ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1330	1/18/93	1/19/93	N/A	AN ORD. AUTHORIZING THE IMPROVEMENT OF MISSION RD., A MAIN TRAFFICWAY, FROM 385 FEET SOUTH OF 95TH STREET TO 385 FEET SOUTH OF 103RD STREET
1331	1/18/93	1/19/93	N/A	AN ORD. PROVIDING FOR THE ESTABLISHMENT OF FEES TO BE CHARGED TO PERSONS REQUESTING ACCESS TO AND/OR COPIES OF OPEN PUBLIC RECORDS
1332	2/1/93	2/2/93	N/A	AN ORD. GRANTING AN EASEMENT TO KCP&L FOR CONSTRUCTION OF A POWER LINE, CITY HALL SITE, 117TH & ROE AVE.
1333	2/16/93	2/19/93	N/A	AN ORD. AUTHORIZING AND PROVIDING FOR ACQUISITION OF PRIVATE PROPERTY FOR THE USE OF THE CITY - State Line Rd. improvements; Phase 2, 112th Terr./123rd St.
1334	3/15/93	4/30/93	N/A	AN ORD. AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING PARK LAND TO THE STATE OF KANSAS FOR I-435 HIGHWAY/STATE LINE RD. INTERCHANGE IMPROVEMENTS - land from Leawood Park.
1335	3/15/93	3/23/93	N/A	AN ORD. AMENDING SECTION 4-3 (SPECIAL USES) OF THE SUPPLEMENT OF AMENDMENTS TO THE "LEAWOOD DEVELOPMENT ORDINANCE" TO ALLOW A HOME HEALTH CARE SUITE AS A SPECIAL USE.
1336	3/15/93	3/16/93 (to be eff. 12:01 a.m., 4/7/93)	N/A	AN ORD. ANNEXING LAND INTO THE CITY OF LEAWOOD - part of municipal golf course in the vicinity of 151st & Mission, land formerly in Overland Park.
1337	4/19/93	4/20/93	N/A	AN ORD. REZONING PROPERTY (TOMAHAWK CREEK ESTATES) LOCATED NORTH OF 119TH & MISSION RD. FROM AG TO RP-1
1338 C	4/19/93	6/4/93	X	AN ORD. AUTHORIZING AND PROVIDING FOR THE CREATION OF THE LEAWOOD GOLF COURSE IMPACT FEE
1339	4/19/93	4/20/93	N/A	AN ORD. ACCEPTING A QUITCLAIM DEED TO RIGHTS-OF-WAY AND OTHER TRACTS FROM THE CITY OF OVERLAND PARK (in conjunction with annexation - golf course property)
1340	4/19/93	4/27/93	N/A	AN ORD. AMENDING ORDINANCE NO. 1333, AUTHORIZING AND PROVIDING FOR ACQUISITION OF PRIVATE PROPERTY FOR THE USE OF THE CITY - State Line Rd. improvements, Phase 2, 112th Terr./123rd St.

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1319	12/7/92	12/15/92	N/A	AN ORD. AMENDING SECTION 2-7 ("FENCES & WALLS") OF THE LEAWOOD DEVELOPMENT ORD.
1320	12/7/92	12/8/92	N/A	AN ORD. AUTHORIZING ISSUANCE OF $5,201,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 1992
1321	12/7/92	12/8/92	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 93A, PROJECT 115; MISSION RD. IMPROVEMENTS, 103RD/COLLEGE; $400,000
1322	12/7/92	12/8/92	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 93B, PROJECT 124; 135TH ST. (K-150) IMPROVEMENTS, STATE LINE/NALL; $800,000
1323	12/7/92	12/8/92	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 92-2-93D, PROJECT 130; TOWN CENTER DRIVE CONSTRUCTION; $400,000
1324	12/7/92	12/8/92	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES L.I.D. 92-1-93C, PROJECT 132; STATE LINE RD. IMPROVEMENTS, PHASE 1; $800,000
1325	12/7/92	12/8/92	N/A	AN ORD. AUTHORIZING ISSUANCE OF TEMPORARY NOTES; SERIES 93E, PROJECT 133; MUNICIPAL GOLF COURSE PROJECT; $3,400,000
1326	12/21/92	12/29/92	N/A	AN ORD. ADOPTING THE 1993 MASTER DEVELOPMENT PLAN MAP
1327 C	12/21/92	12/29/92 (eff. 1/1/93)	X	AN ORD. AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO ANIMAL CONTROL AND REGULATIONS
1328 C	12/21/92	12/29/92 (eff. 1/1/93)	X	AN ORD. AMENDING SECTION 12-215 OF THE CODE OF THE CITY OF LEAWOOD; REGULATING DOGS ON THE TOMAHAWK GREENWAY AND IN ALL CITY PARKS
1329	1/4/93	1/5/93	N/A	AN ORD. VACATING A UTILITY EASEMENT - Lot 85, LEAWOOD; 8008 Meadow Lane

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1306 C	9/8/92	9/15/92 (eff. 1/1/93)	X	ORD. ADOPTING THE "PROPERTY MAINTENANCE CODE, MINIMUM HOUSING CODE AND RENTAL INSPECTION PROGRAM", dated 1/1/93
1307 C	9/8/92	9/15/92	X	ORD. ADOPTING THE 1992 EDITION OF THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES"
1308 C	9/8/92	9/15/92	X	ORD. AMENDING SECTION 11-201 OF THE CODE RELATING TO PENALTIES FOR PUBLIC OFFENSE LOCAL PROVISIONS
1309 C	9/8/92	9/15/92	X	ORD. AMENDING SECTION 11-606 OF THE CODE RELATING TO PENALTIES FOR DRUG OFFENSES
1310 C	9/8/92	9/15/92	X	ORD. ADOPTING THE 1992 EDITION OF THE "STANDARD TRAFFIC ORDINANCE"
1311 C	9/8/92	9/15/92	X	ORD. AMENDING SECTION 14-201 OF THE CODE RELATING TO PENALTIES FOR VIOLATION OF LOCAL TRAFFIC REGULATIONS
1312	9/21/92	9/22/92	N/A	ORD. AUTHORIZING TEMPORARY NOTES; SERIES 92L, PROJECT 118; POLICE/COURT BLDG. & FIRE STA. NO. 1 REMODELING; $300,000.00.
1313	9/21/92	9/22/92	N/A	ORD. AUTHORIZING TEMPORARY NOTES; SERIES L.I.D. 92-4-92N, PROJECT 130; TOWN CENTER DRIVE; $500,000.00.
1314	9/21/92	9/22/92	N/A	ORD. AUTHORIZING TEMPORARY NOTES; SERIES L.I.D. 92-3-92M, PROJECT 132; STATE LINE RD. IMPROVEMENTS, PHASE 1; $200,000.00.
1315	9/21/92	9/22/92	N/A	ORD. AUTHORIZING TEMPORARY NOTES; SERIES 92K, PROJECT 125; LEE BLVD. IMPROVEMENTS, PHASE 2; $1,800,000.00.
1316 C	10/5/92	10/6/92	X	ORD. AMENDING SECTION 12-206 OF THE CODE OF THE CITY OF LEAWOOD TO PROVIDE FOR FISHING IN PUBLIC WATERS
1317	10/19/92	10/20/92	N/A	ORD. ACCEPTING A DEED FOR STREET PURPOSES (CHADWICK, 135TH/136TH; K-150 IMPROVEMENT PROJECT)
1318	11/16/92	12/29/92	N/A	ORD. ACCEPTING AN EASEMENT (AGREEMENT) FOR THE LEAWOOD GREENWAY AND TRAIL SYSTEM - Lot 8, Berkshire 2nd Plat

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1297	6/1/92	6/2/92	N/A	AN ORD. AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING A TRACT OF GROUND TO THE JOHNSON COUNTY LIBRARY BOARD - Lot 3, Leawood Town Center, 117th & Roe, for a branch library.
1298	6/22/92	6/23/92	N/A	AN ORD. REZONING PROPERTY FROM RP-2 TO CP-O - approx. 112th & Ash, Root Corporate Center & Ambassador Corporate Manor
1299	7/20/92	7/28/92	N/A	AN ORD. AMENDING SECTION 4-1 (ACCESSORY USES) OF THE "LEAWOOD DEVELOPMENT ORDINANCE" - relating to fences & tennis courts
1300	7/20/92	7/21/92	N/A	AN ORD. ACCEPTING A PERMANENT DRAINAGE EASEMENT - from Hallbrook Farms Associates, Lot 8, Block 4, 1st Plat of "Hallbrook Farms"
1301	8/3/92	8/4/92	N/A	AN ORD. AMENDING SECTION 4-3 (SPECIAL USE PROVISIONS) OF THE SUPPLEMENT OF AMENDMENTS TO THE "LEAWOOD DEVELOPMENT ORDINANCE" - to allow certain short-term special uses to be approved by staff.
1302	8/3/92	8/4/92	N/A	AN ORD. ESTABLISHING THE "103RD TERRACE REDEVELOPMENT DISTRICT" AT 103RD TERR. & STATE LINE RD.
1303 C	8/17/92	8/18/92	X	AN ORD. AMENDING SECTION 11-307 OF THE CODE; PROVIDING FOR APPEALS OF NUISANCE ALARM ASSESSMENTS - Property Maintenance Code Appeals Board
1304	8/17/92	8/18/92	N/A	AN ORD. ACCEPTING A PUBLIC UTILITY EASEMENT REQUIRED FOR THE CITY HALL PROJECT, 117TH & ROE AVE.
1305	8/17/92	8/18/92 & 8/25/92	N/A	AN ORD. ESTABLISHING THE 1993 ANNUAL LEAWOOD SEWER SYSTEM ASSESSMENTS

ORD. NO.	DATE PASSED	DATE PUBLISHED	"CODE OF '84" PAGES DISTR'D	SUBJECT OF ORDINANCE
1286	4/6/92	4/14/92	N/A	AN ORD. AMENDING SECTION 2-7 (FENCES AND WALLS) OF THE LEAWOOD DEVELOPMENT ORDINANCE
1287	4/6/92	4/14/92	N/A	AN ORD. REZONING PROPERTY AT 118TH & OVERBROOK FROM RP-4 TO RP-1 - Hallbrook Farms, 5th Plat
1288 C	4/6/92	4/14/92	X	AN ORD. AMENDING SECTION 1-116 OF THE CODE OF THE CITY OF LEAWOOD TO REMOVE THE PUBLIC SAFETY COMMITTEE AS A STANDING COMMITTEE
1289 C	4/6/92	4/14/92	X	AN ORD. AMENDING THE "STANDARD TRAFFIC ORDINANCE" TO PROVIDE RESTRICTIONS ON THE USE OF SKATEBOARDS AND SIMILAR DEVICES
1290	5/18/92	5/19/92	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 92G, PROJECT 118; POLICE/COURT BLDG. & FIRE STATION #1 REMODELING; $200,000
1291	5/18/92	5/19/92	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 92E, PROJECT 114; SOMERSET IMPROVEMENTS, SAGAMORE/BELINDER (Somerset/Lee intersection improvements); $200,000
1292	5/18/92	5/19/92	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 92C, PROJECT 115; MISSION RD. IMPROVEMENTS, 103RD/COLLEGE; $400,000
1293	5/18/92	5/19/92	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 92F, PROJECT 121; SOMERSET DR. IMPROVEMENTS, BELINDER/WENONGA; $100,000
1294	5/18/92	5/19/91	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES 92D, PROJECT 124; 135TH ST. (K-150) IMPROVEMENTS, STATE LINE/NALL; $500,000
1295	5/18/92	5/19/92	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES L.I.D. 92-1-92H, PROJECT 132; STATE LINE RD. IMPROVEMENTS, PHASE 1; $800,000
1296	5/18/92	5/19/92	N/A	AN ORD. AUTHORIZING TEMPORARY NOTES; SERIES L.I.D. 92-2-92J, PROJECT 130; TOWN CENTER DRIVE; $200,000

ORDINANCE NO. 1340

AN ORDINANCE AMENDING ORDINANCE NO. 1333, AUTHORIZING AND PROVIDING FOR ACQUISITION OF PRIVATE PROPERTY FOR THE USE OF THE CITY AND AUTHORIZING SURVEY AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONDEMNED.

WHEREAS, the Governing Body of the City of Leawood did by resolution approve on February 16, 1993, 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; and

WHEREAS, the City did, by ordinance, direct the City Attorney to institute proceedings to acquire such property; and

WHEREAS, Ordinance No. 1333 did inadvertently fail to direct acquisition of a certain right of way.

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

19-142. Section 1. The City Attorney is authorized and directed to institute eminent domain proceedings to acquire the property and interests described by survey filed with the City Clerk which property and interests have been determined by the

Governing Body to be necessary for the purpose of construction of improvements and re-improvements to State Line, Johnson County, Kansas. Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire fee simple title to the following described property:

1.) Parcel K-41:

A. RIGHT-OF-WAY:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Commencing at the east quarter corner of said Fractional Section 14; thence N 02° 22′ 59.4" W along the Kansas/Missouri State Line a distance of 616.0 feet to the point of beginning; thence S 87° 53′ 14.2" W along the south line of said parcel a distance of 40.00 feet; thence N 02° 22′ 59.4" W, 40.00 feet west of and parallel with the Kansas/Missouri State Line a distance of 332.00 feet to a point being on the north line of said parcel; thence N 87° 53′ 14.2" E along the north line of said parcel a distance of 40.00 feet to a point being on the Kansas/Missouri State Line; thence S 02° 22′ 59.4" E along the Kansas/Missouri State Line a distance of 332.00 feet to the point of beginning, containing 13,280 square feet, more or less, including that portion within the existing right-of-way of State Line Road.

B. TEMPORARY CONSTRUCTION EASEMENT:

A tract of land in the east half of the North half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Commencing at the east quarter corner of said Fractional Section 14; thence N 02° 22′ 59.4" W along the Kansas/Missouri State Line a distance of

616.0 feet; thence S 87° 53′ 14.2" W a distance of 40.0 feet to the point of beginning, said point being the intersection of the proposed westerly right-of-way line of State Line Road and the south line of said parcel; thence continuing S 87° 53′ 14.2" W along the south line of said parcel a distance of 110.00 feet; thence N 02° 22′ 59.4" W, 110.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 24.12 feet; thence N 73° 38′ 28.2 " E a distance of 61.83 feet; thence N 87° 37′ 00.6" E a distance of 40.00 feet; thence N 02° 22′ 59.4" W, 10.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 120.01 feet; thence S 87° 37′ 00.6" W a distance of 50.00 feet; thence N 77° 23′ 30.0" W a distance of 77.64 feet; thence N 02° 22′ 59.4" W, 135.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 35.00 feet; thence N 73° 38′ 28.2" E a distance of 103.05 feet; thence N 02° 22′ 59.4" W, 35.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 92.61 feet to a point being on the north line of said parcel; thence N 87° 53′ 14.2" E along the north line of said parcel a distance of 35.00 feet to point being on the proposed westerly right-of-way line of State Line Road; thence S 02° 22′ 59.4" E along the proposed westerly right-of-way line of State Line Road a distance of 332.00 feet to the point of beginning, containing 17,114 square feet, more or less.

2.) Parcel K-39:

A. PERMANENT DRAINAGE EASEMENT:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Commencing at the east quarter corner of said Fractional Section 14; thence N 02° 22′ 59.4" W along the Kansas/Missouri State Line a distance of 288.00 feet; thence S 87° 53′ 14.2" W a distance of 40.00 feet to a point being the intersection of the proposed westerly right-of-way line of State Line Road and the north line of said parcel; thence S

02° 22′ 59.4" E along the proposed westerly right-of-way line of State Line Road a distance of 122.44 feet; thence S 87° 25′ 51.1" W a distance of 9.00 feet; thence N 02° 22′ 59.4" W, 9.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 122.51 feet to a point being on the north line of said parcel: thence N 87° 53′ 14.2" E along the north line of said parcel a distance of 9.00 feet to the point of beginning, containing 1102 square feet, more or less.

B. TEMPORARY CONSTRUCTION EASEMENT:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at the intersection of the proposed westerly right-of-way line of State Line Road and the existing northerly right-of-way line of 115th Street, said point being 40.00 feet west of the Kansas/Missouri State Line; thence S 87° 53′ 14.2" W along the existing northerly right-of-way line of 115th Street a distance of 5.00 feet; thence N 02° 22′ 59.4" W, 5.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 130.54 feet; thence N 47° 22′ 59.4" W a distance of 21.21 feet; thence S 87° 37′ 00.6" W a distance of 15.00 feet; thence N 02° 22′ 59.4" W, 35.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 122.61 feet to a point on the north line of said parcel; thence N 87° 53′ 14.2" E along the north line of said parcel a distance of 26.00 feet; thence S 02° 22′ 59.4" E, 9.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 122.51 feet; thence N 87° 25′ 51.1" E a distance of 9.00 feet to a point being on the proposed westerly right-of-way line of State Line Road; thence S 02° 22′ 59.4" E along the proposed westerly right-of-way line of State Line Road a distance of 145.56 feet to the point of beginning, containing 4026 square feet, more or less.

C. RIGHT-OF-WAY:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Commencing at the east 1/4 corner of said Fractional Section 14; thence N 02° 22′ 59.4" W along the Kansas/Missouri State Line a distance of 20.00 feet to the point of beginning, said point being the intersection of the Kansas/Missouri State Line and the existing northerly right-of-way line of 115th Street; thence S 87° 53′ 14.2" W along the exisitng northerly right-of-way line of 115th Street a distance of 40.00 feet; thence N 02° 22′ 59.4" W. 40.00 feet west of and paarallel with the Kansas/Missouri State Line, a distance of 268.00 feet, to a point being on the north line of said parcel; thence N 87° 53′ 14.2" E along the north line of said parcel a distance of 40.00 feet to a point being on the Kansas/Missouri State Line; thence S 02° 22′ 59.4" E along the Kansas/Missouri State Line a distance of 268.00 feet to the point of beginning, containing 10,720 square feet, more or less, including that portion within the existing right-of-way of State Line Road.

Section 2. Ordinance No. 1333 as adopted by the Governing Body on the 16th day of February, 1993, is hereby repealed and amended to read as set forth in this ordinance.

Section 3. This Ordinance shall take effect and be enforced from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 19th DAY OF April, 1993.

APPROVED BY THE MAYOR THIS 19th DAY OF April, 1993.

(S E A L)

Marcia Rinehart
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

M:\USER\DEBBIE\LEAWOOD\STULTZ.ORD 04/19/93 1:54pm

WHEREAS, the Governing Body of the City of Leawood did by resolution approve on February 16, 1993, 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; and

WHEREAS, the City did, by ordinance, direct the City Attorney to institute proceedings to acquire such property; and

WHEREAS, Ordinance No. 1333 did inadvertently fail to direct acquisition of a certain right of way.

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

Section 1. The City Attorney is authorized and directed to institute eminent domain proceedings to acquire the property and interests described by survey filed with the City Clerk which property and interests have been determined by the Governing Body to be necessary for the purpose of construction of improvements and re-improvements to State Line, Johnson County, Kansas. Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire fee simple title to the following described property:

1.) Parcel K-41:

A. RIGHT-OF-WAY:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Commencing at the east quarter corner of said Fractional Section 14; thence N 02° 22' 59.4" W along the Kansas/Missouri State Line a distance of 616.0 feet to the point of beginning; thence S 87° 53' 14.2" W along the south line of said parcel a distance of 40.00 feet; thence N 02° 22' 59.4" W, 40.00 feet west of and parallel with the Kansas/Missouri State Line a distance of 332.00 feet to a point being on the north line of said parcel; thence N 87° 53' 14.2" E along the north line of said parcel a distance of 40.00 feet to a point being on the Kansas/Missouri State Line; thence S 02° 22' 59.4" E along the Kansas/Missouri State Line a distance of 332.00 feet to the point of beginning, containing 13,280 square feet, more or less, including that portion within the existing right-of-way of State Line Road.

B. TEMPORARY CONSTRUCTION EASEMENT:

A tract of land in the east half of the North half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Commencing at the east quarter corner of said Fractional Section 14; thence N 02° 22' 59.4" W along the Kansas/Missouri State Line a distance of 616.0 feet; thence S 87° 53' 14.2" W a distance of 40.0 feet to the point of beginning, said point being the intersection of the proposed westerly right-of-way line of State Line Road and the south line of said parcel; thence continuing S 87° 53' 14.2" W along the south line of said parcel a distance of 110.00 feet; thence N 02° 22' 59.4" W, 110.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 24.12 feet; thence N 73° 38' 28.2 " E a distance of 61.83 feet; thence N 87° 37' 00.6" E a distance of 40.00 feet; thence N 02° 22' 59.4" W, 10.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 120.01 feet; thence S 87° 37' 00.6" W a distance of 50.00 feet; thence N 77° 23' 30.0" W a distance of 77.64 feet; thence N 02° 22' 59.4" W, 135.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 35.00 feet; thence N 73° 38' 28.2" E a distance of 103.05 feet; thence N 02° 22' 59.4" W, 35.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 92.61 feet to a point being on the north line of said parcel; thence N 87° 53' 14.2" E along the north line of said parcel a distance of 35.00 feet to point being on the proposed westerly right-of-way line of State Line Road; thence S 02° 22' 59.4" E along the proposed westerly right-of-way line of State Line Road a distance of 332.00 feet to the point of beginning, containing 17,114 square feet, more or less.

2.) Parcel K-39:

A. PERMANENT DRAINAGE EASEMENT:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East,

CONTINUED ON PAGE 10

ORDINANCE 1340

First published in The Legal Record, Tuesday, April 27, 1993.

ORDINANCE NO. 1340

AN ORDINANCE AMENDING ORDINANCE NO. 1333, AUTHORIZING AND PROVIDING FOR ACQUISITION OF PRIVATE PROPERTY FOR THE USE OF THE CITY AND AUTHORIZING SURVEY AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONDEMNED.

CONTINUED FROM PAGE 9

in the City of Leawood, Johnson County, Kansas, described as follows:

Commencing at the east quarter corner of said Fractional Section 14; thence N 02° 22' 59.4" W along the Kansas/Missouri State Line a distance of 288.00 feet; thence S 87° 53' 14.2" W a distance of 40.00 feet to a point being the intersection of the proposed westerly right-of-way line of State Line Road and the north line of said parcel; thence S 02° 22' 59.4" E along the proposed westerly right-of-way line of State Line Road a distance of 122.44 feet; thence S 87° 25' 51.1" W a distance of 9.00 feet; thence N 02° 22' 59.4" W, 9.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 122.51 feet to a point being on the north line of said parcel: thence N 87° 53' 14.2" E along the north line of said parcel a distance of 9.00 feet to the point of beginning, containing 1102 square feet, more or less.

B. TEMPORARY CONSTRUCTION EASEMENT:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at the intersection of the proposed westerly right-of-way line of State Line Road and the existing northerly right-of-way line of 115th Street, said point being 40.00 feet west of the Kansas/Missouri State Line; thence S 87° 53' 14.2" W along the existing northerly right-of-way line of 115th Street a distance of 5.00 feet; thence N 02° 22' 59.4" W, 5.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 130.54 feet; thence N 47° 22' 59.4" W a distance of 21.21 feet; thence S 87° 37' 00.6" W a distance of 15.00 feet; thence N 02° 22' 59.4" W, 35.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 122.61 feet to a point on the north line of said parcel; thence N 87° 53' 14.2" E along the north line of said parcel a distance of 26.00 feet; thence S 02° 22' 59.4" E, 9.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 122.51 feet; thence N 87° 25' 51.1" E a distance of 9.00 feet to a point being on the proposed westerly right-of-way line of State Line Road; thence S 02° 22' 59.4" E along the proposed westerly right-of-way line of State Line Road a distance of 145.56 feet to the point of beginning, containing 4026 square feet, more or less.

C. RIGHT-OF-WAY:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Commencing at the east 1/4 corner of said Fractional Section 14; thence N 02° 22' 59.4" W along the Kansas/Missouri State Line a distance of 20.00 feet to the point of beginning, said point being the intersection of the Kansas/Missouri State Line and the existing northerly right-of-way line of 115th Street; thence S 87° 53' 14.2" W along the exisitng northerly right-of-way line of 115th Street a distance of 40.00 feet; thence N 02° 22' 59.4" W. 40.00 feet west of and paarallel with the Kansas/Missouri State Line, a distance of 268.00 feet, to a point being on the north line of said parcel; thence N 87° 53' 14.2" E along the north line of said parcel a distance of 40.00 feet to a point being on the Kansas/Missouri State Line; thence S 02° 22' 59.4" E along the Kansas/Missouri State Line a distance of 268.00 feet to the point of beginning, containing 10,720 square feet, more or less, including that portion within the existing right-of-way of State Line Road.

Section 2. Ordinance No. 1333 as adopted by the Governing Body on the 16th day of February, 1993, is hereby repealed and amended to read as set forth in this ordinance.

Section 3. This Ordinance shall take effect and be enforced from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 19th DAY OF April, 1993.
APPROVED BY THE MAYOR THIS 19th DAY OF April, 1993.

Marcia Rinehart
Mayor

(S E A L)

ATTEST:

Martha Neiger
City Clerk

APPROVED AS TO FORM:

/s/ 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;
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:

4/27/93

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
4/27/93

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $96.35

Ord 1340

ORDINANCE NO. 1339

AN ORDINANCE ACCEPTING A QUITCLAIM DEED TO RIGHTS-OF-WAY AND OTHER TRACTS FROM THE CITY OF OVERLAND PARK, KANSAS.

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

19-5,121. Section 1. That the City of Leawood hereby accepts a Quitclaim Deed to rights-of-way and other tracts located west of the centerline of Mission Road along and adjacent to land south of approximately 152nd Street and north of approximately 155th Street as described in the Exclusion/Annexation Agreement between the City of Leawood and City of Overland Park dated February 16, 1993; the rights-of-way and other tracts are described as follows:

The east 20 feet of the following described tract:

All that part of the East 55 acres of the Northeast Quarter of Section 9, Township 14, Range 25, lying South of the K.C. & S. Railway's right-of-way; and a 50-foot strip of land described in the Deed dated June 15, 1936, from St. Louis-San Francisco Railway Company, a corporation, to C.D. Chaney, recorded in Book 163 of Deeds, Page 96, thereof, in the office of the Register of Deeds of Johnson County, Kansas, being the South 50 feet of a strip of land 100 feet in width, 50 feet on either side of the centerline of the main track of the St. Louis-San Francisco Railway, as the same was formerly located over and across the East 55 acres of said Northeast Quarter of Section 9, being a part of the strip of land described as Lot No. 142 in the Commissioners' Report on Condemnation Proceedings recorded in Book "V" of Deeds, Page 417, in the office of the Register of Deeds, Johnson County, Kansas.

19-5,122. Section 2. That a copy of said Quitclaim 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 April, 1993.

Approved by the Mayor the 19th day of April, 1993.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

050046

2239759/

QUIT-CLAIM DEED

THIS INDENTURE, made on the 7th day of April, A. D., 1993, by and between the CITY OF OVERLAND PARK, KANSAS, a municipal corporation duly organized and existing under the constitution and laws of the state of Kansas, and located in the County of Johnson, party of the first part, and the CITY OF LEAWOOD, KANSAS, a municipal corporation duly organized and existing under the constitution and laws of the state of Kansas, and located in the County of Johnson, party of the second part:

WITNESSETH, THAT SAID PARTY OF THE FIRST PART, in consideration of the sum of TEN DOLLARS, and such other good and valuable consideration as is set out in that certain Exclusion/Annexation Agreement between the parties dated February 15, 1993, the receipt of which is hereby acknowledged, has sold and does by these presents Remise, Release and forever Quit-Claim unto the said party of the second part, its heirs and assigns, the following described lots, tracts or parcels of land, lying, being and situate in the County of Johnson and State of Kansas, to wit:

The east 20 feet of the following described tract:

All that part of the East 55 acres of the Northeast Quarter of Section 9, Township 14, Range 25, lying South of the K. C. & S. Railway's right-of-way; and a 50-foot strip of land described in the Deed dated June 15, 1936, from St. Louis-San Francisco Railway Company, a corporation, to C.D. Chaney, recorded in Book 163 of Deeds, Page 96, thereof, in the office of the Register of Deeds of Johnson County, Kansas, being the South 50 feet of a strip of land 100 feet in width, 50 feet on either side of the centerline of the main track of the St. Louis-San Francisco Railway, as the same was formerly located over and across the East 55 acres of said Northeast Quarter of Section 9, being a part of the strip of land described as Lot No. 142 in the Commissioners' Report on Condemnation Proceedings recorded in Book "V" of Deeds, Page 417, in the office of the Register of Deeds, Johnson County, Kansas.

STATE OF KANSAS
COUNTY OF JOHNSON ss
FILED FOR RECORD
93 APR 27 A 10:28
SARA FULLEMANN
REGISTER OF DEEDS

10.00

with the appurtenances, and all the estate, title, and interest of the said party of the first part therein.

Entered in Transfer Record
Date April 26 1993
Beverly L. Baker, County Clerk
Johnson County, Kansas
RE# NF251409-3003

10.00 CK

TO HAVE AND TO HOLD THE SAME, all and singular, the above-described premises, together with the appurtenances, unto the said party of the second part, its heirs and assigns, forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto caused this Quit-Claim Deed to be signed on its behalf, by its Mayor, thereunto duly authorized so to do, and to be attested by its City Clerk, and has caused its common seal to be hereunto affixed, the day and year last above written.

CITY OF OVERLAND PARK, KANSAS

By _____
Ed Eilert, Mayor

ATTEST:

SEAL OVERLAND PARK KANSAS

_____
Norma Moffet
City Clerk

APPROVED AS TO FORM:

_____
Robert J. Watson
City Attorney

CORPORATE ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED, That on this 7th day of April, 1993, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Ed Eilert, Mayor of Overland Park, Kansas, a municipal corporation duly organized, incorporated and existing under and by virtue of the laws of the state of Kansas; and Norma Moffet, City Clerk of said municipal corporation, who are personally known to me to be such officers and who are

personally known to me to be the same persons who executed as such officers the within instrument of writing on behalf of said municipal corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said municipal corporation.

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

Rebecca Basaldua
Notary Public
Rebecca Basaldua

My Appointment Expires:

REBECCA BASALDUA
My Appt. Exp. Feb. 22, 1997
STATE OF KANSAS

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;
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 internal 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 3 consecutive week(s) as follows:

4/20/93 ~~4/27/93, 5/4/93~~

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/4/93

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $23.63

Ord 1339

ORD. 1339

First published in The Legal Record, Tuesday, April 20, 1993.

ORDINANCE NO. 1339

AN ORDINANCE ACCEPTING A QUITCLAIM DEED TO RIGHTS-OF-WAY AND OTHER TRACTS FROM THE CITY OF OVERLAND PARK, KANSAS.

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

Section 1. That the City of Leawood hereby accepts a Quitclaim Deed to rights-of-way and other tracts located west of the centerline of Mission Road along and adjacent to land south of approximately 152nd Street and north of approximately 155th Street as described in the Exclusion/Annexation Agreement between the City of Leawood and City of Overland Park dated February 16, 1993; the rights-of-way and other tracts are described as follows:

The east 20 feet of the following described tract:

All that part of the East 55 acres of the Northeast Quarter of Section 9, Township 14, Range 25, lying South of the K.C. & S. Railway's right-of-way; and a 50-foot strip of land described in the Deed dated June 15, 1936, from St. Louis-San Francisco Railway Company, a corporation, to C.D. Chaney, recorded in Book 163 of Deeds, Page 96, thereof, in the office of the Register of Deeds of Johnson County, Kansas, being the South 50 feet of a strip of land 100 feet in width, 50 feet on either side of the centerline of the main track of the St. Louis-San Francisco Railway, as the same was formerly located over and across the East 55 acres of said Northeast Quarter of Section 9, being a part of the strip of land described as Lot No. 142 in the Commissioners' Report on Condemnation Proceedings recorded in Book "V" of Deeds, Page 417, in the office of the Register of Deeds, Johnson County, Kansas.

Section 2. That a copy of said Quitclaim 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 April, 1993.

Approved by the Mayor the 19th day of April, 1993.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1338^C

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE CREATION OF THE LEAWOOD GOLF COURSE IMPACT FEE.

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

Section 1. The Code of the City of Leawood is hereby amended by the addition of Article 5 to Chapter 12 which read as follows:

ARTICLE 5. LEAWOOD GOLF COURSE IMPACT FEE

12-501 SHORT TITLE. This Ordinance shall be known and cited as the "Leawood Golf Course Impact Fee Ordinance".

12-502 PURPOSE. After independent review, consideration of reports of staff and consultants, and consultation with the owners of certain property, the City has determined that it is in the best interest of the City and its residents to construct a public golf course within the City. The City, in consultation with residents and owners of property has also determined that the construction of a properly designed, constructed and managed public golf course will be of significant benefit to the City and also to adjoining properties. The City by this ordinance and in cooperation with the owners of certain property adjoining the proposed golf course has determined that those properties benefitted most by the construction of a golf course should share in the cost of the Golf Course Development. Accordingly, in order to

recover a portion of the costs associated with the Golf Course Development, it is hereby determined that an ordinance imposing and assessing a golf course impact fee upon those properties within the City which are most benefitted by said project should be adopted by the City. Accordingly the City does hereby impose a Golf Course Impact Fee. The Golf Course Impact Fee shall be imposed on all property described in this ordinance and shall be paid by the owners of said property, their successors and assigns, except as may be otherwise provided herein.

12-503 DEFINITIONS.

(a) Adjoining the Golf Course: refers to all property described in Exhibit A, and not specifically excluded by this ordinance.

(b) Applicant: the property owner, or duly designated agent of the property owner of land for which a building permit has been requested.

(c) Golf Course Development Property: property described in Exhibit A which is not specifically excluded by this ordinance.

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

(e) Building Permit: the City permit required for new building construction pursuant to Chapter 4 of the

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

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

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

(h) Commercial Development: A specific type of nonresidential development.

(i) Development: the final platting of land for residential and nonresidential development; and the construction, erection, reconstruction or use of any principal building or structure for nonresidential use which requires issuance of a building permit, but for which final plat approval is not required.

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

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

(l) Golf Course Development: the acquisition of real property, the planning, design and construction of a Leawood Golf course and related public improvements in the area generally described as south of 151st Street between Mission and Nall, including all accessory structures and access streets.

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

(n) Impact Fee or Leawood Golf Course Impact Fee: a regulatory fee imposed on all Golf Course Development Property, as defined herein, and required by the City as a condition of development approval and collected at building permit issuance for the purpose of paying or reimbursing the City for a portion of the costs associated with the Golf Course Development.

(o) Impact Fee Rate: the amount of the applicable Golf Course Impact Fee per lot or acre of new development adjoining the Leawood Golf Course.

(p) Interior Lot: A single-family residential lot that is platted as part of the Golf Course Development Property, but does not have at least one common boundary line with the property commonly known as the Leawood Golf Course.

(q) Leawood Golf Course: the public golf course to be constructed by the City in the area generally described as south of 151st Street between Mission Road and Nall Avenue.

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

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

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

(u) Residential Development: the development of any property for a dwelling or dwellings as indicated by an application for a building permit.

(v) Subdivision Regulations: the Subdivision Regulations of the City of Leawood and including all duly adopted amendments thereto.

(w) Leawood Development Ordinance: The ordinances of the City adopted and known as the Development Ordinance of the City of Leawood including all duly adopted amendments thereto.

12-504 APPLICABILITY OF GOLF COURSE IMPACT FEE.

(a) This Ordinance shall be uniformly applicable to all Golf Course Development Property as herein defined.

(b) This Ordinance shall be applicable to development occurring subsequent to the effective date of this ordinance; provided, however, that such Golf Course Development is begun and the completed course and improvements are actually provided within a reasonable period of time following payment of the Golf Course Impact Fee imposed by this Ordinance.

12-505 IMPOSITION OF GOLF COURSE IMPACT FEE.

(a) A Golf Course Impact Fee shall be imposed on all Golf Course Development Property as herein defined.

(b) Imposition of the Golf Course Impact Fee does not alter, negate, supersede or otherwise affect any other requirements of City, County, State or Federal legislation or regulations that may be applicable to a development, including the Leawood Development Ordinance and/or subdivision regulations that may impose on-site or abutting arterial street improvement requirements, local or collector street improvement requirements, standards for local, collector or arterial streets, except as to those requirements which the City has waived by written agreement.

12-506 AMOUNT OF GOLF COURSE IMPACT FEE. The Golf Course Impact Fee shall be at the following rate:

Singe-Family Residential Lot Adjoining the Golf Course Proper - $10,000.00

Single-Family Residential Interior Lot - $5,000.00

Multi-Family Residential and Non-Residential - $7,000.00 per acre

12-507 COLLECTION OF GOLF COURSE IMPACT FEE.

(a) The Director of Planning and Development shall be responsible for the processing and collection of the applicable Golf Course Impact Fee.

(b) Applicants for Building Permits shall at the time of submission of an application for a building permit make payment to the City of the Golf Course Impact Fee for the particular lot or property for which a building permit is sought. In the event the Building Permit does not issue, the payment shall be returned to the Applicant

(c) The Director of Planning and Development may at the time of application for a building permit and payment of the Golf Course Impact Fee require the applicant to provide such relevant supporting documentation as may be required to compute the proper fee required by this ordinance.

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

(1) the applicant has paid the Golf Course Impact Fee; or

(2) an appeal has been taken and a bond or other surety posted pursuant to Section 12513.

12-508 REVIEW OF DETERMINATION OF THE DIRECTOR OF PLANNING AND DEVELOPMENT.

An applicant may file a petition for review with the City Administrator or his duly designated agent on forms provided by the City for the purpose of seeking administrative review of a decision by the Director of Planning and Development as to the applicability of the Golf Course Impact Fee Ordinance or the amount of the Golf Course Impact Fee due. Within seven (7) days of the date of receipt of a petition for review, the City Administrator or his duly designated agent must provide the petitioner, in writing, with a decision on the request. The decision shall include the reasons for the decision.

12-509 ANNUAL REVIEW.

(a) Prior to January 1, 1994 and every year thereafter, the City Administrator, or his duly authorized agent, shall prepare a report to the Governing Body on the Golf Course Impact Fee. In preparation of

such report, the City Administrator or his duly designated agent shall review the following information:

(1) a statement from the City Treasurer summarizing Golf Course Impact Fees collected and disbursed during the year;

(2) a statement from the City Recreation Director summarizing the Golf Course acquisitions, development and improvements and the status thereof for the preceding year;

(3) a statement from the Director of Planning and Development summarizing the type, location, timing and amount of development for which building permits were issued or final plat approvals were granted in the year and summarizing the administration and enforcement of the Golf Course Impact Fee.

12-510 RESTRICTIONS ON USE OF AND ACCOUNTING FOR GOLF COURSE IMPACT FEE FUNDS.

(a) The funds collected by reason of the establishment of the Golf Course Impact Fee must be used solely for the purpose of funding the Golf Course Development or for reimbursement to the City for costs incurred for the Golf Course Development.

(b) Upon receipt of Golf Course Impact Fees, the funds shall be deposited in a segregated, interest

bearing account designated as the "Leawood Golf Course Impact Fee Account". All funds placed in said account and all interest earned therefrom shall be utilized solely and exclusively for the purpose established and described by this Ordinance. At the discretion of the Governing Body, other revenues as may be legally utilized for such purposes may be deposited to such account. The City Treasurer shall establish adequate financial and accounting controls to ensure that Golf Course Impact Fee funds disbursed from such accounts are utilized solely and exclusively as described herein. Disbursement of funds from said accounts shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that funds shall be expended within a reasonable period of time, but not to exceed five (5) years from the date such funds are collected.

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

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

(e) Golf Course Impact Fee funds collected shall not be used to finance development or improvements other than those described herein.

(f) The City may issue and utilize general obligation bonds, revenue bonds, revenue certificates or other certificates of indebtedness as are within the authority of the City in such manner and subject to such limitations as may be provided by law in furtherance of the financing and provision of the Leawood Golf Course Development and improvements as set forth in this Ordinance. Funds pledged toward the retirement of such bonds or other certificates of indebtedness may include the Golf Course Impact Fees and other City (and non-City) funds and revenues as may be collected by the Governing Body. Golf Course Impact Fees paid pursuant to this Ordinance, however, shall be used solely and exclusively for the Golf Course Development and for the payment of debt incurred by the City for the Golf Course Development as defined herein.

12-511 REFUNDS.

(a) The current owner of property on which a Golf Course Impact Fee has been paid may apply for a refund of such fee if:

(1) the City has failed to initiate Golf Course Development within six months of the adoption of this ordinance; or

(2) the City has failed to complete construction of the golf course by July 31, 1995;

(3) the building permit for an approved development for which the Golf Course Impact Fee has been paid subsequently lapses for noncommencement of construction.

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

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

(d) Within one month of the date of receipt of a petition for refund, the City Administrator or his duly designated agent must provide the petitioner, in writing, with a decision on the refund request. The decision must

include the reasons for the decision. If a refund is due petitioner, the City Administrator or his duly designated agent shall notify the City Treasurer and request that a refund payment be made to petitioner.

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

12-512 TERMINATION OF IMPACT FEE. Upon receipt by the City of Leawood of all principal and interest due from Bell Development, Inc. pursuant to its agreement with the City of Leawood dated July 30, 1992,

(a) the Golf Course Impact Fee shall be terminated and the Golf Course Impact Fee Ordinance shall be repealed; and

(b) the City shall cause a release to be filed of record which shall relieve Bell Development, Inc. and any other owner of property otherwise subject to the Golf Course Impact Fee from any further obligation to pay said fee and shall further release any affidavit of equitable interest related to the enforcement of this Golf Course Impact Fee Ordinance.

12-513 APPEALS. After a determination by the Director of Planning and Development of the applicability of the Golf Course Impact Fee or the amount of the Golf Course Impact Fee due, or after a determination by the City

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

12-514 EFFECT OF GOLF COURSE IMPACT FEE ON THE LEAWOOD DEVELOPMENT ORDINANCE AND SUBDIVISION REGULATIONS. This ordinance shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements or any other aspect of the development of land or requirements for the provision of public improvements that may be imposed by the City pursuant to the Leawood Development Ordinance, subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

12-515 GOLF COURSE IMPACT FEE AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENT. The Golf Course Impact Fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the City as a condition of the development of land or the issuance of building permits; provided, however, that the Golf Course Impact Fee requirement and the payment of such fee by a developer for the Golf Course Development and improvements described herein shall not be duplicative of other improvement requirements imposed pursuant to the Leawood Development Ordinance, City zoning, subdivision, planned unit development or other applicable ordinances or regulations and the payment of the Golf Course Impact Fee shall not be used to meet such requirements. The Golf Course Impact Fee requirement is intended to be consistent with and to further the objectives and policies of the Master Plan and to be coordinated with other City policies, ordinances and resolutions by which the City seeks to develop a City Golf Course. In no event shall a property owner be obligated to pay Golf Course Impact Fees in an amount in excess of the amount calculated pursuant to this Ordinance; but, provided that a property owner may be required, pursuant to City zoning and subdivision regulations to provide open lands, setbacks, buffers and other nonbuildable areas on-site in

addition to meeting the Golf Course Impact Fee requirement.

12-516 VARIANCES AND EXCEPTIONS. Petitions for variances and exceptions to the application of this Ordinance shall be made to the City Administrator in accordance with procedures to be established by Resolution of the Governing Body.

Section 2. Take effect. This Ordinance shall take effect and be enforced from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 19th DAY OF April, 1993.

APPROVED BY THE MAYOR THIS 19th DAY OF April, 1993.

(S E A L)

Marcia Reinhardt
Mayor

ATTEST:

Marilyn Heiser
City Clerk

APPROVED AS TO FORM:

City Attorney

F:\USER\DEBBIE\LEAWOOD\GOLF8IMP.ORD

EXHIBIT "A"

March 8, 1993

Bell Tract B-1

A part of the North ½ of the Northwest ¼ of Section 9, Township 14, Range 25, City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northwest corner of said Northwest ¼; thence N. 87°-18'-10" E. along the North line of said Northwest ¼ a distance of 1,417.73 feet; thence S. 12°-53'-12" W. a distance of 637.22 feet; thence S. 4°-17'-06" E. a distance of 181.49 feet; thence S. 88°-38'-48" W. a distance of 106.28 feet; thence N. 61°-36'-58" W. a distance of 1,032.04 feet; thence S. 87°-43'-19" W. a distance of 264.32 feet to a point on the West line of said Northwest ¼; thence N. 2°-03'-42" W. along said West line a distance of 258.01 feet to the Point of Beginning, containing 15.30 acres, more or less.

April 1, 1993

Bell Tract B-2

A part of the North ½ of the Northwest ¼ of Section 9, Township 14, Range 25, City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the West line of said Northwest ¼, said point being 676.11 feet South of the Northwest corner of said Northwest ¼; thence N. 87°-56'-18" E. a distance of 125.00 feet; thence S. 47°-20'-41" E. a distance of 683.73 feet; thence S. 61°-52'-08" E. a distance of 171.64 feet; thence S. 02°-38'-06" E. a distance of 75.00 feet to a point on the South line of the North ½ of the Northwest ¼, said line being the North line of Brittany Woods First Plat; thence S. 87°-21'-54" W. along said North line of Brittany Woods First Plat, a distance of 760.00 feet to the Southwest corner of the North ½ of the Northwest ¼; thence N. 02°-03'-42" W. along said West line a distance of 650.00 feet to the Point of Beginning, containing 6.80 acres, more or less.

April 13, 1993

Bell Tract B-3

A part of the North ½ of the Northwest ¼ of Section 9, Township 14, Range 25, City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Northeast corner of said Northwest ¼; thence S. 2°-01'-46" E. along the East line of said Northwest ¼ a distance of 1,107.81 feet; thence N. 85°-43'-42" W. a distance of 268.93 feet; thence S. 26°-31'-00" W. a distance of 149.92 feet; thence N. 48°-36'-49" W. a distance of 58.83 feet; thence N. 58°-04'-49" W. a distance of 85.31 feet; 62.89 feet; thence N. 67°-19'-43" W. a distance of 29.12 feet; thence S. 52°-01'-33" W. a distance of 66.00 feet; thence S. 25°-33'-16" W. a distance of 64.08 feet; thence N. 28°-33'-12" W. a distance of 454.19 feet to 813.72 feet; thence N. 2°-29'-26" W. a distance of 990.67 feet to a point on the North line of said Northwest ¼; thence N. 87°-18'-10" E. along said North line a distance of 990.67 feet to the Point of Beginning, containing 22.83 acres, more or less.

March 8, 1993

Bell Tract B-4

A part of the South ½ of the Northwest ¼ of Section 9, Township 14, Range 25, City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the Southeast corner of said Northwest ¼; thence S. 87°-25'-38" W. along the South line of said Northwest ¼ a distance of 495.13 feet; thence N. 2°-34'-22" W. a distance of 30.00 feet to the Point of Beginning; thence S. 87°-25'-38" W. a distance of 453.36 feet; thence N. 65°-41'-00" W. a distance of 386.44 feet; thence N. 32°-10'-07" W. a distance of 116.80 feet; thence N. 9°-34'-17" E. a distance of 723.03 feet; thence N. 24°-53'-00" E. a distance of 189.26 feet; thence N. 59°-00'-21" E. a distance of 181.97 feet; thence N. 73°-53'-31" E. a distance of 120.00 feet; thence S. 87°-33'-39" E. a distance of 400.92 feet; thence S. 41°-20'-43" E. a distance of 96.40 feet; thence S. 8°-02'-30" W. a distance of 528.40 feet; thence S. 3°-13'-52" E. a distance of 166.96 feet; thence S. 15°-25'-52" W. a distance of 185.17 feet; thence S. 1°-15'-13" E. a distance of 122.37 feet; thence S. 19°-08'-24" E. a distance of 123.95 feet; thence S. 2°-34'-22" E. a distance of 52.10 feet to the Point of Beginning, containing 21.78 acres, more or less.

April 13, 1993

Bell Tract B-5

A part of the Northwest ¼ and the Northeast ¼ of Section 9, Township 14, Range 25, City of Leawood, Johnson County, Kansas, more particularly described as follows: Beginning at the Southeast corner of said Northwest ¼; thence S. 87°-25'-38" W. along the South line of said Northwest ¼ a distance of 294.66 feet; thence N. 2°-34'-22" W. a distance of 64.46 feet; thence N. 25°-53'-55" E. a distance of 325.72 feet; thence N. 6°-51'-24" E a distance of 75.00 feet; thence N. 1°-21'-38" E. a distance of 200.00 feet; thence N. 16°-31'-05" W. a distance of 97.72 feet; thence N. 1°-21'-38" E. a distance of 90.00 feet; thence N. 35°-01'-07" E. a distance of 107.28 feet; thence N. 64°-00'-06" E. a distance of 100.77 feet; thence S. 75°-08'-01" E. a distance of 280.51 feet; thence S. 44°-22'-41" E. a distance of 117.24 feet; thence S. 37°-01'-41" E. a distance of 530.77 feet; thence N. 87°-26'-16" E. a distance of 480.97 feet; thence S. 2°-33'-06" E. a distance of 162.50 feet; thence S. 87°-26'-16" W. a distance of 20.00 feet; thence S. 2°-33'-06" E. a distance of 162.50 feet; thence S. 87°-26'-16" W. a distance of 1,134.06 feet to the Point of Beginning, containing 18.17 acres, more or less.

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive day (weeks/days) the first publication thereof being made as aforesaid on the 4th day of, June 19 93, with subsequent publications being made on the following dates:

_____, 19_____ _____, 19_____

_____, 19_____ _____, 19_____

Georgiann Thacker

Subscribe and sworn to before me this 4th day of June 19 93

Deanna J. Martasin
NOTARY PUBLIC

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. January 25, 1996

My Commission Expires 1/25/96

Printer's Fees 197.10

Additional copies $_____

First published in The Johnson County Sun, Friday, June 4, 1993.

ORDINANCE NO. 1338 C

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE CREATION OF THE LEAWOOD GOLF COURSE IMPACT FEE.

Be it Ordained by the Governing Body of the City of Leawood:
Section 1. The Code of the City of Leawood is hereby amended by the addition of Article 5 to Chapter 12 which read as follows:

ARTICLE 5. LEAWOOD GOLF COURSE IMPACT FEE

12-501 SHORT TITLE. This Ordinance shall be known and cited as the "Leawood Golf Course Impact Fee Ordinance".

12-502 PURPOSE. After independent review, consideration of reports of staff and consultants, and consultation with the owners of certain property, the City has determined that it is in the best interest of the City and its residents to construct a public golf course within the City. The City, in consultation with residents and owners of property has also determined that the construction of a properly designed, constructed and managed public golf course will be of significant benefit to the City and also to adjoining properties. The City by this ordinance and in cooperation with the owners of certain property adjoining the proposed golf course has determined that those properties benefitted most by the construction of a golf course should share in the cost of the Golf Course Development. Accordingly, in order to recover a portion of the costs associated with the Golf Course Development, it is hereby determined that an ordinance imposing and assessing a golf course impact fee upon those properties within the City which are most benefitted by said project should be adopted by the City. Accordingly the City does hereby impose a Golf Course Impact Fee. The Golf Course Impact Fee shall be imposed on all property described in this ordinance and shall be paid by the owners of said property, their successors and assigns, except as may be otherwise provided herein.

12-503 DEFINITIONS.
(a) Adjoining the Golf Course: refers to all property described in Exhibit A, and not specifically excluded by this ordinance.
(b) Applicant: the property owner, or duly designated agent of the property owner of land for which a building permit has been requested.
(c) Golf Course Development Property: property described in Exhibit A which is not specifically excluded by this ordinance.
(d) Building: any enclosed structure designed or intended for the support, enclosure, shelter or protection of persons or property.
(e) Building Permit: the City permit required for new building construction pursuant to Chapter 4 of the Code of the City of Leawood. The term "building permit" as used herein shall not be deemed to include permits required for remodeling, additions, rehabilitation or other improvements to an existing structure, or to the rebuilding of a damaged structure, or to permits required for accessory uses.
(f) City: the City of Leawood, Kansas.
(g) City Council: the City Council of Leawood, Kansas
(h) Commercial Development: A specific type of nonresidential development.
(i) Development: the final platting of land for residential and nonresidential development; and the construction, erection, reconstruction or use of any principal building or structure for nonresidential use which requires issuance of a building permit, but for which final plat approval is not required.
(j) Director of Planning and Development: the enforcement official responsible for technical review of building and other construction plans, preliminary and final plats, issuance of building and land use permits, and enforcement of the various codes and ordinances relating to building and development in the City of Leawood.
(k) Dwelling: any building, or portion thereof, designed exclusively for residential occupancy and containing one or more dwelling units.
(l) Golf Course Development: the acquisition of real property, the planning, design and construction of a Leawood Golf course and related public improvements in the area generally described as south of 151st Street between Mission and Nall, including structures and access streets.
(m) Governing Body: the legislative body of the City of Leawood, Kansas.
(n) Impact Fee or Leawood Golf Course Impact Fee: a regulatory fee imposed on all Golf Course Development Property, as defined herein, and required by the City as a condition of development approval and collected at building permit issuance for the purpose of paying or reimbursing the City for a portion of the costs associated with the Golf Course Development.
(o) Impact Fee Rate: the amount of the applicable Golf Course Impact Fee per lot or acre of new development adjoining the Leawood Golf Course.
(p) Interior Lot: A single-family residential lot that is platted as part of the Golf Course Development Property, but does not have at least one common boundary line with the property commonly known as the Leawood Golf Course.
(q) Leawood Golf Course: the public golf course to be constructed by the City in the area generally described as south of 151st Street between Mission Road and Nall Avenue.
(r) Master Plan: the official, adopted comprehensive development plan for the City of Leawood and amendments thereto.
(s) Property: a legally described parcel of land capable of development pursuant to applicable City ordinances and regulations.
(t) Property Owner: any person, group of persons, firm or firms, corporation or corporations, or any other entity having a proprietary interest in the land on which a building permit has been requested.
(u) Residential Development: the development of any property for a dwelling or dwellings as indicated by an application for a building permit.
(v) Subdivision Regulations: the Subdivision Regulations of the City of Leawood and including all duly adopted amendments thereto.
(w) Leawood Development Ordinance: The ordinances of the City adopted and known as the Development Ordinance of the City of Leawood including all duly adopted amendments thereto.

12-504 APPLICABILITY OF GOLF COURSE IMPACT FEE.
(a) This Ordinance shall be uniformly applicable to all Golf Course Development Property as herein defined.
(b) This Ordinance shall be applicable to development occurring subsequent to the effective date of this ordinance; provided, however, that such Golf Course Development is begun and the completed course and improvements are actually provided within a reasonable period of time following payment of the Golf Course Impact Fee imposed by this Ordinance.

12-505 IMPOSITION OF GOLF COURSE IMPACT FEE.
(a) A Golf Course Impact Fee shall be imposed on all Golf Course Development Property as herein defined.
(b) Imposition of the Golf Course Impact Fee does not alter, negate, supersede or otherwise affect any other requirements of City, County, State or Federal legislation or regulations that may be applicable to a development, including the Leawood Development Ordinance and/or subdivision regulations that may impose on-site or abutting arterial street improvement requirements, local or collector street improvement requirements, standards for local, collector or arterial streets, except as to those requirements which the City has waived by written agreement.

12-506 AMOUNT OF GOLF COURSE IMPACT FEE. The Golf Course Impact Fee shall be at the following rate:

Single-Family Residential Lot Adjoining the Golf Course Proper - $10,000.00
Single-Family Residential Interior Lot - $5,000.00
Multi-Family Residential and Non-Residential - $7,000.00 per acre

12-507 COLLECTION OF GOLF COURSE IMPACT FEE.
(a) The Director of Planning and Development shall be responsible for the processing and collection of the applicable Golf Course Impact Fee.
(b) Applicants for Building Permits shall at the time of submission of an application for a building permit make payment to the City of the Golf Course Impact Fee for the particular lot or property for which a building permit is sought. In the event the Building Permit does not issue, the payment shall be returned to the Applicant.
(c) The Director of Planning and Development may at the time of application for a building permit and payment of the Golf Course Impact Fee require the applicant to provide such relevant supporting documentation as may be required to compute the proper fee required by this ordinance.
(d) The Director of Planning and Development shall be responsible for determining that:
(1) the applicant has paid the Golf Course Impact Fee; or
(2) an appeal has been taken and a bond or other surety posted pursuant to Section 12513.

