ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORD.
981	5/4/87	5/8/87	N/A	AN ORD. RELATING TO ZONING - Hillsboro; se corner, 143rd & Mission; A to R-1
982	5/4/87	5/8/87	N/A	AN ORD. VACATING AN EASEMENT AS SHOWN ON THE FIFTH PLAT OF LEAWOOD COUNTRY MANOR
983	5/4/87	5/8/87	N/A	AN ORD. GRANTING A RIGHT-OF-WAY TO JO. CO. WASTEWATER DISTRICTS FOR SEWER PURPOSES - to install sewer line for residence at 11900 Mission Rd.
984	5/18/87	5/22/87	N/A	AN ORD. RELATING TO SIGNS; AMENDING THE "ZONING ORD."
985 C	5/18/87	5/22/87	X	AN ORD. RELATING TO IMPACT FEE FOR PARK AND RECREATIONAL LAND AND IMPROVEMENTS AS A CONDITION OF DEVELOPMENT APPROVAL.
986	6/15/87	6/19/87	N/A	AN ORD. VACATING A PORTION OF MISSION ROAD FOR HAZELWOOD SUBDIVISION
987	6/15/87	6/19/87	N/A	AN ORD. RE $2,400,000 COMBINED PROJECTS IMPROVEMENT G.O. BONDS, SERIES 1987
988	7/6/87	7/10/87	City Clerk's book only	AN ORD. GRANTING RENEWAL FRANCHISE TO TELECABLE OF OVERLAND PARK
989	7/6/87	7/10/87	N/A	AN ORD. VACATING A PORTION OF THE LEAWOOD GREENWAY FOR HALLBROOK (GOLF COURSE)
990	7/6/87	7/8/87	N/A	AN ORD. RE ISSUANCE OF T.N.'S, $395,000, SERIES 86-1-87C, ROE AVE., 112TH TO 121ST
991	7/20/87	7/24/87	N/A	AN ORD. CONVEYING PROPERTY TO HALLMARK FARM ASSOCIATES - Hallbrook, Golf Course
992	7/20/87	7/24/87	N/A	AN ORD. VACATING UTILITY EASEMENT AS SHOWN ON THE PLAT OF LEAWOOD ESTATES - 9813 Mohawk, Lots 760 and 760A, LE

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORD.
969	4/20/87	4/24/87	N/A	AN ORD. LEVYING ASSESSMENTS RE 127TH IMPROVEMENT, ROE/NALL (ID84-1)
970	4/20/87	4/24/87	N/A	AN ORD. LEVYING ASSESSMENTS RE 119TH IMPROVEMENT, ROE/NALL (ID85-2)
971	4/20/87	4/24/87	N/A	AN ORD. AUTHORIZING ISSUANCE OF T.N.'S L.I.D. 87-2 (127TH, ROE/JUNIPER), $532,800.00
972	4/20/87	4/24/87	N/A	AN ORD. AUTHORIZING ISSUANCE OF T.N.'S L.I.D. 87-1 (127TH, JUNIPER/NALL), PHASE II, $221,600.00
973	4/20/87	4/24/87	N/A	AN ORD. RELATING ZONING - Hazelwood, ne corner, 119th & Mission, A to R-1
974	4/20/87	4/24/87	N/A	AN ORD. RELATING TO ZONING - Patrician Woods, 6th Plat, RP-4 to RP-1
975 C	4/20/87	4/24/87	X	AN ORD. RELATING TO OCCUPATION LICENSE FEES
976 C	4/20/87	4/24/87	X	AN ORD. PROHIBITING DUMPING OF DIRT, GRAVEL, RUBBISH, ETC., IN STREETS ETC.
977 C	4/20/87	4/24/87	X	AN ORD. AMENDING BOCA BASIC BUILDING CODE 1984 EDITION - Requirement of a performance bond for a building permit or final plat approval
978 C	4/20/87	4/24/87	X	AN ORD. AMENDING 4-103 OF THE "CODE" - to correct Article 1 of the Basic BOCA Building Code, 1984.
979	4/20/87	4/24/87	N/A	AN ORD. ACCEPTING A DEED FOR STREET PURPOSES (STATE LINE RD. IMPROVEMENT, 81ST-84TH) FROM JOHN & GRACE ROACH
980	4/20/87	4/24/87	N/A	AN ORD. ACCEPTING EASEMENT FOR STORM DRAINAGE PURPOSES (STATE LINE RD. IMPROVEMENT, 81ST-84TH) FROM JOHN & GRACE ROACH

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORD.
961	12/15/86	12/17/86	N/A	AN ORD. AUTHORIZING ISSUANCE OF T.N.'S, SERIES 86-9, ROE AVE., 112TH - 121ST, $250,000
962	1/5/87	1/9/87	N/A	AN ORD. RELATING TO ZONING - Hampshire, east of Mission & north of 143rd; A to R-1
963	1/5/87	1/9/87	N/A	AN ORD. AUTHORIZING AND PROVIDING FOR ACQUISITION OF PRIVATE PROPERTY RE STATE LINE IMPROVEMENTS, 81ST TO 83RD
964	1/19/87	1/23/87	N/A	AN ORD. GRANTING AN EASEMENT TO KCP&L CO. FOR UTILITY PURPOSES - Tracts 1 and 2, LEAWOOD PLAZA, a replat of Tract "A" OXFORD PARK
965	3/2/87	3/6/87	N/A	AN ORD. RELATING TO FENCES AND WALLS (Sec. 15-2203 of the "Zoning Ordinance" of April 17, 1978)
966	3/2/87	3/6/87	N/A	AN ORD. VACATING AN EASEMENT AS SHOWN ON THE FIFTH PLAT OF LEAWOOD COUNTRY MANOR - re Lots 1,2,3, Block 9
967	3/2/87	3/6/87	N/A	AN ORD. GRANTING AN EASEMENT TO KCP&L FOR UTILITY PURPOSES
968	3/16/87	3/20/87	N/A	AN ORD. VACATING A PORTION OF 115TH STREET FOR HALLBROOK FARMS

BEGINNING WITH ORDS. ADOPTED AFTER ADOPTION OF "CODE OF 1984", A "C" AFTER ORD. # INDICATES THAT THE ORD. IS PART OF THE "CODE OF 1984"

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORD.
948	12/1/86	12/5/86	N/A	AN ORD. RELATING TO ZONING - Lot 4, Shafton; A to CP-2; south side of 117th St., east of Roe
949	12/1/86	12/12/86	N/A	AN ORD. RELATING TO ZONING - Shafton Shopping Center; A to CP-1; northeast corner, 119th & Roe
950	12/1/86	12/5/86	N/A	AN ORD. RELATING TO ZONING - Camelot Court; A to CP-1; northeast corner, 119th & Roe
951	12/1/86	12/5/86	N/A	AN ORD. ACCEPTING EASEMENT FOR DRAINAGE PURPOSES FROM DIBLE DEV. CORP. - LS, 6th Plat
952	12/1/86	12/5/86	N/A	AN ORD. ACCEPTING DEED FOR STREET PURPOSES (STATE LINE IMPROVEMENT, 81ST-84TH) from Leawood Baptist Church
953	12/1/86	12/3/86	N/A	AN ORD. AUTHORIZING ISSUANCE OF RENEWAL TEMPORARY NOTES, $120,000 FOR INTERSECTION IMPROVEMENTS AT 95TH & MISSION AND IMPROVEMENT OF PUBLIC WORKS FACILITY.
954	12/1/86	12/3/86	N/A	AN ORD. AUTHORIZING ISSUANCE OF RENEWAL TEMPORARY NOTES, $795,000 FOR STATE LINE ROAD IMPROVEMENT, 81ST-84TH
955	12/15/86	12/19/86	N/A	AN ORD. RELATING TO ZONING - Leawood Falls, 139th & Kenneth Rd., A to RP-1
956	12/15/86	12/19/86	N/A	AN ORD. RELATING TO ZONING - Leawood Falls, 139th & Kenneth Rd., A to RP-2
957	12/15/86	12/19/86	N/A	AN ORD. RELATING TO ZONING - Leawood Falls, 139th & Kenneth Rd., A to RP-4
958	12/15/86	12/19/86	N/A	AN ORD. ACCEPTING DEED FOR PARKS/GREENWAY PURPOSES - All of Tract E, Leawood Forest Estates, 3rd Plat
959	12/15/86	12/19/86	N/A	AN ORD. RELATING TO ZONING - Cherry Creek, southwest corner of 127th & Mission, A to R-1
960 C	12/15/86	12/19/86	X	AN ORD. RELATING TO ADDITIONS, DELETIONS, CHANGES TO "BOCA BASIC PROPERTY MAINTENANCE CODE, 1981 EDITION"

BEGINNING WITH ORDS. ADOPTED AFTER ADOPTION OF "CODE OF 1984", A "C" AFTER ORD. # INDICATES THAT THE ORD. IS PART OF THE "CODE OF 1984"

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORD.
936	10/20/86	10/24/86	N/A	AN ORD. RELATING TO ZONING - Leawood Campus, A to CP-O
937	10/20/86	10/24/86	N/A	AN ORD. VACATING A PORTION OF 127TH ST.; AUTHORIZATION OF DEED
938	10/20/86	10/24/86	N/A	AN ORD. RELATING TO ZONING - Lots 1 & 2, Stonebridge Estates; A to R-1
939	10/20/86	10/24/86	N/A	AN ORD. ACCEPTING EASEMENT FOR DRAINAGE PURPOSES FROM STUART AND DIANE SHARP - in Waterford subdivision
940	10/20/86	10/24/86	N/A	AN ORD. ACCEPTING DEED FOR STREET PURPOSES FROM ALEXANDER MAJORS HISTORICAL TRUST FOR STATE LINE RD. IMPROVEMENT, 81ST - 84TH - "Cresthill Acres"
941 C	11/3/86	11/7/86	X	AN ORD. RELATING TO ANIMAL CONTROL; NOISY AND DANGEROUS ANIMALS
942 C	11/3/86	11/7/86	X	AN ORD. RELATING TO AN ADDITION TO "CABO ONE AND TWO FAMILY DWELLING CODE, 1983 EDITION"; AMENDING CHAPTER IV, ARTICLE I OF THE "CODE OF THE CITY OF LEAWOOD, KANSAS, 1984"
943 C	11/3/86	11/7/86	X	AN ORD. ADOPTING THE "STANDARD TRAFFIC ORD. FOR KS. CITIES, 1986 EDITION."
944	11/3/86	11/7/86	N/A	AN ORD. RELATING TO ZONING - A to R-1; Cherry Creek subdivision; southwest corner of 127th & Mission
945	11/3/86	11/7/86	N/A	AN ORD. ACCEPTING DEED FOR STREET PURPOSES (119TH, MISSION/ROE) FROM LYNN L. MCCARTHY.
946	11/3/86	11/7/86	N/A	AN ORD. ACCEPTING EASEMENTS FOR DRAINAGE PURPOSES FROM VARIOUS SOURCES FOR Woodlands, 5th Plat; Leawood South, 6th Plat; 119th St. improvement Roe/Mission
947 C	11/17/86	11/21/86	X	AN ORD. AMENDING BOCA BASIC BUILDING CODE, '84 EDITION

ORDINANCE NO. 992

AN ORDINANCE VACATING A UTILITY EASEMENT AS SHOWN ON THE PLAT OF LEAWOOD ESTATES, IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,181. Section 1. The City of Leawood does hereby vacate a utility easement as shown on the plat of Leawood Estates subdivision, City of Leawood, specifically described as follows:

The West 5' of Lot 760 and East 5' of Lot 760A, Leawood Estates, Leawood, Johnson County, Kansas.

(9813 Mohawk)

19-6,182. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 7/20/87 Second Reading: 7/20/87

Passed by the Governing Body this 20th day of July, 1987.

Approved by the Mayor this 21st day of July, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

1729021 ORIGINAL COMPARED WITH RECORD

ORDINANCE NO. 992

AN ORDINANCE VACATING A UTILITY EASEMENT AS SHOWN ON THE PLAT OF LEAWOOD ESTATES, IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,181. Section 1. The City of Leawood does hereby vacate a utility easement as shown on the plat of Leawood Estates subdivision, City of Leawood, specifically described as follows:

The West 5' of Lot 760 and East 5' of Lot 760A, Leawood Estates, Leawood, Johnson County, Kansas.

(9813 Mohawk)

19-6,182. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 7/20/87 Second Reading: 7/20/87

Passed by the Governing Body this 20th day of July, 1987.

Approved by the Mayor this 21st day of July, 1987.

600 CK

(SEAL)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R.S. Wetzler, City Attorney
R.S. Wetzler

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

6.00 1987 JUL 31 P 12: 37

RUBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

VOL 2638 PAGE 998

CERTIFICATION

I, Martha Heizer, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Leawood, Kansas, and that the attached is a full, true and correct copy of Ordinance No. 992 passed by the Governing Body at an adjourned meeting held July 20, 1987.

(SEAL)

Martha Heizer
City Clerk
City of Leawood, Kansas

City of Lenwood

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martavin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------One--------- consecutive ---------day---------(weeks, days) the first publication thereof being made as aforesaid on the ---24th--- day of, ---July--- 19--87---, with subsequent publications being made on the following dates:

---------, 19------ ---------, 19 ------

---------, 19 ------ ---------, 19------

First Published in the Johnson County Sun, Friday, July 24, 1987.
ORDINANCE NO. 992
AN ORDINANCE VACATING AUTILITY EASEMENT AS *SHOWN ON THE PLAT OF* LEAWOOD ESTATES, IN THE CITY OF LEAWOOD, KANSAS.
Be it, ordained by the Governing Body of the City of Leawood, Kansas:
19-6,181. Section 1. The City of Leawood does hereby vacate a utility easement as shown on the plat of Leawood Estates subdivision, City of Leawood, specifically described as follows:
The West 5' of Lot 760 and East 5' of Lot 760A, Leawood Estates, Johnson County, Kansas.
(9813 Mohawk)
19-6,182. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.
TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.
First Reading: 7/20/87 Second Reading: 7/20/87
Passed by the Governing Body this 20th day of July, 1987.
Approved by the Mayor this 21st day of July, 1987.
(s) Marcia Rinehart, Mayor
(SEAL)
Attest:
(s) Martha Heizer, City Clerk
APPROVED FOR FORM AND CONTENT:
(s) R.S. Wetzler, City Attorney
(2408 1F)

Deanna Martavin

Subscribe and sworn to before me this ---24th--- day of ---July--- 19--87

Pearlie A. Peterson
NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---24.91---
Additional copies $ ----------

ORDINANCE NO. 991

AN ORDINANCE CONVEYING PROPERTY TO HALLMARK FARM ASSOCIATES.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-212. Section 1. The City of Leawood, Kansas, does hereby convey the following described property to Hallmark Farm Associates:

> All that part of Tract C, LEAWOOD GREENWAY & PARKS, a subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Southwest corner of the East 1/2 of the Southwest 1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence North 1° 26' 53" West, along the West line of said 1/2 1/4 Section, a distance of 2188.54 feet to a point 475.03 feet South of the Northwest corner of said 1/2 1/4 Section, said point also being on the southerly line of said Tract C, and the true point of beginning of the tract of land to be herein described; thence North 87° 52' 11" East, along the southerly line of said Tract C, a distance of 215.02 feet to the southeasterly corner thereof; thence North 46° 27' 00" West, along the easterly line of said Tract C, a distance of 176.74 feet; thence South 33° 46' 16" West, a distance of 156.10 feet to the true point of beginning. Containing 13,595 square feet or 0.312 of an acre, more or less.
>
> (Hallbrook; golf course)

19-213. Section 2. A copy of the deed for the foregoing tract is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 7/20/87 Second Reading: 7/20/87

Passed by the Governing Body this 20th day of July, 1987.

Approved by the Mayor this 21st day of July, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

1729020 ORIGINAL COMPARED WITH RECORD

WARRANTY DEED

The CITY OF LEAWOOD, KANSAS, a Kansas municipal corporation, GRANTOR, for the sum of One Dollar ($1.00) and Other Valuable Considerations, CONVEYS AND WARRANTS to HALLMARK FARM ASSOCIATES, a Kansas general partnership (the sole general partners of which are Donald J. Hall, Barbara Hall Marshall, and Elizabeth Ann Reid), GRANTEE, the following described tract of real estate in the County of Johnson and the State of Kansas, to-wit:

All that part of Tract C, LEAWOOD GREENWAY & PARKS, a subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Southwest corner of the East 1/2 of the Southwest 1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence North 1°-26'-53" West, along the West line of said 1/2 1/4 Section, a distance of 2188.54 feet to a point 475.03 feet South of the Northwest corner of said 1/2 1/4 Section, said point also being on the southerly line of said Tract C, and the true point of beginning of the tract of land to be herein described; thence North 87°-52'-11" East, along the southerly line of said Tract C, a distance of 215.02 feet to the southeasterly corner thereof; thence North 46°-27'-00" West, along the easterly line of said Tract C, a distance of 176.74 feet; thence South 33°-46'-16" West, a distance of 156.10 feet to the true point of beginning. Containing 13,595 square feet or 0.312 of an acre, more or less.

Except and subject to all easements, restrictions, reservations and covenants of record, if any.

IN WITNESS WHEREOF, and pursuant to and as authorized by an ordinance of the Governing Body of the City of Leawood, Kansas, duly adopted on the 20th day of July, 1987, Grantor has caused this deed to be signed on its behalf by its Mayor, and to be attested by its Clerk, and has caused its seal to be hereto affixed, this 21st day of July, 1987.

CITY OF LEAWOOD, KANSAS, a Kansas Municipal Corporation

By Marcia Rinehart
Mayor
Marcia Rinehart

ATTEST:
Martha Heizer
City Clerk
Martha Heizer

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD
5 00 1987 JUL 31 A 11:35 6
RUBIE M. SCOTT
REGISTER OF DEEDS
BY _____ DEP

500
CK.

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

Entered in Transfer Record
31 Day of July AD 1987
BEVERLY L. BAKER
Johnson County Clerk

BE IT REMEMBERED, that on this 21st day of July, 1987, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came MARCIA RINEHART, Mayor of the City of Leawood, Kansas, a Kansas municipal corporation, and Martha Heizer City Clerk of said municipal corporation, who are personally known to me to be such officers, and who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said municipal corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year last above written.

NOTARY PUBLIC STATE OF KANSAS
CAROLYN SUE YOUNGER
My Appt. Exp. 08-07-89

Carolyn Sue Younger
Notary Public
Carolyn Sue Younger

My commission expires 08-07-89.

VOL 2638 PAGE 997

First Published in the Johnson County Sun, Friday, July 24, 1987.

ORDINANCE NO. 991

AN ORDINANCE CONVEYING PROPERTY TO HALLMARK FARM ASSOCIATES.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-212. Section 1. The City of Leawood, Kansas, does hereby convey the following described property to Hallmark Farm Associates:

All that part of Tract C, LEAWOOD GREENWAY & PARKS, a subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Southwest corner of the East ½ of the Southwest ¼ of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence North 1° 26' 53" West, along the West line of said ½ ¼ Section, a distance of 2188.54 feet to a point 475.03 feet South of the Northwest corner of said ½ ¼ Section, said point also being on the southerly line of said Tract C, and the true point of beginning of the tract of land to be herein described; thence North 87° 52' 11" East, along the southerly line of said Tract C, a distance of 215.02 feet to the southeasterly corner thereof; thence North 46° 27' 00" West, along the easterly line of said Tract C, a distance of 176.74 feet; thence South 33° 46' 16" West, a distance of 156.10 feet to the true point of beginning. Containing 13,595 square feet or 0.312 of an acre, more or less.

(Halibrook; golf course)

19-213. Section 2. A copy of the deed for the foregoing tract is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 7/20/87 Second Reading: 7/20/87

Passed by the Governing Body this 20th day of July, 1987.

Approved by the Mayor this 21st day of July, 1987.

(s) Marcia Rinehart, Mayor

(SEAL)

Attest:

(s) Martha Heizer, City Clerk

APPROVED FOR FORM AND CONTENT:

(s) R.S. Wetzler, City Attorney

(2407 1F)

AFFIDAVIT OF PUBLICATION

ANSAS, JOHNSON COUNTY, ss: Deanna Martavin being first Duly ses and say: That she is legal publications manager of THE JOHNSON IN, a semi-weekly newspaper printed in the State of Kansas, and published eral circulation in JOHNSON County, Kansas, with a general paid circulation asis in JOHNSON County, Kansas, and that said newspaper is not a trade, aternal publication.

paper is a semi-weekly published at least weekly 50 times a year; has been continuously and uninterruptedly in said county and state for a period of ve years prior to the first publication of said notice; and has been admitted ffice of SHAWNEE MISSION, KANSAS in said County as a second class

ttached notice is a true copy thereof and was published in the regular and f said newspaper for ONE consecutive ay (weeks, days) the first publication thereof being made as he 24th day of, July 19-87, with subsequent eing made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martavin

Subscribe and sworn to before me this 24th day of July 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires:

Printer's Fee $ 37.16

Additional copies $

ORDINANCE NO. 990

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES, SERIES 86-1-87C (ROE AVENUE, 112TH STREET TO 121ST STREET) OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $395,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO ROE AVENUE FROM 112TH STREET TO 121ST STREET INCLUDING WIDENING, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER APPURTENANCES THERETO, THE COSTS OF WHICH WILL BE PAID BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the Governing Body of the City of Leawood entered into a joint agreement, dated February 4, 1985, with the City of Overland Park and Johnson County, Kansas, to make improvements to Roe Avenue from 112th to 121st Street in the total estimated cost of $1,500,000.00 with each entity to pay a portion of said costs; and

WHEREAS, the necessary permanent rights-of-way for construction have been acquired by the City; and

WHEREAS, a benefit district has been established pursuant to Resolution No. 757 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on February 2, 1986; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of bonds;

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

20-1,290 Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 86-1-87C (Roe Avenue, 112th Street to 121st Street), in the aggregate principal amount of Three Hundred Ninety Five Thousand Dollars ($395,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,291 Section Two: Said issue of Temporary Notes, Series 86-1-87C, shall consist of bearer notes numbered from 1 through 4 inclusive, numbers 1, 2 and 3 each being in the denomination of $100,000.00 and number 4 in the denomination of $95,000. Each of said notes shall be dated July 16, 1987, and shall have the stated maturity date of July 15, 1988. The notes shall bear interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 5.08% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof, said notes so authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,292 Section Three: The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,293 Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and de-

livered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,294 Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

	Issue	Date	Principal Amount
(a)	Temporary Notes Series 87-1 (127th St, Nall-Juniper)	May 1, 1987	$221,600.00
(b)	Temporary Notes Series 87-2 (127th St, Juniper-Roe)	May 15, 1987	$532,800.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000.00;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide project financing for the improvements, other than bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,295 Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 7/6/87 Second Reading: 7/6/87

PASSED by the Governing Body of the City of Leawood, Kansas, this 6th day of July, 1987.

SIGNED by the Mayor this 6th day of July, 1987.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------one---------- consecutive ---------day---------(weeks, days) the first publication thereof being made as aforesaid on the ----8th---- day of, ----July---- 19--87--, with subsequent publications being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this ---------- day of ---------- 19-----

Marguerite E. Baker

NOTARY PUBLIC

NOTARY PUBLIC STATE OF KANSAS | MARGUERITE E. BAKER JOHNSON COUNTY, KANSAS My Appointment Expires 3-15-88

My Commission expires: 3-15-88

Printer's Fee $ 515.16

Additional copies $ ----------

First Published in the Johnson County Sun, Wednesday, July 8, 1987.

ORDINANCE NO. 990

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES, SERIES 86-1-87C (ROE AVENEUE, 112TH STREET TO 121ST STREET) OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $395,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPOROVEMENTS TO ROE AVENUE FROM 112TH STREET TO 121ST STREET INCLUDING WIDENING, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER APPURTENANCES THERETO, THE COSTS OF WHICH WILL BE PAID BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the Governing Body of the City of Leawood entered into a joint agreement, dated February 4, 1985, with the City of Overland Park and Johnson County, Kansas, to make improvements to Roe Avenue from 112th to 121st Street in the total estimated cost of $1,500,000.00 with each entity to pay a portion of said costs; and

WHEREAS, the necessary permanent rights-of-way for construction have been acquired by the City; and

WHEREAS, a benefit district has been established pursuant to Resolution No. 757 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on February 2, 1986; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of bonds;

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

20-1,290

Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 86-1-87C (Roe Avenue, 112th Street to 121st Street), in the aggregate principal amount of Three Hundred Ninety Five Thousand Dollars ($395,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,291

Section Two: Said issue of Temporary Notes, Series 86-1-87C shall consist of bearer notes numbered from 1 through 4 inclusive, numbers 1, 2 and 3 each being in the denomination of $100,000.00 and number 4 in the denomination of $95,000. Each of said notes shall be dated July 16, 1987, and shall have the stated maturity date of July 15, 1988. The notes shall bear interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 5.08% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof, said notes so authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by the publication of notice and payment *of said notes, the last publication of such notice to be at least ten days prior to the redemption* date fixed in such notice.

20-1,292

Section Three: The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,293

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,294

Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in *a special fund created for the purpose of paying said costs and expenses of the improvement* hereinbefore described.

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; **provided, however**, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

Issue	Date	Principal Amount
(a) Temporary Notes Series 87-1 (127th St., Nall-Juniper)	May 1, 1987	$221,600.00
(b) Temporary Notes Series 87-2 (127th St., Juniper-Roe)	May 15, 1987	$532,800.00

and the City does not reasonably anticiapte issuing qualified tax-exempt oblications during calendar year 1987 in an aggregate amount in excess of $10,000,000.00;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or oblications the proceeds of which have been or will be used to provide project financing for the improvements, other than bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,295

Section Six: *The full faith, credit and resources of the City of Leawood, Kansas, shall be and the* same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 7/6/87 Second Reading: 7/6/87

PASSED by the Governing Body of the City of Leawood, Kansas, this 6th day of July, 1987.

SIGNED by the Mayor this 6th day of July, 1987

(s)Marcia Rinehart,
Mayor

ATTEST:
(s) Martha Heizer,
City Clerk

APPROVED AS TO FORM AND CONTENT:
(s) R.S. Wetzler,
City Attorney

(2301 1W)

ORDINANCE NO. 989

AN ORDINANCE VACATING A PORTION OF THE LEAWOOD GREENWAY FOR HALLBROOK (GOLF COURSE).

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-210. Section 1. A portion of Tract "C" as shown on the "Plat of Leawood Greenway & Parks" which was approved by the City Council October 18, 1982, is hereby vacated, to wit:

> All that part of Tract "C", "Leawood Greenway & Parks", a subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the southwest corner of the east 1/2 of the southwest 1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence north 1° 26' 53" west, along the west line of said 1/2 1/4 section, a distance of 2188.54 feet to a point 475.03 feet south of the northwest corner of said 1/2 1/4 section, said point also being on the southerly line of said Tract "C", and the true point of beginning of the tract of land to be herein described; thence north 87° 52' 11" east, along the southerly line of said Tract "C", a distance of [illegible] feet 215.02 feet to the southeasterly corner thereof; thence north 46° 27' 00" west, along the easterly line of said Tract "C", a distance of 176.74 feet; thence south 33° 46' 16" west, a distance of 156.10 feet to the true point of beginning. Containing 13,595 square feet or 0.312 of an acre, more or less.

19-211. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and Register of Deeds of Johnson County, Kansas.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 7/6/87 Second Reading: 7/6/87

Passed by the Governing Body this 6th day of July, 1987.

Approved by the Mayor this 6th day of July, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

1724103 ✓ ORIGINAL COMPARED WITH RECORD

ORDINANCE NO. 989

AN ORDINANCE VACATING A PORTION OF THE LEAWOOD GREENWAY FOR HALLBROOK (GOLF COURSE).

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-210. Section 1. A portion of Tract "C" as shown on the "Plat of Leawood Greenway & Parks" which was approved by the City Council October 18, 1982, is hereby vacated, to wit:

All that part of Tract "C", "Leawood Greenway & Parks", a subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the southwest corner of the east 1/2 of the southwest 1/4 of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence north 1° 26' 53" west, along the west line of said 1/2 1/4 section, a distance of 2188.54 feet to a point 475.03 feet south of the northwest corner of said 1/2 1/4 section, said point also being on the southerly line of said Tract "C", and the true point of beginning of the tract of land to be herein described; thence north 87° 52' 11" east, along the southerly line of said Tract "C", a distance of 215.02 feet to the southeasterly corner thereof; thence north 46° 27' 00" west, along the easterly line of said Tract "C", a distance of 176.74 feet; thence south 33° 46' 16" west, a distance of 156.10 feet to the true point of beginning. Containing 13,595 square feet or 0.312 of an acre, more or less.

19-211. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and Register of Deeds of Johnson County, Kansas.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 7/6/87 Second Reading: 7/6/87

Passed by the Governing Body this 6th day of July, 1987.

600 CK

Approved by the Mayor this 6th day of July, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

VOL 2627 PAGE 474

CERTIFICATION

I, Martha Heizer, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Leawood, Kansas, and that the attached is a full, true and correct copy of Ordinance No. 989 passed by the Governing at a regular meeting held July 6, 1987.

(S E A L)

Martha Heizer

Martha Heizer
City Clerk
City of Leawood, Kansas

STATE OF KANSAS }
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1987 JUL 14 P 3 03 3

6.00 RUBIE M. SCOTT
REGISTER OF DEEDS

BY_____DEP

City of Leawood
9617 Lee Blvd.
Leawood, Ks 66206

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---Day--- (weeks, days) the first publication thereof being made as aforesaid on the ---10th--- day of, ---July--- 19--87--, with subsequent publications being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this ---10th--- day of ---July--- 19--87--

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---39.12---
Additional copies $ ----------

First Published in the Johnson County Sun, Friday, July 10, 1987.

ORDINANCE NO. 989

AN ORDINANCE VACATING A PORTION OF THE LEAWOOD GREENWAY FOR HALLBROOK (GOLF COURSE).

Be it ordained by the Governing Body of the City of Leawood, Kansas: 19-210. Section 1. A portion of Tract "C" as shown on the "Plat of Leawood Greenway & Parks" which was approved by the City Council October 18, 1982, is hereby vacated, to wit:

All that part of Tract "C", "Leawood Greenway & Parks", a subdivision of land in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the southwest corner of the east ½ of the southwest ¼ of Section 15, Township 13, Range 25, in the City of Leawood, Johnson County, Kansas; thence north 1° 26' 53" west, along the west line of said ½ ¼ section, a distance of 2188.54 feet to a point 475.03 feet south of the northwest corner of said ½ ¼ section, said point also being on the southerly line of said Tract "C", and the true point of beginning of the tract of land to be herein described; thence north 87° 52' 11" east, along the southerly line of said Tract "C", a distance of 215.02 feet to the southeasterly corner thereof; thence north 46° 27' 00" west, along the easterly line of said Tract "C", a distance of 176.74 feet; thence south 33° 46' 16" west, a distance of 156.10 feet to the true point of beginning. Containing 13,595 square feet or 0.312 of an acre, more or less.

19-211. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and Register of Deeds of Johnson County, Kansas.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 7/6/87 Second Reading: 7/6/87

Passed by the Governing Body this 6th day of July, 1987.

Approved by the Mayor this 6th day of July, 1987.

(SEAL)

(s) Marcia Rinehart
Mayor

Attest:
(s) Martha Heizer
City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney

(2317 1F)

ORDINANCE NO. 988

AN ORDINANCE GRANTING A RENEWAL FRANCHISE TO TELECABLE OF OVERLAND PARK, INC., ITS SUCCESSORS, TRANSFEREES, AND ASSIGNS, FOR A TERM OF TWENTY YEARS, THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAWOOD, KANSAS, AND TO USE AND OCCUPY THE STREETS, ALLEYS, AND OTHER PUBLIC PLACES OF SAID CITY FOR SUCH PURPOSES, AND PROVIDING FOR PAYMENT TO SAID CITY.

WHEREAS, The City of Leawood, Kansas, a municipal corporation, duly organized and existing under the laws of the State of Kansas, did in 1972 grant to TeleCable of Overland Park, Inc. ("TeleCable") a franchise to construct, operate and maintain a cable television system in said City; and

WHEREAS, TeleCable did in a timely manner commence and complete construction of the cable television system, did operate said system continuously to the present date, and did regularly and periodically update said cable system's capability and channel capacity, and did thereby comply in all material respects with the requirements of the original franchise; and

WHEREAS, TeleCable has applied to the City for renewal of its franchise authority; and

WHEREAS, the Governing Body of said City finds that if the franchise is renewed TeleCable can continue to provide to the residents of the City a useful and desirable service for the benefit of the public welfare of the residents;

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

SECTION 1. SHORT TITLE

This ordinance shall be known as "The Cable Television Franchise Ordinance of the City of Leawood, Kansas" and may herein and hereafter be cited as "Leawood Cable TV Franchise Ordinance."

SECTION 2. DEFINITIONS

The following terms, phrases, words and their derivations shall have for the purposes of this ordinance the meanings herein stated; provided that when not inconsistent with the context, words used in the present tense shall include the future, and words in the plural shall include the singular number, and words in the singular number shall include the plural number; provided further that the word "shall" is to be construed as mandatory and not simply directive; provided further that the following definitions shall herein apply:

A. "City" shall mean the City of Leawood, Kansas, a municipal corporation, or its successors, and shall include when appropriate to the use of the term in context, the territorial boundaries of said City as now constituted or as shall hereafter exist;

B. "Governing Body" shall mean the present legislative body of the City of Leawood, Kansas, or any successor to the legislative powers of said present Governing Body;

C. "Franchise" means this agreement.

D. "Franchisee" shall mean TeleCable of Overland Park, Inc., or its successors, transferees or assigns, which is granted the franchise, the terms and conditions of which are provided herein;

E. "Street" shall mean any public street, roadway, highway, alley, or other public right-of-way now or hereafter subject to the jurisdiction and regulation of the City as provided by the laws of the State of Kansas and any subsequent amendments thereof;

F. "System" or "Cable Communications System" or "Cable Television System" shall mean a system of antennas, cables, wires, lines, towers, waveguides, or other conductors, converters, equipment or facilities, designed and constructed for the purpose of producing, receiving, transmitting, amplifying and distributing audio, video and other forms of electronic or electrical signals, located in the City. Said definition shall not include any such facility that serves or will serve only subscribers in one or more multiple unit dwellings under common ownership, control or management, unless such facility uses any public right-of-way.

G. "Subscriber" shall mean any person which receives from the franchisee herein named the services of said franchisee's cable television system;

H. "Person" shall mean any individual or association of individuals, or any firm, corporation, or other business organization;

I. "Gross annual subscriber revenues" shall mean any and all compensation and other consideration derived directly by franchisee from subscribers within said City for regularly furnished cable television service. Gross annual subscriber revenue shall include revenues derived from cable service, pay television service, installation, rental of television converters or other equipment, per-program and per-channel charges, or advertising revenues, but shall not include any taxes on services furnished by franchisee or imposed directly on any subscriber or user by any city, state or other governmental unit and collected by the franchisee for such governmental unit.

In the event the franchisee shall receive any revenue from any advertisements disseminated to subscribers in Johnson County, Kansas, both within and without the City, gross annual subscriber revenues shall, with respect to such advertisements, include an amount derived by multiplying such advertising revenue by a fraction, the numerator of which is the number of subscribers in the City reached by such advertisement and the denominator of which is the total number of subscribers reached by such advertisement.

SECTION 3. GRANT OF NON-EXCLUSIVE FRANCHISE

The City of Leawood, Kansas hereby grants unto the franchisee herein named a non-exclusive franchise to construct, erect, operate and maintain a cable television system within said City, and in so doing to use the streets of said City by erecting, installing, constructing, repairing, replacing, reconstructing, maintaining, and retaining in, on, under, upon, or across any such streets, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be necessary and appurtenant to a cable television system, and in addition, so to use, operate and provide for all or part of such facilities by service offerings obtained from any franchised or operating utility company providing service within said City.

The authority hereby granted to conduct a cable television system within said City, and to use and occupy the streets thereof does not and shall not be deemed an exclusive right or permission, and said City expressly reserves the right to grant other non-exclusive franchises to persons, firms, corporations or other business organizations, to construct, operate, and maintain other cable television systems within said City; but no such additional franchises shall in any way affect the rights or obligations of the franchisee herein named and set forth in this ordinance.

The rights herein granted to franchisee herein named shall extend to any area hereafted annexed to the City and franchisee shall be bound by the same rules and regulations as to such area as are otherwise herein or hereafter provided.

SECTION 4. PROGRAM ORIGINATION

The franchisee herein named shall transmit and distribute to its subscribers such electro-magnetic radation as are now, and may hereafter, be authorized by the Federal Communications Commission or any other administrative agency of the United States, the several states, or political subdivisions thereof having jurisdiction to regulate such activity; provided that the franchisee may originate and distribute public service information regarding the weather, time, news of events that have or will occur within the franchisee's subscribers' service area,

including such local community events that may be made available to its subscribers.

SECTION 5. TERM OF FRANCHISE

This franchise ordinance extends and renews the existing franchise for a period of twenty (20) years and the term of the renewal franchise herein granted shall commence upon expiration of the existing franchise and shall continue for a term of twenty (20) years from said date; provided that said franchisee's acceptance of this renewal franchise shall be filed in the office of the City Clerk of said City within thirty (30) days from the effective date of this ordinance; provided further that franchisee's failure to timely file said acceptance as herein provided shall cause the City's offer of franchise contained herein to be deemed revoked and without force and effect, whereupon this ordinance shall be deemed void and of no further force and effect.

SECTION 6. FRANCHISE PAYMENTS

The franchisee herein named shall pay to the City during the term of said franchise a sum equal to five (5) percent of the gross annual subscriber revenues, or the maximum cable television franchise fee permitted by federal law, whichever is less; provided that payment of said sum will be made quarterly in the months of January, April, July and October.

SECTION 7. AUDIT AND REPORTING

Within thirty (30) days after the expiration of the first twelve (12) months of this franchise and within thirty (30) days after each succeeding twelve (12) month period during the balance of the term that this franchise shall be in force, the franchisee named herein shall file in the office of the City Clerk of said City, a financial statement prepared by a certified public accountant or person otherwise satisfactory to said City, showing the gross annual subscriber revenues of said franchisee during the preceding twelve (12) months, said receipts to be determined as defined herein; provided that in the event said franchise is terminated or forfeited prior to the end of the twenty (20) year term herein provided, the franchisee shall immediately submit to the office of the City Clerk of said City a financial statement of said franchisee for the period that has elapsed since the end of the period covered by the last such financial statement; provided further that within thirty (30) days following the termination or forfeiture of said franchise, said franchisee will pay said City a sum equal to the percentage of said gross annual subscriber revenues as have accrued to said franchisee for the aforementioned period; provided further that said City reserves the right to independently audit said franchisee's gross annual subscriber revenues from which its franchise payments are computed, and any discrepancy between said audit and that filed by the franchisee with the City Clerk of said City which results

in the City's receiving a lesser sum than that which is due and owing from said franchisee will be determined and paid forthwith to said City; provided further that the City's acceptance of any payment determined as hereinbefore provided to be deficient shall not be construed as a release of liability from said City or an accord and satisfaction of any claim said City may have for additional sums owed by said franchisee as hereinbefore provided.

SECTION 8. SUBSCRIBER RATES

Rates for subscriber service shall be determined by franchisee and shall be uniform throughout the City for each type of service. Franchisee shall file with the City Clerk a schedule of current rates in effect.

Subscriber rates for installation shall be determined by franchisee and shall be uniform, except where extraordinary installation procedures are required in order to establish service, in which case franchisee may charge the subscriber the actual cost of materials and labor plus ten (10) per cent.

Where a subscriber's service is disconnected for non-payment of monies due, franchisee is authorized to collect a reconnection fee.

SECTION 9. FRANCHISEE'S OPERATING REGULATIONS

The franchisee herein named shall have the authority to promulgate such rules, regulations and conditions governing the conduct of its business as shall be reasonably necessary to enable the franchisee to exercise its rights and to perform its obligations under this franchise ordinance and to assure an uninterrupted service to its subscribers; provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions of this franchise ordinance.

With respect to extension of service to new areas within the City, the franchisee shall file in the office of the City Clerk of said City the rules and regulations governing the franchisee's extension of service to such new areas; provided that if the Governing Body has not filed with said franchisee its written objection to any or all of said rules and regulations within thirty (30) days after they are filed by franchisee, said rules and regulations shall be deemed approved. Franchisee may thereafter change such rules and regulations by filing such changes as hereinbefore provided, and the same shall be approved or rejected in like manner. In the event the Governing Body rejects the rules or any proposed change thereof, franchisee shall be entitled to a hearing before the Governing Body for consideration of the rules or changes within ten (10) days following the Governing Body's rejection of the same by a resolution adopted at a regular meeting of the Governing Body.

SECTION 10. NOTICE TO PARTIES

Whenever, under the terms of this franchise ordinance, either party hereto shall be required or permitted to give notice to the other, such notice shall be in writing, and if to be served upon the City, it shall be delivered either by first class United States mail addressed to the office of the City Clerk of said City or by personal delivery of the same to said person, or his duly authorized agent for receiving the same, and if said notice be addressed to said franchisee, the same shall be delivered by either first class United States mail addressed to an officer or the resident agent of said franchisee at the registered office of said franchisee or its resident agent, or by personally delivering the same to such person as hereinbefore provided, or such other person as said franchisee shall from time to time direct.

SECTION 11. NOTICE OF FRANCHISEE'S FILINGS WITH REGULATORY AGENCIES

The franchisee is hereby required to file in the office of the City Clerk of said City copies of any and all petitions, applications, and communications submitted or filed by said franchisee with the Federal Communications Commission, the Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matter effecting the operation of a cable television system, so far as the same effects or will effect said franchisee's service or operation within said City.

SECTION 12. FRANCHISEE'S DUTY TO COMPLY WITH STATE AND FEDERAL LAW

Notwithstanding any other provisions of this franchise ordinance to the contrary, the franchisee shall at all times comply with all laws and regulations of the United States and the several states and any political subdivision thereof, or any administrative agency thereof, having jurisdiction to regulate cable television systems; provided that franchisee's failure to comply with any law or regulation governing the operation of said cable television system may result in a forfeiture of the privileges conferred by the franchise ordinance when so determined by the Governing Body of said City as adopted by ordinance at one of its regular meetings.

SECTION 13. LOCATION OF FRANCHISEE'S PROPERTIES IN THE PUBLIC WAY

The franchisee in the construction of any facilities to provide service to its subscribers shall use the existing poles and other properties of franchised public utility companies operating within the City, and said franchisee shall not construct, erect, or maintain any supporting poles or other properties within the public streets of said City for the permanent operation of its cable television system except upon the express consent and

permission of said City given in writing; provided that said franchisee shall not be prohibited from relocating its facilities if the poles and other properties on or upon which said facilities attach and are affixed are relocated by the owners of said properties, nor shall the franchisee be prohibited from constructing, operating, and maintaining its facilities upon other poles and properties of said franchised public utility companies as may hereinafter be constructed, so long as such construction, operation, and maintenance is in compliance with said City's existing ordinances pertaining to construction of new utility and communications lines; provided further that, wherever within the City all or any part of the properties of the franchised public utility company with which said franchisee named herein has contracted for the use of said facilities, shall be located underground, it shall be the obligation of said franchisee to construct, operate, and maintain its properties within and under such locations; provided further that if existing properties of the franchised public utility companies with which said franchisee herein named has contracted, relocate said properties underground, said franchisee shall forthwith relocate its properties, formerly attached thereto, underground in such places; however, the City reserves the right to permit said franchisee to maintain its existing facilities above ground in said locations when the City shall so direct the same in writing to said franchisee.

14. RELOCATION OF FRANCHISEE'S PROPERTY

Whenever the City or a franchised public utility company operating within said City shall request of the franchisee the relocation or reinstallation of any of its properties along and within any of the streets of said City, said franchisee shall forthwith remove, relocate, or reinstall any such property as may be reasonably necessary to meet said request and the cost of such relocation, removal, or reinstallation of said properties shall be the exclusive obligation of said franchisee; provided that said franchisee shall upon request of any person holding a validly issued building or moving permit of said City, said request having been given in writing to said franchisee not less than forty-eight (48) hours prior to the date upon which said person intends to exercise its rights under said permit, said franchisee shall thereupon temporarily raise, lower, or relocate its wires or other property as may be required for said person to exercise the rights of its permit, and said franchisee may require said person to make payment in advance for any expenses incurred by said franchisee pursuant to said person's request.

15. FRANCHISEE'S DUTY TO REMOVE ITS PROPERTIES FROM THE PUBLIC WAY

Franchisee shall promptly remove from the public streets and other public ways where its properties are located, all or any part of its facilities so located, when franchisee ceases to use any part, or all, of its cable television system for a continuous

period of twelve months or when said franchise is terminated or revoked pursuant to notice as provided elsewhere in this ordinance.

Provided that said franchisee shall be entitled to receive notice in writing from said City setting forth one or more of the occurrences hereinabove enumerated, or such other occurrence hereinbefore or hereinafter provided, and that said franchisee shall have ninety (90) days from the date upon which said notice is received to remove said properties as hereinabove required.

16. AUTHORITY OF CITY TO REQUIRE REMOVAL OF FRANCHISEE'S PROPERTIES FROM THE PUBLIC WAY

The City is hereby authorized to enforce the provisions of Section 15 of this franchise ordinance as hereinafter provided;

A. That said City shall notify said franchisee in writing of any occurrence provided for in section 15 hereof, for which said franchise may be terminated, forfeited, revoked, or declared void by said City, and that within ninety (90) days following receipt of said notice, said franchisee shall remove from the public streets and all other public ways of said City upon, over, and under which its properties are located, those portions of the properties which are attached to utility poles and those portions of buried properties which come above ground in closures and pedestals, unless otherwise authorized and permitted by said City. Franchisee shall not be required in any instance to remove buried cables.

B. Said City may declare abandoned any property of said franchisee remaining in place ninety (90) days after notification as hereinabove provided, and the same shall be considered permanently abandoned property unless said City extends the time for removal for a period not to exceed an additional thirty (30) days.

SECTION 17. PROPERTY ABANDONED BY THE FRANCHISEE

Any property abandoned by said franchisee as hereinabove or hereinafter provided shall become the property of the City and said franchisee agrees to execute and deliver an instrument in writing, transferring its ownership interest in any such property to said City; provided that any notice given by the City as provided in Section 16 hereof, shall be deemed notice to any other persons claiming interest in said property of the franchisee, and said persons shall be subject to all the provisions hereinbefore provided in Sections 15 and 16 hereof.

SECTION 18. STANDARDS FOR CONSTRUCTION OF FRANCHISEE'S FACILITIES

The construction, operation, and maintenance of the properties and facilities of said franchisee's cable television system shall be in accord with good engineering practices and shall be in

compliance with the National Electric Code and applicable laws, regulations and ordinances as such are from time to time amended and revised by the United States of America and the several states and any political subdivisions thereof or any administrative agency thereof having jurisdiction to regulate the construction of cable television systems. All transmissions and distribution structures, lines and equipment erected by the franchisee within the City shall be so located as to cause minimum interference with the proper use of streets, easements and swales, sidewalks, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets, easements and swales, sidewalks, alleys or other public ways and places. The franchisee shall have the authority to trim trees which are located upon and overhang the public streets and other public ways of said City, so as to prevent the branches of such trees from coming into contact with the franchisee's properties.

The franchisee shall not construct or reconstruct any of its cable TV system located upon, over, under or within the public streets or public ways of said City without first having submitted in writing a description of its planned improvement to the Director of Public Works of said City and having received a permit for such improvement from said Director.

SECTION 19. STANDARDS FOR OPERATING AND MAINTAINING FRANCHISEE'S CABLE TELEVISION SYSTEM

Franchisee's cable television system shall be constructed, operated, and maintained in accordance with the highest accepted standards of the cable television industry to insure that the subscriber receives the highest quality of service; provided that the following enumerated criteria may be considered in determining franchisee's satisfactory compliance with the provisions of this section:

1. That the system is installed and remains capable of using all-band equipment and of passing the entire VHF television and FM radio spectrum and that it shall have the further capability of converting UHF for the distribution to subscribers on the VHF band; and
2. That the system is capable of transmitting and passing the standard color television signals without the introduction of material degradation on color fidelity and intelligence; and
3. That the system is designed and rated for 24-hour a day continuous operation, and
4. That the system provides a nominal signal level of 1,000 microvolts at the input terminals of each television receiver of any subscriber; and
5. That the system signal to noise ratio is not less than 30 decibels; and
6. That hum modulation of the picture signal is less than 5 per cent at the subscriber's receiver; and

7. That the system uses components having a voltage standing wave ratio (VSWR) of 1.4 or less; and
8. That the system will and does produce a picture upon any subscriber's television screen in black and white or color (provided the subscriber's set is capable of producing a color picture) that is undistorted and free from ghost images and accompanied by proper sound, assuming standard production television sets in good repair, and in any event, the picture shall be as good as the state of the art allows; and
9. That the system transmits or distributes signals of adequate strength to produce good pictures with good sound at all television receivers of all subscribers, without causing cross-modulation in the cables or interfering with other electromagnetic radiation or the reception of other television or radio receivers in the area not connected to the system.

The franchisee agrees that the cable television system to be operated pursuant to this franchise shall be upgraded in terms of its channel capacity and shall no later than December 31, 1991, be capable of technical transmission of a minimum of fifty-four (54) standard television channels to subscribers.

The franchisee will limit system failures to a minimum by locating and correcting malfunctions promptly but in no event longer than 24 hours after notice has been given, except said time shall be extended during such time as performance of this obligation is prevented by an act of God or the same is otherwise made impossible because of circumstances over which the franchisee has no control; provided further that the franchisee will maintain and provide to its subscribers an office near the City, which shall be available to said subscribers during normal business hours of every day Monday through Friday inclusive, for the purpose of receiving complaints or requests for repairs, adjustments, or other service caused by some failure or malfunction of the system, and that said franchisee shall provide its subscribers with facilities for receiving requests and complaints for service at a time other than that herein provided.

Should franchisee find equipment or devices have been connected to franchisee's cable television system by any persons and that said equipment or devices are causing interference to the system or degradation of the quality of transmission received by subscribers, or impairing franchisee's ability to comply with any laws and regulations governing cable television transmissions, franchisee is hereby empowered immediately to disconnect said equipment or devices from the cable television system.

SECTION 20. RIGHTS RESERVED TO THE CITY

Without limitation upon the rights which the City might otherwise have, said City does hereby expressly reserve the following rights, powers and authorities:
A. The right to exercise the governmental powers, now or hereafter, vested in or granted to said City;

B. The right to grant additional cable television franchises within said City subject to the provisions of Section 3 hereof.

The City's failure to enforce and remedy any non-compliance by the franchisee of the terms and conditions of this franchise ordinance shall not constitute a waiver of said City's rights hereunder, and said franchisee shall continue to performs its obligations as herein provided.

SECTION 21. CONDITIONS FOR FORFEITURE OF FRANCHISE

In addition to all other rights and powers herein reserved or otherwise enjoyed by the City, said City reserves as an additional and separate remedy the right to revoke the franchise herein granted and all rights and privileges of said franchisee conferred hereunder, upon the occurrence of any of the following events:

A. That franchisee fails to remedy within thirty (30) days following the date upon which written notice is received of said franchisee's failure to comply with the provisions of this franchise ordinance whether the same be committed by act or omissions, the violation set forth in said notice; or

B. That any provisions of this franchise ordinance is adjudged by a Court of Competent Jurisdiction to be invalid or unenforceable and said judicial act and declaration is deemed by the Governing Body of said City to constitute such a material consideration for the granting of said franchise as to cause the same to become null and void; or

C. Franchisee is adjudged a bankrupt, becomes insolvent, suffers a transfer of its properties pursuant to an action of its creditors upon an instrument or judicial declaration securing said creditor's interest in said properties, and thereafter the same be not redeemed by said franchisee within thirty (30) days from the date of said transfer, or said franchisee is otherwise unable or unwilling to pay its debts and obligations as the same accrue; or

D. The franchisee commits an act of fraud or deceit against said City in obtaining the grant of the franchise herein conferred, or upon being granted said franchisee commits such an act against said City; or

E. Franchisee shall give to any person, firm, corporation or other business association, preference or advantage over some other person in assessing and levying its rates and charges, or in serving its subscribers, or in enforcing its rules and regulations, or in any other respect; provided that no revocation shall be effective unless, or until, the Governing Body of said City shall find at one of its regular meetings or such other special meeting as may be required, that a violation of the terms and conditions of said franchise ordinance as herein set forth, was committed or occurred by said franchisee; provided further that the revocation and repeal of this franchise ordinance shall become effective only upon the enactment of an ordinance by said Governing Body of said City adopted not sooner than a date thirty (30) days following the date upon which said franchisee is

notified of any alleged act or commission for which said franchise may be revoked, as herein provided.

Provided further that any allegation of violation of subparagraph (E) hereinabove by franchisee shall be given to franchisee in writing and that franchisee shall have a period of thirty (30) days in which to correct said allegation or provide sufficient information to said City so City could determine that no such violation in fact occurred, before City may proceed with the franchise revocation process provided herein.

Provided further that nothing herein contained in this section shall be construed to prevent the franchisee from offering its subscribers occasional temporary discounts and promotions for the purpose of attracting subscribers or persuading existing subscribers to order additional optional services, nor shall franchisee be prohibited by this section from offering discounts on its service to cable television employees.

SECTION 22. SERVICE TO SCHOOLS AND OTHER PUBLIC FACILITIES

A. Upon the request of any private, parochial or public elementary or secondary school or any college or university located in the City, said franchisee shall furnish a single service drop to such institution free of installation charge and monthly service charge for basic cable television services, except where the installation of said service drop involves extraordinary expense related to the difficulty of installation, in which case franchisee is authorized to charge such school, college or university those portions of the installation expense beyond the normal and routine.

B. (1) Franchisee shall provide the public school districts located within the corporate limits of said City a channel, to be used jointly by such districts, upon which the districts may receive or transmit electromagnetic radiation, and

(2) Franchisee shall provide said City with a channel to be used jointly with other franchising authorities served by franchisee from its common headend, for receiving or transmitting electromagnetic radiation.

Should said City or any other franchise authority within Johnson County, Kansas, served by franchisee from a common headend site desire a second such governmental channel for joint use by the franchising authorities, franchisee agrees to provide said channel no later than December 31, 1991, provided however that such second governmental channel's frequency may be specified by the franchisee and is not required to be in that portion of the VHF television spectrum commonly known as channels two (2) through thirteen (13).

SECTION 23. EMERGENCY USE OF FRANCHISEE'S SYSTEM

In the event of a civil disaster or other emergency which occurs within said City, the franchisee shall upon request of the Mayor

or designated representative, permit said City to transmit information over the cable television system advising the subscribers regarding the nature and extent of the disaster or emergency as may be required to protect said persons for their safety and welfare; provided that any such transmission shall be conducted by or with the assistance of franchisee's authorized personnel.

SECTION 24. FRANCHISEE'S DUTY TO SECURE LIABILITY INSURANCE

Franchisee shall concurrently with the filing of its acceptance of the franchise herein granted, file with the City Clerk of said City evidence that said franchisee has contracted for, and has, liability insurance to protect the following enumerated risks in the sums hereinafter set forth:

That said franchisee shall further provide evidence of its having insured said City and its officers, boards, commissions, agents, and employees from and against all claims by any person whatsoever for loss or damage from personal injury, death, or property damage occasioned by the operation of said franchisee's cable television system, or alleged to so have been caused or occurred, for an amount not less than $500,000 for the personal injury or death to any one person and $5,000,000 for personal injury or death of two or more persons in any one occurrence, and $300,000 for damages to property resulting from any one occurrence.

SECTION 25. FRANCHISEE'S PERFORMANCE BOND

The franchisee shall at all times during the term of this franchise maintain in full force and effect, at franchisee's sole and exclusive expense, a corporate surety bond in a company, and in a form approved by the City Attorney of said City, in an amount not less than $50,000 renewable annually, and conditioned upon franchisee's faithful performance of the provisions, terms, and conditions of the franchise herein granted and conferred by this franchise ordinance; provided that in the event said City shall exercise its right to revoke the franchise of the franchisee as provided in Section 21 herein, then the City shall be entitled to recover under the terms of said bond the full amount of any loss occasioned said City by such act or occurrence as enumerated in Section 21 hereof.

SECTION 26. FRANCHISEE IS WITHOUT REMEDY AGAINST THE CITY

The franchisee shall have no remedy or recourse whatsoever against the City for any loss, cost, expense, or damage arising from any of the provisions or requirements of this franchise ordinance, or because of the enforcement thereof by said City, or for the failure of said City to have the authority to grant, all, or any part, of the franchise herein granted; provided that said franchisee expressly acknowledges that it accepted the franchise herein granted in reliance upon its independent and personal

investigation and understanding of the power of authority of said City to grant the franchise herein conferred upon said franchisee; provided further that the franchisee acknowledges by its acceptance of said franchise that it has not been induced to enter into this franchise upon any understanding, or promise, whether given verbally or in writing by or on behalf of said City, or by any other person concerning any term or condition of this franchise not expressed herein; provided further that the franchisee acknowledges by the acceptance of this franchise that it has carefully read the provisions, terms, and conditions hereof and is willing to, and does accept, all of the risk attendant to said provisions, terms, and conditions.

SECTION 27. LIMITATION UPON FRANCHISEE'S RIGHT TO TRANSFER THIS FRANCHISE

The franchisee shall not sell or transfer its plant or cable television system or any portion thereof, nor any right, title or interest in the same, nor shall the franchisee transfer any rights under this franchise to any other person without prior approval of the Governing Body of said City, as expressed by resolution adopted at one of its regular or special meetings; provided further that such approval shall not be unreasonably withheld.

SECTION 28. CITY'S RIGHT TO EQUAL TREATMENT

In the event the franchisee is granted a cable television system franchise in any other political subdivision within Johnson County, Kansas, and the provisions of such franchise are more favorable to such political subdivision and the residents thereof than the provisions of the franchise hereby granted, then the City shall have the right to request franchisee to modify and amend the provisions of the franchise hereby granted to conform to any such more favorable provisions contained in the franchise of another political subdivision of Johnson County, Kansas; provided that said franchisee may offer to the City evidence and statements distinguishing any such other franchise from the franchise hereby granted, or evidence of the existence of state or federal laws or rules preventing the franchisee from making the change requested by the City; provided further that, in the event the City shall request franchisee to amend and modify said franchise in the manner hereinabove provided and the City determines that said franchisee has not offered sufficient evidence and statements to justify its not conforming to said City's request, then, and in that event, either the City or said franchisee may refer the City's request for arbitration as provided in the laws of the State of Kansas then existing and the decision of the arbitrator shall be binding and conclusory upon said parties, except that the arbitrator may not compel franchisee to be in non-compliance with any state or federal law or rules which take precedence over this ordinance; provided further that in the event the City's request is submitted for arbitration, the arbitrator may not consider, nor shall he

effect, the then existing provisions of this franchise except as herein provided.

SECTION 29. FRANCHISEE'S DUTY TO INDEMNIFY THE CITY

At the time the franchisee files its acceptance of this franchise, franchisee thereby agrees to indemnify the City against any and all claims, demands, actions, suits and proceedings by other persons against any and all liability to such other persons by reason of liability for damages arising out of any failure by said franchisee to obtain consent from owner, authorized distributors and licensees of programs transmitted or distributed by the franchisee under its cable television system and against any loss, cost, expense or damages resulting therefrom and including reasonable attorneys fees incurred in the defense of any such action.

SECTION 30. NEW DEVELOPMENTS

It shall be the policy of the City to amend reasonably this franchise ordinance upon application of franchisee when necessary to enable franchisee to take advantage of any developments in the field of transmission of television, radio signals, cable television or other forms of electromagnetic radiation.

SECTION 31. RIGHTS OF INDIVIDUALS

A. Franchisee shall not deny service or otherwise discriminate against subscribers or general citizens on the basis of race, color, religion, national origin, or sex. Franchisee shall comply at all times with all other applicable federal, state and local laws and regulations, and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made part of this ordinance by reference.

B. Franchisee shall adhere to the equal employment opportunity requirements of federal, state and local regulations as now existing and as amended from time to time.

C. Franchisee shall not transmit any signals from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express permission of the subscriber. The request for such permission shall be contained in a separate document with a prominent statement that the subscriber is authorizing the permission in full knowledge of its provision. Any such authorization shall be revokable by the subscriber with no penalty. Provided, however, that the franchisee shall be entitled to conduct systemwide or individually addressed electronic checks for the purpose of verifying system integrity, controlling two-way return path transmission, or billing for per-channel, per-event or other special services.

SECTION 32. SEVERABILITY

That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

SECTION 33. TIME IS OF THE ESSENCE

Whenever this franchise shall set forth any time for any action to be performed by or on behalf of the franchisee, such time shall be deemed of the essence and any failure of the franchisee to perform within the time so specified shall be sufficient grounds for said City to revoke the franchise herein granted, subject to procedural requirements stated herein.

SECTION 34. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 7/6/87 Second Reading: 7/6/87

Passed by the Governing Body this 6th day of July, 1987.

Approved by the Mayor this 6th day of July, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: [redacted] being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---10th--- day of, ---July--- 19---87---, with subsequent publications being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---10th--- day of ---July--- 19---87

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---736.80---
Additional copies $ ---

First Published in the [illegible]son County Sun, Friday, July 10, 1987.

ORDINANCE NO. 988

AN ORDINANCE GRANTING A RENEWAL FRANCHISE TO TELECABLE OF OVERLAND PARK, INC., ITS SUCCESSORS, TRANSFEREES, AND ASSIGNS, FOR A TERM OF TWENTY YEARS, THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM WITHIN THE CORPORATE LIMITS OF THE CITY OF LEAWOOD, KANSAS; AND TO USE AND OCCUPY THE STREETS, ALLEYS, AND OTHER PUBLIC PLACES OF SAID CITY FOR SUCH PURPOSES, AND PROVIDING FOR PAYMENT TO SAID CITY.

WHEREAS, The City of Leawood, Kansas, a municipal corporation, duly organized and existing under the laws of the State of Kansas, did in 1972 grant to TeleCable of Overland Park, Inc. ("TeleCable") a franchise to construct, operate and maintain a cable television system in said City; and

WHEREAS, TeleCable did in a timely manner commence and complete construction of the cable television system, did operate said system continuously to the present date, and did regularly and periodically update said cable system's capability and channel capacity, and did thereby comply in all material respects with the requirements of the original franchise; and

WHEREAS, TeleCable has applied to the City for renewal of its franchise authority; and

WHEREAS, the Governing Body of said City finds that if the franchise is renewed TeleCable can continue to provide to the residents of the City a useful and desirable service for the benefit of the public welfare of the residents;

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

SECTION 1. SHORT TITLE

This ordinance shall be known as "The Cable Television Franchise Ordinance of the City of Leawood, Kansas" and may herein and hereafter be cited as "Leawood Cable TV Franchise Ordinance."

SECTION 2. DEFINITIONS

The following terms phrases, words and their derivations shall have for the purpose of this ordinance the meanings herein stated; provided that when not inconsistent with the context, words used in the present tense shall include the future, and words in the plural shall include the singular number, and words in the singular number shall include the plural number; provided further that the work "shall" is to be construed as mandatory and not simply directive; provided further that the following definitions shall herein apply:

A. "City" shall mean the City of Leawood, Kansas, a municipal corporation, or its successors, and shall include when appropriate to the use of the term in context, the territorial boundaries of said City as now constituted or as shall hereafter exist;

B. "Governing Body" shall mean the present legislative body of the City of Leawood, Kansas, or any successor to the legislative powers of said present Governing Body;

C. "Franchise" means this agreement.

D. "Franchisee" shall mean TeleCable of Overland Park, Inc., or its successors, transferees or assigns, which is granted the franchise, the terms and conditions of which are provided herein;

E. "Street" shall mean any public street, roadway, highway, alley, or other public right-of-way now or hereafter subject to the jurisdiction and regulation of the City as provided by the laws of the State of Kansas and any subsequent amendments thereof;

F. "System" or "Cable Communications System" or "Cable Television System" shall mean a system of antennas, cables, wires, lines, towers, waveguides, or other conductors, converters, equipment or facilities, designed and constructed for the purpose of producing, receiving, transmitting, amplifying and distributing audio, video and other forms of electronic or electrical signals, located in the City. Said definition shall not include any such facility that serves or will serve only subscribers in one or more multiple unit dwellings under common ownership, control or management, unless such facility uses any public right-of-way.

G. "Subscriber" shall mean any person which receives from the franchisee herein named the services of said franchisee's cable television system;

H. "Person" shall mean any individual or association of individuals, or any firm, corporation, or other business organization;

I. "Gross annual subscriber revenues" shall mean any and all compensation and other consideration derived directly by franchisee from subscribers within said City for regualarly furnished cable television service. Gross annual subscriber revenue shall include revenues derived from cable service, pay television service, installation, rental of television converters or other equipment, per-program and per-channel charges, or advertising revenues, but shall not include any taxes on services furnished by franchisee or imposed directly on any subscriber or user by any city, state or other governmental unit and collected by the franchisee for such governmental unit.

In the event the franchisee shall receive any revenue from any advertisements disseminated to subscribers in Johnson County, Kansas, both within and without the City, gross annual subscriber revenues shall, with respect to such advertisements, include an amount derived by multiplying such advertising revenue by a fraction, the numerator of which is the number of subscribers in the City reached by such advertisement and the denominator of which is the total number of subscribers reached by such advertisement.

SECTION 3. GRANT OF NON-EXCLUSIVE FRANCHISE

The City of Leawood, Kansas hereby grants unto the franchisee herein named a non-exclusive franchise to construct, erect, operate and maintain a cable television system within said City, and in so doing to use the streets of said City by erecting, installing, constructing, repairing, replacing, reconstructing, maintaining, and retaining in, on, under, upon, or across any such streets, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be necessary and appurtenant to a cable television system, and in addition, so to use, operate and provide for all or part of such facilities by service offerings obtained from any franchised or operating utility company providing service within said City.

The authority hereby granted to conduct a cable television system within said City, and to use and occupy the streets there of does not and shall not be deemed an exclusive right or permission, and said City expressly reserves the right to grant other non-exclusive franchises to persons, firms corporations or other business organizations, to construct, operate, and maintain other cable television systems within said City; but no such additional franchises shall in any way affect the rights or obligations of the franchisee herein named and set forth in this ordinance.

The rights herein granted to franchisee herein named shall extend to any area hereafter annexed to the City and franchisee shall be bound by the same rules and regulations as to such area as are otherwise herein or hereafter provided.

SECTION 4. PROGRAM ORIGINZATION

The franchisee herein named shall transmit and distribute to its subscribers such electromagnetic radation as are now, and may hereafter, be authorized by the Federal Communications Commission or any other administrative agency of the United States, the several states, or political subdivisions thereof having jurisdiction to regulate such activity; provided that the franchisee may originate and distribute public service information regarding the weather, time, news of events that have or will occur within the franchisee's subscribers' service area, including such local community events that may be made avialble to its subscribers.

SECTION 5. TERM OF FRANCHISE

This franchise ordinance extends and renews the existing franchise for a period of twenty (20) years and the term of the renewal franchise herein granted shall commence upon expiration of the existing franchise and shall continue for a term of twenty (20) years from said date; provided that said franchisee's acceptance of this renewal franchise shall be filed in the office of the City Clerk of said City within thirty (30) days from the effective date of this ordinance; provided further that franchisee's failure to timely file said acceptance as herein provided shall cause the City's offer of franchise contained herein to be deemed revoked and without force and effect, whereupon this ordinance shall be deemed void and of no further force and effect.

SECTION 6. FRANCHISE PAYMENTS

The franchisee herein named shall pay to the City during the term of said franchise a sum equal to five (5) percent of the gross annual subscriber revenues, or the maximum cable television franchise fee permitted by federal law, whichever is less; provided that payment of said sum will be made quarterly in the months of January, April, July and October.

SECTION 7. AUDIT AND REPORTING

Within thirty (30) days after the expiration of the first twelve (12) months of this franchise and within thirty (30) days after each succeeding twelve (12) month period during the balance of the term that this franchise shall be in force, the franchisee named herein shall file in the office of the City Clerk of said City, a financial statement prepared by a certified public accountant or person otherwise satisfactory to said City, showing the gross annual subscriber revenues of said franchisee during the preceding twelve (12) months, said receipts to be determined as defined herein; provided that in the event said franchise is terminated or forfeited prior to the end of the twenty (20) year term herein provided, the franchisee shall immediately submit to the office of the City Clerk of said City a financial statement of said franchisee for the period that has elapsed since the end of the period covered by the last such financial statement; provided further that within thirty (30) days following the termination or forfeiture of said franchise, said franchisee will pay said City a sum equal to the percentage of said gross annual subscriber revenues as have accrued to said franchisee for the aforementioned period; provided further that said City reserves the right to independently audit said franchisee's gross annual subscriber revenues from which its franchise payments are computed, and any discrepancy between said audit and that filed by the franchisee with the City Clerk of said City which results in the City's receiving a lesser sum than that which is due and owing from said franchisee will be determined and paid forthwith to said City; provided further that the City;s acceptance of any payment determined as hereinbefore provided to be deficient shall not be construed as a release of liability from said City or an accord and satisfaction of any claim said City may have for additional sums owed by said franchisee as hereinbefore provided.

SECTION 8. SUBSCRIBER RATES

Rates for subscriber service shall be determined by franchisee and shall be uniform throughout the City for each type of service. Franchisee shall file with the City Clerk a schedule of current rates in effect.

Subscriber rates for installation shall be determined by franchisee and shall be uniform, except where extraordinary installation procedures are required in order to establish service, in which case franchisee may charge the subscriber the actual cost of materials and labor plus ten (10) per cent.

Where a subscriber's service is disconnected for non-payment of monies due, franchisee is authorized to collect a reconnection fee.

SECTION 9. FRANCHISEE'S OPERATING REGULATIONS

The franchisee herein named shall have the authority to promulgate such rules, regulations and conditions governing the conduct of its business as shall be reasonably necessary to enable the franchisee to exercise its rights and to perform its obligations under this franchise ordinance and to assure an uninterrupted service to its subscribers; provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions of this franchise ordinance.

With respect to extension of service to new areas within the City, the franchisee shall file in the office of the City Clerk of said City the rules and regulations governing the franchisee's extension of service to such new areas; provided that if the Governing Body has not filed with said franchisee its written objection to any or all of said rules and regulations within thirty (30) days after they are filed by franchisee, said rules and regulations shall be deemed approved. Franchisee may thereafter change such rules and regulations by filing such changes as hereinbefore provided, and the same shall be approved or rejected in like manner. In the event the Governing Body rejects the rules or any proposed change thereof, franchisee shall be entitled to a hearing before the Governing Body for consideration of the rules or changes within ten (10) days following the Governing Body's rejection of the same by a resolution adopted at a regular meeting of the Governing Body.

SECTION 10. NOTICE TO PARTIES

Whenever, under the terms of this franchise ordinance, either party hereto shall be required or permitted to give notice to the other, such notice shall be in writing, and if to be served upon the City, it shall be delivered either by first class United States mail addressed to the office of the City Clerk of said City or by personal delivery of the same to said person, or his duly authorized agent for receiving the same, and if said notice be addressed to said franchisee, the same shall be delivered by either first class United States mail addressed to an officer or the resident agent of said franchisee at the registered office of said franchisee or its resident agent, or by personally delivering the same to such person as hereinbefore provided, or such other person as said franchisee shall from time to time direct.

SECTION 11. NOTICE OF FRANCHISEE'S FILINGS WITH REGULATORY AGENCIES

The franchisee is hereby required to file in the office of the City Clerk of said City copies of any and all petitions, applications, and communications submitted or filed by said franchisee with the Federal Communications Commission, the Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matter effecting the operation of a cable television system, so far as the same effects or will effect said franchisee's service or operation within said City.

SECTION 12. FRANCHISEE'S DUTY TO COMPLY WITH STATE AND FEDERAL LAW

Notwithstanding any other provisions of this franchise ordinance to the contrary, the franchisee shall at all times comply with all laws and regulations of the United States and the several states and any political subdivision thereof, or any administrative agency thereof, having jurisdiction to regulate cable television systems; provided that franchisee's failure to comply with any law or regulation governing the operation of said cable television system may result in a forfeiture of the privileges conferred by the franchise ordinance when so determined by the Governing Body of said City as adopted by ordinance at one of its regular meetings.

SECTION 13. LOCATION OF FRANCHISEE'S PROPERTIES IN THE PUBLIC WAY

The franchisee in the construction of any facilities to provide service to its subscribers shall use the existing poles and other properties of franchised public utility companies operating within the City, and said franchisee shall not construct, erect, or maintain any supporting poles or other properties within the public streets of said City for the permanent operation of its cable television system except upon the express consent and permission of said City given in writing; provided that said franchisee shall not be prohibited from relocating its facilities if the poles and other properties on or upon which said facilities attach and are affixed are relocated by the owners of said properties, nor shall the franchisee be prohibited from constructing, operating, and maintaining its facilities upon other poles and properties of said franchised public utility companies as may hereinafter be constructed, so long as such construction, operation, and maintenance is in compliance with said City's existing ordinances pertaining to construction of new utility and communications lines; provided further that, wherever within the City all or any part of the properties of the franchised public utility company with which said franchisee named herein has contracted for the use of said facilities, shall be located underground, it shall be the obligation of said franchisee to construct, operate, and maintain its properties within and under such locations; provided further that if existing properties of the franchised public utility companies with which said franchisee herein named has contracted, relocate said properties underground, said franchisee shall forthwith relocate its properties, formerly attached thereto, underground in such places; however, the City reserves the right to permit said franchisee to maintain its existing facilities above ground in said locations when the City shall so direct the same in writing to said franchisee.

SECTION 14. RELOCATION OF FRANCHISEE;S PROPERTY

Whenever the City or a franchised public utility company operating within said City shall request of the franchisee the relocation or reinstallation of any of its properties along and within any of the streets of said City, said franchisee shall forthwith remove, relocate, or reinstall any such property as may be reasonably necessary to meet said request and the cost of such relocation, removal, or reinstallation of said properties shall be the exclusive obligation of said franchisee; provided that said franchisee shall upon request of any person holding a validly issued building or moving permit of said City, said request having been given in writing to said franchisee not less than forty-eight (48) hours prior to the date upon which said person intends to exercise its rights under said permit, said franchisee shall thereupon temporarily raise, lower, or relocate its wires or other property as may be required for said person to exercise the rights of its permit, and said franchisee may require said person to make payment in advance for any expenses incurred by said franchisee pursuant to said person's request.

SECTION 15. FRANCHISEE'S DUTY TO REMOVE ITS PROPERTIES FROM THE PUBLIC WAY

Franchisee shall promptly remove from the public streets and other public ways where its properties are located, all or any part of its facilities so located, when franchisee ceases to use any part, or all, of its cable television system for a continuous period of twelve months or when said franchise is terminated or revoked pursuant to notice as provided elsewhere in this ordinance.

Provided that said franchisee shall be entitled to receive notice in writing from said City setting forth one or more of the occurrences hereinabove enumerated, or such other occurrence hereinbefore or hereinafter provided, and that said franchisee shall have ninety (90) days from the date upon which said notice is received to remove said properties as hereinabove required.

SECTION 16. AUTHORITY OF CITY TO REQUIRE REMOVAL OF FRANCHISEE'S PROPERTIES FROM THE PUBLIC WAY

The City is hereby authorized to enforce the provisions of Section 15 of this franchise ordinance as hereinafter provided;

A. That said City shall notify said franchisee in writing of any occurrence provided for in section 15 hereof, for which said franchise may be terminated, forfeited, revoked, or declared void by said City, and that within ninety (90) days following receipt of said notice, said franchisee shall remove from public streets and all other public ways of said City upon, over, and under which its properties are located, those portions of the properties which are attached to utility poles and those portions of buried properties which come above ground in closures and pedestals, unless otherwise authorized and permitted by said City. Franchisee shall not be required in any instance to remove buried cables.

B. Said City may declare abandoned any property of said franchisee remaining in place ninety (90) days after notification as hereinabove provided, and the same shall be considered permanently abandoned property unless said City extends the time for removal for a period not to exceed an additional thirty (30) days.

SECTION 17. PROPERTY ABANDONED BY THE FRANCHISEE

Any property abandoned by said franchisee as hereinabove or hereinafter provided shall become the property of the City and said franchisee agrees to execute and deliver an instrument in writing, transferring its ownership interest in any such property to said City; provided that any notice given by the City as provided in Section 16 hereof, shall be deemed notice to any other persons claiming interest in said property of the franchisee, and said person shall be subject to all the provisions hereinbefore provided in Sectcions 15 and 16 hereof.

SECTION 18. STANDARDS FOR CONSTRUCTION OF FRANCHISEE'S FACILITIES

The construction, operation, and maintenance of the properties and facilities of said franchisee's cable television system shall be in accord with good engineering practices and shall be in compliance with the National Electric Code and applicable laws, regulations and ordinances as such are from time to time amended and revised by the United States of America and the several states and any political subdivisions thereof or any administrative agency thereof having jurisdiction to regulate the construction of cable television systems. All transmissions and distribution structures, lines and equipment erected by the franchisee within the City shall be so located as to cause minimum interference with the proper use of streets, easements and swales, sidewalks, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets, easements and swales, sidewalks, alleys or other public ways and places. The franchisee shall have the authority to trim trees which are located upon and overhang the public streets and other public ways of said City, so as to prevent the branches of such trees from coming into contact with the franchisee's properties.

The franchisee shall not construct or reconstruct any of its cable TV system located upon, over, under or within the public streets or public ways of said City without first having submitted in writing a description of its planned improvement to the Director of Public Works of said City and having received a permit for such improvement from said Director.

SECTION 19. STANDARDS FOR OPERATING AND MAINTAINING FRANCHISEE'S CABLE TELEVISION SYSTEM

Franchisee's cable television system shall be constructed, operated, and maintained in accordance with the highest accepted standards of the cable television industry to insure that the subscriber receives the highest quality of service; provided that the following enumerated criteria may be considered in determining franchisee's satisfactory compliance with the provisions of this section:

1. That the system is installed and remains capable of using all-band equipment and of passing the entire VHF television and FM radio spectrum and that it shall have the further capability of converting UHF for the distribution to subscribers on the VHF band; and

2. That the system is capable of transmitting and passing the standard color television signals without the introduction of material degradation on color fidelity and intelligence; and

3. That the system is designed and rated for 24-hour a day continuous operation, and

4. That the system provides a nominal signal level of 1,000 microvolts at the input terminals of each television receiver of any subscriber; and

5. That the system signal to noise ratio is not less than 30 decibels; and

6. That hum modulation of the picture signal is less than 5 per cent at the subscriber's receiver; and

7. That the system uses components having a voltage standing wave ratio (VSWR) of 1.4 or less; and

8. That the system will and does produce a picture upon any subscriber's television screen in black and white or color (provided the subscriber's set is capable of producing a color picture) that is undistorted and free from ghost images and accompanied by proper sound, assuming standard production television sets in good repair, and in any event, the picture shall be as good as the state of the art allows; and

9. That the system transmits or distributes signals of adequate strength to produce good pictures with good sound at all television receivers of all subscribers, without causing crossmodulation in the cables or interfering with other electromagnetic radiation or the reception of other television or radio receivers in the area not connected to the system.

