

**AGENDA-SPECIAL MEETING
STERLING PLANNING COMMISSION**

114 N. Broadway, Sterling, Kansas
July 2, 2025, at 5:15 P.M.

A. CALL TO ORDER

B. APPROVAL OF THE AGENDA

C. CONSENT AGENDA

Items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a member of the Planning Commission desire to discuss any item, the item will be removed from the Consent Agenda and considered separately.

1. Approval of minutes
 - a. Planning Commission Regular Meeting February 20, 2025.

D. BUSINESS OF THE SPECIAL MEETING

1. Approve preliminary plat for City of Sterling Industrial Park 1.
2. Approve final plat for City of Sterling Industrial Park 1.

E. ADJOURNMENT

NOTICE: SUBJECT TO REVISIONS

It is possible that sometime between 4:30 and 5:15 pm immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Planning Commission may be present in the commission chambers or lobby of City Hall. No one is excluded from these areas during those times.

STERLING PLANNING COMMISSION
REGULAR MEETING
MINUTES
2/20/2025

The Sterling Board of Planning Commissioners met in regular session Thursday, February 20, 2025, at 5:15 P.M in the meeting room at City Hall. Those present were Jeff Laudermilk, Chairman (via teleconference); Jed Miller, Vice-Chairman (via teleconference), Brennan Stelling, Secretary; Joe Jacob, James Silman, and David Wilson, Planning Commissioners; Ian Hutcheson, Zoning Administrator / City Manager. Kash Farney, Planning Commissioner, was absent.

Secretary Stelling called the meeting to order.

APPROVAL OF AGENDA:

Commissioner Wilson moved, and Commissioner Silman seconded to approve the agenda. The motion carried 6-0.

CITIZEN COMMENTS: None.

APPOINTMENTS, PROCLAMATIONS, RECOGNITIONS, & NOMINATIONS:

1. Appoint the Chairman of the Planning Commission for 2025.

Vice-Chairman Miller was nominated amongst the Commission for appointment as Chairman of the Planning Commission for 2025.

Commissioner Wilson moved, and Commissioner Silman seconded to appoint Jed Miller as Chairman of the Planning Commission for 2025. The motion carried 6-0.

2. Appoint the Vice-Chairman of the Planning Commission for 2025.

Commissioner Wilson was nominated amongst the Commission for appointment as Vice-Chairman of the Planning Commission for 2025.

Secretary Stelling moved, and Commissioner Silman seconded to appoint David Wilson as Vice-Chairman of the Planning Commission for 2025. The motion carried 6-0.

3. Appoint the Secretary of the Planning Commission for 2025.

Secretary Stelling was nominated amongst the Commission for appointment as Secretary of the Planning Commission for 2025.

Commissioner Silman moved, and Commissioner Jacob seconded to appoint Brennan Stelling as Secretary of the Planning Commission for 2025. The motion carried 6-0.

CONSENT AGENDA:

1. Approval of minutes.
 - a. Planning Commission Regular Meeting August 15, 2024.

Vice-Chairman Wilson moved, and Secretary Stelling seconded to approve the Consent Agenda as presented. Motion carried 6-0.

OLD BUSINESS: None

NEW BUSINESS:

1. Hold public hearing on proposed zoning change of property located at the southwest corner of North Broadway Avenue and Avenue U from County Agricultural District (AG) to City Industrial District (I-1).

Zoning Administrator Hutcheson presented background on the proposed zoning change. On March 28, 2024, a development agreement for the construction of a new manufacturing and headquarters facility operated by KMW in Sterling was signed between the City, KMW, Ltd. and Rice County. On July 25, the land on which the new facility will be located was purchased by the City. On August 19, the unincorporated land which was previously within Rice County was annexed into the city limits. The quadrant of land is in the far northwest of the city and is bounded to the north by Avenue U, to the east by N. Broadway Avenue, to the south by an east-west property line extending approximately 1,500 feet north from W. Forest Avenue, and to the west by 11th Street/15th Road. In order to be utilized as the site of a manufacturing facility, the portion of the quadrant upon which the initial phase of development will be located will need to be zoned in the Industrial (I-1) District.

Hutcheson explained that on January 27, 2025, the City applied for a change of zoning district classification under case number Z-001-2025, included in Exhibit A, for a portion of the quadrant located in the northeast corner upon which the initial phase of the KMW development will be located, as shown in the map included in Exhibit B. Per Section 3-103(I) of the City's Zoning Regulations, all land that is annexed into the city from within Rice County retains its current zoning classification until an application to rezone the land to a City zoning classification is approved. The land is currently zoned County Agricultural (AG), and the City's application proposes to change the zoning district for the portion to City Industrial (I-1) to facilitate the development of the KMW expansion.

Hutcheson described how only a portion of the entire quadrant acquired by the City is proposed for a zoning district classification change. The portion in question is a 2,520,000 square foot rectangular area in the northeastern section of the quadrant at the corner of N. Broadway Avenue and Avenue U. It is the intention of the City to retain the County AG zoning classification for the remaining area of the quadrant, until such time as further industrial development is planned to extend into these areas.

Hutcheson discussed the process for approving amendments to the Zoning Regulations, including amendments to zoning district classifications, as described in Article 11 of the Zoning Regulations, included in Exhibit C.

Hutcheson recommended the Planning Commission open the public hearing regarding the proposed zoning change, close the public hearing after all comments from members of the public are received, and recommend that the City Commission approve the zoning change.

NEW BUSINESS (cont.):

Vice-Chairman Wilson moved, and Secretary Stelling seconded to open the public hearing. The motion carried 6-0.

There were no comments from any members of the public regarding the proposed zoning change.

Secretary Stelling moved, and Vice-Chairman Wilson seconded to close the public hearing. The motion carried 6-0.

There was no further discussion of the item.

Vice-Chairman Wilson moved, and Secretary Stelling seconded to recommend that the City Commission approve the zoning change of property located at the southwest corner of North Broadway Avenue and Avenue U from County Agricultural District (AG) to City Industrial District (I-1). The motion carried 6-0.

CITY MANAGER'S REPORT:

City Manager Hutcheson shared that there may be another Planning Commission meeting scheduled soon.

PLANNING COMMISSION COMMENTS: None.

EXECUTIVE SESSION: None.

ADJOURNMENT: There being no further business to come before the Planning Commission, it was moved by Secretary Stelling, and seconded by Vice-Chairman Wilson to adjourn. The motion carried 6-0.

Jed Miller, Chairman

**City of Sterling
Planning Commission Meeting
July 2, 2025**

TO: Planning Commission
SUBJECT: Approve preliminary plat for Sterling Industrial Park 1.
INITIATED BY: Subdivision Administrator
PREPARED BY: Subdivision Administrator
AGENDA: Business of the Special Meeting

Background: On March 28, 2024, a development agreement for the construction of a new manufacturing and headquarters facility operated by KMW in Sterling was signed between the City, KMW, Ltd. and Rice County. On July 25, the land on which the new facility will be located was purchased by the City. On August 19, the unincorporated land which was previously within Rice County was annexed into the city limits. On February 20, 2025, the Planning Commission held a public hearing on a proposed zoning district change for a portion of the land from County Agricultural (AG) to City Industrial (I-1) and recommended approval of the change to the City Commission. On March 17, an ordinance approving the zoning district change was approved by the City Commission.

On June 25, the City received two copies of the preliminary plat for the City of Sterling Industrial Park 1 from BG Consultants. The industrial park corresponds to the KMW expansion project site. The preliminary plat is included in Exhibit A, and a second version of the preliminary plat with the KMW facility overlaid is included in Exhibit B. The application for preliminary plat approval for the industrial park is included in Exhibit C.

Analysis: A preliminary plat is a document which displays the proposed subdivision of a property and important planning, zoning and engineering features such as rights-of-way, utilities and drainage. Once a preliminary plat is approved by the Planning Commission, a final plat may be applied for. A final plat incorporates any stipulated amendments to the preliminary plans, and once approved, grants the developer the authority to sell lots within the proposed subdivision.

Articles 4 and 5 of the City's Subdivision Regulations outline the contents of and procedures for approving preliminary plats. These sections are included in Exhibit D for reference by the Planning Commission in considering action on this item. Sections of particular note are:

- Section 4-103 details the actions of the Planning Commission as it concerns applications for preliminary plat approval.
- Section 4-105 notes the effect which approving a preliminary plat has.
- Section 5-100 lists the contents required for a preliminary plat application.

The Subdivision Administrator has reviewed the materials submitted by the applicants and found them to satisfy the content requirements for preliminary plats outlined in Section 5-100.

Financial: None.

Legal Considerations: None.

Recommendations/Actions: It is recommended the Planning Commission: Approve the preliminary plat for the City of Sterling Industrial Park 1 (**VOICE**).

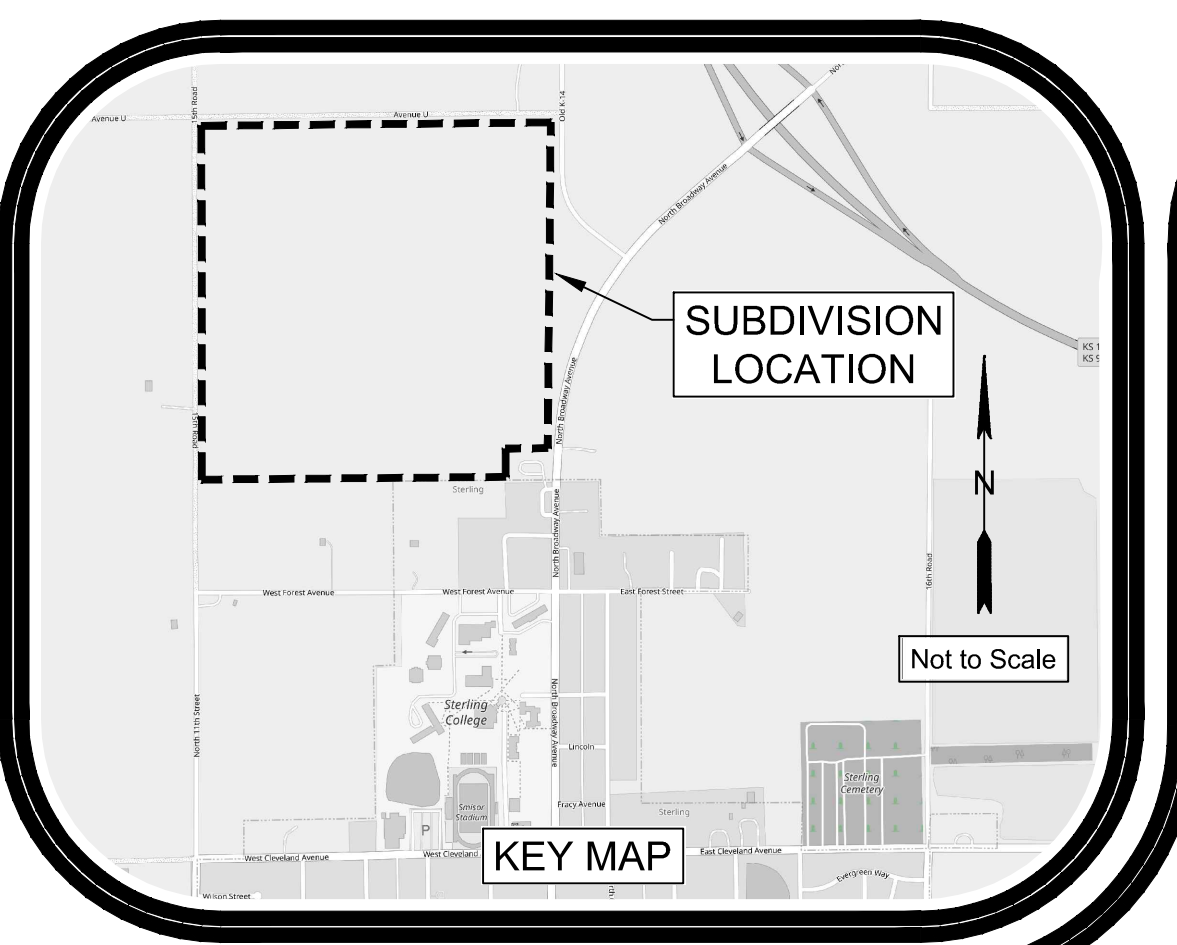
Attachments:

Exhibit A – City of Sterling Industrial Park 1 preliminary plat (1 page)

Exhibit B – City of Sterling Industrial Park 1 preliminary plat with facility overlay (1 page)

Exhibit C – Application for preliminary plat approval S/D-2025-001 (4 pages)

Exhibit D – Subdivision Regulations, Article 4 Procedure for Approval of Preliminary and Final Plats, and Article 5 Contents of Preliminary and Final Plats (18 pages)



- NOTES**
- Bearings used on this survey are based on the Kansas Regional Coordinate System Zone 6 (Beloit)
 - All dimensions shown on this plat are surveyed, unless noted
 - Fieldwork on this survey was completed on April 17, 2025
 - Origin of found monuments is uncertain, unless noted
 - Exterior boundary error of closure: 1 in 4008654
 - The Parent Tract(s) for this plat is recorded on the following documents at the Rice County Register of Deeds:
 - Book 188 Page 531
 - Book 188 Page 532
 - Book 188 Page 538
 - At this location, two monuments (3/8" Rebar & 1/2" Rebar w/ "SBBENG CLS 263" Cap) were found 2.00' apart, both on 1/4 Section Line.

