

# BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

## WEDNESDAY, DECEMBER 11, 2002

6:35 P.M.

- Convene
- Pledge of Allegiance

### CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders
- (b) Consider approval of Updated Entrance Standards & Permit Resolution (Keith Browning)
- (c) Consider approval of resolution amending a planning and zoning classification from "A-1" Suburban Home Residential to "B-3" Limited Business District (Keith Dabney)

### REGULAR AGENDA

- (2) Receive report and recommendations from ECO2 Study group
- (3) Planning item: TA-05-02A-02: Text Amendment to Section 21-104(a) of the Joint City/County Subdivision Regulations to require subdivision plats within the City of Lawrence to include all contiguous land under the same ownership. (Bryan Dyer)
- (4) Black Jack Battlefield Issues surrounding Nomination to the National Register (Dennis Enslinger)
- (5) Consider request for funding for Heritage Summit (Judy Billings)
- (6) Discussion of fireworks regulations in unincorporated area of the county (Weinaug)
- (7) Other Business
  - (a) Consider approval of Accounts Payable (if necessary)
  - (b) Appointments
  - (c) Miscellaneous
  - (d) Public Comment
- (8) Adjourn

## MONDAY, DECEMBER 16, 2002

-No Commission Meeting

## WEDNESDAY, DECEMBER 18, 2002

-Consider approval of resolutions approving cereal malt beverage licenses (Patty Jaimes)

## MONDAY, DECEMBER 23, 2002

-Presentation of Kansas Advisory Group Award to Youth Services (Rod Bremby & Mark Gleason)

# Douglas County

## Department of Public Works

Keith A. Browning, P.E.  
Director of Public Works/County Engineer

### MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : December 5, 2002

Re : Consent Agenda Approval of Updated Entrance Standards & Permit Resolution

The attached home rule resolution is revised from the originally proposed resolution per BOCC comments from the October 16 meeting. It combines the current entrance standards resolution (HR 88-11-8) and the recently approved shared entrance standards resolution (HR 02-7-3) into one resolution. It does not revise the construction standards or permit requirements for either single or shared entrances.

Revisions to the originally proposed resolution include:

- (1) Increases the permit and inspection fee from \$25 to \$75.
- (2) Adds the requirement of written documentation in the event that the County Engineer approves modified entrance standards due to safety concerns.
- (3) Revises Section 9-202-5 concerning penalties for violations per recommendations from County Counselor. The language of this section is as proposed by Evan Ice.

Action Required: Consent Agenda approval of a home rule resolution providing construction standards and permit requirements for entrances on county routes, and repealing Resolution Nos. HR 88-11-8 & HR 02-7-3.

RESOLUTION NO. 02-\_\_\_\_\_

**A HOME RULE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AMENDING SECTION 9-202 OF THE CODE OF DOUGLAS COUNTY, KANSAS; PROVIDING CONSTRUCTION STANDARDS FOR ENTRANCES ON COUNTY ROUTES; REQUIRING A PERMIT AND INSPECTION FROM THE COUNTY ENGINEER THEREFORE; AND REPEALING RESOLUTION NOS. HR 88-11-8 & HR 02-7-3.**

WHEREAS, K.S.A. 19-101 *et seq.* authorizes the Board of County Commissioners of each County to transact all county business and perform all powers of local legislation and administration as it deems appropriate.

WHEREAS, K.S.A. 68-543 requires the County Engineer to approve plans for, give permission for, and supervise the construction of culverts or private entrances on county routes.

WHEREAS, pursuant to the foregoing authority, the Board of County Commissioners has duly adopted Resolution No. HR-88-11-8, which is codified a Section 9-202 of the Code of Douglas County, Kansas (the "Code") and has amended such Resolution by Resolution No. HR-02-7-3.

WHEREAS, the Board of County Commissioners desires to make certain amendments to said Resolutions and codified.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, that the following resolution is enacted:

1. Authority. This resolution is enacted under the authority vested in the Board of County Commissioners by K.S.A. 19-101 *et seq.* and K.S.A. 65-543.

2. Section 9-202. Section 9-202 of the Code is hereby amended and restated to read as follows:

9-202. CONSTRUCTION STANDARDS FOR PRIVATE ENTRANCES ONTO COUNTY ROUTES.

9-202-1 ENTRANCE PERMITS. Any person wishing to install and construct a culvert or entrance into private property from a county maintained road shall do all of the following:

- a. Obtain approval of the location plan and culvert size from the county Engineer.
- b. Pay a permit and inspection fee of \$75.
- c. Comply with the directions and requirements of the County Engineer including, but not limited to, the standards for driveway culvert installation, the initial standards of which are attached hereto as Exhibit A. Said standards are hereby adopted by reference and incorporated herein and may be amended by the Board of County Commissioners

from time to time, with copies of the then current standards being available in the office of the County Engineer.

- d. Obtain inspection and approval of the installed culvert by the county engineer.

9-202-2

#### SHARED ENTRANCES.

- a. A shared entrance is an entrance intended to serve more than one property. It is typically located on or near a common property line shared by adjacent property owners or developers. A shared entrance is desirable because it eliminates an additional point-of-conflict along the roadway, thereby reducing the possibility of traffic accidents.
- b. When conditions allow, the County Engineer may require the installation of a shared entrance onto County routes in order to reduce the number of entrances and maintain desirable entrance spacing. A typical example for the requirement of shared entrances is when a series of relatively small, adjacent tracts are developed or development is expected in the near future. A shared entrance may also be required by the County Engineer to maximize sight distance depending on roadway and site conditions.
- c. A shared entrance onto a County route shall be contained on public road right-of-way, and upon proper installation and acceptance shall be maintained by the County in a manner similar to maintenance of other private entrances on County routes.
- d. Construction of a shared entrance onto a County route shall conform to the directions and requirements of the County Engineer including, but not limited to, the standards for shared entrance installation, the initial standards of which are attached hereto as Exhibit B. Said standards are hereby adopted by reference and incorporated herein and may be amended by the Board of County Commissioners from time to time, with copies of the then current standards being available in the office of the County Engineer.
- e. A properly constructed and approved shared entrance onto county rights-of-way (including township maintained roads) shall not be deemed a private road or street, and shall not be prohibited by the Joint Subdivision Regulations of the City of Lawrence and Douglas County, as in effect on the effective date of this Resolution; provided, however that the portion of the entrance that is shared must be within the county right-of-way. Any shared portion of the entrance and driveway that extends beyond the boundaries of the county right-of-way shall be deemed a private road or street and prohibited by such Subdivision Regulations. Shared entrances onto township maintained roads must be constructed and approved in accordance with regulations or policies of the applicable township.

9-202-3

COUNTY ENGINEER DISCRETION. The County Engineer is hereby delegated and granted the authority to modify the standards referenced in Sections 9-202-1.c and 9-202-2.d, as from time to time amended, on a case-by-case basis in situations in which the County Engineer determines, in the exercise of the County Engineer's engineering judgment, that strict application of the standards will involve increased risk to property or public safety. In the event that the County Engineer exercises the County Engineer's engineering judgment to modify the above standards in any particular instance, the County Engineer shall set forth in writing the reasons for such decision and maintain such writing in the files relating to the subject entrance.

9-202-4

#### VIOLATIONS.

- a. Any person who shall install or construct a culvert or entrance into private property from a county maintained road without obtaining a permit as required by this Section 9-202 shall be guilty of violating this Section and the Resolution enacting this Section.
- b. Any person who shall obtain a permit as required by this Section 9-202 to install or construct a culvert or entrance into private property from a county maintained road, but (i) shall install or construct the culvert in such a manner so as to not comply with the plans and specifications approved by the County Engineer and (ii) shall fail to remedy the deficiencies within thirty (30) days of notice by the County Engineer sent to the property owner by certified mail, return receipt requested, or within such additional time as the County Engineer may grant, shall be guilty of violating this Section 9-202 and the Resolution enacting this Section. In addition, if the deficiencies are not remedied within said thirty (30) day period, or within such additional time as the County Engineer may grant, the Department of Public Works may abate such violation at the expense of the owner of the property.
- c. Any person who shall violate the provisions of this Section 9-202 shall be civilly liable to Douglas County in the amount of \$100, which civil liability shall be in addition to criminal liability set forth in K.S.A. 68-543. Each day that the violation exists shall be deemed a separate violation.

9-202-5

#### ASSESSMENT OF COSTS OF ABATEMENT; NOTICE OF COSTS; APPEAL.

- a. The Department of Public Works shall keep an itemized account of the expenses incurred by the County in the abatement of any violations of this Section 9-202. Following an abatement, the Department of Public Works shall cause an assessment entitled "Notice of Costs" to be mailed to the property owner by certified mail, return receipt requested. The Notice of Costs shall also be

posted on the property. The owner shall have thirty (30) days from the date of the Notice to make full payment. The Notice of Costs shall state:

- (1) The common or legal description of the property, or both;
  - (2) The nature of the violation that was abated;
  - (3) The nature of the work performed to abate the violation;
  - (4) The amount of the costs incurred for the abatement of the nuisance either in a lump sum or in an itemized form;
  - (5) That the failure to pay the entire amount within sixty (60) days shall allow the County to file a lien against the property or to pursue litigation for the recovery of the costs, or both. Partial payments will not be accepted and shall be considered as nonpayment under this Section; and
  - (6) That an appeal of the proposed assessment must be made in writing and received by the Department of Public Works within sixty (60) days from the date of the Notice.
- b. Upon the expiration of the sixty (60) day period, if no appeal has been received by the Department of Public Works, a copy of the Notice of Costs shall be forwarded to the County Clerk who shall enter the amount on the County assessment roll, which shall constitute a special assessment against and a lien upon the property and shall be collected as any other assessment by the County.
- c. If a written appeal of the proposed assessment is received by the Department of Public Works prior to the expiration of the sixty (60) day period, an appeal of the assessment before the County Administrator or his designee shall be scheduled by the Department of Public Works for a date no sooner than twenty (20) days following the date the appeal was received. Written notice of the time and place of the hearing shall be given to each appellant by first class mail at the address provided with the written appeal request, and shall be mailed at least fifteen (15) days before the date set for the hearing. The appeal hearing shall be conducted by the County Administrator or his designee, who shall make a written determination of whether the assessment was authorized by this Section 9-202 and whether the amount of the charges should be canceled, reduced, or remain the same. If the County Administrator or his designee determines that the proposed assessment, or any part of it, is proper and authorized, the County Administrator or his designee shall so certify to the County Clerk who shall enter the amount on the County assessment roll, which shall constitute a special assessment against and a lien upon the property and shall be collected as any other assessment by the County. The decision of the County Administrator or his designee

shall be considered a final order of the Board of County Commissioners.

- d. The County Administrator or his designee may reduce or cancel a proposed assessment if it is determined that any of the following did not substantially confirm to the provisions of this Section:
  - (1) The notice of violation;
  - (2) The work performed by the Department of Public Works in abating the violation; and
  - (3) The computation of charges incurred in abating the violation.
  
- e. If, after a lien has been entered in the assessment roll, there is a written request of the owner who alleges that the owner did not receive notice of the proposed assessment, the County Clerk shall refer the matter for appeal procedures pursuant to Subsection 9-202.d. The lien may be canceled or reduced by the County Administrator or his designee if, after hearing, it is determined:
  - (1) The owner did not receive notice of the proposed assessment; and
  - (2) The circumstances are such that a reduction or cancellation of the charges would have been appropriate had the owner received notice of the proposed assessment.
  
- f. Immediately upon its being placed on the assessment roll, the assessment shall be deemed to be complete, the several amounts assessed shall be payable, and the assessments shall be liens against the lots or parcels of land assessed, respectively. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state and county property taxes, which shall be upon the same parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.
  
- g. The County Clerk shall add the amount of the assessment to the next regular tax bill levied against the property. All assessments remaining unpaid after thirty (30) days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of interest for delinquent ad valorem real property taxes. The County Treasurer shall collect the assessment at the same time and in the same manner as ordinary property taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

- h. The person who is the owner of the property at the time at which the notice of violation is sent shall be personally liable for the amount of the assessment, including all interest, civil penalties, and other charges.
- i. Nothing in this Subsection shall limit the County from utilizing other collection methods to recoup abatement costs.

9-202-6 SAVINGS CLAUSE. If any section, subsection, sentence, clause, or phrase of this Section 9-202 is for any reason held to be invalid or unconstitutional by final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section. The Board of County Commissioners declares that it would have adopted this Section and each subsection, sentence, clause, or phrase, despite the fact that any one or more subsections, sentences, clauses, or phrases would be declared invalid or unconstitutional.

3. Repeal. Effective on the Effective Date of this Resolution, Resolution No. HR-88-11-8 and Resolution No. HR-02-7-3 and Section 9-202 of the Code, all as existing prior to passage of this Resolution, are hereby repealed.

