

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORD.
1083	12/19/88	12/25/88	N/A	AN ORD. REPEALING ARTICLES 11 & 12 OF THE "ZONING ORDINANCE", ENTITLED "RP-5 Planned Apartment House District" and "RP-6 Planned High Rise Apartment District" respectively.
1084	12/19/88	12/21/88	N/A	AN ORD. AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES, SERIES 89C, PROJECT 118; POLICE/COURT BUILDING AND FIRE STATION #1; \$100,000
1085	12/19/88	12/21/88	N/A	AN ORD. AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES, SERIES 89A, PROJECT 116; 95TH STREET, STATE LINE TO WENONGA: \$100,000
1086	12/19/88	12/21/88	N/A	AN ORD. AUTHORIZING THE ISSUANCE OF RENEWAL TEMPORARY NOTES, SERIES L.I.D. 88-1-89B, PROJECT 113; TOMAHAWK CREEK PARKWAY; \$500,000
1087 C	12/19/88	12/25/88	X	AN ORD. AMENDING THE CODE OF THE CITY OF LEAWOOD; PARKING PROHIBITED ON CERTAIN STREETS IN THE CITY OF LEAWOOD - to add 123rd St.
1088	1/3/89	1/11/89	N/A	AN ORD. ACCEPTING A PERMANENT SANITARY SEWER EASEMENT FROM HALLBROOK FARMS
1089	1/16/89	1/20/89	N/A	AN ORD. GRANTING AN EASEMENT TO JOHNSON COUNTY WASTEWATER DISTRICT FOR CONSTRUCTION OF SANITARY SEWERS; HALLBROOK SUBDIVISION, PHASE 2.
1090	2/6/89	2/8/89	N/A	AN ORD. AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTIONS OF 119TH ST., STATE LINE/MISSION
1091	2/6/89	2/8/89	N/A	AN ORD. AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF R-O-W FOR CONSTRUCTION OF TOMAHAWK CREEK PARKWAY AND COLLEGE BLVD. - Marshal Gordon and Marshal Long properties (condemnation)
1092 C	3/6/89	3/10/89	X	AN ORD. RELATING TO THE DUTIES OF THE CITY ADMINISTRATOR - specifically as purchasing agent for the City; approval of emergency expenditures

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORD.
1074	11/7/88	11/11/88	N/A	AN ORD. RELATING TO ZONING - A TO RP-4, Nichols Estates, 151st & Na11
1075	11/7/88	11/11/88	N/A	AN ORD. RELATING TO ZONING - A TO CP-1, Nichols Estates, 151st & Na11
1076	11/7/88	11/11/88	N/A	AN ORD. PROVIDING FOR THE ISSUANCE OF RENEWAL TEMPORARY NOTES, SERIES L.I.D. 86-1-88D, PROJECT 107; ROE AVE., 112TH TO 121ST STREETS; \$270,000
1077	11/21/88	11/25/88	N/A	AN ORD. AUTHORIZING THE IMPROVEMENT OF LEE BLVD.
1078	11/22/88	11/25/88	N/A	AN ORD. AUTHORIZING THE IMPROVEMENT OF COLLEGE BLVD. - Tomahawk Creek Parkway to a point 755 feet west of Tomahawk Creek Parkway
1079	12/5/88	12/9/88	N/A	AN ORD. AUTHORIZING THE ISSUANCE OF \$1,307,690 OF GENERAL OBLIGATION BONDS, SERIES 1988-C, FOR THE CONSTRUCTION OF KENNETH RD., SOUTH PORTION
1080	12/5/88	12/9/88	N/A	AN ORD. REZONING A TO RP-1 - BRITTANY WOODS, approx. 155th & Na11
1081 C	12/5/88	12/9/88	X	AN ORD. CREATING A "LAW ENFORCEMENT TRUST FUND" FOR DEPOSIT OF MONIES AND PROCEEDS FORFEITED TO THE CITY OF LEAWOOD POLICE DEPT. RELATING TO CONTROLLED SUBSTANCE INVESTIGATION FORFEITURES.
1082	12/5/88	12/9/88	N/A	AN ORD. ACCEPTING AN EASEMENT FOR DRAINAGE PURPOSES RELATING TO THE NALL AVE. IMPROVEMENT, SOUTH OF 143RD ST.

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORD.
1061	8/15/88	8/19/88	N/A	AN ORD. AUTHORIZING ISSUANCE OF \$3,090,000 GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 1988
1062	8/15/88	8/19/88	N/A	AN ORD. RELATING TO ZONING OF PROPERTY - A to R-1; approx. 131st, between Mission & Roe; Waterford, 4th Plat
1063	8/15/88	8/19/88	N/A	AN ORD. RELATING TO ZONING OF PROPERTY - A to R-1; approx. 131st & Glenfield; part of Waterford, 3rd Plat
1064	8/15/88	8/19/88 & 8/26/88	N/A	AN ORD. ESTABLISHING 1989 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM
1065	9/6/88	9/9/88	N/A	AN ORD. AUTHORIZING IMPROVEMENT OF 95TH STREET
1066	9/6/88	9/9/88	N/A	AN ORD. RELATING TO FENCES AND WALLS - amends the "Zoning Ord."
1067 C	9/19/88	9/21/88	X	AN ORD. RELATING TO RESIDENTIAL PICKETING
1068	9/19/88	9/28/88	N/A	AN ORD. REASSESSING PARCELS OF GROUND TO PAY COST OF CONSTRUCTION OF KENNETH RD., SOUTH PORTION, ID85-4, PROJECT 102.
1069	9/19/88	9/21/88	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES, \$1,300,000, SERIES L.I.D. 86-6-88B, PROJECT 102, KENNETH RD., SOUTH PORTION
1070	9/19/88	9/21/88	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES, \$100,000, SERIES 88C, PROJECT 116, 95TH STREET, STATE LINE RD. TO WENONGA
1071	10/3/88	10/7/88	N/A	AN ORD. RELATING TO ZONING - A & AR-2 to R-1; a portion of Nichols Estates, approx. 147th/151st and Nell
1072 C	10/3/88	10/7/88 (eff. 1/1/89)	X	AN ORD. RELATING TO WARD BOUNDARY CHANGES - minor changes to comply with federal census guidelines
1073 C	10/17/88	10/28/88	X	AN ORD. DESIGNATING MAIN TRAFFICWAYS

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORD.
1051	6/20/88	6/22/88	N/A	AN ORD. GRANTING A PERMANENT DRAINAGE EASEMENT TO KANSAS CITY, MO., FOR STORM DRAINAGE PURPOSES - 8400 State Line (Black & Veatch) building
1052	6/20/88	6/22/88	N/A	AN ORD. LEVYING ASSESSMENTS TO PAY COST OF IMPROVING STATE LINE, 81ST/85TH
1053	6/20/88	6/22/88	N/A	AN ORD. LEVYING ASSESSMENTS TO PAY COST OF CONSTRUCTION OF NALL AVE., 119TH/COLLEGE BLVD.
1054	6/20/88	6/22/88	N/A	AN ORD. LEVYING ASSESSMENTS TO PAY COST OF CONSTRUCTION OF 119TH ST., ROE/MISSION
1055	6/20/88	6/22/88	N/A	AN ORD. LEVYING ASSESSMENTS TO PAY COST OF CONSTRUCTION OF KENNETH RD. (RE-ALIGNMENT), NORTH PORTION, I.D. 85-3
1056 C	6/20/88	6/22/88	X	AN ORD. AMENDING SECTIONS OF CHAPTER I (ADMINISTRATION) OF THE CODE OF THE CITY OF LEAWOOD
1057	6/27/88	6/29/88	N/A	AN ORD. LEVYING ASSESSMENTS TO PAY COST OF CONSTRUCTION OF KENNETH RD., SOUTH PORTION, I.D. 85-4
1058	7/5/88	7/13/88	N/A	AN ORD. RELATING TO ZONING OF PROPERTY - from A to R-1, 132nd & Mission Rd., Blue Valley Elementary School
1059	7/5/88	7/13/88	N/A	AN ORD. GRANTING AN EASEMENT TO SWBELL FOR UTILITY PURPOSES FOR A CONTROLLED ENVIRONMENT VAULT AT THE SOUTH FIRE STATION
1060	8/1/88	8/5/88	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES L.I.D. 86-1-88A, Project 107; Roe Ave., 112th/121st; \$215,000

ORD NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT FOR ORD.
1037	3/7/88	3/11/88	N/A	AN ORD. RELATING TO ZONING - J.C. Nichols Estates, approx. 147th & Nail, southeast corner, A to AR-2
1038	3/7/88	3/11/88	N/A	AN ORD. RELATING TO ZONING - Carriage Crossing, approx. 129th & Nail, northeast corner, RP-4 to RP-1
1039 C	3/7/88	3/11/88	X	AN ORD. ESTABLISHING A NEW OFFENSE - PERMITTING, MAINTAINING, OR KEEPING A PUBLIC NUISANCE
1040 C	3/7/88	3/11/88	X	AN ORD. ESTABLISHING A NEW OFFENSE - DISTURBING THE PEACE
1041 C	3/7/88	3/11/88	X	AN ORD. RELATING TO ANNUAL COMMITTEE APPOINTMENTS
1042 C	3/7/88	3/11/88	X	AN ORD. RELATING TO CITY COUNCIL PRESIDING OFFICERS; APPOINTMENT; ROTATING TERMS
1043 C	3/28/88	4/6/88	X	AN ORD. AMENDING THE CODE RELATING TO SOLICITATION
1044	3/28/88	3/30/88	N/A	AN ORD. AUTHORIZING REDEMPTION OF \$5,200,000 INDUSTRIAL REVENUE BONDS AND AUTHORIZING SALE OF FACILITY; LEAWOOD EXECUTIVE CENTRE
1045	3/28/88	3/30/88	N/A	AN ORD. AUTHORIZING LEASE/PURCHASE AGREEMENT FOR STREET SWEEPER
1046 C	3/28/88	4/6/88	X	AN ORD. ADOPTING THE 1986 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE"
1047 C	4/4/88	4/8/88	X	AN ORD. RELATING TO LEAWOOD ARTS COMMITTEE
1048 C	4/4/88	4/8/88	X	AN ORD. RELATING TO STORMWATER REGULATIONS
1049 C	4/18/88	4/22/88	X	AN ORD. CREATING THE LEAWOOD PUBLIC BUILDING COMMISSION
1050 C	5/16/88	5/20/88	X	AN ORD. RELATING TO ANIMAL CONTROL ON LEAWOOD TOMAHAWK GREENWAY

ORDINANCE NO. 1092C

Repealed by:  
ORDINANCE NO. 1230C  
Adopted: 7/15/91  
Effective: \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 1-306 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO THE DUTIES OF THE CITY ADMINISTRATOR, AND REPEAL OF EXISTING SECTION.

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

Section 1. Section 1-306 of the Code of the City of Leawood is hereby amended to read as follows:

1-306. DUTIES. The city administrator shall: (a) Be the chief administrative assistant to the mayor and as such shall be the administrative officer of the city government. Except as otherwise specified by ordinance or by law of the State of Kansas, the city administrator shall coordinate and generally supervise the operation of all departments of the city;

(b) Be the purchasing agent for the city, and all purchases amounting to \$5,000 or less shall be made under his or her general direction and supervision. All purchases over \$5,000, except for emergency repair or maintenance to city-owned facilities or equipment, shall be approved by the city council. Those emergency repairs or maintenance purchases shall be approved by the city administrator. All purchases shall be made in accordance with the purchasing rules and procedures approved by the city council;

(c) Be the budget officer of the city and with the assistance of all department heads shall assemble estimates of the financial needs and resources of the city for each ensuing year and shall prepare a program of activities within the financial power of the city, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the mayor and city council for their final approval;

(d) Make monthly reports to the mayor and city council relative to the financial condition of the city. Such reports shall show the financial condition of the city in relation to the budget;

(e) Prepare and present to the mayor and city council an annual report of the city's affairs, including in such a report a summary of reports of department heads and such other reports as the mayor and city council may require;

(f) Act as the personnel officer of the city and shall recommend an appropriate position and classification system and pay plan to the mayor and city council. The city administrator, after consultation with department heads, shall approve advancements and appropriate pay increases

Repealed by:  
ORDINANCE NO. 1230C  
Adopted: 7/15/91  
Effective: \_\_\_\_\_

within the approved pay plans and position classification system in order to coordinate compliance with same. The city administrator, after consultation with and acting through the appropriate department heads, shall have the power to appoint and remove all subordinate employees of the city, subject to the personnel system regulations approved by the city council. The city administrator shall make recommendations to the mayor and city council concerning appointment and removal of department heads;

(g) Recommend to the mayor and city council adoption of such measures as he or she may deem necessary or expedient for the health, safety, or welfare of the city or for the improvement of administrative services for the city;

(h) Submit to the mayor and city council a proposed agenda for each council meeting at least 72 hours before the time of the regular council meeting;

(i) Work with all city commissions and committees to help coordinate the work of each;

(j) Attend all meetings of the city council unless excused by the mayor;

(k) Supervise the preparation of all bid specifications for services and equipment, and receive sealed bids for presentation to the city council;

(l) Coordinate federal and state programs which may have application to the city;

(m) Attend state and regional conferences and programs applicable to the office, and the business of the city, whenever such attendance is directed and approved by the city council and mayor;

(n) Keep full and accurate records of all actions taken by him or her in the course of his or her duties, and he or she shall safely and properly keep all records and papers belonging to the city and entrusted to his or her care in accordance with federal and Kansas state statutes. All such records shall be and remain the property of the city and be open to inspection by the mayor and city council at all times;

(o) Perform any and all other duties or functions prescribed by the mayor and city council.

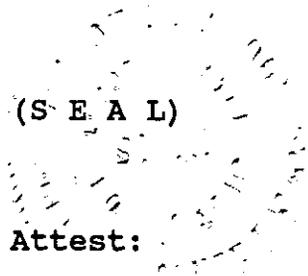
Section 2. Section 1-306 of the Code of the City of Leawood is hereby repealed.

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

Passed by the Council the 6th day of March, 1989.

Approved by the Mayor the 7th day of March, 1989.

(S E A L)

  
Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

APPROVED FOR FORM: R.S. Wetzler City Attorney

**AFFIDAVIT OF PUBLICATION**

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martalin** 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 March 1989, with subsequent publications being made on the following dates:

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

*Deanna Martalin*

Subscribe and sworn to before me this 10th day of March 1989

*Pearlie A. Peterson*

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1992

My Commission expires: -----  
Printer's Fee \$ 98.34  
Additional copies \$ -----

First published in the Johnson County Sun, Friday, March 10, 1989.

ORDINANCE NO. 1092C

AN ORDINANCE AMENDING SECTION 1-306 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO THE DUTIES OF THE CITY ADMINISTRATOR, AND REPEAL OF EXISTING SECTION.

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

Section 1. Section 1-306 of the Code of the City of Leawood is hereby amended to read as follows:

1-306. DUTIES. The city administrator shall: (a) Be the chief administrative assistant to the mayor and as such shall be the administrative officer of the city government. Except as otherwise specified by ordinance or by law of the State of Kansas, the city administrator shall coordinate and generally supervise the operation of all departments of the city;

(b) Be the purchasing agent for the city, and all purchases amounting to \$5,000 or less shall be made under his or her general direction and supervision. All purchases over \$5,000, except for emergency repair or maintenance to city-owned facilities or equipment, shall be approved by the city council. Those emergency repairs or maintenance purchases shall be approved by the city administrator. All purchases shall be made in accordance with the purchasing rules and procedures approved by the city council;

(c) Be the budget officer of the city and with the assistance of all department heads shall assemble estimates of the financial needs and resources of the city for each ensuing year and shall prepare a program of activities within the financial power of the city, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the mayor and city council for their final approval;

(d) Make monthly reports to the mayor and city council relative to the financial condition of the city. Such reports shall show the financial condition of the city in relation to the budget;

(e) Prepare and present to the mayor and city council an annual report of the city's affairs, including in such a report a summary of reports of department heads and such other reports as the mayor and city council may require;

(f) Act as the personnel officer of the city and shall recommend an appropriate position and classification system and pay plan to the mayor and city council. The city administrator, after consultation with department heads, shall approve advancements and appropriate pay increases within the approved pay plans and position classification system in order to coordinate compliance with same. The city administrator, after consultation with and acting through the appropriate department heads, shall have the power to appoint and remove all subordinate employees of the city, subject to

the personnel system regulations approved by the city council. The city administrator shall make recommendations to the mayor and city council concerning appointment and removal of department heads;

(g) Recommend to the mayor and city council adoption of such measures as he or she may deem necessary or expedient for the health, safety, or welfare of the city or for the improvement of administrative services for the city;

(h) Submit to the mayor and city council a proposed agenda for each council meeting at least 72 hours before the time of the regular council meeting;

(i) Work with all city commissions and committees to help coordinate the work of each;

(j) Attend all meetings of the city council unless excused by the mayor;

(k) Supervise the preparation of all bid specifications for services and equipment, and receive sealed bids for presentation to the city council;

(l) Coordinate federal and state programs which may have application to the city;

(m) Attend state and regional conferences and programs applicable to the office, and the business of the city, whenever such attendance is directed and approved by the city council and mayor;

(n) Keep full and accurate records of all actions taken by him or her in the course of his or her duties, and he or she shall safely and properly keep all records and papers belonging to the city and entrusted to his or her care in accordance with federal and Kansas state statutes. All such records shall be and remain the property of the city and be open to inspection by the mayor and city council at all times;

(o) Perform any and all other duties or functions prescribed by the mayor and city council.

Section 2. Section 1-306 of the Code of the City of Leawood is hereby repealed.

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

Passed by the Council the 6th day of March, 1989.

Approved by the Mayor the 7th day of March, 1989.

(SEAL)

(s) Marcia Rinehart

Mayor

(s) Martha Heizer

City Clerk

APPROVED FOR FORM: /s/ R. S. Wetzler

City Attorney

ORDINANCE NO. 1091

AN ORDINANCE AUTHORIZING AND PROVIDING FOR ACQUISITION  
OF RIGHT-OF-WAY FOR CONSTRUCTION OF TOMAHAWK CREEK PARKWAY  
AND COLLEGE BOULEVARD

WHEREAS, the Governing Body of the City of Leawood did by resolution approve on February 6, 1989 declare the necessity of appropriating certain private property for the use of the City; and

WHEREAS, the Governing Body has previously 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:

19-130. 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 Tomahawk Creek Parkway and College Boulevard. Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire the following described interests and property:

All that part of the NW 1/4 of Section 15, 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 NW 1/4 of said Section 15; thence N 87° 50' 04" E, along the North line of the NW 1/4 of said Section 15, a distance of 450.04 feet, to the true point of beginning of

subject tract; thence continuing N 87° 50' 04" E, along the North line of the NW 1/4 of said Section 15, a distance of 1039.96 feet, to a point on the Westerly right-of-way line of Tomahawk Creek Parkway, as now established; thence S 2° 09' 56" E, along the Westerly right-of-way line of said Tomahawk Creek Parkway, a distance of 40 feet, to a point of curvature; thence Southerly and Southwesterly, along the Westerly right-of-way line of said Tomahawk Creek Parkway, said line being on a curve to the right, having a radius of 250 Feet, and a central angle of 28° 20' 39", a distance of 123.68 feet, to a point of compound curvature; thence Southwesterly, along the Westerly right-of-way line of said Tomahawk Creek Parkway, said line being on a curve to the right, having a radius of 1812.50 feet, a central angle of 8° 15' 56", and whose initial tangent bearing is S 26° 10' 43" W, a distance of 261.47 feet; thence N 1° 28' 52" W, a distance of 339.11 feet, to a point 40 feet South of the North line of the NW 1/4 of said Section 15; thence S 87° 50' 04" W, along a line 40 feet South of and parallel to the North line of the NW 1/4 of said Section 15, a distance of 874.25 feet; thence N 1° 27' 33" W, a distance of 40 feet, to the true point of beginning of subject tract.

The above described tract of land contains 1.75042 acres, more or less.

All that part of the SW 1/4 of Section 10, 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 SW 1/4 of said Section 10; thence N 87° 50' 04" E, along the South line of the SW 1/4 of said Section 10, a distance of 718.24 feet, to the true point of beginning of subject tract; thence continuing N 87° 50' 04" E, along the South line of the SW 1/4 of said Section 10, a distance of 606.04 feet; thence N 1° 55' 24" W, a distance of 55 feet, to a point 55 feet North of the South line of the SW 1/4 of said Section 10; thence S 87° 50' 04" W, along a line 55 feet North of and parallel to the South line of the SW 1/4 of said Section 10, a distance of 606.27 feet; thence S 2° 09' 56" E, a distance of 55 feet, to the true point of beginning of subject tract.

The above described tract of land contains 0.76534 acres, 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.

PASSED AND APPROVED THIS 6th DAY OF February, 1989.

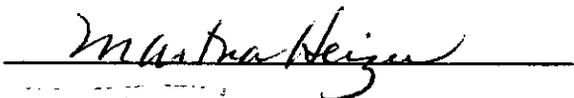
APPROVED BY THE MAYOR THIS 7th DAY OF February, 1989.

( S E A L )



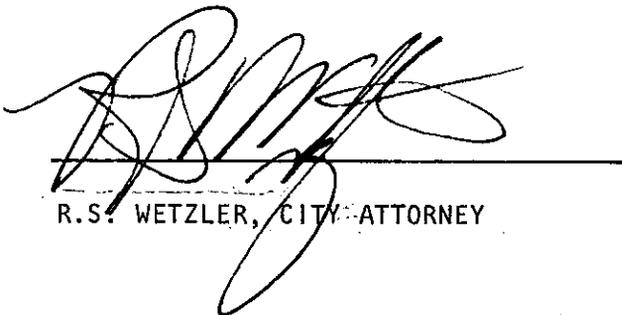
MARCIA RINEHART, MAYOR

ATTEST:



MARTHA HEIZER, CITY CLERK

APPROVED AS TO FORM:



R.S. WETZLER, CITY ATTORNEY

**AFFIDAVIT OF PUBLICATION**

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martain 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, February 1989, with subsequent publications being made on the following dates:

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

Deanna Martain

Subscribe and sworn to before me this 8th day of February 1989

Marguerite E. Baker  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 94.32  
Additional copies \$ -----

First Published in The Johnson County Sun, Wednesday, February 8, 1989.

ORDINANCE NO. 1091

**A N O R D I N A N C E A U -  
T H O R I Z I N G A N D P R O V I D I N G  
F O R A C Q U I S I T I O N O F  
R I G H T - O F - W A Y F O R C O N -  
S T R U C T I O N O F T O M A H A W K  
C R E E K P A R K W A Y A N D C O L -  
L E G E B O U L E V A R D**

WHEREAS, the Governing Body of the City of Leawood did by resolution approved on February 6, 1989, declare the necessity of appropriating certain private property for the use of the City; and

WHEREAS, the Governing Body has previously 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 GOV-

ERNING BODY OF THE CITY

OF LEAWOOD, KANSAS:

19-130. 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 Tomahawk Creek Parkway and College Boulevard. Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire the following described interests and property:

All that part of the NW ¼ of Section 15, 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 NW ¼ of said Section 15; thence N 87° 50' 04" E, along the North line of the NW ¼ of said Section 15, a distance of 450.04 feet, to the true point of beginning of subject tract; thence continuing N 87° 50' 04" E, along the North line of the NW ¼ of said Section 15, a distance of 1039.96 feet, to a point on the Westerly right-of-way line of Tomahawk Creek Parkway, as now established; thence S 2° 09' 56" E, along the Westerly right-of-way line of said Tomahawk Creek Parkway, a distance of 40 feet, to a point of curvature; thence Southerly and Southwesterly, along the Westerly right-of-way line of said Tomahawk Creek Parkway, said line being on a curve to the right, having a radius of 250 Feet, and a central angle of 28° 20' 39" - a distance of 123.68 feet, to a point of compound curvature; thence Southwesterly, along the Westerly right-of-way line of said Tomahawk Creek Parkway, said line being on a curve to the right, having a radius of 1812.50 feet, a central angle of 8° 15' 56", and whose initial tangent bearing is S 26° 10' 43" W, a distance of 261.47 feet; thence N 1° 28' 52" W, a distance of 339.11 feet, to a point 40 feet South of the North line of the NW ¼ of said Section 15; thence S 87° 50' 04" W, along a line 40 feet South of and parallel to the North line of the NW ¼ of said Section 15, a distance of 874.25 feet; thence N 1° 27' 33" W, a distance of 40 feet, to the true point of beginning of subject tract.

The above described tract of land contains 1.75042 acres, more or less.

All that part of the SW ¼ of Section 10, 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 SW ¼ of said Section 10; thence N 87° 50' 04" E, along the South line of the SW ¼ of said Section 10, a distance of 718.24 feet, to the true point of beginning of subject tract; thence continuing N 87° 50' 04" E, along the South line of the SW ¼ of said Section 10, a distance of 606.04 feet; thence N 1° 55' 24" W, a distance of 55 feet, to a point 55 feet North of the South line of the SW ¼ of said Section 10; thence S 87° 50' 04" W, along a line 55 feet North of and parallel to the South line of the SW ¼ of said Section 10, a distance of 606.27 feet; thence S 2° 09' 56" E, a distance of 55 feet, to the true point of beginning of subject tract.

The above described tract of land contains 0.76534 acres, 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.

PASSED AND APPROVED THIS 6th DAY OF February, 1989.

APPROVED BY THE MAYOR THIS 7th DAY OF February, 1989.

(SEAL)

(s) Marcia Rinehart,  
Mayor

ATTEST:  
(s) Martha Heizer,  
City Clerk

APPROVED AS TO FORM:  
(s) R. S. Wetzler,

ORDINANCE NO. 1090

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF CERTAIN SECTIONS OF 119TH STREET, A MAIN TRAFFICWAY WITHIN THE CITY OF LEAWOOD AND PROVIDING FOR THE PAYMENT OF COSTS THEREOF.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that the portion of 119th Street which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, K.S.A. 12-687 provides that the Governing Body of any city shall have power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, construction or reconstruction of any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts, storm drainage, trafficway illumination, traffic control devices, pedestrian ways, bicycle ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

WHEREAS, K.S.A. 12-689 provides that all costs of improvements or reimprovements authorized under the provisions of K.S.A. 12-687, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the City at large and may be funded among others, by the issuance of general improvement bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove that portion of 119th Street between Mission Road and State Line Road, as provided by and under

the authority of K.S.A. 12-687, and to provide for the payment of the costs thereof as provided by and under the authority of K.S.A. 12-689.

THEREFORE, BE IT ORDAINED by the Governing Body of the City of Leawood, Kansas:

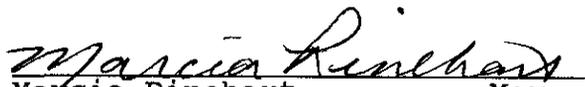
20-1,452. Section 1. It is hereby deemed and declared to be necessary to improve and reimprove that portion of 119th Street between Mission Road and State Line Road located within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements be done under the authority of K.S.A. 12-687

20-1,453. Section 2. The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies, administrative expenses and expenses of financing the improvements or reimprovements, is \$750,000.00, and said costs shall be chargeable to the City at large and will be paid by the issuance of general obligation bonds of the City of Leawood under the authority of K.S.A. 12-689

Section 3. This ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Adopted and approved by the Governing Body of the City of Leawood, Kansas on the 6th day of February, 1989.

Approved by the Mayor this 7th day of February, 1989.

  
Marcia Rinehart Mayor

ATTEST;

  
Martha Heizer City Clerk

APPROVED AS TO FORM AND CONTENT;

  
Richard 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 ----- *18th* ----- day of, ----- *February* ----- 19-*89*-----, with subsequent publications being made on the following dates:

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

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

*Deanna Martasin*

Subscribe and sworn to before me this ----- *18th* ----- day of ----- *February* ----- 19-*89*-----

*Marguerite E. Baker*  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: ----- *3-15-92* -----  
Printer's Fee \$ ----- *17.52* -----  
Additional copies \$ -----

First Published in The Johnson County Sun, Wednesday, February 8, 1989.

ORDINANCE NO. 1090

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF CERTAIN SECTIONS OF 119TH STREET, A MAIN TRAFFICWAY WITHIN THE CITY OF LEAWOOD AND PROVIDING FOR THE PAYMENT OF COSTS THEREOF.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that the portion of 119th Street which is located within this city as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, K.S.A. 12-687 provides that the Governing Body of any city shall have power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, construction or reconstruction of any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts, storm drainage, trafficway illumination, traffic control devices, pedestrian ways, bicycle ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

WHEREAS, K.S.A. 12-689 provides that all costs of improvements or reimprovements authorized under the provisions of K.S.A. 12-687, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the City at large and may be funded among others, by the issuance of general improvement bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove that portion of 119th Street between Mission Road and State Line Road, as provided by and under the authority of K.S.A. 12-687, and to provide for the payment of the costs thereof as provided by and under the authority of K.S.A. 12-689.

THEREFORE, BE IT ORDAINED by the Governing Body of the City of Leawood, Kansas:

20-1,452. **Section 1.** It is hereby deemed and declared to be necessary to improve and reimprove that portion of 119th Street between Mission Road and State Line Road located within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements be done under the authority of K.S.A. 12-687.

20-1,453. **Section 2.** The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies, administrative expenses and expenses of financing the improvements or reimprovements, is \$750,000.00, and said costs shall be chargeable to the City at large and will be paid by the issuance of general obligation bonds of the City of Leawood under the authority of K.S.A. 12-689.

**Section 3.** This ordinance shall take effect and be in force from and after its passage and approval and publication one time in the official City newspaper.

Adopted and approved by the Governing Body of the City of Leawood, Kansas on the 6th day of February, 1989.

Approved by the Mayor this 7th day of February, 1989.

(s) Marcia Rinehart

Mayor

ATTEST;

(s) Martha Heizer

City Clerk

APPROVED AS TO FORM

AND CONTENT;

(s) Richard S. Wetzler

City Attorney

(5276 1W)

*repealed by Ord. 1100,  
5/2/89*

AN ORDINANCE GRANTING AN EASEMENT TO JOHNSON COUNTY WASTEWATER DISTRICT FOR CONSTRUCTION OF SANITARY SEWERS; HALLBROOK SUBDIVISION, PHASE 2.

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

19-6,205. Section 1. The City of Leawood, Kansas, does hereby grant a sanitary sewer easement to Johnson County Wastewater District on property described as follows:

A strip of land 20.00 feet in width for a sanitary sewer easement, in the northwest 1/4 of Section 15, Township 13, Range 25, in Leawood, Johnson County, Kansas, lying 10.00 feet on each side of the following described center-line: Commencing at the northwest corner of Lot 20, Block 1, "Hallbrook Farms, Second Plat", a subdivision of land in said city, county and state; thence south 14°-00'-00" east along the west line of said Lot 20, a distance of 18.89 feet to the point of beginning of the easement herein described; thence south 77°-43'-45" west, a distance of 127.03 feet; thence south 79°-54'-53" west, a distance of 20.00 feet to the point of termination of said easement.

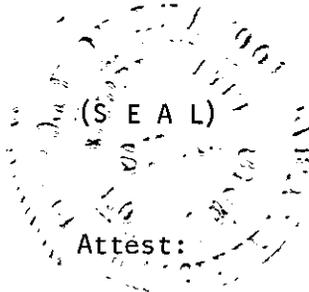
(easement crosses the Greenway)

19-6,206. 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.

Passed by the Governing Body this 16th day of January, 1989.

Approved by the Mayor this 17th day of January, 1989.



*Marcia Rinehart*  
\_\_\_\_\_  
Marcia Rinehart Mayor

Attest:

*Martha Heizer*  
\_\_\_\_\_  
Martha Heizer City Clerk

APPROVED FOR FORM:

*R.S. Wetzler*  
\_\_\_\_\_  
R.S. Wetzler City Attorney

RIGHT-OF-WAY GRANT

R-O-W No.

KNOW ALL MEN BY THESE PRESENTS, That The City of Leawood, Johnson County, Kansas  
9617 Lee Boulevard

of the Post Office of Leawood

In the State of Kansas

, in consideration of ONE Dollars (\$1.00) in hand paid and other valuable consideration, receipt of which is hereby acknowledged, hereby grant and convey unto Lateral Sewer District #6 of Tomahawk Creek Sewer Sub-District #4

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:

Sanitary Sewer Easement

DESCRIPTION: A STRIP OF LAND 20.00 FEET IN WIDTH FOR A SANITARY SEWER EASEMENT, IN THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 13, RANGE 25, IN LEAWOOD, JOHNSON COUNTY, KANSAS, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; COMMENCING AT THE NORTHWEST CORNER OF LOT 20, BLOCK 1, "HALLBROOK FARMS, SECOND PLAT", A SUBDIVISION OF LAND IN SAID CITY, COUNTY AND STATE; THENCE SOUTH 14°-00'-00" EAST ALONG THE WEST LINE OF SAID LOT 20, A DISTANCE OF 18.89 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE SOUTH 77°-43'-45" WEST, A DISTANCE OF 127.03 FEET; THENCE SOUTH 79°-54'-53" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF TERMINATION OF SAID EASEMENT.

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

1989 JAN 20 P 2: 32 I

SARA F. ULLMANN  
REGISTER OF DEEDS

BY \_\_\_\_\_ DEP.

This grant is a permanent easement for the purpose aforesaid 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 grantees. Grantor agrees 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 grantees.

IN WITNESS WHEREOF, the grantor ha hereunto set hand and seal on this, the 16th day of January, 1989.

City of Leawood, Kansas

By: Marcia Rinehart  
Marcia Rinehart, Mayor

NOTARIZE ON REVERSE

INDIVIDUAL ACKNOWLEDGMENT

STATE OF KANSAS )  
 ) SS.  
County of JOHNSON )

BE IT REMEMBERED, That on this 16th day of January, 1989,  
before me, the undersigned, a Notary Public in and for said County and State, came  
Marcia Rinehart, Mayor, City of Leawood, Kansas

who personally known to me to be the same person 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 by official seal the  
day and year last above written.



Martha E. Heizer  
Notary Public Martha E. Heizer

My Commission Expires: June 25, 1991

CORPORATE ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
 ) SS.  
County of \_\_\_\_\_ )

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
before me, the undersigned, a Notary Public in and for the County and State aforesaid,  
came \_\_\_\_\_, President of \_\_\_\_\_,  
a corporation duly organized, incorporated and existing under and by virtue of the laws  
of \_\_\_\_\_; 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 \_\_\_\_\_.

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

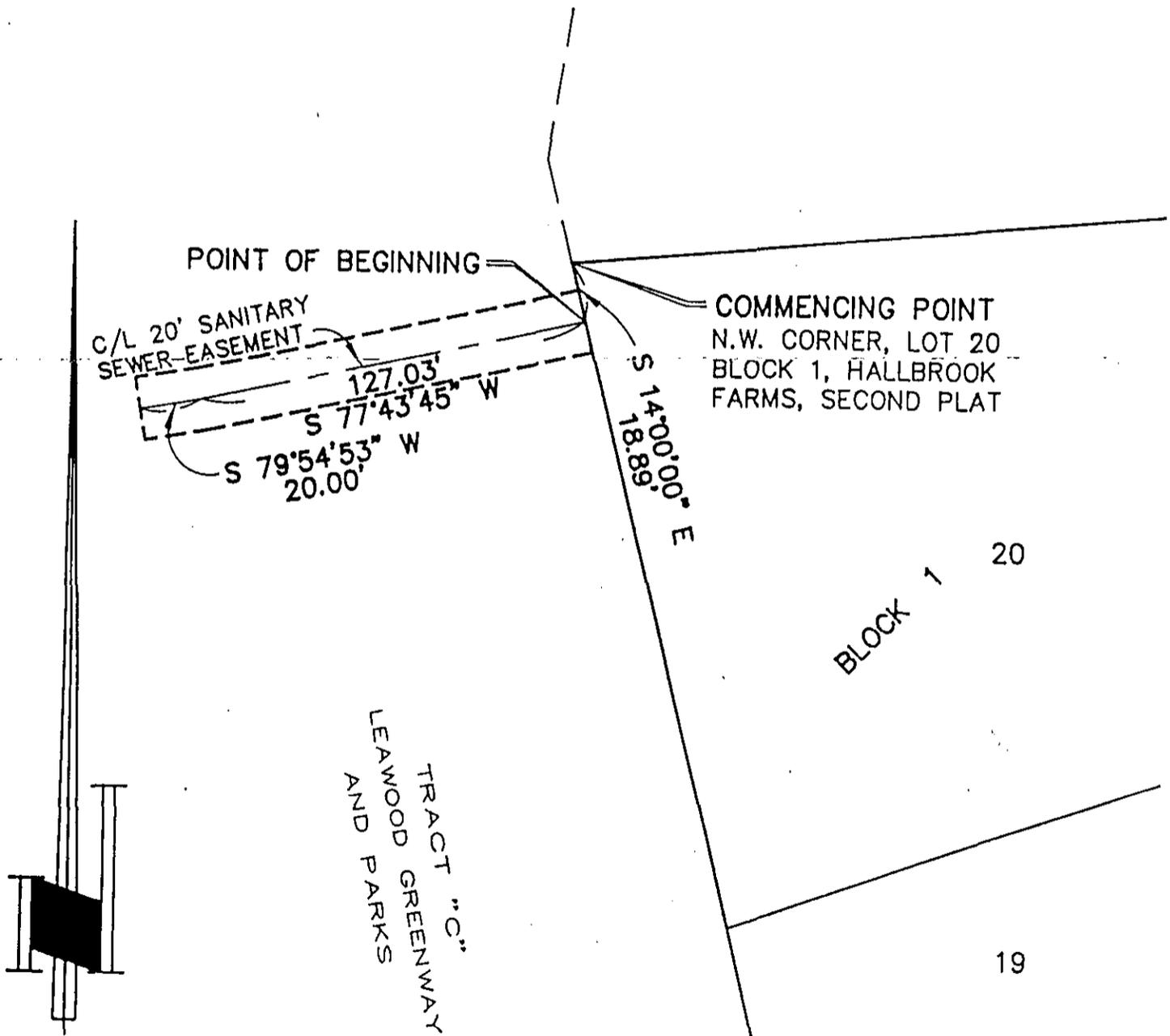
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

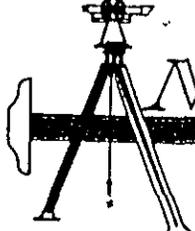
100-004

SANITARY SEWER EASEMENT

DESCRIPTION: A STRIP OF LAND 20.00 FEET IN WIDTH FOR A SANITARY SEWER EASEMENT, IN THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 13, RANGE 25, IN LEAWOOD, JOHNSON COUNTY, KANSAS, LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NORTHWEST CORNER OF LOT 20, BLOCK 1, "HALLBROOK FARMS, SECOND PLAT", A SUBDIVISION OF LAND IN SAID CITY, COUNTY AND STATE; THENCE SOUTH 14°-00'-00" EAST ALONG THE WEST LINE OF SAID LOT 20, A DISTANCE OF 18.89 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE SOUTH 77°-43'-45" WEST, A DISTANCE OF 127.03 FEET; THENCE SOUTH 79°-54'-53" WEST, A DISTANCE OF 20.00 FEET TO THE POINT OF TERMINATION OF SAID EASEMENT.



SCALE: 1" = 50'  
DECEMBER 6, 1988



**ANDERSON**  
SURVEY COMPANY  
6412 EAST 87TH STREET  
KANSAS CITY, MISSOURI 64138

FOR: HALLBROOK FARMS ASSOCIATES

**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 20th day of January 1989, with subsequent publications being made on the following dates:

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

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

*Deanna Martasin*

Subscribe and sworn to before me this 20th day of January 1989

*Marguerite E. Baker*  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 39.54  
Additional copies \$ -----

First Published in The Johnson County Sun, Friday, January 20, 1989.

ORDINANCE NO. 1089

AN ORDINANCE GRANTING AN EASEMENT TO JOHNSON COUNTY WASTEWATER DISTRICT FOR CONSTRUCTION OF SANITARY SEWERS; HALLBROOK SUBDIVISION, PHASE 2.

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

19-6,205. Section 1. The City of Leawood, Kansas, does hereby grant a sanitary sewer easement to Johnson County Wastewater District on property described as follows:

A strip of land 20.00 feet in width for a sanitary sewer easement, in the northwest  $\frac{1}{4}$  of Section 15, Township 13, Range 25, in Leawood, Johnson County, Kansas, lying 10.00 feet on each side of the following described centerline: Commencing at the northwest corner of Lot 20, Block 1, "Hallbrook Farms, Second Plat", a subdivision of land in said city, county and state; thence south  $14^{\circ}-00'-00''$  east along the west line of said Lot 20, a distance of 18.89 feet to the point of beginning of the easement herein described; thence south  $77^{\circ}-43'-45''$  west, a distance of 127.03 feet; thence south  $79^{\circ}-54'-53''$  west, a distance of 20.00 feet to the point of termination of said easement.

(easement crosses the Greenway)

19-6,206. 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.

Passed by the Governing Body this 16th day of January, 1989.

Approved by the Mayor this 17th day of January, 1989.

(SEAL)

(s) Marcia Rinehart  
Mayor

Attest:

(s) Martha Heizer  
City Clerk

APPROVED FOR FORM:

/s/ R. S. Wetzler  
City Attorney

## AN ORDINANCE ACCEPTING A PERMANENT SANITARY SEWER EASEMENT FROM HALLBROOK FARMS ASSOCIATES.

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

19-6,203. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a permanent sanitary sewer easement described as follows:

DESCRIPTION - LATERAL "A": A TRACT OF LAND 20 FEET IN WIDTH ACROSS A PART OF THE SOUTHEAST 1/4 OF SECTION 10 AND THE NORTH 1/2 OF FRACTIONAL SECTION 14, AND THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 15, ALL IN TOWNSHIP 13, RANGE 25, IN JOHNSON COUNTY, KANSAS, LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE SOUTH 1°-20'-08" EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 962.64 FEET; THENCE SOUTH 88°-39'-52" WEST AT RIGHT ANGLES TO SAID EAST LINE, A DISTANCE OF 104.73 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE TO BE HEREIN DESCRIBED; THENCE NORTH 4°-55'-03" EAST, A DISTANCE OF 10.00 FEET; THENCE CONTINUING NORTH 4°-55'-03" EAST, A DISTANCE OF 165.91 FEET; THENCE NORTH 3°-26'-29" WEST, A DISTANCE OF 400.01 FEET; THENCE NORTH 2°-02'-52" WEST, A DISTANCE OF 400.21 FEET; THENCE NORTH 5°-59'-03" EAST, A DISTANCE OF 333.02 FEET; THENCE NORTH 15°-04'-21" EAST, A DISTANCE OF 387.35 FEET; THENCE NORTH 4°-12'-04" EAST, A DISTANCE OF 349.69 FEET; THENCE NORTH 20°-42'-43" WEST, A DISTANCE OF 286.00 FEET; THENCE NORTH 68°-40'-10" WEST, A DISTANCE OF 163.12 FEET; THENCE NORTH 1°-54'-44" WEST, A DISTANCE OF 170.32 FEET; THENCE NORTH 19°-56'-40" EAST, A DISTANCE OF 390.99 FEET; THENCE NORTH 13°-26'-13" WEST, A DISTANCE OF 186.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "H"; THENCE NORTH 35°-36'-15" WEST, A DISTANCE OF 366.85 FEET; THENCE NORTH 1°-11'-08" EAST, A DISTANCE OF 368.38 FEET; THENCE NORTH 26°-01'-07" WEST, A DISTANCE OF 304.57 FEET; THENCE NORTH 58°-32'-12" WEST, A DISTANCE OF 358.06 FEET; THENCE NORTH 23°-29'-25" WEST, A DISTANCE OF 297.79 FEET; THENCE NORTH 33°-15'-25" WEST, A DISTANCE OF 244.19 FEET TO A POINT THAT IS 951.96 FEET WEST OF AND 1198.27 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 10, AS MEASURED ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 AND AT RIGHT ANGLES THERETO. ALSO, BEGINNING AT THE AFORESAID POINT "H"; THENCE NORTH 87°-12'-55" EAST, A DISTANCE OF 80.87 FEET; THENCE SOUTH 89°-06'-05" EAST, A DISTANCE OF 238.70 FEET; THENCE SOUTH 66°-32'-20" EAST, A DISTANCE OF 351.00 FEET; THENCE SOUTH 29°-02'-22" EAST, A DISTANCE OF 309.14 FEET; THENCE SOUTH 70°-59'-07" EAST, A DISTANCE OF 240.83 FEET; THENCE SOUTH 27°-42'-36" EAST, A DISTANCE OF 120.41 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "O"; THENCE SOUTH 6°-12'-22" WEST, A DISTANCE OF 166.60 FEET; THENCE CONTINUING SOUTH 6°-12'-22" WEST, A DISTANCE OF 10.00 FEET. ALSO, BEGINNING AT THE AFORESAID POINT "O"; THENCE SOUTH 61°-14'-29" EAST, A DISTANCE OF 20.80 FEET TO A POINT ON THE EAST LINE OF THE NORTH 1/2 OF SAID FRACTIONAL SECTION 14, THAT IS A DISTANCE OF 1467.19 FEET NORTH OF THE SOUTHEAST CORNER THEREOF AND THE POINT OF TERMINATION OF SAID EASEMENT.

DESCRIPTION - LATERAL "B": A TRACT OF LAND 20 FEET IN WIDTH ACROSS A PART OF THE SOUTHEAST 1/4 OF SECTION 10 AND THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 15, ALL IN TOWNSHIP 13, RANGE 25, JOHNSON COUNTY, KANSAS, LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE SOUTH 1°-20'-18" EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 782.77 FEET; THENCE SOUTH 88°-39'-52" WEST AT RIGHT ANGLES TO SAID EAST LINE, A DISTANCE OF 514.55 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE TO BE HEREIN DESCRIBED; THENCE NORTH 35°-34'-17" WEST, A DISTANCE OF 10.00 FEET; THENCE CONTINUING NORTH 35°-34'-17" WEST, A DISTANCE OF 400.90 FEET; THENCE NORTH 0°-02'-38" EAST, A DISTANCE OF 319.86 FEET; THENCE NORTH 4°-17'-26" WEST, A DISTANCE OF 342.65 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "I"; THENCE NORTH 36°-07'-09" WEST, A DISTANCE OF 290.01 FEET; THENCE NORTH 8°-41'-50" WEST, A DISTANCE OF 315.80 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT

re Acceptance of Permanent Sanitary Sewer Easement;  
Hallbrook

"J"; THENCE NORTH 16°-25'-19" EAST, A DISTANCE OF 242.14 FEET; THENCE NORTH 4°-50'-15" EAST, A DISTANCE OF 314.70 FEET; THENCE NORTH 5°-09'-16" EAST, A DISTANCE OF 400.15 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "K"; THENCE NORTH 18°-21'-31" EAST, A DISTANCE OF 120.17 FEET; THENCE NORTH 18°-26'-15" EAST, A DISTANCE OF 400.07 FEET; THENCE NORTH 18°-57'-11" WEST, A DISTANCE OF 274.75 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "L"; THENCE NORTH 7°-28'-59" WEST, A DISTANCE OF 188.33 FEET; THENCE NORTH 28°-28'-33" WEST, A DISTANCE OF 250.45 FEET; THENCE NORTH 24°-16'-16" WEST, A DISTANCE OF 175.22 FEET; THENCE NORTH 8°-49'-07" WEST, A DISTANCE OF 343.94 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "M"; THENCE NORTH 19°-22'-10" WEST, A DISTANCE OF 300.69 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "N"; THENCE NORTH 4°-05'-20" WEST, A DISTANCE OF 147.56 FEET TO A POINT 1041.32 FEET WEST OF AND 1161.68 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 10, AS MEASURED ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 AND AT RIGHT ANGLES THERETO. ALSO, BEGINNING AT THE AFORESAID POINT "I"; THENCE SOUTH 58°-32'-54" WEST, A DISTANCE OF 132.30 FEET; THENCE SOUTH 44°-08'-36" WEST, A DISTANCE OF 349.69 FEET; THENCE SOUTH 44°-00'-14" WEST, A DISTANCE OF 350.21 FEET; THENCE SOUTH 43°-39'-58" WEST, A DISTANCE OF 164.72 FEET, SAID POINT BEING 1491.22 FEET WEST OF AND 434.67 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 15, AS MEASURED ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 AND AT RIGHT ANGLES THERETO; THENCE CONTINUING SOUTH 43°-39'-58" WEST, A DISTANCE OF 10.00 FEET. ALSO, BEGINNING AT THE AFORESAID POINT "J"; THENCE SOUTH 57°-19'-57" WEST, A DISTANCE OF 310.07 FEET; THENCE SOUTH 57°-14'-10" WEST, A DISTANCE OF 311.71 FEET; THENCE SOUTH 30°-38'-05" WEST, A DISTANCE OF 222.21 FEET; THENCE SOUTH 29°-19'-02" WEST, A DISTANCE OF 160.90 FEET TO A POINT 1690.30 FEET WEST OF AND 143.05 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 15, AS MEASURED ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 AND AT RIGHT ANGLES THERETO; THENCE CONTINUING SOUTH 29°-19'-02" WEST, A DISTANCE OF 10.00 FEET; ALSO BEGINNING AT THE AFORESAID POINT "K"; THENCE SOUTH 55°-02'-15" WEST, A DISTANCE OF 249.73 FEET; THENCE SOUTH 41°-34'-22" WEST, A DISTANCE OF 200.19 FEET; THENCE SOUTH 78°-44'-18" WEST, A DISTANCE OF 156.91 FEET, SAID POINT BEING 1311.45 FEET WEST OF AND 1244.78 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 15, AS MEASURED ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 AND AT RIGHT ANGLES THERETO; THENCE CONTINUING SOUTH 78°-44'-18" WEST, A DISTANCE OF 10.00 FEET. ALSO, BEGINNING AT THE AFORESAID POINT "L"; THENCE SOUTH 79°-34'-49" WEST, A DISTANCE OF 85.98 FEET TO A POINT 793.42 FEET WEST OF AND 200.50 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 15, AS MEASURED ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 AND AT RIGHT ANGLES THERETO; THENCE CONTINUING SOUTH 79°-34'-49" WEST, A DISTANCE OF 10.00 FEET; ALSO, BEGINNING AT THE AFORESAID POINT "M"; THENCE SOUTH 38°-04'-38" WEST, A DISTANCE OF 260.76 FEET; THENCE SOUTH 30°-48'-52" WEST, A DISTANCE OF 388.30 FEET; THENCE SOUTH 30°-42'-31" WEST, A DISTANCE OF 290.53 FEET; THENCE SOUTH 43°-56'-45" WEST, A DISTANCE OF 359.78 FEET; THENCE SOUTH 48°-47'-47" WEST, A DISTANCE OF 306.06 FEET TO A POINT 1976.10 FEET WEST OF AND 487.33 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 15, AS MEASURED ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 AND AT RIGHT ANGLES THERETO; THENCE CONTINUING SOUTH 48°-47'-47" WEST, A DISTANCE OF 10.00 FEET. ALSO, BEGINNING AT THE AFORESAID POINT "N"; THENCE SOUTH 48°-33'-14" WEST, A DISTANCE OF 389.70 FEET; THENCE SOUTH 62°-21'-25" WEST, A DISTANCE OF 325.46 FEET; THENCE SOUTH 51°-32'-32" WEST, A DISTANCE OF 277.01 FEET; THENCE SOUTH 45°-10'-59" WEST, A DISTANCE OF 301.07 FEET; THENCE SOUTH 31°-48'-53" WEST, A DISTANCE OF 266.16 FEET; THENCE SOUTH 32°-13'-40" WEST, A DISTANCE OF 166.82 FEET; THENCE SOUTH 3°-18'-05" WEST, A DISTANCE OF 324.04 FEET; THENCE SOUTH 54°-13'-40" EAST, A DISTANCE OF 144.38 FEET TO A POINT 2230.57 FEET WEST OF AND 514.40 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 15, AS MEASURED ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 AND AT RIGHT ANGLES THERETO; THENCE CONTINUING SOUTH 54°-13'-40" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF TERMINATION OF SAID EASEMENT.

re Acceptance of Permanent Sanitary Sewer Easement;  
Hallbrook

19-6,204. 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.

Passed by the Governing Body this 3rd day of January, 1989.

Approved by the Mayor this 4th day of January, 1989.



Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

APPROVED FOR FORM: R.S. Wetzler City Attorney

PERMANENT SANITARY SEWER EASEMENT

THIS AGREEMENT, made and entered into this 15th day of December, 1988.

between Hallbrook Farms Associates, owners of property herein described, hereinafter known as (Party) (Parties) of the First Part, and the CITY OF LEAWOOD, KANSAS, a municipal corporation organized and existing pursuant to the laws of the State of Kansas, hereinafter known as Party of the Second Part:

WITNESSETH:

In consideration of the sum of One Dollar DOLLARS, receipt of which is hereby acknowledged, the undersigned (Party) (Parties) of the First Part (do) (does) hereby convey(s) and release(s) to the Party of the Second Part a permanent construction easement hereinafter more particularly designated and described to wit:

DESCRIPTION - LATERAL "A": A TRACT OF LAND 20 FEET IN WIDTH ACROSS A PART OF THE SOUTHEAST 1/4 OF SECTION 10 AND THE NORTH 1/2 OF FRACTIONAL SECTION 14, AND THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF SECTION 15, ALL IN TOWNSHIP 13, RANGE 25, IN JOHNSON COUNTY, KANSAS, LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 15; THENCE SOUTH 1°-20'-08" EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 962.64 FEET; THENCE SOUTH 88°-39'-52" WEST AT RIGHT ANGLES TO SAID EAST LINE, A DISTANCE OF 104.73 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE TO BE HEREIN DESCRIBED; THENCE NORTH 4°-55'-03" EAST, A DISTANCE OF 10.00 FEET; THENCE CONTINUING NORTH 4°-55'-03" EAST, A DISTANCE OF 165.91 FEET; THENCE NORTH 3°-26'-29" WEST, A DISTANCE OF 400.01 FEET; THENCE NORTH 2°-02'-52" WEST, A DISTANCE OF 400.21 FEET; THENCE NORTH 5°-59'-03" EAST, A DISTANCE OF 333.02 FEET; THENCE NORTH 15°-04'-21" EAST, A DISTANCE OF 387.35 FEET; THENCE NORTH 4°-12'-04" EAST, A DISTANCE OF 349.69 FEET; THENCE NORTH 20°-42'-43" WEST, A DISTANCE OF 286.00 FEET; THENCE NORTH 68°-40'-10" WEST, A DISTANCE OF 163.12 FEET; THENCE NORTH 1°-54'-44" WEST, A DISTANCE OF 170.32 FEET; THENCE NORTH 19°-56'-40" EAST, A DISTANCE OF 390.99 FEET; THENCE NORTH 13°-26'-13" WEST, A DISTANCE OF 186.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "H"; THENCE NORTH 35°-36'-15" WEST, A DISTANCE OF 366.85 FEET; THENCE NORTH ~~1°-11'-08" EAST, A DISTANCE OF 368.38 FEET;~~ THENCE NORTH 26°-01'-07" WEST, A DISTANCE OF 304.57 FEET; THENCE NORTH 58°-32'-12" WEST, A DISTANCE OF 358.06 FEET; THENCE NORTH 23°-29'-25" WEST, A DISTANCE OF 297.79 FEET; THENCE NORTH 33°-15'-25" WEST, A DISTANCE OF 244.19 FEET TO A POINT THAT IS 951.96 FEET WEST OF AND 1198.27 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 10, AS MEASURED ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 AND AT RIGHT ANGLES THERETO. ALSO, BEGINNING AT THE AFORESAID POINT "H"; THENCE NORTH 87°-12'-55" EAST, A DISTANCE OF 80.87 FEET; THENCE SOUTH 89°-06'-05" EAST, A DISTANCE OF 238.70 FEET; THENCE SOUTH 66°-32'-20" EAST, A DISTANCE OF 351.00 FEET; THENCE SOUTH 29°-02'-22" EAST, A DISTANCE OF 309.14 FEET; THENCE SOUTH 70°-59'-07" EAST, A DISTANCE OF 240.83 FEET; THENCE SOUTH 27°-42'-36" EAST, A DISTANCE OF 120.41 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "O"; THENCE SOUTH 6°-12'-22" WEST, A DISTANCE OF 166.60 FEET; THENCE CONTINUING SOUTH 6°-12'-22" WEST, A DISTANCE OF 10.00 FEET. ALSO, BEGINNING AT THE AFORESAID POINT "O"; THENCE SOUTH 61°-14'-29" EAST, A DISTANCE OF 20.80 FEET TO A POINT ON THE EAST LINE OF THE NORTH 1/2 OF SAID FRACTIONAL SECTION 14, THAT IS A DISTANCE OF 1467.19 FEET NORTH OF THE SOUTHEAST CORNER THEREOF AND THE POINT OF TERMINATION OF SAID EASEMENT.

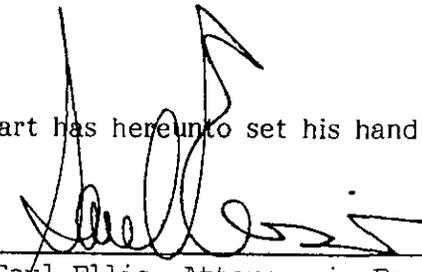
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for the sole use of said party of the second part as and for sanitary sewer purposes within said City; when same shall cease to be used for said purposes to revert to the grantors, their successors, assigns or grantees.