FLOOD NOTE (per Flood Insurance Rate Map Number 20159C0430D effective November 17, 2022)
This plat lies within Zone X, Area of Minimal Flood Hazard and Zone A, 1% Annual Chance Flood without Base Flood Elevation (BFE)
Note: The only portion of this plat lying within Zone A is in the 11th Street Right of Way (per scaled flood map)

LOT AREAS		
Lot No.	Sq.Ft.	Acres
1	38,076	0.874
2	3,749,895	86.086
3	2,794,891	64.162
Right-of-Way	208,295	4.782

SURVEYORS CERTIFICATE
I, the undersigned, licensed land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on April 17, 2025 and the accompanying final plat prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 21 SOUTH, RANGE 8 WEST OF THE 6th P.M., IN THE CITY OF STERLING, RICE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED BY BRIAN J. WESTBERG, PS 1708, ON APRIL 28, 2025, AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16
S. 00°11'58" E. 2646.61 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 16; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16
N. 89°19'03" E. 2302.78 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK A, NORTHGATE NO. 1 ADDITION, RICE COUNTY, KANSAS; THENCE ALONG THE WEST LINE OF SAID LOT 1
N. 00°11'29" E. 190.40 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOT 1
N. 89°19'03" E. 216.68 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BEING ON THE WEST LINE OF A TRACT OF LAND CONVEYED TO THE SECRETARY OF TRANSPORTATION OF THE STATE OF KANSAS (KDOT) AS DESCRIBED ON DOCUMENT # 201601293 (BOOK DEED 180 PAGE 332) AT THE RICE COUNTY REGISTER OF DEEDS; THENCE ALONG THE WEST LINE OF SAID KDOT TRACT
N. 04°08'33" E. 345.76 FEET; THENCE CONTINUING ALONG THE WEST LINE OF SAID KDOT TRACT
N. 09°19'05" E. 263.11 FEET; THENCE CONTINUING ALONG THE WEST LINE OF SAID KDOT TRACT
N. 00°36'41" E. 125.97 FEET; THENCE CONTINUING ALONG THE WEST LINE OF SAID KDOT TRACT
N. 00°04'55" E. 405.15 FEET; THENCE ALONG THE WEST LINE OF A TRACT OF LAND CONVEYED TO THE KANSAS HIGHWAY COMMISSION AS DESCRIBED IN DISTRICT COURT CASE NO. 9282 (TRACT 6)
N. 00°05'11" E. 1325.17 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16, BEING 60.00 FEET WEST OF THE NORTH QUARTER CORNER OF SAID SECTION 16; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16
S. 89°14'16" W. 2600.86 FEET TO THE POINT OF BEGINNING, CONTAINING 155.90 ACRES (6,791,157 SQUARE FEET)

Given under my hand and seal at Manhattan, Kansas this _____ day of _____ A.D., 2025

BG Consultants, Inc.
4806 Vue Du Lac Place
Manhattan, Kansas 66503
785-537-7448

Brian J. Westberg, PS 1708

OWNER'S CERTIFICATE
STATE OF KANSAS)
COUNTY OF RICE) SS:

This is to certify that the undersigned is/are the owner(s) of record hereon described on this plat, and that said owner(s) has/have caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes herein set forth, and does hereby acknowledge and adopt the same under style and title indicated.

All street rights-of-way, if any, as shown on this plat are hereby dedicated to the public. Any pedestrian easement shown on this plat is for the purpose of pedestrian access or travel and is hereby dedicated to the public. Any utility or drainage easements, or licenses, shown on this plat are to locate, construct, and maintain or authorize the location, construction, and maintenance of poles, wires, conduits, water, gas and sewer pipes, and required drainage channels or structures upon the area marked for easements on this plat, are hereby dedicated to the public and all private improvements by the lot owner are the responsibility of the lot owner and subject to damage by those authorized to use said easement.

Given under my hand at _____, Kansas this _____ day of _____ A.D., 2025

Brian Inwood, Mayor
City of Sterling, Kansas

ACKNOWLEDGEMENT
STATE OF KANSAS)
COUNTY OF RICE) SS:

BE IT REMEMBERED, that on this _____ day of _____, 2025, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **Brian Inwood, Mayor, City of Sterling, Kansas**, who are personally known to me to be the same person(s) who executed the foregoing Owner's Certificate, and duly acknowledged the execution of the same.

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

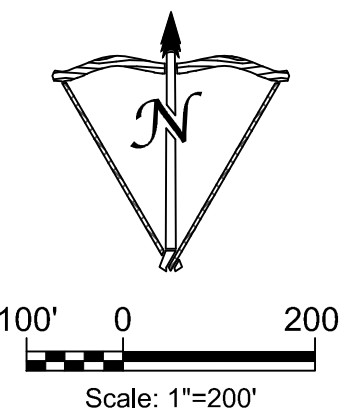
My appointment expires: _____

NOTARY PUBLIC

Center 1/4 Corner, Section 16, T21S, R8W
Found 5/8" Rebar w/ "GILSON" Cap
Origin: Kansas LS1278 (per LSRR dated 2/19/06)

LEGEND

	NAME	Existing Lot Number or adjacent landowner
○	Set 1/2" x 24" Rebar w/ "BG CONS PS 1708" Cap, unless noted	
●	Found Rebar w/ "KDOT" Aluminum Cap	(d)
⊙	Found 5/8" Rebar w/ "GARBER SURVEY CLS 52 KS" Cap	(s)
⊗	Found 1/2" Rebar w/ "ALPHA CLS-184" Cap	R/W
▲	Found Section Corner, as noted	U/E
①	Proposed Lot Number	A/E
		ℙ
		§



ZONING NOTE
Current Zoning: AG (County)
Proposed Zoning - Lot 1 & 2: I-1 (City)
Proposed Zoning - Lot 3: AG (County)

BUILDING SETBACK REQUIREMENTS
All building setback requirements shall be determined by the zoning district, unless otherwise noted.

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS)
COUNTY OF RICE) SS:

This plat was approved by the City of Sterling Planning Commission this _____ day of _____, 2025.

Chairperson _____ ATTEST: Secretary _____

CITY ATTORNEY'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF RICE) SS:

This plat was approved pursuant to the provisions of K.S.A. 12-401 this _____ day of _____, 2025.

City Attorney _____

GOVERNING BODY CERTIFICATE

STATE OF KANSAS)
COUNTY OF RICE) SS:

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of Sterling, Kansas, on this _____ day of _____, 2025.

Mayor _____ ATTEST: City Clerk _____

SURVEYOR'S REVIEW CERTIFICATE

STATE OF KANSAS)
COUNTY OF RICE) SS:

This plat has been reviewed and complies with the survey requirements of K.S.A. 58-2001, et. seq.

Reviewer: Chad W. Marsh License No. 1520

Signature: _____ Date: _____

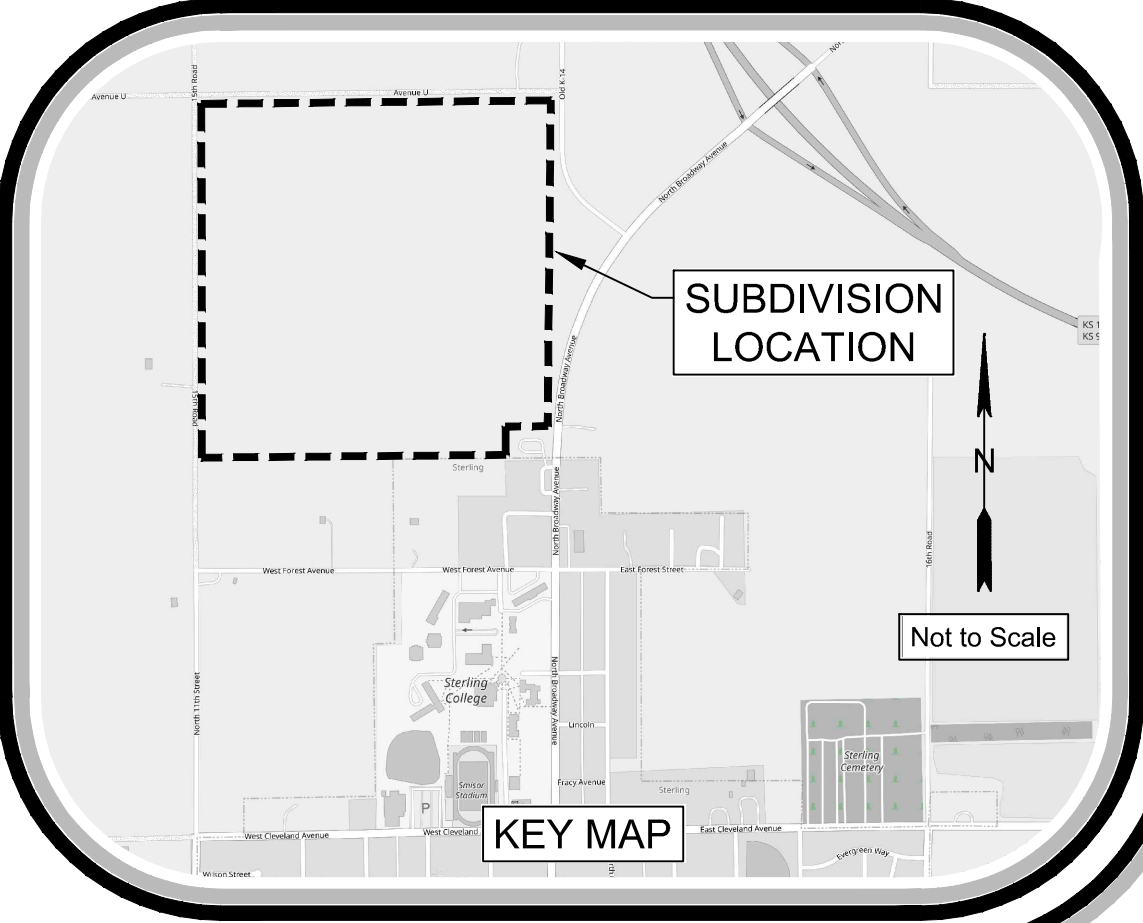
REGISTER OF DEED'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF RICE) SS:

This instrument was filed for record on the _____ day of _____ A.D., 2025, at _____ o'clock ____M., and duly recorded in Book _____ on Page _____.

