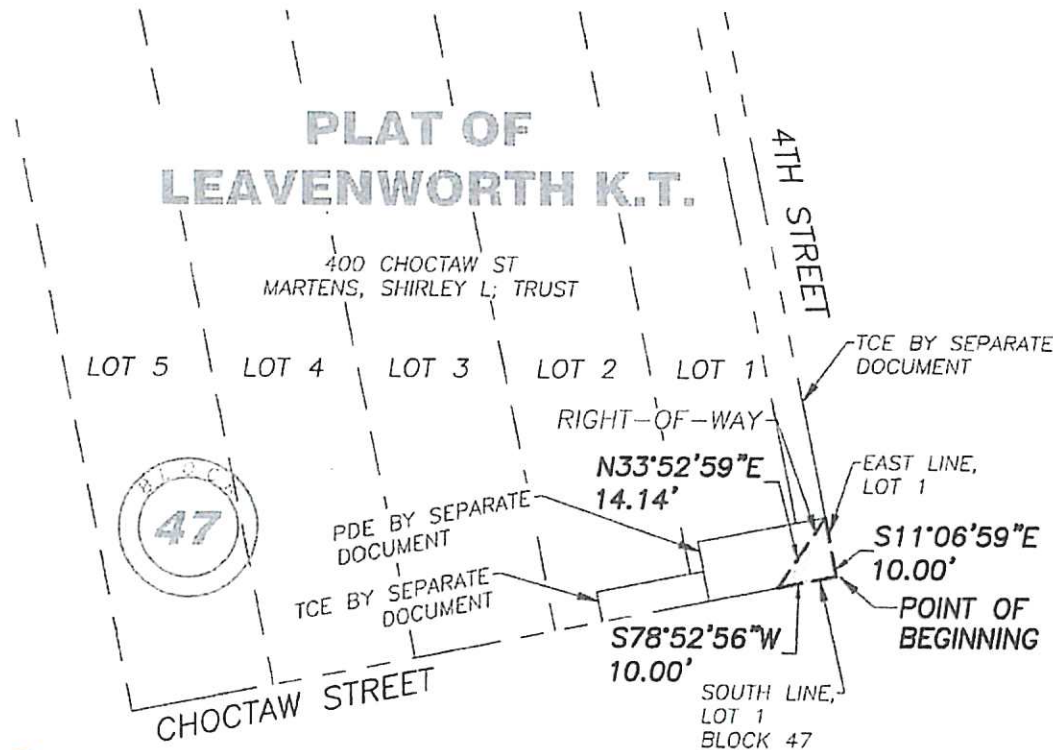
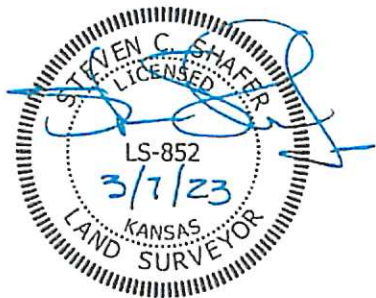
EXHIBIT A

RIGHT-OF-WAY EXHIBIT
 PART OF LOT 1, BLOCK 47, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 MAP (SEE SHEET 2 FOR DESCRIPTION)
 TRACT 2



LEGEND

- TCE Temporary Construction Easement
- PDE Permanent Drainage Easement



BHCO
 CIVIL ENGINEERING / SURVEYING / UTILITIES
 712 State Avenue, Kansas City, KS 66101
 Phone: (913) 371-5300

Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048

Project:
 RIGHT-OF-WAY EXHIBIT
 LOT 1, BLOCK 47,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
 Project No: 031930
 Field Date: 11/17/2021
 Issue Date: 03/07/2023
 Sheet:

"EXHIBIT B"

EXHIBIT A

RIGHT-OF-WAY EXHIBIT
PART OF LOT 1, BLOCK 47, LEAVENWORTH K.T.
CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
DESCRIPTION (SEE SHEET 1 FOR MAP)
TRACT 2

A Tract of land for the purposes of a Right-of-Way Easement , being a part of Lot 1, Block 47, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

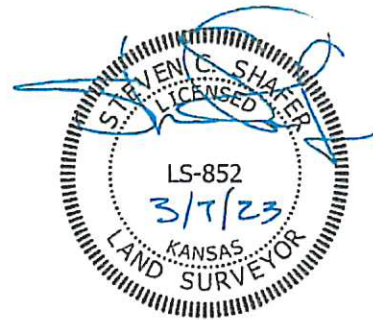
(Note: For course orientation the bearings in this description are based on the South line of Lot 1, Block 47 having a bearing of South 78° 52' 56" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of said Lot 1, Block 47;


Thence South 78° 52' 56" West, 10.00 feet, on the South line of said Lot 1;

Thence North 33° 52' 59" East, 14.14 feet, to the East line of said Lot 1;

Thence South 11° 06' 59" East, 10.00 feet, on the East line of said Lot 1, to the POINT OF BEGINNING, said Tract containing 50 square feet.

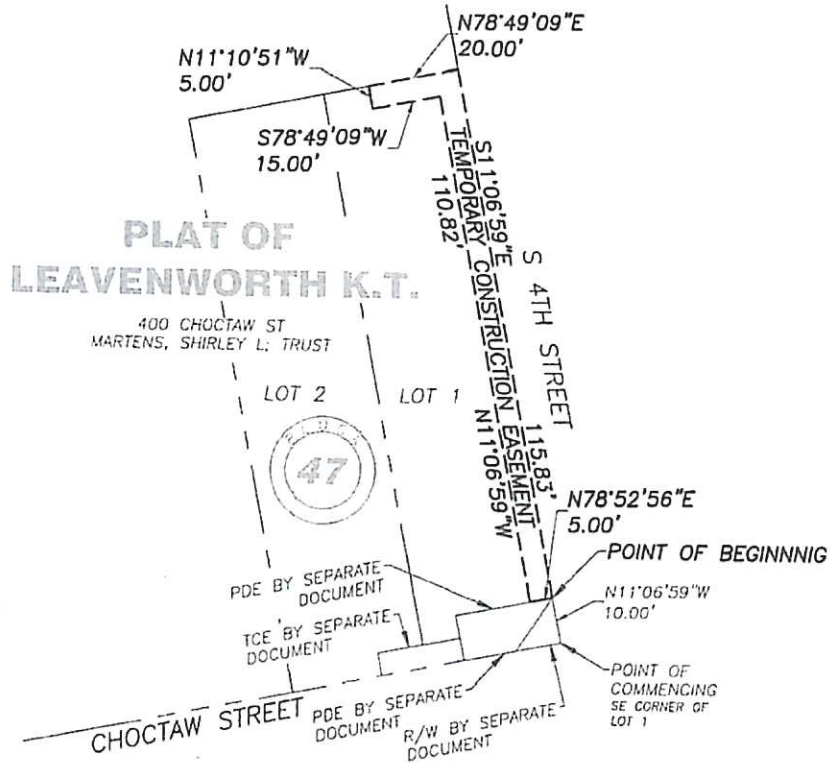
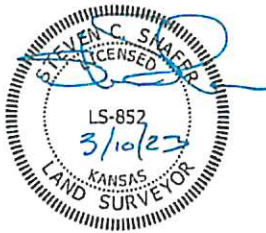
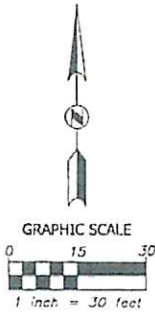


I:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 2\031930-SRVY-RW-TRACT 2.dwg
Mar 07, 2023 - 12:01pm Plotted by: david.jones

Sheet: 2 OF 2	Drawn By: DAJ Project No: 031930 Field Date: 11/17/2021 Issue Date: 03/07/2023	Project: RIGHT-OF-WAY EXHIBIT LOT 1, BLOCK 47, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS	Client: CITY OF LEAVENWORTH 100 N. 5TH STREET, LEAVENWORTH, KANSAS 66048	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
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"EXHIBIT B"

EXHIBIT A TEMPORARY CONSTRUCTION EASEMENT PART OF LOT 1, BLOCK 47, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS MAP (SEE SHEET 2 FOR DESCRIPTION) TRACT 2



Client:
CITY OF LEAVENWORTH
100 N. 5TH STREET,
LEAVENWORTH, KANSAS
66048

Project:
TEMPORARY CONSTRUCTION EASEMENT
LOT 1, BLOCK 47,
LEAVENWORTH K.T.
CITY OF LEAVENWORTH,
LEAVENWORTH COUNTY, KANSAS

Drawn By: DAL
Project No: 031930
Field Date: 11/17/2021
Issue Date: 03/10/2023
Sheet:
1 OF 2

"EXHIBIT B"

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT
 PART OF LOT 1, BLOCK 47, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 DESCRIPTION (SEE SHEET 1 FOR MAP)
 TRACT 2

A Tract of land for the purposes of a Temporary Construction Easement, being a part of Lot 1, Block 47, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the East line of Lot 1, Block 47, having a bearing of South 11° 06' 59" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southeast Corner of said Lot 1, Block 47;

Thence North 11° 06' 59" West, 10.00 feet, on said East line of Lot 1, to the POINT OF BEGINNING said Tract herein described;

Thence North 78° 52' 56" East, 5.00 feet, departing said East line of Lot 1;

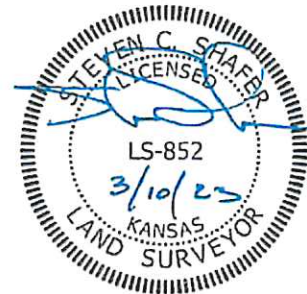
Thence North 11° 06' 59" West, 110.82 feet, parallel to said East line of Lot 1;

Thence South 78° 49' 09" West, 15.00 feet, parallel to the North line of said Lot 1;


Thence North 11° 10' 51" West, 5.00 feet, to a point on said North line of Lot 1;

Thence North 78° 49' 09" East, 20.00 feet, on said North line of Lot 1, to the Northeast Corner of said Lot 1;

Thence South 11° 06' 59" East, 115.83 feet, on said East line of Lot 1, to the POINT OF BEGINNING, said Tract containing 653 square feet, or 0.0150 acres.



