

Article 2

PLAT FILING REQUIREMENTS

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Section 2-1. General Procedure

- 2-1.01 This article establishes uniform procedures and platting requirements for subdivisions as provided in K.S.A. 12-752.

- 2-1.02 All preliminary and final plats of subdivisions within the unincorporated area of Franklin County shall be submitted to the Planning Commission for its approval. The Register of Deeds of Franklin County shall not file for record any plat for land located within any area governed by these Subdivision Regulations until:
 - A. A final plat has been approved and endorsed thereon by the Planning Commission; and
 - B. Land dedicated to public purposes has been acted upon by the Board of County Commissioners as required herein.

- 2-1.03 The Planning Director shall have the authority to certify a preliminary plat, final plat, or small subdivision plat application as complete or incomplete. If a plat application is certified as complete, then said director shall place the application on the Planning Commission's agenda for consideration. If a plat application is certified as incomplete, then said director shall return the application to the applicant with a written explanation of his determination. The applicant may reapply or may appeal said director's determination to the Board of County Commissioners for consideration as to the completeness of the application.

Section 2-2. Preapplication Conference and Sketch Plan

- 2-2.01 Before filing a preliminary plat, the subdivider shall consult with the Planning Director for advice regarding general requirements affecting the proposed development. The subdivider shall furnish the Planning Director with the following information:
 - A. A general description of existing conditions of the site, including data on existing land and soil characteristics, existing covenants, availability of utilities and other public facilities, and proposed uses.
 - B. A sketch of the proposed subdivision on a topographic survey map showing proposed streets, lots, and other features.

C. A general location map showing the relationship of the proposed subdivision to existing utilities, major streets, and community facilities and to surrounding developed and undeveloped land when such information is considered necessary by the Planning Director.

2-2.02 The Planning Director shall advise the subdivider of the requirements pertaining to the proposed subdivision as such requirements are established by these Subdivision Regulations. The preapplication procedure does not require formal application, fee, or filing of a plat with the Planning Commission and need not be prepared by a licensed surveyor.

2-2.03 In addition to the Planning Director, other participants in the preapplication conference may include representatives of any affected Rural Water Districts and the Franklin County Public Works Director.

2-2.04 Comments made during the preapplication conference are for general direction only.

Section 2-3. Preliminary Plat

2-3.01 Conformance with Comprehensive Plan and Zoning Regulations: A preliminary plat of the proposed subdivision shall be prepared by the subdivider or his agent and submitted to the Planning Commission for its consideration and approval. The Planning Commission shall satisfy itself that the plat's proposed street pattern and land use will conform to the *Franklin County Comprehensive Plan* and policies, as well as with the County's Zoning Regulations regarding lot size and lot frontage. The preliminary plat shall also conform to the County's Sanitation Code and other local codes, regulations, and standards.

2-3.02 Contents of Preliminary Plat: Application for a preliminary plat shall be on a form provided by the Planning and Building Office and shall include twenty (20) copies of the plat along with the appropriate fee as established by the County. Such preliminary plat shall:

- A. Be drawn to a scale of not more than one hundred feet (100') to one inch (1") unless the area of the subdivision is over one hundred (100) acres, then to the scale of not more than two hundred feet (200') to one inch (1") unless waived by the Planning Director.
- B. State the name of the proposed subdivision, legal description of the site to the subdivided, location, acreage, names and addresses of owner, subdivider and land surveyor. Such subdivision name shall not duplicate the name of any existing subdivision in Franklin County, Kansas.
- C. Show date of preparation, north point, and scale of drawing.
- D. Show the location of the subdivision by measured distance to a section corner to define the location and boundaries of the tract which will be subdivided.
- E. Indicate that the map is a preliminary plat.
- F. Indicate applicable zoning districts for the property and all adjoining property.