Register of Deeds: _____

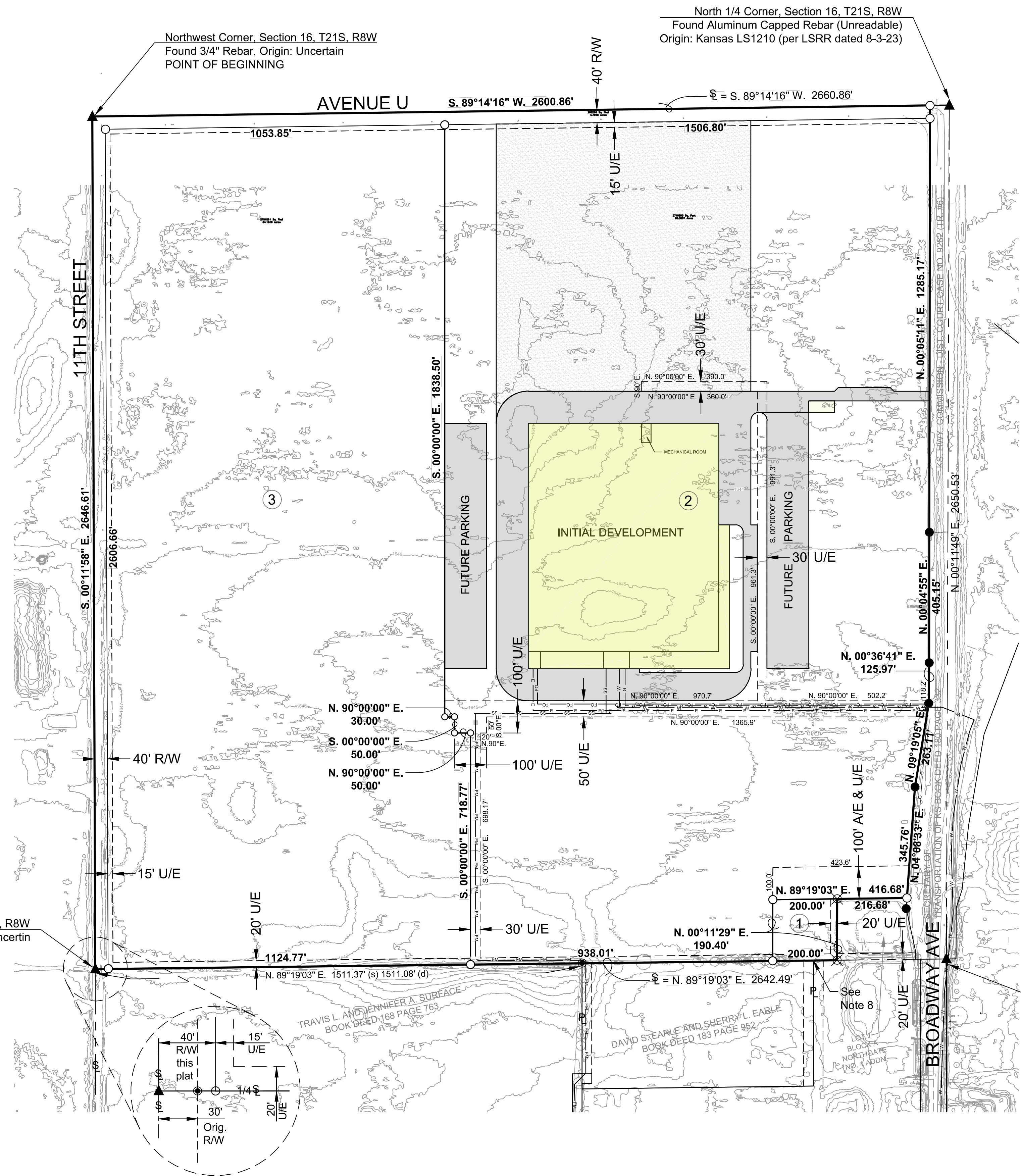
Deputy: _____



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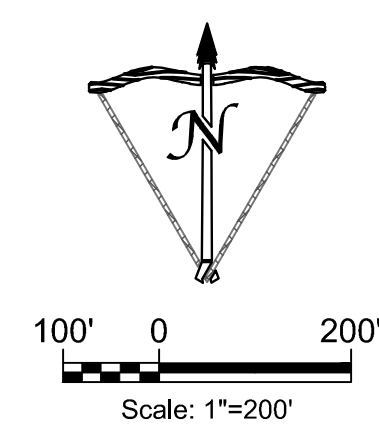
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Proposed Zoning - Lot 1 & 2: I-1 (City)
Proposed Zoning - Lot 3: AG (County)

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DESCRIPTION
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3	2,794,891	64.162
Right-of-Way	208,296	4.782



LEGEND		
	NAME	Existing Lot Number or adjacent landowner
	(d)	Deed Dimension
	(s)	Surveyed Dimension
	R/W	Right of Way
	U/E	Utility Easement
	A/E	Access Easement
	PL	Property Line
	SL	Section Line
	SS	Sanitary Sewer Line
	FM	Force Main
	W	Waterline
	E	Power Line
	FO	Fiber Optic Line
	G	Gas Line

Center 1/4 Corner, Section 16, T21S, R8W
Found 5/8" Rebar w/ "GILSON" Cap
Origin: Kansas LS1278 (per LSRR dated 2/19/06)

PRELIMINARY PLAT

City of Sterling Industrial Park 1

A SUBDIVISION IN THE NORTHWEST QUARTER SECTION 16, TOWNSHIP 21 SOUTH, RANGE 8 WEST RICE COUNTY, KANSAS

Prepared By:

BG CONSULTANTS
ENGINEERS • ARCHITECTS • SURVEYORS

4806 Vue du Lac Place, Manhattan, KS 66503
T: 1.785.537.7448 | Web: www.bgcons.com
Manhattan | Lawrence | Emporia

June 25, 2025 25-1185

APPLICATION FOR PRELIMINARY PLAT APPROVAL

*This is an application for processing a preliminary plat in accordance with the City Subdivision Regulations. The application must be completed, accompanied by the fee, and filed with the Subdivision Administrator at least **30 days prior** to a regular meeting date of the Planning Commission.*

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.)

Name of Subdivision: City of Sterling Industrial Park 1

General location: North side of town, West of Broadway Ave

☒ Inside city ☐ To be annexed ☐ Outside city

Name of Landowner: City of Sterling

Company Name: _____

Address: 114 N Broadway (PO Box 287) Sterling, KS 67579

Phone: 620-278-3423 Email: ihutcheson@sterling-kansas.com

Name of (Subdivider) (Agent): Brian Westberg

Company Name: BG Contsultants, Inc.

Address: 4806 Vue Du Lac Place, Manhattan, KS 66503

Phone: 785-537-7448 Email: brian.westberg@bgcons.com

Name of (Engineer) (Land Planner): Brian Foster

Company Name: BG Contsultants, Inc.

Address: 4806 Vue Du Lac Place, Manhattan, KS 66503

Phone: 785-537-7448 Email: brian.foster@bgcons.com

Name of Licensed Land Surveyor: Brian Westberg

Company Name: BG Contsultants, Inc.

Address: 4806 Vue Du Lac Place, Manhattan, KS 66503

Phone: 785-537-7448 Email: brian.westberg@bgcons.com

Subdivision Information

1. Gross acreage of plat: 155.90 acres
2. Total number of lots: 3
3. Proposed land use for an (☒ urban-type) (☐ rural-type) subdivision:
 - a. ☐ Residential / Single-Family _____
 - b. ☐ Residential / Duplex _____
 - c. ☐ Residential / Multiple-Family _____
 - d. ☐ Residential / Manufactured/Mobile Home _____
 - e. ☐ Commercial _____
 - f. ☒ Industrial _____
 - g. ☐ Other _____
4. Predominant minimum lot width: see draft feet
5. Predominant minimum lot area: see draft square feet
6. Existing zoning: County AG District
7. Proposed zoning: Lot 1 & 2 I-1, Lot 3 County AG District
8. Source of water supply: City
9. Method of sewage disposal: City
10. Total lineal feet of new street: 0 feet

<u>Street Name</u>	<u>R/W Width</u>	<u>Lineal Feet</u>
a. _____	_____ feet	_____ feet
b. _____	_____ feet	_____ feet
c. _____	_____ feet	_____ feet
d. _____	_____ feet	_____ feet
e. _____	_____ feet	_____ feet
11. Proposed type of street surfacing: _____
12. Curb and gutter proposed: ☐ Yes ☐ No
13. Sidewalks proposed: ☐ Yes ☒ No If yes, where? _____

14. Is any portion of the proposed subdivision located in an identified floodplain area?
☐ Yes ☒ No

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, resolutions, policies, and standards of the City, County or Township and statutes of the State of Kansas. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City, County or Township to inspect the land as may be necessary for proper plat review.

Signature: [Signature], Landowner

Print name: Ian Hutchinson

Date: June 25, 2025

Signature: [Signature], Agent (if any)

Print name: BRIAN WESTBERG

Date: JUNE 25, 2025

OFFICE USE ONLY

Number of Prints of the Preliminary Plat received: 2

Vicinity map of existing and proposed street system received: ☒ Yes ☐ No

Statement of proposed improvements and their method of financing and guaranteeing received: ☒ Yes ☐ No

Preliminary drainage plan, if required, received: ☐ Yes ☒ No

This application was received by the Subdivision Administrator at 12:07 (am, pm)
on June 25, 2025.

It has been checked and found to be complete and accompanied by the required information for submittal, and the fee of \$ —.

Signature: [Signature], Subdivision Administrator

Print name: Ian Hutchinson

Date: June 25, 2025

Provide copy to:

- Subdivider and/or Agent

ARTICLE 4. PROCEDURE FOR APPROVAL OF PRELIMINARY AND FINAL PLATS

- 100 **Submittal of Sketch Plan.** The subdivider may, if deemed desirable, submit a sketch plan at least 20 days prior to their meeting in order to receive the pre-plat comments of the Subdivision Committee and/or the Planning Commission which may prove helpful in designing the preliminary plat. Fifteen copies of the sketch plan should be submitted to the Subdivision Administrator in a simple format sufficient to convey the location of proposed streets and utilities, the general layout of lots, and to note any particular design situations which could benefit from an early discussion of the problems. One copy of the sketch plan shall be returned to the subdivider with notations marked as to the comments resulting from such a review process. No fee shall be charged for the sketch plan review.
- 101 **Filing of Preliminary Plat.** An application shall be filed with the Subdivision Administrator at least 30 days prior to the next regular meeting of the Planning Commission and such number of copies of the preliminary plat as may be determined necessary by the Administrator for proper review by affected and interested governmental and public and private organizations. Such plat shall not be accepted for filing until the fee as provided for in Section 3-109 has been paid by the subdivider to the Clerk. The preliminary plat shall contain the information as set out in Section 5-100 of these regulations.
- 102 **Distribution and Review of Preliminary Plat.** After the filing of the preliminary plat, the Subdivision Administrator shall distribute copies to affected and interested governmental and public and private organizations as appropriate. Organizations receiving copies shall have 15 days to review the preliminary plat and to make their comments and recommendations to the Planning Commission. A lack of response in 15 days shall, at the discretion of the Commission, signify approval, unless during this period a written request for an extension of one time only not to exceed 15 days is submitted to the Commission.
- 103 **Action by the Planning Commission on Preliminary Plat.** The Planning Commission shall review the preliminary plat and consider the comments and recommendations of the organizations to whom the preliminary plat had been submitted for review. If deemed desirable, the Commission may mail notices or copies of agendas to interested parties and conduct a public hearing for the purpose of receiving information supporting or opposing the preliminary plat.
- A. The Planning Commission shall determine whether the preliminary plat generally meets the design standards and requirements of these regulations, the Comprehensive Plan, the applicable zoning regulations and other applicable provisions of the ordinances of the City.
 - B. If satisfied, the Planning Commission shall approve the preliminary plat with or without conditions by a majority vote of the members present and voting, and so notify the subdivider in writing.

- C. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, it may suggest modifications so as to satisfy such conditions and in such event:
 - 1. The subdivider may amend the preliminary plat so as to incorporate such modifications and resubmit the plat to the Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or
 - 2. The subdivider may reject the suggested modifications or, within the time allowed for Commission action, may refrain from taking any action thereon. In either event, the preliminary plat shall be deemed to have been disapproved and the Commission shall thereupon furnish the subdivider with a written statement setting forth the reasons for disapproval of the preliminary plat.
- D. If the Planning Commission determines that the preliminary plat does not satisfy the conditions of these regulations and that modifications would be too extensive or impractical, it shall disapprove the preliminary plat and immediately notify the subdivider in writing of its action, all within 60 days.

104 Failure of Planning Commission to Act on Preliminary Plat. If the Planning Commission fails to approve or disapprove a preliminary plat within 60 days after the date such plat is filed with the Subdivision Administrator or from the date the subdivider has filed the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented in writing to extend or waive such time limitation.

105 Effect of Approval of Preliminary Plat.

- A. Approval of the preliminary plat shall not constitute approval of the subdivision by the Planning Commission, but shall signify in general the acceptability of the proposed subdivision.
- B. Such approval shall be considered permission to submit the final plat accompanied by the information required by Section 5-101R.
- C. Such approval shall be effective for no more than 12 months from the date approval was granted, unless, upon application from the subdivider, the Planning Commission grants an extension of time beyond such period. If a final plat for the entire subdivision or a unit thereof has not been filed with the Subdivision Administrator within such period, or any extensions granted thereto, the preliminary plat must be resubmitted to the Commission as if such plat had never been approved, except that no additional fee shall be charged for such resubmittal if there are no substantive changes from the previous preliminary plat approval.

- 106 **Filing of Final Plat.** An application for final plat approval, together with a sufficient number of copies as determined by the Subdivision Administrator for proper review, shall be filed with the Administrator at least 20 days prior to the next regular meeting of the Planning Commission and within 12 months after the date that the preliminary plat has been approved. The Administrator shall transmit the final plat to the Commission and to other affected and interested governmental and public and private organizations as desirable for any further recommendations. The final plat shall contain the information as set out in Section 5-101 of these regulations. An application for a replat approval is processed in the same manner as a final plat. (See Section 2-102 for definition of a REPLAT under the heading of PLAT.)
- 107 **Planning Commission Action on the Final Plat.** The Planning Commission shall, within 60 days after the first meeting of the Commission following the date that the plat with all required data is filed with the Subdivision Administrator, review and approve the final plat by a majority vote of the members present and voting if:
- A. It is substantially the same as the approved preliminary plat; or
 - B. There has been compliance with all conditions which may have been attached to the approval of the preliminary plat; and
 - C. It complies with all of the provisions contained in these regulations and of other applicable regulations or laws.
- 108 **Failure of Planning Commission to Act on Final Plat.** If the Planning Commission fails to approve or disapprove the final plat within the 60 days designated by state law for its consideration as stated in Section 4-107, it shall be deemed to have been approved and a certificate shall be issued by the Secretary upon demand, unless the subdivider shall have consented in writing to extend or waive such time limitation. (See K.S.A. 12-752[b].)
- 109 **Submittal to Governing Body of Final Plat.** Before a final plat is recorded, it shall be submitted to the Governing Body for its acceptance of dedications for street rights of way and other public ways, drainage and utility easements, and any land dedicated for public use and accompanied by guarantees for the installation of required improvements according to Section 7-104.
- 110 **Governing Body Action on Final Plat.** The Governing Body shall either accept or not accept the dedication of any land for public purposes by a majority vote within 30 days after the first meeting of the Governing Body following the date of the submission of the plat to the Clerk. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. If the Governing Body defers action on the plat or declines to accept the dedications thereto, it shall advise the Planning Commission and the subdivider in writing of the reasons therefor. Acceptance of the dedications on the plat shall be shown over the signature of the Mayor and attested to by the Clerk.