12-508 REVIEW OF DETERMINATION OF THE DIRECTOR OF PLANNING AND DEVELOPMENT. An applicant may file a petition for review with the City Administrator or his duly designated agent on forms provided by the City for the purpose of seeking administrative review of a decision by the Director of Planning and Development as to the applicability of the Golf Course Impact Fee Ordinance or the amount of the Golf Course Impact Fee due. Within seven (7) days of the date of receipt of a petition for review, the City Administrator or his duly designated agent must provide the petitioner, in writing, with a decision on the request. The decision shall include the reasons for the decision.

12-509 ANNUAL REVIEW.
(a) Prior to January 1, 1994 and every year thereafter, the City Administrator, or his duly authorized agent, shall prepare a report to the Governing Body on the Golf Course Impact Fee. In preparation of such report, the City Administrator or his duly designated agent shall review the following information:
(1) a statement from the City Treasurer summarizing Golf Course Impact Fees collected and disbursed during the year;
(2) a statement from the City Recreation Director summarizing the Golf Course acquisitions, development and improvements and the status thereof for the preceding year;
(3) a statement from the Director of Planning and Development summarizing the type, location, timing and amount of development for which building permits were issued or final plat approvals were granted in the year and summarizing the administration and enforcement of the Golf Course Impact Fee.

12-510 RESTRICTIONS ON USE OF AND ACCOUNTING FOR GOLF COURSE IMPACT FEE FUNDS.
(a) The funds collected by reason of the establishment of the Golf Course Impact Fee must be used solely for the purpose of funding the Golf Course Development or for reimbursement to the City for costs incurred for the Golf Course Development.
(b) Upon receipt of Golf Course Impact Fees, the funds shall be deposited in a segregated, interest bearing account designated as the "Leawood Golf Course Impact Fee Account". All funds placed in said account and all interest earned therefrom shall be utilized solely and exclusively for the purpose established and described by this Ordinance. At the discretion of the Governing Body, other revenues as may be legally utilized for such purposes may be deposited to such account. The City Treasurer shall establish adequate financial and accounting controls to ensure that Golf Course Impact Fee funds disbursed from such accounts are utilized solely and exclusively as described herein. Disbursement of funds from said accounts shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that funds shall be expended within a reasonable period of time, but not to exceed five (5) years from the date such funds are collected.
(c) The City Treasurer shall maintain and keep adequate financial records for said account which shall show the source and disbursement of all funds placed in or expended by such account.
(d) Interest earned by such account shall be credited to the account and shall be utilized solely for the purposes specified for funds of the account.
(e) Golf Course Impact Fee funds collected shall not be used to finance development or improvements other than those described herein.
(f) The City may issue and utilize general obligation bonds, revenue bonds, revenue certificates or other certificates of indebtedness as are within the authority of the City in such manner and subject to such limitations as may be provided by law in furtherance of the financing and provision of the Leawood Golf Course Development and improvements as set forth in this Ordinance. Funds pledged toward the retirement of such bonds or other certificates of indebtedness may include the Golf Course Impact Fees and other City (and non-City) funds and revenues as may be collected by the Governing Body. Golf Course Impact Fees paid pursuant to this Ordinance, however, shall be used solely and exclusively for the Golf Course Development and for the payment of debt incurred by the City for the Golf Course Development as defined herein.

12-511 REFUNDS.

(a) The current owner of property on which a Golf Course Impact Fee has been paid may apply for a refund of such fee if:

(1) the City has failed to initiate Golf Course Development within six months of the adoption of this ordinance; or

(2) the City has failed to complete construction of the golf course by July 31, 1995;

(3) the building permit for an approved development for which the Golf Course Impact Fee has been paid subsequently lapses for noncommencement of construction.

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

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

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

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

12-512 TERMINATION OF IMPACT FEE. Upon receipt by the City of Leawood of all principal and interest due from Bell Development, Inc. pursuant to its agreement with the City of Leawood dated July 30, 1992,

(a) the Golf Course Impact Fee shall be terminated and the Golf Course Impact Fee Ordinance shall be repealed; and

(b) the City shall cause a release to be filed of record which shall relieve Bell Development, Inc. and any other owner of property otherwise subject to the Golf Course Impact Fee from any further obligation to pay said fee and shall further release any affidavit of equitable interest related to the enforcement of this Golf Course Impact Fee Ordinance.

12-513 APPEALS. After a determination by the Director of Planning and Development of the applicability of the Golf Course Impact Fee or the amount of the Golf Course Impact Fee due, or after a determination by the City Administrator of the amount of refund due, if any, an applicant or a property owner may appeal to the Governing Body. The appellant must file a Notice of Appeal with the Governing Body within thirty (30) days following the determination by the Director of Planning and Development or City Administrator. If the Notice of Appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the Golf Course Impact Fee due as calculated by the Director of Planning and Development, the application shall be processed. The filing of an appeal shall not stay the collection of the Golf Course Impact Fee due unless a bond or other sufficient surety has been filed.

12-514 EFFECT OF GOLF COURSE IMPACT FEE ON THE LEAWOOD DEVELOPMENT ORDINANCE AND SUBDIVISION REGULATIONS. This ordinance shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements or any other aspect of the development of land or requirements for the provision of public improvements that may be imposed by the City pursuant to the Leawood Development Ordinance, subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

12-515 GOLF COURSE IMPACT FEE AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENT. The Golf Course Impact Fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the City as a condition of the development of land or the issuance of building permits; provided, however, that the Golf Course Impact Fee requirement and the payment of such fee by a developer for the Golf Course Development and improvements described herein shall not be duplicative of other improvement requirements imposed pursuant to the Leawood Development Ordinance, City zoning, subdivision, planned unit development or other applicable ordinances or regulations and the payment of the Golf Course Impact Fee shall not be used to meet such requirements. The Golf Course Impact Fee requirement is intended to be consistent with and to further the objectives and policies of the Master Plan and to be coordinated with other City policies, ordinances and resolutions by which the City seeks to develop a City Golf Course. In no event shall a property owner be obligated to pay Golf Course Impact Fees in an amount in excess of the amount calculated pursuant to this Ordinance; but, provided that a property owner may be required, pursuant to City zoning and subdivision regulations to provide open lands, setbacks, buffers and other nonbuildable areas on-site in addition to meeting the Golf Course Impact Fee requirement.

12-516 VARIANCES AND EXCEPTIONS. Petitions for variances and exceptions to the application of this Ordinance shall be made to the City Administrator in accordance with procedures to be established by Resolution of the Governing Body.

Section 2. Take effect. This Ordinance shall take effect and be enforced from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 19th DAY OF April, 1993.

APPROVED BY THE MAYOR THIS 19th DAY OF April, 1993.

/s/ Marcia Rinehart, Mayor

(SEAL)
ATTEST:
/s/ Martha Heizer, City Clerk

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

Bell Tract B-1 March 8, 1993

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Bell Tract B-3 April 13, 1993

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Bell Tract B-5 April 13, 1993

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ORDINANCE NO. 1337

AN ORDINANCE REZONING PROPERTY (TOMAHAWK CREEK ESTATES) LOCATED NORTH OF 119TH AND MISSION FROM AG (AGRICULTURAL) TO RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL); 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:

18-1,419. Section 1. Rezoning of Property. That the real estate hereinafter described, to wit:

> All the NW 1/4 of the SW 1/4 of Section 15 except Tract "C", LEAWOOD GREENWAY AND PARKS, a subdivision of land together with that part of the SE 1/4 of Section 16 lying east of said Tract "C" except the south 346.50 feet thereof, all in T13S, R25E of the 6th P.M., the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the NE corner of said SE 1/4; thence S 1°23'35" E (all bearings herein are referenced to the recorded plat of said LEAWOOD GREENWAY AND PARKS) on the east line of said SE 1/4, 602.11 feet (602.07 feet deed) to the point of beginning on the east line of said Tract "C"; thence S 28°36'16" W on said east line, 350.03 feet (350.00 feet deed) to a point 175.00 feet west of, as measured perpendicular to, the east line of said SE 1/4; thence S 1°23'35" E on the east line of said Tract "C" being 175.00 feet west of, and parallel with, the east line of said SE 1/4, 1120.08 feet (1120.00 feet deed); thence S 13°33'28" W, 310.02 feet (310.00 feet deed); thence N 87°56'01" E on a line parallel with the south line of said SE 1/4, 255.00 feet to a point on the east line of said SE 1/4 being 346.50 feet north of the southeast corner of said SE 1/4 as measured on said east line; thence N 1°23'35" W on said east line, 987.24 feet to the southwest corner of said NW 1/4; thence N 87°46'23" E on the south line of said NW 1/4, 1326.74 feet (1326.65 feet deed) to the southeast corner of said NW 1/4; thence N 1°27'03" W on the east line of said NW 1/4, 857.29 feet to a point on the south line of said Tract "C" being 475.03 feet south of the northeast corner of said NW 1/4 as measured on said east line; thence S 48°59'40" W on said south line, 337.76 feet (337.55 feet deed); thence N 57°20'12" W on said south line, 677.24 feet (677.48 feet deed); thence S 57°12'02" W on said south line, 591.04 feet (591.10 feet deed) to the point of beginning. (Tract contains 32.112 acres.)

now zoned AG, is hereby rezoned to RP-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 April, 1993.

Approved by the Mayor the 19th day of April, 1993.

(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;
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 internal 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 3 consecutive week(s) as follows:

4/20/93 ~~4/27/93 5/4/93~~

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date: 5/4/93

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires: October 11, 1994

Publication Fees: $30.91

Ord 1337

ORD. 1337

First published in The Legal Record, Tuesday, April 20, 1993.

ORDINANCE NO. 1337

AN ORDINANCE REZONING PROPERTY (TOMAHAWK CREEK ESTATES) LOCATED NORTH OF 119TH AND MISSION FROM AG (AGRICULTURAL) TO RP-1 (PLANNED SINGLE FAMILY RESIDENTIAL); 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:

All the NW 1/4 of the SW 1/4 of Section 15 except Tract "C", LEAWOOD GREENWAY AND PARKS, a subdivision of land together with that part of the SE 1/4 of Section 16 lying east of said Tract "C" except the south 346.50 feet thereof, all in T13S, R25E of the 6th P.M., the City of Leawood, Johnson County, Kansas, more particularly described as follows: Commencing at the NE corner of said SE 1/4; thence S 1°23'35" E (all bearings herein are referenced to the recorded plat of said LEAWOOD GREENWAY AND PARKS) on the east line of said SE 1/4, 602.11 feet (602.07 feet deed) to the point of beginning on the east line of said Tract "C"; thence S 28°36'16" W on said east line, 350.03 feet (350.00 feet deed) to a point 175.00 feet west of, as measured perpendicular to, the east line of said SE 1/4; thence S 1°23'35" E on the east line of said Tract "C" being 175.00 feet west of, and parallel with, the east line of said SE 1/4, 1120.08 feet (1120.00 feet deed); thence S 13°33'28" W, 310.02 feet (310.00 feet deed); thence N 87°56'01" E on a line parallel with the south line of said SE 1/4, 255.00 feet to a point on the east line of said SE 1/4 being 346.50 feet north of the southeast corner of said SE 1/4 as measured on said east line; thence N 1°23'35" W on said east line, 987.24 feet to the southwest corner of said NW 1/4; thence N 87°46'23" E on the south line of said NW 1/4, 1326.74 feet (1326.65 feet deed) to the southeast corner of said NW 1/4; thence N 1°27'03" W on the east line of said NW 1/4, 857.29 feet to a point on the south line of said Tract "C" being 475.03 feet south of the northeast corner of said NW 1/4 as measured on said east line; thence S 48°59'40" W on said south line, 337.76 feet (337.55 feet deed); thence N 57°20'12" W on said south line, 677.24 feet (677.48 feet deed); thence S 57°12'02" W on said south line, 591.04 feet (591.10 feet deed) to the point of beginning. (Tract contains 32.112 acres.)

now zoned AG, is hereby rezoned to RP-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 April, 1993.

Approved by the Mayor the 19th day of April, 1993.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1336

AN ORDINANCE ANNEXING CERTAIN PROPERTY INTO THE CITY OF LEAWOOD PURSUANT TO CONSENT OF THE OWNER AND AGREEMENT BETWEEN THE CITIES OF OVERLAND PARK AND LEAWOOD.

Whereas the City of Leawood did receive consent of Bell Development, Inc. to annex certain property as described hereinafter into the City of Leawood;

Whereas, the property to be annexed by consent of the owner is presently located within the City of Overland Park, Kansas;

Whereas, the property owner has petitioned the City of Overland Park and has requested to have said property excluded from the City of Overland Park;

Whereas, the City of Overland Park and the City of Leawood have both approved an agreement setting forth the terms under which the property described hereinafter is to be excluded from the City of Overland Park and annexed into the City of Leawood;

Whereas, the City of Overland Park has entered it order excluding the property from the said City, which order will become effective on the 7th day of April, 1993;

Whereas, it is the intent of the City, with the consent of the owner and pursuant to agreement with the City of Overland Park, to annex said property into the City of Leawood in the manner authorized by K.S.A. 12-520(a)(7) with said annexation to be effective upon exclusion of the property from the City of Overland Park;

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

Section 1. **Property Annexed.** The City of Leawood does hereby annex pursuant to the provisions of K.S.A. § 12-520(a)(7) the following described property:

> All that part of the East 55 acres of the Northeast Quarter of Section 9, Township 14, Range 25, lying South of the K.C. & S. Railways right-of-way; and a 50 foot strip of land described in the Deed dated June 15, 1936, from St. Louis-San Francisco Railway Company, a corporation, to C. D. Chaney, recorded in Book 163 of Deeds, Page 96, thereof, in the office of the Register of Deeds of Johnson County, Kansas, being the South 50 feet of a strip of land 100 feet in width, 50 feet on either side of the center line of the main track of the St. Louis-San Francisco Railway, as the same was formerly located over and across the East 55 acres of said Northeast Quarter of Section 9, being a part of the strip

of land described as Lot No. 142 in the Commissioners Report on Condemnation Proceedings recorded in Book "V" of Deeds, Page 417, of the office of the Register of Deeds, Johnson County, Kansas.

Section 2. **Notice of Annexation.** The City Clerk is directed to furnish a certified copy of this ordinance to the City Clerk of Overland Park, the Johnson County Clerk, the Johnson County Election Commissioner, the Johnson County Board of County Commissioners, the Register of Deeds of Johnson County, the Kansas Department of Revenue, Sales Tax Division, the Kansas Department of Transportation, the Kansas City Power & Light Company, the KPL Gas Service Company, Southwestern Bell Telephone Company, and TeleCable of Overland Park, Inc.

Section 3. **Acceptance of Deed.** The Governing Body authorizes the acceptance of a deed from the City of Overland Park to the right-of-way in which Overland Park holds an interest located west of the Centerline of Mission Road, south of approximately 152nd Street and north of approximately 155th Street and upon receipt of said deed the City Clerk is directed to file same with the register of deeds.

Section 4. **Effective Date.** This ordinance shall take effect and be in force from and after its publication in the official City newspaper but it is directed that said publication and the ordinance shall not be effective prior to 12:01 a.m. on the 7th day of April, 1993.

PASSED by the Council the 15th day of March, 1993.

APPROVED by the Mayor the 15th day of March, 1993.

(S E A L)

Marcia Rinehart
MARCIA RINEHART, Mayor

ATTEST:

Martha Heizer
MARTHA HEIZER, City Clerk

APPROVED AS TO FORM:

RICHARD S. WETZLER, City Attorney

City of Leawood
9617 Lee Boulevard • Leawood, Kansas 66206 • (913) 642-5555
(913) 642-1340 Fax

April 5, 1993

City Clerk, Overland Park
County Clerk
Election Commissioner
Board of County Commissioners
Register of Deeds
Kansas Department of Revenue, Sales Tax Division
Kansas Department of Transportation
Kansas City Power & Light
KPL Gas Service
Southwestern Bell Telephone
TeleCable of Overland Park

Enclosed for your records is a certified copy of Leawood Ordinance No. 1336 annexing property into the City of Leawood effective 12:01 a.m., April 7, 1993.

Sincerely,

Martha Heizer
City Clerk

4/26 - H/c Phyllis @ Reg. of Deeds - Ord. w/rec'd & filed (we no longer rec. recorded copies back); OP did file the agreement.

County Clerk	111 S. Cherry, Olathe, KS 66061
Register of Deeds	P.O. Box 700, Olathe, KS 66051
Ks. Dept. of Revenue,	Sales Tax Div. Robert B. Docking State Office Bldg. Topeka, KS 66625-0001
KDOT	Terry Heidner, Chief of Transportation Planning 8th Floor, Docking State Office Bldg. Topeka, KS 66612
KCP&L	Jo. Co. District Office 8730 Nieman Rd. OPKS 66214 Attn: Jane Gardner
KPL Gas Service ~~(Julie)~~	11401 W. 89th St., OPKS 66214
SW Bell Telephone	707 Minnesota, Room 503A, Kansas City, KS 66101 Attn: Dave Holtwick
TeleCable of OP	James D. Pirner, Vice-Pres. & General Mgr. P.O. Box 25567 Shawnee Mission, KS 66225

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;
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:

3/16/93

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/16/93

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $36.36

Ord 1336

ORD. 1336

First published in The Legal Record, Tuesday, March 16, 1993.

ORDINANCE NO. 1336

AN ORDINANCE ANNEXING CERTAIN PROPERTY INTO THE CITY OF LEAWOOD PURSUANT TO CONSENT OF THE OWNER AND AGREEMENT BETWEEN THE CITIES OF OVERLAND PARK AND LEAWOOD.

Whereas the City of Leawood did receive consent of Bell Development, Inc. to annex certain property as described hereinafter into the City of Leawood;

Whereas, the property to be annexed by consent of the owner is presently located within the City of Overland Park, Kansas;

Whereas, the property owner has petitioned the City of Overland Park and has requested to have said property excluded from the City of Overland Park;

Whereas, the City of Overland Park and the City of Leawood have both approved an agreement setting forth the terms under which the property described hereinafter is to be excluded from the City of Overland Park and annexed into the City of Leawood;

Whereas, the City of Overland Park has entered it order excluding the property from the said City, which order will become effective on the 7th day of April, 1993;

Whereas, it is the intent of the City, with the consent of the owner and pursuant to agreement with the City of Overland Park, to annex said property into the City of Leawood in the manner authorized by K.S.A. 12-520(a)(7) with said annexation to be effective upon exclusion of the property from the City of Overland Park;

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

Section 1. **Property Annexed.** The City of Leawood does hereby annex pursuant to the provisions of K.S.A. § 12-520(a)(7) the following described property:

All that part of the East 55 acres of the Northeast Quarter of Section 9, Township 14, Range 25, lying South of the K.C. & S. Railways right-of-way; and a 50 foot strip of land described in the Deed dated June 15, 1936, from St. Louis-San Francisco Railway Company, a corporation, to C. D. Chaney, recorded in Book 163 of Deeds, Page 96, thereof, in the office of the Register of Deeds of Johnson County, Kansas, being the South 50 feet of a strip of land 100 feet in width, 50 feet on either side of the center line of the main track of the St. Louis-San Francisco Railway, as the same was formerly located over and across the East 55 acres of said Northeast Quarter of Section 9, being a part of the strip of land described as Lot No. 142 in the Commissioners Report on Condemnation Proceedings recorded in Book "V" of Deeds, Page 417, of the office of the Register of Deeds, Johnson County, Kansas.

Section 2. **Notice of Annexation.** The City Clerk is directed to furnish a certified copy of this ordinance to the City Clerk of Overland Park, the Johnson County Clerk, the Johnson County Election Commissioner, the Johnson County Board of County Commissioners, the Register of Deeds of Johnson County, the Kansas Department of Revenue, Sales Tax Division, the Kansas Department of Transportation, the Kansas City Power & Light Company, the KPL Gas Service Company, Southwestern Bell Telephone Company, and TeleCable of Overland Park, Inc.

Section 3. **Acceptance of Deed.** The Governing Body authorizes the acceptance of a deed from the City of Overland Park to the right-of-way in which Overland Park holds an interest located west of the Centerline of Mission Road, south of approximately 152nd Street and north of approximately 155th Street and upon receipt of said deed the City Clerk is directed to file same with the register of deeds.

Section 4. **Effective Date.** This ordinance shall take effect and be in force from and after its publication in the official City newspaper but it is directed that said publication and the ordinance shall not be effective prior to 12:01 a.m. on the 7th day of April, 1993.

PASSED by the Council the 15th day of March, 1993.

APPROVED by the Mayor the 15th day of March, 1993.

(S E A L)

Marcia Rinehart
MARCIA RINEHART, Mayor

ATTEST:

Martha Heizer
MARTHA HEIZER, City Clerk

APPROVED AS TO FORM:

RICHARD S. WETZLER, City Attorney

Entire Ord.
Repealed by:
ORDINANCE NO. 1607
Adopted: 9/16/96
Effective:

ORDINANCE NO. 1335

AN ORDINANCE AMENDING SECTION 4-3 (SPECIAL USES) OF THE SUPPLEMENT OF AMENDMENTS TO THE LEAWOOD DEVELOPMENT ORDINANCE TO ALLOW A HOME HEALTH CARE SUITE AS A SPECIAL USE.

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

Section 1. Supplement to the Leawood Development Ordinance Amended. That Section 4-3 of the supplement known as "Amendment of Leawood Development Ordinance", dated December 16, 1991, is hereby amended to read as follows:

4-3 SPECIAL USE PROVISIONS

4-3.1 Special Uses Designated: Any of the following uses may be located in any district by Special Use Permit of the Governing Body after notification of adjacent and abutting property owners, public hearing, and after recommendation of the Plan Commission, under such conditions as to operation, site development, signs, and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of the neighboring property, and will conform to the general intent and purpose of this Ordinance and shall comply with the height and area regulations of the district in which they may be located unless a variance is specifically granted by the Board of Zoning Appeals.

1) Amusement parks, privately-owned baseball or athletic fields, race tracks;

2) Aviation fields or airports, under such restrictions as may be imposed to control noise, promote safety, and prevent undue danger to aircraft or to surrounding property;

3) Cemeteries, mausoleums, or crematories for the disposal of the dead;

4) Public and private schools;

5) Churches, synagogues and other places of worship;

6) Clubs, including those where alcoholic beverages are consumed;

7) Drive-in theaters;

8) Golf driving ranges, commercial or illuminated;

9) Gun clubs, skeet shoots, or target ranges;

10) Hospitals; special care facilities for humans; not to include Group Homes as defined herein.

11) Campgrounds, picnic groves and fishing lakes, including minor and incidental concession facilities for patrons only;

12) Nursery sales office, building greenhouse, or area (wholesale or retail);

13) Nursing and convalescent homes; housing for the elderly; retirement centers and communities; not to include Group Homes as defined herein.

14) Outdoor poster panels or billboards; off-site promotional signs;

15) Veterinary clinics, dog kennels;

16) Radio, television and microwave towers;

17) Television and amateur radio antennae exceeding district height limitations.

18) Reservoirs, towers, filter beds, or water treatment plants;

19) Riding stables and tracks;

20) Wastewater treatment plant;

21) Motor hotels, motels, hotels, and convention centers;

22) Buildings, structures, and premises for public utility services, or public service corporations;

23) Temporary use of land or building for commercial or industrial purposes, provided that any building or structure constructed thereon which is not otherwise permitted in the District in which such land is situated shall be temporary, and any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall be valid for not more than 2 years but may be renewed after public hearing;

24) Assembly halls, community centers, philanthropic organizations;

25) Child care centers, family day care homes, preschools, nursery schools, Montessori schools, private kindergartens, day care homes and group day care homes; not to include Group Homes as defined herein.

26) Off-street parking lots or off-street parking structures of a temporary or permanent nature;

27) Group boarding home for minors or adults; not to include Group Homes as defined herein.

28) Private ambulance service;

29) Bed and breakfast;

30) Horse pasturing on lots of less than 3 acres in residential districts.

31) Temporary self contained health care suites located within an attached garage are intended to provide an "in home" physical care facility as a temporary alternative to a nursing home environment. It is not intended to provide long term care lodging for anyone that would be better served by a more permanent solution. Such permanent alternate solutions may require an alteration to the home, an addition onto the home, or off-site care by a health care institution. Such use is allowed as a special use provided the following conditions are met:

    a. The suites are to be freestanding self contained units including independent heating and air conditioning units and plumbing systems.

    b. Not more than two persons shall be housed in such suite provided said housing is necessitated by a physical impairment or health care need of one or both persons and said health care need is being met by occupant or occupants of the existing home. Said person(s) residing in such health care suite shall be either an occupant or a relative of the occupant of the home except in cases when an overnight health care provider is required.

    c. A letter from a licensed doctor of medicine or osteopathy shall be submitted, along with the application for special use, verifying the need for such health care suite by the applicant or prospective resident of said suite.

    d. Health care suites shall be limited to a maximum of 2 years duration. Such use may only be continued for one additional year and only after review and approval by the Plan Commission and City Council. Any amount of time beyond three years will require a permanent solution to be specified at the time the additional year is requested. Such solution shall be made a condition of approval if granted. At the end of the special use, the unit shall be removed and the garage restored to its former condition.

e. Any exterior modification of the home necessitated by the suite, such as the temporary removal of the garage door(s) to facilitate a private entry, windows, or heating or cooling units, shall be replaced with materials of an architectural likeness to the existing home. Samples of materials proposed to be used shall be submitted with the application for approval by the Plan Commission.

f. Additional written notification shall be required to the applicant's homes association and to all property owners within 200 feet of the applicant's property.

g. Because the installation of such health care suite temporarily removes the enclosed off-street parking spaces required by ordinance, the applicant shall submit an interim plan for dealing with off-street parking for the duration of the special use.

32) The Governing Body may upon application by the proponent issue a Special Use Permit for the use of a specified parcel of land for such temporary short-term uses as trade shows, street fairs, expositions, promotional ventures, entertainment, and seasonal sales without publication of posted notice and without referral to the Plan Commission, provided the following conditions are met:

a) The applicant shall submit in written form a complete description of the proposed use, including estimated accumulation of automobiles and persons, hours of operation, and other characteristics and effects on the neighborhood;

b) The short-term special use shall not be operated longer than 10 consecutive days or as otherwise requested and authorized by the Governing Body.

c) Upon the cessation of the short-term special use, all materials and equipment shall be promptly removed and the property restored to its normal condition.

d) If, after giving full consideration to the effect of the requested special use on the neighborhood and the community, the Governing Body deems the special use reasonable, the special use permit for the short-term use may be approved. Conditions of operation, provision for surety bond, and other reasonable safeguards may be written into the special use permit. Such permit may be approved in any zoning district.

Section 2. Existing Section Repealed. That existing Section 4-3 of the supplement known as "Amendment of Leawood Development Ordinance" dated December 16, 1991, is hereby repealed. (Prior law: Ordinance No. 1301)

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 March, 1993.

Approved by the Mayor the 15th day of March, 1993.

(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;
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:

3/23/93

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
3/23/93

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $81.81

Ord 1335

First published in The Legal Record, Tuesday, March 23, 1993.

ORDINANCE NO: 1335

AN ORDINANCE AMENDING SECTION 4-3 (SPECIAL USES) OF THE SUPPLEMENT OF AMENDMENTS TO THE LEAWOOD DEVELOPMENT ORDINANCE TO ALLOW A HOME HEALTH CARE SUITE AS A SPECIAL USE.

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

Section 1. Supplement to the Leawood Development Ordinance Amended. That Section 4-3 of the supplement known as "Amendment of Leawood Development Ordinance", dated December 16, 1991, is hereby amended to read as follows:

4-3 SPECIAL USE PROVISIONS

4-3.1 Special Uses Designated: Any of the following uses may be located in any district by Special Use Permit of the Governing Body after notification of adjacent and abutting property owners, public hearing, and after recommendation of the Plan Commission, under such conditions as to operation, site development, signs, and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of the neighboring property, and will conform to the general intent and purpose of this Ordinance and shall comply with the height and area regulations of the district in which they may be located unless a variance is specifically granted by the Board of Zoning Appeals.

1) Amusement parks, privately-owned baseball or athletic fields, race tracks;

2) Aviation fields or airports, under such restrictions as may be imposed to control noise, promote safety, and prevent undue danger to aircraft or to surrounding property;

3) Cemeteries, mausoleums, or crematories for the disposal of the dead;

4) Public and private schools;

5) Churches, synagogues and other places of worship;

6) Clubs, including those where alcoholic beverages are consumed;

7) Drive-in theaters;

8) Golf driving ranges, commercial or illuminated;

9) Gun clubs, skeet shoots, or target ranges;

10) Hospitals; special care facilities for humans; not to include Group Homes as defined herein.

11) Campgrounds, picnic groves and fishing lakes, including minor and incidental concession facilities for patrons only;

12) Nursery sales office, building greenhouse, or area (wholesale or retail);

13) Nursing and convalescent homes; housing for the elderly; retirement centers and communities; not to include Group Homes as defined herein.

14) Outdoor poster panels or billboards; off-site promotional signs;

15) Veterinary clinics, dog kennels;

16) Radio, television and microwave towers;

17) Television and amateur radio antennae exceeding district height limitations.

18) Reservoirs, towers, filter beds, or water treatment plants;

19) Riding stables and tracks;

20) Wastewater treatment plant;

21) Motor hotels, motels, hotels, and convention centers;

22) Buildings, structures, and premises for public utility services, or public service corporations;

23) Temporary use of land or building for commercial or industrial purposes, provided that any building or structure constructed thereon which is not otherwise permitted in the District in which such land is situated shall be temporary, and any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall be valid for not more than 2 years but may be renewed after public hearing;

24) Assembly halls, community centers, philanthropic organizations;

25) Child care centers, family day care homes, preschools, nursery schools, Montessori schools, private kindergartens, day care homes and group day care homes; not to include Group Homes as defined herein.

26) Off-street parking lots or off-street parking structures of a temporary or permanent nature;

27) Group boarding home for minors or adults; not to include Group Homes as defined herein.

28) Private ambulance service;

29) Bed and breakfast;

30) Horse pasturing on lots of less than 3 acres in residential districts.

31) Temporary self contained health care suites located within an attached garage are intended to provide an "in home" physical care facility as a temporary alternative to a nursing home environment. It is not intended to provide long term care lodging for anyone that would be better served by a more permanent solution. Such permanent alternate solutions may require an alteration to the home, an addition onto the home, or off-site care by a health care institution. Such use is allowed as a special use provided the following conditions are met:

a. The suites are to be freestanding self contained units including independent heating and air conditioning units and plumbing systems.

b. Not more than two persons shall be housed in such suite provided said housing is necessitated by a physical impairment or health care need of one or both persons and said health care need is being met by occupant or occupants of the existing home. Said person(s) residing in such health care suite shall be either an occupant or a relative of the occupant of the home except in cases when an overnight health care provider is required.

c. A letter from a licensed doctor of medicine or osteopathy shall be submitted, along with the application for special use, verifying the need for such health care suite by the applicant or prospective resident of said suite.

d. Health care suites shall be limited to a maximum of 2 years duration. Such use may only be continued for one additional year and only after review and approval by the Plan Commission and City Council. Any amount of time beyond three years will require a permanent solution to be specified at the time the additional year is requested. Such solution shall be made a condition of approval if granted. At the end of the special use, the unit shall be removed and the garage restored to its former condition.

e. Any exterior modification of the home necessitated by the suite, such as the temporary removal of the garage door(s) to facilitate a private entry, windows, or heating or cooling units, shall be replaced with materials of an architectural likeness to the existing home. Samples of materials proposed to be used shall be submitted with the application for approval by the Plan Commission.

f. Additional written notification shall be required to the applicant's homes association and to all property owners within 200 feet of the applicant's property.

g. Because the installation of such health care suite temporarily removes the enclosed off-street parking spaces required by ordinance, the applicant shall submit an interim plan for dealing with off-street parking for the duration of the special use.

32) The Governing Body may upon application by the proponent issue a Special Use Permit for the use of a specified parcel of land for such temporary, short-term uses as trade shows, street fairs, expositions, promotional ventures, entertainment, and seasonal sales without publication of posted notice and without referral to the Plan Commission, provided the following conditions are met:

a) The applicant shall submit in written form a complete description of the proposed use, including estimated accumulation of automobiles and persons, hours of operation, and other characteristics and effects on the neighborhood;

b) The short-term special use shall not be operated longer than 10 consecutive days or as otherwise requested and authorized by the Governing Body.

c) Upon the cessation of the short-term special use, all materials and equipment shall be promptly removed and the property restored to its normal condition.

d) If, after giving full consideration to the effect of the requested special use on the neighborhood and the community, the Governing Body deems the special use reasonable, the special use permit for the short-term use may be approved. Conditions of operation, provision for surety bond, and other reasonable safeguards may be written into the special use permit. Such permit may be approved in any zoning district.

Section 2. Existing Section Repealed. That existing Section 4-3 of the supplement known as "Amendment of Leawood Development Ordinance" dated December 16, 1991, is hereby repealed. (Prior law: Ordinance No. 1301)

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

CONTINUED ON PAGE 12

CONTINUED FROM PAGE 12

Passed by the Council the 15th day of March, 1993.

Approved by the Mayor the 15th day of March, 1993.

(S E A L)

Marcia Rinehart
Mayor

Attest:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

R.B. Wetzler
City Attorney

ORDINANCE NO. 1334

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING A TRACT OF GROUND TO THE STATE OF KANSAS FOR I-435 HIGHWAY/STATE LINE ROAD INTERCHANGE IMPROVEMENTS.

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

19-216. Section 1. That the City Council of the City of Leawood does hereby authorize the Mayor to execute a deed conveying to the State of Kansas, along with the restrictions and reservations set forth therein, the following described property:

> All that part of the East half of Section 10, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at the Northeast corner of the Southeast quarter of said Section 10; thence South 02 degrees 01 minutes 06 seconds East along the East line of the Southeast quarter of said Section 10, a distance of 12.96 feet; thence South 89 degrees 32 minutes 18 seconds West, a distance of 73.19 feet; thence South 89 degrees 58 minutes 20 seconds West, a distance of 322.73 feet; thence South 71 degrees 09 minutes 33 seconds West, a distance of 301.43 feet to a point on the existing Southerly right-of-way of Interstate 435 Highway; thence North 65 degrees 36 minutes 07 seconds East, along said existing right-of-way, a distance of 739.62 feet to the East line of the Northeast quarter of said Section 10; thence South 02 degrees 06 minutes 30 seconds East, along the East line of the Northeast quarter of said Section 10, a distance of 194.61 feet to the point of beginning; said tract of land containing 1.19 acres, more or less.

19-217. 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 15th day of March, ~~1992~~ 1993.

Approved by the Mayor the 15th day of March, ~~1992~~ 1993.

(S E A L)

Marcia Rinehart

Marcia Rinehart Mayor

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That this Deed, made and entered into this 15th day of March, 1993 by and between the City of Leawood of Johnson County, State of Kansas,

Party of the First Part, and the State of Kansas,

Party of the Second Part,

WITNESSETH:

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

See Attached Exhibit "A"

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

And the Party of the First Part for its heirs, executors, administrators, successors and assigns, does hereby covenant, promise and agree to and with said Party of the Second Part that, at the delivery of these presents, it is lawfully seized of the interest hereby conveyed in all and singular the above-granted and described premises with the appurtenances thereto; that the same are free and clear of and from all and every encumbrance whatsoever, except those of record, and that First Party will forever warrant and defend the same unto the Party of the Second Part or its assigns forever, against all and any lawful claim of all and any persons whomsoever. Party of the First Part, for its heirs, executors, administrators, successors or assigns, hereby waives and releases to Second Party any and all claims for damages or compensation, either now or in the future, arising by reason of the use of said real estate for the purposeate for the purposes herein described. First Party hereby agrees that First Party shall pay any special assessments or installments thereof, matured or unmatured, on said premises hereby granted, and that Second Party shall not be liable in any way for the payment thereof. First Party further agrees that the proper Governing Body may release the premise granted from any special assessment and spread and attach such special assessment to the remainder of the property adjacent to the premises hereby granted by First Party.

IN WITNESS WHEREOF, said Party of the First Part has hereunto set hand and seal the day and year first above written.

CITY OF LEAWOOD, KANSAS

(S E A L)

By: Marcia Rinehart
Marcia Rinehart, Mayor

ATTEST:

Martha Heizer
Martha Heizer, City Clerk

INDIVIDUAL ACKNOWLEDGMENT

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this ____ day of ______________, 19___, before me, a Notary Public in and for said County and State, came ________________________________ to me personally known to be the same persons who executed the foregoing instrument and duly acknowledge the execution of the same.

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

____
Notary Public

My commission expires____________.

CORPORATE ACKNOWLEDGMENT

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this 15th day of March, 1993, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Marcia Rinehart, Mayor ~~xxxxPresidentxx~~ of the City of Leawood, Kansas, a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas; and Martha Heizer, City Clerk ~~xxxSecretaryxx~~ 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 free act and deed of said Corporation, the City of Leawood, Kansas.

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

FRANCES M. KESSLER
NOTARY PUBLIC - State of Kansas
My Appt. Exp. 10-7-95

Frances M. Kessler
Notary Public
Frances M. Kessler

My commission expires 10-7-95.

"Exhibit A"

All that part of the East half of Section 10, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at the Northeast corner of the Southeast quarter of said Section 10; thence South 02 degrees 01 minutes 06 seconds East along the East line of the Southeast quarter of said Section 10, a distance of 12.96 feet; THENCE SOUTH 89 DEGREES 32 MINUTES 18 SECONDS WEST, A DISTANCE OF 73.19 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 20 SECONDS WEST, A DISTANCE OF 322.73 FEET; THENCE SOUTH 71 DEGREES 09 MINUTES 33 SECONDS WEST, A DISTANCE OF 301.43 FEET TO A POINT ON THE EXISTING SOUTHERLY RIGHT-OF-WAY OF INTERSTATE 435 HIGHWAY; thence North 65 degrees 36 minutes 07 seconds East, along said existing right-of-way, a distance of 739.62 feet to the East line of the Northeast quarter of said Section 10; thence South 02 degrees 06 minutes 30 seconds East, along the East line of the Northeast quarter of said Section 10, a distance of 194.61 feet to the point of beginning; said tract of land containing 1.19 acres, more or less.

This conveyance is made for the purpose of a controlled access highway, and the grantor hereby releases and relinquishes to the grantee any and all abutters' rights of access to said highway, appurtenant to grantors' remaining property.

Attest:

Martha Heizer

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive day (weeks/days) the first publication thereof being made as aforesaid on the 30 day of, April 19 93, with subsequent publications being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Georgiann Thacker

Subscribe and sworn to before me this 30th day of April 19 93

Deanna J. Martasin
NOTARY PUBLIC

DEANNA J. MARTASIN
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. January 25, 1996

My Commission Expires 1/25/96

Printer's Fees 16.92

Additional copies $_____

First Published in The Johnson County Sun, Friday, April 30, 1993.

ORDINANCE NO. 1334

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING A TRACT OF GROUND TO THE STATE OF KANSAS FOR I-435 HIGHWAY/STATE LINE ROAD INTERCHANGE IMPROVEMENTS.

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

Section 1. That the City Council of the City of Leawood does hereby authorize the Mayor to execute a deed conveying to the State of Kansas, along with the restrictions and reservations set forth therein, the following described property:

All that part of the East half of Section 10, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows: Beginning at the Northeast corner of the Southeast quarter of said Section 10; thence South 02 degrees 01 minutes 06 seconds East along the East line of the Southeast quarter of said Section 10, a distance of 12.98 feet; thence South 89 degrees 32 minutes 18 seconds West, a distance of 73.19 feet; thence South 89 degrees 58 minutes 20 seconds West, a distance of 322.73 feet; thence South 71 degrees 09 minutes 33 seconds West, a distance of 301.43 feet to a point on the existing Southerly right-of-way of Interstate 435 Highway; thence North 65 degrees 36 minutes 07 seconds East, along said existing right-of-way, a distance of 739.62 feet to the East line of the Northeast quarter of said Section 10; thence South 02 degrees 06 minutes 30 seconds East, along the East line of the Northeast quarter of said Section 10, a distance of 194.61 feet to the point of beginning; said tract of land containing 1.19 acres, more or less.

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 15th day of March, 1993.

Approved by the Mayor the 15th day of March, 1993.

(SEAL)

(s) Marcia Rinehart,
Mayor

Attest:
(s) Martha Helzer,
City Clerk

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

(11654 1F-JC)

Repealed by:
ORDINANCE NO. 1340
Adopted: 9/19/93
Effective:

ORDINANCE NO. 1333

AN ORDINANCE AUTHORIZING AND PROVIDING FOR ACQUISITION OF PRIVATE PROPERTY FOR THE USE OF THE CITY AND AUTHORIZING SURVEY AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONDEMNED.

WHEREAS, the Governing Body of the City of Leawood did by resolution approve on February 16, 1993, 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:

19-142. Section 1. The City Attorney is hereby authorized and directed to institute eminent domain proceedings to acquire the property and interests described by survey filed with the City Clerk which property and interests have been determined by the Governing Body to be necessary for the purpose of construction of improvements and re-improvements to State Line, Johnson County, Kansas. Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire fee simple title to the following

Repealed by:
ORDINANCE NO. 7340
Adopted: 4/19/93
Effective:

described property:

1.) Parcel K-41:

A. RIGHT-OF-WAY:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Commencing at the east quarter corner of said Fractional Section 14; thence N 02° 22′ 59.4" W along the Kansas/Missouri State Line a distance of 616.0 feet to the point of beginning; thence S 87° 53′ 14.2" W along the south line of said parcel a distance of 40.00 feet; thence N 02° 22′ 59.4" W, 40.00 feet west of and parallel with the Kansas/Missouri State Line a distance of 332.00 feet to a point being on the north line of said parcel; thence N 87° 53′ 14.2" E along the north line of said parcel a distance of 40.00 feet to a point being on the Kansas/Missouri State Line; thence S 02° 22′ 59.4" E along the Kansas/Missouri State Line a distance of 332.00 feet to the point of beginning, containing 13,280 square feet, more or less, including that portion within the existing right-of-way of State Line Road.

B. TEMPORARY CONSTRUCTION EASEMENT:

A tract of land in the east half of the North half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Commencing at the east quarter corner of said Fractional Section 14; thence N 02° 22′ 59.4" W along the Kansas/Missouri State Line a distance of 616.0 feet; thence S 87° 53′ 14.2" W a distance of 40.0 feet to the point of beginning, said point being the intersection of the proposed westerly right-of-way line of State Line Road and the south line of said parcel; thence continuing S 87° 53′ 14.2" W along the south line of said parcel a distance of 110.00 feet; thence N 02° 22′ 59.4" W, 110.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 24.12 feet; thence N 73° 38′ 28.2 " E a

Repealed by:
ORDINANCE NO. 1340
Adopted: 4/19/93
Effective:

distance of 61.83 feet; thence N 87° 37′ 00.6" E a distance of 40.00 feet; thence N 02° 22′ 59.4" W, 10.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 120.01 feet; thence S 87° 37′ 00.6" W a distance of 50.00 feet; thence N 77° 23′ 30.0" W a distance of 77.64 feet; thence N 02° 22′ 59.4" W, 135.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 35.00 feet; thence N 73° 38′ 28.2" E a distance of 103.05 feet; thence N 02° 22′ 59.4" W, 35.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 92.61 feet to a point being on the north line of said parcel; thence N 87° 53′ 14.2" E along the north line of said parcel a distance of 35.00 feet to point being on the proposed westerly right-of-way line of State Line Road; thence S 02° 22′ 59.4" E along the proposed westerly right-of-way line of State Line Road a distance of 332.00 feet to the point of beginning, containing 17,114 square feet, more or less.

2.) Parcel K-39:

A. PERMANENT DRAINAGE EASEMENT:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Commencing at the east quarter corner of said Fractional Section 14; thence N 02° 22′ 59.4" W along the Kansas/Missouri State Line a distance of 288.00 feet; thence S 87° 53′ 14.2" W a distance of 40.00 feet to a point being the intersection of the proposed westerly right-of-way line of State Line Road and the north line of said parcel; thence S 02° 22′ 59.4" E along the proposed westerly right-of-way line of State Line Road a distance of 122.44 feet; thence S 87° 25′ 51.1" W a distance of 9.00 feet; thence N 02° 22′ 59.4" W, 9.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 122.51

Repealed by:
ORDINANCE NO. 1340
Adopted: 4/19/93
Effective:

feet to a point being on the north line of said parcel: thence N 87° 53′ 14.2" E along the north line of said parcel a distance of 9.00 feet to the point of beginning, containing 1102 square feet, more or less.

B. TEMPORARY CONSTRUCTION EASEMENT:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at the intersection of the proposed westerly right-of-way line of State Line Road and the existing northerly right-of-way line of 115th Street, said point being 40.00 feet west of the Kansas/Missouri State Line; thence S 87° 53′ 14.2" W along the existing northerly right-of-way line of 115th Street a distance of 5.00 feet; thence N 02° 22′ 59.4" W, 5.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 130.54 feet; thence N 47° 22′ 59.4" W a distance of 21.21 feet; thence S 87° 37′ 00.6" W a distance of 15.00 feet; thence N 02° 22′ 59.4" W, 35.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 122.61 feet to a point on the north line of said parcel; thence N 87° 53′ 14.2" E along the north line of said parcel a distance of 26.00 feet; thence S 02° 22′ 59.4" E, 9.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 122.51 feet; thence N 87° 25′ 51.1" E a distance of 9.00 feet to a point being on the proposed westerly right-of-way line of State Line Road; thence S 02° 22′ 59.4" E along the proposed westerly right-of-way line of State Line Road a distance of 145.56 feet to the point of beginning, containing 4026 square feet, more or less.

Repealed by:
ORDINANCE NO. 1340
Adopted: 4/19/93
Effective:

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 Feb., ~~19xx~~ 1993.

SIGNED by the Mayor this 16th day of Feb., 1993.

(S E A L)

Marcia Kinchart
Mayor

ATTEST:

Martha Heizer
City Clerk

APPROVED AS TO FORM:

City Attorney

First published in The Johnson County Sun, Friday, February 19, 1993.

ORDINANCE NO. 1333

AN ORDINANCE AUTHORIZING AND PROVIDING FOR ACQUISITION OF PRIVATE PROPERTY FOR THE USE OF THE CITY AND AUTHORIZING SURVEY AND DESCRIPTION OF THE LAND AND INTEREST TO BE CONDEMNED.

WHEREAS, the Governing Body of the City of Leawood did by resolution approve on February 16, 1993, 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 State Line, Johnson County, Kansas. Specifically, the City Attorney is authorized and directed to institute eminent domain proceedings to acquire fee simple title to the following described property:

1.) Parcel K-41:

A. RIGHT-OF-WAY:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Commencing at the east quarter corner of said Fractional Section 14; thence N 02° 22' 59.4" W along the Kansas/Missouri State Line a distance of 616.0 feet to the point of beginning; thence S 87° 53' 14.2" W along the south line of said parcel a distance of 40.00 feet; thence N 02° 22' 59.4" W, 40.00 feet west of and parallel with the Kansas/Missouri State Line a distance of 332.00 feet to a point being on the north line of said parcel; thence N 87° 53' 14.2" E along the north line of said parcel a distance of 40.00 feet to a point being on the Kansas/Missouri State Line; thence S 02° 22' 59.4" E along the Kansas/Missouri State Line a distance of 332.00 feet to the point of beginning, containing 13,280 square feet, more or less, including that portion within the existing right-of-way of State Line Road.

B. TEMPORARY CONSTRUCTION EASEMENT:

A tract of land in the east half of the North half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Commencing at the east quarter corner of said Fractional Section 14; thence N 02° 22' 59.4" W along the Kansas/Missouri State Line a distance of 616.0 feet; thence S 87° 53' 14.2" W a distance of 40.0 feet to the point of beginning, said point being the intersection of the proposed westerly right-of-way line of State Line Road and the south line of said parcel; thence continuing S 87° 53' 14.2" W along the south line of said parcel a distance of 110.00 feet; thence N 02° 22" 59.4" W, 110.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 24.12 feet; thence N 73° 38' 28.2" E a distance of 61.83 feet; thence N 87° 37' 00.6" E a distance of 40.00 feet; thence N 02° 22' 59.4" W 10.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 120.01 feet; thence S 87° 37' 00.6" W a distance of 50.00 feet; thence N 77° 23' 30.0" W a distance of 77.64 feet; thence N 02° 22' 59.4" W, 135.0 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 35.00 feet; thence N 73° 38' 28.2" E a distance of 103.05 feet; thence N 02° 22' 59.4" W, 35.0 feet west of and parallel with the proposed westerly right-of -way line of State Line Road, a distance of 92.61 feet to a point being on the north line of said parcel; thence N 87° 53' 14.2" E along the north line of said parcel a distance of 35.00 feet to point being on the proposed westerly right-of-way line of State Line road; thence S 02° 22' 59.4" E along the proposed westerly right-of-way line of State Line Road a distance of 332.00 feet to the point of beginning, containing 17,114 square feet, more or less.

2.) Parcel K-39:

A. PERMANENT DRAINAGE EASEMENT:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas described as follows:

Commencing at the east quarter corner of said Fractional Section 14; thence N 02° 22' 59.4" W along the Kansas/Missouri State Line a distance of 288.00 feet; thence S 87° 53' 14.2" W a distance of 40.00 feet to a point being the intersection of the proposed westerly right-of-way line of State Line Road and the north line of said parcel; thence S 02° 22' 59.4" E along the proposed westerly right-of-way line of State Line Road a distance of 122.44 feet; thence S 87° 25' 51.1" W a distance of 9.00 feet; thence N 02° 22' 59.4" W, 9.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 122.51 feet to a point being on the north line of said parcel; thence N 87° 53' 14.2" E along the north line of said parcel a distance of 9.00 feet to the point of beginning, containing 1102 square feet, more or less.

B. TEMPORARY CONSTRUCTION EASEMENT:

A tract of land in the east half of the north half of Fractional Section 14, Township 13 South, Range 25 East, in the City of Leawood, Johnson County, Kansas, described as follows:

Beginning at the intersection of the proposed westerly right-of-way line of State Line Road and the existing northerly right-of-way line of 115th Street, said point being 40.00 feet west of the Kansas/Missouri State Line; thence S 87° 53' 14.2" W along the existing northerly right-of-way line of 115th Street a distance of 5.00 feet; thence N 02° 22' 59.4" W, 5.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 130.54 feet; thence N 47° 22' 59.4" W a distance of 21.21 feet; thence S 87° 37' 00.6" W a distance of 15.00 feet; thence N 02° 22' 59.4" W, 35.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 122.61 feet to a point on the north line of said parcel; thence N 87° 53' 14.2" E along the north line of said parcel a distance of 26.00 feet; thence S 02° 22' 59.4" E, 9.00 feet west of and parallel with the proposed westerly right-of-way line of State Line Road, a distance of 122.51 feet; thence N 87° 25' 51.1" E a distance of 9.00 feet to a point being on the proposed westerly right-of-way line of State Line Road; thence S 02° 22' 59.4" E along the proposed westerly right-of-way line of State Line Road a distance of 145.56 feet to the point of beginning, containing 4026 square feet, more or less.

Section 2. This Ordinance shall take effect and be enforced from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 16th DAY OF FEB., 1993.

SIGNED by the Mayor this 16th day of Feb., 1993.

/s/ Marcia Rinehart, Mayor

(SEAL)
ATTEST:
/s/ Martha Heizer, City Clerk

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

(11407-1F-JC)

AFFIDAVIT OF PUBLICATION

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

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for one consecutive day (weeks/days) the first publication thereof being made as aforesaid on the 19th day of, February 19 93, with subsequent publications being made on the following dates:

_____, 19____ _____, 19____

_____, 19____ _____, 19____

Georgiann Thacker

Subscribe and sworn to before me this 19th day of February 19 93

Pearlie A. Peterson
NOTARY PUBLIC

PEARLIE A. PETERSON
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. January 25, 1996

My Commission Expires _____

Printer's Fees 66.96

Additional copies $_____

ORDINANCE NO. 1332

AN ORDINANCE GRANTING AN EASEMENT TO KANSAS CITY POWER & LIGHT COMPANY FOR CONSTRUCTION OF A POWER LINE, CITY HALL SITE, 117TH STREET & ROE AVENUE.

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

19-6,261. Section 1. That the City of Leawood, Kansas, does hereby grant a right-of-way easement to Kansas City Power & Light Company on property described as follows:

> A tract of land 10 feet in width being a part of Lots 1 and 4, Block 1, LEAWOOD TOWN CENTER, a subdivision in Johnson County, Kansas, the centerline of which is described as follows: Beginning on the East line of said Lot 4 at a point that is 468 feet North of the Southeast corner thereof, thence Westerly deflecting 83° left from the Northerly course of said East line of Lot 4, a distance of 432 feet, thence Southwesterly deflecting 84° left a distance of 106 feet.

19-6,262. 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 1st day of February, 1993.

Approved by the Mayor the 1st day of February, 1993.

(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

KCPL Form 780H002A (REV. 9/92)

EASEMENT CONVEYANCE
(Corporation)

KNOW ALL MEN BY THESE PRESENTS, that CITY OF LEAWOOD, KANSAS, a corporation doing business in the County of Johnson and State of Kansas,

for and in consideration of the sum of ONE Dollar ($1.00), and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, do hereby grant, bargain, sell, convey and confirm unto Kansas City Power & Light Company, 1201 Walnut, Kansas City, Missouri, a Missouri corporation, and unto its successors and assigns, a right of way easement over, along, across and under the lands hereinafter described, including the right and privilege at any time and from time to time to enter on said right of way and erect, construct, maintain, repair and relocate poles, wires, guys, anchors, underground cables, conduits, pad mounted transformers and service pedestals, and all appurtenances thereto for the transmission and distribution of electric energy and for communication purposes, and including the right and privilege at any time and from time to time to patrol said right of way, and to cut, top, trim and remove such brush and trees, if any, on or adjacent to said right of way, as may be necessary or desirable to maintain any appurtenances thereon, said right of way being over, along, across and under the following described lands in the County of Johnson, State of Kansas, to wit:

A tract of land 10 feet in width being a part of Lots 1 and 4, Block 1, LEAWOOD TOWN CENTER, a subdivision in Johnson County, Kansas, the center line of which is described as follows:

Beginning on the East line of said Lot 4 at a point that is 468 feet North of the Southeast corner thereof, thence Westerly deflecting 83° left from the Northerly course of said East line of Lot 4, a distance of 432 feet, thence Southwesterly deflecting 84° left a distance of 106 feet

Said right of way easement shall be deemed to terminate at the exterior surface and walls of any building improvements or other permanent structures and none of such right of way easements shall underlie any building improvements or other permanent structures.

This easement conveyance shall run with the land and shall be binding upon the Grantor, its successors and assigns.

TO HAVE AND TO HOLD THE SAME, together with all appurtenances, necessary incidents and immunities thereunto belonging or in any manner appertaining, unto the said Kansas City Power & Light Company, a corporation, and unto its successors and assigns, forever.

IN WITNESS WHEREOF, the CITY OF LEAWOOD, KANSAS
(Name of Corporation)
has caused these presents to be signed by its Mayor ~~President~~ and attested by its City Clerk ~~Secretary~~ and its corporate seal to be hereunto affixed this 1st day of February, A.D. 1993.

CITY OF LEAWOOD, KANSAS

By Marcia Rinehart
Marcia Rinehart, ~~President~~ Mayor

Attest: Martha Heizer
Martha Heizer, ~~Secretary~~ City Clerk

(CORPORATE SEAL)

State of Kansas
County of Johnson ss.