4. Effective Date. This Resolution shall take effect and be in force from and after its adoption by the Board of County Commissioners and publication once in the official County newspaper.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

**BOARD OF COUNTY COMMISSIONERS OF  
DOUGLAS COUNTY, KANSAS**

\_\_\_\_\_  
Jere McElhaney, Chairperson

\_\_\_\_\_  
Charles Jones, Member

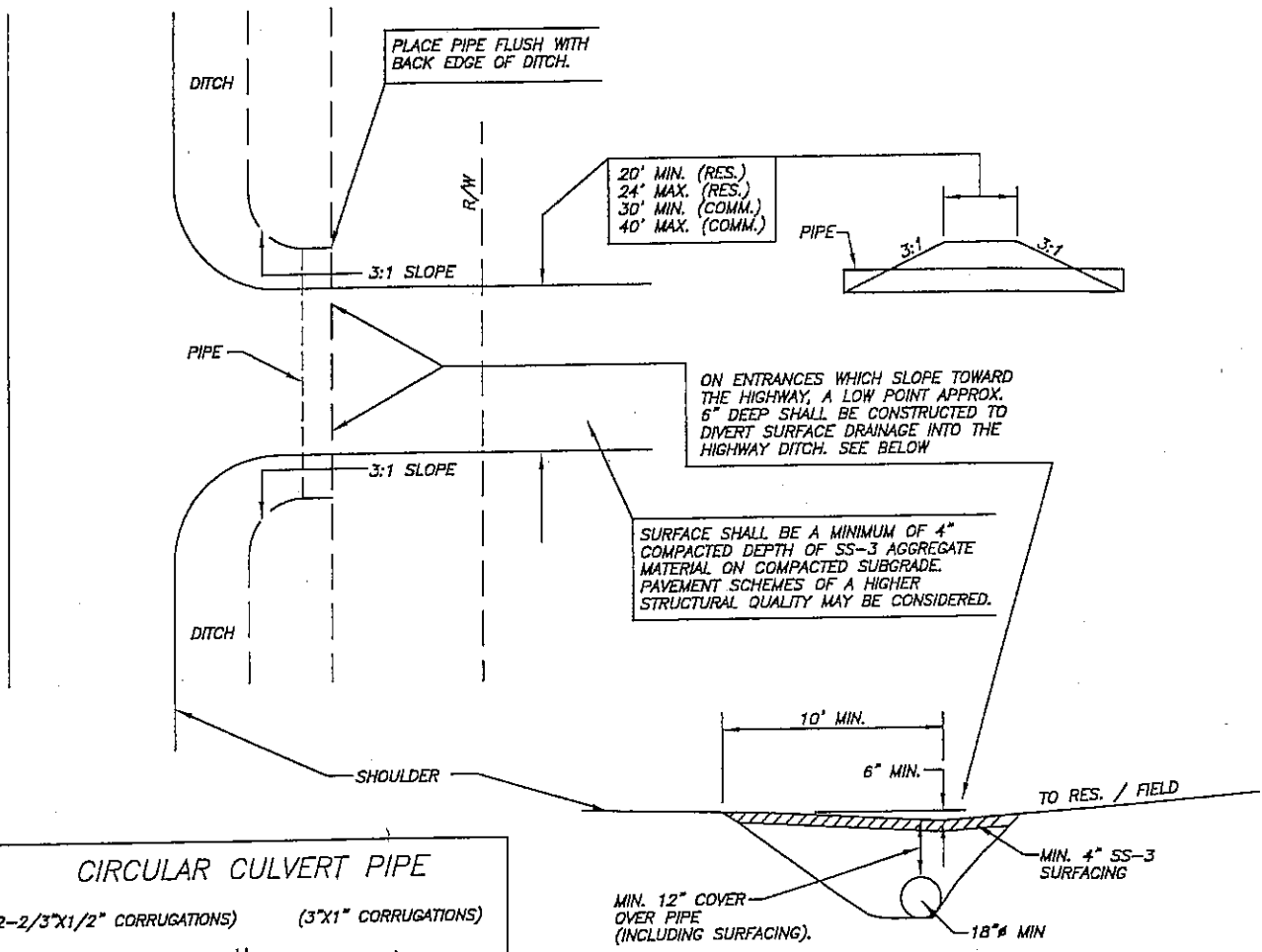
\_\_\_\_\_  
Bob Johnson, Member

ATTEST:

\_\_\_\_\_  
Patty Jaimes, County Clerk



# "EXHIBIT A"



## CIRCULAR CULVERT PIPE

(2-2/3" X 1/2" CORRUGATIONS)		(3" X 1" CORRUGATIONS)	
DIA.	GAUGE	DIA.	GAUGE
12-21"	16	36-54"	14
24-30"	14	60-84"	12
36-54"	12		
60-72"	10		

ARCH CULVERT PIPE MAY BE REQUIRED AND / OR MAY BE ALLOWED AS AN ALTERNATE; WHEN ARCH PIPE IS APPROVED FOR USE, GAUGE WILL BE SPECIFIED ON PERMIT.

### TYPE OF "MATERIALS" ALLOWED

- NEW BITUMINOUS COATED CORRUGATED STEEL PIPE
- NEW GALVANIZED CORRUGATED STEEL PIPE
- NEW ALUMINIZED CORRUGATED STEEL PIPE
- NEW TYPE III REINFORCED CONCRETE PIPE
- NO OTHER MATERIALS ARE APPROVED

## CONSTRUCTION METHODS

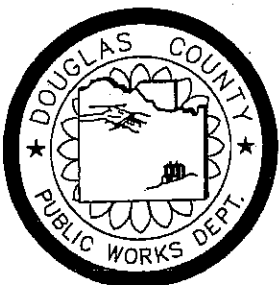
PLACE PIPE AT BACK EDGE OF DITCH ON COMPACTED SUB-GRADE. BACKFILL WITH 6" COMPACTED LAYER, FILLING ON BOTH SIDES UNIFORMLY. PROVIDE MINIMUM 8" COMPACTED SOIL AND MINIMUM 4" COMPACTED SS-3 COVER OVER PIPE. SS-3 MAY BE SUBSTITUTED FOR SOIL.

## DETAILS

PIPE SLOPE: MATCH SLOPE OF DITCH



ALL PIPES MUST BE NEW AT TIME OF PLACEMENT.



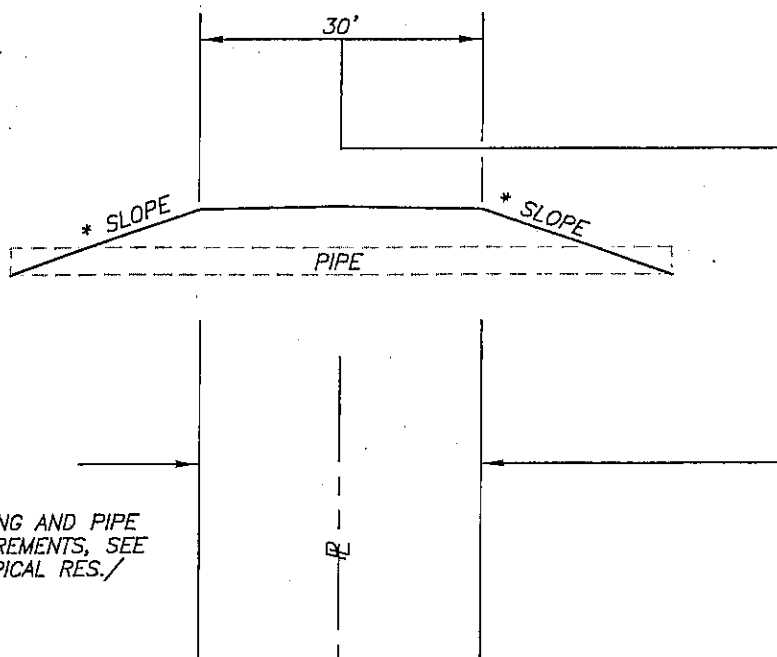
# Douglas County Public Works

1242 MASSACHUSETTS  
LAWRENCE, KANSAS 66044

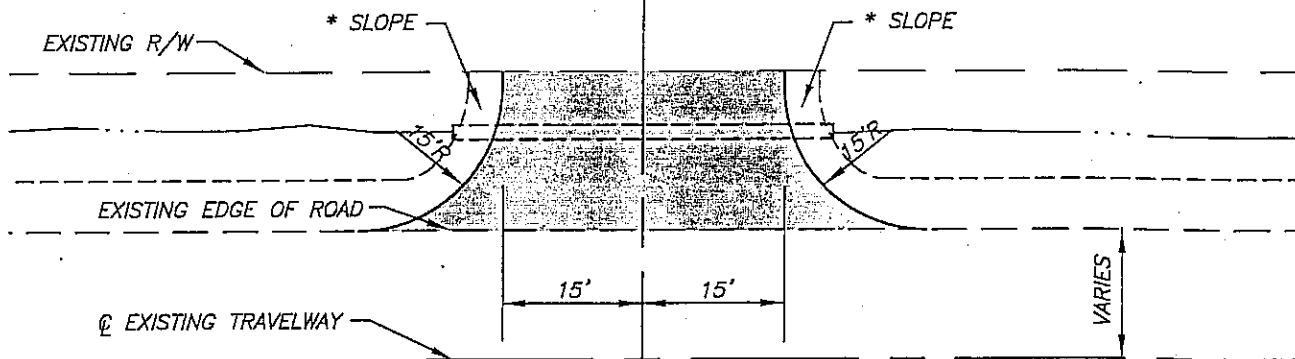
PROJECT NO.	N/A
DESIGNED BY	
DESIGN CHK.	

PROJECT NAME  
**STANDARDS FOR  
TYPICAL RES./COMM. ENTRANCE**

"EXHIBIT B"

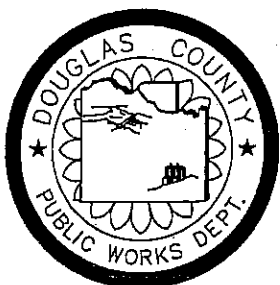


NOTE: FOR SURFACING AND PIPE  
INSTALLATION REQUIREMENTS, SEE  
STANDARDS FOR TYPICAL RES./  
COMM. ENTRANCE.



\* 3 HORIZONTAL : 1 VERTICAL, OR FLATTER  
FOR MINIMUM SLOPE REQUIRED.

SCALE 1" = 20'  
7/02/2002



## Douglas County Public Works

1242 MASSACHUSETTS  
LAWRENCE, KANSAS 66044

PROJECT NO.

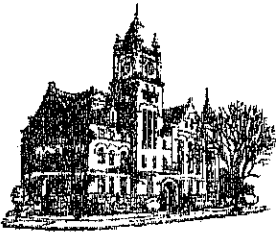
N/A

PROJECT NAME

DESIGNED BY

SHARED ENTRANCE

DRAWN BY



**DOUGLAS COUNTY ZONING & CODES DEPARTMENT**

2108 W. 27<sup>th</sup> Street – Suite 1  
Lawrence, Kansas 66047

MEMORANDUM

TO: Douglas County Board of County Commissioners  
Craig Weinaug, Douglas County Administrator

FROM: Keith R. Dabney, Director, Zoning & Codes Department *K.R.D.*

DATE: November 22, 2002

RE: Resolution Amending a Planning and Zoning Classification from "A-1"  
Suburban Home Residential to "B-3" Limited Business District

Please find attached a resolution amending a Planning and Zoning Classification from "A-1" Suburban Home Residential District to "B-3" Limited Business District. The aforementioned was previously approved by the Douglas County Board of County Commissioners on June 15, 1994. While updating the Douglas County Zoning Map, it was noted that there was no formal resolution published for this rezoning.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION RELATING TO AND AMENDING A REGULATED  
PLANNING AND ZONING CLASSIFICATION WITHIN THE  
UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS.

WHEREAS, the Lawrence-Douglas County Planning Commission, created under the authority of K.S.A. 12-757, after holding a public hearing as required by Section 24-3 of the "Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas," has recommended that the Board of County Commissioners change a certain zoning classification, the nature and description of such change being fully set forth below;

A replat of lots 6, 8 and 9, Lake Estates Subdivision No. 3; Lot 2 and part of Lot 1, Lake Estates Subdivision No. 1; both Subdivisions in Douglas County, Kansas; and a tract in the Southwest Quarter of Section 5, Township 13 South, Range 19 East of the Sixth Principal Meridian described as follows:

BEGINNING AT A POINT WHICH IS NORTH 00°27'13" WEST, 860 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION AND NORTH 87°57'32" EAST, 177.30 FEET FROM THE SOUTHWEST CORNER OF SAID QUARTER SECTION, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF THE SOUTH LAWRENCE TRAFFICWAY AND THE SOUTH LINE OF BREITHAUP ACRES, A SUBDIVISION IN DOUGLAS COUNTY, KANSAS; THENCE NORTH 87°57'32" EAST ALONG SAID SOUTH LINE, 332.70 FEET TO THE SOUTHEAST CORNER OF SAID BREITHAUP ACRES; THENCE NORTH 00°27'13" WEST, 1238.49 FEET ALONG THE EAST LINE OF SAID BREITHAUP ACRES AND ITS NORTHERN EXTENSION AND THE WEST LINE OF LOT 6, LAKE ESTATES SUBDIVISION NO. 3; THENCE SOUTH 88°04'25" WEST, 74.37 FEET ALONG THE WEST LINE OF SAID LOT 6; THENCE NORTH 00°27'13" WEST, 184.00 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE NORTH 88°25'06" EAST, 804.87 FEET ALONG THE NORTH LINE OF SAID LOT 6 AND ITS EXTENSION TO THE WEST LINE OF LOT 8, LAKE ESTATES SUBDIVISION NO. 3; THENCE NORTH 00°27'13" WEST, 103.76 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE NORTH 82°42'15" EAST, 764.51 FEET ALONG THE NORTH LINE OF SAID LOT 8 TO THE NORTHEAST CORNER OF SAID LOT 8; THENCE SOUTH 06°10'48" EAST, 400.90 FEET ALONG THE EAST LINE OF SAID LOT 8; THENCE SOUTH 35°54'53" WEST, 140.58 FEET ALONG THE SOUTHEASTERLY LINE OF SAID LOT 8; THENCE SOUTH 36°02'25" EAST, 215.54 FEET; THENCE SOUTH 53°57'35" WEST, 70.00 FEET; THENCE SOUTHERLY ON A 1049.98 FEET RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 358.26 FEET, WITH A CHORD LENGTH OF 257.61 FEET BEARING SOUTH 28°59'38" EAST; THENCE SOUTH 21°56'50" EAST, 32.20 FEET; THENCE SOUTH 68°03'10" WEST, 253.52 FEET; THENCE SOUTH 17°40'36" EAST, 1029.82 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE SOUTH LAWRENCE TRAFFICWAY; THENCE NORTH 84°28'07" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 507.67 FEET; THENCE SOUTH 87°57'26" WEST, 100.00 FEET ALONG SAID RIGHT-OF-WAY; THENCE SOUTH 89°39'11" WEST, 200.06 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE NORTH 65°54'15" WEST, 578.86

FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE NORTH 83°29'29" WEST, 666.67 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE NORTH 50°27'27" WEST, 75.66 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 84.263 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS.