The franchisee agrees that the cable television system to be operated pursuant to this franchise shall be upgraded in terms of its channel capacity and shall no later than December 31, 1991, be capable of technical transmission of a minimum of fifty-four (54) standard television channels to subscribers.

The franchisee will limit system failures to a minimum by locating and correcting malfunctions promptly but in no event longer than 24 hours after notice has been given, except said time shall be extended during such time as performance of this oglibation is prevented by an act of God or the same is otherwise made impossible because of circumstances over which the franchisee has no control; provided further that the franchisee will maintain and provide to its subscribers an office near the City, which shall be available to said subscribers during normal business hours of every day Monday through Friday inclusive; for the purpose of receiving complaints or requests for repairs, adjustments, or other service caused by some failure or malfunction of the system, and that said franchisee shall provide its subscribers with facilities for receiving requests and complaints for service at a time other than that herein provided.

Should franchisee find equipment or devices have been connected to franchisee's cable television system by any persons and that said equipment or devices are causing interference to the system or degradation of the quality of transmission received by subscribers, or impairing franchisee's ability to comply with any laws and regulations governing cable television transmissions, franchisee is hereby empowered immediately to disconnect said equipment or devices from the cable television system.

SECTION 20. RIGHTS RESEVED TO THE CITY

Without limitation upon the rights which the City might otherwise have, said City does hereby expressly reserve the following rights, power and authorities:

A. The right to exercise the governmental powers, now or hereafter, vested in or granted to said City;

B. The right to grant additional cable television franchises within said City subject to the provision of Section 3 hereof.

The City's failure to enforce and remedy any non-compliance by the franchisee of the terms and conditions of this franchise ordinance shall not constitute a waiver of said City's rights hereunder, and said franchisee shall continue to perform its obligations as herein provided.

SECTION 21. CONDITIONS FOR FORFEITURE OF FRANCHISE

In addition to all other rights and powers herein reserved or otherwise enjoyed by the City, said City reserves as an additional and separate remedy the right to revoke the franchise herein granted and all rights and privileges of said franchisee conferred hereunder, upon the occurrence of any of the following events:

A. That franchisee fails to remedy within thirty (30) days following the date upon which written notice is received of said franchisee's failure to comply with the provisions of this franchise ordinance whether the same be committed by act or omissions, the violation set forth in said notice; or

B. That any provisions of this franchise ordinance is adjudged by a Court of Competent Jurisdiction to be invalid or unenforceable and said judicial act and declaration is deemed by the Governing Body of said City to constitute such a material consideration for the granting of said franchise as to cause the same to become null and void; or

C. Franchisee is adjudged a bankrupt, becomes insolvent, suffers a transfer of its properties pursuant to an action of its creditors upon an instrument or judicial declaration securing said creditor's interest in said properties, and thereafter the same be not redeemed by said franchisee within thirty (30) days from the date of said transfer, or said franchisee is otherwise unable or unwilling to pay its debts and obligations as the same accrue; or

D. The franchisee commits an act of fraud or deceit against said City in obtaining the grant of the franchise herein conferred, or upon being granted said franchisee commits such an act against said City; or

E. Franchisee shall give to any person, firm, corporation or other business association, preference or advantage over some other person in assessing and levying its rates and charges, or in servicing its subscribers, or in enforcing its rules and regulations, or in any other respect; provided that no revocation shall be effective unless, or until, the Governing Body of said City shall find at one of its regular meetings or such other special meeting as may be required, that a violation of the terms and conditions of said franchise ordinance as herein set forth, was committed or occurred by said franchisee; provided further that the revocation and repeal of this franchise ordinance shall become effective only upon the enactment of an ordinance by said Governing Body of said City adopted not sooner than a date thirty (30) days following the date upon which said franchisse is notified of any alleged act or commission for which said franchise may be revoked, as herein provided.

Provided further that any allegation of violation of subparagraph (E) hereinabove by franchisee shall be given to franchisee in writing and that franchisee shall have a period of thirty (30) days in which to correct said allegation or provide sufficient information to said City so City could determine that no such violation in fact occurred, before City may proceed with the franchise revocation process provided herein.

Provided further that nothing herein contained in this section shall be construed to prevent the franchisee from offering its subscribers occasional temporary discounts and promotions for the purpose of attracting subscribers or persuading existing subscribers to order additional, optional services, nor shall franchisee be prohibited by this section from offering discounts on its service to cable television employees.

SECTION 22. SERVICE TO SCHOOLS AND OTHER PUBLIC FACILITIES

A. Upon the request of any private, parochial or public elementary or secondary school or any college or university located in the City, said franchisee shall furnish a single service drop to such institution free of installation charge and monthly service charge for basic cable television services, except where the installation of said service drop involves extraordinary expense related to the difficulty of installation, in which case franchisee is authorized to charge such school, college or university those portions of the installation expense beyond the normal and routine.

B. (1) Franchisee shall provide the public school districts located within the corporate limits of said City a channel, to be used jointly by such districts, upon which the districts may receive or transmit electromagnetic radiation, and

(2) Franchisee shall provide said City with a channel to be used jointly with other franchising authorities served by franchisee from its common headend, for receiving or transmitting electromagnetic radiation.

Should said City or any other franchise authority within Johnson County, Kansas, served by franchisee from a common headend site desire a second such governmental channel for joint use by the franchising authorities, franchisee agrees to provide said channel no later than December 31, 1991, provided however that such second governmental channel's frequency may be specified by the franchisee and is not required to be in that portion of the VHF television spectrum commonly known as channels two (2) through thirteen (13).

SECTION 23. EMERGENCY USE OF FRANCHISEE'S SYSTEM

In the event of a civil disaster or other emergency which occurs within said City, the franchisee shall upon request of the Mayor or designated representative, permit said City to transmit information over the cable television system advising the subscribers regarding the nature and extent of the disaster or emergency as may be required to protect said persons for their safety and welfare; provided that any such transmission shall be conducted by or with the assistance of franchisee's authorized personnel.

SECTION 24. FRANCHISEE'S DUTY TO SECURE LIABILITY INSURANCE

Franchisee shall concurrently with the filing of its acceptance of the franchise herein granted, file with the City Clerk of said City evidence that said franchisee has contracted for, and has, liability insurance to protect the following enumerated risks in the sums hereinafter set forth:

That said franchisee shall further provide evidence of its having insured said City and its officers, boards, commissions, agents, and employees from and against all claims by any person whatsoever for loss or damage from personal injury, death, or property damage occasioned by the operation of said franchisse's cable television system, or alleged to so have been caused or occurred, for an amount not less than $500,000 for the personal injury or death or any one person and $5,000,000 for personal injury or death of two or more persons in any one occurrence, and $300,000 for damages to property resulting from any one occurrence.

SECTION 25. FRANCHISEE'S PERFORMANCE BOND

The franchisee shall at all times during the term of this franchise maintain in full force and effect, at franchisee's sole and exclusive expense, a corporate surety bond in a company, and in a form approved by the City Attorney of said City, in an amount not less than $50,000 renewable annually, and conditioned upon franchisee's faithful performance of the provisions, terms, and conditions of the franchise herein granted and conferred by this franchise ordinance; provided that in the event said City shall exercise its right to revoke the franchise of the franchisee as provided in Section 21 herein, then the City shall be entitled to recover under the terms of said bond the full amount of any loss occasioned said City by such act or occurrence as enumerated in Section 21 hereof.

SECTION 26. FRANCHISEE IS WITHOUT REMEDY AGAINST THE CITY

The franchisee shall have no remedy or recourse whatsoever against the City for any loss, cost, expense, or damage arising from any of the provisions or requirements of this franchise ordinance, or because of the enforcement thereof by said City, or for the failure of said City to have the authority to grant, all, or any part, of the franchise herein granted; provided that said franchisee expressly acknowledges that it accepted the franchise herein granted in reliance upon its independent and personal investigation and understanding of the power of authority of said City to grant the franchise herein conferred upon said franchisee; provided further that the franchisee acknowledges by its acceptance of said franchise that it has not been induced to enter into this franchise upon any understanding, or promise, whether given verbally or in writing by or on behalf of said City, or by any other person concerning any term or condition of this franchise not expressed herein; provided further that the franchisee acknowledges by the acceptance of this franchise that it has carefully read the provisions, terms and conditions hereof and is willing to, and does accept, all of the risk attendant to said provisions, terms and conditions.

SECTION 27. LIMITATION UPON FRANCHISEE'S RIGHT TO TRANSFER THIS FRANCHISE

The franchisee shall not sell or transfer its plant or cable television system or any portion thereof, nor any right, title or interest in the same, nor shall the franchisee transfer any rights under this franchise to any other person without prior approval of the Governing Body of said City, as expressed by resolution adopted at one of its regular or special meetings; provided further that such approval shall not be unreasonably withheld.

SECTION 28. CITY'S RIGHT TO EQUAL TREATMENT

In the event the franchisee is granted a cable television system franchise in any other political subdivision within Johnson County, Kansas, and the provisions of such franchise are more favorable to such political subdivision and the residents thereof than the provisions of the franchise hereby granted, then the City shall have the right to request franchisee to modify and amend the provisions of the franchise hereby granted to conform to any such more favorable provisions contained in the franchise of another political subdivision of Johnson County, Kansas; provided that said franchisee may offer to the City evidence and statements distinguishing any such other franchise from the franchise hereby granted, or evidence of the existence of state or federal laws or rules preventing the franchisee from making the change requested by the City; provided further that, in the event the City shall request franchisee to amend and modify said franchise in the manner hereinabove provided and the City determines that said franchisee has not offered sufficient evidence and statements to justify its not conforming to said City's request, then, and in that event, either the City or said franchisee may refer the City's request for arbitration as provided in the laws of the State of Kansas then existing and the decision of the arbitrator shall be binding and conclusory upon said parties, except that the arbitrator may not compel franchisee to be in non-compliance with any state or federal law or rules which take precedence over this ordinance; provided further that in the event the City's request is submitted for arbitration, the arbitrator may not consider, nor shall he effect, the then existing provisions of this franchise except as herein provided.

SECTION 29. FRANCHISEE'S DUTY TO INDEMNIFY THE CITY

At the time the franchisee files its acceptance of this franchise, franchisee thereby agrees to indemnify the City against any and all claims, demands, actions, suits and proceedings by other persons against any and all liability to such other persons by reason of liability for damages arising out of any failure by said franchisee to obtain consent from owner, authorized distributors and licensees of programs transmitted or distributed by the franchisee under its cable television system and against any loss, cost, expense or damages resulting therefrom and including reasonable attorneys fees incurred in the defense of any such action.

SECTION 30. NEW DEVELOPMENTS

It shall be the policy of the City to amend reasonably this franchise ordinance upon application of franchisee when necessary to enable franchisee to take advantage of any developments in the field of transmission of television, radio signals, cable television or other forms of electromagnetic radiation.

SECTION 31. RIGHTS OF INDIVIDUALS

A. Franchisee shall not deny service or otherwise discriminate against subscribers or general citizens on the basis of race, color, religion, national origin, or sex. Franchisee shall comply at all times with all other applicable federal, state and local laws and regulations, and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made part of this ordinance by reference.

B. Franchisee shall adhere to the equal employment opportunity requirements of federal, state and local regulations as now existing and as amended from time to time.

C. Franchisee shall not transmit any signals from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express permission of the subscriber. The request for such permission shall be contained in a separate document with a prominent statement that the subscriber is authorizing the permission in full knowledge of its provision. Any such authorization shall be revokable by the subscriber with no penalty. Provided, however, that the franchisee shall be entitled to conduct systemwide or individually addressed, electronic checks for the purpose of verifying system integrity, controlling two-way return path transmission, or billing for per-channel, per-event or other special services.

SECTION 32. SEVERABILITY

That should any section, paragraph, sentence, clause or phrase of this ordinance be delared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

SECTION 33. TIME IS OF THE ESSENCE

Whenever this franchise shall set forth any time for any action to be performed by or on behalf of the franchisee, such time shall be deemed of the essence and any failure of the franchisee to perform within the time so specified shall be sufficient grounds for said City to revoke the franchise herein granted, subject to procedural requirements stated herein.

SECTION 34. TAKE EFFECT.

This ordinance shall take effect and be in force from and after its publication in the offical City newspaper.

First reading: 7/6/87 Second Reading: 7/6/87

Passed by the Governing Body this 6th day of July, 1987.

Approved by the Mayor this 6th day of July, 1987.

(SEAL)

(s) Marcia Rinehart
Mayor

Attest:
(s)Martha Heizer
City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R.S. Wetzler
City Attorney

(2318 1F)

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ORDINANCE NO. 987

OF

THE CITY OF LEAWOOD, KANSAS

ADOPTED JUNE 15, 1987

$2,400,000

COMBINED PROJECTS IMPROVEMENT
GENERAL OBLIGATION BONDS

SERIES 1987

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ORDINANCE NO. 987 OF THE CITY OF LEAWOOD, KANSAS

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ORDINANCE NO. 987

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $2,400,000 PRINCIPAL AMOUNT OF COMBINED PROJECTS IMPROVEMENT GENERAL OBLIGATION BONDS, SERIES 1987, OF THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE COST OF CONSTRUCTION OF CERTAIN IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; MAKING PROVISION FOR THE COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND PROVIDING FOR EXECUTION OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH.

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., K.S.A. 12-685, et seq., K.S.A. 12-618 and 12-624, et seq., and K.S.A. 12-1736, et seq., all as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the City has heretofore authorized the following improvements to the City (the "Improvements"):

(a) Construction of a new and/or adequate sanitary sewer system by construction or replacement of collection lines within the Leawood sewer system as authorized by Resolution No. 671 (the "Sanitary Sewer Improvement");

(b) Construction of that portion of 119th Street extending from Roe Avenue to Nall Avenue, including necessary appurtenances as authorized by Resolution No. 721 (the "119th Street Improvement");

(c) Construction of certain improvements to 127th Street extending from Roe Avenue to Nall Avenue as authorized by Resolution No. 646 (the "127th Street Improvement");

(d) Construction of improvements to the City's public works facility as authorized by Resolution No. 706 (the "Public Works Improvement");

(e) Construction of improvements to the intersection of 95th Street and Mission Road as authorized by Resolution No. 460 (the "95th and Mission Improvement");

and

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Improvements including construction financing and related expenses is $2,405,031.71 with $956,108.81 of the cost to be paid by the owners of the property within the City benefited by the 119th Street Improvement and the 127th Street Improvement and $1,448,922.90 of the cost to be paid by the City at large, and that said property owners have paid $5,031.71 in cash into the City Treasury on account of the construction of the 127th Street Improvement and there are no funds available in the City Treasury to pay the remainder of the cost of the Improvements leaving $2,400,000.00 to be paid by the issuance and sale of the City's general obligation bonds; and

WHEREAS, the governing body of the City is authorized by law to issue general obligation bonds of the City to finance the costs of constructing the Improvements; and

WHEREAS, the City hereby finds and determines that it is necessary and essential to provide funds to finance the cost of constructing the Improvements by the issuance of Combined Projects Improvement General Obligation Bonds, Series 1987, in the principal amount of $2,400,000 (the "Bonds"); and

WHEREAS, the City intends that the Bonds be designated and has heretofore designated the Bonds "qualified tax-exempt obligations" within the meaning and for the purposes provided in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

20-1,262. Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere in this Ordinance, the following words and terms as used in this Ordinance shall have the following meanings, unless some other meaning is plainly intended:

"Bond Registrar" means the Treasurer of the State of Kansas in the City of Topeka, Kansas, and any successors or assigns.

"Construction Fund" means the Improvement Construction Fund created by Section 501 of the Ordinance.

"Cost of Issuance Fund" means the Cost of Issuance Fund created by Section 501 of the Ordinance.

"Ordinance" means this Ordinance as from time to time amended in accordance with the terms hereof.

"Paying Agent" means the Treasurer of the State of Kansas, in the City of Topeka, Kansas, and any successors and assigns.

"Principal and Interest Fund" means the Principal and Interest Fund for the Bonds created by Section 501 of this Ordinance.

"Underwriters" means United Missouri Bank, Kansas City, Missouri, and affiliated purchasers of the Bonds.

ARTICLE II

AUTHORIZATION OF THE BONDS

20-1,263. Section 201. Authorization of the Bonds. The Bonds of the City are authorized and directed to be issued in the principal amount of $2,400,000 for the purpose of providing funds to finance the costs of constructing the Improvements, as provided in this Ordinance.

20-1,264. Section 202. Security for the Bonds. The Bonds shall be general obligations of the City payable in part from special assessments levied against properties benefited by the construction of the 119th Street Improvement and the 127th Street Improvement and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property, real or personal, within the territorial limits of the City, and the balance shall be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the City.

20-1,265. Section 203. Details of the Bonds. The Bonds shall consist of fully registered certificated bonds without coupons or uncertificated bonds in the denomination of $5,000 or any integral multiple thereof. The Bonds shall be substantially in the form described in Article IV hereof and shall be subject to registration, transfer and exchange as provided in Section 206 hereof. All of the Bonds shall be dated July 1, 1987, shall become due serially on September 1 (the "Principal Payment Dates") in the years and in the principal amounts (subject to optional redemption prior to maturity as provided in Article III hereof) and shall bear interest at the respective rates per annum as follows:

MATURITY DATE	PRINCIPAL AMOUNT	INTEREST RATE PER ANNUM	MATURITY DATE	PRINCIPAL AMOUNT	INTEREST RATE PER ANNUM
1988	$150,000	7.0%	1996	$195,000	6.6%
1989	155,000	7.0%	1997	200,000	6.6%
1990	160,000	7.0%	1998	115,000	6.7%
1991	165,000	6.2%	1999	125,000	6.8%
1992	170,000	6.2%	2000	130,000	7.0%
1993	175,000	6.2%	2001	140,000	7.0%
1994	180,000	6.2%	2002	150,000	7.0%
1995	190,000	6.6%			

The Bonds shall bear interest at the rates aforesaid (computed on the basis of a 360-day year composed of twelve 30-day months) from the date thereof or from the most recent interest payment date to which interest has been paid or duly provided for, payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1988 (the "Interest Payment Dates"), to the registered owners whose names appear on the books maintained by the Bond Registrar at the close of business on the 15th day of the month preceding the Interest Payment Dates (the "Record Dates").

20-1,266. Section 204. Designation of Paying Agent and Bond Registrar. The Treasurer of the State of Kansas in the City of Topeka, Kansas, is hereby designated as the City's paying agent for the payment of principal of, premium, if any, and interest on the Bonds and bond registrar with respect to the registration, transfer and exchange of Bonds (the "Paying Agent" and "Bond Registrar").

The Mayor of the City and the City Clerk of the City are hereby authorized and empowered to execute on behalf of the City an agreement with the Treasurer of the State of Kansas for said Treasurer to act as Bond Registrar and Paying Agent for the Bonds.

20-1,267. Section 205. Method and Place of Payment of Bonds. The principal of, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America by check or draft of the Paying Agent.

The principal of and premium, if any, on the Bonds shall be payable at the office of the Paying Agent upon presentation and surrender of such Bonds as they respectively become due.

The interest on the Bonds shall be payable to the order of the registered owners thereof mailed by the Bond Registrar to the addresses of such registered owners as they appear on the registration books maintained by the Bond Registrar or at such other

address provided in writing by such registered owner to the Bond Registrar on the Record Dates.

The Paying Agent and Bond Registrar shall keep in its office a record of payment of principal of, premium, if any, and interest on all Bonds.

20-1,268. Section 206. Registration, Transfer and Exchange of Bonds. The City covenants that it will, as long as any of the Bonds herein authorized remain outstanding, cause to be kept at the office of the Bond Registrar books for the registration, transfer and exchange of Bonds as herein provided.

Upon presentation of the necessary documents as hereinafter described, the Bond Registrar shall transfer or exchange any certificated or uncertificated Bond(s) for new certificated or uncertificated Bond(s) in an authorized denomination of the same maturity and for the same aggregate principal amount as the Bond(s) which was presented for transfer or exchange.

All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the registered owner thereof or by the registered owner's duly authorized agent. In addition, all certificated Bonds presented for transfer or exchange shall be surrendered to the Bond Registrar for cancellation.

Prior to delivery of the new certificated or uncertificated Bond(s) to the transferee, the Bond Registrar shall register the same in the registration books kept by the Bond Registrar for such purpose and shall authenticate each certificated Bond.

The City shall provide for the payment out of the Bond proceeds of the fees of the Bond Registrar for registration and transfer of the Bonds and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the bond owners.

The City, the Bond Registrar and the Paying Agent may deem and treat the person in whose name any Bond shall be registered as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal and redemption price, if any, of and interest on said Bond and for all other purposes, and all such payments so made to any such registered owner or upon such registered owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Bond Registrar nor the Paying Agent shall be affected by any notice to the

contrary, but such registration may be changed as herein provided.

The Bond Registrar shall not be required to register, transfer or exchange Bonds for a period of 15 days next preceding an interest payment date on the Bonds or to register, transfer or exchange any Bonds called for redemption during said period.

20-1,269. Section 207. Surrender and Cancellation of Bonds. Whenever any outstanding certificated Bond shall be delivered to the Bond Registrar for cancellation pursuant to the Ordinance, upon payment of the principal amount thereof and interest thereon or for replacement pursuant to the Ordinance, such Bond shall be cancelled by the Bond Registrar and the cancelled Bond shall be returned to the City.

20-1,270. Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any certificated Bond is mutilated, lost, stolen or destroyed, the City may execute and the Bond Registrar may authenticate a new Bond of like date, maturity, denomination and interest rate as that mutilated, lost, stolen or destroyed; provided, that in the case of any mutilated certificated Bond, such mutilated Bond shall first be surrendered to the City or the Bond Registrar, and, in the case of any lost, stolen or destroyed Bond there shall be first furnished to the Bond Registrar and the City evidence of such loss, theft or destruction and an indemnity satisfactory to them. In the event any such Bond shall have matured, instead of issuing a duplicate Bond, the City and Bond Registrar may pay the same without surrender thereof. The City and Bond Registrar may charge to the registered owner of such Bond their reasonable fees and expenses in connection with replacing such certificated Bond or Bonds mutilated, stolen, lost or destroyed.

20-1,271. Section 209. Execution, Registration and Delivery of the Bonds. Each of the certificated Bonds, including any certificated Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor of the City and attested by the manual or facsimile signature of the City Clerk and shall have the corporate seal of the City affixed thereto or imprinted thereon. In case any officer whose signature or facsimile thereof appears on any Bonds shall cease to be such officer before the delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond shall be the proper officers to sign such Bond, although at the date of such Bond such persons may not have been such officers.

The Mayor of the City and the City Clerk are hereby authorized and directed to prepare and execute the certificated

Bonds in the manner hereinbefore specified, to cause the certificated Bonds to be registered in the office of the City Clerk and the State Treasurer as provided by law, and, when duly executed and registered, to deliver the Bonds to the Underwriters, upon receipt by the City of the purchase price of the Bonds, which purchase price shall be 100% of the principal amount of the Bonds plus accrued interest to the date of their delivery. The Mayor of the City and the City Clerk are also hereby further authorized to enter into an agreement with a depository trust company to have the executed, authenticated Bonds held in safekeeping prior to their delivery to the Underwriters.

The certificated Bonds shall have endorsed thereon a Certificate of Authentication substantially in the form set forth in Exhibit A attached hereto, which shall be executed by the manual or facsimile signature of the Bond Registrar. No certificated Bond shall be entitled to any security or benefit under the Ordinance nor shall it be valid or obligatory for any purpose unless and until such Certificate of Authentication shall have been duly executed by the Bond Registrar. Such executed Certificate of Authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under the Ordinance. The Certificate of Authentication on any Bond shall be deemed to have been duly executed if signed by any authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the Certificate of Authentication on all of the Bonds that may be issued hereunder at any one time.

ARTICLE III

20-1,272. Section 301. Optional Redemption. At the option of the City, Bonds maturing on September 1, 1998, and thereafter may be called for redemption and payment prior to maturity on September 1, 1997, and on any Interest Payment Date thereafter, in whole or in part in inverse order of maturity at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the date fixed for redemption, without premium.

20-1,273. Section 302. Notice of Redemption. In the event the City shall elect to redeem and pay any of the Bonds prior to the maturity thereof, the City shall publish once in the Kansas Register and in a financial journal published in New York, New York, a notice of the intention of the City to redeem and pay said Bonds, the same being described by number and maturity, said notice in said financial journal to be published not less than 30 days prior to the date on which said Bonds are called for redemption and payment and said notice in the Kansas Register to be published not less than 15 days prior to said redemption date. The City shall also give written notice of its intention to redeem and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be mailed by

prepaid United States registered or certified mail addressed to the State Treasurer of the State of Kansas, said notice to be mailed not less than 60 days prior to the redemption date, to the registered owners of said Bonds, to the Underwriters (notice to the manager of the account constituting notice to all account participants), and to any other Paying Agent, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption.

20-1,274. Section 303. Selection of Bonds to Be Redeemed. Bonds shall be redeemed only in the principal amount of $5,000 or any integral multiple thereof. When less than all of the outstanding Bonds of any series are to be redeemed and paid prior to maturity, such Bonds shall be redeemed in inverse order of maturity, Bonds of less than a full maturity to be selected by the Paying Agent and Bond Registrar by lot in $5,000 units of face value in such equitable manner as the Paying Agent and Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than $5,000 are then outstanding, then for all purposes in connection with such redemption each $5,000 of face value shall be treated as though it were a separate Bond of the denomination of $5,000. If it is determined that one or more, but not all, of the $5,000 units of face value represented by any fully registered Bond is selected for redemption, then upon notice of intention to redeem such $5,000 unit or units, the owner of such fully registered Bond or the owner's duly authorized agent shall forthwith present and surrender such Bond to the Paying Agent and Bond Registrar (1) for payment of the redemption price (including the interest to the date fixed for redemption) of the $5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such fully registered Bond. If the owner of any such fully registered Bond of a denomination greater than $5,000 shall fail to present such Bond to the Paying Agent and Bond Registrar for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of the $5,000 unit or units of face value called for redemption (and to that extent only).

20-1,275. Section 304. Effect of Call for Redemption. Whenever any Bond is called for redemption and payment as provided in this Article, all interest on such Bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

ARTICLE IV

FORM OF THE BONDS

20-1,276. Section 401. Form of Certificated Bonds. The certificated Bonds shall be printed in accordance with the format required by the Attorney General of the State of Kansas and shall contain information and recitals substantially as set forth in Exhibit A attached hereto or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983) in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 to 10-632, inclusive, as amended.

20-1,277. Section 402. Form of the Instrument Evidencing Ownership of Uncertificated Bonds. Written statements evidencing ownership of uncertificated Bonds shall be in the form required by the Attorney General of the State of Kansas pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. (1983) in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 to 10-632, inclusive.

ARTICLE V

ESTABLISHMENT OF FUNDS

20-1,278. Section 501. Creation of Funds. There are hereby created and ordered to be established in the treasury of the City the following separate funds to be known respectively as follows:

(a) Principal and Interest Fund for the Bonds (the "Principal and Interest Fund");

(b) Improvement Construction Fund (the "Construction Fund"); and

(c) Cost of Issuance Fund (the "Cost of Issuance Fund").

20-1,279. Section 502. Administration of Funds. The funds established pursuant to the authority of Section 501 hereof shall be maintained and administered by the City solely for the purposes and in the manner as provided in the Ordinance so long as any of the Bonds remain outstanding and unpaid.

ARTICLE VI

APPLICATION OF BOND PROCEEDS

20-1,280. Section 601. Disposition of Bond Proceeds and Other Moneys.

(a) The proceeds received from the sale of the Bonds, including any premium or accrued interest thereon, shall be deposited simultaneously with the delivery of the Bonds, as follows:

(1) There shall be deposited in the Principal and Interest Fund any premium on the Bonds and any amount received on account of accrued interest on the Bonds.

(2) There shall be deposited in the Construction Fund the sum of $2,347,738.63.

(3) There shall be deposited in the Cost of Issuance Fund the sum of $52,261.37.

20-1,281. Section 602. Application of Moneys in the Construction Fund. Moneys in the Construction Fund shall be separately accounted for and attributed to each individual Improvement and shall be used solely to pay the cost of the Improvements, including the retirement of temporary notes of the City previously issued to provide interim financing for the Improvements. Upon completion of the Improvements, any moneys remaining in the Construction Fund shall be deposited into the Principal and Interest Fund.

20-1,282. Section 603. Application of Moneys in the Cost of Issuance Fund. Moneys in the Cost of Issuance Fund shall be used to pay the cost of issuing the Bonds, including all printing, signing and mailing expenses, legal fees, accounting expenses, fees for ratings received on the Bonds and any fiscal fees incurred in marketing the Bonds. Any moneys remaining in the Cost of Issuance Fund on September 1, 1987, shall be transferred to the Construction Fund.

ARTICLE VII

PAYMENT OF BONDS

20-1,283. Section 701. Levy of Taxes to Pay Bonds. The full faith, credit and resources of the City are hereby pledged to secure the payment of the principal of and interest on the Bonds as they severally become due and payable. The governing body of the City shall make provision for the payment of said principal and interest on the Bonds by collecting special assessments on property benefited by the 119th Street Improvement and the 127th Street Improvement constructed with the proceeds of the Bonds and by levying an annual tax on the property liable for payment of

the Improvements in amounts sufficient to pay the installments of said principal and interest on the Bonds as the same accrue and become payable.

20-1,284. Section 702. Transfer of Funds to Paying Agent. The Treasurer of the City is hereby authorized and directed to withdraw from the Principal and Interest Fund sums sufficient to pay the principal of and interest on the Bonds and the fees of the Paying Agent and Bond Registrar when the same become due. If, through lapse of time or otherwise, the owners of Bonds shall no longer be entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent forthwith to return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in the Ordinance.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

20-1,285. Section 801. Official Statement. Distribution of the Official Statement relating to the Bonds in substantially the form presented to the governing body of the City and the use thereof by the Underwriters of the Bonds is hereby approved, and the Mayor of the City and the City Clerk are hereby authorized to execute such Official Statement on behalf of the City, with such corrections, omissions, insertions or changes as they may approve.

20-1,286. Section 802. Special Tax Covenants. The City covenants to comply with each and every provision of the Internal Revenue Code of 1986 and the rules and regulations promulgated thereunder (the "Code"), which is or may be applicable to the Bonds or state and local obligations of the same character as the Bonds authorized and issued hereunder; provided, that, the City shall not be required to comply with any such provision if the City shall be provided with an opinion of nationally recognized bond counsel to the effect that such compliance is not required and to the effect that the failure to comply with any such provision will not cause interest on the Bonds to be subject to federal income taxation.

In particular, the City shall complete the construction of the Improvements that are financed with the proceeds of the Bonds not later than that day which is three years after the earlier of (i) the date of issue of the Bonds or (ii) the date construction of such Improvements began.

The City further covenants and agrees that no portion of the gross proceeds of the Bonds will be used (on a basis different from use by members of the general public of the Improvements) directly or indirectly in any trade or business carried on by any person (including exempt persons) other than the City, any other political subdivision of the State of Kansas or any governmental

unit of the State of Kansas, or to make any loan to any such person.

The City will comply with any applicable information reporting requirements of the Code.

20-1,287. Section 803. Arbitrage Covenant. The City covenants and agrees that it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as hereinbefore set forth, and that no part of the proceeds of the Bonds shall be invested in any securities or obligations except for the temporary period pending such use, nor used, at any time, directly or indirectly, in a manner which, if such use had been reasonably anticipated on the date of issuance of the Bonds, would have caused any of the Bonds to be or become "arbitrage bonds" within the meaning of Section 148 of the Code.

The City will abide by any applicable arbitrage rebate requirements of the Code; provided, that, the City shall not be required to abide by any such requirements if the City is provided with an opinion of nationally recognized bond counsel to the effect that such compliance is not required and to the effect that the failure of the City to abide by any such requirements will not cause the interest on the Bonds to be or become subject to federal income taxation.

20-1,288. Section 804. Covenants, Representations and Warranties Regarding Qualified Tax-Exempt Obligations. The governing body hereby finds, determines, represents and warrants, as follows:

1. Since January 1, 1987, the City has not issued any bonds or obligations other than the Bonds and the following described obligations:

Issue	Date	Principal Amount
(a). Temporary Notes, Series 86-9	January 13, 1987	$250,000
(b). Temporary Notes, Series L.I.D. 87-1	May 1, 1987	$221,600
(c). Temporary Notes, Series L.I.D. 87-2	May 22, 1987	$532,800

2. The City does not reasonably anticipate issuing tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000;

3. Other than the Bonds, the City has not issued and does not expect to issue any other bonds or obligations the proceeds of which have been or will be used to provide project financing for the Improvements, other than temporary notes to be retired with the proceeds of the issue.

The City hereby covenants and agrees that it shall not issue more than $10,000,000 of tax-exempt obligations during calendar year 1987.

20-1,289. Section 805. Authority to Redeem Outstanding Temporary Notes. The Governing Body hereby finds and determines that it is necessary and advisable to redeem and prepay the following described outstanding temporary notes of the City:

	Description	Dated	Principal Amount
1.	Sanitary Sewer System Series L.S.S. 2-86	6/20/86	$1,507,300
2.	119th Street Roe Avenue to Nall Avenue, Series 86-4	8/14/86	$ 207,100
3.	Public Works Facility 95th and Mission Road, Series 86-7	12/1/86	$ 120,000
4.	127th Street Nall Avenue to Juniper, Series L.I.D. 87-1	5/1/87	$ 221,600
5.	127th Street Roe Avenue to Juniper, Series L.I.D. 87-2	5/15/87	$ 532,800

The City Clerk is hereby authorized and directed to give notice of the City's intention to redeem and prepay the aforedescribed temporary notes on July 21, 1987, by publication of notices to the holders thereof, substantially in the form attached as Exhibit B hereto, at least once in the official newspaper of the City not less than 10 days prior to the date fixed for such redemption and prepayment.

Section 806. Severability. If any section or other part of the Ordinance shall for any reason be held invalid, the invalidity thereof shall not affect the validity of the other provisions of the Ordinance.

Section 807. Governing Law. The Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 808. Finding of Emergency; Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City and publication in

the official newspaper of the City, it being hereby found and determined to be a matter of an emergency nature.

First Reading: June 15, 1987 Second Reading: June 15, 1987

PASSED by the governing body of the City of Leawood, Kansas this 15th day of June, 1987.

Approved by the Mayor this 15th day of June, 1987.

(Seal)

Marcia Rinehart
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

EXHIBIT A

(FORM OF FULLY REGISTERED CERTIFICATED BOND)

UNITED STATES OF AMERICA
STATE OF KANSAS

Registered
No. R-

Registered
$_____

CITY OF LEAWOOD, KANSAS

COMBINED PROJECTS IMPROVEMENT
GENERAL OBLIGATION BOND
SERIES 1987

Rate of Interest: ___% Maturity Date: September 1, ____ Dated: July 1, 1987 CUSIP Number:_____

Registered Owner:_____
Principal Amount:_____THOUSAND DOLLARS

THE CITY OF LEAWOOD in the County of Johnson, State of Kansas (the "City"), for value received, hereby promises to pay to the registered owner hereof shown above, or registered assigns, upon presentation and surrender of this Bond, the Principal Amount identified above, on the Maturity Date shown above, and to pay interest thereon from the Date set forth above or from the most recent Interest Payment Date to which interest has been paid or duly provided for, at the Rate of Interest per annum shown above, payable semiannually on March 1 and September 1 in each year beginning March 1, 1988 (the "Interest Payment Dates"), until said Principal Amount shall have been paid.

The principal of and interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). The principal of this Bond shall be payable to the registered owner hereof upon presentation of this Bond at the maturity or redemption date to the Paying Agent for payment and cancellation. The interest on this Bond shall be mailed to the registered owner hereof at the address appearing on the registration books of the City maintained by the Bond Registrar at the close of business on the 15th day of the month preceding each Interest Payment Date (the "Record Dates"). The Bonds are general obligations of the City payable as to both principal and interest in part from special assessments levied upon the property benefited by the construction of certain improvements, and if not so paid, from ad valorem taxes which may

be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the City, and the balance being payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the City. The full faith, credit and resources of the City are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

The terms and provisions of this Bond are continued on the reverse hereof and shall for all purposes have the same effect as though fully set forth at this place.

This Bond has been duly registered in the office of the City Clerk and in the office of the Kansas State Treasurer.

It is hereby declared and certified that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of said City, including this series of Bonds, does not exceed any constitutional or statutory limitation.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IN WITNESS WHEREOF, the governing body of the City has caused this Bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk, and its corporate seal to be imprinted hereon, all as of the first day of July, 1987.

(facsimile seal) THE CITY OF LEAWOOD, KANSAS

(facsimile)
Mayor

ATTEST:

By (facsimile)
City Clerk

==========

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of Combined Projects Improvement General Obligation Bonds, Series 1987, of the City of Leawood, Kansas, described in the within-mentioned Ordinance.

Registration Date _____

Office of the State Treasurer,
Topeka, Kansas, as Bond
Registrar and Paying Agent

By_____

Registration Number _____

==========

FURTHER TERMS AND CONDITIONS

This Bond is one of an authorized series of bonds of the City designated "Combined Projects Improvement General Obligation Bonds, Series 1987," in the aggregate principal amount of $2,400,000 (the "Bonds") issued for the purpose of providing funds for financing the costs of certain improvements within the City as identified in the Ordinance of the City authorizing the Bonds (the "Ordinance"). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 12-6a01, et seq., K.S.A. 12-685, et seq., K.S.A. 12-618 and 12-624, et seq., and K.S.A. 12-1736, et seq., all as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

Bonds of the series of which this Bond is a part becoming due on September 1, 1998, and thereafter may be redeemed and paid prior to maturity, at the option of the City as a whole or in part, in inverse order of maturity (selection of Bonds within the same maturity to be by lot by the Paying Agent and Bond Registrar in such equitable manner as it may determine) on September 1, 1997, or on any Interest Payment Date thereafter, at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the date fixed for redemption.

Whenever Bonds are to be selected for the purpose of redemption, the Paying Agent and Bond Registrar shall, in the case of Bonds in denominations greater than $5,000, if less than all of the Bonds then outstanding are to be called for redemption, treat each $5,000 of face value of each such fully registered Bond as though it were a separate Bond of the denomination of $5,000.

If any Bonds are called for redemption and payment prior to maturity, the City shall publish once in the Kansas Register and in a financial journal published in New York, New York, a notice of the intention of the City to redeem and pay said Bonds, the same being described by number and maturity. The notice in said financial journal shall be published not less than 30 days prior to the date on which said Bonds are called for redemption and payment and the notice in the Kansas Register shall be published not less than 15 days prior to said redemption date. The City will also give written notice of its intention to redeem and pay such Bonds on a specified date, the same being described by number and maturity, said notice to be mailed by prepaid United States registered or certified mail addressed to the State Treasurer of Kansas, said notice to be mailed not less than 60 days prior to the redemption date, to _____, the Underwriter, and to the registered owners of said Bonds, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. All Bonds so called for redemption and payment as aforesaid shall cease to bear interest from and after the date for which such call is made, provided funds are available for the payment of such Bonds at the price hereinbefore specified.

The Bonds are issued in fully registered form in the denomination of $5,000 or any integral multiple thereof. This Bond may be exchanged at the office of the Bond Registrar for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations upon the terms provided in the Ordinance.

The City and the Bond Registrar may deem and treat the registered owner hereof as the absolute owner hereof for purposes of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

This Bond is transferable by the registered owner hereof in person or by the registered owner's agent duly authorized in writing, at the office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Ordinance and upon surrender and cancellation of this Bond. The City shall pay out of the proceeds of the Bonds all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks.

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LEGAL OPINION

I, the undersigned, City Clerk of the City of Leawood, Kansas, hereby certify that the following is a true and correct copy of the approving legal opinion of Linde Thomson Fairchild Langworthy Kohn and Van Dyke, P.C., attorneys at law, Overland Park, Kansas, on the within Bond and the series of which it is a part, except that it omits the date of such opinion; that said opinion was manually executed and was dated and issued as of the date of delivery of and payment for the Bonds, and is on file in my office.

By (facsimile)
City Clerk

[PRINTED LEGAL OPINION]

==========

(FORM OF CITY CLERK'S CERTIFICATE)

STATE OF KANSAS)
) SS.
COUNTY OF JOHNSON)

I, the undersigned, City Clerk of the City of Leawood, Kansas, hereby certify that the within Bond has been duly registered in my office according to law.

WITNESS my hand and official seal this _____.

(facsimile seal)

City Clerk

==========

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

_____

_____

(Name and Address)

_____

_____

(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of $_____, standing in the name of the undersigned on the books of the Treasurer of the State of Kansas (the "Bond Registrar"). The undersigned do(es) hereby

irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises. Dated _____.

_____
Name

_____
Social Security or
Taxpayer Identification No.

_____
Signature
(Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By_____

==========

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, JOAN FINNEY, Treasurer of the State of Kansas, do hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in my office, and that this Bond was registered in my office according to law on _____.

WITNESS my hand and official seal.

_____
Treasurer of the State of Kansas

(facsimile)

(Seal)

==========

EXHIBIT B

NOTICE OF REDEMPTION
TO THE HOLDERS OF
CITY OF LEAWOOD, KANSAS
_____ TEMPORARY NOTES
SERIES 198__-__
DATED _____, 19___

Notice is hereby given to the holders of City of Leawood, Kansas (the "City") _____ Temporary Notes, Series 198__-__, dated _____, 19___, in the aggregate principal amount of $_____ (the "Notes"), that in accordance with the provisions of Ordinance No. _____ (the "Ordinance") and the terms of said Notes the City hereby exercises its right to redeem and pay said Notes in whole prior to the stated maturity thereof.

Redemption and payment of said Notes will be made on _____, _____, 19___, in accordance with the terms of said Ordinance and said Notes.

CITY OF LEAWOOD, KANSAS

Dated: _____, 19__ By:_____
City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martesin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 19th day of, June 1987, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martesin

Subscribe and sworn to before me this 19th day of June 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires:
Printer's Fee $ 531.08
Additional copies $

First Published in the Johnson County Sun, Friday, June 19, 1987.

ORDINANCE NO. 987

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $2,400,000 PRINCIPAL AMOUNT OF COMBINED PROJECTS IMPROVEMENT GENERAL OBLIGATION BONDS, SERIES 1987, OF THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE COST OF CONSTRUCTION OF CERTAIN IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; MAKING PROVISION FOR THE COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND PROVIDING FOR EXECUTION OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH.

WHEREAS, pursuant to K.S.A. 12-6a01, **et seq.**, K.S.A. 12-685, **et seq.**, K.S.A. 12-618 and 12-624, **et seq.**, and K.S.A. 12-1736, **et seq.**, all as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the City has heretofore authorized the following improvements to the City (the "Improvements"):

(a) Construction of a new and/or adequate sanitary sewer system by construction or replacement of collection lines within the Leawood sewer system as authorized by Resolution No. 671 (the "Sanitary Sewer Improvement");

(b) Construction of that portion of 119th Street extending from Roe Avenue to Nall Avenue, including necessary appurtenances as authorized by Resolution No. 721 (the "119th Street Improvement");

(c) Construction of certain improvements to 127th Street extending from Roe Avenue to Nall Avenue as authorized by Resolution No. 646 (the "127th Street Improvement");

(d) Construction of improvements to the City's public works facility as authorized by Resolution No. 706 (the "Public Works Improvement");

(e) Construction of improvements to the intersection of 95th Street and Mission Road as authorized by Resolution No. 460) the "95th and Mission Improvement");

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Improvements including construction financing and related expenses is $2,405,031.71 with $956,108.81 of the cost to be paid by the owners of the property within the City benefited by the 119th Street Improvement and the 127th Street Improvement and $1,448,922.90 of the cost to be paid by the City at large, and that said property owners have paid $5,031.71 in cash into the City Treasury on account of the construction of the 127th Street Improvement and there are no funds available in the City Treasury to pay the remainder of the cost of the Improvements leaving $2,400,000.00 to be paid by the issuance and sale of the City's general obligation bonds; and

WHEREAS, the governing body of the City is authorized by law to issue general obligation bonds of the City to finance the costs of constructing the Improvements; and

WHEREAS, the City hereby finds and determines that it is necessary and essential to provide funds to finance the cost of constructing the Improvements by the issuance of Combined Projects Improvement General Obligation Bonds, Series 1987, in the principal amount of $2,400,000 (the "Bonds"); and

WHEREAS, the City intends that the Bonds be designated and has heretofore designated the Bonds "qualified tax-exempt obligations" within the meaning and for the purposes provided in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

20-1,262. **Section 101. Definitions of Words and Terms.** In addition to words and terms defined elsewhere in this Ordinance, the following words and terms as used in this Ordinance shall have the following meanings, unless some other meaning is plainly intended:

"Bond Registrar" means the Treasurer of the State of Kansas in the City of Topeka, Kansas, and any successors or assigns.

"Construction Fund" means the Improvement Construction Fund created by Section 501 of the Ordinance.

"Cost of Issuance Fund" means the Cost of Issuance Fund created by Section 501 of the Ordinance.

"Ordinance" means this Ordinance as from time to time amended in accordance with the terms hereof.

"Paying Agent" means the Treasurer of the State of Kansas, in the City of Topeka, Kansas, and any successors and assigns.

"Principal and Interest Fund" means the Principal and Interest Fund for the Bonds created by Section 501 of this Ordinance.

"Underwriters" means **United Missouri Bank, Kansas City, Missouri**, and affiliated purchasers of the Bonds.

ARTICLE II

AUTHORIZATION OF THE BONDS

20-1,263. **Section 201. Authorization of the Bonds.** The Bonds of the City are authorized and directed to be issued in the principal amount of $2,400,000 for the purpose of providing funds to finance the costs of constructing the Improvements, as provided in this Ordinance.

20-1,264. **Section 202. Security for the Bonds.** The Bonds shall be general obligations of the City payable in part from special assessments levied against properties benefited by the construction of the 119th Street Improvement and the 127th Street Improvement and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property, real or personal, within the territorial limits of the City, and the balance shall be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the City.

20-1,265. **Section 203. Details of the Bonds.** The Bonds shall consist of fully registered certificated bonds without coupons or uncertificated bonds in the denomination of $5,000 or any integral multiple thereof. The Bonds shall be substantially in the form described in Article IV hereof and shall be subject to registration, transfer and exchange as provided in Section 206 hereof. All of the Bonds shall be dated July 1, 1987, shall become due serially on September 1 (the "Principal Payment Dates") in the years and in the principal amounts (subject to optional redemption prior to maturity as provided in Article III hereof) and shall bear interest at the respective rates per annum as follows:

MATURITY DATE	PRINCIPAL AMOUNT	INTEREST RATE PER ANNUM	MATURITY DATE	PRINCIPAL AMOUNT	INTEREST RATE PER ANNUM
1988	$150,000	7.0%	1996	$195,000	6.6%
1989	155,000	7.0%	1997	200,000	6.6%
1990	160,000	7.0%	1998	115,000	6.7%
1991	165,000	6.2%	1999	125,000	6.8%
1992	170,000	6.2%	2000	130,000	7.0%
1993	175,000	6.2%	2001	140,000	7.0%
1994	180,000	6.2%	2002	150,000	7.0%
1995	190,000	6.6%			

The Bonds shall bear interest at the rates aforesaid (computed on the basis of a 360-day year composed of twelve 30-day months) from the date thereof or from the most recent interest payment date to which interest has been paid or duly provided for, payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1988 (the "Interest Payment Dates"), to the registered owners whose names appear on the books maintained by the Bond Registrar at the close of business on the 15th day of the month preceding the Interest Payment Dates (the "Record Dates").

20-1,266. **Section 204. Designation of Paying Agent and Bond Registrar.** The Treasurer of the State of Kansas in the City of Topeka, Kansas, is hereby designated as the City's paying agent for the payment of principal of, premium, if any, and interest on the Bonds and bond registrar with respect to the registration, transfer and exchange of Bonds (the "Paying Agent" and "Bond Registrar").

The Mayor of the City and the City Clerk of the City are hereby authorized and empowered to execute on behalf of the City an agreement with the Treasurer of the State of Kansas for said Treasurer to act as Bond Registrar and Paying Agent for the Bonds.

20-1,267. **Section 205. Method and Place of Payment of Bonds.** The principal of, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America by check or draft of the Paying Agent.

The principal of and premium, if any, on the Bonds shall be payable at the office of the Paying Agent upon presentation and surrender of such Bonds as they respectively become due.

The interest on the Bonds shall be payable to the order of the registered owners thereof mailed by the Bond Registrar to the addresses of such registered owners as they appear on the registration books maintained by the Bond Registrar or at such other address provided in writing by such registered owner to the Bond Registrar on the Record Dates.

The Paying Agent and Bond Registrar shall keep in its office a record of payment of principal of, premium, if any, and interest on all Bonds.

20-1,268. **Section 206. Registration, Transfer and Exchange of Bonds.** The City covenants that it will, as long as any of the Bonds herein authorized remain outstanding, cause to be kept at the office of the Bond Registrar books for the registration, transfer and exchange of Bonds as herein provided.

Upon presentation of the necessary documents as hereinafter described, the Bond Registrar shall transfer or exchange any certificated or uncertificated Bond(s) for new certificated or uncertificated Bond(s) in an authorized denomination of the same maturity and for the same aggregate principal amount as the Bond(s) which was presented for transfer or exchange.

All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the registered owner thereof or by the registered owner's duly authorized agent. In addition, all certificated Bonds presented for transfer or exchange shall be surrendered to the Bond Registrar for cancellation.

Prior to delivery of the new certificated or uncertificated Bond(s) to the transferee, the Bond Registrar shall register the same in the registration books kept by the Bond Registrar for such purpose and shall authenticate each certificated Bond.

The City shall provide for the payment out of the Bond proceeds of the fees of the Bond Registrar for registration and transfer of the Bonds and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the bond owners.

The City, the Bond Registrar and the Paying Agent may deem and treat the person in whose name any Bond shall be registered as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal and redemption price, if any, of and interest on said Bond and for all other purposes, and all such payments so made to any such registered owner or upon such registered owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Bond Registrar nor the Paying Agent shall be affected by any notice to the contrary, but such registration may be changed as herein provided.

The Bond Registrar shall not be required to register, transfer or exchange Bonds for a period of 15 days next preceding an interest payment date on the Bonds or to register, transfer or exchange any Bonds called for redemption during said period.

20-1,269. **Section 207. Surrender and Cancellation of Bonds.** Whenever any outstanding certificated Bond shall be delivered to the Bond Registrar for cancellation pursuant to the Ordinance, upon payment of the principal amount thereof and interest thereon or for replacement pursuant to the Ordinance, such Bond shall be cancelled by the Bond Registrar and the cancelled Bond shall be returned to the City.

20-1,270. **Section 208. Mutilated, Lost, Stolen or Destroyed Bonds.** In the event any certificated Bond is mutilated, lost, stolen or destroyed, the City may execute and the Bond Registrar may authenticate a new Bond of like date, maturity, denomination and interest rate as that mutilated, lost, stolen or destroyed; provided, that in the case of any mutilated certificated Bond, such mutilated Bond shall first be surrendered to the City or the Bond Registrar, and, in the case of any lost, stolen or destroyed Bond there shall be first furnished to the Bond Registrar and the City evidence of such loss, theft or destruction and an indemnity satisfactory to them. In the event any such Bond shall have matured, instead of issuing a duplicate Bond, the City and Bond Registrar may pay the same without surrender thereof. The City and Bond Registrar may charge to the registered owner of such bond their reasonable fees and expenses in connection with replacing such certificated Bond or Bonds mutilated, stolen, lost or destroyed.

20-1,271. **Section 209. Execution, Registration and Delivery of the Bonds.** Each of the certificated Bonds, including any certificated Bonds issued in exchange or as substitutions for the bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor of the City and attested by the manual or facsimile signature of the City Clerk and shall have the corporate seal of the City affixed thereto or imprinted thereon. In case any officer whose signature or facsimile thereof appears on any Bonds shall cease to be such officer before the delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond shall be the proper officers to sign such Bond, although at the date of such Bond such persons may not have been such officers.

The Mayor of the City and the City Clerk are hereby authorized and directed to prepare and execute the certificated Bonds in the manner hereinbefore specified, to cause the certificated Bonds to be registered in the office of the City Clerk and the State Treasurer as provided by law, and, when duly executed and registered, to deliver the Bonds to the Underwriters, upon receipt by the City of the purchase price of the Bonds, which purchase price shall be 100% of the principal amount of the Bonds plus accrued interest to the date of their delivery. The Mayor of the City and the City Clerk are also hereby further authorized to enter into an agreement with a depository trust company to have the executed, authenticated Bonds held in safekeeping prior to their delivery to the Underwriters.

The certificated Bonds shall have endorsed thereon a Certificate of Authentication substantially in the form set forth in Exhibit A attached hereto, which shall be executed by the manual or facsimile signature of the Bond Registrar. No certificated Bond shall be entitled to any security or benefit under the Ordinance nor shall it be valid or obligatory for any purpose unless and until such Certificate of Authentication shall have been duly executed by the Bond Registrar. Such executed Certificate of Authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under the Ordinance. The Certificate of Authentication on any Bond shall be deemed to have been duly executed if signed by any authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the Certificate of Authentication on all of the Bonds that may be issued hereunder at any one time.

ARTICLE III

20-1,272. **Section 301. Optional Redemption.** At the option of the City, Bonds maturing on September 1, 1998, and thereafter may be called for redemption and payment prior to maturity on September 1, 1997, and on any Interest Payment Date thereafter, in whole or in part in inverse order of maturity at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the date fixed for redemption, without premium.

20-1,273. **Section 302. Notice of Redemption.** In the event the City shall elect to redeem and pay any of the Bonds prior to the maturity thereof, the City shall publish once in the **Kansas Register** and in a financial journal published in New York, New York, a notice of the intention of the City to redeem and pay said Bonds, the same being described by number and maturity, said notice in said financial journal to be published not less than 30 days prior to the date on which said Bonds are called for redemption and payment and said notice in the **Kansas Register** to be published not less than 15 days prior to said redemption date. The City shall also give written notice of its intention to redeem and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be mailed by prepaid United States registered or certified mail addressed to the State Treasurer of the State of Kansas, said notice to be mailed not less than 60 days prior to the redemption date, to the registered owners of said Bonds, to the Underwriters (notice to the manager of the account constituting notice to all account participants), and to any other Paying Agent, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption.

20-1,274. **Section 303. Selection of Bonds to Be Redeemed.** Bonds shall be redeemed only in the principal amount of $5,000 or any integral multiple thereof. When less than all of the outstanding Bonds of any series are to be redeemed and paid prior to maturity, such Bonds shall be redeemed in inverse order of maturity, Bonds of less than a full maturity to be selected by the Paying Agent and Bond Registrar by lot in $5,000 units of face value in such equitable manner as the Paying Agent and Bond Registrar may determine.

In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than $5,000 are then outstanding, then for all purposes in connection with such redemption each $5,000 of face value shall be treated as though it were a separate Bond of the denomination of $5,000. If it is determined that one or more, but not all, of the $5,000 units of face value represented by any fully registered Bond is selected for redemption, then upon notice of intention to redeem such $5,000 unit or units, the owner of such fully registered Bond or the owner's duly authorized agent shall forthwith present and surrender such Bond to the Paying Agent and Bond Registrar (1) for payment of the redemption price (including the interest to the date fixed for redemption) of the $5,000 unit or units of face value called for redemption, and (2) for exchange, without charge to the owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such fully registered Bond. If the owner of any such fully registered Bond of a denomination greater than $5,000 shall fail to present such Bond to the Paying Agent and Bond Registrar for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of the $5,000 unit or units of face value called for redemption (and to that extent only).

20-1,275. **Section 304. Effect of Call for Redemption.** Whenever any Bond is called for redemption and payment as provided in this Article, all interest on such Bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

ARTICLE IV

FORM OF THE BONDS

20-1,276. **Section 401. Form of Certificated Bonds.** The certificated Bonds shall be printed in accordance with the format required by the Attorney General of the State of Kansas and shall contain information and recitals substantially as set forth in Exhibit A attached hereto or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983) in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 to 10-632, inclusive, as amended.

20-1,277. **Section 402. Form of the Instrument Evidencing Ownership of Uncertificated Bonds.** Written statements evidencing ownership of uncertificated Bonds shall be in the form required by the Attorney General of the State of Kansas pursuant to the notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. (1983) in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 to 10-632, inclusive.

ARTICLE V

ESTABLISHMENT OF FUNDS

20-1,278. **Section 501. Creation of Funds.** There are hereby created and ordered to be established in the treasury of the City the following separate funds to be known respectively as follows:

(a) Principal and Interest Fund for the Bonds (the "Principal and Interest Fund");

(b) Improvement Construction Fund (the "Construction Fund"); and

(c) Cost of Issuance Fund (the "Cost of Issuance Fund").

20-1,279. **Section 502. Administration of Funds.** The funds establishd pursuant to the authority of Section 501 hereof shall be maintained and administered by the City solely for the purposes and in the manner as provided in the Ordinance so long as any of the Bonds remain outstanding and unpaid.

ARTICLE VI

APPLICATION OF BOND PROCEEDS

20-1,280. **Section 601. Disposition of Bond Proceeds and Other Moneys.**

(a) The proceeds received from the sale of the Bonds, including any premium or accured interest thereon, shall be deposited simultaneously with the delivery of the Bonds, as follows:

(1) There shall be deposited in the Principal and Interest Fund any premium on the Bonds and any amount received on account of accured interest on the Bonds.

(2) There shall be deposited in the Construction Fund the sum of $2,347,738.63.

(3) There shall be deposited in the Cost of Issuance Fund the sum of $52,261.37.

20-1,281. **Section 602. Application of Moneys in the Construction Fund.** Moneys in the Construction Fund shall be separately accounted for and attributed to each individual Improvement and shall be used solely to pay the cost of the improvements, including the retirement of temporary notes of the City previously issued to provide interim financing for the Improvements. Upon completion of the Improvements, any moneys remaining in the Construction Fund shall be deposited into the Principal and Interest Fund.

20-1,282. **Section 603. Application of Moneys in the Cost of Issuance Fund.** Moneys in the Cost of Issuance Fund shall be used to pay the cost of issuing the Bonds, including all printing, signing and mailing expenses, legal fees, accounting expenses, fees for ratings received on the Bonds and any fiscal fees incurred in marketing the Bonds. Any moneys remaining in the Cost of Issuance Fund on September 1, 1987, shall be transferred to the Construction Fund.

ARTICLE VII

PAYMENT OF BONDS

20-1,283. **Section 701. Levy of Taxes to Pay Bonds.** The full faith, credit and resources of the City are hereby pledged to secure the payment of the principal of and interest on the Bonds as they severally become due and payable. The governing body of the City shall make provision for the payment of said principal and interest on the Bonds by collecting special assessments on property benefited by the 119th Street Improvement and the 127th Street Improvement constructed with the proceeds of the Bonds and by levying an annual tax on the property liable for payment of the Improvements in amounts sufficient to pay the installments of said principal and interest on the Bonds as the same accrue and become payable.

20-1,284. **Section 702. Transfer of Funds to Paying Agent.** The Treasurer of the City is hereby authorized and directed to withdraw from the Principal and Interest Fund sums sufficient to pay the principal of and interest on the Bonds and the fees of the Paying Agent and Bond Registrar when the same become due. If, through lapse of time or otherwise, the owners of Bonds shall no longer be entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent forthwith to return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in the Ordinance.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

20-1,285. **Section 801. Official Statement.** Distribution of the Official Statement relating to the Bonds in substantially the form presented to the governing body of the City and the use thereof by the Underwriters of the Bonds is hereby approved, and the Mayor of the City and the City Clerk are hereby authorized to execute such Official Statement on behalf of the City, with such corrections, omissions, insertions or changes as they may approve.

20-1,286. **Section 802. Special Tax Covenants.** The City covenants to comply with each and every provision of the Internal Revenue Code of 1986 and the rules and regulations promulgated thereunder (the "Code"), which is or may be applicable to the Bonds or state and local obligations of the same character as the Bonds authorized and issued hereunder; **provided, that**, the City shall not be required to comply with any such provision if the City shall be provided with an opinion of nationally recognized bond counsel to the effect that such compliance is not required and to the effect that the failure to comply with any such provision will not cause interest on the Bonds to be subject to federal income taxation.

In particular, the City shall complete the construction of the improvements that are financed with the proceeds of the Bonds not later than that day which is three years after the earlier of (i) the date of issue of the Bonds (ii) the date construction of such Improvement began.

The City further covenants and agrees that no portion of the gross proceeds of the Bonds will be used (on a basis different from use by members of the general public of the Improvements) directly or indirectly in any trade or business carried on by any person (including exempt persons) other than the City, any other political subdivision of the State of Kansas or any governmental unit of the State of Kansas, or to make any loan to any such person.

The City will comply with any applicable information reporting requirements of the Code.

20-1,287. **Section 803. Arbitrage Covenant.** The City covenants and agrees that it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as hereinbefore set forth, and that no part of the proceeds of the Bonds shall be invested in any securities or obligations except for the temporary period pending such use, nor used, at any time, directly or indirectly, in a manner which, if such use had been reasonably anticipated on the date of issuance of the Bonds, would have caused any of the Bonds to be or become "arbitrage bonds" within the meaning of Section 148 of the Code.

The City will abide by any applicable arbitrage rebate requirements of the Code; **provided, that**, the City shall not be required to abide by any such requirements if the City is provided with an opinion of nationally recognized bond counsel to the effect that such compliance is not required and to the effect that the failure of the City to abide by any such requirements will not cause the interest on the Bonds to be or become subject to federal income taxation.

20-1,288. **Section 804. Covenants, Representations and Warranties Regarding Qualified Tax-Exempt Obligations.** The governing body hereby finds, determines, represents and warrants, as follows:

1. Since January 1, 1987, the City has not issued any bonds or obligations other than the Bonds and the following described obligations:

	Issue	Date	Principal Amount
(a).	Temporary Notes, Series 86-9	January 13, 1987	$250,000
(b).	Temporary Notes, Series L.I.D. 87-1	May 1, 1987	$221,600
(c).	Temporary Notes, Series L.I.D. 87-2	May 22, 1987	$532,800

2. The City does not reasonably anticipate issuing tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000;

3. Other than the Bonds, the City has not issued and does not expect to issue any other bonds or obligations the proceeds of which have been or will be used to provide project financing for the Improvements, other than temporary notes to be retired with the proceeds of the issue.

The City hereby covenants and agrees that it shall not issue more than $10,000,000 of tax-exempt obligations during calendar year 1987.

20-1,289. **Section 805. Authority to Redeem Outstanding Temporary Notes.** The Governing Body hereby finds and determines that it is necessary and advisable to redeem and prepay the following described outstanding temporary notes of the City:

	Description	Dated	Principal Amount
1.	Sanitary Sewer System Series L.S.S. 2-86	6/20/86	$1,507,300
2.	119th Street Roe Avenue to Nall Avenue, Series 86-4	8/14/86	$ 207,100
3.	Public Works Facility 95th and Mission Road, Series 86-7	12/1/86	$ 120,000
4.	127th Street Nall Avenue to Juniper, Series L.I.D. 87-1	5/1/87	$ 221,600
5.	127th Street Roe Avenue to Juniper, Series L.I.D. 87-2	5/15/87	$ 532,800

The City Clerk is hereby authorized and directed to give notice of the City's intention to redeem and prepay the aforedescribed temporary notes on July 21, 1987, by publication of notices to the holders thereof, substantially in the form attached as Exhibit B hereto, at least once in the official newspaper of the City not less than 10 days prior to the date fixed for such redemption and prepayment.

Section 806. Severability. If any section or other part of the Ordinance shall for any reason be held invalid, the invalidity thereof shall not affect the validity of the other provisions of the Ordinance.

Section 807. Governing law. The Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 808. Finding of Emergency; Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City and publication in the official newspaper of the City, it being hereby found and determined to be a matter of an emergency nature.

First Reading: June 15, 1987 Second Reading: June 15, 1987

PASSED by the governing body of the City of Leawood, Kansas this 15th day of June, 1987.

Approved by the Mayor this 15th day of June, 1987.

(s) Marcia Rinehart
Mayor
(Seal)
ATTEST:
(s) J. Oberlander
City Clerk
APPROVED AS TO FORM
AND CONTENT:
(s) R.S. Wetzler
City Attorney

(2200 1F)

First Published in the Johnson County Sun, Friday, June 19, 1987.

RESOLUTION NO. 2090

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CREATION OF AN IMPROVEMENT DISTRICT FOR THE IMPROVEMENT OF APPROXIMATELY 2668 FEET OF SWITZER ROAD FROM A POINT 661.89 FEET SOUTH OF THE CENTER LINE OF 127TH STREET TO A POINT 2647.7 FEET NORTH OF 135TH STREET IN SECTIONS 25 AND 26, TOWNSHIP 13 SOUTH, RANGE 24 EAST, IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS (I.D. 87-126)

WHEREAS, the Governing Body of the City of Overland Park, Kansas, did on the 15th day of June, 1987, find that the petition for the improvement of approximately 2668 feet of Switzer Road from a point 661.89 feet south of the center line of 127th Street to a point 2647.7 feet north of 135th Street, all in Sections 25 and 26, Township 13S, Range 24E, in the City of Overland Park, Johnson County, Kansas, of those liable for the costs of the improvement was sufficient and did on the 15th day of June, 1987, adopt Resolution No. 2089 finding it advisable to make said improvements of the aforesaid portions of the above-stated property as provided by Chapter 12, Article 6a, of the Kansas Statutes Annotated.

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

SECTION 1. That the following improvement is hereby authorized and ordered to be made in accordance with Resolution No. 2089 and the findings of the Governing Body as follows:

The construction of approximately 2668 feet of Switzer Road from a point 661.89 feet south of the center line of 127th Street to a point 2647.7 feet north of 135th Street, the roadway consisting of one-half of a four-lane primary thoroughfare section: one two-lane section twenty-eight (28) feet back-to-back of curb, lying within 120 feet of right-of-way. The construction will include earthwork, concrete curb and gutters, paving, sidewalk on one side, a storm drainage system, street lighting, landscaping and all necessary appurtenances for the street improvement; all in Sections 25 and 26, Township 13S, Range 24E, in the City of Overland Park, Johnson County, Kansas.

SECTION 2. The estimated and probable cost of such improvement is SEVEN HUNDRED AND TWELVE THOUSAND, SEVEN HUNDRED DOLLARS ($712,700.00).

SECTION 3. The extent of the improvement district to be assessed is as follows:

All that part of the northwest 1/4 of Section 25 and all that part of the northeast 1/4 of Section 26, Township 13 South, Range 24 East, now in the City of Overland Park, Johnson County, Kansas, more particularly described as follows:

Commencing at the northwest corner of the northwest 1/4 of said Section 25; thence south 2 degrees 9' 51" east along the west line of the northwest 1/4 of said Section 25, a distance of 661.89 feet to the southwest corner of the north 1/2 of the northwest 1/4 of the northwest 1/4 of said Section 25, said point also being the true point of beginning of the subject tract; thence north 87 degrees 36' 20" east, along the south line of the north 1/2 of the northwest 1/4 of the northwest 1/4 of said Section 25, a distance of 737.62 feet, to a point on the southerly property line of the 1st Evangelical Free Church property; thence south 71 degrees 15' 07" east, along the southerly line of said church property, a distance of 104.86 feet to the southeast corner of said church property; thence north 2 degrees 6' 52" west, along the east line of said church property, a distance of 700 feet to the northeast corner thereof; thence north 87 degrees 35' 9" east, along the north line of the northwest 1/4 of the northwest 1/4 of said Section 25, a distance of 494.01 feet to the northeast corner thereof; thence south 2 degrees 6' 52" east, along the east line of the northwest 1/4 of the northwest 1/4 of said Section 25 a distance of 1324.70 feet to the southeast corner thereof; thence north 87 degrees 37' 32" east along the north line of the southeast 1/4 of the northwest 1/4 of said section 25, a distance of 1329.04 feet to the northeast corner thereof; thence south 2 degrees 3' 54" east, along the east line of the southeast 1/4 of the northwest 1/4 of said Section 25, a distance of 1325.63 feet to the southeast corner thereof; thence south 87 degrees 39' 56" west, along the south line of the northwest 1/4 of said Section 25, a distance of 2655.77 feet to the southwest corner thereof; thence south 87 degrees 56' 26" west, along the south line of the northeast 1/4 of said Section 26, a distance of 1319.79 feet to the southeast corner of the west 1320 feet of the northeast 1/4 of said Section 26; thence north 2 degrees 6' 50" west, along the east line of the west 1320 feet of the northeast 1/4 of said Section 26, a distance of 1324.18 feet to the northeast corner thereof, said point also being a point of curvature; thence northerly, along a curve to the left having a radius of 335 feet and a central angle of 12 degrees 53' 10", a distance of 75.34 feet to a point of tangency; thence north 15 degrees west, a distance of 144.28 feet; thence north 75 degrees east, a distance of 19.42 feet to a point of curvature; thence northeasterly and northerly, along a curve to the left having a radius of 265 feet and a central angle of 68 degrees 57', a distance of 318.90 feet to a point of compound curvature; thence northerly, along a curve to the left having a radius of 1575 feet and a central angle of 8 degrees 4' 57", a distance of 222.18 feet, to a point on the north line of the south 1/2 of the north 1/2 of the northeast 1/4 of said Section 26, said point being on the south line of White Fox Estates, a subdivision of land now in the City of Overland Park, Johnson County, Kansas, and in the center line of Goddard Avenue as now platted; thence north 87 degrees 58' 3" east, along the north line of the south 1/2 of the north 1/2 of the northeast 1/4 of said Section 26 and the south line of said White Fox Estates, a distance of 1120.56 feet, to the point of beginning of the subject tract.

SECTION 4. The method of assessment for property within the improvement district shall be that the improvement district shall be assessed a total sum of $426,841.60; and that said sum shall be apportioned at the percentages and amounts shown below and assessed against each of the four tracts described in Exhibit A which is attached hereto and made a part hereof, as follows:

E X H I B I T A

Tract 1

All that part of the NW¼ of Section 25, Township 13 S, Range 24 E, now in the City of Overland Park, Johnson County, Kansas, more particularily described as follows: Commencing at the NW corner of the NW¼ of said Section 25; thence S 2° 09' 51" E, along the West line of the NW¼ of said Section 25, a distance of 661.89 feet, to the SW corner of the N½ of the NW¼ of the NW¼ of said Section 25, said point also being the True Point of Beginning of subject tract; thence N 87° 36' 20" E, along the South line of the N½ of the NW¼ of the NW¼ of said Section 25, a distance of 737.62 feet, to a point on the Southerly property line of the First Evangelical Free Church property; thence S 71° 15' 07" E, along the Southerly line of said church property; a distance of 104.86 feet, to the SE corner of said church property; thence N 2° 06' 52" W, along the East line of said church property, a distance of 700 feet, to the NE corner thereof; thence N 87° 35' 09" E, along the North line of the NW¼ of the NW¼ of said Section 25, a distance of 494.01 feet, to the NE corner thereof; thence S 2° 06' 52" E, along the East line of the NW¼ of the NW¼ of said Section 25, a distance of 1324.70 feet, to the SE corner thereof; thence S 87° 37' 32" W, along the South line of the NW¼ of the NW¼ of said Section 25, a distance of 615 feet; thence N 7° 20' 10" W, a distance of 41.63 feet; thence S 30° 07' 07" W, a distance of 169.13 feet; thence N 59° 52' 53" W, a distance of 97.09 feet; to a point of curvature; thence Northwesterly, Westerly, and Southwesterlly, along a curve to the left having a radius of 700 feet and a central angle of 41° 12' 54", a distance of 503.54 feet, to a point of tangency; thence S 78° 54' 13" W, a distance of 46.78 feet; thence Northerly, along a curve to the right having a radius of 750 feet, a central angle of 8° 55' 56", and an initial tangent bearing of N 11° 05' 47" W, a distance of 116.92 feet, to a point of tangency, said point also being on the West line of the NW¼ of said Section 25; thence N 2° 09' 51" W, along the West line of the NW¼ of the NW¼ of said Section 25, a distance of 500.04 feet, to the True Point of Beginning of subject tract, subject to that part being used for road purposes.

Tract 2

All that part of the NW¼ of Section 25, Township 13 S, Range 24 E, now in the City of Overland Park, Johnson County, Kansas, more particularily described as follows: Commencing at the NW corner of the NW¼ of said Section 25; thence S 2° 09' 51" E, along the West line of the NW¼ of said Section 25, a distance of 1323.77 feet, to the SW corner of the NW¼ of the NW¼ of said Section 25; thence N 87° 37' 32" E, along the South line of the NW¼ of the NW¼ of said Section 25, a distance of 1329.04 feet, to the SE corner thereof, said point also being the True Point of Beginning of subject tract; thence N 87° 37' 32" E, along the North line of the SE¼ of the NW¼ of said Section 25, a distance of 1329.04 feet, to the NE corner thereof; thence S 2° 03' 54" E, along the East line of the SE¼ of the NW¼ of said Section 25, a distance of 1325.63 feet, to the SE corner thereof; thence S 87° 39' 56" W, along the South line of the NW¼ of said Section 25, a distance of 1328.10 feet; thence Northerly and Northwesterly, along a curve to the left having a radius of 750 feet, a central angle of 44° 16' 47", and an initial tangent bearing of N 3° 30' 58" W, a distance of 579.62 feet; thence N 42° 12' 15" E, a distance of 323.49 feet, to a point on the West line of the SE¼ of the NW¼ of said Section 25; thence N 2° 06' 52" W, along the West line of the SE¼ of the NW¼ of said Section 25, a distance of 575 feet, to the True Point of Beginning of subject tract, subject to that part being used for road purposes.

Tract 3

All that part of the NW¼ of Section 25, and all that part of the NE¼ of Section 26, Township 13 S, Range 24 E, now in the City of Overland Park, Johnson County, Kansas, more particularily described as follows: Commencing at the NW corner of the NW¼ of said Section 25; thence S 2° 09' 51" E, along the West line of NW¼ of said Section 25, a distance of 1323.77 feet, to the SW corner of the NW¼ of the NW¼ of said Section 25, thence N 87° 37' 32" E, along the North line of the SW¼ of the NW¼ of said Section 25, a distance of 17.66 feet, to the True Point of Beginning of subject tract; thence Northerly, along a curve to the right having a radius of 750 feet, a central angle of 3° 31' 30", and an initial tangent bearing of N 14° 37' 18" W, a distance of 46.14 feet; thence N 78° 54' 13" E, a distance of 46.78 feet, to a point of curvature; thence Northerly, Easterly, and Southeasterly, along a curve to the right having a radius of 700 feet and a central angle of 41° 12' 54", a distance of 503.54 feet, to a point of tangency; thence S 59° 52' 53" E, a distance of 97.09 feet; thence N 30° 07' 07" E, a distance of 169.13 feet; thence S 7° 20' 10" E, a distance of 41.63 feet; thence N 87° 37' 32" E, along the North line of the SW¼ of the NW¼ of said Section 25, a distance of 615 feet, to the NE Corner thereof; thence S 2° 06' 52" E, along the East line of the SW¼ of the NW¼ of said Section 25, a distance of 575 feet; thence S 42° 12' 15" W, a distance of 323.49 feet; thence Southeasterly and Southerly, along a curve to the right having a radius of 750 feet, a central angle of 44° 16' 47", and an initial tangent bearing of S 47° 47' 45"E, a distance of 579.62 feet, to a point on the South line of the SW¼ of the NW¼ of said Section 25; thence S 87° 39' 56" W, along the South line of the SW¼ of the NW¼ of said Section 25, a distance of 1327.67 feet, to the SW corner thereof; thence N 2° 09' 51" W, along the West line of the SW¼ of the NW¼ of said Section 25, distance of 608.77 feet; thence Westerly, along a curve to the right having a radius of 325 feet, a central angle of 20° 53' 55", and an initial tangent bearing of S 87° 50' 09" W, a distance of 118.54 feet; thence N 18° 44' 05" E, a distance of 240.02 feet; thence N 40° 02' 27" E, a distance of 196.56 feet; thence N 50° 59' 52" E, a distance of 60 feet; thence Northwesterly and Northerly, and Northerly along a curve to the left having a radius of 265 feet and a central angle of 68° 57', a distance of 318.90 feet, to a point of compound curvature; thence Northerly, along a curve to the left having a radius of 1575 feet and a central angle of 8° 04' 57", a distance of 222.18 feet, to a point on the North line of the S½ of the N½ of the NE¼ of said Section 26, said point being of the South line of White Fox Estates, a subdivision of land now in the City of Overland Park, Johnson County, Kansas, and in the center line of Goddard Aveue as now platted; thence N 87° 58' 03" E, along the North line of the S½ of the N½ of the NE¼ of said Section 26 and the South line of said White Fox Estates, a distance of 1120.56 feet, to the True Point of Beginning of subject tract, subject to that part being used for road purposes.

Tract	Percentage of Total Improvement District Share of Project Cost	Amount
1	19.5%	$ 83,234.11
2	24.5%	104,576.19
3	37.5%	160,065.60
4	18.5%	78,965.70
Totals	100.0%	$426,841.60

SECTION 5. Should any part of the Tracts 1, 2, 3 or 4 be hereafter subdivided, or sold without subdivision, prior to the assessment hearing and the levying of assessments, the amounts determined in Section 4, above, to be assessed against each tract shall be further allocated among all of the lots and the remaining unplatted portions within such tract, exclusive of public streets, on a square foot basis and assessed against them on that basis. The gross square footage in each such tract is as follows:

Tract	Gross Area Square Foot
1	1,195,587
2	1,824,188
3	1,692,164
4	2,566,551

SECTION 6. The apportionment of costs between the improvement district and the City-at-large shall be as follows:

a. The properties within the improvement district shall pay the amounts set out in Sections 4 and 5 above.

b. The City-at-large shall pay the balance of all costs.

BE IT FURTHER RESOLVED that this resolution shall take effect and be in force from and after its passage and adoption by the Governing Body and its publication in the Overland Park Sun, an official City newspaper.

ADOPTED this 15th day of June, 1987.

(s) Ed Eilert
Ed Eilert, Mayor

ATTEST:

(s) Bernice Crummett
Bernice Crummett,
Finance Director/City Clerk

APPROVED AS TO FORM:

(s) Jane Neff-Brain
Jane Neff-Brain
Assistant City Attorney

(2219 1F)

First Published in the Johnson County Sun, Friday, June 19, 1987.

CHARTER ORDINANCE NO. FORTY-THREE

A CHARTER ORDINANCE AMENDING AND REPEALING EXISTING SECTION 2 OF CHARTER ORDINANCE NO. THREE RELATING TO THE APPLICABILITY OF K.S.A. 12-1009 THROUGH 12-1015 TO THE CITY.

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

SECTION 1. Section 2 of Charter Ordinance No. Three of the City of Overland Park be and the same is hereby amended to read as follows:

SECTION 2. The Governing Body and the City Manager shall be governed by the provisions of K.S.A. Section 12-1009 to 12-1013, both sections inclusive, and K.S.A. 12-1015, and any amendments thereto, in the organization and administration of the City.

