

RESOLUTIONS 2002

- 02-01 A RESOLUTION APPROVING AN AGREEMENT TO PURCHASE WATER FROM MISSOURI-AMERICAN WATER COMPANY FOR RESALE TO CITY OF GALENA, KANSAS WATER CUSTOMERS.
- 02-02 BE IT RESOLVED THAT PURSUANT TO K.S.A. 12-1752, THE GOVERNING BODY OF GALENA, KANSAS, AFTER REVIEWING THE WRITTEN STATEMENT PRESENTED BY THE CODE ENFORCEMENT OFFICER/CITY MANAGER, DOES HEREBY AND HEREIN SET THE 3rd DAY OF JUNE, 2002 AT 6:00 P.M. AS THE HEARING DATE FOR ANY PERSONS INTERESTED IN THE FOLLOWING DESCRIBED REAL ESTATE. **LOT#06 KELLERS ADDITION-PARCEL ID# 206-24-0-20-25-002-1201 MADISON STREET**
- 02-03 BE IT RESOLVED THAT PURSUANT TO K.S.A. 12-1752, THE GOVERNING BODY OF GALENA, KANSAS, AFTER REVIEWING THE WRITTEN STATEMENT PRESENTED BY THE CODE ENFORCEMENT OFFICER/CITY MANAGER, DOES HEREBY AND HEREIN SET THE 3rd DAY OF JUNE, 2002 AT 6:00 P.M. AS THE HEARING DATE FOR ANY PERSONS INTERESTED IN THE FOLLOWING DESCRIBED REAL ESTATE. **LOT#05 AND 6 SPRING GROVE-PARCEL ID# 206-23-0-40-15-003-1711 MAIN**
- 02-04 A RESOLUTION ESTABLISHING THE POSITION OF LANDFILL OPERATOR WITHIN THE GALENA PUBLIC WORKS DEPARTMENT AND SETTING THE COMPENSATION FOR SAID POSITION.
- 02-05 A RESOLUTION OF SUPPORT OF AND COOPERATION WITH THE SOUTHEAST KANSAS NATURE CENTER FOUNDATION
- 02-06 A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF GALENA, KANSAS AND THE CITY CLERK OF THE CITY OF GALENA, KANSAS, AND THE TREASURER OF THE CITY OF GALENA, KANSAS TO BE THE OFFICIAL SIGNORS OF ALL OFFICIAL FINANCIAL TRANSACTIONS PERTAINING TO THE CITY OF GALENA, KANSAS
- 02-07 GOVERNING BODY OF GALENA, KANSAS, AFTER REVIEWING THE WRITTEN STATEMENT PRESENTED BY THE CODE ENFORCEMENT OFFICER/CITY MANAGER, DOES HEREBY AND HEREIN SET THE 16th DAY OF SEPTEMBER, 2002 AT 6:00 P.M. AS THE HEARING DATE FOR ANY PERSONS INTERESTED IN THE FOLLOWING DESCRIBED REAL ESTATE. **LOT#311-314 ORIGINAL PLAT EMPIRE CITY-909 BARNES STREET**

- 02-08 BE IT RESOLVED THAT PURSUANT TO K.S.A. 12-1752, THE GOVERNING BODY OF GALENA, KANSAS, AFTER REVIEWING THE WRITTEN STATEMENT PRESENTED BY THE CODE ENFORCEMENT OFFICER/CITY MANAGER, DOES HEREBY AND HEREIN SET THE 7th DAY OF OCTOBER, 2002 AT 6:00 P.M. AS THE HEARING DATE FOR ANY PERSONS INTERESTED IN THE FOLLOWING DESCRIBED REAL ESTATE. **PARCEL ID# 206-23-0-20-05-005-815 DEWEY STREET**
- 02-09 BE IT RESOLVED, THAT A HEARING HELD ON THE 16th DAY OF SEPTEMBER, 2002 THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS, PURSUANT TO K.S.A. 12-1753, AFTER HEARING ALL EVIDENCE PRESENTED AT SAID HEARING, FIND THE STRUCTURE LOCATED AT: **909 BARNES STREET- LOTS 311-314 ORIGINAL PLAT EMPIRE CITY** IS UNSAFE AND DANGEROUS AND HEREBY AND HEREIN DIRECTS THE OWNER TO COMMENCE TO REPAIR OR REMOVE SAID STRUCTURE WITHIN 30 DAYS OF THIS DATE, AND MAKE THE PREMISES SAFE AND SECURE.
- 02-10 A RESOLUTION AMENDING RESOLUTION NUMBER 00-30 TO INCLUDE THE POSITION OF MUNICIPAL JUDGE AND AMEND COMPENSATION OF THE MUNICIPAL JUDGE AND MECHANIC/CARPENTER.
- 02-11 BE IT RESOLVED, THAT A HEARING HELD ON THE 7th DAY OF OCTOBER, 2002 THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS, PURSUANT TO K.S.A. 12-1753, AFTER HEARING ALL EVIDENCE PRESENTED AT SAID HEARING, FIND THE STRUCTURE LOCATED AT: **815 DEWEY STREET PARCEL ID#206-23-20-05-005** IS UNSAFE AND DANGEROUS AND HEREBY AND HEREIN DIRECTS THE OWNER TO COMMENCE TO REPAIR OR REMOVE SAID STRUCTURE WITHIN 30 DAYS OF THIS DATE, AND MAKE THE PREMISES SAFE AND SECURE
- 02-12 A RESOLUTION APPROVING THE ATTACHED SUBDIVISION RULES AND REGULATIONS FOR THE CITY OF GALENA, KANSAS.