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 sanitary sewers. This does not include acts of the City during period of construction, repair or maintenance of the sanitary sewer.

IN WITNESS WHEREOF, said party of the first part has hereunto set his hand and seal the day and year first above written.

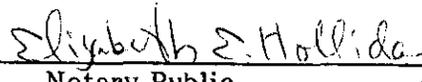
  
\_\_\_\_\_  
Saul Ellis, Attorney-in-Fact  
Hallbrook Farms Associates  
\_\_\_\_\_

STATE OF KANSAS, JOHNSON COUNTY, SS:

BE IT REMEMBERED that on this 15th day of December, 1988, before me

a notary public in and for said county and state came Saul Ellis,  
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.

  
\_\_\_\_\_  
Notary Public  
Elizabeth E. Holliday

My Commission Expires: 

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

1000  
1988 JAN 20 A 11: 10 3  
SARA FULLMANN  
REGISTER OF DEEDS

BY \_\_\_\_\_ DEP.

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martesh 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 11th day of January 1989, with subsequent publications being made on the following dates:

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

Deanna Martesh

Subscribe and sworn to before me this 11th day of January 1989

Marguerite E. Baker  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 218.18  
Additional copies \$ -----

First Published in The Johnson County Sun, Wednesday, January 11, 1989.

ORDINANCE NO. 1088  
AN ORDINANCE ACCEPTING A PERMANENT SANITARY SEWER EASEMENT FROM HALLBROOK FARMS ASSOCIATES.

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

19-6.203. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a permanent sanitary sewer easement described as follows:

**DESCRIPTION — LATERAL "A":** A TRACT OF LAND 20 FEET IN WIDTH ACROSS A PART OF THE SOUTHEAST ¼ OF SECTION 10 AND THE NORTH ½ OF FRACTIONAL SECTION 14, AND THE NORTHEAST ¼ AND THE SOUTHEAST ¼ OF SECTION 15, ALL IN TOWNSHIP 13, RANGE 25, IN JOHNSON COUNTY, KANSAS, LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 15; THENCE SOUTH 1°-20'-08" EAST ALONG THE EAST LINE OF SAID SOUTHEAST ¼, A DISTANCE OF 962.64 FEET; THENCE SOUTH 88°-39'-52" WEST AT RIGHT ANGLES TO SAID EAST LINE, A DISTANCE OF 104.73 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE TO BE HEREIN DESCRIBED; THENCE NORTH 4°-55'-03" EAST, A DISTANCE OF 10.00 FEET; THENCE CONTINUING NORTH 4°-55'-03" EAST, A DISTANCE OF 165.91 FEET; THENCE NORTH 3°-26'-29" WEST, A DISTANCE OF 400.01 FEET; THENCE NORTH 2°-02'-52" WEST, A DISTANCE OF 400.21 FEET; THENCE NORTH 5°-59'-03" EAST, A DISTANCE OF 333.02 FEET; THENCE NORTH 15°-04'-21" EAST, A DISTANCE OF 387.35 FEET; THENCE NORTH 4°-12'-04" EAST, A DISTANCE OF 349.69 FEET; THENCE NORTH 20°-42'-43" WEST, A DISTANCE OF 286.00 FEET; THENCE NORTH 68°-40'-10" WEST, A DISTANCE OF 163.12 FEET; THENCE NORTH 1°-54'-44" WEST, A DISTANCE OF 170.32 FEET; THENCE NORTH 19°-56'-40" EAST, A DISTANCE OF 390.99 FEET; THENCE NORTH 13°-26'-13" WEST, A DISTANCE OF 186.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "H"; THENCE NORTH 35°-36'-15" WEST, A DISTANCE OF 366.85 FEET; THENCE NORTH 1°-11'-08" EAST, A DISTANCE OF 368.38 FEET; THENCE NORTH 26°-01'-07" WEST, A DISTANCE OF 304.57 FEET; THENCE NORTH 58°-32'-12" WEST, A DISTANCE OF 358.06 FEET; THENCE NORTH 23°-29'-25" WEST, A DISTANCE OF 297.79 FEET; THENCE NORTH 33°-15'-25" WEST, A DISTANCE OF 244.19 FEET TO A POINT THAT IS 951.96 FEET WEST OF AND 1198.27 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 10, AS MEASURED ALONG THE SOUTH LINE OF SAID SOUTHEAST ¼ AND AT RIGHT ANGLES THERETO. ALSO, BEGINNING AT THE AFORESAID POINT "H";

THENCE NORTH 87°-12'-55" EAST, A DISTANCE OF 80.87 FEET; THENCE SOUTH 89°-06'-05" EAST, A DISTANCE OF 238.70 FEET; THENCE SOUTH 66°-32'-20" EAST, A DISTANCE OF 351.00 FEET; THENCE SOUTH 29°-02'-22" EAST, A DISTANCE OF 309.14 FEET; THENCE SOUTH 70°-59'-07" EAST, A DISTANCE OF 240.83 FEET; THENCE SOUTH 27°-42'-36" EAST, A DISTANCE OF 120.41 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "O"; THENCE SOUTH 6°-12'-22" WEST, A DISTANCE OF 166.60 FEET; THENCE CONTINUING SOUTH 6°-12'-22" WEST, A DISTANCE OF 10.00 FEET. ALSO, BEGINNING AT THE AFORESAID POINT "O"; THENCE SOUTH 61°-14'-29" EAST, A DISTANCE OF 20.80 FEET TO A POINT ON THE EAST LINE OF THE NORTH ½ OF SAID FRACTIONAL SECTION 14 THAT IS A DISTANCE OF 1467.19 FEET NORTH OF THE SOUTHEAST CORNER THEREOF AND THE POINT OF TERMINATION OF SAID EASEMENT.

**DESCRIPTION — LATERAL "B":** A TRACT OF LAND 20 FEET IN WIDTH ACROSS A PART OF THE SOUTHEAST ¼ OF SECTION 10 AND THE NORTHEAST ¼ AND THE SOUTHEAST ¼ OF SECTION 15, ALL IN TOWNSHIP 13, RANGE 25 JOHNSON COUNTY, KANSAS, LYING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 15; THENCE SOUTH 1°-20'-18" EAST ALONG THE EAST LINE OF SAID SOUTHEAST ¼, A DISTANCE OF 782.77 FEET; THENCE SOUTH 88°-39'-52" WEST AT RIGHT ANGLES TO SAID EAST LINE, A DISTANCE OF 514.55 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE TO BE HEREIN DESCRIBED; THENCE NORTH 35°-34'-17" WEST, A DISTANCE OF 10.00 FEET; THENCE CONTINUING NORTH 35°-34'-17" WEST, A DISTANCE OF 400.90 FEET; THENCE NORTH 0°-02'-38" EAST, A DISTANCE OF 319.86 FEET; THENCE NORTH 4°-17'-26" WEST, A DISTANCE OF 342.65 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "I"; THENCE NORTH 36°-07'-09" WEST, A DISTANCE OF 290.01 FEET; THENCE NORTH 8°-41'-50" WEST, A DISTANCE OF 315.80 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "J"; THENCE NORTH 16°-25'-19" EAST, A DISTANCE OF 242.14 FEET; THENCE NORTH 4°-50'-15" EAST, A DISTANCE OF 314.70 FEET; THENCE NORTH 5°-09'-16" EAST, A DISTANCE OF 400.15 FEET TO A POINT

HEREINAFTER REFERRED TO AS POINT "K"; THENCE NORTH 18°-21'-31" EAST, A DISTANCE OF 120.17 FEET; THENCE NORTH 18°-26'-15" EAST, A DISTANCE OF 400.07 FEET; THENCE NORTH 18°-57'-11" WEST, A DISTANCE OF 274.75 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "L"; THENCE NORTH 7°-28'-59" WEST, A DISTANCE OF 188.33 FEET; THENCE NORTH 28°-28'-33" WEST, A DISTANCE OF 250.45 FEET; THENCE NORTH 24°-16'-16" WEST, A DISTANCE OF 175.22 FEET; THENCE NORTH 8°-49'-07" WEST, A DISTANCE OF 343.94 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "M"; THENCE NORTH 19°-22'-10" WEST, A DISTANCE OF 300.69 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "N"; THENCE NORTH 4°-05'-20" WEST, A DISTANCE OF 147.56 FEET TO A POINT 1041.32 FEET WEST OF AND 1161.68 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 10, AS MEASURED ALONG THE SOUTH LINE OF SAID SOUTHEAST ¼ AND AT RIGHT ANGLES THERETO. ALSO, BEGINNING AT THE AFORESAID POINT "I"; THENCE SOUTH 58°-32'-54" WEST, A DISTANCE OF 132.30 FEET; THENCE SOUTH 44°-08'-36" WEST, A DISTANCE OF 349.69 FEET; THENCE SOUTH 44°-00'-14" WEST, A DISTANCE OF 350.21 FEET; THENCE SOUTH 43°-39'-58" WEST, A DISTANCE OF 164.72 FEET, SAID POINT BEING 1491.22 FEET WEST OF AND 434.67 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 15, AS MEASURED ALONG THE NORTH LINE OF SAID SOUTHEAST ¼ AND AT RIGHT ANGLES THERETO; THENCE CONTINUING SOUTH 43°-39'-58" WEST, A DISTANCE OF 10.00 FEET. ALSO, BEGINNING AT THE AFORESAID POINT "J"; THENCE SOUTH 57°-19'-57" WEST, A DISTANCE OF 310.07 FEET; THENCE SOUTH 57°-14'-10" WEST, A DISTANCE OF 311.71 FEET; THENCE SOUTH 30°-38'-05" WEST, A DISTANCE OF 222.21 FEET; THENCE SOUTH 29°-19'-02" WEST, A DISTANCE OF 160.90 FEET TO A POINT 1690.30 FEET WEST OF AND 143.05 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 15, AS MEASURED ALONG THE SOUTH LINE OF SAID NORTHEAST ¼ AND AT RIGHT ANGLES THERETO; THENCE CONTINUING SOUTH 29°-19'-02" WEST, A DISTANCE OF 10.00 FEET; ALSO BEGINNING AT THE AFORESAID POINT "K"; THENCE SOUTH 55°-02'-15" WEST, A DISTANCE OF 249.73 FEET; THENCE SOUTH 41°-34'-22" WEST, A DISTANCE OF 200.19 FEET; THENCE SOUTH 78°-44'-18" WEST, A DISTANCE OF 156.91 FEET, SAID POINT BEING 1311.45 FEET WEST OF AND 1244.78 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 15, AS MEASURED ALONG THE NORTH LINE OF SAID NORTHEAST ¼ AND AT RIGHT ANGLES THERETO; THENCE CONTINUING SOUTH 78°-44'-18" WEST, A DISTANCE OF 10.00 FEET. ALSO BEGINNING AT THE AFORESAID POINT "L"; THENCE SOUTH 79°-34'-49" WEST, A DISTANCE OF 85.98 FEET TO A POINT 793.42 FEET WEST OF AND 200.50 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 15, AS MEASURED ALONG THE NORTH LINE OF SAID NORTHEAST ¼ AND AT RIGHT ANGLES THERETO; THENCE CONTINUING SOUTH 79°-34'-49" WEST, A DISTANCE OF 10.00 FEET; ALSO BEGINNING AT THE AFORESAID POINT "M"; THENCE SOUTH 38°-04'-38" WEST, A DISTANCE OF 260.76 FEET; THENCE SOUTH 30°-48'-52" WEST, A DISTANCE OF 388.30 FEET; THENCE SOUTH 30°-42'-31" WEST, A DISTANCE OF 290.53 FEET; THENCE SOUTH 43°-56'-45" WEST, A DISTANCE OF 359.78 FEET; THENCE SOUTH 48°-47'-47" WEST, A DISTANCE OF 306.66 FEET TO A POINT 1976.10 FEET WEST OF AND 487.33 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 15, AS MEASURED ALONG THE NORTH LINE OF SAID NORTHEAST ¼ AND AT RIGHT ANGLES THERETO; THENCE CONTINUING SOUTH 48°-47'-47" WEST, A DISTANCE OF 10.00 FEET. ALSO, BEGINNING AT THE AFORESAID POINT "N"; THENCE SOUTH 48°-33'-14" WEST, A DISTANCE OF 389.70 FEET; THENCE SOUTH 62°-21'-25" WEST, A DISTANCE OF 325.46 FEET; THENCE SOUTH 51°-32'-32" WEST, A DISTANCE OF 277.01 FEET; THENCE SOUTH 45°-10'-59" WEST, A DISTANCE OF 301.07 FEET; THENCE SOUTH 31°-48'-53" WEST, A DISTANCE OF 266.16 FEET; THENCE SOUTH 32°-13'-40" WEST, A DISTANCE OF 166.82 FEET; THENCE SOUTH 3°-18'-03" WEST, A DISTANCE OF 324.04 FEET; THENCE SOUTH 54°-13'-40" EAST, A DISTANCE OF 144.38 FEET TO A POINT 2230.57 FEET WEST OF AND 514.40 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 15, AS MEASURED ALONG THE NORTH LINE OF SAID NORTHEAST ¼ AND AT RIGHT ANGLES THERETO; THENCE CONTINUING SOUTH 54°-13'-40" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF TERMINATION OF SAID EASEMENT.

19-6.204. 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.

Passed by the Governing Body this 3rd day of January, 1989.

Approved by the Mayor this 4th day of January, 1989.

(s) Marcia Rinehart  
Mayor

(SEAL)

Attest:  
(s) Martha Heizer  
City Clerk

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

repealed by Ord. 1149C  
2/20/90

ORDINANCE NO. 1087 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD; PARKING PROHIBITED ON CERTAIN STREETS IN THE CITY OF LEAWOOD, KANSAS.

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

Section 1. Section 14-308 of the Code of the City of Leawood is hereby repealed.

Section 2. Section 14-308 of the Code of the City of Leawood is hereby amended to read as follows:

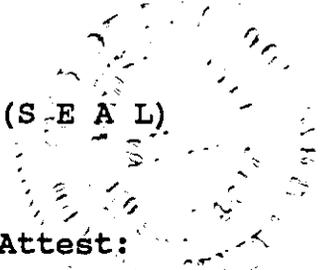
14-308. PARKING PROHIBITED. It shall be unlawful to park, where signs are erected and maintained giving notice of prohibited parking, in the following streets:

- (a) State Line Road;
- (b) That part of Mission Road north of 95th Street within the City;
- (c) That part of 89th Street between State Line and Dykes Branch of Indian Creek within the City;
- (d) The north side of that part of 96th Street between Lee Boulevard and State Line Road within the City;
- (e) The north side of that part of 97th Street between Lee Boulevard and High Drive within the City; and
- (f) 123rd Street.

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

Passed by the Governing Body this 19th day of December, 1988.

Approved by the Mayor this 20th day of December, 1988.



(S E A L)

Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

APPROVED FOR FORM: R.S. Wetzler  
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 ----- consecutive ----- (weeks, days) the first publication thereof being made as aforesaid on the 25th day of December 1988, with subsequent publications being made on the following dates:

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

*Deanna Martasin*

Subscribe and sworn to before me this 27th day of December 1988

*Marguerite E. Baker*  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 35.67  
Additional copies \$ -----

First published in the Johnson County Sun, Sunday, December 25, 1988.

**ORDINANCE NO. 1087C  
AN ORDINANCE AMENDING  
THE CODE OF THE CITY OF  
LEAWOOD: PARKING PRO-  
HIBITED ON CERTAIN  
STREETS IN THE CITY OF  
LEAWOOD, KANSAS.**

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

**Section 1.** Section 14-308 of the Code of the City of Leawood is hereby repealed.

**Section 2.** Section 14-308 of the Code of the City of Leawood is hereby amended to read as follows:

**14-308. PARKING PROHIBITED.** It shall be unlawful to park, where signs are erected and maintained giving notice of prohibited parking, in the following streets:

- (a) State Line Road;
- (b) That part of Mission Road north of 95th Street within the City;
- (c) That part of 89th Street between State Line and Dykes Branch of Indian Creek within the City;

(d) The north side of that part of 96th Street between Lee Boulevard and State Line Road within the City;

(e) the north side of that part of 97th Street between Lee Boulevard and High Drive within the City; and

(f) 123rd Street.

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

Passed by the Governing Body this 19th day of December, 1988.

Approved by the Mayor this 20th day of December, 1988.

(SEAL)

(s) Marcia Rinehart  
Mayor

Attest:  
(s) Martha Heizer  
City Clerk

APPROVED FOR FORM:

(s) R. S. Wetzler  
City Attorney

(5091 1S)

ORDINANCE NO. 1086

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF RE-NEWAL TEMPORARY NOTES, SERIES L.I.D. 88-1-89B, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF \$500,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOMAHAWK CREEK PARKWAY INCLUDING ASPHALTIC CEMENT CONCRETE LANES, GRASS LANDSCAPED MEDIAN, STORM SEWERS, STREET LIGHTS, CHANNELIZATION, INTERSECTION SIGNALIZATION, SIDEWALKS AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 933 under K.S.A. 12-6a14 and adopted by the Governing Body of the City of Leawood on November 22, 1988; and

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

WHEREAS, the total estimated cost of construction is estimated to be \$3,392,017; and

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

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: 20-1,446. 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. 88-1-89B, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of Five Hundred Thousand Dollars (\$500,000), which amount does not exceed the total estimated costs of said improvements.

20-1,447. Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-89B, Project 113, shall consist of bearer notes numbered from 1 through 5 inclusive, each in the denomination of \$100,000. Each of said notes shall be dated December 28, 1988, and shall have the stated maturity date of December 27, 1989. The

notes shall bear interest from their date of delivery to the purchaser thereof, payable at maturity or upon redemption prior thereto, at a rate of interest of 6.66% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are 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 or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,448. 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.

20-1,449. 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 United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,450. 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;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1989 in an aggregate amount in excess of \$10,000,000.00;

2. 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 temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

3. 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.

20-1,451. 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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of December, 1988.

SIGNED by the Mayor this 20th day of December, 1988.



*Marcia Rinehart*  
Marcia Rinehart, Mayor

ATTEST:

*Martha Heizer*  
Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

*R. S. Wetzler*  
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 21st day of December 1988, with subsequent publications being made on the following dates:

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

Deanna Martasin

Subscribe and sworn to before me this 21st day of December 1988

Marguerite E. Baker  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 153.12  
Additional copies \$ -----

First Published in The Johnson County Sun, Wednesday, December 21, 1988.

ORDINANCE NO. 1086

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF RENEWAL TEMPORARY NOTES, SERIES L.I.D. 88-1-89B, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF \$500,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOMAHAWK CREEK PARKWAY INCLUDING ASPHALTIC CEMENT CONCRETE LANES, GRASS LANDSCAPED MEDIUM STORM SEWERS, STREET LIGHTS, CHANNELIZATION, INTERSECTION SIGNALIZATION, SIDEWALKS AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 933 under K.S.A. 12-6a14 and adopted by the Governing Body of the City of Leawood on November 22, 1988; and

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

WHEREAS, the total estimated cost of construction is estimated to be \$3,392,017; and

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

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:

20-1,446. 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. 88-1-89B, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of Five Hundred Thousand Dollars (\$500,000), which amount does not exceed the total estimated costs of said improvements.

20-1,447. Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-89B, Project 113, shall consist of bearer notes numbered from 1 through 5 inclusive, each in the denomination of \$100,000. Each of said notes shall be dated December 28, 1988, and shall have the stated maturity date of December 17, 1989. The notes shall bear interest from their date of delivery to the purchaser thereof, payable at maturity or upon redemption prior thereto, at a rate of interest of 6.66% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are 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 or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,448. 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.

20-1,449. Section Four: The Mayor and the 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 United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,450. 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;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1989 in an aggregate amount in excess of \$10,000,000.00;

2. 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 temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

3. 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.

20-1,451. 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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of December, 1988.

SIGNED by the Mayor this 20th day of December, 1988.

(s) Marcia Rinehart, Mayor

ATTEST:

(s) Martha Heizer, City Clerk

APPROVED AS TO FORM

AND CONTENT:

/s/ R.S. Wetzler, City Attorney

(5077 1W)

ORDINANCE NO. 1085

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 89A, PROJECT 116 (95TH STREET, STATE LINE ROAD TO WENONGA), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF \$100,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 95TH STREET, STATE LINE ROAD TO WENONGA, INCLUDING WIDENING, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 95th Street which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1065 on September 6, 1988; and

WHEREAS, total cost of improvements to 95th Street, State Line to Wenonga, is estimated to be \$1,200,000.00; and

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

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-687 and all acts amendatory thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD: 20-1,440. 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 89A, Project 116 (95th Street, State Line Road to Wenonga), in the aggregate principal amount of One Hundred Thousand Dollars (\$100,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,441. Section Two: Said issue of Temporary Notes, Series 89A, Project 116 (95th Street, State Line to Wenonga), shall consist of one bearer note in the denomination of \$100,000.00. Said note shall be dated December 28, 1988, and shall have the stated maturity date of Decemberr 27, 1989. The note shall bear interest from its date of delivery to the purchaser thereof, payable at maturity or upon redemption prior thereto at a rate of interest of 6.66% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-687 and all acts amendatory thereto.

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, in whole or in part (but in any event in the full face amount) 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 or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,442. 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.

20-1,443. 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

3. 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.

20-1,445. 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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of December, 1988.

SIGNED by the Mayor this 20th day of December, 1988.



*Marcia Rinehart*  
Marcia Rinehart, Mayor

ATTEST:

*Martha Heizer*  
Martha Heizer, City Clerk

APPROVED AS TO FORM:

*R. S. Wetzler*  
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 ----- consecutive ----- (weeks, days) the first publication thereof being made as aforesaid on the 21st day of December 1988, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this 21st day of December 1988

Marguerite E. Baker  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 156.48  
Additional copies \$ -----

First Published in The Johnson County Sun, Wednesday, December 21, 1988.

ORDINANCE NO. 1085

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 89A, PROJECT 116 (95TH STREET, STATE LINE ROAD TO WENONGA), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF \$100,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 95TH STREET, STATE LINE ROAD TO WENONGA, INCLUDING WIDENING, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 95th Street which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1065 on September 6, 1988; and

WHEREAS, total cost of improvements to 95th Street, State Line to Wenonga, is estimated to be \$1,200,000.00; and

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

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-687 and all acts amendatory thereto.

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

20-1,440. 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 89A, Project 116 (95th Street, State Line Road to Wenonga), in the aggregate principal amount of One Hundred Thousand Dollars (\$100,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,441. Section Two: Said issue of Temporary Notes, Series 89A, Project 116 (95th Street, State Line to Wenonga), shall consist of one bearer note in the denomination of \$100,000.00. Said note shall be dated December 28, 1988, and shall have the stated maturity date of December 27, 1989. The note shall bear interest from its date of delivery to the purchaser thereof, payable at maturity or upon redemption prior thereto at a rate of interest of 6.66% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-687 and all acts amendatory thereto.

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, in whole or in part (but in any event in the full face amount) 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 or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,442. 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.

20-1,443. 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 note shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,444. 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 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 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.

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1989 in an aggregate amount in excess of \$10,000,000.00.

2. 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 temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes.

3. 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.

20-1,445. 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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of December, 1988.

Signed by the Mayor this 20th day of December, 1988.

(s) Marcia Rinehart, Mayor

ATTEST:

(s) Martha Heizer, City Clerk

APPROVED AS TO FORM:

/s/ R.S. Wetzler, City Attorney

(5076 1W)

ORDINANCE NO. 1084

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 89C, PROJECT 118 (POLICE/COURTS BUILDING & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF \$100,000.00 TO PROVIDE TEMPORARY FINANCING OF THE COST OF REMODELING, ADDITION AND EQUIPPING OF THE POLICE/COURTS BUILDING AND FIRE STATION #1.

WHEREAS, the Governing Body authorized the improvement or remodel of the Police/Courts Building and Fire Station #1 by the approval of Resolution No. 937 on December 5, 1988; and

WHEREAS, total cost of improvement and remodeling is estimated to be \$1,200,000.00; and

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-1737 and all acts amendatory thereto and by Resolution No. 937.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:  
24-301. 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 design, 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 89C, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of One Hundred Thousand Dollars (\$100,000.00) which amount does not exceed the total estimated costs of said improvements.

24-302. Section Two: Said issue of Temporary Notes, Series 89C, Project 118 (Police/Courts Building & Fire Station #1 Remodel), shall consist of one bearer note in the denomination of \$100,000.00. Said note shall be dated December 28, 1988, and shall have the stated maturity date of December 27, 1989. The note shall bear interest from its date of delivery to the purchaser thereof, payable at maturity or upon redemption prior thereto at a rate of interest of 6.66% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-1737 and all acts amendatory thereto.

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, in whole or in part (but in any event in the full face amount) 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 or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

24-303. 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.

24-304. 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 note shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

24-305. 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 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 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.

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1989 in an aggregate amount in excess of \$10,000,000.00;

2. 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 temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes;

3. 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.

24-306. 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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of December, 1988.

SIGNED by the Mayor this 20th day of December, 1988.



*Marcia Rinehart*  
Marcia Rinehart, Mayor

ATTEST:

*Martha Heizer*  
Martha Heizer, City Clerk

APPROVED AS TO FORM:

*R. S. Wetzler*  
R. S. Wetzler, City Attorney

**AFFIDAVIT OF PUBLICATION**

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martech** 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 \_\_\_\_\_ consecutive \_\_\_\_\_ (weeks, days) the first publication thereof being made as aforesaid on the 21st day of December 1988, with subsequent publications being made on the following dates:

\_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_, 19\_\_\_\_

*Deanna Martech*

Subscribe and sworn to before me this 21st day of December 1988

*Marguerite E. Baker*  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 145.28  
Additional copies \$ \_\_\_\_\_

First published in the Johnson County Sun, Wednesday, December 21, 1988.

**ORDINANCE NO. 1084**  
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 89C, PROJECT 118 (POLICE/COURTS BUILDING & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF \$100,000.00 TO PROVIDE TEMPORARY FINANCING OF THE COST OF REMODELING, ADDITION AND EQUIPPING OF THE POLICE/COURTS BUILDING AND FIRE STATION #1.

WHEREAS, the Governing Body authorized the improvement or remodeling of the Police/Courts Building and Fire Station #1 by the approval of Resolution No. 937 on December 5, 1988; and

WHEREAS, total cost of improvement and remodeling is estimated to be \$1,200,000.00; and

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-1737 and all acts amendatory thereto and by Resolution No. 937.

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

**24-301. 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 design, 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 89C, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of One Hundred Thousand Dollars (\$100,000.00) which amount does not exceed the total estimated costs of said improvements.

**24-302. Section Two:** Said issue of Temporary Notes, Series 89C, Project 118 (Police/Courts Building & Fire Station #1 Remodel), shall consist of one bearer note in the denomination of \$100,000.00. Said note shall be dated December 28, 1988, and shall have the stated maturity date of December 27, 1989. The note shall bear interest from its date of delivery to the purchaser thereof, payable at maturity or upon redemption prior thereto at a rate of interest of 6.66% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-1737 and all acts amendatory thereto.

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, in whole or in part (but in any event in the full face amount) 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 or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

**24-303. 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.

**24-304. 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 note shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

**24-305. 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 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 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.

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1989 in an aggregate amount in excess of \$10,000,000.00.

2. 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 temporary notes to be retired with the proceeds of said temporary notes and bonds to retire said temporary notes.

3. 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.

**24-306. 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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of December, 1988.

SIGNED by the Mayor this 20th day of December, 1988.

(s) Marcia Rinehart, Mayor

ATTEST:

(s) Martha Heizer,  
City Clerk

APPROVED AS TO FORM:

(s) R. S. Wetzler,  
City Attorney

(5075 1W)

ORDINANCE NO. 1083

AN ORDINANCE REPEALING EXISTING PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF LEAWOOD, KANSAS.

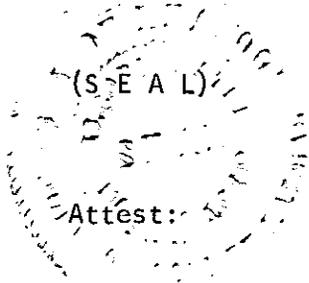
Be it ordained by the Governing Body of the City of Leawood, Kansas:

Section 1. EXISTING PROVISIONS REPEALED. That Articles 11 and 12 of the Zoning Ordinance of the City of Leawood, entitled "RP-5 Planned Apartment House District" and "RP-6 Planned High Rise Apartment District" respectively, are hereby repealed.

Section 2. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 19th day of December, 1988.

Approved by the Mayor this 20th day of December, 1988.



Marcia Rinehart  
Marcia Rinehart Mayor

Martha Heizer  
Martha Heizer City Clerk

APPROVED FOR FORM: R.S. Wetzler City Attorney

**AFFIDAVIT OF PUBLICATION**

STATE OF KANSAS, JOHNSON COUNTY, ss: Dosanna 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 25th day of December 1988, with subsequent publications being made on the following dates:

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

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

Dosanna Martasin

Subscribe and sworn to before me this 27th day of December 1988

Marguerite E. Baker

NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 23.30  
Additional copies \$ -----

First published in the Johnson County Sun, Sunday, December 25, 1988.  
ORDINANCE NO. 1083  
AN ORDINANCE REPEALING EXISTING PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF LEAWOOD, KANSAS.  
Be it ordained by the Governing Body of the City of Leawood, Kansas:  
Section 1. EXISTING PROVISIONS REPEALED. That Articles 11 and 12 of the Zoning Ordinance of the City of Leawood, entitled "RP-5 Planned Apartment House District" and "RP-6 Planned High Rise Apartment District" respectively, are hereby repealed.  
Section 2. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.  
Passed by the Governing Body this 19th day of December, 1988.  
Approved by the Mayor this 20th day of December, 1988.  
(SEAL)  
(s) Marcia Rinehart  
Mayor  
Attest:  
(s) Martha Heizer  
City Clerk  
APPROVED FOR FORM:  
(s) R. S. Wetzler  
City Attorney

ORDINANCE NO. 1082

AN ORDINANCE RELATING TO ACCEPTANCE OF AN EASEMENT FOR DRAINAGE PURPOSES  
(NALL AVENUE IMPROVEMENT, SOUTH OF 143RD STREET).

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

19-6,201. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a permanent drainage easement from John M. and Helen C. Millett, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, a 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:

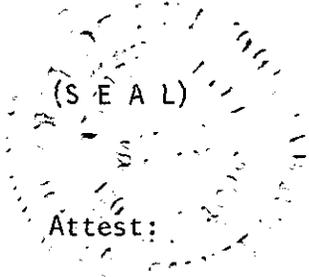
The south 40 feet of the north 1290 feet of the west  
30 feet of Section 4, Range 14E, Township 25S; EXCEPT  
that part already dedicated as Right-of-Way.

19-6,202. 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.

Passed by the Governing Body this 5th day of December, 1988.

Approved by the Mayor this 7th day of December, 1988.



Attest:

Martha Heizer  
Martha Heizer City Clerk

Marcia Rinehart  
Marcia Rinehart Mayor

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

1838062 ✓

ORIGINAL COMPARED WITH RECORD

PERMANENT DRAINAGE EASEMENT

This agreement, made and entered into this 15<sup>th</sup> day of November, 1988, by and between

JOHN M. AND HELEN C. MILLETT

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 south 40 feet of the north 1290 feet of the west 30 feet of Section 4, Range 14E, Township 25S; EXCEPT that part already dedicated as Right-of-Way.

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.

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

6<sup>00</sup> 1988 DEC -8 A 10:45 2

RUBIE M. SCOTT  
REGISTER OF DEEDS

BY Ret 2.00 DEP

John M. Millett  
JOHN M. MILLETT  
Helen C. Millett  
HELEN C. MILLETT

600  
Ri 200

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Kansas )  
 ) SS  
COUNTY OF Johnson )

BE IT REMEMBERED, THAT on this 15<sup>th</sup> day of November, 1988, before me, the undersigned Notary Public, personally came John M. and Helen C. Millott 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 Lawrence, KS on the day and year last above written.



Daniel G. Miller  
Notary Public Daniel G. Miller

My Appointment Expires: \_\_\_\_\_

VOL 2908 PAGE 291

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: \_\_\_\_\_

City of Lawrence  
Quit Fee Paid  
Lawrence, KS 66206

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martash** 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 9th day of, December 1988, with subsequent publications being made on the following dates:

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

Deanna Martash

Subscribe and sworn to before me this 9th day of December 1988

Marguerite E. Baker  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 34.50  
Additional copies \$ -----

First Published in The Johnson County Sun, Friday, December 9, 1988.

ORDINANCE NO. 1082  
AN ORDINANCE RELATING TO ACCEPTANCE OF AN EASEMENT FOR DRAINAGE PURPOSES (NALL AVENUE IMPROVEMENT, SOUTH OF 143RD STREET).

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

19-6,201. Section 1. The Governing Body of the City of Leawood, Kansas, does hereby accept a permanent drainage easement from John M. and Helen C. Millett, along with the restrictions and reservations as set forth therein, granting the City of Leawood, Kansas, its successors and assigns, a 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:

The south 40 feet of the north 1290 feet of the west 30 feet of Section 4, Range 14 E, Township 25S; EXCEPT that part already dedicated as Right-of-Way.

19-6,202. 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.

Passed by the Governing Body this 5th day of December, 1988.

Approved by the Mayor this 7th day of December, 1988.

(s) Marcia Rinehart, Mayor

(SEAL)

Attest:

(s) Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler, City Attorney

(5021 1F)

ORDINANCE NO. 1081C

AN ORDINANCE AMENDING ARTICLE 8 OF CHAPTER 1 OF THE CODE OF THE CITY OF LEAWOOD BY ADDING SECTIONS 1-818, 1-819, 1-820 and 1-821 CREATING A "LAW ENFORCEMENT TRUST FUND" FOR DEPOSIT OF FORFEITED MONIES AND PROCEEDS RECEIVED BY THE CITY PURSUANT TO CONTROLLED SUBSTANCE ENFORCEMENT MATTERS AND THE PROVISIONS OF SENATE SUBSTITUTE FOR HOUSE BILL NO. 2240 ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS PROVIDING FOR THE DEPOSIT AND USE OF MONIES BY LOCAL LAW ENFORCEMENT AGENCIES.

WHEREAS, the Kansas Legislature has enacted provisions which provide for deposit of monies in a "Special Law Enforcement Trust Fund" of a City Treasury when that City's law enforcement agency is involved in the investigation and seizure of illegal controlled substances; and

WHEREAS, said funds may be utilized for future law enforcement investigations, equipment purchase, matching funds for federal grants, and other law enforcement purposes.

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

Section 1: The Code of the City of Leawood is hereby amended by adding Section 818, 819, 820 and 821 to Chapter 1 as follows:

1-818

ESTABLISHMENT, PURPOSE, AND INTENT. There is hereby established a fund of the City Treasury entitled "Special Law Enforcement Trust Fund." All deposits and expenditures from this account shall be in conformity with the provisions of this Article. The purpose of this Fund is to provide a depository for monies forfeited to the City of Leawood Police Department pursuant to the provisions of K.S.A. 65-4135 and 65-4156 relating to controlled substance investigation forfeitures. Expenditures from this Fund shall be made only for authorized law enforcement purposes of the Leawood Police Department. Monies in the Fund shall not be used for normal operating expenses of the City or its Police Department.

1-819

Deposits. Any monies forfeited to the City of Leawood Police Department pursuant to the provisions of K.S.A., 1988 Supp. 65-4156, and any subsequent amendments thereto, shall be deposited in the "Special Law Enforcement Trust Fund."

1-820

Expenditures.

A. Monies in the Trust Fund shall be expended only upon approval of the Governing Body of Leawood and only for the following law enforcement purposes:

1. To defray costs of protracted or complex investigations.

2. Providing additional technical equipment or expertise.

3. To provide matching funds to obtain federal grants.

4. Other law enforcement purposes deemed appropriate by the Governing Body.

B. No monies in the Trust Fund shall be used for payment of normal operating expenses of the Police Department or for any other expense or non-law enforcement expense of the City.

1-821

Quarterly Report. The Police Department shall submit a Quarterly Report to the Governing Body specifying the type and approximate value of any forfeited property received and the amount of any proceeds received. Neither the Police Department nor Governing Body shall anticipate future forfeitures or proceeds therefrom in the adoption and approval of its annual budgets.

Section 2. That this Ordinance shall be construed as follows:

#### INTERPRETATION

A. 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.

B. Invalidity. If for any reason any chapter, article, section, sub-section, sentence, portion or part of this proposed Ordinance set out in this Ordinance, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this Code or other Ordinances.

Section 3. The City Clerk/Finance Director and Police Chief are hereby authorized and directed to take all appropriate measures to establish and further the goals and requirements of this Ordinance.

Section 4. This Ordinance shall take effect and be enforced from and after its passage and publication in the official City paper.

ADOPTED by the Governing Body this 5th day of December,  
1988.

SIGNED by the Mayor this 7th day of December,  
1988.

Marcia Rinehart  
Marcia Rinehart, Mayor

ATTEST:

Martha Heizer  
Martha Heizer, City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler  
Richard S. Wetzler, City Attorney

**AFFIDAVIT OF PUBLICATION**

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martash** 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 ----- *9th* ----- day of, ----- *December* ----- 19----- *88* -----, with subsequent publications being made on the following dates:

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

*Deanna Martash*

Subscribe and sworn to before me this ----- *9th* ----- day of ----- *December* ----- 19----- *88* -----

*Marguerite E. Baker*  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: ----- *3-15-92* -----  
Printer's Fee \$ ----- *97.78* -----  
Additional copies \$ -----

First Published in The Johnson County Sun, Friday, December 9, 1988.

ORDINANCE NO. 1081C  
AN ORDINANCE AMENDING ARTICLE 8 OF CHAPTER 1 OF THE CODE OF THE CITY OF LEAWOOD BY ADDING SECTIONS 1-818, 1-819, 1-820 and 1-821 CREATING A "LAW ENFORCEMENT TRUST FUND" FOR DEPOSIT OF FORFEITED MONIES AND PROCEEDS RECEIVED BY THE CITY PURSUANT TO CONTROLLED SUBSTANCE ENFORCEMENT MATTERS AND THE PROVISIONS OF SENATE SUBSTITUTE FOR HOUSE BILL NO. 2240 ENACTED BY THE LEGISLATURE OF THE STATE OF KANSAS PROVIDING FOR THE DEPOSIT AND USE OF MONIES BY LOCAL LAW ENFORCEMENT AGENCIES.

WHEREAS, the Kansas Legislature has enacted provisions which provide for deposit of monies in a "Special Law Enforcement Trust Fund" of a City Treasury when that City's law enforcement agency is involved in the investigation and seizure of illegal controlled substances; and

WHEREAS said funds may be utilized for future law enforcement investigations, equipment purchase, matching funds for federal grants, and other law enforcement purposes.

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

Section 1: The Code of the City of Leawood is hereby amended by adding Section 818, 819, 820 and 821 to Chapter 1 as follows:

1-818  
ESTABLISHMENT, PURPOSE, AND INTENT. There is hereby established a fund of the City Treasury entitled "Special Law Enforcement Trust Fund." All deposits and expenditures from this account shall be in conformity with the provisions of this Article. The purpose of this Fund is to provide a depository for monies forfeited to the City of Leawood Police Department pursuant to:

the provisions of K.S.A. 65-4135 and 65-4156 relating to controlled substance investigation forfeitures. Expenditures from this Fund shall be made only for authorized law enforcement purposes of the Leawood Police Department. Monies in the Fund shall not be used for normal operating expenses of the City or its Police Department.

1-819  
Deposits. Any monies forfeited to the City of Leawood Police Department pursuant to the provisions of K.S.A., 1988 Supp. 65-4156, and any subsequent amendments thereto, shall be deposited in the "Special Law Enforcement Trust Fund."

1-820  
Expenditures.  
A. Monies in The Trust Fund shall be expended only upon approval of the Governing Body of Leawood and only for the following law enforcement purposes:

1. To defray costs of protracted or complex investigations.
2. Providing additional technical equipment or expertise.
3. To provide matching funds to obtain federal grants.
4. Other law enforcement purposes deemed appropriate by the Governing Body.

B. No monies in the Trust Fund shall be used for payment of normal operating expenses of the Police Department or for any other expense or non-law enforcement expense of the City.

1-821  
Quarterly Report. The Police Department shall submit a Quarterly Report to the Governing Body specifying the type and approximate value of any forfeited property received and the amount of any proceeds received. Neither the Police Department nor Governing Body shall anticipate future forfeitures or proceeds therefrom in the adoption and approval of its annual budgets.

Section 2. That this Ordinance shall be construed as follows:

INTERPRETATION  
A. 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.

B. Invalidity. If for any reason any chapter, article, section, sub-section, sentence, portion or part of this proposed Ordinance set out in this Ordinance, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decisions will not affect the validity of the remaining portions of this Code or other Ordinances.

Section 3. The City Clerk/Finance Director and Police Chief are hereby authorized and directed to take all appropriate measures to establish and further the goals and requirements of this Ordinance.

Section 4. This Ordinance shall take effect and be enforced from and after its passage and publication in the official City paper.

ADOPTED by the Governing Body this 5th day of December, 1988.

SIGNED by the Mayor this 7th day of December, 1988.  
(s) Marcia Rinehart, Mayor

ATTEST:  
(s) Martha Heizer, City Clerk  
APPROVED AS TO FORM:  
/s/ Richard S. Wetzler,  
City Attorney

ORDINANCE NO. 1080

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:

18-1413. 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 of the S1/2 of the NW1/4 of Section 9, Township 14, Range 25, now in the City of Leawood, Johnson County, Kansas, except that part thereof described as follows: Beginning at the Southwest corner of the NW1/4 of said Section 9; thence Northerly, along the West line of the NW1/4 of said Section 9, a distance of 620 feet; thence Easterly, along a line parallel to the South line of the NW1/4 of said Section 9, a distance of 421.55 feet; thence Southerly, along a line parallel to the West line of the NW1/4 of said Section 9, a distance of 620 feet, to a point on the South line thereof; thence Westerly, along the South line of the NW1/4 of said Section 9, a distance of 421.55 feet, to the point of beginning, all subject to that part thereof dedicated for street purposes.

(155th & Nall; Brittany Woods)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 5th day of December, 1988.

Approved by the Mayor this 7th day of December, 1988.

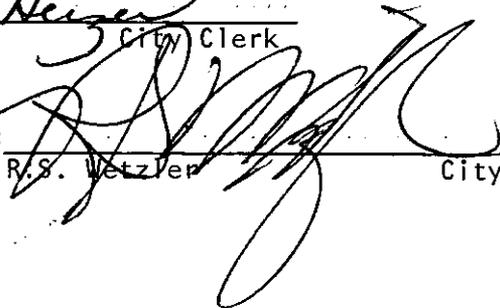
(S-E-A-L)

  
\_\_\_\_\_  
Marcia Rinehart Mayor

Attest:

  
\_\_\_\_\_  
Martha Heizer City Clerk

APPROVED FOR FORM:

  
\_\_\_\_\_  
R.S. Wetzler

City Attorney

**AFFIDAVIT OF PUBLICATION**

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly sworn, Depos 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 ----- *Enl* ----- consecutive ----- *day* ----- (weeks, days) the first publication thereof being made as aforesaid on the ----- *9th* ----- day of, ----- *December* ----- 19*88* -----, 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 ----- *December* ----- 19*88* -----

*Marguerite E. Baker*  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: ----- *3-15-92* -----  
Printer's Fee \$ ----- *36.74* -----  
Additional copies \$ -----

First Published in The Johnson County Sun, Friday, December 9, 1988.

**ORDINANCE NO. 1080  
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:

**18-1413. 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 of the S½ of the NW¼ of Section 9, Township 14, Range 25, now in the City of Leawood, Johnson County, Kansas, except that part thereof described as follows: Beginning at the Southwest corner of the NW¼ of said Section 9; thence Northerly, along the West line of the NW¼ of said Section 9, a distance of 620 feet; thence Easterly, along a line parallel to the South line of the NW¼ of said Section 9, a distance of 421.55 feet; thence Southerly, along a line parallel to the West line of the NW¼ of said Section 9, a distance of 620 feet, to a point on the South line thereof; thence Westerly, along the South line of the NW¼ of said Section 9, a distance of 421.55 feet, to the point of beginning, all subject to that part thereof dedicated for street purposes.

(155th & Nall; Brittany Woods)

**TAKE EFFECT.** Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 5th day of December, 1988.

Approved by the Mayor this 7th day of December, 1988.

(s) Marcia Rinehart, Mayor  
(SEAL)

Attest:

(s) Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler, City Attorney

(5019 1F)

1988 YEAR

Johnson County  
Leawood, Kansas  
City of Leawood

ORDINANCE NO. 1079 OF THE CITY OF LEAWOOD, KANSAS

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Exhibit A - Form of the Bonds

ORDINANCE NO. 1079

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,307,690 PRINCIPAL AMOUNT OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1988-C, 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., 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 described improvements within the City (the "Improvements"):

Construction of Kenneth Road from a point approximately 1,805' S. of the N.E. Cor. Sec. 34 T. 13 R. 25 S. to a point approximately 860' S. of N.E. Cor. Sec. 3 T. 14 R. 25, a distance of 4373' more or less; said improvements to generally consist of a 2-lane (36' wide) undivided roadway with turning lanes, concrete curb and gutter, storm drainage facilities, sidewalks, street lighting and other appurtenances.

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 \$1,307,690 with all of such cost to be paid by the owners of the property within the City benefited by the respective Improvements and none of the cost to be paid by the City at large, and that none of said property owners have paid their respective assessments on account of the construction of the Improvements and there are no funds available in the City Treasury to pay the remainder of the cost of the Improvements leaving \$1,307,690 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 General Obligation Improvement Bonds, Series 1988-C in the principal amount of \$1,307,690 (the "Bonds"); and

WHEREAS, the City intends that the Bonds be designated and has heretofore designated and hereby designates 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

20-1,412. Section 101. Definitions of Words and Terms. In addition to words and terms defined in the recitals and 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 this Ordinance.

"Cost of Issuance Fund" means the Cost of Issuance Fund created by Section 501 of this 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 Chiles Heider Division of Shearson Lehman Hutton, Inc., and associated purchasers of the Bonds.

#### ARTICLE II

##### AUTHORIZATION OF THE BONDS

20-1,413. Section 201. Authorization of the Bonds. The Bonds of the City are authorized and directed to be issued in the principal amount of \$1,307,690 for the purpose of providing funds to finance the costs of constructing the Improvements as provided in this Ordinance.

20-1,414. Section 202. Security for the Bonds. The Bonds shall be general obligations of the City payable from special assessments levied against properties benefited by the construction of the Improvements 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.

20-1,415. Section 203. Details of the Bonds. The Bonds will be designated "General Obligation Improvement Bonds, Series 1988-C", in the aggregate principal amount of \$1,307,690, and shall consist of fully registered certificated bonds without coupons or uncertificated bonds in the denominations of \$5,000 or any integral multiple thereof, except that a single Bond of the issue maturing September 1, 1990, shall be in the denomination of \$7,690. 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 December 1, 1988, 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:

SERIES 1988-C BONDS

<u>Maturity</u>	<u>Amount</u>	<u>Interest Rate Per Annum</u>	<u>Maturity</u>	<u>Amount</u>	<u>Interest Rate Per Annum</u>
1990	\$ 87,690	7.50%	1998	\$ 85,000	6.75%
1991	\$ 85,000	7.50%	1999	\$ 90,000	6.80%
1992	\$ 85,000	7.50%	2000	\$ 90,000	6.90%
1993	\$ 85,000	7.50%	2001	\$ 90,000	7.00%
1994	\$ 85,000	7.375%	2002	\$ 90,000	7.10%
1995	\$ 85,000	6.50%	2003	\$ 90,000	7.15%
1996	\$ 85,000	6.60%	2004	\$ 90,000	7.15%
1997	\$ 85,000	6.70%			

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, 1990 (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").

20-1,416. 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.

20-1,417. 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 Paying Agent 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 prior to 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 the Bonds.

20-1,418. 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) 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 bondowners.

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 during the period extending from the 15th day of the calendar month next proceeding an Interest Payment Date to such Interest Payment Date for the Bonds or to register, transfer or exchange any Bonds called for redemption during said period.

20-1,419. 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 this Ordinance, such Bond shall be cancelled by the Bond Registrar and the cancelled Bond shall be returned to the City.

20-1,420. 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.

20-1,421. 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 not less than 100% of the principal amount of the Bonds plus accrued interest to the date of their delivery plus any premium thereon. 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 safe keeping 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

20-1,422. Section 301. Optional Redemption. At the option of the City, Bonds maturing on September 1, 1996, and thereafter may be called for redemption and payment prior to maturity on September 1, 1995, 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.

20-1,423. 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.

20-1,424. Section 303. Selection of Bonds to Be Redeemed. Bonds to be redeemed in part shall be redeemed only in the principal amounts of \$5,000 or any integral multiple thereof. When less than all of the outstanding Bonds 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).

20-1,425. 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

20-1,426. 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.

20-1,427. 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

20-1,428. 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").

20-1,429. 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

20-1,430. Section 601. Disposition of Bond Proceeds and Other Moneys.

(a) The proceeds received from the sale of the Bonds, including any premium and 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 Cost of Issuance Fund the sum of \$26,150.

(3) There shall be deposited in the Construction Fund the sum of \$1,281,540.

20-1,431. Section 602. Application of Moneys in the Construction Fund. Moneys in the Construction Fund shall be separately accounted for 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, and to pay costs of issuance of the Bonds. Upon completion of the Improvements, any moneys remaining in the Construction Fund shall be deposited into the Principal and Interest Fund.

20-1,432. 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 January 15, 1989, shall be transferred to the Construction Fund.

## ARTICLE VII

### PAYMENT OF BONDS

20-1,433. 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 levying and collecting special assessments on property benefited by the Improvements financed with the proceeds of the Bonds, and to the extent such special assessments shall not be so collected, by levying and collecting an annual tax on all taxable tangible property within the territorial limits of the City in amounts

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

20-1,434. 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

20-1,435. 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.

20-1,436. 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 all applicable information reporting requirements of the Code.

20-1,437. 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.

20-1,438. 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, 1988, the City has not issued any bonds or obligations other than the Bonds and the following described obligations:

	<u>Issue</u>	<u>Date</u>	<u>Principal Amount</u>
(a)	Equipment Lease/Purchase Agreement between the City and George K. Baum & Company	April 1, 1988	\$ 70,000
(b)	Temporary Notes Series 86-1-88A (Roe Avenue 112-121st Street)	August 15, 1988	\$ 215,000
(c)	General Obligation Improvement and Refunding Bonds, Series 1988	September 1, 1988	\$3,090,000
(d)	Temporary Notes Series 86-6-88B, Project 102, (Kenneth Road South)	September 30, 1988	\$1,300,000



Section 807. Governing Law. This 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.

PASSED by the governing body of the City of Leawood, Kansas this 5<sup>th</sup> day of December, 1988.

Approved by the Mayor this 7<sup>th</sup> day of December, 1988.

(Seal)

Marcia Reinhard  
Mayor

ATTEST:

Maura Heizer  
City Clerk

APPROVED AS TO FORM AND CONTENT:

[Signature]  
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

GENERAL OBLIGATION  
IMPROVEMENT BOND  
SERIES 1988 - C

Rate of Interest: \_\_\_\_\_ % Maturity Date: September 1, \_\_\_\_\_ Dated Date: December 1, 1988 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 Dated 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, 1990 (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 from special assessments levied upon the property benefited by the construction of certain improvements within the City, 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. 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 1st day of December, 1988.

(facsimile seal)

CITY OF LEAWOOD, KANSAS

(facsimile)

\_\_\_\_\_  
Mayor

ATTEST:

By \_\_\_\_\_ (facsimile)  
City Clerk

=====

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Improvement Bonds, Series 1988-C, 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 issue of bonds of the City designated "General Obligation Improvement Bonds, Series 1988-C," in the aggregate principal amount of \$1,307,690 (the "Bonds") issued for the purpose of providing funds to finance 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., as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

Bonds of the issue of which this Bond is a part becoming due on September 1, 1996, 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, 1995, 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, without premium.

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 Shearson Lehman Hutton, Inc., 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, except as otherwise provided in the Ordinance. 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 Langworthy Kohn & Van Dyke, P.C., attorneys at law, Kansas City, Missouri, 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.



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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 y hand and official seal.

\_\_\_\_\_  
Treasurer of the State of Kansas

(facsimile)

(Seal)

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AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: **Desanna Martasln** 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 9th day of, December 1988, with subsequent publications being made on the following dates:

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

Desanna Martasln

Subscribe and sworn to before me this 9th day of December 1988

Marguerite E. Baker  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 702.48  
Additional copies \$ -----

First Published in The Johnson County Sun, Friday, December 9, 1988.  
**ORDINANCE NO. 1079**  
 AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,307,690 PRINCIPAL AMOUNT OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1988-C, 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., 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 described improvements within the City (the "improvements"):

Construction of Kenneth Road from a point approximately 1,805' S. of the N.E. Cor. Sec. 34 T. 13 R. 25 S. to a point approximately 860' S. of N.E. Cor. Sec. 3 T. 14 R. 25, a distance of 4373' more or less; said improvements to generally consist of a 2-lane (36' wide) undivided roadway with turning lanes, concrete curb and gutter, storm drainage facilities, sidewalks, street lighting and other appurtenances.

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 \$1,307,690 with all of such cost to be paid by the owners of the property within the City benefited by the respective improvements and none of the cost to be paid by the City at large, and that none of said property owners have paid their respective assessments on account of the construction of the improvements and there are no funds available in the City Treasury to pay the remainder of the cost of the improvements leaving \$1,307,690 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 General Obligation Improvement Bonds, Series 1988-C in the principal amount of \$1,307,690 (the "Bonds"); and

WHEREAS, the City intends that the Bonds be designated and has heretofore designated and hereby designates 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**

20-1.412. **Section 101. Definitions of Words and Terms.** In addition to words and terms defined in the recitals and 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 this Ordinance.

"Cost of Issuance Fund" means the Cost of Issuance Fund created by Section 501 of this 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 Chiles Heider Division of Shearson Lehman Hutton, Inc., and associated purchasers of the Bonds.

**ARTICLE II**  
**AUTHORIZATION OF THE BONDS**

20-1.413. **Section 201. Authorization of the Bonds.** The Bonds of the City are authorized and directed to be issued in the principal amount of \$1,307,690 for the purpose of providing funds to finance the costs of constructing the improvements as provided in this Ordinance.

20-1.414. **Section 202. Security for the Bonds.** The Bonds shall be general obligations of the City payable from special assessments levied against properties benefited by the construction of the improvements 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.

20-1.415. **Section 203. Details of the Bonds.** The Bonds will be designated "General Obligation Improvement Bonds, Series 1988-C", in the aggregate principal amount of \$1,307,690, and shall consist of fully registered certificated bonds without coupons or uncertificated bonds in the denominations of \$5,000 or any integral multiple thereof, except that a single Bond of the issue maturing September 1, 1990, shall be in the denomination of \$7,690. 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 December 1, 1988, 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:

SERIES 1988-C BONDS					
Maturity	Amount	Interest Rate Per Annum	Maturity	Amount	Interest Rate Per Annum
1990	\$ 87,690	7.50%	1998	\$ 85,000	6.75%
1991	\$ 85,000	7.50%	1999	\$ 90,000	6.80%
1992	\$ 85,000	7.50%	2000	\$ 90,000	6.90%
1993	\$ 85,000	7.50%	2001	\$ 90,000	7.00%
1994	\$ 85,000	7.375%	2002	\$ 90,000	7.10%
1995	\$ 85,000	6.50%	2003	\$ 90,000	7.15%
1996	\$ 85,000	6.60%	2004	\$ 90,000	7.15%
1997	\$ 85,000	6.70%			

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 day 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, 1990 (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").

20-1.416. **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 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.

20-1.417. **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 Paying Agent 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 prior to 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 the Bonds.

20-1.418. **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) 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 bondowners.

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 during the period extending from the 15th day of the calendar month next preceding an Interest Payment Date to such Interest Payment Date for the Bonds or to register, transfer or exchange any Bonds called for redemption during said period.

20-1.419. **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 this Ordinance, such Bond shall be cancelled by the Bond Registrar and the cancelled Bond shall be returned to the City.

20-1.420. **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.

20-1.421. **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 not less than 100% of the principal amount of the Bonds plus accrued interest to the date of their delivery plus any premium thereon. 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 safe keeping 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**

20-1.422. **Section 301. Optional Redemption.** At the option of the City, Bonds maturing on September 1, 1996, and thereafter may be called for redemption and payment prior to maturity on September 1, 1995, 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.

20-1.423. **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.

20-1.424. **Section 303. Selection of Bonds to Be Redeemed.** Bonds to be redeemed in part shall be redeemed only in the principal amounts of \$5,000 or any integral multiple thereof. When less than all of the outstanding Bonds 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).

20-1.425. **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**

20-1.426. **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.

20-1.427. **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**

20-1.428. **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").

20-1.429. **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**

20-1.430. **Section 601. Disposition of Bond Proceeds and Other Moneys.**

(a) The proceeds received from the sale of the Bonds, including any premium and 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 Cost of Issuance Fund the sum of \$26,150.
- (3) There shall be deposited in the Construction Fund and the sum of \$1,281,540.

20-1.431. **Section 602. Application of Moneys in the Construction Fund.** Moneys in the Construction Fund shall be separately accounted for 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, and to pay costs of issuance of the Bonds. Upon completion of the improvements, any moneys remaining in the Construction Fund shall be deposited into the Principal and Interest Fund.