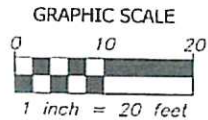
Mar 10, 2023 - 8:24am Plotted by: david.jones I:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 2\031930-SRVEY-TCE-TRACT 2(2).dwg

Sheet: 2 OF 2	Drawn By: DAL Project No: 031930 Field Date: 11/17/2021 Issue Date: 03/10/2023	Project: TEMPORARY CONSTRUCTION EASEMENT LOT 1, BLOCK 47, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS	Client: CITY OF LEAVENWORTH 100 N. 5TH STREET, LEAVENWORTH, KANSAS 66048	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
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"EXHIBIT B"

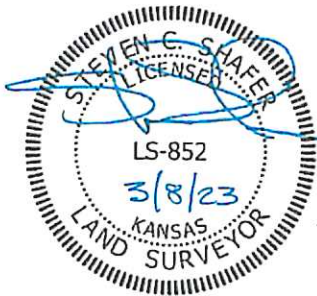
EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT
 PART OF LOTS 1 AND 2, BLOCK 47, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 MAP (SEE SHEET 2 FOR DESCRIPTION)
 TRACT 2

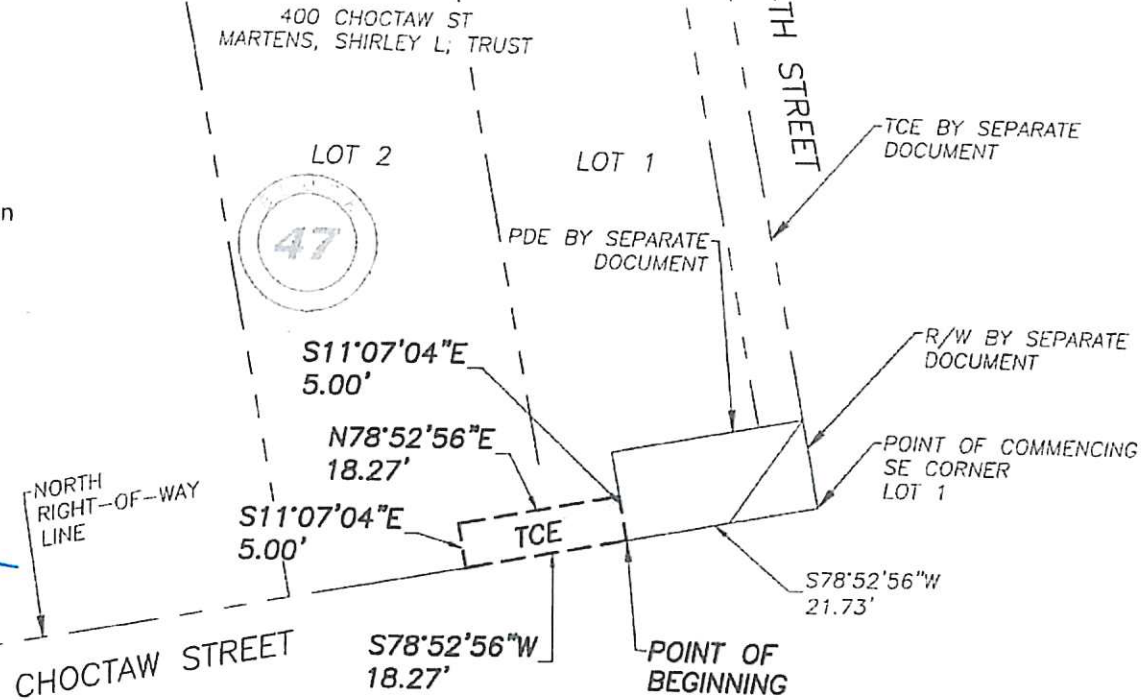


LEGEND

- TCE Temporary Construction Easement
- R/W Right-of-Way
- PDE Permanent Drainage Easement



PLAT OF LEAVENWORTH K.T.



Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048

Project:
 TEMPORARY CONSTRUCTION EASEMENT
 LOTS 1 AND 2, BLOCK 47,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
 Project No: 031930
 Field Date: 11/17/2021
 Issue Date: 03/08/2023
 Sheet:

1 OF 2

"EXHIBIT B"

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT
 PART OF LOTS 1 AND 2, BLOCK 47, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 DESCRIPTION (SEE SHEET 1 FOR MAP)
 TRACT 2

A Tract of land for the purposes of a Temporary Construction Easement, being part of Lots 1 and 2, Block 47, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation, the bearings in this description are based on the North Right-of-Way line of Choctaw Street, having a bearing of South 78° 52' 56" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southeast Corner of Lot 1, Block 47;

Thence South 78° 52' 56" West, 21.73 feet, on the North Right-of-Way line of Choctaw Street, to the POINT OF BEGINNING, said Tract herein described;

Thence South 78° 52' 56" West, 18.27 feet, continuing on said North Right-of-Way line of Choctaw Street;

Thence North 11° 07' 04" West, 5.00 feet;

Thence North 78° 52' 56" East, 18.27 feet;

Thence South 11° 07' 04" East, 5.00 feet, to said Right-of-Way line of Choctaw Street, to the POINT OF BEGINNING, said Tract containing 91 square feet or 0.0021 acres.

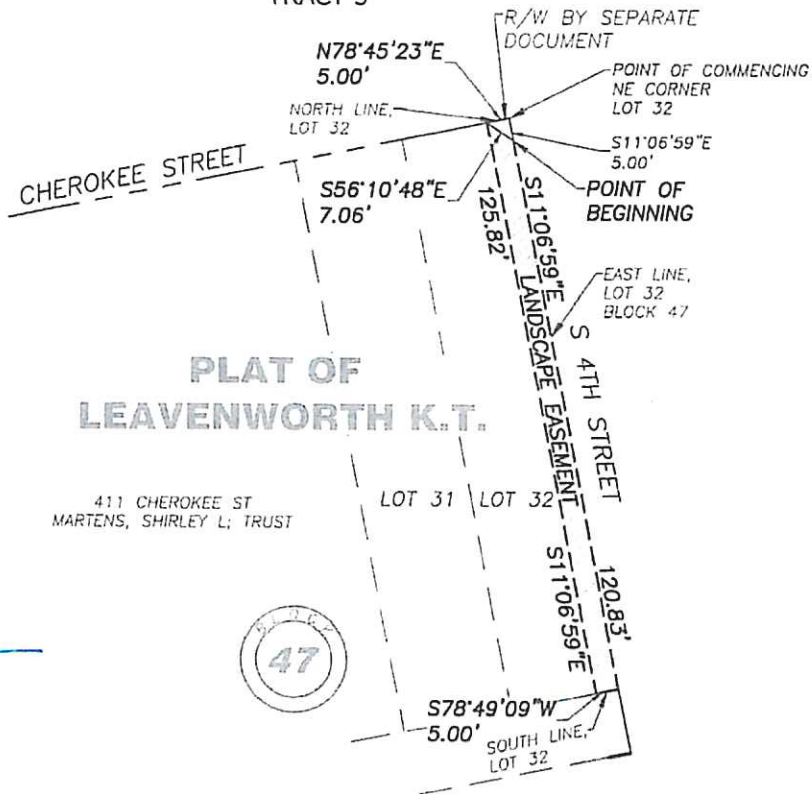
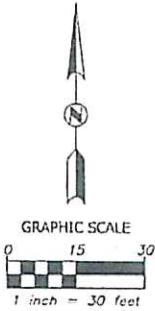


Mar 08, 2023 - 9:47am Plotted by: david.jones i:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-Tract 2\031930-SRVY-TCE-TRACT 2.dwg

Sheet:	DAJ	Project:	Client:	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
2	031930	TEMPORARY CONSTRUCTION EASEMENT	CITY OF LEAVENWORTH	
OF	11/17/2021	LOTS 1 AND 2, BLOCK 47,	100 N. 5TH STREET,	
2	03/08/2023	LEAVENWORTH K.T.	LEAVENWORTH, KANSAS	
Drawn By:	Project No:	Field Date:	Issue Date:	66048
DAJ	031930	11/17/2021	03/08/2023	

"EXHIBIT B"

EXHIBIT A LANDSCAPE EASEMENT EXHIBIT PART OF LOT 32, BLOCK 47, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS MAP (SEE SHEET 2 FOR DESCRIPTION) TRACT 3



Client:
CITY OF LEAVENWORTH
100 N. 5TH STREET,
LEAVENWORTH, KANSAS
66048

Project:
LANDSCAPE EASEMENT EXHIBIT
LOT 32, BLOCK 47,
LEAVENWORTH K.T.
CITY OF LEAVENWORTH,
LEAVENWORTH COUNTY, KANSAS

Drawn By: D.A.J.
Project No: 031930
Field Date: 11/17/2021
Issue Date: 03/10/2023
Sheet:

1 OF 2

"EXHIBIT B"

EXHIBIT A

LANDSCAPE EASEMENT EXHIBIT
 PART OF LOT 32, BLOCK 47, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 DESCRIPTION (SEE SHEET 1 FOR MAP)
 TRACT 3

A Tract of land for the purposes of a Landscape Easement, being a part of Lot 32, Block 47, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the East line of Lot 32, Block 47, having a bearing of South 11° 06' 59" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Northeast corner of said Lot 32, Block 47;

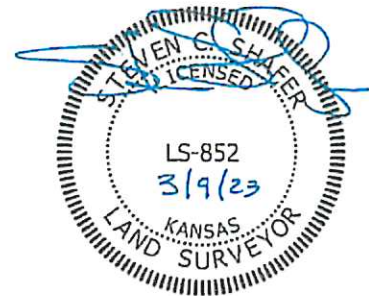
Thence South 11° 06' 59" East, 5.00 feet, on the East line of said Lot 32, to the POINT OF BEGINNING of Tract herein described;

Thence South 11° 06' 59" East, 120.83 feet, on said East line, to the Southeast corner of Lot 32;

Thence South 78° 49' 09" West, 5.00 feet, on the South line of Lot 32, Block 47;

Thence South 11° 06' 59" East, 125.82 feet, to the North line of said Lot 32;

Thence South 56° 10' 48" East, 7.06 feet, to the POINT OF BEGINNING, said Tract containing 617 square feet or 0.0142 acres.