RESOLUTION NUMBER 02-01

A RESOLUTION APPROVING AN AGREEMENT TO PURCHASE WATER FROM MISSOURI-AMERICAN WATER COMPANY FOR RESALE TO CITY OF GALENA, KANSAS WATER CUSTOMERS.

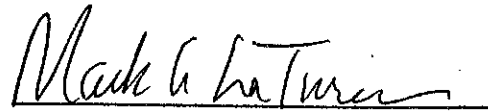
WHEREAS, the CITY OF GALENA, KANSAS, a municipal corporation, existing under and by virtue of the laws of the State of Kansas, hereinafter referred to as the "City" has decided to enter into an agreement to purchase water from MISSOURI-AMERICAN WATER COMPANY, Joplin District, a corporation organized and existing under the laws of the State of Missouri, hereinafter referred to as the "Water Company"; and

WHEREAS, a proposed Agreement to Sell and Deliver Water for Resale, hereinafter referred to as the "Agreement", has been submitted to the City by the Water Company for approval;

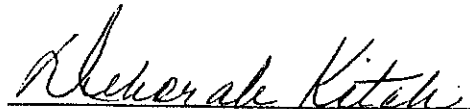
NOW, THEREFORE, the Mayor and Commissioners of the City hereby resolve as follows:

1. The Agreement dated May 20, 2002, for the sale of water by the Water Company to the City is hereby approved and ratified in its entirety. A copy of the Agreement is hereby attached to and made a part of this resolution.
2. The Mayor and City Clerk are hereby authorized to sign the Agreement.
3. This Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

Passed by the City Commission of the City of Galena, Kansas and signed by the Mayor this 20th day of May, 2002.


Mark G. LaTurner, Mayor

ATTEST:


Deborah Kitch, City Clerk

SEAL

RESOLUTION 02-02

BE IT RESOLVED:

That pursuant to K.S.A. 12-1752, The Governing Body of Galena, Kansas, after reviewing the written statement presented by the Code Enforcement Officer/City Manager, does hereby and herein set the 3rd day of June, 2002 at 6:00 P.M. as the hearing date for any persons interested in the following described real estate.

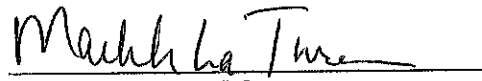
Lot# 06 Kellers Addition
Parcel ID# 206-24-0-20-25-002

1201 Madison Street


TO SHOW CAUSE WHY SAID REAL ESTATE SHOULD NOT BE CONDEMNED.

City Clerk should notify all interested parties according to law.

Approved by the City Commissioners this 20th day of May, 2002.


Mark LaTurner, Mayor

ATTEST:


Deborah Kitch, City Clerk

(SEAL)

RESOLUTION 02-03

BE IT RESOLVED:

That pursuant to K.S.A. 12-1752, The Governing Body of Galena, Kansas, after reviewing the written statement presented by the Code Enforcement Officer/City Manager, does hereby and herein set the 3rd day of June, 2002 at 6:00 P.M. as the hearing date for any persons interested in the following described real estate.

Lot# 5 and 6 Spring Grove
Parcel ID# 206-23-0-40-15-003

1711 Main

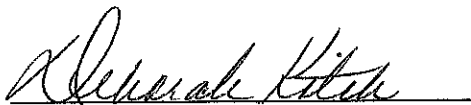
TO SHOW CAUSE WHY SAID REAL ESTATE SHOULD NOT BE CONDEMNED.

City Clerk should notify all interested parties according to law.

Approved by the City Commissioners this 20th day of May, 2002.