- G. Show location of property and boundary lines, location, width and names of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.
- H. Show the location, to the nearest foot, within the subdivision and in the adjoining streets and property of all existing sewer, septic tank, water mains, gas mains, culverts or other underground installations with pipe size and manholes.
- I. Show existing uses of the property including the location of all existing structures that will remain on the property after the final plat is recorded.
- J. Show names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land.
- K. Show location of watercourses, areas subject to flooding, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision.
- L. Show topography with contours at intervals of two (2) feet and unique topographic features, lakes, and tree masses.
- M. Show land within the boundaries of the 100-year floodplain as identified on the most recent version of the Federal Emergency Management Agency's "Flood Hazard Boundary Maps" and/or Federal Insurance Rate Maps for unincorporated Franklin County.
- N. Be accompanied by a general location map which identifies the area of the County in which the tract to be subdivided is to be located and 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.
- O. Show proposed streets, including location, width, names and approximate grade and showing the manner in which the proposed streets may be extended to connect with existing streets.
- P. Show blocks and lots, including lot lines with approximate dimensions, proposed numbers, and lot sizes in square feet or nearest one hundredth acre.
- Q. Show proposed utility system concept plan for telephone and other communications, sanitary waste, water, electricity and/or natural gas. *All plats shall include a wastewater management plan, to be approved by the County Sanitarian.*
- R. Show location of proposed culverts, storm sewers, and drainage system.
- S. Show all proposed easements, dedications and reservations.
- T. Show sites to be designated for purposes other than single-family residential including location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation or dedication for public use.

- U. Show phasing plan if applicable.
- V. Provide general layout of adjacent unsubdivided property to show how streets and other public facilities in the proposed subdivision relate to the unsubdivided property.
- W. Be accompanied by proposed deed restriction, if any, in outline form.
- X. If access is to be provided from a State Highway, the subdivider shall provide a letter from the Kansas Department of Transportation along with the application stating whether or not the State accepts the design and location of said access.
- Y. A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the plat. The consent of all such persons shall be shown on the plat and their signatures shall be notarized.
- Z. Any subdivision or re-subdivision creating lots or tracts less than 20 acres in size, except as otherwise required by these Regulations, shall include:
 1. A statement from the affected Rural Water District that the District has the capabilities to serve public water to each lot and that such service is available and/or identify the improvements necessary to make water available, or;
 2. A geological report, where public water is not available, with sufficient data to indicate the presence of a ground water supply adequate to serve the domestic needs of each lot in accordance with the standards and requirements of the Franklin County Sanitation Code.

2-3.03 Notification of Surrounding Property Owners: At least twenty (20) days prior to the Planning Commission public hearing at which the preliminary plat is to be considered for approval, the Planning Director shall notify all property owners of land located within 1,000 feet of the subdivision land and/or all abutting property owners that such a hearing will take place. Notification shall include the time, date and place of said public hearing.

2-3.04 Staff Review and Actions: Upon receipt of the preliminary plat and supporting data required in this article, the Planning Director shall perform the following tasks:

- A. Certify the application as complete (if applicable) and affix the date of application acceptance on the preliminary plat.
- B. Place the preliminary plat on the agenda for consideration at the next regularly scheduled meeting of the Planning Commission.
- C. Cause a notice to be published in an officially designated newspaper qualified to publish legal notices in Franklin County giving the name of the subdivision and the approximate acreage. The notice shall first be published at least twenty (20) days prior to the regularly scheduled Planning Commission meeting for consideration of said plat.

- D. Distribute a copy of the preliminary plat to all County Administrative Departments and Special Districts which may be affected for review and comment.
- E. Coordinate all general staff and utility comments and forward along with a staff report to the Planning Commission recommending approval, conditional approval, or denial of the preliminary plat.

2-3.05 Planning Commission Review and Actions: The Planning Commission shall conduct a public hearing on the preliminary plat to determine if the same conforms to the provisions of these Subdivision Regulations. The Planning Commission shall act upon the preliminary plat within sixty (60) days after submission, stating its approval, conditional approval (stating findings and conditions), or disapproval (stating reasons). If such determination is not made within sixty (60) days after the preliminary plat has been submitted for consideration, such plat shall be deemed to have been approved and a certificate shall be issued by the Secretary of the Planning Commission upon demand, unless the subdivider has consented to an extension or waiver of the time limitation.

2-3.06 Effect of Preliminary Plat Approval: Approval of the preliminary plat shall not constitute acceptance of the subdivision by Franklin County but authorizes preparation of the final plat. No grading or improvements shall take place in the subdivision prior to approval and endorsement of the final plat by the Planning Commission, acceptance by the Board of County Commissioners on land dedicated for public purposes, and the submittal to and approval of improvement construction plans by the County Public Works Director.