20-1.432. **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 January 15, 1989, shall be transferred to the Construction Fund.

**ARTICLE VII**  
**PAYMENT OF BONDS**

20-1.433. **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 levying and collecting special assessments on property benefited by the improvements financed with the proceeds of the Bonds, and to the extent such special assessments shall not be so collected, by levying and collecting an annual tax on all taxable tangible property within the territorial limits of the City in amounts sufficient to pay the installments of said principal and interest on the Bonds as the same accrue and become payable.

20-1.434. **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**

20-1.435. **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.

20-1.436. **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 all applicable information reporting requirements of the Code.

20-1.437. **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.

20-1.438. **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, 1988, the City has not issued any bonds or obligations other than the Bonds and the following described obligations:

(a)	Issue	Date	Principal Amount
(a)	Equipment Lease/Purchase Agreement between the City and George K. Baum & Company	April 1, 1988	\$ 70,000
(b)	Temporary Notes Series 86-1-88A (Roe Avenue 112-121st Street)	August 15, 1988	\$ 215,000
(c)	General Obligation Improvement and Refunding Bonds, Series 1988	September 1, 1988	\$3,090,000
(d)	Temporary Notes Series 86-6-88B, Project 102 (Kenneth Road South)	September 30, 1988	\$1,300,000
(e)	Temporary Notes Series 88C, Project 116, (95th Street, State Line to Wenonga)	September 30, 1988	\$ 100,000
(f)	Temporary Notes Series L.I.D. 86-1-88D, Project 107 (Roe Avenue 112th Street to 121st Street)	November 30, 1988	\$ 270,000

2. The City does not reasonably anticipate issuing tax-exempt obligations during calendar year 1988 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 1988.

The City hereby designates the Bonds "qualified tax-exempt obligations" within the meaning and for the purposes provided in Section 265(b)(3) of the Code.

20-1.439. **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
Temporary Notes, Series 86-6-88B Project 102 (Kenneth Road South)	September 30, 1988	\$1,300,000

The City Finance Director is hereby authorized and directed to give notice of the City's intention to redeem and prepay the aforescribed temporary notes on December 29, 1988, by notice to the holders thereof in the manner prescribed by law and the terms of the Ordinance of the City pursuant to which such notes were issued.

**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.** This 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 emergency nature.

PASSED by the governing body of the City of Leawood, Kansas this 5th day of December 1988.

Approved by the Mayor this 7th day of December, 1988.

(s) Marcia Rinehart  
 Mayor  
 (Seal)

ATTEST:  
 (s) Martha Heizer  
 City Clerk

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

1838064 ✓

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ORDINANCE NO. 1078

RUBIE M. SCOTT  
REGISTER OF DEEDS

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTIONS OF COLLEGE BOULEVARD (111th Street), A MAIN <sup>BY</sup> TRAFFICWAY <sup>DEP</sup> FROM TOMAHAWK CREEK PARKWAY TO A POINT 755 FEET WEST OF TOMAHAWK CREEK PARKWAY AND PROVIDING FOR THE PAYMENT OF COSTS THEREOF.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of College Boulevard (111th Street) which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, K.S.A. 12-687 provides that the Governing Body of any city shall have power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, construction or reconstruction of any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts, storm drainage, trafficway illumination, traffic control devices, pedestrian ways, bicycle ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

WHEREAS, K.S.A. 12-689 provides that all costs of improvements or reimprovements authorized under the provisions of K.S.A. 12-687, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the City at large and may be funded among others, by the issuance of general improvement bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve certain portions of College Boulevard (111th Street) from Tomahawk Creek Parkway to a point 755 feet west of Tomahawk Creek Parkway as provided by and under the authority of K.S.A. 12-687, and to provide for the payment of the costs thereof

as provided by and under the authority of K.S.A. 12-689.

THEREFORE, BE IT ORDAINED by the Governing Body of the City of Leawood, Kansas:

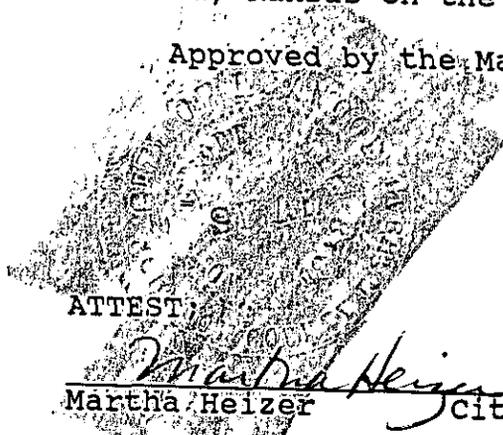
20-1,410. Section 1. It is hereby deemed and declared to be necessary to improve certain portions of College Boulevard (111th Street) from Tomahawk Creek Parkway to a point 755 feet west of Tomahawk Creek Parkway located within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements be done under the authority of K.S.A. 12-687

20-1,411. Section 2. The total estimated cost of the above described main trafficway improvements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies, administrative expenses and expenses of financing the improvements or re improvements, is \$134,200.00, and said costs shall be chargeable to the City at large and will be paid by the issuance of general obligation bonds of the City of Leawood under the authority of K.S.A. 12-689

Section 3. This ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Adopted and approved by the Governing Body of the City of Leawood, Kansas on the 22nd day of November, 1988.

Approved by the Mayor this 22nd day of November, 1988.

  
*Marcia Rinehart*  
Marcia Rinehart Mayor

ATTEST:

*Martha Heizer*  
Martha Heizer City Clerk

APPROVED AS TO FORM AND CONTENT;

*Richard S. Wetzler*  
Richard S. Wetzler City Attorney

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 the full, true and correct original of Ordinance No. 1078 passed by the City Council at a special meeting held November 22, 1988.



  
\_\_\_\_\_  
Martha Heizer  
City Clerk  
City of Leawood, Kansas

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Deanna Martain 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 25th day of November 1988, with subsequent publications being made on the following dates:

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

Deanna Martain

Subscribe and sworn to before me this 25th day of November 1988

Marguerite E. Baker  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 22.00  
Additional copies \$ -----

First Published in The Johnson County Sun, Friday, November 25, 1988.

ORDINANCE NO. 1078

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTIONS OF COLLEGE BOULEVARD (111th Street), A MAIN TRAFFICWAY FROM TOMAHAWK CREEK PARKWAY TO A POINT 755 FEET WEST OF TOMAHAWK CREEK PARKWAY AND PROVIDING FOR THE PAYMENT OF COSTS THEREOF.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984," designated that portion of College Boulevard (111th Street) which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, K.S.A. 12-687 provides the Governing Body of any city shall have power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, construction or reconstruction of any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts, storm drainage, trafficway illumination, traffic control devices, pedestrian ways, bicycle ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

WHEREAS, K.S.A. 12-689 provides that all costs of improvements or reimprovements authorized under the provisions of K.S.A. 12-687, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the City at large and may be funded among others, by the issuance of general improvement bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve certain portions of College Boulevard (111th Street) from Tomahawk Creek Parkway to a point 755 feet west of Tomahawk Creek Parkway as provided by and under the authority of K.S.A. 12-687, and to provide for the payment of the costs thereof as provided by and under the authority of K.S.A. 12-689.

THEREFORE, BE IT ORDAINED by the Governing Body of the City of Leawood, Kansas:

20-1,410. Section 1. It is hereby deemed and declared to be necessary to improve certain portions of College Boulevard (111th Street) from Tomahawk Creek Parkway to a point 755 feet west of Tomahawk Creek Parkway located within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements be done under the authority of K.S.A. 12-687.

20-1,411. Section 2. The total estimated cost of the above described main trafficway improvements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies, administrative expenses and expenses of financing the improvements or reimprovements, is \$134,200.00, and said costs shall be chargeable to the City at large and will be paid by the issuance of general obligation bonds of the City of Leawood under the authority of K.S.A. 12-689.

Section 3. This ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Adopted and approved by the Governing Body of the City of Leawood, Kansas on the 22nd day of November, 1988.

Approved by the Mayor this 22nd day of November, 1988.

(s) Marcia Rinehart,

Mayor

ATTEST:

(s) Martha Heizer,

City Clerk

APPROVED AS TO FORM

AND CONTENT;

(s) Richard S. Wetzler,

City Attorney

(4973 1F)

ORDINANCE NO. 1077

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF CERTAIN SECTIONS OF LEE BOULEVARD, A MAIN TRAFFICWAY WITHIN THE CITY OF LEAWOOD AND PROVIDING FOR THE PAYMENT OF COSTS THEREOF.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, K.S.A. 12-687 provides that the Governing Body of any city shall have power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, construction or reconstruction of any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts, storm drainage, trafficway illumination, traffic control devices, pedestrian ways, bicycle ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

WHEREAS, K.S.A. 12-689 provides that all costs of improvements or reimprovements authorized under the provisions of K.S.A. 12-687, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the City at large and may be funded among others, by the issuance of general-improvement bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove certain portions of Lee Boulevard as provided by and under the authority of K.S.A. 12-687, and to provide for the payment of the costs thereof as provided by and under the authority of K.S.A. 12-689.

THEREFORE, BE IT ORDAINED by the Governing Body of the City of Leawood, Kansas:

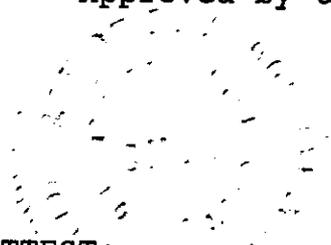
20-1,408. Section 1. It is hereby deemed and declared to be necessary to improve and reimprove certain portions of Lee Boulevard located within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements be done under the authority of K.S.A. 12-687

20-1,409. Section 2. The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies, administrative expenses and expenses of financing the improvements or reimprovements, is \$1,200,000.00 , and said costs shall be chargeable to the City at large and will be paid by the issuance of general obligation bonds of the City of Leawood under the authority of K.S.A. 12-689

Section 3. This ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Adopted and approved by the Governing Body of the City of Leawood, Kansas on the 21st day of November, 1988.

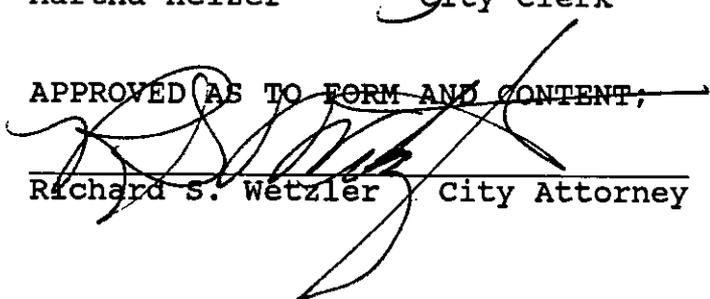
Approved by the Mayor this 22nd day of November, 1988.

  
Marcia Rinehart  
Marcia Rinehart Mayor

ATTEST:

Martha Heizer  
Martha Heizer City Clerk

APPROVED AS TO FORM AND CONTENT;

  
Richard S. Wetzler City Attorney

**AFFIDAVIT OF PUBLICATION**

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Marteen** 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 25th day of November 1989, with subsequent publications being made on the following dates:

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

*Deanna Marteen*

Subscribe and sworn to before me this 25th day of November 1989

*Marguerite E. Baker*  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 77.52  
Additional copies \$ -----

First Published in The Johnson County Sun, Friday, November 25, 1988.

ORDINANCE NO. 1077

**A N O R D I N A N C E A U T H O R I Z I N G T H E I M P R O V E M E N T O R R E I M P R O V E M E N T O F C E R T A I N S E C T I O N S O F L E E B O U L E V A R D , A M A I N T R A F F I C W A Y W I T H I N T H E C I T Y O F L E A W O O D A N D P R O V I D I N G F O R T H E P A Y M E N T O F C O S T S T H E R E O F .**

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of Lee Boulevard which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, K.S.A. 12-687 provides the Governing Body of any city shall have power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, construction or reconstruction of any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts, storm drainage, trafficway illumination, traffic control devices, pedestrian ways, bicycle ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

WHEREAS, K.S.A. 12-689 provides that all costs of improvements or reimprovements authorized under the provisions of K.S.A. 12-687, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the City at large and may be funded among others, by the issuance of general improvement bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove certain portions of Lee Boulevard as provided by and under the authority of K.S.A. 12-687, and to provide for the payment of the costs thereof as provided by and under the authority of K.S.A. 12-689.

**T H E R E F O R E , B E I T O R D A I N E D** by the Governing Body of the City of Leawood, Kansas:

**20-1.408. Section 1.** It is hereby deemed and declared to be necessary to improve and reimprove certain portions of Lee Boulevard located within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements be done under the authority of K.S.A. 12-687.

**20-1.409. Section 2.** The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies, administrative expenses and expenses of financing the improvements or reimprovements, is \$1,200,000.00, and said costs shall be chargeable to the City at large and will be paid by the issuance of general obligation bonds of the City of Leawood under the authority of K.S.A. 12-689.

**Section 3.** This ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Adopted and approved by the Governing Body of the City of Leawood, Kansas on the 21st day of November, 1988.

Approved by the Mayor this 22nd day of November, 1988.

(s) Marcia Rinehart,

Mayor

ATTEST:

(s) Martha Heizer,  
City Clerk

APPROVED AS TO FORM  
AND CONTENT;

(s) Richard S. Wetzler,  
City Attorney

(4972 1F)

ORDINANCE NO. 1076

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF RENEWAL TEMPORARY NOTES, SERIES L.I.D. 86-1-88D, PROJECT 107, (ROE AVENUE, 112TH TO 121ST STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF \$270,000 TO PROVIDE TEMPORARY FINANCING OF 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 RENEWAL TEMPORARY NOTES OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, an improvement district has been established pursuant to Resolution No. 747 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on February 2, 1986; and

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, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

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: 20-1,402. 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. 86-1-88D, Project 107 (Roe Avenue, 112th Street to 121st Street), in the aggregate principal amount of Two Hundred and Seventy Thousand Dollars (\$270,000), which amount does not exceed the total estimated costs of said improvements.

20-1,403. Section Two: Said issue of Temporary Notes, Series L.I.D. 86-1-88D, Project 107, shall consist of bearer notes numbered from 1 through 3 inclusive, numbers 1 and 2 each in the denomination of \$100,000 and number 3 in the denomination of \$70,000. Each of said notes shall be dated November 30, 1988, and shall have the stated maturity date of November 29, 1989. The notes shall bear interest from their date of delivery to the purchaser thereof, payable at maturity or upon redemption prior thereto, at a rate of interest of 6.29% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are 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 or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,404. 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.

20-1,405. 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 George K. Baum & Company, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,406. 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, 1988, the City has not issued any bonds or obligations other than the following described obligations:

	<u>Issue</u>	<u>Date</u>	<u>Principal Amount</u>
(a)	Equipment Lease Purchase Agreement	April 21, 1988	\$ 70,000.00
(b)	Temporary Notes Series 86-1-88A (Roe, 112th-121st)	Aug. 15, 1988	\$215,000.00
(c)	General Obligation Improvement and Refunding Bonds, Series 1988	Sept. 15, 1988	\$3,090,000.00
(d)	Temporary Notes Series 86-6-88B (Kenneth Road, South)	Sept. 30, 1988	\$1,300,000.00
(e)	Temporary Notes Series 88-C, Proj. 116 (95th, State Ln-Wenonga)	Sept. 30, 1988	\$100,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1988 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 temporary notes to be retired with the proceeds of said temporary notes and 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.

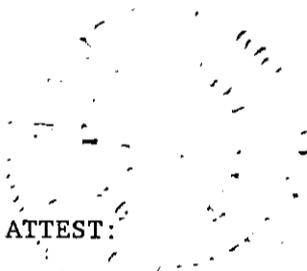
The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,407. 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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 7th day of November, 1988.

SIGNED by the Mayor this 8th day of November, 1988.



*Marcia Rinehart*

Marcia Rinehart, Mayor

ATTEST:

*Martha Heizer*

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

*R. S. Wetzler*

R. S. Wetzler, City Attorney

**AFFIDAVIT OF PUBLICATION**

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly sworn, Deposés 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 11th day of November 1988, with subsequent publications being made on the following dates:

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

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

*Deanna Martasin*

Subscribe and sworn to before me this 11th day of November 1988

*Marguerite E. Baker*  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 201.84  
Additional copies \$ -----

## ORDINANCE NO. 1076

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF RENEWAL TEMPORARY NOTES, SERIES L.I.D. 86-1-88D, PROJECT 107, (ROE AVENUE, 112TH TO 121ST STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF \$270,000 TO PROVIDE TEMPORARY FINANCING OF 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 RENEWAL TEMPORARY NOTES OF THE CITY OF LEAWOOD, KANSAS.

WHEREAS, an improvement district has been established pursuant to Resolution No. 747 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on February 2, 1986; and

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, the cost of said improvements is authorized to be paid for in whole or in part by the issuance of temporary notes; and

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: 20-1.402. 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. 86-1-88D, Project 107 (Roe Avenue, 112th Street to 121st Street), in the aggregate principal amount of Two Hundred and Seventy Thousand Dollars (\$270,000), which amount does not exceed the total estimated costs of said improvements.

20-1.403. Section Two: Said issue of Temporary Notes, Series L.I.D. 86-1-88D, Project 107, shall consist of bearer notes numbered from 1 through 3 inclusive, numbers 1 and 2 each in the denomination of \$100,000 and number 3 in the denomination of \$70,000. Each of said notes shall be dated November 30, 1988, and shall have the stated maturity date of November 29, 1989. The notes shall bear interest from their date of delivery to the purchaser thereof, payable at maturity or upon redemption prior thereto, at a rate of interest of 6.29% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are 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 or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1.404. 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.

20-1.405. 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 George K. Baum & Company, the original purchaser thereof, upon payment of the purchase price therefore which shall not be less than the principal amount thereof.

20-1.406. 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 and warrants, as follows:

1. The City is a duly-created and validly-existing political subdivision in existence since 1948;
2. Since January 1, 1988, the City has not issued any bonds or obligations other than the following described obligations:

Issue	Date	Principal Amount
(a) Equipment Lease Purchase Agreement	April 21, 1988	\$ 70,000.00
(b) Temporary Notes Series 86-1-88A (Roe, 112th-121st)	Aug. 15, 1988	\$215,000.00
(c) General Obligation Improvement and Refunding Bonds, Series 1988	Sept. 15, 1988	\$3,090,000.00
(d) Temporary Notes Series 86-6-88B (Kenneth Road, South)	Sept. 30, 1988	\$1,300,000.00
(e) Temporary Notes Series 88-C, Proj. 116 (95th, State Ln.-Wenonga)	Sept. 30, 1988	\$ 100,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1988 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 temporary notes to be retired with the proceeds of said temporary notes and 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.

20-1.407. 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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 7th day of November, 1988.

SIGNED by the Mayor this 8th day of November, 1988.

(s) Marcia Rinehart, Mayor

ATTEST:

(s) Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

/s/ R.S. Wetzler, City Attorney

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:

18-1208. 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:

All that part of the SW1/4 of Section 4, Township 14, Range 25, 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 4; thence S-89°30'46"-E along the South line of said Section 4, a distance of 860.00 feet; thence N-0°52'07"-E and parallel to the West line of said Section 4, a distance of 490.00 feet; thence N-89°30'46"-W and parallel to the South line of said Section 4, a distance of 250.00 feet; thence N-0°52'07"-E, a distance of 110.00 feet; thence N-89°30'46"-W, a distance of 610.00 feet to a point on the West line of said Section 4; thence S-0°52'07"-W along said West line a distance of 600.00 feet to the point of beginning. Subject to that part thereof in Nall Avenue and 151st Street. The above-described tract contains 11.2141 acres, more or less, of unplatted land.

(151st & Nall; Nichols Estates)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 7th day of November, 1988.

Approved by the Mayor this 8th day of November, 1988.



Attest:

Martha Heizer  
Martha Heizer City Clerk

Marcia Rinehart  
Marcia Rinehart Mayor

APPROVED FOR FORM:

R.S. Wetzel  
R.S. Wetzel 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 11th day of, November 1988, with subsequent publications being made on the following dates:

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

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

*Deanna Martasin*

Subscribe and sworn to before me this 11th day of November 1988

*Marguerite E. Baker*  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 0  
Additional copies \$ -----

First Published in The Johnson County Sun, Friday, November 11, 1988.

ORDINANCE NO. 1075  
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:

18-1208. 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:

All that part of the SW $\frac{1}{4}$  of Section 4, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of the SW $\frac{1}{4}$  of said Section 4; thence S-89°30'46"-E along the South line of said Section 4, a distance of 860.00 feet; thence N-0°52'07"-E and parallel to the West line of said Section 4, a distance of 490.00 feet; thence N-89°30'46"-W and parallel to the South line of said Section 4, a distance of 250.00 feet; thence N-0°52'07"-E, a distance of 110.00 feet; thence N-89°30'46"-W, a distance of 610.00 feet to a point on the West line of said Section 4; thence S-0°52'07"-W along said West line a distance of 600.00 feet to the point of beginning. Subject to that part thereof in Nali Avenue and 151st Street.

The above-described tract contains 11.2141 acres, more or less, of unplatted land.

(151st & Nali; Nichols Estates)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 7th day of November, 1988.

Approved by the Mayor this 8th day of November, 1988.

(s) Marcia Rinehart, Mayor  
(SEAL)

Attest:

(s) Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler, City Attorney

(4903 1F)

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:

18-1011. 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 SW1/4 of Section 4, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the SW1/4 of said Section 4; thence S-89°30'46"-E along the South line of said Section 4, a distance of 860.00 feet for a true point of beginning; thence N-0°52'07"-E and parallel to the West line of said Section 4, a distance of 490.00 feet; thence N-89°30'46"-W and parallel to the South line of said Section 4, a distance of 250.00 feet; thence N-0°52'07"-E, a distance of 110.00 feet; thence N-89°30'46"-W, a distance of 610.00 feet to a point on the West line of said Section 4; thence N-0°52'07"-E along said West line, a distance of 225.00 feet; thence S-89°30'46"-E, a distance of 830.71 feet; thence Northeasterly along a curve to the left, being tangent to the last described course, at the last described point, having a radius of 600.0 feet, a distance of 206.51 feet; thence N-70°46'00"-E and tangent to the last described curve, a distance of 229.13 feet; thence S-19°14'00"-E, a distance of 339.21 feet; thence Southeasterly along a curve to the right, being tangent to the last described course at the last described point, having a radius of 600.00 feet, a distance of 206.51 feet; thence S-0°29'14"-W and tangent to the last described curve, a distance of 415.71 feet to a point on the South line of said Section 4; thence N-89°30'46"-W along said South line, a distance of 544.00 feet to the point of beginning. Subject to that part thereof in Nall Avenue and 151st Street.

The above-described tract contains 15.3988 acres, more or less, of unplatted land.

(151st & Nall; Nichols Estates)

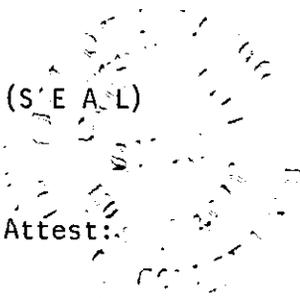
TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 7th day of November, 1988.

Page 2  
ORDINANCE NO. 1074  
re zoning, A to RP-4, Nichols Estates

Approved by the Mayor this 8th day of November, 1988.

(S E A L)

  
Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

APPROVED FOR FORM: R.S. Wetzel 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 11th day of November 1988, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this 11th day of November 1988

Marguerite E. Baker  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 5.22  
Additional copies \$ -----

First Published in The Johnson County Sun, Friday, November 11, 1988.

ORDINANCE NO. 1074  
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:

18-1011. 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 SW¼ of Section 4, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the SW¼ of said Section 4; thence S-89°30'46"-E along the South line of said Section 4, a distance of 860.00 feet for a true point of beginning; thence N-0°52'07"-E and parallel to the West line of said Section 4, a distance of 490.00 feet; thence N-89°30'46"-W and parallel to the South line of said Section 4, a distance of 250.00 feet; thence N-0°52'07"-E, a distance of 110.00 feet; thence N-89°30'46"-W, a distance of 610.00 feet to a point on the West line of said Section 4; thence N-0°52'07"-E along said West line, a distance of 225.00 feet; thence S-89°30'46"-E, a distance of 830.71 feet; thence Northeasterly along a curve to the left, being tangent to the last described course, at the last described point, having a radius of 600.0 feet, a distance of 206.51 feet; thence N-70°46'00"-E and tangent to the last described curve, a distance of 229.13 feet; thence S-19°14'00"-E, a distance of 339.21 feet; thence Southeasterly along a curve to the right, being tangent to the last described course at the last described point, having a radius of 600.00 feet, a distance of 206.51 feet; thence S-0°29'14"-W and tangent to the last described curve, a distance of 415.71 feet to a point on the South line of said Section 4; thence N-89°30'46"-W along said South line, a distance of 544.00 feet to the point of beginning. Subject to that part thereof in Nall Avenue and 151st Street.

The above-described tract contains 15.3988 acres, more or less, of unplatted land.

(151st & Nall: Nichols Estates)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 7th day of November, 1988.

Approved by the Mayor this 8th day of November, 1988.

(s) Marcia Rinehart, Mayor  
(SEAL)

Attest:

(s) Martha Heizer, City Clerk  
APPROVED FOR FORM:

/s/ R.S. Wetzler, City Attorney

(4901 1F)

ORDINANCE NO. 1073 C *repealed by Ord. 1130e, 10/2/89*

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD; DESIGNATING MAIN TRAFFICWAYS WITHIN THE CITY OF LEAWOOD, KANSAS.

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

Section 1. Section 14-206 of the Code of the City of Leawood is hereby repealed.

Section 2. Section 14-206 of the Code of the City of Leawood is hereby amended to read as follows:

14-206. MAIN TRAFFICWAYS. The following list of streets, as located within the City of Leawood, are hereby designated as main trafficways with primary functions of said trafficways for the moving of through traffic between areas of concentrated activities and between such areas within the City and traffic facilities outside the City all pursuant to K.S.A. 12-685:

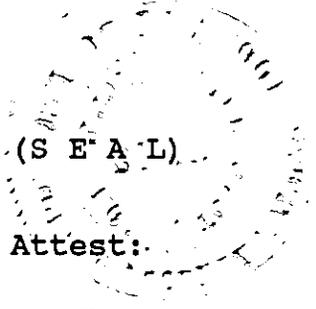
- (a) Lee Boulevard;
- (b) 103rd Street;
- (c) Mission Road;
- (d) 123rd Street;
- (e) 95th Street;
- (f) College Boulevard (111th Street);
- (g) Roe Avenue;
- (h) 119th Street;
- (i) State Line Road;
- (j) 135th Street (K-150);
- (k) 143rd Street;
- (l) 83rd Street;
- (m) Nall Avenue;
- (n) 151st Street.

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

Passed by the Governing Body this 17th day of October, 1988.

Approved by the Mayor this 21st day of October, 1988.

Page 2  
ORDINANCE NO. 1073 C  
re Main Trafficways



(S E A L)

Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler  
R.S. Wetzler City Attorney

First Published in The Johnson County Sun, Friday, October 28, 1988.  
 ORDINANCE NO. 1073C  
 AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD; DESIGNATING MAIN TRAFFICWAYS WITHIN THE CITY OF LEAWOOD, KANSAS.  
 Be it ordained by the Governing Body of the City of Leawood, Kansas:  
 Section 1. Section 14-206 of the Code of the City of Leawood is hereby repealed.  
 Section 2. Section 14-206 of the Code of the City of Leawood is hereby amended to read as follows:  
 14-206. MAIN TRAFFICWAYS. The following list of streets, as located within the City of Leawood, are hereby designated as main trafficways with primary functions of said trafficways for the moving of through traffic between areas of concentrated activities and between such areas within the City and traffic facilities outside the City all pursuant to K.S.A. 12-685:  
 (a) Lee Boulevard;  
 (b) 103rd Street;  
 (c) Mission Road;  
 (d) 123rd Street;  
 (e) 95th Street;  
 (f) College Boulevard (111th Street);  
 (g) Roe Avenue;  
 (h) 119th Street;  
 (i) State Line Road;  
 (j) 135th Street (K-150);  
 (k) 143rd Street;  
 (l) 83rd Street;  
 (m) Nail Avenue;  
 (n) 151st Street.  
 Section 3. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.  
 Passed by the Governing Body this 17th day of October, 1988.  
 Approved by the Mayor this 21st day of October, 1988.  
 (s) Marcia Rinehart, Mayor  
 (SEAL)  
 Attest:  
 (s) Martha Heizer,  
 City Clerk  
 APPROVED FOR FORM:  
 R. S. Wetzler  
 City Attorney  
 (4808 1F)

**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 one (weeks, days) the first publication thereof being made as aforesaid on the 28th day of October 1988, with subsequent publications being made on the following dates:

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

*Deanna Martasin*

Subscribe and sworn to before me this 28th day of October 1988

*Marguerite E. Baker*  
 NOTARY PUBLIC

MARGUERITE E. BAKER  
 NOTARY PUBLIC  
 STATE OF KANSAS  
 My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
 Printer's Fee \$ 36.74  
 Additional copies \$ -----

*repealed by Ord. 1173C,  
8/21/90*

ORDINANCE NO. 1072 C

AN ORDINANCE RELATING TO WARD BOUNDARY CHANGES IN THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF ARTICLE 2 OF CHAPTER 6 OF THE CODE OF THE CITY OF LEAWOOD.

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

Section 1. Article 2 - Wards as contained in Chapter 6 - Elections of the Code of the City of Leawood is hereby repealed.

Section 2. Article 2 of Chapter 6 of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 2. WARDS

6-201. DIVISION OF CITY INTO WARDS. The City shall be divided into four wards for election purposes, pursuant to the provisions of Charter Ordinance No. 6, having their boundaries as set out in Sections 6-202:205.

6-202. BOUNDARIES OF WARD 1. That territory of the City of Leawood beginning at the northeast corner of the present limits of the City; thence south along the eastern limits of the City to the centerline of 95th Street; thence westerly along the centerline of 95th Street to the centerline of Belinder; thence northerly along the centerline of Belinder to the centerline of 92nd Street; thence westerly along the centerline of 92nd Street to the junction with the centerline of 91st Street; thence northerly and easterly along the centerline of 91st Street to the junction with the centerline of Meadow Lane; thence northerly along the centerline of Meadow Lane to the centerline of 89th Street; thence westerly along the centerline of 89th Street to the western limits of the City; thence northerly and easterly along the western City limits to the centerline of Somerset Drive; thence easterly along the northern limits to the point of beginning.

6-203. BOUNDARIES OF WARD 2. That territory of the City of Leawood beginning at the centerline of 95th Street at the eastern limits of the City; thence southerly along the eastern limits of the City to the centerline of 103rd Street; thence westerly along the centerline of 103rd Street to the western limits of the City; thence northerly along the western limits of the City to the northwest corner of Lot 969, Leawood Estates; thence easterly to the northeast corner of Lot 662, Leawood Estates; thence northerly along the western limits of the City, to the centerline of 95th Street; thence westerly along the centerline of 95th Street to the western limits of the City; thence northerly along the western limits of the City to the

*repealed by Ord. 1173C,  
8/21/90*

Page 2  
ORDINANCE NO. 1072 C  
re Ward Boundary Changes

centerline of 89th Street; thence easterly along the centerline of 89th Street to the centerline of Meadow Lane; thence southerly along the centerline of Meadow Lane to the junction with the centerline of 91st Street; thence westerly and southerly along the centerline of 91st Street to the junction with the centerline of 92nd Street; thence southerly and easterly along the centerline of 92nd Street to the centerline of Belinder; thence southerly along the centerline of Belinder to the centerline of 95th Street; thence easterly along the centerline of 95th Street to the eastern limits of the City and the point of beginning.

6-204. BOUNDARIES OF WARD 3. That territory of the City of Leawood beginning at the centerline of 103rd Street at the eastern limits of the City; thence southerly along the eastern limits of the City to the centerline of 120th Terrace; thence westerly along the centerline of 120th Terrace to the junction with the centerline of 121st Street; thence westerly along the centerline of 121st Street to the centerline of Wenonga; thence northerly along the centerline of Wenonga to the centerline of 119th Street; thence westerly along the centerline of 119th Street to the western limits of the City; thence northerly and easterly along the western limits of the City to the centerline of 103rd Street; thence east along the centerline of 103rd Street to the eastern limits of the City and the point of beginning.

6-205. BOUNDARIES OF WARD 4. That territory of the City of Leawood beginning at the centerline of 120th Terrace at the eastern limits of the City; thence southerly along the eastern boundary of the City to the junction with the southern boundary; thence westerly and southerly along the southern boundary of the City to the junction with the western boundary of the City; thence northerly along the western boundary of the City to the centerline of 119th Street; thence easterly along the centerline of 119th Street to the centerline of Wenonga; thence southerly along the centerline of Wenonga to the centerline of 121st Street; thence easterly along the centerline of 121st Street to the junction with the centerline of 120th Terrace; thence easterly along the centerline of 120th Terrace to the eastern limits of the City and the point of beginning.

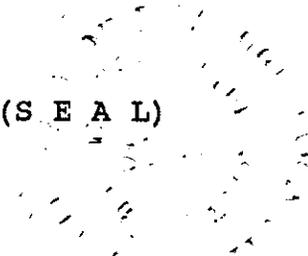
Section 3. TAKE EFFECT. This ordinance shall take effect and be in force from and after the first day of January, 1989.

Page 3  
ORDINANCE NO. 1072 C  
re Ward Boundary Changes

Passed by the Governing Body this 3rd day of October,  
1988.

Approved by the Mayor this 4th day of October,  
1988.

(S E A L)

  
Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

APPROVED FOR FORM: R/S. Wetzler  
R/S. Wetzler City Attorney

First Published in The Johnson County Sun, Friday, October 7, 1988.

ORDINANCE NO. 1072C  
 AN ORDINANCE RELATING TO WARD BOUNDARY CHANGES IN THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF ARTICLE 2 OF CHAPTER 6 OF THE CODE OF THE CITY OF LEAWOOD.

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

Section 1. Article 2 — Wards as contained in Chapter 6 — Elections of the Code of the City of Leawood is hereby repealed.

Section 2. Article 2 of Chapter 6 of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 2. WARDS

6-201. DIVISION OF CITY INTO WARDS. The City shall be divided into four wards for election purposes, pursuant to the provisions of Charter Ordinance No. 6, having their boundaries as set out in Sections 6-202, 203, 204, and 205.

6-202. BOUNDARIES OF WARD 1. That territory of the City of Leawood beginning at the northeast corner of the present limits of the City; thence south along the eastern limits of the City to the centerline of 95th Street; thence westerly along the centerline of 95th Street to the centerline of Belinder; thence northerly along the centerline of Belinder to the centerline of 92nd Street; thence westerly along the centerline of 92nd Street to the junction with the centerline of 91st Street; thence northerly and easterly along the centerline of 91st Street to the junction with the centerline of Meadow Lane; thence northerly along the centerline of Meadow Lane to the centerline of 89th Street; thence westerly along the centerline of 89th Street to the western limits of the City; thence northerly and easterly along the western City limits to the centerline of Somerset Drive; thence easterly along the northern limits to the point of beginning.

6-203. BOUNDARIES OF WARD 2. That territory of the City of Leawood beginning at the centerline of 95th Street at the eastern limits of the City; thence southerly along the eastern limits of the City to the centerline of 103rd Street; thence westerly along the centerline of 103rd Street to the western limits of the City; thence northerly along the western limits of the City to the northwest corner of Lot 969, Leawood Estates; thence easterly to the northeast corner of Lot 662, Leawood Estates; thence northerly along the western limits of the City, to the centerline of 95th Street; thence westerly along the centerline of 95th Street to the western limits of the City; thence northerly along the western limits of the City to the centerline of 89th Street; thence easterly along the centerline of 89th Street to the centerline of Meadow Lane; thence southerly along the centerline of Meadow Lane to the junction with the centerline of 91st Street; thence westerly and southerly along the centerline of 91st Street to the junction with the centerline of 92nd Street; thence southerly and easterly along the centerline of 92nd Street to the centerline of Belinder; thence southerly along the centerline of Belinder to the centerline of 95th Street; thence easterly along the centerline of 95th Street to the eastern limits of the City and the point of beginning.

6-204. BOUNDARIES OF WARD 3. That territory of the City of Leawood beginning at the centerline of 103rd Street at the eastern limits of the City; thence southerly along the eastern limits of the City to the centerline of 120th Terrace; thence westerly along the centerline of 120th Terrace to the junction with the centerline of 121st Street; thence westerly along the centerline of 121st Street to the centerline of Wenonga; thence northerly along the centerline of Wenonga to the centerline of 119th Street; thence westerly along the centerline of 119th Street to the western limits of the City; thence northerly and easterly along the western limits of the City to the centerline of 103rd Street; thence east along the centerline of 103rd Street to the eastern limits of the City and the point of beginning.

6-205. BOUNDARIES OF WARD 4. That territory of the City of Leawood beginning at the centerline of 120th Terrace at the eastern limits of the City; thence southerly along the eastern boundary of the City to the junction with the southern boundary; thence westerly and southerly along the southern boundary of the City to the junction with the western boundary of the City; thence northerly along the western boundary of the City to the centerline of 119th Street; thence easterly along the centerline of 119th Street to the centerline of Wenonga; thence southerly along the centerline of Wenonga to the centerline of 121st Street; thence easterly along the centerline of 121st Street to the junction with the centerline of 120th Terrace; thence easterly along the centerline of 120th Terrace to the eastern limits of the City and the point of beginning.

Section 3. TAKE EFFECT. This ordinance shall take effect and be in force from and after the first day of January, 1989.

Passed by the Governing Body this 3rd day of October, 1988.

Approved by the Mayor this 4th day of October, 1988.

(s) Marcia Rinehart  
 Mayor  
 (SEAL)  
 Attest:  
 (s) Martha Heizer  
 City Clerk

APPROVED FOR FORM:  
 /s/ 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 \_\_\_\_\_ consecutive \_\_\_\_\_ (weeks, days) the first publication thereof being made as aforesaid on the 7th day of October 1988, 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 October 1988

*Pearlie A. Peterson*

NOTARY PUBLIC

PEARLIE A. PETERSON  
 NOTARY PUBLIC  
 STATE OF KANSAS  
 My Appt. Expires Jan 25 1992

My Commission expires: \_\_\_\_\_  
 Printer's Fee \$ 103.94  
 Additional copies \$ \_\_\_\_\_

ORDINANCE NO: 1071

AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF ORDINANCE.

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

REPEAL OF ORDINANCE. Section 1. Ordinance No. 1037, passed by the Governing Body March 7, 1988, is hereby repealed.

18-129. 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, and AR-2, Suburban Dwelling District:

All that part of the SW-1/4 of Section 4, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the SW-1/4 of said Section 4; thence S-89° 30'46"-E along the South line of said Section 4, a distance of 1404.00 feet for a true point of beginning; thence N-0° 29'14"-E, a distance of 415.71 feet; thence Northwesterly along a curve to the left, being tangent to the last described course at the last described point, having a radius of 600.00 feet, a distance of 206.51 feet; thence N-19° 14'00"-W and tangent to the last described curve, a distance of 339.21 feet; thence S-70° 46'00"-W, a distance of 229.13 feet; thence Southwesterly along a curve to the right, being tangent to the last described course at the last described point, having a radius of 600.00 feet, a distance of 206.51 feet; thence N-89° 30'46"-W and tangent to the last described curve, a distance of 830.71 feet to a point on the West line of said Section 4; thence N-0° 52'07"-E along said West line, a distance of 1823.33 feet to the Northwest corner of the SW-1/4 of said Section 4; thence S-89° 52'43"-E along the North line of said SW-1/4, a distance of 2654.19 feet to the Northeast corner thereof; thence S-0° 45'02"-W, along the East line of said SW-1/4, a distance of 2665.25 feet to the Southeast corner thereof; thence N-89° 30'45"-W along the South line of said Section 4, a distance of 1255.51 feet to the point of beginning. Subject to that part thereof in Nall Avenue and 151st Street.

The above-described tract contains 135.4253 acres, more or less, of unplatted land.

(151st & Nall; Nichols Estates)

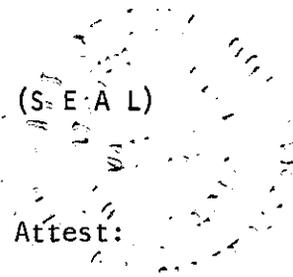
TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 3rd day of October, 1988.

Page 2  
ORDINANCE NO. 1071  
re Zoning, A and AR-2 to R-1, Nichols Estates

Approved by the Mayor this 4th day of October, 1988.

(S E A L)

  
Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

First Published in The Johnson County Sun, Friday, October 7, 1988.  
 ORDINANCE NO. 1071  
 AN ORDINANCE RELATING TO ZONING OF PROPERTY IN THE CITY OF LEAWOOD, KANSAS, AND REPEAL OF ORDINANCE.  
 Be it ordained by the Governing Body of the City of Leawood, Kansas:  
 REPEAL OF ORDINANCE. Section 1. Ordinance No. 1037, passed by the Governing Body March 7, 1988, is hereby repealed.  
 18-129. 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, and AR-2, Suburban Dwelling District:  
 All that part of the SW-1/4 of Section 4, Township 14, Range 25, in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the SW-1/4 of said Section 4; thence S-89° 30' 46"-E along the South line of said Section 4, a distance of 1404.00 feet for a true point of beginning; thence N-0° 29' 14"-E, a distance of 415.71 feet; thence Northwesterly along a curve to the left, being tangent to the last described course at the last described point, having a radius of 600.00 feet, a distance of 206.51 feet; thence N-19° 14' 00"-W and tangent to the last described curve, a distance of 339.21 feet; thence S-70° 46' 00"-W, a distance of 229.13 feet; thence Southwesterly along a curve to the right, being tangent to the last described course at the last described point, having a radius of 600.00 feet, a distance of 206.51 feet; thence N-89° 30' 46"-W and tangent to the last described curve, a distance of 830.71 feet to a point on the West line of said Section 4; thence N-0° 52' 07"-E along said West line, a distance of 1823.33 feet to the Northwest corner of the SW-1/4 of said Section 4; thence S-89° 52' 43"-E along the North line of said SW-1/4, a distance of 2654.19 feet to the Northeast corner thereof; thence S-0° 45' 02"-W, along the East line of said SW-1/4, a distance of 2665.25 feet to the Southeast corner thereof; thence N-89° 30' 45"-W along the South line of said Section 4, a distance of 1255.51 feet to the point of beginning. Subject to that part thereof in Nail Avenue and 151st Street.  
 The above-described tract contains 135.4253 acres, more or less, of unplatted land.  
 (151st & Nail; Nichols Estates)  
 TAKE EFFECT. Section 3. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.  
 Passed by the Governing Body this 3rd day of October, 1988.  
 Approved by the Mayor this 4th day of October, 1988.  
 (SEAL)  
 (s) Marcia Rinehart,  
 Mayor  
 Attest:  
 (s) Martha Heizer,  
 City Clerk  
 APPROVED FOR FORM: 1st R.  
 S. Wetzler, City Attorney  
 (4702 1F)

**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 \_\_\_\_\_ consecutive \_\_\_\_\_ (weeks, days) the first publication thereof being made as aforesaid on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, 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 October 1988

*Pearlie A. Peterson*

NOTARY PUBLIC

PEARLIE A. PETERSON  
 NOTARY PUBLIC  
 STATE OF KANSAS  
 My Appt. Expires Jan. 25, 1992

My Commission expires: \_\_\_\_\_  
 Printer's Fee \$ 58.02  
 Additional copies \$ \_\_\_\_\_

ORDINANCE NO. 1070

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 88C, PROJECT 116 (95TH STREET, STATE LINE ROAD TO WENONGA), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF \$100,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 95TH STREET, STATE LINE ROAD TO WENONGA, INCLUDING WIDENING, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 95th Street which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1065 on September 6, 1988; and

WHEREAS, total cost of improvements to 95th Street, State Line to Wenonga, is estimated to be \$1,200,000.00; and

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

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD: 20-1,396. 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 88C, Project 116 (95th Street, State Line Road to Wenonga), in the aggregate principal amount of One Hundred Thousand Dollars (\$100,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,397. Section Two: Said issue of Temporary Notes, Series 88C, Project 116 (95th Street, State Line to Wenonga), shall consist of one bearer note in the denomination of \$100,000.00. Said note shall be dated September 30, 1988, and shall have the stated maturity date of September 29, 1989. The note shall bear

interest from its date of delivery to the purchaser thereof, payable at maturity or upon redemption prior thereto at a rate of interest of 6.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

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, in whole or in part (but in any event in the full face amount) 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 or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,398. 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.

20-1,399. 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 note shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

~~20-1,400.~~ 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 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 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, 1988, the City has not issued any bonds or obligations other than the following described obligations:

	<u>Issue</u>	<u>Date</u>	<u>Principal Amount</u>
(a)	Equipment Lease Purchase Agreement	April 21, 1988	\$ 70,000.00
(b)	Temporary Notes Series 86-1-88A (Roe, 112th-121st)	Aug. 15, 1988	\$215,000.00
(c)	General Obligation Improvement and Refunding Bonds, Series 1988	Sept. 15, 1988	\$3,090,000.00
(d)	Temporary Notes Series 86-6-88B (Kenneth Rd, South)	Sept. 30, 1988	\$1,300,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1988 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 temporary notes to be retired with the proceeds of said temporary notes and 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.

20-1,401. 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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of September, 1988.

SIGNED by the Mayor this 20th day of September, 1988.



*Marcia Rinehart*  
Marcia Rinehart, Mayor

ATTEST:

*Martha Heizer*  
Martha Heizer, City Clerk

APPROVED AS TO FORM:

*R. S. Wetzler*  
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 21st day of September 1988, with subsequent publications being made on the following dates:

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

Deanna Martasin

Subscribe and sworn to before me this 21st day of September 1988

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1992

My Commission expires: -----  
Printer's Fee \$ 201.84  
Additional copies \$ -----

ORDINANCE NO. 1070

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 88C, PROJECT 116 (95TH STREET, STATE LINE ROAD TO WENONGA), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF \$100,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 95TH STREET, STATE LINE ROAD TO WENONGA, INCLUDING WIDENING, RESURFACING, GRADING, STORM DRAINAGE STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 95th Street which is located within the City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, the Governing Body authorized the improvement or reimprovement of certain sections of said main trafficway by the approval of Ordinance No. 1065 on September 6, 1988; and

WHEREAS, total cost of improvements to 95th Street, State Line to Wenonga, is estimated to be \$1,200,000.00; and

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

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

WHEREAS, the City of Leawood is authorized by law to issue temporary notes as provided by K.S.A. 10-123, and K.S.A. 12-689 and all acts amendatory thereto.

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

20-1.396. **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 88C, Project 116 (95th Street, State Line Road to Wenonga), in the aggregate principal amount of One Hundred Thousand Dollars (\$100,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1.397. **Section Two:** Said issue of Temporary Notes, Series 88C, Project 116 (95th Street, State Line to Wenonga), shall consist of one bearer note in the denomination of \$100,000.00. Said note shall be dated September 30, 1988, and shall have the stated maturity date of September 29, 1989. The note shall bear interest from its date of delivery to the purchaser thereof, payable at maturity or upon redemption prior thereto at a rate of interest of 6.14% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 10-123, and 12-689 and all acts amendatory thereto.

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, in whole or in part (but in any event in the full face amount) 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 or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1.398. **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.

20-1.399. **Section Four:** The Mayor and the 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 note shall be countersigned by the City Clerk and delivered to United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

29-1.400. **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 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 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, 1988, the City has not issued any bonds or obligations other than the following described obligations:

	Issue	Date	Principal Amount
(a)	Equipment Lease Purchase Agreement	April 21, 1988	\$ 70,000.00
(b)	Temporary Notes Series 86-1-88A (Roe, 112th-121st)	Aug. 15, 1988	\$ 215,000.00
(c)	General Obligation Improvement and Refunding Bonds, Series 1988	Sept. 15, 1988	\$3,090,000.00
(d)	Temporary Notes Series 86-6-88B (Kenneth Rd. South)	Sept. 30, 1988	\$1,300,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1988 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 temporary notes to be retired with the proceeds of said temporary notes and 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.

20-1.401. **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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of September, 1988.

SIGNED by the Mayor this 20th day of September, 1988.

/s/ Marcia Rinehart, Mayor

ATTEST:

/s/ Martha Heizer,

City Clerk

APPROVED AS TO FORM:

/s/ R.S. Wetzler,

City Attorney

ORDINANCE NO. 1069

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 86-6-88B, PROJECT 102, (KENNETH ROAD, SOUTH) IN THE AMOUNT OF \$1,300,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO KENNETH ROAD SOUTH FROM A POINT APPROXIMATELY 1805 FEET SOUTH OF THE NE CORNER SECTION 34 TOWNSHIP 13 RANGE 25 TO A POINT APPROXIMATELY 860 FEET SOUTH OF THE NE CORNER SECTION 3 TOWNSHIP 14 RANGE 25, INCLUDING GRADING, STORM DRAINAGE, STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, an improvement district has been established pursuant to Resolution No. 747 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on December 16, 1985; and

WHEREAS, the necessary permanent rights-of-way for construction have been acquired by the City and the City has incurred or will incur in the immediate future costs in the amount of \$1,343,038; and

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

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: 20-1,390. 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. 86-6-88B, Project 102 (Kenneth Road, South), in the aggregate principal amount of One Million Three Hundred Thousand Dollars (\$1,300,000), which amount does not exceed the total estimated costs of said improvements.

20-1,391. Section Two: Said issue of Temporary Notes, Series L.I.D. 86-6-88B, Project 102, shall consist of bearer notes numbered from 1 through 13 inclusive, each being in the denomination of \$100,000.00. Each of said notes shall be dated September 30, 1988, and shall have the stated maturity date of March 29, 1989. The notes shall bear interest from their date of delivery to the purchaser

thereof, payable at maturity or upon redemption prior thereto, at a rate of interest of 5.90% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are 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 or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,392. 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.

20-1,393. 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 United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,394. 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, 1988, the City has not issued any bonds or obligations other than the following described obligations:

	<u>Issue</u>	<u>Date</u>	<u>Principal Amount</u>
(a)	Equipment Lease Purchase Agreement	April 21, 1988	\$ 70,000.00
(b)	Temporary Notes Series 86-1-88A (Roe, 112th-121st)	Aug. 15, 1988	\$215,000.00
(c)	General Obligation Improvement and Refunding Bonds, Series 1988	Sept. 15, 1988	\$3,090,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1988 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 temporary notes to be retired with the proceeds of said temporary notes and 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.

20-1,395. 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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of September, 1988.

SIGNED by the Mayor this 20th day of September, 1988.



ATTEST:

*Marcia Rinehart*  
\_\_\_\_\_  
Marcia Rinehart, Mayor

*Martha Heizer*  
\_\_\_\_\_  
Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

*R. S. Wetzler*  
\_\_\_\_\_  
R. S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Mortalin** 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 all consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 21st day of September 1988, with subsequent publications being made on the following dates:

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

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

Deanna Mortalin

Subscribe and sworn to before me this 21st day of September 1988

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1992

My Commission expires: 190.08  
Printer's Fee \$-----  
Additional copies \$-----

ORDINANCE NO. 1069

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 86-6-88B, PROJECT 102, (KENNETH ROAD, SOUTH) IN THE AMOUNT OF \$1,300,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO KENNETH ROAD SOUTH FROM A POINT APPROXIMATELY 1805 FEET SOUTH OF THE NE CORNER SECTION 34 TOWNSHIP 13 RANGE 25 TO A POINT APPROXIMATELY 860 FEET SOUTH OF THE NE CORNER SECTION 3 TOWNSHIP 14 RANGE 25, INCLUDING GRADING, STORM DRAINAGE, STRUCTURES AND APPURTENANCES, CURBING, PAVING, STREET LIGHTING, SIDEWALKS, PAVEMENT MARKINGS AND OTHER INCIDENTAL CONSTRUCTION COSTS.

WHEREAS, an improvement district has been established pursuant to Resolution No. 747 under K.S.A. 12-6a04 and adopted by the Governing Body of the City of Leawood on December 16, 1985; and

WHEREAS, the necessary permanent rights-of-way for construction have been acquired by the City and the City has incurred or will incur in the immediate future costs in the amount of \$1,343,038; and

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

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: 20-1,390. 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. 86-6-88B, Project 102 (Kenneth Road, South), in the aggregate principal amount of One Million Three Hundred Thousand Dollars (\$1,300,000), which amount does not exceed the total estimated costs of said improvements.

20-1,391. Section Two: Said issue of Temporary Notes, Series L.I.D. 86-6-88B, Project 102, shall consist of bearer notes numbered from 1 through 13 inclusive, each being in the denomination of \$100,000.00. Each of said notes shall be dated September 30, 1988, and shall have the stated maturity date of March 29, 1989. The notes shall bear interest from their date of delivery to the purchaser thereof, payable at maturity or upon redemption prior thereto, at a rate of interest of 5.90% annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are 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 or written notification of redemption to the last known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,392. 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.

20-1,393. 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 United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,394. 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, 1988, the City has not issued any bonds or obligations other than the following described obligations:

Issue	Date	Principal Amount
(a) Equipment Lease Purchase Agreement	April 21, 1988	\$ 70,000.00
(b) Temporary Notes Series 86-1-88A (Roe, 112th-121st)	Aug. 15, 1988	\$215,000.00
(c) General Obligation Improvement and Refunding Bonds, Series 1988	Sept. 15, 1988	\$3,090,000.00

and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1988 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 temporary notes to be retired with the proceeds of said temporary notes and 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.

20-1,395. 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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 19th day of September, 1988.

SIGNED by the Mayor this 20th day of September, 1988.

(s) Marcia Rinehart, Mayor

ATTEST:

(s) Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

(s) R. S. Wetzel, City Attorney

ORDINANCE NO. 1068

AN ORDINANCE REASSESSING LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF CONSTRUCTION OF KENNETH ROAD FROM A POINT APPROXIMATELY 1805 FEET SOUTH OF THE N.E. CORNER OF SECTION 34, TOWNSHIP 13, RANGE 25 TO A POINT APPROXIMATELY 860 FEET SOUTH OF THE N.E. CORNER OF SECTION 3, TOWNSHIP 14, RANGE 25; AND REPEALING PRIOR ORDINANCE LEVYING ASSESSMENTS ON THE SAME LOTS, PIECES AND PARCELS OF GROUND. (Improvement District 85-4, Project No. 102)

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 Kenneth Road in the City of Leawood, Kansas from a point approximately 1805 feet S. of the N.E. Cor. Sec. 34 T.13 R.25 to a point approximately 860 feet south of the N.E. corner of Section 3, Township 14, Range 25. The project generally consists of construction of a primary collector street with turning lanes and concrete curb and gutters. 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 to the City is \$1,343,038.00; and

WHEREAS, the Governing Body did pursuant to Ordinance No. 1057 published on the 29th day of June, 1988, levy assessments on lots, pieces and parcels of ground in the City of Leawood, for the purpose of paying for the cost of construction of said improvements; and

WHEREAS, the Governing Body upon notice and hearing has determined on advice of counsel that a reassessment should be made as to certain parcels and tracts of ground within said improvement district; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is \$1,307,690.00 with such property within the improvement district abutting the improvement assessed as follows:

Tracts 2A and 2B at \$156.252352406 abutting front foot; tracts 8 and 10 at the rate of \$156.252352406 per abutting front foot with the exception that 330 abutting front feet (10 acres) shall be assessed at the residential rate of \$82.00 per abutting front foot; tracts 11, 12 and 13 at the residential rate of \$82.00 per abutting front foot and subject to reassessment in accordance with Resolution No. 694; Bi -

1600  
ck

State Business Park lots at \$0.1662407788 per square foot; and Leawood Falls property at \$617.50335443 per planned unit. (Tracts and other properties as identified on I.D. 85-4 assessment map). The assessment of tracts 8 and 10 are further subject to an Agreement for Certification and Reassessment dated the 23rd day of September, 1988, between the owners of said tracts and the City of Leawood, Kansas.

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;

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

20-1,346. 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 assessments for said improvement as set forth in the recitals hereinbefore and as established in the assessment roll on file in the City Clerk's Office.

20-1,347. 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 unless this ordinance is adopted and certified too late to permit collection at such time.

20-1,348. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,349. Section 4. The owner of any property so assessed may at any time prior to October 24, 1988, pay the whole of the assessment against any lot or parcel of ground, without interest to the City Treasurer.

20-1,350. Section 5. Assessments not paid prior to 4:00 p.m., October 24, 1988, 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. Ordinance No. 1057 of the City of Leawood is hereby repealed.

TAKE EFFECT. Section 7. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 19th day of September, 1988.

Approved by the Mayor this 20th day of September, 1988.



Marcia Rinehart  
Marcia Rinehart Mayor

ATTEST:

Martha Heizer  
Martha Heizer City Clerk

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

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

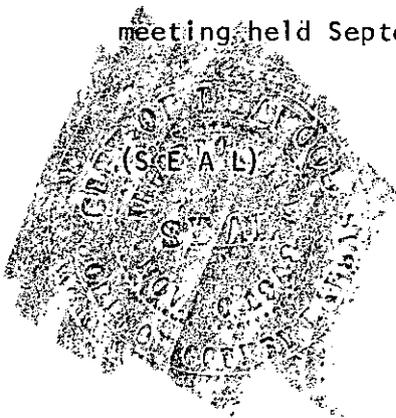
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16<sup>00</sup> RUBIE M. SCOTT  
REGISTER OF DEEDS

BY \_\_\_\_\_ DEP.