WHEREAS, on June 15, 1994 the Board of County Commissioners found that, for the purpose of promoting and protecting values throughout Douglas County, Kansas, or for any one or more such purposes, the "Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas" should be amended as recommended by the Lawrence-Douglas County Planning Commission by changing the zoning classification set forth below; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, that pursuant to the "Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas," the following change in zoning classification shall be made: The zoning classification is changed from "A-1" (Suburban Home Residential District) to "B-3" (Limited Business District) on property described as follows;

Lake Estates Subdivision No. 6

This resolution shall take effect and be in full force from and after its adoption by the Board of County Commissioners and published once in the official County newspaper.

ADOPTED this 2 day of DEC, 2002.

BOARD OF COUNTY COMMISSIONERS  
OF DOUGLAS COUNTY, KANSAS

\_\_\_\_\_  
Jere McElhaney, Chairman

ATTEST:

\_\_\_\_\_  
Bob Johnson, Member

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Charles Jones, Member

**PUBLIC HEARING ITEM:**

**ITEM NO. 12:      TEXT AMENDMENT TO SECTION 21-104(a), CITY/COUNTY SUBDIVISION REGULATION (BPD)**

**TA-05-02A-02:** Text Amendment to Section 21-104(a) of the Joint City/County Subdivision Regulations to require subdivision plats within the City of Lawrence to include all contiguous land under the same ownership. Originally initiated by the Planning Commission 5/29/02 and revised on 9/25/02 to apply to only incorporated lands. *This item was deferred from the September Planning Commission Meeting.*

**PROPOSED TEXT AMENDMENTS**

Proposed additions to the regulations are in bold.

**21-104.      APPLICABILITY.**

(a) **For property in the unincorporated area of Douglas County,** after the effective date of these regulations, any owner (or owners) subdividing land or establishing any alley, street, or other property intended for public use or for the use of purchasers or owners of lots, tracts, or parcels of land fronting on or adjacent thereto, shall cause a subdivision plat to be made in accordance with these regulations unless exempted under Section 21-105 of this article. The Register of Deeds of Douglas County shall not record any plat of a subdivision until such plat bears the endorsement of the Planning Commission.

(b) **For property within the incorporated city limits of Lawrence, subdividing land for development that requires a building permit or for the establishment of any public street, alley, or easement, after [insert jt. Ord/Res. Number and publication date], shall be cause for the platting of all contiguously owned lands of the subdivider that are not platted or were platted but are now in ownership patterns that are not congruent with the existing platted lot lines. This provision shall apply to all property divisions that are not exemption from the subdivision regulations, regardless of their current state of development or lack of development. Plats submitted for review shall cover all contiguously owned lands that are under the subdivider's ownership at the time of plat submittal to the Lawrence/Douglas County Planning Office for review and recommendation. The Register of Deeds of Douglas County shall not record any plat of a subdivision until such plat bears the endorsement of the Planning Commission.**

(c) Article 12 of these regulations shall apply to any new building located within the plat approval jurisdiction of the City of Lawrence or Douglas County, Kansas. (Ord. 6146)

**STAFF REVIEW**

The proposed amendment to Section 21-104 of the joint City-County Subdivision Regulations addresses how much land a property owner in the City of Lawrence is required to plat. The

proposed amendment requires a property owner to plat their entire parcel of land instead of simply platting small pieces of the property over an extended period of time.

Only property within the incorporated City Limits will be affected by the proposed amendment.

### **Analysis**

This amendment promotes good planning practices by allowing the City to take a long-range look at the needs of the community in relation to large parcels of property. By requiring property owners to plat their entire parcel of land, the City will be able to obtain the additional rights-of-way and easements required to plan for and expand services to accommodate the growth of the community.

Property owners wishing to develop a portion of their larger parcel will still be able to do so by simply final platting one or two smaller lots and placing the larger portion of their property into a "tract" of land. By doing this the City will obtain the necessary rights-of-way and easements for infrastructure improvements and the land owner will retain the ability to reserve development of the larger property while obtaining permission to develop smaller sections of their property. When the property owner is ready to develop the remainder of the larger portions of property, that portion platted as a "tract" of land, the property owner will be required to replat the tract into a buildable lot(s).

This amendment to the Subdivision Regulations is necessary to ensure that developing areas have been planned for public infrastructure and services necessary to support the ultimate/future growth and development of the area they are located in. Monterey Way north of Stetson Drive is a good example of where lack of a requirement to plat an entire contiguous parcel can hinder good planning and provision of services to an area. The east side of Monterey Way, though preliminarily platted, has not been final platted meaning additional road right-of-way dedication has not occurred. Development on the west side of the road significantly increases traffic on that road and therefore was required to improve the road to city standards. Without full right-of-way dedication [both sides of road], fulfilling this City requirement has delayed development of the west side of Monterey Way for nearly two years and required the city to intercede to move beyond stalemate.

Having to plat contiguous parcels or an entire tract of land under the same ownership could place a greater burden on individual property owners who are not interested in developing all of what they own at one time. However, the benefits of this approach from a City planning perspective may outweigh the increased burden to individual property owners by providing for more efficient planning and timely installations of improvements. Platting of the entire property allows the necessary infrastructure to be put in place to facilitate the continued growth of the community in an orderly fashion. The planning and platting of larger tracts of land under the same ownership would be beneficial to the long range planning for street, sewer and water line extensions as well as parks and municipal services, particularly schools and fire stations.

Currently, a number of land transfers are occurring that are in violation of the Subdivision Regulations (Sect. 21-104). This proposed amendment may increase the number of non-conforming land transfers by causing property owners to transfer ownership of large contiguous

tracts to individual family members or business partners, to avoid compliance with the proposed amendment.

However, the benefits of the proposed text amendment outweigh the possible negative outcomes that may occur if this text amendment is adopted.

**PROFESSIONAL STAFF RECOMMENDATION**

Staff recommends forwarding a recommendation for approval of the proposed text amendment to County Commission and the City Commission.



**ITEM NO. 12: TEXT AMENDMENT TO SECTION 21-104(a), CITY/COUNTY  
SUBDIVISION REGULATIONS (BPD)**

**TA-05-02A-02:** Text Amendment to Section 21-104(a) of the Joint City/County Subdivision Regulations to require subdivision plats within the City of Lawrence to include all contiguous land under the same ownership. Initiated by the Planning Commission 5/29/02. *This item was deferred from the September Planning Commission Meeting. The item was discussed at the October 30, 2002 session of the meeting.*

**STAFF PRESENTATION**

Mr. Dyer explained the information presented tonight reflected a separation of county and city properties, as requested by the Commission at the September 2002 meeting. No comment had been received from affected property owners.

The Commission discussed the possibility that a single owner may control city property located adjacent to county property. Mr. Dyer noted this would be a rare circumstance, since Staff strongly urged property owners to annex their entire property at once. Wording of the revised Text Amendment allowed for this eventuality.

It was noted that it was a violation, except under the allowable exemptions, to sell small pieces of land to other individuals (presumably to circumvent these restrictions).

The primary consequence to the affected property owners was that the cost of surveying their property would be incurred entirely upfront, rather than spread out as smaller pieces were developed. It was questioned whether this would unfairly impact those who owned large sections of land, with the example given of Mr. Bob Billings. Comm. Durlinger stated that Mr. Billings controlled a lot of land, but he did not technically own all of it and would therefore be less affected by the proposed Text Amendment than originally supposed.

Comm. Bateman said she was beginning to question if this was the best way to deal with the issue.

It was clarified that the County Commission would be reviewing the revised Text Amendment, even though it did not involve county properties, because the Amendment would be included in the joint regulations.

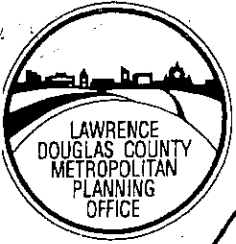
**PUBLIC HEARING**

No member of the public spoke on this Item.

**ACTION TAKEN**

Motioned by Comm. Schachter and seconded to approve the Text Amendment to the Subdivision Regulations for the requirement of subdivision plats within the City of Lawrence to include all contiguous land under the same ownership and forward it to the City and County Commissions with a recommendation for approval.

Motion carried unanimously, 9-0.



RE: Black Jack Battlefield, Douglas County, Kansas

Dear Property Owner:

The Board of County Commission is considering whether to support the nomination of Black Jack Battlefield to the National Register of Historic Places. The nomination of Black Jack Battlefield may be of interest to you as a nearby property owner because approval of this nomination to the National Register may place your property within the 'environs' of the Black Jack Battlefield. K.S.A. 75-2724 states that 'projects' which require a County or City Permit on property that is within 1000' feet of a National Register or State Register property requires review by the State Historic Preservation Officer.

Prior to consideration of this item on the County Commission agenda, the County Commission requested that I contact each property owner within 1000' to discuss the pending nomination. A meeting has been scheduled for Monday, November 25, 2002 at 6:00 p.m. in the Lawrence/Douglas County Planning Office. The Lawrence/Douglas County Planning Office is located on the first floor of City Hall, 6 E. 6th Street, Lawrence.

I have attached two handouts from the State Historic Preservation Office for your information. I will discuss the review requirements at the November 25, 2002 meeting. Should you have any questions concerning this nomination or its impact on your property and you are not able to attend the meeting, please may contact me at (785) 832-3151.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis P. Enslinger".

Dennis P. Enslinger  
Lawrence/Douglas County Planner II  
Lawrence Historic Resources Administrator

Enclosure



# Kansas Historic Preservation Law FAQs

## Cultural Resources

Kansas State Historical Society



Programs administered by the Kansas Historic Preservation Office (KHPO);  
an office within the Cultural Resources Division of the Kansas State Historical Society.

### Questions and Answers Concerning the Protective Measures of the Kansas Historic Preservation Law

1. Question: What governmental entities are affected by the state preservation law?

Answer: The state and all state agencies, boards, institutions, offices, authorities, commissions, colleges, hospitals, etc., and any county, township, city, school district, special district, regional agency, redevelopment agency, and any other political subdivision of the state.

2. Question: Which properties are protected by this law?

Answer: Only those buildings, structures, sites, objects, and districts listed on the National Register of Historic Places or the Register of Historic Kansas Places and their environs.

3. Question: How can one determine what properties are listed on the National Register of Historic Places or the Register of Historic Kansas Places?

Answer: Call the Historic Preservation Office (HPO), at 785-272-8681, ext. 240 or email your request to [smcdaniel@kshs.org](mailto:smcdaniel@kshs.org).

4. Question: Who is the State Historic Preservation Officer (SHPO)?

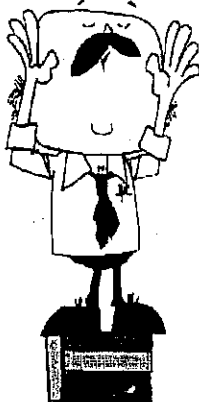
Answer: Mary Allman, Executive Director, Kansas State Historical Society, 6425 SW Sixth Ave., Topeka, KS 66615-1099.

5. Question: To whom should questions and requests be addressed?

The Historic Preservation Office, Kansas State Historical Society, 6425 SW Sixth Ave., Topeka, KS 66615-1099.

6. Question: What constitutes a project?

Answer: As defined in the 1981 amendment to the state's historic



preservation law, a project is:

- a. any activity directly carried out by state or local government entities;
- b. any activities carried out by individuals, firms, organizations, etc., which receive financial assistance from any state agency or local government entity;
- c. any activities involving the issuing of a lease, permit, license, or certificate by a government unit - including zoning changes.

- 
7. Question: How can a city, county, or other governmental entity most easily comply with the requirements of this act?

Answer: Three things should be done:

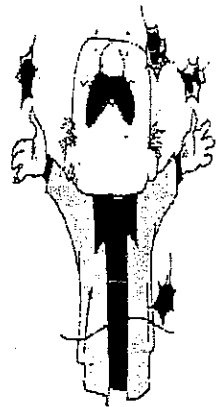
1. Identify all recognized historic properties within its geographical jurisdiction.
2. Prepare a map indicating the boundaries of the historical properties with an indication of 500 feet urban limits and the 1,000 feet rural limits, whichever is applicable.
3. Insure that adequate notice is provided to the SHPO of any project that may adversely affect any such historic property or its environs.

- 
8. Question: When must a project be submitted to the SHPO for review?

Answer: When it has the potential to adversely affect an identified historic property or its environs and it is located within 500 feet of an historic property within city limits or within 1,000 feet in an unincorporated area. Adverse effects can occur under conditions which include, but are not limited to, the following:

- a. destruction of all or part of the property; alteration of all or part of the property;
- b. isolation of the property from its surrounding environment;
- c. introduction of visual, audible, or atmospheric elements that are out of character with the property or that alter its setting;
- d. destruction or substantial alteration of all or part of the property's environs.

The law states that projects which "encroach upon, damage or destroy..." historic properties or their environs cannot proceed without the SHPO's review. To insure that no such actions occur the HPO recommends that all projects which may possibly involve or affect historic properties any way be submitted for review.



- 
9. Question: Can the SHPO review projects beyond the notification limits of 500 feet and 1,000 feet now specified in the law?

Answer: Establishment of the notification limits does not preclude the SHPO from reviewing or commenting on projects that are of such size and consequence that they affect historic properties beyond those limits.

- 
10. Question: How does a person notify the SHPO of a project?

Answer: An official, employee, consultant, or other representative of the governmental unit involved may send a letter to the SHPO describing the proposed project and request his comment in accordance with K.S.A. 75-2724, or in the case of a city which has been requested to issue a permit, the property owner may be required by the city to obtain the SHPO's review and comments. Depending on the nature of the project, photographs, drawings, maps, plans, specifications, historical documentation, or other available materials that would help to explain the project should be included. Although written notice is necessary to initiate official review, telephone inquiries are encouraged as a means of checking with HPO staff on historic property locations, potential effects of a proposed project, project changes, etc. The SHPO recommends that contact be initiated with HPO staff in the very earliest stages of project planning to insure that proposed projects will not adversely affect historic properties or their environs.