Mark LaTurner, Mayor

ATTEST:


Deborah Kitch, City Clerk

(SEAL)

RESOLUTION NUMBER 02-04

A resolution establishing the position of Landfill Operator within the Galena Public Works Department and setting the compensation for said position.

Be it resolved by the City Commission of the City of Galena that:

Section 1: There is hereby created the position of Landfill Operator within the Galena Public Works Department.

Section 2: The duties of this position will include:

- A. Daily inspection and minor maintenance of equipment and/or machinery used in the C&D Landfill operation.
- B. Receipt, placement, cover and/or other disposition of all materials delivered to the site.
- C. Receipt of weight tickets or estimation of weight of all waste materials delivered to the site.
- D. Collection of dump fees from those persons not prepaid through the City Clerk's Office and daily delivery of those fees to the City Clerk's Office.

Section 3: Compensation for this position shall be at the rate of \$8.82 per hour.

Section 4: Nothing in this Resolution shall prevent the City Manager from submitting any changes in the rate of compensation to the City Commission for their ratification.

Section 5: This Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

Passed by the City Commission of the City of Galena, Kansas and signed by the Mayor this 17th day of June, 2002.

Mark G. LaTurner, Mayor

ATTEST:

Deborah Kitch, City Clerk

RESOLUTION NUMBER 02-05

A RESOLUTION OF SUPPORT OF AND COOPERATION WITH THE SOUTHEAST KANSAS NATURE CENTER FOUNDATION.

WHEREAS, the CITY OF GALENA, KANSAS, hereinafter referred to as the "City" has a responsibility to develop the capacity for improving the community and its facilities; and

WHEREAS, the SOUTHEAST KANSAS NATURE CENTER FOUNDATION, hereinafter referred to as the "Foundation" has been established to improve the facilities in Schermerhorn Park with the intent of providing a nature center and meeting facilities; and

WHEREAS, the Foundation has provided outstanding support through their own efforts and resources; and

WHEREAS, the Foundation has received support from local government as well as personal contributions; and

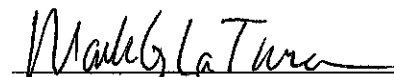
WHEREAS, the facility, when completed, will be an attraction for visitors, students and others; and

WHEREAS, the Foundations is exploring all avenues of funding, including State and Federal programs to assist in the development;

NOW, THEREFORE, the Mayor and Commissioners of the City hereby resolve as follows:


1. The City Commission herewith pledges its support, to the degree possible; its endorsement; and its cooperation to the Foundation in their efforts.
2. The City Commission urges its citizens to join this effort.
3. This Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

Passed by the City Commission of the City of Galena, Kansas and signed by the Mayor this 15th day of July 2002.



Mark G. LaTurner, Mayor

ATTEST:



Deborah Kitch, City Clerk

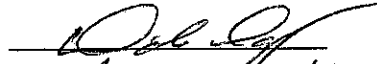
SEAL

RESOLUTION 02-06

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF GALENA, KANSAS AND THE CITY CLERK OF THE CITY OF GALENA, KANSAS, AND THE TREASURER OF THE CITY OF GALENA, KANSAS TO BE THE OFFICIAL SIGNORS OF ALL OFFICIAL FINANCIAL TRANSACTIONS PERTAINING TO THE CITY OF GALENA, KANSAS

WHEREAS: The above designated officials as of this date are:

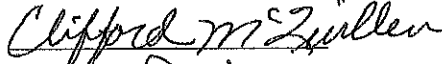
MAYOR:



CITY CLERK:



CITY TREASURER:



MAYOR PRO-TEM:

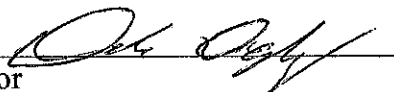


AND WHEREAS: The above named officials have been duly named by the Governing Body of the City of Galena, Kansas:

NOW THEREFORE: Be it resolved by the City Commissioners of the City of Galena, Kansas:

That the signatures of the above named individuals be honored on all pertinent financial documents relating to the City of Galena, Kansas.

PASSED BY THE GOVERNING BODY THIS 17th DAY OF JULY, 2002


Mayor

ATTEST:


Deborah Kitch, City Clerk

(SEAL)

RESOLUTION 02-07

BE IT RESOLVED:

That pursuant to K.S.A. 12-1752, The Governing Body of Galena, Kansas, after reviewing the written statement presented by the Code Enforcement Officer/City Manager, does hereby and herein set the 16th day of September, 2002 at 6:00 P.M. as the hearing date for any persons interested in the following described real estate.