- 111 **Acceptance of Dedications by County.** All final plats outside the City shall also be submitted by the subdivider to the appropriate County official for presentation to the Board of County Commissioners for their acceptance of dedications for street rights of way and other public ways, drainage and utility easements, and any land dedicated for public use and accompanied by guarantees for the installation of required improvements according to Section 7-104.
- 112 **Recording of Final Plat.** The final plat with all required signatures and in the exact form as accepted by the Governing Body shall be recorded by the subdivider with the County Register of Deeds. The subdivider shall pay the recording fee and any outstanding real estate taxes and special assessments. Approval of the final plat by the Planning Commission and acceptance by the Governing Body shall be null and void if (1) the plat is not acceptable for recording in the office of the Register of Deeds; or (2) is not recorded within 60 days after final acceptance by the Governing Body; or (3) is not recorded within 15 days after final acceptance by the applicable County Governing Body under the preconstruction procedures of Section 7-104C. The subdivider shall submit to the Subdivision Administrator such number of copies of the recorded plat as are necessary for record keeping purposes of the City and other affected governmental agencies as well as a DWG or DXF file and a PDF file. (See Section 5-101R1 for title report and Section 10-100C for Vacation of Unrecorded Plat.)
- 113 **Unit Developments.** The foregoing provisions of these regulations to the contrary notwithstanding, an approved preliminary plat may be submitted for final approval in separate geographic units rather than as a whole, provided the following conditions are met:
- A. Each unit of a plat of subdivision shall contain an area of sufficient size based on physical conditions and ability to install improvements economically.
 - B. The approval of the Planning Commission as to the feasibility of such development, in separate units, including the feasibility of the proposed sequence of development, shall be secured.
 - C. A final plat of at least one unit shall be filed within 12 months from the date of approval of the preliminary plat, and final plats of all such units shall be filed within five years from the date that the preliminary plat was approved. The Planning Commission on application of the subdivider, may, from time to time, grant extensions of time within which to submit such final plats, provided that each such extension shall be for no more than one year.
 - D. All steps required for the approval of final plats, including the recording thereof, shall be adhered to with respect to each unit so submitted.
 - E. A replat of all or a portion of a recorded final plat may be submitted at any time.

114 Approval of Plats for Small Tracts.

- A. Authorization. Any other provision of these regulations to the contrary notwithstanding, if a proposed plat of subdivision or resubdivision complies with the requirements of Section 4-114B, then the Planning Commission may approve a final plat of such subdivision or resubdivision when neither a sketch plan nor a preliminary plat has been filed by the subdivider and a preliminary plat has not been approved by the Planning Commission.
- B. Requirements. In order to qualify for approval in the manner provided in Section 4-114A, a proposed plat of subdivision shall comply with the following requirements:
 - 1. The proposed plat of subdivision shall include not more than 10 acres if a residential plat, nor more than five acres for any other type of plat, unless approved for a larger acreage by the Planning Commission.
 - 2. The proposed plat of subdivision shall create not more than five lots, tracts or parcels of land, unless approved for a larger number by the Planning Commission.
 - 3. No public street or easement of access, e.g., a utility or drainage easement, is sought to be dedicated or is contemplated or projected through (as opposed to adjacent to) the lot, tract or parcel proposed to be subdivided or resubdivided.
 - 4. The proposed plat of subdivision shall be in the form required by Section 5-101 and shall contain all the data, information and certificates required on final plats as well as the supplemental information.
 - 5. Submission of the fees as required by Section 3-109.
- C. Procedures.
 - 1. Final plats filed for approval pursuant to Section 4-114 shall be filed with the Subdivision Administrator who may submit such plat for review and recommendations to affected and interested governmental agencies and public and private utility providers as deemed desirable. The Administrator may require the subdivider to submit topographic information whenever the property proposed to be subdivided or resubdivided is traversed by or is adjacent to a known watercourse, including intermittent streams or is subject to flooding as defined in Section 6-104.
 - 2. The approval of final plats by the Planning Commission pursuant to Section 4-114 shall be subject to the same procedural provisions of a final plat, except insofar as the said sections require prior approval of, or compliance with, an approved preliminary plat.

ARTICLE 5. CONTENTS OF PRELIMINARY AND FINAL PLATS

100 **Contents of Preliminary Plat.** The preliminary plat shall be drawn at a scale of not less than one inch equals 100 feet; however, areas over 100 acres may be at a scale of one inch equals 200 feet.

A. **General Information.** The following general information shall be shown on the preliminary plat:

1. Proposed name of the subdivision not duplicating or resembling the name of any plat heretofore recorded within the area of jurisdiction of these regulations. The use of the word "Addition" should be used for a plat which has just been or is in the process of being annexed and not for the subdivision of land already in the City.
2. Date of preparation, north point and scale of drawing.
3. An identification clearly stating that the drawing is a preliminary plat.
4. Location of the subdivision by quarter-section, section, township and range and by measured distances to a section corner to further define the location and boundary of the tract.
5. Names of adjacent subdivisions or, in the case of unplatted land, the name of the owner or owners of adjacent property.
6. The name and address of the landowner, the subdivider and the name and seal of the land planner who prepared the plat and surveyor who did the topographic survey.

B. **Existing Conditions.** The following existing conditions shall be shown on the preliminary plat:

1. The location, right of way, width and names of all existing public or private streets within or adjacent to the tract, together with easements, railroad rights of way and other important features such as section lines and corners, city and township boundary lines and monuments.
2. The horizontal location within the subdivision and the adjoining streets and property of existing sanitary and storm water sewers including flow lines, water mains, culverts, catch basins, manholes, fire hydrants, underground wiring, pipe lines and gas lines proposed to serve the subdivision.
3. Contour lines or spot elevations based on U.S. Geological Survey datum having the following intervals:
 - a. Two-foot contour intervals for ground slopes less than 10%.

- b. Five-foot contour intervals for ground slopes exceeding 10%.
- c. Spot elevations where the ground is too flat for contours.

The date of the topographic survey shall be shown including the location, elevation and description of the benchmark controlling the vertical survey.

- 4. Locations of existing monuments or survey markers used in preparation of the survey.
- 5. The location and direction of all watercourses and areas subject to flooding as determined by Section 6-104.
- 6. Significant natural features including, but not limited to rock out croppings, wetlands, lakes and wooded areas.
- 7. Existing use of the property including the location of all existing structures showing those that will be removed and those that will remain on the property after the final plat is recorded.
- 8. Boundary line of proposed subdivision clearly indicated and total acreage therein.
- 9. Zoning district classifications on and adjacent to the tract, if any.

C. Proposed Subdivision Plat. The following information with respect to the manner in which the tract is to be subdivided and developed shall be included on the preliminary plat:

- 1. Streets showing the location, right of way, width, names and approximate grades thereof. The preliminary plat shall show the relationship of all streets to any projected streets shown or to any related Comprehensive Plan proposal or, if none proposed, then as determined by the Planning Commission.
- 2. Street names which do not duplicate any heretofore used in the City or its environs, unless the street is an extension of or in line with an already named street, in which event that name shall be used. Appropriate prefixes and suffixes which provide relative direction and type of street should accompany such names. Street names shall be subject to the approval of the Planning Commission and follow the applicable City's or County's Street Naming and Property Numbering Policy, if adopted. Property numbers are assigned by the City or County depending upon the agreed upon jurisdictional policy.

3. Easements showing width and purpose such as for utilities, drainage, screening, open space, pedestrian ways and alleys.
4. Location and type of utilities to be installed.
5. Lots showing approximate dimensions, minimum lot sizes and proposed lot numbers and block letters or numbers.
6. Sites, if any, to be allocated for development with other than single-family dwellings or to be dedicated or reserved for park, recreation area, open space or other public or private purposes. (See Section 2-102 for definition of RESERVE.)
7. Proposed building setback lines, if any, but not less than applicable zoning regulations. The setback should be measured from the existing or proposed street right of way, whichever is a greater distance.

D. Additional Data and Information to be Submitted with the Preliminary Plat. The following information shall be submitted in separate statements and/or drawings accompanying the preliminary plat, or, if practical, such information may be shown on the preliminary plat:

1. A vicinity map showing existing subdivisions, streets and unsubdivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets.
2. A statement as to the nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to finance and guarantee their installation, e.g., petition, actual construction, monetary guarantee, etc. (See Section 7-103 for guarantees for installation of improvements.)
3. When deemed necessary by the Subdivision Administrator, a preliminary drainage plan based on standards and policies of the applicable jurisdiction.

101 Contents of Final Plat. The final plat shall be prepared by a licensed land surveyor in a computer aided drafting (CAD) program in black ink on Mylar or its equivalent. The permitted page sizes shall be 24 inches by 36 inches or smaller. Larger sizes will not be accepted. The scale shall be not less than 100 feet to one inch except that a variation in scale may be allowed where the Planning Commission determines it is necessary for a proper exhibit of the subdivision. When more than one sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g., Sheet 1 of 3). Linear dimensions shall be given in feet and decimals of a foot. The final plat shall show on the face thereof:

- A. The name of the subdivision followed by a reference to its location by quarter-section, section, township and range.
- B. The date of preparation, scale, north point, legend and controlling physical features, such as highways, railroads, watercourses and areas subject to flooding as determined by Section 6-104.
- C. Legal description of the tract boundaries. (See Section 5-101Q1 for land surveyor's certificate and description.)
- D. Reference ties to previous surveys and plats, as follows: (See Section 7-102J for monuments as required improvements.)
 - 1. Distance and direction to the monuments used to locate the land described in the certificate of survey.
 - 2. The location of all other monuments required to be installed by these regulations.
- E. Location and elevation of permanent benchmark.
- F. Tract boundary, block boundary, street and other right of way lines with distances and angles (and/or bearings). Where these lines follow a curve (all curves must be circular), the central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown. Error of closure of the perimeter survey shall not exceed one foot for each 10,000 feet.
- G. Lot lines with dimensions. Side lot lines shall be at right angles or radial to street lines unless otherwise shown. Rear lot lines shall be parallel to block or tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.
- H. Lot numbers beginning with number one and numbered consecutively in each block.
- I. Block letters or numbers continuing consecutively without omission or duplication throughout the subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
- J. All easements shall be denoted by fine dashed lines, clearly identified and, if already on record, the recorded reference of such easements. If an easement is not definitely located of record, a statement of such easement shall be included. The width of the easement with sufficient ties to locate it definitely with respect to the subdivision must be shown and its purpose such as for utilities, drainage, screening, open space, pedestrian ways or alleys. If the easement is being dedicated through the plat, it shall be properly referenced in the owner's certificate and dedication.
- K. The width of street rights of way and any portion thereof being dedicated by the plat as well as the width of any existing right of way and the centerline of any adjacent perimeter streets.

- L. The name of each street shown on the subdivision plat including appropriate prefixes and suffixes.
- M. Minimum building setback lines, if any, but not less than applicable zoning regulations. The setback should be measured from the existing or proposed street right of way, whichever is a greater distance.
- N. Land parcels to be dedicated or reserved for any purpose, public or private, to be distinguished from lots or tracts intended for sale. (See Section 2-102 for definition of RESERVE.)
- O. When deemed desirable, the minimum pad elevation of each lot or parcel of land based on the design criteria of Section 6-104 so that each pad is elevated at least one foot above the base flood elevation. (See Section 2-102 for definition of MINIMUM PAD ELEVATION.)
- P. Marginal lines encircling the sheet. All information shall be within this margin.

Q. The following certificates, which may be combined where appropriate: (Certificates requiring a seal should be located near the edge of the plat to facilitate affixing the seal. All names on the plat must also be typed or clearly printed under the signature.)

1. A certificate signed by a licensed land surveyor responsible for the survey and final plat. The surveyor shall not sign the plat until all monuments, irons or benchmarks have been set as required by these regulations. Such signature shall be accompanied by the legal description of the land surveyed, the total acreage, the month and year such survey was made and the surveyor's seal. This certificate may be in the following form:

LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, the undersigned, licensed land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on _____, 20__ and the accompanying final plat prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

(Legal description, date of survey and acreage. If applicable, reference may be made to indicate that existing public easements and dedications are being vacated according to provisions of K.S.A. 12-512b. [See Section 10-101A1 for provisions of K.S.A. 12-512b.]

Date _____, 20__

(S E A L)

(Land Surveyor's name and license number)

2. According to K.S.A. 58-2005, all plats are to be reviewed by the designated County Surveyor who must be a licensed land surveyor to determine compliance with the survey requirements of K.S.A. 58-2001, et seq. before the plat can be recorded. The following certificate may be amended from time to time to meet the policy of the County:

COUNTY SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF RICE)

This plat has been reviewed and complies with the survey requirements of K.S.A. 58-2001, et seq.