On this 1st day of February, 1993, before me, a Notary Public, appeared Marcia Rinehart, to me personally known, who, being by me duly sworn, did say that he is the Mayor ~~President~~ of CITY OF LEAWOOD, KANSAS
(Name of Corporation)
described in and which executed the foregoing instrument, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said Mayor acknowledged said deed to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

FRANCES M. KESSLER
NOTARY PUBLIC - State of Kansas
My Appt. Exp. 7-7-95

My Commission Expires

Notary Public Frances M Kessler

County of Johnson State of Kansas

EASEMENT CONVEYANCE

INSTRUMENT NO._____

FROM City of Leawood, KS

TO----KANSAS CITY POWER & LIGHT COMPANY
1201 Walnut, Kansas City, MO 64141-9679

NE QTR OF THE SW QTR

Sect. 16 Twp. 13 Range 25

County of Johnson

C.O.# 8-49989C 17-10

Filed for record this_____day

of_____A.D., 19____

at_____o'clock_____minutes_____M.

Recorded in Book_____at Page_____

_____
Recorder

By_____
Deputy

Recorder's Fee, $_____

KCPL Form 780H002B (REV. 9/92)

DOCUMENT ... VALIDATED BY:

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;
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:

2/2/93

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
2/2/93

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $15.45

Ord. No. 1332

ORD. 1332
First published in The Legal Record, Tuesday, February 2, 1993.

ORDINANCE NO. 1332

AN ORDINANCE GRANTING AN EASEMENT TO KANSAS CITY POWER & LIGHT COMPANY FOR CONSTRUCTION OF A POWER LINE, CITY HALL SITE, 117TH STREET & ROE AVENUE.

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

Section 1. That the City of Leawood, Kansas, does hereby grant a right-of-way easement to Kansas City Power & Light Company on property described as follows:

A tract of land 10 feet in width being a part of Lots 1 and 4, Block 1, LEAWOOD TOWN CENTER, a subdivision in Johnson County, Kansas, the centerline of which is described as follows: Beginning on the East line of said Lot 4 at a point that is 468 feet North of the Southeast corner thereof, thence Westerly deflecting 83° left from the Northerly course of said East line of Lot 4, a distance of 432 feet, thence Southwesterly deflecting 84° left a distance of 106 feet.

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 1st day of February, 1993.

Approved by the Mayor the 1st day of February, 1993.

(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. 1331

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF FEES TO BE CHARGED TO PERSONS REQUESTING ACCESS TO AND/OR COPIES OF OPEN PUBLIC RECORDS.

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

28-201. Section 1. STATEMENT OF PURPOSE, REVIEW. That it is the purpose of this ordinance to provide for the establishment of reasonable fees and charges for the provision of access to or copies of open public records in the possession of the City to avoid the necessity of using general public funds of the City to subsidize special services and benefits to a record requester. The official record custodian shall periodically recommend to the Governing Body such changes in this ordinance as may be necessary to secure this purpose.

28-202. Section 2. INSPECTION FEE. That (a) where a request has been made for inspection of any open public record which is readily available to the record custodian, there shall be no inspection fee charged to the requester.

(b) in all cases not covered by subsection (a) of this section, a record inspection fee shall be charged at the rate set forth in the fee schedule established and maintained by the City Administrator, as prescribed by Section 1-701 of the Code of the City of Leawood.

28-203. Section 3. COPYING FEE. That (a) for photocopying public records, a fee shall be charged as set forth in the fee schedule established and maintained by the City Administrator, as prescribed by Section 1-701 of the Code of the City of Leawood, such fee to cover the cost of labor, materials and equipment.

(b) for copying any public records which cannot be reproduced by the City's photocopying equipment, the requester shall be charged the actual cost to the City, including staff time, in reproducing such records.

28-204. Section 4. PREPAYMENT OF FEES. That a record custodian may demand prepayment of the established fees whenever he or she believes this to be in the best interest of the City. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.

28-205. Section 5. PAYMENT. That all fees charged shall be paid to the custodian of the records inspected and/or copied. At least once a month, each custodian shall transmit all record

fee moneys collected to the City Treasurer.

Section 6. REPEAL OF EXISTING ORDINANCE. That existing Ordinance No. 801, passed by the Council January 16, 1984, is hereby repealed.

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 18th day of January, 1993.

Approved by the Mayor the 18th day of January, 1993.

(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) 780-5747

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 Publisher 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:

1/19/93

Publisher

Subscribed and sworn to before me on this date:
1/19/93

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $27.27

Ord. #1331

ORD. 1331

First published in The Legal Record, Tuesday, January 19, 1993.

ORDINANCE NO. 1331

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF FEES TO BE CHARGED TO PERSONS REQUESTING ACCESS TO AND/OR COPIES OF OPEN PUBLIC RECORDS.

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

Section 1. STATEMENT OF PURPOSE, REVIEW. That it is the purpose of this ordinance to provide for the establishment of reasonable fees and charges for the provision of access to or copies of open public records in the possession of the City to avoid the necessity of using general public funds of the City to subsidize special services and benefits to a record requester. The official record custodian shall periodically recommend to the Governing Body such changes in this ordinance as may be necessary to secure this purpose.

Section 2. INSPECTION FEE. That (a) where a request has been made for inspection of any open public record which is readily available to the record custodian, there shall be no inspection fee charged to the requester.
(b) in all cases not covered by subsection (a) of this section, a record inspection fee shall be charged at the rate set forth in the fee schedule established and maintained by the City Administrator, as prescribed by Section 1-701 of the Code of the City of Leawood.

Section 3. COPYING FEE. That (a) for photocopying public records, a fee shall be charged as set forth in the fee schedule established and maintained by the City Administrator, as prescribed by Section 1-701 of the Code of the City of Leawood, such fee to cover the cost of labor, materials and equipment.
(b) for copying any public records which cannot be reproduced by the City's photocopying equipment, the requester shall be charged the actual cost to the City, including staff time, in reproducing such records.

Section 4. PREPAYMENT OF FEES. That a record custodian may demand prepayment of the established fees whenever he or she believes this to be in the best interest of the City. The prepayment amount shall be an estimate of the inspection and/or copying charges accrued in fulfilling the record request. Any overage or underage in the prepayment shall be settled prior to inspection of the requested record or delivery of the requested copies.

Section 5. PAYMENT. That all fees charged shall be paid to the custodian of the records inspected and/or copied. At least once a month, each custodian shall transmit all record fee moneys collected to the City Treasurer.

Section 6. REPEAL OF EXISTING ORDINANCE. That existing Ordinance No. 801, passed by the Council January 16, 1984, is hereby repealed.

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 18th day of January, 1993.

Approved by the Mayor the 18th day of January, 1993.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:

R/S Wetzler
R/S Wetzler City Attorney

ORDINANCE NO. 1330

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTIONS OF MISSION ROAD, A MAIN TRAFFICWAY, FROM 385 FEET SOUTH OF 95TH STREET TO 385 FEET SOUTH OF 103RD STREET 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, 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 385 feet south of 95th Street to 385 feet south of 103rd 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;

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

20-1,903. <u>Section 1</u>. That it is hereby deemed and declared to be

necessary to improve and reimprove certain portions of Mission Road from 385 feet south of 95th Street to 385 feet south of 103rd 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.

20-1,904. Section 2. That the total estimated cost of the above-described main trafficway improvements or reimprovements, excluding design engineering fees and acquisition of rights-of-way and easements, is $1,571,300, 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. 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 January, 1993.

Approved by the Mayor the 18th day of January, 1993.

(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 Publisher 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:

1/19/93

Publisher

Subscribed and sworn to before me on this date:
1/19/93

Notary Public SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $33.82

Ord. #1330

ORD. 1330

First published in The Legal Record, Tuesday, January 19, 1993.

ORDINANCE NO. 1330

AN ORDINANCE AUTHORIZING THE IMPROVEMENT OF CERTAIN SECTIONS OF MISSION ROAD, A MAIN TRAFFICWAY, FROM 385 FEET SOUTH OF 95TH STREET TO 385 FEET SOUTH OF 103RD STREET 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, 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 385 feet south of 95th Street to 385 feet south of 103rd 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;

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

Section 1. That it is hereby deemed and declared to be necessary to improve and reimprove certain portions of Mission Road from 385 feet south of 95th Street to 385 feet south of 103rd 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. That the total estimated cost of the above-described main trafficway improvements or reimprovements, excluding design engineering fees and acquisition of rights-of-way and easements, is $1,571,300, 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. 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 January, 1993.

Approved by the Mayor the 18th day of January, 1993.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

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

ORDINANCE NO. 1329

AN ORDINANCE VACATING A UTILITY EASEMENT.

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

19-6,259. Section 1. That the following described utility easement is hereby vacated:

A triangular piece of property on Lot 85, LEAWOOD, an official plat in the City of Leawood, Johnson County, Kansas, described as follows: Starting at the common lot corner of Lots 85, 74, & 75 of LEAWOOD, an official plat of the City of Leawood; thence southeasterly along the southern lot line of said Lot 85 to a point where the eastern line of the utility easement intersects the southern lot line of said Lot 85; thence northeasterly along the east line of said utility easement 22.79 feet to the point of beginning; thence northerly along a line which is 31°55'03" left of said easement line 13.09 feet; thence easterly along a line 90° to the right of the previous northerly line, a distance of 8.15 feet to a point on the eastern line of said utility easement; thence southwesterly along said utility easement line, a distance of 15.42 feet to the point of beginning. The triangular piece of property containing 53.3 sq. feet, more or less.

19-6,260. 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 January, 1993.

Approved by the Mayor the 4th day of January, 1993.

(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

2211885

ORDINANCE NO. 1329

AN ORDINANCE VACATING A UTILITY EASEMENT.

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

Section 1. That the following described utility easement is hereby vacated:

A triangular piece of property on Lot 85, LEAWOOD, an official plat in the City of Leawood, Johnson County, Kansas, described as follows: Starting at the common lot corner of Lots 85, 74, & 75 of LEAWOOD, an official plat of the City of Leawood; thence southeasterly along the southern lot line of said Lot 85 to a point where the eastern line of the utility easement intersects the southern lot line of said Lot 85; thence northeasterly along the east line of said utility easement 22.79 feet to the point of beginning; thence northerly along a line which is 31°55'03" left of said easement line 13.09 feet; thence easterly along a line 90° to the right of the previous northerly line, a distance of 8.15 feet to a point on the eastern line of said utility easement; thence southwesterly along said utility easement line, a distance of 15.42 feet to the point of beginning. The triangular piece of property containing 53.3 sq. 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 from and after its publication in the official City newspaper.

Passed by the Council the 4th day of January, 1993.

Approved by the Mayor the 4th day of January, 1993.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

93 JAN 27 P 12:23

SARA F. ULLMANN
REGISTER OF DEEDS

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

8.00 ck

VOL 3834 PAGE 810

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. 1329 as the same appears in my office.

In testimony whereof, I have hereunto signed my name and affixed the seal of said City this 22nd day of January, 1993.

(S E A L)

Martha Heizer

ORIGINAL COMPARED WITH RECORD

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

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

January ~~11~~ 22, 1993

Beverly L. Baker, County Clerk
Johnson County Administration Building
111 S. Cherry
Olathe, Kansas 66061

Dear Mrs. Baker:

Enclosed is a certified copy of Leawood's Ordinance No. 1329 sent in accordance with Section 2 of said Ordinance.

Sincerely,

Martha Heizer
City Clerk

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:
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 internal 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:

1/5/93

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
1/5/93

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $18.18

Ord. #1329

ORD. 1329

First published in The Legal Record, Tuesday, January 5, 1993.

ORDINANCE NO. 1329

AN ORDINANCE VACATING A UTILITY EASEMENT.

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

Section 1. That the following described utility easement is hereby vacated:

A triangular piece of property on Lot 85, LEAWOOD, an official plat in the City of Leawood, Johnson County, Kansas, described as follows: Starting at the common lot corner of Lots 85, 74, & 75 of LEAWOOD, an official plat of the City of Leawood; thence southeasterly along the southern lot line of said Lot 85 to a point where the eastern line of the utility easement intersects the southern lot line of said Lot 85; thence northeasterly along the east line of said utility easement 22.79 feet to the point of beginning; thence northerly along a line which is 31°55'03" left of said easement line 13.09 feet; thence easterly along a line 90° to the right of the previous northerly line, a distance of 8.15 feet to a point on the eastern line of said utility easement; thence southwesterly along said utility easement line, a distance of 15.42 feet to the point of beginning. The triangular piece of property containing 53.3 sq. 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 from and after its publication in the official City newspaper.

Passed by the Council the 4th day of January, 1993.

Approved by the Mayor the 4th day of January, 1993.

(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. 1328 C

AN ORDINANCE AMENDING SECTION 12-215 OF THE CODE OF THE CITY OF LEAWOOD; REGULATING DOGS ON THE LEAWOOD TOMAHAWK GREENWAY AND IN ALL CITY PARKS.

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

Section 1. Code Amended. That Section 12-215 of the Code of the City of Leawood is hereby amended to read as follows:

12-215. CONFINING DOGS ON THE LEAWOOD TOMAHAWK GREENWAY AND IN ALL CITY PARKS. It shall be unlawful for any owner or keeper of any dog to allow his or her dog to run at large on the Tomahawk Greenway or within the boundaries of all City parks. All dogs must be on a leash no longer than eight feet, leash to be in hand of owner or keeper, and must be in control of the owner or keeper. If a dog is found running at large, the animal may be impounded in accordance with Section 2-203 of the Code of the City of Leawood. This section shall not be construed as prohibiting dogs from being on the Greenway or in City parks when within the confines of vehicles.

Section 2. Repeal of Existing Section. That existing Section 12-215 of the Code of the City of Leawood is hereby repealed. (Prior law: Previously amended by Ord. No. 1213C)

Section 3. Take Effect. That this ordinance shall take effect and be in force on January 1, 1993.

Passed by the Council the 21st day of December, 1992.

Approved by the Mayor the 21st day of December, 1992.

(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) 780-5747

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:

12/29/92

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/29/92

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $18.00

Ord. #1328C

ORD. 1328 C

First published in The Legal Record, Tuesday, December 29, 1992.

ORDINANCE NO. 1328 C

AN ORDINANCE AMENDING SECTION 12-215 OF THE CODE OF THE CITY OF LEAWOOD; REGULATING DOGS ON THE LEAWOOD TOMAHAWK GREENWAY AND IN ALL CITY PARKS.

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

Section 1. Code Amended. That Section 12-215 of the Code of the City of Leawood is hereby amended to read as follows:

12-215. CONFINING DOGS ON THE LEAWOOD TOMAHAWK GREENWAY AND IN ALL CITY PARKS. It shall be unlawful for any owner or keeper of any dog to allow his or her dog to run at large on the Tomahawk Greenway or within the boundaries of all City parks. All dogs must be on a leash no longer than eight feet, leash to be in hand of owner or keeper, and must be in control of the owner or keeper. If a dog is found running at large, the animal may be impounded in accordance with Section 2-203 of the Code of the City of Leawood. This section shall not be construed as prohibiting dogs from being on the Greenway or in City parks when within the confines of vehicles.

Section 2. Repeal of Existing Section. That existing Section 12-215 of the Code of the City of Leawood is hereby repealed. (Prior law: Previously amended by Ord. No. 1213C)

Section 3. Take Effect. That this ordinance shall take effect and be in force on January 1, 1993.

Passed by the Council the 21st day of December, 1992.

Approved by the Mayor the 21st day of December, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

ORDINANCE NO. 1327 C

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO ANIMAL CONTROL AND REGULATIONS IN THE CITY OF LEAWOOD, KANSAS.

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

Section 1. Code Amended. That Article 1 ("Animals, Fowl Generally") of Chapter 2 of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 1. ANIMALS IN GENERAL

2-101. DEFINITIONS.

(a) Animal means any living, vertebrate creature, domestic or wild, other than humans.

(b) Animal Control Officer is a duly authorized person employed by the city who is charged with the duties of enforcing this chapter and who is educated in the care, seizure, custody and confinement of animals.

(c) Animal Nuisance is created when a domestic animal:

(1) is running uncontrolled, other than a cat;

(2) molests or disturbs persons or vehicles by barking, chasing, biting or by any other act that would disturb a person other than the owner or keeper;

(3) attacks other animals;

(4) damages property;

(5) barks, bays, howls, or makes any other noise excessively;

(6) creates offensive odors;

(7) defecates on public or private property;

(8) creates insect breeding site;

(9) is ridden on public property and obstructs or interferes with vehicular or pedestrian traffic;

(10) threatens or endangers public health;

(11) impedes refuse collection.

(d) Animal Shelter is any premises designated by the city for the purpose of impounding and caring for animals held under the authority of this ordinance.

(e) At Large means any animal, other than a domestic cat, running at will, acting on its own initiative and not secured by leash or lead, unless animal is on the premises of the owner and under control of a responsible person and obedient to that person's command.

(f) Bite means any contact between an animal's mouth and teeth and the skin of a victim which causes visible trauma, such as puncture wound, laceration, abrasion, or other puncture of the skin resulting in the saliva of the biting animal contacting the wound.

(g) Control of Dog means that the dog is on a leash not more than eight feet in length which is held by a responsible person and is not allowed to make uninvited contact with humans or other animals; is within a vehicle being driven or parked; or is within the property limits of its

owner or upon the premises of another person with the consent of that person.

(h) Dangerous Animal means and includes any wild mammal, reptile or bird which is not naturally tame or gentle but is of a wild nature or disposition and which because of its size, vicious nature or other characteristics, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters. This includes any animal which is a wild/domestic animal hybrid.

(i) Domestic Animal means any of various animals domesticated by man so as to live and breed in a tame condition.

(j) Enclosure means a fence or structure six feet in height, forming or causing an enclosure suitable to confine a vicious dog or a dangerous animal and suitable to prevent the entry of young children. Such an enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. If such an enclosure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot.

(k) Euthanasia is the humane destruction of an animal accomplished by a method which produces instantaneous unconsciousness and immediate death without visible evidence of pain or suffering.

(l) Harborer means any person who provides food and/or shelter for seven consecutive days or more.

(m) Impound means to seize summarily, confine or restrain in custody.

(n) Inoculation, vaccination, or vaccination for rabies means inoculation of an animal with a vaccine approved by the State of Kansas for use in the prevention of rabies by a licensed veterinarian.

(o) Keeper of an animal shall mean any person temporarily entrusted with the care and custody of the animal.

(p) Shelter means a structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, age and condition of the animal which provides shade from direct sunlight and regress from exposure to inclement weather conditions. The condition of the shelter should be such as to not exacerbate existing weather conditions. The shelter shall be filled with generous amounts of clean, suitable bedding material.

(q) Swine means any of various stout-bodied, short-legged omnivorous mammals of the family Suidea with a thick bristly skin and a long mobile snout.

(r) Trap means any mechanical device or snare which seeks to hold, capture or kill an animal.

(s) Vicious means having a disposition or propensity to attack or bite any person or animal without provocation.

2-102. RESPONSIBLE ANIMAL CARE. It shall be unlawful for any owner, harborer, or keeper of any animal not to provide for their animal:

(a) sufficient quantity of good and wholesome food and water, suitable for consumption by an animal of the harbored animal's species, age, and condition, sufficiently secured so as to prevent spilling and overturning;

(b) proper protection and shelter from the weather;

(c) veterinary care to prevent suffering, including customary inoculations to maintain health;

(d) humane treatment;

(e) sanitary conditions, including prompt removal and sanitary disposal of all excreta;

(f) ample opportunity for proper exercise.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $150.

2-103. CRUELTY TO ANIMALS. It shall be unlawful for any person to engage in cruelty to any animal. Cruelty to animals includes, but is not limited to:

(a) ill-treating or tormenting; willfully killing, maiming, disfiguring or torturing; beating with a stick, chain, club or any other object; mutilating, burning or scalding with any substance; driving over or otherwise setting an animal upon another animal.

(b) It is unlawful for any person to drive or work any animal cruelly.

(c) It shall be unlawful for any person to fail, refuse or neglect to provide any animal in their charge or custody as owner or otherwise with proper food, water, shade, shelter, veterinary care and proper exercise. It shall be unlawful for any person to leave any animal unattended without providing adequate food and shelter for the duration of the absence.

(d) It is unlawful for a dog to be transported in the open bed of a truck unless restrained in a cage or crosstied with a leash that will prevent the animal from jumping or falling off the vehicle, or carry any animal in any vehicle in a cruel or inhumane manner.

(e) It shall be unlawful for any person to chain, rope, tie or otherwise secure an animal without ensuring that the animal will not become entangled, is within reach of its food and water and is not in danger of becoming suspended and/or hung on any object or structure.

(f) It shall be unlawful for any person to abandon any animal within the city limits. Abandonment shall include but not be limited to the following acts: the permanent leaving of any animal on any private or public property to either fend for itself or with the intent that another person will find and assume responsibility for care of the animal; refusal to claim responsibility for the care of an animal properly in his or her charge; and refusal to accept responsibility for costs incurred for the care of an animal which has been impounded under provisions of this ordinance.

(g) It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been

treated or prepared with a harmful or poisonous substance.

(h) It shall be unlawful for any person to permit or attend any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

(i) It shall be unlawful for any person except a licensed veterinarian to crop animal ears or dock animal tails.

(j) No person shall offer to give or give a live animal as a prize or as a business inducement.

(k) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as possible and shall immediately report such injury or death to the animal's owner; in the event that the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $150 or more than $1,000, or imprisonment in the county jail not exceeding six months, or both such fine and imprisonment.

2-104. TRAPPING. (a) No person, firm, corporation or association shall do any trapping anywhere in the city except by means of cage-type live traps employed for the control of nuisance animals.

(b) All traps shall be clearly marked with the owner's name, address and telephone number.

(c) All traps will be kept in good condition and working order and will be checked every six hours while set.

(d) This section does not apply to the use of traps specifically designed to kill rats, mice, gophers or moles with the consent of the owner or occupant of the property where the trap is set.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $100.

2-105. FENCES. (a) Fences which are intended to contain any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

(b) Invisible fences shall be maintained in accordance with the manufacturer's specifications. Any animal to be confined within an invisible fence shall be trained in accordance with the manufacturer's specifications.

2-106. *COMPLIANCE WITH FEDERAL REGULATIONS.* It shall be unlawful for any person, firm or corporation to buy, sell or offer to sell a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and pub-

lished in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969.

2-107. DEAD ANIMAL REMOVAL AND DISPOSAL. (a) It is the responsibility of the owner of any domestic animal which has died to remove and dispose of the animal's remains.

(b) In the event that the owner of a domestic animal can not be found, it will be the responsibility of the Animal Control Officer to remove and dispose of the remains.

(c) It shall be the responsibility of the property owner to remove any dead wild animal that is found on his/her property.

2-108. INJURED OR ILL ANIMALS. (a) In the event of an injured or ill domestic animal, animal control will be responsible for finding and notifying the animal's owner. If an owner can not be reached, it will be the responsibility of animal control to seek aid from the City veterinarian. The owner of the injured animal will be responsible for any and all charges for treatment and board.

(b) In the event that a domestic animal is severely injured or ill and an owner can not be found, the animal control officer and direct police supervisor will be responsible for making the decision to euthanize the animal in order to end its suffering.

(c) It is the responsibility of the animal control officer to safely remove any injured or ill wild animal within the city limits and to euthanize such animal if necessary.

2-109. LIMITATIONS ON OWNERSHIP. (a) The owning, harboring or keeping of more than two dogs and/or two cats over six months of age upon any property in the city, shall be deemed a violation and a nuisance per se: provided, that the owner, harborer or keeper may secure a permit to keep or harbor animals in excess of this number upon adequately showing that the premises are so situated, and that special circumstances exist, which would not constitute a nuisance to the neighborhood, and further that the premises on which the animals are to be kept is suitably sited and equipped to accommodate the number of animals requested. Written objections by the owners or occupants of two tracts of land, portions of which lie within 200 feet of the premises where the animals are to be kept, shall be held as sufficient evidence of nuisance to the neighborhood and no permit will be issued. The animal control officer shall approve or deny such permits and have the authority to require stipulations in conjunction with the issuance of a permit. Owners may appeal a denial of a permit to the City Council. There is no fee for the permit.

(b) The permit will be valid only for the animals listed at the time of application for the permit. If at any time there is a change in the number of animals or if another animal is substituted or brought in to replace one that is no longer on the property, a new application will be submitted and subjected to a new investigation.

(c) The permit will be valid for the period of one year, unless otherwise limited as provided in (a) of this section, and shall be resubmitted annually.

2-110. KEEPING OF A DANGEROUS ANIMAL. (a) No person shall keep or permit to be kept on his/her premises any dangerous animal for display or for exhibition purposes whether gratuitously or for a fee. This section will not be construed to apply to zoological parks, performing animal exhibitions or circuses, bonafide licensed veterinary hospitals for treatment, bonafide educational or medical institutions or museums. All such uses shall be in compliance with the Federal Animal Welfare Act.

(b) No person shall keep or permit to be kept any dangerous animal as a pet.

(c) Upon the written complaint of any person that a person owns or is keeping or harboring a dangerous animal on premises within the city, the city shall cause the matter to be investigated and if after investigation, the facts indicate that such person named in the complaint is in fact the owner or is keeping or harboring any such dangerous animal in the city, the city shall send written notice to the owner requiring the owner to safely remove the animal from the city within five days. Notice shall not be required where a dangerous animal has caused serious physical harm or death to any person or has escaped and is at large, in which case the city shall cause the animal to be immediately seized and impounded or killed, if seizure and impoundment are not possible without the risk of serious physical harm or death to any person.

(d) The city shall forthwith cause to be seized and impounded any dangerous animal where the person owning, keeping or harboring such animal has failed to comply with the notice sent. Upon seizure and impoundment the animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals. If, during the seizing and impounding of any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons authorized by the city may render said animal immobile by means of tranquilizers or other safe drugs or if that is not safely possible, then said animal may be killed.

(e) Any reasonable costs incurred by the city in seizing, impounding and for confining any dangerous or wild animal shall be charged against the owner, keeper or harborer of such animal. Such charges shall be in addition to any fine or penalty provided for violating this ordinance.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $150 or more than $1,000.

2-111. BITE AND SCRATCH PROCEDURES. (a) Except as provided in subsection (e) herein, a dog, cat, other domestic animal

and any other warm-blooded animal which bites or otherwise so injures a person as to cause an abrasion of the skin shall immediately be quarantined at the owner's expense with a licensed veterinarian of the owner's choice within Johnson County, Kansas or Jackson County, Missouri, or with the city's impounding agent for a period of not less than ten days nor more than twelve days.

(b) If the owner, keeper or harborer of the animal can not be immediately notified, city personnel shall immediately impound such an animal with the city's impounding agent, at the owner's expense, for the period of not less than ten days and not more than twelve days. If the address of the owner can be determined, the police department shall make a reasonable effort to notify the owner that the animal has been impounded under the provisions of this section and the owner has the right to redeem that animal at the expiration of confinement upon payment of board bill, any veterinarian fees and any license and penalty fees due and owing the city.

(c) In the event the original place of impoundment is not the choice of the owner, the owner may change the animal's place of impoundment to a licensed veterinarian of the owner's choice in Johnson County, Kansas or Jackson County, Missouri, provided all other provisions of this article are complied with. The total period of confinement of the animal at the one or more locations is to be for a period of not less than ten days nor more than twelve days. Credit for any period of time the animal remains at large after the bite shall not be given.

(d) The veterinarian or the city impounding agent with whom the animal is impounded shall give immediate written notice to the police department as to the health of the animal pertaining to the diagnosis of rabies.

(e) In the event that the investigating officer determines (1) that the animal which injured the person did so while confined within a fence or building enclosing property of the owner; (2) that the person injured was upon the property without the consent of the owner; and (3) that the animal had an effective rabies vaccine and was duly licensed under this article at the time of the injury, then the animal need not be impounded in accordance with Section 2-111(a), but the following alternative procedure shall be followed:

(1) If the injured person or legal guardian desires that the animal be impounded and agrees in writing to pay for the board during the period of impoundment, it shall be impounded for the period specified notwithstanding any other provision of this article.

(2) If the injured party or legal guardian is unwilling to agree in writing to pay for the animal's board during the period of impoundment, the animal shall be permitted to remain confined in the residence of the owner or

keeper, provided no animal shall be allowed to remain on the property of the owner or keeper unless such a person signs a written agreement to keep the animal confined for the specified period and further allows the animal to be periodically examined by an animal control officer to determine its physical condition during the confinement period. If the owner or keeper is unwilling to sign such an agreement, the animal shall be immediately impounded in accordance with this section.

Section 2. Code Amended. That Article 2 ("Dogs and Other Animals") of Chapter 2 of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 2. DOGS AND CATS

2-201. DEFINITIONS. For the purpose of this ordinance a dog shall be defined as canis familiaris only (this section will not apply to hybrids such as familiaris/lupus or familiaris/latrans). For the purpose of this ordinance a cat shall be defined as felis catos.

2-202. LICENSING AND VACCINATIONS. (a) It shall be unlawful for any person to own, keep or harbor any dog or cat over six months old unless such dog or cat is licensed as provided herein.

(b) Written application shall be made annually by the owner on a form provided by the city. The owner shall be identified by name, address, and telephone number and the dog or cat shall be identified by sex, age, breed, color, call name, and the rabies inoculation certificate number, date and administering veterinarian given.

(c) It shall be unlawful for any owner to own, keep or harbor any dog or cat over six months old unless such dog or cat has been inoculated for rabies. The inoculation so administered shall be effective for the entire period of time for which an animal license is issued. If a licensed veterinarian recommends that a dog or cat not be vaccinated for rabies for health purposes, the owner of such an animal will need to submit to the city clerk, at the time of licensing,a letter from their veterinarian on official letterhead stating the reason the animal can not be vaccinated.

(d) The owner of any dog or cat reaching six months of age on or after March 1 shall have ten days from the day the animal becomes six months old to license the animal. If the animal is not licensed within the time required, the owner shall be subject to a penalty as set forth in the fee schedule established and maintained by the city administrator, as prescribed in Section 1-701 of the Code of the City of Leawood.

(e) The rabies inoculation receipt, issued by a veterinarian at the time of vaccination, shall be carefully preserved by the owner or harborer of the dog or cat and exhibited promptly upon request for inspection by the animal control officer or a police officer.

(f) A license shall be issued after payment of a license fee and submission of the Certificate of Vaccination. The license fees for sexually altered and unaltered dogs/cats are set forth in the fee schedule established and maintained by the city administrator, as prescribed in Section 1-701 of the Code of the City of Leawood. Written proof by a licensed veterinarian that an animal has been neutered or spayed must be presented.

(g) Any person owning, keeping or harboring a work dog, as described below, shall be exempt from the license fee payment upon submittal of adequate proof that the dog has received a rabies inoculation and is fully trained as a work dog and is used regularly as a work dog:

(1) Dogs providing services for the disabled;

(2) Dogs utilized by law enforcement personnel.

(h) The license year shall be from January 1 through December 31 of each year. The fee shall be due and payable before March 1 of each year. A penalty as set forth in the fee schedule established and maintained by the city administrator, as prescribed in Section 1-701 of the Code of the City of Leawood, shall be assessed on March 1 and every thirty days thereafter.

Any person bringing a dog or cat over six months old into the city on or after March 1 shall have thirty days from the day the animal is brought into the City to license the animal. If the animal is not licensed within the time required, the owner shall be subject to a penalty as set forth in the fee schedule established and maintained by the city administrator, as prescribed in Section 1-701 of the Code of the City of Leawood.

(i) Licenses shall be issued in the form of a durable tag which shall be fastened to a dog's or cat's collar or harness and worn at all times.

License tags shall not be transferable. If a tag is lost, a replacement tag will be issued upon sufficient evidence of prior licensing for a charge as set forth in the fee schedule established and maintained by the city administrator.

(j) It shall be unlawful for any person to remove or cause to be removed, the collar, harness or the license tag from any registered dog or cat without the consent of the owner, keeper or harborer of said dog or cat.

(k) Any dog or cat running at large and found not wearing a collar or a tag for the current year shall be deemed a stray animal and shall be seized.

(l) The licensing and vaccination provisions of this article shall not apply to dogs and cats belonging to and kept by nonresident persons temporarily in the city: provided, that if the dogs or cats remain in the city longer than 30 days, they shall be subject to the provisions of this article. Such dogs and cats shall not be allowed to run at large at any time.

2-203. RUNNING AT LARGE. (a) Whenever any dog is found

running at large, or any animal believed to be a stray is found within the city limits, such animal may be taken up by the animal control officer or by any other agency designated by the city, and the animal shall be held seven days at an animal shelter provided by the agency or veterinarian, and if within that seven days the owner of any animal so held shall respond to the police department and pay the board incurred from the animal shelter, the animal shall be released to that owner.

(b) If impounded, the police department will make a good faith effort to notify the owner of the animal. If not claimed within seven days, the disposal of the animal by adoption or euthanasia becomes the prerogative of the designated agent and/or the animal shelter.

(c) Should any dog or cat be unlicensed at the time of impoundment, the owner, keeper or harborer of such animal shall be allotted five working days from the date of the release of such animal to obtain a city license for such dog or cat. Failure to obtain a city license within the allotted time shall be considered a separate violation and may be cause for the issuance of a notice to appear or further city action.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $100.

2-204. NOISY ANIMALS. (a) The keeping or harboring of any animal other than a dog, which by loud, frequent and habitual howling, yelping, mewing, roaring or screeching, or any other noise, shall disturb the peace of any neighborhood, is hereby prohibited and declared a public nuisance and unlawful under this article.

(b) The keeping or harboring of a barking dog shall be prohibited. "Barking dog" shall mean a dog:

(1) that barks, bays, howls, cries, or makes any other noise which is so loud and continuous or untimely as to disturb the sleep of an individual residing within one hundred yards of the property on which the animal is kept or harbored, said individual must state, in writing, that he or she will testify under oath to the excessive noise produced by the dog, or;

(2) that unreasonably disturbs two or more residents who are in general agreement as to the times and durations of the noise, and who reside in separate residences (including apartments and condominiums) located within one hundred yards of the property on which the animal is kept or harbored, said residents must state, in writing, that they will testify under oath to the excessive noise produced by the dog.

(c) A dog shall not be deemed a "barking dog" for the purpose of this article, if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other le-

gitimate cause which teased or provoked the dog.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $150.

2-205. NUISANCE ANIMAL. (a) It shall be unlawful for the owner, keeper or harborer of any animal to cause or permit such animal to perform, create or engage in an animal nuisance. Any animal found acting in any way against this ordinance, in the determination of the animal control officer, shall hereby be declared a nuisance and its owner or harborer subjected to a citation.

(b) It shall be unlawful for any person to appear with an animal upon the public ways, within public places or upon the property of another, absent that person's consent, without some means for the removal of excrement. It shall be unlawful for any person to fail to immediately remove any excrement deposited by his/her animal upon any public or private property, other than the property of the owner of the animal. This section does not apply to a blind person while walking his/her work dog.

(c) It shall be unlawful for the owner of any domestic animal to knowingly cause or allow the same to run at large or be exposed in any public place in the city, or to ship or remove such animal from the owner's premises, when same is afflicted with a contagious or infectious disease except under the supervision of the animal control officer or a licensed veterinarian.

(d) It shall be unlawful for the owner of a domestic animal to allow that animal to threaten or endanger public health in any way.

(e) It shall be unlawful for any person owning, keeping or harboring a dog, cat or other animal to permit such animal to go upon any sidewalk, parkway, or private land or premises without the permission of the owner of such property and break, tear up, crush, urinate, defecate, or otherwise destroy, damage, or disturb any lawn, flower bed, plant, shrub, tree, garden, trash collection, house, structure, or any personal property in any manner whatsoever.

(f) All female animals in heat shall be confined in an enclosure or building in such a manner that the animal can not come in contact with a male animal except for planned breeding.

(g) It shall be unlawful for the owner, keeper or harborer of any animal to allow that animal to create any type of nuisance as defined in Section 2-101(c) of this chapter.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $150.

2-206. VICIOUS DOG. (a) All vicious dogs shall be confined in an enclosure as defined in Section 2-101(j) of

this chapter. It shall be unlawful for any owner, keeper or harborer to maintain a vicious dog upon any premises which does not have a locked enclosure. It shall be unlawful for any owner, keeper or harborer to allow a vicious dog to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care for the vicious dog or to sell or give away the vicious dog or to comply with commands or directions of the animal control officer with respect to the vicious dog. In such event, the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred pounds and not exceeding three feet in length, and shall be under direct control and supervision of the owner or keeper of the vicious dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(b) The owner of a vicious dog shall display in a prominent place on his/her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or the kennel of the animal.

(c) No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) The owner of a dog that has been declared vicious must within ten days of the animal being declared vicious provide to the animal control officer two color photographs of the animal clearly showing the color, approximate size and any distinguishing markings on the animal.

(e) No vicious dog shall be licensed by the city for any licensing period unless the owner of such vicious dog shall present satisfactory evidence to the city clerk that the owner has procured liability insurance in the amount of at least one hundred thousand dollars, covering any damage or injury which may be caused by such vicious dog during the twelve month period for which the license is sought, which policy shall contain a provision requiring the city to be named as additional insured for the sole purpose of the city to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy. The owner shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve-month period for which the license is being sought, unless the owner shall cease to own the vicious dog prior to the expiration of the license.

(f) No person, firm, corporation, organization or department shall possess, own, harbor, or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the animal to attack human

beings or other animals.

(g) In the event that the animal control officer has probable cause to believe that a dog is vicious, the municipal judge shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The animal control officer shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and shall be open to the public. After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the provisions of this title in accordance with a time schedule established by the municipal judge but not to exceed thirty (30) days subsequent to the date of the determination. If the owner or keeper of the dog contests the determination, he or she, may within five (5) days of such determination, appeal to the district court. In the event that the animal control officer or law enforcement officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the animal control officer may seize and impound the dog pending the aforesaid hearings. The owner or keeper of the dog shall be liable to the city for the costs and the expenses of keeping such dog.

Any person convicted of harboring a vicious dog who fails to comply with the provisions of this section shall be fined $100 for a first offense. Upon conviction of a second offense, the Court shall order the animal permanently removed from the City within three days. Should the order of the Court be appealed, the animal must be removed from the City pending disposition of the appeal. Failure to comply with the removal order shall result in the dog being impounded and shall be punishable by a fine of $250 per day that the dangerous animal remains in the City and/or sixty days confinement in the county jail.

Actions of trained police dogs utilized by properly certified law enforcement officers in the course of official duty shall be exempt from the provisions of this section.

2-207. VICIOUS CAT. All of the provisions set out for vicious dogs are hereby made applicable provisions for any cat determined to be vicious, except:

(1) No insurance shall be required.

(2) Any such person desiring to keep a vicious cat in the city must confine such cat within the residential structure at all times (except for transport for veterinarian care) and such cat must be declawed by a licensed veterinarian.

The penalties for failure to comply with this section shall be the same as those listed in the section for vicious dogs.

2-208. GUARD AND ATTACK DOGS. Any person owning, keeping or harboring a trained guard or attack dog shall adhere to all ordinances pertaining to owning, keeping or harboring a dog, and will additionally:

(1) post signs advising of a guard dog on the premises in a location that is readily visible to anyone entering onto the property.

(2) advise the city in writing when licensing the dog of the dog's status as a trained guard or attack dog.

(3) keep such guard or attack dog secured on the property by a means acceptable to the animal control officer; invisible fences are not allowable for such purposes.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $150.

Section 3. Code Amended. That Article 3 ("Wild Animals, Fowl, Birds, Insects or Reptiles") of Chapter 2 of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 3. LIVESTOCK AND FOWL

2-301. KEEPING OF LIVESTOCK PROHIBITED. (a) It shall be unlawful for any person, firm, or corporation to keep, harbor or maintain any cattle, swine, horses, mules, sheep, goats or other animals, chickens, ducks, geese or any other poultry on any premises within the corporate limits of the city without first securing permission from the governing body, unless such premises are zoned and used for agricultural purposes.

(b) This section shall include those animals considered miniature or pygmy breeds, including but not limited to, Vietnamese pot-bellied pigs, miniature horses and miniature goats.

2-302. RUNNING AT LARGE. (a) It shall be unlawful for any person, firm, or corporation to allow any animal to run at large on public or private grounds in the city other than on property in the possession of or under the control of the person having care, custody or control of such animals or domestic fowl.

(b) It shall be unlawful to abandon any such animals. Any person who shall violate this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $150 and shall be required at his or her option, within 30 days of the date of conviction, to have completed one of the following requirements:

(1) permanent removal of the animal from the city, or;

(2) to have obtained written permission from the city council to harbor the animal within the

city.

Upon the expiration of the 30-day period following conviction if neither of the above requirements have been met, upon complaint filed by any person, the municipal court shall, unless good cause for failure of compliance is shown, assess a fine for the failure of compliance in the sum of $150 and may order the animal to be impounded at the owner's expense. Removal from the city shall be at the owner's expense.

Section 4. Code Amended. That the Code of the City of Leawood is hereby amended by adding Article 4 ("Wild and Exotic Animals") of Chapter 2, which reads as follows:

ARTICLE 4. WILD AND EXOTIC ANIMALS

2-401. KEEPING OF WILD AND EXOTIC ANIMALS. (a) It shall be unlawful for any person, firm or corporation to own, keep or harbor any wild or exotic animal within the city limits without formal written permission of the city council.

(b) This section does not apply to animals considered domesticated animals, including but not limited to dogs, cats, ferrets, rabbits, hamsters, or domestic cage birds.

(c) This section does not apply to animals normally considered as livestock or farm animals, including but not limited to horses, mules, donkeys, cows goats, sheep, swine, or fowl.

(d) It shall include, but is not limited to, all lions, tigers, bobcats, all other wild members of the feline family, bears, wolves, coyotes, monkeys, apes, gorillas, poisonous or dangerous snakes or insects, eagles, hawks, owls, other wild or dangerous members of the bird family, any bird that is not captive bred domestically, and all other birds, reptiles, and insects.

2-402. HYBRIDS. (a) It shall be unlawful to own, keep or harbor any domestic/wild hybrid animal, such as canis familiaris/lupus and familiaris/latrans mixes. Hybrids shall include, but not be limited to, animals known as wolf hybrids, wolf mixes and Tundra Shepherds. Residents, who at the time of passage of this ordinance have wolf or coyote hybrids as pets, will have sixty (60) days to register their hybrids with the city.

(b) Any hybrid not registered with the city within this time will be considered as being in the city illegally. The owner of these animals will have five days to remove these animals from the city at which time it will be the responsibility of the animal control officer to remove said animals.

(c) Hybrids that are registered with the city shall be kept in an enclosure as defined in Section 2-101(j) of this chapter. The animal shall not be let out of the enclosure unless a responsible and capable adult is present and in control of the animal and the animal is securely leashed and

muzzled.

(d) Owners of hybrids shall comply with the instructions as set out in Section 2-206 (b)-(e) of this chapter, and in addition, shall be responsible for reporting to the city council in writing within ten days the following incidents:

(1) The removal from the city or the death of any registered wolf hybrid.

(2) The birth of offspring to any registered wolf hybrid.

(3) The new address of the registered wolf hybrid owner should the owner move within the city limits.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $50 or more than $250 and shall be required at his or her option, within 30 days of the date of conviction, to have completed one of the following requirements:

(1) permanent removal of the animal from the city, or;

(2) to have obtained written permission from the city council to harbor the animal within the city.

Upon the expiration of the 30-day period following conviction, if neither of the above requirements are met, upon complaint filed by any person, the municipal court shall, unless good cause for failure of compliance is shown, assess a fine for the failure of compliance in the sum of $150 and may order the animal to be impounded at the owner's expense. Removal from the city shall be at the owner's expense.

Section 5. Code Amended. That the Code of the City of Leawood is hereby amended by adding Article 5 ("Animal Control Officer") of Chapter 2, which reads as follows:

ARTICLE 5. ANIMAL CONTROL OFFICER

2-501. DUTIES. The animal control officers of the city are hereby charged with the duties of enforcing this ordinance and no person shall interfere with, hinder, molest or abuse such officers in the exercise of their powers.

2-502. POWERS. The animal control officers of the city may:

(a) enter without a warrant upon private property to regulate or prohibit the running at large of any animal or the creation of an animal nuisance where such animal is found in plain sight other than in a residential structure and to seize such animal from said private property.

(b) enter without a warrant upon private property to apprehend a vicious animal, a wild creature or an animal suspected of being infected with rabies where such animal is found within plain sight other than in a residential structure and to seize such animal from said property.

(c) enter without a warrant upon private property to in-

vestigate cruelty to animals or animal neglect, including but not limited to inspection of pet stores, stables, and other commercial animal establishments.

(d) issue notices to appear in Municipal Court for violations of animal control ordinances.

(e) demand immediate presentation to the animal control officer of an animal by its owner or harborer when there is a suspected violation of this ordinance. Failure to present an animal is a violation punishable by a fine of not less than $25 nor more than $150.

(f) seize an animal which appears to be suffering or in imminent danger from cruelty or neglect. In the event of such seizure, the municipal judge is empowered to convene a hearing on the reasonableness of such action in the same manner as described in Section 2-206(g).

Section 6. Code Amended. That the Code of the City of Leawood is hereby amended by adding Article 6 ("Penalties") of Chapter 2, which reads as follows:

ARTICLE 6. PENALTIES

2-601. PENALTIES. Any person who shall violate, neglect or refuse to comply with any provision, regulation, or requirement of this chapter for which a penalty is not specifically set forth for the violation, and upon conviction thereof, shall be punished by a fine of not less than $25 or more than $150.

Section 7. Repeal of Existing Chapter. That existing Chapter 2, titled "Animals and Fowl", of the Code of the City of Leawood is hereby repealed. (Prior laws: Section 2-201 previously amended by Ord. No. 1003C; Sections 2-210, 2-211 and 2-221 previously amended by Ord. No. 941C; Section 2-216 previously amended by Ord. No. 1050C.)

Section 8. Take Effect. That this ordinance shall take effect and be in force on January 1, 1993.

Passed by the Council the 21st day of December, 1992.

Approved by the Mayor the 21st day of December, 1992.

(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) 780-5747

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:

12/29/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/29/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $309.06

Ord. #1327C

ORD. 1327 C

First published in The Legal Record, Tuesday, December 29, 1992.

DINANCE NO. 1327 C

ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF AWOOD RELATING TO ANIMAL CONTROL AND REGULATIONS IN THE TY OF LEAWOOD, KANSAS.

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

ction 1. Code Amended. That Article 1 ("Animals, Fowl nerally") of Chapter 2 of the Code of the City of Leawood hereby amended to read as follows:

ARTICLE 1. ANIMALS IN GENERAL

101. DEFINITIONS.

(a) Animal means any living, vertebrate creature, nestic or wild, other than humans.

(b) Animal Control Officer is a duly authorized rson employed by the city who is charged with the duties of forcing this chapter and who is educated in the care, sei-e, custody and confinement of animals.

(c) Animal Nuisance is created when a domestic animal:

(1) is running uncontrolled, other than a cat;

(2) molests or disturbs persons or vehicles by king, chasing, biting or by any other act that would dis-b a person other than the owner or keeper;

(3) attacks other animals;

(4) damages property;

(5) barks, bays, howls, or makes any other noise essively;

(6) creates offensive odors;

(7) defecates on public or private property;

(8) creates insect breeding site;

(9) is ridden on public property and obstructs or erferes with vehicular or pedestrian traffic;

(10) threatens or endangers public health;

(11) impedes refuse collection.

(d) Animal Shelter is any premises designated by the for the purpose of impounding and caring for nals held under the authority of this ordinance.

(e) At Large means any animal, other than a domestic running at will, acting on its own initiative and not red by leash or lead, unless animal is on the premises of owner and under control of a responsible person and obe-t to that person's command.

(f) Bite means any contact between an animal's mouth teeth and the skin of a victim which causes ble trauma, such as puncture wound, laceration, abrasion, ther puncture of the skin resulting in the saliva of the ng animal contacting the wound.

(g) Control of Dog means that the dog is on a h not more than eight feet in length which is held by a onsible person and is not allowed to make uninvited con-with humans or other animals; is within a vehicle being en or parked; or is within the property limits of its owner or upon the premises of another person with the consent of that person.

(h) Dangerous Animal means and includes any wild mammal, reptile or bird which is not naturally tame or gentle but is of a wild nature or disposition and which because of its size, vicious nature or other characteristics, would constitute a danger to human life or property if it is not kept or maintained in a safe manner or in secure quarters. This includes any animal which is a wild/domestic animal hybrid.

(i) Domestic Animal means any of various animals domesticated by man so as to live and breed in a tame condition.

(j) Enclosure means a fence or structure six feet in height, forming or causing an enclosure suitable to confine a vicious dog or a dangerous animal and suitable to prevent the entry of young children. Such an enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. If such an enclosure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot.

(k) Euthanasia is the humane destruction of an animal accomplished by a method which produces instantaneous unconsciousness and immediate death without visible evidence of pain or suffering.

(l) Harborer means any person who provides food and/or shelter for seven consecutive days or more.

(m) Impound means to seize summarily, confine or restrain in custody.

(n) Inoculation, vaccination, or vaccination for rabies means inoculation of an animal with a vaccine approved by the State of Kansas for use in the prevention of rabies by a licensed veterinarian.

(o) Keeper of an animal shall mean any person temporarily entrusted with the care and custody of the animal.

(p) Shelter means a structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, age and condition of the animal which provides shade from direct sunlight and regress from exposure to inclement weather conditions. The condition of the shelter should be such as to not exacerbate existing weather conditions. The shelter shall be filled with generous amounts of clean, suitable bedding material.

(q) Swine means any of various stout-bodied, short-legged omnivorous mammals of the family Suidea with a thick bristly skin and a long mobile snout.

(r) Trap means any mechanical device or snare which seeks to hold, capture or kill an animal.

(s) Vicious means having a disposition or propensity to attack or bite any person or animal without provocation.

2-102. RESPONSIBLE ANIMAL CARE. It shall be unlawful for any owner, harborer, or keeper of any animal not to provide for their animal:

(a) sufficient quantity of good and wholesome food and water, suitable for consumption by an animal of the harbored animal's species, age, and condition, sufficiently secured so as to prevent spilling and overturning;

(b) proper protection and shelter from the weather;

(c) veterinary care to prevent suffering, including customary inoculations to maintain health;

(d) humane treatment;

(e) sanitary conditions, including prompt removal and sanitary disposal of all excreta;

(f) ample opportunity for proper exercise.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $150.

2-103. CRUELTY TO ANIMALS. It shall be unlawful for any person to engage in cruelty to any animal. Cruelty to animals includes, but is not limited to:

(a) ill-treating or tormenting; willfully killing, maiming, disfiguring or torturing; beating with a stick, chain, club or any other object; mutilating, burning or scalding with any substance; driving over or otherwise setting an animal upon another animal.

(b) It is unlawful for any person to drive or work any animal cruelly.

(c) It shall be unlawful for any person to fail, refuse or neglect to provide any animal in their charge or custody as owner or otherwise with proper food, water, shade, shelter, veterinary care and proper exercise. It shall be unlawful for any person to leave any animal unattended without providing adequate food and shelter for the duration of the absence.

(d) It is unlawful for a dog to be transported in the open bed of a truck unless restrained in a cage or crosstied with a leash that will prevent the animal from jumping or falling off the vehicle, or carry any animal in any vehicle in a cruel or inhumane manner.

(e) It shall be unlawful for any person to chain, rope, tie or otherwise secure an animal without ensuring that the animal will not become entangled, is within reach of its food and water and is not in danger of becoming suspended and/or hung on any object or structure.

(f) It shall be unlawful for any person to abandon any animal within the city limits. Abandonment shall include but not be limited to the following acts: the permanent leaving of any animal on any private or public property to either fend for itself or with the intent that another person will find and assume responsibility for care of the animal; refusal to claim responsibility for the care of an animal properly in his or her charge; and refusal to accept responsibility for costs incurred for the care of an animal which has been impounded under provisions of this ordinance.

(g) It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been

CONTINUED ON PAGE 8

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treated or prepared with a harmful or poisonous substance.

(h) It shall be unlawful for any person to permit or attend any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

(i) It shall be unlawful for any person except a licensed veterinarian to crop animal ears or dock animal tails.

(j) No person shall offer to give or give a live animal as a prize or as a business inducement.

(k) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as possible and shall immediately report such injury or death to the animal's owner; in the event that the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $150 or more than $1,000, or imprisonment in the county jail not exceeding six months, or both such fine and imprisonment.

2-104. TRAPPING. (a) No person, firm, corporation or association shall do any trapping anywhere in the city except by means of cage-type live traps employed for the control of nuisance animals.

(b) All traps shall be clearly marked with the owner's name, address and telephone number.

(c) All traps will be kept in good condition and working order and will be checked every six hours while set.

(d) This section does not apply to the use of traps specifically designed to kill rats, mice, gophers or moles with the consent of the owner or occupant of the property where the trap is set.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $100.

2-105. FENCES. (a) Fences which are intended to contain any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

(b) Invisible fences shall be maintained in accordance with the manufacturer's specifications. Any animal to be confined within an invisible fence shall be trained in accordance with the manufacturer's specifications.

2-106. COMPLIANCE WITH FEDERAL REGULATIONS. It shall be unlawful for any person, firm or corporation to buy, sell or offer to sell a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969.

2-107. DEAD ANIMAL REMOVAL AND DISPOSAL. (a) It is the responsibility of the owner of any domestic animal which has died to remove and dispose of the animal's remains.

(b) In the event that the owner of a domestic animal can not be found, it will be the responsibility of the Animal Control Officer to remove and dispose of the remains.

(c) It shall be the responsibility of the property owner to remove any dead wild animal that is found on his/her property.

2-108. INJURED OR ILL ANIMALS. (a) In the event of an injured or ill domestic animal, animal control will be responsible for finding and notifying the animal's owner. If an owner can not be reached, it will be the responsibility of animal control to seek aid from the City veterinarian. The owner of the injured animal will be responsible for any and all charges for treatment and board.

(b) In the event that a domestic animal is severely injured or ill and an owner can not be found, the animal control officer and direct police supervisor will be responsible for making the decision to euthanize the animal in order to end its suffering.

(c) It is the responsibility of the animal control officer to safely remove any injured or ill wild animal within the city limits and to euthanize such animal if necessary.

2-109. LIMITATIONS ON OWNERSHIP. (a) The owning, harboring or keeping of more than two dogs and/or two cats over six months of age upon any property in the city, shall be deemed a violation and a nuisance per se: provided, that the owner, harborer or keeper may secure a permit to keep or harbor animals in excess of this number upon adequately showing that the premises are so situated, and that special circumstances exist, which would not constitute a nuisance to the neighborhood, and further that the premises on which the animals are to be kept is suitably sited and equipped to accommodate the number of animals requested. Written objections by the owners or occupants of two tracts of land, portions of which lie within 200 feet of the premises where the animals are to be kept, shall be held as sufficient evidence of nuisance to the neighborhood and no permit will be issued. The animal control officer shall approve or deny such permits and have the authority to require stipulations in conjunction with the issuance of a permit. Owners may appeal a denial of a permit to the City Council. There is no fee for the permit.

(b) The permit will be valid only for the animals listed at the time of application for the permit. If at any time there is a change in the number of animals or if another animal is substituted or brought in to replace one that is no longer on the property, a new application will be submitted

(c) The permit will be valid for the period of one year, unless otherwise limited as provided in (a) of this section, and shall be resubmitted annually.

2-110. KEEPING OF A DANGEROUS ANIMAL. (a) No person shall keep or permit to be kept on his/her premises any dangerous animal for display or for exhibition purposes whether gratuitously or for a fee. This section will not be construed to apply to zoological parks, performing animal exhibitions or circuses, bonafide licensed veterinary hospitals for treatment, bonafide educational or medical institutions or museums. All such uses shall be in compliance with the Federal Animal Welfare Act.