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 the full, true and correct original of Ordinance No. 1068 passed by the Governing Body at a regular meeting held September 19, 1988.



*Martha Heizer*  
\_\_\_\_\_  
Martha Heizer  
City Clerk  
City of Leawood, Kansas

First Published in The Johnson County Sun, Wednesday, September 28, 1988.

ORDINANCE NO. 1068  
AN ORDINANCE REASSESSING LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PAYING FOR THE COST OF CONSTRUCTION OF KENNETH ROAD FROM A POINT APPROXIMATELY 1805 FEET SOUTH OF THE N.E. CORNER OF SECTION 34, TOWNSHIP 13, RANGE 25 TO A POINT APPROXIMATELY 860 FEET SOUTH OF THE N.E. CORNER OF SECTION 3, TOWNSHIP 14, RANGE 25; AND REPEALING PRIOR ORDINANCE LEVYING ASSESSMENTS ON THE SAME LOTS, PIECES AND PARCELS OF GROUND. (Improvement District 85-4, Project No. 102)

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 Kenneth Road in the City of Leawood, Kansas from a point approximately 1805 feet S. of the N.E. Cor. Sec. 34 T.13 R.25 to a point approximately 860 feet south of the N.E. corner of Section 3, Township 14, Range 25. The project generally consists of construction of a primary collector street with turning lanes and concrete curb and gutters. 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 to the City is \$1,343,038.00; and

WHEREAS, the Governing Body did pursuant to Ordinance No. 1057 published on the 29th day of June, 1988, levy assessments on lots, pieces and parcels of ground in the City of Leawood, for the purpose of paying for the cost of construction of said improvements; and

WHEREAS, the Governing Body upon notice and hearing has determined on advice of counsel that a reassessment should be made as to certain parcels and tracts of ground within said improvement district; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is \$1,307,690.00 with such property within the improvement district abutting the improvement assessed as follows:

Tracts 2A and 2B at \$156.252352406 abutting Front foot; tracts 8 and 10 at the rate of \$156.252352406 per abutting front foot with the exception that 330 abutting front feet (10 acres) shall be assessed at the residential rate of \$82.00 per abutting front foot; tracts 11, 12 and 13 at the residential rate of \$82.00 per abutting front foot and subject to reassessment in accordance with Resolution No. 694; Bi - State Business Park lots at \$0.1662407788 per square foot; and Leawood Falls property at \$617.50335443 per planned unit. (Tracts and other properties as identified on I.D. 85-4 assessment map). The assessment of tracts 8 and 10 are further subject to an Agreement for Certification and Reassessment dated the 23rd day of September, 1988, between the owners of said tracts and the City of Leawood, Kansas.

WHEREAS, said Governing Body has, after due notice met and determined the amount of such special assessment;

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

20-1.346. 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 assessments for said improvement as set forth in the recitals hereinbefore and as established in the assessment roll on file in the City Clerk's Office.

20-1.347. 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 unless this ordinance is adopted and certified too late to permit collection at such time.

20-1.348. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1.349. Section 4. The owner of any property so assessed may at any time prior to October 24, 1988, pay the whole of the assessment against any lot or parcel of ground, without interest to the City Treasurer.

20-1.350. Section 5. Assessments not paid prior to 4:00 p.m., October 24, 1988, 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. Ordinance No. 1057 of the City of Leawood is hereby repealed.

TAKE EFFECT. Section 7. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 19th day of September, 1988.

Approved by the Mayor this 20th day of September, 1988.

(s) Marcia Rinehart  
Mayor  
(SEAL)  
ATTEST:  
(s) Martha Heizer  
City Clerk

APPROVED FOR FORM:  
(s) 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 Alley (weeks, days) the first publication thereof being made as aforesaid on the 28th day of September 1988, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this 28th day of September 1988

Pearlie A Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1992

My Commission expires: -----

Printer's Fee \$ 106.08

Additional copies \$ -----

ORDINANCE NO. 1067C

AN ORDINANCE PERTAINING TO CERTAIN LIMITATIONS UPON RESIDENTIAL PICKETING AND PROVIDING FOR THE PEACE, PRIVACY, AND WELL-BEING OF INDIVIDUALS AND THEIR HOMES AND DWELLINGS.

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

Section 1. The Code of the City of Leawood is hereby amended by adding sections 11-206, 11-207, and 11-208, which shall read as follows:

11-206. DECLARATION. It is declared that the protection and preservation of the home is the keystone of democratic government; that the public health and welfare and the good order of the community require that members of the community enjoy in their homes and dwellings a feeling of well being, tranquility, and privacy, and when absent from their homes and dwellings, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes and dwellings; that the practice of picketing before or about residences and dwellings causes emotional disturbance and distress to the occupants; obstructs and interferes with the free use of public sidewalks and public ways of travel; that such practice has as its object the harassing of such occupants; and without resort to such practice full opportunity exists, and under the terms and provisions of this ordinance will continue to exist for the exercise of freedom of speech and other constitutional rights; and that the provisions hereinafter enacted are necessary for the public interest to avoid the detrimental results herein set forth and are enacted by the Governing Body of the City of Leawood pursuant to the Home Rule provisions of the Kansas Constitution, the City's police powers, and all other lawful authority available to the City.

11-207. PICKETING RESIDENCE OR DWELLING UNLAWFUL. It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the City of Leawood.

11-208. PENALTY FOR VIOLATIONS. Any person violating the provisions of sections 11-206, 11-207 of the Code of the City of Leawood

shall be deemed guilty of a public offense and upon conviction therefore shall be punished by a fine of not more than \$500.00, and/or by imprisonment for a period not to exceed six months or by both such fine and imprisonment.

Section 2. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 19th day of September, 1988.

Approved by the Mayor this 20th day of September, 1988.

(S E A L)

ATTEST:

Marcia Rinehart  
Marcia Rinehart Mayor

Martha Heizer  
Martha Heizer City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler  
Richard S. Wetzler City Attorney

4610

First Published in The Johnson County Sun, Wednesday, September 21, 1988.

ORDINANCE NO. 1067C  
AN ORDINANCE PERTAINING TO CERTAIN LIMITATIONS UPON RESIDENTIAL PICKETING AND PROVIDING FOR THE PEACE, PRIVACY, AND WELL-BEING OF INDIVIDUALS AND THEIR HOMES AND DWELLINGS.

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

Section 1. The Code of the City of Leawood is hereby amended by adding sections 11-206, 11-207, and 11-208, which shall read as follows:

11-206. DECLARATION. It is declared that that protection and preservation of the home is the keystone of democratic government; that the public health and welfare and the good order of the community requires that members of the community enjoy in their homes and dwellings a feeling of well being, tranquility, and privacy, and when absent from their homes and dwellings, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes and dwellings; that the practice of picketing before or about residences and dwellings causes emotional disturbance and distress to the occupants; obstructs and interferes with the free use of public sidewalks and public ways of travel; that such practice has as its object the harassing of such occupants; and without resort to such practice full opportunity exists, and under the terms and provisions of this ordinance will continue to exist for the exercise of freedom of speech and other constitutional rights; and that the provisions hereinafter enacted are necessary for the public interest to avoid the detrimental results herein set forth and are enacted by the Governing Body of the City of Leawood pursuant to the Home Rule provisions of the Kansas Constitution, the City's police powers, and all other lawful authority available to the City.

11-207. PICKETING RESIDENCE OR DWELLING UNLAWFUL. It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the City of Leawood.

11-208. PENALTY FOR VIOLATIONS. Any person violating provisions of sections 11-206, 11-207 of the Code of the City of Leawood shall be deemed guilty of a public offense and upon conviction therefore shall be punished by a fine of not more than \$500.00, and/or by imprisonment for a period not to exceed six months or by both such fine and imprisonment.

Section 2. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 19th day of September, 1988.  
Approved by the Mayor this 20th day of September, 1988.  
/s/ Marcia Rinehart,  
Mayor  
(SEAL)  
/s/ Martha Heizer  
City Clerk  
APPROVED AS TO FORM:  
/s/ Richard S. Wetzler  
City Attorney

(4610 1W)

### 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 one (weeks, days) the first publication thereof being made as aforesaid on the 21st day of September 1988, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

21st day of September 1988

Subscribe and sworn to before me this

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1992

My Commission expires: -----  
Printer's Fee \$ 58.02  
Additional copies \$ -----

*repealed by Ord. 1159,  
5/7/90*

ORDINANCE NO. 1066

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 Ordinance #965 and 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 at least 48" above the ground line.
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 respon-

*Repealed by Ord. 1159,  
5/7/90*

- sible 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 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.

D. Exceptions to Height Restrictions

The Board of Zoning Appeals shall have the power to grant exceptions to the height restrictions for fences

Repealed by Ord. 1159,  
5/7/90

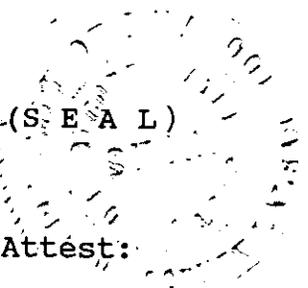
if the Board finds that a waiver will not adversely affect the general welfare of the neighborhood which shall specifically include property values and safety of the neighborhood. The Board shall take into consideration the effect on adjoining property, the uses of adjoining property, proximity to collector or arterial streets, noise emanating from adjoining property, security of owner's property, views of and through adjoining property, safety, visual blight and other extenuating circumstances. Such exception shall require a public hearing, notice and publication in the official City newspaper. In no case shall the Board allow a fence that exceeds 6 feet in height.

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.

Passed by the Governing Body this 6th day of September, 1988.

Approved by the Mayor this 7th day of September, 1988.



Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

APPROVED FOR FORM: R.S. Wetzier  
R.S. Wetzier 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 9th day of September 1988, 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 September 1988

*Pearlie A. Peterson*

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1992

My Commission expires: 12/30

Printer's Fee \$ -----

Additional copies \$ -----

First Published in The Johnson County Sun, Friday, September 9, 1988.  
ORDINANCE NO. 1066  
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 Ordinance #965 and 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 co-ordinated 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 at least 48" above the ground line.

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 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.

D. Exceptions to Height Restrictions

The Board of Zoning Appeals shall have the power to grant exceptions to the height restrictions for fences if the Board finds that a waiver will not adversely affect the general welfare of the neighborhood which, shall, specifically, include property values and safety of the neighborhood. The Board shall take into consideration the effect on adjoining property, the uses of adjoining property, proximity to collector or arterial streets, noise emanating from adjoining property, security of owner's property, views of and through adjoining property, safety, visual blight and other extenuating circumstances. Such exception shall require a public hearing, notice and publication in the official City newspaper. In no case shall the Board allow a fence that exceeds 6 feet in height.

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.

Passed by the Governing body this 6th day of September, 1988.

Approved by the Mayor this 7th day of September, 1988.

(SEAL)

(s) Marcia Rinehart, Mayor

Attest:

(s) Martha Heizer, City Clerk

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

ORIGINAL COMPARED WITH RECORD

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF CERTAIN SECTIONS OF 95th STREET, A MAIN TRAFFICWAY WITHIN THE CITY OF LEAWOOD AND PROVIDING FOR THE PAYMENT OF COSTS THEREOF.

WHEREAS, the City of Leawood has previously by Section 14-206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 95th Street which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, K.S.A. 12-687 provides that the Governing Body of any city shall have power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, building any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts and drainage, trafficway illumination, traffic control devices, pedestrian ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

WHEREAS, K.S.A. 12-689 provides that all costs of improvements or reimprovements authorized under the provisions of K.S.A. 12-687, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the City at large and may be funded among others, by the issuance of general improvement bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove certain portions of 95th Street, as provided by and under the authority of K.S.A. 12-687, and to provide for the payment of the costs thereof as provided by and under the authority of K.S.A. 12-689.

THEREFORE, BE IT ORDAINED by the Governing Body of the City of Leawood, Kansas:

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

1988 SEP 16 A 10:11 4

RUBIE M. SCOTT  
REGISTER OF DEEDS

goc

goc

BY \_\_\_\_\_ DEP

20-1,386. Section 1. It is hereby deemed and declared to be necessary to improve and reimprove certain portions of 95th Street located within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements be done under the authority of K.S.A. 12-687.

20-1,387. Section 2. The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies, administrative expenses and expenses of financing the improvements or reimprovements, is the sum of \$1,200,000.00, and said costs shall be chargeable to the City at large and will be paid by the issuance of general obligation bonds of the City of Leawood under the authority of K.S.A. 12-689.

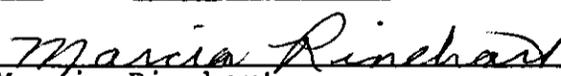
20-1,388. Section 3. The City is hereby further authorized to enter into an agreement with Johnson County, Kansas and the City of Overland Park to provide for payment of a portion of the cost of the project herein authorized. It is estimated that Overland Park will pay 9% of the costs and that Johnson County will pay 50% of the costs and that the City of Leawood will pay 41% of the costs of the project herein authorized.

20-1,389. Section 4. The above described main trafficway improvements or reimprovements shall be in accordance with the plans and specifications to be prepared by Black & Veatch Consulting Engineers, which plans and specifications will be approved by the Governing Body of the City of Leawood, Kansas. A copy of said plans and specifications shall be filed in the office of the City Clerk.

Section 5. This ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Adopted and approved by the Governing Body of the City of Leawood, Kansas on the 6th day of September, 1988.

Approved by the Mayor this 7th day of September, 1988.

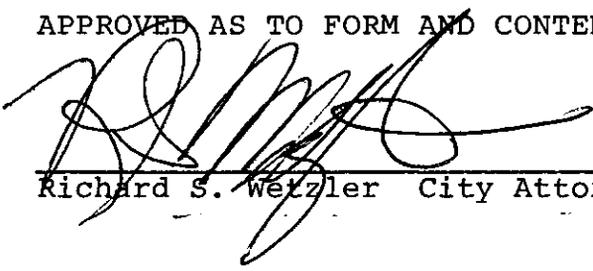
  
\_\_\_\_\_  
Marcia Rinehart Mayor



ATTEST:

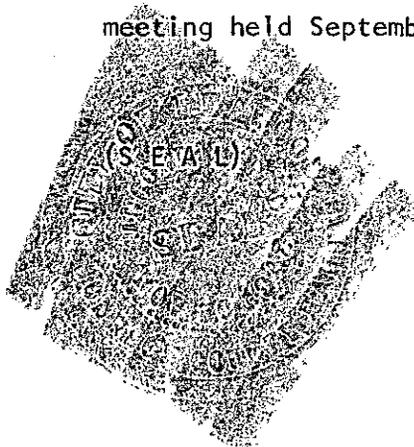
  
Martha Heizer City Clerk

APPROVED AS TO FORM AND CONTENT:

  
Richard S. Weizler City Attorney

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 the full, true and correct original of Ordinance No. 1065 passed by the Governing Body at a regular meeting held September 6, 1988.



  
\_\_\_\_\_  
Martha Heizer  
City Clerk  
City of Leawood, Kansas

First Published in The Johnson County Sun, Friday, September 9, 1988.

ORDINANCE NO. 1065  
AN ORDINANCE AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF CERTAIN SECTIONS OF 95TH STREET, A MAIN TRAFFICWAY WITHIN THE CITY OF LEAWOOD AND PROVIDING FOR THE PAYMENT OF COSTS THEREOF.

WHEREAS the City of Leawood has previously by Section 14.206 of the "Code of the City of Leawood, Kansas, 1984" designated that portion of 95th Street which is located within this City as a main trafficway pursuant to the provisions of K.S.A. 12-685; and

WHEREAS, K.S.A. 12-687 provides that the Governing Body of any city shall have power to improve or reimprove or cause to be improved or reimproved, any main trafficway or trafficway connection designated and established under the provisions of K.S.A. 12-685 et seq., and such improvement or reimprovement may include grading, regrading, curbing, recurbing, guttering, reguttering, paving, repaving, macadamizing, remacadamizing, constructing, reconstructing, opening, widening, extending, rounding corners, straightening, relocating, building any necessary bridges and approaches thereto, viaducts, overpasses, underpasses, culverts and drainage, trafficway illumination, traffic control devices, pedestrian ways, or other improvements or any two or more of such improvements or reimprovements and the acquisition of right-of-way by purchase or condemnation when necessary for any of such purposes; and

WHEREAS, K.S.A. 12-689 provides that all costs of improvements or reimprovements authorized under the provisions of K.S.A. 12-687, including acquisition of right-of-way, engineering costs, and all other costs properly attributable to such projects, shall be paid by the City at large and may be issued among others, by the issuance of general improvement bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove certain portions of 95th Street, as provided by and under the authority of K.S.A. 12-687, and to provide for the payment of the costs thereof as provided by and under the authority of K.S.A. 12-689.

THEREFORE, BE IT ORDAINED by the Governing Body of the City of Leawood, Kansas:

20-1.386. Section 1. It is hereby deemed and declared to be necessary to improve and reimprove certain portions of 95th Street located within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements be done under the authority of K.S.A. 12-687.

20-1.387. Section 2. The total estimated cost of the above described main trafficway improvements or reimprovements, including construction, engineering fees, acquisition of right-of-way and easements, contingencies, administrative expenses and expenses of financing the improvements or reimprovements, is the sum of \$1,200,000.00, and said costs shall be chargeable to the City at large and will be paid by the issuance of general obligation bonds of the City of Leawood under the authority of K.S.A. 12-689.

20-1.388. Section 3. The city is hereby further authorized to enter into an agreement with Johnson County, Kansas and the City of Overland Park to provide for payment of a portion of the cost of the project herein authorized. It is estimated that Overland Park will pay 9% of the costs and that Johnson County will pay 50% of the costs and that the City of Leawood will pay 41% of the costs of the project herein authorized.

20-1.389. Section 4. The above described main trafficway improvements or reimprovements shall be in accordance with the plans and specifications to be prepared by Black & Veatch Consulting Engineers, which plans and specifications will be approved by the Governing Body of the City of Leawood, Kansas. A copy of said plans and specifications shall be filed in the office of the City Clerk.

Section 5. This ordinance shall take effect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Adopted and approved by the Governing Body of the City of Leawood, Kansas on the 6th day of September, 1988.

Approved by the Mayor this 7th day of September, 1988.

(s) Marcia Rinehart, Mayor

ATTEST:

(s) Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

(s) Richard 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 9th day of September 1988, 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 September 1988

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1992

My Commission expires: -----

Printer's Fee \$ 91.52

Additional copies \$ -----

ORDINANCE NO. 1064

AN ORDINANCE ESTABLISHING THE 1989 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

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

28-309. 1989 ANNUAL ASSESSMENT. Section 1. Pursuant to the terms of Section 15-104 of the "Code of the City of Leawood, 1984", the following shall be the formula to establish the 1989 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge + Customer Service Charge + Replacement Cost Charge;

Volume Charge = \$1.038 per 1000 gallons of water used.  
The minimum volume for residential users shall be 33,000 gallons per year; the minimum volume for commercial users shall be 12,000 gallons per year;

Customer Service Charge = \$65.50 per user per unit;

Replacement Cost = \$0.00/account (for 1989);

Special Charge = \$7.05/account; Debt Service, Public Works Facility

28-310. PUBLICATION. Section 2. This ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

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

Passed by the Governing Body this 15th day of August, 1988.

Approved by the Mayor this 16th day of August, 1988.

(SEAL)

Attest:

Martha Heizer  
Martha Heizer

City Clerk

APPROVED FOR FORM:

R.S. Wetzler  
R.S. Wetzler

City Attorney

Marcia Rinehart  
Marcia Rinehart  
Mayor

First published in The Johnson County Sun, Friday, August 19, 1988.

ORDINANCE NO. 1064  
AN ORDINANCE ESTABLISHING THE 1989 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

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

28-309. 1989 ANNUAL ASSESSMENT. Section 1. Pursuant to the terms of Section 15-104 of the "Code of the City of Leawood, 1984", the following shall be the formula to establish the 1989 annual assessment for all users of the Leawood Sewer System:

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Volume Charge = \$1.038 per 1000 gallons of water used. The minimum volume for residential users shall be 33,000 gallons per year; the minimum volume for commercial users shall be 12,000 gallons per year;

Customer Service Charge = \$65.50 per user per unit;

Replacement Cost = \$0.00/account (for 1989);

Special Charge = \$7.05/account; Debt Service, Public Works Facility

28-310. PUBLICATION. Section 2. This ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

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

Passed by the Governing Body this 15th day of August, 1988.

Approved by the Mayor this 16th day of August, 1988.

(s) Marcia Rinehart, Mayor

(SEAL)

Attest:

(s) Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler, City Attorney

(4256 2F)

### 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.

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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 two consecutive weeks (weeks, days) the first publication thereof being made as aforesaid on the 19th day of August 1988, with subsequent publications being made on the following dates:

August 26, 1988 \_\_\_\_\_, 19\_\_\_\_\_  
\_\_\_\_\_, 19\_\_\_\_\_, 19\_\_\_\_\_

*Deanna Martasin*

Subscribe and sworn to before me this 26th day of August 1988

*Pearlie A Peterson*

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1992

My Commission expires: 6.5.86  
Printer's Fee \$ \_\_\_\_\_  
Additional copies \$ \_\_\_\_\_

ORDINANCE NO. 1063

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:

18-128. 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:

A tract of land in part of the South 1/2 of the NE 1/4 of the SW 1/4 of Section 27, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northwest corner of the South 1/2 of the NE 1/4 of the SW 1/4 of said Section 27; thence N-87°36'24"-E along the North line of the South 1/2 of said 1/4 1/4 Section, a distance of 811.62 feet; thence S-59°46'00"-W, a distance of 304.58 feet; thence S-78°53'19"-W, a distance of 549.90 feet to a point on the West line of the South 1/2 of said 1/4 1/4 Section; thence N-2°04'32"-W along last said West line, a distance of 225.59 feet to the point of beginning.

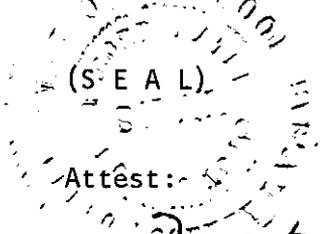
The above-described tract contains 2.7314 acres.

(approximately 131st & Glenfield; Part of Waterford, 3rd Plat)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 15th day of August, 1988.

Approved by the Mayor this 16th day of August, 1988.



*Marcia Rinehart*  
Marcia Rinehart Mayor

Attest:  
*Martha Heizer*  
Martha Heizer City Clerk

APPROVED FOR FORM:  
*R.S. Wetzler*  
R.S. Wetzler City Attorney

First Published in The Johnson County Sun, Friday, August 19, 1988.

ORDINANCE NO. 1063  
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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A tract of land in part of the South 1/2 of the NE 1/4 of the SW 1/4 of Section 27, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northwest corner of the South 1/2 of the NE 1/4 of the SW 1/4 of said Section 27 thence N 87°36'24"E along the North line of the South 1/2 of said 1/4 1/4 Section, a distance of 811.62 feet; thence S-59°46'00"W, a distance of 304.58 feet; thence S-78°53'19"W, a distance of 549.90 feet to a point on the West line of the South 1/2 of said 1/4 1/4 Section; thence N-2°04'32"W along said West line, a distance of 225.59 feet to the point of beginning.

The above-described tract contains 2.7314 acres. (approximately 131st & Glenfield; Part of Waterford, 3rd Plat)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 15th day of August, 1988.

Approved by the Mayor this 16th day of August, 1988.

(s) Marcia Rinehart, Mayor (SEAL)

Attest:

(s) Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler, City Attorney (4255 1F)

### 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 August 1988, 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 August 1988

*Pearlie A. Peterson*

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1992

My Commission expires: -----  
Printer's Fee \$ 35.62  
Additional copies \$ -----

ORDINANCE NO. 1062

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:

18-127. 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:

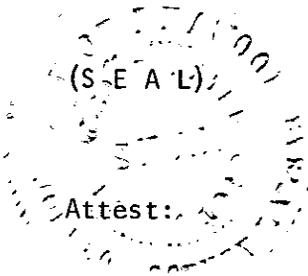
The North 1/2 of the SE 1/4 of Section 28, Township 13 South, Range 25 East, except the South 343.71 feet of the East 540.00 feet thereof, all in the City of Leawood, Johnson County, Kansas. Containing 76.3383 acres, more or less of unplatted land.

(approximately 131st, between Mission & Roe; Waterford, 4th Plat)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 15th day of August, 1988.

Approved by the Mayor this 16th day of August, 1988.



Marcia Rinehart  
Marcia Rinehart Mayor

Attest:  
Martha Heizer  
Martha Heizer City Clerk

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

First Published in The Johnson County Sun, Friday, August 19, 1988.

ORDINANCE NO. 1062  
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:

18-127. 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 North 1/2 of the SE 1/4 of Section 28, Township 13, South, Range 25 East, except the South 343.71 feet of the East 540.00 feet thereof, all in the City of Leawood, Johnson County, Kansas. Containing 76.3383 acres, more or less of unplatted land.

(approximately 131st, between Misson & Roe; Waterford, 4th Plat)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 15th day of August, 1988. Approved by the Mayor this 16th day of August, 1988.

(s) Marcia Rinehart, Mayor (SEAL)

Attest:

(s) Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler, City Attorney (4254 1F)

### 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.

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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 August 1988, 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 August 1988

*Pearlie A. Peterson*

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1992

My Commission expires: 27, 22  
Printer's Fee \$ -----  
Additional copies \$ -----

=====

ORDINANCE NO. 1061

OF

THE CITY OF LEAWOOD, KANSAS

ADOPTED AUGUST 15, 1988

\$3,090,000

GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS

SERIES 1988

=====

ORDINANCE NO. 1061 OF THE CITY OF LEAWOOD, KANSAS

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ORDINANCE NO. 1061

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$3,090,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 1988, OF THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE COST OF CONSTRUCTION OF CERTAIN IMPROVEMENTS WITHIN THE CITY AND REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF 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, the City of Leawood, Kansas (the "City"), has heretofore issued its Combined Projects Improvement General Obligation Bonds, Series 1987, in the aggregate principal amount of \$2,400,000 (the "Series 1987 Bonds") for the purpose of providing funds to finance the cost of construction of various improvements including 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"); and

WHEREAS, the Sanitary Sewer Improvement has been completed and paid for and there remains on deposit in the construction fund for said project the sum of \$500,000 which the City desires to use to reduce the indebtedness associated with the Sanitary Sewer Improvement by prepaying certain Series 1987 Bonds; and

WHEREAS, to achieve certain economic efficiencies and interest cost savings and to provide an orderly plan of financing for the City, it is hereby found and determined to be desirable and in the best interest of the City and its inhabitants to issue general obligation bonds of the City pursuant to K.S.A. 10-427 and 10-427a, as amended, to provide funds which together with the remaining funds referred to in the previous paragraph will be used to refund in advance of their respective maturities Series 1987 Bonds bearing stated maturities on September 1 in the years 1998 through and including 2002 (the "Refunded 1987 Bonds"); and

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., 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 within the City (the "Improvements"):

- (a) Construction of that portion of 119th Street extending from Roe Avenue to Mission Road including necessary

appurtenances, as authorized by Resolution No. 822 (the "119th Street Improvement");

- (b) Construction of certain improvements to Nall Avenue extending from College Boulevard to 119th Street including necessary appurtenances, as authorized by Resolution No. 848 (the "Nall Avenue Improvement");
- (c) Construction of improvements to State Line Road extending from 81st Street to 84th Street including necessary appurtenances, as authorized by Resolution No. 683 (the "State Line Improvement"); and
- (d) Construction of improvements to Kenneth Road extending from 135th Street to a point approximately 1,805 feet South of the Northeast Corner of Section 34, Township 13, Range 25, within the City, including necessary appurtenances, as authorized by Resolution No. 746 (the "Kenneth Road 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 \$2,900,000 with \$2,680,988.92 of the cost to be paid by the owners of the property within the City benefited by the respective Improvements and \$219,011.08 of the cost to be paid by the City at large, and that none of said property owners have paid their respective assessments on account of the construction of the Improvements and there are no funds available in the City Treasury to pay the remainder of the cost of the Improvements leaving \$2,900,000 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 and to refund the Refunded 1987 Bonds by the issuance of General Obligation Improvement and Refunding Bonds, Series 1988, in the principal amount of \$3,090,000 (the "Bonds"); and

WHEREAS, the City intends that the Bonds be designated and has heretofore designated and hereby designates 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

20-1,357. Section 101. Definitions of Words and Terms. In addition to words and terms defined in the recitals and 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 this Ordinance.

"Cost of Issuance Fund" means the Cost of Issuance Fund created by Section 501 of this 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 Stern Brothers and Company, Inc., Kansas City, Missouri, and affiliated purchasers of the Bonds.

## ARTICLE II

### AUTHORIZATION OF THE BONDS

20-1,358. Section 201. Authorization of the Bonds. The Bonds of the City are authorized and directed to be issued in the principal amount of \$3,090,000 for the purpose of providing funds to finance the costs of constructing the Improvements and to refund the Refunded 1987 Bonds, as provided in this Ordinance.

20-1,359. 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 Improvements 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.

20-1,360. Section 203. Details of the Bonds. The Bonds will be issued in two separate series designated "General Obligation

Improvement Bonds, Series 1988-A", in the aggregate principal amount of \$2,900,000 (the "Series 1988-A Bonds"), and "General Obligation Refunding Bonds, Series 1988-B", in the aggregate principal amount of \$190,000 (the "Series 1988-B Bonds").

The Bonds shall consist of fully registered certificated bonds without coupons or uncertificated bonds in the denominations 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 September 1, 1988, 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:

SERIES 1988-A BONDS

<u>MATURITY DATE</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE PER ANNUM</u>	<u>MATURITY DATE</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE PER ANNUM</u>
1989	\$290,000	7.00 %	1994	\$290,000	6.60%
1990	290,000	7.00 %	1995	290,000	6.60%
1991	290,000	7.00 %	1996	290,000	6.70%
1992	290,000	7.00 %	1997	290,000	6.80%
1993	290,000	7.00 %	1998	290,000	6.90%

SERIES 1988-B BONDS

<u>MATURITY DATE</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE PER ANNUM</u>
1999	190,000	7.00%

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, 1989 (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").

20-1,361. 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.

20-1,362. 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 Paying Agent 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 prior to 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 the Bonds.

20-1,363. 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) 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 bondowners.

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 for the Bonds or to register, transfer or exchange any Bonds called for redemption during said period.

20-1,364. 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 this Ordinance, such Bond shall be cancelled by the Bond Registrar and the cancelled Bond shall be returned to the City.

20-1,365. 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.

20-1,366. 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 plus any premium thereon. 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 safe keeping 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

20-1,367. Section 301. Optional Redemption. At the option of the City, Bonds maturing on September 1, 1996, and thereafter may be called for redemption and payment prior to maturity on September 1, 1995, 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.

20-1,368. 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.

20-1,369. 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 an all of the outstanding Bonds are to be redeemed and paid prior to maturity, such Bonds shall be redeemed in inverse order of maturity from all of the Bonds of both separate series taken as a single issue of Bonds, 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).

20-1,370. 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

20-1,371. 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.

20-1,372. 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

20-1,373. 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").

20-1,374. 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.

20-1,375. Section 503. Approval of Escrow Trust Agreement. The form of the Escrow Trust Agreement, attached hereto as Exhibit B, is hereby approved, and said agreement is hereby incorporated into this Ordinance as though fully set forth herein. The Mayor of the City is hereby authorized and directed to execute the Escrow Trust Agreement with any changes, insertions or modifications as in the opinion of the Mayor with advice of counsel are necessary and desirable. The City Clerk is hereby authorized and directed to attest to the signature of the Mayor and affix the City's seal, such execution and attestation being conclusive as to the approval, correctness and completeness of said Escrow Trust Agreement.

George K. Baum & Company is hereby designated as the City's agent for the purpose of subscribing for and acquiring the United States government obligations to be deposited pursuant to the Escrow Trust Agreement.

#### ARTICLE VI

#### APPLICATION OF BOND PROCEEDS

20-1,376. Section 601. Disposition of Bond Proceeds and Other Moneys.

- (a) The proceeds received from the sale of the Bonds, including any premium and 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 Cost of Issuance Fund solely from the proceeds of the Series 1988-B Bonds the sum of \$8,713.01.
  - (3) There shall be deposited in the Construction Fund solely from the proceeds of the Series 1988-A Bonds the sum of \$2,900,000.
  - (4) The balance of the proceeds of the Bonds (being the remaining balance of the proceeds of the Series 1988-B Bonds) in the amount of \$181,286.99 shall be deposited with the Escrow Trustee designated in the Escrow Trust Agreement.
- (b) There shall be further transferred to the Escrow Trustee designated in the Escrow Trust Agreement the sum of \$500,000 from funds on deposit in the Construction Fund established pursuant to Ordinance No. 987 of the City authorizing the issuance of the Series 1987 Bonds.

20-1,377. Section 602. Application of Moneys in the Construction Fund. Moneys in the Construction Fund shall be separately accounted for and attributed to each of the individual Improvements 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, and to pay costs of issuance of the Series 1988-A Bonds. Upon completion of the Improvements, any moneys remaining in the Construction Fund shall be deposited into the Principal and Interest Fund.

20-1,378. 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 Series 1988-B 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 October 1, 1988, shall be transferred to the Construction Fund.

## ARTICLE VII

### PAYMENT OF BONDS

20-1,379. 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 Series 1988-A Bonds by levying and collecting special assessments on property benefited by the Improvements constructed with the proceeds of the Series 1988-A Bonds, and to the extent of the City's portion of the cost of said Improvements and to the extent such special assessments shall not be so collected, by levying and collecting an annual tax on all taxable tangible property within the territorial limits of the City in amounts sufficient to pay the installments of said principal and interest on the Series 1988-A Bonds as the same accrue and become payable.

In addition, the governing body of the City shall make provision for the payment of the Series 1988-B Bonds by levying and collecting an annual tax on all taxable tangible property within the territorial limits of the City in amounts sufficient to pay the installments of principal and interest on the Series 1988-B Bonds as the same accrue and become payable.

20-1,380. 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

20-1,381. 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.

20-1,382. 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 all applicable information reporting requirements of the Code.

20-1,383. 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.

20-1,384. 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, 1988, the City has not issued any bonds or obligations other than the Bonds and the following described obligations:

<u>Issue</u>	<u>Date</u>	<u>Principal Amount</u>
Equipment Lease/Purchase Agreement between the City and George K. Baum & Company	April 1, 1988	\$70,000

2. The City does not reasonably anticipate issuing tax-exempt obligations during calendar year 1988 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 1988.

The City hereby designates the Bonds "qualified tax-exempt obligations" within the meaning and for the purposes provided in Section 265(b)(3) of the Code.

20-1,385. Section 805. Authority to Redeem Outstanding Series 1987 Bonds and Temporary Notes. The Governing Body hereby finds and determines that it is necessary and advisable to call for redemption and to redeem and pay in advance of their stated maturities the Refunded 1987 Bonds on September 1, 1997. The Governing Body hereby authorizes and directs the Escrow Trustee named in the Escrow Trust Agreement to give notice of redemption in the name of and on behalf of the City as provided in the Escrow Trust Agreement.

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:

	<u>Description</u>	<u>Dated</u>	<u>Principal Amount</u>
(a)	Series L.I.D. 86-5-87E, (119th Street, Roe Avenue to Mission Road)	October 1, 1987	\$ 585,000
(b)	Series L.I.D. 87-2-87H, Project 105 (Nall Avenue, College Boulevard to 119th Street)	December 1, 1987	\$ 360,000
(c)	Series L.I.D. 87-1-87G, Project 101 (State Line Road, 81st Street to 84th Street)	December 1, 1987	\$ 825,000
(d)	Series L.I.D. 86-6-87D, (Kenneth Road, approximately 146th Street to 135th Street)	October 1, 1987	\$ 809,000

The City Clerk is hereby authorized and directed to give notice of the City's intention to redeem and prepay the aforescribed temporary notes on September 15, 1988, by publication of notices to the holders thereof, substantially in the form attached as Exhibit C 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.

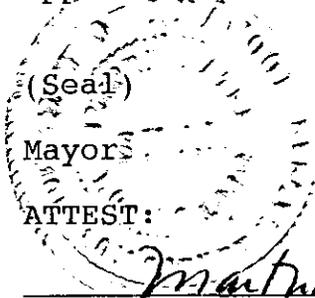
Section 807. Governing Law. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

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: August 15, 1988 Second Reading: August 15, 1988

PASSED by the governing body of the City of Leawood, Kansas  
this 15th day of August, 1988.

Approved by the Mayor this 15th day of August, 1988.



Marcia Reinhard

Martina Heizer  
City Clerk

APPROVED AS TO FORM AND CONTENT:

[Signature]  
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

GENERAL OBLIGATION  
[IMPROVEMENT/REFUNDING] BOND  
SERIES 1988 - [A/B]

Rate of Interest: \_\_\_\_\_% Maturity Date: September 1, \_\_\_\_\_ Dated Date: September 1, 1988 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 Dated 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, 1989 (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 within the City, 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 1st day of September, 1988.

(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 General Obligation [Improvement/Refunding Bonds], Series 1988-[A/B], 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 \_\_\_\_\_

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FURTHER TERMS AND CONDITIONS

This Bond is one of an authorized issue of bonds of the City designated "General Obligation Improvement and Refunding Bonds, Series 1988," in the aggregate principal amount of \$3,090,000 (the "Bonds") issued for the purpose of providing funds to finance the costs of certain improvements within the City as identified in the Ordinance of the City authorizing the Bonds (the "Ordinance"), and to refund in advance of their stated maturities a portion of the City's outstanding Combined Projects Improvement General Obligation Bonds, Series 1987. 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., and K.S.A. 10-427, each as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

Bonds of the issue of which this Bond is a part becoming due on September 1, 1996, 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, 1995, 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, without premium.

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 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



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)

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EXHIBIT B

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ESCROW TRUST AGREEMENT

between

THE CITY OF LEAWOOD, KANSAS

and

SECURITY BANK OF KANSAS CITY  
as Escrow Trustee

DATED AS OF SEPTEMBER 1, 1988

Entered in Connection with the Issuance of

\$3,090,000

GENERAL OBLIGATION  
IMPROVEMENT AND REFUNDING BONDS

SERIES 1988

To Refund and Provide for the Payment of certain general obligation bonds of the City of Leawood, Kansas in the Outstanding Principal Amount of \$660,000.

=====

## ESCROW TRUST AGREEMENT

THIS ESCROW TRUST AGREEMENT (the "Agreement"), made and entered into as of the 1st day of September, 1988, by and between THE CITY OF LEAWOOD, KANSAS, a municipality duly organized and existing under the laws of the State of Kansas (the "City"), and Security Bank of Kansas City, a banking corporation duly organized and existing and authorized to accept and execute trusts of the character herein set forth under the laws of Kansas, with its principal office located in the City of Kansas City, Kansas, as Escrow Trustee (the "Escrow Trustee"):

### W I T N E S S E T H:

WHEREAS, the City has heretofore issued its Combined Projects Improvement General Obligation Bonds, Series 1987, in the aggregate principal amount of \$2,400,000 (the "Series 1987 Bonds"), and desires to refund a portion of said Series 1987 Bonds in the aggregate principal amount of \$660,000, maturing and bearing interest as set forth in Exhibit B attached hereto (the "Refunded 1987 Bonds"); and

WHEREAS, pursuant to K.S.A. 10-427 and 10-427a, as amended (the "Act"), the City may provide for the payment of the Refunded 1987 Bonds by depositing in trust with the Escrow Trustee direct obligations of, or obligations unconditionally guaranteed by, the United States of America, the principal of which will provide moneys which, together with other available moneys deposited with such Escrow Trustee at the same time, shall at all times be sufficient to pay the principal and interest due or to become due on all of the Refunded 1987 Bonds; and

WHEREAS, pursuant to Ordinance No. \_\_\_\_\_, adopted on \_\_\_\_\_, 1988 (the "Ordinance"), the City has authorized the issuance and delivery of \$3,090,000 principal amount of its General Obligation Improvement and Refunding Bonds, Series 1988, dated September 1, 1988 (the "Series 1988 Bonds"), in two separate series of which its General Obligation Refunding Bonds, Series 1988-B, in the principal amount of \$190,000 (the "Refunding Bonds") have been issued and the proceeds of which are to be applied for the purpose of providing funds together with other funds of the City which are available, to refund and provide for the payment of the Refunded 1987 Bonds in accordance with the terms of the Act and the ordinances authorizing the issuance of the Refunded 1987 Bonds, which Refunding Bonds will mature and bear interest as set forth in Exhibit A attached hereto; and

WHEREAS, in order to duly provide for the payment of the Refunded 1987 Bonds by the proper and timely deposit and application of the proceeds of the Refunding Bonds and other moneys and obligations required for payment of the Refunded 1987 Bonds and to furnish irrevocable instructions therefor, it is necessary to enter into this Escrow Trust Agreement and to enter into certain

covenants for the benefit of the owners and holders from time to time of the Refunded 1987 Bonds.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants hereinafter set forth, the parties hereto agree as follows:

Section 1. Definitions. In addition to words and terms elsewhere defined in this Agreement, the following words and terms as used in the Agreement shall have the following meanings, unless some other meaning is plainly intended:

"Agreement" shall mean this Escrow Trust Agreement dated as of September 1, 1988, between the City and the Escrow Trustee.

"Bond Counsel" shall mean a firm of attorneys of nationally recognized standing in matters relating to Section 103 of the Internal Revenue Code of 1986, as amended.

"Book Entry Securities" shall mean the United States Treasury Securities, State and Local Government Series, listed in Exhibit C attached hereto.

"City" shall mean the City of Leawood, Kansas, a municipality duly organized and existing under the laws of the State of Kansas.

"Code" shall mean the Internal Revenue Code of 1986, as amended.

"Escrow Fund" means the Escrow Fund established by Section 2 hereof.

"Escrow Trustee" shall mean Security Bank of Kansas City, a banking corporation duly organized and existing and authorized to accept and execute trusts of the character herein set forth under the laws of the State of Kansas, with its principal office located in the City of Kansas City, Kansas as Escrow Trustee.

"Federal Funds" shall mean funds transferred through a Federal Reserve Bank and available for use on the same day as the transfer.

"Ordinance" shall mean Ordinance No. \_\_\_\_\_ of the City, adopted on \_\_\_\_\_, 1988, authorizing the issuance of the Refunding Bonds.

"Payment Date" shall mean each date upon which interest or principal is due on the Refunded 1987 Bonds, as shown on Exhibit D attached hereto.

"Refunded 1987 Bonds" shall mean the portion of the City's Series 1987 Bonds described on Exhibit B attached hereto.

"Refunding Bonds" shall mean the City's \$190,000 principal amount of General Obligation Refunding Bonds, Series 1988-B, dated September 1, 1988, as described on Exhibit A attached hereto.

"Series 1987 Bonds" shall mean the City's Combined Projects Improvement General Obligation Bonds, Series 1987, in the aggregate principal amount of \$2,400,000.

"U.S. Obligations" shall mean the Book Entry Securities as previously defined.

Words importing the singular number shall include the plural number and vice versa unless the context shall otherwise indicate. The word "person" shall include corporations, associations, natural persons and public bodies unless the context shall otherwise indicate. Reference to a person other than a natural person shall include its successors.

Section 2. Creation of Escrow Fund. There is hereby created and established with the Escrow Trustee a special and irrevocable escrow trust fund designated "City of Leawood, Kansas, Escrow Fund for Combined Projects Improvement General Obligation Bonds, Series 1987" to be held in the custody of the Escrow Trustee.

Section 3. Deposits into Escrow Fund.

(a) The City and the Escrow Trustee agree that, prior to or concurrently with the execution of this Escrow Trust Agreement, the City shall deposit with the Escrow Trustee the sum of \$500,000 from funds provided by the City, and the Escrow Trustee shall apply such amount to purchase the U.S. Obligations listed in Exhibit C. In lieu of such deposit, the City may purchase such U.S. Obligations directly and deliver the same to the Escrow Trustee for deposit in the Escrow Fund and application as hereinafter provided.

(b) Concurrently with the execution of this Escrow Trust Agreement, there is hereby deposited with the Escrow Trustee and the Escrow Trustee hereby acknowledges the receipt of, Federal Funds in the amount of \$\_\_\_\_\_ from the proceeds of the Refunding Bonds to be used and applied by the Escrow Trustee as follows:

(1) cash in the amount of \$\_\_\_\_\_ shall be deposited in the Escrow Fund and retained therein and held [uninvested] until required to pay the first interest payment due and payable on the Refunded 1987 Bonds, and

(2) an amount equal to \$\_\_\_\_\_ will be deposited in the Escrow Fund and used to purchase United States Treasury Obligations - State and Local Government Series as described in Exhibit C.

Section 4. Investment of Funds.

(a) After the initial investments pursuant to Section 3 hereof, the Escrow Trustee shall not be required to invest the cash balances on deposit in the Escrow Fund. Upon maturity, the amounts derived from such securities will be held in the Escrow Fund until transferred by the Escrow Trustee to the paying agent for the Refunded 1987 Bonds.

(b) The Escrow Trustee shall not invest any moneys constituting a part of the Escrow Fund hereunder except in accordance with the provisions of this Section.

Section 5. Application of Moneys in the Escrow Fund. The Escrow Trustee shall purchase the U.S. Obligations solely from the moneys deposited in the Escrow Fund. The Escrow Trustee shall apply the moneys derived from the maturing principal of the U.S. Obligations to the payment of the principal of and interest due or to become due on the Refunded 1987 Bonds as the same become due and payable as set forth on Exhibit D attached hereto. Escrow Trustee shall withdraw from the Escrow Fund the maturing principal and interest of the U.S. Obligations and shall, prior to each Payment Date, pay such amounts, by check mailed in such manner to arrive at the office of the paying agent for the Refunded 1987 Bonds at least three business days prior to the Payment Dates, as required by K.S.A. 10-130, as amended, at the times and in the amounts shown on Exhibit D. Not less than 20 business days prior to each Payment Date shown on Exhibit D, the Escrow Trustee shall send to the paying agent for the Refunded 1987 Bonds the notice required by K.S.A. 10-130, as amended.

Section 6. Substitute Securities. At the written request of the City and upon compliance with the conditions hereinafter stated, the Escrow Trustee shall have the power to request the redemption of the Book Entry Securities and to substitute direct obligations of, or obligations which are unconditionally guaranteed by, the United States of America, which are not subject to redemption prior to maturity except at the option of the holder thereof and which are available for purchase with the proceeds derived from such disposition on the date of such transaction. The Escrow Trustee shall purchase such substitute obligations with the proceeds derived from the redemption of the U.S. Obligations. The transactions may be effected only by simultaneous sale and purchase transactions, and only if (a) the amounts and dates on which the anticipated transfers from the Escrow Fund to the paying agents for the payment of the principal of and interest on the Refunded 1987 Bonds will not be diminished or postponed thereby; (b) the Escrow Trustee shall receive, at the expense of the City, the opinion of Bond Counsel to the effect that such disposition and substitution would not cause any of the Refunding Bonds to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations thereunder; and (c) the Escrow Trustee shall receive from an independent certified public accountant a certification that, after such transaction, the principal of the U.S. Obligations in the Escrow Fund will,

together with other moneys available for such purpose, be sufficient at all times to pay, when due, the principal of and interest on the Refunded 1987 Bonds and the interest income earned on the U.S. Obligations, together with other moneys available for such purpose, will be sufficient to pay, when due, all principal of and interest on the Refunded 1987 Bonds.

The City hereby covenants that no part of the moneys or funds at any time in the Escrow Fund shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause any of the Refunding Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended.

Section 7. Irrevocable Trust; Lien on Moneys. The trust created hereby shall be irrevocable. The owners of the Refunded 1987 Bonds shall have an express lien on all moneys in the Escrow Fund until used and applied in accordance with this Agreement. The Escrow Trustee is hereby directed to publish in the name of the City and at the expense of the City, as authorized by the Ordinance and the ordinance authorizing the issuance of the Refunded 1987 Bonds, such notices as are necessary in connection with the call of any Refunded Bonds to be redeemed prior to their maturity.

Section 8. Liability of City and Escrow Trustee. The Escrow Trustee and the City shall not be liable for any loss resulting from any investment made pursuant to the terms and provisions of this Agreement. The liability of the Escrow Trustee for the payment of the principal of and interest on the Refunded Bonds shall be limited to the amounts deposited pursuant to Section 3 of this Agreement. The City hereby covenants to pay all of the fees and expenses of the Escrow Trustee for services rendered by the Escrow Trustee under this Agreement; provided, however, that the Escrow Trustee shall have no lien whatsoever upon any of the moneys in the Escrow Fund for the payment of such fees and expenses.

Section 9. Indemnification. The City hereby assumes liability for, and hereby agrees (whether or not any of the transactions contemplated hereby are consummated) to indemnify, protect, save and hold harmless the Escrow Trustee and its respective successors, assigns, agents and servants, from and against any and all liabilities, obligations, losses, damages, penalties, claims, actions, suits, costs, expense and disbursements (including legal fees and disbursements) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against, at any time, the Escrow Trustee (whether or not also indemnified against the same by the City or any other person under any other agreement or instrument) and in any way relating to or arising out of the execution and delivery of this Agreement, the establishment of the Escrow Fund established hereunder, the acceptance of the moneys and securities deposited therein, the purchase of the U.S. Obligations, the retention of the U.S. Obligations or the proceeds thereof and any payment, transfer or other application of

moneys or securities by the Escrow Trustee in accordance with the provisions of this Agreement; provided, however, that the City shall not be required to indemnify the Escrow Trustee against its own negligence or misconduct. In no event shall the City be liable to any person by reason of the transactions contemplated hereby other than to the Escrow Trustee as set forth in this Section. The indemnities contained in this Section shall survive the termination of this Agreement.

The Escrow Trustee and its successors, assigns, agents and servants shall not be held to any personal liability whatsoever, in tort, contract or otherwise, in connection with the execution and delivery of this Agreement, the establishment of the Escrow Fund, the acceptance of the moneys deposited therein, the purchase of the U.S. Obligations, the retention of the U.S. Obligations or the proceeds thereof or any payment, transfer or other application of the moneys or securities by the Escrow Trustee in accordance with the provisions of this Agreement or by reason of any nonnegligent act, omission or error of the Escrow Trustee made in good faith in the conduct of its duties. The duties and obligations of the Escrow Trustee shall be determined by the express provisions of this Agreement. The Escrow Trustee may consult with counsel who may or may not be counsel to the City, and in reliance upon the opinion of such counsel, shall have full and complete authorization and protection in respect of any action taken, suffered or omitted by them in good faith in accordance therewith. Whenever the Escrow Trustee shall deem it necessary or desirable that a matter be proved or established prior to taking, suffering or omitting any action under this Agreement, such matter may be deemed to be conclusively established by a certificate signed by an authorized officer of the City.

Section 10. Amendments to Agreement. This Agreement is made for the benefit of the City and the owners from time to time of the Refunded 1987 Bonds and the Refunding Bonds and it shall not be repealed, revoked, altered or amended without the written consent of all such owners, the Escrow Trustee and the City; provided, however, that the City and the Escrow Trustee may, without the consent of, or notice to, such owners, enter into such agreements supplemental to this Agreement as shall not materially adversely affect the rights of such owners and as shall not be inconsistent with the terms and provisions of this Agreement for any one or more of the following purposes:

(a) to cure any ambiguity or formal defect or omission in this Agreement;

(b) to grant to, or confer upon, the Escrow Trustee for the benefit of the owners of the Refunded 1987 Bonds or Refunding Bonds, as the case may be, any additional rights, remedies, powers or authority that may lawfully be granted to, or conferred upon, such holders or the Escrow Trustee; and

(c) to include under this Agreement additional funds, securities or properties.

The Escrow Trustee shall be entitled to rely exclusively upon an unqualified opinion of the counsel of its choice with respect to compliance with this Section, including the extent, if any, to which any change, modification, addition or elimination affects the rights of the owners of the Refunded 1987 Bonds or the Refunding Bonds or that any instrument executed hereunder complies with the conditions and provisions of this Section.

In the event of any such amendment to this Agreement, the Escrow Trustee shall not less than 10 days following the execution and delivery of the same, provide a copy of such amendment to Moody's Investor Service Inc., 99 Church Street, New York, New York 10007, Attention: Muni Rating Desk/Refunded Bonds.

Section 11. Termination. This Agreement shall terminate when all transfers and payments required to be made by the Escrow Trustee under the provisions hereof shall have been made. The balance of moneys, if any, remaining in any and all funds and accounts established under this Agreement shall thereafter be returned to the City.

Section 12. Trust Funds. All the funds and accounts created and established pursuant to this Agreement shall be and constitute trust funds for the purposes provided in this Agreement and shall be kept separate and distinct from all other funds of the City and the Escrow Trustee and shall be used only for the purposes and in the manner provided in this Agreement.

Section 13. Severability. If any one or more of the covenants or agreements provided in this Agreement on the part of the City or the Escrow Trustee to be performed should be determined by a court of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements herein contained and shall in no way affect the validity of the remaining provisions of this Agreement.

If the provisions of this Section 13 shall ever be given effect, the Escrow Trustee shall give notification thereof to Moody's Investor Service, Inc. at the address set forth in Section 10 above, not more than 10 days after such severance shall be given effect.

Section 14. Binding Effect. All the covenants, promises and agreements in this Agreement contained by or on behalf of the City or by or on behalf of the Escrow Trustee shall bind and inure to the benefit of their respective successors and assigns, whether so expressed or not.

Section 15. Resignation or Removal of Escrow Trustee.

(a) The Escrow Trustee may resign by giving notice in writing to the City, said notice to be given at least 90 days prior to the effective date of such resignation and to be published in the Kansas Register. The Escrow Trustee may be removed in the following manner:

(1) by (i) the filing with the City of an instrument or instruments executed by the owners of at least 51% in aggregate principal amount of the Refunde 1987 Bonds, (ii) the publishing of such notice at least 60 days prior to the effective date of said removal in a newspaper of general circulation or in the Kansas Register, and (iii) the delivery of a copy of the instruments filed with the City to the Escrow Trustee; or

(2) by a court of competent jurisdiction for failure to act in accordance with the provisions of the Escrow Agreement upon application by the City or the owners of 51% in aggregate principal amount of the Refunded 1987 Bonds then remaining unpaid or the then outstanding Refunding Bonds.

(b) If the position of Escrow Trustee becomes vacant due to resignation or removal of the Escrow Trustee or any other reason, a successor Escrow Trustee may be appointed by the City. Notice of such appointment shall be published in accordance with the requirements more specifically set forth in clause (1)(ii) of subsection (a) of this Section. Within one year after a vacancy, the owners of a majority in principal amount of the Refunded 1987 Bonds then remaining unpaid or the outstanding Refunding Bonds may by an instrument or instruments filed with the City appoint a successor Escrow Trustee who shall supersede any Escrow Trustee theretofore appointed by the City. If no successor Escrow Trustee is appointed by the City or the owners of such Refunded Bonds then remaining unpaid or such outstanding Refunding Bonds, the owner of any such bond or any retiring Escrow Trustee may apply to a court of competent jurisdiction for the appointment of a successor Escrow Trustee. The responsibilities of the Escrow Trustee under this Agreement will not be discharged until a new Escrow Trustee is appointed and until the cash and investments held under this Agreement are transferred to the new Escrow Trustee.

(c) No successor Escrow Trustee shall be appointed unless such successor Escrow Trustee shall be a corporation with trust powers authorized to do business in the State of Kansas and organized under the banking laws of the United States or the State of Kansas and shall have at the time of appointment capital and surplus of not less than \$10,000,000.

(d) Every successor Escrow Trustee appointed hereunder shall execute, acknowledge and deliver to its predecessor and to the City an instrument in writing accepting such appointment hereunder, and thereupon such successor Escrow Trustee without any further act, deed or conveyance shall become fully vested with all the rights, immunities, powers, trusts, duties and obligations of its predecessor, but such predecessor shall, nevertheless, on the written request of such successor Escrow Trustee or the City, execute and deliver an instrument transferring to such successor Escrow Trustee all the estates, properties, rights, powers and trusts or such predecessor hereunder, and every predecessor Escrow Trustee shall deliver all securities and moneys held by it to its successor. Should any transfer, assignment or instrument in writing from the City be required by any successor Escrow Trustee for more fully and certainly vesting in such successor Escrow Trustee the estates, rights, powers and duties hereby vested or intended to be vested in the predecessor Escrow Trustee, any such transfer, assignment and instruments in writing shall, on request, be executed, acknowledged and delivered by the City.

(e) Any corporation into which the Escrow Trustee, or any successor to it of the duties and responsibilities created by this Agreement, may be merged or converted or with which it or any successor to it may be consolidated, or any corporation resulting from any merger, conversion, consolidation or taxfree reorganization to which the Escrow Trustee or any successor to it shall be a party shall, if satisfactory to the City, be the successor Escrow Trustee under this Agreement without the execution or filing of any paper or any other act on the part of the parties hereto, anything herein to the contrary notwithstanding.

Section 16. Fiscal Agent Account. The Escrow Trustee hereby acknowledges receipt from the City of the sum of \$2000.00, to be held by the Trustee separate and apart from all other funds and accounts created and established hereunder, for the purpose of paying periodic fiscal agency fees incurred in connection with the payment of the Refunded 1987 Bonds. The funds on deposit in said account may be invested at a yield not exceeding the yield limitation applicable to the Refunding Bonds so as to assure the availability of such funds for application to such purpose from time to time. Any balance remaining in said account upon payment in full of all Refunded 1987 Bonds shall be returned to the City.