11. Question: How will the SHPO investigate the project?

Answer: Depending on the type and complexity of the project, the SHPO and his staff may do some or all of the following:

- a. analyze the plans, specifications, maps, photographs, and other forms of data explaining the proposed activity;
- b. inspect the historic property that may be affected; hold a public hearing to gather information, determine local attitudes and explore alternatives;
- c. request the advice of the Kansas Historic Sites Board of Review; conduct historical, architectural, or archeological research;
- d. consult with recognized authorities in history, architecture, architectural history, archeology, or other relevant fields.

12. Question: How long will it take the SHPO to review a project?

Answer: According to the law, the SHPO's investigation of a project must begin within 30 days following his notification. If it doesn't, the project is considered to be cleared. Any public hearing must be held within 60 days of receipt of notice of a project. As a rule, HPO staff will study the project information within ten working days after it is submitted. If more material is needed, it will be requested, and the investigation will not proceed until sufficient information is obtained for the SHPO to make a decision. Most project reviews can be concluded within fifteen working days.



13. Question: What decisions can the SHPO make on a proposed project?

Answer: Legally, he has only two options. He may determine that the project as proposed will have no adverse effects on the historic property and clear it, or he may determine that it will "encroach upon, damage, or destroy..." the historic property or its environs. Unofficially, prior to the SHPO's rendering of the second opinion, HPO staff will try to work with the project sponsor to make adjustments in the project that will avoid adverse effects to historic properties and alter the project so that it may be approved. If changes cannot be made, the SHPO may then formally send a letter to the project sponsor in which he "determines that such proposed project will encroach upon, damage, or destroy..." an historic property.

14. Question: What is the result of the SHPO's determination of an adverse effect?

Answer: The project cannot proceed until

1. the governor, in the case of a state project, or the governing body of the local political subdivision involved, has determined after consideration of all relevant factors that no "feasible and prudent alternative" exists to the proposed project and that the project contains provisions to minimize damage to historic properties and;
2. five day's notice of such determination has been given to the SHPO by certified mail.

15. Question: Is there any appeal from a local governing body's determination of "no feasible alternative?"

Answer: Yes. Anyone aggrieved by such a decision may appeal it to the district court having jurisdiction in the county where the affected historic property is located.

16. Question: What happens if a state agency or local governing body decides to ignore the requirements?

Answer: Enforcement can be sought in the district court having jurisdiction where the violation occurred or is threatened. Those having standing to bring action in court include the state, all political subdivisions having the capacity to sue or be sued, the Kansas State Historical Society,

and city and county historical societies which have been organized for two years, have elected officers and have received compensation, funds, or reimbursements from a city or county.

17. Question: What are the penalties for carrying out projects without first obtaining the required review?

Answer: A 1988 amendment to the state preservation law provides that fines up to \$25,000 and other relief may be sought in district court by the attorney general against persons or entities who implement projects that encroach upon, damage, or destroy historic properties before seeking and obtaining required building or demolition permits. Thus, persons or entities cannot with impunity neglect to obtain a city building or demolition permit in order to avoid review by the SHPO.



[Kansas Historic Preservation Office](#)



[Kansas State Historical Society Home Page](#)

[What's New](#) | [About Us](#) | [Join KSHS](#)  
[Research & Collections](#) | [Programs & Services](#)  
[KSHS Sites](#) | [Kids!](#) | [Search](#)

©2000 Kansas State Historical Society

**PROCEDURES FOR OBTAINING THE REQUIRED PROJECT REVIEW**  
**FROM THE STATE HISTORIC PRESERVATION OFFICER (SHPO)**

K.S.A. 75-2724 requires that the State Historic Preservation Officer must be given the opportunity to investigate and comment on proposed projects. In order to clarify when reviews are required and the minimum level of documentation that is required, we have prepared this document to assist local units of governments and individuals.

**PROJECTS SUBJECT TO REVIEW:** Any proposed project affecting a property, or its environs, listed on the National Register of Historic Places or the State Register of Historic Places which is (1) undertaken by the State or any political subdivision of the state, (2) undertaken by other parties but supported in whole or in part by financial assistance from the State, or any political subdivision of the state, or (3) undertaken by other parties but requiring issuance of a lease, permit, license or other entitlement for use from the State or any political subdivision of the state.

**MINIMUM DOCUMENTATION REQUIREMENTS:**

1. Written transmittal from the property owner, his representative, or agency official (a) requesting the State Historic Preservation Officer's comments on the proposed project in accordance with the state historic preservation statute K.S.A. 75-2724 and (b) identifying the work to be done, the property address, and the project contact.
2. Projects being reviewed for their effects on the environs of historic properties should include a vicinity map showing the proximity of the proposed project in relation to the listed historic property. Many city and county planning agencies have prepared maps highlighting listed historic properties and the 500 or 1000 foot areas of notification. If at all possible, we suggest using photocopies of these maps.
3. Complete architectural drawings as required for issuance of a building permit. This includes sufficient documentation that clearly explains the proposed project including floor plans, elevations, wall or building sections and detail drawings. For additions or new construction, the property owner must also furnish a site plan showing all existing structures and where the proposed new construction will be located.

4. Photographs of the site and setting of the historic structure including a general overall view from the street; the relevant exterior elevations; detailed close-ups of the specific exterior and interior architectural features, such as windows, doors, porches, stairs, etc., and interior views of rooms which will be affected by the proposed project. Projects being reviewed for their effects on the environs of historic properties should also include photographs that show the condition and character of their immediate surroundings.

5. All revisions, amendments, or clarifications to submitted project documents, etc., must be done in writing.

#### REVIEW PERIODS:

Documentation received for a project will be reviewed for sufficiency within thirty (30) days:

1. If the materials are complete, the SHPO's official written review comments will normally be sent to the project contact or appropriate city agency within thirty (30) days of receipt.

2. If the materials are incomplete, the SHPO will write the project contact or appropriate agency official identifying the additional documentation needed for review. The SHPO's review comments will normally be made within thirty (30) days of receipt of complete materials.

NOTE: The state preservation statute allows the state preservation office 30 days in which to initiate the investigation of a project, but in the case of small, relatively simple projects the review period will likely be 10-15 days.



# Memo

**To:** Craig Weinaug, County Administrator

**From:** Dennis J. Enslinger, City/County Administrator

**Date:** 12/4/02

**Re:** Black Jack Battlefield – Issues Surrounding Nomination to the National Register

**Introduction:**

On September 25, 2002, the Board of County Commissioners heard a request from Carolyn Berneking and the Lawrence Preservation Alliance to endorse the nomination of Black Jack Battlefield (Black Jack State Park, Ivan Boyd Prairie Preserve, and the Russell Hall Pearson Memorial Park) to the National Register of Historic Places. After some discussion of the request, the County Commission requested staff meet with property owners within 1000 feet of the park. In addition, the County Commission asked staff to investigate the following questions:

- Clarify the role of the Board of County Commissioners regarding the requests to nominate County-owned property to the National Register of Historic Places.
- Clarify the timeline and correspondence related to the Santa Fe Trail (Douglas County Trail Segments) nomination to the National Register of Historic Places.

**Discussion:**

Role of County Commission in nomination of County-owned property to the National Register of Historic Places

The National Park Service has adopted rules and regulations regarding the nomination of properties to the National Register of Historic Places. The section that is most relevant is Sec. 60.6, *Nominations by the State Historic Preservation Officer under approved State Historic Preservation Programs*. A copy of this section can be found in Attachment A. This section outlines the

process local authorities (County Commission) have to comment on the proposed nomination and private property owner notification requirements.

The NPS regulations stipulate that the State Historic Preservation Officer shall consult with local authorities in the nomination of properties to the National Register. The State must solicit written comment on the significance of the property and whether or not it meets the National Register criteria for evaluation. The State notice also gives owners of *private* property an opportunity to concur with or object to listing.

*Privately-Owned Individual Property Listing:* In cases where the National Register nomination involves privately owned property, the County Commission has the opportunity to comment on the pending nomination and whether or not the site meets the National Register criteria for evaluation. A private property owner has the ability to concur with or object to the listing. If the private property-owner provides a notarized statement objecting to the nomination, the property would not be listed on the National Register of Historic Places. The State Historic Preservation Office has indicated that if the objection to the listing occurs prior to consideration by the Kansas Historic Sites Board of Review, the nomination would be withdrawn from consideration by that body. The Park Service Regulations allow for any individual or group to oppose a nomination but the opposition must be based upon National Register criteria for evaluation.

*Publicly-Owned Individual Property Listing:* In cases where the National Register nomination involves County owned property, the County Commission has the opportunity to comment on the pending nomination and whether or not the site meets the National Register criteria for evaluation. It is the opinion of the State Historic Preservation Office that the National Park Service regulations do not provide for the objection to listing on the National Register by the County Commission. The State Historic Preservation Office believes the right of objection applies only to *private property owners* as indicated in the Park Service Regulations. The State Historic Preservation Office has indicated that if the County objected to the listing of a publicly-owned property, the Kansas Sites Board of Review would table the item and try to resolve the conflict surrounding the listing of the property. If the conflict could not be resolved, the Kansas Site Board of Review could approve the listing of the publicly-owned property even if the public entity objected to the listing. The Park Service Regulations allow for any individual or group to oppose a nomination but the opposition must be based upon National Register criteria for evaluation.

*Please Note:* Because "environs" is a State regulation, the National Park Service regulations do not address "environs review" issues, such as objection of a National Register listing by property owners within the environs notification area. The State Historic Preservation Officer, the Kansas Sites Board of Review, National Parks Service or the Keeper of the National Register **cannot** consider environs issues in determining whether a property should be

listed on the National Register of Historic Places. These review bodies are required to use the National Register criteria for evaluation to determine whether a property should be listed on the National Register.

#### Santa Fe Trail Nomination

The Santa Fe Trail (Douglas County Trail Segments) National Register Nomination was initiated by National Park Service Master Plan #59. The nomination of the Douglas County Segment of the Santa Fe Trail is part of a larger multiple property nomination, *Historic Resources of the Santa Fe Trail*, which includes other portions of the Santa Fe Trail throughout the United States. The nomination was completed by the Urbana Group in May of 1993.

In a letter dated July 9, 2002, the State Historic Preservation Office provided notice to the County Commission that the Santa Fe Trail Nomination was to be considered by the Kansas Historic Sites Board of Review on August 24, 2002. In a follow-up letter dated August 29, 2002, the Historic Preservation Office (Cultural Resources Division) stated that the Kansas Sites Board of Review approved the Santa Fe Trail Nomination and would provide notification of the final action by the keeper of the National Trust. The Cultural Resources Division issued a letter dated November 18, 2002, that the Santa Fe Trail Nomination had been entered onto the National Register of Historic Places on November 4, 2002. The notification process in the Santa Fe Trail (Douglas County Trail Segments) nomination conforms with the National Park Service rules and regulations as set forth in 60.6. Copies of the aforementioned correspondence are included in Attachment B.

The nomination of the Santa Fe Trail (Douglas County Trail Segments) includes six and one-half acres and consists of four rut segments. A sketch map of the National Register site and an approximate environs notification area map are included in Attachment C.

#### Meeting with Property Owners within a 1000 feet of Black Jack Battlefield

Planning staff held a meeting with property owners on November 25, 2002. The following individuals attended the meeting: Rod Hohn, Diane Hohn, Marilyn Barrett, Jim Barrett, Tim Barrett, Susan Barrett, Margaret Kalb, Kermit Kalb, and Kathy Hoffman. Planning staff also spoke individually with Don Cashatt about the proposed Black Jack Battlefield Nomination. A copy of the proposed Black Jack Battlefield site and the 1000 foot environs notification area is included in Attachment D.

The consensus of the property owners was that they were not in favor of the Black Jack Battlefield Nomination. The main reason for this opposition was the State law environs review requirements. Environs review requirements state that "projects," as defined by K.S.A. 75-2724, within the 1000 feet environs notification area are subject to review by the State Historic Preservation Officer.

The review by the State Historic Preservation Officer is limited to whether or not the proposed project would "encroach upon, damage, or destroy the listed property or its environs." It should be noted that because the Santa Fe Trail (Douglas County Trail Segments) is listed on the National Register of Historic Places, a number of properties are currently subject to the environs review requirements set forth in K.S.A. 75-2724.

In addition concerns about the environs review requirements, the property owners expressed distress over the current maintenance of Black Jack Park. A number of property owners indicated the County was not providing adequate maintenance or policing of the site. There were also concerns about how the burning of the Ivan Boyd Prairie Preserve (part of Black Jack Park) has been conducted in the past.

**Recommendation/Action:**

This memo is provided for informational purposes only. No action is required.

**ATTACHMENT A:**

**NATIONAL PARK SERVICE REGULATIONS 60.6**

broader patterns of our history; or

(b) that are associated with the lives of persons significant in our past; or

(c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) that have yielded, or may be likely to yield, information important in prehistory or history.

*Criteria considerations.* Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historical buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria of if they fall within the following categories:

(a) a religious property deriving primary significance from architectural or artistic distinction or historical importance; or

(b) a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

(c) a birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.

(d) a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

(e) a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

(f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

(g) A property achieving significance within the past 50 years if it is of exceptional importance.

This exception is described further in NPS "How to" #2, entitled "How to Evaluate and Nominate Potential National Register Properties That Have Achieved Significance

"Within the Last 50 Years" which is available from the National Register of Historic Places Division, National Park Service, United States Department of the Interior, Washington, D.C. 20240.

#### § 60.5 Nomination forms and information collection.

(a) All nominations to the National Register are to be made on standard National Register forms. These forms are provided upon request to the State Historic Preservation Officer, participating Federal agencies and others by the NPS. For archival reasons, no other forms, photocopied or otherwise, will be accepted.