(b) No person shall keep or permit to be kept any dangerous animal as a pet.

(c) Upon the written complaint of any person that a person owns or is keeping or harboring a dangerous animal on premises within the city, the city shall cause the matter to be investigated and if after investigation, the facts indicate that such person named in the complaint is in fact the owner or is keeping or harboring any such dangerous animal in the city, the city shall send written notice to the owner requiring the owner to safely remove the animal from the city within five days. Notice shall not be required where a dangerous animal has caused serious physical harm or death to any person or has escaped and is at large, in which case the city shall cause the animal to be immediately seized and impounded or killed, if seizure and impoundment are not possible without the risk of serious physical harm or death to any person.

(d) The city shall forthwith cause to be seized and impounded any dangerous animal where the person owning, keeping or harboring such animal has failed to comply with the notice sent. Upon seizure and impoundment the animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals. If, during the seizing and impounding of any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons authorized by the city may render said animal immobile by means of tranquilizers or other safe drugs or if that is not safely possible, then said animal may be killed.

(e) Any reasonable costs incurred by the city in seizing, impounding and for confining any dangerous or wild animal shall be charged against the owner, keeper or harborer of such animal. Such charges shall be in addition to any fine or penalty provided for violating this ordinance.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $150 or more than $1,000.

2-111. BITE AND SCRATCH PROCEDURES. (a) Except as provided in subsection (e) herein, a dog, cat, other domestic animal and any other warm-blooded animal which bites or otherwise so injures a person as to cause an abrasion of the skin shall immediately be quarantined at the owner's expense with a licensed veterinarian of the owner's choice within Johnson County, Kansas or Jackson County, Missouri, or with the city's impounding agent for a period of not less than ten days nor more than twelve days.

(b) If the owner, keeper or harborer of the animal can not be immediately notified, city personnel shall immediately impound such an animal with the city's impounding agent, at the owner's expense, for the period of not less than ten days and not more than twelve days. If the address of the owner can be determined, the police department shall make a reasonable effort to notify the owner that the animal has been impounded under the provisions of this section and the owner has the right to redeem that animal at the expiration of confinement upon payment of board bill, any veterinarian fees and any license and penalty fees due and owing the city.

(c) In the event the original place of impoundment is not the choice of the owner, the owner may change the animal's place of impoundment to a licensed veterinarian of the owner's choice in Johnson County, Kansas or Jackson County, Missouri, provided all other provisions of this article are complied with. The total period of confinement of the animal at the one or more locations is to be for a period of not less than ten days nor more than twelve days. Credit for any period of time the animal remains at large after the bite shall not be given.

(d) The veterinarian or the city impounding agent with whom the animal is impounded shall give immediate written notice to the police department as to the health of the animal pertaining to the diagnosis of rabies.

(e) In the event that the investigating officer determines (1) that the animal which injured the person did so while confined within a fence or building enclosing property of the owner; (2) that the person injured was upon the property without the consent of the owner; and (3) that the animal had an effective rabies vaccine and was duly licensed under this article at the time of the injury, then the animal need not be impounded in accordance with Section 2-111(a), but the following alternative procedure shall be followed:

(1) If the injured person or legal guardian desires that the animal be impounded and agrees in writing to pay for the board during the period of impoundment, it shall be impounded for the period specified notwithstanding any other provision of this article.

(2) If the injured party or legal guardian is unwilling to agree in writing to pay for the animal's board during the period of impoundment, the animal shall be permitted to remain confined in the residence of the owner or

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keeper, provided no animal shall be allowed to remain on the property of the owner or keeper unless such a person signs a written agreement to keep the animal confined for the specified period and further allows the animal to be periodically examined by an animal control officer to determine its physical condition during the confinement period. If the owner or keeper is unwilling to sign such an agreement, the animal shall be immediately impounded in accordance with this section.

Section 2. Code Amended. That Article 2 ("Dogs and Other Animals") of Chapter 2 of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 2. DOGS AND CATS

2-201. DEFINITIONS. For the purpose of this ordinance a dog shall be defined as canis familiaris only (this section will not apply to hybrids such as familiaris/lupus or familiaris/latrans). For the purpose of this ordinance a cat shall be defined as felis catos.

2-202. LICENSING AND VACCINATIONS. (a) It shall be unlawful for any person to own, keep or harbor any dog or cat over six months old unless such dog or cat is licensed as provided herein.

(b) Written application shall be made annually by the owner on a form provided by the city. The owner shall be identified by name, address, and telephone number and the dog or cat shall be identified by sex, age, breed, color, call name, and the rabies inoculation certificate number, date and administering veterinarian given.

(c) It shall be unlawful for any owner to own, keep or harbor any dog or cat over six months old unless such dog or cat has been inoculated for rabies. The inoculation so administered shall be effective for the entire period of time for which an animal license is issued. If a licensed veterinarian recommends that a dog or cat not be vaccinated for rabies for health purposes, the owner of such an animal will need to submit to the city clerk, at the time of licensing, a letter from their veterinarian on official letterhead stating the reason the animal can not be vaccinated.

(d) The owner of any dog or cat reaching six months of age on or after March 1 shall have ten days from the day the animal becomes six months old to license the animal. If the animal is not licensed within the time required, the owner shall be subject to a penalty as set forth in the fee schedule established and maintained by the city administrator, as prescribed in Section 1-701 of the Code of the City of Leawood.

(e) The rabies inoculation receipt, issued by a veterinarian at the time of vaccination, shall be carefully preserved by the owner or harborer of the dog or cat and exhibited promptly upon request for inspection by the animal control officer or a police officer.

(f) A license shall be issued after payment of a license fee and submission of the Certificate of Vaccination. The license fees for sexually altered and unaltered dogs/cats are set forth in the fee schedule established and maintained by the city administrator, as prescribed in Section 1-701 of the Code of the City of Leawood. Written proof by a licensed veterinarian that an animal has been neutered or spayed must be presented.

(g) Any person owning, keeping or harboring a work dog, as described below, shall be exempt from the license fee payment upon submittal of adequate proof that the dog has received a rabies inoculation and is fully trained as a work dog and is used regularly as a work dog:

(1) Dogs providing services for the disabled;
(2) Dogs utilized by law enforcement personnel.

(h) The license year shall be from January 1 through December 31 of each year. The fee shall be due and payable before March 1 of each year. A penalty as set forth in the fee schedule established and maintained by the city administrator, as prescribed in Section 1-701 of the Code of the City of Leawood, shall be assessed on March 1 and every thirty days thereafter.

Any person bringing a dog or cat over six months old into the city on or after March 1 shall have thirty days from the day the animal is brought into the City to license the animal. If the animal is not licensed within the time required, the owner shall be subject to a penalty as set forth in the fee schedule established and maintained by the city administrator, as prescribed in Section 1-701 of the Code of the City of Leawood.

(i) Licenses shall be issued in the form of a durable tag which shall be fastened to a dog's or cat's collar or harness and worn at all times.

License tags shall not be transferable. If a tag is lost, a replacement tag will be issued upon sufficient evidence of prior licensing for a charge as set forth in the fee schedule established and maintained by the city administrator.

(j) It shall be unlawful for any person to remove or cause to be removed, the collar, harness or the license tag from any registered dog or cat without the consent of the owner, keeper or harborer of said dog or cat.

(k) Any dog or cat running at large and found not wearing a collar or a tag for the current year shall be deemed a stray animal and shall be seized.

(l) The licensing and vaccination provisions of this article shall not apply to dogs and cats belonging to and kept by nonresident persons temporarily in the city: provided, that if the dogs or cats remain in the city longer than 30 days, they shall be subject to the provisions of this article. Such dogs and cats shall not be allowed to run at large at any time.

2-203. RUNNING AT LARGE. (a) Whenever any dog is found running at large, or any animal believed to be a stray is found within the city limits, such animal may be taken up by the animal control officer or by any other agency designated by the city, and the animal shall be held seven days at an animal shelter provided by the agency or veterinarian, and if within that seven days the owner of any animal so held shall respond to the police department and pay the board incurred from the animal shelter, the animal shall be released to that owner.

(b) If impounded, the police department will make a good faith effort to notify the owner of the animal. If not claimed within seven days, the disposal of the animal by adoption or euthanasia becomes the prerogative of the designated agent and/or the animal shelter.

(c) Should any dog or cat be unlicensed at the time of impoundment, the owner, keeper or harborer of such animal shall be allotted five working days from the date of the release of such animal to obtain a city license for such dog or cat. Failure to obtain a city license within the allotted time shall be considered a separate violation and may be cause for the issuance of a notice to appear or further city action.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $100.

2-204. NOISY ANIMALS. (a) The keeping or harboring of any animal other than a dog, which by loud, frequent and habitual howling, yelping, mewing, roaring or screeching, or any other noise, shall disturb the peace of any neighborhood, is hereby prohibited and declared a public nuisance and unlawful under this article.

(b) The keeping or harboring of a barking dog shall be prohibited. "Barking dog" shall mean a dog:

(1) that barks, bays, howls, cries, or makes any other noise which is so loud and continuous or untimely as to disturb the sleep of an individual residing within one hundred yards of the property on which the animal is kept or harbored, said individual must state, in writing, that he or she will testify under oath to the excessive noise produced by the dog, or;

(2) that unreasonably disturbs two or more residents who are in general agreement as to the times and durations of the noise, and who reside in separate residences (including apartments and condominiums) located within one hundred yards of the property on which the animal is kept or harbored, said residents must state, in writing, that they will testify under oath to the excessive noise produced by the dog.

(c) A dog shall not be deemed a "barking dog" for the purpose of this article, if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $150.

2-205. NUISANCE ANIMAL. (a) It shall be unlawful for the owner, keeper or harborer of any animal to cause or permit such animal to perform, create or engage in an animal nuisance. Any animal found acting in any way against this ordinance, in the determination of the animal control officer, shall hereby be declared a nuisance and its owner or harborer subjected to a citation.

(b) It shall be unlawful for any person to appear with an animal upon the public ways, within public places or upon the property of another, absent that person's consent, without some means for the removal of excrement. It shall be unlawful for any person to fail to immediately remove any excrement deposited by his/her animal upon any public or private property, other than the property of the owner of the animal. This section does not apply to a blind person while walking his/her work dog.

(c) It shall be unlawful for the owner of any domestic animal to knowingly cause or allow the same to run at large or be exposed in any public place in the city, or to ship or remove such animal from the owner's premises, when same is afflicted with a contagious or infectious disease except under the supervision of the animal control officer or a licensed veterinarian.

(d) It shall be unlawful for the owner of a domestic animal to allow that animal to threaten or endanger public health in any way.

(e) It shall be unlawful for any person owning, keeping or harboring a dog, cat or other animal to permit such animal to go upon any sidewalk, parkway, or private land or premises without the permission of the owner of such property and break, tear up, crush, urinate, defecate, or otherwise destroy, damage, or disturb any lawn, flower bed, plant, shrub, tree, garden, trash collection, house, structure, or any personal property in any manner whatsoever.

(f) All female animals in heat shall be confined in an enclosure or building in such a manner that the animal can not come in contact with a male animal except for planned breeding.

(g) It shall be unlawful for the owner, keeper or harborer of any animal to allow that animal to create any type of nuisance as defined in Section 2-101(c) of this chapter.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $150.

2-206. VICIOUS DOG. (a) All vicious dogs shall be confined in an enclosure as defined in Section 2-101(j) of

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this chapter. It shall be unlawful for any owner, keeper or harborer to maintain a vicious dog upon any premises which does not have a locked enclosure. It shall be unlawful for any owner, Keeper or harborer to allow a vicious dog to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care for the vicious dog or to sell or give away the vicious dog or to comply with commands or directions of the animal control officer with respect to the vicious dog. In such event, the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred pounds and not exceeding three feet in length, and shall be under direct control and supervision of the owner or keeper of the vicious dog. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(b) The owner of a vicious dog shall display in a prominent place on his/her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or the kennel of the animal.

(c) No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) The owner of a dog that has been declared vicious must within ten days of the animal being declared vicious provide to the animal control officer two color photographs of the animal clearly showing the color, approximate size and any distinguishing markings on the animal.

(e) No vicious dog shall be licensed by the city for any licensing period unless the owner of such vicious dog shall present satisfactory evidence to the city clerk that the owner has procured liability insurance in the amount of at least one hundred thousand dollars, covering any damage or injury which may be caused by such vicious dog during the twelve month period for which the license is sought, which policy shall contain a provision requiring the city to be named as additional insured for the sole purpose of the city to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy. The owner shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve-month period for which the license is being sought, unless the owner shall cease to own the vicious dog prior to the expiration of the license.

(f) No person, firm, corporation, organization or department shall possess, own, harbor, or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the animal to attack human beings or other animals.

(g) In the event that the animal control officer has probable cause to believe that a dog is vicious, the municipal judge shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The animal control officer shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and shall be open to the public. After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the provisions of this title in accordance with a time schedule established by the municipal judge but not to exceed thirty (30) days subsequent to the date of the determination. If the owner or keeper of the dog contests the determination, he or she, may within five (5) days of such determination, appeal to the district court. In the event that the animal control officer or law enforcement officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the animal control officer may seize and impound the dog pending the aforesaid hearings. The owner or keeper of the dog shall be liable to the city for the costs and the expenses of keeping such dog.

Any person convicted of harboring a vicious dog who fails to comply with the provisions of this section shall be fined $100 for a first offense. Upon conviction of a second offense, the Court shall order the animal permanently removed from the City within three days. Should the order of the Court be appealed, the animal must be removed from the City pending disposition of the appeal. Failure to comply with the removal order shall result in the dog being impounded and shall be punishable by a fine of $250 per day that the dangerous animal remains in the City and/or sixty days confinement in the county jail.

Actions of trained police dogs utilized by properly certified law enforcement officers in the course of official duty shall be exempt from the provisions of this section.

2-207. VICIOUS CAT. All of the provisions set out for vicious dogs are hereby made applicable provisions for any cat determined to be vicious, except:

(1) No insurance shall be required.

(2) Any such person desiring to keep a vicious cat in the city must confine such cat within the residential structure at all times (except for transport for veterinarian care) and such cat must be declawed by a licensed veterinarian.

The penalties for failure to comply with this section shall be the same as those listed in the section for vicious dogs.

2-208. GUARD AND ATTACK DOGS. Any person owning, keeping or harboring a trained guard or attack dog shall adhere to all ordinances pertaining to owning, keeping or harboring a dog, and will additionally:

(1) post signs advising of a guard dog on the premises in a location that is readily visible to anyone entering onto the property.

(2) advise the city in writing when licensing the dog of the dog's status as a trained guard or attack dog.

(3) keep such guard or attack dog secured on the property by a means acceptable to the animal control officer; invisible fences are not allowable for such purposes.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $150.

Section 3. Code Amended. That Article 3 ("Wild Animals, Fowl, Birds, Insects or Reptiles") of Chapter 2 of the Code of the City of Leawood is hereby amended to read as follows:

ARTICLE 3. LIVESTOCK AND FOWL

2-301. KEEPING OF LIVESTOCK PROHIBITED. (a) It shall be unlawful for any person, firm, or corporation to keep, harbor or maintain any cattle, swine, horses, mules, sheep, goats or other animals, chickens, ducks, geese or any other poultry on any premises within the corporate limits of the city without first securing permission from the governing body, unless such premises are zoned and used for agricultural purposes.

(b) This section shall include those animals considered miniature or pygmy breeds, including but not limited to, Vietnamese pot-bellied pigs, miniature horses and miniature goats.

2-302. RUNNING AT LARGE. (a) It shall be unlawful for any person, firm, or corporation to allow any animal to run at large on public or private grounds in the city other than on property in the possession of or under the control of the person having care, custody or control of such animals or domestic fowl.

(b) It shall be unlawful to abandon any such animals. Any person who shall violate this section shall, upon conviction thereof, be subject to a fine of not less than $25 or more than $150 and shall be required at his or her option, within 30 days of the date of conviction, to have completed one of the following requirements:

(1) permanent removal of the animal from the city, or;

(2) to have obtained written permission from the city council to harbor the animal within the city.

Upon the expiration of the 30-day period following conviction if neither of the above requirements have been met, upon complaint filed by any person, the municipal court shall, unless good cause for failure of compliance is shown, assess a fine for the failure of compliance in the sum of $150 and may order the animal to be impounded at the owner's expense. Removal from the city shall be at the owner's expense.

Section 4. Code Amended. That the Code of the City of Leawood is hereby amended by adding Article 4 ("Wild and Exotic Animals") of Chapter 2, which reads as follows:

ARTICLE 4. WILD AND EXOTIC ANIMALS

2-401. KEEPING OF WILD AND EXOTIC ANIMALS. (a) It shall be unlawful for any person, firm or corporation to own, keep or harbor any wild or exotic animal within the city limits without formal written permission of the city council.

(b) This section does not apply to animals considered domesticated animals, including but not limited to dogs, cats, ferrets, rabbits, hamsters, or domestic cage birds.

(c) This section does not apply to animals normally considered as livestock or farm animals, including but not limited to horses, mules, donkeys, cows goats, sheep, swine, or fowl.

(d) It shall include, but is not limited to, all lions, tigers, bobcats, all other wild members of the feline family, bears, wolves, coyotes, monkeys, apes, gorillas, poisonous or dangerous snakes or insects, eagles, hawks, owls, other wild or dangerous members of the bird family, any bird that is not captive bred domestically, and all other birds, reptiles, and insects.

2-402. HYBRIDS. (a) It shall be unlawful to own, keep or harbor any domestic/wild hybrid animal, such as canis familiaris/lupus and familiaris/latrans mixes. Hybrids shall include, but not be limited to, animals known as wolf hybrids, wolf mixes and Tundra Shepherds. Residents, who at the time of passage of this ordinance have wolf or coyote hybrids as pets, will have sixty (60) days to register their hybrids with the city.

(b) Any hybrid not registered with the city within this time will be considered as being in the city illegally. The owner of these animals will have five days to remove these animals from the city at which time it will be the responsibility of the animal control officer to remove said animals.

(c) Hybrids that are registered with the city shall be kept in an enclosure as defined in Section 2-101(j) of this

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chapter. The animal shall not be let out of the enclosure unless a responsible and capable adult is present and in control of the animal and the animal is securely leashed and muzzled.

(d) Owners of hybrids shall comply with the instructions as set out in Section 2-206 (b)-(e) of this chapter, and in addition, shall be responsible for reporting to the city council in writing within ten days the following incidents:

(1) The removal from the city or the death of any registered wolf hybrid.

(2) The birth of offspring to any registered wolf hybrid.

(3) The new address of the registered wolf hybrid owner should the owner move within the city limits.

Any person who shall violate any provision of this section shall, upon conviction thereof, be subject to a fine of not less than $50 or more than $250 and shall be required at his or her option, within 30 days of the date of conviction, to have completed one of the following requirements:

(1) permanent removal of the animal from the city, or;

(2) to have obtained written permission from the city council to harbor the animal within the city.

Upon the expiration of the 30-day period following conviction, if neither of the above requirements are met, upon complaint filed by any person, the municipal court shall, unless good cause for failure of compliance is shown, assess a fine for the failure of compliance in the sum of $150 and may order the animal to be impounded at the owner's expense. Removal from the city shall be at the owner's expense.

Section 5. Code Amended. That the Code of the City of Leawood is hereby amended by adding Article 5 ("Animal Control Officer") of Chapter 2, which reads as follows:

ARTICLE 5. ANIMAL CONTROL OFFICER

2-501. DUTIES. The animal control officers of the city are hereby charged with the duties of enforcing this ordinance and no person shall interfere with, hinder, molest or abuse such officers in the exercise of their powers.

2-502. POWERS. The animal control officers of the city may:

(a) enter without a warrant upon private property to regulate or prohibit the running at large of any animal or the creation of an animal nuisance where such animal is found in plain sight other than in a residential structure and to seize such animal from said private property.

(b) enter without a warrant upon private property to apprehend a vicious animal, a wild creature or an animal suspected of being infected with rabies where such animal is found within plain sight other than in a residential structure and to seize such animal from said property.

(c) enter without a warrant upon private property to investigate cruelty to animals or animal neglect, including but not limited to inspection of pet stores, stables, and other commercial animal establishments.

(d) issue notices to appear in Municipal Court for violations of animal control ordinances.

(e) demand immediate presentation to the animal control officer of an animal by its owner or harborer when there is a suspected violation of this ordinance. Failure to present an animal is a violation punishable by a fine of not less than $25 nor more than $150.

(f) seize an animal which appears to be suffering or in imminent danger from cruelty or neglect. In the event of such seizure, the municipal judge is empowered to convene a hearing on the reasonableness of such action in the same manner as described in Section 2-206(g).

Section 6. Code Amended. That the Code of the City of Leawood is hereby amended by adding Article 6 ("Penalties") of Chapter 2, which reads as follows:

ARTICLE 6. PENALTIES

2-601. PENALTIES. Any person who shall violate, neglect or refuse to comply with any provision, regulation, or requirement of this chapter for which a penalty is not specifically set forth for the violation, and upon conviction thereof, shall be punished by a fine of not less than $25 or more than $150.

Section 7. Repeal of Existing Chapter. That existing Chapter 2, titled "Animals and Fowl", of the Code of the City of Leawood is hereby repealed. (Prior laws: Section 2-201 previously amended by Ord. No. 1003C; Sections 2-210, 2-211 and 2-221 previously amended by Ord. No. 941C; Section 2-216 previously amended by Ord. No. 1050C.)

Section 8. Take Effect. That this ordinance shall take effect and be in force on January 1, 1993.

Passed by the Council the 21st day of December, 1992.

Approved by the Mayor the 21st day of December, 1992.

(S E A L)

Attest:

Marcia Rinehart
Mayor

Martha Heizer
City Clerk

APPROVED FOR FORM:

R.S. Wetzler
City Attorney

ORDINANCE NO. 1326

AN ORDINANCE ADOPTING THE 1993 MASTER DEVELOPMENT PLAN MAP.

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

28-601. Section 1. That the City of Leawood, in accordance with K.S.A. 12-747, hereby adopts the 1993 Master Development Plan Map as approved by the Governing Body November 2, 1992.

28-602. Section 2. That a copy of said map 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 December, 1992.

Approved by the Mayor the 21st day of December, 1992.

(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;
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 [illegible] of general paid circulation on a weekly, monthly or yearly [illegible]is in Johnson County, Kansas, is not a trade, religious or [illegible]aternal 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:

12/29/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/29/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $13.64

[illegible]d. #1326

ORD. 1326

First published in The Legal Record, Tuesday, December 29, 1992.

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Approved by the Mayor the 21st day of December, 1992.

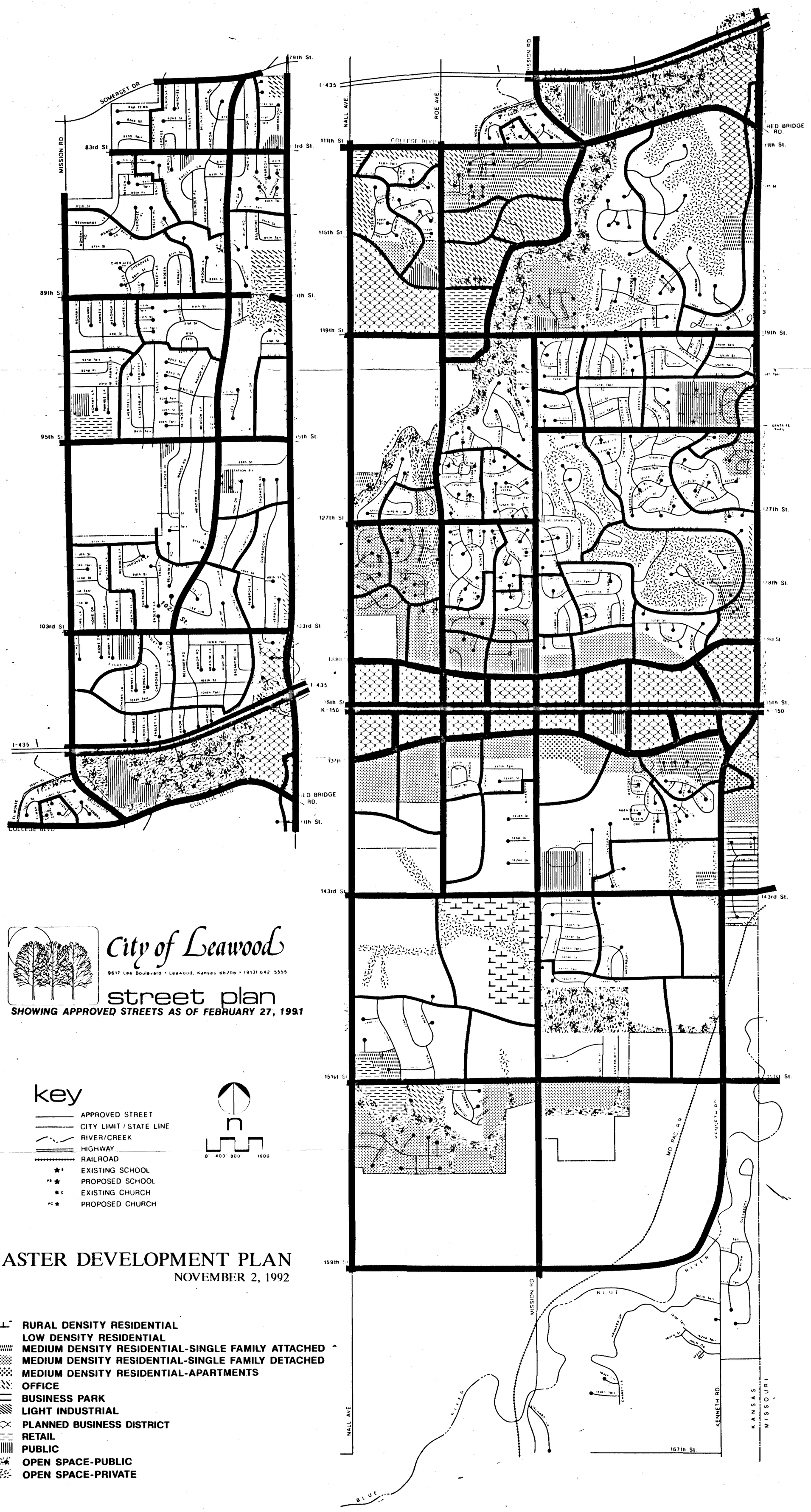
(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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



City of Leawood

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

street plan

SHOWING APPROVED STREETS AS OF FEBRUARY 27, 1991

key

- APPROVED STREET
- CITY LIMIT / STATE LINE
- RIVER/CREEK
- HIGHWAY
- RAILROAD
- EXISTING SCHOOL
- PROPOSED SCHOOL
- EXISTING CHURCH
- PROPOSED CHURCH

N

0 400' 800 1600

1993 MASTER DEVELOPMENT PLAN

NOVEMBER 2, 1992

- RURAL DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL-SINGLE FAMILY ATTACHED
- MEDIUM DENSITY RESIDENTIAL-SINGLE FAMILY DETACHED
- MEDIUM DENSITY RESIDENTIAL-APARTMENTS
- OFFICE
- BUSINESS PARK
- LIGHT INDUSTRIAL
- PLANNED BUSINESS DISTRICT
- RETAIL
- PUBLIC
- OPEN SPACE-PUBLIC
- OPEN SPACE-PRIVATE

ORDINANCE NO. 1325

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 93E, PROJECT 133 (MUNICIPAL GOLF COURSE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $3,400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF ACQUIRING PARK LAND IN THE VICINITY OF 151ST STREET AND NALL AVENUE AND MAKING IMPROVEMENTS THERETO BY CONSTRUCTING A PUBLIC MUNICIPAL GOLF COURSE AND RELATED FACILITIES.

WHEREAS, the total estimated cost of acquisition of park land and construction is estimated to be $6,250,000; and

WHEREAS, the cost of said acquisition and 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. 12-1302.

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

23-201. Section One : That in order to provide funds to pay the costs and expenses of the aforesaid project 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 93E, Project 133 (Municipal Golf Course), in the aggregate principal amount of Three Million Four Hundred Thousand Dollars ($3,400,000), which amount does not exceed the total estimated costs of said project.

23-202. Section Two : Said issue of Temporary Notes, Series 93E, Project 133, shall consist of bearer notes numbered from 1 through 34, each in the denomination of $100,000. Each of said notes shall be dated January 1, 1993, and shall have the stated maturity date of September 30, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 2.90% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 12-1302.

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.

23-203. 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.

23-204. 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 for less than 99.9056% of the principal amount thereof.

23-205. 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 project 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, 1993, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1993 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 financing for the project, 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 nor will such proceeds or project 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.

23-206. Section Six : The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

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

PASSED by the Governing Body of the City of Leawood, Kansas, this 7th day of ~~XXXXX~~ December, 1992.

SIGNED by the Mayor this 7th day of December, 1992.

(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:
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:

12/8/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/8/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $55.81

Ord. 1325

ORD. 1325

First published in The Legal Record, Tuesday, December 8, 1992.

ORDINANCE NO. 1325

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 93E, PROJECT 133 (MUNICIPAL GOLF COURSE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $3,400,000 TO PROVIDE TEMPORARY FINANCING OF THE COST OF ACQUIRING PARK LAND IN THE VICINITY OF 151ST STREET AND NALL AVENUE AND MAKING IMPROVEMENTS THERETO BY CONSTRUCTING A PUBLIC MUNICIPAL GOLF COURSE AND RELATED FACILITIES.

WHEREAS, the total estimated cost of acquisition of park land and construction is estimated to be $6,250,000; and

WHEREAS, the cost of said acquisition and 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. 12-1302.

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 project 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 93E, Project 133 (Municipal Golf Course), in the aggregate principal amount of Three Million Four Hundred Thousand Dollars ($3,400,000), which amount does not exceed the total estimated costs of said project.

Section Two : Said issue of Temporary Notes, Series 93E, Project 133, shall consist of bearer notes numbered from 1 through 34, each in the denomination of $100,000. Each of said notes shall be dated January 1, 1993, and shall have the stated maturity date of September 30, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 2.90% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and cancelled before or at the time general obligation improvement bonds are issued in lieu thereof. Said notes are authorized by K.S.A. 12-1302.

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 United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be for less than 99.9056% 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 project 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, 1993, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1993 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 financing for the project, 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 nor will such proceeds or project 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 7th day of December, 1992.

SIGNED by the Mayor this 7th day of December, 1992.

(S E A L)

ATTEST:

Martha Heizer, City Clerk

Marcia Rinehart, Mayor

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

ORDINANCE NO. 1324

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 92-1-93C, PROJECT 132 (STATE LINE ROAD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $800,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY FIVE HUNDRED THIRTEEN FEET SOUTH OF THE CENTERLINE OF 112TH TERRACE AND APPROXIMATELY ONE HUNDRED TWENTY-TWO FEET SOUTH OF THE CENTERLINE OF CARONDOLET DRIVE; SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALTIC CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIANS, PROTECTED LEFT TURN LANES, CURB AND GUTTERS, STORM SEWERS, SIDEWALK, STREET LIGHTS, AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1054 under K.S.A. 12-6a01 et seq. and adopted by the Governing Body of the City of Leawood on January 27, 1992; 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 $1,115,112.33; 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:

20-1,897. 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. 92-1-93C, Project 132 (State Line Road, Phase I), in the aggregate principal amount of Eight Hundred Thousand Dollars ($800,000), which amount does not exceed the total estimated costs of said improvements.

20-1,898. Section Two: Said issue of Temporary Notes, Series L.I.D. 92-1-93C, Project 132, shall consist of bearer notes numbered 1 and 8 inclusive, each in the denomination of $100,000. Each of said notes shall be dated January 1, 1993,

and shall have the stated maturity date of September 30, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 2.94% 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.

20-1,899. 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.

20-1,900. 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 99.907% of the principal amount thereof.

20-1,901. 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, 1993, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1993 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 nor 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.

20-1,902. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

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

PASSED by the Governing Body of the City of Leawood, Kansas, this 7th day of December, 1992.

SIGNED by the Mayor this 7th day of December, 1992.

(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:
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* [illegible]d of general paid circulation on a weekly, monthly or yearly [illegible]is in Johnson County, Kansas, is not a trade, religious or [illegible]ternal 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:

12/8/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/8/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $66.17

Ord. 1324

ORD. 1324

First published in The Legal Record, Tuesday, December 8, 1992.

ORDINANCE NO. 1324

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 92-1-93C, PROJECT 132 (STATE LINE ROAD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $800,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY FIVE HUNDRED THIRTEEN FEET SOUTH OF THE CENTERLINE OF 112TH TERRACE AND APPROXIMATELY ONE HUNDRED TWENTY-TWO FEET SOUTH OF THE CENTERLINE OF CARONDOLET DRIVE; SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALTIC CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIANS, PROTECTED LEFT TURN LANES, CURB AND GUTTERS, STORM SEWERS, SIDEWALK, STREET LIGHTS, AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1054 under K.S.A. 12-6a01 et seq. and adopted by the Governing Body of the City of Leawood on January 27, 1992; 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 $1,115,112.33; 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. 92-1-93C, Project 132 (State Line Road, Phase I), in the aggregate principal amount of Eight Hundred Thousand Dollars ($800,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series L.I.D. 92-1-93C, Project 132, shall consist of bearer notes numbered 1 and 8 inclusive, each in the denomination of $100,000. Each of said notes shall be dated January 1, 1993, and shall have the stated maturity date of September 30, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 2.94% 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 United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.907% 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, 1993, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1993 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 nor 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 7th day of December, 1992.

CONTINUED ON PAGE 19

ORD. 1324

CONTINUED FROM PAGE 16

SIGNED by the Mayor this 7th day of December, 1992.

(S E A L)

ATTEST:

Martha Heizer, City Clerk

Marcia Rinehart

Marcia Rinehart, Mayor

APPROVED AS TO FORM AND CONTENT:

S. Wetzler, City Attorney

ORDINANCE NO. 1323

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 92-2-93D, PROJECT 130 (TOWN CENTER DRIVE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOWN CENTER DRIVE; SAID ROADWAY TO BE CONSTRUCTED WITH CONCRETE CURB AND GUTTER, ASPHALTIC PAVEMENT, STORM DRAINAGE, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1063 under K.S.A. 12 6a 04(2) and adopted by the Governing Body of the City of Leawood on April 20, 1992; 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 $1,175,000; 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:

20-1,891. 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. 92-2-93D, Project 130 (Town Center Drive), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000), which amount does not exceed the total estimated costs of said improvements.

20-1,892. Section Two: Said issue of Temporary Notes, Series L.I.D. 92-2-93D, Project 130, shall consist of bearer notes numbered from 1 through 4, each in the denomination of $100,000. Each of said notes shall be dated January 1, 1993, and shall have the stated maturity date of September 30, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 2.94% 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.

20-1,893. 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.

20-1,894. 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 99.895% of the principal amount thereof.

20-1,895. 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, 1993, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1993 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 nor 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.

20-1,896. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

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

PASSED by the Governing Body of the City of Leawood, Kansas, this 7th day of December, 1992.

SIGNED by the Mayor this 7th day of December, 1992.

(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:
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:

12/8/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/8/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $65.81

Ord. 1323

ORD. 1323

First published in The Legal Record, Tuesday, December 8, 1992.

ORDINANCE NO. 1323

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 92-2-93D, PROJECT 130 (TOWN CENTER DRIVE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $400,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOWN CENTER DRIVE; SAID ROADWAY TO BE CONSTRUCTED WITH CONCRETE CURB AND GUTTER, ASPHALTIC PAVEMENT, STORM DRAINAGE, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1063 under K.S.A. 12 6a 04(2) and adopted by the Governing Body of the City of Leawood on April 20, 1992; 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 $1,175,000; 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. 92-2-93D, Project 130 (Town Center Drive), in the aggregate principal amount of Four Hundred Thousand Dollars ($400,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series L.I.D. 92-2-93D, Project 130, shall consist of bearer notes numbered from 1 through 4, each in the denomination of $100,000. Each of said notes shall be dated January 1, 1993, and shall have the stated maturity date of September 30, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 2.94% 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 United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.895% 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, 1993, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1993 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 nor 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.

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

PASSED by the Governing Body of the City of Leawood, Kansas, this 7th day of December, 1992.

SIGNED by the Mayor this 7th day of December, 1992.

(S E A L)

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

Marcia Rinehart

Marcia Rinehart, Mayor

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

ORDINANCE NO. 1322

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 93B, PROJECT 124 (135TH STREET [K150], STATE LINE-NALL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $800,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET [K150], STATE LINE-NALL, 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, 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 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 135th Street (K150), State Line-Nall, 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. 1203 on February 4, 1991; and

WHEREAS, the City of Leawood's share of the total cost of improvements to 135th Street (K150), State Line-Nall, is estimated to be $3,146,400.00; 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:

20-1,885. 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, acquisition of right-of-way, 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 93B, Project 124 (135th Street [K150], State Line-Nall), in the aggregate principal amount of Eight Hundred Thousand Dollars

($800,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,886. Section Two: Said issue of Temporary Notes, Series 93B, Project 124 (135th Street [K150], State Line-Nall), shall consist of bearer notes numbered 1 through 8 inclusive, each in the denomination of $100,000.00. Said notes shall be dated January 1, 1993, and shall have the stated maturity date of September 30, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 2.94% 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. 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 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 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.

20-1,887. 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.

20-1,888. 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 99.904% of the principal amount thereof.

20-1,889. 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, 1993, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1993 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.

20-1,890. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

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

PASSED by the Governing Body of the City of Leawood, Kansas, this 7th day of December, 1992.

SIGNED by the Mayor this 7th day of December, 1992.

(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;
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:

12/8/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/8/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $67.63

Ord. 1322

ORD. 1322

First published in The Legal Record, Tuesday, December 8, 1992.

ORDINANCE NO. 1322

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 93B, PROJECT 124 (135TH STREET [K150], STATE LINE-NALL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $800,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET [K150], STATE LINE-NALL, 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, 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 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 135th Street (K150), State Line-Nall, 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. 1203 on February 4, 1991; and

WHEREAS, the City of Leawood's share of the total cost of improvements to 135th Street (K150), State Line-Nall, is estimated to be $3,146,400.00; 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, acquisition of right-of-way, 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 93B, Project 124 (135th Street [K150], State Line-Nall), in the aggregate principal amount of Eight Hundred Thousand Dollars ($800,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 93B, Project 124 (135th Street [K150], State Line-Nall), shall consist of bearer notes numbered 1 through 8 inclusive, each in the denomination [redacted] said notes shall be dated January 1, 1993, and shall have the stated maturity date of September 30, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 2.94% 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. 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 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 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 99.904% 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, 1993, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1993 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

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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 7th day of December, 1992.

SIGNED by the Mayor this 7th day of December, 1992.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. E. Watson, City Attorney

ORDINANCE NO. 1321

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 93A, PROJECT 115 (MISSION ROAD, 103RD STREET-COLLEGE 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 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:

20-1,879. 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 93A, Project 115 (Mission Road, 103rd-College 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.

20-1,880. Section Two: Said issue of Temporary Notes, Series 93A, Project 115 (Mission Road, 103rd-College Boulevard), shall consist of bearer note numbers 1 through 4, each in the denomination of $100,000. Said notes shall be dated January 1, 1993, and shall have the stated maturity date of September 30, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 2.94% 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.

20-1,881. 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.

20-1,882. 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 99.905% of the principal amount thereof.

20-1,883. 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, 1993, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1993 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.

20-1,884. Section Six: The full faith, credit and resources of the City of Leawood, Kansas, shall be and the same are hereby irrevocably pledged for the prompt payment of said notes and the interest thereon.

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

PASSED by the Governing Body of the City of Leawood, Kansas, this 7th day of December, 1992.

SIGNED by the Mayor this 7th day of December, 1992.

(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;
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:

12/8/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/8/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $66.72

Ord. 1321

ORD. 1321

First published in The Legal Record, Tuesday, December 8, 1992.

ORDINANCE NO. 1321

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 93A, PROJECT 115 (MISSION ROAD, 103RD STREET-COLLEGE 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 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 93A, Project 115 (Mission Road, 103rd-College 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 93A, Project 115 (Mission Road, 103rd-College Boulevard), shall consist of bearer note numbers 1 through 4, each in the denomination of $100,000. Said notes shall be dated January 1, 1993, and shall have the stated maturity date of September 30, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 2.94% 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 counteraigned 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 99.905% 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, 1993, the City has not issued any bonds or obligations;

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1993 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.

CONTINUED ON PAGE 14

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

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

PASSED by the Governing Body of the City of Leawood, Kansas, this 7th day of December, 1992.

SIGNED by the Mayor this 7th day of December, 1992.

(S E A L)

ATTEST:

Marcia Rinehart

Marcia Rinehart, Mayor

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

ORDINANCE NO. 1320

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $5,201,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 1992, OF THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY AND TO FINANCE THE COST OF CONSTRUCTION OF CERTAIN IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; MAKING PROVISION FOR THE COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND PROVIDING FOR EXECUTION OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH.

WHEREAS, pursuant to K.S.A. 12-6a01 et seq. K.S.A. 12-631s, K.S.A. 12-685 et seq., and 12-1736 et seq., each as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City of Leawood, Kansas (the "City") has heretofore issued the following described general obligation bonds of the City:

(a) General Obligation Refunding and Improvement Bonds, Series 1985, dated August 15, 1985, in the original principal amount of $4,585,000 (the "Series 1985 Bonds"), of which Series 1985 Bonds in the aggregate principal amount of $1,910,000 remain outstanding and unpaid;

(b) Combined Projects Improvement General Obligation Bonds, Series 1986, dated June 1, 1986, in the original principal amount of $2,485,000 (the "Series 1986 Bonds"), of which Series 1986 Bonds in the aggregate principal amount of $1,700,000 remain outstanding and unpaid;

(c) General Obligation Improvement Bonds, Series 1988-A, dated September 1, 1988, in the original principal amount of $2,900,000 (the "Series 1988-A Bonds") of which Series 1988-A Bonds in the aggregate principal amount of $1,740,000 remain outstanding and unpaid;

(d) General Obligation Improvement Bonds, Series 1988-C, dated December 1, 1988, in the original principal amount of $1,307,690 (the "Series 1988-C Bonds"), of which Series 1988-C Bonds in the aggregate principal amount of $1,050,000 remain outstanding and unpaid; and

(e) General Obligation Improvement Bonds, Series 1990-A, dated October 1, 1990, in the original

principal amount of $1,848,653 (the "Series 1990-A Bonds"), of which Series 1990-A Bonds in the principal amount of $1,565,000 remain outstanding and unpaid;

(collectively, the "Prior Bonds") for the purpose of providing funds to pay the costs of certain public improvements in the City (the "Prior Improvements"); and

WHEREAS, in order to achieve certain economic efficiencies and interest cost savings and to provide an orderly plan of financing for the City, it is hereby found and determined to be desirable and in the best interest of the City and its inhabitants that the City issue its general obligation bonds pursuant to K.S.A. 10-427 et seq., as amended, to provide funds to refund in advance of their respective maturities portions of the Prior Bonds, as follows:

(a) Series 1985 Bonds maturing by their stated terms in the years 1996 through 1999, inclusive, in the aggregate principal amount of $925,000 (the "Refunded Series 1985 Bonds");

(b) Series 1986 Bonds maturing by their stated terms in the years 2000 and 2001, inclusive, in the aggregate principal amount of $445,000 (the "Refunded Series 1986 Bonds");

(c) Series 1988-A Bonds maturing by their stated terms in the years 1997 and 1998, inclusive, in the aggregate principal amount of $580,000 (the "Refunded Series 1988-A Bonds");

(d) Series 1988-C Bonds maturing by their stated terms in the years 1998 through 2004, inclusive, in the aggregate principal amount of $625,000 (the "Refunded Series 1988-C Bonds"); and

(e) Series 1990-A Bonds maturing by their stated terms in the years 2003 through 2005, inclusive, in the aggregate principal amount of $265,000 (the "Refunded Series 1990-A Bonds");

(collectively, the "Refunded Bonds"); and

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the City of Leawood, Kansas (the "City") has heretofore authorized the following improvements within the City (the "Series 1992 Improvements"):

(a) Construction of improvements to Lee Boulevard including necessary appurtenances, as authorized by Ordinance No. 1218; and

(b) Construction of improvements to Somerset Road including necessary appurtenances, as authorized by Ordinance No. 1131 and Ordinance No. 1132;

and

WHEREAS, all legal requirements pertaining to the Series 1992 Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Series 1992 Improvements including construction financing and related expenses is not less than $2,046,000 such cost to be paid by the City at large; 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 Series 1992 Improvements; and

WHEREAS, the City hereby finds and determines that it is necessary and advisable to refund the Refunded Bonds and to finance the costs of constructing the Series 1992 Improvements by the issuance of General Obligation Refunding and Improvement Bonds, Series 1992, in the aggregate principal amount of $5,201,000 (the "Bonds"); and

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

20-1,850. 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 its successors or assigns.

"Cost of Issuance Fund" means the Series 1992 Cost of Issuance Fund created by Section 501 of this Ordinance.

"Improvement Fund" means the Series 1992 Improvement Construction 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 its successors and assigns.

"Principal and Interest Fund" means the Principal and Interest Fund for the City of Leawood, Kansas General Obligation Refunding and Improvement Bonds, Series 1992, created by Section 501 of this Ordinance.

"Underwriters" means George K. Baum & Company, Kansas City, Missouri, and Investment Bankers of Kansas City, a division of Mark Twain Bank, Kansas City, Missouri.

ARTICLE II

AUTHORIZATION OF THE BONDS

20-1,851. Section 201. Authorization of the Bonds. The City is hereby authorized and directed to issue the general obligation bonds of the City in the principal amount of $5,201,000 for the purpose of providing funds to refund the Refunded Bonds and to finance the costs of constructing the Series 1992 Improvements, as provided in this Ordinance.

The Bonds shall be designated "General Obligation Refunding and Improvement Bonds, Series 1992," and shall be composed of and issued in two separate series designated "General Obligation Refunding Bonds, Series 1992-A", in the aggregate principal amount of $3,155,000 (the "Series 1992-A Bonds"), and "General Obligation Improvement Bonds, Series 1992-B", in the aggregate principal amount of $2,046,000 (the "Series 1992-B Bonds").

20-1,852. Section 202. Security for the Bonds. The Bonds shall be general obligations of the City, and the full faith and credit of the City is hereby pledged to the payment of the principal of and interest on the Bonds as herein provided.

The Series 1992-A Bonds shall be payable in part from special assessments levied against properties benefited by the construction of the Prior Improvements financed in

part with the proceeds of the Refunded Bonds 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 and 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 and personal, within the territorial limits of the City.

The Series 1992-B Bonds shall be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property, real and personal, within the territorial limits of the City.

20-1,853. Section 203. Details of the Bonds.

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 of the Series 1992-B Bonds shall be issued in the denomination of $6,000. The Bonds shall be substantially in the form described in Article IV hereof and shall be subject to registration, transfer and exchange as provided in Section 206 hereof. All of the Bonds shall be dated December 1, 1992, 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 1992-A BONDS

Maturity September 1	Principal Amount	Interest Rate	Maturity September 1	Principal Amount	Interest Rate
1994	$ 35,000	3.40%	2000	$325,000	5.00%
1995	60,000	3.80	2001	325,000	5.20
1996	305,000	4.10	2002	95,000	5.40
1997	590,000	4.50	2003	185,000	5.50
1998	675,000	4.70	2004	180,000	5.65
1999	295,000	4.90	2005	85,000	5.80

Series 1992-B BONDS

Maturity September 1	Principal Amount	Interest Rate	Maturity September 1	Principal Amount	Interest Rate
1994	$141,000	3.40%	2002	$135,000	5.40%
1995	140,000	3.80	2003	135,000	5.50
1996	140,000	4.10	2004	135,000	5.65
1997	140,000	4.50	2005	135,000	5.80
1998	135,000	4.70	2006	135,000	5.90
1999	135,000	4.90	2007	135,000	6.00
2000	135,000	5.00	2008	135,000	6.00
2001	135,000	5.20			

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 dated 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, 1993 (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 immediately preceding each of such Interest Payment Dates (the "Record Dates").

20-1,854. 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.

20-1,855. 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.

20-1,856. 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 series and 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 of and redemption premium, if any, 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 immediately following Interest Payment Date for the Bonds or to register, transfer or exchange any Bonds selected for redemption in whole or in part subsequent to the date notice of such redemption is given.

20-1,857. Section 207. Surrender and Cancellation of Bonds. Whenever any outstanding Bond shall be delivered to the Bond Registrar for cancellation pursuant to this 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.

20-1,858. 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, series, 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 the Bond Registrar may pay the same without surrender thereof. The City and the 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.

20-1,859. 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 offices 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 as provided in the Bond Purchase Agreement, hereinafter identified and approved. 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

20-1,860. Section 301. Optional Redemption. At the option of the City, Bonds of each series maturing on September 1, 2001 and thereafter, may be called for redemption and payment prior to maturity on September 1, 2000, and on any Interest Payment Date thereafter, in whole or in part, at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the date fixed for redemption, without premium.

Anything herein contained to the contrary notwithstanding, the City reserves the right to elect to redeem Bonds of either series without any obligation to redeem Bonds of the other series or to redeem Bonds of each series in such principal amounts as, in each instance, the City in its sole discretion shall determine. In the case of a partial redemption of Bonds, the City may select Bonds of any particular maturity or maturities in such amounts as in its sole discretion it shall determine.

20-1,861. 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 series, 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.

20-1,862. Section 303. Selection of Bonds to Be Redeemed. Bonds shall be redeemed only in the principal amount of $5,000 or any integral multiple thereof. When less than all of the outstanding Bonds of any series are to be redeemed and paid prior to maturity, the Bonds of such series to be redeemed shall be determined by the City, 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 same series in 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).

20-1,863. 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

20-1,864. 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; REDEMPTION OF REFUNDED BONDS

20-1,865. 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 City of Leawood, Kansas General Obligation Refunding and

Improvement Bonds, Series 1992 (the "Principal and Interest Fund");

(b) Series 1992 Improvement Fund (the "Improvement Fund"); and

(c) Series 1992 Cost of Issuance Fund (the "Cost of Issuance Fund").

20-1,866. 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 this Ordinance. The Principal and Interest Fund shall be maintained so long as any of the Bonds remain outstanding and unpaid.

20-1,867. Section 503. Approval of Escrow Trust Agreement. The Escrow Trust Agreement dated as of December 1, 1992, between the City and First Continental Bank & Trust as escrow trustee thereunder (the "Escrow Trustee"), in substantially the form attached hereto as Exhibit B, is hereby approved, and said Agreement is hereby incorporated into this Ordinance as though fully set forth herein. The Mayor of the City is hereby authorized and directed to execute the Escrow Trust Agreement with such changes, insertions and modifications thereto as in the opinion of the Mayor with advice of counsel are necessary, appropriate and desirable. The City Clerk is hereby authorized and directed to attest to the signature of the Mayor and affix the City's seal thereto, such execution and attestation being conclusive as to the approval, correctness and completeness of said Escrow Trust Agreement.

20-1,868. Section 504. Redemption of Refunded Bonds. The governing body hereby finds it necessary and advisable and the City hereby elects to redeem the following described Refunded Bonds bearing the stated maturities (all dates inclusive) on the dates and in the amounts as follows:

Description	Stated Maturity Years	Principal Amount	Redemption Date
(a) Refunded Series 1985 Bonds	1996-1999	$925,000	September 1, 1994
(b) Refunded Series 1986 Bonds	2000-2001	$445,000	September 1, 1998
(c) Refunded Series 1988-A Bonds	1997-1998	$580,000	September 1, 1995
(d) Refunded Series 1988-C Bonds	1998-2004	$625,000	September 1, 1995
(a) Refunded Series 1990-A Bonds	2003-2005	$265,000	September 1, 1998

The Escrow Trustee is hereby authorized and directed to give notice of the City's intention to redeem the aforedescribed Refunded Bonds by publication of notices as provided in the Escrow Agreement. The Mayor and City Clerk and other officers of the City are hereby authorized to take such further and additional actions as may be necessary to effect the redemption of the Refunded Bonds as aforesaid for and on behalf and as the act and deed of the City.

ARTICLE VI

APPLICATION OF BOND PROCEEDS

20-1,869. Section 601. Disposition of Bond Proceeds and Other Moneys. 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:

(a) 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;

(b) There shall be deposited in the Cost of Issuance Fund the sum of $58,098.60, representing proceeds of the sale of the Series 1992-A Bonds in the amount of $20,004.60 and proceeds of the sale of the Series 1992-B Bonds in the amount of $38,094.00;

(c) There shall be transferred to and deposited with the Escrow Trustee, solely from the proceeds of the Series 1992-A Bonds, the sum of $3,100,290.40; and

(d) The balance of the proceeds of the sale of the Bonds (being the remaining balance of the proceeds of the Series 1992-B Bonds) shall be deposited in the Improvement Fund.

20-1,870. Section 602. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be separately accounted for and attributed to each of the individual Series 1992 Improvements and shall be used solely to pay the cost of such Series 1992 Improvements, including the retirement of temporary notes of the City previously issued to provide interim financing for the Series 1992 Improvements, and, in the event funds on deposit in the Cost of Issuance Fund shall be insufficient for the purpose, to pay costs of issuance of the Bonds. Any moneys remaining in the Improvement Fund after payment of costs of all Series 1992 Improvements shall be deposited into the Principal and Interest Fund.

20-1,871. Section 603. Application of Moneys in the Cost of Issuance Fund. Moneys in the Cost of Issuance Fund shall be used to pay the cost of issuing the Bonds, including all printing, signing and mailing expenses, legal fees, accounting expenses, fees for ratings received on the Bonds and any fiscal fees incurred in marketing the Bonds. Any moneys remaining in the Cost of Issuance Fund on January 29, 1993, shall be transferred to the Improvement Fund.

ARTICLE VII

PAYMENT OF BONDS

20-1,872. Section 701. Levy of Taxes to Pay Bonds. The full faith, credit and resources of the City are hereby pledged to secure the payment of the principal of and interest on the Bonds as they severally become due and payable.

The governing body of the City shall make provision for the payment of said principal and interest on the Series 1992-A Bonds by levying and collecting special assessments on property benefited by the Prior Improvements financed in part with the proceeds of the Refunded Bonds, and to the extent of the City's portion of the cost of said Prior Improvements and to the extent such special assessments shall not be so collected, by levying and collecting an annual tax on all taxable tangible property within the territorial limits of the City in amounts sufficient to pay the installments of said principal and interest on the Series 1992-A Bonds as the same accrue and become payable.

In addition, the governing body of the City shall make provision for the payment of the Series 1992-B Bonds by levying and collecting an annual tax on all taxable tangible property within the territorial limits of the City in amounts sufficient to pay the installments of said principal and interest on the Series 1992-B Bonds as the same accrue and become payable.

20-1,873. 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 and transfer to the Paying Agent 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

20-1,874. Section 801. Sale of Bonds to Underwriters; Approval of Bond Purchase Agreement; Approval of Official Statement. The sale of the Bonds to the Underwriters at a purchase price of 100% of the principal amount of the Bonds plus accrued interest thereon to the date of delivery thereof to the Underwriters and providing for an underwriting fee of 1.1% of par is hereby approved. The Bond Purchase Agreement between the City and the Underwriters in substantially the form attached hereto as Exhibit C is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, the Bond Purchase Agreement for and on behalf and as the act and deed of the City.

The governing body hereby ratifies and approves the Preliminary Official Statement with respect to the Bonds, dated November 24, 1992, in the form presented to the governing body, and hereby deems said Preliminary Official Statement "final" as of its date for purposes of the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, except for the omission of certain information permitted by said rule.

The distribution of the final Official Statement relating to the Bonds in substantially the form of the Preliminary Official Statement 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 and attest, respectively, such Official Statement on behalf of the City, with such corrections, omissions, insertions or changes as they may approve and determine appropriate.

20-1,875. 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 Series 1992 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 Series 1992 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 Series 1992 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.

20-1,876. 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.