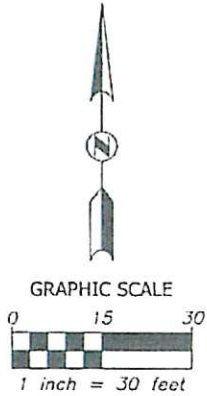


Mar 09, 2023 - 10:02am Plotted by: david.jones i:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 3\031930-SRVY-LE-TRACT 3.dwg

Sheet:	DAJ	Project:	Client:	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
2	031930	LANDSCAPE EASEMENT	CITY OF LEAVENWORTH	
OF	11/17/2021	LOT 32, BLOCK 47, LEAVENWORTH K.T.	100 N. 5TH STREET, LEAVENWORTH, KANSAS	
2	03/09/2023	CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS	66048	

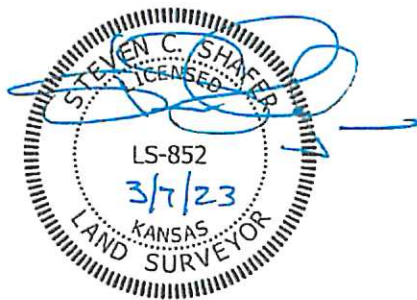
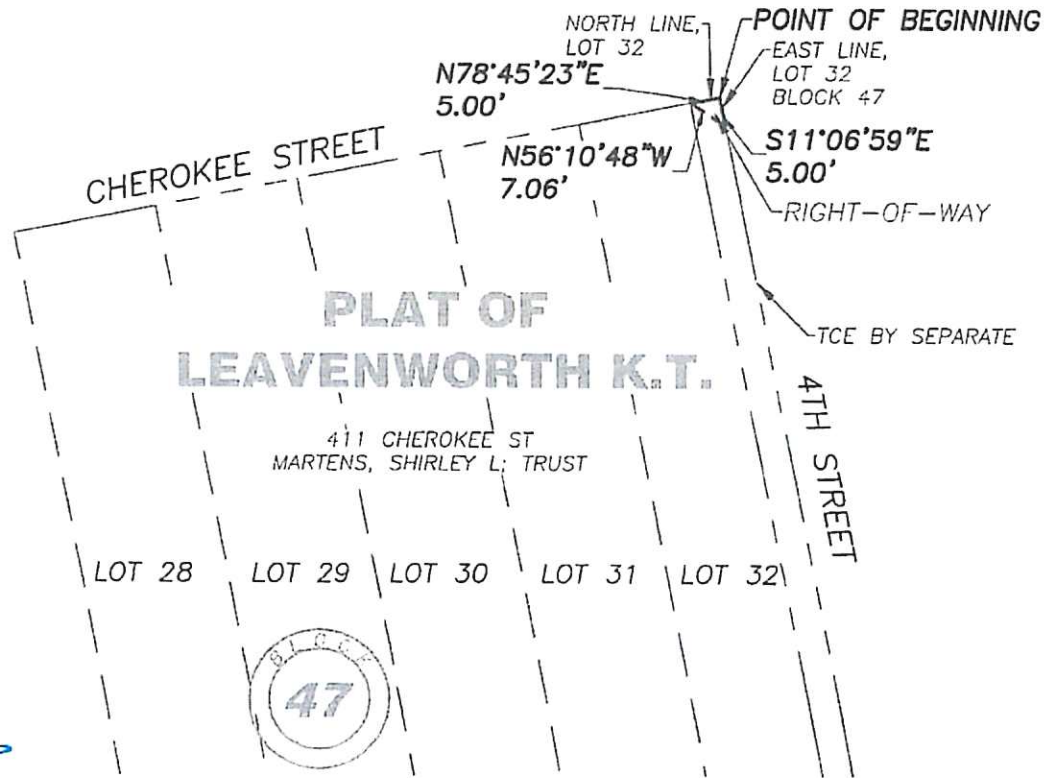
"EXHIBIT B"

EXHIBIT A
 RIGHT-OF-WAY EXHIBIT
 PART OF LOT 32, BLOCK 47, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 MAP (SEE SHEET 2 FOR DESCRIPTION)
 TRACT 3



LEGEND

TCE Temporary Construction Easement



BLDG
 CIVIL ENGINEERING / SURVEYING / UTILITIES
 712 State Avenue, Kansas City, KS 66101
 Phone: (913) 371-5300

Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048

Project:
 RIGHT -OF-WAY EXHIBIT
 LOT 32, BLOCK 47,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
 Project No: 031930
 Field Date: 11/17/2021
 Issue Date: 03/07/2023
 Sheet:

1 OF 2

"EXHIBIT B"

EXHIBIT A

RIGHT-OF-WAY EXHIBIT

PART LOT 32, BLOCK 47, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 DESCRIPTION (SEE SHEET 1 FOR MAP)
 TRACT 3

A Tract of land for the purposes of a Right-of-Way Easement, being a part of Lot 32, Block 47, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

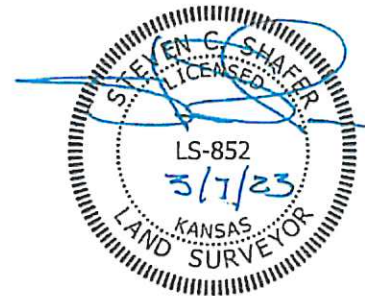
(Note: For course orientation the bearings in this description are based on the East line of Lot 32, Block having a bearing of South 11° 06' 59" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northeast corner of said Lot 32, Block 47;

Thence South 11° 06' 59" East, 5.00 feet, on the East line of said Lot 32;

Thence North 56° 10' 48" West, 7.06 feet, to the North line of said Lot 32;

Thence North 78° 45' 23" East, 5.00 feet, on the North line of said Lot 32, to the POINT OF BEGINNING, said Tract containing 13 square feet or 2.9844 acres .

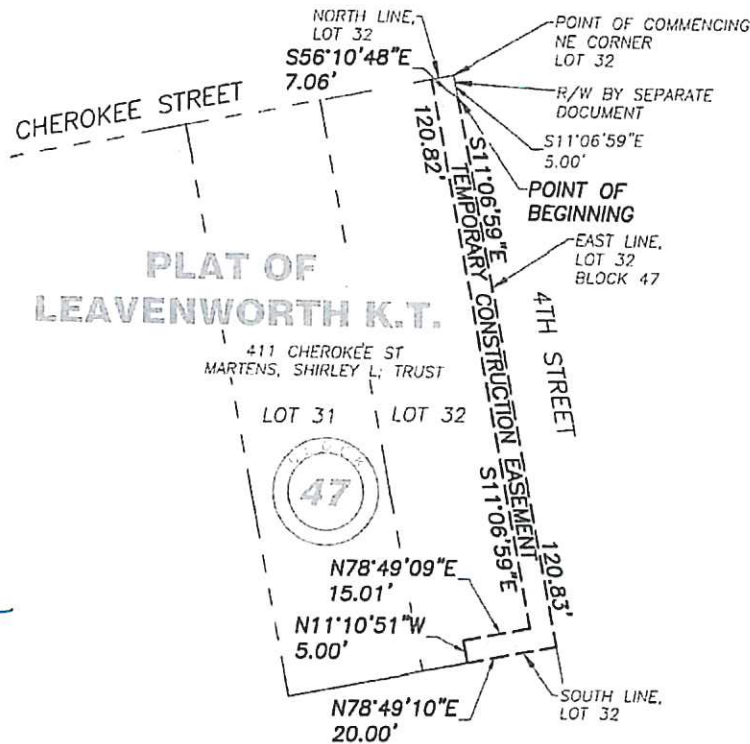
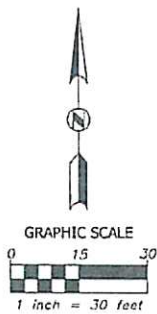


Mar 07, 2023 - 12:49pm Plotted by: david.jones I:\031930\00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-Tract 3\031930-SRVY-RW-TRACT 3.dwg

Sheet: 2 OF 2	Drawn By: DAJ Project No: 031930 Field Date: 11/17/2021 Issue Date: 03/07/2023	Project: RIGHT-OF-WAY EXHIBIT LOT 32, BLOCK 47, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS	Client: CITY OF LEAVENWORTH 100 N. 5TH STREET, LEAVENWORTH, KANSAS 66048	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
--------------------------------------	---	---	--	--

"EXHIBIT B"

EXHIBIT A TEMPORARY CONSTRUCTION EASEMENT LOT 32, BLOCK 47, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS MAP (SEE SHEET 2 FOR DESCRIPTION) TRACT 3



BJC
CIVIL ENGINEERING / SURVEYING / UTILITIES
712 State Avenue, Kansas City, KS 66101
Phone: (913) 371-5300

Client:
CITY OF LEAVENWORTH
100 N. 5TH STREET,
LEAVENWORTH, KANSAS
66048

Project:
TEMPORARY CONSTRUCTION EASEMENT
LOT 32, BLOCK 47,
LEAVENWORTH K.T.
CITY OF LEAVENWORTH,
LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
Project No: 031930
Field Date: 11/17/2021
Issue Date: 03/10/2023
Sheet:

1 OF 2

"EXHIBIT B"

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT
 LOT 32, BLOCK 47, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 DESCRIPTION (SEE SHEET 1 FOR MAP)
 TRACT 3

A Tract of land for the purposes of a Temporary Construction Easement, being a part of Lot 32, Block 47, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the East line of Lot 32, Block 47, having a bearing of South 11° 06' 59" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Northeast corner of said Lot 32, Block 47;

Thence South 11° 06' 59" East, 5.00 feet, continuing on the East line of said Lot 32, to the POINT OF BEGINNING of said Tract herein described;

Thence South 11° 06' 59" East, 120.83 feet, continuing on said East line;

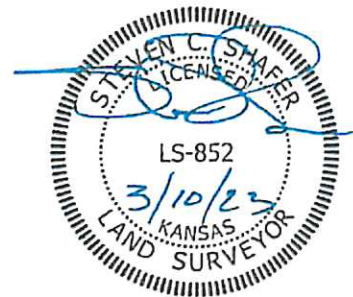
Thence South 78° 49' 10" West, 20.00 feet, on the South line of said Lot 32;

Thence North 11° 10' 51" West, 5.00 feet;

Thence North 78° 49' 09" East, 15.01 feet;

Thence North 11° 06' 59" West, 120.82 feet, parallel to said East line of Lot 32, to a point on the North line of said Lot 32;

Thence South 56° 10' 48" East, 7.06 feet, to the POINT OF BEGINNING, said Tract containing 702 square feet, or 0.0161 acres.



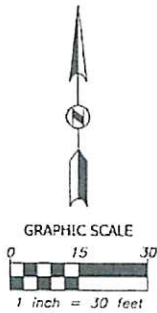
Mar 10, 2023 - 9:55am Plotted by: david.jones I:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 3.dwg

Sheet: 2 OF 2	Drawn By: DAJ Project No: 031930 Field Date: 11/17/2021 Issue Date: 03/10/2023	Project: TEMPORARY CONSTRUCTION EASEMENT LOT 32, BLOCK 47, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS	Client: CITY OF LEAVENWORTH 100 N. 5TH STREET, LEAVENWORTH, KANSAS 66048	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
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"EXHIBIT B"

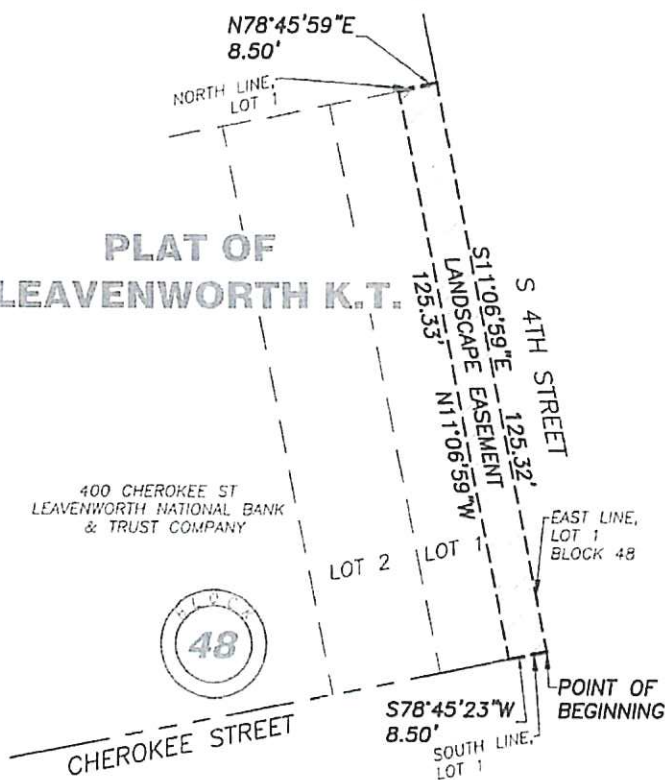
EXHIBIT A

LANDSCAPE EASEMENT EXHIBIT
 PART OF LOT 1, BLOCK 48, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 MAP (SEE SHEET 2 FOR DESCRIPTION)
 TRACT 4



PLAT OF LEAVENWORTH K.T.

