ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1213 C	4/1/91	4/2/91	X	AN ORD. COMBINING THE OPERATIONS OF THE LEAWOOD RECREATION COMMISSION AND THE PARKS DEPT., AND ESTABLISHING A PARKS AND RECREATION ADVISORY BOARD
1214 C	4/1/91	4/2/91	X	AN ORD. DEFINING THE DUTIES OF THE DIRECTOR OF PARKS AND RECREATION
1215	4/15/91	4/23 & 30/91 eff. 6/30/91	X	AN ORD. GRANTING A FRANCHISE TO KCP&L
1216	5/6/91	5/7/91	X	AN ORD. AMENDING THE 1990 "LEAWOOD DEVELOPMENT ORDINANCE" TO INCLUDE SUBDIVISION REGULATIONS.
1217	5/6/91	~~5/7/91~~ 8/6/91	N/A	AN ORD. VACATING AN EASEMENT AS SHOWN ON THE PLAT OF LEAWOOD SOUTH 6TH PLAT - Lot 27, Block 25
1218	5/6/91	5/7/91	N/A	AN ORD. AUTHORIZING THE IMPROVEMENT OF LEE BLVD., 95TH ST. TO SOMERSET DR.
1219	5/6/91	5/7/91	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES L.I.D. 88-1-91E, PROJECT 113; TOMAHAWK CREEK PARKWAY; $1,100,000
1220	5/6/91	5/7/91	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 91H, PROJECT 117; LEE BLVD. IMPROVEMENTS, PHASE 1, 95TH ST. TO 103RD ST.; $400,000
1221	5/6/91	5/7/91	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 91G, PROJECT 119; 119TH ST, IMPROVEMENTS, STATE LINE TO MISSION; $600,000
1222	5/6/91	5/7/91	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 91F, PROJECT 118; POLICE/COURT BLDG. & FIRE STA. #1 REMODELING; $600,000
1223	5/6/91	5/7/91	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES, SERIES 91I, PROJECT 117B; LEE BLVD. IMPROVEMENTS, PHASE 2, 95TH ST. TO SOMERSET DR.; $900,000

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1201	1/21/91	1/29/91	N/A	AN ORD. ACCEPTING AN EASEMENT FOR STORM DRAINAGE PURPOSES - Camelot Court Shopping Center.
1202	2/4/91	2/5/91	N/A	AN ORD. AUTHORIZING THE IMPROVEMENT OF THE INTERSECTION OF 92ND ST. & STATE LINE RD.
1203	2/4/91	2/5/91	N/A	AN ORD. AUTHORIZING THE IMPROVEMENT OF K-150 WITHIN THE CITY, PHASE 1 (WIDENING)
1204	2/4/91	2/5/91	N/A	AN ORD. AUTHORIZING THE IMPROVEMENT OF MISSION RD. FROM 103RD ST. TO COLLEGE BLVD.
1205	2/19/91	2/26/91	N/A	AN ORD. REZONING PROPERTY, SOUTHEAST CORNER OF 123RD & MISSION FROM REC TO R-1 - B.S.D. Estates
1206	3/4/91	3/5/91	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 88-1-91A, PROJECT 113; TOMAHAWK CREEK PARKWAY; $700,000
1207	3/4/91	3/5/91	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91B, PROJECT 114; SOMERSET DR., BELINDER TO SAGAMORE; $200,000
1208	3/4/91	3/5/91	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91C, PROJECT 118; POLICE/COURT BUILDING & FIRE STATION NO. 1 REMODELING; $300,000
1209	3/4/91	3/5/91	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 91D, PROJECT 115; MISSION RD., 103RD TO COLLEGE BLVD.; $100,000
1210	3/18/91	3/19/91	N/A	AN ORD. AMENDING THE LEAWOOD DEVELOPMENT ORDINANCE TO PERMIT CERTAIN COMPOSITION ROOFING MATERIALS
1211 C	3/18/91	3/19/91	X	AN ORD. TO REGULATE EXPLOSIVE MATERIALS AND BLASTING AGENTS
1212 C	3/18/91	3/19/91	X	AN ORD. AMENDING THE UNIFORM PUBLIC OFFENSE CODE, 1990 ED., TO ADDRESS UNLAWFUL POSSESSION OF CERTAIN WEAPONS WITH INTENT TO SHOOT SAID WEAPONS

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1189 C	11/19/90	11/20/90	X	AN ORD. ADOPTING THE 1990 "LEAWOOD DEVELOPMENT ORDINANCE" (zoning ord.)
1190 C	11/19/90	11/20/90	X	AN ORD. TO REGULATE BLASTING AND EXPLOSIVE MATERIALS
1191	11/19/90	11/20/90	N/A	AN ORD. ACCEPTING A DEED FOR STREET PURPOSES - North half of 117th St. near Tomahawk Creek Parkway
1192	12/3/90	12/4/90	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 88-1-90M, PROJECT 113; TOMAHAWK CREEK PARKWAY; $900,000.00
1193	12/3/90	12/4/90	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 90L, PROJECT 117; LEE BLVD. IMPROVEMENTS, PHASE 1; $1,000,000.00
1194	12/17/90	1/4/91	N/A	AN ORD. VACATING A UTILITY EASEMENT AS SHOWN ON THE PLAT OF CHARTWELL WEST (approx. 99th & Lee Blvd.)
1195	12/17/90	12/18/90	N/A	AN ORD. ACCEPTING DEEDS FOR STREET PURPOSES (SOMERSET DR./ LEE BLVD. INTERSECTION IMPROVEMENTS)
1196	12/17/90	12/18/90	N/A	AN ORD. ACCEPTING DRAINAGE EASEMENTS REQUIRED FOR INTERSECTION IMPROVEMENTS AT SOMERSET DR. & LEE BLVD.
1197	12/17/90	12/18/90	N/A	AN ORD. APPROVING AND AUTHORIZING EXECUTION OF A BASE LEASE, TRUST AGREEMENT, EQUIPMENT LEASE PURCHASE AGREEMENT WITH SECURITY BANK OF KANSAS CITY (K.C., Ks.) FOR LEASE/ PURCHASE OF 2 FIRE TRUCKS & WASTEWATER TV MONITORING SYSTEM
1198	1/7/91	1/8/91 eff. 2/8/91	N/A	AN ORD. VACATING PORTIONS OF ROSEWOOD ~~AND 115TH STREET~~ mh FOR THE LEAWOOD COMMONS OFFICE COMPLEX LOCATED AT APPROX. 113TH & NALL
1199 C	1/21/91	1/29/91	X	AN ORD. AMENDING CERTAIN SECTIONS OF ARTICLE 4, CHAPTER 15 OF THE CODE RELATING TO SOLID WASTE MANAGEMENT - to remove references to "household hazardous waste" & "yardwaste management".
1200	1/21/91	1/29/91	N/A	AN ORD. ACCEPTING DEED FOR STREET PURPOSES - 95TH ST. IMPROVEMENTS, STATE LINE/WENONGA

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1178	9/4/90	9/7/90	N/A	AN ORD. VACATING AN EASEMENT AS SHOWN ON THE PLAT OF HALLBROOK FARMS, FIRST PLAT
1179	9/4/90	9/7/90	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 90H, PROJECT 119; 119TH ST. IMPROVEMENT, STATE LINE TO MISSION; $600,000.00
1180	9/4/90	9/7/90	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 90I, PROJECT 117; LEE BLVD., PHASE 1; $400,000.00
1181	9/4/90	9/7/90	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 88-1-90K, PROJECT 113; TOMAHAWK CREEK PARKWAY; $1,100,000.00
1182	9/4/90	9/7/90	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 90J, PROJECT 118; POLICE/COURT BLDG. & FIRE STA. NO. 1 REMODELING PROJECT; $600,000.00
1183	9/4/90	9/7/90	N/A	AN ORD. ACCEPTING A PERMANENT DRAINAGE EASEMENT REQUIRED FOR IMPROVEMENTS AT 119TH & MISSION RD.
1184	9/17/90	9/18/90	N/A	AN ORD. ACCEPTING A DEED FOR STREET PURPOSES (95TH ST. IMPROVEMENTS, STATE LINE/WENONGA) - from Gregory & Christine Pitts; Lot 1348, "Leawood"
1185	9/17/90	9/18/90	N/A	AN ORD. VACATING 3 EASEMENTS AS SHOWN ON THE PLAT OF PATRICIAN WOODS, 9TH PLAT
1186	10/2/90	10/9/90	N/A	AN ORD. AUTHORIZING ISSUANCE OF $1,848,653 GENERAL OBLIGATION BONDS, SERIES 1990-A
1187	10/2/90	12/18/90	N/A	AN ORD. GRANTING AN EASEMENT ACROSS THE TOMAHAWK CREEK GREENWAY FOR SANITARY SEWER PURPOSES - for the Church of the Nativity.
1188 C	10/15/90	10/16/90	X	AN ORD. AMENDING THE LEAWOOD RESIDENTIAL SIGN ORD.

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORD.
1169	7/16/90	7/17/90	N/A	AN ORD. RELATING TO ZONING OF ANNEXED PROPERTY SOUTH OF 151ST STREET - from Jo. Co. zoning classifications R1B (single family res.) and Agricultural to Leawood zoning R-1 (single family res.)
1170	7/16/90	7/17/90	N/A	AN ORD. AUTHORIZING AND PROVIDING FOR ACQUISITION OF PERMANENT DRAINAGE EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE IMPROVEMENT OF THE INTERSECTION OF SOMERSET & LEE
1171	8/6/90	8/7/90	N/A	AN ORD. LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF ROE AVE., 112TH STREET TO 121ST STREET
1172	8/21/90	8/24 & 8/31/90	N/A	AN ORD. ESTABLISHING THE 1991 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM
1173C	8/21/90	8/28/90 eff. 12/2/90	X	AN ORD. RELATING TO WARD BOUNDARY CHANGES
1174C	8/21/90	8/28/90	X	AN ORD. RELATING TO THE EFFECT OF WARD BOUNDARY CHANGES ON COUNCIL MEMBERSHIP
1175C	8/21/90	8/28/90	X	AN ORD. ADOPTING THE 1990 EDITION OF THE "STANDARD TRAFFIC ORDINANCE"
1176C	8/21/90	8/28/90	X	AN ORD. ADOPTING THE 1990 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE"
1177C	8/21/90	8/28/90	X	AN ORD. AMENDING SECTION 11-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR PUBLIC OFFENSE LOCAL PROVISIONS

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORD.
1157	4/9/90	4/10/90	N/A	AN ORD. DEFERRING AND POSTPONING ISSUANCE OF BUILDING PERMITS ON UNPLATTED LAND - 60-day moratorium
1158	4/16/90	4/24/90	N/A	AN ORD. RELATING TO ZONING - R-1 to RP-1, Chartwell West, northwest corner, 103rd & Lee Blvd.
1159	5/7/90	5/8/90	N/A	AN ORD. AMENDING SECTION 15-2203 OF THE ZONING ORDINANCE PERTAINING TO FENCES AND WALLS - to clarify that walls are included
1160	5/7/90	5/8/90	N/A	AN ORD. AMENDING SECTION 17-104 OF THE SUBDIVISION REGULATIONS REGARDING APPLICABILITY OF THE REGULATIONS - 40-acre tracts
1161 C	5/7/90	5/22/90	X	AN ORD. RELATING TO SOLID WASTE MANAGEMENT - mandating that homes associations recycle
1162 C	5/7/90	5/8/90	X	AN ORD. ESTABLISHING THE POSITION OF ASSISTANT CITY CLERK
1163 C	6/18/90	6/19/90	X	AN ORD. RELATING TO BUILDING IDENTIFICATION (ADDRESS) REQUIREMENTS
1164	6/18/90	6/19/90	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES;SERIES L.I.D. 88-1-90G, PROJECT 113; TOMAHAWK CREEK PARKWAY; $700,000
1165	6/18/90	6/19/90	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 90E, PROJECT 118; POLICE/COURT BLDG. & FIRE STATION NO. 1 REMODELING: $500,000
1166	6/18/90	6/19/90	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 90F, PROJECT 114; SOMERSET, BELINDER-SAGAMORE (Somerset & Lee intersection); $100,000
1167	7/2/90	7/3/90	N/A	AN ORD. VACATING AN EASEMENT AS SHOWN ON THE PLAT OF WELCREEK ESTATES
1168	7/2/90	7/3/90	N/A	AN ORD. ACCEPTING 2 DRAINAGE EASEMENTS REQUIRED FOR THE 1990 STREET REHABILITATION PROGRAM, SPECIFICALLY AT 98TH & BELINDER (from Gauss, Lot 420, LE; and Jacobsen, Lot 421, LE)

ORDINANCE NO. 1223

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91I, PROJECT 117B (LEE BOULEVARD, PHASE II), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $900,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING 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 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 Lee Boulevard, 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. 1218 on May 6, 1991; and

WHEREAS, total cost of improvements to Lee Boulevard is estimated to be $2,339,100; 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:

20-1,681. 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 91I, Project 117B (Lee Boulevard, Phase II), in the aggregate principal amount of Nine Hundred Thousand Dollars ($900,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,682. Section Two: Said issue of Temporary Notes, Series 91I, Project 117B (Lee Boulevard, Phase II), shall consist of bearer notes numbered from 1 through 9 inclusive, each in the denomination of $100,000. Said notes shall be dated May 20, 1991, and shall have the stated maturity date of February 1, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.60% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

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 written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,683. Section Three: 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.

20-1,684. 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 99.88% of the principal amount thereof.

20-1,685. 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, 1991, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 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.

20-1,686. 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 6th day of May, 1991.

SIGNED by the Mayor this 6th day of May, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

THE LEGAL RECORD
P. O. Box 14151
Lenexa, KS 66215 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

5/7/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/7/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $80.28

Ord. 1223

ORD. 1223

First published in The Legal Record, Tuesday, May 7, 1991.

ORDINANCE NO. 1223

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91I, PROJECT 117B (LEE BOULEVARD, PHASE II), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $900,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING 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 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 Lee Boulevard, 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. 1218 on May 6, 1991; and

WHEREAS, total cost of improvements to Lee Boulevard is estimated to be $2,339,100; 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:

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 91I, Project 117B (Lee Boulevard, Phase II), in the aggregate principal amount of Nine Hundred Thousand Dollars ($900,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91I, Project 117B (Lee Boulevard, Phase II), shall consist of bearer notes numbered from 1 through 9 inclusive, each in the denomination of $100,000. Said notes shall be dated May 20, 1991, and shall have the stated maturity date of February 1, 1992. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.60% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

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 written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: 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.

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 99.88% of the principal amount thereof.

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, 1991, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sycamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 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.

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 6th day of May, 1991.

SIGNED by the Mayor this 6th day of May, 1991.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

ORDINANCE NO. 1222

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91F, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $600,000 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:

24-343. 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 91F, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000) which amount does not exceed the total estimated costs of said improvements.

24-344. Section Two: Said issue of Temporary Notes, Series 91F, Project 118 (Police/Courts Bldg. & Fire Station #1 Remodel), shall consist of bearer notes numbered 1 through 6, each in the denomination of $100,000. Said notes shall be dated May 20, 1991, and shall have the stated maturity date of February 1, 1992. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.67% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said note at maturity.

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 of the particular note chosen for redemption) at any date prior to the stated maturity date of said note by the written notice to known holder or publication of notice at least one time and payment of said note, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

24-345. Section Three: 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.

24-346. 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.911% of the principal amount thereof.

24-347. 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, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 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.

24-348. <u>Section Six</u>: 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 6th day of May, 1991.

SIGNED by the Mayor this 6th day of May, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

THE LEGAL RECORD
P. O. Box 14151
Lenexa, KS 66215 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

5/7/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/7/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $70.87

Ord. 1222

ORD. 1222

First published in The Legal Record, Tuesday, May 7, 1991.

ORDINANCE NO. 1222

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91F, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $600,000 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:

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 91F, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91F, Project 118 (Police/Courts Bldg. & Fire Station #1 Remodel), shall consist of bearer notes numbered 1 through 6, each in the denomination of $100,000. Said notes shall be dated May 20, 1991, and shall have the stated maturity date of February 1, 1992. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.67% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said note at maturity.

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 of the particular note chosen for redemption) at any date prior to the stated maturity date of said note by the written notice to known holder or publication of notice at least one time and payment of said note, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: 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.

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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.911% of the principal amount thereof.

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, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91E Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 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.

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 6th day of May, 1991.

SIGNED by the Mayor this 6th day of May, 1991.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Meiser

Martha Meiser, City Clerk

APPROVED AS TO FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

ORDINANCE NO. 1221

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91G, PROJECT 119 (119TH STREET, STATE LINE TO MISSION ROAD), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $600,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 119TH STREET, STATE LINE TO MISSION ROAD, INCLUDING GRADING, CURBING, GUTTERING, PAVING, MACADAMIZING, CONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS, OR OTHER IMPROVEMENTS OR ANY TWO OR MORE OF SUCH IMPROVEMENTS 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 119th 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. 1090 on February 6, 1989; and

WHEREAS, total cost of improvements to 119th Street, State Line to Mission Road, 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:

20-1,675. 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 91G, Project 119 (119th Street, State Line Road to Mission Road), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,676. Section Two: Said issue of Temporary Notes, Series 91G, Project 119 (119th Street, State Line to Mission Road), shall consist of bearer notes numbered 1 through 6 inclusive, each in the denomination of $100,000.00. Said notes shall be dated May 20, 1991, and shall have the stated maturity date of November 1, 1991. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.48% 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 at maturity.

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 of the particular note chosen for reduction) at any date prior to the stated maturity date of said note by written notice to known holder or the publication of notice and payment of said note, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,677. Section Three: 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.

20-1,678. 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.911 of the principal amount thereof.

20-1,679. 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, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000;

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

20-1,680. 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 6th day of May, 1991.

SIGNED by the Mayor this 6th day of May, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

THE LEGAL RECORD
P. O. Box 14151
Lenexa, KS 66215 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

5/7/91

Debra L Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/7/91

Sharon L Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $76.52

Ord. 1221

ORD. 1221

First published in The Legal Record, Tuesday, May 7, 1991.

ORDINANCE NO. 1221

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91C, PROJECT 119 (119TH STREET, STATE LINE TO MISSION ROAD), OF THE CITY OF LEAWOOD, KANSAS; IN THE AMOUNT OF $600,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 119TH STREET, STATE LINE TO MISSION ROAD, INCLUDING GRADING, CURBING, GUTTERING, PAVING, MACADAMIZING, CONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS, OR OTHER IMPROVEMENTS OR ANY TWO OR MORE OF SUCH IMPROVEMENTS 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 119th 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. 1090 on February 6, 1989; and

WHEREAS, total cost of improvements to 119th Street, State Line to Mission Road, 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:

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 91C, Project 119 (119th Street, State Line Road to Mission Road), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91C, Project 119 (119th Street, State Line to Mission Road), shall consist of bearer notes numbered 1 through 6 inclusive, each in the denomination of $100,000.00. Said notes shall be dated May 20, 1991, and shall have the stated maturity date of November 1, 1992. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.48% 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 at maturity.

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 of the particular note chosen for reduction) at any date prior to the stated maturity date of said note by written notice to known holder or the publication of notice and payment of said note, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: 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.

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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.911 of the principal amount thereof.

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, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000,000;

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

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 6th day of May, 1991.

SIGNED by the Mayor this 6th day of May, 1991.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Meiser

Martha Meiser, City Clerk

APPROVED AS TO FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

ORDINANCE NO. 1220

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91H, PROJECT 117 (LEE BOULEVARD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING 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 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 Lee Boulevard, 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. 1077 on November 21, 1988; and

WHEREAS, total cost of improvements to Lee Boulevard is estimated to be $1,800,000.00; 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:

20-1,669. 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 91H, Project 117 (Lee Boulevard, Phase I), in the aggregate principal amount

of Four Hundred Thousand Dollars ($400,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,670. Section Two: Said issue of Temporary Notes, Series 91H, Project 117 (Lee Boulevard, Phase I), shall consist of bearer notes numbered from 1 through 4 inclusive, each in the denomination of $100,000. Said notes shall be dated May 20, 1991, and shall have the stated maturity date of November 1, 1991. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.48% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

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 written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,671. Section Three: 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.

20-1,672. 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.911% of the principal amount thereof.

20-1,673. 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, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 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.

20-1,674. 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 6th day of May, 1991.

SIGNED by the Mayor this 6th day of May, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

THE LEGAL RECORD
P. O. Box 14151
Lenexa, KS 66215 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

5/7/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/7/91

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $80.28

Ord. 1220

ORD. 1220

First published in The Legal Record, Tuesday, May 7, 1991.

ORDINANCE NO. 1220

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91H, PROJECT 117 (LEE BOULEVARD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING 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 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 Lee Boulevard, 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. 1077 on November 21, 1988; and

WHEREAS, total cost of improvements to Lee Boulevard is estimated to be $1,800,000.00; 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:

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 91H, Project 117 (Lee Boulevard, Phase I), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91H, Project 117 (Lee Boulevard, Phase I), shall consist of bearer notes numbered from 1 through 4 inclusive, each in the denomination of $100,000. Said notes shall be dated May 20, 1991, and shall have the stated maturity date of November 1, 1991. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.48% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

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 written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: 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.

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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.911% of the principal amount thereof.

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, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 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.

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 6th day of May, 1991.

SIGNED by the Mayor this 6th day of May, 1991.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

ORDINANCE NO. 1219

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-91E, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,100,000 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:

20-1,663. 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. 88-1-91E, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of One Million One Hundred Thousand Dollars ($1,100,000), which amount does not exceed the total estimated costs of said improvements.

20-1,664. Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-91E, Project 113, shall consist of bearer notes numbered from 1 through 11 inclusive,

each in the denomination of $100,000. Each of said notes shall be dated May 20, 1991, and shall have the stated maturity date of November 1, 1991. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 4.48% 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 at maturity.

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 written notice to known holder or by the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,665. Section Three: 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.

20-1,666. 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.911% of the principal amount thereof.

20-1,667. 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, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 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.

20-1,668. 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 6th day of May, 1991.

SIGNED by the Mayor this 6th day of May, 1991.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

THE LEGAL RECORD
P. O. Box 14151
Lenexa, KS 66215 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

5/7/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/7/91

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $80.28

Ord. 1219

ORD. 1219

First published in The Legal Record, Tuesday, May 7, 1991.

ORDINANCE NO. 1219

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-91E, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,100,000 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:

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. 88-1-91E, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of One Million One Hundred Thousand Dollars ($1,100,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-91E, Project 113, shall consist of bearer notes numbered from 1 through 11 inclusive, each in the denomination of $100,000. Each of said notes shall be dated May 20, 1991, and shall have the stated maturity date of November 1, 1991. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 4.48% 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 at maturity.

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 written notice to known holder or by the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: 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.

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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.911% of the principal amount thereof.

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, 1991, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 88-1-91A Tomahawk Creek Parkway	March 15, 1991	$ 700,000
(2)	Temporary Notes Series 91B Somerset, Sagamore-Belinder	March 15, 1991	$ 200,000
(3)	Temporary Notes Series 91C Police/Court/Fire #1 Remodel	March 15, 1991	$ 300,000
(4)	Temporary Notes Series 91D Mission Road, 103rd-College Blvd.	March 15, 1991	$ 100,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 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.

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 affect and be in force after its publication as provided by law.

PASSED by the Governing Body of the City of Leawood, Kansas, this 6th day of May, 1991.

SIGNED by the Mayor this 6th day of May, 1991.

(S E A L)
ATTEST:

Martha Heizer, City Clerk

Marcia Rinehart, Mayor

APPROVED AS TO FORM AND CONTENT:

/s/ R.S. Wetzler
R. S. Wetzler, City Attorney

ORDINANCE NO. 1218

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTIONS OF LEE BOULEVARD, A MAIN TRAFFICWAY, FROM 95TH STREET TO SOMERSET DRIVE, 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 obligation bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove certain portions of Lee Boulevard from 95th Street to Somerset Drive 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:

20-1,661. Section 1. It is hereby deemed and declared to be necessary to improve and reimprove certain portions of Lee Boulevard from 95th Street to Somerset Drive 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

20-1,662. 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 $2,339,100, and shall be chargeable to the City at large and may 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.

Passed by the Council the 6th day of May, 1991.

Approved by the Mayor this 6th day of May, 1991

Marcia Rinehart
Marcia Rinehart Mayor

ATTEST:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM

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

THE LEGAL RECORD
P. O. Box 14151
Lenexa, KS 66215 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

5/7/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/7/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $19.82

Ord. 1218

ORD. 1218

First published in The Legal Record, Tuesday, May 7, 1991.

ORDINANCE NO. 1218

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTIONS OF LEE BOULEVARD, A MAIN TRAFFICWAY, FROM 95TH STREET TO SOMERSET DRIVE, 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 obligation bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove certain portions of Lee Boulevard from 95th Street to Somerset Drive 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:

Section 1. It is hereby deemed and declared to be necessary to improve and reimprove certain portions of Lee Boulevard from 95th Street to Somerset Drive 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

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 $2,339,100, and shall be chargeable to the City at large and may 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.

Passed by the Council the 6th day of May, 1991.

Approved by the Mayor this 6th day of May, 1991

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

ATTEST:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM

/s/ R.S. Wetzler
R. S. Wetzler City Attorney

ORDINANCE NO. 1217

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF LEAWOOD SOUTH 6TH PLAT.

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

19-6,235. Section 1. That the following described utility easement shown on the plat of Leawood South 6th Plat, which was approved by the Governing Body December 19, 1977, is hereby vacated:

The North ten (10) feet of Lot 27, Block 25, Leawood South 6th Plat.

19-6,236. Section 2. That the City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

Section 3. That 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 May, 1991.

Approved by the Mayor the 6th day of May, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

ORDINANCE NO. 1217 **2048195** ORIGINAL COMPARED WITH RECORD

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF LEAWOOD SOUTH 6TH PLAT.

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

Section 1. That the following described utility easement shown on the plat of Leawood South 6th Plat, which was approved by the Governing Body December 19, 1977, is hereby vacated:

The North ten (10) feet of Lot 27, Block 25, Leawood South 6th Plat.

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

Section 3. That 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 May, 1991.

Approved by the Mayor the 6th day of May, 1991.

6 00 STATE OF KANSAS]SS
COUNTY OF JOHNSON]
FILED FOR RECORD

(S E A L) 1991 AUG 12 P 4:42 3

Marcia Rinehart
Marcia Rinehart Mayor

SARA F. ULLMANN
REGISTER OF DEEDS

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

CERTIFICATE

State of Kansas)
County of Johnson)
City of Leawood)

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1217 as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said City this 9th day of August, 1991.

6 cc ck (S E A L)

Martha Heizer
Martha Heizer

City of Leawood
9617 Lee Blvd.
Leawood, Ks. 66206

City of Leawood

August 9, 1991

Beverly L. Baker, County Clerk
Johnson County Courthouse
Olathe, Kansas 66061

Dear Mrs. Baker:

Enclosed is a certified copy of Leawood's Ordinance No. 1217 sent in accordance with Section 2 of said Ordinance.

Sincerely,

Martha Heizer

Martha Heizer
City Clerk

Encl.

9617 Lee Boulevard • Leawood, Kansas 66206 • (913) 642-5555

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

ORD. 1217

First published in The Legal Record, Tuesday, August 6, 1991.

ORDINANCE NO. 1217

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF LEAWOOD SOUTH 6TH PLAT.

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

Section 1. That the following described utility easement shown on the plat of Leawood South 6th Plat, which was approved by the Governing Body December 19, 1977, is hereby vacated:

The North ten (10) feet of Lot 27, Block 25, Leawood South 6th Plat.

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

Section 3. That 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 May, 1991.

Approved by the Mayor the 6th day of May, 1991.

(S E A L)

Marcia Rinehart, Mayor

Attest:

Martha Heizer, City Clerk

APPROVED AS TO FORM: R.S. Wetzler, City Attorney

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

8/6/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/6/91

Sharon Lefring
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $12.60

Ord. 1217

ORDINANCE NO. 1216

AN ORDINANCE AMENDING THE 1990 LEAWOOD DEVELOPMENT ORDINANCE BY ADDING THERETO ARTICLE 9, "SUBDIVISIONS AND LOT SPLITS"; AND REPEALING "SUBDIVISION REGULATIONS, FINAL REVISED EDITION OF JANUARY 16, 1978".

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

Section 1. Leawood Development Ordinance Amended. That the Leawood Development Ordinance, as adopted by reference by Section 16-201 of the Code of the City of Leawood, is hereby amended by adding thereto Article 9, entitled "Subdivisions and Lot Splits", which is hereby incorporated in this ordinance as fully as if set forth herein pursuant to K.S.A. 12-3009, K.S.A. 12-3010 and K.S.A. 12-3301, for the purpose of providing subdivision regulations within the City of Leawood, Kansas. Three copies of Article 9 shall be on file in the Office of the City Clerk.

Section 2. Repeal of Existing Article. That existing Article 4 (Subdivision Regulations) of Chapter 16 of the Code of the City of Leawood is hereby repealed.

Section 3. Take Effect. That 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 May, 1991.

Approved by the Mayor the 6th day of May, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
P. O. Box 14151
Lenexa, KS 66215 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

5/7/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/7/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $14.82

Ord. 1216

ORD. 1216

First published in The Legal Record, Tuesday, May 7, 1991.

ORDINANCE NO. 1216

AN ORDINANCE AMENDING THE 1990 LEAWOOD DEVELOPMENT ORDINANCE BY ADDING THERETO ARTICLE 9, "SUBDIVISIONS AND LOT SPLITS"; AND REPEALING "SUBDIVISION REGULATIONS, FINAL REVISED EDITION OF JANUARY 16, 1978".

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

Section 1. Leawood Development Ordinance Amended. That the Leawood Development Ordinance, as adopted by reference by Section 16-201 of the Code of the City of Leawood, is hereby amended by adding thereto Article 9, entitled "Subdivisions and Lot Splits", which is hereby incorporated in this ordinance as fully as if set forth herein pursuant to K.S.A. 12-3009, K.S.A. 12-3010 and K.S.A. 12-3301, for the purpose of providing subdivision regulations within the City of Leawood, Kansas. Three copies of Article 9 shall be on file in the Office of the City Clerk.

Section 2. Repeal of Existing Article. That existing Article 4 (Subdivision Regulations) of Chapter 16 of the Code of the City of Leawood is hereby repealed.

Section 3. Take Effect. That 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 May, 1991.

Approved by the Mayor the 6th day of May, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler
R.S. Wetzler City Attorney

ORDINANCE NO. 1215

AN ORDINANCE GRANTING KANSAS CITY POWER & LIGHT COMPANY, ITS GRANTEES, SUCCESSORS AND ASSIGNS, THE RIGHT AND FRANCHISE TO CONSTRUCT AND MAINTAIN ALL WORKS AND PLANTS NECESSARY OR PROPER FOR SUPPLYING CONSUMERS WITH ELECTRIC ENERGY, GRANTING TO SAID COMPANY THE RIGHT TO USE THE STREETS, ALLEYS AND ALL OTHER PUBLIC PLACES, PROVIDING FOR COMPENSATION FROM SUCH COMPANY FOR SAID RIGHT AND FRANCHISE PRESCRIBING THE TERMS OF AND RELATING TO SUCH FRANCHISE, AND REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF.

WHEREAS, Kansas City Power & Light Company (herein called the Company) is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri, and admitted to do business under the laws of the state of Kansas as a foreign corporation for the purpose of generating and distributing electric energy, and

WHEREAS, the Company is operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas and has heretofore built or proposes to build its transmission lines into or through the City of Leawood, Kansas (herein called the City), and

WHEREAS, the parties hereto desire that the Company continue furnishing electric energy to consumers in said City and expand said services as necessary to serve the needs of the Leawood community.

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

SECTION ONE: Franchise Granted. In consideration of the benefits to be derived by the City and the inhabitants thereof from the construction, operation and maintenance of an electric light and power transmission and distribution system and the supplying of electric energy to the public and in consideration of the payments required hereunder, a franchise is hereby granted to the Company and to its successors and assigns, for the term of five years with five automatic one year extensions thereafter not to exceed ten years from the effective date hereof (provided however that either party may terminate this Ordinance after the initial five year period by giving at least six (6) months prior written notice to the other party), and authority is granted to construct, operate and maintain in the existing and any future extended corporate limits of the City all appropriate facilities and plants for carrying on a power and light busi-

ness and all other operations connected therewith or incident thereto for the purpose of supplying the City and outlying areas with electric power and energy in such forms as may be reasonably required for domestic, commercial, industrial, municipal and other purposes and to produce and supply such energy by manufacture, generation, purchase or otherwise, and to transmit and distribute same by means of underground or overhead lines or otherwise, and for any and all said purposes it is authorized pursuant to the terms and conditions of this Ordinance, (i) to construct, install, replace and remove conduits or other underground facilities for the installation and protection of its underground wire and cables, (ii) to place power poles, guys, and anchors for its overhead wires on all streets, alleys, avenues, bridges, parking and other public places or thoroughfares, (iii) to hereafter place underground feeder and or transmission facilities in City parks at the expense of KCPL or other party, causing no expense to the City, [a "feeder" line, as used herein, shall be defined as an electrical circuit which provides a rated capacity of three thousand (3,000) KVA and electricity directly from a power substation], (iv) to place lamp posts, cables and street lights when requested or authorized by the City, (v) to construct, erect and maintain all buildings, machinery and attachments of any and every kind for any and all of said purposes, and (vi) to enter upon any and all of said public places within the corporate limits of the City as they now exist or may hereafter be opened, widened, extended, laid out and established, including any other territory hereafter added thereto or coming under the City's jurisdiction, and to trim trees upon and overhanging such places and make such excavations thereon as may be appropriate for the construction, repair and renewal of the Company's overhead and underground facilities and plants.

SECTION TWO: Excavation and Construction Affecting Right of Way. Any pavements, sidewalks or curbing taken up, any and all excavations made and all other construction performed pursuant to this Ordinance shall be done under the supervision and direction of the Governing Body of said City under all necessary permits paid and issued for the work, and shall be made and done in such a manner as to give the least inconvenience to the inhabitants of the City and the public generally, and pavements, sidewalks, curbing and excavations shall be replaced and repaired in as good or better condition as before with all convenient speed, all by and at the expense of the Company. The City by written order of a legally authorized officer of the City may require the Company to relocate on said public rights-of-way any of its facilities which are then on public rights of way in conjunction with and because of a public improvement project paid for by public or benefit district funds and affecting said public rights-of-way. Such relocation shall be at the

Company's sole expense.

SECTION THREE: Rates, Placement of Facilities, Avoidance of Damage or Injury, Proposed Construction of Facilities. During the continuance of this Franchise, the Company shall construct, maintain and operate its transmission and distribution system within the City and shall furnish electric energy to the City and its inhabitants as they may require in accordance with the terms of this Franchise, the rates, charges, rules and regulations now on file with the State Corporation Commission of the State of Kansas, or such revision of rates, charges, rules and regulations as may be lawfully established from time to time in accordance with the laws of the State of Kansas. The Company's facilities shall be placed in such a manner as to interfere with and obstruct as little as reasonably possible the ordinary use of the streets, alleys, lanes and highways of said City, and shall not unduly interfere with any gas main, water main, sewer laid out or constructed, or with any public improvement laid out, constructed or planned at the time of said placement. The Company shall, at all times in the construction, maintenance and operation of its electric transmission, distribution and street lighting system, use all reasonable and proper precautions to avoid damage or injury to persons or property, and shall hold and save harmless said City from any and all damage, injury and expense caused by the sole negligence or intentional acts or omissions of the Company, its successors and assigns. KCPL and the City shall meet annually and shall provide advance notice of all known proposed new construction and all proposed relocation of KCPL facilities whether on public right of way or private easement within the City to such person(s) as the Governing Body may designate. If the Governing Body's designated person(s) informs KCPL that an item of proposed new construction or relocation on private easement may interfere with, be affected by or otherwise obstruct any planned or proposed public improvement of the City as documented in the City's Capital Improvements Program, and KCPL nevertheless proceeds to construct or relocate said item as proposed, KCPL shall be solely responsible for any subsequent costs of relocation and/or removal of said item required by said public improvement. Should KCPL need to construct facilities outside the parameters of the City's Capital Improvements Program, KCPL will make every reasonable effort available, short of actually purchasing or condemning right of way, to locate on what will be future unobstructed public right of way in accordance with the City's Master Plan. Should KCPL's efforts fail the City will attempt to aid in securing such public right of way. Should the combined efforts of the City and KCPL not prove successful, the cost of future relocation of these KCPL facilities due to public improvements will be split equally by the two parties. Agreement between the

parties regarding responsibility for payment of future relocation costs will be formalized through the City's formal permitting process.

SECTION FOUR: Acts of God or Other Occurrences Interrupting Service by Company. Nothing contained herein shall be construed as a guarantee upon the part of the Company to furnish uninterrupted service, and interruptions due to acts of God, fire, strikes, civil or military authority, Orders of Court and other causes reasonably beyond the control of the Company are specifically exempt from the terms of this Section.

SECTION FIVE: Consideration for Franchise. In further consideration for the rights, privileges and franchise hereby granted, the Company agrees to pay to the City of Leawood, Kansas, and in lieu of occupation license, privilege and all other taxes and fees (excluding all fees associated with required permits under this ordinance), five percent (5%) of the total of the gross receipts for electric energy sold by the Company to all consumers located in the present or future corporate boundaries of the City of Leawood during the term of this Franchise. Any consideration hereunder shall be reported and paid to the City by the Company on a monthly basis, reflecting such electric energy sold and billed in the prior month. The term "gross receipts"' as applied to the sales of electricity for domestic, commercial or industrial purposes and as used in this section shall not include (1) the electric energy sold to the United States or the State of Kansas or to any agency or political subdivision thereof, (2) the electrical energy sold to public utilities, educational institutions not operating for profit, churches and charitable institutions and (3) the electrical energy sold for resale. The City of Leawood agrees to accept as adequate compensation and consideration for the franchise hereby granted the payments under this section and the other undertakings of the company under this ordinance.

SECTION SIX: Effective Date of Ordinance. All provisions of this Ordinance shall be binding upon and inure to the benefit of the Company, its grantees and its successors and assigns and shall not take effect and be in force until after the expiration of sixty (60) days from the date of its' final publication, and upon acceptance in writing by KCPL. If within sixty (60) days no acceptance is filed with the City, then this Ordinance shall be ipso facto, absolutely, null and void.

SECTION SEVEN: Franchise Granted Pursuant to Statute. This Franchise is granted pursuant to the provisions of K.S.A. 12-2001, and shall take effect and be in force as therein provided.

First Reading: 3/18/91 ; Second Reading: 4/1/91 ; Third Reading: 4/15/91 .

Passed by the Council the 15th day of April, 1991.

Approved by the Mayor the 15th day of April, 1991.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

July 1, 1991

TO: Kansas City Power & Light Company

FROM: Office of the City Clerk, City of Leawood, Kansas

SUBJECT: Petition for Popular Vote on Franchise Ordinance No. 1215

The undersigned, City Clerk of the City of Leawood, Kansas, hereby certifies that as of this date, being at least sixty-one days after final publication on April 30, 1991 of Franchise Ordinance No. 1215, no petition has been presented to the Governing Body, pursuant to K.S.A. 12-2001(b)(6), asking that Franchise Ordinance No. 1215 be submitted for adoption by popular vote.

Given under my hand and the seal of the City of Leawood, Kansas, this 1st day of July, 1991.

Martha Herzer
City Clerk

cc: City Admin.
Asst. City Admin.
Fin. Dir.

KANSAS CITY POWER & LIGHT COMPANY
1330 BALTIMORE AVENUE
P.O. BOX 418679
KANSAS CITY, MISSOURI 64141-9679

May 1, 1991

City Clerk
Leawood, Kansas

RE: Acceptance of Franchise Ordinance

Dear Madam:

Under the provisions of Ordinance No. 1215 of the City of Leawood, Kansas, the City granted to Kansas City Power & Light Company a franchise to construct, operate and maintain an electric light and power transmission and distribution system within the City. Section 6 of the Ordinance requires Kansas City Power & Light Company to file its written acceptance of the provisions of the Ordinance within 60 days from and after the Ordinance's passage.

You are hereby notified that Kansas City Power & Light Company does now accept the provisions of said Ordinance and agrees to comply with the same.

Dated this 2nd day of May, 1991.

Kansas City Power & Light Company

By C R Cole
C.R. Cole
Vice President, Customer Services

Attest: Lenia Lee Lafo
Assistant Secretary

CERTIFICATE

I, City Clerk of the City of Leawood, Kansas do hereby certify that the above and foregoing is a true and correct copy of the acceptance by Kansas City Power & Light Company of the above-mentioned Ordinance, said Acceptance having been filed in my office on this 17th day of May, 1991.

Given over my hand and the seal of the City of Leawood, Kansas this 17th day of May, 1991.

Martha Hezzer
City Clerk

cc: DG
JB/FYI

KANSAS CITY POWER & LIGHT COMPANY
1330 BALTIMORE AVENUE
P. O. BOX 418679
KANSAS CITY, MISSOURI 64141-9679

LAW DEPARTMENT
(816) 556-2785

RECEIVED
APR 24 1991
CITY OF LEAWOOD

April 23, 1991

Mr. Richard Price
State Corporation Commission
1500 S.W. Arrowhead
Topeka, Kansas 66604

RE: Franchise Ordinance
City of Leawood

Dear Mr. Price:

Enclosed for filing and review by the Commission, pursuant to its March 18, 1988, Order in Docket No. 134,095-U, are seven copies of the Leawood, Kansas Ordinance No. 1215.

The franchise is for the term of five (5) years with five automatic one year extensions thereafter not to exceed ten years from the effective date. The Ordinance provides for a gross receipts charge of 5%.

The previous, one year term, franchise KCPL had with Leawood was considered by both parties to be an interim measure while the parties continued negotiations on a long-term franchise. The Notice to Electors published prior to the one-year franchise was considered adequate for this long-term franchise, since franchise negotiations continued beyond the passage of the one-year franchise. KCPL filed copies of this Notice to Electors concurrently with its filing of the one-year franchise.

An extra copy of this letter is enclosed, and I request that you stamp it "FILED" and return it to me in the enclosed self-addressed envelope.

Very truly yours,

Colleen Conroy

Colleen Conroy
Legal Assistant

Enc.
cc:w/o enc.: Mr. Ted Hady
Ms. Martha Heizer

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:
Mr. Ted Hady
Kansas City Power & Light Co.
8730 Neiman Rd.
Overland Park KS 66214

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 2 consecutive week(s) as follows:

4/23/91 4/30/91

Debra L. Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
4/30/91

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $133.38

Leawood Ordinance 1215

ORD. 1215

First published in The Legal Record, Tuesday, April 23, 1991.

ORDINANCE NO. 1215

AN ORDINANCE GRANTING KANSAS CITY POWER & LIGHT COMPANY, ITS GRANTEES, SUCCESSORS AND ASSIGNS, THE RIGHT AND FRANCHISE TO CONSTRUCT AND MAINTAIN ALL WORKS AND PLANTS NECESSARY OR PROPER FOR SUPPLYING CONSUMERS WITH ELECTRIC ENERGY, GRANTING TO SAID COMPANY THE RIGHT TO USE THE STREETS, ALLEYS AND ALL OTHER PUBLIC PLACES, PROVIDING FOR COMPENSATION FROM SUCH COMPANY FOR SAID RIGHT AND FRANCHISE PRESCRIBING THE TERMS OF AND RELATING TO SUCH FRANCHISE, AND REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF.

WHEREAS, Kansas City Power & Light Company (herein called the Company) is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri, and admitted to do business under the laws of the state of Kansas as a foreign corporation for the purpose of generating and distributing electric energy, and

WHEREAS, the Company is operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas and has heretofore built or proposes to build its transmission lines into or through the City of Leawood, Kansas (herein called the City), and

WHEREAS, the parties hereto desire that the Company continue furnishing electric energy to consumers in said City and expand said services as necessary to serve the needs of the Leawood community.

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

SECTION ONE: Franchise Granted. In consideration of the benefits to be derived by the City and the inhabitants thereof from the construction, operation and maintenance of an electric light and power transmission and distribution system and the supplying of electric energy to the public and in consideration of the payments required hereunder, a franchise is hereby granted to the Company and to its successors and assigns, for the term of five years with five automatic one year extensions thereafter not to exceed ten years from the effective date hereof (provided however that either party may terminate this Ordinance after the initial five year period by giving at least six (6) months prior written notice to the other party), and authority is granted to construct, operate and maintain in the existing and any future extended corporate limits of the City all appropriate facilities and plants for carrying on a power and light business and all other operations connected therewith or incident thereto for the purpose of supplying the City and outlying areas with electric power and energy in such forms as may be reasonably required for domestic, commercial, industrial, municipal and other purposes and to produce and supply such energy by manufacture, generation, purchase or otherwise, and to transmit and distribute same by means of underground or overhead lines or otherwise, and for any and all said purposes it is authorized pursuant to the terms and conditions of this Ordinance, (i) to construct, install, replace and remove conduits or other underground facilities for the installation and protection of its underground wire and cables, (ii) to place power poles, guys, and anchors for its overhead wires on all streets, alleys, avenues, bridges, parking and other public places or thoroughfares, (iii) to hereafter place underground feeder and or transmission facilities in City parks at the expense of KCPL or other party, causing no expense to the City, [a "feeder" line, as used herein, shall be defined as an electrical circuit which provides a rated capacity of three thousand (3,000) KVA and electricity directly from a power substation], (iv) to place lamp posts, cables and street lights when requested or authorized by the City, (v) to construct, erect and maintain all buildings, machinery and attachments of any and every kind for any and all of said purposes, and (vi) to enter upon any and all of said public places within the corporate limits of the City as they now exist or may hereafter be opened, widened, extended, laid out and established, including any other territory hereafter added thereto or coming under the City's jurisdiction, and to trim trees upon and overhanging such places and make such excavations thereon as may be appropriate for the construction, repair and renewal of the Company's overhead and underground facilities and plants.

SECTION TWO: Excavation and Construction Affecting Right of Way. Any pavements, sidewalks or curbing taken up, any and all excavations made and all other construction performed pursuant to this Ordinance shall be done under the supervision and direction of the Governing Body of said City under all necessary permits paid and issued for the work, and shall be made and done in such a manner as to give the least inconvenience to the inhabitants of the City and the public generally, and pavements, sidewalks, curbing and excavations shall be replaced and repaired in as good or better condition as before with all convenient speed, all by and at the expense of the Company. The City by written order of a legally authorized officer of the City may require the Company to relocate on said public rights-of-way any of its facilities which are then on public rights of way in conjunction with and because of a public improvement project paid for by public or benefit district funds and affecting said public rights-of-way. Such relocation shall be at the Company's sole expense.

SECTION THREE: Rates, Placement of Facilities, Avoidance of Damage or Injury, Proposed Construction of Facilities. During the continuance of this Franchise, the Company shall construct, maintain and operate its transmission and distribution system within the City and shall furnish electric energy to the City and its inhabitants as they may require in accordance with the terms of this Franchise, the rates, charges, rules and regulations now on file with the State Corporation Commission of the State of Kansas, or such revision of rates, charges, rules and regulations as may be lawfully established from time to time in accordance with the laws of the State of Kansas. The Company's facilities shall be placed in such a manner as to interfere with and obstruct as little as reasonably possible the ordinary use of the streets, alleys, lanes and highways of said City, and shall not unduly interfere with any gas main, water main, sewer laid out or constructed, or with any public improvement laid out, constructed or planned at the time of said placement. The Company shall, at all times in the construction, maintenance and operation of its electric transmission, distribution and street lighting system, use all reasonable and proper precautions to avoid damage or injury to persons or property, and shall hold and save harmless said City from any and all damage, injury and expense caused by the sole negligence or intentional acts or omissions of the Company, its successors and assigns. KCPL and the City shall meet annually and shall provide advance notice of all known proposed new construction and all proposed relocation of KCPL facilities whether on public right of way or private easement within the City to such person(s) as the Governing Body may designate. If the Governing Body's designated person(s) informs KCPL that an item of proposed new construction or relocation on private easement may interfere with, be affected by or otherwise obstruct any planned or proposed public improvement of the City as documented in the City's Capital Improvements Program, and KCPL nevertheless proceeds to construct or relocate said item as proposed, KCPL shall be solely responsible for any subsequent costs of relocation and/or removal of said item required by said public improvement. Should KCPL need to construct facilities outside the parameters of the City's Capital Improvements Program, KCPL will make every reasonable effort available, short of actually purchasing or condemning right of way, to locate on what will be future unobstructed public right of way in accordance with the City's Master Plan. Should KCPL's efforts fail the City will attempt to aid in securing such public right of way. Should the combined efforts of the City and KCPL not prove successful, the cost of future relocation of these KCPL facilities due to public improvements will be split equally by the two parties. Agreement between the parties regarding responsibility for payment of future relocation costs will be formalized through the City's formal permitting process.

SECTION FOUR: Acts of God or Other Occurrences Interrupting Service by Company. Nothing contained herein shall be construed as a guarantee upon the part of the Company to furnish uninterrupted service, and interruptions due to acts of God, fire, strikes, civil or military authority, Orders of Court and other causes reasonably beyond the control of the Company are specifically exempt from the terms of this Section.

SECTION FIVE: Consideration for Franchise. In further consideration for the rights, privileges and franchise hereby granted, the Company agrees to pay to the City of Leawood, Kansas, and in lieu of occupation license, privilege and all other taxes and fees (excluding all fees associated with required permits under this ordinance), five percent (5%) of the total of the gross receipts for electric energy sold by the Company to all consumers located in the present or future corporate boundaries of the City of Leawood during the term of this Franchise. Any consideration hereunder shall be reported and paid to the City by the Company on a monthly basis, reflecting such electric energy sold and billed in the prior month. The term "gross receipts" as applied to the sales of electricity for domestic, commercial or industrial purposes and as used in this section shall not include (1) the electric energy sold to the United States or the State of Kansas or to any agency or political subdivision thereof, (2) the electrical energy sold to public utilities, educational institutions not operating for profit, churches and charitable institutions and (3) the electrical energy sold for resale. The City of Leawood agrees to accept as adequate compensation and consideration for the franchise hereby granted the payments under this section and the other undertakings of the company under this ordinance.

SECTION SIX: Effective Date of Ordinance. All provisions of this Ordinance shall be binding upon and inure to the benefit of the Company, its grantees and its successors and assigns and shall not take effect and be in force until after the expiration of sixty (60) days from the date of its final publication, and upon acceptance in writing by KCPL. If within sixty (60) days no acceptance is filed with the City, then this Ordinance shall be ipso facto, absolutely, null and void.

SECTION SEVEN: Franchise Granted Pursuant to Statute. This Franchise is granted pursuant to the provisions of K.S.A. 12-2001, and shall take effect and be in force as therein provided.

First Reading: 3/18/91; Second Reading: 4/1/91; Third Reading: 4/15/91.

Passed by the Council the 15th day of April, 1991.

Approved by the Mayor the 15th day of April, 1991.

(S E A L)

Marcia Rinehart — Mayor

Attest:

Martha Heizer — City Clerk

APPROVED AS TO FORM: R.S. Wetzler — City Attorney

ORDINANCE NO. 1214 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD, KANSAS, BY ADDING THERETO SECTION 1-413 OF CHAPTER 1 (ADMINISTRATION) RELATING TO THE DUTIES OF THE DIRECTOR OF PARKS AND RECREATION.

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

Section 1. Code Amended. That the Code of the City of Leawood is hereby amended by adding thereto Section 1-413 which reads as follows:

1-413. DIRECTOR OF PARKS AND RECREATION. The Director of Parks and Recreation shall have the general supervisory control of the operation of the parks and recreation department, including parks and facility maintenance, recreation programming, facility development, special events and pool administration. The Director shall also serve as advisor to the Parks and Recreation Advisory Board.

Section 2. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 1st day of April, 1991.

Approved by the Mayor the 1st day of April, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

4/2/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
4/2/91

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $14.08

Ord. 1214C

ORD. 1214 C
First published in The Legal Record, Tuesday, April 2, 1991.

ORDINANCE NO. 1214 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD, KANSAS, BY ADDING THERETO SECTION 1-413 OF CHAPTER 1 (ADMINISTRATION) RELATING TO THE DUTIES OF THE DIRECTOR OF PARKS AND RECREATION.

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

Section 1. Code Amended. That the Code of the City of Leawood is hereby amended by adding thereto Section 1-413 which reads as follows:

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Section 2. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 1st day of April, 1991.

Approved by the Mayor the 1st day of April, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

ORDINANCE NO. 1213 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD COMBINING THE OPERATIONS OF THE LEAWOOD RECREATION COMMISSION AND THE PARKS DEPARTMENT PURSUANT TO K.S.A. 12-1929 (1989 SUPP.), ESTABLISHING A PARKS AND RECREATION ADVISORY BOARD AS AUTHORIZED BY K.S.A. 12-1930 (1989 SUPP.), AND REPEALING AND AMENDING EXISTING PROVISIONS OF THE CODE DEALING WITH THE SAME SUBJECT.

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

Section 1. Code Amended. That Article 1 and Article 2 of Chapter XII of the Code of the City of Leawood are hereby amended to read as follows:

ARTICLE 1. PARKS AND RECREATION ADVISORY BOARD

12-101. PARKS AND RECREATION ADVISORY BOARD ESTABLISHED. There is hereby created a Parks and Recreation Advisory Board consisting of five members appointed by the governing body. All members shall be qualified electors of the city.

12-102. MEMBERSHIP AND QUALIFICATIONS. All members of the recreation commission at the date of the adoption of this ordinance shall constitute the initial park and recreation advisory board. Members shall serve upon such park and recreation advisory board for the term for which they were appointed to the recreation commission and upon the expiration of the term of any member, appointment shall be made to fill such position for a term of four years. Whenever a vacancy shall occur in the membership of the commission, an elector shall be selected to fill the vacancy in the same manner as and for the unexpired term of the member he or she is succeeding.

12-103. POWERS AND DUTIES. The governing body shall refer all major proposals and propositions for the construction, reconstruction and improvement of public parks and recreational facilities including the acquisition of land for park purposes, the acquisition of major recreational equipment and facilities and the institution of new programs in the recreational system to such board. The board shall make reports and recommendations to the governing body on all matters referred to it and any further recommendations as deemed advisable. Such reports shall be made within a time fixed by the governing body at the time the proposal or proposition is submitted to the board and no action shall be taken thereafter by the governing body

upon any such proposal or proposition until the reports and recommendations thereon have been received from the board. The governing body of the city shall take action upon the reports and recommendations received from the advisory board within 30 days after their receipt. The governing body may extend the time as it deems necessary to give the matter further attention before action is taken.

ARTICLE 2. PARK REGULATIONS

12-201. PARK HOURS. (a) All parks with the exception of all trails shall be closed between the hours of 11:00 p.m. and 6:00 a.m. during the period from April 1st to October 1st during which central daylight savings time shall be in force in the city; and between the hours of 9:00 p.m. and 7:00 a.m. during the balance of the year.

(b) All trails within all city parks shall be closed one-half hour after sunset until one-half hour before sunrise during the calendar year.

(c) Any or all parks may be closed temporarily, or opening hours extended temporarily, in case of emergency, adverse weather, or unusual circumstances, as determined by the Director of Parks and Recreation, or his or her designee.

(d) It shall be unlawful for any person to be in any city park during the hours in which it is closed.

12-202. PROHIBITION OF USE BY OTHERS. The Director of Parks and Recreation is empowered to allow reservation of park facilities. It shall be unlawful for any person or persons to occupy, use or attempt to control the occupation or use of any park facilities or portion thereof after being notified that a written reservation for exclusive use of the same has been issued by the Director of Parks and Recreation's designee during the period of time set forth in said reservation, and no person or persons shall continue to use or attempt to use any such park facility after said written reservation has been issued for said purpose and time. Any person failing to vacate such park facility promptly after being informed of such reservation shall be subject to arrest for violation of this ordinance. The foregoing is not intended to prohibit the free and unrestricted use of the park facilities by persons without written

reservation as long as no such reservation has been issued by the Director of Parks and Recreation or his or her designee.

12-203. PROHIBITED VEHICLES. (a) Go-carts, racing- type motorbikes or motorcycles and other similar vehicles not licensed for public roadway driving shall be prohibited within the city parks. Non-motorized bicycles shall be permitted upon the roads in the city parks, providing that the bicycles are operated only in those areas designated for motor vehicle traffic except when being walked to or from an authorized bicycle parking area or upon a designated bike trail.

(b) Trucks over 1 1/2 tons are hereby prohibited, except for maintenance and delivery vehicles, unless permission therefor has been granted in writing by the Director of Parks and Recreation or his or her designee.

(c) Driving of any motorized or non-motorized vehicles off any hard surface improved roadway is prohibited except in the case of authorized maintenance and emergency vehicles.

(d) Driving a motorized vehicle on jogging and bicycle trails is prohibited except for maintenance and emergency vehicles.

12-204. CAMPING PROHIBITED. Overnight camping is hereby prohibited in city parks.

12-205. BRIDLE PATH. It shall be unlawful for any owner of any horse to allow his or her animal to be outside the confines of the designated bridle path of any Leawood city park.

12-206. HUNTING AND FISHING PROHIBITED; EXCEPTION FOR FISHING IN PUBLIC WATERS. No person shall pursue, catch, trap, maim, kill, shoot or take any wildlife, either bird or animal, except at the specific authorization of the Governing Body, in any manner at any time except that fishing is permitted in public water within public parks in the City of Leawood during the hours that said parks are open to the public. Fishermen shall use fishing rods and/or reels only, shall possess a valid Kansas State fishing license, and shall obey all Kansas State fishing regulations and all City ordinances relating to the use of City parks.

repealed by Ord. # 1316C, 10/5/92

12-207. CARRYING OF WEAPONS PROHIBITED. It shall be unlawful for any person other than a law enforce-

ment officer to carry a firearm in any city park.