SECTION 2. The City Manager shall be responsible for the administration of all of the affairs of the City. He or she shall see that the laws and ordinances are enforced. The City Manager shall have the authority to appoint, promote, transfer, assign and demote, discipline, lay off, suspend, discharge, or remove all heads of departments, and all subordinate officers and employees of the City. All such appointments shall be made upon merit and fitness alone. **Provided that**, such authority to appoint, promote, transfer, assign and demote, discipline, lay off, suspend, discharge, or remove subordinate officers and employees of the City may be delegated to department heads by the City Manager at his or her discretion. In addition, he or she may, without notice, cause the affairs of any department or the conduct of any officer or employee to be examined. He or she shall prepare and submit the annual budget to the Governing body and also keep the City fully advised as to the financial conditions and needs of the City. He or she may make recommendations to the Governing Body on all matters concerning the welfare of the City and shall have a seat, but no vote, in all of the public meetings of the Governing Body.

SECTION 3. Notwithstanding the provisions of Section 2, above, the City shall have a Civil Service Commission and such Civil Service Commission shall determine the merit and fitness of any and every person appointed to any position within the jurisdiction of the Civil Service Commission, as established by ordinances of the City. No officer or employee who is under the Civil Service shall be discharged or removed from the office or position of employment he or she holds at the time of such adoption except for cause and then only in the manner prescribed by the Civil Service ordinance or rules in force at the time such removal or discharge is sought.

SECTION 4. Existing Section 2 of Charter Ordinance No. Three is hereby repealed.

SECTION 5. This ordinance shall be published once each week for two consecutive weeks in the Overland Park Sun, an official City newspaper.

SECTION 6. This is a Charter Ordinance and shall take effect sixty-one days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, subdivision (c) (3) of the Constitution of Kansas, in which case the ordinance shall become effective as approved by a majority of the electors voting thereon.

PASSED by the governing body not less than two-thirds of the members elect voting in favor thereof the 15th day of June, 1987.

(s) Ed Eilert
Mayor

ATTEST:
(s) Bernice Crummett
City Clerk

APPROVED AS TO FORM:
(s) Robert J. Watson
City Attorney

(2211 2F)

First Published in the Johnson County Sun, Friday, June 19, 1987.

NOTICE OF ABATEMENT

This is an official notice that the property located at:
11293 Hadley, QUAIL VALLEY SECOND PLAT LT 21 BLK 4
in Overland Park, Kansas has weeds, grasses, or other such vegetation growth in violation of Overland Park Municipal Code Chapter 7.20; Uncultivated Vegetation in Excess of 10 Inches.

PERSONS OWNING OR OTHERWISE IN CONTROL OF SAID PROPERTY ARE HEREBY REQUIRED TO ABATE THE VIOLATION WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE. Failure to comply with this notice shall result in the City arranging for the abatement of the violation by cutting or otherwise removing the vegetation. Any costs to the City will be assessed against the property and persons in control and failure to pay such assessment within 30 days of the notice of assessment shall result in the filing of a tax lien against the property, or litigation to recover costs, or both.

A HEARING BEFORE A HEARING OFFICER MAY BE REQUESTED in writing and must be received by the City Clerk before the expiration of the 10 day notice period. Said period shall run from the date of this notice. The notice period includes weekends and holidays, except that should the last day of the notice period fall on a weekend or a holiday for which the City Clerk's office is not open, then you shall have until the first regular business day to submit your request for a hearing.

No additional notice will be provided.

ENVIRONMENTAL HEALTH OFFICE
CITY OF OVERLAND PARK

(2210 1F)

First Published in the Johnson County Sun, Friday, June 19, 1987.

ORDINANCE NO. TS-1452

AN ORDINANCE REGULATING TOWING SERVICES AND PROVIDING FOR THE TOWING AND IMPOUNDING OF MOTOR VEHICLES IN THE CITY OF OVERLAND PARK, KANSAS; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTION 12.20.006 AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR. REPEALING CITY OF OVERLAND PARK ORDINANCE NO. TS-1433, THE SAME BEING CODIFIED.

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

Section 1. Overland Park Municipal Code Section 12.20.006 is added to read as follows:

12.20.006 Possessory lien created.

Any person or commercial towing services that tows and impounds a motor vehicle pursuant to this chapter or any other legal request for towing and impounding by a law enforcement officer of the City shall have a possessory lien on such vehicle for the costs incurred in towing and impounding the vehicle. Notice and disposition provisions for foreclosure of the lien and procedures as set forth in 12.20.005 herein and as contained in Chapter 209 of the 1987 Session Laws which are applicable to abandoned vehicles shall govern the disposition of vehicles to which a possessory lien has attached by virtue of this chapter.

SECTION 2. Existing Overland Park Municipal Code Section 12.20.006 and City of Overland Park Ordinances No. TS-1433 are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after its passage, its publication in the **Overland Park Sun**, an official City newspaper, and on or after July 1, 1987.

PASSED by the City Council this 15th day of June, 1987.

APPROVED by the Mayor this 15th day of June, 1987.

(s) Ed Eilert, Mayor

ATTEST:
(s) Bernice Crummett
Finance Director/
City Clerk

APPROVED AS TO FORM:
(s) Michael R. Santos
Assistant City Attorney

(2215 1F)

First Published in the Johnson County Sun, Friday, June 19, 1987.

STATE OF KANSAS
10th JUDICIAL DISTRICT
COUNTY OF JOHNSON

SHERIFF'S SALE

FEDERAL NATIONAL MORTGAGE ASSOCIATION, A CORPORATION,
Plaintiff

vs.

ALTA M. DAVIS, A Single Person;
ANNETTE J. MOORE, A Single Person;
RUSSELL M. BARTLETT and JEAN L. BARTLETT Husband and Wife;
Defendant/s

Under and by virtue of a Special Execution issued by the Clerk of the District Court in and for the said County of Johnson, in a certain cause in said Court, numbered 87 C 620, wherein the parties above named were respectively plaintiff, and defendant/s and to me the undersigned Sheriff of said County, directed, I will offer for sale, at public auction, and sell to the highest bidder for cash in hand, at the front door of the Court house in the City of Olathe, in said County, on Wednesday, the 17th day of July, A. D., 1987, at 10 o'clock A.M. of said day, the following described Real Estate situated in the County of Johnson, and State of Kansas, to-wit:

Lot 5, Block 14, SCARBOROUGH, a subdivision in the City of Olathe, Johnson County, Kansas;

FRED ALLENBRAND
Sheriff of Johnson County, Kansas
BLAKE & BLAKE
Attorney for Plaintiff
365 New Brotherhood Building
Kansas City, Kansas, 66101 · 321-6610

(2226 3F)

First Published in the Johnson County Sun, Friday, June 19, 1987.

NOTICE OF HEARING

The Leawood Board of Zoning Appeals will hold a public hearing on July 15, 1987 at 7:30 p.m. in the Council/Court Building, 9615 Lee Blvd., Leawood, Kansas to consider a request for a variance from Section *15-2203 Fences and Walls, C.* Height on Lot 14, Block 3, Bradford Place commonly known as 4204 Wenonga Road.

D.A.N. Chase, Chairman
Leawood Board of Zoning Appeals

(2191 1F)

ORDINANCE NO. 986

AN ORDINANCE VACATING A PORTION OF MISSION ROAD FOR HAZELWOOD SUBDIVISION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-598. Section 1. The City of Leawood, Kansas does hereby vacate the existing right-of-way of Mission Road from the southerly to the northerly boundary of Hazelwood, the right-of-way described as follows:

> Beginning at the Southwest corner of the Southwest 1/4 of Section 15, Township 13, Range 25; thence northerly along the west line of said Section a distance of 530 feet to the true point of beginning; thence northerly along the west line of said Section a distance of 1333.51 feet to a point; thence easterly on a bearing of N 89° 09' 09" E a distance of 20 feet to a point; thence south along a line parallel to the west line of said Section a distance of 1333.51 feet to a point; thence westerly along a bearing of N 90° E a distance of 20 feet to the true point of beginning.

19-599. Section 2. This vacation does not mean that the City recognizes that this right-of-way does in fact exist.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: June 15, 1987 Second Reading: June 15, 1987

Passed by the Governing Body this 15th day of June, 1987.

Approved by the Mayor this 16th day of June, 1987.

(S E A L)

Marcia Rinehart Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

1718984 ✓ ORIGINAL COMPARED WITH RECORD

ORDINANCE NO. 986

AN ORDINANCE VACATING A PORTION OF MISSION ROAD FOR HAZELWOOD SUBDIVISION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

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19-599. Section 2. This vacation does not mean that the City recognizes that this right-of-way does in fact exist.

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First Reading: June 15, 1987 Second Reading: June 15, 1987

Passed by the Governing Body this 15th day of June, 1987.

Approved by the Mayor this 16th day of June, 1987.

600 LK

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

STATE OF KANSAS]SS
COUNTY OF JOHNSON]
FILED FOR RECORD
1987 JUN 26 A 10: 51 :9
6.00
RUBIE M. SCOTT
REGISTER OF DEEDS

Attest:
J. Oberlander BY City Clerk DEP.

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

VOL 2615 PAGE 675

CERTIFICATION

I, J. Oberlander, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Leawood, Kansas, and that the attached is a full, true and correct copy of Ordinance No. 986, passed by the Governing Body at an adjourned meeting held June 15, 1987.

(S E A L)

J. Oberlander
City Clerk
City of Leawood, Kansas

City of Leawood
9617 Lee Blvd
Leawood, KS 66206

First Published in the Johnson County Sun, Friday, June 19, 1987.

ORDINANCE NO. 986

AN ORDINANCE VACATING A PORTION OF MISSION ROAD FOR HAZELWOOD SUBDIVISION.

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19-599. Section 2. This vacation does not mean that the City recognizes that this right-of-way does in fact exist.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: June 15, 1987
Second Reading: June 15, 1987
Passed by the Governing Body this 15th day of June, 1987.
Approved by the Mayor this 16th day of June, 1987.
(SEAL)
(s) Marcia Rinehart,
Mayor
Attest:
(s) J. Oberlander,
City Clerk
APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney

(2199 1F)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly eposes and say: That she is legal publications manager of THE JOHNSON SUN, a semi-weekly newspaper printed in the State of Kansas, and published general circulation in JOHNSON County, Kansas, with a general paid circulation rly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, or fraternal publication.

newspaper is a semi-weekly published at least weekly 50 times a year; has been shed continuously and uninterruptedly in said county and state for a period of an five years prior to the first publication of said notice; and has been admitted ost office of SHAWNEE MISSION, KANSAS in said County as a second class

the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---days--- (weeks, days) the first publication thereof being made as aforesaid on the ---19th--- day of, ---June---, 19--87--, with subsequent publications being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---19th--- day of ---June--- 19--87--

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---27.42---
Additional copies $ ---

ORDINANCE NO. 985 C

AN ORDINANCE OF THE CITY OF LEAWOOD AMENDING THE CITY CODE BY ADDING THERETO A NEW ARTICLE 4 FOR CHAPTER XII, PUBLIC PROPERTY, PROVIDING FOR PAYMENT OF AN IMPACT FEE FOR PARK AND RECREATIONAL LAND AND IMPROVEMENTS AS A CONDITION OF DEVELOPMENT APPROVAL.

WHEREAS, the City of Leawood, Kansas is a legally constituted municipal corporation, under the provisions of the laws of the State of Kansas; and

WHEREAS, the City of Leawood, Kansas has been granted home rule power by virtue of the Kansas Constitution, Art. 12, § 5(b), by which the governing body may exercise such power as is not prohibited by the State; and

WHEREAS, the City of Leawood has established a Plan Commission pursuant to K.S.A. § 12-701 et seq.; and

WHEREAS, the Plan Commission has adopted a Master Plan pursuant to K.S.A. § 12-704; and

WHEREAS, the Plan Commission has adopted and the Governing Body has approved and put into effect subdivision regulations pursuant to the authority granted by K.S.A. § 12-705 et seq.; and

WHEREAS, the Plan Commission has recommended and the Governing Body has adopted Zoning and Planned Unit Development Regulations pursuant to the authority granted by K.S.A. § 12-707 and 12-725 et seq.; and

WHEREAS, the Master Plan of the City of Leawood includes a Parks and Recreation element which indicates existing park and recreational facilities, the relationship between existing facilities and existing needs, projected future park and recreational needs based upon projected future development in Leawood, existing and future park standards, and mechanisms for meeting City park and recreation goals; and

WHEREAS, based upon adopted park and recreation standards, the City is presently satisfying the needs of existing residents and employees; and

WHEREAS, the Master Plan projects additional population growth in Leawood of approximately 10,000 persons (3,067

dwelling units) between 1985 and 2010 and additional non-residential development of 10 million square feet between 1985 and 2010; and

WHEREAS, such growth will cause a demand for an additional City park (50± acres) and extension and expansion of the greenway system between 1985 and 2010; and

WHEREAS, the vast majority of the projected growth is anticipated to occur in areas of the City not readily served by the existing City Park; and

WHEREAS, the need for an additional City Park and for extension and expansion of the greenway system is directly attributable to the projected growth in the City; and

WHEREAS, payment of an impact fee for park land and open space acquisition and improvements will equitably apportion the costs of such acquisition and improvements to the development producing the need for such park and and open space; and

WHEREAS, such additional development will benefit directly from such additional park land and open space; and

WHEREAS, calculation of such impact fee can best be determined and payment of such impact fee can best be monitored at the time of final platting for residential development and at the time of building permit issuance for non-residential development, notwithstanding that such fees are independent of and not conditions of building permit issuance or plat approval; and

WHEREAS, the park impact fees paid will be restricted in their use to the acquisition of land for and development of a City Park and/or greenway expansion serving such additional development; and

WHEREAS, an additional City Park and/or greenway expansion will be provided within a reasonable time from payment of impact fees; and

WHEREAS, the proposed Park Impact Fee Ordinance has been reviewed by the Recreation Commission of the City of Leawood, which Commission has recommended adoption of the proposed ordinance; and

WHEREAS, the Governing Body, after due consideration, deems

it to be in the best interest of the City to adopt a park impact fee requirement to promote and protect the health, safety and welfare of the residents and property owners in the City;

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

SECTION 1. That a new Article 4 shall be added to Chapter 12 of the Code of the City of Leawood, and shall provide as follows:

12-401. Short Title. Section 2. This Ordinance shall be known and cited as the "Leawood, Kansas Park Impact Fee Ordinance."

12-402. Purpose. Section 3. A park impact fee is hereby imposed on new development for the purpose of assuring that parkland and open space is available and adequate to meet the needs created by new development while maintaining current and proposed park and open space standards pursuant to the Leawood Master Plan. The park impact fee shall be imposed by the City on all new development and all fees collected shall be used solely and exclusively for the purpose of acquisition and development of park land and open space made necessary by and serving such new development.

12-403. Definitions. Section 4.

(a) Applicant: the property owner, or duly designated agent of the property owner, of land on which a building permit has been requested for non-residential development or on which final plat approval has been requested for residential development.

(b) Building: any enclosed structure designed or intended for the support, enclosure, shelter or protection of persons or property.

(c) Building Permit: the City permit required for new

building construction and/or additions to buildings pursuant to Chapter 4 of the Code of the City of Leawood. The term "building permit" as used herein shall not be deemed to include permits required for remodelling, rehabilitation or other improvements to an existing structure, or to the rebuilding of a damaged structure, or to permits required for accessory uses.

(d) City: the City of Leawood, Kansas.

(e) City Council: the City Council of Leawood, Kansas.

(f) Development: the construction, erection, reconstruction or use of any principal building or structure for non-residential use which requires issuance of a building permit.; and the final platting of land for residential uses.

(g) Director of Planning and Development: the enforcement official responsible for technical review of building and other construction plans, preliminary and final plats, issuance of building and land use permits, and enforcement of the various codes and ordinances relating to building and development in the City of Leawood.

(h) Dwelling: any building, or portion thereof, designed exclusively for residential occupancy and containing one or more dwelling units.

(i) Floor Area, Finished: the square foot area of all space within the outside line of exterior walls including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement or cellar.

(j) Governing Body: the legislative body of the City of Leawood, Kansas.

(k) Master Plan: the official, adopted comprehensive development plan for the City of Leawood, and amendments thereto.

(l) Non-Residential Development: all development other than residential development and public and quasi-public use, as herein defined.

(m) Open Space: land used or to be used as park or open space associated with the City greenway system, but not including floodplains and steep slopes for which compensating

density has been granted to the property owner by the City. Open space land includes the acquisition of such land, the construction of improvements thereon, and the expenditure of funds incidental thereto, including but not necessarily limited to planning, engineering and design work, utility relocation, provision of pedestrian and vehicular access thereto and purchase of equipment.

(n) Parkland: land used or to be used as a City Park, including both the acquisition of such land, the construction of improvements thereon and the expenditure of funds incidental thereto, including but not necessarily limited to planning, engineering and design of the park and improvements, utility relocation, provision of pedestrian and vehiclar access thereto and purchase of equipment.

(o) Property: a legally described parcel of land capable of development pursuant to applicable City ordinances and regulations.

(p) Property Owner: any person, group of persons, firm or firms, corporation or corporations, or any other entity having a proprietary interest in the land on which a building permit has been requested.

(q) Public and Quasi-Public Use: a development owned, operated or used by the City of Leawood, Kansas; any political subdivision of the State of Kansas, including but not limited to school districts; the State of Kansas, any any agencies or departments thereof; the Federal Government, and any agencies and departments thereof. For purposes of this Ordinance only, "places of worship" are hereby defined as quasi-public uses.

(r) Residential Development: the development of any property for a dwelling or dwellings as indicated by an application for final plat approval.

(s) Subdivision Regulations: Sections 17-101 through 17-506 inclusive, the Subdivision Regulations of the City of Leawood and including all duly adopted amendments thereto.

(t) Zoning Ordinance: Sections 15-101 through 15-3204 inclusive, the Zoning Ordinance of the City of Leawood and

including all duly adopted amendments thereto.

12-404. Applicability of Park Impact Fee. Section 5.

(a) This Ordinance shall be uniformly applicable to residential and non-residential development, but not public and quasi-public uses on property in the City of Leawood which is or will be served by and is accessible to Parkland and Open Space as herein defined.

(b) For purposes of this Ordinance, property is "served by" park land and open space land when such park or open space land is provided, pursuant to the City Master Plan and Capital Improvements Program, within five (5) years from the date of collection of park impact fees and such park or open space land is accessible to the development from which impact fees are collected.

(c) For purposes of this Ordinance, additional park and open space land provided south of I-435, but excluding additions to or expansions of the existing Leawood City Park, is "accessible" to and serves development in the City south of I-435. Additional park and open space land provided north of I-435, but including additions to or expansions of the existing Leawood City Park, is accessible to and serves development in the City north of I-435.

12-405. Imposition of Park Impact Fee. Section 6.

(a) A park impact fee shall be imposed on all residential and non-residential development in the City, except as provided in subsection (b) and Section 12-412, herein.

(b) The park impact fee shall not be imposed on any development for which an application for development approval had been received by the City on or before the date of publication of notice of public hearing by the City Council on this Ordinance (April 29, 1987). For purposes of this subsection only, an application for development approval shall mean and include any of the following: application for preliminary or final plat approval or replat pursuant to Section 17 of the City Code (the

Leawood Subdivision Regulations); application for rezoning, special use permit, variance or development plan approval pursuant to Section 15 of the City Code (the Leawood Zoning Ordinance); application for a building permit; and application for a certificate of occupancy.

(c) Imposition of the impact fee does not alter, negate, supercede or otherwise affect any other requirements of City, County, State or federal legislation or regulations that may be applicable to a development, including City zoning and/or subdivision regulations that may impose open space and park requirements and standards.

(d) Upon receipt of an application for a preliminary plat, the Director of Planning and Development shall preliminarily calculate the amount of the park impact fee by multiplying the applicable residential or non-residential impact fee rate by the number of dwelling units or floor area (in square feet) estimated for the proposed development for which subdivision approval is being sought. Such calculation shall be an estimate only for the benefit of the applicant for subdivision approval and shall be subject to final determination at such time as applicant requests a building permit or final plat approval.

12-406. Amount of Park Impact Fee. Section 7. The park impact fee shall be at the following rate:

Residential Development

$300.00 per dwelling unit

Non-Residential Development

$00.10 per square foot of Floor Area, finished.

12-407. Collection of Park Impact Fee. Section 8.

(a) The Director of Planning and Development shall be responsible for the processing and collection of the applicable impact fee.

(b) Applicants for building permits for non-residential development and applicants for final plat approval for residential development subject to this Ordinance must submit the

following information:

(1) the number of dwelling units for residential development;

(2) the finished floor area for non-residential development;

(3) both the number of dwelling units and the finished floor area for a mixed-use development; and

(4) relevant supporting documentation as may be required by the Director of Planning and Development.

(c) The Director of Planning and Development shall be responsible for determining that:

(1) the applicant has paid the park impact fee; or

(2) the applicant has been determined to be exempt pursuant to Section 12-412 ; or

(3) an appeal has been taken and a bond or other surety posted pursuant to Section 12-413.

(d) The Director of Planning and Development shall collect the applicable park impact fee prior to issuance of a Building Permit for non-residential development and prior to final plat approval for residential development.

12-408. Calculation of Park Impact Fee. Section 9. Upon receipt of an application for a building permit or final plat approval for development subject to this Ordinance, the Director of Planning and Development shall calculate the amount of the applicable park impact fee due in accordance with the following procedure:

(a) determination of the applicability of this ordinance to the subject property shall be made within three (3) working days of receipt of such application by the Director of Planning and Development;

(b) if this Ordinance is not applicable because (i) the subject property is not served by the proposed parkland and open space or (ii) the subject property is not accessible to such parkland and open space or (iii) the subject property is exempt pursuant to Section 12-412 herein, the Director of Planning and Development shall return the application with the inapplicability or exemption noted thereon;

(c) if this Ordinance is determined to be applicable, the Director of Planning and Development shall:

(1) for residential development, multiply the applicable park impact fee rate by the number of dwelling units for which final plat approval is being sought.

(2) for non-residential development, multiply the applicable park impact fee rate by the finished floor area (in square feet) of non-residential development for which the building permit is being sought.

(3) for mixed use developments, the park impact fee shall be separately calculated as set forth above for residential and non-residential development.

(4) The Director of Planning and Development shall calculate the amount of the park impact fee due pursuant to the building permit application or application for final plat approval as submitted and the requirements of this Ordinance in effect at the time of submission.

(5) A building permit application or application for final plat approval must be resubmitted to the Director of Planning and Development and the amount of the park impact fee recalculated if the applicant alters the proposed development by increasing the number of dwelling units or increasing the finished floor area of non-residential development.

(d) An applicant may file a petition for review with the City Administrator or his duly designated agent on forms provided by the City for the purpose of seeking administrative review of a decision by the Director of Planning and Development as to the applicability of the park impact fee ordinance or the exemption of the property, or the amount of the park impact fee due. Within one (1) month of the date of receipt of a petition for review, the City Administrator or his duly designated agent must provide the petitioner, in writing, with a decision on the request. The decision shall include the reasons for the decision.

12-409. Annual Review. Section 10.

(a) Prior to January 1, 1988 and every year thereafter, the City Administrator, or his duly designated agent, shall prepare a report to the Governing Body on park impact fees. In the preparation of such report, the City Administrator or his

duly designated agent shall review the following information:

(1) a statement from the City Treasurer summarizing park impact fees collected and disbursed during the year;

(2) a statement from the City Recreation Director summarizing parkland and open space acquisition and development and the status thereof for the preceding year;

(3) a statement from the Director of Planning and Development summarizing the type, location, timing and amount of development for which building permits were issued or final plat approval granted in the year and summarizing the administration and enforcement of the park impact fee.

(4) a statement and recommendation from the Recreation Commission on any and all aspects of the Park Impact Fee and City park and open space needs.

(b) The City Administrator's Report shall make recommendations, if appropriate, on amendments to the Ordinance; changes in the administration or enforcement of the Ordinance; changes in the park impact fee rate; and changes in the Master Plan.

(c) The park impact fee rate shall be reviewed annually. Based upon the City Administrator's Report and such other factors as the Governing Body deems relevant and applicable, the Governing Body may amend the Park Impact Fee Ordinance including, but not limited to an amendment of the impact fee rate. If the Governing Body fails to take such action, the park impact fee rate then in effect shall remain in effect. Nothing herein precludes the Governing Body or limits its discretion to amend the Park Impact Fee Ordinance at such other times as may be deemed necessary.

(d) In the annual review process, the Governing Body shall take into consideration the following factors: inflation as measured by changes in an appropriate land and construction cost index used by the City; improvement cost increases as measured by actual experience during the year; changes in the design, engineering, location, or other elements of proposed parkland and open space; revisions to the Master Plan; and changes in the anticipated land use mix and/or intensity in new development areas of the City.

12-410. Restrictions on Use of and Accounting for Park Impact Fee Funds. Section 11.

(a) The funds collected by reason of the establishment of the park impact fee must be used solely for the purpose of funding parkland and open space acquisition and development pursuant to the Master Plan or for reimbursement to the City for parkland and open space acquisition and development pursuant to the Master Plan.

(b) Upon receipt of park impact fees, the Director of Planning and Development shall transfer such funds to the City Treasurer who shall be responsible for the placement of such funds in a segregated, interest bearing account designated as the "Park Impact Fee Account." All funds placed in said account and all interest earned therefrom shall be utilized solely and exclusively for parkland and open space acquisition and development pursuant to the Master Plan. At the discretion of the Governing Body, other revenues as may be legally utilized for such purposes may be deposited to such account. The City Treasurer shall establish adequate financial and accounting controls to ensure that park impact fee funds disbursed from such accounts are utilized solely and exclusively for parkland and open space acquisition and development or for reimbursement to the City of advances made from other revenue sources to fund parkland and open space acquisition and development. Disbursement of funds from said accounts shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that funds shall be expended within a reasonable period of time, but not to exceed five (5) years from the date such funds are collected.

(c) The City Treasurer shall maintain and keep adequate financial records for said account which shall show the source and disbursement of all funds placed in or expended by such account.

(d) Interest earned by such account shall be credited to the account and shall be utilized solely for the purposes

specified for funds of the account.

(e) Impact fee funds collected shall not be used to maintain, repair or operate the existing park system, nor to finance park and recreational activities other than parkland and open space acquisition and development as herein defined.

(f) The City may issue and utilize general obligation bonds, revenue bonds, revenue certificates or other certificates of indebtedness as are within the authority of the City in such manner and subject to such limitations as may be provided by law in furtherance of the financing and provision of parkland and open space as set forth in the Master Plan. Funds pledged toward the retirement of such bonds or other certificates of indebtedness may include the park impact fees and other City (and non-City) funds and revenues as may be allocated by the Governing Body. Park impact fees paid pursuant to this Ordinance, however, shall be used solely and exclusively for parkland and open space acquisition and development as defined herein.

12-411, Refunds. Section 12.

(a) The current owner of property on which a park impact fee has been paid may apply for a refund of such fee if: (1) the City has failed to provide parkland or open space serving such property within five (5) years of the date of payment of the park impact fee; or (2) the building permit for non-residential development pursuant to which the park impact fee has been paid has lapsed for non-commencement of construction; or (3) the non-residential development for which a building permit has been issued has been altered resulting in a decrease in the amount of the park impact fee due; or (4) the final plat for a residential development pursuant to which an impact fee has been paid is vacated; or (5) a replat for fewer residential lots or dwelling units is submitted on property pursuant to which an impact fee had been paid prior to final plat approval.

(b) Only the current owner of property may petition for a refund. A petition for refund must be filed within one year of the event giving rise to the right to claim a refund.

(c) The petition for refund must be submitted to the City Administrator or his duly designated agent on a form provided by the City for such purpose. The petition must contain: a statement that petitioner is the current owner of the property; a copy of the dated receipt for payment of the park impact fee issued by the Director of Planning and Development; a certified copy of the latest recorded deed for the subject property; and a statement of the reasons for which a refund is sought.

(d) Within one month of the date of receipt of a petition for refund, the City Administrator or his duly designated agent must provide the petitioner, in writing, with a decision on the refund request. The decision must include the reasons for the decision. If a refund is due petitioner, the City Administrator or his duly designated agent shall notify the City Treasurer and request that a refund payment be made to petitioner.

(e) Petitioner may appeal the determination of the City Manager to the Governing Body.

12-412. Exemptions. Section 13.

(a) A property owner shall be exempt from the park impact fee otherwise due for proposed residential or non-residential development on the subject property if such property owner has:

(1) dedicated parkland or open space to the City without obtaining compensating density therefor and the City has accepted such dedication; or

(2) agreed, as a condition of preliminary or final plat approval or rezoning, to dedicate identified parkland or open space consistent with the City Master Plan without obtaining compensating density therefor and the property is actually developed pursuant to said zoning and plan approval.

(b) An exemption may only be given for building permit applications for non-residential development or final plat approval for residential development on the subject property for which dedication or agreement to dedicate has occurred.

(c) An applicant may apply for an exemption at the

time of application for a building permit or in conjunction with a final plat approval. The applicant shall file a petition for exemption with the City Administrator or his duly designated agent on a form provided by the City for such purpose. The petition shall contain: a statement by the property owner or a duly designated agent of the property owner certifying that petitioner is the current owner of the property; documentary evidence of the ownership of the property at the time of occurrence of the event giving rise to the claim for exemption; documentary evidence of dedication or agreement to dedicate including a legal description or plat of the affected property; a certified copy of the latest recorded deed for the subject property; and a statement of the reasons for which the exemption is being sought. Within one month of the date of receipt of a petition for exemption, the City Administrator or his duly designated agent must provide the petitioner, in writing, with a decision on the exemption request; provided, however, that a decision on a petition for exemption filed in conjunction with a final plat shall be made by the City Administrator concurrently with Planning Commission action on the final plat. The decision must include the reasons for the decision. Upon making the decision, the City Administrator or his duly designated agent shall notify the petitioner in writing. Petitioner may appeal the determination of the City Administrator to the Governing Body.

(d) An applicant may apply for an advance determination of exemption at any time by filing a petition for same with the City Administrator or his duly designated agent on a form provided by the City for such purpose. The petition shall contain the information required and shall be processed in accordance with the procedure set forth in Section 12-412(c) above.

12-413. Appeals. Section 14. After a determination by the Director of Planning and Development of the applicability of the park impact fee or the amount of the impact fee due or after a determination,

by the City Administrator of the amount of refund due, if any, or the determination of an exemption, an applicant or a property owner may appeal to the Governing Body. The appellant must file a Notice of Appeal with the Governing Body within thirty (30) days following the determination by the Director of Planning and Development or City Administrator. If the Notice of Appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the park impact fee due as calculated by the Director of Planning and Development, the application shall be processed. The filing of an appeal shall not stay the collection of the impact fee due unless a bond or other sufficient surety has been filed.

12-414. Effect of Park Impact Fee on Zoning and Subdivision Regulations. Section 15.

This ordinance shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

12-415. Park Impact Fee As Additional and Supplemental Requirement. Section 16.

The Park Impact Fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits. It is intended to be consistent with and to further the objectives and policies of the Master Plan and to be coordinated with other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate parkland and open space in conjunction with the development of land. In no event shall a property owner be obligated to pay for parkland and open space in an amount in excess of the amount calculated pursuant to this Ordinance; but, provided that a property owner may be

required, pursuant to City zoning and subdivision regulations to provide open lands, setbacks, buffers and other non-buildable areas on-site in addition to meeting the impact fee requirement.

12-416. Variances and Exceptions. Section 17. Petitions for variances and exceptions to the application of this Ordinance shall be made to the City Administrator in accordance with procedures to be established by Resolution of the Governing Body.

Section 18. Liberal Construction. The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

Section 19. Repealer. All ordinances, code sections or parts thereof in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 20. Severability. Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 21. Effective Date. This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 5/18/87 Second Reading: 5/18/87

ADOPTED by the Governing Body this 18th day of May, 1987.

SIGNED by the Mayor this 18th day of May, 1987.

Marcia Rinehart
MAYOR

ATTEST:

J. Alexander
City Clerk

(Seal)

APPROVED AS TO FORM AND LEGALITY:

City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 22nd day of, May 1987, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martasin

Subscribe and sworn to before me this 22nd day of May 1987

Marguerite E. Baker

NOTARY PUBLIC

MARGUERITE E. BAKER
JOHNSON COUNTY, KANSAS
My Appointment Expires 3-15-88
NOTARY PUBLIC STATE OF KANSAS

My Commission expires: 3-15-88
Printer's Fee $ 469.77
Additional copies $

First Published in the Johnson County Sun, Friday, May 22, 1987.

ORDINANCE NO. 985 C

AN ORDINANCE OF THE CITY OF LEAWOOD AMENDING THE CITY CODE BY ADDING THERETO A NEW ARTICLE 4 FOR CHAPTER XII, PUBLIC PROPERTY, PROVIDING FOR PAYMENT OF AN IMPACT FEE FOR PARK AND RECREATIONAL LAND AND IMPROVEMENTS AS A CONDITION OF DEVELOPMENT APPROVAL.

WHEREAS, the City of Leawood, Kansas is a legally constituted municipal corporation, under the provisions of the laws of the State of Kansas; and

WHEREAS, the City of Leawood, Kansas has been granted home rule power by virtue of the Kansas Constitution, Art. 12, § 5(b), by which the governing body may exercise such power as is not prohibited by the State; and

WHEREAS, the City of Leawood has established a Plan Commission pursuant to K.S.A. 12-701 **et seq.**; and

WHEREAS, the Plan Commission had adopted a Master Plan pursuant to K.S.A. § 12-704; and

WHEREAS, the Plan Commission has adopted and the Governing Body has approved and put into effect subdivision regulations pursuant to the authority granted by K.S.A. § 12-705 **et seq.**; and

WHEREAS, the Plan Commission has recommended and the Governing Body has adopted Zoning and Planned Unit Development Regulations pursuant to the authority granted by K.S.A. § 12-707 and 12-725 **et seq.**; and

WHEREAS, the Master Plan of the City of Leawood includes a Parks and Recreation element which indicates existing park and recreational facilities, the relationship between existing facilities and existing needs, projected future park and recreational needs based upon projected future development in Leawood, existing and future park standards, and mechanisms for meeting City park and recreation goals; and

WHEREAS, based upon adopted park and recreation standards, the City is presently satisfying the need of existing residents and employees; and

WHEREAS, the Master Plan projects additional population growth in Leawood of approximately 10,000 persons (3,067 dwelling units) between 1985 and 2010 and additional non-residential development of 10 million square feet between 1985 and 2010; and

WHEREAS, such growth will cause a demand for an additional City park (50+ acres) and extension and expansion of the greenway system between 1985 and 2010; and

WHEREAS, the vast majority of the projected growth is anticipated to occur in areas of the City not readily served by the existing City Park; and

WHEREAS, the need for an additional City Park and for extension and expansion of the greenway system is directly attributable to the projected growth in the City; and

WHEREAS, payment of an impact fee for park land and open space acquisition and improvements will equitably apportion the costs of such acquisition and improvements to the development producing the need for such park and open space; and

WHEREAS, such additional development will benefit directly from such additional park land and open space; and

WHEREAS, calculation of such impact fee can best be determined and payment of such impact fee can best be monitored at the time of final platting for residential development and at the time of building permit issuance for non-residential development, notwithstanding that such fees are independent of and not conditions of building permit issuance or plat approval; and

WHEREAS, the park impact fees paid will be restricted in their use to the acquisition of land for and development of a City Park and/or greenway expansion serving such additional development; and

WHEREAS, an additional City Park and/or greenway expansion will be provided within a reasonable time from payment of impact fees; and

WHEREAS, the proposed Park Impact Fee Ordinance has been reviewed by the Recreation Commission of the City of Leawood, which Commission has recommended adoption of the proposed ordinance; and

WHEREAS, the Governing Body, after due consideration, deems it to be in the best interest of the City to adopt a park impact fee requirement to promote and protect the health, safety and welfare of the residents and property owners in the City;

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

SECTION 1. That a new Article 4 shall be added to Chapter 12 of the Code of the City of Leawood, and shall provide as follows:

12-401. [redacted]rt Title. Section 2. This O[redacted]nce shall be known and cited as the "Leawood, Kansas Park Impact Fee Ordinance."

12-402. **Purpose.** Section 3. A park impact fee is hereby imposed on new development for the purpose of assuring that parkland and open space is available and adequate to meet the needs created by new development while maintaining current and proposed park and open space standards pursuant to the Leawood Master Plan. The park impact fee shall be imposed by the City on all new development and all fees collected shall be used solely and exclusively for the purpose of acquisition and development of park land and open space made necessary by and serving such new development.

12-403. **Definitions.** Section 4.

(a) **Applicant:** the property owner, or duly designated agent of the property owner, of land on which a building permit has been requested for non-residential development or on which final plat approval has been requested for residential development.

(b) **Building:** any enclosed structure designed or intended for the support, enclosure, shelter or protection of persons or property.

(c) **Building Permit:** the City permit required for new building construction and/or additions to buildings pursuant to Chapter 4 of the Code of the City of Leawood. The term "building permit" as used herein shall not be deemed to include permits required for remodelling, rehabilitation or other improvements to an existing structure, or to the rebuilding of a damaged structure, or to permits required for accessory uses.

(d) **City:** the City of Leawood, Kansas.

(e) **City Council:** the City Council of Leawood, Kansas.

(f) **Development:** the construction, erection, reconstruction or use of any principal building or structure for non-residential use which requires issuance of a building permit; and the final platting of land for residential uses.

(g) **Director of Planning and Development:** the enforcement official responsible for technical review of building and other construction plans, preliminary and final plats, issuance of building and land use permits, and enforcement of the various codes and ordinances relating to building and development in the City of Leawood.

(h) **Dwelling:** any building, or portion thereof, designed exclusively for residential occupancy and containing one or more dwelling units.

(i) **Floor Area, Finished:** the square foot area of all space within the outside line of exterior walls including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement or cellar.

(j) **Governing Body:** the legislative body of the City of Leawood, Kansas.

(k) **Master Plan:** the official, adopted comprehensive development plan for the City of Leawood, and amendments thereto.

(l) **Non-Residential Development:** all development other than residential development and public and quasi-public use, as herein defined.

(m) **Open Space:** land used or to be used as park or open space associated with the City greenway system, but not including floodplains and steep slopes for which compensating density has been granted to the property owner by the City. Open space land includes the acquisition of such land, the construction of improvements thereon, and the expenditure of funds incidental thereto, including but not necessarily limited to planning, engineering and design work, utility relocation, provision of pedestrian and vehicular access thereto and purchase of equipment.

(n) **Parkland:** land used or to be used as a City Park, including both the acquisition of such land, the construction of improvements thereon and the expenditure of funds incidental thereto, including but not necessarily limited to planning, engineering and design of the park and improvements, utility relocation, provision of pedestrian and vehicular access thereto and purchase of equipment.

(o) **Property:** a legally described parcel of land capable of development pursuant to applicable City ordinances and regulations.

(p) **Property Owner:** any person, group of persons, firm or firms, corporation or corporations, or any other entity having a proprietary interest in the land on which a building permit has been requested.

(q) **Public and Quasi-Public Use:** a development owned, operated or used by the City of Leawood, Kansas; any political subdivision of the State of Kansas, including but not limited to school districts; the State of Kansas, any agencies or departments thereof; the Federal government, and any agencies and departments thereof. For purposes of this Ordinance only, "places of worship" are hereby defined as quasi-public uses.

(r) **Residential Development:** the development of any property for a dwelling or dwellings as indicated by an application of final plat approval.

(s) **Subdivision Regulations:** Sections 17-101 through 17-506 inclusive, the Subdivision Regulations of the City of Leawood and including all duly adopted amendments thereto.

(t) **Zoning Ordinance:** Section 15-101 through 15-3204 inclusive, the Zoning Ordinance of the City of Leawood and including all duly adopted amendments thereto.

12-404. **Applicability of Park Impact Fee.** Section 5.

(a) This Ordinance shall be uniformly applicable to residential and non-residential development, but not public and quasi-public uses on property in the City of Leawood which is or will be served by and is accessible to Parkland and Open Space as herein defined.

(b) For purposes of this Ordinance, property is "served by" park land and open space land when such park or open space land is provided, pursuant to the City Master Plan and Capital Improvements Program, within five (5) years from the date of collection of park impact fees and such park or open space land is accessible to the development from which impact fees are collected.

(c) For purposes of this Ordinance, additional park and open space land provided south of I-435, but excluding additions to or expansions of the existing Leawood City Park, is "accessible" to and serves development in the City south of I-435. Additional park and open space land provided north of I-435, but including additions to or expansions of the existing Leawood City Park, is accessible to and serves development in the City north of I-435.

12-405. **Imposition of Park Impact Fee.** Section 6.

(a) A park impact fee shall be imposed on all residential and non-residential development in the City, except as provided in subsection (b) and Section 12-412, herein.

(b) The park impact fee shall not be imposed on any development for wihch an application for development approval had been received by the City on or before the date of publication of notice of public hearing by the City Council in this ordinance (April 29, 1987). For purposes of this subsection only, an application or development approval shall mean and include any of the following: application for preliminary or final plat approval or replat pursuant to Section 17 of the City Code (the Leawood Subdivision Regulations); application for rezoning, special use permit, variance or development plan approval pursuant to Section 15 of the City Code (the Leawood Zoning Ordinance); application for a building permit; and application for a certificate of occupancy.

(c) Imposition of the impact fee does not alter, negate, supercede or otherwise affect any other requirements of City, County, State or federal legislation or regulations that may be applicable to a development including City zoning and/or subdivision regulations that may impose open space and park requirements and standards.

(d) Upon receipt of an application for a preliminary plat, the Director of Planning and Development shall preliminarily calculate the amount of the park impact fee by multiplying the applicable residential or non-residential impact fee rate by the number of dwelling units or floor area (in square feet) estimated for the proposed development for which subdivision approval is being sought. Such calculation shall be an estimate only for the benefit of the application for subdivision approval and shall be subject to final determination at such time as applicant requests a building permit or final plat approval.

12-406. **Amount of Park Impact Fee.** Section 7. The park impact fee shall be at the following rate:

Residential Development
$300.00 per dwelling unit

Non-Residential Development
$00.10 per square foot of Floor Area, finished.

12-407. **Collection of Park Impact Fee.** Section 8.

(a) The Director of Planning and Development shall be responsible for the processing and collection of the applicable impact fee.

(b) Applicants for building permits for non-residential development and applicants for final plat approval for residential development subject to this Ordinance must submit the following information:

(1) the number of dwelling units for residential development;

(2) the finished floor area for non-residential development;

(3) both the number of dwelling units and the finished floor area for a mixed-use development; and

(4) relevant supporting documentation as may be required by the Director of Planning and Development.

(c) The Director of Planning and Development shall be responsible for determining that:

(1) the applicant has paid the park impact fee; or

(2) the applicant has been determined to be exempt pursuant to Section 12-412; or

(3) an appeal has been taken and a bond or other surety posted pursuant to Section 12-413.

(d) The Director of Planning and Development shall collect the applicable park impact fee prior to issuance of a Building Permit for non-residential development and prior to final plat approval for residential development.

12-408. **Calculation of Park Impact Fee.** Section 9. Upon receipt of an application for a building permit or final plat approval for development subject to this Ordinance, the Director of Planning and Development shall calculate the amount of the applicable park impact fee due in accordance with the following procedure;

(a) determination of the applicability of this ordinance to the subject property shall be made within three (3) working days of receipt of such application by the Director of Planning and Development;

(b) if this Ordinance is not applicable (because (i) the subject property is not served by the proposed parkland and open space or (ii) the subject property is not accessible to such parkland and open space or (iii) the subject property is exempt pursuant to Section 12-412 herein, the Director of Planning and Development shall return the application with the inapplicability or exemption noted thereon;

(c) if this Ordinance is determined to be applicable, the Director of Planning and Development shall:

(1) for residential development, multiply the applicable park impact fee rate by the number of dwelling units for which final plat approval is being sought.

(2) for non-residential development, multiply the applicable park impact fee rate by the finished floor area (in square feet) of non-residential development for which the building permit is being sought.

(3) for mixed use developments, the park impact fee shall be separately calcuated as set forth above for residential and non-residential development.

(4) The Director of Planning and Development shall calculate the amount of the park impact fee due pursuant to the building permit application or application for final plat approval as submitted and the requirements of this Ordinance in effect at the time of submission.

(5) A building permit application or application for final plat approval must be resubmitted to the Director of Planning and Development and the amount of the park impact fee recalculated if the applicant alters the proposed development by increasing the number of dwelling units or increasing the finished floor area of non-residential development.

(d) An applicant may file a petition for review with the City Administrator or his duly designated agent on forms provided by the City for the purpose of seeking administrative review of a decision by the Director of Planinng and Development as to the applicability of the park impact fee ordinance or the exemption of the property, or the amount of the park impact fee due. Within one (1) month of the date of receipt of a petition for review, the City Administrator or his duly designaged agent must provide the petitioner, in writing, with a decision on the request. The decision shall include the reasons for the decision.

12-409. **Annual Review.** Section 10.

(a) Prior to January 1, 1988 and every year thereafter, the City Administrator, or his duly designated agent, shall prepare a report to the Governing Body on park impact fees. In the preparation of such report, the City Administrator or his duly designated agent shall review the following infomation:

(1) a statement from the City Treasurer summarizing park impact fees collected and disbursed during the year;

(2) a statement from the City Recreation Director summarizing parkland and open space acquisition and development and the status thereof for the preceding year;

(3) a statement from the Director of Planning and Development summarizing the type, location, timing and amount of development for which building permits were issued or final plat approval granted in the year and summarizing the administration and enforcement of the park impact fee.

(4) a statement and recommendation from the Recreation Commission on any and all aspects of the Park Impact Fee and City park and open space needs.

(b) The City Administrator's Report shall make recommendations, if appropriate, on amendments to the Ordinance; changes in the administration or enforcement of the Ordinance; changes in the park impact fee rate; and changes in the Master Plan.

(c) The park impact fee rate shall be reviewed annually. Based upon the City Administrator's Report and such other factors as the Governing Body deems relevant and applicable, the Governing Body may amend the Park Impact Fee Ordinance, including, but not limited to an amendment of the impact fee rate. If the Governing Body fails to take such action, the park impact fee rate then in effect shall remain in effect. Nothing herein precludes the Governing Body or limits its discretion to amend the Park Impact Fee Ordinance at such other times as may be deemed necessary.

(d) In the annual review process, the Governing Body shall take into consideration the following factors: inflation as measured by changes in an appropriate land and construction cost index used by the City; improvement cost increases as measured by actual experience during the year; changes in the design, engineering, location, or other elements of proposed parkland and open space; revisions to the Master Plan; and changes in the anticipated land use mix and/or intensity in new development areas of the City.

12-410. **Restrictions on Use of and Accounting for Park Impact Fee Fund.** Section 11.

(a) The funds collected by reason of the establishment of the park impact fee must be used solely for the purpose of funding parkland and open space acquisition and development pursuant to the Master Plan or for reimbursement to the City for parkland and open space acquisition and development pursuant to the Master Plan.

(b) Upon receipt of park impact fees, the Director of Planning and Development shall transfer such funds to the City Treasurer who shall be responsible for the placement of such funds in a segregated, interest bearing account designated as the "Park Impact Fee Account." All funds placed in said account and all interest earned therefrom shall be utilized solely and exclusively for parkland and open space acquisition and development pursuant to the Master Plan. At the discretion of the Governing Body, other revenues as may be legally utilized for such purposes may be deposited to such account. The City Treasurer shall establish adequate financial and accounting controls to ensure that park impact fee funds disbursed from such accounts are utilized solely and exlusively for parkland and open space acquisition and development or for reimbursement to the City of advances made from other revenue sources to fund parkland and open space acquisition and development. Disbursement of funds from said accounts shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that funds shall be expended within a reasonable period of time, but not to exceed five (5) years from the date such funds are collected.

(c) The City Treasurer shall maintain and keep adequate financial records for said account which shall show the source and disbursement of all funds placed in or expended by such account.

(d) Interest earned by such account shall be credited to the account and shall be utilized solely for the purposes specified for funds of the account.

(e) Impact fee funds collected shall not be used to maintian, repair or operate the existing park system, nor to finance park and recreational activities other than parkland and open space acquisition and development as herein defined.

(f) The City may issue and utilize general obligation bonds, revenue bonds, revenue certificates or other certificates of indebtedness as are within the authority of the City in such manner and subject to such limitations as may be provided by law in furtherance of the financing and provision of parkland and open space as set forth in the Master Plan. Funds pledged toward the retirement of such bonds or other certificates of indebtedness may include the park impact fees and other City (and non-City) funds and revenues as may be allocated by the Governing Body. Park impact fees paid pursuant to this Ordinance, however, shall be used solely and exclusively for parkland and open space acquisition and development as defined herein.

12-411. **Refunds.** Section 12.

(a) the current owner of property on which a park impact fee has been paid may apply for a refund of such fee if: (1) the City has failed to provide parkland or open space serving such property within five (5) years of the date of payment of the park impact fee; or (2) the building permit for non-residential development pursuant to which the park impact fee has been paid has lapsed for non-commencement of construction; or (3) the non-residential development for which a buiilding permit has been issued had been altered resulting in a decrease in the amount of the park impact fee due; or (4) the final plat for a residential development pursuant to which an impact fee has been paid is vacated; or (5) a replat for fewer residential lots or dwelling units is submitted on property pursuant to which an impact fee has been paid prior to final plat approval.

(b) Only the current owner of property may petition for a refund. A petition for refund must be filed within one year of the event giving rise to the right to claim a refund.

(c) The petition for refund must be submitted to the City Administrator or his duly designated agent on a form provided by the City for such purpose. The petition must contain: a statement that petitioner is the current owner of the property; a copy of the dated receipt for payment of the park impact fee issued by the Director of Planning and Development; a certified copy of the latest recorded deed for the subject property; and a statement of the reasons for which a refund is sought.

(d) Within one month of the date of receipt of a petition for refund, the City Administrator or his duly designated agent must provide the petitioner, in writing, with a decision on the refund request. The decision must include the reasons for the decision. If a refund is due petitioner, the City Administrator or his duly designated agent shall notify the City Treasurer and request that a refund payment be made to petitioner.

(e) Petitioner may appeal the determination of the City Manager to the Governing Body.

12-412. **Exemptions.** Section 13.

(a) A property owner shall be exempt from the park impact fee otherwise due for proposed residential or non-residential development on the subject property if such property owner has:

(1) dedicated parkland or open space to the City without obtaining compensating density therefor and the City has accepted such dedication; or

(2) agreed, as a condition of preliminary or final plat approval or rezoning, to dedicate identified parkland or open space consistent with the City Master Plan without obtaining compensating density therefor and the property is actually developed pursuant to said zoning and plan approval.

(b) An exemption may only be given for building permit applications for non-residential development or final plat approval for residential development on the subject property for which dedication or agreement to dedicate has occurred.

(c) An applicant may apply for an exemption at the time of application for a building permit or in conjunction with a final plat approval. The applicant shall file a petition for exemption with the City Administrator or his duly designated agent on a form provided by the City for such purpose. The petition shall contain: a statement by the property owner or a duly designated agent of the property owner certifying that petitioner is the current owner of the property; documentary evidence of the ownership of the property at the time of occurrence of the event giving rise to the claim for exemption; documentary evidence of dedication or agreement to dedicate including a legal description or plat of the affected property; a certified copy of the latest recorded deed for the subject property; and a statement of the reasons for which the exemption is being sought. Within one month of the date of receipt of a petition for exemption, the City Administrator or his duly designated agent must provide the petitioner, in writing, with a decision on the exemption request; provided, however, that a decision on a petition for exemption filed in conjunction with a final plat shall be made by the City Administrator concurrently with Planning Commission action on the final plat. The decision must include the reasons for the decision. Upon making the decision, the City Administrator or his duly designated agent shall notify the petitioner in writing. Petitioner may appeal the determination of the City Administrator to the Governing Body.

(d) An applicant may apply for an advance determination of exemption at any time by filing a petition for same with the City Administrator or his duly designated agent on a form provided by the City for such purpose. The petition shall contain the information required and shall be processed in accordance with the procedure set forth in Section 12-412(c) above.

12-413. **Appeals.** Section 14. After a determination by the Director of Planning and Development of the applicability of the park impact fee or the amount of the impact fee due or after a determination by the City Administrator of the amount of refund due, if any, or the determination of an exemption, an applicant or a property owner may appeal to the Governing Body. The appellant must file a Notice of Appeal with the Governing Body within thirty (30) days following the determination by the Director of Planning and Development or City Administrator. If the Notice of Appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the park impact fee due as calculated by the Director of Planning and Development the application shall be processed. The filing of an appeal shall not stay the collection of the impact fee due unless a bond or other sufficient surety has been filed.

12-414. **Effect of Park Impact Fee on Zoning and Subdivision Regulations.** Section 15.

This ordinance shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

12-415. **Park Impact Fee As Additional and Supplemental Requirement.** Section 16.

The Park Impact Fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits. It is intended to be consistent with and to further the objectives and policies of the Master Plan and to be coordinated with other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate parkland and open space in conjunction with the development of land. In no event shall property owner be obligated to pay for parkland and open space in an amount in excess of, the amount calculated pursuant to this Ordinance; but, provided that a property owner may be required, pursuant to City zoning and subdivision regulations to provide open lands, setbacks, buffers and other non-buildable areas on-site in addition to meeting the impact fee requirement.

12-416. **Variances and Exceptions.** Section 17. Petitions for variances and exceptions to the application of this Ordinance shall be made to the City Administrator in accordance with procedures to be established by Resolution of the Governing Body.

Section 18. **Liberal Construction.** The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

Section 19. **Repealer.** All ordinances, code sections or parts thereof in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 20. **Severability.** Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 21. **Effective Date.** This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 5/18/87 Second Reading: 5/18/87

ADOPTED by the Governing Body this 18th day of May, 1987.

SIGNED by the Mayor this 18th day of May, 1987.

(s) Marcia Rinehart
MAYOR

ATTEST:
(s) J. Oberlander
City Clerk
(Seal)

APPROVED AS TO FORM AND LEGALITY:
(s) R.S. Wetzler
City Attorney

(2055 1F)

ORDINANCE NO. 984

AN ORDINANCE RELATING TO SIGNS; AMENDING THE "ZONING ORDINANCE" OF THE CITY OF LEAWOOD, KANSAS; REPEAL OF SECTIONS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTIONS. Section 1. Sections 15-2501 and 15-2502 (Article 25) of the "Zoning Ordinance" of April 17, 1978, adopted by reference by the "Code of the City of Leawood, 1984" (Sec. 16-201), are hereby repealed and the following enacted in lieu thereof:

15-2501. Intent of Chapter. Section 2.

To regulate and control all signs, both temporary and permanent, in the City of Leawood. The goal of the Ordinance is to limit visual clutter and reach a level of aesthetic quality by reducing disharmony in signage. It is further proposed to establish a sign identity for Leawood by limiting the size, type, location and materials of which signs may be constructed. This Ordinance is to protect the property values in the city by enhancing the physical appearance of the City. This Ordinance is to provide minimum standards to safeguard life, health, and property by regulating and controlling the size, height, design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structure, and to authorize the use of signs which are compatible with their surroundings.

15-2502. Definitions. Section 3.

(1) Address Sign : Any sign or set of numerals or letters which denotes a building's location with respect to streets or to those buildings around it.

(2) Attention-Attracting Device : Any device such as flashing, blinking, rotating or moving action, flag, representation of animal or human forms or balloons designed or intended to attract the attention of the public to an establishment or to a sign.

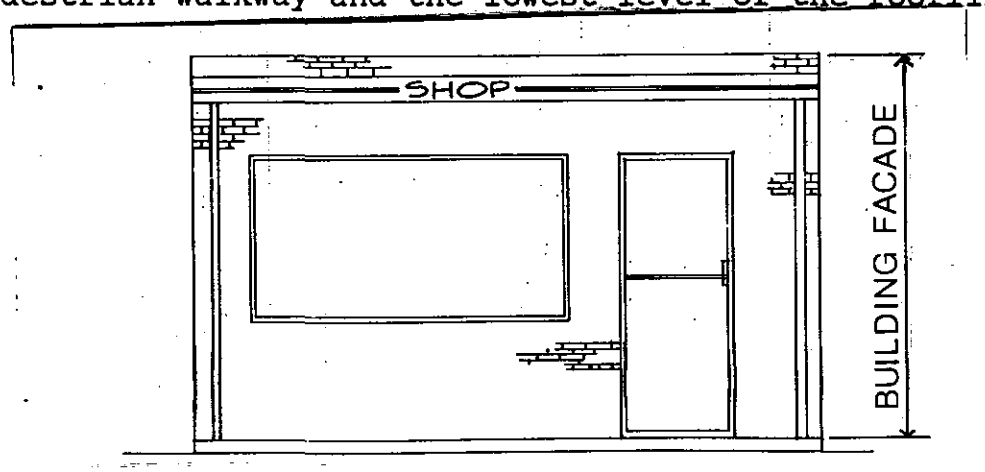
(3) Banners : Any sign that is temporary and is made of cloth, paper, canvas or other flexible material.

(4) Billboard : An outdoor advertising structure which advertises a product or service or relays a message to the public.

(5) Builder Sign : Any temporary sign located upon a

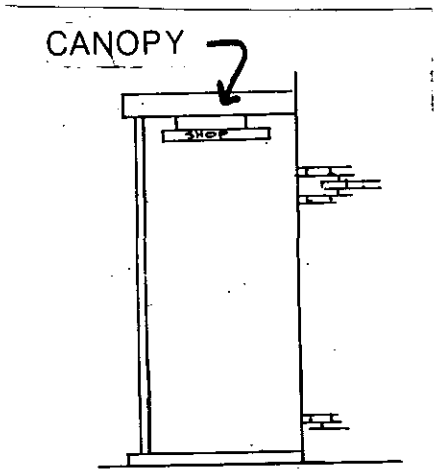
lot where a structure is under construction and which contains information identifying the builder of the structure. An individual structure shall be deemed to be under construction for the purposes of this definition from the date that ground is broken for purposes of commencing actual construction until the date that a certificate of occupancy has been issued by the city.

(6) Building Facade : The exterior of a building which is the architectural front lying between the ground level of a pedestrian walkway and the lowest level of the roofline.

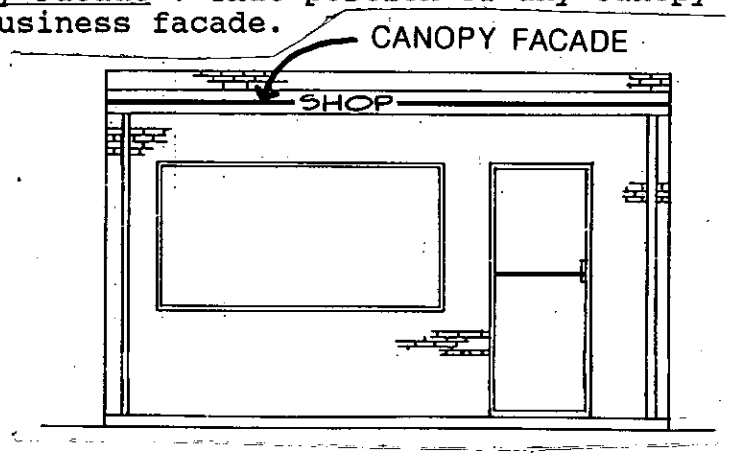


(7) Business Facade : The architectural front of a building, relating to a particular business, lying between the ground level of the pedestrian walkway and the lowest level of the roofline.

(8) Canopy : That portion of a building covering an entrance, exit, pedestrian walkway or loading dock.



(9) Canopy Facade : That portion of any canopy which is parallel to a business facade.



(10) Charitable or Fund Raising Signs : Any sign which advertises a business and/or nonprofit organization for purposes of raising funds or for charity.

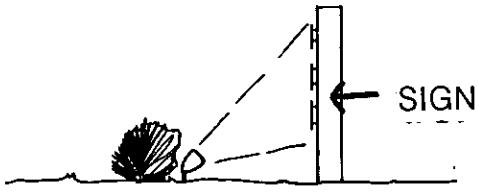
(11) Code Official : As used herein shall be that person or persons as provided for in Section PM-103.1 of the Property Maintenance Code of the City of Leawood.

(12) Complex : A grouping of 2 or more buildings with 2 or more tenants developed in a related manner.

(13) Detached Sign : Any sign located on the ground or on a structure or support located on the ground and not attached to any building.

(14) Developer Sign : Any temporary sign which does not exceed eight feet in exterior dimensions, and which is placed upon property located within a project or subdivision which is under construction and which attempts to convey truthful commercial information regarding the project subdivision which is under construction.

(15) Directly Illuminated Sign : Any sign whose source of illumination is exposed to the human eye; such as, but not limited to, neon tube, incandescent bulb and fluorescent tube.



DIRECTLY ILLUMINATED SIGN

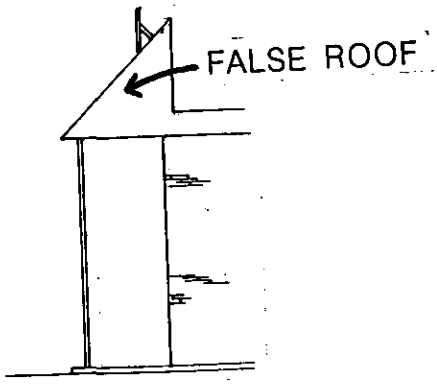
(16) Directory Sign : Any structure summarizing businesses within a center and identifying business locations.

(17) Erect : To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

(18) Facade : The exterior face of a building which is the architectural front sometimes distinguished from the other faces by elaboration of architectural or ornamental detail.

(19) Facing or Surface : The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

(20) False Roof : That portion of a building which is constructed other than perpendicular to the ground level or with roofing material such as shingles usually on the facade of a building to resemble a roof.



(21) Flags : Any decorative ornament that is attached at 1 end only and is intended to use the wind for motion to attract the public's attention.

(22) Flashing Sign : Any sign which is internally or externally illuminated by flashing, flowing, alternating or blinking lights, including digital time and temperature devices.

(23) Free-Standing Structure : Any building or structure that is not connected to or joined with any other building or structure.

(24) Garage Sale Sign : A sign placed upon a residential lot within the city which attempts to convey information regarding the occurrence of a sale upon residential property of household items, which sale is conducted by a resident of the

dwelling where the sale is held.

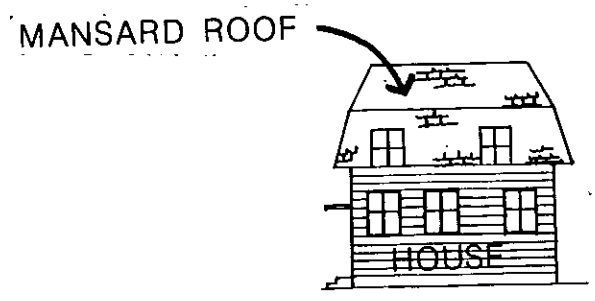
(25) Gas Service Station : Any place of business that sells gasoline to the public including convenience stores that sell gasoline in addition to other merchandise.

(26) Identification Sign : A monument sign identifying a project of distinct character that was planned as an integrated unit or complex on property under unified control or ownership at the time zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval shall not exempt the project or any portion of that site from complying with the regulations contained.

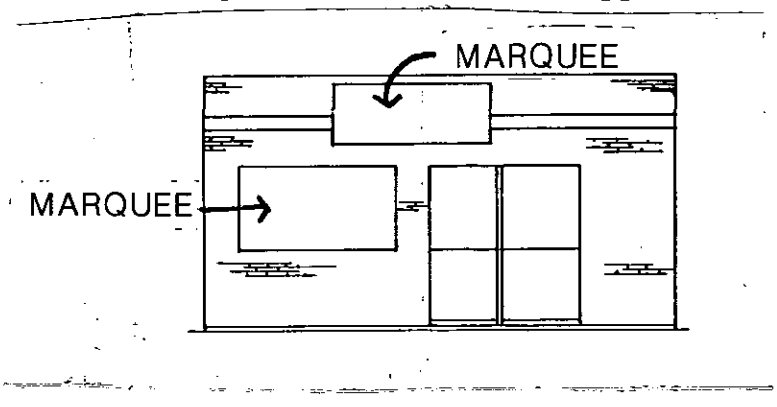
(27) Improved Land : Land that has been developed or that has existing usable structures.

(28) Indirectly Illuminated Sign : Any sign which is partially or completely illuminated at any time by a light source which is shielded so as not to be visible at eye level.

(29) Mansard Roof : A roof with 2 slopes on each of the 4 sides of a structure, the lower slope being steeper than the upper slope.

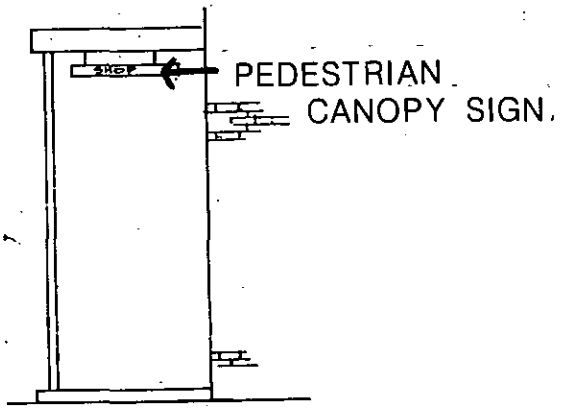


(30) Marquee : Any sign attached flat against or under the canopy of a building, but not on the upper surface of a canopy.

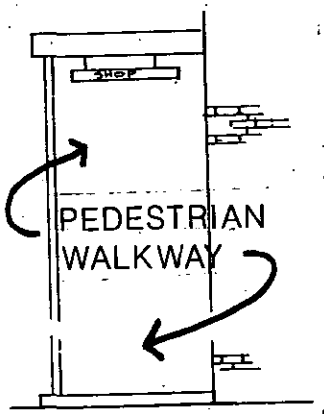


(31) Monument Sign : A freestanding sign having a generally low-profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials which repeat or harmonize with the architecture of the establishment it serves.

(32) Pedestrian Canopy Sign : A non-illuminated or semi-illuminated sign that occurs in shopping centers. It is placed under the canopy at right angles to the facade of the building. Its sole purpose is to communicate to pedestrian traffic walking along the walkway in front of the building and under the canopy the name of the tenant occupying the lease space.



(33) Pedestrian Walkway : Any sidewalk, designated crosswalk or other area designed for pedestrian traffic whether open and exposed or enclosed.



(34) Permanent Sign : Any wall or monument sign or other sign which is intended to remain displayed in perpetuity.

(35) Person : Shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

(36) Political Campaign Sign : Any sign or banner advertising a political party, belief or candidate.

(37) Poster Panel, Junior Panel or Painted Bulletin : An outdoor advertising sign which normally depicts information not directly related to the property on which it is located.

(38) Projecting Sign : Any sign extending more than 1 foot from the face of the building to which it is attached.

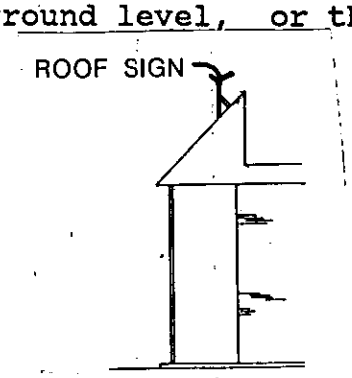
(39) Public Right-of-way : A strip of land used for or intended to be used for street, utility, pedestrians or other public purposes, the fee of which is vested in a governmental body.

(40) Real Estate "For Sale" Sign : A sign placed in or upon a lot within the City of Leawood, the content of which attempts to convey truthful, commercial information that would lead a reasonable person to believe that an individual residence or lot is for sale.

(41) Real Estate "For Lease/Rent" Sign : Any sign offering the rent or lease of any land or building.

(42) Roof : The cover of a building including the roofing and all other material and construction (such as supporting members) necessary to carry and maintain it on the walls or uprights.

(43) Roof Sign : Any sign constructed and maintained partially or wholly upon or over the roof eve of a building, the eve of a canopy, if the canopy front is not perpendicular to the ground level, or the eve of a false roof.



(44) Rotating Sign : Any sign surface or sign structure or any portion which rotates, moves, or is animated.

(45) Semi-Illuminated Sign : Any sign illuminated by diffused light through a translucent material so that the light source is not directly discernible.

(46) Service Station : Any place of business that sells gasoline to the public including convenience stores that sell gasoline in addition to other merchandise.

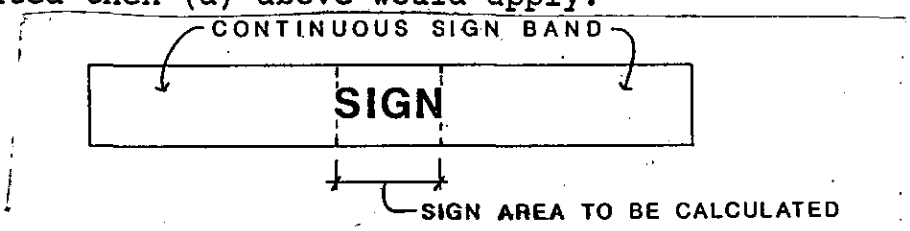
(47) Sign : Any announcement, attracting device, declaration, demonstration, display, illustration or insignia used to advertise or promote any business, product, activity, service or interest of any person when the same is placed out of doors in view of the general public.

(48) Sign Alteration : The replacement, enlargement, reduction, reshaping or addition to a sign, frame, pole or bracket supporting the sign.

(49) Sign Area Calculation :

(a) Individual Sign: The entire area within a single continous perimeter enclosing all elements of the sign which form an integral part of the display including the perimeter border.

(b) Sign Band: The area within a rectangle surrounding the actual message (see diagram) and not including the entire sign band unless illuminated. If the sign band is illuminated then (a) above would apply.



(50) Sign Development Standards : A set of standards required by the City for development in zoning districts CP-O, CP-1, CP-2, BP, SDD or MP-1 setting forth sign criteria, standards and maintenance for permanent signage within developments. These standards may be changed by submitting them to the Plan Commission for consideration and approval.

(51) Sign Maintenance: The normal care and minor repair that is necessary to retain a safe, attractive and finished structure, frame pole, brackets or surface. Repainting or repairing copy or logo shall be considered maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.

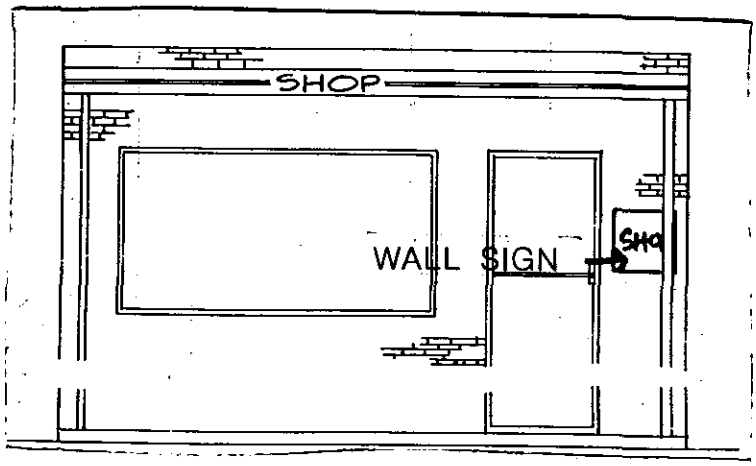
(52) Sign Structure : The supports, uprights, braces and framework of a sign.

(53) Temporary Sign : Any sign which is not a permanent sign.

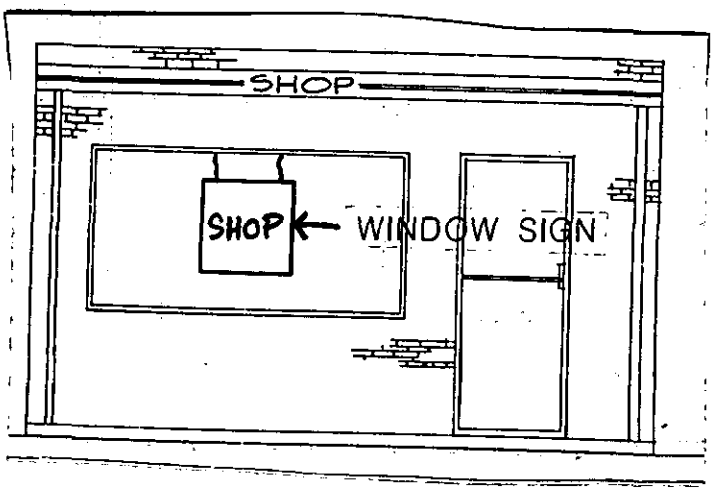
(54) Time and/or Temperature Instrument : A sign displaying only time and/or temperature information with no additional advertising or comments other than the name of the company that owns the sign.

(55) Unimproved Land : Land which is not currently built upon or under development.

(56) Wall Sign : Any vertical sign attached flat against the surface of a wall, facade (other than false roof facade), or canopy of a building but not projecting horizontally from the vertical surface more than 12 inches or above the vertical surface.



(57) Window Sign : Any permanent sign which is displayed in, attached to or applied to the exterior or interior of any transparent glass or acrylic plastic surface that could be considered a window.



15-2503. Administration. Section 4.

1. The Director of Planning and Development or his designated appointee shall be the enforcing officer of this section and have the responsibility for its administration.

2. Permits Required. It shall be unlawful for any person to construct, alter, relocate or convert any sign or other advertising structure as defined in this section, without first obtaining a sign permit from the Planning and Development Department and payment of the fee required. Applications for sign permits shall be made upon the forms provided by the Planning and Development Department and shall be accompanied by 2 sets of plans drawn to scale indicating the sign location on a site plan, sign size, method of illumination, colors, materials of the sign and method of attachment. There shall also be adequate proof of the compatibility of the aesthetics with surrounding buildings and signage. This is to be evidenced by showing the proposed sign's relationship to the building and adjacent structures.

The applicant shall submit any other information required by the Director of Planning and Development, this section, the Zoning Ordinance, the City building code and all other applicable codes and ordinances. Permits shall not be required for replacing or altering changeable copy on theatre marquees, bulletin boards and similar signs. Neither shall permits be required for real estate "for sale; rent/lease" signs no larger than 5 square feet or political campaign signs.

3. Permit Fees. Every applicant, before being granted a permit, shall pay a fee as established by ordinance. Any sign that is erected without a permit shall pay a fee double the established fee.

4. Removal of Sign.

Unsafe Signs: If the Director of Planning and Development shall find that any sign or other advertising structure regulated is unsafe, insecure, a menace to the public, he may give either written or oral notice to the permittee. If the aforementioned sign was installed without a permit, the owner of the property shall be notified. If the permittee or owner fails to remove or alter the structure so as to comply with the standards set forth within 48 hours after such notice, such sign or advertising structure may be removed or altered to comply by the Director of Planning and Development at the expense of the permittee or owner of the property on which it is located.

Unlawful Signs: If the Director of Planning and Development shall find that any sign or other regulated advertising structure has been constructed or is being maintained in violation of the provisions of this ordinance, he may give written notice to the permittee. If the aforementioned sign was installed without a permit, the owner of the property shall be notified. If the owner or permittee desires to appeal the decision of the Director of Planning and Development he may appeal to the Board of Zoning Appeals. See Article 30 pertaining to procedures of the Board of Zoning Appeals.

15-2504. Exemptions From Ordinance. Section 5.

1. Any sign erected by the City, County, State or Federal government.

2. Any sign necessary for public safety erected by utility companies within their respective easements.

3. Any sign specifically required by the Building Codes, Zoning Ordinances or Subdivision Regulations of the City of Leawood.

4. Maintenance of signs shall not require a permit.

15-2505. General Standards For Signs In Zoning Districts A; AR-1; AR-2; RP-1; RP-2; RP-3; RP-4; RP-5 & RP-6. Section 6.
SEE RESIDENTIAL SIGN ORDINANCE

15-2506. Permanent Signs Permitted In Residential Zoning Districts A to RP-6. Section 7.

1. District A

A) Each business or commercial establishment allowed by special use permit, permitted use or legal nonconforming use shall be permitted one monument and one wall or canopy sign. The wall or canopy sign shall not exceed 5% of the building facade. One indirectly-illuminated or non-illuminated monument sign with a maximum size of 50 square feet per sign face, not to exceed 6 feet in height, said sign may be double faced.

2. District AR-1

A) Each business or commercial establishment allowed by special use permit, permitted use or legal nonconforming use shall be permitted one monument and one wall or canopy sign. The wall or canopy sign shall not exceed 5% of

the building facade. One indirectly-illuminated or non-illuminated monument sign with a maximum size of 50 square feet per sign face, not to exceed 6 feet in height, said sign may be double faced.

B) Not more than 2 monument signs shall be permitted at major subdivision entrances from an arterial or collector street.

3. Districts AR-2 to RP-6

A) Public and semi-public uses permitted after review of preliminary plans and recommendation by the City Plan Commission and approval of the City Council will be allowed signage as approved by the Plan Commission and Council as part of the preliminary site plan. Each use shall be permitted one monument sign and one wall or canopy sign. The wall or canopy sign shall not exceed 5% of the building facade. One indirectly-illuminated or non-illuminated monument sign with a maximum size of 50 square feet per sign face, not to exceed 6 feet in height, said sign may be double faced.

4. In planned residential districts, plans and specifications for identification or monument signs shall be prepared by a graphic designer, artist, architect or other professional, knowledgeable with sign design and submitted to the Plan Commission for approval at the time that final development plans are submitted. The Plan Commission shall review plans to insure compliance with City sign standards regarding size, color, location, materials and to assure harmony and the visual quality of the sign with the development and the neighborhood.

5. No sign shall be located within the clear sight triangle of an intersection.

15-2507. General Standards For Signs In Zoning Districts CP-0; CP-1; CP-2; BP; MP-1 and SDD. Section 8.

1. Signs shall maintain a minimum setback of 15 feet from any edge of street pavement or back of curb and in no case shall a private sign be permitted within a public right-of-way.

2. Illuminated signs shall be either indirectly or semi-illuminated where the source of illumination cannot be detected by the human eye. Exposed incandescent bulbs and exposed fluorescent tubes are not permitted.

3. All signs shall be of sound structural quality, be

maintained in good repair, have a clean and neat appearance and land adjacent shall be kept free from debris, weeds and trash. If signs are not being maintained as described and the Director of Planning and Development deems them a public safety hazard or nuisance, such signs shall be removed.

4. All signs as permitted as described in this Chapter shall be constructed and installed in accordance with the Building Code.

5. Any person that desires to erect a sign for which a permit is required shall submit an application upon a form to be provided by the Director of Planning and Development.

6. No sign that requires a permit shall be constructed, installed or set in place until a sign permit has been issued by the City. All signs installed shall have a label permanently affixed to the lower right hand corner of the sign face, clearly visible at all times, indicating the number of the permit issued and its expiration date.

7. Permits shall be issued only if the sign permit application is complete and in order.

8. Equipment repair or private contractor advertisement signs shall not be allowed on lots or tracts where a building is already constructed.