2-3.07 Phasing Plan: When a subdivision is planned to be developed in phases, a phasing plan shall be considered along with the preliminary plat. Multiple final plats may, thereafter, be filed provided that each final plat substantially complies with the approved phasing plan and preliminary plat.

2-3.08 Preliminary Plat Time Limits: After the approval or conditional approval of a preliminary plat, the subdivider may file a final plat or plats, as provided in Section 2-4.07 with the Planning Commission. A final plat must be submitted to the Planning Director within twenty-four (24) months from the date of approval of the preliminary plat, or said preliminary plat shall be null and void. However, filing of a final plat on a portion of said preliminary plat, as provided in Section 2-4.07 shall extend the time of the preliminary plat for an additional twenty-four (24) months.

2-3.09 Preliminary Plat Time Extension: Within thirty (30) days prior to the expiration of an approved preliminary plat, the subdivider may file for a time extension of the preliminary plat. A time extension request shall be filed with the Planning Director and shall include such fees as established by the Board of County Commissioners. Procedures for consideration of the time extension shall be those required for a preliminary plat.

Section 2-4. Final Plat

2-4.01 Preparation: After the preliminary plat has been approved, a final plat for record shall be prepared and submitted to the Planning Commission for final approval.

The final plat may include all or a portion of the area encompassed by the preliminary plat as provided in Section 2-3.07 of these Subdivision Regulations.

2-4.02

Conformance with Preliminary Plat: No final plat shall be considered for approval unless all provisions of these Subdivision Regulations have been met, including compliance with conditions set forth by the Planning Commission on the preliminary plat. No final plat shall be considered if it differs substantially from the preliminary plat as previously approved by the Planning Commission.

2-4.03

Contents of Final Plat: The subdivider shall submit to the Planning Director a final plat application along with the original drawing prepared by a licensed surveyor on tracing cloth, mylar, vellum, or other permanent reproducible material, and twenty (20) true copies thereof and the appropriate fee as established by the Board of County Commissioners. All drawings and signatures of certification shall be in waterproof ink. The scale shall not be more than one hundred feet (100') to one inch (1") unless waived by the Planning Director. No drawing shall exceed the size of twenty-four inches (24") by thirty-six inches (36") unless a larger size is approved by the Register of Deeds of Franklin County, Kansas, and such approval is shown on the face of said drawing. The final plat shall show the following:

- A. The name of the subdivision.
- B. Legend, graphic scale and North point.
- C. Date, title, name under which the subdivision is to be recorded, and location of subdivision. The name of the platted subdivision shall not duplicate the name of any platted subdivision previously recorded in Franklin County unless it is an addition to and contiguous to the same.
- D. Features such as watercourses, highways and railroads.
- E. The names of adjoining subdivisions.
- F. Building setback lines, if any.
- G. 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.
- H. Lot lines with dimension. 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 located. Points of deflection of rear lot lines shall be indicated by angles and distances.
- I. Lot numbers beginning with the number one and numbered consecutively in each block.
- J. Block numbers or letters 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 to not obliterate any figure.

- K. The width of the portion of the streets being dedicated and the width of any existing right-of-way.
- L. The final plat shall designate the name or names by which the proposed roads or streets are to be officially known. The Planning Director reserves the right to require different names and numbering systems if the Planning Commission believes such action is necessary.
- M. The plat of the proposed subdivision shall contain sufficient information and engineering data to locate any line on the ground. Such map shall show the following:
 - 1. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions, which must be in compliance with the provisions of K.S.A. 74-7037 governing the State Board of Technical Professions, rules and regulations for control of quality surveying.
 - 2. The location of existing monuments or benchmarks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments. A certification signed by the licensed land surveyor, who prepared the survey and final plat as to testify to the accuracy of the survey and plat, and certifying that all permanent monuments as required have been set, shall be placed on the final plat.

SURVEYOR’S CERTIFICATION

I hereby certify that the platted area and the location map shown hereon are the true and accurate results, to the best of my professional knowledge, of a field survey occurring on or before _____, _____ and the plat is a closed traverse.