12-208. FIRES. Fires may be built only in the ovens, stoves, or grills provided for that purpose by the city, and must be extinguished by the person, persons or parties starting such fires, immediately after use thereof.

12-209. SANITATION. All waste material, paper, trash, rubbish, tin cans, bottles, containers, garbage and refuse of any kind whatsoever shall be deposited in disposal containers provided for such purposes. No such waste or contaminating material shall be discarded otherwise. No sticks, stones, trash or other objects shall be thrown or discarded in or on any park lands, fountains, pools, drinking fountains, sanitary facilities, or other improvements.

12-210. PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND BEER. It shall be unlawful for any person or persons to use, consume or have on the premises of any park or other city property within the city, any alcoholic liquor, or cereal malt beverage.

12-211. PARKING. (a) Parking is permitted in designated, marked parking areas only unless specifically directed by a law enforcement officer.

(b) Parking is prohibited on or along roadways unless specifically directed by a law enforcement officer.

(c) The chief of police is authorized by the governing body to post "no parking" signs within the city parks.

(d) Parking in other than designated areas shall be deemed to be a violation of this article.

(e) Overnight parking is prohibited except for vehicles which are disabled.

12-212. PRESERVATION OF NATURAL STATE. No person shall take, injure, or disturb any live or dead tree, plant, shrub, or flower, or otherwise interfere with the natural state of city parks.

12-213. SWIMMING. Swimming is prohibited in city parks except in pools constructed for that purpose.

12-214. PLAYING FIELDS. The Director of Parks and Recreation or his or her designee shall have the authority to close any playing field for

maintenance or for damage prevention. Closed fields shall be conspicuously posted, and any use of a closed field is prohibited.

12-215. DOGS IN THE CITY PARKS. It shall be unlawful for any owner or keeper of any dog to allow his or her animal, except a seeing eye dog, to be outside the confines of:

Repealed by: ORDINANCE NO. 1328C Adopted: 2/21/92 Effective: _____

(a) The designated dog exercise area: all dogs shall be leashed, leash to be in hand of owner or keeper.

(b) Tomahawk Creek Greenway: all dogs shall be leashed, leash to be in hand of owner or keeper.

(c) Brook Beatty Park: all dogs shall be leashed, leash to be in hand of owner or keeper.

(d) This section shall not be construed as prohibiting dogs from other areas of the parks when within the confines of vehicles.

12-216. GENERAL REGULATIONS. The governing body may authorize the Director of Parks and Recreation to post such rules and regulations approved by the governing body pertaining to the use of the city parks in a conspicuous place in each city park. Violations of these posted rules shall also constitute a violation under the penalty provisions of this article.

12-217. PENALTY. Any person violating any of the provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished by a fine of not more than $500.00 for each such offense. Each and every day that such violation continues shall constitute a separate offense.

Section 2. Validity of Ordinance. That the City of Leawood, Kansas, hereby declares that should any article, paragraph, sentence or word of this ordinance be declared for any reason to be invalid, it is the intent of the City of Leawood that it would have passed all other portions of this ordinance independent of the elimination herefrom of any portion as may be declared invalid.

Section 3. Repeal of Existing Sections. That existing Article 1, titled, Board of Park Commissioners; Article 2, titled, Park Regulations; and Article 3, titled, Recreation Commission, of the Code of the City of Leawood are hereby repealed. (Prior law: Section 12-206 amended previously by Ord. No. 1148C)

Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 1st day of April, 1991.

Approved by the Mayor the 1st day of April, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-574

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

4/2/91

Legal Notices Administrator

Subscribed and sworn to before me on this date:
4/2/91

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $81.51

ORD. 1213 C

ORDINANCE NO. 1213 C First published in The Legal Record, Tuesday, April 2, 1991.

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD COMBINING THE OPERATIONS OF THE LEAWOOD RECREATION COMMISSION AND THE PARKS DEPARTMENT PURSUANT TO K.S.A. 12-1929 (1989 SUPP.), ESTABLISHING A PARKS AND RECREATION ADVISORY BOARD AS AUTHORIZED BY K.S.A. 12-1930 (1989 SUPP.), AND REPEALING AND AMENDING EXISTING PROVISIONS OF THE CODE DEALING WITH THE SAME SUBJECT.

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

Section 1. Code Amended. That Article 1 and Article 2 of Chapter XII of the Code of the City of Leawood are hereby amended to read as follows:

ARTICLE 1. PARKS AND RECREATION ADVISORY BOARD

12-101. PARKS AND RECREATION ADVISORY BOARD ESTABLISHED. There is hereby created a Parks and Recreation Advisory Board consisting of five members appointed by the governing body. All members shall be qualified electors of the city.

12-102. MEMBERSHIP AND QUALIFICATIONS. All members of the recreation commission at the date of the adoption of this ordinance shall constitute the initial park and recreation advisory board. Members shall serve upon such park and recreation advisory board for the term for which they were appointed to the recreation commission and upon the expiration of the term of any member, appointment shall be made to fill such position for a term of four years. Whenever a vacancy shall occur in the membership of the commission, an elector shall be selected to fill the vacancy in the same manner as and for the unexpired term of the member he or she is succeeding.

12-103. POWERS AND DUTIES. The governing body shall refer all major proposals and propositions for the construction, reconstruction and improvement of public parks and recreational facilities including the acquisition of land for park purposes, the acquisition of major recreational equipment and facilities and the institution of new programs in the recreational system to such board. The board shall make reports and recommendations to the governing body on all matters referred to it and any further recommendations as deemed advisable. Such reports shall be made within a time fixed by the governing body at the time the proposal or proposition is submitted to the board and no action shall be taken thereafter by the governing body upon any such proposal or proposition until the reports and recommendations thereon have been received from the board. The governing body of the city shall take action upon the reports and recommendations received from the advisory board within 30 days after their receipt. The governing body may extend the time as it deems necessary to give the matter further attention before action is taken.

ARTICLE 2. PARK REGULATIONS

12-201. PARK HOURS. (a) All parks with the exception of all trails shall be closed between the hours of 11:00 p.m. and 6:00 a.m. during the period from April 1st to October 1st during which central daylight savings time shall be in force in the city; and between the hours of 9:00 p.m. and 7:00 a.m. during the balance of the year.

(b) All trails within all city parks shall be closed one-half hour after sunset until one-half

hour before sunrise during the calendar year.

(c) Any or all parks may be closed temporarily, or opening hours extended temporarily, in case of emergency, adverse weather, or unusual circumstances, as determined by the Director of Parks and Recreation, or his or her designee.

(d) It shall be unlawful for any person to be in any city park during the hours in which it is closed.

12-202. PROHIBITION OF USE BY OTHERS. The Director of Parks and Recreation is empowered to allow reservation of park facilities. It shall be unlawful for any person or persons to occupy, use or attempt to control the occupation or use of any park facilities or portion thereof after being notified that a written reservation for exclusive use of the same has been issued by the Director of Parks and Recreation's designee during the period of time set forth in said reservation, and no person or persons shall continue to use or attempt to use any such park facility after said written reservation has been issued for said purpose and time. Any person failing to vacate such park facility promptly after being informed of such reservation shall be subject to arrest for violation of this ordinance. The foregoing is not intended to prohibit the free and unrestricted use of the park facilities by persons without written reservation as long as no such reservation has been issued by the Director of Parks and Recreation or his or her designee.

12-203. PROHIBITED VEHICLES. (a) Go-carts, racing- type motorbikes or motorcycles and other similar vehicles not licensed for public roadway driving shall be prohibited within the city parks. Non-motorized bicycles shall be permitted upon the roads in the city parks, providing that the bicycles are operated only in those areas designated for motor vehicle traffic except when being walked to or from an authorized bicycle parking area or upon a designated bike trail.

(b) Trucks over 1 1/2 tons are hereby prohibited, except for maintenance and delivery vehicles, unless permission therefor has been granted in writing by the Director of Parks and Recreation or his or her designee.

(c) Driving of any motorized or non-motorized vehicles off any hard surface improved roadway is prohibited except in the case of authorized maintenance and emergency vehicles.

(d) Driving a motorized vehicle on jogging and bicycle trails is prohibited except for maintenance and emergency vehicles.

12-204. CAMPING PROHIBITED. Overnight camping is hereby prohibited in city parks.

12-205. BRIDLE PATH. It shall be unlawful for any owner of any horse to allow his or her animal to be outside the confines of the designated bridle path of any Leawood city park.

12-206. HUNTING AND FISHING PROHIBITED; EXCEPTION FOR FISHING IN PUBLIC WATERS. No person shall pursue, catch, trap, maim, kill, shoot or take any wildlife, either bird or animal, except at the specific authorization of the Governing Body, in any manner at any time except that fishing is permitted in public water within public parks in the City of Leawood during the hours that said parks are open to the public. Fishermen shall use fishing rods and/or reels only, shall possess a valid Kansas State fishing license, and shall obey all Kansas State fishing regulations and all City ordinances relating to the use of City parks.

12-207. CARRYING OF WEAPONS PROHIBITED. It shall be unlawful for any person other than a law enforcement officer to carry a firearm in any city park.

12-208. FIRES. Fires may be built only in the ovens, stoves, or grills provided for that purpose by the city, and must be extinguished by the person, persons or parties starting such fires, immediately after use thereof.

12-209. SANITATION. All waste material, paper, trash, rubbish, tin cans, bottles, containers, garbage and refuse of any kind whatsoever shall be deposited in disposal containers provided for such purposes. No such waste or contaminating material shall be discarded otherwise. No sticks, stones, trash or other objects shall be thrown or discarded in or on any park lands, fountains, pools, drinking fountains, sanitary facilities, or other improvements.

12-210. PROHIBITION AGAINST ALCOHOLIC BEVERAGES AND BEER. It shall be unlawful for any person or persons to use, consume or have on the premises of any park or other city property within the city, any alcoholic liquor, or cereal malt beverage.

12-211. PARKING. (a) Parking is permitted in designated, marked parking areas only unless specifically directed by a law enforcement officer.

(b) Parking is prohibited on or along roadways unless specifically directed by a law enforcement officer.

(c) The chief of police is authorized by the governing body to post "no parking" signs within the city parks.

(d) Parking in other than designated areas shall be deemed to be a violation of this article.

(e) Overnight parking is prohibited except for vehicles which are disabled.

Continued on Page 10C

CONTINUED FROM PAGE 6

12-212. PRESERVATION OF NATURAL STATE. No person shall take, injure, or disturb any live or dead tree, plant, shrub, or flower, or otherwise interfere with the natural state of city parks.

12-213. SWIMMING. Swimming is prohibited in city parks except in pools constructed for that purpose.

12-214. PLAYING FIELDS. The Director of Parks and Recreation or his or her designee shall have the authority to close any playing field for maintenance or for damage prevention. Closed fields shall be conspicuously posted, and any use of a closed field is prohibited.

12-215. DOGS IN THE CITY PARKS. It shall be unlawful for any owner or keeper of any dog to allow his or her animal, except a seeing eye dog, to be outside the confines of:

(a) The designated dog exercise area: all dogs shall be leashed, leash to be in hand of owner or keeper.

(b) Tomahawk Creek Greenway: all dogs shall be leashed, leash to be in hand of owner or keeper.

(c) Brook Beatty Park: all dogs shall be leashed, leash to be in hand of owner or keeper.

(d) This section shall not be construed as prohibiting dogs from other areas of the parks when within the confines of vehicles.

12-216. GENERAL REGULATIONS. The governing body may authorize the Director of Parks and Recreation to post such rules and regulations approved by the governing body pertaining to the use of the city parks in a conspicuous place in each city park. Violations of these posted rules shall also constitute a violation under the penalty provisions of this article.

12-217. PENALTY. Any person violating any of the provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished by a fine of not more than $500.00 for each such offense. Each and every day that such violation continues shall constitute a separate offense.

Section 2. Validity of Ordinance. That the City of Leawood, Kansas, hereby declares that should any article, paragraph, sentence or word of this ordinance be declared for any reason to be invalid, it is the intent of the City of Leawood that it would have passed all other portions of this ordinance independent of the elimination herefrom of any portion as may be declared invalid.

Section 3. Repeal of Existing Sections. That existing Article 1, titled, Board of Park Commissioners; Article 2, titled, Park Regulations; and Article 3, titled, Recreation Commission, of the Code of the City of Leawood are hereby repealed. (Prior law: Section 12-206 amended previously by Ord. No. 1148C)

Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 1st day of April, 1991.

Approved by the Mayor the 1st day of April, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Helzer
Martha Helzer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler
City Attorney

ORDINANCE NO. 1212 C

AN ORDINANCE AMENDING THE UNIFORM PUBLIC OFFENSE CODE, 1990 EDITION, TO ADDRESS UNLAWFUL POSSESSION OF CERTAIN WEAPONS WITHIN THE CITY OF LEAWOOD, KANSAS.

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

Section 1. Code Amended. That Article 1 of Chapter 11 of the Code of the City of Leawood is hereby amended by adding Section 11-105 which shall read as follows:

Repealed by: ORDINANCE NO. 1245C
Adopted: 9/16/91
Effective:

11-105. SAME. Section 10.6 of the Uniform Code incorporated in Section 11-101 of the Code of the City of Leawood is hereby amended to read as follows:

10.6. AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT OR BB GUN.

(a) The unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot or BB gun, within the city, except within the confines of a building or other structure from which the projectiles cannot escape.

Unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is a Class C violation.

(b) The unlawful possession of an air gun, air rifle, bow and arrow, slingshot or BB gun is the possession of an air gun, air rifle, bow and arrow, slingshot or BB gun with the intent to shoot, discharge, or operate the air gun, air rifle, bow and arrow, slingshot or BB gun within the city, except within the confines of a building or other structure from which the projectiles cannot escape.

Unlawful possession of an air gun, air rifle, bow and arrow, slingshot or BB gun is a Class C violation.

Section 2. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 18th day of March, 1991.

Approved by the Mayor the 18th day of March, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

3/19/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/19/91

Sharon L Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $22.23

Ord. 1212C

ORD. 1212C

First published in The Legal Record, Tuesday, March 19, 1991.

ORDINANCE NO. 1212 C

AN ORDINANCE AMENDING THE UNIFORM PUBLIC OFFENSE CODE, 1990 EDITION, TO ADDRESS UNLAWFUL POSSESSION OF CERTAIN WEAPONS WITHIN THE CITY OF LEAWOOD, KANSAS.

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

Section 1. Code Amended. That Article 1 of Chapter 11 of the Code of the City of Leawood is hereby amended by adding Section 11-105 which shall read as follows:

11-105. SAME. Section 10.6 of the Uniform Code incorporated in Section 11-101 of the Code of the City of Leawood is hereby amended to read as follows:

10.6. AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT OR BB GUN.

(a) The unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot or BB gun, within the city, except within the confines of a building or other structure from which the projectiles cannot escape.

Unlawful operation of an air gun, air rifle, bow and arrow, slingshot or BB gun is a Class C violation.

(b) The unlawful possession of an air gun, air rifle, bow and arrow, slingshot or BB gun is the possession of an air gun, air rifle, bow and arrow, slingshot or BB gun with the intent to shoot, discharge, or operate the air gun, air rifle, bow and arrow, slingshot or BB gun within the city, except within the confines of a building or other structure from which the projectiles cannot escape.

Unlawful possession of an air gun, air rifle, bow and arrow, slingshot or BB gun is a Class C violation.

Section 2. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 18th day of March, 1991.

Approved by the Mayor the 18th day of March, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM: /s/ R.S. Wetzler
R.S. Wetzler City Attorney

Repealed by:
ORDINANCE NO. 1275C
Adopted: 3/2/92
Effective: /

ORDINANCE NO. 1211 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD TO REGULATE THE MANUFACTURE, STORAGE, POSSESSION, TRANSPORTATION, SALE, AND USE OF EXPLOSIVE MATERIALS AND BLASTING AGENTS IN THE CITY OF LEAWOOD.

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

Section 1. Code Amended. That Section 7-216 of the Code of the City of Leawood is hereby amended to read as follows:

7-216. SAME; ARTICLE 77, EXPLOSIVES AND BLASTING AGENTS. Article 77, Explosives and Blasting Agents, is hereby enacted in its entirety with the following changes and additions:

Sec. 77.01 is hereby added to read as follows: RESPONSIBILITY FOR ENFORCEMENT. The Director of Public Works, referred to in this Article as the "Director", shall be responsible for the administration and enforcement of this Article as provided herein. In addition, the Fire and Police Departments shall have authority to enforce regulatory provisions set forth herein, provided further that the Director shall be notified of any enforcement action taken by Fire or Police Departments.

Sec. 77.02 is hereby added to read as follows: APPLICATION OF ARTICLE.

(a) This Article shall apply to all persons, firms, corporations, partnerships, governmental agencies, and associations storing, handling, or using explosive or blasting agents and to the owner or lessee of any building, premises, or equipment in or on which explosives or blasting agents are stored, handled, or used.

(b) A permit as provided by Section 77.104(a) will not be required to transport explosives or blasting agents where the explosives or blasting agents are not being shipped from, or delivered to a location within the corporate boundaries of the City of Leawood, provided that said explosives or blasting agents are being transported in accordance with applicable regulations of other governmental agencies having jurisdiction, including the Federal Department of Transportation.

(c) The provisions of this Article shall apply to all private and public property within the City.

(d) The provisions of this Article shall not be construed to relieve from or lessen the responsibility of any person, firm, corporation, partnership, governmental agency or association storing, handling, or using the explosive or blasting agents or to relieve from or lessen the responsibility of the owner or lessee of any building,

Repealed by:
ORDINANCE NO. 1275C
Adopted: 3/2/92
Effective: /

premises, or equipment in or on which explosives or blasting agents are stored, handled, or used, nor shall the City or any of its agents be held as assuming any such liability by reason of the inspections authorized by this Article or any permits or certificates of inspection issued by this Article.

Sec. 77.103.1 is hereby added to read as follows: PERMIT DEFINED. "Permit" whenever used in the Article means the written authorization of the Director of Public Works and Fire Chief or their designees authorizing any person, firm, corporation, partnership, governmental agency or association to manufacture, store, possess, transport, sell, and use explosive materials and blasting agents.

Sec. 77.104f is hereby added to read as follows: PRE-APPLICATION CONFERENCE. At the time an application is obtained a pre-application conference will be scheduled with the Director of Public Works and the Fire Chief to discuss the requirements of the ordinance and the expectations of the Public Works Director and the Fire Chief. The pre-application conference shall be scheduled a minimum of three (3) working days prior to submission of the application.

Sec. 77.104.1 is hereby added to read as follows: REISSUING OF PERMITS. All permits issued in accordance with the provisions of this Article shall, when reissued, be subject to any amendments to this Article.

Sec. 77.104.2 is hereby added to read as follows: FEE. Each applicant for a permit shall pay to the City at the time of application a nonrefundable application fee of fifty dollars ($50.00).

Sec. 77.105 is hereby amended to read as follows: INSURANCE REQUIRED. Before a permit is issued, as required by Section 77.104(a)3, the applicant shall secure and maintain the following occurrence form insurance coverages:

1. Workers Compensation, Kansas Statutory Coverage shall be provided.

2. Employers Liability:
   Bodily Injury by Accident $1,000,000 each accident
   Bodily Injury by Disease $1,000,000 policy limit
   Bodily Injury by Disease $1,000,000 each employee

3. Commercial General Liability:
   Bodily Injury and Property Damage
   $1,000,000 Combined Single Limit
   $2,000,000 Aggregate

Repealed by:
ORDINANCE NO. 1275C
Adopted: 3/2/92
Effective:

4. Business Automobile Policy:
Bodily Injury and Property Damage
$1,000,000 Combined Single Limit

Bodily Injury	$1,000,000 per Person
Bodily Injury	$1,000,000 per Accident
Property Damage	$1,000,000 per Accident

Sec. 77.105.1 is hereby added to read as follows: SCALE DRAWING. Before a permit shall be issued, the applicant shall furnish to the Director of Public Works a scale drawing accurately showing the surrounding land and all improvements thereon, all dimensions and all distances relative thereto. The scale drawing shall show distances to all houses, buildings, or other facilities within 500 feet of the blasting or demolition work. The scale drawing accompanying an application for a permit to store explosives or blasting agents must show distances to buildings and other features in accordance with the American Table of Distances for Storage of Explosives. All permit applications which are not accompanied by a scale drawing shall be refused and will not be considered until such scale drawing accompanies the application for permit. In addition, the Director of Public Works shall have authority to establish additional written standards for the submission of scaled drawings or other portions of the application process.

Sec. 77.105.2 is hereby added to read as follows: BLASTING PLAN. The application for the permit must be accompanied by a Blasting Plan for the blasting operation. This Blasting Plan shall include specific information on the operation as follows:

1. charge weights;
2. delays;
3. depths;
4. patterns;
5. protective mats or coverings required;
6. seismographic monitoring shall be provided by an independent firm, approved by the Director of Public Works, reporting directly to the City at the contractor's expense.
7. pre-blast surveys shall be performed on all buildings within 500 feet of a blast site unless permission for the survey is denied by the occupant or owner. Contractor shall provide a copy of the pre-blast survey to all property owners requesting same at contractor's expense.
8. written notification of property or utility owners within 500 feet of a blast site. Notice shall be approved by the City and shall include the following:
    1. notice of intent to blast;

Repealed by:
ORDINANCE NO. 1275C
Adopted: 3/2/92
Effective:

2. name of blasting contractor;
3. agency making the pre-blast survey;
4. insurance company providing the coverage and claims process including the telephone number of the claims agent;
5. notice to property owner to contact the Director of Public Works within three (3) working days of notification to request a copy of the pre-blast survey of their home; Notification shall include a copy of the blasting ordinance.

9. Contractor shall meet with affected property owners in advance of commencement of blast operations to explain blasting operations when requested within five (5) working days of notification.
10. After pre-blast surveys are available to the property owners, there shall be a five (5) working day grace period for property owners to obtain an independent pre-blast survey at their own expense prior to issuance of a permit.

Regardless of distance to nearby facilities, the blasting operations shall be carried out in such a manner that they will not cause fly rock or damage from air blast overpressure or ground vibration. Seismic recordings may be required by the Director. The maximum peak particle velocity at any such recording site must not exceed one inch per second in any one of three mutually perpendicular directions. Proposed specific location(s) of the seismic recording(s) shall be included in the Blasting Plan.

Sec. 77.107 is hereby added to read as follows: PERMITS NONTRANSFERABLE. Permits shall not be transferable.

Sec. 77.108 is hereby added to read as follows: DURATION OF PERMIT. Each permit granted by the city shall be valid for such a period of time as may be specified but not to exceed one (1) year, or until revoked, whichever shall first occur.

Sec. 77.109 is hereby added to read as follows: SEPARATE PERMITS REQUIRED FOR EACH OPERATION. Separate and distinct permits shall be required for each operation listed.

Sec. 77.110 is hereby added to read as follows: APPROVAL SUBJECT TO INSPECTION. Application for a permit to construct or erect facilities for the storage, handling, or use of explosives or blasting agents required in this Article

Repealed by:
ORDINANCE NO. 12750
Adopted: 3/2/92
Effective: /

shall be made in writing to the Director of Public Works. Prior to issuing any permit, the Director of Public Works shall determine that the applicant has a valid user's permit and storage permit issued by the State Fire Marshal. If the applicant has a valid user's permit issued by the State Fire Marshal, the Director of Public Works shall then cause an inspection to be made of the premises and equipment proposed to be used. If said premises and equipment are found to be in compliance with this Article, a statement to that effect shall be included on the application and signed by the person making the inspection. If the Director determines to his or her best information and belief that the requirements of this ordinance have been complied with, he or she shall issue a permit as applied for or under such conditions as he or she shall determine necessary. During the inspection of any premises or equipment in connection with any application for a permit, the Director or his or her designee may inspect premises, buildings, installations, or equipment to determine compliance with the applicable law for the storage, handling, or use of explosives or blasting agents. If a violation of this Article is found to exist, the Director or designee shall file with the owner, occupant, or operator a notice citing the violation and ordering its correction within a specified time period. No permit shall be issued by the Director until he or she has determined that any known violations of this Article have been corrected.

Sec. 77.111 is hereby added to read as follows: INSPECTIONS FOLLOWING ISSUANCE OF PERMIT. As a condition of the issuance of a permit the applicant shall consent that during the period of issuance of the permit the buildings, premises, installations, or equipment in or on which explosives or blasting agents are to be stored, handled or used may be inspected by the Director of Public Works or his or her designee so as to enable the Director or his or her designee to determine that the applicant or holder of the permit is complying with the requirements of this ordinance and any conditions for issuance of the permit. If a violation of this Article is found to exist during any such inspection, the Director or designee shall serve the owner, occupant, or operator with a notice citing the violation and ordering its correction within a specified time period. If such order is not complied with, the Director shall revoke the permit issued for such facility.

Sec. 77.301.1 is hereby added to read as follows: BLASTING OPERATIONS. All blasting operations shall be carried out only by skilled and experienced personnel who are currently licensed by the State of Kansas to conduct blasting operations. A daily blasting log and storage log, if applicable, shall be kept for all blasting operations and be made available for inspection by the Director or other

Repealed by:
ORDINANCE NO. 1275C
Adopted: 3/2/92
Effective:

authority having jurisdiction.

Sec. 77.501 is hereby added to read as follows: APPEALS. Any owner, lessee, agent, operator, or occupant aggrieved by any decision, order or permit issued pursuant to this Article may file an appeal to the City Council. The appeal shall be in written form and shall be made to the Director of Public Works. The Director shall cause the appeal to be heard at the next available City Council meeting. Such appeal shall not stay the execution of any decision, order or permit issued pursuant to this Article until said order has been heard and reviewed, vacated, or confirmed by the City Council. The City Council shall at same hearing confirm, modify, revoke or vacate such decision, order or issuance of permit. Unless revoked or vacated, such decision, order or permit shall then be complied with. Nothing contained in this Article shall be deemed to deny the right of any person, firm, corporation, copartnership, or voluntary association to appeal.

Sec. 77.502 is hereby added to read as follows: COURT APPEALS. No decision, order or permit issued pursuant to this Article shall be stayed by appeal to a court having appellate jurisdiction over the matter unless said court shall enter an order staying the execution of such decision, order or permit.

Sec. 77.503 is hereby added to read as follows: PENALTIES. Any person who fails to comply with the provisions of this Article including but not limited to Uniform Fire Code, Article 77, Explosives and Blasting Agents, as amended, National Fire Protection Association 495 Explosive Materials Code (NFPA 495), 1990 edition, Kansas Administrative Regulations 22-4-2 through and including 22-4-3, Title 27 of the Code of Federal Regulations or with any order of the Director or other authority having jurisdiction issued pursuant thereto shall be subject to the penalties of Section 7-220 of the Code of the City of Leawood.

Section 2. Validity of Ordinance. That the City of Leawood, Kansas, hereby declares that should any article, paragraph, sentence or word of this ordinance be declared for any reason to be invalid, it is the intent of the City of Leawood that it would have passed all other portions of this ordinance independent of the elimination herefrom of any portion as may be declared invalid.

Section 3. Repeal of Existing Section. That existing Section 7-216 of the Code of the City of Leawood is hereby

Repealed by:
ORDINANCE NO. 1275C
Adopted: 3/2/92
Effective:

repealed. (Prior law: Ord. 1190C)

Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 18th day of March, 1991

Approved by the Mayor the 18th day of March, 1991

(S E A L)

Attest:

Marcia Rinehart Mayor

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

foot, in
other

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

3/19/91

Debra L Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/19/91

Sharon L Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $96.33

Ord. 1211C

ORD. 1211C

First published in The Legal Record, Tuesday, March 19, 1991.

ORDINANCE NO. 1211 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD TO REGULATE THE MANUFACTURE, STORAGE, POSSESSION, TRANSPORTATION, SALE, AND USE OF EXPLOSIVE MATERIALS AND BLASTING AGENTS IN THE CITY OF LEAWOOD.

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

Section 1. Code Amended. That Section 7-216 of the Code of the City of Leawood is hereby amended to read as follows:

7-216. SAME; ARTICLE 77, EXPLOSIVES AND BLASTING AGENTS. Article 77, Explosives and Blasting Agents, is hereby enacted in its entirety with the following changes and additions:

Sec. 77.01 is hereby added to read as follows: RESPONSIBILITY FOR ENFORCEMENT. The Director of Public Works, referred to in this Article as the "Director", shall be responsible for the administration and enforcement of this Article as provided herein.. In addition, the Fire and Police Departments shall have authority to enforce regulatory provisions set forth herein, provided further that the Director shall be notified of any enforcement action taken by Fire or Police Departments.

Sec. 77.02 is hereby added to read as follows: APPLICATION OF ARTICLE.

(a) This Article shall apply to all persons, firms, corporations, partnerships, governmental agencies, and associations storing, handling, or using explosive or blasting agents and to the owner or lessee of any building, premises, or equipment in or on which explosives or blasting agents are stored, handled, or used.

(b) A permit as provided by Section 77.104(a) will not be required to transport explosives or blasting agents where the explosives or blasting agents are not being shipped from, or delivered to a location within the corporate boundaries of the City of Leawood, provided that said explosives or blasting agents are being transported in accordance with applicable regulations of other governmental agencies having jurisdiction, including the Federal Department of Transportation.

(c) The provisions of this Article shall apply to all private and public property within the City.

(d) The provisions of this Article shall not be construed to relieve from or lessen the responsibility of any person, firm, corporation, partnership, governmental agency or association storing, handling, or using the explosive or blasting agents or to relieve from or lessen the responsibility of the owner or lessee of any building, premises, or equipment in or on which explosives or blasting agents are stored, handled, or used, nor shall the City or any of its agents be held as assuming any such liability by reason of the inspections authorized by this Article or any permits or certificates of inspection issued by this Article.

Sec. 77.103.1 is hereby added to read as follows: PERMIT DEFINED. "Permit" whenever used in the Article means the written authorization of the Director of Public Works and Fire Chief or their designees authorizing any person, firm, corporation, partnership, governmental agency or association to manufacture, store, possess, transport, sell, and use explosive materials and blasting agents.

Sec. 77.104f is hereby added to read as follows: PRE-APPLICATION CONFERENCE. At the time an application is obtained a pre-application conference will be scheduled with the Director of Public Works and the Fire Chief to discuss the requirements of the ordinance and the expectations of the Public Works Director and the Fire Chief. The pre-application conference shall be scheduled a minimum of three (3) working days prior to submission of the application.

Sec. 77.104.1 is hereby added to read as follows: REISSUING OF PERMITS. All permits issued in accordance with the provisions of this Article shall, when reissued, be subject to any amendments to this Article.

Sec. 77.104.2 is hereby added to read as follows: FEE. Each applicant for a permit shall pay to the City at the time of application a nonrefundable application fee of fifty dollars ($50.00).

Sec. 77.105 is hereby amended to read as follows: INSURANCE REQUIRED. Before a permit is issued, as required by Section 77.104(a)3, the applicant shall secure and maintain the following occurrence form insurance coverages:

1. Workers Compensation, Kansas Statutory Coverage shall be provided.

2. Employers Liability:
   Bodily Injury by Accident $1,000,000 each accident
   Bodily Injury by Disease $1,000,000 policy limit
   Bodily Injury by Disease $1,000,000 each employee

3. Commercial General Liability:
   Bodily Injury and Property Damage
   $1,000,000 Combined Single Limit
   $2,000,000 Aggregate

CONTINUED ON PAGE 22

CONTINUED FROM PAGE 21

4. Business Automobile Policy:
Bodily Injury and Property Damage
$1,000,000 Combined Single Limit

Bodily Injury	$1,000,000 per Person
Bodily Injury	$1,000,000 per Accident
Property Damage	$1,000,000 per Accident

Sec. 77.105.1 is hereby added to read as follows: SCALE DRAWING. Before a permit shall be issued, the applicant shall furnish to the Director of Public Works a scale drawing accurately showing the surrounding land and all improvements thereon, all dimensions and all distances relative thereto. The scale drawing shall show distances to all houses, buildings, or other facilities within 500 feet of the blasting or demolition work. The scale drawing accompanying an application for a permit to store explosives or blasting agents must show distances to buildings and other features in accordance with the American Table of Distances for Storage of Explosives. All permit applications which are not accompanied by a scale drawing shall be refused and will not be considered until such scale drawing accompanies the application for permit. In addition, the Director of Public Works shall have authority to establish additional written standards for the submission of scaled drawings or other portions of the application process.

Sec. 77.105.2 is hereby added to read as follows: BLASTING PLAN. The application for the permit must be accompanied by a Blasting Plan for the blasting operation. This Blasting Plan shall include specific information on the operation as follows:

1. charge weights;
2. delays;
3. depths;
4. patterns;
5. protective mats or coverings required;
6. seismographic monitoring shall be provided by an independent firm, approved by the Director of Public Works, reporting directly to the City at the contractor's expense.
7. pre-blast surveys shall be performed on all buildings within 500 feet of a blast site unless permission for the survey is denied by the occupant or owner. Contractor shall provide a copy of the pre-blast survey to all property owners requesting same at contractor's expense.
8. written notification of property or utility owners within 500 feet of a blast site. Notice shall be approved by the City and shall include the following:
   1. notice of intent to blast;
   2. name of blasting contractor;
   3. agency making the pre-blast survey;
   4. insurance company providing the coverage and claims process including the telephone number of the claims agent;
   5. notice to property owner to contact the Director of Public Works within three (3) working days of notification to request a copy of the pre-blast survey of their home; Notification shall include a copy of the blasting ordinance.
9. Contractor shall meet with affected property owners in advance of commencement of blast operations to explain blasting operations when requested within five (5) working days of notification.
10. After pre-blast surveys are available to the property owners, there shall be a five (5) working day grace period for property owners to obtain an independent pre-blast survey at their own expense prior to issuance of a permit.

Regardless of distance to nearby facilities, the blasting operations shall be carried out in such a manner that they will not cause fly rock or damage from air blast overpressure or ground vibration. Seismic recordings may be required by the Director. The maximum peak particle velocity at any such recording site must not exceed one inch per second in any one of three mutually perpendicular directions. Proposed specific location(s) of the seismic recording(s) shall be included in the Blasting Plan.

Sec. 77.107 is hereby added to read as follows: PERMITS NONTRANSFERABLE. Permits shall not be transferable.

Sec. 77.108 is hereby added to read as follows: DURATION OF PERMIT. Each permit granted by the city shall be valid for such a period of time as may be specified but not to exceed one (1) year, or until revoked, whichever shall first occur.

Sec. 77.109 is hereby added to read as follows: SEPARATE PERMITS REQUIRED FOR EACH OPERATION. Separate and distinct permits shall be required for each operation listed.

Sec. 77.110 is hereby added to read as follows: APPROVAL SUBJECT TO INSPECTION. Application for a permit to construct or erect facilities for the storage, handling, or use of explosives or blasting agents required in this Article shall be made in writing to the Director of Public Works. Prior to issuing any permit, the Director of Public Works shall determine that the applicant has a valid user's permit and storage permit issued by the State Fire Marshal. If the applicant has a valid user's permit issued by the State Fire Marshal, the Director of Public Works shall then cause an inspection to be made of the premises and equipment proposed to be used. If said premises and equipment are found to be in compliance with this Article, a statement to that effect shall be included on the application and signed by the person making the inspection. If the Director determines to his or her best information and belief that the requirements of this ordinance have been complied with, he or she shall issue a permit as applied for or under such conditions as he or she shall determine necessary. During the inspection of any premises or equipment in connection with any application for a permit, the Director or his or her designee may inspect premises, buildings, installations, or equipment to determine compliance with the applicable law for the storage, handling, or use of explosives or blasting agents. If a violation of this Article is found to exist, the Director or designee shall file with the owner, occupant, or operator a notice citing the violation and ordering its correction within a specified time period. No permit shall be issued by the Director until he or she has determined that any known violations of this Article have been corrected.

Sec. 77.111 is hereby added to read as follows: INSPECTIONS FOLLOWING ISSUANCE OF PERMIT. As a condition of the issuance of a permit the applicant shall consent that during the period of issuance of the permit the buildings, premises, installations, or equipment in or on which explosives or blasting agents are to be stored, handled or used may be inspected by the Director of Public Works or his or her designee so as to enable the Director or his or her designee to determine that the applicant or holder of the permit is complying with the requirements of this ordinance and any conditions for issuance of the permit. If a violation of this Article is found to exist during any such inspection, the Director or designee shall serve the owner, occupant, or operator with a notice citing the violation and ordering its correction within a specified time period. If such order is not complied with, the Director shall revoke the permit issued for such facility.

Sec. 77.301.1 is hereby added to read as follows: BLASTING OPERATIONS. All blasting operations shall be carried out only by skilled and experienced personnel who are currently licensed by the State of Kansas to conduct blasting operations. A daily blasting log and storage log, if applicable, shall be kept for all blasting operations and be made available for inspection by the Director or other authority having jurisdiction.

Sec. 77.501 is hereby added to read as follows: APPEALS. Any owner, lessee, agent, operator, or occupant aggrieved by any decision, order or permit issued pursuant to this Article may file an appeal to the City Council. The appeal shall be in written form and shall be made to the Director of Public Works. The Director shall cause the appeal to be heard at the next available City Council meeting. Such appeal shall not stay the execution of any decision, order or permit issued pursuant to this Article until said order has been heard and reviewed, vacated, or confirmed by the City Council. The City Council shall at same hearing confirm, modify, revoke or vacate such decision, order or issuance of permit. Unless revoked or vacated, such decision, order or permit shall then be complied with. Nothing contained in this Article shall be deemed to deny the right of any person, firm, corporation, copartnership, or voluntary association to appeal.

Sec. 77.502 is hereby added to read as follows: COURT APPEALS. No decision, order or permit issued pursuant to this Article shall be stayed by appeal to a court having appellate jurisdiction over the matter unless said court shall enter an order staying the execution of such decision, order or permit.

Sec. 77.503 is hereby added to read as follows: PENALTIES. Any person who fails to comply with the provisions of this Article including but not limited to Uniform Fire Code, Article 77, Explosives and Blasting Agents, as amended, National Fire Protection Association 495 Explosive Materials Code (NFPA 495), 1990 edition, Kansas Administrative Regulations 22-4-2 through and including 22-4-3, Title 27 of the Code of Federal Regulations or with any order of the Director or other authority having jurisdiction issued pursuant thereto shall be subject to the penalties of Section 7-220 of the Code of the City of Leawood.

Section 2. Validity of Ordinance. That the City of Leawood, Kansas, hereby declares that should any article, paragraph, santence or word of this ordinance be declared for any reason to be invalid, it is the intent of the City of Leawood that it would have passed all other portions of this ordinance independent of the elimination herefrom of any portion as may be declared invalid.

Section 3. Repeal of Existing Section. That existing Section 7-216 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. 1190C)

Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 18th day of March, 1991

Approved by the Mayor the 18th day of March, 1991

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM: /s/ R.S. Wetzler
R.S. Wetzler City Attorney

Repealed by:
ORDINANCE NO. 1265
Adopted: 12/16/91
Effective:

ORDINANCE NO. 1210

AN ORDINANCE AMENDING THE LEAWOOD DEVELOPMENT ORDINANCE AS ADOPTED BY REFERENCE BY SECTION 16-201 OF THE CODE OF THE CITY OF LEAWOOD TO PERMIT USE OF CERTAIN ROOFING MATERIALS HAVING THE APPEARANCE OF WOOD.

WHEREAS, the City of Leawood was formed in 1948; and

WHEREAS, prior to the incorporation of the City of Leawood, Homes Associations had been formed in areas which would become parts of the City and which Homes Associations had adopted as a part of their deed restrictions requirements for roofing materials permitting the use of wood shingles, wood shakes, asbestos shingles, slate or tile in single family residential construction; and

WHEREAS, from the time of this incorporation to the present date the City of Leawood has required the use of wood shingles, wood shakes, asbestos shingles, slate or tile in single family residential construction within the City; and

WHEREAS, the City has to the present date permitted only wood shingles, wood shakes, asbestos shingles, slate or tile to be used in single family residential construction in order to promote a high standard of roofing construction which was also aesthetically pleasing and consistent in appearance; and

WHEREAS, the Plan Commission and the Governing Body of the City have determined that it is important to protect the quality and appearance of roofing material within the City of Leawood which the residents and owners have come to expect and relied upon as a standard of the City; and

WHEREAS, the Plan Commission and the Governing Body have held public hearings to determine whether roofing materials not previously permitted within the City should be permitted as being consistent with the existing construction and aesthetic standards of the City; and

WHEREAS, after viewing various roofing materials the Governing Body has determined that the highest grade of some composition and other alternative material shingles have an aesthetically pleasing appearance and with certain conditions would be appropriate for use within the City; and

WHEREAS, after conducting their own investigation of roofing material and finding that some alternative roofing materials within limitations should be permitted within the City; and

Repealed by:
ORDINANCE NO. 1265
Adopted: 12/16/91
Effective:

WHEREAS, the Governing Body remanded back to the Plan Commission for reconsideration of their previous recommendation and to author an ordinance amendment incorporating alternate roofing materials of the highest quality for further consideration by the Governing Body; and

WHEREAS, the Governing Body has determined that certain alternative roofing materials should be permitted but only where such materials are of a high quality consistent with roofing materials allowed to the current date in Leawood and where such materials are of an appearance consistent with aesthetic standards embodied in previous ordinances of the City.

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

Section 1. Leawood Development Ordinance Amended. That Section 3-1 K, Section 3-2 K, and Section 3-3 K of the Leawood Development Ordinance are hereby amended to read as follows:

3-1 K. Type of Construction: Exterior walls of all dwellings shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors, and louvers shall be of wood or metal and glass.

Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade
b) Wood Shakes:
   1) Number 1 or 2 grade
   2) Minimum 1/2 inch thickness measured at butt
c) Slate
d) Clay Tile
e) Concrete Tile
f) Other Tile
   1) Synthetic slate within similar color range of slate, clay or concrete tile.
g) Laminated Composition Shingles:
   1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.
   2) Required to be installed with sheet metal valleys and flashings.
   3) Required to be installed with preformed ridge shingles.
   4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.

Repealed by:
ORDINANCE NO. 1265
Adopted: 12/16/91
Effective:

5) Must use a minimum of five (5) color blend granules.
6) Required to be placed on solid decking (solid decking shall be placed directly on roof joist not over existing materials).
7) Minimum thickness 3/16 inch measured at exposed butt end of overlap.
8) Required to be U.L. Class A fire rated material.
9) Required to be a minimum of 330 lbs/square.

Flat roofs or roofs with a pitch of less than 3 inches per foot, in addition to the materials permitted herein, for other roofs, may also be covered with metal, built up asphalt, or single ply elastomeric membrane.

3-2 K. Type of Construction: Exterior walls of all dwellings shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors, and louvers shall be of wood or metal and glass.

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a) Wood Shingles: Number 1 or 2 grade
b) Wood Shakes:
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c) Slate
d) Clay Tile
e) Concrete Tile
f) Other Tile
   1) Synthetic slate within similar color range of slate, clay or concrete tile.
g) Laminated Composition Shingles:
   1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.
   2) Required to be installed with sheet metal valleys and flashings.
   3) Required to be installed with preformed ridge shingles.
   4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.
   5) Must use a minimum of five (5) color blend granules.
   6) Required to be placed on solid decking (solid decking shall be placed directly on roof joist not over existing materials).

Repealed by:
ORDINANCE NO. 1265
Adopted: 12/16/91
Effective:

7) Minimum thickness 3/16 inch measured at exposed butt end of overlap.
8) Required to be U.L. Class A fire rated material.
9) Required to be a minimum of 330 lbs/square.

Flat roofs or roofs with a pitch of less than 3 inches per foot, in addition to the materials permitted herein, for other roofs, may also be covered with metal, built up asphalt, or single ply elastomeric membrane.

3-3 K. Type of Construction: Exterior walls of all dwellings shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors, and louvers shall be of wood or metal and glass.

Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade
b) Wood Shakes:
   1) Number 1 or 2 grade
   2) Minimum 1/2 inch thickness measured at butt
c) Slate
d) Clay Tile
e) Concrete Tile
f) Other Tile
   1) Synthetic slate within similar color range of slate, clay or concrete tile.
g) Laminated Composition Shingles:
   1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.
   2) Required to be installed with sheet metal valleys and flashings.
   3) Required to be installed with preformed ridge shingles.
   4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.
   5) Must use a minimum of five (5) color blend granules.
   6) Required to be placed on solid decking (solid decking shall be placed directly on roof joist not over existing materials).
   7) Minimum thickness 3/16 inch measured at exposed butt end of overlap.
   8) Required to be U.L. Class A fire rated material.

Repealed by:
ORDINANCE NO. 1265
Adopted: 12/16/91
Effective: _____

9) Required to be a minimum of 330 lbs/square.

Flat roofs or roofs with a pitch of less than 3 inches per foot, in addition to the materials permitted herein, for other roofs, may also be covered with metal, built up asphalt, or single ply elastomeric membrane.

Section 2. Existing sections repealed. That existing Section 3-1 K, Section 3-2 K, and Section 3-3 K of the Leawood Development Ordinance are hereby repealed.

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the Council the 18 day of March, 1991.

Approved by the Mayor the 18 day of March, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart
Mayor

Attest:

Martha Heizer
Martha Heizer, City Clerk

Approved as to Form:
R.S. Wetzler, City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

3/19/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/19/91

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $66.69

Ord. 1210

ORD. 1210

First published in The Legal Record, Tuesday, March 19, 1991.

ORDINANCE NO. 1210

AN ORDINANCE AMENDING THE LEAWOOD DEVELOPMENT ORDINANCE AS ADOPTED BY REFERENCE BY SECTION 16-201 OF THE CODE OF THE CITY OF LEAWOOD TO PERMIT USE OF CERTAIN ROOFING MATERIALS HAVING THE APPEARANCE OF WOOD.

WHEREAS, the City of Leawood was formed in 1948; and

WHEREAS, prior to the incorporation of the City of Leawood, Homes Associations had been formed in areas which would become parts of the City and which Homes Associations had adopted as a part of their deed restrictions requirements for roofing materials permitting the use of wood shingles, wood shakes, asbestos shingles, slate or tile in single family residential construction; and

WHEREAS, from the time of this incorporation to the present date the City of Leawood has required the use of wood shingles, wood shakes, asbestos shingles, slate or tile in single family residential construction within the City; and

WHEREAS, the City has to the present date permitted only wood shingles, wood shakes, asbestos shingles, slate or tile to be used in single family residential construction in order to promote a high standard of roofing construction which was also aesthetically pleasing and consistent in appearance; and

WHEREAS, the Plan Commission and the Governing Body of the City have determined that it is important to protect the quality and appearance of roofing material within the City of Leawood which the residents and owners have come to expect and relied upon as a standard of the City; and

WHEREAS, the Plan Commission and the Governing Body have held public hearings to determine whether roofing materials not previously permitted within the City should be permitted as being consistent with the existing construction and aesthetic standards of the City; and

WHEREAS, after viewing various roofing materials the Governing Body has determined that the highest grade of some composition and other alternative material shingles have an aesthetically pleasing appearance and with certain conditions would be appropriate for use within the City; and

WHEREAS, after conducting their own investigation of roofing material and finding that some alternative roofing materials within limitations should be permitted within the City; and

WHEREAS, the Governing Body remanded back to the Plan Commission for reconsideration of their previous recommendation and to author an ordinance amendment incorporating alternate roofing materials of the highest quality for further consideration by the Governing Body; and

WHEREAS, the Governing Body has determined that certain alternative roofing materials should be permitted but only where such materials are of a high quality consistent with roofing materials allowed to the current date in Leawood and where such materials are of an appearance consistent with aesthetic standards embodied in previous ordinances of the City.

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

Section 1. Leawood Development Ordinance Amended. That Section 3-1 K, Section 3-2 K, and Section 3-3 K of the Leawood Development Ordinance are hereby amended to read as follows:

3-1 K. Type of Construction: Exterior walls of all dwellings shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors, and louvers shall be of wood or metal and glass.

Roofs shall be covered with:

a) Wood Shingles: Number 1 or 2 grade
b) Wood Shakes:
   1) Number 1 or 2 grade
   2) Minimum 1/2 inch thickness measured at butt
c) Slate
d) Clay Tile
e) Concrete Tile
f) Other Tile
   1) Synthetic slate within similar color range of slate, clay or concrete tile.
g) Laminated Composition Shingles:
   1) Architectural shingle with shadow lines and or relief imitating a wood shingle or wood shake.
   2) Required to be installed with sheet metal valleys and flashings.
   3) Required to be installed with preformed ridge shingles.
   4) Have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes.
   5) Must use a minimum of five (5) color blend granules.
   6) Required to be placed on solid decking (solid decking shall be placed directly on roof joist not over existing materials).
   7) Minimum thickness 3/16 inch measured at exposed butt end of overlap.
   8) Required to be U.L. Class A fire rated material.
   9) Required to be a minimum of 330 lbs/square.

CONTINUED ON PAGE 21

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Flat roofs or roofs with a pitch of less than 3 inches per foot, in addition to the materials permitted herein, for other roofs, may also be covered with metal, built up asphalt, or single ply elastomeric membrane.

3-2 K. Type of Construction: Exterior walls of all dwellings shall be of brick, stone, wood, stucco, wood shingles, wood shakes, wood siding, wood paneling, wood fiber product paneling, tile or any combination thereof. Windows, doors, and louvers shall be of wood or metal and glass.

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Flat roofs or roofs with a pitch of less than 3 inches per foot, in addition to the materials permitted herein, for other roofs, may also be covered with metal, built up asphalt, or single ply elastomeric membrane.

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e) Concrete Tile
f) Other Tile
   1) Synthetic slate within similar color range of slate, clay or concrete tile.
g) Laminated Composition Shingles:
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Flat roofs or roofs with a pitch of less than 3 inches per foot, in addition to the materials permitted herein, for other roofs, may also be covered with metal, built up asphalt, or single ply elastomeric membrane.

Section 2. Existing sections repealed. That existing Section 3-1 K, Section 3-2 K, and Section 3-3 K of the Leawood Development Ordinance are hereby repealed.

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the Council the 18 day of March, 1991.

Approved by the Mayor the 18 day of March, 1991.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer, City Clerk

Approved as to Form: /s/ R.S. Wetzler
R.S. Wetzler, City Attorney

ORDINANCE NO. 1209

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91D, PROJECT 115 (MISSION ROAD, 103RD STREET-COLLEGE BOULEVARD), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 103RD-COLLEGE BOULEVARD, INCLUDING 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, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS 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 Mission Road, 103rd-College Boulevard, 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. 1204 on February 4, 1991; and

WHEREAS, total cost of improvements to Mission Road, 103rd-College Boulevard, is estimated to be $4,110,000.

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:

20-1,655. 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 91D, Project 115 (Mission Road, 103rd-College Boulevard), 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.

20-1,656. Section Two: Said issue of Temporary Notes, Series 91D, Project 115 (Mission Road, 103rd-College Boulevard), shall consist of bearer note number 1 in the denomination of $100,000. Said note shall be dated March 15, 1991, and shall have the stated maturity date of November 1, 1991. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.75% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of 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) 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.

20-1,657. Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. 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.

20-1,658. 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 Piper, Jaffrey & Hopwood, Inc., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.85% of the principal amount thereof.

20-1,659. 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 note, 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, 1991, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000.00;

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.

20-1,660. 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 4th day of March, 1991.

SIGNED by the Mayor this 4th day of March, 1991.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

3/5/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/5/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $70.25

Ord. No. 1209

ORD. 1209

First published in The Legal Record, Tuesday, March 5, 1991

ORDINANCE NO. 1209

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91D, PROJECT 115 (MISSION ROAD, 103RD STREET-COLLEGE BOULEVARD), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF MISSION ROAD, 103RD-COLLEGE BOULEVARD, INCLUDING 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, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS 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 Mission Road, 103rd-College Boulevard, 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. 1204 on February 4, 1991; and

WHEREAS, total cost of improvements to Mission Road, 103rd-College Boulevard, is estimated to be $4,110,000.

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:

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 91D, Project 115 (Mission Road, 103rd-College Boulevard), 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.

Section Two: Said issue of Temporary Notes, Series 91D, Project 115 (Mission Road, 103rd-College Boulevard), shall consist of bearer note number 1 in the denomination of $100,000. Said note shall be dated March 15, 1991, and shall have the stated maturity date of November 1, 1991. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.75% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of 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) 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.

Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. 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.

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 Piper, Jaffrey & Hopwood, Inc., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.85% of the principal amount thereof.

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 note, 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;

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2. Since January 1, 1991, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000.00;

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.

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 4th day of March, 1991.

SIGNED by the Mayor this 4th day of March, 1991.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Reiser, City Clerk

APPROVED AS TO FORM:

R. B. Wetzler, City Attorney

ORDINANCE NO. 1208

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91C, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $300,000 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:

24-337. 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 91C, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of Three Hundred Thousand Dollars ($300,000) which amount does not exceed the total estimated costs of said improvements.

24-338. Section Two: Said issue of Temporary Notes, Series 91C, Project 118 (Police/Courts Bldg. & Fire Station #1 Remodel), shall consist of bearer notes numbered 1 through 3, each in the denomination of $100,000. Said notes shall be dated March 15, 1991, and shall have the stated maturity date of November 1, 1991. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.87% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said note at maturity.

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 of the particular note chosen for redemption) at any date prior to the stated maturity date of said note by the written notice to known holder or publication of notice at least one time and payment of said note, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

24-339. Section Three: 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.

24-340. 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 99.882% of the principal amount thereof.

24-341. 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, 1991, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 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.

24-342. 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 4th day of March, 1991.

SIGNED by the Mayor this 4th day of March, 1991.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

3/5/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/5/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $58.96

Ord. No. 1208

ORD. 1208

First published in The Legal Record, Tuesday, March 5, 1991

ORDINANCE NO. 1208

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91C, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $300,000 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:

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 91C, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of Three Hundred Thousand Dollars ($300,000) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91C, Project 118 (Police/Courts Bldg. & Fire Station #1 Remodel), shall consist of bearer notes numbered 1 through 3, each in the denomination of $100,000. Said notes shall be dated March 15, 1991, and shall have the stated maturity date of November 1, 1991. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.87% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said note at maturity.

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 of the particular note chosen for redemption) at any date prior to the stated maturity date of said note by the written notice to known holder or publication of notice at least one time and payment of said note, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: 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.

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 99.882% of the principal amount thereof.

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 ev-

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ery 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, 1991, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calender year 1991 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.

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 4th day of March, 1991.

SIGNED by the Mayor this 4th day of March, 1991.

(S E A L)

ATTEST:

Marcia Rinehart, Mayor

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. E. Wetzler, City Attorney

ORDINANCE NO. 1207

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91B, PROJECT 114 (SOMERSET, BELINDER-SAGAMORE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF SOMERSET, BELINDER-SAGAMORE, INCLUDING 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, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS 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 Somerset, Belinder-Sagamore, 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. 1131 on October 2, 1989; and

WHEREAS, total cost of improvements to Somerset, Belinder-Sagamore, is estimated to be $859,500.00.

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:

20-1,649. 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 91B, Project 114 (Somerset, Belinder-Sagamore), in the aggregate principal

amount of Two Hundred Thousand Dollars ($200,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,650. Section Two: Said issue of Temporary Notes, Series 91B, Project 114 (Somerset, Belinder-Sagamore), shall consist of bearer notes number 1 and 2, each in the denomination of $100,000. Said notes shall be dated March 15, 1991, and shall have the stated maturity date of November 1, 1991. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.87% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of 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) 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.

20-1,651. Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. 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.

20-1,652. 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 99.882% of the principal amount thereof.

20-1,653. 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 note, 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, 1991, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000.00;

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.

20-1,654. 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 4th day of March, 1991.

SIGNED by the Mayor this 4th day of March, 1991.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

3/5/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/5/91

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $68.37

Ord. No. 1207

ORD. 1207

First published in The Legal Record, Tuesday, March 5, 1991

ORDINANCE NO. 1207

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 91B, PROJECT 114 (SOMERSET, BELINDER-SAGAMORE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF SOMERSET, BELINDER-SAGAMORE, INCLUDING 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, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS 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 Somerset, Belinder-Sagamore, 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. 1131 on October 2, 1989; and

WHEREAS, total cost of improvements to Somerset, Belinder-Sagamore, is estimated to be $859,500.00.

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

CONTINUED ON PAGE 19

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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:

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 91B, Project 114 (Somerset, Belinder-Sagamore), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 91B, Project 114 (Somerset, Belinder-Sagamore), shall consist of bearer notes number 1 and 2, each in the denomination of $100,000. Said notes shall be dated March 15, 1991, and shall have the stated maturity date of November 1, 1991. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.87% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of 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) 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.

Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. 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.

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 99.882% of the principal amount thereof.

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 note, 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, 1991, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 in an aggregate amount in excess of $10,000.00;

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.

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 4th day of March, 1991.

SIGNED by the Mayor this 4th day of March, 1991.

(S E A L)

ATTEST:

Marcia Rinehart, Mayor

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Watzlaf, City Attorney

ORDINANCE NO. 1206

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-91A, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $700,000 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:

20-1,643. 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. 88-1-91A, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of Seven Hundred Thousand Dollars ($700,000), which amount does not exceed the total estimated costs of said improvements.

20-1,644. Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-91A, Project 113, shall consist of bearer notes numbered from 1 through 7 inclusive,

each in the denomination of $100,000. Each of said notes shall be dated March 15, 1991, and shall have the stated maturity date of November 1, 1991. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 4.70% 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 at maturity.