400 CHEROKEE ST
 LEAVENWORTH NATIONAL BANK
 & TRUST COMPANY



BHC
 CIVIL ENGINEERING / SURVEYING / UTILITIES
 712 State Avenue, Kansas City, KS 66101
 Phone: (913) 371-5300

Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048

Project:
 LANDSCAPE EASEMENT EXHIBIT
 LOT 1, BLOCK 48,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: DAL
 Project No: 031930
 Field Date: 11/17/2021
 Issue Date: 03/10/2023
 Sheet:

1 OF 2

"EXHIBIT B"

EXHIBIT A

LANDSCAPE EASEMENT EXHIBIT
 PART OF LOT 1, BLOCK 48, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 DESCRIPTION (SEE SHEET 1 FOR MAP)
 TRACT 4

A Tract of land for the purpose of a Landscape Easement , being a part of Lot 1, Block 48, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of Lot 1, having a bearing of South 78° 45' 23" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of said Lot 1, Block 48;

Thence South 78° 45' 23" West, 8.50 feet, on the South line of said Lot 1;

Thence North 11° 06' 59" West, 125.33 feet;

Thence North 78° 45' 59" East, 8.50 feet, on the North line of said of Lot 1;

Thence South 11° 06' 59" East, 125.32 feet, on the East line of said Lot 1, to the POINT OF BEGINNING, said Tract containing 1,065 square feet, or 0.0245 acres.



Mar 10, 2023 - 1:04pm Plotted by: david.jones I:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 4\031930-SRVY-LE-TRACT 4.dwg

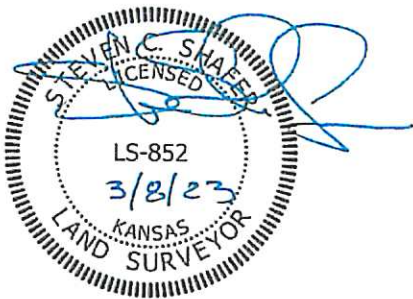
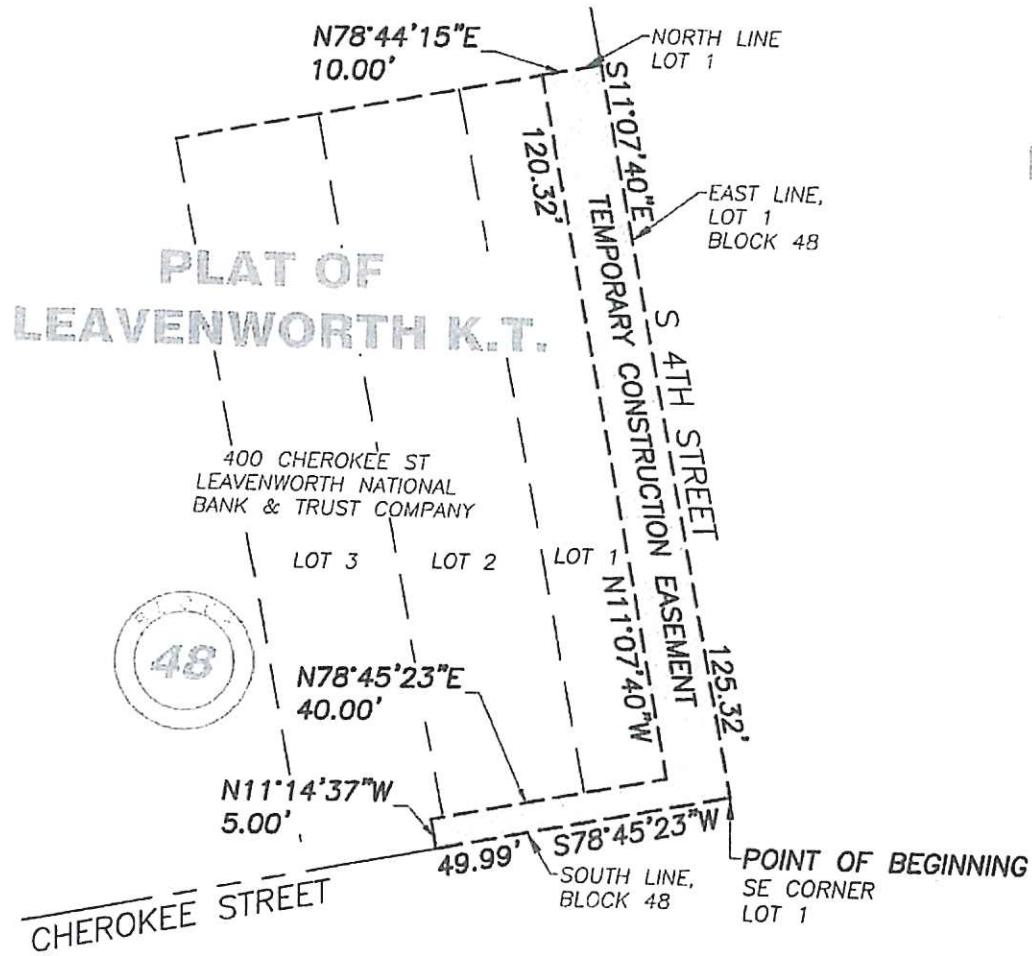
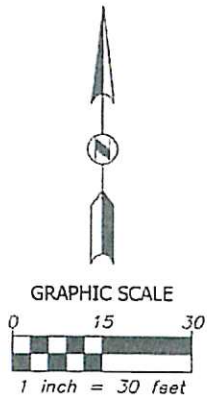
Sheet:	DAJ	Project:
2	031930	LANDSCAPE EASEMENT EXHIBIT
OF	11/17/2021	LOT 1, BLOCK 48,
2	03/10/2023	LEAVENWORTH K.T.
		CITY OF LEAVENWORTH,
		LEAVENWORTH COUNTY, KANSAS

Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048

BHC
 CIVIL ENGINEERING / SURVEYING / UTILITIES
 712 State Avenue, Kansas City, KS 66101
 Phone: (913) 371-5300

"EXHIBIT B"

EXHIBIT A
 TEMPORARY CONSTRUCTION EASEMENT
 PART LOT 1 THROUGH 3 BLOCK 48, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 MAP (SEE SHEET 2 FOR DESCRIPTION)
 TRACT 4



BHCO
 CIVIL ENGINEERING / SURVEYING / UTILITIES
 712 State Avenue, Kansas City, KS 66101
 Phone: (913) 371-5300

Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048

Project:
 TEMPORARY CONSTRUCTION EASEMENT
 LOT 1 THOURGH 3, BLOCK 48,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
 Project No: 031930
 Field Date: 11/17/2021
 Issue Date: 03/08/2023
 Sheet:

1 OF 2

"EXHIBIT B"

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT
 PART OF LOT 1 THROUGH 3, BLOCK 48, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 DESCRIPTION (SEE SHEET 1 FOR MAP)
 TRACT 4

A Tract of land for the purpose of a Temporary Construction Easement, being a part of Lot 1 Through 3, Block 48, LEAVENWORTH K.T., a subdivision in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of Lot 1, having a bearing of South 78° 45' 23" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of said Lot 1 Block 48;

Thence South 78° 45' 23" West, 49.99 feet, on the South line of said Lots 1,2, and 3, Block 48;

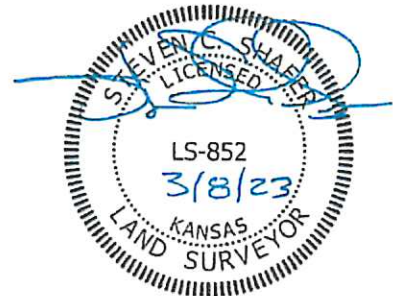
Thence North 11° 14' 37" West, 5.00 feet;

Thence North 78° 45' 23" East, 40.00 feet;

Thence North 11° 07' 40" West, 120.32 feet, to the North line of said Lot 1;

Thence North 78° 45' 59" East, 10.00 feet, on said North line;

Thence South 11° 07' 40" East, 125.32 feet, on the East line of said Lot 1, to the POINT OF BEGINNING, said Tract containing 1,453 square feet or 0.0336 acres.



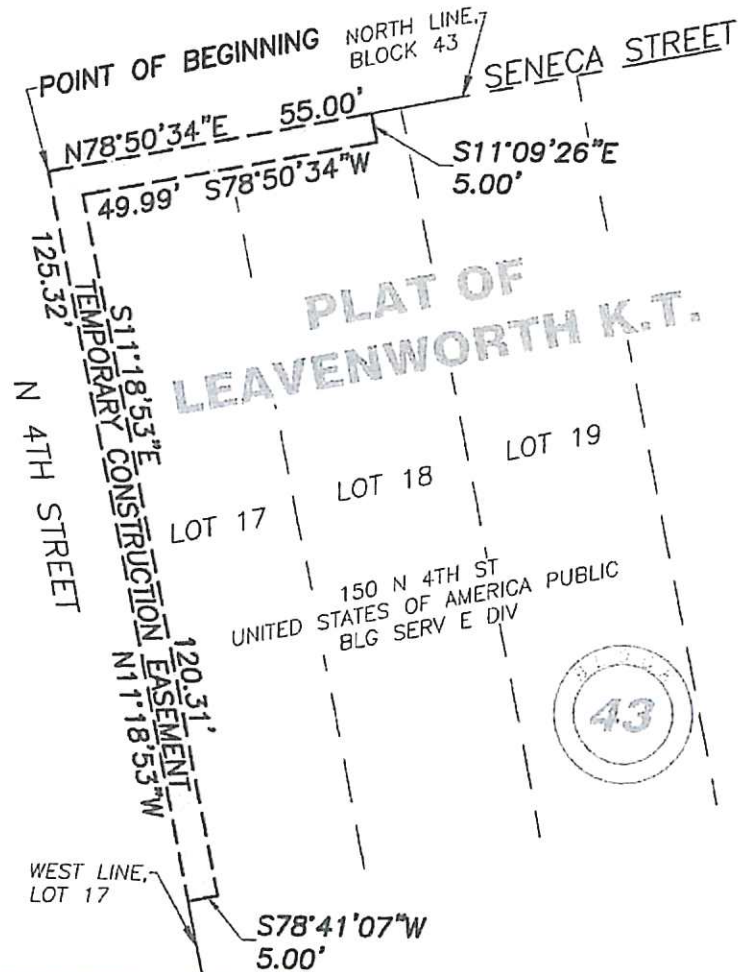
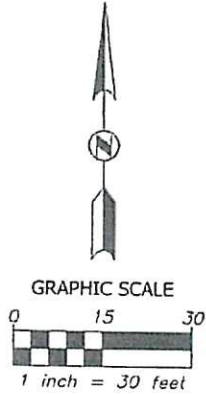
i:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 4\031930-SRVY-TCE-TRACT 4.dwg
 Mar 08, 2023 - 11:47am Plotted by: david.jones