909 Barnes Street
Lots 311-314 Original Plat Empire City


TO SHOW CAUSE WHY SAID REAL ESTATE SHOULD NOT BE CONDEMNED.

City Clerk should notify all interested parties according to law.

Approved by the City Commissioners this 5th day of August, 2002.

Dale Oglesby, Mayor

ATTEST:


Deborah Kitch, City Clerk

(SEAL)

RESOLUTION 02-08

BE IT RESOLVED:


That pursuant to K.S.A. 12-1752, The Governing Body of Galena, Kansas, after reviewing the written statement presented by the Code Enforcement Officer/City Manager, does hereby and herein set the 7th day of October, 2002 at 6:00 P.M. as the hearing date for any persons interested in the following described real estate.

815 Dewey Street
Parcel ID# 206-23-0-20-05-005

TO SHOW CAUSE WHY SAID REAL ESTATE SHOULD NOT BE CONDEMNED.

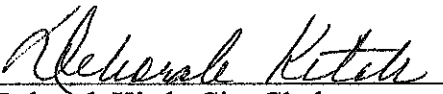
City Clerk should notify all interested parties according to law.

Approved by the City Commissioners this 19th day of August, 2002.



Dale Oglesby, Mayor

ATTEST:



Deborah Kitch, City Clerk

(SEAL)

RESOLUTION 02-09

BE IT RESOLVED, That a hearing held on the 16th day of September, 2002, the governing body of the City of Galena, Kansas, pursuant to K. S. A. 12-1753, after hearing all evidence presented at said hearing, find the structure located at:


909 Barnes Street
Lots 311-314 Original Plat Empire City

Is unsafe and dangerous for the following reasons:

And hereby and herein directs the owner to commence to repair or remove said structure within 30 days of this date, and make the premises safe and secure.

BE IT FURTHER RESOLVED: That if the owner fails to commence to repair or remove the structure within the time specified or fails to diligently prosecute the repair or removal once started, then the governing body directs the Code Enforcement Officer to remove said structure and make the premises safe and secure.

Passed and approved by the Governing Body of the City of Galena, the 16th day of September 2002.



Dale Oglesby, Mayor

ATTEST:



Deborah Kitch, City Clerk

(SEAL)

RESOLUTION NUMBER 02- 10

A resolution amending Resolution Number 00-30 to include the position of Municipal Judge and amend compensation of the Municipal Judge and Mechanic/Carpenter.

Be it resolved by the City Commission of the City of Galena that the following position and pay shall be included:

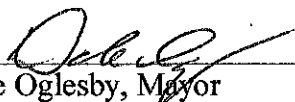
Section 1: Position and salary computed by hourly, weekly, and annually.

<u>POSITION</u>	<u>HOURLY</u>	<u>WEEKLY</u>	<u>ANNUALLY</u>
Mechanic/Carpenter	8.82	352.80	18,345.60
Municipal Judge	N/A	210.00	10,920.00

Section 2: Nothing in this Resolution shall prevent the City Manager, upon advise and consent of the City Commission, from adding, changing, or combining positions and job classifications. When such action is contemplated, the City Manager shall submit a recommendation to the City Commission for ratification.

Section 3: This Resolution shall take effect and be in full force from and after its adoption by the Governing Body.

Passed by the City Commission of the City of Galena, Kansas and signed by the Mayor this 16th day of September, 2002.



Dale Oglesby, Mayor

ATTEST:



Deborah Kitch, City Clerk

RESOLUTION 02-11


BE IT RESOLVED, That at a hearing held on the 7th day of **October, 2002**, the governing body of the city of Galena, Kansas pursuant to K.S.A. 12-1753, after hearing all the evidence presented at said hearing, find that the structure located at

**815 Dewey Street
Parcel ID# 206-23-20-05-005**

Is unsafe and dangerous and hereby and herein directs the owner to repair or remove said structure within 30 days of this date and make the premises safe and secure.

BE IT FURTHER RESOLVED: That if the owner fails to commence to repair or remove the structure within the time specified or fails to diligently prosecute the repair or removal once started, then the governing body directs the Code Enforcement Officer to remove said structure and make the premises safe and secure.

Passed and approved by the Governing Body of the City of Galena, Kansas this 7th day of **October 2002**.



Dale Oglesby, Mayor

ATTEST:



Deborah Kitch, City Clerk

(SEAL)

RESOLUTION NO. 02-12

A RESOLUTION APPROVING THE ATTACHED SUBDIVISION RULES AND REGULATIONS FOR THE CITY OF GALENA, KANSAS.

Be it resolved, by the City Commission of the City of Galena, Kansas, that the **Subdivision Rules and Regulations for the City of Galena, Kansas**, as set forth in the document of the same name is hereby adopted and approved as the City's official subdivision rules and regulations.