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 written notice to known holder or by the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,645. Section Three: 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.

20-1,646. 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 Piper, Jaffrey & Hopwood, Inc., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.78% of the principal amount thereof.

20-1,647. 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, 1991, the City has not issued any bonds or obligations.

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 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.

20-1,648. 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 4th day of March, 1991.

SIGNED by the Mayor this 4th day of March, 1991.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

3/5/91

Debra L Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/5/91

Sharon L Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $70.25

Ord. No. 1206

CONTINUED FROM PAGE 15

ery 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, 1991, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1991 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.

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 4th day of March, 1991.

SIGNED by the Mayor this 4th day of March, 1991.

(SEAL)
ATTEST:

Marcia Rinehart, Mayor

WHEREAS, total cost of improvements to Mission Road, 103rd-College Boulevard, is estimated to be $4,110,000.

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:

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 91D, Project 115 (Mission Road, 103rd-College Boulevard), 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.

Section Two: Said issue of Temporary Notes, Series 91D, Project 115 (Mission Road, 103rd-College Boulevard), shall consist of bearer note number 1 in the denomination of $100,000. Said note shall be dated March 15, 1991, and shall have the stated maturity date of November 1, 1991. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 4.75% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of 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) 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.

Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. 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.

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 Piper, Jaffrey & Hopwood, Inc., the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.85% of the principal amount thereof.

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 note, 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;

CONTINUED ON PAGE 19

ORDINANCE NO. 1205

AN ORDINANCE REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 123RD STREET AND MISSION ROAD (B.S.D. ESTATES) FROM REC (PLANNED RECREATION DISTRICT) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

18-133. Section 1. Rezoning of Property. That the real estate hereinafter described, to wit:

> Beginning at the Northwest corner of the Southwest One-Quarter of Section 22, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas; thence North 87° 40′51" East along the North line of said Southwest One-Quarter a distance of 313.67 feet to a point; thence South 00° 00′00" East a distance of 100.25 feet to a point; thence South 90° 00′00" East a distance of 42.20 feet to a point; thence South 42° 13′00" East a distance of 190.31 feet to a point; thence South 47° 47′00" West a distance of 56.37 feet to a point; thence South 87° 31′00" West a distance of 109.04 feet to a point; thence South 43° 30′00" West a distance of 121.45 feet to a point in the East line of Lot 27, Block 25 of Leawood South Sixth Plat; thence North 35° 03′00" West along the East line of said Lot 27, a distance of 114.51 feet to the Northeast corner of said Lot 27; thence South 88° 12′08" West along the North line of said Lot 27 and its Westerly prolongation thereof, a distance of 175.03 feet to a point in the West line of the said Southwest One-Quarter; thence North 01° 47′52" West along the West line of said Southwest One-Quarter, a distance of 271.08 feet to the Point of Beginning and containing 2.586 acres, more or less.

now zoned REC, is hereby rezoned to R-1.

18-134. Section 2. Official Zoning Map Amended. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing changes in zoning.

18-135. Section 3. Reincorporation of Official Zoning Map as Amended. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 2-2 of the "Leawood Development Ordinance".

Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 19th day of February, 1991.

Approved by the Mayor the 19th day of February, 1991.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and state for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

2/26/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
2/26/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $22.23

ORD. 1205

First published in The Legal Record, Tuesday, February 26, 1991.

ORDINANCE NO. 1205

AN ORDINANCE REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 123RD STREET AND MISSION ROAD (B.S.D. ESTATES) FROM REC (PLANNED RECREATION DISTRICT) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT); DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF LEAWOOD, KANSAS; AND REINCORPORATING SAID ZONING MAP.

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

Section 1. Rezoning of Property. That the real estate hereinafter described, to wit:

Beginning at the Northwest corner of the Southwest One-Quarter of Section 22, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas; thence North 87° 40'51" East along the North line of said Southwest One-Quarter a distance of 313.67 feet to a point; thence South 00° 00'00" East a distance of 100.25 feet to a point; thence South 90° 00'00" East a distance of 42.20 feet to a point; thence South 42° 13'00" East a distance of 190.31 feet to a point; thence South 47° 47'00" West a distance of 56.37 feet to a point; thence South 87° 31'00" West a distance of 109.04 feet to a point; thence South 43° 30'00" West a distance of 121.45 feet to a point in the East line of Lot 27, Block 25 of Leawood South Sixth Plat; thence North 35° 03'00" West along the East line of said Lot 27, a distance of 114.51 feet to the Northeast corner of said Lot 27; thence South 88° 12'08" West along the North line of said Lot 27 and its Westerly prolongation thereof, a distance of 175.03 feet to a point in the West line of the said Southwest One-Quarter; thence North 01° 47'52" West along the West line of said Southwest One-Quarter, a distance of 271.08 feet to the Point of Beginning and containing 2.586 acres, more or less.

now zoned REC, is hereby rezoned to R-1.

Section 2. Official Zoning Map Amended. That the Director of Planning and Development of the City of Leawood, Kansas, is hereby directed to amend the Official Zoning Map of the City in accordance with the above and foregoing changes in zoning.

Section 3. Reincorporation of Official Zoning Map as Amended. That the Official Zoning Map of the City, as amended by the provisions of this ordinance, is hereby reincorporated and declared to be the Official Zoning Map of the City as provided for and adopted pursuant to the provisions of Section 2-2 of the "Leawood Development Ordinance".

Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 19th day of February, 1991.

Approved by the Mayor the 19th day of February, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM: /s/ R.S. Wetzler
R.S. Wetzler City Attorney

ORDINANCE NO. 1204

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTIONS OF MISSION ROAD, A MAIN TRAFFICWAY FROM 103RD STREET TO COLLEGE BOULEVARD, 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 Mission Road 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 obligation bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove certain portions of Mission Road from 103rd street to College 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:

20-1,641. <u>Section 1.</u> It is hereby deemed and declared to be necessary to improve and reimprove certain portions of Mission Road from 103rd street to College 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

20-1,642. 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 $4,110,000, 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.

Passed by the Council the 4th day of February, 1991.

Approved by the Mayor this 4th day of February, 1991

Marcia Rinehart
Marcia Rinehart Mayor

ATTEST:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM

R. S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

2/5/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
2/5/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $27.42

Ord. 1204

ORD. 1204

First published in The Legal Record, Tuesday, February 5, 1991.

ORDINANCE NO. 1204

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTIONS OF MISSION ROAD, A MAIN TRAFFICWAY FROM 103RD STREET TO COLLEGE BOULEVARD, 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 Mission Road 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 obligation bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove certain portions of Mission Road from 103rd street to College 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:

Section 1. It is hereby deemed and declared to be necessary to improve and reimprove certain portions of Mission Road from 103rd street to College 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

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 $4,110,000, 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 1. This ordinance shall take affect and be of force from and after its passage and approval and publication one time in the official City newspaper.

Passed by the Council the 4th day of February, 1991.

Approved by the Mayor this 4th day of February, 1991

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

ATTEST:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM

/s/ R.S. Wetzler
R. S. Wetzler City Attorney

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IT HAS NO STAMPS

ORDINANCE NO. 1203

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTIONS OF 135TH STREET (K150), A MAIN TRAFFICWAY, PHASE I, 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 135th Street (K150) 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 obligation bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove certain portions of 135th Street (K150) 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:

20-1,639. Section 1. It is hereby deemed and declared to be necessary to improve and reimprove certain portions of 135th Street (K150) located within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway

improvements, Phase I, be done under the authority of K.S.A. 12-687

20-1,640. 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 $6,850,400, of which an estimated $3,146,400 will be the City's share of the improvement and shall be chargeable to the City at large and may 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.

Passed by the Council the 4th day of February, 1991.

Approved by the Mayor this 4th day of February, 1991

Marcia Rinehart
Marcia Rinehart Mayor

ATTEST:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM

R. S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and state for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

2/5/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
2/5/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $27.42

Ord. 1203

ORD. 1203

First published in The Legal Record, Tuesday, February 5, 1991.

ORDINANCE NO. 1203

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTIONS OF 135TH STREET (K150), A MAIN TRAFFICWAY, PHASE I, 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 135th Street (K150) 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 obligation bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove certain portions of 135th Street (K150) 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:

Section 1. It is hereby deemed and declared to be necessary to improve and reimprove certain portions of 135th Street (K150) located within the City of Leawood, and it is hereby authorized, ordered, and directed that said main trafficway improvements, Phase I, be done under the authority of K.S.A. 12-687

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 $6,850,400, of which an estimated $3,146,400 will be the City's share of the improvement and shall be chargeable to the City at large and may 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.

Passed by the Council the 4th day of February, 1991.

Approved by the Mayor this 4th day of February, 1991

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

ATTEST:

Martha Helzer
Martha Helzer City Clerk

APPROVED AS TO FORM

/s/ R.S. Wetzler
R. S. Wetzler City Attorney

ORDINANCE NO. 1202

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF THE INTERSECTION AT STATE LINE ROAD AND 92ND 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 State Line Road 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 obligation bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove the intersection of State Line Road at 92nd 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:

20-1,637. Section 1. It is hereby deemed and declared to be necessary to improve and reimprove the intersection of State Line Road at 92nd 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

20-1,638. 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 $261,900, and the City's share, estimated to be $75,900, shall be chargeable to the City at large and may 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.

Passed by the Council the 4th day of February, 1991.

Approved by the Mayor this 4th day of February, 1991

Marcia Rinehart
Marcia Rinehart Mayor

ATTEST:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM

R. S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

2/5/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
2/5/91

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $26.68

Ord. 1202

ORD. 1202

First published in The Legal Record, Tuesday, February 5, 1991.

ORDINANCE NO. 1202

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF THE INTERSECTION AT STATE LINE ROAD AND 92ND 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 State Line Road 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 obligation bonds; and

WHEREAS, said Governing Body finds and determines that it is necessary to improve and reimprove the intersection of State Line Road at 92nd 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:

Section 1. It is hereby deemed and declared to be necessary to improve and reimprove the intersection of State Line Road at 92nd 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

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 $261,900, and the City's share, estimated to be $75,900, shall be chargeable to the City at large and may 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.

Passed by the Council the 4th day of February, 1991.

Approved by the Mayor this 4th day of February, 1991

(S E A L)

Marcia Rinehart — Mayor

ATTEST:

Martha Heizer — City Clerk

APPROVED AS TO FORM

/s/ R.S. Wetzler

R. S. Wetzler — City Attorney

ORDINANCE NO. 1201

AN ORDINANCE ACCEPTING AN EASEMENT FOR STORM DRAINAGE PURPOSES.

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

19-6,233. Section 1. That the City of Leawood hereby accepts a permanent drainage easement, along with the restrictions and reservations set forth therein, granting the City of Leawood a permanent easement as described as follows for the location of a storm drainage facility:

From Ninety-Five West, L.P.: All that part of Lot 14, CAMELOT COURT SHOPPING CENTER, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of said Lot 14; thence Southerly, along the easterly line of said Lot 14, a distance of 40 feet; thence Northwesterly, to a point on the Northerly line of said Lot 14 and 65 feet Easterly of the Northwest corner thereof, as measured along said Northerly line; thence Easterly, along the Northerly line of said Lot 14, to the point of beginning.

19-6,234. Section 2. That a copy of said easement is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 21st day of January, 1991.

Approved by the Mayor the 21st day of January, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

1995749/ ORIGINAL COMPARED WITH RECORD

PERMANENT DRAINAGE EASEMENT

This agreement made and entered into this 24th day of September, 19 90 by and between Ninety-Five West, L.P., a Delaware limited partnership, successor in interest to Ninety-Five West Company, a Missouri general partnership and to Frank Morgan, an individual, c/o MD Management, Inc., 260 N.E. Barry Road, Kansas City, MO 64155 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:

All that part of Lot 14, CAMELOT COURT SHOPPING CENTER, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of said Lot 14; thence Southerly, along the easterly line of said Lot 14, a distance of 40 feet; thence Northwesterly, to a point on the Northerly line of said Lot 14 and 65 feet Easterly of the Northwest corner thereof, as measured along said Northerly line; thence Easterly, along the Northerly line of said Lot 14, to the point of beginning.

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1991 JAN -7 P 3:29.4

10.00 SARA F. ULLMANN
REGISTER OF DEEDS

BY_____DEP.

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 and 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.

NINETY-FIVE WEST, L.P.,
a Delaware limited partnership

By: MD Management, Inc., a Missouri corporation, its authorized general partner

By: _____
Name: Mark A. Morgan
Title: Vice President

ATTEST: (Seal)

By: _____
Name: Norman A. Smith
Title: Asst. Secretary

10.00 ck

INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____:
SS.
COUNTY OF _____:

BE IT REMEMBERED, That on the _____ day _____, 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 same.

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

_____
Notary Public

My Commission Expires:

_____

CORPORATE ACKNOWLEDGEMENT

STATE OF MISSOURI :
SS.
COUNTY OF CLAY :

BE IT REMEMBERED that on this 24th day of September, 19 90, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Mark A. Morgan Vice President of MD Management, Inc.

_____, a corporation duly organized, incorporated and existing under and by virtue of the laws of Missouri;

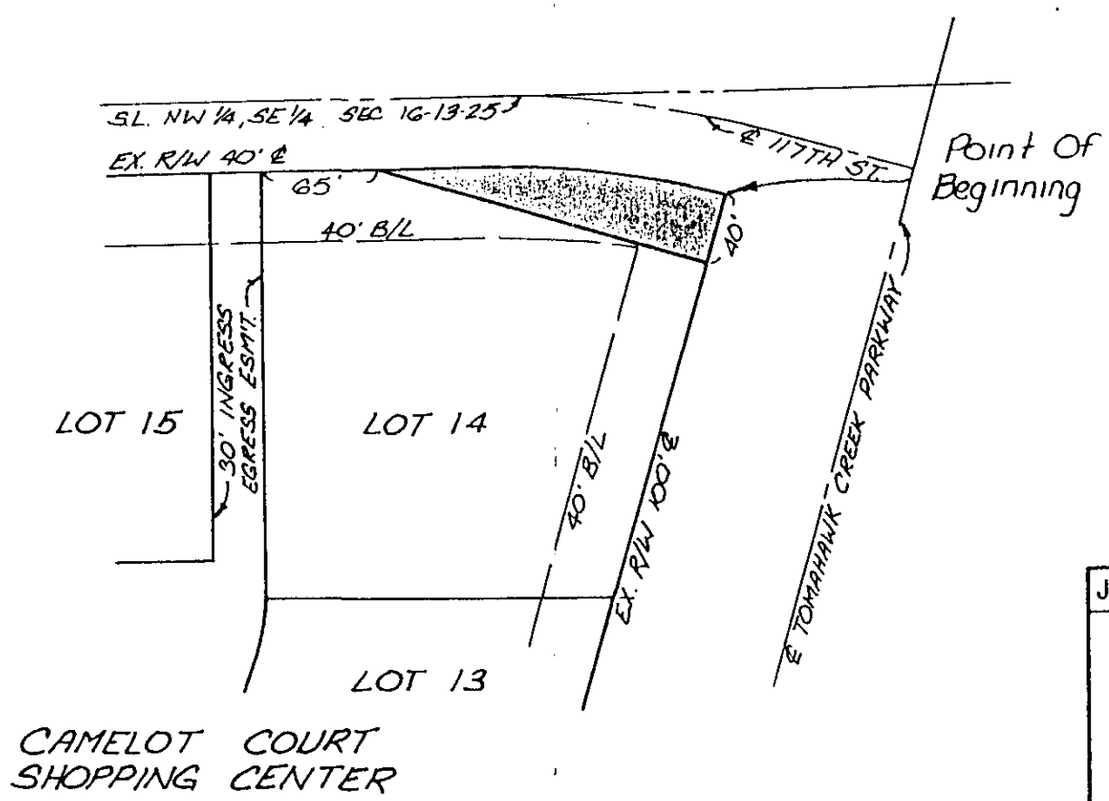
and Norman A. Smith Asst. Secretary of said corporation, who are personally known to me to be such officers and who are personally known to me to be the same persons who executed as such officers the within instrument on behalf of said Corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said Corporation.

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

Angela Sue Matney
Notary Public

My Commission Expires

ANGELA SUE MATNEY
NOTARY PUBLIC STATE OF MISSOURI
CLAY COUNTY
MY COMMISSION EXP. JULY 6,1994



SCALE: 1" = 100'

JOB NO. 49428	DATE 1990	BY TS

PLAT OF LEGAL DESCRIPTION
PERMANENT DRAINAGE EASEMENT
LOT 14, CAMELOT COURT
SHOPPING CENTER
CITY OF LEAWOOD
JOHNSON COUNTY, KANSAS

SHAFER, KLINE & WARREN, P.A.
CIVIL ENGINEERS – LAND SURVEYORS
TRAFFIC ENGINEERS – LAND PLANNERS
LANDSCAPE ARCHITECTURE
11100 W. 91st STREET, OVERLAND PARK, KANSAS 66214
OFFICE: 913-888-7800 FAX: 913-888-7868

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.
That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

1/29/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
1/29/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $14.08

ORD. 1201

First published in The Legal Record, Tuesday, January 29, 1991.

ORDINANCE NO. 1201

AN ORDINANCE ACCEPTING AN EASEMENT FOR STORM DRAINAGE PURPOSES.

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

Section 1. That the City of Leawood hereby accepts a permanent drainage easement, along with the restrictions and reservations set forth therein, granting the City of Leawood a permanent easement as described as follows for the location of a storm drainage facility:

From Ninety-Five West, L.P.: All that part of Lot 14, CAMELOT COURT SHOPPING CENTER, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of said Lot 14; thence Southerly, along the easterly line of said Lot 14, a distance of 40 feet; thence Northwesterly, to a point on the Northerly line of said Lot 14 and 65 feet Easterly of the Northwest corner thereof, as measured along said Northerly line; thence Easterly, along the Northerly line of said Lot 14, to the point of beginning.

Section 2. That a copy of said easement is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 21st day of January, 1991.

Approved by the Mayor the 21st day of January, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wheeler City Attorney

Ordinance No. 1201

ORDINANCE NO. 1200

AN ORDINANCE ACCEPTING A DEED FOR STREET PURPOSES (95TH STREET IMPROVEMENTS, STATE LINE ROAD TO WENONGA).

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

19-5,115. Section 1. That the City of Leawood hereby accepts a deed for land to be used for street purposes, the legal description of which is as follows:

From Walter P. and Marguerite R. Bacher: All that part of Lot 23, "Amended Plat of Lots 19 to 30, inclusive, LEAWOOD ESTATES", a subdivision in Leawood, Johnson County, Kansas, described as follows: Beginning at a point on the South line of said Lot 23 that is North 89°-54'-36" West, a distance of 47.00 feet from the Southeast corner thereof; thence North 89°-54'-36" West, along said South line, a distance of 77.82 feet; thence in a Westerly, Northwesterly and Northerly direction along said lot line and along a curve to the right, tangent to the last described course, having a radius of 25.00 feet, an arc distance of 34.24 feet; thence South 89°-54'-36" East, a distance of 24.40 feet; thence South 0°-05'-24" West, a distance of 16.00 feet to a point that is 4.00 feet North of the South line of said Lot 23; thence South 86°-58'-16" East, a distance of 78.02 feet to the point of beginning.

19-5,116. Section 2. That a copy of said deed is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 21st day of January, 1991.

Approved by the Mayor the 21st day of January, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

35

1995748

ORIGINAL COMPARED WITH RECORD

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That this Deed, made and entered into this 19 day of December, 1990, by and between WALTER P. BACHER AND MARGUERITE R. BACHER, HUSBAND AND WIFE of Johnson County, Sate of Kansas, Parties of the First Part, and the CITY OF LEAWOOD, Johnson County, State of Kansas, Party of the Second Part,

WITNESSETH:

That Part ____ of the First Part, In consideration of the sum of One Dollar ($1.00) Dollars to have in hand paid by Party of the Second Part, receipt whereof is hereby acknowledged, by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the Party of the Second Part forever all ____ right, title and interest in and to the following described real estate lying and situate in the County of Johnson, State of Kansas, to wit:

DESCRIPTION: ALL THAT PART OF LOT 23, "AMENDED PLAT OF LOTS 19 TO 30, INCLUSIVE, LEAWOOD ESTATES", A SUBDIVISION IN LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 23 THAT IS NORTH 89°-54'-36" WEST, A DISTANCE OF 47.00 FEET FROM THE SOUTHEAST CORNER THEREOF; THENCE NORTH 89°-54'-36" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 77.82 FEET; THENCE IN A WESTERLY, NORTHWESTERLY AND NORTHERLY DIRECTION ALONG SAID LOT LINE AND ALONG A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 34.24 FEET; THENCE SOUTH 89°-54'-36" EAST, A DISTANCE OF 24.40 FEET; THENCE SOUTH 0°-05'-24" WEST, A DISTANCE OF 16.00 FEET TO A POINT THAT IS 4.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT 23; THENCE SOUTH 86°-58'-16" EAST, A DISTANCE OF 78.02 FEET TO THE POINT OF BEGINNING.

TO HAVE AND TO HOLD THE same together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in any wise appertaining, forever. It is understood and agreed that the Party of the Second Part shall use said real estate in the construction, improvement, reconstruction and maintenance of a public right-of-way and should said right-of-way, any part thereof be vacated, the same shall revert to Parties of the First Part, their heirs, executors, administrators, successors, or assigns.

And the Parties of the First Part for their heirs, executors, administrators, successors and assigns, do hereby convenent, promise, and agree to and with said Party of the Second Part that at the delivery of these presents ____ lawfully seized of the interest hereby conveyed in all and singular the above granted and described premises with the appurtenances thereto; that the same are free and clear of and from all and every incumbrance whatsoever, except ____

and that First Parties will forever warrant and defind the same unto the Party of the Second Part or its assigns forever, against all and any lawful claim of all and any persons whomsoever. Parties of the First part, for their heirs, executors, administrators, successors, or assigns, hereby waives and release to Second Party, any and all claims for damages or compensation, either now or in the future arising by reason of the use of said real estate for the purposes herein described. First parties hereby agrees that First Parties shall pay any special assessments or installments thereof, matured or unmatured, on said premises hereby granted, and that Second Party shall not be liable in any way for the payment thereof. First Party further agrees that the proper Governing Body may release the premises hereby granted from any special assessment and spread and attach such special assessment to the remainder of the property adjacent to the premises hereby granted and which are owned by First Party.

IN WITNESS WHEREOF, said Parties of the First Part have hereunto set their hands and seal this the day and year first above written.

Walter P. Bacher

Walter P. Bacher

Marguerite R. Bacher

Marguerite R. Bacher

Entered in Transfer Record
8 o'clk 7th Day of Jan. 1991
Beverly L. Baker

Johnson County Clerk

VOL 3288 PAGE 556

11/24/81

INDIVIDUAL ACKNOWLEDGMENT

STATE OF KANSAS :
SS.
COUNTY OF JOHNSON :

BE IT REMEMBERED, That on the 19 day DECEMBER, 19 90, before me, the undersigned, a Notary Public in and for said County and State,

came Walter P. Bacher and Marguerite R. Bacher

who are personally known to me to be the same persons who executed the within instrument of writing, and duly acknowledged the execution of same.

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

NOTARY PUBLIC JOHNSON STATE OF KANSAS
JULIE A. BUTLER
My Appt. Exp. 06/25/91

Julie A. Butler
Notary Public

My Commission Expires:

06-25-91

CORPORATE ACKNOWLEDGEMENT

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 Corporation, _____.

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

_____
Notary Public

My Commission Expires

_____

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

8:00 1991 JAN -7 P 3:29.2

SARA E. ULLMANN
REGISTER OF DEEDS

BY_____DEP.

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

1/29/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
1/29/91

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $14.82

ORD. 1200

First published in The Legal Record, Tuesday, January 29, 1991.

ORDINANCE NO. 1200

AN ORDINANCE ACCEPTING A DEED FOR STREET PURPOSES (95TH STREET IMPROVEMENTS, STATE LINE ROAD TO WENONGA).

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

Section 1. That the City of Leawood hereby accepts a deed for land to be used for street purposes, the legal description of which is as follows:

From Walter P. and Marguerite R. Bacher: All that part of Lot 23, "Amended Plat of Lots 19 to 30, inclusive, LEAWOOD ESTATES", a subdivision in Leawood, Johnson County, Kansas, described as follows: Beginning at a point on the South line of said Lot 23 that is North 89°-54'-36" West, a distance of 47.00 feet from the Southeast corner thereof; thence North 89°-54'-36" West, along said South line, a distance of 77.82 feet; thence in a Westerly, Northwesterly and Northerly direction along said lot line and along a curve to the right, tangent to the last described course, having a radius of 25.00 feet, an arc distance of 34.24 feet; thence South 89°-54'-36" East, a distance of 24.40 feet; thence South 0°-05'-24" West, a distance of 16.00 feet to a point that is 4.00 feet North of the South line of said Lot 23; thence South 86°-58'-16" East, a distance of 78.02 feet to the point of beginning.

Section 2. That a copy of said deed is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 21st day of January, 1991.

Approved by the Mayor the 21st day of January, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R. S. Wetzler City Attorney

Ordinance No. 1200

ORDINANCE NO. 1199 C

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE 4 OF CHAPTER 15 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO SOLID WASTE MANAGEMENT.

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

Section 1. Code Amended. That Section 15-402 of the Code of the City of Leawood is hereby amended to read as follows:

15-402. DEFINITIONS. For the purposes of this article, the following terms, phrases, words and their derivation shall have the meanings given in this section:

(1) Agricultural Waste. Solid waste resulting from the production of farm or agricultural products.

(2) Air Pollution. The presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is, or tends significantly to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.

(3) Approved container. All containers designed for the disposal of solid waste which may include cans and recycling containers. All such containers shall be of rigid construction with tight fitting covers and be water tight. Yard waste may be placed in other suitable containers. Containers shall have a maximum capacity of 55 gallons and be so constructed as to adequately contain all contents placed therein without spillage, leakage or emission of odors while awaiting collection. The weight of any individual container and its contents shall not exceed 75 pounds.

(4) Bulky Waste. Items either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by solid waste collectors, with the equipment available therefor, including but not limited to appliances, furniture, large auto parts, trees, etc.

(5) City. The City of Leawood, Kansas

(6) Code. The Johnson County Sanitary Code for Sanitary Landfill.

(7) Collection. Removal and transportation of solid waste from its place of storage to its place of processing or disposal.

(8) Collector. Any person, public or private, engaged in collecting solid waste.

(9) Combined Refuse Collection. The collection of mixed refuse (putrescible and nonputrescible).

(10) Combined Solid Waste. Solid waste containing both garbage and rubbish (see mixed refuse).

(11) Commercial Waste. Solid waste emanating from

establishments engaged in business. This category includes, but is not limited to solid waste originating in stores, markets, office buildings, restaurants, shopping centers, theaters and schools.

(12) Commissioners. The Johnson County Board of County Commissioners.

(13) Composting. A controlled process of microbial degradation of organic material into stable, nuisance free humas-like product.

(14) Construction Waste. Waste building materials and rubble resulting from construction, remodeling or repair operations on houses, commercial buildings, or other structures and pavements.

(15) Contractor. The person or corporation holding a valid SWMS contract, whether public or private operation.

(16) Demolition Waste. Waste material from the destruction of residential, industrial or commercial structures.

(17) Department. The Kansas State Department of Health.

(18) Disposable Solid Waste Container. Approved containers which are designed to be disposed of with the solid waste contained therein.

(19) Disposal. Depositing solid waste in or at a facility approved by the City, Johnson County SWMP and the Kansas State Board of Health for such purpose.

(20) Dump. A collection or consolidation of solid waste from one or more sources at a central disposal site which does not meet standards for proper disposal.

(21) Dwelling Unit. Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

(22) Engineer. The Johnson County Engineer, designate and his or her department.

(23) Garbage. The animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods, including unclean containers.

(24) Hazardous Waste. Solid and liquid waste which requires special handling and disposal to protect and conserve the environment and human health including, but not limited to, pesticides, acids, caustic, pathological waste, radioactive materials, flammable or explosive materials, oils and solvents, and similar organic and inorganic chemicals and materials, containers and materials that have been contaminated with hazardous waste.

(25) Incineration. The controlled process of burning solid and/or liquid waste.

(26) Leawood Integrated Solid Waste Management Program. A combination of the collection of household waste and same day curbside recycling. This represents the entire process of collecting, sorting, storing, processing, recycling, reclaim-

ing and disposing of refuse.

(27) License. The permission for a contractor to be allowed to operate SWMS vehicles or facilities within the City upon payment of a specified fee upon meeting licensing requirements of the City and County.

(28) Mixed Refuse. A mixture of solid waste containing putrescible and nonputrescible materials. (See Combined Solid Waste).

(29) Nuisance. Anything which (1) is injurious to health or is offensive to the senses or any obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the handling or disposal of solid waste.

(30) Official Adopted Solid Waste Management Plan. Referred to herein as "Official Plan" and "Official Plan for Solid Waste Management" means a comprehensive plan for the provision of an adequate solid waste management system adopted by any authority to provide such a system or having jurisdiction over the provision of such system, and submitted to and approved by the department as provided in K.S.A. 65-3405 and acts amendatory thereto.

(31) Occupant. Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as owner, guest, or as a tenant, either with or without the consent of the owner thereof.

(32) Owner. Any person who, alone or jointly or severally with others, has legal title to, or sufficient proprietary interest in, or have charge, care or control of any dwelling unit or any other improved real property, as title holder, as employee or agent of the title holder, or as landlord or manager or as trustee or guardian of the estate or person of the title holder.

(33) Person. Individual, partnership, corporation, institution, political subdivision, homes association or state agency.

(34) Putrescible Waste. Organic wastes which progressively decompose with the production of foul smelling compounds and/or material that attracts insect or animal life.

(35) Refuse. (See Solid Waste).

(36) Rubbish. Nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from: dwelling units, commercial, industrial, institutional, or agricultural establishments, including yard wastes and items commonly referred to as "trash".

(a) Bulky rubbish - (See Bulky Waste)

(b) Commercial rubbish - rubbish resulting from

commercial, industrial, institutional, or agricultural activities.

(c) Residential rubbish - rubbish resulting from the maintenance and operation of dwelling units.

(37) Sanitary Landfill. An area on which solid waste is dispersed of on the land without creating nuisances or hazards to the public health or safety by confining refuse to the smallest practical area, compacting it to the smallest practical volume by employing power equipment, and covering it with a layer of compacted earth or other suitable cover material at the conclusion of each day's operation.

(38) Service. The useful result; the product of labor and machines in property and effective management to dispose of solid waste.

(39) Solid Waste. Unwanted or discarded waste materials in a solid or semi-liquid state, including but not limited to refuse, garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, demolition and construction wastes and digested sludges resulting from the treatment of domestic sewage or a combination thereof.

(a) Commercial solid waste - solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(b) Residential solid waste - solid waste resulting from the maintenance and operation of dwelling units.

(40) Solid Waste Container. Any receptacle used by any person to store solid waste during the interval between solid waste collections.

(41) Solid Waste Disposal Area. Also referred to herein as "disposal area" or "disposal site", means any area used for the disposal of refuse from more than one residential premise, or one or more commercial, industrial, manufacturing, or municipal operations.

(42) Solid Waste Management System (SWMS). The entire process of storage, collection, transportation, processing, and disposal of solid waste by any person engaging in such process as a business, or any city, authority, county or any combination thereof.

(43) SWM. Solid Waste Management.

(44) SWMC. Johnson County Solid Waste Management Committee.

(45) SWMP. The approved and adopted Solid Waste Management Plan for Johnson County.

(46) Solid Waste Processing Facility. Also referred to herein as "processing facility" means incinerator, compost plant, transfer station or any other facility where solid wastes are consolidated, temporarily stored or processed prior to being transported to a final disposal site.

(47) Storage. Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

(48) Temporary Storage. Proper accumulation and storage

of solid waste between regularly scheduled refuse collection intervals.

(49) Transfer Station. A facility used as an adjunct to solid waste collection system. Such a facility may be fixed or mobile and may include recompaction of solid waste.

(50) Vector (Of Disease). An animal or insect having the capability of transmitting infectious diseases from one person or animal to another by biting the skin or mucous membrane or by depositing the infective material on the skin, on food, or on another object.

(51) Water Pollution. Contamination, or other alteration of the physical, chemical or biological properties of any waters of the city or state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to public health safety or welfare, or to the plant, animal or aquatic life of the city or state or to other legitimate beneficial uses.

(52) Waters of the City or State. All streams, creeks, and springs, and all bodies of surface or ground water, whether natural or artificial, within the boundaries of the state.

(53) Yard Wastes. All forms of botanical waste, including but not limited to grass clippings, leaves, tree trimmings, etc.

Section 2. Code Amended. That Section 15-404 of the Code of the City of Leawood is hereby amended to read as follows:

15-404. COLLECTION AND DISPOSAL OF SOLID WASTE. The City shall provide or allow for the collection of all residential solid waste as follows:

(a) The City shall provide for or establish the parameters by which all solid waste is collected and disposed of in the City. The City provides for the collection of solid waste by authorizing others, including, but not limited to, homes associations, commercial and retail establishments and other non-residential establishments to be responsible for providing for the collection of solid waste and complying with all applicable restrictions, regulations and property maintenance codes.

(b) Following the effective date of this ordinance, all persons contracting to provide the service of collecting and transporting residential solid waste in the City of Leawood shall offer an integrated solid waste management program which shall include collection of household waste and same day curbside recycling, and shall meet all the licensing requirements and regulations of the City. No permit shall be issued to any person to engage in the business of collecting, transporting or processing of solid waste within the City unless said person shall first provide the City with copies of

the contracts for said collection and transportation of residential solid waste which contracts if entered into or amended following the effective date of this ordinance shall include agreement to collect and transport solid waste in accordance with an integrated solid waste management program approved by the City and the provisions of this ordinance. Every hauler shall periodically provide documentation to their clients substantiating the method by which the recyclables were disposed of, weight and/or volume of recyclables collected and compensation received for the recycled materials.

Section 3. Code Amended. That Section 15-407 of the Code of the City of Leawood is hereby amended to read as follows:

15-407. PERMITS. (a) Any person engaging in the business of collecting, transporting or processing of solid waste within the corporate limits of the City shall first obtain a permit from the City Clerk. Each applicant for any such permit shall state in his or her application the following:

(1) The nature of the permit desired (storage, collection and/or transportation of solid waste or any combination thereof);

(2) The characteristics of solid waste to be collected and transported;

(3) The number of solid waste vehicles and equipment to be operated thereunder;

(4) The precise location or locations of solid waste processing or disposal for service to be used;

(5) The information sufficient to establish that the permittee in contracting to collect and transport solid waste within the City has agreed that said collection and transportation will be in accordance with the provisions of 15-404 (b) of this ordinance;

(6) An agreement to indemnify and hold the City harmless for any claims which may be made against the City as a result of the failure of the permittee to transport, dispose, or process solid waste collected within the City in compliance with this ordinance, state or federal law;

(7) Such other information as required by the City Clerk as may be reasonably necessary to determine that the operations of the permittee will be conducted in compliance with the provisions of this ordinance.

(b) Permits will be issued on a client-by-client basis. A permit will not be issued for collection of solid waste for those clients who have not agreed to expand their service to include all aspects of the integrated solid waste management program.

(c) If the application shows that the applicant will collect and transport solid waste without hazard to the

public health or damage to the environment and in conformity with the Johnson County Solid Waste Management System, the laws of the State of Kansas, and of this article, the City shall issue the permit authorized by this article. The permit shall be issued for the period of one year, and each applicant shall pay of fee of $25 for each collection vehicle to be used in the City. The application must clearly show that the collection and transportation of solid waste will create no public health hazard or be without harmful effects on the environment. If such a showing is not made by the applicant, the City Clerk shall deny the application and not issue the permit. The applicant may appeal the refusal of the City Clerk to issue the application to the Governing Body. The Governing Body, after a hearing, may by majority vote, order the City Clerk to issue the permit. Nothing in this section shall prejudice the right of the applicant to reapply at a later date for a permit.

(d) Permits shall not be required for the removal, hauling or disposal of demolition or construction wastes; however, all such wastes shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained to prevent the material being transported from spilling upon the public highways.

(e) Before a valid permit and occupation license shall be issued by the City, the applicant must furnish the City a list of his/her clients (homes associations, commercial and retail establishments and other non-residential establishments) in the City, a copy of the contract substantiating that a recycling program has been offered and accepted, and substantiation of the method by which recyclables were disposed of, weight and/or volume of recyclables collected and compensation received in the previous year. In addition, the applicant must furnish the City a certificate of insurance showing a minimum public liability insurance coverage of at least $250,000 for each person injured or killed, and in an amount not less than $500,000 in the event of injury or death of two or more persons in any single accident, and an amount not less than $200,000 for damage to property. In the event the insurance is canceled during the term of the permit, the insurance carrier shall notify the City in writing no less than 10 days prior to the effective date of such cancellation. The certificate of insurance shall provide that the insurance company agrees to so notify the City, and further, the insurance policy shall contain written provisions which shall place the responsibility for the 10-day written notification upon the company issuing the policy in order that the coverage be considered proper.

Section 4. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any

reason, the remainder of this ordinance shall not be thereby affected.

Section 5. Repeal of Existing Sections. That existing Sections 15-402, 15-404, and 15-407 of the Code of the City of Leawood are hereby repealed. (Prior law: Ord. No. 1161C).

Section 6. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 21st day of January, 1991.

Approved by the Mayor the 21st day of January, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

1/29/91

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
1/29/91

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $111.15

Ordinance No. 1199C

ORD. 1199-C

First published in The Legal Record, Tuesday, January 29, 1991.

ORDINANCE NO. 1199-C

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE 4 OF CHAPTER 15 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO SOLID WASTE MANAGEMENT.

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

Section 1. Code Amended. That Section 15-402 of the Code of the City of Leawood is hereby amended to read as follows:

15-402. DEFINITIONS. For the purposes of this article, the following terms, phrases, words and their derivation shall have the meanings given in this section:

(1) Agricultural Waste. Solid waste resulting from the production of farm or agricultural products.

(2) Air Pollution. The presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is, or tends significantly to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.

(3) Approved container. All containers designed for the disposal of solid waste which may include cans and recycling containers. All such containers shall be of rigid construction with tight fitting covers and be water tight. Yard waste may be placed in other suitable containers. Containers shall have a maximum capacity of 55 gallons and be so constructed as to adequately contain all contents placed therein without spillage, leakage or emission of odors while awaiting collection. The weight of any individual container and its contents shall not exceed 75 pounds.

(4) Bulky Waste. Items either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by solid waste collectors, with the equipment available therefor, including but not limited to appliances, furniture, large auto parts, trees, etc.

(5) City. The City of Leawood, Kansas

(6) Code. The Johnson County Sanitary Code for Sanitary Landfill.

(7) Collection. Removal and transportation of solid waste from its place of storage to its place of processing or disposal.

(8) Collector. Any person, public or private, engaged in collecting solid waste.

(9) Combined Refuse Collection. The collection of mixed refuse (putrescible and nonputrescible).

(10) Combined Solid Waste. Solid waste containing both garbage and rubbish (see mixed refuse).

(11) Commercial Waste. Solid waste emanating from establishments engaged in business. This category includes, but is not limited to solid waste originating in stores, markets, office buildings, restaurants, shopping centers, theaters and schools.

(12) Commissioners. The Johnson County Board of County Commissioners.

(13) Composting. A controlled process of microbial degradation of organic material into stable, nuisance free humas-like product.

(14) Construction Waste. Waste building materials and rubble resulting from construction, remodeling or repair operations on houses, commercial buildings, or other structures and pavements.

(15) Contractor. The person or corporation holding a valid SWMS contract, whether public or private operation.

(16) Demolition Waste. Waste material from the destruction of residential, industrial or commercial structures.

(17) Department. The Kansas State Department of Health.

(18) Disposable Solid Waste Container. Approved containers which are designed to be disposed of with the solid waste contained therein.

(19) Disposal. Depositing solid waste in or at a facility approved by the City, Johnson County SWMP and the Kansas State Board of Health for such purpose.

(20) Dump. A collection or consolidation of solid waste from one or more sources at a central disposal site which does not meet standards for proper disposal.

(21) Dwelling Unit. Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

(22) Engineer. The Johnson County Engineer, designate and his or her department.

(23) Garbage. The animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods, including unclean containers.

(24) Hazardous Waste. Solid and liquid waste which requires special handling and disposal to protect and conserve the environment and human health including, but not limited to, pesticides, acids, caustic, pathological waste, radioactive materials, flammable or explosive materials, oils and solvents, and similar organic and inorganic chemicals and materials, containers and materials that have been contaminated with hazardous waste.

(25) Incineration. The controlled process of burning solid and/or liquid waste.

(26) Leawood Integrated Solid Waste Management Program. A combination of the collection of household waste and same day curbside recycling. This represents the entire process of collecting, sorting, storing, processing, recycling, reclaiming and disposing of refuse.

(27) License. The permission for a contractor to be allowed to operate SWMS vehicles or facilities within the City upon payment of a specified fee upon meeting licensing requirements of the City and County.

(28) Mixed Refuse. A mixture of solid waste containing putrescible and nonputrescible materials. (See Combined Solid Waste).

(29) Nuisance. Anything which (1) is injurious to health or is offensive to the senses or any obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the handling or disposal of solid waste.

(30) Official Adopted Solid Waste Management Plan. Referred to herein as "Official Plan" and "Official Plan for Solid Waste Management" means a comprehensive plan for the provision of an adequate solid waste management system adopted by any authority to provide such a system or having jurisdiction over the provision of such system, and submitted to and approved by the department as provided in K.S.A. 65-3405 and acts amendatory thereto.

(31) Occupant. Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as owner, guest, or as a tenant, either with or without the consent of the owner thereof.

(32) Owner. Any person who, alone or jointly or severally with others, has legal title to, or sufficient proprietary interest in, or have charge, care or control of any dwelling unit or any other improved real property, as title holder, as employee or agent of the title holder, or as landlord or manager or as trustee or guardian of the estate or person of the title holder.

(33) Person. Individual, partnership, corporation, institution, political subdivision, homes association or state agency.

(34) Putrescible Waste. Organic wastes which progressively decompose with the production of foul smelling compounds and/or material that attracts insect or animal life.

(35) Refuse. (See Solid Waste).

(36) Rubbish. Nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from: dwelling units, commercial, industrial, institutional, or agricultural establishments, including yard wastes and items commonly referred to as "trash".

(a) Bulky rubbish - (See Bulky Waste)

(b) Commercial rubbish - rubbish resulting from commercial, industrial, institutional, or agricultural activities.

(c) Residential rubbish - rubbish resulting from the maintenance and operation of dwelling units.

(37) Sanitary Landfill. An area on which solid waste is dispersed of on the land without creating nuisances or hazards to the public health or safety by confining refuse to the smallest practical area, compacting it to the smallest practical volume by employing power equipment, and covering it with a layer of compacted earth or other suitable cover

CONTINUED ON PAGE 20

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material at the conclusion of each day's operation.

(38) Service. The useful result; the product of labor and machines in property and effective management to dispose of solid waste.

(39) Solid Waste. Unwanted or discarded waste materials in a solid or semi-liquid state, including but not limited to refuse, garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, demolition and construction wastes and digested sludges resulting from the treatment of domestic sewage or a combination thereof.

(a) Commercial solid waste - solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(b) Residential solid waste - solid waste resulting from the maintenance and operation of dwelling units.

(40) Solid Waste Container. Any receptacle used by any person to store solid waste during the interval between solid waste collections.

(41) Solid Waste Disposal Area. Also referred to herein as "disposal area" or "disposal site", means any area used for the disposal of refuse from more than one residential premise, or one or more commercial, industrial, manufacturing, or municipal operations.

(42) Solid Waste Management System (SWMS). The entire process of storage, collection, transportation, processing, and disposal of solid waste by any person engaging in such process as a business, or any city, authority, county or any combination thereof.

(43) SWM. Solid Waste Management.

(44) SWMC. Johnson County Solid Waste Management Committee.

(45) SWMP. The approved and adopted Solid Waste Management Plan for Johnson County.

(46) Solid Waste Processing Facility. Also referred to herein as "processing facility" means incinerator, compost plant, transfer station or any other facility where solid wastes are consolidated, temporarily stored or processed prior to being transported to a final disposal site.

(47) Storage. Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

(48) Temporary Storage. Proper accumulation and storage of solid waste between regularly scheduled refuse collection intervals.

(49) Transfer Station. A facility used as an adjunct to solid waste collection system. Such a facility may be fixed or mobile and may include recompaction of solid waste.

(50) Vector (Of Disease). An animal or insect having the capability of transmitting infectious diseases from one person or animal to another by biting the skin or mucous membrane or by depositing the infective material on the skin, on food, or on another object.

(51) Water Pollution. Contamination, or other alteration of the physical, chemical or biological properties of any waters of the city or state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to public health safety or welfare, or to the plant, animal or aquatic life of the city or state or to other legitimate beneficial uses.

(52) Waters of the City or State. All streams, creeks, and springs, and all bodies of surface or ground water, whether natural or artificial, within the boundaries of the state.

(53) Yard Wastes. All forms of botanical waste, including but not limited to grass clippings, leaves, tree trimmings, etc.

Section 2. Code Amended. That Section 15-404 of the Code of the City of Leawood is hereby amended to read as follows:

15-404. COLLECTION AND DISPOSAL OF SOLID WASTE. The City shall provide or allow for the collection of all residential solid waste as follows:

(a) The City shall provide for or establish the parameters by which all solid waste is collected and disposed of in the City. The City provides for the collection of solid waste by authorizing others, including, but not limited to, homes associations, commercial and retail establishments and other non-residential establishments to be responsible for providing for the collection of solid waste and complying with all applicable restrictions, regulations and property maintenance codes.

(b) Following the effective date of this ordinance, all persons contracting to provide the service of collecting and transporting residential solid waste in the City of Leawood shall offer an integrated solid waste management program which shall include collection of household waste and same day curbside recycling, and shall meet all the licensing requirements and regulations of the City. No permit shall be issued to any person to engage in the business of collecting, transporting or processing of solid waste within the City unless said person shall first provide the City with copies of the contracts for said collection and transportation of residential solid waste which contracts if entered into or amended following the effective date of this ordinance shall include agreement to collect and transport solid waste in accordance with an integrated solid waste management program approved by the City and the provisions of this ordinance. Every hauler shall periodically provide documentation to their clients substantiating the method by which the recyclables were disposed of, weight and/or volume of recyclables collected and compensation received for the recycled materials.

Section 3. Code Amended. That Section 15-407 of the Code of the City of Leawood is hereby amended to read as follows:

15-407. PERMITS. (a) Any person engaging in the business of collecting, transporting or processing of solid waste within the corporate limits of the City shall first obtain a permit from the City Clerk. Each applicant for any such permit shall state in his or her application the following:

(1) The nature of the permit desired (storage, collection and/or transportation of solid waste or any combination thereof);

(2) The characteristics of solid waste to be collected and transported;

(3) The number of solid waste vehicles and equipment to be operated thereunder;

(4) The precise location or locations of solid waste processing or disposal for service to be used;

(5) The information sufficient to establish that the permittee in contracting to collect and transport solid waste within the City has agreed that said collection and transportation will be in accordance with the provisions of 15-404 (b) of this ordinance;

(6) An agreement to indemnify and hold the City harmless for any claims which may be made against the City as a result of the failure of the permittee to transport, dispose, or process solid waste collected within the City in compliance with this ordinance, state or federal law;

(7) Such other information as required by the City Clerk as may be reasonably necessary to determine that the operations of the permittee will be conducted in compliance with the provisions of this ordinance.

(b) Permits will be issued on a client-by-client basis. A permit will not be issued for collection of solid waste for those clients who have not agreed to expand their service to include all aspects of the integrated solid waste management program.

(c) If the application shows that the applicant will collect and transport solid waste without hazard to the public health or damage to the environment and in conformity with the Johnson County Solid Waste Management System, the laws of the State of Kansas, and of this article, the City shall issue the permit authorized by this article. The permit shall be issued for the period of one year, and each applicant shall pay of fee of $25 for each collection vehicle to be used in the City. The application must clearly show that the collection and transportation of solid waste will create no public health hazard or be without harmful effects on the environment. If such a showing is not made by the applicant, the City Clerk shall deny the application and not issue the permit. The applicant may appeal the refusal of the City Clerk to issue the application to the Governing Body. The Governing Body, after a hearing, may by majority vote, order the City Clerk to issue the permit. Nothing in this section shall prejudice the right of the applicant to reapply at a later date for a permit.

(d) Permits shall not be required for the removal, hauling or disposal of demolition or construction wastes; however, all such wastes shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained to prevent the material being transported from spilling upon the public highways.

(e) Before a valid permit and occupation license shall be issued by the City, the applicant must furnish the City a list of his/her clients (homes associations, commercial and retail establishments and other non-residential establishments) in the City, a copy of the contract substantiating that a recycling program has been offered and accepted, and substantiation of the method by which recyclables were disposed of, weight and/or volume of recyclables collected and compensation received in the previous year. In addition, the applicant must furnish the City a certificate of insurance showing a minimum public liability insurance coverage of at least $250,000 for each person injured or killed, and in an amount not less than $500,000 in the event of injury or death of two or more persons in any single accident, and an amount not less than $200,000 for damage to property. In the event the insurance is canceled during the term of the permit, the insurance carrier shall notify the City in writing no less than 10 days prior to the effective date of such cancellation. The certificate of insurance shall provide that the insurance company agrees to so notify the City, and further, the insurance policy shall contain written provisions which shall place the responsibility for the 10-day written notification upon the company issuing the policy in order that the coverage be considered proper.

Section 4. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 5. Repeal of Existing Sections. That existing Sections 15-402, 15-404, and 15-407 of the Code of the City of Leawood are hereby repealed. (Prior law: Ord. No. 1161C).

Section 6. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 21st day of January, 1991.

Approved by the Mayor the 21st day of January, 1991.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM: /s/ R.S. Wetzler

R.S. Wetzler City Attorney

ORIGINAL COMPARED WITH RECORD

2012527

ORDINANCE NO. 1198

AN ORDINANCE VACATING PORTIONS OF ROSEWOOD ~~AND 115TH STREET~~ mk FOR THE LEAWOOD COMMONS OFFICE COMPLEX LOCATED AT APPROXIMATELY 113TH & NALL.

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

19-5,113. Section 1. That the City of Leawood, Kansas, does hereby vacate portions of the existing right~~s~~ mk-of-way of Rosewood ~~and 115th Street~~ mk as described as follows:

All that part of Rosewood, ~~and all that part of 115th Street~~, mk lying adjacent to Lot 19, Block 9, LEAWOOD COUNTRY MANOR, EIGHTH PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southeast corner of said Lot 19; thence S 87° 46′ W, along the South line of said Lot 19, a distance of 120.70 feet, to a point of curvature, said point also being the true point of beginning of subject tract; thence Westerly, Northwesterly, Northerly and Northeasterly, along the Southerly, Southwesterly and Westerly line of said Lot 19, said line being on a curve to the right, having a radius of 13 feet, and a central angle of 101° 23′ 04", a distance of 23 feet, to a point of compound curvature; thence Northeasterly, along the Westerly line of said Lot 19, said line being on a curve to the right, having a radius of 550 feet, a central angle of 13° 26′ 10", and whose initial tangent bearing is N 9° 09′04" E, a distance of 128.98 feet, to a point of tangency; thence N 22° 35′ 14" E, along the Westerly line of said Lot 19, a distance of 62 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along the Westerly, Northwesterly and Northerly line of said Lot 19, said line being on a curve to the right, having a radius of 13 feet, and a central angle of 90° , a distance of 20.42 feet; thence N 67° 24′ 46" W, along the Westerly extension of the Northerly line of said Lot 19, a distance of 38 feet, to a point on the centerline of Rosewood, as now established; thence S 22° 35′ 14" W, along the centerline of said Rosewood, a distance of 75 feet, to a point of curvature; thence Southwesterly and Southerly, along the centerline of said Rosewood, said line being on a curve to the left, having a radius of 575 feet, and a central angle of 15° 30′ 46", a distance of 155.68 feet, to a point on the Westerly extension of the South line of said Lot 19, said point also being 30 feet North of the South line of NW1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas; thence N 87° 46′ E, along the South line of said Lot 19, and along a line 30 feet North of and parallel to the South line of the NW1/4 of said Section 16, a distance of 41 feet, to the point of beginning.

no chg

The above described tract of land contains 5,723 Square Feet, more or less.

19-5,114. Section 2. That the City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

Section 3. That this ordinance shall take effect and be in force 30 days after its publication in the official City newspaper unless protest is made in the manner provided by K.S.A. 14-423 (1989 Supp.).

Passed by the Council the 7th day of January, 1991.

Approved by the Mayor the 7th day of January, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

STATE OF KANSAS }SS
COUNTY OF JOHNSON
FILED FOR RECORD

1991 APR -1 A 9:58 9

SARA F. ULLMANN
REGISTER OF DEEDS

No Chg BY_____ DEP.

CERTIFICATE

State of Kansas)
County of Johnson)
City of Leawood)

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1198 as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said city this 27th day of March, 1991.

(S E A L)

Martha Heizer

City of Leawood
9614 Lee Blvd.
Leawood, Ks. 66206

City of Leawood
9617 Lee Boulevard • Leawood, Kansas 66206 • (913) 642-5555

March 27, 1991

Sara Ullmann, Register of Deeds
Johnson County Courthouse
Olathe, Kansas 66061

Dear Ms. Ullmann:

Enclosed is a certified copy of Leawood's Ordinance No. 1198 to be refiled. The ordinance was originally filed for record on February 18, 1991, Volume 3304, Pages 448 and 449. It must be refiled since surplus language not intended to be part of the ordinance was removed.

Sincerely,

Martha Heizer

Martha Heizer
City Clerk

City of Leawood
9617 Lee Boulevard • Leawood, Kansas 66206 • (913) 642-5555

March 27, 1991

Beverly L. Baker, County Clerk
Johnson County Courthouse
Olathe, Kansas 66061

Dear Ms. Baker:

Enclosed is a certified copy of Leawood's Ordinance No. 1198 to replace the copy sent to you earlier on February 14, 1991. Surplus language not intended to be part of the ordinance was removed.

Sincerely,

Martha Heizer

Martha Heizer
City Clerk

ORIGINAL COMPARED WITH RECORD

2003270

ORDINANCE NO. 1198

AN ORDINANCE VACATING PORTIONS OF ROSEWOOD AND 115TH STREET FOR THE LEAWOOD COMMONS OFFICE COMPLEX LOCATED AT APPROXIMATELY 113TH & NALL.

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

19-5,113. Section 1. That the City of Leawood, Kansas, does hereby vacate portions of the existing rights-of-way of Rosewood and 115th Street as described as follows:

All that part of Rosewood, and all that part of 115th Street, lying adjacent to Lot 19, Block 9, LEAWOOD COUNTRY MANOR, EIGHTH PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southeast corner of said Lot 19; thence S 87° 46′ W, along the South line of said Lot 19, a distance of 120.70 feet, to a point of curvature, said point also being the true point of beginning of subject tract; thence Westerly, Northwesterly, Northerly and Northeasterly, along the Southerly, Southwesterly and Westerly line of said Lot 19, said line being on a curve to the right, having a radius of 13 feet, and a central angle of 101° 23′ 04", a distance of 23 feet, to a point of compound curvature; thence Northeasterly, along the Westerly line of said Lot 19, said line being on a curve to the right, having a radius of 550 feet, a central angle of 13° 26′ 10", and whose initial tangent bearing is N 9° 09′04" E, a distance of 128.98 feet, to a point of tangency; thence N 22° 35′ 14" E, along the Westerly line of said Lot 19, a distance of 62 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along the Westerly, Northwesterly and Northerly line of said Lot 19, said line being on a curve to the right, having a radius of 13 feet, and a central angle of 90° , a distance of 20.42 feet; thence N 67° 24′ 46" W, along the Westerly extension of the Northerly line of said Lot 19, a distance of 38 feet, to a point on the centerline of Rosewood, as now established; thence S 22° 35′ 14" W, along the centerline of said Rosewood, a distance of 75 feet, to a point of curvature; thence Southwesterly and Southerly, along the centerline of said Rosewood, said line being on a curve to the left, having a radius of 575 feet, and a central angle of 15° 30′ 46", a distance of 155.68 feet, to a point on the Westerly extension of the South line of said Lot 19, said point also being 30 feet North of the South line of NW1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas; thence N 87° 46′ E, along the South line of said Lot 19, and along a line 30 feet North of and parallel to the South line of the NW1/4 of said Section 16, a distance of 41 feet, to the point of beginning.

no chg

The above described tract of land contains 5,723 Square Feet, more or less.

19-5,114. Section 2. That the City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

Section 3. That this ordinance shall take effect and be in force 30 days after its publication in the official City newspaper unless protest is made in the manner provided by K.S.A. 14-423 (1989 Supp.).

Passed by the Council the 7th day of January, 1991.

Approved by the Mayor the 7th day of January, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

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

CERTIFICATE

1991 FEB 18 P 2:30

No Chg

SARA F. ULLMANN
REGISTER OF DEEDS

BY_____DEP.

State of Kansas)
County of Johnson)
City of Leawood)

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1198 as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said city this 14th day of February, 1991.

(SEAL)

Martha Heizer

City of Leawood
9617 Lee Blvd.
Leawood, Ks. 66206

City of Leawood
9617 Lee Boulevard • Leawood, Kansas 66206 • (913) 642-5555

February 14, 1991

Beverly L. Baker, County Clerk
Johnson County Courthouse
Olathe, Kansas 66061

Dear Ms. Baker:

Enclosed is a certified copy of Leawood's Ordinance No. 1198 sent in accordance with Section 2 of said Ordinance.