20-1,877. Section 804. Covenants, Representations and Warranties Regarding Qualified Tax-Exempt Obligations. The governing body hereby finds, determines, represents and warrants, as follows:

(a) Since January 1, 1992, the City has not issued any bonds or obligations taken into account under Section 265(b)(3)(C) of the Code other than the Bonds and the following described obligations:

Project	Issue	Date Issued	Amount
Lee Boulevard II	Temporary Notes	01/15/92	$1,800,000
Police/Courts	Temporary Notes	01/15/92	400,000
City Hall	PBC Bonds	03/01/92	4,450,000
Mission Road	Temporary Notes	06/01/92	400,000
K-150	Temporary Notes	06/01/92	500,000
Somerset (S)	Temporary Notes	06/01/92	200,000
Somerset (W)	Temporary Notes	06/01/92	100,000
Police/Courts	Temporary Notes	06/01/92	200,000
State Line	Temporary Notes	06/01/92	800,000
Town Center	Temporary Notes	06/01/92	200,000
Equipment	Lease Purchase Agreement	08/03/92	70,856
Lee Boulevard II	Temporary Notes	10/01/92	1,800,000
Police/Courts	Temporary Notes	10/01/92	300,000
State Line	Temporary Notes	10/01/92	200,000
Town Center	Temporary Notes	10/01/92	500,000

(b) The City does not reasonably anticipate issuing tax-exempt obligations during calendar year 1992, taken into account under Section 265(b)(3)(C) of the Code, in an aggregate amount in excess of $10,000,000;

(c) Other than the Bonds, the City has not issued and does not expect to issue in calendar year 1992 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 Bonds.

The City hereby covenants and agrees that it shall not issue more than $10,000,000 of tax-exempt obligations taken into account under Section 265(b)(3)(C) of the Code during calendar year 1992.

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

20-1,878. 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 on or prior to December 31, 1992, the following described outstanding temporary notes of the City:

Project	Date Issued	Amount	Maturity Date
(1) Temporary Notes, Series 92K, Project 125 (Lee Boulevard, Phase II)	10/08/92	$1,800,000	06/30/93
(2) Temporary Notes, Series 92E, Project 114 (Somerset, Sagamore-Belinder)	06/11/92	200,000	01/15/93
(3) Temporary Notes, Series 92F, Project 121 (Somerset, Belinder-Wenonga)	06/11/92	100,000	01/15/93

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 or prior to December 31, 1992, by written notices to the holders thereof, substantially in the form attached as Exhibit D hereto, not less than 10 days prior to the date fixed for such redemption and prepayment.

Section 806. Severability. If any section or other part of this Ordinance shall for any reason be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this 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 7th day of December, 1992.

APPROVED by the Mayor this 7th day of December, 1992.

(Seal)

Marcia Rinehart
Mayor

ATTEST:

Martha 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
[REFUNDING/IMPROVEMENT] BOND
SERIES 1992-[A/B]

Rate of Interest:	Maturity Date:	Dated Date:	CUSIP No.
___%	September 1, ___	December 1, 1992	_____

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 as provided in the Ordinance of the City authorizing the issuance of the Bonds (the "Ordinance"), at the Rate of Interest per annum shown above, payable semiannually on March 1 and September 1 in each year beginning March 1, 1993 (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, in the City of 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 immediately 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 Dated Date.

(facsimile seal)

CITY OF LEAWOOD, KANSAS

(facsimile)
Mayor

ATTEST:

By (facsimile)
City Clerk

10217911

==========

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation [Refunding/Improvement] Bonds, Series 1992-[A/B], of the City of Leawood, Kansas, described in the within-mentioned Ordinance.

Registration Date _____

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

By_____

Registration Number _____

==========

FURTHER TERMS AND CONDITIONS

This Bond is one of an authorized issue of bonds of the City designated "General Obligation Refunding and Improvement Bonds, Series 1992," in the aggregate principal amount of $5,201,000 (the "Bonds") issued for the purpose of providing funds to refund in advance of their stated maturities portions of five series of general obligation bonds of the City currently outstanding and unpaid and to finance the costs of certain improvements within the City as identified in 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. 12-685, et seq., and K.S.A 10-427, each as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

Bonds of the series of which this Bond is a part becoming due on September 1, 2001 and thereafter, may be redeemed and paid prior to maturity, at the option of the City as a whole or in part, chosen in such manner as the City in its sole discretion shall determine (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, 2000, 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, series 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, series 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 $6,000]. 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 Smith, Gill, Fisher & Butts, a professional corporation, 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

==========

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_____
Eligible Guarantor Institution

10217911

==========

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

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

WITNESS my hand and official seal.

_____
Treasurer of the State of Kansas

(Facsimile Seal)

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EXHIBIT B

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ESCROW TRUST AGREEMENT

between

THE CITY OF LEAWOOD, KANSAS

and

FIRST CONTINENTAL BANK & TRUST
as Escrow Trustee

DATED AS OF DECEMBER 1, 1992

Entered in Connection with the Issuance of

$3,155,000

GENERAL OBLIGATION
REFUNDING BONDS

SERIES 1992-A

To Refund and Provide for the Payment of certain General Obligation Bonds of the City of Leawood, Kansas in the Outstanding Principal Amount of $2,840,000.

==========

ESCROW TRUST AGREEMENT

THIS ESCROW TRUST AGREEMENT (the "Agreement"), made and entered into as of December 1, 1992, by and between the CITY OF LEAWOOD, KANSAS, a municipality duly organized and existing under the laws of the State of Kansas (the "City"), and First Continental Bank & Trust, a banking corporation duly organized and existing and authorized to accept and execute trusts of the character herein set forth under the laws of Kansas, with its principal office located in the City of Overland Park, Kansas, as Escrow Trustee (the "Escrow Trustee"):

W I T N E S S E T H:

WHEREAS, the City has heretofore issued five (5) series of general obligation bonds as herein identified (the "Prior Bonds") and desires to pay, redeem and retire and thereby refund portions of the Prior Bonds (the "Refunded Bonds" as herein specifically identified); and

WHEREAS, pursuant to K.S.A. 10-427 and 10-427a, as amended (the "Act"), the City may provide for the payment of the Refunded Bonds by depositing in trust with the Escrow Trustee direct obligations of, or obligations unconditionally guaranteed by, the United States of America, the principal of which will provide moneys which, together with other available moneys deposited with such Escrow Trustee at the same time, shall at all times be sufficient to pay the principal and interest due or to become due on all of the Refunded Bonds; and

WHEREAS, pursuant to Ordinance No. _____, adopted on December 7, 1992 (the "Ordinance"), the City has authorized the issuance and delivery of $5,201,000 principal amount of its General Obligation Refunding and Improvement Bonds, Series 1992, dated December 1, 1992 (the "Series 1992 Bonds"), in two separate series of which its General Obligation Refunding Bonds, Series 1992-A, in the principal amount of $3,155,000 (the "Refunding Bonds") have been issued and the proceeds of which are to be applied for the purpose of providing funds, to refund and provide for the payment of the Refunded Bonds in accordance with the terms of the Act and the ordinances authorizing the issuance of the Refunded Bonds; and

WHEREAS, in order to duly provide for the payment of the Refunded Bonds by the proper and timely deposit and application of the proceeds of the Refunding Bonds and other moneys and obligations required for payment of the Refunded Bonds and to furnish irrevocable instructions therefor, it is necessary to enter into this Escrow Trust Agreement and to

enter into certain covenants for the benefit of the holders and registered owners from time to time of the Refunded Bonds.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants hereinafter set forth, the parties hereto agree as follows:

Section 1. Definitions. In addition to words and terms elsewhere defined in this Agreement, the following words and terms as used in the Agreement shall have the following meanings, unless some other meaning is plainly intended:

"Agreement" shall mean this Escrow Trust Agreement dated as of December 1, 1992, between the City and the Escrow Trustee.

"Bond Counsel" shall mean a firm of attorneys of nationally recognized standing in matters relating to Section 103 of the Internal Revenue Code of 1986, as amended.

"Book Entry Securities" shall mean the United States Treasury Securities, State and Local Government Series, listed in Exhibit C attached hereto.

"City" shall mean the City of Leawood, Kansas, a municipality duly organized and existing under the laws of the State of Kansas.

"Code" shall mean the Internal Revenue Code of 1986, as amended.

"Escrow Fund" means the Escrow Fund established by Section 2 hereof.

"Escrow Trustee" shall mean First Continental Bank & Trust, a banking corporation duly organized and existing and authorized to accept and execute trusts of the character herein set forth under the laws of Kansas, with its principal office located in the City of Overland Park, Kansas, as Escrow Trustee, its successors and assigns.

"Escrowed Securities" means the U.S. Obligations and the Book Entry Securities and any other Government Obligations substituted for the U.S. Obligations or the Book Entry Securities pursuant to Section 6 of this Agreement.

"Federal Funds" shall mean funds transferred through a Federal Reserve Bank and available for use on the same day as the transfer.

"Government Obligations" means direct obligations of, or obligations which are unconditionally guaranteed by, the United States of America that do not permit the redemption thereof at the option of the issuer or any person other than the holder thereof.

"Ordinance" shall mean Ordinance No. _____ of the City, adopted on December 7, 1992, authorizing the issuance of the Refunding Bonds.

"Payment Date" shall mean each date upon which interest or principal is due on the Refunded Bonds, whether by reason of maturity or prior redemption of the Refunded Bonds as herein provided, as shown on and in accordance with the schedules set forth at Exhibit D attached hereto.

"Refunded Bonds" shall mean the Refunded Series 1985 Bonds, the Refunded Series 1986 Bonds, the Refunded Series 1988-A Bonds, the Refunded Series 1988-C Bonds and the Refunded Series 1990-A Bonds described on Exhibit A attached hereto.

"Refunded Ordinances" means Ordinance Nos. 871, 912, 1061, 1079 and 1186 of the City authorizing the issuance of the Refunded Bonds.

"Refunded Series 1985 Bonds" means Series 1985 Bonds maturing by their stated terms in the years 1996 through 1999, inclusive, in the aggregate principal amount of $925,000 described on Exhibit A attached hereto.

"Refunded Series 1986 Bonds" means Series 1986 Bonds maturing by their stated terms in the years 2000 and 2001, inclusive, in the aggregate principal amount of $445,000 described on Exhibit A attached hereto.

"Refunded Series 1988-A Bonds" means Series 1988-A Bonds maturing by their stated terms in the years 1997 and 1998, inclusive, in the aggregate principal amount of $580,000 described on Exhibit A attached hereto.

"Refunded Series 1988-C Bonds" means Series 1988-C Bonds maturing by their stated terms in the years 1998 through 2004, inclusive, in the aggregate principal amount of $625,000 described on Exhibit A attached hereto.

"Refunded Series 1990-A Bonds" means Series 1990-A Bonds maturing by their stated terms in the years 2003 through 2005, inclusive, in the aggregate principal amount of $265,000 described on Exhibit A attached hereto.

"Refunding Bonds" shall mean the City's $3,155,000 principal amount of General Obligation Refunding Bonds, Series 1992-A, dated December 1, 1992, as described in and as authorized and issued under the Ordinance.

"Series 1985 Bonds" shall mean the City's General Obligation Refunding and Improvement Bonds, Series 1985, dated August 15, 1985, in the original principal amount of $925,000.

"Series 1986 Bonds" shall mean the City's Combined Projects Improvement General Obligation Bonds, Series 1986, dated June 1, 1986, in the original principal amount of $2,485,000.

"Series 1988-A Bonds" shall mean the City's General Obligation Improvement Bonds, Series 1988-A, dated September 1, 1988, in the original principal amount of $2,900,000.

"Series 1988-C Bonds" shall mean the City's General Obligation Improvement Bonds, Series 1988-C, dated December 1, 1988, in the original principal amount of $1,307,690.

"Series 1990-A Bonds" shall mean the City's General Obligation Improvement Bonds, Series 1990-A, dated October 1, 1990, in the original principal amount of $1,848,653.

"U.S. Obligations" shall mean the Government Obligations listed in Exhibit B attached hereto.

Words importing the singular number shall include the plural number and vice versa unless the context shall otherwise indicate. The word "person" shall include corporations, associations, natural persons and public bodies unless the context shall otherwise indicate. Reference to a person other than a natural person shall include its successors.

Section 2. Creation of Escrow Fund. There is hereby created and established with the Escrow Trustee a special and irrevocable escrow trust fund designated "City of Leawood, Kansas, Escrow Fund for General Obligation Refunding and Improvement Bonds, Series 1985, Series 1986, Series 1988-A, Series 1988-C and Series 1990-A" to be held in the custody of the Escrow Trustee.

Section 3. Deposits into Escrow Fund.

(a) Concurrently with the execution of this Escrow Trust Agreement, there is hereby deposited with the Escrow Trustee and the Escrow Trustee hereby acknowledges the receipt of, Federal Funds in the amount of $3,100,290.40 from the proceeds of the Refunding Bonds to be used and applied by the Escrow Trustee as follows:

(1) cash in the amount of $527.50 shall be deposited in the Escrow Fund and retained therein and held uninvested until required to pay the first interest payment due and payable on the Refunded Bonds,

(2) an amount equal to $3,089,052.90 will be deposited in the Escrow Fund and used to purchase U.S. Obligations described in Exhibit B, and

(3) the remaining amount of $10,710.00 shall be applied as provided elsewhere in this Agreement.

Section 4. Investment of Funds.

(a) From the proceeds of the U.S. Obligations stated to mature on August 15, 1997, the Escrow Trustee shall reinvest the maturing principal of and interest thereon in the amount of $760,100.00 to purchase the Book Entry Securities described in Exhibit C. The City hereby appoints the Escrow Trustee as its agent for the purpose of subscribing for and acquiring the Book Entry Securities.

(b) After the initial investments pursuant to Section 3 hereof and except as provided in paragraph (a) of this Section 4, the Escrow Trustee shall not be required to invest the cash balances on deposit in the Escrow Fund. Upon maturity, the amounts derived from such securities will be held in the Escrow Fund until transferred by the Escrow Trustee to the paying agent for the Refunded Bonds.

(c) The Escrow Trustee shall not invest any moneys constituting a part of the Escrow Fund hereunder except in accordance with the provisions of this Section.

Section 5. Application of Moneys in the Escrow Fund. The Escrow Trustee shall purchase the Escrowed Securities solely from the moneys deposited in the Escrow Fund. Except as otherwise provided in paragraph (a) of Section 4 above, the Escrow Trustee shall apply the moneys derived from the maturing Escrowed Securities to the payment on each Payment Date of the principal of and interest due or to become due on the Refunded Bonds as the same become due and payable or upon prior redemption in accordance with the

schedule set forth on Exhibit D attached hereto. The Escrow Trustee shall withdraw from the Escrow Fund the maturing principal and interest of the Escrowed Securities and shall, prior to each Payment Date, pay such amounts, by check mailed in such manner to arrive at the office of the paying agent for the Refunded Bonds at least three business days prior to the Payment Dates, as required by K.S.A. 10-130, as amended, at the times and in the amounts shown on Exhibit D. Not less than 20 business days prior to each Payment Date shown on Exhibit D, the Escrow Trustee shall send to the paying agent for the Refunded Bonds the notice required by K.S.A. 10-130, as amended.

Section 6. Substitute Securities. At the written request of the City and upon compliance with the conditions hereinafter stated, the Escrow Trustee shall have the power to request the redemption of the Escrowed Securities and to substitute Government Obligations which are available for purchase with the proceeds derived from such disposition on the date of such transaction. The Escrow Trustee shall purchase such substitute Government Obligations with the proceeds derived from the redemption of the Escrowed Securities. Such transactions may be effected only by simultaneous sale and purchase transactions, and only if (a) the amounts and dates on which the anticipated transfers from the Escrow Fund to the paying agents for the payment of the principal of and interest on the Refunded Bonds will not be diminished or postponed thereby; (b) the Escrow Trustee shall receive, at the expense of the City, the opinion of Bond Counsel to the effect that such disposition and substitution would not cause any of the Refunding Bonds to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations thereunder; and (c) the Escrow Trustee shall receive from an independent certified public accountant a certification that, after such transaction, the principal of the Escrowed Securities in the Escrow Fund will, together with other moneys available for such purpose, be sufficient at all times to pay, when due, the principal of and interest on the Refunded Bonds and the interest income earned on the Escrowed Securities, together with other moneys available for such purpose, will be sufficient to pay, when due on each Payment Date as herein provided, all principal of and interest on the Refunded Bonds.

The City hereby covenants that no part of the moneys or funds at any time in the Escrow Fund shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause any of the Refunding Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended.

Section 7. Irrevocable Trust; Lien on Moneys; Notice. The trust created hereby shall be irrevocable. The owners of the Refunded Bonds shall have an express lien on and security interest in all cash funds and Escrowed Securities and all earnings thereon in the Escrow Fund until used and applied in accordance with this Agreement. Except as otherwise expressly provided in Section 6 hereof, all cash funds and the matured principal of and interest income from the Escrowed Securities in the Escrow Fund shall be applied solely for the payment of the principal of, redemption premium, if any, and interest on the Refunded Bonds.

The Escrow Trustee is hereby directed and agrees to mail to the paying agent for the Refunded Bonds and to expeditiously publish in the name of the City, notices to the owners of the Refunded Bonds in substantially the following form:

Notice to Holders
of
City of Leawood, Kansas
_____ General Obligation _____ Bonds
Series _____
Dated _____, 19__
Maturing in the years ____ through ____

Notice is hereby given by the undersigned on behalf of the City of Leawood, Johnson County, Kansas (the "City") to the holders of the City's outstanding _____ General Obligation _____ Bonds, Series _____, dated _____, 19__, maturing in the years ____ through ____, inclusive (the "Refunded Series 19__ Bonds"), that there has been deposited irrevocably in trust with First Continental Bank & Trust, Kansas City, Missouri, as Escrow Trustee, direct obligations of the United States of America, the principal of and interest on which, together with other monies on deposit with the Escrow Trustee, shall be sufficient to pay the Refunded Series 19__ Bonds and interest thereon and premium, if any, with respect thereto, upon redemption on _____, 19__ in accordance with the irrevocable election and instruction of the City.

A detailed redemption notice will be issued in accordance with the requirements of the ordinance authorizing the issuance of the Refunded Series 19__ Bonds providing redemption instructions for the Refunded Series 19__ Bonds to be redeemed.

Dated: _____, 19__.

First Continental Bank & Trust,
as Escrow Trustee

Section 8. Notice of Redemption of Refunded Bonds. The Escrow Trustee hereby acknowledges that the City has elected to redeem the Refunded Bonds prior to their stated maturities as provided in the Ordinance and hereby acknowledges irrevocable instructions as required by the Refunded Ordinances for the redemption of the Refunded Bonds as follows:

Description	Stated Maturity Years	Principal Amount	Redemption Date
(a) Refunded Series 1985 Bonds	1996-1999	$925,000	September 1, 1994
(b) Refunded Series 1986 Bonds	2000-2001	$445,000	September 1, 1998
(c) Refunded Series 1988-A Bonds	1997-1998	$580,000	September 1, 1995
(d) Refunded Series 1988-C Bonds	1998-2004	$625,000	September 1, 1995
(a) Refunded Series 1990-A Bonds	2003-2005	$265,000	September 1, 1998

The Escrow Trustee agrees to provide in writing, notice in the name of the City, to the paying agent for and the respective Underwriters of the Refunded Bonds not less than 45 days prior to the date for redemption of the Refunded Bonds of the City's intention to redeem the Refunded Bonds as provided in the foregoing schedule and to publish or cause to be published once in a financial journal published in New York, New York and in the Kansas Register, notice to the registered owners of the Refunded Bonds not less than 30 days prior to the applicable redemption date in substantially the following form:

NOTICE OF REDEMPTION
TO THE HOLDERS OF
CITY OF LEAWOOD, KANSAS
_____ GENERAL OBLIGATION _____ BONDS,
SERIES 19____
DATED _____, 19__
MATURING IN THE YEARS ____ THROUGH ____

Notice is hereby given by the undersigned on behalf of the City of Leawood, Kansas that all outstanding _____ General Obligation _____ Bonds, Series 19____, dated _____, 19__, that mature in the years ____ through ____, inclusive, have been irrevocably designated for redemption and shall be redeemed on _____, 19__, at a redemption price equal to ___% of the principal amount thereof plus interest accrued on such principal amount to, but not including, the date fixed for redemption.

The stated maturity dates, aggregate principal amounts, interest rates and CUSIP numbers of bonds hereby called for redemption are as follows:

STATED MATURITY	PRINCIPAL AMOUNT	INTEREST RATE	CUSIP NUMBER

The total aggregate principal amount of bonds hereby called for redemption on _____, 19__ is $_____.

The bonds shall be payable upon presentation and surrender at the office of the State Treasurer of the State of Kansas, Attention: _____, _____ Floor, _____, Topeka, Kansas _____. Inquiries or requests for additional information should be directed to _____, or by telephone to (___) ___-____.

Interest on the bonds called for redemption shall cease to accrue from and after _____, 19__.

Dated: _____, 19__.

FIRST CONTINENTAL BANK & TRUST,
Escrow Trustee

10217911

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, Paying Agents making payments of principal on municipal securities will be obligated to withhold 20% of the payment of principal to holders who have failed to provide the paying agent with a valid Tax Identification Number. Registered owners of the above described securities will avoid such withholding by providing a certified Taxpayer Identification Number when presenting securities for payment.

The Escrow Trustee hereby acknowledges receipt of the sum of $4,000.00 to be held separate and apart from all other funds and accounts created and established hereunder, to be used to pay the cost of publication of the notices provided for by the provisions of Section 7 and this Section 8.

Section 9. Liability of City and Escrow Trustee. The Escrow Trustee and the City shall not be liable for any loss resulting from any investment made pursuant to the terms and provisions of this Agreement. The liability of the Escrow Trustee for the payment of the principal of and interest on the Refunded Bonds shall be limited to the amounts deposited pursuant to Section 3 of this Agreement.

The Escrow Trustee hereby acknowledges receipt of $6,000.00 to pay all of the fees and expenses of the Escrow Trustee for services rendered by the Escrow Trustee under this Agreement; provided, however, that the Escrow Trustee shall have no lien whatsoever upon any of the moneys in the Escrow Fund for the payment of such fees and expenses.

Section 10. Indemnification. The City hereby assumes liability for, and hereby agrees (whether or not any of the transactions contemplated hereby are consummated) to indemnify, protect, save and hold harmless the Escrow Trustee and its respective successors, assigns, agents and servants, from and against any and all liabilities, obligations, losses, damages, penalties, claims, actions, suits, costs, expense and disbursements (including legal fees and disbursements) of whatsoever kind and nature which may be imposed on, incurred by, or asserted against, at any time, the Escrow Trustee (whether or not also indemnified against the same by the City or any other person under any other agreement or instrument) and in any way relating to or arising out of the execution and delivery of this Agreement, the establishment of the Escrow Fund established hereunder, the acceptance of the moneys and securities deposited therein, the purchase of the Escrowed Securities, the

retention of the Escrowed Securities or the proceeds thereof and any payment, transfer or other application of moneys or securities by the Escrow Trustee in accordance with the provisions of this Agreement; provided, however, that the City shall not be required to indemnify the Escrow Trustee against its own negligence or misconduct. In no event shall the City be liable to any person by reason of the transactions contemplated hereby other than to the Escrow Trustee as set forth in this Section. The indemnities contained in this Section shall survive the termination of this Agreement.

The Escrow Trustee and its successors, assigns, agents and servants shall not be held to any personal liability whatsoever, in tort, contract or otherwise, in connection with the execution and delivery of this Agreement, the establishment of the Escrow Fund, the acceptance of the moneys deposited therein, the purchase of the Escrowed Securities, the retention of the Escrowed Securities or the proceeds thereof or any payment, transfer or other application of the moneys or securities by the Escrow Trustee in accordance with the provisions of this Agreement or by reason of any nonnegligent act, omission or error of the Escrow Trustee made in good faith in the conduct of its duties. The duties and obligations of the Escrow Trustee shall be determined by the express provisions of this Agreement. The Escrow Trustee may consult with counsel who may or may not be counsel to the City, and in reliance upon the opinion of such counsel, shall have full and complete authorization and protection in respect of any action taken, suffered or omitted by them in good faith in accordance therewith. Whenever the Escrow Trustee shall deem it necessary or desirable that a matter be proved or established prior to taking, suffering or omitting any action under this Agreement, such matter may be deemed to be conclusively established by a certificate signed by an authorized officer of the City.

Section 11. Amendments to Agreement. This Agreement is made for the benefit of the City and the owners from time to time of the Refunded Bonds and the Refunding Bonds and it shall not be repealed, revoked, altered or amended without the written consent of all such owners, the Escrow Trustee and the City; provided, however, that the City and the Escrow Trustee may, without the consent of, or notice to, such owners, enter into such agreements supplemental to this Agreement as shall not materially adversely affect the rights of such owners and as shall not be inconsistent with the terms and provisions of this Agreement for any one or more of the following purposes:

(a) to cure any ambiguity or formal defect or omission in this Agreement;

(b) to grant to, or confer upon, the Escrow Trustee for the benefit of the owners of the Refunded Bonds or Refunding Bonds, as the case may be, any additional rights, remedies, powers or authority that may lawfully be granted to, or conferred upon, such owners or the Escrow Trustee; and

(c) to include under this Agreement additional funds, securities or properties.

The Escrow Trustee shall be entitled to rely exclusively upon an unqualified opinion of the counsel of its choice with respect to compliance with this Section, including the extent, if any, to which any change, modification, addition or elimination affects the rights of the owners of the Refunded Bonds or the Refunding Bonds or that any instrument executed hereunder complies with the conditions and provisions of this Section.

In the event of any such amendment to this Agreement, the Escrow Trustee shall not less than 10 days following the execution and delivery of the same, provide a copy of such amendment to Moody's Investor Service Inc., 99 Church Street, New York, New York 10007, Attention: Muni Rating Desk/Refunded Bonds.

Section 12. Termination. This Agreement shall terminate when all transfers and payments required to be made by the Escrow Trustee under the provisions hereof shall have been made. The balance of moneys, if any, remaining in any and all funds and accounts established under this Agreement shall thereafter be returned to the City.

Section 13. Trust Funds. All the funds and accounts created and established pursuant to this Agreement shall be and constitute trust funds for the purposes provided in this Agreement and shall be kept separate and distinct from all other funds of the City and the Escrow Trustee and shall be used only for the purposes and in the manner provided in this Agreement.

Section 14. Severability. If any one or more of the covenants or agreements provided in this Agreement on the part of the City or the Escrow Trustee to be performed should be determined by a court of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements herein contained and shall in no way affect the validity of the remaining provisions of this Agreement.

If the provisions of this Section 13 shall ever be given effect, the Escrow Trustee shall give notification thereof to Moody's Investor Service, Inc. at the address set forth in Section 10 above, not more than 10 days after such severance shall be given effect.

Section 15. Binding Effect. All the covenants, promises and agreements in this Agreement contained by or on behalf of the City or by or on behalf of the Escrow Trustee shall bind and inure to the benefit of their respective successors and assigns, whether so expressed or not.

Section 16. Resignation or Removal of Escrow Trustee.

(a) The Escrow Trustee may resign by giving notice in writing to the City, said notice to be given at least 90 days prior to the effective date of such resignation and to be published in the Kansas Register. The Escrow Trustee may be removed in the following manner:

(1) by (i) the filing with the City of an instrument or instruments executed by the owners of at least 51% in aggregate principal amount of the Refunded Bonds, (ii) the publishing of such notice at least 60 days prior to the effective date of said removal in a newspaper of general circulation or in the Kansas Register, and (iii) the delivery of a copy of the instruments filed with the City to the Escrow Trustee; or

(2) by a court of competent jurisdiction for failure to act in accordance with the provisions of the Escrow Agreement upon application by the City or the owners of 51% in aggregate principal amount of the Refunded Bonds then remaining unpaid or the then outstanding Refunding Bonds.

(b) If the position of Escrow Trustee becomes vacant due to resignation or removal of the Escrow Trustee or any other reason, a successor Escrow Trustee may be appointed by the City. Notice of such appointment shall be published in accordance with the requirements more specifically set forth in clause (1)(ii) of subsection (a) of this Section. Within one year after a vacancy, the owners of a majority in principal amount of the Refunded Bonds then remaining unpaid or the outstanding Refunding Bonds may by an instrument or instruments filed with the City appoint a successor Escrow Trustee who shall supersede any Escrow Trustee theretofore appointed by the City. If no successor Escrow Trustee is appointed by the City or the owners of such Refunded Bonds then remaining unpaid or such outstanding Refunding Bonds, the owner of any such bond or any retiring Escrow Trustee may

apply to a court of competent jurisdiction for the appointment of a successor Escrow Trustee. The responsibilities of the Escrow Trustee under this Agreement will not be discharged until a new Escrow Trustee is appointed and until the cash and investments held under this Agreement are transferred to the new Escrow Trustee.

(c) No successor Escrow Trustee shall be appointed unless such successor Escrow Trustee shall be a corporation with trust powers authorized to do business in the State of Kansas and organized under the banking laws of the United States or the State of Kansas and shall have at the time of appointment capital and surplus of not less than $10,000,000.

(d) Every successor Escrow Trustee appointed hereunder shall execute, acknowledge and deliver to its predecessor and to the City an instrument in writing accepting such appointment hereunder, and thereupon such successor Escrow Trustee without any further act, deed or conveyance shall become fully vested with all the rights, immunities, powers, trusts, duties and obligations of its predecessor, but such predecessor shall, nevertheless, on the written request of such successor Escrow Trustee or the City, execute and deliver an instrument transferring to such successor Escrow Trustee all the estates, properties, rights, powers and trusts or such predecessor hereunder, and every predecessor Escrow Trustee shall deliver all securities and moneys held by it to its successor. Should any transfer, assignment or instrument in writing from the City be required by any successor Escrow Trustee for more fully and certainly vesting in such successor Escrow Trustee the estates, rights, powers and duties hereby vested or intended to be vested in the predecessor Escrow Trustee, any such transfer, assignment and instruments in writing shall, on request, be executed, acknowledged and delivered by the City.

(e) Any corporation into which the Escrow Trustee, or any successor to it of the duties and responsibilities created by this Agreement, may be merged or converted or with which it or any successor to it may be consolidated, or any corporation resulting from any merger, conversion, consolidation or tax free reorganization to which the Escrow Trustee or any successor to it shall be a party shall, if satisfactory to the City, be the successor Escrow Trustee under this Agreement without the execution or filing of any paper or any other act on the part of the parties hereto, anything herein to the contrary notwithstanding.

Section 17. Fiscal Agent Account. The Escrow Trustee hereby acknowledges receipt from the City of the sum of $710.00, to be held by the Trustee separate and apart from all other funds and accounts created and established

hereunder, for the purpose of paying periodic fiscal agency fees incurred in connection with the payment of the Refunded Bonds. The funds on deposit in said account may be invested at a yield not exceeding the yield limitation applicable to the Refunding Bonds so as to assure the availability of such funds for application to such purpose from time to time. Any balance remaining in said account upon payment in full of all Refunded Bonds shall be returned to the City.

Section 18. Governing Law. This Agreement shall be governed by the applicable law of the State of Kansas.

Section 19. Counterparts. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have each caused this Agreement to be executed by their duly authorized officers and their corporate seals to be hereunto affixed and attested as of the date first above written.

CITY OF LEAWOOD, KANSAS

(SEAL)

By_____
Mayor

ATTEST:

_____
City Clerk

EXHIBIT C

(BOOK ENTRY SECURITIES)

Maturity	Principal Amount	Interest Rate
U.S. Treas. Cert. (1)		
U.S. Treas. Note (2)		

(1) United States Treasury Certificates of Indebtedness - State and Local Government Series

(2) United States Treasury Notes - State and Local Government Series

EXHIBIT C

George K. Baum & Company

INVESTMENT BANKERS

MEMBER
NEW YORK STOCK EXCHANGE, INC.
MIDWEST STOCK EXCHANGE

TWELVE WYANDOTTE PLAZA
120 WEST 12TH STREET
KANSAS CITY, MISSOURI 64105
TELEPHONE (816) 474-1100

December 7, 1992

Honorable Mayor and City Council
City of Leawood
9617 Lee Boulevard
Leawood, Kansas 66206

RE: $5,201,000 City of Leawood, Kansas, General Obligation Refunding and Improvement Bonds, Series 1992-A & B, Dated December 1, 1992

Dear Mayor and City Council:

George K. Baum & Company, acting as Principal in conjunction with Mark Twain Banks, Investment Bankers of Kansas City Division (the "Underwriters"), have been working with the City of Leawood for several months to develop a well planned approach toward advance refunding a portion of the City's outstanding General Obligation Bonds. Through our efforts, we have now successfully structured a proposed bond issue in the amount of $5,201,000 which will accomplish this goal and provide permanent financing for approximately $2,046,000 of other City projects. We have also developed sufficient information about the City and its current financial situation to make a decision that a properly structured general obligation bond issue, with proper management controls implemented, can be successfully accomplished.

As a result of our efforts, the Underwriters agree to underwrite the General Obligation Refunding and Improvement Bonds, Series 1992-A & B of the City and agree to have payment for the Bonds accomplished in an expeditious manner. Our agreement to underwrite the Bonds is subject to the following terms and conditions:

1) The City adopting a Bond Ordinance with normal bond covenants;

2) That a timely legal opinion as to the tax-exempt status of the bond issue be provided by a nationally recognized firm of municipal bond attorneys;

3) That the Underwriters receive a fee of 1.10% of the par amount of the Bonds, said fee being payable from bond proceeds and used to offset the expense of marketing the Bonds;

4) That the Underwriters pay the City accrued interest on the Bonds from the date of issuance until the date of delivery (December 1, 1992 through approximately December 30, 1992);

5) That the ordinary costs of issuing the Bonds be paid from bond proceeds;

6) That the stated interest rates on the Bonds and the principal maturities and interest payment dates shall be as indicated on Exhibit 1, attached; and

7) Any other terms and conditions as mutually agreed upon within the limits prescribed by Kansas Statutes.

This shall be a firm underwriting action on behalf of George K. Baum & Company as principal in the purchase transaction. We look forward to completing this financing successfully and to again assisting the City in the future.

Respectfully submitted,

GEORGE K. BAUM & COMPANY

Roger Edgar
Senior Vice President

ACCEPTED this 7th day of December, 1992

for THE CITY OF LEAWOOD, KANSAS

By:_____
Mayor

ATTEST:

By:_____
Clerk

EXHIBIT D

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

Notice is hereby given to the holders of City of Leawood, Kansas (the "City") _____ Temporary Notes, Series _____ _____, _____(_____) 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

10217911

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;
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 [illegible] of general paid circulation on a weekly, monthly or yearly [illegible] is in Johnson County, Kansas, is not a trade, religious or [illegible]ernal 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:

12/8/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/8/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $344.88

Ord. 1320

ORD. 1320

First published in The Legal Record, Tuesday, December 8, 1992.

ORDINANCE NO. 1320

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $5,201,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 1992, OF THE CITY OF LEAWOOD, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY AND TO FINANCE THE COST OF CONSTRUCTION OF CERTAIN IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; MAKING PROVISION FOR THE COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND PROVIDING FOR EXECUTION OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH.

WHEREAS, pursuant to K.S.A. 12-6a01 et seq. K.S.A. 12-631s, K.S.A. 12-685 et seq., and 12-1736 et seq., each as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the City of Leawood, Kansas (the "City") has heretofore issued the following described general obligation bonds of the City:

(a) General Obligation Refunding and Improvement Bonds, Series 1985, dated August 15, 1985, in the original principal amount of $4,585,000 (the "Series 1985 Bonds"), of which Series 1985 Bonds in the aggregate principal amount of $1,910,000 remain outstanding and unpaid;

(b) Combined Projects Improvement General Obligation Bonds, Series 1986, dated June 1, 1986, in the original principal amount of $2,485,000 (the "Series 1986 Bonds"), of which Series 1986 Bonds in the aggregate principal amount of $1,700,000 remain outstanding and unpaid;

(c) General Obligation Improvement Bonds, Series 1988-A, dated September 1, 1988, in the original principal amount of $2,900,000 (the "Series 1988-A Bonds") of which Series 1988-A Bonds in the aggregate principal amount of $1,740,000 remain outstanding and unpaid;

(d) General Obligation Improvement Bonds, Series 1988-C, dated December 1, 1988, in the original principal amount of $1,307,690 (the "Series 1988-C Bonds"), of which Series 1988-C Bonds in the aggregate principal amount of $1,050,000 remain outstanding and unpaid; and

(e) General Obligation Improvement Bonds, Series 1990-A, dated October 1, 1990, in the original principal amount of $1,848,653 (the "Series 1990-A Bonds"), of which Series 1990-A Bonds in the principal amount of $1,565,000 remain outstanding and unpaid;

(collectively, the "Prior Bonds") for the purpose of providing funds to pay the costs of certain public improvements in the City (the "Prior Improvements"); and

WHEREAS, in order to achieve certain economic efficiencies and interest cost savings and to provide an orderly plan of financing for the City, it is hereby found and determined to be desirable and in the best interest of the City and its inhabitants that the City issue its general obligation bonds pursuant to K.S.A. 10-427 et seq., as amended, to provide funds to refund in advance of their respective maturities portions of the Prior Bonds, as follows:

(a) Series 1985 Bonds maturing by their stated terms in the years 1996 through 1999, inclusive, in the aggregate principal amount of $925,000 (the "Refunded Series 1985 Bonds");

(b) Series 1986 Bonds maturing by their stated terms in the years 2000 and 2001, inclusive, in the aggregate principal amount of $445,000 (the "Refunded Series 1986 Bonds");

(c) Series 1988-A Bonds maturing by their stated terms in the years 1997 and 1998, inclusive, in the aggregate principal amount of $580,000 (the "Refunded Series 1988-A Bonds");

(d) Series 1988-C Bonds maturing by their stated terms in the years 1998 through 2004, inclusive, in the aggregate principal amount of $625,000 (the "Refunded Series 1988-C Bonds"); and

(e) Series 1990-A Bonds maturing by their stated terms in the years 2003 through 2005, inclusive, in the aggregate principal amount of $265,000 (the "Refunded Series 1990-A Bonds");

(collectively, the "Refunded Bonds"); and

WHEREAS, pursuant to K.S.A. 12-685, et seq., as amended, and other provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the governing body of the City of Leawood, Kansas (the "City") has heretofore authorized the following improvements within the City (the "Series 1992 Improvements"):

(a) Construction of improvements to Lee Boulevard including necessary appurtenances, as authorized by Ordinance No. 1218; and

(b) Construction of improvements to Somerset Road including necessary appurtenances, as authorized by Ordinance No. 1131 and Ordinance No. 1132;

and

WHEREAS, all legal requirements pertaining to the Series 1992 Improvements have been complied with, and the governing body of the City now finds and determines that the total cost of the Series 1992 Improvements including construction financing and related expenses is not less than $2,046,000 such cost to be paid by the City at large; 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 Series 1992 Improvements; and

WHEREAS, the City hereby finds and determines that it is necessary and advisable to refund the Refunded Bonds and to finance the costs of constructing the Series 1992 Improvements by the issuance of General Obligation Refunding and Improvement Bonds, Series 1992, in the aggregate principal amount of $5,201,000 (the "Bonds"); and

WHEREAS, the City intends that the Bonds be designated and has heretofore designated and hereby designates the Bonds as "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 its successors or assigns.

"Cost of Issuance Fund" means the Series 1992 Cost of Issuance Fund created by Section 501 of this Ordinance.

"Improvement Fund" means the Series 1992 Improvement Construction 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 its successors and assigns.

"Principal and Interest Fund" means the Principal and Interest Fund for the City of Leawood, Kansas General Obligation Refunding and Improvement Bonds, Series 1992, created by Section 501 of this Ordinance.

"Underwriters" means George K. Baum & Company, Kansas City, Missouri, and Investment Bankers of Kansas City, a division of Mark Twain Bank, Kansas City, Missouri.

ARTICLE II

AUTHORIZATION OF THE BONDS

Section 201. Authorization of the Bonds. The City is hereby authorized and directed to issue the general obligation bonds of the City in the principal amount of $5,201,000 for the purpose of providing funds to refund the Refunded Bonds and to finance the costs of constructing the Series 1992 Improvements, as provided in this Ordinance.

The Bonds shall be designated "General Obligation Refunding and Improvement Bonds, Series 1992," and shall be composed of and issued in two separate series designated "General Obligation Refunding Bonds, Series 1992-A", in the aggregate principal amount of $3,155,000 (the "Series 1992-A Bonds"), and "General Obligation Improvement Bonds, Series 1992-B", in the aggregate principal amount of $2,046,000 (the "Series 1992-B Bonds").

Section 202. Security for the Bonds. The Bonds shall be general obligations of the City, and the full faith and credit of the City is hereby pledged to the payment of the principal of and interest on the Bonds as herein provided.

The Series 1992-A Bonds shall be payable in part from special assessments levied against properties benefited by the construction of the Prior Improvements financed in part with the proceeds of the Refunded Bonds 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 and 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 and personal, within the territorial limits of the City.

The Series 1992-B Bonds shall be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property, real and personal, within the territorial limits of the City.

Section 203. Details of the Bonds.

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

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of the first maturity of the Series 1992-B Bonds shall be issued in the denomination of $6,000. The Bonds shall be substantially in the form described in Article IV hereof and shall be subject to registration, transfer and exchange as provided in Section 206 hereof. All of the Bonds shall be dated December 1, 1992, 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 1992-A BONDS

Maturity September 1	Principal Amount	Interest Rate	Maturity September 1	Principal Amount	Interest Rate
1994	$ 35,000	3.40%	2000	$325,000	5.00%
1995	60,000	3.80	2001	325,000	5.20
1996	305,000	4.10	2002	95,000	5.40
1997	590,000	4.50	2003	185,000	5.50
1998	675,000	4.70	2004	180,000	5.65
1999	295,000	4.90	2005	85,000	5.80

Series 1992-B BONDS

Maturity September 1	Principal Amount	Interest Rate	Maturity September 1	Principal Amount	Interest Rate
1994	$141,000	3.40%	2002	$135,000	5.40%
1995	140,000	3.80	2003	135,000	5.50
1996	140,000	4.10	2004	135,000	5.65
1997	140,000	4.50	2005	135,000	5.80
1998	135,000	4.70	2006	135,000	5.90
1999	135,000	4.90	2007	135,000	6.00
2000	135,000	5.00	2008	135,000	6.00
2001	135,000	5.20			

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 dated 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, 1993 (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 immediately preceding each of such 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 series and 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 of and redemption premium, if any, 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 immediately following Interest Payment Date for the Bonds or to register, transfer or exchange any Bonds selected for redemption in whole or in part subsequent to the date notice of such redemption is given.

Section 207. Surrender and Cancellation of Bonds. Whenever any outstanding Bond shall be delivered to the Bond Registrar for cancellation pursuant to this 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, series, 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 the Bond Registrar may pay the same without surrender thereof. The City and the 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 offices 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 as provided in the Bond Purchase Agreement, hereinafter identified and approved. 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 of each series maturing on September 1, 2001 and thereafter, may be called for redemption and payment prior to maturity on September 1, 2000, and on any Interest Payment Date thereafter, in whole or in part, at the redemption price of 100% of the principal amount thereof, plus accrued interest thereon to the date fixed for redemption, without premium.

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Anything herein contained to the contrary notwithstanding, the City reserves the right to elect to redeem Bonds of either series without any obligation to redeem Bonds of the other series or to redeem Bonds of each series in such principal amounts as, in each instance, the City in its sole discretion shall determine. In the case of a partial redemption of Bonds, the City may select Bonds of any particular maturity or maturities in such amounts as in its sole discretion it shall determine.

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 series, 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 than all of the outstanding Bonds of any series are to be redeemed and paid prior to maturity, the Bonds of such series to be redeemed shall be determined by the City, 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 same series in 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; REDEMPTION OF REFUNDED BONDS

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 City of Leawood, Kansas General Obligation Refunding and Improvement Bonds, Series 1992 (the "Principal and Interest Fund");

(b) Series 1992 Improvement Fund (the "Improvement Fund"); and

(c) Series 1992 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 this Ordinance. The Principal and Interest Fund shall be maintained so long as any of the Bonds remain outstanding and unpaid.

Section 503. Approval of Escrow Trust Agreement. The Escrow Trust Agreement dated as of December 1, 1992, between the City and First Continental Bank & Trust as escrow trustee thereunder (the "Escrow Trustee"), in substantially the form attached hereto as Exhibit B, is hereby approved, and said Agreement is hereby incorporated into this Ordinance as though fully set forth herein. The Mayor of the City is hereby authorized and directed to execute the Escrow Trust Agreement with such changes, insertions and modifications thereto as in the opinion of the Mayor with advice of counsel are necessary, appropriate and desirable. The City Clerk is hereby authorized and directed to attest to the signature of the Mayor and affix the City's seal thereto, such execution and attestation being conclusive as to the approval, correctness and completeness of said Escrow Trust Agreement.

Section 504. Redemption of Refunded Bonds. The governing body hereby finds it necessary and advisable and the City hereby elects to redeem the following described Refunded Bonds bearing the stated maturities (all dates inclusive) on the dates and in the amounts as follows:

Description	Stated Maturity Years	Principal Amount	Redemption Date
(a) Refunded Series 1985 Bonds	1996-1999	$925,000	September 1, 1994
(b) Refunded Series 1986 Bonds	2000-2001	$445,000	September 1, 1998
(c) Refunded Series 1988-A Bonds	1997-1998	$580,000	September 1, 1995
(d) Refunded Series 1988-C Bonds	1998-2004	$625,000	September 1, 1995
(a) Refunded Series 1990-A Bonds	2003-2005	$265,000	September 1, 1998

The Escrow Trustee is hereby authorized and directed to give notice of the City's intention to redeem the aforedescribed Refunded Bonds by publication of notices as provided in the Escrow Agreement. The Mayor and City Clerk and other officers of the City are hereby authorized to take such further and additional actions as may be necessary to effect the redemption of the Refunded Bonds as aforesaid for and on behalf and as the act and deed of the City.

ARTICLE VI

APPLICATION OF BOND PROCEEDS

Section 601. Disposition of Bond Proceeds and Other Moneys. 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:

(a) 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;

(b) There shall be deposited in the Cost of Issuance Fund the sum of $58,098.60, representing proceeds of the sale of the Series 1992-A Bonds in the amount of $20,004.60 and proceeds of the sale of the Series 1992-B Bonds in the amount of $38,094.00;

(c) There shall be transferred to and deposited with the Escrow Trustee, solely from the proceeds of the Series 1992-A Bonds, the sum of $3,100,290.40; and

(d) The balance of the proceeds of the sale of the Bonds (being the remaining balance of the proceeds of the Series 1992-B Bonds) shall be deposited in the Improvement Fund.

Section 602. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be separately accounted for and attributed to each of the individual Series 1992 Improvements and shall be used solely to pay the cost of such Series 1992 Improvements, including the retirement of temporary notes of the City previously issued to provide interim financing for the Series 1992 Improvements, and, in the event funds on deposit in the Cost of Issuance Fund shall be insufficient for the purpose, to pay costs of issuance of the Bonds. Any moneys remaining in the Improvement Fund after payment of costs of all Series 1992 Improvements 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 January 29, 1993, shall be transferred to the Improvement 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.

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The governing body of the City shall make provision for the payment of said principal and interest on the Series 1992-A Bonds by levying and collecting special assessments on property benefited by the Prior Improvements financed in part with the proceeds of the Refunded Bonds, and to the extent of the City's portion of the cost of said Prior Improvements and to the extent such special assessments shall not be so collected, by levying and collecting an annual tax on all taxable tangible property within the territorial limits of the City in amounts sufficient to pay the installments of said principal and interest on the Series 1992-A Bonds as the same accrue and become payable.

In addition, the governing body of the City shall make provision for the payment of the Series 1992-B Bonds by levying and collecting an annual tax on all taxable tangible property within the territorial limits of the City in amounts sufficient to pay the installments of said principal and interest on the Series 1992-B 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 and transfer to the Paying Agent 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. Sale of Bonds to Underwriters; Approval of Bond Purchase Agreement; Approval of Official Statement. The sale of the Bonds to the Underwriters at a purchase price of 100% of the principal amount of the Bonds plus accrued interest thereon to the date of delivery thereof to the Underwriters and providing for an underwriting fee of 1.1% of par is hereby approved. The Bond Purchase Agreement between the City and the Underwriters in substantially the form attached hereto as Exhibit C is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute and attest, respectively, the Bond Purchase Agreement for and on behalf and as the act and deed of the City.

The governing body hereby ratifies and approves the Preliminary Official Statement with respect to the Bonds, dated November 24, 1992, in the form presented to the governing body, and hereby deems said Preliminary Official Statement "final" as of its date for purposes of the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, except for the omission of certain information permitted by said rule.

The distribution of the final Official Statement relating to the Bonds in substantially the form of the Preliminary Official Statement 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 and attest, respectively, such Official Statement on behalf of the City, with such corrections, omissions, insertions or changes as they may approve and determine appropriate.

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 Series 1992 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 Series 1992 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 Series 1992 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:

(a) Since January 1, 1992, the City has not issued any bonds or obligations taken into account under Section 265(b)(3)(C) of the Code other than the Bonds and the following described obligations:

Project	Issue	Date Issued	Amount
Lee Boulevard II	Temporary Notes	01/15/92	$1,800,000
Police/Courts	Temporary Notes	01/15/92	400,000
City Hall	PBC Bonds	03/01/92	4,450,000
Mission Road	Temporary Notes	06/01/92	400,000
K-150	Temporary Notes	06/01/92	500,000
Somerset (S)	Temporary Notes	06/01/92	200,000
Somerset (W)	Temporary Notes	06/01/92	100,000
Police/Courts	Temporary Notes	06/01/92	200,000
State Line	Temporary Notes	06/01/92	800,000
Town Center	Temporary Notes	06/01/92	200,000
Equipment	Lease Purchase Agreement	08/03/92	70,856
Lee Boulevard II	Temporary Notes	10/01/92	1,800,000
Police/Courts	Temporary Notes	10/01/92	300,000
State Line	Temporary Notes	10/01/92	200,000
Town Center	Temporary Notes	10/01/92	500,000

(b) The City does not reasonably anticipate issuing tax-exempt obligations during calendar year 1992, taken into account under Section 265(b)(3)(C) of the Code, in an aggregate amount in excess of $10,000,000;

(c) Other than the Bonds, the City has not issued and does not expect to issue in calendar year 1992 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 Bonds.

The City hereby covenants and agrees that it shall not issue more than $10,000,000 of tax-exempt obligations taken into account under Section 265(b)(3)(C) of the Code during calendar year 1992.

The City hereby confirms and designates 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 on or prior to December 31, 1992, the following described outstanding temporary notes of the City:

Project	Date Issued	Amount	Maturity Date
(1) Temporary Notes, Series 92K, Project 125 (Lee Boulevard, Phase II)	10/08/92	$1,800,000	06/30/93
(2) Temporary Notes, Series 92E, Project 114 (Somerset, Sagamore-Belinder)	06/11/92	200,000	01/15/93
(3) Temporary Notes, Series 92F, Project 121 (Somerset, Belinder-Wenonga)	06/11/92	100,000	01/15/93

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 or prior to December 31, 1992, by written notices to the holders thereof, substantially in the form attached as Exhibit D hereto, not less than 10 days prior to the date fixed for such redemption and prepayment.

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

CONTINUED ON PAGE 13

CONTINUED FROM PAGE 12

PASSED by the governing body of the City of Leawood, Kansas this 7th day of December, 1992.

APPROVED by the Mayor this 7th day of December, 1992.

(Seal)

Marcia Reinhart
Mayor

ATTEST:

Martha Henze
City Clerk

APPROVED AS TO FORM AND CONTENT:

City Attorney

ORDINANCE NO. 1319 repealed by Ord. 1384, 10/18/93

AN ORDINANCE AMENDING SECTION 2-7 (FENCES AND WALLS) OF THE LEAWOOD DEVELOPMENT ORDINANCE; PERTAINING TO HEIGHT REQUIREMENTS AROUND SWIMMING POOLS AND/OR HOT TUBS, CLARIFYING THE DEFINITION OF SWIMMING POOLS AND/OR HOT TUBS, AND CLARIFYING NOTIFICATION PROCEDURES OF THE BOARD OF ZONING APPEALS AS IT RELATES TO FENCE EXCEPTIONS.

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

Section 1. Leawood Development Ordinance Amended. That Section 2-7 of the Leawood Development Ordinance is hereby amended to read as follows:

2-7 FENCES AND WALLS

2-7.1 Intent:

a) To ensure that the look of open space in residential areas be preserved in the tradition established throughout Leawood's development.

b) To buffer uncomplimentary land uses and generally enhance the quality and appearance of developed land areas.

c) To establish exterior boundaries of residential developments.

d) To secure safety to life and welfare from hazards incident to swimming pools, hot tubs, spas and other similar recreational bathing structures.

e) To ensure that design, erection and construction of fences and walls conform to ordinance requirements including height and surface drainage.

2-7.2 General Conditions and Plan Requirements:

a) Permits shall be issued by the City and fences and walls shall be subject to inspection for compliance with approved plans.

b) Fences and 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. (Exemptions to this requirement include retaining walls and decorative fence sections not exceeding 3 feet in height and 24 feet in length.)

c) Fences and walls shall be permitted to be located on the rear property line and in the case of through lots the rear property line shall be considered to be the opposite street frontage.

d) Wood fences shall be constructed with posts, rails, and other structural members located on the "inside" of the fence. (Finished side facing out.)

e) Fences and walls shall not restrict natural surface drainage nor be constructed to divert or channel water flow with increased velocity.

f) Fences built in combination with walls and/or berms 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.

g) Walls constructed as retaining walls shall be designed and constructed to support lateral loads. Applications for retaining walls exceeding 4 feet in height, whether terraced or not, shall be accompanied by plans sealed by a structural engineer. Said plans shall be reviewed prior to the issuance of a building permit.

h) Fences and walls constructed within City owned and/or public utility easements may be removed to allow access for installation or maintenance of utilities. The property owner shall be responsible for the reconstruction and replacement of any fences and/or walls removed.

i) When the back property line of a residentially zoned lot shares a common boundary with that of another municipality, the least restrictive fence or wall height regulations of the two municipalities shall govern only for that property line which shares the municipal boundary. All other fences on property within Leawood are limited to that allowed by this ordinance.

j) All swimming pools, hot tubs, spas, or similar recreational bathing structures requiring fencing per this ordinance shall coordinate through the Building Inspection Division for issuance of the building permits for both the pool structure and the fence at the same time.

k) All required swimming pool/hot tub fencing or walls shall be constructed per Appendix Chapter 12, Division III "BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS" of the Uniform Building Code, 1991 Edition.

l) For purposes of this ordinance definitions for swimming pools and hot tubs shall be as established in the Uniform Building Code, 1991 Edition as provided for in (k) above.

m) Tennis courts may have a fence up to 12′ in height, and must be located at least 10′ from side and rear yards. Such fence shall not be located in a front yard. See Section 4-1, Accessory Uses.

2-7.3 Height, Location and Permit Requirements:

a) 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 required retaining wall, the fence height shall be measured from the finished grade on the high side of the wall.

b) Fences less than 3 feet in height may be constructed without a fence or wall permit, providing they comply with the general conditions and plan requirements of Section 2-7.2.

c) Fences 3 feet or greater in height shall not be constructed until a permit has been issued.

d) Walls 4 feet or greater in height shall not be constructed until a permit has been issued.

e) 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 plans.

f) 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 from another.

g) Fences and walls up to 6 feet in height may be allowed by the Plan Commission if designed as an integral part of a residential development to provide privacy, security, or as part of an entry monument detail.

h) Except as provided for in (d),(e), (f) and (g) above, fences greater than 4 feet in height up to a maximum of 6 feet in height shall only be permitted in conjunction with swimming pools and hot tubs/spas as provided for by this ordinance.

i) Fences and/or walls enclosing swimming pools, spas and/or hot tubs shall comply with the following conditions:

1) Height shall be 4 foot minimum (mandatory) and up to 6 foot maximum (optional). The optional height above 4 feet, for swimming pools, shall only be permitted for such pool structures with a minimum water depth of 36 inches.