(b) The information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024-0018. The information is being collected as part of the nomination of properties to the National Register. This information will be used to evaluate the eligibility of properties for inclusion in the National Register under established criteria. The obligation to respond is required to obtain a benefit.

#### § 60.6 Nominations by the State Historic Preservation Officer under approved State Historic Preservation programs.

(a) The State Historic Preservation Officer is responsible for identifying and nominating eligible properties to the National Register. Nomination forms are prepared under the supervision of the State Historic Preservation Officer. The State Historic Preservation Officer establishes statewide priorities for preparation and submittal of nominations for all properties meeting National Register criteria for evaluation within the State. All nominations from the State shall be submitted in accord with the State priorities, which shall be consistent with an approved State historic preservation plan.

(b) The State shall consult with local authorities in the nomination process. The State provides notice of the intent to nominate a property and solicits written comments especially on the significance of the property and whether

2/82

PRESERVATION LAW REPORTER

10,113 (Ref.)

or not it meets the National Register criteria for evaluation. The State notice also gives owners of private property an opportunity to concur in or object to listing. The notice is carried out as specified in the subsections below.

(c) As part of the nomination process, each State is required to notify in writing the property owner(s), except as specified in paragraph (d) of this section, of the State's intent to bring the nomination before the State Review Board. The list of owners shall be obtained from either official land recordation records or tax records, whichever is more appropriate, within 90 days prior to the notification of intent to nominate. If in any State the land recordation or tax records is not the most appropriate list from which to obtain owners that State shall notify the Keeper in writing and request approval that an alternative source of owners may be used.

The State is responsible for notifying only those owners whose names appear on the list consulted. Where there is more than one owner on the list, each separate owner shall be notified. The State shall send the written notification at least 30 but not more than 75 days before the State Review Board meeting. Required notices may vary in some details of wording as the States prefer, but the content of notices must be approved by the National Register. The notice shall give the owner(s) at least 30 but not more than 75 days to submit written comments and concur in or object in writing to the nomination of such property. At least 30 but not more than 75 days before the State Review Board meeting, the States are also required to notify by the above mentioned National Register approved notice the applicable chief elected official of the county (or equivalent governmental unit) and municipal political jurisdiction in which the property is located. The National Register nomination shall be on file with the State Historic Preservation Program during the comment period and a copy made available by mail when requested by the public, or made available at a

location of reasonable access to all affected property owners, such as a local library courthouse, or other public place, prior to the State Review Board meeting so that written comments regarding the nomination can be prepared.

(d) For a nomination with more than 50 property owners, each State is required to notify in writing at least 30 but not more than 75 days in advance of the State Review Board meeting the chief elected local officials of the county (or equivalent governmental unit) and municipal political jurisdiction in which the property or district is located. The State shall provide general notice to property owners concerning the State's intent to nominate. The general notice shall be published at least 30 days but not more than 75 days before the State Review Board meeting and provide an opportunity for the submission of written comments and provide the owners of private property or a majority of such owners for districts an opportunity to concur in or object in writing to the nomination. Such general notice must be published in one or more local newspapers of general circulation in the area of the nomination. The content of the notices shall be approved by the National Register. If such general notice is used to notify the property owners for a nomination containing more than 50 owners, it is suggested that a public information meeting be held in the immediate area prior to the State Review Board meeting. If the State wishes to individually notify all property owners, it may do so, pursuant to procedures specified in Subsection 60.6(c), in which case, the State need not publish a general notice.

(e) For Multiple Resource and Thematic Group Format submission, each district, site, building, structure and object included in the submission is treated as a separate nomination for the purpose of notification and to provide owners of private property the opportunity to concur in or object in writing to the nomination in accord with this section.

10.11. (Ref.)

## PRESERVATION LAW REPORTER

(f) The commenting period following notifications can be waived only when all property owners and the chief elected local official have advised the State in writing that they agree to the waived

(g) Upon notification, any owner or owners of a private property who wish to object shall submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, as appropriate, and objects to the listing. In nominations with multiple ownership of a single private property or of districts, the property will not be listed if a majority of the owners object to listing. Upon receipt of notarized objections respecting a district or single private property with multiple owners, it is the responsibility of the State Historic Preservation Officer to ascertain whether a majority of owners of private property have objected. If an owner whose name did not appear on the list certified in a written notarized statement that the party is the sole or partial owner of a nominated private property such owner shall be counted by the State Historic Preservation Officer in determining whether a majority of owners has objected. Each owner of private property in a district has one vote regardless of how many properties or what part of one property that party owns and regardless of whether the property contributes to the significance of the district.

(h) If a property has been submitted to and approved by the State Review Board for inclusion in the National Register prior to the effective date of this section, the State Historic Preservation Officer need not resubmit the property to the State Review Board; but before submitting the nomination to the NPS shall afford owners of private property the opportunity to concur in or object to the property's inclusion in the Register pursuant to applicable notification procedures described above.

(i) [Reserved]

(j) Completed nomination forms or the documentation proposed for submission on the nomination forms and comments

concerning the significance of a property and its eligibility for the National Register are submitted to the State Review Board. The State Review Board shall review the nomination forms or documentation proposed for submission on the nomination forms and any comments concerning the property's significance and eligibility for the National Register. The State Review Board shall determine whether or not the property meets the National Register criteria for evaluation and make a recommendation to the State Historic Preservation Officer to approve or disapprove the nomination.

(k) Nominations approved by the State Review Board and comments received are then reviewed by the State Historic Preservation Officer and if he or she finds the nominations to be adequately documented and technically, professionally, and procedurally correct and sufficient and in conformance with National Register criteria for evaluation, the nominations are submitted to the Keeper of the National Register of Historic Places, National Park Service, United States Department of the Interior, Washington, D.C. 20240. All comments received by a State and notarized statements of objection to listing are submitted with a nomination.

(l) If the State Historic Preservation Officer and the State Review Board disagree on whether a property meets the National Register criteria for evaluation, the State Historic Preservation Officer, if he or she chooses, may submit the nomination with his or her opinion concerning whether or not the property meets the criteria for evaluation and the opinion of the State Review Board to the Keeper of the National Register for a final decision on the listing of the property. The opinion of the State Review Board may be the minutes of the Review Board meeting. The State Historic Preservation Officer shall submit such disputed nominations if so requested within 45 days of the State Review Board meeting by the State Review Board or the chief elected local official of the local, county or municipal political subdivisions.



which the property is located but need not otherwise do so. Such nominations will be substantively reviewed by the Keeper.

(m) [Reserved]

(n) If the owner of a private property or the majority of such owners for a district or single property with multiple owners have objected to the nomination prior to the submittal of a nomination, the State Historic Preservation Officer shall submit the nomination to the Keeper only for a determination of eligibility pursuant to subsection (s) of this section.

(o) The State Historic Preservation Officer signs block 12 of the nomination form if in his or her opinion the property meets the National Register criteria for evaluation. The State Historic Preservation Officer's signature in block 12 certifies that:

(1) All procedural requirements have been met;

(2) The nomination form is adequately documented;

(3) The nomination form is technically and professionally correct and sufficient;

(4) In the opinion of the State Historic Preservation Officer, the property meets the National Register criteria for evaluation.

(p) When a State Historic Preservation Officer submits a nomination form for a property that he or she does not believe meets the National Register criteria for evaluation, the State Historic Preservation Officer signs a continuation sheet Form NPS 10-900, explaining his/her opinions on the eligibility of the property and certifying that

(1) All procedural requirements have been met;

(2) The nomination form is adequately documented;

(3) The nomination form is technically and professionally correct and sufficient.

(q) Notice will be provided in the Federal Register that the nominated property is being considered for listing in the National Register of Historic Places as specified in § 60.13.

(r) Nominations will be included in the National Register within 45 days of receipt by the Keeper or designee unless the Keeper disapproves a nomination, an appeal is filed, or the owner of private property (or the majority of such owners for a district or single property with multiple owners) objects by notarized statements received by the Keeper prior to listing. Nominations which are technically or professionally inadequate will be returned for correction and resubmission. When a property does not appear to meet the National Register criteria for evaluation, the nomination will be returned with an explanation as to why the property does not meet the National Register criteria for evaluation.

(s) If the owner of private property (or the majority of such owners for a district or single property with multiple owners) has objected to the nomination by notarized statement prior to listing, the Keeper shall review the nomination and make a determination of eligibility within 45 days of receipt, unless an appeal is filed. The Keeper shall list such properties determined eligible in the National Register upon receipt of notarized statements from the owner(s) of private property that the owner(s) no longer object to listing.

(t) Any person or organization which supports or opposes the nomination of a property by a State Historic Preservation Officer may petition the Keeper during the nomination process either to accept or reject a nomination. The petitioner must state the grounds of the petition and request in writing that the Keeper substantively review the nomination. Such petitions received by the Keeper prior to the listing of a property in the National Register or a determination of its eligibility where the private owners object to listing will be considered by the Keeper and the nomination will be substantively reviewed.

(u) State Historic Preservation Officers are required to inform the property owners and the chief elected local official when properties are listed in the National Register.

10,116 Ref.)

PRESERVATION LAW REPORTER

nomination where there are more than 50 property owners, they may be notified of the entry in the National Register by the same general notice stated in § 60.6(d). States which notify all property owners individually of entries in the National Register need not publish a general notice.

(v) In the case of nominations where the owner of private property (or the majority of such owners for a district or single property with multiple owners) has objected and the Keeper has determined the nomination eligible for the National Register, the State Historic Preservation Officer shall notify the appropriate chief elected local official and the owner(s) of such property of this determination. The general notice may be used for properties with more than 50 owner as described in § 60.6(d) or the State Historic Preservation Officer may notify the owners individually.

(w) If subsequent to nomination a State makes major revisions to a nomination or renominates a property rejected by the Keeper, the State Historic Preservation Officer shall notify the affected property owner(s) and the chief elected local official of the revisions or renomination in the same manner as the original notification for the nomination, but need not resubmit the nomination to the State Review Board. Comments received and notarized statements of objection must be forwarded to the Keeper along with the revisions or renomination. The State Historic Preservation Officer also certifies by the resubmittal that the affected property owner(s) and the chief elected local official have been renotified. "Major revisions" as used herein means revisions of boundaries or important substantive revisions to the nomination which could be expected to change the ultimate outcome as to whether or not the property is listed in the National Register by the Keeper.

(x) Notwithstanding any provision hereof to the contrary, the State Historic Preservation Officer in the nomination notification process or otherwise need not make available to any person or

entity (except a Federal agency planning a project, the property owner, the chief elected local official of the political jurisdiction in which the property is located, and the local historic preservation commission for certified local governments) specific information relating to the location of properties proposed to be nominated to, or listed in, the National Register if he or she determines that the disclosure of specific information would create a risk of destruction or harm to such properties.

(y) With regard to property under Federal ownership or control, completed nomination forms shall be submitted to the Federal Preservation Officer for review and comment. The Federal Preservation Officer, may approve the nomination and forward it to the Keeper of the National Register of Historic Places, National Park Service, United States Department of the Interior, Washington, D.C. 20240.

§§ 60.7 and 60.8 Reserved

§ 60.9 Nominations by Federal agencies.

(a) The National Historic Preservation Act of 1966, as amended, requires that, with the advice of the Secretary and in cooperation with the State Historic Preservation Officer of the State involved, each Federal agency shall establish a program to locate, inventory and nominate to the Secretary all properties under the agency's ownership or control that appear to qualify for inclusion on the National Register. Section 2(a) of Executive Order 11593 provides that Federal agencies shall locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places. Additional responsibilities of Federal agencies are detailed in the National Historic Preservation Act of 1966, as amended, Executive Order 11593, the National Environmental Policy Act of 1969, the Archeological and Historic Preservation Act of 1974, and procedures developed

**ATTACHMENT B:**

**CORRESPONDENCE REGARDING SANTA FE TRAIL  
(DOUGLAS COUNTY TRAIL SEGMENTS) NOMINATION**



**KANSAS  
STATE  
HISTORICAL  
SOCIETY**

6425 S.W. 6th Avenue  
Topeka, Kansas  
66615-1099  
PHONE# (785) 272-8681  
FAX# (785) 272-8682  
TTY# (785) 272-8683

**KANSAS HISTORY CENTER**

Administration  
Center for Historical Research  
Cultural Resources  
Education / Outreach  
Historic Sites  
Kansas Museum of History  
Library & Archives

**HISTORIC SITES**

Adair Cabin  
Constitution Hall  
Cottonwood Ranch  
First Territorial Capitol  
Fort Hays  
Goodnow House

July 9, 2002

Douglas County Commission  
1100 Massachusetts  
Lawrence, KS 66044

Dear Commissioners:

We are pleased to inform you that the property which you own, the Santa Fe Trail (Douglas County Trail Segments), U.S. Highway 56, 2 1/2 Miles East of Baldwin City, KS, will, be considered by the Kansas Historic Sites Board of Review for nomination to the National Register of Historic Places and Register of Historic Kansas Places at their next meeting on August 24, 2002.

The property and the submitted documentation appears to meet the National Register criteria and appears to be eligible for the National Register. The National Register of Historic Places is the Federal government's official list of historic properties worthy of preservation. Listing on the National Register provides recognition and assists in preserving our Nation's heritage.

Listing of the Santa Fe Trail (Douglas County Trail Segments) provides recognition of the community's historic importance and assures protective review of Federal projects that might adversely affect the character of the historic property. If the property is listed in the National Register, certain Federal investment tax credits for rehabilitation and other provisions may apply.

Listing in the National Register does not mean that limitations will be placed on the properties by the Federal government. Public visitation rights are not required of owners. The Federal government will not attach restrictive covenants to the properties or seek to acquire them.