Sincerely,

Martha Heizer

Martha Heizer
City Clerk

ORDINANCE NO. 1198

AN ORDINANCE VACATING PORTIONS OF ROSEWOOD AND 115TH STREET FOR THE LEAWOOD COMMONS OFFICE COMPLEX LOCATED AT APPROXIMATELY 113TH & NALL.

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

19-5,113. Section 1. That the City of Leawood, Kansas, does hereby vacate portions of the existing rights-of-way of Rosewood and 115th Street as described as follows:

All that part of Rosewood, and all that part of 115th Street, lying adjacent to Lot 19, Block 9, LEAWOOD COUNTRY MANOR, EIGHTH PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southeast corner of said Lot 19; thence S 87° 46′ W, along the South line of said Lot 19, a distance of 120.70 feet, to a point of curvature, said point also being the true point of beginning of subject tract; thence Westerly, Northwesterly, Northerly and Northeasterly, along the Southerly, Southwesterly and Westerly line of said Lot 19, said line being on a curve to the right, having a radius of 13 feet, and a central angle of 101° 23′ 04", a distance of 23 feet, to a point of compound curvature; thence Northeasterly, along the Westerly line of said Lot 19, said line being on a curve to the right, having a radius of 550 feet, a central angle of 13° 26′ 10", and whose initial tangent bearing is N 9° 09′04" E, a distance of 128.98 feet, to a point of tangency; thence N 22° 35′ 14" E, along the Westerly line of said Lot 19, a distance of 62 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along the Westerly, Northwesterly and Northerly line of said Lot 19, said line being on a curve to the right, having a radius of 13 feet, and a central angle of 90° , a distance of 20.42 feet; thence N 67° 24′ 46" W, along the Westerly extension of the Northerly line of said Lot 19, a distance of 38 feet, to a point on the centerline of Rosewood, as now established; thence S 22° 35′ 14" W, along the centerline of said Rosewood, a distance of 75 feet, to a point of curvature; thence Southwesterly and Southerly, along the centerline of said Rosewood, said line being on a curve to the left, having a radius of 575 feet, and a central angle of 15° 30′ 46", a distance of 155.68 feet, to a point on the Westerly extension of the South line of said Lot 19, said point also being 30 feet North of the South line of NW1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas; thence N 87° 46′ E, along the South line of said Lot 19, and along a line 30 feet North of and parallel to the South line of the NW1/4 of said Section 16, a distance of 41 feet, to the point of beginning.

The above described tract of land contains 5,723 Square Feet, more or less.

19-5,114. Section 2. That the City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

Section 3. That this ordinance shall take effect and be in force 30 days after its publication in the official City newspaper unless protest is made in the manner provided by K.S.A. 14-423 (1989 Supp.).

Passed by the Council the 7th day of January, 1991.

Approved by the Mayor the 7th day of January, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

1/8/91

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
1/8/91

Sharon Lepung
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $22.23

Ord. 1198

Ord. 1198

First published in The Legal Record, Tuesday, January 8, 1991.

ORDINANCE NO. 1198

AN ORDINANCE VACATING PORTIONS OF ROSEWOOD AND 115TH STREET FOR THE LEAWOOD COMMONS OFFICE COMPLEX LOCATED AT APPROXIMATELY 113TH & NALL.

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

Section 1. That the City of Leawood, Kansas, does hereby vacate portions of the existing rights-of-way of Rosewood and 115th Street as described as follows:

All that part of Rosewood, and all that part of 115th Street, lying adjacent to Lot 19, Block 9, LEAWOOD COUNTRY MANOR, EIGHTH PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southeast corner of said Lot 19; thence S 87° 46' W, along the South line of said Lot 19, a distance of 120.70 feet, to a point of curvature, said point also being the true point of beginning of subject tract; thence Westerly, Northwesterly, Northerly and Northeasterly, along the Southerly, Southwesterly and Westerly line of said Lot 19, said line being on a curve to the right, having a radius of 13 feet, and a central angle of 101° 23' 04", a distance of 23 feet, to a point of compound curvature; thence Northeasterly, along the Westerly line of said Lot 19, said line being on a curve to the right, having a radius of 550 feet, a central angle of 13° 26' 10", and whose initial tangent bearing is N 9° 09'04" E, a distance of 128.98 feet, to a point of tangency; thence N 22° 35' 14" E, along the Westerly line of said Lot 19, a distance of 62 feet, to a point of curvature; thence Northeasterly, Easterly and Southeasterly, along the Westerly, Northwesterly and Northerly line of said Lot 19, said line being on a curve to the right, having a radius of 13 feet, and a central angle of 90°, a distance of 20.42 feet; thence N 67° 24' 46" W, along the Westerly extension of the Northerly line of said Lot 19, a distance of 38 feet, to a point on the centerline of Rosewood, as now established; thence S 22° 35' 14" W, along the centerline of said Rosewood, a distance of 75 feet, to a point of curvature; thence Southwesterly and Southerly, along the centerline of said Rosewood, said line being on a curve to the left, having a radius of 575 feet, and a central angle of 15° 30' 46", a distance of 155.68 feet, to a point on the Westerly extension of the South line of said Lot 19, said point also being 30 feet North of the South line of NW1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas; thence N 87° 46' E, along the South line of said Lot 19, and along a line 30 feet North of and parallel to the South line of the NW1/4 of said Section 16, a distance of 41 feet, to the point of beginning.

The above described tract of land contains 5,723 Square Feet, more or less.

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

Section 3. That this ordinance shall take effect and be in force 30 days after its publication in the official City newspaper unless protest is made in the manner provided by K.S.A. 14-423 (1989 Supp.).

Passed by the Council the 7th day of January, 1991.

Approved by the Mayor the 7th day of January, 1991.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

ORDINANCE NO. 1197

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A BASE LEASE FROM THE CITY OF LEAWOOD, KANSAS, TO SECURITY BANK OF KANSAS CITY, KANSAS CITY, KANSAS, WHEREBY THE CITY LEASES TO SAID BANK, AS TRUSTEE, CERTAIN EQUIPMENT; APPROVING AND AUTHORIZING THE EXECUTION OF A TRUST AGREEMENT BETWEEN THE CITY AND SECURITY BANK OF KANSAS CITY, AS TRUSTEE, PROVIDING FOR THE ISSUANCE OF CERTAIN CERTIFICATES OF PARTICIPATION UPON TERMS AND CONDITIONS AND FOR THE PURPOSES SET FORTH THEREIN; APPROVING AND AUTHORIZING THE EXECUTION OF AN EQUIPMENT LEASE PURCHASE AGREEMENT FROM SECURITY BANK OF KANSAS CITY, AS TRUSTEE, TO THE CITY WHEREBY SAID BANK LEASES BACK TO THE CITY SUCH CERTAIN EQUIPMENT TO BE ACQUIRED FOR CITY PURPOSES WITHIN THE 36 MONTHS FOLLOWING DELIVERY OF THE CERTIFICATES.

WHEREAS, pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, and K.S.A. 10-1116b, the governing body of the City of Leawood, Kansas (the "City"), has determined it necessary and desirable to enter into a certain lease purchase financing as hereinafter described to pay the cost of certain equipment necessary to the functions of the City (the "Equipment") as more fully described in the Trust Agreement hereinafter defined; and

WHEREAS, it has been determined to be in the best interest of the City for the City to enter into a Base Lease with Security Bank of Kansas City, Kansas City, Kansas, a state banking association organized under the laws of the State of Kansas, not individually, but in its capacity as Trustee (the "Trustee"), whereby the City leases the Equipment to the Trustee for a term commencing on or about December 1, 1990, and ending upon the payment of all Basic Lease Payments and other payments due under the Lease Agreement (hereinafter described); and

WHEREAS, it has been determined to be in the best interest of the City to enter into a Trust Agreement with the Trustee providing for the issuance of certain Certificates of Participation in the aggregate principal amount of $405,000 to provide funds to pay a portion of the cost of acquiring the Equipment, upon the terms and conditions set forth therein; and

WHEREAS, it has been determined to be in the best interest of the City for the City to enter into an Equipment Lease Purchase Agreement (the "Lease Agreement") whereby the City subleases the Equipment from the Trustee for a term commencing on or about December 1, 1990, and terminating upon the payment of all Basic Lease Payments and other amounts due under the Lease Agreement.

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

19-407. Section 1. The Base Lease between the City, as lessor, and the Trustee, as lessee, relating to the Equipment, substantially in the form attached hereto as Exhibit A, is hereby authorized and approved with such additions, revisions and corrections as may be approved by the Mayor and City Clerk, such approval to be conclusively evidenced by their execution of the Base Lease on behalf of the City.

19-408. Section 2. The Trust Agreement, providing for the issuance of certain Certificates of Participation in the Lease Agreement, in substantially the form attached hereto as Exhibit B, is hereby authorized and approved with such additions, revisions and corrections as may be approved by the Mayor and City Clerk, such approval to be conclusively evidenced by their execution of the Trust Agreement on behalf of the City.

19-409. Section 3. The Lease Agreement, relating to the Equipment, in substantially the form attached hereto as Exhibit C, is hereby authorized and approved with such additions, revisions and corrections as may be approved by the Mayor and City Clerk, such approval to be conclusively evidenced by their execution of the Lease Agreement on behalf of the City.

19-410. Section 4. The Preliminary Official Statement relating to the sale of Certificates of Participation in the Lease Agreement, in substantially the form attached hereto as Exhibit D, is hereby authorized and approved. The Governing Body of the City hereby deems the Preliminary Official Statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1), except for the omissions of certain terms permitted by said Rule. The Governing Body hereby authorizes the preparation of a final Official Statement in substantially the form attached as Exhibit D, and the execution and delivery thereof by the Mayor and City Clerk on behalf of the City.

19-411. Section 5. The Mayor and City Clerk are hereby authorized to execute the Base Lease, the Trust Agreement and the Lease Agreement, and to approve the Official Statement on behalf of the City in the forms presented to the City this date with such modifications as are approved by the Mayor and City Clerk, and the Mayor and City Clerk and the Finance Director are hereby authorized and directed to execute such ancillary certificates and documents necessary to accomplish the purposes set forth herein and in the Base Lease, the Trust Agreement and the Lease Agreement.

19-412. Section 6. The City makes the following representations in connection with the exception for small governmental units from the arbitrage rebate requirements under Section 148(f)(4)(c) of the Code:

(a) 95 percent or more of the net proceeds of the Certificates are to be used for local governmental activities of the City; and

(b) aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the City during the calendar year that the Bonds are issued is not reasonably expected to exceed $5,000,000.

19-413. Section 7. The City hereby designates the Certificates as "qualified tax-exempt obligations" as such term is defined in Section 265(b)(3) of the Code. In addition, the City hereby represents that:

(a) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds) which will be issued by the City during calendar year that the Bonds are issued does not exceed $10,000,000; and

(b) the aggregate principal amount of obligations designated by the City to be "qualified tax-exempt obligations" during calendar year that the Bonds are issued, including the Bonds, does not exceed $10,000,000.

19-414. Section 8. The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Certificates under Section 103 of the Code. The City covenants and agrees that it will use the proceeds of the Certificates as soon as practicable and with all reasonable dispatch for the purpose for which the Certificates are issued as hereinbefore set forth, and that it will not directly or indirectly use or permit the use of any proceeds of the Certificates or any other funds of the City, or take or omit to take any action that would cause the Certificates to be "arbitrage bonds" within the meaning of Section 148(a) of the Internal Revenue Code of 1986 (the "Code"). To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Certificates. In the event that at any time the City is of the opinion that for purposes of this Section it is necessary to restrict or limit the yield on the investment of any moneys held by the City or the Trustee under this Ordinance, the Lease Agreement or the Trust Agreement, the City shall take such action as may be necessary.

Section 9. 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 17th day of December, 1990.

SIGNED by the Mayor this 17th day of December, 1990.

Maria Runchard
Mayor

(Seal)

ATTEST:

Marsha Heiser
City Clerk

APPROVED AS TO FORM: [illegible]
City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

12/18/90

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/18/90

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $58.17

Ordinance No. 1197

ORD. 1197
First published in The Legal Record, Tuesday, December 18, 1990.

ORDINANCE NO. 1197

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A BASE LEASE FROM THE CITY OF LEAWOOD, KANSAS, TO SECURITY BANK OF KANSAS CITY, KANSAS CITY, KANSAS, WHEREBY THE CITY LEASES TO SAID BANK, AS TRUSTEE, CERTAIN EQUIPMENT; APPROVING AND AUTHORIZING THE EXECUTION OF A TRUST AGREEMENT BETWEEN THE CITY AND SECURITY BANK OF KANSAS CITY, AS TRUSTEE, PROVIDING FOR THE ISSUANCE OF CERTAIN CERTIFICATES OF PARTICIPATION UPON TERMS AND CONDITIONS AND FOR THE PURPOSES SET FORTH THEREIN; APPROVING AND AUTHORIZING THE EXECUTION OF AN EQUIPMENT LEASE PURCHASE AGREEMENT FROM SECURITY BANK OF KANSAS CITY, AS TRUSTEE, TO THE CITY WHEREBY SAID BANK LEASES BACK TO THE CITY SUCH CERTAIN EQUIPMENT TO BE ACQUIRED FOR CITY PURPOSES WITHIN THE 36 MONTHS FOLLOWING DELIVERY OF THE CERTIFICATES.

WHEREAS, pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, and K.S.A. 10-1116b, the governing body of the City of Leawood, Kansas (the "City"), has determined it necessary and desirable to enter into a certain lease purchase financing as hereinafter described to pay the cost of certain equipment necessary to the functions of the City (the "Equipment") as more fully described in the Trust Agreement hereinafter defined; and

WHEREAS, it has been determined to be in the best interest of the City for the City to enter into a Base Lease with Security Bank of Kansas City, Kansas City, Kansas, a state banking association organized under the laws of the State of Kansas, not individually, but in its capacity as Trustee (the "Trustee"), whereby the City leases the Equipment to the Trustee for a term commencing on or about December 1, 1990, and ending upon the payment of all Basic Lease Payments and other payments due under the Lease Agreement (hereinafter described); and

WHEREAS, it has been determined to be in the best interest of the City to enter into a Trust Agreement with the Trustee providing for the issuance of certain Certificates of Participation in the aggregate principal amount of $405,000 to provide funds to pay a portion of the cost of acquiring the Equipment, upon the terms and conditions set forth therein; and

WHEREAS, it has been determined to be in the best interest of the City for the City to enter into an Equipment Lease Purchase Agreement (the "Lease Agreement") whereby the City subleases the Equipment from the Trustee for a term commencing on or about December 1, 1990, and terminating upon the payment of all Basic Lease Payments and other amounts due under the Lease Agreement.

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

Section 1. The Base Lease between the City, as lessor, and the Trustee, as lessee, relating to the Equipment, substantially in the form attached hereto as Exhibit A, is hereby authorized and approved with such additions, revisions and corrections as may be approved by the Mayor and City Clerk, such approval to be conclusively evidenced by their execution of the Base Lease on behalf of the City.

Section 2. The Trust Agreement, providing for the issuance of certain Certificates of Participation in the Lease Agreement, in substantially the form attached hereto as Exhibit B, is hereby authorized and approved with such additions, revisions and corrections as may be approved by the Mayor and City Clerk, such approval to be conclusively evidenced by their execution of the Trust Agreement on behalf of the City.

Section 3. The Lease Agreement, relating to the Equipment, in substantially the form attached hereto as Exhibit C, is hereby authorized and approved with such additions, revisions and corrections as may be approved by the Mayor and City Clerk, such approval to be conclusively evidenced by their execution of the Lease Agreement on behalf of the City.

Section 4. The Preliminary Official Statement relating to the sale of Certificates of Participation in the Lease Agreement, in substantially the form attached hereto as Exhibit D, is hereby authorized and approved. The Governing Body of the City hereby deems the Preliminary Official Statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12(b)(1), except for the omissions of certain terms permitted by said Rule. The Governing Body hereby authorizes the preparation of a final Official Statement in substantially the form attached as Exhibit D, and the execution and delivery thereof by the Mayor and City Clerk on behalf of the City.

Section 5. The Mayor and City Clerk are hereby authorized to execute the Base Lease, the Trust Agreement and the Lease Agreement, and to approve the Official Statement on behalf of the City in the forms presented to the City this date with such modifications as are approved by the Mayor and City Clerk, and the Mayor and City Clerk and the Finance Director are hereby authorized and directed to execute such ancillary certificates and documents necessary to accomplish the purposes set forth herein and in the Base Lease, the Trust Agreement and the Lease Agreement.

Section 6. The City makes the following representations in connection with the exception for small governmental units from the arbitrage rebate requirements under Section 148(f)(4)(c) of the Code:

(a) 95 percent or more of the net proceeds of the Certificates are to be used for local governmental activities of the City; and

(b) aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the City during the calendar year that the Bonds are issued is not reasonably expected to exceed $5,000,000.

Section 7. The City hereby designates the Certificates as "qualified tax-exempt obligations" as such term is defined in Section 265(b)(3) of the Code. In addition, the City hereby represents that:

(a) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds) which will be issued by the City during calendar year that the Bonds are issued does not exceed $10,000,000; and

(b) the aggregate principal amount of obligations designated by the City to be "qualified tax-exempt obligations" during calendar year that the Bonds are issued, including the Bonds, does not exceed $10,000,000.

Section 8. The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Certificates under Section 103 of the Code. The City covenants and agrees that it will use the proceeds of the Certificates as soon as practicable and with all reasonable dispatch for the purpose for which the Certificates are issued as hereinbefore set forth, and that it will not directly or indirectly use or permit the use of any proceeds of the Certificates or any other funds of the City, or take or omit to take any action that would cause the Certificates to be "arbitrage bonds" within the meaning of Section 148(a) of the Internal Revenue Code of 1986 (the "Code"). To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Certificates. In the event that at any time the City is of the opinion that for purposes of this Section it is necessary to restrict or limit the yield on the investment of any moneys held by the City or the Trustee under this Ordinance, the Lease Agreement or the Trust Agreement, the City shall take such action as may be necessary.

Section 9. 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 17th day of December, 1990.

SIGNED by the Mayor this 17th day of December, 1990.

Marcia Reinhart
Mayor

(Seal)

ATTEST:

Martha Henry
City Clerk

APPROVED AS TO FORM:
City Attorney

ORDINANCE NO. 1196

AN ORDINANCE ACCEPTING DRAINAGE EASEMENTS REQUIRED FOR INTERSECTION IMPROVEMENTS AT SOMERSET DRIVE AND LEE BOULEVARD IN THE CITY OF LEAWOOD.

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

19-6,231. Section 1. That the City of Leawood hereby accepts 2 permanent drainage easements, along with the restrictions and reservations set forth therein, granting the City of Leawood permanent easements described as follows for the location of a storm drainage facility:

From Leawood Shops, Inc.: All that part of Lot 70, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at a point on the north line of Lot 70 and 10 feet west of the northeast corner thereof; thence west along the north line of said lot a distance of 18.5 feet; thence southerly in a straight line to a point 29 feet westerly of the east boundary of Lot 70, measured normal to the west line of Lot 68, LEAWOOD, from the most northerly corner of said Lot 68; thence southerly, parallel to the west line of said Lot 68, a distance of 27 feet; thence southerly in a straight line to a point on the east boundary of said Lot 70 and 68 feet northeasterly of the most southerly corner of said Lot 70; thence northerly along the east boundary of said Lot 70 to an angle point at the most northerly corner of Lot 67, LEAWOOD; thence northeasterly along the east boundary of said Lot 70 a distance of 6 feet; thence northeasterly in a straight line a distance of 35.5 feet to a point 13 feet west of and measured normal to the east boundary of said Lot 70; thence easterly, normal to the east boundary of Lot 70, to the east boundary of said Lot; thence northerly along said east boundary a distance of 15 feet; thence westerly, normal to the last described line, a distance of 7.5 feet; thence northerly, parallel to the east boundary of said Lot 70, a distance of 27 feet; thence northwesterly in a straight line to the point of beginning. (Contains 2578 square feet, more or less.)

From Ron B. and Millie R. Felkner: All that part of Lots 67 and 68, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at the northeast corner of Grantor's land, said corner being a point on the west right-of-way line of Lee Boulevard and 35 feet northeasterly of the most southerly corner of said Lot 68; thence southwesterly along said west right-of-way line a distance of 18 feet; thence northwesterly in a straight line a distance of 90 feet to a point 19 feet

northeast of and measured normal to the south line of Lot 68; thence westerly in a straight line to a point on the north line of said Lot 67 and 4 feet southeasterly of the most northerly corner of said lot; thence southerly in a straight line to a point 43 feet northeast of and measured normal to the south line, and 27 feet southeasterly of and measured normal to the west line of Lot 67; thence southwesterly in a straight line to a point 22 feet northeast of and measured normal to the south line of said Lot 67 and 24 feet southeasterly of and measured parallel to the west line of said Lot 67; thence northwesterly, parallel to the south line of said Lot 67, to the west line of said Lot 67; thence northeasterly along the west line of said Lot 67 to the most northerly corner of said Lot 67; thence northeasterly along the west line of Lot 68 a distance of 24 feet; thence easterly in a straight line to a point on the north line of Grantor's land and 95 feet northwesterly of the point of beginning; thence southeasterly along the north line of Grantor's land to the point of beginning. (Contains 4100 square feet, more or less.)

19-6,232. Section 2. That copies of said easements are attached hereto and thereby incorporated by reference.

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

Passed by the Council the 17th day of December, 1990.

Approved by the Mayor the 17th day of December, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

ORIGINAL COMPARED WITH RECORD

1993631

Leawood, Kansas
Somerset & Lee Blvd. Intersection
LA No. 88013
Rev. 8-3-90

PERMANENT DRAINAGE EASEMENT

THIS AGREEMENT, made and entered into this 23rd day of October, 19 90, by and between

Ron B. Felkner, 8000-8002 Lee Boulevard and Millie R. Felkner

Part_____ of the First Part, and the CITY OF LEAWOOD, Johnson County, State of 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:

All that part of Lots 67 and 68, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at the northeast corner of Grantor's land, said corner being a point on the west right-of-way line of Lee Boulevard and 35 feet northeasterly of the most southerly corner of said Lot 68; thence southwesterly along said west right-of-way line a distance of 18 feet; thence northwesterly in a straight line a distance of 90 feet to a point 19 feet northeast of and measured normal to the south line of Lot 68; thence westerly in a straight line to a point on the north line of said Lot 67 and 4 feet southeasterly of the most northerly corner of said lot; thence southerly in a straight line to a point 43 feet northeast of and measured normal to the south line, and 27 feet southeasterly of and measured normal to the west line of Lot 67; thence southwesterly in a straight line to a point 22 feet northeast of and measured normal to the south line of said Lot 67 and 24 feet southeasterly of and measured parallel to the west line of said Lot 67; thence northwesterly, parallel to the south line of said Lot 67, to the west line of said Lot 67; thence northeasterly along the west line of said Lot 67 to the most northerly corner of said Lot 67; thence northeasterly along the west line of Lot 68 a distance of 24 feet; thence easterly in a straight line to a point on the north line of Grantor's land and 95 feet northwesterly of the point of beginning; thence southeasterly along the north line of Grantor's land to the point of beginning.

The above contains 4100 square feet, more or less.

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1990 DEC 26 P 3:33.8

8.00 SARA F. ULLMANN
REGISTER OF DEEDS

BY_____DEP.

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.

Ron B. Felkner

Ron B. Felkner

Millie R. Felkner

Millie R. Felkner

8.00 ck

VOL 3283 PAGE 503

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF KANSAS :

COUNTY OF JOHNSON : SS:

BE IT REMEMBERED, That on the 23rd day of October, 1990, before me, the undersigned, a Notary Public in and for said County and State,

came Ron B. Felkner and Millie R. Felkner

who are personally known to me to be the same persons who executed the within instrument of writing, and duly acknowledged the execution of same.

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

NOTARY PUBLIC STATE OF KANSAS JULIE A. BUTLER My Appt. Exp. 6-25-91

Julie A. Butler
Notary Public
Julie A. Butler

My Commission Expires:

06-25-91

CORPORATE ACKNOWLEDGEMENT

STATE OF _____:

COUNTY OF _____: SS:

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 Corporation, _____.

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

_____
Notary Public

My Commission Expires:

_____

City of Tearwood

ORIGINAL COMPARED WITH RECORD

Leawood, Kansas
Somerset & Lee Blvd. Intersection
LA No. 88013

1993630

PERMANENT DRAINAGE EASEMENT

THIS AGREEMENT, made and entered into this 15 day of October, 1990, by and between

Leawood Shops, Inc.

Part 9 of the First Part, and the CITY OF LEAWOOD, Johnson County, State of 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:

All that part of 70, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at a point on the north line of Lot 70 and 10 feet west of the northeast corner thereof; thence west along the north line of said lot a distance of 18.5 feet; thence southerly in a straight line to a point 29 feet westerly of the east boundary of Lot 70, measured normal to the west line of Lot 68, LEAWOOD, from the most northerly corner of said Lot 68; thence southerly, parallel to the west line of said Lot 68, a distance of 27 feet; thence southerly in a straight line to a point on the east boundary of said Lot 70 and 68 feet northeasterly of the most southerly corner of said Lot 70; thence northerly along the east boundary of said Lot 70 to an angle point at the most northerly corner of Lot 67; LEAWOOD, thence northeasterly along the east boundary of said Lot 70 a distance of 6 feet; thence northeasterly in a straight line a distance of 35.5 feet to a point 13 feet west of and measured normal to the east boundary of said Lot 70; thence easterly, normal to the east boundary of Lot 70, to the east boundary of said Lot; thence northerly along said east boundary a distance of 15 feet; thence westerly, normal to the last described line, a distance of 7.5 feet; thence northerly, parallel to the east boundary of said Lot 70, a distance of 27 feet; thence northwesterly in a straight line to the point of beginning.

The above contains 2578 square feet, more or less.

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

1990 DEC 26 P 3:33.5

8.00 SARA F. ULLMANN
REGISTER OF DEEDS

BY_____DEP.

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.

Leawood Shops, Inc.

Clifford M. Brisbois - President

Clifford M. Brisbois

8.00 ck

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____:

COUNTY OF _____: SS:

BE IT REMEMBERED, That on the _____ day of _____, 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 same.

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

_____
Notary Public

My Commission Expires:

_____

CORPORATE ACKNOWLEDGEMENT

STATE OF Missouri:

COUNTY OF JACKSON: SS:

BE IT REMEMBERED that on this 15 day of October, 1990, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Clifford M Brisbois, President of _____ Leawood Shops, Inc, a corporation duly organized, incorporated and existing under and by virtue of the laws of Kansas;

and STANLEY M Burnstein, Secretary of said corporation, who are personally known to me to be such officers and who are personally known to me to be the same persons who executed as such officers the within instrument on behalf of said Corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said Corporation, Leawood Shops.

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

Karen J Brooks
Notary Public
Karen J. Brooks

My Commission Expires:

KAREN J. BROOKS
Notary Public - State of Missouri
Commissioned in Jackson County
My Commission Expires January 27, 1993

City of Leawood

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

12/18/90

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/18/90

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $29.64

Ord. No. 1196

ORD. 1196

First published in The Legal Record, Tuesday, December 18, 1990.

ORDINANCE NO. 1196

AN ORDINANCE ACCEPTING DRAINAGE EASEMENTS REQUIRED FOR INTERSECTION IMPROVEMENTS AT SOMERSET DRIVE AND LEE BOULEVARD IN THE CITY OF LEAWOOD.

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

Section 1. That the City of Leawood hereby accepts 2 permanent drainage easements, along with the restrictions and reservations set forth therein, granting the City of Leawood permanent easements described as follows for the location of a storm drainage facility:

From Leawood Shops, Inc.: All that part of Lot 70, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at a point on the north line of Lot 70 and 10 feet west of the northeast corner thereof; thence west along the north line of said lot a distance of 18.5 feet; thence southerly in a straight line to a point 29 feet westerly of the east boundary of Lot 70, measured normal to the west line of Lot 68, LEAWOOD, from the most northerly corner of said Lot 68; thence southerly, parallel to the west line of said Lot 68, a distance of 27 feet; thence southerly in a straight line to a point on the east boundary of said Lot 70 and 68 feet northeasterly of the most southerly corner of said Lot 70; thence northerly along the east boundary of said Lot 70 to an angle point at the most northerly corner of Lot 67, LEAWOOD; thence northeasterly along the east boundary of said Lot 70 a distance of 6 feet; thence northeasterly in a straight line a distance of 35.5 feet to a point 13 feet west of and measured normal to the east boundary of said Lot 70; thence easterly, normal to the east boundary of Lot 70, to the east boundary of said Lot; thence northerly along said east boundary a distance of 15 feet; thence westerly, normal to the last described line, a distance of 7.5 feet; thence northerly, parallel to the east boundary of said Lot 70, a distance of 27 feet; thence northwesterly in a straight line to the point of beginning. (Contains 2578 square feet, more or less.)

From Ron B. and Millie R. Felkner: All that part of Lots 67 and 68, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at the northeast corner of Grantor's land, said corner being a point on the west right-of-way line of Lee Boulevard and 35 feet northeasterly of the most southerly corner of said Lot 68; thence southwesterly along said west right-of-way line a distance of 18 feet; thence northwesterly in a straight line a distance of 90 feet to a point 19 feet northeast of and measured normal to the south line of Lot 68; thence westerly in a straight line to a point on the north line of said Lot 67 and 4 feet southeasterly of the most northerly corner of said lot; thence southerly in a straight line to a point 43 feet northeast of and measured normal to the south line, and 27 feet southeasterly of and measured normal to the west line of Lot 67; thence southwesterly in a straight line to a point 22 feet northeast of and measured normal to the south line of said Lot 67 and 24 feet southeasterly of and measured parallel to the west line of said Lot 67; thence northwesterly, parallel to the south line of said Lot 67, to the west line of said Lot 67; thence northeasterly along the west line of said Lot 67 to the most northerly corner of said Lot 67; thence northeasterly along the west line of Lot 68 a distance of 24 feet; thence easterly in a straight line to a point on the north line of Grantor's land and 95 feet northwesterly of the point of beginning; thence southeasterly along the north line of Grantor's land to the point of beginning. (Contains 4100 square feet, more or less.)

Section 2. That copies of said easements are attached hereto and thereby incorporated by reference.

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

Passed by the Council the 17th day of December, 1990.

Approved by the Mayor the 17th day of December, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

ORDINANCE NO. 1195

AN ORDINANCE ACCEPTING DEEDS FOR STREET PURPOSES (SOMERSET DRIVE/LEE BOULEVARD INTERSECTION IMPROVEMENTS).

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

19-5,111. Section 1. That the City of Leawood hereby accepts 2 deeds for land to be used for street purposes, the legal descriptions of which are as follows:

From Anne S. and Robert Royer: All that part of Lot 2, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at the northwest corner of said lot; thence east along the north line thereof a distance of 22 feet; thence southwesterly in a straight line to a point on the west line of said lot and 25 feet south of the point of beginning; thence north along said west line to the point of beginning. (Contains 275 square feet, more or less.)

From Carl H. and Patricia R. Schupp: All that part of Lot 1, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at the southwest corner of said lot; thence northerly along the west boundary of said lot a distance of 40 feet; thence southeasterly in a straight line to a point on the south line of said lot and 22 feet east of the point of beginning; thence west along the south line of said lot to the point of beginning. (Contains 487 square feet, more or less.)

19-5,112. Section 2. That copies of said deeds are attached hereto and thereby incorporated by reference.

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

Passed by the Council the 17th day of December, 1990.

Approved by the Mayor the 17th day of December, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzlen City Attorney

Entered in Transfer Record
26 Day of Dec 1990
Beverly L. Baker

Johnson County Clerk

1993632

ORIGINAL COMPARED WITH RECORD

Leawood, Kansas
Somerset & Lee Blvd. Intersection
LA No. 88013

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That this Deed, made and entered into this 25th day of July, 19 90, by and between Carl H. Schupp and Patricia R. Schupp, 7951 High Drive of _____ County, State of _____, Part____ of the First Part, and the CITY OF LEAWOOD, Johnson County, State of Kansas, Party of the Second Part,

WITNESSETH:

That Part____ of the First Part, in consideration of the sum of Two Thousand Three hundred and Fifty Dollars and no cents Dollars to _____ in hand paid by Party of the Second Part, receipt whereof is hereby acknowledged, by these presents do_____ GRANT, BARGAIN, SELL AND CONVEY unto the Party of the Second Part forever all _____ right, title and interest in and to the following described real estate lying and situate in the County of Johnson, State of Kansas, to wit:

All that part of Lot 1, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at the southwest corner of said lot; thence northerly along the west boundary of said lot a distance of 40 feet; thence southeasterly in a straight line to a point on the south line of said lot and 22 feet east of the point of beginning; thence west along the south line of said lot to the point of beginning.

The above contains 487 square feet, more or less.

TO HAVE AND TO HOLD the same together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in any wise appertaining, forever. It is understood and agreed that the Party of the Second Part shall use said real estate in the construction, improvements, reconstruction and maintenance of a public right-of-way and should said right-of-way, any part thereof be vacated, the same shall revert to Part_____ of the First Part, _____ heirs, executors, administrators, successors, or assigns.

And the Part_____ of the First Part for _____ heirs, executors, administrators, successors and assigns, do_____ hereby covenent, promise, and agree to and with said Party of the Second Part that at the delivery of these presents _____ lawfully seized of the interest hereby conveyed in all and singular the above granted and described premises with the appurtenances thereto; that the same are free and clear of and from all and every incumbrance whatsoever, except _____ and that First Part_____ will forever warrant and defend the same unto the Party of the Second Part or its assigns forever, against all and any lawful claim of all and any persons whomsoever. Part_____ of the First part, for _____ heirs, executors, administrators, successors, or assigns, hereby waive___ and release to Second Party, any and all claims for damages or compensation, either now or in the future arising by reason of the use of said real estate for the purposes herein described. First part_____ hereby agree____ that First Part_____ shall pay any special assessments or installments thereof, matured or unmatured, on said premises hereby granted, and that Second Party shall not be liable in any way for the payment thereof. First Part_____ further agrees that the proper Governing Body may release the premises hereby granted from any special assessment and spread and attach such special assessment to the remainder of the property adjacent to the premises hereby granted and which are owned by First Party.

IN WITNESS WHEREOF said Part____ of the First Part ha____ hereunto set _____ hand___ and seal___ the day and year first above written.

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD
1990 DEC 26 P 3:34.0
SARA F. ULLMANN
REGISTER OF DEEDS
BY_____DEP.

8.00 ck

Patricia R. Schupp
Patricia R. Schupp

Carl H. Schupp
Carl H. Schupp

VOL 3283 PAGE 505

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF Missouri :

COUNTY OF Jackson : SS:

BE IT REMEMBERED, That on the 25th day of July, 1970, before me, the undersigned, a Notary Public in and for said County and State, came Patricia R. Schupp & Carl H. Schupp

who are personally known to me to be the same persons who executed the within instrument of writing, and duly acknowledged the execution of same.

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

Marian J. Hall
Notary Public
Marian J. Hall

My Commission Expires:

MARIAN J. HALL
Notary Public, State of Missouri
Commission Expires July 26, 1973
My Commission Expires July 26, 1973

CORPORATE ACKNOWLEDGEMENT

STATE OF _____ :

COUNTY OF _____ : SS:

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 Corporation, _____.

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

_____
Notary Public

My Commission Expires:

_____

City of Leawood
9617 Lee Blvd
Leawood, Ks. 66206

24 Origin Record Dec 1990 Baker

1993633

ORIGINAL COMPARED WITH RECORD

Leawood, Kansas
Somerset & Lee Blvd. Intersection
LA No. 88013

Johnson County SC

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That this Deed, made and entered into this 6th day of AUGUST, 1990, by and between

Anne S. Royer and Robert Royer, 7955 High Drive

of JOHNSON County, State of KANSAS, Part____ of the First Part, and the CITY OF LEAWOOD, Johnson County, State of Kansas, Party of the Second Part,

WITNESSETH:

That Part____ of the First Part, in consideration of the sum of

(SEE ATTACHMENT "A") Dollars

to _____ in hand paid by Party of the Second Part, receipt whereof is hereby acknowledged, by these presents do____ GRANT, BARGAIN, SELL AND CONVEY unto the Party of the Second Part forever all _____ right, title and interest in and to the following described real estate lying and situate in the County of Johnson, State of Kansas, to wit:

All that part of Lot 2, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at the northwest corner of said lot; thence east along the north line thereof a distance of 22 feet; thence southwesterly in a straight line to a point on the west line of said lot and 25 feet south of the point of beginning; thence north along said west line to the point of beginning.

The above contains 275 square feet, more or less.

TO HAVE AND TO HOLD the same together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in any wise appertaining, forever. It is understood and agreed that the Party of the Second Part shall use said realestate in the construction, improvements, reconstruction and maintenance of a public right-of-way and should said right-of-way, any part thereof be vacated, the same shall revert to Part____ of the First Part, _____ heirs, executors, administrators, successors, or assigns.

And the Part____ of the First Part for _____ heirs, executors, administrators, successors and assigns, do____ hereby covenent, promise, and agree to and with said Party of the Second Part that at the delivery of these presents _____ lawfully seized of the interest hereby conveyed in all and singular the above granted and described premises with the appurtenances thereto; that the same are free and clear of and from all and every incumbrance whatsoever, except _____

and that First Part____ will forever warrant and defend the same unto the Party of the Second Part or its assigns forever, against all and any lawful claim of all and any persons whomsoever. Part____ of the First part, for _____ heirs, executors, administrators, successors, or assigns, hereby waive___ and release to Second Party, any and all claims for damages or compensation, either now or in the future arising by reason of the use of said real estate for the purposes herein described. First part____ hereby agree___ that First Part____ shall pay any special assessments or installments thereof, matured or unmatured, on said premises hereby granted, and that Second Party shall not be liable in any way for the payment thereof. First Part____ further agrees that the proper Governing Body may release the premises hereby granted from any special assessment and spread and attach such special assessment to the remainder of the property adjacent to the premises hereby granted and which are owned by First Party.

IN WITNESS WHEREOF said Part____ of the First Part ha____ hereunto set _____ hand___ and seal___ the day and year first above written.

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1990 DEC 26 P 3:34 .3

SARA F. ULLMANN
REGISTER OF DEEDS

BY_____DEP.

10.00

10.00 ck

Anne S. Royer

Anne S. Royer

Robert Royer

Robert Royer

VOL 3283 PAGE 507

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF Kansas :
COUNTY OF Johnson : SS:

BE IT REMEMBERED, That on the 30 day of July, 1990, before me, the undersigned, a Notary Public in and for said County and State, came Southgate Bank
7600 State Line Rd Pr. Vlg KS 66208

who I 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 my official seal the day and year last above written.

Angela Petrie
Notary Public
Angela Petrie

My Commission Expires:
December 18, 1993

ANGELA PETRIE NOTARY PUBLIC STATE OF KANSAS

CORPORATE ACKNOWLEDGEMENT

STATE OF _____ :
COUNTY OF _____ : SS:

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 Corporation, _____.

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

_____
Notary Public

My Commission Expires:

_____

City of Linwood
(Cetal)

ATTACHMENT "A"

CITY OF LEAWOOD

LEE BOULEVARD AND SOMERSET DRIVE IMPROVEMENT PROJECT

☐ By signature below, I hereby elect to donate the required easement(s), together with any related improvements involved within the acquisition area. I understand the sod will be replaced by the contractor. Furthermore, I may deduct that portion of the just compensation that is deductible pursuant to federal law.

☒ By signature below, I elect to receive just compensation in the amount of $1,400.00 for the acquisition of the required easement(s) and related improvements required for the above project.

Robert Royer 7/30/90
Property Owner Date

Anne S. Royer 7/30/90

Robert Royer
Anne S. Royer

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

12/18/90

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/18/90

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $17.78

Ord. No. 1195

ORD. 1195

First published in The Legal Record, Tuesday, December 18, 1990.

ORDINANCE NO. 1195

AN ORDINANCE ACCEPTING DEEDS FOR STREET PURPOSES (SOMERSET DRIVE/LEE BOULEVARD INTERSECTION IMPROVEMENTS).

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

Section 1. That the City of Leawood hereby accepts 2 deeds for land to be used for street purposes, the legal descriptions of which are as follows:

From Anne S. and Robert Royer: All that part of Lot 2, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at the northwest corner of said lot; thence east along the north line thereof a distance of 22 feet; thence southwesterly in a straight line to a point on the west line of said lot and 25 feet south of the point of beginning; thence north along said west line to the point of beginning. (Contains 275 square feet, more or less.)

From Carl H. and Patricia R. Schupp: All that part of Lot 1, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at the southwest corner of said lot; thence northerly along the west boundary of said lot a distance of 40 feet; thence southeasterly in a straight line to a point on the south line of said lot and 22 feet east of the point of beginning; thence west along the south line of said lot to the point of beginning. (Contains 487 square feet, more or less.)

Section 2. That copies of said deeds are attached hereto and thereby incorporated by reference.

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

Passed by the Council the 17th day of December, 1990.

Approved by the Mayor the 17th day of December, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

ORDINANCE NO. 1194

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF CHARTWELL WEST.

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

19-6,229. Section 1. That the following described utility easement shown on the plat of Chartwell West, which was approved by the Governing Body July 2, 1990, is hereby vacated:

All of the North 2 feet of the South 15 feet of Lot 1, CHARTWELL WEST, a subdivision of land now in the City of Leawood, Johnson County, Kansas, except the West 20 feet thereof.

19-6,230. Section 2. That the City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

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

Passed by the Council the 17th day of December, 1990.

Approved by the Mayor the 17th day of December, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

1996838 ORIGINAL COMPARED WITH RECORD

ORDINANCE NO. 1194

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF CHARTWELL WEST.

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

Section 1. That the following described utility easement shown on the plat of Chartwell West, which was approved by the Governing Body July 2, 1990, is hereby vacated:

All of the North 2 feet of the South 15 feet of Lot 1, CHARTWELL WEST, a subdivision of land now in the City of Leawood, Johnson County, Kansas, except the West 20 feet thereof.

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

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

Passed by the Council the 17th day of December, 1990.

Approved by the Mayor the 17th day of December, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
B.S. Wetzler City Attorney

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

88

1991 JAN 14 A 11: 10 .1

SARA F. ULLMANN
REGISTER OF DEEDS

BY_____DEP.

VOL 3290 PAGE 984

City of Leawood
9617 Lee Blvd.
Leawood, Ks. 66206

CERTIFICATE

State of Kansas)
County of Johnson)
City of Leawood)

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the attached is a true and correct copy of Ordinance No. 1194 as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said City this 11th day of January, 1991.

(SEAL)

Martha Heizer

8.00
ck

City of Leawood

January 11, 1991

Beverly L. Baker, County Clerk
Johnson County Courthouse
Olathe, Kansas 66061

Dear Ms. Baker:

Enclosed is a certified copy of Leawood's Ordinance No. 1194 sent in accordance with Section 2 of said Ordinance.

Sincerely,

Martha Heizer

Martha Heizer
City Clerk

9617 Lee Boulevard • Leawood, Kansas 66206 • (913) 642-5555

AFFIDAVIT OF PUBLICATION

First Published in The Johnson County Sun, Friday, January 4, 1991.
ORDINANCE NO. 1194
AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF CHARTWELL WEST.
Be it ordained by the Governing Body of the City of Leawood:
Section 1. That the following described utility easement shown on the plat of Chartwell West, which was approved by the Governing Body July 2, 1990, is hereby vacated:
All of the North 2 feet of the South 15 feet of Lot 1, CHARTWELL WEST, a subdivision of land now in the City of Leawood, Johnson County, Kansas, except the West 20 feet thereof.
Section 2. That the City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.
Section 3. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.
Passed by the Council the 17th day of December, 1990.
Approved by the Mayor the 17th day of December, 1990.
(SEAL)
(s) Marcia Rinehart, Mayor
Attest:
(s) Martha Heizer
City Clerk
APPROVED AS TO FORM:
(s) R. S. Wetzler,
City Attorney
(8323 1F-JC)

ISAS, JOHNSON COUNTY, ss: Georgiann Thacker being first Duty sworn,
ay: That she is legal publications manager of THE JOHNSON COUNTY SUN, a
wspaper printed in the State of Kansas, and published in and of general
HNSON County, Kansas, and that said newspaper in not a trade, religious or
tion.

per is a semi-weekly published at least weekly 50 times a year; has been so
uously and uninterruptedly in said county and state for a period of more than
o the first publication of said notice; and has been admitted at the post office of
SION, KANSAS in said County as a second class matter.

ched notice is a true copy thereof and was published in the regular and entire
wspaper for ---------one---------- consecutive
y ----(weeks, days) the first publication thereof being made as aforesaid
---- day of January 19-91---, with subsequent publications
he following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this 4th day of January 19-91

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$ 10.30
Additional copies $

ORDINANCE NO. 1193

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 90L, PROJECT 117 (LEE BOULEVARD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,000,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING 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 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 Lee Boulevard, 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. 1077 on November 21, 1988; and

WHEREAS, total cost of improvements to Lee Boulevard is estimated to be $1,800,000.00; 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:

20-1,631. 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 90L, Project 117 (Lee Boulevard, Phase I), in the aggregate principal amount

of One Millon Dollars ($1,000,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,632. Section Two: Said issue of Temporary Notes, Series 90L, Project 117 (Lee Boulevard, Phase I), shall consist of bearer notes numbered from 1 through 10 inclusive, each in the denomination of $100,000. Said notes shall be dated December 10, 1990, and shall have the stated maturity date of August 15, 1991. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 5.375% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

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 written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

20-1,633. Section Three: 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.

20-1,634. 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

20-1,635. 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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 86-1-90A Roe Avenue, 112-121st St.	January 23, 1990	$ 270,000.00
(2)	Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000.00
(3)	Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000.00
(4)	Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000.00
(5)	Temporary Notes Series 90E Police/Court/Fire #1 Remodel	July 10, 1990	$ 500,000.00
(6)	Temporary Notes Series 90F Somerset, Belinder-Sagamore	July 10, 1990	$ 100,000.00
(7)	Temporary Notes Series L.I.D. 88-1-90G Tomahawk Creek Parkway	July 10, 1990	$ 700,000.00

(8)	Temporary Notes Series 90H 119th Street, State Line-Mission	Sept. 18, 1990	$ 600,000.00
(9)	Temporary Notes Series 90I Lee Boulevard, Phase I	Sept. 18, 1990	$ 400,000.00
(10)	Temporary Notes Series 90J Police/Court/Fire #1 Remodel	Sept. 18, 1990	$ 600,000.00
(11)	Temporary Notes Series L.I.D. 88-1-90K Tomahawk Creek Parkway	Sept. 18, 1990	$1,100,000.00
(12)	General Obligation Improvement Bonds Series 1990A	October 1, 1990	$1,848,653.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

20-1,636. 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 3rd day of December, 1990.

SIGNED by the Mayor this 4th day of December, 1990.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

12/4/90

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/4/90

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $75.28

Ordinance No. ~~1192~~
1193

ORD. 1192

First published in The Legal Record, Tuesday, December 4, 1990.

ORDINANCE NO. 1192

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-90M, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $900,000 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:

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. 88-1-90M, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of Nine Hundred Thousand Dollars ($900,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-90M, Project 113, shall consist of bearer notes numbered from 1 through 9 inclusive, each in the denomination of $100,000. Each of said notes shall be dated December 10, 1990, and shall have the stated maturity date of August 15, 1991. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 5.375% 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 at maturity.

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 written notice to known holder or by the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: 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.

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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

ISSUE	DATE	PRINCIPAL AMOUNT
(1) Temporary Notes Series L.I.D. 86-1-90A Roe Avenue, 112-121st St.	January 23, 1990	$ 270,000.00
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(3) Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000.00
(4) Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000.00
(5) Temporary Notes Series 90E Police/Court/Fire #1 Remodel	July 10, 1990	$ 500,000.00
(6) Temporary Notes Series 90F Somerset, Belinder-Sagamore	July 10, 1990	$ 100,000.00
(7) Temporary Notes Series L.I.D. 88-1-90G Tomahawk Creek Parkway	July 10, 1990	$ 700,000.00
(8) Temporary Notes Series 90H 119th Street, State Line-Mission	Sept. 18, 1990	$ 600,000.00
(9) Temporary Notes Series 90I Lee Boulevard, Phase I	Sept. 18, 1990	$ 400,000.00
(10) Temporary Notes Series 90J Police/Court/Fire #1 Remodel	Sept. 18, 1990	$ 600,000.00
(11) Temporary Notes Series L.I.D. 88-1-90K Tomahawk Creek Parkway	Sept. 18, 1990	$1,100,000.00
(12) General Obligation Improvement Bonds Series 1990A	October 1, 1990	$1,848,653.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

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 3rd day of December, 1990.

SIGNED by the Mayor this 4th day of December, 1990.

(S E A L)

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

ORDINANCE NO. 1192

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-90M, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $900,000 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.

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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.

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20-1,626. Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-90M, Project 113, shall consist of bearer notes numbered from 1 through 9 inclusive, each in the denomination of $100,000. Each of said notes shall be dated December 10, 1990, and shall have the stated maturity date of August 15, 1991. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 5.375% 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 at maturity.

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20-1,627. Section Three: 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.

20-1,628. 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

20-1,629. 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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

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(9)	Temporary Notes Series 90I Lee Boulevard, Phase I	Sept. 18, 1990	$ 400,000.00
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(11)	Temporary Notes Series L.I.D. 88-1-90K Tomahawk Creek Parkway	Sept. 18, 1990	$1,100,000.00
(12)	General Obligation Improvement Bonds Series 1990A	October 1, 1990	$1,848,653.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

20-1,630. 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 3rd day of December, 1990.

SIGNED by the Mayor this 4th day of December, 1990.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

12/4/90

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/4/90

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $82.81

Ordinance No. ~~1193~~
1192

ORD. 1192

First published in The Legal Record, Tuesday, December 4, 1990.

ORDINANCE NO. 1192

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-90N, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $900,000 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:

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. 88-1-90N, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of Nine Hundred Thousand Dollars ($900,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said Issue of Temporary Notes, Series L.I.D. 88-1-90N, Project 113, shall consist of bearer notes numbered from 1 through 9 inclusive, each in the denomination of $100,000. Each of said notes shall be dated December 10, 1990, and shall have the stated maturity date of August 15, 1991. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 5.375% 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 at maturity.

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 written notice to known holder or by the publication of notice, at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: 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.

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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 86-1-90A Roe Avenue, 112-121st St.	January 23, 1990	$ 270,000.00
(2)	Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000.00
(3)	Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000.00
(4)	Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000.00
(5)	Temporary Notes Series 90E Police/Court/Fire #1 Remodel	July 10, 1990	$ 500,000.00
(6)	Temporary Notes Series 90F Somerset, Belinder-Sagamore	July 10, 1990	$ 100,000.00
(7)	Temporary Notes Series L.I.D. 88-1-90G Tomahawk Creek Parkway	July 10, 1990	$ 700,000.00
(8)	Temporary Notes Series 90H 119th Street, State Line-Mission	Sept. 18, 1990	$ 600,000.00
(9)	Temporary Notes Series 90I Lee Boulevard, Phase I	Sept. 18, 1990	$ 400,000.00
(10)	Temporary Notes Series 90J Police/Court/Fire #1 Remodel	Sept. 18, 1990	$ 600,000.00
(11)	Temporary Notes Series L.I.D. 88-1-90K Tomahawk Creek Parkway	Sept. 18, 1990	$1,100,000.00
(12)	General Obligation Improvement Bonds Series 1990A	October 1, 1990	$1,848,653.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

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 3rd day of December, 1990.

SIGNED by the Mayor this 4th day of December, 1990.

(S E A L)

ATTEST:

Marcia Rinehart, Mayor

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

11/16 Jesse David Banks to Pat & Larry Banks, RP
11/16 Carrie Carter Myers to Ann & Todd Myers, Leawood
11/16 Taylor Anne Poslosky to Robbye & Scott Poslosky, OP
11/16 Courtney Danielle Hendrix to Peggy & John Hendrix, Olathe
11/17 Mark Joseph Sappinton to Mary & Scott Sappington, PV
11/17 Branden Michael O'Leary to Elizabeth Ann & James Sean O'Leary, Lenexa
11/17 Jessica Nicole Long to Lynn & David Long, Lenexa
11/17 Carlyn Marie Atwood to Linette &

Dillon's-Bakery 100
Service for Seniors 100
McDonald's, 1600 Hamilton 98
Holiday Inn 89
Courthouse Cafeteria 100

Lenexa
Zarda Bar-B-Q 97
Longbranch Saloon 96
Bob's IGA-Deli 100
Bob's IGA-Bakery 100

MARRIAGE

ORD. 1193

First published in The Legal Record, Tuesday, December 4, 1990.

ORDINANCE NO. 1193

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 90L, PROJECT 117 (LEE BOULEVARD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,000,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING 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 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 Lee Boulevard, 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. 1077 on November 21, 1988; and

WHEREAS, total cost of improvements to Lee Boulevard is estimated to be $1,800,000.00; 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:

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 90L, Project 117 (Lee Boulevard, Phase I), in the aggregate principal amount of One Million Dollars ($1,000,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 90L, Project 117 (Lee Boulevard, Phase I), shall consist of bearer notes numbered from 1 through 10 inclusive, each in the denomination of $100,000. Said notes shall be dated December 10, 1990, and shall have the stated maturity date of August 15, 1991. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 5.375% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes at maturity.

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 written notice to known holder or the publication of notice at least one time and payment of said notes, the last publication of such notice or written notification of redemption to the known holder to be at least ten days prior to the redemption date fixed in such notice.

Section Three: 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.

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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.89% of the principal amount thereof.

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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

ISSUE	DATE	PRINCIPAL AMOUNT
(1) Temporary Notes Series L.I.D. 86-1-90A Roe Avenue, 112-121st St.	January 23, 1990	$ 270,000.00
(2) Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000.00
(3) Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000.00
(4) Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000.00
(5) Temporary Notes Series 90E Police/Court/Fire #1 Remodel	July 10, 1990	$ 500,000.00
(6) Temporary Notes Series 90F Somerset, Belinder-Sagamore	July 10, 1990	$ 100,000.00
(7) Temporary Notes Series L.I.D. 88-1-90G Tomahawk Creek Parkway	July 10, 1990	$ 700,000.00
(8) Temporary Notes Series 90H 119th Street, State Line-Mission	Sept. 18, 1990	$ 600,000.00
(9) Temporary Notes Series 90I Lee Boulevard, Phase I	Sept. 18, 1990	$ 400,000.00
(10) Temporary Notes Series 90J Police/Court/Fire #1 Remodel	Sept. 18, 1990	$ 600,000.00
(11) Temporary Notes Series L.I.D. 88-1-90K Tomahawk Creek Parkway	Sept. 18, 1990	$1,100,000.00
(12) General Obligation Improvement Bonds Series 1990A	October 1, 1990	$1,848,653.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

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 3rd day of December, 1990.

SIGNED by the Mayor this 4th day of December, 1990.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

ORDINANCE NO. 1191

AN ORDINANCE ACCEPTING A DEED FOR STREET PURPOSES (NORTH HALF OF 117TH STREET).

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

19-5,109. Section 1. That the City of Leawood hereby accepts a deed for land to be used for street purposes, the legal description of which is as follows:

From Ninety-Five West, L.P.: All that part of the N1/2 of the SE1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of the N1/2 of the SE1/4 of said Section 16, said point also being on the centerline of 117th Street, as now established; thence Northerly, along the West line of the N1/2 of the SE1/4 of said Section 16, a distance of 40 feet, to a point 40 feet North of the South line thereof; thence Easterly, along a line 40 feet North of and parallel to the South line of the N1/2 of the SE1/4 of said Section 16, and along a line 40 feet North of and parallel to the centerline of said 117th Street, a distance of 1403.95 feet, to a point of curvature; thence Easterly and Southeasterly, along a line 40 feet Northerly of and parallel to the centerline of said 117th Street, said line being on a curve to the right, having a radius of 540 feet, to a point on the Westerly right-of-way line of Tomahawk Creek Parkway, as now established; thence Southwesterly, along the Westerly right-of-way line of said Tomahawk Creek Parkway, to a point on the South line of the N1/2 of the SE1/4 of said Section 16; thence Westerly, along the South line of the N1/2 of the SE1/4 of said Section 16, to the point of beginning, all subject to that part thereof dedicated for street purposes.

19-5,110. Section 2. That a copy of said deed is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 19th day of November, 1990.

Approved by the Mayor the 19th day of November, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

CITY OF LEAWOOD 0028

DEED OF DEDICATION **1988931** ORIGINAL COMPARED WITH RECORD

THESE PRESENTS, That this Deed, made and entered into this 17th day of September, 1990, by and between Ninety-Five West, L.P., a Delaware limited partnership, successor in interest to Ninety-Five West Company, a Missouri general partnership and to Frank Morgan, an individual, * of Clay County, Sate of Missouri, Party of the First Part,

and the CITY OF LEAWOOD, Johnson County, State of Kansas, Party of the Second Part,

*c/o MD Management, Inc., 260 N.E. Barry Road Kansas City, MO 64155

WITNESSETH:

That Party of the First Part, In consideration of the sum of Ten or more dollars ($10.00) Dollars to it in hand paid by Party of the Second Part, receipt whereof is hereby acknowledged, by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the Party of the Second Part forever all its right, title and interest in and to the following described real estate lying and situate in the County of Johnson, State of Kansas, to wit:

All that part of the N½ of the SE¼ of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of the N½ of the SE¼ of said Section 16, said point also being on the centerline of 117th Street, as now established; thence Northerly, along the West line of the N½ of the SE¼ of said Section 16, a distance of 40 feet, to a point 40 feet North of the South line thereof; thence Easterly, along a line 40 feet North of and parallel to the South line of the N½ of the SE¼ of said Section 16, and along a line 40 feet North of and parallel to the centerline of said 117th Street, a distance of 1403.95 feet, to a point of curvature; thence Easterly and Southeasterly, along a line 40 feet Northerly of and parallel to the centerline of said 117th Street, said line being on a curve to the right, having a radius of 540 feet, to a point on the Westerly right-of-way line of Tomahawk Creek Parkway, as now established; thence Southwesterly, along the Westerly right-of-way line of said Tomahawk Creek Parkway, to a point on the South line of the N½ of the SE¼ of said Section 16; thence Westerly, along the South line of the N½ of the SE¼ of said Section 16, to the point of beginning, all subject to that part thereof dedicated for street purposes.