Date _____, 20__

(S E A L)

(Land Surveyor's name and license number)

3. Certificates signed and acknowledged by all parties having any record or possessory right, title or interest in the land subdivided including mortgagees consenting to the preparation and recording of the subdivision plat; and dedicating all tracts of land shown on the final plat which are intended for public use as highways, streets, alleys, easements and public sites. These certificates may be in the following form:

OWNER'S CERTIFICATE AND DEDICATION

STATE OF KANSAS)
) ss
COUNTY OF RICE)

This is to certify that the undersigned owner(s) of the land described in the Land Surveyor's Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets and other public ways under the name of _____; (located in) (an addition to) (located outside of) the City of Sterling, Rice County, Kansas; that all highways, streets, alleys, easements and public sites as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations and covenants now on file or hereafter filed in the Office of the Register of Deeds of Rice County, Kansas.

Date _____, 20__

Date _____, 20__

_____, Owner
(Print Name)

_____, Owner
(Print Name)

MORTGAGE HOLDER

We, (Name of institution and location), by (Name and title of officer), holders of a mortgage on the above described property do hereby consent to the plat of (Name of plat), City of Sterling, Rice County, Kansas.

(Name of institution and location)

(Name and title)

6. If the plat is an addition to the City, i.e., an annexation, a certificate signed by the City Attorney indicating that all conditions of K.S.A. 12-401 have been met: (See Section 5-100A1 for use of the word "Addition.")

CITY ATTORNEY'S CERTIFICATE

STATE OF KANSAS)
) ss
CITY OF STERLING)

This plat is approved pursuant to the provisions of K.S.A. 12-401.

Date _____, 20__

_____, City Attorney
(Print Name)

7. The acceptance of dedications by the Governing Body in the following form:

GOVERNING BODY CERTIFICATE

STATE OF KANSAS)
) ss
CITY OF STERLING)

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of Sterling, Kansas on _____, 20__

Date Signed _____, 20__

_____, Mayor
(Print Name)

ATTEST:

_____, City Clerk
(Print Name)

8. The acceptance of dedications by the Board of County Commissioners for plats **outside the City only** in the following form:

COUNTY COMMISSIONERS' CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF RICE)

The dedications shown on this plat, if any, are hereby accepted by the Board of County Commissioners, Rice County, Kansas, on _____, 20__.

Date Signed _____, 20__

_____, Chairman
(Print Name)

(Provide signature space for all commissioners.)

(S E A L)

ATTEST:

_____, County Clerk
(Print Name)

10. Subdivisions which lie outside the city limits for which requests have been made for the extension of one or more City utility services shall agree to a waiver of protest of potential future annexation by a statement reading "Owners of lands within this subdivision do hereby bind themselves to waive any protest to annexation by the City of Sterling, Kansas," which shall be shown on the final plat and included in restrictive covenants of the subdivision. When such an agreement is contained in such restrictive covenants and filed by the City with the County Register of Deeds within 30 days after being executed by all parties, it shall be deemed to be sufficient consent to annexation under K.S.A. 12-520, as amended, to bind the owner(s) of the land to be subdivided and any successors in interest. (See Section 5-101R3 for restrictive covenants.)
 11. Provision for all other certifications, approvals and acceptances which are now, or which may hereafter be, required by any statute, ordinance or regulation. The form of these certifications may be modified as necessary by the City's legal counsel to meet statutory or other requirements.
- R. The following additional information shall be submitted with the final plat:
1. A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the owner of the land and all other persons who have an interest therein and describing any encumbrances on the plat, including such items as rights of way, easements, pipelines, leases, mineral rights, mortgages, real estate taxes, special assessments and other encumbrances affecting the ownership. (See Section 5-101Q9 on payment of real estate taxes and special assessments before recording.)
 2. When deemed necessary by the Subdivision Administrator, a final drainage plan based on the standards and policies set by the applicable jurisdiction as determined by the designated Engineer including a four-corner grading plan for each lot plus minimum pad elevations if located in a flood prone area. The plat shall also clearly note that a drainage plan has been developed for the subdivision which is on file with the City Subdivision Administrator and that all drainage easements, rights of way or reserves shall remain at the established grades or as modified with the approval of the applicable Engineer and unobstructed to allow for the conveyance of storm water.
 3. A copy, if any, of restrictive covenants applicable to the subdivision. As a service to the subdivider, such restrictions may be reviewed by the Planning Commission and other officials to determine if any potential conflicts exist with the City's laws. If the condition exists for outside the City utility service as described in Section 5-101Q10, then restrictive covenants must be submitted for review of the annexation waiver provisions.

**City of Sterling
Planning Commission Meeting
July 2, 2025**

TO: Planning Commission
SUBJECT: Approve final plat for City of Sterling Industrial Park 1.
INITIATED BY: Subdivision Administrator
PREPARED BY: Subdivision Administrator
AGENDA: Business of the Special Meeting

Background: On March 28, 2024, a development agreement for the construction of a new manufacturing and headquarters facility operated by KMW in Sterling was signed between the City, KMW, Ltd. and Rice County. On July 25, the land on which the new facility will be located was purchased by the City. On August 19, the unincorporated land which was previously within Rice County was annexed into the city limits. On February 20, 2025, the Planning Commission held a public hearing on a proposed zoning district change for a portion of the land from County Agricultural (AG) to City Industrial (I-1) and recommended approval of the change to the City Commission. On March 17, an ordinance approving the zoning district change was approved by the City Commission.

On June 25, the City received a final plat for the City of Sterling Industrial Park 1 from BG Consultants. The industrial park corresponds to the KMW expansion project site. The final plat is included in Exhibit A. The application for final plat approval for the industrial park is included in Exhibit B.

Preceding the final plat approval on the July 2 Planning Commission meeting agenda is the approval of the preliminary plat.

Analysis: A final plat is a document which displays the proposed subdivision of a property and important planning, zoning and engineering features such as rights-of-way, utilities and drainage. Once a preliminary plat is approved by the Planning Commission, a final plat may be applied for. A final plat incorporates any stipulated amendments to the preliminary plans, and once approved, grants the developer the authority to sell lots within the proposed subdivision.

Articles 4 and 5 of the City's Subdivision Regulations outline the contents of and procedures for approving final plats. These sections are included in Exhibit C for reference by the Planning Commission in considering action on this item. Sections of particular note are:

- Section 4-106 reviews the process for filing a application for final plat approval.
- Section 4-107 lists the conditions upon which the Planning Commission shall review and approve a final plat.
- Section 4-108 notes that should the Planning Commission fail to either approve or disapprove of a final plat within 60 days of the first Commission meeting after the final plat was received, the plat will be considered as approved.

- Section 4-109 mentions that before a final plat is recorded, it must be submitted to the City Commission for its acceptance of dedications for any land for public purposes.
- Section 4-110 discusses the actions the City Commission may take on the dedication of any land for public purposes associated with a final plat.
- Section 4-112 reviews the process for registering a final plat with the County Register of Deeds.
- Section 5-101 lists the required contents of a final plat.

The Subdivision Administrator has reviewed the materials submitted by the applicants and found them to satisfy the content requirements for preliminary plats outlined in Section 5-101.

Financial: None.

Legal Considerations: None.

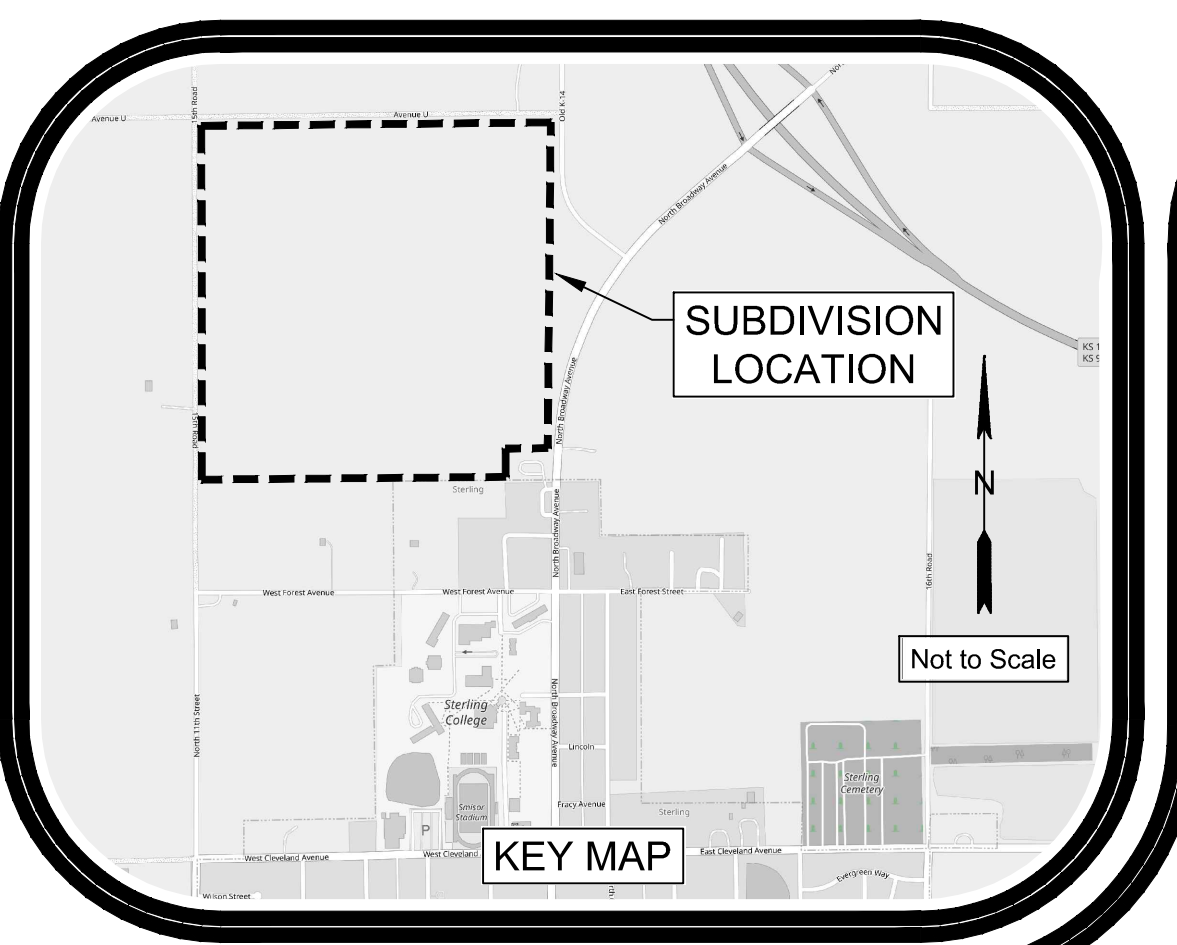
Recommendations/Actions: It is recommended the Planning Commission: Approve the final plat for the City of Sterling Industrial Park 1 (**VOICE**).

Attachments:

Exhibit A – City of Sterling Industrial Park 1 final plat (1 page)

Exhibit B – Application for final plat approval S/D-2025-002 (3 pages)