9. No sign shall be located within the clear sight triangle of an intersection.

10. Each day a violation exists shall constitute a new violation.

11. Real Estate "For Sale" signs shall be removed within 24 hours of the sale of the property or building.

12. Real Estate "For Sale" signs may be combined with a Builder's Sign.

13. Developer Signs shall not be larger than 8' x 8' x 1' and may be double sided.

14. Builder Signs combined with Real Estate "For Sale" signs shall require a permit.

15. Builder Signs shall not be larger than 8' x 8' x 1' and may be double sided.

16. Political campaign signs shall not exceed 5 square feet or over 3 feet in height and are only allowed 15 days prior to that election and must be removed within 48 hours

of that election.

17. Pedestrian canopy signage shall be either non-illuminated or semi-illuminated; shall not exceed 1' x 4' in overall size and shall not extend any lower than 8 feet above the walkway. All signs shall be uniform in color and size.

18. Wall and canopy facade signage shall not extend above the height of the wall or canopy on which they are attached.

19. Canopy facade signage shall maintain a continuous width on all facade areas. Signs may not project above the canopy; shall be limited to one background color and one letter color that is uniform throughout the center. Non-illuminated or semi-illuminated signs are allowed. Canvas canopies with lettering shall be considered canopy facade signage.

20. Each drive-up, drive-through or drive-in restaurant shall be permitted one (1) freestanding or wall-mounted menu board not more than six feet in height or thirty-two square feet in area. Such signs shall not be located in the front yard and may be indirectly illuminated.

21. In the event that a building has a curved wall, the area of the facade, for sign purposes, will be determined by drawing two lines perpendicular to the facade. This will then be considered as straight walls, with the area of this facade to be used in determining the size of the allowed signage.

15-2508. Permanent Signs Permitted In Zoning Districts CP-0; CP-1; CP-2; BP; MP-1 & SDD. Section 9.

1. District CP-0

A) Not more than 1 non-illuminated, indirectly-illuminated or semi-illuminated wall or canopy sign shall be permitted on each office building; such sign shall not exceed 5% of the building facade. In the case of a building over 3 stories in height, the first three stories of the building will be used to calculate the size of the building facade.

B) In lieu of the wall or canopy sign permitted, 1 monument sign per building may be permitted in this district. Such monument sign shall not exceed 50 square feet in sign surface, may be indirectly-illuminated, shall not exceed 6 feet in height above natural or average grade and shall be

designed in harmony with the building. The design, dimension and location on the site shall be approved as part of the final development plan prior to the issuance of building permits.

C) A planned office park may be identified with one monument sign per collector or arterial street, not to exceed 50 square feet in size, and 6 feet in height.

2. District CP-1

A) Each business or commercial establishment shall be permitted not more than 1 non-illuminated, indirectly-illuminated or semi-illuminated wall or canopy sign per business facade. Such sign shall not exceed 5% of the business facade. In the case of a building over 3 stories in height, the first three stories of the building will be used to calculate the size of the building facade.

B) In lieu of the wall or canopy sign permitted, 1 monument sign per building may be permitted in this district. Such monument sign shall not exceed 50 square feet in sign surface, may be indirectly-illuminated, shall not exceed 6 feet in height above natural or average grade and shall be designed in harmony with the building. The design, dimension and location on the site shall be approved as part of the final development plan prior to the issuance of building permits.

C) A planned development may be identified with one monument sign per collector or arterial street, not to exceed 50 square feet in size, and 6 feet in height.

3. District CP-2

A) Each business or commercial establishment shall be permitted not more than 1 non-illuminated, indirectly illuminated or semi-illuminated wall or canopy sign per business facade and one monument sign. The wall or canopy sign shall not exceed 5% of the business facade. Such monument sign shall not exceed 50 square feet in size, 6 feet in height.

B) In addition, a planned shopping center may be identified with one monument sign per collector or arterial street, not to exceed 100 square feet in size, and 6 feet in height.

C) Gas Service Stations:

1. One illuminated or non-illuminated monument sign may be permitted. Such sign shall not be closer than 50' to

the boundary of a district A to RP-6 inclusive, and shall not be located any closer than 15' from any edge of street pavement or back of curb and in no case shall such sign be permitted within a public right-of-way. Such sign shall not exceed 6' in height and 50 square feet per face. The sign may be double faced. If not placed within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of 3' on all sides of the sign base.

2. No more than 2 illuminated or non-illuminated signs that display fuel prices shall be permitted. Such signs may be detached or wall-mounted but shall not exceed 15 square feet each side.

3. Each fuel pump island may have a sign on each end identifying if that island is "full service" or "self service". If the service station is completely self-service, a maximum of 2 self-service signs shall be permitted. These signs shall not exceed 4 square feet in area each.

4. A maximum of two non-illuminated signs displaying credit card information shall be permitted. Such signs shall not exceed one square foot each.

5. Fuel pumps may display signs indicating only the type and brand name of fuel, in addition to signs required by law which shall be of the minimum size and quantity.

D) Retail liquor stores are limited to that signage as allowed by KSA 41-714.

4. District BP

A) The maximum area for a sign which identifies the main entrance of the Business Park is 100 sq.ft. a maximum of 6' in height and only 1 such sign is permitted. Such monument sign may be indirectly illuminated and placed in the required buffer area, shall not be located any closer than 15' from any edge of street pavement or back of curb and in no case shall such sign be permitted within a public right-of-way. Secondary entrances may be identified by a monument sign not exceeding 50 sq.ft. in size and not over 6' in height.

B) Each business or commercial establishment shall be permitted not more than 2 indirectly illuminated or non-illuminated wall signs, not more than one on a facade, the total area of which sign shall not exceed 2% of the total area of the facade upon which it is placed. In lieu of one of the wall signs permitted, one detached monument sign per

building may be permitted, not to exceed 6' in height. Such detached sign shall not exceed the size which would be allowed if it were a wall sign and may be indirectly illuminated.

5. District MP-1

A) Each business or commercial establishment in an industrial park shall be permitted not more than 1 indirectly illuminated or non-illuminated wall sign, the total area of which sign shall not exceed 5% of the total area of the facade upon which it is placed. In addition to the wall sign permitted, one detached monument sign per building may be permitted, not to exceed 6' in height and 50 square feet per face, such sign may be indirectly-illuminated or non-illuminated.

B) In an industrial park designed as 1 unified entity and consisting of 1 or more buildings or businesses, 1 monument sign may be permitted per collector or arterial street identifying the entire park. The maximum size of the industrial park monument sign shall be 6 feet in total height above natural or average grade and no more than 50 square feet in area per face and 100 square feet total on all faces.

6. District SDD

A) The permanent signs permitted in this district shall correspond to the regulations of the nearest like zoning classification of that land use being proposed.

15-2509. Statement of Objectives for Office, Commercial and Industrial Signage in Planned Districts. Section 10.

The use of signs in the City of Leawood is intended to identify individual buildings or groups of buildings. The purpose of signs in a shopping center, office park, industrial park, hotel, motor hotel or other grouping of buildings is to identify the group of buildings. The purpose of Sign Development Standards within such a center is to develop orderly signage on a quality level equal to or exceeding that which governs individual structures in the City of Leawood, but permitting deviations from the standard regulations. The use of a planned sign concept is intended to encourage innovative and imaginative signage.

For purposes of this section the terms shopping center, business park, office park, industrial park or other grouping of buildings shall mean a project of two or more buildings with two or more tenants that has been planned as an inte-

grated development or cluster on property under unified control or ownership at the time that zoning was approved by the City. The developer shall prepare a set of sign standards regulating all signage. Such standards shall run with all leases or sales of portions of the development. The sale, subdivision or other partition of the site after the zoning approval does not exempt the project or portions thereof from complying with these regulations relative to number of detached signs, harmony and visual quality of signs to be installed. The size, color, materials, styles of lettering, type of illumination and location shall be set out in such standards. Sign Development Standards are to be submitted as part of the Preliminary Site Development Plan. The Final Site Development Plan will also include the Sign Development Standards and approved as part of the Final Site Development Plan. These standards may be revised by resubmitting them to the Plan Commission for approval.

The following are specific objectives of Sign Development Standards for a Planned District:

A. A proposal for a sign concept shall be subject to the same criteria relative to compliance with the City of Leawood's Zoning Ordinance.

B. The submittal by the developer and approval by the City of the sign concept represents a firm commitment by the developer that development will indeed follow the approved plans in such areas as location, size, type, color and materials of the signs.

C. Deviations in size, colors, location, number of signs, and illumination, may be approved by the Plan Commission if it is deemed that an equal or higher quality of development will be produced.

D. The sign concept is to be planned and developed in a manner that will result in clear, readable, effective signage as determined by the Plan Commission and staff.

E. The developer may be given latitude in using innovative techniques in the development of sign concepts not feasible under application of standard zoning requirements.

F. The Plan Commission and City Council may, in the process of approving sign concepts, approve deviations from the standard requirements as follows, provided any deviation so approved shall be in keeping with the intent of the sign ordinance, shall be clearly set out in the minutes as well as on exhibits in the record, and provided that specific reasons justifying such deviations are included in the record:

1. In Districts CP-0, CP-1, and CP-2, if private sign standards have been prepared by an owner in compliance with this section submitted and approved as part of the Final Site Plan, then the maximum of all wall, canopy, and window signs shall be 5% of the total area of the facade.

2. If canopy facade signage is not possible due to design of an existing structure, then one roof sign may be permitted per business facade, such sign is not to be greater than 5% of the total business facade under consideration, with a maximum uniform height and a maximum length to be specified in the approved sign concept.
3. Directory signs may be permitted that are scaled to pedestrian traffic.

4. In District MP-1, when the design of the site does not allow for a monument sign, the amount of monument sign allowed may be combined with the allowed wall sign resulting in a larger wall sign. The size of the sign shall not exceed 100 square feet.

15-2510. Temporary Signs Permitted In Zoning Districts CP-0; CP-1; CP-2; BP; MP-1 & SDD. Section 11.

1. Temporary signs may be granted by permit issued by the Planning & Development Department allowing the maintenance of signs in excess of the number allowed an individual business as set forth in this section. Each temporary sign permit shall be effective for a period of time not to exceed 6 months. Failure to comply with any specification, regulation or control placed on a temporary sign permit shall immediately void said permit.

2. Real Estate "For Sale" signs, construction signs or Developer signs shall be no closer than 200 feet to a dwelling on an adjacent lot.

3. Real Estate "For Sale" signs advertising the sale of unimproved land with frontage greater than 150 feet shall not exceed a maximum size of 4'x8'x1'; may be double-sided and may not exceed 10 feet in height above natural or average grade. One sign per street side shall be permitted and shall not be closer than 50 feet from the edge of pavement or back of curb. In special cases where grade does not permit these setbacks the Code Official shall designate the sign's location. If the street frontage of a tract is less than 150 feet wide a standard residential-type sign shall be allowed. These

signs shall be removed within 24 hours of the sale of the property.

4. Developer signs on lots with a frontage greater than 150 feet shall not exceed 8'x8'x1'; may be double-sided and may not exceed 10 foot in overall height above natural or average grade. One sign per lot located not closer than 15 foot to the edge of pavement or back of curb shall be permitted.

5. Prior to the final inspection, a project site may contain a "for sale" sign, a developer's sign and a builder's sign. There shall in no case be more than one sign per lot so the above mentioned signs may be combined. These signs must be removed at the time of the final inspection of a building. Other undeveloped lots may have separate signage that is not required to be removed.

6. Temporary banners are allowed that are part of a cohesive design theme for an entire complex. These banners are not to identify a particular sale but rather to set out an identity for the area.

7. After the final inspection of a building any leasing or for sale sign must follow these criteria:

A) Signs shall be of post and panel wood construction and have a total maximum height of 10 feet above natural or average grade. All such signs shall have a vertically mounted panel a maximum of 4'x8' and conform to City setback requirements.

B) Typography for message copy on such signage shall be Helvetica Medium letters painted in black on a white background.

C) There shall be no copy or written body within 6" of an edge of the panel.

D) A space of 2' x 3' shall be designated for logo and/or logotype and color identification of contractor or marketing agent.

E) Signs shall be non-illuminated and the use of reflective material or paint is prohibited.

15-2511. Non-Conforming Signs. Section 12.

In the event a sign erected prior to the effective date of the ordinance does not conform to the provisions and standards of the ordinance, then such signs shall be modified to

conform or be removed according to the following:

1. Nonconforming signs may only be replaced with conforming signs.

2. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than 50% of the current value of the sign as of the date of alteration or repair.

3. In the event that the Ordinance makes an existing sign nonconforming the owner may apply within 6 months of the effective date of the Ordinance for a permit to maintain said sign. No permit will be granted for a period longer than 7 years. If no permit is granted, the sign shall be deemed abandoned.

4. All existing nonconforming signs shall comply with these regulations within 7 years of the date of the Ordinance.

15-2512. Prohibited Signs. Section 13.

1. Signs which are attached to any tree, fence, branch, another sign, or utility pole except warning signs issued and properly posted by that utility company.

2. Signs that are capable of being carried, wheeled or moved from one location to another excluding real estate signs as defined in this ordinance.

3. Attention-attracting devices.

4. Flashing or blinking signs.

5. Electronic graphic signs.

6. Strings of light bulbs except when used for decorative purposes during a holiday season and not in excess of 7 1/2 watts. Said strings of bulbs may not traverse street rights-of-way.

7. Roof signs, except as permitted as a deviation by the Plan Commission.

8. Rotating signs.

9. Animated signs.

10. Exposed neon tubing on the exterior of structures.

11. Digital readout signs.

12. Signs painted directly on exterior walls or surfaces

13. Signs whose source of illumination are visible from off site.

14. Off site advertising signs.

15. Any sign expressly not permitted by this ordinance.

16. Any sign within public right-of-way not placed by the governing body.

17. It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.

18. Pole signs.

15-2513. Abandoned Signs. Section 14.

1. Except as may be otherwise provided for in this Chapter, any sign including its structure which is located on a building, structure or premise which becomes vacant and unoccupied for a period of 6 months or more, or any sign which pertains to time, event or purpose which no longer applies, shall be deemed to have been abandoned.

2. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises. In addition, the facade or place where the sign was attached shall be restored to its normal appearance.

3. If after the 6 months time period has elapsed and the sign has not been removed, the City shall notify in writing the property owner of record that the sign shall be removed within 30 days after the date of the notice. If the sign has not been removed within 30 days after the mailing of the notice, the Director of Planning and Development may have the sign removed and have the costs of the removal assessed to the property owner.

4. The Planning and Development Department shall mail a statement of removal costs of said sign to the last known address of the owner of the property and if such costs are not paid within 10 days, the Director of Planning and Development shall forward the bill to the County and they shall collect the amount with the property taxes.

15-2514. General Considerations. Section 15.

1. It is the intent that real estate advertisements and signs within the City shall fairly and truthfully impart to the public accurate information in regard to the zoning classification of such land.

2. Advertisement falsely stating property is zoned for land uses. Any person, firm or corporation who shall make use of or place any real estate advertisements or signs which recite that real property is zoned for land uses, or will be zoned for and uses in the future, under the zoning rules and regulations of the City when in fact such real estate is not so zoned, is guilty of a public offense.

3. Advertisement stating property is being held for land use not permissible. It shall not be permitted for any person, firm or corporation to make use of or place advertisements or signs on real estate declaring that the property is reserved or is being held for future land use which is inconsistent with the then existing zoning classification of the City for the land, or in any words of like import or a similar nature.

4. Confiscation of Advertisements In Violation. Any advertisements or signs placed in violation of this ordinance shall be confiscated by Director of Planning and Development. The cost required for such confiscation to be assessed to the property owner.

TAKE EFFECT. Section 16. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 5/18/87

Passed by the Governing Body this 18th day of May, 1987.

Approved by the Mayor this 18th day of May, 1987.

(S E A L)

Marcia Rinehart Mayor

Attest:

J. Oberlander City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---------One---------- consecutive ---------day------(weeks, days) the first publication thereof being made as aforesaid on the ---22nd--- day of, ---May----- 19-87---, with subsequent publications being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this 22nd day of May 19-87

Marguerite E. Baker

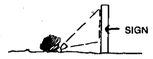
NOTARY PUBLIC

MARGUERITE E. BAKER
JOHNSON COUNTY, KANSAS
My Appointment Expires 3-15-88

My Commission expires: 3-15-88
Printer's Fee $ 145.14
Additional copies $

(14) Developer Sign : Any temporary sign which does not exceed eight feet in exterior dimensions, and which is placed upon property located within a project or subdivision which is under construction and which attempts to convey truthful commercial information regarding the project subdivision which is under construction.

(15) Directly Illuminated Sign : Any sign whose source of illumination is exposed to the human eye; such as, but not limited to, neon tube, incandescent bulb and fluorescent tube.



DIRECTLY ILLUMINATED SIGN

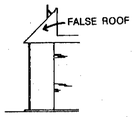
(16) Directory Sign : Any structure summarizing businesses within a center and identifying business locations.

(17) Erect : To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

(18) Facade : The exterior face of a building which is the architectural front sometimes distinguished from the other faces by elaboration of architectural or ornamental detail.

(19) Facing or Surface : The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

(20) False Roof : That portion of a building which is constructed other than perpendicular to the ground level or with roofing material such as shingles usually on the facade of a building to resemble a roof.



(21) Flags : Any decorative ornament that is attached at l end only and is intended to use the wind for motion to attract the public's attention.

(22) Flashing Sign : Any sign which is internally or externally illuminated by flashing, flowing, alternating or blinking lights, including digital time and temperature devices.

(23) Free-Standing Structure : Any building or structure that is not connected to or joined with any other building or structure.

(24) Garage Sale Sign : A sign placed upon a residential lot within the city which attempts to convey information regarding the occurrence of a sale upon residential property of household items, which sale is conducted by a resident of the dwelling where the sale is held.

(25) Gas Service Station : Any place of business that sells gasoline to the public including convenience stores that sell gasoline in addition to other merchandise.

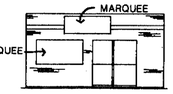
(26) Identification Sign : A monument sign identifying a project of distinct character that was planned as an integrated unit or complex on property under unified control or ownership at the time zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval shall not exempt the project or any portion of that site from complying with the regulations contained.

(27) Improved Land : Land that has been developed or that has existing usable structures.

(28) Indirectly Illuminated Sign : Any sign which is partially or completely illuminated at any time by a light source which is shielded so as not to be visible at eye level.

(29) Mansard Roof : A roof with 2 slopes on each of the 4 sides of a structure, the lower slope being steeper than the upper slope.

(30) Marquee : Any sign attached flat against or under the canopy of a building, but not on the upper surface of a canopy.



(31) Monument Sign : A freestanding sign having a generally low-profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials which repeat or harmonize with the architecture of the establishment it serves.

(32) Pedestrian Canopy Sign : A non-illuminated or semi-illuminated sign that occurs in shopping centers. It is placed under the canopy at right angles to the facade of the building. Its sole purpose is to communicate to pedestrian traffic walking along the walkway in front of the building and under the canopy the name of the tenant occupying the lease space.

(33) Pedestrian Walkway : Any sidewalk, designated crosswalk or other area designed for pedestrian traffic whether open and exposed or enclosed.

(34) Permanent Sign : Any wall or monument sign or other sign which is intended to remain displayed in perpetuity.

(35) Person : Shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

(36) Political Campaign Sign : Any sign or banner advertising a political party, belief or candidate.

(37) Poster Panel, Junior Panel or Painted Bulletin : An outdoor advertising sign which normally depicts information not directly related to the property on which it is located.

(38) Projecting Sign : Any sign extending more than 1 foot from the face of the building to which it is attached.

(39) Public Right-of-way : A strip of land used for or intended to be used for street, utility, pedestrians or other public purposes, the fee of which is vested in a governmental body.

(40) Real Estate "For Sale" Sign : A sign placed in or upon a lot within the City of Leawood, the content of which attempts to convey truthful, commercial information that would lead a reasonable person to believe that an individual residence or lot is for sale.

(41) Real Estate "For Lease/Rent" Sign : Any sign offering the rent or lease of any land or building.

(42) Roof : The cover of a building including the roofing and all other material and construction (such as supporting members) necessary to carry and maintain it on the walls or uprights.

(43) Roof Sign : Any sign constructed and maintained partially or wholly upon or over the roof eve of a building, the eve of a canopy, if the canopy front is not perpendicular to the ground level, or the eve of a false roof.

(44) Rotating Sign : Any sign surface or sign structure or any portion which rotates, moves, or is animated.

(45) Semi-Illuminated Sign : Any sign illuminated by diffused light through a translucent material so that the light source is not directly discernible.

(46) Service Station : Any place of business that sells gasoline to the public including convenience stores that sell gasoline in addition to other merchandise.

(47) Sign : Any announcement, attracting device, declaration, demonstration, display, illustration or insignia used to advertise or promote any business, product, activity, service or interest of any person when the same is placed out of doors in view of the general public.

(48) Sign Alteration : The replacement, enlargement, reduction, reshaping or addition to a sign, frame, pole or bracket supporting the sign.

(49) Sign Area Calculation :

(a) Individual Sign: The entire area within a single continous perimeter enclosing all elements of the sign which form an integral part of the display including the perimeter border.

(b) Sign Band: The area within a rectangle surrounding the actual message (see diagram) and not including the entire sign band unless illuminated. If the sign band is illuminated then (a) above would apply.

(50) Sign Development Standards : A set of standards required by the City for development in zoning districts CP-O, CP-1, CP-2, BP, SDD or MP-1 setting forth sign criteria, standards and maintenance for permanent signage within developments. These standards may be changed by submitting them to the Plan Commission for consideration and approval.

(51) Sign Maintenance: The normal care and minor repair that is necessary to retain a safe, attractive and finished structure, frame pole, brackets or surface. Repainting or repairing copy or logo shall be considered maintenance if the information, product or service depicted remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.

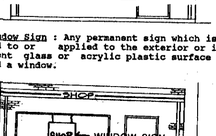
(52) Sign Structure : The supports, uprights, braces and framework of a sign.

(53) Temporary Sign : Any sign which is not a permanent sign.

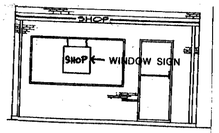
(54) Time and/or Temperature Instrument : A sign displaying only time and/or temperature information with no additional advertising or comments other than the name of the company that owns the sign.

(55) Unimproved Land : Land which is not currently built upon or under development.

(56) Wall Sign : Any vertical sign attached flat against the surface of a wall, facade (other than false roof facade), or canopy of a building but not projecting horizontally from the vertical surface more than 12 inches or above the vertical surface.



(57) Window Sign : Any permanent sign which is displayed in, attached to or applied to the exterior or interior of any transparent glass or acrylic plastic surface that could be considered a window.



15-2503. Administration. Section 4.

1. The Director of Planning and Development or his designated appointee shall be the enforcing officer of this section and have the responsibility for its administration.

2. Permits Required. It shall be unlawful for any person to construct, alter, relocate or convert any sign or other advertising structure as defined in this section, without first obtaining a sign permit from the Planning and Development Department and payment of the fee required. Applications for sign permits shall be made upon the forms provided by the Planning and Development Department and shall be accompanied by 2 sets of plans drawn to scale indicating the sign location on a site plan, sign size, method of illumination, colors, materials of the sign and method of attachment. There shall also be adequate proof of the compatibility of the aesthetics with surrounding buildings and signage. This is to be evidenced by showing the proposed sign's relationship to the building and adjacent structures.

The applicant shall submit any other information required by the Director of Planning and Development, this section, the Zoning Ordinance, the City building code and all other applicable codes and ordinances. Permits shall not be required for replacing or altering changeable copy on theatre marquees, bulletin boards and similar signs. Neither shall permits be required for real estate "for sale; rent/lease" signs no larger than 5 square feet or political campaign signs.

3. Permit Fees. Every applicant, before being granted a permit, shall pay a fee as established by ordinance. Any sign that is erected without a permit shall pay a fee double the established fee.

4. Removal of Sign.

Unsafe Signs: If the Director of Planning and Development shall find that any sign or other advertising structure regulated is unsafe, insecure, a menace to the public, he may give either written or oral notice to the permittee. If the aforementioned sign was installed without a permit, the owner of the property shall be notified. If the permittee or owner fails to remove or alter the structure so as to comply with the standards set forth within 48 hours after such notice, such sign or advertising structure may be removed or altered to comply by the Director of Planning and Development at the expense of the permittee or owner of the property on which it is located.

Unlawful Signs: If the Director of Planning and Development shall find that any sign or other regulated advertising structure has been constructed or is being maintained in violation of the provisions of this ordinance, he may give written notice to the permittee. If the aforementioned sign was installed without a permit, the owner of the property shall be notified. If the owner or permittee desires to appeal the decision of the Director of Planning and Development he may appeal to the Board of Zoning Appeals. See Article 30 pertaining to procedures of the Board of Zoning Appeals.

15-2504. Exemptions From Ordinance. Section 5.

1. Any sign erected by the City, County, State or Federal government.

2. Any sign necessary for public safety erected by utility companies within their respective easements.

3. Any sign specifically required by the Building Codes, Zoning Ordinances or Subdivision Regulations of the City of Leawood.

4. Maintenance of signs shall not require a permit.

15-2505. General Standards For Signs In Zoning Districts A; AR-1; AR-2; RP-1; RP-2; RP-3; RP-4; RP-5 & RP-6. Section 6.
SEE RESIDENTIAL SIGN ORDINANCE

15-2506. Permanent Signs Permitted In Residential Zoning Districts A to RP-6. Section 7.

1. District A

A) Each business or commercial establishment allowed by special use permit, permitted use or legal nonconforming use shall be permitted one monument and one wall or canopy sign. The wall or canopy sign shall not exceed 5% of the building facade. One indirectly-illuminated or non-illuminated monument sign with a maximum size of 50 square feet per sign face, not to exceed 6 feet in height, said sign may be double faced.

2. District AR-1

A) Each business or commercial establishment allowed by special use permit, permitted use or legal nonconforming use shall be permitted one monument and one wall or canopy sign. The wall or canopy sign shall not exceed 5% of the building facade. One indirectly-illuminated or non-illuminated monument sign with a maximum size of 50 square feet per sign face, not to exceed 6 feet in height, said sign may be double faced.

B) Not more than 2 monument signs shall be permitted at major subdivision entrances from an arterial or collector street.

3. Districts AR-2 to RP-6

A) Public and semi-public uses permitted after review of preliminary plans and recommendation by the City Plan Commission and approval of the City Council will be allowed signage as approved by the Plan Commission and Council as part of the preliminary site plan. Each use shall be permitted one monument sign and one wall or canopy sign. The wall or canopy sign shall not exceed 5% of the building facade. One indirectly-illuminated or non-illuminated monument sign with a maximum size of 50 square feet per sign face, not to exceed 6 feet in height, said sign may be double faced.

4. In planned residential districts, plans and specifications for identification or monument signs shall be prepared by a graphic designer, artist, architect or other professional, knowledgeable with sign design and submitted to the Plan Commission for approval at the time that final development plans are submitted. The Plan Commission shall review plans to insure compliance with city sign standards regarding size, color, location, materials and to assure harmony and the visual quality of the sign with the development and the neighborhood.

5. No sign shall be located within the clear sight triangle of an intersection.

15-2507. General Standards For Signs In Zoning Districts CP-O; CP-1; CP-2; BP; MP-1 and SDD. Section 8.

1. Signs shall maintain a minimum setback of 15 feet from any edge of street pavement or back of curb and in no case shall a private sign be permitted within a public right-of-way.

2. Illuminated signs shall be either indirectly or semi-illuminated where the source of illumination cannot be detected by the human eye. Exposed incandescent bulbs and exposed fluorescent tubes are not permitted.

3. All signs shall be of sound structural quality, be maintained in good repair, have a clean and neat appearance and land adjacent shall be kept free from debris, weeds and trash. If signs are not being maintained as described and the Director of Planning and Development deems them a public safety hazard or nuisance, such signs shall be removed.

4. All signs as permitted as described in this Chapter shall be constructed and installed in accordance with the Building Code.

5. Any person that desires to erect a sign for which a permit is required shall submit an application upon a form to be provided by the Director of Planning and Development.

6. No sign that requires a permit shall be constructed, installed or set in place until a sign permit has been issued by the City. All signs installed shall have a label permanently affixed to the lower right hand corner of the sign face, clearly visible at all times, indicating the number of the permit issued and its expiration date.

7. Permits shall be issued only if the sign permit application is complete and in order.

8. Equipment repair or private contractor advertisement signs shall not be allowed on lots or tracts where a building is already constructed.

9. No sign shall be located within the clear sight triangle of an intersection.

10. Each day a violation exists shall constitute a new violation.

11. Real Estate "For Sale" signs shall be removed within 24 hours of the sale of the property or building.

12. Real Estate "For Sale" signs may be combined with a Builder's Sign.

13. Developer Signs shall not be larger than 8' x 8' x 1' and may be double sided.

14. Builder Signs combined with Real Estate "For Sale" signs shall require a permit.

15. Builder Signs shall not be larger than 8' x 8' x 1' and may be double sided.

16. Political campaign signs shall not exceed 5 square feet or over 2 feet in height and are only allowed 15 days prior to that election and must be removed within 48 hours of that election.

17. Pedestrian canopy signage shall be either non-illuminated or semi-illuminated; shall not exceed 1' x 4' in overall size and shall not extend any lower than 8 feet above the walkway. All signs shall be uniform in color and size.

18. Wall and canopy facade signage shall not extend above the height of the wall or canopy on which they are attached.

19. Canopy facade signage shall maintain a continuous width on all facade areas. Signs may not project above the canopy; shall be limited to one background color and one letter color that is uniform throughout the center. Non-illuminated or semi-illuminated signs are allowed. Canvas canopies with lettering shall be considered canopy facade signage.

20. Each drive-up, drive-through or drive-in restaurant shall be permitted one (1) freestanding or wall-mounted menu board not more than six feet in height or thirty-two square feet in area. Such signs shall not be located in the front yard and may be indirectly illuminated.

21. In the event that a building has a curved wall, the area of the facade, for sign purposes, will be determined by drawing two lines perpendicular to the facade. This will then be considered as straight walls, with the area of this facade to be used in determining the size of the allowed signage.

15-2508. Permanent Signs Permitted In Zoning Districts CP-O; CP-1; CP-2; BP; MP-1 & SDD. Section 9.

1. District CP-O

A) Not more than 1 non-illuminated, indirectly-illuminated or semi-illuminated wall or canopy sign shall be permitted on each office building; such sign shall not exceed 5% of the building facade. In the case of a building over 3 stories in height, the first three stories of the building will be used to calculate the size of the building facade.

B) In lieu of the wall or canopy sign permitted, 1 monument sign per building may be permitted in this district. Such monument sign shall not exceed 50 square feet in sign surface, may be indirectly-illuminated, shall not exceed 6 feet in height above natural or average grade and shall be designed in harmony with the building. The design, dimension and location on the site shall be approved as part of the final development plan prior to the issuance of building permits.

C) A planned office park may be identified with one monument sign per collector or arterial street, not to exceed 50 square feet in size, and 6 feet in height.

2. District CP-1

A) Each business or commercial establishment shall be permitted not more than 1 non-illuminated, indirectly-illuminated or semi-illuminated wall or canopy sign per business facade. Such sign shall not exceed 5% of the business facade. In the case of a building over 3 stories in height, the first three stories of the building will be used to calculate the size of the building facade.

B) In lieu of the wall or canopy sign permitted, 1 monument sign per building may be permitted in this district. Such monument sign shall not exceed 50 square feet in sign surface, may be indirectly-illuminated, shall not exceed 6 feet in height above natural or average grade and shall be designed in harmony with the building. The design, dimension and location on the site shall be approved as part of the final development plan prior to the issuance of building permits.

C) A planned development may be identified with one monument sign per collector or arterial street, not to exceed 50 square feet in size, and 6 feet in height.

3. District CP-2

A) Each business or commercial establishment shall be permitted not more than 1 non-illuminated, indirectly-illuminated or semi-illuminated wall or canopy sign per business facade. Such sign shall not exceed 5% of the business facade. Such monument sign shall not exceed 50 square feet in size, 6 feet in height.

B) In addition, a planned shopping center may be identified with one monument sign per collector or arterial street, not to exceed 100 square feet in size, and 6 feet in height.

C) Gas Service Stations:

1. One illuminated or non-illuminated monument sign may be permitted. Such sign shall not be closer than 50' to the boundary of a district A to RP-6 inclusive, and shall not be located any closer than 15' from any edge of street pavement or back of curb and in no case shall such sign be permitted within a public right-of-way. Such sign shall not exceed 6' in height and 50 square feet per face. The sign may be double faced. If not placed within the landscaped setback, the sign base shall be located within a curbed landscaped area, extending a minimum of 3' on all sides of the sign base.

2. No more than 2 illuminated or non-illuminated signs that display fuel prices shall be permitted. Such signs may be detached or wall-mounted but shall not exceed 15 square feet each side.

3. Each fuel pump island may have a sign on each end identifying if that island is "full service" or "self service". If the service station is completely self-service, a maximum of 2 self-service signs shall be permitted. These signs shall not exceed 4 square feet in area each.

4. A maximum of two non-illuminated signs displaying credit card information shall be permitted. Such signs shall not exceed one square foot each.

5. Fuel pumps may display signs indicating only the type and brand name of fuel, in addition to signs required by law which shall be of the minimum size and quantity.

D) Retail liquor stores are limited to that signage as allowed by KSA 41-714.

4. District BP

A) The maximum area for a sign which identifies the main entrance of the Business Park is 100 sq.ft. a maximum of 6' in height and only 1 such sign is permitted. Such monument sign may be indirectly illuminated and placed in the required buffer area, shall not be located any closer than 15' from any edge of street pavement or back of curb and in no case shall such sign be permitted within a public right-of-way. Secondary entrances may be identified by a monument sign not exceeding 50 sq.ft. in size and not over 6' in height.

B) Each business or commercial establishment shall be permitted not more than 2 indirectly illuminated or non-illuminated wall signs, not more than one on a facade, the total area of which sign shall not exceed 2% of the total area of the facade upon which it is placed. In lieu of one of the wall signs permitted, one detached monument sign per building may be permitted, not to exceed 6' in height. Such detached sign shall not exceed the size which would be allowed if it were a wall sign and may be indirectly illuminated.

5. District MP-1

A) Each business or commercial establishment in an industrial park shall be permitted not more than 1 indirectly illuminated or non-illuminated wall sign, the total area of which sign shall not exceed 5% of the total area of the facade upon which it is placed. In addition to the wall sign permitted, one detached monument sign per building may be permitted, not to exceed 6' in height and 50 square feet per face, such sign may be indirectly-illuminated or non-illuminated.

B) In an industrial park designed as 1 unified entity and consisting of 1 or more buildings or businesses, 1 monument sign may be permitted per collector or arterial street identifying the entire park. The maximum size of the industrial park monument sign shall be 6 feet in total height above natural or average grade and no more than 50 square feet in area per face and 100 square feet total on all faces.

6. District SDD

A) The permanent signs permitted in this district shall correspond to the regulations of the nearest like zoning classification of that land use being proposed.

15-2509. Statement of Objectives for Office, Commercial and Industrial Signage in Planned Districts. Section 10.

The use of signs in the City of Leawood is intended to identify individual buildings or groups of buildings. The purpose of signs in a shopping center, office park, industrial park, hotel, motor hotel or other grouping of buildings is to identify the group of buildings. The purpose of Sign Development Standards within such a center is to develop orderly signage on a quality level equal to or exceeding that which governs individual structures in the City of Leawood, but permitting deviations from the standard regulations. The use of a planned sign concept is intended to encourage innovative and imaginative signage.

For purposes of this section the terms shopping center, business park, office park, industrial park or other grouping of buildings shall mean a project of two or more buildings with two or more tenants that has been planned as an integrated development or cluster on property under unified control or ownership at the time that zoning was approved by the City. The developer shall prepare a set of sign standards regulating all signage. Such standards shall run with all leases or sales of portions of the development. The sale, subdivision or other partition of the site after the zoning approval does not exempt the project or portions thereof from complying with these regulations relative to number of detached signs, harmony and visual quality of signs to be installed. The size, color, materials, styles of lettering, type of illumination and location shall be set out in such standards. Sign Development Standards are to be submitted as part of the Preliminary Site Development Plan. The Final Site Development Plan will also include the Sign Development Standards and approved as part of the Final Site Development Plan. These standards may be revised by resubmitting them to the Plan Commission for approval.

The following are specific objectives of Sign Development Standards for a Planned District:

A. A proposal for a sign concept shall be subject to the same criteria relative to compliance with the City of Leawood's Zoning Ordinance.

B. The submittal by the developer and approval by the City of the sign concept represents a firm commitment by the developer that the development will indeed follow the approved plans in such areas as location, size, type, color and materials of the signs.

C. Deviations in size, colors, location, number of signs, and illumination, may be approved by the Plan Commission if it is deemed that an equal or higher quality of development will be produced.

D. The sign concept is to be planned and developed in a manner that will result in clear, readable, effective signage as determined by the Plan Commission and staff.

E. The developer may be given latitude in using innovative techniques in the development of sign concepts not feasible under application of standard zoning requirements.

F. The Plan Commission and City Council may, in the process of approving sign concepts, approve deviations from the standard requirements as follows, provided any deviation so approved shall be in keeping with the intent of the sign ordinance, shall be clearly set out in the minutes as well as on exhibits in the record, and provided that specific reasons justifying such deviations are included in the record:

1. In Districts CP-O, CP-1, and CP-2, if private sign standards have been prepared by an owner in compliance with this section submitted and approved as part of the Final Site Plan, then the maximum of all wall, canopy, and window signs shall be 5% of the total area of the facade.

2. If canopy facade signage is not possible due to design of an existing structure, then one roof sign may be permitted per business facade, such sign is not to be greater than 5% of the total business facade under consideration, with a maximum uniform height and a maximum length to be specified in the approved sign concept.

3. Directory signs may be permitted that are scaled to pedestrian traffic.

4. In District MP-1, when the design of the site does not allow for a monument sign, the amount of monument sign allowed may be combined with the allowed wall sign resulting in a larger wall sign. The size of the sign shall not exceed 100 square feet.

15-2510. Temporary Signs Permitted In Zoning Districts CP-O; CP-1; CP-2; BP; MP-1 & SDD. Section 11.

1. Temporary signs may be granted by permit issued by the Planning & Development Department allowing the maintenance of signs in excess of the number allowed an individual business as set forth in this section. Each temporary sign permit shall be effective for a period of time not to exceed 6 months. Failure to comply with any specification, regulation or control placed on a temporary sign permit shall immediately void said permit.

2. Real Estate "For Sale" signs, construction signs or Developer signs shall be no closer than 200 feet to a dwelling on an adjacent lot.

3. Real Estate "For Sale" signs advertising the sale of unimproved land with frontage greater than 150 feet shall not exceed a maximum size of 4'x8'x1'; may be double-sided and may not exceed 10 feet in height above natural or average grade. One sign per street side shall be permitted and shall not be closer than 50 feet from the edge of pavement or back of curb. In special cases where grade does not permit these setbacks the Code Official shall designate the sign's location. If the street frontage of a tract is less than 150 feet wide a standard residential-type sign shall be allowed. These signs shall be removed within 24 hours of the sale of the property.

4. Developer signs on lots with a frontage greater than 150 feet shall not exceed 8'x8'x1'; may be double-sided and may not exceed 10 feet in overall height above natural or average grade. One sign per lot located not closer than 15 feet to the edge of pavement or back of curb shall be permitted.

5. Prior to the final inspection, a project site may contain a "for sale" sign, a developer's sign and a builder's sign. There shall in no case be more than one sign per lot so the above mentioned signs may be combined. These signs must be removed at the time of the final inspection of a building. Other undeveloped lots may have separate signage that is not required to be removed.

6. Temporary banners are allowed that are part of a cohesive design theme for an entire complex. These banners are not to identify a particular sale but rather to set out an identity for the area.

7. After the final inspection of a building any leasing or for sale sign must follow these criteria:

A) Signs shall be of post and panel wood construction and have a total maximum height of 10 feet above natural or average grade. All such signs shall have a vertically mounted panel a maximum of 4'x8' and conform to city setback requirements.

B) Typography for message copy on such signage shall be Helvetica Medium letters painted in black on a white background.

C) There shall be no copy or written body within 6" of an edge of the panel.

D) A space of 2' x 3' shall be designated for logo and/or logotype and color identification of contractor or marketing agent.

E) Signs shall be non-illuminated and the use of reflective material or paint is prohibited.

15-2511. Non-Conforming Signs. Section 12.

In the event a sign erected prior to the effective date of the ordinance does not conform to the provisions and standards of the ordinance, then such signs shall be modified to conform or be removed according to the following:

1. Nonconforming signs may only be replaced with conforming signs.

2. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than 50% of the current value of the sign as of the date of alteration or repair.

3. In the event that the Ordinance makes an existing sign nonconforming the owner may apply within 6 months of the effective date of the Ordinance for a permit to maintain said sign. No permit will be granted for a period longer than 7 years. If no permit is granted, the sign shall be deemed abandoned.

4. All existing nonconforming signs shall comply with these regulations within 7 years of the date of the Ordinance.

15-2512. Prohibited Signs. Section 13.

1. Signs which are attached to any tree, fence, branch, another sign, or utility pole except warning signs issued and properly posted by that utility company.

2. Signs that are capable of being carried, wheeled or moved from one location to another excluding real estate signs as defined in this ordinance.

3. Attention-attracting devices.

4. Flashing or blinking signs.

5. Electronic graphic signs.

6. Strings of light bulbs except when used for decorative purposes during a holiday season and not in excess of 7 1/2 watts. Said strings of bulbs may not traverse street rights-of-way.

7. Roof signs, except as permitted as a deviation by the Plan Commission.

8. Rotating signs.

9. Animated signs.

10. Exposed neon tubing on the exterior of structures.

11. Digital readout signs.

12. Signs painted directly on exterior walls or surfaces

13. Signs whose source of illumination are visible from off site.

14. Off site advertising signs.

15. Any sign expressly not permitted by this ordinance.

16. Any sign within public right-of-way not placed by the governing body.

17. It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.

18. Pole signs.

15-2513. Abandoned Signs. Section 14.

1. Except as may be otherwise provided for in this Chapter, any sign including its structure which is located on a building, structure or premise which becomes vacant and unoccupied for a period of 6 months or more, or any sign which pertains to time, event or purpose which no longer applies, shall be deemed to have been abandoned.

2. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises. In addition, the facade or place where the sign was attached shall be restored to its normal appearance.

3. If after the 6 months time period has elapsed and the sign has not been removed, the city shall notify in writing the property owner of record that the sign shall be removed within 30 days after the date of the notice. If the sign has not been removed within 30 days after the mailing of the notice, the Director of Planning and Development may have the sign removed and have the costs of the removal assessed to the property owner.

4. The Planning and Development Department shall mail a statement of removal costs of said sign to the last known address of the owner of the property and if such costs are not paid within 10 days, the Director of Planning and Development shall forward the bill to the County and they shall collect the amount with the property taxes.

15-2514. General Considerations. Section 15.

1. It is the intent that real estate advertisements and signs within the City shall fairly and truthfully impart to the public accurate information in regard to the zoning classification of such land.

2. Advertisement falsely stating property is zoned for land uses. Any person, firm or corporation who shall make use of or place any real estate advertisements or signs which recite that real property is zoned for land uses, or will be zoned for and uses in the future, under the zoning rules and regulations of the City when in fact such real estate is not so zoned, is guilty of a public offense.

3. Advertisement stating property is being held for land use not permissible. It shall not be permitted for any person, firm or corporation to make use of or place advertisements or signs on real estate declaring that the property is reserved or is being held for future land use which is inconsistent with the then existing zoning classification of the City for the land, or in any words of like import or a similar nature.

4. Confiscation of Advertisements In Violation. Any advertisements or signs placed in violation of this ordinance shall be confiscated by Director of Planning and Development. The cost required for such confiscation to be assessed to the property owner.

TAKE EFFECT. Section 16. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 5/18/87

Passed by the Governing Body this 18th day of May, 1987.

Approved by the Mayor this 18th day of May, 1987.

/s/ Marcia Rinehart
(S E A L) Marcia Rinehart Mayor

Attest:

/s/ J. Oberlander
J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R.S. Wetzler
R.S. Wetzler City Attorney

(2054 1F)

First Published in the Johnson County Sun, Friday, May 22, 1987.

ORDINANCE NO. 984

AN ORDINANCE RELATING TO SIGNS; AMENDING THE "ZONING ORDINANCE" OF THE CITY OF LEAWOOD, KANSAS; REPEAL OF SECTIONS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTIONS. Section 1. Sections 15-2501 and 15-2502 (Article 25) of the "Zoning Ordinance" of April 17, 1978, adopted by reference by the "Code of the City of Leawood, 1984" (Sec. 16-201), are hereby repealed and the following enacted in lieu thereof:

15-2501. Intent of Chapter. Section 2.

To regulate and control all signs, both temporary and permanent, in the City of Leawood. The goal of the Ordinance is to limit visual clutter and reach a level of aesthetic quality by reducing disharmony in signage. It is further proposed to establish a sign identity for Leawood by limiting the size, type, location and materials of which signs may be constructed. This Ordinance is to protect the property values in the city by enhancing the physical appearance of the City. This Ordinance is to provide minimum standards to safeguard life, health, and property by regulating and controlling the size, height, design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structure, and to authorize the use of signs which are compatible with their surroundings.

15-2502. Definitions. Section 3.

(1) Address Sign : Any sign or set of numerals or letters which denotes a building's location with respect to streets or to those buildings around it.

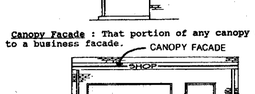
(2) Attention-Attracting Device : Any device such as flashing, blinking, rotating or moving action, flag, representation of animal or human forms or balloons designed or intended to attract the attention of the public to an establishment or to a sign.

(3) Banners : Any sign that is temporary and is made of cloth, paper, canvas or other flexible material.

(4) Billboard : An outdoor advertising structure which advertises a product or service or relays a message to the public.

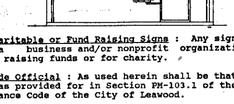
(5) Builder Sign : Any temporary sign located upon a lot where a structure is under construction and which contains information identifying the builder of the structure. An individual structure shall be deemed to be under construction for the purposes of this definition from the date that ground is broken for purposes of commencing actual construction until the date that a certificate of occupancy has been issued by the city.

(6) Building Facade : The exterior of a building which is the architectural front lying between the ground level of a pedestrian walkway and the lowest level of the roofline.

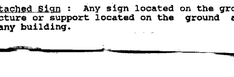


(7) Business Facade : The architectural front of a building, relating to a particular business, lying between the ground level of the pedestrian walkway and the lowest level of the roofline.

(8) Canopy : That portion of a building covering an entrance, exit, pedestrian walkway or loading dock.



(9) Canopy Facade : That portion of any canopy which is parallel to a business facade.



(10) Charitable or Fund Raising Signs : Any sign which advertises a business and/or nonprofit organization for purposes of raising funds or for charity.

(11) Code Official : As used herein shall be that person or persons as provided for in Section PM-103.1 of the Property Maintenance Code of the City of Leawood.

(12) Complex : A grouping of 2 or more buildings with 2 or more tenants developed in a related manner.

(13) Detached Sign : Any sign located on the ground or on a structure or support located on the ground and not attached to any building.

ORDINANCE NO. 983

AN ORDINANCE GRANTING RIGHT-OF-WAY TO JOHNSON COUNTY WASTEWATER DISTRICTS FOR SEWER PURPOSES.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,179. Section 1. The City of Leawood, Kansas, does hereby grant a right-of-way for sewer purposes to Johnson County Wastewater Districts, on property as hereby described:

An easement consisting of a 75-foot wide strip of land, the centerline of which being more particularly described as follows: Commencing at the Northeast corner of the Northeast 1/4 of Section 21, Township 13 South, Range 25 East, Johnson County, Kansas; thence South 87 degrees, 56 minutes, 01 second West, along the North line of said Northeast 1/4, 465.95 feet; thence South 02 degrees, 03 minutes; 59 seconds East, perpendicular to said North line of said Northeast 1/4, 111.49 feet to the true point of beginning of said centerline of said 75-foot wide strip of land; thence North 68 degrees, 30 minutes, 50 seconds West, 82.90 feet to the point of terminus of the centerline of said 75-foot wide strip of land.

5 feet on each side of the above described centerline shall be permanent easement consisting of a 10-foot wide strip of land. The remainder of said 75-foot wide strip of land shall be temporary and for construction purposes only. Said temporary easement shall also extend 20 feet beyond the above described point of terminus.

(to install sewer line for residence, 11900 Mission Rd.)

19-6,180. INCORPORATION BY REFERENCE. Section 2. A copy of said right-of-way grant is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 5/4/87 Second Reading: 5/4/87

Passed by the Governing Body this 4th day of May, 1987.

Approved by the Mayor this 4th day of May, 1987.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

ORIGINAL COMPARED WITH RECORD

1704968

RIGHT-OF-WAY GRANT

KNOW ALL MEN BY THESE PRESENTS, That City of Leawood, Johnson County, Kansas

of the Post Office of
in the State of Kansas, in consideration of
One & no/100---------- Dollars ($ 1.00) in hand paid and other valuable consideration, receipt of which is hereby acknowledged, hereby grant ____ and convey ____ unto Lateral Sewer District No.9, Tomahawk Creek Sewer Sub-District No.5, Johnson County, Kansas.
THEREIN, its successors and assigns, a Right-Of-Way to lay, construct, maintain, alter, repair, replace, and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through the following premises in the County of Johnson in the State of Kansas, to-wit:

DESCRIPTION: An easement consisting of a 75 foot wide strip of land, the centerline of which being more particularly described as follows: Commencing at the Northeast corner of the Northeast 1/4 of Section 21, Township 13 South, Range 25 East, Johnson County, Kansas; thence South 87 degrees, 56 minutes, 01 second West, along the North line of said Northeast 1/4, 465.95 feet; thence South 02 degrees, 03 minutes, 59 seconds East, perpendicular to said North line of said Northeast 1/4, 111.49 feet to the true point of beginning of said centerline of said 75 foot wide strip of land; thence North 68 degrees, 30 minutes, 50 seconds West, 82.90 feet to the point of terminus of the centerline of said 75 foot wide strip of land.

5 feet on each side of the above described centerline shall be permanent easement consisting of a 10 foot wide strip of land. The remainder of said 75 foot wide strip of land shall be temporary and for construction purposes only. Said temporary easement shall also extend 20 feet beyond the above described point of terminus.

STATE OF KANSAS]
COUNTY OF JOHNSON] SS
FILED FOR RECORD

6.00

1987 MAY 14 P 12: 35

RUBIE M. SCOTT
REGISTER OF DEEDS

BY_____ DEP.

This grant is a permanent easement for the purpose aforestated and full consideration therefore is acknowledged; provided however, if a temporary construction easement is granted herein, then the period of said temporary easement shall be no longer than three years from the date of acceptance of construction of sewers within said Sewer District.

All sod damaged by the installation of said line or by making future repairs or in removing said property, shall be replaced by grantee. Grantor ____ agree____ that the planting of any trees or placing of other improvements on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation therefore.

This agreement is binding upon the heirs, executors, administrators, successors and assigns of the parties hereto, and it is understood that this agreement cannot be changed in any way except in writing, signed by the grantor ____ and a duly authorized agent of the grantee.

600 CK

IN WITNESS WHEREOF, the grantor ____has hereunto set her hand ____ and seal ____ on this, the 4th day of May, 1987.

CITY OF LEAWOOD, KANSAS

By: Marcia Rinehart
Marcia Rinehart, Mayor

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF KANSAS COUNTY OF JOHNSON ss:

BE IT REMEMBERED, THAT on this 4th day of May, 19 87, before me, the undersigned Notary Public, personally came Marcia Rinehart, Mayor, City of Leawood who is personally known to me to be the same person __ who executed the foregoing instrument of writing, and as such person ___ duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Leawood, Ks. on the day and year last above written.

NOTARY PUBLIC STATE OF KANSAS JINNY OBERLANDER My Appt. Expires: 8-16-87

Jinny Oberlander, Notary Public

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____ COUNTY OF _____ ss:

BE IT REMEMBERED, THAT on this _____ day of _____, 19___, before me, the undersigned Notary Public, personally came _____ who _____ personally known to me to be the same person __ who executed the foregoing instrument of writing, and as such person ___ duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at _____ on the day and year last above written.

My Commission Expires: _____ Notary Public

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____ COUNTY OF _____ ss:

BE IT REMEMBERED, THAT on this _____ day of _____, 19___, before me, the undersigned Notary Public, personally came _____ who _____ personally known to me to be the same person __ who executed the foregoing instrument of writing, and as such person ___ duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at _____ on the day and year last above written.

My Commission Expires: _____ Notary Public

CORPORATE ACKNOWLEDGEMENT

STATE OF _____ COUNTY OF _____ ss:

BE IT REMEMBERED THAT on this _____ day of _____, 19___, before me, the undersigned Notary Public in and for the County and State aforesaid, came _____, _____ of _____, who is personally known to me to be the _____ of said _____, and the same person who executed the within instrument of writing, and duly acknowledged the execution of the same to be the voluntary act and deed of said _____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Notary Public

My Commission Expires: _____

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

First Published in the Johnson County Sun, Friday,, May 8, 1987.

ORDINANCE NO. 983

AN ORDINANCE GRANTING RIGHT-OF-WAY TO JOHNSON COUNTY WASTEWATER DISTRICTS FOR SEWER PURPOSES.

Be it ordained by the Governing Body of of the City of Leawood, Kansas:

19-6,179. Section 1. The City of Leawood, Kansas, does hereby grant a right-of-way for sewer purposes to Johnson County *Wastewater Districts, on prop*erty as hereby described:

An easement consisting of a 75-foot wide strip of land, the centerline of which being more particularly described as follows:—Commencing—at—the Northeast corner of the Northeast ¼ of Section 21, Township 13 South, Range 25 East, Johnson County, Kansas; thence South 87 degrees, 56 minutes, 01 second West, along *the North line of said Northeast* ¼, 465.95 feet; thence South 02 degrees, 03 minutes, 59 seconds East, perpendicular to said North line of said Northeast ¼, 111.49 feet to the true point of beginning of said centerline of said 75-foot wide strip of land; thence North 68 degrees, 30 minutes, 50 seconds West, 82.90 feet to the point of terminus of the centerline of said 75-foot wide strip *of land.*

5 feet on each side of the above described centerline shall be permanent easement consisting of a 10-foot wide strip of land., The remainder of said 75-foot wide strip of land shall be temporary and for construction purposes only. Said temporary easement shall also extend 20 feet beyond the above described point of terminus.

(to install sewer line for residence, 11900 Mission Rd.)

19-6,180. INCORPORATION BY REFERENCE. Section 2. A copy of said right-of-way grant is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 5/4/87 Second Reading: 5/4/87

Passed by the Governing Body this 4th day of May, 1987.

Approved by the Mayor this 4th day of May, 1987.

(SEAL)

(s) Marcia Rinehart,
Mayor

Attest:

(s) J. Oberlander
City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney

(1966 1F)

AFFIDAVIT OF PUBLICATION

KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly
poses and say: That she is legal publications manager of THE JOHNSON
SUN, a semi-weekly newspaper printed in the State of Kansas, and published
eneral *circulation in* JOHNSON County, Kansas, with a general paid circulation
basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
fraternal publication.

wspaper is a semi-weekly published at least weekly 50 times a year; has been
ed continuously and uninterruptedly in said county and state for a period of
five years prior to the first publication of said notice; and has been admitted
t office of SHAWNEE MISSION, KANSAS in said County as a second class

e attached notice is a true copy thereof and was published in the regular and
e of said newspaper for ---One--- consecutive
day (weeks, days) the first publication thereof being made as
on the --8th-- day of, --May-- 1987, with subsequent
ns being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this --8th-- day of --May-- 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ --35.12--
Additional copies $ ----------

ORDINANCE NO. 982

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE FIFTH PLAT OF LEAWOOD COUNTRY MANOR, AND REPEAL OF ORDINANCE.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTIONS. Section 1. Sections 19-6,173 and 19-6,174 of Ordinance No. 966 are hereby repealed and the following enacted in lieu thereof:

19-6,173. Section 2. That 7.5 foot wide utility easement as platted on Lots 1, 2, and 3, Block 9, Leawood Country Manor, Fifth Plat, as approved by the City Council, February 6, 1984, which easement the developer Farrell Companies, Inc., now desires to cancel, release, and annul, and which is described as follows:

> West 7.5' of Lots 1, 2, and 3, Block 9, Leawood Country Manor, Fifth Plat, as they affect replatted Lots 20, 21, and 22, Leawood Country Manor, Seventh Plat

is hereby vacated.

19-6,174. Section 3. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

TAKE EFFECT. Section 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 5/4/87

Passed by the Governing Body this 4th day of May, 1987.

Approved by the Mayor this 4th day of May, 1987.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

ORDINANCE NO. 982 **1704967** ORIGINAL COMPARED WITH RECORD

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE FIFTH PLAT OF LEAWOOD COUNTRY MANOR, AND REPEAL OF ORDINANCE.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTIONS. Section 1. Sections 19-6,173 and 19-6,174 of Ordinance No. 966 are hereby repealed and the following enacted in lieu thereof:

19-6,173. Section 2. That 7.5 foot wide utility easement as platted on Lots 1, 2, and 3, Block 9, Leawood Country Manor, Fifth Plat, as approved by the City Council, February 6, 1984, which easement the developer Farrell Companies, Inc., now desires to cancel, release, and annul, and which is described as follows:

> West 7.5' of Lots 1, 2, and 3, Block 9, Leawood Country Manor, Fifth Plat, as they affect replatted Lots 20, 21, and 22, Leawood Country Manor, Seventh Plat

is hereby vacated.

19-6,174. Section 3. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

TAKE EFFECT. Section 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 5/4/87

Passed by the Governing Body this 4th day of May, 1987.

Approved by the Mayor this 4th day of May, 1987.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

600 CK

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

STATE OF KANSAS]SS
COUNTY OF JOHNSON]
FILED FOR RECORD

1987 MAY 14 P 12: 34.4

RUBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

CERTIFICATION

I, J. Oberlander, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Leawood, Kansas, and that the attached is a full, true and correct copy of Ordinance No. 982 passed by the Governing Body at a regular meeting held May 4, 1987.

(S E A L)

J. Oberlander
City Clerk
City of Leawood, Kansas

City of Leawood
9617 Lee Blvd
Leawood, KS
66206

First Published in the Johnson County Sun, Friday, May 8, 1987.

ORDINANCE NO. 982

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE FIFTH PLAT OF LEAWOOD COUNTRY MANOR, AND REPEAL OF ORDINANCE.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTIONS. Section 1. Sections 19-6,173 and 19-6,174 of Ordinance No. 966 are hereby repealed and the following enacted in lieu thereof:

19-6,173, Section 2. That 7.5 foot wide utility easement as platted on Lots 1, 2, and 3, Block 9, Leawood Country Manor, Fifth Plat, as approved by the City Council, February 6, 1984, which easement the developer Farrell Companies, Inc., now desires to cancel, release, and annul, and which is described as follows:

West 7.5' of Lots 1, 2, and 3, Block 9, Leawood Country Manor, Fifth Plat, as they affect replatted Lots 20, 21, and 22, Leawood Country Manor, Seventh Plat is hereby vacated.

19-6,174, Section 3. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

TAKE EFFECT. Section 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 5/4/87

Passed by the Governing Body this 4th day of May, 1987.

Approved by the Mayor this 4th day of May, 1987.

(SEAL)

(s) Jean Wise, Mayor

Attest:

(s) J. Oberlander

City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney

(1965 1F)

AFFIDAVIT OF PUBLICATION

KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly
poses and say: That she is legal publications manager of THE JOHNSON
SUN, a semi-weekly newspaper printed in the State of Kansas, and published
eneral circulation in JOHNSON County, Kansas, with a general paid circulation
basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
fraternal publication.

wspaper is a semi-weekly published at least weekly 50 times a year; has been
ed continuously and uninterruptedly in said county and state for a period of
five years prior to the first publication of said notice; and has been admitted
t office of SHAWNEE MISSION, KANSAS in said County as a second class

e attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---8th--- day of, ---May--- 1987, with subsequent publications being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---8th--- day of ---May--- 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---26.57---
Additional copies $ ---

ORDINANCE NO. 981

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-125. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

> The South half of the Northwest quarter, and the Northwest quarter of the Northwest quarter, and the West half of the Northeast quarter of the Northwest quarter of Section 3, Township 14, Range 25, Johnson County, Kansas.
>
> (Hillsboro, southeast corner, 143rd & Mission Rd.)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 5/4/87

Passed by the Governing Body this 4th day of May, 1987.

Approved by the Mayor this 4th day of May, 1987.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First Published in the Johnson County Sun, Friday, May 8, 1987.
ORDINANCE NO. 981
AN ORDINANCE RELATING TO ZONING PROPERTY IN THE CITY OF LEAWOOD, KANSAS
Be it ordained by the Governing Body of the City of Leawood, Kansas:
18-125. Section 1. The following described real property is hereby designated as being Zoned R-1, Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:
The South half of the Northwest quarter, and the Northwest quarter of the Northwest Quarter, and the West half of the Northeast quarter of the Northwest quarter of Section 3, Township 14, Range 25, Johnson County, Kansas.
(Hillsboro, southeast corner, 143rd & Mission Rd.)
TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.
First Reading: 4/20/87 Second Reading: 5/4/87
Passed by the Governing Body this 4th day of May, 1987.
Approved by the Mayor this 4th day of May, 1987.
(S E A L)
(s) Jean Wise, Mayor
Attest:
(s) J. Oberlander
City Clerk
APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney
(1964 1F)

AFFIDAVIT OF PUBLICATION

KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly oses and say: That she is legal publications manager of THE JOHNSON UN, a semi-weekly newspaper printed in the State of Kansas, and published neral circulation in JOHNSON County, Kansas, with a general paid circulation basis in JOHNSON County, Kansas, and that said newspaper is not a trade, fraternal publication.

spaper is a semi-weekly published at least weekly 50 times a year; has been d continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day---(weeks, days) the first publication thereof being made as aforesaid on the ---8th--- day of, ---May--- 19-87, with subsequent publications being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this ---8th--- day of ---May--- 19-87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---31.43---
Additional copies $ ----------

ORDINANCE NO. 980

AN ORDINANCE RELATING TO ACCEPTANCE OF EASEMENT FOR STORM DRAINAGE PURPOSES (STATE LINE ROAD IMPROVEMENT, 81ST-84TH) FROM JOHN J. ROACH, JR. AND GRACE R. ROACH.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,177. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a permanent drainage easement, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, permanent easement to construct, maintain, alter, repair and replace drainage facilities and all appurtenances convenient or required, together with the right of ingress and egress over and through the following premises in the City of Leawood, Johnson County, Kansas, to-wit:

> A tract of land in Lot 30 in "MEADOW LAKE LAWN", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows:
>
> Beginning at a point on the existing East right-of-way line of State Line Road that is 21.32 feet North of the existing North right-of-way line of 81st Street; thence N 0° 00' 00" E along the existing East right-of-way line of State Line Road, a distance of 10.0 feet; thence N 90° 00' 00" E, a distance of 5.0 feet; thence S 0° 00' 00" E, a distance of 10.0 feet; thence N 90° 00' 00" W, a distance of 5.0 feet to the Point of Beginning; containing 50 square feet, more or less.

19-6,178. INCORPORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R. S. Wetzler, City Attorney

ORIGINAL COMPARED WITH RECORD

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1698990

1987 APR 27 P 2:37

RUBIE M. SCOTT
REGISTER OF DEEDS

PERMANENT DRAINAGE EASEMENT

BY_____DEP.

This agreement made and entered into this 16 day of April, 1987, by and between John J. Roach, Jr. and Grace R. Roach party of the first part, does hereby remise, let and release to the City of Leawood, Kansas, party of the second part, the following described real estate to-wit:

A tract of land in Lot 30 in "MEADOW LAKE LAWN", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at a point on the existing East right-of-way line of State Line Road that is 21.32 feet North of the existing North right-of-way line of 81st Street; thence N0°00'00"E along the existing East right-of-way line of State Line Road, a distance of 10.0 feet; thence N90°00'00"E, a distance of 5.0 feet; thence S0°00'00"E, a distance of 10.0 feet; thence N90°00'00"W, a distance of 5.0 feet to the Point of Beginning; containing 50 square feet, more or less.

for the sole use of said party of the second part as and for drainage purposes within said City; when same shall cease to be used for said purposes to revert to the grant of their successors, assigns or grantees. Said Permanent Drainage Easement is conveyed on and subject to the condition set forth in Exhibit A, which is attached hereto and made a part of this Permanent Drainage Easement.

IN WITNESS WHEREOF, said party of the first part has hereunto set his hand and seal the day and year first above written.

700 CK

By: John J. Roach, Jr.

Grace R. Roach

Grace R. Roach

ATTEST:

_____

VOL 2566 PAGE 689

INDIVIDUAL ACKNOWLEDGMENT

STATE OF MISSOURI
SS.
COUNTY OF JACKSON

BE IT REMEMBERED, That on this 16 day of April, 19 87, before me, the undersigned, a Notary Public in and for said County and State, came John J. Roach, Jr. and Grace R. Roach

who ____ personally known to me to be the same persons ____ who executed the within instrument of writing, and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year las above written.

Joan Chase
Notary Public
Joan Chase

7-21-87
My Commission Expires

VOL 2566 PAGE 690

CORPORATE ACKNOWLEDGMENT

STATE OF MISSOURI
SS.
COUNTY OF JACKSON

BE IT REMEMBERED, That on this ____ day of April, 19 87, said, came ____, President of Roach Cadillac, Inc., a corporation duly organized, incorporated and existing under and by virtue of the laws of Missouri; and ____, Secretary of said corporation, who are personally known to me to be such officers and who are personally known to me to be the same persons who executed as such officers the within instrument on behalf of said Corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said Corporation, Roach Cadillac, Inc.

IN WHITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public

My Commission Expires: ____

EXHIBIT A

Said Easement is conveyed on and subject to the condition that Party of the Second Part shall during construction of improvements adjacent to the business known as Roach Cadillac keep and maintain two of the three southern entrances on State Line Road to said business open for motor vehicle use at all times and that this condition represents a material consideration for this conveyance.

First Published in the Johnson County Sun, Friday, April 24, 1987.

ORDINANCE NO. 980

AN ORDINANCE RELATING TO ACCEPTANCE OF EASEMENT FOR STORM DRAINAGE PURPOSES (STATE LINE ROAD IMPROVEMENT, 81ST-84TH) FROM JOHN J. ROACH, JR., AND GRACE R. ROACH.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,177. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a permanent drainage easement, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, permanent easement to construct, maintain, alter, repair and replace drainage facilities and all appurtenances convenient or required, together with the right of ingress and egress over and through the following premises in the City of Leawood, Johnson County, Kansas, to-wit:

A tract of land in Lot 30 in "MEADOW LAKE LAWN", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at a point on the existing East right-of-way line of State Line Road that is 21.32 feet North of the existing North right-of-way line of 81st Street; thence N 0° 00' 00" E along the existing East right-of-way line of State Line Road, a distance of 10.0 feet; thence N 90° 00' 00" E, a distance of 5.0 feet; thence S 0° 00' 00" E, a distance of 10.00 feet; thence N 90° 00' 00" W, a distance of 5.0 feet to the Point of Beginning; containing 50 square feet, more or less.

19-6,178. INCORPORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

(s) Jean Wise, Mayor
(SEAL)
Attest:
(s) J. Oberlander, City Clerk
APPROVED FOR FORM AND CONTENT:
(s) R.S. Wetzler, City Attorney
(1869_1F)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly poses and say: That she is legal publications manager of THE JOHNSON SUN, a semi-weekly newspaper printed in the State of Kansas, and published general circulation in JOHNSON County, Kansas, with a general paid circulation y basis in JOHNSON County, Kansas, and that said newspaper is not a trade, or fraternal publication.

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---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---24th--- day of ---April--- 19---87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---32.99---
Additional copies $ ---

ORDINANCE NO. 979

AN ORDINANCE RELATING TO ACCEPTANCE OF A DEED FOR STREET PURPOSES (STATE LINE ROAD IMPROVEMENT, 81ST-84TH) FROM JOHN J. ROACH, JR., AND GRACE R. ROACH.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-596. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a deed for land to be used for street purposes, the legal description of which is as follows:

> A tract of land in Lot 30 in "MEADOW LAKE LAWN", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows:
>
> Beginning at the intersection of the existing East right-of-way line of State Line Road and the existing North right-of-way line of 81st Street; thence N 0° 00' 00" E along the existing East right-of-way line of State Line Road, a distance of 18.71 feet; thence S 54° 19' 30" E, a distance of 32.58 feet to a point on the North right-of-way line of 81st Street as it now exists; thence N 89° 22' 44" W along said North right-of-way line, a distance of 26.47 feet to the Point of Beginning; containing 248 square feet, more or less.

19-597. INCORPORATION BY REFERENCE. Section 2. A copy of said deed is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

1698989 ✓ Tract No. 1

DEED OF DEDICATION ORIGINAL COMPARED WITH RECORD

KNOW ALL MEN BY THESE PRESENTS, That this Deed, made and entered into this 16 day of April, 1987, by and between John J. Roach, Jr., and Grace R. Roach of Jackson County, State of Missouri, Party of the First Part, and the CITY OF LEAWOOD, Johnson County, State of Kansas, Party of the Second Part,

WITNESSETH:

That Party of the First Part, in consideration of the sum of _____ Dollars ($_____) paid in hand to Party of the First Part by Party of the Second Part, receipt whereof is hereby acknowledged, by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the Party of the Second Part forever all its right, title and interest in and to the following described real estate lying and situate in the County of Johnson, State of Kansas, to-wit:

A tract of land in Lot 30 in "MEADOW LAKE LAWN", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at the intersection of the existing East right-of-way line of State Line Road and the existing North right-of-way line of 81st Street; thence N0°00'00"E along the existing East right-of-way line of State Line Road, a distance of 18.71 feet; thence S54°19'30"E, a distance of 32.58 feet to a point on the North right-of-way line of 81st Street as it now exists; thence N89°22'44"W along said North right-of-way line, a distance of 26.47 feet to the Point of Beginning; containing 248 square feet, more or less.

TO HAVE AND TO HOLD THE same together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, forever. It is understood and agreed that the Party of the Second Part shall use said real estate in the construction, improvement, reconstruction and maintenance of a public right-of-way, and should said right-of-way or any part thereof be vacated, the same shall revert to Party of the First Part, its heirs, executors, administrators, successors or assigns. Said Deed of Dedication is conveyed on and subject to the condition set forth in Exhibit A, which is attached hereto and made a part of this Deed of Dedication.

And the Party of the First Part for its heirs, executors, administrators, successors and assigns, does hereby covenant, promise and agree to and with said Party of the Second Part that, at the delivery of these presents, it is lawfully seized of the interest hereby conveyed in all and singular the above-granted and described premises with the appurtenances thereto; that the same are free and clear of and from all and every encumbrance whatsoever, except those of record, and that First Party will forever warrant and defend the same unto the Party of the Second Part or its assigns forever, against all and any lawful claim of all and any persons whomsoever. Party of the First Part, for its heirs, executors, administrators, successors or assigns, hereby waives and releases to Second Party any and all claims for damages or compensation, either now or in the future, arising by reason of the use of said real estate for the purposes herein described. First Party hereby agrees that First Party shall pay any special assessments or installments thereof, matured or unmatured, on said premises hereby granted, and that Second Party shall not be liable in any way for the payment thereof. First Party further agrees that the proper Governing Body may release the premise granted from any special assessment and spread and attach such special assessment to the remainder of the property adjacent to the premises hereby granted and which are owned by First Party.

700 CK

IN WITNESS WHEREOF, said Party of the First Part has hereunto set hand and seal the day and year first above written.

John J. Roach, Jr.

Grace R. Roach

Entered in Transfer Record
27 Day of April AD 1987
DONALD J. CURRY
Johnson County Clerk

VOL 2566 PAGE 687

INDIVIDUAL ACKNOWLEDGMENT

STATE OF MISSOURI)
) SS
COUNTY OF JACKSON)

BE IT REMEMBERED, THAT on this 16 day of April, 1987, before me, the undersigned Notary Public, personally came John J. Roach, Jr. + Grace R. Roach who is personally known to me to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at _____ on the day and year last above written.

Joan Chase
Notary Public Joan Chase

My Appointment Expires: 7-21-87

INDIVIDUAL ACKNOWLEDGMENT

STATE OF MISSOURI)
) SS
COUNTY OF JACKSON)

BE IT REMEMBERED, THAT on this _____ day of April, 1987, before me, the undersigned Notary Public, personally came Grace R. Roach who is personally known to me to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at _____ on the day and year last above written.

_____
Notary Public

My Appointment Expires: _____

STATE OF KANSAS)
COUNTY OF JOHNSON) SS
FILED FOR RECORD

1987 APR 27 P 2:36.5

RUBIE M. SCOTT
REGISTER OF DEEDS
BY _____ DEP.

7.00

CORPORATE ACKNOWLEDGMENT

STATE OF MISSOURI)
) SS
COUNTY OF JACKSON)

VOL 2566 PAGE 688

BE IT REMEMBERED, THAT on this _____ day of April, 1987, before me, the undersigned Notary Public in and for the County and State aforesaid, came _____ of Roach Cadillac, Inc. who is personally known to me to be the _____ of said Corporation and the same person who executed the within instrument of writing and who duly acknowledges the execution of the same to be the voluntary act and deed of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

_____
Notary Public

My Appointment Expires: _____

EXHIBIT A

Said Property is conveyed on and subject to the condition that Party of the Second Part shall during construction of improvements adjacent to the business known as Roach Cadillac keep and maintain two of the three southern entrances on State Line Road to said business open for motor vehicle use at all times and that this condition represents a material consideration for this conveyance.

First Published in the Johnson County Sun, Friday, April 24, 1987.

ORDINANCE NO. 979

AN ORDINANCE RELATING TO ACCEPTANCE OF A DEED FOR STREET PURPOSES (STATE LINE ROAD IMPROVEMENT, 81ST-84TH) FROM JOHN J. ROACH, JR., AND GRACE R. ROACH.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-596. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a deed for land to be used for street purposes, the legal description of which is as follows:

A tract of land in Lot 30 in "MEADOW LAKE LAWN", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at the intersection of the existing East right-of-way line of State Line Road and the existing North right-of-way line of 81st Street; thence N 0° 00' 00" E along the existing East right-of-way line of State Line Road, a distance of 18.71 feet; thence S 54° 19' 30" E, a distance of 32.58 feet to a point on the North right-of-way line of 81st Street as it now exists; thence N 89° 22' 44" W along said North right-of-way line, a distance of 26.47 feet to the Point of Beginning; containing 248 square feet, more or less.

19-597. INCORPORATION BY REFERENCE. Section 2. A copy of said deed is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

(s) Jean Wise, Mayor

(S E A L)

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT:

(s) R.S. Wetzler, City Attorney

(1868 1F)

AFFIDAVIT OF PUBLICATION

KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
oses and say: That she is legal publications manager of THE JOHNSON
UN, a semi-weekly newspaper printed in the State of Kansas, and published
neral circulation in JOHNSON County, Kansas, with a general paid circulation
basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
fraternal publication.

spaper is a semi-weekly published at least weekly 50 times a year; has been
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office of SHAWNEE MISSION, KANSAS in said County as a second class

attached notice is a true copy thereof and was published in the regular and
of said newspaper for ---One--- consecutive
---day---(weeks, days) the first publication thereof being made as
aforesaid on the ---24th--- day of, ---April--- 19---87---, with subsequent
publications being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---24th--- day of ---April--- 19---87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---29.13---
Additional copies $ ---

ORDINANCE NO. 978 C

AN ORDINANCE AMENDING AND CORRECTING SECTION 4-103 OF THE "CODE OF THE CITY OF LEAWOOD, 1984", INCORPORATING ADMINISTRATION AND ENFORCEMENT PROVISIONS OF THE BASIC BOCA BUILDING CODE, 1984, AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 4-103 of the "Code of the City of Leawood, 1984" is hereby repealed and the following enacted in lieu thereof:

Repealed by: ORDINANCE NO. 1019C Adopted: 11/16/87 Effective:

4-103. SAME; ARTICLE 1, ADMINISTRATION AND ENFORCEMENT. Section 2. Article 1, Administration and Enforcement provisions of the Basic BOCA Building Code, 1984 and amendments shall become the administrative section of the One and Two Family Dwelling Code, 1983 edition.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First Published in the Johnson County Sun, Friday, April 24, 1987.

ORDINANCE NO. 978 C

AN ORDINANCE AMENDING AND CORRECTING SECTION 4-103 OF THE "CODE OF THE CITY OF LEAWOOD, 1984" INCORPORATING ADMINISTRATION AND ENFORCEMENT PROVISIONS OF THE BASIC BOCA BUILDING CODE, 1984, AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 4-103 of the "Code of the City of Leawood, 1984" is hereby repealed and the following enacted in lieu thereof:

4-103. SAME; ARTICLE 1, ADMINISTRATION AND ENFORCEMENT. Section 2. Article 1, **Administration and Enforcement** *provisions of the* Basic BOCA Building Code, 1984 and amendments shall become the administrative section of the One and Two Family Dwelling Code, 1983 edition.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.*

Approved by the Mayor this 20th day of April, 1987.

(s) Jean Wise, Mayor

(S E A L)

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT:

(s) R.S. Wetzler, City Attorney

(1867 1F)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly eposes and say: That she is legal publications manager of THE JOHNSON SUN, a semi-weekly newspaper printed in the State of Kansas, and published general circulation in JOHNSON County, Kansas, with a general paid circulation ly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, or fraternal publication.

ewspaper is a semi-weekly published at least weekly 50 times a year; has been shed continuously and uninterruptedly in said county and state for a period of an five years prior to the first publication of said notice; and has been admitted ost office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---24th--- day of, ---April--- 19---87---, with subsequent publications being made on the following dates:

----------, 19------ ----------, 19------

----------, 19------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this ---24th--- day of ---April--- 19---87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------

Printer's Fee $ ---22.29---

Additional copies $ ----------

ORDINANCE NO. 977 C

AN ORDINANCE AMENDING THE BOCA BASIC BUILDING CODE 1984 EDITION, INCLUDING THE 1985 SUPPLEMENTS AS PUBLISHED BY THE BUILDING OFFICIALS AND CODE ADMINISTRATORS INTERNATIONAL BY REQUIRING A PERFORMANCE BOND AS A CONDITION OF THE ISSUANCE OF A BUILDING PERMIT OR FINAL PLAT APPROVAL AND REPEALING EXISTING PROVISIONS.

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

Section 1. Repeal of Existing Ordinance. Section 4-201 of the Code of the City of Leawood is hereby repealed.

Section 2. New Provision. Section 4-201 of the Code of the City of Leawood is hereby amended to read as follows:

4-201. BUILDING CODE INCORPORATED. The BOCA Basic Building Code 1984 edition, including the 1985 supplements, as published by the Building Officials and Code Administrators International, Inc. is hereby adopted and incorporated in this chapter as fully as if set forth herein excepting only such parts or portions thereof as are specifically added or changed in sections 4-202 through 4-240 of this article. No fewer than three copies of this document shall be on file in the office of the city clerk.