TO HAVE AND TO HOLD THE same together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in any wise appertaining, forever. It is understood and agreed that the Party of the Second Part shall use said real estate in the construction, improvement, reconstruction and maintenance of a public right-of-way and should said right-of-way, any part thereof be vacated, the same shall revert to Party of the First Part, its heirs, executors, administrators, successors, or assigns.

And the Party of the First Part for its heirs, executors, administrators, successors and assigns, does hereby convenent, promise, and agree to and with said Party of the Second Part that at the delivery of these presents are lawfully seized of the interest hereby conveyed in all and singular the above granted and described premises with the appurtenances thereto; that the same are free and clear of and from all and every incumbrance whatsoever, except as may be shown of record,

and that First Party will forever warrant and defind the same unto the Party of the Second Part or its assigns forever, against all and any lawful claim of all and any persons whomsoever. Party of the First part, for its heirs, executors, administrators, successors, or assigns, hereby waives and release to Second Party, any and all claims for damages or compensation, either now or in the future arising by reason of the use of said real estate for the purposes herein described. First party hereby agrees that First Party shall pay any special assessments or installments thereof, matured or unmatured, on said premises hereby granted, and that Second Party shall not be liable in any way for the payment thereof. First Party further agrees that the proper Governing Body may release the premises hereby granted from any special assessment and spread and attach such special assessment to the remainder of the property adjacent to the premises hereby granted and which are owned by First Party.

IN WITNESS WHEREOF, said Party of the First Part has hereunto set its hand and seal the day and year first above written.

NINETY-FIVE WEST, L.P.,
a Delaware limited partnership

By: MD Management, Inc., a Missouri corporation, its authorized general partner

By: _____
Name: Mark A. Morgan
Title: Vice President

Entered in Transfer Record
30th Day of Nov. 1990
Beverly L. Baker

11/24/81

ck

Johnson County Clerk

10

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INDIVIDUAL ACKNOWLEDGMENT

STATE OF Missouri :
SS.
COUNTY OF Clay :

BE IT REMEMBERED, That on the 17th day September, 19 90, before me, the undersigned, a Notary Public in and for said County and State, came Mark A Morgan

who is 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 my official seal the day and year last above written.

Angela Sue Matney
Notary Public
Angela Sue Matney

My Commission Expires

ANGELA SUE MATNEY
NOTARY PUBLIC STATE OF MISSOURI
CLAY COUNTY
MY COMMISSION EXPIRES JULY 6, 1994

CORPORATE ACKNOWLEDGEMENT

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 Corporation, _____.

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

_____
Notary Public

My Commission Expires

_____

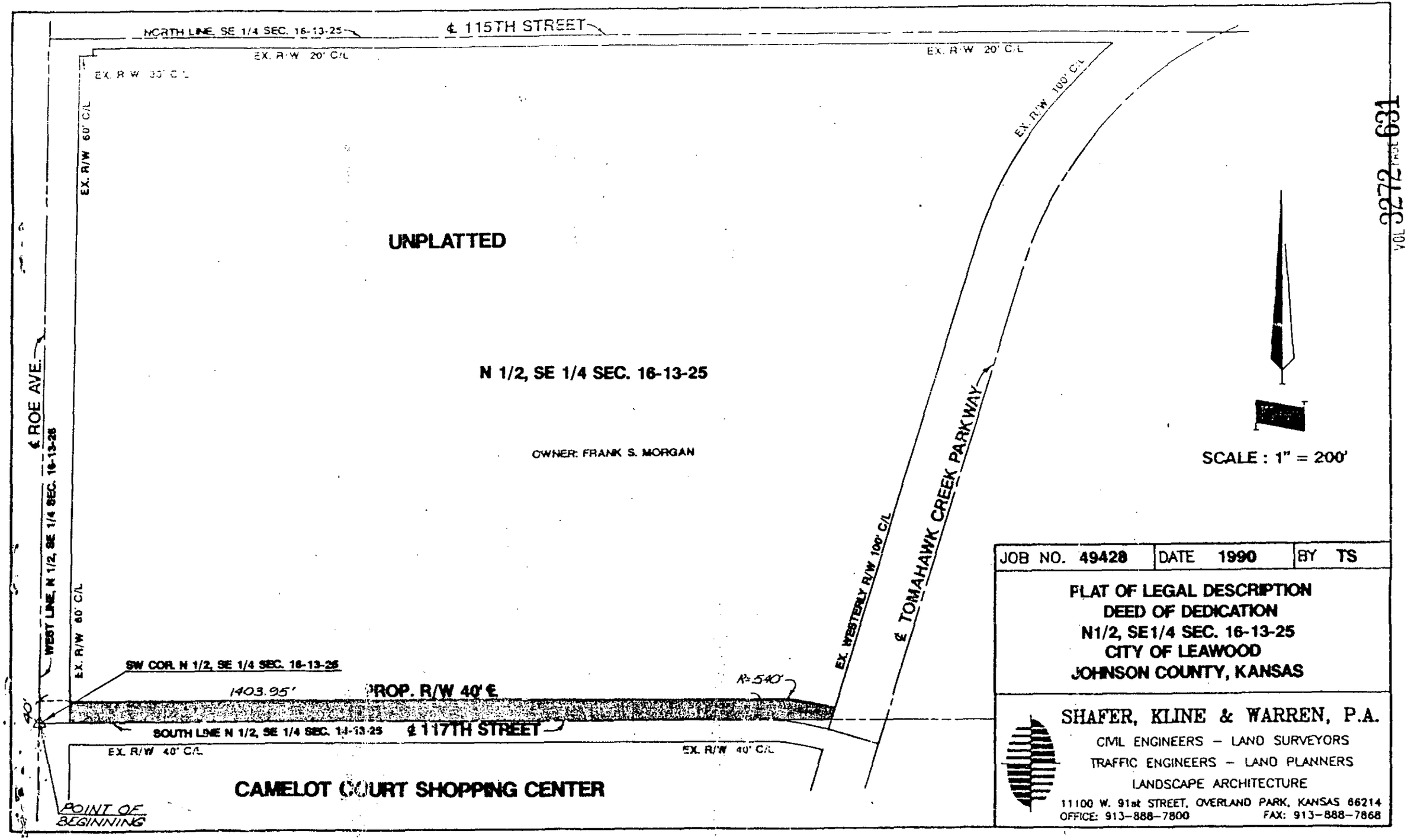
STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

10.00

1990 NOV 30 P 1:45 2

SARA F. ULLMANN
REGISTER OF DEEDS

BY_____DEP.



VOL 3272 PAGE 631

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

11/20/90

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
11/20/90

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $23.71

Ord. 1191

ORD. 1191

First published in The Legal Record, Tuesday, November 20, 1990.

ORDINANCE NO. 1191

AN ORDINANCE ACCEPTING A DEED FOR STREET PURPOSES (NORTH HALF OF 117TH STREET).

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

Section 1. That the City of Leawood hereby accepts a deed for land to be used for street purposes, the legal description of which is as follows:

From Ninety-Five West, L.P.: All that part of the N1/2 of the SE1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of the N1/2 of the SE1/4 of said Section 16, said point also being on the centerline of 117th Street, as now established; thence Northerly, along the West line of the N1/2 of the SE1/4 of said Section 16, a distance of 40 feet, to a point 40 feet North of the South line thereof; thence Easterly, along a line 40 feet North of and parallel to the South line of the N1/2 of the SE1/4 of said Section 16, and along a line 40 feet North of and parallel to the centerline of said 117th Street, a distance of 1403.95 feet, to a point of curvature; thence Easterly and Southeasterly, along a line 40 feet Northerly of and parallel to the centerline of said 117th Street, said line being on a curve to the right, having a radius of 540 feet, to a point on the Westerly right-of-way line of Tomahawk Creek Parkway, as now established; thence Southwesterly, along the Westerly right-of-way line of said Tomahawk Creek Parkway, to a point on the South line of the N1/2 of the SE1/4 of said Section 16; thence Westerly, along the South line of the N1/2 of the SE1/4 of said Section 16, to the point of beginning, all subject to that part thereof dedicated for street purposes.

Section 2. That a copy of said deed is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 19th day of November, 1990.

Approved by the Mayor the 19th day of November, 1990.

(S E A L)

Attest:

Marcia Rinehart
Mayor

Martha Heizer
City Clerk

APPROVED AS TO FORM:

R.S. Wetzler
City Attorney

ORDINANCE NO. 1190 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD TO REGULATE THE MANUFACTURE, STORAGE, POSSESSION, TRANSPORTATION, SALE, AND USE OF EXPLOSIVE MATERIALS AND BLASTING AGENTS IN THE CITY OF LEAWOOD.

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

Section 1. Code Amended. That Section 7-216 of the Code of the City of Leawood is hereby amended to read as follows:

Repealed by: ORDINANCE NO. 1211 C
Adopted: 3/18/91
Effective:

7-216. SAME; ARTICLE 77, EXPLOSIVES AND BLASTING AGENTS. Article 77, Explosives and Blasting Agents, is hereby enacted in its entirety with the following changes and additions:

Sec. 77.01 is hereby added to read as follows: RESPONSIBILITY FOR ENFORCEMENT. The Director of Public Works, referred to in this article as the "Director" shall be responsible for the administration and enforcement of this Article as provided herein. In addition, the Fire and Police Departments shall have authority to enforce regulatory provisions set forth herein, provided further that the Director shall be notified of any enforcement action taken by Fire or Police Departments.

Sec. 77.02 is hereby added to read as follows: APPLICATION OF ARTICLE.

(a) This Article shall apply to all persons, firms, corporations, partnerships, governmental agencies, and associations storing, handling, or using explosive or blasting agents and to the owner or lessee of any building, premises, or equipment in or on which explosives or blasting agents are stored, handled, or used.

(b) A permit as provided by Sec. 77.104(a) will not be required to transport explosives or blasting agents where the explosives or blasting agents are not being shipped from, or delivered to a location within the corporate boundaries of the City of Leawood, provided that said explosives or blasting agents are being transported in accordance with applicable regulations of other governmental agencies having jurisdiction, including the Federal Department of Transportation.

(c) The provisions of this Article shall apply to all private and public property within the City.

Repealed by:
ORDINANCE NO. 12-11C
Adopted: 3/18/91
Effective:

(d) The provisions of this article shall not be construed to relieve from or lessen the responsibility of any person, firm, corporation, partnership, governmental agency or association storing, handling , or using the explosive or blasting agents or to relieve from our lessen the responsibility of the owner or lessee of any building, premises, or equipment in or on which explosives or blasting agents are stored, handled, or used, nor shall the City or any of its agents be held as assuming any such liability by reason of the inspections authorized by this article or any permits or certificates of inspection issued by this Article.

Sec. 77.103.1 is hereby added to read as follows: PERMIT DEFINED. "Permit" whenever used in the Article means the written authorization of the Director of Public Works and Fire Chief or their designees authorizing any person, firm, corporation, partnership, governmental agency or association to manufacture, store, possess, transport, sell, and use explosive materials and blasting agents.

Sec. 77.104.1 is hereby added to read as follows: REISSUING OF PERMITS. All permits issued in accordance with the provisions of this Article shall, when reissued, be subject to any amendments to this Article.

Sec. 77.104.2 is hereby added to read as follows: FEE. Each applicant for a permit shall pay to the City at the time of application a nonrefundable application fee of fifty dollars ($50.00).

Sec. 77.105 is hereby amended to read as follows: INSURANCE REQUIRED. Before a permit is issued, as required by Section 77.104(a)3, the applicant shall secure and maintain the following insurance coverages:

1. Workers Compensation, Kansas Statutory Coverage shall be provided.

2. Employers Liability:
   Bodily Injury by Accident $1,000,000 each accident
   Bodily Injury by Disease $1,000,000 policy limit
   Bodily Injury by Disease $1,000,000 each employee

3. Commercial General Liability:
   Bodily Injury and Property $1,000,000 Combined Single Limit
   Damage $2,000,000 Aggregate

Repealed by:
ORDINANCE NO. 1211C
Adopted: 3/18/91
Effective:

4. Business Automobile Policy:
   Bodily Injury and Property $1,000,000 Combined Single Limit

   Damage or Bodily Injury $1,000,000 per Person
   Bodily Injury $1,000,000 per Accident
   Property Damage $1,000,000 per Accident

Sec. 77.105.1 is hereby added to read as follows: SCALE DRAWING. Before a permit shall be issued, the applicant shall furnish to the Director of Public Works a scale drawing accurately showing the surrounding land and all improvements thereon, all dimensions and all distances relative thereto. The scale drawing shall show distances to all houses, buildings, or other facilities within 500 feet of the blasting or demolition work. The scale drawing accompanying an application for a permit to store explosives or blasting agents must show distances to buildings and other features in accordance with the American Table of Distances for Storage of Explosives. All permit applications which are not accompanied by a scale drawing shall be refused and will not be considered until such scale drawing accompanies the application for permit. In addition, the Director of Public Works shall have authority to establish additional written standards for the submission of scaled drawings or other portions of the application process.

Sec. 77.105.2 is hereby added to read as follows: BLASTING PLAN. When blasting is to take place within 500 feet of a house, building, or other structure, the application for the permit must be accompanied by a Blasting Plan for the blasting operation. This Blasting Plan shall include specific information on the blasting operation as follows:

1. charge weights
2. delays
3. depths
4. patterns
5. protective mats or coverings required
6. seismographic monitoring
7. pre-blast surveys
8. written notification of property or utility owners within 500'.

Regardless of distance to nearby facilities, the blasting operations shall be carried out in such a manner that they will not cause fly rock or damage from air blast

Repealed by:
ORDINANCE NO. 1211C
Adopted: 3/18/91
Effective:

overpressure or ground vibration. Seismic recordings may be required by the Director. The maximum peak particle velocity at any such recording site must not exceed one inch per second in any one of three mutually perpendicular directions. Proposed specific location(s) of the seismic recording(s) shall be included in the Blasting Plan.

Sec. 77.107 is hereby added to read as follows: PERMITS NONTRANSFERABLE. Permits shall not be transferable.

Sec. 77.108 is hereby added to read as follows: DURATION OF PERMIT. Each permit granted by the city shall be valid for such a period of time as may be specified but not to exceed one (1) year, or until revoked whichever shall first occur.

Sec. 77.109 is hereby added to read as follows: SEPARATE PERMITS REQUIRED FOR EACH OPERATION. Separate and distinct permits shall be required for each operation listed.

Sec. 77.110 is hereby added to read as follows: APPROVAL SUBJECT TO INSPECTION. Application for a permit to construct or erect facilities for the storage, handling, or use of explosives or blasting agents required in this Article shall be made in writing to the Director of Public Works. Prior to issuing any permit, the Director of Public Works shall determine that the applicant has a valid user's permit and storage permit issued by the State Fire Marshall. If the applicant has a valid user's permit issued by the State Fire Marshall the Director of Public Works shall then cause an inspection to be made of the premises and equipment proposed to be used. If said premises and equipment are found to be in compliance with this Article, a statement to that effect shall be included on the application and signed by the person making the inspection. If the Director determines to his or her best information and belief that the requirements of this ordinance have been complied with, he or she shall issue a permit as applied for or under such conditions as he or she shall determine necessary. During the inspection of any premises or equipment in connection with any application for a permit The Director or his or her designee may inspect premises, buildings, installations, or equipment to determine compliance with the applicable law for the storage handling, or use of explosives or blasting agents. If a violation of this Article is found to exist, the Director or designee shall file with the owner, occupant, or operator a notice citing the violation and ordering its correction within a

Repealed by:
ORDINANCE NO. 7214
Adopted: 3/18/91
Effective: /

specified time period. No permit shall be issued by the Director until he or she has determined that any known violations of this article have been corrected.

Sec. 77.111 is hereby added to read as follows: INSPECTIONS FOLLOWING ISSUANCE OF PERMIT. As a condition of the issuance of a permit the applicant shall consent that during the period of issuance of the permit the buildings, premises, installations, or equipment in or on which explosives or blasting agents are to be stored, handled or used may be inspected by the Director of Public Works or his or her designee so as to enable the Director or his or her designee to determine that the applicant or holder of the permit is complying with the requirements of this ordinance and any conditions for issuance of the permit. If a violation of this Article is found to exist during any such inspection, the Director or designee shall serve the owner, occupant, or operator with a notice citing the violation and ordering its correction within a specified time period. If such order is not complied with, the Director shall revoke the permit issued for such facility.

Sec. 77.301.1 is hereby added to read as follows: BLASTING OPERATIONS. All blasting operations shall be carried out only by skilled and experienced personnel who are currently licensed by the State of Kansas to conduct blasting operations. A daily blasting log and storage log, if applicable, shall be kept for all blasting operations and be made available for inspection by the Director or other authority having jurisdiction.

Sec. 77.501 is hereby added to read as follows: APPEALS. Any owner, lessee, agent, operator, or occupant aggrieved by any decision, order or permit issued pursuant to this Article may file an appeal to the City Council. The appeal shall be in written form and shall be made to the Director of Public Works. The Director shall cause the appeal to be heard at the next available City Council meeting. Such appeal shall not stay the execution of any decision, order or permit issued pursuant to this article until said order has been heard and reviewed, vacated, or confirmed by the City Council. The City Council shall at some hearing confirm, modify, revoke, or vacate such decision, order or issuance of permit. Unless revoked or vacated, such decision, order or permit shall then be complied with. Nothing contained in this article shall be deemed to deny the right of any person, firm, corporation, copartnership, or voluntary association to ap-

peal.

Repealed by: ORDINANCE NO. 1211C Adopted: 3/18/91 Effective:

Sec 77.502 is hereby added to read as follows: COURT APPEALS. No decision, order or permit issued pursuant to this article shall be stayed by appeal to a court having appellate jurisdiction over the matter unless said court shall enter an order staying the execution of such decision, order or permit.

Repealed by: ORDINANCE NO. 1211C Adopted: 3/18/91 Effective:

Sec. 77.503 is hereby added to read as follows: PENALTIES. Any person who fails to comply with the provisions of this Article including but not limited to Uniform Fire Code, Article 77, Explosives and Blasting Agents, as amended, National Fire Protection Association 495 Explosive Materials Code (NFPA 495), 1990 edition, Kansas Administrative Regulations 22-4-2 through and including 22-4-3, Title 27 of the Code of Federal Regulations or with any order of the Director or other authority having jurisdiction issued pursuant thereto shall be subject to the penalties of Section 7-220 of the Code of the City of Leawood.

Section 2. Code Amended. That the Code of the City of Leawood is hereby amended by adding Section 7-216.1 which reads as follows:

Repealed by: ORDINANCE NO. 1275C Adopted: 3/2/92 Effective:

7-216.1. SAME. The City of Leawood, Kansas does hereby incorporate by reference under K.S.A. 12-3009 through 12-3012, the Code and Standard known as National Fire Protection Association 495 Explosive Materials Code (NFPA 495), 1990 edition, in its entirety.

Section 3. Code Amended. That the Code of the City of Leawood is hereby amended by adding Section 7-216.2 which reads as follows:

Repealed by: ORDINANCE NO. 1275C Adopted: 3/2/92 Effective:

7-216.2. SAME. The City of Leawood, Kansas does hereby incorporate by reference under K.S.A. 12-3009 through 12-3012, the Code and Standard known as Kansas Administrative Regulations 22-4-1 through 22-4-3 as amended in its entirety.

Section 4. Code Amended. That the Code of the City of Leawood is hereby amended by adding Section 7-216.3 which reads as follows:

Repealed by:
ORDINANCE NO. 1275C
Adopted: 2/2/92
Effective:

7-216.3. SAME. The City of Leawood, Kansas does hereby incorporate by reference under K.S.A. 12-3009 through 12-3012, the Code and Standard known as Title 27 of the Code of Federal Regulations in its entirety.

Section 5. Validity of Ordinance. That the City of Leawood, Kansas, hereby declares that should any article, paragraph, sentence or word of this ordinance be declared for any reason to be invalid, it is the intent of the City of Leawood that it would have passed all other portions of this ordinance independent of the elimination herefrom of any portion as may be declared invalid.

Section 6. Repeal of Existing Section. That existing Section 7-216 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. 1021C)

Section 7. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 19th day of November, 1990.

Approved by the Mayor the 19th day of November, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

11/20/90

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
11/20/90

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $100.78

Ord. 1190C

ORD. 1190 C

First published in The Legal Record, Tuesday, November 20, 1990.

ORDINANCE NO. 1190 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD TO REGULATE THE MANUFACTURE, STORAGE, POSSESSION, TRANSPORTATION, SALE, AND USE OF EXPLOSIVE MATERIALS AND BLASTING AGENTS IN THE CITY OF LEAWOOD.

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

Section 1. Code Amended. That Section 7-216 of the Code of the City of Leawood is hereby amended to read as follows:

7-216. SAME: ARTICLE 77, EXPLOSIVES AND BLASTING AGENTS. Article 77, Explosives and Blasting Agents, is hereby enacted in its entirety with the following changes and additions:

Sec. 77.01 is hereby added to read as follows: RESPONSIBILITY FOR ENFORCEMENT. The Director of Public Works, referred to in this article as the "Director" shall be responsible for the administration and enforcement of this Article as provided herein. In addition, the Fire and Police Departments shall have authority to enforce regulatory provisions set forth herein, provided further that the Director shall be notified of any enforcement action taken by Fire or Police Departments.

Sec. 77.02 is hereby added to read as follows: APPLICATION OF ARTICLE.

(a) This Article shall apply to all persons, firms, corporations, partnerships, governmental agencies, and associations storing, handling, or using explosive or blasting agents and to the owner or lessee of any building, premises, or equipment in or on which explosives or blasting agents are stored, handled, or used.

(b) A permit as provided by Sec. 77.104(a) will not be required to transport explosives or blasting agents where the explosives or blasting agents are not being shipped from, or delivered to a location within the corporate boundaries of the City of Leawood, provided that said explosives or blasting agents are being transported in accordance with applicable regulations of other governmental agencies having jurisdiction, including the Federal Department of Transportation.

(c) The provisions of this Article shall apply to all private and public property within the City.

(d) The provisions of this article shall not be construed to relieve from or lessen the responsibility of any person, firm, corporation, partnership, governmental agency or association storing, handling , or using the explosive or blasting agents or to relieve from our lessen the responsibility of the owner or lessee of any building, premises, or equipment in or on which explosives or blasting agents are stored, handled, or used, nor shall the City or any of its agents be held as assuming any such liability by reason of the inspections authorized by this article or any permits or certificates of inspection issued by this Article.

Sec. 77.103.1 is hereby added to read as follows: PERMIT DEFINED. "Permit" whenever used in the Article means the written authorization of the Director of Public Works and Fire Chief or their designees authorizing any person, firm, corporation, partnership, governmental agency or association to manufacture, store, possess, transport, sell, and use explosive materials and blasting agents.

Sec. 77.104.1 is hereby added to read as follows: REISSUING OF PERMITS. All permits issued in accordance with the provisions of this Article shall, when reissued, be subject to any amendments to this Article.

Sec. 77.104.2 is hereby added to read as follows: FEE. Each applicant for a permit shall pay to the City at the time of application a nonrefundable application fee of fifty dollars ($50.00).

Sec. 77.105 is hereby amended to read as follows: INSURANCE REQUIRED. Before a permit is issued, as required by Section 77.104(a)3, the applicant shall secure and maintain the following insurance coverages:

1. Workers Compensation, Kansas Statutory Coverage shall be provided.

2. Employers Liability:
   Bodily Injury by Accident $1,000,000 each accident
   Bodily Injury by Disease $1,000,000 policy limit
   Bodily Injury by Disease $1,000,000 each employee

3. Commercial General Liability:
   Bodily Injury and Property $1,000,000 Combined Single Limit
   Damage $2,000,000 Aggregate

4. Business Automobile Policy:
   Bodily Injury and Property $1,000,000 Combined Single Limit

   Damage or Bodily Injury $1,000,000 per Person
   Bodily Injury $1,000,000 per Accident
   Property Damage $1,000,000 per Accident

Sec. 77.105.1 is hereby added to read as follows: SCALE DRAWING. Before a permit shall be issued, the applicant shall furnish to the Director of Public Works a scale drawing accurately showing the surrounding land and all improvements thereon, all dimensions and all distances relative thereto. The scale drawing shall show distances to all houses, buildings, or other facilities within 500 feet of the blasting or demolition work. The scale drawing accompanying an application for a permit to store explosives or blasting agents must show distances to buildings and other features in accordance with the American Table of Distances for Storage of Explosives. All permit applications which are not accompanied by a scale drawing shall be refused and will not be considered until such scale drawing accompanies the application for permit. In addition, the Director of Public Works shall have authority to establish additional written standards for the submission of scaled drawings or other portions of the application process.

Sec. 77.105.2 is hereby added to read as follows: BLASTING PLAN. When blasting is to take place within 500 feet of a house, building, or other structure, the application for the permit must be accompanied by a Blasting Plan for the blasting operation. This Blasting Plan shall include specific information on the blasting operation as follows:

1. charge weights
2. delays
3. depths
4. patterns
5. protective mats or coverings required
6. seismographic monitoring
7. pre-blast surveys
8. written notification of property or utility owners within 500'.

Regardless of distance to nearby facilities, the blasting operations shall be carried out in such a manner that they will not cause fly rock or damage from air blast overpressure or ground vibration. Seismic recordings may be required by the Director. The maximum peak particle velocity at any such recording site must not exceed one inch per second in any one of three mutually perpendicular directions. Proposed specific location(s) of the seismic recording(s) shall be included in the Blasting Plan.

Sec. 77.107 is hereby added to read as follows: PERMITS NONTRANSFERABLE. Permits shall not be transferable.

Sec. 77.108 is hereby added to read as follows: DURATION OF PERMIT. Each permit granted by the city shall be valid for such a period of time as may be specified but not to exceed one (1) year, or until revoked whichever shall first occur.

Sec. 77.109 is hereby added to read as follows: SEPARATE PERMITS REQUIRED FOR EACH OPERATION. Separate and distinct permits shall be required for each operation listed.

Sec. 77.110 is hereby added to read as follows: APPROVAL SUBJECT TO INSPECTION. Application for a permit to construct or erect facilities for the storage, handling, or use of explosives or blasting agents required in this Article shall be made in writing to the Director of Public Works. Prior to issuing any permit, the Director of Public Works shall determine that the applicant has a valid user's permit and storage permit issued by the State Fire Marshall. If the applicant has a valid user's permit issued by the State Fire Marshall the Director of Public Works shall then cause an inspection to be made of the premises and equipment proposed to be used. If said premises and equipment are found to be in compliance with this Article, a statement to that effect shall be included on the application and signed by the person making the inspection. If the Director determines to his or her best information and belief that the requirements of this ordinance have been complied with, he or she shall issue a permit as applied for or under such conditions as he or she shall determine necessary. During the inspection of any premises or equipment in connection with any application for a permit The Director or his or her designee may inspect premises, buildings, installations, or equipment to determine compliance with the applicable law for the storage handling, or use of explosives or blasting agents. If a violation of this Article is found to exist, the Director or designee shall file with the owner, occupant, or operator a notice citing the violation and ordering its correction within a specified time period. No permit shall be issued by the Director until he or she has determined that any known violations of this article have been corrected.

Sec. 77.111 is hereby added to read as follows: INSPECTIONS FOLLOWING ISSUANCE OF PERMIT. As a condition of the issuance of a permit the applicant shall consent that during the period of issuance of the permit the buildings, premises, installations, or equipment in or on which explosives or blasting agents are to be stored, handled or used may be inspected by the Director of Public Works or his or her designee so as to enable the Director or his or her designee to determine that the applicant or holder of the permit is complying with the requirements of this ordinance and any conditions for issuance of the permit. If a violation of this Article is found to exist during any such inspection, the Director or designee shall serve the owner, occupant, or operator with a notice citing the violation and ordering its correction within a specified time period. If such order is not complied with, the Director shall revoke the permit issued for such facility.

Sec. 77.301.1 is hereby added to read as follows: BLASTING OPERATIONS. All blasting operations shall be carried out only by skilled and experienced personnel who are currently licensed by the State of Kansas to conduct blasting operations. A daily blasting log and storage log, if applicable, shall be kept for all blasting operations and be made available for inspection by the Director or other authority having jurisdiction.

Sec. 77.501 is hereby added to read as follows: APPEALS. Any owner, lessee, agent, operator, or occupant aggrieved by any decision, order or permit issued pursuant to this Article may file an appeal to the City Council. The appeal shall be in written form and shall be made to the Director of Public Works. The Director shall cause the appeal to be heard at the next available City Council meeting. Such appeal shall not stay the execution of any decision, order or permit issued pursuant to this article until said order has been heard and reviewed, vacated, or confirmed by the City Council. The City Council shall at some hearing confirm, modify, revoke, or vacate such decision, order or issuance of permit. Unless revoked or vacated, such decision, order or permit shall then be complied with. Nothing contained in this article shall be deemed to deny the right of any person, firm, corporation, copartnership, or voluntary association to appeal.

Sec 77.502 is hereby added to read as follows: COURT APPEALS. No decision, order or permit issued pursuant to this article shall be stayed by appeal to a court having appellate jurisdiction over the matter unless said court shall enter an order staying the execution of such decision, order or permit.

Sec. 77.503 is hereby added to read as follows: PENALTIES. Any person who fails to comply with the provisions of this Article including but not limited to Uniform Fire Code, Article 77, Explosives and Blasting Agents, as amended, National Fire Protection Association 495 Explosive Materials Code (NFPA 495), 1990 edition, Kansas Administrative Regulations 22-4-2 through and including 22-4-3, Title 27 of the Code of Federal Regulations or with any order of the Director or other authority having jurisdiction issued pursuant thereto shall be subject to the penalties of Section 7-220 of the Code of the City of Leawood.

Section 2. Code Amended. That the Code of the City of Leawood is hereby amended by adding Section 7-216.1 which reads as follows:

7-216.1. SAME. The City of Leawood, Kansas does hereby incorporate by reference under K.S.A. 12-3009 through 12-3012, the Code and Standard known as National Fire Protection Association 495 Explosive Materials Code (NFPA 495), 1990 edition, in its entirety.

Section 3. Code Amended. That the Code of the City of Leawood is hereby amended by adding Section 7-216.2 which reads as follows:

7-216.2. SAME. The City of Leawood, Kansas does hereby incorporate by reference under K.S.A. 12-3009 through 12-3012, the Code and Standard known as Kansas Administrative Regulations 22-4-1 through 22-4-3 as amended in its entirety.

Section 4. Code Amended. That the Code of the City of Leawood is hereby amended by adding Section 7-216.3 which reads as follows:

7-216.3. SAME. The City of Leawood, Kansas does hereby incorporate by reference under K.S.A. 12-3009 through 12-3012, the Code and Standard known as Title 27 of the Code of Federal Regulations in its entirety.

Section 5. Validity of Ordinance. That the City of Leawood, Kansas, hereby declares that should any article, paragraph, sentence or word of this ordinance be declared for any reason to be invalid, it is the intent of the City of Leawood that it would have passed all other portions of this ordinance independent of the elimination herefrom of any portion as may be declared invalid.

Section 6. Repeal of Existing Section. That existing Section 7-216 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. 1021C)

Section 7. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 19th day of November, 1990.

Approved by the Mayor the 19th day of November, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler
R.S. Wetzler City

ORDINANCE NO. 1189 C

AN ORDINANCE ADOPTING THE 1990 LEAWOOD DEVELOPMENT ORDINANCE AND REPEALING CERTAIN EXISTING ARTICLES AND SECTIONS OF THE CODE OF THE CITY OF LEAWOOD.

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

Section 1. Code Amended. That Section 16-201 of the Code of the City of Leawood is hereby amended to read as follows:

16-201. ZONING ORDINANCE INCORPORATED. There is hereby incorporated by reference pursuant to K.S.A. 12-3009, K.S.A. 12-3010 and K.S.A. 12-3301, for the purpose of providing zoning regulations within the City of Leawood, Kansas, all of the regulations contained in that document hereafter known and referred to as the "1990 Leawood Development Ordinance."

No fewer than three copies of such 1990 Leawood Development Ordinance, marked or stamped "Official Copy" as incorporated by the ordinances of the City of Leawood, Kansas, shall be filed with the city clerk, to be open to inspection and available to the public during regular office hours, except that such official copies may not be removed from city hall. City officials requiring the use of such development ordinance shall be supplied at the expense of the city such number of official copies of the development ordinance as may be deemed expedient by the governing body.

Section 2. Code Amended. That Section 16-202 of the Code of the City of Leawood is hereby amended to read as follows:

16-202. FEES. To partially cover the cost of administering the procedures set forth in the 1990 Leawood Development Ordinance of the city, fees shall be required at the time of submission of plans and/or applications. The fees are set forth in the Fee Schedule established and maintained by the city administrator, as prescribed in section 1-701.

Applicant is responsible for the cost of publishing rezoning or special use permit ordinances following city council approval.

Section 3. Repeal of Certain Existing Articles and Sections. That the following existing sections and articles of the Code of the City of Leawood are hereby repealed:

Sections 16-201 and 16-202
Article 5 of Chapter 11 (Prior law:Ords.835,1188C)
Article 1 of Chapter 16
Sections 16-304 through and including 16-311

Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the Council the 19th day of November, 1990.

Approved by the Mayor the 19th day of November, 1990.

(SEAL)

Marcia Rinehart, Mayor

Attest:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and state for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

11/20/90

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
11/20/90

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $14.82

Ord. 1189C

ORD. 1189 C

First published in The Legal Record, Tuesday, November 20, 1990.

ORDINANCE NO. 1189 C

AN ORDINANCE ADOPTING THE 1990 LEAWOOD DEVELOPMENT ORDINANCE AND REPEALING CERTAIN EXISTING ARTICLES AND SECTIONS OF THE CODE OF THE CITY OF LEAWOOD.

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

Section 1. Code Amended. That Section 16-201 of the Code of the City of Leawood is hereby amended to read as follows:

16-201. ZONING ORDINANCE INCORPORATED. There is hereby incorporated by reference pursuant to K.S.A. 12-3009, K.S.A. 12-3010 and K.S.A. 12-3301, for the purpose of providing zoning regulations within the City of Leawood, Kansas, all of the regulations contained in that document hereafter known and referred to as the "1990 Leawood Development Ordinance."

No fewer than three copies of such 1990 Leawood Development Ordinance, marked or stamped "Official Copy" as incorporated by the ordinances of the City of Leawood, Kansas, shall be filed with the city clerk, to be open to inspection and available to the public during regular office hours, except that such official copies may not be removed from city hall. City officials requiring the use of such development ordinance shall be supplied at the expense of the city such number of official copies of the development ordinance as may be deemed expedient by the governing body.

Section 2. Code Amended. That Section 16-202 of the Code of the City of Leawood is hereby amended to read as follows:

16-202. FEES. To partially cover the cost of administering the procedures set forth in the 1990 Leawood Development Ordinance of the city, fees shall be required at the time of submission of plans and/or applications. The fees are set forth in the Fee Schedule established and maintained by the city administrator, as prescribed in section 1-701.

Applicant is responsible for the cost of publishing rezoning or special use permit ordinances following city council approval.

Section 3. Repeal of Certain Existing Articles and Sections. That the following existing sections and articles of the Code of the City of Leawood are hereby repealed:

Sections 16-201 and 16-202
Article 5 of Chapter 11 (Prior law:Ords.835,1188C)
Article 1 of Chapter 16
Sections 16-304 through and including 16-311

Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the Council the 19th day of November, 1990.

Approved by the Mayor the 19th day of November, 1990.

(SEAL)

Marcia Rinehart
(Marcia Rinehart, Mayor

Attest:

Martha Heizer
Martha Heizer, City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

Repealed by:
ORDINANCE NO. 1189C
Adopted: 4/19/90
Effective:

ORDINANCE NO. 1188C

AN ORDINANCE AMENDING THE LEAWOOD RESIDENTIAL SIGN ORDINANCE.

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

Section 1. Code Amended. That Section 11-506 of the Code of the City of Leawood is hereby amended to read as follows:

11-506. ADDITIONAL REQUIREMENTS. All signs, including signs which are excepted under the provisions of Section 11-505 from the permit requirements of this article and signs for which a permit is required, shall comply with the following requirements and no person shall construct, erect or maintain any signs contrary to the requirements:

(1) Not more than one sign per event, issue or candidate, excluding signs described in Section 11-505(1) and 11-505(2), shall be displayed upon any residence or lot at any one time;

(2) No sign other than a "developer sign" shall be greater in area than five square feet;

(3) No sign or any part thereof or attachment thereto other than a "developer sign" shall exceed three feet in overall height;

(4) No sign shall be placed closer than 15 feet from the edge of the pavement or the curb of the street;

(5) No sign will be placed on a public right-of-way;

(6) No real estate "for sale" sign shall be displayed longer than 24 hours subsequent to the sale of the residence; for purposes of this article sale shall be deemed to have occurred upon execution of a contract for sale by buyer and seller;

(7) No garage sale sign shall be displayed unless a valid permit for the sign has been issued and no permit shall be issued which permits display of any garage sale sign for more than four consecutive days;

(8) Not more than two permits authorizing the display of a garage sale sign upon any one residence shall be issued during any calendar year;

(9) No political campaign sign shall be placed upon any residential lot more than 15 days prior to the election which is the subject of the campaign sign and all campaign signs shall be removed not later than 48 hours following the election which is the subject of the campaign sign;

(10) No permit shall be issued which authorizes the erection upon any residence or lot any sign advertising the business of any person who has contracted or agreed with the owner of the residence or lot to perform maintenance, home improvements or repairs to or on the property;

(11) No twirlers, flags, balloons or other paraphernalia

Repealed by:
ORDINANCE NO. 1489C
Adopted: 11/19/90
Effective: _____

shall be attached to any sign or displayed in conjunction with any sign unless the code official determines that the display or attachment will not be contrary to the intent and purposes of this article and a permit specifically authorizing the display or attachment has been issued by code official;

(12) No sign shall be displayed which shall clearly adversely affect neighborhood aesthetics or result in visual clutter of a residential neighborhood;

(13) No sign permit shall be issued which allows a sign to be displayed for a period of time which is longer than reasonably necessary to accomplish the purpose or communicate the information which is the subject matter of the sign;

(14) No sign permit shall be issued for a period of time in excess of six months; however, a sign permit can be renewed for additional periods of time upon submission of a new application for issuance of a permit and compliance with all other provisions of this article;

(15) A builder's sign may be displayed in lieu of or as a part of a real estate "for sale" sign.

Section 2. Repeal of Existing Section. That existing Section 11-506 of the Code of the City of Leawood is hereby repealed.

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 15th day of October, 1990.

Approved by the Mayor the 15th day of October, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

10/16/90

Business Manager

Subscribed and sworn to before me on this date:
10/16/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $26.68

Ordinance 1188C

ORDINANCE 1188C

First published in The Legal Record, Tuesday, October 16, 1990.

ORDINANCE NO. 1188C

AN ORDINANCE AMENDING THE LEAWOOD RESIDENTIAL SIGN ORDINANCE.

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

Section 1. Code Amended. That Section 11-506 of the Code of the City of Leawood is hereby amended to read as follows:

11-506. ADDITIONAL REQUIREMENTS. All signs, including signs which are excepted under the provisions of Section 11-505 from the permit requirements of this article and signs for which a permit is required, shall comply with the following requirements and no person shall construct, erect or maintain any signs contrary to the requirements:

(1) Not more than one sign per event, issue or candidate, excluding signs described in Section 11-505(1) and 11-505(2), shall be displayed upon any residence or lot at any one time;

(2) No sign other than a "developer sign" shall be greater in area than five square feet;

(3) No sign or any part thereof or attachment thereto other than a "developer sign" shall exceed three feet in overall height;

(4) No sign shall be placed closer than 15 feet from the edge of the pavement or the curb of the street;

(5) No sign will be placed on a public right-of-way;

(6) No real estate "for sale" sign shall be displayed longer than 24 hours subsequent to the sale of the residence; for purposes of this article sale shall be deemed to have occurred upon execution of a contract for sale by buyer and seller;

(7) No garage sale sign shall be displayed unless a valid permit for the sign has been issued and no permit shall be issued which permits display of any garage sale sign for more than four consecutive days;

(8) Not more than two permits authorizing the display of a garage sale sign upon any one residence shall be issued during any calendar year;

(9) No political campaign sign shall be placed upon any residential lot more than 15 days prior to the election which is the subject of the campaign sign and all campaign signs shall be removed not later than 48 hours following the election which is the subject of the campaign sign;

(10) No permit shall be issued which authorizes the erection upon any residence or lot any sign advertising the business of any person who has contracted or agreed with the owner of the residence or lot to perform maintenance, home improvements or repairs to or on the property;

(11) No twirlers, flags, balloons or other paraphernalia shall be attached to any sign or displayed in conjunction with any sign unless the code official determines that the display or attachment will not be contrary to the intent and purposes of this article and a permit specifically authorizing the display or attachment has been issued by code official;

(12) No sign shall be displayed which shall clearly adversely affect neighborhood aesthetics or result in visual clutter of a residential neighborhood;

(13) No sign permit shall be issued which allows a sign to be displayed for a period of time which is longer than reasonably necessary to accomplish the purpose or communicate the information which is the subject matter of the sign;

(14) No sign permit shall be issued for a period of time in excess of six months; however, a sign permit can be renewed for additional periods of time upon submission of a new application for issuance of a permit and compliance with all other provisions of this article;

(15) A builder's sign may be displayed in lieu of or as a part of a real estate "for sale" sign.

Section 2. Repeal of Existing Section. That existing Section 11-506 of the Code of the City of Leawood is hereby repealed.

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 15th day of October, 1990.

Approved by the Mayor the 15th day of October, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM: /s/R.S. Wetzler
R.S. Wetzler City Attorney

ORDINANCE NO. 1187

AN ORDINANCE GRANTING AN EASEMENT ACROSS THE TOMAHAWK CREEK GREENWAY FOR SANITARY SEWER PURPOSES.

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

19-6,227. Section 1. That the City of Leawood, Kansas, does hereby grant an easement for sanitary sewer purposes to Lateral Sewer District 17, of Tomahawk Creek Sewer Sub-District No. 5, on property described as follows:

A ten (10) foot wide permanent easement and a forty (40) foot wide temporary construction easement lying five (5) feet and twenty (20) feet, respectively, either side of the following described centerline: Commencing at the Southeast Corner of the Southeast One-Quarter (SE 1/4) of Section 16, Township 13S, Range 25E, in the City of Leawood, Johnson County, Kansas; thence North 0 degrees East on the East Line of said Southeast One-Quarter a distance of 133.06 feet; thence South 50 degrees 50 minutes 18 seconds West a distance of 56.25 feet; thence South 89 degrees 03 minutes 38 seconds West a distance of 229.28 feet; thence North 60 degrees 53 minutes 04 seconds West a distance of 53.95 feet to the True Point of Beginning; thence continuing North 60 degrees 53 minutes 04 seconds West a distance of 232.24 feet to a point lying on the centerline of the existing sanitary easement for Line A, Section 1, Tomahawk SSD #5, said point also being the Point of Terminus.

The above described easement being contiguous to and contained within the property lines of the tract in which it is contained.

19-6,228. Section 2. That a copy of said easement is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 2nd day of October, 1990.

Approved by the Mayor the 2nd day of October, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

cc: fw/p 2/7/91

Johnson County
Kansas

February 1, 1991

RECEIVED
FEB 4 1991
CITY OF LEAWOOD

Martha Heizer
City of Leawood
9615 Lee Boulevard
Leawood, Kansas 66206

Re: Church of the Nativity Easement

Dear Martha:

As requested I had the Register of Deeds file stamp the extra easements you sent to me for the above referenced project. However, they file stamped them with the wrong numbers. I have sent along a copy of the original with the "original compared with record" stamp so you can see what the correct filing information should be.

Thank you for your help in obtaining this easement. If you need any additional information please call.

Sincerely,

Stacy Gallick

Stacy Gallick
Senior Engineering Technician

Sg/mjh
9091063

1998356

RIGHT-OF-WAY GRANT

ORIGINAL COMPARED WITH RECORD

KNOW ALL MEN BY THESE PRESENTS, that The City of Leawood, Kansas, a municipal corporation of the Post Office of _____ in the State of Kansas, in consideration of One Dollar ($1.00) in hand paid and other valuable consideration, receipt of which is hereby acknowledged, hereby grant s and convey s unto Lateral Sewer District 17, of Tomahawk Creek Sewer Sub-District No. 5 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:

A ten (10) foot wide permanent easement and a forty (40) foot wide temporary construction easement lying five (5) feet and twenty (20) feet, respectively, either side of the following described centerline:

Commencing at the Southeast Corner of the Southeast One-Quarter (SE 1/4) of Section 16, Township 13S, Range 25E, in the City of Leawood, Johnson County, Kansas; thence North 0 degrees East on the East Line of said Southeast One-Quarter a distance of 133.06 feet; thence South 50 degrees 50 minutes 18 seconds West a distance of 56.25 feet; thence South 89 degrees 03 minutes 38 seconds West a distance of 229.28 feet; thence North 60 degrees 53 minutes 04 seconds West a distance of 53.95 feet to the True Point of Beginning; thence continuing North 60 degrees 53 minutes 04 seconds West a distance of 232.24 feet to a point lying on the centerline of the existing sanitary easement for Line A, Section 1, Tomahawk SSD #5, said point also being the Point of Terminus.

The above described easement being contiguous to and contained within the property lines of the tract in which it is contained.

This grant is a permanent easement for the purpose aforestated and full consideration therefore is acknowledged; provided however, if a temporary construction easement is granted herein, then the period of said temporary easement shall be no longer than three years from the date of acceptance of construction of sewers within said Sewer District.

All sod damaged by the installation of said line or by making future repairs or in removing said property, shall be replaced by grantee. Grantor_____agree s____ that the planting of any trees or placing of other improvements on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation therefore.

This agreement is binding upon the heirs, executors, administrators, successors, and assigns of the parties hereto, and it is understood that this agreement cannot be changed in any way except in writing, signed by the grantor __ and a duly authorized agent of the grantee.

IN WITNESS WHEREOF the Grantor___ has hereunto set its hand__ and seal__ on this, the 17th day of December, 1990.

THE CITY OF LEAWOOD, a municipal corporation

By: Marcia Rinehart

Marcia Rinehart, Mayor

VOL 3294 PAGE 256

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Kansas
COUNTY OF Johnson SS:

BE IT REMEMBERED, That on this 17th day of December, 1990, before me, the undersigned Notary Public, personally came Marcia Rinehart, Mayor of the City of Leawood, Kansas who is personally known to me to the same person ____ who executed the foregoing instrument of writing and as such person ____ duly acknowledged the execution of the same.

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

Martha E. Heizer
Notary Public Martha E Heizer

My Commission expires June 25, 1991

NOTARY PUBLIC STATE OF KANSAS | MARTHA E. HEIZER My Appt. Exp. 6/25/91

CORPORATE ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____ SS:

BE IT REMEMBERED, That on this _____ day of _____, 19___, before me, the undersigned Notary Public in and for the County and State aforesaid, came ____ _____ of _____ who is personally known to me to be the _____ of said _____ and the same person who executed the within instrument of writing, and duly acknowledged the execution of the same to be the voluntary act and deed of said _____.

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

_____
Notary Public

My Commission expires _____.

STATE OF KANSAS
COUNTY OF JOHNSON SS
FILED FOR RECORD
8:00 1991 JAN 22 A 10: 10 .0
SARA F. ULLMANN
REGISTER OF DEEDS
BY_____DEP.

Jo Co Wastewater
Stacy Hallick
(Inter-mail)

1998357

RIGHT-OF-WAY GRANT

KNOW ALL MEN BY THESE PRESENTS, that The City of Leawood, Kansas, a municipal corporation, of the Post Office of _____ in the State of Kansas, in consideration of One Dollar ($1.00) in hand paid and other valuable consideration, receipt of which is hereby acknowledged, hereby grants and conveys unto Lateral Sewer District 17, of Tomahawk Creek Sewer Sub-District No. 5 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:

A ten (10) foot wide permanent easement and a forty (40) foot wide temporary construction easement lying five (5) feet and twenty (20) feet, respectively, either side of the following described centerline:

Commencing at the Southeast Corner of the Southeast One-Quarter (SE 1/4) of Section 16, Township 13S, Range 25E, in the City of Leawood, Johnson County, Kansas; thence North 0 degrees East on the East Line of said Southeast One-Quarter a distance of 133.06 feet; thence South 50 degrees 50 minutes 18 seconds West a distance of 56.25 feet; thence South 89 degrees 03 minutes 38 seconds West a distance of 229.28 feet; thence North 60 degrees 53 minutes 04 seconds West a distance of 53.95 feet to the True Point of Beginning; thence continuing North 60 degrees 53 minutes 04 seconds West a distance of 232.24 feet to a point lying on the centerline of the existing sanitary easement for Line A, Section 1, Tomahawk SSD #5, said point also being the Point of Terminus.

The above described easement being contiguous to and contained within the property lines of the tract in which it is contained.

This grant is a permanent easement for the purpose aforestated and full consideration therefore is acknowledged; provided however, if a temporary construction easement is granted herein, then the period of said temporary easement shall be no longer than three years from the date of acceptance of construction of sewers within said Sewer District.

All sod damaged by the installation of said line or by making future repairs or in removing said property, shall be replaced by grantee. Grantor 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 grantee.

IN WITNESS WHEREOF the Grantor has hereunto set its hand and seal on this, the 17th day of December, 1990.

THE CITY OF LEAWOOD, a municipal corporation

By: Marcia Rinehart

Marcia Rinehart, Mayor

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Kansas
COUNTY OF Johnson SS:

BE IT REMEMBERED, That on this 17th day of December, 1990, before me, the undersigned Notary Public, personally came Marcia Rinehart, Mayor of the City of Leawood, Kansas, who is personally known to me to the same person ____ who executed the foregoing instrument of writing and as such person ____ duly acknowledged the execution of the same.

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

Martha E. Heizer
Notary Public Martha E. Heizer

My Commission expires June 25, 1991.

NOTARY PUBLIC STATE OF KANSAS | MARTHA E. HEIZER My Appt. Exp. 6/25/91

CORPORATE ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____ SS:

BE IT REMEMBERED, That on this _____ day of _____, 19___, before me, the undersigned Notary Public in and for the County and State aforesaid, came ____ _____ of _____ who is personally known to me to be the _____ of said _____ _____ and the same person who executed the within instrument of writing, and duly acknowledged the execution of the same to be the voluntary act and deed of said _____.

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

_____
Notary Public

My Commission expires _____.

STATE OF KANSAS }SS
COUNTY OF JOHNSON
FILED FOR RECORD

1991 JAN 22 A 10: 10 .0

SARA F. ULLMANN
REGISTER OF DEEDS

8.00

BY_____DEP.

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Debra Dziadura, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Administrator of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

12/18/90

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/18/90

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $14.82

Ord. No. 1187

ORD. 1187

First published in The Legal Record, Tuesday, December 18, 1990.

ORDINANCE NO. 1187

AN ORDINANCE GRANTING AN EASEMENT ACROSS THE TOMAHAWK CREEK GREENWAY FOR SANITARY SEWER PURPOSES.

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

Section 1. That the City of Leawood, Kansas, does hereby grant an easement for sanitary sewer purposes to Lateral Sewer District 17, of Tomahawk Creek Sewer Sub-District No. 5, on property described as follows:

A ten (10) foot wide permanent easement and a forty (40) foot wide temporary construction easement lying five (5) feet and twenty (20) feet, respectively, either side of the following described centerline: Commencing at the Southeast Corner of the Southeast One-Quarter (SE 1/4) of Section 16, Township 13S, Range 25E, in the City of Leawood, Johnson County, Kansas; thence North 0 degrees East on the East Line of said Southeast One-Quarter a distance of 133.06 feet; thence South 50 degrees 50 minutes 18 seconds West a distance of 56.25 feet; thence South 89 degrees 03 minutes 38 seconds West a distance of 229.28 feet; thence North 60 degrees 53 minutes 04 seconds West a distance of 53.95 feet to the True Point of Beginning; thence continuing North 60 degrees 53 minutes 04 seconds West a distance of 232.24 feet to a point lying on the centerline of the existing sanitary easement for Line A, Section 1, Tomahawk SSD #5, said point also being the Point of Terminus.

The above described easement being contiguous to and contained within the property lines of the tract in which it is contained.

Section 2. That a copy of said easement is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 2nd day of October, 1990.

Approved by the Mayor the 2nd day of October, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

==========

ORDINANCE NO. 1186

OF

THE CITY OF LEAWOOD, KANSAS

ADOPTED OCTOBER 2, 1990

$1,848,653

GENERAL OBLIGATION IMPROVEMENT BONDS

SERIES 1990-A

==========

pp:wlhleaord

ORDINANCE NO. 1186 OF THE CITY OF LEAWOOD, KANSAS

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pp:wlhleaord

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pp:wlhleaord

ORDINANCE NO. 1186

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $1,848,653 PRINCIPAL AMOUNT OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1990-A, 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. and 12-685, et seq., each 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 of Leawood, Kansas (the "City") has heretofore authorized the following improvements within the City (the "Improvements"):

(a) Construction of improvements to that portion of Roe Avenue extending from 112th Street to 121st Street including necessary appurtenances, pursuant to K.S.A. 12-6a01 et seq., as authorized by Resolution No. 757 (the "Roe Avenue Improvement);

(b) Replacement of the bridge on Roe Avenue over Tomahawk Creek including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by Resolution No. 851; and

(c) Construction of improvements to 95th Street extending from State Line Road to Wenonga including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by Ordinance No. 1065;

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 $3,167,132 with $505,509 of the cost to be paid by the owners of the property within the City benefited by the Roe Avenue Improvement and $2,661,633 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 Roe Avenue Improvement and there are $1,318,479 of other funds available in the City Treasury to pay the remainder of the cost of the Improvements leaving $1,848,653 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 1990-A, in the principal amount of $1,848,653 (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

20-1,598. 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 Country Club Bank, Kansas City, Missouri.

ARTICLE II

AUTHORIZATION OF THE BONDS

20-1,599. Section 201. Authorization of the Bonds. The Bonds of the City are authorized and directed to be issued in the principal amount of $1,848,653 for the purpose of providing funds to finance the costs of constructing the Improvements, as provided in this Ordinance.

20-1,600. 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 Roe Avenue Improvement and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property, real or personal, within the territorial limits of the City, and the balance shall be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the City.

20-1,601. Section 203. Details of the Bonds. The Bonds will be issued as a single series designated "General Obligation Improvement Bonds, Series 1990-A", in the aggregate principal amount of $1,848,653.

The Bonds shall consist of fully registered certificated bonds without coupons in the denominations of $5,000 or any integral multiple thereof except that one bond of the first maturity shall be issued in the denomination of $8,653. 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 October 1, 1990, 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 1990-A BONDS

MATURITY DATE	PRINCIPAL AMOUNT	INTEREST RATE PER ANNUM	MATURITY DATE	PRINCIPAL AMOUNT	INTEREST RATE PER ANNUM
1991	143,653	8.25%	1999	140,000	6.35%
1992	140,000	8.25%	2000	140,000	6.40%
1993	140,000	8.25%	2001	90,000	6.50%
1994	140,000	6.50%	2002	90,000	6.50%
1995	140,000	6.40%	2003	90,000	6.50%
1996	140,000	6.25%	2004	90,000	6.25%
1997	140,000	6.25%	2005	85,000	6.25%
1998	140,000	6.25%			

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, 1991 (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").

20-1,602. 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.

20-1,603. 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.

20-1,604. 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 Bond(s) for new 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 Bonds presented for transfer or exchange shall be surrendered to the Bond Registrar for cancellation.

Prior to delivery of the new 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 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 extending from the Record Date to the following Interest Payment Date for the Bonds or to register, transfer or exchange any Bonds called for redemption during said period.

20-1,605. Section 207. Surrender and Cancellation of Bonds. Whenever any outstanding 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.

20-1,606. Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any 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 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 Bond or Bonds mutilated, stolen, lost or destroyed.

20-1,607. Section 209. Execution, Registration and Delivery of the Bonds. Each of the Bonds, including any 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 Bonds in the manner hereinbefore specified, to cause the 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 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 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

20-1,608. Section 301. Optional Redemption. At the option of the City, Bonds maturing on September 1, 1999, and thereafter may be called for redemption and payment prior to maturity on September 1, 1998, 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.

20-1,609. 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 and to the Underwriters, said notice to be mailed not less than 45 days prior to the redemption date. The State Treasurer of Kansas will send notice of redemption by ordinary U.S. mail to the registered owners of said Bonds, said notices to be mailed not less than 30 days prior to the date fixed for redemption.

20-1,610. 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).

20-1,611. 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

20-1,612. Section 401. Form of Bonds. The 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.

ARTICLE V

ESTABLISHMENT OF FUNDS

20-1,613. 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").

20-1,614. 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

20-1,615. 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 $77,653.00.

(3) The entire remaining balance of the proceeds shall be deposited in the Construction Fund.