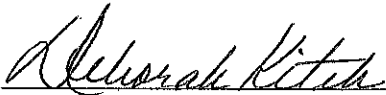
The City Clerk shall maintain on file no fewer than three copies, available to the public for inspection, and shall make copies available for purchase at a cost of \$2.50 (two dollars fifty cents).

This resolution shall take effect and be in full force upon its passage by the City Commission.

Passed by the City Commission of the City of Galena, Kansas and signed by the Mayor this 4th day of November 2002.


Dale Oglesby, Mayor

ATTEST:


Deborah Kitch, City Clerk

SUBDIVISION RULES AND REGULATIONS

(AMENDED PER CITY COMMISSION ACTION NOVEMBER 4, 2002)

**FOR
THE CITY OF GALENA, KANSAS**

SUBDIVISION RULES AND REGULATIONS FOR THE CITY OF GALENA, KANSAS

SECTION 1: INTERPRETATION AND PURPOSES

In their interpretation, the provisions of these regulations shall be held to be the minimum requirements adopted for the protection of the health, safety, and welfare. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate municipal services, and safe streets.

SECTION 2: SCOPE

These regulations shall apply to any lots forming a part of subdivision created and recorded after the effective date of this document. It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances or with restrictive covenants running with the land to which the City is a party. Where these regulations impose a greater restriction upon land than is imposed or required by such existing provisions of law, ordinances, contract, or deed, the provisions of these regulations shall control.

SECTION 3: APPROVING AGENCY

The provisions of these regulations shall be administered by the Planning and Zoning Commission and the Galena City Commission.

SECTION 4: DEFINITIONS

For the purposes of these regulations, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The words "*shall*" or "*will*" are always mandatory and not merely directory.

CITY: The City of Galena, Kansas.

CITY COMMISSION: The City Commission of the City of Galena, Kansas.

FINAL PLAT: The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the Planning and Zoning Commission for approval and which, if approved, will be submitted to the County Recorder for recording.

LOT: A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions as on a subdivision or record of survey map or by metes and bounds, for the purpose of sale or lease to, or separate use of, another.

OFFICIAL MAP: The map established by the City Commission showing the streets, highways, and parks theretofore laid out, adopted, and established by law and any amendments thereto adopted by the City Commission or additions thereto resulting from the approval of subdivision plats by the Planning and Zoning Commission and the subsequent filing of such approved plats.

OWNER: Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PLANNING COMMISSION: The Planning and Zoning Commission of the City of Galena, Kansas.

PRELIMINARY PLAT: The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning and Zoning Commission for its consideration.

STREETS AND ALLEYS:

- A. "Street" is a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
- B. "Alley" is a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street;
- C. "Cul-de-Sac" or "Dead-end Street" is a minor street with only one outlet;
- D. "Width, Street" is the shortest distance between the lines delineating the right-of-way of a street.

SUBDIVIDER: Any individual, firm, association, syndicate, co-partnership, trust, corporation, or other entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself/herself or for another.

SUBDIVISION: The division of a parcel of land into six (6) or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land which may be ordered or approved by a court or affected by testamentary or in testate provisions, or a division of land for agricultural purposes into lots or parcels of ten (10) acres or more and not involving a new street shall not be deemed a subdivision. The term "subdivision" includes "resubdivision" and, when appropriate to the context, relates to the process of subdividing, or to the land or territory subdivided. The term shall include any division in an existing subdivision of two (2) or more parcels into three (3) or more parcels for the purpose of transfer of ownership or building development, whether the newly created parcels are divided simultaneously or in stages.

SECTION 5: APPLICATION OF REGULATIONS

Except as provided herein, no person shall subdivide any tract of land, which is located within the City, except in conformity with the provisions these regulations.

SECTION 6: ENFORCEMENT

- A. *Recording of Plat.* No plat of any subdivision shall be entitled to recording in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved plat is recorded it shall be considered invalid.
- B. *Sale of Land in Subdivision.* No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. The description of such lot or parcel of land by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall exempt the transaction from the provisions of these regulations.
- C. *Permits.* The Code Enforcement Officer shall not issue building or repair permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.
- D. *Public Improvements.* The City hereby defines its policy to be that the City will withhold all public improvements of whatever nature, including the maintenance of streets and the furnishing of sewerage facilities and water service from all subdivisions which have not

been approved, and from all areas dedicated to the public which have not been approved by the City Commission in the manner prescribed herein.

- E. *Revision of Plat After Approval.* No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Planning Commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Commission.