Sheet: 2 OF 2	Drawn By: DAJ Project No: 031930 Field Date: 11/17/2021 Issue Date: 03/08/2023	Project: TEMPORARY CONSTRUCTION EASEMENT LOT 1 THROUGH 3, BLOCK 48, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS	Client: CITY OF LEAVENWORTH 100 N. 5TH STREET, LEAVENWORTH, KANSAS 66048	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
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"EXHIBIT B"

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT
 PART OF LOT 17 AND 18, BLOCK 43, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 MAP (SEE SHEET 2 FOR DESCRIPTION)
 TRACT 12



ELC
 CIVIL ENGINEERING / SURVEYING / UTILITIES
 712 State Avenue, Kansas City, KS 66101
 Phone: (913) 371-5300

Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048

Project:
 TEMPORARY CONSTRUCTION EASEMENT
 LOTS 17 THROUGH 18, BLOCK 43,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
 Project No: 031930
 Field Date: 02/7/2023
 Issue Date: 03/08/2023
 Sheet:

1 OF 2

"EXHIBIT B"

TEMPORARY CONSTRUCTION EASEMENT PART OF LOTS 17 AND 18, BLOCK 43, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS DESCRIPTION (SEE SHEET 1 FOR MAP) TRACT 12

A Tract of land for the purpose of a Temporary Construction Easement, being a part of Lots 17 and 18, Block 43, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North line of Lot 17, Block 43, having a bearing of North 78° 50' 34" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northwest corner of Lot 17, Block 43;

Thence North 78° 50' 34" East, 55.00 feet, on the North line of said Block 43;

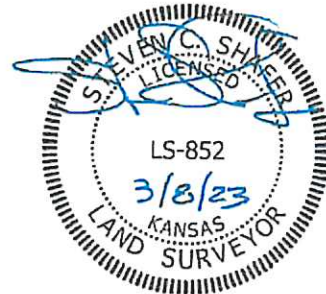
Thence South 11° 09' 26" East, 5.00 feet;

Thence South 78° 50' 34" West, 49.99 feet;

Thence South 11° 18' 53" East, 120.31 feet;

Thence South 78° 41' 07" West, 5.00 feet, to the Southwest corner of said Lot 17 of said Block 43;

Thence North 11° 18' 53" West, 125.32 feet, on the West line said Lot 17, to the POINT OF BEGINNING, said Tract containing 877 square feet or 0.0201 acres.



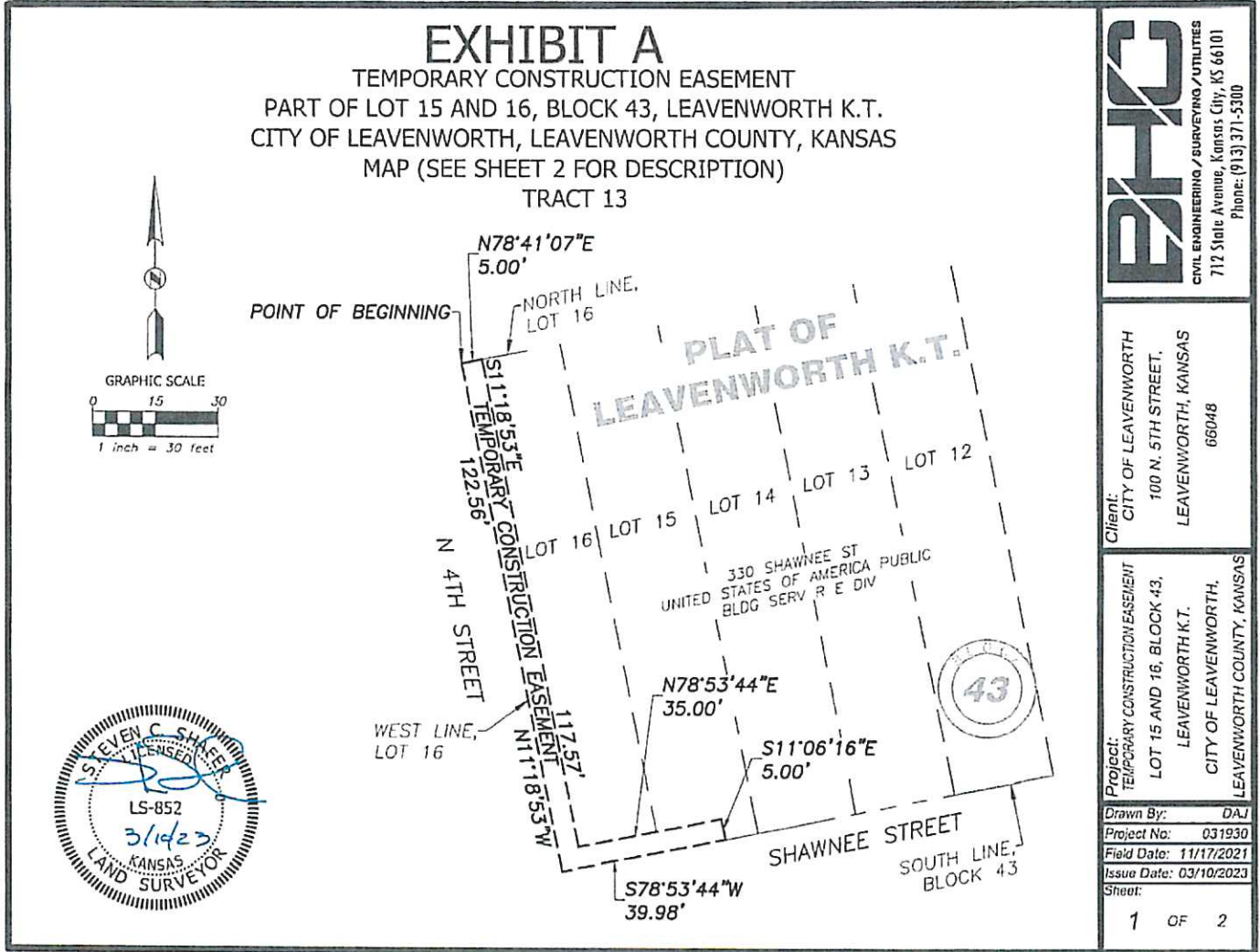
Mar 08, 2023 - 12:51pm Plotted by: david.jones i:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 12\031930-SRVY-TCE-TRACT 12.dwg

Sheet:	DAJ	Project:
2	031930	TEMPORARY CONSTRUCTION EASEMENT
OF	11/17/2021	LOTS 17 THROUGH 18, BLOCK 43,
2	03/08/2023	LEAVENWORTH K.T.
		CITY OF LEAVENWORTH,
		LEAVENWORTH COUNTY, KANSAS

Client:
CITY OF LEAVENWORTH
100 N. 5TH STREET,
LEAVENWORTH, KANSAS
66048

BHC
CIVIL ENGINEERING / SURVEYING / UTILITIES
712 State Avenue, Kansas City, KS 66101
Phone: (913) 371-5300

"EXHIBIT B"



BLIC
 CIVIL ENGINEERING / SURVEYING / UTILITIES
 712 State Avenue, Kansas City, KS 66101
 Phone: (913) 371-5300

Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET.
 LEAVENWORTH, KANSAS
 66048

Project:
 TEMPORARY CONSTRUCTION EASEMENT
 LOT 15 AND 16, BLOCK 43,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
Project No: 031930
Field Date: 11/17/2021
Issue Date: 03/10/2023
Sheet:
 1 OF 2

"EXHIBIT B"

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT
 PART OF LOT 15 AND 16, BLOCK 43, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 DESCRIPTION (SEE SHEET 1 FOR MAP)
 TRACT 13

A Tract of land for the purpose of a Temporary Construction Easement, being part of Lot 15 and 16, Block 43, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North line of said Lot 16, Block 43, having a bearing of North 78° 41' 07" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northwest corner of Lot 16, Block 43;

Thence North 78° 41' 07" East, 5.00 feet, on the North line of said Lot 16, Block 43;

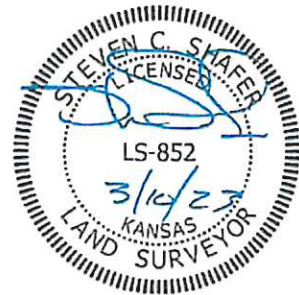
Thence South 11° 18' 53" East, 117.57 feet;

Thence North 78° 53' 44" East, 35.00 feet;

Thence South 11° 06' 16" East, 5.00 feet, to the South line of said Lot 15;

Thence South 78° 53' 44" West, 39.98 feet, on the South line Lot 15 and 16;

Thence North 11° 18' 53" West, 122.56 feet, on the West line of said Lot 16, to the POINT OF BEGINNING, said Tract containing 788 square feet or 0.0181 acres.