The Heritage Trust Fund provides for the awarding of state grants for the preservation of properties listed on the national and state registers of historic places. All registered properties except for those owned by the state or federal governments are eligible for these grants. An opportunity will be given annually for eligible owners to submit applications. Applicants will have to provide a matching share, perhaps 20%, and will have to agree to follow the Secretary of the Interior's Standards and Guidelines for Rehabilitation in carrying out their projects. Properties approved for nomination to the National Register by the Kansas Historic Sites Board of Review are automatically listed in the Register of Historic Kansas Places.

Two other financial incentive programs are also available to assist with the rehabilitation of historic property. The Kansas State Income Tax Credit of 25% can be used on the certified rehabilitation of both national and state registered properties. The federal investment tax credit of 20% may be used on the certified rehabilitation of national register properties that are used for income-producing purposes. Both programs apply the Secretary of the Interior's Standards and Guidelines for Rehabilitation in carrying out the projects. It is possible to combine both the state and federal credits.

Douglas County Commission  
July 9, 2002  
Page 2

Since 1981 the Kansas Historic Preservation Act (K.S.A. 75:1715-75:2725) has provided a strengthened review mechanism for projects undertaken by the state or any political subdivision of the state which affect properties listed on the National and Kansas registers of historic places. The law states that no governmental entity shall undertake a project which destroys, alters, or isolates national and state register properties and their environments until the State Historic Preservation Officer (SHPO) has been given notice of such a project and has been given the opportunity to investigate and comment upon the proposed project. Under the law, application for permits and changes which have the potential to adversely affect national and state register properties must be reviewed by the SHPO for their appropriateness before the permit is granted or the zoning change occurs. Likewise, projects/activities carried out by individuals, firms, and/or organizations that receive financial assistance from any state agency or local governmental unit and involve properties listed on the national or state register must be reviewed by the SHPO for their impact on those historic properties.

You are invited to attend the Kansas Historic Sites Board of Review meeting at which the nomination will be considered. The board will meet at 9:00 a.m. on August 24, 2002, at the Kansas State Historical Society, 6425 SW 6th Avenue, in Topeka, KS..

The Kansas State Historical Society welcomes individuals with disabilities to participate in this meeting. If you have a visual, aural or other physical or mental impairment that is a disability under the Americans with Disabilities Act, or otherwise have a "disability" under the act, please contact Faye Johnson (785-272-8681 ext. 240) no later than two weeks before the meeting to discuss what you need the Kansas State Historical Society to do to ensure that you can participate in the meeting.

Attached please find a notice that explains, in greater detail, the results of listing in the National Register and that describes the rights and procedures by which an owner may comment on or object to listing in the National Register.

Should you have any questions about this nomination before the Kansas Historic Sites Board of Review meeting, please contact Martha Hagedorn-Krass (785-272-8681 ext. 213) of our office.

Sincerely yours,

Mary R. Allman  
State Historic Preservation Officer



Richard Pankratz, Director  
Historic Preservation Office

MHK/clg

enclosure

cc: Baldwin City Commissioners  
Baldwin City Planning Commission



**KANSAS**

**STATE**

**HISTORICAL**

**SOCIETY**



**Cultural Resources**

Extension 240



6425 S.W. 6th Avenue

Topeka, Kansas

66615-1099

PHONE# (785) 272-8681

FAX# (785) 272-8682

TTY# (785) 272-8683



**KANSAS HISTORY CENTER**

Administration

Center for Historical Research

Cultural Resources

Education / Outreach

Historic Sites

Kansas Museum of History

Library & Archives

**HISTORIC SITES**

John Brown Museum

Constitution Hall

Cottonwood Ranch

First Territorial Capitol

Fort Hays

Goodnow House

Grinter Place

Hollenberg Station

Kaw Mission

Marais des Cygnes Massacre

Miné Creek Battlefield

Native American Heritage Museum

Pawnee Indian Village

Pawnee Rock

Shawnee Indian Mission

William Allen White House

August 29, 2002

Douglas County Commission  
1100 Massachusetts  
Lawrence, KS 66044

Dear Commissioners:

We are pleased to inform you that the Santa Fe Trail (Douglas County Trail Segments), U.S. Highway 56, 2 ½ Miles East of Baldwin City, KS, was approved by the Kansas Historic Sites Board of Review on August 24, 2002, for nomination to the National Register of Historic Places. We will notify you when we have word as to the final action taken on this nomination by the keeper of the National Register.

Listing of the Santa Fe Trail (Douglas County Trail Segments) provides recognition of the community's historic importance and assures protective review of Federal projects that might adversely affect the character of the historic property. If the property is listed in the National Register, certain Federal investment tax credits for rehabilitation and other provisions may apply.

Listing in the National Register does not mean that limitations will be placed on the properties by the Federal government. Public visitation rights are not required of owners. The Federal government will not attach restrictive covenants to the properties or seek to acquire them.

The Heritage Trust Fund provides for the awarding of state grants for the preservation of properties listed on the national and state registers of historic places. All registered properties except for those owned by the state or federal governments are eligible for these grants. An opportunity will be given annually for eligible owners to submit applications. Applicants will have to provide a matching share, perhaps 20%, and will have to agree to follow the Secretary of the Interior's Standards and Guidelines for Rehabilitation in carrying out their projects.

Two other financial incentive programs are also available to assist with the rehabilitation of historic property. The Kansas State Income Tax Credit of 25% can be used on the certified rehabilitation of both national and state registered properties. The federal investment tax credit of 20% may be used on the certified rehabilitation of national register properties that are used for income-producing purposes. Both programs apply the Secretary of the Interior's Standards and Guidelines for Rehabilitation in carrying out the projects. It is possible to combine both the state and federal credits.

Properties approved for nomination to the National Register by the Kansas Historic Sites Board of Review are automatically listed in the Register of Historic Kansas Places. Since 1981 the Kansas Historic Preservation Act (K.S.A. 75:1715-75:2725) has provided a strengthened review mechanism for projects undertaken by the state or any political subdivision of the state which affect properties listed on the National and Kansas registers of historic places. The law states that no governmental entity shall undertake a project which destroys, alters, or isolates national and state register

Douglas County Commission  
August 29, 2002  
Page 2

properties and their environments until the State Historic Preservation Officer (SHPO) has been given notice of such a project and has been given the opportunity to investigate and comment upon the proposed project. Under the law, application for permits and changes which have the potential to adversely affect national and state register properties must be reviewed by the SHPO for their appropriateness before the permit is granted or the zoning change occurs. Likewise, projects/activities carried out by individuals, firms, and/or organizations that receive financial assistance from any state agency or local governmental unit and involve properties listed on the national or state register must be reviewed by the SHPO for their impact on those historic properties.

We would also like to take this opportunity to caution you that significant alteration of a listed property may result in its being removed from the National Register. Please feel free to contact this office to check on acceptable preservation treatments when undertaking work or if you have any additional questions concerning the registration of this property. Should you have any questions about the nomination, please contact Martha Hagedorn-Krass at 785-272-8681 ext. 213. Thank you very much for your support of historic preservation in Kansas.

Sincerely yours,

Mary R. Allman  
State Historic Preservation Officer



Richard Pankratz, Director  
Cultural Resources Division

MHK/clg

cc: Ken Hayes, Mayor of Baldwin City  
Baldwin City Planning Commission



**KANSAS  
STATE  
HISTORICAL  
SOCIETY**

◆  
Cultural Resources  
Extension 240

◆  
6425 S.W. 6th Avenue  
Topeka, Kansas  
66615-1099

PHONE# (785) 272-8681  
FAX# (785) 272-8682  
TTY# (785) 272-8683

◆  
**KANSAS HISTORY CENTER**

Administration  
Center for Historical Research  
Cultural Resources  
Education / Outreach  
Historic Sites  
Kansas Museum of History  
Library & Archives

**HISTORIC SITES**

John Brown Museum  
Constitution Hall  
Cottonwood Ranch  
First Territorial Capitol  
Fort Hays  
Goodnow House  
Grinter Place  
Hollenberg Station  
Kaw Mission  
Marais des Cygnes Massacre  
Mine Creek Battlefield  
Native American Heritage Museum  
Pawnee Indian Village  
Pawnee Rock  
Shawnee Indian Mission  
William Allen White House

November 18, 2002

Douglas County Commission  
1100 Massachusetts  
Lawrence, KS 66044

Dear Commissioners:

We are pleased to inform you that the Santa Fe Trail (Douglas County Trail Segments), U.S. Highway 56, 2 ½ Miles East of Baldwin City, KS, was entered onto the National Register of Historic Places on November 4, 2002. Enclosed is a copy of the nomination.

Listing of the Santa Fe Trail (Douglas County Trail Segments) provides recognition of the community's historic importance and assures protective review of Federal projects that might adversely affect the character of the historic property. If the property is listed in the National Register, certain Federal investment tax credits for rehabilitation and other provisions may apply.

Listing in the National Register does not mean that limitations will be placed on the properties by the Federal government. Public visitation rights are not required of owners. The Federal government will not attach restrictive covenants to the properties or seek to acquire them.

The Heritage Trust Fund provides for the awarding of state grants for the preservation of properties listed on the national and state registers of historic places. All registered properties except for those owned by the state or federal governments are eligible for these grants. An opportunity will be given annually for eligible owners to submit applications. Applicants will have to provide a matching share, perhaps 20%, and will have to agree to follow the Secretary of the Interior's Standards and Guidelines for Rehabilitation in carrying out their projects.

Two other financial incentive programs are also available to assist with the rehabilitation of historic property. The Kansas State Income Tax Credit of 25% can be used on the certified rehabilitation of both national and state registered properties. The federal investment tax credit of 20% may be used on the certified rehabilitation of national register properties that are used for income-producing purposes. Both programs apply the Secretary of the Interior's Standards and Guidelines for Rehabilitation in carrying out the projects. It is possible to combine both the state and federal credits.



Douglas County Commission  
November 18, 2002  
Page 2

Properties approved for nomination to the National Register by the Kansas Historic Sites Board of Review are automatically listed in the Register of Historic Kansas Places. Since 1981 the Kansas Historic Preservation Act (K.S.A. 7-1715-75:2725) has provided a strengthened review mechanism for projects undertaken by the state or any political subdivision of the state which affect properties listed on the National and Kansas registers of historic places. The law states that no governmental entity shall undertake a project which destroys, alters, or isolates national and state register properties and their environments until the State Historic Preservation Officer (SHPO) has been given notice of such a project and has been given the opportunity to investigate and comment upon the proposed project. Under the law, application for permits and changes which have the potential to adversely affect national and state register properties must be reviewed by the SHPO for their appropriateness before the permit is granted or the zoning change occurs. Likewise, projects/activities carried out by individuals, firms, and/or organizations that receive financial assistance from any state agency or local governmental unit and involve properties listed on the national or state register must be reviewed by the SHPO for their impact on those historic properties.

We would also like to take this opportunity to caution you that significant alteration of a listed property may result in it being removed from the National Register. Please feel free to contact this office to check on acceptable preservation treatments when undertaking work or if you have any additional questions concerning the registration of this property. Should you have any questions about the nomination, please contact Martha Hagedorn-Krass at 785-272-8681 ext. 213. Thank you very much for your support of historic preservation in Kansas.

Sincerely yours,

Mary R. Allman  
State Historic Preservation Officer

  
Richard Frankratz, Director  
Cultural Resources Division

MHK/clg

enc.

Cc: Ken Hayes, Mayor of Baldwin City  
Douglas County Historical Society  
Baldwin City Library  
Baldwin Ledger  
Baldwin City Planning Commission

**ATTACHMENT C:**

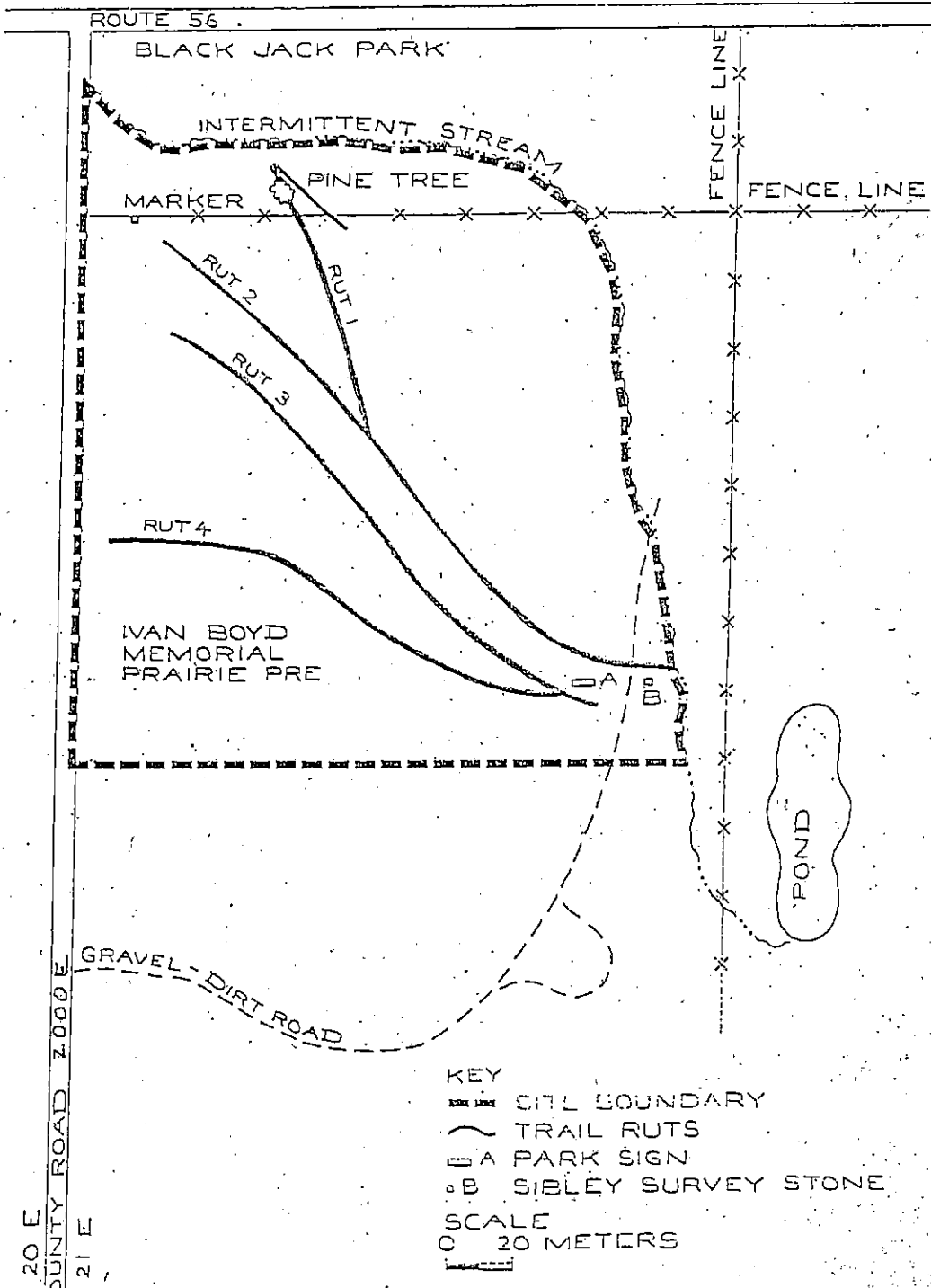
**SKETCH MAP AND ENVIRONS NOTIFICATION AREA  
FOR THE SANTA FE TRAIL (DOUGLAS COUNTY  
TRAIL SEGMENTS) NOMINATION**