20-1,616. 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 such 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 and payment of all costs thereof, any moneys remaining in the Construction Fund shall be deposited into the Principal and Interest Fund.

20-1,617. 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 November 20, 1990, shall be transferred to the Construction Fund.

ARTICLE VII

PAYMENT OF BONDS

20-1,618. 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 Roe Avenue Improvement, 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 Bonds as the same accrue and become payable.

20-1,619. 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 this Ordinance.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

20-1,620. 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.

20-1,621. 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.

20-1,622. 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.

20-1,623. 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, 1990, the City has not issued any bonds or obligations other than the Bonds and the following described obligations:

Project	Date Issued	Amount	Maturity Date
Roe Avenue	01-23-90	$ 270,000 (1)	01-22-91
Tomahawk Creek Parkway	07-10-90	700,000	04-01-91
Municipal Buildings	07-10-90	500,000	04-01-91
Somerset & Lee Boulevard	07-10-90	100,000	04-01-91
Lee Boulevard	04-02-90	1,000,000	12-20-90
95th Street	04-02-90	500,000 (1)	12-20-90
Tomahawk Creek Parkway	04-02-90	350,000	12-20-90

2. The City does not reasonably anticipate issuing tax-exempt obligations during calendar year 1990 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 reaffirms its designation of the Bonds as "qualified tax-exempt obligations" within the meaning and for the purposes provided in Section 265(b)(3) of the Code.

20-1,624. 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:

Project	Date Issued	Series	Amount	Maturity Date
Roe Avenue	01-23-90	1990A	$ 270,000 (1)	01-22-91
95th Street	09-27-89	1989K	500,000 (2)	09-26-90
Roe Avenue	11-28-89	1989R	350,000 (1)	11-27-90
95th Street	12-20-89	1989S	110,000 (1)	12-19-90
95th Street	04-02-90	1990C	500,000 (1)	12-20-90

The City Clerk is hereby authorized and directed to give notice of the City's intention to redeem and prepay the aforedescribed temporary notes on October 23, 1990, by publication of notices to the holders thereof, substantially in the form attached as Exhibit B hereto, at least once in the official newspaper of the City not less than 10 days prior to the date fixed for such redemption and prepayment.

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

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

Section 808. 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.

PASSED by the governing body of the City of Leawood, Kansas this 2nd day of October, 1990.

Approved by the Mayor this 2nd day of October, 1990.

(Seal)

Marcia Reinhart
Mayor

ATTEST:

Marlna Heizer
City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

EXHIBIT A

(FORM OF FULLY REGISTERED BOND)

UNITED STATES OF AMERICA
STATE OF KANSAS

Registered
No. R-

Registered
$_____

CITY OF LEAWOOD, KANSAS

GENERAL OBLIGATION
IMPROVEMENT BOND
SERIES 1990-A

Rate of Interest: ___%	Maturity Date: September 1, ____	Dated Date: October 1, 1990	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, 1991 (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 Date").

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 October, 1990.

(facsimile seal) CITY OF LEAWOOD, KANSAS

(facsimile)
Mayor

ATTEST:

By (facsimile)
City Clerk

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CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Improvement Bonds, Series 1990-A, 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 Bonds, Series 1990-A," in the aggregate principal amount of $1,848,653 (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 issuance of 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., and K.S.A. 12-685, et seq., each as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

Bonds of the series of which this Bond is a part becoming due on September 1, 1999, 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, 1998, 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 and the Underwriters of the Bonds, said notice to be mailed not less than 45 days prior to the redemption date. The State Treasurer will send notice of redemption by ordinary mail to the registered owners of said Bonds, 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 that one bond of the first maturity shall be issued in the denomination of $8,653. 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.

By_____(facsimile)_____
City Clerk

[PRINTED LEGAL OPINION]

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(FORM OF CITY CLERK'S CERTIFICATE)

STATE OF KANSAS)
) SS.
COUNTY OF JOHNSON)

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

WITNESS my hand and official seal this _____.
(facsimile seal) _____(facsimile)_____
City Clerk

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BOND ASSIGNMENT

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

_____
(Name and Address)

_____

_____
(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of $_____, standing in the name of the undersigned on the books of the Treasurer of the State of Kansas (the "Bond Registrar"). The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises. Dated _____.

_____
Name

_____
Social Security or
Taxpayer Identification No.

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

Signature guarantee:

By_____

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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 my hand and official seal.

_____
Treasurer of the State of Kansas

(facsimile)

(Seal)

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EXHIBIT B

NOTICE OF REDEMPTION
TO THE HOLDERS OF
CITY OF LEAWOOD, KANSAS
_____ TEMPORARY NOTES
SERIES L.I.D. _____
DATED _____, 19__

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

pp:wlhleaord

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

10/9/90

Business Manager

Subscribed and sworn to before me on this date:
10/9/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $181.55

Ordinance No. 1186

ORD. 1186

First published in The Legal Record, Tuesday, October 9, 1990.

ORDINANCE NO. 1186

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $1,848,653 PRINCIPAL AMOUNT OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1990-A, 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. and 12-685, et seq., each 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 of Leawood, Kansas (the "City") has heretofore authorized the following improvements within the City (the "Improvements"):

(a) Construction of improvements to that portion of Roe Avenue extending from 112th Street to 121st Street including necessary appurtenances, pursuant to K.S.A. 12-6a01 et seq., as authorized by Resolution No. 757 (the "Roe Avenue Improvement);

(b) Replacement of the bridge on Roe Avenue over Tomahawk Creek including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by Resolution No. 851; and

(c) Construction of improvements to 95th Street extending from State Line Road to Wenonga including necessary appurtenances, pursuant to K.S.A. 12-685 et seq., as authorized by Ordinance No. 1065;

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 $3,167,132 with $505,509 of the cost to be paid by the owners of the property within the City benefited by the Roe Avenue Improvement and $2,661,633 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 Roe Avenue Improvement and there are $1,318,479 of other funds available in the City Treasury to pay the remainder of the cost of the Improvements leaving $1,848,653 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 1990-A, in the principal amount of $1,848,653 (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

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 Country Club Bank, Kansas City, Missouri.

ARTICLE II

AUTHORIZATION OF THE BONDS

Section 201. Authorization of the Bonds. The Bonds of the City are authorized and directed to be issued in the principal amount of $1,848,653 for the purpose of providing funds to finance the costs of constructing the Improvements, as provided in this Ordinance.

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 Roe Avenue Improvement and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property, real or personal, within the territorial limits of the City, and the balance shall be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the City.

Section 203. Details of the Bonds. The Bonds will be issued as a single series designated "General Obligation Improvement Bonds, Series 1990-A", in the aggregate principal amount of $1,848,653.

The Bonds shall consist of fully registered certificated bonds without coupons in the denominations of $5,000 or any integral multiple thereof except that one bond of the first maturity shall be issued in the denomination of $8,653. 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 October 1, 1990, 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 1990-A BONDS

MATURITY DATE	PRINCIPAL AMOUNT	INTEREST RATE PER ANNUM	MATURITY DATE	PRINCIPAL AMOUNT	INTEREST RATE PER ANNUM
1991	143,653	8.25%	1999	140,000	6.35%

1992	140,000	8.25%	2000	140,000	6.40%
1993	140,000	8.25%	2001	90,000	6.50%
1994	140,000	6.50%	2002	90,000	6.50%
1995	140,000	6.40%	2003	90,000	6.50%
1996	140,000	6.25%	2004	90,000	6.25%
1997	140,000	6.25%	2005	85,000	6.25%
1998	140,000	6.25%			

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, 1991 (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").

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.

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.

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 Bond(s) for new 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 Bonds presented for transfer or exchange shall be surrendered to the Bond Registrar for cancellation.

Prior to delivery of the new 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 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 extending from the Record Date to the following Interest Payment Date for the Bonds or to register, transfer or exchange any Bonds called for redemption during said period.

Section 207. Surrender and Cancellation of Bonds. Whenever any outstanding 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.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any 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 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 Bond or Bonds mutilated, stolen, lost or destroyed.

Section 209. Execution, Registration and Delivery of the Bonds. Each of the Bonds, including any 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 Bonds in the manner hereinbefore specified, to cause the 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 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 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

Section 301. Optional Redemption. At the option of the City, Bonds maturing on September 1, 1999, and thereafter may be called for redemption and payment prior to maturity on September 1, 1998, 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.

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 and to the Underwriters, said notice to be mailed not less than 45 days prior to the redemption date. The State Treasurer of Kansas will send notice of redemption by ordinary U.S. mail to the registered owners of said Bonds, said notices to be mailed not less than 30 days prior to the date fixed for redemption.

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).

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

Section 401. Form of Bonds. The 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.

ARTICLE V

ESTABLISHMENT OF FUNDS

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").

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

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 $77,653.00.

Continued on Page 5

(3) The entire remaining balance of the proceeds shall be deposited in the Construction Fund.

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 such 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 and payment of all costs thereof, any moneys remaining in the Construction Fund shall be deposited into the Principal and Interest Fund.

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 November 20, 1990, shall be transferred to the Construction Fund.

ARTICLE VII

PAYMENT OF BONDS

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 Roe Avenue Improvement, 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 Bonds as the same accrue and become payable.

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 this Ordinance.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

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.

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.

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.

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, 1990, the City has not issued any bonds or obligations other than the Bonds and the following described obligations:

Project	Date Issued	Amount	Maturity Date
Roe Avenue	01-23-90	$ 270,000 (1)	01-22-91
Tomahawk Creek Parkway	07-10-90	700,000	04-01-91
Municipal Buildings	07-10-90	500,000	04-01-91
Somerset & Lee Boulevard	07-10-90	100,000	04-01-91
Lee Boulevard	04-02-90	1,000,000	12-20-90
95th Street	04-02-90	500,000 (1)	12-20-90
Tomahawk Creek Parkway	04-02-90	350,000	12-20-90

2. The City does not reasonably anticipate issuing tax-exempt obligations during calendar year 1990 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 reaffirms its designation of the Bonds as "qualified tax-exempt obligations" within the meaning and for the purposes provided in Section 265(b)(3) of the Code.

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:

Project	Date Issued	Series	Amount	Maturity Date
Roe Avenue	01-23-90	1990A	$ 270,000 (1)	01-22-91
95th Street	09-27-89	1989K	500,000 (2)	09-26-90
Roe Avenue	11-28-89	1989R	350,000 (1)	11-27-90
95th Street	12-20-89	1989S	110,000 (1)	12-19-90
95th Street	04-02-90	1990C	500,000 (1)	12-20-90

The City Clerk is hereby authorized and directed to give notice of the City's intention to redeem and prepay the aforedescribed temporary notes on October 23, 1990, by publication of notices to the holders thereof, substantially in the form attached as Exhibit B hereto, at least once in the official newspaper of the City not less than 10 days prior to the date fixed for such redemption and prepayment.

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

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

Section 808. 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.

PASSED by the governing body of the City of Leawood, Kansas this 2nd day of October, 1990.

Approved by the Mayor this 2nd day of October, 1990.
(Seal)

ATTEST:

Martha Sexton
City Clerk

Marcia Rinehart
Mayor

APPROVED AS TO FORM AND CONTENT:

City Attorney

ORDINANCE NO. 1185

AN ORDINANCE VACATING THREE EASEMENTS AS SHOWN ON THE PLAT OF PATRICIAN WOODS, NINTH PLAT.

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

19-6,225. Section 1. That the following described utility easements shown on the plat of Patrician Woods, Ninth Plat, which was approved by the Governing Body August 7, 1989, are hereby vacated:

All of the Southerly 5 feet of Lot 23, except the Easterly 7.50 feet thereof; all of the Northerly 5 feet of Lot 22, except the Easterly 10 feet thereof; all of the Southerly 5 feet of Lot 20, except the Easterly 7.50 feet thereof, and except that part thereof occupied by an existing 10-foot sanitary sewer easement, as now established; all of the Northerly 5 feet of Lot 19, except the Easterly 7.50 feet thereof, and except that part thereof occupied by said 10-foot sanitary sewer easement; all of the Southerly 5 feet of Lot 18, except the Easterly 7.50 feet thereof, and except that part thereof occupied by said 10-foot sanitary sewer easement; and all of the Northerly 5 feet of Lot 17, except the Easterly 7.50 feet thereof, and except that part thereof occupied by said 10-foot sanitary sewer easement, all in Block 6, PATRICIAN WOODS, NINTH PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas.

19-6,226. Section 2. That the City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

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

Passed by the Council the 17th day of September, 1990.

Approved by the Mayor the 18th day of September, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

ORIGINAL COMPARED WITH RECORD

ORDINANCE NO. 1185 **1976115**

AN ORDINANCE VACATING THREE EASEMENTS AS SHOWN ON THE PLAT OF PATRICIAN WOODS, NINTH PLAT.

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

19-6,225. Section 1. That the following described utility easements shown on the plat of Patrician Woods, Ninth Plat, which was approved by the Governing Body August 7, 1989, are hereby vacated:

All of the Southerly 5 feet of Lot 23, except the Easterly 7.50 feet thereof; all of the Northerly 5 feet of Lot 22, except the Easterly 10 feet thereof; all of the Southerly 5 feet of Lot 20, except the Easterly 7.50 feet thereof, and except that part thereof occupied by an existing 10-foot sanitary sewer easement, as now established; all of the Northerly 5 feet of Lot 19, except the Easterly 7.50 feet thereof, and except that part thereof occupied by said 10-foot sanitary sewer easement; all of the Southerly 5 feet of Lot 18, except the Easterly 7.50 feet thereof, and except that part thereof occupied by said 10-foot sanitary sewer easement; and all of the Northerly 5 feet of Lot 17, except the Easterly 7.50 feet thereof, and except that part thereof occupied by said 10-foot sanitary sewer easement, all in Block 6, PATRICIAN WOODS, NINTH PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas.

19-6,226. Section 2. That the City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

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

Passed by the Council the 17th day of September, 1990.

Approved by the Mayor the 18th day of September, 1990.

STATE OF KANSAS
COUNTY OF JOHNSON]SS
FILED FOR RECORD
8:00 1990 SEP 26 A 9:57 8
SARA F. ULLMANN
REGISTER OF DEEDS

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer DEP
Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

8.00 ck

VOL 3241 PAGE 971

CERTIFICATE

State of Kansas)
County of Johnson)
City of Leawood)

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the attached is a true and correct copy of Ordinance No. 1185 as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said City this 24th day of September, 1990.

Martha Heizer

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for period of more than five (5) years prior to the first publication of the ice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

9/18/90

Business Manager

Subscribed and sworn to before me on this date:
9/18/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $14.82

Ordinance 1185

ORDINANCE 1185

First published in The Legal Record, Tuesday, September 18, 1990.

ORDINANCE NO. 1185

AN ORDINANCE VACATING THREE EASEMENTS AS SHOWN ON THE PLAT OF PATRICIAN WOODS, NINTH PLAT.

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

Section 1. That the following described utility easements shown on the plat of Patrician Woods, Ninth Plat, which was approved by the Governing Body August 7, 1989, are hereby vacated:

All of the Southerly 5 feet of Lot 23, except the Easterly 7.50 feet thereof; all of the Northerly 5 feet of Lot 22, except the Easterly 10 feet thereof; all of the Southerly 5 feet of Lot 20, except the Easterly 7.50 feet thereof, and except that part thereof occupied by an existing 10-foot sanitary sewer easement, as now established; all of the Northerly 5 feet of Lot 19, except the Easterly 7.50 feet thereof, and except that part thereof occupied by said 10-foot sanitary sewer easement; all of the Southerly 5 feet of Lot 18, except the Easterly 7.50 feet thereof, and except that part thereof occupied by said 10-foot sanitary sewer easement; and all of the Northerly 5 feet of Lot 17, except the Easterly 7.50 feet thereof, and except that part thereof occupied by said 10-foot sanitary sewer easement, all in Block 6, PATRICIAN WOODS, NINTH PLAT, a subdivision of land now in the City of Leawood, Johnson County, Kansas.

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

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

Passed by the Council the 17th day of September, 1990.

Approved by the Mayor the 18th day of September, 1990.

(S E A L)

Marcia Rinehart — Mayor

Attest:

Martha Heizer — City Clerk

APPROVED AS TO FORM: /s/ R.S. Wetzler
R.S. Wetzler — City Attorney

ORDINANCE NO. 1184

AN ORDINANCE ACCEPTING A DEED FOR STREET PURPOSES (95TH STREET IMPROVEMENT PROJECT).

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

19-5,107. Section 1. That the City of Leawood hereby accepts a deed for land to be used for street purposes, the legal description of which is as follows:

From Gregory and Christine Pitts: All that part of Lot 1348, "LEAWOOD", a subdivision in Leawood, Johnson County, Kansas, described as follows: Beginning at the Southeast corner of said Lot 1348; thence South 90°-00'-00" West along the South line of said Lot 1348, a distance of 103.00 feet; thence North 86°-43'-00" East, a distance of 87.29 feet; thence North 0°-00'-00" East, a distance of 14.00 feet; thence North 90°-00'-00" East, a distance of 16.00 feet to a point on the East line of said Lot 1348; thence South 0°-26'-00" West along said East line, a distance of 19.00 feet to the point of beginning.

19-5,108. Section 2. That a copy of said deed is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 17th day of September, 1990.

Approved by the Mayor the 18th day of September, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

60

1969080 ORIGINAL COMPARED WITH RECORD

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That this Deed, made and entered into this 4 day of April, 19 89, by and between GREGORY PITTS AND CHRISTINE PITTS, HUSBAND AND WIFE

of Johnson County, Sate of Kansas, Parties of the First Part, and the CITY OF LEAWOOD, Johnson County, State of Kansas, Party of the Second Part,

WITNESSETH:

That Parties of the First Part, In consideration of the sum of One Dollar ($1.00) Dollars to in hand paid by Party of the Second Part, receipt whereof is hereby acknowledged, by these presents do GRANT, BARGAIN, SELL AND CONVEY unto the Party of the Second Part forever all right, title and interest in and to the following described real estate lying and situate in the County of Johnson, State of Kansas, to wit:

DESCRIPTION: ALL THAT PART OF LOT 1348, "LEAWOOD", A SUBDIVISION IN LEAWOOD, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1348; THENCE SOUTH 90°-00'-00" WEST ALONG THE SOUTH LINE OF SAID LOT 1348, A DISTANCE OF 103.00 FEET; THENCE NORTH 86°-43'-00' EAST, A DISTANCE OF 87.29 FEET; THENCE NORTH 0°-00'-00' EAST, A DISTANCE OF 14.00 FEET; THENCE NORTH 90°-00'-00" EAST, A DISTANCE OF 16.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1348; THENCE SOUTH 0°-26'-00" WEST ALONG SAID EAST LINE, A DISTANCE OF 19.00 FEET TO THE POINT OF BEGINNING.

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

8.00 1990 AUG 23 P 2: 12 2

SARA F. ULLMANN
REGISTER OF DEEDS
BY DEP

TO HAVE AND TO HOLD THE same together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in any wise appertaining, forever. It is understood and agreed that the Party of the Second Part shall use said real estate in the construction, improvement, reconstruction and maintenance of a public right-of-way and should said right-of-way, any part thereof be vacated, the same shall revert to Parties of the First Part, their heirs, executors, administrators, successors, or assigns.

And the Parties of the First Part for their heirs, executors, administrators, successors and assigns, do hereby convenent, promise, and agree to and with said Party of the Second Part that at the delivery of these presents lawfully seized of the interest hereby conveyed in all and singular the above granted and described premises with the appurtenances thereto; that the same are free and clear of and from all and every incumbrance whatsoever, except

and that First Part will forever warrant and defind the same unto the Party of the Second Part or its assigns forever, against all and any lawful claim of all and any persons whomsoever. Parties of the First part, for their heirs, executors, administrators, successors, or assigns, hereby waive and release to Second Party, any and all claims for damages or compensation, either now or in the future arising by reason of the use of said real estate for the purposes herein described. First parties hereby agree that First Parties shall pay any special assessments or installments thereof, matured or unmatured, on said premises hereby granted, and that Second Party shall not be liable in any way for the payment thereof. First Parties further agrees that the proper Governing Body may release the premises hereby granted from any special assessment and spread and attach such special assessment to the remainder of the property adjacent to the premises hereby granted and which are owned by First Party.

IN WITNESS WHEREOF, said Parties of the First Part have hereunto set their hands and seal this the day and year first above written.

X Gregory Pitts
Gregory Pitts

Christine Pitts
Christine Pitts

8.00 ck

Entered in Transfer Record
23rd Day of Aug 1990
Beverly L. Baker

11/24/81

Johnson County Clerk

VOL 3226 PAGE 189

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Kansas :
SS.
COUNTY OF Johnson :

BE IT REMEMBERED, That on the 4 day April, 1989, before me, the undersigned, a Notary Public in and for said County and State, came Gregory and Christine Potts

who are personally known to me to be the same person s who executed the within instrument of writing, and duly acknowledged the execution of same.

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

NOTARY PUBLIC STATE OF KANSAS | JULIE A. BUTLER My Appt. Exp. 06/25/91

Julie A. Butler
Notary Public

My Commission Expires:
06/25/91

CORPORATE ACKNOWLEDGEMENT

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 Corporation, _____.

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

_____
Notary Public

My Commission Expires

_____

City of Leawood
9617 Lee Blvd.
Leawood, Ks 66206

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

9/18/90

Business Manager

Subscribed and sworn to before me on this date:
9/18/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $14.08

ORDINANCE 1184

First published in The Legal Record, Tuesday, September 18, 1990.

ORDINANCE NO. 1184

AN ORDINANCE ACCEPTING A DEED FOR STREET PURPOSES (95TH STREET IMPROVEMENT PROJECT).

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

Section 1. That the City of Leawood hereby accepts a deed for land to be used for street purposes, the legal description of which is as follows:

From Gregory and Christine Pitts: All that part of Lot 1348, "LEAWOOD", a subdivision in Leawood, Johnson County, Kansas, described as follows: Beginning at the Southeast corner of said Lot 1348; thence South 90°-00'-00" West along the South line of said Lot 1348, a distance of 103.00 feet; thence North 86°-43'-00" East, a distance of 87.29 feet; thence North 0°-00'-00" East, a distance of 14.00 feet; thence North 90°-00'-00" East, a distance of 16.00 feet to a point on the East line of said Lot 1348; thence South 0°-26'-00" West along said East line, a distance of 19.00 feet to the point of beginning.

Section 2. That a copy of said deed is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 17th day of September, 1990.

Approved by the Mayor the 18th day of September, 1990.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM: /s/ R.S. Wetzler
R.S. Wetzler City Attorney

Ordinance 1184

ORDINANCE NO. 1183

AN ORDINANCE ACCEPTING A PERMANENT DRAINAGE EASEMENT REQUIRED FOR IMPROVEMENTS AT 119TH AND MISSION ROAD IN THE CITY OF LEAWOOD.

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

19-6,223. Section 1. That the Governing Body of the City of Leawood, Kansas, does hereby accept a permanent drainage easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the easement described as follows:

From Church of the Nativity: A strip of land 20 feet in width for a permanent drainage easement in the Southwest 1/4 of the Southwest 1/4 of Section 15, Township 13, Range 25, lying 10 feet on each side of the following described centerline: Commencing at the Southwest corner of said Section 15; thence North 87° -40'-20" East, a distance of 35.89 feet; thence North 2°-19'-40" West, at right angles to said South line, a distance of 40.00 feet to a point on the North right-of-way of 119th Street, said point being the point of beginning of the centerline herein described; thence North 63° -51'-22" West, a distance of 17.17 feet to a point on the East right-of-way of Mission Road, said point being the termination of said easement. The outer limits of said easement to be extended or shortened to terminate on the right-of-way of 119th Street or Mission Road. Containing 352.34 square feet or 0.008 Acre, more or less.

19-6,224. Section 2. That a copy of said easement is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 4th day of September, 1990.

Approved by the Mayor the 5th day of September, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

ORIGINAL COMPARED WITH RECORD

1966476

PERMANENT DRAINAGE EASEMENT

This Agreement made and entered into this 18th day of August, 1989, by and between Ignatius J. Strecker, Roman Catholic Archbishop of the Archdiocese of Kansas City in Kansas, herein Party 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, herein Party of the Second Part:

WITNESSETH:

In consideration of the sum of ONE and no/100 Dollars ($1.00), and other valuable consideration, receipt of which is hereby acknowledged, the undersigned Party of the First Part does hereby convey, remise, let, and release to the Party of the Second Part the following described real estate in Johnson County, Kansas:

See attached Exhibit "A".

for the use by said Party of the Second Part as and for drainage purposes within the City of Leawood, Kansas, until such time as the above-described property shall cease to be used for such drainage purposes, at which time this grant shall be of no further force and effect and the property shall revert to the Party of the First Part, or his heirs, successors, and assigns; provided that the Party of the Second Part shall, at its own cost, restore the surface of the above-described real estate to as near its condition at the date of this grant as is possible, given the intended use of this easement, and further provided that the Party of the Second Part shall pay the Party of the First Part for any damages sustained by the Party of the First Part due to any action, negligence, or omissions by the Party of the Second Part in connection with the use of this easement.

IN WITNESS WHEREOF, the Party of the First Part has hereunto set his hand and seal as of the day and year first above written.

Ignatius J. Strecker, Roman Catholic Archbishop of the Archdiocese of Kansas City in Kansas

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1990 AUG 13 A 11:27 4

10.00 SARA F. ULLMANN
REGISTER OF DEEDS

BY_____DEP.

10.00 CK

INDIVIDUAL ACKNOWLEDGMENT

STATE OF KANSAS
SS.
COUNTY OF WYANDOTTE

BE IT REMEMBERED, That on this 18th day of August, 19 89, before me, the undersigned, a Notary Public in and for said County and State, came Ignatius J. Strecker, Roman Catholic Archbishop of the Archdiocese of Kansas City in Kansas,

who is 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 my official seal the day and year las above written.

NOTARY PUBLIC STATE OF KANSAS
SISTER DAMIAN BOEDING
My Appt. Exp. _____

Sister Damian Boeding
Notary Public Sister Damian Boeding

Nov. 16, 1989
My Commission Expires

CORPORATE ACKNOWLEDGMENT

STATE OF _____
SS.
COUNTY OF _____

BE IT REMEMBERED, That on this ____ day of _____, 19____, said, 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 Corporation, _____.

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

_____
Notary Public

My Commission Expires: _____

119TH STREET
PERMANENT DRAINAGE EASEMENT

OWNER: CHURCH OF THE NATIVITY

PERMANENT DRAINAGE EASEMENT

A Strip of Land 20 Feet in width for a Permanent Drainage Easement in the Southwest 1/4 of the Southwest 1/4 of Section 15, Township 13, Range 25, Lying 10 feet on each side of the following described centerline: Commencing at the Southwest corner of said section 15; Thence North 87°-40'20" East, a distance of 35.89 Feet; Thence North 2°-19'-40" West, at right angles to said south line, a distance of 40.00 Feet to a point on the North Right-of-Way of 119th Street, said point being the point of beginning of the centerline herein described; Thence North 63°-51'-22" West, a distance of 17.17 Feet to a point on the East Right-of-Way of Mission Road, said point being the termination of said Easement. The outer limits of said easement to be extended or shortened to terninate on the Right-of-Way of 119th Street or Mission Road. Containing 352.34 Square Feet or 0.008 Acre, more or less.

EXHIBIT A

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, JOHNSON COUNTY, ss: Georgiann Thacker being first Duty 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, and that said newspaper in not a trade, religious or fraternal publication.

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ---one--- consecutive ---day--- (weeks, days) the first publication thereof being made as aforesaid on the ---7th--- day of ---September--- 19--90--, with subsequent publications being made on the following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this ---7th--- day of ---September--- 19--90--

Pearlie A. Peterson

NOTARY PUBLIC

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

My Commission expires: ---90---

Printer's Fee$ ---15.70---

Additional copies $ ---

First published in the Johnson County Sun, Friday, September 7, 1990.

ORDINANCE NO. 1183

AN ORDINANCE ACCEPTING A PERMANENT DRAINAGE EASEMENT REQUIRED FOR IMPROVEMENTS AT 119th AND MISSION ROAD IN THE CITY OF LEAWOOD.

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

Section 1. That the Governing Body of the City of Leawood, Kansas, does hereby accept a permanent drainage easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the easement described as follows:

From Church of the Nativity: A strip of land 20 feet in width for a permanent drainage easement in the Southwest 1/4 of the Southwest 1/4 of Section 15, Township 13, Range 25, lying 10 feet on each side of the following described centerline: Commencing at the Southwest corner of said Section 15; thence North 87°-40'-20" East, a distance of 35.89 feet; thence North 2°-19'-40" West, at right angles to said South line, a distance of 40.00 feet to a point on the North right-of-way of 119th Street, said point being the point of beginning of the centerline herein described; thence North 63°-51'-22" West, a distance of 17.17 feet to a point on the East right-of-way of Mission Road, said point being the termination of said easement. The outer limits of said easement to be extended or shortened to terminate on the right-of-way of 119th Street or Mission Road. Containing 352.34 square feet or 0.008 Acre, more or less.

Section 2. That a copy of said easement is attached hereto and thereby incorporated by reference.

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

Passed by the Council the 4th day of September, 1990.

Approved by the Mayor the 5th day of September, 1990.

(S E A L)
Marcia Rinehart, Mayor

Attest:
/s/ Martha Heizer, City Clerk

APPROVED AS TO FORM:
/s/ R. S. Wetzler, City Attorney
(7880-1F-JC)

ORDINANCE NO. 1182

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 90J, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $600,000 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:

24-331. 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 90J, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000) which amount does not exceed the total estimated costs of said improvements.

24-332. Section Two: Said issue of Temporary Notes, Series 90J, Project 118 (Police/Courts Bldg. & Fire Station #1 Remodel), shall consist of bearer notes numbered 1 through 6, each in the denomination of $100,000. Said notes shall be dated September 18, 1990, and shall have the stated maturity date of May 30, 1991. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 5.96% 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.

24-333. 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.

24-334. 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

24-335. 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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 86-1-90A Roe Avenue, 112-121st St.	January 23, 1990	$ 270,000.00
(2)	Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000.00
(3)	Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000.00
(4)	Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000.00
(5)	Temporary Notes Series 90E Police/Court/Fire #1 Remodel	July 10, 1990	$ 500,000.00
(6)	Temporary Notes Series 90F Somerset, Belinder-Sagamore	July 10, 1990	$ 100,000.00
(7)	Temporary Notes Series L.I.D. 88-1-90G Tomahawk Creek Parkway	July 10, 1990	$ 700,000.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

24-336. 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 4th day of September, 1990.

SIGNED by the Mayor this 5th day of September, 1990.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

First published in the Johnson County Sun, Friday, September 7, 1990.

ORDINANCE NO 1182

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 90J, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #I REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $600,000 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:

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 90J, Project 118 (Police/Courts Building & Fire Station #I Remodel), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 90J, Project 118 (Police/Courts Bldg. & Fire Station #I Remodel), shall consist of bearer notes numbered 1 through 6, each in the denomination of $100,000. Said notes shall be dated September 18, 1990, and shall have the stated maturity date of May 30, 1991. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 5.96% 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.

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.

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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

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 [illegible]

OUNTY, ss: Georgiann Thacker being first Duty sworn, publications manager of THE JOHNSON COUNTY SUN, a he State of Kansas, and published in and of general ansas, and that said newspaper in not a trade, religious or

y published at least weekly 50 times a year; has been so uptedly in said county and state for a period of more than n of said notice; and has been admitted at the post office of said County as a second class matter.

e copy thereof and was published in the regular and entire ...one..... consecutive days) the first publication thereof being made as aforesaid ...tember 19-90-, with subsequent publications

..... , 19-----

..... , 19-----

Georgiann Thacker

...7th..... day of September 19-90

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$ 67.40

Additional copies $ .....

ORDINANCE NO. 1181

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-90K, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,100,000 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:

20-1,592. 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. 88-1-90K, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of One Million One Hundred Thousand Dollars ($1,100,000), which amount does not exceed the total estimated costs of said improvements.

20-1,593. Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-90K, Project 113, shall consist of bearer notes numbered from 1 through 11 inclusive, each in the denomination of $100,000. Each of said notes shall be dated September 18, 1990, and shall have the stated maturity date of May 30, 1991. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 5.96% 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 from date of 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.

20-1,594. 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.

20-1,595. 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,596. 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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 86-1-90A Roe Avenue, 112-121st St.	January 23, 1990	$ 270,000.00
(2)	Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000.00
(3)	Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000.00
(4)	Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000.00
(5)	Temporary Notes Series 90E Police/Court/Fire #1 Remodel	July 10, 1990	$ 500,000.00
(6)	Temporary Notes Series 90F Somerset, Belinder-Sagamore	July 10, 1990	$ 100,000.00
(7)	Temporary Notes Series L.I.D. 88-1-90G Tomahawk Creek Parkway	July 10, 1990	$ 700,000.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

20-1,597. 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 4th day of September, 1990.

SIGNED by the Mayor this 5th day of September, 1990.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

First published in the Johnson County Sun, Friday, September 7, 1990.

ORDINANCE NO. 1181

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-90K, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,100,000 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:

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. 88-1-90K, Project* 113 (Tomahawk Creek Parkway), in the aggregate principal amount of One Million One Hundred Thousand Dollars ($1,100,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-90K, Project 113, shall consist of bearer notes numbered from 1 through 11 inclusive, each in the denomination of $100,000. Each of said notes shall be dated *September 18*, 1990, and shall have the stated maturity date of May 30, 1991. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 5.96% 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 from date of 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.

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.

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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

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 subdivi sion in existence since 1948;

2. Since January 1, 1990, the City has not issued any bonds ~~or obligations other than the following described obligations:~~

ISSUE	DATE	PRINCIPAL AMOUNT
(1) Temporary Notes Series L.I.D. 86-1-90A Roe Avenue, 112-121st St.	January 23, 1990	$ 270,000.00
(2) Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000.00
(3) Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000.00
(4) Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000.00
(5) Temporary Notes Series 90E Police/Court/Fire #1 Remodel	July 10, 1990	$ 500,000.00
(6) Temporary Notes Series 90F Somerset, Belinder-Sagamore	July 10, 1990	$ 100,000.00
(7) Temporary Notes Series L.I.D. 88-1-90G Tomahawk Creek Parkway	July 10, 1990	$ 700,000.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

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 4th day of September, 1990.

SIGNED by the Mayor this 5th day of September, 1990

/s/ Marcia Rinehart, Mayor

ATTEST:
/s/ Martha Heizer, City Clerk

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

(7878-1F-JC)

COUNTY, ss: Georgiann Thacker being first Duty sworn,
al publications manager of THE JOHNSON COUNTY SUN, a
the State of Kansas, and published in and of general
Kansas, and that said newspaper in not a trade, religious or

kly published at least weekly 50 times a year; has been so
rruptedly in said county and state for a period of more than
on of said notice; and has been admitted at the post office of
said County as a second class matter.

ue copy thereof and was published in the regular and entire
One consecutive
7 days) the first publication thereof being made as aforesaid
September 19 90, with subsequent publications

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Georgiann Thacker

7th day of September 19 90

Pearlie A. Peterson
NOTARY PUBLIC

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

69.80

ORDINANCE NO. 1180

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 90I, PROJECT 117 (LEE BOULEVARD), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING 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 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 Lee Boulevard, 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. 1077 on November 21, 1988; and

WHEREAS, total cost of improvements to Lee Boulevard is estimated to be $1,800,000.00; 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:

20-1,586. 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 90I, Project 117 (Lee Boulevard), in the aggregate principal amount of Four

Hundred Thousand Dollars ($400,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,587. Section Two: Said issue of Temporary Notes, Series 90I, Project 117 (Lee Boulevard), shall consist of ten bearer notes numbered from 1 through 4 inclusive, each in the denomination of $100,000. Said notes shall be dated September 18, 1990, and shall have the stated maturity date of May 30, 1991. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 5.96% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of 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) 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.

20-1,588. Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. 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.

20-1,589. 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,590. 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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 86-1-90A Roe Avenue, 112-121st St.	January 23, 1990	$ 270,000.00
(2)	Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000.00
(3)	Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000.00
(4)	Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000.00
(5)	Temporary Notes Series 90E Police/Court/Fire #1 Remodel	July 10, 1990	$ 500,000.00
(6)	Temporary Notes Series 90F Somerset, Belinder-Sagamore	July 10, 1990	$ 100,000.00
(7)	Temporary Notes Series L.I.D. 88-1-90G Tomahawk Creek Parkway	July 10, 1990	$ 700,000.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

20-1,591. 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 4th day of September, 1990.

SIGNED by the Mayor this 5th day of September, 1990.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

First published in the Johnson County Sun, Friday, September 7, 1990.

ORDINANCE NO. 1180

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 90I, PROJECT 117 (LEE BOULEVARD), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF LEE BOULEVARD, INCLUDING 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 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 Lee Boulevard, 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. 1077 on November 21, 1988; and

WHEREAS, total cost of improvements to Lee Boulevard is estimated to be $1,800,000.00; 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:

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 90I, Project 117 (Lee Boulevard), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said Issue of Temporary Notes, Series 90I, Project 117 (Lee Boulevard), shall consist of ten bearer notes numbered from 1 through 4 inclusive, each in the denomination of $100,000. Said notes shall be dated September 18, 1990, and shall have the stated maturity date of May 30, 1991. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 5.96% 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 notes shall be payable at the office of the City Treasurer of the City of Leawood, Kansas, upon presentation and surrender of said notes. The principal of said notes shall be payable at maturity from date of 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) 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.

Section Three: The date of delivery of said notes shall be and for all purposes constitute the date of issuance notwithstanding the dated date. 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.

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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

ISSUE	DATE	PRINCIPAL AMOUNT
(1) Temporary Notes Series L.I.D. 86-1-90A Roe Avenue, 112-121st St.	January 23, 1990	$ 270,000.00
(2) Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000.00
(3) Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000.00
(4) Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000.00
(5) Temporary Notes Series 90E Police/Court/Fire #1 Remodel	July 10, 1990	$ 500,000.00
(6) Temporary Notes Series 90F Somerset, Belinder-Sagamore	July 10, 1990	$ 100,000.00
(7) Temporary Notes Series L.I.D. 88-1-90G Tomahawk Creek Parkway	July 10, 1990	$ 700,000.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

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 4th day of September, 1990.

SIGNED by the Mayor this 5th day Of September, 1990

/s/ Marcia Rinehart, Mayor

ATTEST:
/s/. Martha Heizer, City Clerk

APPROVED AS TO FORM:
R. S. Wetzler, City Attorney

(7877-1I-JC)

COUNTY, ss: Georgiann Thacker being first Duty sworn,
ial publications manager of THE JOHNSON COUNTY SUN, a
n the State of Kansas, and published in and of general
Kansas, and that said newspaper in not a trade, religious or

ekly published at least weekly 50 times a year; has been so
erruptedly in said county and state for a period of more than
tion of said notice; and has been admitted at the post office of
n said County as a second class matter.

rue copy thereof and was published in the regular and entire
One consecutive
s, days) the first publication thereof being made as aforesaid
September 19 90, with subsequent publications
s:

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Georgiann Thacker

his 7th day of September 19 90

Pearlie A. Peterson
NOTARY PUBLIC

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

23.40

ORDINANCE NO. 1179

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 90H, PROJECT 119 (119TH STREET, STATE LINE TO MISSION ROAD), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $600,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 119TH STREET, STATE LINE TO MISSION ROAD, INCLUDING GRADING, CURBING, GUTTERING, PAVING, MACADAMIZING, CONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS, OR OTHER IMPROVEMENTS OR ANY TWO OR MORE OF SUCH IMPROVEMENTS 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 119th 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. 1090 on February 6, 1989; and

WHEREAS, total cost of improvements to 119th Street, State Line to Mission Road, 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:

20-1,580. 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 90H, Project 119 (119th Street, State Line Road to Mission Road), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000.00) which

amount does not exceed the total estimated costs of said improvements.

20-1,581.. Section Two: Said issue of Temporary Notes, Series 90H, Project 119 (119th Street, State Line to Mission Road), shall consist of bearer notes numbered 1 through 6 inclusive, each in the denomination of $100,000.00. Said notes shall be dated September 18, 1990, and shall have the stated maturity date of May 30, 1991. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 5.96% 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.

20-1,582. 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.

20-1,583. 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,584. 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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes Series L.I.D. 86-1-90A Roe Avenue, 112-121st St.	January 23, 1990	$ 270,000.00
(2)	Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000.00
(3)	Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000.00
(4)	Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000.00
(5)	Temporary Notes Series 90E Police/Court/Fire #1 Remodel	July 10, 1990	$ 500,000.00
(6)	Temporary Notes Series 90F Somerset, Belinder-Sagamore	July 10, 1990	$ 100,000.00
(7)	Temporary Notes Series L.I.D. 88-1-90G Tomahawk Creek Parkway	July 10, 1990	$ 700,000.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

20-1,585. 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 4th day of September, 1990.

SIGNED by the Mayor this 5th day of September, 1990.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

AFFIDAVIT OF PUBLICATION

COUNTY, ss: Georgiann Thacker being first Duty sworn,
gal publications manager of THE JOHNSON COUNTY SUN, a
in the State of Kansas, and published in and of general
Kansas, and that said newspaper in not a trade, religious or

ekly published at least weekly 50 times a year; has been so
erruptedly in said county and state for a period of more than
ation of said notice; and has been admitted at the post office of
in said County as a second class matter.

rue copy thereof and was published in the regular and entire
one consecutive
s/days) the first publication thereof being made as aforesaid
September 19 90, with subsequent publications
s:

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, 19

Georgiann Thacker

is 7th day of September 19 90

Pearlie A. Peterson
NOTARY PUBLIC

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

73.40

First published in the Johnson County Sun, Friday, September 7, 1990.

ORDINANCE NO. 1179

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 90H, PROJECT 119 (119TH STREET, STATE LINE TO MISSION ROAD), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $600,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 119th STREET, STATE LINE TO MISSION ROAD, INCLUDING GRADING, CURBING, GUTTERING, PAVING, MACADAMIZING, CONSTRUCTING, OPENING, WIDENING, EXTENDING, ROUNDING CORNERS, STRAIGHTENING, RELOCATING, CULVERTS, STORM DRAINAGE, TRAFFICWAY ILLUMINATION, TRAFFIC CONTROL DEVICES, PEDESTRIAN WAYS, BICYCLE WAYS, OR OTHER IMPROVEMENTS OR ANY TWO OR MORE OF SUCH IMPROVEMENTS 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 119th 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. 1090 on February 6, 1989; and

WHEREAS, total cost of improvements to 119th Street, State Line to Mission Road, 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:

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 90H, Project 119 (119th Street, State Line Road to Mission Road), in the aggregate principal amount of Six Hundred Thousand Dollars ($600,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 90H, Project 119 (119th Street, State Line to Mission Road), shall consist of bearer notes numbered 1 through 6 inclusive, each in the denomination of $100,000.00. Said notes shall be dated September 18, 1990, and shall have the stated maturity date of May 30, 1991. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 5.96% 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.

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.

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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

ISSUE	DATE	PRINCIPAL AMOUNT
(1) Temporary Notes Series L.I.D. 86-1-90A Roe Avenue, 112-121st St.	January 23, 1990	$ 270,000.00
(2) Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000.00
(3) Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000.00
(4) Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000.00
(5) Temporary Notes Series 90E Police/Court/Fire #1 Remodel	July 10, 1990	$ 500,000.00
(6) Temporary Notes Series 90F Somerset, Belinder-Sagamore	July 10, 1990	$ 100,000.00
(7) Temporary Notes Series L.I.D. 88-1-90G Tomahawk Creek Parkway	July 10, 1990	$ 700,000.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

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 4th day of September, 1990.

SIGNED by the Mayor this day of September, 1990.

/s/ Marcia Rinehart, Mayor

ATTEST:
Martha Heizer, City Clerk

APPROVED AS TO FORM:
R. S. Wetzler, City Attorney

(7876-1F-JC)

ORDINANCE NO. 1178

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF HALLBROOK FARMS, FIRST PLAT.

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

19-6,221. Section 1. That the following described utility easement shown on the plat of Hallbrook Farms, First Plat, which was approved by the Governing Body September 8, 1987, is hereby vacated:

> All that part of Lot 15, Block 3, HALLBROOK FARMS, FIRST PLAT, a subdivision in Leawood, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of said Lot 15; thence South 17 degrees 46 minutes 54 seconds East, along the Westerly line of said Lot, 36.60 feet; thence North 49 degrees 48 minutes 33 seconds East, along the Southerly line of a 20 foot utility easement, 52.00 feet, to the True Point of Beginning; thence North 17 degrees 40 minutes 38 seconds West, 1.39 feet; thence North 72 degrees 32 minutes 28 seconds East, 3.32 feet; thence South 49 degrees 48 minutes 33 seconds West, 3.59 feet to the Point of Beginning.

19-6,222. Section 2. That the City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

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

Passed by the Council the 4th day of September, 1990.

Approved by the Mayor the 5th day of September, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

1972950 ✓ ORIGINAL COMPARED WITH RECORD

ORDINANCE NO. 1178

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF HALLBROOK FARMS, FIRST PLAT.

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

Section 1. That the following described utility easement shown on the plat of Hallbrook Farms, First Plat, which was approved by the Governing Body September 8, 1987, is hereby vacated:

All that part of Lot 15, Block 3, HALLBROOK FARMS, FIRST PLAT, a subdivision in Leawood, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of said Lot 15; thence South 17 degrees 46 minutes 54 seconds East, along the Westerly line of said Lot, 36.60 feet; thence North 49 degrees 48 minutes 33 seconds East, along the Southerly line of a 20 foot utility easement, 52.00 feet, to the True Point of Beginning; thence North 17 degrees 40 minutes 38 seconds West, 1.39 feet; thence North 72 degrees 32 minutes 28 seconds East, 3.32 feet; thence South 49 degrees 48 minutes 33 seconds West, 3.59 feet to the Point of Beginning.

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

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

Passed by the Council the 4th day of September, 1990.

Approved by the Mayor this 5th day of September, 1990.

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

(S E A L) 8 00 1990 SEP 11 A 10: 26 .3

SARA F. ULLMANN
REGISTER OF DEEDS

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

BY _____ DEP.

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

8 00 ck

VOL 3235 PAGE 241

CERTIFICATE

State of Kansas)
County of Johnson)
City of Leawood)

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the attached is a true and correct copy of Ordinance No. 1178 as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said City this 10th day of September, 1990.

(S E A L)

Martha Heizer

City of Leawood
9617 Lee Blvd.
Leawood, Ks. 66206

AFFIDAVIT OF PUBLICATION

First published in the Johnson County Sun, Friday, September 7, 1990.

ORDINANCE NO. 1178

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF HALLBROOK FARMS, FIRST PLAT.

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

Section 1. That the following described utility easement shown on the plat of Hallbrook Farms, First Plat, which was approved by the Governing Body September 8, 1987, is hereby vacated:

All that part of Lot 15, Block 3, HALLBROOK FARMS, FIRST PLAT, a subdivision in Leawood, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of said Lot 15; thence South 17 degrees 46 minutes 54 seconds East, along the Westerly line of said Lot, 36.60 feet; thence North 49 degrees 48 minutes 33 seconds East, along the Southerly line of a 20 foot utility easement, 52.00 feet, to the True Point of Beginning; thence North 17 degrees 40 minutes 38 seconds West, 1.39 feet; thence North 72 degrees 32 minutes 28 seconds East, 3.32 feet; thence South 49 degrees 48 minutes 33 seconds West, 3.59 feet to the Point of Beginning.

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

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

Passed by the Council the 4th day of September, 1990

Approved by the Mayor the 5th day of September, 1990

(S E A L)
/s/ Marcia Rinehart, Mayor

Attest:
/s/ Martha Heizer, City Clerk

APPROVED AS TO FORM:
/s/ R.S. Wetzler, City Attorney
(7875-1F-JC)

SAS, JOHNSON COUNTY, ss: Georgiann Thacker being first Duty sworn, y: That she is legal publications manager of THE JOHNSON COUNTY SUN, a wspaper printed in the State of Kansas, and published in and of general HNSON County, Kansas, and that said newspaper in not a trade, religious or tion.

per is a semi-weekly published at least weekly 50 times a year; has been so uously and uninterruptedly in said county and state for a period of more than o the first publication of said notice; and has been admitted at the post office of SION, KANSAS in said County as a second class matter.

ched notice is a true copy thereof and was published in the regular and entire wspaper for ------ One ------ consecutive ------ (weeks, days) the first publication thereof being made as aforesaid ------ day of September 19- 90 --, with subsequent publications the following dates:

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

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

Georgiann Thacker

Subscribe and sworn to before me this ---- 7th ---- day of September ---- 19-- 90

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$ ---------- 13.50
Additional copies $ ----------

ORDINANCE NO. 1177C

AN ORDINANCE AMENDING SECTION 11-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR PUBLIC OFFENSE LOCAL PROVISIONS.

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

Repealed by: ORDINANCE NO. 1258C
Adopted: 9/16/91
Effective:

Section 1. Code Amended. That Section 11-201 of the Code of the City of Leawood is hereby amended to read as follows:

11-201. PENALTIES. Unless otherwise specified, the penalties for violation of any of the following sections will be classed in the manner set out in Article 12 of the "Uniform Public Offense Code for Kansas Cities", 1990 Edition, as incorporated by reference by Section 11-101 of this Chapter.

Section 2. Repeal of Existing Section. That existing Section 11-201 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1127C)

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 21st day of August, 1990.

Approved by the Mayor the 22nd day of August, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for period of more than five (5) years prior to the first publication of the ice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

8/28/90

Business Manager

Subscribed and sworn to before me on this date:
8/28/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $14.82

Ordinance No. 1177C

ORD. 1177C

First published in The Legal Record, Tuesday, August 28, 1990.

ORDINANCE NO. 1177C

AN ORDINANCE AMENDING SECTION 11-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR PUBLIC OFFENSE LOCAL PROVISIONS.

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

Section 1. Code Amended. That Section 11-201 of the Code of the City of Leawood is hereby amended to read as follows:

11-201. PENALTIES. Unless otherwise specified, the penalties for violation of any of the following sections will be classed in the manner set out in Article 12 of the "Uniform Public Offense Code for Kansas Cities", 1990 Edition, as incorporated by reference by Section 11-101 of this Chapter.

Section 2. Repeal of Existing Section. That existing Section 11-201 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1127C)

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 21st day of August, 1990.

Approved by the Mayor the 22nd day of August, 1990.

(S E A L)
Attest:

Marcia Rinehart, Mayor

Martha Heizer, City Clerk

APPROVED AS TO FORM:
R.S. Wetzler, City Attorney

ORDINANCE NO. 1176C

AN ORDINANCE ADOPTING THE 1990 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES".

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

Section 1. Code Amended. That Article 1 of Chapter 11 ("Public Offenses") of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 1. UNIFORM OFFENSE CODE

Repealed by: ORDINANCE NO. 1247C Adopted: 9/16/91 Effective:

11-101. UNIFORM CODE INCORPORATED. There is hereby incorporated by reference the "Uniform Public Offense Code for Kansas Cities", 1990 Edition, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said uniform ordinance shall be marked or stamped "Official Copy", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

Repealed by: ORDINANCE NO. 1247C Adopted: 9/16/91 Effective:

11-102. SAME; AMENDMENT. Section 10.13 of the uniform code incorporated in Section 11-101 above shall be amended to read as follows:

10.13. BARBED WIRE. It shall be unlawful for any person to construct, set up or maintain any barbed wired or barbed wire fence or enclosure within the City, except in areas zoned or predominately used for agricultural purposes.

Violation of this section is a Class C violation.

Repealed by: ORDINANCE NO. 1247C Adopted: 9/16/91 Effective:

11-103. SAME. Section 10.1 of the uniform code incorporated in Section 11-101 above shall be amended to read as follows:

10.1. *UNLAWFUL USE OF WEAPONS.* (a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, 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, sling shot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except 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 the 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 one's person except when on the person's land or in the person's 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) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(b) Subsections (a)(1), (2), (3) and (4) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person 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 while engaged in hunting;

(3) Private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) Detectives 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. Supp. 31-157 and amendments thereto, 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 and amendments thereto.

(d) Subsections (a)(1) and (6) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) It shall be a defense that the defendant is within an exemption. (K.S.A. 21-4201)

Violation of this section is a Class B violation.

11-104. SAME. Section 10.5 of the uniform code incorporated in Section 11-101 above shall be amended to read as follows:

10.5. UNLAWFUL DISCHARGE OF FIREARMS. Unlawful discharge of firearms is the discharging or firing of any gun, rifle, pistol, revolver or other firearm within the City. This section shall not be construed to apply:

(a) To the discharge of firearms by any duly authorized law enforcement officer when necessary in the discharge of his or her official duties;

(b) To the discharge of firearms in any licensed shooting gallery;

(c) To firing squads for ceremonials; nor

(d) To a legitimate gunsmith in pursuit of his or her trade; nor

(e) To 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 10:00 a.m. to 5:00 p.m., solely for recreational purposes, provided that the 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 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.

Unlawful discharge of firearms is a Class B violation.

Repealed by: ORDINANCE NO. 724-12
Adopted: 9/16/91
Effective:

Section 2. Repeal of Existing Article. That existing Article 1 of Chapter 11 (Sections 11-101:104) of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1126C)

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 21st day of August, 1990.

Approved by the Mayor the 22nd day of August, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

8/28/90

Business Manager

Subscribed and sworn to before me on this date:
8/28/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $51.87

Ordinance No. 1176C

ORD. 1176C

First published in The Legal Record, Tuesday, August 28, 1990.

ORDINANCE NO. 1176C

AN ORDINANCE ADOPTING THE 1990 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES".

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

Section 1. Code Amended. That Article 1 of Chapter 11 ("Public Offenses") of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 1. UNIFORM OFFENSE CODE

11-101. UNIFORM CODE INCORPORATED. There is hereby incorporated by reference the "Uniform Public Offense Code for Kansas Cities", 1990 Edition, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said uniform ordinance shall be marked or stamped "Official Copy", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

11-102. SAME; AMENDMENT. Section 10.13 of the uniform code incorporated in Section 11-101 above shall be amended to read as follows:

10.13. BARBED WIRE. It shall be unlawful for any person to construct, set up or maintain any barbed wired or barbed wire fence or enclosure within the City, except in areas zoned or predominately used for agricultural purposes.

Violation of this section is a Class C violation.

11-103. SAME. Section 10.1 of the uniform code incorporated in Section 11-101 above shall be amended to read as follows:

10.1. UNLAWFUL USE OF WEAPONS. (a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, 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, sling shot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except 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 the 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 one's person except when on the person's land or in the person's 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) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(b) Subsections (a)(1), (2), (3) and (4) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person 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 while engaged in hunting;

(3) Private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) Detectives 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. Supp. 31-157 and amendments thereto, 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 and amendments thereto.

(d) Subsections (a)(1) and (6) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) It shall be a defense that the defendant is within an exemption. (K.S.A. 21-4201)

Violation of this section is a Class B violation.

11-104. SAME. Section 10.5 of the uniform code incorporated in Section 11-101 above shall be amended to read as follows:

10.5. UNLAWFUL DISCHARGE OF FIREARMS. Unlawful discharge of firearms is the discharging or firing of any gun, rifle, pistol, revolver or other firearm within the City. This section shall not be construed to apply:

(a) To the discharge of firearms by any duly authorized law enforcement officer when necessary in the discharge of his or her official duties;

(b) To the discharge of firearms in any licensed shooting gallery;

(c) To firing squads for ceremonials; nor

(d) To a legitimate gunsmith in pursuit of his or her trade; nor

(e) To 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 10:00 a.m. to 5:00 p.m., solely for recreational purposes, provided that the 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 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.

Unlawful discharge of firearms is a Class B violation.

Section 2. Repeal of Existing Article. That existing Article 1 of Chapter 11 (Sections 11-101:104) of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1126C)

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 21st day of August, 1990.

Approved by the Mayor the 22nd day of August, 1990.

(S E A L)

Attest:

Marcia Rinehart — Mayor

Martha Heizer — City Clerk

APPROVED AS TO FORM: R.S. Wetzler — City Attorney

ORDINANCE NO. 1175C

AN ORDINANCE ADOPTING THE 1990 EDITION OF THE "STANDARD TRAFFIC ORDINANCE".

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

Section 1. Code Amended. That Article 1 of Chapter 14 ("Traffic") of the Code of the City of Leawood is hereby amended to read as follows:

Repealed by: ORDINANCE NO. 1246C
Adopted: 9/16/91
Effective:

ARTICLE 1. STANDARD TRAFFIC ORDINANCE

14-101. INCORPORATING "STANDARD TRAFFIC ORDINANCE". There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Leawood, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 1990, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said standard ordinance shall be marked or stamped "Official Copy", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

Repealed by: ORDINANCE NO. 1246C
Adopted: 9/16/91
Effective:

14-102. SAME; AMENDMENT. Section 33 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Section 33. Maximum Speed Limits. (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

(1) All vehicles 20 miles per hour in any business district.

(2) All vehicles 20 miles per hour in any park under the jurisdiction of this City.

(3) All vehicles 20 miles per hour during those hours when students are going to and from school of any day school is in session, upon streets and/or parts of streets abutting school property and adjacent to school crosswalks designated as school zones; provided that appropriate signs are erected giving notice of such speed limits and the times

said limits are in force, said times to be determined by the Chief of Police with the consent of the City Council.

(4) All vehicles 25 miles per hour in any residential district and on other streets within the City except where modified by engineering and traffic investigation as provided hereafter in subsection (b) of this Section. The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed limits in excess thereof, and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this paragraph shall not be of any force or effect, subject to the following exception.