SECTION 7: PROCEDURE

A. *Preliminary Plat.*

1. *Contents.* The preliminary plat shall show, on a map, all the facts needed to enable the Planning Commission to determine whether the proposed layout of the land in a subdivision is satisfactory from the standpoint of public interest.
2. *Preparation.* The preliminary plat shall be prepared by a registered engineer or surveyor.
3. *Filing.* The subdivider, three days prior to the Planning Commission meeting at which consideration is desired, shall file an application for preliminary approval with the City Clerk and provide at least three (3) copies of the preliminary plat according to the standards and other provisions of these regulations.
4. *Approval.*
 - a. *Time Requirement.* The Planning Commission shall act on the preliminary plat within sixty (60) days after filing unless time is extended by agreement with the subdivider or his/her agent. If no action is taken within said sixty (60) days after filing or such longer period as may have been agreed upon, the preliminary plat as filed shall be deemed approved and it shall be the duty of the Chairman of the planning Commission to comply with the provisions of (b-1) below.
 - b. *Notice of Action Taken.* The Planning Commission shall determine whether the preliminary plat shall be approved, approved with modifications, or disapproved and shall give notice to the subdivider in the following manner:
 - (1) If approved, the Chairman of the Planning Commission shall affix his/her signature to the plat and attach thereto a notation that it has received preliminary approval and return it to the subdivider for compliance with final approval requirements.
 - (2) If approved with modification or disapproved, the Chairman of the Planning Commission shall attach to the plat a statement of the reasons for such action and return it to the subdivider. In any case, a notation of the action taken and requisite reasons therefor, shall be entered in the records of the Planning Commission.
 - c. *Effect of Approval.* Approval of the preliminary plat by the Planning Commission shall not constitute final acceptance of the subdivision by the City Commission.
 - d. *Right of Subdivider After Approval.* Preliminary approval shall confer upon the subdivider the right for a one (1) year period from the date of approval that the general terms and conditions under which the preliminary approval was granted will not be changed.

- B. *Improvements.* Prior to any construction taking place or a Building Permit being issued for construction within any subdivision in the City of Galena, Kansas, or prior to a subdivider offering lots for sale to the public for the purpose of building homes or structures thereon, all improvements required by Section 9 shall have been constructed servicing the lot or lots to be sold or built upon.

- C. *Final Plat.* The final plat will have incorporated all changes or modifications required by the Planning Commission, otherwise it shall conform to the preliminary plat, and it may

constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements of these regulations.

1. *Preparation.* The final plat shall be prepared by a registered engineer or surveyor.
2. *Filing.*
 - a. *Required Matter.* After receiving notice of the action of the Planning Commission approving the preliminary plat, the subdivider shall proceed to file with the City Commission:
 - (1) Three (3) copies of the final plat;
 - (2) A written application for final approval;
 - (3) A statement by the Code Enforcement Officer and Superintendent of Public Works certifying that they are in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed and that the subdivider has complied with paragraph (B) above.
 - b. *Time Limits.* The final plat shall be filed not later than one hundred twenty (120) days after the date of approval of the preliminary plat, otherwise it will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the City Commission. The final plat shall be filed at least five (5) working days prior to the meeting at which it is to be considered. The final plat shall be considered officially filed after it is reviewed by said Commission, found to be in full compliance with the formal provisions of these regulations, accepted by said Commission, and such approval certified thereon.
 - c. *Recording.* The subdivider shall record an original and nine (9) copies of the final plat in the office of the County Recorder of Cherokee County, Kansas within thirty (30) days after the date of approval, otherwise the final plat shall be considered void.

SECTION 8: SUBDIVISION DESIGN STANDARDS

A. Streets.

1. *Conformity.* The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement and other design standards of streets shall conform to the provisions found herein.
2. *Relationship to Adjoining Street System.* The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.
3. *Projection of Streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.
4. *Streets to be Carried to Property Lines.* When a new subdivision adjoins unsubdivided land susceptible of being subdivided, then the new streets shall be carried to the boundaries of the tract to be subdivided.
5. *Street Jogs Prohibited.* Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.
6. *Dead-end Street or Cul-de-Sac.* Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than seven hundred (700) feet and shall be provided at the closed end with a turn-around having an outside street property line diameter of at least one hundred (100) feet. If a dead-end street is of a temporary nature, a similar turn-around shall be provided and provision made for future extension of the street into adjoining properties.