United States Department of the Interior  
National Park Service

National Register of Historic Places  
Continuation Sheet

Santa Fe Trail (Douglas Co. Trail Segments); KS;  
Historic Resources of the Santa Fe Trail, 1821-1880  
Section number 7

Sketch Map



Santa Fe Trail  
Douglas County Trail Segments, Kansas  
Historic Resources of the Santa Fe Trail, 1821-1880

Site Boundaries



Scale:  
1 Inch = 300 Feet

KALB KERMIT G CO-TRUSTEES  
KALB MARGARET R

FOSTER JERRY D  
FOSTER DONNA L

1000' Environs Notification Area  
BARRETT JAMES W  
BARRETT MARILYN J

RODNEY HOHN  
DIANE HOHN

KALB GLENN A  
KALB ETHEL M-TRUSTEES

Listed Property Site

HOFFMAN GERALD O  
HOFFMAN KATHLEEN

DOUGLAS COUNTY  
ATTN COUNTY CLERK

KALB GLENN A  
KALB ETHEL M-TRUSTEES

NORTH 175 ROAD

JAMES W CAVENDER

DOUGLAS COUNTY  
ATTN COUNTY CLERK

DEAY RAYMOND E  
DEAY LAVERNE M

**ATTACHMENT D:**

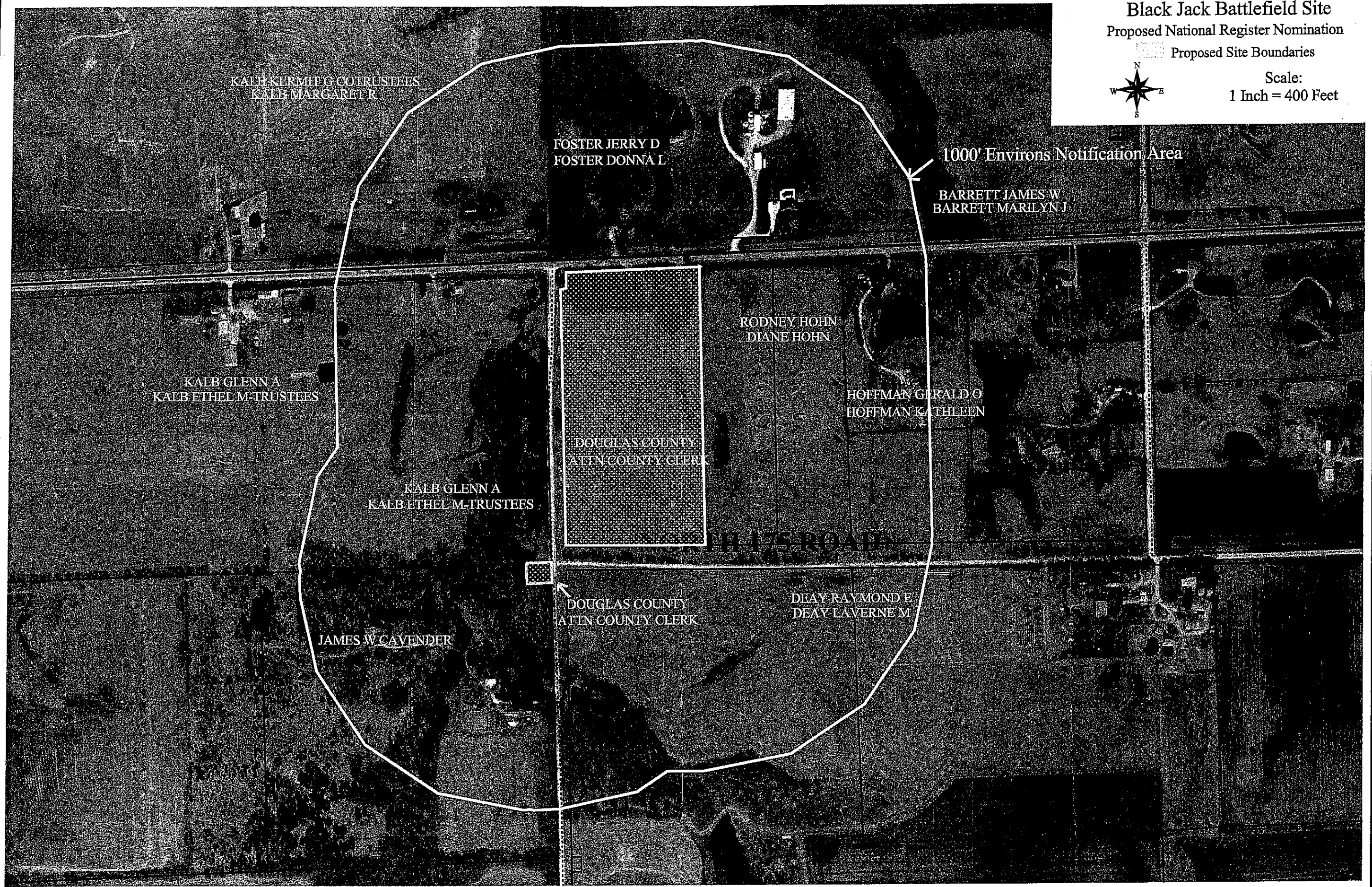
**ENVIRONS NOTIFICATION AREA FOR THE PROPOSED  
BLACK JACK BATTLEFIELD NOMINATION**

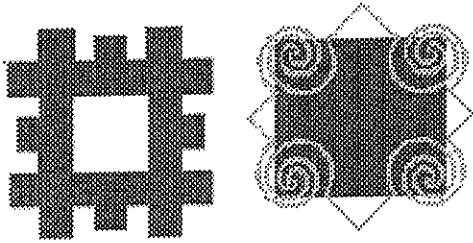
Black Jack Battlefield Site  
Proposed National Register Nomination

Proposed Site Boundaries



Scale:  
1 Inch = 400 Feet





*A partnership for Bleeding Kansas proposed by Heritage Directions, LLC, Economic Stewardship, Inc., the Ohio & Erie Canal Corridor Coalition, and the National Park Service*

November 14, 2002

Ms. Judy Billings, Director  
Lawrence Convention & Visitors Bureau  
734 Vermont, Suite 101  
PO Box 586  
Lawrence KS 66044-0586

Dear Judy:

All of us thank you for your input and patience as we begin to fine-tune a heritage development process for Bleeding Kansas. We feel we're getting closer to a thoroughly productive kick-off – the Heritage Summit and a preliminary “strategic blueprint” – to help you and your colleagues take the next steps. This fourth “revised draft” incorporates many of your ideas. It also...

- establishes a strong direction for the short-term – via the Heritage Summit – and sets positive, consensus directions for a longer-term, sequential process that will likely include congressional action – via the “strategic blueprint;”
- leverages the local, regional, state and federal expertise of our National Park Service team members, Sue Pridemore and Paul Labovitz;
- incorporates the hard-learned lessons – and avoids some of the errors – that Dan Rice (Ohio & Erie Canal Corridor Coalition) and Tom Gallaher (Silos & Smokestacks National Heritage Area) experienced through heritage area organization, management, partnership building and sustainability;
- applies Elaine Carmichael's most creative talents in developing attractions based on cultural history – geared towards specific target markets – and shaping strategies to help rural destinations refocus, sustain and expand their tourism economies; and
- engages all of us in initial collaborations with many grass-roots and grass-tops leaders and organizations to help declare the national significance of Bleeding Kansas.

1 of 11

The initial steps in this process are outlined below. Some steps are taken verbatim from our September 25 draft letter to you. Many refinements to the process emerged through our conversation with you on October 14 and our multi-party conference call on October 16. Other parts of the process are early responses to your questions and comments of October 21 and subsequent conversations and emails among all parties. Truly, "It is a story that needs to be told." So... let's get busy!

## **The Heritage Summit**

The Heritage Summit will be a structured, carefully facilitated series of five brainstorming sessions during which participants will progressively distill the rich brew that is Bleeding Kansas. The goal is to get everyone – *everyone* – to understand the potential and for everyone – *everyone* – to be at the same place on the same page. Heritage Summit participants will include your advisory committee, historians, community and regional patriots, local, state and national elected officials, potential partner organizations, influential citizens, etc. – *everyone* – the more, the merrier. As noted in our September letter, we've recently facilitated heritage summit groups of 40 to 50, as well as fewer than a dozen. From recent discussions with you, we suspect that 40 participants would be a good target audience. Participants will be asked to work together to identify and understand the opportunities – cultural, natural, historic, recreational, etc. – and generate ideas about how to use them, sustain them and, then, link them in a coherent heritage experience.

The entire Heritage Summit is organized as a five-part, two-day series of increasingly detailed sessions. The 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> sessions are group meetings (*everyone*); the 2<sup>nd</sup> Session consists of two concurrent workshops. We would hope that all participants could religiously attend the entire Heritage Summit. We realize that this is a significant commitment of their time and energies. We promise to make that commitment worthwhile! We'll try – with your help – to turn the Heritage Summit into a kick-off celebration aimed at 2004. Again, "It is a story that needs to be told."

### **The 1<sup>st</sup> Session of the Heritage Summit – Common Interests**

The 1<sup>st</sup> Session – the morning and very early afternoon of the first day – will be a series of facilitated group discussions for all participants. The procedure encourages participants to declare and defend, then to edit and weight the region's "common interests." The goal is to develop a collective intent to ensure that all constituents – *everyone*, individuals and organizations – plan towards shared purposes, the "common interests." Our entire team will facilitate this 1<sup>st</sup> Session; Elaine Carmichael and Tom Gallaher will be the lead facilitators.



After agreeing to strictly enforced ground rules – things like (1) *Everyone participates*; (2) *Everyone participates, one at a time*; (3) *Respect the opinions of others*; (4) *Turn off all cell phones*, etc. – and understanding the process and expected outcomes, the morning will consist of three consensus-driven group discussions.

**The First Group Discussion – Declare & Defend “Silos” of Common Interest.** Each participant will be asked to *declare*, and then *defend*, their “silo;” their particular interests, fascinations, beliefs and emotions about Bleeding Kansas. In brief statements, participants will declare what’s most important for residents and visitors to learn and understand about, as well as do, in this heritage area. What are the overarching stories that link the diverse places, events, eras and characters in Bleeding Kansas? What are the lessons? What places illustrate that story?

We absolutely guarantee some very lively discussion and lots of laughter. Depending on the number of participants (and number of silos), this First Group Discussion – Declare & Defend Silos of Common Interest – should last about one and one-half hours.

**The Second Group Discussion – Edit the “Silos.”** After declaring silos and defending them – there may be up to 30 different silos – participants will be given a set number of votes to help decide among all silos. Votes will be tallied on three factors: (1) Which ones are the really, really big silos – What’s *really* significant here? What’s *really* special here? What sets us apart from *any* other place? OR (2) Which silos are details of stories contained in other silos? OR (3) Which silos are events, activities or implementation techniques?

This Second Group Discussion will identify some preliminary stepping-off points towards more stimulating and universal interpretive themes and opportunities – the deep, deep “common interests.” It will spawn partnerships; prepare to hear comments like, “Oh, then, if I do *this*, your organization will do *that*?” This Second Group Discussion – Edit the Silos – will last about one hour.

**The Third Group Discussion – Weight the “Silos.”** After editing the number of silos (probably ten to fifteen), participants will again be allocated a set number of votes to select only the most universal, most relevant, most interesting, most compelling, or just plain favorite stories from the Second Group Discussion. Through negotiation, imagination, consensus, bartering and brokering, participants will reach agreement. It’s a safe bet that, by this time, *everyone* will understand the potential and *everyone* will be at exactly the same place on the same page. This Third Group Discussion – Weight the Silos – will take less than one hour.

## The 2<sup>nd</sup> Sessions of the Heritage Summit – Two Critical Issues

The 2<sup>nd</sup> Sessions – the afternoon of the first day – will be conducted in concurrent, facilitated workshops, lasting two to three hours each. Attendees will select (or be directed to) workshops on the two critical issues that emerged in our recent discussions and communications: (1) plotting a road map to pursue “parallel tracks” in (a) planning and (b) congressional recognition; (2) developing management options and partnerships for early action projects. The goals of the 2<sup>nd</sup> Sessions are to examine opportunities and to propose specific ideas, implementation actions and techniques for these critical issues. Both workshops will elicit expressions of (and commitments to) “common interests.”