(b) The Chief of Police is hereby authorized and empowered to designate maximum speed zones when he or she shall find and determine that such regulation is necessary for safety purposes or to expedite traffic, to the extent any such regulation is not in conflict with any law of the City. The Chief of Police shall, following ratification of his or her designations under this subsection by the Governing Body, place and maintain the necessary traffic control signs and devices.

(c) Whenever the Chief of Police shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist, the Governing Body shall declare by resolution a reasonable and safe speed limit consistent with applicable state and local statutes which shall be effective at all times or during daytime or nighttime or at such other times as may be determined when appropriate signs giving notice thereof are erected pursuant to Council action and K.S.A. 8-1560 and 8-2002. It shall be unlawful for any person to drive a vehicle at a speed in excess of such declared maximum limits.

(d) No person shall drive a school bus to or from school or interschool or intraschool functions or activities at a speed greater than 45 miles per hour on any roadway having dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school or activities in excess of 55 miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall also apply to buses used for the transportation of students enrolled in community junior colleges or area vocation schools when such buses are transporting students to or from school functions or activities.

14-103. SAME. The title of Section 37 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows: Racing on Highways; Drag Race, Racing, Exhibition of Speed or

Repealed by:
ORDINANCE NO. 1246C
Adopted: 9/16/91
Effective:

Repealed by: ORDINANCE NO. 1246
Adopted: 9/16/91
Effective:

Acceleration.

14-104. SAME. Section 68 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Section 68. Pedestrians on Highways. (a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk, jog or run along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking, jogging or running along and upon a highway shall walk, jog or run only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking, jogging or running along and upon a highway shall walk, jog or run as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk, jog or run only on the left side of the roadway.

(d) Except as otherwise provided in this ordinance, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

Section 2. Repeal of Existing Article. That existing Article 1 of Chapter 14 (Sections 14-101:104) of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1120C)

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 21st day of August, 1990.

Approved by the Mayor the 22nd day of August, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

8/28/90

Business Manager

Subscribed and sworn to before me on this date:
8/28/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $44.46

Ordinance No. 1175C

ORD. 1175C

First published in The Legal Record, Tuesday, August 28, 1990.

ORDINANCE NO. 1175C

AN ORDINANCE ADOPTING THE 1990 EDITION OF THE "STANDARD TRAFFIC ORDINANCE".

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

Section 1. Code Amended. That Article 1 of Chapter 14 ("Traffic") of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 1. STANDARD TRAFFIC ORDINANCE

14-101. INCORPORATING "STANDARD TRAFFIC ORDINANCE". There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Leawood, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 1990, prepared and published in book form by the League of Kansas Municipalities, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three copies of said standard ordinance shall be marked or stamped "Official Copy", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

14-102. SAME; AMENDMENT. Section 33 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Section 33. Maximum Speed Limits. (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

(1) All vehicles 20 miles per hour in any business district.

(2) All vehicles 20 miles per hour in any park under the jurisdiction of this City.

(3) All vehicles 20 miles per hour during those hours when students are going to and from school of any day school is in session, upon streets and/or parts of streets abutting school property and adjacent to school crosswalks designated as school zones; provided that appropriate signs are erected giving notice of such speed limits and the times said limits are in force, said times to be determined by the Chief of Police with the consent of the City Council.

(4) All vehicles 25 miles per hour in any residential district and on other streets within the City except where modified by engineering and traffic investigation as provided hereafter in subsection (b) of this Section. The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed limits in excess thereof, and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this paragraph shall not be of any force or effect, subject to the following exception.

(b) The Chief of Police is hereby authorized and empowered to designate maximum speed zones when he or she shall find and determine that such regulation is necessary for safety purposes or to expedite traffic, to the extent any such regulation is not in conflict with any law of the City. The Chief of Police shall, following ratification of his or her designations under this subsection by the Governing Body, place and maintain the necessary traffic control signs and devices.

(c) Whenever the Chief of Police shall determine upon the basis of an engineering and traffic investigation that any speed limit herein set forth is greater or less than is reasonable or safe under the conditions found to exist, the Governing Body shall declare by resolution a reasonable and safe speed limit consistent with applicable state and local statutes which shall be effective at all times or during daytime or nighttime or at such other times as may be determined when appropriate signs giving notice thereof are erected pursuant to Council action and K.S.A. 8-1560 and 8-2002. It shall be unlawful for any person to drive a vehicle at a speed in excess of such declared maximum limits.

(d) No person shall drive a school bus to or from school or interschool or intraschool functions or activities ~~at a speed greater than 45 miles per hour on any roadway~~ having dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school or activities in excess of 55 miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall also apply to buses used for the transportation of students enrolled in community junior colleges or area vocation schools when such buses are transporting students to or from school functions or activities.

14-103. SAME. The title of Section 37 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows: Racing on Highways; Drag Race, Racing, Exhibition of Speed or Acceleration.

14-104. SAME. Section 68 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Section 68. Pedestrians on Highways. (a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk, jog or run along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking, jogging or running along and upon a highway shall walk, jog or run only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking, jogging or running along and upon a highway shall walk, jog or run as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk, jog or run only on the left side of the roadway.

(d) Except as otherwise provided in this ordinance, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

Section 2. Repeal of Existing Article. That existing Article 1 of Chapter 14 (Sections 14-101:104) of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1120C)

Section 3. Validity of Ordinance. That should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be thereby affected.

Section 4. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 21st day of August, 1990.

Approved by the Mayor the 22nd day of August, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:

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

ORDINANCE NO. 1174C

AN ORDINANCE RELATING TO THE EFFECT OF WARD BOUNDARY CHANGES ON COUNCIL MEMBERSHIP.

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

Section 1. Code Amended. That Article 1 of Chapter 6 of the Code of the City of Leawood is hereby amended by adding Section 6-102 which shall read as follows:

6-102. EFFECT OF WARD BOUNDARY CHANGES ON COUNCIL MEMBERSHIP. Whenever the residence of any councilmember shall be transferred from one ward of the City to another solely as a result of a change in ward boundaries, said councilmember's office shall not become vacant and said councilmember shall be eligible to represent the ward from which he or she was elected or appointed until the end of the term for which he or she was originally elected or appointed as long as he or she is otherwise qualified to serve as a councilmember. No councilmember shall represent more than one ward on the council at any one time.

Section 2. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 21st day of August, 1990.

Approved by the Mayor the 22nd day of August, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

8/28/90

Business Manager

Subscribed and sworn to before me on this date:
8/28/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $14.82

Ordinance No. 1174C

ORD. 1174C

First published in The Legal Record, Tuesday, August 28, 1990.

ORDINANCE NO. 1174C

AN ORDINANCE RELATING TO THE EFFECT OF WARD BOUNDARY CHANGES ON COUNCIL MEMBERSHIP.

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

Section 1. Code Amended. That Article 1 of Chapter 6 of the Code of the City of Leawood is hereby amended by adding Section 6-102 which shall read as follows:

6-102. EFFECT OF WARD BOUNDARY CHANGES ON COUNCIL MEMBERSHIP. Whenever the residence of any councilmember shall be transferred from one ward of the City to another solely as a result of a change in ward boundaries, said councilmember's office shall not become vacant and said councilmember shall be eligible to represent the ward from which he or she was elected or appointed until the end of the term for which he or she was originally elected or appointed as long as he or she is otherwise qualified to serve as a councilmember. No councilmember shall represent more than one ward on the council at any one time.

Section 2. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 21st day of August, 1990.

Approved by the Mayor the 22nd day of August, 1990.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

ORDINANCE NO. 1173C

AN ORDINANCE RELATING TO WARD BOUNDARY CHANGES IN THE CITY OF LEAWOOD, KANSAS.

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

Section 1. Code Amended. That Article 2 of Chapter 6 ("Elections") 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 west along the centerline of 95th Street to the western limits of the City; thence northerly and easterly along the western limits to the centerline of Somerset Drive; thence easterly along the northern limits of the City 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 south along the eastern limits of the City to the centerline of 119th Street; thence west along the centerline of 119th Street to the western limits of the City; thence northerly and easterly along the western limits to the centerline of 95th Street; thence east along the centerline of 95th Street to the point of beginning.

6-204. BOUNDARIES OF WARD 3. That territory of the City of Leawood beginning at the centerline of 119th Street at the eastern limits of the City; thence south along the eastern limits of the City to the centerline of 135th Street; thence west along the centerline of 135th Street to the centerline of Mission Road; thence north along the centerline of Mission Road to the junction with the centerline of 127th Street; thence east along the centerline of 127th Street to the junction with the centerline of Pawnee Lane; thence south along the centerline of Pawnee Lane to the junction with the centerline of Cherokee Lane; thence easterly and northerly along the centerline of Cherokee Lane to the junction with the centerline of Overbrook Road; thence north along the centerline of Overbrook Road to the junction with the

centerline of Ensley Lane; thence north and west along the centerline of Ensley Lane to the junction with the centerline of Cherokee Lane; thence east and north along the centerline of Cherokee Lane to the junction with the centerline of 123rd Street; thence west along the centerline of 123rd Street to the junction with the centerline of Wenonga Lane; thence north along the centerline of Wenonga Lane to the junction with the centerline of 119th Street; thence east along the centerline of 119th Street to the point of beginning.

6-205. BOUNDARIES OF WARD 4. That territory of the City of Leawood beginning at the centerline of 135th Street at the eastern limits of the City; thence southerly and westerly along the eastern limits of the City to the junction with the southern limits of the City; thence westerly along the southern limits to the junction with the western limits of the City; thence northerly along the western limits to the junction with the centerline of 119th Street; thence east along the centerline of 119th Street to the junction with the centerline of Wenonga Lane; thence south along the centerline of Wenonga Lane to the junction with the centerline of 123rd Street; thence east along the centerline of 123rd Street to the junction with the centerline of Cherokee Lane; thence south along the centerline of Cherokee Lane to the junction with the centerline of Ensley Lane; thence southerly and westerly along the centerline of Ensley Lane to the junction with the centerline of Overbrook Road; thence southerly along the centerline of Overbrook Road to the junction with the centerline of Cherokee Lane; thence westerly and southerly along the centerline of Cherokee Lane to the junction with the centerline of Pawnee Lane; thence north along the centerline of Pawnee Lane to the junction with the centerline of 127th Street; thence west along the centerline of 127th Street to the junction with the centerline of Mission Road; thence south along the centerline of Mission Road to the junction with the centerline of 135th Street; thence east along the centerline of 135th Street to the point of beginning.

Section 2. Repeal of Existing Article. That existing Article 2 of Chapter 6 (Sections 6-201:205) of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1072C)

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after December 2, 1990.

Passed by the Council the 21st day of August, 1990.

Approved by the Mayor the 22nd day of August, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is *published at least weekly fifty (50) times a year, has been so* published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

8/28/90

Business Manager

Subscribed and sworn to before me on this date:
8/28/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $33.35

Ordinance No. 1173C

ORD. 1173C

First published in The Legal Record, Tuesday, August 28, 1990.

ORDINANCE NO. 1173C

AN ORDINANCE RELATING TO WARD BOUNDARY CHANGES IN THE CITY OF LEAWOOD, KANSAS.

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

Section 1. Code Amended. That Article 2 of Chapter 6 ("Elections") 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 west along the centerline of 95th Street to the western limits of the City; thence northerly and easterly along the western limits to the centerline of Somerset Drive; thence easterly along the northern limits of the City 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 south along the eastern limits of the City to the centerline of 119th Street; thence west along the centerline of 119th Street to the western limits of the City; thence northerly and easterly along the western limits to the centerline of 95th Street; thence east along the centerline of 95th Street to the point of beginning.

6-204. BOUNDARIES OF WARD 3. That territory of the City of Leawood beginning at the centerline of 119th Street at the eastern limits of the City; thence south along the eastern limits of the City to the centerline of 135th Street; thence west along the centerline of 135th Street to the centerline of Mission Road; thence north along the centerline of Mission Road to the junction with the centerline of 127th Street; thence east along the centerline of 127th Street to the junction with the centerline of Pawnee Lane; thence south along the centerline of Pawnee Lane to the junction with the centerline of Cherokee Lane; thence easterly and northerly along the centerline of Cherokee Lane to the junction with the centerline of Overbrook Road; thence north along the centerline of Overbrook Road to the junction with the centerline of Ensley Lane; thence north and west along the centerline of Ensley Lane to the junction with the centerline of Cherokee Lane; thence east and north along the centerline of Cherokee Lane to the junction with the centerline of 123rd Street; thence west along the centerline of 123rd Street to the junction with the centerline of Wenonga Lane; thence north along the centerline of Wenonga Lane to the junction with the centerline of 119th Street; thence east along the centerline of 119th Street to the point of beginning.

6-205. BOUNDARIES OF WARD 4. That territory of the City of Leawood beginning at the centerline of 135th Street at the eastern limits of the City; thence southerly and westerly along the eastern limits of the City to the junction with the southern limits of the City; thence westerly along the southern limits to the junction with the western limits of the City; thence northerly along the western limits to the junction with the centerline of 119th Street; thence east along the centerline of 119th Street to the junction with the centerline of Wenonga Lane; thence south along the centerline of Wenonga Lane to the junction with the centerline of 123rd Street; thence east along the centerline of 123rd Street to the junction with the centerline of Cherokee Lane; thence south along the centerline of Cherokee Lane to the junction with the centerline of Ensley Lane; thence southerly and westerly along the centerline of Ensley Lane to the junction with the centerline of Overbrook Road; thence southerly along the centerline of Overbrook Road to the junction with the centerline of Cherokee Lane; thence westerly and southerly along the centerline of Cherokee Lane to the junction with the centerline of Pawnee Lane; thence north along the centerline of Pawnee Lane to the junction with the centerline of 127th Street; thence west along the centerline of 127th Street to the junction with the centerline of Mission Road; thence south along the centerline of Mission Road to the junction with the centerline of 135th Street; thence east along the centerline of 135th Street to the point of beginning.

~~Section 2. Repeal of Existing Article.~~ That existing Article 2 of Chapter 6 (Sections 6-201:205) of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1072C)

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after December 2, 1990.

Passed by the Council the 21st day of August, 1990.

Approved by the Mayor the 22nd day of August, 1990.

(S E A L)

Marcia Rinehart — Mayor

Attest:

Martha Heizer — City Clerk

APPROVED AS TO FORM:

R.E. Netzler — City Attorney

ORDINANCE NO. 1172

AN ORDINANCE ESTABLISHING THE 1991 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

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

28-313. Section 1. 1991 ANNUAL ASSESSMENT. That pursuant to the terms of Section 15-104 of the Code of the City of Leawood, the following shall be the formula to establish the 1991 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge + Customer Service Charge + Replacement Cost Charge;

Volume Charge = $1.2440 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 = $90.00 per user per unit;

Replacement Cost = $0.00/account (for 1991);

Special Charge = $25.95/account; Debt Service, Public Works Facility; 1986 Sewer Repair

28-314. Section 2. PUBLICATION. That this ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

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

Passed by the Council the 21st day of August, 1990.

Approved by the Mayor the 22nd day of August, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

AFFIDAVIT OF PUBLICATION

First Published in The Johnson County Sun, Friday, August 24, 1990.

ORDINANCE NO. 1172

AN ORDINANCE ESTABLISHING THE 1991 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

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

Section 1. 1991 ANNUAL ASSESSMENT. That pursuant to the terms of Section 15-104 of the Code of the City of Leawood, the following shall be the formula to establish the 1991 annual assessment for all users of the Leawood Sewer System:

User Charge — Volume Charge + Customer Service Charge + Replacement Cost Charge;

Volume Charge — $1.2440 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 — $90.00 per user per unit;

Replacement Cost — $0.00/account (for 1991);

Special Charge — $25.95/account; Debt Service, Public Works Facility; 1986 Sewer Repair

Section 2. PUBLICATION. That this ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

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

Passed by the Council the 21st day of August, 1990.

Approved by the Mayor the 22nd day of August, 1990.

(s) Marcia Rinehart, Mayor

(SEAL)

Attest:

(s) Martha Heizer, City Clerk

APPROVED AS TO FORM:

(s) R.S. Wetzler, City Attorney

(7832 2F-JC)

KANSAS, JOHNSON COUNTY, ss: Georgiann Thacker being first Duty sworn, and say: That she is legal publications manager of THE JOHNSON COUNTY SUN, a kly newspaper printed in the State of Kansas, and published in and of general in JOHNSON County, Kansas, and that said newspaper in not a trade, religious or ublication.

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

attached notice is a true copy thereof and was published in the regular and entire d newspaper for ---two---------- consecutive eks ----(weeks, days) the first publication thereof being made as aforesaid 24th ---- day of August -- 19-90----, with subsequent publications on the following dates:

gust 31, 19--90 ----------, 19------

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

Georgiann Thacker

Subscribe and sworn to before me this--31st-- day of August-----19---90

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$ ---24.90

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

Note: Wilson Williams' tract reassessed to $2,425.48 by Ord. 1228, 6/3/91.

ORDINANCE NO. 1171

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 ROE AVENUE FROM APPROXIMATELY 112TH STREET TO 121ST STREET (IMPROVEMENT DISTRICT ROE AVE, PROJECT 106.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

> Improvement of Roe Avenue from a point 894.60'S. of N.W. corner of the N.E. 1/4 Sec. 21, Township 13, Range 25, to a point 665.07'S. of the N.W. corner of the N.E. 1/4 Section 16, Township 13, Range 25.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $943,396.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $505,509.00 and such property, within the improvement district abutting the improvement, shall be assessed on a front foot basis of $73.27937864 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:

20-1,575. 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.

20-1,576. Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in annual installments. The first installment 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.

20-1,577. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,578. Section 4. The owner of any property so assessed may at any time prior to 4:00 p.m., Wednesday, September 5, 1990, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

20-1,579. Section 5. Assessments not paid prior to 4:00 p.m., Wednesday, September 5, 1990, 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 6th day of August, 1990.

Approved by the Mayor this 7th day of August, 1990.

(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

1966167 ✓ ORIGINAL COMPARED WITH RECORD

ORDINANCE NO. 1171

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 ROE AVENUE FROM APPROXIMATELY 112TH STREET TO 121ST STREET (IMPROVEMENT DISTRICT ROE AVE, PROJECT 106.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

> Improvement of Roe Avenue from a point 894.60'S. of N.W. corner of the N.E. 1/4 Sec. 21, Township 13, Range 25, to a point 665.07'S. of the N.W. corner of the N.E. 1/4 Section 16, Township 13, Range 25.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $943,396.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $505,509.00 and such property, within the improvement district abutting the improvement, shall be assessed on a front foot basis of $73.27937864 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:

20-1,575. 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.

20-1,576. Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in annual installments. The first installment 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.

20-1,577. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

10.00 Ck

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10.00

SARA F. ULLMANN
REGISTER OF DEEDS

BY_____DEP.

VOL 3219 PAGE 227

20-1,578. Section 4. The owner of any property so assessed may at any time prior to 4:00 p.m., Wednesday, September 5, 1990, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

20-1,579. Section 5. Assessments not paid prior to 4:00 p.m., Wednesday, September 5, 1990, 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 6th day of August, 1990.

Approved by the Mayor this 7th day of August, 1990.

(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

CERTIFICATE

State of Kansas)
County of Johnson)
City of Leawood)

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the above and foregoing with attached assessment roll is a true and correct copy of Ordinance No. 1171 as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said City this 9th day of August, 1990.

(S E A L)

Martha Heizer

CORRECTED

ASSESSMENT ROLL

Improvement District 86-1
Roe Avenue (112th - 121st St.)

Assessment Factor
$73.27937864

Property I.D. #	Ownership	Front Footage	Assessment
HP09250000-0005	Valley View State Bank	276.00	$ 20,225.11
HF251321-3006	Wilson M. Williams	160.00	$ 11,724.70
HF251321-3001	Ninety-Five West Co., L.P.	499.60	$ 36,610.38
HP09250000-0001	Ninety-Five West Co., L.P.	112.00	$ 8,207.29
HP09250000-0003	Ninety-Five West Co., L.P.	307.00	$ 22,496.77
HP09250000-0004	Ninety-Five West Co., L.P.	277.00	$ 20,298.39
HP09250000-0006	Ninety-Five West Co., L.P.	259.23	$ 18,996.21
HF251316-4001	Frank S. Morgan	1,301.33	$ 95,360.65
HF251316-3007	Julius D. Spears	1,133.57	$ 83,067.31
HF251316-2003	Marned Corporation	2,572.65	$188,522.19

Note - Hany handled this w/o - no record. [illegible]
[illegible]

ASSESSMENT ROLL

Improvement District 86-1
Roe Avenue (112th - 121st St.)

Assessment Factor
$73.27937864

PROPERTY I.D. #	OWNERSHIP	FRONT FOOTAGE	ASSESSMENT
HP09250000-0005	Valley View State Bank	276.00	$ 20,225.11
HF251321-3006	Wilson M. Williams	160.00	$ 11,724.70
HF251321-3001	Ninety-Five West Co., L.P.	499.60	$ 36,610.38
HF251316-4002	Ninety-Five West Co., L.P.	317.04	$ 23,232.49
HF251316-4003	Ninety-Five West Co., L.P.	638.19	$ 46,766.17
HF251316-4001	Frank S. Morgan	1,301.33	$ 95,360.65
HF251316-3007	Julius D. Spears	1,133.57	$ 83,067.31
HF251316-2003	Marned Corporation	2,572.65	$188,522.19

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-574

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.
That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

8/7/90

Business Manager

Subscribed and sworn to before me on this date:
8/7/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $22.23

Ordinance 1171

ORD. 1171
First published in The Legal Record, Tuesday, August, 7, 1990.

ORDINANCE NO. 1171

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 ROE AVENUE FROM APPROXIMATELY 112TH STREET TO 121ST STREET (IMPROVEMENT DISTRICT ROE AVE, PROJECT 106.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Leawood:

> Improvement of Roe Avenue from a point 894.60'S. of N.W. corner of the N.E. 1/4 Sec. 21, Township 13, Range 25, to a point 665.07'S. of the N.W. corner of the N.E. 1/4 Section 16, Township 13, Range 25.

and such contracts have been duly performed; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to the City is $943,396.00; and

WHEREAS, said Governing Body has determined that the total cost of such improvement to be assessed against the improvement district is $505,509.00 and such property, within the improvement district abutting the improvement, shall be assessed on a front foot basis of $73.27937864 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:

20-1,575. 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.

20-1,576. Section 2. Such assessments with accrued interest are levied concurrently with general property taxes and shall be payable in annual installments. The first installment 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.

20-1,577. Section 3. All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

20-1,578. Section 4. The owner of any property so assessed may at any time prior to 4:00 p.m., Wednesday, September 5, 1990, pay the whole of the assessment against any lot or parcel of ground, without interest, to the City Treasurer.

20-1,579. Section 5. Assessments not paid prior to 4:00 p.m., Wednesday, September 5, 1990, 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 6th day of August, 1990.

Approved by the Mayor this 7th day of August, 1990.

(S E A L)

Marcia Rinehart, Mayor

Attest:

Martha Heizer, City Clerk

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

ORDINANCE NO. 1170

AN ORDINANCE AUTHORIZING AND PROVIDING FOR ACQUISITION OF PERMANENT DRAINAGE EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE IMPROVEMENT OF THE INTERSECTION OF LEE BOULEVARD AND SOMERSET STREET IN THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the Governing Body of the City of Leawood did by resolution, approved on July 16, 1990, 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:

19-133. 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 the intersection of Lee Boulevard and Somerset Street in the City of Leawood, Kansas. Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire permanent road right of way to the following described property:

Permanent Drainage Easement

All that part of 70, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at a point on the north line of Lot 70 and 10 feet west of the northeast corner thereof; thence west along the north line of said lot a distance of 18.5 feet; thence southerly in a straight line to a point 29 feet westerly of the east boundary of Lot 70, measured normal to the west line of Lot 68, LEAWOOD, from the most northerly corner of said Lot 68; thence southerly,

parallel to the west line of said Lot 68, a distance of 27 feet; thence southerly in a straight line to a point on the east boundary of said Lot 70 and 68 feet northeasterly of the most southerly corner of said Lot 70; thence northerly along the east boundary of said Lot 70 to an angle point at the most northerly corner of Lot 67; LEAWOOD, thence northeasterly along the east boundary of said Lot 70 a distance of 6 feet; thence northeasterly in a straight line a distance of 35.5 feet to a point 13 feet west of and measured normal to the east boundary of said Lot 70; thence easterly, normal to the east boundary of Lot 70, to the east boundary of said Lot; thence northerly along said east boundary a distance of 15 feet; thence westerly, normal to the last described line, a distance of 7.5 feet; thence northerly, parallel to the east boundary of said Lot 70, a distance of 27 feet; thence northwesterly in a straight line to the point of beginning.

The above contains 2,578 square feet, more or less.

Owner: Leawood Shops, Inc.

<u>Temporary Construction Easement</u>

All that part of Lots 68, 69 and 70, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas described as follows:

Beginning at a point on the east boundary of said Lot 70 and 50 feet north of the most southerly corner of said Lot 70; thence northeasterly along the east boundary of said Lot 70 to the most northerly corner of Lot 67, LEAWOOD; thence northeasterly along the east boundary of said Lot 70 a distance of 31.63 feet to an angle point on the east boundary of said Lot 70; thence northeasterly along the east boundary of said Lot 70 to a point 1.66 feet southerly of a point on the west line of Lot 68, which is 35 feet northeasterly of the southwest corner of Lot 68; thence easterly along the boundary of Grantor's property a distance of 5 feet; thence northerly in a straight line to a point on the north line of Lot 69 and 20 feet east of the northwest corner of said Lot 69; thence west along the north line of Lots 69 and 70 a distance of 58 feet; thence southeasterly in a straight line to a point 34 feet westerly of the east boundary of said Lot 70, measured normal to the west line of Lot 68, from the most northerly corner of said Lot 68; thence southerly, parallel to the east boundary of said Lot 70

a distance of 42 feet; thence southwesterly in a straight line a distance of 60 feet to a point 30.5 feet northwesterly of and measured normal from the most southerly line of the east boundary of said Lot 70; thence southerly in a straight line to a point on the south boundary of Grantors land and 11.6 feet northwesterly of the point of beginning; thence southeasterly along the south boundary of Grantor's land to the point of beginning, except that part thereof in permanent drainage easement. ALSO beginning at the southeast corner of Grantor's land at a point on the east line of Lot 68 and 35 feet northeasterly of the most southerly corner of said Lot 68; thence northeasterly, along the east boundary of Lots 68 and 69, a distance of 138 feet; thence westerly, measured radially to the east boundary of Lot 69, a distance of 7 feet; thence southwesterly in a straight line to the south line of Grantor's land and 7 feet northwesterly of the point of beginning; thence southeasterly along the south line of Grantor's land to the point of beginning.

The above contains 4,551 square feet, more or less.

Owner: Leawood Shops, Inc.

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 16th DAY OF July, 1990. SIGNED BY THE MAYOR THIS 16TH DAY OF JULY, 1990.

(S E A L)

Marcia Rinehart
Mayor

ATTEST:

Martha Heizer
City Clerk

Approved as to form:
City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.
That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

7/17/90

Business Manager

Subscribed and sworn to before me on this date:
7/17/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires _____

My appointment expires:
February 12, 1994

Publication Fees: $40.75

Ordinance No. 1170

First published in The Legal Record and News, Tuesday, July 17, 1990.

ORD. 1170

ORDINANCE NO. 1170

AN ORDINANCE AUTHORIZING AND PROVIDING FOR ACQUISITION OF PERMANENT DRAINAGE EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE IMPROVEMENT OF THE INTERSECTION OF LEE BOULEVARD AND SOMERSET STREET IN THE CITY OF LEAWOOD, KANSAS.

WHEREAS, the Governing Body of the City of Leawood did by resolution, approved on July 16, 1990, 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:

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 the intersection of Lee Boulevard and Somerset Street in the City of Leawood, Kansas. Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire permanent road right of way to the following described property:

Permanent Drainage Easement

All that part of 70, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at a point on the north line of Lot 70 and 10 feet west of the northeast corner thereof; thence west along the north line of said lot a distance of 18.5 feet; thence southerly in a straight line to a point 29 feet westerly of the east boundary of Lot 70, measured normal to the west line of Lot 68, LEAWOOD, from the most northerly corner of said Lot 68; thence southerly, parallel to the west line of said Lot 68, a distance of 27 feet; thence southerly in a straight line to a point on the east boundary of said Lot 70 and 68 feet northeasterly of the most southerly corner of said Lot 70; thence northerly along the east boundary of said Lot 70 to an angle point at the most northerly corner of Lot 67; LEAWOOD, thence northeasterly along the east boundary of said Lot 70 a distance of 6 feet; thence northeasterly in a straight line a distance of 35.5 feet to a point 13 feet west of and measured normal to the east boundary of said Lot 70; thence easterly, normal to the east boundary of Lot 70, to the east boundary of said Lot; thence northerly along said east boundary a distance of 15 feet; thence westerly, normal to the last described line, a distance of 7.5 feet; thence northerly, parallel to the east boundary of said Lot 70, a distance of 27 feet; thence northwesterly in a straight line to the point of beginning.

The above contains 2,578 square feet, more or less.

Owner: Leawood Shops, Inc.

Temporary Construction Easement

All that part of Lots 68, 69 and 70, LEAWOOD, a subdivision of land in the City of Leawood, Johnson County, Kansas described as follows:

Beginning at a point on the east boundary of said Lot 70 and 50 feet north of the most southerly corner of said Lot 70; thence northeasterly along the east boundary of said Lot 70 to the most northerly corner of Lot 67, LEAWOOD; thence northeasterly along the east boundary of said Lot 70 a distance of 31.63 feet to an angle point on the east boundary of said Lot 70; thence northeasterly along the east boundary of said Lot 70 to a point 1.66 feet southerly of a point on the west line of Lot 68, which is 35 feet northeasterly of the southwest corner of Lot 68; thence easterly along the boundary of Grantor's property a distance of 5 feet; thence northerly in a straight line to a point on the north line of Lot 69 and 20 feet east of the northwest corner of said Lot 69; thence west along the north line of Lots 69 and 70 a distance of 58 feet; thence southeasterly in a straight line to a point 34 feet westerly of the east boundary of said Lot 70, measured normal to the west line of Lot 68, from the most northerly corner of said Lot 68; thence southerly, parallel to the east boundary of said Lot 70 a distance of 42 feet; thence southwesterly in a straight line a distance of 60 feet to a point 30.5 feet northwesterly of and measured normal from the most southerly line of the east boundary of said Lot 70; thence southerly in a straight line to a point on the south boundary of Grantors land and 11.6 feet northwesterly of the point of beginning; thence southeasterly along the south boundary of Grantor's land to the point of beginning, except that part thereof in permanent drainage easement. ALSO beginning at the southeast corner of Grantor's land at a point on the east line of Lot 68 and 35 feet northeasterly of the most southerly corner of said Lot 68; thence northeasterly, along the east boundary of Lots 68 and 69, a distance of 138 feet; thence westerly, measured radially to the east boundary of Lot 69, a distance of 7 feet; thence southwesterly in a straight line to the south line of Grantor's land and 7 feet northwesterly of the point of beginning; thence southeasterly along the south line of Grantor's land to the point of beginning.

The above contains 4,551 square feet, more or less.

Owner: Leawood Shops, Inc.

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 16th DAY OF July, 1990. SIGNED BY THE MAYOR THIS 16TH DAY OF JULY, 1990.

Marcia Richard
Mayor

(S E A L)

ATTEST:

City Clerk

Approved as to form:
City Attorney

RECEIVED
JUL 1 9 1990
CITY OF LEAWOOD

ORDINANCE NO. 1169

AN ORDINANCE RELATING TO ZONING OF ANNEXED PROPERTY SOUTH OF 151ST STREET IN THE CITY OF LEAWOOD, KANSAS.

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

18-132. Section 1. That 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 by Johnson County, Kansas, as R1B (Single Family Residential) and Agriculture:

9-14-25 W 1/2 NE1/4 EX E 15.27 ACS & EX 30.706 ACRS PLATTED & EX 2.12 AC PLATTED (31.904 ACS M/L) AND 10-14-25 BG 829.6' S NW CR NW 1/4 E 2409.6' S 1320' W 1465.8' N 600' W 943.8' N 720' TO BG (60.02 ACS M/L) AND GUILDFORD DOWNS LOTS 1 THROUGH 41 AND LEAWOOD MISSION VALLEY FIRST PLAT.

Section 2. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 16th day of July, 1990.

Approved by the Mayor the 16th day of July, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.
That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

7/17/90

Business Manager

Subscribed and sworn to before me on this date:
7/17/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires _____

My appointment expires:
February 12, 1994

Publication Fees: $11.11

Ordinance No. 1169

ORD. 1169

First published in The Legal Record and News, Tuesday, July 17, 1990.

ORDINANCE NO. 1169

AN ORDINANCE RELATING TO ZONING OF ANNEXED PROPERTY SOUTH OF 151ST STREET IN THE CITY OF LEAWOOD, KANSAS.

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

Section 1. That 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 by Johnson County, Kansas, as R1B (Single Family Residential) and Agriculture:

9-14-25 W 1/2 NE1/4 EX E 15.27 ACS & EX 30.706 ACRS PLATTED & EX 2.12 AC PLATTED (31.904 ACS M/L) AND 10-14-25 BG 829.6' S NW CR NW 1/4 E 2409.6' S 1320' W 1465.8' N 600' W 943.8' N 720' TO BG (60.02 ACS M/L) AND GUILDFORD DOWNS LOTS 1 THROUGH 41 AND LEAWOOD MISSION VALLEY FIRST PLAT.

Section 2. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 16th day of July, 1990.

Approved by the Mayor the 16th day of July, 1990.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

ORDINANCE NO. 1168

AN ORDINANCE RELATING TO ACCEPTANCE OF DRAINAGE EASEMENTS REQUIRED FOR THE 1990 STREET REHABILITATION PROGRAM, SPECIFICALLY AT 98TH AND BELINDER IN THE CITY OF LEAWOOD.

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

19-6,219. Section 1. That the Governing Body of the City of Leawood, Kansas, does hereby accept 2 permanent drainage easements, along with the restrictions and reservations set forth therein, granting the City of Leawood, Kansas, permanent easements described as follows for the location of a storm drainage facility:

From Timothy A. and Joyce L. Gauss: All that part of Lot 420, LEAWOOD ESTATES, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeasterly corner of said Lot 420; thence Westerly, along the Northerly line of said Lot 420, a distance of 7 feet; thence Southerly, to a point on the Southerly line of said Lot 420, and 12 feet Westerly of the Southeasterly corner thereof, as measured along said Southerly line; thence Easterly, along the Southerly line of said Lot 420, a distance of 12 feet, to the Southeasterly corner thereof; thence Northerly, along the Easterly line of said Lot 420, to the point of beginning.

From George P. and Juana G. Jacobsen: All that part of Lot 421, LEAWOOD ESTATES, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southeasterly corner of said Lot 421; thence Westerly, along the Southerly line of said Lot 421, a distance of 15 feet; thence Northeasterly, to a point on the Easterly line of said Lot 421, and 15 feet Northerly of the Southeasterly corner thereof, as measured along said Easterly line; thence Southerly, along the Easterly line of said Lot 421, a distance of 15 feet, to the point of beginning.

19-6,220. Section 2. That copies of said easements are attached hereto and thereby incorporated by reference.

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

Passed by the Council the 2nd day of July, 1990.

ORIGINAL COMPARED WITH RECORD

1951355

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

1990 JUN 11 A 10: 33 .3

8.00 SARA F. ULLMANN
REGISTER OF DEEDS

BY_____DEP.

PERMANENT DRAINAGE EASEMENT

This agreement made and entered into this 26 day of March, 1990 by and between George P. Jacobsen & Juana G. Jacobsen 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:

All that part of Lot 421, LEAWOOD ESTATES, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southeasterly corner of said Lot 421; thence Westerly, along the Southerly line of said Lot 421, a distance of 15 feet; thence Northeasterly, to a point on the Easterly line of said Lot 421, and 15 feet Northerly of the Southeasterly corner thereof, as measured along said Easterly line; thence Southerly, along the Easterly line of said Lot 421, a distance of 15 feet, to the point of beginning.

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 and 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.

George P. Jacobsen
George P. Jacobsen

Juana G. Jacobsen
Juana G. Jacobsen

8 ck

VOL 3183 PAGE 789

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Kansas :
SS.
COUNTY OF Johnson :

BE IT REMEMBERED, That on the 26 day March, 19 90, before me, the undersigned, a Notary Public in and for said County and State, came George and Juana Jacobsen

who are personally known to me to be the same persons who executed the within instrument of writing, and duly acknowledged the execution of same.

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

NOTARY PUBLIC STATE OF KANSAS JULIE A. BUTLER My Appt. Exp. 06/25/91

Julie A. Butler
Notary Public

My Commission Expires:
06/25/91

CORPORATE ACKNOWLEDGEMENT

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 Corporation, _____

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

_____
Notary Public

My Commission Expires

_____

City of Leawood
9617 Lee Blvd.
Leawood, Ks. 66206

ORIGINAL COMPARED WITH RECORD

1951354

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

1990 JUN 11 A 10: 33 .0

8.00

SARA F. ULLMANN
REGISTER OF DEEDS

BY_____DEP.

PERMANENT DRAINAGE EASEMENT

This agreement made and entered into this 23 day of May, 1990

by and between Timothy A. and Joyce L. Gauss

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:

All that part of Lot 420, LEAWOOD ESTATES, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeasterly corner of said Lot 420; thence Westerly, along the Northerly line of said Lot 420, a distance of 7 feet; thence Southerly, to a point on the Southerly line of said Lot 420, and 12 feet Westerly of the Southeasterly corner thereof, as measured along said Southerly line; thence Easterly, along the Southerly line of said Lot 420, a distance of 12 feet, to the Southeasterly corner thereof; thence Northerly, along the Easterly line of said Lot 420, to the point of beginning.

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 and 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.

Timothy A Gauss
Timothy A. Gauss

Joyce L. Gauss
Joyce L. Gauss

8.00 ck

VOL 3183 PAGE 787

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Kansas :
SS.
COUNTY OF Johnson :

BE IT REMEMBERED, That on the 23 day May, 19 90, before me, the undersigned, a Notary Public in and for said County and State,

came Timothy A. and Joyce L. Gauss

who are personally known to me to be the same persons who executed the within instrument of writing, and duly acknowledged the execution of same.

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

Carolyn J. Adams
Notary Public

My Commission Expires:
NOTARY PUBLIC STATE OF KANSAS CAROLYN J. ADAMS My Appt. Exp. 1-27-93

CORPORATE ACKNOWLEDGEMENT

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 Corporation, _____

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

_____
Notary Public

My Commission Expires

_____

City of Leawood
(et al)

Approved by the Mayor the 2nd day of July, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the *metropolitan edition of The News which is a newspaper printed in the* State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.
That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

7/3/90

Business Manager

Subscribed and sworn to before me on this date:
7/3/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires _____

My appointment expires:
February 12, 1994

Publication Fees: $22.23

Ordinance 1168

ORD. 1168

First published in The Legal Record and News, Tuesday, July 3, 1990.

ORDINANCE NO. 1168

AN ORDINANCE RELATING TO ACCEPTANCE OF DRAINAGE EASEMENTS REQUIRED FOR THE 1990 STREET REHABILITATION PROGRAM, SPECIFICALLY AT 98TH AND BELINDER IN THE CITY OF LEAWOOD.

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

Section 1. That the Governing Body of the City of Leawood, Kansas, does hereby accept 2 permanent drainage easements, along with the restrictions and reservations set forth therein, granting the City of Leawood, Kansas, permanent easements described as follows for the location of a storm drainage facility:

From Timothy A. and Joyce L. Gauss: All that part of Lot 420, LEAWOOD ESTATES, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeasterly corner of said Lot 420; thence Westerly, along the Northerly line of said Lot 420, a distance of 7 feet; thence Southerly, to a point on the Southerly line of said Lot 420, and 12 feet Westerly of the Southeasterly corner thereof, as measured along said Southerly line; thence Easterly, along the Southerly line of said Lot 420, a distance of 12 feet, to the Southeasterly corner thereof; thence Northerly, along the Easterly line of said Lot 420, to the point of beginning.

From George P. and Juana G. Jacobsen: All that part of Lot 421, LEAWOOD ESTATES, a subdivision of land now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southeasterly corner of said Lot 421; thence Westerly, along the Southerly line of said Lot 421, a distance of 15 feet; thence Northeasterly, to a point on the Easterly line of said Lot 421, and 15 feet Northerly of the Southeasterly corner thereof, as measured along said Easterly line; thence Southerly, along the Easterly line of said Lot 421, a distance of 15 feet, to the point of beginning.

Section 2. That copies of said easements are attached hereto and thereby incorporated by reference.

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

Passed by the Council the 2nd day of July, 1990.

Approved by the Mayor the 2nd day of July, 1990.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM: /s/ R.S. Wetzler
R.S. Wetzler City Attorney

ORDINANCE NO. 1167

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF WELCREEK ESTATES.

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

19-6,217. Section 1. That the following described drainage easement shown on the Plat of Welcreek Estates which was approved by the Governing Body May 16, 1988, is hereby vacated:

All that part of Lots 1 & 2, WELCREEK ESTATES, a subdivision of land in Section 34, Township 13, Range 25, City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northeast corner of said Lot 1; thence South 65° 31'26" West, along the common lot line of said Lots 1 & 2, a distance of 160.00 feet to the Point of Beginning, said point being on the existing drainage easement line; thence South 06° 43'39" West, along said existing drainage easement line, a distance of 164.89 feet; thence South 39° 56'01" West, along said existing drainage easement line, a distance of 85.65 feet; thence North 07°44'40" West, a distance of 185.91 feet to a point on the common lot line of Lots 1 & 2, said point being 269.16 feet Southwesterly of the Northeast corner of said Lot 1; thence continuing North 07°44'40" West, a distance of 111.55 feet to a point on the existing drainage easement; thence North 89°59'04" East, along said existing drainage easement, a distance of 80.00 feet; thence South 27°45'18" East, along said existing drainage easement, a distance of 73.82 feet to the Point of Beginning.

19-6,218. Section 2. That the City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

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

Passed by the Council the 2nd day of July, 1990.

Approved by the Mayor the 2nd day of July, 1990.

(S E A L)

Marcia Rinehart

Marcia Rinehart Mayor

ATTEST:

Martha Heizer

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

1958390

ORIGINAL COMPARED WITH RECORD

ORDINANCE NO. 1167

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF WELCREEK ESTATES.

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

19-6,217. Section 1. That the following described drainage easement shown on the Plat of Welcreek Estates which was approved by the Governing Body May 16, 1988, is hereby vacated:

All that part of Lots 1 & 2, WELCREEK ESTATES, a subdivision of land in Section 34, Township 13, Range 25, City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northeast corner of said Lot 1; thence South 65° 31'26" West, along the common lot line of said Lots 1 & 2, a distance of 160.00 feet to the Point of Beginning, said point being on the existing drainage easement line; thence South 06° 43'39" West, along said existing drainage easement line, a distance of 164.89 feet; thence South 39° 56'01" West, along said existing drainage easement line, a distance of 85.65 feet; thence North 07°44'40" West, a distance of 185.91 feet to a point on the common lot line of Lots 1 & 2, said point being 269.16 feet Southwesterly of the Northeast corner of said Lot 1; thence continuing North 07°44'40" West, a distance of 111.55 feet to a point on the existing drainage easement; thence North 89°59'04" East, along said existing drainage easement, a distance of 80.00 feet; thence South 27°45'18" East, along said existing drainage easement, a distance of 73.82 feet to the Point of Beginning.

19-6,218. Section 2. That the City Clerk shall file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

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

Passed by the Council the 2nd day of July, 1990.

Approved by the Mayor the 2nd day of July, 1990.

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

(S E A L)

1990 JUL 10 A 11:40 2

SARA F. ULLMANN
REGISTER OF DEEDS

BY_____DEP.

8.00 ck
8.00

Marcia Rinehart
Marcia Rinehart Mayor

VOL 3201 PAGE 689

ATTEST:

Martha Heizer
Martha Heizer City Clerk

APPROVED AS TO FORM:
R.S. Wetzler City Attorney

CERTIFICATE

State of Kansas)
County of Johnson)
City of Leawood)

I, Martha Heizer, City Clerk of the City of Leawood, Kansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1167 as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said City this 9th day of July, 1990.

(SEAL)

Martha Heizer

City of Leawood
9617 Lee Blvd.
Leawood, Ks. 66206

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.
That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

7/3/90

Business Manager

Subscribed and sworn to before me on this date:
7/3/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires _____

My appointment expires:
February 12, 1994

Publication Fees: $18.52

Ordinance 1167

ORD. 1167

First published in The Legal Record and News, Tuesday, July 3, 1990.

ORDINANCE NO. 1167

AN ORDINANCE VACATING AN EASEMENT AS SHOWN ON THE PLAT OF WELCREEK ESTATES.

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

Section 1. That the following described drainage easement shown on the Plat of Welcreek Estates which was approved by the Governing Body May 16, 1988, is hereby vacated:

All that part of Lots 1 & 2, WELCREEK ESTATES, a subdivision of land in Section 34, Township 13, Range 25, City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Northeast corner of said Lot 1; thence South 65° 31'26" West, along the common lot line of said Lots 1 & 2, a distance of 160.00 feet to the Point of Beginning, said point being on the existing drainage easement line; thence South 06° 43'39" West, along said existing drainage easement line, a distance of 164.89 feet; thence South 39° 56'01" West, along said existing drainage easement line, a distance of 85.65 feet; thence North 07°44'40" West, a distance of 185.91 feet to a point on the common lot line of Lots 1 & 2, said point being 269.16 feet Southwesterly of the Northeast corner of said Lot 1; thence continuing North 07°44'40" West, a distance of 111.55 feet to a point on the existing drainage easement; thence North 89°59'04" East, along said existing drainage easement, a distance of 80.00 feet; thence South 27°45'18" East, along said existing drainage easement, a distance of 73.82 feet to the Point of Beginning.

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

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

Passed by the Council the 2nd day of July, 1990.

Approved by the Mayor the 2nd day of July, 1990.

(S E A L)

Marcia Rinehart Mayor

ATTEST:

Martha Heizer City Clerk

APPROVED AS TO FORM: /s/ R.S. Wetzler
R.S. Wetzler City Attorney

ORDINANCE NO. 1166

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 90F, PROJECT 114 (SOMERSET, BELINDER-SAGAMORE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF SOMERSET, BELINDER-SAGAMORE, INCLUDING 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, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS 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 Somerset, Belinder-Sagamore, 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. 1131 on October 2, 1989; and

WHEREAS, total cost of improvements to Somerset, Belinder-Sagamore, is estimated to be $859,500.00.

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:

20-1,569. 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 90F, Project 114 (Somerset, Belinder-Sagamore), 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.

20-1,570. Section Two: Said issue of Temporary Notes, Series 90F, Project 117 (Somerset, Belinder-Sagamore), shall consist of bearer note number 1 in the denomination of $100,000. Said note shall be dated July 10, 1990, and shall have the stated maturity date of April 1, 1991. The note shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 6.09% per annum. The note 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 note is 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 from date of 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.

20-1,571. Section Three: The date of delivery of said note shall be and for all purposes constitute the 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.

20-1,572. Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary note herein authorized to be issued in the form and substance hereinbefore described and 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,573. Section Five: The proceeds of said temporary note shall be deposited with the City Treasurer in a special fund created for the purpose of paying said costs and expenses of the improvement hereinbefore described.

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

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

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

2. Since January 1, 1990, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(a)	Temporary Notes Series L.I.D., 86-1-90A Roe Avenue, 112th-121st Street	January 23, 1990	$ 270,000
(b)	Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000
(c)	Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000
(d)	Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 in an aggregate amount in excess of $10,000.00;

3. Other than the temporary note, 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 note and bonds to retire said temporary note;

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

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

20-1,574. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said note and the interest thereon.

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

PASSED by the Governing Body of the City of Leawood, Kansas, this 18th day of June, 1990.

SIGNED by the Mayor this 18th day of June, 1990.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

6/19/90

Business Manager

Subscribed and sworn to before me on this date:
6/19/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires _____

My appointment expires:
February 12, 1994

Publication Fees: $75.87

Ord. 1166

First published in The Legal Record and News, Tuesday, June 19, 1990.

ORDINANCE NO. 1166

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 90F, PROJECT 114 (SOMERSET, BELINDER-SAGAMORE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $100,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF IMPROVEMENT OR REIMPROVEMENT OF SOMERSET, BELINDER-SAGAMORE, INCLUDING 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, SIGNALIZATION, PEDESTRIAN WAYS, BICYCLE WAYS OR OTHER IMPROVEMENTS 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 Somerset, Belinder-Sagamore, 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. 1131 on October 2, 1989; and

WHEREAS, total cost of improvements to Somerset, Belinder-Sagamore, is estimated to be $859,500.00.

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:

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 90F, Project 114 (Somerset, Belinder-Sagamore), 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.

Section Two: Said issue of Temporary Notes, Series 90F, Project 117 (Somerset, Belinder-Sagamore), shall consist of bearer note number 1 in the denomination of $100,000. Said note shall be dated July 10, 1990, and shall have the stated maturity date of April 1, 1991. The note shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 6.09% per annum. The note 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 note is 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 from date of 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.

Section Three: The date of delivery of said note shall be and for all purposes constitute the 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.

Section Four: The Mayor and City Clerk of Leawood, Kansas, are hereby authorized and directed to prepare and execute said temporary note herein authorized to be issued in the form and substance hereinbefore described and 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

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

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

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

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

2. Since January 1, 1990, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(a)	Temporary Notes Series L.I.D., 86-1-90A Roe Avenue, 112th-121st Street	January 23, 1990	$ 270,000

Continued from Page 4

(b)	Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000
(c)	Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000
(d)	Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 in an aggregate amount in excess of $10,000.00;

3. Other than the temporary note, 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 note and bonds to retire said temporary note;

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

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

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

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

PASSED by the Governing Body of the City of Leawood, Kansas, this 18th day of June, 1990.

SIGNED by the Mayor this 18th day of June, 1990.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

ORDINANCE NO. 1165

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 90E, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $500,000 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:

24-325. 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 90E, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000) which amount does not exceed the total estimated costs of said improvements.

24-326. Section Two: Said issue of Temporary Notes, Series 90E, Project 118 (Police/Courts Bldg. & Fire Station #1 Remodel), shall consist of bearer notes numbered 1 through 5, each in the denomination of $100,000. Said notes shall be dated July 10, 1990, and shall have the stated maturity date of April 1, 1991. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 6.09% 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.

24-327. 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.

24-328. 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

24-329. 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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(a)	Temporary Notes Series L.I.D., 86-1-90A, Roe Avenue, 112-121st Street	January 23, 1990	$ 270,000
(b)	Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000
(c)	Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000
(d)	Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

24-330. 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 18th day of June, 1990.

SIGNED by the Mayor this 18th day of June, 1990.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler

R. S. Wetzler, City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.
That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

6/19/90

Business Manager

Subscribed and sworn to before me on this date:
6/19/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires _____

My appointment expires:
February 12, 1994

Publication Fees: $71.17

Ord. 1165

ORD. 1165
First published in The Legal Record and News, Tuesday, June 19, 1990.

ORDINANCE NO. 1165

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 90E, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $500,000 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:

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 90E, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 90E, Project 118 (Police/Courts Bldg. & Fire Station #1 Remodel), shall consist of bearer notes numbered 1 through 5, each in the denomination of $100,000. Said notes shall be dated July 10, 1990, and shall have the stated maturity date of April 1, 1991. The note shall bear interest from its dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 6.0% 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.

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.

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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(a)	Temporary Notes Series L.I.D., 86-1-90A, Roe Avenue, 112-121st Street	January 23, 1990	$ 270,000
(b)	Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000
(c)	Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000
(d)	Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

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 18th day of June, 1990.

SIGNED by the Mayor this 18th day of June, 1990.

(S E A L)

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

ORDINANCE NO. 1164

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-90G, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $700,000 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:

20-1,563. 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. 88-1-90G, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of Seven Hundred Thousand Dollars ($700,000), which amount does not exceed the total estimated costs of said improvements.

20-1,564. Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-90G, Project 113, shall consist of bearer notes numbered from 1 through 7 inclusive, each in the denomination of $100,000. Each of said notes shall be dated July 10, 1990, and shall have the stated maturity date of April 1, 1991. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 6.09% 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 from date of 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.

20-1,565. 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.

20-1,566. 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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

20-1,567. 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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(a)	Temporary Notes Series L.I.D., 86-1-90A, Roe Avenue, 112-121st Street	January 23, 1990	$ 270,000
(b)	Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000
(c)	Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000
(d)	Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

20-1,568. 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 18th day of June, 1990.

SIGNED by the Mayor this 18th day of June, 1990.

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.
That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

6/19/90

Business Manager

Subscribed and sworn to before me on this date:
6/19/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires _____

My appointment expires:
February 12, 1994

Publication Fees: $75.87

Ord. 1164

*First published in The Leawood Record and News, Tuesday, June 19, 1990.

ORDINANCE NO. 1164

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 88-1-90G, PROJECT 113, (TOMAHAWK CREEK PARKWAY), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $700,000 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:

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. 88-1-90G, Project 113 (Tomahawk Creek Parkway), in the aggregate principal amount of Seven Hundred Thousand Dollars ($700,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series L.I.D. 88-1-90G, Project 113, shall consist of bearer notes numbered from 1 through 7 inclusive, each in the denomination of $100,000. Each of said notes shall be dated July 10, 1990, and shall have the stated maturity date of April 1, 1991. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 6.09% 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 from date of 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.

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.

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 Country Club Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than the principal amount thereof.

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, 1990, the City has not issued any bonds or obligations other than the following described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(a)	Temporary Notes Series L.I.D. 86-1-90A, Roe Avenue, 112-121st Street	January 23, 1990	$ 270,000
(b)	Temporary Notes Series L.I.D. 88-1-90B Tomahawk Creek Parkway	April 2, 1990	$ 350,000
(c)	Temporary Notes Series 90C 95th, State Line-Wenonga	April 2, 1990	$ 500,000
(d)	Temporary Notes Series 90D Lee Boulevard	April 2, 1990	$1,000,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1990 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.

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 18th day of June, 1990.

SIGNED by the Mayor this 18th day of June, 1990.

(S-E-A-L)

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer, City Clerk

APPROVED AS TO FORM AND CONTENT:

/s/ R.S. Wetzler

R. S. Wetzler, City Attorney

ORDINANCE NO. 1163 C

AN ORDINANCE RELATING TO BUILDING IDENTIFICATION (ADDRESS) REQUIREMENTS.

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

Section 1. Code Amended. That the Code of the City of Leawood is hereby amended by adding thereto Article 7 to Chapter 11 (Public Offenses) which reads as follows:

ARTICLE 7. PREMISES IDENTIFICATION

11-701. Short Title. This article shall hereafter be known and cited as the Leawood Address Ordinance.

11-702. Purpose. It is the intent of this article to establish criteria that will provide a standard means for responding emergency personnel to be able to readily identify all buildings within the City, and allow any person to properly identify the location of an emergency situation to the appropriate agency.

11-703. Definitions.

a) Address - The numbers and/or letters assigned by the City to identify the location of a building.

b) Building - Any structure used or intended for supporting or sheltering any use or occupancy.

c) Numerals - The digits 0, 1, 2, 3, 4, 5, 6, 7, 8, 9 and combinations of those digits.

d) Stroke - One of the lines of a digit.

11-704. Premises Identification. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. The address shall be posted with numerals that are at least three (3) inches (101.6 mm) in height and have a minimum stroke of one half (1/2) inch (12.7 mm)

Buildings where it is not practical to post the address on the building, due to distance from the street, geographic considerations, or obstructions, may post the address in an approved location near the vehicular entry point to the property, on an approved sign. The location of sign, size of numbers, and height of the sign shall be subject to the approval of the building official and the fire official, or

their designee(s).

EXCEPTION: Buildings with existing address numbers that are not in strict compliance with the size of numbers required by this ordinance, that are plainly visible and legible from the street or road fronting the property, may be allowed to continue, subject to the approval of the building official and the fire official, or their designee(s).

Section 2. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 18th day of June, 1990.

Approved by the Mayor the 18th day of June, 1990.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5747

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.
That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

6/19/90

Business Manager

Subscribed and sworn to before me on this date:
6/19/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires _____

My appointment expires:
February 12, 1994

Publication Fees: $22.23

Ord. 1163C

ORD. 1163C
First published in The Legal Record and News, Tuesday, June 19, 1990.

ORDINANCE NO. 1163 C

AN ORDINANCE RELATING TO BUILDING IDENTIFICATION (ADDRESS) REQUIREMENTS.

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

Section 1. Code Amended. That the Code of the City of Leawood is hereby amended by adding thereto Article 7 to Chapter 11 (Public Offenses) which reads as follows:

ARTICLE 7. PREMISES IDENTIFICATION

11-701. Short Title. This article shall hereafter be known and cited as the Leawood Address Ordinance.

11-702. Purpose. It is the intent of this article to establish criteria that will provide a standard means for responding emergency personnel to be able to readily identify all buildings within the City, and allow any person to properly identify the location of an emergency situation to the appropriate agency.

11-703. Definitions.

a) Address - The numbers and/or letters assigned by the City to identify the location of a building.

b) Building - Any structure used or intended for supporting or sheltering any use or occupancy.

c) Numerals - The digits 0, 1, 2, 3, 4, 5, 6, 7, 8, 9 and combinations of those digits.

d) Stroke - One of the lines of a digit.

11-704. Premises Identification. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. The address shall be posted with numerals that are at least three (3) inches (101.6 mm) in height and have a minimum stroke of one half (1/2) inch (12.7 mm)

Buildings where it is not practical to post the address on the building, due to distance from the street, geographic considerations, or obstructions, may post the address in an approved location near the vehicular entry point to the property, on an approved sign. The location of sign, size of numbers, and height of the sign shall be subject to the approval of the building official and the fire official, or their designee(s).