Repealed by: 1016C
ORDINANCE NO.
Adopted: 11/16/87
Effective:

Section 3. New Provision. The Code of the City of Leawood is hereby amended by adding a section 4-204.1 which reads as follows:

Repealed by: 1016C
ORDINANCE NO.
Adopted: 11/16/87
Effective:

SAME; 111.10 Performance Bond Required. A performance bond not to exceed the amount of Five Thousand Dollars ($5,000.00) shall be required at the time the building permit is issued or prior to final subdivision platting whichever shall first occur. Said performance bond will be approved by the building official and shall be predicated and guaranteed upon the fact that the permit applicant and or developer will keep streets and sidewalks, in the area that they are working in, free and clear of dirt, gravel, rubbish, or other construction debris. The building official may waive the performance bond required by this ordinance when the applicant is an individual home owner and the permit will authorize minor

construction such as additions or remodeling. Where requested one performance bond may cover multiple permit applications by one applicant or developer within a specific area or subdivision.

TAKE EFFECT. Section 4. - This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

First Published in the Johnson County Sun, Friday, April 24, 1987.

ORDINANCE NO. 977 C

AN ORDINANCE AMENDING THE BOCA BASIC BUILDING CODE 1984 EDITION, INCLUDING THE 1985 SUPPLEMENTS AS PUBLISHED BY THE BUILDING OFFICIALS AND CODE ADMINISTRATORS INTERNATIONAL BY REQUIRING A PERFORMANCE BOND AS A CONDITION OF THE ISSUANCE OF A BUILDING PERMIT OR FINAL PLAT APPROVAL AND REPEALING EXISTING PROVISIONS.

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

Section 1. **Repeal of Existing Ordinance.** Section 4-201 of the Code of the City of Leawood is hereby repealed.

Section 2. **New Provision.** Section 4-201 of the Code of the City of Leawood is hereby amended to read as follows:

4-201. BUILDING CODE INCORPORATED. The BOCA Basic Building Code, 1984 edition, including the 1985 supplements, as published by the Building Officials and Code Administrators International, Inc. is hereby adopted and incorporated in this chapter as fully as if set forth herein excepting only such parts or portions thereof as are specifically added or changed in sections 4-202 through 4-240 of this article. No fewer than three copies of this document shall be on file in the office of the city clerk.

Section 3. **New Provision.** The Code of the City of Leawood is hereby amended by adding a section 4-204.1 which reads as follows:

SAME; 111.10 **Performance Bond Required.** *A performance* bond not to exceed the amount of Five Thousand Dollars ($5,000.00) shall be required at the time the building permit is issued or prior to final subdivision platting whichever shall first occur. Said performance bond will be approved by the *building official and shall be* predicated and guaranteed upon the fact that the permit applicant and or developer will keep streets and sidewalks, in the area that they are working in, free and clear of dirt, gravel, rubbish, or other construction debris. The building official may waive the *performance bond* required by this ordinance when the applicant is an individual home owner and the permit will authorize minor construction such as additions or remodeling. Where requested one performance bond may cover multiple permit applications by one applicant or developer within a specific area or subdivision.

TAKE EFFECT. Section 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 4/20/87

Passed by the Governing Body *this 20th day of April, 1987.*

Approved by the Mayor this 20th day of April, 1987.

(s) Jean Wise, Mayor

ATTEST:

(s) J. Oberlander
City Clerk

APPROVED AS TO FORM AND CONTENT:

(s) R.S. Wetzler
City Attorney

(1866 1F)

AFFIDAVIT OF PUBLICATION

KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
oses and say: That she is legal publications manager of THE JOHNSON
UN, a semi-weekly newspaper printed in the State of Kansas, and published
eneral circulation in JOHNSON County, Kansas, with a general paid circulation
basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
fraternal publication.

wspaper is a semi-weekly published at least weekly 50 times a year; has been
ed continuously and uninterruptedly in said county and state for a period of
five years prior to the first publication of said notice; and has been admitted
st office of SHAWNEE MISSION, KANSAS in said County as a second class

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day ------ (weeks, days) the first publication thereof being made as
on the ---- 24th ---- day of, ---- April ---- 19 87 ----, with subsequent
ns being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this ---- 24th ---- day of ---- April ---- 19 87

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---- 44.11 ----
Additional copies $ ----------

ORDINANCE NO. 976 C

AN ORDINANCE PROHIBITING AND MAKING IT UNLAWFUL TO DUMP OR DEPOSIT DIRT, GRAVEL, RUBBISH, LEAVES OR CONSTRUCTION DEBRIS IN ANY STREET, RIGHT-OF-WAY, GUTTER, STORM SEWER, WATERWAY, OR DRAINAGE WAY.

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

Section 1. New Provision. The Code of the City of Leawood is hereby amended by adding Section 13-225 which reads as follows:

13-225 Dumping Prohibited. No person, firm or corporation shall dump or deposit or cause to be dumped or deposited any dirt gravel, rubbish, leaves or other debris including but not limited to lumber, paper, trash concrete or metal in any street, right-of-way, gutter, storm sewer, waterway or drainage way. Erosion of soil which flows onto any street, right-of-way, gutter, storm sewer, waterway or drainage way, from property before or during construction shall be considered as depositing dirt, gravel or other construction debris.

If upon inspection by the Chief Building Inspector, Director of Public Works or any of their designated representatives, it is determined that dirt, gravel, rubbish, leaves or other debris has been dumped or deposited in any street, right-of-way, gutter, storm sewer, waterway or drainage way in violation of the provisions of this Ordinance, he or she shall then notify the responsible permittee or permittees and give a four (4) hour period to make the affected area free and clear of said dirt, gravel or debris. If the city's representative can not determine which permittee is responsible for cleaning the street's right-of-way, the developer of the land shall be given four (4) hours notice to make the affected area free of said dirt, gravel or debris. If within the four (4) hour period the said area is not clear, the Director of Public Works or his designate may authorize the city to take necessary action to clean up the said area and assess all charges at an established

hourly rate, but in no case will the charges be less than two (2) hours for labor, materials and equipment.

The Director of Public Works shall provide a fee structure for charges to be assessed for cleanup required by this ordinance. The permittee shall be given thirty (30) days to make payment to the city for any costs incurred to make cleanup. In the event the permittee does not make payment within the (30) days, all costs including administrative cost, will be assessed to the performance bond provided by Section 4-241.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

First Published in the Johnson County Sun, Friday, April 24, 1987.

ORDINANCE NO. 976 C

AN ORDINANCE PROHIBITING AND MAKING IT UNLAWFUL TO DUMP OR DEPOSIT DIRT, GRAVEL, RUBBISH, LEAVES OR CONSTRUCTION DEBRIS IN ANY STREET, RIGHT-OF-WAY, GUTTER, STORM SEWER, WATERWAY, OR DRAINAGE WAY.

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The Director of Public Works shall provide a fee structure for charges to be assessed for cleanup required by this ordinance. The permittee shall be given thirty (30) days to make payment to the city for any costs incurred to make cleanup. In the event the permittee does not make payment within the (30) days, all costs including administrative cost, will be assessed to the performance bond provided by Section 4-241.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

(s) Jean Wise, Mayor

ATTEST:

(s) J. Oberlander
City Clerk

APPROVED AS TO FORM AND CONTENT:

(s) R. S. Wetzler
City Attorney

(1865 1F)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: **Deanna Martosin** being first Duly
poses and say: That she is legal publications manager of THE JOHNSON
SUN, a semi-weekly newspaper printed in the State of Kansas, and published
general circulation in JOHNSON County, Kansas, with a general paid circulation
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five years prior to the first publication of said notice; and has been admitted
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n the ---24th--- day of, ---April--- 19---87---, with subsequent
s being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martosin

d sworn to before me this ---24th--- day of ---April--- 19---87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---48.39---
Additional copies $ ---

ORDINANCE NO. 975 C

AN ORDINANCE RELATING TO OCCUPATION LICENSE FEES, AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 5-117 of the "Code of the City of Leawood, 1984" is hereby repealed and the following enacted in lieu thereof:

5-117. OCCUPATION FEE LEVIED; BUSINESS ACTIVITY DEFINED. Section 2. The occupation fee hereby levied shall be in the following amounts on the following businesses, trades, professions, and occupations conducted, pursued, carried on, or operated within the limits of the City for a 12-month period, unless a different license period is indicated.

(A)(1) All retail businesses domiciled in the City and engaged in the sale of groceries, clothing, hardware, notions, furniture, home furnishings, services, paint, drugs, and any other retail product not herein enumerated, shall pay an occupation tax computed on the basis of the following schedule of interior square footage occupied by said business without regard to use; except that stores which have a second floor or basement in addition to the main floor (the one with the largest interior square footage) and which is open in whole or in part to the general public shall, upon the additional floor or floors add one-half of the interior square footage, of such additional floor or floors, without regard to use, to the square footage of the main floor, and the total square footage as thus computed shall determine the tax in accordance with the following schedule:

0 - 499 sq. ft. - $62.50
500 - 999 sq. ft. - $80.
1,000 - 1,499 sq. ft. - $100
1,500 - 1,999 sq. ft. - $120
2,000 - 2,499 sq. ft. - $137.50
2,500 - 2,999 sq. ft. - $155
3,000 - 49,999 sq. ft. - $155 plus
$75 for each 1,000 sq. ft. in excess of 2,999 sq. ft. or any part thereof
50,000 - 69,999 sq. ft. - $3,750 plus
$37.50 for each 1,000 sq. ft. or any part thereof in excess of 49,999 sq. ft.
70,000 - 99,999 sq. ft. - $4,500 plus
$25 for each 1,000 sq. ft. or any part thereof in excess of 69,999 sq. ft.
100,000 sq. ft. and over - $5,250 plus
$12.50 for each 1,000 sq. ft. or any part thereof in excess of 99,999 sq. ft.

Retail businesses which hold themselves out to the public as a single business entity, but which, in fact, are partly or wholly operated on the basis of leased departments therein, shall pay an occupational tax based on the above schedule; Provided, That leased departments which have a private, individual exterior entrance and which have no entrance into such

retail stores even though under a common roof with such retail stores, shall pay an occupation tax as a separate business according to the schedule contained in this article.

Further, any other domiciled profession, calling, trade, or business, transacting business under the terms of this article, and which business is not specifically enumerated under this section, shall likewise be liable for the tax herein levied on the basis of the number of square feet occupied, all as set out in this section.

(2) Any person domiciled in the City engaged primarily in manufacturing, printing, wholesaling, or office buildings occupied by a single business, shall pay an occupational tax based on square footage occupied by said business without regard to use as follows:

0 - 999 sq. ft. - $62.50
1,000 - 4,999 sq. ft. - $62.50 plus
$30 per 1,000 sq. ft. or any part
thereof in excess of 1,000 sq. ft.
5,000 - 9,999 sq. ft. - $220 plus
$25 per 1,000 sq. ft. or any part
thereof in excess of 5,000 sq. ft.
10,000 - 24,999 sq. ft. - $345 plus
$17.50 per 1,000 sq. ft. or any part
thereof in excess of 10,000 sq. ft.
25,000 sq. ft. and over - $625 plus
$12.50 per 1,000 sq. ft. or any part
thereof in excess of 25,000 sq. ft.

(3) All banks shall pay an occupational tax of $250 per year, plus $100 for each detached bank auxiliary teller facility.

(4) All savings and loan associations shall pay an occupational tax of $250 per location per year.

(5) Domiciled small loan, finance and investment companies and credit unions shall pay an occupation tax of $150 per location per year.

(6) Recreational facilities:
Bowling alleys - $375
Drive-in-theaters - $170
Skating rinks - $170
Riding stables - $60
Miniature golf - $100
Golf driving ranges - $100
Recreation parks - $170
Pool rooms - $10 per table
Shooting ranges - $250 per location

Tennis facilities-outdoor - $25 per court
Tennis facilities-indoor - $50 per court
Racquet ball, handball and/or squash facilities-
outdoor - $12.50 per court
Racquet ball, handball and/or squash facilities-
indoor - $25 per court
Indoor theaters - $170
Other facilities not specifically listed - $100

(7) Privately owned auditoriums for public use - $170

(8) Funeral homes - $375

(9) Non-domiciled solid waste disposal companies of all kinds - $62.50

(10) Circuses, carnivals, tent shows, amusement devices which transact business in the City - $60 per day

(11) All service stations selling oils, supplies, accessories for service at retail of motor vehicles - $125

(12) Car washes if not taxed as part of gasoline service station operation - $75

(13) Motor vehicle dealers selling new or used:
(a) 2-wheel motor vehicles - $375
(b) 4-wheel motor vehicles - $750

(14) Motor vehicle rental or leasing agencies - $625

(15) Private airports - $450

(16) Restaurants, taverns, drive-in and other eating establishments:
(a) With 15 or more employees - $312.50
(b) With less than 15 employees - $125

(17) Lumber yards and building supply business - $625

(18) Contractors, non-domiciled or operating from a Leawood residence, including but not limited to building, remodeling, curbing, grading, street paving, sewer, electrical, plumbing, landscaping - $60

(19) Domiciled greenhouses and nurseries, having retail sales outlets on premises - $60
Those not conducting a related retail operation on property will be considered tree and shrub farms and will not be taxable under the occupation license article.

(20) Non-domiciled real estate companies, based on the number of sales or listings sold in the City of Leawood during the previous calendar year:
(a) 1-10 - $80
(b) Over 10 - $155
This applies to previous year's sales for any real estate sales operations being carried on in the City. Real estate operations for purposes of this section shall include all facets of the real estate sales business, including listing, advertising, showing, and contracting to sell or buy, of any home located in the City, which results in an actual sale of a residence.

(21) Any permitted accessory use under Section 15-2003 - $30, except that:
(a) a developer, builder, or contractor operating from a residence shall pay $60
(b) food services/catering services operating from a residence shall pay $100

(22) Private clubs - $250

(23) Hotels/motels shall pay an occupational tax of $5 per rental room per year; Provided, shops and restaurants which are a part of the operation will be considered as individual businesses, and in addition hereto, all banquet and ballroom facilities will be taxed individually on a square footage basis per year.

(24) Non-domiciled mobile veterinarians - $100

(25) Non-domiciled coin operated machine vendors shall pay an occupation tax of $3 per coin operating machine of whatsoever type.

(26) Non-domiciled watchman, guard, or security services; detective agents; merchant patrolmen - $50 plus $10 additional for each agent

(27) Private ambulance service - $150

(28) Non-domiciled food services/catering - $100

(29) Non-domiciled service professions, including but not limited to consultants, attorneys, engineers, architects, accountants, photographers - $75 plus $10 for each professional over one

(30) Other non-domiciled businesses providing service, selling or distributing goods; seasonal businesses.

The provisions of this subsection shall apply to any person as herein defined who conducts, carries on, or pursues any business, trade, profession, or occupation in the City, whether or not such person leases or owns property within the City, if such person carries on the principal elements of any such business, trade, profession, or occupation as defined in Section 5-101.

Any person meeting the above definition as a non-domiciled business or service shall pay an occupation fee as set out herein.

(a) A person may choose to pay a fee of $6 for each occasion when he or she transacts business within the City; Provided, That any person who has previously purchased five one-day occupation permits shall, on the next occasion when he or she transacts business within the City, purchase an annual permit.

(b) Businesses and services of any kind or nature which are seasonal in nature and occur on a once-a-year basis only shall secure a permit, and such permit may be secured for a time not to exceed 30 days by payment of $25.

(31) Non-domiciled developers - $60

(32) Non-domiciled builders - $60

(33) Non-domiciled lawn, garden, tree services - $60

(34) Non-domiciled exterminators - $60

(35) All persons engaged in the business of selling or peddling goods or services not having a permanently located place of business in the City but having a permanently established house-to-house or wholesale business, per agent - $17.50

(B) Any business or occupation or profession named above that is required to secure a license under the terms of this section may also be required to present to the City a certified copy of any federal, state, municipal, labor or trade union or association certification or license which is issued as a condition precedent to the conduct of such business, occupation or profession.

VALIDITY OF ORDINANCE. Section 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

TAKE EFFECT. Section 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 24th day of, April 19 87, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martasin

Subscribe and sworn to before me this 24th day of April 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: _____
Printer's Fee $ 275.55
Additional copies $ _____

First Published in the Johnson County Sun, Friday, April 24, 1987.

ORDINANCE NO. 975 C

AN ORDINANCE RELATING TO OCCUPATION LICENSE FEES, AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 5-117 of the "Code of the City of Leawood, 1984" is hereby repealed and the following enacted in lieu thereof:

5-117. OCCUPATION FEE LEVIED; BUSINESS ACTIVITY DEFINED. Section 2. The occupation fee hereby levied shall be in the following amounts on the following businesses, trades, professions, and occupations conducted, pursued, carried on, or operated within the limits of the City for a 12-month period, unless a different license period is indicated.

(A)(1) All retail businesses domiciled in the City and engaged in the sale of groceries, clothing, hardware, notions, furniture, home furnishings, services, paint, drugs, and any other retail product not herein enumerated, shall pay an occupation tax computed on the basis of the following schedule of interior square footage occupied by said business without regard to use; except that stores which have a second floor or basement in addition to the main floor (the one with the largest interior square footage) and which is open in whole or in part to the general public shall, upon the additional floor or floors add one-half of the interior square footage, of such additional floor or floors, without regard to use, to the square footage of the main floor, and the total square footage as thus computed shall determine the tax in accordance with the following schedule:

0 - 499 sq. ft. - $62.50
500 - 999 sq. ft. - $80
1,000 - 1,499 sq. ft. - $100
1,500 - 1,999 sq. ft. - $120
2,000 - 2,499 sq. ft. - $137.50
2,500 - 2,999 sq. ft. - $155
3,000 - 49,999 sq. ft. - $155 plus
$75 for each 1,000 sq. ft. in excess of 2,999 sq. ft. or any part thereof
50,000 - 69,999 sq. ft. - $3,750 plus
$37.50 for each 1,000 sq. ft. or any part thereof in excess of 49,999 sq. ft.
70,000 - 99,999 sq. ft. - $4,500 plus
$25 for each 1,000 sq. ft. or any part thereof in excess of 69,999 sq. ft.
100,000 sq. ft. and over - $5,250 plus
$12.50 for each 1,000 sq. ft. or any part thereof in excess of 99,999 sq. ft.

Retail businesses which hold themselves out to the public as a single business entity, but which, in fact, are partly or wholly operated on the basis of leased departments therein, shall pay an occupational tax based on the above schedule; Provided, That leased departments which have a private, individual exterior entrance and which have no entrance into such retail stores even though under a common roof with such retail stores, shall pay an occupation tax as a separate business according to the schedule contained in this article.

Further, any other domiciled profession, calling, trade, or business, transacting business under the terms of this article, and which business is not specifically enumerated under this section, shall likewise be liable for the tax herein levied on the basis of the number of square feet occupied, all as set out in this section.

(2) Any person domiciled in the City engaged primarily in manufacturing, printing, wholesaling, or office buildings occupied by a single business, shall pay an occupational tax based on square footage occupied by said business without regard to use as follows:

0 - 999 sq. ft. - $62.50
1,000 - 4,999 sq. ft. - $62.50 plus
$30 per 1,000 sq. ft. or any part thereof in excess of 1,000 sq. ft.
5,000 - 9,999 sq. ft. - $220 plus
$25 per 1,000 sq. ft. or any part thereof in excess of 5,000 sq. ft.
10,000 - 24,999 sq. ft. - $345 plus
$17.50 per 1,000 sq. ft. or any part thereof in excess of 10,000 sq. ft.
25,000 sq. ft. and over - $625 plus
$12.50 per 1,000 sq. ft. or any part thereof in excess of 25,000 sq. ft.

(3) All banks shall pay an occupational tax of $250 per year, plus $100 for each detached bank auxiliary teller facility.

(4) All savings and loan associations shall pay an occupational tax of $250 per location per year.

(5) Domiciled small loan, finance and investment companies and credit unions shall pay an occupation tax of $150 per location per year.

(6) Recreational facilities:
Bowling alleys - $375
Drive-in-theaters - $170
Skating rinks - $170
Riding stables - $60
Miniature golf - $100
Golf driving ranges - $100
Recreation parks - $170
Pool rooms - $10 per table
Shooting ranges - $250 per location
Tennis facilities-outdoor - $25 per court
Tennis facilities-indoor - $50 per court
Racquet ball, handball and/or squash facilities-outdoor - $12.50 per court
Racquet ball, handball and/or squash facilities-indoor - $25 per court
Indoor theaters - $170
Other facilities not specifically listed - $100

(7) Privately owned auditoriums for public use - $170

(8) Funeral homes - $375

(9) Non-domiciled solid waste disposal companies of all kinds - $62.50

(10) Circuses, carnivals, tent shows, amusement devices which transact business in the City - $60 per day

(11) All service stations selling oils, supplies, accessories for service at retail of motor vehicles - $125

(12) Car washes if not taxed as part of gasoline service station operation - $75

(13) Motor vehicle dealers selling new or used:
(a) 2-wheel motor vehicles - $375
(b) 4-wheel motor vehicles - $750

(14) Motor vehicle rental or leasing agencies - $625

(15) Private airports - $450

(16) Restaurants, taverns, drive-in and other eating establishments:
(a) With 15 or more employees - $312.50
(b) With less than 15 employees - $125

(17) Lumber yards and building supply business - $625

(18) Contractors, non-domiciled or operating from a Leawood residence, including but not limited to building, remodeling, curbing, grading, street paving, sewer, electrical, plumbing, landscaping - $60

(19) Domiciled greenhouses and nurseries, having retail sales outlets on premises - $60
Those not conducting a related retail operation on property will be considered tree and shrub farms and will not be taxable under the occupation license article.

(20) Non-domiciled real estate companies, based on the number of sales or listings sold in the City of Leawood during the previous calendar year:
(a) 1-10 - $80
(b) Over 10 - $155
This applies to previous year's sales for any real estate sales operations being carried on in the City. Real estate operations for purposes of this section shall include all facets of the real estate sales business, including listing, advertising, showing, and contracting to sell or buy, of any home located in the City, which results in an actual sale of a residence.

(21) Any permitted accessory use under Section 15-2003 - $30, except that:
(a) a developer, builder, or contractor operating from a residence shall pay $60
(b) food services/catering services operating from a residence shall pay $100

(22) Private clubs - $250

(23) Hotels/motels shall pay an occupational tax of $5 per rental room per year; Provided, shops and restaurants which are a part of the operation will be considered as individual businesses, and in addition hereto, all banquet and ballroom facilities will be taxed individually on a square footage basis per year.

(24) Non-domiciled mobile veterinarians - $100

(25) Non-domiciled coin operated machine vendors shall pay an occupation tax of $3 per coin operating machine of whatsoever type.

(26) Non-domiciled watchman, guard, or security services; detective agents; merchant patrolmen - $50 plus $10 additional for each agent

(27) Private ambulance service - $150

(28) Non-domiciled food services/catering - $100

(29) Non-domiciled service professions, including but not limited to consultants, attorneys, engineers, architects, accountants, photographers - $75 plus $10 for each professional over one

(30) Other non-domiciled businesses providing service, selling or distributing goods; seasonal businesses.

The provisions of this subsection shall apply to any person as herein defined who conducts, carries on, or pursues any business, trade, profession, or occupation in the City, whether or not such person leases or owns property within the City, if such person carries on the principal elements of any such business, trade, profession, or occupation as defined in Section 5-101.

Any person meeting the above definition as a non-domiciled business or service shall pay an occupation fee as set out herein.
(a) A person may choose to pay a fee of $6 for each occasion when he or she transacts business within the City; Provided, That any person who has previously purchased five one-day occupation permits shall, on the next occasion when he or she transacts business within the City, purchase an annual permit.
(b) Businesses and services of any kind or nature which are seasonal in nature and occur on a once-a-year basis only shall secure a permit, and such permit may be secured for a time not to exceed 30 days by payment of $25.

(31) Non-domiciled developers - $60

(32) Non-domiciled builders - $60

(33) Non-domiciled lawn, garden, tree services - $60

(34) Non-domiciled exterminators - $60

(35) All persons engaged in the business of selling or peddling goods or services not having a permanently located place of business in the City but having a permanently established house-to-house or wholesale business, per agent - $17.50

(B) Any business or occupation or profession named above that is required to secure a license under the terms of this section may also be required to present to the City a certified copy of any federal, state, municipal, labor or trade union or association certification or license which is issued as a condition precedent to the conduct of such business, occupation or profession.

VALIDITY OF ORDINANCE. Section 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

TAKE EFFECT. Section 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 4/20/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

(S E A L)

Jean Wise
Jean Wise Mayor

Attest:

J. Oberlander
J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R.S. Wetzler, City Attorney
R.S. Wetzler

(1864 1F)

ORDINANCE NO. 974

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-1,409. Section 1. The following described real property is hereby designated as being zoned RP-1, Planned Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned RP-4, Planned Cluster Residential:

All that part of the SW1/4 of Section 21, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of the SW1/4 of said Section 21; thence N 1° 46' 51" W, along the West line of the SW1/4 of said Section 21, a distance of 265 feet; thence N 88° 13' 09" E, along a line perpendicular to the West line of the SW1/4 of said Section 21, a distance of 60 feet; thence N 10° 52' 37" E, a distance of 160 feet; thence N 50° 50' 41" E, a distance of 150 feet; thence N 57° 23' 36" E, a distance of 307.86 feet; thence N 50° 28' 09" E, a distance of 190.93 feet; thence N 35° 36' 52" E, a distance of 268.26 feet; thence N 27° 11' 41" E, a distance of 195.78 feet; thence N 35° 05' 54" E, a distance of 106.98 feet, to the Southwesterly corner of Lot 1, Block 4, LEAWOOD FOREST ESTATES, THIRD PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas; thence S 63° 36' 11" E, along the Southerly line of said Lot 1, a distance of 125 feet, to the Southeasterly corner thereof, said point also being on the Westerly line of Tract D of said LEAWOOD FOREST ESTATES, THIRD PLAT; thence Southwesterly, along the Westerly line of said Tract D, said line being on a curve to the left, having a radius of 270 feet, a central angle of 6° 34' 58" and whose initial tangent bearing is S 32° 39' 22" W, a distance of 31.02 feet, to the Southwesterly corner thereof; thence S 63° 55' 36" E, along the Southwesterly line of said Tract D, a distance of 50 feet, to the most Westerly corner of Lot 13, Block 3 of said LEAWOOD FOREST ESTATES, THIRD PLAT, said point also being the most Northerly corner of Lot 12, Block 3, LEAWOOD FOREST ESTATES, a subdivision of land now in the City of Leawood, Johnson County, Kansas; thence S 26° 04' 24" W, along the Northwesterly line of Lots 12 and 11, Block 3 of said LEAWOOD FOREST ESTATES, a distance of 155 feet, to a point of curvature; thence Southwesterly, along the Northwesterly line of Lots 11, 10 and 9 of said Block 3, said line being on a curve to the right, having a radius of 1910 feet and a central angle of 9° 04' 29", a distance of 302.51 feet, to a point of compound curvature; thence Southwesterly, along the Northwesterly line of Lots 9 and 8 of said Block 3,

said line being on a curve to the right, having a radius of 849 feet, a central angle of 13° 31' 43", and whose initial tangent bearing is S 35° 08' 53" W, a distance of 200.46 feet, to a point of compound curvature; thence Southwesterly, along the Northwesterly line of Lots 8 and 5 of said Block 3, said line being on a curve to the right, having a radius of 1637 feet, a central angle of 9° 10' 48", and whose initial tangent bearing is S 48° 40' 36" W, a distance of 262.28 feet, to a point of tangency; thence S 57° 51' 24" W, along the Northwesterly line of Lots 5 and 4 of said Block 3, a distance of 223 feet, to a point of curvature; thence Southwesterly and Southerly, along the Northwesterly and Westerly line of said Lot 4, said line being on a curve to the left, having a radius of 125 feet and a central angle of 60°, a distance of 130.90 feet, to a point of tangency; thence S 2° 08' 36" E, along the Westerly line and its extension of Lots 4 and 3 of said Block 3, a distance of 238 feet, to a point on the South line of the SW1/4 of said Section 21; thence S 87° 51' 24" W, along the South line of the SW1/4 of said Section 21, a distance of 250 feet, to the point of beginning.

The above described tract of land contains 7.312 Gross Acres, more or less.

(Patrician Woods, 6th Plat; approx. 250' east of Nall Ave., north side of 127th St.)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/16/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First Published in the Johnson County Sun, Friday, April 24, 1987.

ORDINANCE NO. 974

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

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Beginning at the Southwest corner of the SW ¼ of said Section 21; thence N 1° 46' 51" W, along the West line of the SW ¼ of said Section 21, a distance of 265 feet; thence N 88° 13' 09" E, along a line perpendicular to the West line of the SW ¼ of said Section 21, a distance of 60 feet; thence N 10° 52' 37" E, a distance of 160 feet; thence N 50° 50' 41" E, a distance of 150 feet; thence N 57° 23' 36" E, a distance of 307.86 feet; thence N 50° 28' 09" E, a distance of 190.93 feet; thence N 35° 36' 52" E, a distance of 268.26 feet; thence N 27° 11' 41" E, a distance of 195.78 feet; thence N 35° 05' 54" E, a distance of 106.98 feet, to the Southwesterly corner of Lot 1, Block 4, LEAWOOD FOREST ESTATES, THIRD PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas; thence S 63° 36' 11" E, along the Southerly line of said Lot 1, a distance of 125 feet, to the Southeasterly corner thereof, said point also being on the Westerly line of Tract D of said LEAWOOD FOREST ESTATES, THIRD PLAT; thence Southwesterly, along the Westerly line of said Tract D, said line being on a curve to the left, having a radius of 270 feet, a central angle of 6° 34' 58" and whose initial tangent bearing is S 32° 39' 22" W, a distance of 31.02 feet, to the Southwesterly corner thereof; thence S 63° 55' 36" E, along the Southwesterly line of said Tract D, a distance of 50 feet, to the most Westerly corner of Lot 13, Block 3 of said LEAWOOD FOREST ESTATES, THIRD PLAT, said point also being the most Northerly corner of Lot 12, Block 3, LEAWOOD FOREST ESTATES, a subdivision of land now in the City of Leawood, Johnson County, Kansas; thence S 26° 04' 24" W, along the Northwesterly line of Lots 12 and 11, Block 3 of said LEAWOOD FOREST ESTATES, a distance of 155 feet, to a point of curvature; thence Southwesterly, along the Northwesterly line of Lots 11, 10 and 9 of said Block 3, said line being on a curve to the right, having a radius of 1910 feet and a central angle of 9° 04' 29", a distance of 302.51 feet, to a point of compound curvature; thence Southwesterly, along the Northwesterly line of Lots 9 and 8 of said Block 3, said line being on a curve to the right, having a radius of 849 feet, a central angle of 13° 31' 43", and whose initial tangent bearing is S 35° 08' 53" W, a distance of 200.46 feet, to a point of compound curvature; thence Southwesterly, along the Northwesterly line of Lots 8 and 5 of said Block 3, said line being on a curve to the right, having a radius of 1637 feet, a central angle of 9° 10' 48", and whose initial tangent bearing is S 48° 40' 36" a distance of 262.28 feet, to a point of tangency; thence S 57° 51' 24" W, along the Northwesterly line of Lots 5 and 4 of said Block 3, a distance of 223 feet, to a point of curvature; thence Southwesterly and Southerly, along the Northwesterly and Westerly line of said Lot 4, said line being on a curve to the left, having a radius of 125 feet and a central angle of 60°, a distance of 130.90 feet, to a point of tangency; thence S 2° 08' 36" E, along the Westerly line and its extension of Lots 4 and 3 of said Block 3, a distance of 238 feet, to a point on the South line of the SW ¼ of said Section 21; thence S 87° 51' 24" W, along the South line of the SW ¼ of said Section 21, a distance of 250 feet, to the point of beginning.

The above described tract of land contains 7.312 Gross Acres, more or less.

(Patrician Woods, 6th Plat; approx. 250' east of Nall Ave., north side of 127th St.)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/16/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

(SEAL)

(s) Jean Wise, Mayor

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney

(1863-1F)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly eposes and say: That she is legal publications manager of THE JOHNSON SUN, a semi-weekly newspaper printed in the State of Kansas, and published general circulation in JOHNSON County, Kansas, with a general paid circulation ly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, or fraternal publication.

ewspaper is a semi-weekly published at least weekly 50 times a year; has been hed continuously and uninterruptedly in said county and state for a period of n five years prior to the first publication of said notice; and has been admitted ost office of SHAWNEE MISSION, KANSAS in said County as a second class

he attached notice is a true copy thereof and was published in the regular and sue of said newspaper for ----One---------- consecutive ----day----------(weeks, days) the first publication thereof being made as d on the --24th-- day of, --April---- 19--87--, with subsequent ions being made on the following dates:

----------, 19------ ----------, 19------

----------, 19------ ----------, 19------

Deanna Martasin

e and sworn to before me this --24th-- day of --April---------- 19--87--

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

mission expires: ----------

Fee $ ----71.06----

a' copies $ ----------

ORDINANCE NO. 973

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-124. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

All that part of the Southwest Quarter of the Southwest Quarter of Section 15, Township 13 South, Range 25 East, City of Leawood, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 15; thence North 0° 00' 00" East, along the West line of the Southwest Quarter of said Southwest Quarter Section, a distance of 530.00 feet, to the POINT OF BEGINNING; thence continuing North 0° 00' 00" East, along said West line, a distance of 803.51 feet, to the Northwest corner of the Southwest Quarter of said Southwest Quarter Section; thence North 89° 09' 09" East, along the North line of the Southwest Quarter of said Southwest Quarter Section, a distance of 1326.65 feet, to the Northeast corner of the Southwest Quarter of said Southwest Quarter Section; thence South 0° 03' 22" East, along the East line of the Southwest Quarter of said Southwest Quarter Section, a distance of 1331.30 feet, to the Southeast corner of the Southwest Quarter of said Southwest Quarter Section; thence South 89° 03' 38" West, along the South line of the Southwest Quarter of said Southwest Quarter Section, a distance of 662.98 feet; thence North 0° 56' 22" West, a distance of 390.00 feet; thence North 51° 37' 52" West, a distance of 190.00 feet; thence North 85° 24' 23" West, a distance of 140.00 feet; thence North 90° 00' 00" West, a distance of 370.00 feet, to the POINT OF BEGINNING, containing 32.89 acres more or less.

(Hazelwood; northeast corner, 119th & Mission Rd.)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/16/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First Published in the Johnson County Sun, Friday, April 24, 1987.

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(Hazelwood; northeast corner, 119th & Mission Rd.)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/16/87 Second Reading: 4/20/87

Passed by the Governing Body this 20th day of April, 1987.

Approved by the Mayor this 20th day of April, 1987.

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT:

(s) R.S. Wetzler, City Attorney

(1862_1F)

AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
Deposes and say: That she is legal publications manager of THE JOHNSON
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Day (weeks, days) the first publication thereof being made as
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ons being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this 24th day of April 19 87

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ 42.40
Additional copies $ ---

ORDINANCE NO. 972

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAWOOD, KANSAS, OF AN ISSUE OF TEMPORARY NOTES, SERIES L.I.D. 87-1 (127th STREET JUNIPER TO NALL) PHASE II, IN THE AGGREGATE PRINCIPAL AMOUNT OF $221,600.00 DOLLARS, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS INCURRED IN CONNECTION WITH THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO 127th STREET FROM JUNIPER TO NALL AVENUE, ALL OF SAID IMPROVEMENTS WITHIN LEAWOOD, JOHNSON COUNTY, KANSAS.

WHEREAS, the Governing Body of the City of Leawood, Kansas, by Resolution No. 646, passed by the Governing Body on March 26, 1984, authorized the construction of certain improvements to 127th Street from the centerline of Roe Avenue to the centerline of Nall Avenue, a distance of 2640 feet more or less, the improvement to be a 36 foot roadway in width, back to back with curb, including storm drainage facilities, street lighting and other appurtenances (the "Improvement"), according to the plans and specifications of Shafer, Kline & Warren, P.C., as project engineer, and has provided for the method of assessment and authorized the issuance of temporary notes pursuant to K.S.A. 10-123 from time to time to pay the costs of said improvements; and

WHEREAS, the City has entered into a contract for the construction of said improvements, construction has proceeded and costs of said Improvement have accrued in the approximate amount of $221,600.00 or such costs will accrue and be payable in the immediate future, which costs and expenses have been approved by the project engineer and the Governing Body of the City of Leawood, and the said amount is needed for the expense and work heretofore performed or to be performed as stated; and

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

20-1,256. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid Improvement now due or to become due in the immediate future, including necessary engineering, legal and

incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 87-1 (127th Street Juniper to Nall) Phase II, in the aggregate principal amount of Two Hundred Twenty-One Thousand Six Hundred and No/100 Dollars ($221,600.00).

20-1,257. Section Two: Said issue of Temporary Notes, Series L.I.D. 87-1 (127th Street Juniper to Nall) Phase II, shall consist of bearer notes, numbered from 1 thru 3 inclusive, number 1 and 2 each being in the denomination of $100,000.00 and number 3 being in the denomination of $21,600.00. Each of said notes shall be dated as of May 1, 1987 and shall have the stated maturity date of April 30, 1988. The notes shall bear interest from their date of issuance and delivery to the purchaser thereof, provided that in no event shall such issuance and delivery be prior to May 1, 1987, and shall be payable at maturity or upon redemption prior thereto at the rate of 4.62% per annum.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part, but in any event in the full face amount of the particular note chosen for redemption, at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,258. Section Three: The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the

City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,259. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,260. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the Improvement hereinbefore described.

The City covenants and agrees for the benefit of the holders of the notes to apply such proceeds diligently and with all reasonable dispatch for the purpose for which they are intended. All proceeds shall be applied to the payment of such costs of the improvement or costs incidental thereto (or to reimburse the City therefor).

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provision requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

Issue	Date	Principal Amount
None		

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide project financing for the improvements, other than bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the bonds will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,261. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 4/20/87 Second Reading: 4/20/87

PASSED by the Governing Body of the City of Leawood, Kansas, this 20th day of April, 1987.

SIGNED by the Mayor this 20th day of April, 1987.

Jean Shise
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 24th day of, April 1987, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martasin

Subscribe and sworn to before me this 24th day of April 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires:
Printer's Fee $ 143.49
Additional copies $

First Published in the Johnson County Sun, Friday, April 24, 1987.

ORDINANCE NO. 972

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAWOOD, KANSAS, OF AN ISSUE OF TEMPORARY NOTES, SERIES L.I.D. 87-1 (127th STREET JUNIPER TO NALL) PHASE II, IN THE AGGREGATE PRINCIPAL AMOUNT OF $221,600.00 DOLLARS, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS INCURRED IN CONNECTION WITH THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO 127TH STREET FROM JUNIPER TO NALL AVENUE, ALL OF SAID IMRPOVEMENTS WITHIN LEAWOOD, JOHNSON COUNTY, KANSAS.

WHEREAS, the Governing Body of the City of Leawood, Kansas, by Resolution No. 646, passed by the Governing Body on March 26, 1984, authorized the construction of certain improvements to 127th Street from the centerline of Roe Avenue to the centerline of Nall Avenue, a distance of 2640 feet more or less, the improvement to be a 36 foot roadway in width, back to back with curb, including storm drainage facilities, street lighting and other appurtenances (the "Improvement"), according to the plans and specifications of Shafer, Kline & Warren, P.C., as project engineer, and has provided for the method of assessment and authorized the issuance of the temporary notes pursuant to K.S.A. 10-123 from time to time to pay the costs of said improvements; and

WHEREAS, the City has entered into a contract for the construction of said improvements, construction has proceeded and costs of said Improvement have accrued in the approximate amount of $221,600.00 or such costs will accrue and be payable in the immediate future, which costs and expenses have been approved by the project engineer and the Governing Body of the City of Leawood; and the said amount is needed for the expense and work heretofore performed or to be performed as stated; and

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

20-1,256. **Section One:** That in order to provide funds to pay the costs and expenses of the aforesaid Improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 87-1 (127th Street Juniper to Nall) Phase II, in the aggregate principal amount of Two Hundred Twenty-One Thousand Six Hundred and No/100 Dollars ($221,600.00).

20-1,257. **Section Two:** Said issue of Temporary Notes, Series L.I.D. 87-1 (127th Street Juniper to Nall) Phase II, shall consist of bearer notes, numbered 1 thru 3 inclusive, number 1 and 2 each being in the denomination of $100,000.00 and number 3 being in the denomination of $21,600.00. Each of said notes shall be dated as of May 1, 1987 and shall have the stated maturity date of April 30, 1988. The notes shall bear interest from their date of issuance and delivery to the purchaser thereof, provided that in no event shall such issuance and delivery be prior to May 1, 1987, and shall be payable at maturity or upon redemption prior thereto at the rate of 4.62% per annum.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part, but in any event in the full face amount of the particular note chosen for redemtion, at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

29-1,258. **Section Three:** The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,259. **Section Four:** The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,260. **Section Five:** The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the Improvement hereinbefore described.

The City covenants and agrees for the benefit of the holders of the notes to apply such proceeds diligently and with all reasonable dispatch for the purpose for which they are intended. All proceeds shall be applied to the payment of such costs of the improvement or costs incidental thereto (or to reimburse the City therefor).

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provision requiring the rebate of excess earnings on funds or accounts created with respect to the notes; **provided, however,** the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

Issue	Date	Principal Amount
None		

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide project financing for the improvements, other than bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the bonds will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,261. **Section Six:** The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 4/20/87 Second Reading: 4/20/87

PASSED by the Governing Body of the City of Leawood, Kansas, this 20th day of April, 1987.

SIGNED by the Mayor this 20th day of April, 1987.

(s) Jean Wise,
Mayor

ATTEST:
(s) J. Oberlander
City Clerk

APPROVED AS TO FORM AND CONTENT:
(s) R.S. Wetzler
City Attorney

(1861 : 1F)

ORDINANCE NO. 971

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAWOOD, KANSAS, OF AN ISSUE OF TEMPORARY NOTES, SERIES L.I.D. 87-2 (127th STREET ROE AVENUE TO JUNIPER) IN THE AGGREGATE PRINCIPAL AMOUNT OF $532,800.00 DOLLARS, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS INCURRED IN CONNECTION WITH THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO 127th STREET FROM ROE AVENUE TO JUNIPER, ALL OF SAID IMPROVEMENTS WITHIN LEAWOOD, JOHNSON COUNTY, KANSAS.

WHEREAS, the Governing Body of the City of Leawood, Kansas, by Resolution No. 646, passed by the Governing Body on March 26, 1984, authorized the construction of certain improvements to 127th Street from the centerline of Roe Avenue to the centerline of Nall Avenue, a distance of 2640 feet more or less, the improvement to be a 36 foot roadway in width, back to back with curb, including storm drainage facilities, street lighting and other appurtenances (the "Improvement"), according to the plans and specifications of Shafer, Kline & Warren, P.C., as project engineer, and has provided for the method of assessment and authorized the issuance of temporary notes pursuant to K.S.A. 10-123 from time to time to pay the costs of said improvements; and

WHEREAS, the City has entered into a contract for the construction of said improvements, construction has proceeded and costs of said Improvement have accrued in the approximate amount of $532,800.00 or such costs will accrue and be payable in the immediate future, which costs and expenses have been approved by the project engineer and the Governing Body of the City of Leawood, and the said amount is needed for the expense and work heretofore performed or to be performed as stated; and

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

20-1,250. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid Improvement now due or to become due in the immediate future, including necessary engineering, legal and

incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 87-2 (127th Street Roe Avenue to Juniper) in the aggregate principal amount of Five Hundred Thirty-Two Thousand Eight Hundred and No/100 Dollars ($532,800.00).

20-1,251. Section Two: Said issue of Temporary Notes, Series L.I.D. 87-2 (127th Street Roe Avenue to Juniper) shall consist of one bearer note, numbered 1 in the denomination of $532,800.00. Said note shall be dated May 15, 1987, and shall have the stated maturity date of May 15, 1988. The note shall bear interest from its date of issuance and delivery to the purchaser thereof, provided that in no event shall such issuance and delivery be prior to May 15, 1987, and shall be payable at maturity or upon redemption prior thereto at the rate of 5.99% per annum.

Both principal of and interest on said note shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said note. The principal of said note shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said note.

The City of Leawood, Kansas, reserves the right to redeem and pay said note, but in the full face amount of said note at any date prior to the stated maturity date of said note by the publication of notice and payment of said note, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,252. Section Three: The date of delivery of said note shall be and for all purposes constitute its date of issuance notwithstanding the dated date. Said note shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,253. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary

note herein authorized to be issued in the form and substance hereinbefore described as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said note shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,254. Section Five: The proceeds of said temporary note shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the Improvement hereinbefore described.

The City covenants and agrees for the benefit of the holders of the note to apply such proceeds diligently and with all reasonable dispatch for the purpose for which it is intended. All proceeds shall be applied to the payment of such costs of the improvement or costs incidental thereto (or to reimburse the City therefor).

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the note, including but not limited to any provision requiring the rebate of excess earnings on funds or accounts created with respect to the note; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the note.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

	Issue	Date	Principal Amount
(a)	L.I.D. 87-1	May 1, 1987	$221,600.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide project financing for the improvements, other than bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the bonds will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the note to be a "qualified tax-exempt obligation" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,255. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said note and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 4/20/87 Second Reading: 4/20/87

PASSED by the Governing Body of the City of Leawood, Kansas, this 20th day of April, 1987.

SIGNED by the Mayor this 20th day of April, 1987.

Jean Hise
Mayor

ATTEST:

J. Oberlander
City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ------One------ consecutive ------day------(weeks, days) the first publication thereof being made as aforesaid on the -24th- day of, -April- 1987, with subsequent publications being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this -24th- day of -April- 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---140.92---
Additional copies $ ----------

First Published in the Johnson County Sun, Friday, April 24, 1987.

ORDINANCE NO. 971

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LEAWOOD, KANSAS, OF AN ISSUE OF TEMPORARY NOTES, SERIES L.I.D. 87-2 (127th STREET ROE AVENUE TO JUNIPER) IN THE AGGREGATE PRINCIPAL AMOUNT OF $532,800.00 DOLLARS, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS INCURRED IN CONNECTION WITH THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO 127TH STREET FROM ROE AVENUE TO JUNIPER, ALL OF SAID IMPROVEMENTS WITHIN LEAWOOD, JOHNSON COUNTY, KANSAS.

WHEREAS, the Governing Body of the City of Leawood, Kansas, by Resolution No. 646, passed by the Governing Body on March 26, 1984, authorized the construction of certain improvements to 127th Street from the centerline of Roe Avenue to the centerline of Nall Avenue, a distance of 2640 feet more or less, the improvement to be a 36 foot roadway in width, back to back with curb, including storm drainage facilities, street lighting and other appurtenances (the "Improvement"), according to the plans and specifications of Shafer, Kline & Warren, P.C., as project engineer, and has provided for the method of assessment and authorized the issuance of the temporary notes pursuant to K.S.A. 10-123 from time to time to pay the costs of said improvements; and

WHEREAS, the City has entered into a contract for the construction of said improvements, construction has proceeded and costs of said Improvement have accrued in the approximate amount of $532,800.00 or such costs will accrue and be payable in the immediate future, which costs and expenses have been approved by the project engineer and the Governing Body of the City of Leawood, and the said amount is needed for the expense and work heretofore performed or to be performed as stated; and

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

20-1,250. **Section One:** That in order to provide funds to pay the costs and expenses of the aforesaid Improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series L.I.D. 87-2 (127th Street Roe Avenue to Juniper) in the aggregate principal amount of Five Hundred Thirty-Two Thousand Eight Hundred and No/100 Dollars ($532,800.00).

20-1,251. **Section Two:** Said issue of Temporary Notes, Series L.I.D. 87-2 (127th Street Roe Avenue to Juniper) shall consist of one bearer note, numbered 1 in the denomination of $532,800.00. Said note shall be dated May 15, 1987, and shall have the stated maturity date of May 15, 1988. The note shall bear interest from its date of issuance and delivery to the purchaser thereof, provided that in no event shall such issuance and delivery be prior to May 15, 1987, and shall be payable at maturity or upon redemption prior thereto at the rate of 5.99% per annum.

Both principal of and interest on said note shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said note. The principal of said note shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said note.

The City of Leawood, Kansas, reserves the right to redeem and pay said note, but in the full face amount of said note at any date prior to the stated maturity date of said note by the publication of notice and payment of said note, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,252. **Section Three:** The date of delivery of said note shall be and for all purposes constitute its date of issuance notwithstanding the dated date. Said note shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,253. **Section Four:** The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary note herein authorized to be issued in the form and substance hereinbefore described as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said note shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,254. **Section Five:** The proceeds of said temporary note shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City covenants and agrees for the benefit of the holders of the note to apply such proceeds diligently and with all reasonable dispatch for the purpose for which it is intended. All proceeds shall be applied to the payment of such costs of the improvement or costs incidental thereto (or to reimburse the City therefor).

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the note, including but not limited to any provision requiring the rebate of excess earnings on funds or accounts created with respect to the note; **provided, however,** the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the note.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing political subdivision in existence since 1948;

2. Since January 1, 1987, the City has not issued any bonds or obligations other than the following described obligations:

Issue	Date	Principal Amount
(a) L.I.D. 87-1	May 1, 1987	$221,600.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1987 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide project financing for the improvements, other than bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the bonds will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the note to be a "qualified tax-exempt obligation" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,255. **Section Six:** The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said note and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 4/20/87 Second Reading: 4/20/87

PASSED by the Governing Body of the City of Leawood, Kansas, this 20th day of April, 1987.

SIGNED by the Mayor this 20th day of April, 1987.

(s) Jean Wise,
Mayor

ATTEST:
(s) J. Oberlander
City Clerk

APPROVED AS TO FORM AND CONTENT:
(s) R.S. Wetzler
City Attorney

(1860 1F)

ORIGINAL COMPARED WITH RECORD

1701635

STATE OF KANSAS]ss
COUNTY OF JOHNSON]
FILED FOR RECORD

1987 MAY -5 A 8: 17.0

RUBIE M. SCOTT
REGISTER OF DEEDS

BY_____DEP.

ORDINANCE NO. 970

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF CONSTRUCTION OF 119th STREET FROM THE CENTERLINE OF ROE AVENUE TO THE CENTERLINE OF NALL AVENUE, A DISTANCE OF 2,638.87 FEET MORE OR LESS. (IMPROVEMENT DISTRICT 85-2).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

> The construction of 119th Street in the CIty of Leawood, Kansas and Overland Park, Kansas from the centerline of Roe Avenue (the East line of the S.W. 1/4 Section 16, Township 13, Range 25) to the centerline of Nall Avenue (the West line, the S.W. 1/4 Section 16, Township 13, Range 25) a distance of 2,638.87 feet more or less. The improvement consists of construction of two 28 foot asphaltic concrete lanes with turning lanes, concrete curbs and gutter and a 39 foot median. The improvement also includes all necessary storm drainage facilities, sidewalks, street lighting and other appurtenances.

and such contracts have been duly performed; and

WHEREAS, the Governing Body has determined that the total cost of such improvement is $209,100.66 and that property within the assessment district shall be assessed on an abutting front foot basis of $83.01367677 per abutting front foot; and

WHEREAS, said Governing Body has determined that the total cost of such improvement is $209,100.66 and that 100% thereof be assessed against the improvement district; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

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

20-1,245. Section 1. Special assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as set out on Exhibit A attached hereto.

700 CK

20-1,246. Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in annual installments. The first installments shall be payable at the time of the first payment of general property taxes following the adopting and publication of this ordinance.

20-1,247. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,248. Section 4. The owner of any property so assessed may at any time prior to May 25, 1987, pay the whole of the assessment against any lot or parcel of ground with interest accrued to the date of payment to the City Treasurer.

20-1,249. Section 5. Assessments not paid prior to May 25,1987, shall be certified together with the interest accrued or to accrue by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 6. This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED AND APPROVED by the Governing Body of the City of Leawood, Kansas this 20th day of April, 1987, the Council having deemed this to be an emergency matter.

First Reading: 4/20/87 Second Reading: 4/20/87

THE CITY OF LEAWOOD, KANSAS

APPROVED AND SIGNED 4/20/87

By: Jean Wise
Jean Wise, Mayor

CITY OF LEAWOOD INCORPORATED SEAL NOV 30 1948 JOHNSON COUNTY, KANSAS

ATTEST:

J. Oberlander
J. Oberlander, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

City of Leawood

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 24th day of, April 1987, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martasin

Subscribe and sworn to before me this 24th day of April 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: _____
Printer's Fee $ 81.89
Additional copies $ _____

First Published in the Johnson County Sun, Friday, April 24, 1987.

ORDINANCE NO. 970

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF CONSTRUCTION OF 119th STREET FROM THE CENTERLINE OF ROE AVENUE TO THE CENTERLINE OF NALL AVENUE, A DISTANCE OF 2,638.87 FEET MORE OR LESS. (IMPROVEMENT DISTRICT 85-2).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood.

The construction of 119th Street in the City of Leawood, Kansas and Overland Park, Kansas from the centerline of Roe Avenue (the East line of the S.W. ¼ of Section 16, Township 13, Range 25) to the centerline of Nall Avenue (the West line, the S.W. ¼ Section 16, Township 13, Range 25) a distance of 2,638.87 feet more or less. The improvement consists of construction of two 28 foot asphaltic concrete lanes with turning lanes, concrete curbs and gutter and a 39 foot median. The improvement also includes all necessary storm drainage facilities, sidewalks, street lighting and other appurtenances.

and such contracts have been duly performed; and

WHEREAS, the Governing Body has determined that the total cost of such improvement is $209,100.66 and that property within the assessment district shall be assessed on an abutting front foot basis of $83.01367677 per abutting foot; and

WHEREAS, said Governing Body has determined that the total cost of such improvement is $209,100.66 and that 100% thereof be assessed against the improvement district; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVRRNING BODY OF THE CITY OF LEAWOOD, KANSAS:

20-1,245. **Section 1.** Special assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied *against the several lots, pieces and parcels* of land liable for special assessment for said improvement as set out on Exhibit A attached hereto.

20-1,246. **Section 2.** Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in annual installments. The first installments shall be payable at the time of the first payment of general property taxes following the adopting and publication of this ordinance.

20-1,247. **Section 3.** All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,248. **Section 4.** The owner of any property so assessed may at any time prior to May 25, 1987, pay the whole of the assessment against any lot or parcel of ground with interest accrued to the date of payment to the City Treasurer.

20-1,249. **Section 5.** Assessments not paid prior to May 25, 1987, shall be certified together with the interest accrued or to accrue by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 6. This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED AND APPROVED by the Governing Body of the City of Leawood, Kansas this 20th day of April, 1987, the Council having deemed this to be an emergency matter.

First Reading: 4/20/87 Second Reading: 4/20/87

EXHIBIT A

I.D. 85-2 ASSESSMENT MAP
SEC., 16-13-25

DESCRIPTION	OWNER	LIN. FT.	ASSESSMENT
SW corner of SW¼ Sec. 16-13-25 to SE corner of SW¼ Sec. 16-13-25	Marned Corporation c/o Neil T. Douthat	2,518.87	$ 209,100.66

THE CITY OF LEAWOOD, KANSAS
APPROVED AND SIGNED 4/20/87
(s) By: Jean Wise, Mayor
ATTEST:
(s) J. Oberlander, City Clerk
APPROVED AS TO FORM:
(s) R.S. Wetzler, City Attorney

(1859 1F)

ORIGINAL COMPARED WITH RECORD

1701634

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1987 MAY -5 A 8: 15.7

21.00 RUBIE M. SCOTT
REGISTER OF DEEDS

BY_____DEP.

ORDINANCE NO. 969

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF CONSTRUCTION AND IMPROVEMENT OF 127th STREET, FROM THE CENTER LINE OF ROE AVENUE TO THE CENTER LINE OF NALL AVENUE, A DISTANCE OF 2,640 FEET MORE OR LESS. (IMPROVEMENT DISTRICT 84-1).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

> The construction and improvement of 127th Street, from the center line of Roe Avenue (the west line of the northeast quarter of Section 28, Township 13, Range 25) to the center line of Nall Avenue (west line of the northwest quarter Section 28, Township 13, Range 25), a distance of 2,640 feet more or less. The improvements are a 36 foot roadway in width, back to back with curb, all improvements to be inclusive of the storm drainage facilities, street lighting and other appurtenances.

and such contracts have been duly performed; and

WHEREAS, the Governing Body has determined that the total cost of such improvement is $747,008.15 and that property within the assessment district shall be assessed on a square foot basis of 0.112317443 cents per square foot with the exception of properties within the Highlands of Leawood which shall be assessed at .127565351 cents per square foot; and

WHEREAS, said Governing Body has determined that the total cost of such improvement is $747,008.15 and that 100% thereof be assessed against the improvement district; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessments.

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

20-1,240. Section 1. Special assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for special assessment for said improvement as set out on Exhibit A

21.00

attached hereto.

20-1,241. Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in annual installments. The first installments shall be payable at the time of the first payment of general property taxes following the adopting and publication of this ordinance.

20-1,242. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,243. Section 4. The owner of any property so assessed may at any time prior to May 25, 1987, pay the whole of the assessment against any lot or parcel of ground with interest accrued to the date of payment to the City Treasurer.

20-1,244. Section 5. Assessments not paid prior to May 25, 1987, shall be certified together with the interest accrued or to accrue by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 6. This ordinance shall take effect and be in force from and after its publication as provided by law.

First Reading: 4/20/87 Second Reading: 4/20/87

PASSED AND APPROVED by the Governing Body of the City of Leawood, Kansas this 20th day of April, 1987.

THE CITY OF LEAWOOD, KANSAS

APPROVED AND SIGNED 4/20/87

By: Jean Wise
Jean Wise, Mayor

ATTEST:

J. Oberlander
J. Oberlander, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

City of Leawood
9617 Lee Blvd
Leawood, KS
66206

EXHIBIT A

I.D. 84-1 ASSESSMENT MAP

SEC. 21-13-25

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
SW¼, SW¼ Sec. 21-13-25 Ex. that Platted	The City National Bank & Trust Co. of Kansas City, and Joseph W. McKee, Trustees % TUA Ester P. McKee	846,245	$ 95,048.07
SE¼, SW¼ Sec. 21-13-25 Ex. that Platted	The City National Bank & Trust Co. of Kansas City, and Joseph W. McKee, Trustees % United Missouri Bank of Kansas City	613,202	$ 68,873.28

PATRICIAN WOODS

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 1, Blk 1	Dennis Duncan, Inc.	24,688	$ 2,772.89
Lot 2, Blk 1	Carlos C. & M. Louise Crain,H/W	8,639	$ 970.31
Lot 1, Blk 3	Greg Hodges & Company	14,577	$ 1,637.25
Lot 2, Blk 3	Norman C. Tombs	4,083	$ 458.59
Lot 3, Blk 3	Sun Savings Assoc., F.S., Executed by David A. & Jennifer C. Pepper, H/W	267	$ 29.99

PATRICIAN WOODS - 4TH PLAT

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Part Tract A	Walls & Holthaus, Inc.	28,589	$ 3,211.04
Part Tract A.	Patrician Woods Development	108,140	$ 12,146.01
Cert. of Survey Tract A Unit A Bldg. 4	Glenn E. & Gloria Mealman, H/W	7,034	$ 790.04
Cert. of Survey Tract A Unit B Bldg. 4	John I. & Patricia S. Willhauck, H/W	1,311	$ 147.25
Cert. of Survey Tract A Unit C	Henry J. & Suzanne M. Laughlin, H/W 1/2 & Zella C. McCarthy, Single 1/2	32	$ 3.61

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LEAWOOD FOREST ESTATES

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Tract A	Chartercorp Properties, Inc. % Attn: Frank Summers	237,942	$ 26,725.04
Tract B	Chartercorp Properties, Inc. % Attn: Frank Summers	80,680	$ 9,061.77
Lot 1, Blk 1	Daniel C. Pruett	32,683	$ 3,670.87
Lot 2, Blk 1	Richard H. & Christine D. Brown,H/W	28,228	$ 3,170.50
Lot 3, Blk 1	Harder Construction, Inc.	21,048	$ 2,364.06
Lot 4, Blk 1	Donald A. & Diana Reek, H/W	53,815	$ 6,044.36
Lot 5, Blk 1	Michael J. Brown	41,510	$ 4,662.30
Lot 6, Blk 1	Joseph B. Petelin, M.D.	33,107	$ 3,718.49
Lot 7, Blk 1	R.M. Standard & Co., and David M. & Alma M. Allen, H/W	27,853	$ 3,128.38
Lot 8, Blk 1	Richard M. & Laura L. Crouch, H/W	42,461	$ 4,769.11
Lot 9, Blk 1	Chartercorp Development, Inc. % Attn: Frank Summers	25,341	$ 2,846.24
Lot 10, Blk 1	Chartercorp Development, Inc. % Attn: Frank Summers	25,650	$ 2,880.94
Lot 11, Blk 1	Chartercorp Development, Inc. % Attn: Frank Summers	23,586	$ 2,649.12
Lot 12, Blk 1	Chartercorp Development, Inc. % Attn: Frank Summers	26,287	$ 2,952.49
Lot 13, Blk 1	Nichols Homes, Inc.	31,613	$ 3,550.69

LEAWOOD FOREST ESTATES

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 1, Blk 2	Harder Construction, Inc.	25,842	$ 2,902.51
Lot 2, Blk 2	Leonard S. & Sarah Raskin, H/W	23,901	$ 2,684.50
Lot 3, Blk 2	Peter M. & Gloria J. DiGiovanni H/W	23,877	$ 2,681.80
Lot 4, Blk 2	C.A. Koehler Contracting, Inc.	24,544	$ 2,756.72
Lot 5, Blk 2	Juan C. & Nancy Nosti, H/W	24,935	$ 2,800.64
Lot 6, Blk 2	Chartercorp Development, Inc. % Attn: Frank Summers	25,068	$ 2,815.57
Lot 7, Blk 2	D.L. Mayor, Inc.	27,221	$ 3,057.39
Lot 8, Blk 2	Leawood Forest Homes	24,932	$ 2,800.30
Lot 9, Blk 2	Cloverleaf Homes, Inc.	25,438	$ 2,857.13
Lot 10, Blk 2	Larry L. & Diana F. Jensen, H.W d/b/a Jensen Building Company	29,763	$ 3,342.90
Lot 1, Blk 3	Chartercorp Development, Inc. % Attn: Frank Summers	27,551	$ 3,094.46
Lot 2, Blk 3	Ambassador Construction Co., Inc.	26,864	$ 3,017.30
Lot 3, Blk 3	Thomas P. & Victoria L. Tyler,H/W	37,460	$ 4,207.41
Lot 4, Blk 3	R. Michael & Norma J. Wrenn, H/W	35,317	$ 3,966.72
Lot 5, Blk 3	J. Barry & Joann W. Coughlin, H/W	27,318	$ 3,068.29

LEAWOOD FOREST ESTATES

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 6, Blk 3	Gregory C. & Janet M. Starks,H/W % Jensen Building Co.	33,376	$ 3,748.71
Lot 7, Blk 3	Thomas E. Sullivan & Janis M. Steinbrecher	28,054	$ 3,150.95
Lot 8, Blk 3	John Slatinsky & Son, Inc. and H. Dennis & Carol A. Swan, H/W	44,799	$ 5,031.71
Lot 9, Blk 3	John Slatinsky & Son, Inc.	25,008	$ 2,808.83
Lot 10, Blk 3	Ambassador Construction Co.,Inc.	27,167	$ 3,051.33
Lot 11, Blk 3	Ambassador Construction Co.,Inc. A Kansas Corporation	27,032	$ 3,036.17
Lot 12, Blk 3	Greg D. & Margaret S. Hodges,H/W	27,365	$ 3,073.57

LEAWOOD FOREST ESTATES, 3RD PLAT

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Tract E	The City of Leawood	6,523	$ 732.65
Lot 13, Blk 3	Larry L. & Diane F. Jensen, H/W	21,884	$ 2,457.95
Lot 1, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	17,163	$ 1,927.70
Lot 2, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	3,925	$ 440.85
Lot 14, Blk 4	Harder Construction, Inc.	2,319	$ 260.46
Lot 15, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	17,061	$ 1,916.25
Lot 16, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	18,016	$ 2,023.51
Lot 18, Blk 4	Chartercorp Properties, Inc. % Patrician Wods Development	9,686	$ 1,087.91
Lot 19, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	25,599	$ 2,875.21
Lot 20, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	18,322	$ 2,057.88
Lot 21, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	24,139	$ 2,711.23
Lot 22, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	21,762	$ 2,444.25
Tract D	Chartercorp Properties, Inc. % Patrician Woods Development	83,162	$ 9,340.54
Tract F	Patrician Woods Development	68,709	$ 7,717.22
Tract G	Patrician Woods Development	11,900	$ 1,336.58

SECTION 28-13-25

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
NW¼ NW¼ Sec. 28-13-25 Ex. that Platted	Wallace P. McKee & Marie McKee and Cynthia Larson & Donald J. Larson	1,152,501	$129,445.97
NW¼ NW¼ Sec. 28-13-25 Ex. that Platted	McBride Building Co., Inc.	479,343	$ 53,838.58

THE HIGHLANDS OF LEAWOOD

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 1	C.N.D. Enterprises A Kansas Partnership	18,000	$ 2,296.18
Lot 2	C.N.D. Enterprises A Kansas Partnership	18,000	$ 2,296.18
Lot 3	C.N.D. Enterprises A Kansas Partnership	16,200	$ 2,066.56
Lot 4	C.N.D. Enterprises A Kansas Partnership	13,857	$ 1,767.67
Lot 5	C.N.D. Enterprises A Kansas Partnership	15,350	$ 1,958.13
Lot 6	C.N.D. Enterprises A Kansas Partnership	11,312	$ 1,443.02
Lot 7	C.N.D. Enterprises A Kansas Partnership	12,480	$ 1,592.02
Lot 8	C.N.D. Enterprises A Kansas Partnership	13,435	$ 1,713.84
Lot 9	C.N.D Enterprises A Kansas Partnership	13,704	$ 1,748.16
Lot 10	C.N.D. Enterprises A Kansas Partnership	13,487	$ 1,720.47
Lot 11	C.N.D Enterprises A Kansas Partnership	12,585	$ 1,605.41
Lot 12	C.N.D. Enterprises A Kansas Partnership	15,447	$ 1,970.50
Lot 13	C.N.D. Enterprises A Kansas Partnership	11,106	$ 1,416.74
Lot 14	C.N.D. Enterprises A Kansas Partnership	13,093	$ 1,670.21
Lot 15	C.N.D. Enterprises A Kansas Partnership	18,910	$ 2,412.26
Lot 16	C.N.D. Enterprises A Kansas Partnership	16,063	$ 2,049.08

THE HIGHLANDS OF LEAWOOD

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 17	C.N.D. Enterprises A Kansas Partnership	15,398	$ 1,964.25
Lot 18	C.N.D. Enterprises A Kansas Partnership	14,593	$ 1,861.56
Lot 19	C.N.D. Enterprises A Kansas Partnership	14,463	$ 1,845.00
Lot 20	C.N.D. Enterprises A Kansas Partnership	15,397	$ 1,964.12
Lot 21	C.N.D. Enterprises A Kansas Partnership	16,227	$ 2,070.00
Lot 22	C.N.D. Enterprises A Kansas Partnership	11,730	$ 1,496.34
Lot 23	C.N.D. Enterprises A Kansas Partnership	15,885	$ 2,026.38
Lot 24	C.N.D. Enterprises A Kansas Partnership	12,447	$ 1,587.81
Lot 25	C.N.D. Enterprises A Kansas Partnership	12,195	$ 1,555.66
Lot 26	C.N.D. Enterprises A Kansas Partnership	15,076	$ 1,923.18
Lot 27	C.N.D. Enterprises A Kansas Partnership	17,039	$ 2,173.59
Lot 28	C.N.D. Enterprises A Kansas Partnership	11,751	$ 1,499.02
Lot 29	C.N.D. Enterprises A Kansas Partnership	13,378	$ 1,706.57
Lot 30	C.N.D. Enterprises A Kansas Partnership	14,628	$ 1,866.03
Lot 31	C.N.D. Enterprises A Kansas Partnership	12,609	$ 1,608.47
Lot 32	C.N.D. Enterprises A Kansas Partnership	13,313	$ 1,698.28

THE HIGHLANDS OF LEAWOOD

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 33	C.N.D. Enterprises A Kansas Partnership	16,798	$ 2,142.84
Lot 34	C.N.D. Enterprises A Kansas Partnership	13,398	$ 1,709.12
Lot 35	C.N.D. Enterprises A Kansas Partnership	10,688	$ 1,363.42
Lot 36	C.N.D. Enterprises A Kansas Partnership	10,434	$ 1,331.02
Lot 37	C.N.D. Enterprises A Kansas Partnership	11,028	$ 1,406.79
Lot 38	C.N.D. Enterprises A Kansas Partnership	12,042	$ 1,536.14
Lot 39	C.N.D. Enterprises A Kansas Partnership	11,481	$ 1,464.58
Lot 40	C.N.D. Enterprises A Kansas Partnership	12,400	$ 1,581.81
Lot 41	C.N.D. Enterprises A Kansas Partnership	12,090	$ 1,542.27
Lot 42	C.N.D. Enterprises A Kansas Partnership	11,857	$ 1,512.54
Lot 43	C.N.D. Enterprises A Kansas Partnership	14,754	$ 1,882.10
Lot 44	C.N.D. Enterprises A Kansas Partnership	11,688	$ 1,491.00
Lot 45	C.N.D. Enterprises A Kansas Partnership	13,165	$ 1,679.40
Lot 46	C.N.D. Enterprises A Kansas Partnership	12,582	$ 1,605.03
Lot 47	C.N.D. Enterprises A Kansas Partnership	19,843	$ 2,531.28
Lot 48	C.N.D. Enterprises A Kansas Partnership	11,137	$ 1,420.70

THE HIGHLANDS OF LEAWOOD

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 49	C.N.D. Enterprises A Kansas Partnership	10,692	$ 1,363.93
Lot 50	C.N.D. Enterprises A Kansas Partnership	20,822	$ 2,656.17
Lot 51	C.N.D. Enterprises A Kansas Partnership	17,805	$ 2,271.30
Lot 52	C.N.D. Enterprises A Kansas Partnership	19,293	$ 2,461.12
Lot 53	C.N.D. Enterprises A Kansas Partnership	10,874	$ 1,387.15
Lot 54	C.N.D. Enterprises A Kansas Partnership	10,874	$ 1,387.15
Lot 55	C.N.D. Enterprises A Kansas Partnership	11,200	$ 1,428.73
Lot 56	C.N.D. Enterprises A Kansas Partnership	11,200	$ 1,428.73
Lot 57	C.N.D. Enterprises A Kansas Partnership	11,200	$ 1,428.73
Lot 58	C.N.D. Enterprises A Kansas Partnership	18,005	$ 2,296.81
Lot 59	C.N.D. Enterprises A Kansas Partnership	15,810	$ 2,016.81
Lot 60	C.N.D. Enterprises A Kansas Partnership	11,200	$ 1,428.73
Lot 61	C.N.D. Enterprises A Kansas Partnership	11,200	$ 1,428.73
Lot 62	C.N.D. Enterprises A Kansas Partnership	11,219	$ 1,431.16
Lot 63	C.N.D. Enterprises A Kansas Partnership	11,630	$ 1,483.59
Lot 64	C.N.D. Enterprises A Kansas Partnership	15,733	$ 2,007.00

THE HIGHLANDS OF LEAWOOD

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 65	C.N.D. Enterprises A Kansas Partnership	21,015	$ 2,680.79
Lot 66	C.N.D. Enterprises A Kansas Partnership	13,835	$ 1,764.87
Lot 67	C.N.D. Enterprises A Kansas Partnership	17,713	$ 2,259.57
Lot 68	C.N.D. Enterprises A Kansas Partnership	12,020	$ 1,533.34
Lot 69	C.N.D. Enterprises A Kansas Partnership	12,750	$ 1,626.46
Lot 70	C.N.D. Enterprises A Kansas Partnership	18,083	$ 2,306.76
Lot 71	C.N.D. Enterprises A Kansas Partnership	14,975	$ 1,910.29
Lot 72	C.N.D. Enterprises A Kansas Partnership	17,397	$ 2,219.25
Lot 73	C.N.D. Enterprises A Kansas Partnership	13,463	$ 1,717.41
Lot 74	C.N.D. Enterprises A Kansas Partnership	11,050	$ 1,409.60
Lot 75	C.N.D. Enterprises A Kansas Partnership	11,425	$ 1,457.43
Lot 76	C.N.D. Enterprises A Kansas Partnership	19,451	$ 2,481.27
Lot 77	C.N.D. Enterprises A Kansas Partnership	13,281	$ 1,694.20
Lot 78	C.N.D. Enterprises A Kansas Partnership	15,402	$ 1,964.76

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martesin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 24th day of, April 1987, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martesin

Subscribe and sworn to before me this 24th day of April 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: _____
Printer's Fee $ 475.89
Additional copies $ _____

First Published in the Johnson County Sun, Friday, April 24, 1987.

ORDINANCE NO. 969

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF CONSTRUCTION AND IMPROVEMENT OF 127th STREET, FROM THE CENTER LINE OF ROE AVENUE TO THE CENTER LINE OF NALL AVENUE, A DISTANCE OF 2,640 FEET MORE OR LESS. (IMPROVEMENT DISTRICT 84-1).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

> The construction and improvement of 127th Street, from the center line of Roe Avenue (the west line of the northeast quarter of Section 28, Township 13, Range 25) to the center line of Nall Avenue (west line of the northwest quarter Section 28, Township 13, Range 25), a distance of 2,640 feet more or less. The improvements are a 36 foot roadway in width, back to back with curb, all improvements to be inclusive of the storm drainage facilities, street lighting and other appurtenances.

and such contracts have been duly performed; and

WHEREAS, the Governing Body has determined that the total cost of such improvement is $747,008.15 and that property within the assessment district shall be assessed on a square foot basis of 0.112317443 cents per square foot with the exception of properties within the Highlands of Leawood which shall be assessed at .127565351 cents per square foot; and

WHEREAS, said Governing Body has determined that the total cost of such improvement is $747,008.15 and that 100% thereof be assessed against the improvement district; and

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

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20-1,242. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,243. Section 4. The owner of any property so assessed may at any time prior to May 25, 1987, pay the whole of the assessment against any lot or parcel of ground with interest accrued to the date of payment to the City Treasurer.

20-1,244. Section 5. Assessments not paid prior to May 25, 1987, shall be certified together with the interest accrued or to accrue by the City Clerk to the County Clerk, and collected in the same manner as other taxes.

Section 6. This ordinance shall take effect and be in force from and after its publication as provided by law.