A note on our facilitation techniques... At first glance, it would appear that each workshop would focus on a distinct topic. However, experience shows that – in short order – the topics will tend to “bleed” into one another. Facilitators will take special care to keep each workshop on its specific, assigned topic, while also taking careful notes on “bleed.” Comparing the proceedings of the two workshops happens in the 3<sup>rd</sup> Session; the facilitators’ notes as well as the proceedings become very important base material for the 4<sup>th</sup> and 5<sup>th</sup> sessions.

**Critical Issue One – Parallel Tracks:** Sue Pridemore and Paul Labovitz, our National Park Service team members, will facilitate a detailed discussion on how to establish, monitor and achieve success on “parallel tracks” – simultaneously managing and mutually reinforcing a “first track” towards planning and implementing the heritage area “at home,” while the “second track” focuses on congressional action in Washington DC.

The participants and the facilitators will develop this workshop’s specific topics and agenda. Among the questions that could receive attention are... What are the critical stops along the tracks? When will we reach the final destination? What side trips are available or necessary? What are the pros and cons of federal involvement? Who’s the “engineer?” Who’s in charge of each track? What determines progress? In addition to designation, what are our best choices for a big, big celebration in 2004? Pridemore and Labovitz will also help address questions like “... expanding the (official) boundaries beyond Douglas County to encompass historically related sites,” in mutually beneficial ways; “is it imperative that we have a river, scenic byway or some other geographic defining point...” or “... multiple geographic defining points;” possible actions and responsibilities under local, state and federal regulations; how do we “... actively seek federal and state support,” throughout the process?

**Critical Issue Two – Management, Partnerships & Early Actions:** Our two battle-scarred heritage development administrators, Dan Rice and Tom Gallaher, will facilitate a three-part discussion on local issues and opportunities: (a) what are several realistic management options for this heritage area (which “bleeds” into how big it should be)? (b) how to identify and attract partners? (c) what are Bleeding Kansas’ best ideas for early actions – quick, relatively cheap and highly visible projects “at home” that will signal the heritage area’s first successes?

This three-part discussion will be informed by the results of the 1<sup>st</sup> Session of the Heritage Summit as well as the facilitators’ experiences in their own (and other) heritage areas.

Again, the participants and the facilitators will develop this workshop’s specific topics and agenda. Among the questions that could receive attention are... What does regional and local management look like? Who pays? What are reasonable (and achievable) time and budget parameters (and consequences) of each management option, partnership strategy and early action? One of the early actions might be “... cohesive historical signage” or “... a model that can be built upon by interested communities surrounding Lawrence and Douglas County,” and practical, business-oriented ways to encourage communities and sites to join the effort

Elaine Carmichael will “float” between these two concurrent workshops.

### **The 3<sup>rd</sup> Session of the Heritage Summit – Consensus Directions**

The 3<sup>rd</sup> Session – the late afternoon (and into the evening) of the first day – will be a facilitated group session devoted to comparing notes. Participants will reconvene as one group for workshop reports, discussion and, perhaps, preliminary decisions. *This is a very, very important session.* First, it’s inevitable that the two workshops will report similar ideas, strategies, goals and opportunities. How can these be linked into consensus directions? Does the linking process point to larger, stronger possibilities? Second, it’s also inevitable that group discussion during the 3<sup>rd</sup> Session will reveal several “holes” – glaringly absent people and elements, immediate wants and needs, major unanswered questions, areas for further deliberations – especially economic-based factors – that must be addressed in the midst of enthusiasm. How can these be approached? Do these suggest larger challenges? Our entire team will facilitate the 3<sup>rd</sup> Session; Elaine Carmichael and Tom Gallaher will be the lead facilitators.

## **The 4<sup>th</sup> Session of the Heritage Summit – Economic Impact & Support**

The 4<sup>th</sup> Session – the morning of the second day – will be a facilitated group session on the economics of heritage development in Bleeding Kansas. The goal will be defining realistic expectations in economic impact and achieving economic support and sustainability – and, perhaps, surpassing expectations. Much of the 4<sup>th</sup> Session will be based on outcomes from the 2<sup>nd</sup> Sessions and directions and decisions suggested in the 3<sup>rd</sup> Session. (The team will work overnight to suggest an agenda.) Our economics guru, Elaine Carmichael, will facilitate this session. Among the questions that could receive attention are... What are the most desirable economic impacts? What's the quickest way to achieve (and prove) these impacts? How can we build and support the suggested management structure? How can we fund suggested early action projects? What's the target audience? How can we fully leverage private and public investments? What are national best practices in entrepreneurial activities and earned-income approaches? What can we do *now* to stimulate more overnight stays and, thus, more expenditures? What base-line information do we have? What additional information must be gathered to “prove” impact and sustainability? Carmichael will direct this workshop towards “ground rules” that make all actions and projects fully sustainable from the outset.

## **The 5<sup>th</sup> Session of the Heritage Summit – Brand Strategy**

The 5<sup>th</sup> Session – the afternoon of the second day – will begin with a brief recap of all previous Heritage Summit work... Where are we now? What have we learned? Have we discovered where we collectively want (and need) to go? How will we support it? What items are left undone? The entire team will have prepared a checklist to make sure that *everyone* is still – and very attentively – on the same page.

After the recap, Elaine Carmichael and Tom Gallaher take the lead – assisted by all other team members – in a Brand Strategy workshop for Bleeding Kansas.

Another note on our facilitation techniques... This agenda is disciplined, but it is not rigid or strict. Our experience suggests that a small group (or two) may want to reconvene as a follow-up to the 3<sup>rd</sup> Session – or the 1<sup>st</sup> or 2<sup>nd</sup> or 4<sup>th</sup> sessions – and develop a much more detailed action agenda. (Actually, we hope that this happens.) We encourage this type of “ready, fire, aim” approach and will happily facilitate any small group that may want to migrate away – and then immigrate-back – to the planned path. Their “minority reports” to the larger group of participants can be very instructive and valuable.

Now, back to the 5<sup>th</sup> Session... In our opinion, you have already identified (and unofficially adopted) an evocative, highly memorable name that causes quick double-takes. (We've been informally testing “Bleeding Kansas” on friends and colleagues; it's a winner!)

6 of 11

But a really good name is not a Brand Strategy. "Bleeding Kansas" may suggest a great logo or a strong slogan or a terrific tag line. But these are not a Brand Strategy either. A Brand Strategy is a statement – *for internal use only* – that captures the totality of the thoughts, feelings, associations and expectations engendered when travelers receive exposure to a destination's name and trademark, and, later, the products, interpretations, townscapes, landscapes and other symbols representing them.

Most people think of the Nike *swoosh* or Coca-Cola script when asked to describe a brand. But these corporate symbols and trademarks are only a "shorthand" that bridges the consumer and the product. For example, if you enjoy National Public Radio, it's a pleasure and a relief to hear the Morning Edition theme song on your rental car radio or in some isolated motel room. But the Morning Edition theme is only this "shorthand" for the larger totality that is National Public Radio. NPR's brand consists of, among other things... community-supported alternative and classical music; local arts and cultural affairs reporting; balanced, in-depth news coverage; an educated listening audience – moderate to liberal in outlook; a sophisticated consumer base... hence a desirable advertising audience, made all the more desirable by limited opportunities to get your message across. You either love it or hate it for this totality – this "brand."

Places have brand identity as well. The Disney Corporation mouse ears fill some people with nostalgia and delight, while others recoil in horror, or recall the guilty pleasures of a themed environment. If a new acquaintance tells you she just returned from a vacation at the beach, you reach very different conclusions about her personality and socioeconomic status once you learn whether she visited St.-Tropez or Padre Island or Myrtle Beach. Brand strategies differentiate places in the minds of consumers – visitors, shoppers and people making business and residential location decisions – and create a sustainable competitive advantage.

Once a brand strategy is identified *and* adopted, it should be incorporated into all communications with all consumers to maximize its effectiveness. Communications range from basic marketing materials, to web site content, to messages delivered to third party accomplices, to publicity. In Bleeding Kansas, clearly relevant communications go beyond those controlled by the potential heritage area and its partners. The more a region's tourism, community and economic development, elected leaders and private and public "industries" understand and support a brand strategy (and incorporate it into all of their promotion efforts) the sooner the market will absorb the brand identity – and want to know more about it!

It's become clear to us that people recognize the need for an overarching brand that captures the essence of the benefits the region offers visitors from near and far. Once we've all collectively figured out the Brand Strategy, then it will be easier to make "Bleeding Kansas" the official name, proudly accepted and touted by one and all.

Late last month, Elaine sent you a brief outline of our January 2002 Brand Strategy workshop for current heritage area client. Their "jurisdiction" covers some 300-miles of coastline from Charleston, South Carolina, through Savannah and the Golden Isles, Georgia, to Daytona Beach, Florida. That Brand Strategy workshop concluded with a new statement that effectively links the diverse histories, places, ethnicities, landscapes, activities and foods along "The Route 17/A1A Corridor" (their old name). It also resulted in a new name for the initiative, "Southern Passages: The Atlantic Heritage Coast."

So... what is the Brand Strategy for Bleeding Kansas? This 5<sup>th</sup> Session will provide the answers in the forms of a brand strategy statement, more collective ideas, new opportunities, emerging collaborations and partnerships, shared vision and "common interests."

## Outcomes of the Heritage Summit

No one could (or should) pre-suppose what outcomes might emerge from this Heritage Summit. However, as part of our written report to you following the Heritage Summit – and based on the enthusiasm that we expect to find in Bleeding Kansas – it's a reasonable bet to expect the following...

- clear ideas for necessary next steps in this process;
- consensus on Bleeding Kansas' overarching themes;
- preliminary agreement on the places where these overarching themes should be explored;
- suggestions on how to improve the heritage-based experiences at these places;
- suggestions for activities that might link the overarching themes and these places;
- consensus on secondary and tertiary themes;
- a prioritized list of possible early action projects;
- preliminary "targets" for partnerships to implement early action – as well as longer-term – projects;
- an outline of the desired management structure(s);
- hopefully, a lead organization or person to spearhead building that management structure;
- hopefully, a lead organization or person to spearhead and coordinate heritage development efforts on "parallel tracks," both "at home" and in Washington DC;
- active participation and full support of elected officials at the local, regional, state and federal levels;
- a better understanding of the economic contributions that are possible through heritage development;

- a realistic assessment of economic impact – and what additional information needs to be gathered to “prove” the impact and forecast sustainability;”
- ways to increase funding for heritage-related activities;
- a clearer physical definition of “how big?” What does Bleeding Kansas include?
- ideas towards better integration of all tourism development and economic development activities in the region;
- a Brand Strategy statement;
- very clear directions for second, third and fourth steps in this process; and
- perhaps, adoption of “Bleeding Kansas” as an official name;

In short... the beginnings of a “strategic blueprint” based on “common interests.”

## Heritage Summit Costs

We've taken our best shot at giving you this cut-rate, brother-in-law budget for a five-part, two-day (two full days!) Heritage Summit. In our earlier letter, we suggested a "breather" day between the different sessions – between a Heritage Summit and a branding workshop. In this proposal, we've suggested a full-blown, all-inclusive, two-day Heritage Summit; two very full, back-to-back days – a total two-day commitment from participants and our team. The professional time includes some preparation time in our own offices before the Summit and six days to write the preliminary "strategic blueprint" after the Summit. We estimate a total of twenty-four person-days among the team members, fifteen of these person-days in Kansas. We may benefit from NPS involvement – government rates at hotels, with airlines, etc. – and we would certainly benefit from donation of hotel rooms at (or near) the Heritage Summit site. (We like your idea of the Eldridge Hotel; maybe they could donate room-nights in exchange for Heritage Summit food services? After all, bringing 40 people together for two days is economic development!)

### Professional Time

Elaine Carmichael, Tom Gallaher & Dan Rice	
16 days total (9 person-days in Kansas) @ \$650/day	\$10,400.00
Paul Labovitz & Sue Pridemore	
8 days total (6 person-days in Kansas) via NPS	\$ -

### Air Travel

Elaine Carmichael & Tom Gallaher	
1 round trip each on commercial carriers	\$ 1,950.00
Paul Labovitz, Sue Pridemore & Dan Rice	
1 round trip each at government rates	\$ 1,500.00

### Car Rental

1 car for 4 days at government rate of \$ 50.00/day	\$ 200.00
---	-----------

### Room Nights

4 rooms x 3 nights @ \$80/night	\$ 960.00
---------------------------------	-----------

### Per Diem

Paul Labovitz & Sue Pridemore	
6 person-days in Kansas @ \$ 40.00/day	\$ 240.00

### Materials, Communications & Miscellaneous

	\$ 500.00
--	-----------

**Total** \$15,750.00

We suggest a two-part payment schedule for all of our professional services: (1) an initial payment of \$2,750.00 upon signing the Agreement; (2) the balance, \$13,000.00, no later than ten (10) days following delivery of the report.

10 of 11



## In Conclusion...

This is our second stab at getting to know you. As you can tell from this and our previous letter, we have opinions. But we're also flexible thinkers and eager to listen to potential clients; they *always* know more about a place we work than we *ever* will. Thus, we reserve the right to change our minds about everything in this letter as we learn more about Bleeding Kansas. That having been said, we will neither attempt to force you heritage area into our way of thinking, nor will we merely repackage your words and give them back to you. We will collaborate with you and the results will show it.

We are most interested in the reactions and ideas that come from your first and second readings of this letter. We would like to work with you and look forward to the opportunity to expound on our thinking with you in person. Please feel free to call any of us at any time.

Very sincerely,

Elaine Van S. Carmichael AICP  
(847) 970-9030

Economic Stewardship, Inc. Mundelein IL  
elaine@econstew.com

Tom Gallaher, jr. AICP MCIP  
(828) 250-9899

Heritage Directions, LLC Asheville NC  
tomg@heritagedirections.com

Paul Labovitz  
(330) 657-2950

National Park Service Peninsula OH  
paul\_labovitz@nps.gov

Sue Pridemore  
(402) 221-7310

National Park Service Omaha NE  
sue\_pridemore@nps.gov

Dan Rice  
(330) 434-5657

Ohio & Erie Canal Akron OH  
oeccc@raex.com