EXCEPTION: Buildings with existing address numbers that are not in strict compliance with the size of numbers required by this ordinance, that are plainly visible and legible from the street or road fronting the property, may be allowed to continue, subject to the approval of the building official and the fire official, or their designee(s).

Section 2. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 18th day of June, 1990.

Approved by the Mayor the 18th day of June, 1990.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

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

ORDINANCE NO. 1162 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD, KANSAS, BY ADDING THERETO SECTION 1-412 OF CHAPTER I (ADMINISTRATION) RELATING TO THE DUTIES OF THE ASSISTANT CITY CLERK.

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

Section 1. That the Code of the City of Leawood is amended by adding thereto Section 1-412 which reads as follows:

1-412. ASSISTANT CITY CLERK. The Assistant City Clerk shall provide administrative assistance to the City Clerk. The Assistant City Clerk shall act officially in behalf of the City Clerk in his/her absence from his/her office in the City Hall due to illness, vacation, or out-of-town City business. Under such circumstances, the Assistant City Clerk shall have the powers and duties of the City Clerk as set forth in Section 1-406 of the Code of the City of Leawood. In addition, the Assistant City Clerk shall have the power and duty to execute all documents required by law or ordinance to be executed by the City Clerk, and affix the seal of the City thereto whenever required. When signing any documents, the Assistant City Clerk shall sign the name of the City Clerk followed by the word "By" and the Assistant City Clerk's own name and the words "Assistant City Clerk".

Section 2. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 7th day of May, 1990.

Approved by the Mayor the 8th day of May, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

5/8/90

Business Manager

Subscribed and sworn to before me on this date:
5/8/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires _____

My appointment expires:
February 12, 1994

Publication Fees: $11.86

ORD. 1162 C

First published in The Legal Record and News, Tuesday, May 8, 1990.

ORDINANCE NO. 1162 C

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LEAWOOD, KANSAS, BY ADDING THERETO SECTION 1-412 OF CHAPTER I (ADMINISTRATION) RELATING TO THE DUTIES OF THE ASSISTANT CITY CLERK.

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

Section 1. That the Code of the City of Leawood is amended by adding thereto Section 1-412 which reads as follows:

1-412. ASSISTANT CITY CLERK. The Assistant City Clerk shall provide administrative assistance to the City Clerk. The Assistant City Clerk shall act officially in behalf of the City Clerk in his/her absence from his/her office in the City Hall due to illness, vacation, or out-of-town City business. Under such circumstances, the Assistant City Clerk shall have the powers and duties of the City Clerk as set forth in Section 1-406 of the Code of the City of Leawood. In addition, the Assistant City Clerk shall have the power and duty to execute all documents required by law or ordinance to be executed by the City Clerk, and affix the seal of the City thereto whenever required. When signing any documents, the Assistant City Clerk shall sign the name of the City Clerk followed by the word "By" and the Assistant City Clerk's own name and the words "Assistant City Clerk".

Section 2. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 7th day of May, 1990.

Approved by the Mayor the 8th day of May, 1990.

(S E A L)

Marcia Rinehart — Mayor

Attest:

Martha Heizer — City Clerk

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

Ordinance 1162 C

ORDINANCE NO. 1161C

AN ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 15 (UTILITIES) OF THE CODE OF THE CITY OF LEAWOOD, RELATING TO SOLID WASTE MANAGEMENT IN THE CITY OF LEAWOOD.

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

Section 1. Code Amended. That Article 4 of Chapter 15 (Utilities) of the Code of the City of Leawood is hereby amended to read as follows:

Article 4. Solid Waste

15-401. SOLID WASTE MANAGEMENT PLAN. The City shall regulate the collection and disposal of solid waste within the City. Regulations shall include parameters for the operation of the system of collection, storage and transportation of the solid waste generated within the City. Regulation of solid waste shall be consistent with the Johnson County Solid Waste Management Plan and the provisions of this Article.

Repealed by: ORDINANCE NO. 1199C Adopted: 7/2/91 Effective:

15-402. DEFINITIONS. For the purposes of this article, the following terms, phrases, words and their derivation shall have the meanings given in this section:

(1) Agricultural Waste. Solid waste resulting from the production of farm or agricultural products.

(2) Air Pollution. The presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is, or tends significantly to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.

(3) Approved container. All containers designed for the disposal of solid waste which may include cans and recycling containers. All such containers shall be of rigid construction with tight fitting covers and be water tight. Yard waste may be placed in other suitable containers. Containers shall have a maximum capacity of 55 gallons and be so constructed as to adequately contain all contents placed therein without spillage, leakage or emission of odors while awaiting collection. The weight of any individual container and its contents shall not exceed 75 pounds.

(4) Bulky Waste. Items either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by solid waste collectors, with the equipment available therefor, including but not limited to appliances, furniture, large auto parts, trees, etc.

(5) City. The City of Leawood, Kansas.

(6) Code. The Johnson County Sanitary Code for Sanitary Landfill.

(7) Collection. Removal and transportation of solid waste from its place of storage to its place of processing or disposal.

(8) Collector. Any person, public or private, engaged in collecting solid waste.

(9) Combined Refuse Collection. The collection of mixed refuse (putrescible and non-putrescible).

(10) Combined Solid Waste. Solid waste containing both garbage and rubbish (see mixed refuse).

(11) Commercial Waste. Solid waste emanating from establishments engaged in business. This category includes, but is not limited to solid waste originating in stores, markets, office buildings, restaurants, shopping centers, theaters and schools.

(12) Commissioners. The Johnson County Board of County Commissioners.

(13) Composting. A controlled process of microbial degradation of organic material into stable, nuisance free humas-like product.

(14) Construction Waste. Waste building materials and rubble resulting from construction, remodeling or repair operations on houses, commercial buildings, or other structures and pavements.

(15) Contractor. The person or corporation holding a valid SWMS contract, whether public or private operation.

(16) Demolition Waste. Waste material from the destruction of residential, industrial or commercial structures.

(17) Department. The Kansas State Department of Health.

(18) Disposable Solid Waste Container. Approved containers which are designed to be disposed of with the solid waste contained therein.

(19) Disposal. Depositing solid waste in or at a facility approved by the City, Johnson County SWMP and the Kansas State Board of Health for such purpose.

(20) Dump. A collection or consolidation of solid waste from one or more sources at a central disposal site which does not meet standards for proper disposal.

(21) Dwelling Unit. Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

(22) Engineer. The Johnson County Engineer, designate and his or her department.

(23) Garbage. The animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods, including unclean containers.

(24) Hazardous Waste. Solid and liquid waste which requires special handling and disposal to protect and conserve the environment and human health including, but not limited

to, pesticides, acids, caustic, pathological waste, radioactive materials, flammable or explosive materials, oils and solvents, and similar organic and inorganic chemicals and materials, containers and materials that have been contaminated with hazardous waste.

(25) Incineration. The controlled process of burning solid and/or liquid waste.

(26) Leawood Integrated Solid Waste Management Program. A combination of the collection of household waste, same day curbside recycling, yardwaste management and household hazardous waste removal. This represents the entire process of collecting, sorting, storing, processing, recycling, reclaiming and disposing of refuse.

(27) License. The permission for a contractor to be allowed to operate SWMS vehicles or facilities within the City upon payment of a specified fee upon meeting licensing requirements of the City and County.

(28) Mixed Refuse. A mixture of solid waste containing putrescible and non-putrescible materials. (See Combined Solid Waste).

(29) Nuisance. Anything which (1) is injurious to health or is offensive to the senses or any obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the handling or disposal of solid waste.

(30) Official Adopted Solid Waste Management Plan. Referred to herein as "Official Plan" and "Official Plan for Solid Waste Management" means a comprehensive plan for the provision of an adequate solid waste management system adopted by any authority to provide such a system or having jurisdiction over the provision of such system, and submitted to and approved by the department as provided in K.S.A. 65-3405 and acts amendatory thereto.

(31) Occupant. Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as owner, guest, or as a tenant, either with or without the consent of the owner thereof.

(32) Owner. Any person who, alone or jointly or severally with others, has legal title to, or sufficient proprietary interest in, or have charge, care or control of any dwelling unit or any other improved real property, as title holder, as employee or agent of the title holder, or as landlord or manager or as trustee or guardian of the estate or person of the title holder.

(33) Person. Individual, partnership, corporation, insti-

tution, political subdivision, homes association or state agency.

(34) Putrescible Waste. Organic Wastes which progressively decompose with the production of foul smelling compounds and/or material that attracts insect or animal life.

(35) Refuse. (See Solid Waste).

(36) Rubbish. Non-putrescible solid wastes consisting of combustible and/or noncombustible waste materials from: dwelling units, commercial, industrial, institutional, or agricultural establishments, including yard wastes and items commonly referred to as "trash".

(a) Bulky rubbish - (See Bulky Waste).

(b) Commercial Rubbish - rubbish resulting from commercial, industrial, institutional, or agricultural activities.

(c) Residential rubbish - rubbish resulting from the maintenance and operation of dwelling units.

(37) Sanitary Landfill. An area on which solid waste is dispersed of on the land without creating nuisances or hazards to the public health or safety by confining refuse to the smallest practical area, compacting it to the smallest practical volume by employing power equipment, and covering it with a layer of compacted earth or other suitable cover material at the conclusion of each day's operation.

(38) Service. The useful result; the product of labor and machines in property and effective management to dispose of solid waste.

(39) Solid Waste. Unwanted or discarded waste materials in a solid or semi-liquid state, including but not limited to refuse, garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, demolition and construction wastes and digested sludges resulting from the treatment of domestic sewage or a combination thereof.

(a) Commercial solid waste - solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(b) Residential solid waste - solid waste resulting from the maintenance and operation of dwelling units.

(40) Solid Waste Container. Any receptacle used by any person to store solid waste during the interval between solid waste collections.

(41) Solid Waste Disposal Area. Also referred to herein as "disposal area" or "disposal site", means any area used for the disposal of refuse from more than one residential premise, or one or more commercial, industrial, manufacturing, or municipal operations.

(42) Solid Waste Management System (SWMS). The entire process of storage, collection, transportation, processing, and disposal of solid waste by any person engaging in such process as a business, or any city, authority, county or any

combination thereof.

(43) SWM. Solid Waste Management.

(44) SWMC. Johnson County Solid Waste Management Committee.

(45) SWMP. The approved and adopted Solid Waste Management Plan for Johnson County.

(46) Solid Waste Processing Facility. Also referred to herein as "processing facility" means incinerator, compost plant, transfer station or any other facility where solid wastes are consolidated, temporarily stored or processed prior to being transported to a final disposal site.

Repealed by: ORDINANCE NO. 1199C Adopted: 1/21/91 Effective:

(47) Storage. Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

(48) Temporary Storage. Proper accumulation and storage of solid waste between regularly scheduled refuse collection intervals.

(49) Transfer Station. A facility used as an adjunct to solid waste collection system. Such a facility may be fixed or mobile and may include recompaction of solid waste.

(50) Vector (Of Disease). An animal or insect having the capability of transmitting infectious diseases from one person or animal to another by biting the skin or mucous membrane or by depositing the infective material on the skin, on food, or on another object.

(51) Water Pollution. Contamination, or other alteration of the physical, chemical or biological properties of any waters of the city or state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to public health safety or welfare, or to the plant, animal or aquatic life of the city or state or to other legitimate beneficial uses.

(52) Waters of the City or State. All streams, creeks, and springs, and all bodies of surface or ground water, whether natural or artificial, within the boundaries of the state.

(53) Yard Wastes. All forms of botanical waste, including but not limited to grass clippings, leaves, tree trimmings, etc.

15-403. STORAGE OF SOLID WASTE. (a) The owner or occupant of every dwelling unit and of every institutional, commercial, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall provide sufficient and adequate approved containers for the storage of such solid waste in adequate number to serve each such dwelling unit and/or establishment; and shall maintain such solid waste containers and their environs at all times reasonably clean and in good repair; and shall repair or replace same from time to time, without notice, when any such containers shall no longer meet the specifications therefor

as established by regulations.

(b) The occupant of every dwelling unit and of every institutional, commercial, industrial, or agricultural or business establishment, from which solid waste collection is made under this article, shall place all solid waste in approved solid waste containers, accept as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Whenever a portion of the solid waste is subject to decay or putrification, such an accumulation must be kept covered or in approved containers, closed bins or containers not subject to deterioration. All containers shall be screened in such a manner that they are not visible from any street or roadway except when placed in position for pickup.

(c) Residential solid waste shall be stored in approved containers of not more than 55 gallons. Containers shall be properly covered at all times except when depositing waste therein or removing contents. They shall be of light weight and sturdy construction. The weight of any individual container and its contents shall not exceed 75 pounds.

(d) Commercial solid waste shall be stored in solid waste containers. The containers shall be water-proof, leak-proof, and shall be covered at all times except when depositing waste therein or removing contents thereof; and shall meet all requirements as set forth in this article.

(e) Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than 48 inches long and 18 inches in diameter when not placed in storage containers.

(f) Yard wastes shall be stored in approved containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual container and its contents shall not exceed 75 pounds.

15-404. COLLECTION AND DISPOSAL OF SOLID WASTE. The City shall provide or allow for the collection of all residential solid waste as follows:

(a) The City shall provide for or establish the parameters by which all solid waste is collected and disposed of in the City. The City provides for the collection of solid waste by authorizing others, including, but not limited to, homes associations, commercial and retail establishments and other non-residential establishments to be responsible for providing for the collection of solid waste and complying with all applicable restrictions, regulations and property maintenance codes.

(b) Following the effective date of this ordinance, all

Repealed by: ORDINANCE NO. 1199C
Adopted: 1/21/91
Effective:

Repealed by: ORDINANCE NO. 1199C Adopted: 1/2/91 Effective:

persons contracting to provide the service of collecting and transporting residential solid waste in the City of Leawood shall offer an integrated solid waste management program which shall include collection of household waste, same day curbside recycling, yardwaste management and a household hazardous waste removal program and shall meet all the licensing requirements and regulations of the City. No permit shall be issued to any person to engage in the business of collecting, transporting or processing of solid waste within the City unless said person shall first provide the City with copies of the contracts for said collection and transportation of residential solid waste which contracts if entered into or amended following the effective date of this ordinance shall include agreement to collect and transport solid waste in accordance with an integrated solid waste management program approved by the City and the provisions of this ordinance. Every hauler shall periodically provide documentation to their clients substantiating the method by which the recyclables were disposed of, weight and/or volume of recyclables collected and compensation received for the recycled materials.

15-405. ANTI-SCAVENGER. It shall be unlawful for any person not licensed by the City and under contract for collection of solid waste in the City of Leawood to remove from private property or public right-of-way, any item which has been discarded by the occupant for collection by a person holding a permit to collect solid waste, including any discarded trash or recyclable material.

15-406. EDUCATION, PROMOTION AND MARKETING. Each solid waste and recyclable contractor shall implement public education and awareness programs to educate their clients of the importance of recycling, yard waste composting, and disposal of household hazardous waste. This program shall be implemented regardless of the type of recycling service, if any, that is performed.

Repealed by: ORDINANCE NO. 1199C Adopted: 1/2/91 Effective:

15-407. PERMITS. (a) Any person engaging in the business of collecting, transporting or processing of solid waste within the corporate limits of the City shall first obtain a permit from the City Clerk. Each applicant for any such permit shall state in his or her application the following:

(1) The nature of the permit desired (storage, collection and/or transportation of solid waste or any combination thereof);

(2) The characteristics of solid waste to be collected and transported;

(3) The number of solid waste vehicles and equipment to be operated thereunder;

(4) The precise location ~~or locations~~ of solid waste processing or disposal for service to be used; and

(5) The information sufficient to establish that the permittee in contracting to collect and transport solid waste within the City has agreed that said collection and transportation will be in accordance with the provisions of 15-404 (b) of this ordinance

(6) An agreement to indemnify and hold the City harmless for any claims which may be made against the City as a result of the failure of the permittee to transport, dispose, or process solid waste collected within the City in compliance with this ordinance, state or federal law.

(7) Such other information as required by the City Clerk as may be reasonably necessary to determine that the operations of the permittee will be conducted in compliance with the provisions of this ordinance.

(b) Permits will be issued on a client-by-client basis. A permit will not be issued for collection of solid waste for those clients who have not agreed to expand their service to include all aspects of the integrated solid waste management program.

(c) If the application shows that the applicant will collect and transport solid waste without hazard to the public health or damage to the environment and in conformity with the Johnson County Solid Waste Management System, the laws of the State of Kansas, and of this article, the City shall issue the permit authorized by this article. The permit shall be issued for the period of one year, and each applicant shall pay a fee of $25 for each collection vehicle to be used in the City. The application must clearly show that the collection and transportation of solid waste will create no public health hazard or be without harmful effects on the environment. If such a showing is not made by the applicant, the City Clerk shall deny the application and not issue the permit. The applicant may appeal the refusal of the City Clerk to issue the application to the Governing Body. The Governing Body, after a hearing, may by majority vote, order the City Clerk to issue the permit. Nothing in this section shall prejudice the right of the applicant to reapply at a later date for a permit.

(d) Permits shall not be required for the removal, hauling or disposal of demolition or construction wastes; however, all such wastes shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained to prevent the material being transported from spilling upon the public highways.

(e) Before a valid permit and occupation license shall be issued by the City, the applicant must furnish the City a list of his/her clients (homes associations, commercial and retail establishments and other non-residential

Repealed by: ORDINANCE NO. 7199C
Adopted: 7/2/91
Effective:

establishments} in the City, a copy of the contract substantiating that a recycling, yardwaste and household hazardous waste disposal program has been offered and accepted, and substantiation of the method by which recyclables were disposed of, weight and/or volume of recyclables collected and compensation received in the previous year. In addition, the applicant must furnish the City a certificate of insurance showing a minimum public liability insurance coverage of at least $250,000 for each person injured or killed, and in an amount not less than $500,000 in the event of injury or death of two or more persons in any single accident, and an amount not less than $200,000 for damage to property. In the event the insurance is canceled during the term of the permit, the insurance carrier shall notify the City in writing no less than 10 days prior to the effective date of such cancellation. The certificate of insurance shall provide that the insurance company agrees to so notify the City, and further, the insurance policy shall contain written provisions which shall place the responsibility for the 10-day written notification upon the company issuing the policy in order that the coverage be considered proper.

15-408. RULES AND REGULATIONS. (a) The Public Works Director, by and with the consent of the Governing Body, shall define and promulgate reasonable and necessary rules governing the solid waste management system, which rules and regulations shall be filed in the Office of the City Clerk. The rules and regulations shall include, but not be limited to:

(1) Specifications for solid waste containers, including the type, material and size thereof.

(2) Identification of solid waste containers, covers and related equipment.

(3) Handling of special wastes such as toxic and hazardous wastes, sludges, ashes, agricultural wastes, construction wastes, automobiles, oils, greases, bulky wastes, etc.

(b) The Public Works Director may classify certain wastes as hazardous wastes which will require special handling and which should be disposed of only in a manner acceptable to the public safety and banned in a manner which meets all city, county, state and federal regulations.

(c) All residential solid waste, other than bulky waste, shall be collected at least once weekly. All commercial solid waste shall be collected at least once weekly or at more frequent intervals upon a determination that more frequent intervals are necessary for the preservation of the health and/or safety of the public and general appearance of the area.

15-409. PROHIBITED PRACTICES. (a) No person shall engage

in the business of collection, transportation or processing of solid waste within the City in a manner which is contrary to any provisions of this ordinance.

(b) No person shall engage in the business of collection, transportation or processing of solid waste containers within the corporate limits of the City without first obtaining a permit as defined and required in Section 15-407.

(c) Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage sites shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel. All storage areas shall be screened or otherwise located so as to not be in the view of persons using public streets or walkways.

(d) All collection vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No materials shall be transported in the loading hoppers.

(e) All motor vehicles operating under any permit required by this article shall display a City permit (sticker) in the lower right corner of the windshield of each vehicle. The permit must be clearly visible.

(f) It shall be unlawful for any person to:

(1) deposit solid waste or recyclables in any solid waste container other than his/her own without the written consent of the owner of such container and/or with the intent of avoiding payment of those fees charged for solid waste or recyclable collection or disposal, or;

(2) interfere in any manner with solid waste and/or recyclable collection equipment, or with solid waste and recyclable collectors in the lawful performance of their duties as such.

15-410. ENFORCEMENT PROVISIONS. The Public Works Director or his/her designee is hereby authorized to exercise such powers as may be necessary to carry out and effectuate the purposes and provisions of this article. Included in the powers is the right to inspect all phases of solid waste management within the City to assure compliance with this ordi-

nance.

15-411. GENERAL PROVISIONS. (a) All solid waste collection shall, upon being loaded into collection equipment, become the property of the collection agency.

(b) Solid waste collectors employed by the City or solid waste collection agencies operating under contract with the City are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as is required.

(c) All contracts providing for the storage, collection and transportation of solid waste to which the City is a party shall contain provisions for a performance bond in an amount not less than the total value of the services provided by the contractor. The bond shall be with a good and sufficient surety and shall be approved by the City Clerk before execution of the contract. The bonds shall provide that the principal shall pay any and all damages which may be caused to any property, public or private, within the City when such injury or damage shall be inflicted by the principal or his/her agent, employee, workman, contractor or subcontractor, and such bond shall be conditioned also that the principal will serve, indemnify, hold harmless and protect the City from any and all liability, that he/she will in all respects, comply with all articles of the City and comply with the terms of his/her permit and conditional upon his/her faithful performance of the contract. The form of such bond must be approved by the City Attorney.

15-412. REVIEW. All provisions of this ordinance may be reviewed and changes recommended annually.

15-413. PENALTY. Any person convicted of a violation of any of the provisions of or failing to comply with any of the mandatory requirements of this article shall be guilty of a public offense and punished by a fine of not more than $500 or by imprisonment not to exceed six months or by both such fine and imprisonment. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued or permitted by any such person.

<u>Section 2.</u> Severability. The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair any provision of this article.

Section 3. Repeal of Existing Article. Existing Article 4 of Chapter 15 of the Code of the City of Leawood is hereby repealed.

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 Council the 7th day of May, 1990.

Approved by the Mayor the 8th day of May, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

THE LEGAL RECORD
102 S. Cherry, Suite 2
Olathe, KS 66061 Phone (913) 780-5[illegible]7

TO:
Martha Heizer
City of Leawood
9617 Lee Blvd.
Leawood KS 66206

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.
That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

5/22/90

Business Manager

Subscribed and sworn to before me on this date:
5/22/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires _____

My appointment expires:
February 12, 1994

Publication Fees: $166.72

Ordinance 1161C

JOHNSON COUNTY LEGAL NOTICES

ORD. 1161C

First published in The Legal Record and News, Tuesday, May 22, 1990.

ORDINANCE NO. 1161C

AN ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 15 (UTILITIES) OF THE CODE OF THE CITY OF LEAWOOD, RELATING TO SOLID WASTE MANAGEMENT IN THE CITY OF LEAWOOD.

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

Section 1. Code Amended. That Article 4 of Chapter 15 (Utilities) of the Code of the City of Leawood is hereby amended to read as follows:

Article 4. Solid Waste

15-401. SOLID WASTE MANAGEMENT PLAN. The City shall regulate the collection and disposal of solid waste within the City. Regulations shall include parameters for the operation of the system of collection, storage and transportation of the solid waste generated within the City. Regulation of solid waste shall be consistent with the Johnson County Solid Waste Management Plan and the provisions of this Article.

15-402. DEFINITIONS. For the purposes of this article, the following terms, phrases, words and their derivation shall have the meanings given in this section:

(1) Agricultural Waste. Solid waste resulting from the production of farm or agricultural products.

(2) Air Pollution. The presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as is, or tends significantly to be, injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.

(3) Approved container. All containers designed for the disposal of solid waste which may include cans and recycling containers. All such containers shall be of rigid construction with tight fitting covers and be water tight. Yard waste may be placed in other suitable containers. Containers shall have a maximum capacity of 55 gallons and be so constructed as to adequately contain all contents placed therein without spillage, leakage or emission of odors while awaiting collection. The weight of any individual container and its contents shall not exceed 75 pounds.

(4) Bulky Waste. Items either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by solid waste collectors, with the equipment available therefor, including but not limited to appliances, furniture, large auto parts, trees, etc.

(5) City. The City of Leawood, Kansas.

(6) Code. The Johnson County Sanitary Code for Sanitary Landfill.

(7) Collection. Removal and transportation of solid waste from its place of storage to its place of processing or disposal.

(8) Collector. Any person, public or private, engaged in collecting solid waste.

(9) Combined Refuse Collection. The collection of mixed refuse (putrescible and non-putrescible).

(10) Combined Solid Waste. Solid waste containing both garbage and rubbish (see mixed refuse).

(11) Commercial Waste. Solid waste emanating from establishments engaged in business. This category includes, but is not limited to solid waste originating in stores, markets, office buildings, restaurants, shopping centers, theaters and schools.

(12) Commissioners. The Johnson County Board of County Commissioners.

(13) Composting. A controlled process of microbial degradation of organic material into stable, nuisance free humas-like product.

(14) Construction Waste. Waste building materials and rubble resulting from construction, remodeling or repair operations on houses, commercial buildings, or other structures and pavements.

(15) Contractor. The person or corporation holding a valid SWMS contract, whether public or private operation.

(16) Demolition Waste. Waste material from the destruction of residential, industrial or commercial structures.

(17) Department. The Kansas State Department of Health.

(18) Disposable Solid Waste Container. Approved containers which are designed to be disposed of with the solid waste contained therein.

(19) Disposal. Depositing solid waste in or at a facility approved by the City, Johnson County SWMP and the Kansas State Board of Health for such purpose.

(20) Dump. A collection or consolidation of solid waste from one or more sources at a central disposal site which does not meet standards for proper disposal.

(21) Dwelling Unit. Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

(22) Engineer. The Johnson County Engineer, designate and his or her department.

(23) Garbage. The animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods, including unclean containers.

(24) Hazardous Waste. Solid and liquid waste which requires special handling and disposal to protect and conserve the environment and human health including, but not limited to, pesticides, acids, caustic, pathological waste, radioactive materials, flammable or explosive materials, oils and solvents, and similar organic and inorganic chemicals and materials, containers and materials that have been contaminated with hazardous waste.

(25) Incineration. The controlled process of burning solid and/or liquid waste.

(26) Leawood Integrated Solid Waste Management Program. A combination of the collection of household waste, same day curbside recycling, yardwaste management and household hazardous waste removal. This represents the entire process of collecting, sorting, storing, processing, recycling, reclaiming and disposing of refuse.

(27) License. The permission for a contractor to be allowed to operate SWMS vehicles or facilities within the City upon payment of a specified fee upon meeting licensing requirements of the City and County.

(28) Mixed Refuse. A mixture of solid waste containing putrescible and non-putrescible materials. (See Combined Solid Waste).

(29) Nuisance. Anything which (1) is injurious to health or is offensive to the senses or any obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the handling or disposal of solid waste.

(30) Official Adopted Solid Waste Management Plan. Referred to herein as "Official Plan" and "Official Plan for Solid Waste Management" means a comprehensive plan for the provision of an adequate solid waste management system adopted by any authority to provide such a system or having jurisdiction over the provision of such system, and submitted to and approved by the department as provided in K.S.A. 65-3405 and acts amendatory thereto.

(31) Occupant. Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as owner, guest, or as a tenant, either with or without the consent of the owner thereof.

(32) Owner. Any person who, alone or jointly or severally with others, has legal title to, or sufficient proprietary interest in, or have charge, care or control of any dwelling unit or any other improved real property, as title holder, as employee or agent of the title holder, or as landlord or manager or as trustee or guardian of the estate or person of the title holder.

(33) Person. Individual, partnership, corporation, institution, political subdivision, homes association or state agency.

(34) Putrescible Waste. Organic Wastes which progressively decompose with the production of foul smelling compounds and/or material that attracts insect or animal life.

(35) Refuse. (See Solid Waste).

(36) Rubbish. Non-putrescible solid wastes consisting of combustible and/or noncombustible waste materials from: dwelling units, commercial, industrial, institutional, or agricultural establishments, including yard wastes and items commonly referred to as "trash".

(a) Bulky rubbish - (See Bulky Waste).

(b) Commercial Rubbish - rubbish resulting from commercial, industrial, institutional, or agricultural activities.

(c) Residential rubbish - rubbish resulting from the maintenance and operation of dwelling units.

(37) Sanitary Landfill. An area on which solid waste is dispersed of on the land without creating nuisances or hazards to the public health or safety by confining refuse to the smallest practical area, compacting it to the smallest practical volume by employing power equipment, and covering it with a layer of compacted earth or other suitable cover material at the conclusion of each day's operation.

(38) Service. The useful result; the product of labor and machines in property and effective management to dispose of solid waste.

(39) Solid Waste. Unwanted or discarded waste materials in a solid or semi-liquid state, including but not limited to refuse, garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, demolition and construction wastes and digested sludges resulting from the treatment of domestic sewage or a combination thereof.

(a) Commercial solid waste - solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(b) Residential solid waste - solid waste resulting from the maintenance and operation of dwelling units.

(40) Solid Waste Container. Any receptacle used by any person to store solid waste during the interval between solid waste collections.

(41) Solid Waste Disposal Area. Also referred to herein as "disposal area" or "disposal site", means any area used for the disposal of refuse from more than one residential premise, or one or more commercial, industrial, manufacturing, or municipal operations.

(42) Solid Waste Management System (SWMS). The entire process of storage, collection, transportation, processing, and disposal of solid waste by any person engaging in such process as a business, or any city, authority, county or any combination thereof.

(43) SWM. Solid Waste Management.

(44) SWMC. Johnson County Solid Waste Management Committee.

(45) SWMP. The approved and adopted Solid Waste Management Plan for Johnson County.

(46) Solid Waste Processing Facility. Also referred to herein as "processing facility" means incinerator, compost plant, transfer station or any other facility where solid wastes are consolidated, temporarily stored or processed prior to being transported to a final disposal site.

(47) Storage. Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

(48) Temporary Storage. Proper accumulation and storage of solid waste between regularly scheduled refuse collection intervals.

(49) Transfer Station. A facility used as an adjunct to solid waste collection system. Such a facility may be fixed or mobile and may include recompaction of solid waste.

(50) Vector (Of Disease). An animal or insect having the capability of transmitting infectious diseases from one person or animal to another by biting the skin or mucous membrane or by depositing the infective material on the skin, on food, or on another object.

(51) Water Pollution. Contamination, or other alteration of the physical, chemical or biological properties of any waters of the city or state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to public health safety or welfare, or to the plant, animal or aquatic life of the city or state or to other legitimate beneficial uses.

(52) Waters of the City or State. All streams, creeks, and springs, and all bodies of surface or ground water, whether natural or artificial, within the boundaries of the state.

(53) Yard Wastes. All forms of botanical waste, including but not limited to grass clippings, leaves, tree trimmings, etc.

15-403. STORAGE OF SOLID WASTE. (a) The owner or occupant of every dwelling unit and of every institutional, commercial, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall provide sufficient and adequate approved containers for the storage of such solid waste in adequate number to serve each such dwelling unit and/or establishment; and shall maintain such solid waste containers and their environs at all times reasonably clean and in good repair; and shall repair or replace same from time to time, without notice, when any such containers shall no longer meet the specifications therefor as established by regulations.

(b) The occupant of every dwelling unit and of every institutional, commercial, industrial, or agricultural or business establishment, from which solid waste collection is made under this article, shall place all solid waste in approved solid waste containers, accept as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Whenever a portion of the solid waste is subject to decay or putrification, such an accumulation must be kept covered or in approved containers, closed bins or containers not subject to deterioration. All containers shall be screened in such a manner that they are not visible from any street or roadway except when placed in position for pickup.

(c) Residential solid waste shall be stored in approved containers of not more than 55 gallons. Containers shall be properly covered at all times except when depositing waste therein or removing contents. They shall be of light weight and sturdy construction. The weight of any individual container and its contents shall not exceed 75 pounds.

(d) Commercial solid waste shall be stored in solid waste containers. The containers shall be water-proof, leak-proof, and shall be covered at all times except when depositing waste therein or removing contents thereof; and shall meet all requirements as set forth in this article.

(e) Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than 48 inches long and 18 inches in diameter when not placed in storage containers.

(f) Yard wastes shall be stored in approved containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual container and its contents shall not exceed 75 pounds.

15-404. COLLECTION AND DISPOSAL OF SOLID WASTE. The City shall provide or allow for the collection of all residential solid waste as follows:

(a) The City shall provide for or establish the parameters by which all solid waste is collected and disposed of in the City. The City provides for the collection of solid waste by authorizing others, including, but not limited to, homes associations, commercial and retail establishments and other non-residential establishments to be responsible for providing for the collection of solid waste and complying with all applicable restrictions, regulations and property maintenance codes.

(b) Following the effective date of this ordinance, all persons contracting to provide the service of collecting and transporting residential solid waste in the City of Leawood shall offer an integrated solid waste management program which shall include collection of household waste, same day curbside recycling, yardwaste management and a household hazardous waste removal program and shall meet all the licensing requirements and regulations of the City. No permit shall be issued to any person to engage in the business of collecting, transporting or processing of solid waste within the City unless said person shall first provide the City with copies of the contracts for said collection and transportation of residential solid waste which contracts if entered into or amended following the effective date of this ordinance shall include agreement to collect and transport solid waste in accordance with an integrated solid waste management program approved by the City and the provisions of this ordinance. Every hauler shall periodically provide documentation to their clients substantiating the method by which the recyclables were disposed of, weight and/or volume of recyclables collected and compensation received for the recycled materials.

15-405. ANTI-SCAVENGER. It shall be unlawful for any person not licensed by the City and under contract for collection of solid waste in the City of Leawood to remove from private property or public right-of-way, any item which has been discarded by the occupant for collection by a person holding a permit to collect solid waste, including any discarded trash or recyclable material.

15-406. EDUCATION, PROMOTION AND MARKETING. Each solid waste and recyclable contractor shall implement public education and awareness programs to educate their clients of the importance of recycling, yard waste composting, and disposal of household hazardous waste. This program shall be implemented regardless of the type of recycling service, if any, that is performed.

15-407. PERMITS. (a) Any person engaging in the business of collecting, transporting or processing of solid waste within the corporate limits of the City shall first obtain a permit from the City Clerk. Each applicant for any such permit shall state in his or her application the following:

(1) The nature of the permit desired (storage, collection and/or transportation of solid waste or any combination thereof);

(2) The characteristics of solid waste to be collected and transported;

(3) The number of solid waste vehicles and equipment to be operated thereunder;

(4) The precise location or locations of solid waste processing or disposal for service to be used; and

(5) The information sufficient to establish that the permittee in contracting to collect and transport solid waste within the City has agreed that said collection and transportation will be in accordance with the provisions of 15-404 (b) of this ordinance

(6) An agreement to indemnify and hold the City harmless for any claims which may be made against the City as a result of the failure of the permittee to transport, dispose, or process solid waste collected within the City in compliance with this ordinance, state or federal law.

(7) Such other information as required by the City Clerk as may be reasonably necessary to determine that the operations of the permittee will be conducted in compliance with the provisions of this ordinance.

(b) Permits will be issued on a client-by-client basis. A permit will not be issued for collection of solid waste for those clients who have not agreed to expand their service to include all aspects of the integrated solid waste management program.

(c) If the application shows that the applicant will collect and transport solid waste without hazard to the public health or damage to the environment and in conformity with the Johnson County Solid Waste Management System, the laws of the State of Kansas, and of this article, the City shall issue the permit authorized by this article. The permit shall be issued for the period of one year, and each applicant shall pay a fee of $25 for each collection vehicle to be used in the City. The application must clearly show that the collection and transportation of solid waste will create no public health hazard or be without harmful effects on the environment. If such a showing is not made by the applicant, the City Clerk shall deny the application and not issue the permit. The applicant may appeal the refusal of the City Clerk to issue the application to the Governing Body. The Governing Body, after a hearing, may by majority vote, order the City Clerk to issue the permit. Nothing in this section shall prejudice the right of the applicant to reapply at a later date for a permit.

(d) Permits shall not be required for the removal, hauling or disposal of demolition or construction wastes; however, all such wastes shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained to prevent the material being transported from spilling upon the public highways.

(e) Before a valid permit and occupation license shall be issued by the City, the applicant must furnish the City a list of his/her clients (homes associations, commercial and retail establishments and other non-residential establishments) in the City, a copy of the contract substantiating that a recycling, yardwaste and household hazardous waste disposal program has been offered and accepted, and substantiation of the method by which recyclables were disposed of, weight and/or volume of recyclables collected and compensation received in the previous year. In addition, the applicant must furnish the City a certificate of insurance showing a minimum public liability insurance coverage of at least $250,000 for each person injured or killed, and in an amount not less than $500,000 in the event of injury or death of two or more persons in any single accident, and an amount not less than $200,000 for damage to property. In the event the insurance is canceled during the term of the permit, the insurance carrier shall notify the City in writing no less than 10 days prior to the effective date of such cancellation. The certificate of insurance shall provide that the insurance company agrees to so notify the City, and further, the insurance policy shall contain written provisions which shall place the responsibility for the 10-day written notification upon the company issuing the policy in order that the coverage be considered proper.

15-408. RULES AND REGULATIONS. (a) The Public Works Director, by and with the consent of the Governing Body, shall define and promulgate reasonable and necessary rules governing the solid waste management system, which rules and regulations shall be filed in the Office of the City Clerk. The rules and regulations shall include, but not be limited to:

(1) Specifications for solid waste containers, including the type, material and size thereof.

(2) Identification of solid waste containers, covers and related equipment.

(3) Handling of special wastes such as toxic and hazardous wastes, sludges, ashes, agricultural wastes, construction wastes, automobiles, oils, greases, bulky wastes, etc.

(b) The Public Works Director may classify certain wastes as hazardous wastes which will require special handling and which should be disposed of only in a manner acceptable to the public safety and banned in a manner which meets all city, county, state and federal regulations.

(c) All residential solid waste, other than bulky waste, shall be collected at least once weekly. All commercial solid waste shall be collected at least once weekly or at more frequent intervals upon a determination that more frequent intervals are necessary for the preservation of the health and/or safety of the public and general appearance of the area.

15-409. PROHIBITED PRACTICES. (a) No person shall engage in the business of collection, transportation or processing of solid waste within the City in a manner which is contrary to any provisions of this ordinance.

(b) No person shall engage in the business of collection, transportation or processing of solid waste containers within the corporate limits of the City without first obtaining a permit as defined and required in Section 15-407.

(c) Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage sites shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel. All storage areas shall be screened or otherwise located so as to not be in the view of persons using public streets or walkways.

(d) All collection vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No materials shall be transported in the loading hoppers.

(e) All motor vehicles operating under any permit required by this article shall display a City permit (sticker) in the lower right corner of the windshield of each vehicle. The permit must be clearly visible.

(f) It shall be unlawful for any person to:

(1) deposit solid waste or recyclables in any solid waste container other than his/her own without the written consent of the owner of such container and/or with the intent of avoiding payment of those fees charged for solid waste or recyclable collection or disposal, or;

(2) interfere in any manner with solid waste and/or recyclable collection equipment, or with solid waste and recyclable collectors in the lawful performance of their duties as such.

15-410. ENFORCEMENT PROVISIONS. The Public Works Director or his/her designee is hereby authorized to exercise such powers as may be necessary to carry out and effectuate the purposes and provisions of this article. Included in the powers is the right to inspect all phases of solid waste management within the City to assure compliance with this ordinance.

15-411. GENERAL PROVISIONS. (a) All solid waste collection shall, upon being loaded into collection equipment, become the property of the collection agency.

(b) Solid waste collectors employed by the City or solid waste collection agencies operating under contract with the City are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as is required.

(c) All contracts providing for the storage, collection and transportation of solid waste to which the City is a party shall contain provisions for a performance bond in an amount not less than the total value of the services provided by the contractor. The bond shall be with a good and sufficient surety and shall be approved by the City Clerk before execution of the contract. The bonds shall provide that the principal shall pay any and all damages which may be caused to any property, public or private, within the City when such injury or damage shall be inflicted by the principal or his/her agent, employee, workman, contractor or subcontractor, and such bond shall be conditioned also that the principal will serve, indemnify, hold harmless and protect the City from any and all liability, that he/she will in all respects, comply with all articles of the City and comply with the terms of his/her permit and conditional upon his/her faithful performance of the contract. The form of such bond must be approved by the City Attorney.

15-412. REVIEW. All provisions of this ordinance may be reviewed and changes recommended annually.

15-413. PENALTY. Any person convicted of a violation of any of the provisions of or failing to comply with any of the mandatory requirements of this article shall be guilty of a public offense and punished by a fine of not more than $500 or by imprisonment not to exceed six months or by both such fine and imprisonment. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued or permitted by any such person.

Section 2. Severability. The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair any provision of this article.

Section 3. Repeal of Existing Article. Existing Article 4 of Chapter 15 of the Code of the City of Leawood is hereby repealed.

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 Council the 7th day of May, 1990.

Approved by the Mayor the 8th day of May, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1160

AN ORDINANCE AMENDING SECTION 17-104 OF THE SUBDIVISION REGULATIONS OF THE CITY OF LEAWOOD, KANSAS, REGARDING APPLICABILITY OF THE REGULATIONS.

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

Section 1. Subdivision Regulations Amended. That Section 17-104 of the Subdivision Regulations of January 16, 1978, adopted by reference by the Code of the City of Leawood is hereby amended to read as follows:

Sec. 17-104 JURISDICTION. This Ordinance shall apply to the following forms of land subdivision:

A. The division of land into two or more tracts, lots, or parcels, any part of which when subdivided shall contain less than forty (40) acres in area; or

B. The subdivision of land, previously subdivided or platted into tracts, lots, or parcels of less than forty (40) acres in area; or.

C. The dedication or the vacating or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; or

D. The dedication or the vacating of any street through any tract of land regardless of the area involved; or

E. The redividing or splitting of previously platted lots, regardless of size, commonly referred to as "Lot Splits".

Section 2. Repeal of Existing Section. That existing Section 17-104 of the Subdivision Regulations of the City of Leawood is hereby repealed.

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 7th day of May, 1990.

Approved by the Mayor the 8th day of May, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;

John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

5/8/90

Business Manager

Subscribed and sworn to before me on this date:
5/8/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires

My appointment expires:
February 12, 1994

Publication Fees: $14.82

ORD. 1160

First published in The Legal Record and News, Tuesday, May 8, 1990.

ORDINANCE NO. 1160

AN ORDINANCE AMENDING SECTION 17-104 OF THE SUBDIVISION REGULATIONS OF THE CITY OF LEAWOOD, KANSAS, REGARDING APPLICABILITY OF THE REGULATIONS.

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

Section 1. Subdivision Regulations Amended. That Section 17-104 of the Subdivision Regulations of January 16, 1978, adopted by reference by the Code of the City of Leawood, is hereby amended to read as follows:

Sec. 17-104 JURISDICTION. This Ordinance shall apply to the following forms of land subdivision:

A. The division of land into two or more tracts, lots, or parcels, any part of which when subdivided shall contain less than forty (40) acres in area; or

B. The subdivision of land, previously subdivided or platted into tracts, lots, or parcels of less than forty (40) acres in area; or.

C. The dedication or the vacating or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; or

D. The dedication or the vacating of any street through any tract of land regardless of the area involved; or

E. The redividing or splitting of previously platted lots, regardless of size, commonly referred to as "Lot Splits".

Section 2. Repeal of Existing Section. That existing Section 17-104 of the Subdivision Regulations of the City of Leawood is hereby repealed.

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 7th day of May, 1990.

Approved by the Mayor the 8th day of May, 1990.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

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

Ordinance 1160

ORDINANCE NO. 1159

AN ORDINANCE AMENDING SECTION 15-2203 OF THE ZONING ORDINANCE OF THE CITY OF LEAWOOD, KANSAS, PERTAINING TO FENCES AND WALLS.

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

Section 1. Zoning Ordinance Amended. That Section 15-2203 of the Zoning Ordinance of April 17, 1978, adopted by reference by the Code of the City of Leawood, is hereby amended to read as follows:

15-2203. FENCES AND WALLS.

1. Intent: The purpose of regulating fences and walls is:

a) To secure safety to life and welfare from hazards incident to man-made pools of all types.

b) To buffer uncomplimentary land uses and generally enhance the quality and appearance of a project site.

c) To ensure exterior privacy for residential developments.

d) To ensure that design, erection and construction of fences and walls provide the proper structural strength,height, and surface drainage.

e) To maintain the look of open space in residential areas.

2. General Conditions and Plan Requirements:

a) Permits shall be issued by the City and fences and walls 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 and walls for the same shall be coordinated and issued by the City at the same time.

b) Fences and walls except retaining walls 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. Fences and walls shall be permitted to be located on the rear property line in the case of through lots. The rear property line shall be considered to be the opposite street frontage for through lots.

c) Wood fences shall be constructed with posts, rails,

and other construction details to be located on the "inside" of the fence. (Finished side facing out.)

d) Fences and walls shall be constructed to allow for surface drainage.

e) Fences built in combination with walls shall not exceed the required height restrictions. In addition, fences and walls built on slopes shall comply with the required height measured along the line of the fence location.

f) Fences and walls enclosing man-made pool structures shall have safety latches mounted 48 inches above the ground line, or at the top of 4 foot enclosures.

g) Walls constructed as retaining walls shall be designed and constructed to support lateral loads.

h) Fences and walls constructed within easements may be removed to allow access for utilities. The property owner shall be responsible for the reconstruction and replacement of any fences or walls removed.

i) Fences and walls shall be located on or proximal to the property line or adjacent to patios and/or decks, except as set forth in Item (b) above and except at terminations at the dwelling structure.

j) When the back property line of a residentially zoned lot is in common with the boundary of another municipality, the least restrictive fence or wall regulations of the two cities pertaining to height of fence or wall shall apply to the property located within Leawood.

3. <u>Height, Location and Permit Requirements:</u>

a) Fences and walls 4 feet or less in height may be constructed without a fence permit with the exception of fences or walls enclosing swimming pools, wading pools, hot tubs, or similar man-made pool structures, providing the above general conditions and plan requirements are complied with.

b) Fences and walls over 4 feet in height and fences and walls 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:

1) 4 to 6 foot high fences or walls 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 or wall 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.

2) Fences or walls 6 feet in height are required to enclose subdivision pools intended for the common use of its residences.

3) Fences or walls up to 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.

4) Fences or walls up to 6 feet in height may be required by the Plan Commission to provide screening and/or buffering of one property to another.

5) Fences and walls up to 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.

6) Anyone desiring a variance from this ordinance shall apply to the Board of Zoning Appeals in accordance with its procedures.

c) Fence height, for compliance with this Ordinance, shall be measured from the finished grade of the adjoining ground to the top of the fence. When used in conjunction with any wall the total height of the fence plus the wall shall not in any way exceed 6 feet except in cases where a retaining wall is necessary and a fence is required for safety purposes. The Director of Planning and Development may allow the fence and wall height combination to exceed the six feet maximum but in no case shall the fence be greater than six feet in height when used in combination with any wall.

4. <u>Fences Prohibited:</u> Electric fences and barbed wire shall be prohibited except on AG, Agricultural, zoned properties for the purpose of containing livestock and when specifically approved as part of an approved development plan for providing security.

5. Exceptions to Height Restrictions
The Board of Zoning Appeals shall have the power to grant exceptions to the height restrictions for fences and walls 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 or wall that exceeds six feet in height.

Section 2. Repeal of Existing Section. That existing Section 15-2203 of the Zoning Ordinance of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1066)

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after its publication in the official City newspaper.

Passed by the Council the 7th day of May, 1990.

Approved by the Mayor the 8th day of May, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;

John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

5/8/90

Business Manager

Subscribed and sworn to before me on this date:
5/8/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires _____

My appointment expires:
February 12, 1994

Publication Fees: $51.87

ORD. 1159

First published in The Legal Record and News, Tuesday, May 8, 1990.

ORDINANCE NO. 1159

AN ORDINANCE AMENDING SECTION 15-2203 OF THE ZONING ORDINANCE OF THE CITY OF LEAWOOD, KANSAS, PERTAINING TO FENCES AND WALLS.

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

Section 1. Zoning Ordinance Amended. That Section 15-2203 of the Zoning Ordinance of April 17, 1978, adopted by reference by the Code of the City of Leawood, is hereby amended to read as follows:

15-2203. FENCES AND WALLS.

1. Intent: The purpose of regulating fences and walls is:

a) To secure safety to life and welfare from hazards incident to man-made pools of all types.

b) To buffer uncomplimentary land uses and generally enhance the quality and appearance of a project site.

c) To ensure exterior privacy for residential developments.

d) To ensure that design, erection and construction of fences and walls provide the proper structural strength, height, and surface drainage.

e) To maintain the look of open space in residential areas.

2. General Conditions and Plan Requirements:

a) Permits shall be issued by the City and fences and walls 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 and walls for the same shall be coordinated and issued by the City at the same time.

b) Fences and walls except retaining walls 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. Fences and walls shall be permitted to be located on the rear property line in the case of through lots. The rear property line shall be considered to be the opposite street frontage for through lots.

c) Wood fences shall be constructed with posts, rails, and other construction details to be located on the "inside" of the fence. (Finished side facing out.)

d) Fences and walls shall be constructed to allow for surface drainage.

e) Fences built in combination with walls shall not exceed the required height restrictions. In addition, fences and walls built on slopes shall comply with the required height measured along the line of the fence location.

f) Fences and walls enclosing man-made pool structures shall have safety latches mounted 48 inches above the ground line, or at the top of 4 foot enclosures.

g) Walls constructed as retaining walls shall be designed and constructed to support lateral loads.

ORDINANCE NO. 1158

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:

18-1415. 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 R-1, Single Family Residential District:

All that part of the SE1/4 of Section 3, Township 13S, Range 25E, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the SW corner of the SE1/4 of said Section 3, thence North, along the West line of the SE1/4 of said Section 3, said line also being the East line of STARWOOD & LEAWOOD ESTATES, subdivisions of land in the City of Leawood, a distance of 575 feet, to the Point of Beginning; thence continuing North, along the West line of the SE1/4 of said Section 3, a distance of 500 feet, to the SW corner of Lot 653, of said LEAWOOD ESTATES; thence East, along the South line of Lots 653, 652, & 304 of said LEAWOOD ESTATES, a distance of 525 feet, to the West line of Lee Blvd. as now established; thence Southwesterly and Southerly, along the West line of said Lee Blvd., a distance of 518 feet, to a point 575 feet North of the South line of the SE1/4 of said Section 3; thence West, a distance of 355 feet, to the Point of Beginning.

(Chartwell West; northwest corner of 103rd & Lee Blvd.)

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

Passed by the Council the 16th day of April, 1990.

Approved by the Mayor the 17th day of April, 1990.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:

R.S. Wetzler City Attorney

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;

John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

4/24/90 . .

Business Manager

Subscribed and sworn to before me on this date: 4/24/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires _____

My appointment expires: February 12, 1994

Publication Fees: $14.25

Ordinance 1158

ORD. 1158

First published in The Legal Record and News, Tuesday, April 24, 1990.

ORDINANCE NO. 1158

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:

18-1415. 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 R-1, Single Family Residential District:

All that part of the SE1/4 of Section 3, Township 13S, Range 25E, now in the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the SW corner of the SE1/4 of said Section 3, thence North, along the West line of the SE1/4 of said Section 3, said line also being the East line of STARWOOD & LEAWOOD ESTATES, subdivisions of land in the City of Leawood, a distance of 575 feet, to the Point of Beginning; thence continuing North, along the West line of the SE1/4 of said Section 3, a distance of 500 feet, to the SW corner of Lot 653, of said LEAWOOD ESTATES; thence East, along the South line of Lots 653, 652, & 304 of said LEAWOOD ESTATES, a distance of 525 feet, to the West line of Lee Blvd. as now established; thence Southwesterly and Southerly, along the West line of said Lee Blvd., a distance of 518 feet, to a point 575 feet North of the South line of the SE1/4 of said Section 3; thence West, a distance of 355 feet, to the Point of Beginning.

(Chartwell West; northwest corner of 103rd & Lee Blvd.)

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

Passed by the Council the 16th day of April, 1990.

Approved by the Mayor the 17th day of April, 1990.

/s/ Marcia Rinehart, Mayor
(SEAL)
Attest:
/s/ Martha Helzer, City Clerk
APPROVED FOR FORM:
/s/ R.S. Wetzler, City Attorney
4/24

ORDINANCE NO. 1157

AN ORDINANCE DEFERRING AND POSTPONING ISSUANCE OF BUILDING PERMITS ON UNPLATTED LAND WITHIN THE CITY OF LEAWOOD TO PROTECT THE PUBLIC INTEREST.

WHEREAS, the City of Leawood has in recent years experienced the subdivision of land into 10 acre tracts for single home sites; and,

WHEREAS, the Master Development Plan indicates proposed arterial and collector streets to serve the growing community in future years; and,

WHEREAS, the continued subdivision of large land area into 10 acre single home sites creates problems for the City in the inability to secure necessary street improvements and right-of-ways due to the lack of the requirement for platting 10 acre tracts and larger; and,

WHEREAS, the conflict is beginning to undermine the City's ability to secure conformance with the adopted Master Development Plan by allowing the placement of single homes on large tracts, therefore, interrupting proposed traffic arteries for purposes of police and fire emergency vehicles to adequately service the area; and,

WHEREAS, the City has taken the initiative to correct certain deficiencies in the subdivision ordinance by advertising a public hearing to consider amendment to correct the recognized deficiencies; and,

WHEREAS, the Plan Commission will hear the amendment on April 24, 1990 and send its recommendation to the governing body for disposition; and,

WHEREAS, on the basis of the foregoing the Governing Body believes that public welfare requires postponement and deferral of City action on applications for building permits on unplatted land from the effective date of this ordinance for a period of sixty (60) days with the City of Leawood; and,

WHEREAS, the adoption of an ordinance deferring and postponing consideration of applications for building permits on unplatted land is necessary to protect the public welfare.

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

28-405.

Section 1. Action on consideration of applications for building permits on unplatted land deferred and postponed. The Governing Body of the City directs, except as provided hereinafter, that from the effective date of this ordinance for a period of sixty (60) days the City will not consider new applications for building permits on unplatted land within the City and that same shall be deferred and postponed.

Section 2. Take Effect. This ordinance shall take effect and be in force on publication in the official City newspaper.

PASSED by the Council the 9th day of April, 1990.

APPROVED by the Mayor the 9th day of April, 1990.

Marcia Rinehart
Mayor

(SEAL)

ATTEST:

Martha Heizer
City Clerk

APPROVED AS TO FORM

City Attorney

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;

John Lewis, of lawful age, being first duly sworn, deposes and says that he is Business Manager of The Legal Record, which is the metropolitan edition of The News which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than five (5) years prior to the first publication of the notice attached, and has been admitted at the post office as second class matter.

That a notice, a true copy of which is hereto attached, was published in all editions of the regular and entire issue for 1 consecutive week(s) as follows:

4/10/90 . .

Business Manager

Subscribed and sworn to before me on this date: 4/10/90

Notary Public

DANA LEWIS
Notary Public - State of Kansas
My Appt. Expires _____

My appointment expires: February 12, 1994

Publication Fees: $18.52

Ordinance 1157

ORD. 1157

First published in The Legal Record, Tuesday, April 10, 1990.

ORDINANCE NO. 1157

AN ORDINANCE DEFERRING AND POSTPONING ISSUANCE OF BUILDING PERMITS ON UNPLATTED LAND WITHIN THE CITY OF LEAWOOD TO PROTECT THE PUBLIC INTEREST.

WHEREAS, the City of Leawood has in recent years experienced the subdivision of land into 10 acre tracts for single home sites; and,

WHEREAS, the Master Development Plan indicates proposed arterial and collector streets to serve the growing community in future years; and,

WHEREAS, the continued subdivision of large land area into 10 acre single home sites creates problems for the City in the inability to secure necessary street improvements and right-of-ways due to the lack of the requirement for platting 10 acre tracts and larger; and,

WHEREAS, the conflict is beginning to undermine the City's ability to secure conformance with the adopted Master Development Plan by allowing the placement of single homes on large tracts, therefore, interrupting proposed traffic arteries for purposes of police and fire emergency vehicles to adequately service the area; and,

WHEREAS, the City has taken the initiative to correct certain deficiencies in the subdivision ordinance by advertising a public hearing to consider amendment to correct the recognized deficiencies; and,

WHEREAS, the Plan Commission will hear the amendment on April 24, 1990 and send its recommendation to the governing body for disposition; and,

WHEREAS, on the basis of the foregoing the Governing Body believes that public welfare requires postponement and deferral of City action on applications for building permits on unplatted land from the effective date of this ordinance for a period of sixty (60) days with the City of Leawood; and,

WHEREAS, the adoption of an ordinance deferring and postponing consideration of applications for building permits on unplatted land is necessary to protect the public welfare;

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

Section 1. Action on consideration of applications for building permits on unplatted land deferred and postponed. The Governing Body of the City directs, except as provided hereinafter, that from the effective date of this ordinance for a period of sixty (60) days the City will not consider new applications for building permits on unplatted land within the City and that same shall be deferred and postponed.

Section 2. Take Effect. This ordinance shall take effect and be in force on publication in the official city newspaper.

PASSED by the Council the 9th day of April, 1990.

APPROVED by the Mayor the 9th day of April, 1990.

Mayor

(SEAL)

ATTEST:

City Clerk

APPROVED AS TO FORM

/s/ R.S. Wetzler