2) Location :

a) Swimming pools: Fences shall be located either adjacent to the structure or on the property line or other approved location complimentary to the site, so long as the structure is circumscribed.

b) Hot tubs/Spas: Fences 4 feet in height shall be located as described in 2-7.3 i)2)a); Fences over 4 feet and up to 6 feet in height shall only be allowed only when constructed adjacent to the structure, so long as the structure is circumscribed.

j) Fences and walls 4 feet in height and taller shall be located at the property line, adjacent to patios and/or decks, and circumscribing pool structures, except as set forth in Section 2-7.2 (b) and (c) and at terminations at the dwelling structure.

k) Tennis courts may have a fence up to 12' in height, and must be located at least 10' from side and rear yards. Such fence shall not be located in a front yard. See Section 4-1, Accessory Uses.

2-7.4 Fences Prohibited: Electric fences and barbed wire fences shall be prohibited except on AG, Agricultural, zoned properties for the purpose of containing livestock and when specifically authorized as part of an approved development plan for providing security.

2-7.5 Exceptions to Height Restrictions:
The Board of Zoning Appeals shall have the power to grant exceptions to the height restrictions for fences and walls.

In considering an application for an exception the Board shall take into consideration the following factors:

1. the effect on adjoining property;
2. the uses and physical characteristics of adjoining property;
3. proximity to arterial streets;
4. the applicant's need to provide security for his person, and his property, including domestic animals or pets.

The Board may only grant an exception to height restrictions if after considering the above factors, it concludes that the factors favoring the granting of the exception outweigh any adverse impact the fence or wall may have on the appearance of open space.

Such exceptions shall require a public hearing, publication in the Official City Newspaper at least 20 days prior to the date fixed for hearing. In addition to such publication notice, the applicant shall be responsible for mailing notices of such application to the applicable homes association and to all owners of land located adjacent to the property that is the subject of the application. Such notices shall be mailed at least 10 days prior to the hearing, thus providing an opportunity to all interested parties to be heard. Such mailed notice shall be given by certified mail, return receipt requested, and shall be in the form of a letter explaining the proposed change. Such mailed notices shall be addressed to the owners of land and not to occupants of such land. Failure to receive such notice shall not invalidate any subsequent action taken.

In no case shall the Board allow a fence or wall that exceeds 6 feet in height.

Section 2. Existing Section Repealed. That existing Section 2-7 of the Leawood Development Ordinance is hereby repealed. (Prior

law: Ordinance No. 1286)

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 December, 1992.

Approved by the Mayor the 7th day of December, 1992.

(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;
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:

12/15/92

Debra L Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/15/92

Sharon L Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $81.81

Ord. 1319

ORD. 1319

First published in The Legal Record, Tuesday, December 15, 1992.

ORDINANCE NO. 1319

AN ORDINANCE AMENDING SECTION 2-7 (FENCES AND WALLS) OF THE LEAWOOD DEVELOPMENT ORDINANCE; PERTAINING TO HEIGHT REQUIREMENTS AROUND SWIMMING POOLS AND/OR HOT TUBS, CLARIFYING THE DEFINITION OF SWIMMING POOLS AND/OR HOT TUBS, AND CLARIFYING NOTIFICATION PROCEDURES OF THE BOARD OF ZONING APPEALS AS IT RELATES TO FENCE EXCEPTIONS.

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

Section 1. Leawood Development Ordinance Amended. That Section 2-7 of the Leawood Development Ordinance is hereby amended to read as follows:

2-7 FENCES AND WALLS

2-7.1 Intent:

a) To ensure that the look of open space in residential areas be preserved in the tradition established throughout Leawood's development.

b) To buffer uncomplimentary land uses and generally enhance the quality and appearance of developed land areas.

c) To establish exterior boundaries of residential developments.

d) To secure safety to life and welfare from hazards incident to swimming pools, hot tubs, spas and other similar recreational bathing structures.

e) To ensure that design, erection and construction of fences and walls conform to ordinance requirements including height and surface drainage.

2-7.2 General Conditions and Plan Requirements:

a) Permits shall be issued by the City and fences and walls shall be subject to inspection for compliance with approved plans.

b) Fences and 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. (Exemptions to this requirement include retaining walls and decorative fence sections not exceeding 3 feet in height and 24 feet in length.)

c) Fences and walls shall be permitted to be located on the rear property line and in the case of through lots the rear property line shall be considered to be the opposite street frontage.

d) Wood fences shall be constructed with posts, rails, and other structural members located on the "inside" of the fence. (Finished side facing out.)

e) Fences and walls shall not restrict natural surface drainage nor be constructed to divert or channel water flow with increased velocity.

f) Fences built in combination with walls and/or berms 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.

g) Walls constructed as retaining walls shall be designed and constructed to support lateral loads. Applications for retaining walls exceeding 4 feet in height, whether terraced or not, shall be accompanied by plans sealed by a structural engineer. Said plans shall be reviewed prior to the issuance of a building permit.

h) Fences and walls constructed within City owned and/or public utility easements may be removed to allow access for installation or maintenance of utilities. The property owner shall be responsible for the reconstruction and replacement of any fences and/or walls removed.

i) When the back property line of a residentially zoned lot shares a common boundary with that of another municipality, the least restrictive fence or wall height regulations of the two municipalities shall govern only for that property line which shares the municipal boundary. All other fences on property within Leawood are limited to that allowed by this ordinance.

j) All swimming pools, hot tubs, spas, or similar recreational bathing structures requiring fencing per this ordinance shall coordinate through the Building Inspection Division for issuance of the building permits for both the pool structure and the fence at the same time.

k) All required swimming-pool/hot-tub fencing-or-walls shall be constructed per Appendix Chapter 12, Division III "BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS" of the Uniform Building Code, 1991 Edition.

l) For purposes of this ordinance definitions for swimming pools and hot tubs shall be as established in the Uniform Building Code, 1991 Edition as provided for in (k) above.

m) Tennis courts may have a fence up to 12' in height, and must be located at least 10' from side and rear yards. Such fence shall not be located in a front yard. See Section 4-1, Accessory Uses.

2-7.3 Height, Location and Permit Requirements:

a) 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 required retaining wall, the fence height shall be measured from the finished grade on the high side of the wall.

b) Fences less than 3 feet in height may be constructed without a fence or wall permit, providing they comply with the general conditions and plan requirements of Section 2-7.2.

c) Fences 3 feet or greater in height shall not be constructed until a permit has been issued.

d) Walls 4 feet or greater in height shall not be constructed until a permit has been issued.

e) 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 plans.

f) 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 from another.

g) Fences and walls up to 6 feet in height may be allowed by the Plan Commission if designed as an integral part of a residential development to provide privacy, security, or as part of an entry monument detail.

h) Except as provided for in (d),(e), (f) and (g) above, fences greater than 4 feet in height up to a maximum of 6 feet in height shall only be permitted in conjunction with swimming pools and hot tubs/spas as provided for by this ordinance.

i) Fences and/or walls enclosing swimming pools, spas and/or hot tubs shall comply with the following conditions:

1) Height shall be 4 foot minimum (mandatory) and up to 6 foot maximum (optional). The optional height above 4 feet, for swimming pools, shall only be permitted for such pool structures with a minimum water depth of 36 inches.

2) Location :

a) Swimming pools: Fences shall be located either adjacent to the structure or on the property line or other approved location complimentary to the site, so long as the structure is circumscribed.

b) Hot tubs/Spas: Fences 4 feet in height shall be located as described in 2-7.3 i)2)a); Fences over 4 feet and up to 6 feet in height shall only be allowed only when constructed adjacent to the structure, so long as the structure is circumscribed.

j) Fences and walls 4 feet in height and taller shall be located at the property line, adjacent to patios and/or decks, and circumscribing pool structures, except as set forth in Section 2-7.2 (b) and (c) and at terminations at the dwelling structure.

k) Tennis courts may have a fence up to 12' in height, and must be located at least 10' from side and rear yards. Such fence shall not be located in a front yard. See Section 4-1, Accessory Uses.

2-7.4 Fences Prohibited: Electric fences and barbed wire fences shall be prohibited except on AG, Agricultural, zoned properties for the purpose of containing livestock and when specifically authorized as part of an approved development plan for providing security.

2-7.5 Exceptions to Height Restrictions:

The Board of Zoning Appeals shall have the power to grant exceptions to the height restrictions for fences and walls.

In considering an application for an exception the Board shall take into consideration the following factors:

1. the effect on adjoining property;
2. the uses and physical characteristics of adjoining property;
3. proximity to arterial streets;
4. the applicant's need to provide security for his person, and his property, including domestic animals or pets.

The Board may only grant an exception to height restrictions if after considering the above factors, it concludes that the factors favoring the granting of the exception outweigh any adverse impact the fence or wall may have on the appearance of open space.

Such exceptions shall require a public hearing, publication in the Official City Newspaper at least 20 days prior to the date fixed for hearing. In addition to such publication notice, the applicant shall be responsible for mailing notices of such application to the applicable homes association and to all owners of land located adjacent to the property that is the subject of the application. Such notices shall be mailed at least 10 days prior to the hearing, thus providing an opportunity to all interested parties to be heard. Such mailed notice shall be given by certified mail, return receipt requested, and shall be in the form of a letter explaining the proposed change. Such mailed notices shall be addressed to the owners of land and not to occupants of such land. Failure to receive such notice shall not invalidate any subsequent action taken.

In no case shall the Board allow a fence or wall that exceeds 6 feet in height.

Section 2. Existing Section Repealed. That existing Section 2-7 of the Leawood Development Ordinance is hereby repealed. (Prior law: Ordinance No. 1286)

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 December, 1992.

Approved by the Mayor the 7th day of December, 1992.

(S E A L)

Attest:

Marcia Rinehart — Mayor

Martha Heizer — City Clerk

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

R.S. Wetzler — City Attorney

ORDINANCE NO. 1318

AN ORDINANCE ACCEPTING AN EASEMENT (AGREEMENT) FOR THE LEAWOOD GREENWAY AND TRAIL SYSTEM.

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

19-6,257. Section 1. That the City of Leawood hereby accepts an easement (agreement), along with the restrictions and reservations set forth therein, granting the City of Leawood the following described easement, to wit:

> From S. James and Sally C. Maurer: Beginning at the northeast corner of Lot 8, Berkshire 2nd Plat, Leawood, Kansas; thence S 1° 50′ 03" E, 18 feet along the east lot line; thence S 87° 39′ 39" W, 48 feet; thence N 1° 50′ 03" W, 18 feet; thence N 87° 39′ 39" E, 48 feet along the north lot line to the point of beginning. The area within the described boundary is a public pathway easement.

19-6,258. Section 2. That a copy of said easement (agreement) 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 16th day of November, 1992.

Approved by the Mayor the 16th day of November, 1992.

(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

2198482

STATE OF KANSAS]ss
COUNTY OF JOHNSON
FILED FOR RECORD
1992 DEC 16 A 10: 43.7
SARA F. ULLMANN
REGISTER OF DEEDS

EASEMENT AGREEMENT

THIS AGREEMENT is made effective as of the 8th day of December, 1992, by and between S. James Maurer and Sally C. Maurer ("Grantors"), and the City of Leawood, Kansas, a municipal corporation ("Grantee" or "City").

RECITALS

(A) The City of Leawood requires a developer to dedicate a portion of property within a development for the Leawood Greenway and trail system ("trail").

(B) Through the common law dedication by the developer of the Grantor's property, the City of Leawood currently holds an existing easement across the Grantor's property for the construction and maintenance of the Leawood Greenway and trail system, more particularly described in Exhibit A attached hereto and made a part hereof by this reference.

(C) To alleviate any of Grantor's concerns regarding potential liability for injuries to persons using the trail, the City of Leawood is willing to accept a more formal easement from the Grantor whereby the City will clearly assume responsibility for the trail where it crosses the Grantor's property.

NOW, THEREFORE, in consideration of the covenants herein contained and for other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties agree as follows:

1. That for the consideration expressed, the undersigned, called Grantor, grants and conveys to the City of Leawood, its successors and assigns a perpetual easement upon the lands described in Exhibit A, attached hereto and made a part hereof by this reference.

2. The easement conveyed to the City is to be used and maintained by the City as a part of the Leawood Greenway and trail system as a public pathway for pedestrians, bicyclists and such other persons and uses as the City may permit.

3. The City of Leawood accepts all responsibility and liability for injuries sustained by pedestrians, bicyclists and other persons as they cross the easement conveyed herein and does hereby agree to indemnify and save harmless grantor against all claims, demands, action or causes of action arising from any loss or damage to property or injury to or

12.00 Ck

death of persons which may be due in any manner to the use and maintenance of the easement as a public pathway. Provided further that, to the extent that any injuries or damages are caused or contributed to by the grantor, the indemnification provided to grantor by this paragraph shall be inapplicable.

4. The terms of this Agreement shall run with the land and shall inure to the benefit of and bind Grantor and Grantee and their heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

GRANTORS

By: S. James Maurer
S. JAMES MAURER

By: Sally C. Maurer
SALLY C. MAURER

STATE OF KANSAS)
) SS.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this 2ND day of DECEMBER, 1992, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came S. JAMES MAURER who is personally known to me to be the same person who executed the foregoing instrument of writing and such person duly acknowledged the execution of the same.

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

Bonnie G. Phelps
Notary Public Bonnie G. Phelps

My appointment expires:

MY APPOINTMENT EXPIRES 2/25/95

BONNIE G. PHELPS NOTARY PUBLIC STATE OF KANSAS

STATE OF KANSAS)
) SS.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this 2ND day of DECEMBER, 19 92, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came SALLY C. MAURER who is personally known to me to be the same person who executed the foregoing instrument of writing and such person duly acknowledged the execution of the same.

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

Bonnie G. Phelps
Notary Public
Bonnie G. Phelps

My appointment expires:
MY APPOINTMENT EXPIRES 2/25/95

THE CITY OF LEAWOOD, KANSAS

By: Marcia Rinehart
Mayor Marcia Rinehart

Attest:

Martha Heizer
City Clerk Martha Heizer

STATE OF KANSAS)
) SS.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this 3rd day of December, 1992, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Marcia Rinehart, Mayor of the City of Leawood, Kansas, and Martha Heizer, City Clerk of the City of Leawood, Kansas, who are personally known to me to be the same persons who executed the foregoing instrument of writing and such persons duly acknowledged the execution of the same.

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

My appointment expires:
FRANCES M. KESSLER
NOTARY PUBLIC - State of Kansas
My Appt. Exp. 10-7-95

Frances M Kessler
Notary Public Frances M. Kessler

LEGAL DESCRIPTION OF PUBLIC PATHWAY

EASEMENT FOR LOT 8 BERKSHIRE 2nd PLAT

Beginning at the Northeast corner of Lot 8, Berkshire 2nd Plat, Leawood, Kansas; thence S 1° 50′ 03′′ E, 18 feet along the east lot line; thence S 87° 39′ 39′′ W, 48 feet; thence N 1° 50 03′′ W, 18 feet; thence N 87° 39′ 39′′ E, 48 feet along the north lot line to the point of beginning. The area within the described boundary is a public pathway easement.

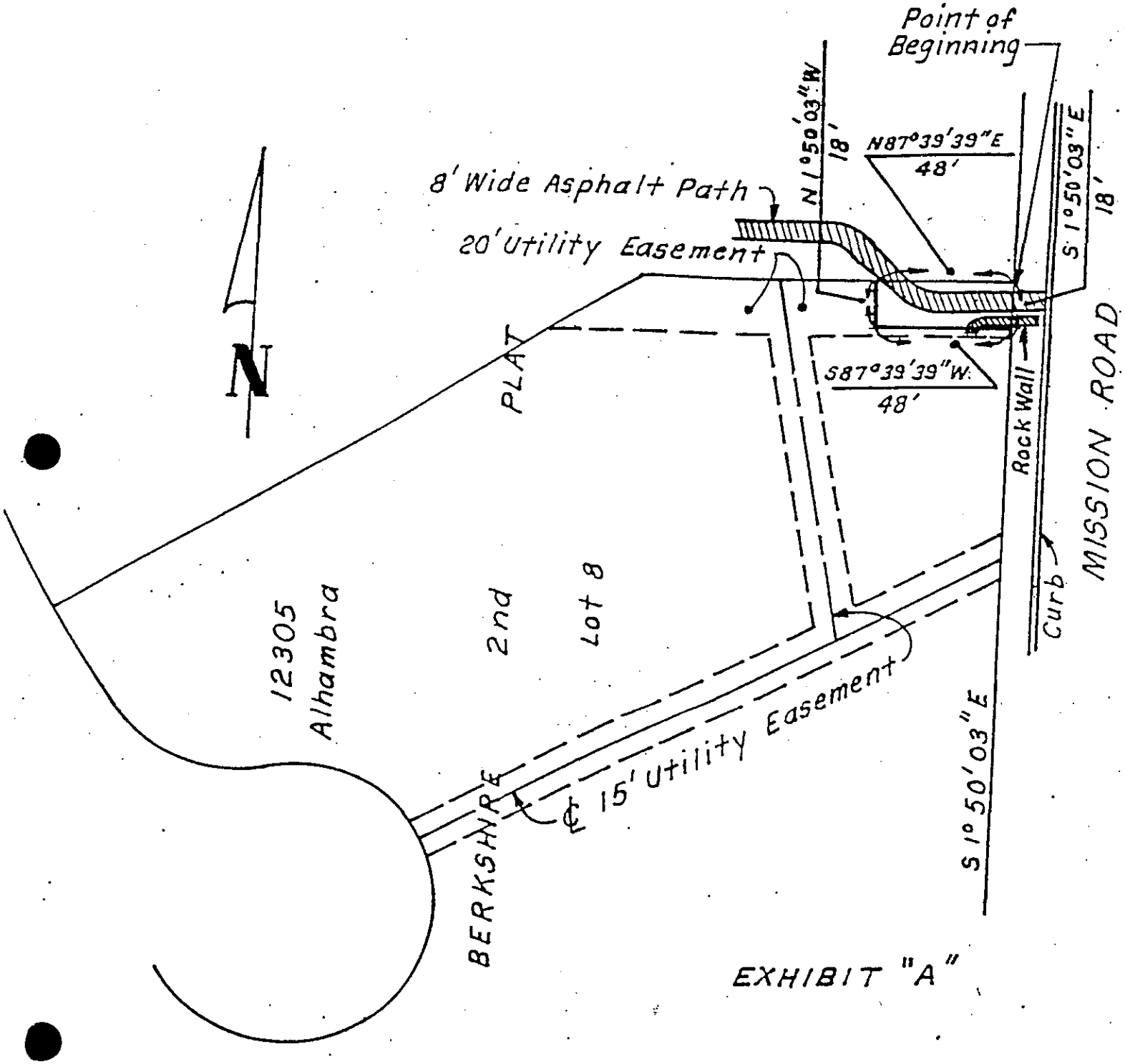

EXHIBIT "A"

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;
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:

12/29/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
12/29/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $18.18

Ord. #1318

ORD. 1318

First published in The Legal Record, Tuesday, December 29, 1992.

ORDINANCE NO. 1318

AN ORDINANCE ACCEPTING AN EASEMENT (AGREEMENT) FOR THE LEAWOOD GREENWAY AND TRAIL SYSTEM.

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

Section 1. That the City of Leawood hereby accepts an easement (agreement), along with the restrictions and reservations set forth therein, granting the City of Leawood the following described easement, to wit:

From S. James and Sally C. Maurer: Beginning at the northeast corner of Lot 8, Berkshire 2nd Plat, Leawood, Kansas; thence S 1° 50' 03" E, 18 feet along the east lot line; thence S 87° 39' 39" W, 48 feet; thence N 1° 50' 03" W, 18 feet; thence N 87° 39' 39" E, 48 feet along the north lot line to the point of beginning. The area within the described boundary is a public pathway easement.

Section 2. That a copy of said easement (agreement) 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 16th day of November, 1992.

Approved by the Mayor the 16th day of November, 1992.

(S E A L)

Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

APPROVED AS TO FORM:

R.S. Wetzler City Attorney

ORDINANCE NO. 1317

AN ORDINANCE ACCEPTING A DEED FOR STREET PURPOSES (CHADWICK, 135TH ST./136TH ST.; K-150 IMPROVEMENTS).

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

19-5,119. 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 Carroll M. Elrod: A tract of land situated in the West half of the Northeast quarter of Section 34, Township 13 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas, more particularly described as follows: The West 40 feet of the North 931.22 feet of the Northeast quarter, less existing right-of-way for K-150 Highway. 0.892 acres, more or less, inclusive of K-150 right-of-way.

19-5,120. 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 October, 1992.

Approved by the Mayor the 19th day of October, 1992.

(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

DEED OF DEDICATION

2171849

042210

KNOW ALL MEN BY THESE PRESENTS, That this Deed, made and entered into this 17th day of September, 1992, by and between CARROLL M. ELROD A WIDOWER of JOHNSON County, State of KS.,

Party of the First Part, and the CITY OF LEAWOOD, Johnson County, State of Kansas,

Party of the Second Part,

WITNESSETH:

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

Entered in Transfer Record
Date Oct 6 1992
pr
Beverly L. Baker, County Clerk
Johnson County, Kansas
RE# HF251334-3002

See attached Exhibit A

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

And the Party of the First Part for its heirs, executors, administrators, successors and assigns, does hereby covenant, promise and agree to and with said Party of the Second Part that, at the delivery of these presents, it is lawfully seized of the interest hereby conveyed in all and singular the above-granted and described premises with the appurtenances thereto; that the same are free and clear of and from all and every encumbrance whatsoever, except those of record, and that First Party will forever warrant and defend the same unto the Party of the Second Part or its assigns forever, against all and any lawful claim of all and any persons whomsoever. Party of the First Part, for its heirs, executors, administrators, successors or assigns, hereby waives and releases to Second Party any and all claims for damages or compensation, either now or in the future, arising by reason of the use of said real estate for the purposeate for the purposes herein described. First Party hereby agrees that First Party shall pay any special assessments or installments thereof, matured or unmatured, on said premises hereby granted, and that Second Party shall not be liable in any way for the payment thereof. First Party further agrees that the proper Governing Body may release the premise granted from any special assessment and spread and attach such special assessment to the remainder of the property adjacent to the premises hereby grantedd by First Party.

IN WITNESS WHEREOF, said Party of the First Part has hereunto set hand and seal the day and year first above written.

STATE OF KANSAS
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1992 OCT -7 A 9:14.2

SARA F. ULLMANN
REGISTER OF DEEDS

10 ck 10.00

Carroll M. Elrod

Carroll M. Elrod

VOL 3725 PAGE 820

INDIVIDUAL ACKNOWLEDGMENT

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this 17 day of September, 1992, before me, a Notary Public in and for said County and State, came Carroll M. Elwell to me personally known to be the same persons who executed the foregoing instrument and duly acknowledge the execution of the same.

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

Kathleen C. Ohmes
Notary Public Kathleen C. Ohmes

My commission expires 4/1/93.

KATHLEEN C. OHMES NOTARY PUBLIC NOTARY SEAL STATE OF KANSAS

CORPORATE ACKNOWLEDGMENT

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

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 free act and deed of said Corporation, _____.

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

_____
Notary Public

My commission expires_____.

Exhibit A

LEGAL DESCRIPTION

A tract of land situated in the West half of the Northeast quarter of Section 34, Township 13 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas, more particularly described as follows:

The West 40 feet of the North 931.22 feet of the Northeast quarter, less existing right-of-way for K-150 Highway.

The above described tract of land contains 0.892 acres, more or less, inclusive of K-150 right-of-way. Said tract of land is subject to all restrictions, reservations, easements, and covenants of record, if any.

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;
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:

10/20/92

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
10/20/92

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $18.18

Ord. 1317

ORD. 1317

First published in The Legal Record, Tuesday, October 20, 1992.

ORDINANCE NO. 1317

AN ORDINANCE ACCEPTING A DEED FOR STREET PURPOSES (CHADWICK, 135TH ST./136TH ST.; K-150 IMPROVEMENTS).

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 Carroll M. Elrod: A tract of land situated in the West half of the Northeast quarter of Section 34, Township 13 South, Range 25 East of the Sixth Principal Meridian, in Johnson County, Kansas, more particularly described as follows: The West 40 feet of the North 931.22 feet of the Northeast quarter, less existing right-of-way for K-150 Highway. 0.892 acres, more or less, inclusive of K-150 right-of-way.

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 October, 1992.

Approved by the Mayor the 19th day of October, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

ORDINANCE NO. 1316 C

AN ORDINANCE AMENDING SECTION 12-206 OF THE CODE OF THE CITY OF LEAWOOD TO PROVIDE FOR FISHING IN PUBLIC WATERS.

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

Section 1. Code Amended. That section 12-206 of the Code of the City of Leawood is hereby amended to read as follows:

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 waters 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 a City of Leawood fishing permit. The cost for a Leawood resident permit is $3.00 and for a non-resident permit is $20.00. Fishermen shall obey all Kansas State fishing regulations and all of the following City restrictions relating to length and creel limits:

1. Catfish must be no less than 14" in length and a maximum of four may be taken per day,
2. Bass must be no less than 15" in length and a maximum of one may be taken per WEEK,
3. Bluegill must be no less than 7" in length and a maximum of six may be taken per day.

The revenue generated by the City fishing permits will be used solely for the preservation and maintenance of Leawood public waters.

Section 2. Repeal of Existing Section. That existing Section 12-206 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1213C)

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 5th day of October, 1992.

Approved by the Mayor the 5th day of October, 1992.

(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) 780-5747

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:

10/6/92

Legal Notices Administrator

Subscribed and sworn to before me on this date: 10/6/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $18.18

ORD. 1316 C

First published in The Legal Record, Tuesday, October 6, 1992.

ORDINANCE NO. 1316 C

AN ORDINANCE AMENDING SECTION 12-206 OF THE CODE OF THE CITY OF LEAWOOD TO PROVIDE FOR FISHING IN PUBLIC WATERS.

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

Section 1. Code Amended. That section 12-206 of the Code of the City of Leawood is hereby amended to read as follows:

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 waters 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 a City of Leawood fishing permit. The cost for a Leawood resident permit is $3.00 and for a non-resident permit is $20.00. Fishermen shall obey all Kansas State fishing regulations and all of the following City restrictions relating to length and creel limits:

1. Catfish must be no less than 14" in length and a maximum of four may be taken per day,
2. Bass must be no less than 15" in length and a maximum of one may be taken per WEEK,
3. Bluegill must be no less than 7" in length and a maximum of six may be taken per day.

The revenue generated by the City fishing permits will be used solely for the preservation and maintenance of Leawood public waters.

Section 2. Repeal of Existing Section. That existing Section 12-206 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1213C)

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 5th day of October, 1992.

Approved by the Mayor the 5th day of October, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

APPROVED FOR FORM:
R.S. Wetzler City Attorney

Ord. 1316 C

ORDINANCE NO. 1315

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92K, PROJECT 125 (LEE BOULEVARD, PHASE II), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,800,000 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:

20-1,844. 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 92K, Project 125 (Lee Boulevard, Phase II), in the aggregate principal amount of One Million Eight Hundred Thousand Dollars ($1,800,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,845. Section Two: Said issue of Temporary Notes, Series 92K, Project 125 (Lee Boulevard, Phase II), shall consist of bearer notes numbered from 1 through 18 inclusive, each in the denomination of $100,000. Said notes shall be dated October 1, 1992, and shall have the stated maturity date of June 30, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 2.73% 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.

20-1,846. 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.

20-1,847. 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 99.895% of the principal amount thereof.

20-1,848. 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.

20-1,849. 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 21st day of September, 1992.

SIGNED by the Mayor this 21st day of September, 1992.

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;
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* [illegible]d of general paid circulation on a weekly, monthly or yearly [illegible]sis 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:

9/22/92

Debra L Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/22/92

Sharon L Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $64.19

[illegible]d. # 1315

First published in The Legal Record, Tuesday, September 22, 1992.

ORDINANCE NO. 1315

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92K, PROJECT 125 (LEE BOULEVARD, PHASE II), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $1,800,000 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 92K, Project 125 (Lee Boulevard, Phase II), in the aggregate principal amount of One Million Eight Hundred Thousand Dollars ($1,800,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 92K, Project 125 (Lee Boulevard, Phase II), shall consist of bearer notes numbered from 1 through 18 inclusive, each in the denomination of $100,000. Said notes shall be dated October 1, 1992, and shall have the stated maturity date of June 30, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 2.73% 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

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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 99.89% 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.

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 21st day of September, 1992.

SIGNED by the Mayor this 21st day of September, 1992.

(S E A L)

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

Marcia Rinehart

Marcia Rinehart, Mayor

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

ORDINANCE NO. 1314

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 92-3-92M, PROJECT 132 (STATE LINE ROAD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY FIVE HUNDRED THIRTEEN FEET SOUTH OF THE CENTERLINE OF 112TH TERRACE AND APPROXIMATELY ONE HUNDRED TWENTY-TWO FEET SOUTH OF THE CENTERLINE OF CARONDOLET DRIVE; SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALTIC CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIANS, PROTECTED LEFT TURN LANES, CURB AND GUTTERS, STORM SEWERS, SIDEWALK, STREET LIGHTS, AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1054 under K.S.A. 12-6a01 et seq. and adopted by the Governing Body of the City of Leawood on January 27, 1992; 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 $1,115,112.33; 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:

20-1,838. 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. 92-3-92M, Project 132 (State Line Road, Phase I), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000), which amount does not exceed the total estimated costs of said improvements.

20-1,839. Section Two: Said issue of Temporary Notes, Series L.I.D. 92-3-92M, Project 132, shall consist of bearer notes numbered 1 and 2 inclusive, each in the denomination of $100,000. Each of said notes shall be dated October 1, 1992,

and shall have the stated maturity date of June 30, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 2.73% 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.

20-1,840. 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.

20-1,841. 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 99.895% of the principal amount thereof.

20-1,842. 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 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.

20-1,843. 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 21st day of September, 1992.

SIGNED by the Mayor this 21st day of September, 1992.

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;
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:

9/22/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/22/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $85.81

Ord. # 1314

First published in The Legal Record, Tuesday, September 22, 1992.

ORDINANCE NO. 1314

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 92-3-92M, PROJECT 132 (STATE LINE ROAD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY FIVE HUNDRED THIRTEEN FEET SOUTH OF THE CENTERLINE OF 112TH TERRACE AND APPROXIMATELY ONE HUNDRED TWENTY-TWO FEET SOUTH OF THE CENTERLINE OF CARONDOLET DRIVE; SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALTIC CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIANS, PROTECTED LEFT TURN LANES, CURB AND GUTTERS, STORM SEWERS, SIDEWALK, STREET LIGHTS, AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1054 under K.S.A. 12-6a01 et seq. and adopted by the Governing Body of the City of Leawood on January 27, 1992; 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 $1,115,112.33; 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. 92-3-92M, Project 132 (State Line Road, Phase I), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series L.I.D. 92-3-92M, Project 132, shall consist of bearer notes numbered 1 and 2 inclusive, each in the denomination of $100,000. Each of said notes shall be dated October 1, 1992, and shall have the stated maturity date of June 30, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 2.73% 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

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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 United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.895% 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 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 21st day of September, 1992.

SIGNED by the Mayor this 21st day of September, 1992.

(S E A L)

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

Marcia Rinehart

Marcia Rinehart, Mayor

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

ORDINANCE NO. 1313

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 92-4-92N, PROJECT 130 (TOWN CENTER DRIVE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOWN CENTER DRIVE; SAID ROADWAY TO BE CONSTRUCTED WITH CONCRETE CURB AND GUTTER, ASPHALTIC PAVEMENT, STORM DRAINAGE, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1063 under K.S.A. 12 6a 04(2) and adopted by the Governing Body of the City of Leawood on April 20, 1992; 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 $1,175,000; 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:

20-1,832. 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. 92-4-92N, Project 130 (Town Center Drive), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000), which amount does not exceed the total estimated costs of said improvements.

20-1,833. Section Two: Said issue of Temporary Notes, Series L.I.D. 92-4-92N, Project 130, shall consist of bearer notes numbered from 1 through 5, each in the denomination of $100,000. Each of said notes shall be dated October 1, 1992, and shall have the stated maturity date of June 30, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 2.73% 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.

20-1,834. 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.

20-1,835. 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 99.895% of the principal amount thereof.

20-1,836. 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.

20-1,837. 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 21st day of September, 1992.

SIGNED by the Mayor this 21st day of September, 1992.

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;
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:

9/22/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/22/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $58.87

Ord. # 1313

First published in The Legal Record, Tuesday, September 22, 1992.

ORDINANCE NO. 1313

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 92-4-92N, PROJECT 130 (TOWN CENTER DRIVE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $500,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOWN CENTER DRIVE; SAID ROADWAY TO BE CONSTRUCTED WITH CONCRETE CURB AND GUTTER, ASPHALTIC PAVEMENT, STORM DRAINAGE, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1063 under K.S.A. 12 6a 04(2) and adopted by the Governing Body of the City of Leawood on April 20, 1992; 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 $1,175,000; 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. 92-4-92N, Project 130 (Town Center Drive), 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 L.I.D. 92-4-92N, Project 130, shall consist of bearer notes numbered from 1 through 5, each in the denomination of $100,000. Each of said notes shall be dated October 1, 1992, and shall have the stated maturity date of June 30, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 2.73% 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

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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 United Missouri Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.895% 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.

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.

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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 21st day of September, 1992.

SIGNED by the Mayor this 21st day of September, 1992.

(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

ORDINANCE NO. 1312

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92L, 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:

24-367. 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 92L, 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.

24-368. Section Two: Said issue of Temporary Notes, Series 92L, 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 October 1, 1992, and shall have the stated maturity date of June 30, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 2.73% 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 notes, in whole or in part (but in any event in the full face amount of the particular notes chosen for redemption) at any date prior to the stated maturity date of said notes by the written notice to known holder or 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.

24-369. 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.

24-370. 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 Mo. Bank, the original purchaser thereof, upon payment of the purchase price therefor which shall not be less than 99.895% of the principal amount thereof.

24-371. 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.

24-372. 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 21st day of September, 1992.

SIGNED by the Mayor this 21st day of September, 1992.

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;
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:

9/22/92

Debra L. Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/22/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $59.57

Ord. # 1312

ORD. 1312

First published in The Legal Record, Tuesday, September 22, 1992.

ORDINANCE NO. 1312

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92L, 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 92L, 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 92L, 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 October 1, 1992, and shall have the stated maturity date of June 30, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 2.73% 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 notes, in whole or in part (but in any event in the full face amount of the particular notes chosen for redemption) at any date prior to the stated maturity date of said notes by the written notice to known holder or 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.

CONTINUED ON PAGE 10

CONTINUED FROM PAGE 9

Section Four: The Mayor and City Clerk of Leawood, Ka hereby authorized and directed to prepare and execute said temporary n authorized to be issued in the form and substance hereinbefore descri provided by law and to procure the proper registration in the office o Clerk and in the office of the Treasurer of the State of Kansas, and ecuted and when registered, said notes shall be countersigned by the and delivered to United Mo. Bank, the original purchaser thereof, u of the purchase price therefor which shall not be less than 99.895% of pal amount thereof.

Section Five: The proceeds of said temporary notes shal ited with the City Treasurer in a special fund created for the purpose said costs and expenses of the improvement hereinbefore described.

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

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

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

PASSED by the Governing Body of the City of Leawood, Kansas, this of September, 1992.

SIGNED by the Mayor this 21st day of September, 1992.

(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

Repealed by:
ORDINANCE NO. 1358C
Adopted: 7/19/93
Effective:

ORDINANCE NO. 1311 C

AN ORDINANCE AMENDING SECTION 14-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR VIOLATION OF LOCAL TRAFFIC REGULATIONS.

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

Section 1. Code Amended. That Section 14-201 of the Code of the City of Leawood is hereby amended to read as follows:

14-201. PENALTIES. Unless otherwise specified, the penalties for violation of any provision of this article will be the same as set out in Section 201(d) of the "Standard Traffic Ordinance for Kansas Cities", 1992 Edition, as incorporated by reference by Section 14-101 of this Chapter.

Section 2. Repeal of Existing Section. That existing Section 14-201 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 8th day of September, 1992.

Approved by the Mayor the 8th day of September, 1992.

(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;
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 [illegible] of general paid circulation on a weekly, monthly or yearly [illegible]is in Johnson County, Kansas, is not a trade, religious or [illegible]aternal 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:

9/15/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/15/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $15.27

Ord. No. 1311 C

ORD. 1311 C

First published in The Legal Record, Tuesday, September 15, 1992.

ORDINANCE NO. 1311 C

AN ORDINANCE AMENDING SECTION 14-201 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR VIOLATION OF LOCAL TRAFFIC REGULATIONS.

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

Section 1. Code Amended. That Section 14-201 of the Code of the City of Leawood is hereby amended to read as follows:

14-201. PENALTIES. Unless otherwise specified, the penalties for violation of any provision of this article will be the same as set out in Section 201(d) of the "Standard Traffic Ordinance for Kansas Cities", 1992 Edition, as incorporated by reference by Section 14-101 of this Chapter.

Section 2. Repeal of Existing Section. That existing Section 14-201 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 8th day of September, 1992.

Approved by the Mayor the 8th day of September, 1992.

(S E A L)

Maycia Rinehart
Maycia Rinehart Mayor

Attest:

Martha Heizer
Martha Heizer City Clerk

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

entire ord.
Repealed by:
ORDINANCE NO. 1357C
Adopted: 7/19/93
Effective:

ORDINANCE NO. 1310 C

AN ORDINANCE ADOPTING THE 1992 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 1992, 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:

Sec. 33. Maximum Speed Limits. (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

(1) All vehicles 20 miles per hour in any business district.

(2) All vehicles 20 miles per hour in any park under the jurisdiction of this city.

(3) All vehicles 20 miles per hour during those hours when students are going to and from school of any day school is in session, upon streets and/or parts of streets abutting school property and adjacent to school crosswalks designated as school zones; provided that appropriate signs are erected giving notice of such speed limits and the times said limits are in force, said times to be determined by the

entire ord.
Repealed by:
ORDINANCE NO. 1357C
Adopted: 7/19/93
Effective:

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. Section 68 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Sec. 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

entire ord.
Repealed by:
ORDINANCE NO. 13570
Adopted: 7/19/93
Effective:

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.

14-104. SAME. Section 136 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Sec. 136. Use of Coasters, Roller Skates and Similar Devices Restricted. (a) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall:

(1) go upon any roadway except while crossing a street at a crosswalk and except upon streets set aside as play streets.

(2) operate such a device on any public tennis court.

(3) operate such a device on any private parking area or lot where signs are posted giving notice of such prohibition. This prohibition shall not be applicable unless the following signage is clearly and properly posted at all entrances to said private parking lot or area, to wit:

NOTICE

> Pursuant to Section 14-104 of the Code of the City of Leawood, Kansas, no roller skates, coaster, rollerblades, skateboard, toy vehicle or similar device may be operated in this parking lot or area. Conviction will result in a $25.00 fine.

(b) Whenever any person is operating such a device upon a useable path or sidewalk, such person shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(c) Any person found guilty of a violation of this section shall be fined $25.00.

<u>Section 2</u>. Repeal of Existing Article. That existing Article 1 of Chapter 14 (Sections 14-101:104) of the Code of

entire ord.
Repealed by:
ORDINANCE NO. 1357C
Adopted: 7/19/93
Effective:

the City of Leawood is hereby repealed. (Prior law: Sections 14-101:103, Ord. No. 1246C; and Section 14-104, Ord. No. 1289C)

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 8th day of September, 1992.

Approved by the Mayor the 8th day of September, 1992.

(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;
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:

9/15/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/15/92

Sharon Lefung

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $67.63

Ord. No. 1310 C

ORD. 1310 C

First published in The Legal Record, Tuesday, September 15, 1992.

ORDINANCE NO. 1310 C

AN ORDINANCE ADOPTING THE 1992 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 1992, 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:

Sec. 33. Maximum Speed Limits. (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

(1) All vehicles 20 miles per hour in any business district.

(2) All vehicles 20 miles per hour in any park under the jurisdiction of this city.

(3) All vehicles 20 miles per hour during those hours when students are going to and from school of any day school is in session, upon streets and/or parts of streets abutting school property and adjacent to school crosswalks designated as school zones; provided that appropriate signs are erected giving notice of such speed limits and the times said limits are in force, said times to be determined by the Chief of Police with the consent of the City Council.

(4) All vehicles 25 miles per hour in any residential district and on other streets within the city except where modified by engineering and traffic investigation as provided hereafter in subsection (b) of this Section. The maximum speed limit established by or pursuant to this paragraph shall be of force and effect regardless of whether signs are posted giving notice thereof and 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. Section 68 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Sec. 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.

14-104. SAME. Section 136 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Sec. 136. Use of Coasters, Roller Skates and Similar Devices Restricted. (a) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall:

(1) go upon any roadway except while crossing a street at a crosswalk and except upon streets set aside as play streets.

(2) operate such a device on any public tennis court.

(3) operate such a device on any private parking area or lot where signs are posted giving notice of such prohibition. This prohibition shall not be applicable unless the following signage is clearly and properly posted at all entrances to said private parking lot or area, to wit:

NOTICE

Pursuant to Section 14-104 of the Code of the City of Leawood, Kansas, no roller skates, coaster, rollerblades, skateboard, toy vehicle or similar device may be operated in this parking lot or area. Conviction will result in a $25.00 fine.

(b) Whenever any person is operating such a device upon a useable path or sidewalk, such person shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(c) Any person found guilty of a violation of this section shall be fined $25.00.

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: Sections 14-101:103, Ord. No. 1246C; and Section 14-104, Ord. No. 1289C)

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 8th day of September, 1992.

Approved by the Mayor the 8th day of September, 1992.

(S E A L)

Marcia Rinehart — Mayor

Attest:

Martha Helzer — City Clerk

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

Repealed by:
ORDINANCE NO. 1361C
Adopted: 7/19/93
Effective:

ORDINANCE NO. 1309 C

AN ORDINANCE AMENDING SECTION 11-606 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR DRUG OFFENSES.

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

Section 1. Code Amended. That Section 11-606 of the Code of the City of Leawood is hereby amended to read as follows:

11-606. PENALTIES. A violation of any provision of this Article shall be punishable as a Class A violation as defined by the "Uniform Public Offense Code for Kansas Cities", 1992 Edition, as incorporated by reference by Section 11-101 of this Chapter.

Section 2. Repeal of Existing Section. That existing Section 11-606 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1260C)

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 8th day of September, 1992.

Approved by the Mayor the 8th day of September, 1992.

(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;
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:

9/15/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/15/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $14.90

Ord. No. 1309 C

ORD. 1309 C

First published in The Legal Record, Tuesday, September 15, 1992.

ORDINANCE NO. 1309 C

AN ORDINANCE AMENDING SECTION 11-606 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PENALTIES FOR DRUG OFFENSES.

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

Section 1. Code Amended. That Section 11-606 of the Code of the City of Leawood is hereby amended to read as follows:

11-606. PENALTIES. A violation of any provision of this Article shall be punishable as a Class A violation as defined by the "Uniform Public Offense Code for Kansas Cities", 1992 Edition, as incorporated by reference by Section 11-101 of this Chapter.

Section 2. Repeal of Existing Section. That existing Section 11-606 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1260C)

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 8th day of September, 1992.

Approved by the Mayor the 8th day of September, 1992.

(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

Repealed by:
ORDINANCE NO. 1360C
Adopted: 7/19/93
Effective: _____

ORDINANCE NO. 1308 C

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", 1992 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. 1248C)

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 8th day of September, 1992.

Approved by the Mayor the 8th day of September, 1992.

(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;
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 internal 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:

9/15/92

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/15/92

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $15.45

Ord. No. 1308 C

ORD. 1308 C

First published in The Legal Record, Tuesday, September 15, 1992.

ORDINANCE NO. 1308 C

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", 1992 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. 1248C)

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 8th day of September, 1992.

Approved by the Mayor the 8th day of September, 1992.

(S E A L) Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

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

entire ord.
Repealed by:
ORDINANCE NO. 1359C
Adopted: 7/19/93
Effective:

ORDINANCE NO. 1307 C

AN ORDINANCE ADOPTING THE 1992 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", 1992 Edition, prepared and published 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 10.1 of the Uniform Code incorporated in Section 11-101 above is hereby amended to read as follows:

10.1. UNLAWFUL USE OF WEAPONS.

(a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, 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, slingshot, 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

entire ord.
Repealed by:
ORDINANCE NO. 1359C
Adopted: 7/19/93
Effective:

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.

entire ord.
Repealed by:
ORDINANCE NO. 1359C
Adopted: 7/19/93
Effective:

(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.

11-103. 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.

11-104. SAME. Section 10.6 of the Uniform Code incorporated in Section 11-101 above shall be 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.

entire ord.
Repealed by:
ORDINANCE NO. 1359C
Adopted: 7/19/93
Effective: _____

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. 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. 1247C)

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 8th day of September, 1992.

Approved by the Mayor the 8th day of September, 1992.

(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;
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:

9/15/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/15/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $69.99

d. No. 1307 C

ORD. 1307 C

First published in The Legal Record, Tuesday, September 15, 1992.

ORDINANCE NO. 1307 C

AN ORDINANCE ADOPTING THE 1992 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", 1992 Edition, prepared and published 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 10.1 of the Uniform Code incorporated in Section 11-101 above is hereby amended to read as follows:

10.1. UNLAWFUL USE OF WEAPONS.

(a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, 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, slingshot, 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.

11-103. 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.

11-104. SAME. Section 10.6 of the Uniform Code incorporated in Section 11-101 above shall be 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. 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. 1247C)

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 8th day of September, 1992.

Approved by the Mayor the 8th day of September, 1992.

(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

JOHNSON COUNTY LEGAL NOTICES

ARRIAGE
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STRICT COURT
SON COUNTY,
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COURT No 10
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NS A. SMILEY
No. 07103
Suite 6
sas 66061
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FOR PETI-

2

NAME CHANGE
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STRICT COURT
SON COUNTY,
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OURT DEPART-
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to
Name of **JASON**
LVERT,
e No. 92-C-10052
Court No. 9
K.S.A. Chapter 60
OF HEARING
OF KANSAS - TO
NS CONCERNED:
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Judy A. Twaddell
L. Twaddell, hus-
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Calvert, a minor, to
Twaddell, and you
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said Court, in the
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hich time and place
ill be heard. Should
ein, judgment and
be entered in due
said Petition.
N, BALLWEG,
B & TULEY
am M. Tuley, #

e Boulevard
Box 25866
ark, Kansas 66225
900
Petitioners
2

HARBART NAME CHANGE
First published in The Legal Record, Tuesday, September 8, 1992.

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

In Re The Application of
MARIANNE SHERWOOD HARBART
To Change Her Name
Case No. 92C9985
Court No. 13
Chapter 60

NOTICE

TO WHOM IT MAY CONCERN: Greeting:

You are hereby notified pursuant to K.S.A. 60-1402(b) and K.S.A. 60-307(d), that the above-named Marianne Sherwood Harbart has filed her petition in the above-named court, requesting an order and judgment changing her name to Marianne Jo Sherwood, and that the petition for such change of name will be heard by said court, Division 13, Olathe, Kansas, on the 2nd day of November, 1992, at 8:45 o'clock A.M. or as soon thereafter as the Court can hear the same, at which time and place any person or persons objecting to such change of name may be present and their objections heard. If no objections are made at the hearing or the objections made at the hearing are not sustained, judgment will be entered granting the Petition for Name Change.

BECKETT, LOLLI, BARTUNEK, BECKETT & SESSION
By /s/ Don R. Lolli
1400 Commerce Trust Building
922 Walnut, P. O. Box 13425
Kansas City, Missouri 64199
(816) 474-9500
Telecopy No. 474-9899
Attorneys for Petitioner
9/8 9/15 9/22

BLUE VALLEY FEDERAL V. DREW, ETAL.
First published in The Legal Record, Tuesday, September 8, 1992.

IN THE DISTRICT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

BLUE VALLEY FEDERAL SAVINGS AND LOAN ASSOCIATION,
Plaintiff,
v.
M. DUANE DREW, et al.,
Defendants,
Case No. 88C485
Court No. 15
Chapter 60

and

BLUE VALLEY FEDERAL SAVINGS AND LOAN ASSOCIATION
v.
BROADMOORE PLACE INVESTMENTS, L.P., et al.,
Defendants.
Case No. 88C486
Court No. 13
Chapter 60

and

MARK ONE ELECTRIC CO., INC.
Plaintiff,
v.
BROADMOOR PLACE INVESTMENTS, L.P., et al.,
Defendants.
Case No. 89C6319
Court No. 9
Chapter 60

NOTICE OF SHERIFF'S SALE

By virtue of an Order of Sheriff's Sale issued to me out of the said District Court in the above-entitled action, I will on the 29th day of September, 1992, at 10:00 o'clock a.m. of said day, at the front door of the courthouse, in the County of Johnson, State of Kansas, offer at public sale, and sell to the highest and best bidder for cash in hand, the following described real estate, to wit:

All that part of the West 1/2 of the Northwest 1/4 of Section 8, Township 12, Range 25, now in the City of Mission, Johnson County, Kansas, more particularly described as follows: Commencing at the Southwest corner of the Northwest 1/4 of said Section 8; thence South 89 degrees 47' 38" East, along the South line of the Northwest 1/4 of said Section 8, a distance of 1329.49 feet, to the Southeast corner of the West 1/2 of the Northwest 1/4 of said Section 8, said point also being on the Southerly extension of the West line of MISSION MEADOWS, a subdivision of land now in the City of Mission, Johnson County, Kansas; thence North 0 degrees 14' 54" West, along the East line of the West 1/2 of the Northwest 1/4 of said Section 8 and along the Southerly extension of the Westerly line of said MISSION MEADOWS, a distance of 947.74 feet, to the true point of beginning of subject tract; thence North 89 Degrees 47' 38" West, a distance of 568.67 feet; thence North 0 Degrees 12' 22" East, a distance of 16 feet; thence North 34 Degrees 29' 21" West, a distance of 31.62 feet; thence North 89 Degrees 47' 38" West, a distance of 42.51 feet, to a point on the Easterly Right-of-Way line of Broadmoor, as now established; thence Northerly, along the Easterly Right-of-Way line of said Broadmoor, said line being on a curve to the left, having a radius of 578.46 feet, a central angle of 10 Degrees 32' 08", and whose initial tangent bearing is North 10 Degrees 16' 18" East, a distance of 106.37 feet, to a point of tangency; thence North 0 Degrees 15' 50" West, along the Easterly Right-of-Way line of said Broadmoor, a distance or 204.31 feet, to a point on the Westerly extension of the Southerly Right-of-Way line of 57th Street, as now established; thence North 89 Degrees 46' 43" East, along the Southerly Right-of-Way line and its Westerly extension of said 57th Street, a distance of 619.16 feet, to a point on the East line of the West 1/2 of the Northwest 1/4 of said Section 8, said point also being on the Westerly line of said MISSION MEADOWS; thence South 0 Degrees 14'54" East, along the East line of the West 1/2 of the Northwest 1/4 of said Section 8 and along the West line of said MISSION MEADOWS, a distance of 356.78 feet, to the true point of beginning of subject tract.

The above-described real estate is taken as the property of the defendants M. Duane Drew and Diana L. Drew (in which the other parties in the aforesaid cases may claim some right, title or interest), and is directed by said Order of Sheriff's Sale to be sold, and will be sold without appraisement to satisfy said Order of Sheriff's Sale.

/s/ Fred R. Allenbrand
SHERIFF OF JOHNSON COUNTY, KANSAS
/s/ Harry E. Wigner, Jr., KS #11898
LATHROP & NORQUIST
40 Corporate Woods, Suite 1050
9401 Indian Creek Parkway
Overland Park, Kansas 66210
(913) 451-0820; FAX 451-0875
ATTORNEYS FOR: RESOLUTION TRUST CORPORATION AS RECEIVER FOR BLUE VALLEY FEDERAL SAVINGS AND LOAN ASSOCIATION, PLAINTIFF IN CASE NO. 88C485
9/8 9/15 9/22

CAPITOL FEDERAL V. EPP, ETAL.
First published in The Legal Record, Tuesday, September 8, 1992.

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

CAPITOL FEDERAL SAVINGS & LOAN ASSOCIATION, a corporation,
Plaintiff,
v.
HAROLD R. EPP, et al.,
Defendants.
K.S.A. Chapter 60
Case No. 92C 7314
Court No. 13

NOTICE OF SHERIFF'S SALE

By virtue of an Order of Sale issued to me out of the said District Court in the above entitled action, I will on the 1st day of October, 1992, at 10:00 o'clock a.m. of said day, at the front door of the court house, in the County of Johnson, State of Kansas, offer at public sale, and sell to the highest and best bidder for cash in hand, the following described real estate, to wit:

Lot 6, Block 2, PINEHURST ESTATES, 8th PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas.

/s/ Fred Allenbrand
Sheriff of Johnson County, Kansas
/s/ JOHN ANDERSON JR. #03674
Capitol Federal Building
9500 Nall, Suite 401
Overland Park, Kansas 66207
(913) 648-6332
ATTORNEY FOR PLAINTIFF
9/8 9/15 9/22

CAPITOL FEDERAL V. GIBBS, ETAL.
First published in The Legal Record, Tuesday, September 8, 1992.

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

CAPITOL FEDERAL SAVINGS & LOAN ASSOCIATION, a corporation,
Plaintiff,
v.
JOHN GIBBS and JOANNE GIBBS,
Defendants.
K.S.A. Chapter 60
Case No. 92C 3066
Court No. 9

NOTICE OF SHERIFF'S SALE

By virtue of an Order of Sale issued to me out of the said District Court in the above entitled action, I will on the 1st day of October, 1992, at 10:00 o'clock a.m. of said day, at the front door of the court house, in the County of Johnson, State of Kansas, offer at public sale, and sell to the highest and best bidder for cash in hand, the following described real estate, to wit:

Lot 175, except the North 5 feet and except the East 5 feet, HARMONY SOUTH, a subdivision in the City of Overland Park, Johnson County, Kansas.

/s/ Fred Allenbrand
Sheriff of Johnson County, Kansas
/s/ JOHN ANDERSON JR. #03674
Capitol Federal Building
9500 Nall, Suite 401
Overland Park, Kansas 66207
(913) 648-6332
ATTORNEY FOR PLAINTIFF
9/8 9/15 9/22

TURNER MARRIAGE
First published in The Legal Record, Tuesday, September 8, 1992.

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

In the Matter of the Marriage of:
TAMARA JOSEPHINE TURNER and
WARREN EARL TURNER
Case No. 92C10200
Court No. 4
K.S.A. Chapter 60

NOTICE OF SUIT

THE STATE OF KANSAS TO Warren Earl Turner, and all other persons who are and may be concerned:

You are hereby notified that a Petition for Annulment or in the Alternative for Divorce has been filed in the District Court of Johnson County, Kansas, by Tamara Josephine Turner praying for an annulment or in the alternative for a divorce from Warren Earl Turner. You are hereby required to plead to the Petition on or before the 27th day of October, 1992, in the District Court of Johnson County, Kansas, located in Olathe, Kansas. If you fail to plead, judgment and decree will be entered in due course upon the Petition.

/s/ TAMARA JOSEPHINE TURNER
Prepared by:
MARK T. JEFFERS #10233
Cloverleaf Building 3, Suite 506
6405 Metcalf Avenue
Overland Park, Kansas 66202
(913) 362-1220
Attorney for Petitioner
9/8 9/15 9/22

HERMAN MARRIAGE
First published in The Legal Record, Tuesday, September 8, 1992.