First Reading: 4/20/87 Second Reading: 4/20/87

EXHIBIT A

I.D. 84-1 ASSESSMENT MAP

SEC. 21-13-25

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
SW¼, SW¼ Sec. 21-13-25 Ex. that Platted	The City National Bank & Trust Co. of Kansas City, and Joseph W. McKee, Trustees % TUA Ester P. McKee	846,245	$ 95,048.07
SE¼, SW¼ Sec. 21-13-25 Ex. that Platted	The City National Bank & Trust Co. of Kansas City, and Joseph W. McKee, Trustees % United Missouri Bank of Kansas City	613,202	$ 68,873.28

PATRICIAN WOODS

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
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Lot 1, Blk 3	Greg Hodges & Company	14,577	$ 1,637.25
Lot 2, Blk 3	Norman C. Tombs	4,083	$ 458.59
Lot 3, Blk 3	Sun Savings Assoc., F.S., Executed by David A. & Jennifer C. Pepper, H/W	267	$ 29.99

PATRICIAN WOODS - 4TH PLAT

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Part Tract A	Walls & Holthaus, Inc.	28,589	$ 3,211.04
Part Tract A.	Patrician Woods Development	108,140	$ 12,146.01
Cert. of Survey Tract A Unit A Bldg. 4	Glenn E. & Gloria Mealman, H/W	7,034	$ 790.04
Cert. of Survey Tract A Unit B Bldg. 4	John I. & Patricia S. Willhauck, H/W	1,311	$ 147.25
Cert. of Survey Tract A Unit C	Henry J. & Suzanne M. Laughlin, H/W 1/2 & Zella C. McCarthy, Single 1/2	32	$ 3.61

LEAWOOD FOREST ESTATES

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Tract A	Chartercorp Properties, Inc. % Attn: Frank Summers	237,942	$ 26,725.04
Tract B	Chartercorp Properties, Inc. % Attn: Frank Summers	80,680	$ 9,061.77
Lot 1, Blk 1	Daniel C. Pruett	32,683	$ 3,670.87
Lot 2, Blk 1	Richard H. & Christine D. Brown, H/W	28,228	$ 3,170.50
Lot 3, Blk 1	Harder Construction, Inc.	21,048	$ 2,364.06
Lot 4, Blk 1	Donald A. & Diana Reek, H/W	53,815	$ 6,044.36
Lot 5, Blk 1	Michael J. Brown	41,510	$ 4,662.30
Lot 6, Blk 1	Joseph B. Petelin, M.D.	33,107	$ 3,718.49
Lot 7, Blk 1	R.M. Standard & Co., and David M. & Alma M. Allen, H/W	27,853	$ 3,128.38
Lot 8, Blk 1	Richard M. & Laura L. Crouch, H/W	42,461	$ 4,769.11
Lot 9, Blk 1	Chartercorp Development, Inc. % Attn: Frank Summers	25,341	$ 2,846.24
Lot 10, Blk 1	Chartercorp Development, Inc. % Attn: Frank Summers	25,650	$ 2,880.[illegible]
Lot 11, Blk 1	Chartercorp Development, Inc. % Attn: Frank Summers	23,586	$ 2,649.12
Lot 12, Blk 1	Chartercorp Development, Inc. % Attn: Frank Summers	26,287	$ 2,952.49
Lot 13, Blk 1	Nichols Homes, Inc.	31,613	$ 3,550.69

LEAWOOD FOREST ESTATES

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 1, Blk 2	Harder Construction, Inc.	25,842	$ 2,902.51
Lot 2, Blk 2	Leonard S. & Sarah Raskin, H/W	23,901	$ 2,684.50
Lot 3, Blk 2	Peter M. & Gloria J. DiGiovanni H/W	23,877	$ 2,681.80
Lot 4, Blk 2	C.A. Koehler Contracting, Inc.	24,544	$ 2,756.72
Lot 5, Blk 2	Juan C. & Nancy Nosti, H/W	24,935	$ 2,800.64
Lot 6, Blk 2	Chartercorp Development, Inc. % Attn: Frank Summers	25,068	$ 2,815.57
Lot 7, Blk 2	D.L. Mayor, Inc.	27,221	$ 3,057.39
Lot 8, Blk 2	Leawood Forest Homes	24,932	$ 2,800.30
Lot 9, Blk 2	Cloverleaf Homes, Inc.	25,438	$ 2,857.13
Lot 10, Blk 2	Larry L. & Diana F. Jensen, H.W d/b/a Jensen Building Company	29,763	$ 3,342.90
Lot 1, Blk 3	Chartercorp Development, Inc. % Attn: Frank Summers	27,551	$ 3,094.46
Lot 2, Blk 3	Ambassador Construction Co., Inc.	26,864	$ 3,017.30
Lot 3, Blk 3	Thomas P. & Victoria L. Tyler, H/W	37,460	$ 4,207.41
Lot 4, Blk 3	R. Michael & Norma J. Wrenn, H/W	35,317	$ 3,966.72
Lot 5, Blk 3	J. Barry & Joann W. Coughlin, H/W	27,318	$ 3,068.29

LEAWOOD FOREST ESTATES

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 6, Blk 3	Gregory C. & Janet M. Starks, H/W % Jensen Building Co.	33,376	$ 3,748.71
Lot 7, Blk 3	Thomas E. Sullivan & Janis M. Steinbrecher	28,054	$ 3,150.95
Lot 8, Blk 3	John Slatinsky & Son, Inc. and H. Dennis & Carol A. Swan, H/W	44,799	$ 5,031.71
Lot 9, Blk 3	John Slatinsky & Son, Inc.	25,008	$ 2,808.83
Lot 10, Blk 3	Ambassador Construction Co., Inc.	27,167	$ 3,051.33
Lot 11, Blk 3	Ambassador Construction Co., Inc. A Kansas Corporation	27,032	$ 3,036.17
Lot 12, Blk 3	Greg D. & Margaret S. Hodges, H/W	27,365	$ 3,073.57

LEAWOOD FOREST ESTATES, SECOND PLAT

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Tract C	Chartercorp Properties, Inc. A Kansas Corporation	10,193	$ 1,144.85

LEAWOOD FOREST ESTATES, 3RD PLAT

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Tract E	The City of Leawood	6,523	$ 732.65
Lot 13, Blk 3	Larry L. & Diane F. Jensen, H/W	21,884	$ 2,457.95
Lot 1, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	17,163	$ 1,927.70
Lot 2, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	3,925	$ 440.85
Lot 14, Blk 4	Harder Construction, Inc.	2,319	$ 260.46
Lot 15, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	17,061	$ 1,916.25
Lot 16, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	18,016	$ 2,023.51
Lot 18, Blk 4	Chartercorp Properties, Inc. % Patrician Wods Development	9,686	$ 1,087.91
Lot 19, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	25,599	$ 2,875.21
Lot 20, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	18,322	$ 2,057.88
Lot 21, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	24,139	$ 2,711.23
Lot 22, Blk 4	Chartercorp Properties, Inc. % Patrician Woods Development	21,762	$ 2,444.25
Tract D	Chartercorp Properties, Inc. % Patrician Woods Development	83,162	$ 9,340.54
Tract F	Patrician Woods Development	68,709	$ 7,717.22
Tract G	Patrician Woods Development	11,900	$ 1,336.58

SECTION 28-13-25

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
NW¼ NW¼ Sec. 28-13-25 Ex. that Platted	Wallace P. McKee & Marie McKee and Cynthia Larson & Donald J. Larson	1,152,501	$129,445.97
NW¼ NW¼ Sec. 28-13-25 Ex. that Platted	McBride Building Co., Inc.	479,343	$ 53,838.58

NORMANDY PLACE

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Tract A	McBride Building, Co.	117,150	$ 13,157.99
Tract B	McBride Building, Co.	58,256	$ 6,543.16
Tract C	McBride Building, CO.	227,973	$ 25,605.34

THE HIGHLANDS OF LEAWOOD

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 1	C.N.D. Enterprises A Kansas Partnership	18,000	$ 2,296.18
Lot 2	C.N.D. Enterprises A Kansas Partnership	18,000	$ 2,296.18
Lot 3	C.N.D. Enterprises A Kansas Partnership	16,200	$ 2,066.56
Lot 4	C.N.D. Enterprises A Kansas Partnership	13,857	$ 1,767.67
Lot 5	C.N.D. Enterprises A Kansas Partnership	15,350	$ 1,958.13
Lot 6	C.N.D. Enterprises A Kansas Partnership	11,312	$ 1,443.02
Lot 7	C.N.D. Enterprises A Kansas Partnership	12,480	$ 1,592.02
Lot 8	C.N.D. Enterprises A Kansas Partnership	13,435	$ 1,713.84
Lot 9	C.N.D Enterprises A Kansas Partnership	13,704	$ 1,748.16
Lot 10	C.N.D. Enterprises A Kansas Partnership	13,487	$ 1,720.47
Lot 11	C.N.D Enterprises A Kansas Partnership	12,585	$ 1,605.41
Lot 12	C.N.D. Enterprises A Kansas Partnership	15,447	$ 1,970.50
Lot 13	C.N.D. Enterprises A Kansas Partnership	11,106	$ 1,416.74
Lot 14	C.N.D. Enterprises A Kansas Partnership	13,093	$ 1,670.21
Lot 15	C.N.D. Enterprises A Kansas Partnership	18,910	$ 2,412.26
Lot 16	C.N.D. Enterprises A Kansas Partnership	16,063	$ 2,049.08

THE HIGHLANDS OF LEAWOOD

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 17	C.N.D. Enterprises A Kansas Partnership	15,398	$ 1,964.25
Lot 18	C.N.D. Enterprises A Kansas Partnership	14,593	$ 1,861.56
Lot 19	C.N.D. Enterprises A Kansas Partnership	14,463	$ 1,845.00
Lot 20	C.N.D. Enterprises A Kansas Partnership	15,397	$ 1,964.12
Lot 21	C.N.D. Enterprises A Kansas Partnership	16,227	$ 2,070.00
Lot 22	C.N.D. Enterprises A Kansas Partnership	11,730	$ 1,496.34
Lot 23	C.N.D. Enterprises A Kansas Partnership	15,885	$ 2,026.38
Lot 24	C.N.D. Enterprises A Kansas Partnership	12,447	$ 1,587.81
Lot 25	C.N.D. Enterprises A Kansas Partnership	12,195	$ 1,555.66
Lot 26	C.N.D. Enterprises A Kansas Partnership	15,076	$ 1,923.18
Lot 27	C.N.D. Enterprises A Kansas Partnership	17,039	$ 2,173.59
Lot 28	C.N.D. Enterprises A Kansas Partnership	11,751	$ 1,499.02
Lot 29	C.N.D. Enterprises A Kansas Partnership	13,378	$ 1,706.57
Lot 30	C.N.D. Enterprises A Kansas Partnership	14,628	$ 1,866.03
Lot 31	C.N.D. Enterprises A Kansas Partnership	12,609	$ 1,608.47
Lot 32	C.N.D. Enterprises A Kansas Partnership	13,313	$ 1,698.28

THE HIGHLANDS OF LEAWOOD

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 33	C.N.D. Enterprises A Kansas Partnership	16,798	$ 2,142.84
Lot 34	C.N.D. Enterprises A Kansas Partnership	13,398	$ 1,709.12
Lot 35	C.N.D. Enterprises A Kansas Partnership	10,688	$ 1,363.42
Lot 36	C.N.D. Enterprises A Kansas Partnership	10,434	$ 1,331.02
Lot 37	C.N.D. Enterprises A Kansas Partnership	11,028	$ 1,406.79
Lot 38	C.N.D. Enterprises A Kansas Partnership	12,042	$ 1,536.14
Lot 39	C.N.D. Enterprises A Kansas Partnership	11,481	$ 1,464.58
Lot 40	C.N.D. Enterprises A Kansas Partnership	12,400	$ 1,581.81
Lot 41	C.N.D. Enterprises A Kansas Partnership	12,090	$ 1,542.27
Lot 42	C.N.D. Enterprises A Kansas Partnership	11,857	$ 1,512.54
Lot 43	C.N.D. Enterprises A Kansas Partnership	14,754	$ 1,882.10
Lot 44	C.N.D. Enterprises A Kansas Partnership	11,688	$ 1,491.00
Lot 45	C.N.D. Enterprises A Kansas Partnership	13,165	$ 1,679.40
Lot 46	C.N.D. Enterprises A Kansas Partnership	12,582	$ 1,605.03
Lot 47	C.N.D. Enterprises A Kansas Partnership	19,843	$ 2,531.28
Lot 48	C.N.D. Enterprises A Kansas Partnership	11,137	$ 1,420.70

THE HIGHLANDS OF LEAWOOD

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 49	C.N.D. Enterprises A Kansas Partnership	10,692	$ 1,363.93
Lot 50	C.N.D. Enterprises A Kansas Partnership	20,822	$ 2,656.17
Lot 51	C.N.D. Enterprises A Kansas Partnership	17,805	$ 2,271.30
Lot 52	C.N.D. Enterprises A Kansas Partnership	19,293	$ 2,461.12
Lot 53	C.N.D. Enterprises A Kansas Partnership	10,874	$ 1,387.15
Lot 54	C.N.D. Enterprises A Kansas Partnership	10,874	$ 1,387.15
Lot 55	C.N.D. Enterprises A Kansas Partnership	11,200	$ 1,428.73
Lot 56	C.N.D. Enterprises A Kansas Partnership	11,200	$ 1,428.73
Lot 57	C.N.D. Enterprises A Kansas Partnership	11,200	$ 1,428.73
Lot 58	C.N.D. Enterprises A Kansas Partnership	18,005	$ 2,296.81
Lot 59	C.N.D. Enterprises A Kansas Partnership	15,810	$ 2,016.81
Lot 60	C.N.D. Enterprises A Kansas Partnership	11,200	$ 1,428.73
Lot 61	C.N.D. Enterprises A Kansas Partnership	11,200	$ 1,428.73
Lot 62	C.N.D. Enterprises A Kansas Partnership	11,219	$ 1,431.16
Lot 63	C.N.D. Enterprises A Kansas Partnership	11,630	$ 1,483.59
Lot 64	C.N.D. Enterprises, A Kansas Partnership	15,733	$ 2,007.00

THE HIGHLANDS OF LEAWOOD

DESCRIPTION	OWNER	SQ. FT.	ASSESSMENT
Lot 65	C.N.D. Enterprises A Kansas Partnership	21,015	$ 2,680.79
Lot 66	C.N.D. Enterprises A Kansas Partnership	13,835	$ 1,764.87
Lot 67	C.N.D. Enterprises A Kansas Partnership	17,713	$ 2,259.57
Lot 68	C.N.D. Enterprises A Kansas Partnership	12,020	$ 1,533.34
Lot 69	C.N.D. Enterprises A Kansas Partnership	12,750	$ 1,626.46
Lot 70	C.N.D. Enterprises A Kansas Partnership	18,083	$ 2,306.76
Lot 71	C.N.D. Enterprises A Kansas Partnership	14,975	$ 1,910.29
Lot 72	C.N.D. Enterprises A Kansas Partnership	17,397	$ 2,219.25
Lot 73	C.N.D. Enterprises A Kansas Partnership	13,463	$ 1,717.41
Lot 74	C.N.D. Enterprises A Kansas Partnership	11,050	$ 1,409.60
Lot 75	C.N.D. Enterprises A Kansas Partnership	11,425	$ 1,457.43
Lot 76	C.N.D. Enterprises A Kansas Partnership	19,451	$ 2,481.27
Lot 77	C.N.D. Enterprises A Kansas Partnership	13,281	$ 1,694.20
Lot 78	C.N.D. Enterprises A Kansas Partnership	15,402	$ 1,964.76

PASSED AND APPROVED by the Governing Body of the City of Leawood, Kansas this 20th day of April, 1987.

THE CITY OF LEAWOOD, KANSAS

APPROVED AND SIGNED 4/20/87

ATTEST:

By: /s/ Jean Wise
Jean Wise, Mayor

/s/ J. Oberlander
J. Oberlander, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

(1858 1P)

ORIGINAL COMPARED WITH RECORD

ORDINANCE NO. 968 **1687917**

AN ORDINANCE VACATING A PORTION OF 115TH STREET FOR HALLBROOK FARMS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-595. Section 1. The City of Leawood, Kansas, does hereby vacate the existing right-of-way of 115th Street from the easterly to the westerly boundary of Hallbrook Farms, the right-of-way legal described as follows:

> A tract of land 40 feet in width, across a part of Frac. Section 14, and across a part of Section 15, all in Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, lying 20 feet on each side of the following described centerline: Beginning at a point on the South line of the N1/2 of said Frac. Section 14, and 420.35 feet West of the Southeast corner thereof, as measured along said South line; thence S 87° 53' 23" W, along the South line of the N1/2 of said Frac. Section 14, a distance of 621.61 feet, to the Southwest corner thereof; thence S 87° 52' 11" W, along the South line of the NE1/4 of said Section 15, a distance of 2657.64 feet, to the Southwest corner thereof; thence S 87° 52' 11" W, along the South line of the NW1/4 of said Section 15, a distance of 420 feet; thence S 9° 52' 45" E measured (S 8° 10' E deeded), a distance of 158.19 feet measured (165.3 feet deeded); thence S 33° 42' 11" W measured (S 33° 50' W deeded), a distance of 69 feet; thence S 55° 32' 11" W measured (S 57° 40' W deeded), a distance of 177.60 feet; thence S 81° 52' 11" W measured (S 84° W deeded), a distance of 629.98 feet, to a point on the East line of Tract "C", LEAWOOD GREENWAY AND PARKS, a subdivision of land now in the City of Leawood, Johnson County, Kansas.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/16/87 Second Reading: 3/16/87

Passed by the Governing Body this 16th day of March, 1987.

Approved by the Mayor this 16th day of March, 1987.

(SEAL)

Jean Wise Mayor

Attest:

B. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

690 CK

ORDINANCE NO. 968

AN ORDINANCE VACATING A PORTION OF 115TH STREET FOR HALLBROOK FARMS.

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TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/16/87 Second Reading: 3/16/87

Passed by the Governing Body this 16th day of March, 1987.

Approved by the Mayor this 16th day of March, 1987.

(S E A L)

Jean Wise Mayor

Attest:

B. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

CERTIFICATION

I, J. Oberlander, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Leawood, Kansas, and that the attached is a full, true and correct copy of Ordinance No. 968 passed by the Governing Body at an adjourned meeting held March 16, 1987.

(S E A L)

J. Oberlander
City Clerk
City of Leawood, Kansas

STATE OF KANSAS]SS
COUNTY OF JOHNSON]
FILED FOR RECORD

6.00

1987 MAR 23 A 10: 49 .3

RUBIE M. SCOTT
REGISTER OF DEEDS

BY_____DEP.

City of Leawood
9617 Lee Blvd
Leawood, KS
66206

First Published in the Johnson County Sun, Friday, March 20, 1987.

ORDINANCE NO. 968

AN ORDINANCE VACATING A PORTION OF 115TH STREET FOR HALLBROOK FARMS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-595. Section 1. The City of Leawood, Kansas, does hereby vacate the existing right-of-way of 115th Street from the easterly to the westerly boundary of Hallbrook Farms, the right-of-way legal described as follows:

A tract of land 40 feet in width, across a part of Frac. Section 14, and across a part of Section 15, all in Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, lying 20 feet on each side of the following described centerline: Beginning at a point on the South line of the N ½ of said Frac. Section 14, and 420.35 feet West of the Southeast corner thereof, as measured along said South line; thence S 87° 53' 23" W, along the South line of the N ½ of said Frac. Section 14, a distance of 621.61 feet, to the Southwest corner thereof; thence S 87° 52' 11" W, along the South line of the NE ¼ of said Section 15, a distance of 2657.64 feet, to the Southwest corner thereof; thence S 87° 52' 11" W, along the South line of the NW ¼ of said Section 15, a distance of 420 feet; thence S 9° 52' 45" E measured (S 8° 10' E deeded), a distance of 158.19 feet measured (165.3 feet deeded); thence S 33° 42' 11" W measured (S 33° 50' W deeded), a distance of 69 feet; thence S 55° 32' 11" W measured (S 57° 40' W deeded), a distance of 177.60 feet; thence S 81° 52' 11" W measured (S 84° W deeded), a distance of 629.98 feet, to a point on the East line of Tract "C", LEAWOOD GREENWAY AND PARKS, a subdivision of land now in the City of Leawood, Johnson County, Kansas.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/16/87 Second Reading: 3/16/87

Passed by the Governing Body this 16th day of March, 1987.

Approved by the Mayor this 16th day of March, 1987.

(S E A L)

(s) Jean Wise, Mayor

Attest:

(s) J. Oberlander

City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney

(1645 1F)

AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
Deposes and say: That she is legal publications manager of THE JOHNSON
Y SUN, a semi-weekly newspaper printed in the State of Kansas, and published
f general circulation in JOHNSON County, Kansas, with a general paid circulation
rly basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
, or fraternal publication.

newspaper is a semi-weekly published at least weekly 50 times a year; has been
ished continuously and uninterruptedly in said county and state for a period of
han five years prior to the first publication of said notice; and has been admitted
post office of SHAWNEE MISSION, KANSAS in said County as a second class

the attached notice is a true copy thereof and was published in the regular and
issue of said newspaper for ---One--- consecutive
---day--- (weeks, days) the first publication thereof being made as
aid on the ---20th--- day of, ---March--- 19---87---, with subsequent
ations being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---20th--- day of ---March--- 19---87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---34.70---
Additional copies $ ---

ORDINANCE NO. 967

AN ORDINANCE GRANTING AN EASEMENT TO KANSAS CITY POWER & LIGHT CO. FOR UTILITY PURPOSES.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,175. Section 1. The City of Leawood, Kansas, does hereby grant an easement for utility purposes to Kansas City Power & Light Co., on property as herein described:

> A tract of land ten (10) feet in width the centerline of which is described as follows: Beginning on the Easterly right of way line of Mission Road, as now established, in the Southwest Quarter (SW 1/4) of Section 10, Township 13, Range 25, Johnson County, Kansas, at the East-West centerline of said Southwest Quarter (SW 1/4), thence North forty degrees, zero minutes, zero seconds East (N 40° 00' 00" E) a distance of forty (40) feet.
>
> Also beginning at aforesaid point of beginning, thence South thirty-one degrees, thirty minutes, zero seconds East (S31° 30' 00" E) a distance of forty (40) feet.

19-6,176. INCORPORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 2/17/87 Second Reading: 3/2/87

Passed by the Governing Body this 2nd day of March, 1987.

Approved by the Mayor this 2nd day of March, 1987.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

KCPL Form 780H002A (Rev 1/86)

File

EASEMENT CONVEYANCE
(Corporation)

KNOW ALL MEN BY THESE PRESENTS, that **CITY OF LEAWOOD**, a corporation doing business in the County of **Johnson** and State of **Kansas**,

for and in consideration of the sum of ONE Dollar ($1.00), and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, do hereby grant, bargain, sell, convey and confirm unto Kansas City Power & Light Company, 1330 Baltimore, Kansas City, Missouri, a Missouri corporation, and unto its successors and assigns, a right of way easement over, along, across and under the lands hereinafter described, including the right and privilege at any time and from time to time to enter on said right of way and erect, construct, maintain, repair and relocate poles, wires, guys, anchors, underground cables, conduits, pad mounted transformers and service pedestals, and all appurtenances thereto for the transmission and distribution of electric energy and for communication purposes, and including the right and privilege at any time and from time to time to patrol said right of way, and to cut, top, trim and remove such brush and trees, if any, on or adjacent to said right of way, as may be necessary or desirable to maintain any appurtenances thereon, said right of way being over, along, across and under the following described lands in the County of **Johnson**, State of **Kansas**, to wit:

A tract of land ten (10) feet in width the center line of which is described as follows: Beginning on the Easterly right of way line of Mission Road, as now established, in the Southwest Quarter (SW 1/4) of Section 10, Township 13, Range 25, Johnson County, Kansas, at the East-West center line of said Southwest Quarter (SW 1/4), thence North forty degrees, zero minutes, zero seconds East (N 40° 00' 00" E) a distance of forty (40) feet.

Also beginning at aforesaid point of beginning, thence South thirty-one degrees, thirty minutes, zero seconds East (S 31° 30' 00" E) a distance of forty (40) feet.

This easement conveyance shall run with the land and shall be binding upon the Grantor, its successors and assigns.

TO HAVE AND TO HOLD THE SAME, together with all appurtenances, necessary incidents and immunities thereunto belonging or in any manner appertaining, unto the said Kansas City Power & Light Company, a corporation, and unto its successors and assigns, forever.

IN WITNESS WHEREOF, the **CITY OF LEAWOOD** (Name of Corporation) has caused these presents to be signed by its Mayor ~~President~~ and attested by its City Clerk ~~Secretary~~, and its ~~corporate~~ seal to be hereunto affixed this 7th day of March, A.D. 1989.

CITY OF LEAWOOD

By Jean Wise
MAYOR ~~President~~

Attest: Jo Oberlander
CITY CLERK ~~Secretary~~

(CORPORATE SEAL)

State of KANSAS
County of JOHNSON ss.

On this 7th day of March, 1989, before me, a Notary Public, appeared Jean Wise, to me personally known, who, being by me duly sworn, did say that he is the Mayor ~~President~~ of Leawood, Ks. (Name of Corporation) described in and which executed the foregoing instrument, and that the seal affixed to the foregoing instrument is the corporate seal of said City ~~corporation~~ and that said instrument was signed and sealed in behalf of said City ~~corporation~~ by authority of its City Council ~~Board of Directors~~ and the said Jean Wise acknowledged said deed to be the free act and deed of said City ~~corporation~~.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

NOTARY PUBLIC STATE OF KANSAS CYNTHIA R. PITTS My Appt. Exp. 9-24-89

My Commission Expires

Notary Public Cynthia R. Pitts

County of Johnson State of Kansas

EASEMENT CONVEYANCE

INSTRUMENT NO. _____

FROM CITY OF LEAWOOD

TO----KANSAS CITY POWER & LIGHT COMPANY
1330 Baltimore, Kansas City, MO

NW QTR OF THE SW QTR

Sect. 10 Twp. 13 Range 25

County of Johnson

C.O.# 8-60968C

Filed for record this _____ day

of _____ A.D., 19____

at _____ o'clock _____ minutes _____ M.

Recorded in Book _____ at Page _____

_____
Recorder

By _____
Deputy

Recorder's Fee, $ _____

KCPL Form 780H002B (Rev 12/85)

First Published in the Johnson County Sun, Friday, March 6, 1987.

ORDINANCE NO. 967

AN ORDINANCE GRANTING AN EASEMENT TO KANSAS CITY POWER & LIGHT CO. FOR UTILITY PURPOSES.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,175. Section 1. The City of Leawood, Kansas, does hereby grant an easement for utility purposes to Kansas City Power & Light Co., on property as herein described:

A tract of land ten (10) feet in width the centerline of which is described as follows: Beginning on the Easterly right of way line of Mission Road, as now established, in the Southwest Quarter (SW ¼) of Section 10, Township 13, Range 25, Johnson County, Kansas, at the East-West centerline of said Southwest Quarter (SW ¼), thence North forty degrees, zero minutes, zero seconds East (N 40° 00' 00" E) a distance of forty (40) feet.

Also beginning at aforesaid point of beginning, thence South thirty-one degrees, thirty minutes, zero seconds East (S31° 30' 00" E) a distance of forty (40) feet.

19-6,176. INCORPORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 2/17/87 Second Reading: 3/2/87

Passed by the Governing Body this 2nd day of March, 1987.

Approved by the Mayor this 2nd day of March, 1987.

(s) Jean Wise, Mayor
(SEAL)
Attest:
(s) J. Oberlander, City Clerk
APPROVED FOR FORM AND CONTENT:
(s) R.S. Wetzler, City Attorney
(1569 1F)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly poses and say: That she is legal publications manager of THE JOHNSON SUN, a semi-weekly newspaper printed in the State of Kansas, and published general circulation in JOHNSON County, Kansas, with a general paid circulation y basis in JOHNSON County, Kansas, and that said newspaper is not a trade, r fraternal publication.

wspaper is a semi-weekly published at least weekly 50 times a year; has been ed continuously and uninterruptedly in said county and state for a period of five years prior to the first publication of said notice; and has been admitted t office of SHAWNEE MISSION, KANSAS in said County as a second class

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---6th--- day of, ---March--- 19---87---, with subsequent publications being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---6th--- day of ---March--- 19---87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---27.00---
Additional copies $ ---

ORDINANCE NO. 966

repealed by Ord. 982, 5/4/87

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE FIFTH PLAT OF LEAWOOD COUNTRY MANOR.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,173. Section 1. That 7.5 foot wide utility easement as platted on Lots 1, 2, and 3, Block 9, Leawood Country Manor, Fifth Plat, as approved by the City Council, February 6, 1984, which easement the developer Farrell Companies, Inc., now desires to cancel, release, and annul, and which is described as follows:

West 7.5' of Lots 1, 2, and 3, Block 9, Leawood Country Manor, Fifth Plat

is hereby vacated.

19-6,174. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/2/87 Second Reading: 3/2/87

Passed by the Governing Body this 2nd day of March, 1987.

Approved by the Mayor this 2nd day of March, 1987.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

3-6-87

MEMO

1683897
Vol 2530 Pg 163

We are unable to index this Ordinance in our land books. The legal description given has been platted into Leawood Country Manor, Seventh Plat. You should make make reference to this in your legal. Please make the necessary correction, state the reason for refiling, resign and renotarize before refiling. There will be a fee charged for refiling.

Thank You
Betsy

Rubie M. Scott
Register of Deeds

To MB 3/11

ORDINANCE NO. 966 **1683897 —**

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE FIFTH PLAT OF LEAWOOD COUNTRY MANOR.

ORIGINAL COMPARED WITH RECORD

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,173. Section 1. That 7.5 foot wide utility easement as platted on Lots 1, 2, and 3, Block 9, Leawood Country Manor, Fifth Plat, as approved by the City Council, February 6, 1984, which easement the developer Farrell Companies, Inc., now desires to cancel, release, and annul, and which is described as follows:

West 7.5' of Lots 1, 2, and 3, Block 9, Leawood Country Manor, Fifth Plat

is hereby vacated.

19-6,174. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/2/87 Second Reading: 3/2/87

Passed by the Governing Body this 2nd day of March, 1987.

Approved by the Mayor this 2nd day of March, 1987.

(S.E.A.L.)

Jean Wise
Jean Wise Mayor

Attest:

J. Oberlander
J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R.S. Wetzler, City Attorney
R.S. Wetzler

6.00

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1987 MAR -6 A 11: 32 9

RUBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

600 CK

VOL 2530 PAGE 163

CERTIFICATION

I, J. Oberlander, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Leawood, Kansas, and that the attached is a full, true and correct copy of Ordinance No. 966 passed by the Governing Body at a regular meeting held March 2, 1987.

(S E A L)

J. Oberlander
City Clerk
City of Leawood, Kansas

City of Leawood
9617 Lee Blvd
Leawood, KS 66206

First Published in the Johnson County Sun, Friday, March 6, 1987.

ORDINANCE NO. 966

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE FIFTH PLAT OF LEAWOOD COUNTRY MANOR.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,1733. Section 1. That 7.5 foot wide utility easement as platted on Lots 1, 2, and 3, Block 9, Leawood Country Manor, Fifth Plat, as approved by the City Council, February 6, 1984, which easement the developer Farrell Companies, Inc., now desires to cancel, release, and annul, and which is described as follows:

West 7.5' of Lots 1, 2, and 3, Block 9, Leawood Country Manor, Fifth Plat is hereby vacated.

19-6,174. Section 2. The City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/2/87 Second Reading: 3/2/87

Passed by the Governing Body this 2nd day of March, 1987.

Approved by the Mayor this 2nd day of March, 1987.

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT:

(s) R.S. Wetzler, City Attorney

(1568 1F)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly eposes and say: That she is legal publications manager of THE JOHNSON SUN, a semi-weekly newspaper printed in the State of Kansas, and published general circulation in JOHNSON County, Kansas, with a general paid circulation ly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, or fraternal publication.

ewspaper is a semi-weekly published at least weekly 50 times a year; has been hed continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---6th--- day of, ---March--- 19---87---, with subsequent publications being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this ---6th--- day of ---March--- 19---87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------

Printer's Fee $ ---22.29---

Additional copies $ ----------

ORDINANCE NO. 965

Ord. repealed by Ord. 1066, 9/6/88

AN ORDINANCE RELATING TO FENCES AND WALLS, AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 15-2203 of the "Zoning Ordinance" of April 17, 1978, as adopted by the "Code of the City of Leawood, 1984" (Section 16-201), is hereby repealed and the following enacted in lieu thereof:

15-2203. FENCES AND WALLS. Section 2.

A. Intent The purpose of regulating fences and walls is:

1. To secure safety to life and welfare from hazards incident to man-made pools of all types.
2. To buffer uncomplimentary land uses and generally enhance the quality and appearance of a project site.
3. To ensure exterior privacy for residential developments.
4. To ensure that design, erection and construction of fences and walls do provide the proper structural strength, height, and surface drainage.
5. To maintain the look of open space in residential areas.

B. General Conditions and Plan Requirements

1. Permits shall be issued by the City and fences shall be subject to inspection in accordance with approved plans. Permits for swimming pools, wading pools, hot tubs, or similar man-made pool structures and fences for the same shall be coordinated and issued by the City at the same time.
2. Fences shall not be located closer to the street line than the front building line or the side building line in the case of a corner lot.
3. Solid wood fences shall be constructed with posts, rails and other construction details to be located on the "inside" of the fence.
4. Fences shall be constructed to allow for surface drainage.
5. Fences built in combination with walls shall not exceed the required height restrictions. In addition, fences built on slopes shall comply with the required height measured along the line of the fence location.
6. Fences enclosing man-made pool structures shall have safety latches mounted 48" above the ground line, or at the top of 4-foot fences.
7. Walls constructed as retaining walls shall be designed and constructed to support lateral loads.
8. Fences constructed within easements may be removed to allow access for utilities. The property owner shall be responsible for the relocation of any fences removed.

Ord. repealed by Ord. 1066, 9/6/88

9. Fences shall be located on or proximal to the property line or adjacent to patios and/or decks, except as set forth in Item 2 above and except at terminations at the dwelling structure.

10. When the back property line of a residentially zoned lot is in common with the boundary of another municipality, the least restrictive fence regulations of the 2 cities pertaining to height of fence shall apply to the property located within Leawood.

C. Height, Location, and Permit Requirements

1. Fences four (4) feet or less in height may be constructed without a fence permit with the exception of fences enclosing swimming pools, wading pools, hot tubs, or similar man-made pool structures, providing the above general conditions and plan requirements are complied with.
2. Fences over four (4) feet in height and fences enclosing swimming pools, wading pools, hot tubs, or similar man-made pool structures shall not be constructed until a permit has been issued, and shall not be permitted except under the following conditions:

   a. Four to six-foot fences are required to enclose swimming pools, wading pools, hot tubs, or similar man-made pool structures, and must be installed strictly in accordance with the approved plan. A man-made pool structure shall be considered to be "enclosed" by a fence located either adjacent to the structure or on the property line or other location complimentary to the site, so long as such structure is circumscribed.
   b. Fences up to six (6) feet in height are permitted adjacent to patios and/or decks to provide privacy to such areas, and must be installed strictly in accordance with the approved plan.
   c. Fences up to six (6) feet in height may be required by the Plan Commission to provide screening and/or buffering of one property to another.
   d. Fences up to six (6) feet in height may be allowed by the Plan Commission, if designed as an integral part of a planned residential development to provide privacy.
   e. Anyone desiring a variance from this ordinance shall apply to the Board of Zoning Appeals in accordance with its procedures.

VALIDITY OF ORDINANCE. Section 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

TAKE EFFECT. Section 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/2/87 Second Reading: 3/2/87

Passed by the Governing Body this 2nd day of March, 1987.

Approved by the Mayor this 2nd day of March, 1987.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First Published in the Johnson County Sun, Friday, March 6, 1987.

ORDINANCE NO. 965

AN ORDINANCE RELATING TO FENCES AND WALLS, AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 15-2203 of the "Zoning Ordinance" of April 17, 1978, as adopted by the "Code of the City of Leawood, 1984" (Section 16-201), is hereby repealed and the following enacted in lieu thereof:

15-2203. FENCES AND WALLS. Section 2.

A. *Intent The purpose of* regulating fences and walls is:

1. To secure safety to life and welfare from hazards incident to man-made pools of all types.

2. To buffer uncomplimentary land uses and generally enhance the quality and appearance of a project site.

3. To ensure exterior privacy for residential developments.

4. To ensure that design, erection and construction of fences and walls do provide the proper structural strength, *height, and surface drainage.*

5. To maintain the look of open space in residential areas.

B. **General Conditions and Plan Requirements**

1. Permits shall be issued by the City and fences *shall be* subject to inspection in accordance with approved plans. Permits for swimming pools, wading pools, hot tubs, or similar man-made pool structures and fences for the same shall be coordinated and issued by the City at the **same time.**

2. Fences shall not be located closer to the street line than *the front* building line or the side building line in the case of a corner lot.

3. Solid wood fences shall be constructed with posts, rails and other construction details *to be located on the "inside"* of the fence.

4. Fences shall be constructed to allow for surface drainage.

5. Fences built in combination with walls shall not exceed the required height restrictions. In addition, fences built on slopes shall comply with the required height measured along the line of the fence location.

6. Fences enclosing man-made pool structures shall have safety latches mounted 48" above the ground line, or at the *top of 4-foot* fences.

7. Walls constructed as retaining walls shall be designed and constructed to support lateral loads.

8. Fences constructed *within easements may* be removed to allow access for utilities. The property owner shall be responsible for the relocation of any fences removed.

9. Fences shall *be located* on or proximal to the property line or adjacent to patios and/or decks, except as set forth in Item 2 above and except at terminations at the dwelling structure.

10. When the back property line of a residentially zoned lot is in common with the boundary of another municipality, the least restrictive fence regulations of the 2 cities *pertaining* to height of fence shall apply to the property located within Leawood.

C. **Height, Location, and Permit Requirements**

1. Fences four (4) feet or less in height may be constructed without a fence permit with the exception of fences enclosing swimming pools, *wading* pools, hot tubs, or similar man-made pool structures, providing the above general conditions and plan requirements are complied with.

2. Fences over four (4) feet *in height* and fences enclosing swimming pools, wading pools, hot tubs, or similar man-made pool structures shall not be constructed until a permit has been issued, and shall not be *permitted except* under the following conditions:

a. Four to six-foot fences are required to enclose swimming pools, wading pools, hot tubs, or similar man-made pool *structures, and* must be installed strictly in accordance with the approved plan. A man-made pool structure shall be considered to be "enclosed" by a fence located either adjacent *to the structure* or on the property line or other location complimentary to the site, so long as such structure is circumscribed.

b. Fences up to six (6) feet *in height are* permitted adjacent to patios and/or decks to provide privacy to such areas, and must be installed strictly in accordance with the approved plan.

c. Fences up to six (6) feet in height may be required by the Plan Commission to provide screening and/or buffering of one property to another.

d. Fences up to six (6) feet in height may be allowed by the *Plan Commisionm if designed* as an integral part of a planned residential development to provide privacy.

e. Anyone desiring a variance from this ordinance *shall apply to the Board of Zoning* Appeals in accordance with its procedures.

VALIDITY OF ORDINANCE. Section 3. Should any section, paragraph, sentence, clause or *phrase of this ordinance* be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

TAKE EFFECT. Section 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 3/2/87 Second Reading: 3/2/87

Passed by the Governing Body *this 2nd day of March, 1987.*

Approved by the Mayor this 2nd day of March, 1987.

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT:

(s) R.S. Wetzler, City Attorney

(1567 1F)

AFFIDAVIT OF PUBLICATION

F KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
eposes and say: That she is legal publications manager of THE JOHNSON
SUN, a semi-weekly newspaper printed in the State of Kansas, and published
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---day--- (weeks, days) the first publication thereof being made as
on the ---6th--- day of, ---March--- 19-87-, with subsequent
ns being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

and sworn to before me this ---6th--- day of ---March--- 19-87-

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

sion expires: ----------

$ ---82.18---

opies $ ----------

ORDINANCE NO. 964

AN ORDINANCE GRANTING AN EASEMENT TO KANSAS CITY POWER & LIGHT CO. FOR UTILITY PURPOSES.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,171. Section 1. The City of Leawood, Kansas, does hereby grant an easement for utility purposes to Kansas City Power & Light Co., on property as herein described:

All that part of Tracts 1 and 2, LEAWOOD PLAZA, a replat of Tract "A" OXFORD PARK, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows:

A tract of land ten (10) feet in width the center line of which is described as follows: Beginning on the East line of said Tract 1, LEAWOOD PLAZA, at a point one hundred twenty-seven (127) feet North of the point of intersection of the center line of 122nd Street extended West to the said East line of Tract 1, as said street is now established in Jackson County, Missouri. Thence Northwesterly at an angle of sixteen degrees (16°) left from the Northerly course of the East line of said Tract 1 a distance of forty-eight (48) feet thence Westerly at an angle of sixty-seven degrees (67°) left from the last described course a distance of two hundred sixty (260) feet. Thence Westerly at an angle of eleven degrees (11°) left from the last described course a distance of two hundred (200) feet, thence Southwesterly at an angle of sixty-five degrees (65°) left from the last described course a distance of two hundred fifty-three (253) feet, thence Southerly at an angle of twenty-five degrees (25°) left from the last described course a distance of two hundred fifty-two (252) feet, thence Southeasterly at an angle of twenty-nine degrees (29°) left from the last described course a distance of three hundred (300) feet, thence Southerly at an angle of forty degrees (40°) right from the last described course to the Southerly line of said Tract 1.

Said right of way easement shall be deemed to terminate at the exterior surface and walls of any building improvements or other permanent structures and none of such right of way easements shall underlie any building improvements or other permanent structures.

Excepting therefrom that portion of the above described ten (10) foot tract of land that lies within Tract 1 of said Leawood Plaza subdivision.

19-6,172. INCORPORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 1/19/87 Second Reading: 1/19/87

Passed by the Governing Body this 19th day of January, 1987.

Approved by the Mayor this 19th day of January, 1987.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED AS TO FORM AND CONTENT: B.S. Wetzler, City Attorney

KCPL Form 780H002A (Rev 1/86)

EASEMENT CONVEYANCE

KNOW ALL MEN BY THESE PRESENTS, that CITY OF LEAWOOD, KANSAS, a Municipal Corporation duly (Corporation) organized and existing under the Laws of the State of Kansas, a corporation doing business in the County of Johnson and State of Kansas,

for and in consideration of the sum of ONE Dollar ($1.00), and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, do hereby grant, bargain, sell, convey and confirm unto Kansas City Power & Light Company, 1330 Baltimore, Kansas City, Missouri, a Missouri corporation, and unto its successors and assigns, a right of way easement over, along, across and under the lands hereinafter described, including the right and privilege at any time and from time to time to enter on said right of way and erect, construct, maintain, repair and relocate poles, wires, guys, anchors, underground cables, conduits, pad mounted transformers and service pedestals, and all appurtenances thereto for the transmission and distribution of electric energy and for communication purposes, and including the right and privilege at any time and from time to time to patrol said right of way, and to cut, top, trim and remove such brush and trees, if any, on or adjacent to said right of way, as may be necessary or desirable to maintain any appurtenances thereon, said right of way being over, along, across and under the following described lands in the County of Johnson, State of Kansas, to wit:

See attached Exhibit "A".

Orig. mailed to 1-27-87

Return easement Bob L. Arnold 12 Wed & State Line Ord. # 964

BOB L. ARNOLD
REAL ESTATE DEPARTMENT

KANSAS CITY POWER & LIGHT COMPANY
P.O. BOX 679
KANSAS CITY, MO 64141

483-1756
4400 E. FRONT ST.

This easement conveyance shall run with the land and shall be binding upon the Grantor, its successors and assigns.

TO HAVE AND TO HOLD THE SAME, together with all appurtenances, necessary incidents and immunities thereunto belonging or in any manner appertaining, unto the said Kansas City Power & Light Company, a corporation, and unto its successors and assigns, forever.

IN WITNESS WHEREOF, the CITY OF LEAWOOD, KANSAS, a Municipal Corporation duly organized and existing under the Laws of the State of Kansas (Name of Corporation) has caused these presents to be signed by its Mayor ~~President~~ and attested by its City Clerk ~~Secretary~~ and its corporate seal to be hereunto affixed this 19th day of January, A.D. 19 87.

CITY OF LEAWOOD, KANSAS, a Municipal Corporation duly organized and existing under the Laws of the State of Kansas

By Jean Wise
Jean Wise, Mayor ~~President~~

Attest:
J. Oberlander
J. Oberlander, City Clerk ~~Secretary~~

(CORPORATE SEAL)

State of Kansas
County of Johnson ss.

On this 19th day of January, 1987, before me, a Notary Public, appeared Jean Wise, to me personally known, who, being by me duly sworn, did say that he is the Mayor ~~President~~ of the City of Leawood, Kansas (Name of Corporation) described in and which executed the foregoing instrument, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said Jean Wise acknowledged said deed to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

My Commission Expires 08-07-89

CAROLYN SUE YOUNGER
My Appt. Exp. 08-07-89

Notary Public Carolyn Sue Younger

County of Johnson State of Kansas

EXHIBIT "A"

All that part of Tracts 1 and 2, LEAWOOD PLAZA, a replat of Tract "A" OXFORD PARK, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows:

A tract of land ten (10) feet in width the center line of which is described as follows: Beginning on the East line of said Tract 1, LEAWOOD PLAZA, at a point one hundred twenty-seven (127) feet North of the point of intersection of the center line of 122nd Street extended West to the said East line of Tract 1, as said street is now established in Jackson County, Missouri. Thence Northwesterly at an angle of sixteen degrees (16°) left from the Northerly course of the East line of said Tract 1 a distance of forty-eight (48) feet thence Westerly at an angle of sixty-seven degrees (67°) left from the last described course a distance of two hundred sixty (260) feet. Thence Westerly at an angle of eleven degrees (11°) left from the last described course a distance of two hundred (200) feet, thence Southwesterly at an angle of sixty-five degrees (65°) left from the last described course a distance of two hundred fifty-three (253) feet, thence Southerly at an angle of twenty-five degrees (25°) left from the last described course a distance of two hundred fifty-two (252) feet, thence Southeasterly at an angle of twenty-nine degrees (29°) left from the last described course a distance of three hundred (300) feet, thence Southerly at an angle of forty degrees (40°) right from the last described course to the Southerly line of said Tract 1.

Said right of way easement shall be deemed to terminate at the exterior surface and walls of any building improvements or other permanent structures and none of such right of way easements shall underlie any building improvements or other permanent structures.

Excepting therefrom that portion of the above described ten (10) foot tract of land that lies within Tract 1 of said Leawood Plaza subdivision.

First Published in the Johnson County Sun, Friday, January 23, 1987.

ORDINANCE NO. 964

AN ORDINANCE GRANTING AN EASEMENT TO KANSAS CITY POWER & LIGHT CO. FOR UTILITY PURPOSES.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,171. Section 1. The City of Leawood, Kansas, does hereby grant an easement for utility purposes to Kansas City Power & Light Co., on property as herein described:

All that part of Tracts 1 and 2, LEAWOOD PLAZA, a replat of Tract "A" OXFORD PARK, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows:

A tract of land ten (10) feet in width the center line of which is described as follows: Beginning on the East line of said Tract 1, LEAWOOD PLAZA, /at a point one hundred twenty-seven (127) feet North of the point of intersection of the center line of 122nd Street extended West to the said East line of Tract 1, as said street is now established in Jackson County, Missouri. Thence Northwesterly at an angle of sixteen degrees (16°) left from the Northerly course of the East line of said Tract 1 a distance of forty-eight (48) feet thence Westerly at an angle of sixty-seven degrees (67°) left from the last described course a distance of two hundred sixty (260) feet. Thence Westerly at an angle of eleven degrees (11°) left from the last described course a distance of two hundred (200) feet, thence Southwesterly at an angle of sixty-five degrees (65°) left from the last described course a distance of two hundred fifty-three (253) feet, thence Southerly at an angle of twenty-five degrees (25°) left from the last described course a distance of two hundred fifty-two (252) feet, thence Southeasterly at an angle of twenty-nine degrees (29°) left from the last described course a distance of three hundred (300) feet, thence Southerly at an angle of forty degrees (40°) right from the last described course to the Southerly line of said Tract 1.

Said right of way easement shall be deemed to terminate at the exterior surface and walls of any building improvements or other permanent structures and none of such right of way easements shall underlie any building improvements or other permanent structures.

Excepting therefrom that portion of the above decribed ten (10) foot tract of land that lies within Tract 1 of said Leawood Plaza subdivision.

19-6,172. INCORORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 1/19/87 Second Reading: 1/19/87

Passed by the Governing Body this 19th day of January, 1987.

Approved by the Mayor this 19th day of January, 1987.

(s) Jean Wise, Mayor

(S E A L)

Attest:

(s) J. Oberlander, City Clerk

APPROVED AS TO FORM AND CONTENT:

(s) R.S. Wetzler, City Attorney

(1312 1F)

AFFIDAVIT OF PUBLICATION

ANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly ses and say: That she is legal publications manager of THE JOHNSON N, a semi-weekly newspaper printed in the State of Kansas, and published eral circulation in JOHNSON County, Kansas, with a general paid circulation asis in JOHNSON County, Kansas, and that said newspaper is not a trade, aternal publication.

paper is a semi-weekly published at least weekly 50 times a year; has been continuously and uninterruptedly in said county and state for a period of ve years prior to the first publication of said notice; and has been admitted ffice of SHAWNEE MISSION, KANSAS in said County as a second class

ttached notice is a true copy thereof and was published in the regular and of said newspaper for ------ONE------ consecutive day------(weeks, days) the first publication thereof being made as the 23rd--- day of, January-- 1987---, with subsequent being made on the following dates:

----------, 19------ ----------, 19------

----------, 19------ ----------, 19------

Deanna Martasin

sworn to before me this 23rd day of January 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------

Printer's Fee $ ---45.82---

Additional copies $ ----------

ORDINANCE NO. 963

AN ORDINANCE AUTHORIZING AND PROVIDING FOR ACQUISITION OF CERTAIN PRIVATE PROPERTY FOR THE CONSTRUCTION OF IMPROVEMENTS AND RE-IMPROVEMENTS TO STATE LINE ROAD FROM 81ST STREET TO 83RD STREET.

WHEREAS, the Governing Body of the City of Leawood did by resolution approve on the 15th day of December 1986 declare the necessity of appropriating certain private property for the use of the City; and

WHEREAS, the Governing Body has authorized a survey and description of the land and interest to be condemned to be made by some competent engineer and filed with the City Clerk; and

WHEREAS, a survey and description of the land and interest to be condemned has been made by a competent engineer and filed with the City Clerk.

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

19-129 Section 1. The City Attorney is hereby authorized and directed to institute eminent domain proceedings to acquire the property and interests described by survey filed with the City Clerk which property and interests have been determined by the Governing Body to be necessary for the purpose of construction of improvements and re-improvements to State Line Road from 81st Street to 83rd Street. Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire the following described interests and property:

> Roach Cadillac Temporary Construction Easement. A tract of land in Lot 29 in "MEADOW LAKE LAWN", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at a point on the existing East right-of-way line of State Line Road that is 115.13 feet North of the South line of said Lot 29; thence continuing North along said existing right-of-way line, a distance of 40.0 feet; thence East 5.0 feet; thence South 40.0 feet; thence West 5.0 feet to the Point of Beginning; containing 200.0 square feet, more or less.
>
> Roach Cadillac - Temporary Construction Easement. A tract of land in Lots 29 and 30 in "MEADOW LAKE LAWN", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows: Commencing at a point on the existing East right-of-way line of State Line Road that is 18.71 feet North of the existing North right-of-way line 81st Street; thence N0°00'00"E along the existing East right-of-way line of State Line Road, a distance of 176.29 feet to the Point of Beginning; thence

N0°00'00"E continuing along the East right-of-way line, a distance of 83.53 feet; thence S02°51'23"E, a distance of 55.32 feet; thence S89°22'44"E, a distance of 7.24 feet; thence S0°00'00"E a distance of 28.31 feet; thence N89°22'44"W, a distance of 10.0 feet to the Point of Beginning; containing 359 square feet, more or less.

John J., Jr. and Grace R. Roach - Temporary Construction Easement. A tract of land in Lot 30 in "MEADOW LAKE LAWN", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at a point on the existing East right-of-way line of State Line Road that is 18.71 feet North of the existing North right-of-way of 81st Street; thence N0°00'00"E along the existing East right-of-way line of State Line Road, a distance of 2.61 feet; thence N90°00'00"E, a distance of 5.0 feet; thence N0°00'00"E, a distance of 10.0 feet; thence S90°00'00"W, a distance of 5.0 feet to a point on the said existing East right-of-way line of State Line Road; thence N0°00'00"E along said existing East right-of-way line a distance of 163.68 feet; thence S89°22'44"E, a distance of 10.00 feet; thence S0°00'00"E a distance of 1.69 feet; thence N89°22'44"W, a distance of 5.75 feet; thence S02°51'23"E, a distance of 14.96 feet; thence S0°00'00"E, a distance of 71.95 feet; thence N90°00'00"E, a distance of 5.0 feet; thence S0°00'00"E, a distance of 30.0 feet; thence S90°00'00"W, a distance of 5.0 feet; thence S0°00'00"E, a distance of 37.33 feet; thence N 90°00'00"E, a distance of 3.0 feet; thence S0°00'00"E, a distance of 26.07 feet; thence N54°19'30"W, a distance of 9.84 feet to the Point of beginning; containing 1,068 square feet, more or less.

John J., Jr. and Grace R. Roach - Permanent Drainage Easement. A tract of land in Lot 30 in "MEADOW LAKE LAWN", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at a point on the existing East right-of-way line of State Line Road that is 21.32 feet North of the existing North right-of-way line of 81st Street; thence N0°00'00"E along the existing East right-of-way line of State Line Road, a distance of 10.0 feet; thence N90°00'00"E, a distance of 5.0 feet; thence S0°00'00"E, a distance of 10.0 feet; thence N90°00'00"W, a distance of 5.0 feet to the Point of Beginning; containing 50 square feet, more or less.

John J., Jr. and Grace R. Roach - Right-of-Way. A tract of land in Lot 30 in "MEADOW LAKE LAWN", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at the intersection of the existing East right-of-way line of State Line Road and the existing North right-of-way line of 81st Street; thence N0°00'00"E along the existing East right-of-way line of State Line Road, a distance of 18.71 feet; thence S54°19'30"E, a distance of 32.58 feet to a point on the North right-of-way line of 81st Street as it now exists; thence N89°22'44"W along said North right-of-way line, a distance of 26.47 feet to the Point of Beginning; containing 248 square feet, more or less.

Section 2. This Ordinance shall take effect and be enforced from and after its passage, approval and publication as provided by law.

First Reading: 12/15/86 Second Reading: 1/5/87

PASSED AND APPROVED THIS 5th DAY OF January, 1987.

Approved by the Mayor this 5th day of January, 1987.

Mayor

ATTEST:

City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

First Published in the Johnson County Sun, Friday, January 9, 1987.

ORDINANCE NO. 963

AN ORDINANCE AUTHORIZING AND PROVIDING PROVIDING FOR ACQUISITION OF CERTAIN PRIVATE PROPERTY FOR THE CONSTRUCTION OF IMPROVEMENTS AND RE-IMPROVEMENTS TO STATE LINE ROAD FROM 81ST STREET TO 83RD STREET.

WHEREAS, the Governing Body of the City of Leawood did by resolution approve on the 15th day of December 1986 declare the necessity of appropriating certain private property for the use of the City; and

WHEREAS, the Governing Body has authorized a survey and description of the land and interest to be condemned to be made by some competent engineer and filed with the City Clerk; and

WHEREAS, a survey and description of the land and interest to be condemned has been made by a competent engineer and filed with the City Clerk.

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

19-129 **Section 1.** The City Attorney is hereby authorized and directed to institute eminent domain proceedings to acquire the property and interests de*scribed by survey filed with the* City Clerk which property and interests have been determined by the Governing Body to be necessary for the purpose of construction of improvements and re-improvements to State Line Road from 81st Street to 83rd Street. Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire the following described interests and property:

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Section 2. This Ordinance shall take effect and be enforced from and after its passage, *approval and publication as* provided by law.

First Reading: 12/15/86. Second Reading: 1/5/87

PASSED AND APPROVED THIS 5th DAY OF January, 1987.

Approved by the Mayor this 5th day of January, 1987.

(s) Jean Wise
Mayor

ATTEST:
(s) J. Oberlander
City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney

(1257 1F)

AFFIDAVIT OF PUBLICATION

TE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
n, Deposes and say: That she is legal publications manager of THE JOHNSON
NTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published
d of general circulation in JOHNSON County, Kansas, with a general paid circulation
yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
ous or fraternal publication.

id newspaper is a semi-weekly published at least weekly 50 times a year; has been
ublished continuously and uninterruptedly in said county and state for a period of
e than five years prior to the first publication of said notice; and has been admitted
e post office of SHAWNEE MISSION, KANSAS in said County as a second class
er.

at the attached notice is a true copy thereof and was published in the regular and
e issue of said newspaper for ---One--- consecutive
---day---(weeks, days) the first publication thereof being made as
said on the ---9th--- day of, ---January--- 19--87---, with subsequent
cations being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

cribe and sworn to before me this ---9th--- day of ---January--- 19--87---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

mmission expires: ---
's Fee $ ---96.86---
ona' copies $ ---

ORDINANCE NO. 962

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18 - 123. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

> All of the North Half, of the Southwest Quarter, of the Southwest Quarter...and all of the South Half, of the South Half of the Northwest Quarter of the Southwest Quarter of Section 34, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas; containing 30 Acres more or less.
>
> (Hampshire subdivision; east of Mission & north of 143rd St.)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/15/86 Second Reading: 1/5/87

Passed by the Governing Body this 5th day of January, 1987.

Approved by the Mayor this 5th day of January, 1987.

(S E A L)

Jean Wise
Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First Published in the Johnson County Sun, Friday, January 9, 1987.
ORDINANCE NO. 962
AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.
Be it ordained by the Governing Body of the City of Leawood, Kansas:
18-123. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:
All of the North Half, of the Southwest Quarter of the Southwest Quarter ... and all of the South Half, of the South Half, of the Northwest Quarter of the Southwest Quarter of Section 34, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas; containing 30 Acres more or less.
(Hampshire subdivision; east of Mission & north of 143rd St.)
TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.
First Reading: 12/15/86 Second Reading: 1/5/87
Passed by the Governing Body this 5th day of January, 1987.
Approved by the Mayor this 5th day of January, 1987.
(s) Jean Wise, Mayor
(SEAL)
Attest:
(s) J. Oberlander,
City Clerk
APPROVED FOR FORM AND CONTENT:
(s) R. S. Wetzler,
City Attorney
(1256 1F)

AFFIDAVIT OF PUBLICATION

E OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly , Deposes and say: That she is legal publications manager of THE JOHNSON ITY SUN, a semi-weekly newspaper printed in the State of Kansas, and published l of general circulation in JOHNSON County, Kansas, with a general paid circulation yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, us or fraternal publication.

id newspaper is a semi-weekly published at least weekly 50 times a year; has been ublished continuously and uninterruptedly in said county and state for a period of than five years prior to the first publication of said notice; and has been admitted e post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ------One---------- consecutive ------day------(weeks, days) the first publication thereof being made as aforesaid on the ---9th--- day of, January 1987, with subsequent publications being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this --9th-- day of --January-- 1987

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---23.57---
Additional copies $ ----------

ORDINANCE NO. 961

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES, SERIES 86-9 (112th to 121 STREET, ROE AVENUE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $250,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO ROE AVENUE FROM 112th TO 121st STREET INCLUDING WIDENING, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER APPURTENANCES THERETO, THE COSTS OF WHICH WILL BE PAID BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the Governing Body of the City of Leawood entered into a joint agreement, dated February 4, 1985, with the City of Overland Park, and Johnson County, Kansas, to make improvements to Roe Avenue from 112th to 121st Street in the total estimated cost of $1,500,000.00 with each entity to pay a portion of said costs; and

WHEREAS, the necessary permanent rights-of-way for construction have been acquired by the City; and

WHEREAS, a benefit district has been established pursuant to Resolution No. 757 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on February 2, 1986; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of bonds;

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

20-1,234. Section One: That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the

City of Leawood, Kansas, designated Temporary Notes, Series 86-9 (Roe Avenue, 112th to 121st Street), in the aggregate principal amount of Two Hundred Fifty Thousand ($250,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,235. Section Two: Said issue of Temporary Notes, Series 86-9 shall consist of bearer notes numbered from 1 thru 3 inclusive, numbers 1 and 2 each being in the denomination of $100,000.00 and No. 3 in the denomination of $50,000.00. Each of said notes shall be dated December 29, 1986, and shall have the stated maturity date of December 28, 1987. The notes shall bear interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 4.17% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof, said notes so authorized by K.S.A. 10-123, 12-6a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,236. Section Three: The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the

City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,237. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,238. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City covenants and agrees for the benefit of the holders of the notes to apply such proceeds diligently and with all reasonable dispatch for the purpose for which they are intended, and that all proceeds shall be applied to the payment of such costs of the improvement or costs incidental thereto (or to reimburse the City therefor).

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing political subdivision in existence since 1948;

2. Since January 1, 1986, the City has not issued any bonds or obligations other than the following described obligations:

	Issue	Date	Principal Amount
(a)	Combined Projects Improvement, General Obligation Bonds Series 1986	June, 1986	$2,485,000.00
(b)	Temporary Notes Series L.I.D. 86-1 (127th Street Juniper to Nall)	June, 1986	$215,000.00
(c)	Temporary Notes Series L.S.S. 2-86 (Sewer Improvements)	June, 1986	$1,507,300.00
(d)	Temporary Notes Series L.I.D. 86-3, Phase I	May 1, 1986	$502,000.00
(e)	Replacement Temporary Notes Series (Street Improvements 86-4)	August 14, 1986	$207,100.00
(f)	Temporary Notes Series 86-5 (Street Improvements)	September, 1986	$555,000.00
(g)	Temporary Notes Series L.I.D. 86-6 (Street Improvements	October, 1986	$2,000,000.00
(h)	Combined Project Renewal Temporary Notes Series 86-7	December 1,1986	$120,000.00
(i)	Renewal Temporary Notes Series 8-86 (81st - 85th and State Line)	December 29, 1986	$795,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1986 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide project financing for the improvements, other than bonds to retire said temporary notes;

4. No portion of the proceeds of the sale of the bonds will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,239. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 12/15/86 Second Reading: 12/15/86

PASSED by the Governing Body of the City of Leawood, Kansas, this 15th day of December, 1986.

SIGNED by the Mayor this 15th day of December, 1986.

Mayor Jean Wise

ATTEST:

City Clerk J. Oberlander

APPROVED AS TO FORM AND CONTENT:

City Attorney R.S. Wetzler

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---17th--- day of, ---December--- 19--86---, with subsequent publications being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this 17th day of December 19 86

Marguerite E. Baker

NOTARY PUBLIC

MARGUERITE E. BAKER
JOHNSON COUNTY, KANSAS
My Appointment Expires 3-15-88

My Commission expires: 3-15-88
Printer's Fee $ 133.99
Additional copies $

First published in the Johnson County Sun, Wednesday, December 17, 1986.

ORDINANCE NO. 961

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES, SERIES 86-9 (112th to 121 STREET, ROE AVENUE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $250,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO ROE AVENUE FROM 112th TO 121st STREET INCLUDING WIDENING, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER APPURTENANCES THERETO, THE COSTS OF WHICH WILL BE PAID BY THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the Governing Body of the City of Leawood entered into a joint agreement, dated February 4, 1985, with the City of Overland Park, and Johnson County, Kansas, to make improvements to Roe Avenue from 112th to 121st Street in the total estimated cost of $1,500,000.00 with each entity to pay a portion of said costs; and

WHEREAS, the necessary permanent rights-of-way for construction have been acquired by the City; and

WHEREAS, a benefit district has been established pursuant to Resolution No. 757 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on February 2, 1986; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of bonds;

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, K.S.A. 12-6a14 and all acts amendatory thereto.

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

20-1,234. **Section One:** That in order to provide funds to pay the costs and expenses of the aforesaid improvement now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of temporary notes of the City of Leawood, Kansas, designated Temporary Notes, Series 86-9 (Roe Avenue, 112th to 121st Street), in the aggregate principal amount of Two Hundred Fifty Thousand ($250,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,235. **Section Two:** Said issue of Temporary Notes, Series 86-9 shall consist of bearer notes numbered from 1 thru 3 inclusive, numbers 1 and 2 each being in the denomination of $100,000.00 and No. 3 in the denomination of $50,000.00. Each of said notes shall be dated December 29, 1986, and shall have the stated maturity date of December 28, 1987. The notes shall bear interest from their date of delivery to the purchaser thereof, shall be payable at maturity or upon redemption prior thereto at a rate of interest of 4.17% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time bonds are issued in lieu thereof, said notes so authorized by K.S.A. 10-123, 12-a14 and all acts amendatory thereto.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes by the publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixedi in such notice.

20-1,236. **Section Three:** The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,237. **Section Four:** The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and as provided by law and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,238. **Section Five:** The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City covenants and agrees for the benefit of the holders of the notes to apply such proceeds diligently and with all reasonable dispatch for the purpose for which they are intended, and that all proceeds shall be applied to the payment of such costs of the improvement or costs incidental thereto (or to reimburse the City therefor).

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; **provided, however,** the foregoing provision shall be and become null and void if and to the exent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing political subdivision in existence since 1948;
2. Since January 1, 1986, the City has not issued any bonds or obligations other than the following described obligations:

Issue	Date	Principal Amount
(a) Combined Projects Improvement, General Obligation Bond Series 1986	June, 1986	$2,485,000.00
(b) Temporary Notes Series L.I.D. 86-1 (127th Street Juniper to Nall)	June, 1986	$215,000.00
(c) Temporary Notes Series L.S.S. 2-86 (Sewer Improvements)	June, 1986	$1,507,300.00
(d) Temporary Notes Series L.I.D. 86-3, Phase I	May 1, 1986	$502,000.00
(e) Replacement Temporary Notes Series (Street Improvements 86-4)	August 14, 1986	$207,100.00
(f) Temporary Notes Series 86-5 (Street Improvements)	September, 1986	$555,000.00
(g) Temporary Notes Series L.I.D. 86-6 (Street Improvements)	October, 1986	$2,000,000.00
(h) Combined Project Renewal Temporary Notes Series 86-7	December 1, 1986	$120,000.00
(i) Renewal Temporary Notes Series 8-86 (81st - 85th and State Line)	December 29, 1986	$795,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1986 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide project financing for the improvements, other than bonds to retire said temporary notes;
4. No portion of the proceeds of the sale of the bonds will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,239. **Section Six:** The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 12/15/86 Second Reading: 12/15/86

PASSED by the Governing Body of the City of Leawood, Kansas, this 15th day of December, 1986.

SIGNED by the Mayor this 15th day of December, 1986.

(s) Jean Wise,
Mayor

ATTEST:
(s) J. Oberlander
City Clerk

APPROVED AS TO FORM AND CONTENT:
(s) R. S. Wetzler
City Attorney

(1154 1W)

ORDINANCE NO. 960 C

AN ORDINANCE RELATING TO ADDITIONS, DELETIONS, AND CHANGES, "BOCA BASIC PROPERTY MAINTENANCE CODE, 1981 EDITION", AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 4-705 of the "Code of the City of Leawood, Kansas, 1984", as originally adopted by Ordinance No. 872C, is hereby repealed and the following enacted in lieu thereof:

Repealed by: ORDINANCE NO. 1306C Adopted: 7/8/92 Effective:

4-705. SAME; ENVIRONMENTAL REQUIREMENTS. Section 2. (a) PM-301.4.1 Add: Mosquito Control: An owner of property shall be responsible for the prevention, control and treatment of mosquitos. Prevention and control mean that all areas of a property and particularly bodies of water shall be treated so as to not allow the breeding of mosquitos.

Treatment shall consist of the application of chemicals to an infected area which will exterminate the mosquito egg, larva or adult stage of the insect. Treatment shall not endanger the general health, safety, and welfare.

(b) PM-301.5 Delete as written. Add: Property Maintenance: Property owners and/or person in control of property shall maintain the sidewalks adjacent to public right-of-way as required for safety and welfare of the general public. Other hard surfaces, walkways and driveways on private property shall not be allowed to deteriorate to the extent that they constitute a safety hazard, drainage problem or detract from the property appearance.

(c) PM-301.5.1 Public Areas is hereby added and shall read as follows: Grass, landscaping and trees located within traffic control islands should be the maintenance responsibility of the homes associations. Monuments landscaping, trees, fountains, and lighting located on private property at the entrance to residential subdivisions and/or commercial property shall be the responsibility of the homes associations and/or the individual property owner.

(d) PM-301.6 Noxious Weeds: Add: No weeds or grass shall be permitted to exceed 12" in height in any platted area or within 100 feet of any platted area or any developed area. A property owner is responsible for property maintenance for his or her property and the public right-of-way to the street.

(e) PM-301.10 Motor Vehicles. Delete as written. Add: Inoperative vehicles which are junked, wrecked, dismantled, inoperative, discarded, unregistered, unlicensed, or abandoned in and upon property within the City shall be prohibited.

(f) PM-301.10.1 Add: Temporarily Disabled Vehicles: If a vehicle is inoperable for a period of seven days or less, the provisions of PM-301.10 do not apply.

(g) PM-301.12 Bush and Lawn Trimmings. This section is hereby added and shall read as follows: Each and every owner, tenant, or occupant of any dwelling or other building in the City shall place lawn trimmings, bush trimmings, and other yard debris in suitable containers

Repealed by:
ORDINANCE NO. 1306C
Adopted: 9/8/92
Effective:

or tied in bundles. The containers and bundles shall not be placed at or within 30 feet of the street curb for more than 24 hours prior to the anticipated time of collection.

(h) PM-301.13 Add: Dumping, Storage of Refuse, Equipment, Etc.: No person shall dump, deposit or store on any property whether owned, dedicated to public use or upon the property of any person, nor to allow to fall or be washed upon any street or upon any property of any other person dirt,earth, building materials, debris, refuse, cans, garbage or grass clippings. Also, no person shall dump, deposit or store on any property whether dedicated to public use, property of any person or their own property junked or otherwise inoperative equipment, vehicles, machinery or appliance or other materials. Operable farm equipment or implements which are used in the agricultural areas are excluded.

(i) PM-301.2 Add: Surface Drainage: Surface water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent property or that create a public nuisance.

(j) PM-302.5 Add: Wall Surfaces: Exterior wall surfaces shall be kept in good condition to prevent deterioration. Painted surfaces will require repainting or satisfactory covering of approved siding when scaling of existing paint covers in excess of 25% of one or more wall surfaces or when it is obvious that the wood and other material is becoming porous and needs sealing.

(k) PM-304 Add: Enforcement Procedures for Premises Violations: Persons violating the provisions of Sections PM301.6, Noxious Weeds, PM-301.10, Motor Vehicles, PM-301.12, Bush and Lawn Trimmings, and PM-301.13, Dumping, Storage of Refuse, Equipment, etc., shall be given notice of a violation by the code enforcement official and that notice shall be sent by certified mail to the owner and/or occupant. Conditions as cited in Sections PM-301.6, PM-301.10 and PM-301.13 are to be corrected within 10 days after the mailing date. And, conditions as cited in Section PM-301.12 are to be corrected within three days after the mailing date. If the corrections are not made within the prescribed time period, the City shall initiate action to correct the nuisance and the violator shall pay the City for the actual cost of the abatement. If such cost is not paid within 10 days following the City abatement of nuisance, the cost will be assessed and charged against the lot or parcel of ground on which the nuisance was located, and the City shall, at the time of certifying other special assessments to the county clerk, certify the aforesaid cost to be allowed by the county treasurer and paid to the City. Liability for such cost shall be separate from and in addition to any criminal penalties. Also per Section PM-301.10-The notice of an inoperative vehicle shall be sent to the person in possession or owner of real property on which such inoperable vehicle is located. If the violation is not corrected within 10 days, the vehicle shall be removed by the City at the owner's cost.

Repealed by:
ORDINANCE NO. 1306C
Adopted: 7/8/92
Effective:

No application for approval of rezoning, preliminary plat, preliminary plan, final plat or final plan will be considered by the Plan Commission until such time that the owner of the property pays all outstanding debts as charged by the City for property maintenance on such land. No application for approval of a building permit will be approved until such time that the owner of the property pays all outstanding debts as charged by the City for property maintenance on such lot. The City will determine such costs. The City will notify the County when the costs are paid to the City directly.

(1) PM-305 Add: Enforcement Procedures for Mosquito Control Violations: Notice of a violation shall be made by the Code Official in person or by telephone and then documented by mail. The property owner shall make corrections to the satisfaction of the Code Official within three (3) days of the notice of violation. If the correction is not made within this time period, the City shall initiate action to correct the matter and the property owner shall pay the City for actual and administrative costs in an amount determined by the City. If the cost is not paid within ten (10) days following the postmarked date of billing sent to the owner, charges will be assessed against the property causing the nuisance in the manner prescribed elsewhere in this Code.

VALIDITY OF ORDINANCE. Section 3. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

TAKE EFFECT. Section 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/1/86 Second Reading: 12/15/86

Passed by the Governing Body this 15th day of December, 1986.

Approved by the Mayor this 15th day of December, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---19th--- day of, ---December--- 19--86--, with subsequent publications being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this ---19th--- day of ---December--- 19--86---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---12.54---
Additional copies $ ----------

First Published in the Johnson County Sun, Friday, December 19, 1986.

ORDINANCE NO. 960 C

AN ORDINANCE RELATING TO ADDITIONS, DELETIONS, AND CHANGES, "BOCA BASIC PROPERTY MAINTENANCE CODE, 1981 EDITION", AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 4-705 of the "Code of the City of Leawood, Kansas, 1984", as originally adopted by Ordinance No. 872C, is hereby repealed and the following enacted in lieu thereof:

4-705. SAME; ENVIRONMENTAL REQUIREMENTS. Section 2. (a) **PM-301.4.1** Add: **Mosquito Control:** An owner of property shall be responsible for the prevention, control and treatment of mosquitos. Prevention and control mean that all areas of a property and particularly bodies of water shall be treated so as to not allow the breeding of mosquitos.

Treatment shall consist of the application of chemicals to an infected area which will exterminate the mosquito egg, larva or adult stage of the insect. Treatment shall not endanger the general health, safety, and welfare.

(b) **PM-301.5** Delete as written. Add: **Property Maintenance:** Property owners and/or person in control of property shall maintain the sidewalks adjacent to public right-of-way as required for safety and welfare of the general public. Other hard surfaces, walkways and driveways on private property shall not be allowed to deteriorate to the extent that they constitute a safety hazard, drainage problem or detract from the property appearance.

(c) **PM-301.5.1 Public Areas** is hereby added and shall read as follows: Grass, landscaping and trees located within traffic control islands should be the maintenance responsibility of the homes associations. Monuments landscaping, trees, fountains, and lighting located on private property at the entrance to residential subdivisions and/or commercial property shall be the responsibility of the homes association and/or the individual property owner.

(d) **PM-301.6 Noxious Weeds:** Add: No weeds or grass shall be permitted to exceed 12" in height in any planted area or within 100 feet of any platted area or any developed area. A property owner is responsible for property maintenance for his or her property ~~and the public right-of-way to the street.~~

(e) **PM-301.10 Motor Vehicles.** Delete as written. Add: Inoperative vehicles which are junked, wrecked, dismantled, inoperative, discarded, unregistered, unlicensed, or abandoned in and upon property within the City shall be prohibited.

(f) **PM-301.10.1** Add: **Temporarily Disabled Vehicles:** If a vehicle is inoperable for a period of seven days or less, the provisions of PM-301.10 do not apply.

(g) **PM-301.11 Bush and Lawn Trimmings.** This section is hereby added and shall read as follows: Each and every owner, tenant, or occupant of any dwelling or other building in the City shall place lawn trimmings, bush trimmings, and other yard debris in suitable containers or tied in bundles. The containers and bundles shall not be placed at or within 30 feet of the street curb for more than 24 hours prior to the anticipated time of collection.

(h) **PM-301.13** Add: **Dumping, Storage of Refuse, Equipment, Etc.:** No person shall dump, deposit or store on any property whether owned, dedicated to public use or upon the property of any person, nor to allow to fall or be washed upon any street or upon any property or any other person dirt, earth, building materials, debris, refuse, cans, garbage or grass clippings. Also, no person shall dump, deposit or store on any property whether dedicated to public use, property of any person or their own property junked or otherwise inoperative equipment, vehicles, machinery or appliance or other materials. Operable farm equipment or implements which are used in the agricultural areas are excluded.

(i) **PM-301.2.** Add: **Surface Drainage.** Surface water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent property or that create a public nuisance.

(j) **PM-302.5** Add: **Wall Surfaces:** Exterior wall surfaces shall be kept in good condition to prevent deterioration. Painted surfaces will require repainting or satisfactory covering of approved siding when scaling of existing paint covers in excess of 25% of one or more wall surfaces or when it is obvious that the wood and other material is becoming porous and needs sealing.

(k) **PM-304** Add: **Enforcement Procedures for Premises Violations:** Persons violating the provisions of Section PM301.6, Noxious Weeds, **PM-301.10, Motor Vehicles, PM-301.12, Bush and Lawn Trimmings,** and **PM-301.13, Dumping, Storage of Refuse, Equipment, etc.,** shall be given notice of a violation by the code enforcement official and that notice shall be sent by certified mail to the owner and/or occupant. Conditions as cited in Sections PM-301.6, PM-301.10 and PM-301.13 are to be corrected within 10 days after the mailing date. And, conditions as cited in Section PM-301.12 are to be corrected within three days after the mailing date. If the corrections are not made within the prescribed time period, the City shall initiate action to correct the nuisance and the violator shall pay the City for the actual cost of the abatement. If such cost is not paid within 10 days following the City abatement of nuisance, the cost will be assessed and charged against the lot or parcel of ground on which the nuisance was located, and the City shall, at the time of certifying other special assessment to the county clerk, certify the aforesaid cost to be allowed by the county treasurer and paid to the City. Liability for such cost shall be separate, from and in addition to any criminal penalties. Also per Section PM-301.10-The notice of an inoperative vehicle shall be sent to the person in possession or owner of real property on which such inoperable vehicle is located. If the violation is not corrected within 10 days, the vehicle shall be removed by the City at the owner's cost.

No application for approval of rezoning, preliminary plat, preliminary plan, final plat or final plan will be considered by the Plan Commission until such time that the owner of the property pays all outstanding debts as charged by the City for property maintenance on such land. No application for approval of a building permit will be approved until such time that the owner of the property pays all outstanding debts as charged by the City for property maintenance on such lot. The City will determine such costs. The City will notify the County when the costs are paid to the City directly.

(l) **PM-305** Add: **Enforcement Procedures for Mosquito Control Violations:** Notice of a violation shall be made by the Code Official in person or by telephone and then documented by mail. The property owner shall make corrections to the satisfaction of the Code Official within three (3) days of the notice of violation. If the correction is not made within this time period, the City shall initiate action to correct the matter and the property owner shall pay the City for actual and administrative costs in an amount determined by the City. If the cost is not paid within ten (10) days following the postmarked date of billing sent to the owner, charges will be assessed against the property causing the nuisance in the manner prescribed elsewhere in this Code.

VALIDITY OF ORDINANCE. Section 3. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

TAKE EFFECT. Section 4. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/1/86 Second Reading: 12/15/86

Passed by the Governing Body this 15th day of December, 1986.

Approved by the Mayor this 15th day of December, 1986.

(s) Jean Wise, Mayor
(SEAL)
Attest:
(s) J. Oberlander,
City Clerk
APROVED FOR FORM
AND CONTENT:
(s) R.S. Wetzler,
City Attorney

(1169 1F)

ORDINANCE NO. 959

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 18-122 of Ordinance No. 944 adopted November 3rd, 1986 is hereby repealed and the following enacted in lieu thereof:

18-122. Section 2. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

The E1/2 of the NE1/4, Section 28, Township 13, Range 25, containing 80 acres, more or less.

(Cherry Creek subdivision; southwest corner of 127th and Mission)

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/15/86 Second Reading: 12/15/86

Passed by the Governing Body this 15th day of December, 1986.

Approved by the Mayor this 15th day of December, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First Published in the Johnson County Sun, Friday, December 19, 1986.

ORDINANCE NO. 959

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 18-122 of Ordinance No. 944 adopted November 3rd, 1986 is hereby repealed and the following enacted in lieu thereof:

18-122. Section 2. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

The E½ of the NE¼, Section 28, Township 13, Range 25, containing 80 acres, more or less.

(Cherry Creek subdivision; southwest corner of 127th and Mission)

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/15/86 Second Reading: 12/15/86

Passed by the Governing Body this 15th day of December, 1986.

Approved by the Mayor this 15th day of December, 1986.

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT:

(s) R.S. Wetzler, City Attorney

(1168 1F).

AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly Deposes and say: That she is legal publications manager of THE JOHNSON Y SUN, a semi-weekly newspaper printed in the State of Kansas, and published f general circulation in JOHNSON County, Kansas, with a general paid circulation arly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, s or fraternal publication.

newspaper is a semi-weekly published at least weekly 50 times a year; has bee lished continuously and uninterruptedly in said county and state for a period of han five years prior to the first publication of said notice; and has been admitted post office of SHAWNEE MISSION, KANSAS in said County as a second class .

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---19th--- day of, December 19--86---, with subsequent publications being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---19th--- day of December 19--86---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ --- 24.43 ---
Additional copies $ ---

ORDINANCE NO. 958

AN ORDINANCE ACCEPTING DEED FOR PARKS/GREENWAY PURPOSES.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-127. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a deed from Patrician Woods Development for land to be added to the Tomahawk Creek Greenway, the legal description of which is as follows:

> All of Tract E, LEAWOOD FOREST ESTATES, THIRD PLAT, a subdivision of land in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof.

19-128. INCORPORATION BY REFERENCE. Section 2. A copy of said deed is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/15/86 Second Reading: 12/15/86

Passed by the Governing Body this 15th day of December, 1986.

Approved by the Mayor this 15th day of December, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

Form No. 1102—Class E

DEMAREE STATIONERY CO., 1101 Walnut, Kansas City, Mo.

ORIGINAL COMPARED WITH RECORD

1666837

Kansas Warranty Deed

This Indenture, *Made this* 4th *day of* December *A. D., One Thousand Nine Hundred* Eighty six *by and between*

PATRICIAN WOODS DEVELOPMENT, a Joint Venture comprised of Patrician Woods Development Corporation and Allen Development Company, Inc.

of Johnson *County, in the State of* Kansas *of the first part, and*

THE CITY OF LEAWOOD

of Johnson *County, in the State of* Kansas *of the second part,*

WITNESSETH: THAT SAID PARTY OF THE FIRST PART, in consideration of the sum of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION----------*DOLLARS, the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey unto the said part of the second part, heirs and assigns, all the following described real estate, situated in the County of* Johnson *and State of Kansas, to-wit:*

All of Tract E, LEAWOOD FOREST ESTATES, THIRD PLAT, a subdivision of land in the City of Leawood, Johnson County, Kansas according to the recorded plat thereof.