Section 17. Governing Law. This Agreement shall be governed by the applicable law of the State of Kansas.

Section 18. Counterparts. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed by their duly authorized officers and their corporate seals to be hereunto affixed and attested as of the date first above written.

THE CITY OF LEAWOOD, KANSAS

(SEAL)

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Security Bank of Kansas City,  
as Escrow Trustee

(Seal)

By \_\_\_\_\_  
Vice-President

ATTEST:

\_\_\_\_\_  
Trust Officer

EXHIBIT B  
(REFUNDED 1987 BONDS)

SERIES 1987

<u>MATURITY</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE</u>
September 1, 1998	\$115,000	6.70%
September 1, 1999	\$125,000	6.80%
September 1, 2000	\$130,000	7.00%
September 1, 2001	\$140,000	7.00%
September 1, 2002	\$150,000	7.00%

EXHIBIT C  
(BOOK ENTRY SECURITIES)

	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Maturity</u>
U.S. Treas. Cert. (1)			
U.S. Treas. Cert.			
U.S. Treas. Note (2)			
U.S. Treas. Note			
U.S. Treas. Bond (3)			
U.S. Treas. Bond			

- (1) United States Treasury Certificates of Indebtedness - State and Local Government Series
- (2) United States Treasury Notes - State and Local Government Series
- (3) United States Treasury Bonds - State and Local Government Series

EXHIBIT C

NOTICE OF REDEMPTION  
TO THE HOLDERS OF  
CITY OF LEAWOOD, KANSAS  
TEMPORARY NOTES

SERIES L.I.D. \_\_\_\_\_  
DATED \_\_\_\_\_, 19\_\_

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Notice is hereby given to the holders of City of Leawood, Kansas (the "City") \_\_\_\_\_ Temporary Notes, Series L.I.D. \_\_\_\_\_, (\_\_\_\_\_) 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 Martasin** being first Duly sworn, Depos 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, August 1988, 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 August 1988

Pearlie A Peterson

NOTARY PUBLIC

My Commission expires: 789.84  
Printer's Fee \$-----  
Additional copies \$-----

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1992

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$3,090,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 1988, OF THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO FINANCE THE COST OF CONSTRUCTION OF CERTAIN IMPROVEMENTS WITHIN THE CITY AND REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF 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, the City of Leawood, Kansas (the "City"), has heretofore issued its Combined Projects Improvement General Obligation Bonds, Series 1987, in the aggregate principal amount of \$2,400,000 (the "Series 1987 Bonds") for the purpose of providing funds to finance the cost of construction of various improvements including 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"); and

WHEREAS, the Sanitary Sewer Improvement has been completed and paid for and there remains on deposit in the construction fund for said project the sum of \$500,000 which the City desires to use to reduce the indebtedness associated with the Sanitary Sewer Improvement by prepaying certain Series 1987 Bonds; and

WHEREAS, to achieve certain economic efficiencies and interest cost savings and to provide an orderly plan of financing for the City, it is hereby found and determined to be desirable and in the best interest of the City and its inhabitants to issue general obligation bonds of the City pursuant to K.S.A. 10-427 and 10-427a, as amended, to provide funds which together with the remaining funds referred to in the previous paragraph will be used to refund in advance of their respective maturities Series 1987 Bonds bearing stated maturities on September 1 in the years 1988 through and including 2002 (the "Refunded 1987 Bonds"); and

WHEREAS, pursuant to K.S.A. 12-6a01, et seq., 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 within the City (the "Improvements"):

- (a) Construction of that portion of 119th Street extending from Roe Avenue to Mission Road including necessary appurtenances, as authorized by Resolution No. 822 (the "119th Street Improvement");
- (b) Construction of certain improvements to Nall Avenue extending from College Boulevard to 119th Street including necessary appurtenances, as authorized by Resolution No. 848 (the "Nall Avenue Improvement");
- (c) Construction of improvements to State Line Road extending from 81st Street to 84th Street including necessary appurtenances, as authorized by Resolution No. 683 (the "State Line Improvement"); and
- (d) Construction of improvements to Kenneth Road extending from 135th Street to a point approximately 1,805 feet South of the Northeast Corner of Section 34, Township 13, Range 25, within the City, including necessary appurtenances, as authorized by Resolution No. 746 (the "Kenneth Road Improvement"); and

WHEREAS, the 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 \$2,900,000 with \$2,680,988.92 of the cost to be paid by the owners of the property within the City benefited by the respective Improvements and \$219,011.08 of the cost to be paid by the City at large, and that none of said property owners have paid their respective assessments on account of the construction of the Improvements and there are no funds available in the City Treasury to pay the remainder of the cost of the Improvements leaving \$2,900,000 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 and to refund the Refunded 1987 Bonds by the issuance of General Obligation Improvement and Refunding Bonds, Series 1988, in the principal amount of \$3,090,000 (the "Bonds"); and

WHEREAS, the City intends that the Bonds be designated and has heretofore designated and hereby designates 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 OBTAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS, AS FOLLOWS:

ARTICLE I  
DEFINITIONS

20-1.357. Section 101. Definitions of Words and Terms. In addition to words and terms defined in the recitals and 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 this Ordinance.  
"Cost of Issuance Fund" means the Cost of Issuance Fund created by Section 501 of this 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 Stern Brothers and Company, Inc., Kansas City, Missouri, and affiliated purchasers of the Bonds.

ARTICLE II  
AUTHORIZATION OF THE BONDS

20-1.358. Section 201. Authorization of the Bonds. The Bonds of the City are authorized and directed to be issued in the principal amount of \$3,090,000 for the purpose of providing funds to finance the costs of constructing the Improvements and to refund the Refunded 1987 Bonds, as provided in this Ordinance.

20-1.359. 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 Improvements, 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.

20-1.360. Section 203. Details of the Bonds. The Bonds will be issued in two separate series designated "General Obligation Improvement Bonds, Series 1988-A", in the aggregate principal amount of \$2,900,000 (the "Series 1988-A Bonds"), and "General Obligation Refunding Bonds, Series 1988-B", in the aggregate principal amount of \$190,000 (the "Series 1988-B Bonds"). The Bonds shall consist of fully registered certificated bonds without coupons or uncertificated bonds in the denominations 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 September 1, 1988, 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:

SERIES 1988-A BONDS					
Maturity Date	Principal Amount	Interest Rate Per Annum	Maturity Date	Principal Amount	Interest Rate Per Annum
1989	\$290,000	7.00%	1994	\$290,000	6.60%
1990	290,000	7.00%	1995	290,000	6.60%
1991	290,000	7.00%	1996	290,000	6.70%
1992	290,000	7.00%	1997	290,000	6.80%
1993	290,000	7.00%	1998	290,000	6.90%

SERIES 1988-B BONDS		
Maturity Date	Principal Amount	Interest Rate Per Annum
1999	\$190,000	7.00%

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, 1989 (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").

20-1.361. 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.

20-1.362. 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 Paying Agent 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 prior to 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 the Bonds.

20-1.363. 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) 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 bondowners.

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 for the Bonds or to register, transfer or exchange any bonds called for redemption during said period.

20-1.364. 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 this Ordinance, such Bond shall be cancelled by the Bond Registrar and the cancelled Bond shall be returned to the City.

20-1.365. 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.

20-1.366. 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 plus any premium thereon. 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 safe keeping 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  
OPTIONAL REDEMPTION

20-1.367. Section 301. Optional Redemption. In the option of the City, Bonds maturing on September 1, 1996, and thereafter may be called for redemption and payment prior to maturity on September 1, 1995, 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.

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.

20-1.369. 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 are to be redeemed and paid prior to maturity, such Bonds shall be redeemed in inverse order of maturity from all of the Bonds of both separate series taken as a single issue of Bonds. Bonds of less than a full maturity to be selected by the Paying Agent and Bond Registrar by "lot" in the \$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).

20-1.370. 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

20-1.371. 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.

20-1.372. 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

20-1.373. 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").

20-1.374. 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.

20-1.375. Section 503. Approval of Escrow Trust Agreement. The form of the Escrow Trust Agreement, attached hereto as Exhibit B, is hereby approved, and said agreement is hereby incorporated into this Ordinance as though fully set forth herein. The Mayor of the City is hereby authorized and directed to execute the Escrow Trust Agreement with any changes, insertions or modifications as in the opinion of the Mayor with advice of counsel are necessary and desirable; the City Clerk is hereby authorized and directed to attest to the signature of the Mayor and affix the City's seal, such execution and attestation being conclusive as to the approval, correctness and completeness of said Escrow Trust Agreement.

George K. Baum & Company is hereby designated as the City's agent for the purpose of subscribing for and acquiring the United States Government obligations to be deposited pursuant to the Escrow Trust Agreement.

ARTICLE VI  
APPLICATION OF BOND PROCEEDS

20-1.376. Section 601. Disposition of Bond Proceeds and Other Moneys. (a) The proceeds received from the sale of the Bonds, including any premium and 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 Cost of Issuance Fund solely from the proceeds of the Series 1988-B Bonds the sum of \$8,713.01.  
(3) There shall be deposited in the Construction Fund solely from the proceeds of the Series 1988-A Bonds the sum of \$2,900,000.  
(4) The balance of the proceeds of the Bonds (being the remaining balance of the proceeds of the Series 1988-B Bonds) in the amount of \$181,286.99 shall be deposited with the Escrow Trustee designated in the Escrow Trust Agreement.

(b) There shall be further transferred to the Escrow Trustee designated in the Escrow Trust Agreement the sum of \$500,000 from funds on deposit in the Construction Fund established pursuant to Ordinance No. 987 of the City authorizing the issuance of the Series 1987 Bonds.

20-1.377. Section 602. Application of Moneys in the Construction Fund. Moneys in the Construction Fund shall be separately accounted for and attributed to each of the individual improvements 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, and to pay costs of issuance of the Series 1988-A Bonds. Upon completion of the Improvements, any moneys remaining in the Construction Fund shall be deposited into the Principal and Interest Fund.

20-1.378. 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 Series 1988-B 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 October 1, 1988, shall be transferred to the Construction Fund.

ARTICLE VII  
PAYMENT OF BONDS

20-1.379. 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 Series 1988-A Bonds by levying and collecting special assessments on property benefited by the improvements constructed with the proceeds of the Series 1988-A Bonds, and to the extent of the City's portion of the cost of said Improvements and to the extent such special assessments shall not be so collected, by levying and collecting an annual tax on all taxable tangible property within the territorial limits of the City in amounts sufficient to pay the installments of said principal and interest to the Series 1988-A Bonds as the same accrue and become payable.

In addition, the governing body of the City shall make provisions for the payment of the Series 1988-B Bonds by levying and collecting an annual tax on all taxable tangible property within the territorial limits of the City in amounts sufficient to pay the installments or principal and interest on the Series 1988-B Bonds as the same accrue and become payable.

20-1.380. 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

20-1.381. 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.

20-1.382. 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 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 or 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 all applicable information reporting requirements of the Code.

20-1.383. 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.

20-1.384. 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, 1988, the City has not issued any bonds or obligations other than the Bonds and the following described obligations:

Issue	Date	Principal Amount
Equipment Lease/Purchase Agreement between the City and George K. Baum & Company	April 1, 1988	70,000

2. The City does not reasonably anticipate issuing tax-exempt obligations during calendar year 1988 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 1988.

The City hereby designates the Bonds "qualified tax-exempt obligations" within the meaning and for the purposes provided in Section 265(b)(3) of the Code.

20-1.385. Section 805. Authority to Redeem Outstanding Series 1987 Bonds and Temporary Notes. The governing body hereby finds and determines that it is necessary and advisable to call for redemption and to redeem and pay in advance of their stated maturities the Refunded 1987 Bonds on September 1, 1997. The governing body hereby authorizes and directs the Escrow Trustee named in the Escrow Trust Agreement to give notice of redemption in the name of and on behalf of the City as provided in the Escrow Trust Agreement.

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
(a) Series L.I.D. 86-5-87E, (119th Street, Roe Avenue to Mission Road)	October 1, 1987	\$ 585,000
(b) Series L.I.D. 87-2-87H, Project 105 (Nall Avenue, College Boulevard to 119th Street)	December 1, 1987	\$ 360,000
(c) Series L.I.D. 87-1-87G, Project 101 (State Line Road, 81st Street to 84th Street)	December 1, 1987	\$ 825,000
(d) Series L.I.D. 86-6-87D, (Kenneth Road, approximately 146th Street to 135th Street)	October 1, 1987	\$ 809,000

The City Clerk is hereby authorized and directed to give notice of the City's intention to redeem and prepay the aforescribed temporary notes on September 15, 1988, by publication of notices to the holders thereof, substantially in the form attached as Exhibit C 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 this 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. This 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: August 15, 1988 Second Reading: August 15, 1988  
PASSED by the governing body of the City of Leawood, Kansas this 15th day of August, 1988.  
Approved by the Mayor this 15th day of August, 1988.

(s) Marcia Rinehart, Mayor  
(s) Martha Heizer, City Clerk  
APPROVED AS TO FORM AND CONTENT:  
/s/ R. W. Wetzler  
City Attorney

ORDINANCE NO. 1060

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 86-1-88A, PROJECT 107 (ROE AVENUE, 112TH STREET TO 121ST STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF \$215,000.00 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 TEMPORARY NOTES OF THE CITY OF LEAWOOD, KANSAS.

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

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: 20-1,351. 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. 86-1-88A, Project 107 (Roe Avenue, 112th Street to 121st Street), in the aggregate principal amount of Two Hundred and Fifteen Thousand Dollars (\$215,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,352. Section Two: Said issue of Temporary Notes, Series L.I.D. 86-1-88A, Project 107, shall consist of bearer notes numbered from 1 through 3 inclusive, numbers 1 and 2 each being in the denomination of \$100,000.00 and number 3 in the denomination of \$15,000.00. Each of said notes shall be dated August 15, 1988, and shall have the stated maturity date of August 14, 1989. 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 5.79% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and cancelled before or at the time notes 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.

20-1,353. 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.

20-1,354. 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 United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,355. 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, 1988, the City has not issued any bonds or obligations, and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1988 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.

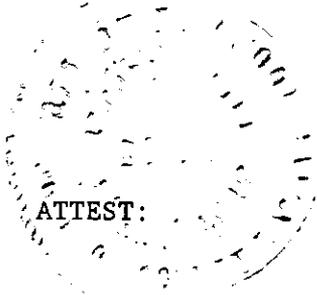
The Governing Body of the City hereby designates the notes to be "qualified tax-exempt obligations" within the meaning and for the purposes of Section 265 of the Tax Reform Act of 1986.

20-1,356. 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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 1st day of August, 1988.

SIGNED by the Mayor this 2nd day of August, 1988.



ATTEST:

Martha Heizer  
Martha Heizer, City Clerk

Marcia Rinehart  
Marcia Rinehart, Mayor

APPROVED AS TO FORM:

R. S. Wetzler  
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 5th day of August 1988, 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 August 1988

*Marguerite E. Baker*  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 161.52  
Additional copies \$ -----

First Published in The Johnson County Sun, Friday, August 5, 1988.

ORDINANCE NO. 1060  
AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 86-1-88A, PROJECT 107 (ROE AVENUE, 112TH STREET TO 121ST STREET), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF \$215,000.00 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 TEMPORARY NOTES OF THE CITY OF LEAWOOD, KANSAS.

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

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: 20-1.351. 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. 86-1-88A, Project 107 (Roe Avenue, 112th Street to 121st Street), in the aggregate principal amount of Two Hundred and Fifteen Thousand Dollars (\$215,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1.352. Section Two: Said issue of Temporary Notes, Series L.I.D. 86-1-88A, Project 107, shall consist of bearer notes numbered from 1 through 3 inclusive, numbers 1 and 2 each being in the denomination of \$100,000.00 and number 3 in the denomination of \$15,000.00. Each of said notes shall be dated August 15, 1988, and shall have the stated maturity date of August 14, 1989. 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 5.79% per annum and shall be callable 10 days in advance of maturity and shall be redeemed and canceled before or at the time notes 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.

20-1.353. 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.

20-1.354. 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 United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1.355. 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, 1988, the City has not issued any bonds or obligations, and the City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1988 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.

20-1.356. 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.

PASSED by the Governing Body of the City of Leawood, Kansas, this 1st day of August, 1988.

SIGNED by the Mayor: this 2nd day of August, 1988.

(s) Marcia Rinehart,

Mayor

ATTEST:

(s) Martha Heizer,

City Clerk

APPROVED AS TO FORM:

(s) R. S. Watzler,

City Attorney

(4457-1F)

AN ORDINANCE GRANTING AN EASEMENT TO SOUTHWESTERN BELL TELEPHONE COMPANY FOR UTILITY PURPOSES (FOR A CONTROLLED ENVIRONMENT VAULT AT THE SOUTH FIRE STATION).

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

19-6,199. Section 1. The City of Leawood, Kansas, does hereby grant an easement for utility purposes to Southwestern Bell Telephone Co. upon the following described land situated in the County of Johnson, State of Kansas, to wit:

A tract of land located in the SW1/4 of Section 22, Township 13 South, Range 25 East of the 6th P.M., in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the SW corner of the SW1/4 of said Section 22; thence East along the South line of the SW1/4 of said Section 22 a distance of 140.00 feet to a point of beginning; thence continuing East along the South line of said SW1/4 a distance of 60.00 feet; thence North with an angle to the right of 90°, a distance of 13.00 feet; thence West with an angle to the right of 90°, a distance of 60.00 feet; thence South with an angle to the right of 90°, a distance of 13.00 feet, to the point of beginning.

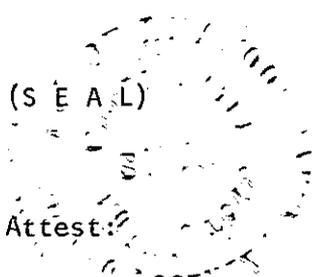
19-6,200. INCORPORATION BY REFERENCE. Section 2. A copy of said easement is attached hereto and thereby incorporated by reference.

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

Passed by the Governing Body this 5th day of July, 1988.

Approved by the Mayor this 6th day of July, 1988.

(S E A L)



*Marcia Rinehart*  
Marcia Rinehart Mayor

Attest:

*Martha Heizer*  
Martha Heizer City Clerk

APPROVED FOR FORM: *R.S. Wetzier*, City Attorney

CORPORATION EASEMENT

ORIGINAL COMPARED WITH RECORD

In consideration of the sum of \$ 1.00, receipt of which is hereby acknowledged, and the payment before the construction is started of the additional sum of \$ 14,999.00, The City of Leawood, Johnson County, Kansas a corporation, its successors and assigns, hereby grant to Southwestern Bell Telephone Company, its associated and allied companies, their respective successors, assigns, lessees, and agents a permanent right of way and easement upon the following described land situated in the County of Johnson, State of Kansas, owned by the Grantor to wit: A tract of land located in the SW $\frac{1}{4}$  of Section 22, Township 13 South, Range 25 East of the 6th P.M., in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the SW Corner of the SW $\frac{1}{4}$  of said Section 22; thence East along the South line of the SW $\frac{1}{4}$  of said Section 22 a distance of 140.00 feet to a point of Beginning; thence continuing East along the South line of said SW $\frac{1}{4}$  a distance of 60.00 feet; thence North with an angle to the right of 90 $^{\circ}$ , a distance of 13.00 feet; thence West with an angle to the right of 90 $^{\circ}$ , a distance of 60.00 feet; thence South with an angle to the right of 90 $^{\circ}$ , a distance of 13.00 feet, to the Point of Beginning.

with the right and privilege of constructing, excavating, reconstructing, operating, maintaining, adding to, and placing thereon and removing therefrom a communication system consisting of an underground vault with exposed hatch to house said communications system, together with initial and any additional underground cable or cables as Grantee may from time to time require, and other related fixtures with the right of ingress and egress for the purposes of maintaining said communication system. Ingress and egress to include the periodic parking of a service vehicle in the adjoining parking lot. It is further agreed that Southwestern Bell will be permitted to utilize parking lot immediately adjacent to easement site for heavy equipment during construction period.

Southwestern Bell Telephone Company hereby agrees to restore in a good and workmanlike manner all property damaged by its construction or maintenance activities from the date of execution of this document, or else reimburse Grantor for said damages directly caused by Grantee's action.

The undersigned specifically agrees that, due to the exclusive nature of this grant, no other use shall be made by anyone, under, across, upon and/or over the easement herein described without obtaining the prior written permission of Southwestern Bell Telephone Company, its successors, or assigns. Grantor may make such use of the easement as will not interfere in any way with Southwestern Bell's use of the easement, however, any other use by Grantor shall be subject to the above requirement.

As further consideration, Southwestern Bell agrees to provide reasonable landscaping as directed by the Grantor.

Dated at Leawood, this 5th day of July, 19 88

The City of Leawood, a corporation

By: Marcia Rinehart  
 Marcia Rinehart Mayor

Attest:

Martha Heizer  
 Secretary City Clerk, Martha Heizer

(Seal)

STATE OF KANSAS  
 COUNTY OF JOHNSON, )  
 FILED FOR RECORD

500

1988 AUG -1 A 10:59 4

RUBIE M. SCOTT  
 REGISTER OF DEEDS

State of Kansas, County of Johnson SS:

Be it remembered, that on this 5th day of July, 19 88, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Marcia Rinehart, Mayor, and Martha Heizer, City Clerk who are personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same for and on behalf of and as the act and deed of said corporation.

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

FRANCES M. KESSLER  
 NOTARY PUBLIC - State of Kansas  
 My Appt. Exp. 10-7-91

Frances M. Kessler  
 Notary Public Frances M. Kessler

Secured by: \_\_\_\_\_ Term Expires 10-7, 19 91

500x

First Published in The Johnson County Sun, Wednesday, July 13, 1988.  
**ORDINANCE NO. 1059**  
**AN ORDINANCE GRANTING AN EASEMENT TO SOUTHWESTERN BELL TELEPHONE COMPANY FOR UTILITY PURPOSES (FOR A CONTROLLED ENVIRONMENT VAULT AT THE SOUTH FIRE STATION)**  
 Be it ordained by the Governing Body of the City of Leawood, Kansas:  
 19-6,199. Section 1. The City of Leawood, Kansas, does, hereby grant an easement for utility purposes to Southwestern Bell Telephone Co. upon the following described land situated in the County of Johnson, State of Kansas, to-wit:  
 A tract of land located in the SW 1/4 of Section 22, Township 13 South, Range 25 East of the 6th P.M., in the City of Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the SW corner of the SW 1/4 of said Section 22; thence East along the South line of the SW 1/4 of said Section 22 a distance of 140.00 feet to a point of beginning; thence continuing East along the South line of said SW 1/4 a distance of 60.00 feet; thence North with an angle to the right of 90°, a distance of 13.00 feet; thence West with an angle to the right of 90°, a distance of 60.00 feet; thence South with an angle to the right of 90°, a distance of 13.00 feet, to the point of beginning.  
 19-6,200. 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.  
 Passed by the Governing Body this 5th day of July, 1988.  
 Approved by the Mayor this 6th day of July, 1988.  
 (s) Marcia Rinehart, Mayor  
 (S E A L)  
 Attest:  
 (s) Martha Heizer, City Clerk  
 APPROVED FOR FORM:  
 (s) R. S. Wetzler, City Attorney  
 (4223 1W)

**AFFIDAVIT OF PUBLICATION**

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

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been published 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 as a second class newspaper at the post office of SHAWNEE MISSION, KANSAS in said County as a second class newspaper.

The attached notice is a true copy thereof and was published in the regular and usual issue of said newspaper for one consecutive day (weeks, days) the first publication thereof being made as follows: on the 13th day of July 1988, with subsequent publications being made on the following dates:

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

*Deanna Martasin*

Subscribe and sworn to before me this 13th day of July 1988

*Marguerite E. Baker*

NOTARY PUBLIC

MARGUERITE E. BAKER  
 NOTARY PUBLIC  
 STATE OF KANSAS  
 My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
 Printer's Fee \$ 33.24  
 Additional copies \$ -----

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:

18-126. 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 SE1/4 of Section 28, 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 SE1/4 of said Section 28; thence S 2° 00' 19" E, along the East line of the SE1/4 of said Section 28, a distance of 979.88 feet, to the true point of beginning of subject tract; thence continuing S 2° 00' 19" E, along the East line of the N1/2 of the SE1/4 of said Section 28, a distance of 343.71 feet, to the Southeast corner thereof; thence continuing S 2° 00' 19" E, along the East line of the S1/2 of the SE1/4 of said Section 28, a distance of 391.29 feet; thence S 87° 49' 15" W, along a line parallel to the North line of the S1/2 of the SE1/4 of said Section 28, a distance of 710 feet; thence N 2° 00' 19" W, along a line parallel to the East line of the S1/2 of the SE1/4 of said Section 28, a distance of 391.29 feet, to a point on the North line thereof; thence N 87° 49' 15" E, along the North line of the S1/2 of the SE1/4 of said Section 28, and along the South line of the N1/2 of the SE1/4 of said Section 28, a distance of 170 feet, to a point 540 feet West of the Southeast corner of the N1/2 of the SE1/4 of said Section 28, as measured along said South line; thence N 2° 00' 19" W, along a line parallel to the East line of the N1/2 of the SE1/4 of said Section 28, a distance of 343.71 feet; thence N 87° 49' 15" E, along a line parallel to the South line of the N1/2 of the SE1/4 of said Section 28, a distance of 540 feet, to the true point of beginning of subject tract, all subject to that part thereof dedicated for street purposes.

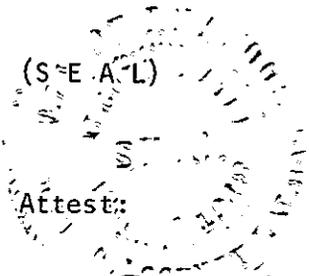
(132nd & Mission Rd.; Blue Valley Elementary School)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 5th day of July, 1988.

Approved by the Mayor this 6th day of July, 1988.

Page 2  
ORDINANCE NO. 1058  
re Zoning A to R-1, Blue Valley Elementary School



(S.E.A.L)

*Marcia Rinehart*  
Marcia Rinehart Mayor

Attest:

*Martha Heizer*  
Martha Heizer City Clerk

APPROVED FOR FORM: *R.S. Wetzler*, City Attorney  
R.S. Wetzler

First Published in The Johnson County Sun, Wednesday, July 13, 1988.

ORDINANCE NO. 1058  
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:

18-126. 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 SE 1/4 of Section 28, 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 1/4 of said Section 28, a distance of 343.71 feet, to the Southeast corner thereof; thence continuing S 2° 00' 19" E, along the East line of the SE 1/2 of the SE 1/4 of said Section 28, a distance of 391.29 feet; thence S 87° 49' 15" W, along a line parallel to the North line of the SE 1/2 of the SE 1/4 of said Section 28, a distance of 710 feet; thence N 2° 00' 19" W, along a line parallel to the East line of the SE 1/2 of the SE 1/4 of said Section 28, a distance of 391.29 feet, to a point on the North line thereof; thence N 87° 49' 15" E, along the North line of the SE 1/2 of the SE 1/4 of said Section 28, and along the South line of the NE 1/4 of the SE 1/4 of said Section 28, a distance of 170 feet, to a point 540 feet West of the Southeast corner of the NE 1/4 of the SE 1/4 of said Section 28, as measured along said South line; thence N 2° 00' 19" W, along a line parallel to the East line of the NE 1/4 of the SE 1/4 of said Section 28, a distance of 343.71 feet; thence N 87° 49' 15" E, along a line parallel to the South line of the NE 1/4 of the SE 1/4 of said Section 28, a distance of 540 feet, to the true point of beginning of subject tract, all subject to that part thereof dedicated for street purposes.

(132nd & Mission Rd.: Blue Valley Elementary School)

TAKE EFFECT: Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 5th day of July, 1988.

Approved by the Mayor this 6th day of July, 1988.

(SEAL)

(s) Marcia Rinehart, Mayor

Attest:

(s) Martha Heizer, City Clerk

APPROVED FOR FORM:

/s/ R.S. Wetzler, City Attorney (4222 1W)

### AFFIDAVIT OF PUBLICATION

KANSAS, JOHNSON COUNTY, ss: Deanna Mertasin being first Duly sworn and say: That she is legal publications manager of THE JOHNSON SUN, a semi-weekly newspaper printed in the State of Kansas, and published in general 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.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been published 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 to the 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 ordinary course of said newspaper for One consecutive day (weeks, days) the first publication thereof being made as on the 13th day of July 1988, with subsequent publications being made on the following dates:

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

Deanna Mertasin

Subscribe and sworn to before me this 13th day of July 1988

Marguerite E. Baker

NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 51.30  
Additional copies \$ -----

*Ord. repealed by Ord. 1068,  
9/19/88*

ORDINANCE NO. 1057

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 KENNETH ROAD FROM A POINT APPROXIMATELY 1805 FEET SOUTH OF THE N.E. CORNER OF SECTION 34, TOWNSHIP 13, RANGE 25 TO A POINT APPROXIMATELY 860 FEET SOUTH OF THE N.E. CORNER OF SECTION 3, TOWNSHIP 14, RANGE 25 (IMPROVEMENT DISTRICT 85-4, PROJECT NO. 102).

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 Kenneth Road in the City of Leawood, Kansas from a point approximately 1805 feet S. of the N.E. Cor. Sec. 34 T.13 R.25 to a point approximately 860 feet S. of the N.E. Cor. Sec. 3 T.14 R.25. The project will generally consist of construction of a primary collector street with turning lanes and concrete curb and gutters. The improvement will also include 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 to the City is \$1,343,038.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is \$1,307,690.00 with such property within the improvement district abutting the improvement assessed as follows:

Tracts 2A & 2B at \$156.252352406 per abutting front foot; Tracts 8 & 10 at residential rate of \$82 for 10 acres or 330 abutting front feet and subject to reassessment in accordance with Resolution No. 694, the remainder at \$156.252352406 per abutting front foot; Tracts 11, 12 & 13 at the residential rate of \$82 per abutting front foot and subject to reassessment in accordance with Resolution No. 694; Bi-State Business Park lots at \$0.1662407788 per square foot; and Leawood Falls property at \$617.50335443 per planned unit. (Tracts and other properties as identified on I.D. 85-4 assessment map)

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;

Repealed by Ord. 1068,  
9/19/88

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

20-1,346. 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 assessments for said improvement as set out on assessment roll on file in the City Clerk's Office.

20-1,347. 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.

20-1,348. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

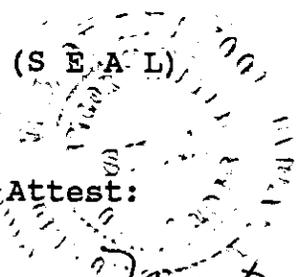
20-1,349. Section 4. The owner of any property so assessed may at any time prior to 4:00 P.M., Friday, July 29, 1988, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

20-1,350. Section 5. Assessments not paid prior to 4:00 P.M., Friday, July 29, 1988, 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.

TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 27th day of June, 1988.

Approved by the Mayor this 28th day of June, 1988.



Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

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

First Published in The Johnson County Sun, Wednesday, June 29, 1988.

ORDINANCE NO. 1057  
 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 KENNETH ROAD FROM A POINT APPROXIMATELY 1805 FEET SOUTH OF THE N.E. CORNER OF SECTION 34, TOWNSHIP 13, RANGE 25 TO A POINT APPROXIMATELY 860 FEET SOUTH OF THE N.E. CORNER OF SECTION 3, TOWNSHIP 14, RANGE 25 (IMPROVEMENT DISTRICT 85-4, PROJECT NO. 102).

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 Kenneth Road in the City of Leawood, Kansas from a point approximately 1805 feet S. of the N.E. Cor. Sec. 34 T.13 R.25 to a point approximately 860 feet S. of the N.E. Cor., Sec. 3 T.14 R.25. The project will generally consist of construction of a primary collector street with turning lanes and concrete curb and gutters. The improvement will also include 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 to the City is \$1,343,038.00; and  
 WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is \$1,307,690.00 with such property within the improvement district abutting the improvement assessed as follows:  
 Tracts 2 A & 2 B at \$156,252,352,406 per abutting front foot; Tracts 8 & 10 at residential rate of \$82 for 10 acres or 330 abutting front feet and subject to reassessment in accordance with Resolution No. 694, the remainder at \$156,252,352,406 per abutting front foot; Tracts 11, 12 & 13 at the residential rate of \$82 per abutting front foot and subject to reassessment in accordance with Resolution No. 694, Bi-State Business Park lots at \$0.1662407788 per square foot; and Leawood Falls property at \$617,503,354,43 per planned unit. (Tracts and other properties as identified on I.D. 85-4 assessment map)

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment:  
 NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:  
 20-1,346. 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 assessments for said improvement as set out on assessment roll on file in the City Clerk's Office.  
 20-1,347. 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.  
 20-1,348. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.  
 20-1,349. Section 4. The owner of any property so assessed may at any time prior to 4:00 P.M., Friday, July 29, 1988, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.  
 20-1,350. Section 5. Assessments not paid prior to 4:00 P.M., Friday, July 29, 1988, 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.  
 TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.  
 Passed by the Governing Body this 27th day of June, 1988.  
 Approved by the Mayor this 28th day of June, 1988.  
 /s/ Marcia Rinehart  
 Mayor  
 (SEAL)  
 Attest:  
 /s/ Martha Heizer  
 City Clerk  
 APPROVED FOR FORM:  
 /s/ 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 29th day of June 1988, with subsequent publications being made on the following dates:

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

*Deanna Martasin*

Subscribe and sworn to before me this 29th day of June 1988

*Marguerite E. Baker*

NOTARY PUBLIC

MARGUERITE E. BAKER  
 NOTARY PUBLIC  
 STATE OF KANSAS  
 My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
 Printer's Fee \$ 76.12  
 Additional copies \$ -----

ORDINANCE NO. 1056 C

AN ORDINANCE AMENDING SECTIONS OF CHAPTER I OF THE CODE OF THE CITY OF LEAWOOD RELATING TO FUNCTIONS OF THE MAYOR AND CITY COUNCIL, AND REPEAL OF SECTIONS.

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

Section 1. REPEAL OF SECTIONS. Sections 1-102, 1-109, 1-114, 1-115, and 1-202 of the "Code of the City of Leawood, 1984", and Sections 1-401 and 1-404 of Ordinance No. 1010C and of the "Code of the City of Leawood, 1984" are hereby repealed.

Section 2. Section 1-102 of the Code of the City of Leawood is hereby amended to read as follows:

1-102. DEFINITIONS. In the construction of this code and of all ordinances of the city, the following definitions and rules shall be observed unless such construction would be inconsistent with the manifest intent of the governing body or the context clearly requires otherwise:

(a) City shall mean the City of Leawood, Kansas.

(b) City Council (Council) shall mean the eight councilmembers elected as provided by Section 6-101.

(c) Code shall mean the Code of the City of Leawood, Kansas.

(d) Computation of time within which an act is to be done shall exclude the first day and include the last day. If the last day be a Saturday, Sunday or legal holiday, that day shall be excluded.

(e) Councilmember shall mean a person duly elected to the city council, and shall not mean the mayor.

(f) County means the County of Johnson in the State of Kansas.

(g) Delegation of Authority. Whenever a provision appears requiring or authorizing the head of a department or officer of the city to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.

(h) Employee shall mean an employee of the city and includes those persons who do not serve definite terms of office, do not exercise any of the sovereign functions of government, and are engaged primarily in the performance of ministerial service to the city.

(i) Gender. Words importing the masculine gender include the feminine and neuter.

(j) Governing Body means those elected members of the city council and the mayor or those members appointed to fill a vacancy on the council as provided in K.S.A. 14-201.

(k) In the city shall mean and include all territory over which the city now has or shall hereafter acquire jurisdiction for the exercise of its police or other regulatory powers.

(l) Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(m) Month shall mean a calendar month.

(n) Number. Words used in the singular include the plural and words used in the plural include the singular.

(o) Oath includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the word swear is equivalent to the word affirm.

(p) Officer shall mean those appointive officers of the city, including but not limited to the city administrator, city clerk, city treasurer, city attorney, assistant city attorney, fire chief, chief of police, director of public works, director of planning and development and municipal judge, and any other officer who exercises some portion of the sovereign functions of government.

(q) Owner applied to a building or land shall include not only the owner of the whole but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land.

(r) Person includes a firm, partnership, association of persons, corporations, organization or any other group acting as a unit, as well as an individual.

(s) Property includes real, personal and mixed property.

(t) Shall, may. Shall is mandatory and may is permissive.

(u) Sidewalk means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(v) Street means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city.

(w) Tenant or occupant applied to a building or land shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, whether alone or with others.

(x) Tense. Words used in the past or present tense include the future as well as the past and present.

(y) Writing or written shall include printing, engraving, lithography and any other mode of representing words and letters, except those cases where the written signature or the mark of any person is required by law.

(z) Year means a calendar year, except where otherwise provided.

Section 3. Section 1-109 of the Code of the City of Leawood is hereby amended to read as follows:

1-109. ORDINANCES. The governing body shall have the care, management and control of the city and its finances, and shall pass

all ordinances needed for the welfare of the city. All ordinances shall be valid when a majority of all the members-elect of the city council shall vote in favor thereof; provided, that where the number of favorable votes is one less than required, the mayor shall have power to cast the deciding vote in favor of the ordinance.

Section 4. Section 1-114 of the Code of the City of Leawood is hereby amended to read as follows:

1-114. RESOLUTIONS, MOTIONS. Except where a state statute or city ordinance specifically requires otherwise, all resolutions and motions shall be passed if voted upon favorably by a majority of a quorum of the city council, or if the mayor casts a favorable vote when the city council is equally divided.

Section 5. Section 1-115 of the Code of the City of Leawood is hereby amended to read as follows:

1-115. QUORUM. A majority of the members-elect of the city council shall constitute a quorum.

Section 6. Section 1-202 of the Code of the City of Leawood is hereby amended to read as follows:

1-202. MAYOR. The mayor shall preside at all meetings of the city council. He or she shall have the tie-breaking vote on all questions when the members present are equally divided. The mayor shall:

(a) Have the superintending control of all the appointed officers and department heads in the operations of the city, which superintending control may be delegated to the city administrator as chief administrative assistant to the mayor in accordance with article 3 of this chapter;

(b) Take care that the laws of the city are complied with;

(c) Sign the commissions and appointments of all officers elected or appointed;

(d) Endorse the approval of the governing body on all official bonds;

(e) From time to time communicate to the city council such information and recommend such measures as he or she may deem advisable;

(f) Have the power to approve or veto any ordinance as the laws of the state shall prescribe;

(g) Sign all orders and drafts drawn upon the city treasurer for money;

(h) Cause all subordinate officers to be dealt with promptly for any neglect or violation of duty;

(i) Be vested with jurisdiction over those areas beyond the territorial limits thereof, but within five miles of the limits of the City of Leawood, for the enforcement of any sewer ordinance.

Section 7. Section 1-401 of the Code of the City of Leawood is hereby amended to read as follows:

1-401. OFFICERS APPOINTED; DATE. (a) All officers whose position has been established by ordinance including but not limited to: City Clerk, Police Chief, Fire Chief, Public Works Director, Planning/Development Director, and City Treasurer shall be appointed by the City Administrator with the consent of the governing body. Any appointment recommended by the City Administrator shall become effective upon approval by a majority vote of the governing body. The City Clerk shall enter every appointment to office and the date thereof on the journal of proceedings.

(b) Officers appointed as provided by this ordinance shall hold their office for an indefinite term or until removed as provided herein.

Section 8. Section 1-404 of the Code of the City of Leawood is hereby amended to read as follows:

1-404. OFFICERS APPOINTED. The Mayor shall, by and with the consent of the City Council, appoint (a) Municipal Judge(s), City Attorney and Assistant City Attorney. Officers so appointed shall hold their office until their successors are appointed and qualified. The City Clerk shall enter every appointment to office and the date thereof on the journal of proceedings.

Section 9. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 20th day of June, 1988.

Approved by the Mayor this 21st day of June, 1988.

(S E A L)

Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

APPROVED FOR FORM: R.S. Wetzel City Attorney

Repealed by:  
ORDINANCE NO. 1098  
Adopted: 4/17/89  
Effective: \_\_\_\_\_

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 June 1988, 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 June 1988

Marguerite E. Baker

NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 165.05  
Additional copies \$ -----

<p>ly in the performance of ministerial service to the city.</p> <p>(i) <b>Gender.</b> Words importing the masculine gender include the feminine and neuter.</p> <p>(j) <b>Governing Body</b> means those elected members of the city council and the mayor or those members appointed to fill a vacancy on the council as provided in K.S.A. 14-201.</p> <p>(k) <b>In the city</b> shall mean and include all territory over which the city now has or shall hereafter acquire jurisdiction for the exercise of its police or other regulatory powers.</p> <p>(l) <b>Joint authority.</b> All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.</p> <p>(m) <b>Month</b> shall mean a calendar month.</p> <p>(n) <b>Number.</b> Words used in the singular include the plural and words used in the plural include the singular.</p>	<p>ordinances shall be valid when a majority of all the members-elect of the city council shall vote in favor thereof; provided, that where the number of favorable votes is one less than required, the mayor shall have power to cast the deciding vote in favor of the ordinance.</p> <p><b>Section 4.</b> Section 1-114 of the Code of the City of Leawood is hereby amended to read as follows:</p> <p>1-114. <b>RESOLUTIONS, MOTIONS.</b> Except where a state statute or city ordinance specifically requires otherwise, all resolutions and motions shall be passed if voted upon favorably by a majority of a quorum of the city council, or if the mayor casts a favorable vote when the city council is equally divided.</p> <p><b>Section 5.</b> Section 1-115 of the Code of the City of Leawood is hereby amended to read as follows:</p> <p>1-115. <b>QUORUM.</b> A majority of the members-elect of the city council shall constitute a quorum.</p> <p><b>Section 6.</b> Section 1-202 of the Code of the City of Leawood is hereby amended to read as follows:</p> <p>1-202. <b>MAYOR.</b> The mayor shall preside at all meetings of the city council. He or she shall have the tie-breaking vote on all questions when the members present are equally divided. The mayor shall:</p> <p>(a) Have the superintending control of all the appointed officers and department heads in the operations of the city, which superintending control may be delegated to the city administrator as chief administrative assistant to the mayor in accordance with article 3 of this chapter;</p> <p>(b) Take care that the laws of the city are complied with;</p> <p>(c) Sign the commissions and appointments of all officers elected or appointed;</p> <p>(d) Endorse the approval of the governing body on all official bonds;</p> <p>(e) From time to time communicate to the city council such information and recommend such measures as he or she may deem advisable;</p> <p>(f) Have the power to approve or veto any ordinance as the laws of the state shall prescribe;</p> <p>(g) Sign all orders and drafts drawn upon the city treasurer for money;</p> <p>(h) Cause all subordinate officers to be dealt with promptly for any neglect or violation of duty;</p> <p>(i) Be vested with jurisdiction over those areas beyond the territorial limits thereof, but within five miles of the limits of the City of Leawood, for the enforcement of any sewer ordinance.</p> <p><b>Section 7.</b> Section 1-401 of the Code of the City of Leawood is hereby amended to read as follows:</p> <p>1-401. <b>OFFICERS APPOINTED; DATE.</b> (a) All officers whose position has been established by ordinance including but not limited to: City Clerk, Police Chief, Fire Chief, Public Works Director, Planning/Development Director, and City Treasurer shall be appointed by the City Administrator with the consent of the governing body. Any appointment recommended by the City Administrator shall become effective upon approval by a majority vote of the governing body. The City Clerk shall enter every appointment to office and the date thereof on the journal of proceedings.</p> <p>(b) Officers appointed as</p>	<p>provided by this ordinance shall hold their office for an indefinite term or until removed as provided herein.</p> <p><b>Section 8.</b> Section 1-404 of the Code of the City of Leawood is hereby amended to read as follows:</p> <p>1-404. <b>OFFICERS APPOINTED.</b> The Mayor shall, by and with the consent of the City Council, appoint (a) Municipal Judge(s), City Attorney and Assistant City Attorney. Officers so appointed shall hold their office until their successors are appointed and qualified. The City Clerk shall enter every appointment to office and the date thereof on the journal of proceedings.</p> <p><b>Section 9. TAKE EFFECT.</b> This ordinance shall take effect and be in force from and after its publication in the official City newspaper.</p> <p>Passed by the Governing Body this 20th day of June, 1988.</p> <p>Approved by the Mayor this 21st day of June, 1988.</p> <p>/s/ Marcia Rinehart Mayor (SEAL) Attest: /s/ Martha Heizer City Clerk</p> <p>APPROVED FOR FORM: /s/ R.S. Wetzi City Attorney</p>	<p>(4140 1W)</p>
<p>First Published in the Johnson County Sun, Wednesday, June 22, 1988.</p> <p><b>ORDINANCE NO. 1056C</b></p> <p><b>AN ORDINANCE AMENDING SECTIONS OF CHAPTER 1 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO FUNCTIONS OF THE MAYOR AND CITY COUNCIL, AND REPEAL OF SECTIONS.</b></p> <p>Be it ordained by the Governing Body of the City of Leawood, Kansas:</p> <p><b>Section 1. REPEAL OF SECTIONS.</b> Sections 1-102, 1-109, 1-114, 1-115, and 1-202 of the "Code of the City of Leawood, 1984", and Sections 1-401 and 1-404 of Ordinance No. 1010C and of the "Code of the City of Leawood, 1984" are hereby repealed.</p> <p><b>Section 2.</b> Section 1-102 of the Code of the City of Leawood is hereby amended to read as follows:</p> <p>1-102. <b>DEFINITIONS.</b> In the construction of this code and of all ordinances of the city, the following definitions and rules shall be observed unless such construction would be inconsistent with the manifest intent of the governing body or the context clearly requires otherwise:</p> <p>(a) <b>City</b> shall mean the City of Leawood, Kansas.</p> <p>(b) <b>City Council (Council)</b> shall mean the eight councilmembers elected as provided by Section 6-101.</p> <p>(c) <b>Code</b> shall mean the Code of the City of Leawood, Kansas.</p> <p>(d) <b>Computation of time</b> within which an act is to be done shall exclude the first day and include the last day. If the last day be a Saturday, Sunday or legal holiday, that day shall be excluded.</p> <p>(e) <b>Councilmember</b> shall mean a person duly elected to the city council, and shall not mean the mayor.</p> <p>(f) <b>County</b> means the County of Johnson in the State of Kansas.</p> <p>(g) <b>Delegation of Authority.</b> Whenever a provision appears requiring or authorizing the head of a department or officer of the city to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.</p> <p>(h) <b>Employee</b> shall mean an employee of the city and includes those persons who do not serve definite terms of office, do not exercise any of the sovereign functions of government, and are engaged primarily</p>	<p>(o) <b>Oath</b> includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the word swear is equivalent to the word affirm.</p> <p>(p) <b>Officer</b> shall mean those appointive officers of the city, including but not limited to the city administrator, city clerk, city treasurer, city attorney, assistant city attorney, fire chief, chief of police, director of public works, director of planning and development and municipal judge, and any other officer who exercises some portion of the sovereign functions of government.</p> <p>(q) <b>Owner</b> applied to a building or land shall include not only the owner of the whole but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land.</p> <p>(r) <b>Person</b> includes a firm, partnership, association of persons, corporations, organization or any other group acting as a unit, as well as an individual.</p> <p>(s) <b>Property</b> includes real, personal and mixed property.</p> <p>(t) <b>Shall, may.</b> Shall is mandatory and may is permissive.</p> <p>(u) <b>Sidewalk</b> means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.</p> <p>(v) <b>Street</b> means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city.</p> <p>(w) <b>Tenant or occupant</b> applied to a building or land shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, whether alone or with others.</p> <p>(x) <b>Tense.</b> Words used in the past or present tense include the future as well as the past and present.</p> <p>(y) <b>Writing or written</b> shall include printing, engraving, lithography and any other mode of representing words and letters, except those cases where the written signature or the mark of any person is required by law.</p> <p>(z) <b>Year</b> means a calendar year, except where otherwise provided.</p> <p><b>Section 3.</b> Section 1-109 of the Code of the City of Leawood is hereby amended to read as follows:</p> <p>1-109. <b>ORDINANCES.</b> The governing body shall have the care, management and control of the city and its finances, and shall pass all ordinances needed for the welfare of the city. All</p>	<p>ordinances shall be valid when a majority of all the members-elect of the city council shall vote in favor thereof; provided, that where the number of favorable votes is one less than required, the mayor shall have power to cast the deciding vote in favor of the ordinance.</p> <p><b>Section 4.</b> Section 1-114 of the Code of the City of Leawood is hereby amended to read as follows:</p> <p>1-114. <b>RESOLUTIONS, MOTIONS.</b> Except where a state statute or city ordinance specifically requires otherwise, all resolutions and motions shall be passed if voted upon favorably by a majority of a quorum of the city council, or if the mayor casts a favorable vote when the city council is equally divided.</p> <p><b>Section 5.</b> Section 1-115 of the Code of the City of Leawood is hereby amended to read as follows:</p> <p>1-115. <b>QUORUM.</b> A majority of the members-elect of the city council shall constitute a quorum.</p> <p><b>Section 6.</b> Section 1-202 of the Code of the City of Leawood is hereby amended to read as follows:</p> <p>1-202. <b>MAYOR.</b> The mayor shall preside at all meetings of the city council. He or she shall have the tie-breaking vote on all questions when the members present are equally divided. The mayor shall:</p> <p>(a) Have the superintending control of all the appointed officers and department heads in the operations of the city, which superintending control may be delegated to the city administrator as chief administrative assistant to the mayor in accordance with article 3 of this chapter;</p> <p>(b) Take care that the laws of the city are complied with;</p> <p>(c) Sign the commissions and appointments of all officers elected or appointed;</p> <p>(d) Endorse the approval of the governing body on all official bonds;</p> <p>(e) From time to time communicate to the city council such information and recommend such measures as he or she may deem advisable;</p> <p>(f) Have the power to approve or veto any ordinance as the laws of the state shall prescribe;</p> <p>(g) Sign all orders and drafts drawn upon the city treasurer for money;</p> <p>(h) Cause all subordinate officers to be dealt with promptly for any neglect or violation of duty;</p> <p>(i) Be vested with jurisdiction over those areas beyond the territorial limits thereof, but within five miles of the limits of the City of Leawood, for the enforcement of any sewer ordinance.</p> <p><b>Section 7.</b> Section 1-401 of the Code of the City of Leawood is hereby amended to read as follows:</p> <p>1-401. <b>OFFICERS APPOINTED; DATE.</b> (a) All officers whose position has been established by ordinance including but not limited to: City Clerk, Police Chief, Fire Chief, Public Works Director, Planning/Development Director, and City Treasurer shall be appointed by the City Administrator with the consent of the governing body. Any appointment recommended by the City Administrator shall become effective upon approval by a majority vote of the governing body. The City Clerk shall enter every appointment to office and the date thereof on the journal of proceedings.</p> <p>(b) Officers appointed as</p>	<p>(4140 1W)</p>

ORDINANCE NO. 1055

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 KENNETH ROAD FROM APPROXIMATELY 135TH STREET TO A POINT APPROXIMATELY 1805 FEET SOUTH OF THE N.E. CORNER OF SECTION 34, TOWNSHIP 13, RANGE 25 (IMPROVEMENT DISTRICT 85-3, PROJECT NO. 102).

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 the realignment of Kenneth Road in the City of Leawood, Kansas, from Highway K-150 (135th) Street N.E. Cor. Frac. Sec.35 T.13 R.25 to a point approximately 1805 feet S. of the N.E. Cor. Sec. 34 T.13 R.25. The project will generally consist of construction of a four lane divided roadway with turning lane and concrete curb and gutter. The improvement will also include 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 to the City is \$1,197,477.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is \$1,167,918.00 and such property, within the improvement district abutting the improvement, shall be assessed on a front foot basis of \$340.584283031 per abutting front foot; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;

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

20-1,341. 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 assessments for said improvement as set out on assessment roll on file in the City Clerk's Office.

20-1,342. 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

10.00 CK

property taxes following the adopting and publication of this ordinance.

20-1,343. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,344. Section 4. The owner of any property so assessed may at any time prior to 4:00 P.M., Friday, July 22, 1988, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

20-1,345. Section 5. Assessments not paid prior to 4:00 P.M., Friday, July 22, 1988, 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.

TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 20th day of June, 1988.

Approved by the Mayor this 21st day of June, 1988.

(S E A L)

Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

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

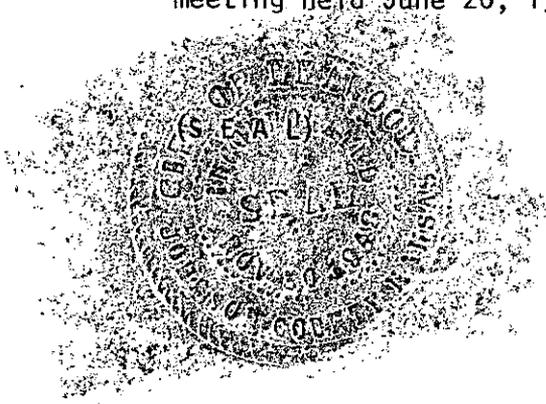
STATE OF KANSAS }  
COUNTY OF JOHNSON } ss  
FILED FOR RECORD

10<sup>00</sup> 1988 JUL 26 A 11:34 8  
RUBIE M. SCOTT  
REGISTER OF DEEDS

BY \_\_\_\_\_ DEP

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 the full, true and correct original of Ordinance No. 1055 passed by the Governing Body at a regular meeting held June 20, 1988.



*Martha Heizer*  
\_\_\_\_\_  
Martha Heizer  
City Clerk  
City of Leawood, Kansas

**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 June 1988, 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 June 1988

*Marguerite E. Baker*

NOTARY PUBLIC

MARGUERITE E. BAKER NOTARY PUBLIC STATE OF KANSAS My Appt. Exp. 3-15-92
--

My Commission expires: 3-15-92  
 Printer's Fee \$ 66.32  
 Additional copies \$ -----

First Published in the Johnson County Sun, Wednesday, June 22, 1988.  
 ORDINANCE NO. 1055  
 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 KENNETH ROAD FROM APPROXIMATELY 135TH STREET TO A POINT APPROXIMATELY 1805 FEET SOUTH OF THE N.E. CORNER OF SECTION 34, TOWNSHIP 13, RANGE 25 (IMPROVEMENT DISTRICT 85-3, PROJECT NO. 102).  
 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 the realignment of Kenneth Road in the City of Leawood, Kansas, from Highway K-150 (135th) Street N.E. Cor. Frac. Sec. 35 T.13 R.25 to a point approximately 1805 feet S. of the N.E. Cor. Sec. 34 T.13 R.25. The project will generally consist of construction of a four lane divided roadway with turning lane and concrete curb and gutter. The improvement will also include 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 to the City is \$1,197,477.00; and  
 WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is \$1,167,918.00 and such property, within the improvement district abutting the improvement, shall be assessed on a front foot basis of \$340.584283031 per abutting front foot; and  
 WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;  
 NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:  
 20-1.341. 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 assessments for said improvement as set out on assessment roll on file in the City Clerk's Office.  
 20-1.342. 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.  
 20-1.343. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.  
 20-1.344. Section 4. The owner of any property so assessed may at any time prior to 4:00 P.M., Friday, July 22, 1988, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.  
 20-1.345. Section 5. Assessments not paid prior to 4:00 P.M., Friday, July 22, 1988, 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.  
 TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.  
 Passed by the Governing Body this 20th day of June, 1988.  
 Approved by the Mayor this 21st day of June, 1988.  
 /s/ Marcia Rinehart  
 Mayor  
 (SEAL)  
 Attest:  
 /s/ Martha Heizer  
 City Clerk  
 APPROVED FOR FORM:  
 /s/ R.S. Wetzler,  
 City Attorney

ORDINANCE NO. 1054

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 MISSION ROAD, A DISTANCE OF 2,655.86 FEET MORE OR LESS (IMPROVEMENT DISTRICT 86-2, PROJECT 103).

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 119th Street in the City of Leawood, Kansas, from the centerline of Roe Avenue (SW Corner SE 1/4 Section 15, Township 13, Range 25), to the centerline of Mission Road (SE Corner SE 1/4 Section 15, Township 13, Range 25), a distance of 2,655.86 feet more or less. The improvement will generally consist of construction of a divided and undivided four lane arterial street with turning lanes, concrete curbs and gutters. The improvement will also include bridge improvements, 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 to the City is \$574,199.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is \$559,887.00 with such property within the improvement district abutting the improvement assessed on a front foot basis as follows:

Tracts 1 & 3 at \$122 per abutting front foot; Tract 2 at \$50 per abutting front foot subject to reassessment in accordance with Resolution No. 694; Tract 4 at \$50 per abutting front foot; Tracts C & D at \$100.250117 plus that portion not assessed to Tracts 2 & 4. (Tracts as identified on I.D. 86-2 assessment map)

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;

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

10.00 ck

20-1,336. 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 assessments for said improvement as set out on assessment roll on file in the City Clerk's Office.

20-1,337. 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.

20-1,338. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,339. Section 4. The owner of any property so assessed may at any time prior to 4:00 P.M., Friday, July 22, 1988, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

20-1,340. Section 5. Assessments not paid prior to 4:00 P.M., Friday, July 22, 1988, 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.

TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 20th day of June, 1988.