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

In the Matter of the Marriage of
CAROL ANN HERMAN
and
THOMAS C. HERMAN
Case No. 92 C 8712
Court No. 16
K.S.A. Chapter 60

NOTICE OF SUIT

The State of Kansas to Mr. Thomas C. Herman, Respondent herein, and all other persons who are or may be concerned:

You are hereby notified that a Petition has been filed in the District Court of Johnson County, Kansas praying for dissolution of this marriage and you are hereby required to plead to the Petition on or before the 26th day of October, 1992, in the Court at Olathe, Kansas. If you fail to plead, judgment will be entered in due course upon the Petition.

Carol Ann Herman
Petitioner
Respectfully Submitted,
/s/ Ronald W. Nelson — #11000
10990 Quivira, Suite 160
Overland Park, Kansas 66210
(913) 469-5300
ATTORNEY FOR PETITIONER
9/8 9/15/ 9/22

FEDERAL V. ON, ETAL.
ed in The Legal
sday, September

ing described real estate, to wit:

Lot 10, Block 43, HAVENCROFT, a subdivision in the City of Olathe, Johnson County, Kansas, according to

Chapter 60

NOTICE

YOU ARE HEREBY NOTIFIED that a Petition for a Change of Name has been filed

NOTICE OF SHERIFF'S SALE

UNDER and by virtue of an Order of Sale issued by the Clerk of the District Court in and for said County of Johnson, in a certain cause and said Court numbered 92 C 2893 wherein the parties above-named were respectively Plaintiff and Defendants, and to me, the undersigned Sheriff of said County directed, I will offer for sale at public auction and sell to the highest bidder for cash in-hand at the front door of the Courthouse in the City of Olathe in said County of Johnson, on Wednesday, the 23rd day of September, 1992 at 10:00 o'clock a.m. of said day, the following described real estate located in the County of Johnson, State of Kansas, to-wit:

Lot 12 Block 3, BLACKBOB TRAILS, a subdivision in the City of Olathe, Johnson County, Kansas.

SHERIFF OF JOHNSON COUNTY, KANSAS
Submitted and Approved By:
McDOWELL, RICE & SMITH
a Professional Corporation
By /s/ MICHAEL D. DOERING #13832
7101 College Boulevard
Suite 200
Overland Park, Kansas 66210
(913) 338-5400
ATTORNEY FOR PLAINTIFF
9/1 9/8 9/15

REGIONAL INVESTMENT V. FARNSWORTH, ETAL.
First published in The Legal Record, Tuesday, September 15, 1992.

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

REGIONAL INVESTMENT COMPANY
Plaintiff,
v.
JAMES E. FARNSWORTH, et. al.
Defendants.
Case No. 92C 4221
Division No. VI
K.S.A. Chapter 60

NOTICE OF SHERIFF'S SALE

By virtue of an Order of Sale *issued to me out of the said* District Court in the above-entitled action, I will on the 7th day of October, 1992 at 10 o'clock a.m. of said day at the front door of the Court House in Johnson County, Kansas in the City of Olathe, offer at public sale and sell to the best bidder for cash in hand, the following described real property:

Lot6, Block 1, LENEXA HILLS EAST, a subdivision in the City of Lenexa, Johnson County, Kansas, according to the recorded plat thereof.

Fred Allenbrand
Sheriff of Johnson County, Kansas
THOMAS G. NEFF
Supreme Court No. 09680
Oak Park Bank Building
11111 W. 95th Street
Suite #221
Overland Park, KS 66214
(913) 888-1250
9/15 9/22 9/29

U.S. BANCORP MORTGAGE V. DICKENS, ETAL.
First published in The Legal Record, Tuesday, September 15, 1992.

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

U.S. BANCORP MORTGAGE COMPANY, a corporation,
Plaintiff,
vs.
WILLIAM J. DICKENS and MARCHETA DICKENS, husband and wife;
TRACEY J. PETERS, a single person;
THOMAS E. LIKINS and PATRICIA E. LIKINS, husband and wife; and
MORTGAGE EXPRESS CORP.,
Defendants.
Case No. 92C-10158
Court No. 7
Pursuant to K.S.A. Chapter 60
Title to Real Estate Involved

NOTICE OF SUIT

THE STATE OF KANSAS TO the above-named defendants and the unknown heirs, executors, administrators, devisees, trustees, creditors and assigns of any deceased defendants; the unknown spouses of any defendants; the unknown officers, successors, trustees, creditors and assigns of any defendants that are existing, dissolved or dormant corporations; the unknown executors, administrators, devisees, trustees, creditors, successors and assigns of any defendants that are or were partners or in partnership; the unknown guardians, conservators and trustees of any defendants that are minors or are under any legal disability; and the unknown heirs, executors, administrators, devisees, trustees, creditors and assigns of any person alleged to be deceased, AND ALL OTHER PERSONS WHO ARE OR MAY BE CONCERNED:

You are hereby notified that a Petition has been filed in the District Court of Johnson County, Kansas, by U.S. Bancorp Mortgage Company, a corporation, praying for foreclosure of a real estate mortgage on the following described real estate, to-wit:

Lot 14, Block 17, MORNINGVIEW, a subdivision in the City of Overland Park, Johnson County, Kansas,

and you are hereby required to plead to said Petition on or before the 26th day of October, 1992, in said Court at Olathe, Johnson County, Kansas. Should you fail therein, judgment and decree will be entered in due course upon said Petition.

U.S. BANCORP MORTGAGE COMPANY
/s/David A. Eckles (Ks. #15045)
HAMANN HOLMAN SOUTHER McCOLLUM & HANSEN, P.C.
9233 Ward Parkway, Suite 240
Kansas City, Missouri 64114
(816) 822-8800
ATTORNEY FOR PLAINTIFF
9/15 9/22 9/29

ORDINANCE NO. 1306 C

AN ORDINANCE AMENDING SECTION 4-701 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PROPERTY MAINTENANCE REGULATIONS; ADOPTING REGULATIONS KNOWN AS THE "PROPERTY MAINTENANCE CODE, MINIMUM HOUSING CODE AND RENTAL INSPECTION PROGRAM OF THE CITY OF LEAWOOD, KANSAS"; AND REPEALING EXISTING SECTIONS RELATING TO THE "BOCA BASIC PROPERTY MAINTENANCE CODE, SECOND EDITION, 1981".

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

Section 1. Code Amended. That Section 4-701 of the Code of the City of Leawood is hereby amended to read as follows:

4-701. PROPERTY MAINTENANCE CODE INCORPORATED BY REFERENCE. That there is hereby incorporated by reference as fully as if set forth herein, for the purpose of insuring public health, safety and welfare in the City of Leawood insofar as they are affected by the maintenance of structures and premises, that certain document known as the "Property Maintenance Code, Minimum Housing Code and Rental Inspection Program of the City of Leawood, Kansas", dated January 1, 1993 prepared and published in book form by the City of Leawood, Kansas, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three (3) copies of said document shall be marked or stamped "Official Copy" and to which shall be attached a copy of this ordinance, and filed in the Office of the City Clerk to be open to inspection and available to the public during regular office hours.

Section 2. Repeal of Existing Sections. That existing Sections 4-701, 4-702, 4-703, 4-704, 4-705, 4-706, 4-707, 4-708, and 4-709 of the Code of the City of Leawood are hereby repealed. (Prior law: Sec. 4-703 previously amended by Ordinance No. 852C; Sec. 4-705 previously amended by Ordinance No. 960C)

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after January 1, 1993.

Passed by the Council the 8th day of September, 1992.

Approved by the Mayor the 8th day of September, 1992.

(S E A L)

Marcia Rinehart Mayor

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;
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 [illegible]d of general paid circulation on a weekly, monthly or yearly [illegible]is in Johnson County, Kansas, is not a trade, religious or [illegible]ternal 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:

9/15/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
9/15/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $18.18

Ord. No. 1306 C

ORD. 1306 C

First published in The Legal Record, Tuesday, September 15, 1992.

ORDINANCE NO. 1306 C

AN ORDINANCE AMENDING SECTION 4-701 OF THE CODE OF THE CITY OF LEAWOOD RELATING TO PROPERTY MAINTENANCE REGULATIONS; ADOPTING REGULATIONS KNOWN AS THE "PROPERTY MAINTENANCE CODE, MINIMUM HOUSING CODE AND RENTAL INSPECTION PROGRAM OF THE CITY OF LEAWOOD, KANSAS"; AND REPEALING EXISTING SECTIONS RELATING TO THE "BOCA BASIC PROPERTY MAINTENANCE CODE, SECOND EDITION, 1981".

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

Section 1. Code Amended. That Section 4-701 of the Code of the City of Leawood is hereby amended to read as follows:

4-701. PROPERTY MAINTENANCE CODE INCORPORATED BY REFERENCE. That there is hereby incorporated by reference as fully as if set forth herein, for the purpose of insuring public health, safety and welfare in the City of Leawood insofar as they are affected by the maintenance of structures and premises, that certain document known as the "Property Maintenance Code, Minimum Housing Code and Rental Inspection Program of the City of Leawood, Kansas", dated January 1, 1993 prepared and published in book form by the City of Leawood, Kansas, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. No fewer than three (3) copies of said document shall be marked or stamped "Official Copy" and to which shall be attached a copy of this ordinance, and filed in the Office of the City Clerk to be open to inspection and available to the public during regular office hours.

Section 2. Repeal of Existing Sections. That existing Sections 4-701, 4-702, 4-703, 4-704, 4-705, 4-706, 4-707, 4-708, and 4-709 of the Code of the City of Leawood are hereby repealed. (Prior law: Sec. 4-703 previously amended by Ordinance No. 852C; Sec. 4-705 previously amended by Ordinance No. 960C)

Section 3. Take Effect. That this ordinance shall take effect and be in force from and after January 1, 1993.

Passed by the Council the 8th day of September, 1992.

Approved by the Mayor the 8th day of September, 1992.

(S E A L)

Marcia Rinehart — Mayor

Martha Heizer — City Clerk

APPROVED FOR FORM:

R.S. Wetzler — City Attorney

ORDINANCE NO. 1305

AN ORDINANCE ESTABLISHING THE 1993 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

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

28-317. Section 1. 1993 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 1993 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge + Customer Service Charge + Replacement Cost Charge;

Volume Charge = $1.3424 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 = $70.70 per user per unit;

Replacement Cost = $36.78/account (for 1993);

Special Charge = $25.70/account; Debt Service, Public Works Facility; Sanitary Sewer Projects

28-318. 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 17th day of August, 1992.

Approved by the Mayor the 17th day of August, 1992.

(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

August 10, 1992

TO: **Martha Heizer , City Clerk**

FROM: **Ronald Brandt P.E., Director of Public Works**

SUBJECT: **1993 Leawood Sanitary Sewer System**
Sewer User Charge

The following is the cost allocation in accordance with Chapter XV of the City Code.

Treatment Cost Allocations:

Treatment Cost (KC,Missouri Contract)		$463,000	$463,000
Personal Services:			
Wages @ 90%		221,942	
Overtime Wages		10,000	
Workmens Compensation @ 90%		6,829	
Employee Benefit Allocation		25,992	
Indirect Labor Cost @ 90%		20,652	
Social Security			
Unemployment Compensation			
KPERS			
Insurance			
	Total	**285,415**	**285,415**
Legal Services @ 25%		250	
	Total	**250**	**250**
Vehicle Cost			
Liability Insurance		8,400	
Vehicle Insurance		8,200	
vehicle Maintenance		1,000	
Fuel, Oil and Lubricants		7,500	
Vehicle Parts		1,000	
Tires		1,000	
	Total	**27,100**	**27,100**
Equipment Cost			
Rental		600	
Equipment Insurance		1,000	
Communication Maintenance		1,000	
Small Tools		500	
Equipment Parts		2,500	
Equipment Insurance		1,975	
Equipment Purchases		25,080	
	Total	**32,655**	**32,655**

Materials and Supplies	Total	7,500	7,500
Miscellaneous (Rodent Control)	Total	1,300	1,300

Total Treatment Cost Allocation: 817,220

Customer Service Cost Allocation

Wages @ 10%	24,660	
Indirect Labor Costs @ 10%	2,295	
Workmens Compensation @ 10%	759	
Office Supplies/Film	1,000	
Uniform Rental and Accessories	3,080	
Office Equipment	2,000	
Furniture and Fixtures	1,000	
Printing, Notices and Recording Fee	250	
Administrative Expenses	71,560	
Legal Service @ 75%	750	
Engineering Services	10,000	
Medical Examinations	500	
Training, Seminars & Prof. Organization	1,590	
Water Usage Data	800	
Billing Cost (Jo. Co.)	400	
Utility Allocation	4,708	
Insurance (Self Insured)	3,000	
Total Customer Service Cost:	**128,352**	**128,352**

Usage Data:

Contributed Flow	437,000,000 Gallons
Infiltration/Inflow	200,000,000 Gallons
Total Flow	637,000,000 Gallons
Number of Connections	5,438 Connections
Treatment Cost Allocation	$ 817,220.00
Customer Service Cost	$ 128,352.00
Repair & Replacement Cost	$ 400,000.00
Debt Repayment	$ 139,776.00

The following calculations are used to determine the Annual User Cost to Users of to the Leawood Sanitary Sewer System.

Volume Charge (VC):
VC= Treatment Cost\ Total Flow in 1,000 Gallons
VC= $817,220\ 637,000 (1000 gal.)
VC= $1.2829\1000 Gallons

Customer Service Charge (CS)
CS= Service Cost + (I/I)X(VC) \ Number of Connections
CS=($128,352 + 200,000 x $1.2829)\ 5,438
CS= $ 70.78 per Connection

1993 Sanitary Sewer User Costs
Page 3

Replacement and Repair Costs (RC):
RC= Replacement and Repair Cost / No. of Connections
RC= $400,000.00 / 5438 Connections
RC= $73.56 per Connection

1993 Calculated Sanitary Sewer User Costs

VOLUME CHARGE:	$ 1.2829 per 1000 Gal.
CUSTOMER SERVICE CHARGE:	70.70 per Connection
REPLACEMENT & REPAIR CHARGE	73.56 per Connection

1992 Rate Comparison
Minimum user 33,000 Gallon per Year

	Year 1992		Year 1993	
Volume Charge	1.3424	44.30	1.2829	42.34
Customer Service Charge	102.14	102.14	70.70	70.70
Replacement & Repair Charge	0.00	0.00	73.56	73.56
Total		**146.44**		**186.60**

Average User 80,000 Gallons per Year

Volume Charge	1.3424	107.39	1.2829	102.63
Customer Service Charge	102.14	102.14	70.70	70.70
Replacement & Repair Charge	0.00	0.00	73.56	73.56
Total		**209.53**		**246.89**

Minimum User Increase	27.42%
Average User Increase	17.83%
User Revenue Generated	$ 1,342,493.00
Revenue Required	$ 1,139,446.00 Surplus $ 203047.00

Recommended 1993 Sanitary Sewer User Fee

Volume Charge	1.3424	per 1000 Gallons
Customer Service Charge	70.70	per Connection
Replacement & Repair Charge	36.78	per Connection

Minimum User Costs (33,000 Gal/Year)

Volume Charge	1.3424	$ 44.30
Customer Service Charge	70.70	$ 70.70
Replacement & Repair Charge	36.78	$ 36.78
	Total:	**$151.78**

Average User Cost (80,000 Gallons per Year)

Volume Charge	1.3424	$107.39
Customer Service Charge	70.70	$ 70.70
Replacement & Repair Charge	36.78	$ 36.78
	Total:	**$214.87**

Comparison with Adopted 1992 Sanitary Sewer User Charge

Minimum User Increase	3.65%	
Average User Increase	2.54%	
User revenue Generated	$1,171,106	
Revenue Required	$1,139,446	Surplus $ 31,660.00
	2.77% covers deliquencies	

1993 Special Billing (SB)

Special Billing for Debt Repayment for the Public Works Maintenance Facility, Somerset & Lee Sanitary Sewer Reconstruction, and the 83rd St. Sanitary Sewer Relief System. The following debt remains outstanding with final payouts shown in parenthesis.

Public Works Facility	$196,250.00	(2002)
Public Works Salt Storage	3,623.00	(1997)
Sanitary Sewer Projects	345,000.00	(1997)
Refunding	124,260.00	(1999)

The 1993 debt repayment of $139,776.00 including principal and interest is simply divided by the number of connections to the Sanitary Sewer System. This tabulation is shown below:

Bond Principal Repayment	$88,406.00
Bond Interest Payment	51,373.00
Number of Connections	5,438

Special Bill (SB):
SB= Principal + Interest \ Number of Connections
SB= $88,406.00 +$51,373.00 \ 5,438
SB $139,776 \ 5,438
SB= $25.70 per Connection

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;
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:

8/18/92

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/18/92

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $18.18

Ord. No. 1305

ORD. 1305

First published in The Legal Record, Tuesday, August 18, 1992.

ORDINANCE NO. 1305

AN ORDINANCE ESTABLISHING THE 1993 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

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

Section 1. 1993 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 1993 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge + Customer Service Charge + Replacement Cost Charge;

Volume Charge = $1.3424 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 = $70.70 per user per unit;

Replacement Cost = $36.78/account (for 1993);

Special Charge = $25.70/account; Debt Service, Public Works Facility; Sanitary Sewer Projects

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 17th day of August, 1992.

Approved by the Mayor the 17th day of August, 1992.

(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

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;
[illegible]bra Dziadura, of lawful age, being first duly sworn, deposes and [illegible]s 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:

8/25/92

Debra L. Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/25/92

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $18.18

Ord. No. 1305

ORD. 1305
First published in The Legal Record, Tuesday, August 25, 1992.

ORDINANCE NO. 1305

AN ORDINANCE ESTABLISHING THE 1993 ANNUAL ASSESSMENT FOR THE LEAWOOD SEWER SYSTEM.

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

Section 1. 1993 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 1993 annual assessment for all users of the Leawood Sewer System:

User Charge = Volume Charge + Customer Service Charge + Replacement Cost Charge;

Volume Charge = $1.3424 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 = $70.70 per user per unit;

Replacement Cost = $36.78/account (for 1993);

Special Charge = $25.70/account; Debt Service, Public Works Facility; Sanitary Sewer Projects

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 17th day of August, 1992.

Approved by the Mayor the 17th day of August, 1992.

(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. 1304

AN ORDINANCE ACCEPTING A PUBLIC UTILITY EASEMENT REQUIRED FOR THE CITY HALL PROJECT, 117TH STREET & ROE AVENUE.

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

19-6,255. Section 1. That the City of Leawood hereby accepts a public utility easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described easement, to wit:

From Ninety-Five West, L.P.: All of the South 55 feet of the West 250 feet of the NW 1/4 of the SE 1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes.

19-6,256. 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 17th day of August, 1992.

Approved by the Mayor the 17th day of August, 1992.

(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

2170837 / ORIGINAL COMPARED WITH RECORD

PUBLIC UTILITY EASEMENT

THIS AGREEMENT, made 26th day of May, 1992, between NINETY-FIVE WEST, L.P., a Delaware limited partnership owners of property herein described, hereinafter known as 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, hereinafter known as Party of the Second Part:

WITNESSETH:

In consideration of the sum of TEN DOLLARS, receipt of which is hereby acknowledged, the undersigned Party of the First Part does hereby convey and release to the Party of the Second Part a perpetual utility easement over and across property of the Party of the First Part designated and described, to wit:

> All of the South 55 feet of the West 250 feet of the NW 1/4 of the SE 1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes

for the purposes of installing and maintaining a public water main and other underground public utilities and for all necessary purposes in connection with laying, constructing, maintaining and repairing underground public utilities over the aforedescribed property.

Party of the First Part and its heirs, executors, administrators, successors and assigns hereby waives and releases to Party of the Second Part any and all claims for any and all damages to grantor's remaining property contiguous to the easement hereby conveyed by reason of the location, construction, landscaping or maintenance of said easement, provided however that following installation, construction, maintenance or repair of utilities within said easement, Party of the Second Part shall restore the property within said easement to the condition which existed prior to said installation, construction, maintenance or repair.

IN WITNESS WHEREOF said Party of the First Part has hereunto set 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: Mark A. Morgan
Vice President

Attest: (Seal)

By: Norman A. Smith
Assistant Secretary

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

1992 OCT -5 A 10:05

SARA F. ULLMANN
REGISTER OF DEEDS

8.00 ck

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) SS
COUNTY OF _____)

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 Term Expires:

_____

CORPORATE ACKNOWLEDGEMENT

STATE OF Missouri)
) SS
COUNTY OF Clay)

BE IT REMEMBERED that on this 25th day of September, 19 92, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Mark A. Morgan, 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
Angela Sue Matney

My Term Expires:

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

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;
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:

8/18/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/18/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $14.54

Ord. No. 1304

ORD. 1304

First published in The Legal Record, Tuesday, August 18, 1992.

ORDINANCE NO. 1304

AN ORDINANCE ACCEPTING A PUBLIC UTILITY EASEMENT REQUIRED FOR THE CITY HALL PROJECT, 117TH STREET & ROE AVENUE.

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

Section 1. That the City of Leawood hereby accepts a public utility easement, along with the restrictions and reservations set forth therein, granting the City of Leawood the following described easement, to wit:

From Ninety-Five West, L.P.: All of the South 55 feet of the West 250 feet of the NW 1/4 of the SE 1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all subject to that part thereof dedicated for street purposes.

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 17th day of August, 1992.

Approved by the Mayor the 17th day of August, 1992.

(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. 1303 C

AN ORDINANCE AMENDING SECTION 11-307 OF THE CODE OF THE CITY OF LEAWOOD; PROVIDING FOR APPEALS OF NUISANCE ALARM ASSESSMENTS.

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

Section 1. Code Amended. That Section 11-307 of the Code of the City of Leawood is hereby amended to read as follows:

11-307. APPEALS. An alarm user who desires to appeal a fee imposed by Section 11-306 shall submit a written request for a hearing to the Chief of Police, who shall notify the Governing Body. The Governing Body shall then direct the Property Maintenance Code Appeals Board to meet and consider the appeal.

Section 2. Repeal of Existing Section. That existing Section 11-307 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 17th day of August, 1992.

Approved by the Mayor the 17th day of August, 1992.

(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;
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:

8/18/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/18/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $14.54

Ord. No. 1303C

ORD. 1303 C

First published in The Legal Record, Tuesday, August 18, 1992.

ORDINANCE NO. 1303 C

AN ORDINANCE AMENDING SECTION 11-307 OF THE CODE OF THE CITY OF LEAWOOD; PROVIDING FOR APPEALS OF NUISANCE ALARM ASSESSMENTS.

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

Section 1. Code Amended. That Section 11-307 of the Code of the City of Leawood is hereby amended to read as follows:

11-307. APPEALS. An alarm user who desires to appeal a fee imposed by Section 11-306 shall submit a written request for a hearing to the Chief of Police, who shall notify the Governing Body. The Governing Body shall then direct the Property Maintenance Code Appeals Board to meet and consider the appeal.

Section 2. Repeal of Existing Section. That existing Section 11-307 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 17th day of August, 1992.

Approved by the Mayor the 17th day of August, 1992.

(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

CITY OF LEAWOOD, KANSAS
ORDINANCE NO. 1302

AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT IN THE CITY OF LEAWOOD, KANSAS PURSUANT TO K.S.A. 12-1770 *ET SEQ.*

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

28-501. SECTION 1: The following described property is hereby established and designated as the 103rd Terrace Redevelopment District pursuant to the provisions of K.S.A. 12-1770 *et seq.*:

Commencing at a point on the west right-of-way line of State Line Road, said point being located 180 feet southwest of the southwest corner of the intersection of State Line Road and 103rd Street; thence southerly along the west right-of-way line of State Line Road to the northern right-of-way line of 104th Street; thence westerly along the northern right-of-way line of 104th Street to the James Branch of Indian Creek; thence northwesterly along the James Branch approximately 956 feet; thence easterly along the Indian Creek 100 year flood limit line approximately 395 feet; thence northeasterly approximately 83 feet; thence northerly approximately 418 feet to a point approximately 110 feet south of the southerly right-of-way of 103rd Street; thence easterly to the point of origin.

SECTION 2. This ordinance shall take effect upon its publication in the official City newspaper.

PASSED by the City Council on this 3rd day of August, 1992. Approved by the Mayor this 3rd day of August, 1992.

(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:
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:

8/4/92

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/4/92

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $18.18

Ord. No. 1302

ORD. 1302
First published in The Legal Record, Tuesday, August 4, 1992.

CITY OF LEAWOOD, KANSAS
ORDINANCE NO. 1302
AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT IN THE CITY OF LEAWOOD, KANSAS PURSUANT TO K.S.A. 12-1770 *ET SEQ.*

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

SECTION 1: The following described property is hereby established and designated as the 103rd Terrace Redevelopment District pursuant to the provisions of K.S.A. 12-1770 *et seq.*:

Commencing at a point on the west right-of-way line of State Line Road, said point being located 180 feet southwest of the southwest corner of the intersection of State Line Road and 103rd Street; thence southerly along the west right-of-way line of State Line Road to the northern right-of-way line of 104th Street; thence westerly along the northern right-of-way line of 104th Street to the James Branch of Indian Creek; thence northwesterly along the James Branch approximately 956 feet; thence easterly along the Indian Creek 100 year flood limit line approximately 395 feet; thence northeasterly approximately 83 feet; thence northerly approximately 418 feet to a point approximately 110 feet south of the southerly right-of-way of 103rd Street; thence easterly to the point of origin.

SECTION 2. This ordinance shall take effect upon its publication in the official City newspaper.

PASSED by the City Council on this 3rd day of August, 1992. Approved by the Mayor this 3rd day of August, 1992.

(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. 1335
Adopted: 3/15/93
Effective:

ORDINANCE NO. 1301

AN ORDINANCE AMENDING SECTION 4-3 (SPECIAL USES) OF THE SUPPLEMENT OF AMENDMENTS TO THE LEAWOOD DEVELOPMENT ORDINANCE TO ALLOW CERTAIN SHORT TERM SPECIAL USES TO BE APPROVED BY THE STAFF.

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

Section 1. Supplement to the Leawood Development Ordinance Amended. That Section 4-3 of the supplement known as "Amendment of Leawood Development Ordinance", dated December 16, 1991 is hereby amended to read as follows:

4-3 SPECIAL USE PROVISIONS

4-3.1 **Special Uses Designated:** Any of the following uses may be located in any district by Special Use Permit of the Governing Body after notification of adjacent and abutting property owners, public hearing, and after recommendation of the Plan Commission, under such conditions as to operation, site development, signs, and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of the neighboring property, and will conform to the general intent and purpose of this Ordinance and shall comply with the height and area regulations of the district in which they may be located unless a variance is specifically granted by the Board of Zoning Appeals.

1) Amusement parks, privately-owned baseball or athletic fields, race tracks;

2) Aviation fields or airports, under such restrictions as may be imposed to control noise, promote safety, and prevent undue danger to aircraft or to surrounding property;

3) Cemeteries, mausoleums, or crematories for the disposal of the dead;

4) Public and private schools;

5) Churches, synagogues and other places of worship;

6) Clubs, including those where alcoholic beverages are consumed;

7) Drive-in theaters;

8) Golf driving ranges, commercial or illuminated;

9) Gun clubs, skeet shoots, or target ranges;

10) Hospitals; special care facilities for humans; not to include Group Homes as defined herein.

11) Campgrounds, picnic groves and fishing lakes, including minor and incidental concession facilities for patrons only;

Repealed by:
ORDINANCE NO. 11335
Adopted: 3/15/93
Effective: /

12) Nursery sales office, building greenhouse, or area (wholesale or retail);

13) Nursing and convalescent homes; housing for the elderly; retirement centers and communities; not to include Group Homes as defined herein.

14) Outdoor poster panels or billboards; off-site promotional signs;

15) Veterinary clinics, dog kennels;

16) Radio, television and microwave towers;

17) Television and amateur radio antennae exceeding district height limitations.

18) Reservoirs, towers, filter beds, or water treatment plants;

19) Riding stables and tracks;

20) Wastewater treatment plant;

21) Motor hotels, motels, hotels, and convention centers;

22) Buildings, structures, and premises for public utility services, or public service corporations;

23) Temporary use of land or building for commercial or industrial purposes, provided that any building or structure constructed thereon which is not otherwise permitted in the District in which such land is situated shall be temporary, and any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall be valid for not more than 2 years but may be renewed after public hearing;

24) Assembly halls, community centers, philanthropic organizations;

25) Child care centers, family day care homes, preschools, nursery schools, Montessori schools, private kindergartens, day care homes and group day care homes; not to include Group Homes as defined herein.

26) Off-street parking lots or off-street parking structures of a temporary or permanent nature;

27) Group boarding home for minors or adults; not to include Group Homes as defined herein.

28) Private ambulance service;

29) Bed and breakfast;

Repealed by:
ORDINANCE NO. 1335
Adopted: 3/15/93
Effective:

30) Horse pasturing on lots of less than 3 acres in residential districts.

31) The Director of Planning may upon application by the proponent issue an Administrative Special Use Permit for the use of a specified parcel of land for such temporary short-term uses as trade shows, street fairs, expositions, promotional ventures, entertainment, seasonal sales, balloons, search lights, and tents, provided the following conditions are met:

a) The applicant shall submit in written form a complete description of the proposed use, including estimated accumulation of automobiles and persons, hours of operation, and other characteristics and effects on the neighborhood.

b) The applicant shall submit a site plan showing the location of any proposed structure.

c) The short-term special use shall not be operated longer than 10 consecutive days.

d) No more than 3 special event permits per calendar year shall be issued administratively at any location. Any additional permits may be granted by the Governing Body.

e) Upon the cessation of the short-term special use, all materials and equipment shall be promptly removed and the property restored to its normal condition.

f) Any structure used in conjunction with the special event shall be the subject of a valid building permit or tent permit.

g) The special event shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, and traffic controls.

h) The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.

i) The special event shall not impair the usefulness, enjoyment or value of adjacent property due to he generation of excessive noise, smoke, odor, glare, litter or visual pollution.

j) If, after giving full consideration to the effect of the requested special use on the neighborhood and the community, the Director of Planning deems the special use reasonable, the special use permit for

Repealed by:
ORDINANCE NO. 1335
Adopted: 3/15/93
Effective: / /

the short-term use may be approved. Conditions of operation, provision for surety bond, and other reasonable safeguards may be written into the special use permit. Such permit may be approved in any zoning district.

Any applicant denied an Administrative Special Use Permit shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Governing Body.

Section 2. Existing Section Repealed. That existing Section 4-3 of the supplement known as "Amendment of Leawood Development Ordinance", dated December 16, 1991 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 3rd day of August, 1992.

Approved by the Mayor the 3rd day of August, 1992.

(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;
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:

8/4/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
8/4/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $65.45

Ord. No. 1301

ORD. 1301

First published in The Legal Record, Tuesday, August 4, 1992

ORDINANCE NO. 1301

AN ORDINANCE AMENDING SECTION 4-3 (SPECIAL USES) OF THE SUPPLEMENT OF AMENDMENTS TO THE LEAWOOD DEVELOPMENT ORDINANCE TO ALLOW CERTAIN SHORT TERM SPECIAL USES TO BE APPROVED BY THE STAFF.

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

Section 1. Supplement to the Leawood Development Ordinance Amended. That Section 4-3 of the supplement known as "Amendment of Leawood Development Ordinance", dated December 16, 1991 is hereby amended to read as follows:

4-3 SPECIAL USE PROVISIONS

4-3.1 Special Uses Designated: Any of the following uses may be located in any district by Special Use Permit of the Governing Body after notification of adjacent and abutting property owners, public hearing, and after recommendation of the Plan Commission, under such conditions as to operation, site development, signs, and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of the neighboring property, and will conform to the general intent and purpose of this Ordinance and shall comply with the height and area regulations of the district in which they may be located unless a variance is specifically granted by the Board of Zoning Appeals.

1) Amusement parks, privately-owned baseball or athletic fields, race tracks;

2) Aviation fields or airports, under such restrictions as may be imposed to control noise, promote safety, and prevent undue danger to aircraft or to surrounding property;

3) Cemeteries, mausoleums, or crematories for the disposal of the dead;

4) Public and private schools;

5) Churches, synagogues and other places of worship;

6) Clubs, including those where alcoholic beverages are consumed;

7) Drive-in theaters;

8) Golf driving ranges, commercial or illuminated;

9) Gun clubs, skeet shoots, or target ranges;

10) Hospitals; special care facilities for humans; not to include Group Homes as defined herein.

11) Campgrounds, picnic groves and fishing lakes, including minor and incidental concession facilities for patrons only;

12) Nursery sales office, building greenhouse, or area (wholesale or retail);

13) Nursing and convalescent homes; housing for the elderly; retirement centers and communities; not to include Group Homes as defined herein.

14) Outdoor poster panels or billboards; off-site promotional signs;

15) Veterinary clinics, dog kennels;

16) Radio, television and microwave towers;

17) Television and amateur radio antennae exceeding district height limitations.

18) Reservoirs, towers, filter beds, or water treatment plants;

19) Riding stables and tracks;

20) Wastewater treatment plant;

21) Motor hotels, motels, hotels, and convention centers;

22) Buildings, structures, and premises for public utility services, or public service corporations;

23) Temporary use of land or building for commercial or industrial purposes, provided that any building or structure constructed thereon which is not otherwise permitted in the District in which such land is situated shall be temporary, and any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall be valid for not more than 2 years but may be renewed after public hearing;

24) Assembly halls, community centers, philanthropic organizations;

25) Child care centers, family day care homes, preschools, nursery schools, Montessori schools, private kindergartens, day care homes and group day care homes; not to include Group Homes as defined herein.

26) Off-street parking lots or off-street parking structures of a temporary or permanent nature;

27) Group boarding home for minors or adults; not to include Group Homes as defined herein.

28) Private ambulance service;

29) Bed and breakfast;

30) Horse pasturing on lots of less than 3 acres in residential districts.

31) The Director of Planning may upon application by the proponent issue an Administrative Special Use Permit for the use of a specified parcel of land for such temporary short-term uses as trade shows, street fairs, expositions, promotional ventures, entertainment, seasonal sales, balloons, search lights, and tents, provided the following conditions are met:

a) The applicant shall submit in written form a complete description of the proposed use, including estimated accumulation of automobiles and persons, hours of operation, and other characteristics and effects on the neighborhood.

b) The applicant shall submit a site plan showing the location of any proposed structure.

c) The short-term special use shall not be operated longer than 10 consecutive days.

d) No more than 3 special event permits per calendar year shall be issued administratively at any location. Any additional permits may be granted by the Governing Body.

e) Upon the cessation of the short-term special use, all materials and equipment shall be promptly removed and the property restored to its normal condition.

f) Any structure used in conjunction with the special event shall be the subject of a valid building permit or tent permit.

g) The special event shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections, and traffic controls.

h) The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.

i) The special event shall not impair the usefulness, enjoyment or value of adjacent property due to he generation of excessive noise, smoke, odor, glare, litter or visual pollution.

j) If, after giving full consideration to the effect of the requested special use on the neighborhood and the community, the Director of Planning deems the special use reasonable, the special use permit for the short-term use may be approved. Conditions of operation, provision for surety bond, and other reasonable safeguards may be written into the special use permit. Such permit may be approved in any zoning district.

Any applicant denied an Administrative Special Use Permit shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Governing Body.

Section 2. Existing Section Repealed. That existing Section 4-3 of the supplement known as "Amendment of Leawood Development Ordinance", dated December 16, 1991 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 3rd day of August, 1992.

Approved by the Mayor the 3rd day of August, 1992.

(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. 1300

AN ORDINANCE ACCEPTING A PERMANENT DRAINAGE EASEMENT.

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

19-6,253. 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 the following described permanent easement, to wit:

From Hallbrook Farms Associates: Beginning at the Southeast corner of Lot 8, Block 4, First Plat, Hallbrook Farms in Leawood, Johnson County, Kansas; thence South 87°44′ 26.09" West, 41.93 feet to the true point of beginning of a ten (10) foot wide drainage easement; thence South 87°44′ 26.09" West, 111.58 feet; thence North 9°26′ 4.16" West, 10.08 feet; thence North 87°44′ 26.09" East, 108.88 feet; thence North 44° 31′ 16.09" East, 60.62 feet; thence South along a curve having a radius of 775.00 feet, 13.03 feet to the true point of beginning. Containing 1686.50 square feet more or less.

19-6,254. 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 20th day of July, 1992.

Approved by the Mayor the 20th day of July, 1992.

(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

A0J92 00184

ORIGINAL COMPARED WITH RECORD

PERMANENT DRAINAGE EASEMENT

2139080

This agreement made and entered into this 26th day of March, 1992, by and between the City of Leawood, Second Part and Hallbrook Farms Associates, 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:

BEGINNING AT THE SOUTH EAST CORNER OF LOT 8, BLOCK 4, FIRST PLAT, HALLBROOK FARMS IN LEAWOOD, JOHNSON COUNTY, KANSAS; THENCE SOUTH 87° 44' 26.09" WEST, 41.93 FEET TO THE TRUE POINT OF BEGINNING OF A TEN (10) FOOT WIDE DRAINAGE EASEMENT; THENCE SOUTH 87° 44' 26.09" WEST, 111.58 FEET; THENCE NORTH 9° 26' 4.16" WEST, 10.08 FEET; THENCE NORTH 87° 44' 26.09" EAST, 108.88 FEET; THENCE NORTH 44° 31' 16.09" EAST, 60.62 FEET; THENCE SOUTH ALONG A CURVE HAVING A RADIUS OF 775.00 FEET, 13.03 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 1686.50 SQUARE FEET MORE OR LESS.

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

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

Hallbrook Farms Associates, L.P.
By: RDC, Inc., General Partner

Mel Lavery
Mel Lavery, President

ATTEST:

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

10.00 cash

1992 JUN 30 A 11: 57

SARA F. ULLMANN
REGISTER OF DEEDS

INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____ SS.

COUNTY OF _____

BE IT REMEMBERED, That on this _____ day of _____, 19_____, before me, the undersigned, a Notary Public in and for 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 las above written.

_____ Notary Public

My Commission Expires _____

CORPORATE ACKNOWLEDGMENT

STATE OF Kansas SS.

COUNTY OF Johnson

BE IT REMEMBERED, That on this 26 day of March, 19 92, said, came Mel Lavery, President of RDC, Inc.

_____,

a corporation duly organized, incorporated and existing under and by virtue of the laws of Kansas; and na,

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, RDC, Inc.

_____.

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

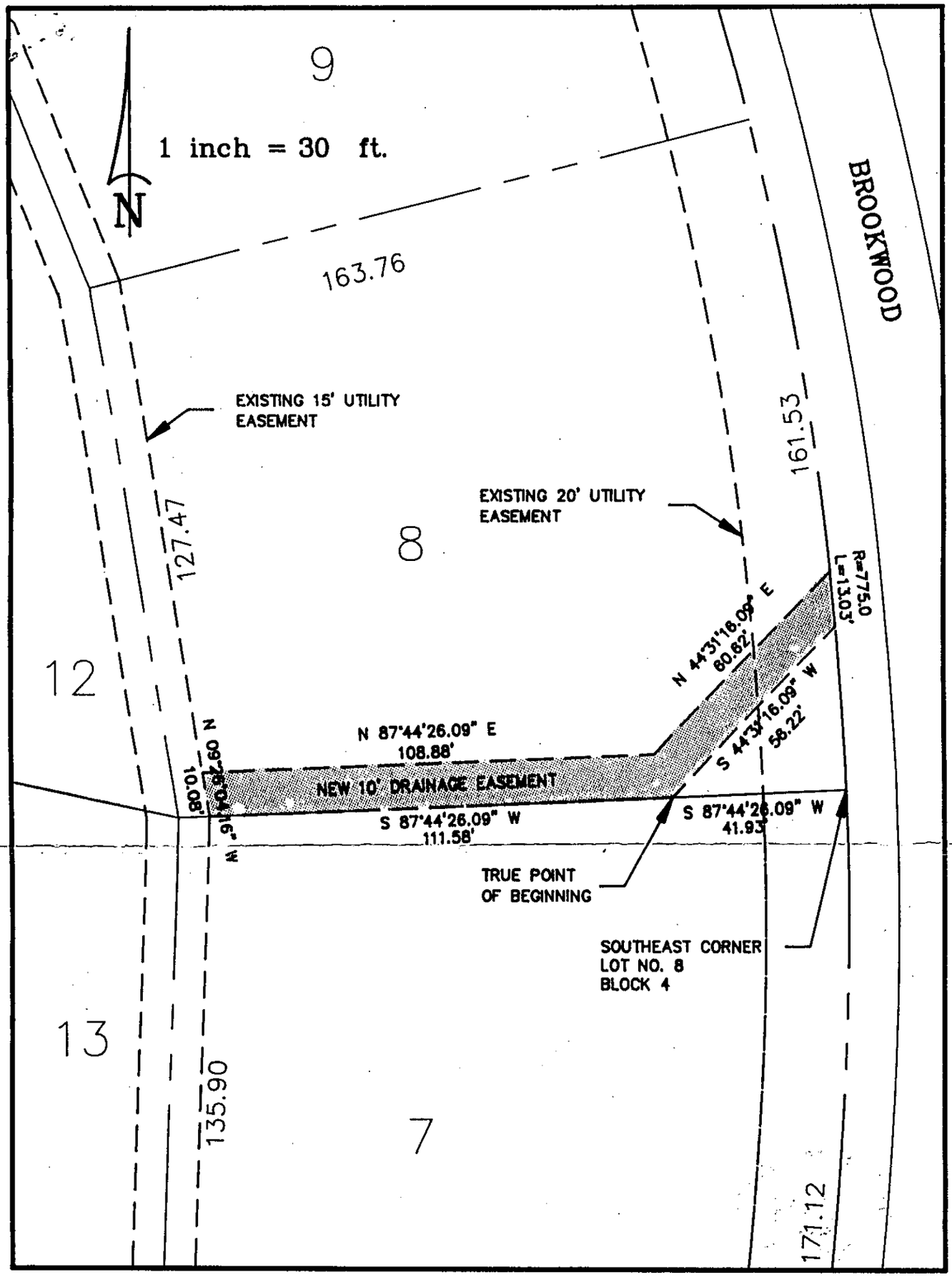
MARY ALICE TINKLER NOTARY PUBLIC STATE OF KANSAS

Mary Alice Tinkler

Notary Public

Mary Alice Tinkler

My Commission Expires: Jan 30, 1994



BEGINNING AT THE SOUTH EAST CORNER OF LOT 8, BLOCK 4, FIRST PLAT, HALLBROOK FARMS IN LEAWOOD, JOHNSON COUNTY, KANSAS; THENCE SOUTH 87° 44' 26.09" WEST, 41.93 FEET TO THE TRUE POINT OF BEGINNING OF A TEN (10) FOOT WIDE DRAINAGE EASEMENT; THENCE SOUTH 87° 44' 26.09" WEST, 111.58 FEET; THENCE NORTH 9° 26' 4.16" WEST, 10.08 FEET; THENCE NORTH 87° 44' 26.09" EAST, 108.88 FEET; THENCE NORTH 44° 31' 16.09" EAST, 60.62 FEET; THENCE SOUTH ALONG A CURVE HAVING A RADIUS OF 775.00 FEET, 13.03 FEET TO THE TRUE POINT OF BEGINNING. CONTAINING 1686.50 SQUARE FEET MORE OR LESS.

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;
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 entitled 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:

7/21/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
7/21/92

Notary Public

DANA LEWIS
Notary Public - State of Kansas

My appointment expires:
February 12, 1994

Publication Fees: $18.03

ORD. NO. 1300

ORD. 1300

First published in The Legal Record, Tuesday, July 21, 1992.

ORDINANCE NO. 1300

AN ORDINANCE ACCEPTING A PERMANENT DRAINAGE EASEMENT.

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 the following described permanent easement, to wit:

From Hallbrook Farms Associates: Beginning at the Southeast corner of Lot 8, Block 4, First Plat, Hallbrook Farms in Leawood, Johnson County, Kansas; thence South 87°44' 26.09" West, 41.93 feet to the true point of beginning of a ten (10) foot wide drainage easement; thence South 87°44' 26.09" West, 111.58 feet; thence North 9°26' 4.16" West, 10.08 feet; thence North 87°44' 26.09" East, 108.88 feet; thence North 44° 31' 16.09" East, 60.62 feet; thence South along a curve having a radius of 775.00 feet, 13.03 feet to the true point of beginning. Containing 1686.50 square feet 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 20th day of July, 1992.

Approved by the Mayor the 20th day of July, 1992.

(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. 1299 repealed by Ord. 1604, 8/19/96

AN ORDINANCE AMENDING SECTION 4-1 (ACCESSORY USES) OF THE LEAWOOD DEVELOPMENT ORDINANCE TO CLARIFY THE LOCATION OF TENNIS COURTS AND ACCESSORY FENCES IN RESIDENTIAL DISTRICTS.

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

Section 1. Leawood Development Ordinance Amended. That Section 4-1 of the Leawood Development Ordinance is hereby amended to read as follows:

4-1 ACCESSORY USES

4-1.1 General Conditions: All accessory buildings, structures, and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthy, disturbing so as to create a public nuisance and shall be located on the premises of the main use.

4-1.2 Location and Height of Accessory Uses, Buildings and Structures:

a) Location: No accessory use, building, or structure permitted by this ordinance may be located in a required yard, except as otherwise specifically authorized.

b) Location Exceptions:

1) Swimming pools, tennis courts and perimeter fences and play equipment shall maintain a minimum of 10 feet from side and rear property lines.

2) Fences other than tennis court perimeter fences, walls, and retaining walls may be placed on property line. Retaining walls so constructed to provide for a patio or similar use shall not be exempt from the minimum yard requirements set forth in this ordinance unless specifically authorized at development plan approval.

3) Concrete at grade patios may extend to property line.

c) Accessory Building and Structure Height Limitations: No accessory building or structure permitted by this ordinance shall exceed one floor level and a height of 15 feet measured from ground level. Agricultural (AG) District accessory uses and structures shall be exempt from this requirement.

4-1.3 Permitted Accessory Uses, Buildings and Structures: Accessory uses, buildings, and structures shall be permitted in the following districts.

a) Agricultural Districts

1) Any structure used in conjunction with a permitted use;

2) Any accessory use allowed in "R" districts may be used in conjunction with a single family home;

3) Signs permitted in Section 4-5 of this ordinance;

4) Windmills, wind-driven power generators are permitted provided that any such structure complies with all applicable zoning regulations.

5) Living quarters for farm attendants may be located in an accessory buildings in the Agricultural (AG) District provided the building code can be met.

b) Residential Districts

1) Solar collector provided that all components servicing the collector panel are concealed and all exposed metal shall be finished with warm earth tones or black, in color;

2) Satellite receiving dish antennae may be placed on the ground in rear yards. Adequate landscape screening shall be provided which prevents the antennae from being observed from any street or from surrounding properties at the time of installation. The Board of Zoning Appeals shall have the power to waive the screening requirement if the Board finds that an antenna cannot be seen from surrounding properties and 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, location, height, size and color and mounting of antennae. Maximum size of the dish to be 10 feet in diameter and 14 feet in height;

3) Readily moveable sports, recreation or outdoor cooking equipment;

4) In ground swimming pools;

5) Home Occupations; (See Section 4-8 of this ordinance);

6) Fence,walls and retaining walls (Sealed engineering plans shall be submitted and approved prior to construction of any wall or retaining wall 4 feet in height or higher);

7) Garage sales limited to 2 sales per year (4 days per sale);

8) Sample sales limited to 2 sales per year (4 days per sale;)

9) Children's play equipment including swing sets, jungle gyms, sandboxes, playhouses, and, other re-

lated equipment provided playhouses do not exceed 15 feet in total height measured from the ground to the highest point;

10) Flag pole;

11) Wood decks (attached);

12) Concrete patios including stone, brick, and pavers but not including asphalt;

13) Bath house, pool house, and cabana only in conjunction with swimming pools;

14) Statuary, arbors, trellises, firewood piles for home use;

15) Storage or parking of major recreational equipment including boats with trailers, pop-up campers, and motorized recreational vehicles, provided that such storage or parking shall be limited to private garages, rear yards screened from neighboring views of private homes and in the driveways of private homes. Such vehicles and equipment shall not encroach onto public property or obstruct any sidewalk and also provided that the placement of such vehicles and equipment shall be located on a hard surface asphalt pavement or concrete pad designed to accommodate such use;

16) Horse pasturing shall be permitted as an accessory use in Planned Large Lot Single Family Residential (RP-A) District provided that a minimum lot area of 3 acres can be maintained;

17) Hobby or craft activities operated by the occupant only provided that articles produced or constructed are not sold on the premises;

18) Signs permitted in Section 4-5 of this ordinance;

19) Mother's day out programs and preschools shall be permitted accessory uses in church, religious, educational, and community buildings.

20) An estate sale for purposes of this ordinance shall mean a sale conducted on the premises (lot or parcel of land) by the owner or said premises for the specific purpose of selling personal possessions and/or belongs that shall have been acquired or which have accumulated at said premises over the course of time. In no event shall "estate" include possessions that are not owned by resident or have been transferred to the site specifically for purposes of sale. Estate Sales shall be permitted provided the following conditions have been met:
a. Residents within 200 feet have been notified by

regular mail postmarked not less than 10 days prior to the date of the sale.
b. Means of parking and traffic control have been established and coordinated with the Police and Public Works Departments.
c. Signage shall be limited to that permitted by this ordinance.
d. Tents or other accessory structures; food vendors; and/or any other such atypical residential uses shall require Special Use Permits as provided in Section 4-3.1(31) dealing with temporary short term uses.
e. Sales limited to 1 per calendar year per location, operated for not more than 4 consecutive days during daylight hours.
f. Permit required.

21) Tennis courts and paved play areas, commonly referred to as "Sport Courts" provided the following are met:
a. All courts require a building permit.
b. Plans must be submitted to the city staff for approval. Said review shall be based upon compliance with the following standards: The need for screening to protect the privacy of adjoining properties, compatibility of any lighting, and surface runoff. These standards are to be considered minimums and other factors may be considerations at the discretion of the Director of Planning.
c. If a permit is denied, the applicant may appeal the decision to the Plan Commission.
d. Courts shall not be built in front of building lines and must be located at least 10 feet from a rear or side lot line. Screen plantings may be required within this area to muffle noise and block lights.
e. Fences for courts may be up to 12 feet in height and shall be of chain link fabric and shall be located at least 10 feet from a rear or interior side lot line.
f. Courts shall be designed so that the surface water will be carried to the street or storm drainage system on the owner's property, or by underground pipe to the public street or storm drainage system, or if across other ownerships, easements must be obtained.
g. All court lighting must be submitted to the Plan Commission for their approval. A lighting plan shall be submitted which indicates the lumins at the property line and distance to the nearest structures. The type of fixture shall be specified. A lighted court, if approved by the Plan Commission, may be required to have additional screening in order to mitigate the affect of lighting on any adjoining properties.

c) Planned Apartment House Residential (RP-3) and Planned Cluster Residential (RP-4) Districts (Additional Uses)

1) Parking areas; (plan approved)

2) Signs permitted in Section 4-5 of this ordinance;

3) Tenant used recreation facilities including minor buildings (plan approved);

4) Trash collection centers;

5) Power generators;

6) Vending machines located inside tenant buildings.

d) Office, Commercial, Industrial and Special Development Districts

1) Off street parking lots as approved in the final development plan;

2) Signs permitted in Section 4-5 of this ordinance;

3) Food service and vending machines located inside of a building;

4) Private garage for motor vehicles; (plan approved)

5) Living quarters for maintenance personnel;

6) Low level exterior lighting;

7) Flagpoles;

8) Health club for employees or tenants when located inside of the primary building;

9) Day care center for employees or tenants when located inside of the primary building;

10) Restaurants, cafeterias, drug stores, gift shops and newsstands when located inside of the building;

11) Fencing as approved in the final development plan;

12) Pharmaceutical sales, medicines,etc. when incidental to the practice of medicine in a medical office;

13) Eyeglass sales when incidental to the practice of optometry;

14) Satellite receiving dish antennae may be placed on the roof of a building provided that the antennae shall only be located on a flat roof and shall be screened from view. The screen shall be architecturally compatible with the structure as to shape, size, color and bulk;

15) Solar Collector (plan approved)

a) Any system incorporated into a commercial building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building are not permitted.

b) Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. All such energy systems mounted on accessory or detached buildings shall conform to the requirements outlined in paragraph (a). No freestanding panels or panel racks shall be allowed.

c) In an active or photovaltaic system, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, etc.

d) All exposed metal - including the framework of active collector panels or exposed mullions and framework of passive systems shall be of finished warm earth tones, or black, in color. Clear unpainted aluminum shall not be allowed.

4-1.4 Prohibited Accessory Uses

a) No accessory building may be used for residential dwelling purposes at any time except as specifically authorized in the Agricultural (AG) District.

b) Outdoor storage, except as specifically authorized in the district regulations.

c) Standing or parked advertising trailers.

Section 2. Existing Section Repealed. That existing Section 4-1 of the Leawood Development Ordinance is hereby repealed. (Prior law: Ordinance No. 1273)

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 20th day of July, 1992.

Approved by the Mayor the 20th day of July, 1992.

(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;
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:

7/28/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
7/28/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $106.35

Ord. No. 1299

ORD. 1299

First published in The Legal Record, Tuesday, July 28, 1992.

ORDINANCE NO. 1299

AN ORDINANCE AMENDING SECTION 4-1 (ACCESSORY USES) OF THE LEAWOOD DEVELOPMENT ORDINANCE TO CLARIFY THE LOCATION OF TENNIS COURTS AND ACCESSORY FENCES IN RESIDENTIAL DISTRICTS.

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

Section 1:- Leawood Development Ordinance Amended.- That Section 4-1 of the Leawood Development Ordinance is *hereby amended to read as follows:*

4-1 ACCESSORY USES

4-1.1 General Conditions: All accessory buildings, structures, and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, *noxious gases, heat or glare which is injurious, damaging, unhealthy,* disturbing so as to create a public nuisance and shall be located on the premises of the main use.

4-1.2 Location and Height of Accessory Uses, Buildings and Structures:

a) Location: No accessory use, building, or structure permitted by this ordinance may be located in a required yard, except as otherwise specifically authorized.

b) *Location Exceptions:*

1) Swimming pools, tennis courts and perimeter fences and play equipment shall maintain a minimum of 10 feet from side and rear property lines.

2) Fences other than tennis court perimeter fences, walls, and retaining walls may be placed on property line. Retaining walls so constructed to provide for a patio or similar use shall not be exempt from the minimum yard requirements set forth in this ordinance unless specifically authorized at development plan approval.

3) Concrete at grade patios may extend to property line.

c) Accessory Building and Structure Height Limitations: No accessory building or structure permitted by this ordinance shall exceed one floor level and a height of 15 feet measured from ground level. Agricultural (AG) District accessory uses and structures shall be exempt from this requirement.

4-1.3 Permitted Accessory Uses, Buildings and Structures: Accessory uses, buildings, and structures shall be permitted in the following districts.

a) Agricultural Districts

1) Any structure used in conjunction with a permitted use;

2) Any accessory use allowed in "R" districts may be used in conjunction with a single family home;

3) Signs permitted in Section 4-5 of this ordinance;

4) Windmills, wind-driven power generators are permitted provided that any such structure complies with all applicable zoning regulations.