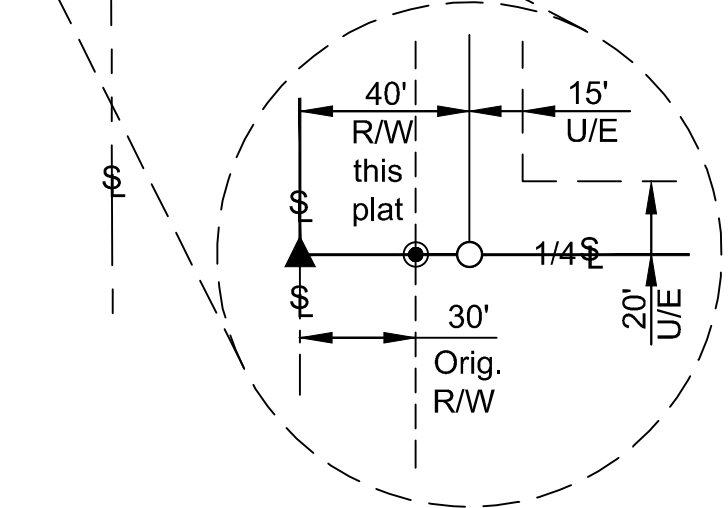
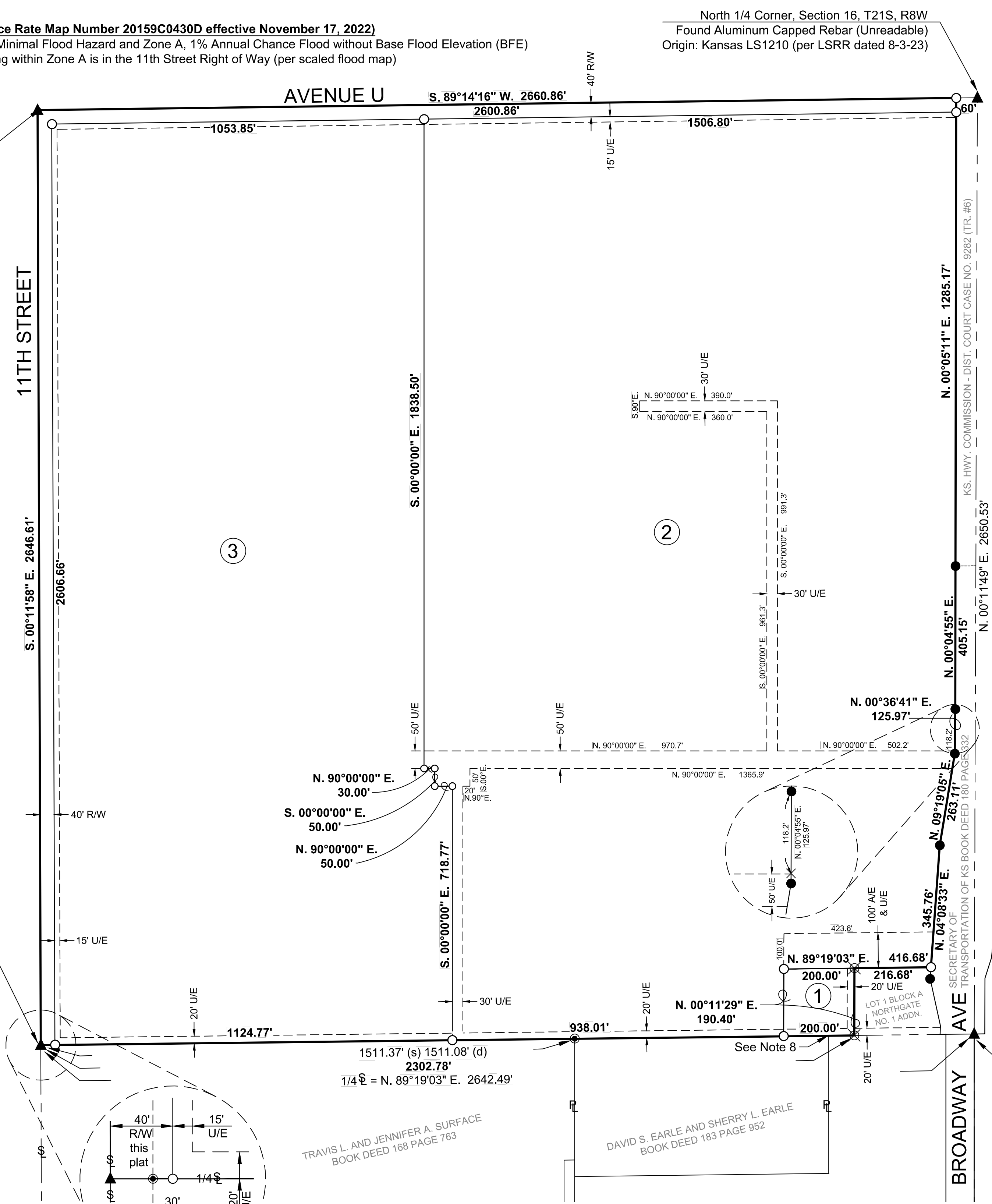
Exhibit C – Subdivision Regulations, Article 4. Procedure for Approval of Preliminary and Final Plats, and Article 5. Contents of Preliminary and Final Plats (18 pages)



- NOTES**
- Bearings used on this survey are based on the Kansas Regional Coordinate System Zone 6 (Beloit)
 - All dimensions shown on this plat are surveyed, unless noted
 - Fieldwork on this survey was completed on April 17, 2025
 - Origin of found monuments is uncertain, unless noted
 - Exterior boundary error of closure: 1 in 4008654
 - The Parent Tract(s) for this plat is recorded on the following documents at the Rice County Register of Deeds:
 - Book 188 Page 531
 - Book 188 Page 532
 - Book 188 Page 538
 - At this location, two monuments (3/8" Rebar & 1/2" Rebar w/ "SBBENG CLS 263" Cap) were found 2.00' apart, both on 1/4 Section Line.

FLOOD NOTE (per Flood Insurance Rate Map Number 20159C0430D effective November 17, 2022)
This plat lies within Zone X, Area of Minimal Flood Hazard and Zone A, 1% Annual Chance Flood without Base Flood Elevation (BFE)
Note: The only portion of this plat lying within Zone A is in the 11th Street Right of Way (per scaled flood map)

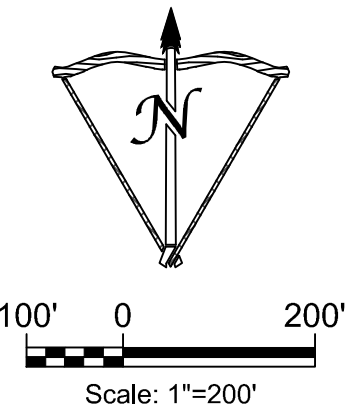
LOT AREAS		
Lot No.	Sq.Ft.	Acres
1	38,076	0.874
2	3,749,895	86.086
3	2,794,891	64.162
Right-of-Way		208,295 4.782



West 1/4 Corner, Section 16, T21S, R8W
Found 1/2" Rebar, Origin: Uncertain

ZONING NOTE
Current Zoning: AG (County)
Proposed Zoning - Lot 1 & 2: I-1 (City)
Proposed Zoning - Lot 3: AG (County)

BUILDING SETBACK REQUIREMENTS
All building setback requirements shall be determined by the zoning district, unless otherwise noted.



LEGEND		NAME	Existing Lot Number or adjacent landowner
○	Set 1/2" x 24" Rebar w/ "BG CONS PS 1708" Cap, unless noted	(d)	Deed Dimension
●	Found Rebar w/ "KDOT" Aluminum Cap	(s)	Surveyed Dimension
⊙	Found 5/8" Rebar w/ "GARBER SURVEY CLS 52 KS" Cap	R/W	Right of Way
⊗	Found 1/2" Rebar w/ "ALPHA CLS-184" Cap	U/E	Utility Easement
▲	Found Section Corner, as noted	A/E	Access Easement
①	Proposed Lot Number	ℙ	Property Line
		§	Section Line

SURVEYORS CERTIFICATE

I, the undersigned, licensed land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on April 17, 2025 and the accompanying final plat prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 21 SOUTH, RANGE 8 WEST OF THE 6th P.M., IN THE CITY OF STERLING, RICE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED BY BRIAN J. WESTBERG, PS 1708, ON APRIL 28, 2025, AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16 S. 00°11'58" E. 2646.61 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 16; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16 N. 89°19'03" E. 2302.78 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK A, NORTHGATE NO. 1 ADDITION, RICE COUNTY, KANSAS; THENCE ALONG THE WEST LINE OF SAID LOT 1 N. 00°11'29" E. 190.40 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOT 1 N. 89°19'03" E. 216.68 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BEING ON THE WEST LINE OF A TRACT OF LAND CONVEYED TO THE SECRETARY OF TRANSPORTATION OF THE STATE OF KANSAS (KDOT) AS DESCRIBED ON DOCUMENT # 201601293 (BOOK DEED 180 PAGE 332) AT THE RICE COUNTY REGISTER OF DEEDS; THENCE ALONG THE WEST LINE OF SAID KDOT TRACT N. 04°08'33" E. 345.76 FEET; THENCE CONTINUING ALONG THE WEST LINE OF SAID KDOT TRACT N. 09°19'05" E. 263.11 FEET; THENCE CONTINUING ALONG THE WEST LINE OF SAID KDOT TRACT N. 00°36'41" E. 125.97 FEET; THENCE CONTINUING ALONG THE WEST LINE OF SAID KDOT TRACT N. 00°04'55" E. 405.15 FEET; THENCE ALONG THE WEST LINE OF A TRACT OF LAND CONVEYED TO THE KANSAS HIGHWAY COMMISSION AS DESCRIBED IN DISTRICT COURT CASE NO. 9282 (TRACT 6) N. 00°05'11" E. 1325.17 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16, BEING 60.00 FEET WEST OF THE NORTH QUARTER CORNER OF SAID SECTION 16; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 16 S. 89°14'16" W. 2600.86 FEET TO THE POINT OF BEGINNING, CONTAINING 155.90 ACRES (6,791,157 SQUARE FEET)

Given under my hand and seal at Manhattan, Kansas this _____ day of _____ A.D., 2025

BG Consultants, Inc.
4806 Vue Du Lac Place
Manhattan, Kansas 66503
785-537-7448

Brian J. Westberg, PS 1708

OWNER'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF RICE) SS:

This is to certify that the undersigned is/are the owner(s) of record hereon described on this plat, and that said owner(s) has/have caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes herein set forth, and does hereby acknowledge and adopt the same under style and title indicated.

All street rights-of-way, if any, as shown on this plat are hereby dedicated to the public. Any pedestrian easement shown on this plat is for the purpose of pedestrian access or travel and is hereby dedicated to the public. Any utility or drainage easements, or licenses, shown on this plat are to locate, construct, and maintain or authorize the location, construction, and maintenance of poles, wires, conduits, water, gas and sewer pipes, and required drainage channels or structures upon the area marked for easements on this plat, are hereby dedicated to the public and all private improvements by the lot owner are the responsibility of the lot owner and subject to damage by those authorized to use said easement.

Given under my hand at _____, Kansas this _____ day of _____ A.D., 2025

Brian Inwood, Mayor
City of Sterling, Kansas

ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF RICE) SS:

BE IT REMEMBERED, that on this _____ day of _____, 2025, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **Brian Inwood, Mayor, City of Sterling, Kansas**, who are personally known to me to be the same person(s) who executed the foregoing Owner's Certificate, and duly acknowledged the execution of the same.

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

My appointment expires: _____

NOTARY PUBLIC

Center 1/4 Corner, Section 16, T21S, R8W
Found 5/8" Rebar w/ "GILSON" Cap
Origin: Kansas LS1278 (per LSRR dated 2/19/06)

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS)
COUNTY OF RICE) SS:

This plat was approved by the City of Sterling Planning Commission this _____ day of _____, 2025.

Chairperson _____ ATTEST: Secretary _____

CITY ATTORNEY'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF RICE) SS:

This plat was approved pursuant to the provisions of K.S.A. 12-401 this _____ day of _____, 2025.

City Attorney _____

GOVERNING BODY CERTIFICATE

STATE OF KANSAS)
COUNTY OF RICE) SS:

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of Sterling, Kansas, on this _____ day of _____, 2025.

Mayor _____ ATTEST: City Clerk _____

SURVEYOR'S REVIEW CERTIFICATE

STATE OF KANSAS)
COUNTY OF RICE) SS:

This plat has been reviewed and complies with the survey requirements of K.S.A. 58-2001, et. seq.

Reviewer: Chad W. Marsh License No. 1520

Signature: _____ Date: _____

REGISTER OF DEED'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF RICE) SS:

This instrument was filed for record on the _____ day of _____ A.D., 2025, at _____ o'clock ____M., and duly recorded in Book _____ on Page _____.

Register of Deeds: _____

Deputy: _____

FINAL PLAT
**City of Sterling
Industrial Park 1**

A SUBDIVISION IN THE CITY OF STERLING,
RICE COUNTY, KANSAS

Prepared By:
BG CONSULTANTS
ENGINEERS - ARCHITECTS - SURVEYORS
4806 Vue du Lac Place, Manhattan, KS 66503
T: 1.785.537.7448 | Web: www.bgcons.com
Manhattan | Lawrence | Emporia

APPLICATION FOR FINAL PLAT APPROVAL

*This is an application for processing a final plat in accordance with the City Subdivision Regulations. The application must be completed and filed with the Subdivision Administrator at least **20 days prior** to a regular meeting date of the Planning Commission.*

AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.Name of Subdivision: City of Sterling Industrial Park 1General location: North side of town, West of Broadway Ave☐ Inside city ☐ To be annexed ☐ Outside cityName of Landowner: City of Sterling

Company Name: _____

Address: 114 N Broadway (PO Box 287) Sterling, KS 67579Phone: 620-278-3423Email: ihutcheson@sterling-kansas.comName of (Subdivider) (Agent): Brian WestbergCompany Name: BG Consultants, Inc.Address: 4806 Vue Du Lac Place, Manhattan, KS 66503Phone: 785-537-7448Email: brian.westberg@bgcons.comName of (Engineer) (Land Planner): Brian FosterCompany Name: BG Consultants, Inc.Address: 4806 Vue Du Lac Place, Manhattan, KS 66503Phone: 785-537-7448Email: brian.foster@bgcons.comName of Licensed Land Surveyor: Brian WestbergCompany Name: BG Consultants, Inc.Address: 4806 Vue Du Lac Place, Manhattan, KS 66503Phone: 785-537-7448Email: brian.westberg@bgcons.com**Subdivision Information**

1. Select one:

- ☒ Final Plat of entire preliminary plat area
☐ Final Plat of unit number _____ of _____ unit development
☐ Final Plat for small tract
☐ Final Replat of original platted area

2. Gross acreage of plat: 155.90 acres3. Total number of lots: 3

4. Proposed land use for an (☐ urban-type) (☐ rural-type) subdivision:

- a. ☐ Residential / Single-Family _____
- b. ☐ Residential / Duplex _____
- c. ☐ Residential / Multiple-Family _____
- d. ☐ Residential / Manufactured/Mobile Home _____
- e. ☐ Commercial _____
- f. ☒ Industrial _____
- g. ☐ Other _____

5. Predominant minimum lot width: see draft feet

6. Predominant minimum lot area: see draft square feet

7. Existing zoning: County AG _____ District

8. Proposed zoning: Lot 1 & 2 I-1, Lot 3 County AG _____ District

9. Source of water supply: City _____

10. Method of sewage disposal: City _____

11. Total lineal feet of new street: 0 feet

<u>Street Name</u>	<u>R/W Width</u>	<u>Lineal Feet</u>
a. _____	_____ feet	_____ feet
b. _____	_____ feet	_____ feet
c. _____	_____ feet	_____ feet
d. _____	_____ feet	_____ feet
e. _____	_____ feet	_____ feet

12. Proposed type of street surfacing _____

13. Curb and gutter proposed: ☐ Yes ☒ No

14. Sidewalks proposed: ☐ Yes ☒ No If yes, where? _____

15. Is any portion of the proposed subdivision located in an identified floodplain area?

☐ Yes ☒ No

The landowner herein agrees to comply with the City Subdivision Regulations and all other related ordinances, resolutions, policies and standards of the City, County, or Township, and statutes of the State of Kansas. It is further agreed that all costs of recording the plat and its supplemental documents with the Register of Deeds shall be paid by the owner. The undersigned further states that he/she is the owner of the land proposed for platting and, when requested, will permit officials of the City, County, or Township to inspect the land as may be necessary for proper plat review.