Surveyor

Date

SEAL

- N. A legal description of the proposed subdivision.
- O. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted including the dedication of any property for public use and the preservation of any property for private use. Also, certification by the subdivider if different than said parties, that the plat is a true representation of the proposed subdivision. (See owner’s dedication certification in Item P below.)

- P. 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 easements, with sufficient ties to locate it definitely with respect to the subdivision, must be shown. If any easement is being dedicated on the map, it shall be properly referenced in the owner's certificate of dedication with each owner listed separately on the final plat.

DEDICATION

Be it known to all men that we, the undersigned owner(s) of the above-described tract of land, have caused for the same to be surveyed and platted under the name of _____ and have caused the same to be subdivided into lots and tracts, as shown and fully defined on this plat. An easement is hereby granted to Franklin County and public utility companies to enter upon, construct, and maintain utilities upon, over, and under those areas outlined on this plat as "utility easement" or "U/E".

Landowner(s)

Date

- Q. The acknowledgement of a notary in the following form:

State of _____, County of _____, SS.

Be it remembered that on this ____ day of ____, 20__, before me, a notary public in and for said County and State, came _____, to me personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In witness whereof, I have hereunto set my hand and affixed my seal the day and year above written.

(SEAL)

Notary Public

My Commission Expires

- R. Land parcels to be dedicated for any purpose, public or private to be distinguished from lots or tracts intended for sale.

- S. Space for approval of the final plat by the Planning Commission.

Approved by the Franklin County Planning Commission, Franklin County, Kansas.

Chairperson

Date

- T. Space for acceptance by the Governing Body of land dedicated for public purposes.

Easements approved for public purposes by Franklin County Commission, Franklin County, Kansas.

Chairperson Date

County Clerk Date

U. The certificate of the County Treasurer stating that all taxes due and payable to the County have been satisfied in the following form:

State of Kansas, County of Franklin, ss.

This is to certify that all current and previous years taxes and any special assessments have been paid on the land being platted.

Date Signed: _____ (Name) _____, Treasurer
By _____, Deputy

V. The certificate of the Register of Deeds in the following form:

State of Kansas, County of Franklin, ss.

This is to certify that this instrument was filed for record in the office of Franklin County Register of Deeds on this ____ day of _____, 20 ____, at ____:____ AM/PM and is duly recorded at Slide No. _____ Instrument No. _____.

Register of Deeds

W. A notarized copy of the deed restrictions or covenants in a form suitable for recording where deed restrictions or covenants were submitted as part of the consideration for the preliminary plat.

2-4.04 Staff Review and Actions: Upon receipt of the final plat and certification documents required in this section, the Planning Director shall perform the following tasks:

- A. Certify the final plat application as complete (if applicable) and affix the date of application acceptance on the final plat.
- B. Place the final plat on the agenda for consideration at the next regularly scheduled meeting of the Planning Commission.
- C. Distribute a copy of the final plat to appropriate public officials and any affected utility companies.

D. Coordinate all general staff and utility comments and forward along with a staff report to the Planning Commission recommending approval, conditional approval, or denial of the final plat.

2-4.05 Planning Commission Review and Approval: The Planning Commission shall approve or disapprove the final plat within 60 days from the submission of such plat. Action on a final plat shall be taken by a majority vote of the Planning Commission membership, regardless of the number of Planning Commission members present and voting at the hearing. If the final plat is disapproved, the applicant shall be notified in writing of the reasons for such disapproval. If the Planning Commission fails to approve or disapprove a preliminary plat within the 60 day period, then the final plat shall be deemed approved and such approval endorsed on the plat by the Chairperson on the Planning Commission, unless the applicant shall have requested or consented to waive such time limitation. If the final plat is approved, the Chairperson of the Planning Commission shall date and endorse the original.