Mar 10, 2023 - 9:34am Plotted by: david.jones I:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 13\031930-SRVY-TCE-TRACT 13.dwg

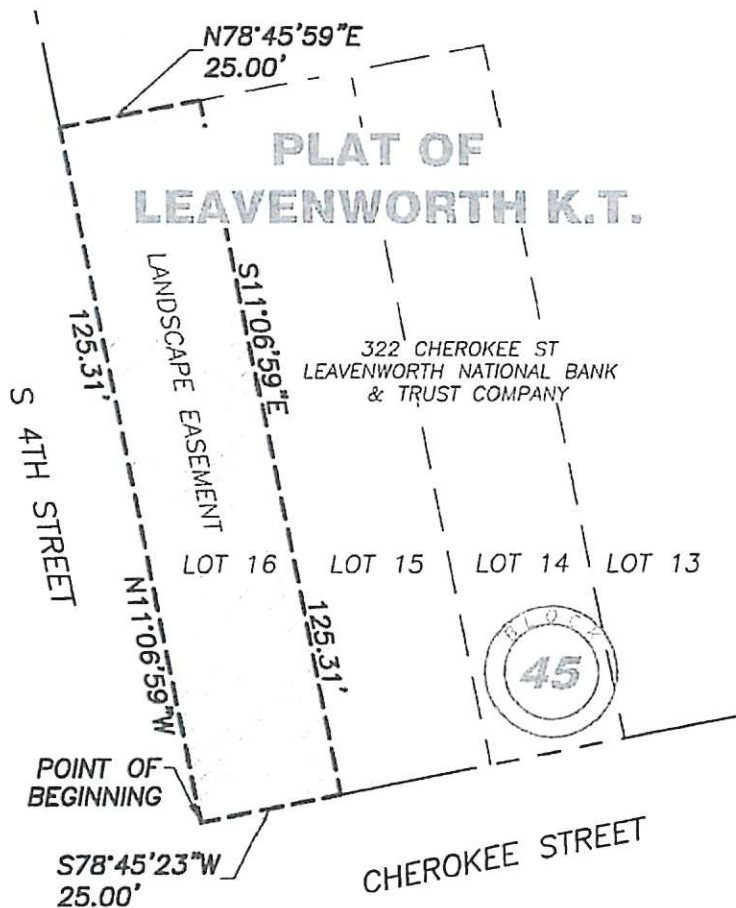
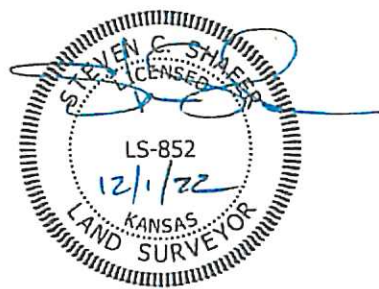
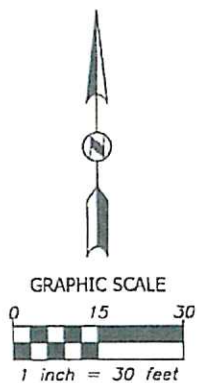
Sheet:	DAJ	Project:
2	031930	TEMPORARY CONSTRUCTION EASEMENT
OF	11/17/2021	LOT 15 AND 16, BLOCK 43,
2	03/10/2023	LEAVENWORTH K.T.
		CITY OF LEAVENWORTH,
		LEAVENWORTH COUNTY, KANSAS

Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048



"EXHIBIT B"

LANDSCAPE EASEMENT EXHIBIT
 LOT 16, BLOCK 45, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 MAP (SEE SHEET 2 FOR DESCRIPTION)



EFHC
 CIVIL ENGINEERING / SURVEYING / UTILITIES
 712 State Avenue, Kansas City, KS 66101
 Phone: (913) 371-5300

Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048

Project:
 LANDSCAPE EASEMENT EXHIBIT
 LOT 16, BLOCK 45,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: TC
Project No: 031930
Field Date: 11/17/2021
Issue Date: 12/1/2022
Sheet:

1 OF 2

"EXHIBIT B"

LANDSCAPE EASEMENT EXIHBIT LOT 16, BLOCK 45, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS DESCRIPTION (SEE SHEET 1 FOR MAP)

All of Lot 16, Block 45, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854.

(Note: For course orientation, the bearings in this description are based on the West line of Lot 16, having a bearing of North 11° 06' 59" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southwest corner of said Lot 16, Block 45;

Thence North 11° 06' 59" West, 125.31 feet, on the West line of said Lot 1;

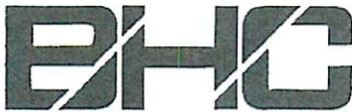
Thence North 78° 45' 59" East, 25.00 feet, departing said West line, to a point on the East line of said Lot 16;

Thence South 11° 06' 59" East, 125.31 feet, on said East line, to the South line of said Lot 16;

Thence South 78° 45' 23" West, 25.00 feet, on the South line of Lot 16, to the POINT OF BEGINNING, said Tract containing 3,133 square feet, or 0.0719 acres.

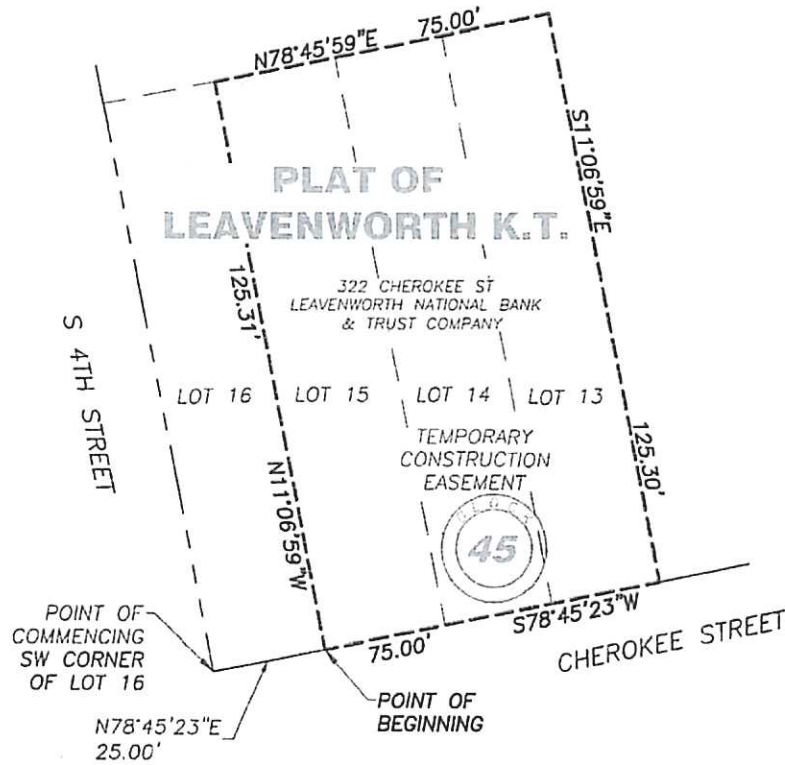
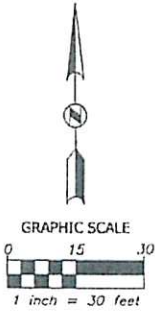


Dec 01, 2022 - 10:34am Plotted by: thomas.carmon i:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-SRVY-LE.dwg

Sheet:	TC	Project:	Client:	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
2	Drawn By:	LANDSCAPE EASEMENT EXHIBIT	CITY OF LEAVENWORTH	
OF	Project No:	LOT 16, BLOCK 45, LEAVENWORTH K.T.	100 N. 5TH STREET,	
2	Field Date:	CITY OF LEAVENWORTH,	LEAVENWORTH, KANSAS	
	Issue Date:	LEAVENWORTH COUNTY, KANSAS	66048	

"EXHIBIT B"

TEMPORARY CONSTRUCTION EASEMENT
 LOTS 13 THROUGH 15, BLOCK 45, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 MAP (SEE SHEET 2 FOR DESCRIPTION)
 TRACT 17



Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048

Project:
 TEMPORARY CONSTRUCTION EASEMENT
 LOTS 13 THROUGH 15, BLOCK 45,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
Project No: 031930
Field Date: 11/17/2021
Issue Date: 03/10/2023
Sheet:

1 OF 2

"EXHIBIT B"

TEMPORARY CONSTRUCTION EASEMENT LOTS 13 THROUGH 15, BLOCK 45, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS DESCRIPTION (SEE SHEET 1 FOR MAP) TRACT 17

A Tract of land for the purposes of a Temporary Construction Easement, being part of Lots 13 through 15, Block 45, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of Lot 16, Block 45, having a bearing of North 78° 45' 23" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southwest Corner of said Lot 16;

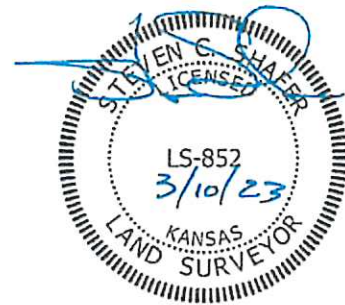
Thence North 78° 45' 23" East, 25.00 feet on said South line of Lot 16, to the POINT OF BEGINNING, said Tract herein described;

Thence North 11° 06' 59" West, 125.31 feet, on the West line of said Lot 15;

Thence North 78° 45' 59" East, 75.00 feet, on the North line of said Lots 13 through 15;

Thence South 11° 06' 59" East, 125.30 feet, on the East line of said Lot 13;

Thence South 78° 45' 23" West, 75.00 feet, on said South line of Lots 13 through 15, to the POINT OF BEGINNING, said Tract containing 9,398 square feet, or 0.2157 acres.



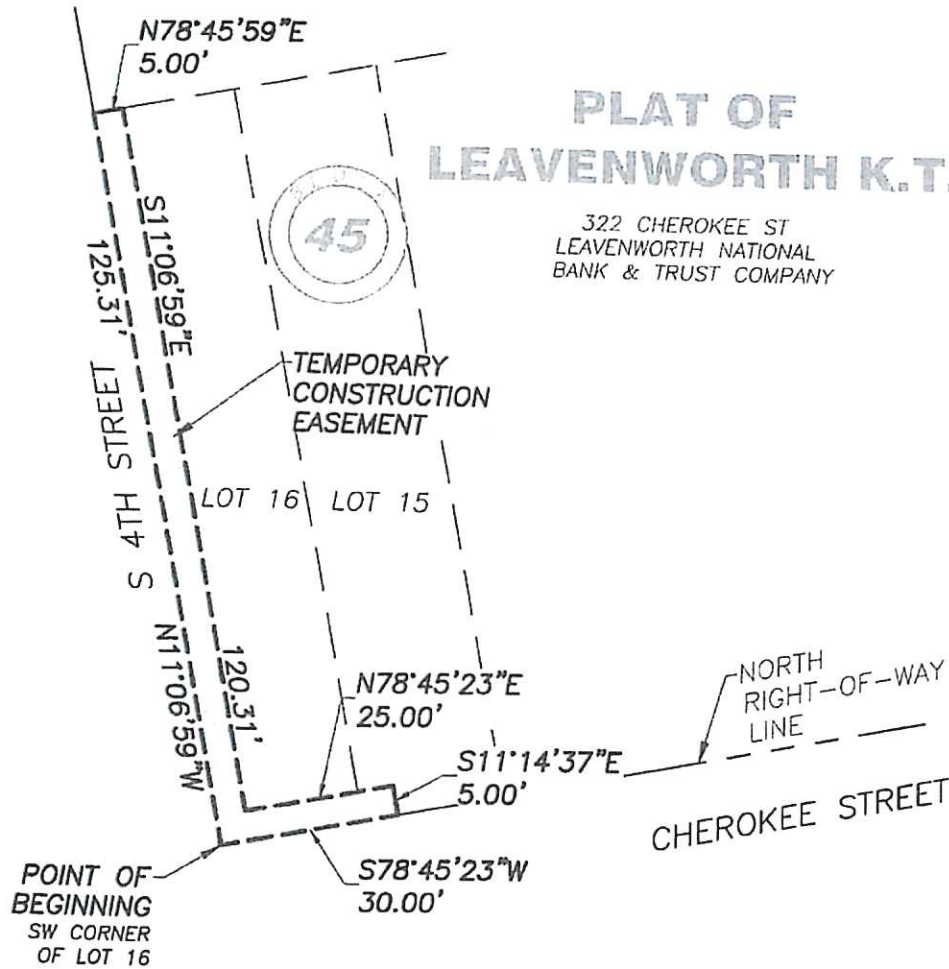
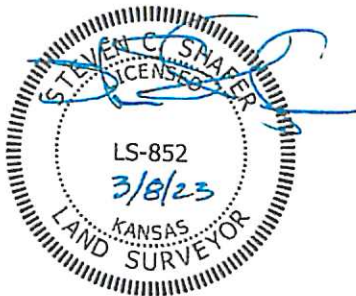
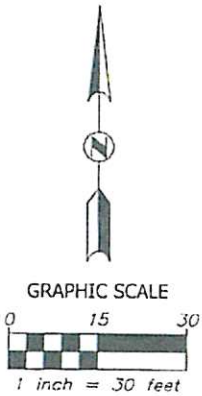
Mar 10, 2023 - 1:25pm Plotted by: david.jones I:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930--Tract 17\031930--SRVY--TCE--TRACT 17(2).dwg