Approved by the Mayor this 21st day of June, 1988.



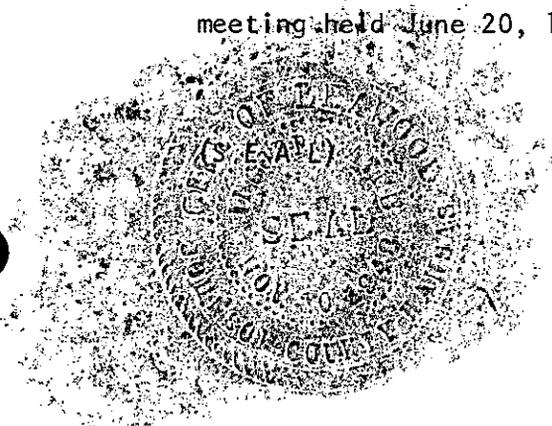
Marcia Rinehart  
Marcia Rinehart Mayor

Martha Heizer  
Martha Heizer City Clerk

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

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 the full, true and correct original of Ordinance No. 1054 passed by the Governing Body at a regular meeting held June 20, 1988.



*Martha Heizer*  
\_\_\_\_\_  
Martha Heizer  
City Clerk  
City of Leawood, Kansas

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

10<sup>00</sup> 1988 JUL 26 A 11:33.6  
RUBIE M. SCOTT  
REGISTER OF DEEDS

BY \_\_\_\_\_ DEF

First Published in the Johnson County Sun, Wednesday, June 22, 1988.

ORDINANCE NO. 1054  
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 MISSION ROAD, A DISTANCE OF 2,655.86 FEET MORE OR LESS (IMPROVEMENT DISTRICT 86-2 PROJECT 103).

### AFFIDAVIT OF PUBLICATION

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 119th Street in the City of Leawood, Kansas from the centerline of Roe Avenue (SW Corner SE 1/4 Section 15, Township 13, Range 25), to the centerline of Mission Road (SE Corner SE 1/4 Section 15, Township 13, Range 25), a distance of 2,655.86 feet more or less. The improvement will generally consist of construction of a divided and undivided four lane arterial street with turning lanes, concrete curbs and gutters. The improvement will also include bridge improvements, 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 to the City is \$574,199.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement, to be assessed against the improvement district is \$559,887.00 with such property within the improvement district abutting the improvement assessed on a front foot basis as follows:

Tracts 1 & 3 at \$122 per abutting front foot; Tract 2 at \$50 per abutting front foot subject to reassessment in accordance with Resolution No. 694; Tract 4 at \$50 per abutting front foot; Tracts C & D at \$100.250117 plus that portion not assessed to Tracts 2 & 4. (Tracts as identified on I.D. 86-2 assessment map)

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;

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

20-1,336. 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 assessments for said improvement as set out on assessment roll on file in the City Clerk's Office.

20-1,337. 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.

20-1,338. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,339. Section 4. The owner of any property so assessed may at any time prior to 4:00 P.M., Friday, July 22, 1988, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

20-1,340. Section 5. Assessments not paid prior to 4:00 P.M., Friday, July 22, 1988, 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.

TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 20th day of June, 1988.  
Approved by the Mayor this 21st day of June, 1988.

/s/ Marcia Rinehart  
Mayor  
(SEAL)  
Attest:  
/s/ Martha Heizer  
City Clerk  
APPROVED FOR FORM:  
/s/ R.S. Wetzler,  
City Attorney

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

The newspaper is a semi-weekly published at least weekly 50 times a year; has been 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 to the post office of SHAWNEE MISSION, KANSAS in said County as a second class newspaper.

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 22nd day of June 1988, with subsequent publications being made on the following dates:

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

*Deanna Martasin*

Subscribed and sworn to before me this 22nd day of June 1988

*Marguerite E. Baker*

NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

Commission expires: 3-15-92  
Notary Fee \$ 72.20  
Number of copies \$ -----

ORDINANCE NO. 1053

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 NALL AVENUE FROM THE CENTERLINE OF 119TH STREET TO THE CENTERLINE OF COLLEGE BOULEVARD, A DISTANCE OF 5,305.02 FEET MORE OR LESS (IMPROVEMENT DISTRICT 87-1, PROJECT 105).

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 Nall Avenue in the City of Leawood, Kansas and Overland Park, Kansas from the centerline of 119th Street (the South line of the S.W. 1/4 Section 16, Township 13, Range 25) to the centerline of College Blvd. (the North line of the N.W. 1/4 Section 16, Township 13, Range 25) a distance of 5,305.02 feet more or less. The improvement will generally consist of construction of two 28 foot asphaltic concrete lanes with turning lanes, concrete curbs and gutter and a 24 foot median. The improvement will also include 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 to the City is \$451,694.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is \$377,170.00 and such property, within the improvement district abutting the improvement, shall be assessed on a front foot basis of \$86.73525705 per abutting front foot; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;

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

20-1,331. 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 assessments for said improvement as set out on assessment roll on file in the City Clerk's Office.

20-1,332. Section 2. Such assessments with accrued interest

8. OK

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.

20-1,333. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,334. Section 4. The owner of any property so assessed may at any time prior to 4:00 P.M., Friday, July 22, 1988, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

20-1,335. Section 5. Assessments not paid prior to 4:00 P.M., Friday, July 22, 1988, 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.

TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 20th day of June, 1988.

Approved by the Mayor this 21st day of June, 1988.

*Marcia Rinehart*  
Marcia Rinehart Mayor

Attest:  
*Martha Heizer*  
Martha Heizer City Clerk

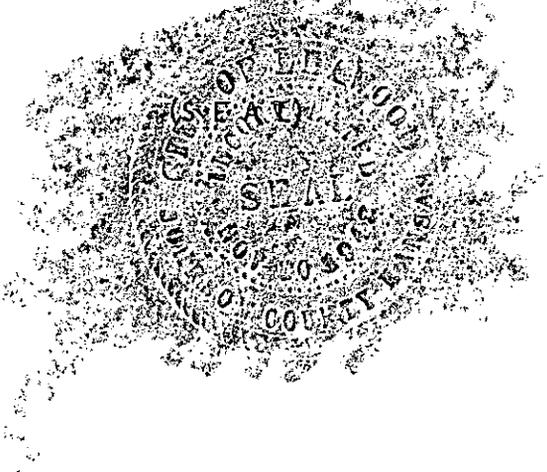
APPROVED FOR FORM: *R.S. Wetzler*, City Attorney  
R.S. Wetzler

STATE OF KANSAS }  
COUNTY OF JOHNSON } SS  
FILED FOR RECORD  
8-00 1988 JUL 26 11:31 AM  
RUBIE M. SCOTT  
REGISTER OF DEEDS

BY \_\_\_\_\_ DEP

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 the full, true and correct original of Ordinance No. 1053 passed by the Governing Body at a regular meeting held June 20, 1988.



Martha Heizer  
Martha Heizer  
City Clerk  
City of Leawood, Kansas

**AFFIDAVIT OF PUBLICATION**

First Published in the Johnson County Sun, Wednesday, June 22, 1988.  
 ORDINANCE NO. 1053  
 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 NALL AVENUE FROM THE CENTERLINE OF 119TH STREET TO THE CENTERLINE OF COLLEGE BOULEVARD, A DISTANCE OF 5,305.02 FEET MORE OR LESS (IMPROVEMENT DISTRICT 87-1, PROJECT 105).  
 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 Nall Avenue in the City of Leawood, Kansas and Overland Park, Kansas from the centerline of 119th Street (the South line of the S.W. 1/4 Section 16, Township 13, Range 25) to the centerline of College Blvd. (the North line of the N.W. 1/4 Section 16, Township 13, Range 25) a distance of 5,305.02 feet more or less. The improvement will generally consist of construction of two 28 foot asphaltic concrete lanes with turning lanes, concrete curbs and gutter and a 24 foot median. The improvement will also include 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 to the City is \$451,694.00; and  
 WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is \$377,170.00 and such property, within the improvement district abutting the improvement, shall be assessed on a front foot basis of \$86.73525705 per abutting front foot; and  
 WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;  
 NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD, KANSAS:  
 20-1.331. 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 assessments for said improvement as set out on assessment roll on file in the City Clerk's Office.  
 20-1.332. 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.  
 20-1.333. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.  
 20-1.334. Section 4. The owner of any property so assessed may at any time prior to 4:00 P.M., Friday, July 22, 1988, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.  
 20-1.335. Section 5. Assessments not paid prior to 4:00 P.M., Friday, July 22, 1988, 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.  
 TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.  
 Passed by the Governing Body this 20th day of June, 1988.  
 Approved by the Mayor this 21st day of June, 1988.  
 /s/ Marcia Rinehart  
 Mayor  
 (SEAL)  
 Attest:  
 /s/ Martha Heizer  
 City Clerk  
 APPROVED FOR FORM:  
 /s/ R.S. Wetzler,  
 City Attorney

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 June 1988, 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 June 1988

*Marguerite E. Baker*  
 NOTARY PUBLIC

MARGUERITE E. BAKER  
 NOTARY PUBLIC  
 STATE OF KANSAS  
 My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
 Printer's Fee \$ 68.28  
 Additional copies \$ -----

ORDINANCE NO. 1052

1807895 ✓

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 IMPROVING STATE LINE ROAD FROM APPROXIMATELY 81ST STREET TO 85TH STREET (IMPROVEMENT DISTRICT STATE LINE, PROJECT 101).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

Improvements of State Line Road from approximately 700 feet north of 81st Street to approximately 350 feet north of 85th Street.

and such contracts have been duly performed; and

WHEREAS, the Governing Body has determined that the total cost of such improvement to the City is \$808,338.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is \$792,853.00 and such property, within the improvement district abutting the improvement, shall be assessed on a front foot basis of \$785.6252477 per abutting front foot; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;

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

20-1,326. 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 assessments for said improvement as set out on assessment roll on file in the City Clerk's Office.

20-1,327. 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.

20-1,328. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,329. Section 4. The owner of any property so assessed may at any time prior to 4:00 P.M., Friday, July 22, 1988, pay

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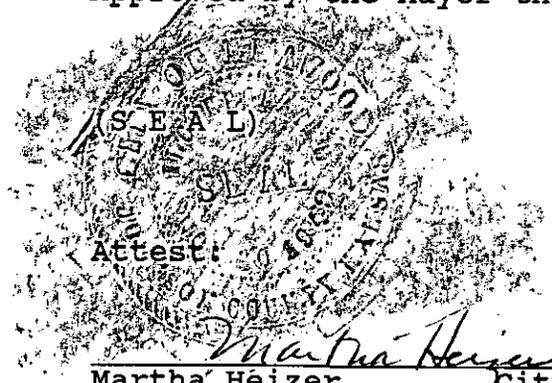
the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

20-1,330. Section 5. Assessments not paid prior to 4:00 P.M., Friday, July 22, 1988, 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.

TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 20th day of June, 1988.

Approved by the Mayor this 21st day of June, 1988.



Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

APPROVED FOR FORM: [Signature], City Attorney  
R.S. Wetzler

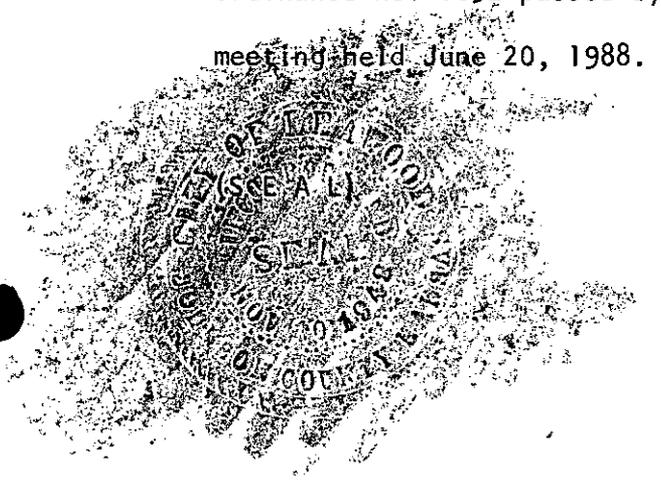
STATE OF KANSAS ]  
COUNTY OF JOHNSON ] SS  
FILED FOR RECORD

1988-JUL-26-A 11:30 7

9<sup>00</sup>  
RUBIE M. SCOTT  
REGISTER OF DEEDS  
BY \_\_\_\_\_ DEP

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 the full, true and correct original of Ordinance No. 1052 passed by the Governing Body at a regular meeting held June 20, 1988.



  
Martha Heizer  
City Clerk  
City of Leawood, Kansas

First Published in the Johnson County Sun, Wednesday, June 22, 1988.

ORDINANCE NO. 1052  
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 IMPROVING STATE LINE ROAD FROM APPROXIMATELY 81ST STREET TO 85TH STREET (IMPROVEMENT DISTRICT STATE LINE, PROJECT 101).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

Improvements of State Line Road from approximately 700 feet north of 81st Street to approximately 350 feet north of 85th Street.

and such contracts have been duly performed; and WHEREAS, the Governing Body has determined that the total cost of such improvement to the City is \$808,338.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement

to be assessed against the improvement district is \$792,853.00 and such property, within the improvement district abutting the improvement, shall be assessed on a front foot basis of \$785.6252477 per abutting front foot; and

WHEREAS, said Governing Body has, after due notice, met and determined the amount of such special assessment;

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

20-1,326. 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 assessments for said improvement as set out on assessment roll on file in the City Clerk's Office.

20-1,327. 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.

20-1,328. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,329. Section 4. The owner of any property so assessed may at any time prior to 4:00 P.M., Friday, July 22, 1988, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

20-1,330. Section 5. Assessments not paid prior to 4:00 P.M., Friday, July 22, 1988, 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.

TAKE EFFECT. Section 6. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 20th day of June, 1988.

Approved by the Mayor this 21st day of June, 1988.

/s/ Marcia Rinehart  
Mayor

(SEAL)  
Attest:

/s/ Martha Heizer  
City Clerk

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

(4136 1W)

### AFFIDAVIT OF PUBLICATION

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

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been published 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 to 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 usual issue of said newspaper for one consecutive

day (weeks, days) the first publication thereof being made as on the 22nd day of June 1988, with subsequent publications being made on the following dates:

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

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

*Deanna Martasin*

and sworn to before me this 27th day of June 1988

*Marguerite E. Baker*

NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 58.48  
Additional copies \$ -----

ORDINANCE NO. 1051

AN ORDINANCE GRANTING A PERMANENT DRAINAGE EASEMENT TO KANSAS CITY, MISSOURI, FOR STORM DRAINAGE PURPOSES.

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

19-6,197. Section 1. The City of Leawood, Kansas, does hereby grant a permanent drainage easement for storm drainage purposes to the City of Kansas City, Missouri, on property described as follows:

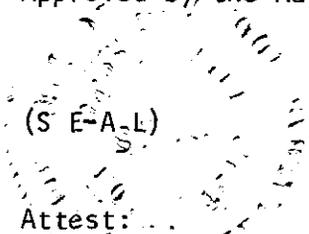
All that part of Lots P-15 and Q-16, CRESTHILL ACRES, a subdivision of land now in the City of Leawood, Johnson County, Kansas, and all that part of vacated 84th Street, lying adjacent thereto, more particularly described as follows: Beginning at the Northeast corner of said Lot Q-16; thence S 0° 18' 42" W, along the East line of said Q-16, and along the Kansas-Missouri State Line, a distance of 13.50 feet; thence N 44° 54' 59" W, a distance of 39.61 feet; thence N 9° 11' 21" W, a distance of 76.90 feet; thence N 74° 31' 51" E, a distance of 16.20 feet; thence S 7° 03' 06" E, a distance of 25.17 feet; thence S 34° 28' 02" E, a distance of 38.57 feet, to a point on the East line of said Lot P-15, said point also being on said Kansas-Missouri State Line; thence S 0° 18' 42" W, along the Easterly line of said Lot P-15 and the Southerly extension thereof, a distance of 38 feet, to the point of beginning of subject tract.

19-6,198. 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.

Passed by the Governing Body this 20th day of June, 1988.

Approved by the Mayor this 21st day of June, 1988.



*Marcia Rinehart*  
Marcia Rinehart Mayor

Attest:  
*Martha Heizer*  
Martha Heizer City Clerk

APPROVED FOR FORM: *R.S. Wetzler*, City Attorney  
R.S. Wetzler

INDIVIDUAL ACKNOWLEDGMENT

STATE OF KANSAS )  
 ) SS  
COUNTY OF JOHNSON )

BE IT REMEMBERED, THAT on this 20<sup>th</sup> day of June, 1988, before me, the undersigned Notary Public, personally came Marcia Rinehart, Mayor 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 Leawood, Kansas on the day and year last above written.

Martha E. Heizer  
Notary Public Martha E. Heizer

My Appointment Expires: June 25, 1991



INDIVIDUAL ACKNOWLEDGMENT

VOL 2817 PAGE 330

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: \_\_\_\_\_

City of Leawood  
9/6/17  
Leawood KS 66205

1801012 ✓

1988 JUN 28 A 10: 40 7

RUBIE M. SCOTT  
REGISTER OF DEEDS

PERMANENT DRAINAGE EASEMENT BY \_\_\_\_\_ DEF

This agreement, made and entered into this 20<sup>th</sup> day of June, 1988, by and between the City of Leawood, Johnson County, Kansas

party of the first part, and the City of Kansas City, Jackson County, Missouri, 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:

All that part of Lots P-15 and Q-16, CRESTHILL ACRES, a subdivision of land now in the City of Leawood, Johnson County, Kansas, and all that part of vacated 84th Street, lying adjacent thereto, more particularly described as follows: Beginning at the Northeast corner of said Lot Q-16; thence S 0° 18' 42" W, along the East line of said Q-16, and along the Kansas-Missouri State Line, a distance of 13.50 feet; thence N 44° 54' 59" W, a distance of 39.61 feet; thence N 9° 11' 21" W, a distance of 76.90 feet; thence N 74° 31' 51" E, a distance of 16.20 feet; thence S 7° 03' 06" E, a distance of 25.17 feet; thence S 34° 28' 02" E, a distance of 38.57 feet, to a point on the East line of said Lot P-15, said point also being on said Kansas-Missouri State Line; thence S 0° 18' 42" W, along the Easterly line of said Lot P-15 and the Southerly extension thereof, a distance of 38 feet, to the point of beginning of subject tract.

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 second 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.

600 CK



Marcia Rinehart  
Marcia Rinehart, Mayor

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 June 1988, 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 June 1988

*Marguerite E. Baker*

NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 36.67  
Additional copies \$ -----

First Published in the Johnson County Sun, Wednesday, June 22, 1988.  
ORDINANCE NO. 1051  
AN ORDINANCE GRANTING A PERMANENT DRAINAGE EASEMENT TO KANSAS CITY, MISSOURI, FOR STORM DRAINAGE PURPOSES.  
Be it ordained by the Governing Body of the City of Leawood, Kansas:  
19-6.197. Section 1. The City of Leawood, Kansas, does hereby grant a permanent drainage easement for storm drainage purposes to the City of Kansas City, Missouri, on property described as follows:  
All that part of Lots P-15 and Q-16, CRESTHILL ACRES, a subdivision of land now in the City of Leawood, Johnson County, Kansas, and all that part of vacated 84th Street, lying adjacent thereto, more particularly described as follows: Beginning at the Northeast corner of said Lot Q-16; thence S 0° 18' 42" W, along the East line of said Q-16, and along the Kansas-Missouri State Line, a distance of 13.50 feet; thence N 44° 54' 59" W, a distance of 39.61 feet; thence N 9° 11' 21" W, a distance of 76.90 feet; thence N 74° 31' 51" E, a distance of 16.20 feet; thence S 7° 03' 06" E, a distance of 25.17 feet; thence S 34° 28' 02" E, a distance of 38.57 feet, to a point on the East line of said Lot P-15, said point also being on said Kansas-Missouri State Line; thence S 0° 18' 42" W, along the Easterly line of said Lot P-15 and the Southerly extension thereof, a distance of 38 feet, to the point of beginning of subject tract.  
19-6.198. 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.  
Passed by the Governing Body this 20th day of June, 1988.  
Approved, by the Mayor this 21st day of June, 1988.  
/s/ Marcia Rinehart  
Mayor  
(SEAL)  
Attest:  
/s/ Martha Heizer  
City Clerk  
APPROVED FOR FORM:  
/s/ R.S. Wetzier  
City Attorney  
(4135 1W)

ORDINANCE NO. 1050 C

AN ORDINANCE RELATING TO ANIMAL CONTROL ON LEAWOOD TOMAHAWK GREENWAY,  
AND REPEAL OF SECTION.

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

Section 1. REPEAL OF SECTION. Section 2-216 of the "Code of the City  
of Leawood, 1984" is hereby repealed.

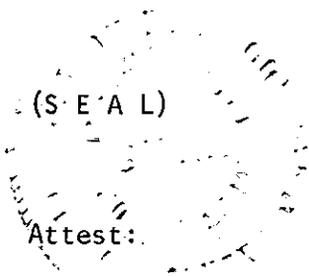
Section 2. Section 2-216 of the "Code of the City of Leawood, 1984"  
is hereby amended to read as follows:

2-216. CONFINING DOGS TO LEAWOOD TOMAHAWK GREENWAY. It shall be un-  
lawful for any owner or keeper of any dog to allow his or her dog to  
run at large on the Leawood Tomahawk Greenway. All dogs must be on a  
leash no longer than six (6) feet, leash to be in hand of owner or  
keeper, and must be in control of the owner or keeper when on the  
Leawood Tomahawk Greenway. If the dog is found running at large,  
the animal may be impounded in accordance with Sections 2-206, 2-207,  
and 2-208.

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

Passed by the Governing Body this 16th day of May, 1988.

Approved by the Mayor this 17th day of May, 1988.



Attest:

Marcia Rinehart  
Marcia Rinehart Mayor

Martha Heizer  
Martha Heizer City Clerk

APPROVED FOR FORM: R.S. Metzler, City Attorney

Repealed by:  
ORDINANCE NO. 1327C  
Adopted: 12/21/92  
Effective:

First Published in the Johnson County Sun, Friday, May 20, 1988.  
 ORDINANCE NO. 1050 C  
 AN ORDINANCE RELATING TO ANIMAL CONTROL ON LEAWOOD TOMAHAWK GREENWAY, AND REPEAL OF SECTION.  
 Be it ordained by the Governing Body of the City of Leawood, Kansas:  
 Section 1. REPEAL OF SECTION. Section 2-216 of the "Code of the City of Leawood, 1984" is hereby repealed.  
 Section 2. Section 2-216 of the "Code of the City of Leawood, 1984" is hereby amended to read as follows:  
 2-216. CONFINING DOGS TO LEAWOOD--TOMAHAWK GREENWAY. It shall be unlawful for any owner or keeper of any dog to allow his or her dog to run at large on the Leawood Tomahawk Greenway. All dogs must be on a leash no longer than six (6) feet, leash to be in hand of owner or keeper, and must be in control of the owner or keeper when on the Leawood Tomahawk Greenway. If the dog is found running at large, the animal may be impounded in accordance with Sections 2-206, 2-207, and 2-208.  
 Section 3. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.  
 Passed by the Governing Body this 16th day of May, 1988.  
 Approved by the Mayor this 17th day of May, 1988.  
 (SEAL)  
 (s) Marcia Rinehart  
 Mayor  
 Attest:  
 (s) Martha Heizer  
 City Clerk  
 APPROVED FOR FORM:  
 (s) R.S. Wetzler  
 City Attorney

(3983 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 general circulation in JOHNSON County, Kansas, with a general paid circulation basis in JOHNSON County, Kansas, and that said newspaper is not a trade, or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been published 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 to 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 20th day of May 1988, with subsequent publications being made on the following dates:

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

Deanna Martasin

Subscribe and sworn to before me this 20th day of May 1988

Pearlie A. Peterson  
 NOTARY PUBLIC

PEARLIE A. PETERSON  
 NOTARY PUBLIC  
 STATE OF KANSAS  
 My Appt. Expires Jan. 25, 1992

My Commission expires: -----  
 Printer's Fee \$ 28.34  
 Additional copies \$ -----

ORDINANCE NO. 1049 C

AN ORDINANCE CREATING THE LEAWOOD PUBLIC BUILDING COMMISSION; ESTABLISHING THE COMPOSITION THEREOF AND PURPOSE FOR WHICH ESTABLISHED.

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

Section 1. That the "Code of the City of Leawood, Kansas, 1984" is hereby amended by adding Article 9 of Chapter 1 which reads as follows:

ARTICLE 9. PUBLIC BUILDING COMMISSION

1-901. PUBLIC BUILDING COMMISSION ESTABLISHED; MEMBERSHIP. There is hereby created a Public Building Commission which shall be a municipal corporation, the governing body of which shall consist of seven members. The members of the commission shall be appointed by the mayor, with the consent of the city council, as follows:

(a) Four members shall be duly elected or appointed members of the governing body of the City of Leawood, one of which shall be the mayor;

(b) Three members shall be appointed from citizens of the city at large;

(c) Three members of the commission shall be appointed for a term of two years, two members shall be appointed for a term of three years, and two members shall be appointed for a term of four years. Upon expiration of these initial terms of office, all appointments thereafter shall be for a term of four years.

(d) If any person who has been appointed pursuant to the provisions of paragraph (a) of this section shall cease to be a member of the governing body, or if any person appointed pursuant to the provisions of paragraph (b) of this section shall cease to live within the City of Leawood, the membership of said person shall forthwith terminate and a replacement shall be appointed as provided by this ordinance to serve the unexpired term.

(e) Whenever any member of the building commission shall resign prior to the expiration of that member's term, a replacement shall be appointed in the manner provided by this ordinance to serve the unexpired term.

The commission shall, at its first regularly scheduled

meeting, elect its own chairperson and other officers as deemed appropriate.

1-902. FUNCTIONS AND POWERS. The public commission is hereby created for the following purposes and shall be and is hereby authorized to exercise the following functions and powers, to-wit:

(a) To acquire a site or sites for and to construct, reconstruct, equip and furnish a building or buildings or other facilities of a revenue producing nature, including parking facilities or to purchase or otherwise acquire such building or buildings or facilities, and such building or buildings or facilities shall be maintained and operated for the housing and accomodation of city offices or such other purposes as are commonly carried on in connection with such facilities and general city buildings or for other purposes as outlined in K.S.A. 12-1758, as amended.

(b) To rent all or any part of its buildings or other facilities to any federal, state or county governmental agency, or any municipal corporation, quasi-municipal corporation, political subdivision or body politic, or agency thereof, doing business, maintaining an office or rendering a public service in the City of Leawood, Kansas, and to rent any space as may be needed by such governmental agencies for such service facilities as the public building commission may determine will primarily serve the comfort and convenience of the occupants of its buildings or other facilities.

(c) To issue revenue bonds of the public building commission to provide funds for the purpose of acquiring, erecting, equipping, repairing, maintaining and operating buildings and other facilities and to acquire sites necessary and convenient therefor, and to pay all costs and expenses incident thereto, or to refund its outstanding bonds.

(d) To establish and fix rates, rentals, fees and charges, for the use of any and all buildings or space therein or other facilities owned and operated by the commission, sufficient at all times to pay maintenance and operation costs of such buildings, or facilities, the principal of and interest on all bonds issued by the commission as the same shall become due and payable and to make all payments to any accounts created by any bond resolution.

(e) To acquire the fee simple title to real property, including easements and reversionary interests in the streets, alleys and other public places and personal property required for its purposes, by purchase, gift, devise or by the exercise of the powers of eminent domain of the state, and title thereto shall be taken in the corporate name of the

commission.

(f) To enter into written leases with tenants of its buildings or facilities under such terms and conditions as it shall deem appropriate, not inconsistent with the provisions of this article and the laws of the State of Kansas.

(g) To convey title to real estate it shall hold title to and sell, assign, transfer, trade any of its interest in personal property. Conveyance may be made of portions of the land as portions of the revenue bonds are paid or retired, or provision is made for their payment by the deposit of a like amount of money.

(h) To do all things and acts necessary or convenient to carry out the powers granted to it under this section and under K.S.A. 12-1757, et seq., as amended, provided, however, that under no circumstance shall any income of the public building commission inure to the benefit of any private person.

Section 2. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 18<sup>th</sup> day of April, 1988.

Approved by the Mayor this 19<sup>th</sup> day of April, 1988.

-(S E A L)

Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

Approved for Form:

R.S. Wetzler  
R.S. Wetzler City Attorney

First Published in the Johnson County Sun, Friday, April 22, 1988.

ORDINANCE NO. 1049C  
AN ORDINANCE CREATING THE LEAWOOD PUBLIC BUILDING COMMISSION; ESTABLISHING THE COMPOSITION THEREOF AND PURPOSE FOR WHICH ESTABLISHED.

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

Section 1. That the "Code of the City of Leawood, Kansas, 1984" is hereby amended by adding Article 9 of Chapter 1 which reads as follows:

ARTICLE 9. PUBLIC BUILDING COMMISSION

1-901. PUBLIC BUILDING COMMISSION ESTABLISHED; MEMBERSHIP. There is hereby created a Public Building Commission which shall be a municipal corporation, the governing body of which shall consist of seven members. The members of the commission shall be appointed by the mayor, with the consent of the city council, as follows:

(a) Four members shall be duly elected or appointed members of the governing body of the City of Leawood, one of which shall be the mayor;

(b) Three members shall be appointed from citizens of the city at large;

(c) Three members of the commission shall be appointed for a term of two years, two members shall be appointed for a term of three years, and two members shall be appointed for a term of four years. Upon expiration of these initial terms of office, all appointments thereafter shall be for a term of four years.

(d) If any person who has been appointed pursuant to the provisions of paragraph (a) of this section shall cease to be a member of the governing body, or if any person appointed pursuant to the provisions of paragraph (b) of this section shall cease to live within the City of Leawood, the membership of said person shall forthwith terminate and a replacement shall be appointed as provided by this ordinance to serve the unexpired term.

(e) Whenever any member of the building commission shall resign prior to the expiration of that member's term, a replacement shall be appointed in the manner provided by this ordinance to serve the unexpired term.

The commission shall, at its first regularly scheduled meeting, elect its own chairperson and other officers as deemed appropriate.

1-902. FUNCTIONS AND POWERS. The public commission is hereby created for the following purposes and shall be and is hereby authorized to exercise the following functions and powers, to-wit:

(a) To acquire a site or sites for and to construct, reconstruct, equip and furnish a building or buildings or other facilities of a revenue producing nature, including parking facilities or to purchase or otherwise acquire such building or buildings or facilities, and such building or buildings or facilities shall be maintained and operated for the housing and accommodation of city offices or such other purposes as are commonly carried on in connection with such facilities and general city buildings or for other purposes as outlined in K.S.A. 12-1758, as amended.

(b) To rent all or any part of its buildings or other facilities to any federal, state or county governmental agency, or any municipal corporation, quasi-municipal corporation, political subdivision or body politic, or agency thereof, doing business, maintaining an office or rendering a public service in the City of Leawood, Kansas, and to rent any space as may be needed by such governmental agencies for such service facilities as the public building commission may determine will primarily serve the comfort and convenience of the occupants of its buildings or other facilities.

(c) To issue revenue bonds of the public building commission to provide funds for the purpose of acquiring, erecting, equipping, repairing, maintaining and operating buildings and other facilities and to acquire sites necessary and convenient therefor, and to pay all costs and expenses incident thereto, or to refund its outstanding bonds.

(d) To establish and fix rates, rentals, fees and charges, for the use of any and all buildings or space therein or other facilities owned and operated by the commission, sufficient at all times to pay maintenance and operation costs of such buildings, or facilities, the principal of and interest on all bonds issued by the commission as the same shall become due and payable and to make all payments to any accounts created by any bond resolution.

(e) To acquire the fee simple title to real property, including easements and reversionary interests in the streets, alleys and other public places and personal property required for its purposes, by purchase, gift, devise or by the exercise of the powers of eminent domain of the state, and title thereto shall be taken in the corporate name of the commission.

(f) To enter into written leases with tenants of its buildings or facilities under such terms and conditions as it shall deem appropriate, not inconsistent with the provisions of this article and the laws of the State of Kansas.

(g) To convey title to real estate it shall hold title to and sell, assign, transfer, trade any of its interest in personal property. Conveyance may be made of portions of the land as portions of the revenue bonds are paid or retired, or provision is made for their payment by the deposit of a like amount of money.

(h) To do all things and acts necessary or convenient to carry out the powers granted to it under this section and under K.S.A. 12-1757, et seq., as amended, provided, however, that under no circumstance shall any income of the public building commission inure to the benefit of any private person.

Section 2. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 18th day of April, 1988.  
Approved by the Mayor this 19th day of April, 1988.

(SEAL)

(s) Marcia Rinehart  
Mayor

Attest:  
(s) Martha Heizer  
City Clerk

Approved for Form:  
(s) 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 22nd day of April 1988, 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 April 1988

*Pearlie A. Peterson*

NOTARY PUBLIC

My Commission expires: 105.27  
Printer's Fee \$-----  
Additional copies \$-----

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appl. Expires Jan. 25, 1992

ORDINANCE NO. 1048 C

AN ORDINANCE RELATING TO STORMWATER REGULATION.

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

Section 1. Article 3 of Chapter 15 of the "Code of the City of Leawood, 1984", titled, "Storm Sewers", is hereby amended by adding Sections 15-303 through 15-307 to read as follows:

15-303. ADDITIONAL PROVISIONS

(a) Applicability - Any person, firm, corporation or business proposing to construct buildings or develop land within the City of Leawood shall apply to the Director of Public Works for approval of a Stormwater Management Plan. No land shall be developed except upon written approval of the Governing Body.

(b) Purpose - In order to promote the public health, safety, and general welfare of the citizens of Leawood, these Stormwater Management Regulations are hereby enacted for the general purpose of assuring the proper balance between man's use of land and the preservation of a safe and beneficial environment. More specifically, the provisions of these regulations, as amended from time to time, are intended to reduce property damage and human suffering and to minimize the hazards of personal injury and loss of life due to flooding, to be accomplished through the approval of Stormwater Management Plans pursuant to the provisions of these regulations, which:

- (1) establish a stormwater management system,
- (2) define and establish stormwater management practices and use restrictions, and
- (3) establish guidelines for handling increases in volume and peak discharges of runoff.

15-304. THE STORMWATER RUNOFF MANAGEMENT SYSTEM. This article establishes the Stormwater Runoff Management System of Leawood which shall be composed of a stormwater system, management controls, and management practices.

(a) The Floodplain System - This system shall be composed of either the regulatory floodplain as shown on the National Flood Insurance Program maps, or as designated by a County or a City as a floodplain system where such City or County is not under the National Flood Insurance Program.

(b) The Stormwater System - This system shall be composed of all watercourses and drainage structures, both public and private, that are not mapped as a part of the floodplain system.

(c) Management Controls - Management controls are regulations applicable to the stormwater system under the provisions of this ordinance. Such controls shall limit any activity which will adversely affect hydraulic function of detention facilities, open channels, drainage swales, or enclosed stormwater conveyance systems.

(d) Management Practices - The following practices may be utilized upon approval of the Director of Public Works.

(1) Storage - Runoff may be stored in temporary or permanent detention basins, or through rooftop or parking lot ponding, or percolation storage, or by other means in accordance with the design criteria and performance standards set forth in these regulations.

(2) Open Channels - Maximum feasible use shall be made of existing drainageways, open channels and drainage swales that are designed and coordinated with the design of building lots and streets in accordance with the design criteria and performance standards as set forth in these regulations.

(3) Streets and Curbs - Streets, curbs, and gutters shall be an integral part of the stormwater runoff management system. To the maximum extent possible, drainage systems, street layout and grades, lotting patterns and the location of curbs, inlets and site drainage and overflow swales shall be concurrently designed in accordance with the design criteria and performance standards set forth in these regulations.

(4) Enclosed Conveyance Systems - Enclosed conveyance systems consisting of inlets, conduits, and manholes may be used to convey stormwater runoff. Where used, such systems must be designed in accordance with design criteria and performance standards set forth in these regulations.

(5) Other - The stormwater runoff management practices enumerated herein shall not constitute an exclusive listing of available management practices. Other generally accepted practices and methods may be utilized if the purposes, design criteria and minimum performance standards of these regulations are complied with.

15-305. PUBLIC AND PRIVATE RESPONSIBILITIES UNDER THE STORMWATER MANAGEMENT SYSTEM

(a) Public Responsibilities:

(1) Administration - The administration of these regulations shall be the responsibility of the Director of Public Works who shall review and approve Stormwater Management Plans as provided herein.

(2) Operation and Maintenance of Publicly Owned Facilities - The City Public Works Department shall be responsible, during and after construction, for the operation and maintenance of all drainage structures and improved courses which are part of the stormwater runoff management system under public ownership and which are not constructed and maintained by or under the jurisdiction of any state or federal agency.

(b) Private Responsibilities:

(1) Each developer of land within the City of Leawood has the responsibility to provide on the developer's property all approved stormwater runoff management facilities to ensure the adequate drainage and control of stormwater on the developer's property both during and after construction of such facilities.

(2) Each developer or owner has the responsibility and duty before and after construction to properly maintain any on-site stormwater runoff control facility which has not been accepted for maintenance by the public. Such responsibility is to be transmitted to subsequent owners through appropriate covenants.

15-306. PROCEDURE FOR APPROVAL OF STORMWATER MANAGEMENT PLAN. No development shall increase the quantity and rate of stormwater emanating from said land areas except in accordance with an approved Stormwater Management Plan as provided in Division V in Section 5607 of the Standard Specification and Design Criteria of the Kansas City Metropolitan Chapter of the American Public Works Association (APWA) (October 26, 1984). The Stormwater Management Plan shall be prepared by a licensed professional engineer in the state of Kansas. No building permits shall be issued until and unless the Stormwater Management Plan has been approved by the Director of Public Works.

15-307. DESIGN CRITERIA AND PERFORMANCE STANDARDS. The Design Criteria as provided in Division V, Section 5600 of the Kansas City Metropolitan APWA shall govern the design of improvements with respect to managing stormwater runoff.

Section 2. VALIDITY OF ORDINANCE. 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 3. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 4th day of April, 1988.

Approved by the Mayor this 5th day of April, 1988.

(S E A L)

Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

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

First Published in the Johnson County Sun, Friday, April 8, 1988.  
 ORDINANCE NO. 1048 C  
 AN ORDINANCE RELATING TO STORMWATER REGULATION.  
 Be it ordained by the Governing Body of the City of Leawood, Kansas:

Section 1. Article 3 of Chapter 15 of the "Code of the City of Leawood, 1984", titled "Storm Sewers", is hereby amended by adding Sections 15-303 through 15-307 to read as follows:

15-303. ADDITIONAL PROVISIONS

(a) Applicability — Any person, firm, corporation or business proposing to construct buildings or develop land within the City of Leawood shall apply to the Director of Public Works for approval of a Stormwater Management Plan. No land shall be developed except upon written approval of the Governing Body.

(b) Purpose — In order to promote the public health, safety, and general welfare of the citizens of Leawood, these Stormwater Management Regulations are hereby enacted for the general purpose of assuring the proper balance between man's use of land and the preservation of a safe and beneficial environment. More specifically, the provisions of these regulations, as amended from time to time, are intended to reduce property damage and human suffering and to minimize the hazards of personal injury and loss of life due to flooding, to be accomplished through the approval of Stormwater Management Plans pursuant to the provisions of these regulations, which:

(1) establish a stormwater management system,  
 (2) define and establish stormwater management practices and use restrictions, and  
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15-304. THE STORMWATER RUNOFF MANAGEMENT SYSTEM. This article establishes the Stormwater Runoff Management System of Leawood which shall be composed of a stormwater system, management controls, and management practices.

(a) The Floodplain System — This system shall be composed of either the regulatory floodplain as shown on the National Flood Insurance Program maps, or as designated by a County or a City as a floodplain system where such City or County is not under the National Flood Insurance Program.

(b) The Stormwater System — This system shall be composed of all watercourses and drainage structures, both public and private, that are not mapped as a part of the floodplain system.

(c) Management Controls — Management controls are regulations applicable to the stormwater system under the provisions of this ordinance. Such controls shall limit any activity which will adversely affect hydraulic function of detention facilities, open channels, drainage swales, or enclosed stormwater conveyance systems.

(d) Management Practices — The following practices may be utilized upon approval of the Director of Public Works.

(1) Storage — Runoff may be stored in temporary or permanent detention basins, or through rooftop or parking lot ponding, or percolation storage, or by other means in accordance with the design criteria and performance standards set forth in these regulations.

(2) Open Channels — Maximum feasible use shall be made of existing drainageways, open channels and drainage swales that are designed and coordinated with the design of building lots and streets in accordance with the design criteria and performance standards as set forth in these regulations.

(3) Streets and Curbs — Streets, curbs, and gutters shall be an integral part of the stormwater runoff management system. To the maximum extent possible, drainage systems, street layout and grades, lotting patterns and the location of curbs, inlets and site drainage and overflow swales shall be concurrently designed in accordance with the design criteria and performance standards set forth in these regulations.

(4) Enclosed Conveyance Systems — Enclosed conveyance systems consisting of inlets, conduits, and manholes may be used to convey stormwater runoff. Where used, such systems must be designed in accordance with design criteria and performance standards set forth in these regulations.

(5) Other — The Stormwater runoff management practices enumerated herein shall not constitute an exclusive listing of available management practices. Other generally accepted practices and methods may be utilized if the purposes, design criteria and minimum performance standards of these regulations are complied with.

15-305. PUBLIC AND PRIVATE RESPONSIBILITIES UNDER THE STORMWATER MANAGEMENT SYSTEM.

(a) Public Responsibilities:

(1) Administration — The administration of these regulations shall be the responsibility of the Director of Public Works who shall review and approve Stormwater Management Plans as provided herein.

(2) Operation and Maintenance of Publicly Owned Facilities — The City Public Works Department shall be responsible, during and after construction, for the operation and maintenance of all drainage structures and improved courses which are part of the stormwater runoff management system under public ownership and which are not constructed and maintained by or under the jurisdiction of any state or federal agency.

(b) Private Responsibilities:

(1) Each developer of land within the City of Leawood has the responsibility to provide on the developer's property all approved stormwater runoff management facilities to ensure the adequate drainage and control of stormwater on the developer's property both during and after construction of such facilities.

(2) Each developer or owner has the responsibility and duty before and after construction to properly maintain any on-site stormwater runoff control facility which has not been accepted for maintenance by the public. Such responsibility is to be transmitted to subsequent owners through appropriate covenants.

15-306. PROCEDURE FOR APPROVAL OF STORMWATER MANAGEMENT PLAN. No development shall increase the quantity and rate of stormwater emanating from said land areas except in accordance with an approved Stormwater Management Plan as provided in Division V in Section 5607 of the Standard Specification and Design Criteria of the Kansas City Metropolitan Chapter of the American Public Works Association (APWA) (October 26, 1984). The Stormwater Management Plan shall be prepared by a licensed professional engineer in the state of Kansas. No building permits shall be issued until and unless the Stormwater Management Plan has been approved by the Director of Public Works.

15-307. DESIGN CRITERIA AND PERFORMANCE STANDARDS. The Design Criteria as provided in Division V, Section 5600 of the Kansas City Metropolitan APWA shall govern the design of improvements with respect to managing stormwater runoff.

Section 2. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of his ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

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

Passed by the Governing Body this 4th day of April, 1988.  
 Approved by the Mayor this 5th day of April, 1988.  
 (s) Marcia Rinehart, Mayor  
 (SEAL)  
 Attest:  
 (s) Martha Heizer,  
 City Clerk  
 APPROVED FOR FORM:  
 (s) 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 5th day of, April 1988, 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 April 1988

*Pearlie A. Peterson*

NOTARY PUBLIC

PEARLIE A. PETERSON  
 NOTARY PUBLIC  
 STATE OF KANSAS  
 My Appt. Expires Jan. 25, 1992

My Commission expires: 7-31-73  
 Printer's Fee \$ 131.73  
 Additional copies \$ -----

ORDINANCE NO. 1047 C

AN ORDINANCE ESTABLISHING A LEAWOOD ARTS COMMITTEE, AND REPEAL OF SECTIONS.

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

Section 1. REPEAL OF SECTIONS. Sections 1-601, 1-602, 1-603, and 1-604 of the "Code of the City of Leawood, 1984" are hereby repealed.

Section 2. LEAWOOD ARTS COMMITTEE. Article 6 of Chapter 1 of the "Code of the City of Leawood, 1984", titled, "Leawood Arts Council", is hereby amended to read as follows:

ARTICLE 6. LEAWOOD ARTS COMMITTEE

1-601. ESTABLISHMENT AND MEMBERSHIP. There is hereby established a Leawood Arts Committee consisting of 5 members appointed by the Mayor with the consent of the City Council, as set out in Section 1-602. The Mayor shall appoint, with the consent of the City Council, one member of the City Council who shall serve as Council liaison.

The term "Leawood Arts Committee" encompasses all the rights and privileges as the Leawood Arts Council would under State statute.

1-602. MEMBERSHIP TERMS AND QUALIFICATIONS. All members of the Arts Committee shall be residents of the City and shall serve without compensation. The Councilmember who shall serve as liaison shall be appointed annually, and the 5 Arts Committee members shall be appointed for a term of three years. Appointments will be from May to May. Whenever a vacancy appears, for whatever reason, appointment to fill the vacancy shall be by the Mayor, with the consent of the City Council, with the appointee serving the remainder of the unexpired term.

The Arts Committee shall elect its own chairperson who shall serve for a term of one year, and shall elect a vice-chairperson who shall serve as chairperson in the absence of the chairperson.

1-603. MEETINGS. Meetings of the Arts Committee shall be held at the call of the chairperson of the Arts Committee and at such other times as the Arts Committee may determine. Records of all official actions of the Arts Committee shall be filed in the office of the City Clerk. One-half of the membership constitutes a quorum for the transaction of business.

1-604. STATEMENT OF PURPOSE.

(a) The purpose of the Arts Committee shall be:

(1) To serve the Leawood community as its aesthetic conscience and to address issues to improve the cultural life of the City;

(2) To provide advice and counsel to the Governing Body, committees, and department heads on matters relating to the arts and the aesthetics of all public improvements;

(3) To initiate and implement programs and proposals for the encouragement, promotion, and development of cultural activities.

(b) The term "cultural activities" as used herein, shall include the visual and performing arts, and shall include, but not be limited to, creative production of music, drama, dance, creative writing, arts and crafts, film, photocopying or photography; and works of art to include paintings, mural decorations, stained glass, bas-reliefs, tablets, sculptures, monuments, fountains, arches, or other structures of a permanent or temporary character intended for ornament or commemoration; and the creative presentation of such cultural activities.

Section 3. VALIDITY OF ORDINANCE. 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 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 4th day of April, 1988.

Approved by the Mayor this 5th day of April, 1988.

(S E A L)

Marcia Rinehart  
Marcia Rinehart Mayor

Attest:

Martha Heizer  
Martha Heizer City Clerk

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

First Published in the Johnson County Sun, Friday, April 8, 1988.

ORDINANCE NO. 1047 C  
AN ORDINANCE ESTABLISHING A LEAWOOD ARTS COMMITTEE, AND REPEAL OF SECTIONS.

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

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(2) To provide advice and counsel to the Governing Body, committees, and department heads on matters relating to the arts and the aesthetics of all public improvements;

(3) To initiate and implement programs and proposals for the encouragement, promotion, and development of cultural activities.

(b) The term "cultural activities" as used herein, shall include the visual and performing arts, and shall include, but not be limited to, creative production of music, drama, dance, creative writing, arts and crafts, film, photocopying or photography; and works of art to include paintings, mural decorations, stained glass, bas-reliefs, tablets, sculptures, monuments, fountains, arches, or other structures of a permanent or temporary character intended for ornament or commemoration; and the creative presentation of such cultural activities.

Section 3. VALIDITY OF ORDINANCE. 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 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the Governing Body this 4th day of April, 1988.  
Approved by the Mayor this 5th day of April, 1988.

(s) Marcia Rinehart, Mayor  
(S E A L)

Attest:  
(s) Martha Heizer,  
City Clerk

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

(3748 1F)

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.

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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 8th day of April 1988, 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 April 1988

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1992

My Commission expires: 7.1.86  
Printer's Fee \$-----  
Additional copies \$-----

ORDINANCE NO. 1046C

AN ORDINANCE ADOPTING THE 1986 EDITION OF THE "UNIFORM OFFENSE CODE", AND REPEAL OF SECTIONS.

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

Section 1. REPEAL OF SECTIONS. Sections 11-101, 11-102, 11-103, and 11-105 of the "Code of the City of Leawood, 1984"; and Section 11-104 of Ordinance No. 844C and of the "Code of the City of Leawood, 1984", are hereby repealed.

Section 2. ADOPTION OF THE UNIFORM OFFENSE CODE. Article 1 of Chapter II of the "Code of the City of Leawood, 1984", titled, "Uniform Offense Code", is hereby amended to read as follows:

11-101. UNIFORM CODE INCORPORATED. There is hereby incorporated by reference the Uniform Public Offense Code for Kansas Cities, 1986 Edition, revised, prepared and published by the League of Kansas Municipalities. No fewer than three copies of said uniform ordinance shall be marked or stamped "Official Copy as adopted by the Code of the City of Leawood, Kansas", and shall be filed with the city clerk to be open for inspection and available to the public at all reasonable hours.

11-102. SAME; AMENDMENT. Section 6.14 of the uniform code incorporated in Section 11-101 above is hereby amended to read as follows:

6.14 Unlawful Deposits in Sewers. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public storm or sanitary sewer:

- (a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
- (b) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;
- (c) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (d) Any garbage that has not been properly shredded;
- (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works;
- (f) Any waters or wastes having a pH lower than 5.5 or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;
- (g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;
- (h) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

Repealed by:  
ORDINANCE NO. 1046C  
Adopted: 11/18/89  
Effective: 11/18/89

Repealed by:  
ORDINANCE NO. 1046C  
Adopted: 11/18/89  
Effective: 11/18/89

(i) Any noxious or malodorous gas or substance capable of creating a public nuisance.

Unlawful deposits in sewers is a Class C violation.

11-103. SAME. Section 10.13 of the uniform code incorporated in section 11-101 above is hereby amended to read as follows:

Repealed by: 1126 C  
ORDINANCE NO. 1126 C 10.13 Barbed Wire. It shall be unlawful for any person to construct,  
Adopted: 9/18/89 set up or maintain any barbed wired or barbed wire fence or enclosure  
Effective: 9/18/89 within the city, except in areas zoned or predominately used for agri-  
cultural purposes.

Violations of this section is a Class C violation.

Repealed by: 1126 C  
ORDINANCE NO. 1126 C 10.1 Unlawful Use of Weapons.  
Adopted: 9/18/89 10.1 SAME. Section 10.1 of the uniform code incorporated in section  
Effective: 9/18/89 11-101 above is hereby amended to read as follows:

10.1 Unlawful Use of Weapons.

(a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possession or carrying any bludgeon, sandclub, shotgun with a barrel less than 18 inches in length, metal knuckles or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement;

(2) Carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slingshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character: provided, that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument;

(3) Carrying on one's person or in any land, water or air vehicle with intent to use same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

(4) Carrying any pistol, revolver, or other firearm:  
(i) concealed on the person except when on his or her land or in his or her abode or fixed place of business;  
(ii) openly or visibly on the person at any place open to public view;  
(iii) within any vehicle in transport unless the weapon is unloaded and in a case.

(5) Setting a spring gun;

(6) Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(b) Subsections (a)(1), (2), (3) and (4) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any persons summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) Manufacture of, transportation to, or sale of weapons to a person authorized under (b)(1) through (b)(3) of this section to possess such weapons.

(c) Subsection (a)(4) does not apply to or affect the following:

(1) Watchmen, while actually engaged in the performance of the duties of their employment;

(2) Licensed hunters and fishermen for the purposes of hunting or fishing;

(3) Private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) Detective or special agents regularly employed by railroad companies or other corporations to perform full time security or investigative service, while actually engaged in the duties of their employment; or

(5) The state fire marshal, the state fire marshal's deputies or member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157.

Repealed by: ~~ORDINANCE NO. 1176C~~ (d) Unlawful use of weapons is a Class B violation.

Adopted: 7/18/89 11-105. SAME. Section 10.5 of the uniform code incorporated in section  
Effective: 11-101 above is hereby amended to read as follows:

10.5 Unlawful Discharge of Firearms.

(a) It shall be unlawful for any person, within the limits of the City of Leawood, to shoot or discharge any gun, revolver, air rifle or

air gun, pistol or spring gun, longbow or crossbow, or any other firearm of any description, whether the same be loaded with powder and ball or shot, with loaded or "blank" cartridges or any kind of explosives, or expansive propellants whatsoever: provided, that nothing contained in this section shall apply to persons discharging appropriate firearms or other weapons:

- (1) In the defense of person or property;
- (2) By legally qualified sheriffs or police officers and other persons whose bona fide duty is to execute process, civil or criminal, make arrests, or aid in conserving the public peace;
- (3) At an established trap or skeet range upon the premises of any private club, which club was in existence upon the same property prior to the date of the incorporation of the City, from 10 a.m. to 5 p.m., solely for recreational purposes, provided that club rules and changes therein related to the types of weapons and loads will be first submitted to the chief of police for approval; provided further, however, that the distance from the muzzle direction of the appropriate firearm so used shall not be less than 1,000 feet from the boundary line of any adjacent property owned by another.

(b) Unlawful discharge of firearms is a Class B violation.

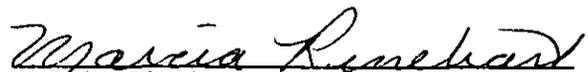
Section 3. VALIDITY OF ORDINANCE. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 28th day of March, 1988.

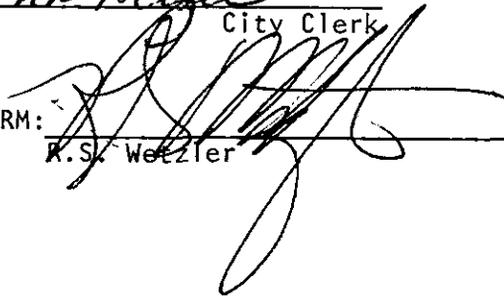
Approved by the Mayor this 29th day of March, 1988.

(S E A L)

  
Marcia Rinehart Mayor

Attest:

  
Martha Heizer City Clerk

APPROVED FOR FORM:   
R.S. Wetzel, City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martain** 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 6th day of April 1988, with subsequent publications being made on the following dates:

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

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

*Deanna Martain*

Subscribe and sworn to before me this 6th day of April 1988

*Marguerite E. Baker*

NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appl. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 163.09  
Additional copies \$ -----

First Published in the Johnson County Sun, Wednesday, April 6, 1988.

ORDINANCE NO. 1046C  
AN ORDINANCE ADOPTING THE 1986 EDITION OF THE "UNIFORM OFFENSE CODE", AND REPEAL OF SECTIONS. Be it ordained by the Governing Body of the City of Leawood, Kansas:

**Section 1. REPEAL OF SECTIONS.** Sections 11-101, 11-102, 11-103, and 11-105 of the "Code of the City of Leawood, 1984"; and Section 11-104 of Ordinance No. 844C and of the "Code of the City of Leawood, 1984", are hereby repealed.

**Section 2. ADOPTION OF THE UNIFORM OFFENSE CODE.** Article 1 of Chapter 11 of the "Code of the City of Leawood, 1984", titled, "Uniform Offense Code", is hereby amended to read as follows:

**11-101. UNIFORM CODE INCORPORATED.** There is hereby incorporated by reference the Uniform Public Offense Code for Kansas Cities, 1986 Edition, revised, prepared and published by the League of Kansas Municipalities. No fewer than three copies of said uniform ordinance shall be marked or stamped "Official Copy as adopted by the Code of the City of Leawood, Kansas", and shall be filed with the city clerk to be open for inspection and available to the public at all reasonable hours.

**11-102. SAME; AMENDMENT.** Section 6.14 of the uniform code incorporated in Section 11-101 above is hereby amended to read as follows:

**6.14 Unlawful Deposits in Sewers.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public storm or sanitary sewer:

(a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit;

(b) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease;

(c) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(d) Any garbage that has not been properly shredded;

(e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works;

(f) Any waters or wastes having a pH lower than 5.5 or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

(h) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

(i) Any noxious or malodorous gas or substance capable of creating a public nuisance.

Unlawful deposits in sewers is a Class C violation.

**11-103. SAME.** Section 10.13 of the uniform code incorporated in section 11-101 above is hereby amended to read as follows:

**10.13 Barbed Wire.** It shall be unlawful for any person to construct, set up or maintain any barbed wire or barbed wire fence or enclosure within the city, except in areas zoned or predominately used for agricultural purposes.

Violations of this section is a Class C violation.

**11-104. SAME.** Section 10.1 of the uniform code incorporated in section 11-101 above is hereby amended to read as follows:

**10.1 Unlawful Use of Weapons.**

(a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possession or carrying any bludgeon, sandclub, shotgun with a barrel less than 18 inches in length, metal knuckles or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement;

(2) Carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slingshot, dangerous knife, or straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character; provided, that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument.

(3) Carrying on one's person or in any land, water or air vehicle with intent to use same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

(4) Carrying any pistol, revolver, or other firearm:

(i) concealed on the person except when on his or her land or in his or her abode or fixed place of business;

(ii) openly or visibly on the person at any place open to public view;

(iii) within any vehicle in transport unless the weapon is unloaded and in a case.