Subject to all easements, restrictions, reservations and covenants of record, if any.

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD
6.00
1986 DEC 29 P 2:33 6
RUBIE M. SCOTT
REGISTER OF DEEDS
BY Rit 1.00 DEP

Entered in Transfer Record
29 Day of Dec AD 19 86
DONALD J. CLARK
Johnson County Clerk

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, forever. And said party of the first part *for* its *heirs, executors or administrators, do* es *hereby covenant, promise and agree to and with said part of the second part, that at the delivery of these presents* it is *lawfully seized in* its *own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever:*

and that it *will warrant and forever defend the same unto the said part of the second part, heirs and assigns, against said part* y *of the first part,* its *heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.*

*IN WITNESS WHEREOF, The said part*y *of the first part ha* s *hereunto set* its *hand the day and year first above written.*

6.00
Rit 1.00

PATRICIAN WOODS DEVELOPMENT CORPORATION

By: William L. Fohey, Jr., President

ALLEN DEVELOPMENT COMPANY, INC.

By: G. Rex Allen, President

KANSAS CORPORATION ACKNOWLEDGMENT

STATE OF Kansas
County of Johnson } *ss.*

BE IT REMEMBERED, That on this 4th *day of* December *A. D. 19*86 *before me the undersigned, a Notary Public in and for the County and State aforesaid, came* William L. Fohey, Jr. *President of the* PATRICIAN WOODS DEVELOPMENT CORPORATION *a corporation duly organized, incorporated and existing under and by virtue of the laws of* KANSAS *and* _____ *Secretary of said corporation, who are personally known to me to be such officers, and who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said corporation* PATRICIAN WOODS DEVELOPMENT CORPORATION

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

My commission expires CAROL A. STEPHENSON 19
STATE NOTARY PUBLIC
JOHNSON COUNTY, KANSAS
My Appointment Expires 7/25/87

Carol A. Stephenson *Notary Public.*

KANSAS CORPORATION ACKNOWLEDGMENT

STATE OF Kansas
County of Johnson } *ss.*

BE IT REMEMBERED, That on this 4th *day of* December *A. D. 19*86 *before me the undersigned, a Notary Public in and for the County and State aforesaid, came* G. Rex Allen *President of the* ALLEN DEVELOPMENT COMPANY, INC. *a corporation duly organized, incorporated and existing under and by virtue of the laws of* KANSAS *and* _____ *Secretary of said corporation, who are personally known to me to be such officers, and who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said corporation* ALLEN DEVELOPMENT COMPANY, INC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

CAROL A. STEPHENSON
STATE NOTARY PUBLIC
JOHNSON COUNTY, KANSAS
My Appointment Expires 7/25/87

My commission expires _____ 19

Carol A. Stephenson *Notary Public.*

Warranty Deed

FROM

TO

Entered in Transfer Record in my office this _____ *day of* _____ *19*_____

County Clerk

STATE OF KANSAS, } *ss.*
_____ *County,*

Received for Record on the _____ *day of* _____ *19*_____, *at* _____ *o'clock* _____ *M., and duly Recorded in Book* _____ *of* _____ *at Page* _____

Register of Deeds.

Fee, $ _____

City of Leawood
9617 Lee Blvd
Leawood Ks
66206

First Published in the Johnson County Sun, Friday, December 19, 1986.

ORDINANCE NO. 958

AN ORDINANCE ACCEPTING DEED FOR PARKS/GREENWAY PURPOSES.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-127. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a deed from Patrician Woods Development for land to be added to the Tomahawk Creek Greenway, the legal description of which is as follows:

All of Tract E, LEAWOOD FOREST ESTATES, THIRD *PLAT, a subdivision of land in* the City of Leawood, Johnson County, ~~Kansas, according~~ to the recorded plat thereof.

19-128. INCORPORATION BY REFERENCE. Section 2. A copy of said deed is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/15/86 Second Reading: 12/15/86

Passed by the Governing Body this 15th day of December, 1986.

Approved by the Mayor this 15th day of December, 1986.

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT:

(s) *R.S. Wetzler, City Attorney*

(1167 1F)

AFFIDAVIT OF PUBLICATION

TE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly n, Deposes and say: That she is legal publications manager of THE JOHNSON NTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published d of general circulation in JOHNSON County, Kansas, with a general paid circulation yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, ous or fraternal publication.

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That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---19th--- day of, December 19--86---, with subsequent publications being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---19th--- day of ---December--- 19--86---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---22.29---
Additional copies $ ---

ORDINANCE NO. 957

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-1010 . Section 1. The following described real property is hereby designated as being zoned RP-4, Planned Cluster Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

All that part of the S½ of the NE¼ of Section 34, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southeast corner of the NE¼ of said Section 34; thence N 1° 59' 26" W, along the East line of the NE¼ of said Section 34, a distance of 664.63 feet, to the true point of beginning of subject tract; thence S 88° 00' 34" W, along a line perpendicular to the East line of the NE¼ of said Section 34, a distance of 260 feet, to a point of curvature; thence Westerly and Southwesterly, along a curve to the left, having a radius of 340 feet and a central angle of 58° 00' 34", a distance of 344.23 feet, to a point of tangency; thence S 30° W, a distance of 289 feet, to a point of curvature; thence Southwesterly, Westerly and Northwesterly, along a curve to the right, having a radius of 340 feet and a central angle of 64° 12', a distance of 380.97 feet, to a point of tangency; thence N 85° 48' W, a distance of 143 feet, to a point of curvature; thence Northwesterly, along a curve to the right, having a radius of 500 feet and a central angle of 42° 06', a distance of 367.39 feet, to a point of tangency; thence N 43° 42' W, a distance of 785.54 feet, to a point of curvature; thence Northwesterly and Westerly, along a curve to the left, having a radius of 360 feet and a central angle of 48° 34' 14", a distance of 305.18 feet, to a point of tangency; thence S 87° 43' 46" W, a distance of 372.76 feet, to a point on the West line of the NE¼ of said Section 34; thence N 1° 58' 55" W, along the West line of the S½ of the NE¼ of said Section 34, a distance of 330 feet, to the Northwest corner thereof; thence N 87° 43' 46" E, along the North line of the S½ of the NE¼ of said Section 34, a distance of 2653.92 feet, to the Northeast corner thereof; thence S 1° 59' 26" E, along the East line of the NE¼ of said Section 34, a distance of 665 feet, to the true point of beginning of subject tract.

(Leawood Falls, 139th & Kenneth Rd.)

The above described tract of land contains 47.266 Gross Acres, more or less.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/1/86 Second Reading: 12/15/86

Passed by the Governing Body this 15th day of December, 1986.

Approved by the Mayor this 15th day of December, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First Published in the Johnson County Sun, Friday, December 19, 1986.

ORDINANCE NO. 957

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-1010. Section 1. The following described real property is hereby designated as being zoned RP-4, Planned Cluster Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

All that part of the S½ of the NE ¼ of Section 34, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southeast corner of the NE¼ of said Section 34; thence N 1° 59' 26" W, along the East line of the NE¼ of said Section 34, a distance of 664.63 feet, to the true point of beginning of subject tract; thence S 88° 00' 34" W, along a line perpendicular to the East line of the NE¼ of said Section 34, a distance of 260 feet, to a point of curvature; thence Westerly and Southwesterly, along a curve to the left, having a radius of 340 feet and a central angle of 58° 00' 34", a distance of 344.23 feet, to a point of tangency; thence S 30° W, a distance of 289 feet, to a point of curvature; thence Southwesterly, Westerly and Northwesterly, along a curve to the right, having a radius of 340 feet and a central angle of 64° 12', a distance of 380.97 feet, to a point of tangency; thence N 85° 48' W, a distance of 143 feet, to a point of curvature; thence Northwesterly, along a curve to the right, having a radius of 500 feet and a central angle of 42° 06, a distance of 367.39 feet, to a point of tangency; thence N 43° 42' W, a distance of 784.54 feet, to a point of curvature; thence Northwesterly and Westerly, along a curve to the left, having a radius of 360 feet and a central angle of 48° 34' 14", a distance of 305.18 feet, to a point of tangency; thence S 87° 43' 46" W, a distance of 372.76 feet, to a point on the West line of the NE¼ of said Section 34; thence N 1° 58' 55" W, along the West line of the S½ of the NE¼ of said Section 34, a distance of 330 feet, to the Northwest corner thereof; thence N 87° 43' 46" E, along the North line of the S½ of the NE¼ of said Section 34, a distance of 2653.92 feet, to the Northeast corner thereof; thence S 1° 59' 26" E, along the East line of the NE¼ of said Section 34, a distance of 665 feet, to the true point of beginning of subject tract.

(Leawood Falls, 139th & Kenneth Rd.)

The above described tract of land contains 47.266 Gross Acres, more or less.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/1/86 Second Reading: 12/15/86

Passed by the Governing Body this 15th day of December, 1986.

Approved by the Mayor this 15th day of December, 1986.

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT:

(s) R.S. Wetzler, City Attorney

(1166 1F)

AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly Deposes and say: That she is legal publications manager of THE JOHNSON TY SUN, a semi-weekly newspaper printed in the State of Kansas, and published of general circulation in JOHNSON County, Kansas, with a general paid circulation early basis in JOHNSON County, Kansas, and that said newspaper is not a trade, us or fraternal publication.

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----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

scribe and sworn to before me this ---19th--- day of ---December--- 19---86---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---49.24---

Printer's Fee $ ---

Additional copies $ ---

ORDINANCE NO. 956

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-1304. Section 1. The following described real property is hereby designated as being zoned RP-2, Planned Two Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

All that part of the E½ of Section 34, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southeast corner of the NE¼ of said Section 34; thence N 1° 59' 26" W, along the East line of the NE¼ of said Section 34, a distance of 664.63 feet; thence S 88° 00' 34" W, along a line perpendicular to the East line of the NE¼ of said Section 34, a distance of 260 feet, to a point of curvature; thence Westerly and Southwesterly, along a curve to the left, having a radius of 340 feet and a central angle of 58° 00'34", a distance of 344.23 feet, to a point of tangency; thence S 30' W, a distance of 289 feet, to a point of curvature; thence Southwesterly, Westerly and Northwesterly, along a curve to the right, having a radius of 340 feet and a central angle of 64° 12', a distance of 380.97 feet, to a point of tangency; thence N 85° 48' W, a distance of 15 feet; thence S 4° 12' W, along a line perpendicular to the last described course, a distance of 92 feet; thence S 65° 18' E, a distance of 152 feet; thence S 34° 12' E, a distance of 305 feet; thence S 7° 24' E, a distance of 194.02 feet, to a point 160 feet North of the South line of the N½ of the N½ of the SE¼ of said Section 34; thence N 87° 47' 35" E, along a line 160 feet North of and parallel to the South line of the N½ of the N½ of the SE¼ of said Section 34, a distance of 734.92 feet, to a point on the East line of the SE¼ of said Section 34; thence N 2° 01' 08" W, along the East line of the SE¼ of said Section 34, a distance of 504.81 feet, to the point of beginning.

(Leawood Falls, 139th & Kenneth Rd.)

The above described tract of land contains 19.976 Gross Acres, more or less.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/1/86 Second Reading: 12/15/86

Passed by the Governing Body this 15th day of December, 1986.

Approved by the Mayor this 15th day of December, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

First published in the Johnson County Sun, Friday, December 19, 1986.

ORDINANCE NO. 956

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-1304. Section 1. The following described real property is hereby designated as being zoned RP-2, Planned Two Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

All that part of the E ½ of Section 34, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southeast corner of the NE ¼ of said Section 34; thence N 1° 59' 26" W, along the East line of the NE ¼ of said Section 34, a distance of 664.63 feet; thence S 88° 00' 34" W, along a line perpendicular to the East line of the NE ¼ of said Section 34, a distance of 260 feet, to a point of curvature; thence Westerly and Southwesterly, along a curve to the left, having a radius of 340 feet and a central angle of 58° 00' 34", a distance of 344.23 feet, to a point of tangency; thence S 30' W, a distance of 289 feet, to a point of curvature; thence Southwesterly, Westerly and Northwesterly, along a curve to the right, having a radius of 340 feet and a central angle of 64° 12', a distance of 380.97 feet, to a point of tangency; thence N 85° 48' W, a distance of 15 feet; thence S 4° 12' W, along a line perpendicular to the last described course, a distance of 92 feet; thence S 65° 18' E, a distance of 152 feet; thence S 34° 12' E, a distance of 305 feet; thence S 7° 24' E, a distance of 194.02 feet, to a point 160 feet North of the South line of the N ½ of the N ½ of the SE ¼ of said Section 34; thence N 87° 47' 35" E, along a line 160 feet North of and parallel to the South line of the N ½ of the N ½ of the SE ¼ of said Section 34, a distance of 734.92 feet, to a point on the East line of the SE ¼ of said Section 34; thence N 2° 01' 08" W, along the East line of the SE ¼ of said Section 34, a distance of 504.81 feet, to the point of beginning.

(Leawood Falls, 139th & Kenneth Rd.)

The above described tract of land contains 19.976 Gross Acres, more or less.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/1/86 Second Reading: 12/15/86

Passed by the Governing Body this 15th day of December, 1986.

Approved by the Mayor this 15th day of December, 1986.

(SEAL)

(s) Jean Wise, Mayor

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT:

/s/ R. S. Wetzler, City Attorney

(1165 1F)

AFFIDAVIT OF PUBLICATION

E OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly Deposes and say: That she is legal publications manager of THE JOHNSON TY SUN, a semi-weekly newspaper printed in the State of Kansas, and published of general circulation in JOHNSON County, Kansas, with a general paid circulation early basis in JOHNSON County, Kansas, and that said newspaper is not a trade, us or fraternal publication.

d newspaper is a semi-weekly published at least weekly 50 times a year; has been blished continuously and uninterruptedly in said county and state for a period of than five years prior to the first publication of said notice; and has been admitted post office of SHAWNEE MISSION, KANSAS in said County as a second class r.

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---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---19th--- day of ---December--- 19---86---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---

Printer's Fee $ ---44.11---

Additiona' copies $ ---

ORDINANCE NO. 955

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-1408. Section 1. The following described real property is hereby designated as being zoned RP-1, Planned Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

All that part of the E½ of Section 34, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northeast corner of the SE¼ of said Section 34; thence S 2° 01' 08" E, along the East line of the SE¼ of said Section 34, a distance of 504.81 feet, to a point 160 feet North of the South line of the N½ of the N½ of the SE¼ of said Section 34; thence S 87° 47' 35" W, along a line 160 feet North of and parallel to the South line of the N½ of the N½ of the SE¼ of said Section 34, a distance of 734.92 feet, to the true point of beginning of subject tract; thence continuing S 87° 47' 35" W, along a line 160 feet North of and parallel to the South line of the N½ of the N½ of the SE¼ of said Section 34, a distance of 278.08 feet, to a point 1013 feet West of the East line of the SE¼ of said Section 34; thence S 2° 01' 08" E, along a line 1013 feet West of and parallel to the East line of the SE¼ of said Section 34, a distance of 160 feet, to a point on the South line of the N½ of the N½ of the SE¼ of said Section 34; thence S 87° 47' 35" W, along the South line of the N½ of the N½ of the SE¼ of said Section 34, a distance of 1641.59 feet, to the Southwest corner thereof; thence N 1° 58' 37" W, along the West line of the SE¼ of said Section 34, a distance of 664.81 feet, to the Northwest corner thereof; thence N 1° 58' 55" W, along the West line of the S½ of the NE¼ of said Section 34, a distance of 996.69 feet, to a point 330 feet South of the Northwest corner thereof, as measured along said West line; thence N 87° 43' 46" E, a distance of 372.76 feet, to a point of curvature; thence Easterly and Southeasterly, along a curve to the right, having a radius of 360 feet and a central angle of 48° 34' 14", a distance of 305.18 feet, to a point of tangency; thence S 43° 42' E, a distance of 785.54 feet, to a point of curvature; thence Southeasterly, along a curve to the left, having a radius of 500 feet, and a central angle of 42° 06', a distance of 367.39 feet, to a point of tangency; thence S 85° 48' E, a distance of 128 feet; thence S 4° 12' W, along a line perpendicular to the last described course, a distance of 92 feet; thence S 65° 18' E, a distance of 152 feet; thence S 34° 12' E, a distance of 305 feet; thence S 7° 24' E, a distance of 194.02 feet, to the true point of beginning of subject tract.

(Leawood Falls, 139th & Kenneth Rd.)

The above described tract of land contains 50.468 Gross Acres, more or less.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/1/86 Second Reading: 12/15/86

Passed by the Governing Body this 15th day of December, 1986.

Approved by the Mayor this 15th day of December, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First published in the Johnson County Sun, Friday, December 19, 1986.

ORDINANCE NO. 955

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-1408. Section 1. The following described real property is hereby designated as being zoned RP-1, Planned Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

All that part of the E ½ of Section 34, Township 13, Range 25, now in the City of Leawood, *Johnson County, Kansas, more* particularly described as follows: Commencing at the Northeast corner of the SE ¼ of said Section 34; thence S 2° 01' 08" E, along the East line of the SE ¼ of said Section 34, a distance of 504.81 feet, to a *point* 160 feet North of the South line of the N ½ of the N ½ of SE ¼ of said Section 34; thence S 87° 47' 35" W, along a line 160 feet North of and parallel to the South line of the N ½ of the N ½ of the SE ¼ of said Section 34, a distance of *734.92 feet, to the true point of* beginning of subject tract; thence continuing S 87° 47' 35" W, along a line 160 feet North of and parallel to the South line of the N ½ of the N ½ of the SE ¼ of said Section 34, a distance of 278.08 feet, to a *point 1013 feet West of* the East line of the SE ¼ of said Section 34; thence S 2° 01' 08" E, along a line 1013 feet West of and parallel to the East line of the SE ¼ of said Section 34, a distance of 160 feet, to a point on the South line of the N ½ of the N ½ *of the SE ¼ of said* Section 34; thence S 87° 47' 35" W, along the South line of the N ½ of the N ½ of the SE ¼ of said Section 34, a distance of 1641.59 feet, to the Southwest corner thereof; thence N 1° 58' 37" W, along the West line of the SE ¼ of said Section 34, a distance of 664.81 feet, to the Northwest corner thereof; thence N 1° 58' 55" W, along the West line of the S ½ of the NE ¼ of said Section 34, a distance of 996.69 feet, to a point 330 feet South of the Northwest corner thereof, as measured along said West line; thence N 87° 43' 46" E, a distance of 372.76 feet, to a point of curvature; thence Easterly and Southeasterly, along a curve to the right, having a radius of 360 feet and a central angle of 48° 34' 14", a distance of 305.18 feet, to a point of tangency; thence S 43° 42' E, a distance of 785.54 feet, to a point of curvature; thence Southeasterly, along a curve to the left, having a radius of 500 feet, and a central angle of 42° 06' a distance of *367.39* feet, *to* a point of tangency; thence S 85° 48' E, a distance of 128 feet; thence S 4° 12' W, along a line perpendicular to the last described course, a distance of 92 feet; thence S 65° 18' E, a distance of 152 feet; thence S 34° 12' E, a distance of 305 feet; thence S 7° 24' E, a distance of 194.02 feet, to the true point of beginning of subject tract.

(Leawood Falls, 139th & Kenneth Rd.)

The above described tract of land contains 50.468 Gross Acres, more or less.

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/1/86 Sec*ond Reading: 12/15/86*

Passed by the Governing Body this 15th day of December, 1986.

Approved by the Mayor this 15th day of December, 1986.

(SEAL)

(s) Jean Wise
Mayor

Attest:
(s) J. Oberlander,
City Clerk

APPROVED FOR FORM AND CONTENT:
/s/ R. S. Wetzler,
City Attorney

(1164 1F)

AFFIDAVIT OF PUBLICATION

E OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly , Deposes and say: That she is legal publications manager of THE JOHNSON TY SUN, a semi-weekly newspaper printed in the State of Kansas, and published of general circulation in JOHNSON County, Kansas, with a general paid circulation early basis in JOHNSON County, Kansas, and that said newspaper is not a trade, us or fraternal publication.

d newspaper is a semi-weekly published at least weekly 50 times a year; has been blished continuously and uninterruptedly in said county and state for a period of than five years prior to the first publication of said notice; and has been admitted post office of SHAWNEE MISSION, KANSAS in said County as a second class r.

at the attached notice is a true copy thereof and was published in the regular and issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as said on the ---19th--- day of, ---December--- 19---86---, with subsequent cations being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

ribe and sworn to before me this ---19th--- day of ---December--- 19---86---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---55.23---
Additional copies $ ---

ORDINANCE NO. 954

AN ORDINANCE AUTHORIZING THE ISSUANCE OF RENEWAL TEMPORARY NOTES OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $795,000.00 TO PROVIDE TEMPORARY FINANCING OF THE COST OF THE IMPROVEMENT OF STATE LINE ROAD FROM APPROXIMATELY 700 FEET NORTH OF 81st STREET TO APPROXIMATELY 350 FEET NORTH OF 85th STREET.

WHEREAS, the Governing Body of the City of Leawood adopted Resolution No. 684 on the 7th day of January, 1985, authorizing the improvement of State Line Road from approximately 700 feet north of 81st Street to approximately 350 feet north of 85th Street; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of bonds; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123 as amended; and

WHEREAS, such notes in the aggregate principal amount of $750,000.00 were previously issued and were designated Series 5-85 (81st - 85th and State Line); and

WHEREAS, the estimated cost of the project was established to be $750,000.00 but is presently estimated to be $795,000.00 as a result of increased construction and financing costs; and

WHEREAS, the Governing Body finds it is desirable and necessary to replace said previously issued notes and to issue renewal notes in the total amount of $795,000.00 and to be designated 8-86 (81st - 85th and State Line); and

WHEREAS, all legal requirements pertaining to the authorization of said improvements have been complied with and issuance of temporary notes is and will be required to finance construction costs in the manner authorized by K.S.A. 12-6(a) 01 et seq. and 10-123 and all acts amendatory thereto;

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

20-1,228. Section One: That in order to provide funds for temporary financing of the cost and expense of the improvements of State Line Road from approximately 700 feet north of 81st Street to approximately 350 feet North of 85th Street now due or to become due in the

immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of renewal temporary notes, of the City of Leawood, Kansas, designated Temporary Notes Series 8-86 (81st - 85th and State Line) in the aggregate principal amount of Seven Hundred Ninety-Five Thousand Dollars ($795,000.00), which amount does not exceed the total current estimated costs of said improvements.

20-1,229. Section Two: Said issue of Temporary Notes, Series 8-86 (81st - 85th and State Line) shall consist of bearer notes numbered from 1 through 5, each being in the following denominations:

Note #1	$250,000.00
Note #2	$250,000.00
Note #3	$100,000.00
Note #4	$100,000.00
Note #5	$95,000.00

Each of said notes shall be dated December 29, 1986, and shall have the stated maturity date of December 28, 1987. The notes shall bear interest from their date of issuance and delivery to the purchaser thereof, payable at maturity or upon redemption prior thereto at a rate of interest of 4.17% per annum.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, in the case of principal and interest at maturity or upon redemption prior thereto upon surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes upon publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,230. Section Three: The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding

the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,231. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,232. Section Five: The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City covenants and agrees for the benefit of the holders of the notes to apply such proceeds diligently and with all reasonable dispatch for the purpose for which they are intended, and that all proceeds shall be applied to the payment of such costs of the improvement or costs incidental thereto (or to reimburse the City therefor).

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and

continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing political subdivision in existence since 1948;

2. Since January 1, 1986, the City has not issued any bonds or obligations other than the following described obligations:

	Issue	Date	Principal Amount
(a)	Combined Projects Improvement, General Obligation Bonds Series 1986	June, 1986	$2,485,000.00
(b)	Temporary Notes Series L.I.D. 86-1 (127th Street Juniper to Nall)	June, 1986	$215,000.00
(c)	Temporary Notes Series L.S.S. 2-86 (Sewer Improvements)	June, 1986	$1,507,300.00
(d)	Temporary Notes Series L.I.D. 86-3, Phase I	May 1, 1986	$502,000.00
(e)	Replacement Temporary Notes Series (Street Improvements 86-4)	August 14, 1986	$207,100.00
(f)	Temporary Notes Series 86-5 (Street Improvements)	September, 1986	$555,000.00
(g)	Temporary Notes Series L.I.D. 86-6 (Street Improvements)	October, 1986	$2,000,000.00
(h)	Renewal Temporary Combined Project Series 86-7	December, 1986	$120,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1986 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide project financing for the improvements, other than the temporary notes to be retired with the proceeds of the issue;

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in

any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,233. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 12/1/86 Second Reading: 12/1/86

PASSED by the Governing Body of the City of Leawood, Kansas, this 1st day of December, 19 86.

SIGNED by the Mayor this 1st day of December, 19 86.

Jean Wise
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---3rd--- day of, ---December--- 19---8---, with subsequent publications being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---3rd--- day of ---December--- 19---8---

Marguerite E. Baker

NOTARY PUBLIC

NOTARY PUBLIC STATE OF KANSAS | MARGUERITE E. BAKER JOHNSON COUNTY, KANSAS My Appointment Expires 3-15-88

My Commission expires: 3-15-88

Printer's Fee $ 186.61

Additional copies $

First published in the Johnson County Sun, Wednesday, December 3, 1986.

ORDINANCE NO. 954

AN ORDINANCE AUTHORIZING THE ISSUANCE OF RENEWAL TEMPORARY NOTES OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $795,000.00 TO PROVIDE TEMPORARY FINANCING OF THE COST OF THE IMPROVEMENT OF STATE LINE ROAD FROM APPROXIMATELY 700 FEET NORTH OF 81st STREET TO APPROXIMATELY 350 FEET NORTH OF 85th STREET.

WHEREAS, the Governing Body of the City of Leawood adopted Resolution No. 684 on the 7th day of January, 1985, authorizing the improvement of State Line Road from approximately 700 feet north of 81st Street to approximately 350 feet north of 85th Street; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of bonds; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123 as amended; and

WHEREAS, such notes in the aggregate principal amount of $750,000.00 were previously issued and were designated Series 5-85 (81st - 85th and State Line); and

WHEREAS, the estimated cost of the project was established to be $750,000.00 but is presently estimated to be $795,000.00 as a result of increased construction and financing costs; and

WHEREAS, the Governing Body finds it is desirable and necessary to replace said previously issued notes and to issue renewal notes, in the total amount of $795,000.00 and to be designated 8-86 (81st - 85th and State Line); and

WHEREAS, all legal requirements have been complied with and issuance of temporary notes is and will be required to finance construction costs in the manner authorized by K.S.A. 12-6(a)-01 et seq. and 10-123 and all acts amendatory thereto;

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

20-1,228. **Section One:** That in order to provide funds for temporary financing of the cost and expense of the improvements, of State Line Road from approximately 700 feet north of 81st Street to approximately 350 feet North of 85th Street now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of renewal temporary notes, of the City of Leawood, Kansas, designated Temporary Notes Series 8-86 (81st - 85th and State Line) in the aggregate principal amount of Seven Hundred Ninety-Five Thousand Dollars ($795,000.00), which amount does not exceed the total current estimated costs of said improvements.

20-1,229. **Section Two:** Said issue of Temporary Notes, Series 8-86 (81st - 85th and State Line) shall consist of bearer notes numbered from 1 through 5, each being in the following denominations:

Note #1	$250,000.0
Note #2	$250,000.00
Note #3	$100,000.00
Note #4	$100,000.00
Note #5	$95,000.00

Each of said notes shall be dated December 29, 1986, and shall have the stated maturity date of December 28, 1987. The notes shall bear interest from their date of issuance and delivery to the purchaser thereof, payable at maturity or upon redemption prior thereto at a rate of interest of 4.17% per annum.

Both principal of and interest on said notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, in the case of principal and interest at maturity or upon redemption prior thereto upon surrender of said notes. The principal of each of said notes shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said notes.

The City of Leawood, Kansas, reserves the right to redeem and pay said notes, in whole or in part (but in any event in the full face amount of the particular note chosen for redemption), at any date prior to the stated maturity date of said notes upon publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,230. **Section Three:** The date of delivery of said notes shall be and for all purposes constitute their date of issuance notwithstanding the dated date. Each of said notes shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,231. **Section Four:** The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary notes herein authorized to be issued in the form and substance hereinbefore described and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said notes shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefore which shall not be less than the principal amount thereof.

20-1,232. **Section Five:** The proceeds of said temporary notes shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

The City covenants and agrees for the benefit of the holders of the notes to apply such proceeds diligently and with all reasonable dispatch for the purpose for which they are intended, and that all proceeds shall be applied to the payment of such costs of the improvement or costs incidental thereto (or to reimburse the City therefor).

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986 that is or may become applicable to the notes, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the notes; **provided, however,** the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the notes.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validity existing political subdivision in existence since 1948;

2. Since January 1, 1986, the City has not issued any bonds or obligations other than the following described obligations:

	Issue	Date	Principal Amount
(a)	Combined Projects Improvement, General Obligation Bonds Series 1986	June, 1986	$2,485,000.00
(b)	Temporary Notes Series L.I.D. 86-1 (127th Street Juniper to Nall)	June, 1986	$215,000.00
(c)	Temporary Notes Series L.S.S. 2-86 (Sewer Improvements)	June, 1986	$1,507,300.00
(d)	Temporary Notes Series L.I.D. 86-3, Phase I	May 1, 1986	$502,000.00
(e)	Replacement Temporary Notes Series (Street Improvements 86-4)	August 14, 1986	$207,100.00
(f)	Temporary Notes Series 86-5 (Street Improvements)	September, 1986	$555,000.00
(g)	Temporary Notes Series L.I.D. 86-6 (Street Improvements)	October, 1986	$2,000,000.00
(h)	Renewal Temporary Combined Project Series 86-7	December, 1986	$120,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1986 in an aggregate amount in excess of $10,000,000;

3. Other than the temporary notes, the City has not issued and does not expect to issue any other notes or obligations the proceeds of which have been or will be used to provide project financing for the improvements, other than the temporary notes to be retired with the proceeds of the issue;

4. No portion of the proceeds of the sale of the notes will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,233. **Section Six:** The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 12/1/86 Second Reading: 12/1/86

PASSED by the Governing Body of the City of Leawood, Kansas, this 1st day of December, 1986.

SIGNED by the Mayor this 1st day of December, 1986.

(s) Jean Wise
Mayor

ATTEST:
(s) J. Oberlander
City Clerk

APPROVED AS TO FORM AND CONTENT:
(s) R.S. Wetzler
City Attorney

(1079 1W)

ORDINANCE NO. 953

AN ORDINANCE AUTHORIZING ISSUANCE OF RENEWAL TEMPORARY NOTES OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $120,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE COST OF THE CITY'S SHARE OF INTERSECTION IMPROVEMENTS AT 95th AND MISSION ROAD AND IMPROVEMENT OF THE PUBLIC WORKS FACILITY.

WHEREAS, the Governing Body of the City of Leawood adopted Resolution No. 706 on the 10th day of June, 1985, authorizing and approving the construction and remodeling of the public works facility pursuant to K.S.A. 12-1736 et seq; and

WHEREAS, the Governing Body of the City of Leawood adopted resolution number 460 setting forth its finding as to the necessity and advisability of improving the intersection of 95th and Mission within the City of Leawood pursuant to K.S.A. 12-685; and

WHEREAS, the Governing Body of the City of Leawood has adopted its Ordinance No. 883 authorizing issuance of combined project notes to provide for the City's share of intersection improvements at 95th and Mission Road and to provide additional funds needed in the construction of the public works facility; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of bonds; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123 as amended; and

WHEREAS, temporary notes in the aggregate principal amount of $115,000.00 were previously issued and were designated Combined Project Notes Series 85-4 dated November 27, 1985; and

WHEREAS, the Governing body finds it is desirable and necessary to replace said previously issued notes and to issue renewal notes to be in the total amount of $120,000.00, and to be designated Combined Project Notes Series 86-7; and

WHEREAS, all legal requirements pertaining to the authorization of said improvements have been complied with and that issuance of temporary notes is and will be required to finance construction costs authorized by K.S.A. 12-1736 et seq., 12-685, 10-123 and all acts amendatory thereto;

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

20-1,222. Section One: That in order to provide funds to pay the costs and expenses of the intersection improvements at 95th and Mission Road and improvement of the public works facility now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of renewal notes of the City of Leawood, Kansas, designated Combined Project Notes Series 86-7 in the aggregate principal amount of One Hundred Twenty Thousand Dollars ($120,000.00), which amount does not exceed the total estimated costs of said improvements.

20-1,223. Section Two: Said issue of Renewal Notes, Series 86-7 shall consist of one bearer note in the denomination of $120,000.00. Such note shall be dated December 1, 1986, and shall have the stated maturity date of November 30, 1987. The note shall bear interest from its date of issuance and delivery to the purchaser thereof, payable at maturity on November 30, 1987, or upon redemption prior thereto at a rate of interest of 4.17% per annum.

Both principal of and interest on said note shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, in the case of principal and interest at maturity or upon redemption prior thereto upon surrender of said note. The principal of said note shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said note.

The City of Leawood, Kansas, reserves the right to redeem and pay said note, at any date prior to the stated maturity date of said note upon publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,224. Section Three: The date of delivery of said note shall be and for all purposes constitute its date of issuance notwithstanding the dated date. Said note shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of

the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,225. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary note herein authorized to be issued in the form and substance hereinbefore described and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said note shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,226. Section Five: The proceeds of said temporary note shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvements hereinbefore described.

The City covenants and agrees for the benefit of the holders of the notes to apply such proceeds diligently and with all reasonable dispatch for the purpose for which they are intended, and that all proceeds shall be applied to the payment of such costs of the improvement or costs incidental thereto (or to reimburse the City therefor).

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986, that is or may become applicable to the note, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the note; provided, however, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the note.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing political subdivision in existence since 1948;

2. Since January 1, 1986, the City has not issued any bonds or obligations other than the following described obligations:

	Issue	Date	Principal Amount
(a)	Combined Projects Improvement, General Obligation Bonds Series 1986	June, 1986	$2,485,000.00
(b)	Temporary Notes Series L.I.D. 86-1 (127th Street Juniper to Nall)	June, 1986	$215,000.00
(c)	Temporary Notes Series L.S.S. 2-86 (Sewer Improvements)	June, 1986	$1,507,300.00
(d)	Temporary Notes Series L.I.D. 86-3, Phase I	May 1, 1986	$502,000.00
(e)	Replacement Temporary Notes Series (Street Improvements 86-4)	August 14, 1986	$207,100.00
(f)	Temporary Notes Series 86-5 (Street Improvements)	September, 1986	$555,000.00
(g)	Temporary Notes Series L.I.D. 86-6 (Street Improvements)	October, 1986	$2,000,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1986 in an aggregate amount in excess of $10,000,000;

3. Other than the note, the City has not issued and does not expect to issue any other note or obligations the proceeds of which have been or will be used to provide project financing for the improvements, other than the temporary notes to be retired with the proceeds of a bond issue;

4. No portion of the proceeds of the sale of the note will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the note to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,227. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said note and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 12/1/86 Second Reading: 12/1/86

PASSED by the Governing Body of the City of Leawood, Kansas, this 1st day of December, 19 86.

SIGNED by the Mayor this 1st day of December, 19 86.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ------One------ consecutive ------day------(weeks, days) the first publication thereof being made as aforesaid on the 3rd day of, December 19 86, with subsequent publications being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this 3rd day of December 19 86

Marguerite E. Baker

NOTARY PUBLIC

MARGUERITE E. BAKER
JOHNSON COUNTY, KANSAS
My Appointment Expires 3-15-88

My Commission expires: 3-15-88
Printer's Fee $ 175.06
Additiona' copies $

First published in the Johnson County Sun, Wednesday, December 3, 1986.

ORDINANCE NO. 953

AN ORDINANCE AUTHORIZING ISSUANCE OF RENEWAL TEMPORARY NOTES OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $120,000.00 TO PROVIDE TEMPORARY FINANCING TO PAY THE COST OF THE CITY'S SHARE OF INTERSECTION IMPROVEMENTS AT 95th AND MISSION ROAD AND IMPROVEMENT OF THE PUBLIC WORKS FACILITY.

WHEREAS, the Governing Body of the City of Leawood adopted Resolution No. 706 on the 10th day of June, 1985, authorizing and approving the construction and remodeling of the public works facility pursuant to K.S.A. 12-1736 **et seq**; and

WHEREAS, the Governing Body of the City of Leawood adopted resolution number 460 setting forth its finding as to the necessity and advisability of improving the intersection of 95th and Mission within the City of Leawood pursuant to K.S.A. 12-685; and

WHEREAS, the Governing Body of the City of Leawood has adopted its Ordinance No. 883 authorizing issuance of combined project notes to provide for the City's share of intersection improvements at 95th and Mission Road and to provide additional funds needed in the construction of the public works facility; and

WHEREAS, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of bonds; and

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123 as amended; and

WHEREAS, temporary notes in the aggregate principal amount of $115,000.00 were previously issued and were designated Combined Project Notes Series 85-4 dated November 27, 1985; and

WHEREAS, the Governing body finds it is desirable and necessary to replace said previously issued notes and to issue renewal notes to be in the total amount of $120,000.00, and to be designated Combined Project Notes Series 86-7; and

WHEREAS, all legal requirements pertaining to the authorization of said improvements have been complied with and that issuance of temporary notes is and will be required to finance construction costs authorized by K.S.A. 12-1736 **et seq.**, 12-685, 10-123 and all acts amendatory thereto;

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

20-1,222. **Section One:** That in order to provide funds to pay the costs and expenses of the intersection improvements at 95th and Mission Road and improvement of the public works facility now due or to become due in the immediate future, including necessary engineering, legal and incidental costs, there shall be issued and there is hereby authorized and directed to be issued an issue of renewal notes of the City of Leawood, Kansas, designated Combined Project Notes Series 86-7 in the aggregate principal amount of One Hundred Twenty Thousand Dollars ($120,000.00), which amount does not exceed the total estimated costs of said improvements.

20-1,223. **Section Two:** Said issue of Renewal Notes, Series 86-7 shall consist of one bearer note in the denomination of $120,000.00. Such note shall be dated December 1, 1986, and shall have the stated maturity date of November 30, 1987. The note shall bear interest from it date of issuance and delivery to the purchaser thereof, payable at maturity on November 30, 1987, or upon redemption prior thereto at a rate of interest of 4.17% per annum.

Both principal of and interest on said note shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, in the case of principal and interest at maturity or upon redemption prior thereto upon surrender of said note. The principal of said note shall be payable at maturity or at such earlier time as funds are available from the issuance of general obligation improvement bonds to redeem and retire said note.

The City of Leawood, Kansas, reserves the right to redeem and pay said note, at any date prior to the stated maturity date of said note upon publication of notice and payment of said notes, the last publication of such notice to be at least ten days prior to the redemption date fixed in such notice.

20-1,224. **Section Three:** The date of delivery of said note shall be and for all purposes constitute its date of issuance notwithstanding the dated date. Said note shall be in customary form as provided by law, shall be signed by the Mayor and attested by the City Clerk of the City of Leawood, Kansas, and shall have the seal of said City affixed thereto.

20-1,225. **Section Four:** The Mayor an City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary note herein authorized to be issued in the form and substance hereinbefore described and to procure the proper registration in the office of the City Clerk and in the office of the Treasurer of the State of Kansas, and when so executed and when registered, said note shall be countersigned by the City Clerk and delivered to the purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,226. **Section Five:** The proceeds of said temporary note shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvements hereinbefore described.

The City covenants and agrees for the benefit of the holders of the notes to apply such proceeds diligently and with all reasonable dispatch for the purpose for which they are intended, and that all proceeds shall be applied to the payment of such costs of the improvement or costs incidental thereto (or to reimburse the City therefor).

The City further covenants and agrees that it will comply with each and every provision of the Tax Reform Act of 1986, that is or may become applicable to the note, including but not limited to any provisions requiring the rebate of excess earnings on funds or accounts created with respect to the note; **provided, however**, the foregoing provision shall be and become null and void if and to the extent that the City shall receive an opinion from nationally recognized bond counsel which concludes that compliance with the foregoing covenant and the provisions of the Tax Reform Act of 1986 as provided in this section shall not be required to retain and continue the tax exempt status of the interest income on the note.

The Governing Body hereby finds, determines, represents and warrants, as follows:

1. The City is a duly created and validly existing political subdivision in existence since 1948;
2. Since January 1, 1986, the City has not issued any bonds or obligations other than the following described obligations:

	Issue	Date	Principal Amount
(a)	Combined Projects Improvement, General Obligation Bonds Series 1986	June, 1986	$2,485,000.00
(b)	Temporary Notes Series L.I.D. 86-1 (127th Street Juniper to Nall)	June, 1986	$215,000.00
(c)	Temporary Notes Series L.S.S. 2-86 (Sewer Improvements)	June, 1986	$1,507,300.00
(d)	Temporary Notes Series L.I.D. 86-3, Phase I	May 1, 1986	$502,000.00
(e)	Replacement Temporary Notes Series (Street Improvements 86-4)	August 14, 1986	$207,100.00
(f)	Temporary Notes Series 86-5 (Street Improvements)	September, 1986	$555,000.00
(g)	Temporary Notes Series L.I.D. 86-6 (Street Improvements)	October, 1986	$2,000,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1986 in an aggregate amount in excess of $10,000,000;

3. Other than the note, the City has not issued and does not expect to issue any other note or obligations the proceeds of which have been or will be used to provide project financing for the improvements, other than the temporary notes to be retired with the proceeds of a bond issue;

4. No portion of the proceeds of the sale of the note will be loaned to or will such proceeds or the improvements be in any manner used in the trade or business of any person, firm or corporation other than a governmental entity.

The Governing Body of the City hereby designates the note to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,227. **Section Six:** The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said note and the interest thereon.

Section Seven: That this Ordinance shall take effect and be in force after its publication as provided by law.

First Reading: 12/1/86 Second Reading: 12/1/86

PASSED by the Governing Body of the City of Leawood, Kansas, this 1st day of December, 1986.

SIGNED by the Mayor this 1st day of December, 1986.

(s) Jean Wise
Mayor

ATTEST:
(s) J. Oberlander
City Clerk

APPROVED AS TO FORM AND CONTENT:
(s) R. S. Wetzler
City Attorney

(1078 1W)

ORDINANCE NO. 952

AN ORDINANCE RELATING TO ACCEPTANCE OF A DEED FOR STREET PURPOSES (STATE LINE ROAD IMPROVEMENT, 81ST-84TH) FROM LEAWOOD BAPTIST CHURCH.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-593 . Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a deed for land to be used for street purposes, the legal description of which is as follows:

> A tract of land in Lot 13 in "NEL-ARO", a subdivision in Leawood, Johnson County, Kansas, described as follows:
>
> Commencing at the intersection of the existing Westerly right-of-way line of State Line Road and the North right-of-way line of 83rd Street; thence S87° 17' 50" W along the North right-of-way line of 83rd Street, a distance of 20.0 feet; thence N41° 05' 10" E, a distance of 27.68 feet to a point on the existing Westerly right-of-way line of State Line Road; thence S05° 07' 30" E along the existing Westerly right-of-way line of State Line Road, a distance of 20.0 feet to the Point of Beginning; containing 200 square feet, more or less.

19-594 . INCORPORATION BY REFERENCE. Section 2. A copy of said deed is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/17/86 Second Reading: 12/1/86

Passed by the Governing Body this 1st day of December, 1986.

Approved by the Mayor this 1st day of December, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

1635729 / DEED OF DEDICATION Meyerdirk Title Company

KNOW ALL MEN BY THESE PRESENTS, That this Deed, made and entered into this 11th day of August, 19 86, by and between Leawood Baptist Church, Inc. a Kansas Corporation of Johnson County, State of Kansas, Party of the First Part, and the CITY OF LEAWOOD, Johnson County, State of Kansas, Party of the Second Part,

WITNESSETH:

That Party of the First Part, in consideration of the sum of Twelve Hundred----------Dollars ($1200.00) paid in hand to Party of the First Part by Party of the Second Part, receipt whereof is hereby acknowledged, by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the Party of the Second Part forever all its right, title and interest in and to the following described real estate lying and situate in the County of Johnson, State of Kansas, to-wit:

A tract of land in Lot 13 in "NEL-ARO', a subdivision in Leawood, Johnson County, Kansas, described as follows:

Commencing at the intersection of the existing Westerly right-of-way line of State Line Road and the North right-of-way line of 83rd Street; thence S87°17'50"W along the North right-of-way line of 83rd Street, a distance of 20.0 feet; thence N41 05'10"E, a distance of 27.68 feet to a point on the existing Westerly right-of-way line of State Line Road; thence S05°07'30"E along the existing Westerly right-of-way line of State Line Road, a distance of 20.0 feet to the Point of Beginning; containing 200 square feet, more or less.

Subject to liens of record

STATE OF KANSAS]SS
COUNTY OF JOHNSON]
FILED FOR RECORD

7 00 1986 AUG 29 P 3:24 6

RUBIE M. SCOTT
REGISTER OF DEEDS

Entered in Transfer Record
29 Day of Aug AD 1986
DONALD J. CURRY
Johnson County Clerk

BY _____ DEP

TO HAVE AND TO HOLD THE same together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, forever. It is understood and agreed that the Party of the Second Part shall use said real estate in the construction, improvement, reconstruction and maintenance of a public right-of-way, and should said right-of-way or any part thereof be vacated, the same shall revert to Party of the First Part, its heirs, executors, administrators, successors or assigns.

And the Party of the First Part for its heirs, executors, administrators, successors and assigns, does hereby covenant, promise and agree to and with said Party of the Second Part that, at the delivery of these presents, it is lawfully seized of the interest hereby conveyed in all and singular the above-granted and described premises with the appurtenances thereto; that the same are free and clear of and from all and every encumbrance whatsoever, except those of record, and that First Party will forever warrant and defend the same unto the Party of the Second Part or its assigns forever, against all and any lawful claim of all and any persons whomsoever. Party of the First Part, for its heirs, executors, administrators, successors or assigns, hereby waives and releases to Second Party any and all claims for damages or compensation, either now or in the future, arising by reason of the use of said real estate for the purposes herein described. First Party hereby agrees that First Party shall pay any special assessments or installments thereof, matured or unmatured, on said premises hereby granted, and that Second Party shall not be liable in any way for the payment thereof. First Party further agrees that the proper Governing Body may release the premise granted from any special assessment and spread and attach such special assessment to the remainder of the property adjacent to the premises hereby granted and which are owned by First Party.

IN WITNESS WHEREOF, said Party of the First Part has hereunto set hand and seal the day and year first above written.

TRUSTEES FOR LEAWOOD BAPTIST CHURCH, INC

Richard P. Brous
Richard P. Brous, Trustee

Dorothy Stone
Dorothy Stone, Trustee

Randy Cooper
Randy Cooper, Trustee

Cleo Vetter
Cleo Vetter, Trustee

James P. Youngblood
James P. Youngblood, Trustee

Meyerdirk Title Company

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Kansas)
) SS
COUNTY OF Johnson)

BE IT REMEMBERED, THAT on this 11th day of August, 1986, before me, the undersigned Notary Public, personally came Richard P. Brous, J.P Youngbloo Randy Cooper, Dorothy Stone, Cleo Vetter, who ~~is~~ are personally known to me to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Leawood, Kansas on the day and year last above written.

Suzanne L. Grannen
Notary Public

My Appointment Expires: 4/1/89

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Kansas)
) SS
COUNTY OF Johnson)

BE IT REMEMBERED, THAT on this 11th day of August, 1986, before me, the undersigned Notary Public, personally came Richard P. Brous, J.P. Youngblood, Randy Cooper, Dorothy Stone, Cleo Vetter who ~~is~~ are personally known to me to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Leawood, Kansas on the day and year last above written.

Suzanne L. Grannen
Notary Public

My Appointment Expires: 4/1/89

VOL 2414 PAGE 565

CORPORATE ACKNOWLEDGMENT

STATE OF Kansas)
) SS
COUNTY OF Johnson)

BE IT REMEMBERED, THAT on this 11th day of August, 1986, before me, the undersigned Notary Public in and for the County and State aforesaid, came _____ of _____ who is personally known to me to be the _____ of said _____ and the same person who executed the within instrument of writing and who duly acknowledges the execution of the same to be the voluntary act and deed of said _____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

_____
Notary Public

My Appointment Expires: _____

First published in the Johnson County Sun, Friday, December 5, 1986.
ORDINANCE NO. 952
AN ORDINANCE RELATING TO ACCEPTANCE OF A DEED FOR STREET PURPOSES (STATE LINE ROAD IMPROVEMENT, 81ST-84TH) FROM LEAWOOD BAPTIST CHURCH.
Be it ordained by the Governing Body of the City of Leawood, Kansas:
19-593. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a deed for land to be used for street purposes, the legal description of which is as follows:
A tract of land in Lot 13 in "NEL-ARO", a subdivision in Leawood, Johnson County, Kansas, described as follows:
Commencing at the intersection of the existing Westerly right-of-way line of State Line Road and the North right-of-way line of 83rd Street; thence S 87° 17' 50" W along the North right-of-way line of 83rd Street, a distance of 20.0 feet; thence N 41° 05' 10" E, a distance of 27.68 feet to a point on the existing Westerly right-of-way line of State Line Road; thence S 05° 07' 30" E along the existing Westerly right-of-way line of State Line Road, a distance of 20.0 feet to the Point of Beginning; containing 200 square feet, more or less.
19-594. INCORPORATION BY REFERENCE. Section 2. A copy of said deed is attached hereto and thereby incorporated by reference.
TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its *publication in the official City* newspaper.
First Reading: 11/17/86 Second Reading: 12/1/86
Passed by the Governing Body this 1st day of December, 1986.
Approved by the Mayor this 1st day of December, 1986.
(s) Jean Wise, Mayor
(S E A L)
Attest:
(s) J. Oberlander
City Clerk
APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney
(1085 1F)

AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
Deposes and say: That she is legal publications manager of THE JOHNSON
Y SUN, a semi-weekly newspaper printed in the State of Kansas, and published
of general circulation in JOHNSON County, Kansas, with a general paid circulation
arly basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
s or fraternal publication.

newspaper is a semi-weekly published at least weekly 50 times a year; has been
lished continuously and uninterruptedly in said county and state for a period of
han five years prior to the first publication of said notice; and has been admitted
post office of SHAWNEE MISSION, KANSAS in said County as a second class

the attached notice is a true copy thereof and was published in the regular and
ssue of said newspaper for ---One--- consecutive
---day--- (weeks, days) the first publication thereof being made as
aid on the ---5th--- day of, ---December--- 19---86---, with subsequent
publications being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---5th--- day of ---December--- 19---86---

Pearlie A. Peterson
NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---29.13---
Printer's Fee $ ---
Additiona' copies $ ---

ORDINANCE NO. 951

AN ORDINANCE RELATING TO ACCEPTANCE OF EASEMENT FOR STORM DRAINAGE PURPOSES FROM DIBLE DEVELOPMENT CORP.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,169. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a storm drainage easement, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, permanent easement to construct, maintain, alter, repair and replace drainage facilities and all appurtenances convenient or required, together with the right of ingress and egress over and through the following premises in the City of Leawood, Johnson County, Kansas, to-wit:

> All that part of Lots 5,6 and 7, Block 22, LEAWOOD SOUTH, SIXTH PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the most Easterly corner of said Lot 5; thence South 51° 11' 53" East, along the Northeasterly line of said Lot 6 and 7, a distance of 201.91 feet; thence South 71° 34' 38" East, along the Northeasterly line of said Lot 7, a distance of 17.16 feet, to the most Easterly corner of said Lot 7; thence South 38° 48' 06" West, along the Southeasterly line of said Lot 7, a distance of 19.45 feet; thence North 51° 11' 53" West, a distance of 63.02 feet; thence North 54° 45' 25" West, a distance of 158.72 feet; thence North 14° 48' 07" East, a distance of 25.54 feet, to a point on the Northeasterly line of said Lot 5; thence South 51° 11' 53" East, along the Northeasterly line of said Lot 5, a distance of 13.82 feet, to the Point of Beginning, containing 3,934 square feet, more or less.

19-6,170. INCORPORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/17/86 Second Reading: 12/1/86

Passed by the Governing Body this 1st day of December, 1986.

Approved by the Mayor this 1st day of December, 1986.

(S E A L)

Jean Wise
Jean Wise Mayor

Lwd, S., VI

1648818

ORIGINAL COMPARED WITH RECORD

STORM DRAINAGE EASEMENT

THIS INDENTURE, made and entered into this 3rd day of October, 1986, between Dible Development Corporation and _____, _____, and the City of Leawood, Kansas, a municipal corporation of the second class, party of the second part.

WITNESSETH: That party of the first part desire to grant unto party of the second part, a permanent and perpetual easement for storm drainage purposes.

NOW THEREFORE, in consideration of the mutual benefits of the parties, party of the first part do hereby grant unto party of the second part, a PERMANENT and PERPETUAL easement for storm drainage purposes over and along the following described real property, to-wit:

All that part of Lots 5, 6 and 7, Block 22, LEAWOOD SOUTH, SIXTH PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the most Easterly corner of said Lot 5; thence South 51°11'53" East, along the Northeasterly line of said Lot 6 and 7, a distance of 201.91 feet; thence South 71°34'38" East, along the Northeasterly line of said Lot 7, a distance of 17.16 feet, to the most Easterly corner of said Lot 7; thence South 38°48'06" West, along the Southeasterly line of said Lot 7, a distance of 19.45 feet; thence North 51°11'53" West, a distance of 63.02 feet; thence North 54°45'25" West, a distance of 158.72 feet; thence North 14°48'07" East, a distance of 25.54 feet, to a point on the Northeasterly line of said Lot 5; thence South 51°11'53" East, along the Northeasterly line of said Lot 5, a distance of 13.82 feet, to the Point of Beginning, containing 3,934 square feet, more or less.

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1986 OCT 17 P 12:00 7

600

RUBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

600

VOL 2443 PAGE 877

The grantor_ herein hereby covenant and agree that they are the owner_ of the above described property at this date and have a right to grant the easement herein provided for.

Dible Development Corporation

By: Michael L. Best

Michael L. Best

Vice President

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____, COUNTY OF _____, SS:

BE IT REMEMBERED, That on this _____ day of _____, 19 ___, before me, the undersigned Notary Public, personally came _____

who _____ personally known to me to be the same person___ who executed the foregoing instrument of writing and as such person__ duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at _____ on the day and year last above written.

_____

NOTARY PUBLIC

My Commission Expires _____

CORPORATE ACKNOWLEDGMENT

STATE OF Kansas, COUNTY OF Johnson, SS:

BE IT REMEMBERED, That on this 3rd day of October, 19 86, before me, the undersigned Notary Public in and for the County and State aforesaid, came Michael L. Best of Dible Development Corp, who is personally known to me to be the Vice President of said Dible Development Corporation and the same person who executed the within instrument of writing, and duly acknowledged the execution of the same to be the voluntary act and deed of said Michael L. Best.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Janice R. Macek

NOTARY PUBLIC

Janice R. Macek

My Commission Expires _____

NOTARY PUBLIC STATE OF KANSAS JANICE R. MACEK My Appt. Exp. 7/1/89

City of Leawood
9615 Rue Blvd
Leawood Ks 66206

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: _____, City Attorney
R.S. Wetzler

First published in the Johnson County Sun, Friday, December 5, 1986.

ORDINANCE NO. 951

AN ORDINANCE RELATING TO ACCEPTANCE OF EASEMENT FOR STORM DRAINAGE PURPOSES FROM DIBLE DEVELOPMENT CORP.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,169. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a storm drainage easement, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, permanent easement to construct, maintain, alter, repair and replace drainage facilities and all appurtenances convenient or required, together with the right of ingress and egress over and through the following premises in the City of Leawood, Johnson County, Kansas, to-wit:

All that part of Lots 5, 6 and 7, Block 22, LEAWOOD SOUTH, SIXTH PLAT, a subdivision, of land now in the City of Leawood, Johnson County, Kansas, more particularly as follows: Beginning at the most Easterly corner of said Lot 5; thence South 51° 11' 53" East, along the Northeasterly line of said Lot 6 and 7, a distance of 201.91 feet; thence South 71° 34' 38" East, along the Northeasterly line of said Lot 7, a distance of 17.16 feet, to the most Easterly corner of said Lot 7; thence South 38° 48' 06" West, along the Southeasterly line of said Lot 7, a distance of 19.45 feet; thence North 51° 11' 53" West, a distance of 63.02 feet; thence North 54° 45' 25" West, a distance of 158.72 feet; thence North 14° 48' 07" East, a distance of 25.54 feet, to a point on the Northeasterly line of said Lot 5; thence South 51° 11' 53" East, along the Northeasterly line of said Lot 5, a distance of 13.82 feet, to the Point of Beginning, containing 3,934 square feet, more or less.

19-6,170. INCORPORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/17/86 Second Reading: 12/1/86

Passed by the Governing Body this 1st day of December, 1986.

Approved by the Mayor this 1st day of December, 1986.

(SEAL)

(s) Jean Wise, Mayor

Attest:

(s) J. Oberlander

City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney

(1084 1F)

AFFIDAVIT OF PUBLICATION

E OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly Deposes and say: That she is legal publications manager of THE JOHNSON TY SUN, a semi-weekly newspaper printed in the State of Kansas, and published of general circulation in JOHNSON County, Kansas, with a general paid circulation early basis in JOHNSON County, Kansas, and that said newspaper is not a trade, us or fraternal publication.

d newspaper is a semi-weekly published at least weekly 50 times a year; has been blished continuously and uninterruptedly in said county and state for a period of than five years prior to the first publication of said notice; and has been admitted post office of SHAWNEE MISSION, KANSAS in said County as a second class r.

t the attached notice is a true copy thereof and was published in the regular and issue of said newspaper for ---one--- consecutive ---day--- (weeks, days) the first publication thereof being made as aid on the ---5th--- day of, ---December--- 19---, with subsequent ations being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---5th--- day of ---December--- 19---86---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---

Printer's Fee $ ---38.12---

Additional copies $ ---

ORDINANCE NO. 950

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-1206. Section 1. The following described real property is hereby designated as being zoned CP-1, Planned Restricted Business District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

A tract of land in the Southeast quarter of Section 16, Township 13, Range 25, Johnson County, Kansas, being bounded and described as follows: Beginning at the Southwest corner of said Southeast quarter; thence North 1° 25' 45" West along the West line of said Southeast quarter, 653.04 feet; thence North 87° 56' 01" East along the North line of the South 653.0 feet of the Southeast quarter of said Section 16, 1362.79 feet to a point on the Westerly line of Tomahawk Creek Parkway, as now located; thence Southwesterly on a curve to the left, having an initial tangent bearing of South 10° 12' 14" West and a radius of 1200.00 feet, an arc distance of 157.49 feet; thence Southwesterly, continuing along said Westerly line on a curve to the right, having a common tangent with the last described curve, and a radius of 1200.00 feet, an arc distance of 245.38 feet; thence Southwesterly on a curve to the left, having a common tangent with the last described curve, and a radius of 550.00 feet, an arc distance of 151.78 feet; thence South 1° 24' 40" East along said Westerly line, tangent to the last described curve, 106.99 feet to a point on the South line of said Southeast quarter; thence South 87° 56' 01" West along said South line, 1277.93 feet to the Point of Beginning. Except that part on the South and West now being used for road right of way. Subject to any and all easements and restrictions of record.

(northeast corner, 119th & Roe; Camelot Court)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/17/86 Second Reading: 12/1/86

Passed by the Governing Body this 1st day of December, 1986.

Approved by the Mayor this 1st day of December, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First published in the Johnson County Sun, Friday, December 5, 1986.
ORDINANCE NO. 950
AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.
Be it ordained by the Governing Body of the City of Leawood, Kansas:
18-1206. Section 1. The following described real property is hereby designated as being zoned CP-1, Planned Restricted Business District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:
A tract of land in the Southeast quarter of Section 16, Township 13, Range 25, Johnson County, Kansas, being bounded and described as follows: Beginning at the Southwest corner of said Southeast quarter; thence North 1° 25' 45" West along the West line of said Southeast quarter, 653.04 feet; thence North 87° 56' 01" East along the North line of the South 653.0 feet of the Southeast quarter of said Section 16, 1362.79 feet to a point on the Westerly line of Tomahawk Creek Parkway, as now located; thence Southwesterly on a curve to the left, having an initial tangent bearing of South 10° 12' 14" West and a radius of 1200.00 feet, an arc distance of 157.49 feet; thence Southwesterly, continuing along said Westerly line on a curve to the right, having a common tangent with the last described curve, and a radius of 1200.00 feet, an arc distance of 245.38 feet; thence Southwesterly on a curve to the left, having a common tangent with the last described curve, and a radius of 550.00 feet, an arc distance of 151.78 feet; thence South 1° 24' 40" East along said Westerly line, tangent to the last described curve, 106.99 feet to a point on the South line of said Southeast quarter; thence South 87° 56' 01" West along said South line, 1277.93 feet to the Point of Beginning. Except that part on the South and West now being used for road right of way. Subject to any and all easements and restrictions of record.
(northeast corner, 119th & Roe; Camelot Court)
TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.
First Reading: 11/17/86 Second Reading: 12/1/86
Passed by the Governing Body this 1st day of December, 1986.
Approved by the Mayor this 1st day of December, 1986.
(SEAL)
(s) Jean Wise, Mayor
Attest:
(s) J. Oberlander
City Clerk
APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney
(1083 1F)

AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
Deposes and say: That she is legal publications manager of THE JOHNSON
Y SUN, a semi-weekly newspaper printed in the State of Kansas, and published
f general circulation in JOHNSON County, Kansas, with a general paid circulation
arly basis in JOHNSON County, Kansas, and that said newspaper is not a trade,
s or fraternal publication.

newspaper is a semi-weekly published at least weekly 50 times a year; has been
lished continuously and uninterruptedly in said county and state for a period of
han five years prior to the first publication of said notice; and has been admitted
post office of SHAWNEE MISSION, KANSAS in said County as a second class

the attached notice is a true copy thereof and was published in the regular and
ssue of said newspaper for ---One--- consecutive
---day--- (weeks, days) the first publication thereof being made as
aid on the ---5th--- day of, ---December--- 19---86---, with subsequent
tions being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---5th--- day of ---December--- 19---86---

Pearlie A. Peterson
NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---39.40---
Additional copies $ ---

ORDINANCE NO. 949

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-1205. Section 1. The following described real property is hereby designated as being zoned CP-1, Planned Restricted Business District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

Beginning at the Northwest (NW) corner of the South one-half (S½) of the Southeast Quarter (SE¼) of Section 16, Township 13 South, Range 25 East; thence South 0 degrees 38 minutes 20 seconds West along the West line of said Southeast Quarter (SE¼) (SE¼) a distance of 678.61; thence East parallel to the South line of said Southeast Quarter (SE¼) a distance of 1647.13 feet to the centerline of the old channel of Tomahawk Creek; thence North 19 degrees 02 minutes West along said channel 109.95 feet; thence North 3 degrees 14 minutes East a distance of 175 feet; thence North 26 degrees 47 minutes East along the old channel a distance of 145.5 feet; thence Westerly a distance of 210 feet, more or less, to the centerline of an old road; thence Northwesterly along said old road, a distance of 307.14 feet, more or less, to the Northeast (NE) corner of the Southwest Quarter (SW¼) of said Southeast Quarter (SE¼); thence South 89 degrees 53 minutes West along the North line of said ¼ ¼ section, a distance of 1328.6 feet to the point of beginning, except the following.

All that part of the Southeast ¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Southeast ¼ of said Section 16; thence North 1 degree 25 minutes 45 seconds West, along the West line of the Southeast ¼ of said Section 16, a distance of 653.04 feet, to a point 653 feet North of the South line thereof; thence North 87 degrees 56 minutes 01 seconds East, along a line 653 feet North of and parallel to the South line of the Southeast ¼ of said Section 16, a distance of 1362.79 feet, to the true point of beginning of subject tract; thence continuing North 87 degrees 56 minutes 01 seconds East, along a line 653 feet North of and parallel to the South line of the Southeast ¼ of said Section 16, a distance of 283.86 feet; thence North 21 degrees 05 minutes 59 seconds West, a distance of 109.93 feet; thence North 1 degree 10 minutes 01 seconds East, a distance of 175 feet; thence North 24 degrees 43 minutes 01 seconds East, a distance of 145.50 feet; thence South 89 degrees 28 minutes 12 seconds West, a distance of 204.49 feet; thence South 14 degrees 24 minutes West, a distance of 342.97 feet, to a point of curvature; thence Southwesterly, along a curve to the left having a radius of 1200 feet and a central angle of 4 degrees 11 minutes 46 seconds a distance of 87.88 feet, to the true point of beginning of subject tract.

Also, except the following:

All that part of the Southeast ¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest Corner of the South ½ of said Southeast ¼ of Section 16, thence Easterly along the North line of ½¼ Section a distance of 834 feet to the point of beginning; thence South 1°25'45" East a distance of 230 feet; thence East along a line parallel to North line of ½¼ Section a distance of 255 feet; thence North 1°25'45" West a distance of 230 feet; thence West along the North line of ½¼ Section a distance of 255 feet to the point of beginning. (This tract will become Lot 4 when Final Plat is recorded).

(Shafton Shopping Center; northeast corner, 119th & Roe)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/17/86 Second Reading: 12/1/86

Passed by the Governing Body this 1st day of December, 1986.

Approved by the Mayor this 1st day of December, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First published in the Johnson County Sun, Friday, December 12, 1986.

ORDINANCE NO. 949

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-1205. Section 1. The following described real property is hereby designated as being zoned CP-1, Planned Restricted Business District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

Beginning at the Northwest (NW) corner of the South one-half (S½) of the Southeast Quarter (SE ¼) of Section 16, Township 13 South, Range 25 East, thence South 0 degrees 38 minutes 20 seconds West along the West line of said Southeast Quarter (SE¼) (SE¼) a distance of 678.61; thence East parallel to the South line of said Southeast Quarter (SE¼) a distance of 1647.13 feet to the centerline of the old channel of Tomahawk Creek; thence North 19 degrees 02 minutes West along said channel 109.95 feet; thence North 3 degrees 14 minutes East a distance of 175 feet; thence North 26 degrees 47 minutes East along the old channel a distance of 145.5 feet; thence Westerly a distance of 210 feet, more or less, to the centerline of an old road; thence Northwesterly along said old road, a distance of 307.14 feet, more or less, to the Northeast (NE) corner of the Southwest Quarter (SW¼) of said Southeast Quarter (SE¼); thence South 89 degrees 53 minutes West along the North line of said ¼ ¼ section, a distance of 1328.6 feet to the point of beginning, except the following.

All that part of the Southeast ¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Southeast ¼ of said Section 16; thence North 1 degree 25 minutes 45 seconds West, along the West line of the Southeast ¼ of said Section 16, a distance of 653.04 feet, to a point 653 feet North of the South line thereof; thence North 87 degrees 56 minutes 01 seconds East, along a line 653 feet North of and parallel to the South line of the Southeast ¼ of said Section 16, a distance of 1362.79 feet, to the true point of begining of subject tract; thence continuing North 87 degrees 56 minutes 01 seconds East, along a line 653 feet North of and parallel to the South line of the Southeast ¼ of said Section 16, a distance of 283.86 feet; thence North 21 degrees 05 minutes 59 seconds West, a distance of 109.93 feet; thence North 1 degree 10 minutes 01 seconds East, a distance of 175 feet; thence North 24 degrees 43 minutes 01 seconds East, a distance of 145.50 feet; thence South 89 degrees 28 minutes 12 seconds West, a distance of 204.49 feet; thence South 14 degrees 24 minutes West, a distance of 342.97 feet, to a point of curvature; thence Southwesterly, along a curve to the left having a radius of 1200 feet and a central angle of 4 degrees 11 minutes 46 seconds a distance of 87.88 feet, to the true point of beginning of subject tract.

Also, except the following:

All that part of the Southeast ¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest Corner of the South ½ of said Southeast ¼ of Section 16, thence Easterly along the North line of ¼ ¼ Section a distance of 834 feet to the point of beginning; thence South 1° 25' 45" East a distance of 230 feet; thence East along a line parallel to North line of ¼ ¼ Section a distance of 255 feet; thence North 1° 25' 45" West a distance of 230 feet; thence West along the North line of ¼ ¼ Section a distance of 255 feet to the point of beginning. (This tract will become Lot 4 when Final Plat is recorded).

(Shafton Shopping Center; northeast corner, 119th & Roe)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/17/86 Second Reading: 12/1/86

Passed by the Governing Body this 1st day of December, 1986.

Approved by the Mayor this 1st day of December, 1986.

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander

City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney

(1082 1F)

AFFIDAVIT OF PUBLICATION

TE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly rn, Deposes and say: That she is legal publications manager of THE JOHNSON UNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published nd of general circulation in JOHNSON County, Kansas, with a general paid circulation yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, ious or fraternal publication.

aid newspaper is a semi-weekly published at least weekly 50 times a year; has been ublished continuously and uninterruptedly in said county and state for a period of e than five years prior to the first publication of said notice; and has been admitted he post office of SHAWNEE MISSION, KANSAS in said County as a second class ter.

hat the attached notice is a true copy thereof and was published in the regular and re issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as resaid on the ---12th--- day of, ---December--- 19---86---, with subsequent lications being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

scribe and sworn to before me this ---12th--- day of ---December--- 19---86---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

ommission expires: ---

er's Fee $ ---66.78---

tiona' copies $ ---

ORDINANCE NO. 948

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-1105. Section 1. The following described real property is hereby designated as being zoned CP-2, Planned General Business District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

repealed by ord. 1023, 12/7/87

All that part of the Southeast 1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the South 1/2 of said Southeast 1/4 of Section 16, thence Easterly along the North line of 1/4 1/4 Section a distance of 834 feet to the point of beginning; thence South 1° 25' 45" East a distance of 230 feet; thence East along a line parallel to North line of 1/4 1/4 Section a distance of 255 feet; thence North 1° 25' 45" West a distance of 230 feet; thence West along the North line of 1/4 1/4 Section a distance of 255 feet to the point of beginning. (This tract will become Lot 4 when Final Plat is recorded.)

(south side of 117th St., east of Roe; Lot 4, Shafton)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/1/86 Second Reading: 12/1/86

Passed by the Governing Body this 1st day of December, 1986.

Approved by the Mayor this 1st day of December, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler City Attorney

First published in the Johnson County Sun, Friday, December 5, 1986.

ORDINANCE NO. 948

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-1105. Section 1. The following described real property is hereby designated as being zoned CP-2, Planned General Business District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

All that part of the Southeast ¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the South ½ of said Southeast ¼ of Section 16, thence Easterly along the North line of ¼ ¼ Section a distance of 834 feet to the point of beginning; thence South 1° 25' 45'' East a distance of 230 feet; thence East along a line parallel to North line of ¼ ¼ Section a distance of 255 feet; thence North 1° 25' 45'' West a distance of 230 feet; thence West along the North line of ¼ ¼ Section a distance of 255 feet to the point of beginning. (This tract will become Lot 4 when Final Plat is recorded.)

(south side of 117th St., east of Roe; Lot 4, Shafton)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 12/1/86 Second Reading: 12/1/86

Passed by the Governing Body *this 1st day of December, 1986.*

Approved by the Mayor this 1st *day of December, 1986.*

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney

(1081 1F)

AFFIDAVIT OF PUBLICATION

TE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly n, Deposes and say: That she is legal publications manager of THE JOHNSON NTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published d of general circulation in JOHNSON County, Kansas, with a general paid circulation yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, ious or fraternal publication.

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That the attached notice is a true copy thereof and was published in the regular and ire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---5th--- day of, ---December--- 19---86---, with subsequent publications being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---5th--- day of ---December--- 19---86---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---

Printer's Fee $ ---29.13---

Additional copies $ ---

ORDINANCE NO. 947 C entire ord.

Repealed by: ORDINANCE NO. 1016C
Adopted: 11/16/87

AN ORDINANCE AMENDING THE "BOCA BASIC BUILDING CODE, 1984 EDITION", AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 4-223 of the "Code of the City of Leawood, Kansas, 1984" is hereby repealed and the following enacted in lieu thereof:

4-221.1. Section 2. SAME. 500.2, added: The City of Leawood by ordinances has adopted life safety and fire control regulations requiring approved automatic fire suppression systems as follows: Buildings over 40 ft. in height, one story structures over 25,000 sq. ft., two story structures over 35,000 sq. ft. and three story structures over 45,000 sq. ft. and all basement areas.

4-223. Section 3. SAME; 502.2 STREET FRONTAGE INCREASE. 502.2 Street Frontage Increase is hereby deleted.

4-232.1. Section 4. SAME; 1427.3 CLASSIFICATION OF USE. 1427.3 Classification of Use is changed to read as follows: Roof coverings shall be classified according to Section 1427.3.1.

4-232.2. Section 5. SAME; 1427.3.1 CLASS A ROOF COVERINGS. 1427.3.1 Class A Roof Coverings is changed to read as follows: Class A roof coverings are those which are effective against severe fire test exposure. Class A roof coverings shall include the following: masonry, concrete, slate, tile, cement-asbestos or assemblies listed and identified as Class A by an approved testing agency. Class A roof coverings shall be required for structures of all types of construction.

4-232.3. Section 6. SAME; 1427.3.2 CLASS B ROOF COVERINGS. 1427.3.2 Class B Roof Coverings is hereby deleted.

4-232.4. Section 7. SAME; 1427.3.3 CLASS C ROOF COVERINGS. 1427.3.3 Class C Roof Coverings is hereby deleted.

4-232.5. Section 8. SAME; 1427.3.4 NONCLASSIFIED ROOF COVERINGS. 1427.3.4 Nonclassified Roof Coverings is hereby deleted.

4-232.6. Section 9. SAME; 1427.3.4.1 TYPE 5B CONSTRUCTION. 1427.3.4.1 Type 5B Construction is hereby deleted.

4-232.7. Section 10. SAME; 1427.3.4.2 ACCESSORY STRUCTURES. 1427.3.4.2 Accessory Structures is hereby deleted.

4-232.8. Section 11. SAME; 1427.3.4.3 USE GROUPS S-1 AND S-2. 1427.3.4.3 Use Groups S-1 and S-2 is hereby deleted.

4-232.9. Section 12. SAME. 1702.23, added: All structures over 40 feet in height: shall have approved automatic suppression system.

entire ord.

Repealed by ORDINANCE NO. 1076C
Adopted: 7/16/87
Effective:

4-232.10. Section 13. SAME. 1702.24, added: All one story structures over 25,000 square feet in area shall have an approved automatic suppression system.

4-232.11. Section 14. SAME. 1702.25, added: All two story structures over 35,000 square feet shall have an approved automatic suppression system.

4-232.12. Section 15. SAME. 1702.26, added: All three story structures over 45,000 square feet in area shall have an approved automatic suppression system.

4-232.13. Section 16. SAME. 1702.27, Basements, added: All basement areas shall have an approved automatic suppression system.

4-232.14. Section 17. SAME. 1702.28, Use Groups R-1 and R-2, added: Shall have an approved automatic suppression system in all common areas.

VALIDITY OF ORDINANCE. Section 18. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

TAKE EFFECT. Section 19. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/3/86 Second Reading: 11/17/86

Passed by the Governing Body this 17th day of November, 1986.

Approved by the Mayor this 17th day of November, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First published in the Johnson County Sun, Friday, November 21, 1986.

ORDINANCE NO. 947 C

AN ORDINANCE AMENDING THE "BOCA BASIC BUILDING CODE, 1984 EDITION", AND REPEAL OF SECTION.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTION. Section 1. Section 4-223 of the "Code of the City of Leawood, Kansas, 1984" is hereby repealed and the following enacted in lieu thereof:

4-221.1. Section 2. SAME., 500.2, added: The City of Leawood by ordinances have adopted life safety and fire control regulations requiring approved automatic fire suppression systems as follows:

Buildings over 40 ft. in height, one story structures over 25,000 sq. ft., two story structures over 35,000 sq. ft. and three story structures over 45,000 sq. ft. and all basement areas.

4-223. Section 3. SAME; 502.2 STREET FRONTAGE INCREASE. 502.2 **Street Frontage Increase** is hereby deleted.

4-232.1. Section 4. SAME; 1427.3 CLASSIFICATION OF USE. 1427.3

Classification of Use is changed to read as follows: Roof coverings shall be classified according to Section 1427.3.1.

4-232.2. Section 5. SAME; 1427.3.1 CLASS A ROOF COVERINGS. 1427.3.1

Class A Roof Coverings is changed to read as follows: Class A roof coverings are those which are effective against severe fire test exposure. Class A roof coverings shall include the following: masonry, concrete, slate, tile, cement-asbestos or assemblies listed and identified as Class A by an approved testing agency. Class A roof coverings shall be required for structures of all types of construction.

4-232.3. Section 6. SAME; 1427.3.2 CLASS B ROOF COVERINGS. 1427.3.2

Class B Roof Coverings is hereby deleted.

4-232.4. Section 7. SAME; 1427.3.3 CLASS C ROOF COVERINGS. 1427.3.3

Class C Roof Coverings is hereby deleted.

4-232.5. Section 8. SAME; 1427.3.4 NONCLASSIFIED ROOF COVERINGS. 1427.3.4

Nonclassified Roof Coverings is hereby deleted.

4-232.6. Section 9. SAME; 1427.3.4.1 TYPE 5B CONSTRUCTION. 1427.3.4.1

Type 5B Construction is hereby deleted.

4-232.7. Section 10. SAME; 1427.3.4.2 ACCESSORY STRUCTURES. 1427.3.4.2

Accessory Structures is hereby deleted.

4-232.8. Section 11. SAME; 1427.3.4.3 USE GROUPS S-1 AND S-2. 1427.3.4.3

Use Groups S-1 and S-2 is hereby deleted.

4-232.9. Section 12. SAME. 1702.23, added: All structures over 40 feet in height: shall have approved automatic suppression system.

4-232.10. Section 13. SAME. 1702.24, added: All one story structures over 25,000 square feet in area shall have an approved automatic suppression system.

4-232.11. Section 14. SAME. 1702.25, added: All two story structures over 35,000 square feet shall have an approved automatic suppression system.

4-232.12. Section 15. SAME. 1702.26, added: All three story structures over 45,000 square feet in area shall have an approved automatic suppression system.

4-232.13. Section 16. SAME. 1702.27, **Basements**, added: All basement areas shall have an approved automatic suppression system.

4-232.14. Section 17. SAME. 1702.28, **Use Groups R-1 and R-2**, added: Shall have an approved automatic suppression system in all common areas.

VALIDITY OF ORDINANCE. Section 18. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

TAKE EFFECT. Section 19. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 11/3/86 Second Reading: 11/17/86

Passed by the Governing Body this 17th day of November, 1986.

Approved by the Mayor this 17th day of November, 1986.