Sheet: <b style="font-size: 2em;">2 OF <b style="font-size: 2em;">2	Drawn By: DAJ Project No: 031930 Field Date: 11/17/2021 Issue Date: 03/10/2023	Project: TEMPORARY CONSTRUCTION EASEMENT LOTS 13 THROUGH 15, BLOCK 45, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS	Client: CITY OF LEAVENWORTH 100 N. 5TH STREET, LEAVENWORTH, KANSAS 66048	<p style="font-size: 0.8em;">CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300</p>
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"EXHIBIT B"

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT
 PARTS OF LOTS 15 AND 16, BLOCK 45, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 MAP (SEE SHEET 2 FOR DESCRIPTION)
 TRACT 17



**PLAT OF
 LEAVENWORTH K.T.**

322 CHEROKEE ST
 LEAVENWORTH NATIONAL
 BANK & TRUST COMPANY

ELIC
 CIVIL ENGINEERING / SURVEYING / UTILITIES
 712 State Avenue, Kansas City, KS 66101
 Phone: (913) 371-5300

Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048

Project:
 TEMPORARY CONSTRUCTION EASEMENT
 LOTS 15 AND 16, BLOCK 45,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
Project No: 031930
Field Date: 11/17/2021
Issue Date: 03/08/2023
Sheet:

1 OF 2

"EXHIBIT B"

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT
 PARTS OF LOTS 15 AND 16, BLOCK 45, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 DESCRIPTION (SEE SHEET 1 FOR MAP)
 TRACT 17

A Tract of land for the purposes of a Temporary Construction Easement, being a part of Lots 15 and 16, Block 45, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the West line of Lot 16, having a bearing of North 11° 06' 59" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southwest Corner of said Lot 16, Block 45;

Thence North 11° 06' 59" West, 125.31 feet, on said West line of Lot 16, to the Northwest Corner of said Lot 16;

Thence North 78° 45' 59" East, 5.00 feet, on the North line of said Lot 16;

Thence South 11° 06' 59" East, 120.31 feet, parallel to said West line of Lot 16;

Thence North 78° 45' 23" East, 25.00 feet;

Thence South 11° 14' 37" East, 5.00 feet, to a point on the North Right-of-Way line of Cherokee Street;

Thence South 78° 45' 23" West, 30.00 feet, on said North Right-of-Way line of Cherokee Street, to the POINT OF BEGINNING, said Tract containing 653 square feet, or 0.0150 acres.



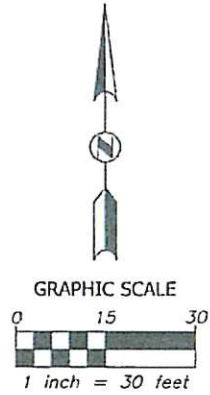
I:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 17\031930-SRVY-TCE-TRACT 17.dwg
 Mar 08, 2023 - 1:28pm Plotted by: david.jones

Sheet:	DAJ	Project:	Client:	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
2	Project No: 031930	TEMPORARY CONSTRUCTION EASEMENT	CITY OF LEAVENWORTH	
OF	Field Date: 11/17/2021	LOTS 15 AND 16, BLOCK 45,	100 N. 5TH STREET,	
2	Issue Date: 03/08/2023	LEAVENWORTH K.T.	LEAVENWORTH, KANSAS	
		CITY OF LEAVENWORTH,	66048	
		LEAVENWORTH COUNTY, KANSAS		

"EXHIBIT B"

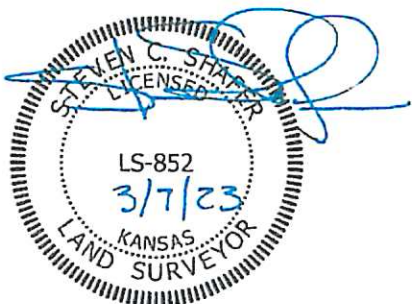
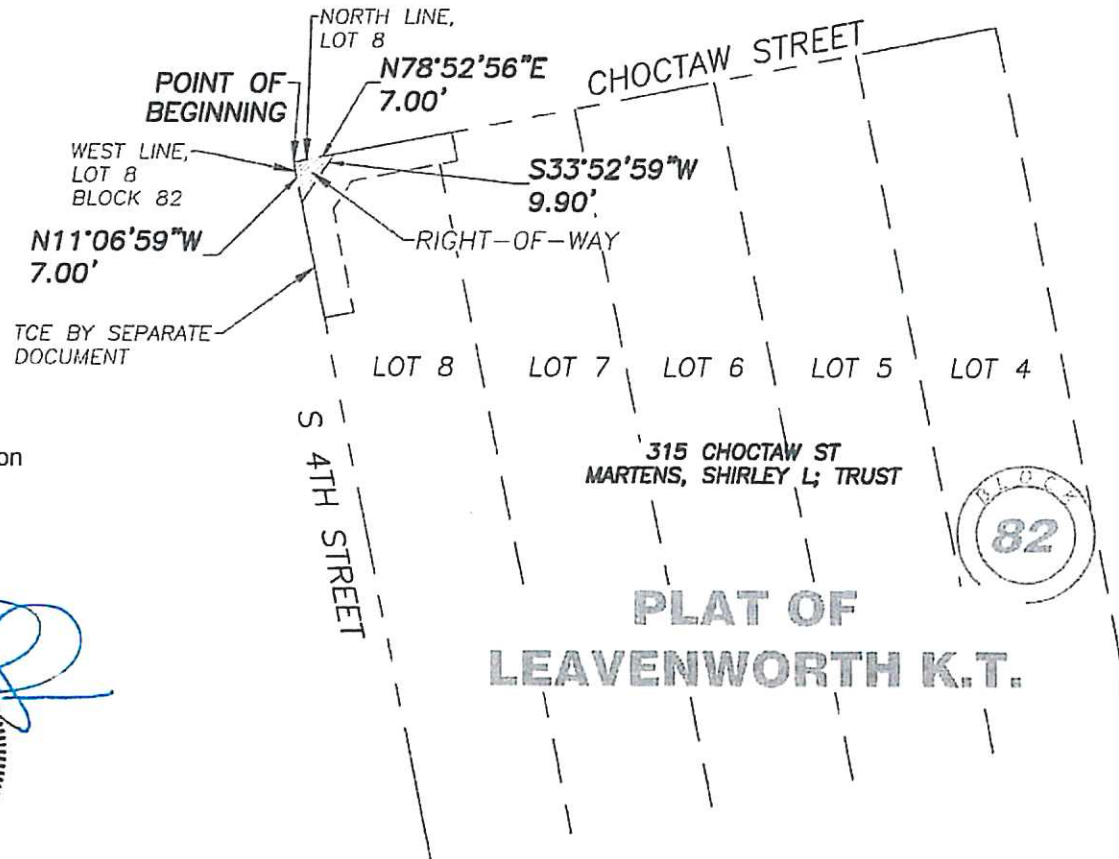
EXHIBIT A

RIGHT-OF-WAY EXHIBIT
 PART OF LOT 8, BLOCK 82, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 MAP (SEE SHEET 2 FOR DESCRIPTION)
 TRACT 20



LEGEND

TCE Temporary Construction Easement



CIVIL ENGINEERING / SURVEYING / UTILITIES
 712 State Avenue, Kansas City, KS 66101
 Phone: (913) 371-5300

Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048

Project:
 RIGHT-OF-WAY EXHIBIT
 LOT 8, BLOCK 82,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
Project No: 031930
Field Date: 11/17/2021
Issue Date: 03/07/2023
Sheet:

1 OF 2

"EXHIBIT B"

EXHIBIT A

RIGHT-OF-WAY EXHIBIT

PART OF LOT 8, BLOCK 82, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 DESCRIPTION (SEE SHEET 1 FOR MAP)
 TRACT 20

A Tract of land for the purposes of a Right-of-Way Easement, being a part of Lot 8, Block 82, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation, the bearings in this description are based on the North line of Lot 8, having a bearing of North 78° 52' 56" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northwest corner of said Lot 8, Block 82;


Thence North 78° 52' 56" East, 7.00 feet, on the North line of said Lot 8, Block 82;

Thence South 33° 52' 59" West, 9.90 feet, to the West line of said Lot 8, Block 82;

Thence North 11° 06' 59" West, 7.00 feet, on said West line of Lot 8, Block 82, to the POINT OF BEGINNING, said Tract containing 24.50 square feet or 5.6244 acres.