(5) Setting a spring gun;

(6) Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(b) Subsections (a)(1), (2), (3) and (4) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any persons summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents, directors, security personnel and keeper of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) Manufacture of, transportation to, or sale of weapons to a person authorized under (b)(1) through (b)(3) of this section to possess such weapons.

(c) Subsection (a)(4) does not apply to or affect the following:

(1) Watchmen, while actually engaged in the performance of the duties of their employment;

(2) Licensed hunters and fishermen for the purposes of hunting or fishing;

(3) Private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) Detective or special agents regularly employed by railroad companies or other corporations to perform full time security or investigative service, while actually engaged in the duties of their employment; or

(5) The state fire marshal, the state fire marshal's deputies or member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157, while engaged in an investigation in which fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157.

(d) Unlawful use of weapons is a Class B violation.

**11-105. SAME.** Section 10.5 of the uniform code incorporated in section 11-101 above is hereby amended to read as follows:

**10.5 Unlawful Discharge of Firearms.**

(a) It shall be unlawful for any person, within the limits of the City of Leawood, to shoot or discharge any gun, revolver, air rifle or air gun, pistol or spring gun, longbow or crossbow, or any other firearm of any description, whether the same be loaded with powder and ball or shot, with loaded or "blank" cartridges or any kind of explosives, or expansive propellants whatsoever; provided, that nothing contained in this section shall apply to persons discharging appropriate firearms or other weapons:

(1) In the defense of person or property;

(2) By legally qualified sheriffs or police officers and other persons whose bona fide duty is to execute process, civil or criminal, make arrests, or aid in conserving the public peace;

(3) At an established trap or skeet range upon the premises of any private club, which club was in existence upon the same property prior to the date of the incorporation of the City, from 10 a.m. to 5 p.m., solely for recreational purposes, provided that club rules and changes therein related to the types of weapons and loads will be first submitted to the chief of police for approval; provided further, however, that the distance from the muzzle direction of the appropriate firearm so used shall not be less than 1,000 feet from the boundary line of any adjacent property owned by another.

(b) Unlawful discharge of firearms is a Class B violation.

**Section 3. VALIDITY OF ORDINANCE.** Should any section, paragraph, sentence, clause or phrase of his ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

**Section 4. TAKE EFFECT.** This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 28th day of March, 1988.

Approved by the Mayor this 29th day of March, 1988.

(s) Marcia Rinehart, Mayor  
(S E A L)

Attest:

(s) Martha Heizer, City Clerk

APPROVED FOR FORM:

(s) R. S. Wetzler,  
City Attorney

(3725 1W)

ORDINANCE NO. 1045

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A BASE LEASE FROM THE CITY OF LEAWOOD, KANSAS, TO GEORGE K. BAUM & COMPANY, KANSAS CITY, MISSOURI, OF CERTAIN STREET MAINTENANCE EQUIPMENT AND APPROVING AND AUTHORIZING THE EXECUTION OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT FROM GEORGE K. BAUM & COMPANY TO THE CITY WHEREBY SAID COMPANY LEASES SUCH EQUIPMENT TO THE CITY AND GRANTS THE CITY AN OPTION TO PURCHASE SAID COMPANY'S INTEREST IN SUCH EQUIPMENT.

WHEREAS, it has been determined to be in the best interest of the City of Leawood, Kansas (the "City"), for the City to enter into a Base Lease with George K. Baum & Company, Kansas City, Missouri (the "Company"), a Missouri corporation, whereby the City leases certain street maintenance equipment as described therein (the "Equipment") to the Company for a term of 59 months for a single rental payment not to exceed \$70,000.00 to be paid concurrently with the commencement of the Base Lease and to be used to pay the cost of the Equipment; and

WHEREAS, it has been determined to be in the best interest of the City for the City to enter into a Lease/Purchase Agreement whereby the City subleases the Equipment from the Company with an option to purchase the Company's interest in the Equipment, for an original term terminating on the last day of the City's current fiscal year and, at the City's option, five renewal terms, up to a maximum of 59 months for total rental payments not to exceed \$83,038.45.

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

19-404. Section 1. That the City enter into the Base Lease between the City, as lessor and the Company, as lessee, relating to the Equipment, substantially in the form attached hereto as Exhibit A, which is hereby authorized and approved with such additions, revisions and corrections as may be approved by the Finance Director, such approval to be conclusively evidenced by the execution of the Base Lease on behalf of the City.

19-405. Section 2. That the City enter into the Equipment Lease/Purchase Agreement between the Company, as lessor and the City, as lessee, relating to the Equipment, in substantially the form attached hereto as Exhibit B, which is hereby authorized and approved with such additions, revisions and corrections as may be approved by the Finance Director, such approval to be

conclusively evidenced by the execution of the Equipment Lease/Purchase Agreement on behalf of the City.

19-406. Section 3. The Mayor and City Clerk are hereby authorized to execute the Base Lease and the Equipment Lease/Purchase Agreement on behalf of the City in the forms presented to the City this date with such modifications as are approved by the Finance Director, and to execute such ancillary certificates and documents necessary to accomplish the purposes set forth herein and in the Base Lease and the Equipment Lease/Purchase Agreement.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval and publication once in the official City newspaper.

PASSED by the Governing Body of the City of Leawood, Kansas, on this 28<sup>th</sup> day of March 1988.

APPROVED by the Mayor this 29<sup>th</sup> day of March, 1988.

(S E A L)

Marcia Rinehart  
Mayor  
Marcia Rinehart

Attest:

Martha Heizer  
City Clerk/~~Finance Director~~  
Martha Heizer

APPROVED FOR FORM: [Signature], City Attorney  
R.S. Wetzler

## BASE LEASE

This Base Lease (the "Base Lease"), dated as of April 1, 1988, by and between the City of Leawood, Kansas, a municipal corporation duly organized and existing under the Constitution and laws of the State of Kansas (the "City"), as lessor, and George K. Baum & Company, Kansas City, Missouri, a Missouri corporation (the "Company"), as lessee:

### W I T N E S S E T H :

WHEREAS, the Company intends to acquire an interest in the equipment described in Exhibit A attached hereto and made a part hereof acquired by the City (the "Equipment"), and to lease its interest in the Equipment to the City pursuant to an Equipment Lease/Purchase Agreement, dated as of April 1, 1988 (the "Agreement"), and the City proposes to enter into this Base Lease with the Company to transfer such interest in the Equipment for lease to the City and to provide funds to pay the cost of the Equipment including legal, placement and administrative fees incurred in connection herewith;

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED, AS FOLLOWS:

Section 1. Lease. The City hereby leases to the Company, and the Company hereby rents and leases from the City, the Equipment on the terms and conditions hereinafter set forth.

Section 2. Term. The term of this Base Lease shall commence as of April 1, 1988 and shall end on March 1, 1993, unless such term is sooner terminated as hereinafter provided.

Section 3. Rental. The Company shall pay to the City as and for the total rental due hereunder the sum of \$70,000 concurrently with the commencement of this Base Lease.

Section 4. Title to Equipment. The City covenants that it has or will use its best efforts to acquire title to the Equipment as described in Exhibit A hereto within forty-five (45) days and that there shall be no liens on the Equipment.

Section 5. Assignments and Subleases. The Company may assign its rights under this Base Lease without the written consent of the City (i) in connection with any assignment of its rights under the Agreement, (ii) if the Agreement is terminated for any reason, or (iii) if an "event of default" as defined in the Agreement has occurred.

Section 6. Termination. This Base Lease shall terminate upon the completion of the term set forth in Section 2; provided, however, in the event the City makes payment of the Purchase Price (as defined in the Agreement) or makes all of the Rental Payments (as defined in the Agreement) provided for in Article VI of the Agreement and exercises thereunder its option to purchase the Company's interest in the Equipment, then this Base Lease shall be considered assigned to the City and terminated through merger of the leasehold interest, if the City is the owner of the Equipment and elects to terminate the leasehold interest so acquired from the Company. The Company agrees, upon such assignment and termination or upon termination of this Base Lease upon completion of the term set forth in Section 2, to quit and surrender the Equipment in the same good order and condition as the same was in at the time of commencement of the term hereunder (except as provided in the following paragraph), reasonable wear and tear excepted, and agrees that any permanent improvements made to the Equipment at or prior to the time of the termination of this Base Lease shall remain thereon and title thereto shall vest in the City.

If an "event of default" under the Agreement occurs or if the City fails to renew the Agreement for any Renewal Term for any reason, the Company shall have the right to possession of the Equipment for the remainder of the Company's lease term and shall have the right to sublease the Equipment or sell its interest in the Equipment and this Base Lease upon whatever terms and conditions it deems prudent.

Section 7. Default. The City shall not have the right to take possession of the Equipment (other than pursuant to the Agreement) or to terminate this Base Lease prior to the expiration of its term upon any default by the Company hereunder, except that if, upon the exercise of the option to purchase the Company's interest in the Equipment granted to the City in Section 11.01 of the Agreement and after the payment of the Purchase Price specified therein and other sums payable under the Agreement, the Company fails to convey its interest in the Equipment to the City pursuant to said option, then the City shall have the right to terminate this Base Lease, such termination to be effective thirty (30) days after delivery of written notice of such termination to the Company.

Section 8. Taxes. The City covenants and agrees to pay any and all taxes levied or assessed upon the Equipment.

Section 9. Waiver of Personal Liability. All liabilities under this Base Lease on the part of the Company are solely corporate liabilities of the Company as a corporation, and, to the extent permitted by law, the City hereby releases each and every incorporator, member, director and officer of the Company of and from any personal or individual liability under this Base Lease. No incorporator, member, director or officer of the Company shall at any time or under any circumstances be individually or

personally liable under this Base Lease for anything done or omitted to be done by the Company hereunder.

Section 10. Leaseback to City - Term - Rental. Contemporaneously herewith the Company and the City will execute the Agreement whereby the Company leases back to the City and the City leases from the Company the Company's interest in the Equipment in accordance therewith. Title to the Equipment shall remain in the City at all times. The Agreement between the parties includes the option of the City to purchase the Company's interest in the Equipment upon payment of the Purchase Price.

Section 11. Partial Invalidity. If any one or more of the terms, provisions, covenants or conditions of this Base Lease shall to any extent be declared invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, the finding, order or decree of which becomes final, none of the remaining terms, provisions, covenants and conditions of this Base Lease shall be affected thereby, and each provision of this Base Lease shall be valid and enforceable to the fullest extent permitted by law.

Section 12. Notices. All written notices to be given under this Base Lease shall be given by United States registered or certified mail to the City and the Company at their addresses set forth in Section 14.01 of the Agreement, or at such address as they may provide to the other party in writing from time to time. Any such notice shall be deemed to have been received forty-eight (48) hours after deposit in the United States mail in registered or certified form, properly addressed and with postage fully prepaid.

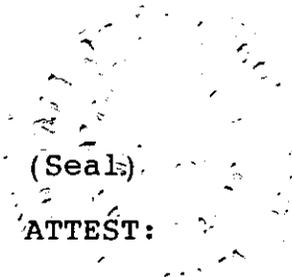
Section 13. Section Headings. All section headings contained herein are for convenience of reference only and are not intended to define or limit the scope of any provision of this Base Lease.

Section 14. Execution. This Base Lease may be executed in any number of counterparts, each of which shall be deemed to be an original but all together shall constitute but one and the same Base Lease. It is also agreed that separate counterparts of this Base Lease may separately be executed by the Company and the City, all with the same force and effect as though the same counterpart had been executed by both the Company and the City.

Section 15. Successors. This Base Lease shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

IN WITNESS WHEREOF, the City and the Company have caused this Base Lease to be executed by their respective officers thereunto duly authorized, all as of the day and year first above written.

CITY OF LEAWOOD, KANSAS



By: Marcia Rinehart  
Marcia Rinehart, Mayor

(Seal)

ATTEST:

Martha Heizer  
Martha Heizer, City Clerk

"LESSOR"

GEORGE K. BAUM & COMPANY

By: \_\_\_\_\_  
Title: \_\_\_\_\_

(Seal)

ATTEST:

Title: \_\_\_\_\_

"LESSEE"

ACKNOWLEDGEMENT

STATE OF KANSAS            )  
                                  ) SS.  
COUNTY OF JOHNSON        )

BE IT REMEMBERED, that on this 29<sup>th</sup> day of March, 1988, before me, a Notary Public in and for said County and State, personally appeared Marcia Rinehart, Mayor of the City of Leawood, Kansas, a municipal corporation and existing under and by virtue of the Constitution and laws of the State of Kansas, and Martha Heizer, City Clerk of said City, who are personally known to me to be the same persons to execute as such officers the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

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

Frances M. Kessler  
Notary Public

My Commission Expires:

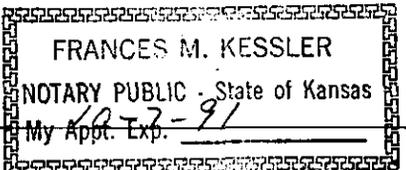




EXHIBIT A

DESCRIPTION OF EQUIPMENT

<u>Description of Equipment</u>	<u>Quantity</u>	<u>Estimated Total Price*</u>
FMC Vanguard 3000 Recirculating Air Street Sweeper Model 2-V3000 Air.	1	\$ _____
	Less: City Contribution	\$ _____
	Total	\$70,000.00

\* Includes prorated costs of issuance of \$ \_\_\_\_\_.

## EQUIPMENT LEASE/PURCHASE AGREEMENT

This Equipment Lease/Purchase Agreement (the "Agreement") dated as of April 1, 1988, and entered into by and between GEORGE K. BAUM & COMPANY, a corporation duly organized and existing under the laws of the State of Missouri ("Lessor"), and the CITY OF LEAWOOD, KANSAS, a municipal corporation existing under the Constitution and laws of the State of Kansas ("Lessee"):

### WITNESSETH:

WHEREAS, Lessor desires to lease the Equipment, as hereinafter described, to Lessee and Lessee desires to lease the Equipment from Lessor subject to the terms and conditions of and for the purposes set forth in this Agreement; and

WHEREAS, Lessee is authorized under the Constitution and laws of the State of Kansas to enter into this Agreement for the purposes set forth herein;

NOW, THEREFORE, in consideration of the premises hereinafter contained, the parties hereby agree as follows:

### ARTICLE I

Section 1.01. Covenants of Lessee. Lessee represents, covenants and warrants for the benefit of Lessor and its assignees as follows:

- (a) Lessee is a municipal corporation duly organized and existing under the Constitution and laws of the State of Kansas with full power and authority to enter into this Agreement and the transaction contemplated hereby and to perform all of its obligations hereunder.
- (b) Lessee will do or cause to be done all things necessary to preserve and keep in full force and effect its existence as a body corporate and politic.
- (c) Lessee has been duly authorized under the Constitution and laws of the State of Kansas to execute and deliver this Agreement under the terms and provisions of the ordinance of its governing body, or by other appropriate official approval, and further represents, covenants and warrants that all requirements have been met and procedures have occurred in order to ensure the

enforceability of this Agreement, and Lessee has complied with such public bidding requirements as may be applicable to this Agreement and the acquisition by Lessee of the Equipment hereunder.

- (d) During the term of this Agreement, the Equipment will be used by Lessee only for the purpose of performing one or more essential governmental or proprietary functions of Lessee consistent with the permissible scope of Lessee's authority.
- (e) During the term of this Agreement, Lessee will provide Lessor with current financial statements, budgets, proof of appropriation for the ensuing fiscal year and such other financial information relating to the ability of Lessee to continue this Agreement as may be requested by Lessor or its assignee.
- (f) The Lessee will comply with the applicable provisions of the Internal Revenue Code of 1986 relating to the exemption from federal income taxation of the interest component of the Rental Payments and will take such action as may be necessary to comply with said Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to preserve the tax-exempt status of the interest component of the Rental Payments, to the extent any such actions can be taken by the governing body of the Lessee.

## ARTICLE II

Section 2.01. Definitions. The following terms will have the meanings indicated below unless the context clearly requires otherwise:

"Agreement" means this Equipment Lease/Purchase Agreement, including the Schedules and Exhibits attached hereto.

"Base Lease" means the Base Lease for the Equipment entered into of even date herewith between the Lessee, as the lessor, and the Lessor, as the lessee.

"Commencement Date" is the date when the term of this Agreement begins and Lessee's obligation to pay rent accrues, which date shall be April 1, 1988.

"Equipment" means the property described in Exhibit A hereto and which is the subject of this Agreement.

"Full Insurable Value" means the total amount of the Rental Payments required to be paid by the Lessee through the full Lease Term of this Agreement.

"Lease Term" means the Original Term and all Renewal Terms provided for in this Agreement under Section 4.01.

"Lessee" means the City of Leawood, Kansas, a municipal corporation organized and existing under the Constitution and laws of the State of Kansas which is leasing the Equipment from Lessor under provisions of this Agreement.

"Lessor" means (i) George K. Baum & Company, Kansas City, Missouri, a corporation organized under the laws of the State of Missouri, acting as Lessor hereunder; (ii) any surviving, resulting or transferee corporation, and (iii) except where the context requires otherwise, any assignee(s) of Lessor

"Original Term" means the period from the Commencement Date until the end of the fiscal year of Lessee in effect at the Commencement Date.

"Purchase Price" means the amount which Lessee may, in its discretion, pay to Lessor in order to purchase the Equipment, as set forth in Schedule 1 hereto.

"Renewal Terms" means the optional renewal terms of this Agreement, beginning on the first day of the Lessee's fiscal year and ending on December 31 in the years 1989, 1990, 1991 and 1992 and ending on March 1 in the year 1993, as provided for in Article IV of this Agreement.

"Rental Payments" means the basic rental payments payable by Lessee pursuant to the provisions of this Agreement during the Lease Term, payable in consideration of the right of Lessee to use the Equipment during the then current portion of the Lease Term. A portion of each basic rental payment is paid as, and represents payment of, interest, and the balance of each basic rental payment is paid as, and represents payment of principal. Rental Payments shall be payable by Lessee to the Lessor, its assignee in the amounts and at the time set forth in Exhibit B to this Agreement.

"Vendor" means the manufacturers of the Equipment as well as the agents or dealers of the manufacturers from whom the Equipment is purchased.

### ARTICLE III

Section 3.01. Lease of Equipment. Lessor hereby demises, leases and lets to Lessee, and Lessee rents, leases and hires from Lessor, the Equipment in accordance with the provisions of this Agreement, to have and to hold for the Lease Term.

Lessee agrees that it will be responsible for the letting of contracts for and the purchase of the Equipment. Lessee agrees that it will use its best efforts to cause such purchase to be completed within forty-five (45) days from the date hereof.

Section 3.02. Acquisition Fund. The total rental payment received by the Lessee pursuant to the Base Lease shall be deposited in a separate account in the treasury of the Lessee and shall be used solely for the purpose of providing funds to pay the cost of acquiring the Equipment including legal, placement and administrative fees incurred in connection herewith.

#### ARTICLE IV

Section 4.01. Commencement of Lease Term. The Original term of this Agreement shall commence on the Commencement Date and shall terminate the last day of Lessee's current fiscal year. The Lease Term may be continued, solely at the option of Lessee, at the end of the Original Term or any Renewal Term from the beginning of the Lessee's fiscal year to December 31 in the years 1989, 1990, 1991 and 1992 and March 1 in the year 1993, for a maximum Lease Term of 59 months. The terms and conditions during any Renewal Term shall be the same as the terms and conditions during the Original Term, except that the Rental Payments shall be as provided in Schedule 1 of this Agreement.

Section 4.02. Termination by Exercise of Purchase Option. Lessee shall have the right, exercisable on the anniversary date of each fiscal year of Lessee transpiring under this Agreement to terminate this Agreement upon payment of the applicable Purchase Price, as provided in Schedule 1. Lessee shall give at least 30 days' written notice to Lessor of Lessee's intent to so terminate this Agreement by paying the applicable Purchase Price. Lessee shall pay the Purchase Price on or before the anniversary date of each fiscal year of Lessee. Termination of this Agreement pursuant to this section shall not impose additional duties on Lessee as limited by Section 6.06 hereof.

#### ARTICLE V

Section 5.01. Enjoyment of Equipment. Lessor hereby covenants to provide Lessee during the Lease Term with quiet use and enjoyment of the Equipment so long as Lessee is not in default pursuant to this Agreement, and Lessee shall, during the Lease Term, peaceably and quietly have, hold and enjoy the Equipment, without suit, trouble or hindrance from Lessor, except as expressly set forth in this Agreement.

Lessor shall have the right at all reasonable times during business hours to enter into and upon the property of Lessee for the purpose of inspecting the Equipment.

#### ARTICLE VI

Section 6.01. Rental Payments to Constitute a Current Expense of Lessee. Lessor and Lessee understand and intend that the obligation of Lessee to pay the Rental Payments hereunder shall constitute a current expense of Lessee and shall not in any way be construed to be a debt of Lessee in contravention of any applicable constitutional or statutory limitation or requirement

concerning the creation of indebtedness by Lessee, nor shall anything contained herein constitute a pledge of the general tax revenues, funds or moneys of Lessee.

Section 6.02. Payment of Rental Payments. Lessee shall pay the Rental Payments exclusively from legally available funds, in lawful money of the United States of America by check or draft mailed not less than ten (10) days prior to the due date of such payments to Lessor or, in the event of assignment by Lessor, to its assignee, in the amounts and on the due dates set forth in Schedule 1 and Exhibit B hereto.

Section 6.03. Interest Component. A portion of each Rental Payment is paid as and represents payment of interest, and Exhibit B hereto sets forth the interest component of each Rental Payment during the Lease Term.

Section 6.04. Rental Payments to be Unconditional. The obligations of Lessee to make the Rental Payments required under this Article VI and other sections hereof and to perform and observe the other covenants and agreements contained herein shall be absolute and unconditional in all events except as expressly provided under this Agreement. Notwithstanding any dispute between Lessee, Lessor, any Vendor or any other person, Lessee shall make the Rental Payments when due and shall not withhold the Rental Payments pending final resolution of such dispute nor shall Lessee assert any right of setoff or counterclaim against its obligation to make the payment required under this Agreement. Lessee's obligation to make the Rental Payments during the Original Term and the then current Renewal Term shall not be abated through accident or unforeseen circumstances.

Section 6.05. Continuation of Lease Term by Lessee. Lessee intends, subject to the provisions of Section 6.06 hereof, to continue the Lease Term through the Original Term and all Renewal Terms and to pay the Rental Payments hereunder. Lessee reasonably believes that legally available funds in an amount sufficient to make all of the Rental Payments during the Original Term and each of the Renewal Terms can be obtained. Lessee further intends to do all things lawfully within its power to obtain and maintain funds from which the Rental Payments may be made, including making provision for such payments to the extent necessary in each biannual or annual budget submitted and adopted in accordance with applicable provisions of state law, to have such portion of the budget approved, and to exhaust all available reviews and appeals in the event such portion of the budget is not approved.

Section 6.06. Nonappropriation. The Lessee is obligated only to pay rental payments or installments under the Agreement as may lawfully be made from funds budgeted and appropriated for that purpose during Lessee's then current budget year. Should Lessee fail to budget, appropriate or otherwise make available funds to pay the Rental Payments, this Agreement shall be deemed terminated. Lessee agrees to deliver notice to Lessor of such

termination at least 30 days prior to the end of the then current Original or any Renewal Term, but failure to give such notice shall not extend the term beyond such Original Term or any Renewal Term. If this Agreement is terminated in accordance with this Section 6.06, Lessee agrees peaceably to deliver the Equipment to Lessor at the location(s) to be specified by Lessor.

Should this Agreement be terminated in accordance with the provisions of Section 6.06 hereof, Lessee agrees, to the extent permitted by law, and where the public health, safety and welfare of Lessee's citizens is not jeopardized, not to purchase, lease or rent equipment performing functions similar to those performed by the Equipment for a period of one (1) year from the earlier of such date of nonappropriation or notice thereof, provided, however, that these restrictions shall not be applicable in the event the Equipment shall be sold, released or otherwise disposed of by Lessor, and the amount received from such disposition, less all costs of such sale or disposition, are sufficient to pay the then applicable Purchase Price specified in Schedule 1 hereto.

#### ARTICLE VII

Section 7.01. Title to the Equipment. Title to the Equipment shall remain in the Lessee, subject to the rights of the Lessor herein and under the Base Lease. Upon payment of either all Rental Payments and/or the Purchase Price, the Lessor shall take all actions necessary to authorize, execute and deliver to the Lessee any other documents necessary to vest in the Lessee all of the Lessor's rights in and to the Equipment, including, if necessary, a release of any and all liens created under the provisions of this Agreement or by Lessor. Lessor agrees to defend or eliminate any claims adverse to such title arising out of any event occurring after receipt by Lessor of its leasehold interest in the Equipment; provided, that Lessor's obligations under this sentence shall not extend to claims arising out of actions by the Lessee or persons asserting claims under it. In the event of default as set forth in Section 13.02 or nonappropriation as set forth in Section 6.06, Lessee will surrender possession of the Equipment to Lessor.

Section 7.02. Security Interest. To secure the payment of all of Lessee's obligations under this Agreement, Lessee grants to Lessor and its assigns a security interest constituting a first lien on the Equipment and on all additions, attachments, accessions thereto, substitutions therefor and on any proceeds therefrom. Lessee agrees to execute such additional documents, including financing statements, affidavits, notices and similar instruments, in form satisfactory to Lessor, which Lessor deems necessary or appropriate to establish and maintain its security interest and, upon assignment, the security interest of any other assignee of Lessor in the Equipment.

## ARTICLE VIII

Section 8.01. Maintenance of Equipment by Lessee. Lessee agrees that at all times during the Lease Term it will, at its own cost and expense, maintain, preserve and keep the Equipment in good repair and working order. Lessor shall have no responsibility to maintain, repair or make improvements or additions to the Equipment. If requested by Lessor, Lessee will enter into a maintenance contract for the Equipment with Vendor.

Section 8.02. Taxes, Other Governmental Charges and Utility Charges. The parties to this Agreement contemplate that the Equipment will be used for a governmental or proprietary purpose of Lessee and, therefore, that the Equipment will be exempt from all taxes presently assessed and levied with respect to personal property. However, should the use, possession or acquisition of the Equipment be determined to be subject to taxation, Lessee covenants and agrees that it will pay, during the Lease Term, the additional cost of all taxes and governmental charges of any kind whatsoever that may at any time be lawfully assessed or levied against or with respect to the Equipment and any equipment or other property acquired by Lessee in substitution for, as a renewal or replacement of, or a modification, improvement or addition to the Equipment, as well as all other charges incurred in the operation, maintenance, use and upkeep of the Equipment. The Lessee further covenants and agrees that it will pay such taxes or charges as the same may become due; provided, however, that with respect to any such taxes or charges that may lawfully be paid in installments over a period of years, Lessee shall be obligated to pay only such installments as accrue during such time as this Agreement is of force and effect.

Section 8.03. Provisions Regarding Insurance. At its own expense, Lessee shall cause casualty, public liability and property damage insurance on the Equipment to be carried and maintained in an amount equal to the Full Insurable Value of the Equipment and to protect Lessor from liability in all events. All insurance proceeds from casualty losses shall be payable as hereinafter provided in this Agreement. At the Lessor's request, Lessee shall furnish to Lessor certificates evidencing such coverage throughout the Lease Term. Lessee may insure the Equipment under a blanket insurance policy or policies which cover not only the Equipment but other equipment and properties as well. If Lessee shall insure similar equipment and properties by self-insurance, Lessee may, if the same be approved by the Lessor, insure the Equipment by means of an adequate insurance fund set aside and so maintained.

Lessee shall carry worker's compensation insurance covering all employees working on, in, or near or about the Equipment, or demonstrate to the satisfaction of Lessor that adequate self insurance is provided and shall require any other person or entity working on, in, near or about the Equipment to carry such coverage. At the Lessor's request, Lessee shall furnish to

Lessor certificates evidencing such coverage throughout the Lease Term.

Any insurance policy issued pursuant to this Section 8.03 shall be so written or endorsed as to make losses, if any, payable to Lessee and Lessor as their respective interests may appear. The Net Proceeds (as defined in Section 9.01) of the insurance required in this Section 8.03 shall be applied as provided in Section 9.02 hereof. Each insurance policy provided for in this Section 8.03 shall contain a provision to the effect that any insurance company providing coverage shall not cancel the policy or modify it materially and adversely to the interest of Lessor without first giving written notice thereof to Lessor at least ten (10) days in advance of such cancellation or modification.

Section 8.04. Advances. In the event Lessee shall fail to either maintain the insurance coverage required by this Agreement or keep the Equipment in good repair and working order, Lessor may, but shall be under no obligation to, purchase the required policies of insurance and pay the cost of the premiums thereof and maintain and repair the Equipment and pay the cost thereof. All amounts so advanced by Lessor shall constitute additional rent for the Lease Term, and Lessee covenants and agrees to pay such amounts so advanced by Lessor.

#### ARTICLE IX

Section 9.01. Damage, Destruction and Condemnation. Unless Lessee shall have exercised its option to purchase the Equipment by making payment of the Purchase Price as provided herein, if prior to the termination of the Lease Term (a) the Equipment or any portion thereof is destroyed, in whole or in part, or is damaged by fire or other casualty, or (b) title to, or the temporary use of, the Equipment or any part thereof shall be taken under the exercise of the power of eminent domain or appropriation by any governmental body or by any person, firm or corporation acting pursuant to governmental authority, Lessee and Lessor will cause the Net Proceeds of any insurance claim or condemnation or appropriation award to be applied to the prompt repair, restoration, modification or improvement of the Equipment. Any balance of the Net Proceeds remaining after such work has been completed shall be paid to Lessee.

For purposes of Section 8.03 and this Article IX, the term "Net Proceeds" shall mean the amount remaining from the gross proceeds of any insurance claim or condemnation or appropriation award after deducting all expenses including attorney's fees incurred in the collection of such claim or award.

Section 9.02. Insufficiency of Net Proceeds. If the Net Proceeds are insufficient to pay in full the cost of any repair, restoration, modification or improvement referred to in Section 9.01 hereof, Lessee shall either (a) complete such repair, restoration, modification or improvement and pay any costs thereof in

excess of the amount of the Net Proceeds, and if Lessee shall make any payments pursuant to the provisions of this Section 9.02, Lessee shall not be entitled to any reimbursement therefor from Lessor nor shall Lessee be entitled to any diminution of the amounts payable under Article VI hereof, or (b) if Lessee is not in default hereunder, Lessee shall pay to Lessor the amount of the then applicable Purchase Price, and upon such payment, the Lease Term shall terminate and title to the Equipment shall be conveyed by Lessor to Lessee as provided in Article XI of this Agreement. The amount of the Net Proceeds in excess of the then applicable Purchase Price, if any, may be retained by Lessee.

#### ARTICLE X

Section 10.01. Disclaimer of Warranties. LESSOR MAKES NO WARRANTY OR REPRESENTATION, EITHER EXPRESS OR IMPLIED, AS TO THE VALUE, DESIGN, CONDITION, MERCHANTABILITY OR FITNESS FOR PARTICULAR PURPOSE OR FITNESS FOR USE OF THE EQUIPMENT, OR WARRANTY WITH RESPECT THERETO. In no event shall Lessor be liable for any incidental, indirect, special or consequential damage in connection with or arising out of this Agreement or the existence, furnishing, functioning or Lessee's use of any item, product or service provided for in this Agreement.

Section 10.02. Vendor's Warranties. Lessor hereby irrevocably appoints Lessee its agent and attorney-in-fact during the Lease Term, so long as Lessee shall not be in default hereunder, to assert from time to time whatever claims and rights, including warranties of the Equipment, which Lessor may have against the Vendor of the Equipment. Lessee's sole remedy for the breach of such warranty, indemnification or representation shall be against the Vendor of the Equipment and not against Lessor, nor shall such matter have any effect whatsoever on the rights and obligations of Lessor with respect to this Lease, including the right to receive full and timely payments hereunder. Lessee expressly acknowledges that Lessor makes, and has made, no representations or warranties as to the existence or the availability of such warranties of the Vendor of the Equipment.

Section 10.03. Use of the Equipment. Lessee will not install, use, operate or maintain the Equipment improperly, carelessly, in violation of any applicable law or in a manner contrary to that contemplated by this Agreement. Lessee shall provide all permits and licenses, if any, necessary for the installation and operation of the Equipment. In addition, Lessee agrees to comply with in all respects with all laws of the jurisdiction in which its operations involving any item of Equipment may extend and any legislative, executive, administrative or judicial body exercising any power or jurisdiction over the items of the Equipment; provided, however, that Lessee may contest in good faith the validity or application of any such law or rule in any reasonable manner which does not, in the opinion of Lessor, adversely affect the estate of Lessor in and to any of the items of the Equipment or its interest or rights under this Agreement.

## ARTICLE XI

Section 11.01. Option to Purchase. At the request of Lessee, Lessor's estate in the Equipment will be transferred, conveyed and assigned to Lessee and this Agreement shall terminate:

- (a) At the end of the Lease Term upon payment in full of all Rental Payments due hereunder and the payment of one dollar (\$1.00);
- (b) At the end of the Original Term or any Renewal Term, upon payment by Lessee of the then applicable Purchase Price; or
- (c) If the Lease Term is terminated pursuant to Article IV of this Agreement or in the event of total damage, destruction or condemnation of the Equipment and, if Lessee is not on such date in default pursuant to any term of this Agreement, upon payment of the then applicable Purchase Price to Lessor.

## ARTICLE XII

Section 12.01. Assignment by Lessor. This Agreement may be assigned and reassigned, in whole or in part, to one or more assignees or subassignees by Lessor at any time subsequent to its execution without the necessity of obtaining the consent of Lessee. Lessor agrees to give notice of assignment to Lessee, and, upon receipt of such notice, Lessee agrees to make all payments to the assignee designated in the assignment, notwithstanding any claim, defense, setoff or counterclaim whatsoever (whether arising from a breach of the Agreement or otherwise) that Lessee may from time to time have against Lessor or its assignee. Lessee agrees to execute all documents, including notices of assignment and chattel mortgages or financing statements which may be reasonably requested by Lessor or its assignee to protect their interests in the Equipment and in this Agreement.

Section 12.02. Assignment, Subleasing or Substitution by Lessee. This Agreement and the interest of Lessee in the Equipment may not be assigned, subleased or encumbered by Lessee for any reason. Lessee may elect to substitute one or more items of Equipment for Equipment delivered pursuant to this Agreement provided that if the cost thereof is greater than the cost of such items of Equipment as set forth in Exhibit A hereto, Lessee shall pay any additional cost from other available funds. In the event of substitution as provided herein, the replacement equipment shall be subject to the terms of this Agreement, and Lessee and Lessor shall execute appropriate amendments to Exhibit A hereto to reflect such substitution.

Section 12.03. Release and Indemnification Covenants. Lessee shall indemnify, protect, hold harmless, save and keep harmless Lessor from and against any and all liability, obligation, loss, claim and damage whatsoever, regardless of cause thereof,

and all expenses in connection therewith, including, without limitation, counsel fees and expenses, penalties and interest arising out of or as the result of the entering into this Agreement, the ownership of any item of the Equipment, the ordering, acquisition, use, operation, condition, purchase, delivery, rejection, storage or return of any item of the Equipment or any accident in connection with the operation, use, condition, possession, storage or return of any item of the Equipment resulting in damage to property or injury to or death to any person. The indemnification arising under this paragraph shall continue in full force and effect notwithstanding the full payment of all obligations under this Agreement or the termination of the Lease Term for any reason. Lessee agrees not to withhold or abate any portion of the payments required pursuant to this Agreement by reason of any defects, malfunctions, breakdowns or infirmities of the Equipment.

### ARTICLE XIII

Section 13.01. Events of Default Defined. The following shall constitute events of default under this Agreement, and the terms "event of default" and "default" shall include, whenever they are used in this Agreement, any one or more of the following events:

- (a) Failure by Lessee to pay any Rental Payment or other payment required to be paid hereunder at the time specified herein; or
- (b) Failure by Lessee to observe and perform any covenant, condition or agreement on its part to be observed or performed, other than as referred to in Section 13.01(a), for a period of thirty (30) days after written notice, specifying such failure and requesting that it be remedied, is given to Lessee by Lessor, unless Lessor shall agree in writing to an extension of such time prior to its expiration; provided, however, if the failure stated in the notice cannot be corrected within the applicable period, Lessor will not unreasonably withhold its consent to an extension of such time if corrective action is instituted by Lessee within the applicable period and diligently pursued until the default is corrected.

The foregoing provisions of this Section 13.01 are subject to (i) the provisions of Section 6.06 hereof with respect to nonappropriation; and (ii) if by reason of force majeure Lessee is unable in whole or in part to carry out its obligations as herein contained, other than the obligations on the part of Lessee contained in Article VI hereof, Lessee shall not be deemed in default during the continuance of such inability. The term "force majeure" as used herein shall mean, without limitation, the following: acts of God; strikes, lockouts or other industrial disturbances; acts of public enemies; order or restraints of any kind of the government of the United States of America or

of the state wherein Lessee is located or any of their political subdivisions, departments or agencies, or any civil or military authority; insurrections; riots; landslides; earthquakes; fires; storms; droughts; floods; explosions; or any other cause or event not reasonably within the control of Lessee.

Section 13.02. Remedies on Default. Whenever any event of default referred to in Section 13.01 hereof shall have happened and be continuing, Lessor shall have the right, at its sole option without any further demand or notice, to take one or any combination of the following remedial steps:

- (a) With or without terminating this Agreement, retake possession of the Equipment and sell, lease or sublease the Equipment for the account of Lessee, holding Lessee liable for the difference between (i) the Rental Payments and other amounts payable by Lessee hereunder to the end of the Lease Term and (ii) the purchase price, rent or other amounts paid by a purchaser, lessee or sublessee of the Equipment pursuant to such sale, lease or sublease; or
- (b) Take whatever action at law or in equity may appear necessary or desirable to enforce its rights as the owner of the Equipment.

The remedies authorized herein shall not be construed to impose any duty or require any action on the part of Lessee contrary to the provisions of K.S.A. 10-1101 et seq., and any amendments thereto.

Section 13.03. No Remedy Exclusive. No remedy herein conferred upon or reserved to Lessor is intended to be exclusive, and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Lease now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right or power may be exercised from time to time and as often as may be deemed expedient. In order to entitle Lessor to exercise any remedy reserved to it in this Article XIII, it shall not be necessary to give any notice, other than such notice as may be required in this Article XIII.

#### ARTICLE XIV

Section 14.01. Notices. All notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when delivered or mailed by certified mail, postage prepaid, to the parties hereto at the following addresses:

If to the Lessee:

City of Leawood  
City Hall  
9617 Lee Boulevard  
Leawood, Kansas 66206  
Attention: Finance Director

If to the Lessor:

George K. Baum & Company  
1004 Baltimore Avenue  
Kansas City, Missouri 64105  
Attention: \_\_\_\_\_

Section 14.02. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon Lessor and Lessee and their respective successors and assigns.

Section 14.03. Severability. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 14.04. Amendments, Changes and Modifications. This Agreement may be amended by Lessor and Lessee; provided, however, that all such amendments shall be in writing executed by both parties.

Section 14.05. Execution in Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 14.06. Applicable Law. This Agreement shall be governed and construed in accordance with the laws of the State of Kansas.

Section 14.07. Captions. The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or section of this Agreement.

IN WITNESS WHEREOF, Lessor has executed this Agreement in its corporate name with its corporate seal hereunto affixed, and Lessee has caused this Agreement to be executed in its corporate name with its corporate seal hereunto affixed, all as of the date first above written.

GEORGE K. BAUM & COMPANY

By \_\_\_\_\_  
Title: \_\_\_\_\_

(Seal)

ATTEST:

\_\_\_\_\_  
Title: \_\_\_\_\_

CITY OF LEAWOOD, KANSAS

By Marcia Rinehart  
Marcia Rinehart, Mayor

(Seal)

ATTEST:

Martha Heizer  
Martha Heizer, City Clerk

"LESSEE"

SCHEDULE 1

THIS SCHEDULE is issued pursuant to that Equipment Lease/Purchase Agreement dated as of April 1, 1988 (the "Agreement"), between the parties to the Agreement to authorize installation of the Equipment described herein. All terms used herein have the meanings ascribed to them in the Agreement.

- A. Rental Payments. The Rental Payments required under the Agreement for the Equipment designated on this Schedule are as follows:

<u>Date</u>	<u>Payment</u>	<u>Date</u>	<u>Payment</u>
September 1, 1988	\$1,652.78	March 1, 1991	\$9,042.85
March 1, 1989	9,042.85	September 1, 1991	9,042.85
September 1, 1989	9,042.85	March 1, 1992	9,042.85
March 1, 1990	9,042.85	September 1, 1992	9,042.85
September 1, 1990	9,042.85	March 1, 1993	9,042.85

Of the total Rental Payments due a portion represents payment of interest and a portion represents payment of principal, as more fully set out on Exhibit B attached hereto. The Rental Payments required under this Schedule constitute the total Purchase Price of \$83,038.45.

- B. Fiscal Year. The fiscal year of the Lessee is from January 1 to December 31.
- C. Prepayment and Purchase Schedule. The Purchase Price as provided in the Agreement is as follows (to be pro-rated for dates not specified).

<u>Period</u>	<u>Purchase Price at End of Period</u>
Original Term (April 1, 1988 - December 31, 1988)	\$71,446.18
Renewal Term 1 (January 1, 1989 - December 31, 1989)	57,233.57
Renewal Term 2 (January 1, 1990 - December 31, 1990)	42,118.77
Renewal Term 3 (January 1, 1991 - December 31, 1991)	25,044.55
Renewal Term 4 (January 1, 1992 - December 31, 1992)	8,949.99
Renewal Term 5 (January 1, 1993 - March 1, 1993)	-0-

- D. Insurance. The Lessee hereby confirms that it has obtained the insurance coverage required by Section 8.03 of the Agreement, and it covenants and agrees that such coverage shall be maintained in accordance with the terms and conditions of this Agreement.

E. Equipment Description. The Equipment subject to the Agreement is described more fully on Exhibit A attached hereto.

THE TERMS GOVERNING THIS SCHEDULE ARE CONTAINED IN THE AGREEMENT AND APPLY WITH THE SAME FORCE AND EFFECT AS IF SET FORTH FULLY HEREIN.

LESSEE:

CITY OF LEAWOOD, KANSAS

By Marcia Rinehart  
Marcia Rinehart, Mayor

Date: \_\_\_\_\_

LESSOR:

GEORGE K. BAUM & COMPANY

By \_\_\_\_\_  
Name:  
Title:  
Date: \_\_\_\_\_

EXHIBIT A  
EQUIPMENT LIST

<u>Description of Equipment</u>	<u>Quantity</u>	<u>Estimated Total Price*</u>
FMC Vanguard 3000 Recirculating Air Street Sweeper Model 2-V3000 Air.	1	\$ _____
	Less: City Contribution	\$ _____
	Total	\$70,000.00

\* Includes prorated costs of issuance of \$ \_\_\_\_\_.

EXHIBIT B

<u>DATE</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST AMOUNT</u>	<u>RENTAL PAYMENT AMOUNT</u>	<u>INTEREST RATE</u>
9/1/88	\$ -0-	\$1,652.78	\$1,652.78	6.25%
3/1/89	6,855.35	2,187.50	9,042.85	6.25%
9/1/89	7,069.58	1,973.27	9,042.85	6.25%
3/1/90	7,290.51	1,752.35	9,042.85	6.25%
9/1/90	7,518.34	1,524.52	9,042.85	6.25%
3/1/91	7,753.28	1,289.57	9,042.85	6.25%
9/1/91	7,995.57	1,047.28	9,042.85	6.25%
3/1/92	8,245.43	797.42	9,042.85	6.25%
9/1/92	8,503.11	539.75	9,042.85	6.25%
3/1/93	8,768.83	274.03	9,042.85	6.25%

First Published in the Johnson County Sun, Wednesday, March 30, 1988.

ORDINANCE NO. 1045  
AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A BASE LEASE FROM THE CITY OF LEAWOOD, KANSAS, TO GEORGE K. BAUM, & COMPANY, KANSAS CITY, MISSOURI, OF CERTAIN STREET MAINTENANCE EQUIPMENT AND APPROVING AND AUTHORIZING THE EXECUTION OF AN EQUIPMENT LEASE/PURCHASE AGREEMENT FROM GEORGE K. BAUM & COMPANY TO THE CITY, WHEREBY SAID COMPANY, LEASES SUCH EQUIPMENT TO THE CITY AND GRANTS THE CITY AN OPTION TO PURCHASE SAID COMPANY'S INTEREST IN SUCH EQUIPMENT.

WHEREAS, it has been determined to be in the best interest of the City of Leawood, Kansas (the "City"), for the City to enter into a Base Lease with George K. Baum & Company, Kansas City, Missouri (the "Company"), a Missouri corporation, whereby the City leases certain street maintenance equipment as described therein (the "Equipment") to the Company for a term of 59 months for a single rental payment not to exceed \$70,000.00 to be paid concurrently with the commencement of the Base Lease and to be used to pay the cost of the Equipment; and

WHEREAS, it has been determined to be in the best interest of the City for the City to enter into a Lease/Purchase Agreement whereby the City subleases the Equipment from the Company with an option to purchase the Company's interest in the Equipment, for an original term terminating on the last day of the City's current fiscal year and, at the City's option, five renewal terms, up to a maximum of 59 months for total rental payments not to exceed \$83,038.45.

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

19-404. Section 1. That the City enter into the Base Lease between the City, as lessor and the Company, as lessee, relating to the Equipment, substantially in the form attached hereto as Exhibit A, which is hereby authorized and approved with such additions, revisions and corrections as may be approved by the Finance Director, such approval to be conclusively evidenced by the execution of the Base Lease on behalf of the City.

19-405. Section 2. That the City enter into the Equipment Lease/Purchase Agreement between the Company, as lessor and the City, as lessee, relating to the Equipment, in substantially the form attached hereto as Exhibit B, which is hereby authorized and approved, with such additions, revisions and corrections as may be approved by the Finance Director, such approval to be conclusively evidenced by the execution of the Equipment Lease/Purchase Agreement on behalf of the City.

19-406. Section 3. The Mayor and City Clerk are hereby authorized to execute the Base Lease and the Equipment Lease/Purchase Agreement on behalf of the City in the forms presented to the City this date with such modifications as are approved by the Finance Director, and to execute such ancillary certificates and documents necessary to accomplish the purposes set forth herein and in the Base Lease and the Equipment Lease/Purchase Agreement.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval and publication once in the official City newspaper.

PASSED by the Governing Body of the City of Leawood, Kansas, on this 28th day of March, 1988.

APPROVED by the Mayor this 29th day of March, 1988.  
/s/ Marcia Rinehart  
Mayor

(SEAL)  
Attest:  
/s/ Martha Heizer  
City Clerk  
APPROVED FOR FORM:  
/s/ R.S. Wetzler,  
City Attorney

(3689 1W)

### 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 30th day of March 1988, with subsequent publications being made on the following dates:

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

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

*Deanna Martasin*

Subscribe and sworn to before me this 30th day of March 1988

*Pearlie A. Peterson*

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1992

My Commission expires: 6.8.28  
Printer's Fee \$-----  
Additional copies \$-----

ORDINANCE NO. 1044

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE INDENTURE OF TRUST DATED DECEMBER 1, 1985 BY AND BETWEEN THE CITY OF LEAWOOD AND VALLEY VIEW STATE BANK, AS TRUSTEE, AS AMENDED BY THE FIRST SUPPLEMENTAL INDENTURE OF TRUST; AUTHORIZING AND DIRECTING THE REDEMPTION OF \$5,200,000 PRINCIPAL AMOUNT CITY OF LEAWOOD, KANSAS, INDUSTRIAL REVENUE BONDS, SERIES A, DECEMBER 1, 1985 (LEAWOOD EXECUTIVE CENTRE ASSOCIATES, L.P. PROJECT); AUTHORIZING AND APPROVING THE SALE OF THE FACILITY FINANCED WITH THE PROCEEDS OF SUCH BONDS AND THE DELIVERY OF A SPECIAL WARRANTY DEED, BILL OF SALE AND RELATED DOCUMENTS AND INSTRUMENTS; AND AUTHORIZING CERTAIN RELATED ACTIONS.

WHEREAS, the City of Leawood, Kansas, a city of the second class, hereinafter referred sometimes referred to as the "City", has pursuant to Ordinance No. 880 (the "Bond Ordinance") heretofore issued, sold and delivered its \$5,200,000 aggregate principal amount of the City's Industrial Revenue Bonds, Series A, 1985 (The Leawood Executive Centre Associates, L.P. Project) (the "Bonds"), pursuant to the provisions of Section 12-1740 to 12-1749a, Kansas Statutes Annotated (the "Act"), to finance the purchase of certain real property and construction of a building on said property and equipping the same for industrial development purposes (the "Project"), as described more particularly in the Bond Ordinance and a Lease hereinafter identified; and

WHEREAS, in connection with and as part of said financing, the City as Lessor, entered into a certain Lease Agreement for said Project (the "Lease") with Leawood Executive Centre Associates, L.P., a Kansas limited partnership, as the lessee (the "Lessee"), under date of December 1, 1985, which Lease contains an option to purchase the Project, exercisable by the Lessee on payment in full of the principal of, redemption premium, if any, and interest on the Bonds, together with all costs and expenses incident to the payment of said Bonds, and the additional sum of \$100.00; and

WHEREAS, the City entered into an Indenture of Trust dated as of December 1, 1985 with Valley View State Bank, as Trustee (the "Original Indenture") for the purpose of issuing and securing the Bonds as authorized by the Bond Ordinance; and

WHEREAS, the Original Indenture was subsequently amended by the First Supplemental Indenture of Trust dated as of December 15, 1987 by and between the City and the Trustee (the Original Indenture and the First Supplemental Indenture of Trust collectively referred to as the "Indenture"); and

WHEREAS, the Lessee has notified the City that it desires to cause all outstanding Bonds to be redeemed in whole prior to maturity on April 1, 1988, by application of proceeds on deposit in the Construction Fund for the Project, and has requested that

the Indenture be further amended to permit the Bonds to be called for redemption on said date; and

WHEREAS; Section 3.2 of the Indenture provides that the City shall deliver and mail notice of any such redemption to bondholders as required therein; and

WHEREAS, A. G. Edwards and Sons, Inc. (the "Bondholder") is the holder of all such outstanding Bonds and has notified the City that it consents to such early redemption of the Bonds and waives the notice requirements therefor; and

WHEREAS, the Lessee has given the City written notice of its election to exercise its purchase option pursuant to the terms of the Lease contemporaneous with the redemption of the Bonds;

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

21-215. Section 1. The City hereby approves the Second Supplemental Indenture of Trust dated as of March 15, 1988 (the "Second Supplemental Indenture") and authorizes the Mayor and City Clerk to execute the Second Supplemental Indenture substantially in the form submitted at this meeting for the purpose of amending Section 3.01(a)(iii) of the Indenture.

21-216. Section 2. Pursuant to Section 1 of the Second Supplemental Indenture, the City hereby calls for mandatory redemption and payment on April 1, 1988, all of the outstanding Bonds in the aggregate principal amount of \$5,200,000.00 at the redemption price of 100% of the principal amount thereof, plus accrued interest to the date fixed for redemption without premium, solely from amounts or proceeds of the securities on deposit in the Bond Fund on April 1, 1988. The Trustee is hereby authorized to transfer to the Bond Fund on or prior to March 31, 1988, all amounts or securities remaining on deposit in the Construction Fund, and to apply said amounts or the proceeds of said securities to redeem the Bonds on April 1, 1988.

21-217. Section 3. The City hereby consents to the redemption of said Bonds without notice as required by the Indenture, but in lieu thereof, the City hereby authorizes and directs the City Clerk to deliver a copy of this Ordinance to the Trustee and the Bondholder prior to April 1, 1988.

21-218. Section 4. The City hereby acknowledges receipt from the Lessee of a notice to exercise its option to purchase as permitted under Section 10.1 of the Lease and the receipt of the nominal purchase price of \$100.00 and hereby waives the notice provision contained in Section 10.1 of the Lease and the time periods set forth for closing stated therein, and upon the payment of all sums due under the Indenture and the Lease for the redemption of the Bonds and for the purchase of the Project, the City shall sell the Project to the Lessee and deliver the Special Warranty

Deed, Bill of Sale and Notice of Declaration of Termination of Lease Agreement, in substantially the forms attached hereto as Exhibits A, B and C, respectively, which are hereby approved.

21-219. Section 5. The City shall and the officers and agents of the City are hereby authorized and directed to, execute and deliver the Special Warranty Deed, the Bill of Sale, the Notice of Declaration of Termination of Lease Agreement to the Trustee for subsequent delivery to the Lessee, upon the payment of the sums aforesaid, and the officers and agents of the City are further authorized and directed to take such other actions and execute such other documents, certificates and instruments as may be necessary or desirable to carry out or comply with and perform the duties of the City with respect to the sale of the Project.

21-220. Section 6. Upon the payment of the sums aforesaid, the delivery to the Lessee of the Special Warranty Deed and the Bill of Sale and the execution of the Notice of the Declaration and Termination of Lease by the City and the Lessee, the Lease shall ipso facto terminate, the Bonds shall be deemed defeased as of the date fixed for redemption, and the City shall cancel the same upon its records.

Section 7. This Ordinance shall take effect and be enforced from and after its passage and publication in the official City paper.

PASSED by the governing body of the City of Leawood, Kansas, this 28<sup>th</sup> day of March, 1988.

APPROVED by the Mayor this 29<sup>th</sup> day of March, 1988.

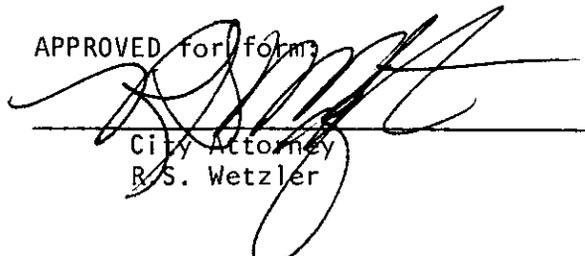
(SEAL)

  
\_\_\_\_\_  
Mayor  
Marcia Rinehart

Attest:

  
\_\_\_\_\_  
City Clerk  
Martha Heizer

APPROVED for form

  
\_\_\_\_\_  
City Attorney  
R.S. Wetzler

*Fully executed exhibits  
are in Supplemental  
Transcript in file*

-----  
CITY OF LEAWOOD, KANSAS

As Issuer

AND

VALLEY VIEW STATE BANK,  
Overland Park, Kansas

As Trustee

-----  
SECOND SUPPLEMENTAL INDENTURE OF TRUST  
(Supplementing the Indenture  
as defined herein)

Dated as of March 15, 1988

-----  
\$5,200,000  
INDUSTRIAL REVENUE BONDS  
SERIES A, 1985  
(LEAWOOD EXECUTIVE CENTRE ASSOCIATES, L.P. PROJECT)  
SUPPLEMENTED AS OF MARCH 15, 1988  
-----

SECOND SUPPLEMENTAL INDENTURE OF TRUST

THIS SECOND SUPPLEMENTAL INDENTURE OF TRUST, dated as of the 15th day of March, 1988 (the "Second Supplemental Indenture") between the CITY OF LEAWOOD, KANSAS, a municipal corporation duly organized and existing under the laws of the State of Kansas (the "Issuer"), and VALLEY VIEW STATE BANK, a banking corporation duly organized under the laws of the State of Kansas with its principal corporate trust office in Overland Park, Kansas, as trustee (the "Trustee") supplementing the Indenture of Trust dated as of December 1, 1985, as amended by the First Supplemental Indenture of Trust dated as of December 15, 1987 (collectively the "Indenture") by and between the Issuer and the Trustee;

WITNESSETH:

WHEREAS, the Issuer is a municipal corporation of the State of Kansas with full and lawful power and authority to enter into this Second Supplemental Indenture; and

WHEREAS, the Issuer has pursuant to provisions of Kansas K.S.A. 12-1740, to 12-1749a, inclusive, as amended (the "Act") adopted Ordinance No. 880 on November 4, 1985, authorizing the issuance of its Industrial Revenue Bonds, Series A, 1985 (Leawood Executive Centre Associates, L.P. Project) in the principal amount of \$5,200,000 (the "Bonds"), and on December 23, 1985, issued the Bonds pursuant to the Indenture of Trust dated as of December 1, 1985 (the "Original Indenture") between the City and the Trustee, for purpose of acquiring, purchasing and constructing and selling a commercial facility, including real estate, buildings and improvements and equipment (the "Project"), leased to Leawood Executive Center Associates, L.P., a Kansas limited partnership (the "Tenant"), pursuant to the Lease Agreement dated December 1, 1985 (the "Lease"), by and between the City and the Tenant; and

WHEREAS, the Original Indenture was subsequently amended by the First Supplemental Indenture of Trust dated as of December 15, 1987 between the City and the Trustee (the "First Supplemental Indenture"); and

WHEREAS, the Tenant has requested the City to amend the Indenture for the purpose of permitting an early redemption of the Bonds and the acquisition of the Project by the Tenant.

NOW, THEREFORE, it is hereby covenanted, declared and agreed by and between the parties hereto as follows:

DEFINITIONS

The words and terms used herein shall have the same meaning as the words and terms which are defined in the Indenture, unless the context or use otherwise requires.