Signature: [Signature], Landowner

Print name: Ian Hutchinson

Date: June 25, 2025

Signature: [Signature], Agent (if any)

Print name: BRIAN WESTBERG

Date: JUNE 25, 2025

OFFICE USE ONLY

Number of Prints of the Final Plat received: 2

Final drainage plan, if required, received: ☐ Yes ☒ No

Copy of a title report for the land received: ☒ Yes ☐ No

Copy of proposed restrictive covenants, if any, received,
including waiver of protest to annexation, if applicable: ☐ Yes ☒ No

For plats for small tract

a. Vicinity map received: ☐ Yes ☐ No

b. Topographic drawing, if required, received: ☐ Yes ☐ No

Original drawing or photographic equivalent of Final Plat received: ☒ Yes ☐ No

This application was received by the Subdivision Administrator at 12:09 (am, pm)
on June 25, 2025.

It has been checked and found to be complete and accompanied by the required information for
submittal, and the fee of \$ —.

Signature: [Signature], Subdivision Administrator

Print name: Ian Hutchinson

Date: June 25, 2025

Provide copy to: Subdivider and/or Agent

ARTICLE 4. PROCEDURE FOR APPROVAL OF PRELIMINARY AND FINAL PLATS

- 100 **Submittal of Sketch Plan.** The subdivider may, if deemed desirable, submit a sketch plan at least 20 days prior to their meeting in order to receive the pre-plat comments of the Subdivision Committee and/or the Planning Commission which may prove helpful in designing the preliminary plat. Fifteen copies of the sketch plan should be submitted to the Subdivision Administrator in a simple format sufficient to convey the location of proposed streets and utilities, the general layout of lots, and to note any particular design situations which could benefit from an early discussion of the problems. One copy of the sketch plan shall be returned to the subdivider with notations marked as to the comments resulting from such a review process. No fee shall be charged for the sketch plan review.
- 101 **Filing of Preliminary Plat.** An application shall be filed with the Subdivision Administrator at least 30 days prior to the next regular meeting of the Planning Commission and such number of copies of the preliminary plat as may be determined necessary by the Administrator for proper review by affected and interested governmental and public and private organizations. Such plat shall not be accepted for filing until the fee as provided for in Section 3-109 has been paid by the subdivider to the Clerk. The preliminary plat shall contain the information as set out in Section 5-100 of these regulations.
- 102 **Distribution and Review of Preliminary Plat.** After the filing of the preliminary plat, the Subdivision Administrator shall distribute copies to affected and interested governmental and public and private organizations as appropriate. Organizations receiving copies shall have 15 days to review the preliminary plat and to make their comments and recommendations to the Planning Commission. A lack of response in 15 days shall, at the discretion of the Commission, signify approval, unless during this period a written request for an extension of one time only not to exceed 15 days is submitted to the Commission.
- 103 **Action by the Planning Commission on Preliminary Plat.** The Planning Commission shall review the preliminary plat and consider the comments and recommendations of the organizations to whom the preliminary plat had been submitted for review. If deemed desirable, the Commission may mail notices or copies of agendas to interested parties and conduct a public hearing for the purpose of receiving information supporting or opposing the preliminary plat.
- A. The Planning Commission shall determine whether the preliminary plat generally meets the design standards and requirements of these regulations, the Comprehensive Plan, the applicable zoning regulations and other applicable provisions of the ordinances of the City.
 - B. If satisfied, the Planning Commission shall approve the preliminary plat with or without conditions by a majority vote of the members present and voting, and so notify the subdivider in writing.

- C. If the Planning Commission determines that the preliminary plat does not satisfy the foregoing conditions, it may suggest modifications so as to satisfy such conditions and in such event:
 - 1. The subdivider may amend the preliminary plat so as to incorporate such modifications and resubmit the plat to the Commission, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or
 - 2. The subdivider may reject the suggested modifications or, within the time allowed for Commission action, may refrain from taking any action thereon. In either event, the preliminary plat shall be deemed to have been disapproved and the Commission shall thereupon furnish the subdivider with a written statement setting forth the reasons for disapproval of the preliminary plat.
- D. If the Planning Commission determines that the preliminary plat does not satisfy the conditions of these regulations and that modifications would be too extensive or impractical, it shall disapprove the preliminary plat and immediately notify the subdivider in writing of its action, all within 60 days.

104 Failure of Planning Commission to Act on Preliminary Plat. If the Planning Commission fails to approve or disapprove a preliminary plat within 60 days after the date such plat is filed with the Subdivision Administrator or from the date the subdivider has filed the last item of required data, whichever date is later, then such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented in writing to extend or waive such time limitation.

105 Effect of Approval of Preliminary Plat.

- A. Approval of the preliminary plat shall not constitute approval of the subdivision by the Planning Commission, but shall signify in general the acceptability of the proposed subdivision.
- B. Such approval shall be considered permission to submit the final plat accompanied by the information required by Section 5-101R.
- C. Such approval shall be effective for no more than 12 months from the date approval was granted, unless, upon application from the subdivider, the Planning Commission grants an extension of time beyond such period. If a final plat for the entire subdivision or a unit thereof has not been filed with the Subdivision Administrator within such period, or any extensions granted thereto, the preliminary plat must be resubmitted to the Commission as if such plat had never been approved, except that no additional fee shall be charged for such resubmittal if there are no substantive changes from the previous preliminary plat approval.

- 106 **Filing of Final Plat.** An application for final plat approval, together with a sufficient number of copies as determined by the Subdivision Administrator for proper review, shall be filed with the Administrator at least 20 days prior to the next regular meeting of the Planning Commission and within 12 months after the date that the preliminary plat has been approved. The Administrator shall transmit the final plat to the Commission and to other affected and interested governmental and public and private organizations as desirable for any further recommendations. The final plat shall contain the information as set out in Section 5-101 of these regulations. An application for a replat approval is processed in the same manner as a final plat. (See Section 2-102 for definition of a REPLAT under the heading of PLAT.)
- 107 **Planning Commission Action on the Final Plat.** The Planning Commission shall, within 60 days after the first meeting of the Commission following the date that the plat with all required data is filed with the Subdivision Administrator, review and approve the final plat by a majority vote of the members present and voting if:
- A. It is substantially the same as the approved preliminary plat; or
 - B. There has been compliance with all conditions which may have been attached to the approval of the preliminary plat; and
 - C. It complies with all of the provisions contained in these regulations and of other applicable regulations or laws.
- 108 **Failure of Planning Commission to Act on Final Plat.** If the Planning Commission fails to approve or disapprove the final plat within the 60 days designated by state law for its consideration as stated in Section 4-107, it shall be deemed to have been approved and a certificate shall be issued by the Secretary upon demand, unless the subdivider shall have consented in writing to extend or waive such time limitation. (See K.S.A. 12-752[b].)
- 109 **Submittal to Governing Body of Final Plat.** Before a final plat is recorded, it shall be submitted to the Governing Body for its acceptance of dedications for street rights of way and other public ways, drainage and utility easements, and any land dedicated for public use and accompanied by guarantees for the installation of required improvements according to Section 7-104.
- 110 **Governing Body Action on Final Plat.** The Governing Body shall either accept or not accept the dedication of any land for public purposes by a majority vote within 30 days after the first meeting of the Governing Body following the date of the submission of the plat to the Clerk. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. If the Governing Body defers action on the plat or declines to accept the dedications thereto, it shall advise the Planning Commission and the subdivider in writing of the reasons therefor. Acceptance of the dedications on the plat shall be shown over the signature of the Mayor and attested to by the Clerk.

- 111 **Acceptance of Dedications by County.** All final plats outside the City shall also be submitted by the subdivider to the appropriate County official for presentation to the Board of County Commissioners for their acceptance of dedications for street rights of way and other public ways, drainage and utility easements, and any land dedicated for public use and accompanied by guarantees for the installation of required improvements according to Section 7-104.
- 112 **Recording of Final Plat.** The final plat with all required signatures and in the exact form as accepted by the Governing Body shall be recorded by the subdivider with the County Register of Deeds. The subdivider shall pay the recording fee and any outstanding real estate taxes and special assessments. Approval of the final plat by the Planning Commission and acceptance by the Governing Body shall be null and void if (1) the plat is not acceptable for recording in the office of the Register of Deeds; or (2) is not recorded within 60 days after final acceptance by the Governing Body; or (3) is not recorded within 15 days after final acceptance by the applicable County Governing Body under the preconstruction procedures of Section 7-104C. The subdivider shall submit to the Subdivision Administrator such number of copies of the recorded plat as are necessary for record keeping purposes of the City and other affected governmental agencies as well as a DWG or DXF file and a PDF file. (See Section 5-101R1 for title report and Section 10-100C for Vacation of Unrecorded Plat.)
- 113 **Unit Developments.** The foregoing provisions of these regulations to the contrary notwithstanding, an approved preliminary plat may be submitted for final approval in separate geographic units rather than as a whole, provided the following conditions are met:
- A. Each unit of a plat of subdivision shall contain an area of sufficient size based on physical conditions and ability to install improvements economically.
 - B. The approval of the Planning Commission as to the feasibility of such development, in separate units, including the feasibility of the proposed sequence of development, shall be secured.
 - C. A final plat of at least one unit shall be filed within 12 months from the date of approval of the preliminary plat, and final plats of all such units shall be filed within five years from the date that the preliminary plat was approved. The Planning Commission on application of the subdivider, may, from time to time, grant extensions of time within which to submit such final plats, provided that each such extension shall be for no more than one year.
 - D. All steps required for the approval of final plats, including the recording thereof, shall be adhered to with respect to each unit so submitted.
 - E. A replat of all or a portion of a recorded final plat may be submitted at any time.

114 Approval of Plats for Small Tracts.

- A. Authorization. Any other provision of these regulations to the contrary notwithstanding, if a proposed plat of subdivision or resubdivision complies with the requirements of Section 4-114B, then the Planning Commission may approve a final plat of such subdivision or resubdivision when neither a sketch plan nor a preliminary plat has been filed by the subdivider and a preliminary plat has not been approved by the Planning Commission.
- B. Requirements. In order to qualify for approval in the manner provided in Section 4-114A, a proposed plat of subdivision shall comply with the following requirements:
 - 1. The proposed plat of subdivision shall include not more than 10 acres if a residential plat, nor more than five acres for any other type of plat, unless approved for a larger acreage by the Planning Commission.
 - 2. The proposed plat of subdivision shall create not more than five lots, tracts or parcels of land, unless approved for a larger number by the Planning Commission.
 - 3. No public street or easement of access, e.g., a utility or drainage easement, is sought to be dedicated or is contemplated or projected through (as opposed to adjacent to) the lot, tract or parcel proposed to be subdivided or resubdivided.
 - 4. The proposed plat of subdivision shall be in the form required by Section 5-101 and shall contain all the data, information and certificates required on final plats as well as the supplemental information.
 - 5. Submission of the fees as required by Section 3-109.
- C. Procedures.
 - 1. Final plats filed for approval pursuant to Section 4-114 shall be filed with the Subdivision Administrator who may submit such plat for review and recommendations to affected and interested governmental agencies and public and private utility providers as deemed desirable. The Administrator may require the subdivider to submit topographic information whenever the property proposed to be subdivided or resubdivided is traversed by or is adjacent to a known watercourse, including intermittent streams or is subject to flooding as defined in Section 6-104.
 - 2. The approval of final plats by the Planning Commission pursuant to Section 4-114 shall be subject to the same procedural provisions of a final plat, except insofar as the said sections require prior approval of, or compliance with, an approved preliminary plat.

ARTICLE 5. CONTENTS OF PRELIMINARY AND FINAL PLATS

100 **Contents of Preliminary Plat.** The preliminary plat shall be drawn at a scale of not less than one inch equals 100 feet; however, areas over 100 acres may be at a scale of one inch equals 200 feet.