7. *Street Widths.* Street widths shall not be less than fifty (50) feet. Surfaced portion shall be not less than twenty-six (26) feet exclusive of curb and gutter.
 8. *Intersections.* The intersection of more than two (2) streets at one point shall be avoided except where it is impracticable. Street intersections shall be rounded with a radius of twenty (20) feet measured at the back of curbs when the intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve radius acceptable to the Planning Commission.
 9. *Subdivision into Tracts Larger than Ordinary Building Lots.* Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further re-subdivision.
 10. *Half Streets Prohibited.* Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
 11. *Street Names and Numbers.* Names of new streets shall not duplicate existing or planned street names unless a new street is a continuation of, or in alignment with the existing or platted streets.
 12. *Access to Streets Across Ditches.* The subdivider shall provide access to all proposed streets, across ditches, in a manner approved by the City.
 13. *Vacation of Streets.* The City Commission shall not vacate any street or part of a street dedicated for public use, if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the area.
 14. *Private Streets.* Private streets shall not be approved nor shall public improvements be approved for any private street.
 15. *Hardship to Owners of Adjoining Property Avoided.* The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- C. *Easements.*
1. *Provided for Utilities.* Easements with a minimum right-of-way width of ten (10) feet shall be provided on each side of all rear lot lines and along certain side lot lines where necessary for utilities.
 2. *Provided for Drainage.* Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.
- D. *Blocks—Factors Governing Dimensions.* Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Code and to provide for convenient access, circulation control, and safety of street traffic.
- E. *Lots.*
1. *Dimensions.* Lot dimensions and area shall not be less than the requirements of the Zoning Code.
 2. *Location.* All lots shall abut by their full frontage on a publicly dedicated street or a street that has received public status as such.
 3. *Lines.* Side lot lines shall be at substantially right angles to straight street lines or radial to curved street lines.
 4. *Corner Lots.* Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

5. *Uninhabitable Lots.* Lots subject to flooding and lots deemed by the Planning Commission to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by inundation nor produce unsatisfactory living conditions.
6. *Lot Remnants.* All remnants of lots below minimum size left over after subdividing or a larger tract shall be added to adjacent lots, rather than allowed to remain as unusable parcels.

SECTION 9: REQUIRED IMPROVEMENTS

- A. *Bond Required.* Prior to granting of final approval, the subdivider shall have installed or shall have furnished adequate bond for the ultimate installation of the following:
 1. *Monuments.* Monuments shall be placed at all block corners, angle points, points of curve in streets. And at intermediate points as shall be required by the Code Enforcement Officer and Superintendent of Public Works. The monuments shall be of such size, material, and length as may be approved by the Code Enforcement Officer and Superintendent of Public Works.
- B. *Time for Improvements.* Prior to any lots being offered for sale in a subdivision or prior to the construction of any residence or other structure in a subdivision, the subdivider shall have installed the following to and servicing the lot to be built upon or sold:
 1. *Streets.*
 - a. *Surfacing.* All Streets shall be surfaced in accordance with applicable specifications of the City. Such construction shall be subject to inspection and approval by the Code Enforcement Officer and Superintendent of Public Works.
 - b. *Curbs, Gutters, and Drainage.* Curbs, gutters, drainage, and drainage structures shall be provided in accordance with and construction inspected and approved by the Superintendent of Public Works and Code Enforcement Officer.
 2. *Water Supply.*
 - a. *Accessible Public Water Supply.* Where a public water supply approved by the City is reasonably accessible, each lot within the subdivision shall be provided with a connection thereto; the subdivider shall furnish and install the water Main(s) required for the service and shall pay the entire cost of such connection and installation. The subdivider shall provide the necessary and required fire hydrants, valves, and other appurtenances. All connections shall be subject to approval of the City.
 - b. *Non-accessible Public Water Supply.* In a proposed subdivision, pending accessibility of a public water supply, the subdivider may be required to construct wells or a private water supply in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are erected thereon. The adequacy, healthfulness, and potableness of the water supply shall be subject to the approval of the Kansas Department of Health and Environment.
 3. *Sanitary Sewer System.*
 - a. *Public Sanitary Sewer System.* Where a public sanitary sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the Code Enforcement Officer and Superintendent of Public Works. Public sanitary sewer shall be considered reasonably accessible when the total cost of extending and installing the public sewer main(s) to the closest three (3) lots in the land being subdivided does not exceed the cost of a private sanitary sewer system for said

three lots by more than twenty-five percent (25%) as determined by the Superintendent of Public Works, who shall determine such costs taking into consideration the following:

- (1) The cost of extending and installing the public sanitary sewer to the center of the street abutting upon the three (3) lots to be served plus the cost of installing and connecting four-inch sewer service lines to the sewer main and running the same to a point four (4) feet outside the buildings to be served on said three (3) lots.
- (2) The cost of a private sanitary sewer system for said three (3) lots shall be determined considering the use of a concrete septic tank of one thousand one hundred (1,100) gallon minimum capacity, one (1) concrete distribution box, and a minimum of two hundred (200) feet of field tile, all installed in accordance with acceptable standards.