Section 1. Redemption Provisions. Section 3.01(a)(iii) is hereby amended by deleting said Section and inserting in lieu thereof the following:

(iii) The Bonds shall be subject to mandatory redemption by the Issuer in whole on April 1, 1988 with the funds which remain on deposit in the Construction Fund. Such funds, including securities held therein, on deposit in the Construction Fund shall be transferred to the Bond Fund on or prior to March 31, 1988. Bonds redeemed pursuant to this subsection (iii) shall be redeemed at a redemption price equal to 100% of the principal amount thereof, plus accrued interest thereon to the date fixed for redemption, without premium, solely from amounts on deposit in the Bond Fund or securities held therein or other funds provided by the Tenant.

Section 2. Second Supplemental Indenture. This Second Supplemental Indenture shall be supplemental to and become a part of the Indenture and, except as specifically provided herein, all the terms and provisions of the Indenture shall apply to the Bonds as if the Bonds were originally issued pursuant to the Indenture.

Section 3. Execution and Counterparts. This Second Supplemental Indenture may be simultaneously executed in several counterparts, each of which should be an original and all of which shall constitute the one same instrument.

Section 4. Governing Law. This Second Supplemental Indenture shall be governed exclusively by and construed and interpreted in accordance with the applicable laws of the State of Kansas.

IN WITNESS WHEREOF, the City of Leawood, Kansas has caused this Second Supplemental Indenture to be signed in its name and behalf by its Mayor and its seal to be hereunto affixed and attested by the City Clerk, and to evidence their acceptance of the trust hereby created, Valley View State Bank has caused this Second Supplemental Indenture to be signed in its name and behalf and its official seal to be hereunto affixed and attested by its duly authorized officers, all of the day first above written.

CITY OF LEAWOOD, KANSAS,  
as Issuer,

By: Marcia Rinehart  
Marcia Rinehart, Mayor

(SEAL)

ATTEST:

By: Martha Heizer  
Martha Heizer City Clerk

VALLEY VIEW STATE BANK,  
as Trustee,

By: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ President

(SEAL)

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_,  
\_\_\_\_\_ Secretary

Consented to and approved this \_\_\_\_\_ day of \_\_\_\_\_,  
1988.

A.G. EDWARDS & SONS, INC.,  
as owner of 100% of the Bonds

By: \_\_\_\_\_  
Authorized Officer

Consented to and approved this \_\_\_\_\_ day of \_\_\_\_\_,  
1988.

LEAWOOD EXECUTIVE CENTRE  
ASSOCIATES, L.P.

BY: Varnum Armstrong & Deeter,  
Inc., a general partner

By: \_\_\_\_\_  
\_\_\_\_\_ President

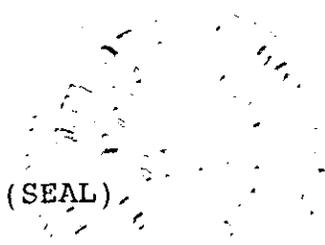
NOTICE OF DECLARATION OF TERMINATION OF LEASE AGREEMENT

The undersigned, the City of Leawood, Kansas, a municipal corporation, of Johnson County, Kansas (the "City") and Leawood Executive Centre Associates, L.P., a Kansas limited partnership (the "Lessee"), Lessor and Lessee, respectively, under that certain Lease Agreement dated as of December 1, 1985, between the City and the Lessee (the "Lease"), being recorded December 23, 1985, in the office of the Register of Deeds for Johnson County as Instrument No. 1575698, in Volume 2267 at Page 630, with respect to the property described in Exhibit A attached hereto and incorporated herein do, for good and valuable consideration, receipt of which is hereby acknowledged, hereby agree, covenant and warrant that the terms and provisions of said Lease have been fully performed and satisfied and that said Lease is hereby declared to be and is hereby terminated.

Nothing contained herein shall be deemed to terminate or release any easement, covenant, agreement or restriction appurtenant to and for the benefit of Tract I as described in Exhibit A, but only the rights of Lessee therein and thereto arising under the Lease which is terminated hereby.

IN WITNESS WHEREOF, the City and the Lessee have executed this Notice of Declaration of Termination of Lease Agreement by and through their respective representatives duly authorized and have executed this instrument all as of this \_\_\_ day of \_\_\_\_\_, 1988.

CITY OF LEAWOOD, KANSAS,



(SEAL)

By: Marcia Rinehart  
Printed or  
Typed Name: Marcia Rinehart  
Mayor

Lessor

ATTEST:  
By: Martha Heizer  
Printed or  
Typed Name: Martha Heizer  
City Clerk

LEAWOOD EXECUTIVE CENTRE  
ASSOCIATES, L.P.,  
a Kansas Limited Partnership

By: VARNUM/ARMSTRONG/DEETER, INC.

By: \_\_\_\_\_  
President

A General Partner

Lessee

STATE OF KANSAS )  
 ) ss.  
COUNTY OF JOHNSON )

On this 29<sup>th</sup> day of March, 1988, before me, a notary public in and for said county and state, personally appeared \_\_\_\_\_ and Marcia Rinehart, Mayor and Martha Heizer City Clerk, respectively of the City of Leawood, Kansas who acknowledged that they signed the foregoing instrument on behalf of said City and they further acknowledged the same as their voluntary act and deed on behalf of said City and the voluntary act and deed of said City for the uses and purpose therein express.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal on the day and year aforesaid.

Frances M. Kessler  
Notary Public in and for said  
County and State

My Commission Expires:  
FRANCES M. KESSLER  
NOTARY PUBLIC - State of Kansas  
My Appt. Exp. 10-7-91

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1988, before me, a notary public in and for said county and state, personally appeared \_\_\_\_\_, \_\_\_\_\_ President of Varnum/Armstrong/Deeter, Inc., a Kansas corporation, in its capacity as a general partner of Leawood Executive Centre Associates, L.P., a limited partnership formed and existing under the laws of Kansas, and who is personally known to be the same person who executed as \_\_\_\_\_ president of the said general partner of Leawood Executive Centre Associates, L.P., the within instrument on behalf of said limited partnership, and duly acknowledged the execution of same to be the free act and deed of said limited partnership.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my official seal on the day and year aforesaid.

\_\_\_\_\_  
Notary Public in and for said  
County and State

My Commission Expires:  
\_\_\_\_\_

EXHIBIT A

TRACT I:

Tract "A", Leawood Executive Centre, a subdivision in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof.

TRACT II:

The non-exclusive easements, covenants, agreements and restrictions appurtenant to and for the benefit of Tract 1, above, including but not limited to, the non-exclusive easements for the ingress and egress of persons and vehicles, parking, the construction and maintenance of utility lines and for the use and enjoyment of common areas (as defined in the Declaration hereinafter described) as may exist from time to time, over, upon, across and under Tract "B" Leawood Executive Centre, a subdivision in Leawood, Johnson County, Kansas, according to the recorded plat thereof, as created and established by the Leawood Executive Centre Office Park Association Declaration of Restrictions dated December 1, 1985, filed for record December 20, 1985, in the Office of the Register of Deeds of Johnson County, Kansas, under File No. 1575470, in Volume 2266, Page 880.

BILL OF SALE

WHEREAS, the City of Leawood, Kansas, a municipal corporation, of Johnson County, Kansas, (the "City") has heretofore issued and sold and delivered \$5,200,000 in aggregate principal amount of the City's Industrial Revenue Bonds, Series A, December 1, 1985 (Leawood Executive Centre Associates, L.P., Project) (the "Bonds") for purposes of financing the acquisition of certain real property and the construction of a commercial office facility (the "Facility"); and

WHEREAS, in connection with and as part of said financing, the City, as Lessor, entered into a certain Lease Agreement of said Facility with Leawood Executive Centre Associates, L.P., a Kansas limited partnership, as lessee (the "Lessee") under date of December 1, 1985 (the "Lease"), which Lease contains an option, exercisable by the Lessee on payment in full of the principal of, redemption premium, if any, and interest on the Bonds together with all costs and expenses incident to the payment of said Bonds to purchase said Facility, including equipment purchased with the proceeds thereof, for the additional price of the sum of \$100.00; and

WHEREAS, the Lessee has elected to purchase the Facility for the amount and on the conditions as set forth in said Lease.

NOW, THEREFORE, the City does hereby transfer, set over, convey, bargain and sell to the Lessee, all rights and interest it has to the property indicated in Schedule 1 attached hereto and incorporated herein (the "Property") for good and valuable consideration, the receipt of which is hereby acknowledged.

THE PROPERTY IS SOLD TO AND PURCHASED BY THE LESSEE "AS IS" AND THE CITY MAKES NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE PROPERTY INCLUDING BUT NOT LIMITED TO THE CONDITION OF SAID PROPERTY OR THE USE FOR WHICH THE PROPERTY MAY BE USED.

IN WITNESS WHEREOF, the City of Leawood, Kansas has executed this document by and through its authorized officers as of this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

CITY OF LEAWOOD, KANSAS

By: Marcia Reinhardt  
Mayor

(SEAL)

ATTEST:

Martina Heizer  
City Clerk

# Kansas Special Warranty Deed

This Indenture, Made this first day of April, A. D.,

One Thousand Nine Hundred Eighty-Eight, by and between City of Leawood, Kansas, a municipal corporation

of Johnson County, in State of Kansas, party of the first part

and Leawood Executive Centre Associates, L.P., a Kansas limited partnership

of Johnson County, in the State of Kansas party of the second part.

WITNESSETH, That said party of the first part, in consideration of the sum of

One Hundred and no/100- - - - - DOLLARS

to it duly paid, the receipt of which is hereby acknowledged, does these presents, Sell and

Convey unto the said party of the second part, its successors ~~and~~ and assigns, all of the grantor's interest

in the following described lot, tract, or parcel of land, lying, being and situate in the County of

Johnson and State of Kansas, ~~as~~ as described in Exhibit A attached hereto and incorporated herein, subject to such easements, restrictions and covenants of record.

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. And said City of Leawood, Kansas for itself and its successors

~~for~~ ~~its successors~~ or administrators, does hereby covenant, promise and agree to and with said party of the second part, that at the delivery of these presents, said interest in said premises is free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of what nature or kind soever, by, through, or under said party of the first part, except any and all claims and demands made in connection with or arising as a result of those matters to which this conveyance is made subject

and that it will warrant and forever defend said interest unto the said party of the second part, its successors and assigns, against said party of the first part, its successors ~~and~~ and all and every person or persons whomsoever, lawfully claiming or to claim the same by, through or under the part of the first part.

IN WITNESS WHEREOF, The said party of the first part has/ ~~been~~ caused this instrument to be signed ~~and~~ and sealed the day and year first above written. CITY OF LEAWOOD, KANSAS

BY Mercia Rinehart [SEAL]  
Mercia Rinehart, Mayor

ATTEST: Martha Heizer  
Martha Heizer, City Clerk

..... [SEAL]  
..... [SEAL]  
..... [SEAL]

KANSAS ACKNOWLEDGMENT

STATE OF KANSAS }  
County of JOHNSON } ss.

BE IT REMEMBERED, That on this 1st day of April A.D., 1988  
before me, the undersigned, a Notary Public in and for said County and State, came Marcia Rinehart  
Mayor, and Martha Heizer City Clerk  
who are personally known to me to be the same persons 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.

FRANCES M. KESSLER  
NOTARY PUBLIC - State of Kansas  
My Appt. Exp. 10-7-97

*Frances M. Kessler*

My commission expires

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\_\_\_\_

Warranty Deed

FROM

CITY OF LEAWOOD, KANSAS

TO

LEAWOOD EXECUTIVE CENTRE

ASSOCIATES, L.P.

Entered in Transfer Record in my  
office this \_\_\_\_\_  
day of \_\_\_\_\_ 19\_\_\_\_

County Clerk

STATE OF KANSAS, }  
County, } ss.

Received for Record on the  
day of \_\_\_\_\_ 19\_\_\_\_, at \_\_\_\_\_ o'clock  
M., and duly Recorded in Book  
\_\_\_\_\_ of \_\_\_\_\_ at Page \_\_\_\_\_

Register of Deeds.

Fee, \$ \_\_\_\_\_

EXHIBIT A

Tract 1:

Tract "A", Leawood Executive Centre, a subdivision in the City of Leawood, Johnson County, Kansas, according to the recorded plat thereof.

Tract 2:

The non-exclusive easements, covenants, agreements and restrictions appurtenant to and for the benefit of Tract 1, above, including but not limited to, the non-exclusive easements for the ingress and egress of persons and vehicles, parking, the construction and maintenance of utility lines and for the use and enjoyment of common areas (as defined in the Declaration herein-after described) as may exist from time to time, over, upon, across and under Tract "B" Leawood Executive Centre, a subdivision in Leawood, Johnson County, Kansas, according to the recorded plat thereof, as created and established by the Leawood Executive Centre Office Park Association Declaration of Restrictions (the "Declaration") dated as of December 1, 1985, filed for record December 20, 1985, in the Office of the Register of Deeds of Johnson County, Kansas, under File No. 1575470.

Subject to taxes and assessments, general and special, for 1988 and subsequent years and subject to all easements, covenants, restrictions and reservations, if any, now of record.

Subject also to the Mortgage, Assignment, Security Agreement and Financing Statement from Leawood Executive Centre Associates, L.P., a Kansas limited partnership, to Valley View State Bank, dated May 15, 1985, filed for record May 16, 1985, in the Office of the Register of Deeds in and for Johnson County, Kansas (the "Recorder's Office") under Document No. 1532332, in Vol. 2159, at Page 902, and to the Assignment of Rents, filed for record in the Recorder's Office on May 16, 1985, under Document No. 1532333, in Vol. 2159, at Page 927.

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 30th day of March 1928, with subsequent publications being made on the following dates:

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

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

Deanna Martasin

Subscribe and sworn to before me this 30th day of March 1928

Pearlie A. Peterson

NOTARY PUBLIC

PEARLIE A. PETERSON  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Expires Jan. 25, 1932

My Commission expires: -----  
Printer's Fee \$ 134.92  
Additional copies \$ -----

First Published in the Johnson County Sun, Wednesday, March 30, 1988

ORDINANCE NO. 1044

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE INDENTURE OF TRUST DATED DECEMBER 1, 1985 BY AND BETWEEN THE CITY OF LEAWOOD AND VALLEY VIEW STATE BANK, AS TRUSTEE, AS AMENDED BY THE FIRST SUPPLEMENTAL INDENTURE OF TRUST; AUTHORIZING AND DIRECTING THE REDEMPTION OF \$5,200,000 PRINCIPAL AMOUNT CITY OF LEAWOOD, KANSAS, INDUSTRIAL REVENUE BONDS, SERIES A, DECEMBER 1, 1985 (LEAWOOD EXECUTIVE CENTRE ASSOCIATES, L.P. PROJECT); AUTHORIZING AND APPROVING THE SALE OF THE FACILITY FINANCED WITH THE PROCEEDS OF SUCH BONDS AND THE DELIVERY OF A SPECIAL WARRANTY DEED, BILL OF SALE AND RELATED DOCUMENTS AND INSTRUMENTS; AND AUTHORIZING CERTAIN RELATED ACTIONS.

WHEREAS, the City of Leawood, Kansas, a city of the second class, hereinafter referred to as the "City", has pursuant to Ordinance No. 880 (the "Bond Ordinance") heretofore issued, sold and delivered its \$5,200,000 aggregate principal amount of the City's Industrial Revenue Bonds, Series A, 1985 (The Leawood Executive Centre Associates, L.P. Project) (the "Bonds"), pursuant to the provisions of Section 12-1740 to 12-1749a, Kansas Statutes Annotated (the "Act"), to finance the purchase of certain real property and construction of a building on said property and equipping the same for industrial development purposes (the "Project") as described more particularly in the Bond Ordinance and a Lease hereinafter identified; and

WHEREAS, in connection with and as part of said financing, the City as Lessor, entered into a certain Lease Agreement for said Project (the "Lease") with Leawood Executive Centre Associates, L.P., a Kansas limited partnership, as the lessee (the "Lessee"), under date of December 1, 1985, which Lease contains an option, to purchase the Project, exercisable by the Lessee on payment in full of the principal of, redemption premium, if any, and interest on the Bonds, together with all costs and expenses incident to the payment of said Bonds, and the additional sum of \$100.00; and

WHEREAS, the City entered into an Indenture of Trust dated as of December 1, 1985 with Valley View State Bank, as Trustee (the "Original Indenture") for the purpose of issuing and securing the Bonds as authorized by the Bond Ordinance; and

WHEREAS, the Original Indenture was subsequently amended by the First Supplemental Indenture of Trust dated as of December 15, 1987, by and between the City and the Trustee (the Original Indenture and the First Supplemental Indenture of Trust collectively referred to as the "Indenture"); and

WHEREAS, the Lessee has notified the City that it desires to cause all outstanding bonds to be redeemed in whole prior to maturity on April 1, 1988, by application of proceeds on deposit in the Construction Fund for the Project, and has requested that the Indenture be further amended to permit the Bonds to be called for redemption on said date; and

WHEREAS, Section 3.2 of the Indenture provides that the City shall deliver and mail notice of any such redemption to bondholders as required therein; and

WHEREAS, A. G. Edwards and Sons, Inc. (the "Bondholder") is the holder of all such outstanding Bonds and has notified the City that it consents to such early redemption of the Bonds and waives the

notice requirements therefor; and

WHEREAS, the Lessee has given the City written notice of its election to exercise its purchase option pursuant to the terms of the Lease contemporaneous with the redemption of the Bonds;

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

21-215. Section 1. The City hereby approves the Second Supplemental Indenture of Trust dated as of March 15, 1988 (the "Second Supplemental Indenture") and authorizes the Mayor and City Clerk to execute the Second Supplemental Indenture substantially in the form submitted at this meeting for the purpose of amending Section 3.01(a) (iii) of the Indenture.

21-216. Section 2. Pursuant to Section 1 of the Second Supplemental Indenture, the City hereby calls for mandatory redemption and payment on April 1, 1988, all of the outstanding Bonds in the aggregate principal amount of \$5,200,000.00 at the redemption price of 100% of the principal amount thereof, plus accrued interest to the date fixed for redemption without premium, solely from amounts or proceeds of the securities on deposit in the Bond Fund on April 1, 1988. The Trustee is hereby authorized to transfer to the Bond Fund on or prior to March 31, 1988, all amounts or securities remaining on deposit in the Construction Fund, and to apply said amounts or the proceeds of said securities to redeem the Bonds on April 1, 1988.

21-217. Section 3. The City hereby consents to the redemption of said Bonds without notice as required by the Indenture, but in lieu thereof, the City hereby authorizes and directs the City Clerk to deliver a copy of this Ordinance to the Trustee and the Bondholder prior to April 1, 1988.

21-218. Section 4. The City hereby acknowledges receipt from the Lessee of a notice to exercise its option to purchase as permitted under Section 10.1 of the Lease and the receipt of the nominal purchase price of \$100.00 and hereby waives the notice provision contained in Section 10.1 of the Lease and the time periods set forth for closing stated therein, and upon the payment of all sums due under the Indenture and the Lease for the redemption of the Bonds and for the purchase of the Project, the City shall sell the Project to the Lessee and deliver the Special Warranty Deed, Bill of Sale and Notice of Declaration of Termination of Lease Agreement, in substantially the forms attached hereto as Exhibits A, B and C, respectively, which are hereby approved.

21-219. Section 5. The City shall and the officers and agents of the City are hereby authorized and directed to, execute and deliver the Special Warranty Deed, the Bill of Sale, the Notice of Declaration of Termination of Lease Agreement, the sums aforesaid, and the officers and agents of the City are further authorized and directed to take such other actions and execute such other documents, certificates and instruments as may be necessary or desirable to carry out or comply with and perform the duties of the City with respect to the sale of the Project.

21-220. Section 6. Upon the payment of the sums aforesaid, the delivery to the Lessee of the Special Warranty Deed and the Bill of Sale and the execution of the Notice of the Declaration and Termination of Lease by the City and the Lessee, the Lease shall ipso facto terminate, the Bonds shall be deemed defeased as of the date fixed for redemption, and the City shall cancel the same upon its records.

Section 7. This Ordinance shall take effect and be enforced from and after its passage and publication in the official City paper.

PASSED by the governing body of the City of Leawood, Kansas, this 28th day of March, 1988.

APPROVED by the Mayor this 29th day of March, 1988:

(SEAL)

Attest:  
/s/ Marcia Rinehart

Mayor  
/s/ Martha Heizer

City Clerk

APPROVED for form:

/s/ R. S. Wetzler

City Attorney

ORDINANCE NO. 1043C

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODE OF LEAWOOD RELATING TO SOLICITORS, CANVASSERS AND TRANSIENT MERCHANTS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

Section 1. Section 5-202 and 5-205 of the Code of the City of Leawood is hereby repealed.

Section 2. Section 5-202 of the Code of the City of Leawood is hereby amended to read as follows.

5-202 DEFINITIONS.

- (a) "Canvass" as used in this Article means opinion sampling, poll-taking, proselytizing, or other similar activity, either by foot, wagon, automobile, motor truck, or any other type of conveyance, from house to house, door to door, street to street, or from place to place.
- (b) "Canvasser" as used in this Article means any person who engages in canvassing in person for himself or any other person.
- (c) "Charitable" as used in this Article means any activity represented as carried on from unselfish, civic, or humanitarian motives, or for the benefit of others, and not for private gain, and may include, without limitation, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, cultural, scientific, historical, athletic, medical, or religious activities, either actual or implied.
- (d) "City" as used in this Article means the City of Leawood, Kansas.
- (e) "Peddle" as used in this Article means to operate from a temporary stand, display or similar facility, or to travel from house to house, door to door, street to street or from place to place, carrying, conveying, or transporting goods, wares, or merchandise for the purpose of offering and exposing the same for sale.
- (f) "Peddler" as used in this Article means a person who peddles for himself or for any other person.
- (g) "Person" as used in this Article means any individual, firm, partnership, corporation, company, religious sect or denomination, society, organization or league, and includes any trustee, director, member, partner, officer, receiver, assignee, employee, agent or other similar representative thereof.
- (h) "Solicit" and "solicitation" as used in this Article mean and include any one or more of the following:
  - (1) Selling or offering for sale, or taking or attempting to take orders for the sale of goods or services of any kind, character or description;

- (2) Requesting directly or indirectly contributions of funds for any purpose whatsoever;
- (3) Canvassing or peddling as defined in this section.
- (4) Throwing, depositing or distributing any commercial handbill in or upon any premises.

A "solicitation" as defined herein shall be deemed completed when made, whether or not the person making the solicitation receives any contribution or makes any sale.

- (i) "Solicitor" as used in this Article means a person who solicits for himself or any other person.
- (j) "Commercial handbill" is any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:
  - (1) Which advertises for sale any merchandise, product, commodity or thing, or
  - (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
  - (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit.
  - (4) Exemption for mail and newspapers. For purposes of this ordinance the term "commercial handbill" shall not be construed to include mail delivered by the United States Postal Service or newspapers duly entered with the Post Office Department of the United States and newspapers filed and recorded with any recording officer as provided by general law or any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Section 3. Section 5-205 of the Code of the City of Leawood is hereby amended to read as follows:

5-205 STANDARDS FOR ISSUANCE.

- (a) The City administrator shall, except as provided by this ordinance, issue a solicitation permit provided for by this Article upon receiving a completed application form from the applicant or their representative.
- (b) The City administrator, or a person designated by the City administrator to review applications for solicitation permits, may defer issuance of any solicitation permit for such period of time as is reasonably necessary to verify the accuracy of information required to be provided in the application for solicitation permit.

- (c) The City Administrator shall not issue a solicitation permit to any person who within the five years preceding the date of filing of an application for solicitation permit has been convicted of a felony, misdemeanor or other violation of the laws of the United States or of any state or city of the United States where such conviction was for an offense involving force or threat of force, theft, dishonesty, fraud, sexual misconduct or moral turpitude or where such conviction was for violation of this ordinance or the solicitation ordinance of any other city.
- (d) The City administrator may refuse to issue a solicitation permit to any person who has been found guilty of violating any ordinance of the City of Leawood.
- (e) Any person who is aggrieved by the refusal of the City Administrator to issue a solicitation permit may appeal said refusal to the Governing Body. On refusal, the City Administrator shall notify the applicant by registered mail of the refusal to issue a solicitation permit and that the applicant may appeal said refusal to the Governing Body by requesting a hearing before the Governing Body not later than thirty (30) days following receipt of the notice of refusal. The notice of refusal shall contain a statement of the facts upon which the City Administrator acted in refusing to issue a permit. On receipt of a request for hearing before the Governing Body the City Administrator shall schedule the matter to be heard before the next regularly scheduled meeting of the Governing Body unless the applicant shall request that the hearing be scheduled at a later date. In no event shall such hearing be held more than thirty (30) days following receipt of the applicant's request for hearing. At the hearing the applicant may offer evidence to support any contention that a permit should be issued.

Section 4. Take Effect. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 28th day of March, 1988.

Approved by the Mayor this 29th day of March, 1988.

(S E A L)

Marcia Rinehart  
 Marcia Rinehart Mayor

ATTEST:

Martha Heizer  
 Martha Heizer City Clerk

APPROVED FOR FORM AND CONTENT:

Richard S. Wetzel  
 Richard S. Wetzel 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 6th day of April 1998, 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 April 1998

Marguerite E. Baker  
NOTARY PUBLIC

MARGUERITE E. BAKER  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 3-15-92

My Commission expires: 3-15-92  
Printer's Fee \$ 123.89  
Additional copies \$ -----

First Published in the Johnson County Sun, Wednesday, April 6, 1988.

ORDINANCE NO. 1043C

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE CODE OF LEAWOOD RELATING TO SOLICITORS, CANVASSERS AND TRANSIENT MERCHANTS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

Section 1. Section 5-202 and 5-205 of the Code of the City of Leawood is hereby repealed.

Section 2. Section 5-202 of the Code of the City of Leawood is hereby amended to read as follows.

5-202 DEFINITIONS.

(a) "Canvass" as used in this Article means opinion sampling, poll-taking, proselytizing, or other similar activity, either by foot, wagon, automobile, motor truck, or any other type of conveyance, from house to house, door to door, street to street, or from place to place.

(b) "Canvasser" as used in this Article means any person who engages in canvassing in person for himself or any other person.

(c) "Charitable" as used in this Article means any activity represented as carried on from unselfish, civic, or humanitarian motives, or for the benefit of others, and not for private gain, and may include, without limitation, patriotic, philanthropic, social service, welfare, benevolent, educational, civic fraternal, cultural, scientific, historical, athletic, medical, or religious activities, either actual or implied.

(d) "City" as used in this Article means the City of Leawood, Kansas.

(e) "Peddle" as used in this Article means to operate from a temporary stand, display or similar facility, or to travel from house to house, door to door, street to street or from place to place, carrying, conveying, or transporting goods, wares, or merchandise for the purpose of offering and exposing the same for sale.

(f) "Peddler" as used in this Article means a person who peddles for himself or for any other person.

(g) "Person" as used in this Article means any individual, firm, partnership, corporation, company, religious sect or denomination, society, organization or league, and includes any trustee, director, member, partner, officer, receiver, assignee, employee, agent or other similar representative thereof.

(h) "Solicit" and "solicitation" as used in this Article mean and include any one or more of the following:

(1) Selling or offering for sale, or taking or attempting to take orders for the sale of goods or services of any kind, character or description;

(2) Requesting directly or indirectly contributions of funds for any purpose whatsoever;

(3) Canvassing or peddling as defined in this section.

(4) Throwing, depositing or distributing any commercial handbill in or upon any premises.

A "solicitation" as defined herein shall be deemed completed when made, whether or not the person making the solicitation receives any contribution or makes any sale.

(i) "Solicitor" as used in this Article means a person who solicits for himself or any other person.

(j) "Commercial handbill" is any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature:

(1) Which advertises for sale any merchandise, product, commodity or thing, or

(2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or

(4) Exemption for mail and newspapers. For purposes of this ordinance the term "commercial handbill" shall not be construed to include mail delivered by the United States Postal Service or newspaper duly entered with the Post Office Department of the United States and newspapers filed and recorded with any recording officer as provided by general law or any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Section 3. Section 5-205 of the Code of the City of Leawood is hereby amended to read as follows:

5-205 STANDARDS FOR ISSUANCE.

(a) The City administrator shall, except as provided by this ordinance, issue a solicitation permit provided for by this Article upon receiving a completed application from the applicant or their representative.

(b) The City administrator, or a person designated by the City administrator to review applications for solicitation permits may defer issuance of any solicitation permit for such period of time as is reasonably necessary to verify the accuracy of information required to be provided in the application for solicitation permit.

(c) The City Administrator shall not issue a solicitation permit to any person who within the five years preceding the date of filing of an application for solicitation permit has been convicted of a felony, misdemeanor or other violation of the laws of the United States or of any state or city of the United States where such conviction was for an offense involving force or threat of force, theft, dishonesty, fraud, sexual misconduct or moral turpitude or where such conviction was for violation of this ordinance or the solicitation ordinance of any other city.

(d) The City administrator may refuse to issue a solicitation permit to any person who has been found guilty of violating any ordinance of the City of Leawood.

(e) Any person who is aggrieved by the refusal of the City Administrator to issue a solicitation permit may appeal said refusal to the Governing Body. On refusal, the City Administrator shall notify the applicant by registered mail of the refusal to issue a solicitation permit and that the applicant may appeal said refusal to the Governing Body by requesting a hearing before the Governing Body not later than thirty (30) days following receipt of the notice of refusal. The notice of refusal shall contain a statement of the facts upon which the City Administrator acted in refusing to issue a permit. On receipt of a request for hearing before the Governing Body the City Administrator shall schedule the matter to be heard before the next regularly scheduled meeting of the Governing Body unless the applicant shall request that the hearing be scheduled at a later date. In no event shall such hearing be held more than thirty (30) days following receipt of the applicant's request for hearing. At the hearing the applicant may offer evidence to support any contention that a permit should be issued.

Section 4. Take Effect. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 28th day of March, 1988.

Approved by the Mayor this 29th day of March, 1988.

(s) Marcia Rinehart, Mayor

(SEAL)

(s) Martha Heizer,

City Clerk

APPROVED FOR FORM AND

CONTENT:

(s) Richard S. Wetzler,

City Attorney

(3726 1W)

ORDINANCE NO. 1042 C

AN ORDINANCE RELATING TO CITY COUNCIL PRESIDING OFFICER; APPOINTMENT; ROTATING TERMS; AND REPEAL OF SECTION.

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

Section 1. REPEAL OF SECTION. Section 1-209 of the "Code of the City of Leawood, 1984" is hereby repealed.

Section 2. Section 1-209 of the "Code of the City of Leawood, 1984" is hereby amended to read as follows:

1-209. PRESIDING OFFICER; ROTATING TERMS. The mayor shall at the first regular meeting of the governing body in May appoint from the Council membership a presiding officer for each three month period for the next year (first meeting in May to the last meeting in April of the next year). The presiding officer shall preside at any council meeting during such three month term at which the mayor is absent. The position shall rotate among councilmembers and no councilmember shall be presiding officer for more than one three month period during any year.

Section 3. VALIDITY OF ORDINANCE. 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 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 7th day of March, 1988.

Approved by the Mayor this 8th day of March, 1988.

(S E A L)

Attest:

Martha Heizer  
Martha Heizer City Clerk

Marcia Rinehart  
Marcia Rinehart Mayor

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

First Published in the Johnson County Sun, Friday, March 11, 1988  
 ORDINANCE NO. 1042C  
 AN ORDINANCE RELATING TO CITY COUNCIL PRESIDING OFFICER; APPOINTMENT; ROTATING TERMS; AND REPEAL OF SECTION.  
 Be it ordained by the Governing Body of the City of Leawood, Kansas:  
 Section 1. REPEAL OF SECTION. Section 1-209 of the "Code of the City of Leawood, 1984" is hereby repealed.  
 Section 2. Section 1-209 of the "Code of the City of Leawood, 1984" is hereby amended to read as follows:  
 1-209. PRESIDING OFFICER; ROTATING TERMS. The mayor shall at the first regular meeting of the governing body in May appoint from the Council membership a presiding officer for each three month period for the next year (first meeting in May to the last meeting in April of the next year). The presiding officer shall preside at any council meeting during such three month term at which the mayor is absent. The position shall rotate among councilmembers and no councilmember shall be presiding officer for more than one three month period during any year.  
 Section 3. VALIDITY OF ORDINANCE. 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 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.  
 Passed by the Governing Body this 7th day of March, 1988.  
 Approved by the Mayor this 8th day of March, 1988.  
 (SEAL)  
 (s) Marcia Rinehart  
 Mayor  
 Attest:  
 (s) Martha Heizer  
 City Clerk  
 APPROVED FOR FORM:  
 (s) R. S. Wetzler  
 City Attorney

**AFFIDAVIT OF PUBLICATION**

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly Deposits 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 of general circulation in JOHNSON County, Kansas, with a general paid circulation on a regular basis in JOHNSON County, Kansas, and that said newspaper is not a trade or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been published continuously and uninterrupted 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 to post office of SHAWNEE MISSION, KANSAS in said County as a second class

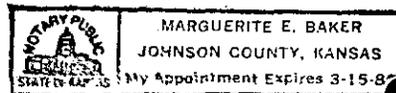
the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 11th day of March 1988, with subsequent publications being made on the following dates:

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

Deanna Martasin

Subscribe and sworn to before me this 11th day of March 1988

Marguerite E. Baker  
 NOTARY PUBLIC



My Commission expires: 3-15-88  
 Printer's Fee \$ 32.75  
 Additional copies \$ -----

ORDINANCE NO. 1041 C

*repealed by Ord. 1288C, 4/6/92*

AN ORDINANCE RELATING TO ANNUAL COMMITTEE APPOINTMENTS, AND REPEAL OF SECTION.

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

Section 1. REPEAL OF SECTION. Section 1-116 of the "Code of the City of Leawood, 1984" is hereby repealed.

Section 2. Section 1-116 of the "Code of the City of Leawood, 1984" is hereby amended to read as follows:

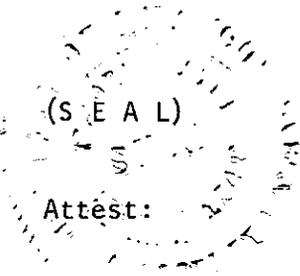
1-116. COMMITTEES. The governing body may provide such standing or special committees as may be needed, and unless it shall otherwise determine, such committees shall be appointed by the mayor with the consent of the council. Those committees designated as standing committees shall be: Public Safety Committee, Public Works Committee, and Budget and Finance Committee. All other committees shall be ad hoc committees to be formed as needed and shall disband upon conclusion of their assigned task, unless otherwise directed by the city council. Standing committees shall be constituted at the first regular meeting of the governing body in May each year. When a new member is appointed or elected to fill a vacancy on the governing body, he or she may be assigned to a standing committee. In such event the governing body may authorize the reappointment and reorganization of any or all committees.

Section 3. VALIDITY OF ORDINANCE. 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 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 7th day of March, 1988.

Approved by the Mayor this 8th day of March, 1988.



*Marcia Rinehart*  
Marcia Rinehart Mayor

Attest:

*Martha Heizer*  
Martha Heizer City Clerk

APPROVED FOR FORM: *[Signature]*, City Attorney  
R/S. Wetzler

AFFIDAVIT OF PUBLICATION

First Published in the Johnson County Sun, Friday, March 11, 1988  
ORDINANCE NO. 1041 C  
AN ORDINANCE RELATING TO ANNUAL COMMITTEE APPOINTMENTS, AND REPEAL OF SECTION.  
Be it ordained by the Governing Body of the City of Leawood, Kansas:  
Section 1. REPEAL OF SECTION. Section 1-116 of the "Code of the City of Leawood, 1984" is hereby repealed.  
Section 2. Section 1-116 of the "Code of the City of Leawood, 1984" is hereby amended to read as follows:  
1-116. COMMITTEES. The governing body may provide such standing or special committees as may be needed, and unless it shall otherwise determine, such committees shall be appointed by the mayor with the consent of the council. Those committees designated as standing committees shall be: Public Safety Committee, Public Works Committee, and Budget and Finance Committee. All other committees shall be ad hoc committees to be formed as needed and shall disband upon conclusion of their assigned task, unless otherwise directed by the city council. Standing committees shall be constituted at the first regular meeting of the governing body in May each year. When a new member is appointed or elected to fill a vacancy on the governing body, he or she may be assigned to a standing committee. In such event the governing body may authorize the reappointment and reorganization of any or all committees.  
Section 3. VALIDITY OF ORDINANCE. 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 4. TAKE EFFECT. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.  
Passed by the Governing Body this 7th day of March, 1988.  
Approved by the Mayor this 8th day of March, 1988.  
(SEAL)  
(s) Marcia Rinehart  
Mayor  
Attest:  
(s) Martha Heizer  
City Clerk  
APPROVED FOR FORM:  
(s) R. S. Wetzler  
City Attorney  
(3585 1F)

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.

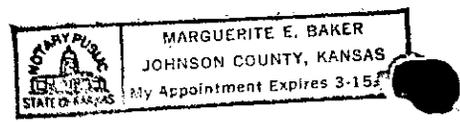
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive day (weeks, days) the first publication thereof being made as aforesaid on the 11th day of March 1988, with subsequent publications being made on the following dates:

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

Deanna Martasin

Subscribe and sworn to before me this 11th day of March 1988

Marguerite E. Baker  
NOTARY PUBLIC



My Commission expires: 3-15-88  
Printer's Fee \$ 38.14  
Additional copies \$ -----

ORDINANCE NO. 1040 C

AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER XI OF THE CODE OF THE CITY OF LEAWOOD [PUBLIC OFFENSES, LOCAL PROVISIONS] BY ESTABLISHING A NEW OFFENSE TO BE KNOWN AS "DISTURBING THE PEACE".

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

Section 1. Amendment of Code to establish the offense of "Disturbing the Peace." Article 2 of Chapter XI of the Code of the City of Leawood is hereby amended by the addition of a new section which shall be as follows:

11-205. Disturbing the Peace.

(a) It shall be unlawful for any person to make, continue, maintain or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the City of Leawood.

(b) It shall be unlawful for any person to use, operate or permit the use or operation of any electronic device, radio receiving set, television, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. "Neighboring inhabitants" shall include persons living within or occupying residential districts of single or multi-family dwellings and shall include areas where multiple-unit dwellings and high-density residential districts are located.

(c) No person shall congregate with other persons because of, participate in, or be in any party or gathering of people from which sound emanates of a sufficient volume so as

to disturb the peace, quiet or repose of persons residing in any residential area. No person shall visit or remain within any residential dwelling unit or within the vicinity of a residential dwelling unit wherein such party or gathering of people is taking place except persons who have gone there for the sole purpose of abating said disturbance. A police officer may order all persons present in any group or gathering from which such sound emanates, other than the owners or tenants of the dwelling unit, to immediately disperse in lieu of being charged under this section. Owners or tenants of the dwelling unit shall immediately abate the disturbance and, failing to do so, shall be in violation of this section.

(d) Prima facie violation. The operation of any tool, equipment, vehicle, electronic device, set, instrument, television, phonograph, machine or other noise or sound producing device, at any time in such a manner as to be plainly audible at any adjacent property line, or for fifty (50) or more feet in the case of a multiple-family dwelling, between the hours of 10:00 p.m. and 7:00 a.m. (except on Sundays, which such latter time shall be 8:00 a.m.), shall be prima facie evidence of a violation of this section.

(e) Exemptions. Sounds emanating from the following shall be exempt from the provisions of (a) through (d) above:

- (1) Emergency vehicles;
- (2) Public safety vehicles;
- (3) Emergency activities of the fire or police department;
- (4) Emergency activities of any utility company; and
- (5) Emergency activities of municipal maintenance vehicles and equipment.

~~f) Statement of Intent. No provision of this ordinance shall be construed to limit or abridge the rights of any person to peacefully assemble and express opinions. It is the purpose of this ordinance to protect individuals from~~

unreasonable intrusions caused by excessive, unnecessary, unreasonable or unusually loud noises.

Section 2. Take Effect. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 7th day of March, 1988.

Approved by the Mayor this 8th day of March, 1988.

Marcia Reinhard  
Mayor

ATTESTED BY:

Martina Heizer  
City Clerk

APPROVED BY:

[Signature]  
City Attorney

First Published in the Johnson County Sun, Friday, March 11, 1988

ORDINANCE NO. 1040 C  
AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER XI OF THE CODE OF THE CITY OF LEAWOOD (PUBLIC OFFENSES, LOCAL PROVISIONS) BY ESTABLISHING A NEW OFFENSE TO BE KNOWN AS "DISTURBING THE PEACE".

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

Section 1. Amendment of Code to establish the offense of "Disturbing the Peace." Article 2 of Chapter XI of the Code of the City of Leawood is hereby amended by the addition of a new section which shall be as follows:

11-205. Disturbing the Peace.  
(a) It shall be unlawful for any person to make, continue, maintain or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the City of Leawood.

(b) It shall be unlawful for any person to use, operate or permit the use or operation of any electronic device, radio receiving set, television, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. "Neighboring inhabitants" shall include persons living within or occupying residential districts of single or multi-family dwellings and shall include areas where multiple-unit dwellings and high-density residential districts are located.

(c) No person shall congregate with other persons because of, participate in, or be in any part or gathering of people from which sound emanates of a sufficient volume so as to disturb the peace, quiet or repose of persons residing in any residential area. No person shall visit or remain within any residential dwelling unit or within the vicinity of a residential dwelling unit wherein such party or gathering of people is taking place except persons who have gone there for the sole purpose of abating said disturbance. A police officer may order all persons present in any group or gathering from which such sound emanates, other than the owners or tenants of the dwelling unit, to immediately disperse in lieu of being charged under this section. Owners or tenants of the dwelling unit shall immediately abate the disturbance and, failing to do so, shall be in violation of this section.

(d) Prima facie violation. The operation of any tool, equipment, vehicle, electronic device, set, instrument, television, phonograph, machine or other noise or sound producing device, at any time in such a manner as to be plainly audible at any adjacent property line, or for fifty (50) or more feet in the case of a multiple-family dwelling, between the hours of 10:00 p.m. and 7:00 a.m. (except on Sundays, which such latter time shall be 8:00 a.m.), shall be prima facie evidence of a violation of this section.

(e) Exemptions. Sounds emanating from the following shall be exempt from the provisions of (a) through (d) above:

- (1) Emergency vehicles;
- (2) Public safety vehicles;
- (3) Emergency activities of the fire or police department;
- (4) Emergency activities of any utility company; and
- (5) Emergency activities of municipal maintenance vehicles and equipment.

(f) Statement of Intent. No provision of this ordinance shall be construed to limit or abridge the rights of any person to peacefully assemble and express opinions. It is the purpose of this ordinance to protect individuals from unreasonable intrusions caused by excessive, unnecessary, unreasonable or unusually loud noises.

Section 2. Take Effect. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 7th day of March, 1988.

Approved by the Mayor this 8th day of March, 1988.

(s) Marcia Rinehart  
Mayor  
ATTESTED BY:  
(s) Martha Heizer  
City Clerk  
APPROVED BY:  
(s) R.S. Wetzler  
City Attorney

(3584 1F)

### AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly Deposits 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 of general circulation in JOHNSON County, Kansas, with a general paid circulation on a regular basis in JOHNSON County, Kansas, and that said newspaper is not a trade, business or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been 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 to the post office of SHAWNEE MISSION, KANSAS in said County as a second class newspaper.

That the attached notice is a true copy thereof and was published in the regular and normal issue of said newspaper for one consecutive day (weeks, days) the first publication thereof being made as provided on the 11th day of March 1988, with subsequent publications being made on the following dates:

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

Deanna Martasin

be and sworn to before me this 11th day of March 1988

Marguerite E. Baker  
NOTARY PUBLIC



Commission expires: 3-15-88  
Fee \$ 74.40  
Number of copies \$ -----

ORDINANCE NO. 1039 C

AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER XI OF THE CODE OF THE CITY OF LEAWOOD [PUBLIC OFFENSES, LOCAL PROVISIONS] BY ESTABLISHING A NEW OFFENSE TO BE KNOWN AS "PERMITTING, MAINTAINING, OR KEEPING A PUBLIC NUISANCE."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

Section 1. Amendment of Code to establish the offense of "Permitting, maintaining, or keeping a public nuisance." Article 2 of Chapter XI of the Code of the City of Leawood is hereby amended by the addition of a new section which shall be as follows:

11-204. Permitting, maintaining, or keeping a public nuisance.

(a) Nuisance Defined. For the purpose of this ordinance, the term "nuisance" is defined to mean a thing, condition or use of some continuity as distinguished from a solitary act, which through offensive odors, noises, substances, disturbances, emanations, sights, or the like, works hurt, annoyance, inconvenience or damage to the public or to another, with respect to his or her comfort, health, repose or safety or with respect to the free use and comfortable enjoyment of his or her property, whether it does so by reason of its nature or by reason of conditions and circumstances, where the cause of these effects has no legal sanction, or where, if the cause is sanctioned, the effects, nevertheless, are unreasonably harmful or annoying to persons of normal sensibility, and constitute a legal wrong.

(b) Nuisance Prohibited. No person owning, leasing, occupying or having charge of any premises, shall permit, maintain or keep any nuisance thereon.

Section 2. Take Effect. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 2/16/88 Second Reading: 3/7/88  
Passed by the Governing Body this 7th day of March,

1988.

Approved by the Mayor this 8th day of March, 1988.

Marcia Reinhardt  
Mayor

ATTESTED BY:

Martina Heizer  
City Clerk

APPROVED BY:

[Signature]  
City Attorney

First Published in the Johnson County Sun, Friday, March 11, 1988

ORDINANCE NO. 1039 C  
 AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER XI OF THE CODE OF THE CITY OF LEAWOOD (PUBLIC OFFENSES, LOCAL PROVISIONS) BY ESTABLISHING A NEW OFFENSE TO BE KNOWN AS "PERMITTING, MAINTAINING OR KEEPING A PUBLIC NUISANCE."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAWOOD:

Section 1. Amendment of Code to establish the offense of "Permitting, maintaining, or keeping a public nuisance." Article 2 of Chapter XI of the Code of the City of Leawood is hereby amended by the addition of a new section which shall be as follows:

11-204. Permitting, maintaining, or keeping a public nuisance.

(a) Nuisance Defined. For the purpose of this ordinance, the term "nuisance" is defined to mean a thing, condition or use of some continuity as distinguished from a solitary act, which through offensive odors, noises, emanations, disturbances, emanations, sights, or the like, works hurt, annoyance, inconvenience or damage to the public or to another, with respect to his or her comfort, health, repose or safety or with respect to the free use and comfortable enjoyment of his or her property, whether it does so by reason of its nature or by reason of conditions and circumstances, where the cause of these effects has no legal sanction, or where, if the cause is sanctioned, the effects, nevertheless, are unreasonably harmful or annoying to persons of normal sensibility, and constitute a legal wrong.

(b) Nuisance Prohibited. No person owning, leasing, occupying or having charge of any premises, shall permit, maintain or keep any nuisance thereon.

Section 2. Take Effect. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

First Reading: 2/16/88  
 Second Reading: 3/7/88  
 Passed by the Governing Body this 7th day of March, 1988.  
 Approved by the Mayor this 8th day of March, 1988.  
 (s) Marcia Rinehart  
 Mayor

ATTESTED BY:  
 (s) Martha Heizer  
 City Clerk

APPROVED BY:  
 (s) R.S. Wetzler  
 City Attorney

(3583 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 SUN, a semi-weekly newspaper printed in the State of Kansas, and published general circulation in JOHNSON County, Kansas, with a general paid circulation 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 published continuously and uninterrupted in said county and state for a period of 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

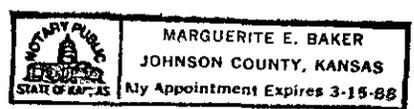
The attached notice is a true copy thereof and was published in the regular and issue of said newspaper for one consecutive day (weeks, days) the first publication thereof being made as on the 11th day of March 1988, with subsequent editions being made on the following dates:

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

*Deanna Martasin*

Subscribe and sworn to before me this 11th day of March 1988

*Marguerite E. Baker*  
 NOTARY PUBLIC



My Commission expires: 3-15-88  
 Printer's Fee \$ 41.08  
 Additional copies \$ -----

ORDINANCE NO. 1038

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:

18-1412. 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 District:

A parcel of land in the SW1/4 of the NW1/4 of Section 28, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Beginning at the SW Corner of the NW1/4 of said Section 28; thence N 0° 13' 21" W, platted N 2° 13' 23" W, along the W line of said NW1/4, a distance of 442.00 feet; thence S 89° 46' 39" W, departing said W line, along the S right-of-way line of 130th Terrace as platted in Carriage Crossing Third Plat, a subdivision in the City of Leawood, Johnson County, Kansas, a distance of 360.86 feet to a point of curvature; thence Northeasterly on a curve to the left, having a chord bearing of N 70° 56' 04" E, a radius of 430.30 feet, a central angle of 37° 41' 10", a distance of 283.03 feet; thence S 37° 54' 31" E, along the Westerly right-of-way line of 131st Street, a distance of 408.94 feet to a point of curvature; thence Southeasterly on a curve to the left, having a chord bearing of S 47° 09' 37" E, a radius of 225.00 feet, a central angle of 18° 30' 14", for a distance of 72.66 feet; thence S 33° 35' 16" W, along the W line of Lot 110 of said Carriage Crossing Third Plat, a distance of 190.40 feet to a point on the S line of NW1/4 of said Section 28; thence S 89° 44' 22" W, along the S line of the NW1/4 of said Section 28, a distance of 820.83 feet to the Point of Beginning and containing 8.851 acres, more or less.

(approximately 129th & Nall; northeast corner; Carriage Crossing)

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

Passed by the Governing Body this 7th day of March, 1988.

Approved by the Mayor this 8th day of March, 1988.

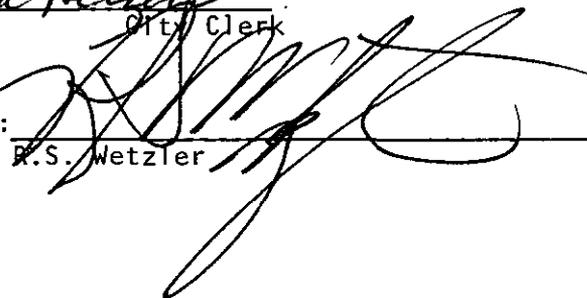


*Marcia Rinehart*  
Marcia Rinehart Mayor

Page 2  
ORDINANCE NO. 1038  
re Zoning - Carriage Crossing; RP-4 to RP-1

Attest:

  
\_\_\_\_\_  
Martha Heizer City Clerk

APPROVED FOR FORM:  \_\_\_\_\_, City Attorney  
R.S. Wetzier

First Published in the Johnson County Sun, Friday, March 11, 1988

ORDINANCE NO. 1038  
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:

18-1412. 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 District:

A parcel of land in the SW1/4 of the NW1/4 of Section 28, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, being more particularly described as follows:

Beginning at the SW Corner of the NW1/4 of said Section 28; thence N 0° 13' 21" W, platted N 2° 13' 23" W, along the W line of said NW1/4, a distance of 442.00 feet; thence S 89° 46' 39" W, departing said W line, along the S right-of-way line of 130th Terrace as platted in

Carriage Crossing Third Plat, a subdivision in the City of Leawood, Johnson County, Kansas, a distance of 360.86 feet to a point of curvature; thence Northeasterly on a curve to the left, having a chord bearing of N 70° 56' 04" E, a radius of 430.30 feet, a central angle of 37° 41' 10", a distance of 283.03 feet; thence S 37° 54' 31" E, along the Westerly right-of-way line of 131st Street, a distance of 408.94 feet to a point of curvature; thence Southeasterly on a curve to the left, having a chord bearing of S 47° 09' 37" E, a radius of 225.00 feet, a central angle of 18° 30' 14", for a distance of 72.66 feet; thence S 33° 35' 16" W, along the W line of Lot 110 of said Carriage Crossing Third Plat, a distance of 190.40 feet to a point on the S line of NW1/4 of said Section 28; thence S 89° 44' 22" W, along the S line of the NW1/4 of said Section 28, a distance of 820.83 feet to the Point of Beginning and containing 8.851 acres, more or less.

(approximately 129th & Nall, northeast corner; Carriage Crossing)

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

Passed by the Governing Body this 7th day of March, 1988.

Approved by the Mayor this 8th day of March, 1988.

(SEAL)  
(s) Marcia Rinehart  
Mayor

Attest:  
(s) Martha Heizer  
City Clerk

APPROVED FOR FORM:

(s) R.S. Wetzler  
City Attorney

(3582 1F)

### AFFIDAVIT OF PUBLICATION

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martasin** being first Duly Deposits 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 on a regular basis in JOHNSON County, Kansas, and that said newspaper is not a trade or fraternal publication.

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

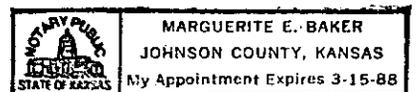
The attached notice is a true copy thereof and was published in the regular and usual issue of said newspaper for end consecutive day (weeks, days) the first publication thereof being made as on the 11th day of March 1988, with subsequent publications being made on the following dates:

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

Deanna Martasin

Subscribe and sworn to before me this 11th day of March 1988

Marguerite E. Baker  
NOTARY PUBLIC



My Commission expires: 3-15-88  
Printer's Fee \$ 43.04  
Additional copies \$ -----

ORDINANCE NO. 1037

*repealed by Ord. 1071,  
10/3/88*

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:

18-2201. Section 1. The following described real property is hereby designated as being zoned AR-2, Suburban Dwelling 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 1/4 of Section 4, Township 14, Range 25, Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the Northwest corner of the SW-1/4 of said Section 4; thence S-89° 52' 43"-E along the North line of said SW-1/4, a distance of 2654.19 feet to the Northeast corner of said SW-1/4; thence S-0° 45' 02"-W along the East line of said SW-1/4, a distance of 2000.25 feet; thence N-72° 35' 38"-W, a distance of 600.63 feet; thence N-62° 57' 19"-W, a distance of 373.88 feet; thence N-89° 00' 26"-W, a distance of 203.62 feet; thence N-20° 24' 25"-W, a distance of 1011.11 feet; thence S-88° 27' 04"-W, a distance of 1177.30 feet to a point on the West line of the SW-1/4 of said Section 4; thence N-0° 52' 07"-E along said West line, a distance of 736.75 feet to the point of beginning. Subject to that part thereof in Nall Avenue as now established.

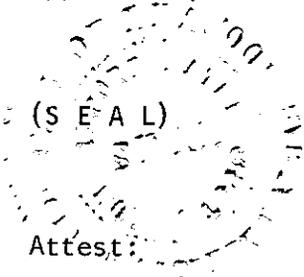
The above-described tract contains 75.6005 acres, more or less, of unplatted land.

(approximately 147th & Nall; southeast corner; J.C. Nichols Estates)

TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Governing Body this 7th day of March, 1988.

Approved by the Mayor this 8th day of March, 1988.



*Marcia Rinehart*  
Marcia Rinehart Mayor

*Martha Heizer*  
Martha Heizer City Clerk

APPROVED FOR FORM: *[Signature]*, City Attorney  
R.S. Wetzler

First Published in the Johnson County Sun, Friday, March 11, 1988  
 ORDINANCE NO. 1037  
 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:  
 18-2201. Section 1. The following described real property is hereby designated as being zoned AR-2, Suburban Dwelling 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 1/4 of Section 4, Township 14, Range-25, Leawood, Johnson County, Kansas, being more particularly described as follows: Beginning at the Northwest corner of the SW-1/4 of said Section 4; thence S-89° 52' 43"-E along the North line of said SW-1/4, a distance of 2654.19 feet to the Northeast corner of said SW-1/4; thence S-0° 45' 02"-W along the East line of said SW-1/4, a distance of 2000.25 feet; thence N-72° 35' 38"-W, a distance of 600.63 feet; thence N-62° 57' 19"-W, a distance of 373.88 feet; thence N-89° 00' 26"-W, a distance of 203.62 feet; thence N-20° 24' 25"-W, a distance of 1011.11 feet; thence S-88° 27' 04"-W, a distance of 1177.30 feet to a point on the West line of the SW-1/4 of said Section 4; thence N-0° 52' 07"-E along said West line, a distance of 736.75 feet to the point of beginning. Subject to that part thereof in Nell Avenue as now established.  
 The above-described tract contains 75.6005 acres, more or less, unplatted land. (approximately 147th & Nell, southeast corner; J.C. Nichols Estates)  
 TAKE EFFECT. Section 2. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.  
 Passed by the Governing Body this 7th day of March, 1988.  
 Approved by the Mayor this 8th day of March, 1988.  
 (SEAL)  
 (s) Marcia Rinehart  
 Mayor  
 Attest:  
 (s) Martha Heizer  
 City Clerk  
 APPROVED FOR FORM:  
 (s) R.S. Wetzler  
 City Attorney

(3581 1F)

**AFFIDAVIT OF PUBLICATION**

OF KANSAS, JOHNSON COUNTY, ss: **Deanna Martesin** being first Duly Deposits and say: That she is legal publications manager of THE JOHNSON 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 on a regular basis in JOHNSON County, Kansas, and that said newspaper is not a trade or fraternal publication.

Said newspaper is a semi-weekly published at least weekly 50 times a year; has been 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 to the 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 published on the 11th day of March 1988, with subsequent publications being made on the following dates:

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

*Deanna Martesin*

Subscribe and sworn to before me this 11th day of March 1988

*Marguerite E. Baker*  
 NOTARY PUBLIC



My Commission expires: 3-15-88  
 Printer's Fee \$ 27.65  
 Additional copies \$ -----