A. **General Information.** The following general information shall be shown on the preliminary plat:

1. Proposed name of the subdivision not duplicating or resembling the name of any plat heretofore recorded within the area of jurisdiction of these regulations. The use of the word "Addition" should be used for a plat which has just been or is in the process of being annexed and not for the subdivision of land already in the City.
2. Date of preparation, north point and scale of drawing.
3. An identification clearly stating that the drawing is a preliminary plat.
4. Location of the subdivision by quarter-section, section, township and range and by measured distances to a section corner to further define the location and boundary of the tract.
5. Names of adjacent subdivisions or, in the case of unplatted land, the name of the owner or owners of adjacent property.
6. The name and address of the landowner, the subdivider and the name and seal of the land planner who prepared the plat and surveyor who did the topographic survey.

B. **Existing Conditions.** The following existing conditions shall be shown on the preliminary plat:

1. The location, right of way, width and names of all existing public or private streets within or adjacent to the tract, together with easements, railroad rights of way and other important features such as section lines and corners, city and township boundary lines and monuments.
2. The horizontal location within the subdivision and the adjoining streets and property of existing sanitary and storm water sewers including flow lines, water mains, culverts, catch basins, manholes, fire hydrants, underground wiring, pipe lines and gas lines proposed to serve the subdivision.
3. Contour lines or spot elevations based on U.S. Geological Survey datum having the following intervals:
 - a. Two-foot contour intervals for ground slopes less than 10%.

- b. Five-foot contour intervals for ground slopes exceeding 10%.
- c. Spot elevations where the ground is too flat for contours.

The date of the topographic survey shall be shown including the location, elevation and description of the benchmark controlling the vertical survey.

- 4. Locations of existing monuments or survey markers used in preparation of the survey.
- 5. The location and direction of all watercourses and areas subject to flooding as determined by Section 6-104.
- 6. Significant natural features including, but not limited to rock out croppings, wetlands, lakes and wooded areas.
- 7. Existing use of the property including the location of all existing structures showing those that will be removed and those that will remain on the property after the final plat is recorded.
- 8. Boundary line of proposed subdivision clearly indicated and total acreage therein.
- 9. Zoning district classifications on and adjacent to the tract, if any.

C. Proposed Subdivision Plat. The following information with respect to the manner in which the tract is to be subdivided and developed shall be included on the preliminary plat:

- 1. Streets showing the location, right of way, width, names and approximate grades thereof. The preliminary plat shall show the relationship of all streets to any projected streets shown or to any related Comprehensive Plan proposal or, if none proposed, then as determined by the Planning Commission.
- 2. Street names which do not duplicate any heretofore used in the City or its environs, unless the street is an extension of or in line with an already named street, in which event that name shall be used. Appropriate prefixes and suffixes which provide relative direction and type of street should accompany such names. Street names shall be subject to the approval of the Planning Commission and follow the applicable City's or County's Street Naming and Property Numbering Policy, if adopted. Property numbers are assigned by the City or County depending upon the agreed upon jurisdictional policy.

3. Easements showing width and purpose such as for utilities, drainage, screening, open space, pedestrian ways and alleys.
4. Location and type of utilities to be installed.
5. Lots showing approximate dimensions, minimum lot sizes and proposed lot numbers and block letters or numbers.
6. Sites, if any, to be allocated for development with other than single-family dwellings or to be dedicated or reserved for park, recreation area, open space or other public or private purposes. (See Section 2-102 for definition of RESERVE.)
7. Proposed building setback lines, if any, but not less than applicable zoning regulations. The setback should be measured from the existing or proposed street right of way, whichever is a greater distance.

D. Additional Data and Information to be Submitted with the Preliminary Plat. The following information shall be submitted in separate statements and/or drawings accompanying the preliminary plat, or, if practical, such information may be shown on the preliminary plat:

1. A vicinity map showing existing subdivisions, streets and unsubdivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets.
2. A statement as to the nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to finance and guarantee their installation, e.g., petition, actual construction, monetary guarantee, etc. (See Section 7-103 for guarantees for installation of improvements.)
3. When deemed necessary by the Subdivision Administrator, a preliminary drainage plan based on standards and policies of the applicable jurisdiction.

101 Contents of Final Plat. The final plat shall be prepared by a licensed land surveyor in a computer aided drafting (CAD) program in black ink on Mylar or its equivalent. The permitted page sizes shall be 24 inches by 36 inches or smaller. Larger sizes will not be accepted. The scale shall be not less than 100 feet to one inch except that a variation in scale may be allowed where the Planning Commission determines it is necessary for a proper exhibit of the subdivision. When more than one sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g., Sheet 1 of 3). Linear dimensions shall be given in feet and decimals of a foot. The final plat shall show on the face thereof:

- A. The name of the subdivision followed by a reference to its location by quarter-section, section, township and range.
- B. The date of preparation, scale, north point, legend and controlling physical features, such as highways, railroads, watercourses and areas subject to flooding as determined by Section 6-104.
- C. Legal description of the tract boundaries. (See Section 5-101Q1 for land surveyor's certificate and description.)
- D. Reference ties to previous surveys and plats, as follows: (See Section 7-102J for monuments as required improvements.)
 - 1. Distance and direction to the monuments used to locate the land described in the certificate of survey.
 - 2. The location of all other monuments required to be installed by these regulations.
- E. Location and elevation of permanent benchmark.
- F. Tract boundary, block boundary, street and other right of way lines with distances and angles (and/or bearings). Where these lines follow a curve (all curves must be circular), the central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown. Error of closure of the perimeter survey shall not exceed one foot for each 10,000 feet.
- G. Lot lines with dimensions. Side lot lines shall be at right angles or radial to street lines unless otherwise shown. Rear lot lines shall be parallel to block or tract lines unless otherwise indicated. Points of deflection of rear lot lines shall be indicated by angles and distances.
- H. Lot numbers beginning with number one and numbered consecutively in each block.
- I. Block letters or numbers continuing consecutively without omission or duplication throughout the subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
- J. All easements shall be denoted by fine dashed lines, clearly identified and, if already on record, the recorded reference of such easements. If an easement is not definitely located of record, a statement of such easement shall be included. The width of the easement with sufficient ties to locate it definitely with respect to the subdivision must be shown and its purpose such as for utilities, drainage, screening, open space, pedestrian ways or alleys. If the easement is being dedicated through the plat, it shall be properly referenced in the owner's certificate and dedication.
- K. The width of street rights of way and any portion thereof being dedicated by the plat as well as the width of any existing right of way and the centerline of any adjacent perimeter streets.

- L. The name of each street shown on the subdivision plat including appropriate prefixes and suffixes.
- M. Minimum building setback lines, if any, but not less than applicable zoning regulations. The setback should be measured from the existing or proposed street right of way, whichever is a greater distance.
- N. Land parcels to be dedicated or reserved for any purpose, public or private, to be distinguished from lots or tracts intended for sale. (See Section 2-102 for definition of RESERVE.)
- O. When deemed desirable, the minimum pad elevation of each lot or parcel of land based on the design criteria of Section 6-104 so that each pad is elevated at least one foot above the base flood elevation. (See Section 2-102 for definition of MINIMUM PAD ELEVATION.)
- P. Marginal lines encircling the sheet. All information shall be within this margin.

Q. The following certificates, which may be combined where appropriate: (Certificates requiring a seal should be located near the edge of the plat to facilitate affixing the seal. All names on the plat must also be typed or clearly printed under the signature.)

1. A certificate signed by a licensed land surveyor responsible for the survey and final plat. The surveyor shall not sign the plat until all monuments, irons or benchmarks have been set as required by these regulations. Such signature shall be accompanied by the legal description of the land surveyed, the total acreage, the month and year such survey was made and the surveyor's seal. This certificate may be in the following form:

LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, the undersigned, licensed land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed on _____, 20__ and the accompanying final plat prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

(Legal description, date of survey and acreage. If applicable, reference may be made to indicate that existing public easements and dedications are being vacated according to provisions of K.S.A. 12-512b. [See Section 10-101A1 for provisions of K.S.A. 12-512b.]

Date _____, 20__

(S E A L)

(Land Surveyor's name and license number)

2. According to K.S.A. 58-2005, all plats are to be reviewed by the designated County Surveyor who must be a licensed land surveyor to determine compliance with the survey requirements of K.S.A. 58-2001, et seq. before the plat can be recorded. The following certificate may be amended from time to time to meet the policy of the County:

COUNTY SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF RICE)

This plat has been reviewed and complies with the survey requirements of K.S.A. 58-2001, et seq.

Date _____, 20__

(S E A L)

(Land Surveyor's name and license number)

3. Certificates signed and acknowledged by all parties having any record or possessory right, title or interest in the land subdivided including mortgagees consenting to the preparation and recording of the subdivision plat; and dedicating all tracts of land shown on the final plat which are intended for public use as highways, streets, alleys, easements and public sites. These certificates may be in the following form:

OWNER'S CERTIFICATE AND DEDICATION

STATE OF KANSAS)
) ss
COUNTY OF RICE)

This is to certify that the undersigned owner(s) of the land described in the Land Surveyor's Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets and other public ways under the name of _____; (located in) (an addition to) (located outside of) the City of Sterling, Rice County, Kansas; that all highways, streets, alleys, easements and public sites as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations and covenants now on file or hereafter filed in the Office of the Register of Deeds of Rice County, Kansas.

Date _____, 20__

Date _____, 20__

_____, Owner
(Print Name)

_____, Owner
(Print Name)

MORTGAGE HOLDER

We, (Name of institution and location), by (Name and title of officer), holders of a mortgage on the above described property do hereby consent to the plat of (Name of plat), City of Sterling, Rice County, Kansas.

(Name of institution and location)

(Name and title)

4. The acknowledgment of a notary for each of the Owner's Certificate and Dedication and Mortgage Holder in the following form for an individual capacity or modified if a representative capacity:

NOTARY CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF RICE)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ , by _____ (Name of Person[s])

(S E A L)

_____, Notary Public

My appointment expires: _____

5. The certificate of the Planning Commission in the following form:

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS)
) ss
CITY OF STERLING)

This plat was approved by the Sterling City Planning Commission on _____, 20__.

Date Signed _____, 20__

_____, Chairperson
(Print Name)

ATTEST:

_____, Secretary
(Print Name)

6. If the plat is an addition to the City, i.e., an annexation, a certificate signed by the City Attorney indicating that all conditions of K.S.A. 12-401 have been met: (See Section 5-100A1 for use of the word "Addition.")

CITY ATTORNEY'S CERTIFICATE

STATE OF KANSAS)
) ss
CITY OF STERLING)

This plat is approved pursuant to the provisions of K.S.A. 12-401.

Date _____, 20__

_____, City Attorney
(Print Name)

7. The acceptance of dedications by the Governing Body in the following form:

GOVERNING BODY CERTIFICATE

STATE OF KANSAS)
) ss
CITY OF STERLING)

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of Sterling, Kansas on _____, 20__

Date Signed _____, 20__

_____, Mayor
(Print Name)

ATTEST:

_____, City Clerk
(Print Name)

- ## COUNTY COMMISSIONERS' CERTIFICATE

5-11

10. Subdivisions which lie outside the city limits for which requests have been made for the extension of one or more City utility services shall agree to a waiver of protest of potential future annexation by a statement reading "Owners of lands within this subdivision do hereby bind themselves to waive any protest to annexation by the City of Sterling, Kansas," which shall be shown on the final plat and included in restrictive covenants of the subdivision. When such an agreement is contained in such restrictive covenants and filed by the City with the County Register of Deeds within 30 days after being executed by all parties, it shall be deemed to be sufficient consent to annexation under K.S.A. 12-520, as amended, to bind the owner(s) of the land to be subdivided and any successors in interest. (See Section 5-101R3 for restrictive covenants.)
 11. Provision for all other certifications, approvals and acceptances which are now, or which may hereafter be, required by any statute, ordinance or regulation. The form of these certifications may be modified as necessary by the City's legal counsel to meet statutory or other requirements.
- R. The following additional information shall be submitted with the final plat:
1. A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the owner of the land and all other persons who have an interest therein and describing any encumbrances on the plat, including such items as rights of way, easements, pipelines, leases, mineral rights, mortgages, real estate taxes, special assessments and other encumbrances affecting the ownership. (See Section 5-101Q9 on payment of real estate taxes and special assessments before recording.)
 2. When deemed necessary by the Subdivision Administrator, a final drainage plan based on the standards and policies set by the applicable jurisdiction as determined by the designated Engineer including a four-corner grading plan for each lot plus minimum pad elevations if located in a flood prone area. The plat shall also clearly note that a drainage plan has been developed for the subdivision which is on file with the City Subdivision Administrator and that all drainage easements, rights of way or reserves shall remain at the established grades or as modified with the approval of the applicable Engineer and unobstructed to allow for the conveyance of storm water.
 3. A copy, if any, of restrictive covenants applicable to the subdivision. As a service to the subdivider, such restrictions may be reviewed by the Planning Commission and other officials to determine if any potential conflicts exist with the City's laws. If the condition exists for outside the City utility service as described in Section 5-101Q10, then restrictive covenants must be submitted for review of the annexation waiver provisions.