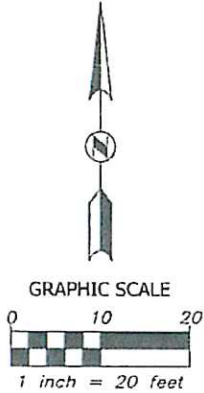


Mar 07, 2023 - 1:35pm Plotted by: david.jones I:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 20\031930-SRVY-RW-TRACT 20.dwg

Sheet: 2 OF 2	Drawn By: DAJ Project No: 031930 Field Date: 11/17/2021 Issue Date: 03/07/2023	Project: RIGHT-OF-WAY EXHIBIT LOT 8, BLOCK 82, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS	Client: CITY OF LEAVENWORTH 100 N. 5TH STREET, LEAVENWORTH, KANSAS 66048	 CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
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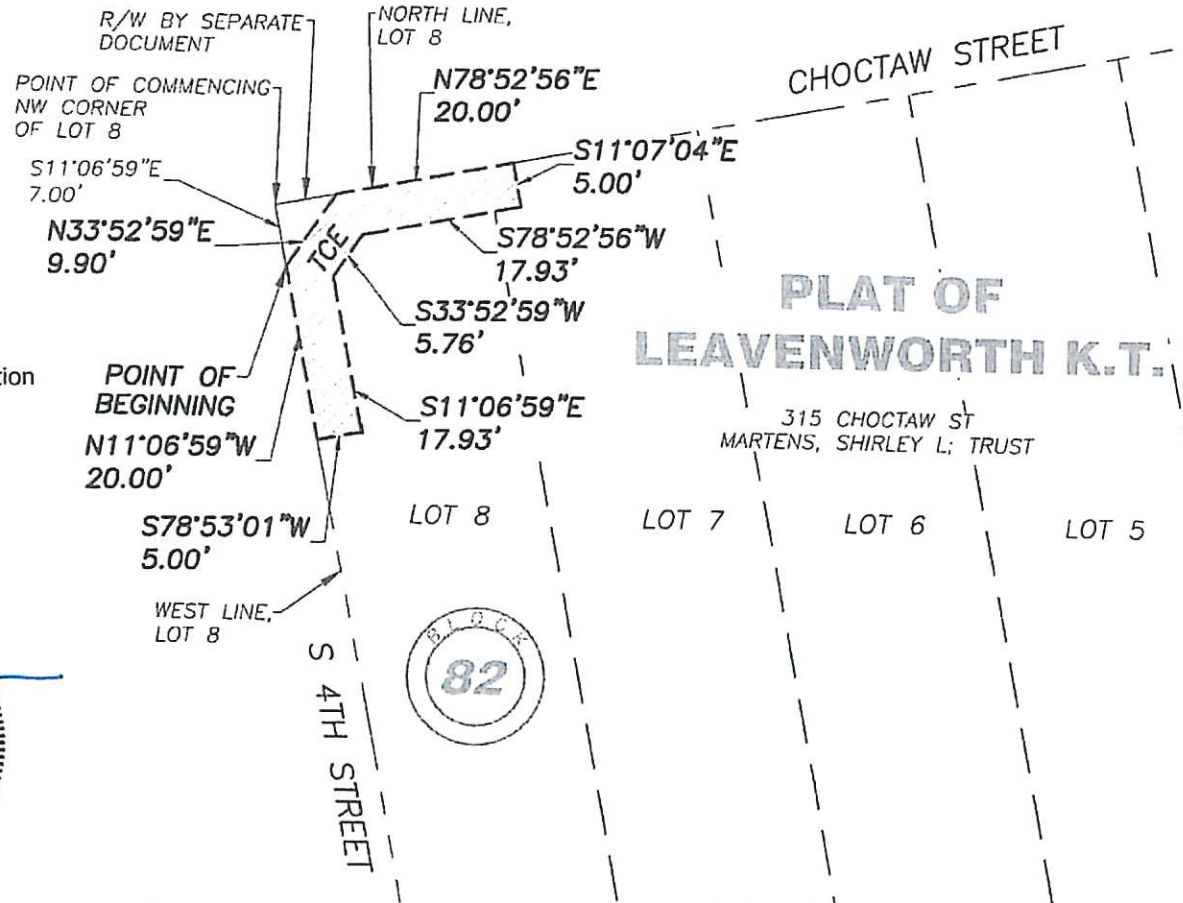
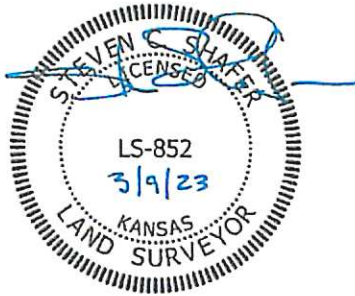
"EXHIBIT B"

EXHIBIT A
 TEMPORARY CONSTRUCTION EASEMENT
 LOTS 7 AND 8, BLOCK 82, LEAVENWORTH K.T.
 CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS
 MAP (SEE SHEET 2 FOR DESCRIPTION)
 TRACT 20



LEGEND

- TCE Temporary Construction Easement
- R/W Right-of-Way



BHCO
 CIVIL ENGINEERING / SURVEYING / UTILITIES
 712 State Avenue, Kansas City, KS 66101
 Phone: (913) 371-5300

Client:
 CITY OF LEAVENWORTH
 100 N. 5TH STREET,
 LEAVENWORTH, KANSAS
 66048

Project:
 TEMPORARY CONSTRUCTION EASEMENT
 LOTS 7 AND 8, BLOCK 82,
 LEAVENWORTH K.T.
 CITY OF LEAVENWORTH,
 LEAVENWORTH COUNTY, KANSAS

Drawn By: DAJ
 Project No: 031930
 Field Date: 11/17/2021
 Issue Date: 03/09/2023
 Sheet:

"EXHIBIT B"

EXHIBIT A TEMPORARY CONSTRUCTION EASEMENT LOTS 7 AND 8, BLOCK 82, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS DESCRIPTION (SEE SHEET 1 FOR MAP) TRACT 20

A Tract of land for the purposes of a Temporary Construction Easement, being a part of Lots 7 and 8, Block 82, LEAVENWORTH K.T., a subdivision of land in the City of Leavenworth, Leavenworth County, Kansas recorded December 20th, 1854, said Tract being more particularly described by Steven C. Shafer, LS-852, with BHC, CLS 175, by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the West line of Lot 8, Block 82, having a bearing of South 11° 06' 59" East, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Northwest corner of Lot 8, Block 82;

Thence South 11° 06' 59" East, 7.00 feet, on the West line of said Lot 8, to the POINT OF BEGINNING of said Tract herein described;

Thence North 33° 52' 59" East, 9.90 feet, to the North line of said Lot 8;

Thence North 78° 52' 56" East, 20.00 feet, on the said North line;

Thence South 11° 07' 04" East, 5.00 feet;

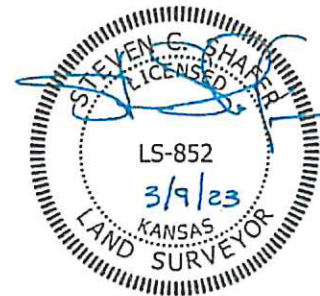
Thence South 78° 52' 56" West, 17.93 feet;

Thence South 33° 52' 59" West, 5.76 feet;

Thence South 11° 06' 59" East, 17.93 feet;

Thence South 78° 53' 01" West, 5.00 feet, to the West line of said Lot 8;

Thence North 11° 06' 59" West, 20.00 feet, on said West line, to the POINT of BEGINNING, said Tract containing 229 square feet or 0.0053 acres.



Mar 09, 2023 - 9:43am Plotted by: david.jones I:\031930.00.01 4th St - Choctaw to Seneca Leavenworth\DWG\Survey\031930-TRACT 20\031930-SRVY-TCE-TRACT 20.dwg

Sheet: 2 OF 2	Drawn By: DAJ Project No: 031930 Field Date: 11/17/2021 Issue Date: 03/09/2023	Project: TEMPORARY CONSTRUCTION EASEMENT LOTS 7 AND 8, BLOCK 82, LEAVENWORTH K.T. CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS	Client: CITY OF LEAVENWORTH 100 N. 5TH STREET, LEAVENWORTH, KANSAS 66048	 BHC CIVIL ENGINEERING / SURVEYING / UTILITIES 712 State Avenue, Kansas City, KS 66101 Phone: (913) 371-5300
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**POLICY REPORT
FIRST CONSIDERATION ORDINANCE
AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS
CHAPTER 38 SOLID WASTE, ARTICLE II COLLECTION AND DISPOSAL**

MAY 23, 2023



Sarah Bodensteiner, CMC City Clerk



Paul Kramer, City Manager

ISSUE:

To place on first consideration an ordinance to amend Chapter 38 Solid Waste, Article II Collection and Disposal Sections 38-30 and 38-31 to align with the updated procedures regarding refuse bags.

BACKGROUND:

Based on the recommendations from the Solid Waste Citizen Task Force, the City Commission moved forward with the hybrid approach to refuse collection, where residents can choose to get a poly-cart or use trash bags. Through those discussions it was determined that trash bags would no longer be provided to residents by the City. With the adoption of the new approach, the City Code needs to be updated to reflect the change.

Notable changes include:

- Removing “such as that provided by the city” in Section 38-30(1)
- Deletion in its entirety of Section 38-31 Plastic refuse bags provided by city

ACTION:

Consensus by the Governing Body to place on first consideration.

ATTACHMENTS:

- Draft Ordinance

(Summary Published in the Leavenworth Times on _____)

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE II (COLLECTION AND DISPOSAL) OF CHAPTER 38 (SOLID WASTE) OF THE LEAVENWORTH CODE OF ORDINANCES, DELETING SECTION 38-31 THEREIN, ADDING NEW AND SUBSTITUTE PROVISIONS, AND REPEALING THE PREVIOUS SECTIONS SO AMENDED.

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

Section 1. Section 38-30 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 38-30. – Residential unit regulations.

Each family within the city, including those families in multiple-family complexes and commercial establishment owners, shall:

- (1) Use for the collection of refuse a disposable container or a plastic can liner which shall be securely tied at the time of collection;
- (2) Not deposit more than sixty (60) pounds of refuse in any one container;
- (3) Drain all surplus water from garbage and wrap such garbage in heavy paper or place in a plastic bag before depositing such garbage for collection;
- (4) Tie newspapers, magazines and other papers into bundles with heavy cord before depositing the same for collection;
- (5) Place brush and yard debris, grass clippings and leaves in plastic bags, paper bags or other sturdy disposable containers before depositing for collection. Such disposable containers shall not be returned after collection;
- (6) Cut shrubbery, branches and all other similar trash in lengths of not more than five (5) feet and tie into bundles with heavy cord before depositing for collection;
- (7) Place refuse containers, bundles and disposable containers along the street at such times as are set out in this section. Collection of refuse shall ordinarily be made at least once each week and the collection areas shall be divided to provide a systematic and economical collection of such refuse. Refuse shall be at the designated collection point by no later than 7:00 a.m. of the

regularly scheduled collection days and no earlier than 24 hours prior to the day of collection.

Section 2. Section 38-31 of the Leavenworth Code of Ordinances is hereby deleted in its entirety and amended to read as follows:

Sec. 38-31. – Reserved.

Section 3. Sections 38-30 and 38-31 of the Leavenworth Code of Ordinances, in existence as of and prior to the adoption of this ordinance, and all other sections in conflict with the terms of this ordinance, are hereby repealed.

Section 4. This ordinance shall take effect and be in force from and after its publication in the official city newspaper as provided by law.

PASSED and APPROVED by the Governing Body on the ____ day of _____, 2023.

Jermaine Wilson, Mayor

{SEAL}

ATTEST:

Sarah Bodensteiner, CMC, City Clerk

**EXECUTIVE SESSION
DISCUSSION OF MATTERS RELATED TO SECURITY MEASURES
PUBLIC BODY OR AGENCY**

MAY 23, 2023

CITY COMMISSION ACTION:

Motion:

Move the City Commission recess into executive session for a period of _____ minutes for the purpose of discussing security measures pursuant to the *discussion of matters relating to security measures that protect a public body or agency, public building or facility or the information system of a public body or agency* exception per K.S.A. 75-4319 (b) (12) (C). The City Commission, City Manager and Police Chief will be present. The open meeting will resume in the City Commission Chambers at _____p.m.