5) Living quarters for farm attendants may be located in an accessory buildings in the Agricultural (AG) District provided the building code can be met.

b) Residential Districts

1) Solar collector provided that all components servicing the collector panel are concealed and all exposed metal shall be finished with warm earth tones or black, in color;

2) Satellite receiving dish antennae may be placed on the ground in rear yards. Adequate landscape screening shall be provided which prevents the antennae from being observed from any street or from surrounding properties at the time of installation. The Board of Zoning Appeals shall have the power to waive the screening requirement if the Board finds that an antenna cannot be seen from surrounding properties and 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, location, height, size and color and mounting of antennae. Maximum size of the dish to be 10 feet in diameter and 14 feet in height;

3) Readily moveable sports, recreation or outdoor cooking equipment;

4) In ground swimming pools;

5) Home Occupations: (See Section 4-8 of this ordinance);

6) Fence,walls and retaining walls (Sealed engineering plans shall be submitted and approved prior to construction of any wall or retaining wall 4 feet in height or higher);

7) Garage sales limited to 2 sales per year (4 days per sale);

8) Sample sales limited to 2 sales per year (4 days per sale;)

9) Children's play equipment including swing sets, jungle gyms, sandboxes, playhouses, and, other related equipment provided playhouses do not exceed 15 feet in total height measured from the ground to the highest point;

10) Flag pole;

11) Wood decks (attached);

12) Concrete patios including stone, brick, and pavers but not including asphalt;

13) Bath house, pool house, and cabana only in conjunction with swimming pools;

14) Statuary, arbors, trellises, firewood piles for home use;

15) Storage or parking of major recreational equipment including boats with trailers, pop-up campers, and motorized recreational vehicles, provided that such storage or parking shall be limited to private garages, rear yards screened from neighboring views of private homes and in the driveways of private homes. Such vehicles and equipment shall not encroach onto public property or obstruct any sidewalk and also provided that the placement of such vehicles and equipment shall be located on a hard surface asphalt pavement or concrete pad designed to accommodate such use;

CONTINUED ON PAGE 17

CONTINUED FROM PAGE 16

16) Horse pasturing shall be permitted as an accessory use in Planned Large Lot Single Family Residential (RP-A) District provided that a minimum lot area of 3 acres can be maintained;

17) Hobby or craft activities operated by the occupant only provided that articles produced or constructed are not sold on the premises;

18) Signs permitted in Section 4-5 of this ordinance;

19) Mother's day out programs and preschools shall be permitted accessory uses in church, religious, educational, and community buildings.

20) An estate sale for purposes of this ordinance shall mean a sale conducted on the premises (lot or parcel of land) by the owner or said premises for the specific purpose of selling personal possessions and/or belongs that shall have been acquired or which have accumulated at said premises over the course of time. In no event shall "estate" include possessions that are not owned by resident or have been transferred to the site specifically for purposes of sale. Estate Sales shall be permitted provided the following conditions have been met:
a. Residents within 200 feet have been notified by regular mail postmarked not less than 10 days prior to the date of the sale.
b. Means of parking and traffic control have been established and coordinated with the Police and Public Works Departments.
c. Signage shall be limited to that permitted by this ordinance.
d. Tents or other accessory structures; food vendors; and/or any other such atypical residential uses shall require Special Use Permits as provided in Section 4-3.1(31) dealing with temporary short term uses.
e. Sales limited to 1 per calendar year per location, operated for not more than 4 consecutive days during daylight hours.
f. Permit required.

21) Tennis courts and paved play areas, commonly referred to as "Sport Courts" provided the following are met:
a. All courts require a building permit.
b. Plans must be submitted to the city staff for approval. Said review shall be based upon compliance with the following standards: The need for screening to protect the privacy of adjoining properties, compatibility of any lighting, and surface runoff. These standards are to be considered minimums and other factors may be considerations at the discretion of the Director of Planning.
c. If a permit is denied, the applicant may appeal the decision to the Plan Commission.
d. Courts shall not be built in front of building lines and must be located at least 10 feet from a rear or side lot line. Screen plantings may be required within this area to muffle noise and block lights.
e. Fences for courts may be up to 12 feet in height and shall be of chain link fabric and shall be located at least 10 feet from a rear or interior side lot line.
f. Courts shall be designed so that the surface water will be carried to the street or storm drainage system on the owner's property, or by underground pipe to the public street or storm drainage system, or if across other ownerships, easements must be obtained.
g. All court lighting must be submitted to the Plan Commission for their approval. A lighting plan shall be submitted which indicates the lumins at the property line and distance to the nearest structures. The type of fixture shall be specified. A lighted court, if approved by the Plan Commission, may be required to have additional screening in order to mitigate the affect of lighting on any adjoining properties.

c) <u>Planned Apartment House Residential (RP-3) and Planned Cluster Residential (RP-4) Districts (Additional Uses)</u>
1) Parking areas; (plan approved)

2) Signs permitted in Section 4-5 of this ordinance;

3) Tenant used recreation facilities including minor buildings (plan approved);

4) Trash collection centers;

5) Power generators;

6) Vending machines located inside tenant buildings.

d) <u>Office, Commercial, Industrial and Special Development Districts</u>
1) Off street parking lots as approved in the final development plan;

2) Signs permitted in Section 4-5 of this ordinance;

3) Food service and vending machines located inside of a building;

4) Private garage for motor vehicles; (plan approved)

5) Living quarters for maintenance personnel;

6) Low level exterior lighting;

7) Flagpoles;

8) Health club for employees or tenants when located inside of the primary building;

9) Day care center for employees or tenants when located inside of the primary building;

10) Restaurants, cafeterias, drug stores, gift shops and newsstands when located inside of the building;

11) Fencing as approved in the final development plan;

12) Pharmaceutical sales, medicines,etc. when incidental to the practice of medicine in a medical office;

13) Eyeglass sales when incidental to the practice of optometry;

14) Satellite receiving dish antennae may be placed on the roof of a building provided that the antennae shall only be located on a flat roof and shall be screened from view. The screen shall be architecturally compatible with the structure as to shape, size, color and bulk;

15) Solar Collector (plan approved)
a) Any system incorporated into a commercial building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building are not permitted.

b) Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. All such energy systems mounted on accessory or detached buildings shall conform to the requirements outlined in paragraph (a). No freestanding panels or panel racks shall be allowed.

c) In an active or photovaltaic system, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, etc.

d) All exposed metal - including the framework of active collector panels or exposed mullions and framework of passive systems shall be of finished warm earth tones, or black, in color. Clear unpainted aluminum shall not be allowed.

<u>4-1.4</u> <u>Prohibited Accessory Uses</u>

a) No accessory building may be used for residential dwelling purposes at any time except as specifically authorized in the Agricultural (AG) District.

b) Outdoor storage, except as specifically authorized in the district regulations.

c) Standing or parked advertising trailers.

Section 2. Existing Section Repealed. That existing Section 4-1 of the Leawood Development Ordinance is hereby repealed. (Prior law: Ordinance No. 1273)

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 20th day of July, 1992.

Approved by the Mayor the 20th day of July, 1992.

(S E A L) Marcia Rinehart Mayor

Attest:

Martha Heizer City Clerk

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

ORDINANCE NO. 1298

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 112TH STREET AND ASH FROM RP-2 (PLANNED TWO FAMILY RESIDENTIAL) TO CP-0 (PLANNED OFFICE); 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:

18-1809. Section 1. Rezoning of Property. That the real estate hereinafter described, to wit:

All of Lots 21 and 22 of Block 3, LEAWOOD COUNTRY MANOR, THIRD PLAT; and

Part of Lot 23, Block 3, LEAWOOD COUNTRY MANOR, THIRD PLAT, a subdivision of land, now in the City of Leawood, Johnson County, Kansas, part of the NW 1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all more particularly described as follows: Commencing at the Northeast corner of the NW 1/4 of said Section 16; thence S 87°37'49" W, along the North line of the NW 1/4 of said Section 16, a distance of 1692.10 feet; thence S 2°22'11" E, along a line perpendicular to the North line of the NW 1/4 of said Section 16, a distance of 55 feet, to a point on the Southerly right-of-way line of College Boulevard (111th Street) as now established, said point also being the true point of beginning of subject tract; thence continuing S 2°22'11" E, a distance of 277.98 feet, to a point on the Northerly line of Lot 12, Block 3, LEAWOOD COUNTRY MANOR, SECOND PLAT, a subdivision of land, now in the City of Leawood, Johnson County, Kansas; thence S 87°37'49" W, along the Northerly line of Lots 12 and 13 of said Block 3, a distance of 110.97 feet; thence S 37° 37'27" W, along the Northwesterly line of said Lot 13, a distance of 117.43 feet, to the most Easterly corner of Lot 1, AMBASSADOR CORPORATE MANOR, a subdivision of land, now in the City of Leawood, Johnson County, Kansas; thence N 52°22'33" W, along the Northeasterly line of said Lot 1, a distance of 132.20 feet, to the most Northerly corner thereof, said point also being on the Easterly right-of-way line of Ash, as now established, said point also being on the Northwesterly line of Lot 23, Block 3, of said LEAWOOD COUNTRY MANOR, THIRD PLAT; thence Northeasterly, along the Northwesterly line and its extension of said Lot 23, and along the Easterly right-of-way line of said Ash, said line being on a curve to the left, having a radius of 713.18 feet, a central angle of 5° 56'48", and whose initial tangent bearing is N 29°28'44" E, a distance of 74.01 feet, to a point of compound curvature; thence Northeasterly and Northerly, along the Easterly right-of-way line of said Ash, said line being on a

curve to the left, having a radius of 397 feet, a central angle of 25°54'07", and whose initial tangent bearing is N 23°31'56" E, a distance of 179.47 feet, to a point of tangency; thence N 2°22'11" W, along the Easterly right-of-way line of said Ash, a distance 34.77 feet; thence N 42°37'49" E, along the Easterly right-of-way line of said Ash, a distance of 14.14 feet, to a point on the Southerly right-of-way line of said College Boulevard, said point also being 55 feet South of the North line of the NW 1/4 of said Section 16; thence N 87°37'49" E, along a line 55 feet South of and parallel to the North line of the NW 1/4 of said Section 16, and along the Southerly right-of-way line of said College Boulevard, a distance of 202.10 feet, to the true point of beginning of subject tract, containing 1.480 acres, more or less, of unplatted land, and 0.189 acres, more or less, of replatted land.

now zoned RP-2, is hereby rezoned to CP-0.

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 22nd day of June, 1992.

Approved by the Mayor the 22nd day of June, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Fran Kessler
Fran Kessler Asst. 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 66205

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 general paid circulation on a weekly, monthly or yearly basis in hnson 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:

6/23/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
6/23/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

ublication Fees: $36.36

Ord. 1298

ORD. 1298

First published in The Legal Record, Tuesday, June 23, 1992.

ORDINANCE NO. 1298

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 112TH STREET AND ASH FROM RP-2 (PLANNED TWO FAMILY RESIDENTIAL) TO CP-O (PLANNED OFFICE); 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:

All of Lots 21 and 22 of Block 3, LEAWOOD COUNTRY MANOR, THIRD PLAT; and

Part of Lot 23, Block 3, LEAWOOD COUNTRY MANOR, THIRD PLAT, a subdivision of land, now in the City of Leawood, Johnson County, Kansas, part of the NW 1/4 of Section 16, Township 13, Range 25, now in the City of Leawood, Johnson County, Kansas, all more particularly described as follows: Commencing at the Northeast corner of the NW 1/4 of said Section 16; thence S 87°37'49" W, along the North line of the NW 1/4 of said Section 16, a distance of 1692.10 feet; thence S 2°22'11" E, along a line perpendicular to the North line of the NW 1/4 of said Section 16, a distance of 55 feet, to a point on the Southerly right-of-way line of College Boulevard (111th Street) as now established, said point also being the true point of beginning of subject tract; thence continuing S 2°22'11" E, a distance of 277.98 feet, to a point on the Northerly line of Lot 12, Block 3, LEAWOOD COUNTRY MANOR, SECOND PLAT, a subdivision of land, now in the City of Leawood, Johnson County, Kansas; thence S 87°37'49" W, along the Northerly line of Lots 12 and 13 of said Block 3, a distance of 110.97 feet; thence S 37°37'27" W, along the Northwesterly line of said Lot 13, a distance of 117.43 feet, to the most Easterly corner of Lot 1, AMBASSADOR CORPORATE MANOR, a subdivision of land, now in the City of Leawood, Johnson County, Kansas; thence N 52°22'33" W, along the Northeasterly line of said Lot 1, a distance of 132.20 feet, to the most Northerly corner thereof, said point also being on the Easterly right-of-way line of Ash, as now established, said point also being on the Northwesterly line of Lot 23, Block 3, of said LEAWOOD COUNTRY MANOR, THIRD PLAT; thence Northeasterly, along the Northwesterly line and its extension of said Lot 23, and along the Easterly right-of-way line of said Ash, said line being on a curve to the left, having a radius of 713.18 feet, a central angle of 5° 56'48", and whose initial tangent bearing is N 29°28'44" E, a distance of 74.01 feet, to a point of compound curvature; thence Northeasterly and Northerly, along the Easterly right-of-way line of said Ash, said line being on a curve to the left, having a radius of 397 feet, a central angle of 25°54'07", and whose initial tangent bearing is N 23°31'56" E, a distance of 179.47 feet, to a point of tangency; thence N 2°22'11" W, along the Easterly right-of-way line of said Ash, a distance 34.77 feet; thence N 42°37'49" E, along the Easterly right-of-way line of said Ash, a distance of 14.14 feet, to a point on the Southerly right-of-way line of said College Boulevard, said point also being 55 feet South of the North line of the NW 1/4 of said Section 16; thence N 87°37'49" E, along a line 55 feet South of and parallel to the North line of the NW 1/4 of said Section 16, and along the Southerly right-of-way line of said College Boulevard, a distance of 202.10 feet, to the true point of beginning of subject tract, containing 1.480 acres, more or less, of unplatted land, and 0.189 acres, more or less, of replatted land.

now zoned RP-2, is hereby rezoned to CP-O.

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 22nd day of June, 1992.

Approved by the Mayor the 22nd day of June, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

Attest:

Fran Kessler
Fran Kessler Asst. City Clerk

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

ORDINANCE NO. 1297

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING A TRACT OF GROUND TO THE BOARD OF DIRECTORS OF THE JOHNSON COUNTY LIBRARY.

Whereas the City of Leawood did receive through donation from the Marned Corporation certain property located within the City of Leawood;

Whereas it was the agreement of the City and the Marned Corporation that the property received from the Marned Corporation would be used for purposes of constructing a City Hall and Branch Library and for the purposes set forth in the agreement between the City and the Marned Corporation;

Whereas the City did, following the conveyance of property to the City by the Marned Corporation, enter into an agreement with the Board of Directors of the Johnson County Library whereby the City agreed to convey a portion of the ground previously received from Marned to the Board of Directors of the Johnson County Library;

Whereas the agreement between the City and the Library has been approved by the Board of Commissioners of Johnson County and the Attorney General of the State of Kansas and a copy of said agreement has been filed of record;

Whereas, it is the desire of the Governing Body of the City to authorize the Mayor to execute a deed conveying certain property to the Board of Directors of the Johnson County Library, pursuant to the City's previous agreements with the Marned Corporation and the Board of Directors of the Johnson County Library.

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

19-214. Section 1. That the Governing Body of the City of Leawood does hereby authorize the Mayor to execute a deed conveying to the Board of Directors of the Johnson County Library, along with the restrictions and reservations set forth therein, the following described property:

Lot 3, Leawood Town Center, a subdivision in the City of Leawood, Johnson County, Kansas.

19-215. 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 1st day of June, 1992.

APPROVED by the Mayor the 1st day of June, 1992.

(S E A L)

MARCIA RINEHART, Mayor

ATTEST:

MARTHA HEIZER, City Clerk

APPROVED AS TO FORM:

RICHARD S. WETZLER, City Attorney

036413

Entered in Transfer Record
Date June 12 1992
Beverly L. Baker, County Clerk
Johnson County, Kansas
RE# H F251316-2003

STATE OF KANSAS
COUNTY OF JOHNSON ss
FILED FOR RECORD
8:00 1992 JUN 12 P 12: 30
REGISTER OF DEEDS

2134004

KANSAS WARRANTY DEED
(corporation)

This Indenture, made this 1st day of June, A.D., 1992, between the City of Leawood, Kansas, a Kansas municipal corporation of Johnson County, Kansas, hereinafter Party of the First Part, and the Board of Directors of the Johnson County Library, hereinafter, Party of the Second Part;

Witnesseth, that the said party of the first part, in consideration of the mutual covenants and promises set forth in an "Interlocal Cooperation Agreement Between the Board of Directors of the Johnson County Library and the City of Leawood for Conveyance of a Branch Library Site in Leawood", said agreement being dated the 13th the day of April, 1992 and filed of record with the Register of Deeds of Johnson County, Kansas at Volume 3600 Page 339 (hereinafter the "Agreement") and other good and valuable consideration, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto the said party of the second part, its successors, representatives and assigns, all of the following described real estate, situated in the County of Johnson, and State of Kansas, in fee simple determinable with a possibility of reverter, to-wit:

Block 1, Lot 3, Leawood Town Center, a subdivision in the City of Leawood, Johnson County, Kansas.

The parties hereto, as a part of the consideration, covenant and agree that this conveyance is made subject to the following restrictions as to the use to which the property may be devoted:

1.) Party of the second part agrees the property conveyed hereunder shall be used and devoted to those purposes provided for and permitted by the aforesaid Agreement.

2.) The Party of the Second Part will provide for the completion of a Branch Library upon the property within five (5) years of the date of this conveyance.

3.) Following construction of a Branch Library upon the property conveyed by this deed the property shall be used for library purposes.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining forever, so long as the restrictions as to use to which the property may be devoted set forth in paragraphs one (1) through and including paragraph three (3) hereinbefore are satisfied; it being understood that the breach of any of the above enumerated restrictions shall cause the property conveyed by this deed to revert to Marned Corporation, a Kansas Corporation, it successors, representatives or assigns. Provided further that the reverter provisions of this deed shall not apply to any portion of the property which may hereafter be dedicated as public right of way by said Party of the Second Part.

And said party of the first part, for itself, its successors and assigns, does hereby covenant, promise and agree, to and with said party of the second part, that at the delivery of these presents, it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple determinable with a possibility of reverter, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, and encumbrances, of any nature and kind whatsoever, except such taxes, assessments and other encumbrances which appear of record and that it will **warrant** and **forever defend** the same unto the said party of the second part, its successors, representatives and assigns, against said party of the first part, its successors and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

In witness whereof, the said party of the first part has hereunto caused this Deed to be signed on its behalf by its Mayor, thereunto duly authorized to do so, and to be attested by its City Clerk, and has caused its common seal to be hereunto affixed, the day and year last above written.

CITY OF LEAWOOD, KANSAS

By: Marcia Rinehart
Mayor - Marcia Rinehart

ATTEST:

Martha Heizer City Clerk
Martha Heizer

STATE OF KANSAS)
) SS.
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this 1st day of June, 1992, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Marcia Rinehart, Mayor of the City of Leawood, Kansas, who is personally known to me to be the same person who executed the foregoing instrument of writing as such officer, and duly acknowledged the execution of the same to be the act of the corporation.

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

CYNTHIA R. PITTS
My Appt. Exp. _____

Cynthia R. Pitts
Notary Public Cynthia R. Pitts

My appointment expires: 09-24-93

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

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

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:

6/2/92

Debra Dziadura

Legal Notices Administrator

Subscribed and sworn to before me on this date:
6/2/92

Sharon L. Young

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $27.27

Ord. 1297

ORD. 1297

First published in The Legal Record, Tuesday, June 2, 1992.

ORDINANCE NO. 1297

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING A TRACT OF GROUND TO THE BOARD OF DIRECTORS OF THE JOHNSON COUNTY LIBRARY.

Whereas the City of Leawood did receive through donation from the Marned Corporation certain property located within the City of Leawood;

Whereas it was the agreement of the City and the Marned Corporation that the property received from the Marned Corporation would be used for purposes of constructing a City Hall and Branch Library and for the purposes set forth in the agreement between the City and the Marned Corporation;

Whereas the City did, following the conveyance of property to the City by the Marned Corporation, enter into an agreement with the Board of Directors of the Johnson County Library whereby the City agreed to convey a portion of the ground previously received from Marned to the Board of Directors of the Johnson County Library;

Whereas the agreement between the City and the Library has been approved by the Board of Commissioners of Johnson County and the Attorney General of the State of Kansas and a copy of said agreement has been filed of record;

Whereas, it is the desire of the Governing Body of the City to authorize the Mayor to execute a deed conveying certain property to the Board of Directors of the Johnson County Library, pursuant to the City's previous agreements with the Marned Corporation and the Board of Directors of the Johnson County Library.

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

Section 1. That the Governing Body of the City of Leawood does hereby authorize the Mayor to execute a deed conveying to the Board of Directors of the Johnson County Library, along with the restrictions and reservations set forth therein, the following described property:

Lot 3, Leawood Town Center, a subdivision in the City of Leawood, Johnson County, Kansas.

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 1st day of June, 1992.

APPROVED by the Mayor the 1st day of June, 1992.

(S E A L)

Marcia Rinehart
MARCIA RINEHART, Mayor

ATTEST:

Martha Heizer
MARTHA HEIZER, City Clerk

APPROVED AS TO FORM:

RICHARD S. WETZLER, City Attorney

ORDINANCE NO. 1296

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 92-2-92J, PROJECT 130 (TOWN CENTER DRIVE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOWN CENTER DRIVE; SAID ROADWAY TO BE CONSTRUCTED WITH CONCRETE CURB AND GUTTER, ASPHALTIC PAVEMENT, STORM DRAINAGE, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1063 under K.S.A. 12 6a 04(2) and adopted by the Governing Body of the City of Leawood on April 20, 1992; 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 $1,175,000; 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:

20-1,826. 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. 92-2-92J, Project 130 (Town Center Drive), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000), which amount does not exceed the total estimated costs of said improvements.

20-1,827. Section Two: Said issue of Temporary Notes, Series L.I.D. 92-2-92J, Project 130, shall consist of bearer notes numbered from 1 and 2, each in the denomination of $100,000. Each of said notes shall be dated June 1, 1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 3.00% per annum. The notes shall be callable upon 10 days notice as hereinafter provided and shall be redeemed and can-

celled 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.

20-1,828. 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.

20-1,829. 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 99.92% of the principal amount thereof.

20-1,830. 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 provi-

sions 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, 1992, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$ 1,800,000
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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.

20-1,831. 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 May, 1992.

SIGNED by the Mayor this 18th day of May, 1992.

(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 66205

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:

5/19/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/19/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $48.68

Ord. No. 1296

ORD. 1296

Published in The Legal Record, Tuesday, May 19, 1992.

ORDINANCE NO. 1296

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 92-2-92J, PROJECT 130 (TOWN CENTER DRIVE), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF TOWN CENTER DRIVE; SAID ROADWAY TO BE CONSTRUCTED WITH CONCRETE CURB AND GUTTER, ASPHALTIC PAVEMENT, STORM DRAINAGE, SIDEWALKS, STREET LIGHTING AND OTHER APPURTENANCES.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1063 under K.S.A. 12 6a 04(2) and adopted by the Governing Body of the City of Leawood on April 20, 1992; 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 $1,175,000; 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. 92-2-92J, Project 130 (Town Center Drive), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series L.I.D. 92-2-92J, Project 130, shall consist of bearer notes numbered from 1 and 2, each in the denomination of $100,000. Each of said notes shall be dated June 1, 1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 3.00% 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 99.92% 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, 1992, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$ 1,800,000
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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 May, 1992.

SIGNED by the Mayor this 18th day of May, 1992.

(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

ORDINANCE NO. 1295

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 92-1-92H, PROJECT 132 (STATE LINE ROAD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $800,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY FIVE HUNDRED THIRTEEN FEET SOUTH OF THE CENTERLINE OF 112TH TERRACE AND APPROXIMATELY ONE HUNDRED TWENTY-TWO FEET SOUTH OF THE CENTERLINE OF CARONDOLET DRIVE; SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALTIC CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIANS, PROTECTED LEFT TURN LANES, CURB AND GUTTERS, STORM SEWERS, SIDEWALK, STREET LIGHTS, AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1054 under K.S.A. 12-6a01 et seq. and adopted by the Governing Body of the City of Leawood on January 27, 1992; 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 $1,115,112.33; 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:

20-1,820. 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. 92-1-92H, Project 132 (State Line Road, Phase I), in the aggregate principal amount of Eight Hundred Thousand Dollars ($800,000), which amount does not exceed the total estimated costs of said improvements.

20-1,821. Section Two: Said issue of Temporary Notes, Series L.I.D. 92-1-92H, Project 132, shall consist of bearer notes numbered from 1 through 8 inclusive, each in the denomination of $100,000. Each of said notes shall be dated June 1,

1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 3.00% 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.

20-1,822. 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.

20-1,823. 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 99.92% of the principal amount thereof.

20-1,824. 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, how-

ever, 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, 1992, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$ 1,800,000
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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.

20-1,825. 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 May, 1992.

SIGNED by the Mayor this 18th day of May, 1992.

(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 66205

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:

5/19/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/19/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $49.36

Ord. No. 1295

ORD. 1295

First published in The Legal Record, Tuesday, May 19, 1992.

ORDINANCE NO. 1295

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES L.I.D. 92-1-92H, PROJECT 132 (STATE LINE ROAD, PHASE I), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $800,000 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION AND RECONSTRUCTION OF STATE LINE ROAD BETWEEN APPROXIMATELY FIVE HUNDRED THIRTEEN FEET SOUTH OF THE CENTERLINE OF 112TH TERRACE AND APPROXIMATELY ONE HUNDRED TWENTY-TWO FEET SOUTH OF THE CENTERLINE OF CARONDOLET DRIVE; SAID IMPROVEMENTS TO BE EITHER A FIVE-LANE UNDIVIDED ROADWAY OR A SIX-LANE DIVIDED ROADWAY OF ASPHALTIC CEMENT CONCRETE PAVEMENT, WITH RAISED TRAFFIC MEDIANS, PROTECTED LEFT TURN LANES, CURB AND GUTTERS, STORM SEWERS, SIDEWALK, STREET LIGHTS, AND OTHER APPURTENANCES TO MAKE A COMPLETE PARKWAY ROAD SYSTEM.

WHEREAS, an improvement district has been established pursuant to Resolution No. 1054 under K.S.A. 12-6a01 et seq. and adopted by the Governing Body of the City of Leawood on January 27, 1992; 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 $1,115,112.33; 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. 92-1-92H, Project 132 (State Line Road, Phase I), in the aggregate principal amount of Eight Hundred Thousand Dollars ($800,000), which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series L.I.D. 92-1-92H, Project 132, shall consist of bearer notes numbered from 1 through 8 inclusive, each in the denomination of $100,000. Each of said notes shall be dated June 1, 1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from their dated date, payable at maturity or upon redemption prior thereto, at a rate of interest of 3.00% 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 99.92% 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, 1992, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$ 1,800,000
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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 May, 1992.

SIGNED by the Mayor this 18th day of May, 1992.

(S E A L)

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

Marcia Rinehart

Marcia Rinehart, Mayor

APPROVED AS TO FORM AND CONTENT:

R. S. Wetzler, City Attorney

ORDINANCE NO. 1294

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92D, PROJECT 124 (135TH STREET [K150], STATE LINE-NALL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $500,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET [K150], STATE LINE-NALL, 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, 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 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 135th Street (K150), State Line-Nall, 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. 1203 on February 4, 1991; and

WHEREAS, the City of Leawood's share of the total cost of improvements to 135th Street (K150), State Line-Nall, is estimated to be $3,146,400.00; 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:

20-1,814. 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, acquisition of right-of-way, 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 92D, Project 124 (135th Street [K150], State Line-Nall), in the aggregate principal amount of Five Hundred Thousand Dollars

($500,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,815. Section Two: Said issue of Temporary Notes, Series 92D, Project 124 (135th Street [K150], State Line-Nall), shall consist of bearer notes numbered 1 through 5 inclusive, each in the denomination of $100,000.00. Said notes shall be dated June 1, 1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.00% 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. 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 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 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.

20-1,816. 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.

20-1,817. 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 99.92% of the principal amount thereof.

20-1,818. 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, 1992, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$ 1,800,000
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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.

20-1,819. 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 May, 1992.

SIGNED by the Mayor this 18th day of May, 1992.

(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 66205

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:

5/19/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/19/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $51.68

Ord. No. 1294

ORD. 1294

First published in The Legal Record, Tuesday, May 19, 1992.

ORDINANCE NO. 1294

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92D, PROJECT 124 (135TH STREET [K150], STATE LINE-NALL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $500,000.00 TO PROVIDE TEMPORARY FINANCING OF THE CITY'S SHARE OF THE COST OF CONSTRUCTION OF IMPROVEMENTS TO 135TH STREET [K150], STATE LINE-NALL, 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, 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 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 135th Street (K150), State Line-Nall, 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. 1203 on February 4, 1991; and

WHEREAS, the City of Leawood's share of the total cost of improvements to 135th Street (K150), State Line-Nall, is estimated to be $3,146,400.00; 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, acquisition of right-of-way, 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 92D, Project 124 (135th Street [K150], State Line-Nall), in the aggregate principal amount of Five Hundred Thousand Dollars ($500,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 92D, Project 124 (135th Street [K150], State Line-Nall), shall consist of bearer notes numbered 1 through 5 inclusive, each in the denomination of $100,000.00. Said notes shall be dated June 1, 1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.00% 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. 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 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 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 99.92% of the principal amount thereof.

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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, 1992, the City has not issued any bonds or obligations other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$ 1,800,000
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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 18th day of May, 1992.

SIGNED by the Mayor this 18th day of May, 1992.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. J. Wetzler, City Attorney

ORDINANCE NO. 1293

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92F, PROJECT 121 (SOMERSET, BELINDER-WENONGA), 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-WENONGA, 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-Wenonga, 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. 1132 on October 2, 1989; and

WHEREAS, total cost of improvements to Somerset, Belinder-Wenonga, is estimated to be $75,000.00.

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:

20-1,808. 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 92F, Project 121 (Somerset, Belinder-Wenonga), in the aggregate principal amount of One Hundred Thousand Dollars ($100,000.00) which amount does not exceed the total estimated costs of said improvements.

20-1,809. Section Two: Said issue of Temporary Notes, Series 92F, Project 121 (Somerset, Belinder-Wenonga), shall consist of bearer note number 1 in the denomination of $100,000. Said notes shall be dated June 1, 1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.00% 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.

20-1,810. 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.

20-1,811. 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 99.92% of the principal amount thereof.

20-1,812. 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, 1992, the City has not issued any bonds or temporary notes other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$ 1,800,000
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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.

20-1,813. 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 May, 1992.

SIGNED by the Mayor this 18th day of May, 1992.

(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 66205

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:

5/19/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/19/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $50.72

Ord. No. 1293

ORD. 1293

First published in The Legal Record, Tuesday, May 19, 1992.

ORDINANCE NO. 1293

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92F, PROJECT 121 (SOMERSET, BELINDER-WENONGA), 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-WENONGA, 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-Wenonga, 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. 1132 on October 2, 1989; and

WHEREAS, total cost of improvements to Somerset, Belinder-Wenonga, is estimated to be $75,000.00.

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 92F, Project 121 (Somerset, Belinder-Wenonga), in the aggregate principal amount of One Hundred Thousand Dollars ($100,000.00) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 92F, Project 121 (Somerset, Belinder-Wenonga), shall consist of bearer note number 1 in the denomination of $100,000. Said notes shall be dated June 1, 1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.00% 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 99.92% 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, 1992, the City has not issued any bonds or temporary notes other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$ 1,800,000
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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.

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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 May, 1992.

SIGNED by the Mayor this 18th day of May, 1992.

(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. 1292

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92C, PROJECT 115 (MISSION ROAD, 103RD STREET-COLLEGE 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 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:

20-1,802. 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 92C, Project 115 (Mission Road, 103rd-College 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.

20-1,803. Section Two: Said issue of Temporary Notes, Series 92C, Project 115 (Mission Road, 103rd-College Boulevard), shall consist of bearer note numbers 1 through 4, each in the denomination of $100,000. Said notes shall be dated June 1, 1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.00% 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.

20-1,804. 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.

20-1,805. 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 99.92% of the principal amount thereof.

20-1,806. 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, 1992, the City has not issued any bonds or temporary notes other than the following-described obligations;

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$1,800,000.00
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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.

20-1,807. 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 May, 1992.

SIGNED by the Mayor this 18th day of May, 1992.

(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 66205

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:

5/19/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/19/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $51.47

Ord. No. 1292

ORD. 1292

First published in The Legal Record, Tuesday, May 19, 1992.

ORDINANCE NO. 1292

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92C, PROJECT 115 (MISSION ROAD, 103RD STREET-COLLEGE 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 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 92C, Project 115 (Mission Road, 103rd-College 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 92C, Project 115 (Mission Road, 103rd-College Boulevard), shall consist of bearer note numbers 1 through 4, each in the denomination of $100,000. Said notes shall be dated June 1, 1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.00% 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 99.92% 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, 1992, the City has not issued any bonds or temporary notes other than the following-described obligations;

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$1,800,000.00
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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.

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PASSED by the Governing Body of the City of Leawood, Kansas, this 18th day of May, 1992.

SIGNED by the Mayor this 18th day of May, 1992.

Marcia Rinehart

Marcia Rinehart, Mayor

(S E A L)

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. S. Wetzler, City Attorney

ORDINANCE NO. 1291

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92E, PROJECT 114 (SOMERSET, SAGAMORE-BELINDER), 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, SAGAMORE-BELINDER, 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, Sagamore-Belinder, 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, Sagamore-Belinder, 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:

20-1,796. 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 92E, Project 114 (Somerset, Sagamore-Belinder), 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.

20-1,797. Section Two: Said issue of Temporary Notes, Series 92E, Project 114 (Somerset, Sagamore-Belinder), shall consist of bearer notes number 1 and 2, each in the denomination of $100,000. Said notes shall be dated June 1, 1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.00% 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.

20-1,798. 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.

20-1,799. 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 99.92% of the principal amount thereof.

20-1,800.. 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, 1992, the City has not issued any bonds or temporary notes other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$ 1,800,000.00
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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.

20-1,801. 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 May, 1992.

SIGNED by the Mayor this 18th day of May, 1992.

(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 66205

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:

5/19/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/19/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $51.47

Ord. No. 1291

ORD. 1291

First published in The Legal Record, Tuesday, May 19, 1992.

ORDINANCE NO. 1291

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92E, PROJECT 114 (SOMERSET, SAGAMORE-BELINDER), 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, SAGAMORE-BELINDER, 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, Sagamore-Belinder, 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, Sagamore-Belinder, 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 92E, Project 114 (Somerset, Sagamore-Belinder), 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 92E, Project 114 (Somerset, Sagamore-Belinder), shall consist of bearer notes number 1 and 2, each in the denomination of $100,000. Said notes shall be dated June 1, 1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.00% 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 99.92% 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, 1992, the City has not issued any bonds or temporary notes other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$ 1,800,000.00
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000.00

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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 18th day of May, 1992.

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CONTINUED FROM PAGE 14

SIGNED by the Mayor this 18th day of May, 1992.

(S E A L)

Marcia Rinehart

Marcia Rinehart, Mayor

ATTEST:

Martha Heizer

Martha Heizer, City Clerk

APPROVED AS TO FORM:

R. J. Wetzler, City Attorney

ORDINANCE NO. 1290

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92G, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 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:

24-361. 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 92G, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000) which amount does not exceed the total estimated costs of said improvements.

24-362. Section Two: Said issue of Temporary Notes, Series 92G, Project 118 (Police/Courts Bldg. & Fire Station #1 Remodel), shall consist of bearer notes numbered 1 and 2, each in the denomination of $100,000. Said notes shall be dated June 1, 1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.00% 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 notes, in whole or in part (but in any event in the full face amount of the particular notes chosen for redemption) at any date prior to the stated maturity date of said notes by the written notice to known holder or 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.

24-363. 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.

24-364. 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 99.92% of the principal amount thereof.

24-365. 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, 1992, the City has not issued any bonds or temporary notes other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$ 1,800,000
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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.

24-366. 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 May, 1992.

SIGNED by the Mayor this 18th day of May, 1992.

(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 66205

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:

5/19/92

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date:
5/19/92

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $47.32

Ord. No. 1290

ORD. 1290

First published in The Legal Record, Tuesday, May 19, 1992.

ORDINANCE NO. 1290

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND DELIVERY OF TEMPORARY NOTES, SERIES 92G, PROJECT 118 (POLICE/COURT BLDG. & FIRE STATION #1 REMODEL), OF THE CITY OF LEAWOOD, KANSAS, IN THE AMOUNT OF $200,000 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 92G, Project 118 (Police/Courts Building & Fire Station #1 Remodel), in the aggregate principal amount of Two Hundred Thousand Dollars ($200,000) which amount does not exceed the total estimated costs of said improvements.

Section Two: Said issue of Temporary Notes, Series 92G, Project 118 (Police/Courts Bldg. & Fire Station #1 Remodel), shall consist of bearer notes numbered 1 and 2, each in the denomination of $100,000. Said notes shall be dated June 1, 1992, and shall have the stated maturity date of January 15, 1993. The notes shall bear interest from the dated date, payable at maturity or upon redemption prior thereto at a rate of interest of 3.00% 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 notes, in whole or in part (but in any event in the full face amount of the particular notes chosen for redemption) at any date prior to the stated maturity date of said notes by the written notice to known holder or 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 99.92% 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, 1992, the City has not issued any bonds or temporary notes other than the following-described obligations:

	ISSUE	DATE	PRINCIPAL AMOUNT
(1)	Temporary Notes, Series 92A Lee Boulevard, Phase II	January 15, 1992	$ 1,800,000
(2)	Temporary Notes, Series 92B Police/Court/Fire #1 Remodel	January 15, 1992	$ 400,000

The City does not reasonably anticipate issuing qualified tax-exempt obligations during calendar year 1992 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 May, 1992.

SIGNED by the Mayor this 18th day of May, 1992.

(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. 1289 C repealed by Ord. 1310C, 9/8/92

AN ORDINANCE AMENDING THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", 1991 EDITION, AS ADOPTED BY REFERENCE BY THE CODE OF THE CITY OF LEAWOOD; RESTRICTING THE USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES.

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 Section 14-104 which shall read as follows:

14-104. SAME. Section 136 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Sec. 136. Use of Coasters, Roller Skates and Similar Devices Restricted. (a) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall:

(1) go upon any roadway except while crossing a street at a crosswalk and except upon streets set aside as play streets.

(2) operate such a device on any public tennis court.

(3) operate such a device on any private parking area or lot where signs are posted giving notice of such prohibition. This prohibition shall not be applicable unless the following signage is clearly and properly posted at all entrances to said private parking lot or area, to wit:

NOTICE

Pursuant to Section 14-104 of the Code of the City of Leawood, Kansas, no roller skates, coaster, rollerblades, skateboard, toy vehicle or similar device may be operated in this parking lot or area. Conviction will result in a $25.00 fine.

(b) Whenever any person is operating such a device upon a useable path or sidewalk, such person shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(c) Any person found guilty of a violation of this section shall be fined $25.00.

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 6th day of April, 1992.

Approved by the Mayor the 13th day of April, 1992.

(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 66205

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:

4/14/92

Debra Dziadura
Legal Notices Administrator

Subscribed and sworn to before me on this date: 4/14/92

Sharon L. Young
Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $28.79

Ord. 1289C

ORD. 1289 C

First published in The Legal Record, Tuesday, April 14, 1992.

ORDINANCE NO. 1289 C

AN ORDINANCE AMENDING THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", 1991 EDITION, AS ADOPTED BY REFERENCE BY THE CODE OF THE CITY OF LEAWOOD; RESTRICTING THE USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES.

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 Section 14-104 which shall read as follows:

14-104. SAME. Section 136 of the standard traffic ordinance incorporated in Section 14-101 of this article shall be amended to read as follows:

Sec. 136. Use of Coasters, Roller Skates and Similar Devices Restricted. (a) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall:

(1) go upon any roadway except while crossing a street at a crosswalk and except upon streets set aside as play streets.

(2) operate such a device on any public tennis court.

(3) operate such a device on any private parking area or lot where signs are posted giving notice of such prohibition. This prohibition shall not be applicable unless the following signage is clearly and properly posted at all entrances to said private parking lot or area, to wit:

NOTICE
Pursuant to Section 14-104 of the Code of the City of Leawood, Kansas, no roller skates, coaster, rollerblades, skateboard, toy vehicle or similar device may be operated in this parking lot or area. Conviction will result in a $25.00 fine.

(b) Whenever any person is operating such a device upon a useable path or sidewalk, such person shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(c) Any person found guilty of a violation of this section shall be fined $25.00.

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 6th day of April, 1992.

Approved by the Mayor the 13th day of April, 1992.

(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. 1288 C

AN ORDINANCE AMENDING SECTION 1-116 OF THE CODE OF THE CITY OF LEAWOOD TO REMOVE THE PUBLIC SAFETY COMMITTEE AS A STANDING COMMITTEE.

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

Section 1. Code Amended. That Section 1-116 of the Code of the City of Leawood is hereby amended to read as follows:

1-116. COMMITTEES. The governing body may provide such standing or special committees as may be needed, and unless it shall otherwise determine, such committees shall be appointed by the mayor with the consent of the council. Those committees designated as standing committees shall be the Public Works Committee and the Budget and Finance Committee. All other committees shall be ad hoc committees to be formed as needed and shall disband upon conclusion of their assigned task, unless otherwise directed by the city council. Standing committees shall be constituted at the first regular meeting of the governing body in May each year. When a new member is appointed or elected to fill a vacancy on the governing body, he or she may be assigned to a standing committee. In such event the governing body may authorize the reappointment and reorganization of any or all committees.

Section 2. Repeal of Existing Section. That existing Section 1-116 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1041C)

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 April, 1992.

Approved by the Mayor the 13th day of April, 1992.

(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) 780-5747

TO:

City of Leawood
9617 Lee Blvd.
Leawood KS 66205

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:

4/14/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
4/14/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $19.19

Ord. 1288C

ORD. 1288 C
First published in The Legal Record, Tuesday, April 14, 1992.

ORDINANCE NO. 1288 C

AN ORDINANCE AMENDING SECTION 1-116 OF THE CODE OF THE CITY OF LEAWOOD TO REMOVE THE PUBLIC SAFETY COMMITTEE AS A STANDING COMMITTEE.

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

Section 1. Code Amended. That Section 1-116 of the Code of the City of Leawood is hereby amended to read as follows:

1-116. COMMITTEES. The governing body may provide such standing or special committees as may be needed, and unless it shall otherwise determine, such committees shall be appointed by the mayor with the consent of the council. Those committees designated as standing committees shall be the Public Works Committee and the Budget and Finance Committee. All other committees shall be ad hoc committees to be formed as needed and shall disband upon conclusion of their assigned task, unless otherwise directed by the city council. Standing committees shall be constituted at the first regular meeting of the governing body in May each year. When a new member is appointed or elected to fill a vacancy on the governing body, he or she may be assigned to a standing committee. In such event the governing body may authorize the reappointment and reorganization of any or all committees.

Section 2. Repeal of Existing Section. That existing Section 1-116 of the Code of the City of Leawood is hereby repealed. (Prior law: Ord. No. 1041C)

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 April, 1992.

Approved by the Mayor the 13th day of April, 1992.

(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. 1287

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 118TH STREET AND OVERBROOK FROM RP-4 (PLANNED CLUSTER RESIDENTIAL) TO RP-1 (SINGLE FAMILY RESIDENTIAL); 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:

18-1,418. Section 1. Rezoning of Property. That the real estate hereinafter described, to wit:

All that part of Fractional Section 14, Township 13, Range 25, in Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of said Fractional Section 14; thence North 2° -05'34" West along the East line of said Fractional Section 14, a distance of 272.37 feet to the Southwest corner of the Northwest 1/4 of Fractional Section 7, Township 47, Range 33, in Kansas City, Jackson County, Missouri; thence North 2°-21'-12" West, continuing along the East line of said Fractional Section 7, a distance of 582.34 feet to a point on the Easterly prolongation of the North line of Tract "A", "Hallbrook Farms, Third Plat", a subdivision of land in Leawood, Johnson County, Kansas, and the true point of beginning of the tract of land to be herein described; thence South 87° -41'-53" West along said Easterly prolongation and said North line and along the North lines of Lots 17 and 18, Block 1, said "Hallbrook Farms, Third Plat", a distance of 386.38 feet to the most Easterly corner of Lot 23, Block 1, said "Hallbrook Farms, Third Plat"; thence North 63°-34'-35" West along the Northeasterly line of said Lot 23, its Northwesterly prolongation across Overbrook, as now established, and along the Northeasterly lines of Lots 18,17,16,15, and part of 14, Block 2, said "Hallbrook Farms, Third Plat", a distance of 841.68 feet to an angle point in the Northeasterly line of said Lot 14; thence North 7° -47'-17" East, along the Easterly line of said Lot 14, and along the Easterly line of Lots 13 and part of 12, Block 2, said "Hallbrook Farms, Third Plat", a distance of 324.10 feet to an angle point in the said Easterly line of Lot 12; thence North 30°-36'-44" West along the Northeasterly line of said Lot 12 and along the Northeasterly line of Lot 11, Block 2, said "Hallbrook Farms, Third Plat", a distance of 154.86 feet to the Northeast corner of said Lot 11; thence North 65° -37'-24" East, a distance of 315.47 feet; thence North 84° -31'-44" East, a distance of 132.68 feet; thence South 80° -10'-24" East, a distance of 270.17 feet; thence North 88°-50'-50" East, a distance of 266.52 feet; thence North 82°-32'-48" East, a distance of 85.00 feet; thence North 87°-41'-53" East, a distance of

100.22 feet to a point on the East line of said Fractional Section 14; thence South 2° -21'-12" East along said East line, a distance of 931.37 feet to the point of beginning. Containing 20.557 acres, more or less. (Hallbrook Farms, 5th Plat)

now zoned RP-4, is hereby rezoned to RP-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 6th day of April, 1992.

Approved by the Mayor the 13th day of April, 1992.

(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 66205

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:

4/14/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
4/14/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $32.62

Ord. 1287

ORD. 1287

First published in The Legal Record, Tuesday, April 14, 1992.

ORDINANCE NO. 1287

AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY 118TH STREET AND OVERBROOK FROM RP-4 (PLANNED CLUSTER RESIDENTIAL) TO RP-1 (SINGLE FAMILY RESIDENTIAL); 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:

All that part of Fractional Section 14, Township 13, Range 25, in Leawood, Johnson County, Kansas, being more particularly described as follows: Commencing at the Southeast corner of said Fractional Section 14; thence North 2° -05'34" West along the East line of said Fractional Section 14, a distance of 272.37 feet to the Southwest corner of the Northwest 1/4 of Fractional Section 7, Township 47, Range 33, in Kansas City, Jackson County, Missouri; thence North 2°-21'-12" West, continuing along the East line of said Fractional Section 7, a distance of 582.34 feet to a point on the Easterly prolongation of the North line of Tract "A", "Hallbrook Farms, Third Plat", a subdivision of land in Leawood, Johnson County, Kansas, and the true point of beginning of the tract of land to be herein described; thence South 87° -41'-53" West along said Easterly prolongation and said North line and along the North lines of Lots 17 and 18, Block 1, said "Hallbrook Farms, Third Plat", a distance of 386.38 feet to the most Easterly corner of Lot 23, Block 1, said "Hallbrook Farms, Third Plat"; thence North 63°-34'-35" West along the Northeasterly line of said Lot 23, its Northwesterly prolongation across Overbrook, as now established, and along the Northeasterly lines of Lots 18,17,16,15, and part of 14, Block 2, said "Hallbrook Farms, Third Plat", a distance of 841.68 feet to an angle point in the Northeasterly line of said Lot 14; thence North 7° -47'-17" East, along the Easterly line of said Lot 14, and along the Easterly line of Lots 13 and part of 12, Block 2, said "Hallbrook Farms, Third Plat", a distance of 324.10 feet to an angle point in the said Easterly line of Lot 12; thence North 30°-36'-44" West along the Northeasterly line of said Lot 12 and along the Northeasterly line of Lot 11, Block 2, said "Hallbrook Farms, Third Plat", a distance of 154.86 feet to the Northeast corner of said Lot 11; thence North 65° -37'-24" East, a distance of 315.47 feet; thence North 84° -31'-44" East, a distance of 132.68 feet; thence South 80° -10'-24" East, a distance of 270.17 feet; thence North 88°-50'-50" East, a distance of 266.52 feet; thence North 82°-32'-48" East, a distance of 85.00 feet; thence North 87°-41'-53" East, a distance of 100.22 feet to a point on the East line of said Fractional Section 14; thence South 2° -21'-12" East along said East line, a distance of 931.37 feet to the point of beginning. Containing 20.557 acres, more or less. (Hallbrook Farms, 5th Plat)

now zoned RP-4, is hereby rezoned to RP-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 6th day of April, 1992.

Approved by the Mayor the 13th day of April, 1992.

(S E A L)

Marcia Rinehart
Marcia Rinehart Mayor

entire ord.
Repealed by:
ORDINANCE NO. 1319
Adopted: 12/7/92
Effective:

ORDINANCE NO. 1286

AN ORDINANCE AMENDING SECTION 2-7 (FENCES AND WALLS) OF THE LEAWOOD DEVELOPMENT ORDINANCE; PERTAINING TO HEIGHT REQUIREMENTS AROUND SWIMMING POOLS AND/OR HOT TUBS, CLARIFYING THE DEFINITION OF SWIMMING POOLS AND/OR HOT TUBS, AND CLARIFYING NOTIFICATION PROCEDURES OF THE BOARD OF ZONING APPEALS AS IT RELATES TO FENCE EXCEPTIONS.

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

Section 1. Leawood Development Ordinance Amended. That Section 2-7 of the Leawood Development Ordinance is hereby amended to read as follows:

2-7 FENCES AND WALLS

2-7.1 Intent:

a) To ensure that the look of open space in residential areas be preserved in the tradition established throughout Leawood's development.

b) To buffer uncomplimentary land uses and generally enhance the quality and appearance of developed land areas.

c) To define exterior privacy for residential developments.

d) To secure safety to life and welfare from hazards incident to swimming pools, hot tubs, spas and other similar recreational bathing structures.

e) To ensure that design, erection and construction of fences and walls conform to ordinance requirements including height and surface drainage.

2-7.2 General Conditions and Plan Requirements:

a) Permits shall be issued by the City and fences and walls shall be subject to inspection for compliance with approved plans.

b) Fences and 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. (Exemptions to this requirement include retaining walls and decorative fence sections not exceeding 3 feet in height and 24 feet in length.)

c) Fences and walls shall be permitted to be located on the rear property line and in the case of through lots the rear property line shall be considered to be the opposite street frontage.

entire ord.
Repealed by:
ORDINANCE NO. 1319
Adopted: 12/7/92
Effective:

d) Wood fences shall be constructed with posts, rails, and other structural members located on the "inside" of the fence. (Finished side facing out.)

e) Fences and walls shall not restrict natural surface drainage nor be constructed to divert or channel water flow with increased velocity.

f) 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.

g) Walls constructed as retaining walls shall be designed and constructed to support lateral loads. Applications for retaining walls exceeding 4 feet in height, whether terraced or not, shall be accompanied by plans sealed by a structural engineer. Said plans shall be reviewed prior to the issuance of a building permit.

h) Fences and walls constructed within City owned and/or public utility easements may be removed to allow access for installation or maintenance of utilities. The property owner shall be responsible for the reconstruction and replacement of any fences and/or walls removed.

i) When the back property line of a residentially zoned lot shares a common boundary with that of another municipality, the least restrictive fence or wall height regulations of the two municipalities shall govern only for that property line which shares the municipal boundary. All other fences on property within Leawood are limited to that allowed by this ordinance.

j) All swimming pools, hot tubs, spas, or similar recreational bathing structures requiring fencing per this ordinance shall coordinate through the Building Inspection Division for issuance of the building permits for both the pool structure and the fence at the same time.

k) All required swimming pool/hot tub fencing or walls shall be constructed per Appendix Chapter 12, Division III "BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS" of the Uniform Building Code, 1991 Edition.

l) For purposes of this ordinance definitions for swimming pools and hot tubs shall be as established in the Uniform Building Code, 1991 Edition as provided for in (k) above.

<u>2-7.3 Height, Location and Permit Requirements:</u>

a) 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 required retaining wall, the fence height shall be measured from the finished grade on the high side of the wall.

entire ord.
Repealed by:
ORDINANCE NO. 1319
Adopted: 12/7/92
Effective:

b) Fences and walls less than 4 feet in height may be constructed without a fence or wall permit, providing they comply with the general conditions and plan requirements of Section 2-7.2.

c) Fences and walls 4 feet or greater in height shall not be constructed until a permit has been issued.

d) 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 plans.

e) 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 from another.

f) Fences or 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.

g) Except as provided for in (d),(e),and (f) above, fences greater than 4 feet in height up to a maximum of 6 feet in height shall only be permitted in conjunction with swimming pools and hot tubs as provided for by this ordinance.

h) Fences and/or walls enclosing swimming pools, spas and/or hot tubs shall comply with the following conditions:

1) Height shall be 4 foot minimum (mandatory) and up to 6 foot maximum (optional). For swimming pools, the optional height above 4 foot shall only be permitted for swimming pool structures with a minimum water depth of 36 inches.

2) Location :

a) <u>Swimming pools:</u> Fences shall be located either adjacent to the structure or on the property line or other approved location complimentary to the site, so long as the structure is circumscribed.

b) <u>Hot tubs/Spas:</u> Fences 4 feet in height shall be located as described in 2-7.3 h)2)a); Fences 6 feet in height shall only be allowed when constructed adjacent to the structure only, so long as the structure is circumscribed.

i) Fences and walls 4 feet in height and taller shall be located at the property line, adjacent to patios and/or decks, and circumscribing pool structures, except as set forth in Section 2-7.2 (a) and (b) and at terminations at the dwelling structure.

<u>2-7.4 Fences Prohibited:</u> Electric fences and barbed wire fences shall be prohibited except on AG, Agricultural, zoned properties for the purpose of containing livestock and when specifically authorized as part of an approved development plan for providing security.

entire ord.
Repealed by:
ORDINANCE NO. 1319
Adopted: 12/7/92
Effective:

2-7.5 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 appearance of open space and 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, publication in the Official City Newspaper at least 20 days prior to the date fixed for hearing. In addition to such publication notice, the applicant shall be responsible for mailing notices of such application to all owners of land located adjacent to the property that is the subject of the application, at least 10 days prior to the hearing, thus providing an opportunity to all interested parties to be heard. Such mailed notice shall be given by certified mail, return receipt requested, and shall be in the form of a letter explaining the proposed change. Such mailed notices shall be addressed to the owners of land and not to occupants of such land. Failure to receive such notice shall not invalidate any subsequent action taken. In no case shall the Board allow a fence or wall that exceeds 6 feet in height.

Section 2. Existing Section Repealed. That existing Section 2-7 of the Leawood Development Ordinance is hereby repealed. (Prior law: Ordinance No. 1236)

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 April, 1992.

Approved by the Mayor the 13th day of April, 1992.

(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 66205

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:

4/14/92

Legal Notices Administrator

Subscribed and sworn to before me on this date:
4/14/92

Notary Public

SHARON L. YOUNG
Notary Public - State of Kansas

My appointment expires:
October 11, 1994

Publication Fees: $76.76

Ord. 1286

ORD. 1286

First published in The Legal Record, Tuesday, April 14, 1992.

ORDINANCE NO. 1286

AN ORDINANCE AMENDING SECTION 2-7 (FENCES AND WALLS) OF THE LEAWOOD DEVELOPMENT ORDINANCE; PERTAINING TO HEIGHT REQUIREMENTS AROUND SWIMMING POOLS AND/OR HOT TUBS, CLARIFYING THE DEFINITION OF SWIMMING POOLS AND/OR HOT TUBS, AND CLARIFYING NOTIFICATION PROCEDURES OF THE BOARD OF ZONING APPEALS AS IT RELATES TO FENCE EXCEPTIONS.

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e) To ensure that design, erection and construction of fences and walls conform to ordinance requirements including height and surface drainage.

2-7.2 General Conditions and Plan Requirements:

a) Permits shall be issued by the city and fences and walls shall be subject to inspection for compliance with approved plans.

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h) Fences and walls constructed within City owned and/or public utility easements may be removed to allow access for installation or maintenance of utilities. The property owner shall be responsible for the reconstruction and replacement of any fences and/or walls removed.

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(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