2-4.06 Acceptance of Dedications: A final plat that has been approved by the Planning Commission shall be submitted to the Board of County Commissioners for its acceptance of the dedication of streets and other public ways, service, and utility easements and any land dedicated for public purposes. The Board of County Commissioners shall accept or refuse the dedication within thirty (30) days after its first meeting following the date of the submission of the final plat to the County Clerk. The Board of County Commissioners may defer action for an additional thirty (30) days for the purpose of allowing for modifications to comply with the requirements of these Subdivision Regulations. No additional fees shall be assessed during this additional period. If the Board of County Commissioners defers or refuses such dedication, the Board of County Commissioners shall advise the Planning Commission of the reasons for such deferral or refusal. Failure of the Board of County Commissioners to execute an acceptance of dedication shown on the plat shall be deemed to be a refusal of the proposed dedication. Prior to recording any final plat with the Franklin County Register of Deeds, said plat shall include a certificate of the Governing Body that all dedications, if any, are accepted by said Board of County Commissioners.

2-4.07 Filing of Plat: The original of any final plat or replat and applicable deed restrictions or covenants, if any, shall be filed with the Franklin County Register of Deeds by the Planning Director only after all approvals, acceptances and procedures as required by these Subdivision Regulations have been met. These include:

- A. Approval of the final plat by the Planning Commission and endorsement thereon.
- B. Approval of land dedicated to public purposes, if any, by the Board of County Commissioners and certification thereon.
- C. Certification by the County Treasurer of Franklin County, Kansas, that there are no unpaid taxes, special assessments or tax liens outstanding against the property.
- D. Certification from the subdivider or owner to the Planning and Building Department that the subdivision's boundaries are pinned and there is a contract with a licensed land surveyor to pin the lots after completion of streets and public improvements if not indicated on the final plat or replat.

- E. Acceptance of the road and other public improvements by the Board of County Commissioners for maintenance; or the acceptance of financial guarantees for the required public improvements.
- F. A notarized copy of deed restrictions or covenants endorsed by the subdivider or owner in a form suitable for recording.

2-4.08 Final Plat Validity: If a permit for substantial construction has not been applied for and issued for any portion of a subdivision within five (5) years of filing with the Franklin County Register of Deeds, said final plat shall be null and void. The Planning Commission may, at the request of the party who applied for the plat, grant an extension of the validity of the final plat for up to three years.

Section 2-5. Concurrent Submission of Preliminary and Final Plats

2-5.01 Nothing contained in Section 2-3 and 2-4 shall be construed to prohibit the concurrent submission of preliminary and final plats, so long as they contain all the information and follow all the procedures that would be required by these Subdivision Regulations, if such preliminary and final plats were submitted separately.

2-5.02 When a subdivider submits the preliminary and final plats concurrently, the Planning Commission shall act upon such submittal within sixty (60) days after submission, stating its approval, conditional approval (stating conditions), or disapproval (stating reasons). If such determination is not made within sixty (60) days after the preliminary and final plats have been concurrently submitted for consideration, such plats shall be deemed to have been approved and a certificate shall be issued by the Secretary of the Planning Commission upon demand, unless the subdivider has consented to an extension or waiver of the time limitation.

Section 2-6. Small Subdivision Plat

2-6.01 Whenever a subdivision or re-subdivision consists of only one (1), two (2), three (3), or four (4) lots, the Planning Director may waive the requirements for submission of the preliminary plat. Such waiver shall permit the subdivider to file with the Planning Director a “small subdivision plat” which shall:

- A. Be discussed with the Planning Director before submission.
- B. Be submitted to the Planning Director at least thirty (30) days prior to the regularly scheduled Planning Commission meeting.
- C. Contain the required information for final plats as outlined in Section 2-4.03.
- D. Be accompanied by the filing fee required by these Subdivision Regulations.
- E. Be acted upon by the Planning Commission within sixty (60) days after submission, stating its approval, conditional approval (stating conditions), or disapproval (stating reasons). If such determination is not made within sixty (60) days after the small subdivision plat has been submitted for consideration, such plat shall be deemed to have been approved and a certificate shall be issued by

the Secretary of the Planning Commission upon demand, unless the subdivider has consented to an extension or waiver of the time limitation.

2-6.02 The approval of small subdivision final plats shall be subject to the provisions of Section 2-4.05.

2-6.03 A series of two (2) lot, three (3) lot, or four (4) lot subdivisions which create a unified subdivision shall not constitute a small subdivision within the meaning of this section.