(SEAL)

(s) Jean Wise, Mayor

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT:

R. S. Wetzler, City Attorney

(1012-1F)

AFFIDAVIT OF PUBLICATION

E OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly , Deposes and say: That she is legal publications manager of THE JOHNSON ITY SUN, a semi-weekly newspaper printed in the State of Kansas, and published of general circulation in JOHNSON County, Kansas, with a general paid circulation yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, us or fraternal publication.

id newspaper is a semi-weekly published at least weekly 50 times a year; has been ublished continuously and uninterruptedly in said county and state for a period of than five years prior to the first publication of said notice; and has been admitted e post office of SHAWNEE MISSION, KANSAS in said County as a second class er.

at the attached notice is a true copy thereof and was published in the regular and e issue of said newspaper for ---one--- consecutive ---day--- (weeks, days) the first publication thereof being made as said on the 21st day of November 19 86, with subsequent cations being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

scribe and sworn to before me this 21st day of November 19 86

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

Commission expires: ---

er's Fee $ --- 64.64 ---

itiona' copies $ ---

ORDINANCE NO. 946

AN ORDINANCE RELATING TO ACCEPTANCE OF EASEMENTS FOR DRAINAGE PURPOSES FROM VARIOUS SOURCES.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,167. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept 3 drainage easements, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, permanent easements to construct, maintain, alter, repair and replace drainage facilities and all appurtenances convenient or required, together with the right of ingress and egress over and through the following premises in the City of Leawood, Johnson County, Kansas, to-wit:

From J.C. Nichols Co. - The North 15 feet of the West 15 feet of the East 233 feet of the West 1/2 of the Southeast 1/4 of Section 28, T13S, R25E

...and also...

The North 15 feet of the West 15 feet of the East 499 feet of the West 1/2 of the Southeast 1/4 of Section 28, T13S, R25E.

(Woodlands, 5th Plat)

From Leawood South Country Club, Inc. - All that part of the Southwest Quarter of Section 22, Township 13, Range 25 in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the most Easterly corner of Lot 5, Block 22, LEAWOOD SOUTH SIXTH PLAT, a subdivision of land in said city, county and state; thence North 51° 11' 53" West, along the Northeasterly line of said Lot 5, a distance of 21.48 feet; thence North 14° 48' 07" East, a distance of 26.77 feet; thence South 75° 11' 53" East, a distance of 30.00 feet; thence South 14° 48' 07" West, a distance of 40.13 feet, to a point on the Northeasterly line of Lot 6 in said Block 22; thence North 51° 11' 53" West, along the Northeasterly line of said Lot 6, a distance of 11.36 feet, to the Point of Beginning, containing 1,004 square feet, more or less.

(Leawood South, 6th Plat)

From Lynn L. McCarthy - The North 20.00 feet of the South 75.0 feet of the East 320.0 feet of the SE-1/4 of Section 16, Township 13, Range 25, Leawood, Johnson County, Kansas, except that part in 119th Street as now established.

(For 119th St. improvement, Roe/Mission)

19-6,168. INCORPORATION BY REFERENCE. Section 2. Copies of said easements are attached hereto and thereby incorporated by reference.

The grantor herein hereby covenant and agree that they are the owner of the above described property at this date and have a right to grant the easement herein provided for.

V.C. Thomas
President

V.C. Thomas

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____, COUNTY OF _____, SS:

BE IT REMEMBERED, That on this _____ day of _____, 19 ___, before me, the undersigned Notary Public, personally came _____

who _____ personally known to me to be the same person___ who executed the foregoing instrument of writing and as such person__ duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at _____ on the day and year last above written.

NOTARY PUBLIC

My Commission Expires _____

City of Leawood
attn: J. Oberlander
9417 Lee Blvd
Leawood, Ks 66206

CORPORATE ACKNOWLEDGMENT

STATE OF Kansas, COUNTY OF Johnson, SS:

BE IT REMEMBERED, That on this 23 day of September, 19 86, before me, the undersigned Notary Public in and for the County and State aforesaid, came V. C. Thomas of Leawood South Country Club, who is personally known to me to be the President of said Leawood South Country Club and the same person who executed the within instrument of writing, and duly acknowledged the execution of the same to be the voluntary act and deed of said V. C. Thomas.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

LUELLA I. FRUEHLING
NOTARY PUBLIC
State of Kansas
My Appt. Expires 5/20/87

NOTARY PUBLIC Luella Fruehling

My Commission Expires 5/20/87

Lwd. S. 6th Pla

1646351 ✓ ORIGINAL COMPARED WITH RECORD

STORM DRAINAGE EASEMENT

THIS INDENTURE, made and entered into this 23 day of September, 1986, between Leawood South Country Club, Inc., and the City of Leawood, Kansas, a municipal corporation of the second class, party of the second part.

WITNESSETH: That party of the first part desires to grant unto party of the second part, a permanent and perpetual easement for storm drainage purposes.

NOW THEREFORE, in consideration of the mutual benefits of the parties, party of the first part does hereby grant unto party of the second part, a PERMANENT and PERPETUAL easement for storm drainage purposes over and along the following described real property, to-wit:

All that part of the Southwest Quarter of Section 22, Township 13, Range 25 in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the most Easterly corner of Lot 5, Block 22, LEAWOOD SOUTH, SIXTH PLAT, a subdivision of land in said city, county and state; thence North 51°11'53" West, along the Northeasterly line of said Lot 5, a distance of 21.48 feet; thence North 14°48'07" East, a distance of 26.77 feet; thence South 75°11'53" East, a distance of 30.00 feet; thence South 14°48'07" West, a distance of 40.13 feet, to a point on the Northeasterly line of Lot 6 in said Block 22; thence North 51°11'53" West, along the Northeasterly line of said Lot 6, a distance of 11.36 feet, to the Point of Beginning, containing 1,004 square feet, more or less.

As per plans dated 8-28-86 Job No. 2794 by GBA

STATE OF KANSAS }
COUNTY OF JOHNSON } SS
FILED FOR RECORD

6.00

1986 OCT -8 A 11:00 2

RUBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

6.00

1645997

119th St, Roe - Mission
Tract No. 2

DRAINAGE EASEMENT

ORIGINAL COMPARED WITH RECORD

This agreement made and entered into this 15th day of September, 1986, by and between LYNN L. McCARTHY party of the first part, and the City of Leawood, Johnson County, Kansas, party of the second part.

WITNESSETH: That for and in consideration of the location of a storm drainage facility said party of the first part, does hereby remise, let and release to the party of the second part, the following described real estate to-wit:

The North 20.0 feet of the South 75.0 feet of the East 320.0 feet of the SE-1/4 of Section 16, Township 13, Range 25, Leawood, Johnson County, Kansas, except that part in 119th Street as now established.

for the sole use of said party of the second part as and for drainage purposes within said City; when same shall cease to be used for said purposes to revert to the grantors, their successors, assigns or grantees.

It is hereby mutually understood and agreed that said first party hereby waives any claim for damages against the City of Leawood for damages of any and every kind occasioned by the location of said storm sewers.

IN WITNESS WHEREOF, said party of the first part has hereunto set his hand and seal the day and year first above written.

LYNN L. McCARTHY

STATE OF KANSAS, JOHNSON COUNTY, SS:

BE IT REMEMBERED that on this 23rd day of September, 1986, before me, a notary public in and for said county and state came LYNN L. McCARTHY to me personally known to be the same persons who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal the day and year last above written.

LILLIAN M. JUNGHANS NOTARY PUBLIC STATE OF KANSAS

Lillian M. Junghans
Notary Public
Lillian M. Junghans

My Commission Expires: August 11, 1989

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1986 OCT -7 A 9:44 5

ROBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

500

VOL 2437 PAGE 562

1642015 ✓ Woodlands, 5th Plat

DRAINAGE EASEMENT ORIGINAL COMPARED WITH RECORD

THIS AGREEMENT, made and entered into this 3rd day of September, 1986, by and between J.C. Nichols Company, party of the first part, and the CITY OF LEAWOOD, KANSAS, party of the second part.

WITNESSETH:

WHEREAS, the party of the first part owns and has title to that real estate and real property located in Johnson County, Kansas, described as follows:

The North 1/2 of the Southeast 1/4 of Section 28, T13S, R25E.

and
WHEREAS, the party of the second part desires an easement for storm drainage.

NOW THEREFORE, in consideration of One and no/100 Dollars ($1.00) in hand paid and other valuable consideration, receipt of which is hereby acknowledged, party of the first part does hereby grant and convey unto the party of the second part, its successors and assigns, an easement to lay, construct, maintain, alter, repair, replace and operate a storm sewer, together with the right of ingress and egress over and through the following premises in the County of Johnson and the State of Kansas, to-wit:

The North 15 feet of the West 15 feet of the East 233 feet of the West 1/2 of the Southeast 1/4 of Section 28, T13S, R25E

...and also...

The North 15 feet of the West 15 feet of the East 499 feet of the West 1/2 of the Southeast 1/4 of Section 28, T13S, R25E.

This grant is a Permanent Easement for the purpose aforestated and full consideration thereof is acknowledged.

This agreement is binding upon the heirs, executors, administrators, successors and assigns of the parties hereto, and it is understood that this agreement cannot be changed in any way except in writing, signed by the grantor and duly authorized agent of the grantee.

IN WITNESS WHEREOF, the grantor has hereunto set their hand and seal on this 3rd day of September, 1986.

J.C. Nichols Company

By: Clarence L. Roeder
Vice-President
Clarence L. Roeder

ATTEST:
By: Fred R. Gibson, Jr.
Assistant Secretary
Fred R. Gibson, Jr.

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD
1986 SEP 23 P 4:38 0
SUSIE M. SCOTT
REGISTER OF DEEDS

STATE OF MISSOURI)
) SS
COUNTY OF JACKSON)

BE IT REMEMBERED, that on this 3rd day of September, 1986, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came CLARENCE L. ROEDER, Vice President, and FRED R. GIBSON, JR., Assistant, Secretary of the above-named corporation, who are personally known to me to be such officers of said corporation, and the same persons who executed the within instrument of writing, and duly acknowledged the execution of the same to be the voluntary act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Shirley Buchanan
Notary Public
Shirley Buchanan

My commission expires: January 16, 1987

5.00 CK

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/20/86 Second Reading: 11/3/86

Passed by the Governing Body this 3rd day of November, 1986.

Approved by the Mayor this 3rd day of November, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly-newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ------One------ consecutive ------day------(weeks, days) the first publication thereof being made as aforesaid on the ---7th--- day of, November 1986, with subsequent publications being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this ---7th--- day of ---November--- 19---86---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ---46.25---
Additional copies $ ----------

First published in the Johnson County Sun, Friday, November 7, 1986.

ORDINANCE NO. 946

AN ORDINANCE RELATING TO ACCEPTANCE OF EASEMENTS FOR DRAINAGE PURPOSES FROM VARIOUS SOURCES.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,167. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept 3 drainage easements, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, permanent easements to construct, maintain, alter, repair and replace drainage facilities and all appurtenances convenient or required, together with the right of ingress and egress over and through the following premises in the City of Leawood, Johnson County, Kansas, to-wit:

From J.C. Nichols Co. - The North 15 feet of the West 15 feet of the East 233 feet of the West ½ of the Southeast ¼ of Section 28, T13S, R25E

. . . and also . . .

The North 15 feet of the West 15 feet of the East 499 feet of the West ½ of the Southeast ¼ of Section 28, T13S, R25E.

(Woodlands, 5th Plat)

From Leawood South Country Club, Inc. - All that part of the Southwest Quarter of Section 22, Township 13, Range 25 in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the most Easterly corner of Lot 5, Block 22, LEAWOOD SOUTH SIXTH PLAT, a subdivision of land in said city, county and state; thence North 51° 11' 53" West, along the Northeasterly line of said Lot 5, a distance of 21.48 feet; thence North 14° 48' 07" East, a distance of 26.77 feet; thence South 75° 11' 53" East, a distance of 30.00 feet; thence South 14° 48' 07" West, a distance of 40.13 feet, to a point on the Northeasterly line of Lot 6 in said Block 22; thence North 51° 11' 53" West, along the Northeasterly line of said Lot 6, a distance of 11.36 feet, to the Point of Beginning, containing 1,004 square feet, more or less.

(Leawood South, 6th Plat)

From Lynn L. McCarthy - The North 20.00 feet of the South 75.0 feet of the East 320.0 feet of the SE-¼ of Section 16, Township 13, Range 25, Leawood, Johnson County, Kansas, except that part in 119th Street as now established.

(For 119th St. improvement, Roe/Mission)

19-6,168. INCORPORATION BY REFERENCE. Section 2. Copies of said easements are attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/20/86 Second Reading: 11/3/86

Passed by the Governing Body this 3rd day of November, 1986.

Approved by the Mayor this 3rd day of November, 1986.

(SEAL)

(s) Jean Wise, Mayor

Attest:

(s) J. Oberlander

City Clerk

APPROVED FOR FORM AND CONTENT: (s) R.S. Wetzler, City Attorney

(8817 1F)

ORDINANCE NO. 945

AN ORDINANCE RELATING TO ACCEPTANCE OF DEED FOR STREET PURPOSES (119TH STREET, MISSION ROAD TO ROE AVENUE) FROM LYNN L. MCCARTHY.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-591. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a deed for land to be used for street purposes, the legal description of which is as follows:

> All of the South 40 feet of the East 320 feet of the SE1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes; containing 8,215 Square Feet, more or less.

19-592. INCORPORATION BY REFERENCE. Section 2. A copy of said deed is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/20/86 Second Reading: 11/3/86

Passed by the Governing Body this 3rd day of November, 1986.

Approved by the Mayor this 3rd day of November, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM: R.S. Wetzler, City Attorney

1638333 ✓ ORIGINAL COMPARED WITH RECORD Tract No. 2

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That this Deed, made and entered into this 29th day of August, 1986, by and between Lynn L. McCarthy of Johnson County, State of Kansas, Party of the First Part, and the CITY OF LEAWOOD, Johnson County, State of Kansas, Party of the Second Part,

WITNESSETH:

That Party of the First Part, in consideration of the sum of ONE Dollars ($1.00) paid in hand to Party of the First Part by Party of the Second Part, receipt whereof is hereby acknowledged, by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the Party of the Second Part forever all its right, title and interest in and to the following described real estate lying and situate in the County of Johnson, State of Kansas, to-wit:

All of the South 40 feet of the East 320 feet of the SE¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes; containing 8,215 Square Feet, more or less.

STATE OF KANSAS } SS
COUNTY OF JOHNSON }
FILED FOR RECORD

6.00

1986 SEP 10 P 2:04 6

RUBIE M. SCOTT
REGISTER OF DEEDS

BY _____ DEP

Entered in Transfer Record
10 Day of Sept AD 1986
DONALD J. CURRY
Johnson County Clerk

TO HAVE AND TO HOLD THE same together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, forever. It is understood and agreed that the Party of the Second Part shall use said real estate in the construction, improvement, reconstruction and maintenance of a public right-of-way, and should said right-of-way or any part thereof be vacated, the same shall revert to Party of the First Part, its heirs, executors, administrators, successors or assigns.

And the Party of the First Part for its heirs, executors, administrators, successors and assigns, does hereby covenant, promise and agree to and with said Party of the Second Part that, at the delivery of these presents, it is lawfully seized of the interest hereby conveyed in all and singular the above-granted and described premises with the appurtenances thereto; that the same are free and clear of and from all and every encumbrance whatsoever, except those of record, and that First Party will forever warrant and defend the same unto the Party of the Second Part or its assigns forever, against all and any lawful claim of all and any persons whomsoever. Party of the First Part, for its heirs, executors, administrators, successors or assigns, hereby waives and releases to Second Party any and all claims for damages or compensation, either now or in the future, arising by reason of the use of said real estate for the purposes herein described. First Party hereby agrees that First Party shall pay any special assessments or installments thereof, matured or unmatured, on said premises hereby granted, and that Second Party shall not be liable in any way for the payment thereof. First Party further agrees that the proper Governing Body may release the premise granted from any special assessment and spread and attach such special assessment to the remainder of the property adjacent to the premises hereby granted and which are owned by First Party.

IN WITNESS WHEREOF, said Party of the First Part has hereunto set hand and seal the day and year first above written.

Lynn L. McCarthy

Lynn L. McCarthy

6.00
6.00

INDIVIDUAL ACKNOWLEDGMENT

STATE OF KANSAS)
) SS
COUNTY OF JOHNSON)

BE IT REMEMBERED, THAT on this 29th day of August, 1986, before me, the undersigned Notary Public, personally came Lynn L. McCarthy who is personally known to me to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Shawnee Mission, KS on the day and year last above written.

Lillian M. Junghans
Notary Public Lillian M. Junghans

LILLIAN M. JUNGHANS NOTARY PUBLIC STATE OF KANSAS

My Appointment Expires: Aug 11, 1989

VOL 2420 PAGE 795

INDIVIDUAL ACKNOWLEDGMENT

STATE OF)
) SS
COUNTY OF)

BE IT REMEMBERED, THAT on this _____ day of _____, 198 , before me, the undersigned Notary Public, personally came _____ who is personally known to me to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at _____ on the day and year last above written.

_____
Notary Public

My Appointment Expires: _____

CORPORATE ACKNOWLEDGMENT

STATE OF)
) SS
COUNTY OF)

BE IT REMEMBERED, THAT on this _____ day of _____, 198 , before me, the undersigned Notary Public in and for the County and State aforesaid, came _____ of _____ who is personally known to me to be the _____ of said _____ and the same person who executed the within instrument of writing and who duly acknowledges the execution of the same to be the voluntary act and deed of said _____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

_____
Notary Public

My Appointment Expires: _____

First published in the Johnson County Sun, Friday, November 7, 1986.

ORDINANCE NO. 945

AN ORDINANCE RELATING TO ACCEPTANCE OF DEED FOR STREET PURPOSES (119TH STREET, MISSION ROAD TO ROE AVENUE) FROM LYNN L. MCCARTHY.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-591. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a deed for land to be used for street purposes, the legal description of which is as follows:

All of the South 40 feet of the East 320 feet of the SE ¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes; containing 8,215 Square Feet, more or less.

19-592. INCORPORATION BY REFERENCE. Section 2. A copy of said deed is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/20/86 Second Reading: 11/3/86

Passed by the Governing Body this 3rd day of November, 1986.

Approved by the Mayor this 3rd day of November, 1986.

(SEAL)

(s) Jean Wise, Mayor

Attest:

(s) J. Oberlander

City Clerk

APPROVED FOR FORM: (s) R. S. Wetzler,

City Attorney

(8816 1F)

AFFIDAVIT OF PUBLICATION

S, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly d say: That she is legal publications manager of THE JOHNSON semi-weekly newspaper printed in the State of Kansas, and published circulation in JOHNSON County, Kansas, with a general paid circulation JOHNSON County, Kansas, and that said newspaper is not a trade, al publication.

r is a semi-weekly published at least weekly 50 times a year; has been inuously and uninterruptedly in said county and state for a period of ars prior to the first publication of said notice; and has been admitted of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 7th day of, November 1986, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martasin

Subscribe and sworn to before me this 7th day of November 1986

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: _____

Printer's Fee $ 24.00

Additional copies $ _____

ORDINANCE NO. 944

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

repealed by ord. 959, 12/15/86

18-122. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

The E1/2 of the NE1/4, Section 23, Township 13 South, Range 9, containing 80 acres, more or less.

(Cherry Creek subdivision; southwest corner of 127th and Mission)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/20/86 Second Reading: 11/3/86

Passed by the Governing Body this 3rd day of November, 1986.

Approved by the Mayor this 3rd day of November, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First published in the Johnson County Sun, Friday, November 7, 1986.
ORDINANCE NO. 944
AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.
Be it ordained by the Governing Body of the City of Leawood, Kansas:
18-122. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:
The E ½ of the NE ¼, Section 23, Township 13 South, Range 9, containing 80 acres, more or less.
(Cherry Creek subdivision; ~~southwest corner of 127th and~~ Mission)
TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.
First Reading: 10/20/86 Second Reading: 11/3/86
Passed by the Governing Body this 3rd day of November, 1986.
Approved by the Mayor this 3rd day of November, 1986.
(s) Jean Wise, Mayor
(SEAL)
Attest:
(s) J. Oberlander
City Clerk
APPROVED FOR FORM AND CONTENT: (s) R. S. Wetzler, City Attorney
(8815_1F)

AFFIDAVIT OF PUBLICATION

S, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
d say: That she is legal publications manager of THE JOHNSON
emi-weekly newspaper printed in the State of Kansas, and published
irculation in JOHNSON County, Kansas, with a general paid circulation
JOHNSON County, Kansas, and that said newspaper is not a trade,
l publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---7th--- day of, ---November--- 19---86---, with subsequent publications being made on the following dates:

---, 19--- ---, 19---

---, 19--- ---, 19---

Deanna Martasin

Subscribe and sworn to before me this ---7th--- day of ---November--- 19---86---

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ---
Printer's Fee $ ---21.01---
Additional copies $ ---

ORDINANCE NO. 943 C entire ord. repealed by Ord. 1025C, 12/7/87

AN ORDINANCE AMENDING CHAPTER XIV OF THE "CODE OF THE CITY OF LEAWOOD, KANSAS, 1984"; ADOPTING THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 1986 EDITION"; AND REPEAL OF SECTIONS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTIONS. Section 1. Sections 14-101, 14-102, 14-103, and 14-104 of the "Code of the City of Leawood, Kansas, 1984"; and Sections 14-101.1, 14-105, and 14-106 of the "Code of the City of Leawood, Kansas, 1984", as adopted by Ordinance No. 857C, are hereby repealed and the following enacted in lieu thereof:

14-101. INCORPORATING STANDARD TRAFFIC ORDINANCE. Section 2. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Leawood, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 1986, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said standard ordinance shall be marked or stamped "Official Copy", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

14-102. AMENDMENTS; SPEED LIMITS. Section 3. Section 33 of the Standard Traffic Ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

> Sec. 33. Maximum Speed Limits. (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:
>
> (1) All vehicles 20 miles per hour in any business district.
>
> (2) All vehicles 20 miles per hour in any park under the jurisdiction of this City.
>
> (3) All vehicles 20 miles per hour during those hours when students are going to and from school of any day school is in session, upon streets and/or parts of streets abutting school property and adjacent to school crosswalks designated as school zones; provided that appropriate signs are erected giving notice of such speed limits and the times said limits are in force, said times to be determined by the Chief of Police with the consent of the City Council.

entire ord. repealed by Ord. 1025C, 12/7/87

(4) All vehicles 25 miles per hour in any residential district and on other streets within the City except where modified by engineering and traffic investigation as provided hereafter in subsection (b) of this Section.

The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed limits in excess thereof, and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this paragraph shall not be of any force or effect, subject to the following exception:

(b) The Chief of Police is hereby authorized and empowered to designate maximum speed zones when he or she shall find and determine that such regulation is necessary for safety purposes or to expedite traffic, to the extent any such regulation is not in conflict with any law of the City. The Chief of Police shall, following ratification of his or her designations under this subsection by the Governing Body, place and maintain the necessary traffic-control signs and devices.

(c) Whenever the Chief of Police shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist, the Governing Body shall declare by resolution a reasonable and safe speed limit consistent with applicable state and local statutes which shall be effective at all times or during daytime or nighttime or at such other times as may be determined when appropriate signs giving notice thereof are erected pursuant to Council action and K.S.A. 8-1560 and 8-2002. It shall be unlawful for any person to drive a vehicle at a speed in excess of such declared maximum limits.

(d) No person shall drive a school bus to or from school or interschool or intraschool functions or activities at a speed greater than 45 miles per hour on any roadway having dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school or activities in excess of 55 miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall also apply to buses used for the transportation of students enrolled in community junior colleges or area vocation schools when such buses are transporting students to or from school functions or activities.

entire ord. repealed by Ord. 1025C 12/7/87

14-103. SAME; RACING ON HIGHWAYS. Section 4. The title of said Article 7, Section 37 is hereby changed to read as follows: Racing on Highways; Drag Race, Racing, Exhibition of Speed or Acceleration.

14-104. SAME; CERTAIN TIRES PROHIBITED. Section 5. Article 17, Section 178(c)(4) is hereby deleted and the following enacted in lieu thereof:

(4) Pneumatic tires having metallic or non-metallic studs designed to improve traction without materially injuring the surface of the highway. Any such tires must be approved by the State Secretary of Transportation pursuant to duly adopted rules and regulations, and their use limited from November 1 to April 15, on only such vehicles as approved by the State Highway Commission.

VALIDITY OF ORDINANCE. Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

TAKE EFFECT. Section 7. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/20/86 Second Reading: 11/3/86

Passed by the Governing Body this 3rd day of November, 1986.

Approved by the Mayor this 3rd day of November, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Mortasin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 7th day of November 1986, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Mortasin

Subscribe and sworn to before me this 7th day of November 1986

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: _____
Printer's Fee $ 102.29
Additional copies $ _____

First Published in the Johnson County Sun, Friday, November 7, 1986.

ORDINANCE NO. 943 C

AN ORDINANCE AMENDING CHAPTER XIV OF THE "CODE OF THE CITY OF LEAWOOD, KANSAS, 1984"; ADOPTING THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 1986 EDITION"; AND REPEAL OF SECTIONS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTIONS. Section 1. Sections 14-101, 14-102, 14-103 and 14-104 of the "Code of the City of Leawood, Kansas, 1984"; and Sections 14-101.1, 14-105, and 14-106 of the "Code of the City of Leawood, Kansas, 1984", as adopted by Ordinance No. 857C, are hereby repealed and the following *enacted in lieu thereof:*

14-101. INCORPORATING STANDARD TRAFFIC ORDINANCE. Section 2. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Leawood, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 1986, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive as amended. No fewer than three copies of said standard ordinance shall be marked or stamped "Official Copy", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

14-102. AMENDMENTS; SPEED LIMITS. Section 3. Section 33 of the Standard Traffic Ordinance incorporated in Section 14-101 of this article shall be amended to read as follows;

Sec. 33. Maximum Speed Limits. (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

(1) All vehicles 20 miles per hour in any business district.

(2) All vehicles 20 miles per hour in any park under the jurisdiction of this City.

(3) All vehicles 20 miles per hour during those hours when students are going to and from school of any day school is in *session, upon streets and/or* parts of streets abutting school property and adjacent to school crosswalks designated as school zones; provided that appropriate signs are erected giving notice of such speed limits and the times said limits are in force, said times to be determined by the Chief of Police with the consent of the City Council.

(4) All vehicles 25 miles per hour in any residential district and on other streets within the City except where modified by engineering and traffic investigation as provided hereafter in subsection (b) of this Section.

The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof and not withstanding any signs giving notice of max*imum speed limits in excess* thereof, and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this paragraph shall not be of any force or effect, subject to the following exception.

(b) The Chief of Police is hereby authorized and empowered to designate maximum speed zones when he or she shall find and determine that such regulation is necessary for safety purposes or to expedite traffic, to the extent any such regulation is not in conflict with any law of the City. The Chief of Police shall, following ratification of his or her designations under this subsection by the Governing Body, place and maintain the necessary traffic-control signs and devices.

(c) Whenever the Chief of Police shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist, the Governing Body shall declare by resolution a reasonable and safe speed limit consistent with applicable state and local statutes which shall be effective at all times or during daytime or nighttime or at such other times as may be determined when appropriate signs giving notice thereof are erected pursuant to Council action and K.S.A. 8-1560 and 8-2002. It shall be unlawful for any person to drive a vehicle at a speed in excess of such declared maximum limits.

(d) No person shall drive a school bus to or from school or interschool or intraschool functions or activities at a speed greater than 45 miles per hour on any roadway having dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school activities in excess of 55 miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall also apply to buses used for the transportation of students enrolled in community junior colleges or area vocation schools when such buses are transporting students to or from school functions or activities.

14-103. SAME; RACING ON HIGHWAYS. Section 4. The title of said Article 7, Section 37 is hereby changed to read as follows: Racing on Highways; Drag Race, Racing, Exhibition of Speed or Acceleration.

14-104. SAME; CERTAIN TIRES PROHIBITED. Section 5. Article 17, Section 178(c)(4)is hereby deleted and the following enacted in lieu thereof:

(4) Pneumatic tires having metallic or non-metallic studs designed to improve traction without materially injuring the surface of the highway. Any such tires must be approved by the State Secretary of Transportation pursuant to duly adopted rules and regulations, and their use limited from November 1 to April 15, on only such vehicles as approved by the State Highway Commission.

VALIDITY OF ORDINANCE. *Section 6. Should any section,* paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

TAKE EFFECT. Section 7. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/20/86 Second Reading: 11/3/86

Passed by the Governing Body this 3rd day of November, 1986.

Approved by the Mayor this 3rd day of November, 1986.

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander,
City Clerk

APPROVED FOR FORM
AND CONTENT:

(s) R.S. Wetzler,
City Attorney

(88I4 1F)

ORDINANCE NO. 942 C

AN ORDINANCE RELATING TO AN ADDITION TO "CABO ONE AND TWO FAMILY DWELLING CODE, 1983 EDITION"; AMENDING CHAPTER IV, ARTICLE I OF THE "CODE OF THE CITY OF LEAWOOD, KANSAS, 1984".

Be it ordained by the Governing Body of the City of Leawood, Kansas:

Section 1.

4-111.5. SAME; R-801 ROOF COVERINGS-GENERAL/R-801.11 is added as follows: All roofing covering shall be rated Class A. Exception: Single family dwelling in Zoning Districts R-1 and RP-1.

Repealed by: ORDINANCE NO. 1094C Adopted: 7/16/87 Effective:

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/20/86 . Second Reading: 11/3/86

Passed by the Governing Body this 3rd day of November, 1986.

Approved by the Mayor this 3rd day of November, 1986.

(SEAL)

Jean Wise, Mayor

Attest:

J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT:

R. S. Wetzler, City Attorney

First published in the Johnson County Sun, Friday, November 7, 1986.
ORDINANCE NO. 942 C
AN ORDINANCE RELATING TO AN ADDITION TO "CABO ONE AND TWO FAMILY DWELLING CODE, 1983 EDITION"; AMENDING CHAPTER IV, ARTICLE I OF THE "CODE OF THE CITY OF LEAWOOD, KANSAS, 1984".
Be it ordained by the Governing Body of the City of Leawood, Kansas:
4-111.5. SAME; R-801 ROOF COVERINGS-GENERAL Section 1. R-801.11 is added as follows: All roofing covering shall be rated Class A. Exception: Single family dwelling in Zoning Districts R-1 and RP-1.
TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.
First Reading: 10/20/86 Second Reading: 11/3/86
Passed by the Governing Body this 3rd day of November, 1986.
Approved by the Mayor this 3rd day of November, 1986.
(SEAL)
(s) Jean Wise, Mayor
Attest:
(s) J. Oberlander, City Clerk
APPROVED FOR FORM AND CONTENT: (s) R. S. Wetzler, City Attorney
(8813_1F)

AFFIDAVIT OF PUBLICATION

AS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly
d say: That she is legal publications manager of THE JOHNSON
semi-weekly newspaper printed in the State of Kansas, and published
irculation in JOHNSON County, Kansas, with a general paid circulation
JOHNSON County, Kansas, and that said newspaper is not a trade,
al publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ------One---------- consecutive ---------day--------(weeks, days) the first publication thereof being made as aforesaid on the --7th----- day of, November 1986---, with subsequent publications being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this 7th day of November 19 86

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ ----------18.87----------
Additional copies $ ----------

ORDINANCE NO. 941-C

AN ORDINANCE RELATING TO ANIMAL CONTROL; NOISY AND DANGEROUS ANIMALS; AND REPEAL OF SECTIONS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTIONS. Section 1. Sections 2-210, 2-211, and 2-221 of the "Code of the City of Leawood, 1984", as originally adopted by Ordinance No. 829, are hereby repealed and the following enacted in lieu thereof:

Repealed by: ORDINANCE NO. 1327C Adopted: 12/21/92 Effective:

2-210. NOISY AND DESTRUCTIVE ANIMALS. Section 2. (a) Noisy Animals. The keeping or harboring of any animal other than a dog, which by loud, frequent and habitual howling, yelping, mewing, roaring or screeching, shall disturb the peaceof any neighborhood, is hereby prohibited and declared to be a public nuisance and unlawful under this article.

(b) Barking Dogs. The keeping or harboring of a barking dog is prohibited. "Barking dog" shall mean a dog: (1) that barks, bays, cries, howls or makes any other noise which is so loud and continuous or untimely as to disturb the sleep of an individual residing within one hundred (100) yards of the property on which the animal is kept or harbored, said individual must state, in writing, that he or she will testify under oath to the excessive noise produced by the dog or; (2) that unreasonably disturbs two or more residents who are in general agreement as to the times and durations of the noise, and who reside in separate residences (including apartments and condominiums) located within one hundred yards of the property on which the animal is kept or harbored, said residents must state, in writing, that they will testify under oath to the excessive noise produced by the dog; and (3) a dog shall not be deemed a "barking dog" for the purposes of this Article, if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog.

(c) Destructive Animals. It shall be unlawful for the owner or harborer of any dog, cat or other animal to carelessly, willfully, or maliciously permit such dog, cat or other animal to destroy or damage property of any person other than that of such keeper or harborer.

Repealed by: ORDINANCE NO. 1327C Adopted: 12/21/92 Effective:

2-211. DANGEROUS ANIMAL. Section 3. (a) Dangerous Animal Defined. Any dog or cat having a disposition or propensity to attack or bite any person or animal without provocation is hereby defined as a "dangerous animal". For the purposes of this chapter, where the official records of the Chief Animal Control Officer or City Clerk indicate a dog or cat has bitten any person or persons or animal on two or more separate occasions, it shall be prima facie evidence that said dog or cat is a dangerous animal.

In addition to the provision above, if a law enforcement officer or animal control officer has reasonable cause to believe that an animal exhibits dangerous tendencies and because of the condition is likely to do immediate physical injury to persons or animals if allowed to remain at liberty, that animal shall be deemed a dangerous animal for the purposes of this article.

Actions of trained police dogs utilized by properly certified law enforcement officers in the course of official duty shall be exempt from the provisions of this section.

(b) Dangerous Animal. It shall be unlawful for any person within the City to keep, own, or harbor any dangerous animal, unless such person shall keep such animal securely fastened, tied, and muzzled so that the animal cannot reach any person to injure such person, or shall keep the animal in an enclosure securely fenced so that the animal cannot escape therefrom.

(1) If any such animal is not so fastened, tied and muzzled, or fenced, the City may take the animal and impound it at a shelterhouse provided for such purpose or by a veterinarian, until such time as a hearing herein provided can be had, or until release to the owner upon condition that the animal shall be temporarily kept and considered to be a dangerous animal pending the hearing.

(2) Violation of the temporary condition shall be considered a first offense of this section.

(3) Upon complaint duly made to any law enforcement officer or animal control officer, and if the officer finds there is probable cause to believe such complaint is true, or if upon the officer's own observation of an animal, the officer has a reasonable belief that the animal is a dangerous animal, the officer shall make an attempt to notify and request the owner, keeper, or harborer of such animal to confine by such means as herein described said animal. In the event such owner, keeper, or harborer cannot be notified, refuses, or is unable to act upon such notification, or the immediate nature of the situation warrants action without notice, any law enforcement or animal control officer may capture and impound any such animal.

(4) In all cases where such complaint is made or where a law enforcement or animal control officer acts upon observations, regardless of whether such animal is taken into custody, a hearing shall be had for the determination of whether such animal is dangerous. Upon a determination that an animal is not dangerous, it shall be released to its owner, keeper, or harborer. The City shall pay accrued boarding fees when the animal is taken into custody under this section and found not to be dangerous. Upon a finding that an animal is dangerous, the animal shall be released to the custody of its owner, keeper, or harborer upon the condition that the provisions of this section pertaining to keeping and restraining the animal are met and accrued boarding fees are paid.

(5) The owner of any animal declared dangerous after the aforementioned hearing shall provide to the Police Department a

color photograph of said animal, or shall allow the Police Department to photograph said animal so that future positive identification can be made. Within 48 hours of the loss, death, or change of ownership of such animal, the owner, keeper, or harborer shall notify the Police Department of such change in the animal's status.

(6) Any law enforcement or animal control officer is authorized to destroy any animal, whether previously determined to be dangerous or not, when, in his or her best judgement, no other course of action is possible to preserve the safety of the community.

(7) Any law enforcement or animal control officer shall impound, as a dangerous animal, any dog found at or in the immediate vicinity of an organized dog fight.

Repealed by: ORDINANCE NO. 1327C
Adopted: 12/21/92
Effective:

2-221. PENALTIES. Section 4. (a) For Overdue License Fee. If the license fee required by Section 2-202 is not paid within the times provided in said Section, a $5 penalty will be added to the normal license fee.

After May 31st of each calendar year, if the tax imposed and required to be paid by Section 2-202 remains unpaid, the City Clerk may issue a complaint against the owner, keeper or harborer for violation of Section 2-202.

In the case of any dog brought into the City on or after March 1st or dog attaining the age of six months on or after March 1st of any license year, if the license fee required by Section 2-202 is not paid within the times provided in the Section, the following penalty will apply in addition to the normal license fee:

(1) $2 during the first 30 days of delinquency;
(2) $5 after the first 30 days of delinquency.

(b) For Running At Large Without Tag. For the first offense the owner shall pay a fine of $25 plus the board bill; for the second offense a fine of $50 plus the board bill; for a third and subsequent offenses a fine of $100 plus the board bill.

(c) For Running At Large With Tag. For the first offense of animal running at large within the meaning of this Section, the owner or keeper claiming any animal, shall, in addition to presenting a license receipt, pay the cost of the board bill. For a second offense, the owner shall pay a fee of $25 plus the board bill. For a third and all subsequent offenses, the owner or keeper shall pay a fee of $50 plus the cost of the board bill.

(d) For a Dangerous Animal.

(1) The penalty for failure to keep an animal found to be dangerous securely fastened or tied and muzzled or within a fenced enclosure pursuant to the provisions of this section shall be $100 for a first offense.
(2) Upon conviction of a second offense, the Court shall order the animal permanently removed from the City within three (3) days. Should the order of the Court be appealed, the animal must be removed from the City pending disposition of the appeal.
(3) Failure to comply with the removal order shall result in impoundment of the animal as provided elsewhere in this section and shall be punishable by a fine of $250 per day the dangerous animal remains in the City and/or thirty days confinement in the County jail.
(4) The penalty for failure to provide the required photograph or to notify the Police Department of any change in the animal's status shall be $100.

(e) For Cruelty to Animals. Any person who shall violate this Section shall on conviction thereof be subject to a minimum fine of not less than $100 and not more than $500 or imprisonment in the Johnson County jail not exceeding three months, or both such fine and imprisonment.

(f) For Dogs At Large Temporarily in City. The owner of any dog running at large who resides outside the City limits may claim his or her dog within seven days of the impounding upon the payment of a fine of $10 to the designated agency plus the cost of the board bill. After the first offense, the provisions are the same as those in Section 2-208 and 2-221(c).

(g) For Other Violations. Any person who shall violate, neglect or refuse to comply with any provision, regulation or requirement of this article for which a penalty is not specifically set forth for the violation, and upon conviction thereof, shall be punished by a fine of not more than $100.

VALIDITY OF ORDINANCE. Section 5. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/20/86 Second Reading: 11/3/86

Passed by the Governing Body this 3rd day of November, 1986.

Approved by the Mayor this 3rd day of November, 1986.

(SEAL)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly sworn, Deposes and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in and of general circulation in JOHNSON County, Kansas, with a general paid circulation on a yearly basis in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 7th day of, November 1986, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Deanna Martasin

Subscribe and sworn to before me this 7th day of November 19 86

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires:
Printer's Fee $ 153.62
Additional copies $

First Published in the Johnson County Sun, Friday, November 7, 1986.

ORDINANCE NO. 941 C

AN ORDINANCE RELATING TO ANIMAL CONTROL; NOISY AND DANGEROUS ANIMALS; AND REPEAL OF SECTIONS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

REPEAL OF SECTIONS. Section 1. Sections 2-210, 2-211, and 2-221 of the "Code of the City of Leawood, 1984", as originally adopted by Ordinance No. 829, are hereby repealed and the following enacted in lieu thereof:

2-210. NOISY AND DESTRUCTIVE ANIMALS. Section 2. (a) *Noisy Animals.* The keeping or harboring of any animal other than a dog, which by loud, frequent and habitual howling, yelping, mewing, roaring or screeching, shall disturb the peace of any neighborhood, is hereby prohibited and declared to be *a public nuisance* and unlawful under this article.

(b) **Barking Dogs.** The keeping or harboring of a barking dog is prohibited. "Barking dog" shall mean a dog: (1) that barks, bays, cries, howls or makes any other noise which is so loud and *continuous or untimely* as to disturb the sleep of an individual residing within one hundred (100) yards of the property on which the animal is kept or habored, said individual must state, in writing, that he or she will testify under oath to the excessive noise *produced* by the dog or; (2) that unreasonably disturbs two or more residents who are in general agreement as to the times and durations of the noise, and who reside in separate residences (including apartments and condominiums) located within one hundred yards of the property on which the animal is kept or harbored, said residents must state, in writing, that they will testify under oath to the excessive noise produced by the dog; and (3) a dog shall not be deemed a *"barking dog"* for the purposes of this Article, if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other *legitimate cause* which teased or provoked the dog.

(c) **Destructive Animals.** It shall be unlawful for the owner or harborer of any dog, cat or other animal to carelessly, willfully, or maliciously permit such dog, *cat or other animal to* destroy or damage property of any person other than that of such keeper or harborer.

2-211. DANGEROUS ANIMAL. Section 3. (a) **Dangerous Animal Defined.** Any dog or cat having a disposition or propensity to attack or bite *any person or animal* without provocation is *hereby defined as a "dangerous animal". For the purposes of this chapter, where* the official records of the Chief Animal Control Officer or City Clerk indicate a dog or cat has bitten any person or persons or *animal on two* or more separate occasions, it shall be *prima* facie evidence that said dog or cat is a dangerous animal.

In addition to the *provision* above, *if a law enforcement officer* or animal *control officer* has reasonable cause to believe that an animal exhibits *dangerous* tendencies and because of the condition likely to do immediate physical injury to persons or animals if allowed to remain at liberty, that animal shall be deemed a dangerous animal for the purpose of this article.

Actions of trained police dogs utilized by properly certified law enforcement officers in the course of official duty shall be exempt from the provisions of this section.

(b) **Dangerous Animal.** It shall be unlawful for any person within the City to keep, own, or *harbor any dangerous animal,* unless such persons shall keep such animal securely fastened, tied, and muzzled so that the animal cannot reach any person to injure such person, or shall keep the animal in an enclosure securely fenced so that the animal cannot escape therefrom.

(1) If any such animal is not so fastened, tied and muzzled, or fenced, the City may take the animal and impound it at a shelterhouse provided for such purpose or by a veterinarian, until such time as a hearing herein provided can be had, or until release to *the owner upon* condition that the animal shall be temporarily kept and considered to be a dangerous animal pending the hearing.

(2) Violation of the temporary condition shall be considered a first offense of this section.

(3) Upon complaint duly made to any law enforcement officer or animal control officer, and if the officer finds there is probable cause to believe such complaint is true, or if upon the officer's own observation of an animal, the officer has a reasonable belief that the *animal is* a dangerous animal, the officer shall make an attempt to notify and request the owner, keeper, or harborer of such animal to confine by such means as herein described said animal. In the event such owner, keeper, *or harborer cannot* be notified, refuses, or is unable to act upon such notification, or the immediate nature of the situation warrants action without notice, any law enforcement or animal control officer may capture and impound any such animal.

(4) In all cases where such complaint is made or where a law enforcement or animal control officer acts upon observations, regardless of whether such animal is taken into custody, a hearing shall be had for the determination of whether such animal is dangerous. *Upon a determination* that an animal is not dangerous, it shall be released to its owner, keeper, or harborer. The City shall pay accrued boarding fees when the animal is taken into custody under this section and found not to be *dangerous.* Upon a finding that an animal is dangerous, the animal shall be released to the custody of its owner, keeper, or harborer upon the condition that the provisions of this section pertaining to keeping and restraining the animal are met and accrued boarding fees are paid.

(5) The owner of any animal declared dangerous after the aforementioned hearing shall provide to the Police Department a color photograph of said animal, or shall allow the Police Department to photograph said animal so *that future positive* identification can be made. Within 48 hours of the loss, death, or change of ownership of such animal, the owner, keeper, or harborer shall notify the Police Department of such change in the animal's status.

(6) Any law enforcement or animal control officer is authorized to destroy any animal, whether previously determined to be dangerous or not, when, in his or her best judgement, no other course of action is possible to preserve the safety of the community.

(7) Any law enforcement or animal control officer shall impound, as a dangerous animal, any dog found at or in the immediate vicinity of an organized dog fight.

2-221. PENALTIES. Section 4. (a) **For Overdue License Fee.** If the license *fee required by Section* 2-202 is not paid within the times provided in said Section a $5 penalty will be added to the normal license fee.

After May 31st of each calendar year, if the tax imposed and required to be paid by Section 2-202 *remains* unpaid, the City Clerk may issue a complaint against the owner, keeper, or harborer for violation of Section 2-202.

In the case of any dog brought into the City on or after March 1st or dog attaining the age of six months on or after March 1st of any license year, if the license fee required by Section 2-202 is not paid within the times provided in the Section, the following penalty will apply in addition to the normal license fee:

(1) $2 during the first 30 days of *delinquency;*

(2) $5 after the first 30 days of delinquency.

(b) **For Running At Large Without Tag.** For the first offense the owner shall pay a fine of $25 plus the board bill; for the second offense a fine of $50 plus the board bill; for a third and subsequent offenses a fine of $100 plus the board bill.

(c) **For Running At Large With Tag.** For the first offense ~~of animal running at large~~ within the meaning of this Section, the owner or keeper claiming any animal, shall, in addition to presenting a license receipt, pay the cost of the board bill. For a second offense, the owner shall pay a fee of $25 plus the board bill. For a third and all subsequent offenses, the owner or keeper shall pay a fee of $50 plus the cost of the board bill.

(d) ***For a Dangerous Animal.***

(1) The penalty for failure to keep an animal found to be dangerous securely fastened or tied and muzzled or within a fenced enclosure pursuant to the provisions of this section shall be $100 for a first offense.

(2) Upon conviction of a second offense, the Court shall order the animal permanently removed from the City within three (3) days. Should the order of the Court be appealed, the animal must be removed from the City pending diposition of the appeal.

(3) Failure to comply with the removal order shall result in impoundment of the animal as provided elsewhere in this section and shall be punishable by a fine of $250 per day the dangerous animal remains in the City and/or thirty days confinement in the County jail.

(4) The penalty for failure to provide the required photograph or to notify the Police Department of any change in the animal's status shall be $100.

(e) **For Cruelty to Animals.** Any person who shall violate this Section shall on conviction thereof be subject to a minimum fine of not less than $100 and not more than $500 or imprisonment *in the Johnson* County jail not exceeding three months, or both such fine and imprisonment.

(f) **For Dogs At Large Temporarily in City.** The owner of any dog running at large who resides outside the City limits *may* claim his or her dog within seven days of the impounding upon the payment of a fine of $10 to the designated agency plus the cost of the board bill. After the first offense, the provisions are the same as those in Section 2-208 and 2-221(c).

(g) **For Other Violations.** Any person who shall violate, neglect or refuse to comply with any provision, regulation or requirement of this article for which a penalty is not specifically set forth for the violation, and upon conviction thereof, shall be punished by a fine of not more than *$100.*

VALIDITY OF ORDINANCE. Section 5. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional, or invalid for any reason, the remainder of this ordinance shall not be thereby *affected.*

TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/20/86 Second Reading: 11/3/86

Passed by the Governing Body this 3rd day of November, 1986.

Approved by the Mayor this 3rd day of November, 1986.

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander,
City Clerk

APPROVED FOR FORM AND CONTENT:

(s) R.S. Wetzler,
City Attorney

(8812 1D)

ORDINANCE NO. 940

AN ORDINANCE RELATING TO ACCEPTANCE OF DEED FOR STREET PURPOSES (STATE LINE ROAD IMPROVEMENT, 81ST-84TH) FROM ALEXANDER MAJORS HISTORICAL TRUST.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-589 . Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a deed for land to be used for street purposes, the legal description of which is as follows:

a tract of land in Lot G6 in "CRESTHILL ACRES", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at the intersection of the existing Easterly right-of-way line of State Line Road and the North line of Lot G6 of said subdivision; thence S 89° 22' 44" E along said North line, a distance of 13.32 feet to a point on the proposed right-of-way line of State Line Road; thence S 07° 09' 24" W along the proposed right-of-way line of State Line Road, a distance of 106.87 feet to a point on the existing Easterly right-of-way line of State Line Road; thence N 0° 00' 00" E along the said existing Easterly right-of-way line, a distance of 106.18 feet to the Point of Beginning, containing 707 square feet, more or less.

Also, a tract of land in Lot H7 in "CRESTHILL ACRES", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at the intersection of the existing Easterly right-of-way line of State Line Road and the South line of Lot H7 of said subdivision; thence N 0° 00' 00" E along the existing Easterly right-of-way line of State Line Road, a distance of 57.92 feet; thence Southeasterly along the proposed State Line Road right-of-way, on a curve to the left, with a radius of 5,691.908 feet and a chord bearing of S 01° 55' 52" E, an arc distance of 57.97 feet to a point on the South line of Lot H7 of said subdivision; thence N 89° 22' 44" W along the South line of Lot H7 of said subdivision, a distance of 1.95 feet to the Point of Beginning, containing 54 square feet, more or less.

19-590 . INCORPORATION BY REFERENCE. Section 2. A copy of said deed is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 9/15/86 Second Reading: 10/20/86

FORM NO. 1110—CLASS E 1636098 DEMAREE STATIONERY CO. 908 Walnut, Kansas City, Mo.

ORIGINAL NOT COMPARED WITH RECORD

Kansas Quit-Claim Deed

This Indenture, *Made on the* Twentieth *day of* August

A. D. One Thousand Nine Hundred and Eighty-Six *, by and between* Terry W. Chapman, Trustee of the Trust Established under the Will of Louisa P. Johnston (also known as the Alexander Majors Historical Trust)

of the County of Johnson *, State of* Kansas *, part* y *of the first, part, and* the CITY OF LEAWOOD,

of the County of Johnson *, State of* Kansas *, part* y *of the second part:*

*WITNESSETH, THAT SAID PART*Y *OF THE FIRST PART, in consideration of the sum of* ONE AND NO/HUNDREDTHS ($1.00) *DOLLARS, to* him *paid by said part* y *of the second part (the receipt of which is hereby acknowledged), do* es *by these presents Remise, Release and forever Quit-Claim unto the said part* y *of the second part the following described lots, tracts or parcels of land, lying, being and situate in the County of* Johnson *and State of Kansas, to-wit:*

A tract of land in Lot G6 in "CRESTHILL ACRES", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at the intersection of the existing Easterly right-of-way line of State Line Road and the North line of Lot G6 of said subdivision: thence S 89°22'44"E along said North line, a distance of 13.32 feet to a point on the proposed right-of-way line of State Line road; thence S07°09'24"W along the proposed right-of-way line of State Line Road, a distance of 106.87 feet to a point on the existing Easterly right-of-way line of State Line Road; thence N0°00'00"E along the said existing Easterly right-of-way line, a distance of 106.18 feet to the Point of Beginning; containing 707 square feet, more or less.

Also, a tract of land in Lot H7 in "CRESTHILL ACRES", a subdivision in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at the intersection of the existing Easterly right-of-way line of State Line Road and the South line of Lot H7 of said subdivision; thence N0°00'00"E along the existing Easterly right-of-way line of State Line Road, a distance of 57.92 feet; thence Southeasterly along the proposed State Line Road right-of-way, on a curve to the left, with a radius of 5,691.908 feet and a chord bearing of S01°55'52"E, an arc distance of 57.97 feet to a point on the South line of Lot H7 of said subdivision; thence N89°22'44"W along the South line of Lot H7 of said subdivision, a distance of 1.95 feet to the Point of Beginning; containing 54 square feet, more or less.

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD
1986 SEP -2 P 1:44 9
DUDE H. SCOTT
REGISTER OF DEEDS

6.00

Entered in Transfer Record
2 Day of Sept AD 19 86
DONALD J. CURRY
Johnson County Clerk

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges and appurtenances thereto belonging, unto said part y *of the second part and unto* its *heirs and assigns forever, so that neither the said party of the first part nor* his *heirs, nor any other person or persons for* him ~~or in his~~ *name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.*

IN WITNESS WHEREOF, The said part y *of the first part has hereunto set* his *hand and seal the day and year above written.*

Signed, sealed and delivered in the presence of us:

Terry W. Chapman (SEAL)
Terry W. Chapman, Trustee (SEAL)
of the Trust Established Under the (SEAL)
Will of Louisa P. Johnston (SEAL)
(also known as the Alexander Majors Historical Trust)

VOL 2415 PAGE 588

KANSAS ACKNOWLEDGMENT

STATE OF KANSAS
County of JOHNSON } ss.

BE IT REMEMBERED, That on this Twentieth day of August A. D. 19 86 before me, the undersigned, a Notary Public in and for said County and State, came Terry W. Chapman, Trustee of the Trust Established Under the Will of Louisa P. Johnston (also known as the Alexander Majors Historical Trust) who is personally known to me to be the same person who executed the within instrument of writing, and duly acknowledged the execution of the same. in the capacity stated.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

NOTARY PUBLIC STATE OF KANSAS
CYNTHIA R. PITTS
My Appt. Exp. 9-24-89

Cynthia R. Pitts
Cynthia R. Pitts

My commission expires 19

VOL 2415 PAGE 589

KANSAS ACKNOWLEDGMENT

STATE OF
County of } ss.

BE IT REMEMBERED, That on this day of A. D. 19 before me, the undersigned, a Notary Public in and for said County and State, came

who personally known to me to be the same person who executed the within instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

My commission expires 19

Quit-Claim Deed

FROM
Terry W. Chapman, Trustee

TO
The City of Leawood

Entered in Transfer Record in my office this
day of 19
County Clerk.

STATE OF KANSAS } ss.
County }
Received for Record on the
day of 19, at o'clock
M., and duly Recorded in Book
of at Page
Register of Deeds.

Fee, $

City of Leawood
9/17 Rec filed
Returned No.
[illegible]

ORDINANCE NO. 940
re Acceptance of Deed for Street Purposes
State Line Rd., 81st-84th

Passed by the Governing Body this 20th day of October, 1986.

Approved by the Mayor this 20th day of October, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM: R.S. Wetzler, City Attorney

First published in the Johnson County Sun, Friday, October 24, 1986.

ORDINANCE NO. 940

AN ORDINANCE RELATING TO ACCEPTANCE OF DEED FOR STREET PURPOSES (STATE LINE ROAD IMPROVEMENT, 81ST-84TH) FROM ALEXANDER MAJORS HISTORICAL TRUST.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-589. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a deed for land to be used for street purposes, the legal description of which is as follows:

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19-590. INCORPORATION BY REFERENCE. Section 2. A copy of said deed is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the offitcial City newspaper.

First Reading: 9/15/86 Second Reading: 10/20/86

Passed by the Governing Body this 20th day of October, 1986.

Approved by the Mayor this 20th day of October, 1986.

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander

City Clerk

APPROVED FOR FORM: /s/ R. S. Wetzler, City Attorney

(8716 1F)

AFFIDAVIT OF PUBLICATION

, JOHNSON COUNTY, ss: Deanna Martosin being first Duly say: That she is legal publications manager of THE JOHNSON mi-weekly newspaper printed in the State of Kansas, and published culation in JOHNSON County, Kansas, with a general paid circulation JOHNSON County, Kansas, and that said newspaper is not a trade, publication.

s a semi-weekly published at least weekly 50 times a year; has been uously and uninterruptedly in said county and state for a period of s prior to the first publication of said notice; and has been admitted F SHAWNEE MISSION, KANSAS in said County as a second class

d notice is a true copy thereof and was published in the regular and newspaper for ------One---------- consecutive ------(weeks, days) the first publication thereof being made as 24th day of, ---October--- 1986---, with subsequent made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martosin

Subscribe and sworn to before me this 24th day of October 1986

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------

Printer's Fee $ ----41.97----

Additional copies $ ----------

ORDINANCE NO. 939

AN ORDINANCE RELATING TO ACCEPTANCE OF AN EASEMENT FOR DRAINAGE PURPOSES FROM STUART L. AND DIANE R. SHARP.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,165. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a Drainage Easement, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, permanent easement to construct, maintain, alter, repair and replace drainage facilities and all appurtenances convenient or required, together with the right of ingress and egress over and through the following premises in the City of Leawood, Johnson County, Kansas, to-wit:

> A 15-foot drainage easement, 7.50 feet on either side of the following described line in the Northwest Quarter of Section 27, Township 13, Range 25, in Leawood, Johnson County, Kansas;
>
> Commencing at the Southwest corner of said Northwest Quarter; thence N 01° 58' 37" W along the West line of said NW1/4, a distance of 375.00 feet; thence N 88° 02' 34" E, a distance of 325.5 feet to a point on the South line of Lot 6, Block 4, WATERFORD, said point also being the point of beginning of the aforesaid drainage easement; thence S 26° 56' 35" E, a distance of 13.00 feet.

19-6,166. INCORPORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 9/15/86 Second Reading: 10/20/86

Passed by the Governing Body this 20th day of October, 1986.

Approved by the Mayor this 20th day of October, 1986.

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM: _____, City Attorney
R.S. Wetzler

1636099

DRAINAGE EASEMENT

This Agreement made and entered into this 21 day of May, 1986, by and between Stuart L. Sharp and Diane R. Sharp parties of the first part, and the City of Leawood, Johnson County, Kansas, party of the second part.

WITNESSETH: That for and in consideration of the location of a storm drainage facility said parties of the first part, do hereby remise, let and release to the party of the second part, the following described real estate to-wit:

A 15 foot drainage easement, 7.50 feet on either side of the following described line in the Northwest Quarter of Section 27, Township 13, Range 25, in Leawood, Johnson County, Kansas;

Commencing at the Southwest corner of said Northwest Quarter; thence N-01°58'37"-W along the West line of said NW¼, a distance of 375.00 feet; thence N-88°02'34"-E, a distance of 325.5 feet to a point on the South line of Lot 6, Block 4, WATERFORD, said point also being the point of beginning of the aforesaid drainage easement; thence S-26°56'35"-E, a distance of 13.00 feet.

for the sole use of said party of the second part as and for drainage purposes within said City; when same shall cease to be used for said purposes to revert to the grantors, their successors, assigns or grantees.

It is hereby mutually understood and agreed that said first parties hereby waives any claim for damages against the City of Leawood for damages of any and every kind occasioned by the location of said storm sewers.

IN WITNESS WHEREOF, said parties of the first part has hereunto set their hand and seal the day and year first above written.

Stuart L Sharp
Stuart L. Sharp

Diane R Sharp
Diane R. Sharp

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD
1986 SEP -2 P 1:45 5
RUBIE M. SCOTT
REGISTER OF DEEDS

5.00

STATE OF Kansas
BY _____ } SS:
COUNTY OF Johnson

BE IT REMEMBERED, that on this 21 day of May, 1986, before me, a Notary Public in and for said County and State, came Stuart L. Sharp and Diane R. Sharp to me personally known to be the same persons who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal the day and year last above written.

C. SUZANNE MONROE
NOTARY PUBLIC
STATE OF KANSAS

C Suzanne Monroe
C. Suzanne Monroe Notary Public

My Commission Expires:
August 23, 1986

5.00

ORDINANCE NO. 939

AN ORDINANCE RELATING TO ACCEPTANCE OF AN EASEMENT FOR DRAINAGE PURPOSES FROM STUART L. AND DIANE R. SHARP.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-6,165. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a Drainage Easement, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, permanent easements to construct, maintain, alter, repair and replace drainage facilities and all appurtenances convenient or required, together with the right of ingress and egress over and through the following premises in the City of Leawood, Johnson County, Kansas, to-wit:

> A 15-foot drainage easement, 7.50 feet on either side of the following described line in the Northwest Quarter of Section 27, Township 13, Range 25, in Leawood, Johnson County, Kansas;
>
> Commencing at the Southwest corner of said Northwest Quarter; thence N 01° 58' 37" W along the West line of said NW1/4, a distance of 375.00 feet; thence N 88° 02' 34" E, a distance of 325.5 feet to a point on the South line of Lot 6, Block 4, WATERFORD, said point also being the point of beginning of the aforesaid drainage easement; thence S 26° 56' 35" E, a distance of 13.00 feet.

19-6,166. INCORPORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 9/15/86 Second Reading: 10/20/86

Passed by the Governing Body this 20th day of October, 1986.

Approved by the Mayor this 20th day of October, 1986.

(S E A L)

Jean Wise
Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM: R.S. Wetzler, City Attorney

First published in the Johnson County Sun, Friday, October 24, 1986.

ORDINANCE NO. 939

AN ORDINANCE RELATING TO ACCEPTANCE OF AN EASEMENT FOR DRAINAGE PURPOSES FROM STUART L. AND DIANE R. SHARP.

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A 15-foot drainage easement, 7.50 feet on either side of the following described line in the Northwest Quarter of Section 27, Township 13, Range 25, in Leawood, Johnson County, Kansas;

Commencing at the Southwest corner of said Northwest Quarter; thence N 01° 58' 37" W along the West line of said NW ¼, a distance of 375.00 feet; thence N 88° 02' 34" E, a distance of 325.5 feet to a point on the South line of Lot 6, Block 4, WATERFORD, said point also being the point of beginning of the aforesaid drainage easement; thence S 26° 56' 35" E, a distance of 13.00 feet.

19-6,166. INCORPORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 9/15/86 Second Reading: 10/20/86

Passed by the Governing Body this 20th day of October, 1986.

Approved by the Mayor this 20th day of October, 1986.

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM: /s/ R. S. Wetzler, City Attorney

(8715 1F)

AFFIDAVIT OF PUBLICATION

JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly
say: That she is legal publications manager of THE JOHNSON
mi-weekly newspaper printed in the State of Kansas, and published
culation in JOHNSON County, Kansas, with a general paid circulation
OHNSON County, Kansas, and that said newspaper is not a trade,
publication.

a semi-weekly published at least weekly 50 times a year; has been
ously and uninterruptedly in said county and state for a period of
prior to the first publication of said notice; and has been admitted
SHAWNEE MISSION, KANSAS in said County as a second class

notice is a true copy thereof and was published in the regular and
newspaper for ---------One--------- consecutive
-------(weeks, days) the first publication thereof being made as
24th day of, --October-- 1986, with subsequent
made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this 24th day of October 19 86

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------

Printer's Fee $ ---------32.56---------

Additional copies $ ----------

ORDINANCE NO. 938

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-121. Section 1. The following described real property is hereby designated as being zoned R-1, Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

Lots 1 & 2, STONEBRIDGE ESTATES

(one-half mile east of Mission Rd. on the north side of 143rd St.)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 9/15/86 Second Reading: 10/20/86

Passed by the Governing Body this 20th day of October, 1986.

Approved by the Mayor this 20th day of October, 1986.

(SEAL)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM: R.S. Wetzler, City Attorney

First published in the Johnson County Sun, Friday, October 24, 1986.
ORDINANCE NO. 938
AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS
Be it ordained by the Governing Body of the City of Leawood, Kansas:
18-121. Section 1. The following described real property is hereby designated as being *zoned R-1*, Single Family Residential District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:
Lots 1 & 2, STONEBRIDGE ESTATES
(one-half mile east of Mission Rd. on the north side of 143rd St.)
TAKE EFFECT. Section 2. This ordinance *shall take effect* and be in force from and after its publication in the official City newspaper.
First Reading: 9/15/86 Second Reading: 10/20/86
Passed by the Governing Body this 20th day of October, 1986.
Approved by the Mayor this 20th day of October, 1986.
(SEAL)
(s) Jean Wise, Mayor
Attest:
(s) J. Oberlander, City Clerk
APPROVED FOR FORM /s/ R. S. Wetzler, City Attorney
(8714 1F)

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly Sworn on oath, say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a semi-weekly newspaper printed in the State of Kansas, and published in JOHNSON County, Kansas, with a general paid circulation on JOHNSON County, Kansas, with a general paid circulation in JOHNSON County, Kansas, and that said newspaper is not a trade, religious or political publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of SHAWNEE MISSION, KANSAS in said County as a second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---One--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the 24th day of, October 1986, with subsequent publications being made on the following dates:

----------, 19------ ----------, 19 ------

----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this 24th day of October 1986

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------
Printer's Fee $ 19.30
Additional copies $ ----------

ORDINANCE NO. 937

AN ORDINANCE VACATING A PORTION OF 127TH STREET; AUTHORIZATION OF DEED.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-587 . VACATION OF PORTION OF 127TH STREET AND AUTHORIZATION OF DEED. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby convey the following described property to Chartercorp. Properties, Inc.:

> All that part of 127th Street right-of-way, lying within the SW1/4 of Section 21, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, lying Southerly of and adjacent to Lots 3,2 and 1, Block 3, LEAWOOD FOREST ESTATES, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of said Lot 3; thence N 87° 51' 24" E, along the South line of said Lots 3, 2 and 1, a distance of 550 feet; thence Westerly and Southwesterly, along a curve to the left, having a radius of 330 feet, a central angle of 15° 33' 49", and whose initial tangent bearing is S 87° 51' 24" W, a distance of 89.64 feet, to a point of reverse curvature; thence Southwesterly and Westerly, along a curve to the right, having a radius of 270 feet, a central angle of 15° 33' 49", and whose initial tangent bearing is S 72° 17' 35" W, a distance of 73.34 feet, to a point of tangency, said point also being 8 feet North of the South line of the SW1/4 of said Section 21; thence S 87° 51' 24" W, along a line 8 feet North of and parallel to the South line of the SW1/4 of said Section 21, a distance of 363.04 feet, to a point of curvature; thence Westerly and Northwesterly, along a curve to the right, having a radius of 270 feet and a central angle of 5° 31' 21", a distance of 26.02 feet, to a point on the Southerly extension of the West line of said Lot 3; thence N 2° 08' 36" W, along the Southerly extension of the West line of said Lot 3, a distance of 20.75 feet, to the point of beginning.

19-588. INCORPORATION BY REFERENCE. Section 2. A copy of the deed vacating said property is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/20/86 Second Reading: 10/20/86

Passed by the Governing Body this 20th day of October, 1986.

Approved by the Mayor this 20th day of October, 1986.

FORM NO. 1110 CLASS E

1650144

DEMAREE STATIONERY CO., 908 Walnut, Kansas City, Mo.

ORIGINAL COMPARED WITH RECORD

Kansas Quit-Claim Deed

This Indenture, *Made on the* *day of* October

A. D. One Thousand Nine Hundred and Eighty Six *, by and between*

CITY OF LEAWOOD, JOHNSON COUNTY, KANSAS

of the County of Johnson *, State of* Kansas *, party of the first,*

part, and CHARTERCORP PROPERTIES, INC., a Kansas corporation

of the County of Johnson *, State of* Kansas *, party of the second part:*

WITNESSETH, THAT SAID PARTY OF THE FIRST PART, in consideration of the sum

of One Dollar and Other Good and Valuable Consideration ~~*DOLLARS*~~,

to it *paid by said party of the second part (the receipt of which is hereby acknowledged),*

do es *by these presents Remise, Release and forever Quit-Claim unto the said party of the*

second part the following described lots, tracts or parcels of land, lying, being and situate in the County

of Johnson *and State of Kansas, to-wit:*

Entered in Transfer Record
22 Day of Oct AD 1986
DONALD J. CURRY
Johnson County Clerk

All that part of 127th Street right-of-way, lying within the SW¼ of Section 21, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, lying Southerly of and adjacent to Lots 3, 2 and 1, Block 3, LEAWOOD FOREST ESTATES, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of said Lot 3; thence N 87° 51' 24" E, along the South line of said Lots 3, 2 and 1, a distance of 550 feet; thence Westerly and Southwesterly, along a curve to the left, having a radius of 330 feet, a central angle of 15° 33' 49", and whose initial tangent bearing is S 87° 51' 24" W, a distance of 89.64 feet, to a point of reverse curvature; thence Southwesterly and Westerly, along a curve to the right, having a radius of 270 feet, a central angle of 15° 33' 49", and whose initial tangent bearing is S 72° 17' 35" W, a distance of 73.34 feet, to a point of tangency, said point also being 8 feet North of the South line of the SW¼ of said Section 21; thence S 87° 51' 24" W, along a line 8 feet North of and parallel to the South line of the SW¼ of said Section 21, a distance of 363.04 feet, to a point of curvature; thence Westerly and Northwesterly, along a curve to the right, having a radius of 270 feet and a central angle of 5° 31' 21", a distance of 26.02 feet, to a point on the Southerly extension of the West line of said Lot 3; thence N 2° 08' 36" W, along the Southerly extension of the West line of said Lot 3, a distance of 20.75 feet, to the point of beginning.

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD
1986 OCT 22 P 3:58 5
RUBIE M. SCOTT
REGISTER OF DEEDS
BY _____ DEP
7.00

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges and appurtenances thereto belonging, unto said party of the second part and unto its successors *heirs and assigns forever, so that neither the said party of the first part nor* its successors *heirs, nor any other person or persons for* it *or in* its *name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.*

IN WITNESS WHEREOF, The said party of the first part ha hereunto set its *hand and seal the day and year above written.*

Jean Dise (SEAL)
_____ (SEAL)
_____ (SEAL)
_____ (SEAL)

Signed, sealed and delivered in the presence of us:

Kingman Hogel Darby
Mark Archibald

70.00 cash

VOL 2447 PAGE 353

KANSAS ACKNOWLEDGMENT

STATE OF _____ }ss.
County of _____

BE IT REMEMBERED, That on this _____ day of _____ A. D. 19____ before me, the undersigned, a Notary Public in and for said County and State, came _____

who _____ personally known to me to be the same person _____ who executed the within instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

_____

My commission expires _____ 19____. _____

KANSAS ACKNOWLEDGMENT

STATE OF _____ }ss.
County of _____

BE IT REMEMBERED, That on this _____ day of _____ A. D. 19____ before me, the undersigned, a Notary Public in and for said County and State, came _____

who _____ personally known to me to be the same person _____ who executed the within instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

_____

My commission expires _____ 19____. _____

Quit-Claim Deed

FROM

City of Leawood, Kansas

Johnson County, Kansas

TO

Chartercorp Properties, Inc.

Entered in Transfer Record in my office this _____ day of _____ 19____

County Clerk.

STATE OF KANSAS }ss.
_____ County

Received for Record on the _____ day of _____ 19____, at ____ o'clock ____ M., and duly Recorded in Book _____ of _____ at Page _____

Register of Deeds.

Fee, $ _____

Mark Ambrosek
9617 Lee Blvd
Leawood Ks 66206

STATE OF KANSAS)
) ss
COUNTY OF JOHNSON)

The foregoing instrument was acknowledged before me this 27 of October, 1986, by Jean Wise, Mayor of City of Leawood, Johnson County, Kansas.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Jinny Oberlander

My commission expires:
8-16-87

NOTARY PUBLIC STATE OF KANSAS
JINNY OBERLANDER
My Appt. Exp. 8-16-87

(S E A L)

Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM AND CONTENT: R.S. Wetzler, City Attorney

First published in the Johnson County Sun, Friday, October 24, 1986.

ORDINANCE NO. 937

AN ORDINANCE VACATING A PORTION OF 127TH STREET; AUTHORIZATION OF DEED.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

19-587. VACATION OF PORTION OF 127TH STREET AND AUTHORIZATION OF DEED. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby convey the following described property to Chartercorp Properties, Inc.:

All that part of 127th Street right-of-way, lying within the SW ¼ of Section 21, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, lying Southerly of and adjacent to Lots 3, 2 and 1, Block 3, LEAWOOD FOREST ESTATES, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of said Lot 3; thence N 87° 51' 24" E, along the South line of said Lots 3, 2 and 1, a distance of 550 feet; thence Westerly and Southwesterly, along a curve to the left, having a radius of 330 feet, a central angle of 15° 33' 49", and whose initial tangent bearing is S 87° 51' 24" W, a distance of 89.64 feet, to a point of reverse curvature; thence Southwesterly and Westerly, along a curve to the right, having a radius of 270 feet, a central angle of 15° 33' 49", and whose initial tangent bearing is S 72° 17' 35" W, a distance of 73.34 feet, to a point of tangency, said point also being 8 feet North of the South line of the SW ¼ of said Section 21; thence S 87° 51' 24" W, along a line 8 feet North of and parallel to the South line of the SW ¼ of said Section 21, a distance of 363.04 feet, to a point of curvature; thence Westerly and Northwesterly, along a curve to the right, having a radius of 270 feet and a central angle of 5° 31' 21", a distance of 26.02 feet, to a point on the Southerly extension of the West line of said Lot 3; thence N 2° 08' 36" W, along the Southerly extension of the West line of said Lot 3, a distance of 20.75 feet, to the point of beginning.

19-588. INCORPORATION BY REFERENCE. Section 2. [redacted] erty is attached hereto and thereby incorporated by reference.

TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/20/86 Second Reading: 10/20/86

Passed by the Governing Body this 20th day of October, 1986.

Approved by the Mayor this 20th day of October, 1986.

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM AND CONTENT: /s/ R. S. Wetzler, City Attorney

(8713 1F)

AFFIDAVIT OF PUBLICATION

AS, JOHNSON COUNTY, ss: Deanna Martasin being first Duly
nd say: That she is legal publications manager of THE JOHNSON
semi-weekly newspaper printed in the State of Kansas, and published
circulation in JOHNSON County, Kansas, with a general paid circulation
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------(weeks, days) the first publication thereof being made as
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ing made on the following dates:

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----------, 19 ------ ----------, 19------

Deanna Martasin

Subscribe and sworn to before me this 24th day of October 19 86

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------

Printer's Fee $ ---41.97---

Additional copies $ ----------

ORDINANCE NO. 936

AN ORDINANCE RELATING TO ZONING OF PROPERTY (LEAWOOD CAMPUS) IN THE CITY OF LEAWOOD, KANSAS.

Be it ordained by the Governing Body of the City of Leawood, Kansas:

18-1806. Section 1. The following described real property is hereby designated as being zoned CP-O, Planned Office Building District, in accordance with the terms of the "Zoning Ordinance" of April 17, 1978, this property having been previously zoned A, Agricultural:

All that part of the NW 1/4 of Section 15 and all that part of the NE1/4 of Section 16, all in the Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of the NE 1/4 of said Section 16; thence N 1° 28' 03" W, along the West line of the NE 1/4 of said Section 16, a distance of 843.54 feet; thence N 88° 31' 57" E, a distance of 231.82 feet, to a point of curvature; thence Easterly and Southeasterly, along a curve to the right, having a radius of 1550 feet and a central angle of 16° 23' 13" , a distance of 443.31 feet, to a point of tangency; thence S 75° 04' 50" E, a distance of 322.24 feet, to a point of curvature; thence Easterly, Southeasterly and Northeasterly, along a curve to the left, having a radius of 600 feet and a central angle of 66° 36', a distance of 697.43 feet, to a point of tangency; thence N 38° 19' 10" E, a distance of 470.66 feet to a point of curvature; thence Northeasterly, along a curve to the right, having a radius of 400 feet and a central angle of 39° 41' 24", a distance of 277.09 feet; thence N 1° 58' 10" W, a distance of 155.50 feet; thence N 35° 44' 17" E, a distance of 355.43 feet; thence N 88° 32' 27" E, a distance of 750 feet, to a point on the East line of the West 450 feet of the NW1/4 of said Section 15; thence S 1° 27' 33" E, along the East line of the West 450 feet of the NW 1/4 of said Section 15, a distance of 614.46 feet; thence S 87° 50' 04" W, along the South line of the North 1499.35 feet of the NW 1/4 of said Section 15, a distance of 450.03 feet, to a point on the West line of the NW 1/4 of said Section 15; thence S 1° 27' 33" E, along the East line of the NE 1/4 of said Section 16, a distance of 1165.23 feet, to the Southeast corner thereof; thence S 87° 48' 29" W, along the South line of the NE 1/4 of said Section 16, a distance of 2657.62 feet, to the point of beginning.

Containing 68.923 gross acres of land more or less.

(southeast corner, College & Roe)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 10/20/86 Second Reading: 10/20/86

Passed by the Governing Body this 20th day of October, 1986.

Approved by the Mayor this 20th day of October, 1986.

(S E A L)

Jean Wise
Jean Wise Mayor

Attest:

J. Oberlander City Clerk

APPROVED FOR FORM: R.S. Wetzler, City Attorney

First Published in the Johnson County Sun, Friday, October 24, 1986.

ORDINANCE NO. 936

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All that part of the NW ¼ of Section 15 and all that part of the NE¼ of Section 16, all in the Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly desribed as follows:

Beginning at the Southwest corner of the NE ¼ of said Section 16' thence N 1° 28' 03" W, along the West line of the NE ¼ of said Section 16, a distance of 843.54 feet; thence N 88° 31' 57" E, a distance of 231.82 feet, to a point of curvature; thence Easterly and Southeasterly, along a curve to the right, having a radius of 1550 feet and a central angle of 16° 23' 13", a distance of 443.31 feet, to a point of tangency; thence S 75° 04' 50" E, a distance of 322.24 feet, to a point of curvature; thence Easterly, Southeasterly and Northeasterly, along a curve to the left, having a radius of 600 feet and a central angle of 66° 36', a distance of 697.43 feet, to a point of tangency; thence N 38° 19' 10" E, a distance of 470.66 feet to a point of curvature; thence Northeasterly, along a curve to the right, having a radius of 400 feet and a central angle of 39° 41' 24", a distance of 277.09 feet; thence N 1° 58' 10" W, a distance of 155.50 feet; thence N 35° 44' 17" E, a distance of 355.43 feet; thence N 88° 32' 27" E, a distance of 750 feet, to a point on the East line of the West 450 feet of the NW¼ of said Section 15; thence S 1° 27' 33" E, along the East line of the West 450 feet of the NW ¼ of said Section 15, a distance of 614.46 feet; thence S 87° 50' 04" W, along the South line of the North 1499.35 feet of the NW ¼ of said Section 15, a distance of 450.03 feet, to a point on the West line of the NW ¼ of said Section 15; thence S 1° 27' 33" E, along the East line of the NE ¼ of said Section 16, a distance of 1165.23 feet, to the Southeast corner thereof; thence S 87° 48' 29" W, along the South line of the NE ¼ of said Section 16, a distance of 2657.62 feet, to the point of beginning.

Containing 68.923 gross acres of land more or less.

(southeast corner, College & Roe)

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First Reading: 10/20/86 Second Reading: 10/20/86

Passed by the Governing Body this 20th day of October, 1986.

Approved by the Mayor this 20th day of October, 1986.

(s) Jean Wise, Mayor

(SEAL)

Attest:

(s) J. Oberlander, City Clerk

APPROVED FOR FORM:

(s) R.S. Wetzler, City Attorney

(8712 1F)

AFFIDAVIT OF PUBLICATION

S, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly d say: That she is legal publications manager of THE JOHNSON emi-weekly newspaper printed in the State of Kansas, and published rculation in JOHNSON County, Kansas, with a general paid circulation JOHNSON County, Kansas, and that said newspaper is not a trade, publication.

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Deanna Martasin

Subscribe and sworn to before me this 24th day of October 1986

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My App. Expires Jan. 25, 1988

My Commission expires: ----------

Printer's Fee $ ---46.67---

Additional copies $ ----------