SECTION 10: PRELIMINARY PLAT

- A. *Form.* The Preliminary Plat shall be clearly and legibly drawn. The size of the map shall not be less than twelve inches by eighteen inches (11" x 17"). The map of a subdivision containing five (5) acres or less shall be drawn at a scale of one inch equals one hundred feet (1" = 100'), unless otherwise required by the Planning Commission.
- B. *Map Contents.* The Preliminary Plat shall contain the following information:
 1. *Description.*
 - a. Name of the proposed subdivision. The name shall not duplicate, be the same in spelling, or alike in pronunciation with any other recorded subdivision.
 - b. Name of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
 - c. Names and addresses of the subdivider, owner, and engineer.
 - d. Location by section, range, township, city, county, and state.
 - e. Names of streets within adjoining plat(s).
 2. *Existing Conditions.*
 - a. Boundaries of the subdivision indicated by a heavy line and the approximate acreage involved.
 - b. Location, widths, and names of existing or platted streets, railroad rights-of-way, easements, parks, permanent buildings, section lines, and corporate limits.
 - c. Zoning districts, if any.
 - d. Drainage channels, wooded areas, power transmission poles and lines, and any other significant items should be shown.
 3. *Drafting of Plan.* Date of preparation, scale of drawing, and north point.
 4. *Proposals.* Location and principal dimensions for all proposed streets, alleys, easements, lot lines, and areas reserved for public use.
- C. *Other Information.*
 1. Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, or congestion.
 2. Proposed covenants and restrictions.
 3. Source of water supply.
 4. Provision for sewage disposal, drainage, and flood control.
 5. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.

SECTION 11: FINAL PLAT.

- A. *Form.* The final plat shall be clearly and legibly drawn in India ink on vellum or mylar media. The size of the map shall not be less than eleven inches by seventeen inches (11" x 17"). The map of a subdivision containing five (5) acres or less shall be drawn at a scale of one inch equals fifty feet (1" = 50'). All other subdivisions shall be drawn at a scale of one inch equals one hundred feet (1" = 100'), unless otherwise required by the Planning Commission.
- B. *Map Contents.*
1. *Description.*
 - a. Name of the subdivision.
 - b. Names of adjacent subdivisions and owners of adjoining unsplit parcels.
 - c. Names and Addresses of the subdivider, owner, and engineer.
 - d. Location by section, block, range, township, city, county, and state.
 - e. Names of streets within adjoining plat(s).
 2. *Existing Conditions.*
 - a. All plat boundaries.
 - b. Bearings and distances to the nearest established street lines, section corners, or other recognized permanent monuments which shall be accurately described on the plat.
 - c. Municipal, township, County, or section lines accurately tied to the lines of the subdivision by distance and bearings.
 - d. Accurate location of all monuments.
 3. *Survey Data.*
 - a. Length of all arcs, radii, internal angles, points of curvature, points of intersection, and tangent bearings
 - b. When lots are located on a curve or when side lot lines are at angles other than ninety degrees (90°), the width at the building line shall be shown.
 4. *Drafting of Plat.* Date of preparation, scale of drawing, north point.
 5. *Proposals.*
 - a. All easements for right-of-way provided for public services or utilities, and any limitations of such easements.
 - b. All lot numbers and lines, with accurate dimensions in feet and hundredths and with bearings or angles to street and alley or crosswalk-way lines.
 - c. Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.
 - d. Building setback lines, with dimensions.
- C. *Other Information.*
1. Protective or restrictive covenants shall be shown on the plat.
 2. Code Enforcement Officer's certificate.
 3. Certification shall be furnished from the County Treasurer that all taxes and assessments have been paid on the land within the proposed subdivision.
 4. If a zoning change is involved, certification from the Planning Commission shall be furnished indicating that the change requested has been approved and is in effect.
 5. Certification by a registered civil engineer or surveyor to the effect that the plat represents a survey made by him/her and that all monuments shown thereon actually exist, and that their location is correctly shown.
 6. An acknowledgment by the owner or owners, of his/her or their adoption of the plat, and of the dedication of streets and other public areas.

SECTION 12: PENALTIES

Any person violating the provisions of these regulations shall be deemed guilty of a misdemeanor and punished by a fine of not more than \$100.00 or confinement in the City Jail for not more than 30 days, or by both such fine and imprisonment. Each and every day that such violation exists shall be deemed to be a separate offense.